

# **Development Control Committee Main Schedule**

Schedule of Applications for  
Planning Permission

1st October 2010

## Applications Entered on Development Control Committee Schedule

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02.	<u>10/0736</u> A	Langstile, Burgh by Sands, Carlisle, CA5 6BD	<u>SD</u>	21
03.	<u>10/0611</u> A	22 Kingstown Road, Carlisle, CA3 0AD	<u>ST</u>	34
04.	<u>10/0634</u> A	Field 5718, Opposite Hollow Creek Farm, Kirkandrews on Eden, CA5 6DJ	<u>RB</u>	47
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09.	<u>10/0679</u> A	25A Wigton Road, Carlisle	<u>SD</u>	185
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12.	<u>10/9017</u> C	Robert Ferguson Primary School, East Dale Street, Denton Holme, Carlisle CA2 5LA	<u>BP</u>	224
13.	<u>10/9009</u> C	Land to West of Becklees Farm, Beckside, Longtown, Carlisle CA6 5NQ	<u>SD</u>	228
14.	<u>10/9012</u> C	L/adj to Newtown School, Raffles Avenue, Carlisle CA2 7EQ	<u>AMT</u>	234
15.	<u>10/0083</u> C	James Street Service Station, James Street, Carlisle, CA2 5AP	<u>BP</u>	239

## Applications Entered on Development Control Committee Schedule

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16.	<u>10/9014</u> C	Brampton Junior School, Sawmill Lane, Brampton, CA8 1BZ	<u>ST</u>	241
17.	<u>10/9018</u> C	James Rennie Special School, Kingstown Road, Carlisle, CA3 0BU	<u>SD</u>	244
18.	<u>07/1312</u> D	Former Penguin Factory, Westmorland Street, Carlisle, CA2 5HL	<u>RJM</u>	250
19.	<u>10/0429</u> D	Westwood Garden Centre and surrounding land, Orton Grange, Carlisle, CA5 6LB	<u>SG</u>	256
20.	<u>10/0507</u> D	58 Lingyclose Road, Dalston, Carlisle, CA5 7LB	<u>DNC</u>	266
21.	<u>09/0170</u> D	Brunthill, Kingmoor Park, Carlisle CA6 4SJ	<u>AMT</u>	268

## **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 17/09/2010 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 22/09/2010.

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

SCHEDULE A

SCHEDULE A

## SCHEDULE A: Applications with Recommendation

10/0279

Item No: 01

Date of Committee: 01/10/2010

**Appn Ref No:**  
10/0279

**Applicant:**  
Mr & Mrs Blain

**Parish:**  
Wetheral

**Date of Receipt:**  
28/04/2010

**Agent:**  
Ashwood Design  
Associates

**Ward:**  
Wetheral

**Location:**

Land to the Rear of Ivy House, Ghyll Road, Scotby,  
Carlisle, CA4 8BT

**Grid Reference:**

344267 554678

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**Proposal:** Erection Of Detached Dwelling (Revised Application)

**Amendment:**

1. Alterations To The Layout And Fenestration Of The Dwelling
  2. Revised Site Location Plan
  3. Resiting Of Swimming Pool And Utility Room
- 

### REPORT

**Case Officer:** Richard Maunsell

### Reason for Determination by Committee:

This application is brought for determination by Members of the Development Control Committee due to the objections that have been received from Wetheral Parish Council and local residents.

### 1. Constraints and Planning Policies

#### **Tree Preservation Order**

The site to which this proposal relates has within it a tree protected by a Tree Preservation Order.

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

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



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

### **Conservation Area**

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

### **Listed Building**

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

### **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 CP9 - Devel., Energy Conservation and Effic.**

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

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

### **Local Plan Pol H2 - Primary Residential Area**

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

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

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

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

**Cumbria County Council - (Highway Authority):** no objection subject to the imposition of conditions;

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

The applicant indicates disposal of surface water to the mains (public) sewer; however, in the first instance, the applicant should investigate the use of either a sustainable drainage system or soakaways for surface water disposal.

There is no knowledge of flooding issues at this site;

**United Utilities:** no objection subject to the imposition of a condition controlling

the discharge of surface water;

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

the Conservation Officer has been involved in pre-application discussions.

Alterations to the fenestration pattern and the simplification of the elevation treatment by using blocks of solid wall and blocks of glazing has improved the overall appearance of the exterior of the building, yet it remains an imposing building rather than the sleek, modestly proportioned building which had been imagined when first visiting the site.

Despite the many changes in the footprint of the building since the initiation of this scheme, the floor area remains extremely generous and deep, with a series of large interconnecting rooms. As a consequence, ceiling heights exceed normal standards to avoid the claustrophobic effect that much lower ceilings would provide. This in turn leads to a higher roofline and adds to the building's mass. Although the stepped roofline succeeds partially in reducing the physical bulk of the building, the Conservation Officer still considers that it sits too high on the site. The introduction of more horizontal members also helps to reduce the apparent height by emphasising the horizontal, but there is a lack of continuity of these members. A reduction in the overall height of the building, physically or apparently, would help to reduce the dominance of the structure in the landscape and in relation to both Ivy House and its immediate neighbours on both sides of the railway.

The addition of an enclosed swimming pool may appear extravagant but it helps to elongate the building and reduce the effect of its bulk but it also adds considerably to the footprint of the building and its structural mass. The Officer notes that there have been objections to the idea of canting the footprint of the building in relation to its surroundings; however, this is not something that is opposed. The footprint helps to define the entrance to the new building and allows the building to be set further back into the landscape, away from the railway.

Finally, it is noted that there have been objections to the principle of building a contemporary structure within a Conservation Area. Local Plan policy does not prevent such an occurrence providing it is of high quality. The Conservation Officer comments that although quality is subjective, he has no doubt that the applicant's ultimate intention is to construct a building finished to the highest possible standards.

Whilst the principle of a contemporary building on the site is supported, the Officer objects to the proposal in its present form.

Following the receipt of amended drawings, the Conservation Officer has provided further comments. "The proposal has been revised through the removal of the external staircase approach to the pool by a modification of the floor layout, the removal of the shadowing to clarify the elevation treatment and by the addition of a frame around the glazing to the principal south facing elevation. This is considered an improvement on the much deeper fascia shown on the previous drawings. The central first floor bay of the south elevation has also been recessed to provide a degree of modelling to that elevation and although the application drawings lack the level of construction detail that would be necessary to fully evaluate the quality of the design, what is now presented is a clean lined, minimal, contemporary building where every effort has been made to reduce the impact of the structure within the

landscape by careful ground modelling. The proposal is supported subject to the issue of construction details which confirm the quality of the design and also an appropriate landscaping scheme which will help to soften the clean lines of the building and which will provide some privacy and screening to both the occupants and their neighbours. Large scale detailed sections through the building which would at least clearly show the construction of a typical elevation bay together with horizontal and vertical sections through the components, floors and roof to confirm the quality of construction and finish to the exterior of the building;

**Local Plans (Tree Preservation):** all the trees on the site and adjacent the site are protected by virtue of their location within the Carlisle to Settle railway line Conservation Area. A number of trees are also protected by Tree Preservation Order 54.

Whilst the trees are numbered and plotted on a plan within the Tree Survey by Iain Tavendale dated 16 October 2008 there are no corresponding/ cross referenced numbers on the plans relating to the house. It is not therefore possible to determine the effect the proposals will have on the trees, or which are to remain, and which, if any, trees are to be felled. So that a reasoned decision can be made it will be necessary to provide this information.

If any of the large mature trees are to be removed suitable replacements will be required. To ensure that the tree replacement is carried out a detailed landscaping scheme must be a condition of any granting of consent, should it be forthcoming.

Should the proposals prove acceptable a condition must be attached to the decision notice requiring a detailed scheme of tree protection to be agreed in writing prior to the commencement of any works on site. This must include a specification for the tree protection barriers and a plan showing where the tree protection barriers are to be erected.

Furthermore the tree protection scheme must be erected prior to commencement of any works on site and maintained throughout the development;

**Forestry Commission:** no comment received;

**Wetheral Parish Council:** the Parish Council objects to the proposal on the grounds that it would be contrary to Policies CP5, H9, LE12 and LE19 of the Carlisle and District Local Plan 2001–2016.

This contemporary development in the back garden of a Grade II listed building is within Scotby Conservation Area and the Parish Council considers that the scale and design will neither enhance nor harmonise with the existing surroundings. The Council would suggest that a site meeting be carried out to enable Members of the Development Control Committee to see the location in relation to the Grade II listed building and Conservation Area.

Further comments received on 13th August 2010 states that the Parish Council considers that under the new Planning Policy Statement 3: Housing (PPS), the Authority should prevent the overdevelopment of neighbourhoods and 'garden

grabbing'. This development falls in this category;

**Northern Gas Networks:** no objection; and

**Conservation Area Advisory Committee:** originally, the Committee considered this proposal to be poorly related to both its own site and the adjacent buildings, particularly the attractive sandstone house on the opposite side of the railway line which looks very close to the new build. As there was no section through the site and the railway it was difficult to determine what impact the new dwelling would have on the railway and the house opposite. In parts this building is three storeys tall and it would be important to know if this was an elevation that would create a dominant and overpowering effect on the house opposite but it is also going to be highly visible from the Carlisle – Settle Railway line.

Further comments regarding the amended drawings state that there is no objection to the principle of the construction of a contemporary building within the Scotby Conservation Area; however, the following concerns were raised by the Committee.

"The set of drawings viewed were inaccurate and lacked any detailing confirming the construction of the building. The massing and width of the proposed building remained of concern and the Committee feel that a softer, lighter touch was necessary to the treatment of the elevations and particularly the roof.

Due to the sensitivity of the site, a 3-D representation of the proposed dwelling should be provided, either as an illustration or, preferably, as a model, showing the building's relationship with surrounding properties. Given the amount of glazing proposed for the dwelling, concerns were expressed over the sustainability of the proposals, how it was intended to deal with issues of sound (from the railway) and thermal insulation and also the effect of internal lighting on neighbouring properties and also privacy for the occupants."

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

#### **Representations Received**

Initial:	Consulted:	Reply Type:
Settle View	05/05/10	Support
8 Broomfallen Road	05/05/10	Objection
Ladysteps	05/05/10	Undelivered
1 Stonebroom	05/05/10	
Killiecrombie	05/05/10	Objection
21 Ghyll Road	05/05/10	Support
c/o Taylor & Hardy	05/05/10	Objection
12 Ghyll Road	05/05/10	Support
Ivy House	05/05/10	
Netherby House	05/05/10	
Chestnut Bank	05/05/10	
Avalon	05/05/10	
5 Townhead Farm Courtyard	05/05/10	
6 Broomfallen Road	05/05/10	Objection
4 Broomfallen Road		Objection
		Support

Applegarth	Support
3 Broomfallen Road	Support
Wetheral Crook	Support
98 Scotby Rd	Support
Beech Croft,	Support
Meadowbank	Support
26 Ghyll Road	Support
108 Scotby Road	Support
Foxfield	Support
Railbeck House	Support
Hawthorn	Support
1 Townhead Farm Courtyard	Support
107 Scotby Rd	Support
Lough Butts Farm	Undelivered
Beckfoot	Support
Ivy Cottage	Support
23 Holmefauld	Support
6 Ghyll Road	Support

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

1. the siting, scale, design and materials are wholly inappropriate for the site and its surroundings;
2. the siting of the building is awkward in relation to the adjacent buildings;
3. the building would be on an elevated part of the site. The scale, bulk and mass of the proposed building would be incongruous, visually dominant and intrusive;
4. the design and materials are out of character with the adjacent buildings many of which are of historic interest, including several which are listed;
5. the trees identified as G1, G2 and G3 are on land owned by National Rail. Whilst these are in the Conservation Area, as they are less than 6 metres from the railway line they are not afforded the same protection as other trees in the Conservation Area. If these trees were removed there would be nothing along the rear boundary with the exception of a leylandii hedge which is only a few feet high;
6. the three storey dwelling would not blend in with the surroundings; and
7. the building would look out of place in the Conservation Area.

3.2 Twenty one letters of support have also been received and the main issues raised are summarised as follows:

1. the building would be a welcome addition to the village and the area;

2. the applicant has undertaken other development in the area that has been to a high standard;
3. the contemporary building would blend into the landscape without detracting from the existing properties
4. there is an eclectic variety of buildings in the locality and the building would be an improvement rather than another faux Victorian building that looks anything but old;
5. a good design should not have to be traditional or conservative in concept, form and materials with the purpose of camouflaging it in order to 'lose' it amongst buildings and materials that reflect architectural trends and fashions of the past; and
6. the site is already secluded and as further planting and screening is proposed, the building will eventually be almost totally hidden from the public and neighbours.

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

- 4.1 An application for planning permission for the erection of a dwelling was submitted in 2009 but was withdrawn by the applicant prior to determination.

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

##### **Introduction**

- 5.1 Members will recall that this application was deferred at the previous meeting to undertake a site visit.
- 5.2 This application seeks "Full" planning permission for the erection of a dwelling on land to the rear of Ivy House, Ghyll Road, Scotby, Carlisle. The proposal relates to a modestly proportioned piece of land located within the village. There are residential properties on all sides of the application site which is within a Primary Residential Area, the Settle Conservation Area and within the curtilage of a Grade II Listed Building.
- 5.3 The site is accessed via an existing access that leads from Ghyll Road to the north west of Ivy House. The access rises up to the site, which is elevated above Ghyll Road and the railway to the south-west. A temporary timber panel fence has been erected whilst the hedgerow that separates the site from Ivy House becomes established. Along the north-west boundary are several large trees that are subject to a Tree Preservation Order; along the south-west boundary is a belt of young leylandi trees.
- 5.4 There is an eclectic mix of properties along Ghyll Road displaying a variety of ages and architectural styles. Immediately adjacent to Ivy House is a two storey detached brick house to the north-west and a brick built bungalow to

the south-east. On the opposite side of the railway is a traditional property of stone construction that reflects the building style of properties along the Settle to Carlisle Conservation Area.

- 5.5 The application site, which extends to around 2,084 square metres, is irregular in shape. It is proposed to construct a three storey flat roofed property which would be contemporary in appearance. The property would be set back 38 metres from the boundary with Ghyll Road.
- 5.6 The accommodation to be provided within the proposed dwelling would consist of a plant room, garage, changing room, games room, snooker room and a bedroom in the basement; a swimming pool, utility, W.C., dining room/kitchen, living rooms and a study on the ground floor; and a gallery, 3no. ensuite bedrooms and a shower room on the first floor.
- 5.7 The property would be constructed from white rendered walls under a flat roof. The windows would be pre-finished glazing systems constructed from aluminium with a powder coated finish.
- 5.8 The foul drainage system would connect into the mains sewer.

## **Assessment**

- 5.9 The relevant planning policies against which the application is required to be assessed are Policies DP1, CP3, CP5, CP6, CP9, CP12, H1, H2, LE12, LE19 and T1 of the Carlisle District Local Plan 2001-2016. The proposal raises the following planning issues.
  - 1. Principle Of Residential Development In the Rural Area
- 5.10 The main thrust common to planning policies is that new development in the rural area will generally be focussed upon established settlements where there are appropriate services, facilities and amenities.
- 5.11 The application site lies within Scotby, which is identified as a Local Service Centre under Policy H1 of the adopted Local Plan, and is located within the settlement boundary identified on the Proposals Maps that are part of the adopted District Local Plan. Policy H1 of the Local Plan states that, in principle, small scale housing development will be acceptable within the settlement boundaries of Local Service Centres providing that compliance with seven specific criteria is achievable on site. In this instance, the relevant criteria are met and, on this basis, the principle of residential development is acceptable. The issues raised are discussed in more detail in the analysis which follows.
- 5.12 Members will be aware of the Government's revisions to Planning Policy Statement 3 (PPS3) which were issued on 9th June 2010 that removes gardens from the definition of "brown field" land. This means that gardens are no longer considered as previously developed land for the purposes of meeting brown field targets; however, the revision to PPS3 does not prevent all gardens from being developed.

- 5.13 In most towns and cities the majority of residential properties will be located within the settlement boundaries. In areas where there is a good supply of brown field sites there will remain a presumption in favour of developing brown field land before considering other alternatives; however, in areas where the supply of brown field sites is more limited or does not exist at all, the development of larger residential gardens will often provide a valuable source of development land which will help to reduce pressure on greenfield sites on the edge of existing settlements. Where no available brown field sites exist, some presumption in favour of developing sites including larger residential gardens within settlement boundaries, can still have planning merits. Thus the declassification of domestic gardens does not necessarily preclude development. In all cases, the character of the area will be the 'key' consideration. The revision to the definition of 'brown field' offers Local Authorities more control over the protection of the character of the area, where appropriate, and greater scope as to whether development of residential gardens should be allowed.
- 5.14 The applicant's agent has provided additional information in which he states that the land has never formed part of the garden to Ivy House but has always been a separate parcel of land. Accordingly, the revisions to PPS3 do not apply but the impact on the character of the area remains an important consideration.

## 2. Scale And Design

- 5.15 The property would be sited at an angle within the site and would be positioned to take account of the topography of the site by sinking elements of the building into the ground. The application has been amended to take account of the Conservation Officer's and Conservation Area Advisory Committee's (CAAC) comments.
- 5.16 The submitted drawings illustrate that the proposed dwelling would be of a similar scale and massing to its immediate neighbour, Ivy House. Whilst the building would be larger than properties on the opposite side of the railway and the bungalow immediately to the south-east of the site, there is diversity in the style, size and mix of properties along Ghyll Road and the scale of the dwelling would not be out of character with other buildings in the area. The scheme has been amended to refine the fenestration in accordance with the advice from the Conservation Officer. The drawings illustrate that there would be less glazing to the gables of the property and the swimming pool would be to the rear of the property rather than off-set to the side. The footprint has been amended so that the elevations would have fewer recessed areas.
- 5.17 Members will note that many of the objections received relate to the contemporary design of the building and the perceived detrimental effect that this would have on the character and appearance of the area, in particular, the Conservation Area. Planning policies do not rule out the use of a contemporary design but rather that development proposals should not adversely affect the character and appearance of the Conservation Area.



The design of the property is distinctive but it is clear from the comments received from the Council's Conservation Officer that the development would not conflict with the policy criteria.

- 5.18 It is evident from the consultation responses from both the Conservation Officer and CAAC, that there is overall support for a dwelling of contemporary design on the site and that overall, the proposal is acceptable to the site. Although further amendments are required in respect of the large scale vertical and horizontal sections as requested by the Conservation Officer, it is expected that additional drawings will address the outstanding issues and are expected to be available for reproduction in the Supplementary Schedule.
- 5.19 The proposal would achieve adequate amenity space and off-street parking. Glimpsed views of the site would be visible from public vantage points but given this together with landscaping and existing trees, the development would not be obtrusive within the streetscene.
- 5.20 Considering the fact that the site is within the Conservation Area, if planning permission is granted, it would be appropriate to impose a condition removing Permitted Development rights to extend or alter the property at a later date.
3. The Impact Of The Proposal On The Living Conditions Of Neighbouring Residents
- 5.21 As the proposal involves the introduction of windows that face the neighbouring property, it is appropriate to consider the development against the draft Supplementary Planning Document "Achieving Well Designed Housing". It requires that a distance of 21 metres is provided between primary windows. The proposed building would be sited opposite and adjacent to residential properties. The dwelling would have habitable windows on all sides of the building. At the first floor windows to the rear would be 37.5 metres from the property known as 'Stonebroom' on the opposite side of the railway, 21.5 metres from 'Settle View', and 24 metres from the rear of Ivy House. To the north-west of the property would be an oblique angle to the immediate neighbouring properties, with the exception of Ivy House that would be directly opposite.
- 5.22 Given the physical relationship of the windows and the distances involved, the development would not result in overlooking or loss of privacy to the occupiers of the neighbouring property.
- 5.23 The height of the dwelling at the highest point would be 8 metres and given the physical relationship of the application site with adjacent properties, the occupiers would not suffer from an unreasonable loss of daylight or sunlight. The siting, scale and design of the development will not adversely affect the living conditions of the occupiers of the neighbouring property by virtue of loss of privacy or over-dominance.
4. Impact On The Character And Appearance Of The Settle to Carlisle Conservation Area

- 5.24 Members will note that concerns were initially expressed by the Conservation Area Advisory Committee (CAAC) in relation to the impact of the development on the Conservation Area. The scheme was amended in light of this objection and CAAC has raised no objection to the revised scheme. The scale, design and use of materials is appropriate to the site and would be consistent with the context of the Conservation Area. Although the dwelling would be contemporary, the character and appearance of the Conservation Area would not be adversely affected.

## 6. Drainage Issues

- 5.25 Members will note from the consultation responses that the Council's Drainage Officer has raised no objection to the proposal. It would be appropriate to impose a condition requiring the approval of the surface water drainage details.

## 7. Highway Matters

- 5.26 The site would be served by the existing access adjacent to Ivy House. This access was formed as part of a previous planning application that involved development and alterations to Ivy House itself. The Highway Authority has raised no objection subject to the imposition of conditions.

## Conclusion

- 5.27 In overall terms, the key issue for Members to consider is the impact on the character and appearance of the Conservation Area. The revisions to PPS3 and the issue of 'garden grabbing' are not relevant in this instance but notwithstanding this, the changes to PPS3 do not preclude residential development on garden land but instead focus on the visual impact on the character of the area. The site comprises an area adjacent to residential properties within the village but is not particularly prominent as it is screened by surrounding buildings; however, the site would be seen from the Conservation Area to the rear of the site but this would be diminished over time due to the proposed landscaping.
- 5.28 The scale, design and use of materials in the building together would contribute to the character of the area. Further, it proposes a quality contemporary design that would not mimic a 'traditional' building but rather would introduce a further dimension. Given the context of the site, it is the view of the Conservation Officer, that this would not adversely affect the character or appearance of the Conservation Area.
- 5.29 The building would not result in any demonstrable harm to the living conditions of any neighbouring residential dwellings. In all other 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, proportionate and there is social need;
- 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. 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 approved documents for this Planning Permission comprise:
  1. The submitted planning application form received 26th March 2010;
  2. Location plan received 26th March 2010;
  3. Drawing No. 1292 004 received 26th March 2010;
  4. Drawing No. 1292 007A received 5th August 2010;
  5. Drawing No. 1292 008A received 5th August 2010;
  6. Drawing No. 1292 009B received 5th August 2010;
  7. Drawing No. 1292 010 received 5th August 2010
  8. The Notice of Decision; and
  9. Any such variation as may subsequently be approved in writing by the Local Planning Authority.

**Reason:** For the avoidance of doubt.
3. No development hereby approved by this permission shall commence until

details of the relative heights of the existing and proposed ground levels and the height of the proposed finished floor levels of the dwelling have been submitted to and approved in writing by the Local Planning Authority. The development shall then be undertaken in accordance with the approved plans.

**Reason:** In order that the development is appropriate to the character of the area in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

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

**Reason:** To ensure that the character and appearance of the area and the living conditions of the occupiers of neighbouring properties are not adversely affected by inappropriate alterations and/ or extensions and that any additions which may subsequently be proposed satisfy the objectives of Policy CP5 of the Carlisle District Local Plan 2001-2016.

5. Notwithstanding any description of materials in the application no development hereby approved by this permission 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. The development shall then be undertaken in accordance with the approved details.

**Reason:** To ensure that materials to be used are acceptable and in accordance with Policy LE19 of the Carlisle District Local Plan 2001-2016.

6. No development hereby approved by this permission shall commence until details of the proposed hard surface finishes have been submitted to and approved in writing by the Local Planning Authority. The development shall then be undertaken in accordance with the approved details.

**Reason:** To ensure that materials to be used are acceptable and permeable in accordance with the objectives of Policies CP5 and CP12 of the Carlisle District Local Plan 2001-2016.

7. All works comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following occupation of the dwelling or completion of the development whichever is the sooner.

**Reason:** To ensure that a satisfactory landscaping scheme is implemented in accordance with Policy CP5 of the Carlisle

District Local Plan 2001-2016.

8. No development hereby approved by this permission shall commence until details of the construction of the soakaway, that should include metric scale drawings, have been submitted to and approved in writing by the Local Planning Authority. The development shall then be undertaken in accordance with the approved details.

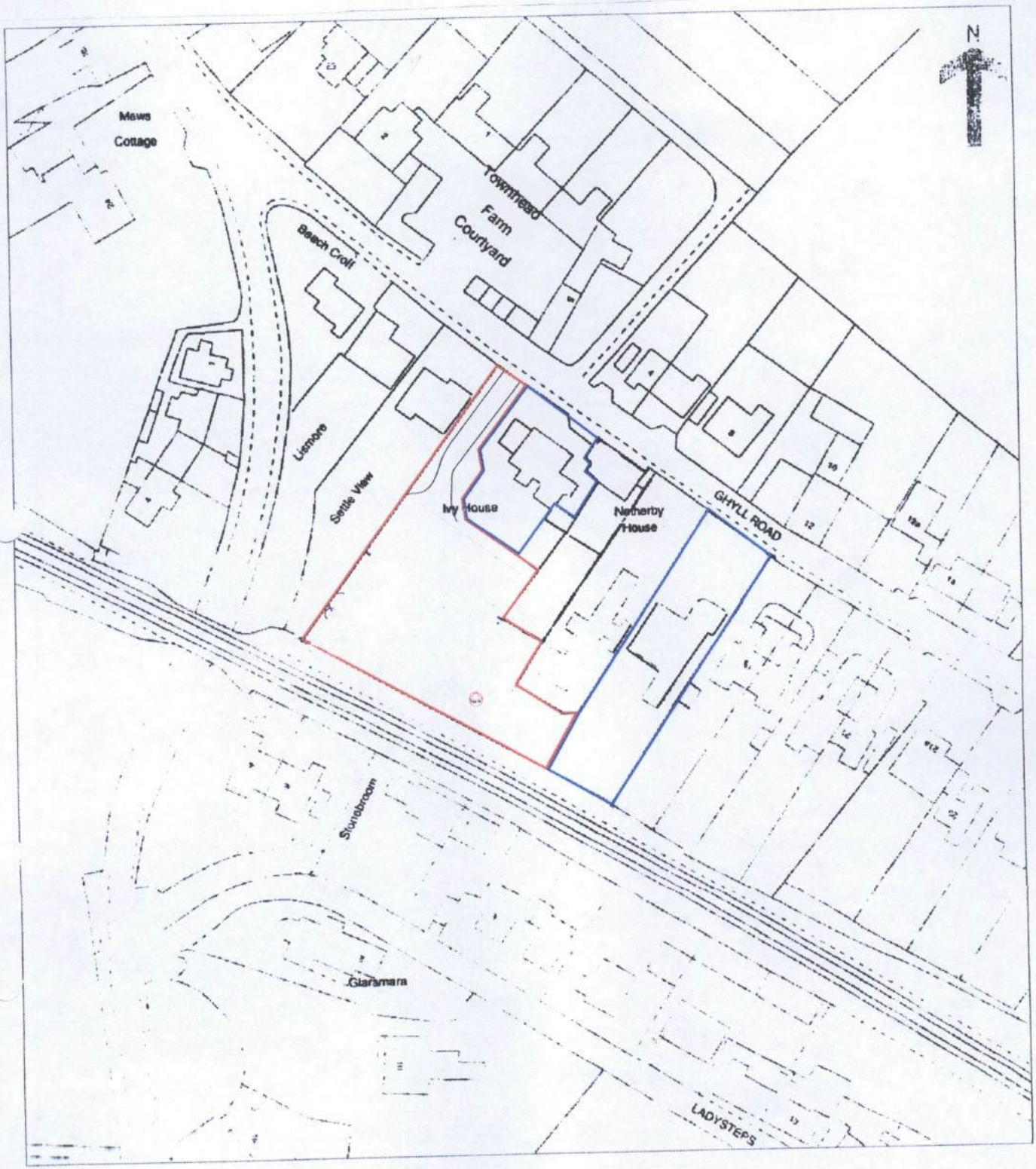
**Reason:** To ensure that the soakaway would be constructed in an appropriate manner in accordance with Policy CP12 of the Carlisle District Local Plan 2001-2016.

9. No development hereby approved by this permission shall commence until the percolation test results for the soakaway have been submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure that the soakaway would be constructed in an appropriate manner to ensure that the risk of surface water flooding would not be increased in accordance with Policy CP12 of the Carlisle District Local Plan 2001-2016.

---





GARDEN HOUSE, GHYLL ROAD, SCOTBY  
LOCATION PLAN  
1:1250

RECEIVED  
- 9 SEP 2010  
2010/0279

ASHWOOD DESIGN ASSOCIATES, 12 CLIFFORD  
COURT, COOPER WAY, PARKHOUSE BUSINESS  
PARK, CARLISLE CA3 0JG.



