

# **Development Control Committee Main Schedule**

Schedule of Applications for  
Planning Permission

13th November 2009

## Applications Entered on Development Control Committee Schedule

| Item No. | Application Number/<br>Schedule | Location   | Case Officer | Page No. |
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| 01.      | <u>08/0600</u><br>A             | Westwood Nurseries, Orton Grange, Carlisle, CA5 6LB                                  | <u>SG</u>    | 1        |
| 02.      | <u>09/9037</u><br>A             | Richard Rose Morton Academy, Wigton Road, Carlisle CA2 6LB                           | <u>SD</u>    | 48       |
| 03.      | <u>09/0726</u><br>A             | Land between 16 & 17 Faustin Hill, Wetheral, Carlisle, CA4 8JZ                       | <u>BP</u>    | 63       |
| 04.      | <u>09/0632</u><br>A             | Proposed Retail Unit 2, Former Gates Tyres Site, 54 Scotland Road, Carlisle, CA3 9DF | <u>SG</u>    | 76       |
| 05.      | <u>09/0792</u><br>A             | South View Farm, Beaumont, Carlisle, Cumbria, CA5 6EB                                | <u>SD</u>    | 88       |
| 06.      | <u>09/0862</u><br>A             | 1 Holme Meadow, Cumwhinton, Carlisle, CA4 8DR  | <u>SE</u>    | 96       |
| 07.      | <u>09/0751</u><br>A             | University of Cumbria, Brampton Road, Carlisle, CA3 9AY                              | <u>RJM</u>   | 105      |
| 08.      | <u>09/0708</u><br>B             | Bridge End Service Station, Bridge End, Dalston, Carlisle, CA5 7BH                   | <u>DNC</u>   | 115      |
| 09.      | <u>09/9038</u><br>C             | Great Orton Wastewater Treatment Works, Great Orton, Carlisle, CA5 6ND               | <u>RJM</u>   | 131      |
| 10.      | <u>09/9036</u><br>C             | Nightowl Truckstop, Parkhouse Road, Kingstown Trading Estate, Carlisle               | <u>BP</u>    | 136      |
| 11.      | <u>09/9034</u><br>C             | South of Hazel Grove, Linstock, Carlisle CA6 4QD                                     | <u>RJM</u>   | 143      |
| 12.      | <u>08/9023</u><br>C             | Hespin Wood Waste Management Park, Todhills, Carlisle, CA6 4BJ                       | <u>RJM</u>   | 146      |
| 13.      | <u>09/9005</u><br>C             | Hespin Wood Waste Management Park, Todhills, Carlisle, CA6 4BJ                       | <u>SD</u>    | 154      |
| 14.      | <u>09/0197</u><br>C             | Carleton Service Station, Carleton, CA4 0AA  | <u>ST</u>    | 163      |
| 15.      | <u>09/0198</u><br>C             | Kingstown Filling Station, Kingstown Road, CARLISLE, CA3 0BN                         | <u>ST</u>    | 165      |

## Applications Entered on Development Control Committee Schedule

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| 16.      | <u>09/0408</u><br>D             | 1-21 West Hill House, St Martins Drive,<br>BRAMPTON, CA8 1TG    | <u>SG</u>    | 168      |
| 17.      | <u>08/1059</u><br>D             | Land At Former George P.H, Warwick Bridge,<br>Carlisle, CA4 8RL | <u>ARH</u>   | 170      |
| 18.      | <u>09/0719</u><br>D             | Tarn End House Hotel, Talkin, Brampton, CA8<br>1LS              | <u>ARH</u>   | 177      |

## **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 30/10/2009 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 04/11/2009.

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

SCHEDULE A

SCHEDULE A

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SCHEDULE A

## SCHEDULE A: Applications with Recommendation

08/0600

**Item No: 01**

Date of Committee: 13/11/2009

**Appn Ref No:**  
08/0600

**Applicant:**  
Dobies Garden Centres  
Plc/Linton Tweeds Ltd

**Parish:**  
Dalston

**Date of Receipt:**  
23/06/2008

**Agent:**  
GVA Grimley Ltd

**Ward:**  
Dalston

**Location:**  
Westwood Nurseries, Orton Grange, Carlisle, CA5  
6LB

**Grid Reference:**  
335488 551687

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**Proposal:** Garden Centre Retail Development Incorporating Restaurant/Cafe And Farm Foodhall, With Ancillary Works Including Car Parking, Access, 'Greenhouse' Horticultural Interpretation Centre, Outdoor Display/demonstration Areas And Landscaping

**Amendment:**

1. The height of the building has been reduced from being predominantly 7 metres in height (9.58 at its highest point) to largely 5 metres in height (6.2m to the top of the centrally located light well and entrance canopy).
2. The indicative landscaping plan of the bund that aligns the western boundary has been altered so that it is more natural and less ornamental in appearance.
3. A new pedestrian island is proposed to the east of the 4-arm roundabout to improve pedestrian access to the bus stop on the northern side of the A595.
4. A further sequential assessment has been undertaken of 15 alternative out-of-centre locations.

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**REPORT**

**Case Officer:** Sam Greig

**Reason for Determination by Committee:**

This application is brought before the Development Control Committee for determination as more than three letters of objection have been received. Dalston Parish Council and a resident of Dalston have also reserved their "right to speak" against the proposal.

**1. Constraints and Planning Policies**



## **Gas Pipeline Safeguarding Area**

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

**RSS Pol DP 1 - Spatial Principles**

**RSS Pol DP 3 - Promote Sustainable Economic Development**

**RSS Pol DP 4 - Make Best Use Exstg.Resources&Infrastructure**

**RSS Pol DP 5 - Manage Travel Demand. Reduce Need to Travel**

**RSS Pol RDF 1 - Spatial Priorities**

**RSS Pol RDF 2 - Rural Areas**

**RSS Pol W 5 - Retail Development**

**Joint Str. Plan Pol ST4: Major development proposals**

**RSS Pol CNL 1 - Overall Spatial Policy for Cumbria**

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

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

**Joint St. Plan Pol E37: Landscape character**

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

**Joint St. Plan Pol R44: Renew.energy out.LDNP & AONBs**

**Local Plan Pol CP1 - Landscape Character**

**Local Plan Pol CP3 - Trees and Hedges on Development Sites**

**Local Plan Pol CP3 - Trees and Hedges on Development Sites**

**Local Plan Pol CP4 - Agricultural Land**

**Local Plan Pol CP5 - Design**

**Local Plan Pol CP6 - Residential Amenity**

**Local Plan Pol CP8 - Renewable Energy**

**Local Plan Pol CP10 - Sustainable Drainage Systems**

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

**Local Plan Pol CP13 - Pollution**

**Local Plan CP15 - Access, Mobility and Inclusion**

**Local Plan Pol CP16 -Public Trans.Pedestrians & Cyclists**

**Local Plan Pol CP17 - Planning Out Crime**

**Local Plan Pol EC5 - Large Stores and Retail Warehouses**

**Local Plan Pol EC11 - Rural Diversification**

**Local Plan Pol LE8 - Archaeology on Other Sites**

**Local Plan Pol T1- Parking Guidelines for Development**

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

**Cumbria Wildlife Trust:** no comments received;

**Department for Transport (Highways Agency):** the site is off the strategic road network and is, therefore, not the responsibility of the Agency;

**Dalston Parish Council:** objected to the original planning application on the following grounds:

- Scale of development – the size of the proposed development is considered to be too large and inappropriate for the location. The Parish Council urges Carlisle City Council planners and Members to visit other Dobbies sites in order to get a feel for the scale and range of retail products that are sold, as well as the franchising of space which occurs elsewhere;
- Increase in traffic - the Council think that the traffic figures shown in the Green Travel Plan are underestimated and reject Dobbies figures that only 10% of the traffic flow would come through Dalston. In the absence of a southern bypass, many of the potential visitors from the south and north of Carlisle, the Penrith direction and from the Caldbeck area would come through Dalston village. Traffic and parking is a major issue in Dalston and one which is currently being pursued by the Parish Council in conjunction with Cumbria Highways and Carlisle City Council. The existing infrastructure just cannot sustain more traffic. An increase in weekend traffic, particularly on Sundays is not felt to be desirable;
- Inadequacy of the roads on the Dalston side - all of the traffic coming through Dalston to this site will have to pass along a very narrow, twisty unclassified road. This route is already used as a 'rat run' from junction 42 of the M6 motorway;

- Sustainability of local business - many of the products that Dobbies is likely to sell can be sourced in and around the Dalston area, from high quality locally farm sourced meat and other provisions, to the full range of garden and horticultural produce;
- Employment - the Parish Council feel that, although Dobbies is planning on employing a significant number of people, given that much of the present workforce in local industry comes in from Carlisle and elsewhere, it is thought unlikely that the people of Dalston would benefit. With the potential number of job losses in the area due to businesses scaling down as a result of Dobbies, it could even be a net loss; and
- Planning creep - the Council is especially concerned about the long-term likelihood of other large scale retail enterprises seeking permission to build alongside this site. Also, the proximity of the current and future city boundary made it possible that, in 20 or so years, Carlisle and Dalston might merge. Dalston is particularly concerned to retain its rural village identity and does not wish to become a major service centre to Carlisle. In at least one other area where Dobbies has been granted permission for a similar scale development outside the obvious city boundaries, already other commercial developments are being built alongside;

The Parish Council has also objected to the amended plans submitted stating that:

- The revised proposed development is considered out of context with the rural environment and location; and
- The inclusion of concessions retail space (15% of the ancillary sales area) is considered too large.

**Environment Agency (N Area (+ Waste Disp)):** advice is provided in relation to three distinct aspects of the development:

#### Environment Management

The Environment Agency note that in the Flood Risk/Drainage Impact Assessment the applicant intends to discharge foul sewage to the existing combined sewer. According to the United Utilities infrastructure database there are no sewers in the vicinity. This information has been imparted to Goodson Associates who will now re-examine the situation. Ultimately, the applicant may need to apply for a discharge consent for a private sewage treatment system. The Agency therefore requests that any approval includes a condition that requires the means of foul drainage to be agreed prior to development commencing.

#### Development Control

The site is located within Flood Zone 1 as defined in Table D.1 of Planning Policy Statement 25 "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. The Flood Risk Assessment is therefore focused on the design of the surface water drainage system to mitigate against the impact that the creation of large impermeable areas would have on the local surface water drainage system. The Agency were involved with initial discussions in November 2004 during which time an agreement on limiting the discharge of surface water was reached that was in accordance with the Agency's "Greenfield Runoff Criteria - A specification summary for developers".

The Flood Risk Assessment/ Drainage Impact Assessment makes no mention of a specific limiting discharge and the Agency understands that further analysis and calculation has yet to be undertaken subject to granting of planning permission. The Agency has no objection to the development providing that a condition is imposed regarding the proposed means of surface water disposal.

### Recreation & Biodiversity

The Agency recommends that the Planning Authority (as a competent authority under the Habitats Regulations 1994) considers a planning agreement that prevents the sale of invasive non-native species. This should include those species currently being considered under the quinquennial review of Wildlife & Countryside Act to be banned from sale. This is particularly relevant to the nearby River Eden Special Area of Conservation (SAC), as garden centres are the main source of new garden plants in an area, and escapees/releases by gardeners and aquarists can impact the site integrity of SACs (particularly riverine SACs), as well as causing other forms of nuisance (including flooding in some cases). Most watercourses within Carlisle and Eden District are tributaries of the River Eden SAC, and thus provide a pathway for such plants to reach the SAC. Such an agreement could help to minimise these risks in the local context.

Some example species that have the potential to threaten the integrity of the River Eden SAC are:

Japanese knotweed; Himalayan balsam (*Impatiens glandulifera*); Giant hogweed (*Heracleum mantegazzianum*); Australian swamp stonecrop (*Crassula helmsii* - also incorrectly known as *Tillaea recurva* or *Tillaea helmsii*); Floating pennywort (*Hydrocotyle ranunculoides*); Parrot's feather (*Myriophyllum aquaticum*); Water fern (*Azolla filiculoides*) and skunk cabbage;

**Community Services - Drainage Engineer:** no comments received;

**United Utilities (former Norweb & NWWA):** the application indicates that foul drainage will connect to the mains sewer and that surface water will be to sustainable drainage system. United Utilities have no knowledge of any public sewers in the vicinity but the flood risk assessment indicates that the suspected presence of a foul sewer will be discussed with United Utilities. The Flood Risk Assessment further indicates that surface water will communicate with local watercourses following treatments agreed with the Environment Agency. In light of the above United Utilities have no objection to the application;

**Cumbria Constabulary - Crime Prevention:** the proposal complies with Policy CP17 of the Carlisle District Local Plan 2001-2016;

**Natural England:** no comments received;

**Northern Gas Networks:** no objections;

**Cumbria County Council - Transport & Spatial Planning:** Cumbria County Council was consulted on the original scheme submitted. The Development Control and Regulation Committee resolved to object to the application on the following grounds:

- i. the applicants have not rigorously assessed all potential sequentially preferable sites, either within or on the edge of a Key or Local Service Centre identified in JSP Policy ST5 or ST7, and the application fails to satisfy the sequential approach as required by JSP Policies ST3 and L54;
- ii. the applicants have not demonstrated that the scale of retail development proposed is essential for this rural location, and the development would fail to satisfy Policies ST7 and ST9;
- iii. the scale and nature of the development would not be sympathetic to the character of the area and would cause significant harm to the local landscape character contrary to Policies ST3, EM15, and E37;
- iv. insufficient information has been provided in order to demonstrate that the proposal satisfies JSP Policies ST3, T24, T25 T30 & T31, and LTP Policies LD4, LD5. LD7 & LD8;
- v. the proposed development site should be subjected to an archaeological evaluation, to be commissioned at the expense of the developer, and carried out prior to the granting of planning permission.

In the light of the concerns raised regarding the quantitative need, the County Council strongly recommended that Carlisle City Council ensures it has an objective evidence base against which it can assess the likely effects of the development proposal in terms of the tests of retail need.

The County Council has been made aware of the subsequent changes to the application, both in terms of the physical appearance of the building and the retail assessments provided by the Council's retail consultants, DTZ. The County Council has confirmed that it will not comment further on the retail aspect of the scheme, but that it may wish to offer additional comments regarding the changes to the highway network. It has also confirmed that the recent changes to the plans have addressed its previous concerns regarding the landscape impact;

**Development Services Planning & Housing Services - Local Plans (Trees):** in response to the original plans submitted the Council's Landscape Architect commented that this is a substantial development in the rural area and a detailed landscaping scheme must be submitted and agreed with the Local Planning

Authority before commencement of any works on site. Particular regard should be made in respect of the car parking area and screening what would be a rather intrusive structure. The applicant should also be asked to provide a hedge/tree survey (this information has since been submitted).

In respect of the amended plans submitted the Landscape Architect has commented that the detailed landscaping scheme should seek to break up the mass of car parking area with suitably installed tree planting;

**Cumbria County Council - (Archaeological Services):** the site has been the subject of an archaeological geophysical survey. The results of the survey have identified a number of minor remains of possible archaeological interest exist on the site. Although the nature and extent of these remains are unclear, the survey has demonstrated that they are unlikely to be of nationally important significance and consequently not considered worthy of preservation in situ. Nevertheless, the remains may be of sufficient worth to preserve by record. Furthermore the report acknowledges that the survey is unlikely to have revealed all the remains of archaeological interests that survive in the site because of the geological conditions.

Additional information regarding the quality and survival of archaeological remains within the development area is still required. Because it has been established that there is unlikely to be any archaeological remains worthy of preservation in situ this programme of work can be secured through the imposition of two planning conditions.

### **3. Summary of Representations**

#### **Representations Received**

| Initial:                     | Consulted: | Reply Type: |
|------------------------------|------------|-------------|
| Heatherfield                 | 25/06/08   |             |
| Furrowend                    | 25/06/08   |             |
| Woodville                    | 25/06/08   | Undelivered |
| Orton Grange Caravan Park    | 25/06/08   |             |
| 1 Orton Grange Caravan Park  | 25/06/08   |             |
| 2 Orton Grange Caravan Park  | 25/06/08   |             |
| 3 Orton Grange Caravan Park  | 25/06/08   | Undelivered |
| 4 Orton Grange Caravan Park  | 25/06/08   | Undelivered |
| 5 Orton Grange Caravan Park  | 25/06/08   | Undelivered |
| 6 Orton Grange Caravan Park  | 25/06/08   | Undelivered |
| 7 Orton Grange Caravan Park  | 25/06/08   | Support     |
| 8 Orton Grange Caravan Park  | 25/06/08   |             |
| 9 Orton Grange Caravan Park  | 25/06/08   | Undelivered |
| 10 Orton Grange Caravan Park | 25/06/08   |             |
| 11 Orton Grange Caravan Park | 25/06/08   |             |
| 12 Orton Grange Caravan Park | 25/06/08   |             |
| 13 Orton Grange Caravan Park | 25/06/08   | Undelivered |
| 14 Orton Grange Caravan Park | 25/06/08   |             |
| 15 Orton Grange Caravan Park | 25/06/08   |             |
| 16 Orton Grange Caravan Park | 25/06/08   |             |
| 17 Orton Grange Caravan Park | 25/06/08   |             |
| 18 Orton Grange Caravan Park | 25/06/08   | Undelivered |
| 19 Orton Grange Caravan Park | 25/06/08   |             |

|                                     |          |              |
|-------------------------------------|----------|--------------|
| 20 Orton Grange Caravan Park        | 25/06/08 |              |
| 21 Orton Grange Caravan Park        | 25/06/08 |              |
| 22 Orton Grange Caravan Park        | 25/06/08 | Undelivered  |
| 23 Orton Grange Caravan Park        | 25/06/08 | Support      |
| 24 Orton Grange Caravan Park        | 25/06/08 |              |
| 25 Orton Grange Caravan Park        | 25/06/08 | Undelivered  |
| 26 Orton Grange Caravan Park        | 25/06/08 |              |
| 27 Orton Grange Caravan Park        | 25/06/08 | Undelivered  |
| 28 Orton Grange Caravan Park        | 25/06/08 |              |
| 29 Orton Grange Caravan Park        | 25/06/08 | Undelivered  |
| 30 Orton Grange Caravan Park        | 25/06/08 | Undelivered  |
| 31 Orton Grange Caravan Park        | 25/06/08 | Undelivered  |
| 32 Orton Grange Caravan Park        | 25/06/08 | Undelivered  |
| 1 Orton Grange Cottages             | 25/06/08 |              |
| 2 Orton Grange Cottages             | 25/06/08 |              |
| Lakeland Spas                       | 25/06/08 |              |
| Chestnut Cottage                    | 30/06/08 |              |
| Viewlands                           | 30/06/08 |              |
| Hill Crest                          | 30/06/08 |              |
| Cardewlees Farm                     | 30/06/08 |              |
| Beech Holme                         | 30/06/08 |              |
| Beechwood                           | 30/06/08 |              |
| F. Brown (Carlisle) Ltd             | 30/06/08 |              |
| Westwood Nurseries                  | 30/06/08 |              |
| The Croft                           | 30/06/08 |              |
| Oak View                            | 25/06/08 |              |
| Brindle                             | 25/06/08 |              |
| Birch Close                         | 25/06/08 |              |
| Wood Lea                            | 25/06/08 |              |
| Hill View                           | 25/06/08 |              |
| Overdale                            | 25/06/08 |              |
| Corner Cottage                      | 25/06/08 |              |
| Orton Grange Farm                   | 25/06/08 |              |
| Sunny Side                          | 25/06/08 |              |
| East Grange Cottage                 | 25/06/08 |              |
| Hazeldene                           | 25/06/08 |              |
| The Woodlands                       | 25/06/08 |              |
| Meadowside                          |          | Objection    |
| 24 Newlay Lane                      |          | Objection    |
| Rectory View                        |          | Objection    |
| Sebergham Castle Farm               |          | Objection    |
| Yew Tree house                      |          | Objection    |
| Orton Grange                        |          | Support      |
| Orton Grange                        |          | Support      |
| Orton Park Farm                     |          | Support      |
| 1 Walk Mill                         |          | Objection    |
| Barras Lane Ind Est                 |          | Comment Only |
| Mr Bell, 4, Buckabank Court         |          | Objection    |
| Newby Cross                         |          | Objection    |
| 3 Chatsworth Square                 |          | Comment Only |
| 268 Yewdale Road                    |          | Support      |
| Stackyard Cottage                   |          | Support      |
| Moorpark Farm                       |          | Support      |
| 2 Madam Banks Rd                    |          | Support      |
| 30 Blunt St                         |          | Support      |
| Old Garage                          |          | Support      |
| 39 Bankend                          |          | Support      |
| Klondyke Group Limited, Head Office |          | Objection    |
| Dalston Parish Council              |          | Comment Only |
| 69 Granville Road                   |          | Support      |

- 3.1 This application has been advertised by means of site and press notices as well as notification letters sent to fifty one neighbouring properties. In response nine letters of objection and twelve letters of support have been received. Two further letters that offers comments on the application has also been received.
- 3.2 The grounds of objection are summarised as;
1. The proposal will result in increased traffic passing through Dalston and traffic approaching from the M6 will do so on a narrow and unsuitable road;
  2. The residents living next to these roads will have their living conditions eroded through increased traffic noise, vibration and fumes;
  3. Local businesses, particularly the nursery and butchers at Dalston, will be adversely affected by the garden centre;
  4. The proposal will set a precedent, paving the way for further development;
  5. GVA Grimley's supporting letter and retail statement do not make clear what sales goal is being targeted; what product areas are being proposed to arrive at this figure and whether there is sufficient consumer demand available to support the sales goal; and
  6. The proposal will have a significant adverse impact upon Houghton Hall Garden Centre, which may result in it needing to diversify.
- 3.3 The letters of support highlight the following issues.
1. The garden centre will be a great asset to the local community;
  2. In other areas of the country where Dobbies Garden Centres have opened it has sparked a catalyst of positive effects, which include an improved road structure, increased employment, tourism benefits and increased choice for customers;
  3. The proposed roundabout on the A595 will be a benefit to local residents and road users;
  4. The proposed roundabout on the A595 and potential increase of customers in the area will have spin off benefits local businesses; and
  5. The proposal is on the site of an existing nursery.
- 3.4 Eric Martlew MP has commented on the application. In doing so he has highlighted that there has been a dramatic increase in the number of pensioners living in rural areas that are currently driving to, and parking near, a bus stop and travelling into Carlisle by bus. Mr Martlew understands



that this has contributed to the parking problems in Dalston. If the Council is minded to approve the application Mr Martlew has questioned whether there is scope to incorporate a park and ride scheme as part of the proposal.

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

- 4.1 There are a number of historic applications relating to the development of the commercial nursery; however, more recently in 2003 planning permission was granted for the retention and reinstatement of the commercial nursery for the production of plants for wholesale market (Application 03/1097). The application also involved the use of part of former nursery as garden centre for sale of nursery stock and associated products, including provision of a coffee shop and the use of the redundant buildings by small businesses (Use Classes B1 and B8).

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

- 5.1 This application seeks “Full” planning permission for the erection of a garden centre retail development on part of the land owned by Westwood Nurseries, Orton Grange, Carlisle. The application site, which extends to 7.47 hectares, is situated approximately 3.5 kilometres to the southwest of Carlisle, on the eastern side of the minor road that links Orton Grange with Dalston. Dalston village is situated approximately 1.5 kilometres to the south east. Westwood Nurseries currently operate from land on both sides of the unclassified road, however, the application site relates to the land to the east.
- 5.2 The garden centre proposal incorporates a restaurant/café and farm food hall, with ancillary works including car parking, a new vehicular access road with a roundabout off the A595, a “greenhouse” horticultural interpretation centre, together with outdoor display/demonstration areas and landscaping.
- 5.3 The application site comprises Westwood Garden Centre and the field immediately to the north. It also incorporates parts of the surrounding road network, including the unclassified road, which links the site with Dalston and the A595, together with part of the field that is located to the west of the junction of these two roads.
- 5.4 The site has been in commercial use as part of Westwood Nurseries and comprises an extensive range of glass houses. Located immediately to the west of the application site across the existing road is the main part of Westwood Nurseries, with an extensive range of glass house structures and two small wind turbines (the permission granted in 2006 allows a further three turbines to be erected). Within this complex are a number of small commercial premises.

- 5.5 Immediately beyond the northern boundary of the site are the residential properties of “Heatherfield” and “Oak View”. Further to the north beyond these are a number of residential properties, including Orton Grange Residential Park, and a former mushroom farm located to the rear of the dwelling known as “Brindle”. Immediately to the east and south of the site lies open fields; however, views of the site from these directions are obscured by the dense woodland located further beyond.
- 5.6 Despite there being a number of buildings in the immediate locality, some of which are significant in scale and height, the character of the area is predominantly rural. This is largely due to the fact that the houses and businesses are set back off the road behind trees and hedges. This is particularly the case for the existing nursery. The native hedges that bound the road are a key characteristic of the landscape.

## **Background**

- 5.7 Members may be aware that the site, including the land on the opposite side of the road, traded as a wholesale nursery for many years as the operational base for Ryedale Nurseries until that business ceased trading in December 2002.
- 5.8 In 2003, following purchase of the business by Linton Tweeds (the parent company of Westwood Nurseries) planning permission was granted in December 2003 (Application 03/1097) for the:
- “Retention and reinstatement of the commercial nursery for production of the plants for wholesale market/use of part of former commercial nursery as garden centre for sale of nursery stock and associated products including provision of a coffee shop/use of redundant buildings for use by small businesses (Use Classes B1 and B8)”.*
- 5.9 That approval permitted the original Ryedale Nursery premises to have two distinct operational elements: i) the commercial nursery and B1/B8 uses on the west side of the unclassified road with some operational car parking and loading areas; and ii) the Westwood Garden Centre with stores, offices and a small area of offices, plus all customer parking on the east side of the road. The floor area of the existing glass houses situated on the current application site i.e. the east side of the minor road measures 4,878 square metres (sq m): the proposed Garden Centre use which was permitted in December 2003, utilising part of the existing floor area, related to some 1,690 sq m. The remainder of the floor space was intended for storage use and ancillary office use (40 sq m). However, it is understood that the operators, who recently ceased operating the Garden Centre element, actually only used 963 sq m of those glass houses for retail activities. The planning permission also provided for the creation of a 67 space car park. This has not been constructed, although an informal area of hardstanding provides some car parking.

## The Proposal

- 5.10 The application is a joint submission by Dobies Garden Centres PLC, an established garden centre retailer, and Linton Tweeds as parent company of Westwood Nurseries. There is an existing business relationship between Dobies and Westwood Nurseries, who currently supply Dobies with stock for their existing garden centre operations.
- 5.11 In the supporting documentation the applicants' agent has provided a summary of the development proposals, which comprise the following elements:
- i) Approximately 5,500 sq m of new build accommodation, which principally houses the covered heated element of the garden centre, including a farm food hall and café/restaurant;
  - ii) A total of 408 car parking spaces, including 16 disabled parking bays, 8 parent/child bays, 3 coach spaces and cycle parking;
  - iii) A "Greenhouse" horticultural interpretation centre, aimed at inspiring the gardener to push the boundaries of their horticultural knowledge;
  - iv) Heated and external sales areas including themed demonstration gardens, poly tunnels, garden buildings and a conservatory sales area;
  - v) A high standard of design and comprehensive landscape solution sensitive to the nature of the site; and
  - vi) Construction of a new 4-arm roundabout on the A595, realignment of the unclassified road and construction of a 3-arm roundabout on the unclassified road providing direct access to the site.
- 5.12 The existing glass houses that are located adjacent to the south boundary of the site are to be removed. There is a slight fall in level of approximately 2-3m from west to east and, therefore, it is proposed to position the garden centre building towards the eastern extent of the site where levels are lower. The building would occupy almost the full width of the site, although a service yard is proposed to the south of the building, with a small section of the car parking area to the north.
- 5.13 The area to the east (rear) of the garden centre would be dedicated to outdoor sales (11,815 sq m). The land to the west of the garden centre would be occupied by the extensive car park, which provides 408 car parking spaces and 3 coach spaces.
- 5.14 The building itself provides 5,599 sq m gross internal floor area, with a net trading retail area of 4,949 sq m. Since the application was originally submitted the design of the building has been modified, principally to reduce its height; however, the footprint of the building remains the same. The building has been reduced from being predominantly 7 metres in height (9.58 at its highest point) to largely 5 metres (6.2m to the top of the entrance canopy and centrally located light well).
- 5.15 The original more elaborate design has also been simplified and toned down to reflect its rural surroundings. The external walling of the front elevation is finished wholly in timber, with the exception of the aluminium framed windows. The main entrance is framed by a timber canopy (the highest part of the

building). Either side of the entrance canopy the eaves and ridge height of the building are gradually reduced thereby ensuring that despite the building's width (125m) the entrance remains the focal point. The roof, which is finished using a light grey coloured "Sika-Trocal" pvc membrane, is connected into a grey water harvesting system. The run-off from the roofs is pumped into, and stored within, above ground water tanks to utilise as part of the garden centre's daily irrigation works.

- 5.16 The remainder of the external elevations of the building are finished with horizontal timber cladding, although composite wall panelling is proposed to the service yard. The service yard itself is screened from public view by a 4.5m "green" wall, which utilises planting to provide a natural screen. At the rear of the building there is an extensive area of poly tunnels; however, this area is stepped back from the north and south facing side elevations of the main building thereby restricting views of these structures from outside the site. The side and rear boundaries of the site would be enclosed by 3m high landscaped security fencing, which incorporates planting to soften its visual impact.
- 5.17 As you might expect from a garden centre retailer, an extensive amount of landscaping is proposed, albeit the submitted drawings are only indicative at this stage. Around the periphery of the site the existing hedgerows are to be retained and strengthened with additional tree planting. A 10m deep landscaped strip is proposed around the southern and eastern boundaries of "Heatherfield", the nearest residential dwelling, in order to mitigate the impact of the development upon this property. This landscaped strip is to extend along the field to the rear of "Oak View", albeit at a reduced depth of 4m.
- 5.18 The most notable feature of the landscaping works is proposed along the boundary with the unclassified road. It involves the formation of a landscaped bund, which would be approximately 1.5m in height and be 40m in depth at its widest point/20m at its narrowest. The bund is intended to screen the car park and to soften the impact of the building.
- 5.19 The application also proposes some significant changes to the road network. A 4-arm roundabout is proposed on the A595 together with a re-configured section of the unclassified road leading to a 3 arm roundabout at the site entrance. The 4-arm roundabout would be positioned 100 metres to the west of the existing junction of the unclassified road with the A595. The unclassified road would be redirected and taper in a north-westerly direction from opposite the property known as "Heatherfield" to the proposed new roundabout on the A595.
- 5.20 The existing junction of the unclassified road with the A595 would be closed and a new junction formed from the redirected road onto the old road. The residents occupying adjacent nearby dwellings to the north of the application site would benefit through the provision of a quiet access road with no through traffic.
- 5.21 In addition to the above works a new pedestrian island is proposed to the east of the 4-arm roundabout to improve pedestrian access to the bus stop on the northern side of the A595.

- 5.22 It is proposed that the garden centre will be open to trade between 9am and 8pm Mondays to Friday, 9am to 6pm on Saturdays and 10.30am to 4.30pm on Sunday and Bank Holidays.
- 5.23 A number of supporting documents have been submitted with the application. These include a Planning Policy Statement, Landscape and Site Design Proposals, Transport Assessment and Green Travel Plan, Flood Risk/Drainage Impact Assessment, Pre Application Consultation Statement, Natural Conservation/Ecological Assessment and a series of Archaeological Surveys.

## **Assessment**

- 5.24 The relevant planning policies against which the application is required to be assessed are Policies DP1, DP3, DP4, DP5, RDF1, RDF2, W5, CNL1 and CNL2 of the North West Regional Spatial Strategy to 2021; "extended" Policies ST4, T31, E37, E38 and R44 of the Cumbria and Lake District Joint Structure Plan 2001-2016 and Policies CP1, CP3, CP4, CP5, CP6, CP8, CP10, CP12, CP13, CP15, CP16, CP17, EC5, EC11, LE8 and T1 of the Carlisle District Local Plan 2001-2016. Planning Policy Statement (PPS) 6 "Planning for Town Centres" also provides an overview of Government guidance in relation to the retail sector.
- 5.25 The proposals raise the following planning issues:
1. Whether The Principle Of The Proposed Development Is Acceptable.
- 5.26 A garden centre, if defined as a primary use of the land for the retail sale of goods to visiting members of the public, clearly falls within Use Class A1 (Retail). As such the development must be considered in the context of the policy advice contained in PPS6 "Planning for Town Centres".
- 5.27 Paragraph 1.1 of PPS6 highlights that the planning system has a key role in facilitating and promoting sustainable and inclusive patterns of development, including the creation of vital and viable town centres. The Government's key objective for town centres is to promote their vitality and viability by:
- a) planning for the growth and development of existing centres; and
  - b) promoting and enhancing existing centres, by focusing development in such centres and encouraging a wide range of services in a good environment, accessible to all.
- 5.28 Paragraph 1.4 also notes that there are other Government objectives, namely:
- i) enhancing consumer choice by making provision of a range of shopping, leisure and local services, which allow genuine choice to meet the needs of the entire community;
  - ii) supporting efficient, competitive and innovative retail, leisure, tourism; and

- iii) improving accessibility, ensuring that existing or new development is, or will be, accessible and well-served by a choice of means of transport.
- 5.29 The main town centre uses to which PPS6 applies are, retail, leisure/entertainment facilities, offices, arts, culture and tourism.
- 5.30 Paragraph 3.1 of PPS 6 advises that when assessing proposals, local authorities should require applicants to demonstrate:
- the need for development;
  - that the development is of an appropriate scale;
  - that there are no more central sites for the development;
  - that there are no unacceptable impacts on existing centres; and,
  - that locations are accessible.
- 5.31 Paragraph 3.5 explains that as a general rule, proposals should satisfy all these considerations.
- 5.32 To assist in considering this application against the above considerations the Council has commissioned an independent retail assessment, which has been undertaken by DTZ. The consultant, who has prepared provided three reports relating to this submission, has previously been the author of the Carlisle Retail Study (2000), the subsequent update to that Study prior to the Local Plan Inquiry (2006) and, again, following the onset of the global recession (2009). The consultant has also acted as expert witness at both the Tesco Public Inquiry for the Viaduct Estate Road site and in relation to the evidence presented on retail matters at the Local Plan Inquiry.
- 5.33 The first report relevant to the present application commented upon the original Retail Assessment submitted by the applicant. The second report comments on corrections made by the applicants to the quantitative analysis within the Retail Assessment following DTZ's original response. The third and final report assesses the additional supporting arguments put forward by the applicants' agent and provides the Council with a recommendation as to whether the proposal complies with PPS6. A copy of the Final Report is reproduced in the Schedule.
- 5.34 DTZ advise that large modern garden centres are never found in town centres. This is because they are low density developments requiring substantial outdoor display areas for plants and other horticultural supplies. They are an inefficient (in development terms) and low value use of land, which would not be desirable in a town centre. DTZ is aware of no sites within Carlisle City Centre which could realistically accommodate the horticultural goods elements of the proposed development.
- 5.35 Garden centres are occasionally located on edge-of-centre sites, where they can beneficially contribute to the range of retail premises; however, even at edge-of-centre locations (Annex A to PPS6 defines this as within 300m of the primary retail area), a garden centre proposal would in most cases be unlikely to compete effectively, in terms of land values, with other higher density uses. DTZ consider it very unlikely that any sites in Carlisle, which are

edge-of-centre according to the PPS6 definition could be made available for the horticultural goods development in the proposed garden centre.

- 5.36 In this instance, the proposed development would be on an out-of-centre site, which is not allocated for retail use in any up-to-date Development Plan. In accordance with PPS6, the applicants are required to demonstrate a need for it in quantitative and qualitative terms, with the former given greater weight.
- 5.37 In terms of the quantitative need DTZ conclude that there is only a moderate need for the horticultural goods element of the garden centre, which means that there is insufficient expenditure to support the full amount of floor space proposed. As a consequence of this DTZ advise that the proposed garden centre will have a significant impact upon existing horticultural goods outlets, in particular the Houghton Hall Garden Centre, operated by Klondyke. The applicants' Retail Assessment predicts that the Houghton Hall operation will suffer a 38% loss of trade from its horticultural goods trade as a consequence of the development.
- 5.38 Although this impact may seem significant and could result in the closure of some smaller outlets, virtually all of these are out-of-centre and, therefore, PPS6 advises that they do not qualify for any planning policy protection from impact. As such, Members are advised that the impact upon and possible closure of some existing outlets is not a material consideration to take into account in the determination of this application. It is a result of standard commercial competition, in this instance between "specialist" out-of-centre retailers.
- 5.39 In light of the moderate quantitative need Officers have queried whether the size of the garden centre ought to be scaled down proportionately. In response, DTZ advise that it is probably not commercially viable to develop a horticultural outlet which is smaller than that proposed, particularly as it would have to compete with (the then much larger) Houghton Hall Garden Centre operation. This partly explains why most proposals for "garden centre" outlets are broadly of that size. As such, DTZ advise that it is really a case of "all or nothing", where the horticultural goods facility is concerned.
- 5.40 Given the issues highlighted in the above paragraphs, it is DTZ's view that the qualitative need is more relevant in this case than is usual with out-of-centre retail developments. At present, there is only one large modern garden centre in Carlisle. As such, there is a moderate qualitative need for a second garden centre and DTZ conclude that the moderate qualitative need for a second modern garden centre compensates for the incomplete quantitative need.
- 5.41 Although PPS6 advocates that new retail development generally should be located in accord with sequential principles i.e. first preference being City Centre sites, followed by edge-of-centre locations, in practice these sequentially better sites are unlikely to be achievable with garden centre proposals for the reasons identified in paragraphs 5.34 - 5.35. Whilst DTZ do not highlight any specific concerns regarding the location of the development, Officers consider that the applicants should, nonetheless, demonstrate -in

accord with the sequential test- why their site was preferable over other possible out-of-centre locations.

- 5.42 As part of the supporting information the applicants provided a sequential assessment, which, in addition to reviewing the city centre and edge-of-centre locations, includes six out-of-centre locations. Of the sites included in that sequential assessment nearly all could be ruled out as unsuitable for quite fundamental reasons not requiring more detailed consideration. Notwithstanding, given the proximity of the application site from Carlisle (3.5km), the applicants were asked to carry out a more robust assessment of the alternative out-of-centre sites. In response to that request the applicants extended their sequential analysis to include a further 15 out-of-centre options that were located on the urban fringe of the Carlisle settlement boundary or along the A595 corridor between Carlisle and the application site.
- 5.43 From this additional assessment the applicants concluded that their site remained the sequentially preferable option. The principal justification for this relates to the historic use of the site as a garden centre operated by Westwood Nurseries, albeit on a smaller scale, and, further, that there is an existing operational relationship between Dobies and Westwood Nurseries, which is owned by Linton Tweeds, who are also joint applicants.
- 5.44 Aside from that existing business relationship the applicants argue that the site can be regarded, in part at least, as a brownfield site, due to the presence of the glass houses, storage buildings and areas of hard standings. Due to site specific characteristics, whereby it enjoys screening from woodland beyond it, the site is also reasonably well screened whereas sites more geographically closer to the urban area are more prominent and in active agricultural use. In light of this additional information, it would seem that the applicants' site is the most sequentially preferable of the alternative out-of-centre locations.
- 5.45 DTZ also advise that the principle of the development can only be regarded as acceptable if the applicants are prepared to accept a condition that restricts the amount of ancillary goods sold. Without such restrictions, the proposed garden centre could in effect trade as an unrestricted retail outlet, which would not comply with PPS6 in terms of both its out-of-centre location and have a potential serious impact upon the delivery of the planned District Centre at Morton.
- 5.46 DTZ accept that a degree of ancillary sales are required to smooth out fluctuations in the horticultural trade. Notwithstanding, it is still necessary to restrict the level of ancillary sales to avoid the store affecting the viability of the city centre or the proposed store at Morton. In its original assessment, DTZ advised that the level of comparison ancillary sales ought to be restricted through the imposition of a planning condition to not more than 15% of the gross retail floor space in the main building (760 sq m). Despite initial resistance, the applicants now agree to the imposition of such a condition.



- 5.47 DTZ also advise that, if the Council is minded to approve the application, in order to ensure fair competition with Houghton Hall, the primary range of goods should be the same as applies to the operative planning consent for Houghton Hall. The applicants have suggested the wording for such a condition, which is based on the condition imposed on the Houghton Hall decision notice, albeit the specific floor space areas from which certain sales can take place has been proportionately increased to reflect the larger footprint of the store.
- 5.48 In respect of the food hall, the applicants have always maintained that it will only sell specialist food products. DTZ advise that, if permitted, the size of the food hall ought to be restricted to not more than 400 sq m metres and the type of products sold should be restricted to specialist foodstuffs, and not general foodstuffs commonly sold from super markets and food superstores. The justification for this is to prevent the food hall trading as a “typical” convenience outlet, which could affect the Council’s aspirations for the provision of a District Centre at Morton and other local facilities. The applicants have confirmed that they are agreeable to the imposition of planning conditions preventing this from being the case.
- 5.49 In addition to the aforementioned conditions, DTZ recommend that a condition is imposed to prevent the overall premises trading as a foodstore coupled with a linked condition prohibiting the sale of ancillary goods from any temporary structures. In the interest of clarity a further condition is also suggested that restricts the sale of food and drink to the food hall, with the exception of the restaurant where food and drink could be sold for consumption on the premises.
- 5.50 In summary, DTZ conclude that *“it will be a fine judgement for the Council as to whether to grant permission for the proposed development, because the issues are finely balanced and not clear cut”*. The incomplete quantitative need is compensated for by a moderate qualitative need for a second modern garden centre in the Carlisle area. In DTZ’s opinion, the probable lack of demonstrable harm could justifiably lead the Council to grant permission, but only subject to all of the conditions they recommend. Although a series of restrictive retail conditions are recommended in this Report, further guidance has been sought from DTZ to ensure that the precise wording of the conditions will achieve their intended objectives. At the time of preparing this Report a response is awaited from DTZ.
- 5.51 If Members are minded to approve this application, The Town and Country Planning (Consultation) (England) Direction 2009 dictates that it will be necessary to refer it to Government Office North West (GONW). This is because the development is out-of-centre and relates to a new retail development with a floor area of greater than 5,000 sq m. GONW would then determine on behalf of the Secretary of State whether or not the application should be “called in” by the SoS or whether it is appropriate that the decision is made by the Council, as Local Planning Authority.

- 5.52 In light of the above, if Members are minded to approve the application, it is requested that “authority to issue” the decision is given subject to clearance of the referred application by the Secretary of State.

## 2. Impact Upon The Landscape Character Of The Surrounding Area.

- 5.53 The proposal represents a significant development in the rural area. The building and car parking area alone would occupy a substantial footprint, which is comparable to that of a supermarket. Members need to give serious consideration to the visual impact of the development and in doing so there are several issues to consider:
- i) The visual impact of the development;
  - ii) Whether the design of the store is appropriate to the setting;
  - iii) The visual impact of the proposed alterations to the highway network; and
  - iv) The effect of external lighting.
- 5.54 In considering the first point, the applicants “Landscape And Site Design Proposals” document includes a visual analysis of the proposed development; however, this assessment was based on the original design of the garden centre, which has since been lowered in height by between 2m - 2.58m. Amongst other things, the assessment identifies that public views of the building from the wider area will be limited. When travelling along the surrounding road network, views of the site will be generally obstructed by the road side hedges, although glimpses of the site will be afforded through field gates and at the road junction at Hillcrest Farm located immediately to the south of the site, from which the site would be most visible.
- 5.55 As the building is set back from the roadside by 120m (150m at its furthest point) views of the building from the A595 will be partially screened by the residential properties that form the hamlet of Orton Grange. When viewed from further westwards along the A595 the existing glass houses and other structures, which comprise the remainder of Westwood Nurseries, will obscure the site. Views from the north and east of the site are obstructed by the dense belt of trees.
- 5.56 In respect of the most prominent view from the road junction at Hillcrest Farm, the building will be visible; however, so are the existing glass houses on the application site and on the opposite side of the minor road, which are of a comparable height to the building proposed. These glass houses are also situated closer to the roadside where the site levels are higher. The proposed landscaped bund to the roadside boundary and additional planting along the southern boundary should screen the car park and soften the impact of the building. Where the building is visible, bearing in mind its timber façade, it would be seen against the backdrop of the woodland beyond. In contrast, the existing glasshouses reflect the sun light causing them to stand out rather than to blend in. On balance, it is Officer’s view that subject to the submission of a detailed landscaping scheme, which can be secured through a condition, the visual impact of the building when viewed from a distance would be limited and would not be significantly greater than that which is generated by the existing structures.

- 5.57 In respect of the store itself, it will be visible when passing by the site on the unclassified road, although its car park should be largely screened from view by the landscaping. The recently submitted plans have resulted in a significant reduction in the building's height and design. Whilst it still occupies a significant frontage (125m in width), its reduced height, simplistic appearance and timber façade should help the building to sit sympathetically within its rural surroundings. By way of a comparison Houghton Hall Garden Centre stands 10.4m in height at its highest point. The less sympathetic elements of the proposed garden centre at Orton Grange, such as the poly tunnels and garden shed/conservatory display areas, will be tucked in behind the building.
- 5.58 The alterations to the road network would, in the short term, have a significant impact upon the landscape character of the area. The realignment of the unclassified road and the creation of the roundabouts would inevitably have a dramatic effect; however, the applicants have confirmed that landscaping is proposed which includes the planting of roadside hedges. In time the landscaping will mature and the changes to the road network will not appear out of place. As a point of reference, the roundabout at Thursby would, at one stage, have stood out in the rural landscape, however; today it does not appear to be an incongruous feature. Irrespective of individual views on the impact of these changes, one point that ought to be considered is that the improvements to the highway network as a result of these changes should be set against any concerns regarding their visual impact.
- 5.59 On the basis of the above it is the Officers view that the visual impact of the development during daylight hours will be limited. At night time, however, the proposal has the potential to stand out as an incongruous feature. The existing glass houses are not illuminated, as such, and any lighting within them will be of a low level.
- 5.60 In contrast, however, a development of this nature will require external lighting to illuminate the external sales areas and car parking areas to ensure that they can be safely negotiated by customers and staff. It is this aspect of the proposal, particularly during the winter months, that has the potential to have a greater impact upon the surrounding landscaping than the physical mass of the building itself.
- 5.61 The applicants' supporting information identifies that lighting proposals will be carefully considered to create a safe but low level scheme, to minimise light spillage, particularly to neighbouring dwellings and habitats. Specific features will be the site entrance, main walkways and building frontage, emphasised by specialist lighting forms to create visual interest and physical demarcation.
- 5.62 Concerns regarding the effect of external lighting have been raised with the applicants' agent. In response they have advised that the external lighting will comply with Lighting Guide 6 issued by the Chartered Institute of Building Services Engineers and British Standard BS5489-1 "Code of Practice for the Design of Road Lighting".

