

Committee Minutes

Control of Development and Advertisements

The Development Control Committee received and considered the following applications:

Item no: 01

Appn Ref No:
10/0736

Applicant:
Mr & Mrs P Cottam

Parish:
Burgh-by-Sands

Date of Receipt:
09/08/2010

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)

Refuse Permission

- Reason:** The erection of a new dwelling in the garden to the front of the existing property, in close proximity to the road and with limited outdoor amenity space, would result in the overdevelopment of the site and have a detrimental impact on the character of the area. Furthermore, proximity of the dwelling to the "host" property and the level of outdoor amenity space to serve both properties is unsatisfactory, which would result in a detrimental impact on the living conditions of the occupiers of Langstile as well as the future occupiers of the proposed dwelling. The application is, therefore, contrary to criteria 2, 3 and 4 of Policy H1 (Location of New Housing Development) of the Carlisle District Local Plan 2001-2016; criteria 1, 2 and 3 of Policy H9 (Backland Development) of the Carlisle District Local Plan 2001-2016; criterion 5 of Policy CP5 (Design) of the Carlisle District Local Plan 2001-2016 and the objectives of Policy DP9 (Areas of Outstanding Natural Beauty) of the Carlisle District Local Plan 2001-2016.

Relevant Development Plan Policies

Carlisle District Local Plan 2001 - 2016
Spatial Strategy & Development Principles - Policy DP1 - Sustainable Development Locations

All proposals for development will be assessed against their ability to promote sustainable development. Proposals will be considered favourably in the following locations, provided they are in scale with their location and consistent with other Policies of this Local Plan.

Urban Area	City of Carlisle	
Key Service Centres	Brampton Longtown	
Local Service Centres	Burgh by Sands Castle Carrock Cummersdale Cumwhinton Dalston Gilsland Great Corby Great Orton Hallbankgate Hayton	Heads Nook Houghton Irthington Raughton Head Rockcliffe Scotby Smithfield Thurstonfield Warwick Bridge Wetheral

Proposals for development within these locations will be assessed on the basis of the need for development to be in the location specified.

Within the Urban Area proposals for retail, office and leisure developments will be subject to a sequential approach which requires that locations be considered as follows: firstly within the City Centres; secondly edge-of-centre locations; and thirdly the remainder of the urban area.

Proposals for residential development will be considered against the need to give priority to the reuse of previously developed land, with particular emphasis on vacant and derelict sites and buildings.

Settlement Boundaries have been established on the Proposals Map to recognise the extent of built development or where planning permission already exists to judge proposals for development and are not indicative of land ownership.

Outside these locations development will be assessed against the needs to be in the location specified.

Carlisle District Local Plan 2001 - 2016 Spatial Strategy And Development Principles - Policy DP9 - Areas Of Outstanding Natural Beauty

Within the North Pennines and Solway Coast Areas of Outstanding Natural Beauty, and their settings, permission will not be given for development that would harm the special characteristics and landscape quality of the areas. Development proposals must conserve or enhance the natural beauty of the areas, including scenic

qualities, landform, ecology, geology, cultural interests, and the historic environment, so that these qualities can be enjoyed by present and future generations.

Major development of a national scale will only be permitted in exceptional circumstances where it can be demonstrated to be in the public interest. Development required to meet local infrastructure needs which cannot be located anywhere else will be permitted provided it is sited to minimise environmental impact and meet high standards of design.

Carlisle District Local Plan 2001 - 2016

Housing - Policy H1 - Location Of New Housing Development

New housing development will be located in sustainable locations in accordance with PPS3: *Housing*, Regional Planning Guidance and the Joint Structure Plan. During the Plan period 80% of new development will be located within the urban area of Carlisle, including allocated sites on the edge of the City referred to in Proposal H16. The remaining 20% will be permitted in the rural area of the District with the focus on the two Key Service Centres of Brampton and Longtown.

In the remainder of the rural area small-scale development will be located in accordance with Policy DP1 and other policies of this Plan to ensure that:

- 1 the site is well related to the landscape of the area and does not intrude into open countryside; and
- 2 the scale of the proposed development is well related to the scale, form and character of the existing settlement; and
- 3 the layout of the site and the design of the buildings is well related to existing property in the village; and
- 4 the siting and design of the buildings is well related to and does not adversely affect the amenity of neighbouring property; and
- 5 appropriate access and parking can be achieved; and
- 6 the proposal will not lead to the loss of amenity open space within or at the edge of the settlement; and
- 7 the proposal will not lead to the loss of the best and most versatile agricultural land.

Settlement boundaries have been drawn for the following Local Service Centres within which proposals will be judged against the above criteria.

Burgh-by-Sands	Castle Carrock	Cummersdale
Cumwhinton	Dalston	Gilsland
Great Corby	Great Orton	Hallbankgate
Hayton	Heads Nook	Houghton
Irthington	Raughton Head	Rockcliffe
Scotby	Smithfield	Thurstonfield
Warwick Bridge (including Little Corby & Corby Hill)	Wetheral	

In the following settlements small-scale infilling (development between an otherwise continuous frontage) will be allowed where this does not conflict with the criteria

above and is evidenced by local need to be in that location. S106 agreements may be used to ensure local occupancy to provide for the identified need.

Blackwell	Cardewlees	Cargo
Carleton	Cotehill	Cumwhitton
Durdar	Faugh	Harker
Hethersgill	How Mill	Lanercost
Laversdale	Low Row	Monkhill
Moorhouse	Talkin	Todhills
Walton	Warwick-on-Eden	Wreay

Carlisle District Local Plan 2001 - 2016

Local Environment - Policy LE7 - Buffer Zone On Hadrian's Wall World Heritage Site

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

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

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

Carlisle District Local Plan 2001 - 2016

Core Development Policies - Policy CP3 - Trees And Hedges On Development Sites

Proposals for new development should provide for the protection and integration of existing trees and hedges. Where trees and hedges are present, a survey will be required showing the following:

- 1 the location of existing trees and hedges;
- 2 the species, age, height and crown spread of each tree;
- 3 an assessment of the condition of each tree;
- 4 the location and crown spread of trees on adjacent land which may be affected by the development;
- 5 existing and proposed changes in ground level.

In order to protect and integrate existing trees and hedges within new development, the City Council will resist proposals which cause unacceptable tree loss, and which do not allow for the successful integration of existing trees identified in the tree

survey.

Layouts will be required to provide adequate spacing between existing trees and buildings, taking into account the existing and future size of the trees, and their impact both above and below ground.

The City Council will protect existing trees and woodlands where appropriate, by tree preservation orders, and by the use of planning conditions requiring protective fencing around trees to be retained to prevent site works within their crown spread.

Carlisle District Local Plan 2001 - 2016

Core Development Policies - Policy CP5 - Design

All new development proposals will be assessed against the following design principles. Proposals should:

- 1 Respond to the local context and the form of surrounding buildings in relation to height, scale and massing, and by making use of appropriate materials and detailing;
- 2 Take into consideration any important landscape or topographical features and respect local landscape character;
- 3 Reinforce local architectural features, where appropriate, promoting and respecting local distinctiveness;
- 4 Ensure all components of the proposal, such as buildings, car parking, access routes, open space and landscaping, are well related to one another to ensure a well integrated, successful and attractive development;
- 5 Ensure there is no adverse effect on the residential amenity of existing areas, or adjacent land uses, or result in unacceptable standards for future users and occupiers of the development;
- 6 Ensure the retention and enhancement of existing trees, shrubs, hedges and other wildlife habitats where possible. Where environmental features are lost as a result of the proposal, appropriate mitigation measures should be put in place and on-site replacement of those features will be sought;
- 7 Include landscaping schemes (both hard and soft) to assist the integration of new development into existing areas and ensure that development on the edge of settlements is fully integrated into its surroundings;
- 8 Ensure that the necessary services and infrastructure can be incorporated without causing unacceptable harm to retained features;
- 9 Ensure that the layout and design incorporates adequate space for waste and recycling bin storage and collection.

Item no: 02

Appn Ref No:
10/1143

Applicant:
Mr Ian Postlethwaite

Parish:
Burgh-by-Sands

Date of Receipt:
22/12/2010

Agent:
Phoenix Architects

Ward:
Burgh

Location:
Fauld Farm, Burgh-by-Sands, Carlisle, Cumbria,
CA5 6AN

Grid Reference:
332381 559089

Proposal: Internal Alterations To Grade II Listed Former Farmhouse & Barn
Including Re-Location Of Kitchen, With Bedroom Above, Access Stair,
Infilling Of Non-Original Door Openings & Repair To Barn Clay Walls
(LBC)

Grant Permission

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

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

2. The approved documents for this Listed Building Consent comprise:

1. The Planning Application Form received 22 December 2010;
2. Drawing No. PA08/602/01A: Alterations to Listed Building, dated October 2008, scale 1:50 & 1:100, received 22 December, 2010;
3. Drawing No. PA08/602/02: Block Plan, undated, scale 1:200, received 22 December, 2010;
4. Drawing No. PA08/602/03: Site Location Plan, dated November 2010, scale 1:2500, received 22 December 2010;
5. Drawing No. PA602/04: Vernacular Plan Comparison, dated May 2009, scale 1:50, received 22 December 2010;
6. Drawing PA602/05: First Floor - As Existing, undated, scale 1:50, received 22 December 2010;
7. Plan 06: North Elevation, Fauld Farm, undated, scale 1:100, received 6 January 2011;
8. Design, Access and Heritage Assessment, reference PA08/602, dated November 2010, received 22 December 2010;
9. The Notice of Decision.

Reason: For the avoidance of doubt.

3. The materials and finishes to be used in the construction of the proposed development shall be in accordance with the details contained in the submitted application, unless otherwise agreed in writing by the local planning authority. Details of any new internal finishes to the exposed clay walls shall be submitted for prior approval by or on behalf of the local planning authority before any development takes place.

Reason: To ensure the works harmonise as closely as possible with the existing building in accordance with Policy LE13 of the Carlisle District Local Plan (2001-2016).

4. Details of the new external doors and shutters and the new window shall be submitted for prior approval by or on behalf of the local planning authority before any development takes place. Such details shall include elevations of the windows and doors at a scale of 1:20, horizontal and vertical sections through the windows and doors at a scale of 1:2 including jamb details and fixings into clay wall together with full size details of the junction between glazing bars and the glazing units.

Reason: To ensure the works harmonise as closely as possible with the existing building in accordance with Policy LE13 of the Carlisle District Local Plan (2001-2016).

5. The detailed design, materials and location of the glazed viewing screen to be fitted within the new door opening to be formed in the ground floor clay wall between the existing dining room and existing barn shall be submitted for prior approval by or on behalf of the local planning authority before any development takes place. Such details shall include an elevation of the screen at a scale of 1:20 together with horizontal and vertical sections through the screen at a scale of 1:2 indicating the mode of fixing and sealing to the clay walls.

Reason: To ensure the works harmonise as closely as possible with the existing building in accordance with Policy LE13 of the Carlisle District Local Plan (2001-2016).

6. The Conservation styled rooflights indicated on drawing no.PA08/602/01A shall be fitted with an appropriate flashing kit to ensure that the rooflight is fixed flush with the level of the existing slate roof.

Reason: To ensure the development is carried out in a manner that respects the architectural integrity of the Listed Building and the amenities of its surroundings in accordance with Policy E38 of the Cumbria and Lake District Joint Structure Plan and Policy LE13 of the Carlisle District Local Plan 2001-2016.

7. Notwithstanding the information contained on drawing no. PA08/602/01A, the location and means of termination of all new soil and waste pipework, ventilation ducts, flues and the like shall be submitted for prior approval by or on behalf of the local planning authority before any development takes place.

Reason: To ensure the works harmonise with the existing building in accordance with Policy LE13 of the Carlisle and District Local Plan 2001-2016.

8. Prior to the carrying out of any alteration works the existing building and following the removal of existing internal and external finishes, the building shall be recorded to show, in particular, the historical alterations to the property, in accordance with guidance issued by English Heritage. That record shall comprise a Level 3 Survey as set out in the English Heritage publication, "Understanding Historic Buildings - A guide to good recording practice" and, following its completion, a copies of that survey shall be furnished to the Local Planning Authority and to the County Archaeologist.

Reason: to ensure that a permanent record of the building is obtained together with its pattern of historical development.

Summary of Reasons for the Decision

Fauld Farm is an early 18th century clay built, cruck framed farmhouse with attached former barn and adjoining outbuildings which was registered as a Grade II Listed Building in 1984. The property is centrally located within the village of Burgh by Sands, opposite the Greyhound Inn Public House.

This application seeks Listed Building Consent to form new internal openings in the clay walls between the existing dwelling and the adjoining barn at ground and first floor level to allow for an improvement to the internal arrangement of the dwelling. In addition to these works, the applicant proposes to build up two existing openings in the clay wall within the existing dwelling and to repair the clay walls to the former barn. The application also includes for re-siting the kitchen to the barn, providing a new staircase to access the floor over the barn, and the conversion of the upper floor of the barn to a bedroom and en-suite.

Government Policy against which this application is required to be assessed is now Planning Policy Statement (PPS) 5 'Planning for the Historic Environment', which supersedes Planning Policy Guidance Notes PPG15: 'Planning and the Historic Environment' and PPG16: 'Archaeology and Planning'. The policies in PPS5 are a material consideration which must be taken into account in development management decisions, where relevant.

The relevant Planning Policies against which this application is required to be assessed are Policy EM1 of the North West of England Plan - Regional Spatial Strategy to 2021 and Policy LE13 of the Carlisle District Local Plan 2001-2016.

Further guidance relevant to this application is an initial report commissioned by English Heritage entitled 'Clay Buildings of the Cumbria Solway Plain: Extensive Survey' and completed in 2006 as part of an on-going survey of clay buildings, the results of which are likely to be published once the survey is concluded.

The essence of these policies is to protect the scale, proportion, character and detailing of existing buildings, and to consider their historic, archaeological, architectural and artistic significance particularly in relation to designated and non-designated heritage assets.

The application raises the following issue:

The Impact Of The Proposal On The Grade II Listed Building.

Historic buildings are a finite resource and clay buildings, as a traditional vernacular form of construction, are especially vulnerable to change and are rapidly disappearing. Where significantly intact examples survive their retention is, therefore, of paramount importance. Fauld Farm is currently one of the limited number of intact examples of this rare vernacular building tradition.

Although the majority of the proposed work is not considered to be detrimental to the character or historical significance of the property, the proposed formation of new openings in the existing clay walls between the dwelling and the former barn and the loss of the original plan form have previously been of concern. These key elements were the subject of two previous similar applications which the City Council refused in 2008 and 2009 and which were also subsequently refused by the Planning Inspectorate upon appeal.

Consideration of these earlier applications was with reference to Planning Policy Guidance 15. With the more flexible philosophical approach of PPS5, however, it has been possible to re-assess these key issues more favourably under the guidance of this new policy. Additionally, with the passage of time, the condition of the barn has begun to deteriorate, and it is now considered that in order to prevent its further decay, the formation of the two openings becomes less significant. Following the approach that the benefit to the building outweighs the potential harm of these two openings, the City Council is satisfied that the proposal would not have a detrimental impact on the Grade II Listed Building.

In conclusion, it is considered that the proposed alterations are compliant with the objectives of the relevant adopted Development Plan policies.

Relevant Development Plan Policies

The North West Of England Plan Regional Spatial Strategy To 2021 Policy EM1 (C): Historic Environment

Plans, strategies, proposals and schemes should protect, conserve and enhance the historic environment supporting conservation-led regeneration in areas rich in historic interest, and in particular exploiting the regeneration potential of:

- the maritime heritage of the North West coast including docks and waterspaces, and coastal resorts and piers;
- the Pennine textile mill-town heritage that exists in East Lancashire and Greater Manchester; and the textile mill-town heritage of East Cheshire;
- Victorian and Edwardian commercial developments in Liverpool and Manchester city centres; the traditional architecture of rural villages and market towns of Cumbria, Cheshire and Lancashire;
- the historic Cities of Carlisle, Chester and Lancaster; and the Lake District Cultural Landscape.

Carlisle District Local Plan 2001 - 2016

Local Environment - Policy LE13 - Alterations To Listed Buildings

Applications for alterations or extensions to listed buildings must have regard to the scale, proportions, character and detailing of the existing building (both internally and externally) and of its windows and doorways. Any proposals which have an unacceptable impact on the listed building will not be permitted.

Applications will be assessed against the following criteria:

1. the importance of the building, its intrinsic architectural and historic interest and rarity, and its significance to the local distinctiveness and character of the district;
2. the particular physical features of the building
3. the setting of the building and its contribution to the local scene;
4. the extent to which the proposed works would bring substantial benefits for the community.

Item no: 03

Appn Ref No:
10/0792

Applicant:
Persimmon Homes
Lancashire

Parish:
Wetheral

Date of Receipt:
30/08/2010 08:00:24

Agent:

Ward:
Wetheral

Location:
Land adjacent Alexandra Drive, Durranshill Road,
Carlisle

Grid Reference:
342899 555253

Proposal: Erection Of 49 No. Dwellings With Access From Durranhill Road

Members resolved to give authority to the Assistant Director (Economic Development) to issue approval for the proposal subject to the completion of a s106 agreement to secure:

- a) the provision of ten affordable units. This comprises five units that would be made available by discounted sale, with the discount set at 30% below open market value, and the five properties available to rent at discounted rates; and
- b) a financial contribution of £136,157.80 towards the provision and maintenance of public open space, including any variation to that figure if agreed by the Council's Neighbourhoods and Green Spaces Manager.

It was also requested the Officers explore the possibility of securing commuted payments through the s106 agreement to enable highway improvements to Durranhill Road. This funding would be commensurate with the increased vehicular and pedestrian movements placed on the highway network as part of the residential/employment land allocations.

Item no: 04

Appn Ref No:
11/0154

Applicant:
Riverside Carlisle

Parish:
Carlisle

Date of Receipt:
28/02/2011

Agent:
Story Group

Ward:
Belah

Location:
Land adj. Etterby Road, Carlisle

Grid Reference:
338640 556995

Proposal: Erection Of Signage For Forthcoming Development Approved Under Planning Reference 10/0508

Grant Permission

1. The advertisement is for temporary consent and the signage shall be removed

by not later than the 15th day of April 2013.

Reason: The consent relates solely to the display of the sign during construction and marketing of the housing development to which it relates and when that development is completed the Council requires that the sign is removed in the interests of the visual amenity of the area in accordance with Policy EC17 of the Carlisle District Local Plan 2001-2016.

