

# **Development Control Committee Main Schedule**

Schedule of Applications for  
Planning Permission

14th December 2012

## Applications Entered on Development Control Committee Schedule

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04.	<u>12/0773</u> A	Land Adjacent Priest Hill, Beaumont, Carlisle, CA5 6EG	<u>RJM</u>	43
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Applications Entered on Development Control Committee Schedule

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16.	<u>12/9011</u> C	Faugh No. 2 Sand Pit, Heads Nook, Brampton CA8 9EG	<u>RJM</u>	188
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## **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 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 30/11/2012 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 05/12/2012.

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**

## **SCHEDULE A: Applications with Recommendation**

12/0638

**Item No: 01**

**Date of Committee: 14/12/2012**

**Appn Ref No:**  
12/0638

**Applicant:**  
Mr Edgar

**Parish:**  
Orton

**Date of Receipt:**  
03/08/2012

**Agent:**  
Planning Consultations

**Ward:**  
Burgh

**Location:**

Land to the South East of Flatt Farm, Kirkbampton,  
CA5 6NG

**Proposal:** Erection Of A Single Wind Turbine (500kW), 55.6m Hub Height, 79.6m  
To Tip Height And 2no. Metering Units

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### **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 regional and county targets for the generation of renewable energy;
- 2.2 The impact of the proposed development on the landscape and visual character of the area;
- 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 south east of Flatt Farm, in a field adjacent to Watchtree Nature Reserve, which is located on the site of the former Great Orton Airfield, approximately 0.5km to the west of Great Orton.

- 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 Flatt 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 700m to the south east 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.

### **Background**

- 3.4 When this application was submitted, there were two other proposals for the erection of single wind turbines being considered by Allerdale District Council, another at Flatt Farm and one at Watchtree Nature Reserve. The turbine at Flatt Farm was withdrawn and the turbine at Watchtree has been refused, as such, the applicant is no longer required to take these into account when assessing the cumulative impact.

### **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 55.6m and a tip height of 79.6m.
- 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. The access track, craneage and assembly area will be created using "I-trac" a heavy duty temporary road made from composite interlocking panels to create a road surface. These panels can be removed following the erection of the turbine without damage to the site and will leave no visual impact on the local landscape.
- 3.6 The application is accompanied by a Design and Access Statement, a Planning Statement incorporating an Environmental Report, an extended Phase 1 Habitat Survey, a Noise 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 forty neighbouring properties. In response twenty eight letters of objection have been received and one letter of support. The grounds of objection are summarised as;
1. the turbine will be an eyesore;
  2. it will increase the existing noise which can be heard from the turbines at Watchtree;
  3. the number of single wind turbines being applied for is gathering alarming momentum;

4. the application does not take into account the proposed wind turbines in the area;
5. the cumulative impact will be excessive;
6. 500m is too close to Great Orton;
7. there will be an unacceptable impact upon birdlife, in particular owls and woodpeckers;
8. the photomontages are unrealistic;
9. this farm is in Allerdale, why should Carlisle district be stuck with a turbine;
10. the turbine will be unsightly and will impact on the views around Great Orton;
11. the noise and visual impact will be unacceptable;
12. the application should be refused on cumulative impact.

## **5. Summary of Consultation Responses**

Royal Society for the Protection of Birds: - no response received;  
 Ramblers Association: - no response received;  
 Orton Parish Council: - object to the proposal due to Amenity, impact on the environment, noise, wildlife, carbon footprint and the creation of a precedent;  
 Natural England: - no objections;  
 National Air Traffic Services: - no objections;  
 MOD Safeguarding: - no objections subject to a condition requiring the turbine to be fitted with appropriate lighting;  
 Joint Radio Co: - no response received;  
 Local Environment - Environmental Protection: - no objections;  
 Cumbria County Council - Highway Authority: - no objection subject to the inclusion of two conditions;  
 Cumbria Wildlife Trust: - no response received;  
 Carlisle Airport: - no objection;  
 Cumbria County Council - Transport & Spatial Planning: - the two other proposed turbines in the area should be taken into account when assessing the cumulative 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 As a result of the recent Cala Homes litigation, the Regional Spatial Strategy (RSS) remains in force and part of the development plan until the provisions of the Localism Act are enacted. A separate order is required to revoke the RSS; and until this takes place the RSS remains part of the Development Plan. For the purposes of the determination of this application, therefore, the development plan comprises the North West of England Plan (Regional Spatial Strategy to 2021); the "saved policies" of the Cumbria and Lake District Joint Structure Plan 2001-2016; and the Carlisle District Local Plan 2001-2016. The application also needs to be assessed against the Cumbria

Strategic Partnerships Sub Regional Spatial Strategy 2008 - 2028 (SRSpS), the Cumbria Landscape Character Guidance and Toolkit (2011), and the Cumbria Wind Energy Supplementary Planning Document (2007).

- 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 The NPPF indicates that when determining applications Local Planning Authorities should not require applicants to demonstrate the overall need for renewable energy and it should be recognised that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions. The NPPF indicates that Local Planning Authorities should approve the application (unless material considerations indicate otherwise) if its impacts are, or can be made, acceptable. The NPPF also states that in determining applications for wind energy development Planning Authorities should follow the approach set out in the National Policy Statement for Energy Infrastructure (read with the relevant sections of the Overarching National Policy Statement for Energy Infrastructure, including that on aviation impacts). The National Planning Policy Statement for Energy Infrastructure generally relates to large wind farms however it give guidance on technical considerations when dealing with onshore wind farms.
- 6.5 RSS Policy EM1 seeks to identify, protect, enhance and manage environmental assets. RSS Policy EM1(A) refers to the landscape and the need to identify, protect, maintain and enhance its natural, historic and other distinctive features. RSS Policy EM17 requires at least 15% of the electricity which is supplied within the Region to be provided from renewable energy sources by 2015 (rising to at least 20% by 2020). Criteria that should be taken into account in assessing renewable energy schemes include the impact on local amenity and the landscape.
- 6.6 JSP Policy R44 states that renewable energy schemes should be favourably considered where there is no significant adverse effect on such matters as landscape character, local amenity, and highways. The policy also explains that the environmental, economic and energy benefits of renewable energy proposals should be given significant weight. JSP Policy E37 stipulates that development should be compatible with the distinctive characteristics and features of the landscape. The assessment of any proposal being based on visual intrusion or impact; scale in relation to the landscape and features; and remoteness and tranquillity. Policy E35 seeks to safeguard areas and features of nature conservation interest.
- 6.7 In terms of the Local Plan policies, Policy CP1 requires rural development proposals to conserve and enhance the special features and diversity of the different landscape character 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; and any new structure would be sensitively incorporated into the surrounding landscape and respect the local landscape character. A development principle of the Cumbria Sub Regional Spatial Strategy 2008-2028 includes the promotion of decentralised renewable and low carbon energy sources.

6.8 A Supplementary Planning Document 'Cumbria Wind Energy', which sets out Guidelines for wind energy schemes and includes a Landscape Capacity Assessment, was adopted by the Council in September 2008.

6.9 Other material considerations include Circular 1/2003 "Safeguarding Aerodrome's, Technical Sites and Military Explosives Storage Areas".

6.10 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

6.11 Addressing these issues in turn:

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

6.12 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.

6.13 Policy EM17 of the Regional Spatial Strategy (RSS) encourages the promotion and greater use of renewable energy sources and includes a target of having 15% of the regions electricity production from renewable sources by 2015 and rising to 20% in 2020. The sub-regional target for Cumbria is to have 15 - 21 onshore wind farms by 2010 with generating capacity of 210 MW increasing to 247.5 MW by 2015.

6.14 The available records indicate that there are currently 17 onshore wind farms operating in Cumbria and seven more with consent with a total of 143 MW of generating capacity. In effect, the county target for 2010 has yet to be met and, at the current rate, the target for 2015 is unlikely to be met. This figure does not however include small-scale domestic turbines.

6.15 The current proposal would provide a total installed capacity of 0.5 MW and will therefore provide a contribution to meeting energy needs both locally and

nationally.

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

6.16 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.

6.17 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:

### **6.18 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.

6.20 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.

6.21 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.

6.22 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 3.4km to the south east at Orton Grange Farm (1 turbine 65m to tip) and a smaller turbine (20.4m to tip) at Orton Rigg Farm.

6.23 A single turbine with a height of 74m to hub was given consent by this committee earlier this year at Midtown Farm, approximately 400m to the south of this site. It has not yet been erected, but is required to be taken into account when considering cumulative impact.



6.24 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.

6.25 The Officer is in agreement with the findings of the submitted LVIA, that, within the local context, the turbine 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.

6.26 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.

6.27 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.

6.28 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 500m away from the proposed turbine.

6.29 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.

6.30 iii) Cumulative Impact

6.31 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.