- 5.63 Members may recall that in respect of a recent application that was brought before the Development Control Committee, which related to the proposed floodlighting at Dalston Recreation Ground, the Council commissioned a lighting specialist recognised by the Institute of Lighting Engineers, to provide independent technical advice relating to the lighting levels proposed by that application. The consultant advised that lighting schemes needed to comply with the Institute of Lighting Engineers (ILE) Guidance Note for the “Reduction of Obtrusive Light - GN01”.
- 5.64 The guidance note identifies four categories, or “Environmental Zones”, together with suggested light limitations for exterior lighting in these zones. The four categories are outlined below.

### Category

- |    |                                   |  |
|----|-----------------------------------|--|
| E1 | Intrinsically dark landscapes:    | National Parks or Areas of Outstanding Natural Beauty;     |
| E2 | Low district brightness areas:    | Rural, small village or relatively dark urban locations;   |
| E3 | Medium district brightness areas: | Small town centres or urban locations;                     |
| E4 | High district brightness areas:   | Town/city centres with high levels of night time activity. |
- 5.65 Within each of the above categories the ILE guidance note highlights four different types of obtrusive lighting, together with lighting levels that development proposals should not exceed in order to prevent the light emitted from being obtrusive.
- 5.66 The precise details of the proposed external lighting have not been provided; however, if Members are minded to approve the application a condition should be imposed that requires these details to be submitted prior to the development commencing. In seeking to discharge the requirements of this condition the applicants should be asked to demonstrate how the scheme complies with the ILE guidance note. If there were any concerns regarding the lighting scheme the Council could refer the details to an independent consultant to ensure that it's effect on the surrounding landscape is acceptable.
- 5.67 Members may have noted that an objection to the visual impact of the development has been submitted from the County Council. This objection, however, was based on the original plans submitted and the report to the County Council's Development Control and Regulation Committee stated *“in its current form, it is considered that the proposal would cause significant harm to the local landscape character”*.
- 5.68 The views of the County Council were forwarded to the applicants and the scheme has been modified to address its specific concerns. It has been clarified that the realignment of the unclassified road will be landscaped and the hedgerows reinstated. Changes have also been made to the landscaped bund to the western boundary to make it less ornamental and more natural in

appearance. There have also been significant changes to the design and height of the building. The County Council's Principal Landscape and Countryside Officer has since confirmed that these changes have addressed its original concerns.

- 5.69 In summary, whilst it is acknowledged that the development will impact upon the character of the landscape, its visual impact will be short lived and can be mitigated against through the implementation of a detailed landscaping scheme that will enable the development to blend into the landscape.

### 3. Highway Issues.

- 5.70 As previously identified the proposal involves significant alterations to the highway network. The removal of the staggered junctions on the A595 and their replacement with a 4-arm roundabout will undoubtedly improve highway safety. The improvements to the road network have been referred to in some of the letters of support and the fact that not one of the residents of Orton Grange has objected to the application suggests that these changes are welcomed.
- 5.71 The roundabout will slow traffic on this stretch of the A595 and the provision of a pedestrian refuge island will assist the existing residents and potential customers arriving by bus to access the bus stop on the north side of the A595 in relative safety.
- 5.72 Highway based objections have been received from residential households further a field, in and around Dalston. One of the principal concerns that these objectors have raised relates to the volume of traffic that will visit the garden centre from the east and south, from the junction 42 of the M6, which will result in additional traffic passing through Dalston.
- 5.73 To support the application a Transport Assessment and Green Travel Plan (TA) has been provided, which includes a travel plan framework (TPF). It broadly sets out the measures to encourage staff to move away from reliance on the private car. The County Council's highway assessment of this document identified a number of shortfalls, which have been described in detail in the report to the County Council's Development Control and Regulation Committee. In short, the County Council has disputed elements of the TA and TPF, and it has, therefore, objected to the development on the basis that insufficient information has been provided to demonstrate compliance with the relevant highway related planning policies.
- 5.74 In order to overcome this objection the applicants' transport consultants, Colin Buchanan, have submitted further information to the County Council. One of the issues raised by the County Council related to the prediction that approximately 15-20 percent of traffic will approach from the south via Dalston, which in its view was an under-estimation. In response to this particular concern the applicants' transport consultants have highlighted that this figure was agreed with the County Council's Highway Officer in advance of the application being submitted.

- 5.75 At the time of preparing this report a formal response is awaited from the County Council; however, as no fundamental highway objection to the proposal has been made it is not envisaged that the issues raised cannot be overcome. If Members are minded to approve this application, it would be requested that Members grant “authority to issue” an approval pending a further response from the County Council’s Highway Department, together with the imposition of any conditions that it may recommend.

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

- 5.76 In considering the impact of the development upon the living conditions of neighbouring residential properties there are three key issues to consider. These relate to the physical presence of the building and its car parking area; the potential noise and disturbance generated by the operation of the store and the increase in traffic movements.
- 5.77 In terms of the physical presence of the building it is the residential properties of “Heatherfield” and “Oak View” that are most likely to be affected. There are, however, a number of outbuildings in the rear garden of “Heatherfield” that would act as a visual barrier. In order to mitigate its potential impact a 10m deep landscaped strip is proposed around the southern and eastern boundary of “Heatherfield”, the nearest residential dwelling. This landscaped strip is to extend along the field to the rear of “Oak View”, albeit at a reduced depth of 4m. Provided that this strip is planted with appropriate species it could screen the development and mitigate the impact of any external lighting. Other residential properties may be able to see the store; however, the occupants will not be directly affected.
- 5.78 The garden centre is likely to attract a significantly higher number of customers than the existing garden centre, which is small scale operation. Whilst there may be a potential increase in background noise levels this is unlikely to be significantly greater than that generated by the A595 because of the speed at which vehicles would be travelling. The increase in traffic would also be restricted to the opening hours of the store. Many of the residents will be shielded from the effect of this traffic by the realignment of the unclassified road, which will separate the approach road from these properties. It is likely that the living conditions of those properties in and around the caravan park will improve as a result of the changes to the road network.
- 5.79 The proposed hours of operation are not unreasonable (9am to 8pm) and, subject to the imposition of a condition restricting the opening hours to these times, the living conditions of the immediate residents should not be adversely affected. For the nearest residents the proposed landscaping is likely to mitigate the impact created by car engines being revved or doors being opened and closed. In order to ensure that the immediate residents are not disturbed at unsociable times a condition is recommended that restricts deliveries to between 7am and 8pm.

- 5.80 As highlighted in paragraph 5.72, some residents of Dalston have expressed concern regarding the effect that the increased volume of traffic on the surrounding roads will have upon their living conditions. Although their concerns are noted, it is not envisaged that these effects will be so significant as to result in demonstrable harm.

#### 5. Archaeology.

- 5.81 The archaeological surveys undertaken by the applicant have identified that a number of remains exist on the site, which are of possible archaeological interest. The County Council's Historic Environment Officer (HEO) has stated that these remains are unlikely to be of national significance and it is not necessary that they are retained in situ; nonetheless, the HEO has advised that these remains may be worthy of recording. As such it is recommended that an archaeological evaluation and, where necessary, a scheme of archaeological recording of the site is undertaken in advance of development, which can be secured through the imposition of two planning conditions.

#### 6. Foul Drainage.

- 5.82 The applicants' supporting Drainage Impact Assessment identifies the presence of an existing combined sewer running along the western boundary. United Utilities has stated that it has no knowledge of the sewer but acknowledges the applicants' intention to discuss this matter further United Utilities. The Environment Agency has highlighted the same point and has stated that the applicant may need to apply for a "discharge consent" from a private sewerage treatment plant. The site is sufficiently large to accommodate a private sewerage treatment plant and, therefore, the Environment Agency advises that this aspect of the proposal can be regulated through the imposition of a planning condition.

#### 7. Surface Water Drainage.

- 5.83 The applicants' supporting Landscape And Site Design Proposals document identifies that it is the applicants' intention to implement a sustainable drainage system to ensure that surface water from the site continues to be discharged into the existing natural ground/field drainage systems. To ensure sufficient drainage of all landscaped areas, a series of measures will be implemented including the enhancement of an existing drainage ditch, the inclusion of new swales, the provision of filter strips and the inclusion of other sustainable drainage measures.
- 5.84 The roads and car park will drain via a combination of drainage systems incorporating filtration and catch drains, and porous block paving (or gravel) within the car parking bays, which are constructed on a porous granular sub-base that will aid surface water filtration into the attenuation basin.

- 5.85 The proposed means of surface water disposal has already been discussed with the Environment Agency who has raised no objections to the development subject to the imposition of a condition that requires the proposed means of surface water drainage to be agreed prior to development commencing.

#### 8. Impact Upon Biodiversity.

- 5.86 The Environment Agency has highlighted that the sale of invasion non-native species has the potential to adversely affect the River Eden and tributaries Special Area of Conservation. The applicants' have agreed to restrict the sale of these planted and, therefore, it is recommended that a condition is imposed to secure this agreement.

#### 9. Designing Out Crime.

- 5.87 Cumbria Constabulary's Architectural Liaison Officer's initial consultation response highlighted that the Design and Access Statement that accompanied the application did not demonstrate how the scheme complied with Policy CP17 (Designing Out Crime) of the Local Plan. The applicant has since submitted a supporting statement to demonstrate that these issues have been taken into account. The Architectural Liaison Officer has confirmed that the additional information addresses the original concerns.

#### 10. Other Matters.

- 5.88 Dalston Parish Council has, amongst other things, expressed concern that the proposal will act as a catalyst resulting in further "ribbon" development in the surroundings to the site. Whilst this is a valid concern, Members ought to be aware that the circumstances in recommending this application for approval are exceptional. By enlarge most other forms of development would be unable to demonstrate a "need" to be in the location specified and would therefore fail the sustainable development locations strategy identified by Policy DP1 of the Carlisle District Local Plan.

### **Conclusion**

- 5.89 In overall terms, the issues are finely balanced; however, the Council's independent retail consultant has advised that whilst there is an incomplete quantitative need for the development it is outweighed by the moderate qualitative need for a second modern garden centre in the Carlisle area. There would be no great harm in retail planning terms from permitting the garden centre, subject to the conditions that DTZ has recommended. These conditions would need to be carefully worded to ensure that the development does not evolve into a form of retailing that the Council would not have accepted.



- 5.90 Although the proposed development will have a significant impact upon the local landscape in the short term, in time this could be mitigated against through the implementation of a detailed landscaping scheme. Similarly, this landscaping will ensure that the living conditions of the immediate residents are not adversely affected.
- 5.91 The changes to the highway network will result in a positive improvement in highway and pedestrian safety. Any potential negative visual impacts perceived by these changes are outweighed by the improvement in road safety.
- 5.92 In conclusion, it is recommended that, although not an "allocated" site, there are sufficient material considerations relating to this form of specialist retailing in this particular location to justify approval of this development as an "exception" from the provisions of the Development Plan. If Members accept this recommendation, and are minded to grant planning approval it is requested that "authority to issue" the approval is bestowed subject to:
- i) no adverse comments being received from the County Council as Highway Authority and the notification and imposition of any suggested conditions that it recommends; and
  - ii) DTZ advising that the "draft" retail conditions are acceptable or inclusion of any modifications to those that DTZ may recommend; and
  - iii) clearance by GONW following the referral of the application as a "Departure".

### **Departure From Development Plan**

The proposal involves, in the opinion of the Council, a departure from the provisions of the Development Plan within which the site is allocated for other purposes.

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

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

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

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

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

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

## **7. Recommendation** - Grant Permission

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

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

2. The retailing of products and the offering of services from the Garden Centre approved under application 08/0600 shall be limited by the terms of the following Schedule and to the associated areas of the premises identified on Drawing Number 1127(PL)02C and (90)001-PL which accompanied application 08/0600, to which the Schedule relates and no retailing of other goods, products or services shall take place within the areas so identified or from any other part of the site other than that specified on the plans.

| <b>Goods and Services offered for sale, activities and uses</b>   | <b>Maximum Floor Area (square metres)</b> |
|---|---|
| Composts, peats, topsoils and mulches, turfs, sands, gravel, grobags, tree steaks / plant supports, propagators/accessories, chemicals and other goods associated with plant/garden care, tools, watering equipment, tools and garden machinery | 1653                                      |
| Houseplants, seeds, bulbs, plants of all kinds dried / cut / silk flowers, floristry requisites, canes, trellis, and goods associated with their care, arrangement and maintenance  | 992                                       |
| Garden and conservatory furniture and furnishings, garden lighting, barbecues, charcoals, calor gas and barbeque accessories, Christmas tress / decorations / lights  | 1322                                      |
| Garden gloves, garden outerwear clothing, footwear and outdoor clothing/leisure   | 413                                       |
| Aquatic products, fish, pet accessories, fish ponds, pet care advice, products and accessories  | 744                                       |

|  |      |
|--|------|
| Other ancillary goods falling within Class A1  | 760  |
| Coffee shop/restaurant   | 900  |
| Trees, plants of all kinds, shrubs, garden furniture, rockery and statuary, ponds, pools, fountains, and accessories, cold water fish, compost, peat, timber decking, wrought ironwork, flags and walling, weed killers, pesticides, fertilizers, lawn care, indoor / outdoor planters, terracotta ware, troughs and planters, pottery / glassware, and other garden care products, pots and containers, wood preservatives, garden ornaments, stoneware, garden lighting, homeware, garden play equipment and games / toys, garden related books, tools and accessories, rockery, floral art / prints / frames, gift lines / greeting cards | 7881 |
| Garden buildings, greenhouses, conservatories and accessories, gazebos, summer houses, sheds, swimming pools, ponds liners and accessories, spas all with accessories, landscape and building materials, fencing and accessories and timber products, rustic poles   | 3000 |
| Foodhall   | 400  |

**Reason:** To define the nature of the approval hereby granted, to control the nature and extent of retail activities able to be conducted from the site in recognition of the specialist locational requirements of a Garden Centre and to ensure the protection of the vitality and viability of the City Centre of Carlisle and other existing retail centres in the urban area in accordance with the objectives of PPS6 "Planning for Town Centres" and Policy EC5 of the Carlisle District Local Plan 2001-2016.

3. The premises shall be used as a garden centre (incorporating a 900 sqm cafe/restaurant and 400 sqm foodhall) and for no other purpose including any other purpose in Class A1 of the Schedule to the Town and County Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order.

**Reason:** To define the nature of the approval hereby granted, to control the nature and extent of retail activities able to be conducted from the site in recognition of the specialist locational requirements of a Garden Centre and to ensure the protection

of the vitality and viability of the City Centre of Carlisle and other existing retail centres in the urban area in accordance with the objectives of PPS6 "Planning for Town Centres" and Policy EC5 of the Carlisle District Local Plan 2001-2016.

4. The foodhall hereby permitted shall be restricted to 400 square metres and shall be used only for the sale of specialist foodstuffs and not general foodstuffs commonly sold from super markets and food superstores.

**Reason:** To define the nature of the approval hereby granted, to control the nature and extent of retail activities able to be conducted from the site in recognition of the specialist locational requirements of a Garden Centre and to ensure the protection of the vitality and viability of the City Centre of Carlisle and other existing retail centres in the urban area in accordance with the objectives of PPS6 "Planning for Town Centres" and Policy EC5 of the Carlisle District Local Plan 2001-2016.

5. There shall be no ancillary comparison goods sales from temporary structures such as marquees and canopies on the open display area.

**Reason:** To define the nature of the approval hereby granted, to control the nature and extent of retail activities able to be conducted from the site in recognition of the specialist locational requirements of a Garden Centre and to ensure the protection of the vitality and viability of the City Centre of Carlisle and other existing retail centres in the urban area in accordance with the objectives of PPS6 "Planning for Town Centres" and Policy EC5 of the Carlisle District Local Plan 2001-2016.

6. There shall be no sale of food or drink other than from the designated foodhall. The sale of food or drink for consumption on the premises shall only be permitted from the cafe/restaurant.

**Reason:** To define the nature of the approval hereby granted, to control the nature and extent of retail activities able to be conducted from the site in recognition of the specialist locational requirements of a Garden Centre and to ensure the protection of the vitality and viability of the City Centre of Carlisle and other existing retail centres in the urban area in accordance with the objectives of PPS6 "Planning for Town Centres" and Policy EC5 of the Carlisle District Local Plan 2001-2016.

7. The garden centre hereby approved shall not be open for trading except between 0900 hours and 2000 hours on Mondays-Friday, 0900 hours and 1800 hours on Saturdays or between 1030 hours and 1630 hours on Sunday or bank holidays.

**Reason:** To minimise disturbance to nearby residential occupiers and in accord with Policy CP6 of the Carlisle District Local Plan 2001-2016.

8. No deliveries shall take place before 0700 hours and after 2000 hours on any day.

**Reason:** To prevent undue disturbance to neighbouring residential properties in accordance with Policy CP6 of the Carlisle District Local Plan 2001-2016.

9. Prior to the development commencing the proposed development shall be subject of a lighting scheme for all external areas and for the buildings which shall be submitted to, and approved in writing by, the Local Planning Authority, and the development shall be carried out in accordance with the approved details prior to the commencement of trading. Outside of operating hours the external lighting, with the exception of security lighting, shall be switched off.

**Reason:** To minimise the impact upon the surrounding countryside landscape and the habitats of local wildlife in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

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

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

11. No development shall take place until full details of hard and soft landscape works, including a phased programme of works, have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved prior to the occupation of any part of the development or in accordance with the programme agreed by the Local Planning Authority. Any trees or other plants which die or are removed within the first five years following the implementation of the landscaping scheme shall be replaced during the next planting season.

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

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

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

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

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

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

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

14. Details shall be submitted of the proposed hard surface finishes to all public and private external areas within the proposed development, including footpaths, cycleways, car-parking and servicing areas, and areas of external sales/display of goods, and shall be approved, in writing, by the Local Planning Authority before any site works commence, and the approved scheme shall be fully implemented before the premises are open for trade.

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

15. 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 that the design and materials to be used complement the character of the countryside landscape and to ensure compliance with Policy CP5 of the Carlisle District Local Plan.

16. No development approved by this permission shall be commenced until a detailed drainage strategy has been submitted to and approved, in writing, by the Local Planning Authority. The drainage strategy shall demonstrate the provision of adequate storage so that the quantity and quality of water leaving the site does not increase flooding in the river Caldew catchment, or be deleterious to the catchment in terms of water quality.

**Reason:** To prevent the increased risk of flooding and impact on water quality by ensuring the provision of a satisfactory means of surface water disposal in accordance with Policy CP12 of the Carlisle District Local Plan 2001-2016.

17. No development approved by this permission shall be commenced until a scheme for the provision of foul drainage works has been approved, in writing, by the Local Planning Authority. The scheme shall be constructed and completed in accordance with the approved plans.

**Reason:** To prevent pollution of the water environment in accordance with Policy CP12 of the Carlisle District Local Plan 2001-2016.

18. A list of those invasive non-native species that shall not be sold from the premises, which include those species currently being considered under the quinquennial review of Wildlife & Countryside Act to be banned from sale, shall be submitted to and agreed, in writing, by the Local Planning Authority prior to the store commencing trading.

**Reason:** To prevent any potential adverse impact upon the River Eden and tributaries Special Area of Conservation and to ensure compliance with Policy LE3 of the Carlisle District Local Plan 2001-2016.

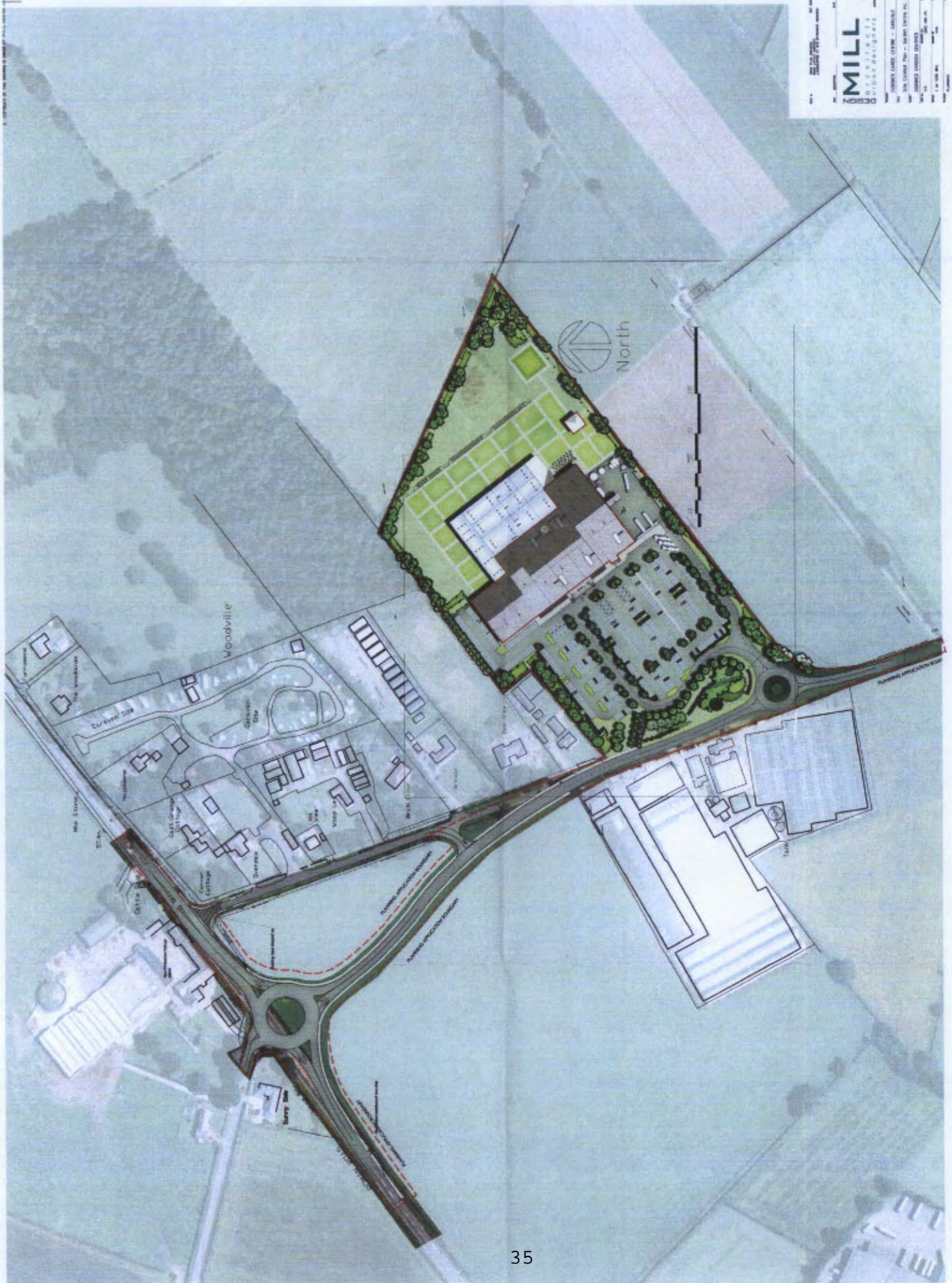
19. Details of the heights of the existing and proposed ground levels and the height of the proposed finished floor levels of the garden centre building shall be submitted to and approved, in writing, by the Local Planning Authority before any site works commence.

**Reason:** In order that the approved development overcomes any problem associated with the topography of the area and minimises its visual impact upon the surrounding countryside landscape in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

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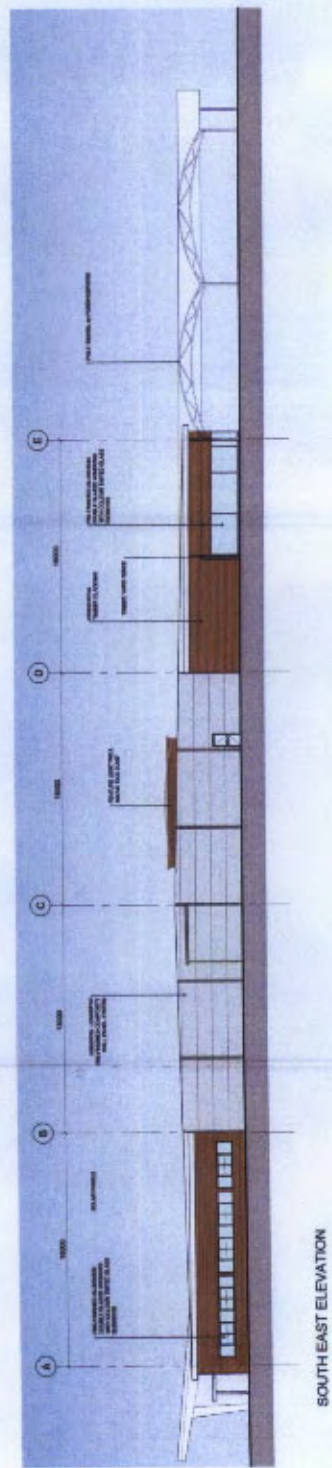
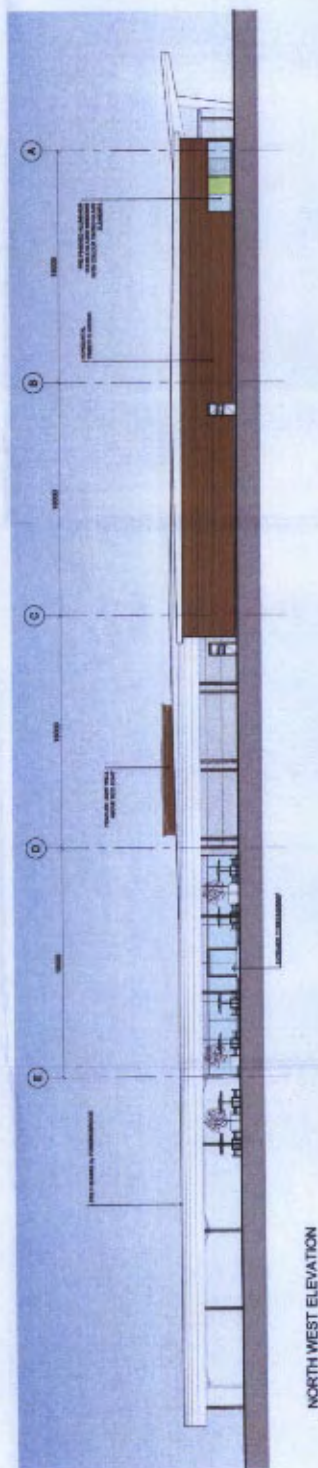
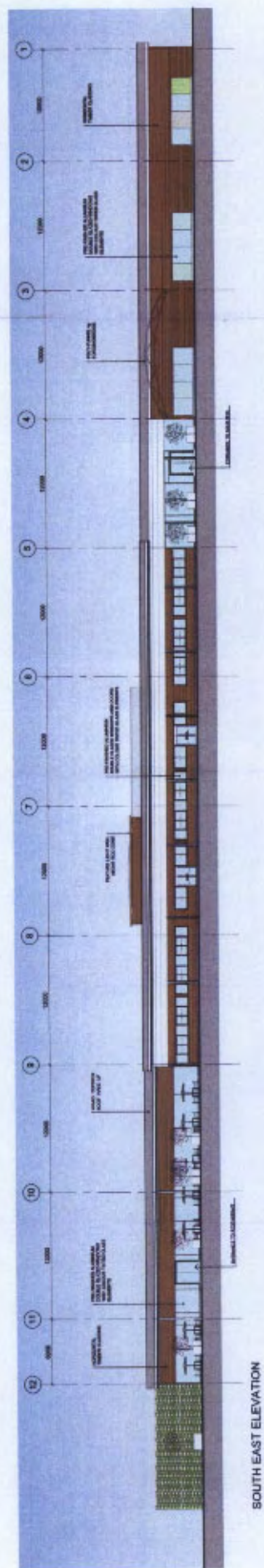












Rev C - 28.04.08 - JN  
MAIN ROOF HEIGHT REDUCED. CARPENTER  
AMENDED

Rev B - 28.04.08 - DE  
GLAZING/TEMPER CLADDING REVISIT TO B.E.  
CLYTON

Rev A - 15.04.08 - DE  
REBID FOR PLUMBING

RECEIVED  
OCT 20 1988  
JAN 11 1989  
ASSOCIATES  
Crawford Associates  
Bentley Way  
1000-1000  
Bentley Way  
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## DOBBIES

REPRODUCED FROM THE SWEDISH CARPUS  
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CONSTITUTIONAL AMENDMENT  
NUMBER 4

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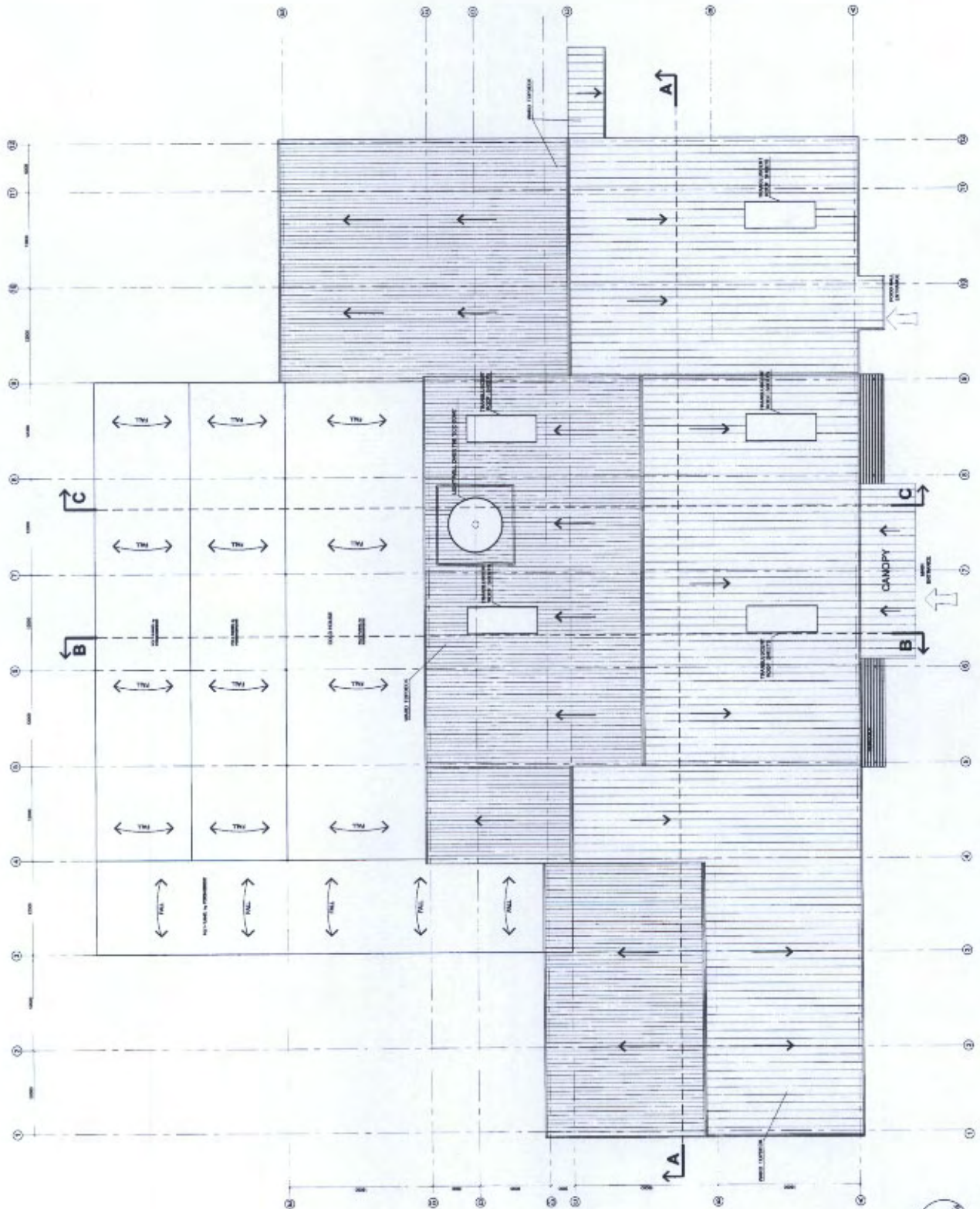












ROOF PLAN

Rev 10 - 20/08/00 PL  
CAMPOS AMENDED  
Rev 9 - 15/08/00 JRM  
REVISED FOR PLANNING

RECEIVED  
13 OCT 2000  
08/08/00

DOOBIES

RECEIVED DOOBIES GARDEN CENTER  
CONSULE

GENERAL ARRANGEMENT  
ROOF PLAN  
DATE: Apr 98  
BY: LHM, B. J.  
SCALE: 1/8\"/>

PLANNING  
1127 (P) 01  
Rev B  
Project Title  
Project No.  
Drawing No.  
Drawing Date  
Drawing Scale  
Drawing Status  
Drawing Author  
Drawing Checker  
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| PLANNING & HOUSING SERVICES |         |
| REF                         | 08/0600 |
| 17 AUG 2009                 |         |
| RECORDED                    | ✓       |
| INDEXED                     | ✓       |
| FILED                       | ✓       |
| ACTION                      | ✓       |

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Your ref: 08/0600  
Our ref: Planning/144398/AJB

14 August 2009

Dear Sam

### Proposed Dobbies Garden Centre, Carlisle

Thank you for your e-mail of 18 June 2009 instructing us to review and advise the Council on the further submission by GVA Grimley (GVAG) set out in their letter to you dated 12 May 2009. We have now completed our review of GVAG's letter, and set out our findings and conclusions below. In responding to GVAG's letter, we set out our advice under the same headings as used by GVAG. As you requested, we have also commented on compliance of the proposed development with the policies set out in draft PPS4, 'Planning for Prosperous Economies'.

### Quantitative Need

In our previous letters to you, we advised that there is only a moderate need for the horticultural goods element of the proposed garden centre. For clarification, we meant that there will not be sufficient expenditure to support the full amount of floorspace proposed. As a result, there will be significant impacts upon existing garden centres, in particular Klondyke, as a result of the 'clawback' of expenditure relied upon by GVAG. Thus in our opinion, the proposed garden centre does not fully pass the test of quantitative need set out in PPS6.

The work which GVAG has undertaken shows that there is no quantitative need for a horticultural goods store as large as that proposed. It actually shows a need for a much smaller facility. This suggests that it should be scaled down substantially. However, it is probably not commercially viable to develop a horticultural goods outlet which is much smaller than that proposed, particularly since it would have to compete with Klondyke Garden Centre, which is a similar size to that proposed by Dobbies. That partly explains why most proposals for such outlets are now of broadly that size. So it is really a case of almost all or nothing, where the horticultural goods facility is concerned. We therefore consider that qualitative need in this case is more relevant than is usual with out-of-centre

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retail developments; and if demonstrable, should to some extent override the limitation on quantitative need described above.

### **Qualitative Need**

At present, there is only one large modern garden centre in the vicinity of Carlisle, viz. Klondyke Garden Centre. All the other outlets are either small and/or attached to DIY goods stores. There is therefore a moderate qualitative need for a second modern garden centre. Despite the incomplete quantitative need for the proposed Dobbies, if it was permitted it would result in modernisation of garden centre facilities in the Carlisle area, even if it caused the closure of some of the small local outlets. Whether this would increase consumer choice is debatable, but we would expect the proposed Dobbies to be popular with shoppers.

### **Overtrading/Outflow**

We agree with GVAG that overtrading is difficult to assess for such a specialised retail sector. However, it remains the case that GVAG has presented no evidence which demonstrates that the existing horticultural goods outlets are overtrading. The argument that Klondyke is overtrading because its sales based on the estimated company average substantially exceed the estimates put forward by Malcolm Scott Consultants in support of the original planning application, is not realistic. Malcolm Scott Consultants was engaged in advocacy planning at that time; and their estimate (as has been shown by the more recent data on the company average sales) was unrealistically low. The difference is not therefore evidence of overtrading. We are not aware of any evidence that Klondyke is overtrading, for example car parks at full capacity for long periods, congested conditions inside the store and in the external display areas, and frequent long queues at checkouts.

It should also be noted that GVAG's reliance on 'clawback' of expenditure from other outlets (and hence impact upon them) means that much of the job creation claimed for Dobbies will not arise, because jobs will simply be transferred from existing outlets along with expenditure. There may therefore be somewhat limited net benefit arising from the opportunity for linkages with Dobbies for local businesses.

### **Impact upon Klondyke**

In view of the impact on Klondyke Garden Centre expected and relied upon by GVAG, we remain of the view that conservation of Houghton Hall is a material consideration. The weight to be attached to it depends upon the Council's view of how important the future of Houghton Hall is locally. We consider that GVAG do have a point in saying that Klondyke Group is a multiple with over 20 garden centres (6 of which are 'badged' as Klondyke, with the others trading under other names); and so could still have the resources to conserve Houghton Hall even if the local Klondyke Garden Centre suffers a substantial impact. However, there remains a strong risk that if Klondyke suffers a substantial impact on its horticultural goods sales, the company could apply for permission to convert more space to other forms of retailing, eg by increasing the space which may be devoted to 'ancillary' comparison goods retailing. We consider that such an application would be likely if Klondyke's sales were to fall to the degree quoted by GVAG.

### **Level of Ancillary Sales**

We are pleased to see that Dobbies now accept that there should be a condition limiting the ancillary sales (i.e. sales of goods not included in the defined primary range of goods) to not more than 15% of the main building itself. As advised in our letter of 5<sup>th</sup> December 2008, we consider that if the Council decides to grant planning permission, floorspace to be used for the sale of ancillary goods should be limited to not more than 15% of the gross retail floorspace in the main building minus the foodhall (if the latter is permitted). For this purpose, the main building should be defined as excluding any roofed-over but otherwise open display areas. The condition should also prohibit ancillary comparison goods sales, and any convenience goods sales, from any other part of the site including the open display areas. Together with our suggested amendments to the primary range of goods, this would substantially ensure that the development does not become a general comparison goods store.

### **Sales of Convenience Goods**

We accept that a specialist foods outlet would help to ensure financial viability of the proposed development; and that if it is genuinely limited to such foods it would be unlikely to inhibit the development of a superstore to anchor the proposed new district centre at Morton. If planning permission is granted, and the proposed foodhall is permitted, it will be important to ensure that the latter does not trade as a small supermarket. We therefore consider that the net sales area which may be used for the sale of food and other convenience goods should be limited to 400 sq m; and that there should also be a condition limiting the use of this part of the development to specialist foodstuffs and preventing the sale of general foodstuffs commonly sold from supermarkets and food superstores.

### **Primary Range of Goods**

We have previously advised that the primary range of goods proposed by GVAG includes a number of goods categories which are unrelated to horticultural goods. In principle we consider that the defined primary range of goods should be limited to those which are genuinely horticultural and horticulture-related goods, and have suggested some categories of goods which should be removed from GVAG's draft definition. However, in order to ensure fair competition with Klondyke, we recommend that if the Council is minded to grant planning permission, the primary range of goods should be the same as was applied to the planning permission for Klondyke (subject to the Council checking that these are still acceptable in the light of PPS6).

### **Planning Conditions**

We have made a number of suggestions in our previous advice and above on planning conditions. We are pleased to see that Dobbies now accept that there should be a condition preventing use of the proposed garden centre as a foodstore; and a condition prohibiting the sale of ancillary goods from temporary structures. We consider that these conditions are essential in this case.

## Compliance with Draft PPS4

In Draft PPS4, 'Planning for Prosperous Economies', there is no longer a 'needs test' for proposed out-of-centre developments which do not comply with an up-to-date development plan. The issue of quantitative need for the proposed Dobbies would therefore not arise under these draft policies. Instead, the sequential approach applies to such developments, together with a new 'impact test' comprising 8 'key impacts' and (if the proposed development is not ruled out under the sequential approach or any of the key impacts), 4 'wider impacts'. The key and wider impacts are set out in draft Policy EC20, and the decision priorities are set out in draft Policy EC21.

Draft Policy EC21 indicates that the sequential approach is a 'gateway test', i.e. it has to be complied with before the potential impacts are even considered; and if a proposed development would fail the sequential approach, it should be refused planning permission without the need to consider the key and wider impacts. The Policy indicates that the key impacts are also 'gateway tests'. Thus despite compliance with the sequential approach, a proposed out-of-centre development which does not comply with an up-to-date development should be refused planning permission *'where there is clear evidence that the proposal is likely to lead to significant adverse impacts in terms of mitigation of or adaptation to climate change or any one or more other key impacts under Policy EC20.1(3) (the impact assessment).'* Only if such a proposed development would not lead to such impacts, is it appropriate to consider the 4 wider impacts, applying the tests for which may demonstrate some benefits. This interpretation of the key impacts as also being 'gateway tests' has been confirmed by DCLG in a series of recent seminars to publicise the draft policies as part of the consultation process.

We have concluded above that the proposed Dobbies would not be excluded by the sequential approach. It is therefore appropriate to consider whether it would pass the 8 key impacts in draft Policy EC20. Since the new PPS4 was published after the planning application by Dobbies was submitted (and in any event because it is still only a draft PPS and the final version may differ from the draft), these key impacts have not been considered by GVAG. There is therefore limited information available upon which to base an assessment. However, we have undertaken an initial assessment, and (insofar as we are able to advise) our conclusions on each of the key impacts are as follows:

- a) *'Whether the proposal has been planned over the lifetime of the development to limit carbon dioxide emissions, and minimise vulnerability and provide resilience to, climate change.'* We are unable to advise on this impact, which is somewhat outside our expertise. The Council may wish to take specialist advice on it.
- b) *'If located in an edge-of-centre location, the impact on the spatial planning strategy, in particular the role of the centre in the hierarchy of centres.'* The proposed Dobbies garden centre would be on an out-of-centre site, so this element of the test does not apply.
- c) *'What the impact is on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal.'* Provided the proposed garden centre was conditioned as we recommend, we do not think there would any significant impacts upon existing, committed and planning private investment in any defined centre, including the planned new district centre at Morton.

- d) *'If a proposal is in or on the edge of a town centre, whether it is of an appropriate scale (in terms of gross floorspace), in relation to the size and role of the centre and its catchment area.'* Again, this element of the test does not apply because Dobbies would be out-of-centre.
- e) *'The accessibility of the proposal by a choice of means of transport including walking, cycling, public transport and the car, the extent to which it will reduce or increase the overall distance travelled by car and the resultant effect on carbon dioxide emissions, the effect on local traffic levels and congestion (especially to the trunk road network) after public transport and traffic management measures have been secured, and the extent to which the location of the proposal will promote linked trips with existing centres.'* The Council will be in a better position than us to assess accessibility by a choice of means of transport – although we would expect such an out-of-centre facility to be accessed mainly by car users, and to a limited extent by coach parties. We are unable to assess the effect on overall distance travelled by car, on carbon dioxide emissions and on local traffic congestion, as these matters are outside our expertise. We suggest that the Council may wish to take specialist advice on them. However, we are not aware that any evidence has been submitted which reliably demonstrates that the expected 'clawback' would reduce vehicle mileage and emissions, as asserted by GVAG. The converse might be the case if the proposed Dobbies, being larger than justified by locally available expenditure, was to result in more inflow of expenditure from further afield. We do not think that the proposed garden centre would promote linked trips with any existing centres.
- f) *'In the context of a retail or leisure proposal, what the impact is on in-centre trade/turnover and on trade in the wider area, taking account of current and future consumer expenditure capacity in the catchment area up to five years from the time the application is made, and, where applicable, on the rural economy.'* Most of the existing horticultural goods outlets are not located in town centres. Therefore, provided the proposed garden centre was conditioned as we recommend, in particular to restrict sales of non-horticultural goods, we would not expect there to be any significant impacts on trade/turnover in existing centres. We are unable to advise in detail on the impact on the rural economy. However, we consider that because of the likely impacts on existing horticultural goods outlets, some of the potential economic benefits (such as to growers) from a major new garden centre would be offset by losses due to reduced trade from existing outlets. Thus there would be transfer effects, as a result of which there may be only small net benefits for the rural economy in the area.
- g) *'What the impact is on town centre vitality and viability, including local consumer choice and the range and quality of the comparison and convenience retail offer.'* Provided the proposed development is conditioned as we recommend, we do not think that it would have any significant adverse effect on the vitality and viability of any town centre. By providing a second large modern garden centre in the Carlisle area, it may increase consumer choice – but that effect would be offset to some degree if some existing smaller horticultural goods outlets were to close or substantially reduce their ranges of goods. It is impossible to predict such effects with confidence. However, on balance we consider that the overall effect on consumer choice and the range and quality of the comparison and convenience retail offer would be moderately positive.

- h) *'Whether the proposal secures a high quality and inclusive design which takes the opportunities available for improving the character and quality of the area and the way it functions.'* The Council will be able to judge the quality of the design for the proposed garden centre. In our opinion, by replacing the currently derelict glasshouses with a modern garden centre, it would substantially improve the character and quality of the area and the way it functions.

Because some of these impacts have not yet been professionally assessed by specialists, it is not possible at this stage to say whether or not the proposed development would fail any of these key impact tests. However, on the assumption that there would be no serious adverse impacts under any of the key impact tests, we have undertaken an initial assessment of the proposal under the 4 wider impacts in draft Policy EC20. Our conclusions on these issues are as follows:

- a) *'The impact on allocated sites outside town centres being developed in accordance with the development plan.'* We are not aware of any such sites or development in Carlisle, since the proposed Morton district centre is allocated in the adopted local plan as a new centre. We therefore do not think there would be any significant adverse impacts under this element of the test. However, we suggest this be checked by the Council.
- b) *'The impact on deprived areas and social inclusion objectives.'* The Council will be in a better position than us to assess this issue, and we are unable to advise on it.
- c) *'The impact on local employment, particularly whether it will create new jobs (in terms of full-time equivalents) and lead to a net increase in employment.'* There would clearly be a substantial increase in employment in the immediate area of the proposed garden centre. However, we would expect this to be offset to some degree by a reduction in employment at existing horticultural goods outlets. Overall, we would expect there to be a net increase in employment in the wider Carlisle area, but are unable to advise on its likely scale.
- d) *'The impact on economic and physical regeneration in the area.'* There would clearly be a beneficial impact on economic and physical regeneration in the immediate area of the proposed garden centre. However, this might be partly offset by decline elsewhere, if any existing horticultural goods outlets close as a result of the adverse impact, and their facilities were to fall derelict until redevelopment for other uses occurs. Without more intensive research, it is impossible to predict the scale, location or timing of such effects.

