

AGENDA

Development Control Committee

Friday, 03 October 2014 AT 10:00

In the Council Chamber, Civic Centre, Carlisle, CA3 8QG

Apologies for Absence

To receive apologies for absence and notification of substitutions.

Declarations of Interest

Members are invited to declare any disclosable pecuniary interests, other registrable interests and any interests, relating to any item on the agenda at this stage.

Public and Press

To agree that the items of business within Part A of the agenda should be dealt with in public and that the items of business within Part B of the agenda should be dealt with in private.

Minutes of Previous Meetings

To approve and sign the Minutes of the meetings held on 18 June 2014, 19 June 2014, 20 June 2014, 23 July 2014 and 25 July 2014
[Copy Minutes in Minute Book Volume 41(2)]

To note the Minutes of the site visits held on 1 October 2014.

PART A

To be considered when the Public and Press are present

A.1 CONTROL OF DEVELOPMENT AND ADVERTISING

To consider applications for:

- (a) planning permission for proposed developments
- (b) approval of detailed plans
- (c) consents for display of advertisements.

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<u>Item 01 14 0594</u>	11 - 26
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<u>Item 10 14 0606</u>	181 - 192
<u>Schedule B - E</u>	193 - 244
A.2 <u>QUARTERLY REPORT ON PLANNING ENFORCEMENT</u>	245 - 248
<p>The Planning Enforcement Officer to submit a report that updates on the scope of activity in the enforcement of Planning Control (Copy Report ED.35/14 herewith)</p>	
A.3 <u>ARTICLE 4 DIRECTIONS - COMMUNITY ASSET REGISTER</u>	249 - 256
<p>The Director of Economic Development to submit a report that sets out consideration of issuing an Article 4 Direction to suspend permitted development rights for the change of use of buildings and land registered as a Community Asset to other uses within the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (Copy Report ED.37/14 herewith)</p>	

A.4 CONSULTATION ON PLANNING APPLICATION No 1 14 9015 257 - 274

The Director of Economic Development to submit a report that sets out the consultation and identifies the issues for consideration on a planning application for new offices for Cumbria County Council (Copy Report ED.38/14 herewith)

A.5 REVOCATION OF TREE PRESERVATION ORDERS 69 AND 166 275 - 278

The Director of Economic Development to submit a report that proposes the revocation of Tree Preservation Orders 69 - Stackbraes Road, Longtown and 166 - land adjacent to Brunstock Cottage, as part of the ongoing Tree Preservation Order review (Copy Report ED.36/14 herewith)

PART B

To be considered when the Public and Press are excluded from the meeting

-NONE-

Members of the Development Control Committee

Conservative – Bloxham, Earp, Mrs Parsons, Mrs Prest, Bowman S (sub), Collier (sub), Nedved (sub)

Labour – Mrs Bradley, Caig, McDevitt, Ms Patrick, Scarborough (Chairman), Mrs Warwick (Vice Chairman), Wilson, Bowditch (sub), Cape (sub), Mrs Stevenson(sub)

Liberal Democrat - Gee, Allison (sub)

**Enquiries, requests for reports, background papers,
etc to Committee Clerk: Sheila Norton - 817557**

Development Control Committee Main Schedule

Schedule of Applications for Planning Permission

' fX CVWCVYf 2014

The Schedule of Applications

This schedule is set out in five parts:

SCHEDULE A - contains full reports on each application proposal and concludes with a recommendation to the Development Control Committee to assist in the formal determination of the proposal or, in certain cases, to assist Members to formulate the City Council's observations on particular kinds of planning submissions. In common with applications contained in Schedule B, where a verbal recommendation is made to the Committee, Officer recommendations are made, and the Committee's decisions must be based upon, the provisions of the Development Plan in accordance with S54A of the Town and Country Planning Act 1990 unless material considerations indicate otherwise. To assist in reaching a decision on each planning proposal the Committee has regard to:-

- relevant planning policy advice contained in Government Circulars, National Planning Policy Guidance Notes, Development Control Policy Notes and other Statements of Ministerial Policy;
- the adopted provisions of the North West of England and Regional Spatial Strategy to 2021 and Cumbria and Lake District Joint Structure Plan;
- the City Council's own statement of approved local planning policies including the Carlisle District Local Plan;
- established case law and the decisions on comparable planning proposals
- including relevant Planning Appeals.

SCHEDULE B - comprises applications for which a full report and recommendation on the proposal is not able to be made when the Schedule is compiled due to the need for further details relating to the proposal or the absence of essential consultation responses or where revisions to the proposal are awaited from the applicant. As the outstanding information and/or amendment is expected to be received prior to the Committee meeting, Officers anticipate being able to make an additional verbal report and recommendations.

SCHEDULE C - provides details of the decisions taken by other authorities in respect of those applications determined by that Authority and upon which this Council has previously made observations.

SCHEDULE D - reports upon applications which have been previously deferred by the Development Control Committee with authority given to Officers to undertake specific action on the proposal, for example the attainment of a legal agreement or to await the completion of consultation responses prior to the issue of a Decision Notice. The Reports confirm these actions and formally record the decision taken by the City Council upon the relevant proposals. Copies of the Decision Notices follow reports, where applicable.

SCHEDULE E - is for information and provides details of those applications which have been determined under powers delegated by the City Council since the previous Committee meeting.

The officer recommendations made in respect of applications included in the Schedule are intended to focus debate and discussions on the planning issues engendered and to guide Members to a decision based on the relevant planning considerations. The recommendations should not therefore be interpreted as an intention to restrict the Committee's discretion to attach greater weight to any planning issue when formulating their decision or observations on a proposal.

If you are in doubt about any of the information or background material referred to in the Schedule you should contact the Development Management Team of the Planning Services section of the Economic Development Directorate.

This Schedule of Applications contains reports produced by the Department up to the 1J/0J/2014 and related supporting information or representations received up to the Schedule's printing and compilation prior to despatch to the Members of the Development Control Committee on the G/H/0J/2014.

Any relevant correspondence or further information received subsequent to the printing of this document will be incorporated in a Supplementary Schedule which will be distributed to Members of the Committee 5 working days prior to the day of the meeting.

SCHEDULE A

SCHEDULE A

Applications Entered on Development Control Committee Schedule

Item No.	Application Number/ Schedule	Location	Case Officer	Page No.
01.	<u>14</u> /0594 A	Orchard Farm, Moorhouse, Carlisle, CA5 6EY	<u>RJM</u>	11
02.	<u>14</u> /0555 A	Land To Rear Of Midtown Farm, Great Orton, Carlisle, CA5 6NA	<u>ST</u>	27
03.	<u>14</u> /0472 A	Skelton House, Wetheral, Carlisle, CA4 8JG	<u>RJM</u>	47
04.	<u>14</u> /0547 A	50 Victoria Place, Carlisle, CA1 1HP	<u>SD</u>	79
05.	<u>14</u> /0657 A	Fell View Nursery, Hethersgill, Carlisle, CA6 6EY	RJM	101
06.	<u>14</u> /0490 A	L/Adj Fallowfield, Plains Road, Wetheral, Carlisle, CA4 8LE	<u>BP</u>	119
07.	<u>13</u> /0246 A	Stone Barn to the north of the Manor House, Kirkandrews on Eden, Carlisle CA5 6DJ	<u>RJM</u>	141
08.	<u>14</u> /0627 A	Orchard Lodge, Great Corby, Carlisle, CA4 8NE	<u>SO</u>	155
09.	<u>14</u> /0648 A	Orchard Lodge, Great Corby, Carlisle, CA4 8NE	SO	173
10.	<u>14</u> /0606 A	Whingather, Carlisle Road, Brampton, CA8 1ST	<u>RJM</u>	181
11.	<u>13</u> /0337 C	Little Orton Farm, Little Orton, Carlisle, Cumbria, CA5 6EP	<u>BP</u>	195
12.	<u>14</u> /9013 C	Inglewood Junior School, Arnside Road, Carlisle, CA1 3QA	<u>BP</u>	201

Date of Committee: 03/10/2014

SCHEDULE A: Applications with Recommendation

14/0594

Item No: 01

Date of Committee: 03/10/2014

Appn Ref No:
14/0594

Applicant:
Mr M Kirkaldy

Parish:
Burgh-by-Sands

Agent:
Tyler Design Services

Ward:
Burgh

Location: Orchard Farm, Moorhouse, Carlisle, CA5 6EY

Proposal: Erection Of 1no. Dwelling With Detached Garage

Date of Receipt:
08/07/2014

Statutory Expiry Date
02/09/2014

26 Week Determination

REPORT

Case Officer: Richard Maunsell

1. Recommendation

- 1.1 It is recommended that this application is approved with conditions.

2. Main Issues

- 2.1 The Principle Of Development
- 2.2 Whether The Scale And Design Of The Dwellings Are Acceptable
- 2.3 The Impact Of The Proposal On The Amenities Of Neighbouring Residents
- 2.4 Highway Issues
- 2.5 Drainage
- 2.6 The Impact On The Adjacent Listed Building
- 2.7 Biodiversity
- 2.8 Impact On Existing Trees And Hedgerows

3. Application Details

Introduction

- 3.1 This application was deferred at the last meeting of the Development Control Committee in order that Members could undertake a site visit.
- 3.2 This application seeks Full Planning permission for the erection of 1

detached dwelling together with a detached double garage at Orchard Farm, Moorhouse, Carlisle. The site is currently an orchard and occupies an area of approximately 0.11 hectares. The site is located within the village between Orchard Farm House and Westmead.

Proposal

- 3.3 A single access would be formed in the south-east corner of the site which would lead into a hard standing and turning area within the site.
- 3.4 Planning permission is sought for the erection of a 2 storey detached dwelling that would be set within the site to the rear of the hard standing. The property would comprise of a sun room, lounge, hall, dining room, utility, W.C. and kitchen/ breakfast area on the ground floor with 3 bedrooms, a bathroom and an ensuite master bedroom on the first floor. The property would also include a detached double garage within the curtilage. The building would be constructed from facing brick work under a slate roof with white upvc windows and doors.

4. Summary of Representations

- 4.1 This application has been advertised by means of a site notice and direct notification to the occupiers of 4 of the neighbouring properties. In response, 1 letter of objection has been received and the main issues raised are summarised as follows:
1. on the application form the applicant has forgotten to fill in the trees and hedge section;
 2. this plot is an orchard with many fruit trees and has been for many years, hence the name Orchard Farm;
 3. the boundary is a solid 7 foot hedge robust in its rooting;
 4. there isn't much information about the entrance, where would it be?
What will happen to the hedge?
 5. the map doesn't show the bends in the road;
 6. it isn't a good road it's very busy with wagons, also school time is very busy;
 7. it would help if the Highway Authority visited the site to look at the road instead of just looking at the map;
 8. the house looks very big for the size of the plot;
 9. the plan looks so much bigger than the plot and the site should be visited;
 10. it's sad that another old house with orchard garden will be gone.

5. Summary of Consultation Responses

Cumbria County Council - (Econ. Dir. Highways & Transportation): - no objection subject to the imposition of conditions;

Burgh-by-Sands Parish Council: - the objections of the Parish Council are given as follows:

1. access to the site is dangerous – this is a corner site;
2. the Orchard is over 100 years old;
3. the setting of a listed building is affected by this proposed new house and garage;
4. the fate of the trees and the hedge is not explained in the application (section 15);
5. the Plan MK/Moor SBP is inaccurate as the bend in the road is not as shown;
6. the site is not earmarked for future development.

6. Officer's Report

Assessment

- 6.1 The relevant planning policies against which the application is required to be assessed are the National Planning Policy Framework (NPPF) together with Policies DP1, CP2, CP3, CP5, CP12, H1, T1, LE12 and LE29 of the Carlisle District Local Plan 2001-2016. The proposal raises the following planning issues.

1. The Principle Of Development

- 6.2 Since the adoption of the Local Plan, the NPPF has been published by the Government and is a material consideration in the determination of this application. Paragraph 215 of the NPPF highlights that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given). Accordingly, in respect of this application whilst the development should be considered against Local Plan policies, in respect of the issue of housing, the Local Plan cannot be considered up to date under the NPPF.
- 6.3 When assessing the application site against the foregoing policies, it is acknowledged that this is within the village of Moorhouse where the principle of infill residential development is supported by national and local plan policies.

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

- 6.4 Policies seek to ensure the development is appropriate in terms of quality to that of the surrounding area and that development proposals incorporate high standards of design including siting, scale, use of materials and landscaping which respect and, where possible, enhance the distinctive character of townscape and landscape. This theme is identified in Policy CP5 of the Local Plan which requires that development proposals should also harmonise with the surrounding buildings respecting their form in relation to height, scale and massing and make use of appropriate materials and detailing. Development of this frontage site within the village will have a significant impact on the character of the area unless it is sympathetically designed.
- 6.5 The submitted drawings illustrate that the proposed dwelling would be 2

storey in scale. Orchard Farm House to the north-west is 2 storey in height and whose gable faces the road and adjacent to the south-east is a single storey detached bungalow. On the opposite side of the road are a number of single storey and one and a half storey detached properties. All these properties, perhaps with the exception of Orchard Farm House, have a significant degree of established boundary treatment along the roadside frontage.

- 6.6 To this end, the proposed dwelling would be set within the site and would retain the existing hedgerow along the frontage, albeit at a reduced height in compliance with the requirements of the Highway Authority.
- 6.7 The Design and Access Statement also indicates that the proposed materials would complement the existing dwellings. Furthermore, the proposal would achieve adequate amenity space and off-street parking. On balance, the character and appearance of the dwellings would not be disproportionate or obtrusive within the streetscene.

3. The Impact Of The Proposal On The Amenities Of Neighbouring Residents

- 6.8 Planning policies require that development proposals should not adversely affect the living conditions of occupiers of residential properties by virtue of inappropriate development, scale or visually intrusiveness.
- 6.9 The development has been designed to take account of the requirements in the Council's Supplementary Planning Documents "Achieving Well Design Housing" and is compliant with the requirement to maintain 21 metres distance between primary facing windows and 12 metres between a primary window and a blank gable.
- 6.10 The property would be of sufficient distance from the existing properties along the main road. Given the orientation of the application site and the proposed buildings within it, future occupiers of the proposed properties would not suffer from an unreasonable loss of daylight or sunlight and due to the siting, scale and design of the property the development would not be over-dominant.

4. Highway Issues

- 6.11 The proposal involves the formation of a new access onto the County highway and would be within the restricted 30 mph speed limit. The Parish Council has raised concerns that this is a corner site and access to the site is dangerous. It is further stated that the plans are inaccurate insofar as they don't sufficiently show the curvature of the road.
- 6.12 The Highway Authority has assessed the proposal and subject to the imposition of highway related conditions, including the reduction of the hedgerow, has raised no objection.

5. Drainage

- 6.13 The applicant intends to connect into the existing foul mains drains which is an acceptable means of disposal. Surface water would be dealt with by means of a soakaway. Although there are no details submitted with the application of the soakaway or any percolation test results, these are the subject of a condition within the decision notice.

6. The Impact On The Adjacent Listed Building

- 6.14 Orchard Farm is Grade II listed and the description reads as follows:

“Farmhouse. Late C17 with early C19 alterations and additions. Painted stucco, partly over clay; graduated greenslate roof, end brick chimney stacks. 2 storeys, 2 bays; 3-bay extension to right, of lower roof line. Top-glazed 6-panel door in plain painted stone surround; ogee-headed metal lattice porch. Sash windows with glazing bars in painted stone architraves. Extension has 2-pane and 3-pane sash windows. Lower part of side wall and exterior wall, now internal, is of clay. Brick extension to left, and further extension to right and outbuildings are of no interest.”

- 6.15 The proposed dwelling is sufficiently detached from the building and is of an appropriate scale, design and use of materials that the development would not adversely impact on the character or appearance of the listed building or its setting. The development of the orchard and the loss of some trees likewise would not adversely affect the setting of the listed building.

7. Biodiversity

- 6.16 The Council's GIS Layer has identified that there are potentially protected species on or adjacent to the site. Using the guidance issued by Natural England, the development would not harm protected species or their habitat; however, an Informative has been included within the decision notice ensuring that if a protected species is found all work must cease immediately and the Local Planning Authority informed. It would also be appropriate to impose a condition prohibiting the removal of the hedgerow during the bird breeding season unless an appropriate assessment has been undertaken.

8. Impact On Existing Trees And Hedgerows

- 6.17 There are a number of trees and a mature hedgerow within the site, none of which however are protected by a Tree Preservation Order. As part of their objection, the Parish Council has raised concerns about the loss of the established orchard. The Council's Tree Officer has visited the site and assessed the application. No objection has been raised to the principle of development but additional information was required to survey the trees on the site. It is further recommended that the scheme should retain and protect as many existing trees as possible and where trees are to be removed, a landscaping scheme should include replacement trees to mitigate their loss.
- 6.18 The applicant has submitted a Tree Report in response to these comments and to support the application which concludes that there are no unique

species or specimens recorded and the species composition is typical for this rural North Cumbria village setting. The report continues that the trees and hedges surveyed have low to medium landscape and amenity value and moderate ecological value. Finally the report states that a Planting Strategy is identified which recommends tree and hedge planting integrated with the development which will compensate for the minor loss of hedgerows and trees and enhance the amenity and ecological value of the site.

- 6.19 The Council's Tree Officer has assessed this report and has clarified that the Tree Report, proposed planting scheme and tree protection measures are acceptable. Accordingly, in respect of these issues, the proposal does not conflict with planning policies and is acceptable.

9. The Impact On Human Rights

- 6.20 The human rights of the occupiers of the neighbouring properties have been properly considered and taken into account as part of the determination of the application. Several provisions of the Human Rights Act 1998 can have implications in relation to the consideration of planning proposals, the most notable being:

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

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

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

- 6.21 Article 1 of Protocol 1 relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary, proportionate and there is social need.
- 6.22 Article 8 and Article 1 Protocol 1 are relevant but the impact of the development in these respects will be minimal and the separate rights of the individuals under this legislation will not be prejudiced. If it was to be alleged that there was conflict it is considered not to be significant enough to warrant the refusal of permission.

Conclusion

- 6.23 In overall terms, the principle of development of the site is acceptable under the provisions of the NPPF. The proposal does not adversely affect the living conditions of adjacent properties by poor design, unreasonable overlooking or unreasonable loss of daylight or sunlight. The siting, scale and design of the proposal is considered acceptable and would be well related to the existing built form of the village. The development would not create a precedent for further applications in the area which, in any case, would have to be considered on their own merits. In all aspects the proposal is considered to be compliant with the objectives of the relevant Local Plan policies.

7. Planning History

- 7.1 In 1993, planning permission and listed building consent were granted for the renovation of the existing farmhouse, conversion of barns to 2 dwellings and erection of 2 dwellings and 4 garages.
- 7.2 Listed building consent was granted in 1996 for the minor alterations and improvements, including new bathrooms and staircase.
- 7.3 In 2007, listed building consent was granted for demolition of farm outbuildings, alteration and conversion of retained barn to a single dwelling.
- 7.4 Also in 2007, planning permission was granted for the demolition of farm outbuildings, alteration and conversion of retained barn to a single dwelling and the erection of two new semi-detached dwellings.

8. Recommendation: Grant Permission

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

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

2. The approved documents for this Planning Permission comprise:
 1. the Planning Application Form received 8th July 2014;
 2. the Site Location Plan received 8th July 2014 (Drawing no. MK/MOOR/SLP);
 3. the Site Block Plan received 8th July 2014 (Drawing no. MK/MOOR/SBP1 Rev A);
 4. the Site Block Plan received 8th July 2014 (Drawing no. MK/MOOR/SP1 Rev A);
 5. the Proposed Ground and First Floors received 8th July 2014 (Drawing no. MK/MOOR/FP1 Rev A);
 6. the Proposed Elevations received 8th July 2014 (Drawing no. MK/MOOR/ELEV Rev A);
 7. the Proposed Garage received 8th July 2014 (Drawing no. MK/GARAGE/ELEV Rev A);
 8. the Desk Top Study For Contamination received 8th July 2014;
 9. the Tree Report received 18th September 2014;
 10. the Notice of Decision;
 11. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

3. 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 accord with Policy CP11 of the Carlisle District Local Plan 2001-2016.

4. 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 inappropriate boundary treatment in compliance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

5. 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. The development shall then be undertaken in accordance with the approved details.

Reason: To ensure the materials used are appropriate to the character and appearance of the buildings in the locality and to ensure compliance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

6. The whole of the access area bounded by the carriageway edge, entrance gates and the splays shall be constructed and drained to the specification of the Highway Authority.

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

7. Any existing highway boundary (hedge) shall be reduced to a height not exceeding 1.0m above the carriageway level of the adjacent highway in accordance with details submitted to the Local Planning Authority and which have subsequently been approved before development commence and shall be maintained to a height not exceeding 1.0m thereafter.

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

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.

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

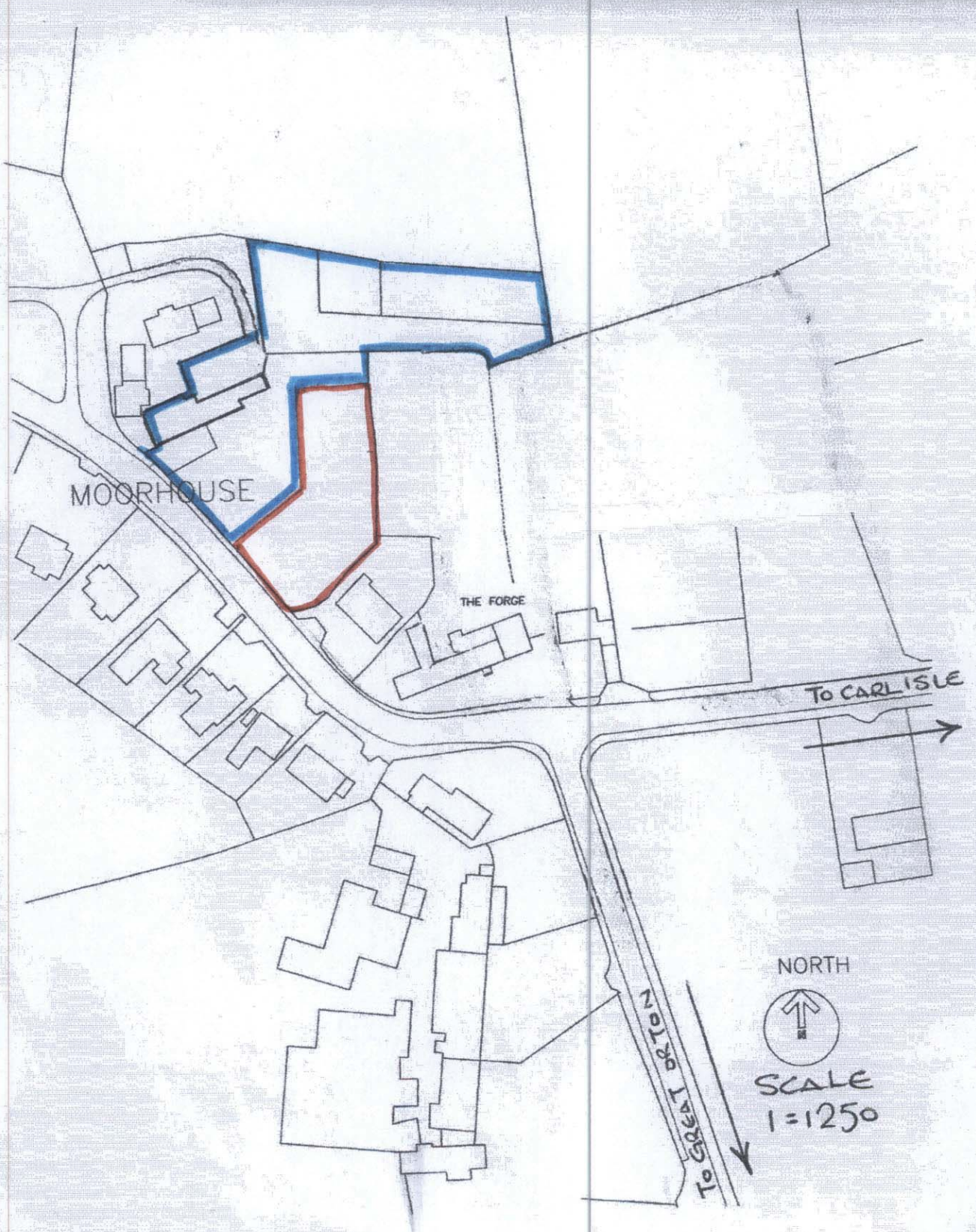
inconvenience and danger to road users and to support Local Transport Policy LD8.

9. Before development commences a scheme of tree and hedge protection shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall show the position and type of barriers to be installed. The barriers shall be erected before development commences and retained for the duration of the development.

Reason: To protect trees and hedges during development works in accordance with Policy CP3 of the Carlisle District Local Plan 2001-2016.

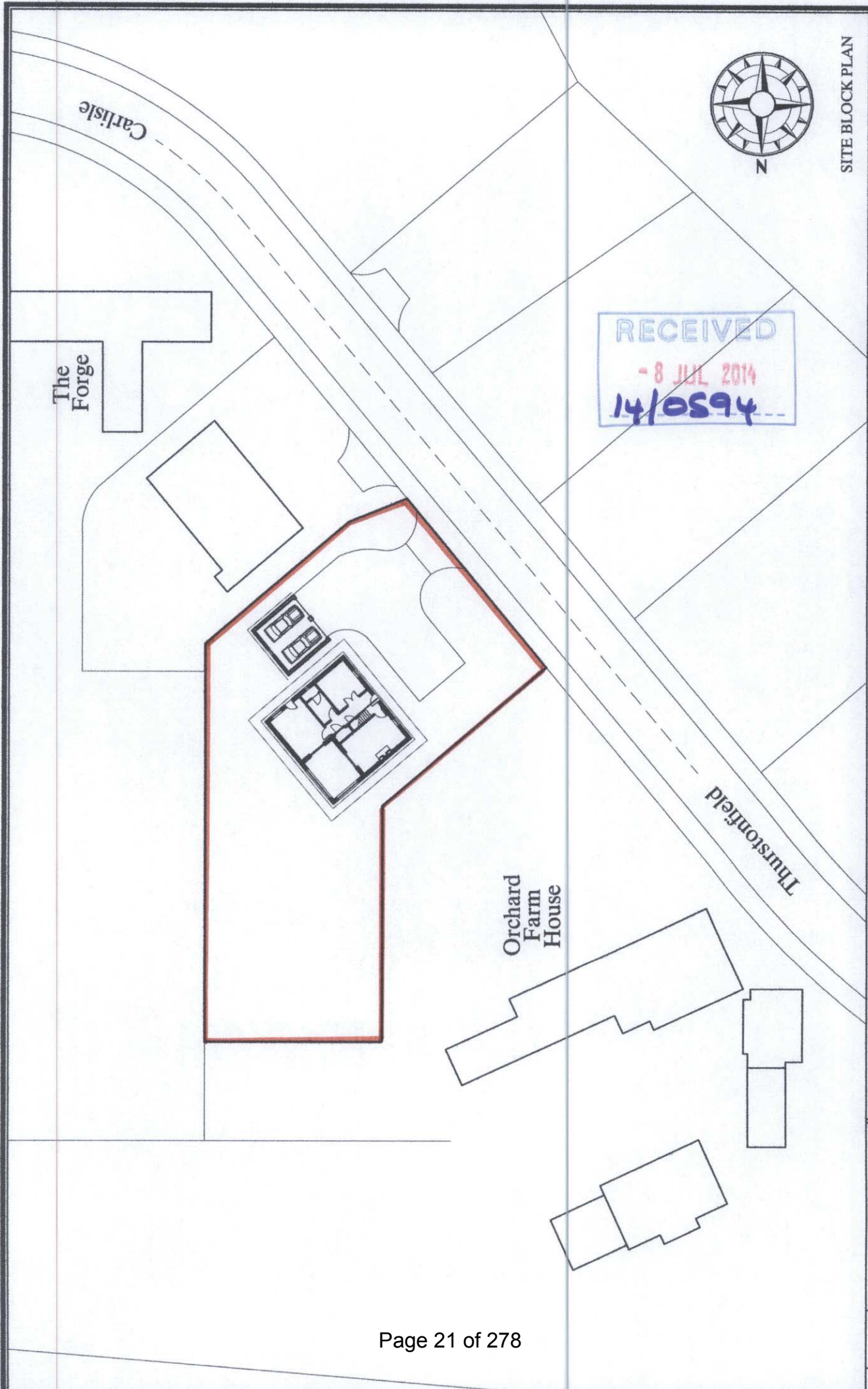
10. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner, and maintained thereafter to the satisfaction of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

Reason: To ensure that a satisfactory landscaping scheme is implemented and that it fulfils the objectives of Policy CP3 of the Carlisle District Local Plan 2001-2016.



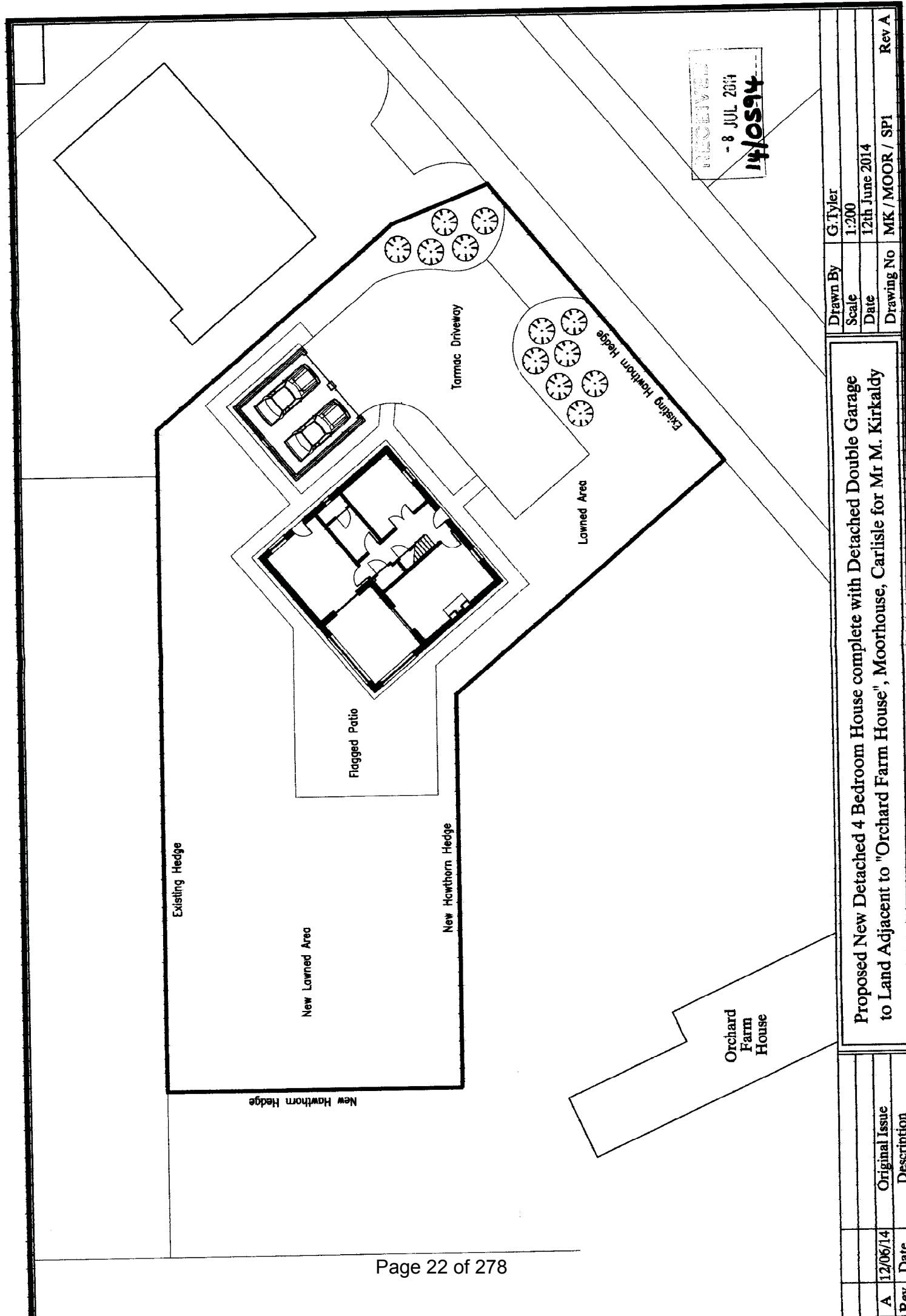
"ORCHARD FARM"
SITE LOCATION PLAN
MK/MOOR/SLP

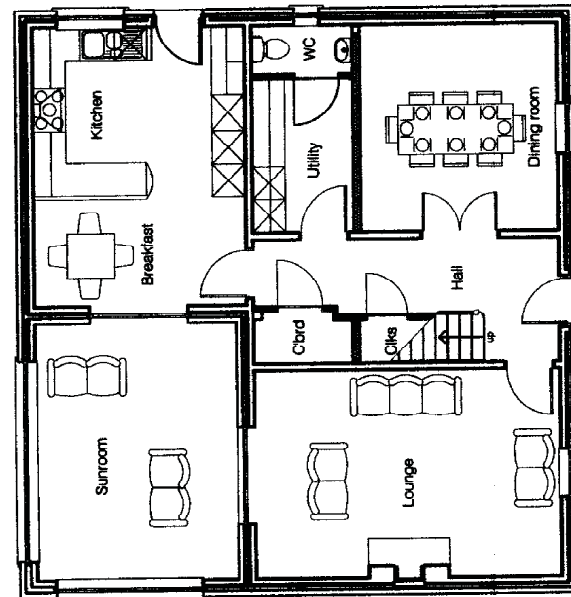




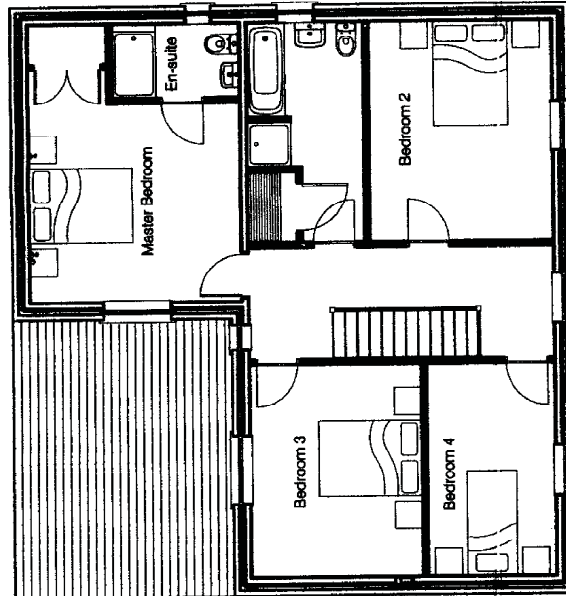
SITE BLOCK PLAN

<p>Proposed New Detached 4 Bedroom House complete with Detached Double Garage</p>		Drawn By	G.Tyler	Rev A
		Scale	1:500	
		Date	3rd August 2014	
		Drawing No	MK / MOOR / SBP1	
Rev.	Date	Original Issue Description		
A	03/08/14			





Proposed Ground Floor Plan



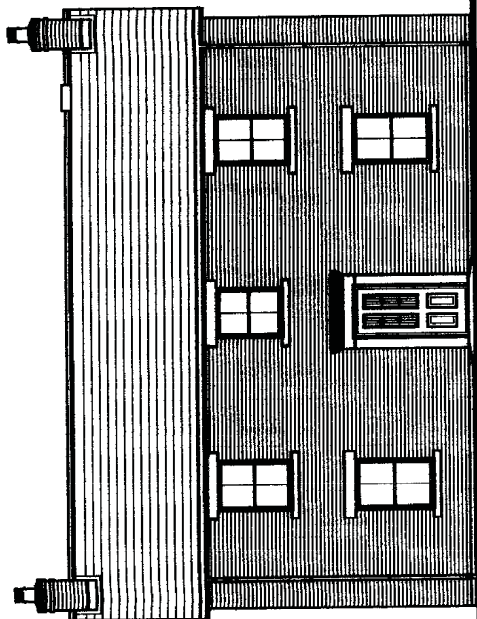
Proposed First Floor Plan

RECEIVED
- 8 JUL 2014
14/0594

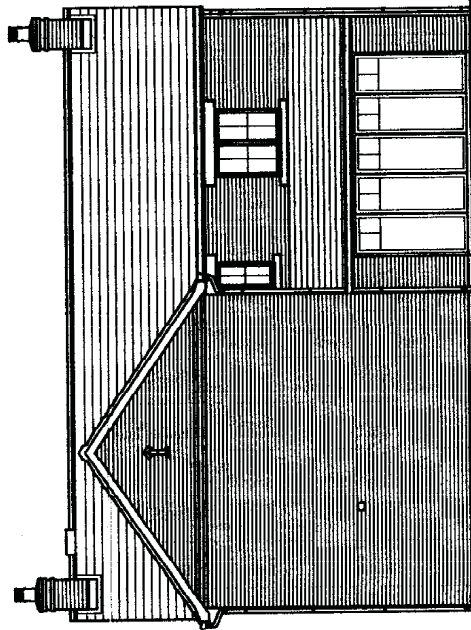
Proposed New Detached 4 Bedroom House complete with Detached Double Garage to Land Adjacent to "Orchard Farm House", Moorhouse, Carlisle for Mr M. Kirkaldy		Drawn By	G.Tyler
		Scale	1:100
		Date	3rd August 2014
		Drawing No	MK / MOOR / FP1
		Rev	Rev A
A	03/08/14	Original Issue	
Rev.	Date	Description	

WALLS
 Brickwork (Red / Brown)
ROOF
 Slates (Grey)
DOORS & WINDOWS
 Upvc Double Glazed (White)

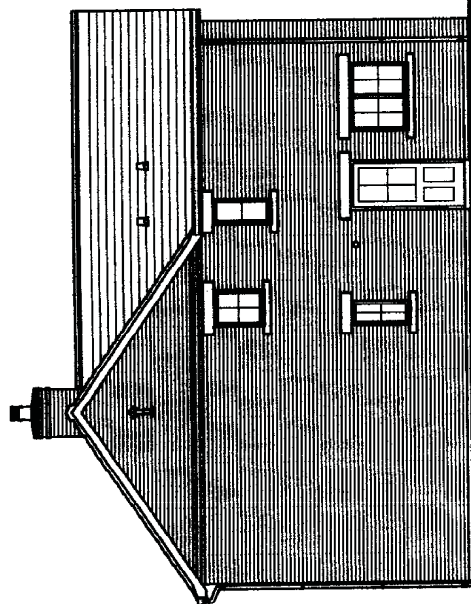
RECEIVED
 - 8 JUL 2014
 14/0594



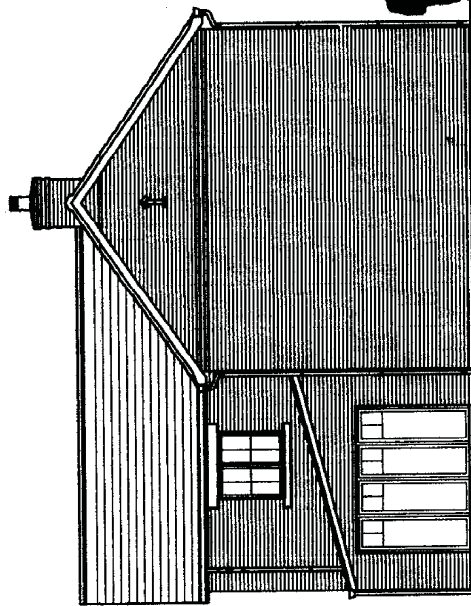
Proposed Front Elevation



Proposed Rear Elevation



Proposed Side Elevation

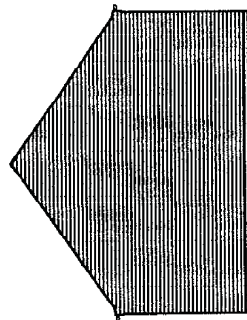


Proposed Side Elevation

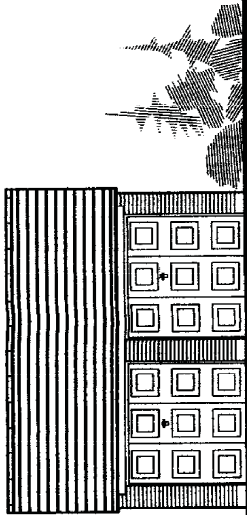
Drawn By	G. Tyler
Scale	1:100
Date	12th June 2014
Drawing No	MK / MOOR / ELEV
Rev	Rev A

Proposed New Detached 4 Bedroom House complete with Detached Double Garage
 to Land Adjacent to "Orchard Farm House", Moorhouse, Carlisle for Mr M. Kirkaldy

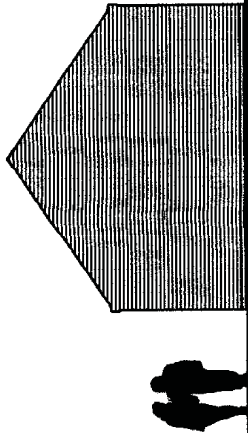
Rev.	Date	Description
A	12/06/14	Original Issue



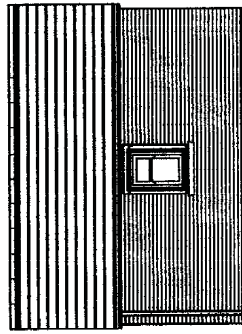
Proposed Side Elevation



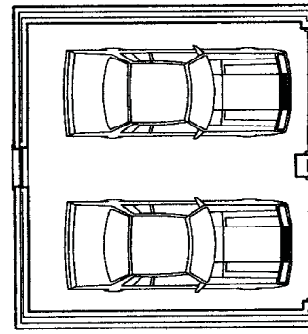
Proposed Front Elevation



Proposed Side Elevation



Proposed Rear Elevation



Proposed Floorplan

RECEIVED
- 8 JUL 2014
14/0594

WALLS
Brickwork (Red / Brown)
ROOF
Slates (Grey)
DOORS & WINDOWS
Upvc Double Glazed (White)
GARAGE DOOR
Proprietary Door (White)

Rev.	A	03/08/14	Date	Original Issue	Description	Proposed New Detached 4 Bedroom House complete with Detached Double Garage to Land Adjacent to "Orchard Farm House", Moorhouse, Carlisle for Mr M. Kirkaldy				Drawn By G.Tyler	
						Scale 1:100		Date 3rd August 2014		Drawing No MK / GARAGE / ELEV	
										Rev A	

SCHEDULE A: Applications with Recommendation

14/0555

Item No: 02

Date of Committee: 03/10/2014

Appn Ref No:
14/0555

Applicant:
Mulholland Butchers

Parish:
Orton

Agent:
H&H Land and Property

Ward:
Burgh

Location: Land To Rear Of Midtown Farm, Great Orton, Carlisle, CA5 6NA

Proposal: Erection Of A Single Wind Turbine (500kW), 50m Hub Height, 74m To Tip Height And Associated Substation Unit

Date of Receipt:
30/06/2014 16:03:59

Statutory Expiry Date
25/08/2014 16:03:59

26 Week Determination

REPORT

Case Officer: Shona Taylor

1. Recommendation

- 1.1 It is recommended that this application is approved with conditions.

2. Main Issues

- 2.1 The potential contribution of the scheme towards the generation of renewable energy
- 2.2 The impact of the proposed development on the landscape and visual character of the area including cumulative impacts
- 2.3 The impact on residential properties (noise and shadow flicker)
- 2.4 The impact on air safety with regard to Carlisle Airport and the Ministry Of Defence;
- 2.5 The impact upon ecology and nature conservation.

3. Application Details

The Site

- 3.1 The application site is located to the rear of Midtown Farm, in a field close to Watchtree Nature Reserve, which is located on the site of the former Great Orton Airfield, approximately 1km to the west of Great Orton and 2km

northeast of Wiggonby.

- 3.2 The site is located within open countryside with the predominant land use in the surrounding area being agriculture with scattered development. The land immediately around Midtown Farm is relatively flat with the local landscape continuing in a gently rolling characteristic.
- 3.3 The application site is located within a field approximately 900m to the west of the farm complex and is surrounded predominantly by agricultural land used for pasture. The adjoining fields are delineated by a combination of hedges, post and wire fences and occasional hedgerow trees.

The Proposal

- 3.4 The application seeks permission for the erection of 1no. 500kW wind turbine, which will have three blades, a hub height of 50m and a tip height of 74m.
- 3.5 Access to the turbine will be via an existing access road, but will require a new section of access track across the field.
- 3.6 The transformer for the turbine is located within the tower base, while two small container units will be located adjacent to the turbine. Connection cables to the local grid will be via underground ducting laid along the proposed and existing access roads.
- 3.7 The application is accompanied by a Design and Access Statement incorporated within the Planning Statement, an Ecological Appraisal, a Noise Impact Assessment, an Aviation Report, a Transport Assessment and a Landscape and Visual Impact Assessment.

4. Summary of Representations

- 4.1 This application has been advertised by means of site and press notices as well as notification letters sent to neighbouring properties. In response twenty four letters of objection have been received. The grounds of objection are summarised as;
 - 1. the turbine is of industrial scale;
 - 2. the cumulative effect will be unacceptable;
 - 3. this area is becoming dominated by turbines;
 - 4. the turbine near thursby is of a similar size, this is unacceptable;
 - 5. the cumulative noise will exceed ETSU and be unacceptable;
 - 6. there will be a huge landscape impact;
 - 7. loss of visual and residential amenity;
 - 8. there are too many turbines already close to the 6 at Watchtree;
 - 9. turbines are not just undesirable - they are dangerous;
 - 10. the small amount of electricity produced does not make up for the drawbacks;
 - 11. there are already 23 turbines in the vicinity of this application;

12. there is no capacity for any more turbines within Great Orton;
13. the noise already generated at watchtree is unacceptable at present;
14. these turbines are not single turbines for farms, they are too powerful and noisy;
15. the turbines are much larger than they need to be to produce 500kw.

5. Summary of Consultation Responses

Carlisle Airport: - no objections;
 Royal Society for the Protection of Birds: - no response received;
 National Air Traffic Services: - no objections;
 MOD Safeguarding: - no response received;
 Natural England: - no objections;
 Cumbria County Council - Highways & Transport: - no objections subject to conditions;
 Orton Parish Council: - object to the proposal on amenity, wildlife, landscape and cumulative grounds;
 Cumbria Wildlife Trust: - no response received;
 Ramblers Association: - no response received;
 Cumbria County Council - Highway Authority - Footpaths: - no response received;
 Local Environment - Environmental Protection: - no objections;
 Joint Radio Co: - no objections;
 Allerdale District Council: - no response received;
 Kirkbampton Parish Council: - object to the proposal on cumulative grounds and visual impact.

6. Officer's Report

Assessment

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 6.2 In this case the development plan comprises the saved policies of the Carlisle District Local Plan 2001-2016. Recent appeal decisions for turbines have confirmed that the policies of the Local Plan are consistent with the National Planning Policy Framework.
- 6.3 The National Planning Policy Framework (NPPF) which was adopted 27th March 2012 is also a material planning consideration in the determination of this application. The NPPF has a presumption in favour of sustainable development with 12 core planning principles which should underpin plan-making and decision-taking. Members should note that two of the core planning principles are to support the transition to a low carbon future in a changing climate, encouraging the use of renewable resources and recognising the intrinsic character and beauty of the countryside.
- 6.4 In terms of the Local Plan policies, Policies CP1 and DP1 require rural development proposals to conserve and enhance the special features and

diversity of the different landscape character areas. Policies CP2, LE2 and LE3 seek to ensure that development conserves and enhances the biodiversity value of areas. Policy CP8 deals with renewable energy and is permissive subject to a number of criteria including that there is no unacceptable visual impact on the immediate and wider landscape; measures are taken to mitigate any impacts on the living conditions neighbouring residents; and any new structure would be sensitively incorporated into the surrounding landscape and respect the local landscape character.

- 6.5 Members will be aware that the Regional Spatial Strategy for the North West (RSS), and the saved policies of the Cumbria and Lake District Joint Structure Plan 2001-2016 (SP) have been revoked. Nevertheless, the evidence base which underpinned the RSS in relation to targets for renewable energy capacity is still of relevance.
- 6.6 The Cumbria Wind Energy Supplementary Planning Document (2007) (SPD) includes an analysis of the capacity of different landscape types and sub-types to accommodate groups of wind turbines. The SPD is an important consideration even though it is not part of the development plan for the purposes of Section 38(6). The Landscape Character Assessment on which the Cumbria Wind Energy SPD is based was updated in 2011 as the Cumbria Landscape Character Guidance and Toolkit (LCGT). The LCGT describes the baseline landscape character of the landscape types and sub-types, and remains consistent with the SPD.
- 6.7 In this case the site lies within an area defined as being within category 5 (Lowland), sub-type 5a 'Ridge and Valley' and adjacent to sub-type 5b 'Low Farmland' in the Cumbria Landscape Character Assessment. The Cumbria Wind Energy Supplementary Planning Document indicates that this landscape type has moderate landscape capacity to accommodate a small group of 3-5 turbines or exceptionally a large group of 6-9 turbines
- 6.8 Paragraph 215 of the NPPF highlights that due weight should be given to policies in such existing development plans according to their degree of consistency with the Framework. Paragraph 6 confirms that the policies set out in paragraphs 8 to 219 of the Framework, taken as a whole, constitute the meaning of sustainable development. Paragraph 14 identifies the relevant decision-taking test by highlighting the presumption in favour of sustainable development (the "golden thread"), and that, for decision-taking, this means approving development proposals that accord with the development plan; and where the development plan is absent, silent or out of date, grant permission unless:
1. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits; or
 2. specific policies in this Framework indicate development should be restricted.
- 6.9 Paragraph 17 of the NPPF identifies 12 core planning principles including taking account of the different roles and character of different areas; supporting the transition to a low carbon future; contribute to conserving and enhancing the natural environment and reduce pollution; and conserve

heritage assets.

- 6.10 Policies of specific relevance in the Framework regarding renewable energy are set out in Section 10 (paragraphs 93 – 108). In particular paragraph 97 states that Local Planning Authorities should:

“design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts”.

- 6.11 Paragraph 98 goes on to state that:

“...approve the application [unless material considerations indicate otherwise] if its impacts are (or can be made) acceptable.”

- 6.12 The planning system should contribute to and enhance the natural and local environment by, for example protecting and enhancing valued landscapes; minimise impacts on biodiversity and providing net gains where possible; and preventing both new and existing development from contributing to or being put at unacceptable risk from or adversely affected by noise pollution (para. 109).

- 6.13 The Planning Practice Guidance for Renewable and Low Carbon Energy (PPGRLCE) amplifies national policy. However, whereas paragraph 5 of the Framework explains that all communities have a responsibility to help increase the use and supply of green energy, the PPGRLCE confirms that the views of local communities likely to be affected should be listened to (para.5). The document also includes specific guidance at paragraphs 22 and 23 on the assessment of landscape and visual impacts from wind turbines. Paragraph 15 of the PPGRLCE also explains that the document “The assessment and rating of noise from wind farms” (ETSU-R-97) should be used when assessing and rating noise from wind energy development. The Department for Energy and Climate Change also endorses the “Good Practice Guide on the Application of ETSU-R-97 for the Assessment and Rating of Wind Turbine Noise” that was published by the Institute of Acoustics.

- 6.14 The 2007 European Union Common Energy Policy includes a binding target of 20% of overall energy to be produced from renewable by 2020 and a 20-30% reduction in greenhouse gases. The Climate Change Act 2008 set a legally binding target to reduce greenhouse gas emissions by at least 80% by 2050 and reductions in CO₂ emissions of some 26% by 2020 against a 1990 base. In 2009, EU Directive 2009/28/EC set out a requirement of 35% of electricity to be produced from renewable. This directive sets out the contribution from each member state with the UK set to produce 15% of all energy from renewable sources by 2020. The 2009 Renewable Energy Strategy highlights a need to radically increase our use renewable electricity and notes that the 15% binding target requires a seven fold increase in the share of renewable in less than a decade.

- 6.15 The National Policy statements reiterate the key role that renewable

electricity production has in meeting the 15% target by 2020. Of all the renewable energy sources, onshore wind is recognised as the most well established and most economically viable source of renewable electricity available for future large scale deployment in the UK.

6.16 When assessing this application it is considered that there are five main issues, namely:

1. The potential contribution of the scheme towards the generation of renewable energy
2. The impact of the proposed development on the landscape and visual character of the area including cumulative impacts
3. The impact on residential properties (noise and shadow flicker)
4. The impact on air safety with regard to Carlisle Airport and the Ministry Of Defence
5. The impact upon ecology and nature conservation

6.17 Addressing these issues in turn:

1. The Potential Contribution Of The Scheme Towards The Generation Of Renewable Energy

6.18 As stated above the NPPF indicates that Local Planning Authorities should not require applications for energy development to demonstrate the overall need for renewable energy and should recognise that even small-scale projects provide a valuable contribution to cutting green house gas emissions.

6.19 There were previously regional and sub regional renewable energy targets within the North West of England Regional Spatial Strategy and the Cumbria and Lake District Joint Structure Plan however these documents have now been revoked.

6.20 Notwithstanding the revocation of the RSS it is acknowledged that much of the evidence that underpins the targets of the RSS with regard to renewable energy is still relevant.

6.21 The Climate Change Act (2008) set legally binding carbon budgets for the UK which aim to reduce UK carbon dioxide emissions by 34% by 2020 and, in line with European guidelines, at least 80% by 2050. The UK Renewable Energy Strategy 2009 includes a target of delivering more than 30% of our electricity generated from renewable sources by 2020. In addition to these targets it is acknowledged that the NPPF includes a strong message that we should promote and support the delivery of renewable and low carbon energy and associated infrastructure in moving towards a low carbon economy. Wind energy is widely considered to be a proven, viable and rapidly developing energy technology, with the UK having access to 40% of the entire European wind resource (EN-1).

6.22 The landscape of Carlisle District is not immune from the effects of climate change and the landscape, in the vicinity of the proposed turbine and

elsewhere, will not survive, in the future, unless the serious effects of climate change are addressed.

- 6.23 The proposal will provide a total installed capacity of 500Kw. The Design and Access Statement indicates that the turbine would produce carbon free electricity to the grid. The proposal will therefore provide a contribution to meeting energy needs for the UK which would help address the impacts of climate change.

2. The Impact Of The Proposed Development On The Landscape And Visual Character Of The Area Including Cumulative Impacts

- 6.24 As stated above, the NPPF indicates that Planning Authorities should approve applications if the impacts are, or can be made, acceptable. The NPPF explains that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. Paragraph 118 indicates that if significant harm resulting from a development cannot be avoided, adequately mitigated, or, as a last resort compensated for then planning permission should be refused. The NPPF also indicates that great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Area of Outstanding Natural Beauty (AONBs).

- 6.25 It is important that a distinction is drawn between i) landscape impacts that relate to the characteristics of the landscape; and ii) visual impacts on receptor points (houses and rights of way etc) that relate to individual outlooks within that landscape. These issues are separately discussed as follows:

6.26 i) Landscape

The application site is within an area defined as being within category 5 (Lowland), sub-type 5a 'Ridge and Valley' and adjacent to sub-type 5b 'Low Farmland' in the Cumbria Landscape Character Assessment. The Cumbria Wind Energy Supplementary Planning Document indicates that this landscape type has moderate landscape capacity to accommodate a small group of 3-5 turbines or exceptionally a large group of 6-9 turbines. As such it is clear that the proposed turbine is within the size limits suggested for this landscape type.

- 6.27 The site where the turbine is to be located comprises relatively flat pasture land in an agricultural landscape with field boundaries being mainly hedgerows with occasional mature hedgerow trees. Small woodland blocks and shelter belts are dispersed across the study area.
- 6.28 The local landscape continues in a gently rolling characteristic and is largely farmed pasture. Several settlements, farms, dwellings and pockets of woodland are dotted throughout the landscape. The landscape is typical of lowland agricultural land in north-west Cumbria, but has been influenced by development, including other wind turbine developments, the electricity pylons which run to the south of the site and the A595 and A596 corridors.

- 6.29 Great Orton Airfield is home to an existing 6 turbine wind farm (68.5m to tip) immediately adjacent to the proposed development site. Consent has been given for a turbine in the adjacent field, approximately 200m from this site, there are also three turbines 3.4km to the south east adjacent to Orton Grange Farm.
- 6.30 The applicants' Landscape and Visual Impact Assessment (LVIA) states that the rolling lowland nature of the landscape in the study area means that new additions to the landscape can potentially be seen from some distance. However, it goes on to say that existing woodland, roadside vegetation and localised landform undulations offer screening from many viewpoints.
- 6.31 The Officer is in agreement with the findings of the submitted LVIA, that, within the local context, the turbines would appear as a prominent feature but would not cause unacceptable harm to the local landscape character, a broad and expansive coastal landscape that is already characterised by other large scale man made features.
- 6.32 ii) Visual Impact
- With regards to visual impact it is important to make a distinction between something that is visible as opposed to being prominent and oppressive. It is noted that right to a view is not a material planning consideration and the focus of the planning system is to regulate the use and development of land in the public interest.
- 6.33 When assessing visual impact upon occupiers of neighbouring properties it is also important to apply the "Lavender Test". It is noted that outlook from a private property is a private interest rather than a public interest however in 3 previous appeal decisions; North Tawton (Denbrook), Enifer Downs and Shooters Bottom, Inspector Lavender indicated that where turbines are present in such number, size and proximity that they represent an unpleasantly, overwhelming and unavoidable presence in a main view from a house or garden, there is every likelihood that the property concerned would come to be widely regarded as an unattractive and unsatisfactory place to live. It is therefore not in the public interest to create such living conditions where they did not exist before.
- 6.34 In relation to the impact on the visual amenities of residential properties it is noted that there are various clusters of settlements, along with scattered residential properties in the surrounding area, particularly but not exclusively those located adjacent to the roads immediately to the north, south and east of the site. The closest residential properties are over 800m away from the proposed turbine.
- 6.35 Whilst it is accepted that some dwellings in the vicinity would experience direct views of the turbine from primary windows or gardens, it is the Officers view that the separation distances are such that the turbine could not be said to be overbearing or dominant. As such it is considered that the turbine would not cause a sufficient demonstrable harm on the living conditions of the

occupiers of these properties to warrant refusal of the application on this basis.

6.36 iii) Cumulative Impact

Cumulative landscape and visual effects can arise in three distinct ways: Extension effects, Combined effects and Sequential effects. The LVIA carried out by the applicants has taken into account all three types of Cumulative Effect. The most relevant to this proposal is 'extension effects'. This is the effect of an extension of an existing development or the positioning of a new development such that it would give rise to an extended and/or intensified impression of the original wind farm in the landscape as seen from fixed locations.

6.37 It is considered that the siting of the proposed turbine is such that there would be an extension effect to both the existing turbine at Midtown, located in an adjacent field and the existing 6 turbines at Great Orton. The two turbines will be viewed in context of each other, as they are of the same scale, height and design. With relation to the Orton wind farm, in most instances, the proportion of wind farm visible will not be extended as the proposed turbine will be viewed amongst the existing turbines. As such the extension cumulative effect is considered to be slight.

6.38 In conclusion, it is considered that the cumulative visual effect, is predicted to be slight to moderate, and not significant. Due to the comparable size, scale and design of the turbines, along with the distances between the turbines and the surrounding residential properties, it is considered that from most viewpoints the proposed turbine will register in the view as being part of the existing wind farm, limiting the visual impact.

6.39 It is acknowledged that visual impact reduces with distance. As such, with regard to other turbines which are visible from the A595 corridor, including Hellrigg, Westnewton, High Pow, Bothel, East Farm End, Lowca, Flimby, Tallentire, Siddick and Winscales amongst others, it is considered that the addition of this proposed single turbine would have a minimal visual impact upon the users of the A595.

3. The Impact On Residential Properties (Noise And Shadow Flicker)

6.40 The NPPF indicates that planning decisions should aim to avoid noise giving rise to significant adverse impacts on health and quality of life. The NPPF also indicates that in determining planning applications for wind energy planning authorities should follow the approach set out in the National Policy Statement For Renewable Energy Infrastructure (read with relevant sections of the Overarching National Policy Statement For Energy Infrastructure). The aforementioned documents indicate that the impact of noise from a wind farm should be assessed using "The Assessment And Rating Of Noise From Wind Farms (ETSU-97)".

6.41 The recommended absolute noise levels within ETSU-R-97 cover two time periods: i) the quiet daytime period (defined as between 18.00 and 23.00

hours during the normal working week, between 13.00 and 23.00 hours on a Saturday and all day during Sunday, 07.00 to 23.00 hours); and ii) the night-time period (defined as between 23.00 and 07.00 hours). The absolute limit within ETSU-R-97(in low noise environments) lies between levels of 35 to 40 dB at LA90, 10 min day time level. The actual value chosen within this range should depend on the number of dwellings in the neighbourhood of the wind farm, the effects of noise limits on the number of kWk generated together with the duration and level of exposure. The guidance in ETSU-R-97 states that noise limits from wind farms should be limited to 5dB (A) above background noise levels for day/night time with the exception of low noise environments. The fixed limit for night-time is 43dB (A).

- 6.42 A Noise Impact Assessment has been undertaken and submitted along with this application. Environmental Services have been consulted on this information and have raised no objections. Relevant noise conditions have been included to ensure that the turbine operates in accordance with ETSU-R97.

- 6.43 Shadow flicker is an effect that can occur when the shadow of a moving wind turbine blade passes over a small opening briefly reducing the intensity of light within the room. It is recognised as being capable of giving rise to two potential categories of effects: health effects and amenity effects. In terms of health effects, the operating frequency of the wind turbine is relevant in determining whether or not shadow flicker can cause health effects in human beings. The proposed specification of turbine will have an operating frequency of less than 60 rpm which is less than the frequency capable of giving rise to health effects.

- 6.44 Research and computer modelling on flicker effects have demonstrated that there is unlikely to be a significant impact at distances greater than ten rotor diameters from a turbine (i.e.430 metres in this case). The companion guide to PPS22 which is still relevant in terms of flicker effect indicates that in the UK only properties within 130 degree either side of north, relative to a turbine can be affected by Flicker Effect. No residential properties are located within this distance. In such circumstances it is not considered that the turbine would have an adverse impact upon any occupiers of neighbouring properties in terms of shadow flicker.

- 4. Air Safety: Carlisle Airport And Ministry Of Defence

- 6.45 Following receipt of a detailed aviation assessment Carlisle Airport have confirmed no objections to the proposal.

- 6.46 The Ministry Of Defence have not responded to the consultation, but in the interests of air safety the standard condition requiring aviation lighting to be fitted has been included (i.e. 25 candela omni-directional red lighting or infrared lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms duration at the highest practicable point).

- 6.47 In relation to the above, the proposed development is unlikely to have an adverse impact upon air safety.

5. Impact Upon Local Ecology And Nature Conservation

- 6.48 When considering whether the proposal safeguards the biodiversity and ecology of the area it is recognised that Local Planning Authorities must have regard to the requirements of the EC Habitats Directive (92/43/EEC) when determining a planning application as prescribed by regulation 3 (4) of the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended), and Article 16 of the Habitats Directive before planning permission is granted. Article 16 of the Directive indicates that if there is reasonable likelihood of a European protected species being present then derogation may be sought when there is no satisfactory alternative and that the proposal will not harm the favourable conservation of the protected species and their habitat. In this case, the proposal relates to the siting of a wind turbine within agricultural land currently used as grazing.
- 6.49 An extended Phase 1 Habitat Survey (Ecological Appraisal) has been undertaken which included a desk-top survey and field survey. The study identifies that there is a low potential for a negative impact to any protected species from the proposed work. There will be no loss of notable or protected habitat.
- 6.50 Natural England has been consulted on the proposed development and has raised no objections to the proposal.
- 6.51 Taking into account the proposed development, its location and surroundings it is considered that there should be no significant effects from the proposal, and that there would be no harm to the favourable conservation of any protected species or their habitats. If Members are minded to approve the application it is recommended that advisory notes are imposed within the Decision Notice with regard to protected species and a condition is imposed within the Decision Notice regarding no construction works during the breeding bird season.