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# REVISIONS

REV	DESCRIPTION	DATE
A	Revised scheme	18/02/2019



**ASHWOOD  
DESIGN  
ASSOCIATES LTD**  
Architects Surveyors CDM Co-ordinator  
11A Oxford Court, Oakham Business Park, "Oxide" 75 9B  
Ox16 9BA  
Tel: 01535 534444  
Fax: 01535 534444  
www.ashwood-design.co.uk

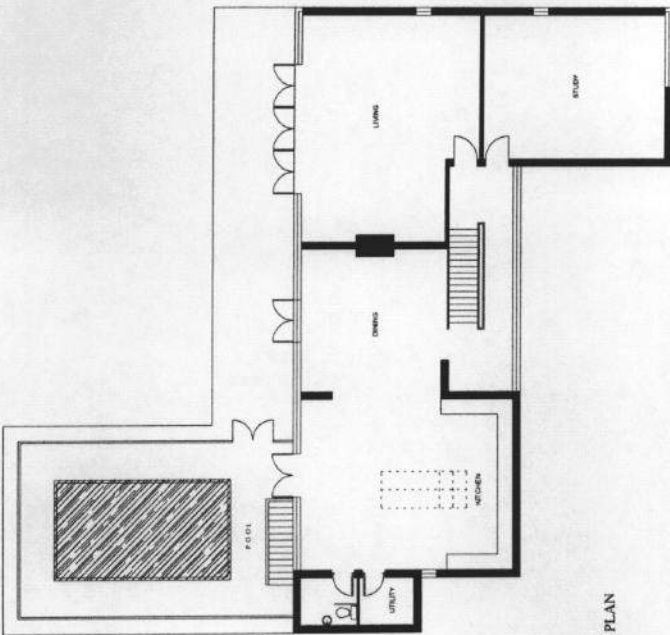
Site: 11A Oxford Court  
Proposed Dwelling:  
Land Adj. Ivy House, Chell Road, Soar  
Residential  
Site plan

Drawn: [Name]  
Checked: [Name]  
As Proposed  
Not to Scale

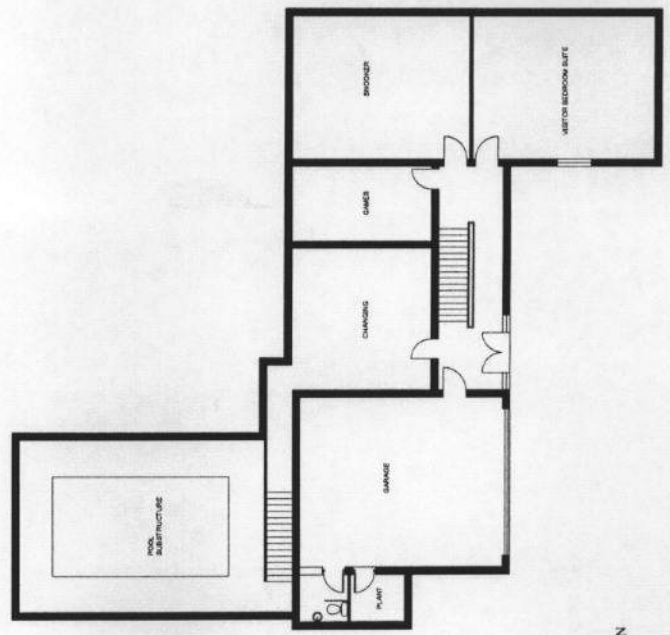
1292	004	B
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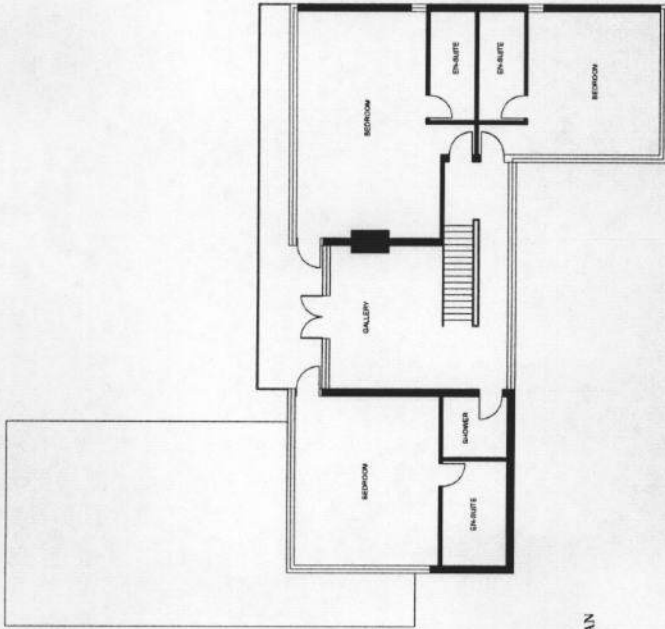
NOTES AND AMENDMENTS			
This document is a design proposal and is not to be used for construction purposes. It is intended to provide a visual representation of the proposed design and is not to be used for construction purposes. Any changes to the design must be approved by the design team.			
REVISIONS	DESCRIPTION	DATE	BY
1	Final plan layout revised	15.09	MB



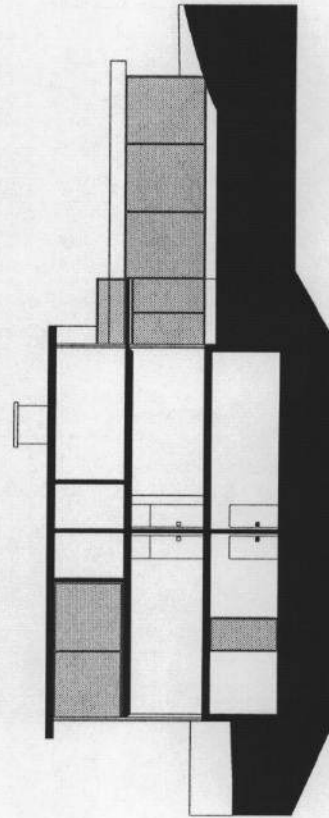
GROUND FLOOR PLAN



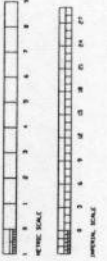
BASEMENT PLAN



FIRST FLOOR PLAN



SECTION



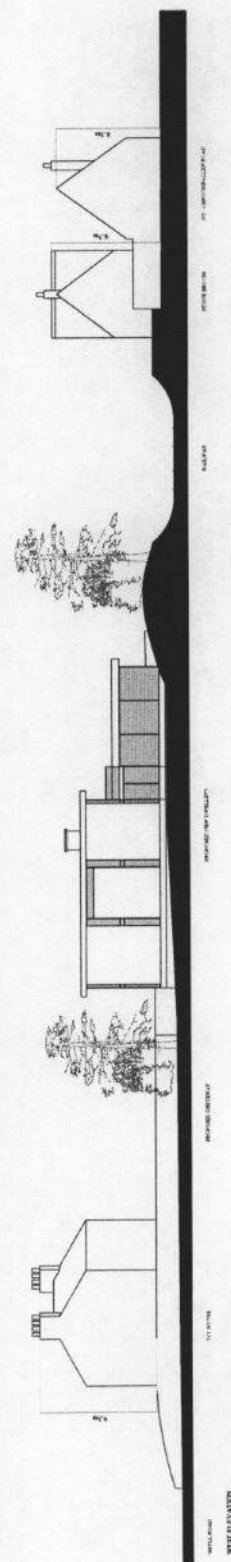
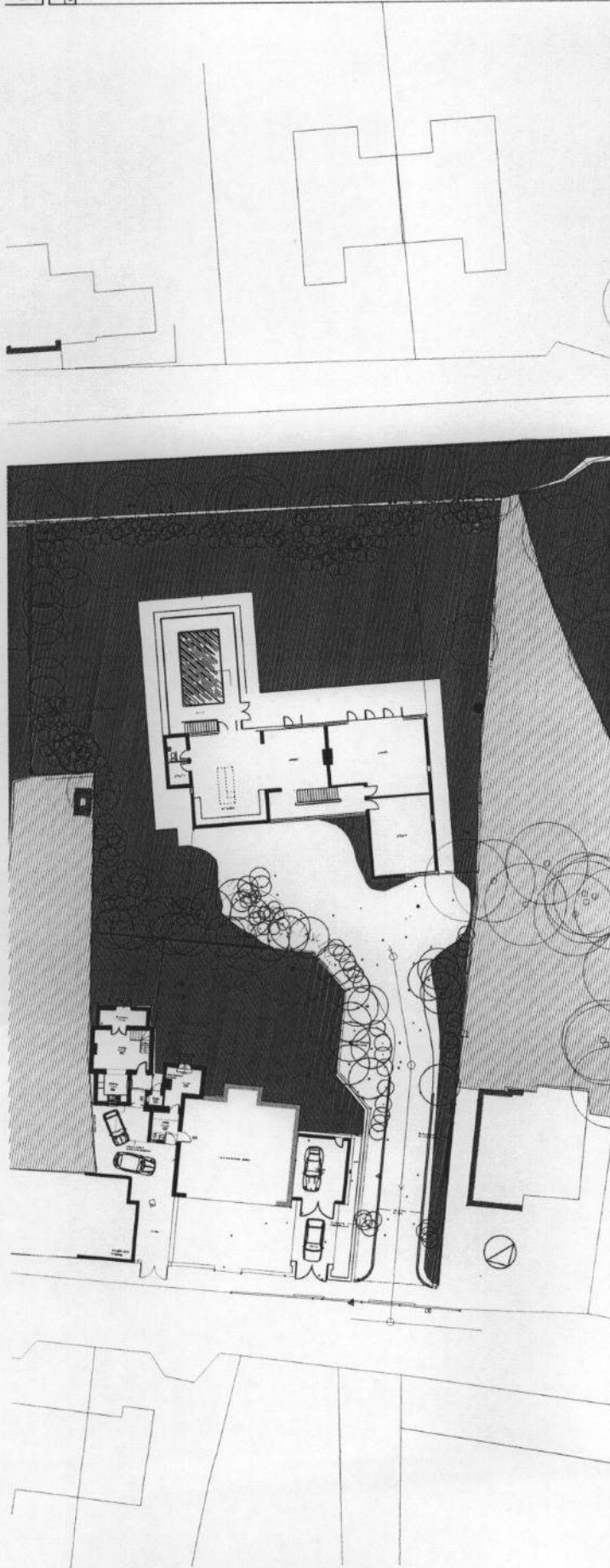
		<b>ASHWOOD DESIGN ASSOCIATES LTD</b> Architects, Surveyors, CDM Co-ordinators 15a Church Lane, Newbold, Leamington Spa, CV32 3JF Tel: 01922 528861 <a href="http://www.ashwooddesign.co.uk">www.ashwooddesign.co.uk</a>	
Mr Russell Blain Proposed Dwelling Land Adj. Ivy House, Chell Road, Scotby Residential 15.09		1292 008 A Proposed plans Scheme 2 15.09	



1:1000 1/4" = 1'-0" 1/8" = 1'-0" 1/16" = 1'-0"

This drawing is a design. It is not a construction document. It is not to be used for construction. It is not to be used for any other purpose. It is not to be used for any other purpose. It is not to be used for any other purpose.

REV.	DESCRIPTION	DATE
1	ISSUED FOR PERMIT	10/10/10



**ASHWOOD DESIGN ASSOCIATES LTD**

Architects, Surveyors, CDM Co-ordinator

12A "Hillside" Road, Potters Bar, Herts. SG5 1JH

Tel: 01838 510800 Fax: 01838 510801

E: [info@ashwood-design.co.uk](mailto:info@ashwood-design.co.uk)

Project: 1292  
 Client: Mr & Mrs [Name]  
 Proposed Dwelling:  
 Land Adj. Ivy House, Ghill Road, Scotby

Site: Residential  
 Date: 10/10/10

Proposed Site Section	
1292	007 B

[illegible]

#### DESIGN METHOD

This application is for full planning approval for a two storey detached house, with basement in the rear garden plot off Ivy House, Gyle Road, Gillingham, Kent.

The site currently is proposed and divided for development with vineyard across subject road gains for houses directly off Chapel Road. The site is almost fully protected from wind view.

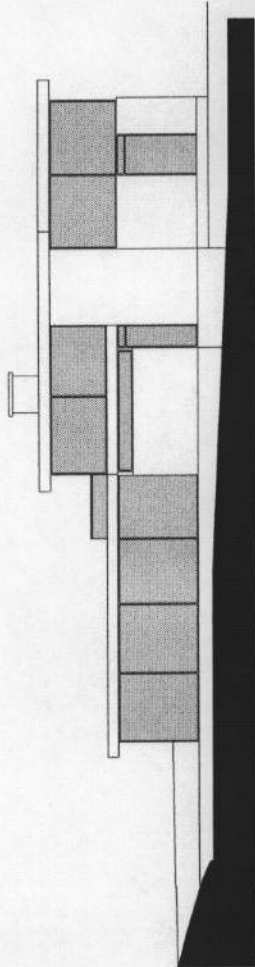
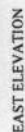
The proposed architectural style is 'modernist' to reflect the contemporary era and maintain the distinction from the surrounding historic urban area. Mass forms are flat roofs with rectilinear forms and windows with horizontal emphasis. This architectural style also creates permeability and interaction between interior and exterior space to consolidate the relationship with the urban environment.

[illegible]

The process of construction will use a lightweight steel frame built off reinforced concrete basement walls and still masonry piers supporting the glass curtain wall. This roof is double insulated with neoprene gaskets and pre-pending outer trays. This design has a simpler square steel and concrete wall reinforces the natural nature of the design.

Columns of the building are either grey, white or black and factory applied waterproof to maintain quality of finish. The

average rates over the 1980-1990 and 1990-2000 sub-periods for energy inputs and output.



WEST ELEVATION

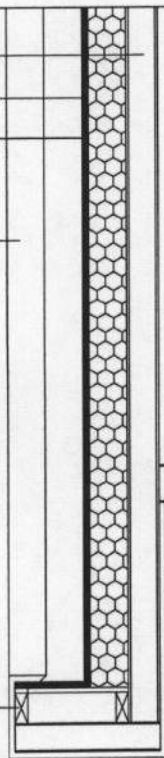
## Lightweight steel structural elements

Waterproof layer

## Warm roof insulation

Proprietary self finished white cladding panels / flashings

Softwood framing.



Triple glazing in fine detail frames fixed to structure at roof and floor perimeter.

Floor construction tapered

to reduce visual impact on

glazed elevations

22mm Flooring grade

chipboard with hardwood block or strip finish.

Softwood joists @ 400 c/c

12.5mm foil backed

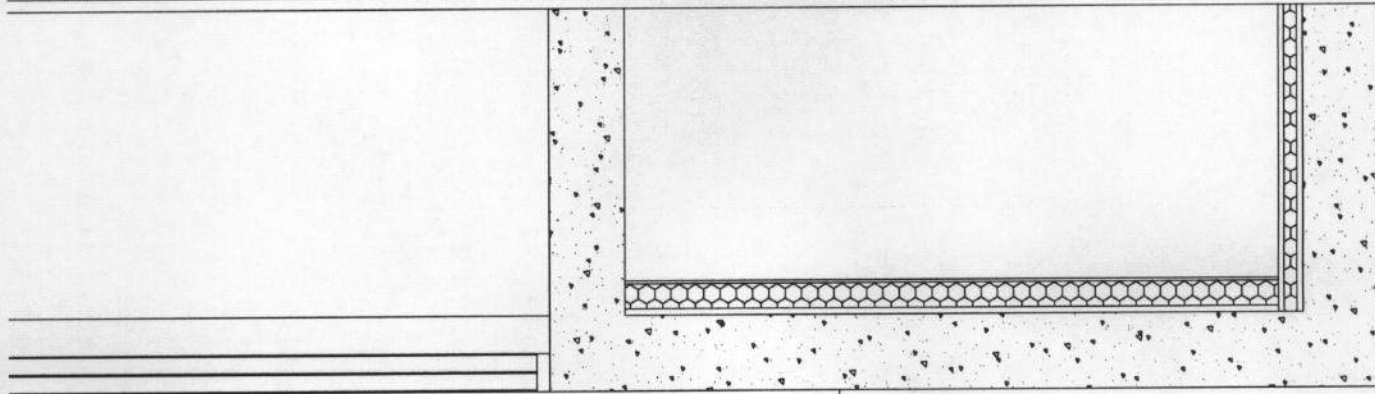
plasterboard.

The design principle in producing details is to refer to the finished planes of the building, whether glazing, pre-finished panels, timber or concrete / render as a design datum and to accommodate the make-up construction within the zones of building fabric.

The main overhang of the roof is designed to show a clean line to the top of the building but also provide a measure of shading for high sun angles (mid summer) and shed rain fall. Discrete water shedding drip details will be included in the design of the fascia and fenestration components.

**Reinforced concrete basement with continuous tanking membrane (Sodium Bentonite) with insulated lining, vapour barrier and 12.5mm plasterboard lining.**

Lightweight structural steel frame bolted to reinforced concrete ground floor which has a hardwood block or strip finish.

[illegible]

## SCHEDULE A: Applications with Recommendation

10/0736

Item No: 02

Date of Committee: 01/10/2010

**Appn Ref No:**  
10/0736

**Applicant:**  
Mr & Mrs P Cottam

**Parish:**  
Burgh-by-Sands

**Date of Receipt:**  
12/08/2010

**Agent:**  
Taylor & Hardy

**Ward:**  
Burgh

**Location:**  
Langstile, Burgh by Sands, Carlisle, CA5 6BD

**Grid Reference:**  
332759 559447

---

**Proposal:** Erection Of Single Storey Two Bedroom Dwelling (Outline) (Revised Application)

**Amendment:**

---

### REPORT

**Case Officer:** Stephen Daniel

### Reason for Determination by Committee:

Cllr Trevor Allison has requested that the application be determined by committee.

### 1. Constraints and Planning Policies

#### Area Of Outstanding Natural Beauty

#### Ancient Monument

#### 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 DP9 - Areas of Outstanding Natural Beauty

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

#### Local Plan Pol LE7-Buffer Zone Hadrians Wall W.Herit.Site

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

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

**Cumbria County Council - (Highway Authority):** no objections subject to two conditions (2m x 70m sight lines and 4.1 m minimum width access);

**Community Services - Drainage Engineer:** the applicant indicates disposal of foul sewage to the mains (public) sewer, which is acceptable as long as United Utilities have no objections.

The applicant indicates disposal of surface water to a soakaway, which is an acceptable method of disposal. There have been surface water issues in parts of Burgh-by-Sands so all surface water must be retained within the site.

The Drainage Engineer has no knowledge of flooding issues at this site;

**United Utilities - (for water & wastewater comment) see UUES for electricity dist.network matters:** comments awaited;

**Cumbria County Council - (Archaeological Services):** no comments;

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

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

**Burgh-by-Sands Parish Council:** objects, for the following reasons:

- concerned that the application will put further pressure on an already overloaded foul sewerage system and cause further problems;
- application would place a house in front of another house in a front garden, creating a precedent. Most houses in the village have large plots, including a number nearby. Double banking of houses should not be allowed;
- providing access for this house would remove a long standing hedge;
- the widening of the access into a narrow section of the road would cause problems;
- the erection of a house on the garden would urbanise the nature of the village by increasing the density of housing in a particularly rural area of the village;
- the pond needs environmental impact study;

**Northern Gas Networks:** no objections;

**Solway Coast AONB Unit:** comments awaited;



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

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

#### **Representations Received**

Initial:	Consulted:	Reply Type:
Highfield	16/08/10	
Solway View	16/08/10	
Norda Brow	16/08/10	Objection
Green Trees	16/08/10	Objection
Burgh by Sands		Objection
Dalston		Comment Only

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

- to allow a dwelling on this land would alter the character of the landscape;
- even if the principle of development is considered acceptable, an outline application is not appropriate because the cramped nature of the plot, its prominent position in the village and its relationship to another dwelling, requires that a full application with all details is required to properly consider its impact. For example without details of the position of windows how can issues such as overlooking and privacy implications be addressed?;
- the entrance to the site is annotated as being 4.1 metres wide on the proposed site plan, however when scaling from this plan this width appears to be only 3.5 metres. This is critical given that the entrance is to be shared by two houses, and should be clarified so that the highway authority can properly comment;
- with the addition of a second property, overspill of vehicles onto the small narrow road would be inevitable - on road parking would create safety issues;
- the site layout and survey plans omit a considerable proportion of the existing house at Langstile. This has the effect of implying that the principle alignment of the existing house is at 90o to the proposed house when in fact it runs parallel. This compounds the tandem nature of the development;
- the application provides little information on what will happen to the existing trees. The application, on a cramped site with limited amenity space, will incorporate few, if any, trees. Alongside this the existing fifteen healthy trees which provide a mature landscape setting for Langstile and the surrounding environment will be lost should the application succeed;
- the proposal would lead to tandem development and a consequent adverse impact on the future residential amenity of occupants of both Langstile and the proposed dwelling;

- the development would result in a primary window of Langstile facing a wall no more than six metres away;
- the outlook for future occupants of the proposed house is pretty grim. To the west they would be faced with a retaining wall topped by a two metre high hedge. To the east would be another hedge, no more than one metre away from windows. At the south end the only window would face directly onto the area set aside for parking. There would be slightly more room at the north end, but this is the elevation which would receive the least sunlight. Lights would have to be on for most of the time in the house, particularly during winter time when the sun is low in the sky;
- the outlook for the occupiers of Langstile would be severely affected both by a hedge no more than 1.5 metres from windows and the almost solid brick wall of the new development within approx 6 metres;
- given the nature of the application site it is impossible to achieve sufficient separation between the two houses to overcome difficulties of overlooking, noise disturbance and loss of amenity. The fact that both properties will be single storey dwellings will not alleviate these difficulties as Langstile will be on an elevated site overlooking the new property;
- the fact that the current occupier of Langstile is prepared to tolerate a lower level of amenity or safety, to encourage a planning permission to be granted, should not weigh in favour of an otherwise unacceptable proposal. Over time the occupancy of property changes and the general level of the quality of living environments is the relevant consideration. If the application is granted the amenity of the occupiers of both Langstile and the proposed house would be significantly sub-standard;
- the current garden has a significant hedgerow and a large quantity of mature trees. The access road and the requirement for visibility splays would result in the removal of the attractive hedge which forms the front boundary of the property. Any replacement hedge would have to be set at an angle to achieve visibility splays, and be planted very close to the proposed house – so close in fact that it is very doubtful if it could survive;
- the site lies on the edge of the village where there is a linear form hemmed in by countryside which would be compromised by the establishment of a double row of development parallel to the road, and consequently would be harmful to the setting of the village;
- the location of the proposed residential development site in front of an existing frontage development, Langstile, would be out of character with the pattern of residential development in this location;
- the houses in the vicinity tend to be set in large well maintained gardens acting as a transition between the open countryside to the north and the more densely developed centre of the village. The loss of the attractive mature garden in combination with a new house sitting in a very cramped plot would have a considerable adverse impact on the character of the area;
- the proposed dwelling occupies a very high proportion of the plot leaving

minimal amenity space after taking into account the land required for access and parking;

- Langstile has a large garden, which is typical of the character of housing development at this part of Burgh-by-Sands. If the development is permitted neither Langstile nor the proposed house would retain this character, and would instead sit in cramped surroundings in contrast to surrounding properties;
  - developing the land decreases the amount of saturation land, causing increased surface water run-off, which would increase pressure on an already inadequate drainage system;
  - the Burgh-by-Sands Parish Design Statement refers to 'linear design' and states that the linear form of the existing settlement should be maintained, with new developments largely confined to backland sites, infill plots, redevelopment and conversions, not front gardens;
  - the Government's Planning Policy Statement 3 on Housing (PPS3) indicates that applications on previously developed land should be encouraged in preference to those on greenfield sites. PPS3 has recently been amended however to exclude private residential gardens from the definition of previously developed land, so this guidance no longer carries any weight which could be considered to balance out the deficiencies of this application;
  - in a recent application to build in a garden site in Burgh By Sands which was passed, part of the summary notes included a statement which is totally apt for this application which says "The revisions to PPS3 do not preclude residential development on garden land but focuses on the visual impact on the character of the area";
  - other sites in Burgh should be exhausted before gardens are considered;
  - the garden contains habitats for a range of species;
  - granting permission could lead to a rise in applications being submitted to develop a number of the garden plots in Burgh;
  - the proposals would be contrary to Policies H1, H9, CP3, CP5 and CP6 of the adopted Local Plan.
- 3.2 Cllr Trevor Allison has requested that Members undertake a site visit, so that they can see the concerns that have been expressed and judge the proposal in light of other buildings/ developments in the vicinity. He has also noted that one of the Parish Council's objections relates to flooding and sewage problems in the village but this issue may well have been addressed.

## **4. Planning History**

- 4.1 In October 2009, an outline application for the erection of a single-storey two bedroom dwelling was withdrawn prior to determination (09/0668).



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

### **Introduction**

- 5.1 Outline Planning Permission is sought for the erection of a dwelling at Langstile, Burgh-by-Sands. The application seeks approval for the proposed access and the layout of the dwelling, with other matters (appearance, landscaping and scale) being reserved for subsequent approval.
- 5.2 Langstile is a single-storey, rendered property under a slate roof. A conservatory has been added to the east elevation of the dwelling, and a detached single garage is located to the south of the dwelling. The property sits to the rear of the plot, some 14.5m from the edge of the road. A large garden area, which contains a number of trees and shrubs, a small pond and a summer house is located to the front of the dwelling, adjacent to the road and is separated from it by a hedge. This section of garden is approximately 1m lower than the rear section of the site, which contains the dwelling, the garage and some additional garden area, which lies to the north and west of the dwelling. A driveway runs along the southern edge of the site and this provides access to the garage.
- 5.3 Two large detached dwellings (Norda Brow and Green Trees) are located to the east of the application site, on the opposite side of the road. These properties are set well back into their large plots and are located at a higher level than the application site. A large detached property (Highfield) is also located to the north of the application site, with a further residential property (Solway View) being located to the south.

### **Background**

- 5.4 In October 2009, an outline application for the erection of a single-storey two bedroom dwelling on this site was withdrawn prior to determination (09/0668).

### **The Proposal**

- 5.5 This application is in outline, with only the proposed access and the layout being considered as part of this application. The dwelling would be sited centrally within the plot, with the front elevation being approximately 3m back from the edge of the road. Small gardens would be provided to the north and west of the dwelling, with a parking area being located to the south. Access to the new dwelling, would be via the existing driveway that serves Langstile. This would need to be improved to comply with the Highways Authorities standards on shared accesses.
- 5.6 The indicative layout plan that has submitted with the application shows a modest single-storey dwelling, which would contain a hall, kitchen/dining area, a living room, two bedrooms and a bathroom. The dwelling would be 'L-shaped', with the front elevation measuring 14.5m, and the width varying from 5.2m to 9.6m. The dwelling would have a maximum ridge height of 4.9m.

- 5.7 The indicative plan also shows a hedge planted to the front of the dwelling, in close proximity to the road and a hedge planted between Langstile and the proposed new dwelling.

## **Assessment**

- 5.8 The relevant planning policies against which the application is required to be assessed are Policies DP1, DP9, H1, LE7, CP3 and CP5 of the Carlisle District Local Plan 2001-2016.

- 5.9 The proposal raises the following planning issues:

1. Whether The Proposal Is Acceptable In Principle

- 5.10 The application site lies within the settlement boundary of Burgh-by-Sands, which is identified as a sustainable settlement in Policy H1 of the adopted Local Plan. Residential development at this site is, therefore, acceptable in principle.

2. The Impact Of The Proposal On The Character Of The Area

- 5.11 The application site lies directly adjacent to the road and currently forms part of the garden to Langstile. The site currently contains a number of trees and shrubs and a hedge runs along the eastern edge of the site, adjacent to the road. The hedge and the vast majority of the trees that currently occupy the site, and which make an important contribution to the character of the area, would be removed if the application is approved.

- 5.12 The dwellings opposite and the dwelling immediately to the north of the application site are set well back from the road and lie within large plots. The application site is relatively small and even the modest two-bedroom dwelling shown on the illustrative plans would be an over-development of the site. The dwelling would take up the vast majority of the plot and have very limited outdoor amenity space or garaging. It is considered that the erection of a new dwelling, shoe-horned into the garden to the front of the existing dwelling, in close proximity to the road and with limited outdoor amenity space, would have an adverse impact on the character of the area.

3. The Impact Of The Proposal On The Occupiers Of Neighbouring Properties

- 5.14 The two dwellings that lie opposite the application site sit at a higher level than the proposed dwelling plot and have their front elevations over 30m away from the front elevation of the proposed dwelling. The proposed dwelling would not, therefore, have an adverse impact on the living conditions of the occupiers of these properties, through loss of light, loss of privacy or over-dominance.
- 5.15 The dwelling to the north of the application site, which sits in an elevated position, would have part of its front garden in line with the proposed dwelling.

Existing boundary treatment would prevent overlooking between these two properties.

- 5.16 Langstile, which sits approximately 1m higher than the application site, would sit immediately to the west of the proposed dwelling and would have a conservatory within 6m of the rear elevation of the new dwelling. The erection of suitable boundary treatment on top of the retaining wall, which would lie between the two properties, could ensure that there is no loss of privacy to the occupiers of either dwelling.
- 5.17 The proposed dwelling would lie to the east of Langstile and would sit approximately 1m lower than the host dwelling. Provided the ridge height of the new dwelling was kept low (the height of the dwelling would be determined at the reserved matters stage), the proposal would not have an adverse impact on the living conditions of the occupiers of Langstile through loss of light or over-dominance.

#### 4. Whether Satisfactory Living Conditions Would Be Provided For The Occupiers Of The New Dwelling

- 5.18 The main garden area to the new dwelling, which would have a maximum length of 4m, would be located to the north of the dwelling and would, therefore, receive limited sunlight. Another small area of garden would be located to the west of the dwelling adjacent to Langstile. This would be bounded by a 1m retaining wall with a 1.8m fence/ hedge on top to the west and the dwelling to the north and east. The limited amount of outdoor amenity space to be provided with the dwelling would be unsatisfactory and this would have a detrimental impact on the living conditions of the occupiers of the proposed dwelling.

### Conclusion

- 5.19 In overall terms, the siting of a dwelling on a small plot, adjacent to the road, with limited outdoor amenity space, would have an adverse impact on the character of the area. Furthermore, the outdoor amenity space to be provided would be unsatisfactory and this would have a detrimental impact on the living conditions of the occupiers of the proposed dwelling. The application is, therefore, recommended for refusal.

## 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, proportionate and there is social need;
- 6.3 The proposal has been considered against the above. The applicant's rights are respected but based on the foregoing it is considered that any personal considerations do not out-weigh the harm created.

