

Development Control Committee Main Schedule

**Schedule of Applications for
Planning Permission**

29th May 2009

Applications Entered on Development Control Committee Schedule

Item No.	Application Number/ Schedule	Location	Case Officer	Page No.
01.	<u>09/0216</u> A	Former Stables, Horsebox & Lorry Park, Land adjacent Blackwell House, Durdar Road	<u>AMT</u>	1
02.	<u>09/0217</u> A	Former Stables, Horsebox & Lorry Park, Land adjacent Blackwell House, Durdar Road	<u>AMT</u>	86
03.	<u>09/0068</u> A	Field North of Cumrew House to Cumrew Beck, Cumrew, Heads Nook	<u>DNC</u>	112
04.	<u>09/0245</u> A	Social Club And Field, St Augustines Church, Waverley Gardens, Carlisle, CA3 4JU	<u>SD</u>	130
05.	<u>09/0102</u> A	The Old Stables, Church Place, Church Street, Stanwix, Carlisle	<u>BP</u>	147
06.	<u>08/1089</u> A	Caxton Road, Newtown Industrial Estate, Carlisle CA2 7HS	<u>SG</u>	165
07.	<u>09/0283</u> A	Unit 9 Sandysikes Ind Est, Sandysike, Longtown, CA6 5SR	<u>RJM</u>	196
08.	<u>09/0289</u> A	Former WI Hall Site, Hayton	<u>SG</u>	216
09.	<u>08/1254</u> B	Ben Hodgson Bodyworks, Dalston Service Station, The Square, Dalston, Carlisle, CA5 7QA	<u>DNC</u>	231
10.	<u>09/0358</u> B	Land adjacent to Dalston Service Station, Dalston, Carlisle, CA5 7QA	<u>DNC</u>	267
11.	<u>09/0018</u> A	Field No. 1724, The Glebe, Hethersgill, Carlisle, Cumbria, CA6 6EZ	<u>BP</u>	277
12.	<u>09/0278</u> A	L/A Stockdale House, Heads Nook, Brampton, Cumbria, CA8 9AF	<u>BP</u>	344
13.	<u>09/0017</u> A	Land At Field No 4490, Monkhill, Cumbria	<u>CG</u>	354
14.	<u>09/0130</u> A	3 Dowbeck Road, Carlisle, Cumbria, CA2 7BX	<u>SD</u>	451
15.	<u>09/0161</u> A	Stephenson Industrial Estate, Willowholme, Carlisle	<u>ARH</u>	464

Applications Entered on Development Control Committee Schedule

Item No.	Application Number/ Schedule	Location	Case Officer	Page No.
16.	<u>09/0312</u> B	Warwick Mill Business Village, Warwick Mill, Warwick Bridge, Carlisle, CA4 8RR	<u>ARH</u>	479
17.	<u>09/9019</u> C	Opposite "The Gables", Monkhill Road, Moorhouse, Cumbria	<u>RJM</u>	500
18.	<u>09/9013</u> C	Inglewood Infant School, School Road, Harraby, Carlisle CA1 3LX	<u>SD</u>	504
19.	<u>09/9021</u> C	Stoneraise School, Stoneraise, Carlisle, CA5 7AT	<u>SD</u>	508
20.	<u>09/9017</u> C	James Rennie School, California Road, Kingstown, Carlisle, Cumbria, CA3 0BX	<u>BP</u>	512
21.	<u>09/9007</u> C	Edenwood, Linstock, Carlisle, CA6 4PY	<u>RJM</u>	517
22.	<u>09/9008</u> C	Eden Nursery, Linstock, Carlisle, CA6 4PY	<u>RJM</u>	521
23.	<u>09/9010</u> C	Low Bow Farm, Bow, Carlisle CA5 6EW	<u>RJM</u>	525
24.	<u>08/9031</u> C	Hespin Wood Landfill Site, Rockcliffe, Nr Carlisle, CA6 4BJ	<u>SD</u>	529
25.	<u>09/0046</u> D	Land adjacent to the T junctions north of Edenside, Cargo, Carlisle	<u>SG</u>	540
26.	<u>08/1182</u> D	Former Harraby Methodist Church, Cumwhinton Road, Carlisle, CA1 3PA	<u>SD</u>	540

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 15/05/2009 and related supporting information or representations received up to the Schedule's printing and compilation prior to despatch to the Members of the Development Control Committee on the 20/05/2009.

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

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SCHEDULE A

SCHEDULE A: Applications with Recommendation

09/0216

Item No: 01

Date of Committee: 29/05/2009

Appn Ref No:
09/0216

Applicant:
ND Homes

Parish:
St Cuthberts Without

Date of Receipt:
20/03/2009 08:03:25

Agent:
Taylor & Hardy

Ward:
Dalston

Location:
Former Stables, Horsebox & Lorry Park, Land
adjacent Blackwell House, Durdar Road

Grid Reference:
340211 552948

Proposal: Residential Development To Provide 42No. Dwellings (33No. Houses and 9No. Apartments) - Works To Be Carried Out Include New Build, The Conversion Of Existing Buildings And Works To Form Two Improved Vehicular Accesses Including The Demolition Of No.68 Durdar Road.

Amendment:

REPORT

Case Officer: Alan Taylor

Reason for Determination by Committee:

The application has attracted more than 3 written or verbal objections and there have been two requests to address the Committee under the Council's "Right To Speak" Scheme.

1. Constraints and Planning Policies

RSS Pol DP 1 - Spatial Principles

RSS Pol DP 2 - Promote Sustainable Communities

RSS Pol DP 7 - Promote Environmental Quality

RSS Pol DP 9 - Reduce Emissions & Adapt to Climate Change

RSS Pol RDF 1 - Spatial Priorities

RSS Pol CNL 1 - Overall Spatial Policy for Cumbria

RSS Pol CNL 2 - Sub-area Development Priorities for Cumbria

Joint St. Plan Pol H17: Scale of housing provision

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

Local Plan Pol DP1 - Sustainable Development Location

Local Plan Pol H1 - Location of New Housing Develop.

Local Plan Pol H3 - Residential Density

Local Plan Pol H16 - Residential Land Allocations

Local Plan Pol CP5 - Design

Local Plan Pol CP9 - Devel., Energy Conservation and Effic.

Local Plan Pol CP10 - Sustainable Drainage Systems

2. Summary of Consultation Responses

Development Services Planning & Housing Services - Urban Designer:

substantial constructive comments were made in relation to the refused application 04/1670 and extensive discussions have taken place with the applicants in relation to the two new applications 09/0216 and 09/0217.

The application responds well to the challenges of the site. It retains the rural character of the settlement yet also to allow for a scheme that makes some interesting design statements appropriate to its context as the buffer between the racecourse complex and the older parts of the village. A bland, two-storey scheme would risk achieving neither of these objectives and the mix of building heights and variation in massing is considered appropriate.

The applicant has addressed concerns over prominent elevations and has modified the scheme accordingly. Materials, detailing, form and massing are satisfactory and the effort put in by the applicant and their architects is commendable. I would not hesitate to recommend that this scheme should be approved.

It is recommended that any signage or street nameplates associated with this development are fixed to buildings, walls or similar permanent structures and that free standing pole mounted signage is not used;

Community - Environmental Services - Waste Services: confirm that the proposed development has incorporated all aspects of the Council's refuse and recycling collection schemes and that no problems are foreseen with either storage for containers or access for collection crews;

Environment Agency (N Area (+ Waste Disp)): The site is located within Flood

Zone 1 as defined in Table D.1 of PPS25 Development and Flood Risk. With reference to the Agency's Flood Zone Mapping the site is at little or no risk of flooding from River, tidal & coastal sources which shows the extent of floods with below 0.1% annual probability of occurrence.

In Flood Zone 1, where the risk of flooding from rivers or the sea is classified as low, a Flood Risk Assessment (FRA) is still required but it should be focused on the management of surface water run-off.

The development proposal represents operational development 1 hectare or greater and as such the Environment Agency should normally be consulted with a FRA.

In this instance an FRA will not be required as it is noted that, on page 40 of the Planning Design & Access Statement produced by Taylor & Hardy, any surface water drainage scheme will be produced in accordance with Level 4 of the Code for Sustainable Homes.

The Agency has no objection to the proposed development provided that any surface water drainage scheme is designed in accordance with Level 4 of the Code for Sustainable Homes as stated.

If any waste is to be used on site, the applicant will be required to obtain the appropriate exemption or authorisation from us. The Agency is unable to specify what exactly would be required if anything, due to the limited amount of information provided;

Development Services Planning & Housing Services - Conservation Section:
no comments received;

Cumbria County Council - (Highway Authority): This application is very similar to the application submitted in 2005 and, from a highway point of view, the response to consultation largely remains unchanged.

The application has provided for less than 1.5 parking spaces per dwelling. Considering the ethos of this development, however, this would be acceptable (it is noted that the applicant is providing 120 cycle parking spaces).

It is also noted the intention is not to have the road adopted, to introduce new road makings and widen Durdar Road to accommodate right turning vehicles. Again this is acceptable, but it is strongly suggested that the roads be built to adoptable standards to ensure a minimum standard of construction and that the applicant enter into an appropriate Section 278 agreement with this Authority to allow for works within the Highway, in the interests of Highway safety.

In addition to the above it is also recommended that the applicant be required to enter into a Section 106 agreement to contribute towards the "Connect2" cycleway for the "Currock link". Considering similar applications and contributions required from those towards cycling, it is recommended that a contribution of £24,800 be conditioned to be utilised on cycleway improvement/provision in the area.

Considering the application's reliance on sustainable means of transport from this relatively rural location, the Highway Authority is confident that a contribution as

stated above is reasonable and compliant with Circular 05/05.

In conclusion, therefore, there are no objections to this application but 5 conditions are recommended in any consent the City Council may grant;

Cumbria County Council (Strategic Planning Authority): does not consider the proposal to be a Category 1 Application and the County Council will not be responding from a strategic planning perspective;

Cumbria Constabulary - Crime Prevention: The Crime Prevention Officer was consulted by ND Homes in July 2008 regarding the security implications for a residential development on this site. Their representatives were eager to incorporate robust measures and were very receptive to the opportunity to achieve 'Secured by Design' accreditation for this development. From a Community Safety viewpoint, the Design and Access Statement and accompanying 'Secured by Design' Statement must stand amongst the most comprehensive Cumbria Constabulary has ever encountered. Their approach demonstrates the advantages of early consultation with this Unit. In the event of this application being approved, Cumbria Constabulary shall look forward to progressing an application for Secured by Design;

Cumbria County Council - (Archaeological Services): Records indicate that the site lies in an area of some archaeological potential. It is located in the vicinity of a number of cropmark complexes which are indicative of prehistoric settlement and agricultural practices. The site of a deserted medieval village also lies in close proximity to the application area. Furthermore, the buildings proposed for conversion and demolition are of historic interest. The buildings assessment report by Peter Ryder indicates that the buildings date from the 18th and 19th centuries and formed part of a planned farm before they were converted to use as racecourse stabling.

It is, therefore, recommended that the site should be subjected to a programme of archaeological investigation comprising an evaluation, a building recording project to supplement the existing assessment report and, where appropriate, a scheme of archaeological recording, undertaken in advance of development. This programme should be commissioned and undertaken at the expense of the developer and can be secured through the inclusion of three conditions in any planning consent that may be granted.

It is also suggested that you advise the applicant that such archaeological investigations are liable to involve some financial outlay;

Development Services Planning & Housing Services - Local Plans: The application is for development of a site allocated in the newly adopted Carlisle District Local Plan 2001-16. The site has been allocated for residential development under Proposal H16 in the Local Plan. The site is classified as being within the Urban area and the urban settlement boundary was amended during the Plan process to include this site at the racecourse.

The development of this site for residential use has therefore been established in the Local Plan and the application for 42 units closely relates to the estimated number of 43 units contained in the plan. Paragraph 5.106 in the Local Plan refers

to the site and the specific reason for the allocation. The reason for this is further expanded upon in a separate plan Policy DP4.

The Policy and the justification for the allocation both refer to the enabling nature of the allocation which provides for the relocation of stabling and jockey facilities in order to comply with the provisions of the racecourse governing body.

The principle for the development has therefore been established through the plan process. The Local Plan however must be read as a whole and a number of other policies will apply in relation to the specific proposals. Specifically there are policies which relate to Listed Buildings which the Conservation Officer will respond to along with comments on the Listed Building Consent application 09/0217. In addition, given the scale of the proposed development it triggers the requirement for affordable housing. Policy H5 specifically refers to a contribution of 30% of units towards affordable housing on all allocated housing sites.

All relevant policies of the Local Plan should be applied to any development proposals unless material circumstances dictate otherwise. In this instance the Local Plan policies are potentially in conflict. The proposal is to develop housing to enable the relocation of racecourse facilities – in essence this means that the development will be specifically financing a relocation and rebuild of much needed development and therefore the financial aspect of the development is important. The provision of affordable housing has a direct impact on the value of some of the properties such as by a 30% discount off market value. This consequently impacts on the viability to enable the other essential development to happen. In addition to this the policy expects a high quality of design and the proximity of a Listed Building also requires high design standards.

The nature of these combined circumstances means that the policies require on several counts to increase development costs. The overall impact reduces the feasibility of the scheme. In order to maintain the enabling nature of the development and therefore the reason for allocation of the land in the first place something has to compensate. In this instance it is concluded that reducing property values to provide affordable housing jeopardises the policy intent. It is therefore considered that affordable housing can not be provided at this site due to the specific circumstances relating to policy DP4 and its allocation. This information has been discussed at pre-application stage with the applicant to determine whether any provision would be feasible but in this instance it is not capable of being accommodated in the development.

In addition it is noted that the application has increased the sustainable environmental credentials of the proposal and sought to attain level 4 of the Code for Sustainable Homes. This furthers the quality of design by setting a higher level of environmental credentials for the development consistent with environmental policies in the plan.

In this instance the policies of the Plan create a potential conflict and the enabling reason for the application has to remain the fundamental principle which the development is to attain. This impacts directly on the ability to meet all other policy objectives and in this instance affordable housing can not be provided;

Local Plans (Tree Preservation), Development Services: The tree survey indicates there are a number of trees to be retained. It must be a condition of the granting of planning permission for the development of this site that, during development, the remaining trees must be protected by an appropriate tree protection barrier in accordance with BS5837. The details of the tree protection scheme must be submitted in writing, agreed and implemented prior to the commencement of any works on site;

St Cuthberts Without Parish Council: I refer to your letters dated 26 & 31 March 2009 and our subsequent telephone conversations and now set out the comments of this Parish Council following discussions with residents local to the proposed development.

- It is recognised that the various pieces of land are scheduled as available for residential development
- Durdar Road, Blackwell has been the scene of several road traffic collisions and the proposed development would result in many vehicle movements across the natural traffic flow exacerbating the existing position notwithstanding the creation of a dedicated right turn lane and other revisions to that part of Durdar Road
- The images provided have helped to give a perspective to the scale of the buildings but concern remains that the three storey town houses are too high in relation to other local buildings especially as the land naturally rises off Durdar Road which could create a greater feeling of visual overpowering
- The conversions provide some more modest accommodation and are welcomed;

Council for Protection of Rural England/Friends of the Lake District: no comments received;

Natural England: This letter represents EH's consultation response under Regulation 48(3) of the *Habitats Regulations 1994* and under Section 281 of the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000). Thank you for agreeing to extend the deadline for replying to this application.

Designated Conservation Sites

The application site is approximately 700m away from the River Eden and Tributaries Site of Special Scientific Interest (SSSI) and River Eden Special Area of Conservation (SAC).

The river SSSI contains features of interest which are of national importance and is notified under Section 28 of the Wildlife and Countryside Act 1981, as amended. The SAC status of the River is due to the fact that the area contains features of interest that are of European importance and are defined by the Conservation (Natural Habitats & c) Regulations 1994, as amended.

The location of the proposal in relation to this European Site means that the application must be determined in accordance with the requirements of the Conservation (Natural Habitats & c) Regulations 1994 (the *Habitat Regulations*) in particular Regulations 48 and 49. Part I B of *ODPM Circular 06/2005 - Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System* describes the procedure for the consideration of plans and projects

that may affect European and Ramsar sites.

Currently there is insufficient information with the application for us to advise you whether the proposal is likely to have a significant effect on the European site.

In order to determine the application in accordance with the Habitats Regulations, the planning authority must complete an assessment of likely significant effect. A template is attached for such an assessment and NE outline the issues it has concerns about and what information is required in order to complete the assessment. Natural England has to be re-consulted for a further 21 days in accordance with *Circular 08/2005* at this point.

Protected Species/General Ecology

NE note that the bat roost inspection survey (Open Space, September 2008) found usage of the site by bats and stipulates that a development licence for European Protected Species must be obtained before work commences. The applicant should be aware that this may take several weeks but must be obtained in order to comply with the relevant legislation.

The report highlights that a number of large fruit trees were present in the rear yard of 68 Durdar Road and along the southern access route to the site (page 5). If these trees are to be affected by the proposal, NE recommend that the consultant is asked to clarify whether they were assessed for potential bat roosts. If not, this should be addressed and appropriate recommendations made.

NE suggest that an appropriately worded condition is attached to planning permission should it be granted, in order to ensure that the recommendations and mitigation outlined in the bat survey report are adhered to. It should be noted that this may be subject to change as a result of consultation with the relevant licensing department of Natural England when the licence is applied for.

NE also note that the Ecological Survey Report by Rigby Jerram (08/12/08) contains a number of additional recommendations including a further bat survey prior to demolition, erection of bird boxes, timing of works to avoid bird breeding season and habitat enhancement/creation measures. These also should be appended to planning permission, if granted, in the form of suitably worded conditions;

United Utilities (former Norweb & NWWA): There is no objection to the proposal providing this site must be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the soakaway/watercourse/surface water sewer and may require the consent of the Environment Agency. If surface water is allowed to be discharged to the public surface water sewerage system UU may require the flow to be attenuated to a maximum discharge rate determined by United Utilities.

A water supply can be made available to the proposed development. A separate metered supply to each unit will be required at the applicant's expense and all internal pipework must comply with current water supply (water fittings) regulations 1999. Should this planning application be approved, the applicant should contact UU's Service Enquires on 0845 7462200 regarding connection to the water mains/public sewers.

Currently, United Utilities policy is not to adopt SUDS (Sustainable Urban Drainage System) structures. This stance has been taken as SUDS structures, typically ponds, do not align with United Utilities asset base and would represent a substantial maintenance liability.

United Utilities will only consider the adoption of surface water sewers draining to a balancing pond (as opposed to any other SUDS structure), providing the following conditions are met: -

- * The Local Authority takes responsibility for the maintenance of the pond
- * The freehold of the land on which the pond lies is transferred to the Local Authority
- * United Utilities is provided with a deed of "Grant of Rights" to discharge into the pond in perpetuity. Such a deed would necessarily contain provisions against the development within the balancing pond, and against altering its topography, or making connections to it.
- * That measures have been taken to prevent flooding of properties
- * That a legal agreement is in place between all parties.

A Section 104 (Water Industry Act 1991) agreement for the surface water sewers draining to the balancing pond will not be entered into until every condition described above has been met;

Community Services - Drainage Engineer: no comments received;

Northern Gas Networks: there are no objections to these proposals; however, there may be apparatus in the area that may be at risk during construction works and, should the application be approved, the promoter of these works must contact UU directly to discuss UU's requirements in detail.

3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:
98 Durdar Road	26/03/09	
95 Durdar Road	26/03/09	
Blackwell Farm	26/03/09	Objection
1 Blundell Place	26/03/09	
3 Blundell Place	26/03/09	
5 Blundell Place	26/03/09	
Blackwell Lodge	26/03/09	
Baronscourt	26/03/09	
2 Lowry Street	26/03/09	
8 Lowry Street	26/03/09	
Nevarra	26/03/09	Objection
3 Lowry Street	26/03/09	
4 Lowry Street	26/03/09	Objection
2 Lowry Street	26/03/09	
2a Lowry Street	26/03/09	Comment Only
1 Lowry Street	26/03/09	

5 Lowry Street	26/03/09	
Ingledene	26/03/09	
Fairhaven	26/03/09	
1 Irving's Court	26/03/09	
2 Irving's Court	26/03/09	
The White Ox	26/03/09	Undelivered
102 Durdar Road	26/03/09	
102a Durdar Road	26/03/09	
71 Durdar Road	26/03/09	
73 Durdar Road	26/03/09	
58 Durdar Road	26/03/09	
Stackbrae	26/03/09	
97 Durdar Road	26/03/09	Objection
123 Durdar Road	26/03/09	
100 Durdar Road	26/03/09	Comment Only
1 Blundell Terrace	26/03/09	
2 Blundell Terrace	26/03/09	Objection
3 Blundell Terrace	26/03/09	
4 Blundell Terrace	26/03/09	
Blackhall Cottage	26/03/09	
Blackwell Lodge West	26/03/09	Objection
6 Blackwell Cottages	26/03/09	
7 Blackwell Cottages	26/03/09	Undelivered
8 Blackwell Cottages	26/03/09	Undelivered
Meadowlands	26/03/09	
West Winds	26/03/09	Undelivered
Ash Tree Cottage	26/03/09	
Blackwell Hall Cottages	26/03/09	
Orchard House	26/03/09	
Blackwell Cottage	26/03/09	Objection
- Dalston		Comment Only
Harker		Support

3.1 The proposals have been publicised through a combination of the display of 3 no. Site Notices, a Press Notice and direct notification to occupiers of 46 properties on Durdar Road, Lowry Street and Blackwell.

3.2 In response representations have been received, opposing the proposals, from the occupiers of 8 properties situated on Lowry Street, Durdar Road or Blackwell. The writers raise the following objections:

1. Several writers state that the proposals show no discernible differences from what was proposed last time and was rejected and regard the height and scale as not appropriate in this locality;
2. The roofline is lower but the houses are still 4 storeys high while all the other houses in the village are usually 2 storeys. The development is slightly uphill, thus adding to the height above the writers' property and to the shadow caused, especially from Autumn to Spring and this would be counter productive to them, no matter how energy saving technology the new development used;
3. No reasonable person could regard 4 storey flats and 4 storey townhouses as a suitable addition to this old established village of two storey houses. Cumbria is large enough for the developers to find a more

suitable place for this 4 storey development or they should be more socially conscious and reduce the scheme to 2 storey. It is suspected that they would not be allowed to build on the edge of the racecourse at Aintree or York;

4. The prevailing wind comes from the south-west and the development could shield residents from some of the worst of storms; however, it could create a vortex and this should be taken into account;
5. Has appropriate provision been made for run-off as, at present, drains on Lowry Street cannot cope with a heavy downpour and there is often a build up of water after heavy rain, spilling into the writer's garden where it collects in a dip, well over ankle height? Run-off from a large amount of development uphill will be very much worse;
6. Residents enjoy living on the outskirts of the urban area of Carlisle with its "village" feel and look and quiet nature. The writer is not opposed to the fundamental principle of development of the site, and would encourage the building of suitable "in-fitting" with the current style of the village and integrated with it;
7. The development will not enhance the area economically, because it is disconnected from Blackwell, overlooks the racecourse, and is not linked with the village but is delineated from it by a fence. Its impact on the environment would be out of place, especially the flats. The design, use of materials and density is not in keeping with the predominantly two-storey nature of the village;
8. The entrance is on a very dangerous corner where people have already been injured or died. A junction there will only make matters worse;
9. Buildings on land sold to the developers by the Racecourse cannot improve the existing operation at the racecourse. It is accepted that the racecourse has benefitted from the sale of the land but if planning permission is given it could "open the floodgates" for further land sale for financial gain. Is there any evidence that the occupiers would use the racecourse facilities? The sale of the land was a direct economic asset to the racecourse; however, development of such land has no economic value to them;
10. A writer objects to constructing a car park for all of the cars (which he regards as un-environmental) in a village that has often under 20 cars parked around in the evening and believes that the extra emissions and vehicles would be a blight on a tranquil area;
11. The same writer objects to the development blocking a view from the front and rear of his house since, as a member of the Society for Popular Astronomy, he undertakes astronomical observations from the rear of his house and the development will hinder this from a visual point of view as well as producing an increased level of light pollution, currently defined as "medium to low";

12. As a "high-end" development, one writer considers the socio-economic demography of people moving in would not fit in with the current socio-economic demographics of the village;
 13. One writer refers to the block of flats as being "like a prison block" and states that the Town Houses would be satisfactory in the stable yard as they would not encroach on the village and also believes that more affordable housing would be more appropriate;
 14. A writer refers to several houses in Blackwell being several hundred years old and thinks that consideration should be given to this fact and any new development should bear it in mind;
 15. One writer comments specifically on the access proposals and refers to the loss of parking facilities which he enjoys on the land in question and which will be lost when the proposed access is built. Those comments have been made known to the developer but they point out that the writer whose car is being parked on the site does not own the land and has no entitlement to park thereon, nor has the developer any obligation to provide alternative parking spaces.
- 3.3 In addition to the above, one letter has been received from the occupiers of the dwelling immediately adjacent to the southern site boundary who has requested clarification of the intended boundary treatment between their property and the application site. Written confirmation has been given to the writers by the applicants of their intention to erect a wall.
- 3.4 One letter, supporting the development, has been submitted by a resident of Harker who has commented that while the proposed dwellings are different from local houses, they are 21st century homes which look modern and very good. The writer notes that planning policy supports the development and that traffic impact will be non-existent as the speed limit for the area is 30mph and there are enough clear visibility splays.

4. Planning History

- 4.1 The application site has a limited planning history. Prior to applications made in 2005 (see below), the only previous applications at the northern end of the Racecourse related to the provision of an implement shed for the storage of tractors in 1995 and approval for the conversion of Blackwell House to two dwellings (1996).
- 4.2 In September 2005, applications for Planning Permission for the "Redevelopment of Existing Horse Box Parking Area and Alterations, Extensions, Part Demolition and Conversion of Existing Stable Buildings to Enable a Three Phase Residential Development Providing 42 Houses, Town Houses and Apartments Together With the Demolition of No 68 Durdar Road and Works to Form Two Improved Vehicular Accesses and the related Listed Building Consent for "Part Demolition, Alteration, Extension And Conversion

Of Retained Buildings To Provide 18 No. Residential Units (LBC)" were refused.

- 4.3 The reasons of refusal of the planning application are discussed within the main body of this Committee Report but were essentially related to 1) the "principle" of development at that time; and 2) the nature of the scheme under consideration.
- 4.4 Members may recall that the overall development was linked to the requirement that Carlisle Racecourse had to replace its unsatisfactory former stabling and "lads and lassies" accommodation which had occupied the site to meet the Jockey Club's standards. The Racecourse and the current developers submitted inter-related applications and approval was obtained for new stables and the hostel close to the main Grandstand. That development was built and has been in use for a number of race meetings.

5. Details of Proposal/Officer Appraisal

Introduction

- 5.1 This application seeks Full Planning Permission for the development described in the heading to this Report and relates to a site, 1.07 hectares in extent. It comprises a crescent shaped parcel of land and buildings running north-westwards from the northern boundary of 98 Durdar Road, and along the west side of Durdar Road and the southern side of Lowry Street as far as the east boundary of Ash Tree Cottage. It has a continuous boundary to the south-west with the fence containing the running track of the racecourse.
- 5.2 Just over half of the area of this site (the southern section) contains an extensive range of buildings whose form and condition varies markedly from traditional brick and slate structures, some of attractive form and architectural interest, to more modern, poor quality buildings that have little to commend them in visual or architectural terms, and which it is proposed to clear and replace. The remainder of the site, closest to the Lowry Street end, is essentially open and has been used in previous years as a parking area for horse boxes and trailers but is now unused. It is, in planning terms, a "brown field" site.
- 5.3 An accompanying application for Listed Building Consent in relation to limited demolitions, alterations including some new building and conversion to residential use of the retained buildings at the southern site edges follows immediately in the Schedule.
- 5.4 Apart from detailed design drawings, these applications are also supported by an extensive range of specialist documents: a Design and Access Statement, Drainage Statement, Bat Roost Survey, Barn Owl Survey, Historic Buildings Survey, Ecological Survey, Tree Survey, Secure By Design Statement, Archaeological Statement, Highways Details, Energy Statement, Site Waste Management Plan, Planting Plans and Schedule, and a detailed Materials Schedule. It is probably the most comprehensive compendium of details

supplied with any planning application received in recent times by this Council and endeavours to enable the Council to have a complete understanding of the proposals and the depth of consideration given to them. These will further be supplemented at Committee by a "fly-through" Computer Generated Image presentation of the proposed development.

Background

- 5.5 In December 2004, Racecourse Holdings Trust submitted applications for Planning Permission and Listed Building Consent for the development of this site for housing purposes. Those applications were linked to a third Full application for Planning Permission for associated proposals to replace the seriously substandard stabling and lads/lassies hostel facilities which were located at the site with new facilities located adjacent to the southern end of the Grandstand. The overall submissions were part of a comprehensive and inter-related package of proposals prepared in conjunction with the present applicants to upgrade the Racecourse through funding delivered by disposal for development by the present applicants of the existing buildings (when vacated) together with the adjacent land used on race days for parking horse boxes/ trailers.
- 5.6 At that time, the entire site lay outside the urban area "development envelope" as indicated on the Inset Plan forming part of the former Carlisle District Local Plan (as adopted in September 1997). It was, instead, regarded as within the rural part of the District within which the Council had introduced a "moratorium" on further housing consents. Whilst work had begun on the review of the District Plan, incorporating preliminary proposals to extend the urban boundary to include Carlisle Racecourse and to allocate land at Lowry Street for housing development, Committee took the view that the application for housing development was premature pending those provisions being "tested" through the formal Local Plan process. Additionally, Members of the Committee believed the proposals were not in keeping with the character of the area. The applications for Planning Permission and Listed Building Consent for the housing development were consequently refused in September/ October 2005, the planning application for the following reasons:
1. *In the light of the current restrictions on the granting of further planning approvals for housing within the rural area of Carlisle District, within which the proposed site is included under the provisions of the adopted Carlisle District Local Plan, the proposal is currently contrary to the provisions of Policy H6 of the Carlisle District Local Plan and in conflict with the objectives of the Rural Housing Moratorium introduced by the City Council in July 2004. Whilst the review of the District Local Plan proposes modifications to the Inset Plan for the Urban Area of Carlisle to include Carlisle Racecourse and, further, proposes the allocation of land fronting onto Lowry Street as a proposed site for further housing development, the approval of the current application would be premature pending the consideration of these Proposed Changes as contained within the Carlisle District Local Plan (Re-Deposit Draft) (2001-2016) at a future Local Plan Inquiry and would be contrary to Ministerial advice contained within Planning Policy Statement 1 "Delivering Sustainable*

Development".

2. *The site of the proposed development, which fronts Lowry Street and Durdar Road, is located on the periphery of the City neighboured by single and two storey buildings. In this location the proposed development (with particular regard to the density, scale, massing and materials of the new build residential units) is considered to be detrimental to the character of the area and amenity of neighbouring residents contrary to Policies 25 and 40 of the Cumbria and Lake District Joint Structure Plan, and, criteria 2, 3 and 4 of Policy H5 of the Carlisle District Local Plan.*
- 5.7 The other planning application (for the new stables and lads/lassies hostel) was approved in September 2005 although was superseded by a revised scheme, which has now been built and is in use, that was approved in August 2006
- 5.8 Rather than Appeal the foregoing refusals, the applicants elected to let the Local Plan review process run its course. That process also allows opponents of a proposed allocation (for housing or any other land use) to make representations. The Inspector is obliged to consider all representations as well as submissions in favour of either Policy or specific land use Proposals before coming to his overall conclusions within his Report of the Inquiry. As Members are aware, the Local Plan Inspector's Report is binding on the Council.
- 5.9 The District Local Plan review progressed from the Draft Plan stage, through the Re-deposit Draft (when the previous applications were considered), and the Revised Re-deposit Draft stage (Autumn 2006) culminating in a Local Plan Inquiry held between 3rd July and 31st August 2007. In relation to the current application proposals, the key issues that the Inspector was required to consider were objections made to Policy DP4: Carlisle Racecourse and to Policy H1: Location of New Housing Development. Several objectors opposed the intended extension of the urban area boundary to include Carlisle Racecourse and/or development of part of it as "enabling" development and linked those issues to the specific allocation of land at Lowry Street for housing development under Policy H1. The Inspector's assessment and conclusions in relation to those issues, as set out in his Report published in April 2008, can be summarised as follows:
1. The Inspector was not supportive that all of the land constituting Carlisle Racecourse should be included within the Urban Area boundary, as had been promoted within the Redeposit Draft Local Plan. However, he accepted an amendment put forward by the Council prior to the Inquiry that the Urban Area boundary be amended to include the redundant land and buildings previously used for stabling/parking horse boxes extending as far south as 98 Durdar Road. He also accepted the Council's proposal for additional text to Policy DP4 that *"specifically a site at the northern end of the racecourse has been identified for housing development. This will enable the re-location of stables and jockey facilities to meet standards and improve safety at the racecourse and on adjacent roads."*

2. Similarly, under the "urban" allocations aspect of Policy H1 the Inspector considered an objection from the Racecourse Holdings Trust to exclusion of Carlisle Racecourse and adjacent areas from the urban area boundary. In resisting that objection the Inspector referred to the reasoning explained in his response to representations made regarding Policy DP4 that the remainder of the racecourse (other than the allocated development site) forms part of *"a whole swathe of open landscape which, visually, forms part of the surrounding countryside."* He distinguished that larger land area from the features, characteristics and status of the "brownfield site" and its suitability as enabling development and saw *"the logic of including this and the adjacent buildings within the urban area boundary."* He, thus, reaffirmed the reduced development boundary i.e confining it to the area to the west of Lowry Street/Durard Road as far south as number 98 and returning along the eastern boundary of the operational area of the racecourse. That area corresponds with the site of the present application.

- 5.10 The Inspector's Report and Recommendations have been accepted in full by the City Council and the District Local Plan 2001-2016 was adopted in September 2008. As such, the application site is now formally identified for housing development under Policy H16: Residential Allocations and is intended to deliver 43 residential units. There is a slight anomaly in that the Schedule under the policy text refers to the site area being 0.33 hectares, which is the area of the "open" land whereas the allocation is intended to refer to the whole site i.e. including the existing buildings that are being retained and converted. The total land area is 1.07 hectares.