- 6.32 It is considered that the siting of the proposed turbine is such that there would be an extension effect to the existing 6 turbines at Great Orton, and the single turbine which was approved at Midtown Farm. However, 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.
- 6.33 In conclusion, it is considered that the cumulative visual effect, taking into account the six turbines at Great Orton, 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.
- 6.34 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)**

- 6.35 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)".
- 6.36 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 guidance in ETSU-R-97states 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.

- 6.37 The applicant has confirmed that the proposed turbine will be a Enercon E48 model. A Noise Impact Assessment has been undertaken which indicates the sound levels for this type of turbine at various wind speeds and distances from the turbine. No background noise assessment has been conducted.
- 6.38 The applicants Noise Assessment has concluded that the noise emission levels predicted at the properties nearest the proposed wind turbine would be acceptable and would remain within the limit of 35dB(A) at all times. It also concludes that the cumulative noise from the proposed turbine and the operational wind farm at Great Orton will continue to meet existing noise limits.
- 6.39 In relation to the above, the Noise Levels generated by the proposed turbine are deemed acceptable and would not have an adverse impact upon the occupiers of any surrounding residential properties to warrant refusal of the application. If Members are minded to approve the application it is recommended that a condition is imposed within the Decision Notice controlling noise in accordance with the guidance contained in ETSU-R-97.
- 6.40 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 turbine will have an operating frequency of less than 1Hz which is less than the frequency capable of giving rise to health effects.
- 6.41 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.480 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 fall within this zone, and as such it is not considered that there will be any adverse effects on any neighbouring properties by way of shadow flicker.

#### **4. Air Safety: Carlisle Airport And Ministry Of Defence**

- 6.42 Following receipt of a detailed aviation assessment Carlisle Airport have confirmed no objections to the proposal.
- 6.43 The Ministry Of Defence have also raised no objections to the application, but have however confirmed that in the interests of air safety the turbine, if approved, should be fitted with aviation lighting (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).
- 6.44 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**

- 6.45 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.
- 6.46 An extended Phase 1 Habitat Survey has been undertaken which included a desk-top survey and field survey. The study identifies that the site does not support statutory or non-statutory sites designated for their ecological value. No evidence of badger or red squirrel was recorded and the site did not support any features suitable for roosting bats, although it did conclude that the linear vegetation features may be suitable for foraging and commuting bats.
- 6.47 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.

### **Conclusion**

- 6.48 In conclusion the proposal involves the erection of a single turbine to serve the needs of Flatt Farm, with spare capacity feeding into the National Grid.
- 6.49 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.
- 6.50 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.
- 6.51 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 There is no relevant planning history.

**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;
2. The Site Location Plan 1 of 2 (PLAN-LOC-1) received 27th July 2012;
3. The Site Location Plan 2 of 2 (PLAN-LOC-2) received 27th July 2012;
4. The Site Layout Plan (PLAN-LAY) received 27th July 2012;
5. The Turbine Elevation Drawing (T-SPEC-DETAIL2) received 3rd August 2012;
6. The Switch Room and HV Metering Unit Elevation Drawing (T-SPEC-DETAIL1) received 27th July 2012;
7. The Design and Access Statement received 27th July 2012;
8. The Planning Statement and Environmental Report received 27th July 2012;
9. The Assessment of Environmental Noise Report received 27th July 2012;
10. The Extended Phase 1 Habitat Survey received 27th July 2012;
11. The Shadow Flicker assessment received 27th July 2012;
12. The Landscape and Visual Impact Assessment Report received 27th July 2012;
13. the Notice of Decision; and
14. 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 farm. By no later than the end of the 25 year period the turbine shall be de-commissioned, and it and all related above ground 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. Prior to the turbine being erected on site, full details of the proposed aviation lighting, as recommended by the Ministry of Defence, shall be submitted to and approved in writing by the Local Planning Authority.

**Reason:** In the interests of air safety and in accordance with Policy CP8 of the Carlisle District Local Plan 2001-2016.

6. The access and parking/turning requirements, shown on the Plan, shall be substantially met before turbine construction work commences on site so that constructional traffic and materials can be accommodated on site. Once complete they shall be retained capable of use thereafter and shall not be altered without the prior consent of the Local Planning Authority.

**Reason:** The carrying out of building works without the provision of these facilities is likely to lead to inconvenience and danger to road users. Retention of the facilities ensures an appropriate standard of parking and access for as long as the use continues, in accordance with Local Transport Policies LD5, LD7 and LD8.

7. The access track shall be constructed to the satisfaction of the Local Planning Authority and in this respect further details shall be submitted to the Local Planning Authority for approval before work commences on site. No work shall be commenced until a full specification has been approved. The access track shall be maintained in reasonable condition for as long as the Use continues and shall be removed and the ground reinstated within a year of the turbine being dismantled, unless otherwise agreed by the Local Planning Authority.

**Reason:** To ensure a minimum standard of construction in the interests

of highway safety and to support Local Transport Plan policies LD5, LD7 and LD8.

8. 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.

9. 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.

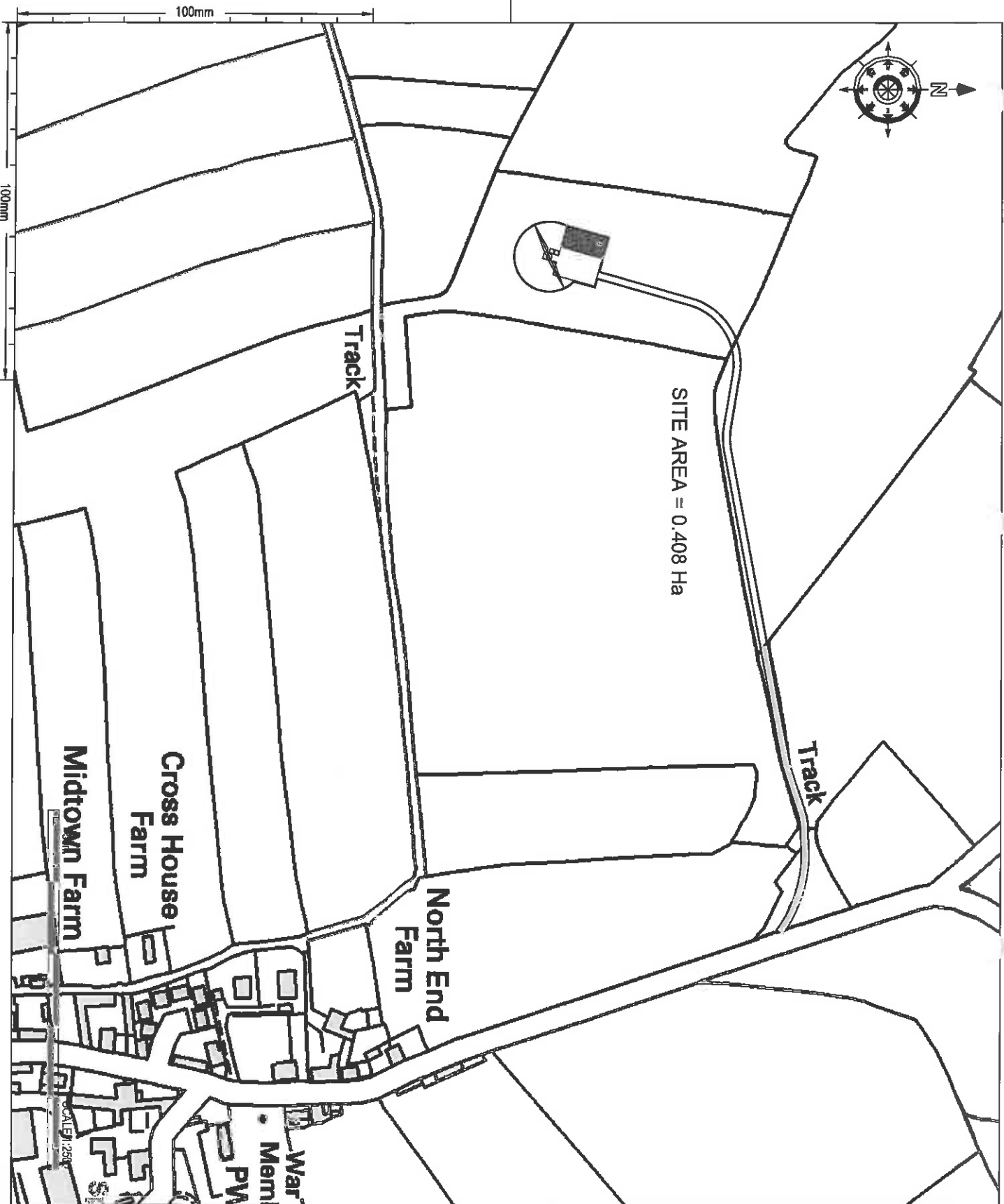
10. The developer shall give advance notice in writing to the Ministry of Defence of the date construction of the turbine hereby permitted commences and ends, and shall include details about the maximum height of construction equipment, together with the blade tip height of the turbine above ground level, and the latitude and longitude of the turbine.