2. The approved documents for this Consent Under the Advertisement Regulations comprise:

1. the submitted planning application form;
2. drawing SH071.90.9.SL.LP.SB the Site Location Plan received 28th February 2010;
3. drawing SH071.90.9.SL.SB the Site Layout Plan received 28th February 2010;
4. the Notice of Decision; and
5. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: For the avoidance of doubt.

3. Any advertisements displayed, and any site used for the display of advertisements shall be maintained in a clean and tidy condition to the reasonable satisfaction of the local planning authority.

Reason: To accord with Schedule 1 of the Town and Country Planning (Control of Advertisements) Regulations 1992.

4. Any advertisements or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.

Reason: To accord with Schedule 1 of the Town and Country Planning (Control of Advertisements) Regulations 1992.

5. Where an advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the local planning authority.

Reason: To accord with Schedule 1 of the Town and Country Planning (Control of Advertisements) Regulations 1992.

6. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

Reason: To accord with Schedule 1 of the Town and Country Planning (Control of Advertisements) Regulations 1992.

7. No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway (including any coastal waters) or aerodrome (civil or military).

Reason: To accord with Schedule 1 of the Town and Country Planning (Control of Advertisements) Regulations 1992.

Summary of Reasons for the Decision

This application seeks approval for the erection of 1no. non-illuminated free standing pole mounted sign on land adjacent to Etterby Road, Carlisle. Under the Proposals Map of the Carlisle District Local Plan 2001-2016 the application site falls within part of the designated Urban Fringe Landscape and the Buffer Zone of Hadrian's Wall World Heritage Site.

The application site is located on 0.75 ha of former grazing land located on the northern side of Etterby Road to the immediate west of three detached dwellings known as The Beeches, The Orchard and Ridvan; and east of 2-12 Stainton Road. To the immediate north there is an open field and on the opposite side of Etterby Road uncultivated land leading to the River Eden, and Etterby House.

The application site was granted planning permission on the 20th August 2010 under application reference 10/0508, for the erection of a new housing development of 30 no. affordable dwellings.

This scheme proposed the erection of 16 houses and 4 bungalows for rent and 10 houses for shared ownership. The proposed bungalows are 2 bed with the two storey houses comprising 2, 3 and 4 bedroom properties. It was stated at the time that if permission was to be granted the intention would be for the applicant to apply for a Social Housing Grant from the Homes and Communities Agency through the National Affordable Housing Programme.

The applicant has confirmed that funding has since been secured and as such they have submitted this application for signage, which is similar in size and design to other HCA funded proposals within the district.

The proposed sign will be constructed from galvanised metal poles and formica

plywood. It will measure 2.4m in width and is of a style which can be described as "hoardings on poles". The accompanying details show the advertisement to comprise four panels, two of which (advertising Riverside and the Homes & Community Agency) both measure 2.4m by 1.2m; and the two remaining panels (one of which explains the nature of the proposal) each measure 2.4m by 0.6m.

The height from the ground to the base of the advertisement is 1.2m thus giving an overall height for the sign of 5m. The sign is located in the southern corner of the site with the period of consent sought from March 2011 until March 2016.

The relevant planning policies against which the application is required to be assessed are Policies CP5, CP6 and EC17 of the Carlisle District Local Plan 2001-2016.

General ministerial advice on the subject of advertisement control is contained in PPG19 "Outdoor Advertising Control", and Circular 3/07 which describes the Town and Country Planning (Control of Advertisement) (England) Regulations 2007.

Applications for advertisement consent can only be controlled in the interests of 'amenity' and 'public safety'. Considerations of public safety include those matters having a bearing on the safe use and operation of any form of traffic or transport, including pedestrians. In relation to this matter the Highway Authority has not raised any objections.

The merits of the application must therefore be assessed under 'amenity' grounds. Advertisement proposals should have regard to the environment and the visual amenity of the area, as defined in Planning Policy Guidance Note 19 (Outdoor Advertisement Control). A material consideration of an advertisement application is the affect on the appearance of the building or on the visual amenity in the immediate neighbourhood where it is to be displayed. Important restraining factors are stated to be the presence of listed buildings, conservation areas or natural landscapes.

The proposal raises the following planning issues:

1. Whether The Signage Is Appropriate To The Locality.

Whilst the sign is to initially be erected within an open field, planning permission for 30no. dwellings has been granted on the site. The applicants have confirmed that they wish the construction phase to start as soon as is practically possible, and as such the sign will be located within a building plot.

Various neighbouring properties have objected to the application stating that it is not appropriate to the locality. However, due to the temporary nature of the sign it is not considered that it would cause demonstrable harm the amenity of the area. Whilst the applicants have sought permission for five years, a condition is recommended to be imposed restricting the sign to being displayed for two years, which is considered to be more appropriate for a development with an estimated build time of 30 months.

2. The Impact Upon The Living Conditions Of Any Neighbouring Properties.

The sign is to be located on a public frontage and as such is surrounded by residential properties. Several residents have expressed concern that the sign will impact upon their homes. However, the sign is non-illuminated and in design terms it is not felt that the appearance of it is unduly garish or that it would detract from the appearance of this residential area. Furthermore it is noted that consent is sought for a temporary period only, all of which are considered to reduce the impact of the sign upon the neighbouring properties.

In overall terms the scale and design of the sign is appropriate to the location and it does not compromise the visual amenity of the area, nor will it detract from the living conditions of any neighbouring properties. Given the temporary nature of the signage and that the application site is located on a public frontage it is considered that the proposed advertisement would not cause a sufficient demonstrable harm to the visual environment to warrant refusal of the application on this basis. In all aspects the proposal is considered to be compliant with the objectives of the relevant Local Plan policies, and the application is recommended for approval.

Relevant Development Plan Policies

Carlisle District Local Plan 2001 - 2016

Core Development Policies - Policy CP5 - Design

All new development proposals will be assessed against the following design principles. Proposals should:

- 1 Respond to the local context and the form of surrounding buildings in relation to height, scale and massing, and by making use of appropriate materials and detailing;
- 2 Take into consideration any important landscape or topographical features and respect local landscape character;
- 3 Reinforce local architectural features, where appropriate, promoting and respecting local distinctiveness;
- 4 Ensure all components of the proposal, such as buildings, car parking, access routes, open space and landscaping, are well related to one another to ensure a well integrated, successful and attractive development;
- 5 Ensure there is no adverse effect on the residential amenity of existing areas, or adjacent land uses, or result in unacceptable standards for future users and occupiers of the development;
- 6 Ensure the retention and enhancement of existing trees, shrubs, hedges and other wildlife habitats where possible. Where environmental features are lost as a result of the proposal, appropriate mitigation measures should be put in place and on-site replacement of those features will be sought;
- 7 Include landscaping schemes (both hard and soft) to assist the integration of new development into existing areas and ensure that development on the edge of settlements is fully integrated into its surroundings;
- 8 Ensure that the necessary services and infrastructure can be incorporated without causing unacceptable harm to retained features;
- 9 Ensure that the layout and design incorporates adequate space for waste and recycling bin storage and collection.

Carlisle District Local Plan 2001 - 2016
Core Development Policies - Policy CP6 - Residential Amenity

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

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

Carlisle District Local Plan 2001 - 2016
Economic & Commercial Growth - Policy EC17 - Advertisements

Proposals for advertisements in Carlisle, Brampton and Longtown will be permitted providing that they are not detrimental to visual amenity and do not prejudice public safety. All of the following criteria will be used to assess suitability:

- 1 size;
- 2 location;
- 3 illumination;
- 4 design;
- 5 materials;
- 6 means of fixture; and
- 7 impact upon the street scene/local environment.

The display of advertisements in conservation areas which are of an inappropriate scale, illumination or materials, lead to clutter or obstruct or detract from the character or appearance of the conservation area or the architectural features of the buildings on which they are displayed will not be permitted.

Discontinuance action will be taken to remove posters and other material considered to cause a substantial injury to the character or appearance of the conservation area.

Item no: 05

Appn Ref No:
11/0215

Applicant:
Mr & Mrs Booth

Parish:
Carlisle

Date of Receipt:
18/03/2011 08:00:19

Agent:
Co-ordinate (Cumbria)
Limited

Ward:
Harraby

Location:

Grid Reference:

Proposal: Erection Of Replacement Boundary

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;
 2. the Site Location Plan [Drawing no. CO141/100/01/P, Received 18th March 2011];
 3. the Block Plan [Drawing No. CO141/100/02/P, Received 18th March 2011];
 4. the Existing And Proposed Elevations [Drawing No. CO141/100/05/P, Revision A, Received 29th March 2011];
 5. the Details Of The Proposed Render [Received 18th March 2011];
 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.

Summary of Reasons for the Decision

The dwelling at No.2 Hillcrest Avenue is a two storey semi-detached property constructed from rendered walls under a tiled roof located on the corner of Hillcrest Avenue opposite the telephone exchange. The dwelling is situated at the bottom of an incline and is surrounded by residential properties to the east, south and west.

The application seeks full planning permission for a replacement boundary to the north of the site. The existing boundary is 2.7 metres in height constructed from

facing brick to the bottom plinth, dry dashed render to the upper part with softwood stained timber fencing above. It is proposed to demolish and rebuild this boundary wall as it is structurally unstable. The replacement boundary will be constructed from reinforced concrete block work with perm gold dry dash render and softwood stained timber fencing above. The height of the proposed boundary ranges from 2.55 - 2.9 metres due to the differences in ground level.

The relevant planning policies against which the application is required to be assessed are Policies CP5, CP6 and H11 of the Carlisle District Local Plan 2001-2016.

The proposal raises the following issues:

1.The Impact of the Proposal on the Living Conditions of Neighbouring Residents

Taking into consideration the scale and position of the proposal in relation to neighbouring properties it cannot reasonably be argued that the living conditions of the occupiers of those properties would be adversely affected through loss of light, over dominance or inappropriate design.

2. Whether the Proposal is Appropriate to the Dwelling

The proposed replacement boundary to be erected complements the appearance of the existing dwelling in terms of design and materials to be used and will not have an adverse impact upon the surrounding area.

3. Impact On Highway Safety

The Highway Authority has been consulted on the proposal and has raised no objections. As such, it considered that the proposal would not have an adverse impact upon highway safety.

4. Other Matters

Although the applicant is an employee of the City Council the applicant has not been involved in the determination of the application outside of her role as applicant.

In overall terms it is considered that the proposal will not adversely affect the living conditions of adjacent properties sufficient to merit refusal. The scale and design of the proposal is considered acceptable. The application has been approved as it is considered that the proposal is compliant with the objectives of the adopted Local Plan Policies.

Relevant Development Plan Policies

Carlisle District Local Plan 2001 - 2016 Core Development Policies - Policy CP5 - Design

All new development proposals will be assessed against the following design

principles. Proposals should:

- 1 Respond to the local context and the form of surrounding buildings in relation to height, scale and massing, and by making use of appropriate materials and detailing;
- 2 Take into consideration any important landscape or topographical features and respect local landscape character;
- 3 Reinforce local architectural features, where appropriate, promoting and respecting local distinctiveness;
- 4 Ensure all components of the proposal, such as buildings, car parking, access routes, open space and landscaping, are well related to one another to ensure a well integrated, successful and attractive development;
- 5 Ensure there is no adverse effect on the residential amenity of existing areas, or adjacent land uses, or result in unacceptable standards for future users and occupiers of the development;
- 6 Ensure the retention and enhancement of existing trees, shrubs, hedges and other wildlife habitats where possible. Where environmental features are lost as a result of the proposal, appropriate mitigation measures should be put in place and on-site replacement of those features will be sought;
- 7 Include landscaping schemes (both hard and soft) to assist the integration of new development into existing areas and ensure that development on the edge of settlements is fully integrated into its surroundings;
- 8 Ensure that the necessary services and infrastructure can be incorporated without causing unacceptable harm to retained features;
- 9 Ensure that the layout and design incorporates adequate space for waste and recycling bin storage and collection.

Carlisle District Local Plan 2001 - 2016

Core Development Policies - Policy CP6 - Residential Amenity

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

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

Carlisle District Local Plan 2001 - 2016

Housing - Policy H11 - Extensions To Existing Residential Premises

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

Item no: 06

Appn Ref No:
11/0001

Applicant:
O2/Vodafone

Parish:

Date of Receipt:
28/02/2011

Agent:
WFS Telecom

Ward:
Belah

Location:
Land adj junction of Kingstown Road and Lowry Hill
Road, Kingstown, Carlisle

Grid Reference:
339580 558690

Proposal: Erection Of 12.5m High Telecommunications Tower Incorporating 6no.
3G Antennas, 1no. Equipment Cabinet And 1no. Electrical Meter Cabinet

Determination - Approved + add.conds.

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 consent comprise:

1. the submitted planning application form;
2. drawing 100 the site location maps dated 28th February 2011;
3. drawing 200 the proposed site plan dated 28th February 2011;
4. drawing 300 the proposed site elevation dated 28th February 2011;
5. drawing 400 the antenna and equipment layout dated 28th February 2011;
6. drawing 500 the antenna and equipment schedules dated 28th February 2011;
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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2001, (or any Order revoking and re-enacting that Order), no dishes or additional antennas shall be installed on the telecommunications mast hereby approved without the prior permission of the Local Planning Authority.

Reason: To prevent the proliferation of antennas/dishes whose external appearance or siting may be detrimental to the visual amenities of the surrounding area in accordance with Policy EC19 of the Carlisle District Local Plan 2001-2016.

4. There should be no obstruction to the footpath or footways before, during or after the completion of the site works.

Reason: To support Local Transport Plan policies W1 and W2.

Relevant Development Plan Policies

Carlisle District Local Plan 2001 - 2016

Core Development Policies - Policy CP5 - Design

All new development proposals will be assessed against the following design principles. Proposals should:

- 1 Respond to the local context and the form of surrounding buildings in relation to height, scale and massing, and by making use of appropriate materials and detailing;
- 2 Take into consideration any important landscape or topographical features and respect local landscape character;
- 3 Reinforce local architectural features, where appropriate, promoting and respecting local distinctiveness;
- 4 Ensure all components of the proposal, such as buildings, car parking, access routes, open space and landscaping, are well related to one another to ensure a well integrated, successful and attractive development;
- 5 Ensure there is no adverse effect on the residential amenity of existing areas, or adjacent land uses, or result in unacceptable standards for future users and occupiers of the development;
- 6 Ensure the retention and enhancement of existing trees, shrubs, hedges and other wildlife habitats where possible. Where environmental features are lost as a result of the proposal, appropriate mitigation measures should be put in place and on-site replacement of those features will be sought;
- 7 Include landscaping schemes (both hard and soft) to assist the integration of new development into existing areas and ensure that development on the edge of settlements is fully integrated into its surroundings;
- 8 Ensure that the necessary services and infrastructure can be incorporated

- without causing unacceptable harm to retained features;
- 9 Ensure that the layout and design incorporates adequate space for waste and recycling bin storage and collection.

Carlisle District Local Plan 2001 - 2016
Economic & Commercial Growth - Policy EC19 - Telecommunications

Where either full permission, or prior approval for the siting and appearance under permitted development rights, is required for telecommunications development (including masts and ancillary equipment) permission will be granted subject to the following criteria:

- 1 the design and siting of the proposal has been given careful consideration, within the constraints faced by the operator, to take account of its surroundings, and the landscape character if it is to be located in a rural area; and
- 2 the proposal would not result in any adverse impact on heritage features of the built environment; and
- 3 the proposed telecommunications service can not be provided by another means; and
- 4 there is no reasonable possibility of sharing existing facilities; and
- 5 there is no reasonable possibility of erecting antennas on an existing building or other structure; and
- 6 evidence is submitted that all measures to reduce environmental impacts has been pursued; and
- 7 evidence is submitted that the apparatus is in compliance with ICNIRP guidelines

Item no: 07

Appn Ref No:
10/0857

Applicant:
Mr Ollie Holt

Parish:
Carlisle

Date of Receipt:
20/09/2010

Agent:
S & H Construction

Ward:
Stanwix Urban

Location:
Site Between 1 Eden Mount and 4 St Georges
Crescent, Stanwix, Carlisle

Grid Reference:
339944 556874

Proposal: Erection Of 1No. Dwelling; Formation Of Vehicular Access (Revised Application)

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 planning application form received 12th October 2010, as amended by the updated ownership certificates received 9th March 2011;
2. The site location plan 12th October 2010 (Drawing No.1);
3. The proposed block plan received 21st March 2011 (Drawing No.2);
4. The elevations and floor plans received 21st March 2011 (Drawing No.3);
5. The roadway elevation (Drawing No. 2465/2A received 21st March 2011);
6. The Design and Access Statement received 20th September 2010;
7. The Tree Survey (Drawing No. L/01 received 20th September 2010);
8. The Schedule of Trees produced by Westwood Landscape (received 20th September 2010);
9. The Landscape Proposals (Drawing No. L/03 received 20th September 2010);
10. The Desk Top Contamination Study received 20th September 2010);
11. The Archaeological Evaluation produced by Greenlane Archaeology dated January 2010 (received 20th September 2010);
12. The Bat Survey received 19th January 2011; and
12. The Notice of Decision.

Reason: To define the permission.

3. No development shall be commenced until samples or full details of materials to be used externally on the building have been submitted to and approved, in writing, by the Local Planning Authority. The development shall subsequently take place in complete accordance with the approved details.

Reason: To ensure the works harmonise as closely as possible with the existing buildings and to ensure compliance with Policy LE19 of the Carlisle District Local Plan 2001-2016.

4. Prior to the demolition details of the existing wall, consisting of the original brick bonding, the depth of the mortar joint and the appearance of the joint, shall be recorded and submitted to the Local Planning Authority. The demolition shall be carried out in a careful manner so as to ensure as much as possible of the original walling material is salvaged for re-use on the new wall. If additional bricks or sandstone coping stones are required to make up for those which are damaged or lost replacements should match the original material in both colour and texture. The reconstructed wall shall follow the same brick bond and jointing pattern as the original. In addition the mortar shall be lime based and a

specification of the proposed mortar shall be submitted to and be approved in writing by the Local Planning Authority prior to the rebuilding of the new boundary wall.

Reason: To ensure the works reflect the character of the wall to be removed and preserve the setting of the Stanwix Conservation Area in accordance with Policy LE19 of the Carlisle District Local Plan 2001-2016.

5. No development shall commence until details of the proposed hard surface finishes to all external areas within the proposed scheme have been submitted to and approved, in writing, by the Local Planning Authority. The development shall subsequently take place in complete accordance with the approved details.

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

6. No development shall commence until full details of the proposed timber fencing to the southern boundary of the site have been submitted to and approved, in writing, by the Local Planning Authority. The development shall subsequently take place in complete accordance with the approved details and shall be retained thereafter.