Other Matters

- 6.52 The proposal has been considered against the provisions of the Human Rights Act 1998. Article 8 and Article 1 Protocol 1 are relevant but, based on the foregoing; it is not considered that any personal considerations out-weigh the harm created by the development.

Conclusion

- 6.53 In conclusion the proposal involves the erection of a single turbine to offset the farms carbon footprint with spare capacity feeding into the grid.
- 6.54 National planning policy promotes targets for renewable energy and looks to Local Authorities to support proposals for renewable energy developments which do not have unacceptable impacts.
- 6.55 Taking account of the scale and technical specifications of the proposal, as

well as the levels of screening from nearby properties, the existing turbines, along with the electricity pylons to the south of the site, it is considered that the turbine will not have a detrimental effect on the character of the landscape or cause unacceptable harm to the living conditions of neighbouring residents.

- 6.56 It is considered that the proposed development accords with the provisions of the Carlisle District Local Plan 2001-2016 and, as there are no material considerations which indicate that it should be determined to the contrary, it will be determined in accordance with the Local Plan and, as such, is recommended for approval subject to the imposition of appropriate conditions.

7. Planning History

- 7.1 Planning Permission was granted in 2012 for the erection of a single wind turbine (500kW), 50m hub height, 74m to tip height and associated substation units within an adjacent field (application reference 12/0345).

8. Recommendation: Grant Permission

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

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

2. The approved documents for this Planning Permission comprise:

1. The Planning Application Form received 30th June 2014;
2. The Site Location Plan (1 of 2) received 30th June 2014;
3. The Site Location Plan (2 of 2) received 30th June 2014;
4. The site location plan received 30th June 2014;
5. The Turbine Elevation Drawing received 30th June 2014;
6. the substation plans and elevations received 30th June 2014;
7. The Planning Statement (Incorporating Design and Access Statement) received 30th June 2014;
8. the wind turbine aviation report received 30th June 2014;
9. The Noise Impact Assessment Report received 30th June 2014;
10. The Ecological Appraisal received 30th June 2014;
11. The Landscape and Visual Impact Assessment Report received 30th June 2014;
12. The transport statement received 30th June 2014;
13. The ZVI summary received 30th June 2014;
14. The photo montages received 30th June 2014;
15. the Notice of Decision; and
16. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: For the avoidance of doubt.

3. If the turbine hereby permitted ceases to be operational for a continuous period of 12 months the operator shall give notice in writing to the local planning authority of the date this event occurs. Unless the local planning authority gives notice in writing to the contrary the use shall cease and the turbine and all components, listed in condition 2 above, shall be removed from the site within 6 months of the date notified to the local planning authority for the purposes of this condition.

Reason: In the interests of the visual amenity of the area and to accord with the objectives of Policies CP1 and CP8 of the Carlisle District Local Plan 2001-2016.

4. The permission hereby granted is for the proposed development to be retained for a period of not more than 25 years from the date when electricity is first supplied to the grid. The local planning authority shall be notified in writing of the date of the commissioning of the wind turbine. By no later than the end of the 25 year period the turbine shall be de-commissioned, and it and all related structures shall be removed from the site which shall be reinstated to its original condition.

Reason: In the interests of the visual amenity of the area and to accord with the objectives of Policies CP1 and CP8 of the Carlisle District Local Plan 2001-2016.

5. The hard standings and means of access shall be constructed in accordance with the approved details before any other part of the development commences, and upon completion of the construction works the area shall be cleared of all plant, debris and any other items and the land shall be returned to its former condition (with a small area retained for maintenance purposes) within 6 months thereafter in accordance with details submitted to and approved in writing beforehand by the local planning authority.

Reason: To safeguard the character of the area, highway safety, and the living conditions of local residents in accordance with Policies CP5 and CP6 of the Carlisle District Local Plan 2001-2016.

6. No logos, advertisements, lettering, lights or other information (other than that required for health and safety purposes or required for legal reasons including aviation safety) shall be displayed on the turbine, nor shall it be illuminated without the prior written approval of the local planning authority.

Reason: To safeguard the character of the area in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

7. The level of noise emissions from the turbine hereby permitted when measured in free field conditions at the boundary of the nearest noise sensitive receptor which lawfully exists or has planning permission for

construction at the date of this planning permission, or measured closer to the turbine and calculated out to the receptor in accordance with a methodology previously approved in writing by the local planning authority, shall not exceed 35 dB LA90,10min up to wind speeds of 10 m/s measured at a height of 10 m above ground level at a specified location near to the turbine which has been previously approved in writing by the local planning authority.

Reason: To minimise any potential adverse impact on nearby occupiers and in accordance with the objectives of Policy CP8 (Criteria 4) of the Carlisle District Local Plan 2001-2016.

8. Within 28 days from the receipt of a written request from the Local Planning Authority, following a complaint to it the wind farm operator shall, at the wind farm operators expense, employ an independent consultant approved by the Local Planning Authority to assess the level of noise emissions from the wind farm at the complainant's property following the procedures described in 'The Assessment and Rating of Noise from Wind Farms, ETSU-R-97'.

Reason: To minimise any potential adverse impact on nearby occupiers and in accordance with the objectives of Policy CP8 (Criteria 4) of the Carlisle District Local Plan 2001-2016.

9. Upon notification in writing of an established breach of the noise limits the wind farm operator shall within 28 days propose a scheme to the Local Planning Authority to mitigate the breach and to prevent its future occurrence. This scheme shall specify the timescales for implementation.

Reason: To minimise any potential adverse impact on nearby occupiers and in accordance with the objectives of Policy CP8 (Criteria 4) of the Carlisle District Local Plan 2001-2016.

10. No construction works of any kind shall take place during the breeding bird season (1st March - 31st August) unless the absence of nesting birds has been established through a survey and such survey has been agreed in writing beforehand by the Local Planning Authority.

Reason: To protect features of recognised nature conservation importance in accordance with Policy CP2 of the Carlisle District Local Plan 2001-2016.

11. Development shall not be begun until a Construction Method Statement including details of all on-site construction works, post-construction reinstatement, drainage, mitigation, and other restoration, together with details of their timetabling has been submitted to and approved by the local planning authority and shall include measures to secure:

- formation of the construction compound and access tracks and any areas of hardstanding;
- dust management;

- cleaning of site entrances and the adjacent public highway;
- temporary site illumination;
- disposal of surplus materials;
- method of working cable trenches the erection of the meteorological mast;
- the sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;
- soil storage and handling;
- post-construction restoration/reinstatement of the working areas

The Construction Method Statement shall be carried out as approved.

Reason: In the interests of highway safety.

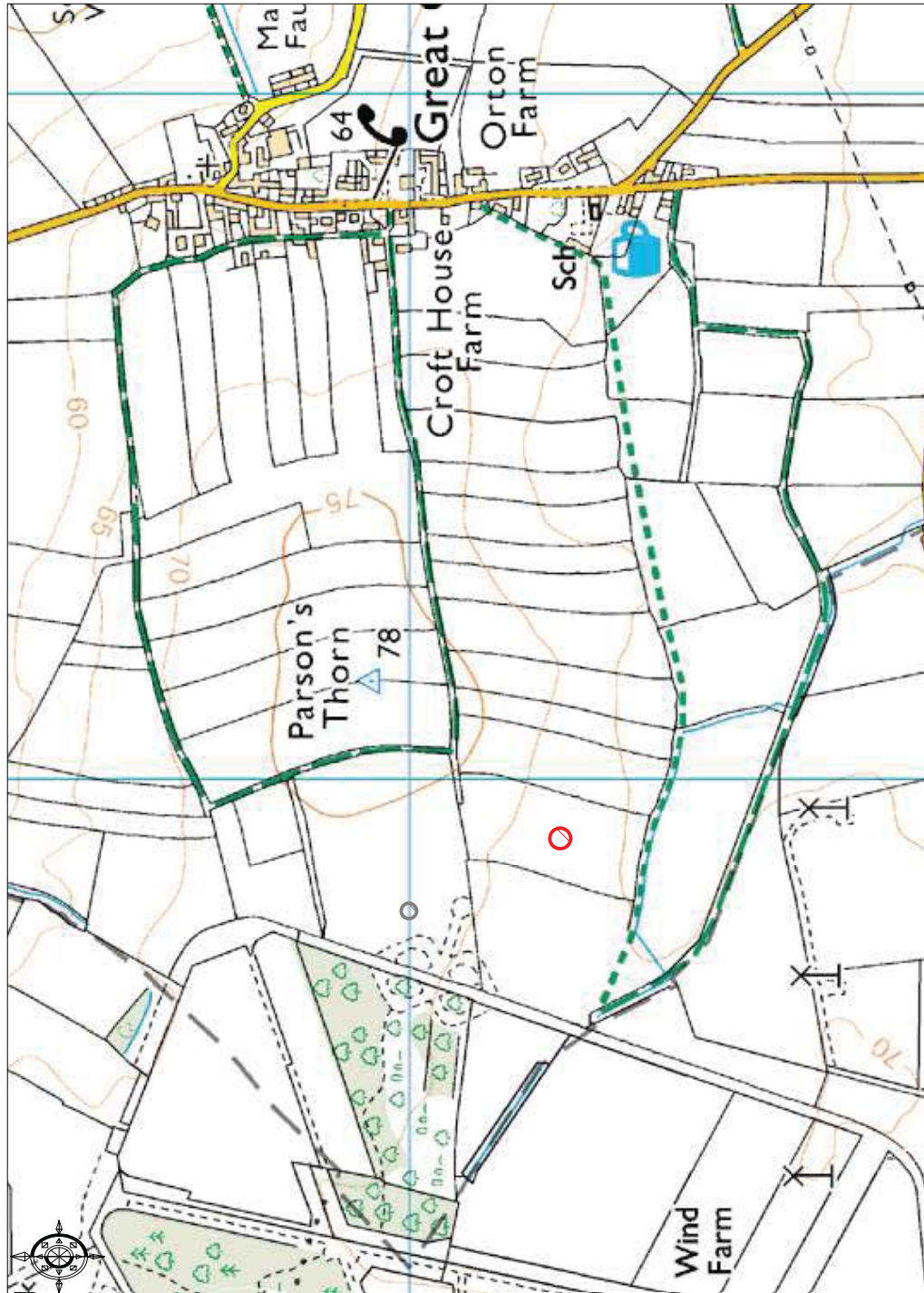
12. Development shall not be begun until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the local planning authority. The CTMP shall include details of:

- the construction of the site access and the creation, positioning and maintenance of associated visibility splays;
- access gates will be hung to open away from the public highway no less than 10m from the carriageway edge and shall incorporate appropriate visibility displays;
- proposed accommodation works and where necessary a programme for their subsequent removal and the reinstatement of street furniture and verges, where required, along the route;
- the pre-construction road condition established by a detailed survey for accommodation works within the highways boundary conducted with a Highway Authority representative;
- details of road improvement, construction specification, strengthening, maintenance and repair commitments if necessary as a consequence of the development;
- details of proposed crossings of the highway verge;
- retained areas for vehicle parking, manoeuvring, loading and unloading for their specific purpose during the development;
- the surfacing of the access roads from the public highway into the site shall extend for a minimum of 25m;
- construction vehicle routing;
- the dimensions of turbines and associated components;
- the management of junctions to and crossings of the public highway and other public rights of way/footway;
- the scheduling and timing of movements, details of escorts for abnormal loads, temporary warning signs and banksman/escort details.

Development shall be carried out in accordance with the approved CTMP.

Reason: In the interests of Highway Safety.

MIDTOWN FARM PROPOSED TURBINE LOCATION PLAN
MUL01

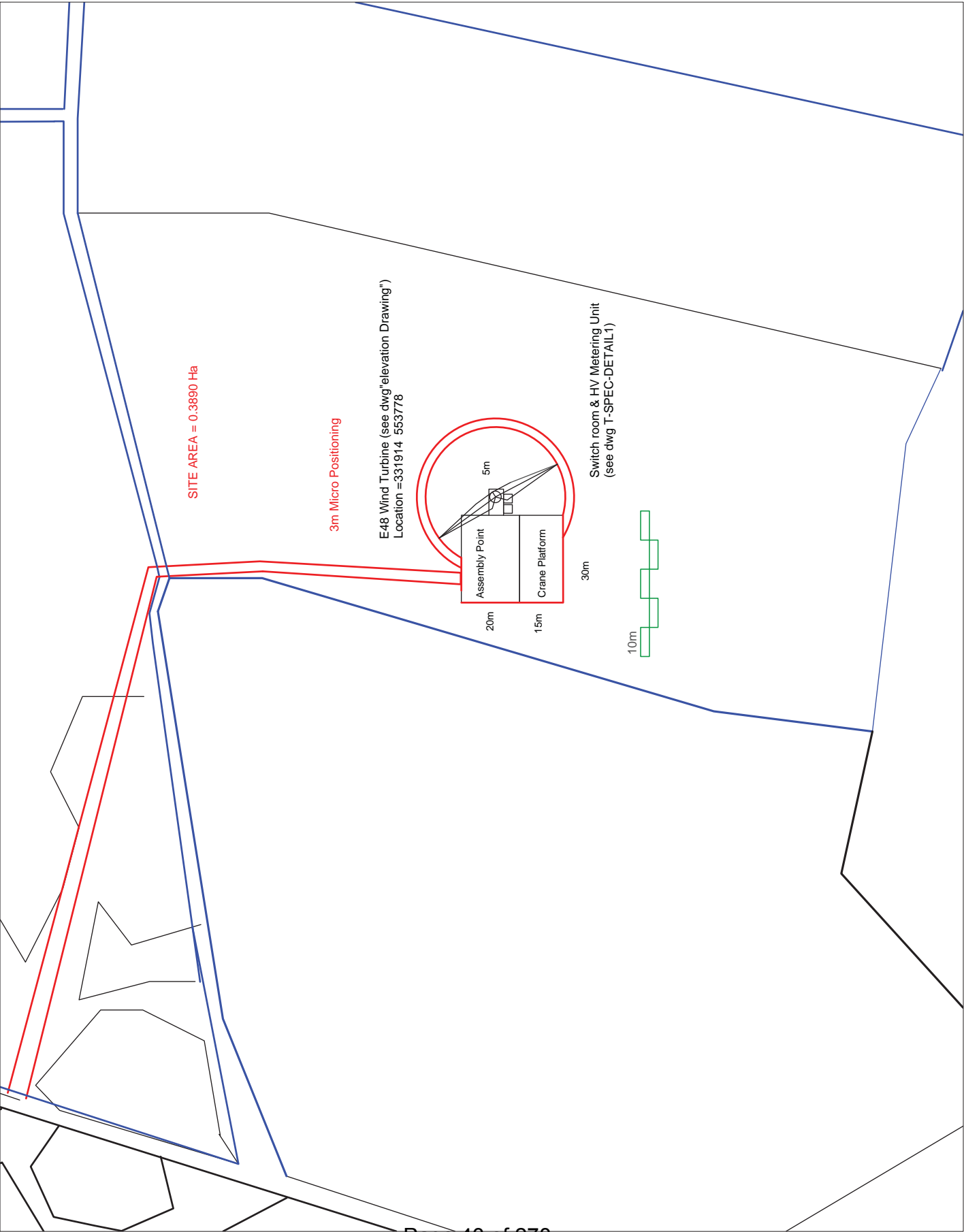


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SCALE 1:10 000

Extent of Application Site
Extent of land ownership
3m Micro Positioning



Planning

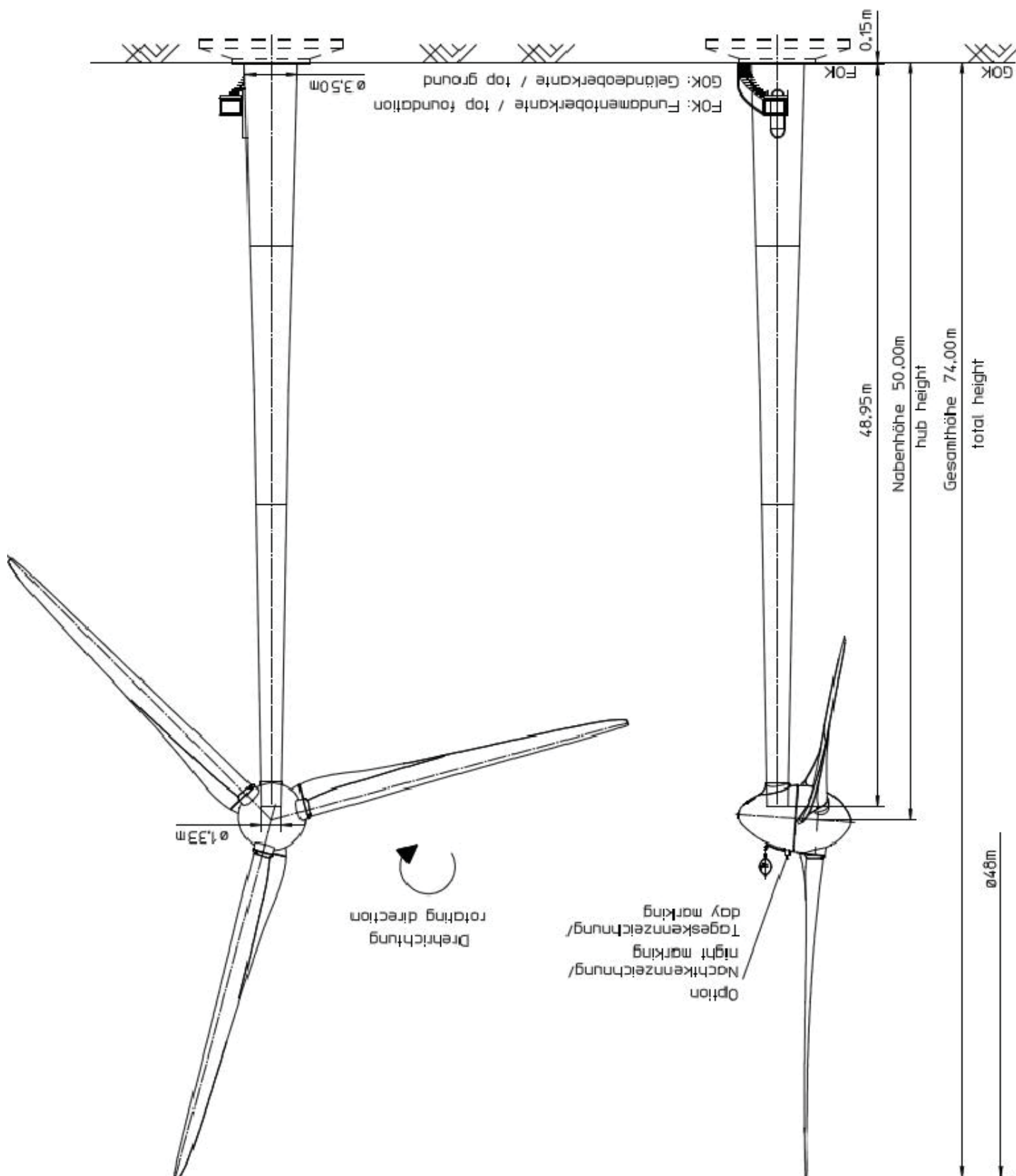


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Client	Mulholland
Project	Midlow Farm
Title	Wind Turbine
Drawn	FEHR
Date	23/06/2014
Scale (if A3)	1:100
Drawn No	1
Revision No	

TITLE: Elevation Drawing
TURBINE MODEL: Enercon E48 with 50m hub Height and 48m Blade Diameter
SCALE: 1:250



NOTES:

The housing is to be brick of block outer skin to match surroundings with GRP or steel roof construction of similar colour to the nearby buildings

Vent arrangements may need altering following confirmation of the internal equipment arrangement.

Rev	Date	Details Of Issue	Initials

Status

Planning



Tel: 01228 406 260

Email: felicity.robson@hland.co.uk Web: www.hland.co.uk

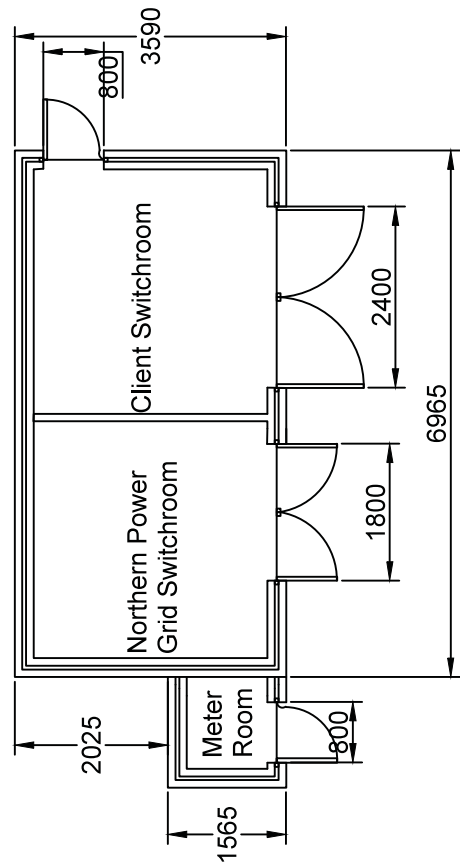
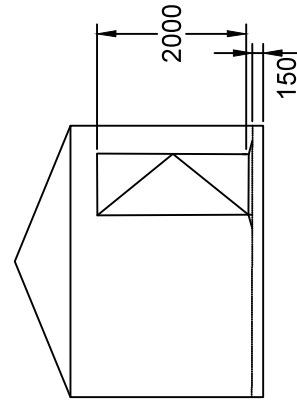
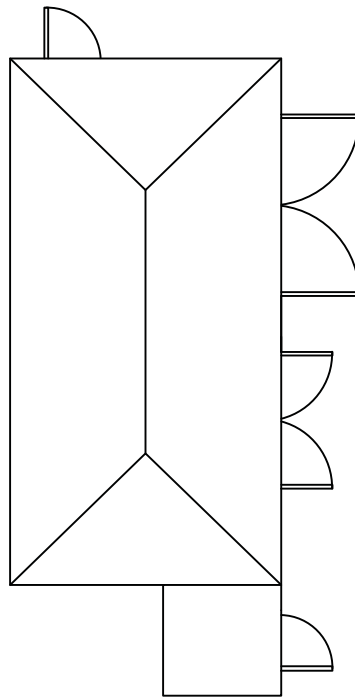
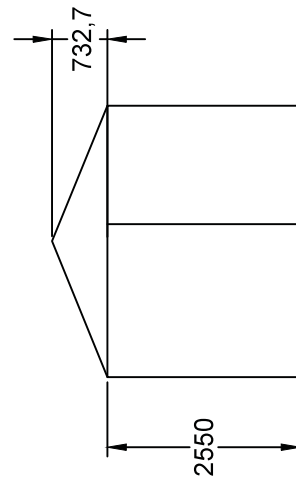
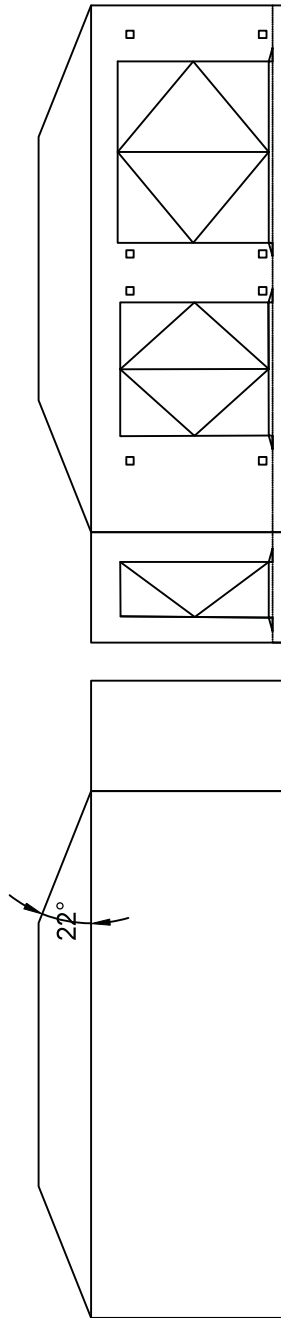
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Client
Mulholland

Project
Midtown Farm

Title
Generic Combined Intake Substation

Drawn	Date	Scale (as A4)	Revision No.
FEHR	27.06.14	1:100	1



SCHEDULE A: Applications with Recommendation

14/0472

Item No: 03

Date of Committee: 03/10/2014

Appn Ref No:
14/0472

Applicant:
Citadel Estates Ltd

Parish:
Wetheral

Agent:
Holt Planning Consultancy
Ltd

Ward:
Wetheral

Location: Skelton House, Wetheral, Carlisle, CA4 8JG

Proposal: Variation Of Condition 2 (Approved Documents) Of Previously Approved
Permission 10/1066 (Revised Application)

Date of Receipt:
09/06/2014

Statutory Expiry Date
08/09/2014

26 Week Determination

REPORT

Case Officer: Richard Maunsell

1. Recommendation

- 1.1 It is recommended that this application is approved subject to legal agreement for a Deed of Variation to the S106 Agreement. If the variation is not completed within a reasonable time, then Authority to Issue is requested to the Director of Economic Development to refuse the application.

2. Main Issues

- 2.1 Principle Of Development
2.2 The Scale, Layout And Design Of The Development And The Impact On The Wetheral Conservation Area And The Adjacent Listed Building
2.3 The Impact Of The Proposal On The Living Conditions Of Neighbouring Residents

3. Application Details

The Site

- 3.1 This application seeks consent for the variation of a planning condition on land previously occupied by Skelton House and its associated buildings,

which are located at the northern extent of Pleasant View in Wetheral, to enable the erection of 15 apartments. The application site is situated within the Wetheral Conservation Area and a Grade II Listed Property, known as Acorn Bank, is located immediately to the east of the site. The surroundings to the site are wholly residential with the exception of the agricultural land that lies beyond the northern boundary.

Background

- 3.2 The site was vacant following the demolition of Skelton House, a former farmhouse, with an attached two storey barn, detached stables and two polytunnels, which were associated with its former use as a commercial nursery; however, building work has since commenced.
- 3.3 Planning permission and conservation area consent were granted in 2012 and 2011 respectively for the demolition of the buildings together with the redevelopment of the site to provide a 3 storey building comprising of 15 apartments together with associated car parking.
- 3.4 The site has been subject to 3 further applications for Minor Material Amendments to vary condition 2 of the planning consent granted in 2012 and allow the substitution of the site layout and fenestration details. These applications have been refused by Members of this Committee with the principle reasons being:

“The proposal, by virtue of its scale, massing and position within the site, does not respond to the local context and form of surrounding building in relation to height, scale and massing. The siting of the proposed building would differ from the approved scheme and would be inappropriate to its prominent location in the Wetheral Conservation Area. The proposal is therefore contrary to criteria 1 of Policy CP5 (Design), criterion 2, 3 and 4 of Policy H1 (Location of New Housing Development) and criterion 1 and 2 of Policy LE19 (Conservation Areas) of the Carlisle District Local Plan 2001-2016.

The proposed building would be located adjacent to neighbouring residential properties. In this instance, by virtue of the number of proposed windows serving habitable rooms on the east and west elevations of the building, the development would result in overlooking and a significant loss of privacy to the occupiers of the neighbouring properties. The proposed windows would also conflict with the Council's required minimum distances. The proposal is therefore contrary to criteria 5 of Policy CP5 (Design) of the Carlisle District Local Plan 2001-2016 and the objectives of the Supplementary Planning Document “Achieving Well Designed Housing”.

To the east of the application site is Acorn Bank which is a 2 storey Grade II listed building. Due to the proximity of the proposed building, together with its scale and mass, the development would fail to preserve the character or setting of the adjacent listed building. The proposal would be unsympathetic in scale and character and would adversely affect the appearance and setting of Acorn Bank, contrary to the Policy LE12 (Proposals Affecting

Listed Buildings) of the Carlisle District Local Plan 2001-2016.”

- 3.5 Earlier this year, the applicant lodged an appeal against the first 2 refused applications. The Inspector found that the relevant planning issues to be considered were the impact on the conservation area and adjacent listed building and the impact on the living conditions of the occupiers of the neighbouring properties. The Inspector concluded that with regard to the impact on the conservation area and the listed building, the proposed development (relating to both appeals), would neither preserve the character and appearance of the conservation area nor preserve the setting of the listed building. A copy of the appeal decision is reproduced following this report.

The Proposal

- 3.6 When planning permission was granted in 2012 for the redevelopment of the site, the consent was subject to a number of planning conditions. Of relevance to this application is condition 2 which detailed the list of approved drawings. The current application seeks consent to vary this condition and effectively substitute these drawings with the current proposal and thereby introduce a series of changes to the scheme. In response to the reasons for refusal given by the Council to the previous applications for the variation of condition 2, the applicant has produced a summary of the changes as follows:

“Broadly, [the application] maintains the material reductions to the massing and scale of the building but returns to 10/1066 by:

- returning to incorporating hipped roofs on secondary elements;
- returning to an active front door;
- returning to an external bin-store;
- reiterating increased landscaping especially alongside Caerluel.”

- 3.7 The application drawings were later revised with the changes described by the agent as:

- asymmetry has been reintroduced to the south elevation by moving the stone quoins to the central block so that the corners are no longer positioned symmetrically about the centre of the building. The roof nearest Acorn Bank is therefore longer and the roof nearest Caerleul is shorter (as per the approved scheme);
- the materials to the south elevation have been altered so that they match exactly the materials on the extant approved design;
- the height of the chimneys has been slightly increased;
- the ground floor doors to Units 2 and 3 that are accessible from the front street have been removed and replaced by windows to match the extant scheme (including the gate stoops to these entrances);
- the circular window in the central bay has been removed;
- the front door opening has been altered to look more exactly like the front door of the extant approved scheme.

- 3.8 Since then, additional roof lights have been inserted. Further revisions proposal alterations to the fenestration, window openings, the omission of the central entrance door and accentuated gables to the frontage.

4. Summary of Representations

- 4.1 This application has been advertised by means of a site notice, a press notice and direct notification to the occupiers of 133 of the neighbouring properties. In response, 64 letters of objection have been received and the main issues raised are summarised as follows:

The Principle Of Development

1. this is a new proposal and should not be considered as a variation to the planning permission as the foundations laid exceed the size of the approved building by a third;
2. the current proposal represents an increase in gross footprint of 21% and a floor area of 25% larger which can't be considered as amendment as previously confirmed by the Council;

Scale And Massing/ The Impact On The Character Of The Area

3. the proposal still fails to respond to the local context and the form of the surrounding building in height, scale, massing and position on the site;
4. the enlargement of the site means that it is not in keeping with the scale and character of the village or the impact on the conservation area;
5. the height of the building is substantially higher than the approved scheme;
6. the eaves and ridge height on the south elevation are substantially higher and bear no relationship to Acorn Bank;
7. the revised application remains the same height and mass as the refused application and has significantly more height and mass compared to the approved scheme;
8. the building is oversized, domineering and unsympathetic to the surrounding area;
9. the installation of roof lights implies an additional floor and more flats;
10. the bay window on Acorn Bank is exaggerated leading the Council to assume that the proposed forward position of the building is better than it actually is;
11. the changes to the building are designed to optimise the value of the property;
12. the building is too close to the site boundaries;
13. there is no provision within the building for emergency escape in the event of a fire;
14. the scale and massing will adversely affect the setting of the adjacent listed building;
15. much of the planting has been lost at the expense of the increased size of the building;

Highway/ Parking Issues

16. the access to the rear is of an insufficient size for emergency vehicles.
17. visitors to the properties will be forced to park on Scotby Road which will cause traffic problems, particularly for the local bus which passes the site;
18. the proposed building is much larger and would occupy land used for car parking provision;
19. there is no Pedestrian Traffic Plan to show how pedestrians would access shops and services in the village;

Residential Amenity

20. the building is too close to Acorn Bank with an increase number of windows on both the east and west elevations which allows for overlooking and loss of amenity to the adjacent neighbours;
21. the windows are less than the Council's required 21 metres to habitable rooms;
22. the provision of obscure glass is irrelevant as this could be changed at a later date and is an admission that the windows can't be properly accommodated within the building;
23. the stone barn which was to be retained adjacent to the western boundary afforded privacy to the occupiers of the neighbouring property. This building has been removed and is not proposed to be replaced;
24. the separation distances between the proposed windows and neighbouring properties are unacceptable;
25. the occupiers of the neighbouring properties will suffer an even greater loss of natural daylight;
26. the formation of a door on the west elevation will impact on the living conditions of the occupiers of the neighbouring property;

Other Issues

28. given the increase size of the building, there is no indication where the additional surface water will go;
29. Despite being told by United Utilities in 2013 of the foul and surface water drainage issues in the area, the City Council are progressing regardless of this advice
30. there is continued disregard to the main concerns of the size and positioning of the building as foundations have been laid;
31. the proposal has not addressed the reasons for refusal and is unacceptable and should itself be refused;
32. the foundations that have been dug appear to match those for the scheme refused under previous applications;
33. there are no details as to the screening for the bin store building;
34. the proposal is still contrary to Policy H10 of the Local Plan;
35. there are still no valid planning reasons for increasing the size, volume or footprint of the approved scheme.

- 4.2 Following the receipt of amended plans which reintroduce an asymmetrical frontage, alterations to the fenestration and doors to the front elevation, 12 letters of objection were received and the main issues are as follows:

1. none of the real issues or the Inspector's comments regarding the previous reasons for refusal have been taken on board;
 2. this is not an improved design but another blatant attempt to build in already illegally laid foundations;
 3. the building is out of character and is still too large and will be the largest building in Wetheral;
 4. the foundations have already been built without planning permission and are the foundations of declined applications;
 5. the changes do nothing to advance the progress of the development and is nothing other than cosmetic tweaking.
- 4.3 Following the receipt of amended plans which show the proposed insertion of additional roof lights, 22 letters of objection were received and the main issues are as follows:
1. there are lots of skylights which speaks for itself – fourth floor?;
 2. none of the real issues or the Inspector's comments regarding the previous reasons for refusal have been taken on board;
 3. this is not an improved design but another blatant attempt to build in already illegally laid foundations;
 4. a roof design of this nature is completely out of context with the conservation area;
 5. the building is out of character and is still too large and will be the largest building in Wetheral;
 6. the building will dominate the adjacent residential properties;
 7. the building is nearer and nearer to Acorn Bank than the approved application;
 9. the foundations have already been built without planning permission and are the foundations of declined applications;
 10. the proposal will result in car parking problems since there are only 24 allocated spaces for 15 apartments;
 11. the footprint is much larger than the approved scheme and cannot be described as a minor material variation;
 12. two previous applications have been refused by the Development Control Committee and appealed by the developer and turned down by a Government Inspector;
- 4.4 Further amended drawings were received showing alterations to the footprint, fenestration and window openings and 28 letters of objection have been received which re-iterated previous objections and raise the following issues:
1. there is no reduction and the building is too big;
 2. the proposal is contrary to Policies CP5, H1, LE12 and LE19 and does not overcome the concerns of the Planning Inspector;
 3. the applicant should not be allowed planning permission on foundations which have been laid illegally;
 4. the building will be nearer the road;
 5. the proposal will result in parking problem due to the lack of spaces;
 6. the building will impact on the listed building and the conservation area;
 7. there are now 45 skylights which gives the impression of a 4th floor.

5. Summary of Consultation Responses

Cumbria County Council - (Econ. Dir. Highways & Transportation): - the changes from a highway point of view is almost identical to the previous variation application. The comments made by this Authority for the previous application should therefore still apply;

Clerk to Wetheral PC, Downgate Community Centre: - whilst the Parish Council appreciate that extra parking spaces, and provision of re-cycling refuse stores provided, there are still concerns regarding the impact of the scale of this development in this rural conservation area. Traffic and parking remains an ongoing problem in this area, which will obviously increase with a further development at this point. Therefore the Parish Council wishes to reiterate their previous comments made :-

It is felt that whilst the site should be developed, the size, height and design of the proposed building are out of keeping with the area (conservation area). In particular there are concerns regarding parking along the already busy Wetheral to Scotby road, which is also a bus stop at this point.

The Parish Council wish to object to the proposal on the following grounds:-

- H10 Replacement dwellings in the rural area (criteria 2 & 5)
- LE19 Conservation areas (criteria 1, 2 and possibly 6 & 7);

Cumbria Constabulary - North Area Community Safety Unit: - no comment;

English Heritage - North West Region: - the application should be determined in accordance with national and local policy guidance;

Northern Gas Networks: - no objection.

6. Officer's Report

Assessment

- 6.1 In following the Inspector's decision, the relevant planning policies against which the application is required to be assessed are the National Planning Policy Framework (NPPF) and Policies CP5, H1, LE12 and LE19 of the Carlisle District Local Plan 2001-2016. The proposal raises the following planning issues.

1. Principle Of Development

- 6.2 The application site lies within the settlement boundary of Wetheral and as such the principle of residential development is acceptable, subject to compliance with the criteria identified in Policy H1 and other relevant policies contained within the adopted Local Plan. In addition, planning permission has previously been granted for the redevelopment of the site.
- 6.3 The issues regarding the amendments and the scale and nature of the proposal are discussed later in this report but it is clear that the principle of

development has been established.

2. The Scale, Layout And Design Of The Development And The Impact On The Wetheral Conservation Area And The Adjacent Listed Building

- 6.4 The building occupies a significant footprint with the floor area progressively reducing over the floors above, resulting in a staggered rear elevation.
- 6.5 The building will be set back from the pavement and the front elevation will be characterised by 3 gables. The building retains many of the approved architectural features including traditional features such as chimney stacks, stone copings to the gables, stone archways and window surrounds. The front elevation has been designed to retain an asymmetrical frontage and staggered roof lines and also includes extensive use of natural stone mixed with render. Natural slate is to be used on the roof and all new windows and doors would be manufactured from timber.
- 6.6 The front of the site, where it abuts the pavement, is to be demarcated by a natural stone wall, supplemented with planting. Vehicular access is via the existing access point to the west of the site and will lead to the side and rear parking area, which comprises 24 spaces.
- 6.7 The Parish Council and several residents have objected to the scheme on the basis that the scale of the building is inappropriate to the site and that it will harm the setting of the Wetheral Conservation Area. The Conservation Area Advisory Committee (CAAC) has also commented that the scale and massing of the building is not appropriate to the site. In particular, CAAC has consistently advised that this is likely to be as a result of the building being too large for the plot and are particularly critical of the design detailing which, in their opinion, *“appears to be steering progressively away from vernacular influences into a rather mean and unattractive 21st century paired down pastiche.”*
- 6.8 CAAC has reinforced their historical objection made to previous applications by expressing concerns about the current proposal, namely that:
- the original scheme is still a more attractive proposal and due to the difference in drawing styles this made it more difficult to evaluate the changes;
 - whilst it was recognised that this was of a similar scale to the original approved scheme concern was raised about the number of roof lights and the potential impact but questioned how visible these would be given the height of the building. It did give cause for concern as to the reasoning for so many roof lights;
 - whilst the drawing style evokes an attractive character it would require considerable effort and application to build-out to this style;
 - the approved version relies upon small windows with larger panels of masonry between and the masonry elements are more rugged and appropriate to the scale proposed;
 - the approved version is at or beyond the acceptable limits of a vernacular

- style for this mass of building so the thinning down of this aesthetic in subsequent proposals is beyond a step too far;
 - the flanking gable roofs are particularly subordinate to the main central gable in the approved version with advantageous visual effect – the current proposal is very nearly a horizontal eaves line.
- 6.9 The submitted drawings show a comparison between the approved scheme and the current proposal. Members are reminded that the principle of a building of similar height has already been approved under the previous application and based on Officers' assessment of the proposal, the scheme is not wholly contradictory to the approved scheme to relent on previous evaluations.
- 6.10 The perceived height of the building when viewed from the front elevation is broken up by the projecting gables and the attention to the architectural detail. The scheme has been further revised to take account of the Inspector's decision and introduce greater depth and variation to the frontage on the form of the 3 gables with the faced being set further back.
- 6.11 As the rear elevation projects outwards towards the rear of the site it is reduced in both height and width thereby decreasing its physical mass. In addition, the ridge of this element of the building is reduced from that of the previously approved scheme. The roadside frontage retains its natural stone boundary wall and landscaped backdrop. Although some parking is now proposed to the side of the building, additional landscaping is proposed between this and the junction with the County highway, thereby reducing its visual impact.
- 6.12 The approved scheme included some flat roofs within the building. These also feature in the proposed scheme; however, the flat roof areas would be to the rear of the building and would not be unduly prominent in the context of the building. Given the formation of pitched roofs, they would be appropriately screened from the wider public vantage points.
- 6.13 Notwithstanding the significant objections raised, it is the Officer's view that the scale, layout and design of the building are acceptable in relation to the site and do not detract from the character and appearance of the conservation area.
- 6.14 The scheme now includes the provision of 2 entrance doors on the front elevation in response to previous concerns that the development does not include an active frontage. Objectors have commented that this is not a true active frontage as the doors are secondary to the flats and serve a dining area. Whilst the entrances are not the sole point of entry to the units, both visually and practical viewpoint, they serve as entrances to the flats.
- 6.15 The proposal also safeguards the setting of the adjacent Listed Building, Acorn Bank. The objectors have raised concerns that the building would dominate and obliterate any views of Acorn Bank when approaching from the west due to its proximity to the frontage. The front elevation of the building would be broadly in line with the forward most projection of Acorn Bank but

due to the curvature in the road and the position of the building there is no defined building line in the street scene. The position of the building will not have a significant visual impact on the setting of the adjacent property over and above that of the approved scheme. Following the decision of the previous application, the mass of the frontage has been reduced and the projecting bays have been omitted.

- 6.16 The building continues to propose the use of appropriate materials thus ensuring that the design is not compromised through the use of inappropriate external finishes and the proposed development introduces appropriate architectural features such as water tables. The scheme is of an appropriate architectural merit in its own right and the scale and use of appropriate materials is acceptable.

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

- 6.17 The position of neighbouring properties and location of windows within those dwellings is such that the living conditions of surrounding residents are unlikely to be adversely affected by the proposal. Those properties on the opposite side of the road to the site, No.1 and No.20 Jennet Croft, are located 23m and 32m away from the building respectively. Acorn Bank to the west of the site has no openings in the side elevation of the dwelling, albeit the roof to the single storey rear projection of Acorn Bank is glazed.
- 6.18 The scheme includes the provision of obscurely glazed windows and oriel windows to prevent any direct overlooking of neighbouring properties and the latter style of windows form part of the approved development.
- 6.19 The neighbouring property, Caerluel, has the potential to be most affected; however, the position of windows in the apartment building is such that there would be no direct overlooking. Although they are less than 21 metres, there is an oblique relationship and the windows in Caerluel are not primary windows and therefore fall to be considered under the 12 metre requirement which is achievable.
- 6.20 One window in the development would be less than the Council's minimum distance and relates to a window serving a living room that would face the blank gable of Acorn Bank; however, this is a secondary window with the primary window being on the front elevation.
- 6.21 Any concern about obscure glazing being removed in the future can be addressed through the imposition of a condition which requires their retention in perpetuity unless granted through the submission and approval of an application to the Council.
- 6.22 The approved scheme included a condition to increase the height of the boundary wall between the application site and Caerluel. No variation to this condition is sought as part of this application which is particularly relevant given the omission of the detached barn and the condition requires the developer to undertake the improvements to the boundary.

- 6.23 Objectors have raised concerns about the insertion of additional roof lights and have questioned the applicant's motives. Whilst the roof lights affect the character and appearance of the development, the submitted floor plans show only the provision of ground, first and second floors. Any speculation of a future fourth floor is just that and cannot form part of the material planning assessment for this application.
- 6.24 It is important to note that the Inspector found that the development would not be detrimental to the living conditions of the occupiers of the neighbouring properties. No additional windows to either side elevation are proposed other than the roof lights. The currently proposed drawings do not materially change the scheme which was considered as part of the appeal to such a degree as to warrant refusal. On balance, there would be no significant adverse effect on the living conditions of neighbouring residents.

4. The Impact On Human Rights

- 6.25 The human rights of the occupiers of the neighbouring properties have been properly considered and taken into account as part of the determination of the application. Several provisions of the Human Rights Act 1998 can have implications in relation to the consideration of planning proposals, the most notable being:

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

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

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

- 6.26 Article 1 of Protocol 1 relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary, proportionate and there is social need.
- 6.27 Article 8 and Article 1 Protocol 1 are relevant but the impact of the development in these respects will be minimal and the separate rights of the individuals under this legislation will not be prejudiced. If it was to be alleged that there was conflict it is considered not to be significant enough to warrant the refusal of permission.

5. Other Matters

- 6.28 The approved scheme allowed for the provision of 24 spaces. The number of apartments and the number of bedrooms has not increased and it is therefore unreasonable to support any additional increase in parking spaces.
- 6.29 The approved scheme included the provision of 3 affordable properties to be

made available by discounted sale and this was secured through a S106 agreement. This agreement is unaffected by this application.

- 6.30 The objectors have made reference to the recycling/waste collection arrangements, with concerns being expressed that 15 individual bins/recycling boxes could litter the pavement on collections days. To address these concerns the applicant has confirmed that this waste will be collected by a private contractor. That arrangement, including the maintenance of the site/building, will be overseen by a management company which has been secured in perpetuity through the completion of a S106 agreement. The plans also show the provision of an external bin storage building which is acceptable

Conclusion

- 6.31 In overall terms, the principle of the proposed redevelopment of the site to provide 15 flats has previously been accepted. The proposed apartment building could be accommodated on the site without detriment to the living conditions of the neighbouring properties or the character/setting of the Wetheral Conservation Area and adjacent listed building. The parking/access arrangements and the anticipated level of traffic generated by the proposal would be the same as those of the extant permission and would not be materially affected by this proposal. In all aspects the proposals are considered to be compliant with the objectives of the relevant Local Plan policies.
- 6.32 There are a significant number of objections to the proposal from residents and the Save Wetheral Village action group. Many of the issues relate to the scale, design and visual impact on the character of the Wetheral Conservation Area. It is a material consideration that the applicant has the fall back position of the planning consent granted in 2012 for the erection of a 3 storey building providing 15 flats and 24 parking spaces on the site.
- 6.33 With each of the previous revisions, the void between the approved scheme and the proposal has narrowed. It is accepted the proposed scheme is different; however, in comparison between the 2 schemes, the alterations, particularly in terms of the south (front) elevation, are marginal. The building reflects many of the features of the approved design and addresses the comments of the Planning Inspector. It is the opinion of Officers that the impact of the building on the character and appearance of the conservation area would not be significantly different from the approved scheme. On the basis of the approved scheme together with the amendments proposed, the proposal is acceptable and would not have a detrimental impact on the character of the conservation area.
- 6.34 Members are reminded that all other conditions of the approved scheme remain applicable. If Members are minded to grant consent, authority to issue approval is sought to vary the S106 agreement to substitute the current application reference for that of the extant permission.

7. Planning History

- 7.1 In 2011, conservation area consent was granted for the demolition of house, adjoining barn and outbuildings.
- 7.2 Planning permission was granted in 2012 for the demolition of the house, adjoining barn and outbuildings; redevelopment of site for the erection of single block comprising 15 two-bed apartments with dedicated access, off-street parking and private amenity spaces.
- 7.3 Planning permission was refused last year for the variation of condition 2 (approved documents) of previously approved permission 10/1066.
- 7.4 A Temporary Stop Notice was served on 14th January 2014 which required the cessation of any works on the land involved in the construction of the apartment blocks, access works, off street parking and private amenity areas subject to planning permission no. 10/1066 or any other works which do not have the benefit of planning permission.
- 7.5 Two planning applications were refused separately earlier this year for the variation of condition 2 (approved documents) of previously approved permission 10/1066.
- 7.6 An appeal to the Planning Inspectorate against the first 2 Council decisions to refuse the planning applications was dismissed this year.

8. Recommendation: Grant Subject to S106 Agreement

- 1. The approved documents for this Planning Permission comprise:
 - 1. the submitted planning application form received 2nd June 2014;
 - 2. the Block Plan & Site Location Plan (drawing number 00 Rev F) received 3rd June 2014;
 - 3. the Site Plan: Comparison with Approved (drawing number 205 Rev J) received 5th September 2014;
 - 4. the Ground Floor Plan (drawing number 202 Rev J) received 5th September 2014;
 - 5. the First Floor Plan (drawing number 203 Rev J) received 5th September 2014;
 - 6. the Second Floor Plan (drawing number 204 Rev J) received 5th September 2014;
 - 7. the South & East Elevations (drawing number 201 Rev J) received 5th September 2014;
 - 8. the West & North Elevations (drawing number 200 Rev J) received 5th September 2014;
 - 9. the South Elevation - to Highway: Proposed & Approved received 2nd June 2014;
 - 10. the East Elevation - to Acorn Bank: Proposed & Approved received 2nd June 2014;
 - 11. the North Elevation - to fields: Proposed & Approved received 2nd June

- 2014;
12. the West Elevation - to Carluel: Proposed & Approved received 2nd June 2014;
 13. the Planning Statement received 2nd June 2014;
 14. the Notice of Decision; and
 15. any such variation as may subsequently be approved in writing by the Local Planning Authority.

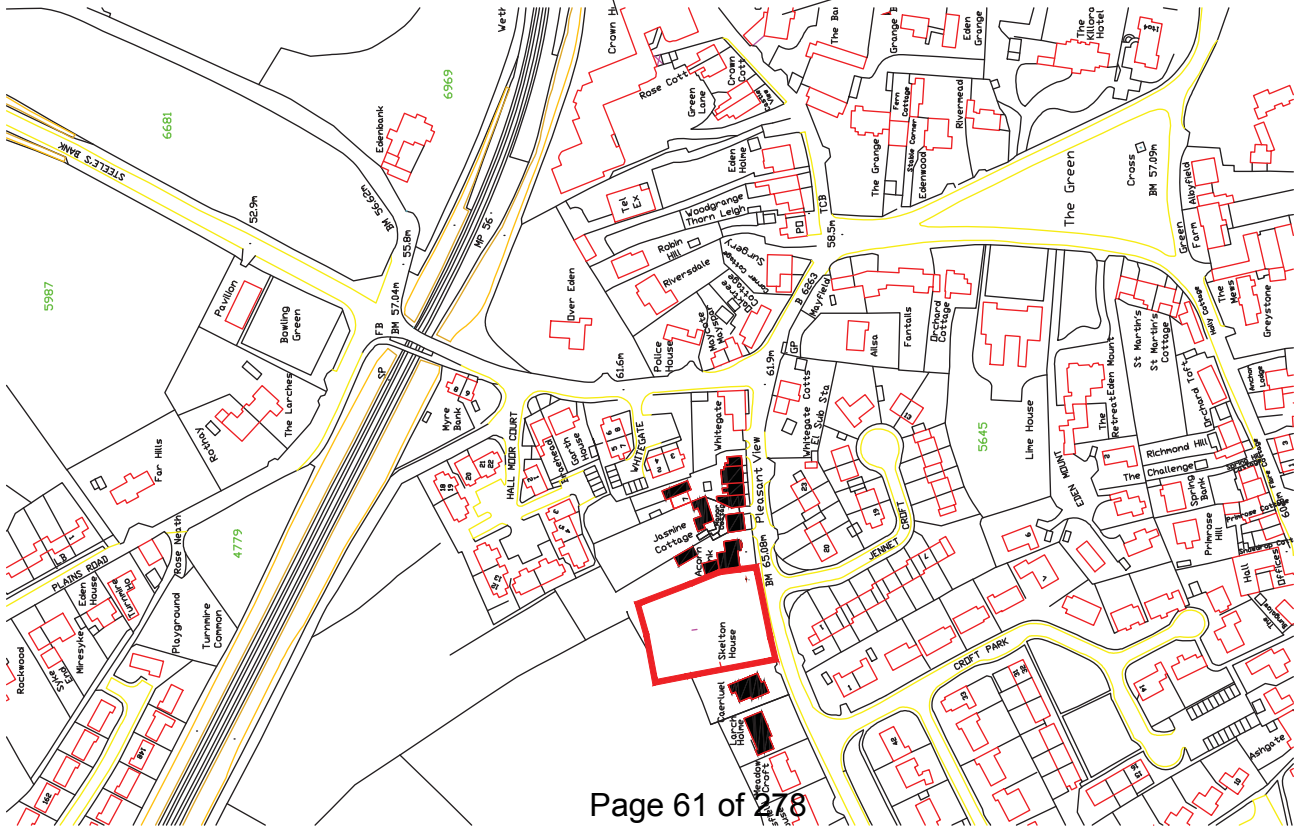
Reason: To define the permission.

2. The development shall be carried out in accordance with the remaining conditions attached to the "Full Planning" permission approved under application 10/1066.

Reason: For the avoidance of doubt.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order), the obscurely glazed windows shown on Drawing West & North Elevations (Drawing no. 03/2010/200RevJ) and Drawing South & East Elevations (Drawing no. 03/2010/201J) shall be installed thereafter retained as such to the satisfaction of the Local Planning Authority.

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



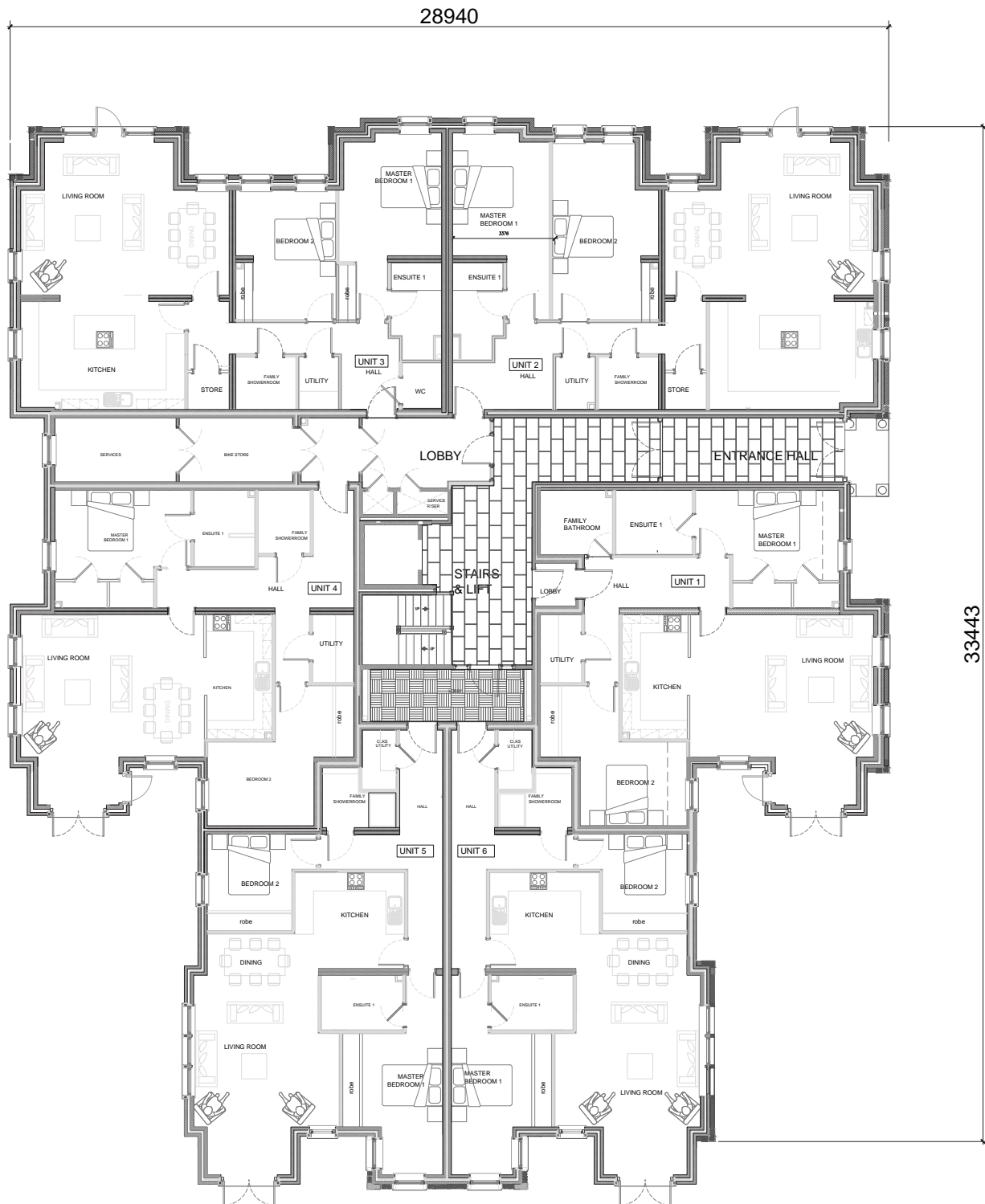
BLOCK PLAN & SITE LOCATION PLAN

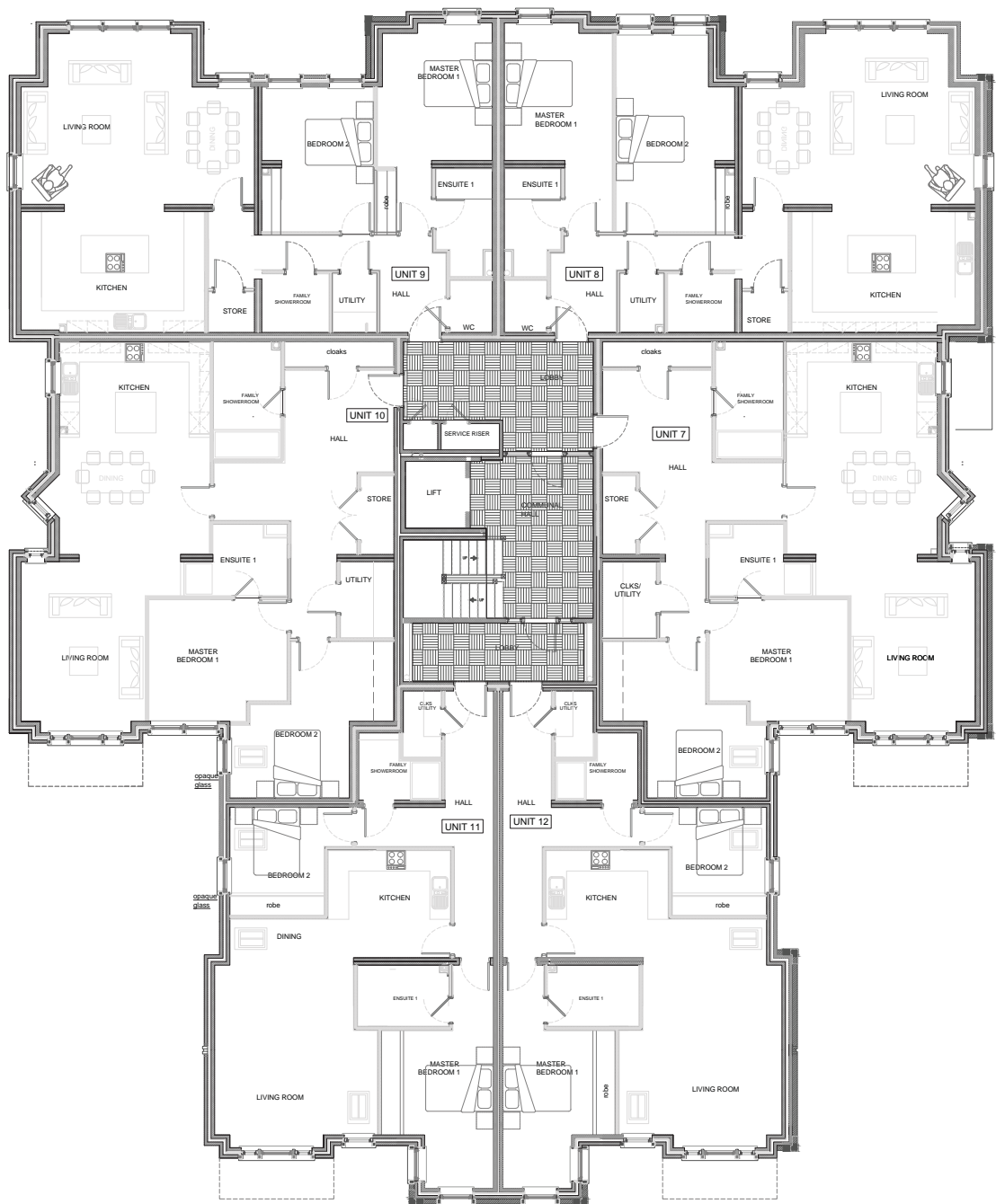
SANDY JOHNSTON ARCHITECT RIBA	BLOCK PLAN & SITE LOCATION PLAN	
	FLATS AT SKELTON HOUSE, WETHERAL for CITADEL ESTATES	
	09-03-14	03/2010/00rev F 1:500/ 1:2500

Design alterations.