Details of the Proposals

- 5.11 In common with the previous planning application, the proposals now before the Committee embrace a combination of the retention and conversion of the more worthy buildings located in the southern portion of the site coupled with the demolition and re-development of the sites of the poor grade buildings and associated vacant open land situated at the northern end. The proposals initially emerged following detailed discussions with Officers, prior to the previous application, in particular with the Council's Conservation Officer's guidance but have been reviewed and supplemented since the previous refusal by the detailed input of the Urban Designer. In essence, the submission (like the previous two applications) reflects the two distinct "halves" of the overall site:

- i) The proposed development at the southern end of this site embraces the clearance of the poorer quality buildings within the existing range and their replacement with new build housing units, coupled with retention and conversion of the older, traditional buildings for residential use. These latter buildings, proposed for conversion, are regarded as "curtilage buildings" associated with Blackwell House, a Grade II Listed Building adjacent to the west site boundary. The development at this southern section of the site would result in the creation of 20 dwellings, 14 being formed from conversions with 6 dwellings being new properties. In total, these 20 units would range

from a two bed flat above a group of ground floor garages to 4 bed houses, hence a good spread of overall accommodation would be provided. The new build units would be constructed of clay facing bricks with pitched slate roofs and their design specifically models the scale, form and features of the proposed conversions;

ii) The proposed development of the north-western section of this site consists wholly of 22 no. new-build units. It employs a combination of fairly conventional brick and slate roofed 2 and 3 storey properties, albeit embracing some more modern design elements, with a more modernist approach to a block containing 9 apartments. It is fair to say that the conversion/new-build is very much dictated by the character and form of the existing traditional group of curtilage buildings associated with the Listed Building at the south end of the overall site. The approach to the north end of the site, however, is not restrained by the presence of existing buildings within it and that has encouraged a very different, but not inappropriate design approach. That is also a product of the fact that the site is narrower at this end, meaning smaller footprints for new accommodation and a more creative approach to providing the quality of internal space that a site in a location like this expects to provide. Inevitably, imaginative architecture challenges conventions and it is this particular part of the site's overall development that has aroused opposition. Much of those comments erroneously refer to 4-storey townhouses and apartments whereas the subtlety of the accommodation and how it is dispersed is ignored. As explained later, the townhouses are 3-storey in height while the apartments are dispersed over part 2 storey and part 4 storey areas. Thus, in relation to development proposed within the new-build part of the overall scheme at the northern end, the accommodation envisaged would take the following forms, running south-east to north-west:

- one pair of 5 bed semi-detached houses with integral garages, these units being two storeys in height but with a bedroom and shower room within the roof space. In addition, a rear sitting terrace enclosed by a balcony is proposed within the rear roof slope to afford views over the racecourse and the distant fells. These properties are designed in a traditional style, proportions and finishes i.e. smooth lime render and facing brick with pre-cast stone surrounds, cills, lintels and copings under natural slate roofs with stained timber windows and doors and lightweight steel and hardwood balconies to the roof terraces;
- immediately to the north-west is proposed a block of 9 apartments, 7 being 2 bed, 1 having a further bedroom/study, with the final "penthouse" apartment on the top floor also being two bed but much more spacious and having a decked external terrace. The footprint of the building and the ascendancy through the floor plans reflects the changing size and nature of the accommodation and is also reflected in the external appearance of the block. Thus, the ground and first floors have a common footprint and present a 12.5m wide two storey facade to Lowry Street. The second floor plan (accommodating flats 7 and 8) is shallower overall and its 10m wide front wall is set back just over 4 metres rearwards from the Lowry Street facade of the two floors below. The top

floor unit (9) has the same front wall as the second floor but is in-set from the rear wall of the lower floors and has a rear and part side roof terrace accessed from its lounge/dining room. That approach presents a two storey "street" facade with the upper floors being set back deeper, an approach comparable to that of the Scotch Street facade to "The Lanes" disguising the higher building of the library and car park beyond. As indicated earlier, the apartment building follows a more contemporary design form comprising its two storey street facade being built in brickwork with the recessed section of walling (6.5 metres rearwards from the primary front wall) serving ground, first and second floors being faced in smooth lime render; the recessed second floor section and part of the third floor facade on the same plane is likewise principally faced in lime render with the remainder of the light weight structure that frames the "penthouse" being faced in cedar boarding. The building would have a shallow curved aluminium roof falling from Lowry Street rearwards. The reverse elevation (west facing) would be principally faced in brickwork but would have cedar boarding to the walls of the penthouse flat. All windows and doors would be of timber finish, and the balconies to the rear facade looking over the racecourse would be of lightweight steel mesh with timber balustrading;

- beyond those apartments it is proposed to build a terrace of 9 no. 5 bed town houses, 3 storeys in height and faced in clay brickwork with brick soldier course detailing under pitched slate roofs. The primary i.e. "street" facade of the terrace is curved to follow the road line. Each property would have integral garaging, a utility room and study at ground floor with living accommodation on the upper floors. Two bedrooms would be provided within the void of the roof space and external balconies are included to the 3 floors of "living" space on the rear facades which benefit both from the south-westerly aspect and the views over the racecourse and fells beyond. The terrace would have buff coloured precast stone surrounds, lintels, cills and coping detailing, pitched slate roofs and aluminium guttering. Doors and windows would be painted softwood with lightweight steel and hardwood rear staircases and balconies to the external seating terraces;
- at the northern end of the site, terminating the development, it is proposed to construct a pair of 4 bed two storeyed semi-detached houses with integral garages. They would be of traditional brick and slate finishes with smooth lime rendering to projecting stairwells and also incorporate accommodation within their roofspace. As these buildings would occupy the narrowest part of the site their internal plan form and related window openings have been designed to minimise overlooking from these units to the properties at Blundell Place by essentially providing most of the "habitable rooms" facing rearwards i.e. towards the racecourse.

5.12 Vehicular access to northern part of the site is via a new access road proposed to be constructed from opposite nos. 95-97 Durdar Road, between the bungalow known as Stack Brae and the existing courtyard of buildings to be retained, broadly where there is an existing inadequate access to Back Lane. In addition to in-curtilage parking and integral garaging within specific

plots, that access would lead to grouped parking spaces for 27 vehicles. In order to construct the access, which would have a 6.7m wide carriageway, an existing dwelling owned by the Racecourse (at 68 Durdar Road) would be demolished. The precise location and preliminary design of that access has been established following the advice of the applicants' Traffic Consultants in discussion with the Highway Authority. It is important to emphasise that none of the development traffic will utilise Lowry Street, the junction of which with Blackwell Road lies about 45m to the north. The new access to serve the north part of the development is, however, positioned to provide extensive visibility to on-coming traffic from both directions, and incorporates a right turning stabling lane for traffic coming from the direction of the city centre.

- 5.13 The remainder of the site would be accessed directly off Durdar Road via the upgrading of an existing access, located at the south end of the main courtyard of retained buildings, and also serves the adjacent Blackwell House. That access is located about 50m further south and will also provide parking spaces for Blackwell House.
- 5.14 Although some objectors contend that the development will exacerbate existing road safety concerns, and make reference to accident statistics on Durdar Road, these objections and the statistics that residents have provided have been considered in full in the Highway Authority's response. A key point that is identified is that the location of the new access will include some works to be implemented at the bend in the road that will bring wider safety benefits. There is no highway objection to these proposals and the developers will need to fund the highway works through the medium of a S278 Agreement under the Highway Act: as such, the design will also be subject to a full Safety Audit so there is no issue of something being permitted that leads to greater risk to road safety, as some residents maintain.

Assessment

- 5.15 Although a number of residents refer to "nothing" having changed since they opposed the previous applications in 2004 (and thus they are still opposed) that is far from the case. Indeed, in terms of the site's specific planning status it is abundantly clear that it has been identified through the statutory planning process as a suitable site for new housing and, indeed, for a marginally greater number of dwellings than are proposed. Development for 42 dwellings is, unequivocally, policy compliant and Reason of Refusal 1 is no longer valid.
- 5.16 The form and nature of the development envisaged has also been criticised as having been "unresponsive" to residents concerns although, again, little regard has been given to the detailed design changes that the scheme embraces. Some of these are from a carefully considered design review, resulting in modifications to window positions, changes in materials used, and in the manner in which waste is dealt with (we now separate our waste streams to a greater extent than in 2004). Others are through refining the details including surface finishes, drainage, site landscaping, ornamental fencing and balconies, etc. It is, perhaps, notable that the Parish Council (which had opposed the previous planning application), does not object to the

current proposals but, understandably makes the Council aware of some views held by specific parishioners. Moreover, the Council's Urban Designer (specifically charged with stimulating higher quality built development within the District) has remarked that *"the effort put in by the applicant and their architects is commendable"* and that he *"would not hesitate to recommend that this scheme should be approved"*.

- 5.17 In terms of the wider environmental "philosophy" of the development in comparison with the 2004 submission, the applicants have reviewed their original proposals and have elected to aim for a sustainable housing development intended to meet Level 4 of the Code for Sustainable Homes. As most Members will be aware the Code is being phased in over a number of years and Level 4 is not required to be achieved until 2013; however, the developers have elected to design the development to Level 4 and have worked carefully with the Building Research Establishment to evolve a scheme that, it is understood, will be the first residential scheme built to this high standard in Cumbria and the North-West of England. Whilst building from new to this standard is itself a challenge, the proposals go further in that they also aim to achieve that level for the conversions. BRE has confirmed to the applicants that this is the first housing development to be registered in the UK which is to be built entirely to Level 4 of the Code for Sustainable Homes.
- 5.18 The Energy Statement, a synopsis of which is contained in the Design and Access Statement that follows this Report, lists the initiatives the developers will be employing, ranging from high levels of insulation to all new floors (with under floor heating) and walls (200mm to new build and 150mm to walls within conversions); air source heat pumps; south facing solar thermal panels; heat recovery units; smart control systems to efficiently manage the dual systems; low-flow click systems; aerated showers; grey water and rain water harvesting; and low energy lighting. In summary, these measures aim to deliver carbon savings to achieve the minimum 44% reduction required to attain Level 4.
- 5.19 Prior to adopting the approach embraced within the scheme, the developers also assessed other possible technologies such as ground source heat pumps; photo voltaic cells; communal/individual CHP systems; wind energy; passive stack ventilation; and biomass storage systems but concluded that in terms of capital costs and effective pay back time/lifetime running costs, the renewable technologies they have elected to install are the most suitable for this development.
- 5.20 This is intended to ensure that the properties being built/formed from conversion will- when coupled with careful construction/adaptation to achieve high levels of air tightness- be not only much more environmentally friendly but will be much more affordable in terms of running costs. Similarly, the technologies being utilised are themselves cost effective and will not add inordinately to the cost of construction/ adaptation when being installed (and hence adding to sale prices). The proposals are, thus, in accord with the objectives of Local Plan Policy CP9.
- 5.21 The applicants wider philosophy has been extended to ensure that materials

and components used in the construction process are not only visually acceptable but are as sustainable as possible, including derivation from sustainable sources. Thus, all facing bricks will be supplied from Cumbria (Furness Bricks), cast stone will be supplied from Lancashire, Lime rendering will be used instead of cement rendering and high-performance softwood timber windows from sustainable forests in Sweden will also be utilised. Although at face value slate supplied from Brazil seems at odds with this approach, the applicants investigations have indicated that, even allowing for transport costs, it is less environmentally harmful to supply from that source due to the lower levels of "wastage" in the quarrying/production process than is the case with slate from other sources. Other than the use of a curved sheet material to keep the roofline of the apartments low, all other materials are "traditional", and meet the objectives of District Local Plan Policy CP7.

5.22 In architectural/townscape terms the "new build" elements of the scheme range from fairly traditional, two-storeyed pitched roof houses through a gently curved crescent of 3-storey brick faced, slate roofed townhouses to a limited, more contemporary block of 9 flats stepping from two storeys in height at street facade to a maximum of 4 storeys. While some commentators refer to the "height" of the 4 storey flats as being unsuitable, the maximum height of the roof is approximately 700mm (2ft 4 inches) higher than the ridge line of the adjacent pitched slate roofs of the townhouses. The nearest existing residential property does not directly face the apartments; indeed, the nearest point (corner to the corner) of the 2-storey section is 30 metres distant (34m to the 4 storey section). The distance from the nearest window serving a habitable room is greater (circa 36m but is at a diagonal rather than direct facing view). That distance increases as the curve of the site takes it further away from that existing property. It is, consequently, difficult to accept that the impact on the living conditions of existing residents would be detrimentally affected to the extent that permission should be denied.

5.23 Distances from other residential properties, including those from which objections have been received specifically to the 4 storey flats, are even greater and/or views of

the apartments from them are non-existent, for example:

- the occupiers of "Nevarra" live 87m away from the nearest corner of the apartments and have no windows directly facing it. They may, however, glimpse a view of the corner of the two-storey section possibly by leaning out of a first floor window and viewing through intervening foliage;
- the occupiers of "Blackwell Farm" live approximately 70m away from the nearest corner of the apartments but would have a very limited view from the Farmhouse due to the presence of a two storey range of their own farm buildings which sit on the roadside;
- the occupiers of 2 Blundell Terrace live in excess of 90m from the apartments.

5.24 A number of objectors make reference to the shadow diagrams the applicants have supplied to illustrate the impact of the development on the sun path at

the Spring and Autumn equinox, and the Summer and Winter Solstices. The particular concerns raised relate to the passage of the sun in winter time, when it is low in the sky, and when the diagrams illustrate shadowing at 0700, 1200 and 1400 hours that extends over parts of Blundell Place, and Lowry Street. What hasn't been considered by opponents, however, is the shadowing effect now since the much closer proximity of existing homes, outbuildings, walls, fences and trees to their own and neighbours' gardens already cast shadows at those times. In any built up area, it is unrealistic to expect that development can be so distanced from neighbouring property to avoid any shadowing, especially when winter sun is so low and shadows cast are long. The separation distances from front walls of existing homes to front walls of the proposed Townhouse development are, in all cases, beyond the Council's normal requirement of 21m (window-to-window) and are generally in excess of 35m rising close to 60m due to the curved plan whereby the distances of those new build units from established properties such as Blackwell Lodge West increases towards the southern end of the terrace. Even Blackwell Cottage's nearest point is in excess of 26m from the closest point of those new properties but, even then, doesn't face towards the townhouses.

Conclusion

- 5.25 The proposals seek approval for residential development on an allocated site within the recently adopted (8 months ago) statutory Local Plan. The development is for one less unit than the allocation. It is, in every sense, fully compliant with planning policy, subject to Members being satisfied as to the "detailed" features of the submission (which need to be "tested" under Policy CP5) and any other possible impacts that may arise, such as the perceived (by residents) road safety concerns or possible impacts on nature conservation interests. There is no doubt that Reason of Refusal 1 (of the rejected 2004 application) has now been fully reconciled by the site's status in the Local Plan.
- 5.26 The remaining issue for Members to evaluate is the nature, form, character, scale, appearance, materials and features of the development and its integration within the immediate surroundings. Members should also have regard to the scheme's wider environmental credentials and the contribution the scheme can make to national, regional and local objectives to reduce carbon emissions, deliver sustainable development and provide decent homes in places people wish to live. In that regard, the proposals represent an exemplar scheme of development for a range of housing units of varying sizes (from 764 sq. ft up to 2885 sq ft internal floor areas) designed to meet accommodation needs across a wide variety of the market. There are, clearly, some properties which will fill some of the noted deficiency the City has at the "high-end" of the market whilst also providing more modest accommodation at the lower-middle end. That said, the scheme is egalitarian in that all properties will meet Level 4 standards so whatever the income of the occupiers and whatever the size of property they live in, the development should be affordable to live in and to maintain.
- 5.27 In relation to the Council's assessment of design issues, Planning Policy

Statement 1: Delivering Sustainable Development advises as follows:

"Local planning authorities should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness particularly where this is supported by clear plan policies or supplementary planning documents on design."

- 5.28 In the above context, Members should recognise that the location is not within a Conservation Area, it is not in any heritage or identified landscape protection area and that the elements of the proposals that seem to have attracted most adverse comment do not adjoin or affect the setting of the Listed Building at Blackwell House but are to the north of that and its curtilage buildings. In relation to the advice in PPS1, the "clear plan policies" currently amount to Policy CP5, CP6, CP9 and CP17 of the adopted District Local Plan. There is no adopted SPD dealing with design although a draft document "Achieving Well Designed Housing" has been recently out for consultation and will be reported to Council in due course. The Lead Officer for the SPD, the Urban Designer advising the Council, has already stated he believes this scheme should be approved.
- 5.29 As Members know, PPG3: Housing advocates making better use of land, favouring the bulk of new development being developed at "Brown field" sites rather than further loss of the countryside. The application site is, without question, "previously developed land" and is not virgin fields. The PPG advises that housing densities should average 30dph: the development proposes 42 units on a site of 1.07 hectares so there is a reasonable "fit".
- 5.30 Some commentators on the proposals make reference to the omission of any specific "affordable" housing contribution, as normally required under the provisions of Policy H5 of the adopted Local Plan. That aspect has been considered in depth within the response to consultation received from the Local Plans and Conservation Manager. In short, because of the increase in the sustainable environmental credentials of the proposals-consistent with environmental policies in the Plan- coupled with its "enabling" of investment in the Racecourse facilities, he believes that the wider Policy objectives secured outweigh the need for "affordable" housing to be provided. A further factor, within that approach, of "affordability" is of course that properties built to have lower "running" costs will, by their nature place less demand on potential occupiers' income.
- 5.31 Members will also note, from the Summary of Consultation Responses, that both the Highway Authority and Natural England have identified issues that they wish the City Council to address. In relation to the Highway Authority's desire for the developers to contribute towards the Connect2 scheme, specifically with reference to the "Currock link" a section close to Hammonds Pond, the Agents acting for ND Homes have now formally confirmed that their client would be willing to make the financial contribution sought. This will, as usual, require formalisation through a S106 Agreement and the recommendation made to Committee reflects that.

- 5.32 Similarly, Natural England has identified that there may be potential for the development to have an impact upon the nature conservation interests associated with the River Eden and its Tributaries SSSI and River Eden Special Area of Conservation (SAC), even although the River Caldwel is circa 700 metres distant. Those concerns refer to possibility of discharges reaching the principal watercourse through the network of streams and other discharges that feed into it with possible adverse effects on the features that are of European importance. Understandably, Natural England wishes to make sure that these features are safeguarded and has advised that the Council should undertake an "Assessment of Likely Significant Effects" under the Habitats Regulations. As submitted, however, although the application considers in depth the "on-site" nature conservation issues such as presence of Bats or Barn Owls, there is little information relating to the wider possible environmental impacts. Accordingly, the applicants have been asked to furnish further information to enable the Council to carry out its assessment and the Report that has been produced on their behalf is being reviewed. Committee will be provided with a verbal update on this matter.
- 5.33 Subject to the outcome of the ALSE being satisfactory, the application is recommended for approval with conditions as recommended although, prior to the release of the planning consent, it will be necessary to secure the Agreement required under S106 to deliver the developer contribution to the Connect2 initiative. It is accordingly requested that Committee grants "authority to issue" the permission when the Agreement is in place.

Informative Notes to Committee:

1. Section 106 Agreement with Authority to Issue

In view of the nature of the proposal and the planning issues associated with it, it is recommended that the applicant(s) be invited to enter into a legal agreement under the provisions of Section 106 of the Town and Country Planning Act 1990 and that subject to a satisfactory agreement being concluded, Officers be authorised to issue planning approval.

6. Human Rights Act 1998

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

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

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

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

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

6.3 Members will need to evaluate whether the nature of the proposals is likely to be prejudicial to any of the interests which the Act seeks to protect, notably Article 6.

7. Recommendation - Grant Subject to S106 Agreement

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

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

2. No development shall commence within the site until the applicant or their 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 will include the following components:

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

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.

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

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

4. Prior to the carrying out of any construction works the existing buildings termed in the 2005 archaeological assessment report as '68 Durdar Road', the 'south building' and the 'south range' shall be recorded in accordance with a Level 3 survey as described by English Heritage's document Understanding Historic Buildings A Guide to Good Recording Practice, 2006 and, following its completion, 3 copies of that survey report shall be furnished to the Local Planning Authority.

Reason: To ensure that a permanent record is made of the buildings of architectural and historic interest prior to their alteration and demolition as part of the proposed development.

5. 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 a minimum standard of construction in the interests of highway safety and to support Local Transport Plan Policies LD5, LD7 and LD8.

6. 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

7. Pedestrian crossing facilities should be provided on each side of every junction throughout the development in accordance with the DETR's publication 'Guidance on the use of Tactile Paving Surfaces'. Details of all such crossing facilities 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 and to support Local Transport Plan Policies: LD5, LD7, LD8 and Structure Plan Policy L5.

8. The development shall not commence until such time as the widening of

Durdar Road in order to accommodate vehicles turning right into the development and junction improvement works have been completed in accordance with such details that form part of an agreement with the Highway Authority under Section 278 of the Highway Act 1980, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In order to ensure that the highway network can accommodate the traffic associated with the development and to support Local Transport Plan Policies:LD5, LD7, and LD8.

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

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

10. No dwellings shall be occupied until the estate road to serve such dwellings has been constructed in all respects to base course level and street lighting has been provided and brought into full operational use.

Reason: In the interests of highway safety and to support Local Transport Plan policies S3,S4 and LD9.

11. 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 designed to achieve the relevant requirements of Level 4 of the Code for Sustainable Homes and shall be fully installed and/or constructed in accordance with the approved plans and be capable of operational use prior to the occupation of the dwellings hereby approved.

Reason: To ensure a satisfactory means of surface water disposal and in accord with Policy CP10 of the Carlisle District Local Plan 2001-2016.

12. 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 CP3 and CP5 of the Carlisle District Local Plan 2001-2016.

14. No Works or development shall be carried out until the Local Planning Authority has approved in writing the full details of the tree protection barriers to be erected to protect the trees to be retained as stated in the Carlisle Racecourse Housing Development Tree Survey dated 7th October 2008 that form part of the approved plans.

Reason: The Local Planning Authority wishes to see existing hedgerows/trees incorporated into the new development where possible and to ensure compliance with Policy E19 of the Carlisle District Local Plan 2001-2016.

15. The protection of any existing tree to be retained in accordance with the approved plans and particulars shall be achieved as follows:

- a) No equipment, machinery or materials shall be brought onto the site for the purpose of the development until the tree protection barriers have been erected in accordance with the plans and particulars which shall have been previously approved in writing by the Local Planning Authority;
- b) If the barriers are broken or removed during the course of carrying out the development, it shall be promptly repaired or replaced to the satisfaction of the Local Planning Authority;
- c) within any area fenced in accordance with this condition, nothing shall be stored, placed or disposed of on above, or below the ground, the ground levels shall not be altered, no excavations shall be made, nor shall any fires be lit, without the written consent of the Local Planning Authority.

Reason: The Local Planning Authority wishes to see existing hedgerows/trees incorporated into the new development where possible and to ensure compliance with Policy E19 of the Carlisle District Local Plan 2001-2016.

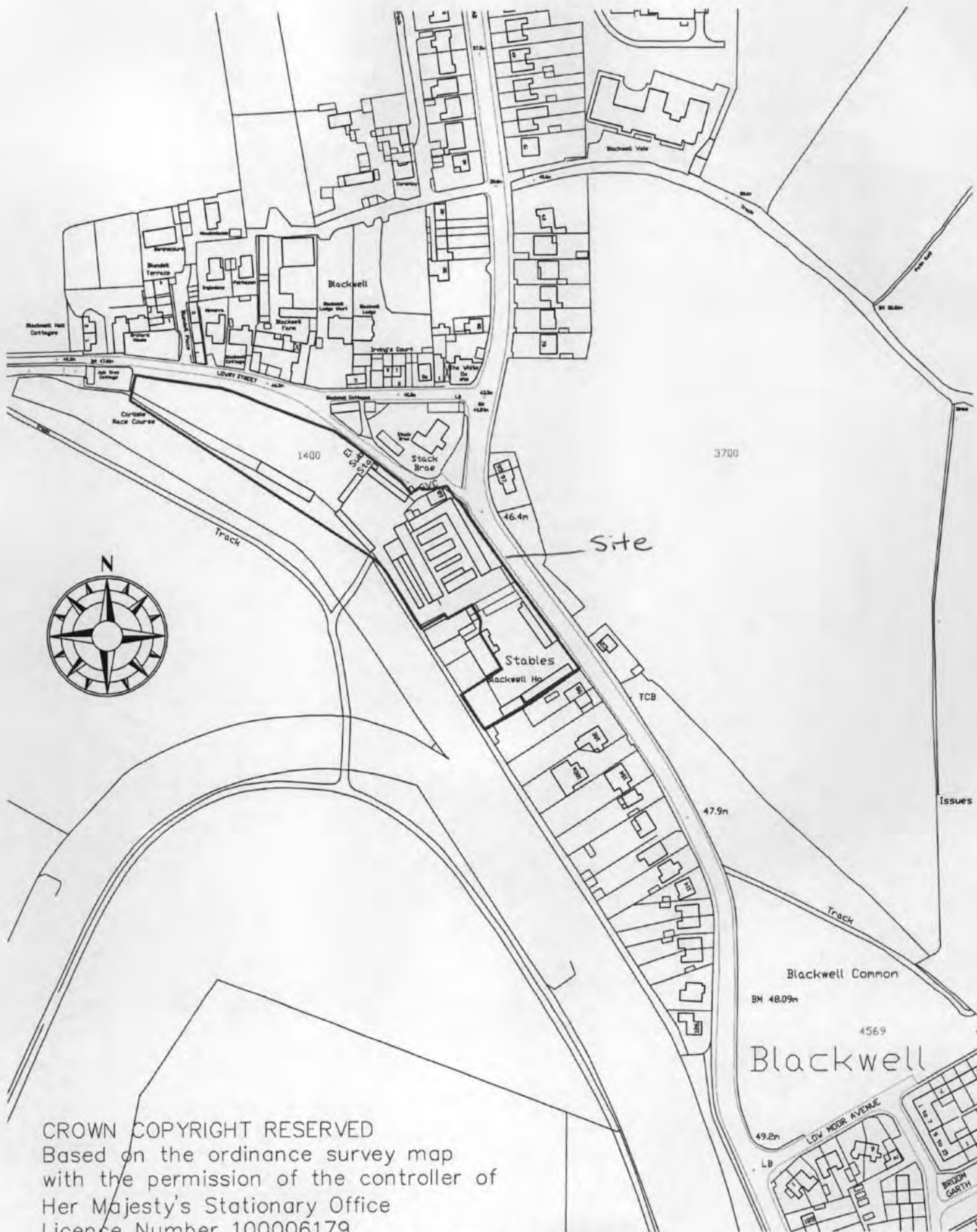
16. The development hereby approved shall not be carried out otherwise than in complete accordance with the mitigation proposals as identified within Section E of the Bat Roost Inspection Survey undertaken by OpenSpace. In addition:

- i) not more than [INSERT TIME AFTER SPEAKING TO NATURAL ENGLAND] prior to the commencement of any demolition of buildings or works of conversion of buildings identified within the Bat Roost Inspection Survey as having the potential to be used by bats, there shall be carried out a full occupancy survey to establish the possible presence of bats; and
- ii) as a result of i), no commencement of work shall be undertaken until works for the exclusion of bats has been undertaken by a licensed bat consultant;

Reason: In order to avoid any harm to protected species of wildlife in accordance with Policy CP2 of the Carlisle District Local Plan 2001-2016.

17. Prior to the commencement of the development, a scheme for wildlife enhancement, based upon the recommendations within the Ecological Survey undertaken by Rigby Jerram and the Barn Owl Survey undertaken by OpenSpace shall be submitted to, and approved in writing by the Local Planning Authority. The approved scheme shall be completed, in relation to each phase of the development, prior to the occupation of any dwelling within that phase.

Reason: In order to achieve enhancement of biodiversity in accordance with Policy CP2 of the Carlisle District Local Plan 2001-2016.



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Johnston and Wright chartered Architects

15 Castle Street Carlisle Cumbria CA3 8TD tel +44 (0) 1228 525161 fax +44 (0) 1228 515559
e-mail jw@jwarchitects.co.uk

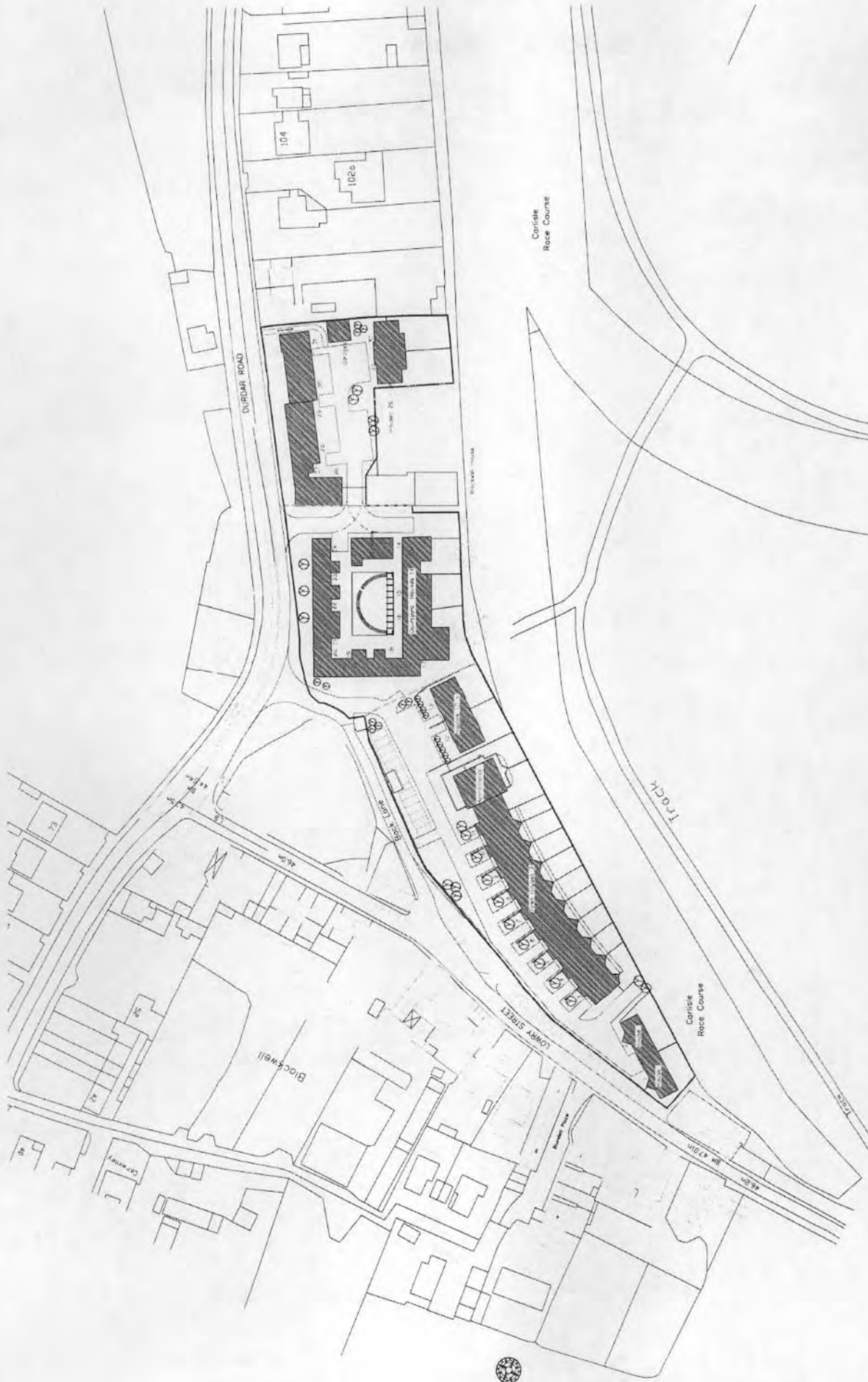
Project Residential Development at Carlisle Racecourse for ndhomes

Scale 1:2500

Date 12/11/08 Drawn COT

Number 11260 Location

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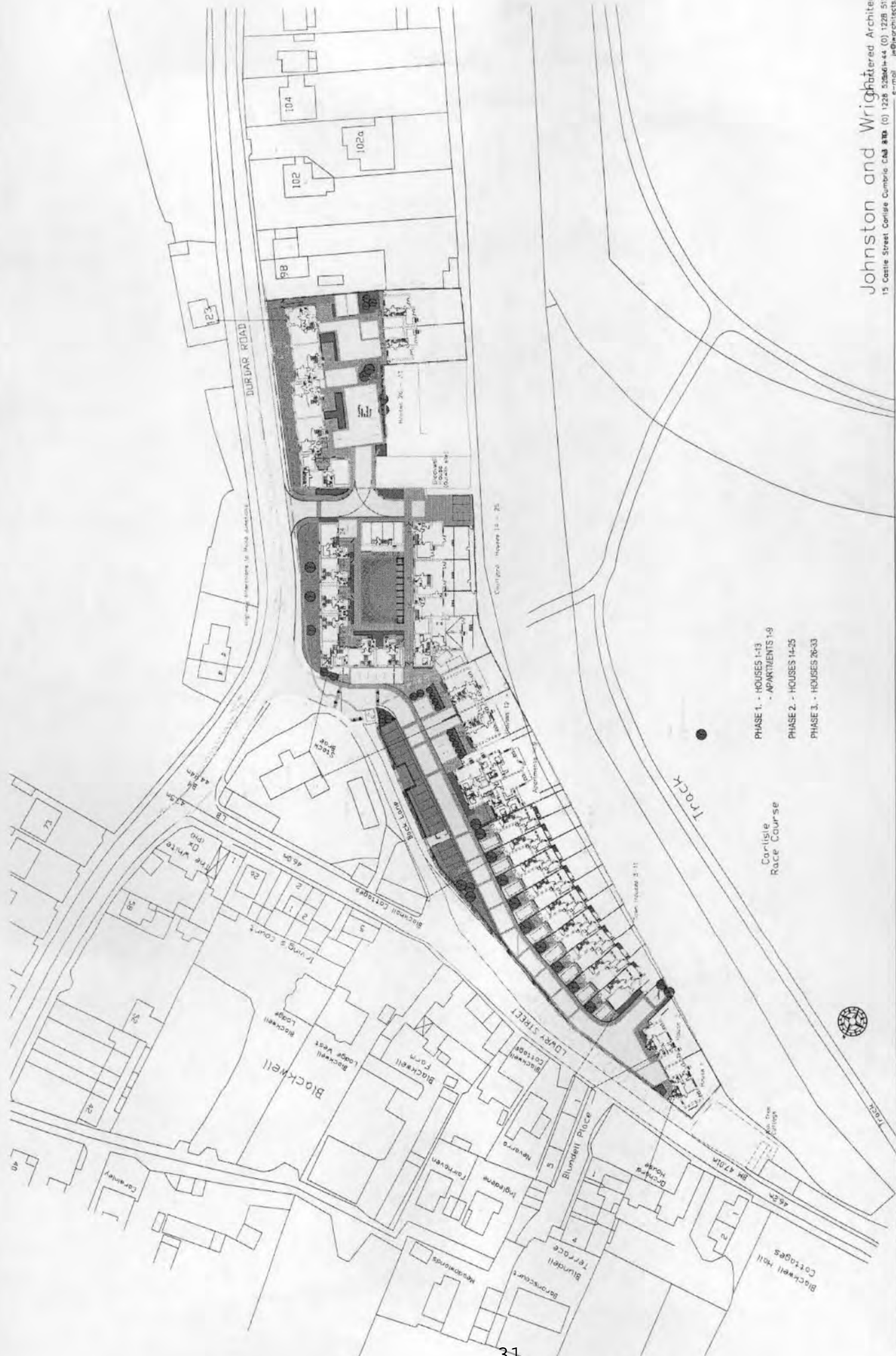


Johnston and Wright
 Residential Architects
 15 Castle Street Carlisle Cumbria CA1 1AB (0) 1228 526614 (0) 1228 515559
 e-mail jw@jwrightarchitects.co.uk

Project Residential Development at
 Carliste Racecourse for nichomes
 Drawing Proposed Block Plan

Scale 1:500 Date 11.11.08 Drawn 1001 Number 1260.10
 This drawing is a preliminary design and should not be used for construction purposes without the written consent of Johnston and Wright.
 The client is responsible for ensuring that the design complies with all relevant planning and building regulations.