Reason: To ensure the works harmonise as closely as possible with the existing buildings and to ensure compliance with Policy LE19 of the Carlisle District Local Plan 2001-2016.

7. An archaeological watching brief shall be undertaken by a qualified archaeologist during the course of the ground works of the permitted development. The archaeological watching brief shall be in accordance with a written scheme of investigation which has been submitted by the applicant and approved, in writing, by the Local Planning Authority in advance of the permitted development. Within two month of the completion of the permitted development, 3 copies of the report shall be furnished to the Local Planning Authority.

Reason: To afford reasonable opportunity for an examination to be made to determine the existence of any remains of archaeological interest within the site and for the investigation and recording of such remains in accordance with Policy LE6 of the Carlisle District Local Plan 2001-2016.

8. Where appropriate, an archaeological post-excavation assessment and analysis, preparation of a site archive ready for deposition at a store, completion of an archive report, and publication of the results in a suitable journal as approved beforehand by the Local Planning Authority shall be carried out within

two years of the date of commencement of the hereby permitted development or otherwise agreed, in writing, by the Local Planning Authority.

Reason: To ensure that a permanent and accessible record by the public is made of the archaeological remains that have been disturbed by the development in accordance with Policy LE6 of the Carlisle District Local Plan 2001-2016.

9. No development shall commence until the proposed means of foul and surface water disposal have been submitted to and approved, in writing, by the Local Planning Authority. The development shall subsequently take place in complete accordance with the approved details.

Reason: To ensure an acceptable means of foul and surface water disposal in accordance with Policy CP12 of the Carlisle District Local Plan 2001-2016.

10. 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 safeguard the setting of the of the Stanwix Conservation Area and the adjacent Listed Buildings in accordance with Policy LE12 and LE19 of the Carlisle District Local Plan 2001-2016.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order), the ensuite shower room windows in the northern elevation of the dwelling shall be obscure glazed and thereafter retained as such.

Reason: In order to protect the living condition of residents in close proximity to the site in accordance with Policies H2 of the Carlisle District Local Plan 2001-2016.

12. The landscaping scheme shall be implemented in accordance with the landscaping plan received 20th September 2010 (Drawing No. L/03) unless otherwise agreed, in writing, by the Local Planning Authority and these works shall be carried out as approved prior to the occupation of any part of the development or in accordance with the programme agreed by the Local Planning Authority. Any trees or other plants which die or are removed within the first five years following the implementation of the landscaping scheme shall be replaced during the next planting season.

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

13. No development shall commence until details of the protective fencing to safeguard those trees to be retained, including the London Plane tree located within the pavement adjoining the application site, have been submitted to and approved, in writing, by the Local Planning Authority. If any trenches for services are required in the fenced off area, they shall be excavated or back filled by hand and any roots encountered with a diameter of 25mm or more shall be left unsevered. The fence shall thereafter be retained at all times during construction works on the site.

Reason: In order to ensure that adequate protection is afforded to all trees/hedges to be retained on site in support of Policy CP5 of the Carlisle District Local Plan 2001-2016.

13. The development hereby approved shall be implemented in accordance with the recommendations outlined in paragraph E5.1 of the Bat Survey received 19th January 2011.

Reason: To ensure that there is no adverse impacts upon the local bat population in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

14. No development shall be commenced until full details of the proposed electronic gates to be installed have been submitted to and approved, in writing, by the Local Planning Authority. The development shall subsequently take place in complete accordance with the approved details.

Reason: To ensure the works are sympathetic to the character of the Stanwix Conservation Area and to ensure compliance with Policy LE19 of the Carlisle District Local Plan 2001-2016.

Summary of Reasons for the Decision

This revised application seeks “Full” planning permission for the erection of a detached dwelling on land to the rear of No.1 Eden Mount, Stanwix. The site is the former kitchen garden of No.1 Eden Mount; a Grade II Listed Building. It is segregated from that property by a private lane that runs along the rear of Eden Mount, which comprises a terrace of Grade II listed properties.

The site is identified on the Inset Map that accompanies the Carlisle District Local Plan as being within a Primary Residential Area, and lies within both the Stanwix

Conservation Area and the buffer zone of Hadrian's Wall World Heritage Site.

The Proposal

This current application seeks planning permission for the erection of a detached two storey dwelling. The accommodation to the ground floor comprises a living room, open plan kitchen/dining room, bathroom and a bedroom, with two further bedrooms to the first floor, each with en-suite shower rooms.

The proposed dwelling has an 'L' shaped footprint, although the two storey section of the dwelling would not occupy the full extent of the ground floor area. That element is set back towards the rear of the site and would occupy approximately two thirds of the site's width. A single storey element would project forward of the main building, parallel with the eastern boundary of the site, together with a further single storey section to the rear of the building.

The dwelling would be constructed from clay facing bricks that would match the colour and texture of the bricks used in the immediate vicinity. The roof would be covered with natural slate, which would be laid in equal courses, and the roof lights to the front and rear elevations would be of a conservation type. The stonework to the copings, kneelers, heads and cills will be formed from natural stone. The window frames, door and gates to the driveway will all be constructed from timber, albeit the finish has yet to be clarified. The proposed rainwater goods are to be cast iron and the cheeks of dormer window to the front elevation are to be clad with lead, with its face finished in timber.

The whole of the dwelling would be set down approximately 1m below the existing ground level thereby reducing the building's overall height when viewed in the context of the streetscene. A sunken terrace would be provided adjacent to the dwelling, which would be enclosed by a retaining wall finished in a combination of facing brick and stone.

Vehicular access to the dwelling would be provided directly off St. Georges Crescent. The provision of the access would necessitate the removal of part of the low stone boundary wall to St. Georges Crescent.

Assessment

The relevant planning policies against which the application is required to be assessed are Policies DP1, CP3, CP5, CP12, LE6, LE12, LE13, LE14, LE19 and T1 of the Carlisle District Local Plan 2001-2016.

The proposals raise the following planning issues:

1. Whether The Principle Of The Proposed Development Is Acceptable.

The application site, which lies within the urban area of Carlisle, is designated as a "Primary Residential Area" in the adopted Carlisle District Local Plan. As such, the principle of residential development is acceptable, subject to compliance with the criteria identified in Policy H2 and other relevant Local Plan policies.

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

The scale and design of the proposed dwelling is not that dissimilar to that which has been granted planning consent. The fundamental alterations to the dwelling relate to the provision of extensions to the ground floor of the premises, which will be obscured from public view by the proposed boundary treatment. As such, these alterations will not affect the character or appearance of the Conservation Area.

This current application also proposes an access directly onto St. Georges Crescent. To address the Planning Inspector's previous concerns of an access point from St. Georges Crescent the applicant now proposes to install electric gates that would automatically close after a set period, which has been approximated as being two minutes. This will potentially mitigate for a scenario where manually operated access gates could be left open at all times. The applicant has also provided an amended street scene elevation to illustrate the change. This drawing shows that with the exception of the low section of boundary wall to St. Georges Crescent the approved street frontage would be largely unaltered.

On balance, it is the Officer's view that inclusion of a further extension to the rear elevation is acceptable and that the provision of a vehicular access point directly from St. Georges Crescent will not adversely impact upon the character and setting of the Stanwix Conservation Area. It is pertinent to ensure that the quality of the design is replicated in the selection of the external finishes. In respect of the latter a condition is imposed that requires all external materials to be agreed prior to development commencing on site. As a further precaution it is recommended that a condition is imposed that prevents future alterations to the building without the prior consent of the Planning Authority.

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

The scale and position of the proposed dwelling is such that the living conditions of neighbouring residents are unlikely to be adversely affected by loss of light or overdominance. Similarly, in terms of overlooking the position of opposing habitable windows within the proposed dwelling and the existing properties is such that any line of sight is oblique or, where windows do face more directly towards one another, the difference in levels mitigates any significant impact. Consequently the development is unlikely to result in a significant loss of privacy for neighbouring residents or the future occupiers of the proposed dwelling.

4. Access And Parking Provision.

Several local residents previously expressed concern regarding the means of vehicular access, together with the allegation that there is no right of access over the privately owned roads, which land lock the site. Whilst the latter is a civil matter to be resolved between the prospective developer and the relevant landowners, which should not influence the determination of the application, the applicant has sought to address this by providing an access directly on to St. Georges Crescent. The

Highway Authority has raised no objections to the re-siting of the access, which is considered acceptable from a highway safety perspective.

5. Whether The Proposed Landscaping Is Acceptable.

The repositioning of the access will require modifications to the previously accepted landscaping scheme; however, the submission of an appropriate landscaping scheme will be regulated through the imposition of a planning condition.

The Landscape Architect has identified that tree protection barriers would be required to protect those trees within the site, but also the London Plane tree located on the pavement adjoining the application site. The erection of appropriate protective barriers can be ensured through the imposition of a planning condition.

6. Archaeology.

The County Council's Historic Environment Officer has identified that the site lies in an area of high archaeological potential and that the archaeological evaluation, which was carried out in advance of the application being submitted, has confirmed that important archaeological remains and that finds survive on the site. These remains will be disturbed by the proposed development and, therefore, the site must be subject to a programme of archaeological recording, which can be secured through the imposition of two planning conditions.

7. Impact Upon Protected Species.

Natural England confirmed that it has no objections to the proposal subject to the imposition of a condition that requires the applicant to implement the development in accordance with the recommendations of the bat survey.

Conclusion

In overall terms, the principle of the proposed development remains acceptable. The scale, siting and design of the proposed dwelling are considered to be acceptable in relation to the site and the surrounding properties. It is also considered that there would be no adverse impact upon the setting of the Listed Building nor the character of the Conservation Area. The living conditions of neighbouring properties would not be adversely affected and adequate car parking/amenity space would be provided to serve the dwelling.

Relevant Development Plan Policies

Carlisle District Local Plan 2001 - 2016 Spatial Strategy & Development Principles - Policy DP1 - Sustainable Development Locations

All proposals for development will be assessed against their ability to promote sustainable development. Proposals will be considered favourably in the following locations, provided they are in scale with their location and consistent with other

Policies of this Local Plan.

Urban Area	City of Carlisle	
Key Service Centres	Brampton Longtown	
Local Service Centres	Burgh by Sands Castle Carrock Cummersdale Cumwhinton Dalston Gilsland Great Corby Great Orton Hallbankgate Hayton	Heads Nook Houghton Irthington Raughton Head Rockcliffe Scotby Smithfield Thurstonfield Warwick Bridge Wetheral

Proposals for development within these locations will be assessed on the basis of the need for development to be in the location specified.

Within the Urban Area proposals for retail, office and leisure developments will be subject to a sequential approach which requires that locations be considered as follows: firstly within the City Centres; secondly edge-of-centre locations; and thirdly the remainder of the urban area.

Proposals for residential development will be considered against the need to give priority to the reuse of previously developed land, with particular emphasis on vacant and derelict sites and buildings.

Settlement Boundaries have been established on the Proposals Map to recognise the extent of built development or where planning permission already exists to judge proposals for development and are not indicative of land ownership.

Outside these locations development will be assessed against the needs to be in the location specified.

Carlisle District Local Plan 2001 - 2016

Core Development Policies - Policy CP3 - Trees And Hedges On Development Sites

Proposals for new development should provide for the protection and integration of existing trees and hedges. Where trees and hedges are present, a survey will be required showing the following:

- 1 the location of existing trees and hedges;
- 2 the species, age, height and crown spread of each tree;
- 3 an assessment of the condition of each tree;
- 4 the location and crown spread of trees on adjacent land which may be affected by the development;

5 existing and proposed changes in ground level.

In order to protect and integrate existing trees and hedges within new development, the City Council will resist proposals which cause unacceptable tree loss, and which do not allow for the successful integration of existing trees identified in the tree survey.

Layouts will be required to provide adequate spacing between existing trees and buildings, taking into account the existing and future size of the trees, and their impact both above and below ground.

The City Council will protect existing trees and woodlands where appropriate, by tree preservation orders, and by the use of planning conditions requiring protective fencing around trees to be retained to prevent site works within their crown spread.

Carlisle District Local Plan 2001 - 2016 **Core Development Policies - Policy CP5 - Design**

All new development proposals will be assessed against the following design principles. Proposals should:

- 1 Respond to the local context and the form of surrounding buildings in relation to height, scale and massing, and by making use of appropriate materials and detailing;
- 2 Take into consideration any important landscape or topographical features and respect local landscape character;
- 3 Reinforce local architectural features, where appropriate, promoting and respecting local distinctiveness;
- 4 Ensure all components of the proposal, such as buildings, car parking, access routes, open space and landscaping, are well related to one another to ensure a well integrated, successful and attractive development;
- 5 Ensure there is no adverse effect on the residential amenity of existing areas, or adjacent land uses, or result in unacceptable standards for future users and occupiers of the development;
- 6 Ensure the retention and enhancement of existing trees, shrubs, hedges and other wildlife habitats where possible. Where environmental features are lost as a result of the proposal, appropriate mitigation measures should be put in place and on-site replacement of those features will be sought;
- 7 Include landscaping schemes (both hard and soft) to assist the integration of new development into existing areas and ensure that development on the edge of settlements is fully integrated into its surroundings;
- 8 Ensure that the necessary services and infrastructure can be incorporated without causing unacceptable harm to retained features;
- 9 Ensure that the layout and design incorporates adequate space for waste and recycling bin storage and collection.

Carlisle District Local Plan 2001 - 2016 **Core Development Policies - Policy CP12 - Foul And Surface Water Sewerage And Sewage Treatment**

Development will not be permitted where inadequate foul and surface water sewerage infrastructure and sewage treatment capacity exists, or where such provision can not be made within the time constraint of the planning permission.

Carlisle District Local Plan 2001 - 2016

Housing - Policy H2 - Primary Residential Areas

Within the Primary Residential Areas defined on the Inset Maps for Carlisle, Brampton and Longtown, proposals for new residential development will be acceptable provided that:

- 1 existing areas of open space and other amenity areas are safeguarded; and
- 2 the proposed development does not adversely affect the amenity of adjacent residential property; and
- 3 the proposed development complements or enhances existing adjacent residential areas and their amenity; and
- 4 satisfactory access and appropriate parking arrangements can be achieved.

Proposals for non-residential uses will be permitted in Primary Residential Areas provided that they do not adversely affect residential amenity. Development that would create unacceptable noise, smell, safety and health impacts or excessive traffic generation will not be acceptable. The traffic impact of new development upon existing residents through inconvenience and detrimental effect will be taken into account. Such schemes falling within the scope of this policy will be considered against the above criteria as well as other policies of the Plan appropriate for the proposed use.

Outside the Primary Residential Areas and sites allocated under Proposal H16 for Carlisle, Brampton and Longtown, applications for residential development, including redevelopment and the change of use of vacant and underused buildings, will be only be permitted provided that:

- 1 satisfactory housing conditions can be achieved; and
- 2 the proposal will complement the existing character of the area; and
- 3 the proposal will not adversely affect the amenity of the area; and
- 4 satisfactory access can be provided; and
- 5 appropriate parking arrangements can be made.

Carlisle District Local Plan 2001 - 2016

Local Environment - Policy LE6 - Scheduled/Nationally Important Ancient Monuments

Development will not be permitted where there is an unacceptable impact on scheduled and other nationally important ancient monuments and their settings.

Carlisle District Local Plan 2001 - 2016

Local Environment - Policy LE12 - Proposals Affecting Listed Buildings

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

Carlisle District Local Plan 2001 - 2016

Local Environment - Policy LE13 - Alterations To Listed Buildings

Applications for alterations or extensions to listed buildings must have regard to the scale, proportions, character and detailing of the existing building (both internally and externally) and of its windows and doorways. Any proposals which have an unacceptable impact on the listed building will not be permitted.

Applications will be assessed against the following criteria:

1. the importance of the building, its intrinsic architectural and historic interest and rarity, and its significance to the local distinctiveness and character of the district;
2. the particular physical features of the building
3. the setting of the building and its contribution to the local scene;
4. the extent to which the proposed works would bring substantial benefits for the community.

Carlisle District Local Plan 2001 - 2016

Local Environment - Policy LE14 - Development Involving The Demolition Of Listed Buildings

There will be a presumption in favour of the preservation of listed buildings. Development proposals which would result in the total or substantial demolition of a listed building must include details of redevelopment and will only be approved in exceptional circumstances taking into account:

- The intrinsic quality of the building and its contribution to the landscape/townscape;
- The structural condition of the building;
- The efforts made to retain the building in its current use, or to find compatible alternative uses;
- The cost of repair and maintenance in relation to the importance of the building;
- The merits of the proposals for redevelopment.

Carlisle District Local Plan 2001 - 2016

Local Environment - Policy LE19 - Conservation Areas

The City Council will continue to review existing and designate new conservation areas. Development proposals within and adjoining conservation areas will be granted planning permission provided they preserve or enhance their character and appearance. Any new development or alterations to existing buildings should harmonise with their surroundings and be in sympathy with the setting, scale,

density and physical characteristics of conservation areas, and protect important views into or out of such areas. Applications for outline planning permission will not be accepted for proposals in conservation areas.

Proposals for new development and/or alterations to buildings in conservation areas will be judged against the following criteria:

- 1 the development should preserve or enhance all features which contribute positively to the area's character or appearance, in particular the design, massing and height of the building should closely relate to adjacent buildings and should not have an unacceptable impact on the townscape or landscape;
- 2 the development should not have an unacceptable impact on the historic street patterns and morphology, roofscape, skyline and setting of the conservation area, important open spaces or significant views into, out of and within the area;
- 3 development proposals should not result in the amalgamation or redrawing of boundaries between traditional buildings and plots, or demolition and redevelopment behind retained facades;
- 4 wherever practicable traditional local materials such as brick, stone and slate should be used and incongruous materials should be avoided;
- 5 individual features both on buildings and contributing to their setting, should be retained e.g. doorways, windows, shopfronts, garden walls, railings, cobbled or flagged forecourts, sandstone kerbs, trees and hedges, etc. Where features have deteriorated to the extent to which they have to be replaced, the replacement should match the original;
- 6 proposals which would generate a significant increase in traffic movements and heavy vehicles or excessive parking demands will not be permitted since these would be prejudicial to amenity;
- 7 proposals which would require substantial car parking and servicing areas which can not be provided without an adverse effect on the site and its surroundings will not be permitted.