**Reason:** In the interests of air safety.

11. 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.

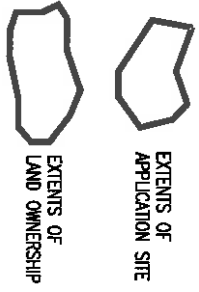
**Reason:** To protect features of recognised nature conservation importance in accordance with Policy CP2 of the Carlisle District Local Plan 2001-2016.

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NOTES

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EXTENTS OF APPLICATION SITE

EXTENTS OF LAND OWNERSHIP

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		DATE	DATE
DRAWN BY	CHECK BY	APPROVED	
DATE	DATE	DATE	
PLOT SCALE	SCHEDULES	SHEET SIZE	
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CLIENT

GEORGE EDGAR

PROJECT  
PROPOSED WIND  
TURBINE AT THE FLAT

TITLE  
SITE LOCATION



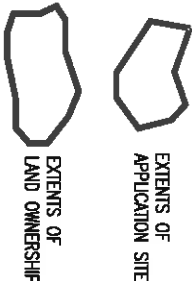
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DRAWING No.	PLAN-LOC-1			
REASON				





NOTES

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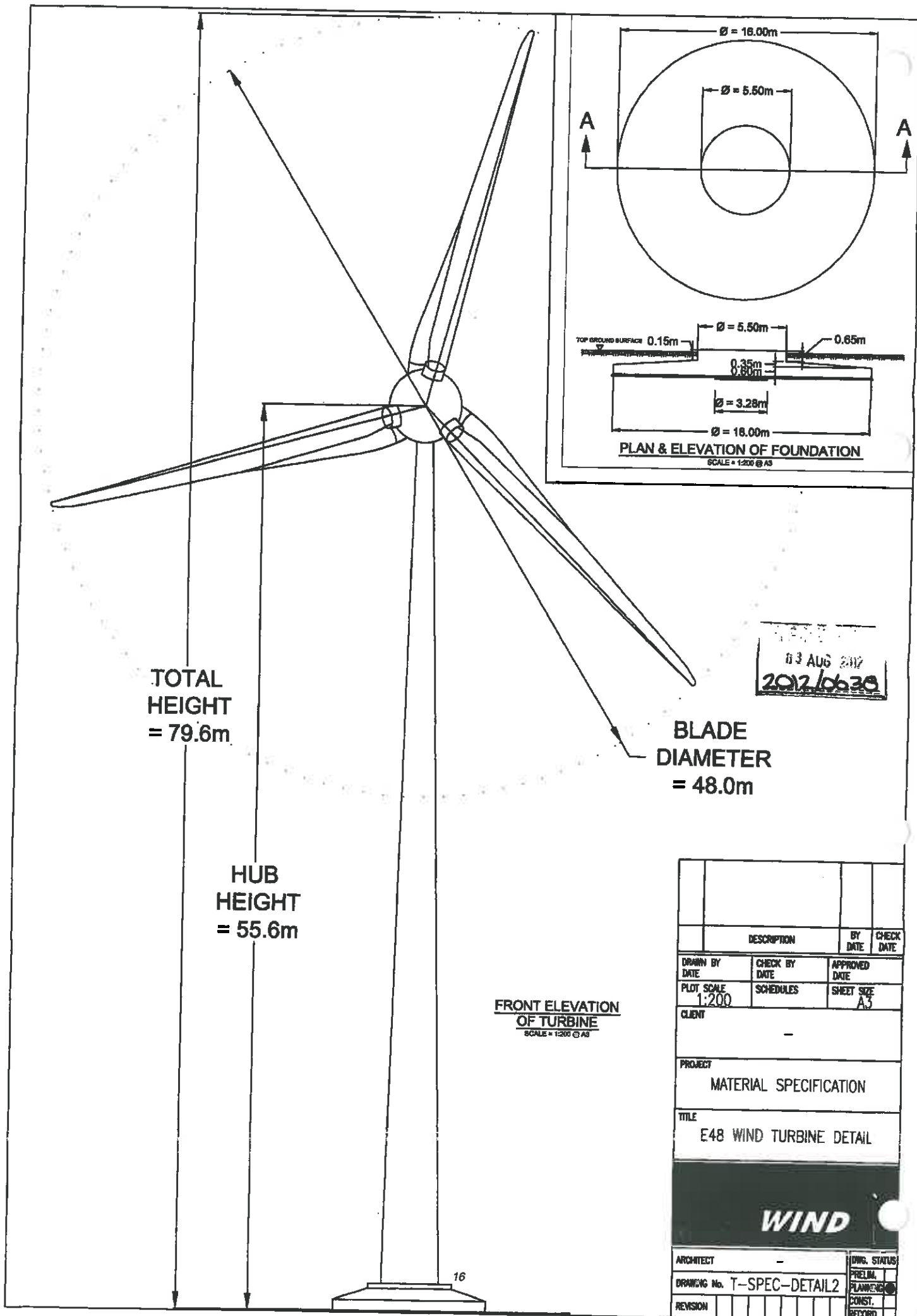
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PROJECT  
PROPOSED WIND  
TURBINE AT THE FLATT

TITLE  
SITE LOCATION

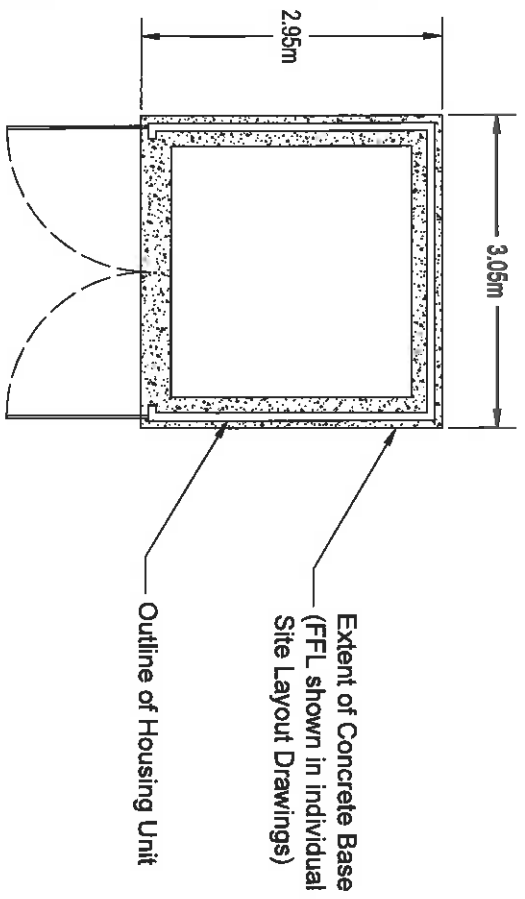
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REASON A	CONST.		RECORD

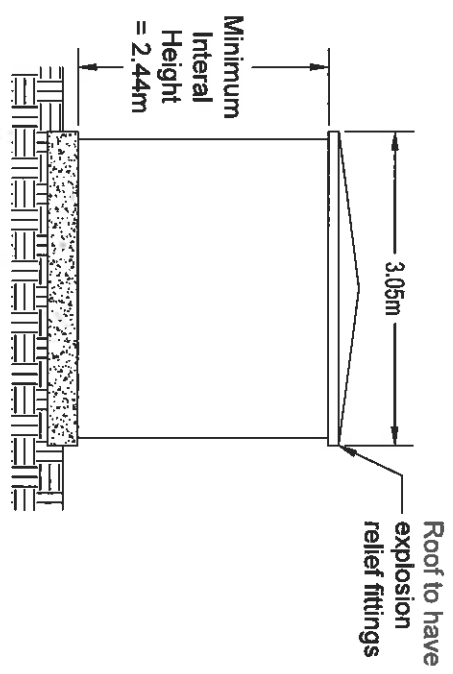


03 AUG 2012  
2012/0630

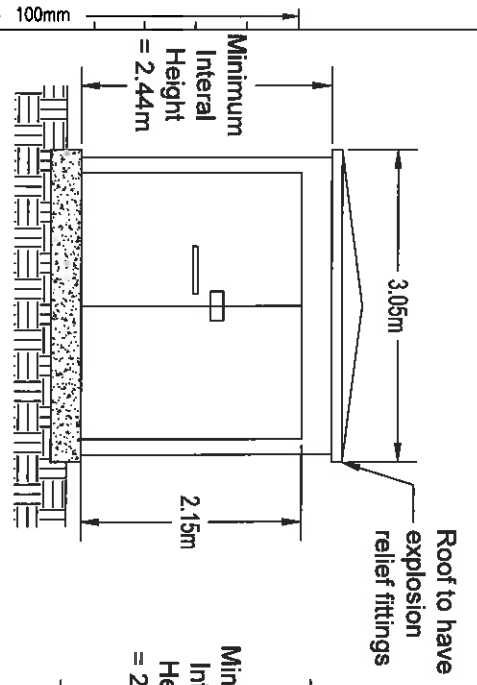
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TITLE			
E48 WIND TURBINE DETAIL			
WIND			
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DRAWING No. T-SPEC-DETAIL2			PRELIM.
REVISION			CONST.
			RECORD