## **7. Recommendation - Refuse Permission**

- . **Reason:** The area is characterised by large dwellings set within large plots. The application site, which contains a number of trees and shrubs, currently forms part of the large garden to Langstile. The erection of a new dwelling in the garden to the front of the existing dwelling, in close proximity to the road and with limited outdoor amenity space, would have a detrimental impact on the character of the area. Furthermore, the outdoor amenity space to be provided would be unsatisfactory and this would have a detrimental impact on the living conditions of the occupiers of the proposed dwelling. The application is, therefore, contrary to criteria 2 & 3 of Policy H1 (Location of New Housing Development) and criterion 5 of Policy CP5 of the Carlisle District Local Plan 2001-2016.
-

# M. LAND REGISTRY

TITLE NUMBER

**CU 124413**

ANCE SURVEY  
REFERENCE

NY 3259

SECTION A

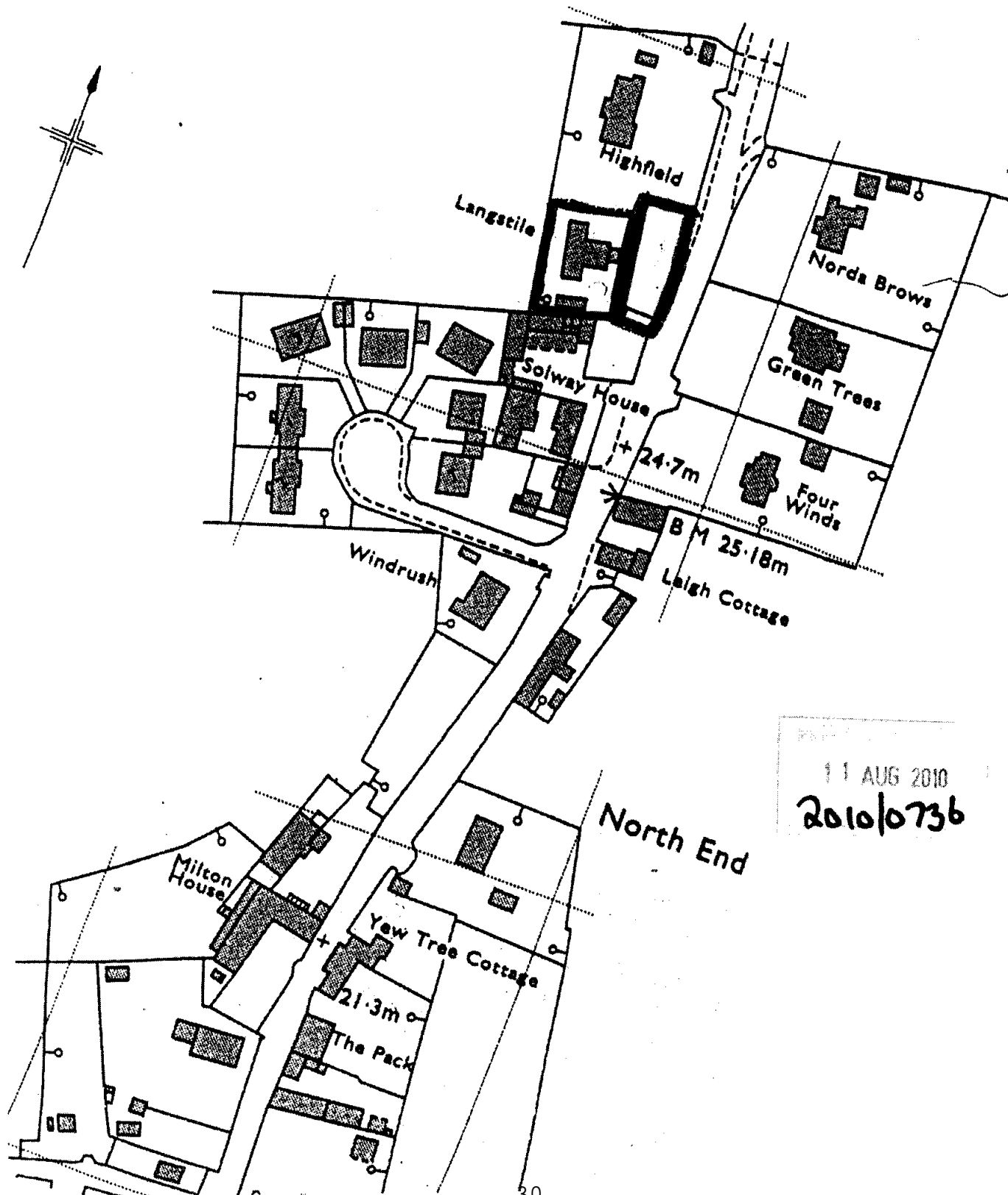
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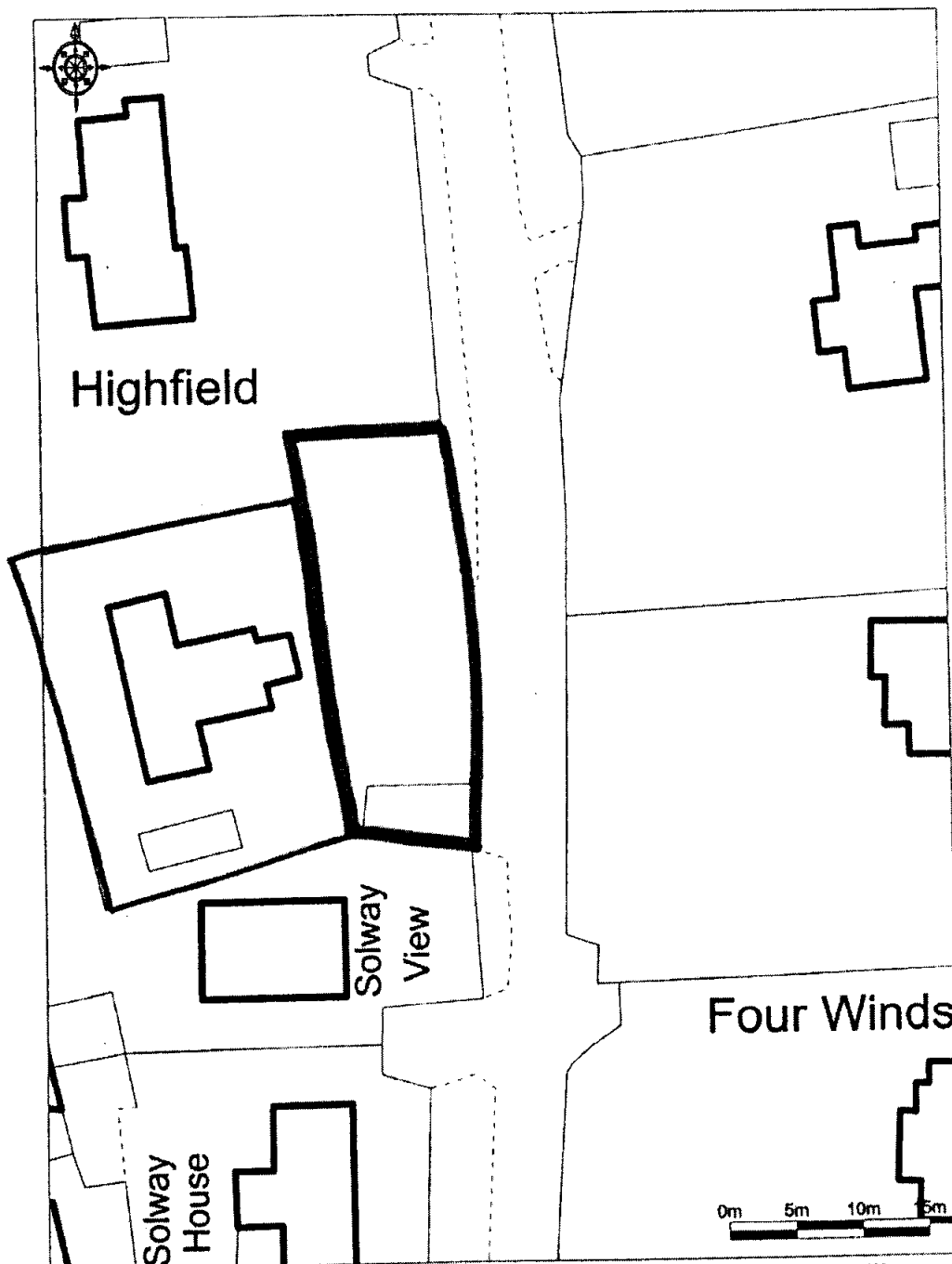
CUMBRIA

DISTRICT CARLISLE

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BURGH BY SANDS PARISH





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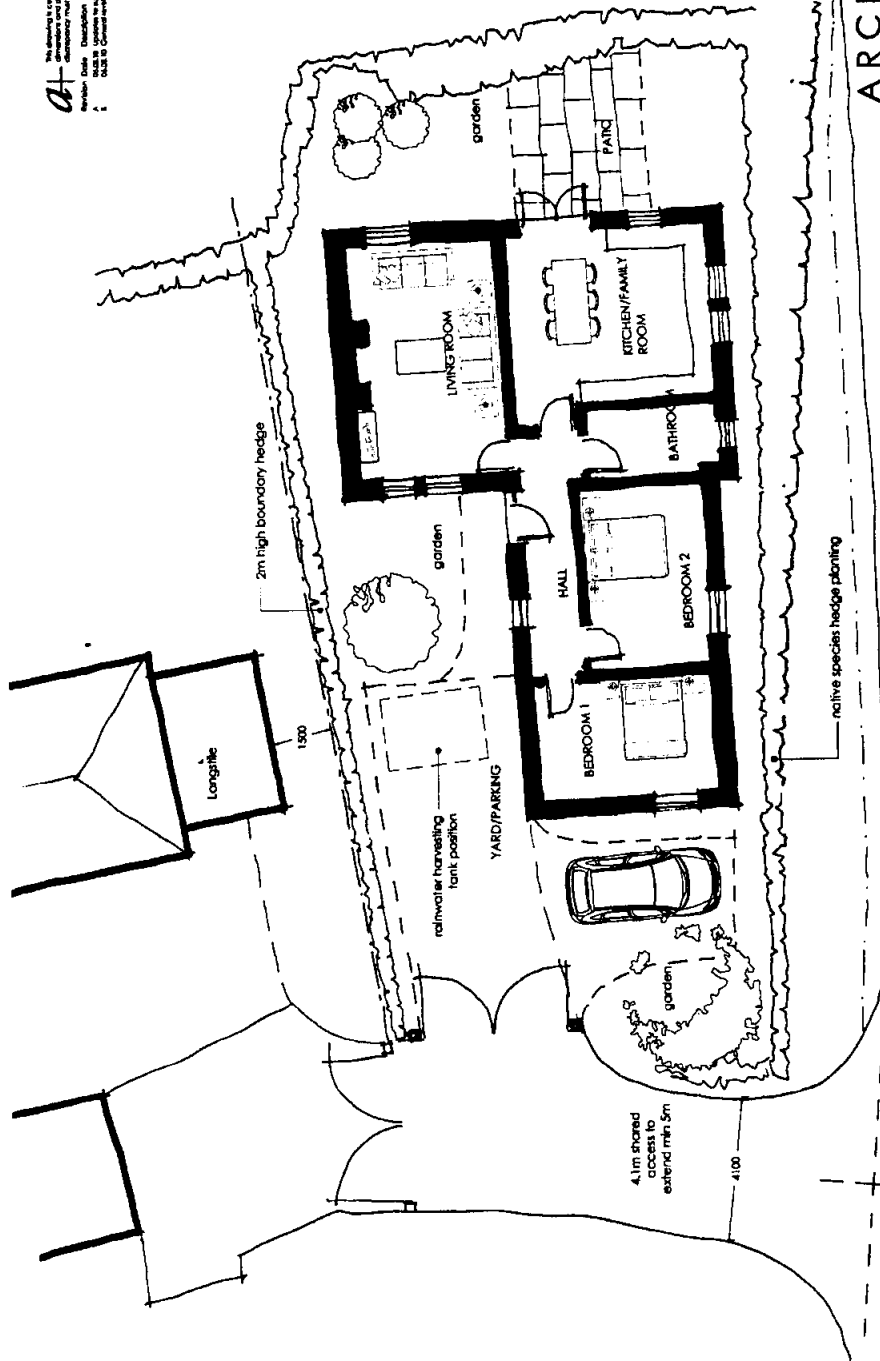
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2010/0736

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Architect: Date: Description: Scale: 1:100

Architect: Date: Description: Scale: 1:100

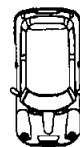


- 9 AUG 2010  
2010/0736

ARCHITECTS **PL**

Proposed Dwelling Adjacent to  
LANGSTILE, BURGH BY SANDS  
SITE PLAN

Scale: 1:100 Date: 03 Aug 10 Drawn: CD Checked: PDS  
Project: 08076 - 04 B  
Architect: PL (P) Limited  
Registered in England No. 051140  
10 Langstile Road, Langstile, Burgh by Sands, Victoria 3207  
Tel: 01228 513144 Fax: 01228 513033  
Web: www.architectspl.com.au

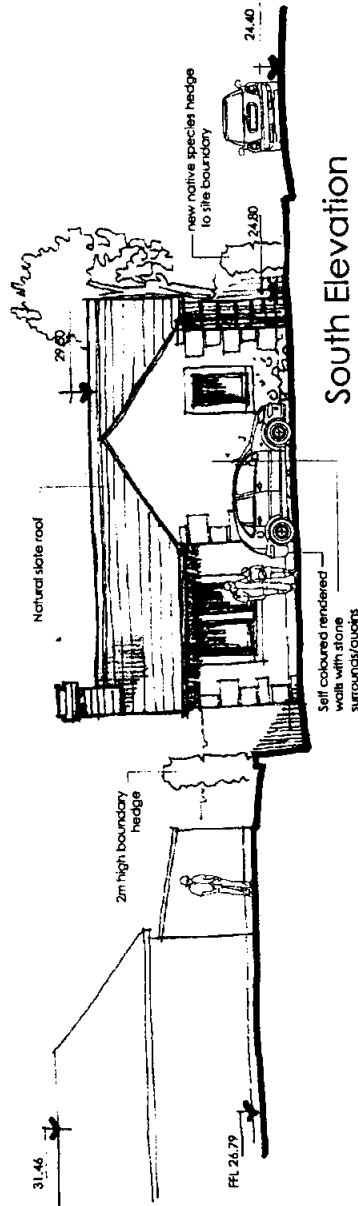


Road

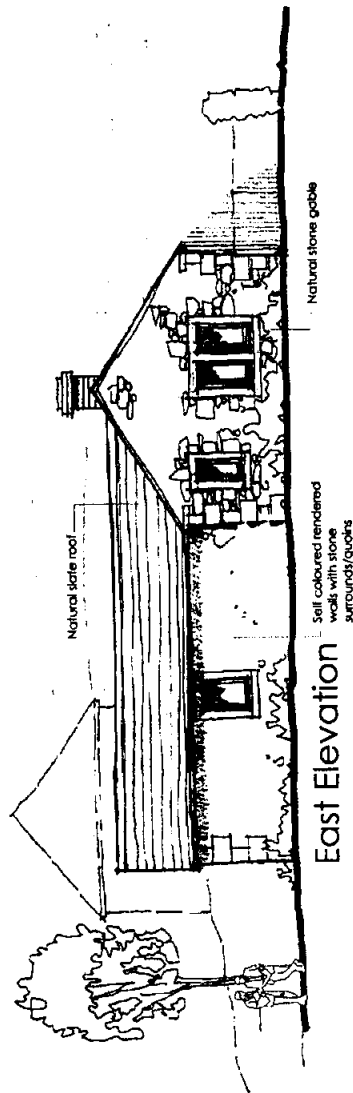
Ground Floor Plan



**Architects**  
 The drawings, specifications, figures and diagrams are to be followed in accordance with the  
 instructions and particulars given in the notes. Any alterations or amendments to the drawings  
 shall be made in accordance with the instructions and particulars given in the notes.  
 Revision: Date Description  
 A 08/08/10 General revisions to self-coloured boundary treatments  
 C1



South Elevation



East Elevation

- 9 AUG 2010  
 2010/6736

**ARCHITECTS**  
**PLUS**

Project  
 Proposed Dwelling Adjacent to  
 LANGSTILE, BURGH BY SANDS  
 SECTION & ELEVATIONS

Scale 1:100 @ A3 Date April 10 Drawn db Corrected p03  
 Project No 08076-06A  
 Architects Plus (UK) Limited  
 Victoria College, Victoria House, Victoria Road, Colchester, Essex, CO1 1AG  
 Tel: 01206 315333 Fax: 01206 315333  
 Registered in England No. 4221140  
 www.architectsplus.co.uk



## SCHEDULE A: Applications with Recommendation

10/0611

Item No: 03

Date of Committee: 01/10/2010

**Appn Ref No:**  
10/0611

**Applicant:**  
Miss Dicken

**Parish:**  
Carlisle

**Date of Receipt:**  
30/06/2010 16:00:21

**Agent:**  
Green Design Group

**Ward:**  
Belah

**Location:**  
22 Kingstown Road, Carlisle, CA3 0AD

**Grid Reference:**  
339777 558074

---

**Proposal:** Demolition Of Existing Redundant 2 Bed Dwelling. Erection Of 3no. Flats  
With On-Site Parking (Revised Application)

**Amendment:**

1. Amended plans showing alterations to the access arrangements, alterations to the design of the balconies and removal of two windows from the northern gable.

---

**Case Officer:** Shona Taylor

### REPORT

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

This application is brought before the Development Control Committee for determination due to the receipt of more than four letters of objection from neighbouring residents.

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

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

**Local Plan Pol CP5 - Design**

**Local Plan Pol CP6 - Residential Amenity**

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

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

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

## Local Plan Pol H2 - Primary Residential Area

## Local Plan Pol T1- Parking Guidelines for Development

### 2. Summary of Consultation Responses

**Cumbria County Council - (Highway Authority):** the details now shown on 09/1922/04C are in order. The access is wider and the first parking space is set back far enough to give clear visibility of the highway/access road. The application is therefore now not reliant on the "one way order" and can accommodate 2 way working. The existence of the "buffering" provided by the unobstructed "works area" is however vital – low wall ( less than 1m between the visitors parking and this area only( if any) ) and a low wall between this and this area and the highway. I can therefore confirm that there are no objections to this application but would recommend three conditions are included in any consent that may be granted;

**United Utilities:** no response received;

**Community Services, Drainage Engineer:** the applicant indicates disposal of foul sewage to the mains sewer which is acceptable, however, in the first instance the applicant should investigate the use of either soakaways or a sustainable drainage system for surface water disposal;

**Environmental Services - Environmental Quality:** no objections to the proposal, subject to the inclusion of a condition regarding any contamination that may be found during the ground works;

**Northern Gas Networks:** no objections to the proposal, however, there may be apparatus in the area that would be at risk during construction works and should the application be approved, then Northern Gas Networks require the promoter of these works to contact them directly to discuss their requirements in detail;

**Cumbria Constabulary - North Area Community Safety Unit (formerly Crime Prevention):** although the applicant has not sought any crime prevention design advice for the development it is apparent that previous comments provided in response to application 09/0867 have been acknowledged and sufficient information has been provided to comply with Policy CP17 of the Local Plan.

### 3. Summary of Representations

#### Representations Received

Initial:	Consulted:	Reply Type:
Morrisons	06/07/10	
49 Gosling Drive	06/07/10	Objection
26 Kingstown Road	06/07/10	Objection
28 Kingstown Road	06/07/10	

30 Kingstown Road	06/07/10	
32 Kingstown Road	06/07/10	
34 Kingstown Road	06/07/10	Objection
36 Kingstown Road	06/07/10	
38 Kingstown Road	06/07/10	Objection
40 Kingstown Road	06/07/10	
42 Kingstown Road	06/07/10	
45 Kingstown Road	06/07/10	
47 Kingstown Road	06/07/10	
49 Kingstown Road	06/07/10	
51 Kingstown Road	06/07/10	
53 Kingstown Road	06/07/10	
55 Kingstown Road	06/07/10	
57 Kingstown Road	06/07/10	
19 Kingstown Road	06/07/10	
21 Kingstown Road	06/07/10	
Goslingsyke Cottage	06/07/10	Support
25 Kingstown Road	06/07/10	
27 Kingstown Road	06/07/10	
29 Kingstown Road	06/07/10	
24 Kingstown Road	06/07/10	Objection
49 Gosling Drive	06/07/10	Objection
31 Kingstown Road	06/07/10	
33 Kingstown Road	06/07/10	Petition
35 Kingstown Road	06/07/10	
37 Kingstown Road	06/07/10	
39 Kingstown Road	06/07/10	
41 Kingstown Road	06/07/10	
43 Kingstown Road	06/07/10	
24 Kingstown Road	06/07/10	Objection
49 Gosling Drive	06/07/10	Objection
Suite 9C		Comment Only
25 Eldred Street		Objection
Mediview Resort		Objection

3.1 This application has been advertised by means of site and press notices as well as notification letters sent to 30 neighbouring properties. In response, letters from the occupiers of 11 neighbouring properties objecting to the application and two petitions opposing the development were received. One of the petitions relates to the original application and one to the subsequent amended plans, with signatures from the occupiers of 8 properties. Two further objections were received from interested parties outwith the district. A letter was received signed by the owners/occupiers of the 10 properties on the adjoining terrace stating that no access will be given to the applicants, and a final letter of objection on behalf of the occupiers of those properties to the amended plans, signed by the occupiers of all ten properties.

3.2 The letters of objection and the petitions raise the following issues:

1. the development will have an adverse impact on the living conditions of the surrounding properties;
2. there is inadequate access and parking;
3. the proposal represents a gross overdevelopment of the site;

4. it constitutes an additional hazard to both pedestrians and vehicles on Kingstown Road;
  5. the surface of the access will tear up in a short period of time;
  6. the access exists only up to the claimed boundary of No 22 not further;
  7. the access road will not be wide enough to accommodate two cars and would be hazardous for pedestrians;
  8. it is a shame to lose an old building such as this cottage;
  9. one of Carlisle's historical gems will be lost;
  10. two way traffic into and out of the site will be dangerous;
  11. the turn onto the access is very tight;
  12. Derwent Terrace is a sociable and pleasant place to live, it is feared that this would be destroyed if the current development is approved;
  13. It is acknowledged that the development of the site is inevitable, but consider that a single dwelling would be more appropriate.
- 3.3 An objection was received on behalf of Morrisons regarding future objections from the occupiers of the proposal to their operations associated with car parking and recycling on site.
- 3.4 All of the representations are available for Members to view in the week preceeding Committee in the 3rd party file in the Members Group Offices.

## **4. Planning History**

- 4.1 In 2009 an application has submitted for the for the demolition of the cottage and the erection of 5 flats. The application was withdrawn prior to determination.

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

### **Introduction**

- 5.1 This application is seeking planning consent for the demolition of the cottage at 22 Kingstown Road and the erection of three flats within its curtilage. The cottage, which is located immediately to the south of the neighbouring terraced properties (24-38 Kingstown Road) is in a poor state of repair. It is situated to the north of the plot, which measures 233 square metres. The surroundings to the site are wholly residential, with the exception of Morrisons Supermarket, the car park of which is located directly to the rear of the plot, beyond an area of planting.

- 5.2 The site currently has no vehicle access, but fronts onto Kingstown Road, and is situated adjacent to the lane which gives vehicular access to the rear of 24-38 Kingstown Road. The existing boundaries of the site are demarcated by a mixture of a low brick wall to the front and hedging of varying heights to the rear boundary. The application site is within a Primary Residential Area, as identified on the Proposals Map that accompanies the Local Plan.

### **The Proposal**

- 5.3 The plan that accompanies the application illustrates that it is proposed to erect an apartment building which would be two and a half storeys in height. It will occupy a footprint measuring approximately 116 square metres. Two two-bedroom flats will be located on the ground and first floor, with a third one-bedroom unit provided within the roof void. The building will front onto Kingstown Road, parallel to the neighbouring terrace. It would be finished using facing brick, with a reclaimed welsh slate roof. A large dormer window, 3.5m in width is incorporated on the front elevation, and to the south elevation are three balconies serving each of the residential units.
- 5.4 Four parking spaces are to be provided to the west of the site, with direct vehicular access onto the side lane, which leads out onto Kingstown Road. There have been several objections to the use of this access lane from the occupiers of 24-38 Kingstown Road, stating that they deny access over this private road. In respect of this particular issue, this is a civil matter to be resolved between the residents and the prospective developer.
- 5.5 It is proposed to widen the width of the lane that leads from Kingstown Road to 5.5m. This would enable traffic entering and exiting the lane to do so without interrupting the free flow of traffic on Kingstown Road. It is proposed to discharge foul and surface water to the combined sewer.
- 5.6 A yard area and bin store will be located to the east of the site, to the front of the parking spaces, and sheltered from Kingstown Road by way of an approximately 1.5m high brick wall.

### **Assessment**

- 5.6 The relevant planning policies against which the application is required to be assessed are Policies CP5, CP6, CP12, CP17, H1, H2 and T1 of the Carlisle District Local Plan 2001-2016.
- 5.7 The proposals raise the following planning issues:
1. Whether The Principle Of The Proposed Development Is Acceptable.
- 5.8 In policy terms, Members will appreciate that the land is 'Brown Field' land within the urban area and is well located in a relation to choice of modes of transport. Accordingly, the principle of its development for housing is not an issue, subject to compliance with the criteria identified in Policy H2 of the Local Plan.

2. Whether The Scale And Layout Of The Development Is Acceptable.
- 5.9 In terms of the physical height of the building, Members will see from the proposed west elevation that the overall height and mass of the apartment block is comparable with the scale of the adjacent terraced dwellings.
- 5.10 Each flat has its own balcony, along with the shared yard area and bin store, ensuring adequate amenity space is available for the future occupiers of the flats.
3. The Impact Of The Proposal On The Living Conditions Of Neighbouring Residents.
- 5.11 The gable wall of the apartment block will be situated 10.5m from the gable of No 24 Kingstown Road. The two windows positioned in the north elevation of the flats serve the hallway/entrance lobby, which is not a habitable room.
- 5.12 Whilst there are windows to the kitchen and living room in the side elevation of No. 24 Kingstown Road that face onto the proposed site, the current situation is that these windows are situated directly opposite the cottage at a distance of only 4.7m away. Under the proposed scheme the separation distance between No. 24 and the apartment block will increase to 10.5m, and although it is accepted that the proposal will be taller than the existing cottage, it is nonetheless considered that it will significantly improving the outlook for the occupiers of No. 24.
- 5.13 As such, taking into consideration the scale and position of the proposed development in relation to the existing neighbouring property it is unlikely that the living conditions of the occupiers of this property will be compromised through loss of light, loss of privacy or overdominance.
4. Access, Parking Provision and Highway Issues.
- 5.14 The Highway Authority has stated that the provision of four parking spaces, including the provision of one visitor space, would be sufficient to serve the development. As mentioned in paragraph 5.4 the local residents have raised significant concern regarding the use of the access lane to the rear and side of the neighbouring terrace. Currently the residents of the terrace have an informal "one way system" arrangement. The Highway Authority initially raised concerns about the width of the access to the site and as such recommended that the one-way system was formalised by way of a traffic regulation order (TRO). However, the residents of the site stated that they would not agree to the implementation of the TRO. As such the applicants have utilised part of their site to widen the junction of the lane with Kingstown Road to 5.5m. The Highway Authority is now satisfied that the access road is wide enough to accommodate two way traffic into the proposed site safely and the amendment to the TRO is no longer required.
- 5.16 The local residents are unhappy with the widened access, and have raised concerns regarding the safety of both vehicles entering/exiting the site, as well as pedestrians. These highway safety issues are noted; however, as the

Highway Authority does not share these concerns a refusal of the application on this basis could not be substantiated.

- 5.17 The Highway Authority has requested that wall screening the bin store and yard area from Kingstown Road is reduced to a maximum height of 1m. The applicants agent has confirmed that they are willing to do this. At the time of writing this report an amended plan had not been received but is expected to be submitted prior to the committee date.

#### 5. Disposal Of Foul Sewage and Surface Water.

- 5.17 The applicant has indicated that foul sewage will be discharged to the sewer, which the Council's Drainage Engineer has confirmed is acceptable.
- 5.18 With regard to the disposal of surface water the Drainage Engineer has suggested that a sustainable drainage system is incorporated into the design or, alternatively, soakaways. In order to address this issue, a condition has been included requiring the applicant to submit a scheme for the provision of surface water drainage works.

#### 10. Other Matters.

- 5.19 A local resident has expressed concern that access lane will not be able to support the increase in the number of vehicles, and will result in general 'wear and tear'. However, if the increased use of the short section of road by traffic were to worsen the existing situation it is a civil matter, to be resolved between the developer and the owners of the properties in question. This matter should not affect the determination of the application.

### Conclusion

- 5.20 In overall terms, the principle of the proposed development is acceptable. The scale and layout of the proposed apartment block 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 unreasonable loss of daylight or sunlight. Adequate car parking and amenity space would be available to serve the development. In all aspects the proposals are 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, proportionate and there is social need;

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

## **7. Recommendation - 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 approved documents for this Planning Permission comprise:

1. the submitted planning application form dated 30th June 2010;
2. the location and block plan dated 30th June 2010 and numbered 09/1922/00A;
3. the plans and elevations as existing dated 30th June 2010 and numbered 09/1922/01B;
4. the plans, elevations and section as proposed dated 30th June 2010 and numbered 09/1922/04C;
5. the design and access statement dated 30th June 2010;
6. the desk top study regarding likelihood of contamination at the Proposed site dated 30th June 2010;
7. the Notice of Decision; and
8. any such variation as may subsequently be approved in writing by the Local Planning Authority.



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

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

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

4. 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.

5. The use shall not be commenced until the access, parking and "yard area" requirements have been constructed in accordance with the approved plan. Any such access, parking and yard area provision shall be retained and be capable of use when the development is completed and shall not be removed or altered without the prior written consent of the Local Planning Authority.