Carlisle District Local Plan 2001 - 2016

Transport - Policy T1- Parking Guidelines For Development

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

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

Appn Ref No:
10/0930

Applicant:
Mr Ollie Holt

Parish:
Carlisle

Date of Receipt:
12/10/2010

Agent:
S & H Construction

Ward:
Stanwix Urban

Location:
Site Between 1 Eden Mount and 4 St Georges
Crescent, Stanwix, Carlisle

Grid Reference:
339944 556874

Proposal: Demolition Of Garden Wall And Erection Of Replacement, Together With
The Removal Of A Section Of Wall To St. Georges Crescent To Form A
Vehicular Access (LBC)

Grant Permission

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

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

2. The approved documents for this planning permission comprise:

1. The planning application form received 12th October 2010, as amended by the updated ownership certificates received 9th March 2011;
2. The site location plan received 12th October 2010 (Drawing No.1);
3. The proposed block plan received 21st March 2011 (Drawing No.2);
4. The proposed elevations and floor plans received 21st March 2011 (Drawing No3);
5. The roadway elevation received 21st March 2011 (Drawing No. 2465/2A);
5. The design and access statement received 12th October 2010;
6. The Notice of Decision; and
7. Any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

3. The boundary wall shall not be demolished before a contract for the carrying out of works of redevelopment of the site has been made and planning permission has been granted for the redevelopment for which the contract provides.

Reason: To safeguard against premature demolition in accord with Policies LE17 and LE19 of the Carlisle District Local Plan 2001-2016.

4. Prior to the demolition details of the existing wall, consisting of the original brick bonding, the depth of the mortar joint and the appearance of the joint, shall be recorded and submitted to the Local Planning Authority. The demolition shall be carried out in a careful manner so as to ensure as much as possible of the original walling material is salvaged for re-use on the new wall. If additional bricks or sandstone coping stones are required to make up for those which are damaged or lost replacements should match the original material in both colour and texture. The reconstructed wall shall follow the same brick bond and jointing pattern as the original. In addition the mortar shall be lime based and a specification of the proposed mortar shall be submitted to and be approved in writing by the Local Planning Authority prior to the rebuilding of the new boundary wall.

Reason: To ensure the works reflect the character of the wall to be removed and preserve the setting of the Stanwix Conservation Area in accordance with Policy LE19 of the Carlisle District Local Plan 2001-2016.

Summary of Reasons for the Decision

This application seeks “Listed Building Consent” for works to boundary walls on land to the rear of No.1 Eden Mount, Stanwix. The land is situated within the Stanwix Conservation Area and a row of Grade II Listed terraced properties, known as Eden Mount, located immediately to the east of the site. The site previously formed the kitchen garden of No.1 Eden Mount; however, it has since been separated in ownership.

The application proposes to remove the boundary wall along the eastern boundary of the site to facilitate the erection of a dwelling (Application 10/0857). It is also proposed to remove a section of the low stone boundary wall that fronts onto St. Georges Crescent in order to form a vehicular access.

The relevant planning policies against which the application is required to be assessed are Policies CP5, LE12, LE13, LE14 and LE19 of the Carlisle District Local Plan 2001-2016.

The proposal raises the following planning issues:

1. Whether The Alterations To The Listed Wall Are Acceptable.

The removal of these sections of the wall will not have an adverse impact upon the character of the Stanwix Conservation Area or the Listed terrace of Eden Mount provided that it is undertaken in conjunction with an acceptable scheme to redevelop the site. A condition is imposed that prevents this work from being carried out prior to a contract being agreed for the redevelopment of the site that is in accordance with an “approved” scheme.

In conclusion, as an appropriate scheme to redevelop the site has been granted, the

approval of this application is acceptable and accords with the relevant Local Plan policies.

Relevant Development Plan Policies

Carlisle District Local Plan 2001 - 2016

Core Development Policies - Policy CP5 - Design

All new development proposals will be assessed against the following design principles. Proposals should:

- 1 Respond to the local context and the form of surrounding buildings in relation to height, scale and massing, and by making use of appropriate materials and detailing;
- 2 Take into consideration any important landscape or topographical features and respect local landscape character;
- 3 Reinforce local architectural features, where appropriate, promoting and respecting local distinctiveness;
- 4 Ensure all components of the proposal, such as buildings, car parking, access routes, open space and landscaping, are well related to one another to ensure a well integrated, successful and attractive development;
- 5 Ensure there is no adverse effect on the residential amenity of existing areas, or adjacent land uses, or result in unacceptable standards for future users and occupiers of the development;
- 6 Ensure the retention and enhancement of existing trees, shrubs, hedges and other wildlife habitats where possible. Where environmental features are lost as a result of the proposal, appropriate mitigation measures should be put in place and on-site replacement of those features will be sought;
- 7 Include landscaping schemes (both hard and soft) to assist the integration of new development into existing areas and ensure that development on the edge of settlements is fully integrated into its surroundings;
- 8 Ensure that the necessary services and infrastructure can be incorporated without causing unacceptable harm to retained features;
- 9 Ensure that the layout and design incorporates adequate space for waste and recycling bin storage and collection.

Carlisle District Local Plan 2001 - 2016

Local Environment - Policy LE12 - Proposals Affecting Listed Buildings

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

Carlisle District Local Plan 2001 - 2016

Local Environment - Policy LE13 - Alterations To Listed Buildings

Applications for alterations or extensions to listed buildings must have regard to the scale, proportions, character and detailing of the existing building (both internally and externally) and of its windows and doorways. Any proposals which have an unacceptable impact on the listed building will not be permitted.

Applications will be assessed against the following criteria:

1. the importance of the building, its intrinsic architectural and historic interest and rarity, and its significance to the local distinctiveness and character of the district;
2. the particular physical features of the building
3. the setting of the building and its contribution to the local scene;
4. the extent to which the proposed works would bring substantial benefits for the community.

Carlisle District Local Plan 2001 - 2016

Local Environment - Policy LE14 - Development Involving The Demolition Of Listed Buildings

There will be a presumption in favour of the preservation of listed buildings. Development proposals which would result in the total or substantial demolition of a listed building must include details of redevelopment and will only be approved in exceptional circumstances taking into account:

- The intrinsic quality of the building and its contribution to the landscape/townscape;
- The structural condition of the building;
- The efforts made to retain the building in its current use, or to find compatible alternative uses;
- The cost of repair and maintenance in relation to the importance of the building;
- The merits of the proposals for redevelopment.

Carlisle District Local Plan 2001 - 2016

Local Environment - Policy LE19 - Conservation Areas

The City Council will continue to review existing and designate new conservation areas. Development proposals within and adjoining conservation areas will be granted planning permission provided they preserve or enhance their character and appearance. Any new development or alterations to existing buildings should harmonise with their surroundings and be in sympathy with the setting, scale, density and physical characteristics of conservation areas, and protect important views into or out of such areas. Applications for outline planning permission will not be accepted for proposals in conservation areas.

Proposals for new development and/or alterations to buildings in conservation areas will be judged against the following criteria:

- 1 the development should preserve or enhance all features which contribute positively to the area's character or appearance, in particular the design, massing and height of the building should closely relate to adjacent buildings

- and should not have an unacceptable impact on the townscape or landscape;
- 2 the development should not have an unacceptable impact on the historic street patterns and morphology, roofscape, skyline and setting of the conservation area, important open spaces or significant views into, out of and within the area;
 - 3 development proposals should not result in the amalgamation or redrawing of boundaries between traditional buildings and plots, or demolition and redevelopment behind retained facades;
 - 4 wherever practicable traditional local materials such as brick, stone and slate should be used and incongruous materials should be avoided;
 - 5 individual features both on buildings and contributing to their setting, should be retained e.g. doorways, windows, shopfronts, garden walls, railings, cobbled or flagged forecourts, sandstone kerbs, trees and hedges, etc. Where features have deteriorated to the extent to which they have to be replaced, the replacement should match the original;
 - 6 proposals which would generate a significant increase in traffic movements and heavy vehicles or excessive parking demands will not be permitted since these would be prejudicial to amenity;
 - 7 proposals which would require substantial car parking and servicing areas which can not be provided without an adverse effect on the site and its surroundings will not be permitted.

Item no: 09

Appn Ref No: 10/1059	Applicant: St George Healthcare Ltd	Parish: Brampton
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Date of Receipt: 23/11/2010 16:00:48	Agent: Langton Associates Uk Ltd	Ward: Brampton
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Location: Milton Hall, Milton, Brampton, Carlisle, Cumbria, CA8 1JA	Grid Reference: 354936 560064
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Proposal: Resiting And Redesign Of Previously Approved Ancillary Staff Accommodation Building Associated With Secure Residential Mental Health Centre Approved Under Reference 07/0091 To Incorporate Staff Training Facilities; Redesign Of Main Building To Incorporate Cafeteria For Visitors And Staff In Lieu Of Plant Room

Grant Permission

1. The approved documents for this planning permission comprise:

1. the Planning Application Form received 23rd November 2010;
2. the Existing Site Plan received 23rd November 2010 (Drawing No. L(90)01 Rev A);
3. the Proposed Site and Location Plan received 6th December 2010 (Drawing No. L(90)04 Rev A);
4. the Site Layout: Staff Accommodation & Training received 23rd November 2010 (Drawing No. L(90)05 Rev O);
5. the As Approved Plans Under Reference 07/0091 received 6th December 2010 (Drawing No. L(99)01 Rev E);
6. the Proposed First Floor Conversion Of Part Of Plant Room To Cafeteria received 6th December 2010 (Drawing No. L(99)502 Rev A);
7. the As Approved Elevations Under Reference 07/0091 received 6th December 2010 (Drawing No. L(99)05 Rev E);
8. the Proposed Revised Elevation received 6th December 2010 (Drawing No. L(99)503);
9. the Proposed Staff Training Building Proposed Plans received 23rd November 2010 (Drawing No. L(99)100 Rev O);
10. the Proposed Staff Training Building Sections And Elevations received 23rd November 2010 (Drawing No. L(99)101 Rev O);
11. the Proposed Staff Training Building Proposed Site Sections received 15th February 2011 (Drawing No. L(90)06 Rev O);
12. the Site Sections received 15th February 2011 (Drawing No. 8137-102A);
13. the Proposed Revised Planting Scheme Adjacent To Staff Building received 23rd November 2010 (Drawing No. L(99)102 Rev O);
14. the Design and Access Statement received 23rd November 2010;
15. the Ecological Report received 11th January 2011;
16. the Pre-Development Arboricultural Report received 6th December 2010;
17. the Desk Study Report received 15th December 2010;
18. the Notice of Decision; and
19. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

2. The external materials to be used on the buildings hereby approved shall be in accordance with those details submitted to the Local Planning Authority and discharged under condition 2 of application 09/1128 unless otherwise agreed in writing by the Local Planning Authority.

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

3. The site shall be landscaped in accordance with the details on Drawing No. L(99)102 Rev O received 23rd November 2010 and those details submitted to the Local Planning Authority and discharged under condition 3 of application 09/1128 unless otherwise agreed in writing by the Local Planning Authority.

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

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

Reason: To ensure that a satisfactory landscaping scheme is implemented and that it fulfils the objectives of Policy CP5 of the Carlisle District Local Plan 2001-2016.

5. Within six months from the date of this permission, details for a scheme for the conveyance of foul and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The details of the means of surface water drainage shall include the use of Sustainable Drainage Systems (SuDS). The development shall then be undertaken in accordance with the approved details.

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

6. The hard surface finishes to all public and private external areas within the proposed scheme hereby approved shall be in accordance with those details submitted to the Local Planning Authority and discharged under condition 6 of application 09/1128 unless otherwise agreed in writing by the Local Planning Authority.

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

7. The premises shall remain as a single planning unit and at no time shall any part be sub-divided and occupied independently of the remainder of the site.

Reason: For the avoidance of doubt.

8. Any material deposited beneath the canopy and adjacent to existing trees as a result of previous demolition work, shall be removed from the site or stored in an

alternative location in accordance with those details submitted to the Local Planning Authority and discharged under condition 8 of application 09/1128 unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure that adequate protection is afforded to all trees on the site in accordance with Policy CP3 of the Carlisle District Local Plan 2001-2016.

9. Tree protection barriers together with associated warning signs shall be erected and retained at all times during construction works on the site in accordance with those details submitted to the Local Planning Authority and discharged under condition 9 of application 09/1128 unless otherwise agreed in writing by the Local Planning Authority. Within the areas so fenced off, the existing ground level shall be neither raised nor lowered and no materials or temporary buildings or surplus soil of any kind shall be placed or stored thereon. If any trenches for services are required in the fenced off area, they shall be excavated and backfilled by hand and any roots encountered with a diameter of 50mm or more shall be left unsevered.

Reason: In order to ensure that adequate protection is afforded to all trees on the site in accordance with Policy CP3 of the Carlisle District Local Plan 2001-2016.

10. Prior to the building being brought into use, the existing access between the properties known as 'Damar' and 'The Lodge', Milton Hall shall be closed and not used as a vehicular access.

Reason: For the avoidance of doubt.

11. The screen walls and fences to be erected on the site shall be in accordance with those details submitted to the Local Planning Authority and discharged under condition 11 of application 09/1128 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the appearance of the area is not prejudiced by lack of satisfactory screening which is not carried out in a co-ordinated manner and to ensure compliance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

12. 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 preliminary risk assessment which has identified:

- all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - 3) The site investigation results and the detailed risk assessment (2) 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.
 - 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) 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 protect the quality of the ground water in accordance with Policy LE27 of the Carlisle District Local Plan 2001-2016.

Summary of Reasons for the Decision

The application seeks planning consent to redevelop the site of the former Milton Hall Nursing Home at Milton, Brampton, close to Brampton railway station. The majority of the buildings that previously occupied the site have now been demolished with only one building remaining centrally within the site. Mature trees fringe much of the site to the south and west with open countryside to the north and east although several residential properties front the access road to the east. The site is within a County Landscape.

The site is currently derelict, having previously accommodated a nursing home, the bulk of which has now been demolished. The site is, consequently, a brown field site for which planning permission has previously been granted for a 68no. bed care home (granted in 2003) and a secure residential facility (granted in 2007). Whilst if this were a green field site, this location would not ordinarily be viewed favourably under the current policy climate, the very recent previous use of the site together with the extant planning permission, and smaller scale of the proposed scheme clearly have to be acknowledged as material considerations which favour the proposals.

Not only is the site located out with any recognised settlement, the site is within an area designated as being of County Landscape Importance. In this context,

planning policies are more restrictive on terms of the visual impact on the character of the area, given the particular designation of the countryside. The site slopes from east to west and is bounded by mature trees. Some trees on the site have been felled in accordance with details agreed under the landscaping scheme following discussions with the Council's Tree Officer; however, the proposed development would largely take place centrally and to the west of the site and in this context, the existing trees would serve as adequate screening to the development. The impact, therefore, on the character of the area would be minimal.

The site is bounded by established woodland and the topography is such that there is a 2 metre fall across the site from east to west. The buildings are proposed to be set back within the site, with the access taken from the eastern boundary. The residential accommodation building would be located towards the frontage of the site with the vehicular and pedestrian access routes adjacent and leading up to the main building.

It is proposed that the two-storey element of the main building would form the public façade to the site and would serve to screen the more private wards to the rear. The layout of the building has been designed to maximise the topography of the site, the existing landscaping and to take account of the views surrounding the site, particularly to the north over the ha-ha.

The adjacent properties to the site are of traditional appearance and construction, primarily finished from natural stone under a natural slate roof. The design of the proposed buildings is contemporary in their appearance and would be finished in a style to match using render, cedar cladding, reconstituted slate and aluminium roofs. Given the character of the site and the details of the proposal, the scale and design of the proposal would not be inappropriate or obtrusive.

The site has previously been used as a care home and consent for the redevelopment of the site to construct a substantial care facility. In this respect, the principle of the use of the site for care purposes and its re-development for care use is established and the proposal would not conflict with that. It is accepted that the site has been vacant for several years and its redevelopment will bring about some disturbance to the adjacent residential properties while being undertaken. Nonetheless, when concluded and in use the nature of the centre would not give rise to a significant increase in traffic or noise from the site, over and above the previous use, sufficient to adversely affect the living conditions of the occupiers of the nearby residential properties and warrant refusal of the application.

The buildings are proposed to be sited within the context of the site. Residential properties are located to the east, adjacent to the highway that links Brompton Station with Milton. In this respect, the impact of the proposal would be greatly improved over the scheme that was previously granted consent and the proposal would not adversely affect the living conditions of the occupiers of these properties through over-dominance, loss of light or loss of privacy.

The proposes to install a treatment plant as a means of dealing with the foul drainage. The Environment Agency has raised an objection on the basis that the advice within Circular 03/99 'Planning requirement in respect of the Use of

Non-Mains Sewerage incorporating Septic Tanks in New Development' which states that the first presumption must always be to provide a system of foul drainage discharging into a public sewer. It would be reasonable to impose the condition and allow further discussions to take place between the applicant and the Agency following which, the information could formally be submitted to the Council to discharge the condition.

The site is bounded by significant areas of mature trees that serve to screen the site. In consideration of the previous planning application, the Council's Tree Officer requested a tree inspection for the report and has met with a representative of the applicant on site. His findings stated that all the trees recommended for removal have significant defects and therefore, it would be good management if the work to the trees detailed in the report were carried out as soon as possible. This work has subsequently been undertaken.

There remains a large number of trees on the site and the previous consent was subject to a landscaping scheme. It would be appropriate to impose conditions requiring the protection of the remaining trees on site during the construction process together with the requirement to implement the approved landscaping scheme.

Owing to the fact that patients would be supervised at all times and to the protocols to be drawn up by the management team of the facility, Cumbria Constabulary has raised no objection to the proposed development; although additional reference is required in respect of CP17 of the Local Plan, the revised proposal does not fundamentally alter the principle of development that has been approved.

In overall terms the principle of the redevelopment of the site has been established through the previous use of the site and the extant planning consent. The main building is largely unchanged but the staff accommodation building would be altered dramatically. Although the footprint would be larger, it would remain subservient to the main building. scheme has been revised Furthermore, the proposal is does not adversely affect the living conditions of adjacent properties by poor design, unreasonable overlooking or unreasonable loss of daylight or sunlight. The scale and design of the building is acceptable in relation to the context of the site and in all aspects the proposals are considered to be compliant with the objectives of the relevant Local Plan policies.

Relevant Development Plan Policies

Carlisle District Local Plan 2001 - 2016

Spatial Strategy & Development Principles - Policy DP1 - Sustainable Development Locations

All proposals for development will be assessed against their ability to promote sustainable development. Proposals will be considered favourably in the following locations, provided they are in scale with their location and consistent with other Policies of this Local Plan.