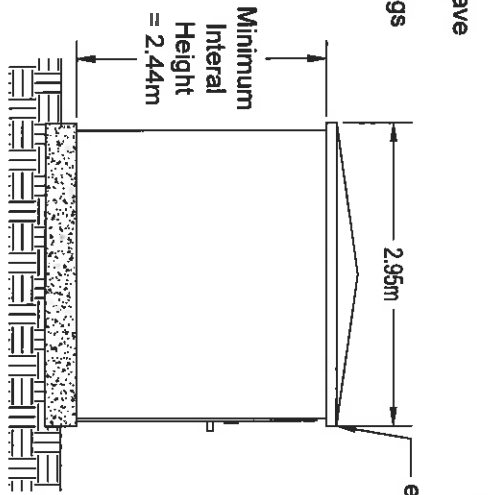
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SCALE 1:50



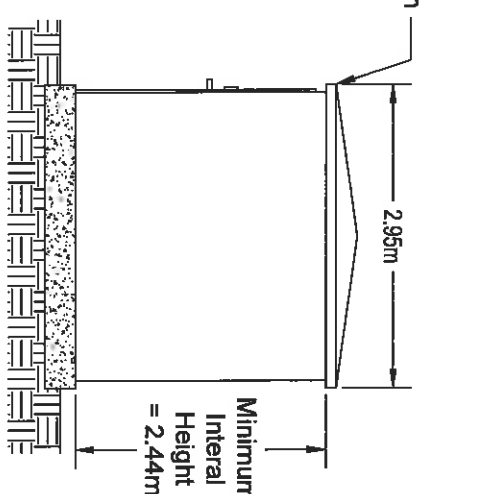
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SCALE 1:50



**FRONT ELEVATION**  
SCALE 1:50



**LEFT SIDE ELEVATION**  
SCALE 1:50



**RIGHT SIDE ELEVATION**  
SCALE 1:50

NOTES

REV	DESCRIPTION	BY	CHECK
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DRAWN BY	CHECK BY	DATE	DATE
DATE	DATE	DATE	DATE
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CLIENT			
PROJECT	MATERIAL SPECIFICATION		
TITLE	SWITCH ROOM AND HV METERING UNIT DETAIL		
ARCHITECT	PRELIM	DMC STATUS	
DRAWING No. T-SPEC-DETAIL 1	PLANNING		
REVISION	CONST	RECORD	

## **SCHEDULE A: Applications with Recommendation**

12/0622

**Item No: 02**

**Date of Committee: 14/12/2012**

**Appn Ref No:**  
12/0622

**Applicant:**  
c/o TGC Renewables Ltd

**Parish:**  
St Cuthberts Without

**Date of Receipt:**  
26/07/2012

**Agent:**  
TGC Renewables Ltd

**Ward:**  
Dalston

**Location:**

Land north of Peastree Farm, Durdar, Carlisle, CA2  
4TS

**Proposal:** Installation Of 1no. 225kW Wind Turbine With A Hub Height Of 30.5m  
(Height To Tip 45m), Access And Associated Works

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## **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 upon ecology and nature conservation

### **3. Application Details**

#### **The Site**

- 3.1 Peastree Farm is located approximately 5 kilometres south of Carlisle and is accessed from a farm track which is located to the north of the Dalton-Durdar Road in close proximity to Durdar village. The farmstead comprises a farmhouse to the south with associated agricultural buildings which vary in age, design and materials to the north.

- 3.2 Members will recall that a report on this application was deferred at the last meeting to enable a visit to the site to be undertaken. The application site is set within agricultural land located approximately 100m to the north the farm steading. The submitted Planning Statement indicates that the nearest non-associated neighbour is situated 550 metres to the south-west of the site at Park Fauld Farm. The area immediately surrounding the application site is made up of agricultural land in the form of open fields.
- 3.3 The land around the farm steading is relatively flat however the land falls away to the north towards the River Eden. The land consists of open agricultural fields surrounded by mature hedgerows. To the north east of the site is Carlisle Racecourse, and to the south of the site there are a line of pylons.

### **Background**

- 3.4 In 2011 permission was granted for the erection of a 20kw wind turbine with a hub height of 20m, 27.1m to tip and associated site works (11/0190).

### **The Proposal**

- 3.5 The application seeks permission for the erection of 1 no. 225kW wind turbine, which will have a hub height of 30m and a tip height of 45m.
- 3.6 An access track for the transportation of the turbine will be required from the field gateway, consisting of a 4m wide hard standing.
- 3.7 The turbine will be mounted on a free-standing monopole structure on a concrete base, with associated equipment housing for the transformer. It is proposed to have a stock proof fence surrounding the turbine, adjacent to a 15m by 15m hard standing to be used as a crane pad.
- 3.8 The application is accompanied by a Planning and Design Statement, an Aviation Assessment, a Desk Top Bird Risk Assessment as well as Noise and Shadow Flicker Assessments.

## **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 fifty neighbouring properties. In response three letters of objection have been received. The grounds of objection are summarised as;
1. a wind turbine of this size is too large for a residential area and will have adverse effect on views and landscape;
  2. the turbine is a commercial venture and not for the benefit of the farm;
  3. the low frequency noise that would be generated will disturb residents of the properties on Durdar Road;
  4. if the proposal is granted it may lead to further applications for larger

turbines;

5. the application is larger than usually seen in the rural area. Consequently it would be visually intrusive and out of context;
6. the indicated output appears to be significantly greater than that required to meet the needs of the farming/domestic enterprise.

## **5. Summary of Consultation Responses**

Royal Society for the Protection of Birds: - no objection, further to the desk study;

Clerk to St Cuthberts Without Parish Council: - support the proposal - no observations;

National Air Traffic Services: - no safeguarding objection;

Natural England: - no objections, however, the authority should be aware of its duties relating to protected species;

MOD: - no objection;

Joint Radio Co: - no response received;

Local Environment - Environmental Protection: - no objections;

Cumbria County Council - Highway Authority: - no objection, subject to the construction work not interfering with the various PRow's;

Cumbria Wildlife Trust: - no response received;

Carlisle Airport: - no objections;

Northern Gas Networks: - no objections;

United Utilities: - no objections;

Cumbria County Council - Highway Authority - Footpaths: - no objection.

## **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 As a result of the recent Cala Homes litigation, the Regional Spatial Strategy (RSS) remains in force and part of the development plan until the provisions of the Localism Act are enacted. A separate order is required to revoke the RSS; and until this takes place the RSS remains part of the Development Plan. For the purposes of the determination of this application, therefore, the development plan comprises the North West of England Plan (Regional Spatial Strategy to 2021); the "saved policies" of the Cumbria and Lake District Joint Structure Plan 2001-2016; and the Carlisle District Local Plan 2001-2016. The application also needs to be assessed against the Cumbria Strategic Partnership's Sub Regional Spatial Strategy 2008 - 2028 (SRSpS), the Cumbria Landscape Character Guidance and Toolkit (2011), and the Cumbria Wind Energy Supplementary Planning Document (2007).
- 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 The NPPF indicates that when determining applications Local Planning Authorities should not require applicants to demonstrate the overall need for renewable energy and it should be recognised that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions. The NPPF indicates that Local Planning Authorities should approve the application (unless material considerations indicate otherwise) if its impacts are, or can be made, acceptable. The NPPF also states that in determining applications for wind energy development Planning Authorities should follow the approach set out in the National Policy Statement for Energy Infrastructure (read with the relevant sections of the Overarching National Policy Statement for Energy Infrastructure, including that on aviation impacts). The National Planning Policy Statement for Energy Infrastructure generally relates to large wind farms however it give guidance on technical considerations when dealing with onshore wind farms.
- 6.5 RSS Policy EM1 seeks to identify, protect, enhance and manage environmental assets. RSS Policy EM1(A) refers to the landscape and the need to identify, protect, maintain and enhance its natural, historic and other distinctive features. RSS Policy EM17 requires at least 15% of the electricity which is supplied within the Region to be provided from renewable energy sources by 2015 (rising to at least 20% by 2020). Criteria that should be taken into account in assessing renewable energy schemes include the impact on local amenity and the landscape.
- 6.6 JSP Policy R44 states that renewable energy schemes should be favourably considered where there is no significant adverse effect on such matters as landscape character, local amenity, and highways. The policy also explains that the environmental, economic and energy benefits of renewable energy proposals should be given significant weight. JSP Policy E37 stipulates that development should be compatible with the distinctive characteristics and features of the landscape. The assessment of any proposal being based on visual intrusion or impact; scale in relation to the landscape and features; and remoteness and tranquillity. Policy E35 seeks to safeguard areas and features of nature conservation interest.
- 6.7 In terms of the Local Plan policies, Policy CP1 requires rural development proposals to conserve and enhance the special features and diversity of the different landscape character 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; and any new structure would be sensitively incorporated into the surrounding landscape and respect the local landscape character. A development principle of the Cumbria Sub Regional Spatial Strategy 2008-2028 includes the promotion of decentralised renewable and low carbon energy sources.