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

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

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

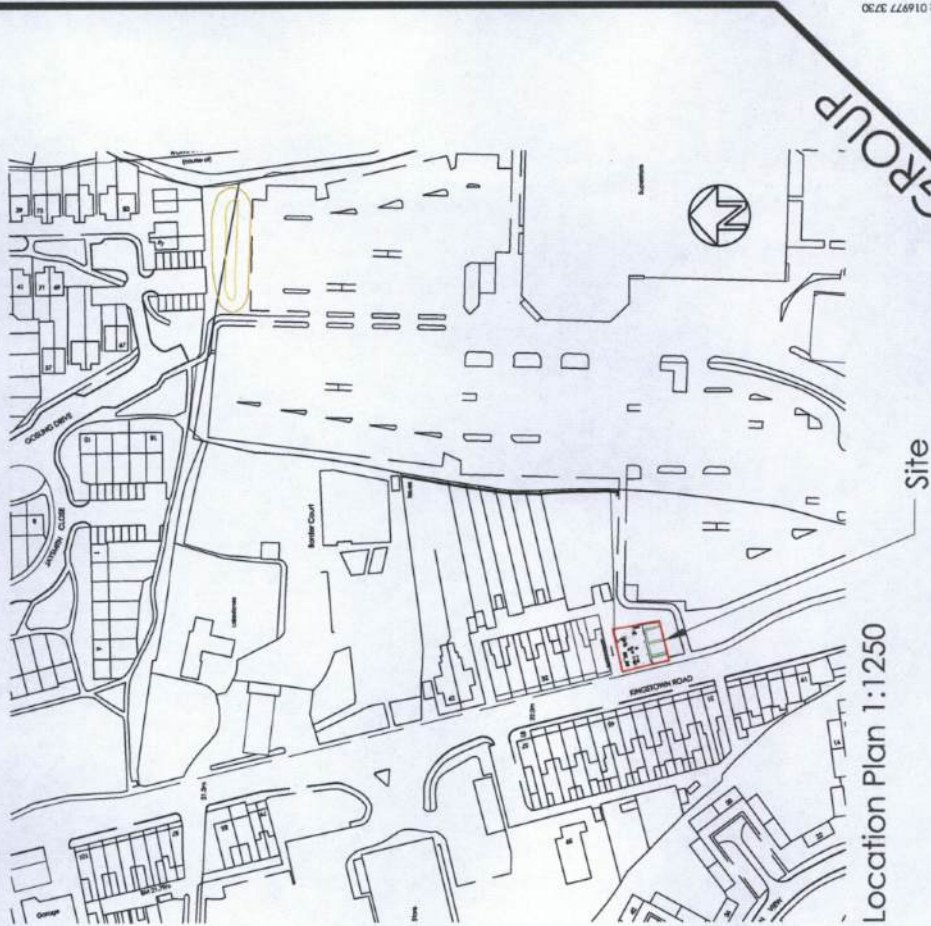
7. In the event that contamination is found at any time when carrying out the development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. The contamination would need to be risk assessed and a remediation scheme prepared. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

**Reason:** To ensure that the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and

ecological systems and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with Policy LE28.

8. No development approved by this permission shall commence until a scheme for the provision of surface water drainage works has been submitted to and approved, in writing, by the Local Planning Authority.

**Reason:** To prevent the increased risk of flooding by ensuring an acceptable means of surface water disposal in accordance with Policy CP12 of the Carlisle District Local Plan 2001-2016.



D	C	REV	DATE	DESCRIPTION
PM	DA	A	27/04/2010	Revised Planning Application

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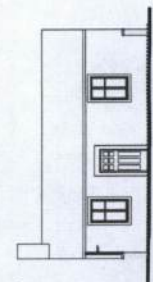
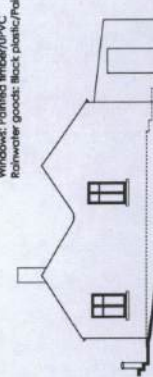
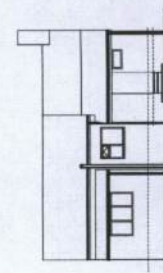
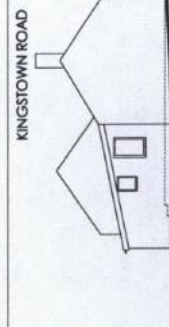
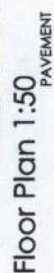
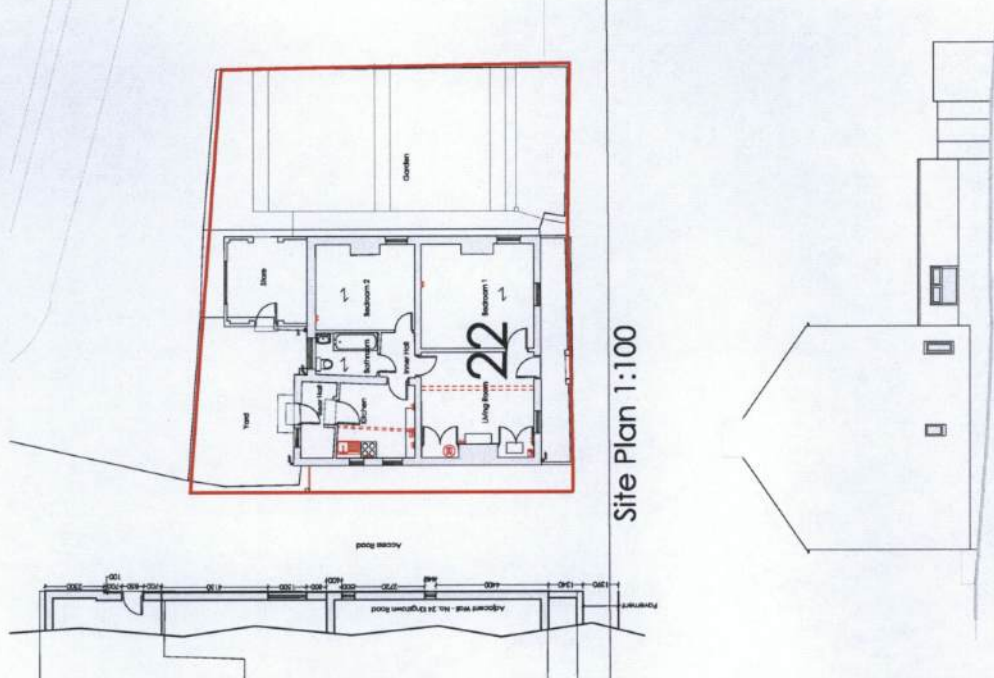
**GREEN DESIGN GROUP**  
 CHARTERED ARCHITECTS AND DESIGNERS  
 www.greendesigngroup.co.uk

Location & Block Plan  
 3 No. Flats  
 For L. Dicken  
 Oct 2009 @ A2  
 Scales noted @ A2  
 09/1922/004

MARKET PLACE BRAMPTON CUMBRIA CA8 1RW TEL: 014977 3730

64 MAIN STREET COCKERMOUTH CUMBRIA CA13 9JU TEL: 01900 829445







## SCHEDULE A: Applications with Recommendation

10/0634

Item No: 04

Date of Committee: 01/10/2010

**Appn Ref No:**  
10/0634

**Applicant:**  
Mr Springer

**Parish:**  
Beaumont

**Date of Receipt:**  
14/07/2010

**Agent:**  
Gareth Storey Associates

**Ward:**  
Burgh

**Location:**  
Field 5718, Opposite Hollow Creek Farm,  
Kirkandrews on Eden, CA5 6DJ

**Grid Reference:**  
335487 558245

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**Proposal:** Extension Of Existing Agricultural Barn (Retrospective Application)  
**Amendment:**

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### REPORT

**Case Officer:** Rebecca Burns

### Reason for Determination by Committee:

This application is brought before members of the Development Control Committee at the request of the Ward Councillor.

### 1. Constraints and Planning Policies

Ancient Monument

Local Plan Pol CP5 - Design

Local Plan Pol CP6 - Residential Amenity

Local Plan Pol LE7-Buffer Zone Hadrians Wall W.Herit.Site

Local Plan Pol LE25 - Agricultural Buildings

### 2. Summary of Consultation Responses

**Cumbria County Council - (Highway Authority):** no objection to the proposal as it is considered that the development is unlikely to have a material affect on existing highway conditions;

**Beaumont Parish Council:** object to the proposal due to the proximity of the development to the Vallum of Hadrian's Wall; the housing of livestock on the site previously used for storage only; the lack of a water supply to the site and lack of clarity over the disposal of foul effluent from the site; the access to this site and the impact of increased traffic from the site;

**English Heritage - North West Region:** no objection to the works in connection with the main building work however there are concerns regarding the works which have taken place to the access which lies on part of Hadrian's Wall Vallum without Scheduled Monument Consent. Further comments are awaited;

**Hadrian's Wall Heritage Limited:** no comments have been received during the consultation period.

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

#### **Representations Received**

Initial:	Consulted:	Reply Type:
Hollow Creek Farm	19/07/10	
The Old Post Office	19/07/10	Support
The Croft		Support
Burgh by Sands		Objection

3.1 This application has been advertised by the direct notification of 2 neighbouring properties and the posting of a site notice. In response, 2 e-mails of support have been received.

3.2 The e-mails identify the following issues:

1. The barn and the land it is sited on has been idle for some time. The land and barn are being brought back into use.
2. The work that has taken place on site has tidied up the entrance to the village
3. The development can only be advantageous for the village

3.3 In addition the ward councillor has objected to the application on highway grounds, the increase in traffic and the proximity of the site to the Vallum.

### **4. Planning History**

4.1 In 1973, under applications BA7744 and BA8273, planning permission was refused for the erection of a bungalow.

4.2 In 1978, under application 78/0098, planning permission was again refused for the erection of a bungalow.

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

### **Introduction**

- 5.1 This application seeks retrospective approval for the extension to an existing agricultural barn located at Field 5718 opposite Hollow Creek Farm, Kirkandrews on Eden.
- 5.2 The barn is no longer under the ownership of Hollow Creek Farm and stands alone on the western edge of the village on a site of just under 3 hectares. The surrounding land uses are predominantly agricultural; however, there two residential properties in close proximity, Hollow Creek Farm and The Old Post Office.

### **The Proposal**

- 5.3 This application seeks approval for the erection of an extension to the existing barn. The extension measures 22.5 metres by 7.5 metres and has a total ridge height of 6 metres doubling the original footprint. The walls and roof of the extension and the existing eastern elevation of the barn are to be clad in green Plastisol coated metal sheeting.
- 5.4 The barn will be used to keep the applicant's own animals, these will include horses, sheep and possibly alpacas. The internal arrangement has been designed to be multi-purpose and flexible to allow the housing of various farm animals.
- 5.5 The applicant is proposing to utilise eco-technologies on site by erecting a furlmatic windcharger and installing three solar panels to the roof to provide power to the barn as well as installing a 400 gallon rainwater harvesting tank.

### **Assessment**

- 5.6 The relevant planning policies against which the application is required to be assessed are Policies CP5, CP6, LE7 and LE25 of the Carlisle District Local Plan 2001-2016.
- 5.7 The proposal raises the following issues
1. The Principle Of The Proposed Development
- 5.8 The application site is situated within Hadrian's Wall World Heritage Site Buffer Zone. Policy LE7 seeks to ensure that proposals within the buffer zone will not have an unacceptable impact on the character or setting of the World Heritage Site.
- 5.9 Given that the surrounding land uses are predominantly agricultural and that the extension to the barn is well screened from the road and the neighbouring properties, it is not considered that the development has an unacceptable



impact upon the World Heritage Site.

- 5.10 Policy LE25 seeks to ensure that agricultural buildings are sited where practical to integrate with existing farm buildings and/or where such buildings can be successfully integrated into the existing landscape and will not have detrimental impact upon the character of the area.

- 5.11 The extension and the existing eastern elevation of the barn are clad in green Plastisol coated metal sheeting which minimises the visual impact of the barn upon the eastern approach to the village. The barn is set back from the road and the extension is located to the rear. It is therefore considered that the extension does not have a detrimental impact upon the character of the village. The principle of the extension is acceptable.

## 2. Whether The Scale And Design Of The Proposals Are Acceptable

- 5.12 The scale and design of the extension are considered acceptable and in sympathy with the surrounding area.

## 3. The Impact of The Proposals On The Living Conditions Of The Occupiers Of Any Neighbouring Properties

- 5.13 Two residential properties, The Old Post Office and Hollow Creek Farm, are located in close proximity to the application site. The Old Post Office is located to the west of the application site and is set significantly lower and is well screened by existing mature vegetation. The yard and access to the barn are located on the western side of the application site thus lessening any potential impact upon The Old Post Office.

- 5.14 Hollow Creek Farm is also set lower on the opposite side of the road and the barn is similarly well screened behind existing hedgerows bounding the application site.

- 5.15 The extension is located to the south of the barn and will not be directly visible from either of the two neighbouring properties.

- 5.16 It is therefore considered that this extension will not have any detrimental impact upon the two neighbouring properties.

## 4. Highway Matters

- 5.17 The Ward Councillor and the Parish Council object to this application on highway grounds raising concerns over the access to the site and the potential increase in traffic to and from the site. County Highways, however, raise no objections to the application as it is considered that the development will be unlikely to have a material affect on existing highway conditions.

- 5.18 It is not considered that the traffic flow to and from the site will be altered significantly as a result of the extension to the barn. The applicant will use the barn and land for personal use only and as a result will generate very little traffic. It is anticipated that there will generally be one visit per day by the

applicant to feed/ tend to/clean the animals and this visit will take place in a Land Rover 4x4. The only other anticipated vehicle movements on site will be the transportation of animals to market or slaughter which will take place approximately 2 to 3 times per month and in such instances a trailer or small horse box will be used.

- 5.19 In order to improve visibility from site the applicant has removed a section of hedgerow to the right of the access. The applicant is proposing to replant the hedgerow which will be set further back from the road to ensure that visibility from the access is not compromised. At the time of writing the report comments from the City Council's Landscape Architect/Tree Officer are awaited.

## 5. Other Matters

- 5.20 As noted the applicant has removed a section of hedgerow without obtaining hedgerow consent. Furthermore the hedgerow is within a Scheduled Monument and Scheduled Monument Consent has not been obtained. At the time of writing this report comments from the City Council's Landscape Architect/Tree Officer are awaited. English Heritage have been informed of the removal of the hedgerow. This issue is not a relevant planning matter to be addressed under this application; however, further action may be taken by the Tree Officer and/or English Heritage in due course.

## Conclusion

- 5.21 In overall terms, the proposals are acceptable in principle. The scale and design of the extension is considered acceptable and the development is not considered to have an adverse impact upon Hadrian's Wall World Heritage Site Buffer Zone or on the living conditions of any neighbouring properties. Furthermore the access to the site is considered acceptable by County Highways. In all aspects the development is compliant with the relevant policies contained within the adopted Local Plan.

## 6. Human Rights Act 1998

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

**Article 6** bestowing the "Right to a Fair Trial" is applicable to both applicants seeking to develop or use land or property and those 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, proportionate and there is social need;
- 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. 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**

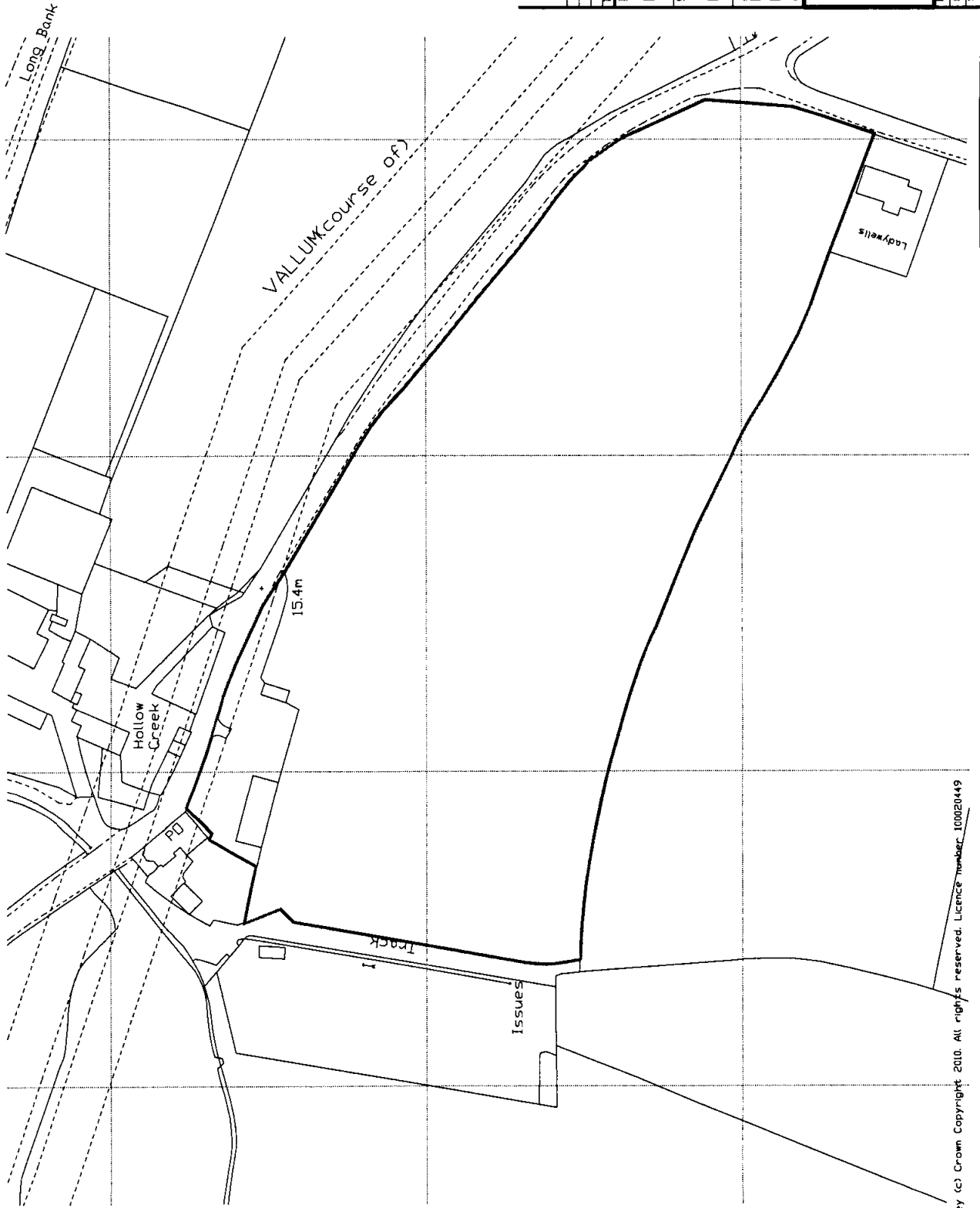
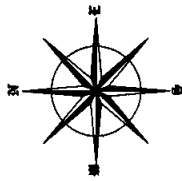
1. The approved documents for this planning permission comprise:
1. the submitted planning application form;
  2. the Design and Access Statement;
  3. Drawing Number 10/074/1;  
Drawing Number 10/074/2;  
Drawing Number 10/074/2a;  
Drawing Number 10/074/3;
  4. Details of FM1803-2 Furlmatic Windcharger;
  5. Noise Report on FM1803-2 Furlmatic Windcharger;
  6. the Notice of Decision; and
  7. any such variation as may subsequently be approved in writing by the Local Planning Authority.


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

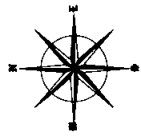
2. The building hereby permitted shall only be used for agricultural purposes as defined by Sec. 336 of the Town & Country Planning Act 1990 and for no other purpose without the prior permission of the Local Planning Authority.

**Reason:** To ensure that said building is used only for agricultural purposes in the interests of the amenity of local residents and in accord with Policy LE25 of the Carlisle District Local Plan 2001-2016.

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NO. AMENDMENT		DATE
PROPOSED		
LOCATION PLAN		
CLIENT		
MR N SPRINGER		
ADDRESS		
HOLLOW CREEK FARM		
KIRKANDREWS ON EDEN		
CUMBRIA		
 <b>Hook Developments</b> BUILDING AND PLANNING CONSULTANTS LAND SURVEYORS 13 PENNIE FIELDS FENCE LANCASHIRE BB12 9HN Telephone: (01283) 884444 Mobile: 07960 744485 E-mail: <a href="mailto:hookdevelopments@bt.com">hookdevelopments@bt.com</a>		
DATE	1/7/10	SCALE 1:1250
DRN	G.S.	DRG No. 10/074/3
SV00		



Long Bank

VALLUM (course of)

Existing entrance to grassed  
area to be removed and replaced  
by a new entrance to improve visibility

15.4m

Hollow  
Creek

PD

Proposed 400mm dia water  
maining line

New water points

New steel lattice

Proposed barn extension

Track

Issues



1	Proposed water features added	19/07/10
2	ADDITION	DATE
3	PROPOSED	

SITE PLAN

CLIENT

MR N SPRINGER

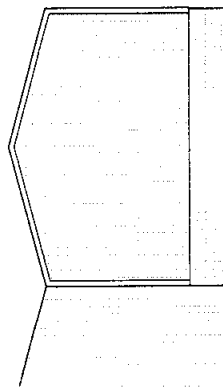
ADDRESS  
HOLLOW CREEK FARM  
KIRKANDREWS ON EDEN  
CUMBRIA



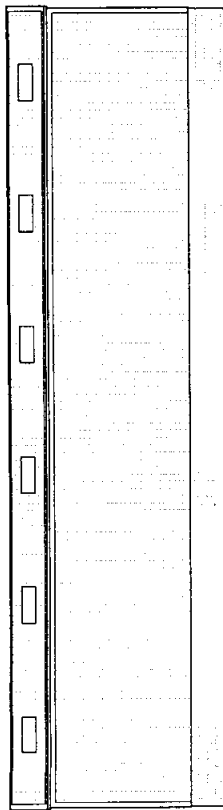
13 PENNIE FIELDS  
PENNY  
LANCASHIRE  
B67 2 9RN  
Tel: 01204 744444  
Fax: 01204 744444  
E-mail: hookdevelopments@bt.com

**Hook Developments**  
BUILDING AND PLANNING CONSULTANTS  
LAND SURVEYORS

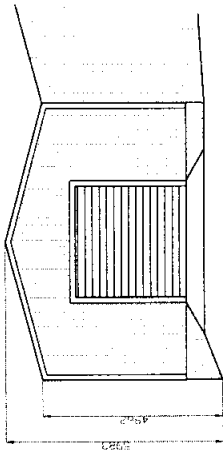
DATE	1/7/10	SCALE	1:500	DRN	CS	DRG No.	10/074/20	SYD
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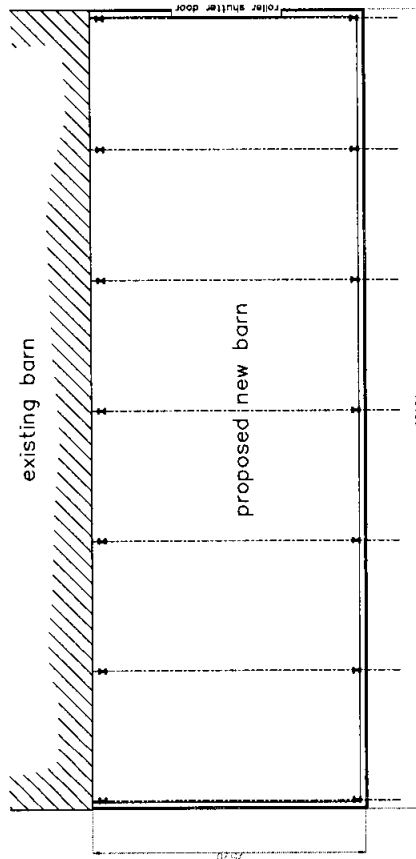
Side Elevation



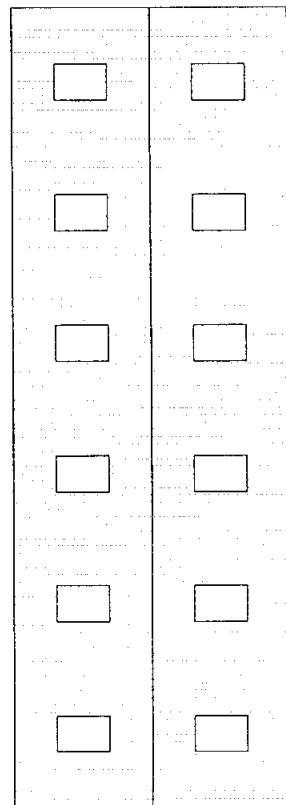
Front Elevation



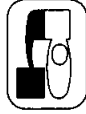
Side Elevation



Floor Plan



Roof Plan

No. AMENDMENT		DATE
PROPOSED		
BARN EXTENSION		
CLIENT		
MR N SPRINGER		
ADDRESS		
HOLLOW CREEK FARM		
KIRKANDREWS ON EDEN		
CUMBRIA		
 <b>Hook Developments</b> BUILDING AND PLANNING CONSULTANTS LAND SURVEYORS. Telephone: (01292) 694444 Mobile: 07860 744465 E-mail: hookdevelopments@aol.com		
DATE	1/7/10	SCALE 1:100
DRN	G.S.	DRG No. 10/074/1
SVTD		

5,000 metres

RE:- FIELD 5718, OPPOSITE HOLLOW CREEK FARM,  
KILK ANDREWS ON EDEN.

## FM1803-2 Furlmatic Windcharger

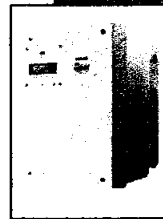
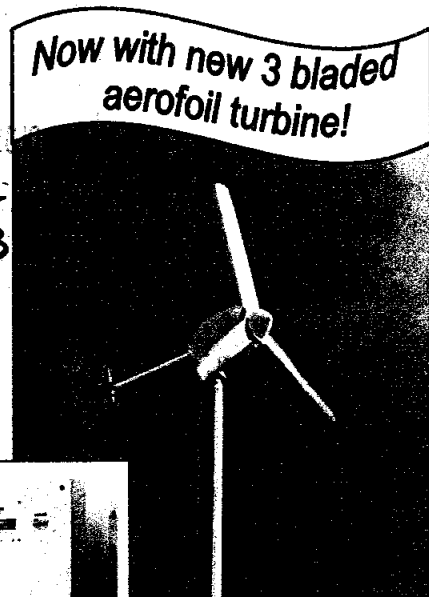
*Are you living off grid?*

*Do you need power at a remote site?*

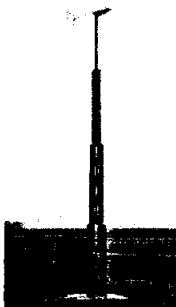
Take advantage of the abundant power of the wind to generate your own free power using the Rutland FM1803-2 Furlmatic Windcharger. The FM1803-2 needs only a light breeze to start generating power for charging batteries so you have the convenience of energy stored for whenever you need it. Typically the 12V or 24V battery power can be used for:

- Low energy lighting
- Pumps
- Refrigerators
- Telecommunications equipment
- Computers & TV's
- 230V appliances can be operated through an inverter

KL  
RB



FM1803-2 model  
3 blade design with  
MPC1 controller inset



### Living off grid

Where grid power is not available the FM1803-2 provides a cost effective solution, charging batteries to deliver 12/24V power which can also be inverted to 230V AC.

The FM1803-2 can deliver sufficient power for most daily needs with only occasional use of a generator for high energy consuming appliances, e.g. domestic washing machine.

Where a generator is already used the FM1803-2 will soon reduce energy costs and pay for itself in convenience. Direct fuel costs and engine wear and running time will be noticeably reduced.

### Power at Remote and Inaccessible Sites

Professionals providing services such as telecommunications and monitoring at remote locations will find using wind power immediately cost effective and long term convenient. Site visits to change batteries will be reduced and battery life extended.

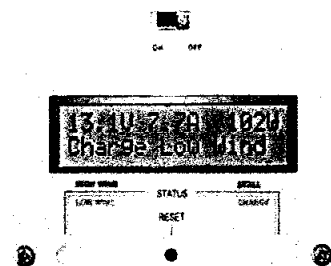
A clean source of energy and it saves you money!

- Rutland Windchargers are an environmentally friendly way of generating power
- Battery life is extended as the continuous charging reduces the number of deep discharge cycles.
- Where generators are in use running and maintenance costs will be reduced.

### Typical Applications

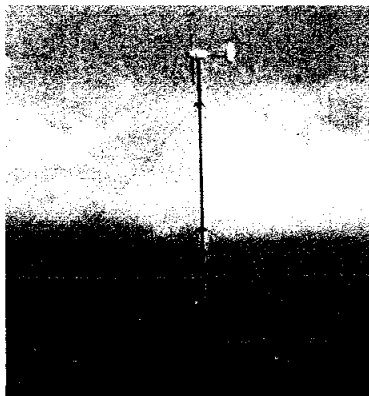
Marlec's FM1800 and FM1803 models have been used worldwide since 1989 in a variety of applications, eg:

- Remote homes
- Rural Clinics
- Scientific & Military Field Applications
- Telecommunications sites
- Portable power for travelling shows



MPC1 Electronic controller with digital display (shown) is included.

## How to get Up and Running

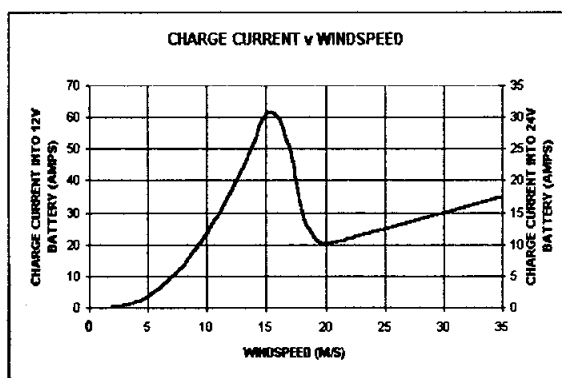


**Tower** - various designs are available that are adaptable to fit the FM1803-2 turbine's post fitting. A pole with an 81mm internal and 91mm external diameter is needed to affix the turbine to the tower. Lattice, freestanding and guyed towers are all suitable depending on the terrain, height and application. Wind loading figures for your tower design are available on request from Marlec.