Urban Area

City of Carlisle

Key Service Centres Brampton
 Longtown

Local Service Centres	Burgh by Sands	Heads Nook
	Castle Carrock	Houghton
	Cummersdale	Irthington
	Cumwhinton	Raughton Head
	Dalston	Rockcliffe
	Gilsland	Scotby
	Great Corby	Smithfield
	Great Orton	Thurstonfield
	Hallbankgate	Warwick Bridge
	Hayton	Wetheral

Proposals for development within these locations will be assessed on the basis of the need for development to be in the location specified.

Within the Urban Area proposals for retail, office and leisure developments will be subject to a sequential approach which requires that locations be considered as follows: firstly within the City Centres; secondly edge-of-centre locations; and thirdly the remainder of the urban area.

Proposals for residential development will be considered against the need to give priority to the reuse of previously developed land, with particular emphasis on vacant and derelict sites and buildings.

Settlement Boundaries have been established on the Proposals Map to recognise the extent of built development or where planning permission already exists to judge proposals for development and are not indicative of land ownership.

Outside these locations development will be assessed against the needs to be in the location specified.

Carlisle District Local Plan 2001 - 2016

Spatial Strategy And Development Principles - Policy DP10 - Landscapes Of County Importance

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

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

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

Carlisle District Local Plan 2001 - 2016

Core Development Policies - Policy CP3 - Trees And Hedges On Development Sites

Proposals for new development should provide for the protection and integration of existing trees and hedges. Where trees and hedges are present, a survey will be required showing the following:

- 1 the location of existing trees and hedges;
- 2 the species, age, height and crown spread of each tree;
- 3 an assessment of the condition of each tree;
- 4 the location and crown spread of trees on adjacent land which may be affected by the development;
- 5 existing and proposed changes in ground level.

In order to protect and integrate existing trees and hedges within new development, the City Council will resist proposals which cause unacceptable tree loss, and which do not allow for the successful integration of existing trees identified in the tree survey.

Layouts will be required to provide adequate spacing between existing trees and buildings, taking into account the existing and future size of the trees, and their impact both above and below ground.

The City Council will protect existing trees and woodlands where appropriate, by tree preservation orders, and by the use of planning conditions requiring protective fencing around trees to be retained to prevent site works within their crown spread.

Carlisle District Local Plan 2001 - 2016

Core Development Policies - Policy CP5 - Design

All new development proposals will be assessed against the following design principles. Proposals should:

- 1 Respond to the local context and the form of surrounding buildings in relation to height, scale and massing, and by making use of appropriate materials and detailing;
- 2 Take into consideration any important landscape or topographical features and respect local landscape character;
- 3 Reinforce local architectural features, where appropriate, promoting and respecting local distinctiveness;
- 4 Ensure all components of the proposal, such as buildings, car parking, access routes, open space and landscaping, are well related to one another to ensure a well integrated, successful and attractive development;
- 5 Ensure there is no adverse effect on the residential amenity of existing areas, or adjacent land uses, or result in unacceptable standards for future users and occupiers of the development;
- 6 Ensure the retention and enhancement of existing trees, shrubs, hedges and other wildlife habitats where possible. Where environmental features are lost as a result of the proposal, appropriate mitigation measures should be put in place

- and on-site replacement of those features will be sought;
- 7 Include landscaping schemes (both hard and soft) to assist the integration of new development into existing areas and ensure that development on the edge of settlements is fully integrated into its surroundings;
 - 8 Ensure that the necessary services and infrastructure can be incorporated without causing unacceptable harm to retained features;
 - 9 Ensure that the layout and design incorporates adequate space for waste and recycling bin storage and collection.

Carlisle District Local Plan 2001 - 2016
Core Development Policies - Policy CP6 - Residential Amenity

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

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

Carlisle District Local Plan 2001 - 2016
Core Development Policies - Policy CP10 - Sustainable Drainage Systems

Sustainable drainage systems (SUDS) should be incorporated into development proposals when the following conditions apply:

- 1 The development will generate an increase in surface water run-off; and
- 2 The rate of surface water run-off is likely to create or exacerbate flooding problems

Where SUDS are incorporated the following details shall be provided:

- 1 The type of SUDS; and
- 2 Hydraulic design details/calculations; and
- 3 Pollution prevention and water quality treatment measures together with details of pollutant removal capacity; and
- 4 Operation, maintenance and adoption details (SUDS structures will not be adopted by the statutory sewerage undertaker unless maintenance and legal agreements are in place).

Carlisle District Local Plan 2001 - 2016
Core Development Policies - Policy CP12 - Foul And Surface Water Sewerage And Sewage Treatment

Development will not be permitted where inadequate foul and surface water sewerage infrastructure and sewage treatment capacity exists, or where such provision can not be made within the time constraint of the planning permission.

Carlisle District Local Plan 2001 - 2016

Core Development Policies - Policy CP15 - Access, Mobility And Inclusion

Development proposals should make provision for easy, safe and inclusive access to, into and within buildings and facilities. The layout and design of developments should meet the requirements of accessibility and inclusion for all potential users regardless of disability, age or gender. The Council will have regard to the following criteria when assessing development proposals:

- 1 The design of entrances and exits and ease of permeation through and between developments in terms of street furniture, circulation areas and pedestrian routes;
- 2 The location of any development proposal in relation to its potential users;
- 3 Accessibility to all transport modes and provision of adequate parking for disabled people;
- 4 Provision of on-site facilities such as public toilets, and appropriate signage

Carlisle District Local Plan 2001 - 2016

Core Development Policies - Policy CP17 - Planning Out Crime

The design of all new development must contribute to creating a safe and secure environment, integrating measures for security and crime prevention and minimising the opportunity for crime.

The following points should be applied to all development proposals:

- 1 Security measures should be an integral part of the design
- 2 Developments should be laid out and buildings positioned to maximise natural surveillance with the intention of creating a sense of neighbourhood and deterring criminal and anti-social activity
- 3 Public and private spaces should have clearly defined boundaries.
- 4 Footpaths and cycleways should be designed to maximise their use and prevent opportunities for concealment, unauthorised access or provide a choice of escape routes.
- 5 Landscaping schemes be designed to ensure that they do not create secluded areas, opportunities for climbing or reduce natural surveillance.
- 6 Lighting should deter criminal and antisocial activity whilst minimising light pollution. CCTV may be considered necessary in certain circumstances.

Developers should, at the earliest stage possible, consult Architectural Liaison Officer to advise on measures to be incorporated for designing out crime.

Carlisle District Local Plan 2001 - 2016

Transport - Policy T1- Parking Guidelines For Development

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

- 1 the Parking Guidelines for Cumbria as updated by additional requirements in PPG 13;
- 2 the availability of public car parking in the vicinity;
- 3 the impact of parking provision on the environment of the surrounding area;

- 4 the likely impact on the surrounding road network; and
- 5 accessibility by and availability of, other forms of transport.

Item no: 10

Appn Ref No:
11/0042

Applicant:
Egertons Recovery Ltd

Parish:
Carlisle

Date of Receipt:
19/01/2011

Agent:
Taylor & Hardy

Ward:
Belle Vue

Location:
Caxton Road, Newtown Industrial Estate, Carlisle
CA2 7HS

Grid Reference:
338054 556147

Proposal: Variation Of Condition 6 Of Previously Approved Application 08/1089 To
Enable The Erection Of Acoustic Fence In Lieu Of Earth Bund/Fencing
Along Incomplete Section Of Southern Boundary

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 consent comprise:

1. The Planning Application Form received 19th January 2011;
2. The site location plan received 19th January 2011 (Drawing No. 1);
3. The proposed site layout plan received 25th March 2011 (Drawing No. 11/023/01b);
4. The Notice of Decision; and
5. Any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

3. Within two months from the date of this permission the proposed acoustic/visual

barrier (including the associated surface water drain to the south side of the barrier) shall be constructed and completed in accordance with the approved scheme. The landscaping scheme shall be implemented in the next available planting season, in accordance with the details contained on the site layout plan received 17th March 2011 (Drawing No. 11/023/01), unless otherwise agreed, in writing, by the Local Planning Authority. Any plants which die or are removed within the first five years following the implementation of the landscaping scheme shall be replaced during the next planting season.

Reason: To ensure that the site is adequately screened and to ensure compliance with Policies CP5 and CP6 of the Carlisle District Local Plan 2001-2016.

4. The development shall be carried out in accordance with the remaining conditions attached to the "Full" application 08/1089.

Reason: For the avoidance of doubt.

Summary of Reasons for the Decision

This application relates to Egertons Recovery Ltd, which is a vehicle recovery depot that is located within Caxton Road Industrial Estate. The Industrial Estate is situated off Newtown Road, one of the main thoroughfares into the city from the West. The company operates 24 hours a day, 7 days a week. The premises are situated at the south eastern extent of the Industrial Estate in close proximity to residential properties. The site is identified on the Urban Area Inset Map that accompanies the Carlisle District Local Plan as lying within a Primary Employment Area.

The Proposal

This current application seeks approval to vary the requirements of Condition 6, which relates to the details of the landscaped bund/acoustic fence. Under the approved scheme a 2.7m high bund/fence is to be formed across the entire length of the southern boundary. This comprises a 1.5m high landscaped bund on top of which would be a 1.2m high acoustic fence. The bund/barrier currently stretches 60m in length across the rear boundaries of Nos. 182 to 192 Newtown Road. The uncompleted section of the bund, which measures 25m in length, crosses the southern boundary of the visitor car parking area.

Egertons have requested that a 2.7m high acoustic fence is erected in lieu of the landscaped bund/acoustic fence. The appearance of the 2.7m acoustic fence would match that which has been erected on top of the bund. The Site Manager has advised that this arrangement would be more attractive aesthetically and that it would improve security within the site. The surface water drain, which has been partially erected along the completed section of the bund, would continue along the remainder of the southern boundary and connect into the existing drain, as previously approved.

The reduction in the length of the landscaped bund would also involve a pro rata reduction in the level of planting to the southern side of the bund. As such, 18 trees would be planted along the existing bund with approximately 300 shrubs at a density of 3 per square metre.

Assessment

The relevant planning policies against which the application is required to be assessed are Policies CP5, CP6, CP11, CP12, CP17 and EC1 of the Carlisle District Local Plan 2001-2016.

The proposals raise the following planning issues:

1. Whether The Amended Details Are Acceptable.

During consideration of the approved application the applicant's noise consultant recommended that a 2.7m high acoustic barrier was required to be erected along the southern boundary of the site to mitigate the potential impact that noise generated by the development would have upon the occupiers of the adjacent properties on Newtown Road.

The applicant's noise consultant advised that the acoustic barrier could take the form of either a 2.7m high acoustic fence or 1.2m high acoustic fence situated on top of a 1.5m high landscaped bund. It was agreed that the latter option would be preferable on the basis that the landscaping would help screen the vehicle storage area from the rear of those properties on Newtown Road.

In respect of the uncompleted section of the acoustic barrier/landscaped bund the applicant's noise consultant advised that this section was required to mitigate the potential effects of the development upon the future occupiers of the four approved dwellings that have permission to be erected to the rear of St Barnabas Church Hall.

Whilst it was preferable for the inclusion of landscaping to lessen the visual impact of the vehicle storage area, there was no requirement to screen the visitor car park. The sole purpose of the acoustic barrier in this location was to mitigate any noise that the use of the visitor car park may generate. Consequently, it is the Council's view that the 2.7m high acoustic barrier will be "fit for purpose" in that regard. The Council also agrees with the applicant in that exclusion of the landscaped bund in this location will be more visually attractive and that it would improve security within the site.

The actual position of the acoustic fence has been modified slightly from the approved scheme so that it is positioned closer to the southern boundary. As currently proposed there would be a gap of 1m between the existing 2.4m high palisade fence that delineates the boundary and proposed acoustic fence. The principal windows in the approved dwelling to be situated at the rear of St. Barnabas Church Hall face east and west and, therefore, the position of the fence, in terms of its height, will not significantly affect the living conditions of the future occupiers of these dwellings.

As the aforementioned dwellings have yet to be erected, the absence of the

uncompleted section of the bund will not cause any actual harm in the short term; however, notwithstanding this fact, work could commence on these dwellings and, therefore, there is still a requirement for the acoustic/visual barrier to be completed soon. IA condition is imposed that requires the uncompleted section of the acoustic barrier, together with the installation of the remainder of the surface water drain, to be completed within two months from the date of this consent.

A local resident expressed concern that they have experienced surface water drainage problems in recent years and that this problem has worsened. Several residents raised concerns during the consideration of the 2008 application stating that these drainage problems were as a result of Egertons Recovery Ltd occupying the premises. Whilst the concerns of the residents are noted there is no evidence to substantiate this claim. This current application does not propose to alter the position of the approved surface water drain to the southern side of landscaped bund, which, when connected to the mains sewer, should assist in reducing surface water run-off into the gardens of neighbouring properties if this does indeed occur at present.

Paragraph 4 of Circular 11/95: Use Of Conditions In Planning Permission advises that following the variation or removal of planning conditions the original planning permission will continue to subsist and, therefore, it is also pertinent to impose a condition that highlights the need to comply with the remaining conditions attached to the "Full" application.

Conclusion

In summary, for the reasons identified it is the Council's view that the proposed variation to condition 6 is acceptable. In all aspects the proposal is compliant with the relevant policies contained in the Local Plan, but should only be approved subject to the imposition of those conditions identified.

Relevant Development Plan Policies

Carlisle District Local Plan 2001 - 2016

Core Development Policies - Policy CP5 - Design

All new development proposals will be assessed against the following design principles. Proposals should:

- 1 Respond to the local context and the form of surrounding buildings in relation to height, scale and massing, and by making use of appropriate materials and detailing;
- 2 Take into consideration any important landscape or topographical features and respect local landscape character;
- 3 Reinforce local architectural features, where appropriate, promoting and respecting local distinctiveness;
- 4 Ensure all components of the proposal, such as buildings, car parking, access routes, open space and landscaping, are well related to one another to ensure a well integrated, successful and attractive development;
- 5 Ensure there is no adverse effect on the residential amenity of existing areas, or adjacent land uses, or result in unacceptable standards for future users and

- occupiers of the development;
- 6 Ensure the retention and enhancement of existing trees, shrubs, hedges and other wildlife habitats where possible. Where environmental features are lost as a result of the proposal, appropriate mitigation measures should be put in place and on-site replacement of those features will be sought;
 - 7 Include landscaping schemes (both hard and soft) to assist the integration of new development into existing areas and ensure that development on the edge of settlements is fully integrated into its surroundings;
 - 8 Ensure that the necessary services and infrastructure can be incorporated without causing unacceptable harm to retained features;
 - 9 Ensure that the layout and design incorporates adequate space for waste and recycling bin storage and collection.

Carlisle District Local Plan 2001 - 2016

Core Development Policies - Policy CP6 - Residential Amenity

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

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

Carlisle District Local Plan 2001 - 2016

Core Development Policies - Policy CP11 - Protection Of Groundwaters And Surface Waters

Proposals for development which would cause demonstrable harm to the quality, quantity and associated ecological features of groundwater and surface waters will not be permitted.

Carlisle District Local Plan 2001 - 2016

Core Development Policies - Policy CP12 - Foul And Surface Water Sewerage And Sewage Treatment

Development will not be permitted where inadequate foul and surface water sewerage infrastructure and sewage treatment capacity exists, or where such provision can not be made within the time constraint of the planning permission.

Carlisle District Local Plan 2001 - 2016

Core Development Policies - Policy CP17 - Planning Out Crime

The design of all new development must contribute to creating a safe and secure environment, integrating measures for security and crime prevention and minimising the opportunity for crime.

The following points should be applied to all development proposals:

- 1 Security measures should be an integral part of the design
- 2 Developments should be laid out and buildings positioned to maximise natural surveillance with the intention of creating a sense of neighbourhood and deterring criminal and anti-social activity
- 3 Public and private spaces should have clearly defined boundaries.
- 4 Footpaths and cycleways should be designed to maximise their use and prevent opportunities for concealment, unauthorised access or provide a choice of escape routes.
- 5 Landscaping schemes be designed to ensure that they do not create secluded areas, opportunities for climbing or reduce natural surveillance.
- 6 Lighting should deter criminal and antisocial activity whilst minimising light pollution. CCTV may be considered necessary in certain circumstances.

Developers should, at the earliest stage possible, consult Architectural Liaison Officer to advise on measures to be incorporated for designing out crime.

Carlisle District Local Plan 2001 - 2016

Economic & Commercial Growth - Policy EC1 - Primary Employment Areas

Within Primary Employment Areas proposals for B1, B2 and B8 uses will be acceptable. Permission will only be given for redevelopment or changes of use within such areas for other purposes where:

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

Proposals for public sales floorspace, as opposed to trade counters, will not be permitted within employment units unless there is clear evidence that the use is an integral but ancillary part of the operation. Planning conditions, including a restriction on the hours of operation, may be used to ensure the use remains ancillary to the prime use of the unit

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

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

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

- 4 adequate access and appropriate parking are provided.

Item no: 11

Appn Ref No:
11/0091

Applicant:
Citadel Estates

Parish:
Hayton

Date of Receipt:
04/02/2011

Agent:
Sandy Johnston Architect

Ward:
Great Corby & Geltsdale

Location:
The Offices, Talkin, Brampton, Cumbria

Grid Reference:
354903 557506

Proposal: Conversion Of Redundant Offices To 1No. Dwelling And New Detached Garage

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 Planning Application Form received 7th February 2011;
2. the Site Location Plan received 7th February 2011 (Drawing No. 02/2011/00);
3. the Block Plan received 7th February 2011 (Drawing No. 02/2011/00);
4. the Site Survey received 7th February 2011 (Drawing No. 02/2011/02);
5. the Existing Plans received 7th February 2011 (Drawing No. 02/2011/06);
6. the Existing Elevations received 7th February 2011 (Drawing No. 02/2011/03);
7. the Proposed Plan received 7th February 2011 (Drawing No. 02/2011/04);
7. the Proposed Elevations received 7th February 2011 (Drawing No. 02/2011/05);
8. the Plans and Elevations Of The Garage received 7th February 2011 (Drawing No. 02/2011/00);
9. the Design and Access Statement received 7th February 2011;
10. the Notice of Decision; and

11. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

3. No development shall take place until details of a landscaping scheme have been submitted to and approved in writing by the Local Planning Authority.

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

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

Reason: To ensure that a satisfactory landscaping scheme is implemented and that it fulfils the objectives of Policy CP5 of the Carlisle District Local Plan 2001-2016.

5. Particulars of height and materials of all screen walls and boundary fences shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted. The development shall then be undertaken in accordance with the approved details.