Revisions:



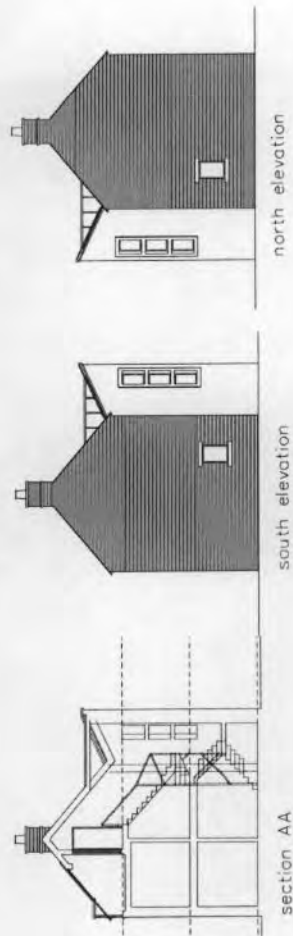
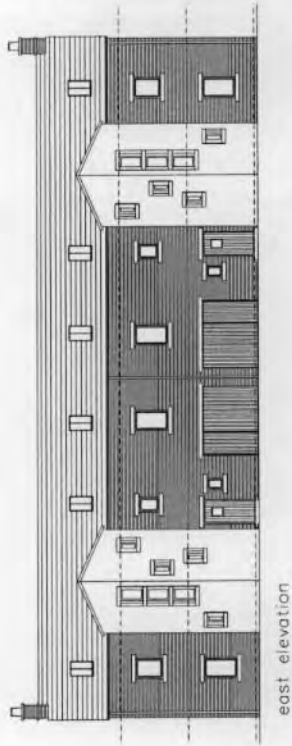
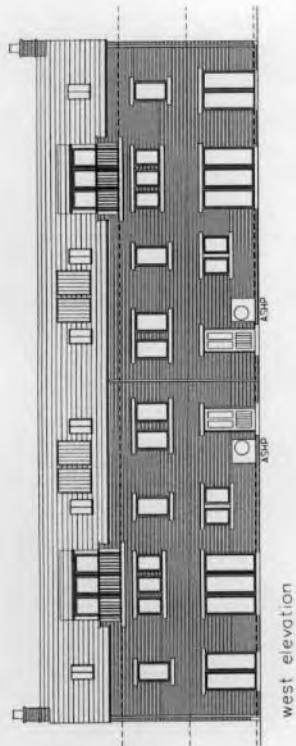
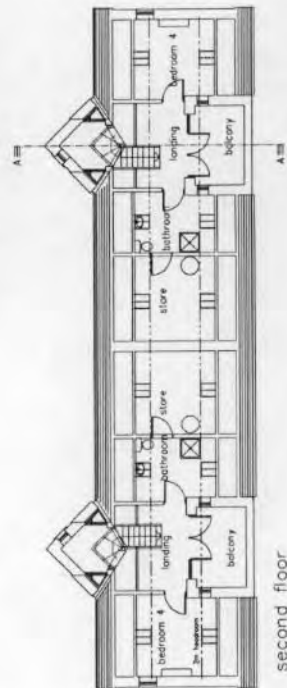
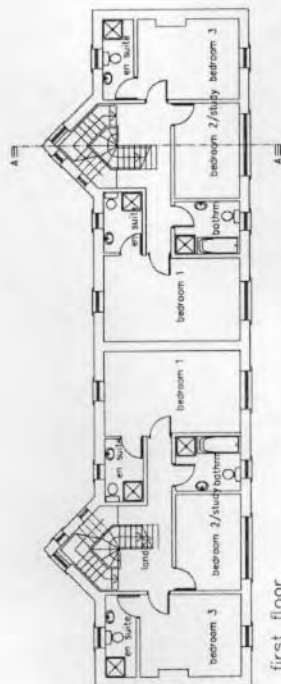
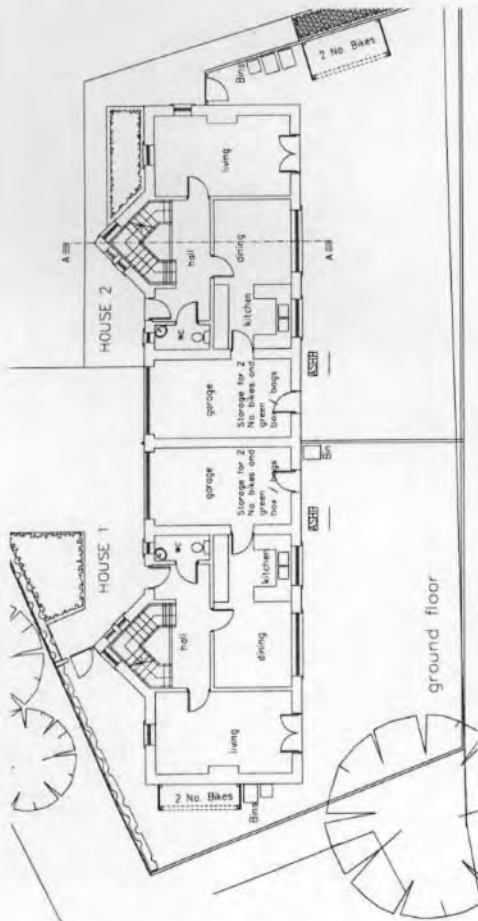
- PHASE 1 - HOUSES 1-13
- APARTMENTS 1-8
- PHASE 2 - HOUSES 14-25
- PHASE 3 - HOUSES 26-33

Johnston and Wright Architects
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 e-mail jw@jwaarchitects.co.uk

Project Residential Development at
 Carlisle Racecourse for rdhomes
 Drawing Site Development Plan
 As Proposed
 Scale 1:500 Date 28.04.04 Drawn Number 1280/2003

This plan is a preliminary drawing and is not to be used for construction purposes. It is subject to change without notice. The client is responsible for ensuring that the plan is accurate and that all necessary permissions are obtained before construction begins.

REVISIONS
 1. 01/05/04 - Initial design and planning application.
 2. 02/05/04 - Revised design and planning application.
 3. 03/05/04 - Final design and planning application.
 4. 04/05/04 - Final design and planning application.
 5. 05/05/04 - Final design and planning application.
 6. 06/05/04 - Final design and planning application.
 7. 07/05/04 - Final design and planning application.
 8. 08/05/04 - Final design and planning application.
 9. 09/05/04 - Final design and planning application.
 10. 10/05/04 - Final design and planning application.



MATERIALS AND FINISHES

Roof – Natural blue-grey slate, with precast ridge and aluminium rainwater

Windows – Aluminium patent glazing to stair roof.

2 No. Solar panels

Walls – Smooth lime render and brick with precast lintels, sills and copings.

Doors / Windows – Painted softwood timber doors and windows.

Lightweight steel and hardwood balustrade to balconies

External Boundary to Racecourse – 1.8M high treated softwood timber fence with 300mm high gravel boards (2.1M high total)

- Revisions:
- A. 19/01/05. n.f. Chimney elevations amended.
 - B. 31/03/08. m. Length of garage reduced. Ensuite windows to bed 1 amended. Front door amended.
 - C. 30/04/08. Minor amendments.
 - D. 06/05/08. n.f. Front door amended on East Elevation.
 - E. 14/05/08. n.f. Application/Full Requirements amended, like and like stores added etc.
- Planning issued 11.11.08

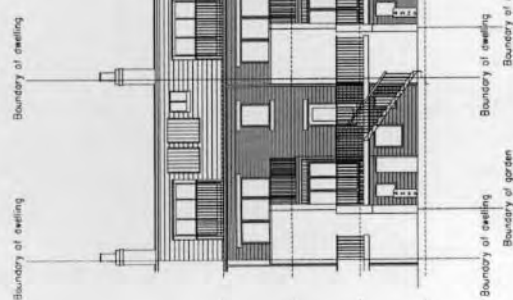
Johnston and Wright Architects
 15 Castle Street Carlisle Cumbria **CA1 3BQ** (0) 1228 526614/44 (0) 1228 515559
 e-mail **jw@jwrightarchitects.co.uk**

Project Residential Development at
 Carlisle Racecourse for ndhomes
 Houses 1 & 2
 Proposed Plans and Elevations
 Scale: 1:100 Date: 12/04 Drawn: Number: 11260/23E

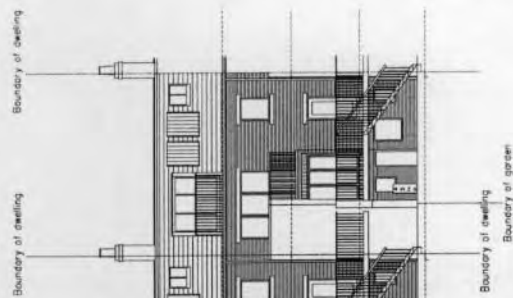
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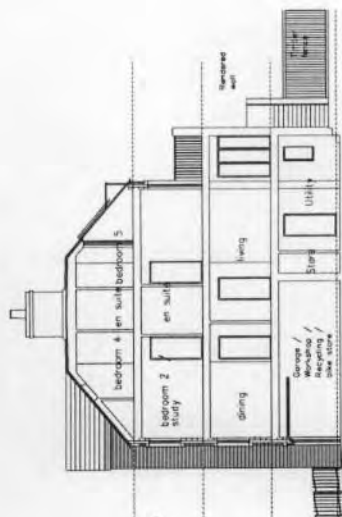
North East Elevation



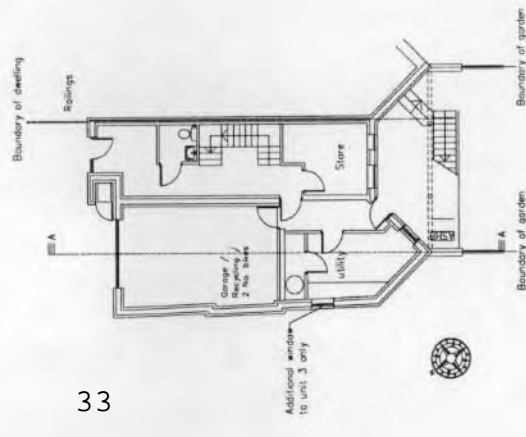
South West Elevation



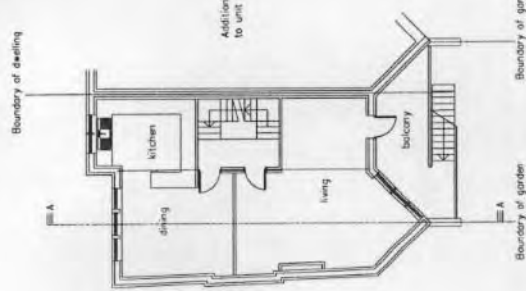
North West Elevation



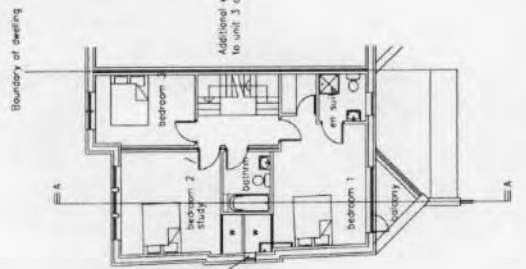
Section



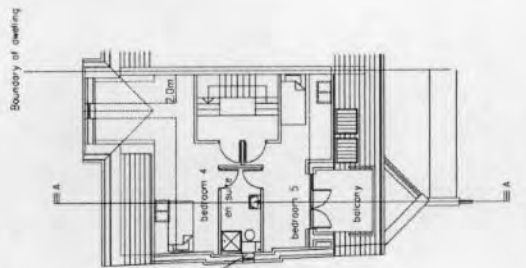
Ground Floor



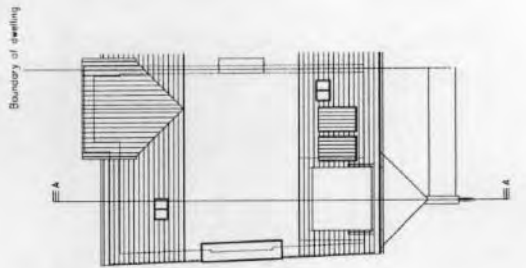
First Floor



Second Floor



Third Floor



Roof Plan

MATERIALS AND FINISHES

Roof - Slate roof with precast ridges and aluminium lead flashings. Lead felt roof.

Walls - Brick and smooth lime render with precast surrounds, lintels, cills and copings.

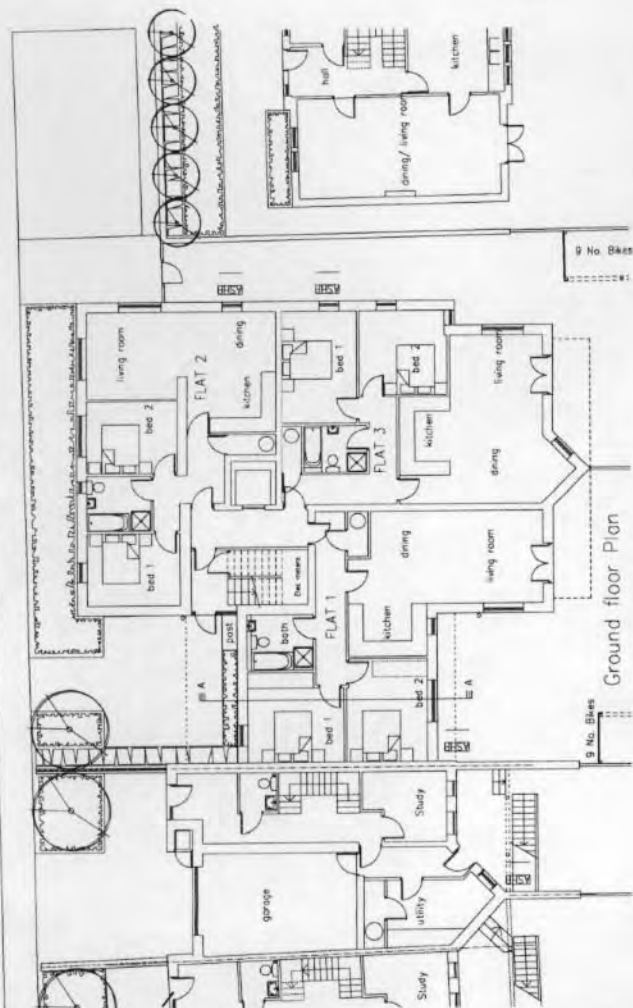
Doors / Windows - Painted softwood timber. Lightweight steel and hardwood staircases and balconies.

External Boundary to garden - 1.8M high, treated softwood timber fence and 300mm high gravel boarding (2.1M high total).

Johnston and Wright Architects
13 Castle Street, Carlisle, Cumbria, CA1 1JF (0) 1228 520614 (0) 1228 515559
jrw@johnstonandwright.co.uk

Project: Residential Development at
Carlisle Racecourse for ndhomes
Drawing: Townhouses
Proposed Plans and Elevations
Scale: 1:100 Date: 11/04 Drawn: J1260/24F

This drawing is intended to be used in conjunction with the other drawings and specifications for the project. It is not to be used for any other purpose without the written consent of Johnston and Wright Architects.



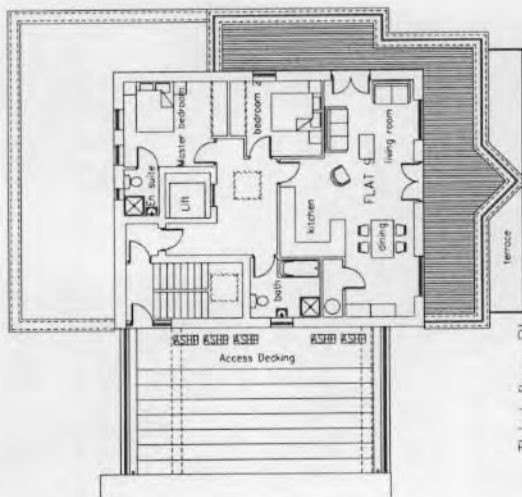
Ground floor Plan



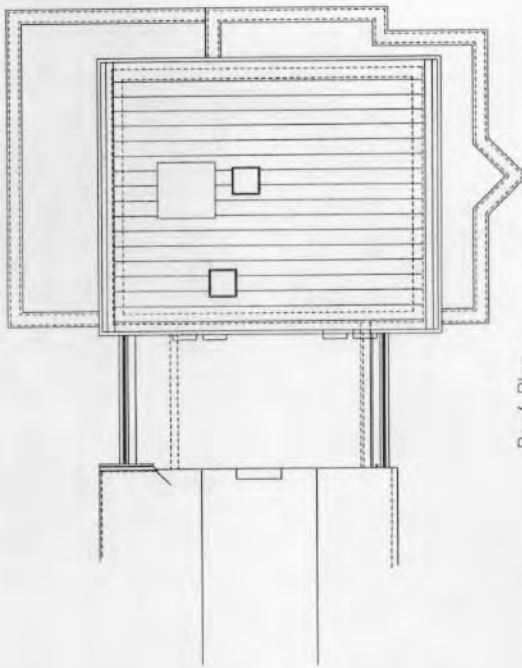
First floor Plan



Second floor Plan



Third floor Plan



Roof Plan

Johnston and Wright Architects
15 Castle Street, Carlisle, Cumbria, CA1 3DQ (01228) 525641-44 (0) 1228 515559
Project: Residential Development at Carlisle Racecourse for ndhomes
Drawing: Proposed Apartments
Floor Plans
Scale: 1:100 Date: 12/04 Drawn by: Number: 11260 / 250
This drawing is a preliminary design and is not to be used for construction without the written consent of Johnston and Wright Architects. It is the client's responsibility to ensure that all necessary permissions and approvals are obtained before construction begins.

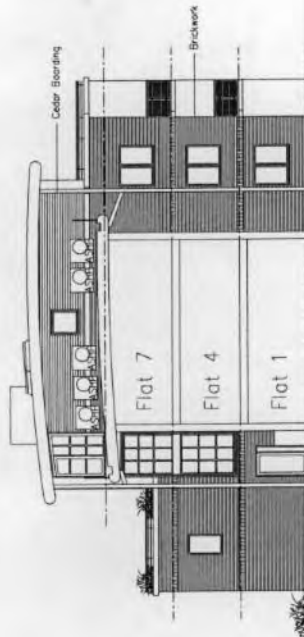


South West Elevation

houses 5+6



North East Elevation



Section A-A

USE OF MATERIALS

Brickwork used as a main element to tie building into the surrounding existing and new buildings.

Cedar boarding and render used all round upper floors which are stepped back.

round upper floors which are stepped back.

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e-mail info@warichitects.co.uk

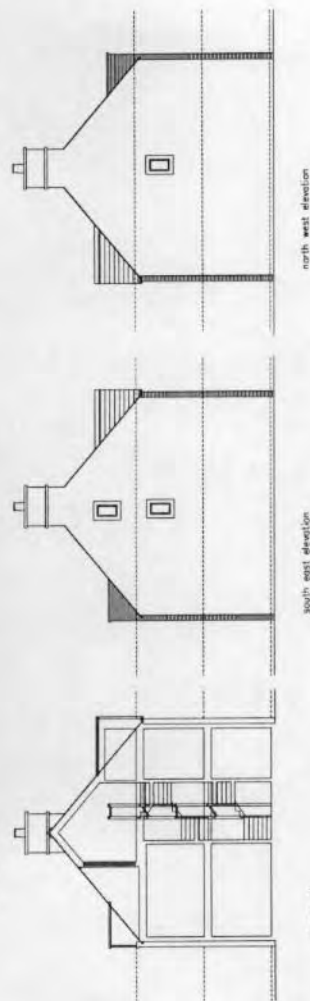
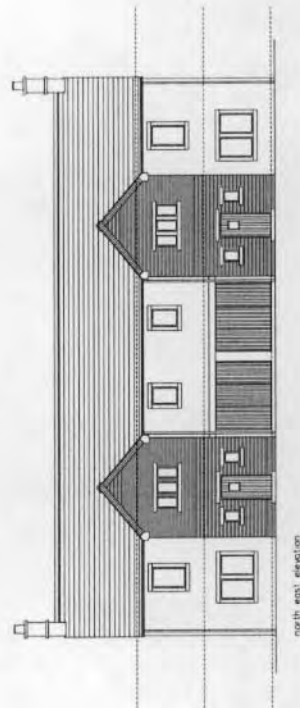
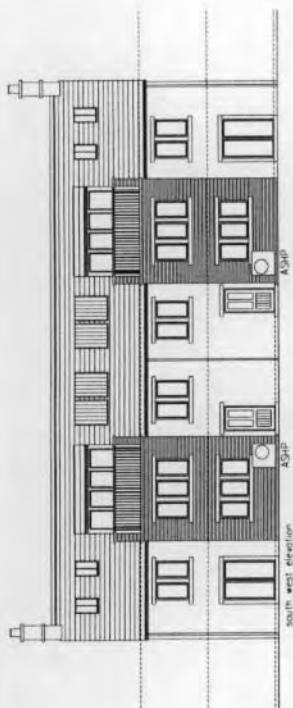
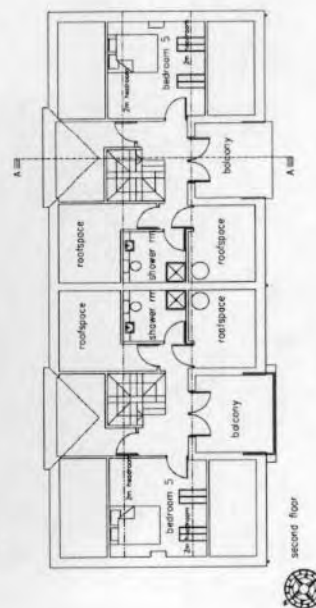
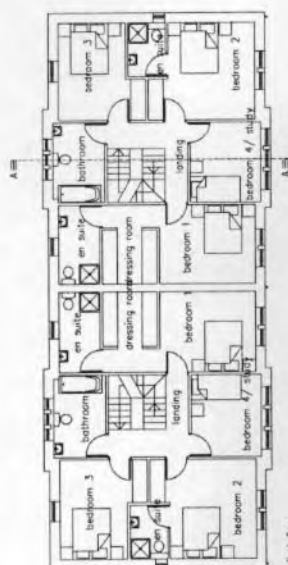
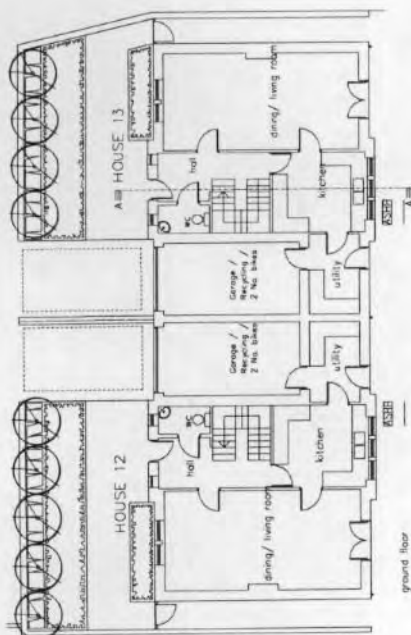
Project Residential Development at
Carlisle Racecourse for ndhomes
Drawing Proposed Apartments

Elevations
Scale 1:100 Date 12/04 Drawn st Number 1260/26F

[illegible]

REVISIONS:

- A May 2005 v1: Slope height of Southwest Reduced
- B May 2005 v1: Change revision
- C April 2008 v1: Amended section on North East Creation. Notes on materials issued
- D August 2008 v1: Amended section on North East Creation. Notes on materials issued
- E August 2008 v1: Amended section on North East Creation. Notes on materials issued
- F August 2008 v1: Amended section on North East Creation. Notes on materials issued
- G August 2008 v1: Amended section on North East Creation. Notes on materials issued
- H August 2008 v1: Amended section on North East Creation. Notes on materials issued
- I August 2008 v1: Amended section on North East Creation. Notes on materials issued
- J August 2008 v1: Amended section on North East Creation. Notes on materials issued
- K August 2008 v1: Amended section on North East Creation. Notes on materials issued
- L August 2008 v1: Amended section on North East Creation. Notes on materials issued
- M August 2008 v1: Amended section on North East Creation. Notes on materials issued
- N August 2008 v1: Amended section on North East Creation. Notes on materials issued
- O August 2008 v1: Amended section on North East Creation. Notes on materials issued
- P August 2008 v1: Amended section on North East Creation. Notes on materials issued
- Q August 2008 v1: Amended section on North East Creation. Notes on materials issued
- R August 2008 v1: Amended section on North East Creation. Notes on materials issued
- S August 2008 v1: Amended section on North East Creation. Notes on materials issued
- T August 2008 v1: Amended section on North East Creation. Notes on materials issued
- U August 2008 v1: Amended section on North East Creation. Notes on materials issued
- V August 2008 v1: Amended section on North East Creation. Notes on materials issued
- W August 2008 v1: Amended section on North East Creation. Notes on materials issued
- X August 2008 v1: Amended section on North East Creation. Notes on materials issued
- Y August 2008 v1: Amended section on North East Creation. Notes on materials issued
- Z August 2008 v1: Amended section on North East Creation. Notes on materials issued



MATERIALS AND FINISHES

Roof - Natural blue-grey slate with precast ridges and aluminium rainwater goods.
 Walls - Smooth lime render and brick with precast surrounds, lintels, cills and copings.
 Doors / Windows - Painted softwood timber doors and windows. External doors to be finished with a durable oil finish. External windows to be finished with a durable oil finish. External windows to be finished with a durable oil finish.
 External Boundary to Racecourse - 1.8m high, treated softwood timber.

Johnston and Wrighter Architects
 15 Castle Street, Carlisle, Cumbria, CA1 8BB (0) 1228 532641-44 (0) 1228 515558
 Project: Residential Development for ndhomes
 Drawing: Houses 12 and 13
 Proposed Plans and Elevations
 Scale: 1:100
 Date: 12/04/2010
 Number: 1260/270
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Revisions:
 A. 07/07/05, nt. Chimney elevations amended.
 B. 07/04/08, nt. Chimney stacks enlarged. Kneelers and soldier courses added to North East Elevation. Further fenestration added to gables.
 C. 05/06/08, nt. 2 No rooflights added. Windows on S.E. elevation amended.
 D. Planning Issue 11.1.08. Wall thicknesses amended. Air source heat pump added.

Key

- Existing trees to be retained
- Proposed tree planting
- Proposed hedgerow of native shrubs managed by laying
- Formal clipped yew hedge
- Proposed garden planting shrubs and herbaceous species
- Proposed areas of meadow grassland with wildflower planting mown in mid- to late summer. Mount grass margins to driveway and parking
- Proposed porous clay paver surfacing
- Proposed porous tarmac surfacing
- Proposed 18mm bitum by design, powder coated finish, 1000mm high
- Proposed 18mm bitum by design, powder coated finish, 1000mm high
- Proposed parking on reinforced grass

Rev. 9
Rev. 4
Rev. 5
Rev. 6
Rev. 7
Rev. 8
Rev. 9

13.11.2008
13.11.2008
13.11.2008
13.11.2008
13.11.2008
13.11.2008
13.11.2008

minor revisions
minor revisions
minor revisions
minor revisions
minor revisions
minor revisions
minor revisions

Project:
Residential Development at
Carlisle Racecourse
for indhomes

Planning Submission 11.11.08

Drawing title:
Hard Landscape Layout:
Phase 1 East

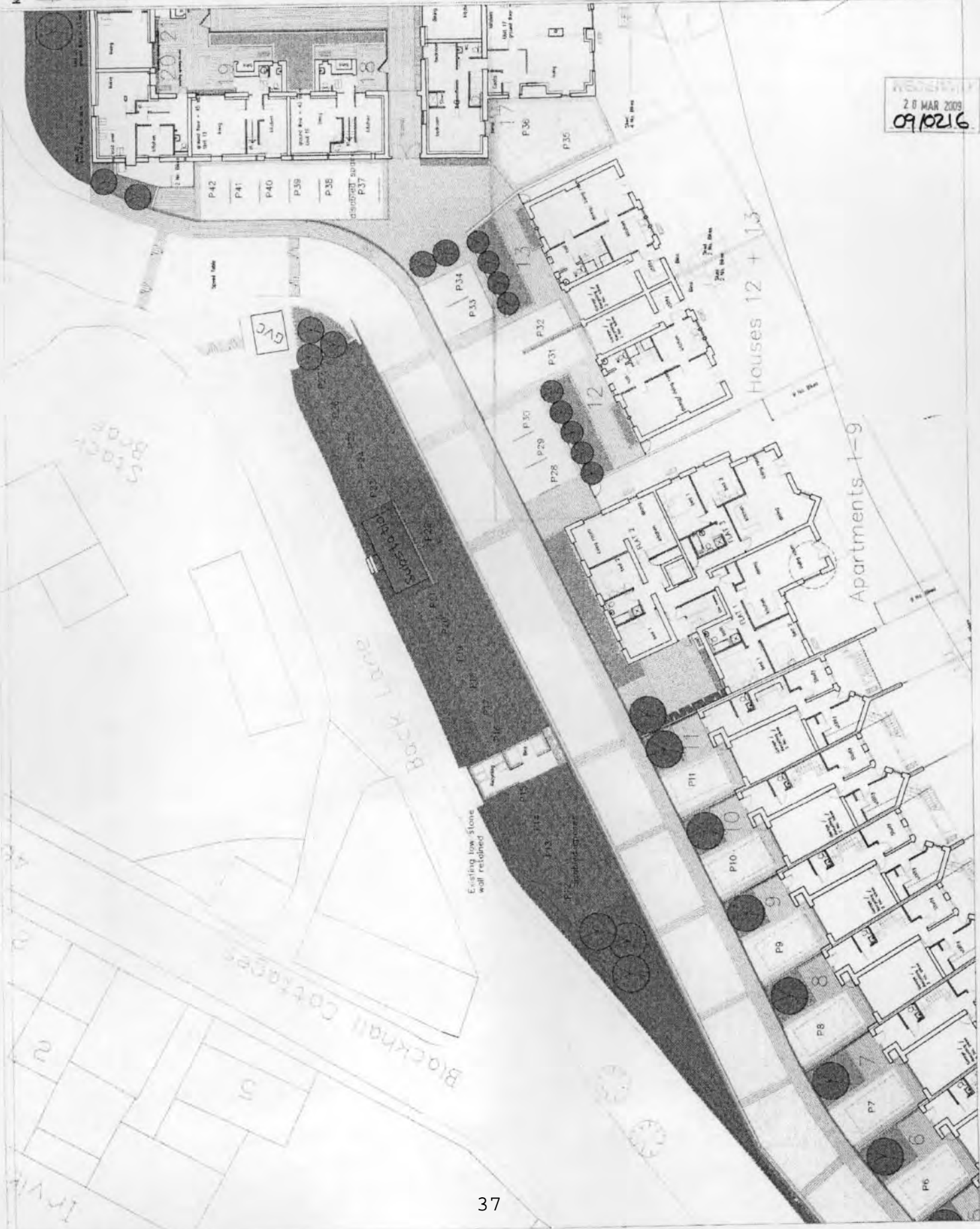
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CRC. 07(eii)

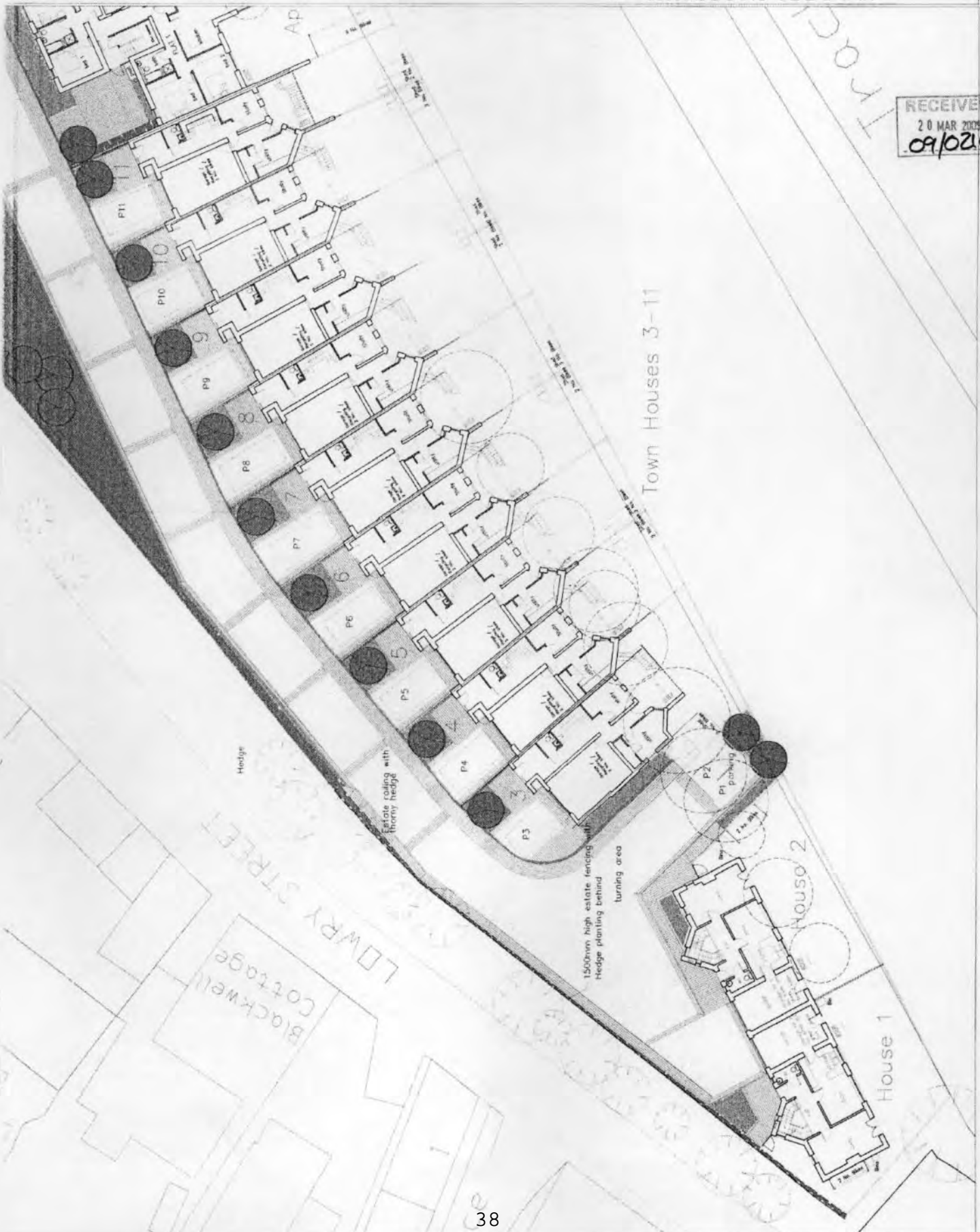
Scale: 1:200

Date: NOV 2008



20 MAR 2009
09/02/16





Key

- Existing trees to be retained
- Proposed tree planting
- Proposed hedge/grow of native shrubs managed by Aring
- Formal clipped new hedge
- Proposed garden planting shrubs and herbaceous species
- Proposed areas of meadow grassland with wildflower planting, mown in mid-late summer. Mown grass margins for mowmen and picking
- Proposed porous clay paver surfacing
- Proposed porous kerb surfacing
- Proposed 1.8m high Osier, powder coated brush 1800mm high
- Proposed Estate Rail galvanneal finish 1500mm high with honey hedge
- Proposed parking on reinstated grass