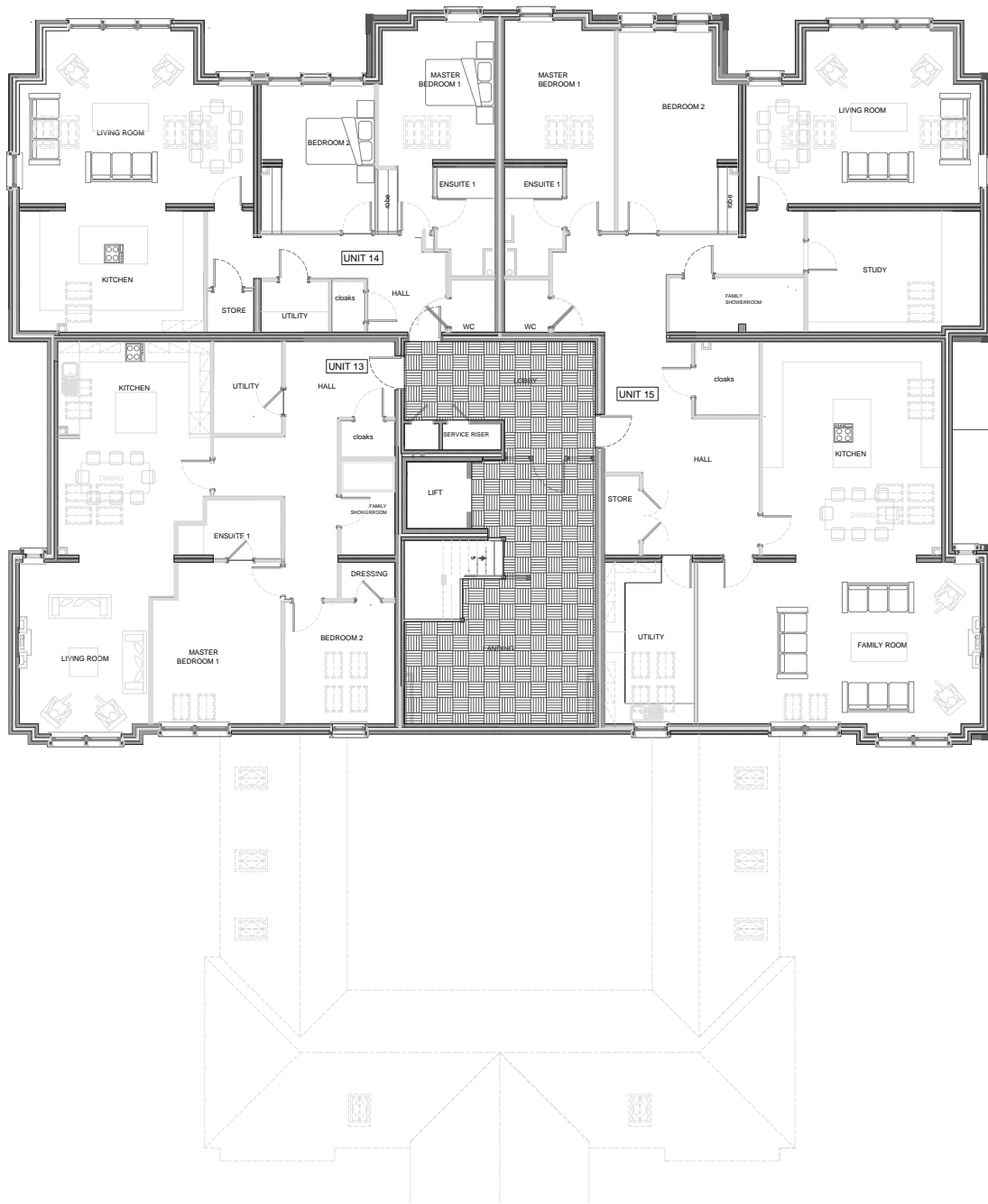
29-05-2014

Revision F:





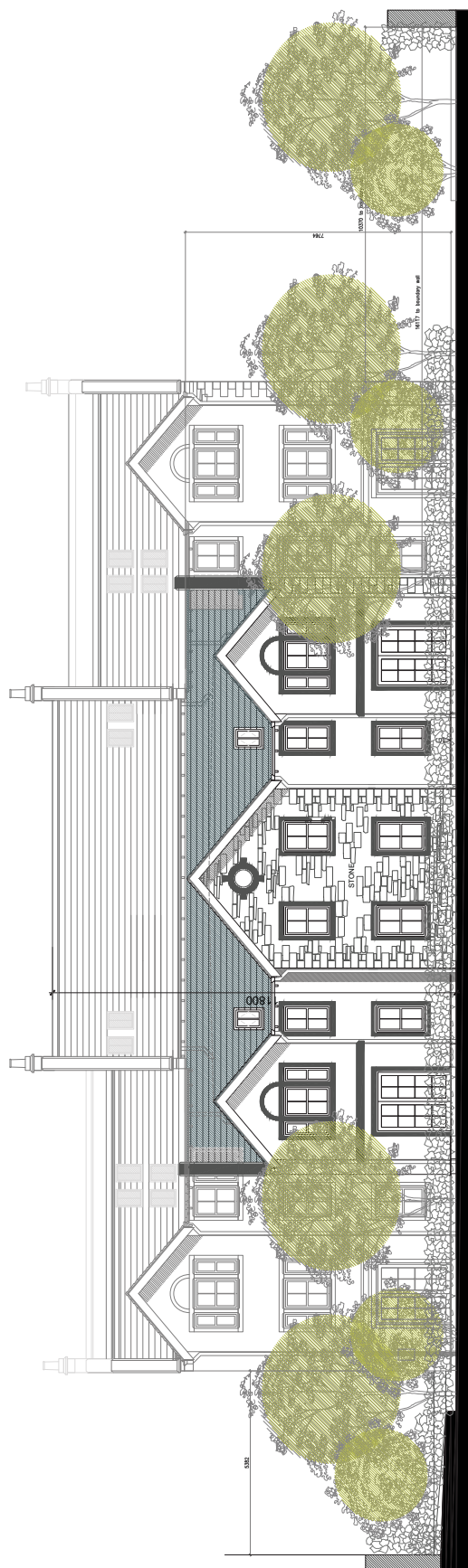
FIRST FLOOR PLAN 1:100



SECOND FLOOR PLAN 1:100



WESTERN ELEVATION
(LH SIDE)



NORTHERN ELEVATION
(REAR)



EASTERN ELEVATION
(RH SIDE)



STREET ELEVATION
(SOUTH)

SANDY JOHNSTON
ARCHITECT
RIBA

SOUTH & EAST ELEVATIONS
FLATS AT SKELTON HOUSE WETHERAL for
CITADEL ESTATES
30/07/2014 03/2010/2011
RevJ 26-08-2014 Alterations to design 1:100

3 STOREY TERRACE

2.5 STOREY BAY

ACORN BANK

EXISTING WALL 2M HIGH

ACORN BANK B&B

FOOTPRINT OF EXTANT APPROVAL 1066

5897 - approved

EXISTING WALL 2M HIGH:
existing sandstone walls vary in height but are generally to be increased in height to 2m high (and to infill/repair areas where there is no wall or it is in poor repair)

'CAERLUE' 3-STOREY BAY

FOOTPRINT OF EXTANT APPROVAL 1066 BIN/CYCLE STORE:
replace bin store with planting

EXISTING WALL 2M HIGH:
existing sandstone walls vary in height but are generally to be increased in height to 2m high (and to infill/repair areas where there is no wall or it is in poor repair)



SITE PLAN 1 to 200



SANDY JOHNSTON
ARCHITECT
RIBA

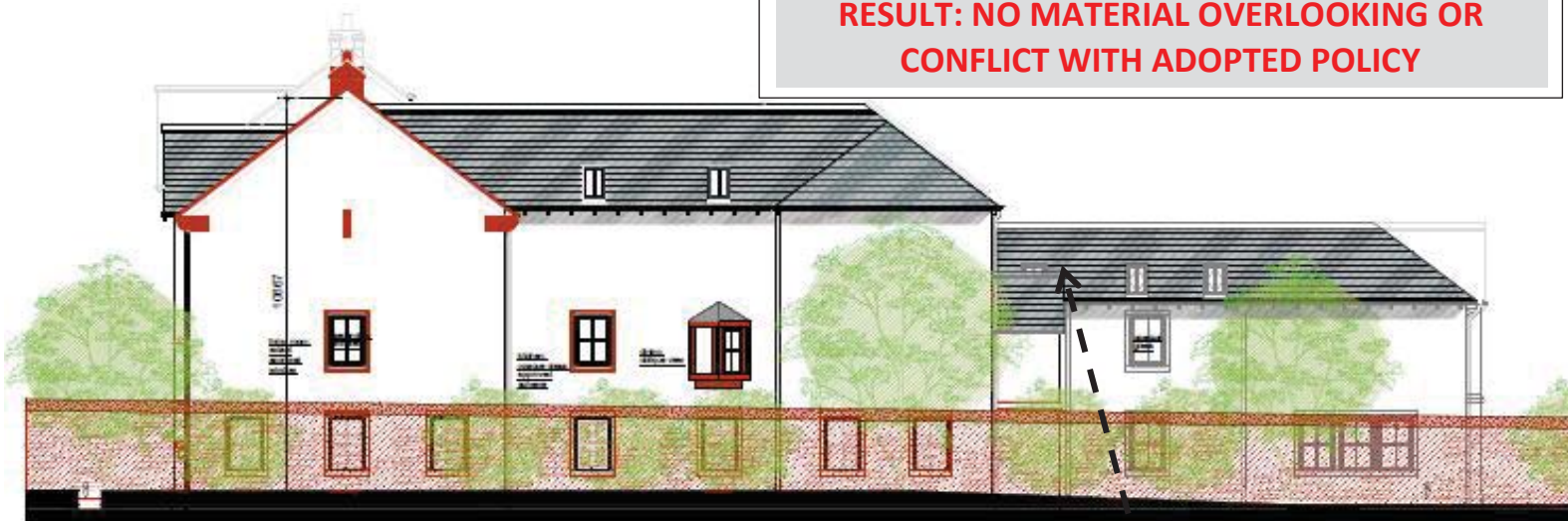
SITE PLAN: COMPARISON WITH
FLATS AT SKELTON HOUSE, WETHERAL OR
CITADEL ESTATES
09/03/2014 03/2010/205J 1:200
Rev J: 27/08/14: DESIGN ALTERATIONS

EAST ELEVATION to 'Acorn Bank'

All Facing Windows either:

1. at GF facing high party boundary wall; or,
2. at FF either secondary/non-habitable, or obscured.

RESULT: NO MATERIAL OVERLOOKING OR CONFLICT WITH ADOPTED POLICY



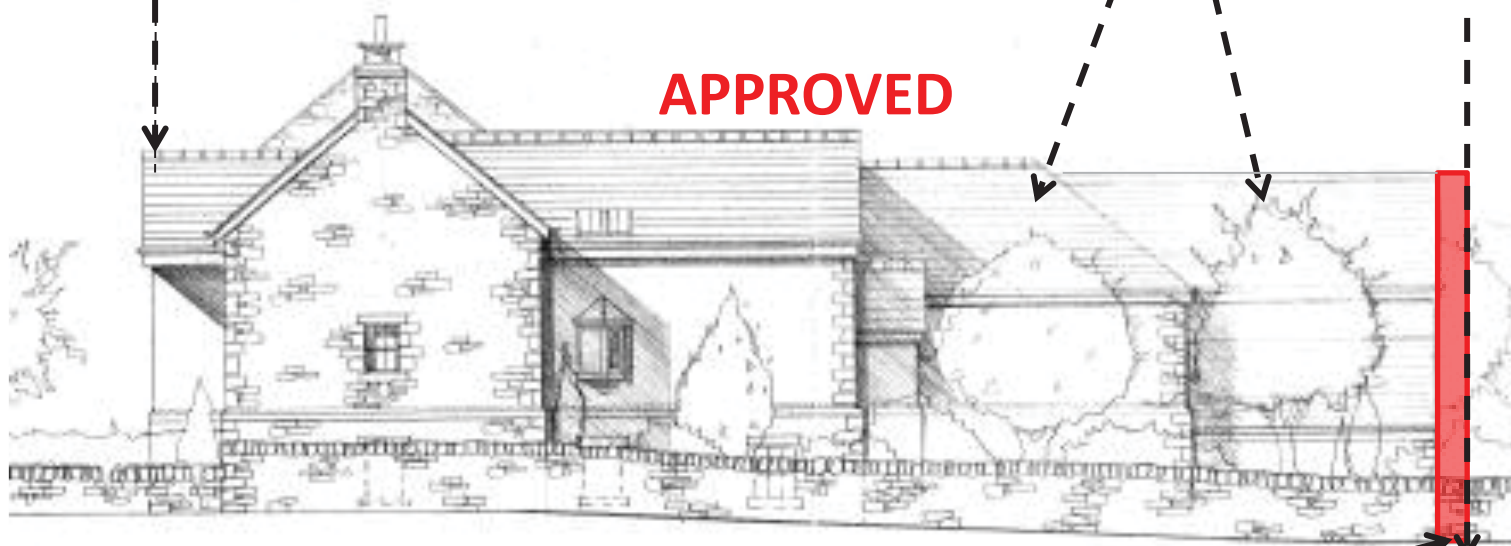
EASTERN ELEVATION

PROPOSED

Matching Front Building Lines

Reduced Roof Profile Massing

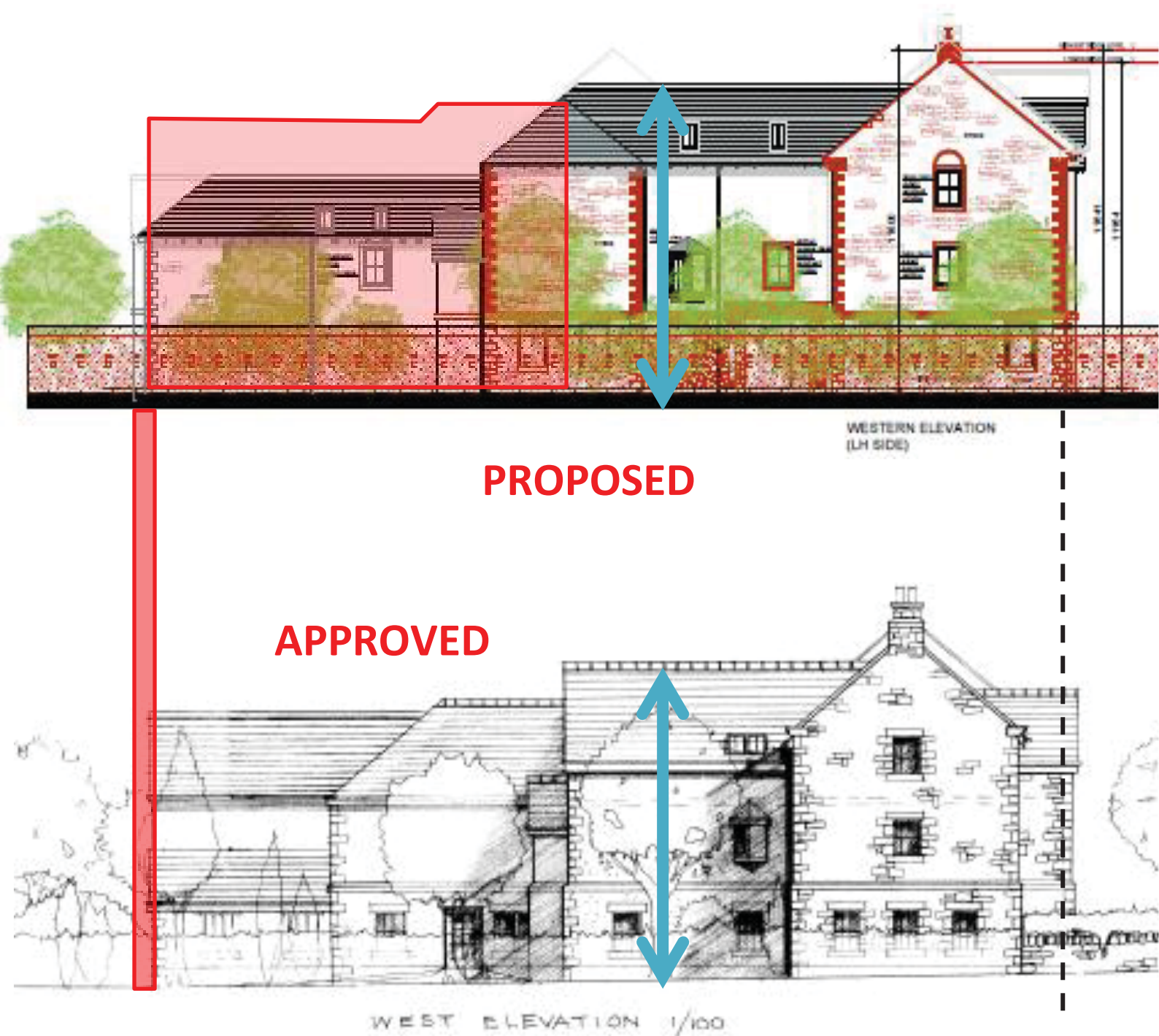
APPROVED



Immaterial Projection beyond rear-most extent of 10/1066 – otherwise set well into the site away from side boundaries to Carluel and Acorn Bank

RESULT: NO MATERIAL EFFECT ON NEIGHBOURS OR VISUAL AMENITY

WEST ELEVATION: to 'Carluel'

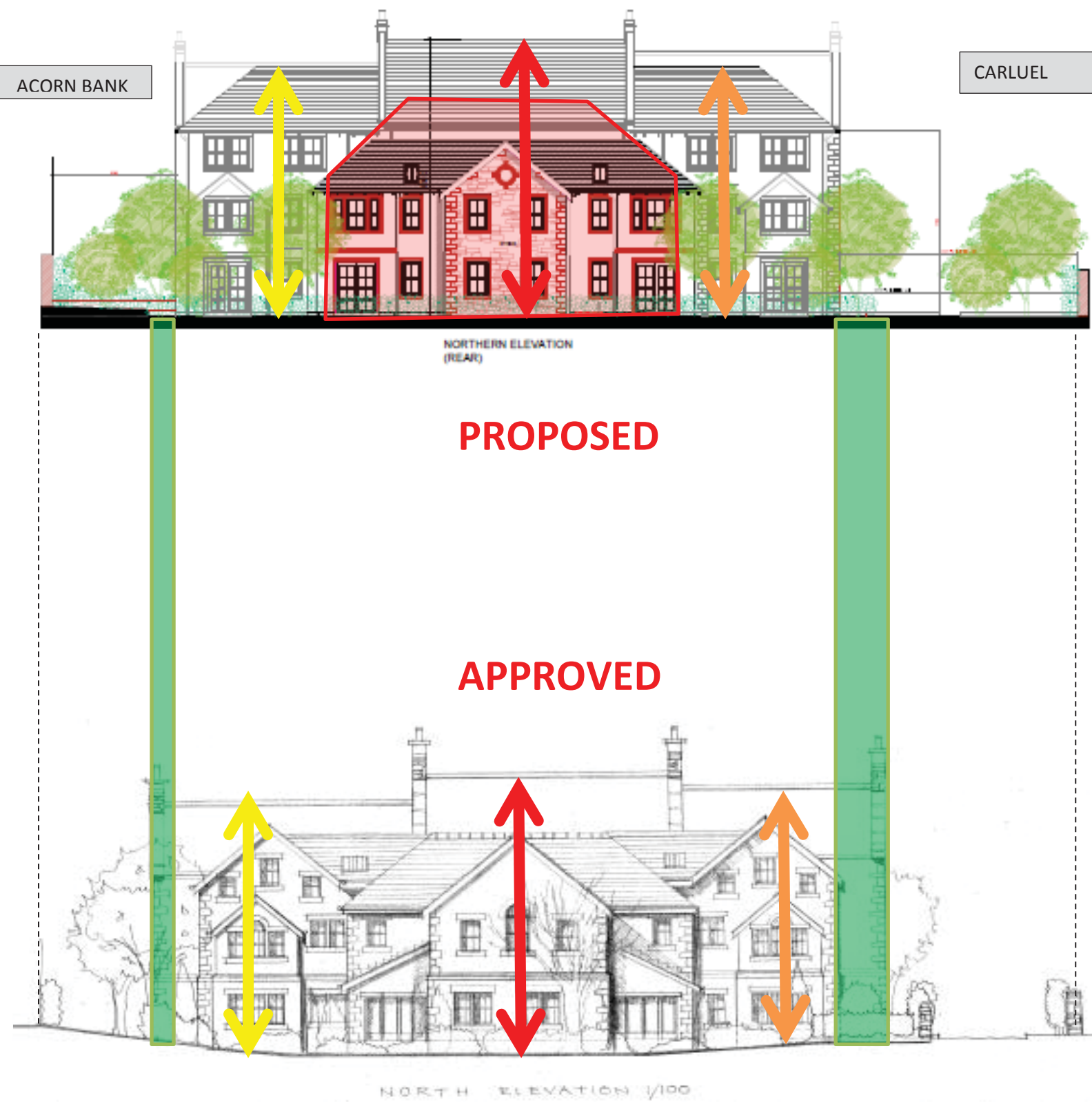


All Facing Windows either:

1. at GF facing high party boundary wall/gable; or,
2. at FF either secondary/non-habitable, or obscured.

**RESULT: NO MATERIAL OVERLOOKING OR
CONFLICT WITH ADOPTED POLICY**

NORTH ELEVATION – *to fields*



SOUTH ELEVATION -to highway



STREET ELEVATION
(SOUTH)

PROPOSED

APPROVED



SOUTH ELEVATION 1/100

Appeal Decisions

Hearing held on 1 July 2014

Site visit made on 1 July 2014

by Andrew Dawe BSc(Hons) MSc MPhil MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 6 August 2014

Appeal A: APP/E0915/A/14/2214847

Former I/a Skelton House, Wetheral, Carlisle, Cumbria CA4 8JG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Citadel Estates Ltd against the decision of Carlisle City Council.
 - The application Ref 13/0521, dated 1 July 2013, was refused by notice dated 24 December 2013.
 - The application sought planning permission for demolition of house, adjoining barn and outbuildings; redevelopment of site for the erection of single block comprising 15No. two-bed apartments with dedicated access, off-street parking and private amenity spaces without complying with a condition attached to planning permission Ref 10/1066, dated 24 May 2012.
 - The condition in dispute is No 2 which states the approved documents of the planning consent.
 - The reason given for the condition is: to define the permission.
-

Appeal B: APP/E0915/A/14/2216562

L/a former Skelton House, Wetheral, Carlisle, Cumbria CA4 8JG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Citadel Estates Ltd against the decision of Carlisle City Council.
 - The application Ref 14/0033, dated 17 January 2014, was refused by notice dated 7 March 2014.
 - The application sought planning permission for demolition of house, adjoining barn and outbuildings; redevelopment of site for the erection of single block comprising 15No. two-bed apartments with dedicated access, off-street parking and private amenity spaces without complying with a condition attached to planning permission Ref 10/1066, dated 24 May 2012.
 - The condition in dispute is No 2 which states the approved documents of the planning consent.
 - The reason given for the condition is: to define the permission.
-

Decision

1. Appeal A is dismissed and Appeal B is dismissed.

Application for costs

2. At the Hearing an application for costs was made by Mr Dean Thomas Montgomery against Carlisle City Council. This application is the subject of a separate Decision.

Procedural matters

3. I have taken into account the Government's Planning Practice Guidance (PPG), issued on 6 March 2014, in reaching my decision but in light of the facts of the case this has not altered my conclusions.
4. The applications subject to these appeals are made under Section 73 of the Planning Act for minor material amendments¹. They seek revised designs to the development approved under planning permission 10/1066 but with the same number of units and not a substantially different footprint area. This type of application is possible as a condition was imposed on the original permission specifying the approved plans. The appeals seek removal of the condition and replacement with a condition specifying the plans that reflect the amended designs.
5. Planning permission 10/1066 remains extant and is a material consideration of considerable weight in determining these appeals.
6. For ease of reference I refer to the different cases as Appeals A and B in this decision letter as set out in the headers. I have dealt with each appeal on its individual merits but to avoid duplication I have considered the proposals together in this document. Although there are two appeals, I have used singular terms in places for ease of reading.
7. I saw on my site visit that development had commenced on the site principally relating to the laying of the foundations which appeared to reflect the footprint of the two appeal proposals.

Main Issues

8. The main issues in both appeals are:
 - (i) whether the proposed development, as amended, would preserve or enhance the character or appearance of the Wetheral Conservation Area (CA) and preserve the setting of the Grade II listed building (LB) known as Acorn Bank;
 - (ii) the effect of the proposed development, as amended, on the living conditions of the occupiers of Acorn Bank and Caerluel in respect of privacy.

Reasons

Character and appearance of CA and setting of LB

9. The appeal site lies within the CA and adjacent to the LB on land previously occupied by Skelton House which has now been demolished along with all other associated buildings. Therefore, special attention has to be paid to the

¹ See Greater flexibility for planning permission: Guidance, October 2010 (Department of Communities and Local Government)

desirability of preserving or enhancing the character or appearance of the CA and preserving the setting of the listed building.

10. I note that the decision notice for Appeal B included a third reason for refusal, which was not on that for Appeal A, referring specifically to the impact of the development on the setting of the LB. Notwithstanding the lack of such a reason in relation to Appeal A, the Council said at the hearing that this did not reflect any greater impact of Appeal B. In any case, regardless of whether such a reason was given or not, there is a statutory duty to have regard to the effects on the special interest of the LB, and this is how I have approached both appeals.
11. The key design changes to the scheme approved under application 10/1066, other than positioning and design of fenestration, which, in relation to living conditions, I have dealt with separately under 'living conditions' below, would be as follows. For both appeals, the main front elevation and bays would be closer to the road, although the bays relating to Appeal B would be single storey as opposed to the full three storey height for Appeal A. The former would have shallow depth, full height, gable features, the central one being slightly deeper than the two either side.
12. Both appeal schemes would be narrower at the front, but with the front block extending further back than for the approved scheme, and the overall length of the buildings would be increased. The front elevation in both case would also be symmetrical either side of the central gable feature, which would not be the case with the approved scheme which, amongst other things would have a lower roof height on the side nearest Acorn Bank. The walls of the entire western section of the front elevation for Appeal B would be stone clad. The rear section of the building in both cases would have a reduced ridge height.
13. Appeal A would introduce glazed balconies. Both schemes would have the main entrance on the western side of the building with a false door in the front elevation. Appeal A would have a fourth storey within the roof space, created with a significant flat roof element hidden behind outward facing pitched roofs, although this additional level would be evidenced by velux windows. Both schemes would include alterations to the car parking and landscaping layout.
14. The CA, in the vicinity of the site, comprises a range of designs and sizes of properties. Whilst there are some examples of three storey buildings, these are in the minority. In the case of one such property in Pleasant View, a short distance to the east of the site, and a three storey element to Caerluel with the third storey being partially within the roof space, these are narrow and do not dominate the street scene. Acorn Bank is a two storey detached building of fairly modest height with a slightly higher semi-circular front bay to the east side of its front elevation. This is an attractive LB which, despite being set back from properties to its east, retains a strong presence. This is by virtue of its clear visibility when approaching from the west, particularly as the road starts to bend round more towards the east in front of the appeal site, and also given the modest height of the immediately neighbouring property to the east.
15. The proposed development, in the case of both appeals, would result in the main front elevation projecting noticeably beyond the line of the main front elevation of Acorn Bank, where the approved scheme showed it aligned with it. That scheme would have three storey bays projecting forward to the approximate alignment of the main elevation of the appeal schemes, but they

- would be three, separated, and relatively narrow, features as opposed to a continuous mass along that particular alignment. The proposed bays whether single storey or three storey would project further still which, as I saw on site, would be just beyond the line of the front of the circular bay of Acorn Bank.
16. Therefore, although the building would be narrower than that approved, the front elevation would still present a wide frontage whose massing would be much more to the fore. Whilst the overall impact of Appeal B, with only the single storey front bays, would be less than Appeal A, both proposals would create a structure that would have an adverse visual impact compared with the approved scheme and dominate the adjoining LB and the street generally, making it an obtrusive and jarring feature. Despite the varying use of stone finish on the front elevation of both proposals, the symmetrical lines would further emphasise the singular massing of the building.
 17. The introduction of glazed balconies in Appeal A, whilst intended not to screen the features of the main building and to provide amenity space for the apartments, would nevertheless introduce alien features into the street scene that would further draw the eye disproportionately towards the development. This would be all the more so with the inevitable household paraphernalia that would be visible on the balconies. Furthermore, the attempt to portray a frontage onto the street with a false front door would portray a disingenuous appearance particularly as it would not be read as such without an associated entrance pathway and general evidence of activity. Whilst it was explained at the hearing that this was partly done to reduce the likelihood of vehicles being parked on the road in the vicinity of the adjacent bus stop, it has been agreed that clear way markings would be implemented to prevent such parking.
 18. With regard to paragraphs 132 and 134 of the Framework, harm to the significance of the LB and the character and appearance of the CA would be less than substantial, due to the fact that the LB itself remains unaltered and given the relatively small, but nevertheless significant amendments to the approved scheme. However, I do not consider there to be any public benefits sufficient to outweigh that harm.
 19. I have had regard to the appellant's submissions relating to inconsistent comments made by the Conservation Officer and the Conservation Area Advisory Committee. However, I have determined these appeals on their merits taking account of all the evidence and observations on my site visit.
 20. For the above reasons, I conclude on this issue that the proposed development, as amended, relating to both Appeals A and B, would neither preserve the character and appearance of the CA nor preserve the setting of the LB. As such it would be contrary to Policies CP5, H1, LE12 and LE19 of the Carlisle District Local Plan (the Local Plan). These policies together, in respect of this issue, require, amongst other things, development to respond to local context and the form and character of the existing settlement and surrounding buildings, to preserve or enhance the CA and to preserve the character and setting of listed buildings.
 21. The Council also refers to Policy H10 of the Local Plan in its decision notice. However, the Council confirmed at the hearing that this policy is not relevant to this appeal, which relates to amendments to a development already approved and is extant, and I agree with that position.

Living conditions

22. Caerluel has some windows on its side elevation, most of which appeared to be related to non-habitable rooms although I understand that one of them serves a bedroom. There is an existing wall along the side boundary and I understand that it would be intended to raise this further in order to provide adequate screening from any potential overlooking from ground floor rooms and the entrance door of the proposed development. I saw that this would be the case.
23. In terms of any overlooking from upper floor rooms with windows facing the side of Caerluel, the main differences with the approved scheme Ref 10/1066 would be as follows. Above the entrance door there would be a second floor study window for Appeal A or obscure glazed kitchen window for Appeal B, as opposed to roof veluxes to a bedroom, and a first floor bedroom window for appeal A and obscure glazed kitchen window for Appeal B, as opposed to an oblique view oriel window. Appeal B would also include a first floor oblique view oriel kitchen window alongside the obscure glazed window. Towards the rear of the building on the side elevation, there would be high level veluxes serving first floor rooms for both schemes and Appeal B would include two first floor conventional bedroom windows.
24. Whilst there would be additional upper floor windows compared to the approved scheme, those that would be obscure glazed or of oriel design would prevent undue overlooking to the side windows of Caerluel. As agreed at the hearing, further details of the obscured windows, to ensure this, could be secured by condition were the appeal allowed. In relation to the other proposed additional conventional windows, there would not be a significantly greater level of overlooking of the side bedroom window of Caerluel than would be the case from the previously approved side living room windows of the front flats. The angle of any viewing would also be slightly oblique. Together with the degree of distance there would be between the windows of the two properties, and the fact that they would be slightly further apart than for the approved scheme, I consider that there would not be undue additional loss of privacy to the residents of Caerluel in this respect.
25. In terms of any potential overlooking of the rear garden of Caerluel, the additional windows that would directly face that space would be set a significant distance from the boundary. Furthermore, the rear facing windows would only afford oblique angle viewing of the garden. Caerluel also has quite a wide rear garden such that in the context of the overall amount of outdoor space of that property, any additional overlooking would not amount to unacceptable loss of privacy to its residents.
26. The windows in the east side elevation would match those on the west side. Acorn Bank has no side windows and so the only potential additional overlooking of this property compared to the approved scheme would be of its rear garden. In terms of ground floor windows, the boundary wall and hedge would prevent overlooking and, were the appeal allowed, details of measures to augment this treatment could be secured by condition as agreed at the hearing. The first floor side oriel window would be angled towards the rear garden but as it would be set back from the rear building line of Acorn Bank's rear extension, the angle of view to the garden would be oblique.
27. The proposed first floor side bedroom windows towards the rear would have the potential to result in direct overlooking of part of Acorn Bank's garden, but

whilst closer to the boundary than those on the western side, the degree of separation would still mitigate this to a significant degree. Again, the rear facing windows would only afford oblique angle views of the garden. Furthermore, it is a large garden, such that the majority of it would not be directly overlooked. Therefore, any additional overlooking would not amount to an unacceptable loss of privacy to the residents of Acorn Bank.

28. For the above reasons, I conclude on this issue that the proposed development, as amended, relating to both Appeals A and B would not cause unacceptable harm to the living conditions of the occupiers of Acorn Bank and Caerluel in respect of privacy. As such, in respect of this issue, it would accord with Policy CP5 of the Local Plan and would not be at odds with the principles of the Council's Supplementary Planning Document: Achieving Well Designed Housing (the SPD) to which I have applied considerable weight due to its fairly recent adoption in 2011. This policy and SPD, in respect of this issue, requires, amongst other things, development not to have any adverse effect on the residential amenity of existing areas or adjacent land uses.
29. Some discussion was had at the hearing as to whether the second reason for refusal in each case related also to the privacy of prospective residents in respect of any overlooking from side windows in Caerluel. Although the reason does not refer to this, I am nevertheless satisfied that, in light of the above reasoning, the prospective occupiers of the proposed flats would not be overlooked from rooms of Caerluel to the extent that this would cause unacceptable levels of privacy.

Other matter

30. The appellant submits that the amendments would make the apartments more marketable and thereby improve deliverability to the benefit of housing supply. However, I have no substantive evidence before me as to why this would be the case or the extent to which the approved and appeal schemes differ in respect of marketability. I have therefore applied little weight to this factor in coming to my decision.

Conclusion

31. I have found that the proposed development, as amended, relating to both Appeals A and B would not cause unacceptable harm to the living conditions of the occupiers of Acorn Bank and Caerluel in respect of privacy. However, this does not outweigh the harm that would be caused in respect of the character and appearance of the CA and the setting of the LB.
32. Therefore, for the above reasons, and having regard to all other matters raised, I conclude that the appeals should be dismissed.

Andrew Dawe

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Sandy Johnston	Architect
Andrew Willison-Holt	Agent

FOR THE LOCAL PLANNING AUTHORITY:

Cllr Barry Ogilvie Earp	Councillor
Rachel Lightfoot	Planning Agent
Karen Greig	Appeals Officer
Michelle Sowerby	Appeals Officer

INTERESTED PERSONS:

Isabel Ferguson	Local Resident
Geoff Ferguson	Local Resident
David Notman	Local Resident (representing the Save Wetheral Village Group)
Maureen Lofthouse	Local Resident
Michael Norman	Local Resident
Alun Porter	Local Resident
Lis Price	Local Resident
Andrew Hall	Local Resident
Andrew Lomax	Local Resident

DOCUMENTS AND PLANS SUBMITTED AT THE HEARING:

- 1 Plan Ref 03/2010/100 Proposed Block Plan revision A (Appeal A).
- 2 Plan Ref 03/2010/205B Site Plan showing proposed bin store location (Appeal B).
- 3 Copy of internal memorandum from Urban Design and Conservation Officer dated 14 August 2013.
- 4 Annotated drawings produced by appellant to show comparisons between the appeal schemes and that approved under application Ref 10/1066.
- 5 Deed of Variation of Agreement under Section 106 and 106A of the Town and Country Planning Act 1990 (one submitted for each of the two appeals).

SCHEDULE A: Applications with Recommendation

14/0547

Item No: 04

Date of Committee: 03/10/2014

Appn Ref No:
14/0547

Applicant:
Devonshire Lodge Limited

Parish:

Agent:
Swarbrick Associates

Ward:
Castle

Location: 50 Victoria Place, Carlisle, CA1 1HP

Proposal: Change Of Use From Clinic To Shared Accommodation Comprising 50No. Bedrooms And Communal Facilities

Date of Receipt:
25/06/2014 16:00:49

Statutory Expiry Date
20/08/2014 16:00:49

26 Week Determination

REPORT

Case Officer: Stephen Daniel

1. Recommendation

- 1.1 It is recommended that this application is approved with conditions.

2. Main Issues

- 2.1 Whether The Proposal Is Acceptable In Principle
- 2.2 Whether The Scale And Design Of The Proposal Would Be Acceptable
- 2.3 Impact Of The Proposal On The Conservation Area
- 2.4 Impact Of The Proposal On The Living Conditions Of The Occupiers Of Any Neighbouring Properties
- 2.5 Highway Matters
- 2.6 Other Matters

3. Application Details

The Site

- 3.1 The application site includes a large late Victorian property, which is constructed of dressed stone and which is sited on the corner of Victoria Road and Hartington Street; a large Edwardian red brick property, which has a prominent corner tower and prominent gables; and a two-storey flat roofed

brown brick building which links the other two buildings on the site. The link building, which has a semi-basement, is set back approximately 20m into the site and has a landscaped area to the front, whilst the adjoining buildings have elevations in close proximity to Victoria Road. The property is accessed via a ramp from Victoria Road, which links to a single-storey flat roof porch that is attached to the front of the link building. The rear elevation of the link building is three-storey in appearance.

- 3.2 A tarmac access road runs to north and east of the buildings and this provides access to both Hartington Street and Victoria Place. Eight car parking spaces (including two for disabled persons) and a block of four garages lie to the north of the access road near to Hartington Street, with eight car parking spaces lying adjacent to the access road that runs along the eastern side of the site. The access road also links to a nineteen space car park that adjoins the site to the north but which is not in the applicant's ownership.
- 3.3 Red Lodge, a large detached dwelling, adjoins the application site to the north. Residential properties on Strand Road lie to the north of the site and are separated from it by a car park. The Sacred Heart of Mary St Gabriel's Convent adjoins the eastern boundary of the site. Carlisle College lies to the west of the site and is separated from it by Hartington Street.

The Proposal

- 3.4 This proposal is seeking to change the use of the link building and the Edwardian property into student accommodation, which would comprise 50 bedrooms and communal facilities. The majority of the Victorian building is excluded from the current application. The student accommodation would comprise the following:
- the lower ground floor would contain eight single bedroom; one double bedroom; a communal lounge/ dining/ kitchen area; male and female showers and toilets (including provision for disabled people); and a laundry room.
 - the ground floor would contain sixteen single bedrooms (including two disabled accessible); two double bedrooms (including one disabled accessible); two communal lounge/ dining/ kitchen areas; male and female toilets; a disabled persons w.c.; a reception; and a laundry room. All of the bedrooms on the ground floor would either be en-suite or would have a bathroom shared by two bedrooms.
 - the first floor would contain sixteen single bedrooms; four double bedrooms; two communal lounge/ dining/ kitchen areas; one dining/ kitchen area; and a disabled persons w.c. All of the bedrooms on the first floor would either be en-suite or would have a bathroom shared by two bedrooms.
 - the second floor would contain two single bedrooms and a double bedroom all of which would be en-suite and a dining/ kitchen area.

There would be no external changes to the building.

- 3.5 There are sixteen car parking spaces (including two for disabled persons) and four garages within the site and these would be available for use by students. Six 1,100 litre eurobins would be provided within the single-storey lean-to that is attached to the rear of the Victorian building and this could be also be used to provide secure cycle storage.

4. Summary of Representations

- 4.1 This application has been advertised by means of site and press notices as well as a notification letter sent to five neighbouring properties. In response eight letters of objection have been received (from six different households), which make the following points:

- these 51 bedsits are not primarily intended for student accommodation . The application states accommodation for individuals ,couples and student occupants are only anticipated. Understand that there is not a demand from Carlisle College for student accommodation and the need for additional accommodation from the University would have to demonstrated;
- these are bedsits with no cooking facilities. For 51 residents, which could be more if some rooms are rented to couples, there are only 6 kitchens with limited storage space. One of these kitchens being on the top floor. Trust fire regulations will be met. There are no other communal areas;
- there is a risk that this building could become a cheap rooming house in the city with minimal services and subject to the problems usually associated with such an establishment;
- the building directly overlooks the back of the dwellings on Strand Road;
- this accommodation will not be supervised only "monitored" by a letting agency, presumably a 9-5 operation;
- concerned about the potential disturbance from noise and light affecting the bedrooms of dwellings on Strand Road;
- concerned that the noise that 60 students will make in a very quiet residential area will be detrimental to residents;
- what actions is the developer taking to minimise the impact of having 50+ students living in a currently peaceful neighbourhood?
- concerned about potential anti-social behaviour, noise and litter;
- in a group situation students have little respect for others and authority;
- there does not appear to be a bin store marked on the plans. With 51+ residents

the refuse would be considerable;

- concerned about traffic and parking issues - most students now have cars;
- parking in this area is already exceeding breaking point;
- there is very limited parking provided and there is already great pressure on parking in this area by schools and Carlisle College;
- this proposal will add even more pressure on parking together with increased traffic making the area even more congested and dangerous;
- residents of Strand Road are still awaiting final decisions from the City Council regarding residents only parking - with the college and 3 secondary schools within a few 100 yards of each other parking is already a nightmare;
- will each student be able to apply for parking permit to park in the already stretched Zone A - it is already impossible at times to park within the zone due to student and teacher parking;
- there is no indication of the future use of the existing parking area that is not part of this planning application;
- this 51 bedsit accommodation is not suitable for this area which is predominately residential and surrounded by schools and Carlisle College;
- historically this is not a student area - Strand Road is a school children friendly area by day and a quiet family residential area during evenings and weekends;
- there is no need for anymore student accommodation - there is adequate accommodation in Denton Holme and Fusehill Street already;
- the residents of Strand Road have already had to accept the expansion of local schools such as Trinity, Richard Rose and Carlisle College and this is surely a step too far;
- the local council has a moral obligation to protect the needs of the local residents and this application is in direct conflict to this;
- this application should be refused and a more suitable use found for the building;
- more of the householders that will be affected should have been consulted.

4.2 Carlisle College has raised concerns about the application. Carlisle College does not have a need for residential student accommodation. It is also understood that the University of Cumbria has its own provision for residential student accommodation. Given the apparent lack of demand the college is concerned that if this development goes ahead and then fails to attract student tenants there will be a need to find an alternative use such as supported accommodation. This could be a potential problem given the close proximity to the college which provides education and training for a large

number of young people from the age of 14.

4.3 The following comments have been received from the occupier of Red Lodge:

- rear windows from the development look directly into the bedroom, dining room, conservatory and covered dining area of Red Lodge. There is some current tree cover mainly consisting of deciduous trees which does not provide privacy cover in the winter. There are long term plans to replace these old trees with evergreen trees. Would be willing to have this evergreen tree planting done now if it could be made part of the planning application and funded by the applicant;
- currently there are no residents in 50 Victoria Place on an evening or weekends, it has always been used from 9am-5pm on Monday to Friday. Concerned about loss of privacy by residents in the windows facing Red Lodge. Could windows facing Red Lodge have opaque glass to the bottom half and having restricted opening;
- concerned about location of bins - can they be sited in the north-east corner of the application site to reduce noise levels in Red Lodge and can emptying be made only after 7am?;
- presume main entrance will still be on Victoria Place. Can use of the rear doors be restricted and need to prevent students using the car park beside Red Lodge as a recreational space;
- existing lighting is tolerable at the rear - any new lighting needs to be low level down lighting to minimise light pollution to the windows of Red Lodge.

5. Summary of Consultation Responses

Cumbria County Council - (Econ. Dir. Highways & Transportation): - no objections, subject to conditions;
Local Environment - Environmental Protection: - no objections;
Northern Gas Networks: - no objections;
Access Officer, Economic Development - Building Control: - asked for clarification on a number of points;
Cumbria Constabulary - North Area Community Safety Unit: - suggested a number of crime prevention measures that should be considered by the applicant;
Local Environment - Streetscene - Highways Services: - under current regulations each of these properties could be entitled to a zone A permit. There are considerable amounts of unrestricted parking in the area which could be considered beneficial to this development if it were not for the fact there are businesses and colleges that employ a great many staff that use these areas for long stay free parking. City Engineering objects to the development unless a condition is applied to the development by Cumbria County Council that the unrestricted areas be included in the disc parking zone A. If these properties are to be developed as residential and the areas encouraged to grow then there must be adequate parking provision and supplementary restrictions to support them and not allow a free for all for businesses that have no adequate provision for their staff and clients;
Local Environment - Waste Services: - no objections following receipt of

amended plans to show the provision of six 1,100 litre eurobins within an existing building. These bins need to be provided prior to the development being brought into use.

6. Officer's Report

Assessment

6.1 The relevant planning policies against which the application is required to be assessed are Policies DP1, H1, LE19, LE27, CP5, CP6, CP12, CP15, CP16, CP17 and T1 of the Carlisle District Local Plan 2001-2016. The proposals raise the following planning issues:

1. Whether The Proposal Is Acceptable In Principle

6.2 The building was formerly used as an NHS clinic but has been vacant since December 2007. The proposal is seeking to use the building as student accommodation. This site lies on the edge of the city centre and is within easy walking distance of shops and leisure facilities as well as the train and bus stations. In addition, the site is well located in relation to the University Of Cumbria's sites at Fusehill Street and Brampton Road. In light of the above, the proposal would be acceptable in principle.

2. Whether The Scale And Design Of The Proposals Would Be Acceptable

6.3 There would be no external changes to the building. The existing parking areas and a block of four garages, adjacent to the building would be retained. An existing building on the site would be used for bin and cycle storage. All of the existing boundaries would remain as they are. The scale and design of the proposal would, therefore, be acceptable.

3. Impact Of The Proposal On The Conservation Area

6.4 Given that there would be no external changes to the building and the external space would remain as it is, the proposal would not have an adverse impact on the Chatsworth/ Portland Square Conservation Area.

4. Impact Of The Proposal On The Living Conditions Of The Occupiers Of Any Neighbouring Properties

6.5 The building was previously used as a clinic and would have been occupied during the day. It would also have generated significant vehicle movements by both staff and patients.

6.6 Red Lodge, a residential property, adjoins the application site to the north. Some rooms at first and second floor level in the development would look towards this dwelling and would also overlook the rear garden. The nearest windows would, however, be a minimum of 21m from Red Lodge and would not directly face the dwelling, with other windows being further away. This distance is sufficient to ensure that there is no loss of privacy to the occupiers

of this dwelling. There would be some overlooking of the garden of Red Lodge but this would be limited by existing trees that lie to the south of the dwelling. Given that the proposal is seeking to convert an existing vacant building, which would generate an element of overlooking when it is brought back into use and the garden is already overlooked from dwellings on Strand Road, the impact of the proposal on Red Lodge is considered to be acceptable.

- 6.7 The occupier of Red Lodge has requested that the windows in the rear elevation of the student accommodation should be obscure glazed to the bottom half and have restricted opening to protect his privacy, given that the building would be occupied twenty four hours a day, seven days a week. Given that the nearest window in the student accommodation would be 21m away from the nearest window in Red Lodge this is not considered to be reasonable and would lead to sub-standard accommodation for the students. He has also requested that the applicant should pay for some evergreen planting along his southern boundary to limit overlooking but this is also considered to be unreasonable, given the separation distances and the presence of some existing planting.
- 6.8 Dwellings on Strand Road would lie to the north of the site but would be separated from it by a car park, which is not in the applicant's ownership. Some windows would face the rear elevations of these dwellings, but the nearest dwelling would be over 37m away from the rear elevation of the development and this distance is sufficient to ensure that there is no loss of privacy to the occupiers of these dwellings.
- 6.9 The convent that lies to the east of the application site has a number of windows in the side elevation facing the application site and there would be bedroom windows facing these. The nearest of these would be 17.2m away and this distance is considered to be sufficient, given that an existing building is being converted.
- 6.10 The occupier of Red Lodge has raised concerns about the location of the bins and has requested that they should be sited in the north-east corner of the site and not be emptied before 7am. The bins would be located within a building that lies adjacent to Hartington Street and this would reduce noise levels when they are used by the students. Whilst there might be some noise when the bins are emptied this would not be before 7am (as this is the earliest collection time) and would only be once every two weeks.
- 6.11 The occupier of Red Lodge and residents of Strand Road have also raised concerns about external lighting having an adverse impact on their living conditions. A condition has, therefore, been added to the permission to require the applicant to submit details of any external lighting for approval by the Local Planning Authority, prior to the occupation of the building.
- 6.12 The occupiers of Strand Road have also raised concerns about the use of the car park that lies between the application site and their dwellings. This is not, however, owned by the applicant and is not included within this application.

5. Highway Matters

- 6.13 A number of objectors have raised concerns about the impact that the development would have on traffic in the surrounding residential streets, particularly Strand Road, part of which is unrestricted parking.
- 6.14 The previous use would have generated significant vehicle movements from both staff and patients, a number of whom would have parked in the surrounding streets. Other uses of the building, for example offices, would also generate significant levels of traffic generation and parking.
- 6.15 The proposal is seeking to change the use of the building to 50 bedroom student accommodation, which could house up to 58 students. There are 20 spaces on site and this equates to 1 space for every 2.9 students. By way of comparison, the student accommodation at Norfolk Street provides 76 spaces for 492 students, which equates to 1 space per 6.5 students and the Carrock Hall student accommodation at Fusehill Street, which has 85 bedrooms, does not have any resident parking.
- 6.16 County Highways has been consulted on the application and has raised no objections, subject to conditions, given the proposed use as student accommodation (which generates low levels of traffic at peak times) and the location, on the edge of the city centre, which is considered to be a sustainable location. Given the proximity of schools and Carlisle College, County Highways has requested that a condition is added to the permission to require the applicant to submit a Traffic Management Plan to cover the construction period.
- 6.17 A condition has also been added to the permission to prevent any of the students from applying for resident's parking permits. A similar condition was attached to the permission for student accommodation in Denton Holme.
- 6.18 City Engineering objects to the application unless a condition is added to the consent to include currently unrestricted parking areas into Disc Parking Zone A. It would not be reasonable to include this within a condition but it is understood that County Highways is currently reviewing on-street parking in the Strand Road area.

6. Other Matters

- 6.19 Local residents and Carlisle College have raised concerns that the building might not be used as student accommodation but might be used as supported accommodation or a cheap rooming house. A condition has been added to the permission to restrict the accommodation to students. If the property is no longer used as student accommodation, the applicant would need to apply to remove or vary the condition.
- 6.20 Local residents and Carlisle College consider that there is no need for additional student accommodation in Carlisle. The need for the proposal has been discussed with the University of Cumbria who have confirmed that they neither support nor oppose the scheme. Whilst there is enough

accommodation to meet the needs of students at present there is not a large over supply. This proposal would increase the range of accommodation available at the higher end of the market and would be in a sustainable location on the edge of the city centre. Given that there is not a large over supply of accommodation it would be unreasonable to refuse the application due to a lack of need. It is a commercial decision for the applicant to decide if there is a market for the proposed accommodation.

Conclusion

- 6.21 In overall terms, the proposal is acceptable in principle. The scale and design of the proposal would be acceptable and it would not have an adverse impact on the conservation area or on the living conditions of the occupiers of any neighbouring properties. The proposed access and parking would be acceptable. In all aspects, the proposal is considered to be compliant with the objectives of the relevant national and local planning policies.

7. Planning History

- 7.1 In June 1993, planning permission was granted for the upgrading and fire precaution works and provision of entrance porches (93/0381).

8. Recommendation: Grant Permission

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

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

2. The approved documents for this Planning Permission comprise:

1. the submitted planning application form received 25th June 2014;
2. the Block and Location Plans - As Existing (drawing no. 1561-04 Rev A) received 18th September 2014;
3. the Lower Ground Floor Plan - As Existing (drawing no. 1561-01) received 25th June 2014;
4. the Ground Floor Plan - As Existing (drawing no. 1561-02) received 25th June 2014;
5. the First and Second Floor Plans - As Existing (drawing no. 1561-03) received 25th June 2014;
6. the Block Plan - As Proposed (drawing no. 1561-08 Rev B) received 18th September 2014;
7. the Lower Ground Floor Plan - As Proposed (drawing no. 1561-05 Rev A) received 16th September 2014;
8. the Ground Floor Plan - As Proposed (drawing no. 1561-06 Rev B) received 16th September 2014;
9. the First and Second Floor Plans - As Proposed (drawing no. 1561-07

- Rev A) received 16th September 2014;
10. the Management Plan (Rev B September 2014) received 18th September 2014;
 11. the Notice of Decision; and
 12. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

3. The accommodation hereby permitted shall be used for student accommodation and for no other purpose.

Reason: To retain control over future use of the accommodation to ensure compliance accordance with Policies CP5, H1, H12 and H16 of the Carlisle District Local Plan 2001-2016.

4. Prior to the occupation of the student accommodation hereby approved, the applicant shall submit details of any external lighting for approval in writing by the Local Planning Authority. The external lighting shall then be installed in accordance with these details

Reason: To safeguard the living conditions of neighbouring residents and to prevent adverse impacts on wildlife in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

5. Prior to the occupation of the student accommodation hereby approved, the applicant shall provide bins in accordance with the details shown on the Block Plan as Proposed (Dwg No 1561-08 Rev A, received 16 September 2014). The bins shall be retained at all times whilst the development is in use.

Reason: To ensure that bins are provided for the development, in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

6. No construction work associated with the development hereby approved shall be carried out before 07.30 hours or after 18.00 hours Monday to Friday, before 07.30 hours and 13.00 hours on Saturdays, nor at any times on Sundays or Bank Holidays.

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

7. The applicant shall submit a Traffic Management Plan for approval identifying highway works, safety measures, routes to the site, timing of deliveries and parking provision for contractors. Works so approved shall be completed to the satisfaction of the Local Planning Authority in consultation with the Highway Authority prior to works commencing on site.

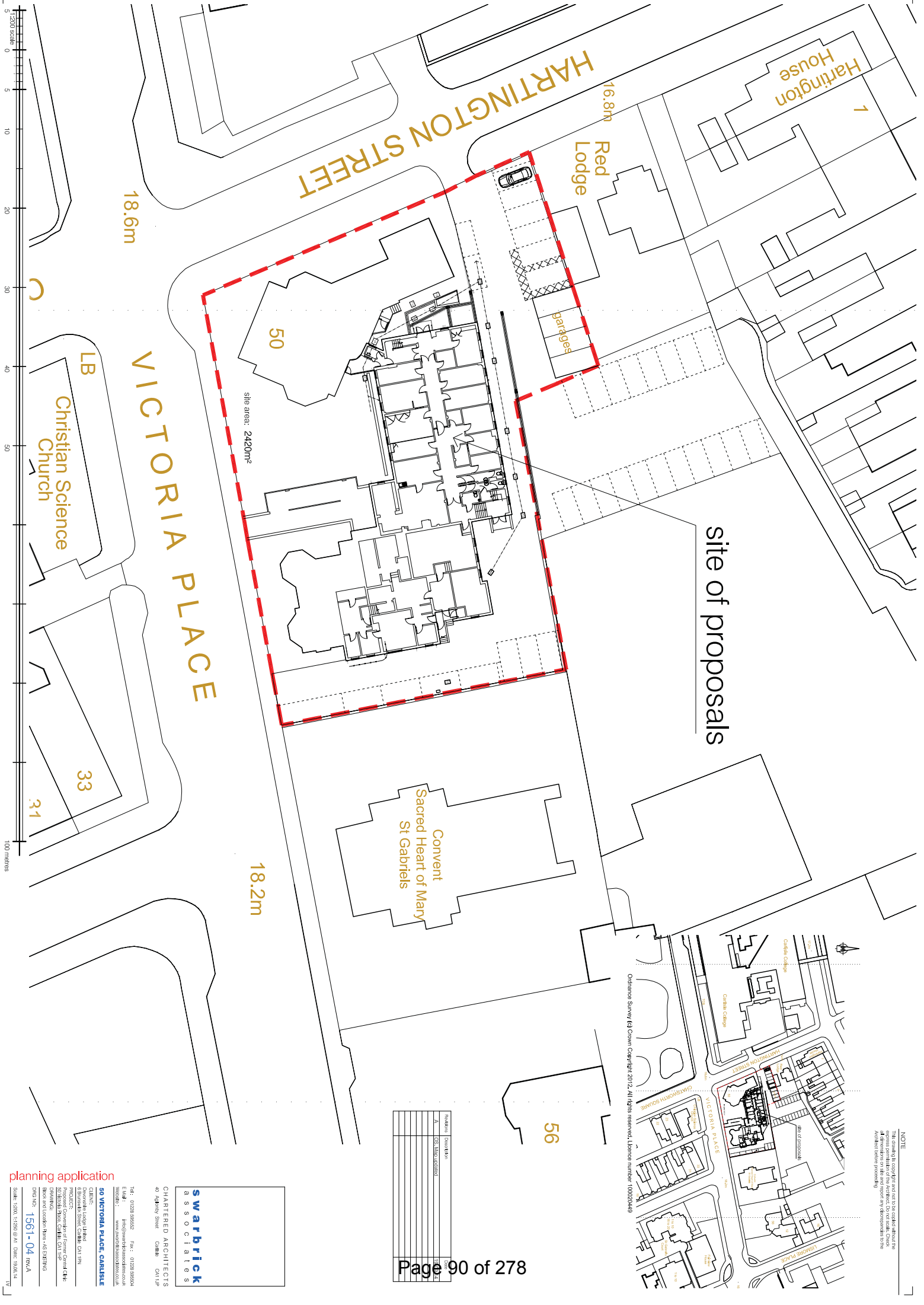
Reason: In the interests of highway safety.

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

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

9. Prior to the occupation of the student accommodation hereby approved, arrangements shall be agreed in writing (with the Local Planning and Traffic Authorities) and be put in place to ensure that, with the exception of disabled persons, no resident of the development shall obtain a resident's or visitor's parking permit within Carlisle Controlled Parking Zone A, (or such other Zone as may supersede A) that applies to the surrounding streets in the area.

Reason: To ensure that the development does not result in additional on-street parking in the interests of highway safety and to safeguard the living conditions of neighbouring residents in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.



site of proposals

HARTINGTON STREET

VICTORIA PLACE

Christian Science Church

Convent Sacred Heart of Mary St Gabriels

Red Lodge

garages

Hartington House

50

56

site area: 2420m²

18.6m

18.2m

16.8m



NOTE
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Revision	Description
A	ISS. After approval

swarbrick
associates

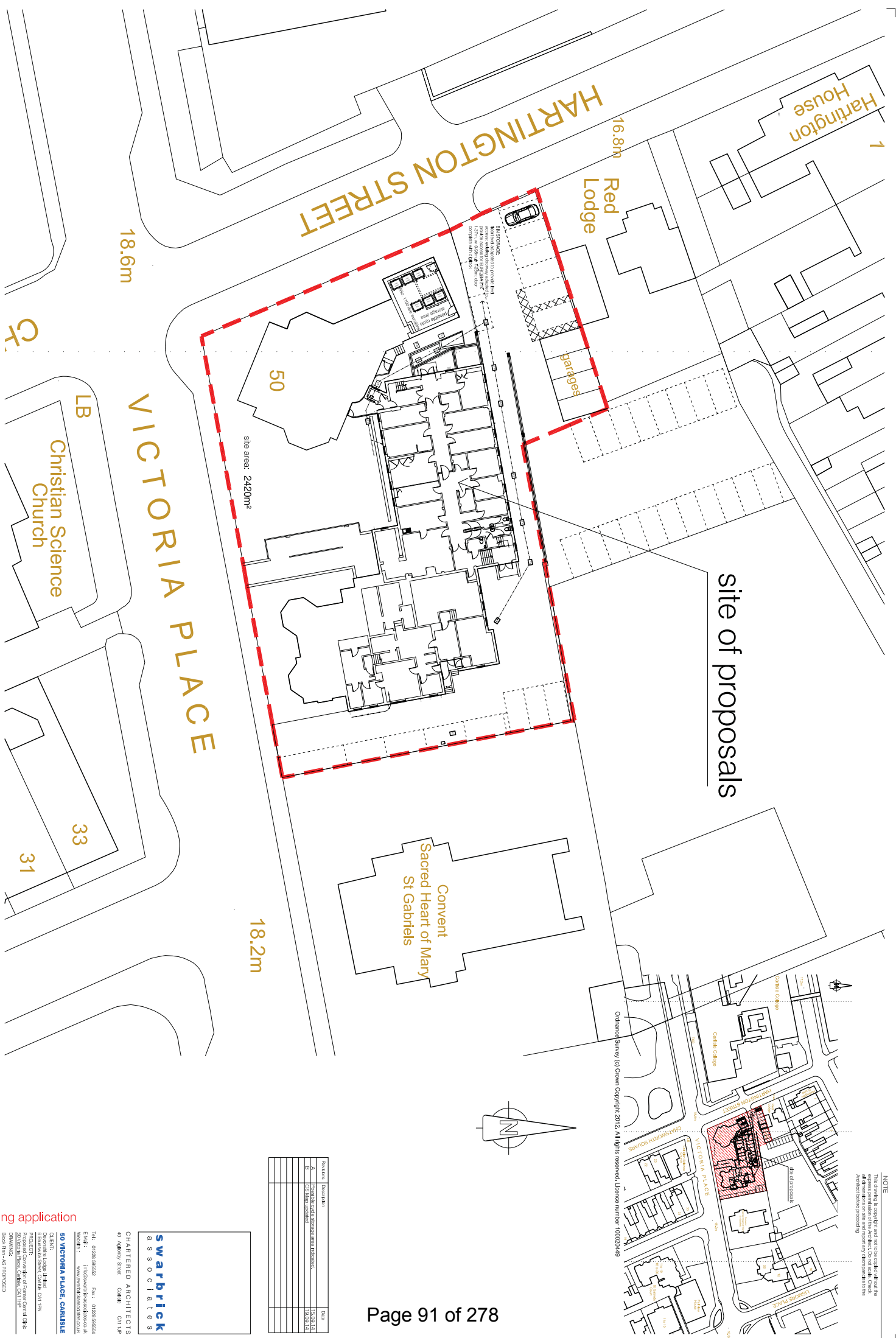
CHARTERED ARCHITECTS
40 Aldersey Street Carlisle CA1 1LP

planning application

Scale: 1:200 (1:150 @ A1 Date: 19.06.14)

1561-04 rev A

CLIENT: 50 VICTORIA PLACE, CARLISLE
PROJECT: Proposed Conversion of former General Clegg
DRAWINGS: 50 VICTORIA PLACE, CARLISLE CA1 1RN
DATE: 19.06.14
DESIGNER: J. S. JENNINGS
CHECKER: J. S. JENNINGS
DRAWN: J. S. JENNINGS
SCALE: 1:200 (1:150 @ A1 Date: 19.06.14)



NOTE

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Revisions	Disc/Vol	Date
A	Possible code storage area not traced.	15.09.14
B	OS Map, incorrect	19.09.14

GARAGES

gross external floor area: 700m²

VICTORIA PLACE

Page 93 of 278

planning application

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Website: www.swarbrickassociates.co.uk

50 VICTORIA PLACE, CARLISLE

Devonshire Lodge Limited
6 Burnside Street, Carlisle CA1 1PN

DRAWING:
Geometric Design Phase: AN EXISTING

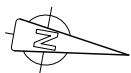
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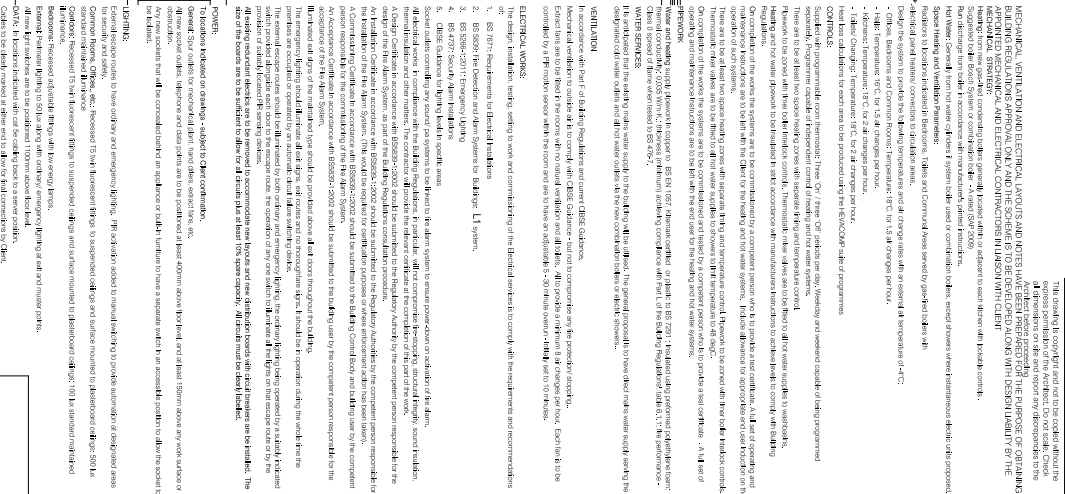
Scale: 1:100 @ A1 Date: 17.06.14

gross external floor area: 125m²



gross external floor area: **655m²**



swarbrick
associates

Tel: 01228 595552 **Fax:** 01228 595550
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Devonshire Lodge Limited
6 Brunswick Street, Carlisle CA1 1PN

DRUG NO: 1561-05 rev.A

[illegible]

DEVONSHIRE LODGE LIMITED
PROPOSED STUDENT ACCOMMODATION AT
DEVONSHIRE LODGE, 50 VICTORIA PLACE, CARLISLE
MANAGEMENT PLAN (revision B September 2014)

BACKGROUND

The proposals include for the change of use of the former Central Clinic to student accommodation with shared facilities, offering high class accommodation for students as individuals and couples.

We have undertaken discussions and had meetings with University of Cumbria to identify the type and level of accommodation most suited to the University's needs. The City has a lack of rooms which accommodate students living as couples, so the proposals include for the inclusion of 8 double and twin rooms. The scheme also provides en-suite facilities to the ground and first floor bedrooms, a requirement identified by the University as preferable and lacking in some other halls of residence.

The buildings are presently unoccupied and are sited within a locality of predominately college, school and community uses.

SITE MANAGEMENT

Devonshire Lodge are endeavouring to provide safe, monitored and convenient student living accommodation in substantially improved accommodation with large welfare areas for students and lounges and dining areas annexed to each block of rooms.

In line with other student accommodation locally, the proposals include for the provision of in house management to ensure that the students are given an appropriate level of care and servicing on site by representatives of Devonshire Lodge throughout their occupation and on a regular and monitored basis.

The location is considered as ideally situated for students attending University of Cumbria with the main campus at Fusehill Street only 5 minutes walk away.

PHYSICAL SECURITY

The buildings will be adapted retaining the bulk of the existing structure with alterations made to ensure a good level of security for occupiers, visitors and other users. All entrance doors are securable, whether by electromagnetic lock systems accessible via swipe cards or by traditional locks and keys

CLEANING RESPONSIBILITIES

Campus cleaning services will be provided by contract cleaners and full details of proposals to confirm.