Reason: To ensure that the appearance of the area is not prejudiced by lack of satisfactory screening which is not carried out in a co-ordinated manner and to ensure compliance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

6. 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 formed 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 attractive appearance of the area is not harmed by inappropriate alterations and/or extensions and that any additions which may subsequently be proposed satisfy the objectives of Policy DP10 of the Carlisle District Local Plan

2001-2016.

7. Before the dwelling is occupied, details of the reinstatement of the highway crossing and boundary (as marked on the plan) shall be submitted to and approved in writing by the Local Planning Authority. The existing access to the highway shall then be permanently closed in accordance with the approved details.

Reason: To minimise highway danger and for the avoidance of doubt to support Local Transport Plan Policies LD5, LD7 and LD8.

Summary of Reasons for the Decision

This application seeks “Full” planning permission for the conversion of the former offices that were associated with the vacant research laboratory, Talkin, Brampton. The site comprises of a large detached single storey building that has a mixture of sandstone and rendered facades under a slate roof. The building is set back 40 metres from the County highway within a large plot. The building has a footprint of 281 square metres and is within a 0.26 hectare site. The site is located towards the north east fringe of the village and is within a Landscape of County Importance.

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.

Policy DP1 of the Carlisle District Local Plan 2001-2016 sets out the broad development strategy for the area. It establishes a settlement hierarchy with Carlisle’s Urban Area being the highest order of priority for most additional new development, followed by the Key Service Centres of Brampton and Longtown and, finally, 20 villages identified as Local Service Centres. Within these locations, development proposals will be assessed against the need to be in the location specified. In relation to rural settlements, boundaries have been identified for those villages that fulfil the Key Service and Local Service Centre functions and these are intended to be used to judge proposals for development within those settlements. Outside these locations, development will be assessed against the need to be in the location specified.

Policy H1 of the Carlisle District Local Plan 2001-2016 elaborates, in relation to development for housing, on the settlement hierarchy. It reiterates that the primary focus for new housing development will be the urban area of Carlisle, followed in order by the Key Service Centres of Brampton and Longtown (which have a broad range of amenities and services) and finally, selected villages which perform a service role within the rural area. These latter villages are sub-divided into two groups, the first group being the 20 larger villages that act as Local Service Centres where the scale and nature of additional development will be determined by local form and character. The second group of 21, essentially small, villages that possess

very limited facilities and, hence, provide basic service provision, is regarded as being capable of accommodating only small scale infill development, which is required to be evidenced by local need to be in that location.

The application site lies within Talkin, which is identified as a sustainable settlement under the second group of settlements identified by Policy H1 of the adopted Local Plan states that small scale infill development will be acceptable providing that compliance with seven specific criteria is achievable and provided that the development would be meet an identified local housing need. The principal objective of Policy H1 is to provide housing to meet an identified local need in the smaller villages in the rural area.

The existing building has been marketed for commercial use without success. The building has been vacant for some time and there are limited opportunities for its reuse, particularly given the proximity to nearby residential properties.

The resultant converted building would be for sale on the open market and would not be provided to meet any identified need. The proposal as submitted, therefore, does not fully accord with the requirements of the Local Plan; however, each application has to be considered on its own merits.

The principle objective of Policy H1 in smaller villages is to provide a range of housing in the rural area through the provision of properties to meet an identified local need. Although no personal need is identified, conversion of the building would broaden the range of housing type available in the village. The existing building is large in terms of its footprint and accommodation, it is situated within a sizeable plot (almost 0.26 hectares in area) and cannot qualify as an affordable housing development in the context of the site.

An application for 4no. dwellings on an adjacent site was recently determined. This scheme involved the provision of two dwellings for sale on the open market and two properties that would available for affordable rent in perpetuity secured through a S106 agreement. Officers were granted authority to issue the consent upon the completion of the S106 agreement. The agreement is still being drafted; however, this should be concluded shortly at which time planning permission can be issued. The applicant for this current application is the same as for the adjacent proposal for 4no. dwellings. Although the determination of this application is in no way dependant on the adjacent proposal, it is important for Members to be aware of the mix of house types that would be provided within the village as a result of these two applications.

It would not be feasible to divide the building into two smaller housing units due to the building's footprint and the layout/ topography of the site. The site characteristics are such that any resulting subdivision is likely to mean that the living conditions of the occupiers of the properties would be prejudiced due to overlooking and loss of privacy.

Talkin is identified as a settlement where additional housing will be considered, albeit provided that it meets an identified local need. It is not a location where additional housing will not be considered per se; therefore, Members need to consider the

merits of converting the building to a dwelling. In this instance, the site is a brown field site within the village that was previously in commercial use. The applicant has marketed the site as such but no reuse for commercial purposes has been forthcoming. The difficulties in subdividing the building to several more affordable units, cannot be achieved; therefore, whilst the principle of this proposal does not accord with the Local Plan, there is justification for the support of this application.

With the exception of the porch and the detached garage, the footprint of the building on the site would remain unaltered. The building is currently domestic in its appearance and its reuse would not be prejudicial to character and appearance of the building within the landscape. The alterations to the facade of the building are minimal but would significantly enhance the building. The introduction of natural materials such as sandstone and timber windows and doors will enhance the aesthetics of the building.

The current building is not wholly offensive but neither does it positively contribute to the character or appearance of the surrounding landscape. This scheme adopts an approach of combining the existing building with quality materials and design features that would result in a more visually appropriate building to the built environment of the village.

The scale and footprint of the garage is appropriate to that of the proposed dwelling. The garage would be sited adjacent to the north-east boundary beyond which the ground level rises. Public views of the garage would be limited and the design and use of materials would be appropriate to the site.

With one of the accesses closed, the applicant intends to bound the site with a stone wall and create a landscaped area within the plot which will serve to improve the aspect of the site when viewed from the road.

The proposed dwelling is situated approximately 36.5 metres from the nearest residential property. As such, the living conditions of the occupiers of that property will not be compromised through loss of light or over dominance. Although an additional window would be formed in the south facing gable, there is sufficient distance between the two buildings to ensure that it would not result in a loss of privacy or over looking to the occupiers of the neighbouring property.

The site is served from an existing access that leads from the County highway adjacent to Townfoot Farm Cottage. The access drops down quite steeply. The visibility when emerging from the site is restricted by neighbouring buildings and the fact that the road curves around properties on the fringe of the village. The applicant proposes to close this access and instate the driveway with landscaping and a stone boundary wall which will be an improvement to the highway situation. The Highway Authority has raised no objection to the proposal subject to the imposition of a condition.

In overall terms, the principle of the development is acceptable. The site has been marketed for commercial purposes with no success. The scale of the dwelling is outwith the parameters of the policy guidance; however, there are material considerations that warrant approval of this application. The scale of the building

and the plot within which it sits is large and would be outwith the realms of what could reasonably be described as affordable. The refurbishment and use of local, natural materials together with the high quality design of the fenestration would be an improvement to the existing building within the context of the village. The building would not result in any demonstrable harm to the landscape character of the wider area or 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.

Relevant Development Plan Policies

Carlisle District Local Plan 2001 - 2016

Spatial Strategy & Development Principles - Policy DP1 - Sustainable Development Locations

All proposals for development will be assessed against their ability to promote sustainable development. Proposals will be considered favourably in the following locations, provided they are in scale with their location and consistent with other Policies of this Local Plan.

Urban Area	City of Carlisle	
Key Service Centres	Brampton Longtown	
Local Service Centres	Burgh by Sands Castle Carrock Cummersdale Cumwhinton Dalston Gilsland Great Corby Great Orton Hallbankgate Hayton	Heads Nook Houghton Irthington Raughton Head Rockcliffe Scotby Smithfield Thurstonfield Warwick Bridge Wetheral

Proposals for development within these locations will be assessed on the basis of the need for development to be in the location specified.

Within the Urban Area proposals for retail, office and leisure developments will be subject to a sequential approach which requires that locations be considered as follows: firstly within the City Centres; secondly edge-of-centre locations; and thirdly the remainder of the urban area.

Proposals for residential development will be considered against the need to give priority to the reuse of previously developed land, with particular emphasis on vacant and derelict sites and buildings.

Settlement Boundaries have been established on the Proposals Map to recognise

the extent of built development or where planning permission already exists to judge proposals for development and are not indicative of land ownership.

Outside these locations development will be assessed against the needs to be in the location specified.

Carlisle District Local Plan 2001 - 2016
Spatial Strategy And Development Principles - Policy DP10 - Landscapes Of County Importance

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

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

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

Carlisle District Local Plan 2001 - 2016
Core Development Policies - Policy CP5 - Design

All new development proposals will be assessed against the following design principles. Proposals should:

- 1 Respond to the local context and the form of surrounding buildings in relation to height, scale and massing, and by making use of appropriate materials and detailing;
- 2 Take into consideration any important landscape or topographical features and respect local landscape character;
- 3 Reinforce local architectural features, where appropriate, promoting and respecting local distinctiveness;
- 4 Ensure all components of the proposal, such as buildings, car parking, access routes, open space and landscaping, are well related to one another to ensure a well integrated, successful and attractive development;
- 5 Ensure there is no adverse effect on the residential amenity of existing areas, or adjacent land uses, or result in unacceptable standards for future users and occupiers of the development;
- 6 Ensure the retention and enhancement of existing trees, shrubs, hedges and other wildlife habitats where possible. Where environmental features are lost as a result of the proposal, appropriate mitigation measures should be put in place and on-site replacement of those features will be sought;
- 7 Include landscaping schemes (both hard and soft) to assist the integration of new development into existing areas and ensure that development on the edge of settlements is fully integrated into its surroundings;
- 8 Ensure that the necessary services and infrastructure can be incorporated without causing unacceptable harm to retained features;

- 9 Ensure that the layout and design incorporates adequate space for waste and recycling bin storage and collection.

Carlisle District Local Plan 2001 - 2016

Core Development Policies - Policy CP6 - Residential Amenity

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

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

Carlisle District Local Plan 2001 - 2016

Core Development Policies - Policy CP12 - Foul And Surface Water Sewerage And Sewage Treatment

Development will not be permitted where inadequate foul and surface water sewerage infrastructure and sewage treatment capacity exists, or where such provision can not be made within the time constraint of the planning permission.

Carlisle District Local Plan 2001 - 2016

Housing - Policy H1 - Location Of New Housing Development

New housing development will be located in sustainable locations in accordance with PPS3: *Housing*, Regional Planning Guidance and the Joint Structure Plan. During the Plan period 80% of new development will be located within the urban area of Carlisle, including allocated sites on the edge of the City referred to in Proposal H16. The remaining 20% will be permitted in the rural area of the District with the focus on the two Key Service Centres of Brampton and Longtown.

In the remainder of the rural area small-scale development will be located in accordance with Policy DP1 and other policies of this Plan to ensure that:

- 1 the site is well related to the landscape of the area and does not intrude into open countryside; and
- 2 the scale of the proposed development is well related to the scale, form and character of the existing settlement; and
- 3 the layout of the site and the design of the buildings is well related to existing property in the village; and
- 4 the siting and design of the buildings is well related to and does not adversely affect the amenity of neighbouring property; and
- 5 appropriate access and parking can be achieved; and
- 6 the proposal will not lead to the loss of amenity open space within or at the edge of the settlement; and
- 7 the proposal will not lead to the loss of the best and most versatile agricultural land.

Settlement boundaries have been drawn for the following Local Service Centres within which proposals will be judged against the above criteria.

Burgh-by-Sands	Castle Carrock	Cummersdale
Cumwhinton	Dalston	Gilsland
Great Corby	Great Orton	Hallbankgate
Hayton	Heads Nook	Houghton
Irthington	Raughton Head	Rockcliffe
Scotby	Smithfield	Thurstonfield
Warwick Bridge (including Little Corby & Corby Hill)	Wetheral	

In the following settlements small-scale infilling (development between an otherwise continuous frontage) will be allowed where this does not conflict with the criteria above and is evidenced by local need to be in that location. S106 agreements may be used to ensure local occupancy to provide for the identified need.

Blackwell	Cardewlees	Cargo
Carleton	Cotehill	Cumwhitton
Durdar	Faugh	Harker
Hethersgill	How Mill	Lanercost
Laversdale	Low Row	Monkhill
Moorhouse	Talkin	Todhills
Walton	Warwick-on-Eden	Wreay

Carlisle District Local Plan 2001 - 2016

Transport - Policy T1- Parking Guidelines For Development

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

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

Carlisle District Local Plan 2001 - 2016

Local Environment - Policy LE29 - Land Affected By Contamination

Development on land known or thought to be contaminated will be permitted provided that contaminant sources, pathways and human and environmental receptors are clearly identified in a risk assessment and measures taken to treat, contain and control contamination so as not to:

- 1 Expose the occupiers of a development and neighbouring land uses to unacceptable risk;
- 2 Cause the contamination of adjoining land or allow contamination to continue;
- 3 Lead to the contamination of any watercourse, water body or aquifer;
- 4 Have an unacceptable adverse effect on habitats and ecosystems;

5 Cause harm to buildings, animals or crops

The Policy will also apply to proposed development on or within 250 metres of an existing landfill or a site known to be used for landfill within the last 30 years.

Item no: 12

Appn Ref No:

11/0143

Applicant:

Chris Nichol Construction

Parish:**Date of Receipt:**

22/02/2011 13:00:27

Agent:

Richard Dryell Architect

Ward:

Upperby

Location:

Garth House, St. Ninian's Road, Upperby, Carlisle

Grid Reference:

341134 553540

Proposal: Erection Of One Pair Of Semi-Detached Houses And One Detached House In The Grounds Of Garth House. Part Demolition And Extension To Garth House To Create Two Dwellings From One. Demolition Of Outbuildings (Outline Application)

Grant Permission

1. In case of any "Reserved Matter" application for approval shall be made not later than the expiration of 1 year beginning with the date of this permission, and the development shall be begun not later than whichever is the later of the following dates:

- i) The expiration of 3 years from the date of the grant of this permission, or
- ii) The expiration of 2 years from the final approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.

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

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

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

3. The approved documents for this Outline Permission comprise:

1. the submitted planning application form;
2. the Design and Access Statement;
3. the Pollution Assessment;
4. Drawing Number SNUC/CN/PF/11;
5. Drawing Number SNUC/CN/PF/10;
6. Drawing Number SNUC/CN/PF/22 Rev C;
7. Drawing Number SNUC/CN/PF/23 Rev A;
8. Drawing Number SNUC/CN/PF/24 Rev A;
9. Drawing Number SNUC/CN/PF/25 Rev A;
10. the Notice of Decision; and
11. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: For the avoidance of doubt.

4. No development shall be commenced until samples or full details of materials to be used externally on the building have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials.

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

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

Reason: In the interests of privacy and visual amenity in accordance with Policy H2 of the Carlisle District Local Plan 2001-2016.

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

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

Plan 2001-2016.

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

Reason: In order that the approved development overcomes any problems associated with the topography of the area in accordance with Policies H2 of the Carlisle District Local Plan 2001-2016.

8. The access and parking/turning requirements shall be substantially met before any building work commences on site so that constructional traffic can park and turn clear of the highway. The vehicular access turning provisions shall be retained and capable of use at all times thereafter and shall not be removed or altered without the prior consent of the Local Planning Authority.

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

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order), no additional windows shall be inserted above the ground floor on the western elevation of Plot 1 without the prior consent of the local planning authority.

Reason: In order to protect the privacy and amenities of residents in close proximity to the site and to ensure compliance with Policy H2 of the Carlisle District Local Plan 2001-2016.

10. No work associated with the construction of the residential units hereby approved shall be carried out before 07.30 hours on weekdays and Saturdays nor after 18.00 hours on weekdays and 13.00 hours on Saturdays (nor at any times on Sundays or statutory holidays).

Reason: To prevent disturbance to nearby occupants in accordance with Policy H2 of the Carlisle District Local Plan 2001-2016.

Summary of Reasons for the Decision

Garth House and its associated outbuildings, the subject of this application, are

located on the northern side of St Ninian's Road between the junctions of Upperby Road and St Ninian's Court. The property is a large two storey detached dwelling, set in extensive grounds (approximately 0.143 hectares), finished in painted render under a slate roof. The site is bounded to the north, south and west by two storey residential properties located on Hugh Little Garth, St Ninian's Road and Upperby Road respectively. Immediately to the east of the entrance to the site is another two storey residential property, 19 St Ninian's Road with an electricity substation, 21 St Ninian's Road (a detached bungalow) and the gardens of 4 St Ninian's Court (a first floor flat) beyond.

The application seeks Outline Planning Permission for the erection of a pair of semi-detached houses, a detached house together with the sub-division and extension of Garth House to create two dwellings. As previously highlighted, the application is in outline, and as such the submitted drawings are indicative only. However, the submitted drawings illustrate the demolition of single storey outbuildings along the south western boundary and the erection of a detached dwelling (Plot 1) in the south western corner of the site. The boundary wall along this part of the site will be retained and renovated, where necessary, at its existing height. Plots 2 and 3, a pair of semi-detached dwellings, would be located in the north eastern corner of the site.

The submitted Design and Access Statement together with the drawings illustrate that the accommodation provided in each of the proposed new build dwellings would comprise of a porch, w.c., living room, kitchen and dining room with 3no. bedrooms and bathroom above. The proposed dwellings would be finished in brown/red facing brickwork and render, grey plain interlocking roof tiles with uPVC windows and doors, in keeping with other properties within the immediate vicinity.

Works to Garth House would involve the partial demolition and rebuilding of the north eastern gable elevation, to facilitate improved vehicular access and parking, together with a two storey extension on the north western elevation to create 2no. three bed units. The existing access serving the application site would be widened and the visibility splayed improved by the lowering of the existing boundary wall along the southern boundary of the site.

The relevant planning policies against which the application is required to be assessed are Policies DP1, CP3, CP5, CP12, H1, H2, H9 and T1 of the Carlisle District Local Plan 2001-2016.

The proposals raise the following issues:

1. Whether The Principle of Development Is Acceptable

The application site is within the urban area of Carlisle and identified as a Primary Residential Area in the adopted Local Plan. As such, the principle of residential development is acceptable, subject to compliance with the criteria identified in Policy H2 and other relevant Local Plan policies.

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

When assessing the character of the area, it is evident that there are a variety of properties of differing ages and styles. The topography of the application site and adjacent land is such that it gradually rises to the north, with existing residential properties occupying elevated positions within the streetscene. As previously outlined, the proposal seeks the sub-division of Garth House into two dwellings with the erection of 3 no. dwellings within its grounds, using materials sympathetic to other residential properties within the immediate vicinity. Furthermore, the proposal would achieve adequate amenity space and off-street parking for all of the proposed dwellings.