Overall, we conclude that there would probably be some net benefits from the proposed garden centre under these wider impact tests. The most obvious and immediate benefits would be replacement of derelict glasshouses by a modern garden centre and a substantial increase in employment in that immediate area. Any offsetting decline elsewhere as a result of adverse impacts would take time to manifest itself, and might be diffused over a wide area (but with a heavy impact in terms of trade diversion concentrated on Klondyke Garden Centre).

## Conclusions

We conclude that there is not a demonstrable quantitative need for the scale of out-of-centre development proposed. However, it would probably not be commercially viable to develop a substantially smaller facility which more closely matched demonstrable quantitative need.

Compensating for the incomplete quantitative need, we consider that there is a moderate qualitative need for a second modern garden centre in the Carlisle area, to improve consumer choice of and competition between such facilities.

Because of incomplete quantitative need, there would be significant adverse impacts upon existing horticultural goods outlets, in particular Klondyke, where the impact would probably be substantial. However, almost all of these outlets are also out-of-centre, and therefore qualify for no particular protection from impact under PPS6.

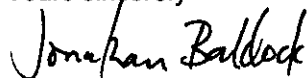
With a condition limiting sales of ancillary comparison goods to 15% of the main building, the proposed development can be judged to comply with the sequential approach to a substantial degree; since there are no sites in or on the edge of existing centres which would be suitable and available for a low density garden centre development, even on a realistically reduced scale.

We consider that the greatest risk which would arise from permitting the Dobbies Garden Centre (conditioned as recommended), would be pressure from Klondyke to sell a substantially wider range of goods. If the Council is prepared to resist such pressure, refuse any such planning application, and fight any subsequent appeal, we consider that there would be no great harm in retail planning terms from permitting the Dobbies Garden Centre subject to the planning conditions we have advised. However, these planning conditions will need to be carefully worded, and are vital to ensuring the development is not implemented as, and does not evolve into, a form of retailing which the Council would not have accepted. If the Council resolves to grant planning permission, we will be pleased to review the full set of draft conditions before they are finalised, so as to help the Council to ensure that these objectives are achieved.

It will be a fine judgement for the Council as to whether to grant permission for the proposed development, because the issues are finely balanced and not clear cut. However, in our opinion the probable lack of demonstrable harm to interests of acknowledged importance could justifiably lead the Council to grant permission – but only subject to all the conditions we have recommended.

I trust that this letter provides the information you are seeking, but if you would like any clarification or further information, please do not hesitate to contact me.

Yours sincerely



**Jonathan Baldock**

Consultant to DTZ – Town Centres & Retail Planning

For and on behalf of DTZ

## SCHEDULE A: Applications with Recommendation

09/9037

Item No: 02

Date of Committee: 13/11/2009

**Appn Ref No:**  
09/9037

**Applicant:**  
Cumbria County Council

**Parish:**  
Carlisle

**Date of Receipt:**  
02/09/2009

**Agent:**  
Cumbria County Council

**Ward:**  
Yewdale

**Location:**  
Richard Rose Morton Academy, Wigton Road,  
Carlisle CA2 6LB

**Grid Reference:**  
337661 554594

---

**Proposal:** Erection of New Academy for 1150 Students and Relocated Vehicular Entrance

**Amendment:**

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### REPORT

**Case Officer:** Stephen Daniel

### Reason for Determination by Committee:

Councillor Hendry (City Councillor for Yewdale Ward) has requested that the application be referred to Committee.

### 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 CP2 - Biodiversity**

#### **Local Plan Pol CP3 - Trees and Hedges on Development Sites**

#### **Local Plan Pol CP5 - Design**

#### **Local Plan Pol CP6 - Residential Amenity**

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

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

**Local Plan CP15 - Access, Mobility and Inclusion**

**Local Plan Pol CP16 -Public Trans.Pedestrians & Cyclists**

**Local Plan Pol CP17 - Planning Out Crime**

**Local Plan Pol T1- Parking Guidelines for Development**

**Local Plan Pol LC5 - Playing Fields**

**Local Plan Pol LC11- Educational Needs**

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

This application is a consultation on a County Council planning application and therefore it is not necessary for the City Council to carry out consultations.

## **3. Summary of Representations**

### **Representations Received**

Initial:

Consulted:

Reply Type:

Yewdale

Objection

- 3.1 This application is a consultation with this Authority on a County Council planning application. Therefore, it is not necessary for the City Council to give publicity to, or carry out neighbour notification of, the submission as Cumbria CC is required to do that.

## **4. Planning History**

- 4.1 There is an extensive planning history relating to the use of the site as a secondary school.

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

### **Introduction**

- 5.1 This application is a County Matter upon which the City Council has been formally consulted. It seeks full planning permission for the erection of a new Academy for 1,150 students on the site of the former Morton School, Morton, Carlisle.



- 5.2 The school site covers an area of approximately 24 acres, with the existing school buildings being located at the southern end of the site. The current buildings range in height from two to four storeys. A swimming pool, which is open to the public outside school hours, lies immediately adjacent to the school buildings and a chimney of 21.5m adjoins the swimming pool building. A number of playing fields are located to the north and west of the main school buildings. The site also contains a number of mature trees, particularly along the northern boundary of the site, to the rear of the properties in Suttle Close, and to the south of the school buildings. A car park is located to the front (east) of the school buildings and this is accessed via Wigton Road, with pedestrian access being gained from both Wigton Road and Queensway. The school access currently links onto a service road, which runs parallel to Wigton Road, and links into both Wigton Road and Queensway.
- 5.3 Queensway and the residential areas of Hebden Avenue and Suttle Close lie to the north of the site. Wigton Road (A595), which links Carlisle with Cockermouth, is located to the south-east of the site, with some residential properties fronting Wigton Road, adjoining the site to the east. New residential development, centred on Haycock Lane and Helvellyn Rise, is located to the south of the site.

## **The Proposal**

- 5.4 The proposal is seeking planning permission to demolish the existing buildings, with the exception of the swimming pool building, and to build a new Academy for 1,150 students on the site. The retention of some of the buildings, whilst the new Academy is built, is the main factor which has led to the siting of the new building to the north-east of the existing building. The new school would have a floorspace of 10,650m<sup>2</sup> compared to the 10,360m<sup>2</sup> of the existing school and would be predominantly 3-storey. The height of the building would measure 12.6m to the parapet, 15.3m to the top of the screening for mechanical plant which would be installed on the roof and 19.2m to the top of the 2 stair towers, which would be set back 7m from the edge of the roof.
- 5.5 Both the Wigton Road and Queensway elevations would consist of a large glazed central atrium, which would be flanked on either side by the main teaching blocks, which would be predominantly brickwork at ground floor, with vertical cedar boarding to the upper floors. Full height windows would be incorporated into the elevations. A large outdoor plaza would be created to the front of the building and this would incorporate both hard and soft landscaping.
- 5.6 The main car parking area and bus pick up/drop off zone would be located to the west of the main school building and would be accessed from Wigton Road. Following discussions with County Highways the current access would be reconfigured so that it links directly onto Wigton Road and not onto the service road. A new link would then be provided from the service road onto Wigton Road.

- 5.7 Four multi-use games area (MUGAs), grassed sports pitches and a fitness trail would be provided within the school grounds, and the existing swimming pool would be retained.
- 5.8 The school has been designed to minimise energy use and reduce greenhouse gas emissions. The lead boiler would be a biomass boiler; photovoltaics would be installed on part of the roof; and a rainwater harvesting system would be used. The original proposals incorporated a wind turbine but this has been removed from the scheme following a number of objections from local residents and the photovoltaics have been incorporated instead.

## **Assessment**

- 5.9 The relevant planning policies against which the application is required to be assessed are Policies DP1, CP2, CP3, CP5, CP6, CP9, CP12, CP15, CP16, CP17, T1, LC5 and LC15 of the Carlisle District Local Plan 2001-2016.

The proposal raises the following planning issues:

1. Whether The Proposal Is Acceptable In Principle
- 5.10 The development of a new school on the site of an existing school is acceptable in principle. Whilst it is acknowledged that there would be some loss of playing fields due to the redevelopment of the new school, an adequate level of playing fields would be retained and there would be a qualitative improvement to these. This is compliant with the requirements of Policy LC5 of the Carlisle District Local Plan 2001-2016, which permits the loss of school playing fields provided that the development is needed to accommodate an identified educational need and that access remains to a sufficient area of playing fields. The proposal is, therefore, acceptable in principle.
2. The Scale And Design Of The Proposal
- 5.11 The proposed design, which has strong similarities to its' sister Academy (Richard Rose Central), is contemporary and has a central glazed atrium, which is flanked by two wings. The wings, which would be 3-storey, would be brick to the ground floor, with vertical cedar boarding to the upper floors. A new outdoor plaza would be created to the front of the building and this would incorporate both hard and soft landscaping. An attractive entrance would also be created to the Queensway. In light of the above, the proposed design of the new Academy is acceptable.
- 5.12 The new school would be marginally larger (290m<sup>2</sup>) than the existing school and would be predominantly 3-storey. The existing school varies in height from 2 to 4-storey. The scale of the new Academy would, therefore, be acceptable.

- 5.13 The school has been designed to minimise energy use and reduce greenhouse gas emissions. The lead boiler would be a biomass boiler, photovoltaics would be installed on part of the roof and a rainwater harvesting system would be used. This approach is supported.

### 3. The Impact Of The Proposal On The Living Conditions Of The Occupiers Of Neighbouring Properties

- 5.14 The new main school building would be constructed approximately 33m to the north east of the existing school building. This would move it nearer to 238 Wigton Road but further away from the Morton Lea, Wigton Road and 2 Orchard Close, Wigton Road. The re-siting of the building is necessary, as part of the existing school buildings would need to be retained whilst the new Academy is constructed.
- 5.15 The building, which would measure 12.6m to the parapet, would be located approximately 24m from the corner of the rear garden of 238 Wigton Road. The building was originally proposed to be sited directly to the rear of 238 Wigton Road but has now been moved further to the south-west following public consultation. The two existing mature trees, which are sited to the rear of the garden to 238 Wigton Road would be retained. Whilst there would be some extra overshadowing of this property from the school building, at certain times of the day at certain times of the year, it is not considered that this would have a significant adverse impact on the living conditions of the occupiers of this dwelling. No other neighbouring properties would be adversely affected by the proposals.

### 4. Highway Issues

- 5.16 The current school access links onto a service road, which links into both Wigton Road and Queensway. The proposal is seeking to construct a new school access directly onto Wigton Road and to provide a new access from the service road onto Wigton Road. The separation of the school access from the service road is favoured by County Highways and the proposed access arrangements are, therefore, acceptable and should prove beneficial to local residents.

### 5. Impact On Existing Trees

- 5.17 The new school access was originally located in close proximity to the boundary with Morton Lea and the Council's Tree Officer raised concerns about the impact that this would have on the mature trees along this boundary. The access has now been moved further to the north east and the Tree Officer is satisfied with the revised location of the new access.
- 5.18 The application includes a fitness trail/ footpath which runs to the rear of the properties on Suttle Close. This would lie in close proximity to a number of mature trees that are located near to the site boundary. The Tree Officer is concerned that the fitness trail/ footpath would lie within the Root Protection Areas of these trees and this would threaten their long term health. The fitness trail/ footpath should, therefore, be re-located so that it does not

adversely affect the mature trees to the rear of the properties on Suttle Close.

## **Conclusion**

- 5.19 The scale and design of the new building is acceptable and the incorporation of renewable energy technologies is supported. The proposal would not have an adverse impact on the living conditions of the occupiers of any neighbouring properties through loss of light, loss of privacy or overshadowing.
- 5.20 The only outstanding issue of concern to the City Council is the location of the proposed fitness trail/footpath, which lies within the Root Protection Areas of some mature trees that lie to the rear of properties on Suttle Close. The fitness trail/footpath should be re-sited so that it lies outside the Root Protection Areas of these trees.

## **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";

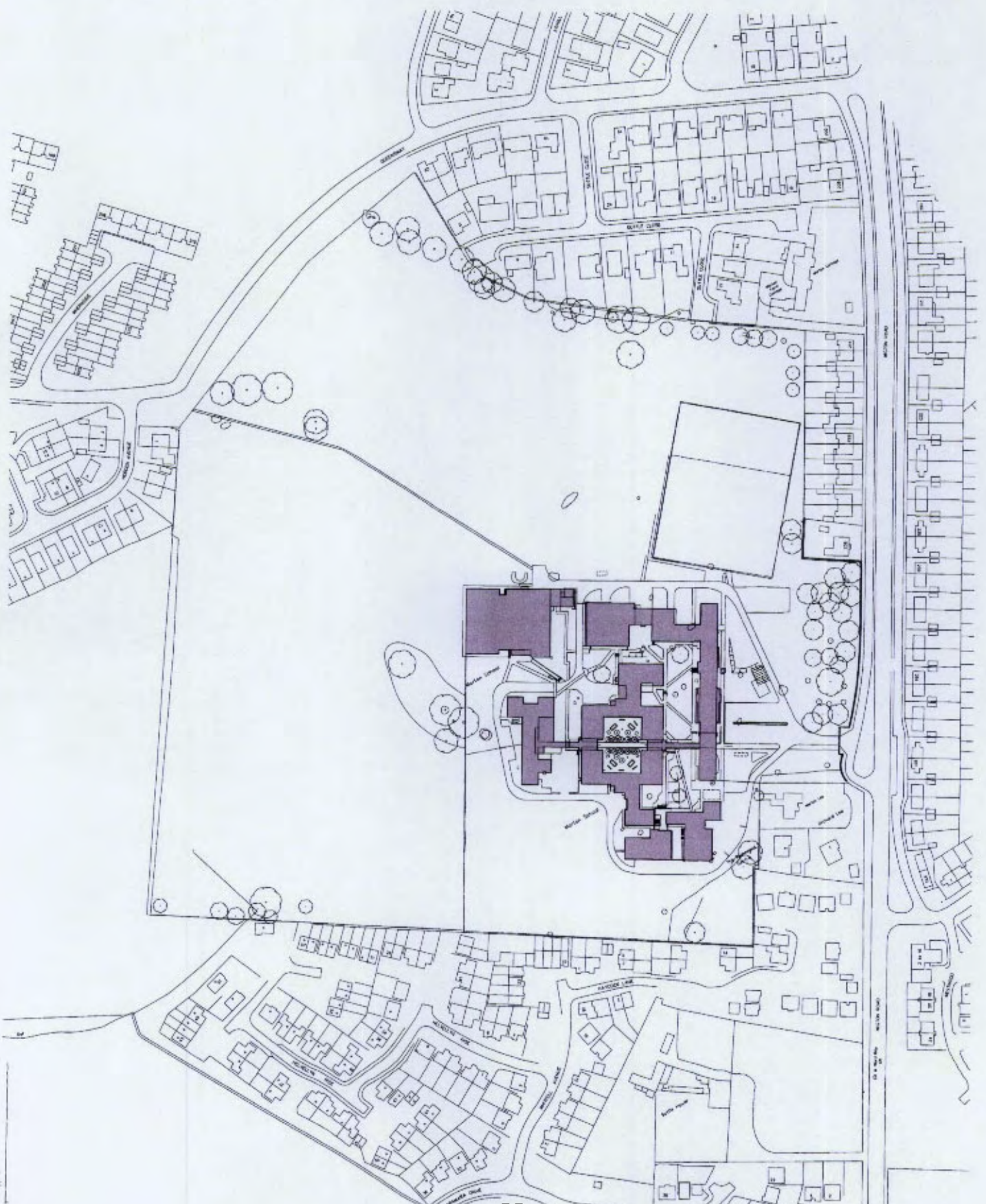
- 6.2 **Article 1 of Protocol 1** relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

- 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 - Observations**

1. There is no objection to granting planning permission, subject to the fitness trail/ footpath that lies within the Root Protection Areas of the mature trees that lie to the rear of properties on Suttle Close being re-sited so that it lies outside the Root Protection Areas of these trees.

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RICHARD ROSE

**BDP.**

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Cumbria Acknowledges  
 Water Authority

P20000357  
 Existing Site Plan

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|                                     |            |
|-------------------------------------|------------|
| Cumbria Academies<br>Merton Academy |            |
| PR023887                            |            |
| Artistic Expression 001             | MTS        |
| Approach from Queensway (North)     | 27.02.2006 |
| HRMA(SK) A131                       |            |





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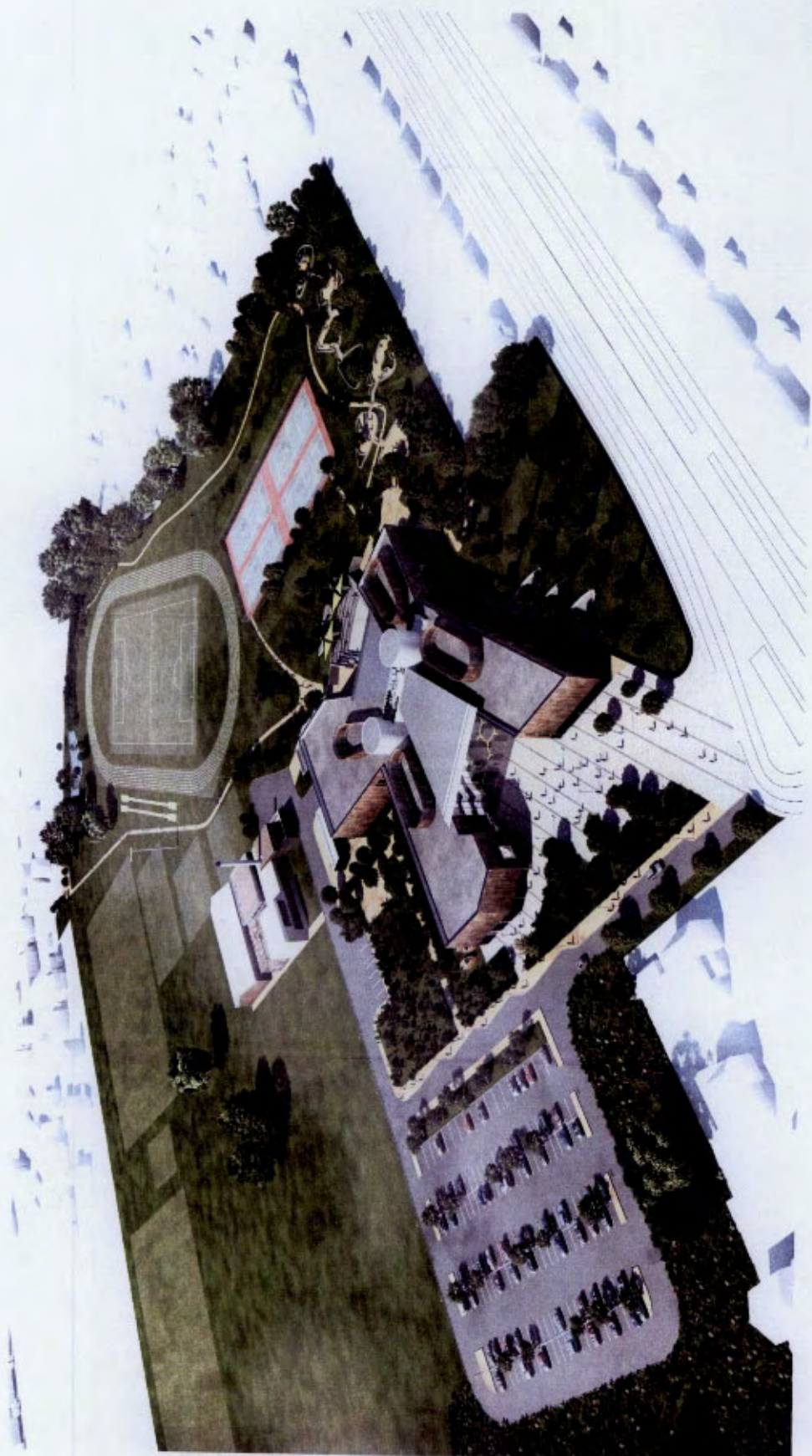
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| Cumbria Academics<br>Merton Academy           |            |
| P2552657                                      |            |
| Aviation Inspection CCB<br>Aerial Perspective | N15        |
| RRMAA/SKI A133                                | 21.07.2009 |
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## SCHEDULE A: Applications with Recommendation

09/0726

**Item No: 03**

Date of Committee: 13/11/2009

**Appn Ref No:**  
09/0726

**Applicant:**  
Mr P Collins

**Parish:**  
Wetheral

**Date of Receipt:**  
02/09/2009

**Agent:**  
Jock Gordon

**Ward:**  
Wetheral

**Location:**  
Land between 16 & 17 Faustin Hill, Wetheral,  
Carlisle, CA4 8JZ

**Grid Reference:**  
346442 554989

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**Proposal:** Erection Of Single Detached Dwelling (Reserved Matters)

**Amendment:**

---

### REPORT

**Case Officer:** Barbara Percival

### Reason for Determination by Committee:

This application is brought before Members of the Development Control Committee due to the receipt of one verbal objection and three letters of objection.

### 1. Constraints and Planning Policies

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

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

#### **Conservation Area**

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

#### **RSS Pol RDF 2 - Rural Areas**

#### **RSS Pol CNL 1 - Overall Spatial Policy for Cumbria**

#### **Local Plan Pol DP1 - Sustainable Development Location**

#### **Local Plan Pol CP3 - Trees and Hedges on Development Sites**

**Local Plan Pol CP5 - Design**

**Local Plan Pol CP6 - Residential Amenity**

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

**Local Plan Pol H1 - Location of New Housing Develop.**

**Local Plan Pol H9 - Backland Development**

**Local Plan Pol T1- Parking Guidelines for Development**

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

**Cumbria County Council - (Highway Authority):** no objections to this application (considering the outline permission under 09/0106 and the conditions contained thereto ).

As the applicant has not addressed any of the aforementioned conditions, it is recommended that the conditions remains as part of this application;

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

**United Utilities (former Norweb & NWWA):** no objection to the proposal provided as the application form states that site will be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the soakaway.

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;

**Local Plans (Tree Preservation), Development Services:** no comments/observations to make on the proposal;

**Wetheral Parish Council:** no observations to make on the proposal;

**Northern Gas Networks:** no objections to the proposals, however, there may be apparatus in the area that may be at risk during construction works and should the planning application be approved, then it is required that the promoter of these works to contact United Utilities directly to discuss there requirements in detail. Should diversionary works be required these will be fully chargeable.

## **3. Summary of Representations**

**Representations Received**

| Initial:                     | Consulted: | Reply Type: |
|------------------------------|------------|-------------|
| 6 Faustin Hill               | 08/09/09   |             |
| 7 Faustin Hill               | 08/09/09   |             |
| 8 Faustin Hill               | 08/09/09   |             |
| 9 Faustin Hill               | 08/09/09   |             |
| 10 Faustin Hill              | 08/09/09   |             |
| 11 Faustin Hill              | 08/09/09   |             |
| 12 Faustin Hill              | 08/09/09   |             |
| 13 Faustin Hill              | 08/09/09   |             |
| 14 Faustin Hill              | 08/09/09   |             |
| 15 Faustin Hill              | 08/09/09   | Support     |
| 16 Faustin Hill              | 08/09/09   |             |
| 18 Faustin Hill              | 08/09/09   | Objection   |
| 19 Faustin Hill              | 08/09/09   |             |
| 20 Faustin Hill              | 08/09/09   |             |
| 21 Faustin Hill              | 08/09/09   | Objection   |
| 22 Faustin Hill              | 08/09/09   | Objection   |
| 1 Greenacres                 | 08/09/09   |             |
| Carlisle Housing Association | 24/09/09   |             |

3.1 This application has been publicised by the direct notification of six neighbouring properties. In response, three letters of objection and one e-mail of support have been received.

3.2 The letters of objection identify the following issues:

1. the property will adversely affect the writers' surroundings as they currently overlook a pleasant garden landscape.
2. the property is bigger than previously stated in outline stage.
3. land ownership issues.
4. there is insufficient space to accommodate a dwelling of this size even fitting in a small bungalow would be a squeeze.
5. building would be too close to boundaries of land.
6. unacceptable use of a small garden area.

3.3 The e-mail of support identifies the following issues:

1. the house will sit well in the environment and provide a garage and off-road parking which will in no way increase roadside parking.
2. the writer is the mother of one of the applicants and wishes to draw attention to the fact that two of the objectors are mother and daughter.

## **4. Planning History**

4.1 Earlier this year, Outline Planning Permission was granted for the erection of



a detached dwelling (application reference 09/0106).

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

### **Introduction**

- 5.1 Faustin Hill is a small housing estate on the eastern side of Plains Road, Wetheral characterised by a series of semi-detached houses, the majority of which have been extended. The application site forms part of the gardens of 16 and 17 Faustin Hill located in the centre of the estate. The property's boundaries are mainly wooden fences of varying designs ranging in height between approximately 1.5 metres and 1.8 metres with the exception of the eastern boundary which consists of a mature beech hedge approximately 2 metres in height.

### **Background**

- 5.2 The application seeks Reserved Matters Approval for the erection of a detached house previously granted Outline Planning Permission in April this year (application reference 09/0106). The submitted drawings illustrate a two storey detached dwelling with attached garage. The overall length of the proposed dwelling (including the garage) would be 14.55 metres and be 7.9 metres wide. The maximum ridge height of the dwelling would be 7.9 metres.
- 5.3 The accommodation provided would comprise of an attached double garage, entrance porch, living room, study, hallway, kitchen/dining room, utility and w.c. with 4no. bedrooms and bathroom above.
- 5.4 The scale and massing of the proposed dwelling would be similar to those of its immediate neighbours. The proposed materials are painted brick with artstone window cills, a plain clay tiled roof and light brown upvc windows and doors, again in keeping with its immediate neighbours.

### **Assessment**

- 5.5 The relevant planning policies against which the application is required to be assessed are Policies RDF2 and CNL1 of the Regional Spatial Strategy and Policies DP1, CP3, CP5, CP6, CP12, H1, H9 and T1 of the Carlisle District Local Plan 2001-2016.
- 5.6 The proposals raise the following issues:
1. Whether The Principle of Development Is Acceptable
- 5.7 The application site is located on land which currently forms the gardens of 16 and 17 Faustin Hill within the village of Wetheral. Policies require that development proposals, and in this instance residential development, should enhance the overall quality of life within Cumbria through the promotion of sustainable development that seeks to protect the environment, ensure

prudent use of resources and maintain social progress and economic growth. In particular, Policy H1 of the Local Plan, identifies Local Service Centres that are considered to be sustainable and appropriate for additional small-scale development, subject to consideration against the relevant policy criteria. Wetheral is one such Local Service Centre; therefore, the principle of development is considered to be acceptable and a single dwelling is, clearly, "small-scale".

## 2. Whether The Scale And Design Of The Dwelling Is Acceptable

- 5.8 The submitted block plan illustrates that the proposed dwelling, albeit a detached dwelling, would be of a similar scale and massing to those of its immediate neighbours, many of which have been extended. The materials and detailing would be reflective of the existing houses in Faustin Hill. Furthermore, the proposal would achieve adequate amenity space and off-street parking.
- 5.9 Although the estate consists of semi-detached dwellings. Advice contained with PPS3 "Housing" advocates the use of brownfield sites in sustainable locations. Whilst this proposal seeks approval for a two storey detached dwelling the resultant impact on the streetscene would not be obtrusive or detrimental to the character of the area.
- 5.10 In summary, the scale and massing of the proposed dwelling is comparable to the existing properties within the Faustin Hill. Accordingly, the development would not form a discordant feature in the street scene.

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

- 5.11 Adopted Policies H11 and CP5 of the Local Plan seek to protect the living conditions of adjacent properties. In February of this year the City Council produced a draft Supplementary Planning Document (SPD) entitled "Achieving Well Designed Housing". Guidance contained within this draft SPD requires a minimum of 21 metres separation between primary facing windows of existing and proposed new development (12 metres between a gable end and primary window although, due to a drafting error, the current version of the document states 14 metres).
- 5.12 The proposed dwelling would be so orientated so as to achieve the recommended minimum distance of 21 metres between the primary windows of the existing residential properties and the proposed dwelling as stated in the draft SPD. As such, taking into consideration the scale and position of the proposed dwelling in relation to these properties, it is unlikely that the living conditions of the occupiers of these properties will be compromised through loss of light, loss of privacy or overdominance.

## 4. Impact Of The Proposal On Highway Safety

- 5.13 The proposal incorporates a garage together with parking and turning within the site boundaries. The Highway Authority has been consulted and has no

objections to the proposal subject to the imposition of three conditions. It is therefore considered that this proposal would have a detrimental impact on highway safety.

## 5. Other Matters

- 5.14 An occupier had raised issues in regard to land ownership. At their behest the land owners, Riverside Carlisle, has been notified but to date have not responded. The objections of the neighbour have been noted; however, these issues relate to Civil Law and not planning legislation.

## Conclusion

- 5.15 In overall terms, the principle of the proposed development is acceptable. The scale, siting and massing of the proposed dwelling is acceptable in relation to the site and the surrounding properties. The living conditions of neighbouring properties would not be compromised through unreasonable overlooking or overdominance. Adequate car parking, access and amenity space would be provided to serve the dwelling. In all aspects the proposal is compliant with the objectives of the Local Plan policies.

## 6. Human Rights Act 1998

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

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

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

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

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

- 6.3 The proposal has been considered against the above Protocol of the Act but in this instance, it is not considered that there is any conflict. If any conflict was to be alleged it is not felt to be of sufficient weight to refuse planning permission.

## 7. Recommendation - Grant Permission

1. In discharge of requirements for the submission of detailed particulars of the proposed development imposed by conditions 2 (part) attached to the outline planning consent to develop the site.
2. No development shall be commenced until samples or full details of materials to be used externally on the building have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials.

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

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

**Reason:** In the interests of privacy and visual amenity in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

4. Details of proposed crossings of the highway verge and/or footway shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be commenced until the details have been approved and the crossings have been constructed.

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

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

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

6. The dwelling shall not be occupied until the vehicular access and turning requirements have been constructed in accordance with the approved plan and have been brought into use. The vehicular access turning provisions shall be retained and capable of use at all times thereafter and shall not be removed or altered without the prior written consent of the Local Planning Authority.

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

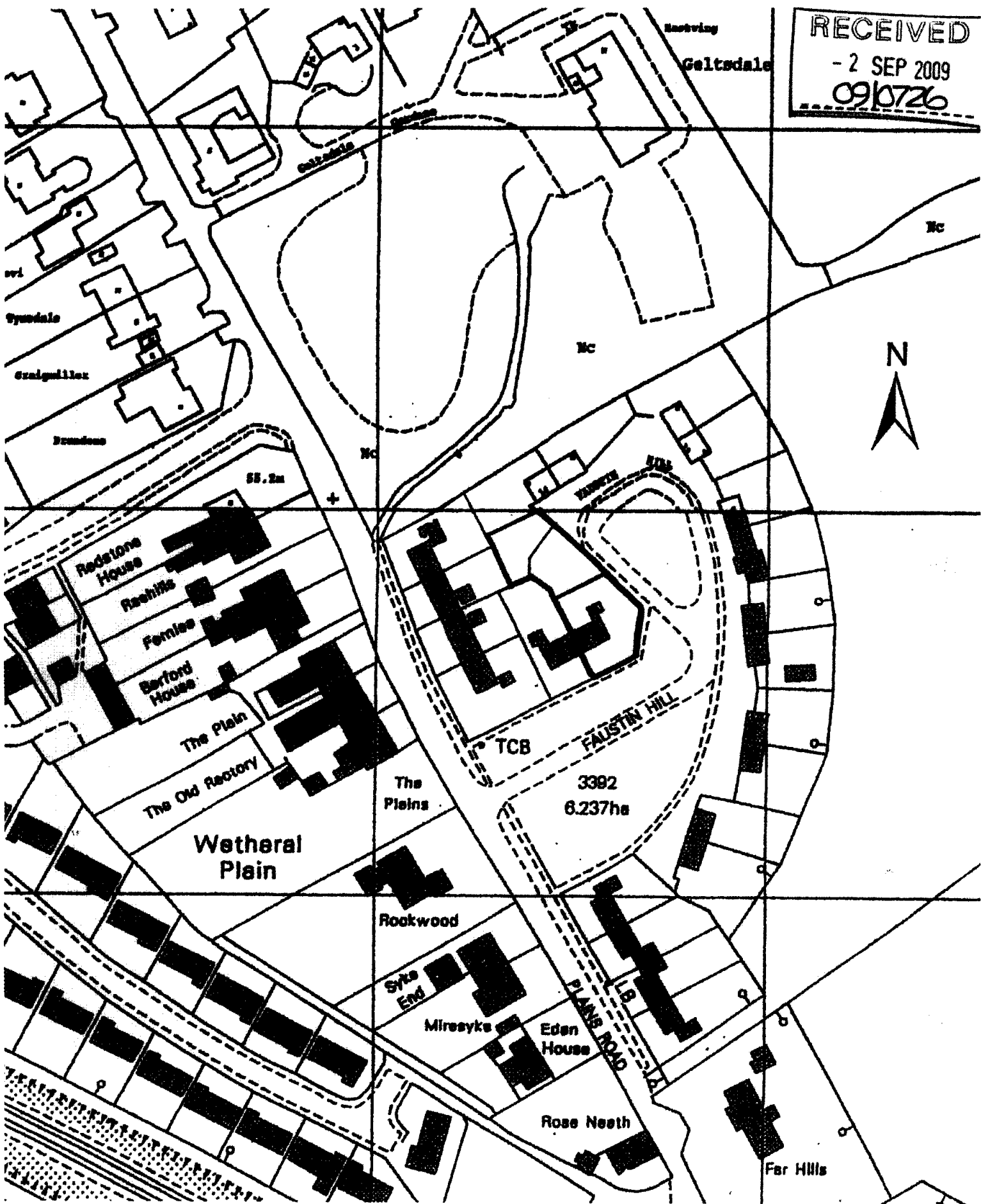
7. No development shall take place until full details of hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved prior to the occupation of the dwelling. Any trees or other plants which die or are removed 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.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order), no additional windows shall be inserted above the ground floor on the south elevation without the prior consent of the local planning authority.

**Reason:** In order to protect the privacy and amenities of residents in close proximity to the site and to ensure compliance with Policy CP6 of the Carlisle District Local Plan 2001-2016.

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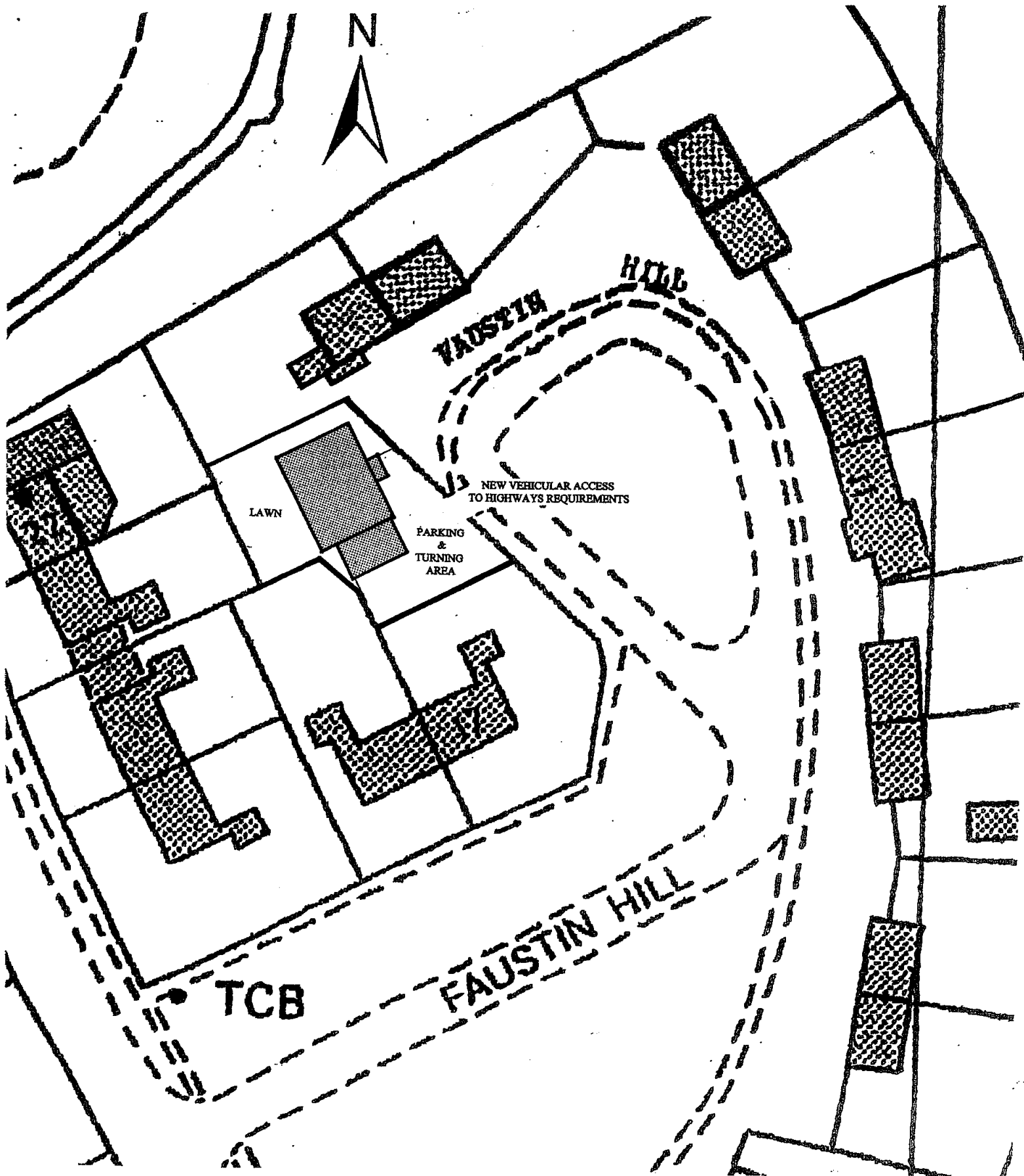
**PROPOSED DETACHED DWELLING**

**LOCATION PLAN**

71

**16 & 17 FAUSTIN HILL - WETHERAL**

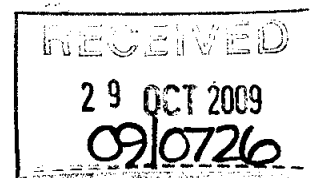
**SCALE : 1-1250**

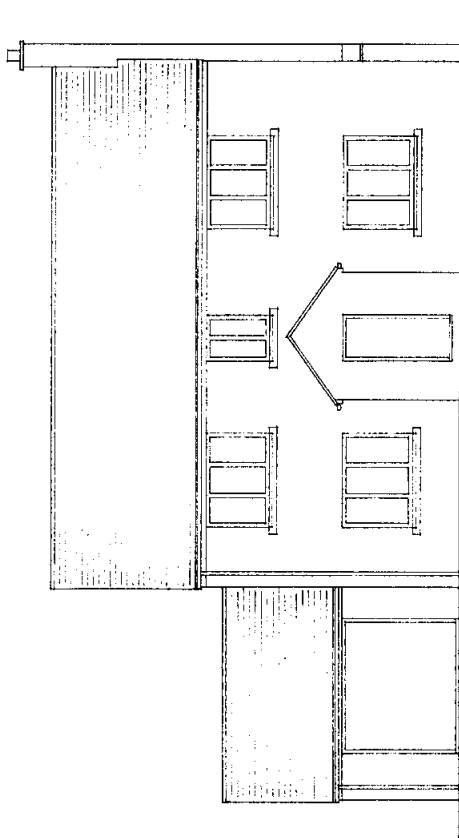


**PROPOSED DETACHED DWELLING**

**16 & 17 FAUSTIN HILL - WETHERAL**

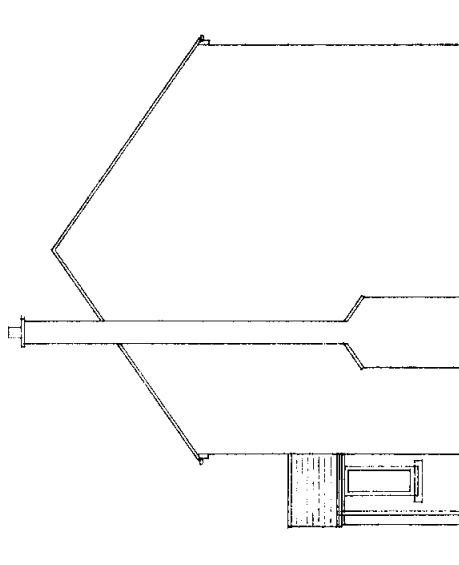
**SITE PLAN AS PROPOSED**



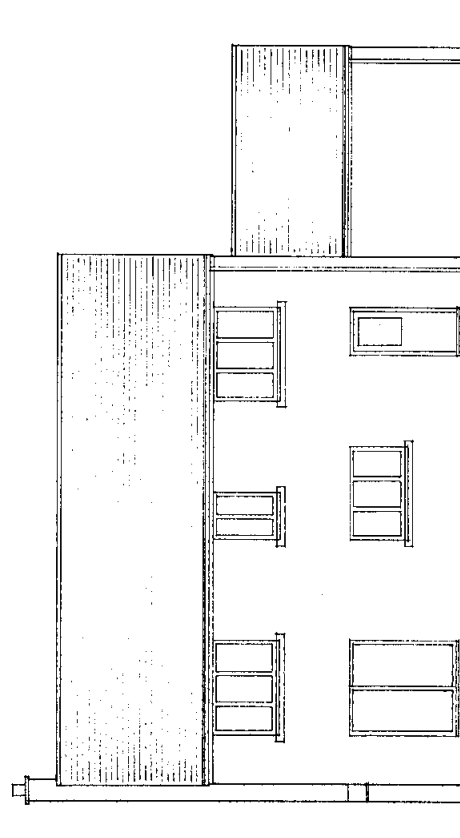


EAST

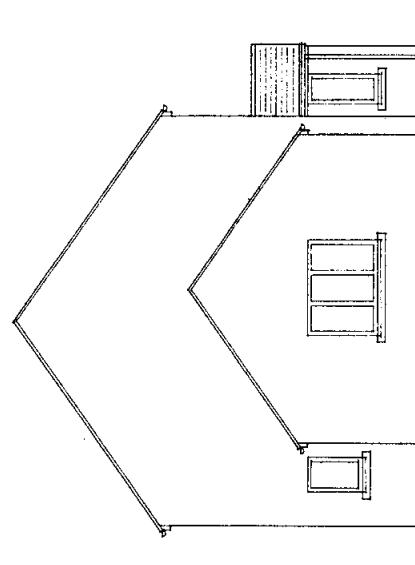
MATERIALS:  
ROOF: Plain clay tiles  
WALLS: Painted brick  
DOORS & WINDOWS: Light brown PVCU



NORTH



WEST



SOUTH

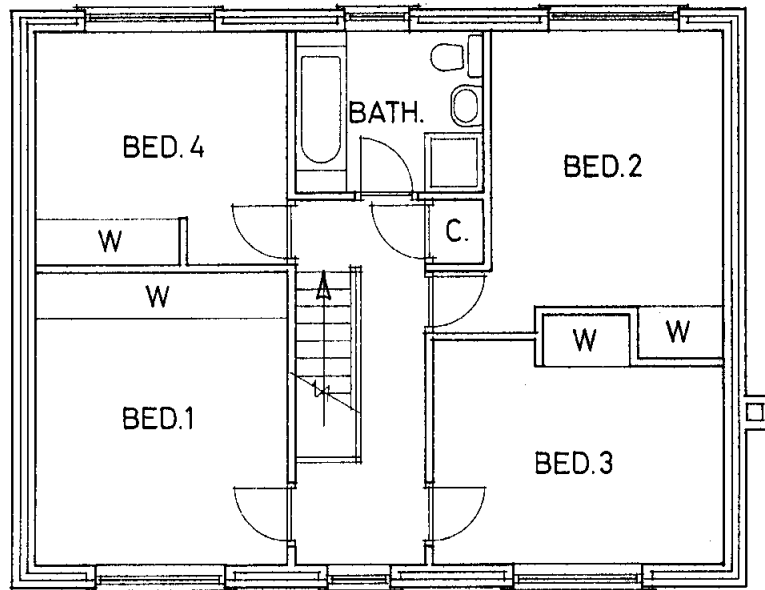
RECEIVED  
- 2 SEP 2009  
09/09/2009

# ELEVATIONS

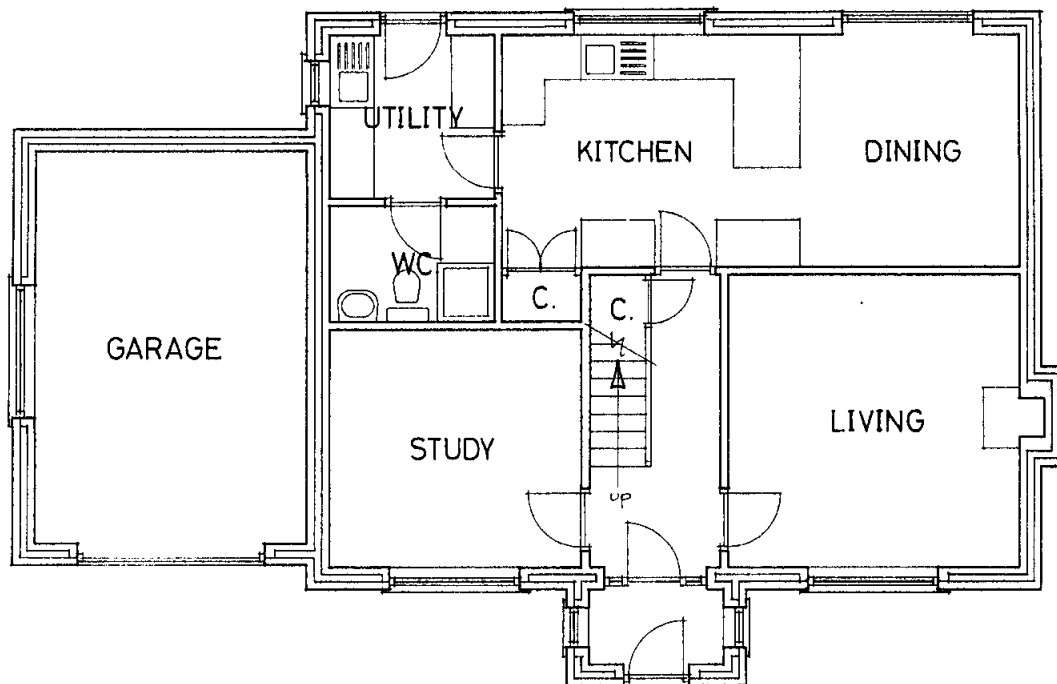
PROPOSED DETACHED DWELLING  
L/A 16 & 17 FAUSTIN HILL  
WETHERAL

Draw No. 1875/2  
SCALE: 1-50  
DATE: JULY 2009



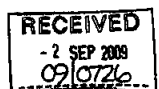


FIRST FLOOR



GROUND FLOOR

## FLOOR PLANS



PROPOSED DETACHED DWELLING  
L/A 16 & 17 FAUSTIN HILL  
WETHERAL

DRG. No. 1875/1

SCALE: 1-50

DATE: JULY 2009

**DESIGN & ACCESS STATEMENT**  
**FOR**  
**PROPOSED DETACHED DWELLING & GARAGE**  
**AT**  
**LAND BETWEEN 16 & 17 FAUSTIN HILL - WETHERAL**

**USE :**

The use is for a single detached four bedroom house on a garden site within the Local Services Centre of Wetheral, but outside the Conservation area.