**Batteries** - deep cycle lead acid batteries either sealed or unsealed are suitable for charging from the FM1803-2. A minimum capacity of 400Ah @ 12V and 200Ah @ 24V is recommended.

**Cable** - 3 core cable is required. The thickness to distance recommendations are: up to 50m 1.5mm<sup>2</sup> (16AWG), up to 100m 2.5mm<sup>2</sup> (14AWG). Longer distances are possible. The controller should always be located indoors and within 2m cable distance of the battery bank.

## Performance Curve



The FM1803-2 Furlmatic wind turbine is common to both the 12V and 24V Controllers. Part numbers: Turbine CA-03/02. Controllers: 12V CA-04/06, 24V CA-04/07

The FM1803-2 complies with EEC Directive 89/336/EEC ensuring that it does not emit any radiated interference.

## Product Dimensions:

**Turbine dimensions** are shown right

**Weights:** Turbine on tower 35.32Kg.

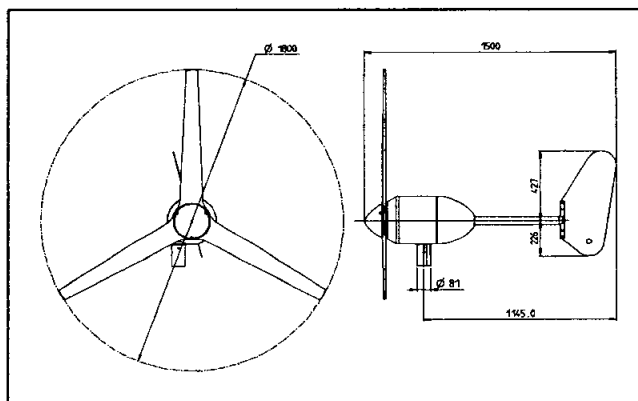
**Controller:** 280x250x140mm 9.94Kg

## Shipping Specifications:

1 carton on a pallet: 1200x675x520mm.

Weight 74Kg

At Marlec we continuously strive to improve products and as such specifications may change without notice.



Designed & Manufactured in the UK by  
**Marlec Engineering Co Ltd**  
 Rutland House, Trevithick Rd, Corby, NN17 5XY  
 Tel: +44 (0)1536 201588 Fax: +44 (0)1536 400211  
[sales@marlec.co.uk](mailto:sales@marlec.co.uk) [www.marlec.co.uk](http://www.marlec.co.uk)





## **FM1803-2 Furlmatic Windcharger System**

*Updated and more powerful!*

### **Technical Features**

**The FM1803-2 Furlmatic Windcharger** with its robust 3-bladed wind turbine is supplied with its purpose designed controller.

- New 3 bladed turbine design combines an efficient profile with a durable injection moulded construction.
- The 3 phase generator has a very low torque enabling power generation to start from just 3m/s (<7mph) windspeed.
- Rutland unique disc type brushless generator design has a high degree of inertia that keeps the turbine spinning between gusts of wind where other designs stop and start. As such the FM1803-2 delivers more power into a battery over a given period than all other commercial turbines of the same diameter that we know of and even some larger turbines.
- Sliprings at the tower top allow the turbine freedom to find the wind over 360° rotation.
- AC power is generated and transmitted to the controller. As the AC is generated at high voltage power losses are low allowing small cable to be used, minimising installation costs.
- Marlec's well established furling tail system is used on the FM1803-2. The tail normally directs the turbine into wind but a simple gravity induced mechanism operates at 15m/s (35mph) to push the turbine off wind thus reducing its speed. This provides protection from the forces exerted on the turbine and tower in very high winds and assures longevity of the product.
- MPC1 Controller incorporates 4 key features; 3 phase transformer to reduce voltage, a rectifier to convert AC to DC an electronic controller and battery overcharge protection.

**MPC1 Controller** electronics optimise the performance of the turbine to generate more power into the battery. It does this by switching the power ratios between high and low wind speed modes. The digital display keeps the user informed of the status of operation. The MPC1 functions and features are:

- LCD displays: battery voltage, charge in Watts & Amps and low battery voltage warning sign.
- LCD also displays the mode of operation: low wind mode, high wind mode, stall, battery full.
- A switch to start and stall the turbine.
- LED's to indicate operation modes & warnings
- Automatic delayed change of operation to avoid rapid switching. This takes account of short gusts of wind and waits for a sustained higher wind or voltage to be reached before changeover.
- Battery overcharge protection - turbine stall is invoked when the batteries are full at 14.4V & 28.8V @ 25°C thus reducing unnecessary wear and tear on the turbine. It automatically restarts as the battery volts fall to the lower limits of 12.5V & 25V.
- A re-set button allows the user to restart the wind turbine before this lower limit is reached.
- Temperature compensation ensures that the battery voltage switching points are automatically adjusted for ambient temperature to maintain optimum battery performance

We are quite regularly asked about noise from our micro wind turbines and this is certainly a reasonable request since they are rotating machines. It is however difficult to give measured figures since data collection of any potential noise generated by the windchargers is influenced by the following factors:

- Application – how the unit is connected electrically
- Installation – proximity to point of noise measurement, type of pole used, method of securing and height eg on a boat the windcharger might only be 2M off the deck whereas on land it might be 6M up.
- Location – eg in a park, a school play area, on boats by a river or in a marina, caravan site by the sea, etc
- Environmental noise – the wind itself whistling around buildings & trees, traffic, people, machinery, etc.
- Operational characteristics – the turbine operates over a wide range of windspeeds and therefore rpms (usually no more than 2000rpm) that affects noise at any one time.

The variety of rpms coupled with all the other factors and their variations means that almost every installation is individual so measurements for noise need to be taken on a local basis relative to the product and distance in question.

We have looked into producing noise figures for our customers but putting aside the above issues the windchargers are barely audible in light winds and difficult to discern against the increased ambient noises as winds increase. Wind turbines vary considerably from one manufacturer to the next. The case for Rutland Windchargers is assisted by the fact that unlike other manufacturers Marlec do not use a conventional type of alternator but a purpose designed “ironless core” that induces less “magnetic cogging” which contributes to generator noise. In our case the generator itself is completely silent. Also the blade profiles of all Rutland windchargers have been designed to minimise aerodynamic noise.

Finally there may be mechanical reasons for a wind turbine making noise. Imbalance of the blades / hub or worn / rough bearings will generate noise. These issues may develop over time depending on the wear that the product experiences and on the whole can be avoided through regular maintenance and inspection and timely rectification.

We hope you find the above information useful and if you have any queries please do not hesitate to contact us.

## SCHEDULE A: Applications with Recommendation

10/0631

Item No: 05

Date of Committee: 01/10/2010

**Appn Ref No:**  
10/0631

**Applicant:**  
Mr Mike Swindlehurst

**Parish:**  
Carlisle

**Date of Receipt:**  
05/07/2010

**Agent:**  
Hurd Rolland Partnership  
Chartered Architects

**Ward:**  
Castle

**Location:**  
Sands Centre, The Sands, Carlisle, CA1 1JQ

**Grid Reference:**  
340185 556503

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**Proposal:** Proposed Extension And Refurbishment Including Demolition Of Existing Gymnasium, To Provide New Public Swimming Pool, Sports Hall, Gymnasium And Educational Facility With New Hard And Soft Landscaping, Revised Car Park Layout And Relocation Of Main Vehicle Access

**Amendment:**

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### REPORT

**Case Officer:** Alan Taylor

### Reason for Determination by Committee:

The application has attracted in excess of 4 written objections. It is also a significant development on a prominent site on a major approach to the City Centre.

### 1. Constraints and Planning Policies

#### **Site Of Special Scientific Interest**

The proposal relates to land or premises situated within or adjacent to a Site of Special Scientific Interest.

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

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

#### **Public Footpath**

The proposal relates to development which affects a public footpath.

## **Flood Risk Zone**

## **Conservation Area**

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

**Joint Str.Plan Pol ST5: New devt & key service centres**

**Joint Str. Plan Pol EM16: Tourism**

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

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

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

**Local Plan Pol DP8 - University Development**

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

**Local Plan Pol CP5 - Design**

**Local Plan Pol CP8 - Renewable Energy**

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

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

**Local Plan Pol CP11-Prot.Groundwaters &Surface Waters**

**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 LC1 - Leisure Development**

**Local Plan Pol LC15 - Percent for Art**

**Local Plan Pol LE2 - Sites of Special Scientific Interest**

**Local Plan Pol LE4 - River Corridors**

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

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

## Local Plan Pol LE27- Developed Land in Floodplains

## Local Plan Pol T1- Parking Guidelines for Development

### 2. Summary of Consultation Responses

**Cumbria County Council - (Highway Authority):** Comments upon the TA submitted by the applicant are appended for your information.

It is however this Council's view that considering the current and proposed traffic generation of this site (peak hour) all the elements contained in the transport assessment could be addressed through the introduction of a well structured Travel Plan with clear targets and penalties for non compliance, as well as a monetary contribution for the annual monitoring of this Travel Plan, which is currently £1225 p.a. with an additional £1500 for field survey work. The Financial contribution will therefore normally be £2725 per year for 5 years. In this instance however the Highway Authority would advocate a more combined approach to the Travel Plan and recommend a figure of £1250 p.a. to allow the County Council to work with the City Council to monitor the scheme/the required surveys.

As you are aware this Authority would normally recommend that this element forms part of a section 106 agreement (including the need for a transferrable bond). The Travel Plan would therefore be secured via a S106 agreement rather than condition, in accordance with the DfT, CLG's Good Practice Guidelines: Delivering Travel Plans through the Planning Process.

In this case however, a Section 106 would not be the appropriate mechanism for the travel plan and I am therefore content for this element to be conditioned as part of this application.

Apart from the above, it is confirmed that the Highway Authority has no objection to this application but recommend that the following conditions are included in any consent your Council may grant:

1. *The whole of each of the access areas, 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, LD8*

2. *Before any development takes place, a plan shall be submitted for the prior approval of the local planning authority reserving adequate land for the parking of vehicles engaged in construction operations associated with the development hereby approved, and that land, including vehicular access thereto, shall be used for or be kept available for these purposes at all times until completion of the construction works.*

*Reason: The carrying out of this development without the provision of these facilities during the construction work is likely to lead to inconvenience and*

*danger to road users and to support Local Transport Policies: LD8*

3. *The use shall not be commenced until the access and parking requirements have been constructed in accordance with the approved plan. Any such access and or parking provision shall be retained and be capable of use when the development is completed and shall not be removed or altered without the prior consent of the Local Planning Authority.*

*Reason: To ensure a minimum standard of access provision when the development is brought into use and too support Local Transport Plan Policies: LD5, LD7, LD8 and Structure Plan Policy: T32*

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

*Reason: To aid in the delivery of sustainable transport objectives and to support Local Transport Plan Policies: WS1, LD4 and Structure Plan Policy T31*

5. *An annual report reviewing the effectiveness of the Travel Plan and including any necessary amendments or measures shall be prepared by the developer/occupier and submitted to the Local Planning Authority for approval.*

*Reason: To aid in the delivery of sustainable transport objectives and to support Local Transport Plan Policies: WS3, LD4 and Structure Plan Policy T31*

#### NOTE-

1 - It is noted on the submitted plans that the coaches will enter only through the western access and leave via the eastern access. This therefore creates a one way system for coaches. It is assumed that this element therefore will be conditioned, along with measures to ensure that the eastern access is not used inappropriately by private vehicles (i.e. some sort of gating system).

2 - The basis for the penalty to be applied on the Travel Plan should be the price of annual Carlisle mega rider (or equivalent) times the number of single occupancy car trips over the target (assuming this is done on a yearly basis, if not then also multiply by 5 if undertaken at the end of the Travel Plan period);

**Environment Agency (N Area (+ Waste Disp)):** the Agency has considered the above proposals and wish to comment as follows:

#### Development and Flood Risk

The following comments are in relation to the Design and Access Statement Volume

II, dated February 2010, referenced A60529 R03.doc and produced by WYG Engineering.

Section 4 of the above report contains the Flood Risk Assessment (FRA) and drainage strategy.

Section 4.4 (page 4) of the FRA contains a statement that is incorrect. Contrary to comments made the Agency would say that a floor level raised above the modelled 1:100 yr (1% annual probability) event does not automatically elevate the development out of surrounding Flood Zone 3 in Flood Map.

According to the current version of the Flood Map and regardless of floor levels or formal raised defences recently constructed the site is located within Flood Zone 3 as defined in Table D.1 of Planning Policy Statement 25: Development and Flood Risk (PPS25). With reference to the Agency's Flood Zone Mapping the site is at high risk from fluvial flooding which shows the extent of floods with a 1% annual probability of occurrence.

#### Environment Agency Position

The proposed development will only be acceptable if a planning condition is imposed requiring the following drainage details.

The surface water design strategy shall include the provision of surface water attenuation to mitigate the affects of the increase in impermeable surface area. This volume shall cater for the 1:100yr storm event plus an allowance for climate change for the lifetime of the development.

In addition, it is known that the surface water outfall serving the site and owned and maintained by the City Council is no longer fit for purpose. The outfall headwall including flap and spillway is damaged and is no longer connected to the outfall pipe. When the River Eden is near bankfull there is potential for water to back up this pipe and cause flooding to the site. This defect requires urgent repair.

Condition:

*Development shall not begin until a surface water drainage scheme for the site, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.*

*The scheme shall also include:*

- *A scheme for surface water attenuation to mitigate the impact of additional impermeable area, including allowance for climate change.*
- *A scheme for the repair of the existing private surface water outfall to the River Eden.*

*Reason- To prevent the increased risk of flooding and ensure future maintenance of the surface water drainage system.*

## INFORMATIVE

The River Eden is designated 'main river'. Therefore, under the terms of the Water Resources Act 1991 and Flood Defence Byelaws, the prior written consent of the Agency is required for any works in, over, under or within 8 metres of the 'main river'.

The applicant should note that the Agency has a period of two months to determine a valid application for Flood Defence Consent. The Agency advise that this period is taken into account when planning works which require such consent.

### Contaminated Land

The methodology and design for foundations as identified in Section 6.4.3 of the Design and Access Statement Volume II, dated February 2010 should be agreed with the Local Planning Authority to ensure that the works do not cause detriment to groundwater and surface water quality.

The developer should ensure that any potential SUDS schemes do not discharge through areas of ash fill.

Any excavation from levelling or drilling (as per section 5.7.2 of the Design and Access Statement Volume II) and ash fill surplus to the scheme should be considered as Controlled Waste.

Disposal or re-use of Controlled Waste on site should comply with current permitting, exemption from permitting or Industry Codes of Practice i.e., CL:AIRE (Contaminated Land: Applications in real Environments) Code of Practice.

We support Section 7.2 - Recommendations of the Ground Report Desk Study which recommends further intrusive ground investigations.

### Environment Agency Position

The Agency considers that planning permission should only be granted to the proposed development as submitted if the planning conditions as set out below are imposed. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and the Agency would wish to object to the application.

Condition:

*Prior to the commencement of development approved by this planning permission (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:*

*1) A site investigation scheme, based on the preliminary risk assessment to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.*



*2) The site investigation results and the detailed risk assessment (1) 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.*

*3) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.*

*Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.*

*Reason- To deal with the risks associated with contamination and to protect the water environment.*

Condition:

*Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.*

*Reason- To ensure the protection of groundwater.*

### Groundwater

If infiltrating SUDS are intended to be utilised then the design will need to comply with the requirements of the Environmental Permitting Regulations 2010. These essentially prohibit the entry of Hazardous Substances to groundwater and limit the entry of Non-hazardous substances to prevent pollution.

### Recreation and Biodiversity

Section 2.3.3 – External Lighting of the Supporting Design and Access Statement Volume 1 Dated July 2<sup>nd</sup> 2010 (Document ref: Sands\_DAS VI/100630) states that:

*‘The external lighting has been designed in accordance with the guidance by the institution of Lighting Engineers in their publication – Guidance Notes for the Reduction of Obtrusive Lighting Category E4’.*

The Agency supports the reduction of obtrusive lighting as it would not wish to see any light spill into the nearby River Eden SAC. This is to minimise disturbance of the designated species of European interest, and other species using the river corridor.

The proposed site is adjacent to the River Eden SAC (Special Area of Conservation); therefore, the Agency recommend consultation with Natural England.

### Environment Management

The proposed excavations and the depth of the water table in addition to the proximity of the contaminated land is likely to result in large volumes of contaminated water that require a suitable method of disposal.

A suitable water management plan should be produced that also addresses the delivery, storage and use of oils, chemicals and , the disposal of surface water and the drainage of concrete washout areas. All drums and small containers used for oil and other chemicals shall be stored in bunded areas which do not drain to any watercourse, surface water sewer or soakaway.

#### Environment Agency Position

The proposed development will only be acceptable if the following condition, is attached to any grant of planning permission:

Condition:

*No development approved by this planning permission shall be commenced until a scheme that satisfactorily addresses pollution prevention has been submitted to and approved in writing by the Local Planning Authority.*

*Reasons- To prevent the pollution of the River Eden.*

The Agency also asks to be consulted on the details of this scheme when it is submitted for approval to your Authority.

Advice to Applicant:

In England, it is a legal requirement to have a site waste management plan (SWMP) for all new construction projects worth more than £300,000. The level of detail that a WMP should contain depends on the estimated build cost, excluding VAT. The applicant must comply with the duty of care for waste. Because they will need to record all waste movements in one document, having a SWMP will help them ensure they comply with the duty of care. Further information can be found at <http://www.netregs-swmp.co.uk>;

#### **Local Environment (former Community Services) - Drainage Engineer:**

disposal of foul sewage to the mains [public] sewer is acceptable. The applicant is in discussion with United Utilities regarding their connection and emptying of the swimming pool. The applicants indicate disposal of surface water to an existing watercourse. However, in the first instance the use of either a sustainable drainage system or soakaways should be investigated for surface water disposal. The proposed site is located within a Flood Risk area and the applicant will need to have regard to advice obtained from the Environment Agency regarding flood levels at this location;

**United Utilities - (for water & wastewater comment) see UUES for electricity dist.network matters:** no response received;

**Cumbria County Council - (Archaeological Services):** records indicate that the

site lies in an area of archaeological potential. It formed part of an island in the centre of the River Eden and is located close to the site of the Roman, medieval and 17<sup>th</sup> century bridges that crossed the river. Roman coins and pottery have previously been found at the Sands Centre. It is therefore considered likely that archaeological remains may survive on the site and that these would be disturbed by the proposed development.

Consequently, it is recommended that an archaeological evaluation and, where necessary, a scheme of archaeological recording of the site be undertaken in advance of development and advise that this work should be commissioned and undertaken at the expense of the developer. This programme of work can be secured through the inclusion of two conditions in any planning consent that may be granted and the following form of words is suggested:

Condition 1:

*No development shall commence within the site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Planning Authority.*

*This written scheme of investigation will include the following components:*

- i) An archaeological evaluation;*
- ii) An archaeological recording programme the scope of which will be dependant upon the results of the evaluation.*

*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*

Condition 2:

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

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

**Natural England - Larger Schemes with Env.St & Designated Sites (SSSIs, SACs, SPAs, Ramsar Sites):** Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development. We are working towards the delivery of four strategic outcomes:

- A healthy natural environment;
- People are inspired to value and conserve the natural environment;
- Sustainable use of the natural environment;

- A secure environmental future.

NE has considered the proposal against the full range of Natural England's interests in the natural environment but its comments are focussed on the following specific matters:

European site – Insufficient Information to Assess Likely Significant Effect:

This response sets out Natural England's advice on the requirements of Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (known as "the Habitats Regulations").

The proposal is partly within The River Eden Special Area of Conservation (SAC) which is a European site protected under the Habitats Regulations. The application does not provide sufficient information for Natural England to advise on any likely significant effect on the protected site.

Regulation 61 requires your authority, before deciding to give any consent to a project which is (a) likely to have a significant effect on a European site (either alone or in combination with other plans or projects), and (b) not directly connected with or necessary to the management of the site, to make an appropriate assessment of the implications for the site in view of its conservation objectives.

In this case, the proposal is not directly connected with or necessary to the management of the site. In order for us to advise whether it is likely to have a significant effect on a European site the applicant should provide the following further information:

- Details of the surface water drainage scheme, including the attenuation storage facility, the new sewer infrastructure and the works to reconstruct the existing outfall and spillway to the River Eden.
- An assessment of the potential impacts of these works on the River Eden SAC and SSSI as well as protected species.
- Further details to fully characterise risk to ground water and the River Eden SAC and SSSI from any contaminated land.

On receipt of this additional information, Natural England must be consulted in order to advise your Council whether an appropriate assessment is required. Any approval of planning permission pending receipt of this additional information would be contrary to the Habitats Regulations.

Insufficient Information/Inadequate Survey on Protected Species

The proposal may affect statutory protected species. Natural England advises that there is insufficient information accompanying the planning application from which to ascertain the possible impact of this development on protected species. Such protected species are a *material consideration* in planning terms as stated in Part IV paragraphs 98 and 99 of Circular 06/2005 which accompanies PPS9, "*Biodiversity and Geological Conservation*". It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.

The Design and Access Statement Volume II Environment (Document ref: Sands\_DAS VII/100630) states that both adjacent buildings and trees were assessed for bat potential (section 2.2.2). Although section 4.2 states that the site is of negligible value for bats there is no evidence of any assessment to support this. If any buildings of low (or above) potential are to be impacted by the proposed development then current best practice guidance<sup>1</sup> is that bat activity surveys should be carried out. The same best practice guidance sets out a clear methodology for assessing bat potential in trees, beginning with an assessment for features likely to be used by bats. I cannot find evidence of such an assessment in the „Tree Survey & Tree Hazard Assessment“ by Eden Woodland Consultants.

Natural England therefore advises Carlisle City Council to direct developers to either supply details of the assessments listed above, or to commission the relevant ecological surveys of the proposal site prior to submission of an application so this material consideration is fully addressed in making a decision. Your council may wish to note the implications of the case of *R v Cornwall County Council ex parte Jill Hardy* with respect to protected species as a planning consideration.

All surveys should be carried out at an appropriate time of year, employ methods that are suited to the local circumstances and be compliant with published guidance and best practice. It is essential this work is undertaken by a reputable, experienced and suitably licensed ecological consultant. Surveys should aim to identify the following information:

Description of the Proposal – details of the type, scale, location, timing and methodology of the proposed works, including relevant plans, diagrams and schedules;

Survey for Protected Species – thorough and robust survey of the development site and any other areas likely to be affected by the proposals for protected species;

Impact Assessment – clear assessment of the likely impacts of the proposal upon protected species;

Mitigation Strategy – to clarify how the likely impact will be addressed in order to ensure no detriment to the maintenance of the population at a favourable conservation status of the protected species. This should be proportionate to perceived impacts and must include clear site-specific prescriptions rather than vague, general or indicative possibilities and be feasible and deliverable.

It is the responsibility of the developer to provide this information to enable Natural England to make a substantive response and for the local planning authority to fully assess the proposal. Please note that it is the duty of the applicant to suggest suitable mitigation and not Natural England, and we are unable to provide detailed advice on mitigation.

*Circular 08/2005* states that the 21 day consultation period for statutory consultees will not start until receipt of adequate information to make a substantive response. Where a development affects a species protected under the Conservation of Habitats and Species Regulations 2010, a licence from Natural England would be required in order to allow prohibited activities, such as damaging breeding sites or

resting places, for the purpose of development. The following criteria, as set out under Regulation 53, must be satisfied for such a licence to be granted:

- the purpose of the actions authorised must be for “preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment”; and
- there must be “no satisfactory alternative” to the actions authorised; and
- the actions authorised “will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range”.

In summary, taking into account the nature of the application, we advise that surveys for the presence of protected species be carried out prior to planning permission being considered.

The developer should be made aware that if construction begins and the species are subsequently found to be present, all work must stop immediately and they may be subject to a criminal prosecution given that the possibility of them being present was suspected.

Where a licence from Natural England is required for any operations that affect protected species; this is irrespective of any planning permission that has been granted. Development works cannot be undertaken unless a licence is issued and failure to comply can result in a fine or custodial sentence.

#### General Comments on the Proposal

External lighting – there should be no increase in the amount of light spilling onto the river corridor.

Planting scheme – we support the recommendations made in the Design and Access Statement Volume II Environment pertaining to the use of native species in the planting schemes. Native species can provide many of the attributes of non-native species and have the advantage of generally being more beneficial to our native wildlife. Native species will be of particular value along and adjacent to the river corridor where they can help provide connectivity with existing vegetation. Care must be taken not to introduce invasive species where there is a chance of them spreading along the river corridor.

#### Biodiversity Duty

Biodiversity is a core component of sustainable development, underpinning economic development and prosperity, and has an important role to play in developing locally distinctive and sustainable communities. All local authorities and other public authorities in England and Wales have a Duty to have regard to the conservation of biodiversity in exercising their functions. The Duty aims to raise the profile and visibility of biodiversity, to clarify existing commitments with regard to biodiversity and to make it a natural and integral part of policy and decision making.

The Duty is set out in Section 40 of the Natural Environment and Communities Act (NERC) 2006 and states that:

“Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity”.

Natural England recommends that the Council takes this into consideration when determining planning applications. Guidance is available in the Defra publication, Guidance for Local Authorities in Implementing the Biodiversity Duty:  
<http://www.defra.gov.uk/environment/quality/biodiversity/documents/la-guid-english.pdf>

Since first responding (06/08/2010) to this proposal, Natural England has received additional information from the applicant's agents (13 & 15 September 2010: e-mails from the Project Architect and 10 & 14 September 2010: e-mails from the applicant's Consultant Ecologist), in answer to the concerns raised about potential impacts of the works on the River Eden SSSI / SAC and protected species.

On the basis of this information, it is now Natural England's opinion that the proposal would be unlikely to have a significant effect on the interest features of the SAC and SSSI, or on protected species provided the measures outlined in the e-mails referred to above, are fully adhered to. These e-mails were attached to the latest letter for information.

Natural England also reiterate the point made in its previous response, that in relation to the external lighting of the extended centre there should be no increase in the amount of light spilling onto the river corridor.

Under the Wildlife and Countryside Act 1981 (as amended), Carlisle City Council is also required to take reasonable steps, consistent with the proper exercise of its functions, to further the conservation and enhancement of the SSSI. Natural England also draws the Council's attention to the provisions of S281 of the 1981 Act, in particular to the requirement that, should permission be given contrary to Natural England's advice or to the conditions which Natural England recommends should be attached to the permission, then your Council must ensure that:

- notification is given to Natural England of the date and terms of the permission and how, if at all, the Council has taken account of Natural England's advice.
- the permission does not permit operations to begin before 21 days after the details of the permission and a statement of how the Council has taken account of Natural England's advice, has been given to Natural England.

The advice given by Natural England in this letter is made for the purpose of the present consultation only. In accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England expects to be consulted on any additional matters, as determined by the Local Authority, which may arise as a result of, or are related to, the present proposal. This includes alterations to the application that could affect its impact on the natural environment. Natural England retains its statutory discretion to modify its present advice or opinion in view of any and all such additional matters or any additional information related to this consultation that may come to its attention;

**Open Spaces Society:** it appears that the adjacent public right of way will not be permanently affected and therefore the representative of the Open space society gives full support to this project;

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

**Cumbria County Council (Strategic Planning Authority) Wind Energy Consultations:** no comments received;

**Ramblers Association:** no comments received;

**(Former Comm/Env.Services) - Green Spaces - Countryside Officer - URBAN AREA:** [\*Enter text.]

**Local Environment - Environmental Protection (former Comm Env Services-Env Quality):** this section has no observations regarding the planning application;

**Planning - Planning Policy & Conservation - Richard Majewicz:** apologies for the delay in responding due to a critical backlog of conservation work. This has also meant that I have not had the time to enquire about the background to these proposals, the financial feasibility of the proposal to develop the site and its realistic future nor the selection procedure for architectural services. Additionally, I have not been party to any pre-application discussions with either the Client, their consultants or my local authority colleagues. Therefore, the comments below are based purely on the submission drawings and documents.

The following Listed structures exist within or adjacent to the boundary of the site:

- The Grade II Listed stone boundary wall and access gate posts to the Sands car park along the Newmarket Road boundary to the south east of the site.
- The Grade II Listed stone boundary wall to the river side access steps off the Grade I listed Eden Bridge on the north west boundary of the site.
- The Grade II Listed Turf Inn adjacent to the north east boundary of the site at the head of Newmarket Road.

In addition, the boundary of the Carlisle City Centre Conservation Area lies across Bridgewater Road and Hardwicke Circus, and the Stanwix Conservation Area includes Eden Bridge and its boundary follows the northern bank of the River Eden. Within the Stanwix Conservation Area lies part of the Hadrian's Wall World Heritage Site, whose buffer zone circles the Sand Centre and the Swifts car Park to the north and east.

I do not consider that the principle of the proposed development of the Sands Centre would seriously affect the setting of these Listed structures, Conservation Areas or World Heritage Sites. However, an extension building of the size and in the location proposed will form an important visual barrier to the east side of Hardwicke Circus. Any new building so located will be even more imposing without the benefit of the existing screen of trees which would help to soften the line of the building and give it some distance from the road.

The Architect's Design and Access Statement suggests that the new building should be designed as '...an intriguing piece of contemporary architecture', and that it should be '...unique and enhance Carlisle's overall urban environment'. Perhaps, given the location of the proposed building on an extremely busy round-a-bout,



would enticing be a better description than intriguing, I wonder. Moreover, the Architect considers that the external appearance of the extension ‘...should convey a sense of its active internal functions’ with an appropriately dynamic building form, finished accordingly, but it certainly doesn’t need to be distracting.

Whether or not the submitted proposals convey these objectives is extremely subjective. I would suggest that Hurd Rolland’s earlier attempts (20 Jan) to meet their own objectives were an improvement on this current proposal in terms of visual appeal.

With regard to the current proposal, I am particularly unhappy about the ‘add-on’ features to the west elevation, which appear totally superfluous to the functionality of the building. Their angled soffits relate to nothing either internally or externally, and if this scheme was ever to commence on site, then I’m quite sure that these would be deleted or simplified as the financial belt was tightened.