RECYCLING FACILITIES

Full recycling facilities will be provided with access to Biffa type bins to the rear of the property and all occupants are encouraged to utilise the facilities where possible.

REFUSE DISPOSAL

Refuse disposal will be carried out by Carlisle City Council from a collection point to the rear of the property in large paladin or 'Euro1100' bins sited in a central compounds

DEVONSHIRE LODGE LIMITED
PROPOSED STUDENT ACCOMMODATION AT
DEVONSHIRE LODGE, 50 VICTORIA PLACE, CARLISLE
MANAGEMENT PLAN (revision B September 2014)

CAR PARKING

It is considered that the vehicle movements to and from the site will be less than the previous use as a clinic, where employees and patients had more of a requirement to use vehicles. Historically students generally have little need of cars and the general provision on the site is greater than that of other campuses. At the University of Cumbria facility (85 bedrooms), at Carrock Hall Fusehill Street for instance resident parking is not available on-campus, except for those students with a disability. However, at this site a scheme operates whereby students can purchase permits for parking at Carlisle United Football Club, a five minute walk away. The student accommodation, phase 1 at Norfolk Street there are 249 bedrooms with 43 car parking spaces on site. A ratio of 1 space per 5.8 bedrooms

This proposal provides 20 on site car parking spaces (including 2 disabled and 4 garages). A ratio of 1 space per 2.5 bedrooms. Additionally, there will be a restriction within each tenancy agreement whereby students cannot apply to the Local Authority for off-street parking permits. Therefore, there would be no increased on-street car parking affecting the local neighbourhood.

All of the parking is to the rear of the property and would be governed by a permit scheme for use only by residents of the accommodation with disabled residents being given priority for parking spaces. The facility will be monitored and managed to ensure proper and valid use.

ACCESS

Access will be via the existing main entrance from Victoria Place. The access will be controlled through the main reception and all other access points will be alarmed and act as emergency exits only.

CYCLE PROVISION

As with the other University campuses within the city, provision will be made for a cycle shelter to the rear of the property to encourage the use of cycles.

MECHANICAL AND ELECTRICAL SERVICES

Devonshire Lodge Ltd employ an IEE approved contractor to provide reactive mechanical and electrical services, details of which are provided for each occupant.

Planned and cyclical M & E works (including statutory compliance inspections) are organised by Devonshire Lodge.

Swarbrick Associates
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SCHEDULE A: Applications with Recommendation

14/0657

Item No: 05

Date of Committee: 03/10/2014

Appn Ref No:
14/0657

Applicant:
Fell View Nursery

Parish:
Irthington

Agent:
Taylor & Hardy

Ward:
Stanwix Rural

Location: Fell View Nursery, Hethersgill, Carlisle, CA6 6EY

Proposal: Erection Of Live/Work Unit (Outline)

Date of Receipt:
30/07/2014

Statutory Expiry Date
24/09/2014

26 Week Determination

REPORT

Case Officer: Richard Maunsell

1. Recommendation

- 1.1 It is recommended that this application is refused.

2. Main Issues

- 2.1 The Principle Of Development
- 2.2 The Effect On The Character And Appearance The Area
- 2.3 The Impact Of The Proposal On The Living Conditions Of Neighbouring Properties
- 2.4 Highway Issues
- 2.5 Impact Of The Proposal On Biodiversity

3. Application Details

The Site

- 3.1 This application seeks outline planning permission for the erection of a live/work unit at Fell View Nursery, Hethersgill, Carlisle. The site lies in the open countryside outside any settlement with the villages of Laversdale and Hethersgill being approximately 2 and 3 kilometres away respectively.
- 3.2 The site is bounded by a mature hedge along the frontage with the land rising

up towards the western (rear) boundary of the site. Adjacent to the northern boundary is a detached single storey bungalow and the access to the site is in the south-east corner.

Background

3.3 The applicant acquired the plant nursery in 2006 when it was in a run down condition and has brought it back into productive use. In 2008 planning permission was granted for a residential caravan. This was a temporary permission for three years to allow time to establish the nursery and to provide justification for a permanent dwelling.

3.4 In 2012, the applicant applied for the erection of a dwelling which was submitted by an assessment of the business to demonstrate the continued need to live on the site. The Council employed an independent consultant who considered the application and associated assessment and concluded that the business was not financially viable and there was no need for a permanent dwelling. As such, the application was refused for the following reason:

“The proposed site lies within the open countryside some distance from the nearest settlement in a location where there is a general presumption against further residential development. An essential need has been claimed for a dwelling and in this instance, the Council identifies that whilst there is a need for a worker to reside on site, the business is not financially viable; therefore, an essential need has not been substantiated. This application does not provide any evidence to support a special need for a dwelling in this location and the proposed development is also not put forward as the basis of meeting a local need. In the light of these circumstances it is not considered appropriate to permit the dwelling since to do so would be contrary to the guidance provided in paragraph 55 of the National Planning Policy Framework; Policy H1 (Location of Housing Development) and Policy H7 (Agricultural and Forestry Need and Other Occupational Dwellings) of the Carlisle District Local Plan 2001-2016.”

3.5 A subsequent appeal to the Planning Inspectorate was dismissed and in issuing the decision, the Inspector concluded that “*currently, notwithstanding the above considerations, I am not persuaded that the financial case put forward for the business sufficiently robust to justify the proposed dwelling.*” A copy of the decision is reproduced following this report.

3.6 To assist the applicant and allow her to further develop the business and improve the financial viability, the Council granted planning permission in 2013 for the retention of the static caravan until 31st January 2017.

The Proposal

3.7 Unlike the previous application for a dwelling which sought consent for a worker's dwelling, the current application seeks outline planning permission for the erection of a live work unit. All matters have been reserved for subsequent approval.

- 3.8 The accompanying Planning Statement justifies the proposal by stating that *"this application therefore represents the amalgamation of these three planning proposals in order to seek a satisfactory solution which allows my client the permanent on site home necessary for her to operate this sustainable rural business."*
- 3.9 The 3 proposals which are referred to are the formation of the vehicular access and new poly tunnel, the new workshop and the currently proposed live/ work unit.

4. Summary of Representations

- 4.1 This application has been advertised by means of a site notice and direct notification to the occupier of the neighbouring property. No representations have been received.

5. Summary of Consultation Responses

Cumbria County Council - (Econ. Dir. Highways & Transportation): - no objection subject to the imposition of a highway condition;

Irthington Parish Council: - no response received;

Carlisle Airport: - no objection.

6. Officer's Report

Assessment

- 6.1 The relevant planning policies against which the application is required to be assessed are the National Planning Policy Framework (NPPF) and Policies DP1, CP1, CP2, CP5, CP6, CP12, H1, EC12 and T1 of the Carlisle District Local Plan (CDLP) 2001-2016. The proposal raises the following issues.

1. The Principle Of Development

- 6.2 Policy H1 of the CDLP organises settlements in a hierarchy with the primary focus for new housing development being the urban area of the district; followed 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.
- 6.3 The site is not in a settlement identified within the CDLP under the provisions of Policy H1 and, thus, any development proposals within these settlements must be considered against Policy EC12. This policy encourages the provision of live/ work units in either Longtown, Brampton or within or adjacent to a Local Service Centre. In the rural area, the policy facilitates the provision of live/ work units through the conversion of existing buildings that are of traditional construction. There is no policy support for the provision of

new build dwellings for live/ work businesses.

6.4 Paragraphs 5.4 and 5.5 of Policy H1 of the CDLP reinforce this approach by stating that even when considering development proposals for the identified villages to which the policy relates, in most cases it will be more acceptable to locate new housing within the settlement rather than outside its boundary.

6.5 The NPPF has similar objectives but loosens the requirement for applicants for new housing in the countryside to demonstrate an “essential need” rather than be solely limited to agriculture or forestry. Whilst the NPPF opens up the restriction from just agricultural and forestry it nevertheless requires that development proposals are adequately justified. Paragraph 55 states:

“To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

- the essential need for a rural worker to live permanently at or near their place of work in the countryside; or
- where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
- where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
- the exceptional quality or innovative nature of the design of the dwelling.

Such a design should:

- be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;
- reflect the highest standards in architecture;
- significantly enhance its immediate setting; and
- be sensitive to the defining characteristics of the local area.”

6.6 During the consideration of the previous application for a worker's dwelling, the Council employed an independent consultant to advise on the existing business. Although reference was made throughout to PPS7, the report highlighted various aspects of the business and in particular, confirmed that there is a need for a worker involved in the management of the business to reside on the site. It is recognised that PPS7 has been superseded by the NPPF, however, it is established through numerous appeal decisions and the Inspector in the recent appeal on the site acknowledged that the advice within Annex A of PPS7 can still be given due weight in the determination of such applications.

6.7 An important element of whether an “essential need” can be met is the viability of the business. Financial viability can be defined as offering a competent person the prospect of a sufficient livelihood. In the consultant's report, he identified that the business made a small profit in 2009, which then fell in 2010 and rose again in 2011; however, it fell significantly short of a net

income that would be sufficient to provide an income for a worker's wage. He acknowledged that whilst the business may be heading in the right direction, it was not financially viable, and in this instance, by some distance. The proposal did not demonstrate an essential need for a dwelling on the site and therefore fails the assessment against paragraph 55 of the NPPF.

- 6.8 It is acknowledged that the nature of the current application is materially different from that considered in 2012 for a worker's dwelling and there is no policy requirement to assess financial viability for a live/ work unit.
- 6.9 Members will note the varied planning history for redevelopment, expansion and improvement to the business infrastructure on the site since the applicant took occupancy 8 years ago. Planning consent was granted in 2007 for a new entrance and a polytunnel with a further permission granted in 2008 for the replacement of a polytunnel with a workshop together with the siting of a static caravan. Of these permissions, the only element that has been implemented is the siting of the caravan.
- 6.10 In respect of the structures on the site, the Inspector commented that “apart from maintenance there has been little investment in the buildings on the site. Some have been demolished. They have not been replaced and a 2008 permission for a workshop/ store has not been implemented. Two greenhouses are in poor condition and are currently unused” and as far as I am aware, there has been no investment in this aspect of the business.
- 6.11 Whilst there is no policy requirement for an assessment of the financial viability of the business, as there is for an agricultural workers dwelling, this matter cannot be wholly discounted as it forms a fundamental and inherent aspect of informing an assessment as to whether there is an essential need for the dwelling.
- 6.12 As part of a positive approach to sustainable new development, the NPPF encourages local planning authorities to facilitate flexible working practices. It is also accepted that paragraph 28 of the NPPF encourages economic development through the expansion of businesses and enterprises in rural areas and refers to businesses rather than any dwelling associated within them. Notwithstanding this, the framework needs to be read as a whole and not in isolation. Paragraphs 47 to 55 refer to the provision of new housing with paragraph 55 being specific to the provision in rural areas. This states that new isolated homes in the countryside should be avoided unless there are special circumstances. In this instance, the only identified circumstances in the NPPF relates to the provision of a dwelling for a rural worker to live permanently at or near their place of work in the countryside where there is an essential need.
- 6.13 Further information has been received from the applicant's agent, which highlights concerns that the application is being considered under the incorrect policy provision. The agent clarified that live/ work units are not residential dwellings and should be treated as exceptions and a planning appeal decision is submitted demonstrating this. It is further argued that the local plan is out-of-date and consequently, the proposal should be considered

against the NPPF, in particular, the policy support for the rural economy. Whilst it accepted for the purposes of categorisation within the Town and Country Planning (Use Classes) Order 1987 (as amended), a live/ work unit falls within Class B1(Business) and not C3 (Dwelling Houses), the proposal involves accommodation on the site for permanent occupation which is not insignificant and should form part of the assessment of the planning issues.

- 6.14 It is cited that the live/ work unit policy in the local plan is superseded by the NPPF and is therefore out of date. Great emphasis is made with the application documents to paragraph 21 of the Framework which in the opinion of the author supports live/ work units and states:

“Investment in business should not be over-burdened by the combined requirements of planning policy expectations. Planning policies should recognise and seek to address potential barriers to investment, including a poor environment or any lack of infrastructure, services or housing. In drawing up Local Plans, local planning authorities should:

- set out a clear economic vision and strategy for their area which positively and proactively encourages sustainable economic growth;
- set criteria, or identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period;
- support existing business sectors, taking account of whether they are expanding or contracting and, where possible, identify and plan for new or emerging sectors likely to locate in their area. Policies should be flexible enough to accommodate needs not anticipated in the plan and to allow a rapid response to changes in economic circumstances;
- plan positively for the location, promotion and expansion of clusters or networks of knowledge driven, creative or high technology industries;
- identify priority areas for economic regeneration, infrastructure provision and environmental enhancement; and
- facilitate flexible working practices such as the integration of residential and commercial uses within the same unit.”

- 6.15 Paragraph 28 is also relevant and states:

“Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

- support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings;
- promote the development and diversification of agricultural and other land-based rural businesses;
- support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural

- service centres; and
 - promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.”
- 6.16 Notwithstanding this, the framework needs to be read as a whole and not in isolation. In this instance, the only identified circumstances in the NPPF relates to the provision of a dwelling for a rural worker to live permanently at or near their place of work in the countryside where there is an essential need.
- 6.17 The consideration of the need was considered by the Planning Inspector in his decision for the erection of a dwelling where it was dismissed based on the lack of viability of the business. In paragraphs 12 and 13 of his decision letter, the Inspector states:
- “The business has been in existence for six years and has been profitable for the last three. Some weight should also be attached to the willingness of the appellant to live on limited means. However I am not satisfied that at present the level of profit being generated is sufficient on its own to provide an adequate income to the appellant, to support a new dwelling, and to allow for ongoing investment in buildings and equipment.*
- In coming to this conclusion I have had regard to the support the NPPF gives to fostering economic growth in rural areas, including promoting the development and diversification of agricultural and other land based businesses. However at the moment the nursery business is not economically sustainable in its own right and an essential need for a dwelling on the holding has not been established. In consequence the proposal would conflict with LP Policy H7 and NPPF paragraph 55.”*
- 6.18 It is an intrinsic part of part of the assessment of the issue of “need” to look at the business itself. If the business is not financially viable, then it is clear that there is no need for a residential property. Members will note from the planning history that the Council granted further planning consent for the retention of the caravan to allow the applicant to develop her business and improve the financial situation. Less than 12 months later, the current application is submitted for a live/ work unit where it is argued that no financial assessment is required which appears to be a route to circumvent this issue.
- 6.19 The Planning Statement highlights that it is “envisaged” that the live/ work unit will incorporate around 200 m² of workshop, 20 m² of office space and 100 m² of residential accommodation. The site is used as a horticultural business. No reference is made as to why so much workshop accommodation is required, over and above that granted consent in 2008 which is extant by virtue of the static caravan being sited which is sufficient to consitite implementation of the permission.
- 6.20 In an attempt to show that the business is being developed, steel work has been erected on site which is alleged to form the structure for the workshop

granted consent in 2008; however, the footprint and siting differ from that granted consent and the structure does not, therefore, have the benefit of planning permission. The applicant has been made aware of the Council's view on this matter.

- 6.21 The applicant has a website associated with the nursery which in effect is the equivalent to the applicant's shop window on the internet. The "shop" tab leads to the Fell View Nursery Store; however, all the products listed are not sold from the site and are merely links to other websites selling the items which are not exclusively related to horticulture. No information is provided as to the available plants and produce available from the nursery or guidance as to the location of the nursery or what is available to purchase. Whilst it is recognised that there are many demands on an individual's time when establishing a business, it is considered that some further development should have been made regarding the website. It is not clear how the website contributes to the income or development of the nursery business.
- 6.21 It is this summary which is key to forming Members' consideration of the merits of the application outlined by the agent. Whilst policies are supportive of economic growth, which is evidenced by the number and type of planning consents which have been granted to the applicant by the Council, it does not automatically follow that policies relating to housing development should be overruled.
- 6.23 It is not considered that there has been a material change since the Inspector's decision and none is suggested in the application documents. Based on the foregoing, the proposal is contrary to paragraph 55 of the NPPF and for this reason, the application is recommend for refusal.

2. The Effect On The Character And Appearance The Area

- 6.24 The application site is not located with an Area of Outstanding Natural Beauty (AONB) or Conservation Area and there are no other landscape designations; however, planning policies require that appropriate consideration is given to the impact on the character of the open countryside.
- 6.25 Development proposals are expected to incorporate high standards of design including regard to siting, scale, use of materials and landscaping which respect and, where possible, should enhance the distinctive character of townscape and landscape. This is reflected in Policy CP1 of the Local Plan which requires that proposals for development in the rural area seek to conserve and enhance the special features and diversity of the different landscape character areas.
- 6.26 Although the building would be sited on elevated land within the site, the principle of development has been established through the grant of the previous consents for the static caravan. The impact could be mitigated through the imposition of conditions requiring the submission of site levels and through additional landscaping. The scale, design and use of materials of the building would be considered at any reserved matters stage to ensure that the development would be appropriate and would be sympathetic to the

overall character of the area; however, given the elevated nature of the land, a single storey dwelling would be appropriate.

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

- 6.27 Planning policies require that development proposals should not adversely affect the living conditions of occupiers of residential properties by virtue of inappropriate development, scale or visual intrusiveness.
- 6.28 The building is located within the open countryside but there is a residential property immediately adjacent to the application site; however, given the distance from the proposed dwelling and the intervening buildings, the living conditions of the occupiers of these properties would not be adversely affected by the development.

4. Highway Issues

- 6.29 The development would utilise an existing access into the site. The Highway Authority has raised no objection subject to the imposition of a condition relating to visibility splays.

5. Impact Of The Proposal On Biodiversity

- 6.30 Planning Authorities in exercising their planning and other functions must have regard to the requirements of the EC Habitats Directive (92/43/EEC) when determining a planning application as prescribed by regulation 3 (4) of the Conservation (Natural Habitats, cc.) Regulations 1994 (as amended). Such due regard means that Planning Authorities must determine whether the proposed development meets the requirements of Article 16 of the Habitats Directive before planning permission is granted. Article 16 of the Directive indicates that if there is reasonable likelihood of a European protected species being present then derogation may be sought when there is no satisfactory alternative and that the proposal will not harm the favourable conservation of the protected species and their habitat.
- 6.31 The City Council's GIS layer did identify the potential for breeding birds within the immediate vicinity. Given that the proposal involves a previously developed portion of land, it is unlikely that the proposal would affect any species identified; however, based upon details contained in Natural England's Draft Standing Advice in respect of Protected Species and their Habitats a Breeding Bird Survey would be required to identify the impact on the conservation of any Protected Species or their Habitat.

6. The Impact On Human Rights

- 6.32 The human rights of the occupiers of the neighbouring properties have been properly considered and taken into account as part of the determination of the application. Several provisions of the Human Rights Act 1998 can have implications in relation to the consideration of planning proposals, the most notable being:

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

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

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

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

6.34 The proposal has been considered against the above. Refusal of this application does not prejudice the applicant's right to continue to live in the caravan for a temporary period to allow her to develop the business. The applicant's Human Rights are respected but based on the foregoing it is not considered that any personal considerations out-weigh the harm created by the development.

Conclusion

6.35 In overall terms, the proposed development is out with any identified settlement within Policy H1 of the Local Plan and would result in built development in the undeveloped open countryside. The applicant has been developing the business since acquiring the site in 2006. A reasonable argument has been submitted by the applicant's agent expressing an opinion that approval of the proposal will facilitate economic development and *"offers a positive solution which allows my client the security to invest further in her business to allow it to grow and prosper financially, and which avoids the potential for an unsustainable isolated dwelling."*

6.36 Officers main concerns, however, are that the only investment that has been undertaken by the applicant in the previous 8 years is the siting of a temporary caravan. The financial viability and need for a permanent dwelling were considered by the Council's independent consultant in 2012 and again by a Planning Inspector in 2013 who dismissed the appeal. In doing so, the Inspector recognised the Council's willingness to look favourably on a further temporary permission for the retention of the caravan during which time the business could be developed. This consent was granted in 2013 allowing the retention of the caravan until 31st January 2017 and thus allow a re-evaluation of the proposal.

6.37 Although there is no requirement to financially assess applications for live/work units, this is intrinsically linked to the need for the provision of the unit as informed by the NPPF. The author of the Planning Statement opines that approval of this application would allow the amalgamation of the previous planning consents for the new access and workshop. It is difficult to see how

this would be an amalgamation given the current planning status of these applications.

- 6.38 The application has been properly assessed against the appropriate planning policies. Whilst it is stated by the agent that Officers have considered the wrong policies or interpreted planning policies incorrectly to the planning consultant's assessment, this is disputed. The aforementioned paragraphs show a clear and methodical appraisal of the planning issues of the proposal.
- 6.39 There has been no meaningful investment in the business on the site and it is unlikely that the viability of the business has improved to such a degree, that previous concerns have been adequately addressed. Although supporting information has been submitted with this application in the Planning Statement, this fails to adequately address the concerns of Officers or the conflict with current planning policies and the application is therefore recommended for refusal.

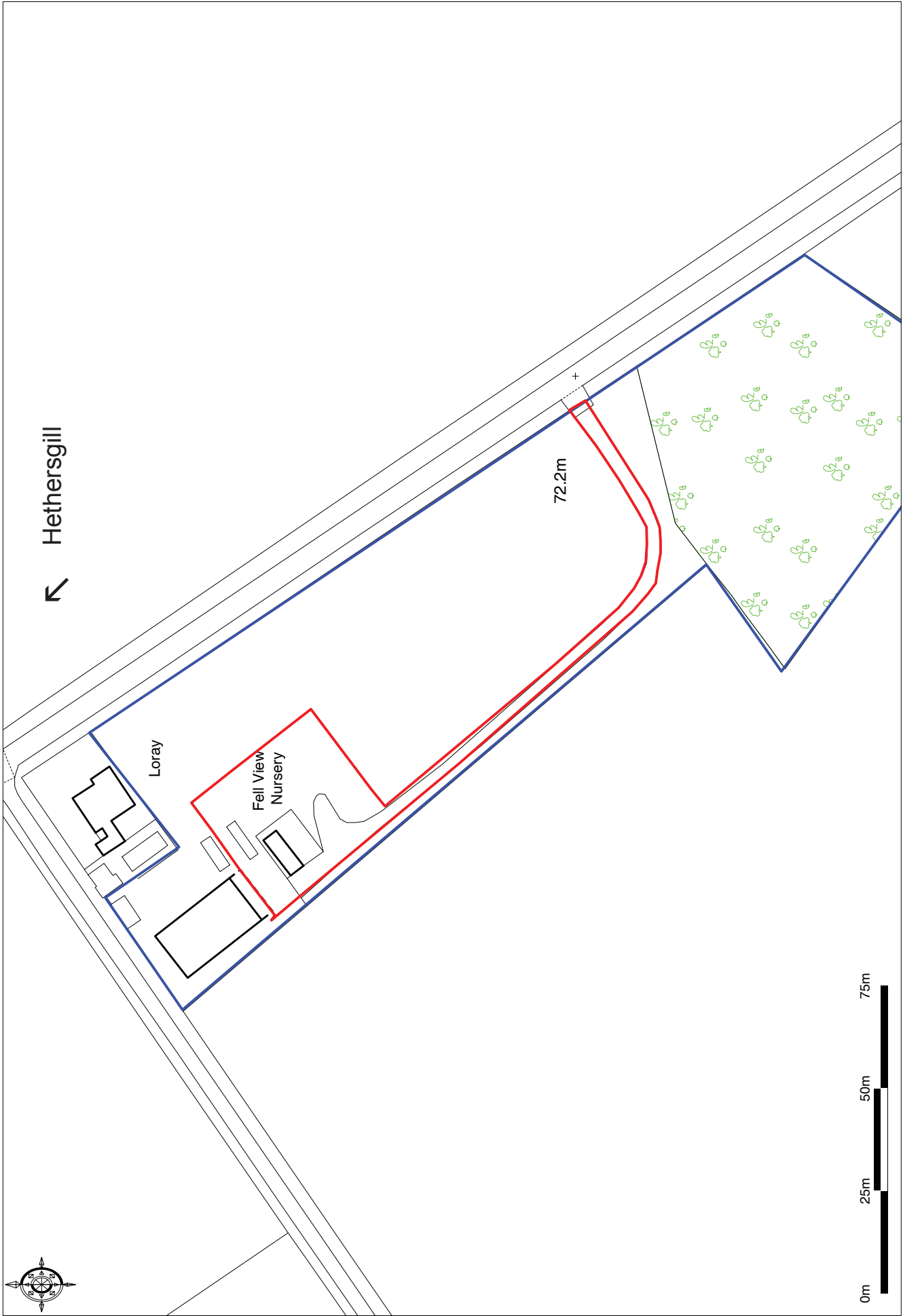
7. Planning History

- 7.1 In 2007, planning permission was granted for a new entrance and a polytunnel.
- 7.2 Planning permission was granted in 2008 for the erection of a replacement polytunnel with new workshop and siting of a static caravan.
- 7.3 Planning permission was refused in 2012 for the erection of a dwelling. A subsequent appeal to the Planning Inspectorate was dismissed in 2013.
- 7.4 In 2013, temporary planning consent was granted for the retention of the existing static caravan.

8. Recommendation: Refuse Permission

1. **Reason:** The proposed site lies within the open countryside some distance from the nearest settlement in a location where there is a general presumption against further residential development. Although it is claimed that the live/ work unit would support the applicant's business, previous recently determined planning applications found the business was unviable. Whilst there is no requirement to financially assess applications for live/ work units, this is intrinsically linked to the need for the provision of the unit as informed by the National Planning Policy Framework. In addition, the live/ work unit would not contribute to sustainable economic development. This application does not provide any evidence to support a special need for a dwelling in this location and the proposed development is also not put forward as the basis of meeting a local need. In the light of these circumstances it is not considered appropriate to permit the dwelling since to do so

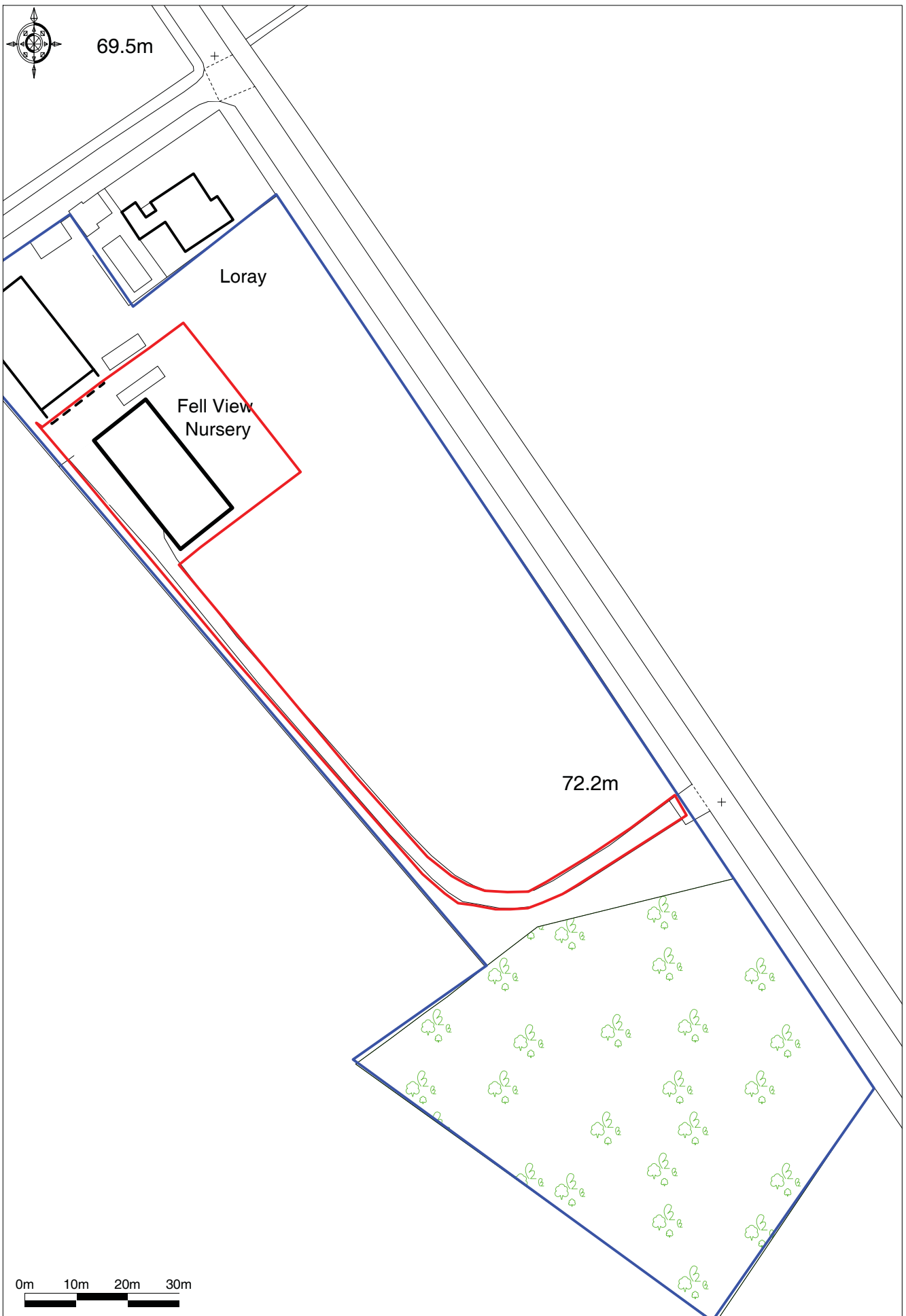
would be contrary to the guidance provided in paragraphs 28 and 55 of the National Planning Policy Framework; Policy H1 (Location of Housing Development) and Policy EC12 (Live/ Work Units) of the Carlisle District Local Plan 2001-2016.



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Geocode: N: 564701.59 E:348271



Appeal Decision

Hearing held on 18 September 2013

Site visit made on 18 September 2013

by B Hellier BA(Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 26 September 2013

Appeal Ref: APP/E0915/A/13/2191262

Fell View Nursery, Hethersgill, Carlisle, CA6 6EY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Miss A Scott-Parker against the decision of Carlisle City Council.
 - The application Ref 12/0396, dated 9 May 2012, was refused by notice dated 5 December 2012.
 - The development proposed is a new dwelling.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by the appellant against the Council. This application is the subject of a separate Decision.

Background to the proposal

3. The appellant acquired the plant nursery in 2006 when it was in a run down condition and has brought it back into productive use. In 2008 planning permission was granted for a residential caravan. This was a temporary permission for three years to allow time to establish the nursery and to provide justification for a permanent dwelling. The present proposal is to replace the caravan with a dwelling to be occupied in association with the business.

Main issue

4. I consider the main issue is whether an essential need for a dwelling on the nursery holding has been established.

Planning policy

5. The site lies in the open countryside outside any settlement, with the small villages of Laversdale and Hethersgill being about 2.0 and 2.3 kilometres away respectively. In such a location Policy H7 of the Carlisle District Local Plan (LP) sets out a presumption against new dwellings other than those essential to agriculture, forestry or other rural enterprise and supported by a proven need. Similarly the National Planning Policy Framework (NPPF) states that local planning authorities should avoid new isolated homes in the countryside unless

there is an essential need for a rural worker to live permanently at or near their place of work¹.

Reasons

6. Established practice² is to consider two key tests in assessing the need for an agricultural or other rural occupational dwelling. The first is a functional test to establish whether it is essential for the proper functioning of the enterprise for a worker to be readily available at most times. The second is a financial test which considers the length of time the business has been established, its profitability, whether it is financially sound and whether it is likely to remain so.
7. An important part of the business is the growing on of substantial numbers of bedding plants from both seed and plug plants in spring and summer. During this time they require regular watering and ventilation over a 24 hour period. For the remainder of the year the need for someone to be on the site is much reduced. Nonetheless on the basis of these operational requirements the land agent acting for the Council advises that there is a clearly established existing functional need for one full time worker actively involved in the management of the holding to be resident on or immediately adjacent to it. I see no reason to differ from this conclusion and agree that the functional test is met.
8. The appellant submitted accounts for the financial years 2008/9 to 2011/12. Turnover increased from £4,096 to £12,278 and, after operating at a loss in the first two years, the business showed a net profit of £2,840 in 2010/11 increasing to £8,424 in the following year. Figures relating to 2012/13 were presented at the hearing. These indicate a further increase in turnover and profit but, because they are unaudited, I consider they should be treated with some caution.
9. A viable business should not only be profitable but should generate sufficient income to provide a living wage. The average wage for an agricultural worker is about £16,500³. The appellant is the sole proprietor and may be able to achieve a sufficient livelihood on less than this but up to March 2012 the net profits from the business were well below even the national minimum wage.
10. The proposed dwelling would be a three bedroom bungalow. The appellant, by undertaking site preparation and providing much of the labour, would anticipate keeping the costs down to about £100,000. This injection of capital would attract an annual charge of 5% or £5,000 which, since the dwelling would be essential to the business, would need to be set against profits. The appellant would be able to source the money from elsewhere but I consider it a reasonable expectation that the business should support both her living costs and the annualised costs of the new dwelling.
11. There are a number of other factors which will affect the longer term financial viability of the business.
 - Apart from maintenance there has been little investment in the buildings on the site. Some have been demolished. They have not been replaced and a

¹ NPPF Paragraph 55

² Annex A to Planning Policy Statement 7: Sustainable Development in Rural Areas (PPS7) gives advice on assessing essential need. PPS7 was cancelled with the publication of the NPPF but the parties agreed that the application of the functional and financial tests set out in Annex A continues to be good practice.

³ Represents the minimum wage for a "craft grade" agricultural worker set by *The Agriculture Wages (England and Wales) Order 2012*

2008 permission for a workshop/store has not been implemented. Two glasshouses are in poor condition and are currently unused.

- There is no plan for sustaining and growing the business. The appellant seeks to live in an environmentally sustainable way and to increase the ecological diversity of the land. Amongst a range of initiatives she has a flock of geese, beehives, grows species that are attractive to bees, and proposes to introduce hens. No chemicals are used and there is a long term intention to produce organic crops for which there would be some demand from the Brampton Food Network. Most recently there is a proposal for an animal sanctuary focusing on cat rescue. However, whilst these activities support the lifestyle of the appellant, there is no evidence in the main that they will increase sales.
 - There is a company web site which sets out the philosophy of the business which is to *create a traditional, sustainable way of life*. To date however the internet shop acts only as a gateway to other internet retailing sites although it is intended to introduce mail order in the future.
 - Currently income is derived from sales of plants, hanging baskets and vegetable crops to local businesses and individuals at car boot sales, farmers markets and by word of mouth. There is little retailing from the site. Whilst there are benefits in serving this particular local market it limits the customer base and potential demand.
12. The business has been in existence for six years and has been profitable for the last three. Some weight should also be attached to the willingness of the appellant to live on limited means. However I am not satisfied that at present the level of profit being generated is sufficient on its own to provide an adequate income to the appellant, to support a new dwelling, and to allow for ongoing investment in buildings and equipment.
13. In coming to this conclusion I have had regard to the support the NPPF gives to fostering economic growth in rural areas¹, including promoting the development and diversification of agricultural and other land based businesses. However at the moment the nursery business is not economically sustainable in its own right and an essential need for a dwelling on the holding has not been established. In consequence the proposal would conflict with LP Policy H7 and NPPF paragraph 55.
14. The appellant argues that dismissing the appeal would interfere with her right to a home² but this would not be the case. Her caravan is her home and the Council has indicated that it would look favourably on a further temporary permission during which time the business could be developed. Even if this permission was not forthcoming the Council would have to take enforcement action and in doing so take account of human rights.
15. On taking over the land the appellant has cleared away rubbish and scrap which was a particular problem as a result of fly tipping in the copse at the south end of the site. This and her environmentally responsible approach to land management are to be welcomed. I also acknowledge the continuing commitment of the appellant and her partner to the business and the

¹ NPPF Paragraph 28

² Under Article 8 of the European Convention on Human Rights: The Right to Respect for Private and Family Life and the Home

environmental and economic benefits of reducing food miles and retaining spend within the local area.

16. However set against these considerations is the need to be sure that the underlying financial health of the business is sound. If it is not and the business subsequently founders then the Council would find it difficult to enforce against an occupancy condition tying the dwelling to the business because the reason for the condition would have disappeared. Currently, notwithstanding the above considerations, I am not persuaded that the financial case put forward for the business is sufficiently robust to justify the proposed dwelling.

Conclusion

17. For the reasons given above and having regard to all matters before me, including the support offered to the proposal by the Member of Parliament and by the local City Ward Councillors, I conclude that the appeal should be dismissed.

Bern Hellier

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr T Woof	Planning Consultant
Ms A Scott-Parker	Appellant
Mr W Allison	Partner of Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Mr R Maunsell	Planning Officer (Development Management)
Mr A Jackson	Land Agent/Surveyor

DOCUMENTS

- 1 Unaudited summary of income and expenditure for year ending 31 March 2013 with itemised payments/income for July 2012
- 2 Lake District National Park Practice Guide for essential dwellings in the open countryside
- 3 Note on the Agriculture Wages (England and Wales) Order 2012
- 4 Decision Notice 07/0655 for new entrance and polytunnel at Fell View Nursery
- 5 Letter from Cats Protection (Carlisle and District Branch)

SCHEDULE A: Applications with Recommendation

14/0490

Item No: 06

Date of Committee: 03/10/2014

Appn Ref No:
14/0490

Applicant:
ESH Developments

Parish:
Wetheral

Agent:

Ward:
Wetheral

Location: L/Adj Fallowfield, Plains Road, Wetheral, Carlisle, CA4 8LE

Proposal: Erection Of Dwellings (Reserved Matters Application Pursuant to Outline Permission 13/0546)

Date of Receipt:
24/06/2014

Statutory Expiry Date
19/08/2014

26 Week Determination

REPORT

Case Officer: Barbara Percival

1. Recommendation

- 1.1 It is recommended for approval subject to a Deed of Variation to the Section 106 Agreement in respect of a commuted sum towards off-site affordable housing provision. If the Deed of Variation is not completed within a reasonable time, then Authority to Issue a Refusal Notice is requested to the Director of Economic Development.

2. Main Issues

- 2.1 Whether the principle of development is acceptable
- 2.2 Impact of the development on the character of the area
- 2.3 The provision of affordable housing
- 2.4 Impact of the proposal on the living conditions of neighbouring residents
- 2.5 Impact of the proposal on highway safety
- 2.6 Whether the method of disposal of foul and surface water are appropriate
- 2.7 Impact of the proposal on biodiversity
- 2.8 Impact of the proposal on existing trees and hedgerows
- 2.9 Other matters

3. Application Details

The Site

- 3.1 The application site is located to the west of Plains Road, Wetheral. Extending to approximately 0.276 hectares in area the application site forms part of the domestic curtilage of Fallowfield, a substantial detached dwelling, located to the west of the site. The application site is delineated by mixed hedgerows and trees along its northern and eastern boundary with a combination of hedgerow and a brick wall along its southern boundary beyond which are numbers 2 - 8 Greenacres.

Background

- 3.2 Outline Planning Permission with some Matters Reserved for the erection of dwellings was issued in June of this year following the completion of a Section 106 Agreement for a commuted sum towards off-site affordable housing provision (application reference 13/0546).

The Proposal

- 3.3 This application seeks Approval of Reserved Matters following Outline Planning Permission for those details Reserved. Namely: appearance, landscaping, layout and scale. Access provision was dealt during the processing of the original Outline application. The application also involves the submission of additional information to discharge conditions attached to the Outline Planning Approval with the exception of Conditions 12 (Method Statement for works within Root Protection Areas) and 16 (construction of driveways, parking/turning areas). These issues would be dealt with by the submission of a further application should Members recommend approval of this application.

4. Summary of Representations

- 4.1 This application has been advertised by the direct notification of ten neighbouring properties and the posting of a Site Notice and Press Notice. In response, two representations have been received.
- 4.2 The representations identifies the following issues:
1. proposal has the potential to intensify traffic on this particularly narrow section of road not served by a footpath. The proposal should take the opportunity to widen the road and extend the footpath.
 2. parking provision for contractors.
 3. adequacy of parking for visitors within the site.
 4. recommends that existing double yellow lines should be increased across the frontage of the site.

5. Summary of Consultation Responses

Forestry Commission: - no response received;

Cumbria County Council - (Econ. Dir. Highways & Transportation): - confirm that the details provided seems in line with the conditions sought at outline stage, therefore, confirm that the Highway Authority has no objection to the application subject to the imposition of conditions;

Clerk to Wetheral PC: - objection, have concerns in respect of i) width of the access road for service vehicles; ii) visibility for both entering and exiting the site onto Plains Road; iii) sewerage. New properties would put an extra burden on the existing treatment plant which is already at full capacity. Members also felt the style and design of the proposed dwellings were not in keeping with that of the neighbouring properties;

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

United Utilities - (for water & wastewater comment): - no response received.

6. Officer's Report

Assessment

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
- 6.2 The Development Plan for the purposes of the determination of this application is the Carlisle District Local Plan 2001-2016 from which Policies DP1, CP1, CP2, CP3, CP5, CP12, H1, H5 and T1 of the Carlisle District Local Plan 2001-2016 are of particular relevance.
- 6.3 The National Planning Policy Framework (NPPF) and the Planning Practice Guidance (PPG) are also material planning considerations in the determination of this application.
- 6.4 Other material considerations are Supplementary Planning Documents adopted by the City Council, in particular 'Achieving Well Designed Housing' and 'Trees and Development'.
- 6.5 The proposals raise the following planning issues:

1. Whether The Principle of Development Is Acceptable

- 6.6 The principle of development has been established since June of this year by the issuing of Outline Planning Approval for the erection of dwellings (application reference 13/0546).

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

- 6.7 The PPG outlines that good quality design is an integral part of sustainable development. The NPF recognises that design quality matters and that planning should drive up standards across all forms of development. Achieving good design is about creating places, buildings, or spaces that work well for everyone, look good, last well and will adapt to the needs of future generations. The PPG goes on to highlight that development proposals should reflect the requirement for good design set out in national and local policies. Local Planning Authorities will assess the design quality of planning proposals against their Local Plan Policies, national planning policies and other material considerations. Local Planning Authorities should give great weight to outstanding or innovative designs which help to raise the standard of design more generally in the area. This could include the use of innovative construction materials and techniques.
- 6.8 The drawings and documents submitted as part of the application illustrate the siting of three two storey detached dwellings of a modern, contemporary design. The submitted drawings illustrate two differing house types, '2116 Climat Hus Type' (Plot 1) and '1986 Climat Hus Type' (Plots 2 and 3). The dwellings would have a central flat roof section adjoined by two further sections of differing heights. The outer sections would project forward of, and to the rear of, the central roof section and have mono-pitch roofs. The detached garage serving Plot 1 would also have a mono-pitch roof.
- 6.9 The accommodation of Plot 1 would comprise of a ground floor open plan living room, dining room, kitchen, hallway and stairwell with study/bedroom 5, shower room and utility room with family room, en-suite master bedroom, en-suite bedroom, 2 bedrooms and bathroom above. The dwelling would be served by a detached double garage together with two in-curtilage parking spaces. The proposed dwelling would be of timber construction with natural red sandstone slips, smooth grey/white render (RAL 9002) with dark grey 'Sandtoft Calderdale' slate effect tile. The garage doors, windows and rainwater goods would be dark grey whilst the door colours would be the purchaser's choice.
- 6.10 The accommodation of Plots 2 and 3 would comprise ground floor open plan lounge, dining room, kitchen/breakfast room, hallway and stairwell, utility room, study/guest bedroom, w.c. and double garage with two ensuite bedrooms, 2 bedrooms, bathroom, landing and an external balcony above. The proposed dwelling would again be of timber construction with the same finishes as those of Plot 1; however, 'Rockpanel Woods' cladding in a Rhinestone Oak Finish would be used on sections of the front elevations of the dwellings.
- 6.11 Each of the dwellings would also incorporate air source heat pumps to the rear of the properties together with solar pv arrays in the roof slope.

- 6.12 As previously highlighted the proposed dwellings are of a modern, contemporary style located within the grounds of Fallowfield, a substantial detached dwelling, located on the eastern side of Plains Road over 60 metres north west of the northern boundary of the Wetheral Conservation Area.
- 6.13 The City Council's Urban Design and Conservation Officer questions whether the application achieves locally specific design, either through form or proposed materials. Raising specific concerns in respect of the fenestration, in particular the use of 'gun slit' windows. In response to the concerns raised by the Urban Design and Conservation Officer. The Applicant has relocated Plot 1 further back into the site, made changes to/omitted some of the windows together with the use of render as opposed to cladding on the elevations of Plot 1. The Applicant has also submitted a Character Statement together with a series of photographs which expand upon the chosen design criteria.
- 6.14 The Character Statement outlines that the existing character of Plains Road is a predominantly tree lined road with houses typically set back from the carriageway. Larger historical dwellings have significantly larger grounds compared with the dwellings built more recently which have typically being constructed within the grounds of these larger historical properties. Some small and medium sized housing developments also exist constructed in the 1960's-80's. The larger historical properties are constructed of red sandstone with period windows whereas the more recent properties comprise a mixture of more modern materials such as brick, render, concrete roof tiles and modern window styles, sizes and materials. There is a mix of building types such as bungalows and two storey houses with a variety of gables, features and roof pitches. The Statement goes on to highlight that recently constructed dwellings to the north west of Plains Road, are of a linear nature which has extended the settlement. The materials of which comprise a mixture of brick, render and some red sandstone with a mixture of different window styles, materials and shapes. The Statement makes reference to the fact that the more modern estates and linear dwellings are all located out with the Wetheral Conservation Area.
- 6.15 In respect of the impact of the proposed development. The Character Statement notes that a 1980's housing development is located between the application site and the Conservation Area. Despite this the Applicant has sought to design the dwellings echoing the character of Plains Road by setting the houses back from the carriageway and creating a dense planting screen to the site frontage. The dominant materials proposed are that of a render and red sandstone. The windows albeit of a more modern plain style, are of aluminium in anthracite grey. Matching coloured aluminium fascias, soffit's and rainwater pipes and guttering they believe complete a quality appearance. In respect of Plot 1 which has a frontage onto Plains Road the Statement explains that the house style at the front of the site comprises pitched roofs, vertical emphasis windows and a dominance of natural red sandstone. Within the site (Plot 2 and 3) a further material is proposed to add further interest. The material is a wood effect panel which requires no maintenance and will not deteriorate from its original colouring to be applied to large areas of the two dwellings within the site softening the elevations of

render and red sandstone.

- 6.16 The Statement concludes that the overall feel of the development will be of quality materials befitting of the location and of the settlement of Wetheral. The structure of the dwellings will be a high quality closed panel timber frame, which when delivered in finished wall panels and have a shorter construction duration, reducing the impact on the neighbourhood when compared to traditional masonry construction.
- 6.17 As outlined earlier in the report, good design is a key aspect of sustainable development and should contribute positively to making places better for people. The NPPF seeks to ensure that decisions should aim to ensure that developments respond to local character, reflect the local surroundings and materials, whilst not preventing or discouraging appropriate innovation. Paragraph 60 of the NPPF highlights that planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originally or initiative through unsubstantiated requirements to confirm to certain development forms or styles.
- 6.18 The PPG reiterates the policies of the NPPF by stating that local building forms and details contribute to the distinctive qualities of a place. These can be successfully interpreted in new development without necessarily restricting the scope of the designer. Standard solutions rarely create a distinctive identity or make best use of a particular site. The use of local materials, building methods and details can be an important factor in enhancing local distinctiveness when used in evolutionary local design, and can also be use in more contemporary design. However, innovative design should not be discouraged.
- 6.19 When assessing the application against the foregoing, it is evident that there are a variety of dwellings of differing ages, plot sizes, styles and materials along the length of Plains Road and adjoining it including two estates Elmgarth and Greenacres. The application site is located at right angles to Plains Road with existing and proposed boundary treatments limiting public views into the site. Once inside the site the use of linking boundary treatments and the pallet of materials ensures a cohesive and consistent design. Furthermore, the greater use of render and sandstone slips on the elevations of the dwelling with a frontage onto Plains Road (Plot 1) would ensure the successful integration of a innovative, contemporary design into the streetscene. Accordingly, the proposal would not result in an obtrusive development that would unacceptably affect the character of the streetscene. Furthermore, the principle of this design and pallet of material has already been established elsewhere within the District.

3. The Provision Of Affordable Housing

- 6.20 The associated Outline Planning Approval was granted permission for the erection of dwellings, subject to the completion of a Section 106 Agreement in respect of a commuted sum towards off-site affordable housing provision. The Section 106 Agreement was subsequently entered into and issued on the 19th June 2014.

- 6.21 The application before Members now seeks Reserved Matters for the erection of three dwellings. When considering the issue of affordable housing, Policy H5 of the Local Plan sets thresholds for the provision of affordable housing. Given the nature of the proposal which now details the number of dwellings i.e. three, there is a policy requirement to provide 10% contribution towards the provision of affordable housing. The applicant is willing to provide this contribution which would be subject of a Deed of Variation to the original Section 106 Agreement. Accordingly, there is no policy conflict.

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

- 6.22 Policies within the Local Plan seek to ensure that development proposals should be appropriate in terms of quality to that of the surrounding area. One of the criterion being that the living conditions of the occupiers of adjacent residential properties are not adversely affected by proposed developments. This is echoed and reinforced in Local Plan policies together with the City Council's Supplementary Planning Document (SPD) 'Achieving Well Designed Housing'. The SPD outlines that in order to protect against privacy loss a minimum of 21 metres between primary facing windows and 12 metres between any walls and primary windows should be achieved.
- 6.23 The proposed dwellings would be so orientated so as to achieve the minimum distances as outlined in the aforementioned SPD. The application site would also be relatively well screened by existing and proposed boundary treatments. Given the physical relationship of the application site with adjacent properties, the occupiers of neighbouring properties would not suffer from an unreasonable loss of daylight or sunlight. Furthermore, the siting, scale and design of the development will not adversely affect the living conditions of the occupiers of the neighbouring properties by virtue of loss of privacy or over-dominance.

5. Impact Of The Proposal On Highway Safety

- 6.24 The Parish Council has raised objections to the proposal citing the capability of the access road to accommodate service vehicles and visibility for vehicles entering and exiting the site. Neighbours have also expressed concerns in respect of intensification of the access to serve the dwellings, requesting that the road be widened, a footpath provided and the extension of double yellow lines along the site frontage. A further issue raised is the adequacy of parking provision for contractors during any construction works.
- 6.25 The previously approved application sought Outline Planning Permission with All Matters Reserved except for access, therefore, this issue has previously been addressed by the granting of the previous Outline Application.
- 6.26 Nevertheless, to assist Members, the previous application illustrated the closing up of the existing access and the formation of a new vehicular access to serve Fallowfield and the proposed dwellings. The scheme also included the extension of the existing pavement along the frontage of the application

site using land within the curtilage of the application site, thereby, providing an extended pavement without impacting on existing road widths. The drawings illustrated that the new bitumen access would exceed the minimum Cumbria Highways requirement of 4.1 metres wide for a length of 10 metres, thereby, allowing vehicles to enter and exit the site at the same time. Although a new bin store would be located close to the entrance of the site there would also be adequate provision for the storage of bins during kerb site collection days without having an adverse impact on the visibility splays.

- 6.27 The details submitted as part of this current application remain intrinsically the same as those previously approved with the exception of the reduction in length of the proposed footpath as a small section of land to the north of the site is outwith the ownership of the applicant. The drawings also illustrate that each of the dwellings would be served by a double garage together with two in-curtilage parking spaces.
- 6.28 Cumbria County Council, as Highways Authority, has been consulted and comments that the details provided in respect of this current application are in line with the conditions sought at Outline stage. Accordingly, the Highways Authority has no objection to the application subject to the retention of four conditions previously imposed and an informative. One of the conditions would ensure that the access and parking/turning facilities are substantially met prior to building works commencing on site so that construction traffic can park and turn clear of the highway.
- 6.29 The objections of the Parish Council and third parties are acknowledged however, in light of the previous approved Outline Application together with the views of the Highways Authority it would be difficult to substantiate a refusal of the application on highway safety grounds.

6. Whether The Method of Disposal of Foul And Surface Water Are Appropriate

- 6.30 In order to protect against pollution, Policy CP12 seeks to ensure that development proposals have adequate provision for the disposal of foul and surface water. The Drainage Statement, submitted as part of this current application, outlines the mitigation measures proposed for the existing and proposed dwellings. Currently the surface water from Fallowfield enters the public sewage infrastructure; however, the proposal would remove the surface water of Fallowfield from the combined sewer into an infiltration device which would also serve the proposed dwellings. The report goes on the detail that the foul drainage would go to a package treatment plant pending the upgrade of the Wetheral WWTW.
- 6.31 No formal response has been received from United Utilities (UU), therefore, in line with current practices it can be assumed that they raise no objections to the drainage methods as proposed. It should; however, be noted that UU did not raise any objections, subject to only foul drainage entering the foul sewer, during the processing of the Outline Planning Application.

7. Impact Of The Proposal On Biodiversity

- 6.32 The Council's GIS Layer has identified that there is the potential for several key species to be present within the vicinity. Using the guidance issued by Natural England, the development would not harm protected species or their habitat. Furthermore, the impact on Protected Species specifically bats, red squirrel and nesting birds was considered as part of the Tree Survey. The survey found that there were no features for bats to roost in any of the trees and that no presence of red squirrels were found. Two open birds nest were found within the conifers. A condition and informative, which remains valid, was imposed during within the Outline Planning Permission which ensures no works are undertaken during the bird-breeding season unless the absence of nesting birds has been established through a survey and that if a protected species is found all work must cease immediately and the Local Planning Authority informed.

8. Impact Of The Proposal On Existing Trees And Hedgerows

- 6.33 Policy CP3 of the Local Plan seeks to ensure that proposals for new development should provide for the protection and integration of existing trees and hedges. In respect of 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. This aim is further reiterated in Policy CP5 which requires all developments to take into account important landscape features and ensure the enhancement and retention of existing hedges.
- 6.34 Furthermore, the City Council's Supplementary Planning Document (SPD) 'Trees and Development' outlines that native large growing species are intrinsic elements in the landscape character of both rural and urban areas alike and acquire increasing environmental value as they mature. Large trees need space in which to grow to maturity without the need for repeated human intervention. Not only should the design of the development seek to retain existing tree and hedgerow features, but sufficient space should be allocated within the schemes to ensure integration of existing features and space for new planting it is important that these issues are considered at the very start of the planning process.
- 6.35 The application site forms part of the domestic curtilage of Fallowfield within which there is a mixture of densely and more sparsely populated wooded areas. The Tree Survey, submitted as part of the application, outlines that the development would involve the removal of a number of trees. The majority of the trees consist of three groups of non-native ornamental conifers with 3no. Cypress and a Hemlock. The report goes on to highlight that the removal of the trees would be of a low impact with only a short-term visual amenity impact which could be mitigated by the planting of native trees and hedges.
- 6.36 The City Council's Landscape Architect/Tree Officer has been consulted and has no objections to the proposal.

9. Other Matters

- 6.37 A neighbour has suggested the extension of existing double yellow lines along the frontage of the site to prevent parking on the highway. This would be subject to a Traffic Regulation Order and the Highways Authority have not considered that this is required.

10. Conclusion

- 6.38 In overall terms, the proposal is considered to be compliant under the provisions of the NPPF, the PPG and the objectives of the relevant Local Plan policies. Accordingly, the application is recommended for approval subject to the completion of a Deed of Variation to a Section 106 Legal Agreement in respect of the provision of a commuted sum towards off-site affordable housing provision. If the Deed of Variation is not completed within a reasonable time, then Authority to Issue a Refusal Notice is requested to the Director of Economic Development.

7. Planning History

- 7.1 In 2013, Outline Planning Permission was granted for the erection of dwellings (application reference 13/0546).