K

Rev. c	11.11.2006
Rev. d	16.11.2006
Rev. e	06.11.2006
Rev. f	30.10.2006
Rev. g	30.10.2006
Rev. h	30.10.2006

Project:
**Residential Development at
 Carlisle Racecourse
 for rd homes.**

Planning Submission 11.11.06

Drawing title:
**Hard Landscape Layout:
 Phase 1 West**

Drawing No:

CRC. 07(e)

Scale: 1:200

Date: NOV 2006

RECEIVED
 20 MAR 2009
 09/02/06

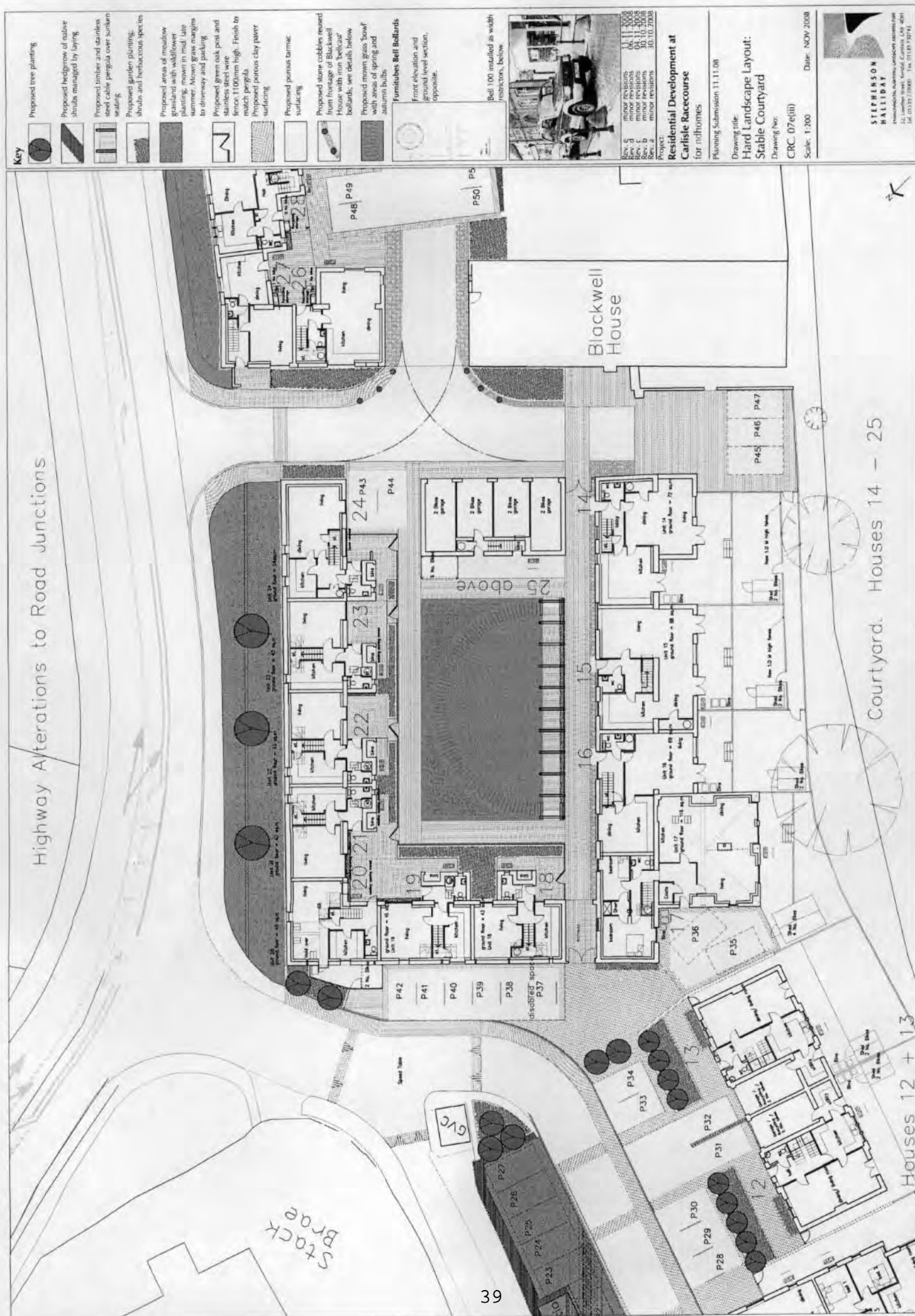
**STEPHENSON
 HALLIDAY**
 Landscape Architects
 12, London Street, Salford, Greater Manchester, M6 4JY
 Tel: 0161 275 1200 Fax: 0161 275 1212

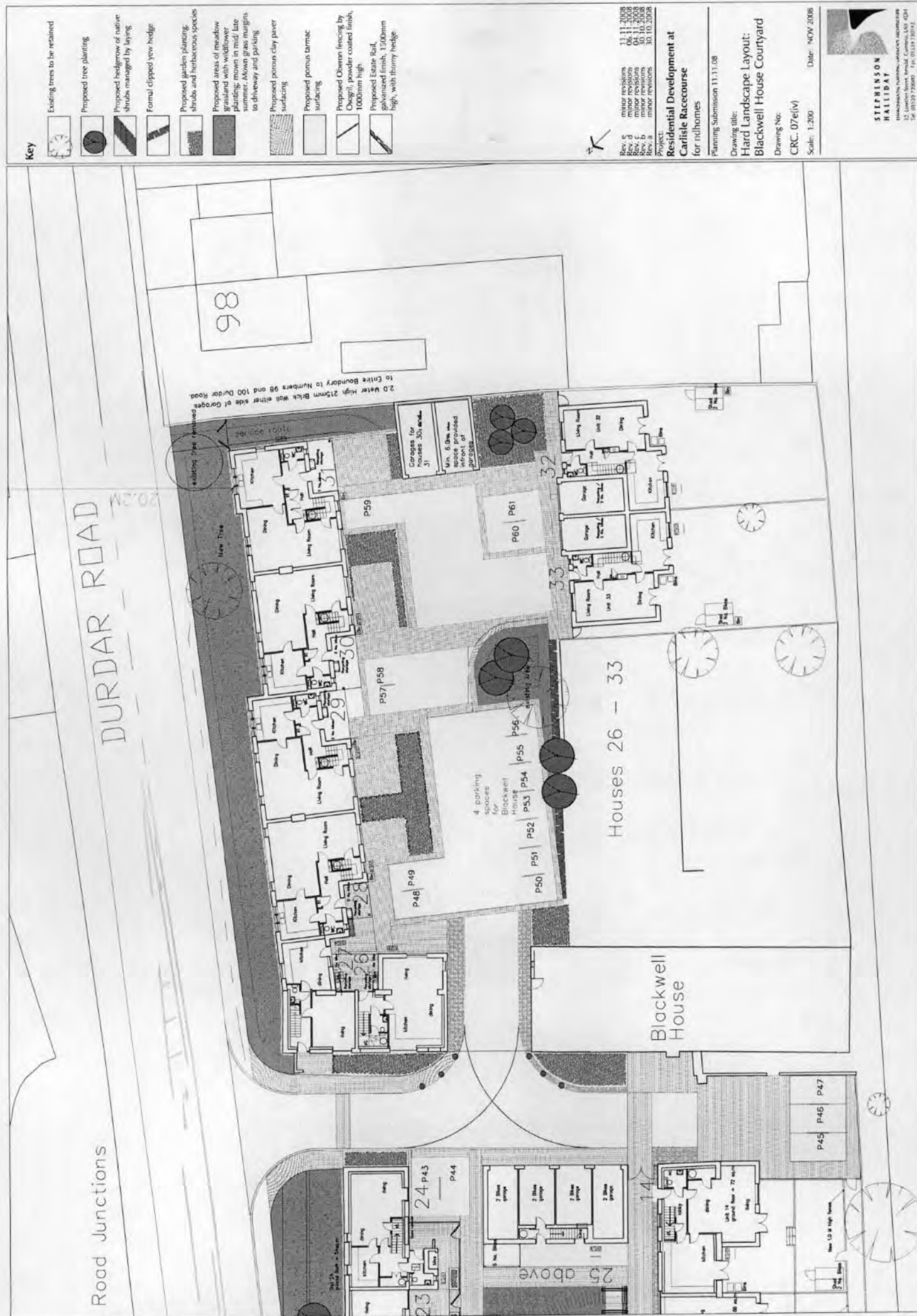
Stack
Brae

Courtyard. Houses 14 - 25

Houses $12 + 13$

39







Building For The Future



**Carlisle Racecourse
Housing Development**

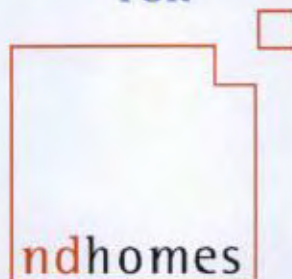
**Planning Design & Access
Statement**

PLANNING, DESIGN & ACCESS STATEMENT

IN SUPPORT OF AN APPLICATION WHICH SEEKS:-

- i. Full planning permission. A residential development of 42 units on brownfield land/property adjoining Blackwell House formerly used as a stable complex and horsebox and lorry park. The works include new build; the conversion of existing buildings; and works to form two improved vehicular accesses including the demolition of No.68 Durdar Road.
- ii. Listed Building Consent. Works of demolition, alteration and extension in the curtilage of a listed building, relating to the residential development described at 'i' above.

AT CARLISLE RACECOURSE, DURDAR ROAD, CARLISLE FOR



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1. INTRODUCTION AND SUMMARY

This statement sets out the planning, design and access aspects of a proposed residential development of 42 dwellings on vacant brownfield land/property adjoining Blackwell, Durdar Road, Carlisle. The works include: the erection of new build; the conversion of existing buildings; and works to form two improved vehicular accesses including the demolition of No.68 Durdar Road.

The boundaries of the land/property subject of the proposal is identified on the accompanying plan.



In the adopted Carlisle District Local Plan 2001-2016 the site of the proposed residential development is within the boundary of the urban area of Carlisle and referred to in two site specific policies which allocate the land for residential development.

The two policies which refer to the site are DP4 and H16.

Policy DP4 refers to Carlisle Racecourse in its entirety and states:

"Proposals for development at Carlisle Racecourse will be favourably considered where they enhance the existing sporting, economic, recreation and tourism function of the racecourse. Proposals for redevelopment will be judged against their impact on the surrounding environment, highways and road safety and other policies of this Plan. Enabling development will be considered where this would improve the existing operation of the racecourse."

The related text, paragraph 2.42, refers specifically to the site subject of the residential proposal and advises that:

"Specifically a site at the northern end of the racecourse has been identified for housing development. This will enable the relocation of stables and jockey facilities to meet standards and improve safety at the racecourse and on adjacent roads."

Policy H16 identifies, under the heading **"Sites to be allocated"**, Carlisle Racecourse/Lowry Street as a brownfield site which will make a contribution of 43 dwelling units towards the 'brownfield' Structure Plan Target.

The descriptive text for the site is set out at paragraph 5.106 where it states:

"Carlisle Racecourse is situated on the southern fringe of the City. Recent investment in a Grandstand has improved facilities but further investment in new stabling and jockey facilities is urgently required if the racecourse is to meet new standards. The allocation of land at the northern end of the racecourse for residential development is considered the most appropriate way to enable this reinvestment to occur. The existing stable area and hardstanding will be redeveloped for housing. Access will requirement improvement to this and the existing site. The development of this site provides an opportunity for a high quality design to take account of the surrounding landscape."

The scheme for the residential development of the allocated site as detailed in the accompanying application has been prepared, on behalf of ndhomes, with input from the consultants listed below:

Johnston & Wright	Chartered Architects;
Taylor & Hardy	Chartered Town Planners;
Peter F. Ryder	Historic Building Consultant;
Open Space	Ecological and Environmental Consultants;
W.A. Fairhurst & Partners	Highway Consultants;
Stephenson Halliday	Environmental Planning, Landscape and Arboriculture.

Guidance on the design and access aspects of the proposal has been sought from Officers of both Carlisle City and Cumbria County Councils, including:

Alan Taylor, Development Control Manager, Carlisle City Council;

Roger Higgins, Urban Designer, Carlisle City Council;

Peter Messenger, Conservation Officer, Carlisle City Council;

Mike Gardner, Waste Services Manager, Carlisle City Council;

Mark Goodwill, Highways, Cumbria County Council;

Jeremy Parsons, Historic Environment Officer, Cumbria County Council;

Andy Hunton, Architectural Liaison Officer, Cumbria Police.

The comments made by all these Officers has, from the outset, shaped and guided the design, layout, form and materials of the proposal.

In the 112 years or so since Blackwell House Farm was bought for use as a racecourse the facility, as described below, has undergone two phases of significant change when the owners, both the previous owners and the present ones, the Racecourse Holdings Trust Ltd., have developed and adapted the site and its buildings to accommodate their changing requirements. The proposal detailed in the accompanying application is part of the second phase of change.

The first period of significant change was in the early 1900's when the site and surroundings were altered when the Racecourse was formed prior to its opening on 28th June 1904. The outbuildings at Blackwell House Farm were altered to form stables and in their vicinity additional stable blocks were built. At the southern end of the racecourse a variety of racecourse buildings, including a grandstand, were also built.



The second period of significant change has been in the period since 2000. In 2001/2002 the grandstand was demolished and replaced with a new one. Between October 2005 and July 2006 a new stable complex was constructed on the land adjacent to the operational area of the Course at the southern end of the site.



The construction and use of the new stable complex has left the one formerly used wholly vacant, surplus to requirements and deteriorating and it is the former stable complex and horsebox and lorry park which is the site subject of the residential proposal detailed in the accompanying application.



The site is a gently curved crescent shape and is located between existing built development and the open area of the Racecourse.

Within the site there is a mix of vacant land and buildings.

In respect of the buildings, there are ones which are traditional with an attractive appearance and materials and there are those of more recent construction, with a utilitarian appearance and of poor materials.

The old buildings which are attractive and worthy of retention are proposed for conversion. On the land which is presently vacant or occupied by buildings which are of no architectural merit and are to be removed, new build is proposed.

With this combination of conversion and new build on a site which is crescent shaped with one aspect towards built development and one towards the open Racecourse there is a unique mix of site characteristics which presents, in design terms, many challenges and opportunities. The design solution which is proposed is a development which is a blend of the traditional and the new and contemporary.



The development comprises 42 dwellings of a bespoke distinctive design and layout which is a specific response to the opportunities and challenges presented by the site and its surroundings. The details of the development, the layout of which is shown on the plan below, is described fully in the following sections.



As set out in Section 7, it is considered that the development which is proposed is a unique high standard landmark design which successfully blends the traditional with the new and contemporary in a form which complements the site and surroundings whilst meeting the requirements of all the relevant planning policies.

2. THE SITE AND SURROUNDINGS

The scheme for the residential development which is proposed has been devised following a full and very thorough assessment of the site and its surroundings.

A full topographical and measured survey has been undertaken. This survey has accurately plotted: the site's precise shape and configuration; ground levels both on the site and in the vicinity; the existing buildings and features on the site; and the site's relationship to physical features and neighbouring buildings. Survey work has interpreted the historic buildings on the site, the ecological interest of the site has been examined, the outlook from the site has been considered and the character of the surroundings has been appraised.

(a) Location

The site subject of this proposal is located on gently rising ground at the north-east end of Carlisle Racecourse 3.0 km south of Carlisle City Centre. The site, which is on the east side of the Caldew Valley is bounded to the west by Carlisle Racecourse and the north and east by the eastern boundary of Ash Tree Cottage, Lowry Street, Back Lane and Durdar Road. To the south the site is bounded by the northern boundary of No.98 Durdar Road.

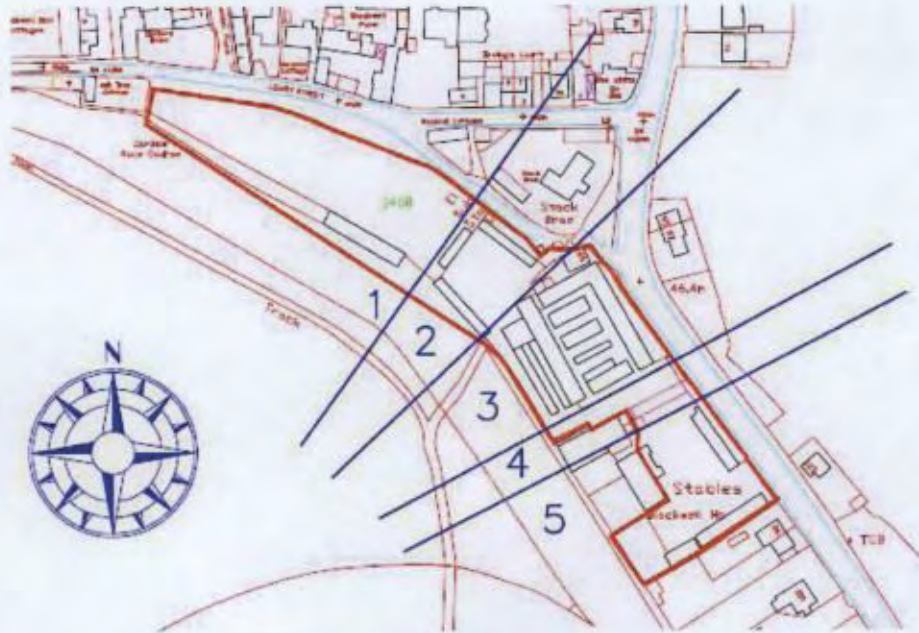
(b) Physical Characteristics

The application site extends to 1.07 ha. and comprises the former stable complex and horsebox and lorry park to Carlisle Racecourse and No.68 Durdar Road. Within the site there are barns which are both attached to and within the curtilage of Blackwell House, a Grade II Listed building.

The site is a gently curved crescent shape the concave side of which faces west/south west. The length of the site is 280 m and it varies in width along its length. The site is narrowest at its northern end, near Ash Tree Cottage, where it is 20 m, around its mid point, in the vicinity of No.68 Durdar Road, the site broadens out to 42 m and at its southern boundary it is at its widest at 60 m.



The application site has 5 distinct elements, these being shown on the accompanying plan.



Element 1 – The former horsebox and lorry park

The most northerly portion of the site is a triangular shaped parcel of land which was formerly used as the horsebox and lorry park. This part of the site is presently covered with hardcore. The range of portacabins on the site were formerly used as the stable lads/lassies accommodation and related canteen.

Vehicular access is via an entrance on Lowry Street.

The land is bounded to the west by a 2.1 m high timber fence, alongside which are a number of trees, and to the east by a low post and mesh fence. Between this fence and the public highway is a grass verge which is between 7 m and 4 m in width upon which there is tree and shrub planting.



Element 2 – Former Stables, Yard 1 and No.68 Durdar Road

To the immediate south of the former horsebox and lorry park is an enclosed yard which is defined by single storey buildings to its west, north and east sides. The buildings are generally of modern brick construction with a roof covering of grey asbestos-type sheeting.

Access to this part of the site is gained at two points. There is access from the horsebox and lorry park referred to above and a gated entrance with access on to Back Lane.

To the south-east corner of the east range is a 2 storey dwelling, No.68 Durdar Road. This property is rendered with a pitched slate roof.



Element 3 – Former Stables and Yard 2

This part of the site is the main building group of the former stable complex.

The ranges to the north, western, eastern and southern sides, which are essentially 2 storeys in height, define the sides of a yard. These buildings are constructed of a mix of materials including brick with roof coverings of slate. Attached to the rear side of the western range, at its north western end, is a square gingang.



Within the yard defined by these 4 ranges of buildings, and beyond the range to the west, are several blocks of stables which are predominantly of modern brick construction with roofs of grey asbestos type sheeting.



Access is gained at two points. One is an arched entrance in the north west corner of the north range and the other is the gated entrance to Blackwell House from Durdar Road.

Element 4 – The range of buildings attached to Blackwell House, Grade II Listed Building

This building range extends across the full width of the site. Of this range the buildings which are within the application site are former stables and outbuildings.

Access to these buildings is via the gated entrance from Durdar Road.



Element 5 – Former Stables and Yard 3

The former stables and outbuildings in this area are sited around a grassed area. These, both detached buildings and lean-to's, are constructed of both brick and timber with slate and asbestos type roof coverings.

Access to this part of the site is gained from two access points. The first being an archway in the building range attached to Blackwell House and the second being a gated entrance towards the yard's south east corner adjacent No.98 Durdar Road.



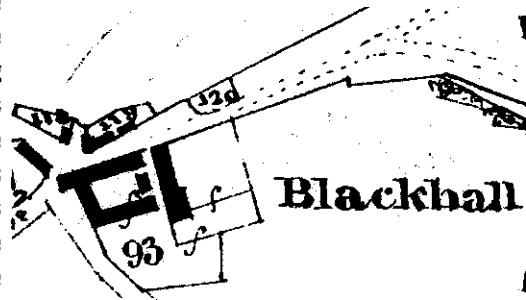
As evident from the above descriptions, the northern end of the site is undeveloped and open, whilst the southern part is covered by an extensive range of buildings. The form and condition of the buildings vary markedly from traditional brick and slate structures, some of which have an attractive form and architectural interest, to those which are more modern and of poorer quality buildings that have little visual or architectural importance.

(c) Historic Perspective

An appreciation of the historical interest of the site/buildings subject of the proposal is set out in the Archaeological Assessment, prepared by Peter F. Ryder, which accompanies the application, Document (i).

The oldest property on the site is Blackwell House and the attached range of outbuildings. These buildings, Listed Grade II, extend across the width of the site. The Listed Building Description states that the farmhouse and stables date from around the 1730's/1740's.

Prior to the preparation of the Archaeological Report, with the exception of the Listed Building Description referred to above, there was little documentary evidence available which interpreted the group of buildings as a whole. Following Peter F. Ryder's research and examination of the properties it has been found that the group of buildings which comprise the former stables have a complex history and there are signs of the progression of the development of the group.



In particular, it is noted that the west, north and east ranges of the yard to the north side of Blackwell House are constructed of brick built walls standing on a rubble plinth. Of these, the rubble built structure at the north end of the east range, which has full height walls of rubble except on the east side, is the oldest part and there is evidence in this location of a heather thatch roof. This, together with its general vernacular character, suggests that the building dates from the early 18th Century. The number of openings in the building's eastern wall, presently blocked up, suggests that it faced away from the present yard and could have been part of a farmstead related to a former dwelling, a linear farm, on the site of the existing No.68.

Subsequently, a remodelling of this building in brick in the early 1800's and its extension in westerly and southerly directions has incorporated it into the planned farm of Blackwell Hall.

The north and west ranges to the yard look to have been initially separate structures linked later by the arched entry at the north west corner. The later construction of a building at the south side of the yard defines the central space.

The gingang is an addition to the west range, and originally had rounded corners with these being altered to square by 1901. The thick stone piers on the side walls are from the original construction whilst the brick piers date from the later 19th Century.

As stated above, records show that it was in 1896 that the planned farm of the Blackwell Hall Estate was bought for use as a racecourse.

To bring the Racecourse use into effect works of alteration/adaptation were carried out in the early 1900's when the buildings and the site subject of the accompanying application were subject of a period of radical change. The north, east and west ranges were extensively remodelled to form stables. 3 additional ranges of stables were built in the main yard and 2 were built on the west side of the west range. In addition, 3 buildings were erected to define the west, north and east sides of a second enclosed yard to the north. Buildings were also erected to define the east and south sides of the enclosure to the south side of Blackwell House.

Further buildings have been erected and adaptations made during the 20th Century.

The buildings have been built in a variety of materials and, whilst they are largely brick, there are also timber structures. The roofs are generally slate but some sections have been replaced with asbestos sheeting.

Within the older buildings, despite the many changes made over the years, there are several individual features of interest including:

- the arched entry at the north west corner of the main yard including pigeon entry, alighting shelf and a range of nesting boxes;
- the remains of openings in the east wall of the east range which may pertain to an early phase of the building's use;
- the vernacular attractive character of the roofs which reuse older timbers.

(d) Ecology

Surveys have been undertaken to plot and assess the species, condition, etc. of the existing trees, both on the site and in its near vicinity, and to appraise the existing ecology. Surveys have also been undertaken to establish as to whether or not any bats and/or barn owls are using the existing buildings.

The findings of the Tree Survey are set out in the accompanying report, Document (ii). As can be seen, the existing trees comprise a variety of species including hawthorn, rowan, oak, sycamore, chestnut, elder and lilac. The condition of these trees varies.

The findings of the Ecological Survey are also set out in the accompanying report Document (iii) and, as can be seen, the findings are that:

- the grassland within the site is of low ecological value;

- as the buildings are unused and more or less sealed to access by birds, their use by nesting birds is limited. There is, however, evidence of swallows nesting;
- the trees on the site and the periphery, provide potential as nest sites for birds and a feeding area for bats.

The Bat and Owl Surveys also accompany the application, Documents (iv) and (v).

The Bat Survey has established that the site subject of the proposed residential development is used by common pipistrelle bats and Brandt's or Whiskered bats. The emergence survey confirmed that Brandt's or Whiskered bats are roosting within the roof of 68 Durdar Road and although common pipistrelle bats were observed foraging on the site, the emergence and dawn survey did not establish that roosts are present. Bats were recorded foraging around the former stables but no main roost was recorded in those buildings. It was also established that the common pipistrelle bats were using the private dwelling, Blackwell House, which is adjacent to the development.

The Owl Survey established that a barn owl is present in the surrounding area with a breeding site on a farm about 1 mile away. The buildings, formerly used for stabling, are considered to be suitable for barn owl roosting or breeding, but there is no evidence they are using the development site for either.

(e) Outlook

From the site to the north, east and south the outlook is principally towards existing built development, the bulk of which is within the boundary of the urban area of Carlisle. To the west the outlook is over the racecourse with open views of the fells of the Northern Lakes beyond.

(f) Character of the Surroundings

Beyond the boundaries of the application site to the north and north east, east and south there is built development. This built development is predominantly residential and is of various ages, styles and materials. The residential properties are a mix of detached, semi detached and terraced, several having related curtilage buildings which include traditional barns and garages. The properties are, in the main, 2 storey and are a mix of brick, stone and render with roofs of slates and tiles. In the near vicinity of the site there are several grander more statuesque buildings, including Blackwell House, Blackwell Lodge and Blackwell Lodge West.

To the west of the site is the track to the Racecourse.

Blackwell House and the attached cottage are Grade II Listed Buildings.

The site is not in a Conservation Area nor is it in an area of identified landscape protection.

3. REQUIREMENTS IN RESPECT OF THE DESIGN, LAYOUT, FORM, AND MATERIALS OF THE PROPOSAL AS SET BY THE PLANNING POLICY FRAMEWORK

As stated in Section 1, the site of the residential development detailed in the accompanying application is subject of a specific allocation for a residential development.

In addition to the site specific policies, DP4 and H16, referred to in Section 1, there are a considerable number of broader policies which are relevant to the proposal. These policies set out a wide range of requirements which a residential proposal ought to meet. These, listed in the order they appear in the adopted Carlisle District Local Plan, are as follows:

The core policies look, in general terms, for proposals to:

- respond to the local context and the form of surrounding buildings;
- take into consideration any important landscape or topographical features;
- reinforce local architectural features, where appropriate, promoting and respecting local distinctiveness;
- ensure that all the components are well related to one another so as to ensure a well integrated, successful and attractive development;
- ensure that there is no adverse effect on the residential amenity of existing areas, or adjacent land uses, or result in unacceptable standards for future users and occupiers of the development;
- ensure the retention and enhancement of existing trees where possible and where environmental features are lost to put in place appropriate mitigation measures;
- include landscaping;
- ensure that the necessary services are available;
- ensure that the layout and design incorporates adequate space for waste and recycling;
- protect residential areas from inappropriate development;
- give consideration to locally sourced traditional materials;
- take into account the need for energy conservation and efficiency;

- incorporate sustainable drainage systems (SUDS);
- connect into adequate foul and surface water sewerage infrastructure and sewage treatment systems;
- follow the principles of sustainable waste management;
- make provision for easy, safe and inclusive access to, into and within buildings and facilities;
- offer a realistic choice of access by public transport, walking and cycling;
- contribute from the design standpoint to creating a safe and secure environment, integrating measures for security and crime prevention and minimising the opportunity for crime.

The housing policies look for proposals to:

- achieve, within the urban area, a minimum net density of 40 dwellings per hectare.

The local environment policies look for proposals to:

- examine and evaluate the archaeological aspects of development proposals before planning applications are determined;
- not adversely affect a listed building or its setting and for any new development within the setting of a listed building to preserve the building's character and its setting;
- be sympathetic in scale, character and materials;
- have regard when detailing alterations or extensions to the scale, proportions, character and detailing of the existing listed building (both internally and externally) and of its windows and doorways;
- safeguard, when a change of use of a listed building is proposed, the special architectural and/or historic interest of the building, its setting and neighbouring buildings.

The parking policy looks for a level of car parking provision within development on the basis of a number of factors.

These requirements are drawn from:

Policy CP5	Design;
Policy CP6	Residential Amenity;
Policy CP7	Use of Traditional Materials;
Policy CP9	Development, Energy Conservation and Efficiency;
Policy CP10	Sustainable Drainage Systems;
Policy CP12	Foul and Surface Water Sewerage and Sewage Treatment;
Policy CP14	Waste Minimisation and the Recycling of Waste;
Policy CP15	Access, Mobility and Inclusion;
Policy CP16	Public Transport, Pedestrians and Cyclists;
Policy CP17	Planning Out Crime.
Policy H3	Residential Density;
Policy H4	Residential Development on Previously Developed Land and Phasing of Development.
Policy LE8	Archaeology on other sites;
Policy LE12	Proposals Affecting Listed Buildings;
Policy LE13	Alterations to Listed Buildings;
Policy LE15	Change of Use of Listed Buildings;
Policy T1	Parking Guidelines for Development.

4. DESIGN PARAMETERS, DESIGN, LAYOUT AND FORM, LANDSCAPING, ECOLOGY AND SUN SHADOWING

i. Design Parameters

Several aspects of the development which is proposed have been clearly and firmly established from the outset.

Firstly, of the existing buildings on the site, the older buildings of more traditional character and appearance are to be retained. These buildings are to the west, north and east of the yard to the north of Blackwell House, including the gingang and the range of outbuildings attached to Blackwell House the Grade II Listed Building itself. The conversion, alteration and extension of these buildings, to introduce the residential use which is proposed, is to be undertaken in a manner which is sensitive and gives due regard to their historic fabric and character.

Secondly, there is a clear requirement to safeguard the setting to the listed building, Blackwell House and the attached cottage and range of outbuildings;

Thirdly, achieving an access arrangement which meets the safety and visibility requirements of the Highway Authority has meant that there can only be two points of vehicular access and it is from these that the overall circulation within the site has to be devised.

Fourthly, the development has to be of a form and design which will ensure that the residential amenity enjoyed by the occupiers of the existing residential properties in the vicinity of the site will not be adversely affected.

Fifthly, a satisfactory residential environment with an appropriate level of amenity has to be provided for the future occupiers of the dwellings which are proposed.

In respect of points four and five, particular regard has to be given to achieving an appropriate distance between directly overlooking windows.

The fixed parameters outlined above have, to a great extent, determined the layout of the site as a whole and the form and character of the development which is proposed.

At the northern end of the site, which is presently largely open and where existing buildings which are of no merit and are to be removed the design of the development is less constrained. At the southern end of the site the historic buildings dictate a form of development and architectural detailing which is more traditional.

ii. Design, Layout and Form

(a) Context

The Applicants propose a bespoke distinctive landmark development which is as unique as the site itself. The design which is proposed is a positive response to the wide range of factors which the site presents including its location, history, aspect, shape and relationship to neighbouring land uses. The development which is proposed is a blend of the traditional and the new and contemporary which interprets the 'interface' between the existing built development of the urban area and the open aspect of the Racecourse.

Within the development a wide range of dwelling types with high standards of accommodation, internal layout, specification and amenity are provided at a density which meets Government guidelines.

In the period since the proposals were initially devised in 2004 the design of the proposal has been wholly re-examined, refined and amended in close consultation with Officers of the Local Planning Authority. In addition, in recent months the energy efficiency aspects of the development have been thoroughly appraised so as to ensure that the dwellings meet the standards set for Level 4 of the 'Code for Sustainable Homes'.

In the review the design changes have included the following:

Units 1 and 2

- the garages have been pulled back in line with the façade;
- the building has been moved ½ m from the Racecourse;
- the windows to the first floor en-suite have been reduced;
- the front door style has been changed;
- on the west elevation solar thermal panels have been added to the roof, 2 to each dwelling, and to each dwelling an Air Source Heat Pump (ASHP) unit is to be fixed.

Units 3-11, Townhouses

- kneelers and mullions have been introduced;
- on the north west elevation windows and soldier course have been introduced and the chimney has been emphasised;
- on the west elevation solar thermal panels have been added to the roof, 2 to each dwelling, and to each dwelling an ASHP unit is to be fixed.

Apartments (1-9)

- the materials proposed to be used have been refined and, on the drawings, clarified ;
- additional windows have been introduced;
- ASHP's have been added.

Units 12 and 13

- kneelers have been included;
- the chimney stacks have been enlarged and incorporated into the gables;
- additional fenestration has been added to the gables;
- the front door styles have been amended;
- changes have been made to the windows and roof lights;
- on the west elevation solar thermal panels have been added to the roof, 2 to each dwelling, and to each dwelling an ASHP unit is to be fixed.

Units 14-25

- there is a greater retention of the existing slit windows;
- additional roof lights have been incorporated;
- on the south and west inner elevations, solar panels have been added, 2 to each dwelling, and to each dwelling an ASHP unit is to be fixed;
- on the north and east outer elevations several changes/ additions have been made to the windows including roof lights. The entrance to Unit 20 has been formed with bin and bike stores;
- a bike store has been added to the garages in the Unit 25 building.