The spine building for University of Cumbria appears somewhat dated in design, and of further concern is the long sheltered access route on the east elevation of the building which, to me, presents an unwelcoming main entrance to the complex.

I appreciate that bolting on a series of indirectly related activity spaces to an existing multi-use building presents a complex design challenge in order to minimise duplication of common facilities, and deal with the number and variety of people that will eventually use the building. I, therefore, feel that a greater emphasis needs to be placed on providing a suitably open and inviting entrance or ‘orientation’ space, possibly as an atrium, which would be the hub of the complex from which all functions can be accessed without creating a clash between event and sports users. This is something that the current arrangement has so far been unable to handle satisfactorily and this proposal does nothing to improve on that issue. Perhaps there is a need to revisit the location of the major additions, circulation space and servicing to ensure that the building is going to work at all levels. Why, for example, is the new plant room (swimming pool) located in an apparently inaccessible position on the principal elevation, whereas all other servicing is generally at the rear and side of the existing main hall.

The building must first of all work functionally with each element correctly related to all others and only then can we debate the treatment of the external envelope which, as previously mentioned, is an extremely subjective and occasionally emotive subject.

I note that it is proposed to provide a new vehicular access by breaking through the existing listed boundary wall and that this is part of a strategy to improve access and egress from the car park, particularly during events. I’m afraid the relocation of the access would not be acceptable. There is a simpler solution, but this would mean some co-operation amongst stakeholders. Create a one-way system – in off Hardwicke Circus along Newmarket Road, out along Dukes Road back onto the Circus at the petrol station (petrol station access off Hardwicke Circus to be closed too, this is a dangerous junction anyway). Surely this is not a new proposal? Even if this were considered unacceptable for some reason, it would still be possible to use the existing gateway into the car park in a one way system that would see the exit at the Turf Tavern exit from the Swifts car park, thus avoiding the usual bottleneck at

the traffic lights. And why not create a much pleasanter approach to the underpass as part of the proposals too.

In conclusion, whilst I do not consider that the principle of the proposed development will have an adverse impact on its surrounding historic environment, I would not be able to support this particular application nor the proposal to alter the existing listed boundary wall. I do not consider that the design meets the Architect's objectives of an intriguing or unique piece of architecture that will 'enhance Carlisle's overall urban environment', neither do I consider that the treatment of the elevations reflects the variety of the activities to be housed within the building. Finally, then, there is the question of a welcoming, airy and spacious access, which I feel is the most significant missing element of this proposal and one which could dictate the overall improvement of the layout of the complex;

**Planning - Access Officer:** The Design and Access Statement has been noted. Item 6.3 notes a consultation with the Access Officer – it is to be noted that this was an informal meeting with plans available for the ground floor, first floor and externally. Within the Design and Access statement I would normally expect to see the rational behind the design for provision for easy, safe and inclusive access to, into and within buildings and facilities. The meeting that took place on 24.2.10 covered internal and external provision to the building. It is only the discussions on external issues that are reported within item 6.3.

As noted within 6.3 - bollard spacing should allow wheelchair access with a general minimum spacing of 1.2 m to be reviewed with secure by design requirements. This review is primarily in relation to the location of the bollards and disabled parking spaces\*.

Please note areas of concern noted previously:

6. There is a requirement from secure by design to provide protection to the building from vehicles. The areas this applies to are to be confirmed but whatever protection is chosen (telescopic bollards, planters etc), it should not obstruct access from the hashed areas of the disabled parking bays onto the paths, or obstruct access along the paths and access route into the building.
7. Street furniture is to be discussed.
8. The rational behind the allocated disabled parking within the forecourt should be documented i.e. hook up point for vehicles facilitating tours etc.
9. Induction loops, with signs to indicate their location, should be in place – receptions, halls, meeting/training/function rooms – areas with this provision to be listed and portable induction loops made available
10. Clear signage – colour contrast (LRV) – appropriate lighting – manifestations to new glazed doors
11. Lift location and rational to be noted
12. Attention to heights of new bars, reception desks, hand and hair dryers and vanity benches etc
13. Corridor beside dry changing areas shows a stand alone disabled shower/WC facility – location doesn't fit well into proposed usage
14. There are no separate disabled WC's identified to the dry change areas
15. NB: Currently the door closures are too heavy to the corridor which the

- disabled shower/WC occupiers. Attempts have been made to resolve this problem but it creates another problem – the panels to the ceiling lift! This could be resolved whilst work progresses.
16. Dry changing area requires clarification regarding which areas are changing, toilets, shower cubicles and locker provision - disabled provision needs addressing in this area. Attention to required turning circles, sufficient width between furniture for access i.e. vanity area.
  17. Travelling distance between facilities and disabled WC's to be checked (40mts) – i.e. the gym has IFI equipment, accessible for disabled people, closest disabled toilet????
  18. Rational regarding stepped access only to upper floor of the gym – all equipment duplicated to upper and lower floors (IFI - accessible downstairs).
  19. Wet changing area has two family changing facilities – these will need to be appropriate for disabled change as well – two heights of hooks, appropriate door furniture, outward opening doors, sufficient turning space, appropriate signage etc. Larger cubicles within the toilet facilities to be considered.
  20. The DDA/Dis room within the wet changing area has been discussed with the project manager for Carlisle City Council. If this room can become a “changing place” there should also be a separate unisex disabled toilet within this area. Poolside access has been discussed – hoists to access the pool are another discussion point. There are no disabled shower facilities. There should preferably also be a “changing place” to facilitate visitors to the theatre provision. Due to the issue of demands on available space this may require further investigation and possible advice.
  21. The main toilet facilities are not undergoing any changes – if this changes in the future attention should be paid to provision of larger cubicles.
  22. There is a query regarding the back office provision to the corner of the dry changing area as to whether or not this is needed.
  23. There is no disabled access to the third floor.
  24. Cumbria Link have dealt with a consultation regarding public transport to leisure facilities for elderly, disabled and vulnerable people- the Sands Centre was under discussion as a part of this. I note that in the design and access statement Volume III Transport - items 6.12 and 6.19 – no improvements to existing provisions are required. I have concerns regarding this.

It is noted that plans are ongoing at this stage – discussions will evolve with the plans.

Policy CP15 of the Carlisle District Local Plan 2001-2016 should be complied with as well as Approved Document M. Guidance can be sought from BS8300:2009. Applicants should be aware of their duties within the DDA;

**Cumbria Constabulary - North Area Community Safety Unit (formerly Crime Prevention):** The submitted Design and Access Statement (DAS) recognises the relevance of various crime prevention measures and advises how they shall be addressed. Consequently, the ALO is satisfied that this application complies with Government guidance (Para 132 CLG Circular March 2010 "Guidance on Information Requirements and Validation") and Policy CP17 of the Local Plan (Designing out crime). Several issues require further discussion and clarification, but these can be dealt with at a later stage in the event of this application being approved;

**Planning (former Planning & Housing Services) - Local Plans, Planning - Planning Policy & Conservation:** [\*Enter text.]

**Planning - Local Plans (Trees):** the following comments/observations are made-

Tree Protection- The specification for tree protection barriers set out within the Tree Survey and Tree Hazard Assessment by Eden Woodland Consultants is acceptable. However, the location of the barriers needs to be agreed and clearly marked on a plan.

The root protection areas should be plotted on the plans of the proposed development. This would help with determining the impact the development would have on the existing trees and also help in determining the positioning of the root protection barriers, as well as indicating areas where work will encroach within the root protection, and where a method statement for such works will be required.

Tree Retention and Planting- To help mitigate the loss of a number of trees it is proposed that planting takes place within the remaining car park and to the north west corner of the site. To ensure that these trees survive and so adequately mitigate the loss of existing trees, as well as enhance the development it is important that they have sufficient soil volume to grow and survive. Many of the trees, including some of those to be retained within the car parking are suffering from lack of soil volume. This has resulted in dying and stunted trees that detract from rather than enhance the location, and we should not be retaining or replicating the poor quality planting that has resulted in such poor quality trees.

It would be preferable to remove the stunted and dying trees within the car park and replace with a similar number of the larger growing species already specified. It is important that the opportunity is taken at this stage to secure the long term future of the trees, and to ensure that they provide the lift in environmental quality and landscape enhancement that is partly their purpose. To achieve this they will require suitable rooting volume, not the small compacted tree pits. This can be achieved by installing a Silva Cell or similar system, to the volume required for the larger growing trees. Such a system will also help in storm water and run off management by acting as a store for the water;

**Cumbria County Council - (Highway Authority - Footpaths):** Footpath No 109097 runs through to the east of the site. Could some form of traffic management be put in place where it crosses the car park access and ensure the safety of users during the development process;

**Urban Designer (Carlisle Renaissance) formerly in Dev Services - Plng & Hsg:** I have been involved over several months as these proposals have developed and I broadly support this scheme and the designs which comprise this application. The existing Sands Centre is architecturally unremarkable and this proposal gives the opportunity to present a more confident and robust aspect appropriate to its prominent site. As the site occupies a key entry point into Carlisle, by both road and by the leisure routes along the River Eden, this is of great importance.

The architects have responded well given the constraints of brief and budget. The

prominent elevation addressing Hardwicke Circus is architecturally robust, presenting some powerful forms which are fitting given the nature of this site and the scale of the space that it addresses. While we had requested more extensive glazing on all external elevations I understand that constraints placed on the architects both by Part L of the building regulations, and by Sport England's technical and practical constraints, prevent as transparent a structure as we would wish. The compromise achieved is that the central 'school of sport' 4 storey elevation is well-glazed, while the more 'box-like', and largely windowless, pool and sports hall masses are treated externally with materials to animate the exterior e.g. architectural mesh cladding. A contrast is provided between the metal and glass elements by the use of substantial stone at plinth level. This should provide a more robust lower structure which may withstand the vagaries of weather and casual abuse better than metallic elements.

The elevations facing the Sands Car park announce the entrance to the Centre more effectively than at present, and discussion has been had regarding materials and detailing. The tabled plans reflect these discussions and in my view provide a much more appropriate southern aspect than the present arrangement. We discussed the southern elevation to the pool block and suggested that the currently proposed, fairly blank brick wall could be enlivened by etched artwork – a possible site for percent for art? The scheme would benefit from some additional design work to this currently rather bland but prominent flank.

A notable omission from the tabled plans is meaningful efforts to address the wider interface between the building and its site. The potential for this occurs in two main areas – firstly the untapped potential of opening up the northern cafe part of the existing building to the Hadrian's Wall path, via an improved route into the cafe from the footpath; Secondly, by addressing the confusion and lack of appropriate route that greets pedestrians traversing the car park, either attempting to get into the Sands or to use the car park as a route to access the city centre. While the applicant's Design and Access Statement acknowledges these wider issues, the boundary of the actual works has been drawn tightly, excluding the potential benefits to the scheme of these 'peripheral' enhancement works. The route from the Swifts car park, through the Sands car park and into the Hardwicke Circus underpass is not of an appropriate quality for a main pedestrian route into a City, and should be addressed by some mechanism. It is unfortunate that financial constraints and the limitations of the brief prevent this from being addressed under the banner of this current project.

Notwithstanding my view that there is untapped potential to bring added benefit both to the project and to the City as a whole by considering this wider interface, I would nonetheless offer my support to this application;

**Sport England North West:** The application site does not form part of, or constitute, a playing field as defined by The Town and Country Planning (General Development Procedure) (Amendment) Order 1996 (Statutory Instrument 1996 No.1817), as amended by The Town and Country Planning (General Development Procedure) (Amendment) (England) Order 2009 (Statutory Instrument 2009 No.453). This consultation is therefore considered to be 'non-statutory'.

The application has been considered in the light of Sport England's Land Use Planning Policy Statement 'Planning for Sport and Active Recreation' (which sets out

the planning policy objectives of Sport England and their rationale), and also PPG17. Of particular relevance to this application are Sport England's planning objectives 2 and 7 which are set out below:

**PLANNING POLICY OBJECTIVE 2:** To prevent the loss of facilities or access to natural resources which are important in terms of sports development. Should redevelopment be unavoidable, an equivalent (or better) replacement facility should be provided in a suitable location.

**PLANNING POLICY OBJECTIVE 7:** To support the development of new facilities, the enhancement of existing facilities and the provision and/or improvement of access to the natural environment which will secure opportunities to take part in sport and which can be achieved in a way which meets sustainable development objectives.

The planning application relates to the Sands Centre which is a venue for sport, health and fitness as well as being a venue for conferences, exhibitions and entertainment. Active Places, Sport England's database of over 87,000 sports facilities in England, records the key sports facilities on the site as including:

- A 936 sqm, 7 court sports hall
- A 216 sqm sports hall
- A health and fitness suite with approximately 100 stations

Permission is sought for a scheme which would see the demolition of part of the existing centre. Specifically, part of the building which houses the health and fitness suite would be demolished. The two existing sports halls would be retained.

In terms of new sports facilities, the scheme would create:

- A 25m x 25m, variable depth, swimming pool (which meets ASA standards and can host County level competitions) with a wet changing village and 500 spectator seats.
- A four court sports hall (33m x 18m) capable of accommodating 4 'development centre' standard badminton courts, with spectator galleries.
- A health and fitness suite
- A university school of sport with teaching space, biomechanical / physiology labs, a conditioning room and a hydrostatic weighting room.

Overall, the scheme has the potential to represent a significant investment into sport, which could result in a wider range of higher quality sports facilities on the site. There is, however, one major concern with the proposal and that relates to the future of the main hall and whether it would be used for sport.

The design and access statement implies that whilst the existing main hall would not be demolished, it would not be used in the future for sport. For example, all references are to an 'events hall', refurbishment information is not sport related, and a building organisation diagram shows the hall within an events zone. Information on the Carlisle City Council website also suggests that the main hall would be dedicated to events.

Whilst a new sports hall would be created by the proposal, the capacity of the new sports hall (four courts) would be considerably less than that of the existing main hall

(seven courts). No information has been provided which considers the impact of this reduction in capacity, or which justifies the change. It is unclear, therefore, whether the proposed scheme would result in a level of sports hall provision which is less than the current / future level of demand; or whether existing users and competitions would need to be accommodated elsewhere as a result of the changes. The smaller size of the 'replacement' sports hall could also impact on the range of sports it could accommodate.

For example, a 33m x 18m sports hall can only accommodate basketball for recreational / local club use as the runoff along the side of the court would only be 1.5m as opposed to the minimum 2.05m specified by England Basketball (England Basketball's facilities information actually states that the minimum hall size for a new build sports hall to accommodate basketball is 33m x 20m). A larger hall, however, could accommodate a court plus the minimum runoff, plus room for benches and officials and therefore host basketball to a higher level of play.

Sport England's planning objective 2 requires at least an equivalent replacement in terms of quality, quantity and accessibility if the loss of a facility is unavoidable, unless it can be proved that the facility is genuinely redundant and there is no demand for a replacement based on a thorough local assessment. In this case, the replacement sports hall would not be of equivalent quantity and no information has been supplied to demonstrate that the reduction from a 7 court hall to a 4 court hall would not have an adverse impact. In the absence of such information, the proposal cannot be regarded as being in accordance with planning policy objective 2.

In conclusion, whilst Sport England recognises the potential benefits to sport which could arise from the scheme, we are not clear about any adverse impacts which could arise from replacing a 7 court sports hall with a 4 court sports hall on the site. Sport England therefore has no alternative but to object to the planning application until further information is received to allow full assessment of the proposal against the requirements of PPG17 and Sport England's planning policy objectives.

Following clarification of some mis-conceptions by Sport England, they have responded further with a letter dated 9th August. It states:

*"As you are aware, Sport England raised an objection to the planning application above (see letter dated 28 July 2010). The objection was based on a concern that the proposal would see the main hall (which accommodates 7 badminton courts) used exclusively for non sport uses, and that the loss of the sports facility had not been justified.*

*Since raising the objection, the applicant's agent has been in contact with Sport England. Following a telephone discussion, Ian Grice of Hurd Rolland Partnership has provided a letter which confirms that the existing main hall (or events hall) will continue to be used as it is at present, i.e. as a flexible space which can accommodate both sporting and non sporting uses (letter dated 3 August 2010). As there would be no loss of the sports facility, the proposal is now considered to accord with Sport England's planning policy objectives.*

*In light of the information supplied by the agent, Sport England would like to*

withdraw its objection to the planning application.

However, Sport England advise that it has produced a range of technical design guidance which would help ensure that sports facilities are fit for purpose and can maximise their potential. For example, the dimensions of a sports hall need to be appropriate to the priority sports which the hall is intended to accommodate. The proposed 4-court sports hall has the typical dimensions for this type of facility (ie 33m by 18m) which are suitable for a range of sports. However these dimensions are not the most appropriate if basketball or netball are the priority sports: a 33mx18m hall is only suitable for netball practice and recreation/lower division level of play for basketball. A specialist sports floor is also critical to the design of the facility, and should conform with the appropriate performance standards for the priority range of sports to be accommodated (for example an area elastic floor complying with BSEN 14904 or a specific National Governing Body standard).

Guidance which would be relevant to this application would include the following:

- Accessible Sports Facilities
- Fitness and Exercise Spaces
- Floors for Indoor Sports
- Pavilions and Clubhouses
- Sports Halls – Design and Layout
- Swimming Pool Design

Sport England recommend that the applicant is made aware of this guidance, or alternatively a condition could be imposed on any grant of consent, if considered reasonable, by the planning authority to ensure compliance with the design guidance. An example condition is set out below:

1. Prior to the commencement of the development, full details of the design, specification and layout of all indoor sports facilities, which shall comply with Sport England Technical Design Guidance Notes, including 'Sports Halls- Design and layout', 'Fitness and Exercise Spaces', 'Floors for indoor sports', Pavilions and clubhouses', 'Swimming Pool Design' and 'Accessible Sports Facilities' shall be submitted to and approved in writing by the Local Planning Authority in consultation with Sport England. The sports facilities shall be constructed in accordance with the approved design and layout details in accordance with a timescale to be first agreed in writing by the Local Planning Authority in consultation with Sport England.

For information all technical design guidance referred to in this letter can be found at: [http://www.sportengland.org/facilities\\_planning/design\\_guidance\\_notes.aspx](http://www.sportengland.org/facilities_planning/design_guidance_notes.aspx)

In addition, Sport England also recommends a condition to secure community use of the sports facilities through a community use scheme.

2. Prior to development hereby approved being brought into use, a Community Use Scheme for all indoor sports facilities shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall include details of pricing policy, hours of use, access by users including non- members, management responsibilities and include a mechanism for review. The approved Scheme shall be implemented upon commencement of use of the development.



*The above clarifies the position of Sport England in relation to the planning application. Please note that the absence of an objection to this application in the context of the Town and Country Planning Acts, does not in any way commit Sport England's support for any related application to the National Lottery Sports Fund";*

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

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

#### **Representations Received**

Initial:	Consulted:	Reply Type:
The Turf Tavern	07/07/10	Support
DFS Furniture	07/07/10	Objection
174 Wigton Road		Objection
38 Kingstown Road		Objection
31 Esk Road		Objection
1 Sinclair Cottages		Objection
67 Queensway		Objection
4 Gosforth Road		Objection
159 Newtown Road		Objection
23 Romanway		Objection
75 Ashley Street		Objection
90 Broadoaks Grange		Objection
Suite 2		Comment Only
Carlisle Resource Centre		Comment Only
13 Coniston Way		Comment Only
Amberley House		Comment Only

3.1 The application has been publicised through a combination of Site and Press Notices and written notifications sent to adjacent occupiers.

3.2 None of the adjacent occupiers have commented but 14 comments have been made through the Council's "on-line comment" facilities. One writer supports the application on the basis that it will add vital sporting facilities for the people of Carlisle and attract more students to the area.

3.3 Nine comments are objections to the application and identify the following issues:

1. It is too much money to spend on a single project that is considered to bring dubious benefits;
2. There are other projects which would be more beneficial to the people of Carlisle such as refurbishment of "The Pools";
3. It is an outdated design that is ridiculously behind the times;

4. If the city strives to achieve "City of Culture" status, and attract bigger names, Carlisle needs a "built-for-purpose" theatre and not a behind the times aircraft hangar with little atmosphere;
  5. Why is so much money being wasted on The Sands when the city swimming pool is crying out for redevelopment and when there are so many buildings that could be converted into a theatre? It is a ridiculous waste of public money;
  6. £15m re-designing an outdated, unfit for purpose sports hall;
  7. Carlisle needs a suitable theatre and multi use entertainment venue in the City Centre not a sports hall with bad acoustics and a bigger swimming pool;
  8. Spending such a huge amount of public money on refurbishing a building that is less than 30 years old is, or should be, necessary. there are other projects which deserve this money much more such as The Lonsdale Cinema and The Pools;
  9. The loss of parking spaces to make room for the new extension seems preposterous if the purpose is to make the venue bigger and to encourage more people to visit it. Rethink this proposal and take into consideration the views of the people of Carlisle;
  10. The proposal doesn't answer Carlisle's overwhelming need for a devoted theatre and arts complex. The writer has attended several concerts and performances in the current multi-purpose hall and finds it totally inadequate for hosting the calibre of artistes Carlisle can, and should, attract. Adaptation of the current hall for sole theatre use will not suffice the need. The writer further considers that a radical and modern style of architecture for the new extension only serves to clash with the original and uninspiring 1980's building and will do nothing but add to the dreadful streetscape of Hardwike Circus with the Civic Centre, Eden Bridge House, DFS [airship hangar] and the petrol filling station;
  11. In dire financial times this is an un-needed waste of money as the Sands is an overpriced bad venue. £77,000 a year is wasted on rubbish shows with the only good thing being the gym which does not need modernising;
- 3.4 Four individuals or organisations have commented upon the difficulties that persons with disabilities experience trying to get to the Sands Centre other than by private car and consider the existing bus stops too distant and the journey from them very unwelcoming, unsafe at times and generally inhospitable.
- 3.5 One objector requested the "Right To Speak" but as this request was made outside the 21-day notification period set out under the Policy and so cannot be permitted.

## **4. Planning History**

- 4.1 The Earliest Edition of the Ordnance Survey Map (1865) illustrates the application site as undeveloped land. At the turn of the 19th Century the site remained undeveloped but was used as a Cattle Mart. A series of rectangular structures were erected in 1925 to the south of the site presumably related to the Cattle Mart. By the mid 20th Century the site was used for coach/car parking and that continued for some years. Planning Permission was granted in December 1982 for the construction of a "Multi Purpose Main Hall For Sports And Auditorium Use, Secondary Sports Hall, Squash Courts, Health Suite, Refreshment Bars & Restaurant With Car Parking & Landscaping". That development, now known as the Sands Centre, was carried out in 1983
- 4.2 There have been a number of small-scale applications determined since The Sands Centre was first built. In 2002, under application reference 02/0015, planning permission was granted for an erection of a sculpture mounted on a sandstone plinth. That same year, planning permission was granted for an extension to the fitness studio.
- 4.3 In 2004, under application reference 04/0837, planning permission was granted for an extension to restaurant together with alterations to the restaurant foyer. In 2007, full planning permission was granted for the erection of canoe steps for access to the River Eden by the local canoe club.
- 4.4 In 2008, planning permission was granted for flood defences adjacent to the Sands Centre.

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

### **Introduction**

- 5.1 Members will be familiar with The Sands Centre which is situated on the north-east side of the gyratory junction where Castle Way, Bridgewater Road [leading to Eden Bridge], Newmarket Road, Duke's Road and Georgian Way, converge at Hardwicke Circus. As will be recalled, the existing building is sited close to the northern site boundary and is, essentially, an inverted L-shaped block with its base facing towards the River Eden and the stem of the "L" projecting towards Newmarket Road.
- 5.2 The overall site of the Sands Centre extends to 2.1 hectares and it is bounded by roads to the west and south; by the car park at Swifts Bank to the east; and by the River Eden, and its related riverside walkway, to the north, that being fringed by mature trees. The nearest "built" development consists of the Turf Inn to the south-east and the DFS home furniture store to the south side of Newmarket Road. Much of the wider landscape and setting within which the Sands Centre is located is parkland associated with The Swifts to the east, Rickerby Park on the northern bank of the river and Bitts Park to the west of Hardwicke Circus. As Members know, the River Eden & its Tributaries is a Special Area of Conservation/Site of Special Scientific Interest and as the

site occupies a section of its southern bank consideration must be given to potential impacts upon what is a European protected feature.

## **Background**

- 5.3 Section 4 of this Report outlines the history of the use of the site but the key event in the history of the Sands was its development as a dual use sports and entertainment venue in the early 1980's. Developed as a key component of the Council's [then] Leisure Strategy it brought together high class facilities for a wide range of sports and leisure activities, some not previously available in Carlisle like the climbing wall, coupled with a venue space capable of hosting performances by major international orchestras, soloists, bands and other musicians, comedians and other artistes, major televised sports events, exhibitions and conventions, and touring productions by theatre companies including some of the most prestigious [like the RSC and Royal Exchange Theatre].
- 5.4 Whilst some objectors to this application criticise the Sands Centre and its suitability for particular events such as concerts, the fact remains that it has provided the city with facilities that did not exist, and had not existed for some years, prior to its development and the cultural and recreational benefits it has brought to Carlisle should not go unrecognised. It has introduced a generation to sports opportunities, and music, dance, theatre and other entertainment, that would not otherwise have been possible and continues to be a key part of the city's social, sporting, health, and cultural assets.
- 5.5 That said, it has its imperfections and there has been obvious tensions in meeting the conflicting aspirations of those who participate in the sports or other physical activities it offers, and those who want a thriving entertainment venue for musical and/or theatre performances. When a major entertainment event is held, the main hall is unavailable for a range of users: sometimes that is for several days while stage, lighting rigs and sets are assembled, seating laid out and [post-performances] the original space restored. That is a cause of frustration for those who may regularly use the main hall for sports or other activities but is a necessary compromise to ensure the city remains on the touring circuit for major artistes or performance companies.

## **Details of the Proposals**

- 5.6 The application has been submitted for "Full" Planning Permission and is supported by a Design & Access Statement which has 3 volumes: i) Design; ii) Environment; and iii) Transport. These collectively set out the design objectives and design philosophy for the building and related landscape measures to enhance its setting; provide details of a Desk Study on Ground Conditions; the findings of an extended Phase 1 Habitat Survey; a Tree Survey and Tree Hazard Assessment; a Flood Risk Assessment and Drainage Strategy; a Transport Assessment a Stage 1 Safety Audit. In addition, the application is accompanied by a full range of drawings including a site layout plan, landscape proposals, floor plans, roof plan, elevations and sections.

- 5.7 The proposals comprise several key components. These are intended to both increase the range and flexibility of the overall facilities at the Sands Centre, and thus cater better for the diverse user groups it serves, whilst also providing major new facilities for sports, recreation, and competition together with teaching and administrative accommodation for the intended School of Sport for the University of Cumbria. The application thus embraces new build additions to the existing building alongside some refurbishment and re-organisation of existing accommodation within it. Its' salient aspects are thus:

#### New Build Elements

##### a) Swimming Pool and Sports Hall

The main area of additional development, in terms of its footprint, comprises a new block located to the immediate south of the long facade facing towards Newmarket Road and just to the west of the side wall of the existing main hall. The block is off-set from that side wall to retain the alignment of the entrance route to the reception facilities within the existing building. That route would be augmented and articulated by a proposed full height entrance canopy.

The block would project between 51-60 metres to the south into the existing car park [the facade is angled so distance varies] and would also project further to the west than the existing fitness centre. Occupying an area of broadly 52m by 55m, this part of the scheme would accommodate a new 25m long swimming pool with related changing "village", 500 seat competitor/spectator seating areas, plant and equipment stores together with, to its west, a new 18m by 33m sports hall sized to accommodate a new basketball court which, otherwise, can provide 4 no badminton courts or be used by a variety of sports or activities.

The proposed swimming pool is to incorporate a rising "boom" that will operate in conjunction with a rising floor to a section of the pool to allow it to be sub-divided in normal daytime use into both a shallow learner pool and main pool. The main pool is designed to meet ASA Competition Standards and facilities, County Standard Swimming Competitions, Water Polo Regional fixtures and to cater for teaching and leisure swimming on a day to day basis.

##### b) Gym

The existing fitness centre, including the glass fronted section that projects to the west, will be removed and will be replaced with a new 10m by 35m gymnasium [attached to the side wall of the existing squash complex]. The gym will provide accommodation over two floors, the lower floor having a single space but linked by doors to existing gym space within the original main building with the upper floor accommodating two smaller gym spaces and a separate conditioning room. The larger of the two upper floor gyms will also connect through to the first floor space

within the existing building.

c) School of Sport

Between the foregoing two elements, and projecting forward of them towards Hardwicke Circus, is a proposed 4 storey block to provide an expanded School of Sport for the University of Cumbria [currently located at the University's Fusehill Street campus].

Although it has internal links with the accommodation within the Sands Centre, the School of Sport will front onto, and take its principal access from its elevation facing, Hardwicke Circus. It will provide admin/reception facilities, a biomechanics lab, an environmental room, a physiology lab, a social learning space, an Institute of Sport reception/meeting room, technician's room, hydrostatic weighing room, stores and disabled wc facilities at ground floor; 3 no classrooms, a social learning space, 2 no changing rooms, stores and disabled wc at first floor; a psychology lab, a performance analysis suite, rehab referral, an IT and digital analysis lab, a large classroom and separate male and female toilets at second floor; and 9 no Lecture Offices, a school meeting room, a school consultation room, an Institute of Sport office, copier and stationary room, the Head of School's office, the Director of Study's office, a meeting room and male and female toilets at 3rd floor level. Stair and lift access is provided to all floors.