8. Recommendation: Grant Subject to S106 Agreement

1. The approved documents for this Reserved Matters Permission comprise:
 1. the submitted planning application form received 5th June 2014;
 2. the Character Statement received 18th September 2014;
 3. the Tree Survey Report received 5th June 2014;
 4. the Tree Protective Barrier Details received 5th June 2014;
 5. the Statement on the Archaeological Aspects received 5th June 2014;
 6. the Statement on the Drainage Aspects received 5th June 2014;
 7. the location plan received 5th June 2014 (Drawing No. LP_01);
 8. the proposed enclosure details received 5th June 2014 (Drawing No. ED_01);
 9. the proposed road and house levels received 1st August 2014 (Drawing No. Eng/Weth/03 Rev A);
 10. the indicative streetscene received 18th September 2014 (Drawing No. FW 02 Rev A);
 11. the proposed site layout plan received 18th September 2014 (Drawing No. FW_PSL 01 Rev D);
 12. the tree protection measures received 18th September 2014 (Drawing No. TPM_01 Rev B);
 13. the topographical survey received 5th June 2014 (Drawing No. 2108/1/);
 14. 1986 Climat Hus Type Elevations received 18th September 2014 (Drawing No. 1986-S-50 Rev B);
 15. 1986 Climat Hus Type Floor Plans received 18th September 2014 (Drawing No. 1986-S-10 Rev B);

16. 2116 Climat Hus Type Floor Plans received 11th September 2014 (Drawing No. 2116-S-10 Rev A);
17. 2116 Climat Hus Type Floor Elevations received 11th September 2014 (Drawing No. 2116-S-10 Rev A);
18. standard garage details section & details received 8th September 2014 (Drawing No. Masonry-GD-1);
19. standard garage details double garage type 1 - Plans & Elevations received 8th September 2014 (Drawing No. Masonry-GD-2);
20. the detailed landscape proposals received 19th September 2004 (Drawing No. c-1223-01);
21. the Notice of Decision; and
22. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

2. In discharge of requirements for the submission of detailed particulars of the proposed development imposed by conditions 2, 4 (part), 5, 6 (part), 7, 8 (part), 9 (part) and 11 (part) attached to the outline planning consent to develop the site.
-



Rev	Date	Description	Drawn Shtk'd
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DUNELM

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Heighington Lane
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Title:

Plains Road, Wetheral

Content:

Location Plan

Date:	Scale:	Drawn:	Chkd:
May 14	1:1250 @ A4	PA	

Status:

Drawing Number: LP_01 Revision:

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DUNELM HOMES	
Land at Fallowfield, Wetherill	
Indicative street scene	
18 Sep 2014	11:00 AM
FW 02	A



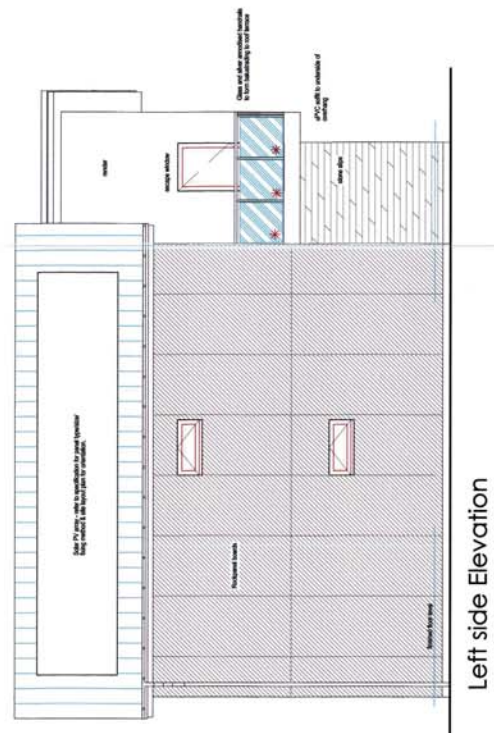
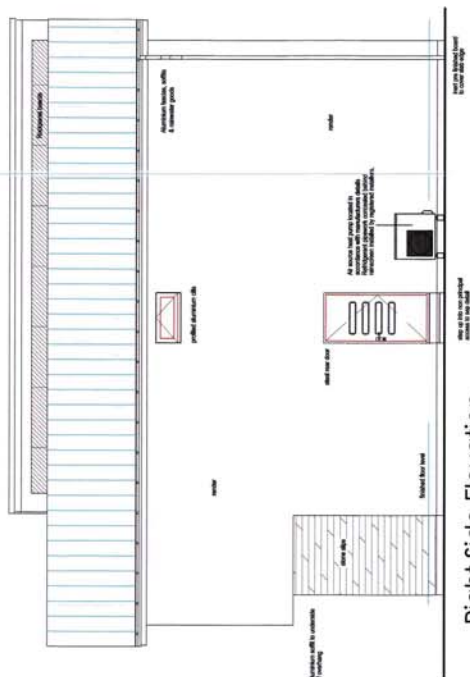
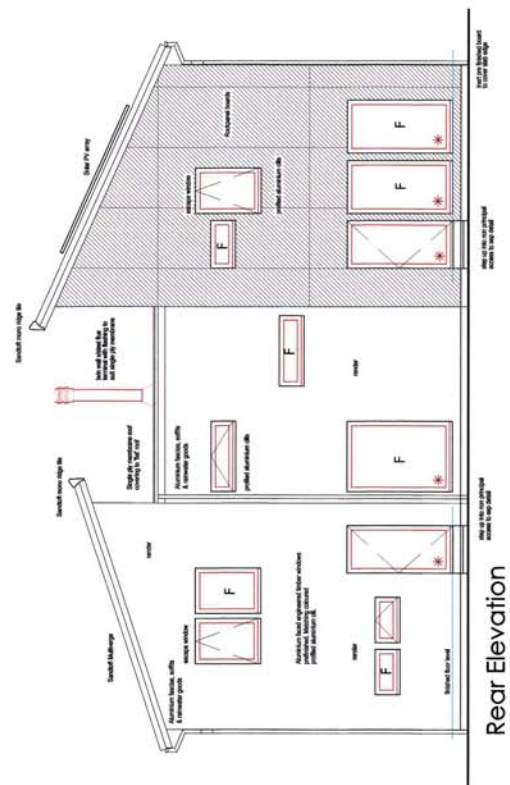
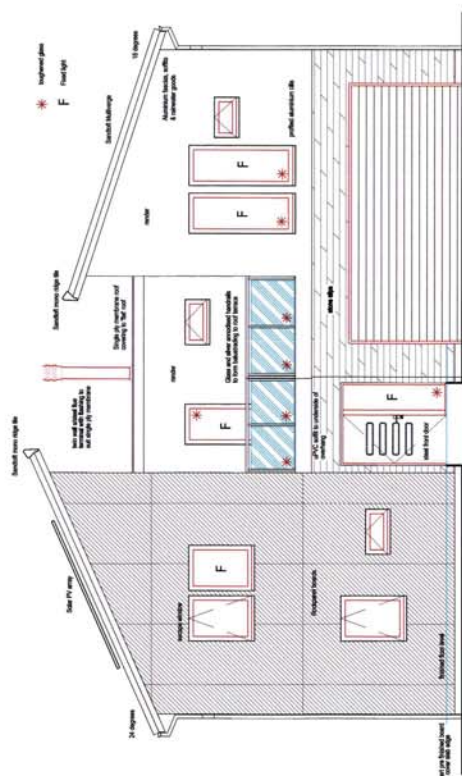
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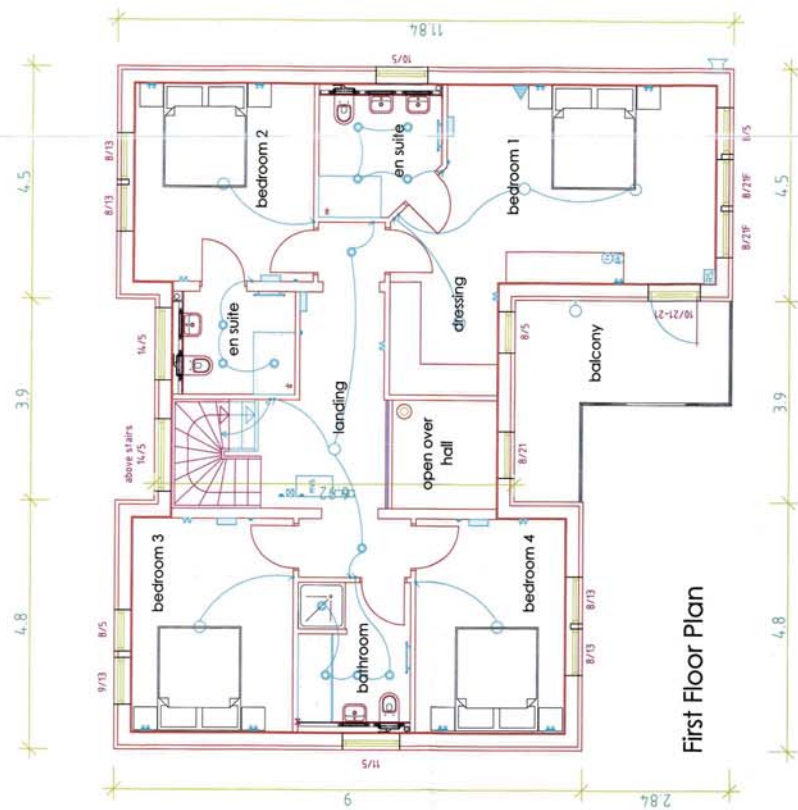
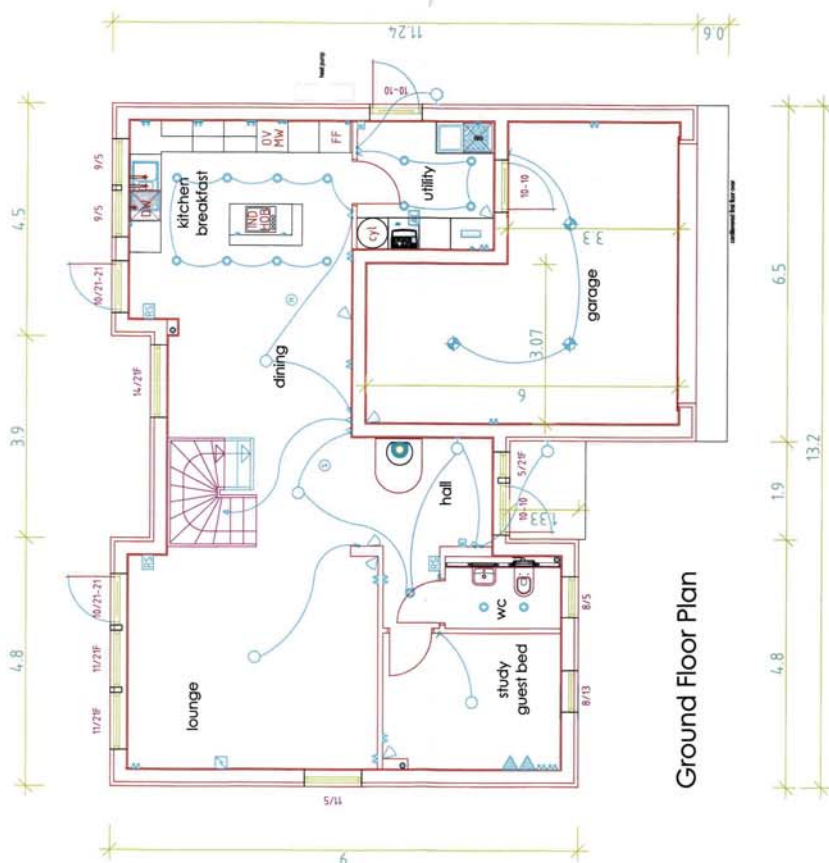
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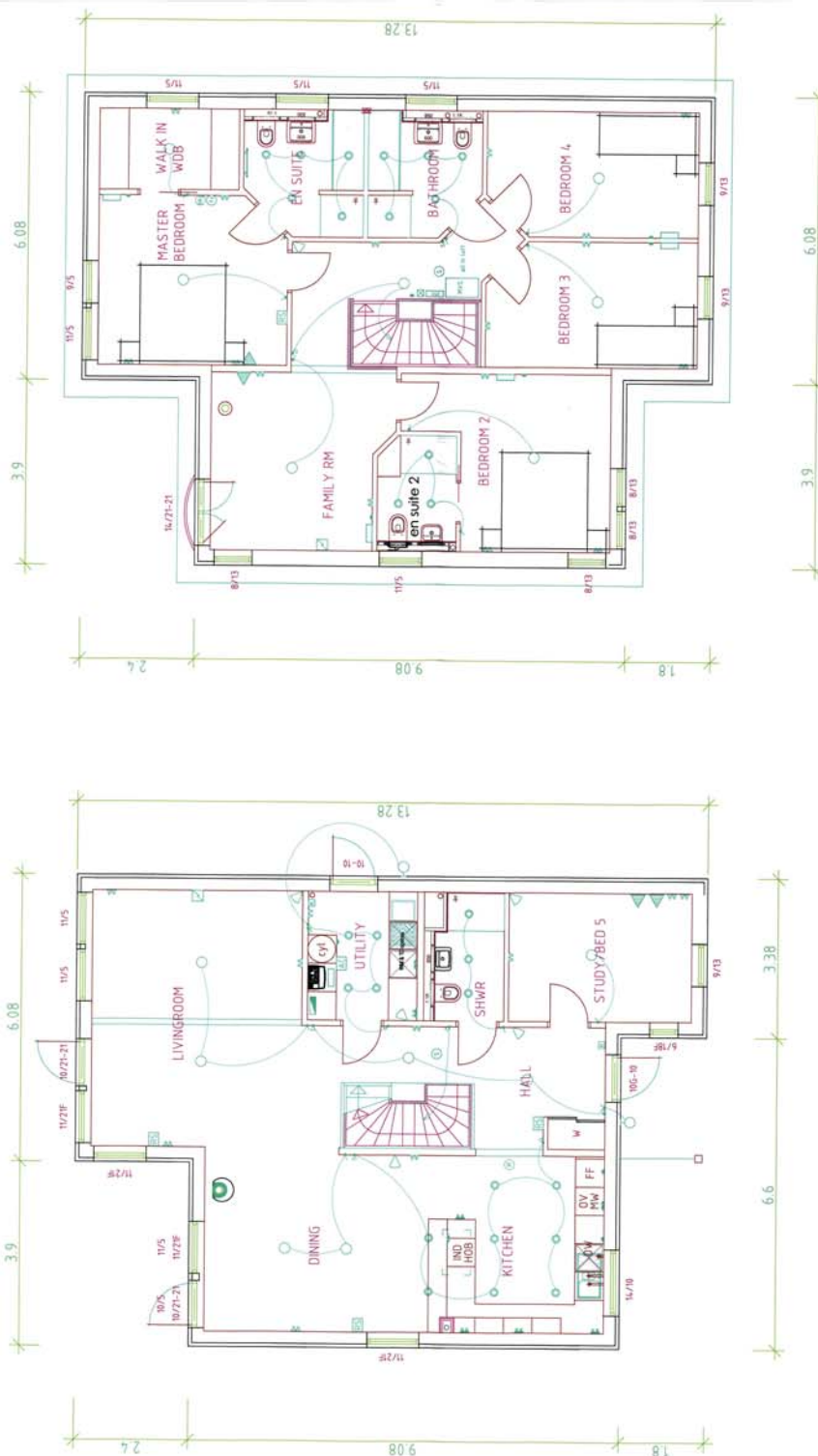
PLOT 2

PLOT 3

INDICATIVE NORTH WEST ELEVATION



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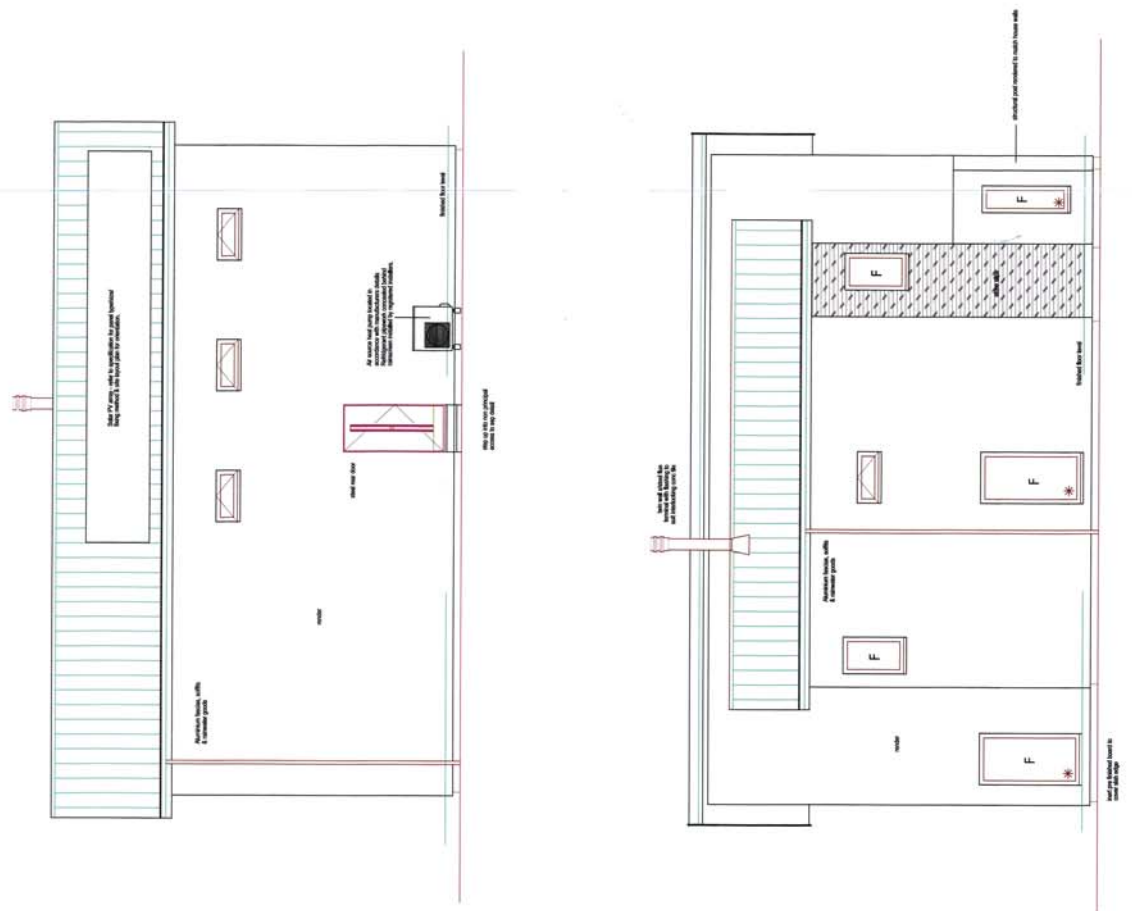
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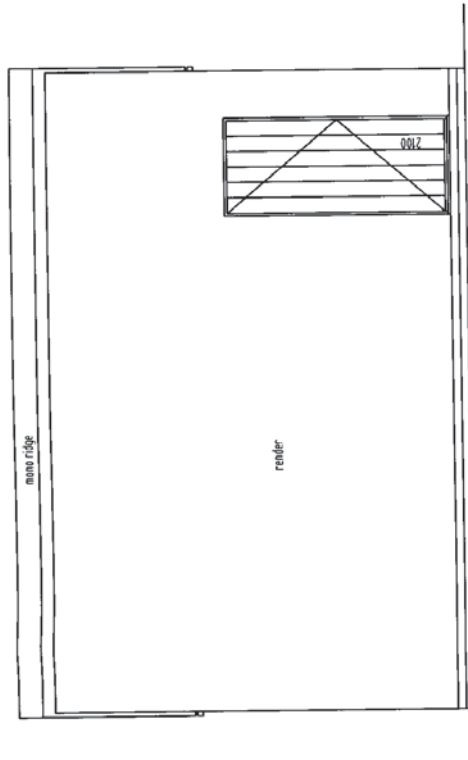
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Floor 1

Jan 2014 1:05 PM

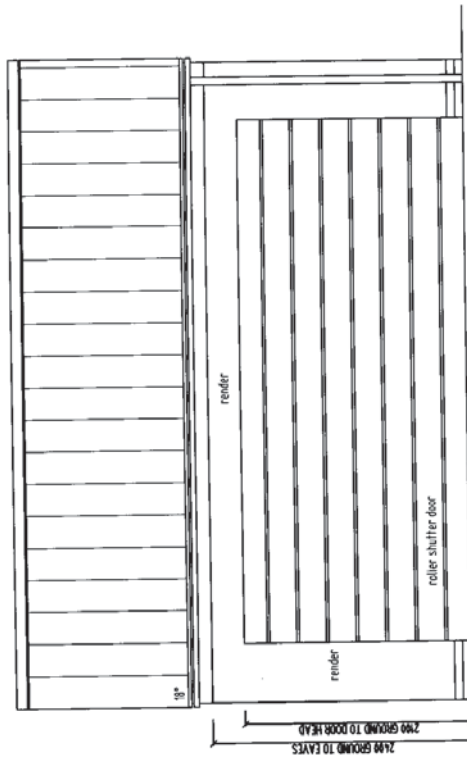
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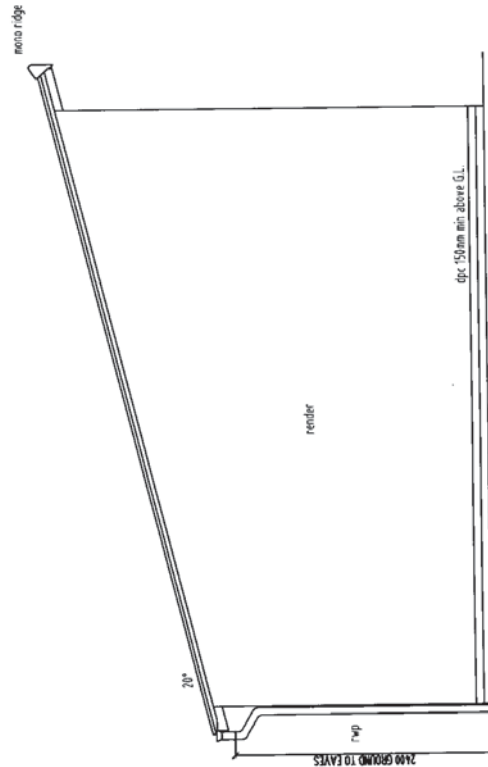


rwg positions indicative only
refer to site engineering layout

REAR ELEVATION

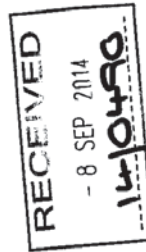


FRONT ELEVATION



rwg positions indicative only
refer to site engineering layout

SIDE ELEVATION



Rev	Date	Description	Drawn/Checked
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HOMES BY ESH



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Title:

Trivselhus by ESH

Content:

Standard Garage Details
Double Garage Type 1- Plans & Elevations

Date:

Aug 2014

Drawn:

PA

Scale:

1:50

Status :

PA

Drawing Number:

Masonry - GD - 2

Revision:

PA

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SCHEDULE A: Applications with Recommendation

13/0246

Item No: 07

Date of Committee: 03/10/2014

Appn Ref No:
13/0246

Applicant:
Executors of the Late Mr & Beaumont
Mrs D Burnett

Parish:

Agent:
Taylor & Hardy

Ward:
Burgh

Location: Stone Barn to the north of the Manor House, Kirkandrews on Eden,
Carlisle CA5 6DJ

Proposal: Demolition Of Stone Outbuilding (LBC)

Date of Receipt:
26/03/2013

Statutory Expiry Date
21/05/2013

26 Week Determination

REPORT

Case Officer: Richard Maunsell

1. Recommendation

- 1.1 It is recommended that Authority to Issue approval is granted with the imposition of conditions subject to notification and approval by the Secretary of State.

2. Main Issues

- 2.1 Whether The Demolition Of The Listed building Is Acceptable
2.2 The Impact On Ecology And Nature Conservation

3. Application Details

The Site

- 3.1 This application was deferred at the last meeting of the Development Control Committee in order that Members could undertake a site visit.
- 3.2 The Manor House is located adjacent to the main road through the village close to the south-eastern fringe of the settlement. The 2 storey detached property is elevated and visibly prominent above the adjacent highway.

- 3.3 Adjacent to the site to the west and east are residential properties. The property sits within a large curtilage that extends northwards. As well as the Manor House, there are outbuildings to the west and north which are listed in their own right. The Manor House was listed in listed 1952 and the description reads:

“House. Mid C18. Flemish bond brickwork. Welsh slate roof with end brick chimney stacks. 2 storeys, 3 bays. Lower 2-storey, 1-bay left extension, and 2-storey range to rear forming L-shape. C20 French window in original doorway; stone architrave, moulded and dentilled cornice. Shallow segmental arches with keystones and stone sills to sash windows with glazing bars. C19 left extension has raised quoins; stone sills and lintels to sash windows with glazing bars. Back extension has ground floor of split river cobbles, brick upper floor.”

- 3.4 The barn to the west was listed in 1984 and the description reads:

“Barn probably early or mid C18. Clay walls repaired with brick and cobbles (covered by thick ivy), sandstone slab roof. single storey. Plank doors in projecting cart entrance, no other doors or windows. Listed partly for G.V with The Manor House.”

- 3.5 The barn to the north, subject to this application, was also listed in 1984 and the description reads as follows:

“Barn and stables. late C18. Split river cobbles and red sandstone quoins, sandstone slate roof. 2 storeys, 2 bays, with 2-bay extension under common roof. Plank door in quoined surround, loft above with similar surround, now partly blocked with brick. Extension to left has garage door in flattened segmental arch, casement window in partly-blocked opening above. Listed partly for G.V with The Manor House.”

Background

- 3.6 The Manor House, together with the adjacent barns and curtilage, was advertised for sale in 2006. In 2009, the asking price was reduced and the property continued to be marketed until 2012. In this year, following the death of the owner and due the lack of interest from the market, the property was withdrawn from sale.
- 3.7 The application details state that although there were viewers to the property during the advertisement period, potential purchasers were dissuaded due to proximity of the stone building to the house and the dangerous condition of the outbuilding.

The Proposal

- 3.8 This application seeks listed building consent for the demolition of a stone outbuilding at The Manor House, Kirkandrews-on-Eden, Carlisle. The building is rectangular in shape and measures approximately 16 metres by

5.85 metres in width. The building had a wall height of 4.2 metres with the ridge of the remnant roof structure being 6 metres above ground. Very little remains of the roof structure.

- 3.9 The building is constructed of randomly course rubble stone which is filled with rubble core in a lime mortar. The building is in a poor state of repair and is structurally unstable.

4. Summary of Representations

- 4.1 This application has been advertised by means of a site notice, a press notice and direct notification to the occupiers of 2 of the neighbouring properties. No representations have been received.

5. Summary of Consultation Responses

Cumbria County Council - (Econ. Dir. Highways & Transportation): - no objection;

Beaumont Parish Council: - no comment;

English Heritage - North West Region: - this application proposes the total demolition of a grade II listed building. The justification for demolition is based upon current condition and the difficulty in selling it as part of the Manor House, Kirkandrews-on-Eden, which is also a Grade II building, and a second Grade II outbuilding which is part of the same estate. There have been two previous listed building consents granted for residential conversion of the barn which would have brought the building back into beneficial use. These have not been enacted and the property has been allowed to deteriorate. The National Planning Policy Framework is unambiguous in its guidance that demolition "should be exceptional" and only granted after stringent tests have been passed. As yet English Heritage do not consider these tests have been satisfied and would recommend refusal of this application as contrary to Policy. The Council is also advised that consideration is given to serving an Urgent Works Notice on this property;

Hadrians Wall Heritage Limited: - no comment received.

6. Officer's Report

Assessment

- 6.1 The relevant planning policies against which the application is required to be assessed are the National Planning Policy Framework (NPPF) together with Policies CP2 and LE14 of the Carlisle District Local Plan 2001-2016. The proposal raises the following planning issues.

1. Whether The Demolition Of The Listed Building Is Acceptable

- 6.2 The main issue to consider in determining this application is the impact of the demolition of the listed structure. Consideration needs to be given to the following issues:
- what is the significance of the building?
 - how is it best to sustain and enhance the significance of the buildings? How is best to reveal the significance of the group of listed buildings?
 - is there sufficient justification for any perceived harm to the building and the setting of the adjacent listed building? If the answer is no, any resulting harm should be balanced against the public benefits of the proposal.
- 6.3 Each issue must be considered in the context of, and having regard to Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.

Assessment of the Significance of the Heritage Asset

- 6.4 The starting point for Members in the consideration of this application is the assessment of the significance of the heritage asset. Paragraph 128 of the NPPF requires that in determining applications, “local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting.”
- 6.5 Paragraph 129 of the NPPF elaborates on this issue:
- “Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.”
- 6.6 In order to address the requirements of the NPPF, and in particular paragraphs 128 and 129, a Statement in Support together with a Building Survey (Level III) report have been submitted in support of the application.
- 6.7 The building has historical reference insofar as a building on the site of the stone barn is recorded on the Tithe map of 1831 and the First Edition Ordnance Survey map of 1868. The Building Survey identifies that the ground floor was probably a store with the upper storey used as a hayloft. The originally constructed stone building was extended on its western gable with a cart shed.
- 6.8 English Heritage hasn't made any comment in respect of the significance of the building but has detailed their uncompromising opposition to the demolition of the building and the conflict of the proposal, in their view, with the NPPF.
- 6.9 The Council's Heritage Officer has objected to the application and with

reference to the significance of the building, he has commented that:

“As a building predating 1831 the structure represents one of a very small proportion of the national building stock of this early vintage. As a vernacular building it is not altogether surprising that it lacks architectural pretension. This in itself is not justification for the loss of the building.”

- 6.10 The statement submitted by the applicant concludes, that having regard to the barn in the context of the site:

“...the demolition of the stone barn would change the setting of the Manor House; however, it could reveal the significance of the Manor House and the public's perception of it through its potential reoccupation and restoration.”

- 6.11 The Building Survey is comprehensive in terms of the historic development and context of the building together with lengthy commentary on the architectural features. The report concludes that:

“The stone barn had little architectural embellishment and was designed purely for an agricultural purpose serving as a barn with a hayloft. During the course of its use it was extended before 1868 with the addition of a cart shed.”

- 6.12 In the context of the wider public views of the site these are, at best, limited; however, there is no doubt that the building forms part of a cohesive group together with the Manor House and the clay dabbin building and is therefore of historic value. The Manor House is prominently sited on an elevated position above the County highway and the clay dabbin building stands adjacent to it. These buildings are visibly dominant within the site and therefore have a greater degree of significance in terms of their importance. In its current structural condition and poor state of repair, the building subject to this application detracts from the immediate setting of the Manor House and does not form a significant part of its overall interest.

Sustaining and Enhancing the Heritage Asset

- 6.13 Paragraph 131 of the NPPF, sets out 3 issues that Local Planning Authorities (LPAs) should take into account when determining applications relating to heritage assets. These issues relate to:
- sustaining and enhancing the significance of heritage assets;
 - the positive contribution that the conservation of heritage assets can make to sustainable communities; and
 - the desirability of developments making a positive contribution to the local character and distinctiveness.
- 6.14 Linked to the requirement to enhance the significance of heritage assets, paragraph 137 supports proposals that better reveal the significance of a heritage asset.
- 6.15 The significance of the heritage asset has been summarised above. In summary it is the building itself (in its original condition) together with the

group value with the 2 adjacent buildings. In terms of the wider public setting, the significance of the building is minimal due to its position within the site and the intervening buildings.

6.16 The Heritage Officer has responded:

“As stated above, the deterioration of the building has been highlighted to the owners for several years. I concur that a large portion of the southern elevation should be dismantled as its structural failure is quite evident. I would argue however that the cart house portion of the building is capable of retention as it stands (with some partial reconstruction to the southern elevation) if prompt efforts were made. The recording and careful dismantling of remaining unsound portions could be followed by the re-erection of the structure to the same substantial detail, conserving the material and detailing of the original construction.”

6.17 The proposed demolition of part of the building would retain some of the relevance and significance of the building; however, this would be radically different from the building is its original and ultimately extended form.

6.18 In terms of enhancing the asset, this is likely to be relatively difficult due to the condition of the building. The building can't be stabilised in its current form and would have to be taken down and rebuilt; however, the requires the estate to be sold and financial investment by the future owner. The emphasis relating to the preservation of heritage assets on the site should focus on the Manor House and clay building which have greater significance.

Contribution towards creating a sustainable community and local character and distinctiveness .

6.19 The NPPF requires LPAs to consider how the conservation of a heritage asset can make a positive contribution towards sustainable communities, including their economic viability. In this regard, English Heritage argues that the proposal is contrary to the NPPF as the demolition of the barn does not support the government's overarching objective of sustainable development insofar as it conflicts with the three interlinked roles of economic, social and environmental objectives.

6.20 The NPPF defines these roles as:

“an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and

an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.”

- 6.21 In this context, it is difficult to argue that the building contributes to either the economic or social objectives of the government. The relevance of the building in its environmental contribution is appropriate due to the historic context and contribution of the building to the group value of the listed buildings. This, however, is off-set against the continued deterioration of the building together with, and in some ways more importantly due to their greater visual prominence, the adjacent listed buildings.
- 6.22 The Manor House and associated outbuildings are now the responsibility of the executors of the estate following the death of the previous owner. During his custodianship of the property, planning permission and listed building consent were granted for the conversion of the building to 2 dwellings in the late 1986 and then again in 1999 but these weren't implemented. Since then little expenditure has been made with regard to repairs and maintenance required on the building.
- 6.23 In light of the current policy context, it is difficult to see how a proposed scheme for the conversion of the building would be acceptable given its structure condition, the restricted access and limited amenity space, together with the potential conflict with policies requiring minimum distances between primary windows.
- 6.24 The Heritage Officer has commented on the historical 'neglect' of the building:
- “Evident neglect over the past 30 years has however resulted in them now being in a significant state of disrepair. Again, this neglect was the responsibility of the former owners, and now passes to the executors or present owners of the site. My understanding is that the previous conservation officer took a number of queries regarding the site and visited it with prospective purchasers. It may be that the asking price failed to reflect the maintenance and restoration costs of the buildings on site.”
- 6.25 This point is also identified by English Heritage who opine that the property has been marketed at an unrealistic price due to the condition of the barn. They continue:
- “The current application has not demonstrated an adequate marketing exercise at a realistic market valuation of the building in question. Neither has it demonstrated that it is beyond economic repair and subsequent re-use.”
- 6.26 This is even to the extent that to adequately test the market, the asking price may need to be low or zero (section 96 Planning Policy Statement 5 –

Practice Guide).

- 6.27 Despite being marketed at what appears to be a reasonable market price, the property remained unsold before being taken off the market. The applicant advises that this is partially due to the condition of the barn. It would be fair to say that the property could be marketed at a lesser value but this would only be applicable if the building needed financial investment for maintenance and repair with a view to its retention. As previously discussed in this report, the building as a whole is structurally inadequate. Whilst a lesser price may allow a potential purchaser some capital to demolish the building, it seems unreasonable to lower the price or even zero the value for a building that is not worthy of retention.
- 6.28 The Manor House itself is increasingly in need of some increasingly urgent maintenance and repairs. The option of retaining the barn in its current condition makes it progressively more unattractive to a prospective custodian and therefore prolongs the deterioration of all the buildings. As such, in this context, the option to retain demolish the building and thereby attract a new custodian to the Manor House would meet the objectives of paragraph 131 (i) of the NPPF than the retention of the building and the uncertain future of the buildings if left vacant.
- 6.29 It is unreasonable to place any emphasis on the historical context of the site insofar the unimplemented planning permission for the conversion and the lack of maintenance by the previous occupier, particularly as the Council's Principal Conservation Officer had visited the site numerous times to provide advice. Despite the continued deterioration the owner was never served an Urgent Works or Repair Notice.
- 6.30 The proposed demolition of the barn may help facilitate the sale of the estate, occupation of the Manor House and subsequent maintenance and repair, and therefore, would help to sustain the positive contribution that the Manor House makes, in historic terms, to the character and distinctiveness of area.

Harm v Public Benefits of the Proposal

- 6.31 Paragraphs 133 and 134 of the NPPF require the applicant to evaluate whether the proposed development would result in substantial harm to, or the total loss of significance of, a heritage asset.
- 6.32 Paragraph 133 states:
- “Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
- the nature of the heritage asset prevents all reasonable uses of the site; and
 - no viable use of the heritage asset itself can be found in the medium term

- through appropriate marketing that will enable its conservation; and
 - conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
 - the harm or loss is outweighed by the benefit of bringing the site back into use.
- 6.33 The Manor House was listed in 1952 with the 2 outbuildings listed separately some 32 years later. Planning policies are clear in terms of presumption in favour of the retention of heritage assets and the consideration of the loss of any such designated asset should not be taken lightly. In this case, there will be harm to the individual asset of the barn through the demolition. The issue for Members in this case is the weight that should be attached to the contribution of the barn to the group value of the listed buildings and wider area against the potential sale of the estate and preservation of the Manor House and clay dabbin barn and thereby enhancement of the greater heritage asset.
- 6.34 Paragraph 134 of the NPPF states that: “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use”.
- 6.35 The demolition of the listed building therefore needs to be balanced against the following benefits of the listed building consent:
- the demolition of the building will promote the sale of the estate;
 - the future occupation of the Manor House will secure its upkeep and therefore the functional and heritage significance of the clay dabbin barn and the Manor House, the latter which is a more significant heritage asset;
 - the future maintenance of Manor House will ensure the continued public enhancement of the building within its setting and the wider character of the area on this prominent approach to the village.
- 6.36 It is therefore considered that any harm caused by the listed building proposals will be outweighed by the benefits to be gained by the remaining heritage assets. The proposal is therefore considered to be in accordance with Paragraph 134 of the NPPF.

2. The Impact On Ecology And Nature Conservation

- 6.37 Planning Authorities in exercising their planning and other functions must have regard to the requirements of the EC Habitats Directive (92/43/EEC) when determining a planning application as prescribed by regulation 3 (4) of the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended). Such due regard means that Planning Authorities must determine whether the proposed development meets the requirements of Article 16 of the Habitats Directive before planning permission is granted. Article 16 of the Directive indicates that if there is reasonable likelihood of a European protected species being present then derogation may be sought when there is no satisfactory alternative and that the proposal will not harm the favourable conservation of the protected species and their habitat.

- 6.38 The Councils GIS Layer has identified that the site has the potential for breeding birds and otters to be present on or in the vicinity of the site. As the proposed development involved the demolition of a barn this is a pertinent issue; however, the building has no roof structure and there are adjacent buildings which are likely to provide a better habitat.
- 6.39 Using the guidance issued by Natural England, the development would not harm protected species or their habitat; however, an Informative has been included within the decision notice ensuring that if a protected species is found all work must cease immediately and the Local Planning Authority informed. It would also be appropriate to impose a condition prohibiting the removal of the hedgerow during the bird breeding season unless an appropriate assessment has been undertaken.

Conclusion

- 6.40 Listed building consent is sought to demolish the Grade II listed barn at the Manor House and consideration needs to be given to whether the proposal is in accordance with national and local plan policies, particularly when compared with the option of retaining it in its current location.
- 6.41 The protection of heritage assets is a theme that runs through both the NPPF and local plan policies and appropriately there is a strong presumption in favour of their retention unless the appropriate policy criteria have been robustly assessed and there are material considerations which allow for their demolition. It is the exception rather than the norm to consider applications for the demolition of listed buildings. Wherever possible, such heritage assets are repaired.
- 6.42 In accordance with Paragraph 128 of the NPPF, the significance of the barn has been assessed. It can be concluded that the significance of the building in its architectural, historic and artistic value has diminished since the time of the listing. The condition of the building has deteriorated over time; however this was due to the lack of maintenance of the previous owner. Whilst this situation should not be condoned, the Council was aware of the situation due to the meetings and site visits undertaken by the Principal Conservation Officer. The appropriate action to require repairs to be undertaken should have been taken at that time. It would be perverse to initiate such retrograde steps now.
- 6.43 Consideration has been given to how best to sustain and enhance the heritage assets within the overall context of the site, comparing the option of the retention of the building against its demolition and the potential benefits to the adjoining buildings. It has been concluded that the significance of the heritage assets are best sustained, enhanced and preserved by demolition of the barn. The continued retention of the building is likely to result to prejudice the sale of the estate and therefore continue the deterioration of the Manor House and clay dabbin barn. The proposed development is therefore considered to be in accordance with Paragraphs 131 and 137 of the NPPF and Policy LE14 of the Local Plan.

- 6.44 The demolition of the building would not result in an adverse impact on the ecology or natural habitats in the locality.
- 6.45 However, section 13 of the Planning (Listed Building and Conservation Areas) Act 1990 requires that certain descriptions of application for listed building consent, which includes demolition, are referred to the Secretary of State. In this case, the application involves the demolition of the principal building and therefore should Members be minded to grant consent, Authority to Issue approval is sought subject the referral of the application to the Secretary of State for approval.

7. Planning History

- 7.1 Planning permission and listed building consent were granted in 1986 for the conversion of a barn to a dwelling.
- 7.2 In 1999, planning permission and listed building consent were granted for the conversion of a barn to a dwelling.

8. Recommendation: Grant Permission

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

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

2. The approved documents for this Listed Building Consent comprise:
1. the Listed Building Consent application form received 26th March 2013;
 2. the Location Plan received 26th March 2013 (Drawing no. 11/129/1);
 3. the Block Plan received 26th March 2013 (Drawing no. 11/129/2);
 4. the Statement in Support received 26th March 2013;
 5. the Building Survey (Level III) received 26th March 2013;
 6. the Notice of Decision

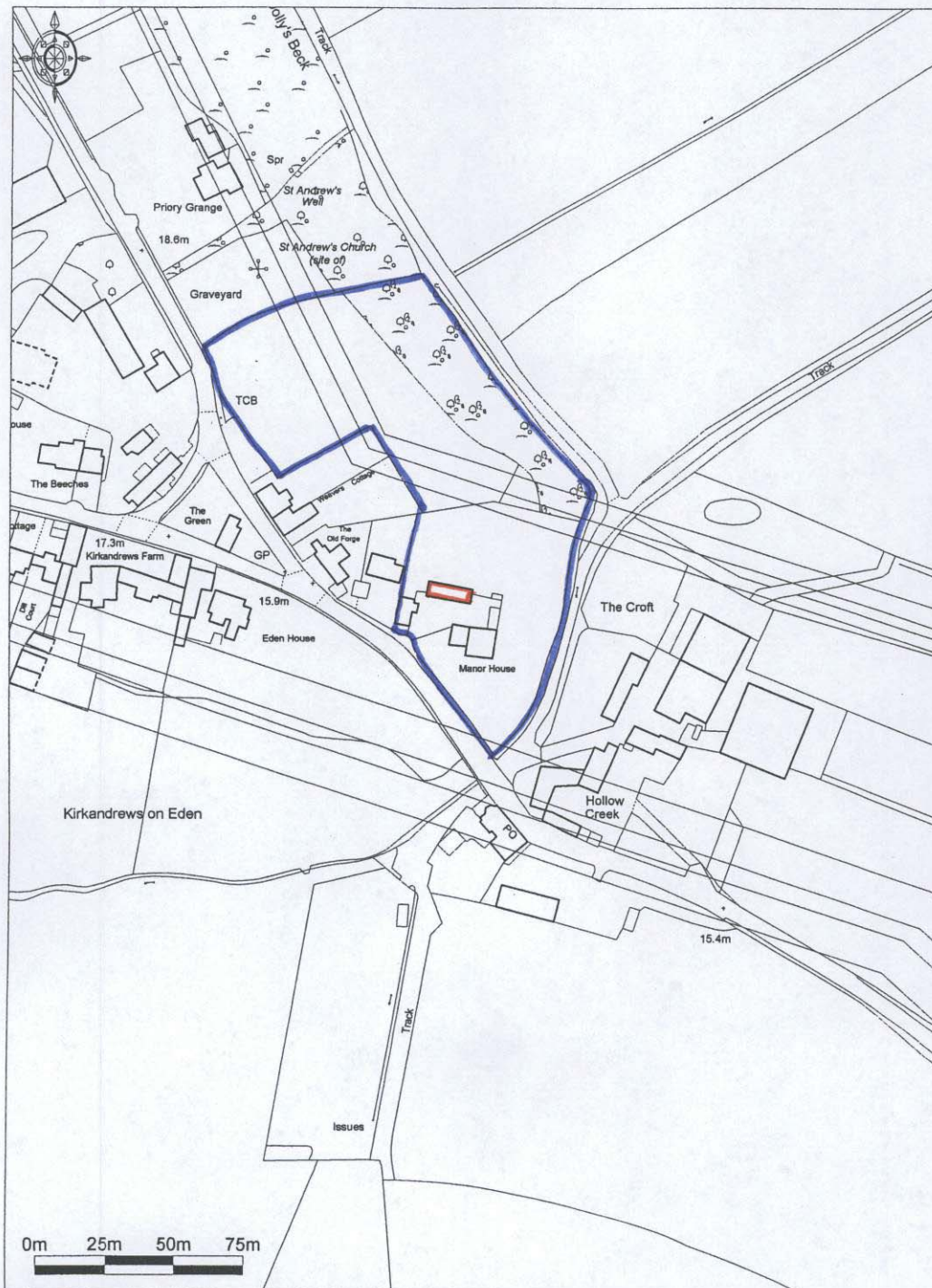
Reason: To define the permission.

3. No demolition hereby approved by this permission shall commence until a detailed management plan for the demolition works has been submitted to and agreed in writing by the Local Planning Authority. The management plan should include:
1. method of demolition;
 2. site management arrangements including site office, developer contact number in event of any construction/demolition related problems, and site security information;
 3. construction traffic routes, timing of lorry movements, hours of deliveries,

- numbers and types of vehicles, construction traffic parking;
4. hours of site operation, dust suppression measures, noise limitation measures.

The demolition must then be undertaken in accordance with the approved details.

Reason: To ensure that the demolition is undertaken in an appropriate manner and to safeguard the adjacent listed buildings in accordance with Policy LE14 of the Carlisle District Local Plan 2001-2016.



Promap

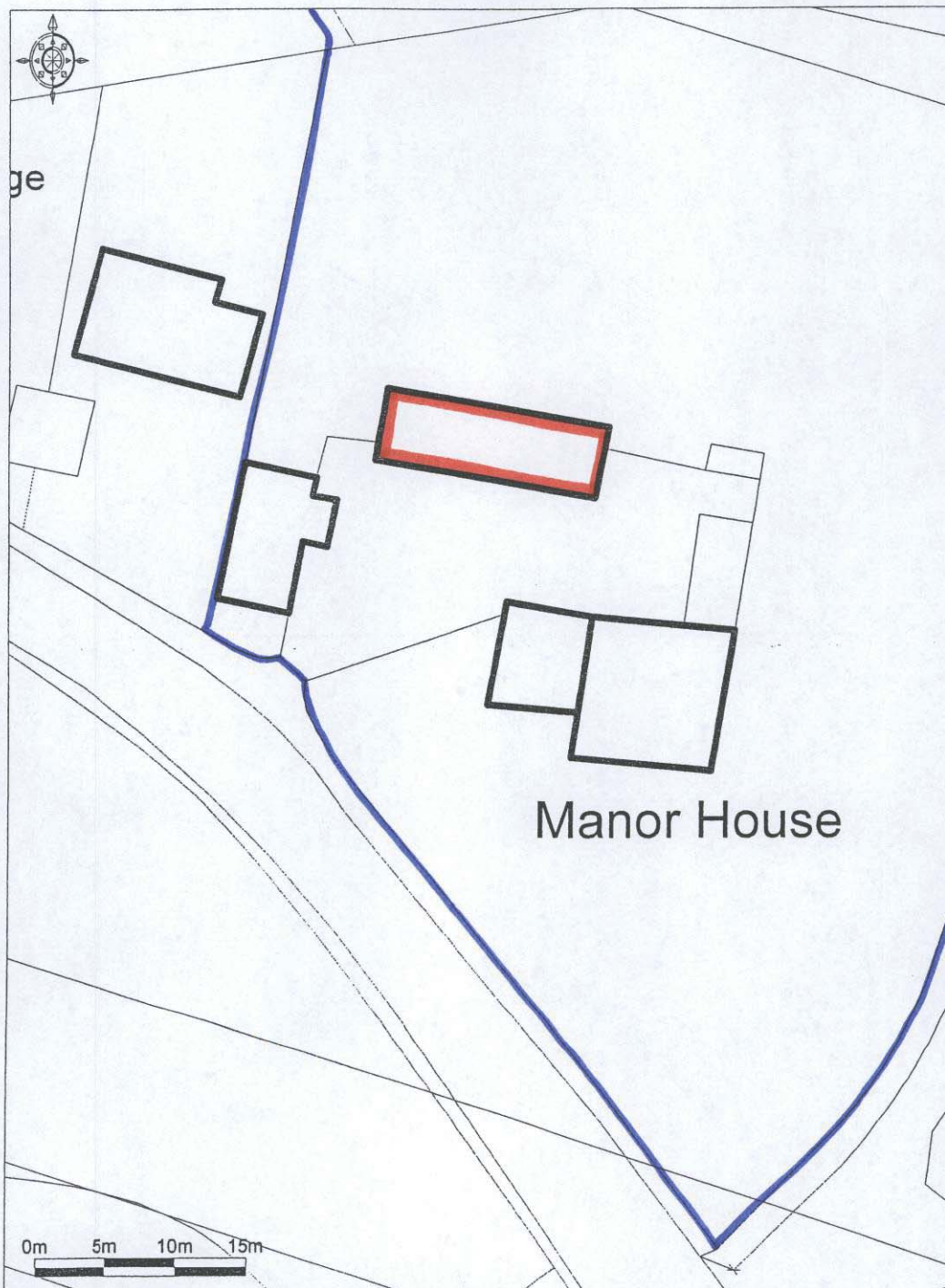
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LOCATION PLAN

Drawing No. 11/129/1

Scale 1:2500





 **Promap**

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BLOCK PLAN

Drawing No. 11/129/2

Scale 1:500



SCHEDULE A: Applications with Recommendation

14/0627

Item No: 08

Date of Committee: 03/10/2014

Appn Ref No:
14/0627

Applicant:
Mr & Mrs Ken Smith

Parish:
Wetheral

Agent:
Johnston & Wright

Ward:
Great Corby & Geltsdale

Location: Orchard Lodge, Great Corby, Carlisle, CA4 8NE

Proposal: Demolition Of Extension And Garage; Two Storey Rear Extension To Provide Additional Accommodation on Ground Floor With Garden Room And Balcony Above

Date of Receipt:
23/07/2014

Statutory Expiry Date
17/09/2014

26 Week Determination

REPORT

Case Officer: Suzanne Osborne

1. Recommendation

- 1.1 It is recommended that this application is approved with conditions.

2. Main Issues

- 2.1 Whether The Proposal Is Appropriate To The Dwelling Together With Impact Upon The Grade II Listed Building And Great Corby Conservation Area
- 2.2 The Impact Of The Proposal On The Living Conditions Of Neighbouring Residents
- 2.3 Impact Upon Trees
- 2.4 Impact Upon Biodiversity
- 2.5 Impact Upon Public Footpaths
- 2.6 Impact Upon Highway Safety
- 2.7 Other Matters

3. Application Details

The Site

- 3.1 Orchard Lodge is a single storey Grade II Listed property situated close to the centre of Great Corby on the eastern side of the road which leads from the crossroads in the middle of the village towards the primary school. The dwelling, formerly an entrance lodge for Corby Castle, is set back from the adjacent road and is constructed from dressed red sandstone walls under a slate roof. The property has a prominent segmental plan porch on Tuscan columns located on the south-west elevation and a modern brick extension with a felted roof (constructed in the 1970s) located on the south-east elevation. An existing detached modern brick garage is also situated at the back of the property adjacent to the 1970s extension.
- 3.2 The typography of the application site is varied resulting in the dwelling and its garden area to the front of the site being located at a higher level to the road leading through Great Corby. The raised level extends back into the site to accommodate the dwelling and courtyard with a further raised garden area located to the south-east. The surroundings are wholly residential with 2no. two storey dwellings (Inglenook and Green Croft) located to the north-east and two storey dwellings located at "The Orchard" to the south-west. Due to the difference in levels surrounding the site the dwellings to the north-east are located at a slightly lower level to Orchard Lodge and the dwellings located to the south-west are located at a significantly higher level.
- 3.3 The property falls within Great Corby Conservation Area and there is a public footpath which runs along the track to the north-east of the site which separates Orchard Lodge from the adjacent residential properties.

The Proposal

- 3.4 The proposal seeks full planning permission to demolish the existing 1970's extension and modern garage and to construct a new extension on the south-west elevation of the property to accommodate 3no. bedrooms, utility, WC and bathroom on the ground floor with a garden room above in the new roof space. A balcony from the garden room is proposed with steps leading down onto the raised garden area to the rear of the site.
- 3.5 Members should be aware that the original plans submitted showed the proposed extension with a higher ridge height than the existing building with no differentiation between old and new build. The plans have since been significantly amended with the ridge height of the extension now corresponding with the existing building. The extension is now separated from the original dwelling by a glazed entrance hall and a new sandstone faced screen wall which will be formed round the new extension in the existing courtyard. The remaining part of the extension will be constructed from brick walls, vertically sliding timber windows with stone surrounds under a lakeland slate roof. The balcony is to be constructed from hardwood with glazed balustrades. A full height timber screen will however be located on the north-eastern side of the balcony to protect the living conditions of adjacent properties.
- 3.6 A number of internal alterations in the existing building are also proposed

consisting of removing a previously built up doorway to form a larger opening between the living room/dining room, opening up the ceiling to the living room to its original profile, building up an existing doorway in the living room and rebuilding a fireplace.

- 3.7 It is also proposed to reslate the existing roof and repair the lead work. Existing stonework will be repaired and repointed in hydraulic lime mortar. Windows will be renewed with slim line double glazed timber sashes of traditional proportions. The existing timber floor will be repaired and insulated. External walls will also be lined internally with insulation and finished in lime plaster to replace the previous cement plaster.
- 3.8 New painted metal railings and gates to the existing sandstone gate pillars are also proposed. The entrance courtyard and access drive is to be resurfaced with gravel and new sandstone entrance steps to the existing porch and entrance screen is proposed due to the difference in site levels.

4. Summary of Representations

- 4.1 This application has been advertised by the display of a site notice, press notice and by means of notification letters sent to 8 neighbouring properties. In response to the original plans submitted 5 letters of objections from 4 separate households have been received.
- 4.2 The letters of objection raise a number of issues which are summarised as follows:
1. Object to the use of brick and zinc cladding;
 2. Extension should be constructed from sandstone to match the existing property;
 3. Extension will be out of character with its surroundings;
 4. Size and scale of the extension in relation to the Listed Building and Conservation Area;
 5. Impact upon the living conditions of Inglenook and Green Croft in terms of overshadowing, overlooking and loss of privacy;
 6. Proposal doesn't include reference to the large conifer tree to the rear of the site;
 7. Loss of conifer tree would have a negative impact upon the Conservation Area.
- 4.3 As stated in paragraph 3.5 of this report revised plans have since been received significantly altering the design of the proposed development. No further comments have been received from third parties during the

reconsultation period.

5. Summary of Consultation Responses

Cumbria County Council - (Highway Authority - Footpaths): - no objection subject to the imposition of one condition;

Ramblers Association: - no response received during the consultation period;

Cumbria County Council - (Econ. Dir. Highways & Transportation): - no objection;

Clerk to Wetheral PC, Downgate Community Centre: - Members originally raised concerns regarding the height of the extension and use of materials. Revised plans have however since been received and Members of the Parish Council have now confirmed that they are pleased to see their comments noted and approved of the revised plans submitted;

Northern Gas Networks: - no objections, advisory note received regarding apparatus in the area;

Conservation Area Advisory Committee - originally raised concerns regarding the height and design of the proposed extension in relation to the original building. Revised plans have however since been received and the Conservation Area Advisory Committee have subsequently raised no objections.

6. Officer's Report

Assessment

- 6.1 The relevant planning policies against which this application is required to be assessed are Policies CP1, CP2, CP3, CP5, H11, LE12, LE13, LE19, LC8 and T1 of the Carlisle District Local Plan 2001-2016. The National Planning Policy Framework is also a material planning consideration. The proposals raise the following planning issues:

1. Whether The Proposal Is Appropriate To The Dwelling Together With Impact Upon The Grade II Listed Building And Great Corby Conservation Area

- 6.2 Section 66 (1) of the Planning (Listed Buildings and Conservations Areas) Act 1990 states "*In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting*".
- 6.3 The relevant planning policies seek to ensure that applications for alterations to Listed Buildings have regard to the scale, proportions, character and

detailing of the existing building, and, the physical characteristics of conservation areas. Paragraph 133 of the NPPF states that Local Planning Authorities should refuse consent for any development which would lead to substantial harm to or total loss of significance of designated heritage assets.

- 6.4 Orchard Lodge is Grade II Listed, the listing details are as follows:

"House, formerly lodge for Corby Castle. Probably 1812-17, for Henry Howard. Dressed red sandstone, slate roof with leaded hips, C20 brick chimney stack. Segmental plan porch on Tuscan columns: heavily moulded and dentilled cornice carried round sides and extension: porch has entrance to right of porch, has small sash window with single glazing bars. Entrance lodge until 1844 when a new road through the grounds of the castle necessitated a new wall and entrance gates."

- 6.5 It is not considered that the demolition of the non-original 1970s extension and modern garage would have an adverse impact upon the historic character of the existing Grade II Listed Building or the character/appearance of Great Corby Conservation Area. With regard to the proposed extension it is noted that there will be a glazed link between the existing property and the new extension as well as a sandstone faced screen wall which will be formed around the new extension. The glazed link (which will be stepped back from the building line of the existing property) and the new sandstone screen wall will allow the old and new build to be clearly distinguished. The proposed extension to the rear of the property will be set down approximately 990mm into the ground which reduces its scale and keeps the ridge height of the proposal the same as the ridge height of the existing roof. The proposed extension will be constructed from brick walls with sandstone quoin's, under a lakeland slate roof. All new windows will be constructed from timber and roof-lights will be of a Conservation Style.
- 6.6 The proposed extension has features (glazed link and a sandstone wall faced round the new extension) which clearly defines the old and new build allowing the proposed extension to be of a design sympathetic to the historic character and design of the Grade II Listed Building and the character/appearance of Great Corby Conservation Area. The balcony to the rear of the property, which will have a timber screen to the east elevation and glazed balustrades to the remaining elevations, would allow the building to reconnect to its raised garden area. Subject to the imposition of appropriate conditions requesting samples of the proposed brick to be used in the extension together with a sample section of materials it is considered that the proposed materials of the proposed extension would complement the Grade II Listed Building.
- 6.7 Furthermore, the internal alterations to the existing building have regard to the scale, proportions and detailing of the existing doorways/openings within the building. The changes would respect the historic character of the property and would also not have an adverse impact upon its fine features.
- 6.8 Whilst the City Council's Conservation Officer and the Conservation Area Advisory Committee originally raised concerns regarding the scale and design of the proposed extension as first submitted both consultees have since

raised no objections to the amended plans as currently proposed.

- 6.9 Members should however be aware that The Georgian Group have objected to the associated Listed Building Consent Application (reference 14/0648) on the grounds of scale and design. The Group consider that the size of the extension would be damaging to the special interest and setting of the Listed Building. The Group also consider that the new roof would have a highly damaging impact on the appearance of the western facade of the listed building with its elegant Tuscan portico. With regard to the objections received by The Georgian Group it is noted that the glazed link part of the extension would be set back by approximately 0.4 of a metre from the south-western elevation of the original building and the remaining part of the extension would project forward by 0.4 of a metre. The element of the extension which projects slightly further forward would however be set down into the ground by 990mm with a lower eaves height than the cornice level of the existing building. As stated in paragraph 6.6 it is considered that the old and new build is clearly defined by the glazed link, the sandstone wall and the extension being either set back or at a lower level to the existing building. Furthermore the new pitched roof replacing the previous flat roof sits behind the parapet of the original building. The roof also slopes back and away from the elegant Tuscan Porch on the south-western elevation. In such circumstances it is considered on balance that the proposal would not have an adverse impact upon the special historic features of the Grade II Listed Building.
- 6.10 Overall it is therefore considered that the proposed extension/ alterations to the property would allow the building to be brought back into active residential use, providing modern living accommodation whilst respecting the fine features of the Grade II Listed Building and the character/appearance of Great Corby Conservation Area. Relevant conditions regarding materials and sample details have been imposed within the associated Listed Building Consent application 14/0648.

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

- 6.11 The two residential dwellings to the north-east of the site (Inglenook and Green Croft) raised concerns to the original plans submitted with regard to overlooking, loss of light and over dominance.
- 6.12 With regard to overlooking it is noted that there will be three sets of windows (serving a utility room, WC and stairway) partially obscured by existing boundary treatment which will face towards Inglenook and Green Croft. None of these windows are however regarded as primary windows as they do not serve habitable rooms. Furthermore there will be a full height hardwood screen along the north-east elevation of the balcony which would prevent any overlooking. In such circumstances it is not considered that the proposal would have an adverse impact upon the living conditions of Inglenook or Green Croft in terms of loss of privacy.
- 6.13 With regard to over dominance and loss of light it is acknowledged that

majority of the extension will be off-set from the primary windows of Green Croft. The elements of the extension that will be in front of the building line of Green Croft will have a separation distance of approximately 11 metres. Given the height of intervening boundary treatment between the application site and Green Croft, the scale of the buildings which are to be demolished to accommodate the proposed development, the typography and orientation of the application site together with the design of the proposed extension (with a roof that slopes away from neighbouring properties) it is not considered that the proposal would have a sufficient adverse impact upon the occupiers of Green Croft on the grounds of over dominance or loss of light to warrant refusal of the application on this basis.

- 6.14 The extension will also be located approximately at a distance of 10 metres or more from the occupiers of Inglenook. Given the height of intervening boundary treatment between the application site and Inglenook, the scale of the buildings which are to be demolished to accommodate the proposed development, the typography and orientation of the application site, together with the design of the proposed extension (with a roof that slopes away from neighbouring properties) it is not considered that the proposal would have a sufficient adverse impact upon the occupiers of Inglenook on the grounds of over dominance or loss of light to warrant refusal of the application on this basis.
- 6.15 The proposal is compliant with the separation distances outlined in the Council's Achieving Well Designed Housing Supplementary Planning Document from all other neighbouring properties. In such circumstances the proposal will not have an adverse impact upon the living conditions of any other residential properties surrounding the site in terms of overlooking, over dominance or loss of privacy.

3. Impact Upon Trees

- 6.16 There are three existing tall conifer trees and apple trees located on the raised garden area to the rear of the site. Given the location of the proposed balcony from the conifer trees it is inevitable that the conifer trees will require some pruning in order to accommodate the balcony and steps. The Council's Tree Officer has been consulted on the proposed development and has raised no objections to the proposed development. The Tree Officer has however indicated that an application under Section 211 of the Town and Country Planning Act would be required to prune the Conifer Trees. It is not considered that the pruning of a conifer tree would have an adverse impact upon the landscape character of the surrounding area or the character/appearance of Great Corby Conservation Area to warrant refusal of planning permission.

4. Impact Upon Biodiversity

- 6.17 The Council's GIS Layer has identified that the site has the potential for a range of species to be present. As stated in paragraph 6.14 the proposal may involve the pruning of a conifer tree. In such circumstances a relevant condition has been imposed within the Decision Notice ensuring that no

works to the conifer tree take place during the breeding bird season. Subject to the imposition of this condition it is not considered that the proposed development would harm a protected species or their habitat.

5. Impact Upon Public Footpaths

- 6.18 Public Footpath 138017 runs adjacent to the north-eastern boundary of the site. The County Council's Footpath Officer has raised no objections to the proposal subject to the imposition of one condition ensuring that there is no interference with the public footpath during or after development. A relevant condition has been imposed within the Decision Notice. In such circumstances it is not considered that there is any policy conflict.

6. Impact Upon Highway Safety

- 6.19 The proposal seeks to retain the existing access and incurtilage car parking arrangements. The Highways Authority has been consulted on the proposed development and has raised no objections. In such circumstances there is no policy conflict.

7. Other Matters

- 6.20 Article 8 and Article 1 Protocol 1 of the Human Rights Act are relevant but the impact of the development in these respects will be minimal and the separate rights of the individuals under this legislation will not be prejudiced. If it was to be alleged that there was conflict it is considered not to be significant enough to warrant the refusal of permission.

Conclusion

- 6.21 In overall terms, the proposal is acceptable in principle. The development would not have an adverse impact upon Great Corby Conservation Area; the historic character of the Grade II Listed Building, protected species or highway safety. The proposal would not have an adverse impact on the living conditions of the occupiers of any neighbouring properties through loss of light, loss of privacy or over-dominance. In all aspects, the proposals are considered to be compliant with the objectives of the relevant adopted Local Plan policies and the application is recommended for approval.

7. Planning History

- 7.1 There is no relevant planning history on this site.

8. Recommendation: Grant Permission

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

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

2. The approved documents for this Planning Permission comprise:

1. the submitted planning application form received 23rd July 2014 (including part 8 of the application form received 18th September 2014);
2. the site location plan received the 23rd July 2014 (Drawing No.11605);
3. the site/block plan as proposed received 4th September 2014 (Drawing No.11605-06B);
4. the existing floor plans, roof plan and elevations received 18th September 2014 (Drawing No.11605-01A);
5. the proposed floor plans and elevations received 4th September 2014 (Drawing No.11605-04F);
6. the conservation statement with design and access statement received 4th September 2014 (Revision A- September 2014);
7. the 3D sketch view 1 received 4th September 2014 (Drawing No.11605-SK01);
8. the 3D sketch view 2 received 4th September 2014 (Drawing No.11605-SK02);
9. the 3D sketch view of the balcony received 4th September 2014 (Drawing No.11605-SK03);
10. the 3D sketch view of the rear vantage point received 10th September 2014 (Drawing No.11605-SK04);
11. the 3D sketch view - front vantage point received 10th September 2014 (Drawing No.11605-SK05);
12. the Notice of Decision; and
13. any such variation as may subsequently be approved in writing by the Local Planning Authority.

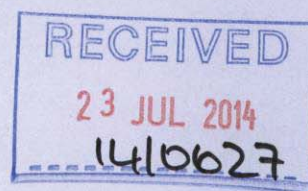
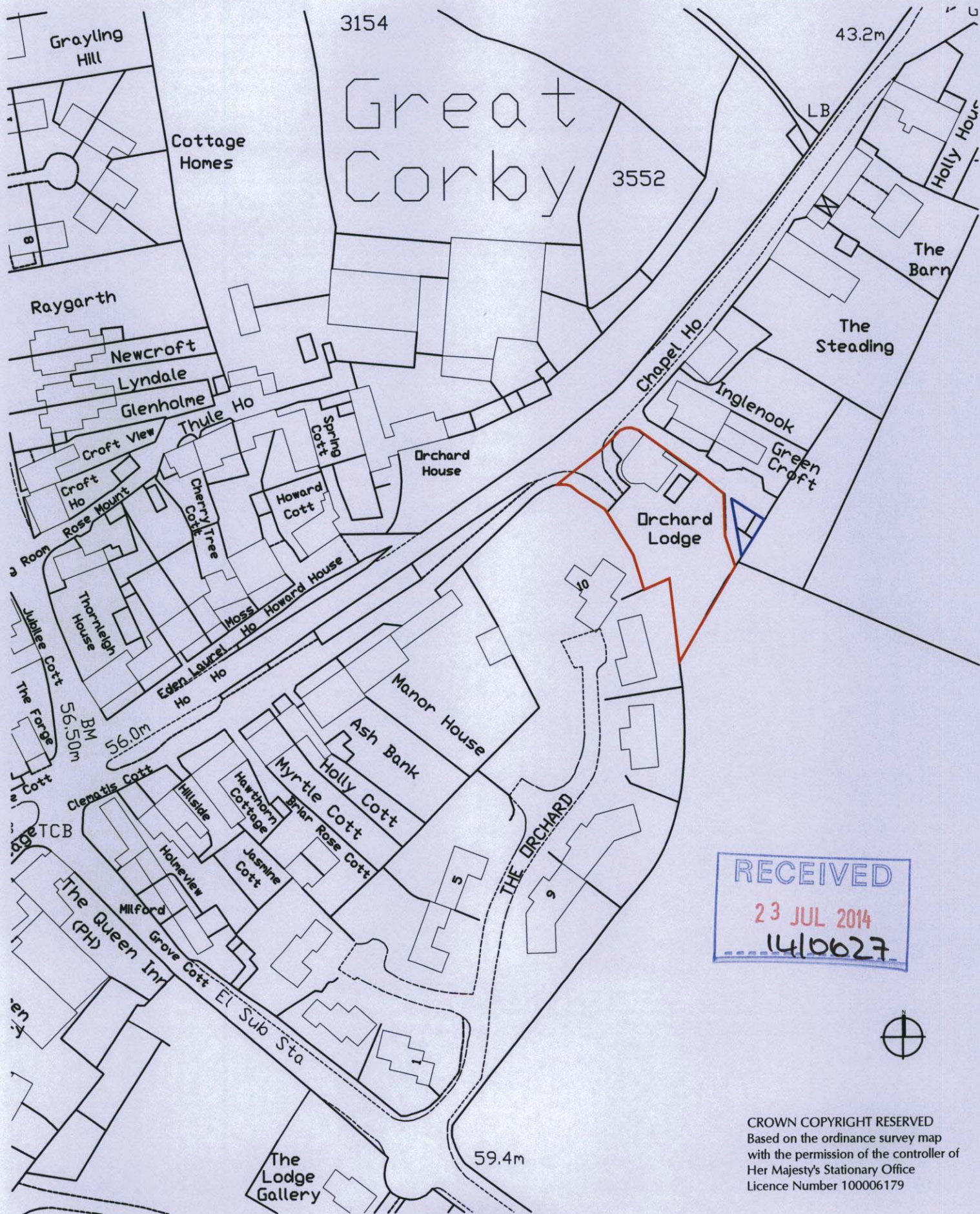
Reason: To define the permission.

3. No works to existing conifer trees shall take place during the bird breeding season from 1st March to 31st August unless the absence of nesting birds has been established through a survey and such survey has been agreed in writing beforehand by the Local Planning Authority.

Reason: To protect nesting birds in accordance with Policy CP2 of the Carlisle District Local Plan 2001-2016.

4. There shall be no interference with the public's right of way over Public Footpath No. 138017 during or after development

Reason: In order to prevent any obstruction to a public right of way in accordance with Policy LC8 of the Carlisle District Local Plan 2001-2016.