- 6.8 A Supplementary Planning Document 'Cumbria Wind Energy', which sets out Guidelines for wind energy schemes and includes a Landscape Capacity Assessment, was adopted by the Council in September 2008.
- 6.9 Other material considerations include Circular 1/2003 "Safeguarding Aerodromes, Technical Sites and Military Explosives Storage Areas".
- 6.10 When assessing this application it is considered that there are six 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
- 6.11 Addressing these issues in turn:
- 1. The Potential Contribution Of The Scheme Towards The Generation Of Renewable Energy**
- 6.12 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.
- 6.13 Policy EM17 of the Regional Spatial Strategy (RSS) encourages the promotion and greater use of renewable energy sources and includes a target of having 15% of the region's electricity production from renewable sources by 2015 and rising to 20% in 2020. The sub-regional target for Cumbria is to have 15 - 21 onshore wind farms by 2010 with generating capacity of 210 MW increasing to 247.5 MW by 2015
- 6.14 The available records indicate that there are currently 17 onshore wind farms operating in Cumbria and seven more with consent with a total of 143 MW of generating capacity. In effect, the county target for 2010 has yet to be met and, at the current rate, the target for 2015 is unlikely to be met. This figure does not however include small-scale domestic turbines.
- 6.15 The current proposal would provide a total installed capacity of 225kW and will therefore provide a contribution to meeting energy needs both locally and nationally.
- 2. The Impact Of The Proposed Development On The Landscape And Visual Character Of The Area Including Cumulative Impacts**



- 6.16 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.
- 6.17 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:
- 6.18 i) Landscape
- 6.19 The application site is within an area defined as category 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.
- 6.20 The site where the turbine is to be located comprises of relatively flat agricultural land however there are a number of man-made influences already within the landscape, notably the large pylons that run to the south of the site and the railway to the north west. The site is also located close to the southern periphery of Carlisle.
- 6.21 The local landscape 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 the electricity pylons which run to the south of the site and the railway to the north west.
- 6.22 The applicants' Planning Statement includes a Landscape Assessment, which states that the undulating and rolling topography and 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 vegetation and topography offers screening from many viewpoints.
- 6.23 The Officer is in agreement with the findings of the applicants Landscape Assessment, in that, the proposal is relatively small scale, which greatly reduces the impact of the installation. Within the local context, the turbine would appear as a prominent feature but would not cause unacceptable harm to the local landscape character, a broad and expansive landscape that is already characterised by other large scale man made features.
- 6.24 ii) Visual Impact
- 6.25 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.

- 6.26 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.
- 6.27 In relation to the impact on the visual amenities of residential properties it is noted that there are two nearby settlements (Durdar and Blackwell), along with scattered residential properties in the surrounding area. The closest residential properties are Park Fauld farm, which is the nearest non-associated neighbour and is situated 550m to the south west of the site; Floshe Farm is located 580m to the north east; and the properties on Durdar road are between 650 and 800m away;
- 6.28 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 in relation to the scale of the proposal 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.

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

- 6.29 The NPPF indicates that planning decision 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)".
- 6.30 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 guidance in ETSU-R-97states

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.

- 6.31 A Noise Assessment has been undertaken for the proposal which has been submitted with the application. The report has concluded that the noise levels would meet the requirements of ETSU-R-97. Environmental Services have been consulted on this application and have raised no objections.
- 6.32 In relation to the above the Noise Levels generated by the proposed turbine are deemed acceptable and would not have an adverse impact upon the occupiers of any surrounding residential properties to warrant refusal of the application. If Members are minded to approve the application it is recommended that a condition is imposed within the Decision Notice controlling noise in accordance with the guidance contained in ETSU-R-97.
- 6.33 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 turbine will have an operating frequency of 47rpm (at high wind speeds) which is significantly less than the frequency capable of giving rise to health effects.
- 6.34 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. 320 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 properties fall within this area, and as such shadow flicker is not considered to be an issue.

#### **4. Impact Upon Local Ecology And Nature Conservation**

- 6.35 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.
- 6.36 The Natural England Technical Information note TIN051 Bats and onshore wind turbines proposed a buffer zone of 50m around any feature (trees, hedges etc). The application includes no hedgerow removal and will be located approximately 75 metres from the nearest hedge. As such, there is

considered to be no adverse impact upon bats.

- 6.37 A Desk Based Bird Assessment has also been submitted at the request of the RSPB. This report indicates that the hedgerows and buildings on site can be valued as providing feeding/nesting opportunities for birds and the construction of the turbine could cause disturbance to nesting birds therefore mitigation measures should be in place regarding timing of works. The report concludes that the turbine would be unlikely to impact on bird species due to absence of records of bird species regarded to be at risk from motor collision and the habitats on site being of a reduced value for such species. The assessment also indicated that the proposal would not have an adverse impact upon wetland birds due to lack of suitable habitat.
- 6.38 The RSPB has been consulted on the application and has recorded no objections to the scheme. As such, 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**

- 6.39 It is appreciated that other issues can arise when considering a proposed turbine including signal interference but based on the size of the proposed turbine, the accompanying information and the turbines location, it is not considered that they are of sufficient weight to influence the outcome of the proposal. Furthermore, impact of the proposal on house prices is not a material planning consideration.
- 6.40 Members should note that whilst an objection has been raised relating to the belief that the proposal is a 'commercial venture' this is not something that can be taken into account when assessing the application. Also, a neighbour has raised concerns that the approval of this application may lead to other wind energy schemes in the area, however, each application is assessed on its own merits, and it is therefore considered that this proposal would not set a precedent.
- 6.41 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 outweigh the harm created by the development.

#### **Conclusion**

- 6.42 In conclusion the proposal involves the erection of a single turbine to serve the needs of the Peastree Farm, with the possibility of spare capacity feeding into the National Grid.

- 6.43 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.
- 6.44 Taking account of the scale and technical specifications of the proposal, as well as the levels of screening from nearby properties, 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.
- 6.45 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 In 2011 permission was granted for the erection of a 20kw wind turbine with a hub height of 20m, 27.1m to tip and associated site works (11/0190).

## **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;
2. the site location plan (1:2500) received 23rd July 2012;
3. the location plan (1:25,000) received 23rd July 2012;
4. the proposed turbine elevation received 23rd July 2012 (DWG NWA-30m);
5. the proposed shadow flicker map received 23rd July 2012;
6. the zone of theoretical visibility map received 26th July 2012;
7. the zone of visual influence map received 26th July 2012;
8. the noise map received 23rd July 2012;
9. the Photomontage Data received 26th July 2012;
10. the Planning and Design Statement received 23rd July 2012;
11. the Noise Assessment received 23rd July 2012;
12. the Desktop Bird Survey received 10th October 2012;
13. the Notice of Decision; and
14. any such variation as may subsequently be approved in writing by the Local Planning Authority.

**Reason:** To define the permission.

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 farm. By no later than the end of the 25 year period the turbine shall be de-commissioned, and it and all related above ground 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. The developer shall give advance notice in writing to the Ministry of Defence of the date construction of the turbine hereby permitted commences and ends, and shall include details about the maximum height of construction equipment, together with the blade tip height of the turbine above ground level, and the latitude and longitude of the turbine.