Re-Organisation of Existing Accommodation

- 5.8 Coupled with the additional floorspace to be built onto the existing building, the proposals require some degree of internal re- arrangement and refurbishment. A key objective of this aspect is the refurbishment and enhancement of the existing Main Hall so that it provides a 2000 person "events" space. Coupled with that, the existing changing areas would be extended and refurbished, the reception and box office facilities would be re-configured, and improved hospitality and conference space provided. None of these works actually require planning permission, since they are all internal, but they are integral as part of the overall scheme of improvements that are proposed to be undertaken to improve the Sands Centre's facilities. The proposals entail:

d) Main Hall

To allow better, wider, use, not only for sports but other community activities including public exhibitions and as a venue for touring theatrical performances and music concerts, the overall capacity of the main hall is to be increased to 2,000. However, although the existing hall space could physically accommodate this spatially, its capacity is currently limited by the air handling and ventilation provision which can not cope with this figure.

As such these systems are to be up-graded to allow better utilisation of the existing space to more comfortably accommodate its maximum

seating capacity. Associated with this, the roof and ventilation ducts will be re-clad externally, with the additional provision of edge protection/fall arrest systems and with and screening of the new roof mounted plant.

Better audience facilities will also be provided by a remodelling of the existing ancillary spaces to include a new licensed bar serverly within the main hall and improvements to the existing cloak room. Back-of-house, the existing changing rooms will be remodelled and refurbished to provide dedicated dressing rooms, with sport users being accommodated with the remodelled Dry Changing village.

e) Secondary Hall

This hall will be remodelled to provide a general fitness hall with a new floor constructed above to create a new separate conference facility at 1st floor level. The existing climbing wall will also be separated off, allowing it to be used completely independently of other activities within the centre.

f) Entrance Hall

In order to better serve the differing needs of Sports and Event users, the existing reception area will be refurbished, extended and remodelled, with two distinct areas for the two uses. The existing reception areas will be enlarged to more adequately serve the events users, improving the user experience and architectural ambience of the existing space, whilst providing more space to accommodate the increased audience numbers at peak times, including an enlarged reception and ticket sales point. This space will also be enhanced with more natural lighting by replacing the visually obstructive screen between the reception and restaurant area with a more transparent glazed screen, linking the reception to the naturally lit restaurant beyond, and with the provision of a new roof light through the roof above the feature stair, bringing more direct light into the heart of the space.

At first floor level the existing toilets will also be remodelled to provide access to the new Conference Room, whilst the Bar serverly areas at both ground and First Floor levels will be refitted to better utilise the spaces and to provide a better facility for users at peak times. Additionally this whole area will be refurbished and modernised to reflect the architectural vocabulary of the new areas of the building, enhanced with the additional daylighting from the new Roof light above this area, as indicated on the Application Drawings, along with the new air handling units and screen to the existing roof to serve the additional demands of the remodelled spaces.

g) Changing Village

To meet the increased changing needs of the additional sports facilities provided through the rest of this project, the existing changing rooms will be remodelled and extended to provide user facilities sufficient to better meet current design standards and Sports Council guidelines.

#### h) Office Areas

The existing first floor suite of offices will be extended and remodelled, partially removing the existing ground floor roof area and encompassing the existing spaces in to the extended building massing, to provide sufficient space for the management and administration needs of all the additional facilities being offered by the redeveloped Sands Centre.

#### Modifications to the Site Access, Car Park and Vehicle Circulation

- 5.9 The proposals include the re-location, 25 metres further to the east along Newmarket Road of the vehicular entrance, to the Sands Centre [with the existing access being closed], thereby achieving a larger spacing distance and improved visibility for drivers emerging from the entrance and the junction of Newmarket Road with Hardwicke Circus [currently 26m but increasing to 48m]. The main access will also align with the pedestrian route and concourse leading to the building's main entrance and the new axis for the vehicle entrance, with improved radii, will allow simpler movements and less congestion associated with coach access. As Members will note from earlier in this Report, some persons have commented upon the inhospitable and lengthy walking distance from the nearest bus stops on West Tower Street. However, the proposed access and setting down arrangements would also accommodate public transport access to the Sands Centre if the local bus operator could be persuaded to divert services to provide "doorstep" set down and pick-up.
- 5.10 Thus, the site layout includes 3 no coach "set-down" areas adjacent to the building and incorporates a "through" route whereby those, and other vehicles, can exit the site at its eastern end, adjacent to the access to Swifts Bank car park [opposite the Turf Inn]. This will benefit persons seeking to exit from the parking areas at the end of major events since it allows motorists to join the exit queue with the traffic stream leaving from Swifts Bank, further back on Newmarket Road. In everyday use, however, users of the Sands Centre car park can still enter and leave via the re-located access which will be 7.5m wide.
- 5.11 The closure of the existing access and its re-location eastwards will involve works to the existing stone pillars to each side of the access and the related low stone wall and cast iron railings above it that runs along the north side of Newmarket Road to the entrance to Swifts Bank. that section of wall and pillars is "Listed". However, as part of these proposals it is proposed to replace the existing modern railings that currently run from the western pillar to the underpass at Hardwicke Circus with replica railings that follow the identical pattern to the "listed" railings so that there is a continuous boundary "traditional" boundary treatment to the site frontage from opposite the Turf Inn to the underpass. In this regard, although Press coverage sought to portray the Conservation Officer as being hostile to the proposals, there is no concern about their impact on "heritage" assets, i.e. the remit the Conservation Officer is there to address, but instead the extension of the historic railings is welcomed and supported.



- 5.12 The existing staff parking and service arrangements, including access for pantechnicons and coaches used by touring companies and bands, alongside the eastern wall of the Main Hall will remain but will be barrier controlled.
- 5.13 The proposed new build additions project southwards into the car parking areas on the site frontage to Newmarket Road, leading to a reduction of 111 parking spaces from the existing 294 spaces, provided in the Sands Upper [short stay car park], Sands Lower [long stay car park] and Sands Red Permit spaces, to a total of 182 publicly available spaces. The number of disability spaces would increase from 17 to 19 and the proposals also increase the number of cycle parking spaces from 6 to 32 spaces.
- 5.14 As a result of the development, a total of 21 trees would be lost, most being semi-mature trees planted when the Sands Centre was constructed and being of varied types and forms, ranging from Silver Birch, Lime and Copper Beech to Blackthorn.

### Design and Finishes

- 5.15 The existing Sands Centre is a somewhat monolithic, stark and austere building whose design reflects its function, with few openings and extensive areas of walling enclosing what are essentially large inter-connected spaces. It is, already, of quite dominant scale at the edge of the city centre and in a sensitive position close to the riverside and its crossing by Eden Bridge.
- 5.16 Any proposals for significant additions to it present a major architectural challenge and, wisely, the approach adopted within the submission is not to add to the already fairly monumental scale or to follow the existing form of the Sands Centre by replicating its style and/or finishes, but to present the additions as series of individual components, expressed with their own identity and which reflect their differing uses. The design is intended to be contemporary but framed within a palette of good quality external finishes that sit alongside but do not attempt to compete with the existing strong brick emphasis the building currently displays.
- 5.17 The massing of the extensions has also been cognizant of the massing of the host building, the maximum height of the proposals [the 4 storey high School of Sport on the street facade] being partly disguised by its lower ground level in comparison with the road system. Similarly, rather than a single dominant building height, the proposals present a graduation in scale from the initial single storey scale of the proposed entrance canopy [rising in height towards the building's threshold] through the 2 storey southern end of the swimming pool which rises to 3 storey over much of its height and then to the 4 storeys of the School of Sport. Similarly, reflecting the lower scale of existing building forms alongside the riverside walkway, the proposed gym takes 2 storey form while even the otherwise taller form of the School of Sport has a human scale projecting single storey element that envelopes part of the west wall of the sports hall.
- 5.18 Likewise, the design approach to the additions strives to avoid adding to the

shoebox-like form of the existing building by presenting faceted elevations, stepped building lines, cantilevered facades and articulation to what could otherwise be quite bland and featureless facades. Those are reasonably effective in themselves but they are coupled with the selection of finishes which seek to address the contrasting challenges presented by the large single-span form of both the swimming pool and the sports hall elements as opposed to the more cellular form of the School of Sport with its narrower but taller appearance. The Design and Access Statement describes that as providing a backdrop/backbone to the development, both when viewed from the south above the height of the pool and sports hall and over the gym addition when viewed from the north, and it is certainly designed as a focal point to the development.

- 5.19 The design very consciously articulates the separate elements of the new building work: the two storeyed areas at both the southern and northern wings will be finished in a red facing brickwork with blue/grey detailing [precise brick types to be determined] with the upper facade of the swimming pool, its plant room and sports hall being finished in silver cladding above a base of red brickwork to provide continuity and solidity. The west facing elevations of those elements, the building lines of which step back from each other, will be articulated with cantilevered animated projecting mesh screens, the step-out from the sports hall allowing views through to its semi- translucent upper level cladding, which potentially will be embellished with images designed in collaboration with an appointed artist under the "per cent for art" obligation. Similarly, the projecting screen to the plant room, the facade of which is recessed back from the sports hall, will potentially incorporate promotional material identifying forthcoming events, such as concerts or theatre productions. That would, of course, be a separate application made under the Advertisement Regulations.
- 5.20 The design and finishes of the School of Sport reinforce the prominence it would inevitably possess, through both its height and the fact that it projects further forward than all other elements, by a conscious change of materials to present an elevation combining jettied glazed fenestration against the backdrop of a natural red sandstone facade. This would create quite a strong and powerful feature in daylight and in the evening, rightly reflecting the building's importance and status, but quite properly distinguishing it from the associated, but different functions of its immediate neighbours which bookend it i.e. the sports hall/swimming pool and the gymnasium. The latter would be finished in red facing brickwork and glazed curtain walling so there is light and activity visible from it and of what happens within it.
- 5.21 Much of the roof form would barely be visible as it is higher than surrounding viewpoints and is flat but the expansive areas of the sports hall, swimming pool and plant room would have quite a dramatic, aluminium standing seam roof that sweeps down from its highest point adjacent to the School of Sport towards Newmarket Road. The entrance canopy leading to the Sands Centre will also incorporate a sweeping roof supported by a series of steel supports designed with fins to portray the appearance of the trunk and branches of trees. Light wells would be included in the roof to flood the approach with natural light but it will also incorporate LED downlights to provide a welcoming

and inviting entry to the Sands in the evening. That will be aided by the intention to largely finish the east wall of the swimming pool in striated stone and brickwork that is intended to suggest the layered form of the underlying geology.

- 5.22 Externally, the development team's approach to landscaping is largely devoted to providing a complementary high quality scheme of surface finishes, seating, signing and lighting to the entrance footway and forecourt and a similarly inviting and attractive treatment to the entrance to the School of Sport and to the circulation routes around the building. Ideally, this would have extended to the treatment of the riverside threshold adjacent to the riverside walkway/Hadrian's Wall Long Distance Trail but financial constraints have intervened.
- 5.23 Otherwise the proposals provide for removal of certain areas of straggly shrubs to be replaced by ground cover and clipped beech hedges, with pedestrian approaches being surfaced in clay paviors with enhanced lighting.

### **Assessment**

- 5.24 Section 54a of the Town and Country Planning Act 1990/Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations (including Government Policy as expressed through Planning Policy Guidance Notes or Planning Policy Statements) indicate otherwise. As Members know, following abolition of Regional Spatial Strategies, the Development Plan now consists of saved and extended Joint Structure Plan Policies and the provisions of the Carlisle District Local Plan 2001-2016 [adopted September 2008]. Greatest weight must be attached to the latter as it not only contains specific, relevant policies and proposed allocations against which to "test" these proposals but has also been most recently subject to community consultation and scrutiny through the statutory adoption process.
- 5.25 In essence, the Development Plan seeks to regulate the amount and location of development required within the District to meet the community's needs for housing, employment, social and community facilities, transport, leisure and recreation, retail and other land uses. It seeks to balance such requirements against (and/or reconcile them with) economic objectives, infrastructure capacities and environmental considerations. It is a process whereby the community is empowered to comment upon and influence the spatial disposition of land use allocations through statutory consultations and affords scrutiny of options through the formal Inquiry system prior to adoption of policies and proposals, including allocations of additional land for development.
- 5.26 The Cumbria and Lake District Joint Structure Plan has diminishing relevance due to the passage of time since its adoption (April 2006) and the fact that the majority of its policies and proposals have been superseded by the more up to date provisions of the District Local Plan (adopted September 2008). Nonetheless, "saved" Policy ST5 remains applicable in placing priority on new

development being focussed on the County's key service centres, with Carlisle being particularly identified, in order to foster its regional role, as the location where major development should take place.

- 5.27 That emphasis upon Carlisle as the location where major development should be concentrated is manifested in the spatial Policies of the District Local Plan Policy DP1. The fact that the application site is located adjacent to the urban centre of Carlisle means that, in spatial terms, it fully accords with the foregoing planning policy objectives and strategic aspirations to concentrate major development in Carlisle.
- 5.28 In "land use" planning policy terms, the application site lies within an area identified as Primary Leisure on the Proposals Maps which form part of the adopted District Local Plan. As such, the application should be judged against the provisions of Policy LC2 of the Plan.
- 5.29 Policy LC2 is supportive of proposals which relate to and complement the existing use and are appropriate in character and scale to the surroundings. Paragraph 8.5 sets out the reasons/justifications and emphasises that it is important that *"opportunities are given for the development of new buildings and facilities where appropriate to keep pace with current needs"*. It adds that *"any new development should harmonise with its surroundings and that proposals.... should incorporate careful design, siting and landscaping"*.
- 5.30 The supporting text also notes the campaign to promote healthier lifestyles and the benefits it has brought in terms of cutting heart disease and strokes and observes how walking, cycling and use of public transport are being promoted in favour of car use. Reduction in car parking provision, as will occur with these proposals, is in line with that approach although, ideally, should be balanced by the availability of public transport to the premises. That is a matter that falls outside the remit of this planning application but is clearly an objective that should be pursued through discussions with the local public transport provider.
- 5.31 Policy CP5 sets the policy context against which the design of the development should be assessed. In that regard, judgements about the architectural approach adopted, or the general aesthetics of the proposals, are clearly highly subjective. There is no doubt that the submission aims to provide a modern, distinctive addition to what is currently a solid, but unremarkable, building. Consequently, the scheme design deliberately adopts a contemporary approach using modern forms and finishes, deploying a range of materials that reflect the different uses that would take place within the individual spaces but have a degree of cohesion through detailing. It won't please everyone but it is distinctive, an objective of the brief assigned to the architects, and will certainly become a "landmark". Located at a busy intersection at the edge of the city centre where the general architecture is dominated by large space users, it addresses issues of scale better and employs better finishes and better detailing than most of its neighbours.
- 5.32 The initial concerns raised in consultation responses by Sport England and by Natural England have been addressed through further information and both

now lend their support to the proposals. Some belated objections have been received that question the merits of the Council committing to develop this scheme but seem to stem more from a preference for investment in other facilities or other leisure sectors rather than focussing on benefits that can emerge for the wider community from this type and scale of investment. More to the point, it is not for this Committee to pass judgement on whether the Council should be spending on this project as opposed to other potential projects: this is the “only” planning proposal that actually exists and what the Committee needs to consider is whether it should secure planning permission.

- 5.33 The views of individuals and organisations that are worried about the accessibility of the development by public transport are fully understood and have justification. However, that is not a new situation created by these proposals but is a pre-existing issue that needs to be taken up directly with the relevant provider. What the application does do, however, is provide a better physical layout and improved access for coaches and public transport services so that the site has enhanced capability of accommodating bus services and, hopefully, the issue of providing these can be pursued independently.

## **Conclusion**

- 5.34 The application is supported by the general policy provisions of Policies DP1 and LC2 of the adopted Local Plan. The design and finishes are also considered acceptable in relation to the provisions of Policy DP1. The application is, therefore, recommended for approval.
- 5.35 However, as advised under para 5.2 of this Report, the site abuts an important site, designated under European legislation adopted by the UK Government, for its nature conservation significance. Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (known as “the Habitats Regulations”) requires the Council, before deciding to give any consent to a project which is (a) likely to have a significant effect on a European site (either alone or in combination with other plans or projects), and (b) not directly connected with or necessary to the management of the site, to make an appropriate assessment of the implications for the site in view of its conservation objectives. It is, therefore, incumbent upon the Council to be satisfied that there would be no likely significant effects upon the interest features of the SAC. Accordingly, prior to the release of planning permission the Council must undertake an Assessment of Likely Significant Effects under the Habitats Regulations.
- 5.36 It is, therefore recommended that Officers be authorised to issue planning permission subject to the completion of the ALSE and to it giving rise to no adverse impacts. That authorisation should extend, if relevant, to the imposition of any further or revised wording to the suggested planning conditions, that may be recommended following ALSE. Although not anticipated, if the ALSE was to indicate significant likely effects would be caused, the application will, of course, be brought back before the Committee for further consideration.

## **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, proportionate and there is social need;

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

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

1. The development shall be begun not later than the expiration of 7 years beginning with the date of the grant of this permission.

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

2. The approved documents for this Planning Permission comprise:

1. Details to be inserted

**Reason:** To define the Planning Permission and for the avoidance of doubt.

3. Notwithstanding any description of materials in the application no development shall be commenced until samples or full details of materials to be used externally on the building(s) have been submitted to and approved by the Local Planning Authority. Such details shall include the type, colour and texture of the materials.

**Reason:** To ensure that materials to be used are acceptable and in accord with Policy CP5 of the Carlisle District Local Plan.

4. 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 highway safety and to support Local transport Plan Policies LD5, LD7 and LD8.

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

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

6. The development shall not be brought into use until the access, turning and parking facilities have been constructed in accordance with the approved plan. Any such access and/or turning provision shall be retained and be capable of use when the development is completed and shall not be removed or altered without the prior consent of the Local Planning Authority.

**Reason:** To ensure a minimum standard of access provision when the development is brought into use and too support Local Transport Plan Policies: LD5, LD7, LD8 and Structure Plan Policy: T32.

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

**Reason:** To aid in the delivery of sustainable transport objectives and to support Local Transport Plan Policies: WS1, LD4 and Structure Plan Policy T31.insert text from asterisk onwards.

8. An Annual Report reviewing the effectiveness of the Travel Plan and including any necessary amendments or measures shall be prepared by the developer/occupier and submitted to the Local Planning Authority for approval.

**Reason:** To aid in the delivery of sustainable transport objectives and to support Local Transport Plan Policies: WS3, LD4 and Structure Plan Policy T31.

9. Development shall not begin until a surface water drainage scheme for the site, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include:

- i) A scheme for surface water attenuation to mitigate the impact of additional impermeable area, including allowance for climate change.
- ii) A scheme for the repair of the existing private surface water outfall to the River Eden.

**Reason:** To prevent the increased risk of flooding and ensure future maintenance of the surface water drainage system.

10. Prior to the commencement of development approved by this planning permission (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:

1) A site investigation scheme, based on the preliminary risk assessment to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

2) The site investigation results and the detailed risk assessment (1) 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.

3) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

**Reason:** To deal with the risks associated with contamination and to protect the water environment.

11. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details..

**Reason:** To ensure the protection of groundwater.



12. No development approved by this planning permission shall be commenced until a scheme that satisfactorily addresses pollution prevention has been submitted to and approved in writing by the Local Planning Authority.

**Reason:** To prevent the pollution of the River Eden.

13. No development shall commence within the site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Planning Authority.

This written scheme of investigation will include the following components:

- i) An archaeological evaluation;
- ii) An archaeological recording programme the scope of which will be dependant upon the results of the evaluation.

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

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

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

15. Prior to the commencement of the development, full details of the design, specification and layout of all indoor sports facilities, which shall comply with Sport England Technical Design Guidance Notes, including 'Sports Halls-Design and layout', 'Fitness and Exercise Spaces', 'Floors for indoor sports', Pavilions and clubhouses', 'Swimming Pool Design' and 'Accessible Sports Facilities' shall be submitted to and approved in writing by the Local Planning Authority in consultation with Sport England. The sports facilities shall be constructed in accordance with the approved design and layout details in accordance with a timescale to be first agreed in writing by the Local Planning Authority in consultation with Sport England.

**Reason:** To ensure the development is in accord with the objectives of Policy LC2 of the Carlisle District Local Plan 2001-2016.

16. The development shall be landscaped in accordance with details to be submitted to and approved by the Local Planning Authority. the submitted scheme shall include details of the proposed type and species of all planted

material, including particulars of the proposed heights and planting densities and particulars of all trees and shrubs which are to be retained, together with a full specification of the surface finishes, edging, lighting and street furniture to be provided at, all areas of proposed hard landscaping.

**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.

17. All works comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the bringing into use of the additional accommodation being provided or completion of the development, whichever is the sooner.

**Reason:** To ensure that a satisfactory landscaping scheme is implemented in accord with Policy CP5 of the Carlisle District Local Plan 2001-2016.

18. For the duration of the development works existing trees to be retained shall be protected by a suitable barrier erected and maintained at a distance from the trunk or hedge specified by the local planning authority. The Authority shall be notified at least seven days before work starts on site so that barrier positions can be established. Within this protected area there shall be no excavation, tipping or stacking, nor compaction of the ground by any other means.

**Reason:** To protect trees and hedges during development works.

19. The detailed plans required by the aforementioned conditions shall incorporate full details of the proposed locations of all services and service trenches and these shall be designed and sited to avoid or minimise the damage to the roots of the existing established trees.

**Reason:** To protect trees and hedges during development works.

20. Trees, hedges and plants shown in the landscaping scheme to be retained or planted which, during the development works or a period of five years thereafter, are removed without prior written consent from the local planning authority, or die, become diseased or are damaged, shall be replaced in the first available planting season with others of such species and size as the authority may specify.

**Reason:** To ensure as far as possible that the landscaping scheme is fully effective in accord with Policy E15 of the Carlisle District Local Plan.

21. There shall be submitted, to, and approved in writing by, the Local Planning Authority a lighting design scheme and related specification for the proposed lighting measures to be implemented within the development. The proposed scheme shall include proposed mitigation measures during the construction and operational stages of the development of that Phase

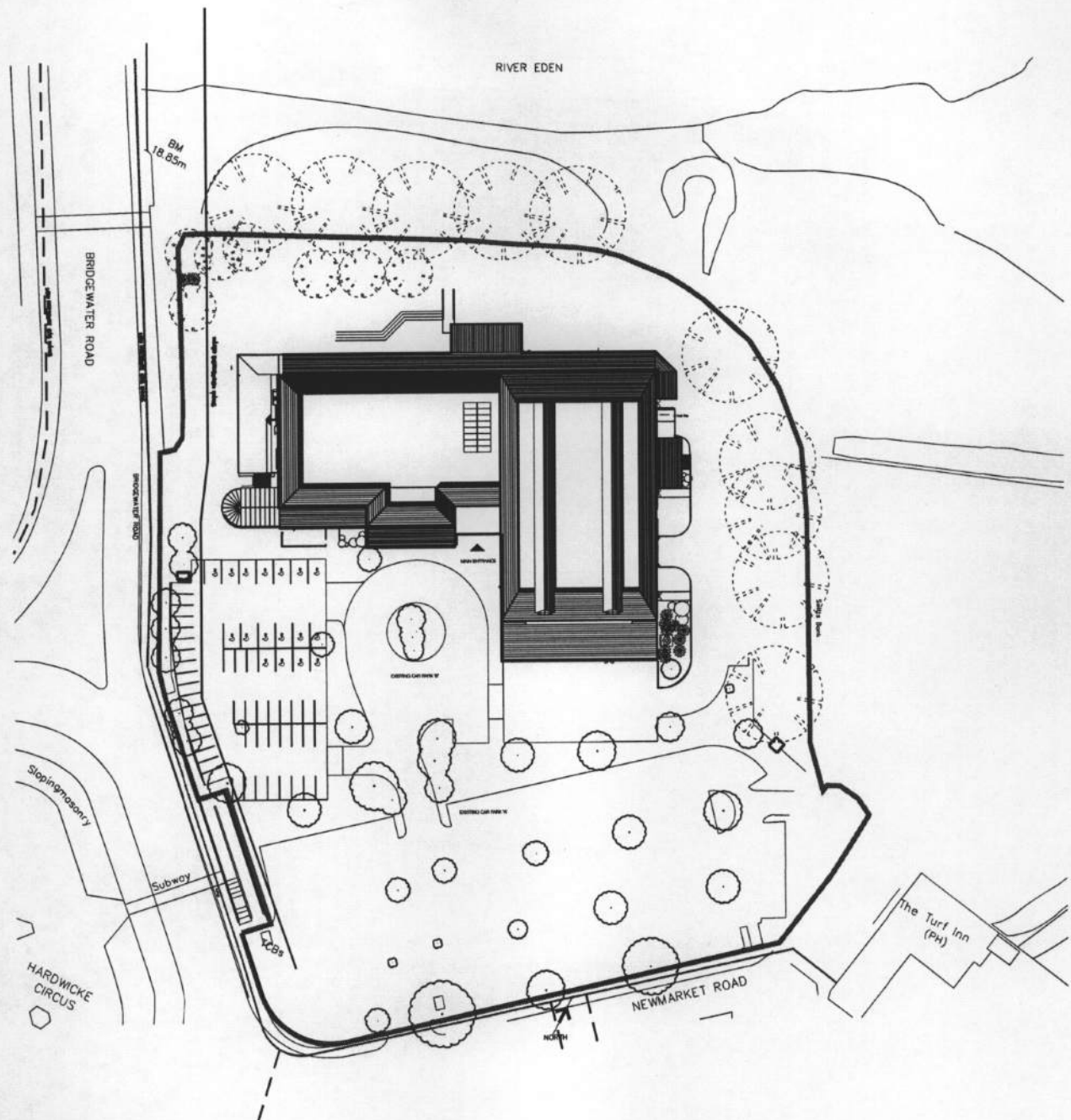
specifically to prevent lighting impacts on wildlife, including otters and bats, and their habitats both on-site and off-site.

**Reason:** To prevent adverse impacts on wildlife in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

22. Before any work is commenced in relation the development, a Construction Environmental Management Strategy [including any related Plan or Plans] shall be submitted to and agreed in writing by the Local Planning Authority. This shall include noise management measures; waste minimisation; management of site drainage such as the use of silt traps during construction and/or oil/petrol interceptors; measures for the safe disposal of waste waters; the checking and testing of imported materials [e.g. top soils, etc] to ensure suitability of use and prevent the spread of invasive species; measures [where necessary] for the management and safe removal of invasive species; the construction hours of working; facilities for wheel washing, vibration management and dust management; measures for vermin control; measures for vehicle control within the site; an Emergency Plan for pollution events; protocols for contact and consultation with local people and any other matters to be agreed with the Local Planning Authority. The agreed scheme, which shall in all respects be in compliance with the Environment Agency's Pollution Prevention Guidelines No5 [for works or maintenance in or near water] shall be implemented upon the commencement of each phase of development and shall not be varied without the prior written agreement of the Local Planning Authority.

**Reason:** To safeguard the living conditions of neighbouring residents, prevent pollution, mitigate impacts on wildlife and any adverse impact upon the River Eden and Tributaries Special Area of Conservation in accordance with Policies CP5 and CP6 of the Carlisle District Local Plan 2001-2016.