**LAYOUT :**

The site, of approximately 335m<sup>2</sup>, is in a cul-de-sac of two storey houses, most of which have had extensions added. The site is adequate to accept the proposal, along with associated parking and turning area within the curtilage of the property, and amenity space.

The siting of the dwelling relates to the surrounding properties in providing the required minimum amenity distance of 21 metres between primary facing windows of dwellings.

There are no windows of habitable rooms on the north and south elevations of the dwelling.

**SCALE :**

The scale of the dwelling is in relation to the existing properties in the cul-de-sac. The scale parameters of the proposal are : height 7.9 metres, width 7.9 metres, length 14.2 metres.

**APPEARANCE :**

The dwelling will be constructed of brick, painted to match the surrounding properties, with artstone window cills, a plain clay tiled roof to match existing properties, and light brown upvc windows and doors.

**LANDSCAPING :**

The existing beech hedge to the eastern boundary will be retained. The boundary treatment to the northern, western, and southern boundaries will be timber panel fencing in concrete supports, 1.8 metres high.

The parking and turning area, drive, and pathways will be surfaced in tarmac.

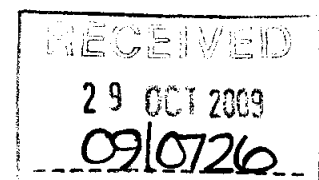
The remainder of the site area will be given over to grassed lawn.

**ACCESS :**

The new vehicular access to the site will be constructed to Highways Authority requirements, which will provide level access up to the main entrance door to the dwelling.

**CRIME PREVENTION :**

The external doors and windows will have security locks and catches fitted, along with the installation of an intruder alarm.



## SCHEDULE A: Applications with Recommendation

09/0632

Item No: 04

Date of Committee: 13/11/2009

**Appn Ref No:**  
09/0632

**Applicant:**  
Coral Racing Ltd

**Parish:**  
Carlisle

**Date of Receipt:**  
19/08/2009

**Agent:**

**Ward:**  
Stanwix Urban

**Location:**  
Proposed Retail Unit 2, Former Gates Tyres Site,  
54 Scotland Road, Carlisle, CA3 9DF

**Grid Reference:**  
340020 557228

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**Proposal:** Change Of Use Of Unit 2 Of Approved Application 08/0224 From A1  
(Retail) To A2 (Betting Shop)

**Amendment:**

1. Submission of a Security Statement to address the issues raised by the Architectural Liaison Officer.
  2. Alterations to the internal layout plan to address the issues highlighted by the Access Officer.
- 

### REPORT

**Case Officer:** Sam Greig

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

This application is brought before the Development Control Committee at the request of Cllr Stevenson.

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

**Affecting The Setting Of A Listed Building**

**Local Plan Pol DP1 - Sustainable Development Location**

**Local Plan Pol CP5 - Design**

**Local Plan Pol CP6 - Residential Amenity**

**Local Plan Pol CP7 - Use of Traditional Materials**

**Local Plan Pol CP6 - Residential Amenity**

**Local Plan Pol LE19 - Conservation Areas**

**Local Plan Pol EC7 - Neighbourhood Facilities**

**Local Plan Pol T1- Parking Guidelines for Development**

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

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

**Development Services Planning & Housing Services - Access Officer:** there are no objections to the proposed change of use, but the internal arrangement layout will need to be considered further when a Building Regulations application is submitted;

**Cumbria Constabulary - Crime Prevention:** no objections;

**Environmental Services - Environmental Quality:** no objections;

**Cumbria County Council – Archaeology:** significant archaeological remains survive on this site and the site is currently being archaeologically investigated.

## **3. Summary of Representations**

### **Representations Received**

| Initial:         | Consulted: | Reply Type: |
|------------------|------------|-------------|
| 26 Skiddaw Road  | 21/08/09   |             |
| 38 Scotland Road | 21/08/09   |             |
| 64 Scotland Road | 21/08/09   |             |
| 66 Scotland Road | 21/08/09   |             |
| 68 Scotland Road | 21/08/09   |             |
| 70 Scotland Road | 21/08/09   |             |
| 72 Scotland Road | 21/08/09   |             |
| 74 Scotland Road | 21/08/09   |             |
| 76 Scotland Road | 21/08/09   |             |
| 78 Scotland Road | 21/08/09   |             |
| 80 Scotland Road | 21/08/09   |             |
| 82 Scotland Road | 21/08/09   |             |
| 84 Scotland Road | 21/08/09   |             |
| 86 Scotland Road | 21/08/09   |             |
| 43 Scotland Road | 21/08/09   |             |
| 45 Scotland Road | 21/08/09   |             |
| 47 Scotland Road | 21/08/09   |             |
| 49 Scotland Road | 21/08/09   |             |
| 51 Scotland Road | 21/08/09   |             |
| 53 Scotland Road | 21/08/09   |             |
| 55 Scotland Road | 21/08/09   |             |
| 57 Scotland Road | 21/08/09   |             |

|                        |          |             |
|------------------------|----------|-------------|
| 59 Scotland Road       | 21/08/09 |             |
| 61 Scotland Road       | 21/08/09 |             |
| 63 Scotland Road       | 21/08/09 |             |
| 65 Scotland Road       | 21/08/09 |             |
| 67 Scotland Road       | 21/08/09 |             |
| 69 Scotland Road       | 21/08/09 |             |
| 71 Scotland Road       | 21/08/09 |             |
| 73 Scotland Road       | 21/08/09 |             |
| 75 Scotland Road       | 21/08/09 |             |
| 77 Scotland Road       | 21/08/09 |             |
| 79 Scotland Road       | 21/08/09 |             |
| 81 Scotland Road       | 21/08/09 |             |
| 83 Scotland Road       | 21/08/09 |             |
| 85 Scotland Road       | 21/08/09 |             |
| 87 Scotland Road       | 21/08/09 |             |
| 89 Scotland Road       | 21/08/09 |             |
| 91 Scotland Road       | 21/08/09 |             |
| 93 Scotland Road       | 21/08/09 |             |
| 95 Scotland Road       | 21/08/09 |             |
| 97 Scotland Road       | 21/08/09 |             |
| 99 Scotland Road       | 21/08/09 |             |
| 101 Scotland Road      | 21/08/09 |             |
| 103 Scotland Road      | 21/08/09 |             |
| 105 Scotland Road      | 21/08/09 |             |
| 107 Scotland Road      | 21/08/09 |             |
| 109 Scotland Road      | 21/08/09 |             |
| 1 York Road            | 21/08/09 |             |
| Crown PH               | 21/08/09 |             |
| 13 Cheviot Road        | 21/08/09 |             |
| 5 Cheviot Road         | 21/08/09 |             |
| 65 Scotland Road       | 21/08/09 |             |
| 67 Scotland Road       | 21/08/09 |             |
| 25 Scotland Road       | 21/08/09 |             |
| 27 Scotland Road       | 21/08/09 |             |
| 29 Scotland Road       | 21/08/09 |             |
| 31 Scotland Road       | 21/08/09 | Undelivered |
| 33a Scotland Road      | 21/08/09 |             |
| 33b Scotland Road      | 21/08/09 |             |
| 33 Scotland Road       | 21/08/09 |             |
| 35 Scotland Road       | 21/08/09 |             |
| 35a Scotland Road      | 21/08/09 |             |
| 35b Scotland Road      | 21/08/09 |             |
| 37 Scotland Road       | 21/08/09 |             |
| Wood Villa             | 21/08/09 |             |
| 1 Stainton Road        | 21/08/09 | Objection   |
| 181 Lansdowne Crescent | 21/08/09 |             |
| 44 Belah Crescent      | 21/08/09 | Objection   |
| 36 Longlands Road      | 21/08/09 |             |
| 12 High Garth Meadows  | 21/08/09 |             |
| 12 Gilbert Road        | 21/08/09 |             |
| 12 Thornton Road       | 21/08/09 |             |
| 11 Rosebery Road       | 21/08/09 |             |
| 8 Lansdowne Crescent   | 21/08/09 |             |
| 12 Rosebery Road       | 21/08/09 |             |
| 19 Thornton Road       | 21/08/09 |             |
| 24 Rosebery Road       | 21/08/09 |             |
| 34 Thornton Road       | 21/08/09 |             |
| 33 Thornton Road       | 21/08/09 |             |
| 15 Kells Place         | 21/08/09 |             |
| Wood Villa             | 21/08/09 |             |
| 14 Mulcaster Crescent  | 21/08/09 |             |
| 23 Thornton Road       | 21/08/09 |             |

|                        |          |           |
|------------------------|----------|-----------|
| 2 Knowe Park Avenue    | 21/08/09 |           |
| 10A Whalley Road       | 21/08/09 |           |
| 5 Andover Close        | 21/08/09 |           |
| 42 Scotland Road       | 21/08/09 |           |
| Petriana House         | 21/08/09 |           |
| 50 Knowe Road          | 21/08/09 |           |
| 22 Knowe Road          | 21/08/09 |           |
| 72 Etterby Road        | 21/08/09 |           |
| 46 Scotland Road       | 21/08/09 |           |
| 18 Knowe Road          | 21/08/09 |           |
| Petriana House         | 21/08/09 |           |
| 32 Scotland Road       | 21/08/09 |           |
| Aldinghman House       | 21/08/09 | Objection |
| 38 Knowe Road          | 21/08/09 |           |
| 13 Landsdowne Crescent | 21/08/09 |           |
| 141 Brampton Road      | 21/08/09 |           |
| 40 Scotland Road       | 21/08/09 |           |
| 44 Scotland Road       | 21/08/09 |           |
| 46 Scotland Road       | 21/08/09 |           |
| 48 Scotland Road       | 21/08/09 |           |
| 50 Scotland Road       | 21/08/09 |           |
| 52 Scotland Road       | 21/08/09 |           |
| 1 Mulcaster Crescent   | 21/08/09 |           |
| 3 Mulcaster Crescent   | 21/08/09 |           |
| 5 Mulcaster Crescent   | 21/08/09 |           |
| 7 Mulcaster Crescent   | 21/08/09 |           |
| 9 Mulcaster Crescent   | 21/08/09 |           |
| 11 Mulcaster Crescent  | 21/08/09 |           |
| 13 Mulcaster Crescent  | 21/08/09 |           |
| 15 Mulcaster Crescent  | 21/08/09 |           |
| 17 Mulcaster Crescent  | 21/08/09 |           |
| 19 Mulcaster Crescent  | 21/08/09 |           |
| 21 Mulcaster Crescent  | 21/08/09 |           |
| 1 Cheviot Road         | 21/08/09 |           |
| 3 Cheviot Road         | 21/08/09 |           |
| 5 Cheviot Road         | 21/08/09 |           |
| 7 Cheviot Road         | 21/08/09 |           |
| 9 Cheviot Road         | 21/08/09 |           |
| 11 Cheviot Road        | 21/08/09 |           |
| 2 Cheviot Road         | 21/08/09 |           |
| 4 Cheviot Road         | 21/08/09 |           |
| 6 Cheviot Road         | 21/08/09 |           |
| 8 Cheviot Road         | 21/08/09 |           |
| 10 Cheviot Road        | 21/08/09 |           |
| 12 Cheviot Road        | 21/08/09 |           |
| 14 Cheviot Road        | 21/08/09 |           |
| 1 Knowe Road           | 21/08/09 |           |
| 3 Knowe Road           | 21/08/09 |           |
| 5 Knowe Road           | 21/08/09 |           |
| 7 Knowe Road           | 21/08/09 |           |
| 9 Knowe Road           | 21/08/09 |           |
| 11 Knowe Road          | 21/08/09 |           |
| 13 Knowe Road          | 21/08/09 |           |
| 15 Knowe Road          | 21/08/09 |           |
| 17 Knowe Road          | 21/08/09 |           |
| 19 Knowe Road          | 21/08/09 |           |
| 21 Knowe Road          | 21/08/09 |           |
| 23 Knowe Road          | 21/08/09 |           |
| 25 Knowe Road          | 21/08/09 |           |
| 27 Knowe Road          | 21/08/09 |           |
| 56 Scotland Road       | 21/08/09 |           |
| 58 Scotland Road       | 21/08/09 |           |

- 3.1 This application has been advertised by means of a site notice and notification letters sent to one hundred and forty eight neighbouring properties. Three letters of objection have been received, which identify the following issues:
1. The proposal will result in increased traffic;
  2. This type of business is unsuitable given the close proximity of the site to a primary school; and
  3. The site is on the edge of a conservation/residential area and such a use would not portray the correct image.

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

- 4.1 In 1969 planning permission was granted for revisions to the frontage, including demolition, to provide a larger forecourt, the installation of a new petrol tank, showrooms, showrooms, office and a store;
- 4.2 In 1969 advertisement consent was granted for the display of a pole sign;
- 4.3 In 1969 advertisement consent was granted for the installation of illuminated box signs;
- 4.4 In 1974 planning permission was granted for the erection of a forecourt canopy;
- 4.5 In 1974 advertisement consent was granted for the installation of an illuminated sign;
- 4.6 In 1994 planning and Listed Building consent was granted for the demolition of a dilapidated two storey building and an adjacent single storey building to facilitate the erection of single storey extensions to enable the premises to provide a tyre fitting bay; and
- 4.7 In 1996 retrospective planning permission was granted for the display and sale of used cars.
- 4.8 In 2008 retrospective advertisement consent was sought for the erection of a banner sign and two fascia signs. Prior to the application being determined the signs were removed and the application was withdrawn.
- 4.9 In 2008 planning permission was sought for the erection of a three storey building that would comprise two retail units to the ground floor with 9 flats on the two floors above. The application was refused by the Development Control Committee; however, it was subsequently allowed by the Planning

Inspectorate following an appeal against that decision.

- 4.10 At the August meeting of the Development Control Committee Members granted Officers “authority to issue an approval” for a revision to the 2008 retail/residential scheme that was allowed by the Planning Inspectorate.

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

- 5.1 This application seeks full planning permission for the change of use of Unit 2 of approved application 08/0224, which relates to the retail/residential development of the former Gates Tyres site at Stanwix, to enable it to be used as a betting shop (Use Class A2) as opposed to retail use which falls within Use Class A1.
- 5.2 Members should be aware that planning permission has recently been granted on appeal for a mixed development of retail and residential uses on the 0.18 hectare site, which is situated on the east side of Scotland Road, the main route into the City from the north. The site is approximately 900m north of the City Centre and was previously occupied by Gates Tyres, who retailed tyres and exhausts as well as offering MOT's and car repairs. The site is identified on the Proposals Map that accompanies the Local Plan as being within a Primary Residential Area. It is also adjoins the Stanwix Conservation Area and it lies within the Stanwix district centre, the boundaries of which are not defined on the Proposals Map.
- 5.3 To the south of the site, along Scotland Road, is a terrace of Grade II Listed Buildings. The premises at the northern extent of this terrace, adjacent to the application site, is occupied by "Angels" hair and beauty salon. With the exception of “Angels” and the other commercial premises located to the south, the surroundings to the site are predominantly residential. There are, however, three commercial properties located on the opposite side of Scotland Road, including a takeaway and two bed and breakfast premises.

## **Background**

- 5.4 Members of the Committee may recall that in August 2008 the Development Control Committee refused planning permission for a three storey retail/residential development on the basis that the proposed development would result in an unacceptable increase in traffic and that it was contrary to criterion 3 of Policy H17 of the Carlisle District Local Plan (adopted September 1997).
- 5.5 The Development Control Committee made this decision despite the fact that an independent transport assessment, which was commissioned at Members request, advised that there was insufficient justification to refuse the application on highway grounds.
- 5.6 The applicant appealed the decision to refuse the application and in March 2009 the Planning Inspectorate allowed both the Appeal and the related application made for an award of costs against the City Council.



- 5.7 At the August 2009 Development Control Committee meeting Members granted authority to issue approval for a revision to the scheme that was allowed by the Planning Inspectorate. The approval of that scheme is subject to the applicant entering into a legal agreement to secure the payment of £3500, which would facilitate an amendment to the Traffic Regulation Order to increase the 'no waiting at any time' restriction along Cheviot Road.

### **The Proposal**

- 5.8 This application seeks to vary the approved use of Unit 2, which is the smaller of the two retail units to enable it to be used as a betting shop. The application relates solely to the use of the premises and no physical alterations are proposed to the scheme that has been approved.
- 5.9 The proposed opening hours of the betting shop are 7.30 am to 10 pm Monday to Saturday and 9 am to 7 pm on Sundays and Bank Holidays. The premises would share the use of the 16 car parking spaces that have been permitted under the approved scheme.

### **Assessment**

- 5.10 The relevant planning policies against which the application is required to be assessed are Policies DP1, CP5, CP6, CP17, EC7 and T1 of the Carlisle District Local Plan 2001-2016.
- 5.11 The proposals raise the following planning issues:
1. Whether The Principle Of The Proposed Development Is Acceptable.
- 5.12 The principle of allowing Unit 2 to be use for unrestricted A1 retail use, which includes a variety of retail uses ranging from shops, hairdressers or a post office etc, has been established through the approval of the earlier scheme by the Planning Inspectorate. The provision of a betting shop in a district centre is not uncommon, with such uses present at the district centres at Central Avenue and Raffles Parade. In principle, there is no objection to accommodating a betting shop in this generic locality i.e. as part of the uses typically represented at a district centre.
2. Highway Matters.
- 5.13 The Highway Authority has raised no objections to the proposed development. It is not envisaged that the proposed use will result in a greater volume of traffic than could be generated through the approved retail use of the premises.
- 5.14 The provision of the 'no waiting at any time' restrictions along Cheviot Road that are required to enable delivery vehicles to negotiate the loading bay safely would still be secured under the approved scheme. As such, there is no requirement under this application for the applicant to enter into a legal agreement to secure a financial contribution towards their provision.

### 3. Compliance with Policy CP17 (Designing Out Crime).

- 5.15 Cumbria Constabulary's Architectural Liaison Officer initial consultation response highlighted that the Design and Access Statement that accompanied the application did not demonstrate how the scheme complied with Policy CP17 of the Local Plan. The applicant has since submitted a supporting statement to demonstrate that these issues have been taken into account. The Architectural Liaison Officer has confirmed that the additional information addresses the original concerns.

### 4. Impact Upon Local Residents.

- 5.17 The potential use of the premises as a betting shop is unlikely to have a significantly greater impact upon the living conditions of those residents in the immediate vicinity that the approved retail use. As such, it is the Officers firm view that a refusal of the application on this basis could not be substantiated.

### 5. Other Matters.

- 5.18 Two local residents have expressed concern that the site is not an appropriate location for this type of use. Whilst the concerns of these residents are noted the ethics surrounding the morality of gambling should not influence Members' views of this proposal.

## Conclusion

- 5.19 In overall terms, the principle of the proposed use is acceptable. The likely impact on the road network or the living conditions of the immediate residents is unlikely to be significantly greater than the approved use. In all aspects the proposal is compliant with the relevant Local Plan policies.

## 6. Human Rights Act 1998

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

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

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

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

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

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

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

## **7. Recommendation - Grant Permission**

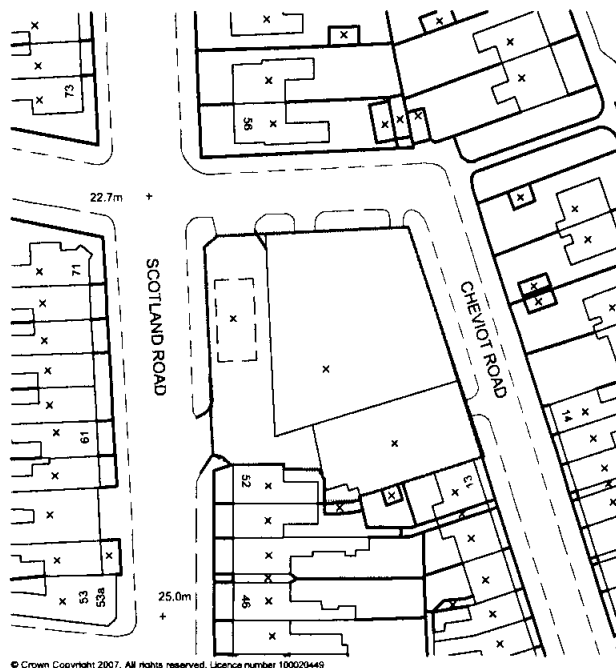
1. The development shall be begun not later than the expiration of 3 years beginning with the date of the grant of this permission.

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

2. The betting shop hereby approved shall not be open for trading except between 0730 hours and 2200 hours on Mondays-Saturdays or between 0900 hours and 1900 hours on Sunday or Bank Holidays.

**Reason:** To minimise disturbance to nearby residential occupiers in accordance with Policy CP6 of the Carlisle District Local Plan 2001-2016.

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1:1250



|   |  |  |   |     |                          |
|---|--|--|---|-----|--------------------------|
| <b>ian Belsham Associates</b><br>Chartered Architects | Keel Row 4<br>The Watermark<br>Gateshead<br>NE11 9SZ<br>Tel. 0191 461 1411<br>Fax. 0191 460 5223<br>architects@belsham.com |  | GATES TYRES, CARLISLE                               |     | DRAWN DT                 |
|   |  |  | LOCATION PLAN                                       |     | DATE 17.06.09            |
|   |  |  | THIS DRAWING IS COPYRIGHT<br>542/DWGS/LOCATION PLAN | 542 | SCALE 1:1250@A4<br>CHECK |
|   |  |  |   |     | (0)05                    |

ian Belsham Associates  
Keel Row 4  
The Watermark  
Gateshead  
NE11 9SZ  
Tel. 0191 481 1411  
Fax. 0191 480 5223  
architects@belsham.com

**DEVELOPMENT SITE  
GATES TYRES : SCOTLAND ROAD  
CARLISLE**

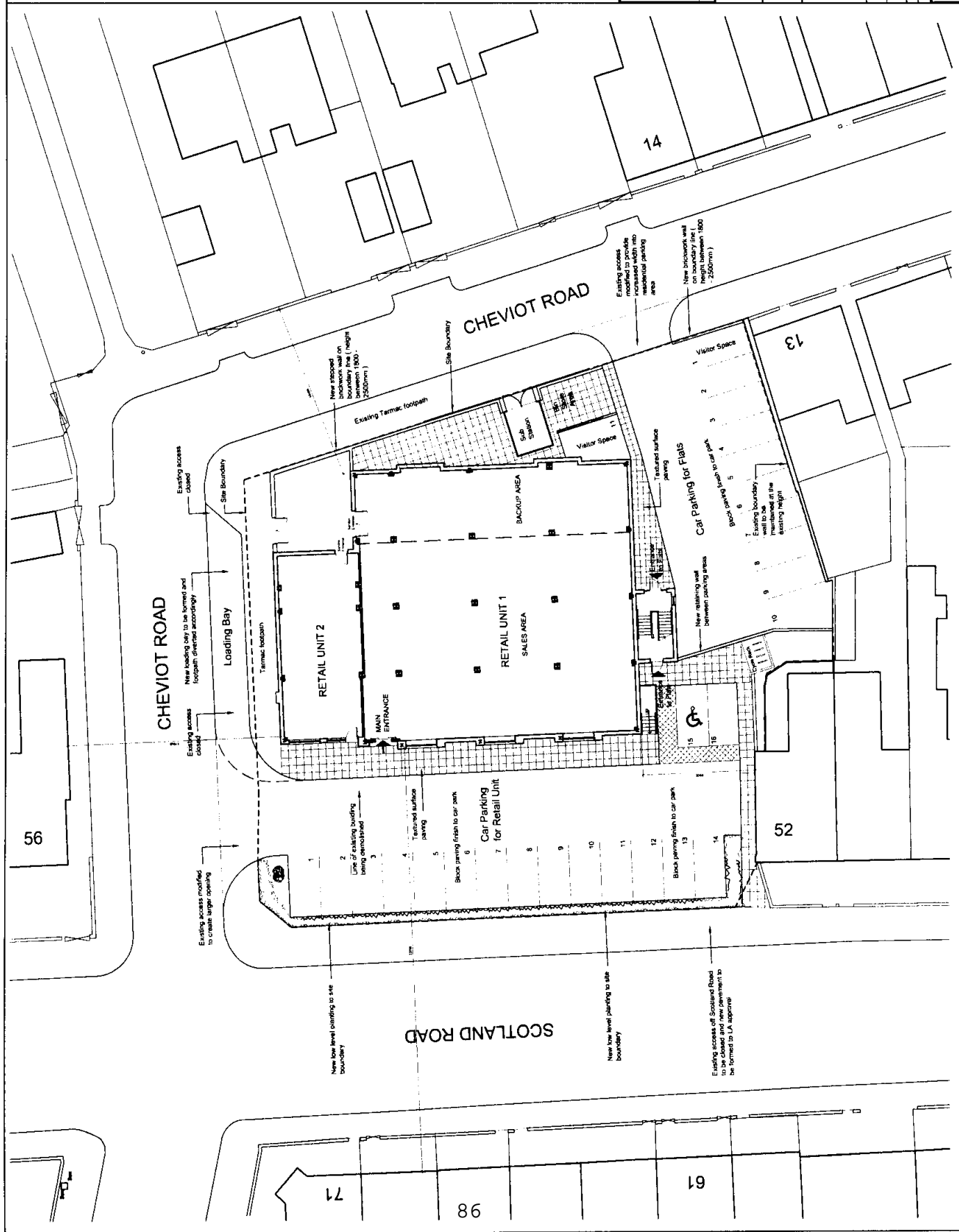
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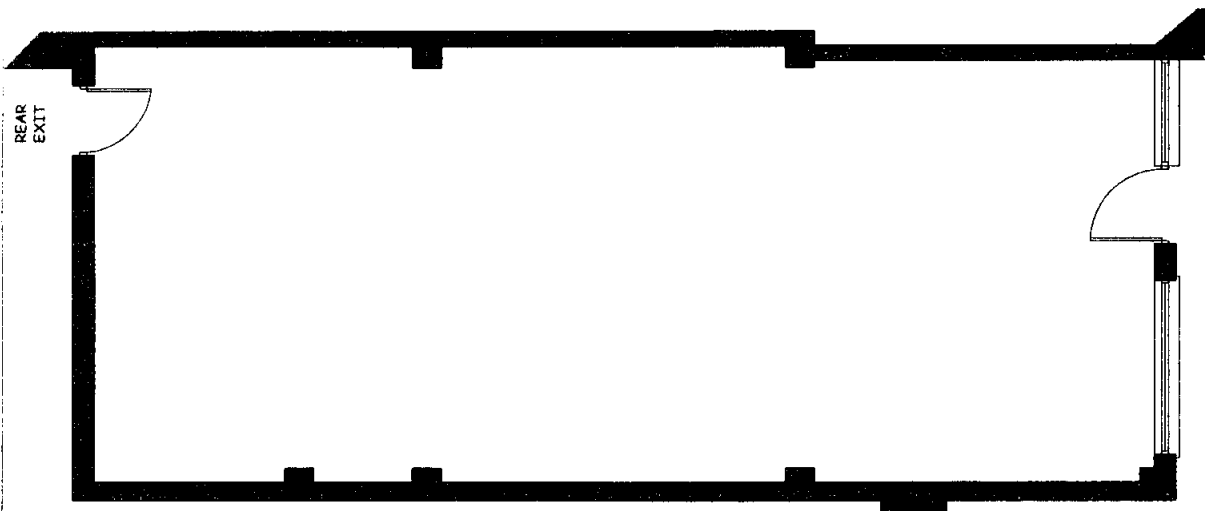
**KANS & KANDY  
PROPERTY DEVELOPMENTS LTD**

| ADDRESS | SCALE    | DATE     |
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| pcw     |          |          |

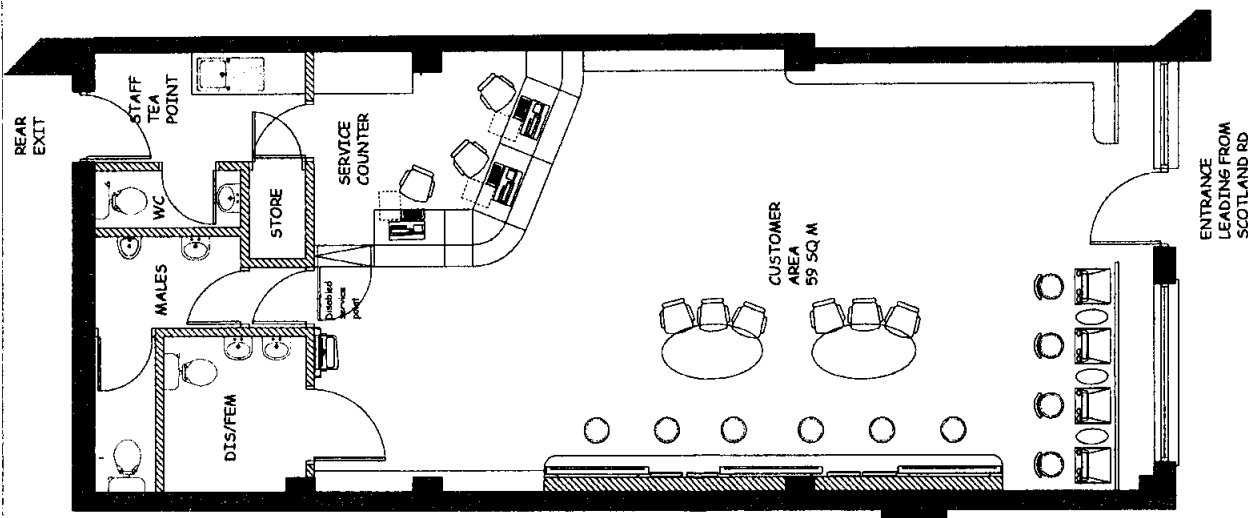
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542 (5)03 C





EXISTING GROUND FLOOR LAYOUT



PROPOSED GROUND FLOOR LAYOUT

7399/10632  
13 AUG 2009

## GALA CORAL GROUP

### GENERAL NOTES

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| No | Amendment | Date |
|----|-----------|------|
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|    |           |      |
|    |           |      |

### Company Name & Address

GALA CORAL GROUP LTD.  
Globe House,  
Vicarage Drive,  
Barking, Essex,  
IG11 7NS

### Project Name & Address

Unit 2, Former Scales Tyres Site  
84 Scotland Road  
Sharncliffe  
Cardiff

### EXISTING & PROPOSED LAYOUTS

Drawn by: EVDAS

Date: July 2009

Scale: 1:50 @ A2

Drawing No: EV/COR/255/2

## SCHEDULE A: Applications with Recommendation

09/0792

Item No: 05

Date of Committee: 13/11/2009

**Appn Ref No:**  
09/0792

**Applicant:**  
Mr Henry Salkeld

**Parish:**  
Beaumont

**Date of Receipt:**  
21/09/2009

**Agent:**

**Ward:**  
Burgh

**Location:**  
South View Farm, Beaumont, Carlisle, Cumbria,  
CA5 6EB

**Grid Reference:**  
334767 559548

---

**Proposal:** Extension To Existing Cattle Building

**Amendment:**

---

### REPORT

**Case Officer:** Stephen Daniel

### Reason for Determination by Committee:

An objection has been received from the Solway Coast AONB Unit.

### 1. Constraints and Planning Policies

**Area Of Outstanding Natural Beauty**

**Ancient Monument**

**Local Plan Pol DP9 - Areas of Outstanding Natural Beauty**

**Local Plan Pol LE25 - Agricultural Buildings**

**Local Plan Pol CP5 - Design**

### 2. Summary of Consultation Responses

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

**Beaumont Parish Council:** no comments;

**English Heritage - North West Region:** no comments;



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

**Solway Coast AONB Unit:** concern that this is a large erection projecting over the boundary of the farm enclosure which may have an adverse effect on the landscape around the area of Beaumont village.

### **3. Summary of Representations**

#### **Representations Received**

Initial:

Consulted:

Reply Type:

- 3.1 This application has been advertised by means of a site notice. No verbal or written representations have been made during the consultation period.

### **4. Planning History**

- 4.1 In August 1990, planning permission was granted for the erection of a cattle shed for livestock, cattle food and workshop, effluent pit (90/0531).
- 4.2 In May 2000, planning permission was granted for the erection of a general purpose livestock building (00/0297).
- 4.3 In June 2002, planning permission was granted for the erection of a livestock building (02/0548).

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

#### **Introduction**

- 5.1 This application is seeking planning permission for the erection of an extension to an existing cattle building at Southview Farm, Beaumont.
- 5.2 The existing farm, which is located on the northern edge of the village of Beaumont in the Solway Coast AONB, consists of a series of farm buildings, together with a farmhouse. The farm is surrounded by open fields.

#### **The Proposal**

- 5.3 The proposal is seeking to extend an existing cattle building, which is located within an existing group of farm buildings, back into the adjacent field. The existing building measures 17.5m by 23.5m and is 3.2m to the eaves and 6.4m to the ridge. The extended building would measure 31.5m by 23.5m and the eaves and ridge heights would tie in with those on the existing building. The extension would be of steel framed construction with grey

concrete panels, Yorkshire boarding to the gable, under a green fibre cement sheet roof.

- 5.4 A hedgerow runs along the rear boundary of the existing building, and this would need to be removed. The applicant is proposing to plant a new hedgerow to the rear of the extended building.

### **Assessment**

- 5.5 The relevant planning policies against which the application is required to be assessed include Policies DP9, LE25 and CP5 of the Carlisle District Local Plan 2001-2016.

The proposal raises the following planning issues:

1. The Impact Of The Proposal On The Solway Coast AONB
- 5.6 Whilst it is acknowledged that the extension would project back 14m into the adjacent field, it would be seen within the group of existing farm buildings. The planting of a hedge to the rear of the building would reduce the visual impact of the extension and ensure that it would be viewed as part of the complex of farm buildings rather than as part of the field. In light of the above, the proposal would not have an adverse impact on the character of the Solway AONB.
2. The Scale And Design Of The Building
- 5.7 The extension would be appropriate in scale to the existing building and would be built of materials to match the existing building and other farm buildings at South View Farm. The scale and design would, therefore, be acceptable.

### **Conclusion**

- 5.8 The proposal would not have an adverse impact on the Solway AONB. The scale and design of the proposal are acceptable. In all aspects the proposal is 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 Permission

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

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

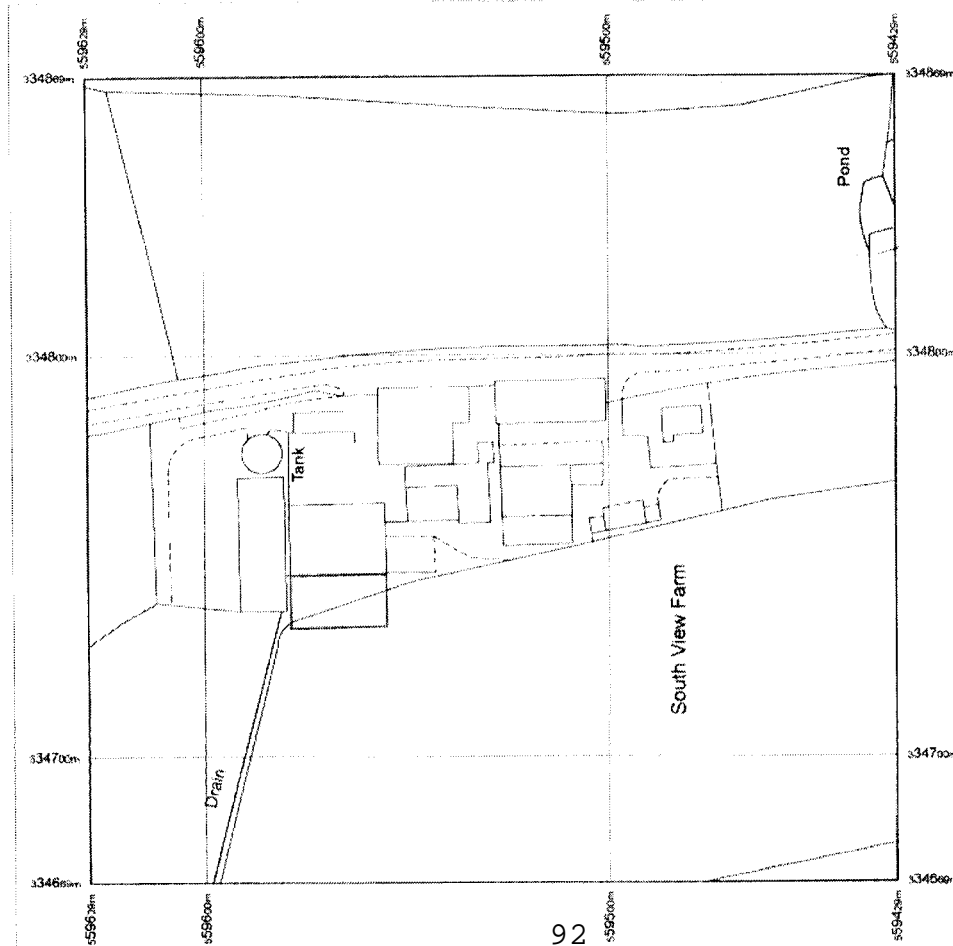
2. The materials (and finishes) to be used in the construction of the proposed development shall be in accordance with the details contained in the submitted application, unless otherwise agreed in writing by the Local Planning Authority.

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

3. No development shall take place until details of a landscaping scheme have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved 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 in accord with Policy CP5 of the Carlisle District Local Plan.

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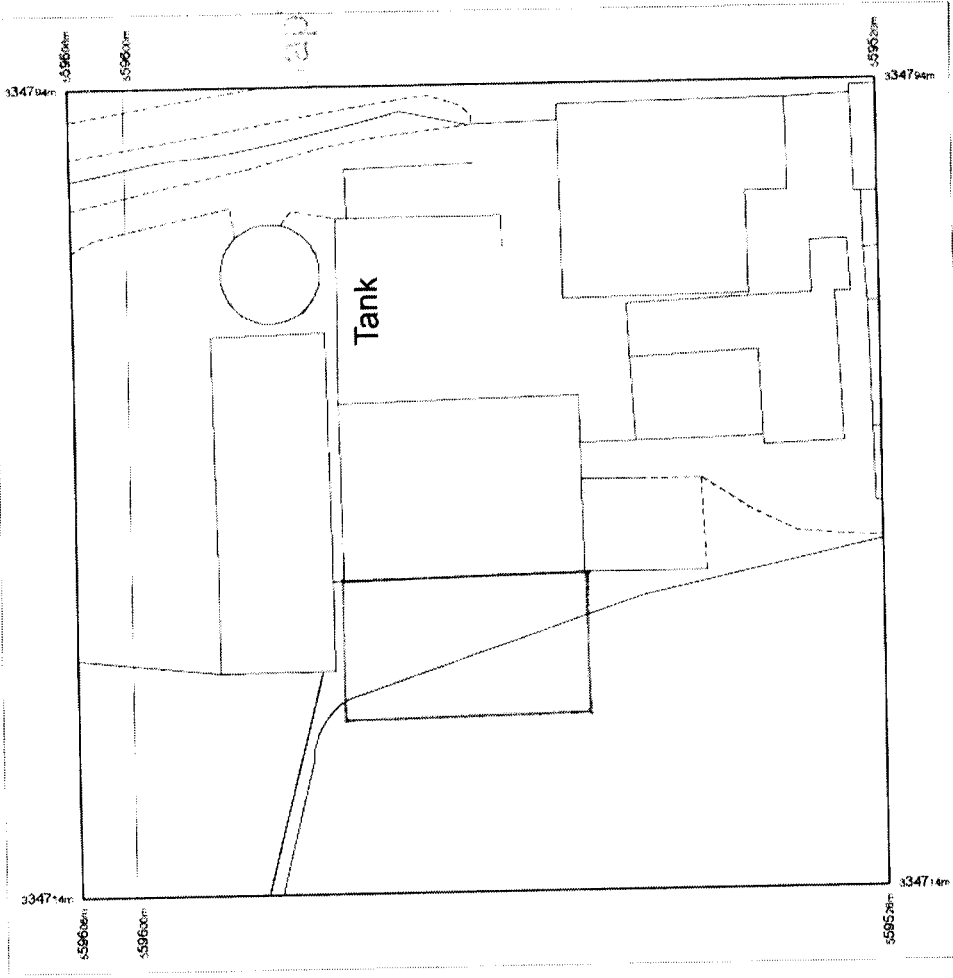
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The representation of features as lines is no evidence of a property boundary.

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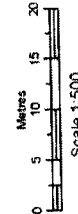
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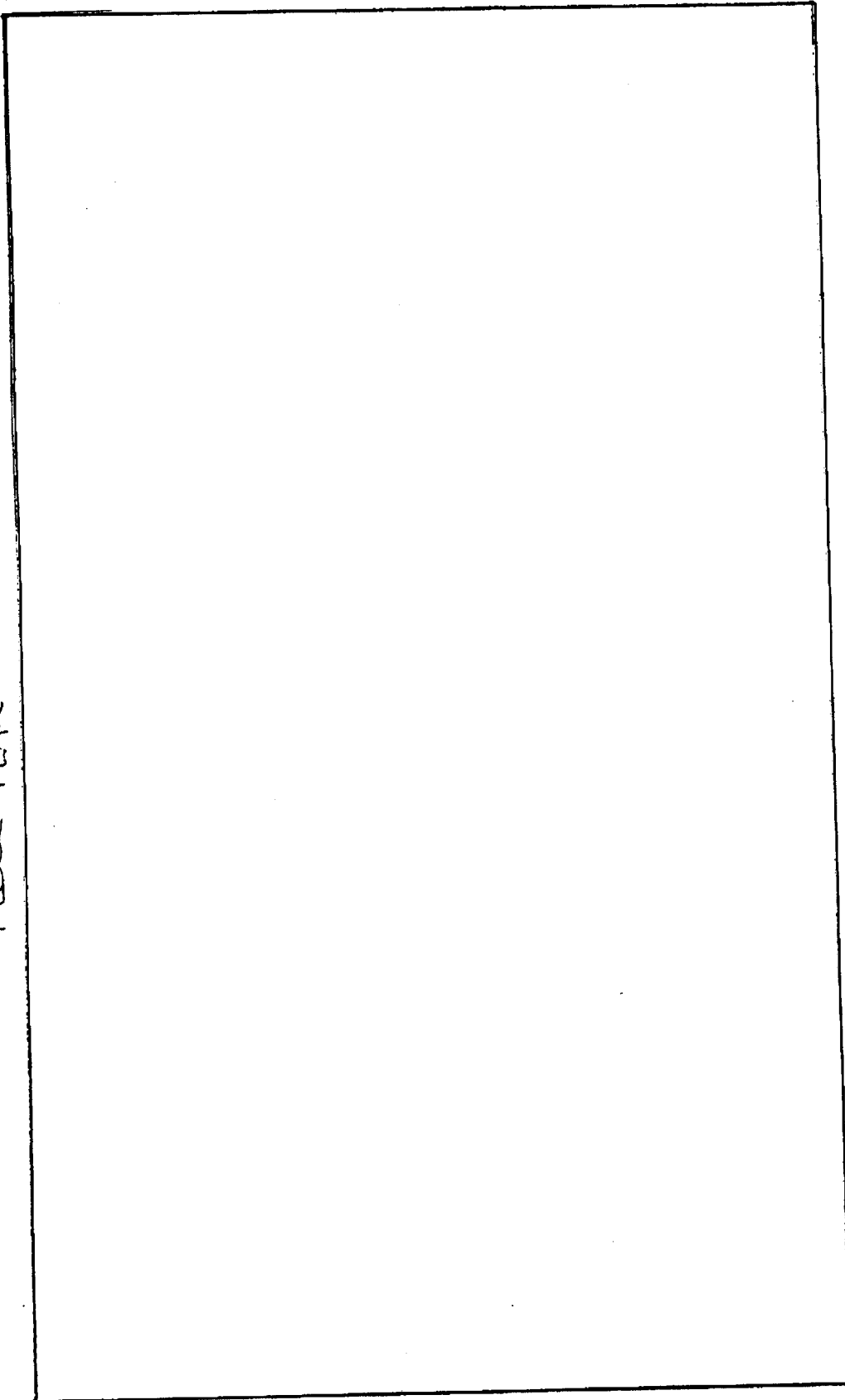
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09/07/02

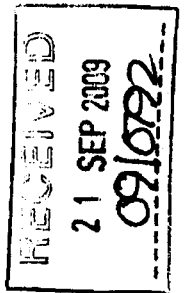


FLOOR PLAN



↑N

Scale 1:100







## SCHEDULE A: Applications with Recommendation

09/0862

Item No: 06

Date of Committee: 13/11/2009

**Appn Ref No:**  
09/0862

**Applicant:**  
JW & AI Mallinson

**Parish:**

**Date of Receipt:**  
23/10/2009

**Agent:**

**Ward:**  
Wetheral

**Location:**  
1 Holme Meadow, Cumwhinton, Carlisle, CA4 8DR

**Grid Reference:**  
344786 552766

---

**Proposal:** Erection Of Wrought Iron Railings Above Existing Boundary Wall

**Amendment:**

---

### REPORT

**Case Officer:** Suzanne Edgar

### Reason for Determination by Committee:

This application has been brought before Members of the Development Control Committee as the applicant is an employee of the City Council.

### 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.

#### **Cocklakes Safeguarding Area**

The proposal relates to land or premises situated within the Cocklakes Safeguarding Area.

#### **Local Plan Pol CP5 - Design**

#### **Local Plan Pol CP6 - Residential Amenity**

#### **Local Plan Pol H11 - Extns to Existing Resid. Premises**

### 2. Summary of Consultation Responses

**Cumbria County Council - (Highway Authority):** Considering the wording of the original application ( for the estate) only requiring 2.4m set back visibility splay, and the fact that the you can see though a railing, I can confirm that I have no objection to this application.