Given that there is already a mix of types of dwellings at differing levels within the immediate vicinity, the resultant impact on the streetscene would not be obtrusive or detrimental to the character of the area. In summary, the scale and massing of the proposed dwellings together with the sub-division of Garth House is comparable to the existing properties within the immediate vicinity. Accordingly, the development would not form a discordant feature within the street scene.

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

Objections have been received from the occupiers of neighbouring properties citing loss of privacy, overshadowing and highway safety. The location of the dwellings, shown on the indicative layout plan, achieve the adequate separation distances between existing and proposed dwellings, thereby, minimising any significant adverse impact on the living conditions on the occupiers of any neighbouring properties through loss of light, loss of privacy or over-dominance. Furthermore, the boundary wall along the western boundary is to be retained and renovated which would partially obscure the development site when viewed from the east.

Objections have also been received in respect of the potential of the development to create a noise and dust nuisance. These matters would be dealt with under Environmental Health Legislation; however, given the proximity of the site to neighbouring properties it is reasonable to include a condition restricting working hours.

4. Impact Of The Proposal On Highway Safety

Several occupiers of neighbouring properties have also raised objections in respect of highway safety and existing on-street parking problems. Members should be aware, however, the proposal includes alterations to the existing vehicular access serving Garth House thereby providing adequate access and off-street parking within the curtilage of the application site.

Following normal practice consultation has been undertaken with the Highway Authority. The Highway Authority do not object to the proposal subject to the imposition of a condition ensuring that the access and parking provision within the site shall be substantially met prior to construction works commencing.

The local resident's concerns regarding highway safety and parking problems are noted; however, since the Highway Authority do not share these concerns it is the

Officers view that a refusal of the application on this basis could not be substantiated.

The application site is within the urban area of Carlisle, as such the principle of development is acceptable. The scale, design and use of materials in the proposal would positively contribute to the character of the area, with adequate car parking, access and amenity space provided within the curtilage of the site. Furthermore, the dwellings could be accommodated within the site without resulting in any demonstrable harm to the living conditions of the occupiers of neighbouring residential dwellings.

In all aspects the proposals are considered to be compliant with the objectives of the relevant adopted Development Plan policies.

Relevant Development Plan Policies

Carlisle District Local Plan 2001 - 2016

Spatial Strategy & Development Principles - Policy DP1 - Sustainable Development Locations

All proposals for development will be assessed against their ability to promote sustainable development. Proposals will be considered favourably in the following locations, provided they are in scale with their location and consistent with other Policies of this Local Plan.

Urban Area	City of Carlisle	
Key Service Centres	Brampton Longtown	
Local Service Centres	Burgh by Sands Castle Carrock Cummersdale Cumwhinton Dalston Gilsland Great Corby Great Orton Hallbankgate Hayton	Heads Nook Houghton Irthington Raughton Head Rockcliffe Scotby Smithfield Thurstonfield Warwick Bridge Wetheral

Proposals for development within these locations will be assessed on the basis of the need for development to be in the location specified.

Within the Urban Area proposals for retail, office and leisure developments will be subject to a sequential approach which requires that locations be considered as follows: firstly within the City Centres; secondly edge-of-centre locations; and thirdly the remainder of the urban area.

Proposals for residential development will be considered against the need to give

priority to the reuse of previously developed land, with particular emphasis on vacant and derelict sites and buildings.

Settlement Boundaries have been established on the Proposals Map to recognise the extent of built development or where planning permission already exists to judge proposals for development and are not indicative of land ownership.

Outside these locations development will be assessed against the needs to be in the location specified.

Carlisle District Local Plan 2001 - 2016

Core Development Policies - Policy CP3 - Trees And Hedges On Development Sites

Proposals for new development should provide for the protection and integration of existing trees and hedges. Where trees and hedges are present, a survey will be required showing the following:

- 1 the location of existing trees and hedges;
- 2 the species, age, height and crown spread of each tree;
- 3 an assessment of the condition of each tree;
- 4 the location and crown spread of trees on adjacent land which may be affected by the development;
- 5 existing and proposed changes in ground level.

In order to protect and integrate existing trees and hedges within new development, the City Council will resist proposals which cause unacceptable tree loss, and which do not allow for the successful integration of existing trees identified in the tree survey.

Layouts will be required to provide adequate spacing between existing trees and buildings, taking into account the existing and future size of the trees, and their impact both above and below ground.

The City Council will protect existing trees and woodlands where appropriate, by tree preservation orders, and by the use of planning conditions requiring protective fencing around trees to be retained to prevent site works within their crown spread.

Carlisle District Local Plan 2001 - 2016

Core Development Policies - Policy CP5 - Design

All new development proposals will be assessed against the following design principles. Proposals should:

- 1 Respond to the local context and the form of surrounding buildings in relation to height, scale and massing, and by making use of appropriate materials and detailing;
- 2 Take into consideration any important landscape or topographical features and respect local landscape character;
- 3 Reinforce local architectural features, where appropriate, promoting and

- respecting local distinctiveness;
- 4 Ensure all components of the proposal, such as buildings, car parking, access routes, open space and landscaping, are well related to one another to ensure a well integrated, successful and attractive development;
 - 5 Ensure there is no adverse effect on the residential amenity of existing areas, or adjacent land uses, or result in unacceptable standards for future users and occupiers of the development;
 - 6 Ensure the retention and enhancement of existing trees, shrubs, hedges and other wildlife habitats where possible. Where environmental features are lost as a result of the proposal, appropriate mitigation measures should be put in place and on-site replacement of those features will be sought;
 - 7 Include landscaping schemes (both hard and soft) to assist the integration of new development into existing areas and ensure that development on the edge of settlements is fully integrated into its surroundings;
 - 8 Ensure that the necessary services and infrastructure can be incorporated without causing unacceptable harm to retained features;
 - 9 Ensure that the layout and design incorporates adequate space for waste and recycling bin storage and collection.

Carlisle District Local Plan 2001 - 2016
Core Development Policies - Policy CP12 - Foul And Surface Water Sewerage And Sewage Treatment

Development will not be permitted where inadequate foul and surface water sewerage infrastructure and sewage treatment capacity exists, or where such provision can not be made within the time constraint of the planning permission.

Carlisle District Local Plan 2001 - 2016
Housing - Policy H1 - Location Of New Housing Development

New housing development will be located in sustainable locations in accordance with PPS3: *Housing*, Regional Planning Guidance and the Joint Structure Plan. During the Plan period 80% of new development will be located within the urban area of Carlisle, including allocated sites on the edge of the City referred to in Proposal H16. The remaining 20% will be permitted in the rural area of the District with the focus on the two Key Service Centres of Brampton and Longtown.

In the remainder of the rural area small-scale development will be located in accordance with Policy DP1 and other policies of this Plan to ensure that:

- 1 the site is well related to the landscape of the area and does not intrude into open countryside; and
- 2 the scale of the proposed development is well related to the scale, form and character of the existing settlement; and
- 3 the layout of the site and the design of the buildings is well related to existing property in the village; and
- 4 the siting and design of the buildings is well related to and does not adversely affect the amenity of neighbouring property; and
- 5 appropriate access and parking can be achieved; and

- 6 the proposal will not lead to the loss of amenity open space within or at the edge of the settlement; and
- 7 the proposal will not lead to the loss of the best and most versatile agricultural land.

Settlement boundaries have been drawn for the following Local Service Centres within which proposals will be judged against the above criteria.

Burgh-by-Sands	Castle Carrock	Cummersdale
Cumwhinton	Dalston	Gilsland
Great Corby	Great Orton	Hallbankgate
Hayton	Heads Nook	Houghton
Irthington	Raughton Head	Rockcliffe
Scotby	Smithfield	Thurstonfield
Warwick Bridge (including Little Corby & Corby Hill)		Wetheral

In the following settlements small-scale infilling (development between an otherwise continuous frontage) will be allowed where this does not conflict with the criteria above and is evidenced by local need to be in that location. S106 agreements may be used to ensure local occupancy to provide for the identified need.

Blackwell	Cardewlees	Cargo
Carleton	Cotehill	Cumwhitton
Durdar	Faugh	Harker
Hethersgill	How Mill	Lanercost
Laversdale	Low Row	Monkhill
Moorhouse	Talkin	Todhills
Walton	Warwick-on-Eden	Wreay

Carlisle District Local Plan 2001 - 2016

Housing - Policy H2 - Primary Residential Areas

Within the Primary Residential Areas defined on the Inset Maps for Carlisle, Brampton and Longtown, proposals for new residential development will be acceptable provided that:

- 1 existing areas of open space and other amenity areas are safeguarded; and
- 2 the proposed development does not adversely affect the amenity of adjacent residential property; and
- 3 the proposed development complements or enhances existing adjacent residential areas and their amenity; and
- 4 satisfactory access and appropriate parking arrangements can be achieved.

Proposals for non-residential uses will be permitted in Primary Residential Areas provided that they do not adversely affect residential amenity. Development that would create unacceptable noise, smell, safety and health impacts or excessive traffic generation will not be acceptable. The traffic impact of new development upon existing residents through inconvenience and detrimental effect will be taken into account. Such schemes falling within the scope of this policy will be considered against the above criteria as well as other policies of the Plan appropriate for the

proposed use.

Outside the Primary Residential Areas and sites allocated under Proposal H16 for Carlisle, Brampton and Longtown, applications for residential development, including redevelopment and the change of use of vacant and underused buildings, will be only be permitted provided that:

- 1 satisfactory housing conditions can be achieved; and
- 2 the proposal will complement the existing character of the area; and
- 3 the proposal will not adversely affect the amenity of the area; and
- 4 satisfactory access can be provided; and
- 5 appropriate parking arrangements can be made.

Carlisle District Local Plan 2001 - 2016 Housing - Policy H9 - Backland Development

Proposals for housing development, where appropriate, in large back gardens or behind existing housing developments will be acceptable providing that:

- 1 the scale, design and siting of the proposal is appropriate for the site and is in keeping with the character and quality of the local environment; and
- 2 there is no loss of amenity to surrounding properties; and
- 3 existing landscape features are retained and additional planting is included as an integral part of the scheme; and
- 4 appropriate access and car parking can be achieved.

Carlisle District Local Plan 2001 - 2016 Transport - Policy T1- Parking Guidelines For Development

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

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

Item no: 13

Appn Ref No:
10/0577

Applicant:
Citadel Estates Ltd.

Parish:
Brampton

Date of Receipt:
21/06/2010 13:00:30

Agent:
Holt Planning Consultancy

Ward:
Brampton

Location:
Tarn End House Hotel, Talkin, CA8 1LS

Grid Reference:
354388 558357

Proposal: Removal Of The Effects Of Conditions 2, 3, 4, 5 And 6 Attached To The Grant Of Full Planning Permission Under Application 06/0693 (Conversion To 8no. Holiday Units) To Enable Unrestricted Residential Occupation

Members resolved to defer consideration of the proposal in order to enable a more robust marketing exercise to be undertaken (inclusive of a guide price) for a further 4 months, and to await a further report on the application at a future meeting of the Committee.

Item no: 14

Appn Ref No:
09/0886

Applicant:
Mr G MacDonald

Parish:
Arthuret

Date of Receipt:
12/10/2009 08:00:18

Agent:
Heine Planning
Consultancy

Ward:
Longtown & Rockcliffe

Location:
Sandysyke, Longtown, Carlisle, CA6 5SY

Grid Reference:
338432 566163

Proposal: Change Of Use Of Land From Former Woodland To Caravan Site For Stationing Of Caravans For Single Extended Gypsy-Traveller Family With Associated Development (Hard Standing, Cess Pool, Two Utility Sheds) (Part Retrospective)

Decision: Refuse Permission

Date: 23/04/2010

Decision of: Planning Inspectorate

Decision Type: Appeal Allowed with Conditions

Date: 21/03/2011

Item no: 15

Appn Ref No:
09/0029

Applicant:
Mr Simon Ptolomy

Parish:
Beaumont

Date of Receipt:
19/01/2009

Agent:
Phoenix Architects

Ward:
Burgh

Location:

The Old Forge, Kirkandrews on Eden, Carlisle, CA5
6DJ

Grid Reference:

335420 558380

Proposal: Alterations And Extension To Existing Two Storey Rear Extension To Provide Storage Area And Enlarged Bathroom. Demolition Of Single Storey Outbuilding And Erection Of Two Storey Side Extension To Provide Hall, Cloakroom And Study On Ground Floor With 1no. Ensuite Bedroom Above. Erection Of Single Storey Integral Garage.

Decision: Grant Permission

Date: 13/03/2009

Decision of:

Decision Type: Appeal Part Allowed

Date: 19/02/2010

Item no: 16

Appn Ref No:

09/0580

Applicant:

Mr Simon Ptolomy

Parish:

Beaumont

Date of Receipt:

16/07/2009

Agent:

Phoenix Architects

Ward:

Burgh

Location:

The Old Forge, Kirkandrews on Eden, Carlisle, CA5
6DJ

Grid Reference:

335420 558380

Proposal: Discharge Of Condition 2 (Method Statement), Condition 3 (Root Protection Barriers), Condition 4 (Archaeological Watching Brief) And Condition 5 (English Heritage Level 3 Survey) Of Previously Approved Application 09/0029

Decision: Refuse Permission

Date: 10/09/2009

Decision of:

Decision Type: Appeal Part Allowed

Date: 19/02/2010

Item no: 17

Appn Ref No:**Applicant:****Parish:**

10/0265

Mr Watson

Brampton

Date of Receipt:

23/03/2010 16:54:53

Agent:

Green Design Group

Ward:

Brampton

Location:

Brampton Playhouse, Moat Side, Brampton, CA8
1UH

Grid Reference:

353224 561164

Proposal: Demolition Of Redundant Brampton Playhouse. Erection Of 5 No.
Dwellings With On Site Parking (Revised Application)

Members will recall at Committee meeting held on 11th June 2010 that authority was given to the Assistant Director (Economic Development) to issue approval subject to the completion of a Section 106 Agreement to cover a contribution to affordable housing provision.

The Section 106 Agreement has been completed and the approval was issued on 3rd March 2011.

Granted Subject to Legal Agreement

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

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

2. The approved documents for this planning permission comprise:

1. the submitted planning application form;
2. the Design and Access Statement;
3. Desk Top Study on Likelihood of Contamination;
4. Report on Structural Inspection;
5. Bat Survey;
6. Drawing Number 09/1897/01
7. Drawing Number 09/1897/03A
8. Drawing Number 091897/05D
9. Drawing Number 091897/06

10. the Notice of Decision;

11. 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 Policies CP5 and LE19 of the Carlisle District Local Plan 2001-2016.

4. Prior to the commencement of development details of rainwater goods to be installed on the buildings hereby approved (including materials, profiles and methods of fixing to the building) shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in strict accordance with these approved details.

Reason: To ensure that the external appearance of the building is acceptable and to accord with Policies LE19 and CP5 of the Carlisle District Local Plan 2001-2016.

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

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

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

Reason: To protect the privacy and amenity of the occupiers of the dwellings to be created, in accordance with Policies H2 and CP5

of the Carlisle District Local Plan 2001-2016.

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

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

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

Reason: In order that the approved development safeguards the living conditions of neighbouring residents in accordance with Policies CP5 and H2 of the Carlisle District Local Plan 2001-2016.

9. Prior to the commencement of development hereby approved, details of the screen structure to the west elevation of the first floor balcony on unit 2 shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be undertaken in accordance with the approved details and the structure shall be retained thereafter.

Reason: In order to ensure that the development does not result in any overlooking issues to the occupiers of the adjacent property in accordance with the objectives of Policies H2 and CP5 of the Carlisle District Local Plan 2001-2016.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order), no additional windows shall be inserted on the properties without the prior consent of the Local Planning Authority.

Reason: In order to protect the privacy and amenities of residents in close proximity to the site and to ensure compliance with Policies CP5 and H2 of the Carlisle District Local Plan 2001-2016.

11. 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 units 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 attractive appearance of the buildings is not harmed by inappropriate alterations and/or extensions and that any additions which may subsequently be proposed satisfy the objectives of Policies CP5, H2 and LE19 of the Carlisle District Local Plan 2001-2016.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order), the two bathroom windows in the west elevation of units 1 & 2 shall be obscure glazed to factor 3 or above, and thereafter retained as such to the satisfaction of the Local Planning Authority.

Reason: In order to protect the privacy and amenities of residents in close proximity to the site in accordance with Policies H2 and CP5 of the Carlisle District Local Plan 2001-2016.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any other Order revoking and re-enacting that Order), no wall, fence or other means of enclosure shall be erected within any part of the site (other than those shown in any plans which form part of this application), without the approval of the Local Planning Authority.

Reason: To ensure that any form of enclosure is carried out in a co-ordinated manner in accord with Policies CP5 and LE19 of the Carlisle District Local Plan 2001-2016.

14. An archaeological watching brief shall be undertaken by a qualified archaeologist during the course of the ground works of the development hereby permitted. The archaeological watching brief shall be in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority prior to the commencement of development. Within two months of the completion of development hereby approved, three copies of the report shall be furnished to the Local Planning Authority.

Reason: To afford reasonable opportunity for an examination to be made to determine the existence of any remains of archaeological interest within the site and for the examination and recording of such remains, in accordance with Policy LE10 of the Carlisle District Local Plan 2001-2016.

15. Prior to the demolition, the existing building affected by the proposed development shall be recorded in accordance with a Level 2 survey as

described by English Heritage's document Understanding Historic Buildings A Guide to Good Recording Practice, 2006. Within 2 months of the commencement of construction works, 3 copies of the resultant level 2 survey report shall be furnished to the Local Planning Authority.

Reason: To ensure that a permanent record is made of the building of architectural and historic interest prior to its alteration as part of the proposed development, in accordance with Policy LE10 of the Carlisle District Local Plan 2001-2016.

16. The development shall not commence until visibility splays providing clear visibility of 2.4 by 43 metres measured down the centre of the access road and the nearside channel line of the major road have been provided at the junction of the access road with the county highway. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grown within the visibility splay which obstruct the visibility splays. The visibility splays shall be constructed before general development of the site commences so that construction traffic is safeguarded.

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

17. The whole of the access area bounded by the carriageway edge, entrance gates(if any) 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.

18. The dwellings shall not be occupied 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 to support Local Transport Plan Policies LD5, LD7 and LD8 and Structure Plan Policy: T32.

19. Details of all measures to be taken by the applicant/developer to prevent surface water discharging onto or off the highway shall be submitted to the Local Planning Authority for approval prior to development being commenced. Any

approved works shall be implemented prior to the development being completed and shall be maintained operational thereafter.