**Reason:** In the interests of air safety.

---



KEY	
Turbine Position	
Access Route	

Turbine location	
Turbine 1	339835,551605

REV	MODIFICATIONS	DRAWN	DATE	CHKD	DATE
R1	Initial Release	H1	20/07/2012	TM	20/07/2012



TGC Renewables Ltd, TGC House, Duckmoor Road  
Industrial Estate, Duckmoor Road, Bristol, BS3 2BL  
Tel: 0800 0787 243  
Web: [www.tgcrenewables.com](http://www.tgcrenewables.com)

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ORIGINAL PAPER SIZE	A3	SCALE	1:25,000
LOCATION	PROJECT	79-08-WD	NAME
			Peastree Farm, Durdar, Carlisle, CA2 4TS





Site Name: 79-08-WD  
Peastree Farm, Durdar, Carlisle, CA2  
4TS

Map Title: Site / Lease Plan  
Author: HJ  
Map Revision: 1.0  
Map Center:  
2°56'16"W 54°51'16"N  
OS x=339,807 OS y=551,497

### Legend

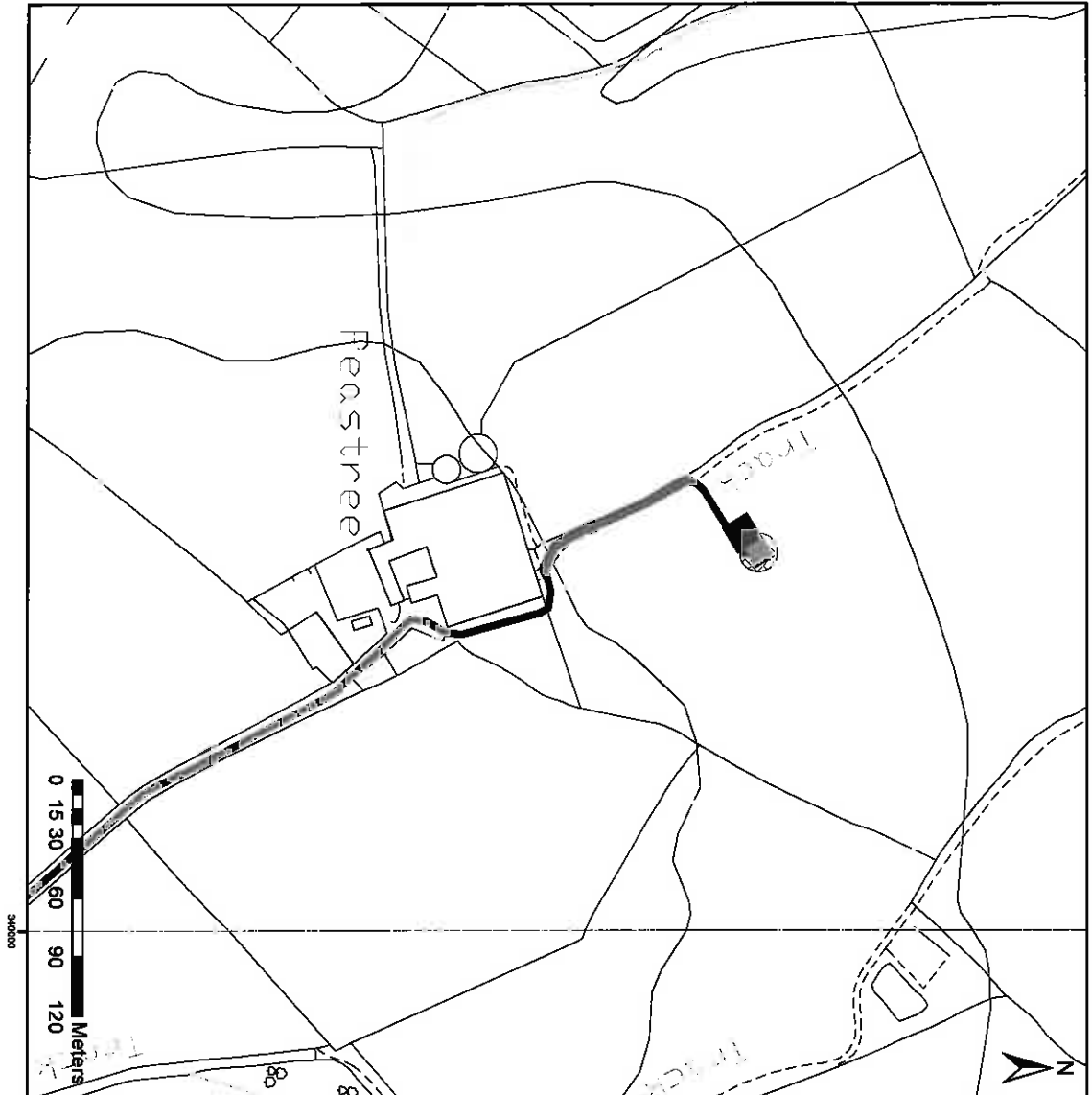
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-  New\_Access\_Track (4m wide)
-  Equipment\_Cabin (2.4m x 3m)
-  Turbine\_Base (11m x 11m)
-  Crane\_Pad (15m x 15m)
-  Blade\_Diameter

Scale: 1:2,500 (A3 paper)

Date: 20 July 2012

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## **SCHEDULE A: Applications with Recommendation**

12/0820

**Item No: 03**

**Date of Committee: 14/12/2012**

**Appn Ref No:**  
12/0820

**Applicant:**  
Ms Campbell

**Parish:**  
Hayton

**Date of Receipt:**  
02/10/2012 13:00:09

**Agent:**  
Green Design Architects

**Ward:**  
Great Corby & Geltsdale

**Location:**  
Townfoot Farm, Talkin, Brampton, CA8 1LE

**Proposal:** Erection Of 1No. Dwelling

---

### **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 & Design Would Be Acceptable
- 2.3 Impact Of The Proposal On Landscape Character
- 2.4 Impact Of The Proposal On The Living Conditions Of The Occupiers Of Any Neighbouring Properties
- 2.5 Highway Matters

#### **3. Application Details**

##### **The Site**

- 3.1 The eastern part of the site currently includes a gravel parking area and a garden, which are used by the occupants of Park House. A hedge forms the boundary between the parking area and the garden. The western part of the site currently forms part of a field and is in agricultural use. There is an existing gated access to the site from the adjacent unclassified road into Talkin, which provides access to both the car park and the field beyond. A stone wall runs along the frontage of the site, adjacent to the road, with a

post and wire fence forming the northern and western site boundaries.

- 3.2 A dwelling (Stackyard House) lies to the south of the application site and is separated from it by a hedge. A further residential property (Park House) lies on the opposite side of the road from the application site.

### **The Proposal**

- 3.3 This proposal is seeking to erect a detached dwelling on the site. The dwelling would be set back a minimum of 6m into the site, with sections of the dwelling being over 10m from the adjacent road. The front elevation of the dwelling would measure 12.7m and it would be 3.9m to the eaves and 6.2m to the ridge. The front and rear elevations would contain two pitched roof dormer windows at eaves level, with the front elevation having a catslide roof, with glazing below. The rear elevation would contain large sections of glazing to the ground floor, with the north elevation containing french doors to the ground and first floor. The south elevation would not contain any windows. A garage would be attached to the southern end of the dwelling and this would measure 5.2m in width, 2.4m to the eaves and 4.7m to the ridge. Both the dwelling and the garage would be constructed of stone, with stone quoins, under a slate roof.
- 3.4 A parking/ turning area would be provided to the front of the dwelling, together with a garden, with a garden also being provided to the rear. The existing vehicular access would be used to provide access to both the dwelling and the field to the rear. The existing timber gates and posts, adjacent to the access, would be removed and the first 2m into the site would be ramped at 1:11 to ensure suitable visibility is provided from the site. The stone wall along the front of the site would be retained but reduced in height to 0.8m, with new hedging being planted along the northern and western boundaries of the site.

## **4. Summary of Representations**

- 4.1 This application has been advertised by means of a site notice and notification letters sent to six neighbouring properties. Six letters of objection and a petition signed by 36 people have been received, which make the following the points:
- the site is greenfield;
  - the proposal would extend the boundaries of the village northwards and westward and intrude into the open countryside;
  - the current policy for development in villages such as Talkin only allows for small scale infilling - this development is not infilling as the site lies at the edge of the village and intrudes into the open countryside;
  - the proposal is not small scale in relation to the size of the plot;

- Talkin Village has no shop or school and with a totally inadequate bus service cannot be considered a Local Service Centre - further building cannot, therefore, be justified;
- it is an inappropriate development in a small plot in a sensitive location;
- the large frontage with numerous windows is totally out of character with all the properties in the immediate vicinity;
- proposed materials do not fit in with the character of the village;
- the dwelling would detract from the character/ landscape character of the village;
- the windows would allow an unacceptable view into the dwelling at a prominent location going out of the village;
- the dwelling would be unacceptable close to Park House - 11m from habitable room to the kitchen of the proposed dwelling and the same distance to large glass screen at the stairs;
- the dwelling would be unacceptable close to Stackyard House and within the permissible 12m;
- the gable end (south elevation) would directly face habitable rooms within Stackyard House, which would lead to a loss of privacy;
- the vehicular access is situated in a dangerous position as there is limited visibility to both the north and south;
- the visibility would have sub-standard visibility to the south - the height of the adjoining wall is 1140mm, whereas the required visibility is 1050mm - as the adjacent land is not in the applicant's control it is possible that further visual obstructions could be placed or grown which would cause the access to be unacceptably dangerous;
- there is inadequate room to turn a vehicle on the plot if the recognised 9m by 9m turning area is applied;
- the proposal would add extra stresses to the sewerage system within the village;
- the proposal would not follow the Planning Services guidelines which have recently been applied in respect of applications 10/0965 and 11/0165.