**Wetheral Parish Council:** Comments awaiting.

**Northern Gas Networks:** Comments awaiting.

### **3. Summary of Representations**

#### **Representations Received**

| Initial:         | Consulted: | Reply Type: |
|------------------|------------|-------------|
| 2 Holme Meadow   | 28/10/09   |             |
| 13 Holme Meadow  | 28/10/09   |             |
| 14 Holme Meadow  | 28/10/09   |             |
| 15 Holme Meadow  | 28/10/09   |             |
| Rose Cottage     | 28/10/09   |             |
| Lowther Arms Inn | 28/10/09   |             |
| Laburnum Cottage | 28/10/09   |             |

3.1 This application has been advertised by means of notification letters sent to seven neighbouring properties. At the time of writing this report no verbal or written representations have been received. The consultation period expires on the 18th November 2009.

### **4. Planning History**

4.1 There is no relevant planning history on this site.

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

#### **Introduction**

5.1 This application seeks approval for the erection of wrought iron railings above an existing boundary wall at No.1 Holme Meadow, a two storey detached property constructed from brick walls under a slate roof. The property is situated on the northside of the entrance to Holme Meadow cul-de-sac and the eastern side of the road leading from Cumwhinton to Scotby. The surroundings to the property are wholly residential.

#### **Background**

5.2 The west and southern boundary to No.1 Holme Meadow is delineated by a brick wall which is stepped due to the topography. The brick wall has a total height of 0.65 metres. There are two pillars situated either side of the wall

measuring 1.4 metres and an intermediate pillar measuring 0.8 metres. The proposed iron railings will be 460mm high and will be situated above this wall. The proposal will provide a total boundary height of 1.1 metres. The proposed iron railings will be circular steel rod railings with 'basket' decoration on alternative rails and steel spheres topping the rails at the changes in level. The railings will be secured to existing copings and brick piers with steel brackets. The railings will be painted black and the existing intermediate brick pier will be raised two courses above the railings.

- 5.3 Members should be aware that the proposed iron railings only project 0.1 of a metre over the householder permitted development rights, under The Town and Country Planning (General Permitted Development) Order 1995, of the erection of a one metre high boundary wall adjacent to a highway.

### **Assessment**

- 5.4 The relevant planning policies against which the application is required to be assessed are Policies CP5, CP6 and H11 of the Carlisle District Local Plan 2001-2016.
- 5.5 The proposal raises the following planning issues:
1. The Impact Of The Proposal On The Living Conditions Of Neighbouring Residents
- 5.6 Taking into consideration the scale and position of the proposal in relation to neighbouring properties it cannot reasonably be argued that the living conditions of the occupiers of those properties would be adversely affected through loss of light, over dominance or inappropriate design.
2. Whether The Proposal Is Appropriate To The Dwelling
- 5.7 The proposed fence to be erected complements the appearance of the existing boundary treatment in terms of design and materials to be used.
3. The Impact On Highway Safety
- 5.8 The Highway Authority has been consulted on the proposal and has raised no objections. As such, it considered that the proposal would not have an adverse impact upon highway safety.

### **Conclusion**

- 5.9 In overall terms it is considered that the proposal will not adversely affect the living conditions of adjacent properties sufficient to merit refusal. The scale and design of the proposal is considered acceptable. On this basis authority to issue approval is requested subject to no adverse comments being received during the remainder of the consultation period which expires on the 18th October 2009.

## **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 Articles 1/6/8 of the Human Rights are relevant to this application and should be considered when a decision is made. Members are advised that for the reasons identified in the report the impact of the development in these respects will be minimal and the separate rights of individuals under this legislation will not be prejudiced.

## **7. Recommendation -**

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

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

2. The materials (and finishes) to be used in the construction of the proposed development shall be in accordance with the details contained in the submitted application, unless otherwise agreed in writing by the local planning authority.

**Reason:** To ensure a satisfactory external appearance for the completed development.

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09/0862

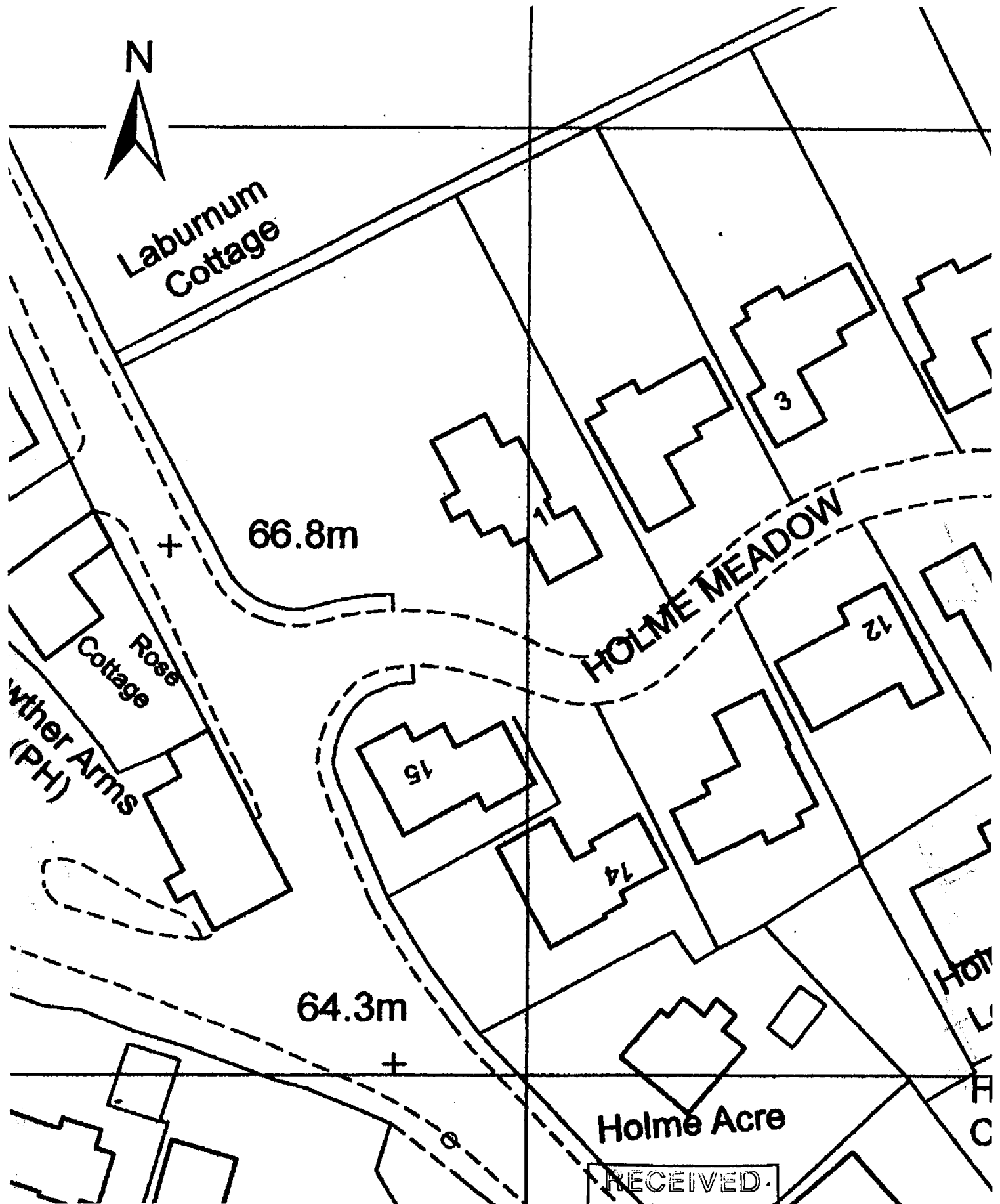
**PROPOSED BOUNDARY RAILINGS**

**LOCATION PLAN**

**1 HOLME MEADOW - CUMWHINTON**

**SCALE : 1-1250**

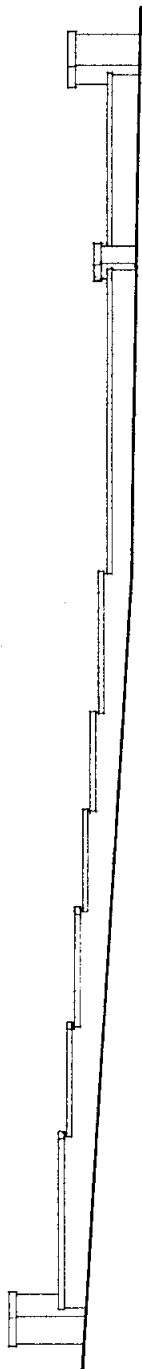




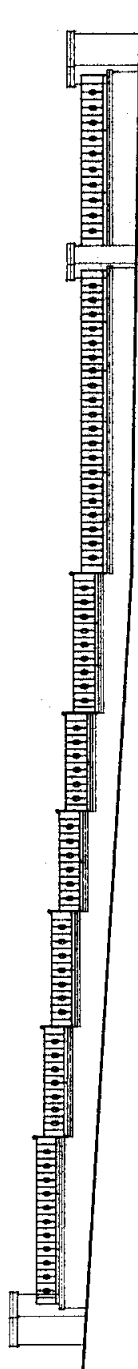
RECEIVED.  
23 OCT 2009  
09/0862

PROPOSED BOUNDARY RAILINGS

SITE PLAN



SW ELEVATION AS EXISTING



SW ELEVATION AS PROPOSED

Circular shaped red railings 1600mm high with basket decoration on alternative rails. A solid square topped the rails at changes in level. With the existing brickwork and brick piers. All painted black. Intermediate brick pier added to two courses above railings.

RECEIVED  
23 OCT 2009  
09:00:02

|   |                                       |
|---|---------------------------------------|
| PROPOSED RAILINGS<br>1 HOLME MEADOW<br>CUMWHINTON |                                       |
| DWG. No. 1913                                     | JOCK GORDON<br>ARCHITECTURAL SERVICES |
| SCALE 1-50  | 47 SCOTLAND ROAD<br>CARLEISLE CA3 9HS |
| DATE OCT. 2009                                    | TEL: 01288 543888                     |







-7 OCT 2003  
2009/0862

## SCHEDULE A: Applications with Recommendation

09/0751

Item No: 07

Date of Committee: 13/11/2009

**Appn Ref No:**  
09/0751

**Applicant:**  
University of Cumbria

**Parish:**  
Carlisle

**Date of Receipt:**  
08/09/2009

**Agent:**  
Swarbrick Associates

**Ward:**  
Stanwix Urban

**Location:**  
University of Cumbria, Brampton Road, Carlisle,  
CA3 9AY

**Grid Reference:**  
340214 557084

---

**Proposal:** Variation Of Condition 2 Of Application 08/0743 To Change Hours Of Use From 09.00hrs - 16.00hrs Monday To Friday, 08.00hrs - 13.00hrs Saturday To 08.00hrs to 20.00hrs Monday To Friday, 08.00hrs To 16.00hrs Saturday, And 10.00hrs To 16.00hrs Sunday

**Amendment:**

---

### REPORT

**Case Officer:** Richard Maunsell

### Reason for Determination by Committee:

This application is brought for determination by the Development Control Committee as Members have previously imposed a planning condition restricting the operating hours following a site visit in connection with a planning application submitted in 2008 for the dance studio.

### 1. Constraints and Planning Policies

#### **Ancient Monument**

#### **Listed Building**

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

#### **Conservation Area**

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

## **Listed Building In A Conservation Area**

The proposal relates to a building listed as being of Special Architectural or Historic Interest and which is situated within the Stanwix Conservation Area.

### **Local Plan Pol CP5 - Design**

### **Local Plan Pol CP6 - Residential Amenity**

### **Local Plan Pol CP16 -Public Trans.Pedestrians & Cyclists**

### **Local Plan Pol LE5 - Hadrian's Wall World Heritage Site**

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

### **Local Plan Pol LE12 - Proposals Affecting Listed Buildings**

### **Local Plan Pol LE19 - Conservation Areas**

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

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

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

**Environmental Services - Environmental Quality:** no observations.

## **3. Summary of Representations**

### **Representations Received**

| Initial:                  | Consulted: | Reply Type: |
|---------------------------|------------|-------------|
| Petrian House             | 10/09/09   |             |
| 2 Kell Place              | 10/09/09   |             |
| Stanwix Community Centre  | 10/09/09   |             |
| Barn Close                | 10/09/09   |             |
| 3 Church Lane             | 10/09/09   |             |
| 4 Church Lane             | 10/09/09   |             |
| 5 Church Lane             | 10/09/09   |             |
| Mulcaster Cottage         | 10/09/09   |             |
| Mulcaster House           | 10/09/09   | Undelivered |
| Rosehill Residential Home | 10/09/09   |             |

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

## **4. Planning History**

- 4.1 Planning permission and Listed Building Consent were granted in 2002 for the creation of a disabled access ramp and steps.
- 4.2 In 2005, temporary planning consent was granted for the provision of 2no. sectional dance studios.
- 4.3 Planning Permission was granted in 2008 for the renewal of planning permission for a temporary dance studio and classroom.

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

### **Introduction**

- 5.1 This application seeks planning permission for revision to the hours of use for the dance studio at University of Cumbria, Stanwix House, Brampton Road, Carlisle. Stanwix House is a Grade II Listed Building that forms part of the University of Cumbria campus in the north of the City. The site is located within the Hadrian's Wall Buffer Zone, is a Scheduled Monument and is within the Stanwix Conservation Area.
- 5.2 Residential properties exist to the south-west, north-west and north-east of the application site. The site slopes steeply down to the south-east, towards Brampton Road. There is an established and mature landscaping along the south-west boundary and to the south-east which is dense and provides adequate screening for the site. The buildings are single storey in height with a floor area of 116 square metres and have level access. The buildings are well-related to Stanwix House and the site boundaries.
- 5.3 Planning consent is sought for the variation of the hours during which the dance studio can be used. The previous consent for the temporary siting of the building conditioned the use as follows:  
  
Mondays to Fridays - 09:00 hours and 16:00 hours  
Saturdays - 08:00 hours and 13:00.
- 5.4 The current proposal seeks consent for the use of the building during the following periods:  
  
Mondays to Fridays - 08:00 hours and 20:00 hours  
Saturdays - 08:00 hours and 16:00 hours  
Sundays - 10:00 hours and 16:00 hours.

### **Background**

- 5.5 The original planning consent was granted in 2005. At that time, several objections were raised by the occupiers of neighbouring residential properties and the prime concerns related to noise and disturbance that would be



generated from the use of the buildings. The Officer's report to Members suggested that, given the proximity of the neighbouring properties, it was considered appropriate to condition the dance studio not to operate past 20:00 hours or before 08:00 hours.

- 5.6 Following the submission of representations by residents speaking at the meeting, Members of the Committee supported the proposal subject to a revision to the Officer's suggested conditions to safeguard the concerns of the neighbours.

## **Assessment**

- 5.7 The relevant planning policies against which the application is required to be assessed are Policies CP5, CP6, CP16, LE5, LE6, LE12 and LE19 of the Carlisle District Local Plan 2001-2016. The proposal raises the following issues.
- 5.8 The principle of development has been established through the granting of the previous application by Members of the Development Control Committee in 2005 and through the renewal of the siting of the buildings in 2008 under the Council's Scheme of Delegation.
- 5.9 The current proposal seeks consent to vary the hours during which the buildings can be used. The proposal would increase the use on Mondays to Fridays for an additional hour in the morning and four hours during the evening; on Saturdays by an additional three hours in the afternoons; and proposes the use of the buildings on Sundays for six hours.
- 5.10 The applicant previously indicated that the accommodation was still required for the provision of higher level education within the City. Whilst proposals are being drawn up for a purpose-built campus, these plans have not come to fruition and a further temporary consent for a period of five years was required at which point, it was anticipated, a suitable location for the campus would have been found and the buildings would no longer be required in the current location.
- 5.11 The main issue in the consideration of the current application is the potential impact on the living conditions of the occupiers of the neighbouring residential properties. Policy CP6 of the Local Plan requires that development should be appropriate in terms of quality to that of the surrounding area and that development proposals incorporate high standards of design including siting, scale, use of materials and landscaping which respect and, where possible, enhance the distinctive character of townscape and landscape. Furthermore, the living conditions of the future occupiers of adjacent residential properties should not be adversely affected by the proposed development.
- 5.12 The nearest residential properties are located on Church Lane, approximately 60 metres south-west of the application site. As previously stated, there is existing landscaping and vegetation along the boundary. The landscaping coupled with the distance from the residential properties, ensures the visual impact of the buildings is minimal. Given the orientation of the application

site with adjacent properties, and the distance, it is not considered that the occupiers would suffer from an unreasonable loss of daylight or sunlight.

- 5.13 Understandably Members had concerns in 2005 regarding the potential noise nuisance that may have been generated from the site. The dance studio has been in use since 2005 and during this time, no complaints have been received by the Council with regard to noise emanating from the site. Members will note that no objection has been raised by Environmental Protection Services and no complaints have been received in respect of any breach of the planning conditions.
- 5.14 The portacabins are in conjunction with services offered at the site. Brampton Road runs to the rear of the site and Stanwix Primary School is opposite so a level of background noise already exists; however, the site is bounded by a number of residential properties including a home for the elderly. The portacabins are not currently used on Sundays and the applicant seeks consent to use the studio between 10:00 hours and 16:00 hours. The ambient noise levels in the area will be reduced on Sundays due to the lower volumes of traffic and the fact that the school would be closed; however, as previously described, the buildings are well contained within the site and are not immediately adjacent to any residential properties. Noise levels dissipate the further that they travel from the source and properties would be further protected from the siting of the buildings and the intervening boundary structures and landscaping.
- 5.15 Should any issue arise from noise generated by the use, this would be enforceable by Environmental Protection Services; furthermore, the buildings only have temporary planning consent and should be removed from the site no later than 30th September 2013. If complaints were received during this time, the situation could be reviewed should a further renewal of planning permission be sought.

## **Conclusion**

- 5.16 In overall terms the principle of the use has been established through the grant of the earlier planning consent. The scale of the building concerned is modest, its siting is discrete and there is no detrimental impact on the character of the Listed Building or the Conservation Area. The extended use of the dance studios is unlikely to give rise to any noise complaints and would not adversely affect the living conditions of the occupiers of the neighbouring residential properties. Nonetheless, it would be appropriate to impose a condition limiting the use of the site in accordance with the period sought by the applicant. In all aspects the proposal is compliant with the objectives of the relevant Local Plan policies.

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

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

consideration of planning proposals, the most notable being:

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

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

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

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

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

## **7. Recommendation - Grant Permission**

1. The classrooms hereby approved shall be removed and there shall be carried out such works as may be required for the reinstatement of the land in accordance with details to be submitted to and approved in writing by the Local Planning Authority not later than the 30th day of September 2013.

**Reason:** The Local Planning Authority wish to review the matter at the end of the limited period specified.

2. The proposed dance studio shall not be used except between 08:00 hours and 20:00 hours on Mondays to Fridays or between 08:00 hours and 16:00 hours on Saturday or between 10:00 hours and 16:00 hours on Sunday.

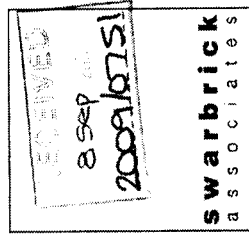
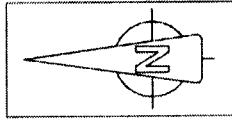
**Reason:** To prevent disturbance to nearby residential occupiers and in accordance with Policy CP6 of the Carlisle District Local Plan 2001-2016.

3. The portacabins hereby approved shall be used by students and employees of the University of Cumbria only and by no other persons

**Reason:** In order to ensure that the level of use remains appropriate in support of Policy CP6 of the Carlisle District Local Plan 2001-2016.



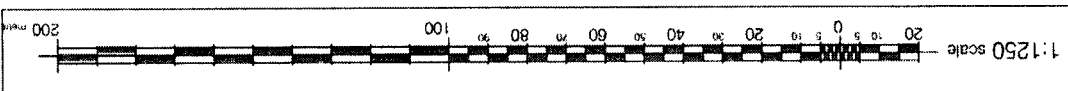
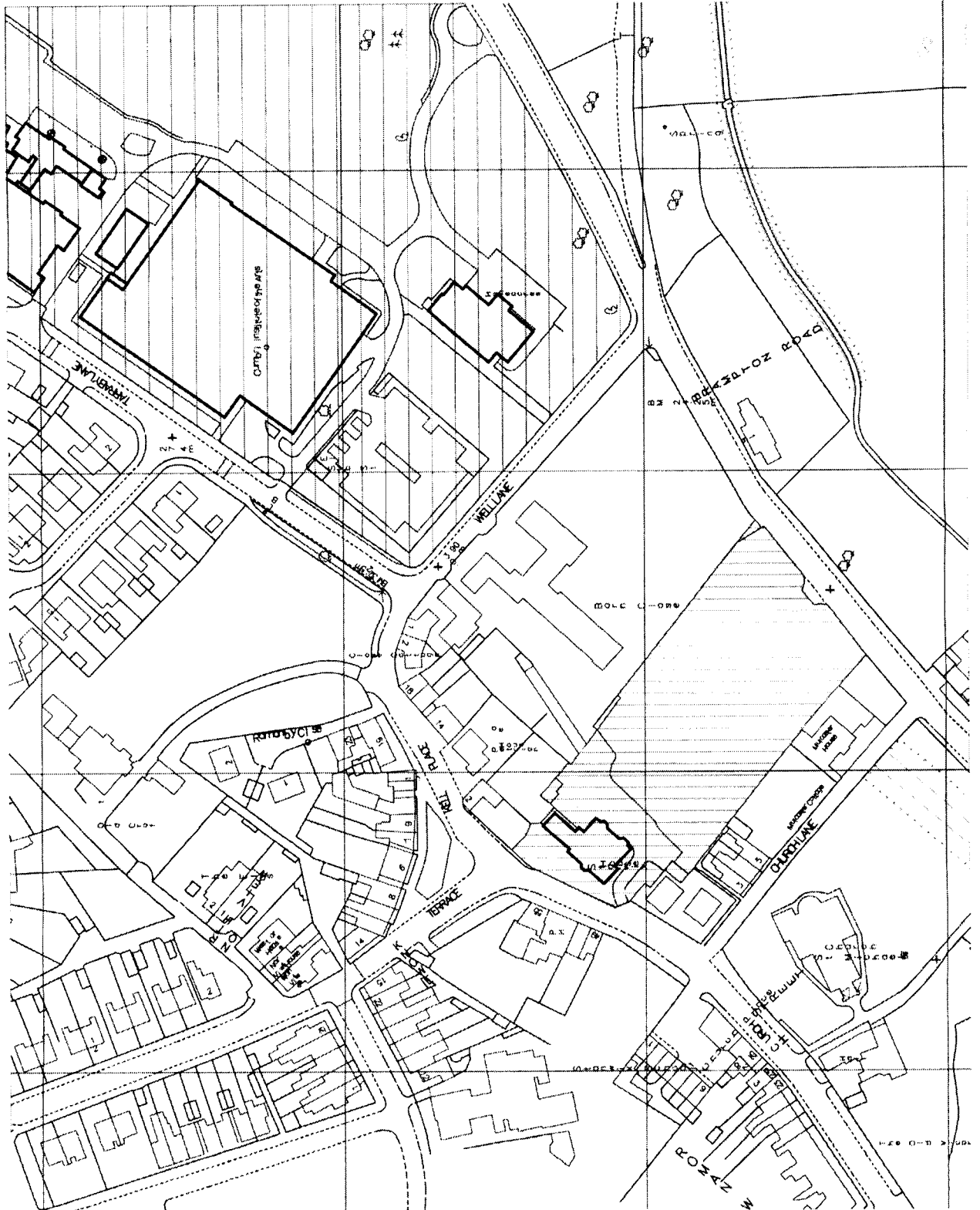
NOTE:  
This drawing is intended to be used as a guide only and is not to be used for construction purposes. It is the responsibility of the client to ensure that the drawing is used for the intended purpose.



CHARTERED ARCHITECTS  
40 Agency Street  
Carlisle  
CA1 1LP  
Tel: 01228 546552  
Fax: 01228 546554  
E Mail: [info@swarbrick.co.uk](mailto:info@swarbrick.co.uk)

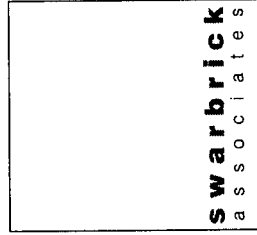
**University of Cumbria**  
CLIENT  
University of Cumbria  
PROJECT  
STANWICK HOUSE  
DRAWING  
SITE LAYOUT  
DWG NO **1380/01a**

Scale: 1/1250 (S.A.) Date: 19.07.2008



NOTE

This drawing is intended for use by the client and is not to be used for any other purpose. It is the client's responsibility to ensure that all information on this and other drawings is up to date and correct. No liability is accepted by the architect for any loss or damage resulting from the use of this drawing.



CHARTERED ARCHITECTS

40 Aghadowry Street  
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Tel: 01228 596552  
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University of Cumbria

CLIENT:

University of Cumbria

PROJECT:

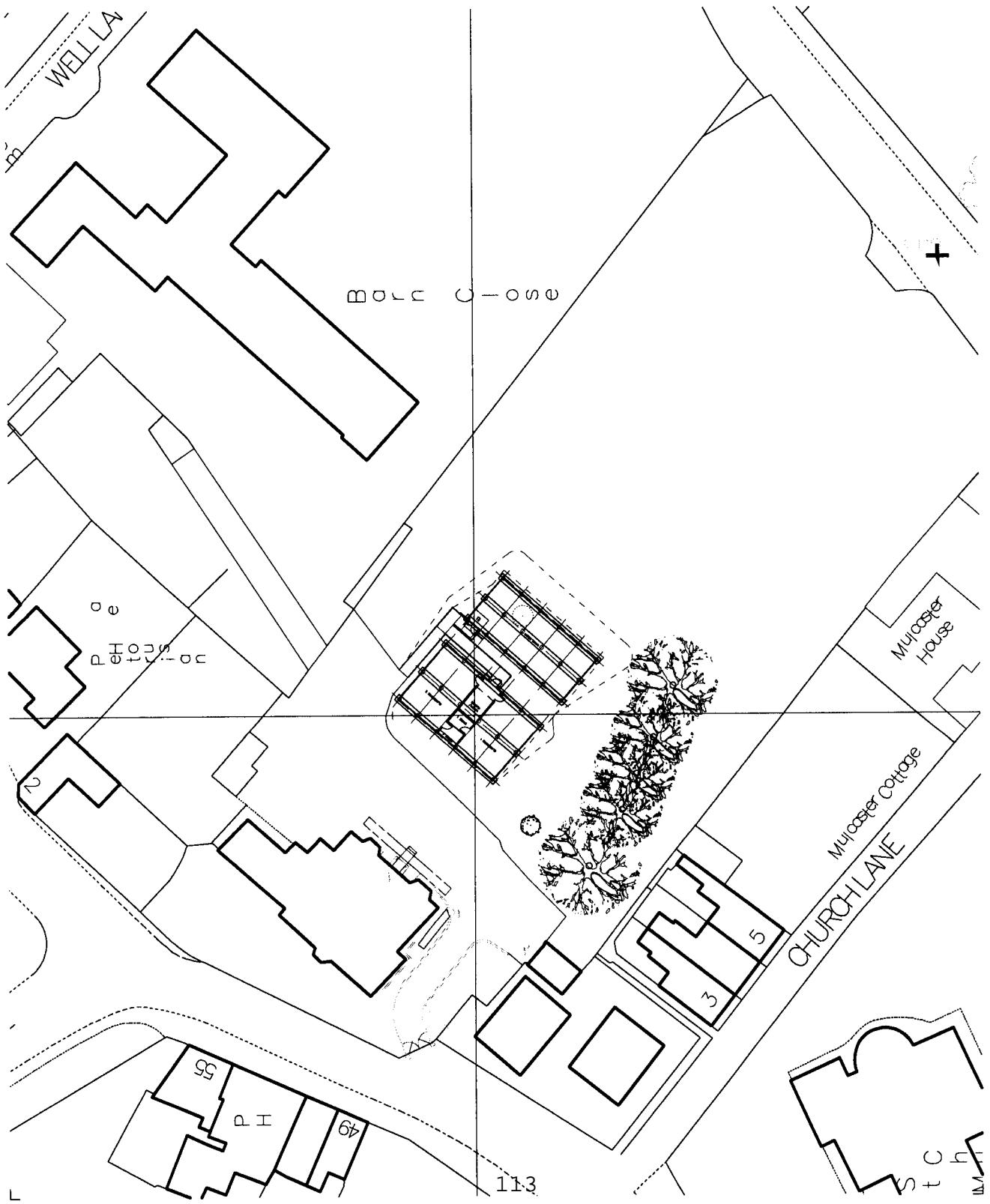
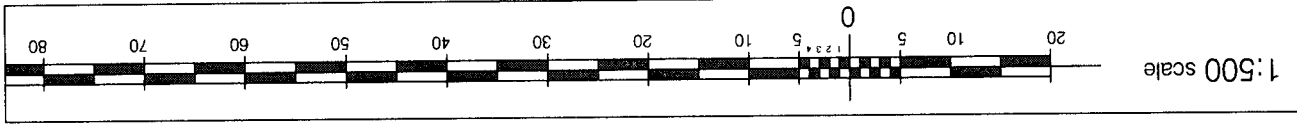
STANWIX HOUSE

DRAWING:

BLOCK PLAN

DWG NO: 1308/05

Scale: 1:500 @ A3 Date: 15.07.2008





SCHEDULE B

SCHEDULE B

SCHEDULE B

SCHEDULE B

SCHEDULE B

SCHEDULE B

## SCHEDULE B: Reports Requiring Further Information

09/0708

Item No: 08

Date of Committee 13/11/2009

**Appn Ref No:**  
09/0708

**Applicant:**  
Ben Hodgson Cars Ltd

**Parish:**  
Dalston

**Date of Receipt:**  
27/08/2009

**Agent:**  
Mr J Westgarth

**Ward:**  
Dalston

**Location:**  
Bridge End Service Station, Bridge End, Dalston,  
Carlisle, CA5 7BH

**Grid Reference:**  
337113 548737

**Proposal:** Erection Of Single Storey Extension To Provide Spray Booth (Revised Application)

**Amendment:**

---

### REPORT

**Case Officer:** Dave Cartmell

### Reason for Determination by Committee:

The Council's Delegated Scheme requires that where Statutory Consultee objects to a planning application and the officer's recommendation is to approve the application, the decision should be made by the Development Control Committee. In this case an objection has been received from the Parish Council and as, at the time of writing this report, there are outstanding consultation replies and unresolved issues relating to an associated application to extend the curtilage of the Bridge End Service Station, no recommendation can be made at this stage.

### 1. Constraints and Planning Policies

Local Plan Pol CP5 - Design

Local Plan Pol LE19 - Conservation Areas

Flood Risk Zone

Local Plan Pol LE2 - Sites of Special Scientific Interest

Local Plan Pol CP6 - Residential Amenity

Local Plan Pol DP7 - European Natura 2000 Sites

## **Local Plan Pol LE27- Developed Land in Floodplains**

## **Local Plan Pol EC11 - Rural Diversification**

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

**Cumbria County Council - (Highway Authority):** the layout details shown on the submitted plan are considered satisfactory from a highway perspective. I can therefore confirm that the Highway Authority has no objection to the proposed development;

**Development Services Planning & Housing Services - Conservation Section:** reply awaited but has verbally confirmed that the revised extension is out of character with existing garage building and constitutes an inappropriate feature in the Dalston Conservation Area;

**Dalston Parish Council:** object to the revised application on the grounds that the extension will enlarge the garage to the boundary fence of the property (within the curtilage of the application site boundary). This would appear to prohibit access to the rear of the building. The Parish Council also considered that their comments on the previous application still apply.

- It was felt that there could be environmental issues in a residential area relating to industrial fumes and excess noise emanating from the spray booth as shown with two marked flues. There were no indications on the plan that filtration units would be fitted.
- The nature and scale of the proposed business activities should be ascertained in relation to the size of the applicant's premises. There are already problems with trade vehicles being parked off site, including on the footways on both sides of the road (see attached photographs taken on 14/04/09). Problems regarding obstruction to roadside amenities, such as the seat and litter bin, parking on common land and reduced visibility on the highway due to the positions of parked vehicles, have been reported to the Parish Council by concerned members of the public. The various matters raised have been passed to the Community Police, Safety Officer and Cumbria Highways for consideration.
- It should be noted that a new boundary fence has recently been erected to the north and east of the site, incorporating agricultural land. There are vehicles being parked on this area, which raises the question as to whether a change of use application is required, especially if the trading of vehicles is being undertaken out with the existing business premises. The Parish Council had been advised and it should be noted that a codicil attached to the legal documents for Deepdale indicated that the view to 'the Bay' by the river Caldew should not be obstructed by buildings or other works. Planning consent was originally given for a rural garage selling fuel and repairing a few local cars. The bungalow was built as a residence for the garage operator with a pretty cottage garden to the front, more recently replaced by the garage forecourt, thus destroying the initial planning concept by incorporating the dwelling and garden into the business site. The premises are currently occupied by a car sales business and the proposed application is for car body repairs. This business is

already over spilling into its surroundings and is, as a consequence, visually intrusive. Future use of the site would benefit from tight restrictions on the scale (number of vehicles permitted) and nature of the operation.

- There were some reservations expressed as to whether the proposed external materials of the spray booth were in keeping with the present building and the surrounding landscape in a Conservation Area.

Was additional security lighting needed as it was already a nuisance to neighbouring residents?

**Environmental Services - Environmental Quality:** no objections in principle but it should be noted that the operator will need to apply for a permit from Environmental Quality if the applicant is likely to use more than a tonne of solvent in a 12 month period.( An informative could be applied if the application is approved);

**Conservation Area Advisory Committee:** this proposal needs to be reconsidered as its current form is unacceptable. There are spaces being left which will no doubt become the repository of unwanted material and this is at a point where this will be seen from adjacent footpaths. It would make more sense if the end of the site could be used fully right up to the boundary of the property. As it stands at present the proposed building extends and intensifies the industrial appearance in a sensitive part of the Conservation Area and harms its character. Further harm is done by the use of heavy, industrial doors.

### **3. Summary of Representations**

#### **Representations Received**

| Initial:           | Consulted: | Reply Type: |
|--------------------|------------|-------------|
| Smithy Cottage     | 07/09/09   | Objection   |
| The Bridge End Inn | 07/09/09   |             |
| Gambling Croft     |            | Objection   |
| Rowan House        |            | Objection   |

3.1 Publicity was given to the proposal by site notice and direct notification of neighbouring properties. Three letters of objection have been received with the main grounds of objection being as follows:

1. Increased height and width of extension is inappropriate.
2. Noise and fumes will affect health (as has been alleged was the case at the applicant's previous site at Glave Hill Garage).
3. The business has changed from providing a service to the local community by selling petrol and products from its shop (which have now ceased to operate) to preparing and selling second hand cars and motor caravans. The site is too small for this and this has resulted in parking outwith the site on any available land at Bridge End. The spray booth will increase the volume of vehicles on the site and make things worse.

4. The applicant has carried out work including the erection and fencing off a strip of agricultural land to the side of his garage and laying down hard core on a highway verge. On both sites he is parking vehicles.
5. The site lies within a Site of Special Scientific Interest which is not suitable for an expanding business which is a potential polluter and should be located on an Industrial Estate. The disposal of potentially polluted surface water to a soakaway is unsatisfactory.
6. The retrospective application (09/0339) for the change of use from agricultural land into industrial land in a conservation area should be resolved as it has implications for the number of cars which can be parked and for the proposed access to the spraying booth.
7. What arrangements are to be made for 'trade effluent paint waste' from the booth to be stored (given its volatility should it be kept in a secure facility or store)
8. Need to consider the nature of boundary treatments.
9. The site of the booth was grassland and some excavation and dumping of hard core has already taken place.
10. Details of the proposed use of the spray booth need to be clarified (is it to meet the needs of the garage, to be used to spray cars for other garages or 'hired out')
11. No indication given of additional employment or hours of operation. As this is a residential area it is hoped that it will not be used on Sundays and Bank Holidays.
12. The storage of volatile materials, site security and public safety should be paramount and the application as it stands does not appear to realise these responsibilities.
13. The garage is located on a busy junction where the speed limit is 40mph, on a bend at the foot of a hill, opposite a public house.

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

- 4.1 In 1989, Planning Permission was granted for an extension to a dwelling (application reference 89/0297).
- 4.2 In 2007, Advertisement Consent was given for a double sided free standing display unit (application reference 07/0114).
- 4.3 In 2009 Planning Permission was granted for a single storey lean-to extension to provide a spray booth ( Ref 09/210).

- 4.4 There is a current application ( 09/339) to change the use of land to the north and east of the existing service station to incorporate it as part of the service station site.

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

### **Introduction**

- 5.1 This is a revised application for Full Planning Permission for an extension at Bridge End Service Station, Dalston. The Service Station, together with the owners detached accommodation, is located on the southern outskirts of Dalston adjacent to Hawksdale Bridge. The site is located within the Dalston Conservation Area, is adjacent to an area designated as Flood Risk Zone 2 and 45 metres from the River Caldew which is a SSSI and forms part of the River Eden and Tributaries Special Area of Conservation ( SAC).

### **Background**

- 5.2 The submitted drawings illustrate (1) an extension to the north elevation, projecting 1.4 metres forward of the building line, which would house a spray booth and (2), as the proposal for pedestrian access direct from the garage has been dropped, an entrance porch to the north. The extension, at 9.5 metres, is a metre longer than the previously approved version and at 5 metres is 0.8 metres longer. Instead of a downward projection of the existing roof plane, it is now proposed to have a double pitched roof with a ridge height of 4.2 metres instead of the maximum height of 3.5 metres in the previous version.
- 5.3 The porch is a lean to building measuring 2.6 metres by 2.3 metres with an eaves height of 2.3 metres and a maximum roof height of 2.8 metres. Vehicular access to the building would be via a 2.9 metre high and 4 metre wide painted steel roller door, on the west elevation with 2no. extraction flues projecting 0.4 metres above the ridge height at the eastern end of the roof. The proposed walls would be brick to match the existing building and the roof would be of grey profiled steel sheeting.
- 5.4 The Design and Access Statement and Flood Risk Assessment submitted with the application explained that:
1. in order to accommodate a spray booth unit it was necessary to have increased headroom;
  2. the extension is set forward of the existing main building in line with the shop area;
  3. in deference to the proximity of the flood plain, the proposed floor level will not be any lower than the present levels of the garage facilities. All electrical services will be located well above floor level and will be fed from ceiling level.

- 5.5 The applicant has submitted supplementary information on the proposal as follows:
1. the function of the service station is to provide local services of car repair, MOTs and car body repair within Dalston and provides employment for six persons;
  2. the applicant acquired the site in January 2009, prior to which the site was in an unkempt state with rubbish and scrap cars littering the site;
  3. the premises had workshop facilities associated with it prior to January 2009;
  4. the proposed extension will provide adequate buildings and space for the foreseeable future of the business (it is intended to remain within the present site boundary);
  5. the increased height of the building is necessary because the spray booth needs a headroom of 3.6 metres;
  6. the width of the proposed doorway can be reduced to 3 metres (the same as doorways in the existing building). The roller door is to be installed on the inside of the building.

### **Assessment**

- 5.6 Section 54a of the Town and Country Planning Act 1990/Section 38(6) of the Planning and Compulsory Purchase Act 2004, require that an application for planning permission shall be determined in accordance with the provisions of the Development Plan unless material considerations (including Government Policy as expressed through Planning Policy Guidance notes, Planning Policy Statements and 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. In consideration of this application Policies DP7, CP5, CP6, LE2, LE19, LE27 and EC11 of the Carlisle District Local Plan are relevant. Policy EC11 seeks to encourage the diversification and expansion of economic activities in rural areas. The relevant aspects of the other policies seek to ensure that development proposals:
1. should preserve and enhance all features which contribute positively to the Dalston Conservation Area character and appearance;
  2. respond to the local context and the form of surrounding buildings and make use of appropriate materials and detailing;
  3. have no adverse affect on the residential amenity of existing areas or adjacent land uses;
  4. which would generate a significant increase in traffic movements and



heavy vehicles or excessive demands are not permitted in Conservation Areas as they would be prejudicial to amenity;

5. have adequate access and parking arrangements;
6. have no significant adverse affect on the River Eden and Tributaries Special Area of Conservation ( SAC) or SSSI;
7. on land which is at risk of flooding, associated issues are adequately addressed by a Flood Risk Assessment.

5.7 Considering the development plan objectives and the material considerations raised in representations:

1. the proposed development would assist the objective of rural diversification through the expansion of existing garage facilities to provide a spray booth associated with car body repairs. The current and proposed use (a mixture of sui generis and B2 Use (General Industrial) is similar to the previous uses (as a filling station, repair garage and for car sales);
2. given that the nearest residential properties (other than the applicant's own house) are almost 50 metres distant, it is not considered that the proposed spray booth would have a significant adverse affect on the living conditions of nearby residents (Environmental Health have no objections to the proposal);
3. given the controls which exist in relation to the operation of the spray booth under the Control of Pollution Act it is not considered that the proposed development would have a significant effect on the River Eden SAC or SSSI. An informative could be added drawing the applicants attention to the need for precautionary measures during construction;
4. as the site lies on the edge of an area covered by Flood Risk 2, the applicant has submitted a Flood Risk Assessment. A response is awaited from the Environment Agency;
5. there is clearly an existing parking problem associated with the current use. A further application (application reference 09/0339) to resolve the issue by extending the curtilage has been submitted but has not been determined pending receipt of further information from the applicant. As the proposed spray booth would (1) reduce the available parking space (2) generate a further demand for parking and (3) possibly restrict the potential use of the proposed additional land it is important to resolve the issues relating to their operation;
6. the extension does not "respond to the local context" and is certainly more prominent than that previously approved. The applicant has proposed some design changes and the views of the Conservation Officer are being sought.

## **Conclusion**

- 5.8 The determining issue is whether the design and scale of the proposal and associated parking issues are sufficiently detrimental to the character of the Conservation Area to over-rule the parallel Local Plan objective of encouraging the diversification of expansion of the rural economy.
- 5.9 An update will be presented to the Committee.

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

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

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

**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 is being considered with due regard to the provisions of the Act.

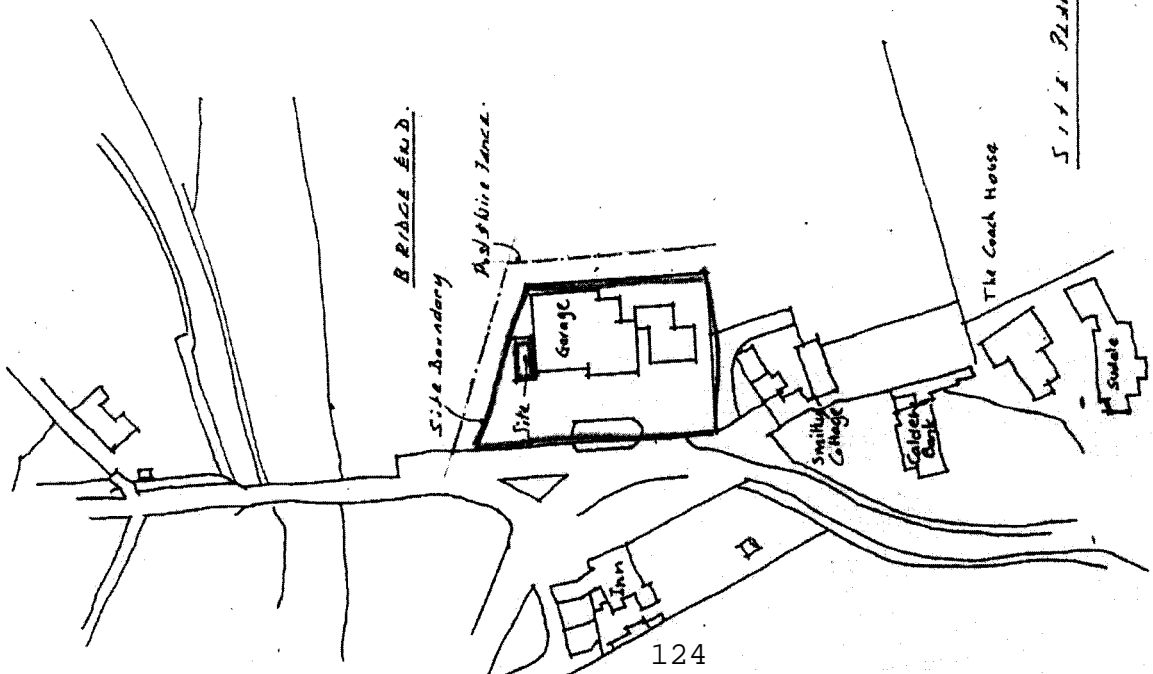
## **7. Recommendation**

### **Reason For Including Report In Schedule B**

There are outstanding responses from consultees and unresolved issues relating to an associated application ( 09/0339) to extend the curtilage of the Bridge End Service Station.

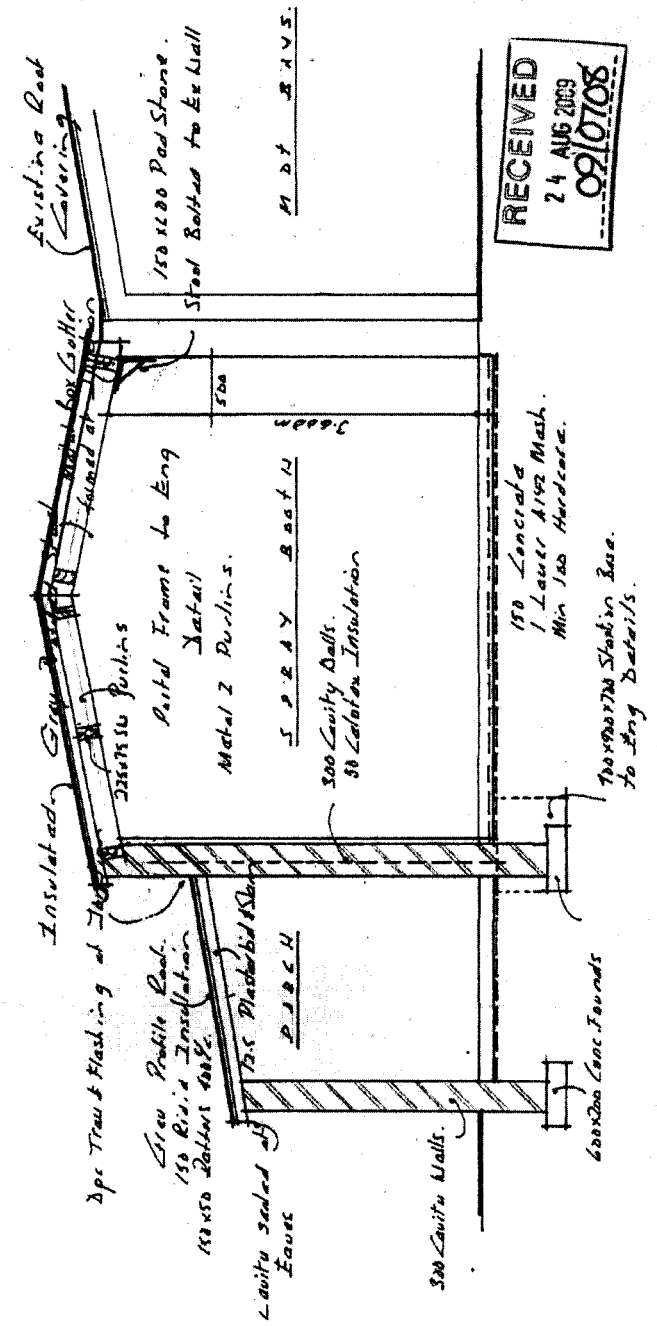
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S.I.E. PLAN 1:1250.