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

20. 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 Policy LD8.

21. The development hereby approved shall be undertaken fully in accordance with the mitigation strategy detailed in Section 5.2.1 (Mitigation for Roost Sites) of the Bat Survey Report (BAT/10/748) produced by Andrew Gardner and received by the City Council on 17 May 2010.

Reason: To ensure there is no impact on bats, a European Protected Species, in accordance with Policy CP2 of the Carlisle District Local Plan 2001-2016.

Summary of Reasons for the Decision

The proposal is seeking planning permission for the demolition of the redundant Brampton Playhouse at Moatside, Brampton and the erection of five dwellings with on-site parking. An application for Conservation Area Consent for the demolition of the building has also been submitted (10/0266) and follows this report in the Schedule.

The building, which lies within the Brampton Conservation Area and is identified as a building of historic interest, is a former church, which was built around 1850 and was later converted to a theatre. The building is constructed of a mixture of stone and brick and includes some lean-to and single-storey extensions.

A Structural Survey accompanies the application and this identifies that the building has had a number of structural problems and these, together with infestation of woodworm, wet rot, dry rot and penetrating damp, have caused serious damage to the fabric of the building, which is now approaching a dangerous condition. Indeed,

the Brampton Players, who were the last group to occupy the building, were forced to vacate the premises recently due to safety issues raised in the Structural Survey.

The Structural Engineer's Report considers that the cost of repairs, together with the cost of converting the building to another use, would make it unviable. The only viable option appears to be to demolish the existing building and to replace it with a new development.

The existing building lies in close proximity to Moatside (the main road), being set back approximately 2.5m from the edge of the footpath, which is defined by a low stone wall. The main section of the building measures 10.5m in width, with the ridge height being approximately 10.5m. A single-storey extension is attached to the eastern side of the main building and this measures 5m in width. The building covers the majority of the site, although there is a garden area to the rear. There is a significant change in levels across the site, with the rear of the site being approximately 3m lower than Moatside. As a consequence, the rear elevation of the building is significantly higher than the front elevation.

Murray Park lies directly to the east and south of the application site and is separated from it by a stone wall. A pair of semi-detached properties adjoin the site to the west, with the driveway to one of these being located directly adjacent to the west elevation of the existing building.

Moatside runs to the front of the building and two dwellings, Haining Bank and Bordersyde, are located directly across the road from the application site. Haining Bank lies opposite the main building, whilst Bordersyde lies directly opposite the single-storey element. Both of these dwellings are located at a higher level than Moatside and both have windows at ground and first floor levels in the front elevations facing the application site.

The application is proposing to demolish the existing building and to erect five dwellings in its place. Three of these dwellings would be one bed units, whilst two would have two bedrooms. The majority of the front of the site, adjacent to Moatside, would contain the new access to the site and four car parking spaces, to serve four of the units. This area would measure approximately 11m in width and would run back approximately 11.5m into the site.

A detached two-storey dwelling would be located opposite to the car parking area, in the north-east corner of the site, in the area which is currently occupied by the single-storey extension. The ground floor of this property would contain an open fronted garage, one bedroom and a bathroom, with the upper floor containing an open plan kitchen/ dining area/ lounge and a bedroom. The front elevation of the dwelling, adjacent to Moatside, would measure 5m in width, 4.6m to the eaves and 7.2m to the ridge. It would be constructed of stone under a reclaimed slate roof. The elevation would not contain any windows but a sandstone trefoil opening would be added to the gable and stone quoins would be incorporated. The side elevations of this dwelling, which would be prominent in views from Moatside and Murray Park, would also be constructed of stone.

The rear (southern) section of the site, beyond the parking area, would contain the

other four residential units, which would be contained within two attached buildings. When viewed from the car park, these buildings would appear one and two-storeys in height. However, due to the change in levels across the site, the accommodation is provided over two and three floors. One building would contain a one bed unit and a two bed unit over two floors, with the other building comprising two one bed units. The front elevations of both buildings would be constructed of stone.

The rear elevations of all of the buildings would be rendered and would contain large windows/ patio doors. All of the units would have some form of amenity space in the form of a small garden or a patio and four of the units would have balconies.

The relevant planning policies against which the application is required to be assessed include Policies H1, H2, H5, LE10, LE16, LE17, LE19, CP2, CP5, CP12 and T1 of the Carlisle District Local Plan 2001-2016.

The proposal raises the following planning issues:

1. The Principle Of The Proposed Development

Brampton is identified as a Key Service Centre in the adopted Local Plan. The site lies within the defined settlement boundary and within a Primary Residential Area. The principle of residential development on this site is, therefore, acceptable.

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

Both the Conservation Officer and the Urban Design Officer have accepted that it would not be viable to retain and convert the existing building and have accepted that it can be demolished.

The mass of the new proposals would be similar to the mass of the existing building and one of the buildings would be built towards the front of the site, close to Moatside, in order to retain a defined street frontage. The dwellings would contain steep, pitched roofs, with reclaimed slate roofs and stone to the most prominent elevations. Stone quoins and window surrounds would be incorporated into the proposals, with stone tabling being added to the gable verges. The stone wall around the site would be retained. Both the Conservation Officer and the Urban Design Officer have raised no objections to the proposals. In light of the above, the scale and design of the proposals are acceptable and they would not have an unacceptable impact on the character or appearance of the Conservation Area.

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

Two residential properties (Bordersyde and Haining Bank) are located on the opposite side of the road to the application site and both of these properties have windows at ground and first floor levels. The two-storey dwelling that would be constructed in the north-east corner of the site would lie directly opposite Bordersyde. The front elevation of this dwelling would be 12m away from the front elevation of Bordersyde and it would not contain any windows. The occupiers of Bordersyde are concerned about loss of natural light to their property. Whilst it is acknowledged that

there might be some loss of light to this property at certain times, this is not considered to be significant enough to warrant refusal of the application. Indeed, levels of natural light to the property should improve at certain times, given that the existing building is significantly larger, in terms of its overall mass, than the dwelling hereby proposed.

Haining Bank would lie opposite the two attached buildings, which would be set back 12.5m and 15.5m into the site. The front elevation of Haining Bank would be over 25m away from the front elevation of these new dwellings, one of which would have a single-storey front elevation and the other a two-storey front elevation. Given the distances and the heights of the new buildings, the occupiers of Haining Bank should not be adversely affected by the proposals. Indeed, given that the new buildings would be set back significantly further into the site than the existing building and would have a lower ridge height, the occupiers of Haining Bank should benefit from increased levels of sunlight and less overshadowing.

Craig Lynn lies directly to the west of the application site and the existing building has a solid wall adjacent to this property, which runs along the length of its gable and along part of its rear garden. The parking area for four of the new dwellings would be located adjacent to Craig Lynn and part of its garden, with one of the new dwellings being located adjacent to the rear 12m of the property's garden. Given the proximity and mass of the existing building, the proposals should not have an adverse impact on the occupiers of Craig Lynn, due to loss of light or over shadowing. The new dwelling would only contain two bathroom windows in the west elevation, which faces the bottom section of Craig Lynn's garden, and these would both have obscure glazing. Whilst there could be limited overlooking of the rear of the garden from the balcony on Unit 2, this could be reduced by ensuring that the side elevation of the balcony facing Craig Lynn is not transparent and of sufficient height to prevent overlooking.

In light of the above, the proposals would not have an adverse impact on the living conditions of the occupiers of any neighbouring dwellings due to loss of light, loss of privacy or over-dominance.

4. Highway Matters

The Parish Council and a local resident consider that the proposed level of parking is inadequate and they are concerned about the new access onto the public highway. County Highways is, however, satisfied with the level of parking provision. In relation to the new access, a condition has been attached to the permission requiring the applicant to ensure that adequate visibility is achieved from the new access before any development commences on site. A condition has also been attached to the permission, which requires the applicant to identify suitable areas for the parking of construction traffic.

5. Affordable Housing

The application proposes the erection of five dwellings and, therefore, in accordance with Policy H5 of the adopted Local Plan, an element of affordable housing must be incorporated. On this site, the affordable housing provision equates to 0.5 of a unit

(i.e. 10% of 5 units). Given that the Council cannot reasonably request a full affordable unit from the developer, the Housing Strategy Team has requested a commuted sum and this would need to be secured through a Section 106 Agreement. Whilst the sum would be agreed at a later date, and after discussions with the developers, it would equate to 30% of the market value of 0.5 of a unit of housing on site. If Members were minded to approve the application, it would be necessary to grant authority to issue approval, to enable the Section 106 Agreement to be completed.

In overall terms, the proposals are acceptable in principle. The scale and design of the proposals would be acceptable and they would not have an adverse impact on the Brampton Conservation Area or on the living conditions of neighbouring residents. The access arrangements and level of parking proposed is sufficient. In all aspects, the proposals are compliant with the relevant policies contained within the adopted Local Plan.

Relevant Development Plan Policies

Carlisle District Local Plan 2001 - 2016

Housing - Policy H1 - Location Of New Housing Development

New housing development will be located in sustainable locations in accordance with PPS3: *Housing*, Regional Planning Guidance and the Joint Structure Plan. During the Plan period 80% of new development will be located within the urban area of Carlisle, including allocated sites on the edge of the City referred to in Proposal H16. The remaining 20% will be permitted in the rural area of the District with the focus on the two Key Service Centres of Brampton and Longtown.

In the remainder of the rural area small-scale development will be located in accordance with Policy DP1 and other policies of this Plan to ensure that:

- 1 the site is well related to the landscape of the area and does not intrude into open countryside; and
- 2 the scale of the proposed development is well related to the scale, form and character of the existing settlement; and
- 3 the layout of the site and the design of the buildings is well related to existing property in the village; and
- 4 the siting and design of the buildings is well related to and does not adversely affect the amenity of neighbouring property; and
- 5 appropriate access and parking can be achieved; and
- 6 the proposal will not lead to the loss of amenity open space within or at the edge of the settlement; and
- 7 the proposal will not lead to the loss of the best and most versatile agricultural land.

Settlement boundaries have been drawn for the following Local Service Centres within which proposals will be judged against the above criteria.

Burgh-by-Sands
Cumwhinton

Castle Carrock
Dalston

Cummersdale
Gilsland

Great Corby	Great Orton	Hallbankgate
Hayton	Heads Nook	Houghton
Irthington	Raughton Head	Rockcliffe
Scotby	Smithfield	Thurstonfield
Warwick Bridge (including Little Corby & Corby Hill)	Wetheral	

In the following settlements small-scale infilling (development between an otherwise continuous frontage) will be allowed where this does not conflict with the criteria above and is evidenced by local need to be in that location. S106 agreements may be used to ensure local occupancy to provide for the identified need.

Blackwell	Cardewlees	Cargo
Carleton	Cotehill	Cumwhitton
Durdar	Faugh	Harker
Hethersgill	How Mill	Lanercost
Laversdale	Low Row	Monkhill
Moorhouse	Talkin	Todhills
Walton	Warwick-on-Eden	Wreay

Carlisle District Local Plan 2001 - 2016

Housing - Policy H2 - Primary Residential Areas

Within the Primary Residential Areas defined on the Inset Maps for Carlisle, Brampton and Longtown, proposals for new residential development will be acceptable provided that:

- 1 existing areas of open space and other amenity areas are safeguarded; and
- 2 the proposed development does not adversely affect the amenity of adjacent residential property; and
- 3 the proposed development complements or enhances existing adjacent residential areas and their amenity; and
- 4 satisfactory access and appropriate parking arrangements can be achieved.

Proposals for non-residential uses will be permitted in Primary Residential Areas provided that they do not adversely affect residential amenity. Development that would create unacceptable noise, smell, safety and health impacts or excessive traffic generation will not be acceptable. The traffic impact of new development upon existing residents through inconvenience and detrimental effect will be taken into account. Such schemes falling within the scope of this policy will be considered against the above criteria as well as other policies of the Plan appropriate for the proposed use.

Outside the Primary Residential Areas and sites allocated under Proposal H16 for Carlisle, Brampton and Longtown, applications for residential development, including redevelopment and the change of use of vacant and underused buildings, will be only be permitted provided that:

- 1 satisfactory housing conditions can be achieved; and
- 2 the proposal will complement the existing character of the area; and
- 3 the proposal will not adversely affect the amenity of the area; and
- 4 satisfactory access can be provided; and

5 appropriate parking arrangements can be made.

Carlisle District Local Plan 2001 - 2016 **Housing - Policy H5 - Affordable Housing**

The City Council will negotiate with developers for an element of affordable housing to be included in the majority of housing developments.

All allocated housing sites and windfall sites of 10 or more dwellings in the urban area will be expected to make a contribution of 30% of units on-site towards affordable housing. Only in exceptional circumstances will the Council consider off-site contributions or a financial contribution in lieu of on-site provision.

In the rural area the contribution to affordable housing will be:

- 1 25% of housing on large sites (over 0.8ha or 25 dwellings)
- 2 20% of housing on medium sites (over 0.3ha or 10 dwellings)
- 3 10% of housing on small sites (over 0.1ha or 3 units)

The proportion of affordable housing sought will only be varied if this can be justified on a robust, evidence based, assessment of the economic viability of the site. Where intermediate affordable housing is to be provided at a discounted market value a discount of 25-30% will be sought and the discounted sale will be required to be in perpetuity.

Carlisle District Local Plan 2001 - 2016 **Local Environment - Policy LE16 - Historic Structures And Local Listings**

Throughout the district there are buildings and structures of historic, architectural or landscape significance that help to create the locally distinctive character of the area. The Council recognises the positive contribution these structures make to Carlisle's townscape and landscape and there will be a presumption in favour of their retention when considering development proposals.

Carlisle District Local Plan 2001 - 2016 **Local Environment - Policy LE17 - Development Involving The Demolition Of Unlisted Buildings In Conservation Areas**

There will be a general presumption in favour of the retention of buildings which make a positive contribution to the character or appearance of a conservation area. Applications for planning permission for development proposals that would require the total demolition of unlisted buildings in conservation areas will be assessed against the following criteria:

- 1 the contribution of the building to the landscape/townscape; and
- 2 the structural condition of the building; and
- 3 the suitability of the building for its existing, proposed or any other use; and
- 4 the cost of repair; and
- 5 the contribution which the demolition/ redevelopment would make to broader

conservation objectives.

- 6 the inclusion of any building on a local list as defined in policy LE16

All proposals for demolition must be accompanied by details of redevelopment, which will normally be secured by means of a legal agreement.

Carlisle District Local Plan 2001 - 2016

Local Environment - Policy LE19 - Conservation Areas

The City Council will continue to review existing and designate new conservation areas. Development proposals within and adjoining conservation areas will be granted planning permission provided they preserve or enhance their character and appearance. Any new development or alterations to existing buildings should harmonise with their surroundings and be in sympathy with the setting, scale, density and physical characteristics of conservation areas, and protect important views into or out of such areas. Applications for outline planning permission will not be accepted for proposals in conservation areas.

Proposals for new development and/or alterations to buildings in conservation areas will be judged against the following criteria:

- 1 the development should preserve or enhance all features which contribute positively to the area's character or appearance, in particular the design, massing and height of the building should closely relate to adjacent buildings and should not have an unacceptable impact on the townscape or landscape;
- 2 the development should not have an unacceptable impact on the historic street patterns and morphology, roofscape, skyline and setting of the conservation area, important open spaces or significant views into, out of and within the area;
- 3 development proposals should not result in the amalgamation or redrawing of boundaries between traditional buildings and plots, or demolition and redevelopment behind retained facades;
- 4 wherever practicable traditional local materials such as brick, stone and slate should be used and incongruous materials should be avoided;
- 5 individual features both on buildings and contributing to their setting, should be retained e.g. doorways, windows, shopfronts, garden walls, railings, cobbled or flagged forecourts, sandstone kerbs, trees and hedges, etc. Where features have deteriorated to the extent to which they have to be replaced, the replacement should match the original;
- 6 proposals which would generate a significant increase in traffic movements and heavy vehicles or excessive parking demands will not be permitted since these would be prejudicial to amenity;
- 7 proposals which would require substantial car parking and servicing areas which can not be provided without an adverse effect on the site and its surroundings will not be permitted.

Carlisle District Local Plan 2001 - 2016

Core Development Policies - Policy CP2 - Biodiversity

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

In areas where species protected under national and European legislation are most likely to occur, special account will be given to their presence in the consideration of development proposals.

Carlisle District Local Plan 2001 - 2016

Core Development Policies - Policy CP5 - Design

All new development proposals will be assessed against the following design principles. Proposals should:

- 1 Respond to the local context and the form of surrounding buildings in relation to height, scale and massing, and by making use of appropriate materials and detailing;
- 2 Take into consideration any important landscape or topographical features and respect local landscape character;
- 3 Reinforce local architectural features, where appropriate, promoting and respecting local distinctiveness;
- 4 Ensure all components of the proposal, such as buildings, car parking, access routes, open space and landscaping, are well related to one another to ensure a well integrated, successful and attractive development;
- 5 Ensure there is no adverse effect on the residential amenity of existing areas, or adjacent land uses, or result in unacceptable standards for future users and occupiers of the development;
- 6 Ensure the retention and enhancement of existing trees, shrubs, hedges and other wildlife habitats where possible. Where environmental features are lost as a result of the proposal, appropriate mitigation measures should be put in place and on-site replacement of those features will be sought;
- 7 Include landscaping schemes (both hard and soft) to assist the integration of new development into existing areas and ensure that development on the edge of settlements is fully integrated into its surroundings;
- 8 Ensure that the necessary services and infrastructure can be incorporated without causing unacceptable harm to retained features;
- 9 Ensure that the layout and design incorporates adequate space for waste and recycling bin storage and collection.

Carlisle District Local Plan 2001 - 2016

Core Development Policies - Policy CP12 - Foul And Surface Water Sewerage And Sewage Treatment

Development will not be permitted where inadequate foul and surface water sewerage infrastructure and sewage treatment capacity exists, or where such provision can not be made within the time constraint of the planning permission.

Carlisle District Local Plan 2001 - 2016

Transport - Policy T1- Parking Guidelines For Development

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

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

Carlisle District Local Plan 2001 - 2016

Local Environment - Policy LE10 - Archaeological Field Evaluation

On all scheduled and other nationally important monuments, sites of archaeological significance and other sites of high archaeological potential, the City Council will ensure that the archaeological aspects of development proposals are examined and evaluated either before planning applications are determined or in exceptional circumstances by the use of condition. Planning permission will not be granted without adequate assessment of the archaeological implications.