**4.2** The petition, which has been signed by 36 people, objects to the application for the following reasons:

- Talkin Village is an area of natural beauty and the proposed development would result in a prominent intrusion into the countryside

as defined in the National Planning Policy Framework;

- the size and scale of the dwelling is excessive in comparison with the size of the site and is, therefore, over development, it does not relate well to the form, scale and character of the rest of the village;
- the proposal would not boost 'significantly' the supply of housing on a 'local need'.

- 4.3 A letter of objection has been received to the amended plans. This states that although the dwelling is now further away from Park House, it retains the large glass screen which would allow views between the properties. It also notes that Council has abandoned its Interim Planning Policy Statement on housing because it considers that sufficient housing land is now available for six years development. This situation undermines the policy position that the applicant has put forward as justification for the proposal.

## 5. Summary of Consultation Responses

Health and Safety Executive: - does not advise on safety grounds against the granting of planning permission;  
Northern Gas Networks: - no objections;  
Cumbria County Council - (Highway Authority): - the applicant indicates disposal of surface water to a soakaway, which is an acceptable method of disposal subject to appropriate Building Regulation approval. Has no knowledge of flooding issues at this site;  
Hayton Parish Council: - no comments;  
Local Environment - Drainage Engineer: - no objections, subject to conditions and Building Control agreeing the detail;  
United Utilities: - no objections, subject to a condition to ensure that surface water does not go into the mains sewer.

## 6. Officer's Report

### Assessment

- 6.1 The relevant planning policies against which the application is required to be assessed are Policies DP1, DP10, H1, CP3, CP4, CP5, CP12 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 Talkin is identified as a second tier settlement in the Policy H1 of the adopted Local Plan and this policy only permits small scale infill development, which is evidenced by local need. However, the National Planning Policy Framework (NPPF) was published in March 2012 and this supersedes policies in the adopted Local Plan if they are not consistent with the policies in the NPPF. Paragraph 55 of the NPPF states that housing should be located where it will enhance or maintain the vitality of rural communities.

- 6.3 The application site is currently used as car park/ garden, with the rear section forming part of a field. It is located on the edge of Talkin Village and is well related to the existing built form of the village. A dwelling on this site would comply with the policies in the NPPF and would, therefore, be acceptable in principle.

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

- 6.4 The dwelling would be sited in a large plot. It would be of an acceptable scale, when compared to the dwellings in close proximity to the site. The dwelling and attached garage would be constructed of stone, with stone quoins, under a slate roof, which would be in keeping with the character of the village. The front and rear elevations would contain pitched roof dormer windows at eaves level, with the front elevation containing a catslide roof. The dwelling would have a maximum height of 6.2m. The stone wall along the front of the site would be retained and new hedging would be planted to the northern and western boundaries. In light of the above, the scale and design of the proposal would be acceptable.

3. Impact Of The Proposal On Landscape Character

- 6.5 The site, which is currently a car park/ garden, is well related to the existing built form of the village, with dwellings adjoining the site to the south and east. The proposal would not, therefore, have an adverse impact on the landscape character of the village.

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

- 6.6 The garage would lie opposite the northern end of Park House and would be a minimum of 14m away. Whilst Park House has kitchen and lounge windows in this section of the dwelling, the kitchen window is not a principle window, as the room is served by other windows in the side and rear elevation. The lounge window, which is already overlooked from the adjacent highway, would sit at an oblique angle to the ground floor windows of the new dwelling and this would limit overlooking. Park House also has first floor bedroom windows in the elevation facing the application site. These would sit at an oblique angle to the first floor windows in the new dwelling, and in any event these bedrooms are served by larger windows in the rear elevation and are not, therefore, principle windows.
- 6.7 A side elevation of the garage would lie 8m from a side elevation of Stackyard House, which contains bedroom windows at ground and first floor level in this elevation. The garage, which would lie to the north of Stackyard House, would have an eaves height of 2.4m and a maximum height of 4.6m. The side elevation of the new dwelling would, be over 13m away and this would not contain any windows.
- 6.8 In light of the above, 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.

## **5. Highway Matters**

- 6.9 The applicant has agreed to remove the existing gate posts and provide a low ramp into the site, so that suitable visibility can be achieved. County Highways has no objections to the proposals, subject to conditions.

## **Conclusion**

- 6.10 Following the publication of the NPPF, the proposal is acceptable in. The scale and design of the dwelling would be acceptable and it would not have an adverse impact on the character of the area or 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 proposal is compliant with the relevant planning policies contained within the NPPF and the Carlisle District Local Plan 2001-2016.

## **7. Planning History**

- 7.1 There is no planning history relating to 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:

1. the submitted planning application form, received 2 October 2012;
2. Design & Access Statement, received 2 October 2012;
3. Planning Statement, received 2 October 2012;
4. Desk Top Study, received 3 October 2012;
5. As Existing Site, Location & Block Plans, received 2 October 2012 (Dwg 11/2074/01A);
6. Proposed Plans & Elevations, received 16 November 2012 (Dwg 11/2074/10B);
7. the Notice of Decision; and



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

**Reason:** To define the permission.

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

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

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

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

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

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

6. No development approved by this permission shall be commenced until a scheme for the provision of foul and 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 and foul drainage disposal and in the interests of highway safety and environmental management, to accord with Policy CP12 of the Carlisle District Local Plan 2001-2016.

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

of the Local Planning Authority.

**Reason:** To ensure that the character and attractive appearance of the building is not harmed by inappropriate alterations and/or extensions and that any additions which may subsequently be proposed satisfy the objectives of Policy CP5 of the Carlisle District Local Plan 2001-2016.

8. The development shall not commence until visibility splays providing clear visibility of 33metres measured along the nearside channel lines of the public road from a position 2metres inset from the carriageway edge, on the centre line of the access, at a height of 1.05metres, have been provided. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be permitted to grow so as to obstruct the visibility splays.

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

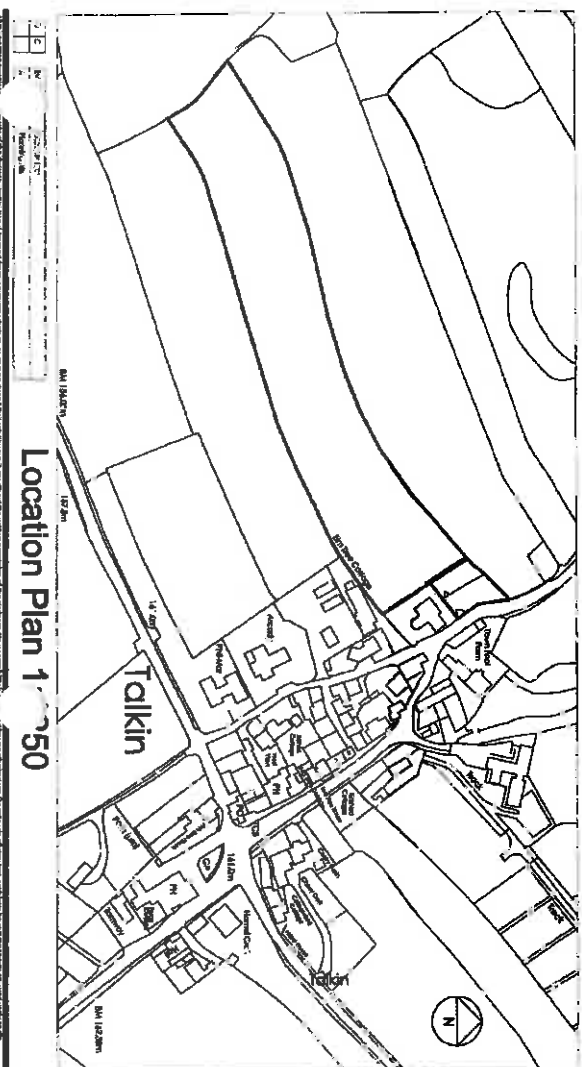
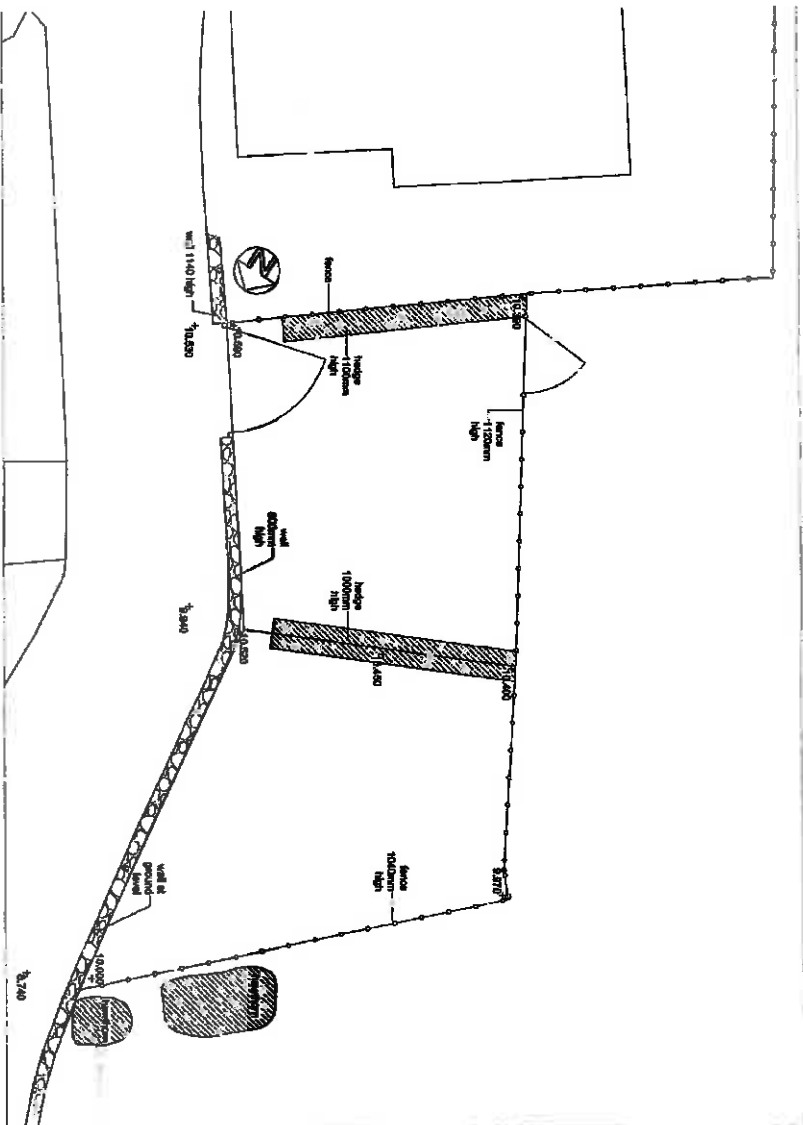
9. No dwelling shall be occupied until the vehicular access and parking requirements have been constructed in accordance with the approved plan and brought into use. These facilities shall be retained and capable of use at all times thereafter and shall not be removed or altered without the prior consent of the Local Planning Authority.