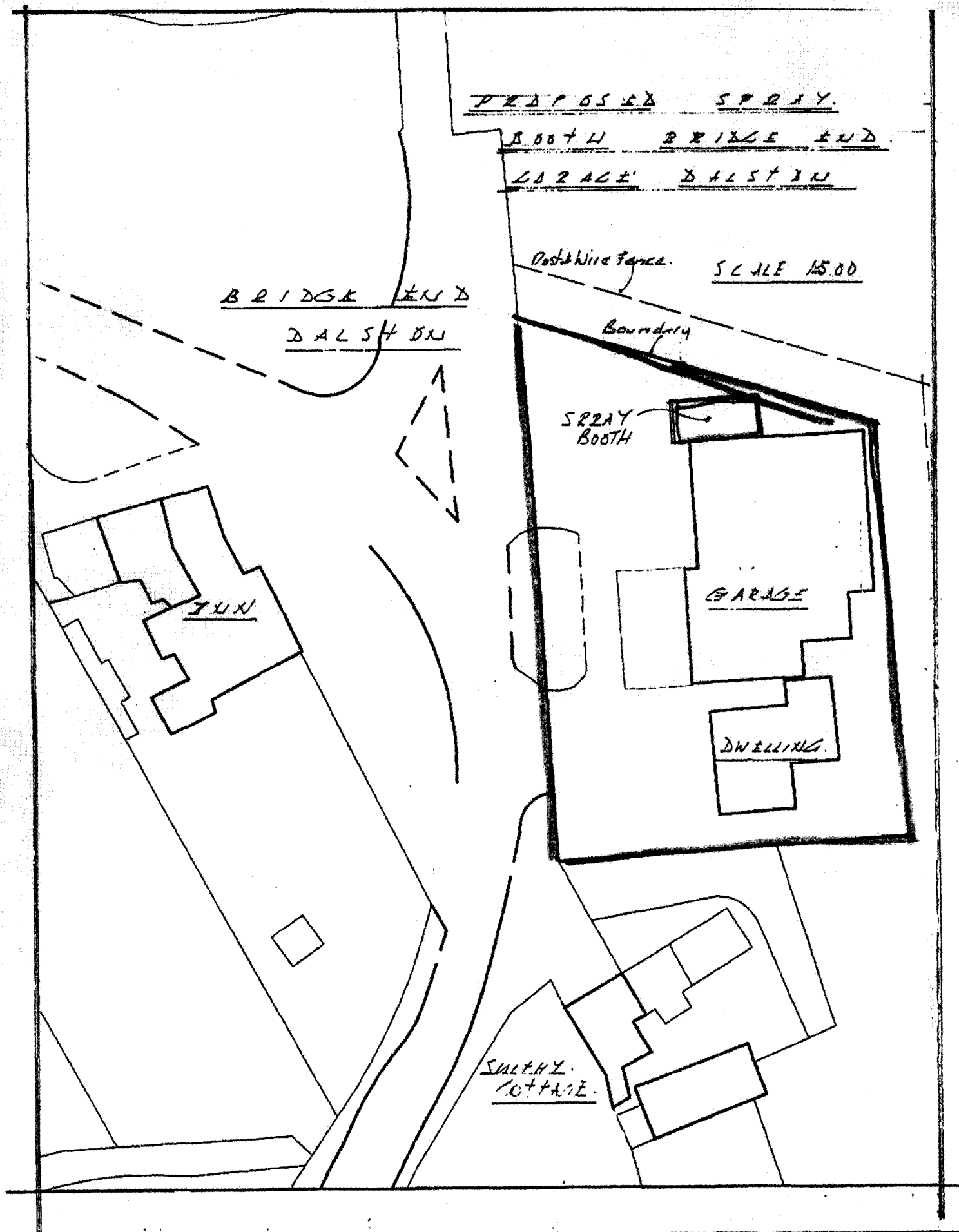


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24 AUG 2009  
09/0708

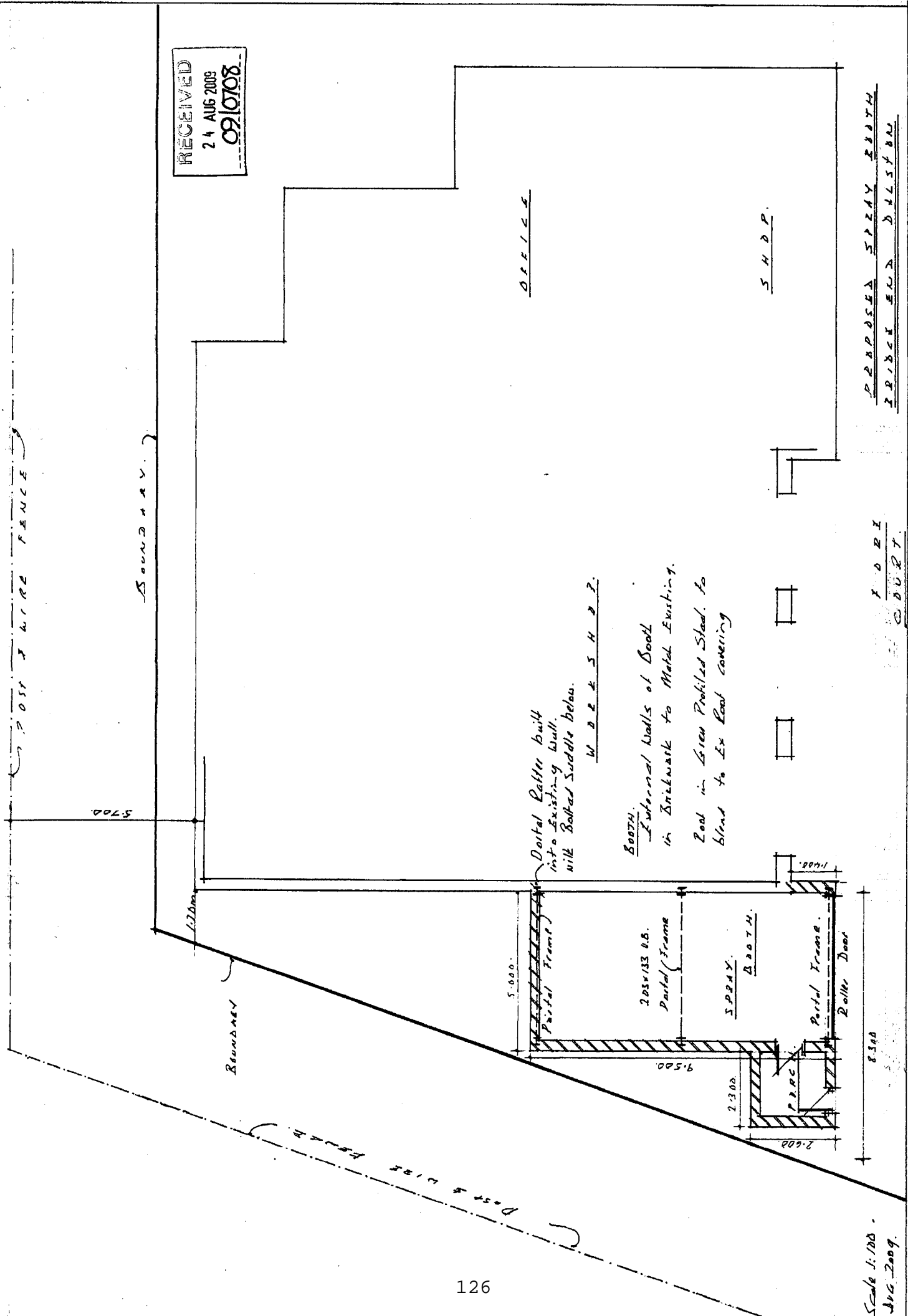
SECTION THROUGH PARCH & BOOTH.

NB: Details at all steelwork to be provided prior to commencement of work.

PROPOSED SPRAY BOOTH.  
BRIDGE END PARACH DRESSING

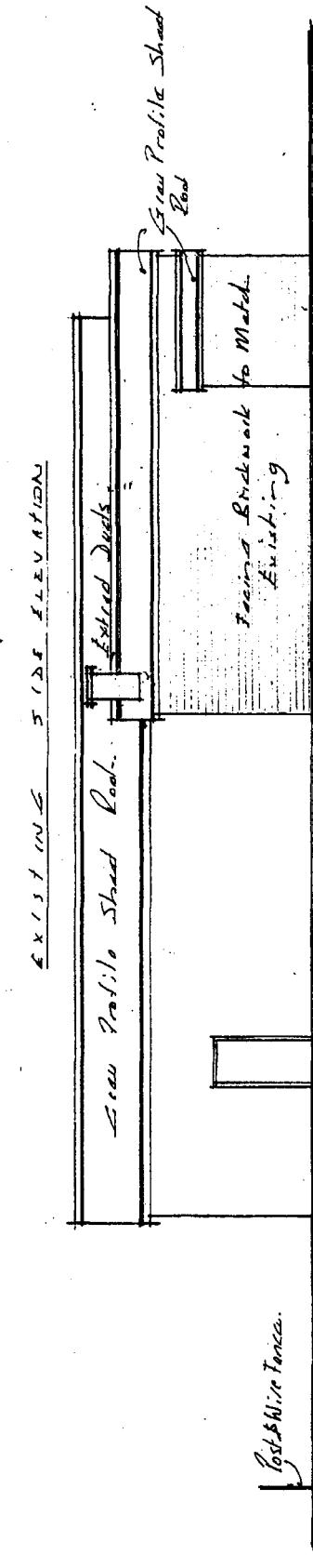
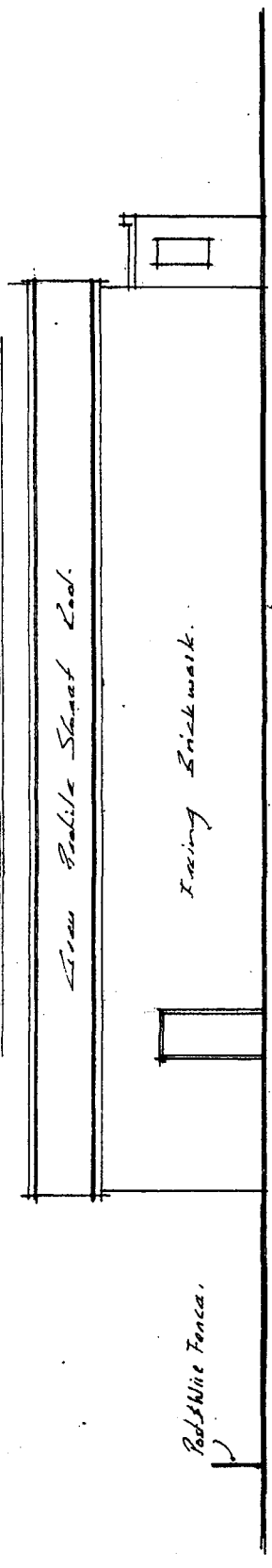
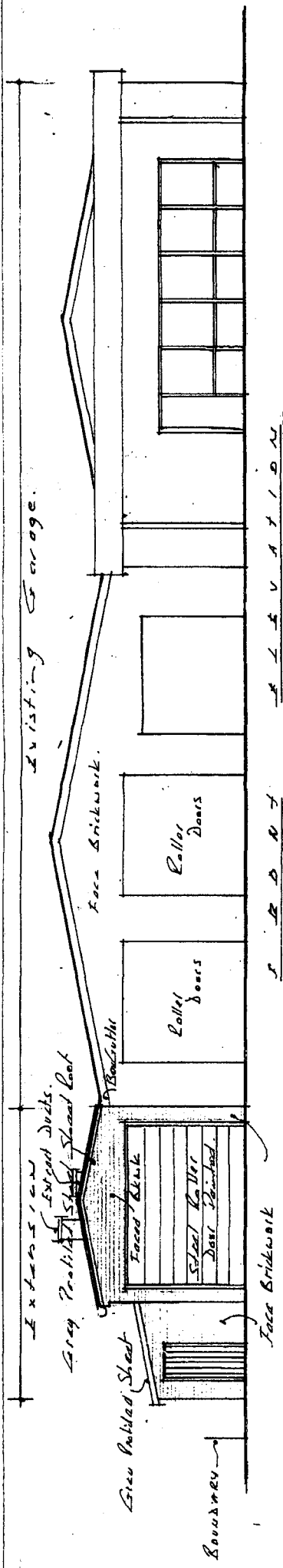


RECEIVED  
24 AUG 2009  
0910708



PREPARED SP2AY BOOTH  
PRICED END DLSYBN

FOR  
COURT



RECEIVED  
24 AUG 2009  
09/07/08

PROPOSED SPRAY BOOTH  
BRIDGE END GARAGE DETAIL

Scale 1:100  
Aug 2009





**JOHN WESTGARTH  
BUILDING SURVEYOR  
BUILDING DESIGN SERVICES.**

Hastybrow  
Bowscar  
Penrith  
Cumbria  
CA11 9NW  
Tel 01768 8855

The Planning Officer  
Development Services  
Carlisle City Council  
Civic Centre  
Carlisle  
CA3 8QG

20 August 2009

Dear Sir,

**Re Submission**

**Erection of Single Storey Extension to Garage Bridge End Service Station Dalston CA5 7BH**

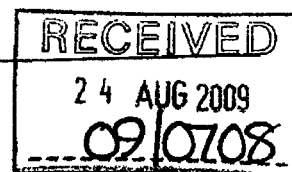
I enclose for your consideration a completed application in respect of the above proposals together with a design and Access Statement and Flood Risk Assessment.  
A previous application under ref 09/0210 has recently been approved with a lean to roof arrangement. Following discussions with the client and supplier it is clear that a slightly modified proposal is required in order to accommodate the spray booth for which it is necessary to have an increased headroom in the building, this cannot be achieved in the approved lean to arrangement.  
The revised proposals seeks to resolve the matter.

**Design and Access Statement**

**Design**

The site is an established commercial garage with owners accommodation on site. The proposed pitched roofed extension is to be set forward of the existing main building in line with the shop area with a valley running to a box gutter between the buildings.  
The external walls of the building will be in brickwork matching the existing buildings. A grey profiled and coated steel sheet roof to be used on the roof to blend with the existing roof covering.  
Surface water drainage is to be taken to a soak away at the rear of the site.

**Access**



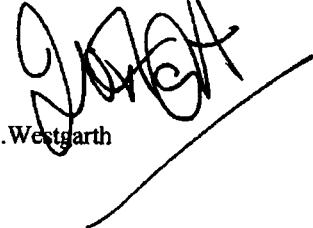
| PLANNING & HOUSING SERVICES |  |
|-----------------------------|--|
| REF                         |  |
| 24 AUG 2009                 |  |
| RECORDED                    |  |
| SCANNED                     |  |
| PASSED TO                   |  |
| ACTION                      |  |

There are no proposals to alter the existing access into the site.  
**Flood Risk Assessment**

The proposed floor level will not be any lower than the present levels of the garage facilities.  
All new electrical services will be located well above floor level and will be fed from ceiling level.  
Ground floor will be constructed in 150mm thick r c concrete.

I trust that the above information will enable you to process the application but should you require any further information no doubt you will let me know.  
I understand that no fees are due for this application.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'J. Westgarth', with a long horizontal line extending from the bottom right of the signature.

J. Westgarth

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## SCHEDULE C: Applications Determined by Other Authorities

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**Item No: 09**

Between 19/09/2009 and 30/10/2009

**Appn Ref No:**

09/9038

**Applicant:**

United Utilities

**Parish:**

Orton

**Date of Receipt:**

28/08/2009

**Agent:**

Cumbria County Council

**Ward:**

Burgh

**Location:**

Great Orton Wastewater Treatment Works, Great Orton, Carlisle, CA5 6ND

**Grid Reference:**

333286 554470

**Proposal:** Erection of a Control Kiosk to House Electrical Control Equipment and Washwater Booster PumpSet in Association with Additional Works to be Constructed under Permitted Development

**Amendment:**

### REPORT

**Case Officer:** Richard Maunsell

### City Council Observations on the Proposal:

**Decision:** City Council Observation - Raise No Objection      **Date:** 22/09/2009

**Decision of:** Cumbria County Council

**Decision Type:** Grant Permission

**Date:** 08/10/2009

A copy of the Notice of the decision of the Determining Authority is printed following the report.

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**CUMBRIA COUNTY COUNCIL**

**TOWN AND COUNTRY PLANNING ACT, 1990  
TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE)  
ORDER, 1995**

**NOTICE OF PLANNING CONSENT**

To: United Utilities  
Clearwater 4  
Lingley Mere Business Park  
Lingley Green Avenue  
Great Sankey  
Warrington  
Cheshire  
WA5 3LP

In pursuance of the powers under the above Act and Order the Cumbria County Council as local planning authority hereby **permit** the development described in your application and on the plans and drawings attached thereto received on 24 August 2009.

**viz: Erection of a control kiosk to house electrical control equipment and wastewater booster pump set in association with additional works to be constructed under permitted development  
Great Orton Wastewater Treatment Works, Great Orton, Carlisle, Cumbria,  
CA5 6ND**

subject to due compliance with the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

*Reason: To comply with Section 91 of the Town and Country Planning Act 1990.*

- 2 The development shall be carried out in accordance with the approved scheme. Any variations to the approved scheme shall be submitted to and approved by the Local Planning Authority prior to being carried out.

*Reason: To ensure the development is carried out to an approved appropriate standard.*

- 3 No work to the hedgerow and tree adjacent to the footpath shall be undertaken during the bird breeding season (March to August) in any year.

*Reason: To protect nesting birds.*

- 4 All pollution, siltation, or run-off during the construction is contained within the site and not allowed to enter nearby watercourses.

*Reason: Protect Orton Moss SSSI*

- 5 Prior to commencement of the development a scheme shall be provided to the local planning authority to the effect that any damage to the public footpath caused by excavation or vehicles entering the site shall be rectified when works are completed.

*Reason: To preserve the public right of way.*

- 6 No development shall commence on the site until a method statement detailing how the development will be carried out with regard to protected species has been submitted to and approved by the Local Planning Authority.

*Reason: To safeguard the interests of protected species that may be present on the site, in accordance with Policy DP7 of the North West Regional Spatial Strategy (NWRSS) (December 2008).*

Dated the 8<sup>th</sup> day of October 2009

.....  
Signed: Shaun Gorman  
The Head of Environment,  
on behalf of the Council.

#### NOTE

- Where the permission is granted subject to conditions, attention is directed to the attached Appendix/Notes.
- The conditions attached to this permission may override details shown on the application form, accompanying statements and plans.
- Submissions to discharge conditions may require a fee (see Appendix)
- Any approval to be given by the Director of Environment or any other officer of Cumbria County Council, shall be in writing.

**CUMBRIA COUNTY COUNCIL**

**TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE)  
ORDER 1995 (AS AMENDED)**

**SUMMARY OF REASONS FOR GRANT OF PLANNING PERMISSION**

1. This application has been determined in accordance with the Town and Country Planning Acts, in the context of national and regional planning policy guidance and advice and the relevant development plan policies.
2. The key development plan policies taken into account by the County Council before granting permission were as follows:

**Minerals and Waste Development Framework- Generic Development  
Control Policies -April 2009**

**Policy DC 4 Criteria for Waste Management Facilities**

Waste management facilities that accord with Core Strategy Policies 2, 8 and 9, and which do not have adverse environmental impacts, will be permitted if they conform to the locational and other criteria below: .....

f. Waste water treatment facilities will be permitted in appropriate locations if proposals have minimised any adverse environmental impacts.

**Policy DC 2 General Criteria**

Considerations will include:

- the extent to which adverse effects can be controlled through sensitive siting and design, or visual or acoustic screening,

Note that Policy DC 8 - Applications for New Conditions and Policy DC9 - Mineral Safeguarding Areas are not relevant to this application.

3. In summary, the reasons for granting permission are that the County Council is of the opinion that the proposal would provide waste water treatment whilst minimising any adverse impacts as required by Policies DC4 and DC2 of the MWDF. It therefore conforms to the Development Plan and there are no material considerations that indicate the decision should be made otherwise and with the planning conditions included in the notice of planning consent, any harm would reasonably be mitigated. Furthermore, any potential harm to interests of acknowledged importance is likely to be negligible and would be outweighed by the benefits of the development



Dated the 8<sup>th</sup> day of October 2009

.....  
Signed: Shaun Gorman  
The Head of Environment,  
on behalf of the Council.

## SCHEDULE C: Applications Determined by Other Authorities

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**Item No: 10**

Between 19/09/2009 and 30/10/2009

**Appn Ref No:**

09/9036

**Applicant:**

Cumbria County Council

**Parish:**

Carlisle

**Date of Receipt:**

18/08/2009

**Agent:**

Cumbria County Council

**Ward:**

Belah

**Location:**

Nightowl Truckstop, Parkhouse Road, Kingstown  
Trading Estate, Carlisle

**Grid Reference:**

338984 559559

**Proposal:** Construction Of A Concrete Access Track

**Amendment:**

### REPORT

**Case Officer:** Barbara Percival

#### City Council Observations on the Proposal:

**Decision:** City Council Observation - Raise No Objection

**Date:** 02/09/2009

**Decision of:** Cumbria County Council

**Decision Type:** Grant Permission

**Date:** 02/10/2009

A copy of the Notice of the decision of the Determining Authority is printed following the report.

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**CUMBRIA COUNTY COUNCIL**

**TOWN AND COUNTRY PLANNING ACT, 1990  
TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE)  
ORDER, 1995**

**NOTICE OF PLANNING CONSENT**

To: Cumbria County Council  
Barras Lane  
Dalston  
Carlisle  
Cumbria  
CA5 7NY

In pursuance of the powers under the above Act and Order the Cumbria County Council as local planning authority hereby **permit** the development described in your application and on the plans and drawings attached thereto received on 10 August 2009.

**viz: Construction of concrete access track to the Nightowl Truck Stop site.  
Nightowl Truckstop, Parkhouse Road, Kingstown Trading Estate, Carlisle,  
Cumbria, CA3 0JR**

subject to due compliance with the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

*Reason: To comply with Section 91 of the Town and Country Planning Act 1990.*

- 2 The development shall be carried out in accordance with the approved scheme. Any variations to the approved scheme shall be submitted to and approved by the Local Planning Authority prior to being carried out.

*Reason: To ensure the development is carried out to an approved appropriate standard.*

Dated the 2<sup>nd</sup> day of October 2009

.....  
Signed: Shaun Gorman  
The Head of Environment,  
on behalf of the Council.

**NOTE**

- Where the permission is granted subject to conditions, attention is directed to the attached Appendix/Notes.
- The conditions attached to this permission may override details shown on the application form, accompanying statements and plans.
- Any approval to be given by the Director of Environment or any other officer of Cumbria County Council, shall be in writing.

**CUMBRIA COUNTY COUNCIL**

**TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE)  
ORDER 1995 (AS AMENDED)**

**SUMMARY OF REASONS FOR GRANT OF PLANNING PERMISSION**

1. This application has been determined in accordance with the Town and Country Planning Acts, in the context of national and regional planning policy guidance and advice and the relevant development plan policies.
2. The key development plan policies taken into account by the County Council before granting permission were as follows:

**Carlisle District Local Plan 2001 - 2016**

**Policy T3**

Within the Plan area, outside the conservation areas, proposal for the development of car, coach and lorry off-street parking will be permitted subject to the following criteria:

- 1 there is an inadequate supply of existing vehicle parking provision in the locality to meet the need for off-street parking for public use in the locality; and
  - 2 the site is well related to the existing road network and there is sufficient capacity to accommodate the increased vehicular activity generated by the use; and
  - 3 the proposal does not adversely affect the amenity of the surrounding area.
3. In summary, the reasons for granting permission are that the County Council is of the opinion that the proposed development is in accordance with the development plan, there are no material considerations that indicate the decision should be made otherwise and with the planning conditions included in the notice of planning consent, any harm would reasonably be mitigated. Furthermore, any potential harm to interests of acknowledged importance is likely to be negligible and would be outweighed by the benefits of the development.

Dated the 2<sup>nd</sup> day of October 2009

.....  
Signed: Shaun Gorman  
The Head of Environment,  
on behalf of the Council.

## APPENDIX TO NOTIFICATION OF PLANNING DECISION

This Appendix does not form part of any consent. However, you should take careful notice of the advice given below as it may affect your proposal.

1. Unless specifically exempt by the Waste Management Licensing Regulations 1994, all operations involving "controlled waste", which includes most wastes excluding mine and radioactive waste, requires a Waste Management Licence or Pollution Prevention and Control Permit issued by the Environment Agency. Where your proposal includes the disposal, storage, transfer or treatment of any waste material on the permission site, you should contact the Environment Agency, Ghyll Mount, Gillan Way, Penrith 40 Business, Penrith, CA11 9BP (08708 506506), regarding applying for a licence, if you have not already done so. It is a criminal offence to deposit controlled waste and in certain circumstances to store, transfer or treat waste without a licence.
1. Obtaining any planning permission does not imply that any consents or licences required to be obtained from United Utilities plc or the Environment Agency would be granted. You are advised to consult the appropriate body to determine if any such consent or licence may be required.
2. Any grant of planning permission does not entitle developers to obstruct a public right of way. Development, insofar as it affects a right of way, should not be started, and the right of way should be kept open for public use, until the necessary order under Section 247 or 257 of the Town and Country Planning Act 1990, or other appropriate legislation, for the diversion or extinguishment of right of way has been made and confirmed.
3. The attention of the person to whom any permission has been granted is drawn to Sections 7 and 8A of the Chronically Sick and Disabled Persons Act 1970 and to the Code of Practice for Access of the Disabled to Buildings or any prescribed document replacing that code.
4. Any application made to the Local Planning Authority for any consent, agreement or approval required by a condition or limitation attached to a grant of planning permission will be treated as an application under Article 21 of the Town and Country Planning (General Permitted Development) Order 1995 and must be made in writing. Applications will be acknowledged and the Local Planning Authority is required to determine them within 8 weeks of receipt unless otherwise agreed in writing.





## SCHEDULE C: Applications Determined by Other Authorities

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**Item No: 11**

Between 19/09/2009 and 30/10/2009

**Appn Ref No:**

09/9034

**Applicant:**

United Utilities plc

**Parish:**

Stanwix Rural

**Date of Receipt:**

24/07/2009

**Agent:**

Cumbria County Council

**Ward:**

Stanwix Rural

**Location:**

South of Hazel Grove, Linstock, Carlisle CA6 4QD

**Grid Reference:**

342684 558904

**Proposal:** Erection of Motor Control Kiosk and Access Track

**Amendment:**

### REPORT

**Case Officer:** Richard Maunsell

#### City Council Observations on the Proposal:

**Decision:** City Council Observation - Observations

**Date:** 12/08/2009

**Decision of:** Cumbria County Council

**Decision Type:** Grant Permission

**Date:** 30/09/2009

A copy of the Notice of the decision of the Determining Authority is printed following the report.

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**CUMBRIA COUNTY COUNCIL**

**TOWN AND COUNTRY PLANNING ACT, 1990  
TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE)  
ORDER, 1995**

**NOTICE OF PLANNING CONSENT**

To: Mr Sykes  
United Utilities  
1st Floor, Clearwater 4  
Lingley Mere Business Park  
Lingley Green Avenue  
Great Sankey  
Warrington  
Cheshire  
WA5 3LP

In pursuance of the powers under the above Act and Order the Cumbria County Council as local planning authority hereby **permit** the development described in your application and on the plans and drawings attached thereto received on 20 July 2009.

**viz: Erection of a motor control kiosk and access track.  
South of Hazel Grove, Linstock, Carlisle, Cumbria, CA6 4QD**

subject to due compliance with the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

*Reason: To comply with Section 91 of the Town and Country Planning Act 1990.*

2. The development shall be carried out in accordance with the approved scheme as in drawing number 80012300/01/6002 Rev P3. Any variations to the approved scheme shall be submitted to and approved by the Local Planning Authority prior to being carried out.

*Reason: To ensure the development is carried out to an approved appropriate standard.*

3. Construction work in the vicinity of tree and hedgerow roots shall be carried out using hand digging techniques as required by BS 5837 Trees in Construction.

*Reason: To ensure the continued viability of hedgerows and trees on the site in the interests of visual amenity.*

Dated the 30 September 2009

.....  
Signed: Shaun Gorman  
The Head of Environment,  
on behalf of the Council.

#### NOTE

- Where the permission is granted subject to conditions, attention is directed to the attached Appendix/Notes.
- The conditions attached to this permission may override details shown on the application form, accompanying statements and plans.
- Submissions to discharge conditions may require a fee (see Appendix)
- Any approval to be given by the Director of Environment or any other officer of Cumbria County Council, shall be in writing.

## SCHEDULE C: Applications Determined by Other Authorities

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**Item No: 12**

Between 19/09/2009 and 30/10/2009

**Appn Ref No:**

08/9023

**Applicant:**

Cumbria Waste  
Management Ltd

**Parish:**

Rockcliffe

**Date of Receipt:**

31/07/2008

**Agent:**

Cumbria County Council

**Ward:**

Longtown & Rockcliffe

**Location:**

Hespin Wood Waste Management Park, Todhills,  
Carlisle, CA6 4BJ

**Grid Reference:**

336379 563182

**Proposal:** Materials Recovery Facility

**Amendment:**

**REPORT**

**Case Officer:** Richard Maunsell

**City Council Observations on the Proposal:**

**Decision:** City Council Observation - Raise No Objection      **Date:** 27/08/2008

**Decision of:** Cumbria County Council

**Decision Type:** Grant Permission

**Date:** 01/10/2009

A copy of the Notice of the decision of the Determining Authority is printed following the report.

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**CUMBRIA COUNTY COUNCIL**

**TOWN AND COUNTRY PLANNING ACT, 1990  
TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE)  
ORDER, 1995**

**NOTICE OF PLANNING CONSENT**

To: Cumbria Waste Management Ltd  
Unit 5A  
Wavell Drive  
Rosehill Industrial Estate  
Carlisle

In pursuance of the powers under the above Act and Order the Cumbria County Council as local planning authority hereby **permit** the development described in your application, plans and drawings attached thereto received on 28 July 2008

**viz: Materials recovery facility**

**Hespin Wood Landfill Site, Todhills, Carlisle**

Subject to due compliance with the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
*Reason: To comply with Section 91 of the Town and Country Planning Act 1990.*
- 2 The development shall be carried out in accordance with the approved scheme. Any variations to the approved scheme shall be submitted to and approved by the Local Planning Authority prior to being carried out.  
*Reason: To ensure the development is carried out to an approved appropriate standard*
- 3 The development hereby permitted shall cease and all buildings, plant, hardstandings and stockpiles removed on the permanent cessation of landfilling at Hespin Wood.  
*Reason: To secure the removal of the plant if Hespin Wood should cease to operate as a landfill site.*
- 4 Within 6 months of cessation of operations of this development a plan for restoration to woodland and nature conservation shall be submitted to the local planning authority for approval and when approved implemented within the first available planting season.  
*Reason: To secure the satisfactory restoration of the site in accordance with MWDF DC policy DC16 Afteruse and Restoration.*
- 5 No tree felling or site clearance shall take place within the bird breeding season March - July inclusive.  
*Reason: For the protection of nesting birds*

TCP.1 REFERENCE No. 1/08/9023

- 6 No operations, including the loading or transportation of waste or operation of plant, shall take place on site outside the hours 07.00 to 19.00 hours daily. However this condition shall not operate so as to prevent the carrying out, outside these hours, of essential maintenance to plant and machinery used on site.

*Reason: To protect the amenity of local residents.*

**Type and quantities of waste**

- 7 Materials to be handled at the site shall consist solely of dry, non-odorous wastes.

*Reason: To avoid odour in accordance with MWDF Policy DC 2.*

- 8 No more than 40,000 tonnes of waste shall be processed on the site in any 12 month period. Details of the total annual throughput of the site for each calendar year shall be made available to the Local Planning Authority by the end of January the following year.

*Reason: To keep to acceptable levels the impact of lorry traffic on the amenity of local residents and other road users in accordance with MWDF Policy DC1.*

**Pre- commencement conditions**

- 9 An archaeological watching brief shall be undertaken by a qualified archaeologist during the course of the ground works of the proposed development, in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority. Following its completion, 3 copies of the report shall be furnished to the Local Planning Authority."

*Reason: To afford reasonable opportunity for an examination to be made to determine the existence of any remains of archaeological interest within the site and for the investigation and recording of such remains.*

- 10 Prior to commencement of the development a habitat and species mitigation scheme for loss of woodland habitat, and other habitats on site suitable for reptiles and the great crested newt shall be submitted for the approval of the Local Planning Authority. This mitigation scheme should include the previously landfilled area marked on Figure 1.0 Proposed Mitigation, and the remaining woodland to the east between the proposed site and the boundary of the Hespin Wood Management Park. The scheme shall include:

- a Site Wildlife Management Plan specifying methods to ensure no harm comes to protected species within the proposal site during site clearance, construction, and ongoing operations.
- creation of suitable habitat for reptiles and great crested newt including suitable hibernacula, foraging habitat and water bodies (ditches, pools and ponds),
- importation of soil over the landfill cap to create a suitable planting depth and planting of a range of deep rooting tree species to shallower rooting trees and shrubs, depending on the depth of the cap.
- details of any excavations, earthworks or tree planting adjacent to the railway.

The scheme shall include a suitable timescale for implementation, with habitat creation in remaining woodland and new planting on the landfill cap to be

implemented within the first available planting season. Any trees or shrubs that die or become diseased or are removed for operational purposes within the life of the landfill site shall be replaced with plants of a similar size and species unless otherwise agreed by the Local Planning Authority

*Reason: To protect, enhance and restore biodiversity in accordance with MWDF Policy DC 10: Biodiversity and Geodiversity*

- 11 Prior to commencement of the development a scheme for foul and surface water drainage to include a surface water settlement lagoon and oil interceptor shall be submitted to and approved by the Local Planning Authority in consultation with Natural England and the Environment Agency.

*Reason: To ensure that drainage is to an approved appropriate standard in accordance with RSS Policy EM5 and that polluted surface water run off shall not enter the River Eden, the Solway Flats and Solway Firth designated sites in either construction or operational phases.*

#### **Conditions pre - development above foundation level**

- 12 No development of the office accommodation or car park shall take place above foundation level until details have been submitted to and approved by the Local Planning Authority.

*Reason: To secure for subsequent approval by the Local Planning Authority details relevant to the development hereby permitted which were not submitted with the planning application.*

#### **Operational Scheme**

- 13 All plant, machinery and vehicles used on site shall be effectively silenced at all times in accordance with the manufacturers recommendations.

*Reason: To safeguard the amenity of local residents in accordance with MWDF Policy DC2 by ensuring that the noise generated in their operation is minimised and so does not constitute a nuisance outside the boundaries of the site.*

- 14 All vehicles under the site operator's control that are fitted with reversing alarms shall use a white noise type unless otherwise agreed in writing with the Local Planning Authority.

*Reason: To safeguard the amenity of local residents by ensuring that the noise generated in their operation is minimised and so does not constitute a nuisance outside the boundaries of the site.*

- 15 All vehicles leaving the site shall be in a clean condition to ensure that no slurry, mud or other material from the site is deposited upon the public highway.

*Reason: To prevent the vehicles carrying material on to the public highway in the interests of highway safety.*

- 16 All artificial lighting units installed on the site shall be so sited and shielded as to avoid light pollution to residential areas and to the night sky.



*Reason: To prevent light pollution*

- 17 Any materials intended for sale or other disposal outside the site shall not be stocked outside the area shown on the approved plans. Any stockpiles shall not exceed 5 metres in height, except with the prior approval of the Local Planning Authority.

*Reason: To minimise the visual impact of the development.*

### **Approved Documents**

- 18 The approved documents for this planning permission shall comprise:

- The planning application form
- Drawing No HW127/1 dated December 2006
- Drawing No HW128/1 as submitted August 2008
- Figure No 1.0 dated 17.9.2009
- The details required by conditions of this permission

*Reason: To clarify which documents comprise the approved scheme.*

- 19 A copy of this permission including the approved documents and other documents subsequently approved in accordance with this permission, shall be available on site for inspection during normal working hours. Their existence and content shall be made known to all operatives likely to be affected by matters covered by them.

*Reason: To ensure that those operating the site are conversant with the approved scheme and are aware of the requirement of the planning permission.*

### **Informative**

Great crested newts and adders, which are protected species, may be present on the site. Should a protected species be found on the site, all work should stop until further surveys for the species are carried out and a suitable mitigation package for the species is developed. Natural England will be able to advise on this. Further guidance and technical advice notes are available on the Natural England website at:

[www.naturalengland.org.uk/conservation/wildlife-management-licensing/habsregs.htm](http://www.naturalengland.org.uk/conservation/wildlife-management-licensing/habsregs.htm).

Dated the 1<sup>st</sup> October 2009

.....  
Signed: Shaun Gorman, The Head of Environment, on behalf of the Council.

### **NOTE**

- Where the permission is granted subject to conditions, attention is directed to the attached Appendix/Notes.
- The conditions attached to this permission may override details shown on the application form, accompanying statements and plans.
- Submissions to discharge conditions may require a fee (see Appendix)
- Any approval to be given by the <sup>150</sup>Director of Environment or any other officer of Cumbria County Council, shall be in writing.

**CUMBRIA COUNTY COUNCIL**

**TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE)  
ORDER 1995 (AS AMENDED)**

**SUMMARY OF REASONS FOR GRANT OF PLANNING PERMISSION**

1. This application has been determined in accordance with the Town and Country Planning Acts, in the context of national and regional planning policy guidance and advice and the relevant development plan policies.
2. The key development plan policies taken into account by the County Council before granting permission were as follows:

**Generic Development Control Policies April 2009**

**Policy DC 1 Traffic and Transport**

Proposals for minerals and waste developments should be located where they :

- a. are well related to the strategic route network as defined in the Local Transport Plan, and/or
- b. have potential for rail or sea transport and sustainable travel to work, and
- c. are located to minimise operational "minerals and waste road miles".

**Policy DC 2 General Criteria**

Minerals and Waste proposals must, where appropriate, demonstrate that:

- a. noise levels, blast vibration and air over-pressure levels would be within acceptable limits,
- b. there will be no significant degradation of air quality (from dust and emissions),
- c. public rights of way or concessionary paths are not adversely affected, or if this is not possible, either temporary or permanent alternative provision is made,
- d. carbon emissions from buildings, plant and transport have been minimised,
- e. issues of ground stability have been addressed.

Considerations will include:

- the proximity of sensitive receptors, including impacts on surrounding land uses, and protected species,
- how residual and/or mineral wastes will be managed,
- the extent to which adverse effects can be controlled through sensitive siting and design, or visual or acoustic screening,
- the use of appropriate and well maintained and managed equipment,
- phasing and duration of working,
- progressive restoration,
- hours of operations,
- appropriate routes and volumes of traffic, and

- other mitigation measures.

### **Policy DC 3 -Cumulative Environmental Impacts**

Cumulative impacts of minerals and waste development proposals will be assessed in the light of other land-uses in the area. Considerations will include:

- a. impacts on local communities,
- b. all environmental aspects including habitats and species, landscape character, cultural heritage, air quality, ground and surface water resources and quality, agricultural resources and flood risk,
- c. the impact of processing and other plant,
- d. the type, size and numbers of vehicles generated, from site preparation to final restoration and potential impacts on the highway network, safety and the environment,
- e. impacts on the wider economy and regeneration,
- f. impacts on local amenity, community health and recreation facilities and opportunities

### **Policy-DC 4 Criteria For Waste Management Facilities**

Waste management facilities that accord with Core Strategy Policies 2, 8 and 9, and which do not have adverse environmental impacts, will be permitted if they conform to the locational and other criteria below:

- c. Facilities for physical, chemical or biological treatments of waste will be permitted if they reduce the potential of waste to pollute the environment; and are:
  - i. on industrial estates, or
  - ii. at non-inert landfill sites where they are needed for pre-treatment , or for treatment of leachate, and will not prejudice good operational standards or the restoration scheme,

### **Policy DC 10: Biodiversity and Geodiversity**

Proposals for minerals and waste developments that would have impacts on locally important biodiversity and geological conservation assets, as defined in the Core Strategy, will be required to identify their likely impacts on, and also their potential to enhance, restore or add to these resources, and to functional ecological and green infrastructure networks. Enhancement measures should contribute to national, regional and local biodiversity and geodiversity objectives and targets, and to functional ecological and green infrastructure networks.

Proposals for developments within, or affecting the features or settings of such resources, should demonstrate that:

- a. the need for, and benefits of, the development and the reasons for locating the development in its proposed location and that alternatives have been considered.
- b. appropriate measures to mitigate any adverse effects (direct, indirect and cumulative) have been identified and secured, and advantage has been

- taken of opportunities to incorporate beneficial biodiversity and geological conservation features, or
- c. where adverse impacts cannot be avoided or mitigated for, that appropriate compensatory measures have been identified and secured, and
  - d. that all mitigation, enhancement or compensatory measures are compatible with the characteristics of, and features within, Cumbria.

### **North West Regional Spatial Strategy (RSS) (December 2008)**

#### **Policy EM 11: Waste Management Principles**

Every effort should be made to minimise waste, maximise re-use, and maximise opportunities for the use of recycled material. Such residual waste as does arise should be managed at the highest practicable level in the Government's waste hierarchy. The following sequence of initiatives should be followed, and appropriate facilities provided:

- first, waste minimisation; then
  - maximise the re-use of waste for the same or a different purpose; then
  - composting or recycling (for instance through streamed "kerbside" collections, "bring" banks, civic amenity sites, and centralised recycling facilities); then
  - intermediate treatment of wastes that cannot readily be composted or recycled (through anaerobic digestion or mechanical biological treatment (MBT)); or
  - treatment to deal with hazardous materials; then
  - production of refuse derived fuels from waste; then
  - recovery of energy from residual waste and refuse derived fuels (by a range of thermal treatments); and finally
  - disposal of residual wastes by land-filling (or land-raising), including the recovery of energy from landfill gas where practicable.
3. In summary, the reasons for granting permission are that the County Council is of the opinion that the proposed development is a new facility for the recycling of waste and for diversion of waste from landfill and is therefore in accordance with the development plan, in particular RSS EM11 and MWDF DC4.. The conditions included in the notice of planning consent ensure that the development would not have unacceptable adverse impacts on the environment and therefore conform to MWDF Policies 1, 2, 3 and 10. There are no material considerations that indicate the decision should be made otherwise and any harm would reasonably be mitigated by other conditions included in the notice of planning consent. Furthermore, any potential harm to interests of acknowledged importance is likely to be negligible and would be outweighed by the benefits of the development.

Dated the 1<sup>st</sup> October 2009

\_\_\_\_\_  
Signed: Shaun Gorman, The Head of Environment,  
on behalf of the Council.

## SCHEDULE C: Applications Determined by Other Authorities

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**Item No: 13**

Between 19/09/2009 and 30/10/2009

**Appn Ref No:**

09/9005

**Applicant:**

Cumbria Waste  
Management Ltd

**Parish:**

Rockcliffe

**Date of Receipt:**

27/01/2009

**Agent:**

Cumbria County Council

**Ward:**

Longtown & Rockcliffe

**Location:**

Hespin Wood Waste Management Park, Todhills,  
Carlisle, CA6 4BJ

**Grid Reference:**

336379 563182

**Proposal:** Material Change Of Use To Facilitate The Relocation Of The Secondary  
Aggregates Production Facility

**Amendment:**

### REPORT

**Case Officer:** Stephen Daniel

### City Council Observations on the Proposal:

**Decision:** City Council Observation - Raise No Objection      **Date:** 16/02/2009

**Decision of:** Cumbria County Council

**Decision Type:** Grant Permission

**Date:** 01/10/2009

A copy of the Notice of the decision of the Determining Authority is printed following the report.

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**CUMBRIA COUNTY COUNCIL**

**TOWN AND COUNTRY PLANNING ACT, 1990  
TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE)  
ORDER, 1995**

**NOTICE OF PLANNING CONSENT**

To: Cumbria Waste Management Ltd  
Unit 5A  
Wavell Drive  
Rosehill Industrial Estate  
Carlisle

In pursuance of the powers under the above Act and Order the Cumbria County Council as local planning authority hereby **permit** the development described in your application, plans and drawings attached thereto received on 22 January 2009

**viz: Material change of use to facilitate the relocation of the secondary aggregates production facility  
Hespin Wood Landfill Site, Todhills, Carlisle**

Subject to due compliance with the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

*Reason: To comply with Section 91 of the Town and Country Planning Act 1990.*

- 2 The development shall be carried out in accordance with the approved scheme. Any variations to the approved scheme shall be submitted to and approved by the Local Planning Authority prior to being carried out.

*Reason: To ensure the development is carried out to an approved appropriate standard*

- 3 The development hereby permitted shall cease and all buildings, plant, hardstandings and stockpiles removed on the permanent cessation of landfilling at Hespin Wood.

*Reason: To secure the removal of the plant if Hespin Wood should cease to operate as a landfill site.*

- 4 Within 6 months of cessation of operations of this development a plan for restoration to woodland and nature conservation shall be submitted to the local planning authority for approval and when approved implemented within the first available planting season.

*Reason: To secure the satisfactory restoration of the site in accordance with MWDF DC policy DC16 Afteruse and Restoration.*

- 5 No tree felling or site clearance shall take place within the bird breeding season March - July inclusive.