Units 26-33

- the fenestration on the eastern elevation has been revised and roof lights have been introduced;
- a new gable has been introduced at the southern end of east elevation;
- the chimney stacks have been enlarged and centralised;
- on the west and south-west elevations solar thermal panels have been added to the roof, 2 to each dwelling, and to each dwelling an ASHP unit is to be fixed.

The built aspects of this refined proposal are set out in the architectural drawings, landscape plans and documents listed below:

11260	Location Plan;
11260/01A	Existing Site Plan, Johnston & Wright;
11260/02	Existing Site Plan - Demolitions, Johnston & Wright;
11260/03	Existing Elevations to North East, Johnston & Wright;
11260/04	Existing Elevations to South West, Johnston & Wright;
11260/05A	Existing Sections, Johnston & Wright;
11260/06A	Existing Sections, Johnston & Wright;
11260/07	Courtyard - Existing Plan, Johnston & Wright;
11260/08	Courtyard - Existing Outer Elevations, Johnston & Wright;
11260/09	Courtyard - Existing Inner Elevations, Johnston & Wright;
11260/10	Proposed Block Plan, Johnston & Wright;
11260/20G	Site Development Plan – As proposed, Johnston & Wright
11260/21F	Proposed Plan, Johnston & Wright;
11260/22G	Proposed Plan, Johnston & Wright;
11260/23E	Houses 1 and 2, Proposed Plans and Elevations, Johnston & Wright;
11260/24F	Townhouses, Proposed Plans and Elevations, Johnston & Wright;
11260/25C	Proposed Apartments - Floor Plans, Johnston & Wright;
11260/26F	Proposed Apartments – Elevations, Johnston & Wright;
11260/27D	Proposed Houses 12 & 13 – Plans & Elevations, Johnston & Wright;
11260/28A	Courtyard Houses 14-25 – Proposed Ground Floor Plan, Johnston & Wright;
11260/29B	Courtyard Houses 14-25 – Proposed First Floor Plan, Johnston & Wright;
11260/30B	Courtyard Houses 14-25 – Proposed Inner Elevations, Johnston & Wright
11260/31A	Courtyard Houses 14-25, Proposed Outer Elevations, Johnston & Wright;
11260/32D	Units 26-33, Proposed Ground Floor Plans, Johnston & Wright;
11260/33D	Units 26-33, Proposed First Floor Plans, Johnston & Wright;
11260/34E	Units 26-31, Proposed Elevations, Johnston & Wright;
11260/35B	Units 32-33 and Garages, Proposed Elevations, Johnston & Wright;
11260/36C	Proposed North East Elevations, Johnston & Wright;
11260/37C	Proposed South West Elevations, Johnston & Wright;
11260/38C	Proposed Sections: A-E, Johnston & Wright;
11260/39C	Proposed Sections: F-H, Johnston & Wright;
11260/40C	Proposed Roof Plan, Johnston & Wright;
11260/41C	Summer Sun Path, Johnston & Wright;
11260/42C	Equinox Sun Path, Johnston & Wright;
11260/43C	Winter Solstice Sun Path, Johnston & Wright;
11260/45A	Courtyard Houses 14-25 – Proposed Outer Elevations, Johnston & Wright;
11260/46A	Fence Detail, Johnston & Wright;
11260/47A	Fence Detail, Johnston & Wright.
CRC.07e(i)	Hard Landscape Layout : West, Stephenson Halliday;
CRC.07e(ii)	Hard Landscape Layout : East, Stephenson Halliday;
CRC.07e(iii)	Hard Landscape Layout : Stable Courtyard, Stephenson Halliday;
CRC.07e(iv)	Hard Landscape Layout : Blackwell House Courtyard, Stephenson Halliday;
CRC.06d(i)	Planting Plan : West, Stephenson Halliday;

CRC.06d(ii)	Planting Plan : East, Stephenson Halliday;
CRC.06c(iii)	Planting Plan : Stable Courtyard, Stephenson Halliday;
CRC.06c(iv)	Planting Plan : Blackwell House Courtyard, Stephenson Halliday.
CRC.09	Fence and Pergola Details: Stables Courtyard, Stephenson Halliday;

Materials Schedule	:	ndhomes	Document vi;
Planting Schedule	:	Stephenson Halliday	Document vii;
Highway Details	:	ndhomes	Document viii;
Energy Statement	:	ndhomes	Document ix;
Drainage Statement	:	ndhomes	Document x;
Secured by Design Statement	:	ndhomes	Document xi;
Site Waste Management Plan	:	ndhomes	Document xii.

(b) Schedule of Accommodation

The accommodation to be provided within the development, which achieves a density of 39 dwellings per hectare, is as follows:

Section 1 - 22 Dwellings, all new build

Plot No.	Type	No. of Storeys	No. of Bedrooms	Garage	Private Parking	Parking Elsewhere
1	Semi Detached	2.5	4	G	PP	
2	Semi Detached	2.5	4	G		
3	Townhouse	3.5	5	G	PP	
4	Townhouse	3.5	5	G	PP	
5	Townhouse	3.5	5	G	PP	
6	Townhouse	3.5	5	G	PP	
7	Townhouse	3.5	5	G	PP	
8	Townhouse	3.5	5	G	PP	
9	Townhouse	3.5	5	G	PP	
10	Townhouse	3.5	5	G	PP	
11	Townhouse	3.5	5	G	PP	
1	Apartment	1 (4Building)	2			P
2	Apartment	1 (4Building)	2			P
3	Apartment	1 (4Building)	2			P
4	Apartment	1 (4Building)	2			P
5	Apartment	1 (4Building)	2			P
6	Apartment	1 (4Building)	2			P
7	Apartment	1 (4Building)	2			P
8	Apartment	1 (4Building)	3			P
9	Apartment	1 (4Building)	2			P
12	Semi Detached	2.5	4 + Study	G	PP	
13	Semi Detached	2.5	4 + Study	G	PP	

Section 2 – 12 Dwellings, 11 conversion, 1 new build

Plot No.	Type	No. of Storeys	No. of Bedrooms	Garage	Private Parking	Parking Elsewhere
14	Courtyard House	2	3			P
15	Courtyard House	2	3			P
16	Courtyard House	2	3			P
17	Courtyard House	2	4		2PP	
18	Courtyard House	2	2			P
19	Courtyard House	2	2			P
20	Courtyard House	2	2			P
21	Courtyard House	2	2			P
22	Courtyard House	2	2			P
23	Courtyard House	2	2			P
24	Courtyard House	2	2			P
25	Flat (NB)	1 (2Building)	2	G		

Section 3 – 8 Dwellings, 2 conversion and 6 new build

Plot No.	Type	No. of Storeys	No. of Bedrooms	Garage	Private Parking	Parking Elsewhere
26	Terrace	2	2			P
27	Terrace	2	2			P
28	Terrace	2	3 + Study			P
29	Terrace	2	3 + Study			P
30	Terrace	2	3 + Study	G		
31	Terrace	2	3 + Study	G		
32	Semi Detached	2	4 + Study	G		
33	Semi Detached	2	4 + Study	G		

(c) Description

The materials proposed to be used for the development are shown in the Material Schedule which accompanies the application; Document (vi). As shown in this document the materials proposed to be used in the works of conversion will match and complement those which are existing. The materials proposed for the construction of the new build dwellings are predominantly brick, of a hue, colour and texture which complements the existing buildings on the site and those in their vicinity, with render detailing. Slate is proposed for the roofs. The local brick bonding pattern will be used.

All the dwellings which are proposed have been designed to achieve Level 4 of the Code for Sustainable Homes. In this context throughout the development solar panels are proposed to be installed on south and south-west elevations and, where appropriate, ASHP units are to be fitted.

All the dwellings are designed to have a wheelchair accessible ground floor with Disability Discrimination Act (DDA) compliant access throughout. Wheelchair access to the upper floors of the apartments is provided by a passenger lift.

Along the full length of the boundary of the application site adjacent the Racecourse and Ash Tree Cottage a fence of 2.1 m in height has been erected. This is formed by an 1800 mm high stained timber fence with 300 mm high gravel boards.

The boundary of the site to Lowry Street/Back Lane is defined in part by an existing low stone wall which is to be retained and the erection of 1500 mm high estate railings with thorny hedge planting behind.

The boundary of the site to 98 and 100 Durdar Road will be, to either side of the garages which are to be erected on this boundary, be formed by a 2.0 m high brick wall.

The proposals are described in the 3 streets comprising the development.

SECTION 1 : UNITS 1-22

22 dwellings, on the north/north west part of the site, are wholly new build. The dwellings take the form of 2 semi detached houses (Units 1 and 2), 9 townhouses (Units 3-11), 9 apartments (Units 1-9) and 2 semi detached houses (Units 12 and 13)

The existing ground levels on this part of the site are to be reduced by 0.5 m.

Units 1 and 2

Units 1 and 2 are at the extreme north west corner of the site and comprise a pair of 4 bed 2 storey semi detached pitched roof houses with accommodation in the roof space.

On the ground floor there is a hall, kitchen, dining and living rooms and integral garage. On the first floor there are 3 bedrooms, 2 en-suite and a bathroom. In the roof space is a bedroom, bathroom and store.

The staircases, on the north east elevation of the properties, are expressed externally by a projecting triangular bay which has a glazed roof over providing light into the property.

These units occupy the narrowest part of the site and their siting and internal plan has been devised so as to ensure that the overlooking of existing dwellings, particularly Blundell Place, is minimised. Most of the habitable rooms in these dwellings have their outlook towards the Racecourse and, in this elevation, a balcony is incorporated at eaves level.

The separation distances from the nearest properties is: Blundell Place - 21.5 m; Orchard House - 26 m; Ash Tree Cottage - 21.5 m, all being over 21 m. There is no direct overlooking between Units 1 and 2 and these dwellings.

The materials proposed are brick with panels of smooth lime render, a roof covering of natural blue/grey slate. Doors are to be timber or composite. Windows, designed to meet the daylight levels as set out within Level 4 of the Code for Sustainable Homes, are to be timber with paint finish and aluminium cills.

These two dwellings incorporate traditional styling and proportions, particularly on the elevation to Lowry Street, but with the integration of more contemporary features.

Their height and footprint relates to the immediate surroundings and provides a transition between the existing built development and the townhouses.

Units 3-11 Townhouses

Units 3-11 are a crescent of 9 townhouses with mansard roofs.

The crescent of townhouses has a gently curved footprint following the shape of the site. Each townhouse has the same form, design and materials. Each is 3 storey with accommodation in the roof space. On the ground floor there is a garage, utility, WC and store. On the first floor are a living room, a dining room, kitchen and a full width external balcony on the elevation to the Racecourse. On the second floor there are 3 bedrooms, 1 en-suite, plus bathroom and small balcony, again on the elevation to the Racecourse. In the roof space there are 2 en-suite bedrooms plus a recessed roof terrace with an outlook over the Racecourse.

The principal orientation and outlook of these dwellings is to the west over the Racecourse and, as described above, it is on this elevation that there are larger glazed areas and balconies.

The elevation to Lowry Street has limited openings thereby preventing any intrusive overlooking to neighbouring properties.

As with Units 1 and 2, the architectural styling of the town houses has a vertical emphasis and incorporates elements which are both traditional and contemporary. The built form is a unique crescent overlooking the Racecourse with a well-proportioned elevation to Lowry Street and Back Lane where the styling is essentially traditional in respect of the proportions, window style and chimney detailing. The projecting bay with its pitched roof, which introduces a vertical emphasis, identifies each house and provides rhythm to the horizontal form of the entire crescent. In the elevation overlooking the Racecourse the design is more contemporary.

The proposed materials are the same as Units 1 and 2, a mix of brick and roughcast render with natural blue/grey slate to the roof. Doors are to be timber or composite. Windows, designed to meet the daylight levels as set out within Level 4 of the Code for Sustainable Homes, are to be timber with paint finish and aluminium cills. There will be lightweight steel and timber rear staircases and balconies.

A significant separation, in excess of 21 m, is provided between the properties which exist and the townhouses which are proposed by siting the crescent towards the racecourse side of the site. Between the crescent of townhouses and the existing properties there are forecourt gardens, the access road which serves the development, the highway verge/planted area and Lowry Street/Back Lane.

The distance between the crescent and a range of nearby properties is as follows:

Blundell Place (gable)	23.5m
Blackwell Farm (barns)	26.1m
Blackhall Cottages	26.3m
Stack Brae	51.9m
Blackwell Lodge	58.5m
Blackwell Cottage	35.0m

The Apartments (1-9)

At the southern end of the crescent, physically attached to it, is a building element within which there are 9 apartments. All of these are 2 bed with the unit on the upper floor being a "penthouse" which is more spacious and has a decked external terrace and garden.

Whilst the ground and first floors have a common footprint, the second and third floor plan is shallower as they are set back from Back Lane. The two storey façade to Back Lane is principally built in brickwork and the recessed section is faced in smooth lime render and cedar boarding. The building has a shallow curved composite roof falling from Lowry Street rearwards. The elevation towards the Racecourse is principally faced in brickwork. All windows, designed to meet the daylight levels as set out within Level 4 of the Code for Sustainable Homes, will be of timber with a paint finish and aluminium cills and the balconies of the rear façade looking over the racecourse would be of lightweight steel and timber.

In the same manner as the other buildings on the northern part of the site it is the elevation to the Racecourse where there are the principal areas of glazing and balconies. It is also to this elevation, at the second floor level, where the terrace and garden are proposed.

The apartment building is 29 m from Blackhall Cottages and 39 m from Stack Brae, separation distances in excess of 21 m.

Units 12 and 13

Between the apartment block and traditional buildings to be converted are Units 12 and 13, a pair of 5 bed – 2 storey semi-detached houses with accommodation in the roofspace. On the ground floor are garage, utility, kitchen, dining/living room, hall. On the first floor are 4 bedrooms, 2 en-suite and bathroom. In the roof space there is a bedroom, shower, roof and balcony and sitting terrace with an outlook over the Racecourse.

These dwellings are similar to the units at the northern end of the site and are designed with traditional styling, proportions and finishes.

The elevation of these units to Back Lane, where the principal entrances are located, incorporates the traditional features which are also proposed for the town houses and semi-detached houses at the northern end of the site.

It is again in the elevations to the Racecourse where the more contemporary elements, including a projecting bay and balcony at eaves level are proposed.

The materials proposed are smooth lime render and facing brick under natural slate roofs with painted timber windows and composite doors and lightweight steel balconies to the rear terraces.

SECTION 2 : 12 UNITS

This part of the development is that on the central part of the site. The development is, with the exception of 1 new build unit (Unit 25) conversion.

Units 14-25

The units to be formed by conversion are within the existing brick stables which define the north, east and west sides of the courtyard, including the gingang attached to the west range. 11 units will be created by carefully working within the existing structures carrying out works of sensitive alteration and modest extension. A new 'replacement' building of traditional styling and materials is proposed at the southern edge of the courtyard within which 1 unit will be formed on the first floor with 4 garages beneath.

As shown in the accompanying drawings the architectural detailing of the units proposed to be formed by conversion includes:

- minimal disturbance and change to the exterior;
- careful regard to the building's existing features, form and materials;
- the utilisation of existing openings as far as possible;
- the introduction of new openings, especially in the external elevations, only where necessary;
- new openings of an appropriate form and character;
- changes which are sympathetic in terms of their detailing and materials;
- minimal extension.

The new build unit is of a design which complements the form and character of the historic buildings which are in its vicinity.

The centre of the courtyard, where there will be no vehicular access, is to be an open amenity area.

SECTION 3 – 8 UNITS

This element is a mix of conversion (Units 26 and 27) and new build (Units 28-33).

Units 26 and 27

The works of conversion relate to the building range attached to the Grade II Listed Blackwell House. In this range 2 dwellings will be formed and the existing covered archway will be sensitively altered, to the minimum dimensions required by fire and refuse vehicles, to provide an improved access way. The architectural detailing of the 2 dwellings which are proposed follows the design principles as outlined above for Units 14-25.

Units 28-33

To the south beyond the building range attached to Blackwell House the proposals detail a scheme for the erection of 6 – 2 storey units which are a mix of terraced and semi detached dwellings sited and designed to complement the character and form of the existing buildings in their vicinity. The siting of these buildings forms a second courtyard.

iii. Hard and Soft Landscaping and Ecology

(a) Context

Careful consideration has been given to the proposals for the hard and soft landscaping of the development with a view to creating a high quality residential environment and improving the ecological interest and value of the site.

The form and nature of the hard and soft landscaping has been devised so as to ensure that the proposals:

- complement and enhance the character of the retained buildings;
- reflect the distinctive character of the area within which the site is situated;
- reduce the visual dominance of roadways and parking areas;
- reduce traffic speeds within the site;
- provide high quality, attractive planting which integrates the development into the surrounding urban area;
- maximise the ecological and nature conservation value of the development;
- allow, wherever possible, the filtration of rainwater into the subsoil beneath hard surfaces.

(b) Description – Hard and Soft Landscaping

The landscaping proposals are described for each section of the development.

Section 1 : Units 1-13

The landscaping which is proposed in this area reflects and reinforces the rhythmic pattern of the development which is proposed, particularly along the frontage of the curved crescent of townhouses.

In front of the townhouses a format of railings, planting, parking areas and the visual extension of the frontage of each property across the access road is repeated. This format reinforcing the pattern of the built form and giving the access road the character of a private drive rather than a public road.

The parking bays between the access road and Back Lane are to be surfaced in grass reinforced with modular cells to retain the appearance of grass and allow free drainage of water.

The majority of the site boundary with Back Lane and Lowry Street is to be defined by a hedge of native shrubs, planted and maintained as an agricultural hedge, managed by periodic laying to maximise its value as a wildlife habitat.

Section 2 : Units 14-25

Decorative metal gates at two entrances to the Courtyard indicate the semi-private status of this space. Its distinctive, enclosed character is reinforced with a simple, central grassed space dished in a semi-circular shape, added interest being introduced by a pergola which will be formed in green oak framework with stainless steel wires for climbing plants. The pergola, which is semi-transparent, will serve to reduce views directly across the courtyard between dwellings and provide a shaded seating area.

The enclosure of: the private areas to the individual dwellings; the 'lean-to' elements to the former stable buildings; individual seating spaces and the bins/recycling storage areas is achieved through the use of timber and stainless steel cable fences. The clay paving bricks proposed to be used for surfacing reflect the brickwork of the converted former stables. The cobbles reclaimed from the area fronting Blackwell House are reused as surfacing to define privacy strips to dwellings on the south west side of the Courtyard.

The distinctive but uneven cobbles which presently surface the area between the parts of the site proposed to be developed for Section 2 and Section 3 are to be reused as trims and margins to the access road.

Section 3 : Units 26-33

Within section 3 the access way is to be traversed by brick trims aligned with the property boundaries and the paths to the front doors. Bollards in the form of cast iron 'bell stops' are proposed to protect the corners of the archway from damage by large vehicles. Seating spaces for individual dwellings are located adjoining the front doors, where areas of planting provide some separation from the road and parking areas.

(c) Description - Planting

The details of the planting which is proposed is set out in the Planting Schedule, Document (vii), and, as can be seen from this, the species selected to be used, to both the private and communal areas, are to be types which will provide:

- interest throughout most of the year;
- attractive soft landscape areas which will be valued and maintained by future residents; and
- food sources for insects and birds.

In particular, the tree planting proposed to the north east frontages of the townhouses and along the boundary of the proposed development with Back Lane will be of species which are either native or have significant wildlife value and the grassed areas to be created within the public and semi-private spaces within the development will be established as grassland with wildflowers. These grassed areas, with the exception of a mown margin which will be maintained to prevent longer grass from encroaching onto paved surfaces, will be maintained by mowing twice yearly after flowering.

Throughout the planting proposals have been devised to conform to the requirements of Secured by Design in terms of maintaining visibility, allowing views through planted areas, and not blocking out or obscuring views of parts of the development.

In addition to the improvements to the ecological value of the site which will result from the proposals described above, the ornithological interest of the site will also be enhanced by the fitting, in suitable locations, of a minimum of 15 swallow and 15 house sparrow nest boxes.

The requirements of the Bat Survey will result in the creation of an alternative roost site for the bats found in 68 Durdar Road and the installation of bat boxes elsewhere on the site.

All current EU and UK legislation relating to protected species will be followed when the site clearance and construction operations are undertaken. Tree felling and building demolition will be timed so that no harm or disturbance occurs to nesting birds, particularly swallows and a survey of bat occupancy will be carried out by a licensed bat worker of all the locations within the development which were

identified by the initial bay survey as having potential to host bat roosts immediately prior to building demolition or refurbishment and tree felling.

iv. Sun Shadowing

Steps have been taken to minimise overshadowing from the development which is proposed on the neighbouring properties. The siting of the new buildings on the northern part of the site has been kept towards the south west side of the site so that most of the shadow through the day falls on to the site and its access roads. It is only when the sun is low in the sky, late in the day outside the summer months and in the winter that the shadows pass over the land of neighbouring properties. These details being set out on the drawings which accompany the application.

v. Archaeology

As shown in the Archaeological Statement which accompanies the application Document (xiii), a programme of archaeological work will be carried out on the open part of the site. This work to be carried out following the grant of consent but prior to development commencing.

5. HIGHWAY ASPECTS - ACCESS, CIRCULATION AND PARKING/GARAGING

The highway within the vicinity of the application site is subject to a speed limit of 30 mph.

The site currently has 4 separate access points, 1 from Lowry Street, 1 from Back Lane and 2 from Durdar Road. All of these access points are substandard in relation to the current requirements.

The substandard nature of all the existing access points has necessitated a full review of the means of accessing the residential development which is proposed. This full review has included extensive discussions with the Highway Authority during which it has been established that the residential development which is proposed has to be served by 2 improved vehicular accesses onto Durdar Road. A copy of the relevant details, including correspondence with the Highway Authority, being included with the accompanying Document (viii), entitled 'Highway Details'.

Due to the configuration of the highway in the vicinity of the site the visibility splays which are required can only be achieved at the junction between Back Lane with Durdar Road and the entrance to Blackwell House with Durdar Road.

Both of these accesses, in order that the required visibility splays are provided and that vehicles from the north have a safe ease of access into the site without obstructing south bound traffic, require highway improvements.

The junction at Back Lane/Durdar Road requires significant improvement including the demolition of No.68 Durdar Road and the widening and re-alignment of Back Lane and its junction with Durdar Road. The junction to be to the standards of a Minor Access Road as set out in the Cumbria Design Guide.

The existing access to Blackwell House requires improvement and the existing archway in the range attached to that property has to be modified.

The highway in the vicinity of the site has to be widened slightly on its west side to provide two short lengths of 'sheltering' lanes for vehicles turning right, at both access points, into the site.

The improved Back Lane/Durdar Road junction will serve the northern end of the development, 26 dwellings and the related garages (13) and parking spaces (19).

The improved access at Blackwell House will serve the southern end of the development 16 dwellings and the related garages (8) and parking spaces (19).

Throughout the development the access roads will be unadopted and maintained, in the long term, by a management company.

Within the development the layout and design of the access roads have been designed to keep traffic speeds low so as to ensure that the area is not dominated by cars.

The site subject of the residential proposal is located some 3.0 km (1.8 miles) to the south of the centre of Carlisle. This length of trip to the city centre for work, leisure or shopping is wholly suitable for cycle use. Each dwelling within the development has provision for cycle storage. The number of cycles which can be accommodated varies from 2 spaces within the curtilage of the 2 and 3 bedroomed dwellings to 4 spaces within the curtilage of 4 bedroomed dwellings. The cycle storage is located in convenient and safe locations either within the dwellings or garages, or in covered external storage areas within private gardens.

6. ENERGY EFFICIENCY, RAINWATER AND GREY WATER HARVESTING, FOUL AND SURFACE WATER DRAINAGE, SECURED BY DESIGN, WASTE, SITE WASTE MANAGEMENT, RESPONSIBLE SOURCING OF MATERIALS AND CONSIDERATE CONSTRUCTOR

i. Energy Efficiency

As can be seen from the Energy Statement, Document (ix) which accompanies the application all the dwellings which are proposed, both the new build and conversion, have been designed to achieve Level 4 of the Code for Sustainable Homes, a level which has a minimum 44% reduction of carbon emissions over the Building Regulations 2006.

Level 4 is not required by the Building Regulations until 2013. The proposal is, therefore, 4 years ahead of target and is the first entire residential development registered with STROMA which is to be built to this high standard in the UK. STROMA is one of only 2 organisations approved by the Department of Communities and Local Government to license and manage energy assessors whom monitor and appraise developments against the standards set in the Code for Sustainable Homes.

The energy efficiency of the buildings has been designed into the project by:

- applying the principle of decreasing thermal conductivity through the use of modern insulative materials whilst maintaining, within the construction, a good thermal mass. These measures ensuring that significant temperature fluctuations are reduced thereby alleviating the need for summer cooling.
- ensuring the provision of sufficient daylight through appropriate fenestration. Level 4 of the Code for Sustainable Homes sets out minimum daylight requirements for each room thereby reducing the use of artificial lights, making the home a healthier natural environment. In the proposed residential development, in accordance with the Code, 2% daylight factor to kitchens, 1.5% daylight factor to living, dining and study rooms are provided;
- the use of the latest and most efficient methods of harnessing natural resources including Solar Thermal for hot water and Air Source Heat Pumps;
- a design which achieves an air tightness of 3 cubic m/hr@50PA, a standard which greatly exceeds the current standard set out in Building Regulations 2006.
- incorporating, where possible and practical, windows on the south elevations so as to maximise solar gain in the winter months and reduce heating requirements;
- providing mechanical ventilation heat recovery units to the dwellings. The units have a 90%+ efficiency rating and will ensure that the necessary controlled air changes within each dwelling are achieved whilst delivering

healthy fresh supplies of pre-heated air and avoiding the waste of heat which arises in traditional extraction methods;

ii. Rainwater and Grey Water Harvesting

Rainwater from the roofs of dwellings 1 to 17 and 28 to 33 will be collected in underground tanks. This rainwater will be used throughout the dwellings for non-potable uses.

The grey water from the baths and showers in dwellings 18 to 27 and the apartments will be collected and used to flush the toilets.

Water butts filled by rainwater will provide water for watering gardens.

iii. Foul and Surface Water Drainage

A drainage statement Document (x) accompanies the application and, as can be seen from this, the development which is proposed can be satisfactorily drained.

Foul

Foul drainage from the development is to go to the main sewer in the highway adjacent the site.

Surface Water

Level 4 of the Code for Sustainable House requires that the amount of surface water run-off discharged from the residential development when completed does not exceed the amount discharged from the site prior to the development. The aim of this requirement is to reduce the speed of run-off from the development so as to reduce the risk of flooding and increase the amount of water going into and recharging the underground water tables and aquifers.

In accordance with this requirement, to minimise surface water discharge from the site, all proposed external surfaces are porous, and designed to allow surface water to percolate into the subsoil. The areas of soft landscape incorporated in the design of private and communal spaces also provides the opportunity for surface water absorption. If the subsoil is found not to be sufficiently free draining facilities for the storage and percolation of surface water within the site will be provided.

A drainage system will be put in place to ensure that any surface water that does not percolate into the subsoil is discharged into the combined sewer in the adjacent highway.

iv. Secured by Design

A Secured by Design Statement (Document xi) accompanies the application.

The objective of Secured by Design is to ensure that, during the design stages, steps are taken to maximise the gain from the standpoint of crime prevention. In this context, Secured by Design requires there to be an awareness of the crime and disorder issues in the area of the proposed development and for these to be given consideration in the design of the development so as to mitigate any identified problems.

These aspects have been considered and, as the measures outlined below have been incorporated into the proposal, it is understood that the scheme as proposed is acceptable:

- the boundaries between the public and private spaces are clearly identified through changes in hard landscaping;
- the dwelling frontages have been kept open to view;
- whilst the courtyard properties do have a physical barrier to entry, gates, which create a semi-private space, these in no way impede surveillance;
- the landscaping proposals have been devised so as to give the public spaces a feel of semi-private space thereby discouraging unwanted visitors;
- the gates to the sides of dwellings that provide access to rear gardens or yards will generally be constructed of timber, be the same height as the fence (minimum height 1.8 m) and be lockable;
- vulnerable areas, such as side and rear gardens, have been provided with defensive barriers, fencing, to a minimum height of 1.8 m;
- on section 1 the boundary between it and Lowry Street is protected by defensive planting comprising a combination of estate fencing with thorny hedge and a traditional laid hedge;
- all the vehicular and pedestrian routes and the public and semi-private spaces are designed to be visually open, well overlooked, direct and well used;
- the cul-de-sacs have been kept short in length and are not linked by footpaths;
- plant species have been carefully selected in order not to impede natural surveillance;

- the routes for pedestrians, cyclists and vehicles are not segregated from one another;
- the lighting aspects of the development have been carefully devised. The overall uniformity of light for the development is expected to achieve a rating of 0.4Uo which will not fall below 0.25Uo. All street lighting for the private estate roads and footpaths will comply with BS 5489. Lighting is to be provided to illuminate the archways, all external doors, car parking and garage areas. The rear of properties will have constant lighting during hours of darkness. The townhouses will have lighting under the raised decking areas and will have spaces to allow viewing below. 24 hour lighting to communal parts of the apartments including the communal entrance hall, lobbies, landings, corridors and stairwells will be provided;
- all the doors and windows within the development will have high standard locking mechanisms and, where appropriate, door chains or limiters and glazed viewing panels will be fitted.

v. Waste

Within the layout of the development there are internal and external areas, both communal and private, where dedicated areas for general waste, recycling bins, boxes and bags are provided. These areas are located in convenient positions to encourage recycling and provide for the collection of glass, metal, plastic, paper, card and green waste. It is understood that these proposal will lead to this becoming the first development specifically designed to accommodate the City Council's recycling receptacles.

vi. Site Waste Management Plan

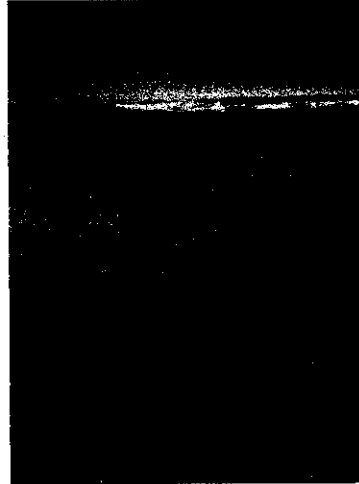
As detailed in the Site Waste Management Plan, Document (xii) which accompanies the application the management of waste on construction sites is essential to comply with statutory legislation, protect the environment, reduce the cost of disposal and to help conserve natural resources.

How the waste on the site subject of the residential proposal is to be managed is set out in the Waste Management Plan under two headings, namely: Pre-construction Material Resource Efficiencies and Ordering/Handling/Storage of Materials.

vii. Responsible Sourcing of Materials

Wherever possible we are seeking to use local materials from sustainable sources, with low carbon footprints arising from production and delivery. We have specified Furness Bricks due to their locality, but have in fact specified Brazilian slates due to their improved environmental credentials, as demonstrated in the commentary below.

Westmorland Slate or Welsh slate produces half a tonne of usable slate for every 100 tonnes extracted (0.5%). Westmorland slate being metamorphic has to be mined from a mountainous region and therefore a huge tonnage of shale, rock and stone have to be moved before slate seam can be opened up or worked on. The slate itself is of excellent quality but by nature lead to an incredible amount of waste product being mined and discarded before a useable product can be recovered. Being part of the UK of course the footprint of moving the slates from quarry to stockist to site is small.



Spanish Slate produces 2-4 tonnes usable slate for 100 tonnes extracted (2-4%). Spanish slate is quarried in a similar way to Westmorland but the blocks by virtue of geology are easier to mine. That said the slate is metamorphic and so as with Westmorland slate, a huge tonnage stone etc has to be moved to get at the seams. The goods transported by lorry, ship and lorry again to sites and stockists in the UK.

Brazilian Slate produces 12-15 tonnes usable slates per 100 tonnes extracted (12-15%). Brazilian slate is a sedimentary rock composed of clay and/or volcanic ash through low grade regional metamorphism. For that reason it is far easier and more efficient to extract. The quarries are in rolling hillsides with soft earth covering the slate beds.



The slate is in flat seams so extraction is a simple sawing and lifting exercise. The Brazilians due to there huge agricultural system use nothing else but motor fuel made from sugar beet and crop based bio

fuels to power excavators, wagons etc. Because of the geography and geology of the slate region in Brazil reinstating disused or exhausted quarries back to usable land is by far the easiest of all. The footprint to get the goods to the UK is the largest but is more than offset by all of the above.

viii. Considerate Constructor

The development is to be registered with the Considerate Constructors Scheme with the objective of achieving better than best practice.

An experienced industry professional will monitor the construction process on site to assess the performance of the constructors against the eight point code of Considerate Practice. The code includes the categories of Considerate, Environment, Cleanliness, Good Neighbour, Respectful, Safe, Responsible and Accountable.

The three main aspects covered by the Schemes are:-

The environment - Registered sites should do all they can to reduce any negative effect they have on the environment. They should work in an environmentally conscious sustainable manner.

The workforce - Registered sites should provide clean, appropriate facilities for those who work on them. Facilities should be comparable to any other working environment.

The general public - Registered sites should do all they can to reduce any negative impact they may have on the area in which they are working. Sites should aim to leave a positive impression on those they affect.

7. COMMENTARY

The parties empowered to determine the proposal detailed in the accompanying application; all the plans and documents listed in Section 4; and this document have a swathe of relevant planning policies which provide the context within which the decision is to be taken.

At the local level the relevant planning policies as set out in the Carlisle District Local Plan 2001-2016, are referred to in Sections 1 and 3 of this document.

It is clear from the preceding sections that the development which is proposed is on a site which is specifically allocated for residential development.

It is also clear that the proposal meets the requirements of the Highway Authority in terms of access, circulation and parking.

No issues arise in respect of the disposal of foul and surface water drainage, waste, recycling and collection, Secured by Design and archaeology.

Excellent provision has been made, well beyond the current requirements, for the dwellings to be very efficient in their use of energy and, wherever possible, to reuse rain and grey water. The development which is proposed will also ensure that the ecological interest of the site will be significantly enhanced.

The design, layout and landscaping of the residential development provides for a high quality environment for the future occupiers and, as the separation distances between the existing dwellings and the ones which are proposed are all in excess of 21 m, does not adversely affect the amenity of existing dwellings.

The design of the proposal, a blend of the traditional and the new and contemporary, is a unique landmark development which is appropriate to its location, the interface between the Racecourse and the built up area.

SCHEDULE A: Applications with Recommendation

09/0217

Item No: 02

Date of Committee: 29/05/2009

Appn Ref No:
09/0217

Applicant:
ND Homes

Parish:
St Cuthberts Without

Date of Receipt:
20/03/2009 08:03:25

Agent:
Taylor & Hardy

Ward:
Dalston

Location:
Former Stables, Horsebox & Lorry Park, Land
adjacent Blackwell House, Durdar Road

Grid Reference:
340211 552948

Proposal: Works Of Demolition, Alteration And Extension In The Curtilage Of A
Listed Building Relating To Residential Development (LBC)

Amendment:

REPORT

Case Officer: Alan Taylor

Reason for Determination by Committee:

This application is only referred to Committee because its associated planning application (the Report preceding in the Schedule) has had to be put before Members due to the receipt of several objections.