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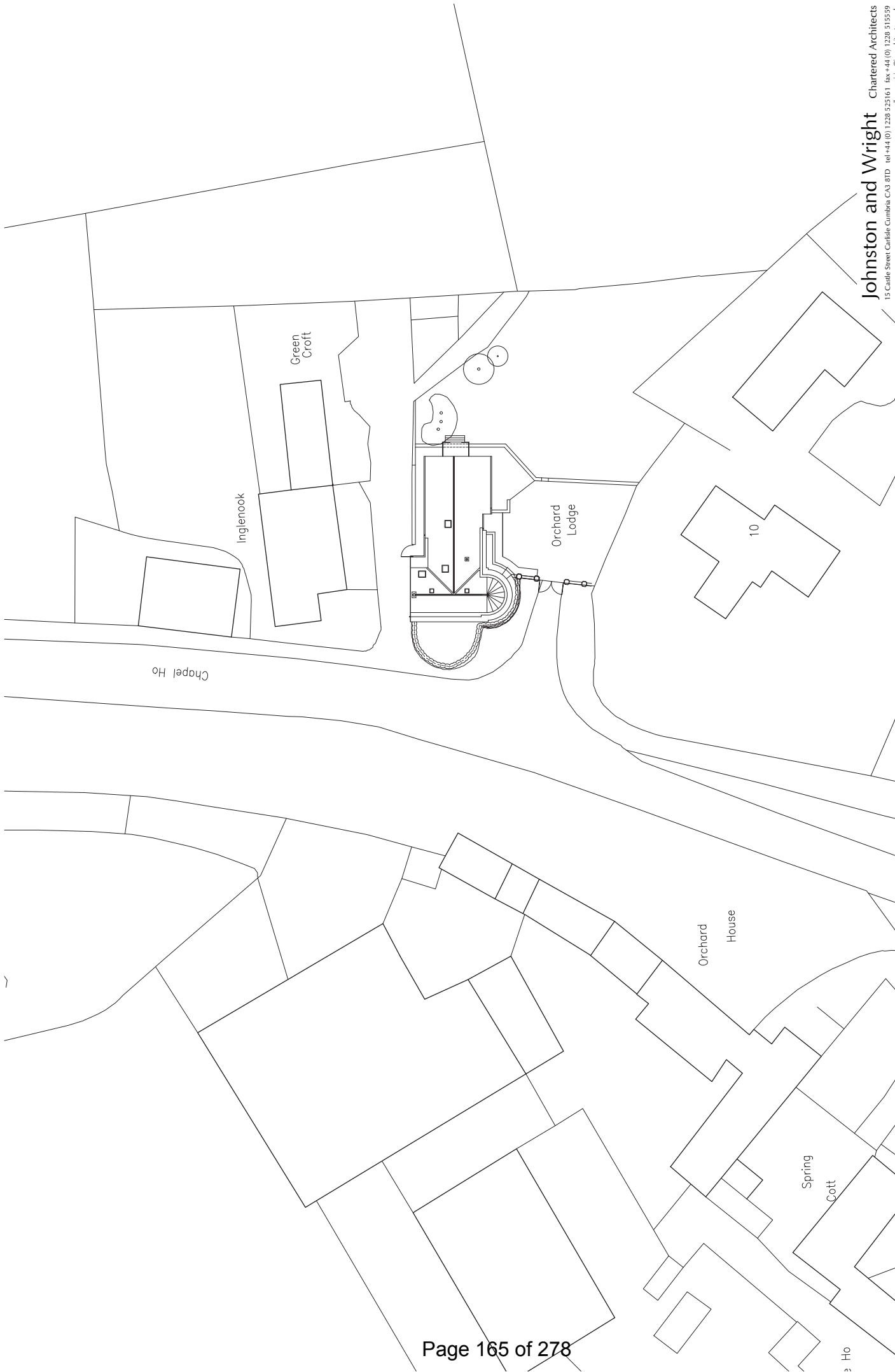
Project Proposed Restoration of Orchard Lodge, Great Corby
Drawing Location Plan
Page 164 of 278

Scale 1:1250

Date June 14 Drawn rt

Number 11605

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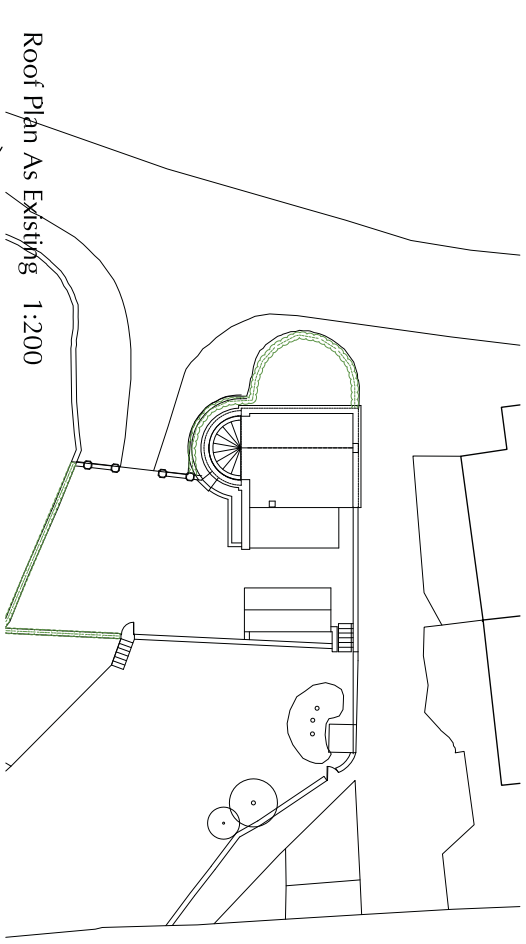


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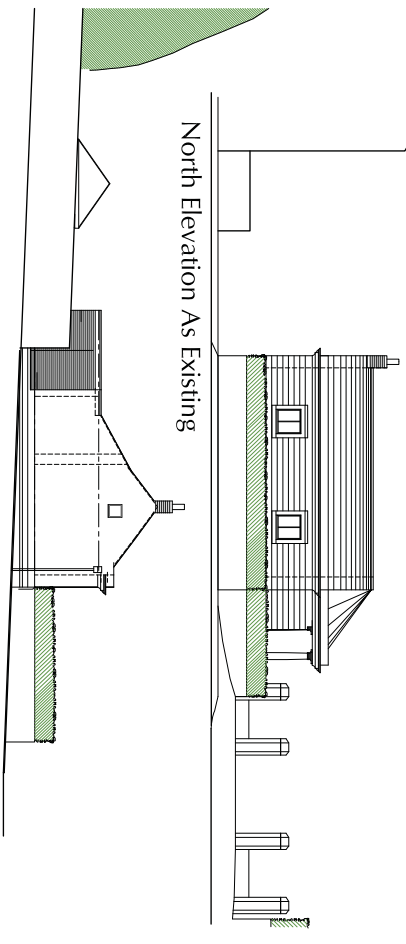
Project Proposed Restoration of Orchard Lodge,
Great Corby
Drawing Site/Block Plan, As Proposed

Scale 1:200 Date 06/14 Drawn rt Number 1605-06B
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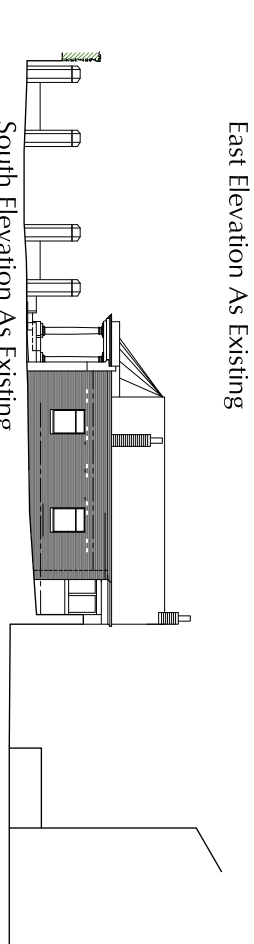
Revisions: A 07/14 Roof Plan updated.
B 09/14 Trees added to Block Plan.



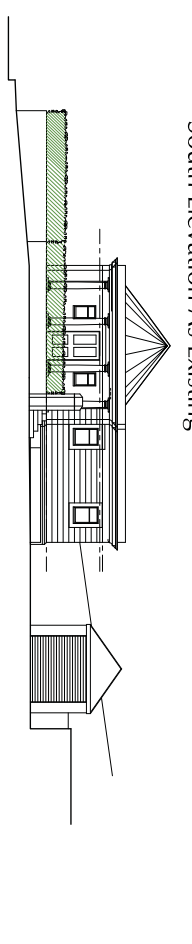
Roof Plan As Existing 1:200



North Elevation As Existing

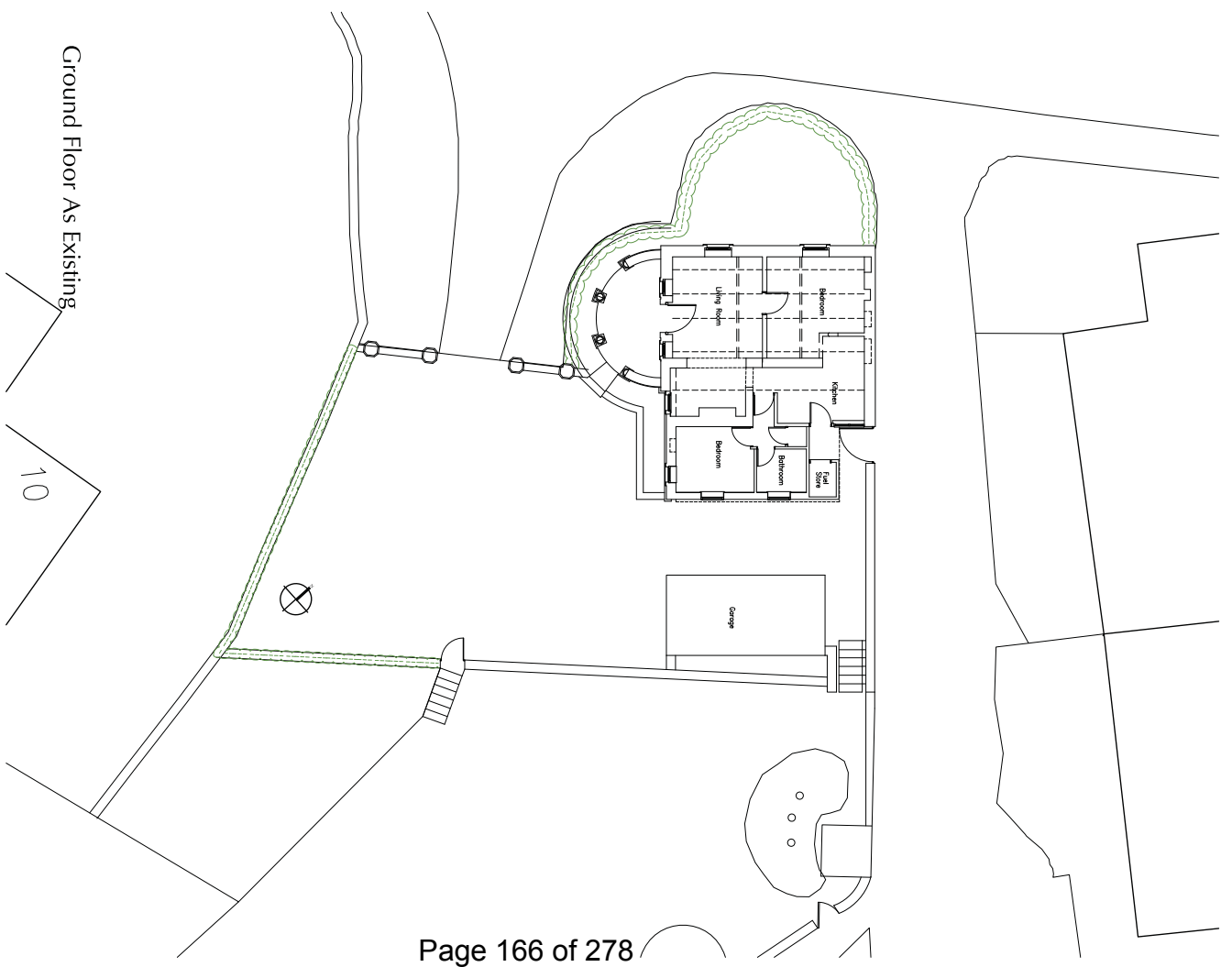


East Elevation As Existing



South Elevation As Existing

West Elevation As Existing



Ground Floor As Existing

SCHEDULE OF MATERIALS AS PROPOSED:

WALLS Masonry construction, red brown facing brick with sandstone ridges

ROOF Lakeland Slate, to match existing Conservation style roof-ridges

RAINWATER GOODS Black PPC Aluminium

WINDOWS Generally new 2x2 pane painted vertically sliding timber windows, colour to match existing.

DOORS Retain existing sash profiled entrance door. New glazed timber doors to utility and bedroom. New glazed sliding timber door and apex skylight to garden room.

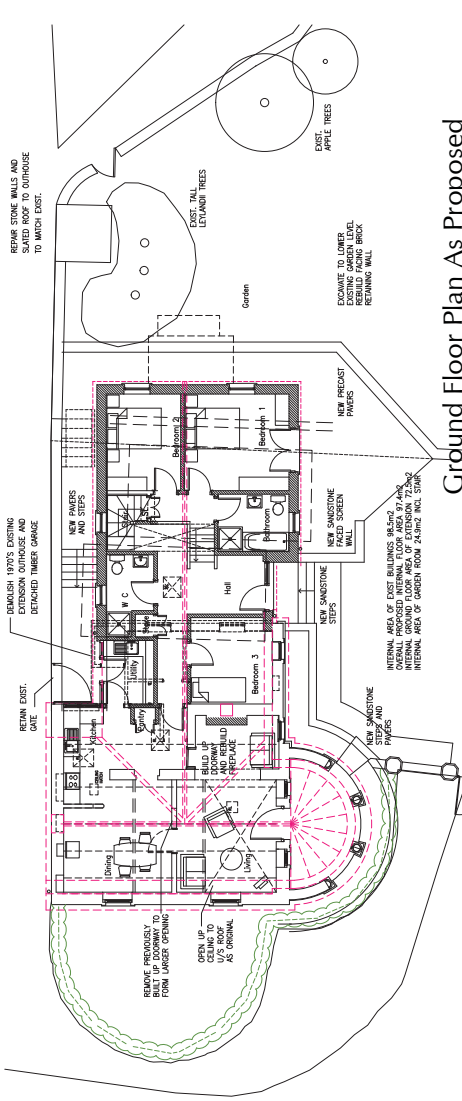
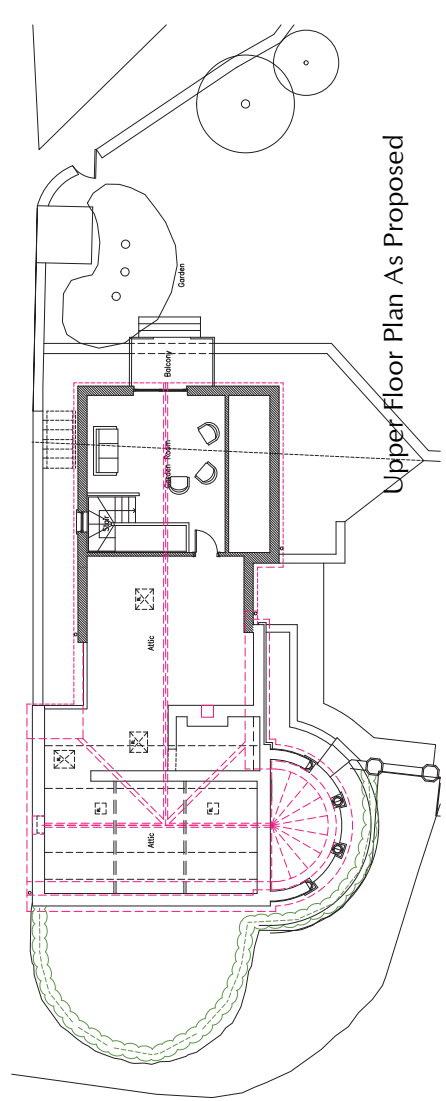
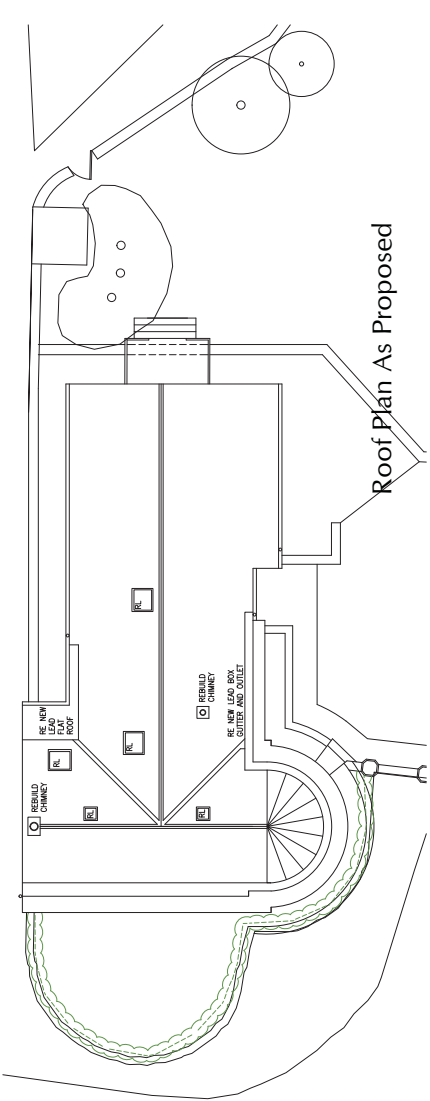
GATES New black PPC steel railings and gates to existing sandstone pillars

North Elevation

South Elevation

East Elevation

West Elevation



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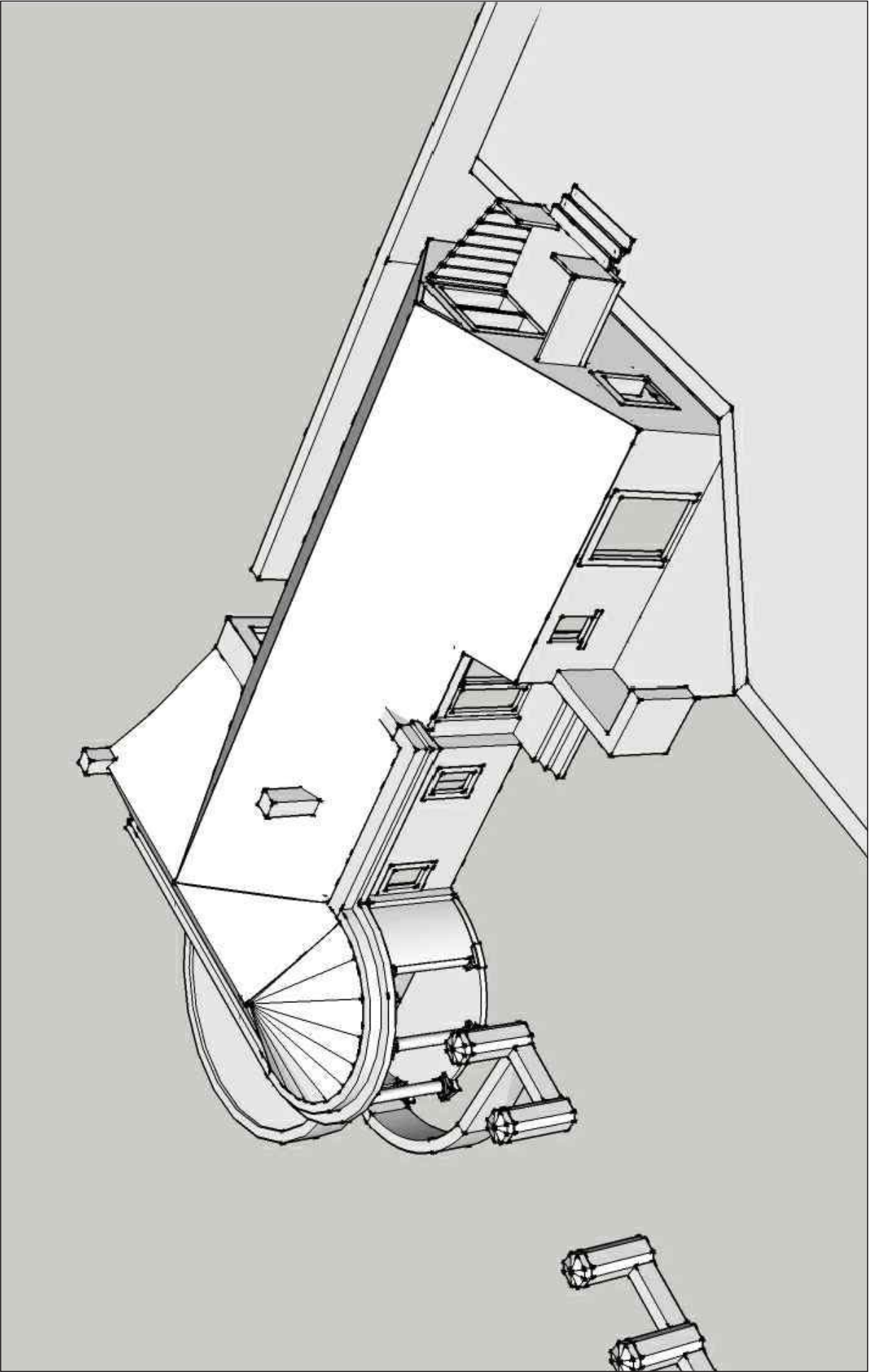
Project Proposed Restoration of Orchard Lodge
Drawing Great Corby Plans and Elevations, As Proposed

Scale @A1 1:100 **Date** 01/14 **Drawn** am/rf **Number** 11605-04F

Revisions:

- A 05/14 Roof amended
- B 07/14 Drawing Application
- C 07/14 Roof light positions updated. Partitions updated.
- D 08/14 Partitions updated. Review elevations related.
- E 08/14 Drawing related following meeting with planners
- F 09/14 Roof plan updated. Balcony amended. Notes updated.

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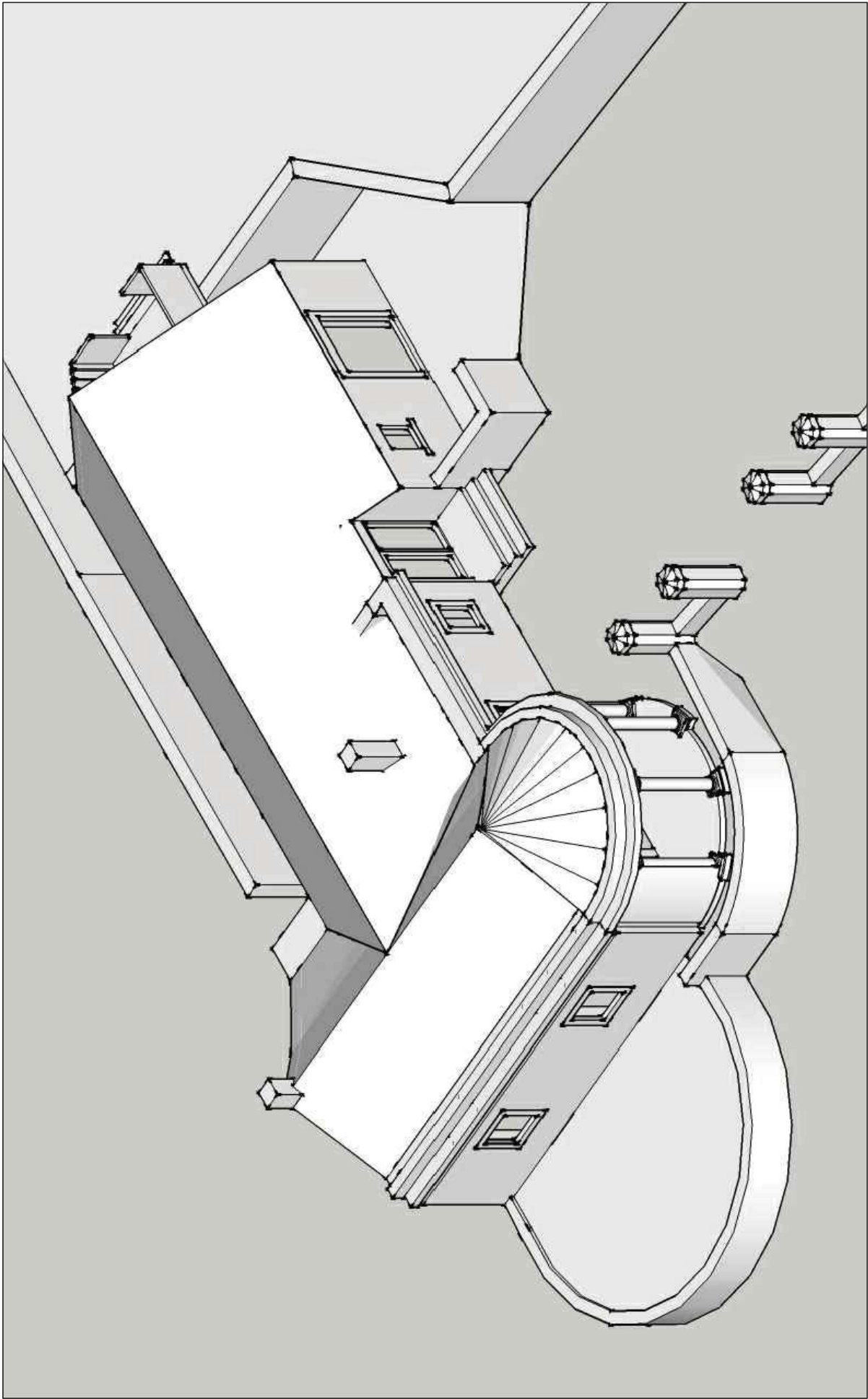


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Project **Proposed Restoration of Orchard Lodge**
Drawing **Great Corby**
3D Sketch View 1

Scale **1:100** Date **Sep 14** Drawn **rt** Number **11605-SK01**
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Revisions:

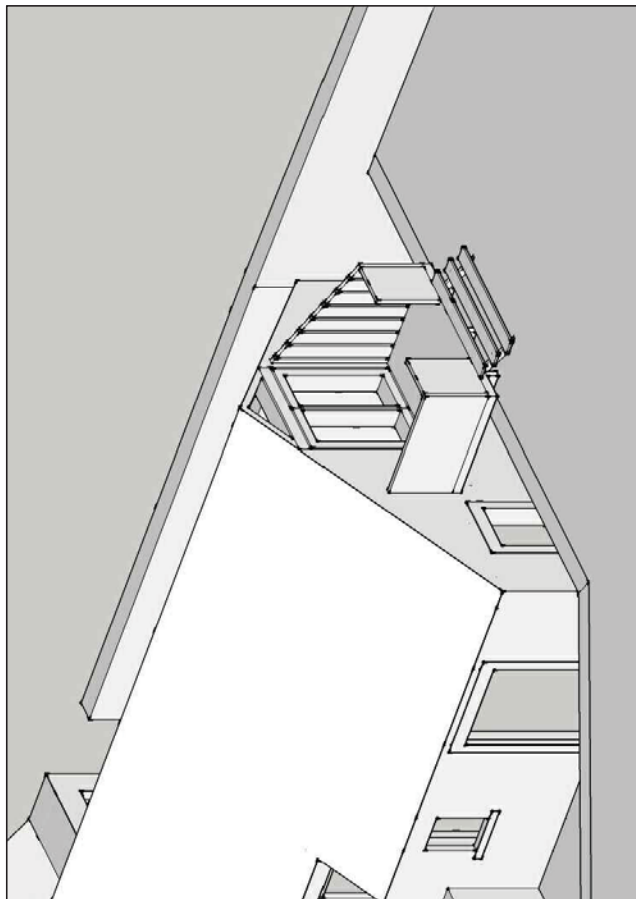
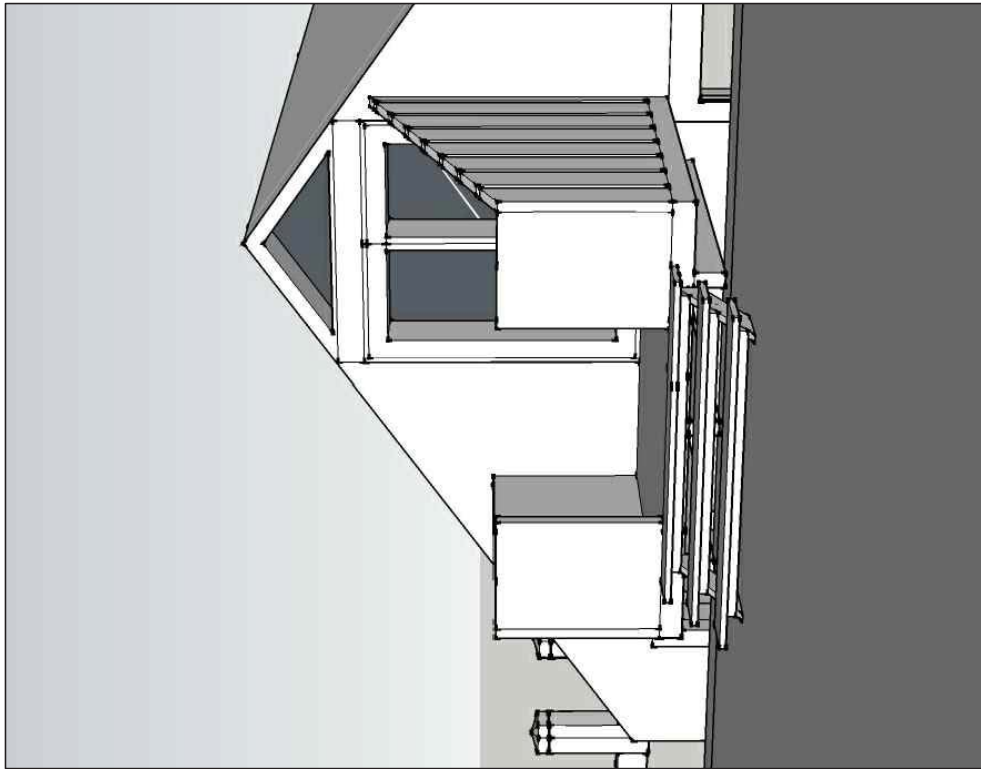
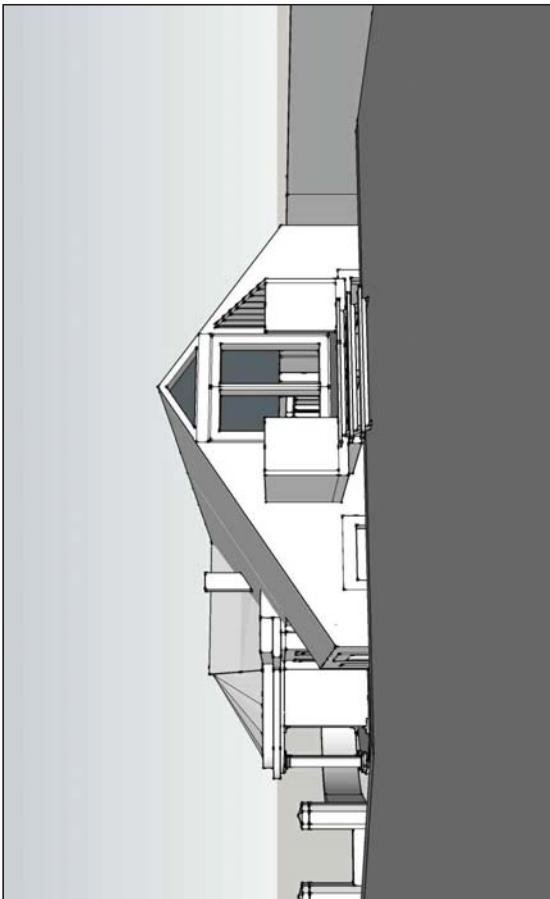


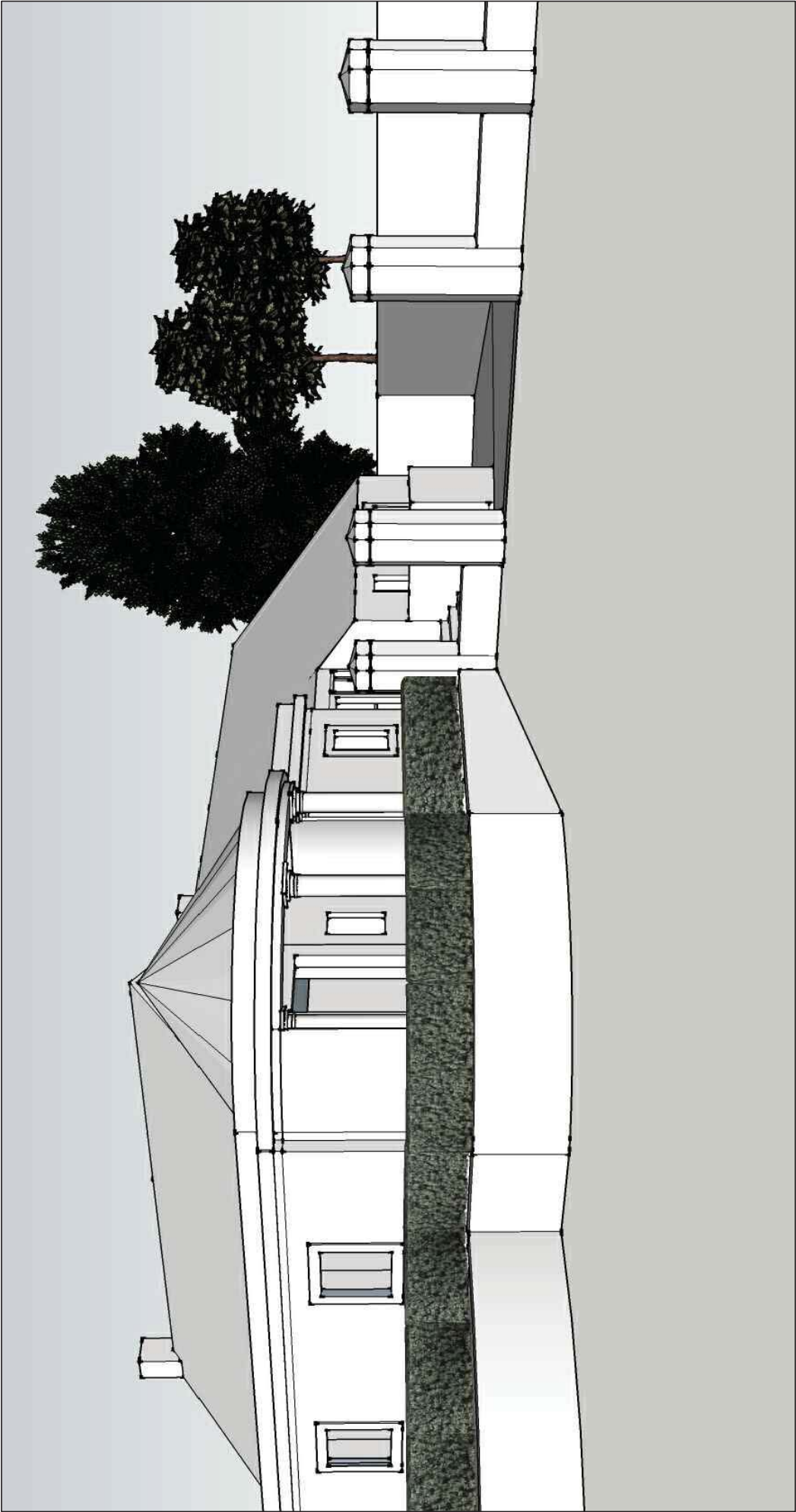
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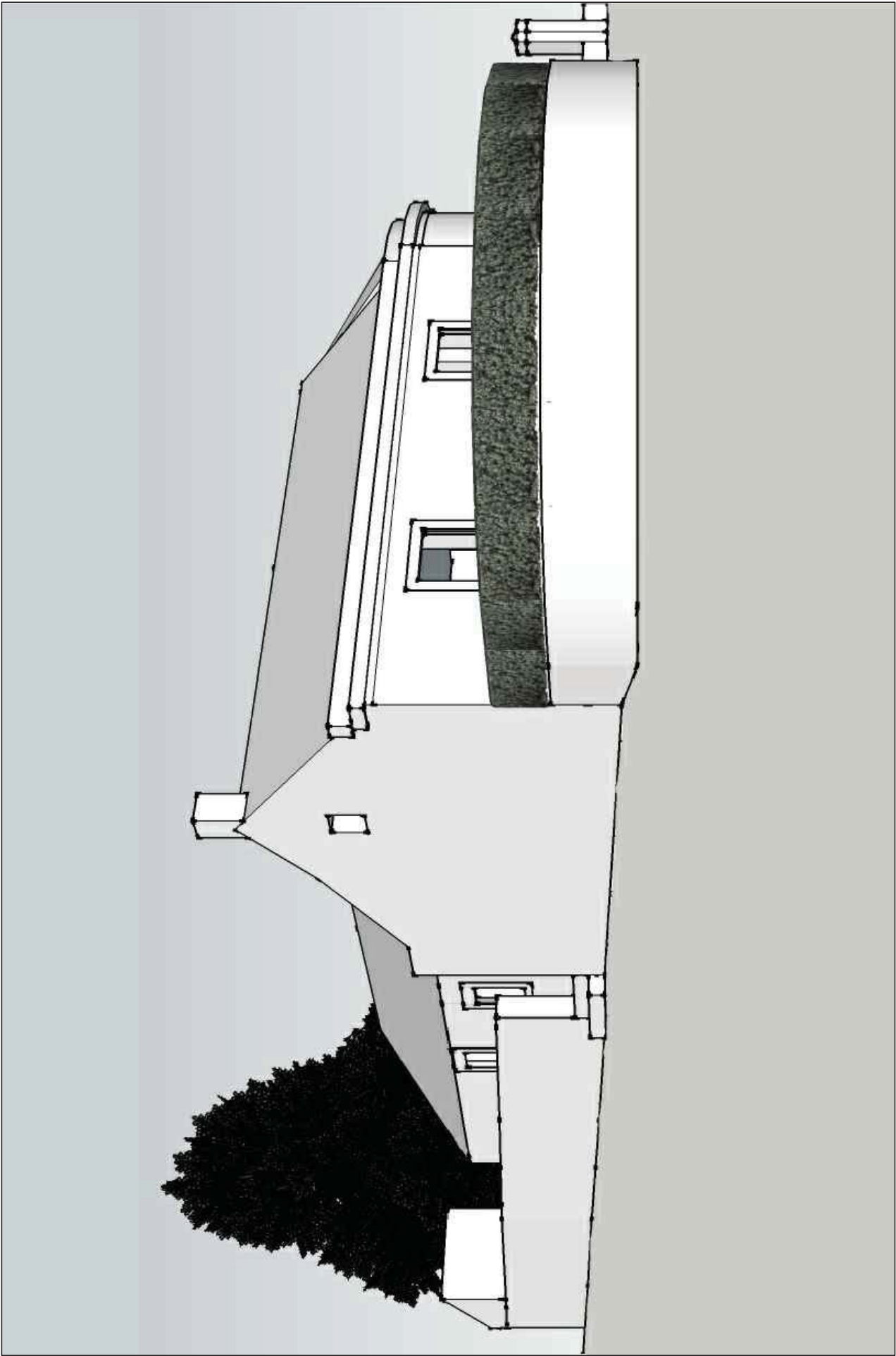
Project **Proposed Restoration of Orchard Lodge**
Drawing **Great Corby**
3D Sketch View 02

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Revisions:







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Project **Proposed Restoration of Orchard Lodge**
Drawing **Great Corby**
3D Sketch View—Rear vantage point

Scale **1:100** Date **Sep 14** Drawn **rt** Number **11605—SK04**

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Revisions:

SCHEDULE A: Applications with Recommendation

14/0648

Item No: 09

Date of Committee: 03/10/2014

Appn Ref No:
14/0648

Applicant:
Mr & Mrs Smith

Parish:
Wetheral

Agent:
Johnston & Wright

Ward:
Great Corby & Geltsdale

Location: Orchard Lodge, Great Corby, Carlisle, CA4 8NE

Proposal: Demolition Of Extension And Garage; Two Storey Rear Extension To Provide Additional Accommodation on Ground Floor With Garden Room And Balcony Above (LBC)

Date of Receipt:
23/07/2014

Statutory Expiry Date
17/09/2014

26 Week Determination

REPORT

Case Officer: Suzanne Osborne

1. Recommendation

- 1.1 It is recommended that this application is approved with conditions.

2. Main Issues

- 2.1 Impact Of The Proposal On The Grade II Listed Building

3. Application Details

The Site

- 3.1 Orchard Lodge is a single storey Grade II Listed property situated close to the centre of Great Corby on the eastern side of the road which leads from the crossroads in the middle of the village towards the primary school. The dwelling, formerly an entrance lodge for Corby Castle, is set back from the adjacent road and is constructed from dressed red sandstone walls under a slate roof. The property has a prominent segmental plan porch on Tuscan columns located on the south-west elevation and a modern brick extension with a felted roof (constructed in the 1970s) located on the south-east elevation. An existing detached modern brick garage is also situated at the

back of the property adjacent to the 1970s extension.

- 3.2 The typography of the application site is varied resulting in the dwelling and its garden area to the front of the site being located at a higher level to the road leading through Great Corby. The raised level extends back into the site to accommodate the dwelling and courtyard with a further raised garden area located to the south-east. The surroundings are wholly residential with 2no. two storey dwellings (Inglenook and Green Croft) located to the north-east and two storey dwellings located at "The Orchard" to the south-west. Due to the difference in levels surrounding the site the dwellings to the north-east are located at a slightly lower level to Orchard Lodge and the dwellings located to the south-west are located at a significantly higher level.
- 3.3 The property falls within Great Corby Conservation Area and there is a public footpath which runs along the track to the north-east of the site which separates Orchard Lodge from the adjacent residential properties.

The Proposal

- 3.4 The proposal seeks Listed Building Consent to demolish the existing 1970's extension and modern garage and to construct a new extension on the south-west elevation of the property to accommodate 3no.bedrooms, utility, WC and bathroom on the ground floor with a garden room above in the new roof space. A balcony from the garden room is proposed with steps leading down onto the raised garden area to the rear of the site.
- 3.5 Members should be aware that the original plans submitted showed the proposed extension with a higher ridge height than the existing building with no differentiation between old and new build. The plans have since been significantly amended with the ridge height of the extension now corresponding with the existing building. The extension is now separated from the original dwelling by a glazed entrance hall and a new sandstone faced screen wall which will be formed round the new extension in the existing courtyard. The remaining part of the extension will be constructed from brick walls, vertically sliding timber windows with stone surrounds under a lakeland slate roof. The balcony is to be constructed from hardwood with glazed balustrades. A full height timber screen will however be located on the north-eastern side of the balcony to protect the living conditions of adjacent properties.
- 3.6 A number of internal alterations in the existing building are also proposed consisting of removing a previously built up doorway to form a larger opening between the living room/dining room, opening up the ceiling to the living room to its original profile, building up an existing doorway in the living room and rebuilding a fireplace.
- 3.7 It is also proposed to reslate the existing roof and repair the lead work. Existing stonework will be repaired and repointed in hydraulic lime mortar. Windows will be renewed with slim line double glazed timber sashes of traditional proportions. The existing timber floor will be repaired and

insulated. External walls will also be lined internally with insulation and finished in lime plaster to replace the previous cement plaster.

- 3.8 New painted metal railings and gates to the existing sandstone gate pillars are also proposed. The entrance courtyard and access drive is to be resurfaced with gravel and new sandstone entrance steps to the existing porch and entrance screen is proposed due to the difference in site levels.

4. Summary of Representations

- 4.1 This application has been advertised by the display of a site notice, press notice and by means of notification letters sent to 7 neighbouring properties. In response to the original plans submitted 4 letters of objections from 3 separate households have been received.
- 4.2 The letters of objection raise a number of issues which are summarised as follows:
1. Object to the use of brick and zinc cladding;
 2. Extension should be constructed from sandstone to match the existing property;
 3. Extension will be out of character with its surroundings;
 4. Size and scale of the extension in relation to the Listed Building and Conservation Area;
 5. Impact upon the living conditions of Inglenook and Green Croft in terms of overshadowing, overlooking and loss of privacy;
 6. Proposal doesn't include reference to the large conifer tree to the rear of the site;
 7. Loss of conifer tree would have a negative impact upon the Conservation Area.
- 4.3 As stated in paragraph 3.5 of this report revised plans have since been received significantly altering the design of the proposed development. No further comments have been received from third parties during the reconsultation period.

5. Summary of Consultation Responses

Georgian Group - Amenity: - raised objections to the scale and design of the original plans submitted. Revised plans have since been received and the Georgian Group although welcoming the reduction in height of the new extension still object to the proposal as they consider that the size of the extension would be damaging to the special interest and setting of the Listed

Building. The Group also consider that the new roof would have a highly damaging impact on the appearance of the western facade of the listed building with its elegant Tuscan portico. The Group therefore recommend that Listed Building Consent is refused.

Clerk to Wetheral PC, Downgate Community Centre: - Members originally raised concerns regarding the height of the extension and use of materials. Revised plans have however since been received and Members of the Parish Council have now confirmed that they are pleased to see their comments noted and approved of the revised plans submitted.

Conservation Area Advisory Committee: - originally raised concerns regarding the height and design of the proposed extension in relation to the original building. Revised plans have however since been received and the Conservation Area Advisory Committee have subsequently raised no objections.

6. Officer's Report

Assessment

- 6.1 The relevant planning policies against which this application is required to be assessed are Policies CP5, LE12 and LE13 of the Carlisle District Local Plan 2001-2016. The National Planning Policy Framework is also a material planning consideration. The proposals raise the following planning issues:

1. Impact Upon The Grade II Listed Building

- 6.2 Section 66 (1) of the Planning (Listed Buildings and Conservations Areas) Act 1990 states "*In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting*".
- 6.3 The relevant planning policies seek to ensure that applications for alterations to Listed Buildings have regard to the scale, proportions, character and detailing of the existing building, and, the physical characteristics of conservation areas. Paragraph 133 of the NPPF states that Local Planning Authorities should refuse consent for any development which would lead to substantial harm to or total loss of significance of designated heritage assets.
- 6.4 Orchard Lodge is Grade II Listed, the listing details are as follows:

"House, formerly lodge for Corby Castle. Probably 1812-17, for Henry Howard. Dressed red sandstone, slate roof with leaded hips, C20 brick chimney stack. Segmental plan porch on Tuscan columns: heavily moulded and dentilled cornice carried round sides and extension: porch has entrance to right of porch, has small sash window with single glazing bars. Entrance

lodge until 1844 when a new road through the grounds of the castle necessitated a new wall and entrance gates."

- 6.5 It is not considered that the demolition of the non-original 1970s extension and modern garage would have an adverse impact upon the historic character of the existing Grade II Listed Building or the character/appearance of Great Corby Conservation Area. With regard to the proposed extension it is noted that there will be a glazed link between the existing property and the new extension as well as a sandstone faced screen wall which will be formed around the new extension. The glazed link (which will be stepped back from the building line of the existing property) and the new sandstone screen wall will allow the old and new build to be clearly distinguished. The proposed extension to the rear of the property will be set down approximately 990mm into the ground which reduces its scale and keeps the ridge height of the proposal the same as the ridge height of the existing roof. The proposed extension will be constructed from brick walls with sandstone quoin's, under a lakeland slate roof. All new windows will be constructed from timber and roof-lights will be of a Conservation Style.
- 6.6 The proposed extension has features (glazed link and a sandstone wall faced round the new extension) which clearly defines the old and new build allowing the proposed extension to be of a design sympathetic to the historic character and design of the Grade II Listed Building and the character/appearance of Great Corby Conservation Area. The balcony to the rear of the property, which will have a timber screen to the east elevation and glazed balustrades to the remaining elevations, would allow the building to reconnect to its raised garden area. Subject to the imposition of appropriate conditions requesting samples of the proposed brick to be used in the extension, a sample section of the materials for the new screen wall, all new mortar to be a cement free lime mortar, full details of all new windows/doors, sample details of the new railings and gates, samples/details of all hard surfaces together with ensuring existing slates are reused it is considered that the proposed materials of the proposed extension would complement the Grade II Listed Building.
- 6.7 Furthermore, the internal alterations to the existing building have regard to the scale, proportions and detailing of the existing doorways/openings within the building. The changes would respect the historic character of the property and would also not have an adverse impact upon its fine features.
- 6.8 Whilst the City Council's Conservation Officer, the Conservation Area Advisory Committee (CAAC) and The Georgian Group originally raised objections regarding the scale and design of the proposed extension as first submitted both the City Council's Conservation Officer and CAAC have however since raised no objections to the amended plans as currently proposed.
- 6.9 The Georgian Group although welcoming the reduction in height of the extension have still raised objections to the size of the extension stating that it would be damaging to the special interest and setting of the Listed Building. The Group also consider that the new roof would have a highly damaging impact on the appearance of the western facade of the listed building with its

elegant Tuscan portico. With regard to the objections received by The Georgian Group it is noted that the glazed link part of the extension would be set back by approximately 0.4 of a metre from the south-western elevation of the original building and the remaining part of the extension would project forward by 0.4 of a metre. The element of the extension which projects slightly further forward would however be set down into the ground by 990mm with a lower eaves height than the cornice level of the existing building. As stated in paragraph 6.6 it is considered that the old and new build is clearly defined by the glazed link, the sandstone wall and the extension being either set back or at a lower level to the existing building. Furthermore the new pitched roof replacing the previous flat roof sits behind the parapet of the original building. The roof also slopes back and away from the elegant Tuscan Porch on the south-western elevation. In such circumstances it is considered on balance that the proposal would not have an adverse impact upon the special historic features of the Grade II Listed Building.

- 6.10 Overall, subject to the imposition of conditions as outlined in paragraph 6.6, it is considered that the proposed extension/ alterations to the property would allow the building to be brought back into active residential use, providing modern living accommodation whilst respecting the fine features of the Grade II Listed Building and the character/appearance of Great Corby Conservation Area.

Conclusion

- 6.11 In overall terms the proposal will not have an adverse impact upon the historic character of the Grade II Listed Building or its setting within Great Corby Conservation Area. In all aspects the proposal is considered to be compliant with the objectives of the relevant planning policies and as such the application is recommended for approval.

7. Planning History

- 7.1 There is no relevant planning history on this site.

8. Recommendation: 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 submitted planning application form received 23rd July 2014 (including part 8 of the application form received 18th September 2014);

2. the site location plan received the 23rd July 2014 (Drawing No.11605);
3. the site/block plan as proposed received 4th September 2014 (Drawing No.11605-06B);
4. the existing floor plans, roof plan and elevations received 18th September 2014 (Drawing No.11605-01A);
5. the proposed floor plans and elevations received 4th September 2014 (Drawing No.11605-04F);
6. the conservation statement with design and access statement received 4th September 2014 (Revision A- September 2014);
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9. the 3D sketch view of the balcony received 4th September 2014 (Drawing No.11605-SK03);
10. the 3D sketch view of the rear vantage point received 10th September 2014 (Drawing No.11605-SK04);
11. the 3D sketch view - front vantage point received 10th September 2014 (Drawing No.11605-SK05);
12. the Notice of Decision; and
13. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

3. Samples of the materials to be used in the construction of the external walls 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 Grade II Listed Building and Great Corby Conservation Area. In accordance with Policies CP5, LE13 and LE19 of the Carlisle District Local Plan 2001-2016.

4. No works shall commence until such time that a sample panel of the new sandstone screen wall has been prepared and approved in writing by the Local Planning Authority.

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. All new mortar used in the pointing of the building works hereby approved shall be a cement free lime mortar, the specification of which shall be submitted to and approved by the local planning authority before any work is commenced.

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. Details of all new windows and doors, in the form, of quarter or full-size drawings including sections shall be submitted for prior approval by or on behalf of the Local Planning Authority before any development takes place. Such details shall include the frames, method of glazing, means of affixing to the wall and the size and opening arrangements of the windows.

Reason: To ensure the works harmonise as closely as possible with the existing building in accordance with Policies CP5, LE12 and LE13 of the Carlisle District Local Plan 2001-2016.

7. The existing slates shall be carefully removed, stored and subsequently re-used during the re-roofing of the property as hereby approved. Any additional stone or slate required to make up the completed roof shall be of matching quality, size, colour and appearance to the existing unless otherwise agreed in writing by the local planning authority.

Reason: To maintain the architectural integrity of the building and the amenities of its surroundings in accordance with Policies CP5, LE12 and LE13 of the Carlisle District Local Plan 2001-2016.

8. No railings/new gates shall be installed until sample details of the railings and gates have been submitted to and approved in writing by the Local Planning Authority. Such details should also include the method of fixing to existing pillars. The development shall then be undertaken in accordance with the approved details.

Reason: To ensure the works harmonise as closely as possible with the existing Grade II Listed Building and Great Corby Conservation Area in accordance with Policies CP5, LE12, LE13 and LE19 of the Carlisle District Local Plan (2001-2016).

9. Samples/full details shall be submitted of the proposed hard surface finishes to all private external areas within the proposed scheme before any site works commence. The external areas shall be constructed in accordance with the materials proposed.

Reason: To ensure that materials to be used are acceptable and in compliance with the objectives of Policies CP5, LE12 and LE13 of the Carlisle District Local Plan 2001-2016.

SCHEDULE A: Applications with Recommendation

14/0606

Item No: 10

Date of Committee: 03/10/2014

Appn Ref No:
14/0606

Applicant:
Mr Fairgrieve

Parish:
Brampton

Agent:

Ward:
Brampton

Location: Whingather, Carlisle Road, Brampton, CA8 1ST

Proposal: Demolition Of Dwelling And Erection Of 2no. Dwellings (Outline)

Date of Receipt:
29/07/2014

Statutory Expiry Date
23/09/2014

26 Week Determination

REPORT

Case Officer: Richard Maunsell

1. Recommendation

- 1.1 It is recommended that this application is approved with planning conditions.

2. Main Issues

- 2.1 Principle Of Residential Development
- 2.2 Scale, Siting And Design
- 2.3 The Impact Of The Proposal On The Living Conditions Of Neighbouring Residents
- 2.4 Highway Matters
- 2.5 Development Within Flood Zone 3
- 2.6 Biodiversity
- 2.7 Drainage
- 2.8 The Impact On The Brampton Conservation Area

3. Application Details

The Site

- 3.1 The application site comprises of the property known as Whingather, together with its curtilage, and is located within a residential area to the west of Brampton. The site measures 0.13 hectares in area and the property is

accessed via a private road that leads directly from Carlisle Road, 300 metres west of the centre of Brampton.

- 3.2 The access road leads down towards the application site which is surrounded on all sides by residential properties. The garden of the property is itself relatively level adjacent to the southern boundary but then slopes steeply towards the northern boundary.
- 3.3 The existing property comprises of a detached rendered property under a slate roof. The building is single storey to the southern elevation but then encompasses a 2 storey element to the rear as the ground level slopes down. The property stands within a reasonable curtilage with mature landscaping. There are glimpsed views into the site, particular at the point of the vehicular access; however, the remainder of the site is relatively well screened through hedges and mature shrubs.

The Proposal

- 3.4 This application seeks outline consent for the provision of 2 houses with all other matters being reserved for subsequent approval. The indicative block plan shows an access road adjacent to the southern boundary with the 2 properties immediately adjacent and to the north of this. The garden areas would be between these houses and the northern boundary.

4. Summary of Representations

- 4.1 This application has been advertised by means of a site notice, a press notice and direct notification to the occupiers of 11 of the neighbouring properties. In response, 5 letters of objection have been received and the main issues raised are summarised as follows:
 - 1. the views of St. Martin's Church will be obliterated;
 - 2. the nearest property will be less than 3 metres from the boundary fence which will be very imposing and depressing on the adjacent seating area;
 - 3. there will be a loss of privacy;
 - 4. why should the occupiers of pensioner's cottages be disturbed?
 - 5. resident's peace and quiet should not be disturbed for 1 extra property when over 200 houses are going to be built just over the road;
 - 6. there are already 2 eyesores (where Ivinson's garage once was) and who's to say that this development won't run out of money and leave residents looking at scaffolding;
 - 7. residents don't want the noise and inconvenience;
 - 8. windows in the rear elevation of the proposed dwellings would overlook habitable rooms of the adjacent properties;
 - 9. the presence of an additional dwelling would result in an increase in traffic movement on the private access road which has to be kept clear in order to provide access for emergency vehicles at all times;
 - 10. objection is made to the property on the eastern side of the site being anything other than a bungalow due to the high roof line that would result in a loss of light;

11. it is not clear from the drawings what the height of the buildings will be. There is no objection to another bungalow replacing the existing but if the application is for houses, these will be higher and result in a loss of amenity.

5. Summary of Consultation Responses

Carlisle Airport: - no objection;

Cumbria County Council - (Econ. Dir. Highways & Transportation): - no objection; however, parking and turning should be in accordance with Cumbria standards;

Brampton Parish Council: - no response received.

6. Officer's Report

Assessment

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that applications for planning permission are determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. In respect of this application, the National Planning Policy Framework (NPPF) together with DP1, CP2, CP3, CP5, CP6, CP12, CP15, CP17, H1, H2, LE19 and T1 of the Carlisle District Local Plan 2001-2016 are relevant. The proposal raises the following planning issues.

1. Principle Of Residential Development

- 6.2 The application site lies within Brampton. Policy H1 of the Local Plan states that new residential development in the identified settlements will be acceptable providing that compliance with 7 specific criteria.
- 6.3 A number of objections have been received which raise concerns about the future development of the site and these issues are addressed in the following paragraphs of this report; however, the principle of development remains acceptable.

2. Scale, Siting And Design

- 6.4 Policies seek to ensure the development is appropriate in terms of quality to that of the surrounding area and that development proposals incorporate high standards of design including siting, scale, use of materials and landscaping which respect and, where possible, enhance the distinctive character of townscape and landscape. This theme is identified in Policy CP5 of the Local Plan which requires that development proposals should also harmonise with the surrounding buildings respecting their form in relation to height, scale and massing and make use of appropriate materials and detailing.
- 6.5 The application seeks consent for the principle of development only with the access, appearance, landscaping, layout and scale being reserved for

subsequent approval.

- 6.6 Residents are concerned about the scale and visual impact of the development. The site slopes down from south to north and given the presence of properties adjacent to the site boundaries, particularly those to the north, there is the potential that 2 storey dwellings may be over dominant on the site. It is therefore appropriate to impose a condition restricting the properties subject of a future application to be single storey only.
- 6.7 The proposal could achieve adequate amenity space and off-street parking although this would be subject to subsequent approval. The character and appearance of the development would not be obtrusive within the streetscene and there is no conflict with planning policies.

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

- 6.8 The redevelopment of the site for residential use is acceptable. The indicative layout plan demonstrates that the living conditions of the occupiers of that property will not be compromised through loss of light, loss of privacy or over dominance; however, this is based on Officers assessment that the properties are single storey.
- 6.9 Given the orientation of the application site with adjacent properties, it is not considered that the living conditions of the occupiers would suffer from loss of privacy or unacceptable levels of noise or disturbance. The development would not result in an overall loss of daylight or sunlight due to the distances involved between the application site and the residential properties.
- 6.10 Whilst it is accepted that there may be some noise and disruption during the construction process, this is not in itself sufficient to warrant refusal of the application. It would, however, be reasonable to impose a restrictive condition limiting the hours during which construction works can occur to minimise this impact.
- 6.11 As the proposal involves the introduction of windows that faces the neighbouring properties, it is appropriate to consider the development against the Supplementary Planning Document "Achieving Well Designed Housing". It requires that a distance of 21 metres is provided between primary windows. Although there is currently no detail of the individual house design, the indicative scheme affords sufficient distance between the buildings and would exceed the minimum distances required by the SPD.

4. Highway Matters

- 6.12 Adequate off-street parking is proposed within the curtilage of the properties. The access arrangement is acceptable and the Highway Authority has raised no objection.

5. Development Within Flood Zone 3

- 6.13 Part of the north-east corner of the site is within Flood Zone 3 and consequently, the applicant has submitted a Flood Risk Assessment (FRA). The indicative plans show that the buildings would be outwith the flood zone. In respect of the development, the applicant states that the properties would be sited towards the southern boundary of the site and would not encroach into the flood zone. The properties would therefore not be at risk of flooding due to their position in the site and the higher ground level towards the southern boundary. Development of the site would not exacerbate flooding elsewhere and any risk of flooding would be no worse than the existing situation. The Environment Agency's consultation matrix does not advise that any further information or consultation is required. The construction of the additional infrastructure does not raise any issues with reference to Policy LE27.

6. Biodiversity

- 6.14 The Council's GIS Layer has identified that the site has the potential for protected species to be present on or in the vicinity of the site. As the proposed development would involve previously developed land and is within the curtilage of the property, it is not considered that the development would harm a protected species or their habitat; however, an Informative has been included within the decision notice ensuring that if a protected species is found all work must cease immediately and the Local Planning Authority informed.

7. The Impact On The Brampton Conservation Area

- 6.15 The boundary to the Brampton Conservation Area lies on the opposite side of the private access road that leads from Carlisle Road. Although not directly within the conservation area, planning policies require that development proposals within and adjoining conservation areas will be granted planning permission provided they preserve or enhance their character and appearance. The current application is in outline form only, which is acceptable in sites not within conservation areas. The requirement of the policy remains relevant, however, and would also be relevant at the time of the consideration of any subsequent application.
- 6.16 Having considered the application, the Conservation Area Advisory Committee raised no objection but expressed comment that the land falls away to the north and 2 storeys may be overpowering to the dwellings in that direction. The response continues that perhaps the applicant needs to provide additional information at outline stage to show that 2 storeys would not be overbearing. The matter is addressed through the imposition of conditions and approval of the current outline application does not prejudice the policy objectives.

8. Other Matters

- 6.16 The applicant has submitted a Site Contamination – Preliminary Assessment report which identifies that the land has been within the domestic curtilage for the previous 26 years and there have been no issues regarding

contamination. Council's Principal Environmental Health Officer has raised no objection to the reuse of the site subject to the imposition of a condition relating to contaminated land target sampling together with the imposition of a condition requiring notification and remediation should further contamination be found.

- 6.17 Objectors have raised concerns about being left with an 'eyesore' if development is commenced but not completed. Although the planning permission is subject to a time restriction during which the development has to be implemented, it is deemed unreasonable to impose a condition when the buildings have to be completed. Following the previous commentary, the site is relatively well screened and should this situation arise, it is not considered that the visual amenity of the area would be adversely affected.

Conclusion

- 6.18 In overall terms, the site is within a residential area that is within Brampton. The principle of residential development is acceptable both in terms of the NPPF and local plan policies.
- 6.19 The application seeks outline planning permission only with all matters reserved for a subsequent application. The indicative plans show that 2 properties could be accommodated towards the southern boundary of the site that would be well related to the boundaries of the site and would be appropriate to the character and appearance of the area.
- 6.20 The redevelopment of the site to provide 2 residential properties would not result in any demonstrable harm to the living conditions of any neighbouring residential dwellings; however, in order to ensure that the buildings would not be over dominant given the ground levels within the site, it would be appropriate to impose a condition requiring them to be single storey. In all other aspects the proposal is compliant with the objectives of the relevant Local Plan policies.

7. Planning History

- 7.1 There is no planning history relating to this site.

8. Recommendation: 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, access and landscaping of the site (hereinafter called "reserved matters") shall be submitted to and approved by the local planning authority.

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

3. The approved documents for this Outline Planning Permission comprise:

1. the Planning Application Form received 29th July 2014;
2. the Location Plan received 14th July 2014;
3. the Current Block Plan received 29th July 2014;
4. the Proposed Block Plan received 29th July 2014;
5. the Flood Risk Assessment received 17th September 2014;
6. the Notice of Decision;
7. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

4. The dwellings to be erected on Plots 1 and 2 shall be of single storey construction only.

Reason: In the interests of preserving the privacy and amenity of the neighbouring residents, to ensure that the development respects the scale and character of buildings in the locality and to ensure compliance with Policies H1 and CP5 of the Carlisle District Local Plan 2001-2016.

5. No development approved by this permission shall be commenced until a scheme for the disposal of foul and surface waters (including details of foul sewage connection) 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 drainage in accordance with Policy CP12 of the Carlisle District Local Plan 2001-2016.

6. For the avoidance of doubt, neither surface water nor highway drainage shall connect into the public sewerage system (directly or indirectly).

Reason: To ensure that adequate drainage facilities are available. In accordance with Policy CP12 of the Carlisle District Local Plan 2001-2016.

7. No development shall be commenced until samples or full details of materials to be used externally on the buildings 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 Policies H1 and CP5 of the Carlisle District Local Plan 2001-2016.

8. Details shall be submitted of the proposed hard surface finishes to all public and private external areas within the proposed scheme and approved, in writing, by the Local Planning Authority before any site works commence.

Reason: To ensure that materials to be used are acceptable and in compliance with the objectives of Policies H1 and CP5 of the Carlisle District Local Plan 2001-2016.

9. 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 H1 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 dormer windows or rooflights shall be inserted above the ground floor on the buildings hereby approved without the prior written 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 H1 and CP5 of the Carlisle District Local Plan 2001-2016.

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

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

12. 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 any dwellings. 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.