*Reason: For the protection of nesting birds*

- 6 The development hereby permitted shall not operate outside the hours:

07.00 to 19.00 Mondays to Fridays

07.00 to 15.00 Saturdays

The development shall not operate on Sundays or Bank Holidays.

Crushing, screening and excavating plant shall not operate outside the hours

07.00 to 17.30 hours: Mondays to Fridays

07.00 to 13.00 hours on Saturdays.

No operations shall take place outside these hours except with the prior written approval of the Local Planning Authority.

However, this condition shall not operate so as to prevent the use of pumping equipment and the carrying out, outside of these hours, of essential maintenance to plant and machinery used on site.

*Reason: To ensure that no operations hereby permitted take place outside normal working hours that would lead to an unacceptable impact upon the amenity of local residents.*

**Type and quantities of waste**

- 7 Materials to be handled at the site shall consist solely of inert construction and demolition wastes.

*Reason: To avoid cumulative environmental impacts in accordance with MWDF Policy 3.*

- 8 No more than 60,000 tonnes of waste shall be processed on the site in any 12 month period. Details of the total annual throughput of the site for each calendar year shall be made to the Local Planning Authority by the end of January the following year.

*Reason: To keep to acceptable levels the impact of lorry traffic on the amenity of local residents and other road users in accordance with MWDF Policy DC1.*

**Pre- commencement conditions**

- 9 An archaeological watching brief shall be undertaken by a qualified archaeologist during the course of the ground works of the proposed development, in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority. Following its completion, 3 copies of the report shall be furnished to the Local Planning Authority.

*Reason: To afford reasonable opportunity for an examination to be made to determine the existence of any remains of archaeological interest within the site and for the investigation and recording of such remains.*

- 10 Prior to commencement of the development a habitat and species mitigation scheme for loss of woodland habitat, and other habitats on site suitable for reptiles and the great crested newt shall be submitted for the approval of the Local Planning Authority. This mitigation scheme should include the previously landfilled

area area marked on Figure 1.0 Proposed Mitigation, and the remaining woodland to the east between the proposed site and the boundary of the Hespin Wood Management Park. The scheme shall include:

- a Site Wildlife Management Plan specifying methods to ensure no harm comes to protected species within the proposal site during site clearance, construction, and ongoing operations.
- creation of suitable habitat for reptiles and great crested newt including suitable hibernacula, foraging habitat and water bodies (ditches, pools and ponds),
- importation of soil over the landfill cap to create a suitable planting depth and planting of a range of deep rooting tree species to shallower rooting trees and shrubs, depending on the depth of the cap.
- details of any excavations, earthworks or tree planting adjacent to the railway.

The scheme shall include a suitable timescale for implementation to include habitat creation in remaining woodland, and new planting on the landfill cap to be implemented within the first available planting season. Any trees or shrubs that die or become diseased within five years of planting shall be replaced with plants of a similar size and species unless otherwise agreed by the Local Planning Authority.

*Reason: To protect, enhance and restore biodiversity in accordance with MWDF Policy DC 10: Biodiversity and Geodiversity*

- 11 Prior to commencement of the development a scheme for foul and surface water drainage to include a surface water settlement lagoon and oil interceptor shall be submitted to the Local Planning Authority for approval. When approved the scheme shall be implemented in its entirety.

*Reason: To ensure that drainage is to an approved appropriate standard in accordance with RSS Policy EM5 and that polluted surface water run off shall not enter the River Eden, the Solway Flats and Solway Firth designated sites in either construction or operational phases.*

**Conditions pre - development above foundation level**

- 12 No development of the office accommodation or car park shall take place above foundation level until details have been submitted to and approved by the Local Planning Authority.

*Reason: To secure for subsequent approval by the Local Planning Authority details relevant to the development hereby permitted which were not submitted with the planning application.*

**Conditions pre - deliveries of waste**

- 13 No deliveries of waste materials to the site shall take place until a Noise Monitoring Scheme has been submitted to and approved by the Local Planning Authority. The scheme shall include monitoring at noise sensitive properties when requested by the Local Planning Authority to confirm the predictions of the QEM Noise Monitoring Report December 2008 as amended by QEM email 2 March 2009; and



provision of suitable mitigation if noise levels are significantly higher than predicted.

*Reason: For the amenity of local residents*

- 14 No deliveries of waste materials to the site shall take place until a Dust Suppression Scheme has been submitted to and approved by the Local Planning Authority and subsequently implemented in full. Such measures shall include the spraying of haul and access roads, working areas, plant area and stockpiling areas in order that the development does not constitute a nuisance outside the site boundary. The scheme shall be reviewed after six months.

*Reason: To safeguard surrounding land-uses by ensuring that dust does not constitute a nuisance outside the boundary of the site, and to avoid cumulative environmental impacts in accordance with MWDF Policy 3.*

#### **Operational scheme**

- 15 All plant, machinery and vehicles used on site shall be effectively silenced at all times and maintained in accordance with the manufacturers' recommendations.

*Reason: To ensure that noise generated by their operation is minimised and so does not constitute a nuisance outside the boundaries of the site.*

- 16 All vehicles under the site operator's control that are fitted with reversing alarms shall use a white noise type unless otherwise agreed in writing with the Local Planning Authority.

*Reason: To safeguard the amenity of local residents by ensuring that the noise generated in their operation is minimised and so does not constitute a nuisance outside the boundaries of the site.*

- 17 All vehicles leaving the site shall be in a clean condition to ensure that no slurry, mud or other material from the site is deposited upon the public highway.

*Reason: To prevent the vehicles carrying material on to the public highway in the interests of highway safety.*

- 18 All artificial lighting units installed on the site shall be so sited and shielded as to avoid light pollution to residential areas and to the night sky.

*Reason: To prevent light pollution.*

- 19 Any minerals intended for sale or other disposal outside the site shall not be stocked outside the area shown on the approved plans. The stockpiles shall not exceed 5 metres in height, except with the prior approval of the Local Planning Authority.

*Reason: To minimise the visual impact of the development.*

#### **Approved Documents**

- 20 The approved documents for this planning permission shall comprise:

- The planning application form
- Drawing No HW134/1 as amended July 2009

- Drawing No HW135/1 as amended July 2009
- Figure No 1.0 dated 17.9.2009
- The details required by conditions of this permission

*Reason: To clarify which documents comprise the approved scheme.*

- 21 A copy of this permission including the approved documents and other documents subsequently approved in accordance with this permission, shall be available on site for inspection during normal working hours. Their existence and content shall be made known to all operatives likely to be affected by matters covered by them.

*Reason: To ensure that those operating the site are conversant with the approved scheme and are aware of the requirement of the planning permission.*

### **Informative**

Great crested newts and adders, which are protected species, may be present on the site. Should a protected species be found on the site, all work should stop until further surveys for the species are carried out and a suitable mitigation package for the species is developed. Natural England will be able to advise on this. Further guidance and technical advice notes are available on the Natural England website at: [www.naturalengland.org.uk/conservation/wildlife-management-licensing/habsregs.htm](http://www.naturalengland.org.uk/conservation/wildlife-management-licensing/habsregs.htm)

Dated the 1<sup>st</sup> October 2009

.....  
Signed: Shaun Gorman  
The Head of Environment,  
on behalf of the Council.

### **NOTE**

- Where the permission is granted subject to conditions, attention is directed to the attached Appendix/Notes.
- The conditions attached to this permission may override details shown on the application form, accompanying statements and plans.
- Submissions to discharge conditions may require a fee (see Appendix)
- Any approval to be given by the Director of Environment or any other officer of Cumbria County Council, shall be in writing.

**CUMBRIA COUNTY COUNCIL**

**TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE)  
ORDER 1995 (AS AMENDED)**

**SUMMARY OF REASONS FOR GRANT OF PLANNING PERMISSION**

1. This application has been determined in accordance with the Town and Country Planning Acts, in the context of national and regional planning policy guidance and advice and the relevant development plan policies.
2. The key development plan policies taken into account by the County Council before granting permission were as follows:

**Cumbria Minerals and Waste Development Framework Core Strategy**

**Policy 13 - Supply of Minerals**

Provision will be made to:- .....

- identify sites for the facilities that will be required to enable at least one quarter of the aggregates used within Cumbria to be met by secondary or recycled aggregates.

**Generic Development Control Policies April 2009**

**Policy DC 1 Traffic and Transport**

Proposals for minerals and waste developments should be located where they :

- a. are well related to the strategic route network as defined in the Local Transport Plan, and/or
- b. have potential for rail or sea transport and sustainable travel to work, and
- c. are located to minimise operational "minerals and waste road miles".

**Policy DC 2 General Criteria**

Minerals and Waste proposals must, where appropriate, demonstrate that:

- a. noise levels, blast vibration and air over-pressure levels would be within acceptable limits,
- b. there will be no significant degradation of air quality (from dust and emissions),
- c. public rights of way or concessionary paths are not adversely affected, or if this is not possible, either temporary or permanent alternative provision is made,
- d. carbon emissions from buildings, plant and transport have been minimised,
- e. issues of ground stability have been addressed.

Considerations will include:

- the proximity of sensitive receptors, including impacts on surrounding land uses, and protected species,

- how residual and/or mineral wastes will be managed,
- the extent to which adverse effects can be controlled through sensitive siting and design, or visual or acoustic screening,
- the use of appropriate and well maintained and managed equipment,
- phasing and duration of working,
- progressive restoration,
- hours of operations,
- appropriate routes and volumes of traffic, and
- other mitigation measures.

### **Policy DC 3 -Cumulative Environmental Impacts**

Cumulative impacts of minerals and waste development proposals will be assessed in the light of other land-uses in the area. Considerations will include:

- a. impacts on local communities,
- b. all environmental aspects including habitats and species, landscape character, cultural heritage, air quality, ground and surface water resources and quality, agricultural resources and flood risk,
- c. the impact of processing and other plant,
- d. the type, size and numbers of vehicles generated, from site preparation to final restoration and potential impacts on the highway network, safety and the environment,
- e. impacts on the wider economy and regeneration,
- f. impacts on local amenity, community health and recreation facilities and opportunities

### **Policy-DC 4 Criteria for Waste Management Facilities**

Waste management facilities that accord with Core Strategy Policies 2, 8 and 9, and which do not have adverse environmental impacts, will be permitted if they conform to the locational and other criteria below:

- ...
- c. Facilities for physical, chemical or biological treatments of waste will be permitted if they reduce the potential of waste to pollute the environment; and are:
    - i. on industrial estates, or
    - ii. at non-inert landfill sites where they are needed for pre-treatment , or for treatment of leachate, and will not prejudice good operational standards or the restoration scheme,

### **Policy DC 10: Biodiversity and Geodiversity**

Proposals for minerals and waste developments that would have impacts on locally important biodiversity and geological conservation assets, as defined in the Core Strategy, will be required to identify their likely impacts on, and also their potential to enhance, restore or add to these resources, and to functional ecological and green infrastructure networks. Enhancement measures should contribute to national, regional and local biodiversity and geodiversity objectives and targets, and to functional ecological and green infrastructure networks.

Proposals for developments within, or affecting the features or settings of such resources, should demonstrate that:

- a. the need for, and benefits of, the development and the reasons for locating the development in its proposed location and that alternatives have been considered.
- b. appropriate measures to mitigate any adverse effects (direct, indirect and cumulative) have been identified and secured, and advantage has been taken of opportunities to incorporate beneficial biodiversity and geological conservation features, or
- c. where adverse impacts cannot be avoided or mitigated for, that appropriate compensatory measures have been identified and secured, and
- d. that all mitigation, enhancement or compensatory measures are compatible with the characteristics of, and features within, Cumbria.

**North West Regional Spatial Strategy (RSS) (December 2008)**

**Policy EM 11: Waste Management Principles**

Every effort should be made to minimise waste, maximise re-use, and maximise opportunities for the use of recycled material. Such residual waste as does arise should be managed at the highest practicable level in the Government's waste hierarchy. The following sequence of initiatives should be followed, and appropriate facilities provided:

- first, waste minimisation; then
  - maximise the re-use of waste for the same or a different purpose; then
  - composting or recycling (for instance through streamered "kerbside" collections, "bring" banks, civic amenity sites, and centralised recycling facilities); then
  - intermediate treatment of wastes that cannot readily be composted or recycled (through anaerobic digestion or mechanical biological treatment (MBT)); or
  - treatment to deal with hazardous materials; then
  - production of refuse derived fuels from waste; then
  - recovery of energy from residual waste and refuse derived fuels (by a range of thermal treatments); and finally
  - disposal of residual wastes by land-filling (or land-raising), including the recovery of energy from landfill gas where practicable.
3. In summary, the reasons for granting permission are that the County Council is of the opinion that the proposed development is in accordance with the development plan, there are no material considerations that indicate the decision should be made otherwise and with the planning conditions included in the notice of planning consent, any harm would reasonably be mitigated. Furthermore, any potential harm to interests of acknowledged importance is likely to be negligible and would be outweighed by the benefits of the development.

Dated the 1<sup>st</sup> October 2009

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Signed: Shaun Gorman, The Head of Environment,  
on behalf of the Council.

## SCHEDULE C: Applications Determined by Other Authorities

09/0197

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**Item No: 14**

Between 19/09/2009 and 30/10/2009

**Appn Ref No:**  
09/0197

**Applicant:**  
Primesight Ltd

**Parish:**  
St Cuthberts Without

**Date of Receipt:**  
16/03/2009 16:00:33

**Agent:**

**Ward:**  
Dalston

**Location:**  
Carleton Service Station, Carleton, CA4 0AA

**Grid Reference:**  
343328 552408

**Proposal:** 2.no Internally Illuminated Free Standing Single Sided Display Units  
**Amendment:**

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### REPORT

**Case Officer:** Shona Taylor

#### Decision on Appeals:

**Appeal Against:** Appeal against refusal of planning perm.

**Type of Appeal:** Written Representations

**Report:** The appeal site relates to Carleton Service Station, a filling station located on the northeastern side of the A6 in open countryside. The on-site facilities include a small convenience store, cash point and garage/MOT testing station. Advertisement consent was sought for the erection of two internally illuminated free standing display units.

The application was determined under delegated powers on the 11th May 2009 when it was refused on the following grounds:

*"The site occupies a prominent roadside location adjacent to one of the main thoroughfares into the City from the south. The proposed signs would, by virtue of their siting, scale and illumination, contribute to general advertising clutter within the site and be an unduly obtrusive feature within the street scene. The advertisements would consequently unacceptably detract from the visual amenity of the surroundings and would be unduly incongruous and obtrusive within the context of the amenity and character of the area, contrary to the objectives of PPG19 (Outdoor Advertisement Control) and Policy EC17 (Advertisements) of the Carlisle District Local Plan 2001-2016."*

The proposed signs are outside the area of the site which is brightly illuminated at night by the forecourt canopy down lights and is currently

## **SCHEDULE C: Applications Determined by Other Authorities**

09/0197

occupied by a low profile temporary sign. By comparison the proposal will have a much more obtrusive appearance, particularly when illuminated after dark. The Inspector considered that this, in conjunction with the other advertising to the east, would give the northwestern boundary of the site a cluttered appearance, an effect which the Inspector considered would be particularly harmful given the rural nature of the surroundings.

The inspector concluded that the proposal would unacceptably harm the character and appearance of the street scene, and the appeal was dismissed.

**Appeal Decision:** Appeal Dismissed

**Date:** 06/10/2009

## SCHEDULE C: Applications Determined by Other Authorities

09/0198

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**Item No: 15**

Between 19/09/2009 and 30/10/2009

**Appn Ref No:**

09/0198

**Applicant:**

Primesight Ltd

**Parish:**

Carlisle

**Date of Receipt:**

16/03/2009 16:01:54

**Agent:**

**Ward:**

Belah

**Location:**

Kingstown Filling Station, Kingstown Road,  
CARLISLE, CA3 0BN

**Grid Reference:**

339489 559332

**Proposal:** 1no. Internally Illuminated Free Standing Double Sided Display Unit

**Amendment:**

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### REPORT

**Case Officer:** Shona Taylor

#### Decision on Appeals:

**Appeal Against:** Appeal against refusal of planning perm.

**Type of Appeal:** Written Representations

**Report:** The appeal site relates to Kingstown Filling Station, located on the western side of Kingstown Road. The on-site facilities include a small convenience store. Advertisement consent was sought for the erection of an internally illuminated free standing two sided display unit.

The application was determined under delegated powers on the 11th May 2009 when it was refused on the following grounds:

*"The site occupies a prominent roadside location adjacent to one of the main thoroughfares into the City from the north. The proposed sign would, by virtue of its siting, scale and illumination, contribute to general advertising and clutter within the site and would be an unduly obtrusive feature within the street. The advertisements would consequently unacceptably detract from the visual amenity of the surroundings and would be unduly incongruous and obtrusive within the context of the amenity and character of the area, contrary to the objectives of PPG19 (Outdoor Advertisement Control) and Policy EC17 (Advertisements) of the Carlisle District Local Plan (2001-2016)."*

The Inspector considered that as the appeal site is compact, the proposal would appear to be closely visually related to the filling station, but would be sufficiently far apart from the other adverts within the site so as not to



## **SCHEDULE C: Applications Determined by Other Authorities**

09/0198

appear cluttered. He also considered that when seen from both Kingstown Road and the dwellings along its eastern side the proposal would appear an integral feature of the filling station and would be seen in the context of the large commercial buildings to the west, a number of which are also illuminated at night.

In the Inspectors view the proposal would not be an obtrusive or unduly dominant feature of the street scene and would not conflict with the aims of PPG19. The Inspector concluded that the effect of the proposal on the character and appearance of the surroundings would be acceptable, and the appeal was allowed subject to conditions suggested by the Council.

**Appeal Decision:** Appeal Allowed with Conditions      **Date:** 06/10/2009

SCHEDULE D

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## SCHEDULE D: Reports on Previously Deferred Decisions

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**Item No: 16**

Between 19/09/2009 and 30/10/2009

**Appn Ref No:**

09/0408

**Applicant:**

Riverside Carlisle

**Parish:**

Brampton

**Date of Receipt:**

09/06/2009

**Agent:**

Day Cummins Limited

**Ward:**

Brampton

**Location:**

1-21 West Hill House, St Martins Drive,  
BRAMPTON, CA8 1TG

**Grid Reference:**

352655 560921

**Proposal:** Reconfiguration Of Existing Bedsits/Flats To Provide 12No. Flats And 2No. Houses; Including The Erection Of Entrance Porches, Two Storey Extensions To Both Side Elevations And Alterations To Positioning Of Window Openings

**Amendment:**

### REPORT

**Case Officer:** Sam Greig

#### Details of Deferral:

Members will recall at Committee meeting held on 2nd October 2009 that authority was given to the Head of Planning and Housing Services to issue approval subject to no new issues being raised, together with an amendment to the wording Condition 4, which would require the parking area to be constructed from permeable paving. No new issues were raised during the remainder of the consultation period and, therefore, approval was issued on 15th October 2009.

**Decision:** Grant Permission

**Date:** 15/10/2009

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

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

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

**Reason:** To ensure the works harmonise as closely as possible with the existing building and to ensure compliance with Policy CP5 of the

## SCHEDULE D: Reports on Previously Deferred Decisions

Carlisle District Local Plan 2001-2016.

3. No development shall take place until a detailed landscaping scheme, including identification of those trees to be retained, has been submitted to and approved, in writing, by the Local Planning Authority. These works shall be carried out as approved prior to the occupation of any part of the development or in accordance with the programme agreed by the Local Planning Authority. The landscaping plan should identify the crown spread of the trees to be retained and those trees shall be protected by a suitable barrier in accordance with details to be submitted to and approved, in writing, by the Local Planning Authority. Any trees or other plants, which die or are removed within the first five years following the implementation of the landscaping scheme, shall be replaced during the next planting season.

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

4. No development shall commence until detailed plans illustrating the provision of a disabled car parking bay have been submitted to and approved, in writing, by the Local Planning Authority. The parking area, which shall incorporate permeable paving, shall be constructed in accordance with the approved plan.

**Reason:** To ensure that the parking area incorporates a sustainable form of surface water disposal and the provision of disabled parking facilities in accordance with Policy CP12 and CP15 of the Carlisle District Local Plan 2001-2016.

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

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

6. 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

## SCHEDULE D: Reports on Previously Deferred Decisions

7. No development shall commence until details illustrating how the habitats of the House Martins will be safeguarded (or mitigated for) have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme unless otherwise agreed, in writing, by the Local Planning Authority.

**Reason:** In order not to disturb or deter the nesting or roosting of House Martins in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

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**Item No: 17**

Between 19/09/2009 and 30/10/2009

**Appn Ref No:**  
08/1059

**Applicant:**  
Montgomery Homes  
(1970) Limited

**Parish:**  
Wetheral

**Date of Receipt:**  
17/10/2008

**Agent:**  
HOLT Planning  
Consultancy

**Ward:**  
Great Corby & Geltsdale

**Location:**  
Land At Former George P.H, Warwick Bridge,  
Carlisle, CA4 8RL

**Grid Reference:**  
347661 556851

**Proposal:** Mixed Development Comprising Retail Development With 24 Apartments  
(Revised Scheme)

**Amendment:**

1. Transport Statement prepared by White Young & Green; revised location plan; ground floor layout (ref. no. 08/1793/02J); first and second floor layouts (ref. no. 08/1793/03C); elevations (ref. no. 08/1793/04G); and block plan (ref. no. 08/1793/05B) received 10.03.09.
2. Revised plan (drawing no. A052338/37/18 C006) and parking data prepared by White Young & Green received 26.03.09.
3. Illustrative revised parking arrangement (drawing no. A052338/37/18/O009) prepared by White Young & Green received 01.04.09.
4. Revised ground floor layout plan, drawing no. 08/1793/02K, received 03.04.09.

## **SCHEDULE D: Reports on Previously Deferred Decisions**

### **REPORT**

**Case Officer:** Angus Hutchinson

#### **Details of Deferral:**

Members will recall at Committee meeting held on 24th April 2009 that authority was given to the Head of Planning and Housing Services to issue approval subject to the satisfactory conclusion of a Section 106 Agreement covering the provision of four affordable apartments and payment of £5,000 towards the provision of play equipment; and the imposition of relevant conditions. The Section 106 Agreement has now been completed and approval was issued on 15th October 2009.

**Decision:** Granted Subject to Legal Agreement

**Date:** 15/10/2009

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

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

2. The retail premises hereby permitted shall be used for uses falling within Class A1 and for no other purpose including any other purpose in Class A of the Schedule to the Town and County Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order.

**Reason:** To preclude the possibility of the use of the premises for purposes inappropriate in the locality occupiers in accordance with Policy CP6 of the Carlisle District Local Plan 2001-2016.

3. The retail premises hereby permitted shall not be open for trading except between 0700 hours and 2200 hours.

**Reason:** To prevent disturbance to nearby residential occupiers and in accord with Policy CP6 of the Carlisle District Local Plan 2001-2016.

4. All service deliveries and despatches associated with the retail premises hereby permitted shall not commence before 0700 hours or continue after 2200 hours.

**Reason:** To prevent disturbance: nearby occupants and in accord with Policy CP6 of the Carlisle District Local Plan 2001-2016.

## **SCHEDULE D: Reports on Previously Deferred Decisions**

5. The finished floor levels of the development hereby permitted shall be set no lower than 26.5m AOD at the northern edge of the development and no lower than 26.9m AOD at the southern edge.

**Reason:** In order that the approved development is constructed at a precautionary floor level to reduce the risk and impact of any flooding and that it meets the objectives of Policy LE27 of the Carlisle District Local Plan 2001-2016.

6. No development hereby permitted shall be commenced until a scheme, inclusive of a Management Plan and timetable/phasing of work, detailing the eradication of the Japanese Knotweed on the site in accordance with the Environment Agency's "Managing Japanese Knotweed on development sites: the Knotweed Code of Practice" or any equivalent means has been submitted to and approved in writing by the Local Planning Authority. The development shall not proceed other than in accordance with the approved scheme.

**Reason:** To safeguard the living conditions of future residents and the biodiversity of the Cairn Beck tributary serving the River Eden which is a SSSI and SAC, in accordance with Policy DP7 of the Carlisle District Local Plan 2001-2016.

7. Prior to the commencement of development a buffer strip of land shall be defined between the development and Cairn Beck, in accordance with details submitted to and approved in writing beforehand by the Local Planning Authority.

**Reason:** To safeguard the biodiversity of the Cairn Beck tributary serving the River Eden which is a SSSI and SAC, in accordance with Policy DP7 of the Carlisle District Local Plan 2001-2016.

8. For the duration of the development works a suitable barrier preventing siltation and pollutants entering Cairn Beck shall be erected and maintained in accordance with details submitted to and approved in writing prior to the commencement of development by the Local Planning Authority.

**Reason:** To safeguard the biodiversity of the Cairn Beck tributary serving the River Eden which is a SSSI and SAC, in accordance with Policy DP7 of the Carlisle District Local Plan 2001-2016.

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

## SCHEDULE D: Reports on Previously Deferred Decisions

- a) a preliminary risk assessment that has identified: all previous uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; and potentially unacceptable risks arising from contamination at the site;
- b) a site investigation scheme, based on a) above to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;
- c) the site investigation results and the detailed risk assessment and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken;
- d) a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in c) above are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The development shall not proceed other than in accordance with the approved scheme.

**Reason:** To prevent the pollution of controlled waters from potential contamination on site.

10. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

**Reason:** To ensure that the development complies with approved details in the interests of the protection of controlled waters.

11. Prior to the commencement of development full design and construction details of the required improvements for the junction of Mill Lane with the A69 trunk road shall be submitted to and approved in writing by the Local Planning Authority. The aforementioned details shall include:

- a) the provision of the replacement bus stop and associated layby, and any required pedestrian crossing;
- b) how the scheme interfaces with the existing carriageway alignment, details of the carriageway markings and destinations and treatments to main highways boundaries;
- c) confirmation of full compliance with current Departmental Standards (DMRB) and Policies or approved relaxations/departures from standards (specifically



## SCHEDULE D: Reports on Previously Deferred Decisions

in relation to junction geometry and visibility for vehicles egressing onto the trunk road);

d) an independent Stage One & Stage Two Safety Audit (Stage Two to take account of any Stage One Audit recommendations) carried out in accordance with current Departmental Standards (DMRB) and Advice Notes;

e) full signing and lighting details.

**Reason:** In the interests of maintaining highway safety and free flow of traffic on the A69 trunk road.

12. Before the commencement of use and/or occupation of any element of the development hereby permitted, the highway improvements shall be fully implemented in accordance with the approved details subject of the above Condition 11.

**Reason:** In the interests of maintaining the safety and free flow of traffic on the A69.

13. Prior to the commencement of development a full specification (including longitudinal/cross sections and details of the design, means of construction, drainage and lighting) of the proposed carriageway, footways and footpaths shall be submitted to and approved in writing by the Local Planning Authority. Any works so approved shall be fully constructed before the commencement of use and/or occupation of any element of the hereby permitted development.

**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.

14. Ramps shall be provided on each side of every junction to the access road serving the development (western side) to enable wheelchairs, prams and invalid carriages to be safely manoeuvred at kerb lines. Details of all such ramps shall be submitted to the Local Planning Authority for approval before development commences. Any details so 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 LD12 and LD7 and Policy CP15 of the Carlisle District Local Plan 2001-2016.

15. The access drives shall be surfaced in bituminous or cement bound materials or otherwise bound and shall be constructed and completed before any element

## SCHEDULE D: Reports on Previously Deferred Decisions

of the hereby permitted development is brought into use and/or occupied.

**Reason:** In the interests of highway safety – to support Local Transport Plan Policies: LD5, LD6 and LD8.

16. No part of the development hereby permitted shall be brought into use and/or be occupied until space has been laid out within the site in accordance with the approved site layout plan for associated vehicles to be parked including for the loading and unloading of commercial vehicles with provision made for vehicles to gain access, egress and turn so that they may enter and leave the site in forward gear.

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

17. Prior to the commencement of development hereby permitted, a Construction Method Statement shall be submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the laying out of land for and details of the parking of vehicles of site operatives and visitors;
- ii. loading and unloading of plant and materials;
- iii. storage of plant and materials used in constructing the development;
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v. wheel washing facilities;
- vi. measures to control the emission of dust and dirt during construction; and
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works.

**Reason:** To ensure proper and adequate provisions are made during the construction phase in the interests of highway safety and local amenity.

18. Prior to the occupation of any residential unit hereby permitted a detailed schedule of all external glazing shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter progress only in accordance with the approved schedule and shall be permanently retained in that condition thereafter unless otherwise agreed in writing with the Local

## **SCHEDULE D: Reports on Previously Deferred Decisions**

Planning Authority.

**Reason:** To safeguard the living conditions of neighbouring residents.

19. Prior to the commencement of development hereby permitted samples of the materials to be used in the construction of the external surfaces of the development including all hard surfacing finishes shall be submitted to and approved in writing by the Local Planning Authority. The hereby permitted development shall be carried out in complete accordance with the approved details.

**Reason:** In the interests of visual amenity.

20. Prior to the commencement of the development hereby permitted full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. These details shall include proposed finished levels or contours; planting plans noting species, plant sizes and proposed numbers/densities; boundary treatments and means of enclosure; other pedestrian access and circulation areas; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.); proposed and existing functional services above and below ground (e.g. communications cables, pipelines etc. indicating lines, manholes, supports etc.); retained historic landscape features and proposals for restoration, where relevant.

**Reason:** In the interests of visual amenity.

21. All soft landscape works comprised in the approved details subject of the above Condition 20 for the constituent elements of the development shall be carried out by not later than the end of the first planting and seeding season following the commencement of use and/or occupation of any element of the development hereby permitted or the completion of the development.

**Reason:** In the interests of visual amenity.

22. All hard landscape works (inclusive of the proposed sandstone wall associated with the compound area) comprised in the approved details subject of the above Condition 20 for the constituent elements of the development shall be carried out prior to the commencement of use and/or occupation of any respective element of the development hereby permitted, or as may otherwise be agreed in writing by the Local Planning Authority.

**Reason:** In the interests of visual amenity and the living conditions of neighbouring residents.

## SCHEDULE D: Reports on Previously Deferred Decisions

23. Prior to the commencement of development hereby permitted a scheme for the provision of surface water drainage works shall be submitted to and approved in writing by the Local Planning Authority. Such scheme shall be implemented not only before the construction of the impermeable surfaces draining to this system but also prior to the commencement of use and/or occupation of any element of the hereby permitted development unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To prevent the increased risk of flooding and pollution of the water environment by ensuring the provision of a satisfactory means of surface water disposal.

24. Prior to the commencement of use and/or occupation of any element of the development hereby permitted, the works for the disposal of sewage shall be provided in accordance with details to be submitted to and approved in writing beforehand by the Local Planning Authority.

**Reason:** To ensure the proper drainage of the site.

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**Item No: 18**

Between 19/09/2009 and 30/10/2009

**Appn Ref No:**  
09/0719

**Applicant:**  
Citadel Estates Ltd.

**Parish:**  
Brampton

**Date of Receipt:**  
28/08/2009

**Agent:**  
Holt Planning Consultancy

**Ward:**  
Brampton

**Location:**  
Tarn End House Hotel, Talkin, Brampton, CA8 1LS

**Grid Reference:**  
354388 558354

**Proposal:** Conversion And Extension Of Hotel Premises To Create 15no. Dwellings

**Amendment:**

### REPORT

**Case Officer:** Angus Hutchinson

### Details of Deferral:

Members will recall at Committee meeting held on 2nd October 2009 that authority was given to the Head of Planning and Housing Services to issue refusal subject to the awaited comments from Brampton Parish Council. The comments have been

## SCHEDULE D: Reports on Previously Deferred Decisions

received and refusal was issued on 7th October 2009.

**Decision:** Refuse Permission

**Date:** 07/10/2009

- 1. Reason:** The application site is not located within either a Key Service Centre or Local Service Centre as identified under Policies DP1 and H1 of the Carlisle District Local Plan 2001-2016. The proposal would therefore result in an additional 15 dwellings in a less sustainable location, for which no local housing need has been satisfactorily demonstrated and, if permitted, would restrict development in more sustainable locations. On this basis the proposal is considered to be contrary to the provisions of Policy RDF2 of the North West of England Plan Regional Spatial Strategy to 2021; criteria 1 of Policy ST3 and Policy ST7 of the Cumbria and Lake District Joint Structure Plan 2001-2016; and Policies DP1 and H1 of the Carlisle District Local Plan 2001-2016.
- 2. Reason:** The Tarn End House Hotel is a structure of local interest that is prominently located on the southern side of the U1206 Brampton/Talkin road with the northern frontage facing Talkin Tarn Country Park within a designated County Landscape. In this location the proposed development involves the erection of two storey side extensions to be used as seven dwellings that increase the overall frontage of the existing building from 37.5 metres to approximately 76 metres. As such It is considered that the proposal, because of the significant alterations in form, will not only harm the character of the existing building but also make the resultant structure more conspicuous, and thereby increase its intrusion to the detriment of the rural character of the area. It would thus seriously detract from the objectives of Policies DP10, CP1, and criteria 3 and 6 of Policy H8 of the Carlisle District Local Plan 2001-2016.
- 3. Reason:** There is an identified need for affordable housing in the vicinity of the application site particularly in respect of family housing and accommodation for younger people. The proposal should include between 25-30% of affordable residential units, as reflected in the Carlisle City Council's Housing Strategy 2005-2010. The submitted scheme, which comprises the erection of a total of 15 dwellings, does not include the direct provision on site or indirect provision off-site of any affordable housing. On this basis the proposal is therefore considered to be contrary to Policies H5 and H6 of the Carlisle District Local Plan 2001-2016.
- 4. Reason:** The proposed development involves the creation of two new accesses and the modification of a third access onto the U1206,

## SCHEDULE D: Reports on Previously Deferred Decisions

which is a rural all purpose road subject of the national speed limit and thus requiring each access to have a 2.4m by 215m visibility splay. The submitted plans do not show visibility splays in accordance with the aforementioned standard and consequently traffic generated by the proposed development would be likely to create conditions prejudicial to highway safety contrary to criterion 5 of Policy H8 of the Carlisle District Local Plan 2001-2016.

5. **Reason:** In the absence of a suitable survey and mitigation strategy on the presence or otherwise of a protected species (in the context of Talkin Tarn Country Park being a designated Wildlife Site known for the presence of otters) the proposal is considered to be contrary to PPS 9 “Biodiversity and Geological Conservation”; Circular 06/2005; and Policies CP2 and LE3 of the Carlisle District Local Plan 2001-2016.
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SCHEDULE E

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## SCHEDULE E: Decisions Issued Under Delegated Powers

Between 19/09/2009 and 30/10/2009

|   |   |   |
|---|---|---|
| <b>Appn Ref No:</b><br>09/0366  | <b>Applicant:</b><br>Cumbria Police Authority | <b>Parish:</b><br>Carlisle              |
| <b>Date of Receipt:</b><br>20/08/2009   | <b>Agent:</b><br>Taylor Young                 | <b>Ward:</b><br>Harraby                 |
| <b>Location:</b><br>Cumbria Constabulary, Brunel Way, Durranshill,<br>Carlisle, CA1 3NQ |   | <b>Grid Reference:</b><br>341815 554709 |
| <b>Proposal:</b> Discharge Of Conditon 2 (Travel Plan) Of Application 08/0972           |   |   |
| <b>Amendment:</b>   |   |   |

**Decision:** Grant Permission

**Date:** 24/09/2009

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Between 19/09/2009 and 30/10/2009

|  |                                     |   |
|--|-------------------------------------|---|
| <b>Appn Ref No:</b><br>09/0443   | <b>Applicant:</b><br>Mr Gary Winder | <b>Parish:</b><br>Carlisle              |
| <b>Date of Receipt:</b><br>29/05/2009  | <b>Agent:</b>                       | <b>Ward:</b><br>Stanwix Urban           |
| <b>Location:</b><br>105 Beech Grove, Stanwix, Carlisle CA3 9BN   |                                     | <b>Grid Reference:</b><br>340174 557942 |
| <b>Proposal:</b> Ground Floor Rear Extension To Provide Study/Sitting Room; First Floor<br>Rear Extension To Provide Extended Bathroom; Re-Roofing Of Existing<br>Dormer |                                     |   |
| <b>Amendment:</b>  |                                     |   |

**Decision:** Withdrawn by Applicant/or by default

**Date:** 26/10/2009

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Between 19/09/2009 and 30/10/2009

|                                       |  |                           |
|---------------------------------------|--|---------------------------|
| <b>Appn Ref No:</b><br>09/0445        | <b>Applicant:</b><br>Mrs Jo Hodgkinson | <b>Parish:</b><br>Dalston |
| <b>Date of Receipt:</b><br>27/07/2009 | <b>Agent:</b>                          | <b>Ward:</b><br>Dalston   |



## SCHEDULE E: Decisions Issued Under Delegated Powers

**Location:**

Low Brownelson House, Dalston, Cumbria, CA5  
7LE

**Grid Reference:**

338481 552174

**Proposal:** Change Of Use Of Field For Use As New Manege With Post & Rail  
Timber Fencing

**Amendment:**

**Decision:** Grant Permission

**Date:** 21/09/2009

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Between 19/09/2009 and 30/10/2009

**Appn Ref No:**

09/0537

**Applicant:**

Network Rail  
(Infrastructure) LTD

**Parish:**

Carlisle

**Date of Receipt:**

10/07/2009

**Agent:**

Network Rail (Commercial  
Property)

**Ward:**

Currock

**Location:**

Land Off South George Street, R/O Citadel Station,  
Carlisle, CA2 5AW

**Grid Reference:**

340161 555472

**Proposal:** Discharge Of Conditions 2, 3, 4, 5 & 6 Of Previously Approved  
Application 09/0260

**Amendment:**

**Decision:** Grant Permission

**Date:** 27/10/2009

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Between 19/09/2009 and 30/10/2009

**Appn Ref No:**

09/0544

**Applicant:**

Mr Stephen Carruthers

**Parish:**

Dalston

**Date of Receipt:**

10/08/2009

**Agent:**

Mr James Stephens

**Ward:**

Dalston

**Location:**

South Muse, Buckabank, Dalston, Carlisle, CA5  
7AA

**Grid Reference:**

337481 549388

## **SCHEDULE E: Decisions Issued Under Delegated Powers**

**Proposal:** Single Storey Rear Extension To Provide Additional Bedroom And Kitchen/Dining Area

**Amendment:**

**Decision:** Refuse Permission

**Date:** 05/10/2009

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Between 19/09/2009 and 30/10/2009

**Appn Ref No:**  
09/0559

**Applicant:**  
Riverside Carlisle

**Parish:**  
Carlisle

**Date of Receipt:**  
16/07/2009

**Agent:**  
Hyde Harrington

**Ward:**  
Botcherby

**Location:**  
73, 75, 77, 79, 81, 83, 85, 87, 89, 91, 93, 95, 97 and  
99 Borland Avenue, Carlisle, CA1 2TF

**Grid Reference:**  
342127 555202

**Proposal:** Proposed Raised Platform Areas To Construct Patios To The Rear Of Properties; Erection Of Retaining Wall With Steel Railings And Timber Handrails Above; Provision Of New Dividing Metal/Timber Fencing And Gates Between Properties

**Amendment:**

**Decision:** Grant Permission

**Date:** 06/10/2009

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Between 19/09/2009 and 30/10/2009

**Appn Ref No:**  
09/0578

**Applicant:**  
Leehand Properties Ltd

**Parish:**  
Brampton

**Date of Receipt:**  
16/07/2009

**Agent:**  
Redisher Ltd

**Ward:**  
Brampton

**Location:**  
15 Capon Hill, Brampton, CA8 1QJ

**Grid Reference:**  
353044 560225

**Proposal:** Erection Of 1no. Dwelling (Revised Application)

**Amendment:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Decision:** Refuse Permission

**Date:** 06/10/2009

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Between 19/09/2009 and 30/10/2009

**Appn Ref No:**  
09/0588

**Applicant:**  
Mr I Glencross

**Parish:**  
Carlisle

**Date of Receipt:**  
30/09/2009

**Agent:**

**Ward:**  
Belle Vue

**Location:**  
30 Moor Park Avenue, Belle Vue, Carlisle, CA2 7LZ

**Grid Reference:**  
337331 556305

**Proposal:** Erection Of First Floor Rear Extension To Provide Extended Bedrooms  
(Revised Application)

**Amendment:**

**Decision:** Grant Permission

**Date:** 28/10/2009

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Between 19/09/2009 and 30/10/2009

**Appn Ref No:**  
09/0589

**Applicant:**  
Little Jems Nursery

**Parish:**  
Carlisle

**Date of Receipt:**  
28/07/2009

**Agent:**

**Ward:**  
Currock

**Location:**  
Little Jems Nusery, 4/5 Woodrouffe Terrace, St  
Nicholas, Carlisle, CA1 2EH

**Grid Reference:**  
340742 555165

**Proposal:** Removal Of Outhouse Wall To Create A Shelter To Be Used As A Play  
Area (LBC)

**Amendment:**

**Decision:** Grant Permission

**Date:** 21/09/2009

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Between 19/09/2009 and 30/10/2009

**Appn Ref No:**  
09/0595

**Applicant:**  
Mr Martin Doherty

**Parish:**  
Beaumont

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Date of Receipt:**  
22/07/2009

**Agent:**

**Ward:**  
Burgh

**Location:**  
Land at Field No 4490, Monkhill, Cumbria

**Grid Reference:**  
334442 558905

**Proposal:** Discharge Of Conditions 6, 7, 8, 10, 11, 12, 16 & 17 Of Previously  
Approved Appn 09/0017

**Amendment:**

**Decision:** Grant Permission

**Date:** 25/09/2009

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Between 19/09/2009 and 30/10/2009

**Appn Ref No:**  
09/0602

**Applicant:**  
Mrs Claire Godfrey

**Parish:**  
Dalston

**Date of Receipt:**  
10/08/2009

**Agent:**

**Ward:**  
Dalston

**Location:**  
Hudbeck, Raughton Head, Carlisle, CA5 7DJ

**Grid Reference:**  
337217 543544

**Proposal:** Removal Of Brick Wall Between Existing Rear Hallway And Larder To  
Create New Entrance And Dining Hall Together With New Doorway To  
Access Garage (LBC)

**Amendment:**

**Decision:** Grant Permission

**Date:** 02/10/2009

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Between 19/09/2009 and 30/10/2009

**Appn Ref No:**  
09/0603

**Applicant:**  
St Peters Pre-School

**Parish:**  
Carlisle

**Date of Receipt:**  
27/07/2009

**Agent:**  
Westwood Landscape

**Ward:**  
Belah

**Location:**  
St Peters Pre-School, St Peters Church, Kingstown  
Road, Carlisle CA3 OBB

**Grid Reference:**  
339490 558907

**Proposal:** Formation Of Garden Area Enclosed With Steel Mesh Fencing

## SCHEDULE E: Decisions Issued Under Delegated Powers

### Amendment:

**Decision:** Grant Permission

**Date:** 21/09/2009

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Between 19/09/2009 and 30/10/2009

**Appn Ref No:**  
09/0608

**Applicant:**  
Ms Katerina El Haj

**Parish:**  
Burtholme

**Date of Receipt:**  
29/07/2009

**Agent:**  
Edwin Thompson

**Ward:**  
Multiple Wards

**Location:**  
Banks Foot Farm, Banks, Brampton, Cumbria, CA8  
2JH

**Grid Reference:**  
356528 564384

**Proposal:** Installation Of 2no. Conservation Skylights (LBC)

### Amendment:

**Decision:** Grant Permission

**Date:** 21/09/2009

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Between 19/09/2009 and 30/10/2009

**Appn Ref No:**  
09/0612

**Applicant:**  
Carlisle City Council

**Parish:**  
Rockcliffe

**Date of Receipt:**  
07/08/2009

**Agent:**  
Johnston & Wright

**Ward:**  
Longtown & Rockcliffe

**Location:**  
Ghyll Bank Caravan Park, Harker

**Grid Reference:**  
338453 560929

**Proposal:** Discharge Of Conditions 6 And 7 Of Previously Approved Application  
08/0976

### Amendment:

**Decision:** Partial Discharge of Conditions  
30/09/2009

**Date:**

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Between 19/09/2009 and 30/10/2009

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Appn Ref No:**  
09/0614

**Applicant:**  
Mr J McGettigan

**Parish:**  
Carlisle

**Date of Receipt:**  
28/07/2009

**Agent:**  
Ward Design

**Ward:**  
Stanwix Urban

**Location:**  
Land between 100 & 94 Eden Street, Carlisle

**Grid Reference:**  
339677 557634

**Proposal:** Erection Of Detached Dwelling

**Amendment:**

**Decision:** Grant Permission

**Date:** 06/10/2009

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Between 19/09/2009 and 30/10/2009

**Appn Ref No:**  
09/0619

**Applicant:**  
Mr Martin Long

**Parish:**  
Wetheral

**Date of Receipt:**  
17/08/2009

**Agent:**  
Jak Jones Architect

**Ward:**  
Wetheral

**Location:**  
Land Adjacent To The Rookery & Village Green,  
Scotby, Carlisle

**Grid Reference:**  
344200 554980

**Proposal:** Erection Of 1no Bungalow With Attached Garage (Plot 2) (Revised Application)

**Amendment:**

**Decision:** Grant Permission

**Date:** 21/09/2009

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Between 19/09/2009 and 30/10/2009

**Appn Ref No:**  
09/0626

**Applicant:**  
Mr & Mrs Taylor

**Parish:**  
Arthuret

**Date of Receipt:**  
29/07/2009 16:00:24

**Agent:**  
Mr B Armstrong-Payne

**Ward:**  
Longtown & Rockcliffe

**Location:**  
Low Moor Head, Longtown, Carlisle, CA6 5RG

**Grid Reference:**  
340172 569648

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Proposal:** Change Of Use Of Land To Provide Extension To Existing Caravan Site  
For An Additional 30 Static Caravan Pitches

**Amendment:**

**Decision:** Grant Permission

**Date:** 06/10/2009

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Between 19/09/2009 and 30/10/2009

**Appn Ref No:**  
09/0629

**Applicant:**  
Mr & Mrs Wight

**Parish:**  
Carlisle

**Date of Receipt:**  
31/07/2009

**Agent:**  
S Buttler Chartered  
Architects

**Ward:**  
Harraby

**Location:**  
28 Crossways, Harraby, Carlisle, CA1 3JW

**Grid Reference:**  
342466 554234

**Proposal:** Two Storey Side And Rear Extension To Provide Utility Space To  
Kitchen On Ground Floor With 1 No. Bedroom Above

**Amendment:**

**Decision:** Grant Permission

**Date:** 27/10/2009

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Between 19/09/2009 and 30/10/2009