1. Constraints and Planning Policies

RSS Pol DP 7 - Promote Environmental Quality

Local Plan Pol CP5 - Design

Local Plan Pol LE12 - Proposals Affecting Listed Buildings

2. Summary of Consultation Responses

Development Services Planning & Housing Services - Urban Designer: As you know, I made substantial constructive comment in relation to the refused application 04/1670 and have had extensive discussion with the applicants in relation to the two new applications 09/0216 and 09/0217.

The application responds well to the challenges of the site. It retains the rural character of the settlement yet also to allow for a scheme that makes some interesting design statements appropriate to its context as the buffer between the

SCHEDULE A: Applications with Recommendation

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racecourse complex and the older parts of the village. A bland, two-storey scheme would risk achieving neither of these objectives and the mix of building heights and variation in massing is considered appropriate.

The applicant has addressed concerns over prominent elevations and has modified the scheme accordingly. Materials, detailing, form and massing are satisfactory and the effort put in by the applicant and their architects is commendable. I would not hesitate to recommend that this scheme should be approved.

It is recommended that any signage or street nameplates associated with this development are fixed to buildings, walls or similar permanent structures and that free standing pole mounted signage is not used;

Community - Environmental Services - Waste Services: have commented in relation to the related application for planning permission (09/0216);

Environment Agency (N Area (+ Waste Disp)): have commented in relation to the related application for planning permission (09/0216);

Development Services Planning & Housing Services - Conservation Section: no comments received;

Cumbria County Council - (Highway Authority): have commented in relation to the related application for planning permission (09/0216);

Cumbria County Council (Strategic Planning Authority): does not consider the proposal to be a Category 1 Application and the County Council will not be responding from a strategic planning perspective;

Cumbria Constabulary - Crime Prevention: see comments on 09/0216;

Cumbria County Council - (Archaeological Services): No specific comments to make, although a programme of archaeological work is recommended for the related planning application 09/0216;

Development Services Planning & Housing Services - Local Plans: have commented in relation to the related application for planning permission (09/0216);

Development Services Planning & Housing Services - Local Plans (Trees): see comments on related application 09/0216;

St Cuthberts Without Parish Council: I refer to your letters dated 26 & 31 March 2009 and our subsequent telephone conversations and now set out the comments of this Parish Council following discussions with residents local to the proposed development.

- It is recognised that the various pieces of land are scheduled as available for residential development
- Durdar Road, Blackwell has been the scene of several road traffic collisions and the proposed development would result in many vehicle movements across the

SCHEDULE A: Applications with Recommendation

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natural traffic flow exacerbating the existing position notwithstanding the creation of a dedicated right turn lane and other revisions to that part of Durdar Road

- The images provided have helped to give a perspective to the scale of the buildings but concern remains that the three storey town houses are too high in relation to other local buildings especially as the land naturally rises off Durdar Road which could create a greater feeling of visual overpowering

The conversions provide some more modest accommodation and are welcomed;

Council for Protection of Rural England/Friends of the Lake District: no comments received;

Natural England: have commented in relation to the related application for planning permission (09/0216);

United Utilities (former Norweb & NWWA): There is no objection to the proposal providing this site must be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the soakaway/watercourse/surface water sewer and may require the consent of the Environment Agency. If surface water is allowed to be discharged to the public surface water sewerage system UU may require the flow to be attenuated to a maximum discharge rate determined by United Utilities.

A water supply can be made available to the proposed development. A separate metered supply to each unit will be required at the applicant's expense and all internal pipework must comply with current water supply (water fittings) regulations 1999. Should this planning application be approved, the applicant should contact UU's Service Enquiries on 0845 7462200 regarding connection to the water mains/public sewers.

Currently, United Utilities policy is not to adopt SUDS (Sustainable Urban Drainage System) structures. This stance has been taken as SUDS structures, typically ponds, do not align with United Utilities asset base and would represent a substantial maintenance liability.

United Utilities will only consider the adoption of surface water sewers draining to a balancing pond (as opposed to any other SUDS structure), providing the following conditions are met: -

- * The Local Authority takes responsibility for the maintenance of the pond
- * The freehold of the land on which the pond lies is transferred to the Local Authority
- * United Utilities is provided with a deed of "Grant of Rights" to discharge into the pond in perpetuity. Such a deed would necessarily contain provisions against the development within the balancing pond, and against altering its topography, or making connections to it.
- * That measures have been taken to prevent flooding of properties
- * That a legal agreement is in place between all parties.

A Section 104 (Water Industry Act 1991) agreement for the surface water sewers draining to the balancing pond will not be entered into until every condition described

SCHEDULE A: Applications with Recommendation

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above has been met;

Community Services - Drainage Engineer: no comments received;

Northern Gas Networks: there are no objections to these proposals; however, there may be apparatus in the area that may be at risk during construction works and, should the application be approved, the promotor of these works must contact UU directly to discuss UU's requirements in detail.

3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:
98 Durdar Road	31/03/09	
95 Durdar Road	31/03/09	
3 Blundell Place	31/03/09	
5 Blundell Place	31/03/09	
Blackwell Lodge	31/03/09	
Baronscourt	31/03/09	
2 Lowry Street	31/03/09	
8 Lowry Street	31/03/09	
Nevarra	31/03/09	
3 Lowry Street	31/03/09	
4 Lowry Street	31/03/09	
2 Lowry Street	31/03/09	
2a Lowry Street	31/03/09	Comment Only
1 Lowry Street	31/03/09	
5 Lowry Street	31/03/09	
Ingledene	31/03/09	
Fairhaven	31/03/09	
1 Irving's Court	31/03/09	
2 Irving's Court	31/03/09	Undelivered
The White Ox	31/03/09	Undelivered
102 Durdar Road	31/03/09	
102a Durdar Road	31/03/09	
71 Durdar Road	31/03/09	
73 Durdar Road	31/03/09	
58 Durdar Road	31/03/09	
Stackbrae	31/03/09	
97 Durdar Road	31/03/09	
123 Durdar Road	31/03/09	
100 Durdar Road	31/03/09	Comment Only
1 Blundell Terrace	31/03/09	
2 Blundell Terrace	31/03/09	Objection
3 Blundell Terrace	31/03/09	
4 Blundell Terrace	31/03/09	
Blackhall Cottage	31/03/09	
Blackwell Ledge West	31/03/09	Objection
6 Blackwell Cottages	31/03/09	Undelivered
7 Blackwell Cottages	31/03/09	Undelivered
8 Blackwell Cottages	31/03/09	Undelivered
Meadowlands	31/03/09	
West Winds	31/03/09	
Ash Tree Cottage	31/03/09	

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Blackwell Hall Cottages	31/03/09
Orchard House	31/03/09
Blackwell Cottage	31/03/09
Blackwell Farm	31/03/09
1 Blundell Place	31/03/09

- 3.1 The application has been publicised through the display of statutory Site and Press Notices relating to the setting of the adjacent Listed building and adjacent occupiers have been notified in writing: no comments have been received in relation to this application.

4. Planning History

- 4.1 The application site has a limited planning history. Prior to applications made in 2005 (see below), the only previous applications at the northern end of the Racecourse related to the provision of an implement shed for the storage of tractors in 1995 and approval for the conversion of Blackwell House to two dwellings (1996).
- 4.2 In September 2005, applications for Planning Permission for the "Redevelopment of Existing Horse Box Parking Area and Alterations, Extensions, Part Demolition and Conversion of Existing Stable Buildings to Enable a Three Phase Residential Development Providing 42 Houses, Town Houses and Apartments Together With the Demolition of No 68 Durdar Road and Works to Form Two Improved Vehicular Accesses and the related Listed Building Consent for "Part Demolition, Alteration, Extension And Conversion Of Retained Buildings To Provide 18 No. Residential Units (LBC)" were refused.
- 4.3 The reasons of refusal of the planning application are discussed within the main body of the Committee Report relating to the associated planning application accompanying the current proposals (09/0216) but were essentially related to 1) the "principle" of development at that time; and 2) the nature of the scheme under consideration.
- 4.4 Members may recall that the overall development was linked to the requirement that Carlisle Racecourse had to replace its unsatisfactory former stabling and "lads and lassies" accommodation which had occupied the site to meet the Jockey Club's standards. The Racecourse and the current developers submitted inter-related applications and approval was obtained for new stables and the hostel close to the main Grandstand. That development was built and has been in use for a number of race meetings.

5. Details of Proposal/Officer Appraisal

Introduction

- 5.1 This application seeks Listed Building Consent for the works described in the heading to the Report, which specifically relate to the curtilage buildings associated with Blackwell House, a Grade II former farmhouse situated adjacent to the west site boundary, and utilising the same access that will serve the southern part of the development.]
- 5.2 Full details of the overall proposals are set out within the main Report, dealing with the planning application. In relation to this application for Listed Building Consent, the Historic Buildings Survey that has been carried out specifically examines the extensions, alterations and adaptations that were subsequently undertaken to the farm group for use by the racecourse. Originally built for agricultural purposes, with the oldest sections (associated with the farmhouse) being late 17th/early 18th century, the farm range was extensively enlarged and re-modelled from the beginning of the 19th century when the initial "planned" farm phase was built with a series of later, further additions being added in the middle and late 19th century.
- 5.3 The farmhouse and buildings were purchased for the specific use of Carlisle Racecourse in 1896 and were brought into use in 1904. Extensive re-modelling was carried out to introduce divisions for stabling horses and some openings were blocked while other new door openings were inserted so that pretty much all that survives of the original buildings are the roof structures. As well as those modifications, a number of additional stables buildings were built in the courtyard while a further range of modern stables was built north of the original farm group. That modern range (mid-20th century) and the 1905 additions have either already been removed or are proposed to be removed as part of the proposals. In addition it is proposed to demolish the property numbered 68 Durdar Road, to enable the construction of the northern site entrance. Although it has some evidence of late 18th/early 19th century masonry, much of its external fabric and all of its fenestration is 20th century and there are no pre-20th century features evident internally.
- 5.4 The Historic Buildings Survey has assessed the significance of the farm group as: *"The farm buildings at Blackwell House, whilst of no particular architectural importance in themselves, are of interest both for their first century or so of use as a planned farm (which happened to incorporate earlier buildings), and then their conversion prior to a second century of use as racecourse stables. This conversion, and in particular the substitution of a range of standard-size doorways, single and paired, for virtually all the earlier openings in the front elevations of the ranges, resulted in a radical change in the character of the group. Internally the ranges were completely remodelled, retaining little more than their roof structures.*

Despite these alterations, there are some individual features of interest; these include the arched entry at the north-west corner of the yard, with its pigeon entry and alighting shelf above the southern arch, and then the ranges of nesting boxes in the west wall above the passage. The remains of openings in the rear (east) wall of the east range, some of which may pertain to an

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earlier phase of use, are also of interest The roofs of the ranges across the site, whilst relatively uniform and of no particular importance, are of attractive vernacular character, and re-use older timbers".

Assessment

5.5 The Survey's recommendations are:

"The proposed domestic conversion of the buildings will result in some losses of old fabric. It is planned to demolished No 68 Durdar Road, completely rebuild the range here termed the South Building; and make an opening through the South Range, to the east of the present cross passage. This will entail the loss of the east end wall of the earlier part of the range.

In addition to the general record provided by this report and its accompanying drawings and photographic survey, the following additional recording is recommended:

i) A basic record should be made of the cottage No 68 Durdar Road - floor plans should be adequate); during demolition a watching brief should be kept in case earlier structural evidence is revealed; and

ii) Other sections of fabric to be demolished (i.e. the south building and the central

Section of the south range) should be recorded in the form of plans and measured drawings, showing all features such as blocked doorways and slit vents".

- 5.6 The Historic Buildings Survey does not address, nor was it asked to address, the physical and visual effects of the proposals upon the character and appearance of the Listed Building (Blackwell House) or the works to the retained curtilage buildings or the impacts of new building alongside them. Those considerations were, however, of paramount importance to the Conservation Officer when the initial proposals for this sector of the site were formulated in 2004. His advice and recommendations have been incorporated within the scheme before the Committee.

Conclusion

- 5.7 The full nature of the adaptations to existing buildings are described within the Design and Access Statement, a copy of which precedes in the Schedule. Officers consider that the approach employed, of retaining and adapting the better buildings with minimal intervention for new door and window openings coupled with sensitive "stitching in" of new development following the form, scale, and materials of the existing buildings will result in an attractive and architecturally harmonious overall scheme which will enhance this part of the city.
- 5.8 It is recommended that Listed Building Consent be granted and that Officers be authorised to issue the Notice of Approval in combination with the

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Planning Permission, i.e. when the S106 Agreement associated with the planning application is concluded.

6. Human Rights Act 1998

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

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

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

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

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

- 6.3 There is no conflict with the relevant provisions of the Act.

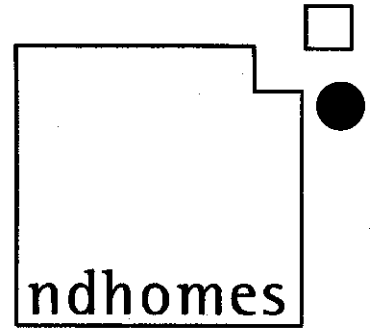
7. Recommendation - Grant Subject to S106 Agreement

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. Prior to the carrying out of any construction works the existing buildings termed in the 2005 archaeological assessment report as '68 Durdar Road', the 'south building' and the 'south range' shall be recorded in accordance with a Level 3 survey as described by English Heritage's document Understanding Historic Buildings A Guide to Good Recording Practice, 2006 and, following its completion, 3 copies of that survey report shall be furnished to the Local Planning Authority.

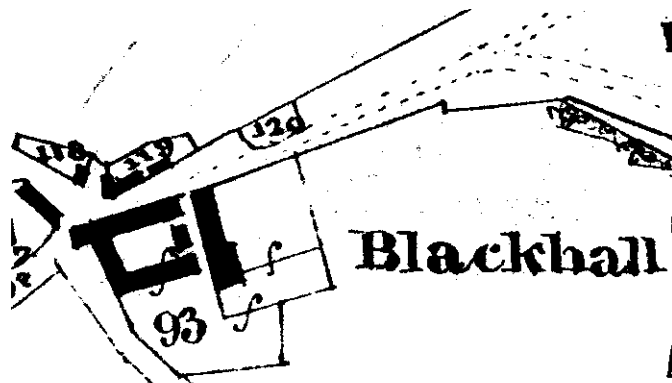
Reason: To ensure that a permanent record is made of the buildings of architectural and historic interest prior to their alteration and demolition as part of the proposed development.



Building For The Future

Carlisle Racecourse Housing Development

Historic Buildings Survey



Sam McMillan

From: Peter Ryder [pfryder@broomlee.demon.co.uk]
Sent: 31 March 2008 12:45
To: Sam McMillan
Subject: Re: Carlisle Racecourse

Hello Sam,

I am writing to confirm that description and conclusions reached in my 2005 survey remain valid, as long as there have been no significant changes made to the buildings in question.
Hope this meets your requirements

Best Wishes

Peter Ryder

***** REPLY SEPARATOR *****

On 31/03/2008 at 12:08 Sam McMillan wrote:

Hello Peter

Further to our telephone conversation this morning please find attached a copy of the letter.

Looking forward to hearing from you at your earliest convenience.

Kind regards

Sam

Sam McMillan

PA to the Managing Director



Northern Developments (Cumbria) Ltd

First Floor Suite, Oakvale House, Thomas Lane, Burgh Road Industrial Estate, Carlisle, Cumbria, CA2 7ND

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Mr Peter F Ryder
1 Ford Terrace
Broomhaugh
Riding Mill
Northumberland
NE44 6EJ

7th March 2008

Dear Peter

Re: Historic Building Survey, Carlisle Racecourse, January 2005

Working in conjunction with our planning consultants Taylor and Hardy of Carlisle, you carried out on our behalf a Historic Building Survey for us of the farm buildings at Carlisle Racecourse Stables and produced a report dated January 2005.

It is possible that we may move forward this year with a new planning application for this site based broadly on the same proposals as last time comprising stable conversion and new build forming around 42 residential units.

I write to ask whether or not we can still rely on this survey and if we can I would ask you to drop me a simple letter confirming that the survey is still valid. This letter would almost certainly accompany any application we make together with a copy of the original survey. I realise that there will be a charge for such a letter of confirmation and expecting that charge to be reasonable have no issue with that. Should you wish to discuss this please ring me.

If indeed the survey requires any supplementary work to update it can you please write to me setting out the detail of that work, the associated costs including production of a supplementary report or letter and the timescales for completing the work.

I look forward to hearing from you.

Thank you

Yours sincerely

Martyn Boak
Managing Director

cc Margaret Hardy - Taylor Hardy

The Farm Buildings at Blackwell House, Durdar Road, Carlisle

An Archaeological Assessment January 2005

**Peter F Ryder
Historic Buildings Consultant**



The North End of the West Range and Yard Entry, from the north-west

1 Ford Terrace
Broomhaugh
RIDING MILL
Northumberland
NE44 6EJ
tel (01434) 682644
e mail: pfryder@broomlee.demon.co.uk

The Farm Buildings at Blackwell House

The hamlet of Blackwell lies 3 km south of the centre of Carlisle, on gently-rising ground on the east side of the Caldew Valley. Blackwell House Farm (NY 402529) stands on the west side of Durdar Road, adjacent to Carlisle Race Course. The main group of farm buildings, with various additions, has for a century served as stables for the race course (purchased 1896, opened 28 June 1904). Blackwell House Farmhouse and its adjacent range is a listed building (Grade II) and the other buildings, whilst not individually listed, are regarded as within its curtilage. This report deals with the main group of buildings that belong to the race course; it does not include the farmhouse, or the attached western section of what is here termed the south range. The eastern section of that range (beyond an open cross-passage) is included.

The main group of old farm buildings are set around a rectangular yard c 32 by 22 m; its longer axis, actually north-north-west to south-south-east, is hereafter referred to, for the sake of ease of description, as north-south. What are here described as the West, North and East Ranges form a U-plan arrangement, with the shorter 'South Building' set centrally across the open south end of the yard; south of this is a second east-west yard closed to the south by the farmhouse and attached South Range to the east. There are two further pre-1900 buildings, a square gingang attached to the rear wall of the West Range, near its north end, and a house (No 68 Durdar Road) set behind but very close to the east end of the North Range. There are a number of further buildings of various 20th-century dates, associated with racecourse use, including three parallel ranges of stables within the first yard, two further ranges on the west of the West Range, and buildings set around a further yard to the north-west of the old buildings and on the east and south of a larger grassed enclosure south of the Farmhouse and South Range.

The Main Group

The three ranges that together make up what is here termed the main group, although of a variety of different builds, are largely built of brick, generally laid in English Garden Wall Bond 1 & 5, with roofs of blue slate. Most walls stand on a rubble plinth; in addition the oldest part of the East Range, at its north end, has full-height walls of rubble except on the east. The south wall of the South Building is of brick in Flemish bond; the rear roof slope of this building, and that of the north range, have been replaced in asbestos sheeting. The roof structures of all three ranges are very similar, and are of a simple vernacular character, consisting of principal rafter trusses with collar beams, usually arched, carrying two levels of purlins and a diagonally-set ridge; many of the timbers are very waney, and have often clearly been re-used from earlier structures. The greater parts of all three ranges have been subdivided into stables c1905 by means of half-height brick walls, with boarded partitions above, alternating with boarded partitions, both types of division rising to around three-quarter height. All the stables are entered by identical doorways, with either boarded panels or overlights above, set either singly or in pairs, in what are clearly secondary openings, under timber lintels.



General view of the Farm Buildings from the south-east
East end of South Range on the far left, to right East Range with South Building to left and
gable end of West Range just visible beyond

North end of West Range (right) and North Range (left)
From north-west, showing arched entry to yard



The West Range

The west range is built on a low rubble plinth, with a large boulder beneath the south-east corner. Its south end is a featureless wall, with a stone coping carried on simple hollow-chamfered kneelers. The southernmost section of the range was probably always a stable. Facing the yards it has a door that has been enlarged between older windows that have ashlar surrounds with a narrow chamfer; these are old, although perhaps mid-19th century insertions rather than original. Beyond this section the elevation of the range has been much altered by the insertion of a series of early-20th century stable doors. Older features remain in blocked slit vents at two levels, and evidence of two large cart entrances, the second retaining its timber lintel. At the far north end of the wall is an interesting little blocked window hard up against the north-west angle of the yard, with a stone lintel. Within the gate passage, the northernmost section of the east wall of the range has an inserted doorway with a small blocked segmental-arched window alongside to the north, and in the gable above seven rows of pigeon nesting boxes with alighting bands below, some blocked by later alterations.

The outer (west) elevation of the range is only visible from within the early 20th-century stable range built up against it. The stable at south end is a blocked two-light window, set high in the wall, that has ashlar dressings and a chamfered surround, but has lost its mullion. North of this there are two levels of slit vents, and a blocked door with a shallow segmental head; within the gin-gang is another blocked door (with a timber lintel) and a blocked opening (cutting through earlier slit vents) that has taken the drive shaft from the horse engine. Only the northernmost section of the wall is exposed externally, and this has a pitching door later reduced to a window, with a slit vent on either side. The north end of the range has a coped gable on hollow-chamfered kneelers, and two pairs of slit vents.

Internally, all the cross walls and partitions are of early 20th-century date.

The **Gingang** is an almost square structure with a hip-ended roof. Midway along its north and south walls are elongate piers of good-quality squared stone, with panels of 20th-century brickwork to either side; at its outer angles and midway along the west side are smaller square brick piers¹, again with later 20th-century infill between them. Internally it retains its roof structure, with two collar-beam trusses that have upper king-posts with raking struts.

The North Range

Towards the yard the north range has a series of early-20th century stable doors, two doubles and three singles, the second (single) door from the west being set within an earlier cart entrance, parts of the east jamb of which survive. The west jamb of the westernmost stable door is formed by what was originally the south-east corner of the range. In between the various openings five vertical pairs of slit vents survive; At the west end of the range is the segmental-headed rear arch

¹These date to the later-19th century remodelling from a round-ended to a square structure (see 'The Development of the Group')

of the northern entry to the yard, with elongate voussoirs each a brick-and-a-half in length²; directly above this is a square opening, directly under the eaves, forming an entry to the internal dovecote; it is closed by a board with a small arched opening, and has a sandstone alighting shelf of semicircular plan beneath it.

Externally, the outer arch of the entry is elliptical, with ashlar voussoirs and a dropped keystone; the rebated east jamb is of alternating ashlar blocks, somewhat damaged, but the west jamb has been rebuilt in brick. To the east, the north wall of the range has two tiers of blocked slit vents, and a full-height straight joint at the north-east angle of the original building (now only visible from the narrow gap between the range and no 68 Durdar Road). The final section of the range has three slit vents at an upper level only.

Internally, the gable ends of the original part of the range are now both full-height internal cross walls, each with four tiers of slit vents (two of three, a two and a one in the gable). On the external face of the eastern wall can be seen the sawn-off ends of the beams of a removed floor in the east end section of the range. This added part of the range has some interesting features; the slit vents in its north wall are splayed internally and have triangular rear arches (like those in the South Building) and the roof structure is of some interest; the hip at the angle of the two ranges is carried by a north-south king-post truss with additional ties, principals and raking struts set both diagonally, to the north-east angle, and at right angles, to the east wall.

The East Range

This is the most complex part of the farm building group, incorporating a structure close to its north end which is probably the earliest part of the group. This has rubble walls to the yard and at its south end; a cross-wall in line with the south wall of the north range, the north end wall of the range, and the full length of the east wall of this part are all of brick and are probably later. The internal face of the south end of the original building (now an internal cross wall) has a series of rough projecting through stones; two high up have cuts that appear to have carried the purlins of an earlier roof structure, set well below the verge of the roof in the manner of those carrying a thick roofing material such as heather thatch. These rubble walls have little in the way of architectural features, other than some simple slit vents towards the yard.

There is a straight joint between the east wall of this northern building and that of the central third of the range, although their materials are very similar. Both of these walls have a series of blocked openings at two levels, indicating a former upper floor; the external form of several is not clear³. Internally the positions of the blocked features are rather more apparent; the lower ones generally have oddly arched or cranked lintels that may be older material re-used. The west wall of the middle section of the range, with a rubble base up to c 1.2 m, has been heavily altered,

²A feature again seen in the flat-arched head of a blocked window near the north end of the rear wall of the east range.

³From external evidences some of the lower openings appear to have been diamond-shaped - perhaps groups of vents such as are sometimes found in barn walls - but clumsy patching has obscured any detail.



North Range. The alighting shelf and entry to pigeon loft, over archway at entry to yard, west end of range, south side

West Range, roof structure, looking south
All the ranges have roofs of this type, with simple vernacular trusses that have slightly-arched collars and much re-used older timber



but retains evidence of one large cart entrance, and two levels of slit vents. Straight joints on both east and west show that the southern third of the range is a still later addition; once again the materials are similar, although the rubble plinth on the west side steps down to little more than a footing. Once again there are openings at two levels in the east wall, all now blocked, while the west elevation has been much altered; the north jamb of an opening with an arched head of some sort survives. There is a good pitching door in the south gable end with a surround of alternating tooled-and-margined blocks, and the remains of a second similar one close to the north end of the west wall.

The south gable end has probably lost kneelers and coping; the lower part of the south-east angle of the range has been rebuilt in recent brick.

Internally the south end walls of two earlier builds remain as full height partitions; the southern part of the range has two trusses of simple principal after form, with heavy square-section tie beams.

The South Building

The south elevation of this, facing the southern yard, has been heavily altered, with a number of later 20th-century openings; the only original features are two or three small blocked openings of uncertain purpose. The east end is better preserved, with three tiers of slit vents; the west end has a doorway and windows which may be secondary. Only the eastern third of the north wall is exposed externally; it has two levels of slit vents and, to the west, a vertical pair of blocked doorways with stone lintels. The remainder of the wall, now inside the much-patched outshut, shows more blocked openings - slit vents, two windows and three doorways, two on the ground floor and one above. The outshut itself is largely of 20th-century date, although older brickwork in the lower part of its north wall may survive from a series of small pens or enclosures shown hereon the 19th-century OS maps.

Internally, the blocked doorways in the north wall all have arched or cranked timber lintels, and the slit vents differ from most of those in the remainder of the ranges (which are cut straight through the wall) in splaying internally, and having rear arches each formed by a pair of diagonally-set bricks. Internally the range is of six bays, with full-height cross walls on either side of the third bay (from the west); the roof trusses have collars, and are very similar to those of the other ranges, except that the tie beam of the truss between the western bays has been cut away. There is evidence of a removed flue against the west end wall.

The South Range

This range is attached to the east end of the farmhouse⁴, and is in two sections; the greater part of the older western section (to the west of an open cross-passage) is outside the area covered by this report.

The east end of this range, facing the road, presents an unaltered gable end with five tiers of slit vents (most blocked) and a small opening, possibly an owl hole, in the apex of the gable; the

⁴The rather garbled statutory list description refers to this range as 'stables' and incorrectly dates it to 1905, whereas both parts of the range are considerably earlier.

gable has a coping carried by kneelers with a more elaborate moulding than those of the other buildings.

The north side of the range has a doorway near the east end and then three large cart entrances, all of which appear secondary; the central one has been reduced in size, and the other two reduced to windows. Between these are blocked slit vents, at three levels. Beyond the third cart entrance a full-height straight joint marks the east end of the earlier western part of the range; this has slit vents at two levels, and a good four-step mounting block set against the wall. The cross passage has a tall opening that is clearly an early-20th century insertion; the section of the range beyond this, with further slit vents and various inserted openings, is outside the scope of this report.

The south side of the eastern part of the range is now covered by an added range of stables, from within which three continuous tiers of blocked slit vents can be seen. Internally there is what appears to be a blocked door, with an old re-used timber (with halvings, possibly from a cruck structure) as its lintel; rather puzzlingly, there is no sign of this in the external elevation.

The west gable end of the older western section of the range, now an internal cross-wall, as several tiers of blocked slit vents. The eastern section of the range is now a single garage/workshop, ceiled over a little below eaves level but open from end to end, it has a six-bay roof, with trusses of the usual type.

The western section of the range has a three-bay roof with upper-cruck trusses, almost certainly re-used from an older building; the cross passage that is the limit this study lies within the eastern bay.

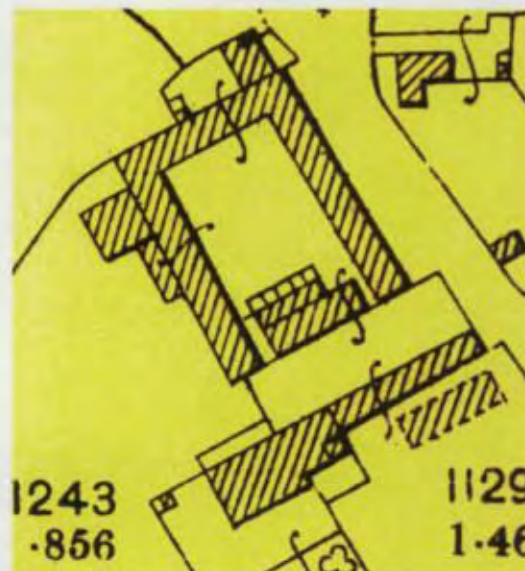
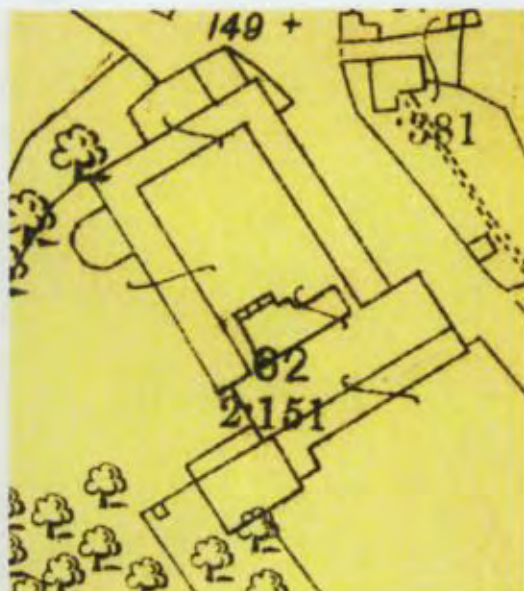
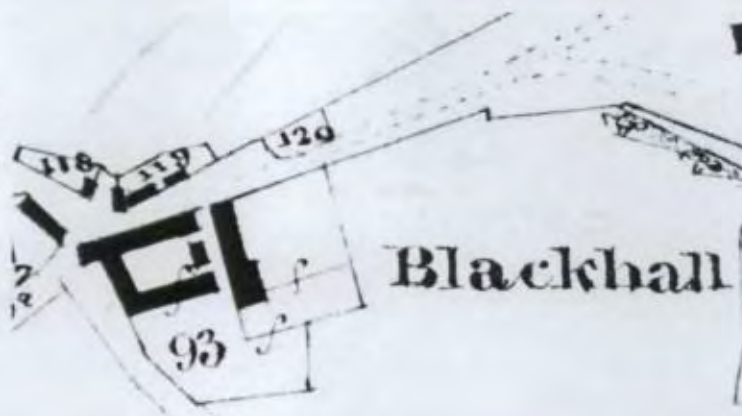
No 68 Durdar Road

This is a small house or cottage consisting of a north-south front block parallel to the road, with an extension at the rear with twin gables facing west, which also wraps around the north end of the front block. Its external walls are roughcast and whitewashed, except for that to the south (facing onto a gap only 0.6 m wide between the house and the north range of the farm building) which is in two parts: the front (east) section of old (18th/early 19th century) brown brick, in a rather irregular bond; the rear section (ie the extension) is of orange 20th-century brick. The roof is of graduated slates, with a brick stack on the south gable, and another stack on the north side of the extension.

The front of the house has a doorway at the north end and a 20th-century window; the two first floor windows have 20th-century glazing in older openings with shallow segmental heads. Otherwise all external features of the building are of later 20th century date. Internally the front door opens into a lobby with a stair rising beyond, with the remainder of the front block being taken up by a single room to the south. No pre-20th century features are evident, except in the attic where an old roof truss survives, set centrally; it seems to be of simple principal rafter form, with the ridge of the modern roof being set higher and a little further to the west.

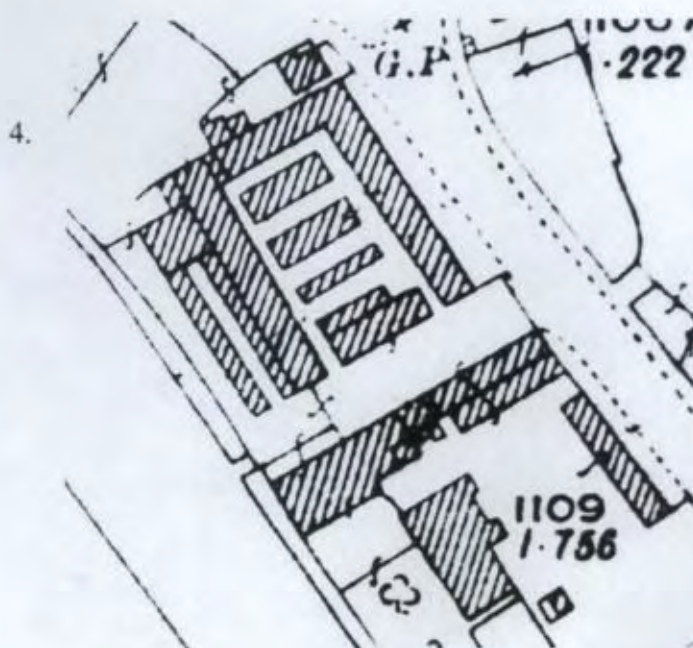
Map Evidence for the Development of the Buildings at Blackwell House

1. The 1847 Tithe Map
All buildings shown, except gingang



2. 1890 Ordnance Survey 25":1 mile map (Based on 1861-3 survey). Note round-ended gingang, and outshut (pigsties?) behind South Building

3. 1901 Ordnance Survey 25":1 mile map
Note gingang rebuilt with square end, With small addition to south and Dutch Barn (?) to south of South Range



4. 1925 Ordnance Survey 25":1 mile map.
Farm building converted to race course use & 905; note new stables within main yard, and at rear of West Range, and on south of South Range. Also large block, now removed to south of Farmhouse,

The Development of the Group

At first glance the overall form and character of the group of farm buildings seems typical of a single-phase planned farm of the late 18th or early 19th century but closer inspection shows that the buildings have had a more complex history. The rubble-built structure close to the north end of the east range appears to be the oldest part, but it lacks clear dating evidence; the evidence for a heather thatch roof and its general vernacular character could put it into the early 18th century.

The subsequent history of this structure, which was remodelled in brick and extended to both north and south, is not easy to reconstruct; the number of openings (all now blocked) in its east wall might imply that it faced away from the present yard, and could have been part of a farmstead unrelated to the present farmhouse. It is possible that No 68 Durdar Road represents the house of this earlier linear farm, but in its present form this much-altered building seems no more than an early 19th-century cottage.