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Rev	Description	By	Chk	Date
A	Draft planning application issued for client approval	AGG	SD	08.05.10
B	ISSUED FOR PLANNING	AGG	SD	30.06.10

#### LEGEND



APPLICATION SITE AREA (approx. 2H)



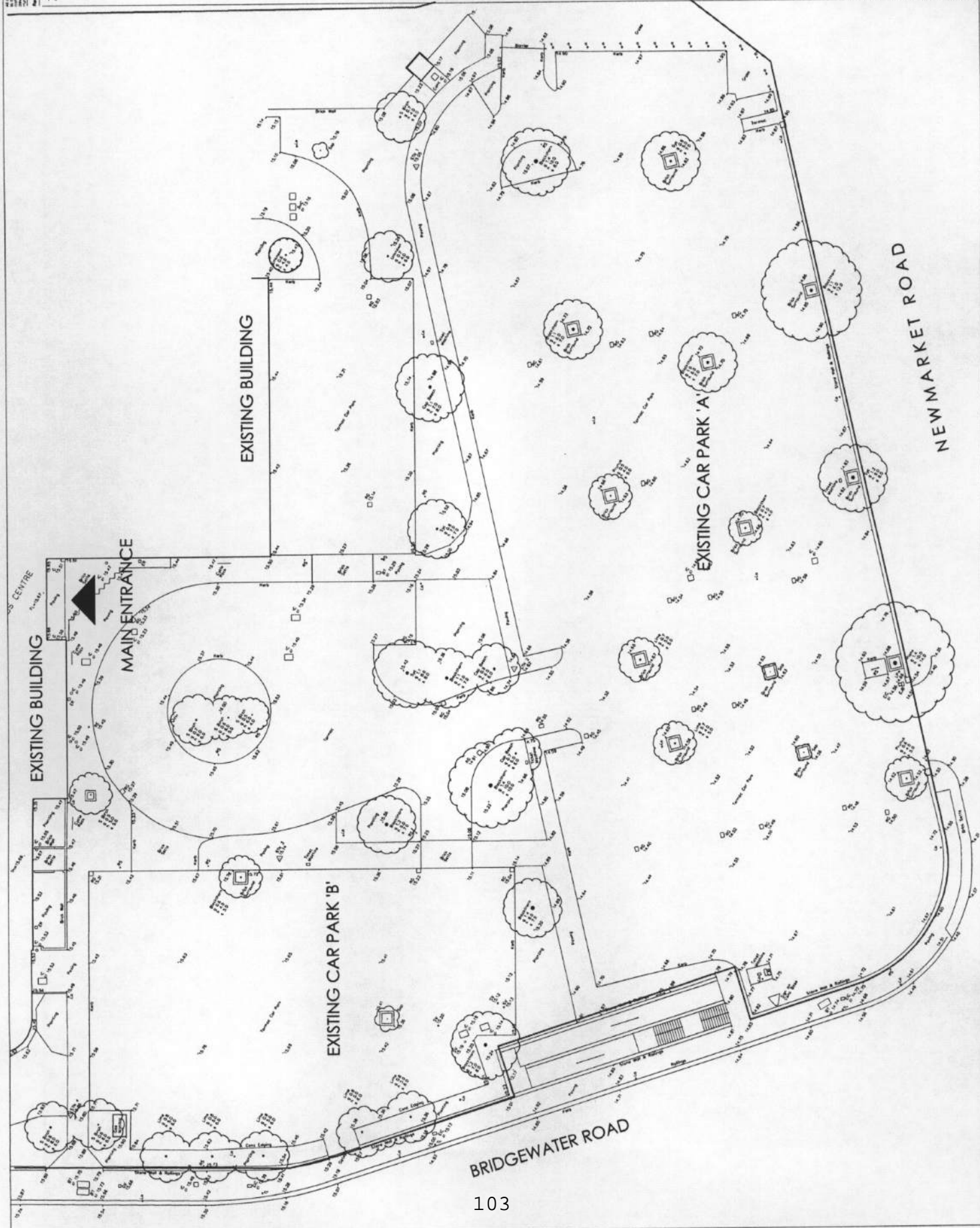


No.	Description	By	CHK	Date
1	Drawn			
2	Checked			
3	Approved			
4	Revised			

SANDS CENTRE  
 DEVELOPMENT  
 CARLISLE CITY COUNCIL  
 www.carlisle.gov.uk

EXISTING  
 TOPOGRAPHICAL DATA  
 Date: 15/03/10  
 Project: L01005  
 Issue: 1

hordland  
 L01005  
 ISSUED FOR PLANNING

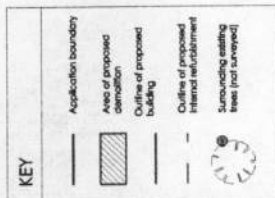




Year	Description	Qty	Cost	Date
-	Draft clearing issues for client approval.	ADD 10		08-23-10
A	ISSUED FOR PLANNING	ADD 10		10-26-10

A. ISSUED FOR PLANNING

10

[illegible]

**THE SANDS CENTRE  
FOR DEVELOPMENT  
NEW MARKET MODEL CARLISLE**  
AND  
**CARLISLE  
CITY COUNCIL**

Drawn By	Checked By	Approved
12/06/01	Date: 02.01.10	Project No: M7713
Drawing No		Revision
L(01)11		

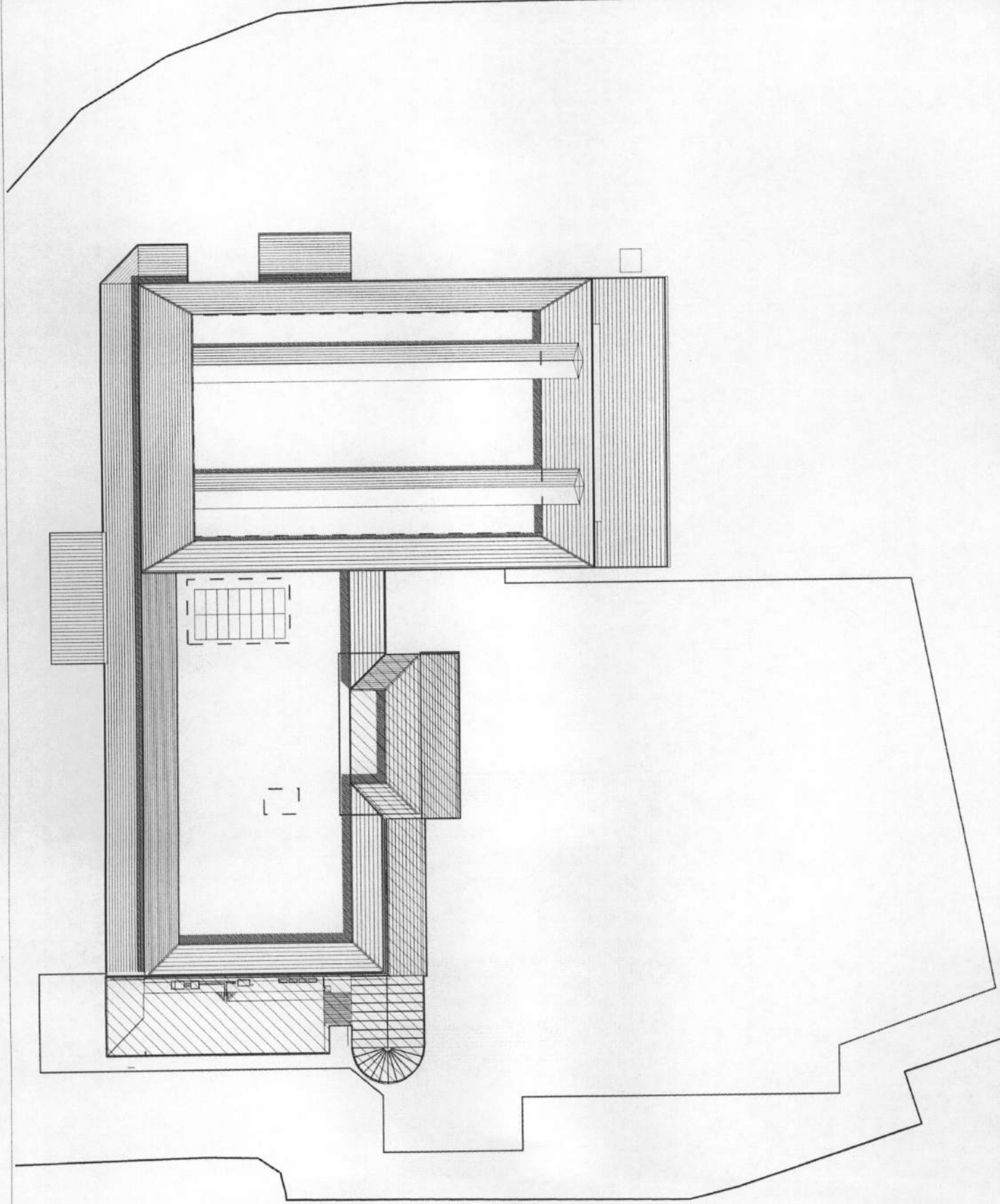
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No.	Description	By	Chk	Date
1	Drawn	ASD	ASD	08/03/10
2	Checked	ASD	ASD	08/03/10
3	Approved	ASD	ASD	08/03/10

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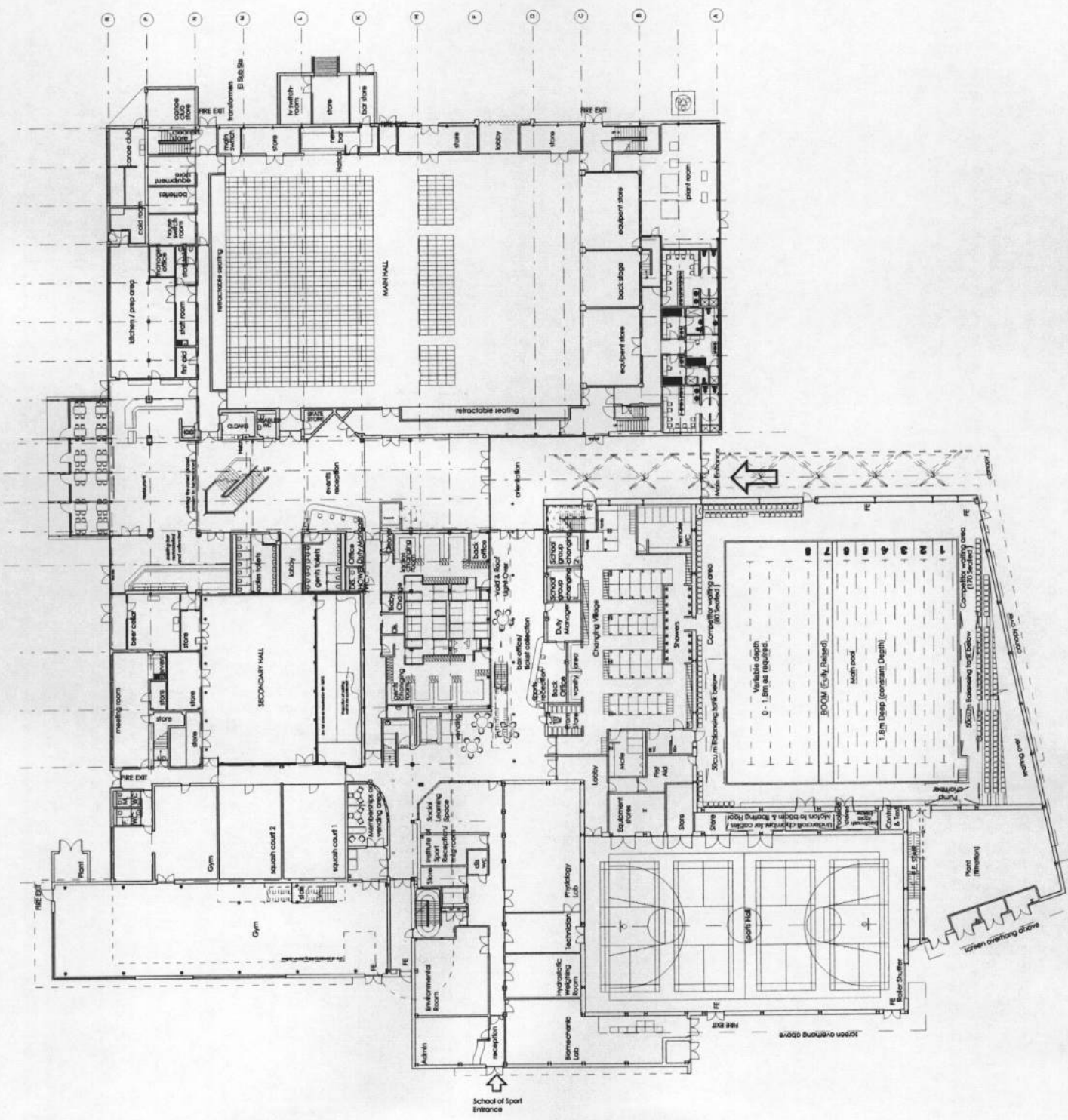


**KEY**

- Application boundary
- Area of proposed development
- Outline of proposed building
- Outline of proposed internal sub-division
- Surrounding existing trees (not surveyed)

HURD/rolland  
 CARLISLE CITY COUNCIL  
 SANDS CENTRE DEVELOPMENT  
 CARLISLE CITY COUNCIL  
 EXISTING  
 ROOF PLAN  
 Project No: 0711  
 Drawn by: L01112  
 Issued for PLANNING

Ref	Description	By	Date
1	Change 1: When submitted, find indicated	SD	01/10
2	Change 2: When submitted, find indicated	SD	01/10
3	Change 3: When submitted, find indicated	SD	01/10
4	Change 4: When submitted, find indicated	SD	01/10
5	Change 5: When submitted, find indicated	SD	01/10
6	Change 6: When submitted, find indicated	SD	01/10
7	Change 7: When submitted, find indicated	SD	01/10
8	Change 8: When submitted, find indicated	SD	01/10
9	Change 9: When submitted, find indicated	SD	01/10
10	Change 10: When submitted, find indicated	SD	01/10
11	Change 11: When submitted, find indicated	SD	01/10
12	Change 12: When submitted, find indicated	SD	01/10
13	Change 13: When submitted, find indicated	SD	01/10
14	Change 14: When submitted, find indicated	SD	01/10
15	Change 15: When submitted, find indicated	SD	01/10
16	Change 16: When submitted, find indicated	SD	01/10
17	Change 17: When submitted, find indicated	SD	01/10
18	Change 18: When submitted, find indicated	SD	01/10
19	Change 19: When submitted, find indicated	SD	01/10
20	Change 20: When submitted, find indicated	SD	01/10



**hurdland**

**SANDS CENTRE**  
**CITY COUNCIL**  
**DEVELOPMENT**  
**PROPOSED GROUND FLOOR PLAN**  
**ISSUED FOR PLANNING**

Project No: 01/10  
 Date: 01/10  
 Drawing No: 01/10  
 Scale: 1:500

Author: K  
 Checker: K  
 Designer: K  
 Project Manager: K



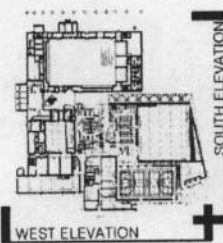
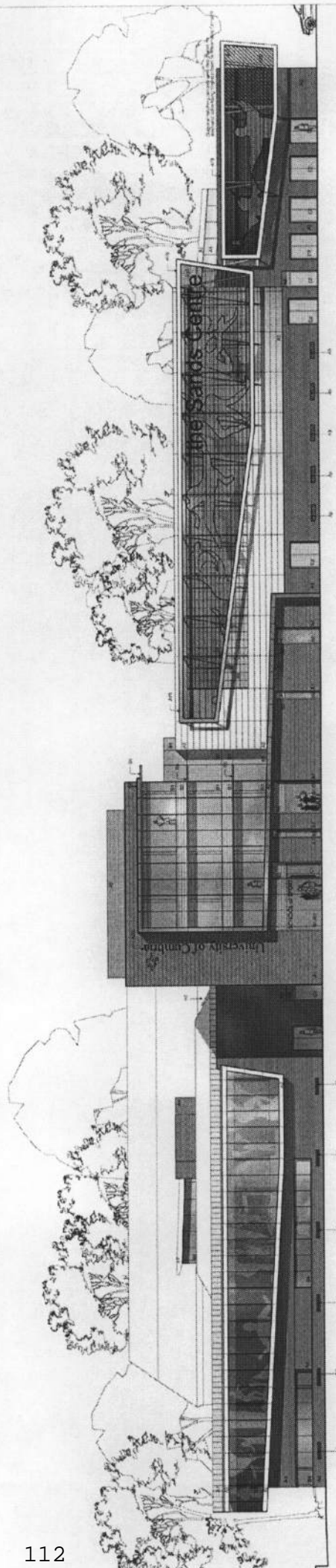
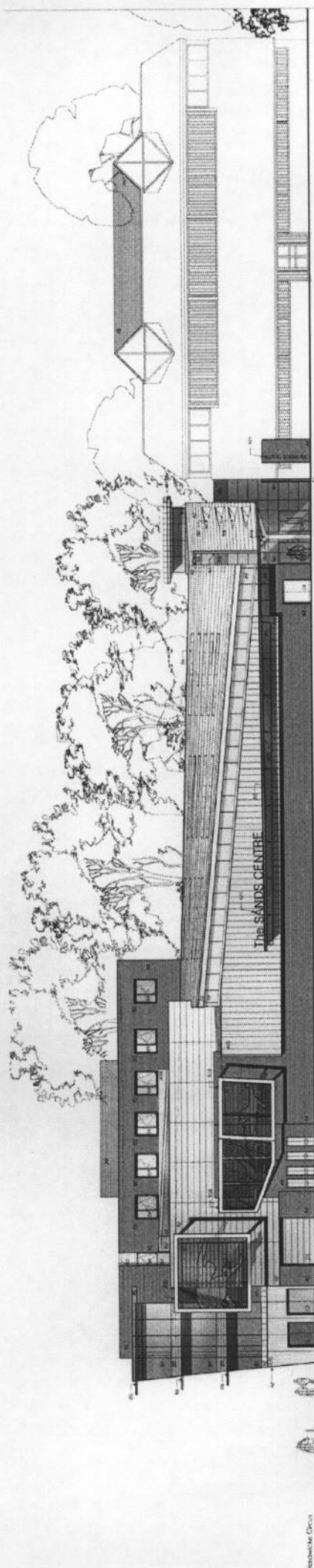










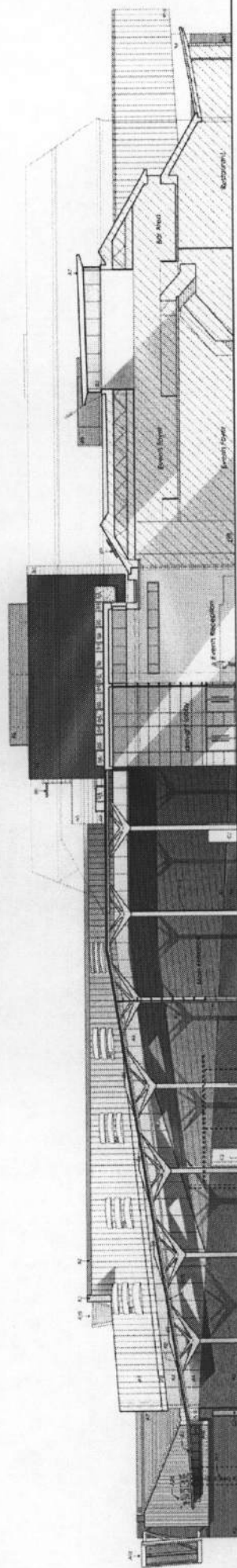


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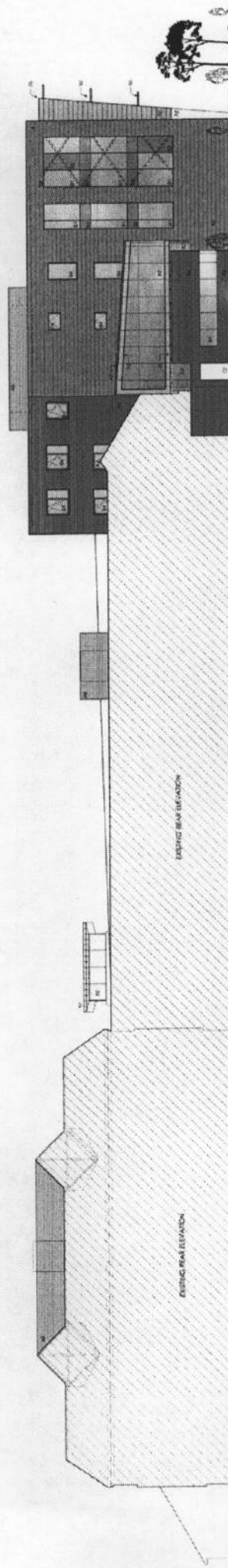
of the 1990s. The authors of the book argue that the book is a valuable contribution to the literature on the history of the book. The book is well written and easy to read. It is a good read for anyone interested in the history of the book.

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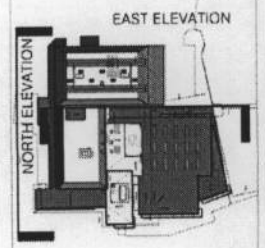
**WEST**



PROPOSED EAST ELEVATION



PROPOSED NORTH ELEVATION



EAST ELEVATION

1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 26

8. **Discussion**

[illegible]

bioactive compounds that enhance the immune system. They are also known to be antioxidants and support

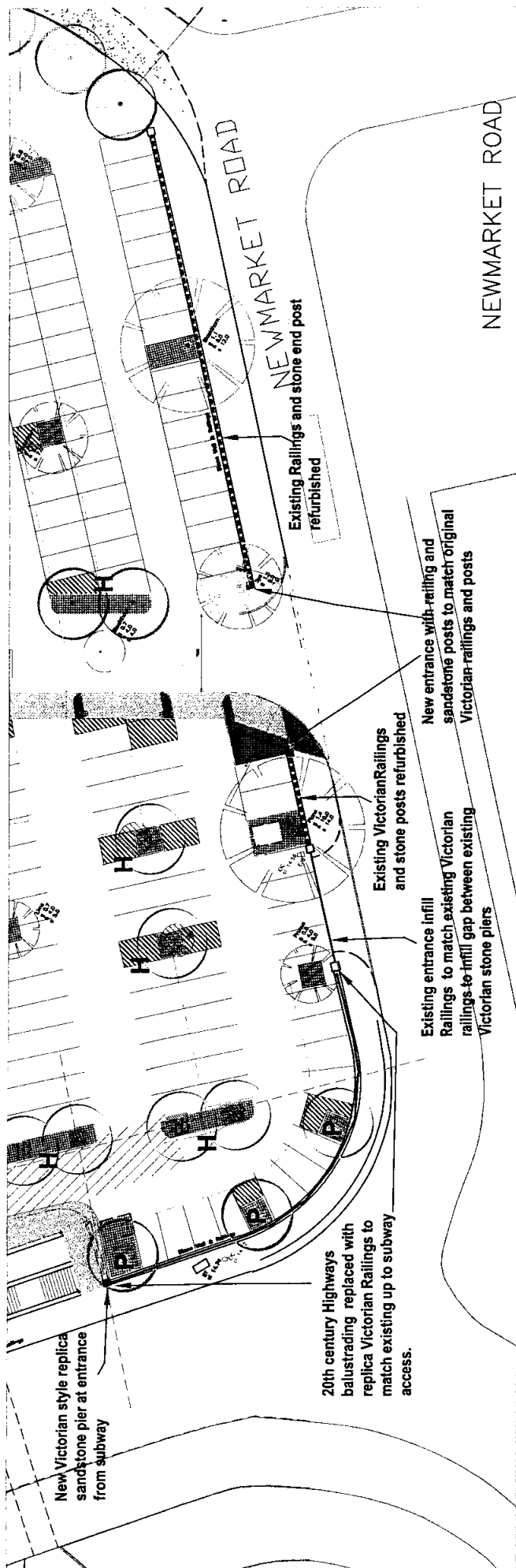
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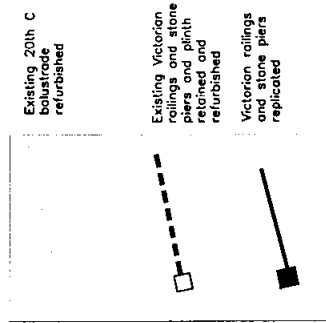
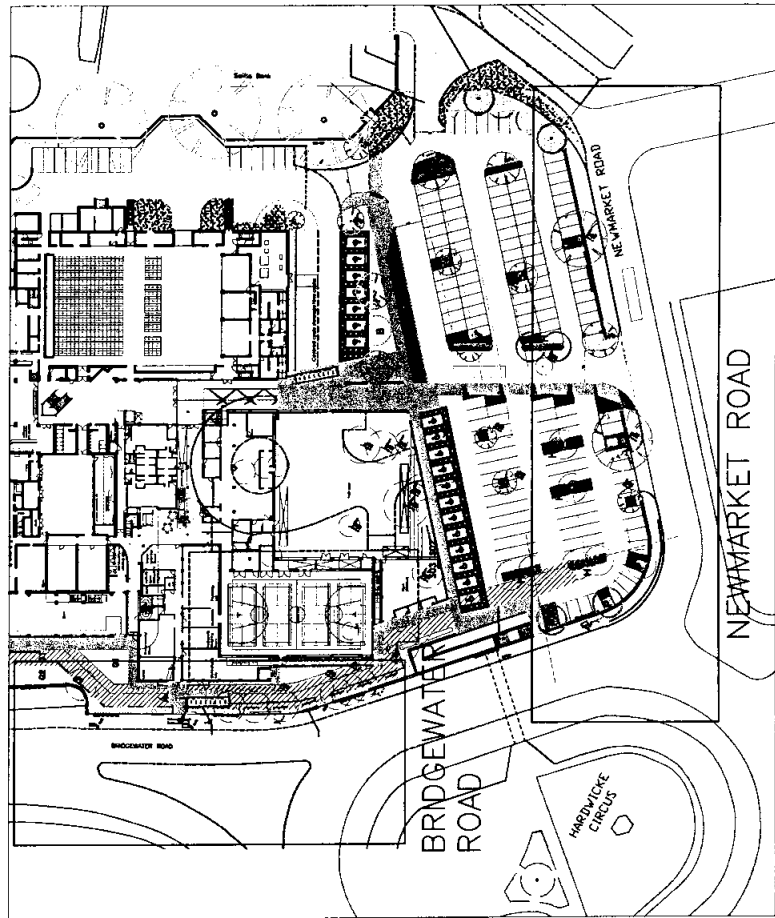
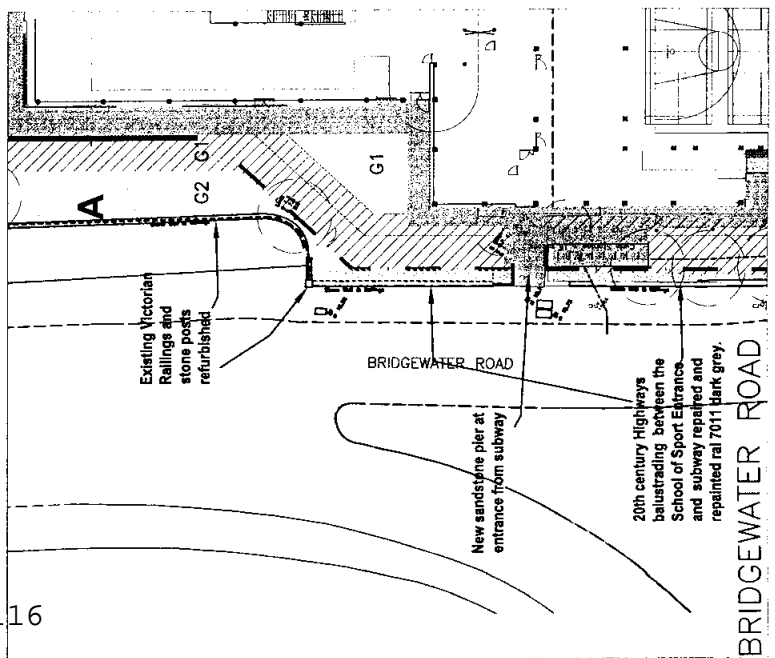








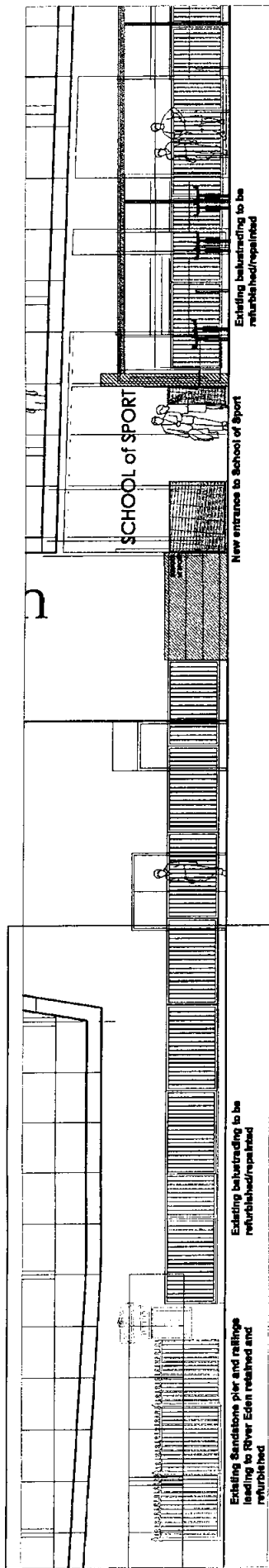
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Revisions:  
a Replica Victorian railings to road frontage to replace existing balustrade. 10/2010  
b New entrance with-railing and sandstone posts to match original Victorian railings and posts. 10/2010  
c Existing Victorian Railings and stone posts refurbished. 10/2010  
d Existing entrance infill Railings to match existing Victorian railings to infill gap between existing Victorian stone piers. 10/2010  
e 20th century Highways balustrading replaced with replica Victorian Railings to match existing up to subway access. 10/2010  
f New Victorian style replica sandstone pier at entrance from subway. 10/2010  
g Existing Victorian Railings and stone posts refurbished. 10/2010  
h New sandstone pier at entrance from subway. 10/2010  
i 20th century Highways balustrading between the School of Sport Entrance and subway repaired and repainted at 7011 dark grey. 10/2010

Stephen Martlew Landscape Architecture  
Unit 2 The Leam Street Manchester M4 6AY  
TELEPHONE 0161 907 3224 FACSIMILE 0161 337 9787

DRAWING TITLE	Boundary Railings detail
DRAWING NO	0908/08
PROJECT	Canine Sands Centre
CLIENT	Hurd Roland
SCALE	not to scale
DATE	January 2010
REVISION	REVISED
CHECKED	SM



## BRIDGEWATER ROAD ELEVATION A

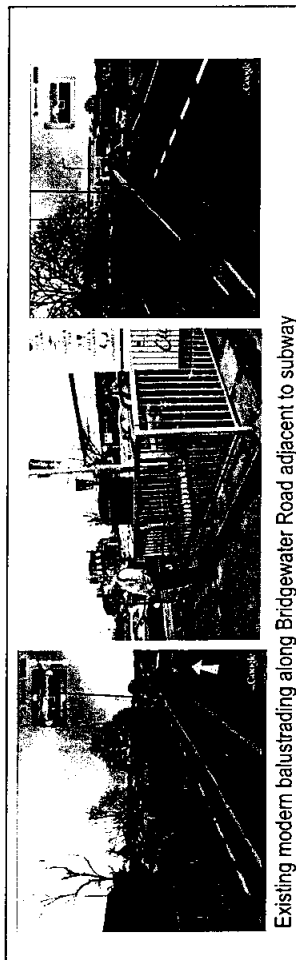


Existing View along Bridgewater Road showing junction with Victorian stone piers and modern balustrade (see elevation above)



Existing Sandstone pier and railings leading to River Eden retained and refurbished

Existing balustrading to be refurbished/repainted



Existing modern balustrading along Bridgewater Road adjacent to subway



Existing balustrading to be refurbished/repainted

ACCESS FROM SUBWAY

New railings and sandstone pier to match existing on Newmarket Road

## BRIDGEWATER ROAD ELEVATION B



STATUS:  
REVISED FOR PLANNING SUBMISSION  
12/2010

Stephen Marlow Landscape Architecture  
104, 2 St. Leon Street, Manchester M4 4AB  
TELEPHONE 0161 577 3226 FACSIMILE 0161 557 8787

DRAWING TITLE	External Balustrading at New Junctions
DRAWING No	0000008
PROJECT	Carlisle Sports Centre
CLIENT	Hard Paved
SCALE	1:100 @ A3
DATE	September 2010
DRAWN	SM
CHECKED	SP

Existing stone piers and railings on Newmarket Road