**Appn Ref No:**  
09/0631

**Applicant:**  
Mr & Mrs Stevens

**Parish:**  
Burgh-by-Sands

**Date of Receipt:**  
04/08/2009

**Agent:**  
S Buttler Chartered  
Architects

**Ward:**  
Burgh

**Location:**  
Low Moorhouse Fauld, Moorhouse, Carlisle,  
Cumbria, CA5 6HA

**Grid Reference:**  
333050 556835

**Proposal:** Infill Between Garage And Former Courtyard Buildings To Provide  
Artist's Studio For Domestic Use

**Amendment:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Decision:** Grant Permission

**Date:** 24/09/2009

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Between 19/09/2009 and 30/10/2009

**Appn Ref No:**  
09/0633

**Applicant:**  
Mr S Coulthard

**Parish:**  
Wetheral

**Date of Receipt:**  
03/08/2009

**Agent:**

**Ward:**  
Wetheral

**Location:**  
Croftfield Residential Care Home, Cotehill, Carlisle,  
CA4 9TB

**Grid Reference:**  
347011 549720

**Proposal:** Extension To Residential Care Home

**Amendment:**

**Decision:** Grant Permission

**Date:** 28/09/2009

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Between 19/09/2009 and 30/10/2009

**Appn Ref No:**  
09/0638

**Applicant:**  
Mr Peter McQuiggan

**Parish:**  
Carlisle

**Date of Receipt:**  
24/08/2009

**Agent:**  
Carlisle City Council

**Ward:**  
Denton Holme

**Location:**  
33 Richardson Street, Denton Holme, Carlisle, CA2  
6AA

**Grid Reference:**  
339489 554809

**Proposal:** Demolition Of Existing WC/Store And Erection Of Single Storey Shower  
Room For Disabled Person

**Amendment:**

**Decision:** Grant Permission

**Date:** 01/10/2009

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Between 19/09/2009 and 30/10/2009

**Appn Ref No:**  
09/0642

**Applicant:**  
Mr Dixon

**Parish:**  
Cumwhitton



## SCHEDULE E: Decisions Issued Under Delegated Powers

**Date of Receipt:**  
04/08/2009 08:01:38

**Agent:**  
Mr Thornton

**Ward:**  
Great Corby & Geltsdale

**Location:**  
Hornsby Gate Farm, Heads Nook, Brampton, CA8  
9HG

**Grid Reference:**  
352172 550248

**Proposal:** Conversion Of Existing Store Into Additional Living Accommodation  
Together With Internal Alterations

**Amendment:**

**Decision:** Grant Permission

**Date:** 29/09/2009

---

Between 19/09/2009 and 30/10/2009

**Appn Ref No:**  
09/0644

**Applicant:**  
La Moda

**Parish:**  
Carlisle

**Date of Receipt:**  
09/09/2009

**Agent:**

**Ward:**  
Castle

**Location:**  
26 Castle Street, Carlisle, CA3 8TP

**Grid Reference:**  
339819 556048

**Proposal:** Display Of 1no. Non-Illuminated Wall Mounted Plaque And 1no.  
Non-Illuminated Hanging Sign (Retrospective)

**Amendment:**

**Decision:** Grant Permission

**Date:** 13/10/2009

---

Between 19/09/2009 and 30/10/2009

**Appn Ref No:**  
09/0645

**Applicant:**  
Mr Paul Atkinson

**Parish:**  
Carlisle

**Date of Receipt:**  
14/08/2009

**Agent:**

**Ward:**  
Castle

**Location:**  
11 Cecil Street, Carlisle, Cumbria, CA1 1NL

**Grid Reference:**  
340431 555710

**Proposal:** Installation Of A New Bay Window

## SCHEDULE E: Decisions Issued Under Delegated Powers

### Amendment:

**Decision:** Grant Permission

**Date:** 24/09/2009

---

Between 19/09/2009 and 30/10/2009

**Appn Ref No:**  
09/0646

**Applicant:**  
La Moda

**Parish:**  
Carlisle

**Date of Receipt:**  
09/09/2009

**Agent:**

**Ward:**  
Castle

**Location:**  
26 Castle Street, Carlisle, CA3 8TP

**Grid Reference:**  
339819 556048

**Proposal:** Display Of 1no. Non-Illuminated Fascia Sign And 1no. Non-Illuminated Hanging Sign (Retrospective) (LBC)

### Amendment:

**Decision:** Grant Permission

**Date:** 13/10/2009

---

Between 19/09/2009 and 30/10/2009

**Appn Ref No:**  
09/0647

**Applicant:**  
Mr Douglas

**Parish:**  
Beaumont

**Date of Receipt:**  
10/08/2009

**Agent:**  
Tsada Building Design  
Services

**Ward:**  
Burgh

**Location:**  
Land adj Hosket Villa (Os9300), Hosket Hill,  
Moorhouse, Carlisle

**Grid Reference:**  
334954 557098

**Proposal:** Erection Of 4no. Stables And Tack Room (Retrospective)

### Amendment:

**Decision:** Grant Permission

**Date:** 05/10/2009

---

Between 19/09/2009 and 30/10/2009

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Appn Ref No:**  
09/0653

**Applicant:**  
Mr & Mrs Powley

**Parish:**  
Hethersgill

**Date of Receipt:**  
10/08/2009

**Agent:**  
Tsada Building Design  
Services

**Ward:**  
Lyne

**Location:**  
Cleughside Farm, Kirkclinton, Carlisle, CA6 6BE

**Grid Reference:**  
344328 568151

**Proposal:** Single Storey Sun Room Extension To South Elevation And Two Storey Bedroom, Study And Ensuite Extension To South And East End

**Amendment:**

**Decision:** Grant Permission

**Date:** 24/09/2009

---

Between 19/09/2009 and 30/10/2009

**Appn Ref No:**  
09/0657

**Applicant:**  
Mr & Mrs Roberts

**Parish:**  
Hayton

**Date of Receipt:**  
06/08/2009

**Agent:**  
Jock Gordon

**Ward:**  
Hayton

**Location:**  
19 Eden Grange, Little Corby, Carlisle CA4 8QW

**Grid Reference:**  
347602 557094

**Proposal:** First Floor Side Extension Over Existing Utility Room To Provide 1No. Bedroom

**Amendment:**

**Decision:** Grant Permission

**Date:** 25/09/2009

---

Between 19/09/2009 and 30/10/2009

**Appn Ref No:**  
09/0658

**Applicant:**  
Mr Elliott

**Parish:**

**Date of Receipt:**  
06/08/2009 13:00:33

**Agent:**  
Tsada Building Design  
Services

**Ward:**  
Longtown & Rockcliffe

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Location:**

39 Stackbraes Road, Longtown, Carlisle, CA6 5UR

**Grid Reference:**

338538 569111

**Proposal:** Erection Of 2 Bedroom Bungalow (Revised Application)

**Amendment:**

**Decision:** Refuse Permission

**Date:** 30/09/2009

---

Between 19/09/2009 and 30/10/2009

**Appn Ref No:**

09/0659

**Applicant:**

M/S AE Hutchinson

**Parish:**

Hayton

**Date of Receipt:**

06/08/2009 13:01:09

**Agent:**

Hopes Auction Company  
Limited

**Ward:**

Hayton

**Location:**

The Hill, Castle Carrock, Brampton, CA8 9NQ

**Grid Reference:**

353501 556519

**Proposal:** Proposed Livestock And General Purpose Agricultural Building

**Amendment:**

**Decision:** Grant Permission

**Date:** 01/10/2009

---

Between 19/09/2009 and 30/10/2009

**Appn Ref No:**

09/0660

**Applicant:**

Mr Raymond Beck

**Parish:**

Carlisle

**Date of Receipt:**

10/08/2009

**Agent:**

**Ward:**

Belah

**Location:**

Edenfield, 2 Etterby Close, Carlisle, CA3 9PR

**Grid Reference:**

339067 557375

**Proposal:** Formation Of New Opening in External Wall To Create New Doorway  
(Retrospective) (LBC)

**Amendment:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Decision:** Grant Permission

**Date:** 02/10/2009

---

Between 19/09/2009 and 30/10/2009

**Appn Ref No:**

09/0663

**Applicant:**

Harrison Homes (Cumbria) Carlisle Ltd

**Parish:**

Carlisle

**Date of Receipt:**

11/08/2009

**Agent:**

Unwin Jones Partnership

**Ward:**

Harraby

**Location:**

Former Highgrove Dairy, Harraby Green, Carlisle

**Grid Reference:**

341330 554457

**Proposal:** Revised Layout Incorporating Change of House Types to Plot Nos. 23, 24, 25, 29, 30, 31, 32, 33 and 34; and Omission of Plot No. 35

**Amendment:**

- . Revised drawing numbers 2261/P/51/1B and 2261/P/29D received 03.09.09
- . Revised plans, drawing numbers 2261/P/26D, 29E and 68A received on 16.09.09.

**Decision:** Grant Permission

**Date:** 06/10/2009

---

Between 19/09/2009 and 30/10/2009

**Appn Ref No:**

09/0666

**Applicant:**

Castletown Trust LLP

**Parish:**

Rockcliffe

**Date of Receipt:**

10/08/2009

**Agent:**

Taylor & Hardy

**Ward:**

Longtown & Rockcliffe

**Location:**

Halltown Farm, Rockcliffe, Carlisle, CA6 4BS

**Grid Reference:**

334654 563427

**Proposal:** Change of Use of Vacant Agricultural Buildings for Equestrian Use

**Amendment:**

**Decision:** Grant Permission

**Date:** 05/10/2009

---

Between 19/09/2009 and 30/10/2009

**Appn Ref No:**

**Applicant:**

**Parish:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

09/0668                      Mr Peter Cottam                      Burgh-by-Sands

**Date of Receipt:**                      **Agent:**                      **Ward:**  
10/08/2009                      Burgh

**Location:**                      **Grid Reference:**  
Langstile, Burgh by Sands, Carlisle, CA5 6BD                      332759 559447

**Proposal:** Erection Of Single Storey Two Bedroom Dwelling (Outline)

**Amendment:**

**Decision:** Withdrawn by Applicant/or by default

**Date:** 06/10/2009

---

Between 19/09/2009 and 30/10/2009

**Appn Ref No:**                      **Applicant:**                      **Parish:**  
09/0671                      Mr Stephen Carruthers                      Dalston

**Date of Receipt:**                      **Agent:**                      **Ward:**  
10/08/2009                      Mr James Stephens                      Dalston

**Location:**                      **Grid Reference:**  
South Muse, Buckabank, Dalston, Carlisle, CA5 7AA                      337481 549388

**Proposal:** Single Storey Rear Extension To Provide Additional Bedroom And Kitchen/Dining Area (LBC)

**Amendment:**

**Decision:** Refuse Permission

**Date:** 05/10/2009

---

Between 19/09/2009 and 30/10/2009

**Appn Ref No:**                      **Applicant:**                      **Parish:**  
09/0672                      Mrs Bryony Kirk                      Beaumont

**Date of Receipt:**                      **Agent:**                      **Ward:**  
11/08/2009                                           Burgh

**Location:**                      **Grid Reference:**  
Hollow Creek Farm, Kirkandrews on Eden, Carlisle, CA5 6DJ                      335528 558311

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Proposal:** Re-Instate Fireplace And Chimney In Snug, Re-Instate Window In Cottage Kitchen And Replace Existing Window With An Exterior Door (LBC)

**Amendment:**

**Decision:** Grant Permission

**Date:** 02/10/2009

---

Between 19/09/2009 and 30/10/2009

**Appn Ref No:**  
09/0673

**Applicant:**  
Mr Alan Jackson

**Parish:**  
Dalston

**Date of Receipt:**  
12/08/2009

**Agent:**

**Ward:**  
Dalston

**Location:**  
Haythwaite House, Raughton Head, Carlisle CA5  
7DE

**Grid Reference:**  
337555 545383

**Proposal:** Discharge Of Condition 2 Of Planning Application 08/0922

**Amendment:**

**Decision:** Grant Permission

**Date:** 07/10/2009

---

Between 19/09/2009 and 30/10/2009

**Appn Ref No:**  
09/0675

**Applicant:**  
Mr Wilcock

**Parish:**  
Dalston

**Date of Receipt:**  
12/08/2009 13:00:30

**Agent:**  
John Lyon Associates Ltd

**Ward:**  
Dalston

**Location:**  
Primrose Cottage, Holm Hill, Dalston, Carlisle, CA5  
7BX

**Grid Reference:**  
337534 547485

**Proposal:** Relocation Of Garden Wall (LBC)

**Amendment:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Decision:** Grant Permission

**Date:** 05/10/2009

---

Between 19/09/2009 and 30/10/2009

**Appn Ref No:**  
09/0676

**Applicant:**  
Mr Paterson

**Parish:**  
Brampton

**Date of Receipt:**  
13/08/2009 13:00:32

**Agent:**  
Mr Rodney Jeremiah

**Ward:**  
Brampton

**Location:**  
Claybanks House, Longtown Road, BRAMPTON,  
CA8 2AB

**Grid Reference:**  
352705 562092

**Proposal:** Construction Of Swimming Pool And Games Room (Revised Application)

**Amendment:**

**Decision:** Grant Permission

**Date:** 23/09/2009

---

Between 19/09/2009 and 30/10/2009

**Appn Ref No:**  
09/0677

**Applicant:**  
Mr Nixon

**Parish:**  
Wetheral

**Date of Receipt:**  
17/08/2009

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

**Ward:**  
Wetheral

**Location:**  
Long Strumble, Armathwaite, Carlisle, CA4 9SY

**Grid Reference:**  
348568 550701

**Proposal:** Erection Of Agricultural Workers Dwelling To Include Temporary Siting Of A Mobile Home For An Initial Period Of 18 Months During Construction.

**Amendment:**

**Decision:** Grant Permission

**Date:** 09/10/2009

---

Between 19/09/2009 and 30/10/2009

**Appn Ref No:**

**Applicant:**

**Parish:**



## SCHEDULE E: Decisions Issued Under Delegated Powers

09/0678                      Mr Peter LLoyd                      Farlam

**Date of Receipt:**                      **Agent:**                      **Ward:**  
13/08/2009                      Irthing

**Location:**                      **Grid Reference:**  
The Old School House, Hallbankgate, Brampton,  
Cumbria                      357916 559582

**Proposal:** Erection of 2 Storey Partially Glazed Extension To Rear Elevation, 2no.  
En-Suite Bathrooms and Extended Utility Room on Ground Floor,  
Glazed Entrance Lobby to front Elevation on Ground Floor, Velux Roof  
Windows To Both Front And Rear Of Main Roof

**Amendment:**

**Decision:** Grant Permission

**Date:** 01/10/2009

---

Between 19/09/2009 and 30/10/2009

**Appn Ref No:**                      **Applicant:**                      **Parish:**  
09/0680                      Mr Colin Hebson                      Wetheral

**Date of Receipt:**                      **Agent:**                      **Ward:**  
21/08/2009                      H & H Bowe Ltd                      Wetheral

**Location:**                      **Grid Reference:**  
Land at Field 2261, Brackenbank, Wetheral  
Pasture, Carlisle                      348340 551612

**Proposal:** Erection of Agricultural Workers Dwelling (Outline Application)

**Amendment:**

**Decision:** Grant Permission

**Date:** 14/10/2009

---

Between 19/09/2009 and 30/10/2009

**Appn Ref No:**                      **Applicant:**                      **Parish:**  
09/0681                      Mr Colin Hebson                      Wetheral

**Date of Receipt:**                      **Agent:**                      **Ward:**  
21/08/2009                      H & H Bowe Ltd                      Wetheral

**Location:**                      **Grid Reference:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

Land at Field 2261, Brackenbank, Wetheral  
Pasture, Carlisle

348340 551612

**Proposal:** Erection of Agricultural Building

**Amendment:**

**Decision:** Grant Permission

**Date:** 14/10/2009

---

Between 19/09/2009 and 30/10/2009

**Appn Ref No:**  
09/0682

**Applicant:**  
First Friends Nursery

**Parish:**  
Carlisle

**Date of Receipt:**  
09/09/2009

**Agent:**  
Mr Eddie Ward

**Ward:**  
Belle Vue

**Location:**  
Belle Vue Infant School, Beaver Road, Carlisle,  
CA2 7PT

**Grid Reference:**  
337469 555912

**Proposal:** Erection Of Portable Modular Building For Pre-School Accommodation

**Amendment:**

**Decision:** Grant Permission

**Date:** 26/10/2009

---

Between 19/09/2009 and 30/10/2009

**Appn Ref No:**  
09/0683

**Applicant:**  
Persimmon Homes  
Lancashire

**Parish:**  
Carlisle

**Date of Receipt:**  
14/08/2009 16:00:34

**Agent:**

**Ward:**  
St Aidans

**Location:**  
Watts Storage Depot, London Road, Carlisle

**Grid Reference:**  
341230 555082

**Proposal:** Discharge Of Condition 28 (Materials) Of Previously Approved  
Application 07/0845

**Amendment:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Decision:** Grant Permission

**Date:** 06/10/2009

---

Between 19/09/2009 and 30/10/2009

**Appn Ref No:**  
09/0687

**Applicant:**  
Mr Robert Cochrane

**Parish:**  
Wetheral

**Date of Receipt:**  
17/08/2009

**Agent:**  
Jock Gordon

**Ward:**  
Wetheral

**Location:**  
Land to the rear of Croft House, Cumwhinton, CA4  
8ER

**Grid Reference:**  
345152 552799

**Proposal:** Renewal Of Unexpired Permission 06/0320 For The Erection Of Two  
Detached Dwellings And Garages

**Amendment:**

**Decision:** Grant Permission

**Date:** 12/10/2009

---

Between 19/09/2009 and 30/10/2009

**Appn Ref No:**  
09/0688

**Applicant:**  
Carlisle City Council

**Parish:**  
Carlisle

**Date of Receipt:**  
17/08/2009

**Agent:**  
Johnston & Wright

**Ward:**  
Castle

**Location:**  
John Street Hostel, John Street, Caldewgate,  
Carlisle, Cumbria, CA2 5LG

**Grid Reference:**  
339467 555924

**Proposal:** Proposed Internal Alterations And Rear Two Storey Extension To  
Existing Mens Hostel To Provide En-Suite Facilities To 21 Bedrooms  
Together With Improved Entrance Facilities Including Disabled Access  
Ramp

**Amendment:**

**Decision:** Grant Permission

**Date:** 07/10/2009

---

Between 19/09/2009 and 30/10/2009

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Appn Ref No:**  
09/0689

**Applicant:**  
Mrs Sally Ann Cubby

**Parish:**  
Carlisle

**Date of Receipt:**  
17/08/2009

**Agent:**  
Cubby Construction  
Limited

**Ward:**  
Castle

**Location:**  
4 Tower Court, West Tower Street, Carlisle CA3  
8QT

**Grid Reference:**  
339986 556192

**Proposal:** Change Of Use From Childrens Soft Play Area To Retail Shop

**Amendment:**

1. Revised Floor Plans Alerting The Access Arrangements To The Disabled Changing Facility

**Decision:** Grant Permission

**Date:** 30/09/2009

---

Between 19/09/2009 and 30/10/2009

**Appn Ref No:**  
09/0690

**Applicant:**  
Cumbria Cerebral Palsy  
Society

**Parish:**  
St Cuthberts Without

**Date of Receipt:**  
17/08/2009

**Agent:**  
Architects Plus (UK) Ltd

**Ward:**  
Dalston

**Location:**  
Scalesceugh Hall, Carleton, Carlisle, CA4 0BT

**Grid Reference:**  
344775 549681

**Proposal:** Change Of Use To 10 Residential Units Including Part Demolition (LBC)

**Amendment:**

**Decision:** Grant Permission

**Date:** 12/10/2009

---

Between 19/09/2009 and 30/10/2009

**Appn Ref No:**  
09/0691

**Applicant:**  
Town & Country Estate  
Agents

**Parish:**  
Carlisle

**Date of Receipt:**

**Agent:**

**Ward:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

18/08/2009 08:00:43

Gray Associates Limited

Castle

**Location:**

18 Spencer Street, Carlisle, CA1 1BG

**Grid Reference:**

340387 555944

**Proposal:** Installation Of Roof Light To Rear Annex (LBC)

**Amendment:**

**Decision:** Grant Permission

**Date:** 06/10/2009

---

Between 19/09/2009 and 30/10/2009

**Appn Ref No:**

09/0692

**Applicant:**

Mrs Sally Ann Cubby

**Parish:**

Carlisle

**Date of Receipt:**

18/08/2009

**Agent:**

Cubby Construction Ltd

**Ward:**

Castle

**Location:**

4 Tower Court, West Tower Street, Carlisle CA3 8QT

**Grid Reference:**

339986 556192

**Proposal:** Display Of 3no. Internally Illuminated Fascia Signs

**Amendment:**

**Decision:** Grant Permission

**Date:** 21/09/2009

---

Between 19/09/2009 and 30/10/2009

**Appn Ref No:**

09/0694

**Applicant:**

Mr Armitage

**Parish:**

Rockcliffe

**Date of Receipt:**

20/08/2009

**Agent:**

Planning Branch Ltd

**Ward:**

Longtown & Rockcliffe

**Location:**

Border Garden Centre, Harker, CA6 4DS

**Grid Reference:**

339524 560920

**Proposal:** Discharge Of Condition 2 (Crime Prevention Measures); Condition 4 (Cafe Extraction Fan); Condition 5 (Public Address System); Condition 6 (Public Toilet Provision); Condition 7 (Parking And Turning Provisions) And Condition 8 (Outside Storage) Of Previously Approved Application 09/0252

## SCHEDULE E: Decisions Issued Under Delegated Powers

### Amendment:

**Decision:** Grant Permission

**Date:** 05/10/2009

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Between 19/09/2009 and 30/10/2009

**Appn Ref No:**  
09/0696

**Applicant:**  
Mr Clarkson

**Parish:**  
Kirklington Middle

**Date of Receipt:**  
19/08/2009 13:00:28

**Agent:**  
Mr Jeremiah

**Ward:**  
Lyne

**Location:**  
Land adjacent to 8 Beechtree Court, Smithfield,  
Carlisle, CA6 6AU

**Grid Reference:**  
344067 565336

**Proposal:** Erection Of 1no. Dormer Bungalow

### Amendment:

**Decision:** Grant Permission

**Date:** 13/10/2009

---

Between 19/09/2009 and 30/10/2009

**Appn Ref No:**  
09/0698

**Applicant:**  
Mr Leslie Gibson

**Parish:**  
Carlisle

**Date of Receipt:**  
20/08/2009

**Agent:**

**Ward:**  
Currock

**Location:**  
The Wendy House Nursery, Blackwell Road,  
Carlisle, CA2 4AB

**Grid Reference:**  
340606 554771

**Proposal:** Erection Of 2.4m High Security Fence Around New Woodland Play Area  
And Existing Play Area To Secure New And Existing Play Equipment

### Amendment:

**Decision:** Grant Permission

**Date:** 07/10/2009

---

Between 19/09/2009 and 30/10/2009

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Appn Ref No:**  
09/0700

**Applicant:**  
Ms Campbell

**Parish:**  
Carlisle

**Date of Receipt:**  
02/09/2009

**Agent:**  
Edenholme Building  
Services

**Ward:**  
Botcherby

**Location:**  
122 Springfield Road, Carlisle, CA1 3QU

**Grid Reference:**  
342528 554446

**Proposal:** Part Demolition Of Out Buildings And Erection Of Kitchen To Ground Floor With 1no. Bedroom Above To Side Elevation

**Amendment:**

**Decision:** Grant Permission

**Date:** 06/10/2009

---

Between 19/09/2009 and 30/10/2009

**Appn Ref No:**  
09/0707

**Applicant:**  
Mr Keith Monkhouse

**Parish:**  
Nicholforest

**Date of Receipt:**  
01/09/2009

**Agent:**

**Ward:**  
Lyne

**Location:**  
North Kershope, Kershopefoot, Newcastleton,  
Roxburghshire, TD9 0TJ

**Grid Reference:**  
347638 582890

**Proposal:** Single Storey Rear Extension To Provide Sunporch

**Amendment:**

**Decision:** Grant Permission

**Date:** 20/10/2009

---

Between 19/09/2009 and 30/10/2009

**Appn Ref No:**  
09/0709

**Applicant:**  
Carphone Warehouse

**Parish:**  
Carlisle

**Date of Receipt:**  
25/08/2009

**Agent:**  
Insignia Signs & Services  
Ltd

**Ward:**  
Belah

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Location:**

Carphone Warehouse, 103 Kingstown Road,  
Carlisle CA3 0AL

**Grid Reference:**

339688 558277

**Proposal:** Erection Of 1no. Double Sided Free Standing Internally Illuminated  
Totem Sign

**Amendment:**

**Decision:** Grant Permission

**Date:** 20/10/2009

---

Between 19/09/2009 and 30/10/2009

**Appn Ref No:**

09/0712

**Applicant:**

Mr Thornton

**Parish:**

Brampton

**Date of Receipt:**

28/08/2009

**Agent:****Ward:**

Brampton

**Location:**

Stephenson Cottage, Falkins Hill, Brampton, CA8  
1BU

**Grid Reference:**

353035 561232

**Proposal:** External Rendering Of Property

**Amendment:**

**Decision:** Grant Permission

**Date:** 23/10/2009

---

Between 19/09/2009 and 30/10/2009

**Appn Ref No:**

09/0717

**Applicant:**

Mr Ian Rumney

**Parish:**

Carlisle

**Date of Receipt:**

26/08/2009

**Agent:**

Mr Chris Davidson

**Ward:**

Upperby

**Location:**

112 Buchanan Road, Currock, Carlisle, CA2 4PS

**Grid Reference:**

340709 553664

**Proposal:** Two Storey Side Extension To Provide Living Room On The Ground  
Floor With 1no. Bedroom And Extended Bathroom Above

**Amendment:**



## SCHEDULE E: Decisions Issued Under Delegated Powers

**Decision:** Grant Permission

**Date:** 02/10/2009

---

Between 19/09/2009 and 30/10/2009

**Appn Ref No:**  
09/0718

**Applicant:**  
Mr Briggs

**Parish:**  
Castle Carrock

**Date of Receipt:**  
27/08/2009

**Agent:**  
Green Design Group

**Ward:**  
Great Corby & Geltsdale

**Location:**  
Land behind Townfoot Farm, Castle Carrock,  
Cumbria, CA8 9LT

**Grid Reference:**  
354186 555611

**Proposal:** Erection Of 2no. New Dwellings

**Amendment:**

1. Revised drawing no. 09/1905/02A received 16th October 2009 showing reconfigured layout.

**Decision:** Grant Permission

**Date:** 19/10/2009

---

Between 19/09/2009 and 30/10/2009

**Appn Ref No:**  
09/0721

**Applicant:**  
Mr Whightman

**Parish:**  
Castle Carrock

**Date of Receipt:**  
27/08/2009 08:00:53

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

**Ward:**  
Great Corby & Geltsdale

**Location:**  
Tottergill Farm, Heads Nook, Brampton, CA8 9DP

**Grid Reference:**  
354885 554446

**Proposal:** Discharge Of Conditions 3 (Details Of New Doors And Windows); And 4 (Surface Water Drainage) Of Previously Approved Application 09/0489

**Amendment:**

**Decision:** Grant Permission

**Date:** 25/09/2009

---

Between 19/09/2009 and 30/10/2009

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Appn Ref No:**  
09/0723

**Applicant:**  
City Vision Properties Ltd

**Parish:**  
Carlisle

**Date of Receipt:**  
27/08/2009

**Agent:**  
Architects Plus (UK) Ltd

**Ward:**  
Castle

**Location:**  
37 Lonsdale Street, Carlisle, CA1 1BJ

**Grid Reference:**  
340392 555908

**Proposal:** Sub-Division And Extension Of Townhouse And Outbuilding To Form  
5no. Flats (LBC)

**Amendment:**

**Decision:** Grant Permission

**Date:** 22/10/2009

---

Between 19/09/2009 and 30/10/2009

**Appn Ref No:**  
09/0738

**Applicant:**  
Mr Whightman

**Parish:**  
Castle Carrock

**Date of Receipt:**  
01/09/2009

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

**Ward:**  
Great Corby & Geltsdale

**Location:**  
Tottergill Farm, Heads Nook, Brampton, CA8 9DP

**Grid Reference:**  
354885 554446

**Proposal:** Discharge Of Condition 3 (Details Of New Doors And Windows) Of  
Previously Approved Application 09/0490

**Amendment:**

**Decision:** Grant Permission

**Date:** 25/09/2009

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Between 19/09/2009 and 30/10/2009

**Appn Ref No:**  
09/0740

**Applicant:**  
Mrs G Smith

**Parish:**  
Irthington

**Date of Receipt:**  
01/09/2009

**Agent:**  
Hogg & Robinson Design  
Services

**Ward:**  
Stanwix Rural

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Location:**

Holcombe House, Irthington, Carlisle, Cumbria, CA6 4NJ

**Grid Reference:**

349749 561503

**Proposal:** Erection Of Orangery To Side Elevation Together With Enlarged Patio Area

**Amendment:**

**Decision:** Grant Permission

**Date:** 07/10/2009

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Between 19/09/2009 and 30/10/2009

**Appn Ref No:**

09/0741

**Applicant:**

Mrs G Smith

**Parish:**

Irthington

**Date of Receipt:**

01/09/2009

**Agent:**

Hogg & Robinson Design Services

**Ward:**

Stanwix Rural

**Location:**

Holcombe House, Irthington, Carlisle, Cumbria, CA6 4NJ

**Grid Reference:**

349747 561503

**Proposal:** Erection Of Orangery To Side Elevation Together With Enlarged Patio Area (LBC)

**Amendment:**

**Decision:** Grant Permission

**Date:** 06/10/2009

---

Between 19/09/2009 and 30/10/2009

**Appn Ref No:**

09/0742

**Applicant:**

Cotswold

**Parish:**

Carlisle

**Date of Receipt:**

08/09/2009

**Agent:**

Darnton Elgee

**Ward:**

Castle

**Location:**

74/76 English Street & 39 Blackfriars Street, Carlisle, CA3 8HP

**Grid Reference:**

340118 555771

**Proposal:** Display Of 1no. Internally Illuminated Fascia Sign And 3no. Internally Illuminated Projecting Signs

## SCHEDULE E: Decisions Issued Under Delegated Powers

### Amendment:

**Decision:** Grant Permission

**Date:** 28/10/2009

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Between 19/09/2009 and 30/10/2009

**Appn Ref No:**  
09/0744

**Applicant:**  
Mr Neil Lennox

**Parish:**  
Carlisle

**Date of Receipt:**  
02/09/2009

**Agent:**  
Mr James Stephens

**Ward:**  
Morton

**Location:**  
19 Irton Place, Morton, Carlisle, Cumbria, CA2 6LX

**Grid Reference:**  
338169 553958

**Proposal:** Replacement Of First Floor Window With Sliding Patio Doors And  
Balcony To Front Elevation Of First Floor Flat

### Amendment:

**Decision:** Refuse Permission

**Date:** 28/10/2009

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Between 19/09/2009 and 30/10/2009

**Appn Ref No:**  
09/0746

**Applicant:**  
Abbey National Plc

**Parish:**  
Carlisle

**Date of Receipt:**  
14/09/2009

**Agent:**  
Endpoint Ltd

**Ward:**  
Castle

**Location:**  
Abbey, 69-73 English Street, Carlisle, CA3 8LQ

**Grid Reference:**  
340183 555723

**Proposal:** Display Of 4no. Non-Illuminated Fascia Signs, 2no. Non-Illuminated  
Letterbox Signs And 1no. Internally Illuminated ATM Sign

### Amendment:

**Decision:** Grant Permission

**Date:** 27/10/2009

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Between 19/09/2009 and 30/10/2009

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Appn Ref No:**  
09/0748

**Applicant:**  
Mrs Constable

**Parish:**  
Hayton

**Date of Receipt:**  
04/09/2009 08:00:53

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

**Ward:**  
Hayton

**Location:**  
Rose Cottage, Faugh, Heads Nook, Brampton, CA8  
9EG

**Grid Reference:**  
350877 554794

**Proposal:** Installation Of 2no Conservation Roof Lights To Rear Elevation (LBC)

**Amendment:**

**Decision:** Grant Permission

**Date:** 23/10/2009

---

Between 19/09/2009 and 30/10/2009

**Appn Ref No:**  
09/0749

**Applicant:**  
Mr Mark Graham

**Parish:**  
Carlisle

**Date of Receipt:**  
04/09/2009

**Agent:**

**Ward:**  
Belle Vue

**Location:**  
86 Green Lane, Belle Vue, Carlisle, CA2 7PU

**Grid Reference:**  
337657 555740

**Proposal:** First Floor Extension Above Existing Garage To Provide New Bedroom  
And Shower Room

**Amendment:**

**Decision:** Grant Permission

**Date:** 19/10/2009

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Between 19/09/2009 and 30/10/2009

**Appn Ref No:**  
09/0750

**Applicant:**  
Mr M Kirsopp

**Parish:**  
Wetheral

**Date of Receipt:**  
04/09/2009

**Agent:**

**Ward:**  
Wetheral

**Location:**  
Ashview, Station Road, Cumwhinton, Carlisle, CA4

**Grid Reference:**  
345309 552929

## SCHEDULE E: Decisions Issued Under Delegated Powers

8DJ

**Proposal:** Proposed Single Storey Sunroom To Rear Elevation

**Amendment:**

**Decision:** Grant Permission

**Date:** 30/10/2009

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Between 19/09/2009 and 30/10/2009

**Appn Ref No:**  
09/0752

**Applicant:**  
Morris & Spottiswood

**Parish:**  
Wetheral

**Date of Receipt:**  
14/09/2009

**Agent:**  
Evolve Design

**Ward:**  
Great Corby & Geltsdale

**Location:**  
Co-operative Store, Warwick Bridge, Carlisle, CA4  
8RN

**Grid Reference:**  
347688 556863

**Proposal:** Installation Of 2no. Timber Louver Openings To Air Conditioning Plant  
On Rear Elevation

**Amendment:**

**Decision:** Grant Permission

**Date:** 26/10/2009

---

Between 19/09/2009 and 30/10/2009

**Appn Ref No:**  
09/0753

**Applicant:**  
Mrs Jennifer Davies

**Parish:**  
Dalston

**Date of Receipt:**  
07/09/2009

**Agent:**  
Carlisle City Council

**Ward:**  
Dalston

**Location:**  
28 Glebe Close, Dalston, Carlisle, CA5 7JE

**Grid Reference:**  
336440 549915

**Proposal:** Demolition Of Existing Conservatory And Erection Of Single Storey Rear  
Extension To Provide Bathroom For Disabled Person

**Amendment:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

Date: 29/10/2009

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Between 19/09/2009 and 30/10/2009

**Appn Ref No:**  
09/0757

**Applicant:**  
Mr Nick Minns

**Parish:**  
Dalston

**Date of Receipt:**  
14/09/2009

**Agent:**  
Hogg & Robinson Design  
Services

**Ward:**  
Dalston

**Location:**  
1 High Forge, Bridge End, Dalston, Carlisle, CA5  
7QL

**Grid Reference:**  
337123 549027

**Proposal:** Erection Of First Floor Extension Above Existing Ground Floor To  
Provide Bedroom And Bathroom To Rear Elevation

**Amendment:**

**Decision:** Grant Permission

**Date:** 21/10/2009

---

Between 19/09/2009 and 30/10/2009

**Appn Ref No:**  
09/0759

**Applicant:**  
Commonwealth Fish Bar

**Parish:**  
Carlisle

**Date of Receipt:**  
08/09/2009

**Agent:**

**Ward:**  
Currock

**Location:**  
Commonwealth Fish Bar, 104 Botchergate, Carlisle,  
CA1 1SN

**Grid Reference:**  
340505 555408

**Proposal:** Discharge Of Conditions 3, 4 And 5 Of Previously Approved Application  
07/0013

**Amendment:**

**Decision:** Partial Discharge of Conditions  
19/10/2009

**Date:**

---

Between 19/09/2009 and 30/10/2009

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Appn Ref No:**  
09/0762

**Applicant:**  
University of Cumbria

**Parish:**  
Carlisle

**Date of Receipt:**  
08/09/2009 08:00:33

**Agent:**  
Swarbrick Associates

**Ward:**  
St Aidans

**Location:**  
University of Cumbria, Fusehill Street, Carlisle, CA1 2HH

**Grid Reference:**  
341001 555478

**Proposal:** Provision Of Temporary Office Accommodation

**Amendment:**

**Decision:** Grant Permission

**Date:** 19/10/2009

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Between 19/09/2009 and 30/10/2009

**Appn Ref No:**  
09/0763

**Applicant:**  
Mr Nick Robson

**Parish:**  
Carlisle

**Date of Receipt:**  
08/09/2009

**Agent:**

**Ward:**  
Stanwix Urban

**Location:**  
Strawberry House, 15 Strawberry Terrace, Stanwix, Carlisle, Cumbria, CA3 9LT

**Grid Reference:**  
339434 557359

**Proposal:** Erection Of Detached Garage

**Amendment:**

**Decision:** Grant Permission

**Date:** 19/10/2009

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Between 19/09/2009 and 30/10/2009

**Appn Ref No:**  
09/0765

**Applicant:**  
Mr Tobias Berr

**Parish:**  
Carlisle

**Date of Receipt:**  
09/09/2009

**Agent:**

**Ward:**  
Castle

**Location:**  
36 Victoria Place, Carlisle, Cumbria, CA1 1EX

**Grid Reference:**  
340404 556047



## **SCHEDULE E: Decisions Issued Under Delegated Powers**

**Proposal:** Discharge Of Condition 2 (Materials) Of Previously Approved Application  
09/0583

**Amendment:**

**Decision:** Grant Permission

**Date:** 27/10/2009

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Between 19/09/2009 and 30/10/2009

**Appn Ref No:**  
09/0766

**Applicant:**  
Mr Tobias Berr

**Parish:**  
Carlisle

**Date of Receipt:**  
09/09/2009

**Agent:**

**Ward:**  
Castle

**Location:**  
36 Victoria Place, Carlisle, Cumbria, CA1 1EX

**Grid Reference:**  
340404 556047

**Proposal:** Discharge Of Condition 2 (Materials) Of Previously Approved Application  
09/0584

**Amendment:**

**Decision:** Grant Permission

**Date:** 27/10/2009

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Between 19/09/2009 and 30/10/2009

**Appn Ref No:**  
09/0767

**Applicant:**  
Mr Brian Sullivan

**Parish:**  
Carlisle

**Date of Receipt:**  
09/09/2009

**Agent:**  
Mr Peter Orr

**Ward:**  
Morton

**Location:**  
56 Newlaithes Avenue, Morton, Carlisle, CA2 6QB

**Grid Reference:**  
338539 554541

**Proposal:** Erection Of Porch/Conservatory To Replace Existing To Side Elevation

**Amendment:**

**Decision:** Grant Permission

**Date:** 20/10/2009

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Between 19/09/2009 and 30/10/2009

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Appn Ref No:**  
09/0768

**Applicant:**  
Mr & Ms C & K Nelson &  
Berry

**Parish:**  
Wetheral

**Date of Receipt:**  
18/09/2009

**Agent:**  
TSF Developments Ltd

**Ward:**  
Great Corby & Geltsdale

**Location:**  
Pheasant Cottage, Great Corby, Carlisle, CA4 8NJ

**Grid Reference:**  
347774 553728

**Proposal:** Alteration To Existing Garage And Outhouse To Provide Garden Room,  
Wet Room/Toilet And Utility/Boiler Room

**Amendment:**

**Decision:** Grant Permission

**Date:** 28/10/2009

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Between 19/09/2009 and 30/10/2009

**Appn Ref No:**  
09/0777

**Applicant:**  
Hogg & Robinson  
(Builders) Ltd

**Parish:**  
Wetheral

**Date of Receipt:**  
18/09/2009

**Agent:**  
Hogg & Robinson  
(Builders) Ltd

**Ward:**  
Wetheral

**Location:**  
Oak Bank Farm, Styend Cottage, Scotby, Carlisle  
CA8 8BD

**Grid Reference:**  
344088 555496

**Proposal:** Erection Of Scaffolding To Facilitate Display of Company Advertising  
Banners (Retrospective)

**Amendment:**

**Decision:** Refuse Permission

**Date:** 27/10/2009

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Between 19/09/2009 and 30/10/2009

**Appn Ref No:**  
09/0781

**Applicant:**  
Mr D Holliday

**Parish:**  
Carlisle

**Date of Receipt:**

**Agent:**

**Ward:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

18/09/2009

Belle Vue

**Location:**

23 Criffel Road, Carlisle, CA2 7QP

**Grid Reference:**

337066 555983

**Proposal:** Erection Of Single Storey Rear Extension To Provide Kitchen And Dining Area

**Amendment:**

**Decision:** Grant Permission

**Date:** 26/10/2009

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Between 19/09/2009 and 30/10/2009

**Appn Ref No:**  
09/0788

**Applicant:**  
Mr Cork

**Parish:**

**Date of Receipt:**  
22/09/2009

**Agent:**  
Gray Associates Limited

**Ward:**  
Burgh

**Location:**

Low Farm, Baldwinholme, Carlisle, CA5 6LJ

**Grid Reference:**

333841 552011

**Proposal:** Extension Of Existing Stable Block

**Amendment:**

**Decision:** Grant Permission

**Date:** 28/10/2009

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Between 19/09/2009 and 30/10/2009

**Appn Ref No:**  
09/0789

**Applicant:**  
Mr Richard Cullen

**Parish:**  
Stanwix Rural

**Date of Receipt:**  
16/09/2009

**Agent:**  
Architects Plus (UK) Ltd

**Ward:**  
Stanwix Rural

**Location:**

Crosshill, Blackford, Carlisle CA6 4DU

**Grid Reference:**

339987 561307

**Proposal:** Discharge Of Condition 3 (Materials); 4 (Hardsurface Finishes); 5 (Level 3 Historic Building Survey); 6 (Bats) And 7 (Solar Panels) Of Previously Approved Application 09/0456

**Amendment:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Decision:** Grant Permission

**Date:** 29/10/2009

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Between 19/09/2009 and 30/10/2009

**Appn Ref No:**  
09/0790

**Applicant:**  
Creative Image

**Parish:**  
Burgh-by-Sands

**Date of Receipt:**  
23/09/2009

**Agent:**

**Ward:**  
Burgh

**Location:**  
The Old Byre, Moorhouse, Carlisle, CA5 6HA

**Grid Reference:**  
333029 556824

**Proposal:** Change Of Use Of Residential Area Back To Office Space

**Amendment:**

**Decision:** Grant Permission

**Date:** 27/10/2009

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Between 19/09/2009 and 30/10/2009

**Appn Ref No:**  
09/0801

**Applicant:**  
Alan Irving Construction  
Ltd

**Parish:**  
Kingmoor

**Date of Receipt:**  
21/09/2009

**Agent:**  
HTGL Architects Ltd

**Ward:**  
Stanwix Rural

**Location:**  
Plot Nos 3A & 3B, Duchess Avenue, Kingmoor Park  
North, Carlisle, Cumbria, CA6 4SN

**Grid Reference:**  
338514 560096

**Proposal:** New Premises For Light Engineering Works

**Amendment:**

**Decision:** Grant Permission

**Date:** 26/10/2009

---

Between 19/09/2009 and 30/10/2009

**Appn Ref No:**  
09/0809

**Applicant:**  
Mrs Hetherington

**Parish:**  
Dalston

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Date of Receipt:**  
22/09/2009

**Agent:**  
Carrock Architects

**Ward:**  
Dalston

**Location:**  
Sally Gray, Cumdivock, Dalston, Carlisle, CA5 7JW

**Grid Reference:**  
334903 548727

**Proposal:** Single Storey Lean To Rear Extension To Provide Extended Sitting Room Together With First Floor Extension To Provide En-Suite, Dressing Room And Terrace For Existing Master Bedroom

**Amendment:**

**Decision:** Grant Permission

**Date:** 28/10/2009

---

Between 19/09/2009 and 30/10/2009

**Appn Ref No:**  
09/0818

**Applicant:**  
Mr Smith

**Parish:**  
Carlisle

**Date of Receipt:**  
23/09/2009 13:00:48

**Agent:**  
John Lyon Associates Ltd

**Ward:**  
Morton

**Location:**  
11 Langdale Avenue, Carlisle, CA2 5QG

**Grid Reference:**  
339121 555197

**Proposal:** Erection Of Two Storey Side Extension To Provide Playroom, Utility Room, Shower & Wc On Ground Floor With 2no. Bedrooms Above

**Amendment:**

**Decision:** Grant Permission

**Date:** 22/10/2009

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Between 19/09/2009 and 30/10/2009

**Appn Ref No:**  
09/0820

**Applicant:**  
Miss Lena McAllister

**Parish:**  
Rockcliffe

**Date of Receipt:**  
23/09/2009

**Agent:**  
Carlisle City Council

**Ward:**  
Longtown & Rockcliffe

**Location:**  
Windy Nook, Todhills, Blackford, Carlisle, CA6 4HB

**Grid Reference:**  
336842 563074

**Proposal:** Demolition Of Existing Garage And Erection Of Single Storey En-Suite

## SCHEDULE E: Decisions Issued Under Delegated Powers

Bedroom For Disabled Person

**Amendment:**

**Decision:** Grant Permission

**Date:** 27/10/2009

---

Between 19/09/2009 and 30/10/2009

**Appn Ref No:**  
09/0850

**Applicant:**  
Mr R Butcher

**Parish:**  
Westlinton

**Date of Receipt:**  
02/10/2009

**Agent:**

**Ward:**  
Longtown & Rockcliffe

**Location:**  
Pineglen, Westlinton, Carlisle, CA6 6AL

**Grid Reference:**  
337929 563725

**Proposal:** Discharge Of Conditions 3 (Sample Of Materials); 5 (Hard Surface Finishes) And 6 (Conveyance Of Foul Drainage) Of Previously Approved Application 08/1053

**Amendment:**

**Decision:** Grant Permission

**Date:** 20/10/2009

---

Between 19/09/2009 and 30/10/2009

**Appn Ref No:**  
09/9040

**Applicant:**  
United Utilities plc

**Parish:**  
Burgh-by-Sands

**Date of Receipt:**  
25/09/2009

**Agent:**  
Cumbria County Council

**Ward:**  
Burgh

**Location:**  
Layby off B5307, opposite Langwath Cottage, North East of Moorhouse, Carlisle CA5 6HA

**Grid Reference:**  
332902 556978

**Proposal:** Erection of a Motor Control Kiosk

**Amendment:**

**Decision:** City Council Observation - Raise No Objection

**Date:** 15/10/2009

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