These earlier buildings appear to have been incorporated into a planned farm, perhaps a little after 1800. The north and west ranges appear to have been separate structures, later linked by the construction of the arched entry at the north-west corner of the yard, and the L-plan block (and remodelling of the older rubble building) at the north-east corner. The triangular rear arches of the slit vents in the latter suggests that it is of the same date as the block here termed the South Building, which virtually closes the south side of the yard.

How the South Range, attached to the farmhouse, fits in with the buildings around the main yard is not clear. There can be little in date between its two parts, but the upper cruck trusses reused in the western section may place it a little earlier; the eastern section has roof trusses that are very like those of all the other buildings, and plain unsplayed slit vents like those of the north and west ranges.

The gingang is clearly a secondary addition to the west range, the northern part of which presumably served as a barn; the 1890 OS map (based on an 1861-3 survey) shows it with rounded corners, but the 1901 edition shows the present square form. The thick stone piers on the side walls presumably remain from the original construction, whilst the brick piers at the outer angles and midway along the west side from the later 19th-century enlargement.

One point that may be worthy of note is that the planned farm is clearly associated with the present farmhouse, although the relative positions of house and buildings are unusual. By this period, a farmhouse was often set clear of its buildings, and generally faced away from them. Here the house faces north for some reason (itself slightly unusual) and the buildings are virtually in front of it. One explanation may be the utilisation of pre-existing buildings in the east range, as already outlined.

In 1896 the Blackwell Hall Estate was purchased for the construction of the new racecourse; the 1901 OS map does not show any racecourse track or structures, but the buildings must have been under construction at least when the course opened in 1904; the listing date of 1905 (although incorrectly applied) may be accurate for the conversion. To increase the stable accommodation, as well as the remodelling of the north, east and west ranges, three new ranges of stables were built within the main yard, running east-west, two further ranges facing

each other behind the west range (and south of the gingang) and a further range on the south of the eastern part of the south range. Further buildings (see introduction) have been added at various dates during the 20th century.

The Significance of the Group

The farm buildings at Blackwell House, whilst of no particular architectural importance in themselves, are of interest both for their first century or so of use as a planned farm (which happened to incorporate earlier buildings), and then their conversion prior to a second century of use as racecourse stables. This conversion, and in particular the substitution of a range of standard-size doorways, single and paired, for virtually all the earlier openings in the front elevations of the ranges, resulted in a radical change in the character of the group. Internally the ranges were completely remodelled, retaining little more than their roof structures..

Despite these alterations, there are some individual features of interest; these include the arched entry at the north-west corner of the yard, with its pigeon entry and alighting shelf above the southern arch, and then the ranges of nesting boxes in the west wall above the passage. The remains of openings in the rear (east) wall of the east range, some of which may pertain to an earlier phase of use, are also of interest. The roofs of the ranges across the site, whilst relatively uniform and of no particular importance, are of attractive vernacular character, and re-use older timbers.

Recommendations

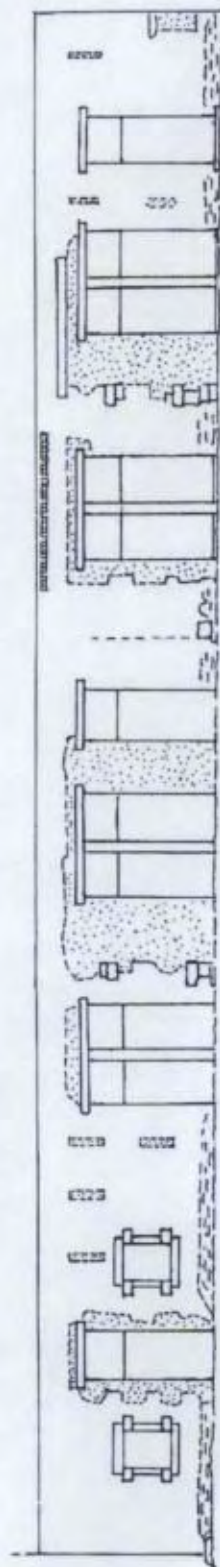
The proposed domestic conversion of the buildings will result in some losses of old fabric. It is planned to demolish No 68 Durdar Road, completely rebuild the range here termed the South Building; and make an opening through the South Range, to the east of the present cross passage. This will entail the loss of the east end wall of the earlier part of the range.

In addition to the general record provided by this report and its accompanying drawings and photographic survey, the following additional recording is recommended:

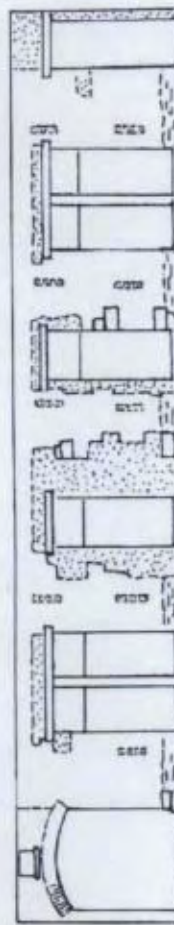
- (1) A basic record should be made of the cottage No 68 Durdar Road - floor plans should be adequate; during demolition a watching brief should be kept in case earlier structural evidence is revealed.
- (2) Other sections of fabric to be demolished (ie the south building and the central section of the south range) should be recorded in the form of plans and measured drawings, showing all features such as blocked doorways and slit vents.

Peter F Ryder January 2004

BLACKWELL HOUSE FARM FARM BUILDINGS: ELEVATIONS TO YARD



EAST RANGE

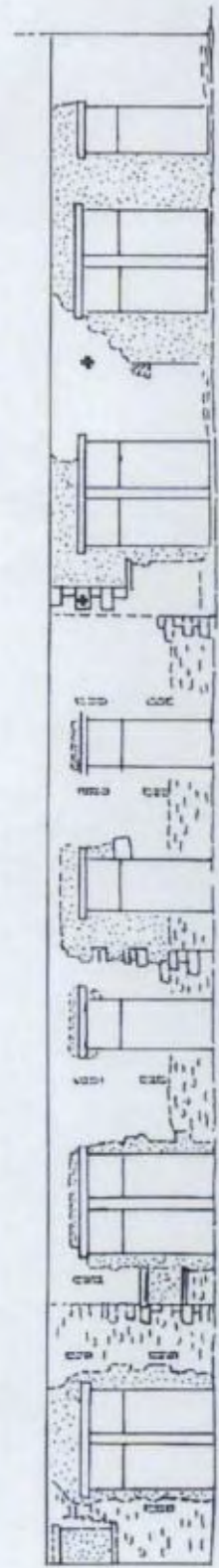


NORTH RANGE

After survey by Johnson & Wright, Chartered Architects
redrawn and annotated P F Ryder

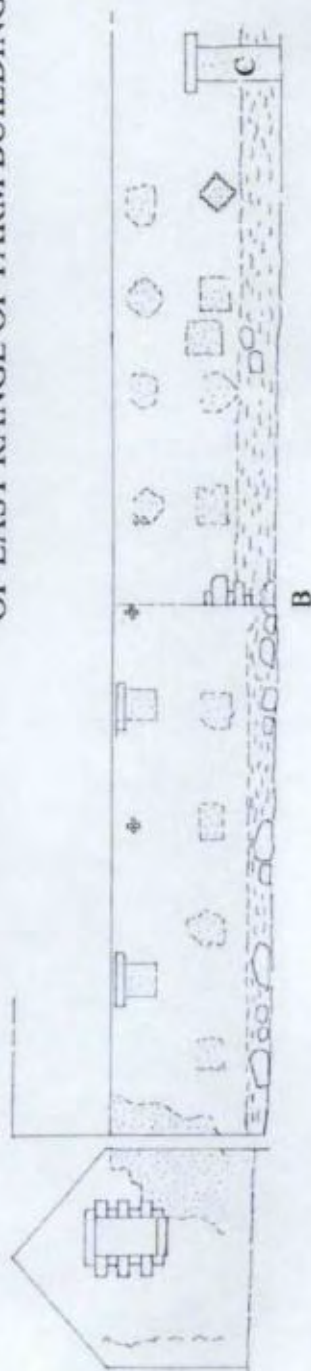
0 5 metres

Stone Secondary brick
(mostly early C20)



A: SW angle phase I part of range
B: SW angle phase II part of range

BLACKWELL HOUSE FARM EXTERNAL (EAST) ELEVATION OF EAST RANGE OF FARM BUILDINGS



A: SE angle quoins of phase I part of range
B: SE angle quoins of phase II part of range

Stone
Brick: C20 rebuilding at
SE angle or range, remainder
old brick (re-used?) blockings

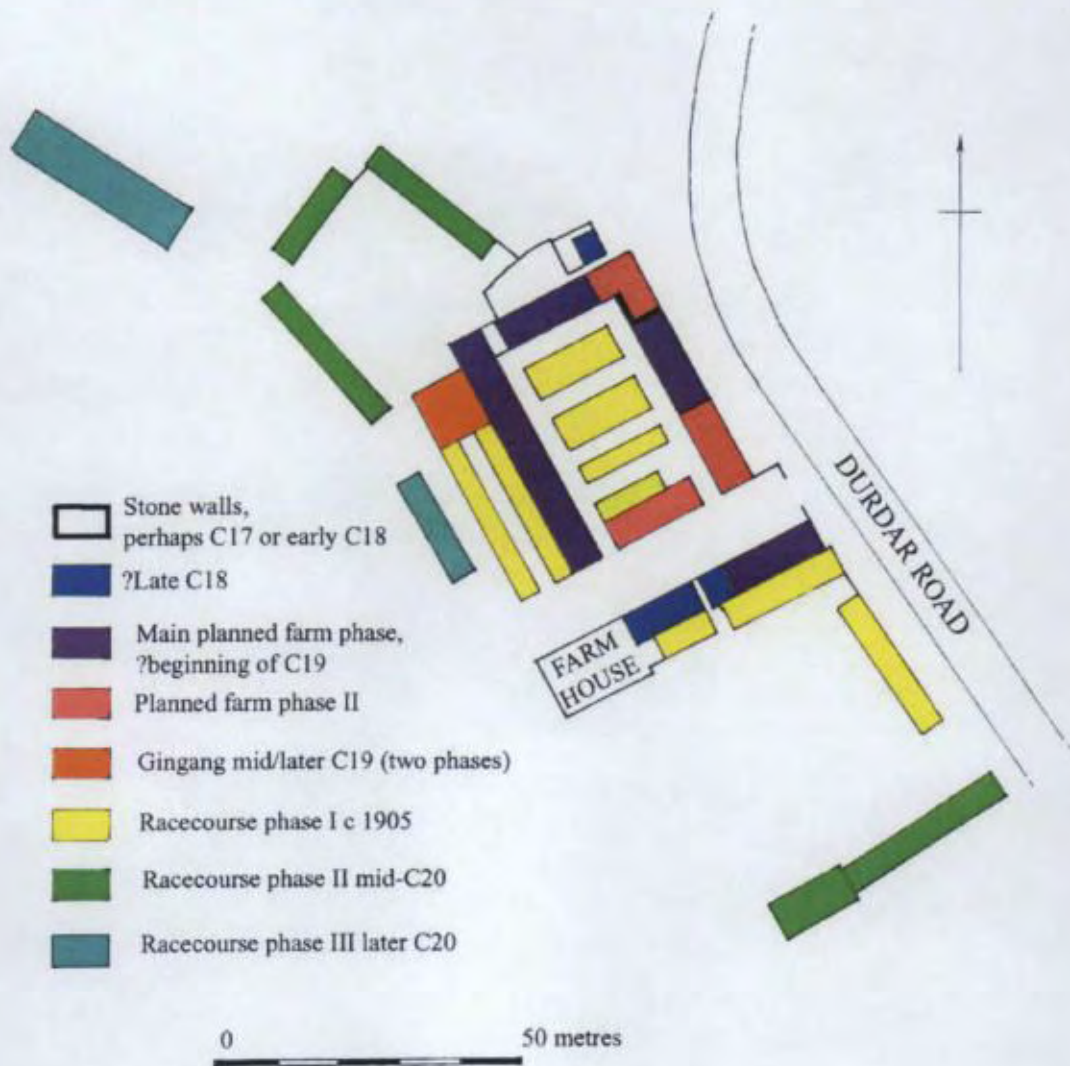
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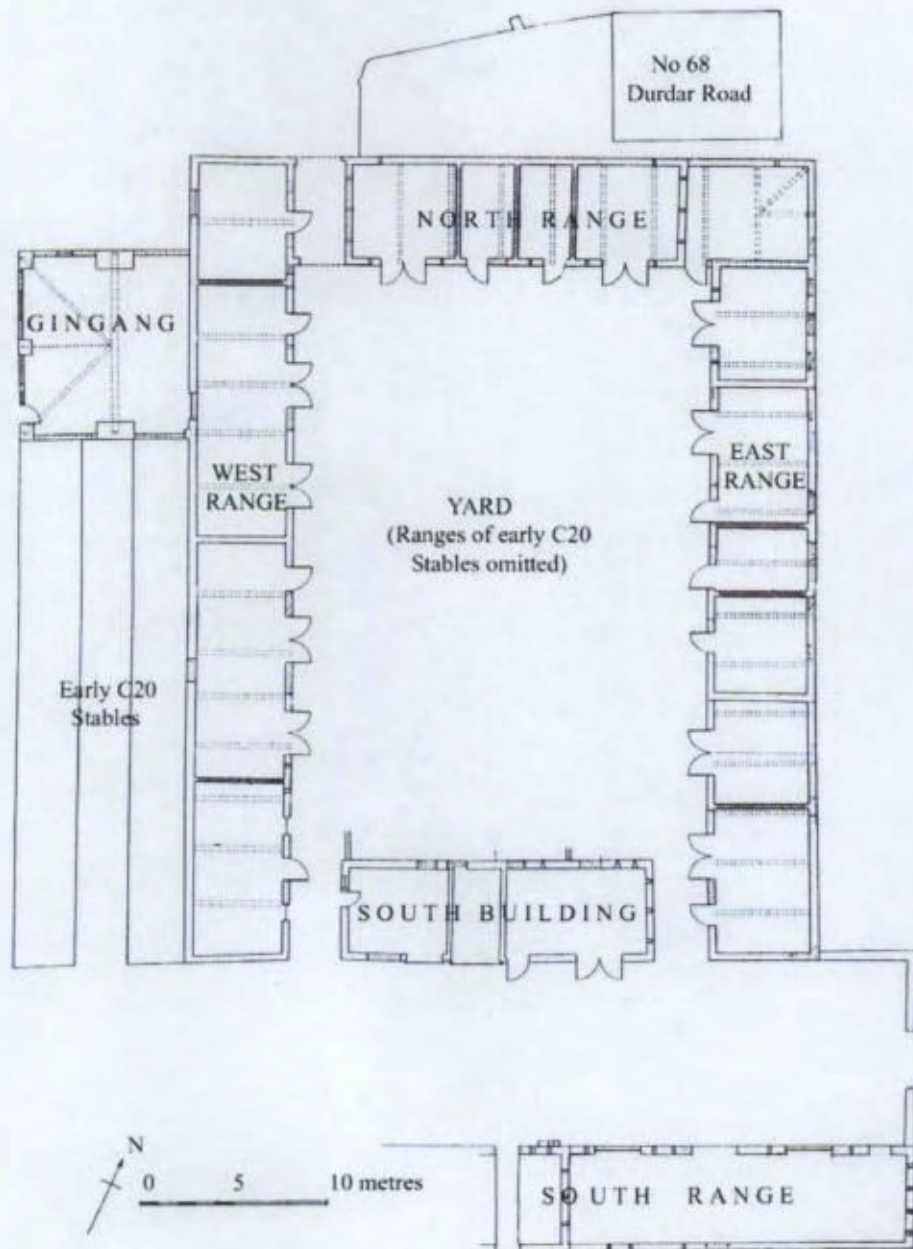
After survey by Johnson & Wright, Chartered Architects,
redrawn and annotated P F Ryder

BLACKWELL HOUSE FARM BUILDINGS

Provisional Phased Plan



BLACKWELL HOUSE FARM
PLAN OF THE FARM BUILDINGS
After survey by Johnson & Wright, Chartered Architects
Amended P F Ryder



SCHEDULE A: Applications with Recommendation

09/0068

Item No: 03

Date of Committee: 29/05/2009

Appn Ref No:
09/0068

Applicant:
Mrs Sandra Vevers

Parish:
Cumrew

Date of Receipt:
11/02/2009

Agent:
Sandysike Construction Ltd

Ward:
Great Corby & Geltsdale

Location:
Field North of Cumrew House to Cumrew Beck,
Cumrew, Heads Nook

Grid Reference:
354982 550672

Proposal: Erection Of 1no. Dwelling With Garage & Workshop

Amendment:

REPORT

Case Officer: Dave Cartmell

Reason for Determination by Committee:

The application is brought before the Committee for determination at the request of Cumrew Parish Council who have also requested a site visit. There are also letters of objection from seven persons two of whom have requested a right to speak.

1. Constraints and Planning Policies

Area Of Outstanding Natural Beauty

Airport Safeguarding Area

Conservation Area

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

Local Plan Pol CP1 - Landscape Character

Local Plan Pol CP2 - Biodiversity

Local Plan Pol CP3 - Trees and Hedges on Development Sites

Local Plan Pol CP4 - Agricultural Land

Local Plan Pol CP5 - Design

Local Plan Pol DP1 - Sustainable Development Location

Local Plan Pol DP9 - Areas of Outstanding Natural Beauty

Local Plan Pol H1 - Location of New Housing Develop.

Local Plan Pol H5 - Affordable Housing

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

Local Plan Pol LE19 - Conservation Areas

2. Summary of Consultation Responses

Cumbria County Council - (Highway Authority): facilities within walking distance are minimal and there is no regular bus service located within walking distance of the development. The lack of facilities and public transport will mean that virtually all journeys to and from the development will be car borne. As there is no alternative to the car, it is likely that car ownership will be higher than average and therefore the movements to and from the site will be significantly higher than the existing site use.

The proposal is therefore contrary to the aims of promoting accessibility and is not considered to be sustainable due to the reliance on the use of private car, as contained in Local Transport Plan Policy LTP 1 Policy C9 and therefore contrary to LTP1 Policy LD4 and Structure Plan Policy T32. It would also be contrary to the intentions of Government Policy;

Community Services - Drainage Engineer: reply awaited;

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

Development Services Planning & Housing Services - Conservation Section: this site in Cumrew lies within a designated Conservation Area. At present there is no appraisal or management plan for the Conservation Area. All proposals within the Conservation Area must therefore be treated on their individual merits. The open ground between Cumrew House and Cumrew Beck is one of the most significant open spaces within the village and provides an outstanding vista of the Pennines which rise up behind the village. It is considered that to infill this area with development would cause considerable harm to the character of the village. This proposal for one dwelling with a large workshop is in the most prominent part of this open space and therefore does the greatest harm. It would be difficult thereafter to prevent other development along the road frontage and thus change the areas character irretrievably.

I consider that this application should be refused on the grounds that it will be detrimental to the character and amenities of the Cumrew Conservation Area; it will result in the partial loss of a significant open space within the area that should be

SCHEDULE A: Applications with Recommendation

09/0068

retained; and it will weaken control over the remaining part of this field which could lead to the road frontage being further developed and exacerbating the damage to the character of this part of the Conservation Area;

Cumrew Parish Council: the observations are as follows:

1. Cumrew is in an Area of Outstanding Natural Beauty
2. Request that this application goes through committee not delegated powers as the proposed site is a Greenfield site.
3. There is a need for a meeting with members of the City Council and the Parish Council to discuss issues raised
4. Concerns over future development again because of the Greenfield status
5. Objections to lack of natural stone used as main building material for external walls
6. Plans show no indication as to height of ridge and how far down ground will be excavated into the hill of the field
7. Enclose two letters from residents of the village extending their own objections.

(A reply is awaited following a reconsultation on an amended Site Plan, sections through the site and clarification on the nature of the rural based business which will be based at the dwelling);

Carlisle Airport: no objection;

North Pennines AONB Partnership: reply awaited;

Environment Agency (N Area (+ Waste Disp)): comments as follows:

1. surface water soakaways should be designed in accordance with BRE Digest 365: Soakaway Design (BRE 1991) or infiltration Drainage Manual of Good Practice) CIRIA 1996). Any proposal involving works which affect the watercourse would require the prior written consent of the Agency under the terms of the Land Drainage Act 1991.
2. Cumrew Beck does not have any conservation designation but it is within the Eden catchment and thus within the catchment of the River Eden and tributaries, SSSI and River Eden Special Area of Conservation (SAC). The beck has a population of white clawed crayfish which are an Annex II species under the EC Habitats Directive and a UK Biodiversity Action Plan (BAP) Priority Species. It is also very likely that otters will use this watercourse, and bullhead, brook lamprey and trout are likely to be present. The Agency are not aware of any survey on this beck but these species are all known to be present in Newbiggin Beck, a short distance downstream.
3. otters are protected under the Wildlife and countryside Act 1981 and they are a European Protected Species and Annex II species under the Habitats Directive and a UK BAP Priority Species. Bullhead and brook lamprey are also Annex II species under the Habitats Directive, Trout are a UK BAP Priority Species and white clawed crayfish, otters, bullhead and brook lamprey are all European Interest feature of the River Eden SAC

4. Parts of this development (eg the access road) are well within 20 metres of a watercourse (ie Cumrew Beck which is one component in the extensive wildlife corridor that provides a link between the River Eden SAC and the North Pennine Moors SAC/SPA as well as the link to Beck Woods

5. The proposed means of foul drainage should be in accordance with CLG Circular 03/99 "Planning requirements in respect of the use of non-mains sewerage incorporating septic tanks in new development"

6. Under the terms of the Water Resources Act 1991, the prior written consent of the Environment Agency may be required for any discharge of sewage or trade effluent into water, including groundwater via soakaways, and may be required for any discharge or surface water liable to contamination of such controlled waters or for any discharge of sewage or trade effluent from buildings or fixed plant or into waters which are not controlled waters. Such consents must comply with the requirements of the Groundwater Regulations 1998 including prior investigation, technical precautions and requisite surveillance and may be withheld. (Controlled waters include rivers, streams, groundwater, reservoirs, estuaries and coastal waters). the applicant is advised to contact the Environment Agency's Permitting Support Centre, Po Box 4209, Sheffield. S9 9BS (Tel No 08708 506 506) to discuss this matter in detail;

Development Services Planning & Housing Services - Housing Strategy: the type of property described is not the type of accommodation associated with affordable housing, so if the applicant does have a 'need' to be in the Cumrew area this would be beyond the scope of our housing need evidence;

Natural England: informal response received (12/5/09) advising that provided that all the usual procedures relating to pollution control for works adjacent to a watercourse are adhered to because of the sensitivity of the white clawed crayfish, and because of the potential for downstream pollution impacts on the SAC, this will be good enough to ensure no likely significant effect on the SAC;

Conservation Area Advisory Committee: the impact of this fairly poor scheme will have a considerable impact on this part of the Cumrew Conservation Area. This side of the road gives wide and impressive views of the Fells behind and the Committee wondered if this proposal was at all appropriate or acceptable. The Committee's view was that this proposal should not be approved, particularly if this would threaten the rest of this open space within the village. Considerable development has already occurred in recent years and this has had a significant impact on the Conservation Area, and not in a positive way;

Development Services Planning & Housing Services - Local Plans: this proposal is for the erection of a dwelling in Cumrew. Policy DP1 lists settlements which are considered sustainable for differing degrees of development. Additionally Policy H1 identifies a hierarchy of settlements suitable for residential development. Cumrew is not listed amongst these settlements and is therefore not considered to be a sustainable location for development. Policy DP1 states that development outside identified settlements must be evidenced by a need to be in the location

SCHEDULE A: Applications with Recommendation

09/0068

specified. In the case of residential development the need for a dwelling must be essential to agriculture, forestry or other rural based enterprise.

PPS7 sets out the guidelines for assessing agricultural workers dwellings in annex A, it would appear from the information submitted that the applicant is not applying for the dwelling on this basis but on the basis that they have a local connection to the area. H1 identifies the settlements suitable for small scale infilling for local need (which this application would appear to be for), however as stated above Cumrew is not listed in policy H1 and therefore this element of the policy is not applicable to this proposal.

In addition to the principle of this proposal being contrary to policies DP1 and H1, there are also issues with the proposed location of the dwelling being sited in an open field albeit screened in part by existing trees. This location, if it were to be developed could therefore set a precedent for future development on the remainder of the field which would be to the detriment of the character of the conservation area and principles of policy DP9- Areas of Outstanding Natural Beauty due to its location within the North Pennines AONB.

(Following a reconsultation on receipt of clarification on the nature of the rural based business which will be based at the dwelling, Local Plans confirmed that they had no additional comments to make);

Tree Officer: reply awaited.

3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:
Newlands	16/02/09	Objection
East Cottage	16/02/09	
West Cottage	16/02/09	
Violet Cottage	16/02/09	Comment Only
The Hollies	16/02/09	
Fell View	16/02/09	Objection
Rivendell Cottage	16/02/09	
Seven Stars	16/02/09	
Rose Cottage	16/02/09	Objection
The Old Forge	24/02/09	Objection
Fell View		Objection
Ashtree		Support
Helme Farm		Objection
Helme Farm		Objection
The Old Vicarage		Support

- 3.1 Publicity was given to the proposed development by press and site notice and by direct notification of neighbouring occupiers. Representations/ comments have been received from ten persons, seven of whom

objected to the proposal and two were supportive of it .

3.2 The main grounds of objection are as follows:

1. Development of this 'greenfield' site will have a detrimental impact on the character of the Conservation Area;
2. Erosion of the character of the village which includes views of the fells;
3. Detrimental effect on the trees bordering the site;
4. Development does not enhance local distinctiveness and will appear very prominent;
5. Use of render on the house, the garage materials and excavation works are inappropriate in this location;
6. Contrary to planning policy and Government guidelines for development in rural areas including protection of open countryside;
7. Will result in pollution of Cumrew Beck (particularly from washing cattle trimming equipment) and have a detrimental effect on white clawed crayfish in the beck (which is a priority species in the UK Biodiversity Action Plan): The presence of the species is a material consideration in the determination of a planning application;
8. General impact on wildlife;
9. Inappropriate to have additional houses in a village which lacks facilities and is already substantially overdeveloped. This is the latest in a series of developments which have destroyed rather than conserved the character of the village;
10. Will set a precedent for further development in this location;
11. Loss of personal view of the fells;
12. Insufficient details on the drawings to allow the implications of the proposal to be fully assessed;
13. Query house price information submitted by the applicant in support of the application;
14. No justification for the business to be located here;
15. Additional run-off would increase flood risk;
16. Will result in additional heavy traffic in the village and endanger children who, in the absence of dedicated play areas, play on roadsides which generally lack pavements;
17. Preservation of the character of the Area of Outstanding Natural Beauty should be given weight and in particular recognising that conservation of wildlife and cultural heritage are important considerations;
18. There are alternative sites for the workshop within Cumrew;and
19. Council Officers have previously stated that there would be no more large scale cement rendered houses in the village.

4. Planning History

- 4.1** There is no record of any planning applications in relation to this site.

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

- 5.1 This is an application for full planning permission for the erection of a dwellinghouse with a garage and workshop on land adjacent to Cumrew Beck in the north-west corner of the field to the north of Cumrew House, within the village of Cumrew.
- 5.2 The site is screened from the north and west by a line of trees along the course of Cumrew Beck which runs adjacent to the north and west boundaries. The land rises from the beck in a southeasterly direction to a height within the application site which is approximately 5 metres above beck level. It is proposed to cut into the slope by approximately 2 metres.
- 5.3 The L-Shaped mainly two storey property will have a footprint of 134 square metres and a total floor area of 256 square metres. The ridge height of the main part of the building will be 7 metres (reducing to 6.3 metres on the lower part and 5.2 metres on the single storey part), and the eaves height 4.2 metres. The detached garage/workshop is located 14 metres to the north-east and will have a floor area of 96 square metres, a ridge height of 4 metres and an eaves height of 2.9 metres. Access to the development will be taken from the road through the village at a point approximately 110 metres to the south of the fell track and then via a new gravel track
- 5.4 The residential accommodation comprises, on the ground floor, porch, living room, dining room, kitchen, utility (with shower), office and W.C. On the first floor are 4 bedrooms (1 en-suite) and a bathroom. There is also access at first floor level to storage space above the office and utility. The ground floor level of the house will be approximately 1.8m above beck level.
- 5.5 The external wall materials for the house are local reclaimed sandstone to the west elevation and approximately one third of the south elevation. The remaining elevations will be of smooth render with reclaimed sandstone quoins and window surrounds. The roof will be of reclaimed blue-grey slates. Doors and windows will be of timber and gutters and downpipes black uPVC. A single stone built chimney is proposed.
- 5.6 The garage and workshop would be constructed in Juniper green coloured square profiled steel sheeting above 1.1 metres of smooth rendered blockwork. There will be two full height doors of Juniper green flat sheeting on the west gable and a concrete wash area of 32 square metres.
- 5.7 Foul sewage will be disposed of via a septic tank and a soakaway which will be constructed to the south of the dwelling. Surface water will also be disposed of via a soakaway.

Background

SCHEDULE A: Applications with Recommendation

09/0068

5.8 The application is accompanied by a letter from the applicant setting out the personal circumstances which have led to the application being made. The salient points in the letter are as follows:

1. The applicant is originally from Cumrew and lived there for 30 years until marrying in 2006.
2. As there was no accommodation in the village she and her husband moved to rented accommodation in Ainstable
3. They now have a child and would like to move back to a permanent residence in Cumrew but unfortunately any houses which have recently been for sale in the village have exceeded £450,000.
4. Mrs Vever works 5 miles from Cumrew and her husband is a cattle foot trimmer whose main clients are within the surrounding area.
5. The application site is in a field owned by Mrs Vever's father thus giving the opportunity to build a reasonable sized house at a more affordable cost.
6. If approved the applicant would be prepared to enter into a Section 106 agreement to ensure that the house would be available to satisfy local need/affordability.

5.9 The Design and Access Statement submitted with the application explains that:

1. The concept is to provide a dwelling and small workshop area for a local newly married couple who wish to remain living and working in the same local area for the foreseeable future
2. The original proposal was to create an access to the site via a crossing over Cumrew Beck from the adjoining lane. However, to avoid removing any of the natural screening provided by the existing trees, or disturbing the natural environment around the beck, it was decided that a better access proposal would be to follow alongside the beck and join the main road further south
3. The sloping site would be excavated to form a reasonably level area on which the dwelling and workshop would be positioned. It is claimed that this would considerably lower the buildings in relation to adjacent ground levels and reduce the impact on any neighbouring properties.

5.10 The Design and Access Statement also:

- (a) claims that the external materials to be used on the house and garage/workshop would be totally in keeping within the village properties and farms

- (b) considers that the access areas and lane would be of a gravel finish allowing natural drainage to occur thus avoiding any flash flooding
- (c) advised that the dwelling would be constructed to achieve the highest insulation and energy efficient standards and
- (d) concludes that the proposal is the best arrangement to cater for the need of local residents, the appearance and location of the buildings and the overall impact on the village.

5.11 In subsequent letters of clarification with regard to the proposal, the applicant advised that:

- 1. The business which will be operated from the property is a specialised service offering cattle foot trimming and animal welfare. The cattle crush is separately designed to safely cater for any size of animal and is stored indoors when not in use.
- 2. There will be no heavy plant or vehicles as the cattle crush is the size of a standard trailer and is pulled by a pickup truck.
- 3. The garage/workshop will be split into 3 parts with part used as a garage for the house, part to house the cattle crusher and trailer and the remainder as a small store for equipment and materials used in connection with the business. The concrete area in front of the garage will be used to regularly wash the equipment and is drained into the foul drainage system
- 4. The development cost is low due to the site price being very low - almost 40% of the development cost can be attributed to the land cost
- 5. The development is essential to a rural based enterprise and although it is contrary to several policies will not set a precedent for future development as a Section 106 agreement would be entered into for the site
- 6. No chemicals are used in the washing of the cattle foot trimming equipment.

Assessment

- 5.12 The site lies within the Cumrew Conservation Area and within the North Pennines Area of Outstanding Natural Beauty and although the adjacent Cumrew Beck does not have any nature conservation designation, it is within the Eden catchment and thus within the catchment of the River Eden and tributaries, SSSI and River Eden Special Area of Conservation.
- 5.13 Although Cumrew is not identified in the Carlisle District Local Plan (2001 - 2016) as a settlement where any further residential development may be acceptable, applications relating to special circumstances (eg agricultural,

SCHEDULE A: Applications with Recommendation

09/0068

forestry and other occupational dwellings and rural exception sites for local need/affordable housing) should be treated on their merits.

- 5.14 Section 54a of the Town and Country Planning Act 1990/Section 38(6) of the Planning and Compulsory Purchase Act 2004, require that an application for planning permission shall be determined in accordance with the provisions of the Development Plan unless material considerations (including Government Policy as expressed through Planning Policy Guidance notes, Planning Policy Statements and representations) indicate otherwise. The Development Plan comprises the Carlisle District Local Plan (2001 - 2016) (adopted 9/9/2008), extended policies of the Joint Cumbria and Lake District Structure Plan (2006) and the North West of England Plan Regional Spatial Strategy to 2021.
- 5.15 In consideration of this application Policies DP1, DP9, CP1, CP2, CP3, CP4, CP5, H1, H5, H7 and LE19 of the Carlisle District Local Plan are relevant. The relevant aspects of these policies seek to ensure that development proposals:
- 5.16 It is considered that the main issues with regard to this application are:
1. Whether a case has been made for local need/affordable housing;
 2. The effect of the proposal on the character/appearance of the surrounding area;
 3. The impact on living conditions of neighbouring residents;
 4. Impact on wildlife; and
 5. Whether there are any other considerations sufficient to clearly outweigh any harm which may be caused by the development.
- 5.17 Considering these issues and other relevant issues raised by consultees and objectors:
1. The Carlisle District Local Plan (CDLP) does not include a definition of 'local need'. However, the Council have approved a draft Supplementary Planning Document (SPD) on Planning Obligations for public consultation and this includes a definition of 'local need'. It is considered appropriate to use this definition which states that 'local needs apply when employment, social, economic consequences lead people to demonstrate a need to live or remain in a locality where accommodation is not available to them'. The categories of need include 'people who have long standing links with the local community' and people who need to live in proximity to the key local service they provide. The SPG suggests that 'long standing links' be defined as having lived within the Parish for most of their lifetime e.g. over half of their lifetime until the time they left. On this basis Mrs Vevers, who lived in Cumrew for over 30 years, would meet the criteria. However Cumrew is not identified in Policy H1 of the CDLP (2001-2016) as a

sustainable location for any new residential development including local need. With regard to the case for affordable housing. Housing Services consider that the type of property proposed is not the type of accommodation associated with affordable housing.