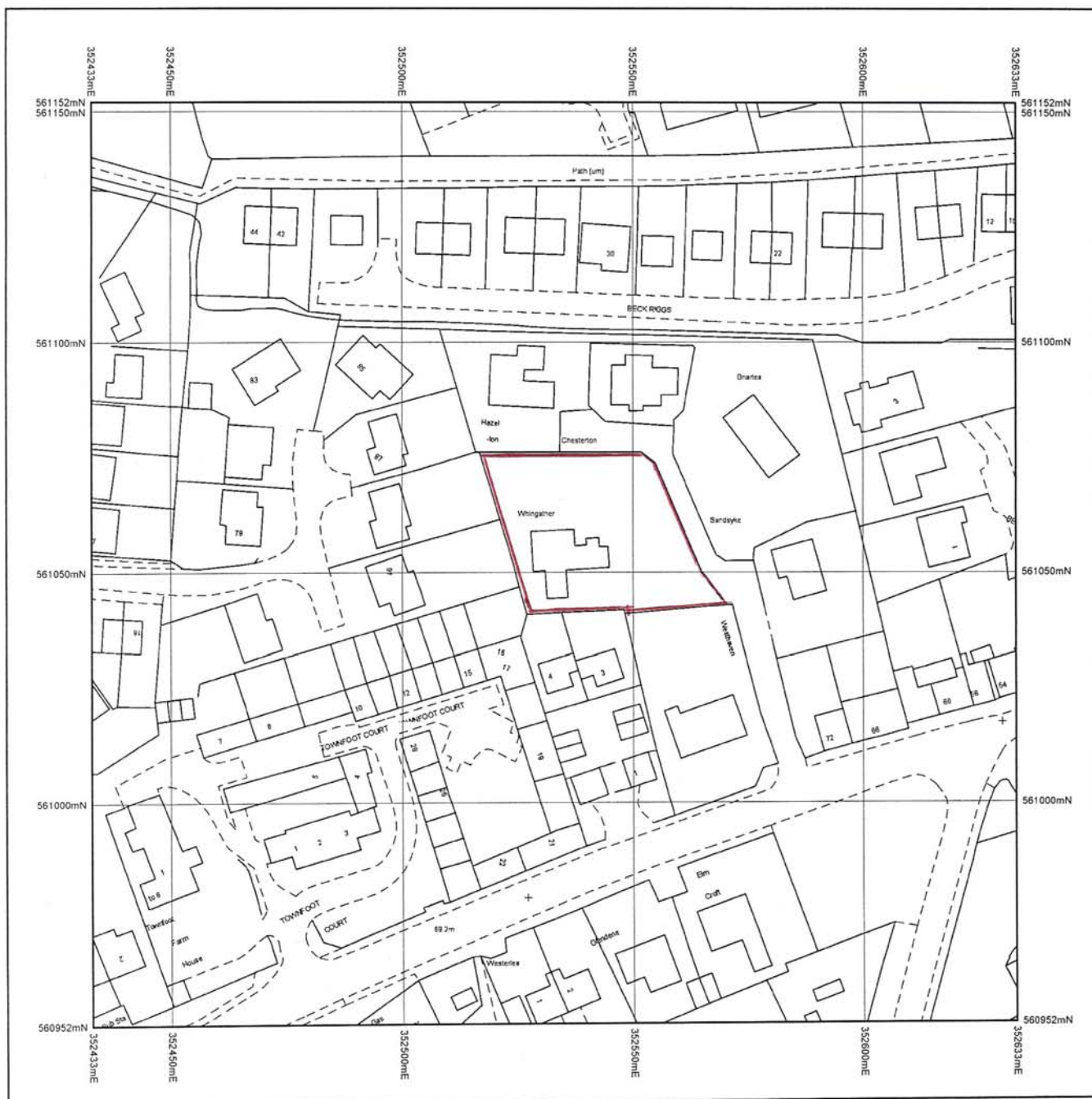
13. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Site investigations should follow the guidance in BS10175.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy H1 of the Carlisle District Local Plan 2001-2016.

14. 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 H1 of the Carlisle District Local Plan 2001-2016.



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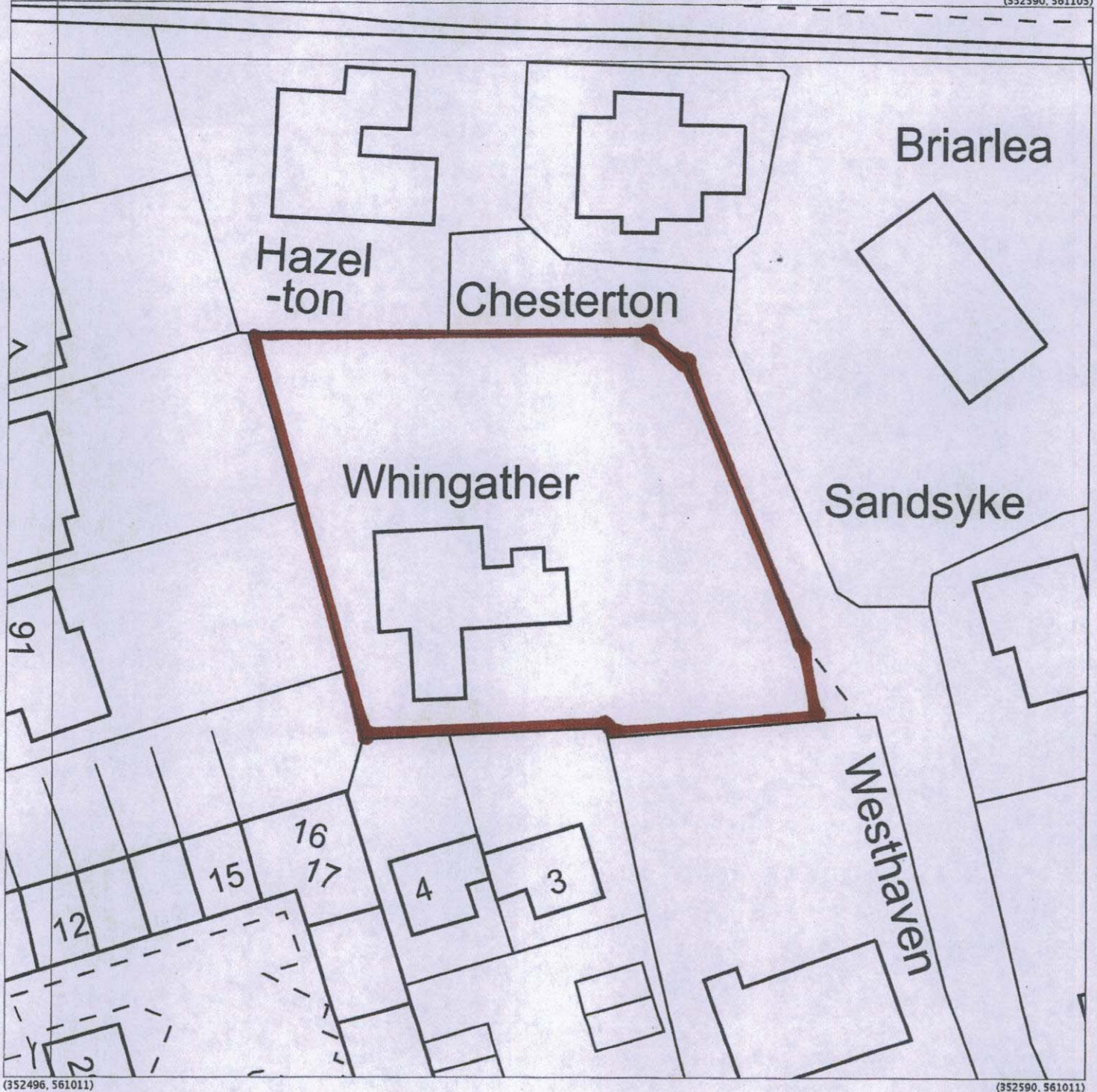
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whingather map

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CURRENT

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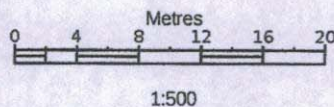
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Whingather, Carlisle Rd, Brampton
CA8 1ST

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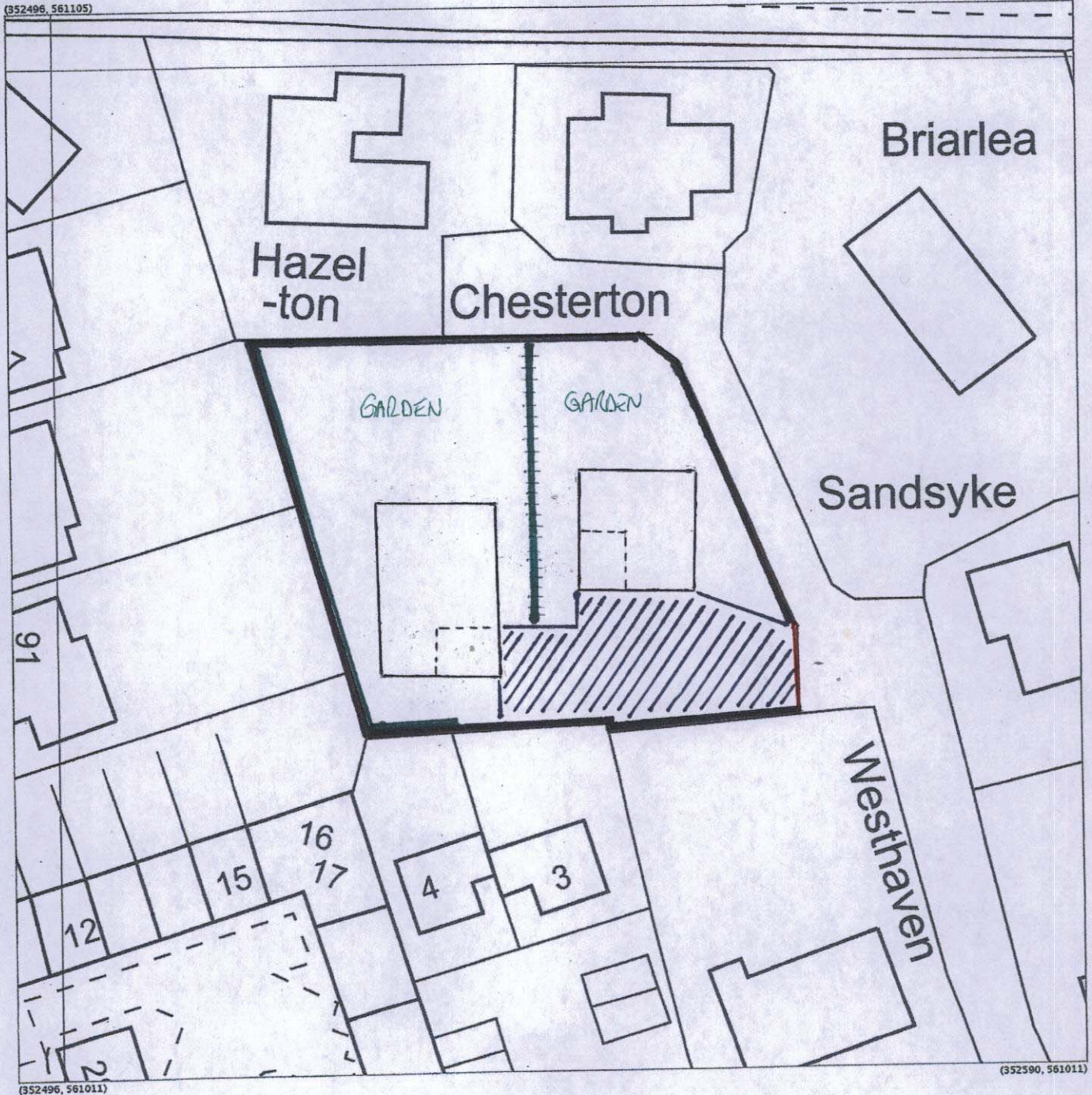


PROPOSED



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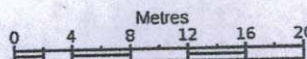
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Whingather, Carlisle Rd, Brampton
CA8 1ST

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INTEGRAL GARAGE

KEY

- ACCESS FROM LANE
- PROPOSED SURFACED DRIVE
- PROPOSED FENCE OR HEDGE
- EXISTING HEDGE TO BE RETAINED
- EXISTING BOUNDARY FENCE TO BE RETAINED

RECEIVED
29 JUL 2014
2014/0606

SCHEDULE B

SCHEDULE B

SCHEDULE C

SCHEDULE C

Item No: 11 Between 16/08/2014 and 19/09/2014

Appn Ref No:
13/0337

Applicant:
Mr Eric Norman

Parish:
Orton

Date of Receipt:
02/05/2013

Agent:
Mr Tom Woof

Ward:
Burgh

Location:
Little Orton Farm, Little Orton, Carlisle, Cumbria,
CA5 6EP

Grid Reference:
335139 555177

Proposal: Extension Of Existing Cattle Shed To Provide A General Purpose Store
To Include The Siting Of A Log Boiler And Installation Flue

Amendment:

REPORT

Case Officer: Barbara Percival

Decision on Appeals:

Appeal Against: Appeal against refusal of planning perm.

Type of Appeal: Written Representations

Report: The appeal site relates to Little Orton Farm, Little Orton. Retrospective Planning Permission was sought for the extension of an existing cattle shed to provide a general purpose store to include the siting of a log boiler and installation of a flue.

A split decision was issued under Delegated Powers on the 20th December 2013 which involved approval of the extension to the existing cattle shed whilst the siting of the log burner and installation of the associated flue was refused. The grounds for refusal being:

"The emissions from the bio-mass boiler and flue by reason of its relation to the site boundary results in an unacceptable odour within the immediate vicinity contrary to the objectives of Criterion 5 of Policy CP5 (Design) and Criterion 4 of Policy CP8 (Renewable Energy) of the Carlisle District Local Plan 2001-2016 and Paragraph 98 of the National Planning Policy Framework (March 2012)".

The main issue the Inspector considered in respect of the appeal was the effect of the appeal scheme on the living conditions of neighbouring residents, with particular reference to odour and air quality.

The Inspector outlined that the appellant indicated that there were some issues concerning emission from the scheme when it began to operate; a view shared by the Council's Environmental Health Officer, who had confirmed that there have been incidents involving excessive emission of smoke and particulates from the flue. This was also supported by a photographic records provided by the occupier of the adjacent property. The Inspector went on to highlight that changes have subsequently been made to the flue and the set up of the boiler. However, whilst the appellant asserted that those changes have resolved the problems, this was disputed by the Council and a number of interested parties.

The Inspector gave little weight to the absence of any significant visible discharges from the flue during the site visit due to the relatively short period of time and could not be sure either that the operating conditions or that weather conditions were typical. Although no complaints to the Council had been received, since the lodging of the appeal, the adjacent occupier had submitted a photographic record of smoke discharges from the flue to the Planning Inspectorate which the Inspector found he had no reason to doubt its accuracy. The Inspector considered that it would be reasonable to expect that when the smoke discharges over his property, it would be likely to discourage him and his family from using their garden for routine activities, such as drying washing, and that it would give rise to unpleasant odours inside his dwelling.

The Inspector stated that no explanation had been provided by the appellant for the smoke events recorded by the occupier of the adjacent property. Furthermore, he gave little weight to the appellant's vague and unsupported assertion that on a number of occasions the Council's Environmental Health Officer had visited the site and not found fault with the installation. The Inspector also gave little weight to the appellant's unsupported assertion that the use of coal fires previously used by the appellant and still used by properties within the immediate vicinity cause far greater smoke problems than the use of the appeal scheme. This point was substantiated by a resident of West Farm who had confirmed that prior to the installation of the appeal scheme his property did not suffer from smoke problems arising from the neighbouring semi-detached house at Little Orton Farm and that these fires commonly use smokeless fuel and operated over a much shorter period of the year than the appeal scheme. These matters had not been disputed by the appellant.

Given that the Inspector had not been provided with any compelling evidence to show that the odour and air quality issues arising from the operation of the appeal scheme could be prevented by further modifications to the installation or changes to the operating regime, which might be secured through the imposition of condition. The Inspector could see no merit in the appellant's suggestion that a trial period should be allowed to monitor the impact on residential amenity, given that the operation of the installation has already been monitored for a significant period of time.

The Inspector highlighted that the appeal scheme was not subject to control by the Environment Agency through the Environmental Permitting regime. Furthermore, it was uncertain as to whether the impact of the scheme would amount to a statutory nuisance against which action could be taken to safeguard neighbouring properties under the Environmental Protection Act 1990. In any event, the Inspector concluded that the appeal scheme caused significant harm to the living conditions of neighbouring residents, with particular reference to odour and air quality, and in this regard it conflicted with the aims of Policies CP5 and CP8 of the Carlisle District Local Plan 2001-2016. Insofar as these Policies seek to secure acceptable standards of amenity for existing and future occupants of land and buildings they are consistent with the aims of the National Planning Policy Framework (the Framework). These matters weigh heavily against a grant of planning permission in this case.

In respect of other matters raised by third parties, the Inspector was not convinced that discharges from the flue of the appeal scheme have had a material adverse effect on the structural condition of neighbouring buildings or the health of local trees, therefore, he gave little weight to the concerns raised in relation to those matters.

The appeal scheme had replaced a heating system comprising coal fires and oil central heating with a system powered by renewable energy. In this respect it gained some support from the Development Plan and the Framework, which indicates that even small-scale renewable energy projects can provide a valuable contribution to cutting greenhouse gas emissions. Nonetheless, in light of the Inspector's conclusions on the main issue, the Inspector considered on balance that the appeal scheme did not amount to a sustainable form of development under the terms of the Framework.

In light of the reasons given above, the Inspector dismissed the appeal.

Appeal Decision: Appeal Dismissed

Date: 27/08/2014

Appeal Decision

Site visit made on 21 July 2014

by I Jenkins BSc CEng MICE MCIWEM

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27 August 2014

Appeal Ref: APP/E0915/A/14/2218670

Little Orton Farm, Little Orton, Carlisle, Cumbria, CA5 6EP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Eric Norman against the decision of Carlisle City Council.
 - The application Ref 13/0337, dated 24 April 2013, was refused, in part, by notice dated 20 December 2013.
 - The proposed development was described as the erection of a general purpose store including the siting of a log boiler and installation flue.
-

Decision

1. The appeal is dismissed.

Procedural matters

2. The planning application which is the subject of this appeal was made retrospectively. In response to the appeal planning application the Council granted planning permission for the extension of an existing cattle shed to provide a general purpose store (GPS) and refused planning permission for the siting of a log boiler and installation flue. The appeal is against that refusal and I will refer to the siting of the log boiler and installation flue as the 'appeal scheme'.

Main Issue

3. I consider that the main issue in this case is the effect of the appeal scheme on the living conditions of neighbouring residents, with particular reference to odour and air quality.

Reasons

4. Little Orton Farm House and Orchard House are a pair of semi-detached dwellings, which front onto the northern side of the highway through Little Orton. The GPS forms part of a group of farm buildings positioned to the rear of that semi-detached pair of houses. It is situated alongside the eastern side boundary of a neighbouring residential property, Barn View, to the west of which is another dwelling, West Farm.
5. The GPS contains a log store and the appeal boiler, the flue of which extends well above the level of the mono-pitched roof of the building. There are tall farm buildings to the north and northeast of the GPS and the Council has indicated that in certain climatic conditions they cause wind eddies that draw emissions from the flue down to the neighbouring dwellings. This is a view

- supported by a local Councillor and a number of neighbouring residents and it is not disputed by the appellant.
6. The appellant has indicated that there were some issues concerning emissions from the appeal scheme when it began to operate; a view shared by the Council's Environmental Health Officer, who has confirmed that there have been incidents involving excessive emissions of smoke and particulates from the flue. This is also supported by a record kept by a resident of Barn View, which was submitted with his original objection to the planning application in May 2013 and indicates that his property was affected by smoke from the appeal scheme on numerous occasions in March 2013. I understand that since then changes have been made to the flue and the set up of the boiler. However, whilst the appellant asserts that those changes have resolved the problems, this is disputed by the Council and a number of interested parties.
 7. I give little weight to the absence of any significant visible discharges from the flue during my site visit, as I was on site for a relatively short period of time and I cannot be sure either that the operating conditions or weather conditions were typical. I understand that the Council has not received any complaints about the operation of the appeal facility since February 2014. However, residents of Barn View and West Farm have indicated that they have not made any formal complaints to the Council about it since then, as they were given the impression by the Council that nothing could be done until the appeal was determined. To illustrate the ongoing issues arising as a result of the operation of the appeal scheme, a resident of Barn View has provided a log of events between 27 May 2014 and 7 June 2014 when he says smoke from the installation has affected his property. He has also provided a photographic record of smoke discharges from the flue. I have no reason to doubt the accuracy of the record of smoke events provided by him. I consider it would be reasonable to expect that when the smoke discharges over his property, it would be likely to discourage him and his family from using their garden for routine activities, such as drying washing, and that it would give rise to unpleasant odours inside his dwelling.
 8. No explanation has been provided by the appellant for the smoke events recorded in 2014 by the resident of Barn View. I give little weight to the appellant's vague and unsupported assertion that on a number of occasions the Council's Environmental Health Officer has visited the site and not found fault with the installation.
 9. I have not been provided with any compelling evidence to show that the odour and air quality issues arising from the operation of the appeal scheme could be prevented by further modifications to the installation or changes to the operating regime, which might be secured through the imposition of conditions. I see no merit in the appellant's suggestion that a trial period should be allowed to monitor the impact on residential amenity, given that the operation of the installation has already been monitored for a significant period of time.
 10. The appellant has identified that the appeal scheme has replaced the use of coal fires at Little Orton Farm House and Orchard House. I give little weight to his unsupported assertion that the use of those fires would cause far greater smoke problems than the use of the appeal scheme. A number of the associated chimneys are further from Barn View than the GPS. Furthermore, a resident of West Farm has confirmed that prior to the installation of the appeal

scheme his property did not suffer from smoke problems arising from the neighbouring semi-detached houses at Little Orton Farm.

11. The appellant has indicated that a coal fire is used at Barn View during the winter months and under certain climatic conditions smoke from it affects his property. However, no records have been provided concerning the frequency or duration of any particular events. Furthermore, I understand that the residents of Barn View commonly use smokeless fuel and operate their fires over a much shorter period of the year than the appeal scheme. These matters have not been disputed by the appellant.
12. Operation of the appeal scheme is not subject to control by the Environment Agency through the Environmental Permitting regime. Furthermore, it is uncertain as to whether the impact of the scheme would amount to a statutory nuisance against which action could be taken to safeguard neighbouring properties under the *Environmental Protection Act 1990*. In any event, I conclude that the appeal scheme causes significant harm to the living conditions of neighbouring residents, with particular reference to odour and air quality, and in this regard it conflicts with the aims of Policies CP5 and CP8 of the *Carlisle District Local Plan 2001-2016*. Insofar as these Policies seek to secure acceptable standards of amenity for existing and future occupants of land and buildings they are consistent with the aims of the *National Planning Policy Framework* (the Framework). These matters weigh heavily against a grant of planning permission in this case.

Other matters

13. Based on what I have read and seen, I am not convinced that discharges from the flue of the appeal scheme have had a material adverse effect on the structural condition of neighbouring buildings or the health of local trees. I give little weight to the concerns raised in relation to those matters.
14. The appeal scheme has replaced a heating system comprising coal fires and oil central heating with a system powered by renewable energy. In this respect it gains some support from the Development Plan and the Framework, which indicates that even small-scale renewable energy projects can provide a valuable contribution to cutting greenhouse gas emissions. Nonetheless, in light of my conclusions on the main issue, I consider on balance that the appeal scheme does not amount to a sustainable form of development under the terms of the Framework.

Conclusion

15. For the reasons given above, I conclude that the appeal should be dismissed.

INSPECTOR

SCHEDULE C: Applications Determined by Other Authorities

Item No: 12

Between 16/08/2014 and 19/09/2014

Appn Ref No:

14/9013

Applicant:

Cumbria County Council -
Economy & Planning

Parish:

Carlisle

Date of Receipt:

08/08/2014

Agent:

Cumbria County Council -
Economy & Planning

Ward:

Harraby

Location:

Inglewood Junior School, Arnside Road, Carlisle,
CA1 3QA

Grid Reference:

342162 554287

Proposal: Construction Of New Extension To Existing Dining Hall

Amendment:

REPORT

Case Officer: Barbara Percival

City Council Observations on the Proposal:

Decision: City Council Observation - Raise No Objection **Date:** 28/08/2014

Decision of:

Decision Type: Grant Permission

Date: 05/09/2014

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

CUMBRIA COUNTY COUNCIL

TOWN AND COUNTRY PLANNING ACT, 1990
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2010

NOTICE OF PLANNING CONSENT

To: Cumbria County Council
The Parkhouse Building
Baron Way
Carlisle

In pursuance of the powers under the above Act and Order the Cumbria County Council as local planning authority hereby **permit** the development described in your application and on the plans/drawings attached thereto received on 5 August 2014.

viz: Construction of new extension to existing Dining Hall.

Inglewood Junior School, Arnside Road, Harraby, Carlisle, CA1 3QA

Subject to due compliance with the following conditions:

Time Limit for Implementation

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

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

Approved Scheme

2. The development shall be carried out strictly in accordance with the approved documents, hereinafter referred to as the approved scheme.

The approved scheme shall comprise the following:

- a. The approved scheme shall comprise the following:
 - b. The submitted Application Form – dated 5 August 2014
 - c. Planning Application Supporting Documentation - Issue 2 - dated July 2014
 - d. Plans/Drawings numbered and named:
 - i) 032-01-Rev.0 – Existing Site Plan
 - ii) 032-02-Rev.0 – Existing Block Plan
 - iii) 032-04-Rev.0 – Proposed Roof Plan, Floor Plan and Elevations
 - iv) 032-SK001-Rev.A – Proposed Location of Contractors Compound
 - e. This Decision Notice

Reason: To avoid confusion as to what comprises the approved scheme and ensure the development is carried out to an approved appropriate standard.

Dated the 5 September 2014

Signed: Angela Jones
Assistant Director of Environment & Regulatory Services
on behalf of Cumbria County Council.

NOTES

- The local planning authority has worked with the applicant/agent in a positive and proactive manner to seek solutions to any problems which have arisen in relation to dealing with the planning application and has implemented the requirements of the National Planning Policy Framework.
- The policies and reasons for the approval of this planning application are set out within the planning officers' report on the application which can be viewed online via: Onlineplanning.cumbria.gov.uk/ePlanningOPS/searchPageLoad.do
- Where the permission is granted subject to conditions, attention is directed to the attached Appendix/Notes.
- The conditions attached to this permission may override details shown on the application form, accompanying statements and plans.
- Any approval to be given by the Assistant Director of Environment & Regulatory Services or any other officer of Cumbria County Council shall be in writing.

APPENDIX TO NOTIFICATION OF PLANNING DECISION

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

1. Obtaining any planning permission does not imply that any consents or licences required to be obtained from United Utilities Plc or the Environment Agency would be granted. You are advised to consult the appropriate body to determine if any such consent or licence may be required.
2. Any grant of planning permission does not entitle developers to obstruct a public right of way. Development, insofar as it affects a right of way, should not be started, and the right of way should be kept open for public use, until the necessary order under Section 247 or 257 of the Town and Country Planning Act 1990, or other appropriate legislation, for the diversion or extinguishment of right of way has been made and confirmed.
3. The attention of the person to whom any permission has been granted is drawn to Sections 7 and 8A of the Chronically Sick and Disabled Persons Act 1970 and to the Code of Practice for Access of the Disabled to Buildings or any prescribed document replacing that code.

SCHEDULE D

SCHEDULE D

SCHEDULE E

SCHEDULE E

SCHEDULE E: Decisions Issued Under Delegated Powers

Between 16/08/2014 and 19/09/2014

Appn Ref No:
14/0165

Applicant:
Mr Rob Carr

Parish:
Arthuret

Date of Receipt:
28/02/2014

Agent:
Black Box Architects
Limited

Ward:
Longtown & Rockcliffe

Location:
Brackenhill Farm, Longtown, Carlisle, CA6 5TU

Grid Reference:
344473 569541

Proposal: Discharge Of Conditions 7 (Access Roads & Parking), 13 (Boundary Fences), 14 (Hard Surface Details) And 15 (Surface Water Drainage) Of Previously Approved Permission 12/0637

Amendment:

Decision: Grant Permission

Date: 17/09/2014

Between 16/08/2014 and 19/09/2014

Appn Ref No:
14/0187

Applicant:
Mr & Mrs MacInnes

Parish:
Hayton

Date of Receipt:
16/05/2014

Agent:

Ward:
Hayton

Location:
How Farm, How Mill, Brampton, CA8 9JY

Grid Reference:
350578 556472

Proposal: Conversion Of 2no. Farm Buildings Into 2no. Dwellings Together With Demolition Of Old Buildings

Amendment:

Decision: Withdrawn by Applicant/or by default
Date: 22/08/2014

Between 16/08/2014 and 19/09/2014

Appn Ref No:
14/0280

Applicant:
Mr Wilkinson

Parish:
St Cuthberts Without

Date of Receipt:

Agent:

Ward:

SCHEDULE E: Decisions Issued Under Delegated Powers

31/03/2014 16:00:22

Planning Branch Ltd

Dalston

Location:

Ratten Row Farm, Dalston, CA5 7AY

Grid Reference:

339442 549702

Proposal: Erection Of Single Storey Side Extension To Provide Ancillary Annexe Accommodation

Amendment:

Decision: Withdrawn by Applicant/or by default

Date: 08/09/2014

Between 16/08/2014 and 19/09/2014

Appn Ref No:

14/0411

Applicant:

Premier Inn Hotels Limited

Parish:

St Cuthberts Without

Date of Receipt:

19/05/2014

Agent:

Walsingham Planning

Ward:

Dalston

Location:

Premier Inn, Carleton, Carlisle, CA4 0AD

Grid Reference:

343622 551958

Proposal: Extension To Existing Hotel To Provide 20no. Additional Hotel Bedrooms Including Alterations To Car Park And Landscaping

Amendment:

Decision: Grant Permission

Date: 29/08/2014

Between 16/08/2014 and 19/09/2014

Appn Ref No:

14/0415

Applicant:

Mr Goode

Parish:

Brampton

Date of Receipt:

20/05/2014

Agent:

Mr Phill Young

Ward:

Brampton

Location:

New Mills Trout Farm, Brampton, CA8 2QS

Grid Reference:

355007 561737

Proposal: Change Of Use Of Existing End Terrace Building To 1No. Holiday Cottage

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 01/09/2014

Between 16/08/2014 and 19/09/2014

Appn Ref No:
14/0424

Applicant:
RSPB

Parish:
Farlam

Date of Receipt:
03/06/2014

Agent:

Ward:
Irthing

Location:
Clowsgill Holme Farm, Hallbankgate, Brampton,
CA8 2PP

Grid Reference:
358926 559453

Proposal: Erection Of Livestock Shed And Covered Midden In Existing Farmyard
Amendment:

Decision: Grant Permission

Date: 02/09/2014

Between 16/08/2014 and 19/09/2014

Appn Ref No:
14/0469

Applicant:
Charles Church

Parish:
Cummersdale

Date of Receipt:
02/06/2014 23:00:06

Agent:

Ward:
Dalston

Location:
Land adjacent Peter Lane and bounded by Dalston
Road, Cummersdale, Carlisle

Grid Reference:
338100 553300

Proposal: Discharge Of Conditions 3 (Proposed Phasing Development); 6 (Hard Surface Finishes); 7 (Soft Landscape Works); 9 (Method Statement For Root Protection Area); 11 (Wildlife Mitigation Measures); 13 (Construction Environmental Management Plan); 15 (Open Spaces - Children's Play Area); 16 (Surface Water Disposal); 18 (Foul & Surface Water Drainage Schemes); 20 (Foul Drainage System); 23 (Floor Levels); 24 (Desk Top Study); 26 (Public Accesses); 28 (Highway Agreement); And 33 (Parking During Construction Works Of Previously Approved Application 00/0439)

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Partial Discharge of Conditions
01/09/2014

Date:

Between 16/08/2014 and 19/09/2014

Appn Ref No:
14/0480

Applicant:
Petro INEOS

Parish:
Dalston

Date of Receipt:
03/06/2014 23:00:07

Agent:
IKM Consulting Ltd

Ward:
Dalston

Location:
Petro INEOS, Barras Lane, Dalston, CA5 7LX

Grid Reference:
336316 550497

Proposal: Replacement Of Existing 4.5m High Petrochemical Brick Lined Storage Tank And Erection Of 10m High Steel Lined Tank

Amendment:

Decision: Grant Permission

Date: 05/09/2014

Between 16/08/2014 and 19/09/2014

Appn Ref No:
14/0505

Applicant:
EWM Propco

Parish:
Hayton

Date of Receipt:
03/07/2014

Agent:
SPACE Designed
Solutions Ltd

Ward:
Hayton

Location:
Garden Walk, Edmond Castle, Corby Hill, Carlisle,
CA4 8QD

Grid Reference:
349935 558736

Proposal: Discharge Of Condition 15 (Bat & Bird Roosting Boxes) Of Previously Approved Application 11/1063

Amendment:

Decision: Grant Permission

Date: 27/08/2014

Between 16/08/2014 and 19/09/2014

SCHEDULE E: Decisions Issued Under Delegated Powers

Appn Ref No:
14/0514

Applicant:
Mrs L Smith

Parish:
Carlisle

Date of Receipt:
16/06/2014

Agent:
Abacus Building Design

Ward:
Belle Vue

Location:
52 Berkeley Grange, Carlisle, CA2 7PW

Grid Reference:
337783 556014

Proposal: Demolition Of Existing Garage And Erection Of Two Storey Side Extension To Provide Lounge/Dining Area And Playroom On Ground Floor With 2no. Bedrooms Above

Amendment:

Decision: Grant Permission

Date: 27/08/2014

Between 16/08/2014 and 19/09/2014

Appn Ref No:
14/0515

Applicant:
Post Office Limited

Parish:
Carlisle

Date of Receipt:
16/07/2014

Agent:
Mackinnon & Co

Ward:
Castle

Location:
51-53 English Street, Carlisle, CA3 8JY

Grid Reference:
340163 555795

Proposal: Display Of Non Illuminated Fascia Signage

Amendment:

Decision: Grant Permission

Date: 10/09/2014

Between 16/08/2014 and 19/09/2014

Appn Ref No:
14/0527

Applicant:
Pirelli Limited

Parish:
Carlisle

Date of Receipt:
19/06/2014

Agent:
Architects Plus (UK) Ltd

Ward:
Denton Holme

Location:
Pirelli Tyres Limited, Dalston Road, Carlisle, CA2

Grid Reference:
338752 553818

SCHEDULE E: Decisions Issued Under Delegated Powers

6AR

Proposal: Variation Of Condition 2 (Approved Documents - Change Of Materials)
Of Previously Approved Application 14/0137

Amendment:

Decision: Grant Permission

Date: 09/09/2014

Between 16/08/2014 and 19/09/2014

Appn Ref No:
14/0533

Applicant:
Lovell Partnership Ltd

Parish:

Date of Receipt:
23/06/2014

Agent:

Ward:
Belle Vue

Location:
Site J, Thomlinson Avenue, Raffles Estate, Carlisle,
CA2 7BF

Grid Reference:
338259 555575

Proposal: Display Of 1no. Free Standing Sign (Revised Application)

Amendment:

Decision: Grant Permission

Date: 18/08/2014

Between 16/08/2014 and 19/09/2014

Appn Ref No:
14/0538

Applicant:
Mr Ruddick

Parish:
Hethersgill

Date of Receipt:
30/06/2014

Agent:
Brian Child

Ward:
Lyne

Location:
Land Adj. Touchwood, Hethersgill, Carlisle, CA6
6EH

Grid Reference:
347849 567201

Proposal: Erection Of 1No. Single Storey Dwelling

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 22/08/2014

Between 16/08/2014 and 19/09/2014

Appn Ref No:
14/0543

Applicant:
Mr David Neil Birrell

Parish:

Date of Receipt:
01/07/2014

Agent:
Sam Fletcher Architect
BArch DipArch

Ward:
Belle Vue

Location:
9 Beck Road, Carlisle, CA2 7QL

Grid Reference:
337162 556074

Proposal: Erection Of Single Storey Rear Extension To Provide Kitchen/Living Room/Utility; Formation Of Driveway/Hardstanding To Rear Of Property

Amendment:

Decision: Grant Permission

Date: 18/09/2014

Between 16/08/2014 and 19/09/2014

Appn Ref No:
14/0550

Applicant:
Mr Robert Richardson

Parish:
Carlisle

Date of Receipt:
02/07/2014

Agent:

Ward:
Castle

Location:
13 Castle Street, Carlisle, Cumbria, CA3 8SY

Grid Reference:
339842 556077

Proposal: Change Of Use From Office To Multi Use Premises To Include: Tattoo Studio, Piercing Studio, Massage Parlour And Barbers (Retrospective)

Amendment:

Decision: Grant Permission

Date: 27/08/2014

Between 16/08/2014 and 19/09/2014

Appn Ref No:
14/0551

Applicant:
Hadrians Wall Trust

Parish:
Burtholme

SCHEDULE E: Decisions Issued Under Delegated Powers

Date of Receipt:
09/07/2014

Agent:
Redman Partnership LLP

Ward:
Irthing

Location:
Land adjacent Lanercost Tea Rooms, Abbey Farm,
Lanercost, Brampton, Cumbria, CA8 2HQ

Grid Reference:
355456 563674

Proposal: Display Of Non Illuminated Low Level Lecturn Type Freestanding Interpretation Panel

Amendment:

Decision: Grant Permission

Date: 28/08/2014

Between 16/08/2014 and 19/09/2014

Appn Ref No:
14/0552

Applicant:
Hadrians Wall Trust

Parish:
Kirkandrews

Date of Receipt:
09/07/2014

Agent:
Redman Partnership LLP

Ward:
Longtown & Rockcliffe

Location:
Land adjacent St Andrews Church,
Kirkandrews-upon-Esk, Longtown, Cumbria

Grid Reference:
339119 571937

Proposal: Display Of Non Illuminated Low Level Lecturn Type Freestanding Interpretation Panel

Amendment:

Decision: Grant Permission

Date: 28/08/2014

Between 16/08/2014 and 19/09/2014

Appn Ref No:
14/0553

Applicant:
Hadrians Wall Trust

Parish:
Beaumont

Date of Receipt:
09/07/2014

Agent:
Redman Partnership LLP

Ward:
Burgh

Location:
The Village Green, Beaumont, Carlisle, Cumbria

Grid Reference:
334860 559335

Proposal: Display Of Non Illuminated Low Level Lecturn Type Freestanding

SCHEDULE E: Decisions Issued Under Delegated Powers

Interpretation Panel

Amendment:

Decision: Grant Permission

Date: 29/08/2014

Between 16/08/2014 and 19/09/2014

Appn Ref No:
14/0554

Applicant:
North Associates

Parish:

Date of Receipt:
26/06/2014 23:00:08

Agent:
Taylor & Hardy

Ward:
Castle

Location:
Mary Street Car Park, Carlisle, CA1 1QR

Grid Reference:
340368 555669

Proposal: Discharge Of Conditions 2 (Boundary Walls And Railings) And 3 (CCTV System) Of Previously Approved Permission 13/0882

Amendment:

Decision: Refuse Permission

Date: 20/08/2014

Between 16/08/2014 and 19/09/2014

Appn Ref No:
14/0557

Applicant:
Mr R Watt

Parish:
Wetheral

Date of Receipt:
30/06/2014

Agent:
Jock Gordon

Ward:
Great Corby & Geltsdale

Location:
Land adjacent Rosebank, Heads Nook, Brampton,
CA8 9EW

Grid Reference:
349856 554278

Proposal: Change Of Use From Redundant Building To 1no. Dwelling

Amendment:

Decision: Refuse Permission

Date: 22/08/2014

Between 16/08/2014 and 19/09/2014

SCHEDULE E: Decisions Issued Under Delegated Powers

Appn Ref No:
14/0559

Applicant:
Mr Graham Stewart

Parish:
Irthington

Date of Receipt:
18/07/2014

Agent:
Mr Rodney Jeremiah

Ward:
Stanwix Rural

Location:
Highfield Moor, Crosby on Eden, Carlisle, CA6 4QY

Grid Reference:
345889 561312

Proposal: Discharge Of Conditions 4 (Hard/Soft Landscaping Works); 5 (Enclosures/Boundary Treatments) And 6 (Foul And Surface Water Drainage) Of Previously Approved Permission 14/0185

Amendment:

Decision: Grant Permission

Date: 05/09/2014

Between 16/08/2014 and 19/09/2014

Appn Ref No:
14/0562

Applicant:
Mr & Mrs Long

Parish:
Carlisle

Date of Receipt:
03/07/2014

Agent:
Finesse PVCu Limited

Ward:
Botcherby

Location:
32 Walkmill Crescent, Carlisle, CA1 2WF

Grid Reference:
341764 555623

Proposal: Erection Of Conservatory To Side Elevation

Amendment:

Decision: Grant Permission

Date: 28/08/2014

Between 16/08/2014 and 19/09/2014

Appn Ref No:
14/0566

Applicant:
Mr Marcus Jefferson

Parish:

Date of Receipt:
08/07/2014

Agent:

Ward:
Denton Holme

Location:
38 East Norfolk Street, Carlisle, CA2 5JL

Grid Reference:
339870 554945

SCHEDULE E: Decisions Issued Under Delegated Powers

Proposal: Discharge Of Conditions 3 (Materials); 4 (Hard Surface Finishes); 5 (Surface Water Drainage); 6 (Foul Drainage) & 9 (Site Compound) Of Previously Approved Application 14/0022

Amendment:

Decision: Grant Permission

Date: 01/09/2014

Between 16/08/2014 and 19/09/2014

Appn Ref No:
14/0569

Applicant:
Mr Jamie Robinson

Parish:
Burgh-by-Sands

Date of Receipt:
03/07/2014

Agent:
Architects Plus (UK) Ltd

Ward:
Burgh

Location:
Land adjacent North End, Burgh by Sands, Carlisle,
CA5 6BD

Grid Reference:
332712 559216

Proposal: Variation Of Condition 2 (Approved Documents) Of Previously Approved Application 12/1014

Amendment:

Decision: Grant Permission

Date: 27/08/2014

Between 16/08/2014 and 19/09/2014

Appn Ref No:
14/0573

Applicant:
Ms Pelham

Parish:
Wetheral

Date of Receipt:
02/07/2014 16:00:09

Agent:
Brian Child

Ward:
Wetheral

Location:
10 Faustin Hill, Wetheral, Carlisle, CA4 8JZ

Grid Reference:
346496 554972

Proposal: Alterations And Extension To Existing Single Storey Store To Side Elelevation To Provide 1No. En-Suite Bedroom; Extension To Existing Front Porch

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 27/08/2014

Between 16/08/2014 and 19/09/2014

Appn Ref No:
14/0575

Applicant:
Studio A

Parish:

Date of Receipt:
14/07/2014

Agent:

Ward:
Currock

Location:
Crown Works, Crown Street, Carlisle

Grid Reference:
340424 555388

Proposal: Display Of 2No. Non Illuminated Projecting Banner Style Signs
Amendment:

Decision: Grant Permission

Date: 21/08/2014

Between 16/08/2014 and 19/09/2014

Appn Ref No:
14/0576

Applicant:
Studio A

Parish:

Date of Receipt:
14/07/2014

Agent:

Ward:
Currock

Location:
2nd Floor, Crown Works, Crown Street, Carlisle,
CA2 5AB

Grid Reference:
340424 555388

Proposal: Change Of Use Of The Second Floor To Dance Studio
Amendment:

Decision: Grant Permission

Date: 26/08/2014

Between 16/08/2014 and 19/09/2014

Appn Ref No:
14/0579

Applicant:
Mr Fisher

Parish:
Irthington

Date of Receipt:

Agent:

Ward:

SCHEDULE E: Decisions Issued Under Delegated Powers

09/07/2014

Pegasus Group Ltd

Stanwix Rural

Location:

The Glebe, Hethersgill, Carlisle, CA6 6EZ

Grid Reference:

348853 564982

Proposal: Variation Of Condition 2 (Approved Documents) Of Previously Approved Application 14/0042

Amendment:

Decision: Grant Permission

Date: 28/08/2014

Between 16/08/2014 and 19/09/2014

Appn Ref No:
14/0580

Applicant:
Mr Elwen

Parish:
Irthington

Date of Receipt:
07/07/2014

Agent:
H&H Land and Property

Ward:
Stanwix Rural

Location:

Netherfield Farm, Irthington, Carlisle, CA6 4NH

Grid Reference:

348828 560366

Proposal: Erection Of 3 Metre High Concrete Silage Wall

Amendment:

1. Revised Application Details Omitting The Formation Of The Access

Decision: Grant Permission

Date: 21/08/2014

Between 16/08/2014 and 19/09/2014

Appn Ref No:
14/0585

Applicant:
Mr Russell Ion

Parish:
Irthington

Date of Receipt:
15/07/2014

Agent:

Ward:
Stanwix Rural

Location:

Field to the North East of Hawthorns, Newtown, Irthington, Cumbria

Grid Reference:

349952 563317

Proposal: Variation Of Conditions 2 (Approved Plans); 3 (Number Of Pupils); 8 (Parking Area); And 11 (Opening Hours To Be Extended To 20.00 Hrs)

SCHEDULE E: Decisions Issued Under Delegated Powers

Of Previously Approved Permission 13/0173

Amendment:

Decision: Grant Permission

Date: 04/09/2014

Between 16/08/2014 and 19/09/2014

Appn Ref No:
14/0586

Applicant:
Mr R H Percival

Parish:
Stanwix Rural

Date of Receipt:
07/07/2014

Agent:
Jock Gordon

Ward:
Stanwix Rural

Location:
L/A Orchard Gardens, Orchard Gardens, Houghton,
Carlisle CA3 0LH

Grid Reference:
340608 559214

Proposal: Erection Of 1No. Detached Dwelling (Revised Application)

Amendment:

Decision: Grant Permission

Date: 04/09/2014

Between 16/08/2014 and 19/09/2014

Appn Ref No:
14/0589

Applicant:
Mr Mark Aston

Parish:
Dalston

Date of Receipt:
10/07/2014

Agent:
Architects Plus (UK) Ltd

Ward:
Dalston

Location:
Beech House, Stockdalewath, Dalston, Carlisle,
CA5 7DN

Grid Reference:
338488 545247

Proposal: Variation Of Condition 2 (Approved Documents) Of Previously Approved
Application 13/0548

Amendment:

Decision: Grant Permission

Date: 03/09/2014

SCHEDULE E: Decisions Issued Under Delegated Powers

Between 16/08/2014 and 19/09/2014

Appn Ref No:
14/0590

Applicant:
Mr D Turner

Parish:
Dalston

Date of Receipt:
08/07/2014

Agent:
Mr Gary Tyler

Ward:
Dalston

Location:
Land to the rear of Brindle, Orton Grange, Carlisle,
CA5 6LT

Grid Reference:
335442 551836

Proposal: Erection Of 1no. Bungalow (Revised Application For Plot 1)

Amendment:

Decision: Grant Permission

Date: 29/08/2014

Between 16/08/2014 and 19/09/2014

Appn Ref No:
14/0593

Applicant:
Mr S Tyler

Parish:
Wetheral

Date of Receipt:
08/07/2014

Agent:
Tyler Design Services

Ward:
Wetheral

Location:
Plot 2, Land Adjacent to The Nook, School Road,
Cumwhinton, Carlisle, CA4 8DU

Grid Reference:
345397 552694

Proposal: Erection Of 2no. Detached Bungalows

Amendment:

Decision: Grant Permission

Date: 11/09/2014

Between 16/08/2014 and 19/09/2014

Appn Ref No:
14/0597

Applicant:
Mr Chris Williams

Parish:
Carlisle

Date of Receipt:
11/07/2014

Agent:
Mr R H Turnbull

Ward:
Belle Vue

Location:

Grid Reference:

SCHEDULE E: Decisions Issued Under Delegated Powers

193 Newtown Road, Carlisle, Cumbria, CA2 7LN

338262 555981

Proposal: Raising Of Rear Roof Slope To Increase Usable Floor Space At Second Floor Level; Installation Of Roof Lights

Amendment:

Decision: Wdn - Permitted Dev./Appn. not required

Date: 12/09/2014

Between 16/08/2014 and 19/09/2014

Appn Ref No:
14/0598

Applicant:
Strawberry Howe Nursery

Parish:

Date of Receipt:
11/07/2014

Agent:
Black Box Architects
Limited

Ward:
Morton

Location:
Land between Westwood and Wigton Road,
Carlisle

Grid Reference:
337741 554218

Proposal: Discharge Of Conditions 4 (Footway/Pedestrian Routes); 11 (Boundary Treatments); 13 (Surface Water Drainage) And 14 (Foul Drainage) Of Previously Approved Application 14/0139

Amendment:

Decision: Grant Permission

Date: 04/09/2014

Between 16/08/2014 and 19/09/2014

Appn Ref No:
14/0600

Applicant:
Rev Mark

Parish:

Date of Receipt:
11/07/2014

Agent:
Hyde Harrington

Ward:
Castle

Location:
St Cuthbert's Resource Centre, West Walls,
Carlisle, CA3 8UE

Grid Reference:
339919 555827

Proposal: Internal Layout Alterations And Associated Works To Provide Kitchen, Disabled W.C., Cleaner's Store, Office, Vestry And Stores; Installation

SCHEDULE E: Decisions Issued Under Delegated Powers

Of Burlington Natural Slate Vents Into Existing Slate Roof (LBC)

Amendment:

Decision: Grant Permission

Date: 01/09/2014

Between 16/08/2014 and 19/09/2014

Appn Ref No:
14/0603

Applicant:
Mr Fox

Parish:
Wetheral

Date of Receipt:
17/07/2014

Agent:
Black Box Architects
Limited

Ward:
Wetheral

Location:
Rumdoodle, Cotehill, Carlisle, CA4 0EG

Grid Reference:
346914 550403

Proposal: Discharge Of Conditions 4 (Hard And Soft Landscape Works) And 5 (Boundary Treatments) Of Previously Approved Application 13/0917

Amendment:

Decision: Grant Permission

Date: 09/09/2014

Between 16/08/2014 and 19/09/2014

Appn Ref No:
14/0604

Applicant:
PK Engineering Ltd

Parish:

Date of Receipt:
16/07/2014

Agent:
Swarbrick Associates

Ward:
Belle Vue

Location:
Brown Roofing Services Ltd, Marconi Road, Burgh
Road Industrial Estate, Carlisle, CA2 7NA

Grid Reference:
337648 556245

Proposal: Discharge Of Conditions 5 (Foul Drainage Scheme) And 6 (Surface Water Drainage) Of Previously Approved Application 14/0086

Amendment:

Decision: Partial Discharge of Conditions

Date:

SCHEDULE E: Decisions Issued Under Delegated Powers

05/09/2014

Between 16/08/2014 and 19/09/2014

Appn Ref No:
14/0605

Applicant:
Mr & Mrs Watters

Parish:
Kirkandrews

Date of Receipt:
16/07/2014

Agent:
Tsada Building Design
Services

Ward:
Longtown & Rockcliffe

Location:
Dalwhinnie, Blackbank, Longtown, Carlisle, CA6
5LQ

Grid Reference:
334797 567522

Proposal: Erection Of Replacement Garage

Amendment:

Decision: Grant Permission

Date: 10/09/2014

Between 16/08/2014 and 19/09/2014

Appn Ref No:
14/0608

Applicant:
Mr S Taylor

Parish:
Beaumont

Date of Receipt:
15/07/2014

Agent:
Jock Gordon Architectural
SVS Ltd

Ward:
Burgh

Location:
L/A Scrap Yard, Grinsdale Bridge, Carlisle, Cumbria

Grid Reference:
336326 557391

Proposal: Erection Of Single Live/Work Unit (Outline)

Amendment:

Decision: Refuse Permission

Date: 09/09/2014

Between 16/08/2014 and 19/09/2014

Appn Ref No:
14/0609

Applicant:
Carlisle Estates Co
Limited

Parish:
Carlisle

SCHEDULE E: Decisions Issued Under Delegated Powers

Date of Receipt:
14/07/2014

Agent:
Black Box Architects
Limited

Ward:
Stanwix Urban

Location:
1, 1a, & 1b Thornton Road, Carlisle, CA3 9HZ

Grid Reference:
339946 557210

Proposal: Discharge Of Conditions 4 (Hard And Soft Landscape Works); 5 (Boundary Treatments); 6 (Surface Water Drainage); 8 (Floor Levels); 9 (New Access); 10 (Drainage); 12 (Contractors Compound); 14 (Window And Door Details) And 16 (Wildlife Enhancement Measures) Of Previously Approved Application 13/0474

Amendment:

Decision: Partial Discharge of Conditions
09/09/2014

Date:

Between 16/08/2014 and 19/09/2014

Appn Ref No:
14/0610

Applicant:
Carlisle Estates Co
Limited

Parish:
Carlisle

Date of Receipt:
14/07/2014

Agent:
Black Box Architects
Limited

Ward:
Stanwix Urban

Location:
1, 1a, & 1b Thornton Road, Carlisle, CA3 9HZ

Grid Reference:
339946 557210

Proposal: Discharge Of Conditions 3 (Contract Of Work) And 4 (Contractors Compound) Of Previously Approved Application 13/0481

Amendment:

Decision: Grant Permission

Date: 01/09/2014

Between 16/08/2014 and 19/09/2014

Appn Ref No:
14/0611

Applicant:
Coral Racing Ltd

Parish:

Date of Receipt:

Agent:

Ward:

SCHEDULE E: Decisions Issued Under Delegated Powers

14/07/2014 16:03:11

EVDAS

Morton

Location:

Coral, 131 Newlaithes Avenue, Carlisle, CA2 6PP

Grid Reference:

338289 554191

Proposal: Installation Of 2no. Air Conditioning Units

Amendment:

Decision: Grant Permission

Date: 20/08/2014

Between 16/08/2014 and 19/09/2014

Appn Ref No:

14/0614

Applicant:

Mr & Mrs A Reid

Parish:

Burtholme

Date of Receipt:

15/07/2014

Agent:

TSF Developments Ltd

Ward:

Irthing

Location:

Irthing Ghyll, Lanercost, Brampton, Cumbria, CA8 2HH

Grid Reference:

355072 563730

Proposal: Removal Of Existing Flat Roof To Provide Stairwell With Raised Glazed Panels

Amendment:

Decision: Grant Permission

Date: 27/08/2014

Between 16/08/2014 and 19/09/2014

Appn Ref No:

14/0615

Applicant:

Mr Stuart Mowbray

Parish:

Wetheral

Date of Receipt:

15/07/2014

Agent:

Taylor & Hardy

Ward:

Wetheral

Location:

O.S Field No. 8544, Nancy Croft, Aglionby, Carlisle

Grid Reference:

344818 556475

Proposal: Erection Of 1no. Dwelling

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 05/09/2014

Between 16/08/2014 and 19/09/2014

Appn Ref No:
14/0616

Applicant:
Whitehall Properties

Parish:
Carlisle

Date of Receipt:
15/07/2014 13:00:08

Agent:
Gray Associates Limited

Ward:
Castle

Location:
1 Victoria Place, Carlisle, CA1 1EJ

Grid Reference:
340263 555978

Proposal: Replace Cement Based Render With Lime Based Render To Gable.
Remove Tabling To Gable And Extend Slates (LBC)

Amendment:

Decision: Grant Permission

Date: 21/08/2014

Between 16/08/2014 and 19/09/2014

Appn Ref No:
14/0617

Applicant:
Mr Thompson

Parish:
Farlam

Date of Receipt:
17/07/2014

Agent:
AA Design Services

Ward:
Irthing

Location:
Land between Wood House & 1 Fellbeck View,
Crossgates Road, Hallbankgate

Grid Reference:
358145 559440

Proposal: Erection Of 1no. Dormer Bungalow (Revised Application)

Amendment:

Decision: Grant Permission

Date: 11/09/2014

Between 16/08/2014 and 19/09/2014

Appn Ref No:
14/0618

Applicant:
Mr & Mrs Ward

Parish:
Wetheral

SCHEDULE E: Decisions Issued Under Delegated Powers

Date of Receipt:
22/07/2014

Agent:
Osborne Architectural
Design

Ward:
Wetheral

Location:
Greystones, Wetheral, Carlisle, CA4 8HD

Grid Reference:
346586 554319

Proposal: Erection Of Detached Garage With Storage Space Above
Amendment:

Decision: Grant Permission

Date: 12/09/2014

Between 16/08/2014 and 19/09/2014

Appn Ref No:
14/0619

Applicant:
Mr & Mrs Ward

Parish:
Wetheral

Date of Receipt:
17/07/2014

Agent:
Osborne Architectural
Design

Ward:
Wetheral

Location:
Greystones, Wetheral, Carlisle, CA4 8HD

Grid Reference:
346586 554319

Proposal: Internal Alterations To Existing Rooms And Erection Of Entrance Lobby
Together With Erection Of Detached Garage With Storage Space Above
(LBC)

Amendment:

Decision: Grant Permission

Date: 12/09/2014

Between 16/08/2014 and 19/09/2014

Appn Ref No:
14/0621

Applicant:
Mr Noble

Parish:
Brampton

Date of Receipt:
16/07/2014 13:00:30

Agent:
Alpha Design

Ward:
Brampton

Location:
Land Adjacent Gelt Garth, Paving Brow, Brampton,
CA8 1QT

Grid Reference:
353392 560542

SCHEDULE E: Decisions Issued Under Delegated Powers

Proposal: Discharge Of Conditions 3 (Materials); 4 (Hard & Soft Landscape Works); 5 (Method Statement); 6 (Surface Water Drainage) And 9 (Access) Of Previously Approved Application 11/0661

Amendment:

Decision: Grant Permission

Date: 08/09/2014

Between 16/08/2014 and 19/09/2014

Appn Ref No:
14/0625

Applicant:
Mr Richard Vevers

Parish:
Kirkandrews

Date of Receipt:
17/07/2014

Agent:
Abacus Building Design

Ward:
Longtown & Rockcliffe

Location:
High Plains Farm, Moat, Longtown, Carlisle, CA6
5PY

Grid Reference:
342002 574265

Proposal: Erection Of Steel Framed Agricultural Cattle Shed To House Livestock

Amendment:

Decision: Grant Permission

Date: 11/09/2014

Between 16/08/2014 and 19/09/2014

Appn Ref No:
14/0626

Applicant:
Cumbria Partnership NHS
Foundation Trust

Parish:

Date of Receipt:
17/07/2014

Agent:
Johnston & Wright

Ward:
Castle

Location:
13-14 Portland Square, Carlisle, CA1 1PT

Grid Reference:
340620 555710

Proposal: Internal Alterations To Form WC Off Adjacent Patient Waiting Room (LBC)

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 28/08/2014

Between 16/08/2014 and 19/09/2014

Appn Ref No:
14/0628

Applicant:
The Jockey Club

Parish:
St Cuthberts Without

Date of Receipt:
25/07/2014

Agent:
N. Robinson Design Ltd

Ward:
Dalston

Location:
Carlisle Racecourse, Durdar Road, Carlisle, CA2
4TS

Grid Reference:
340449 551899

Proposal: Single Storey Extension To Owner And Trainers Facilities To Provide
Lounge Area

Amendment:

Decision: Grant Permission

Date: 08/09/2014

Between 16/08/2014 and 19/09/2014

Appn Ref No:
14/0630

Applicant:
Pirelli Tyres Limited

Parish:
Carlisle

Date of Receipt:
21/07/2014

Agent:
Architects Plus (UK) Ltd

Ward:
Denton Holme

Location:
Pirelli Tyres Limited, Dalston Road, Carlisle, CA2
6AR

Grid Reference:
338976 553755

Proposal: Erection Of Replacement Sports Pavillion

Amendment:

Decision: Grant Permission

Date: 12/09/2014

Between 16/08/2014 and 19/09/2014

Appn Ref No:
14/0634

Applicant:
Mr I Brown

Parish:
Dalston

SCHEDULE E: Decisions Issued Under Delegated Powers

Date of Receipt:
22/07/2014

Agent:
Jock Gordon

Ward:
Dalston

Location:
Bridge End Inn, Bridge End, Dalston, Carlisle, CA5
7BH

Grid Reference:
337057 548723

Proposal: Erection Of Single Storey Side Extension To Existing Dining Room & Detached Domestic Garage. Change Of Use Of Part Of Beer Garden To Staff Car Parking Area And Replacement Of 2no. PVCU Windows On The Front Elevation (Ground Floor Bar).