2. As there is no approval or management plan for Cumrew Conservation Area all proposals must be treated on merit. The Conservation Officer considered that the open ground between Cumrew House and Cumrew Beck is one of the most significant open spaces within the village and provides an outstanding vista of the Pennines which rise up behind the village. It is considered that to infill this area with development would cause considerably harm to the character of the village.

While the design of the house incorporates traditional features, the mix of materials is replicated elsewhere in the village and it is appreciated that ground works to lower the site are proposed, it is considered that its scale and location would make it a very prominent feature which could not be adequately screened. The proposal for one dwelling with a large workshop is in the most prominent part of the open space and therefore does most harm. It would also be difficult thereafter to prevent other development along the road frontage and this would change the character of the area irretrievably. Although Cumrew Conservation Area lies on the edge of the North Pennines Area of outstanding Natural Beauty (AONB) it is an integral part of the character of the AONB. It is therefore considered that the development will also have a detrimental effect on the character of the North Pennines AONB. While a reply is awaited from the Tree Officer ground works to form the access drive and parking turning area are proposed in close proximity to the trees which may be adversely affected. This would also impact on the character of the Conservation Area and AONB.

3. With regard to the impact on living conditions of neighbouring residents, County Highways are of the opinion that as facilities are within walking distance are minimal and there is no regular bus service located within walking distance of the development, virtually all journeys to and from the development will be car borne. As there is no alternative to the car, it is likely that car ownership will be higher than average and therefore movements to and from the site will be significantly higher than the existing site use. The proposal is therefore contrary to the aims of promoting accessibility and is not considered to be sustainable due to reliance on the use of the private car and contrary to the intention of Government Policy. While additional traffic will be generated by the proposal, it is not considered that it would be at such a level as to create a significant danger to pedestrians or other road users.
4. With regard to the impact on wildlife, the Environment Agency have advised that Cumrew Beck is within the Eden catchment and thus within the catchment of the River Eden and tributaries, SSSI and River Eden Special Area of Conservation (SAC). The beck has a population of white clawed crayfish which are an Annex II species under the EC Habitats

Directive and a UK Biodiversity Action Plan (BAP) Priority Species. It is also very likely that otters will use this watercourse, and bullhead, brook lamprey and trout are likely to be present. The Agency recognise that parts of this development (e.g. the access road) are well within 20 metres of a watercourse (i.e. Cumrew Beck) which is one component in the extensive wildlife corridor that provides a link between the River Eden SAC and the North Pennine Moors SAC/SPA as well as the link to Beck Woods.

- 5.18 It should be noted that (1) otters are protected under the Wildlife and Countryside Act 1981 and they are a European Protected Species and Annex II species under the Habitats Directive and a UK BAP Priority Species and (2) bullhead and brook lamprey are also Annex II species under the Habitats Directive, Trout are a UK BAP Priority Species and white clawed crayfish, otters, bullhead and brook lamprey are all European Interest feature of the River Eden SAC. Natural England have advised that provided that all the usual procedures relating to pollution control for works adjacent to a watercourse are adhered to because of the sensitivity of the white clawed crayfish, and because of the potential for downstream pollution impacts on the SAC, this will be good enough to ensure no likely significant effect. (A condition could be attached requiring submission of details of pollution control measures to be employed).
- 5.19 It is not considered that the case made for residential occupancy associated with a rural based occupation (in accordance with the objectives of Policy H7 of the Carlisle District Local Plan) outweighs the importance of preserving and enhancing the character of Cumrew Conservation Area including important views into an out of the designated area.

Conclusion

- 5.20 It is considered that the proposed development would be contrary to the objectives of the development plan with regard to sustainable development and the protection of the character of Cumrew Conservation Area and the North Pennines Are of Outstanding Natural Beauty and it is not considered that there are any material considerations of sufficient weight to justify granting the application against the provisions of the development plan.
- 5.21 It is therefore recommended that the application be refused.

6. Human Rights Act 1998

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

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

whose interests may be affected by such proposals;

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

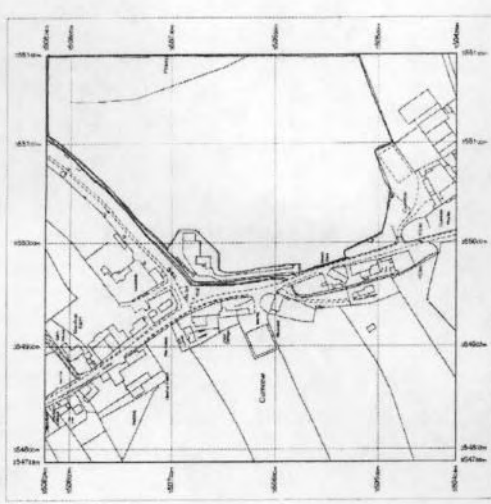
Article 8 recognises the "Right To Respect for Private and Family Life";

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

6.3 Article 6 is relevant and the applicants rights are respected. However it is considered that the harm which will be created to interests of acknowledged importance outweigh any personal considerations of the applicant who has redress to the appeals process.

7. **Recommendation** - Refuse Permission

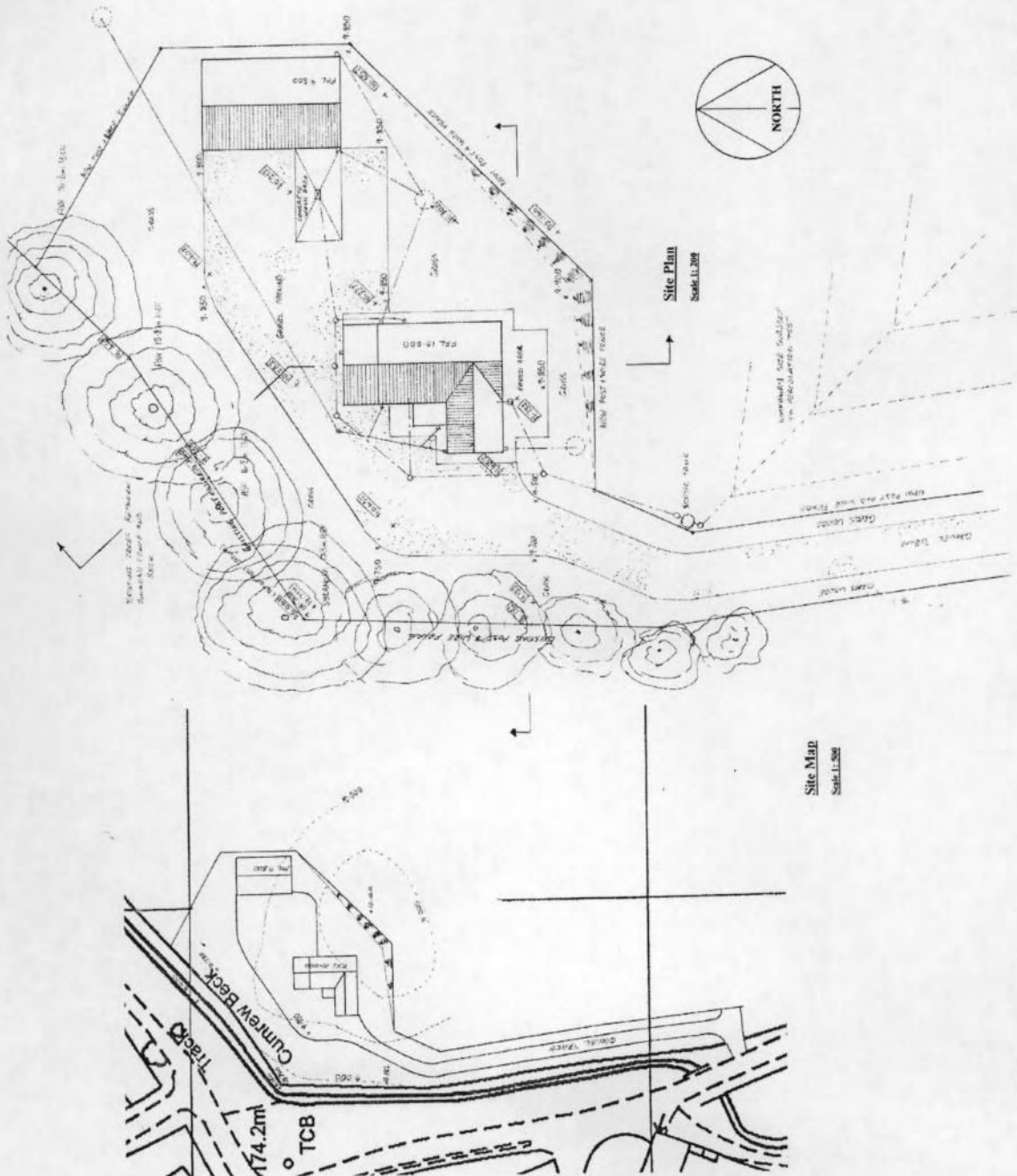
1. **Reason:** The application site lies within (a) Cumrew village where there is a presumption against further residential development except for (i) dwellings essential to agriculture, forestry or any other rural based enterprise supported by proven need and (b) an area of open space within the Cumrew Conservation Area and the North Pennines Area of Outstanding Natural Beauty. The proposed development would (a) be detrimental to the character of the Cumrew Conservation Area and the North Pennines AONB contrary to the objectives of Policies LE19 and CP9 of the Carlisle District Local Plan (2001-2016); (b) be contrary to the sustainability objectives of Policies DP1 and H1 of the Carlisle District Local Plan (2001-2016) and (c) set a precedent for additional development of the open space which would exacerbate damage to this part of the Conservation Area and the Area of Outstanding Natural Beauty.
-

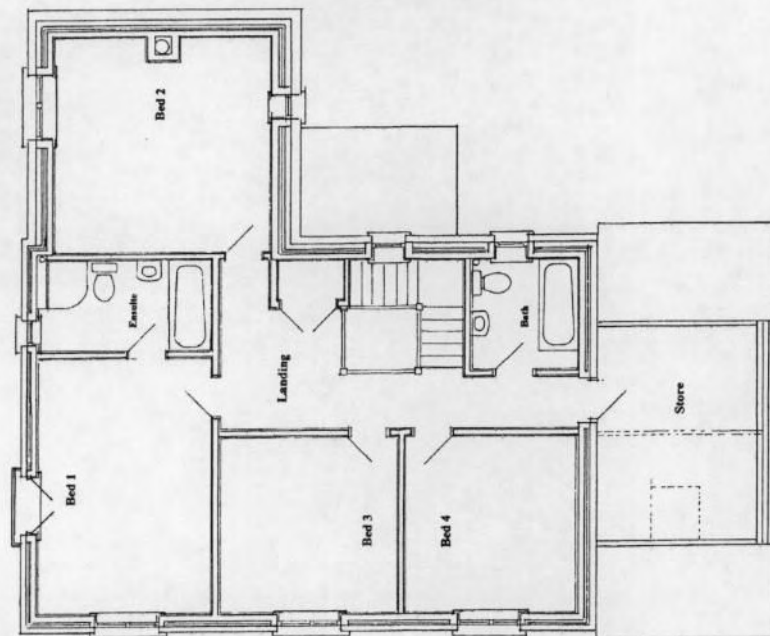
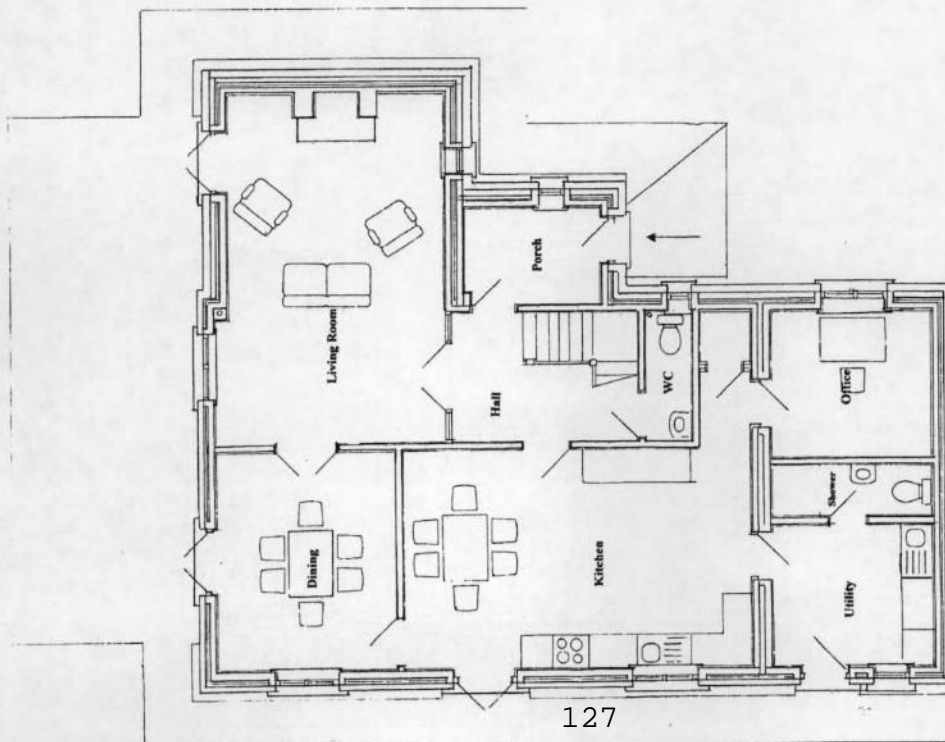


Location Map

Sandyside Construction Ltd	Project	Proposed New Dwelling
Sandyside	Location	Cumrew
Longtown	Client	Mr & Mrs J. Vevers
Carlisle	Drawing	Site Plan
CAD SSI	Scale	Location and site Maps
Plot No. 01225 963794	Scale	1:1000
Site No. 01225 963794	Scale	1:1000
Site No. 01225 963794	Scale	1:1000

Amendments	Use
1. Boundary position moved to avoid	1. Boundary position moved to avoid
2. Type of tree and species height added	2. Type of tree and species height added

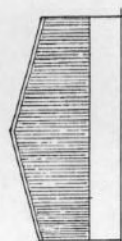




2 FEB 2003
 09/0006

Sandysike Construction Ltd	
Sandysike	
Longtown	
Carlisle	
C&A SSR	
Project	01228 887274
Proposed New Dwelling	
Location	
Cumnew	
Brampton	
Client	
Mr & Mrs J. Vevers	
Drawing	
Ground Floor Plan	
First Floor Plan	
Scale	1:50
Drawn	W. Vevers

Roof
 Juniper green square profile steel sheeting
 Upper part of walls
 Juniper green square profile steel sheeting
 Lower part of walls
 150mm smooth rendered blockwork
Doors
 Juniper green flat steel sheeting



South Elevation



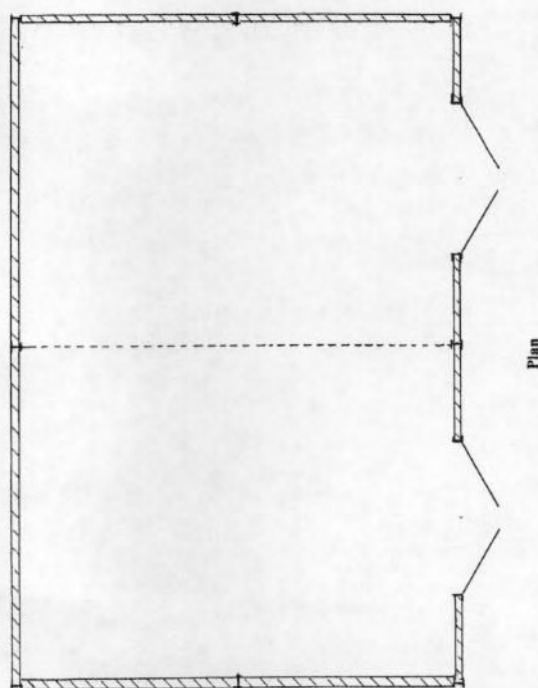
North Elevation



East Elevation



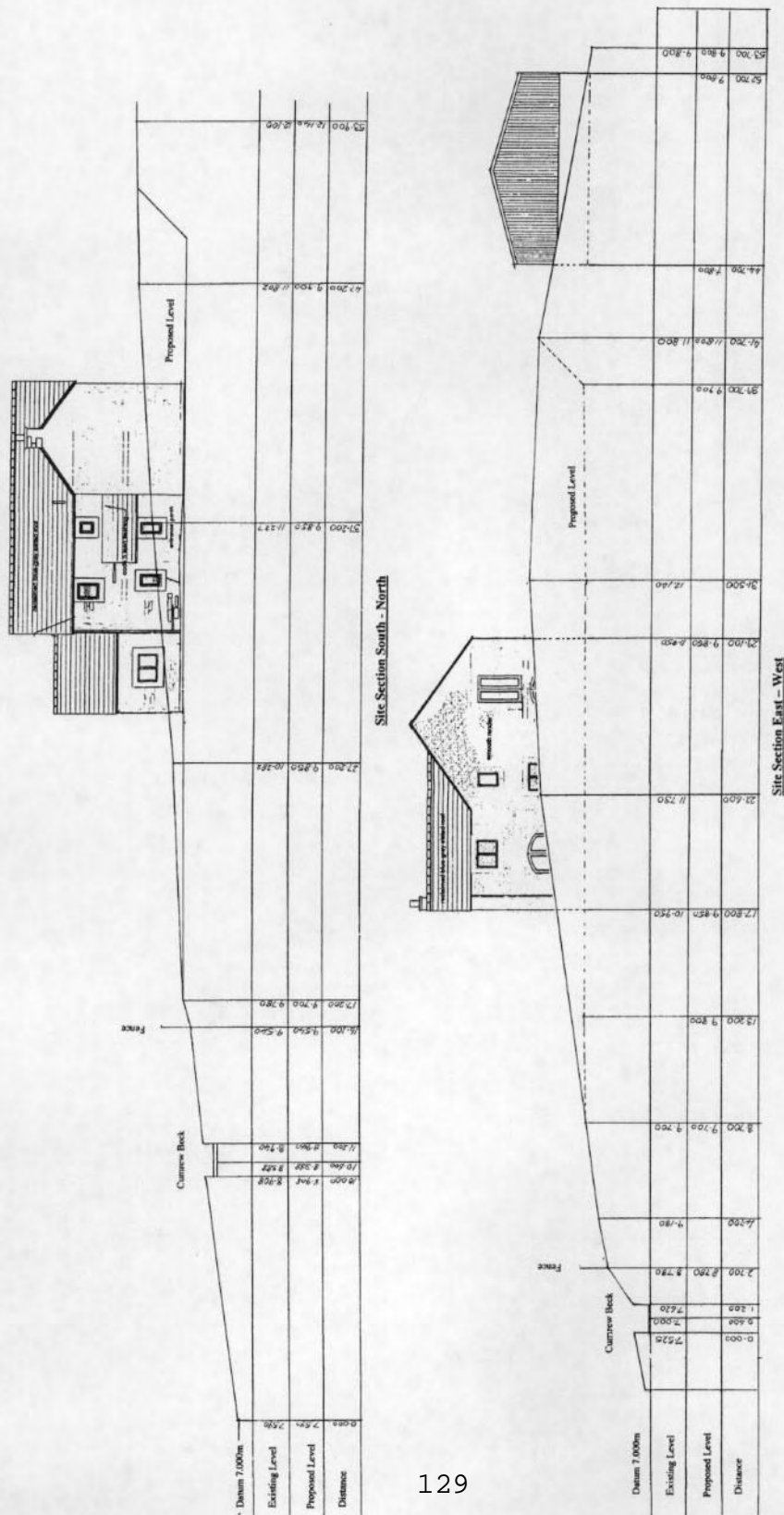
West Elevation



Plan

09/06/08
 2 PM 2003

Sandysike Construction Ltd			
Sandysike			
Longtown			
Carlisle			
CA6 5SR			
Tel / Fax	01228 567314		
Project	Proposed New Dwelling		
Location	Cumrew Brampton		
Client	Mr & Mrs J. Vewers		
Drawing	Proposed Workshop Garage & Store Plan Elevations		
Date	Scale	Drawn	W. Vewers
25.1.09	1:50, 1:100		



SCHEDULE A: Applications with Recommendation

09/0245

Item No: 04

Date of Committee: 29/05/2009

Appn Ref No:
09/0245

Applicant:
The Diocesan Trustees

Parish:
Carlisle

Date of Receipt:
27/03/2009

Agent:
Derek Hicks & Thew

Ward:
Stanwix Urban

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

Grid Reference:
339733 557884

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

Amendment:

REPORT

Case Officer: Stephen Daniel

Reason for Determination by Committee:

This application has been brought before the Development Control Committee due to the receipt of twelve letters of objection and a petition which has been signed by forty local residents.

1. Constraints and Planning Policies

Gas Pipeline Safeguarding Area

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

Local Plan Pol DP1 - Sustainable Development Location

Local Plan Pol H1 - Location of New Housing Develop.

Local Plan Pol H2 - Primary Residential Area

Local Plan Pol H3 - Residential Density

Local Plan Pol H5 - Affordable Housing

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

Local Plan Pol T1- Parking Guidelines for Development

Local Plan Pol CP5 - Design

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

2. Summary of Consultation Responses

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

This authority endeavoured to persuade the developer not to take access directly off Waverley Gardens, but to make use of the existing access, off Briar Bank. The application could not, however, be refused on the basis of the proposed access as Waverley Gardens is capable of giving access to 50 dwellings. The proposed dwellings, combined with the existing dwellings, fall well below this number.

Minor amendments are required to the proposed footpath connecting Waverley Gardens to Scotland Road, to the internal layout and to the parking areas for plots 1 and 16. However, given that this only an outline application with all matters reserved (including access and layout) this issues can be addressed at the Reserved Matters stage;

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

Community Services - Drainage Engineer: no comments received;

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

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

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

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

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

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

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

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

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

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

Northern Gas Networks: no objections;

Environmental Services - Green Spaces: no comments received;

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

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

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

3. Summary of Representations

Representations Received

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

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

- The home owners of Waverley Gardens should not be subjected to a new access onto a very narrow road, when the church already has two existing accesses, Waverley Road and Briar Bank, which should be

used, rather than introducing extra traffic into Waverley Road and Waverley Gardens;

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

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

- Single-storey dwellings on the perimeter of the development would have less impact on the existing neighbourhood;
- There is a concern that more than 2-storey buildings could be built - this would be out of keeping with the existing area, which is all bungalows and would affect the amenity of residents;
- Density is at the top end of the maximum limit and has no regard for the immediate residents;
- There are already a lot of 3 bedroom properties in the north of the city which are not selling;
- The development is totally out of character with the neighbourhood;
- The destruction of the hedge along Waverley Gardens will affect wildlife in the area.

4. Planning History

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

5. Details of Proposal/Officer Appraisal

Introduction

- 5.1 This application is seeking outline planning permission for residential development on the site of the social club and side field at St Augustine's Church, Waverley Road, Carlisle.
- 5.2 The application site lies to the south west of St Augustine's Church, with part of the site being occupied by the former St Augustine's Social Club, which closed in January 2008. The building is now run by the church as its parish centre. The remainder of the site is currently undeveloped grassland. Two existing vehicular accesses, one from Briar Bank and one from Waverley Road, serve the church and parish centre.
- 5.3 Semi-detached properties, which front onto Waverley Road, adjoin the site to the south-east. Waverley Gardens, which consists of a series of semi-detached bungalows, is located to the south-west of the site and is separated from it by a hedge. The north-west boundary of the site is abutted by 33 Waverley Gardens and some two-storey dwellings that front onto Briar Bank.
- 5.4 The site slopes uphill away from Waverley Road and is located at a lower level than the properties on Waverley Gardens. A culverted section of Gosling Syke, which is designated 'main river', runs along the south-east

boundary of the site, to the rear of the properties that front onto Waverley Road.

Background

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

The Proposal

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

Assessment

- 5.13 The relevant planning policies against which the application is required to be assessed are Policies DP1, H1, H2, H3, H5, LC4, T1, CP5 and CP12 of the Carlisle District Local Plan 2001-2016.

1. The Principle Of The Development

- 5.14 The application site, which lies within the urban area of Carlisle, is designated as a 'Primary Residential Area' in the adopted Carlisle District Local Plan

2001-2016. As such, the principle of residential development is acceptable, subject to compliance with the criteria identified in Policy H2 and other relevant Local Plan policies.

2. Scale And Layout Of The Development

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

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

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

4. Access

- 5.19 A number of objectors are concerned about the creation of a new access into Waverley Gardens, particularly given that the church already has two existing accesses, one to Briar Bank and one to Waverley Road, which could be used.
- 5.20 Whilst County Highways would prefer the existing access to Briar Bank to be used to access the proposed dwellings, the proposed access into Waverley Gardens is acceptable from a highway point of view.
- 5.21 Members should note that this application is an outline application, with all matters, including access, reserved for subsequent approval. On this basis, the application could not be refused because of the creation of the new access onto Waverley Gardens. This matter would need to be addressed at the Reserved Matters stage.

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

5. Other Matters

- 5.23 Housing Services has requested that 5 of the dwellings should be affordable and these would need to be secured through a Section 106 Agreement. If Members were minded to approve the application, it would be necessary to grant authority to issue approval to enable this agreement to be completed.
- 5.24 A response has been received from the Green Spaces Team requesting that the applicant make a financial contribution of £38,902 towards the provision and maintenance of open space in the locality. This will also need to be incorporated into the Section 106 Agreement.
- 5.25 The Police Architectural Liaison Officer has requested additional details on a number of matters, including boundary treatment, landscaping, security lighting, specification for doors and windows etc. All of these matters can be addressed at the Reserved Matters stage.

Conclusion

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

6. Human Rights Act 1998

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

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

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

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

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

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

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

7. Recommendation - Grant Subject to S106 Agreement

1. In case of any "Reserved Matter" application for approval shall be made not later than the expiration of 1 year beginning with the date of this permission, and the development shall be begun not later than whichever is the later of the following dates:
- i) The expiration of 3 years from the date of the grant of this permission, or
 - ii) The expiration of 2 years from the final approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: In accordance with the provisions of Section 92 of the Town and Country Planning Act 1990. (as amended by The Planning and Compulsory Purchase Act 2004).

2. Before any work is commenced, details of the layout, scale, appearance, access and landscaping of the site (hereinafter called "reserved matters") shall be submitted to and approved by the local planning authority.

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

3. Samples or full details of all materials to be used on the exterior shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced.

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

4. No development shall take place until full details of hard and soft landscape works, including a phased programme of works, have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved prior to the occupation of any part of the development or in accordance with the programme agreed by the Local Planning Authority. Any trees or other plants which die or are removed

within the first five years following the implementation of the landscaping scheme shall be replaced during the next planting season.

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

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

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

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

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

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

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

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

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

9. The development shall not commence until visibility splays providing clear visibility of 2.4 metres by 43 metres measured down the centre of the access road and the nearside channel line of the major road have been provided at

the junction of the access road with the county highway. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grow within the visibility splay which obstruct the visibility splays. The visibility splays shall be constructed before general development of the site commences so that construction traffic is safeguarded.

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

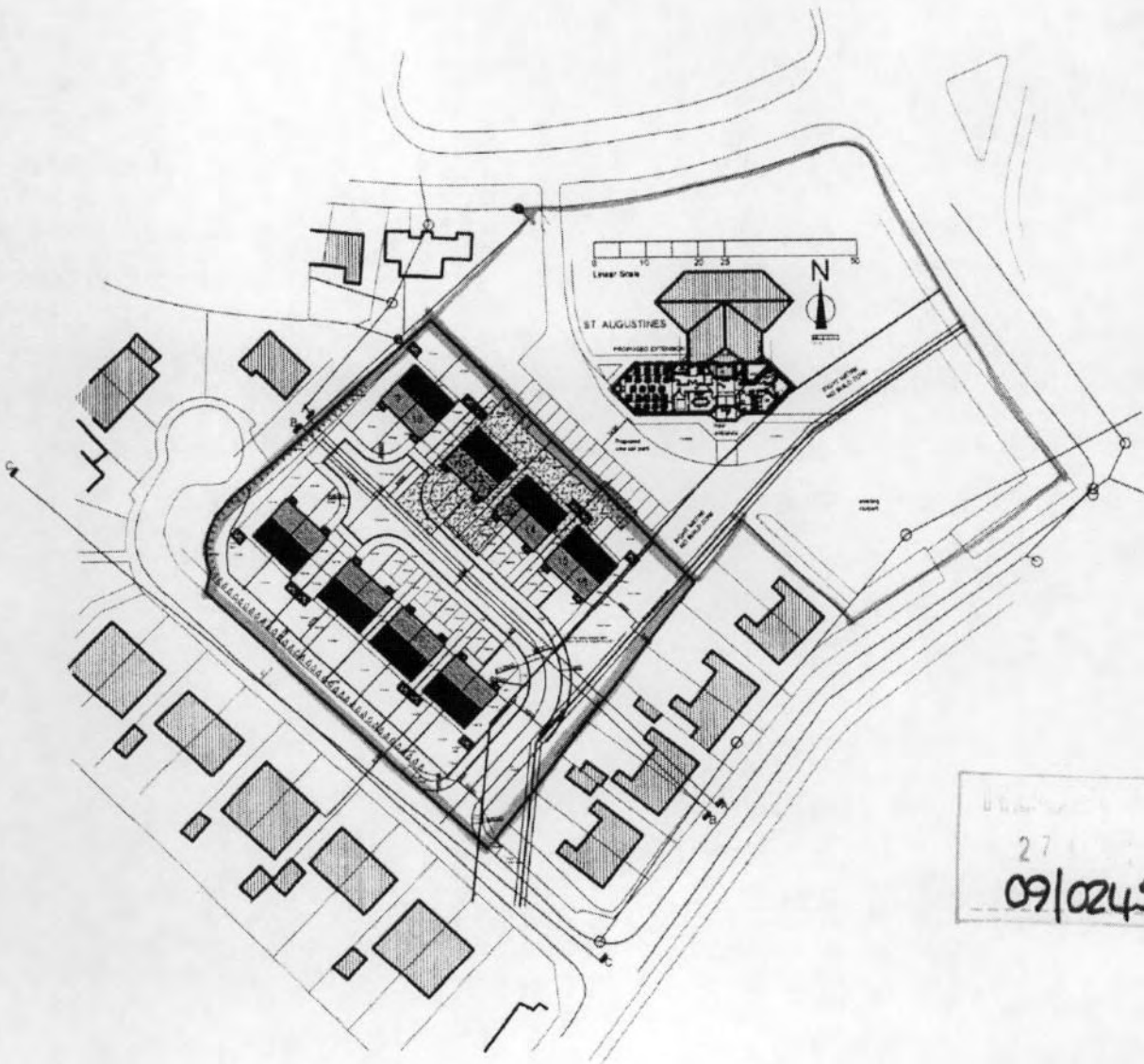
10. Before any development commences, a plan shall be submitted to, and approved in writing by the Local Planning Authority, reserving adequate land for the parking of vehicles engaged in construction operations associated with the development hereby approved, and that land, including vehicular access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

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

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

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

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



Project
Proposed Residential Dev
Waverley Gardens
Carlisle

Drawing Name
Proposed Location Plan

Scale 1:1250	Date 5 SEPT 06	Drawing Number 5071(PL) 01	Rev B
Drawn By DP	Checked By	CAD File Name	

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Linear Scale
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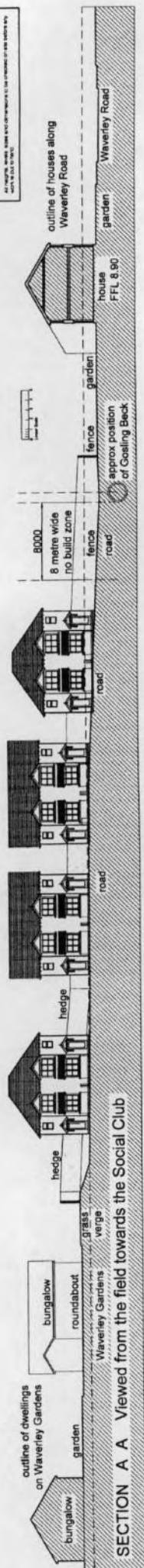
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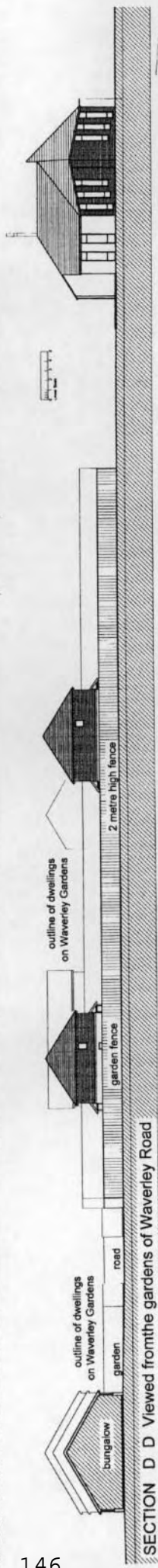
SECTION A A Viewed from the field towards the Social Club



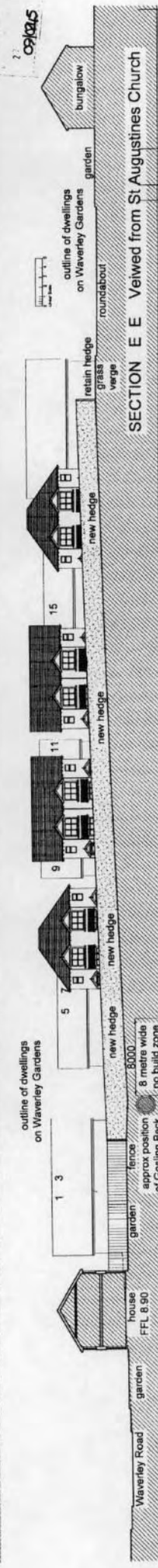
SECTION B B Viewed towards Waverley Gardens



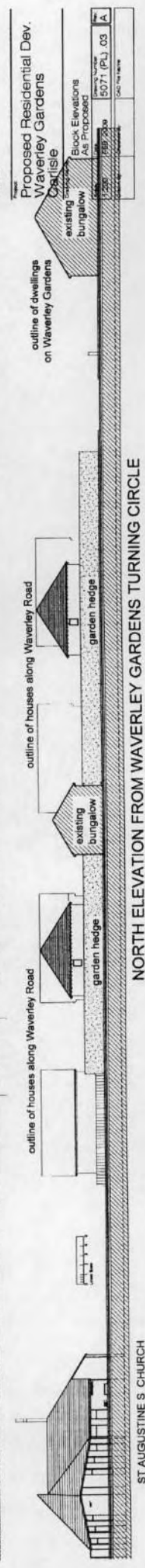
SECTION C C From Waverley Gardens



SECTION D D Viewed from the gardens of Waverley Road



SECTION E E Viewed from St Augustines Church



NORTH ELEVATION FROM WAVERLEY GARDENS TURNING CIRCLE

ST AUGUSTINE'S CHURCH

PLANNING

Layout subject to survey and planning approval

DEREK HICKS & THEW
(Kendal) Limited
INCORPORATING VIE WALLIS VALLIES