Amendment:

Decision: Withdrawn by Applicant/or by default
Date: 08/09/2014

Between 16/08/2014 and 19/09/2014

Appn Ref No:
14/0635

Applicant:
Mr I Brown

Parish:
Dalston

Date of Receipt:
22/07/2014

Agent:
Jock Gordon Architectural
SVS Ltd

Ward:
Dalston

Location:
Bridge End Inn, Bridge End, Dalston, Carlisle, CA5
7BH

Grid Reference:
337057 548723

Proposal: Erection Of Single Storey Side Extension To Existing Dining Room & Detached Domestic Garage. Alterations To Boundary Treatment To Create A Staff Parking Area & Replacement Of 2no. PVCU Windows On The Front Elevation (Ground Floor Bar) (LBC)

Amendment:

Decision: Withdrawn by Applicant/or by default
Date: 08/09/2014

Between 16/08/2014 and 19/09/2014

Appn Ref No:
14/0636

Applicant:
Mrs Diane Rome

Parish:
Carlisle

SCHEDULE E: Decisions Issued Under Delegated Powers

Date of Receipt:
31/07/2014

Agent:

Ward:
Belle Vue

Location:
140 Newtown Road, Carlisle, CA2 7LN

Grid Reference:
338204 556039

Proposal: Erection Of Single Storey Rear Extension
Amendment:

Decision: Grant Permission

Date: 28/08/2014

Between 16/08/2014 and 19/09/2014

Appn Ref No:
14/0643

Applicant:
Cubby Construction
Limited

Parish:
Kingmoor

Date of Receipt:
24/07/2014

Agent:
SPACE Designed
Solutions Ltd

Ward:
Stanwix Rural

Location:
Cubby Construction Ltd, Unit H, Knights Drive,
Kingmoor Park Central, Carlisle, CA6 4SG

Grid Reference:
338131 559466

Proposal: Erection Of Single Storey Extensions And Internal Alterations To Head
Office

Amendment:

Decision: Grant Permission

Date: 16/09/2014

Between 16/08/2014 and 19/09/2014

Appn Ref No:
14/0644

Applicant:
Mr Paul Holder

Parish:
Dalston

Date of Receipt:
28/07/2014

Agent:

Ward:
Dalston

Location:
Dalston Hall Caravan Park, Dalston, Carlisle, CA5
7JX

Grid Reference:
337701 551733

SCHEDULE E: Decisions Issued Under Delegated Powers

Proposal: Discharge Of Conditions 7 (Landscape Details) And 10 (External Lighting) Of Previously Approved Application 14/0124

Amendment:

Decision: Grant Permission

Date: 19/09/2014

Between 16/08/2014 and 19/09/2014

Appn Ref No:
14/0645

Applicant:
Dr Mady Varma

Parish:
Dalston

Date of Receipt:
29/07/2014

Agent:
Morton Garden Buildings
Limited

Ward:
Dalston

Location:
Mitra, Greensyke Lane, Cumdivock, Dalston, CA5
7JD

Grid Reference:
335429 548374

Proposal: Erection Of Tree House On Raised Platform

Amendment:

Decision: Grant Permission

Date: 15/09/2014

Between 16/08/2014 and 19/09/2014

Appn Ref No:
14/0646

Applicant:
Mr M Hope

Parish:
Carlisle

Date of Receipt:
23/07/2014

Agent:
Jock Gordon

Ward:
Botcherby

Location:
7 Bramerton Orchard, Carlisle, CA1 2SH

Grid Reference:
342422 555601

Proposal: Erection Of First Floor Side Extension Above Existing Garage To
Provide En-Suite Bedroom

Amendment:

Decision: Grant Permission

Date: 28/08/2014

SCHEDULE E: Decisions Issued Under Delegated Powers

Between 16/08/2014 and 19/09/2014

Appn Ref No:
14/0651

Applicant:
Brunstock Development
Ltd

Parish:
Stanwix Rural

Date of Receipt:
25/07/2014 16:02:08

Agent:
Tsada Building Design
Services

Ward:
Stanwix Rural

Location:
Land to east of Village Green, Brunstock, Carlisle

Grid Reference:
341896 559600

Proposal: Variation Of Conditions 2 (Approved Documents) And 5 (Foul & Surface Water Drainage) Of Previously Approved Application 13/0496

Amendment:

Decision: Grant Permission

Date: 17/09/2014

Between 16/08/2014 and 19/09/2014

Appn Ref No:
14/0652

Applicant:
Barclays Bank plc

Parish:
Carlisle

Date of Receipt:
25/07/2014 16:01:11

Agent:
Styles & Wood Ltd

Ward:
Castle

Location:
Barclays Bank, 33 English Street, Carlisle, CA3 8JX

Grid Reference:
340143 555821

Proposal: Removal Of Existing Counterline Wall & Replacement With New Counterline Wall & Self-Service Machines, Plus An Open Counter Position; Replacement Suspended Ceilings, Heating And Ventilation & Flooring; Removal Of Modern Radiators; Display Of 2no. Fascia Signs & 2no. Projecting Signs To Replace The Existing (LBC)

Amendment:

Decision: Grant Permission

Date: 19/09/2014

Between 16/08/2014 and 19/09/2014

Appn Ref No:

Applicant:

Parish:

SCHEDULE E: Decisions Issued Under Delegated Powers

14/0655 Mr D & Mrs J Bowe Dalston

Date of Receipt: **Agent:** **Ward:**
28/07/2014 Dalston

Location: **Grid Reference:**
Rose Bank Saw Mill, Dalston, Carlisle, CA5 7DA 336752 546331

Proposal: Discharge Of Conditions 4 (Soft Landscape Works); 5 (Fence Details)
And 6 (Scheme Of Tree Protection) Of Previously Approved Permission
13/0576

Amendment:

Decision: Grant Permission **Date:** 11/09/2014

Between 16/08/2014 and 19/09/2014

Appn Ref No: **Applicant:** **Parish:**
14/0661 Mr M & Mrs E Welters Stapleton

Date of Receipt: **Agent:** **Ward:**
01/08/2014 TSF Developments Ltd Lyne

Location: **Grid Reference:**
Kernal Rigg Farm, Roweltown, Carlisle, CA6 6JL 348362 569734

Proposal: Erection Of Agricultural/Dutch Barn

Amendment:

Decision: Grant Permission **Date:** 17/09/2014

Between 16/08/2014 and 19/09/2014

Appn Ref No: **Applicant:** **Parish:**
14/0662 Barclays Bank plc Carlisle

Date of Receipt: **Agent:** **Ward:**
29/07/2014 11:00:22 Styles & Wood Ltd Castle

Location: **Grid Reference:**
Barclays Bank, 33 English Street, Carlisle, CA3 8JX 340143 555821

Proposal: Display Of 2no. Non-Illuminated Fascia Signs & 2no. Non-Illuminated

SCHEDULE E: Decisions Issued Under Delegated Powers

Hanging Signs

Amendment:

Decision: Grant Permission

Date: 19/09/2014

Between 16/08/2014 and 19/09/2014

Appn Ref No:
14/0664

Applicant:
Venuscare Ltd

Parish:

Date of Receipt:
29/07/2014 13:00:15

Agent:
Black Box Architects
Limited

Ward:
Castle

Location:
35 Warwick Road, Carlisle, CA1 1EE

Grid Reference:
340379 555784

Proposal: Change Of Use Of Ground, First And Second Floors To Provide 4No.
Residential Units

Amendment:

Decision: Grant Permission

Date: 02/09/2014

Between 16/08/2014 and 19/09/2014

Appn Ref No:
14/0666

Applicant:
Mr Peter Whipp

Parish:
Dalston

Date of Receipt:
31/07/2014

Agent:
Architects Plus (UK) Ltd

Ward:
Dalston

Location:
Hawksdale Hall, Dalston, Carlisle, CA5 7BX

Grid Reference:
337440 547709

Proposal: Discharge Of Conditions 4 (Mortar); 5 (Retaining Wall Sample) & 7
(Window & Door Details) of Previouslly Approved Application 14/0374

Amendment:

Decision: Grant Permission

Date: 22/08/2014

SCHEDULE E: Decisions Issued Under Delegated Powers

Between 16/08/2014 and 19/09/2014

Appn Ref No:
14/0667

Applicant:
Mr Ewing

Parish:
Carlisle

Date of Receipt:
30/07/2014 16:00:24

Agent:

Ward:
Yewdale

Location:
19 Priorwood Close, Carlisle, CA2 7TU

Grid Reference:
336702 555154

Proposal: Single Storey Rear Extension To Provide Kitchen/Living Room, Utility Room And En-Suite To Existing Bedroom

Amendment:

Decision: Grant Permission

Date: 05/09/2014

Between 16/08/2014 and 19/09/2014

Appn Ref No:
14/0668

Applicant:
Mr James

Parish:
Wetheral

Date of Receipt:
04/08/2014

Agent:
Black Box Architects
Limited

Ward:
Wetheral

Location:
Springhill Cottage, Wetheral, Carlisle, CA4 8HD

Grid Reference:
346508 554318

Proposal: Erection Of Single Storey Rear Extension To Provide Kitchen And Dining Room

Amendment:

Decision: Grant Permission

Date: 08/09/2014

Between 16/08/2014 and 19/09/2014

Appn Ref No:
14/0669

Applicant:
Mr & Mrs Crampsey

Parish:

Date of Receipt:
05/08/2014

Agent:
Jock Gordon Architectural
SVS Ltd

Ward:
Belah

SCHEDULE E: Decisions Issued Under Delegated Powers

Location:

38 Newfield Park, Carlisle, CA3 0AH

Grid Reference:

339691 558643

Proposal: Erection Of 2 Front, Side And Rear Extension To East Elevation To Provide Lounge, Dining Room, Utility Room And W.C. On Ground Floor With 1No. En-Suite Bedroom Above; Single Storey Side Extension To West Elevation To Provide Replacement Garage

Amendment:

Decision: Grant Permission

Date: 11/09/2014

Between 16/08/2014 and 19/09/2014

Appn Ref No:

14/0673

Applicant:

Mr & Mrs Weir

Parish:

Burtholme

Date of Receipt:

13/08/2014

Agent:

Mike Lee Architectural
Services

Ward:

Irthing

Location:

Hare Croft, Banks, Brampton, CA8 2JJ

Grid Reference:

356479 564600

Proposal: Installation Of 16no. Solar Panels Onto Roof

Amendment:

Decision: Grant Permission

Date: 17/09/2014

Between 16/08/2014 and 19/09/2014

Appn Ref No:

14/0676

Applicant:

Mr Paul Holder

Parish:

Dalston

Date of Receipt:

04/08/2014

Agent:**Ward:**

Dalston

Location:

Dalston Hall Golf Club and Caravan Park, Dalston,
Carlisle, CA5 7JX

Grid Reference:

337961 551475

Proposal: Change Of Use Of Part Golf Course To Agricultural Land

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Wdn - Permitted Dev./Appn. not required

Date: 11/09/2014

Between 16/08/2014 and 19/09/2014

Appn Ref No:
14/0681

Applicant:
Carlisle City Council

Parish:

Date of Receipt:
06/08/2014 13:00:16

Agent:
Day Cummins Limited

Ward:
Castle

Location:
Former Fire Station, Warwick Street, Carlisle, CA3
8QW

Grid Reference:
340054 556222

Proposal: Discharge of Condition 5 (Archaeological Watching Brief) Of Previously
Approved Permission 14/0129

Amendment:

Decision: Grant Permission

Date: 21/08/2014

Between 16/08/2014 and 19/09/2014

Appn Ref No:
14/0683

Applicant:
c/o Top Notch Contractors
Ltd

Parish:

Date of Receipt:
07/08/2014

Agent:
Hyde Harrington

Ward:
Denton Holme

Location:
96 - 102 Denton Street, Carlisle, CA2 5EN

Grid Reference:
339746 555055

Proposal: Discharge Of Condition 3 (Materials); 4 (Hard And Soft Surfaces); 6
(Landscaping Scheme); 9 (Surface Water Drainage Scheme) And 11
(Windows) Of Previously Approved Permission 11/0947

Amendment:

Decision: Grant Permission

Date: 05/09/2014

SCHEDULE E: Decisions Issued Under Delegated Powers

Between 16/08/2014 and 19/09/2014

Appn Ref No: 14/0684	Applicant: Kilnstown Farms Limited	Parish: Bewcastle
Date of Receipt: 07/08/2014 16:00:17	Agent: H&H Land & Property	Ward: Lyne
Location: Park Farm, Bewcastle, Carlisle, CA6 6PP	Grid Reference: 355121 575806	
Proposal: Erection Of Slurry Store		
Amendment:		

Decision: Grant Permission

Date: 08/09/2014

Between 16/08/2014 and 19/09/2014

Appn Ref No: 14/0692	Applicant: Mrs Taylor	Parish: Carlisle
Date of Receipt: 11/08/2014 08:00:18	Agent: Mr Jeffery	Ward: Currock
Location: 4-5 Woodrouffe Terrace, Carlisle, CA1 2EH	Grid Reference: 340740 555163	
Proposal: Discharge Of Conditions 4 & 5 (Window Details) And 7 (Cornice) Of Previously Approved Application 14/0395		
Amendment:		

Decision: Grant Permission

Date: 04/09/2014

Between 16/08/2014 and 19/09/2014

Appn Ref No: 14/0696	Applicant: Story Homes	Parish: Dalston
Date of Receipt: 11/08/2014 23:00:12	Agent:	Ward: Dalston
Location:	Grid Reference:	

SCHEDULE E: Decisions Issued Under Delegated Powers

Land between Townhead Road and Station Road, 336722 550172
Dalston, Carlisle, Cumbria

Proposal: Discharge Of Condition 4 (Boundary Treatments) Of Previously
Approved Application 12/0878

Amendment:

Decision: Grant Permission

Date: 08/09/2014

Between 16/08/2014 and 19/09/2014

Appn Ref No:
14/0701

Applicant:
Miss Taylor

Parish:
Carlisle

Date of Receipt:
11/08/2014 23:00:17

Agent:
Mr Jeffery

Ward:
Currock

Location:
4-5 Woodrouffe Terrace, Carlisle, CA1 2EH

Grid Reference:
340740 555163

Proposal: Discharge Of Conditions 4 (Window Details) Of Previously Approved
Application 14/0394

Amendment:

Decision: Grant Permission

Date: 04/09/2014

Between 16/08/2014 and 19/09/2014

Appn Ref No:
14/0704

Applicant:
Mr Fearon

Parish:

Date of Receipt:
14/08/2014

Agent:
PlanB Building Drawing

Ward:
Belah

Location:
6 Deer Park Road, Carlisle, CA3 9RW

Grid Reference:
338999 557649

Proposal: Erection Of Two Storey Side Extension To Provide Study And Shower
Room On Ground Floor With 1no. Bedroom Above

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 17/09/2014

Between 16/08/2014 and 19/09/2014

Appn Ref No:
14/0707

Applicant:
Poundland

Parish:

Date of Receipt:
13/08/2014 16:00:29

Agent:
HLP UK Ltd

Ward:
Currock

Location:
Unit 5B, St Nicholas Gate Retail Park, London
Road, Carlisle, CA1 2EA

Grid Reference:
340744 555101

Proposal: Display Of 1no. Internally Illuminated Fascia Sign
(Retrospective/Revised Application)

Amendment:

Decision: Grant Permission

Date: 15/09/2014

Between 16/08/2014 and 19/09/2014

Appn Ref No:
14/0710

Applicant:
Mr Paul Ritson

Parish:
Carlisle

Date of Receipt:
14/08/2014

Agent:

Ward:
Stanwix Urban

Location:
79 Etterby Lea Road, Carlisle, CA3 9JP

Grid Reference:
339771 557467

Proposal: Erection Of Single Storey Side And Rear Extension To Provide Extended
Kitchen/Lounge, Utility And Shower Room

Amendment:

Decision: Grant Permission

Date: 11/09/2014

Between 16/08/2014 and 19/09/2014

Appn Ref No:
14/0715

Applicant:
Propco

Parish:
Hayton

SCHEDULE E: Decisions Issued Under Delegated Powers

Date of Receipt:
15/08/2014

Agent:
Space Designed Solutions
Limited

Ward:
Hayton

Location:
Town Head Cottage and adjoining land, Townhead,
Hayton, Brampton, Cumbria, CA8 9JH

Grid Reference:
351721 557610

Proposal: Non Material Amendment Of Previously Approved Permission 13/0431
Amendment:

Decision: Amendment Accepted
11/09/2014

Date:

Between 16/08/2014 and 19/09/2014

Appn Ref No:
14/0727

Applicant:
Mr M Bell

Parish:
Carlisle

Date of Receipt:
19/08/2014

Agent:
Tyler Design Services

Ward:
Belle Vue

Location:
17 Acredale Road, Carlisle, CA2 7QT

Grid Reference:
336911 556030

Proposal: Non Material Amendment Of Previously Approved Permission 14/0427
To Replace 1No. Window With French Doors To Rear Elevation

Amendment:

Decision: Amendment Accepted
21/08/2014

Date:

Between 16/08/2014 and 19/09/2014

Appn Ref No:
14/0735

Applicant:
Mr C Roberts

Parish:
Brampton

Date of Receipt:
21/08/2014

Agent:
TSF Developments Ltd

Ward:
Brampton

Location:
Archways, Station Road, Brampton, Cumbria, CA8
1EX

Grid Reference:
353929 561077

SCHEDULE E: Decisions Issued Under Delegated Powers

Proposal: Discharge Of Conditions 3 (Drainage); 4 (Materials); 6 (Landscaping); 7 (Fencing) And 8 (Desktop Study) Of Previously Approved Permission 11/0566

Amendment:

Decision: Partial Discharge of Conditions
09/09/2014

Date:

Between 16/08/2014 and 19/09/2014

Appn Ref No:
14/0739

Applicant:
McDonald's Restaurant
Ltd

Parish:
Carlisle

Date of Receipt:
20/08/2014

Agent:
Planware Ltd

Ward:
Belah

Location:
McDonalds Restaurant, Gearshill Road, Carlisle,
CA3 0ET

Grid Reference:
339371 559485

Proposal: Non Material Amendment Of Previously Approved Permission 13/0150

Amendment:

Decision: Amendment Accepted
05/09/2014

Date:

Between 16/08/2014 and 19/09/2014

Appn Ref No:
14/9014

Applicant:
Mr Isaac Stewart

Parish:
Rockcliffe

Date of Receipt:
14/08/2014

Agent:
Cumbria County Council -
Economy & Planning

Ward:
Longtown & Rockcliffe

Location:
Hawthorns, Low Harker, Carlisle, CA6 4DG

Grid Reference:
338451 560795

Proposal: Change Of Use From Carriage Storage In Existing Steel Framed Shed
To Recycling Of Non-Ferrous Metals

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: City Council Observation - Observations

Date: 28/08/2014

Development Control Committee

Agenda
Item:
A.2

Meeting Date: 3rd October 2014

Portfolio:

Key Decision: No

Within Policy and
Budget Framework

No

Public / Private

Public

Title: QUARTERLY REPORT ON PLANNING ENFORCEMENT

Report of: Director of Economic Development

Report Number: ED 35/14

Purpose / Summary:

This report presents an update on the scope of activities undertaken by the Councils Planning Enforcement Officer

Recommendations:

That Members note the contents of this report

Tracking

Executive:	n/a
Overview and Scrutiny:	n/a
Council:	n/a

1. OVERVIEW OF ACTIVITY

As at 22nd September 145 cases have been recorded during 2014.

- 11 relate to agricultural land or buildings;
- 79 relate to works at domestic properties;
- 28 relate to works or activities at commercial properties:
- 9 relate to unauthorised signage;
- 15 relate to siting of caravans and
- 3 relate to housing developments

8 cases remain active from 2013

2. UPDATE OF ENFORCEMENT NOTICES

Woodlands View, Sandysike – Stationing of caravans. An appeal was lodged against the refusal of planning permission. A hearing took place on the 1st April 2014, following which the Planning Inspector allowed the appeal on 2nd July 2014.

Land adjacent to 25 Ladysteps, Scotby – Siting of touring caravan for residential purposes. This field has been used to store agricultural machinery in connection with the applicants farming business. Originally the caravan was being used as accommodation on a seasonal basis for agricultural purposes; however the tenant has continued to use the touring caravan for residential purposes on a more regular basis, alleging that seasonal use may extend up to 12 months. An enforcement notice was issued seeking cessation of the residential use and removal of the touring caravan from the land. An appeal was lodged with the Planning Inspectorate. The planning inspector allowed the appeal on 22nd August 2014 and the caravan can therefore remain on the land.

Land at Skelton House, Wetheral - A Temporary Stop Notice was served on Citadel Estates Ltd. (the developers) on 14th January 2014 for a period of 28 days i.e. until 10th February 2014. Workmen arrived on site on 4th February to carry out drainage works. These works were considered to contravene the terms of the Temporary Stop Notice. The Council proceeded to prosecute Citadel Estates Ltd. in the Magistrates Court for a breach of the TSN. On 10th September, the company pleaded guilty and the Magistrates fined Citadel Estates Ltd. £8,500 plus costs and a victim surcharge. The bench said that ***‘they were satisfied this was not a low/no culpability offence. They found that the breach was a deliberate act, it was for financial gain, the notice was disregarded from the outset, and the development had no planning permission. The actions significantly undermined the planning regime’.***

Land at South View, Houghton – Storage of motor vehicles. Members may recall that planning permission was refused at the meeting on 7th March. An enforcement notice was served on the land owner to remove the vehicles from the land. No appeal had been lodged and the vehicles were removed from the land on 21st July 2014.

Land at Rowbank Wood, near Milton, Brampton – A company known as woodlands.co.uk have bought Rowbank Wood, Milton with a view to selling off the land in separate parcels to interested parties. Materials have been brought into the woodland to create new pathways and parking areas without the benefit of planning permission. Enforcement action has been authorised requiring the land owners to reinstate the land to its former condition.

Little Orton Farm, Little Orton – Members may recall refusing a planning application to site a log boiler and to install an associated flue at this property. The applicants subsequently lodged an appeal with the Secretary of State, the appeal was dismissed on 27th August 2014 and enforcement action will be taken to ensure removal of the log boiler and flue.

3. TRAINING COURSES

The next meeting of the Cumbria Panning Enforcement Group will take place in November at the offices of Eden District Council, Penrith.

4. RECOMMENDATION

That Members note the contents of this report

5. CONTRIBUTION TO THE CARLISLE PLAN PRIORITIES

5.1 Not applicable

Contact Officer: Martin Tickner

Ext: 7175

Appendices None
attached to report:

Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers:

- None

CORPORATE IMPLICATIONS/RISKS:

Chief Executive's - None

Community Engagement – None

Economic Development – None

Governance – None

Local Environment – None

Resources - None

Report to Development Control Committee

Agenda
Item:
A.3

Meeting Date: 3rd October 2014
Portfolio: Economy, Enterprise & Housing
Key Decision: Not Applicable
Within Policy and
Budget Framework Yes
Public / Private Public

Title: ARTICLE 4 DIRECTIONS - COMMUNITY ASSET REGISTER
Report of: Director of Economic Development
Report Number: ED.37/14

Purpose / Summary:

This report sets out consideration of issuing an Article 4 Direction to suspend permitted development rights for the change of use of buildings and land, registered as a Community Asset to other Uses within the Town and Country Planning (General Permitted Development) Order 1995 (as amended).

Recommendations:

It is recommended that delegated authority is given to the Director of Economic Development to make, publicise, consider representations and, where she considers appropriate, confirm an Immediate Article 4(1) Direction under the Town and Country Planning (General Permitted Development) Order 1995 (as amended) to remove permitted development rights for change of use of public houses within Carlisle District, registered on the Community Assets, under Part 3 of the same Order.

Such a Direction would operate alongside existing local development plan policies and help to maximise the protection afforded to community facilities of value - on this occasion public houses.

Tracking

Executive:	
Overview and Scrutiny:	
Council:	

1. BACKGROUND

- 1.1 Public houses in rural villages, and similarly in some urban environments, continue to provide an important facility delivering a valuable service and social focus for the local community particularly for those without access to private transport. However, one of the major challenges facing communities, and which is often exacerbated in rural settlements, is their ability to retain local services and facilities which are essential for maintaining thriving and sustainable communities.
- 1.2 The National Planning Policy Framework (NPPF) recognises the importance of community facilities and seeks to protect against their loss. The NPPF sets the achievement of sustainable development as its main focus. This encompasses three goals; economic, social and environmental. Public houses help contribute to supporting all three. Firstly, in terms of their social contribution, rural public houses provide a social meeting place for the community. Secondly, in terms of economic contributions, local pubs are an important source of local employment and support the local economy. Lastly, environmentally, many of our pubs contribute to the history and architectural heritage of the area and are therefore identified as heritage assets in their own right. A thriving local pub sector is therefore important to achieving the principle function of national planning policy; achieving sustainable development.
- 1.3 The NPPF provides a wealth of general support for those community facilities which can promote social inclusion whilst supporting the economy. In particular paragraph 70 defines public houses as community facilities and proceeds to outline that in order to deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should, amongst other considerations
- *“guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day-to-day needs”*
- 1.4 The need to protect such facilities, including public houses, is equally recognised at the local level within Carlisle District and specific provisions have been included within the Development Plan to help achieve this objective. Adopted Local Plan Policy EC13 seeks to sustain rural facilities and services through explicitly seeking to resist the change of use of those which are of value to the community. Whilst similar provisions are also contained within the emerging Local Plan, current permitted development rights are such that there are limitations to how successful a policy on its own will be in protecting such assets in the future.

2.0 LEGISLATION

- 2.1 The Town and Country Planning (Use Classes) Order 1987 (as amended) puts uses of land and buildings into various categories known as 'Use Classes'. The aforementioned Order allows permitted development rights for change of use, and in some cases, for associated operational development without the requirement of planning permission. The Use Classes Order (UCO) contains a Schedule for which planning permission is not required for a building or other land to change from one use within that class to another use within the same class.
- 2.2 Class A of the UCO has been subdivided into five separate uses. These being: Class A1 (shops); A2 (Financial and professional); A3 (Food and Drink); A4 (drinking establishments) and A5 (hot food takeaways). The Order allows any of the higher numbered uses to be changed into a lower Order Use i.e. A4 Use into an A2 Use without requiring the need for planning permission as the Government considers these uses to be interchangeable as they all contribute in one way or another to the economy of the area.
- 2.3 Recent changes have also been made to the Town and Country (General Permitted Development) (Amendment) (England) Order 1995 (GPDO). Part 3 of the GPDO has expanded upon the classes which permit the changes of use and associated operational development without requiring planning permission.
- 2.4 Over the past decades many communities have suffered the closure of valuable local amenities such as local public houses, shops and village halls. This has left many areas bereft of the assets that can help to contribute to the development of vibrant and active communities. Recognising how important local amenities are to local communities the Government has introduced the 'Community Right to Bid' legislation under the Localism Act 2011 and the Assets of Community Value (England) Regulations 2012.
- 2.5 Part 5 Chapter 3 of the Localism Act, and the Assets of Community Value (England) Regulations, deliver the Community Right to Bid, which is aimed at encouraging more community-focused, locally-led action by providing an important tool to help communities looking to take over and run local assets. The scheme allows local communities to nominate an asset and request that the Council includes it on 'a list of assets of community value'. Should the owner of a property wish to sell a property that is included on the list, then the intention of the legislation is that a moratorium is put in place for a set period of up to six months to allow the local community to raise money to make a bid to purchase the property. The

requirements of the Assets of Community Value Regulations; however, do not apply to buildings where the property stays in the same ownership and the owner wishes to carry out another 'permitted business use' from the premises. The consequence of this undesirable reality is that valued community facilities such as public houses can be lost without any scrutiny or jurisdiction from the Council.

- 2.6 The City Council currently has 54 Asset nominations, of which 9 are public houses. Of the total assets listed it is recognised that public houses are under the greatest pressure for change. This report focuses on matters relating to public houses only and further work will be undertaken in due course in relation to other registered community assets.

3.0 PROPOSED SOLUTION

- 3.1 In order to preserve the Community Assets as envisaged by Central Government it is proposed that the Council makes an Immediate Article 4 Direction with regard to public houses. Part 4 of the GPDO, more commonly known as Article 4, is one of the tools available to Local Planning Authorities in responding to the particular needs of their areas. It allows Local Authorities to withdraw 'permitted development' rights that would otherwise apply by virtue of the GPDO. An Article 4 Direction does not prevent the development to which it applies, but instead requires that planning permission is first obtained from the Local Planning Authority for that development.
- 3.2 The 1995 Act states that Article 4 Directions should only be used where it is necessary and expedient to do so and can be used by a Local Planning Authority where it considers that development could be prejudicial to the proper planning of their area or constitute a threat to the amenity of the area. Article 4 Directions can be imposed where development would:
- Undermine the visual amenity of the area or damage the historic environment;
 - Undermine local objectives to create or maintain mixed communities;
 - Lead to the subdivision of agricultural land other than for purposes reasonably necessary for agriculture, or to the loss of agricultural land;
 - Lead to an intensification of development in close proximity to a military or aviation safeguarding zone;
 - Have a direct and significant adverse effect on a flood risk area, flood defences and their access, the permeability of ground, and management of surface water or flood risk;

- Lead to an intensification of development or use in areas affected by coastal erosion

3.3 Provided there is justification for both its purpose and extent, it is possible to make an Article 4 Direction covering:

- Any geographic area from a specific site to the entirety of a local authority administrative area
- Permitted development rights related to operational development or change in the use of land and buildings;
- Permitted development rights with temporary or permanent effect

3.4 Paragraph 200 of the National Planning Policy Framework (NPPF) provides a recent Government steer on the appropriateness of using Article 4 Directions to control the use of buildings or land. It states that the use of Article 4 directions to remove national permitted development rights should be limited to “*situations where this is necessary to protect local amenity or the wellbeing of an area*”.

3.5 The recently published Planning Practice Guidance (PPG) makes it clear that if a Local Planning Authority makes an Article 4 Direction, it can be liable to pay compensation to those whose permitted development rights have been withdrawn, but only if it then subsequently:

- Refuses planning permission for development which would otherwise have been permitted development; or
- Grants planning permission subject to more limiting conditions than the general permitted development order.

3.6 The PPG outlines that the grounds on which compensation may be claimed for abortive expenditure or other loss or damage directly attributable to the withdrawal of the permitted development rights. The withdrawal of development rights does not necessarily mean that planning consent would not be granted. It merely means that an application has to be submitted, so that the Planning Authority can examine the plans in detail.

3.7 Article 4 Directions can be issued as an ‘emergency measure’ with the result that ‘immediate direction’ will withdraw permitted development rights straight away. However; there must be a formal consultation period of 21 days following the service of the Order. Representations submitted in response to this consultation must be taken into account by the Council when deciding whether to confirm the

Direction. Any amendments to the Direction will require another period of consultation. Once the Direction is issued by the Council it must be confirmed within six months or it will lapse. The Secretary for State no longer has to confirm the Direction. However, he/she remains as a consultee on any new Directions and has powers to modify or cancel proposed orders at any time if he/she feels that this is necessary.

- 3.8 Article 4 Directions are more commonly used by Local Planning Authorities to control development within a larger geographical area where the aim is to limit the ability of the property owners to physically alter their properties. At present, the only Article 4 Directions in the Carlisle District are within Stanwix Conservation Area. The Council having conferred Conservation Area status, had a duty to bring forward proposals which preserve and enhance the character of appearance of Stanwix.
- 3.9 Article 4 Directions, however; as explained above are not exclusive to Conservation Areas, they can also be used to control the use of individual properties and they can be issued in an emergency situation. Article 4 directions are increasingly being used by Local Planning Authorities to counter act relaxations to permitted development rights where owing to locally specific circumstances there are clear and defensible reasons to do so.

4.0 CONCLUSION AND REASONS FOR RECOMMENDATION

- 4.1 It is recommended that delegated authority is given to the Director of Economic Development to make, publicise, consider representations and, where she considers appropriate, confirm an Immediate Article 4(1) Direction under the Town and Country Planning (General Permitted Development) Order 1995 (as amended) to remove permitted development rights for change of use of public houses within Carlisle District, registered on the Community Assets, under Part 3 of the same Order.
- 4.2 Such a Direction would operate alongside existing local development plan policies and help to maximise the protection afforded to community facilities of value - on this occasion public houses.

5.0. CONTRIBUTION TO THE CARLISLE PLAN PRIORITIES

4.1 XXXX

Contact Officer: Barbara Percival

Ext: 7109

**Appendices
attached to report:**

Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers:

- **None**

CORPORATE IMPLICATIONS/RISKS:

Chief Executive's – N/A

Deputy Chief Executive – N/A

Economic Development – As set out in the report

Governance – N/A

Local Environment – N/A

Resources – N/A

Report to Development Control Committee

Agenda
Item:
A.4

Meeting Date: 3rd October 2014
Portfolio: Economy and Enterprise
Key Decision: Not Applicable:
Within Policy and
Budget Framework
Public / Private Public

Title: CONSULTATION ON A PLANNING APPLICATION: No 1/14/9015
107, BOTCHERGATE, CARLISLE FOR NEW OFFICES FOR
CUMBRIA COUNTY COUNCIL
Report of: Director of Economic Development
Report Number: ED.38/14

Purpose / Summary:

This report sets out the consultation and identifies the issues for consideration on a planning application for new offices for Cumbria County Council.

Recommendations:

That the following comments be reported to the County Council:

That further consideration should be given to the separation distances between the proposed four-storey building and the properties in Tait Street

Further consideration be given to the alignment with Stanley Hall and the opportunity to screen the gable end with an innovative structure at a third storey level set back from the main facade

Consideration be given to a design review such as Places Matter!

Tracking

Executive:	
Overview and Scrutiny:	
Council:	

1. BACKGROUND

- 1.1 Under Regulation 3 of the Town and Country Planning General Regulations, Cumbria County Council have applied to themselves as local planning authority for the demolition of numbers 107, 109-111 and 113-117 Botchergate and the erection of 2/4 storey office building with ancillary and support accommodation (New offices for Cumbria County Council). Surface parking for 95 cars.
- 1.2 The County Council is the determining body as the application is for their own offices on their land. The City Council has been consulted on the application.

2. PROPOSALS

- 2.1 The proposed development is for high quality office space with ancillary accommodation as well as public facilities. This was set out in a County Council brief for the development and the breakdown of space is approximately 3265m² of office space, 712m² meeting space, 465m² back office space and 128m² of Public Front of House space. The scheme is set out with a two-storey section fronting onto Botchergate with a four-storey section further back into the site. The roof level has a 3m high plant room and enclosure along the south eastern edge of the four storey section.
- 2.2 The space created within the building has been designed to separate the cellular areas of accommodation (front of house and management suite) from the open plan offices. The internal layout has been designed for a range of flexible working styles and spaces to meet the “Better Places for Work – Agile Working Handbook”. The four storey block creates a clear open office space punctuated by a central atrium to provide natural light and ventilation.
- 2.3 The two storey front element of the design houses the public facilities and management suite creating a civic core fronting onto Botchergate. This provides an active frontage with a clear identity for the building. The back of house facilities are located on the north west elevation with direct access to the car park.
- 2.4 The proposal retains a strong frontage onto Botchergate creating a building with presence in the streetscape. A new high quality public space will be created incorporating two flag poles and there will be a slight gradient to the entrance (not greater than 1:40). Feature lighting will be used to highlight the entrance and signage. A shared surface will be used at the existing site of William Street offering

links to the rear of the site. Offices and accommodation will offer passive surveillance of this area.

- 2.5 The car park to the rear of the building will include 95 parking spaces. This has a dedicated staff entrance at the rear of the building. The north west elevation includes access for deliveries, plant maintenance and access to the staff cycle store.
- 2.6 The level of the building to the rear is approximately 400mm higher and the two areas are linked via a sloping gradient in the street which is no greater than 1:21.
- 2.7 The proposal is designed to respond to the context through the appropriate use of scale and use of masonry walls with “punched” bay openings at regular intervals creating a constant rhythm along the facade. The two storey element incorporates stone cladding referencing a common building material in the area giving it a high quality feel reflective of the major civic buildings within the city.
- 2.8 Panels of brick have been introduced referencing the use of brick coupled with stone in the neighbouring Stanley Hall and other historic buildings in Botchergate. The vertical rhythm is accentuated by forming bays over two storeys. Within each bay a composition of glazed, solid and louvered panels create a detailed module with a consistent pattern assisting with the emphasis of the vertical rhythm of the building.
- 2.9 Environmental performance of the building is also key to the design utilising a mixed mode ventilation strategy requiring openings at every 3m of the facade. The design creates a facade with 40% glazing in each typical 6m bay to enhance thermal performance, reduce solar gain yet maintain good levels of light.
- 2.10 The primary elevation to Botchergate is the only part of the building with a street frontage. It is designed at two storeys to fit with the contextual scale of the existing buildings along Botchergate. Each bay is recessed further back from the street with a greater set back forming a public space to announce the main public entrance. Simple signage will be located along the flank wall along with a stone plinth to create identity. A simple glazed panel forms the link to the Stanley Hall ensuring visual separation. Vertical fins have been introduced across part of the glazed entrance facade to provide solar shading and increased privacy whilst maintaining views out.

- 2.11 The south east facade faces onto Cecil Street car park. The front element of the building adjoins Stanley Hall and a small courtyard is set within the building to provide natural light. This will be contained by a single storey brick wall. The main facade utilises the 3m bay pattern with brick framing the curtain wall sections. The main core continues up to roof level with a louvered screen extends out to enclose the roof top plant. Trees and soft landscaping have been introduced along the boundary edge to provide a visual amenity and a screen to Cecil Street Car Park.
- 2.12 The north east elevation faces into the staff parking areas containing the primary staff entrance. The 3m bay detail repeats on this elevation with a brick frame. The staff entrance is denoted by a glazed slot which aligns with an internal atrium and street which runs through the building. Larger glazed openings are introduced to the stair core creating a feature element.
- 2.13 Along the William Street facade the two storey building continues the vertical pattern with stone cladding and brick infill panels reinforcing the simple concept. A recessed element creates a visual break between the two-storey and four-storey parts of the building. At the rear of the building the ground floor accommodates back house facilities and plant areas with direct access to the car park. The upper floors carry through the 3m bay pattern with brick frame.
- 2.14 All parking will be located at surface level to the rear of the site. 95 parking spaces have been provided including 6 disabled bays. Visitor parking will be accommodated within this area. High quality materials and landscaping will be used to create an attractive space. Planting will soften the hard landscaping. Hedge planting will be introduced along the rear of residential properties on Tait Street to improve the appearance of the boundary wall. Tree planting will be incorporated along the Cecil Street car park boundary to offer a visual boundary.
- 2.15 An internal secure cycle store providing sufficient space for up to 90 cycle spaces using a double stacked system has been included within the scheme. An internal refuse store has been provided with sufficient room for separate recyclable waste bins. A hardstanding has been provided directly outside the bin store for collection.
- 2.16 Additional reports have been submitted with the application covering Transport Assessment; Archaeological Assessment; Contamination Report; Ecological Report, Bat Survey, Drainage Assessment; External Lighting Assessment, Site Waste Management Plan and a Sustainability & Energy Report.

3. ASSESSMENT

- 3.1 In undertaking the assessment of this application Members must be aware that this is the City Council's response as a consultee and we do not have the benefit of all the usual consultees considerations and responses as they report direct to the County Council.
- 3.2 When considering this application it is important to note the overarching principles in the National Planning Policy Framework (NPPF). In particular there are key core planning principles which underpin decision taking. The NPPF states that planning should not simply be about scrutiny but should find ways to improve the places in which people live their lives; it should proactively drive and support sustainable economic development to deliver business and thriving local places that the country needs and take account of the needs of communities; planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupiers of land and buildings.

The Principle of Development

- 3.3 The proposal to develop new offices and relocate the County Council from the Lower Goal Yard/Citadel buildings area to Botchergate creates an obvious tension in planning policy terms as it moves further away from the centre of Carlisle. Instinctively there are concerns over the future of the Citadel site and this will be addressed as part of the Council's new Local Plan and continuing work on the City Centre Development Framework which recognises that the site can accommodate a variety of uses. The NPPF acknowledges that business needs should be taken into account in the consideration of planning issues and therefore the need for a more efficient operational base for the County Council. Clearly redevelopment of the existing site would be a preferable position to anchor new office development in the City Centre however this would result in an underutilised site and implications for key heritage assets that may result in the inefficient use of land and buildings. A new modern office development meets the business needs and therefore assessing the principle of the location is pertinent to ensure the chosen location conforms with planning policy.
- 3.4 The Carlisle District Local Plan 2001-16 (CDLP) does not have a definitive boundary for the City Centre. It is defined in retail policies with a clear relationship to the Primary Shopping Area however the City Centre contains a number of other uses and can be clearly said to extend to the Citadel Station and The Crescent.

Whether Botchergate, and this site in particular, is within the city centre is important to how this proposal should be assessed.

- 3.5 Paragraph 24 states that Local Planning Authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. When considering edge-of-centre and out-of-centre proposals, preference should be given to accessible sites that are well connected to the town centre.
- 3.6 In considering this application there are a number of key points:
- The site is shown on the City Centre Inset Plan and could therefore be argued that it is within the city centre;
 - If the city centre is defined as far as the northern end of Botchergate the site is within 300m of the centre (this is the comparable benchmark in the local plan for retail development). This would result in defining the site as edge-of-centre.
 - If the site is therefore edge-of-centre, there are no sites within the city centre that are currently available of a size that could accommodate the proposed development. It would therefore be the next sequentially available site.
 - The CDLP also contains policy DP2 which acknowledges the need to regenerate Botchergate south, the area is not defined in the plan however this site is clearly in the Botchergate south area. Whilst the Local Plan promoted further work on an Area Action Plan for Botchergate this has not developed however the key motivation behind this policy was for long-term regeneration. A proposal of this scale which would introduce a significant footfall into Botchergate would be a key contributor to regeneration of the area.
 - The site is very accessible with public transport links (bus and rail within a short walk) as well as a proposal integrating cycle storage and easy pedestrian access.
- 3.7 Having considered all those points in the paragraph above it is clear that whilst the site may not be a town centre site and is further away from the current operational offices, it would accord with planning policy as set out in the NPPF. The principle of development of this site is therefore acceptable.

Impact on Neighbouring Properties

- 3.8 The proposal is for a two-storey building fronting Botchergate with a four-storey building at the rear. There are a number of uses which adjoin this site. Stanley Hall immediately adjacent on Botchergate abuts the development and there will be no impact on the amenity of users of that building. An existing office building was

already located adjacent to Stanley Hall. The juxtaposition of the two buildings is discussed further in the design and conservation area consideration. Cecil Street car park is also adjacent to the site and proposals include landscaping to soften the boundary between the two uses. This would also help to define the separate sites providing clear boundary treatment.

- 3.9 The site is also surrounded by housing particularly in Tait Street. These buildings are Grade 11 listed properties and over time there have been a variety of uses on this site including previous buildings evidenced from historic maps in the early 20th century. The built form of this site has therefore varied over time and development of this site can not therefore be said to prejudice the setting of those listed properties. There are however concerns about the scale of the development and how this impacts on the residential amenity of Tait Street. CDLP Policy CP6 aims to protect residential amenity. The Council's Supplementary Planning Document "Achieving Well Designed Housing" sets out a 21m separation distance between two-storey housing where primary windows face each other. Whilst this proposal is for new offices, there are a significant number of windows facing Tait Street properties. The proposed development provides a 21m right to light buffer. Given that the development at this point is four-storey concerns are raised as to whether this separation distance to the building is sufficient to protect residential amenity. It is acknowledged that a landscape buffer and parking are placed between the buildings and this is considered an acceptable use to maintain separation. The height of the proposed building and separation distance remain a concern.

Design and Scale of Proposal and Impact on Conservation Area

- 3.10 Detail of the design of the proposal is set out in section two of this report. The frontage building on Botchergate is within the Botchergate Conservation Area with the remainder of the development adjoining Botchergate and Portland Square/Chatsworth Square conservation areas. Consideration of the proposals in terms of design and scale can not be separated from consideration of their impact on conservation areas.
- 3.11 Whilst some analysis of the historic context is contained within the Design and Access statement submitted with the application, it lacks a specific analysis of the conservation area in the form of a heritage impact assessment. Neither does it analyse the context in relation to the Listed terraces in Tait Street.
- 3.12 The proposed use has an opportunity to provide a landmark building and attention has been given to height and materials as well as form to integrate the development

into the existing context. It should be noted that under conservation legislation any development within a conservation area should seek to preserve or enhance that conservation area. This must be the underlying principles when assessing the proposed development. The Council's policies LE17 and LE19 are significant for consideration to ensure that any replacement buildings enhance the conservation area especially where buildings are proposed for demolition.

- 3.13 The scale of the building is significant with a four-storey structure proposed on the existing William Street car park. In order to ensure that this has a reduced impact on the conservation area the building form has been reduced to a two-storey development fronting Botchergate. In addition, whilst there are similarities in the form of the external appearance of the building with a strong vertical emphasis, the materials have been changed to more strongly reflect the context and significance of the building.
- 3.14 Paragraph 57 of the NPPF recognises that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces. These issues have been dealt with constructively in the proposed design.
- 3.15 Within the existing Botchergate conservation area the proposed entrance replaces a two-storey rendered building which turns the corner into William Street. In order not to lose the historic street pattern the proposed use presents a public space at the corner of William Street and breaks up the continuous street form. Following a review of the Botchergate Conservation Area a workshop was held to consider the future of the area. At that meeting it was noted that there is a lack of green space and openness which afforded the opportunity for relaxation and social interaction on what is regarded as a busy thoroughfare. The provision of public space at the entrance to the proposed offices utilises the building form to create additional space in the streetscene and create identity and visual interest for the building. Thereby providing an enhancement within the conservation area.
- 3.17 Paragraph 60 of the NPPF states that decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative to conform to certain development forms or styles. It is however proper to seek to promote or reinforce local distinctiveness.
- 3.17 The juxtaposition of the proposed building against the Stanley Hall highlights the possible tension between designs of substantially differing periods of construction. In order to marry these together a clear glazing curtain wall is provided to allow

visual separation and has recently been used in other contemporary/historic juxtapositions such as the College Swifts Mews redevelopment. This results in the desired effect of allowing the historic building to still maintain its status and avoids the new building significantly dominating the old. Whilst the building replaces an existing two-storey office, the gable end of the Stanley Hall has been exposed to view for considerable time however the contrast with the front facade of the building suggests that it was never intended to be exposed. This does provide the opportunity for additional height on the new building to mask the gable end at third storey level. Whilst this presents an opportunity it would have to be stepped back from the front in order to minimise dominance in the street scene. It would also be possible to consider aligning the parapet levels of the two buildings for greater continuity in the townscape view.

- 3.18 The proposed building emphasises the vertical structure of the building with back painted glass spandrel panels for legibility of the horizontal floors without detracting from the quality facade created. This horizontal element picks up the horizontal course of stone cills in the adjacent Stanley Hall.
- 3.19 Paragraph 62 of the NPPF recommends the use of design review arrangements to provide assessment and support to ensure high standards of design and refer major projects for design review. Given the significance of this project for the County Council it would be worthwhile considering the use of "Places Matter!" to review the design of the building as part of the application process.
- 3.20 Signage can also have a detrimental impact on a conservation area and is often considered as an afterthought however in this instance the design of the building has been used to maximise the integration of signage at key points. The County Council's logo will appear on the William Street facade of the building along with a stone signage plinth. This plinth will no doubt provide an additional role as a "perch" which obviates the need for additional street furniture which can detract from the design concept and adds additional clutter into the conservation area.
- 3.21 The retention of access along William Street reflects the historic street pattern and retaining this link retains views into the rear of the site. In order to deal with this from a design perspective stone is maintained on the facade of the two-storey building. Set back into the site the four-storey element presents a different perspective and the greater emphasis towards brick and glass ties in well with the surrounding emphasis of brick structures. Although not in a conservation area its proximity and location is clearly visible from the surrounding conservation areas.

- 3.22 The Conservation Area Advisory Committee considered the application at its recent meeting and had concerns about the prominence of view from Cecil Street which would concentrate on the four-storey element. Paragraph 65 of the NPPF states that planning permission should not be refused for buildings which promote a high level of sustainability because of concerns of incompatibility with existing townscape. Whilst this building uses brick to blend in with surrounding context it also has a greater use of glass which is to increase the natural daylight emphasis of the open plan arrangement reducing the demand for artificial light. In this context balancing energy efficiency and external appearance comes into conflict however the design has attempted to introduce changes to the regular pattern to break up the dominance of a modern office building.
- 3.23 Overall the design of this proposed building is a strong statement in a traditional conservation area. The clear message contained in the NPPF is that architectural styles should not be imposed and innovation should not be thwarted. The proposed design has made laudable attempts to take contextual references to acknowledge local interest in the area but with a modern interpretation. In relation to the Local Plan the loss of existing buildings is acceptable given the proposed development which would provide a significant statement building and stimulate regeneration in the Botchergate Conservation Area. Although there may be minor issues concerning the relationship of the proposed Botchergate frontage and Stanley Hall building these would not be sufficient to warrant recommending refusal of the application due to the impact on the conservation area.

Other matters

- 3.24 The site provides for 95 car parking spaces which is far greater than the existing office arrangement. This is however still significantly short of the required number of spaces. In considering the requirement for parking cognisance needs to be given to the location. In this context the offices are reasonably close to the city centre with buses and train access in close proximity. In addition the development proposes a significant amount of cycle parking (storage for up to 90 cycles) which provides a real alternative to the use of the car. It is also acknowledged that directly adjacent to the site is Cecil Street car park.
- 3.25 Provision is made for refuse/deliveries/servicing that utilises the same vehicular entrance as the car park with turning areas for refuse vehicles accessed through the car park. Whilst this may not be an ideal arrangement, the site's location dictates that it would not be appropriate to attempt to segregate access as this could create greater conflict with pedestrians.

4. CONSULTATION

- 4.1 The initial letter of consultation asked for comments within 21 days I.E. 18TH September 2014. The Case Officer has been informed that the City Council is not able to respond within that timescale as the matter will be reported to the next available Development Control Committee.

5. CONCLUSION AND REASONS FOR RECOMMENDATIONS

- 5.1 Having considered the proposed development in many aspects it is found to accord with the Development Plan and the NPPF. There are however some concerns which if addressed would assist in compliance with overarching policies.
- 5.2 That the following comments be reported to the County Council:
That further consideration should be given to the separation distances between the proposed four-storey building and the properties in Tait Street
Further consideration be given to the alignment with Stanley Hall and the opportunity to screen the gable end with an innovative structure at a third storey level set back from the main facade
Consideration be given to a design review such as Places Matter!

6. CONTRIBUTION TO THE CARLISLE PLAN PRIORITIES

- 6.1 The proposed development and its location would assist in meeting the vision to promote Carlisle as a prosperous City, one in which we can all be proud by encouraging investment within the City of Carlisle.

Contact Officer: Chris Hardman

Ext: 7502

**Appendices Application drawings
attached to report:**

Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers:

- **Application 1/14/9015 Cumbria County Council**

CORPORATE IMPLICATIONS/RISKS:

Chief Executive's – N/a

Deputy Chief Executive – N/a

Economic Development – N/a

Governance – N/a

Local Environment – N/a

Resources - N/a

Notes

- Site Boundary
0.58 Ha
- Site within
applicant's ownership



Rev	Description	Date	Dr by	App by
TL	original by	AUG 14		DM

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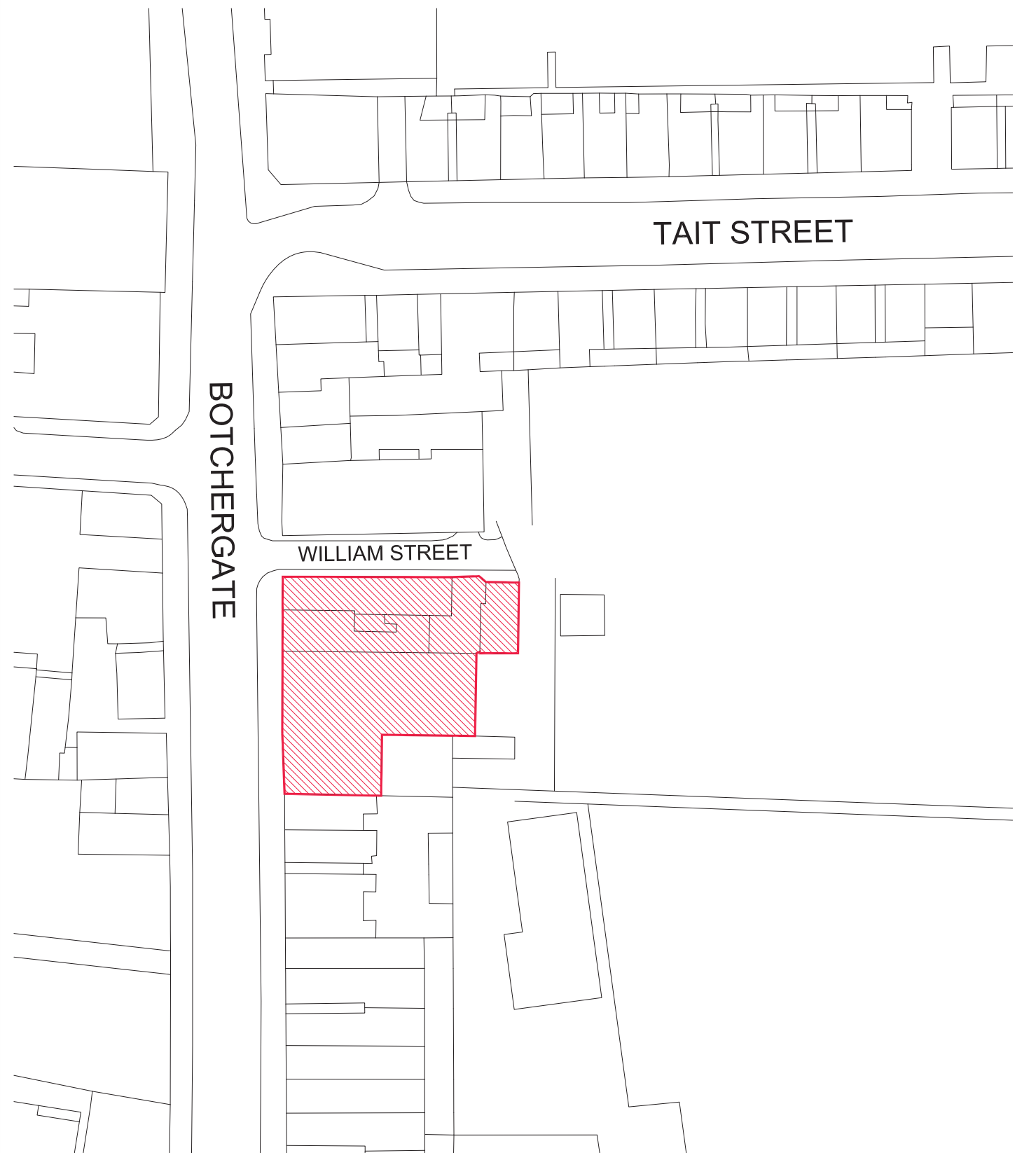
Client
Eric Wright Construction

Project
**Cumbria County Council Office Building
Carlisle**

Drawings
Site Boundary Plan

Product number 2013_01065_000	Scale 1:1000	Issue status PLANNING
Drawing number PL001002	Rev -	

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Notes



Buildings to be demolished

Rev	Description	Date	Dr by	App by
original by				
TL		AUG 14		DM

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Client
Eric Wright Construction

Project
**Cumbria County Council Office Building
Carlisle**

Drawings
Demolition Plan

Product number 2013_01065_000	Scale 1:500	Issue status PLANNING	Sheet @A3
Drawing number P1001003	Rev -		

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TAIT STREET

Residential access maintained

Residential access / parking maintained

95 Parking Spaces

CECIL STREET CAR PARK

Potential location for temporary substation subject to agreement with ENW

Commercial Unit Access Maintained

Pedestrian Access

Staff Entrance

Courtyard

Potential Pedestrian Access utilising existing ramp

WILLIAM STREET











Public Entrance

2 no Flag poles
Signage Plinth

BOTCHERGATE



Notes

- Key
-  Semi Mature trees in landscaped island beds
 -  80mm block paving to car park bays with linear contrasting colours separating each bay.
 -  3 coat macadam surfacing to service vehicle routes. 2 coat macadam surfacing to remaining car park lanes
 -  Ornamental planting and hedging defining areas and creating a visual screen to neighbouring property walls.
 -  Ornamental shrub and grass planting
 -  Public bench Seating
 -  80mm block paving to perimeter of new office building.
 -  Frontier Barriers with central island and communication link to main reception to Tait Street entrance.
 -  Reinstatement of footpath to LHS of William Street. William Street to be designed as shared surface. Macadam to William Street
 -  Reinstatement of Botchergate footpath with conservation paving or similar to LA Highways approval.

Rev	Description	Date	Dr	By	Appr
1	TL	AUG 2016	DM		



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United Kingdom

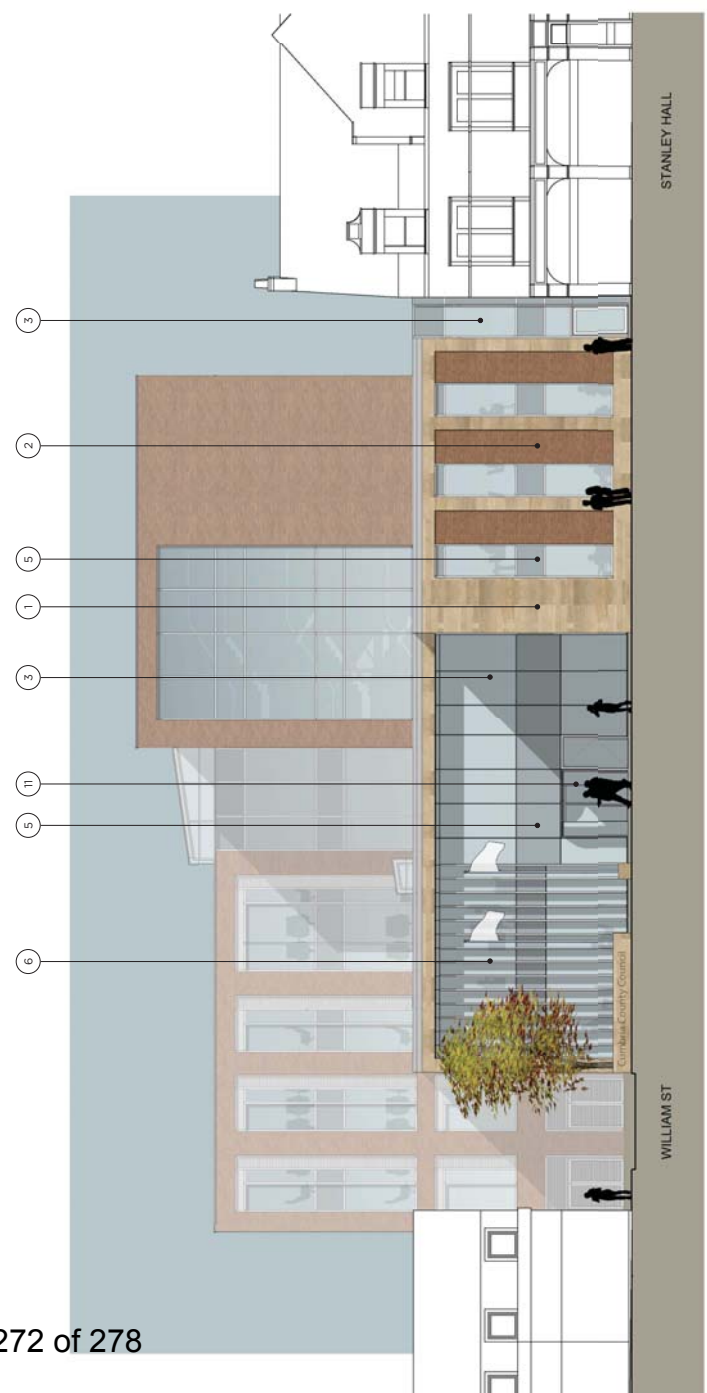
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client	
Eric Wright Construction	
project	
Cumbria County Council Office Building Carlisle	
drawing	
Proposed Site Plan	
project number	2013.01065.000
scale	1:200
sheet number	@A1
drawing number	PL00/004
sheet title	PLANNING
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EAST Elevation
1 : 100

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SOUTH Elevation
1 : 100

- 1. Natural stone cladding
- 2. Brick
- 3. Powder coated curtain wall with clear clazing
- 4. Aluminum cladding panel
- 5. Powder coated glass spandrel panel
- 6. Integrated powder coated aluminum fins
- 7. Metal louvre doors
- 8. Metal louvre plant screen
- 9. Glazed double doors
- 10. Glazed revolving doors
- 11. Glazed sliding doors
- 12. Powder coated aluminum powdercoated louvers
- 13. Integrated fixed aluminum powdercoated louvers

Drawn By
JB

Checked By
TL

Date
AUG 14

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Project No.
2014.01065.000

Revision
PL000010

Scale
1 : 100

Sheet
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Client Name
Eric Wright Construction

Project
Cumbria County Council Office Building
Carlisle

Drawing
Proposed Elevations (1 of 2)

Drawn By
JB

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TL

Date
AUG 14

Project No.
2014.01065.000

Revision
PL000010

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1 : 100

Sheet
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Client Name
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Drawing
Proposed Elevations (1 of 2)

Drawn By
JB

Checked By
TL

Date
AUG 14

Project No.
2014.01065.000

Revision
PL000010

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Client Name
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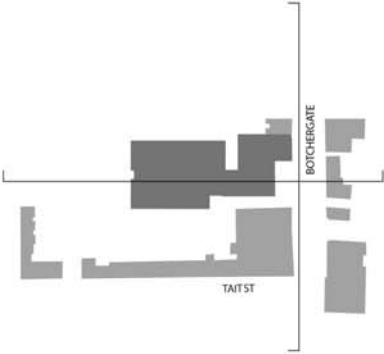
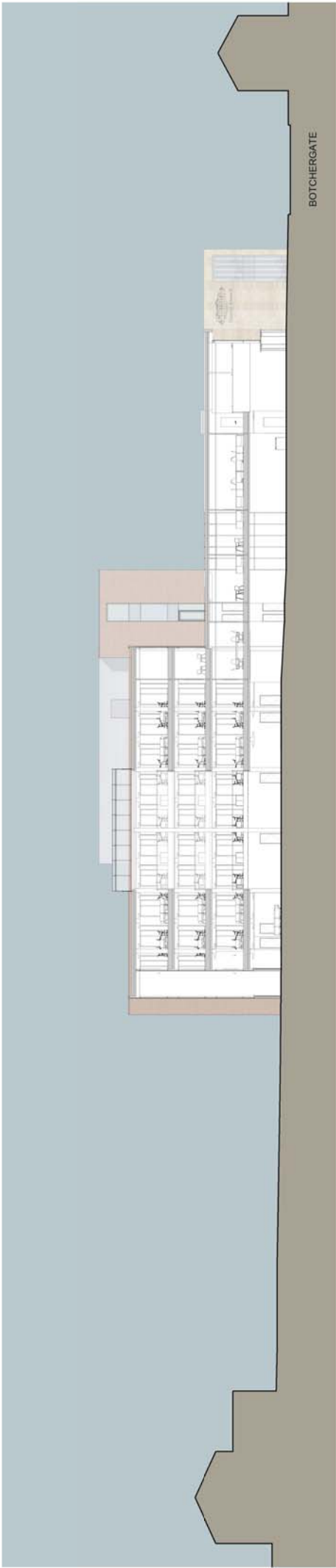
Project
Cumbria County Council Office Building
Carlisle

Drawing
Proposed Elevations (1 of 2)

Drawn By
JB

Checked By
TL

Date
AUG 14



Rev	Description	Date	By	App'd By
1.0	Initial Issue	14 AUG 2013	JB	JB

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Client Name	Eric Wright Construction
Project	Cumbria County Council Office Building
Location	Carlisle
Drawing	Contextual Section & Elevation
Drawing Number	2013.01065.000
Scale	1: 200
Sheet Number	@A1
Sheet Title	PL000012
Project Name	PLANNING

Report to Development Control Committee

Agenda
Item:

A.5

Meeting Date: 3 October 2014
Portfolio: Economy and Enterprise
Key Decision: Not Applicable:
Within Policy and
Budget Framework YES
Public / Private Public

Title: REVOCATION OF TREE PRESERVATION ORDERS 69
STACKBRAES ROAD, LONGTOWN AND 166 LAND ADJACENT
TO BRUNSTOCK COTTAGE
Report of: Director of Economic Development
Report Number: ED. 36/14

Purpose / Summary:

This report proposes the revocation of Tree preservation orders 69 Stackbraes Road, Longtown, and 166 Land Adjacent to Brunstock Cottage as part of the ongoing Tree Preservation Order Review

Recommendations:

Tree Preservation Order 69 and 166 be revoked.

Tracking

Executive:	
Overview and Scrutiny:	
Council:	

1. BACKGROUND

- 1.1** Planning Practice Guidance “Tree Preservation Orders and trees in conservation areas” advises Local Authorities to keep their Tree Preservation Orders under review, and where appropriate vary or revoke the Order.
- 1.2** Examples of reasons to vary or revoke Tree Preservation Orders include:
- (i) Land has been developed;
 - (ii) Trees, for whatever reason, no longer merit protection by an Order;
 - (iii) Trees standing when the Order was made have been removed; or
 - (iv) Errors within the Tree Preservation Order may come to light. When an error comes to light the Local Planning Authority should consider using its variation and revocation powers set out in the Town and Country Planning Act 1990 SCHEDULE 1 Section 13 to put it right.
- 1.3** The land around Tree Preservation Order 69 has been developed. A number of the trees were removed to implement the development.
- 1.4** A replacement Tree Preservation Order has been made and confirmed to ensure the continuing protection of the remaining trees. One tree which wasn’t previously included was added to the Tree Preservation Order.
- 1.5** During the site visit to assess Tree Preservation Order 166 it was evident a small number of trees shown on the Tree Preservation Order no longer remained on site, but other trees on site now merited protection.
- 1.6** A replacement Tree Preservation Order has been made and confirmed to ensure the continuing protection of the remaining trees, and to include new trees that merited protection.

2. PROPOSALS

- 2.1** Tree Preservation Order 69 Stackbraes Road, Longtown and 166 Land Adjacent to Brunstock Cottage, Brunstock be revoked.

3. CONSULTATION

- 3.1** Consultation was carried out with the property and land owners affected by Tree Preservation Order 69 Stackbraes Road, Longtown and 166 Land Adjacent to Brunstock Cottage, Brunstock.
- 3.2** No responses were received.

4. CONCLUSION AND REASONS FOR RECOMMENDATIONS

- 4.1** Government guidance requires local Planning authorities to review their Tree Preservation Orders ensuring they are accurate, up-to-date and enforceable.
- 4.2** There have been changes to the tree populations protected by both Tree Preservation Orders. Some trees no longer remain, and some trees not included when the original Tree Preservation Orders were made now merit protection.
- 4.3** New up-to-date Tree Preservation Orders have been made and confirmed under the Councils scheme of delegation to protect those trees on both sites that merit protection.

5. CONTRIBUTION TO THE CARLISLE PLAN PRIORITIES

- 5.1** Helps create a pleasant environment in which to live and work and engendering a pride in place and contributing to Carlisle's Healthy City objectives.

Contact Officer: Charles Bennett Ext: 7535

Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers:

- Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers: Planning Practice Guidance: Tree Preservation Orders and trees in conservation areas.**

CORPORATE IMPLICATIONS/RISKS:

Chief Executive's – None

Community Engagement – None

Economic Development – None

Governance – None

Local Environment – None

Resources - Financial penalties could be incurred if a maladministration complaint regarding the management of Tree Preservation Orders is upheld.