**Reason:** 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.

10. The whole of the vehicular access area bounded by the carriageway edge and the highway boundary shall be constructed and drained to the specification of the Local Highways Authority.

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

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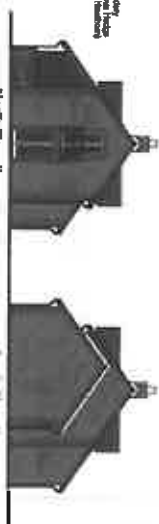
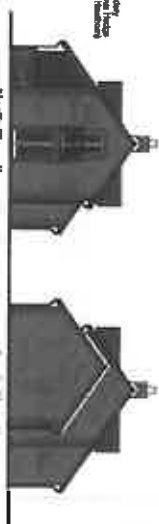
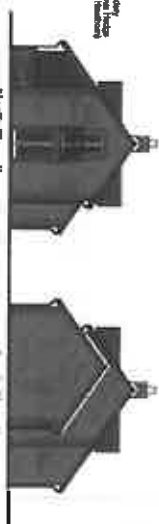
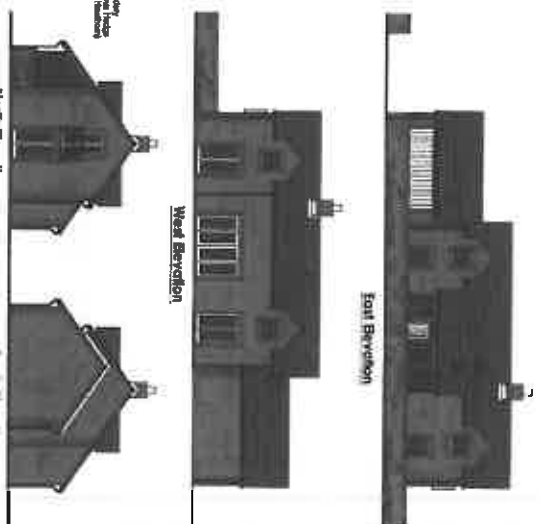
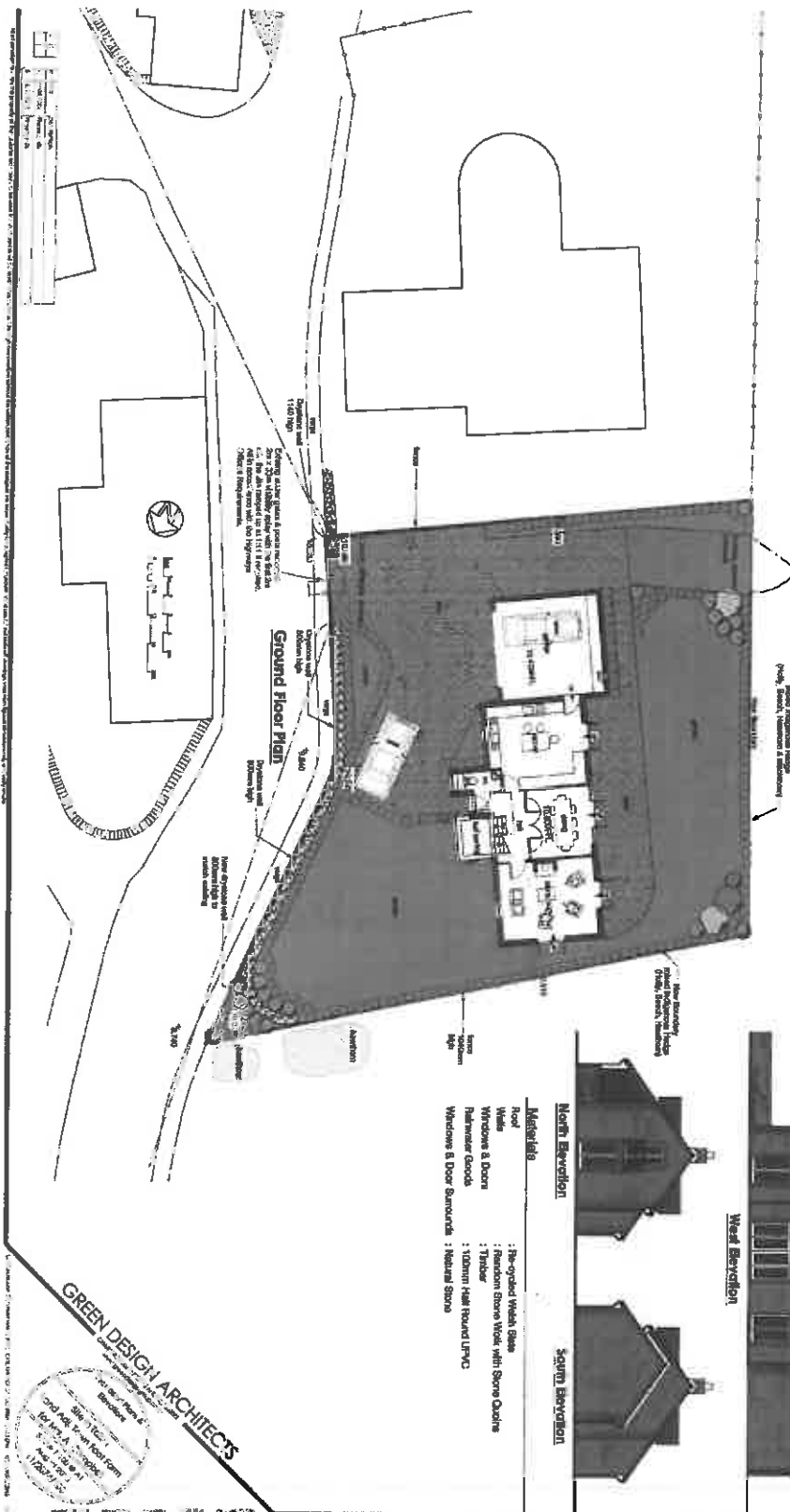
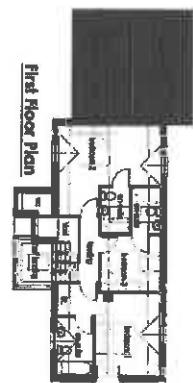


Location Plan 1-2050

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Land Adj. Town Foot Park  
for Mrs. A. Campbell  
Scots # A1  
April 2012  
1/2024/GIA

47



<b>Mountain Elevation</b>	<b>Southern Exposure</b>
<b>Matterhorn</b>	
Road	: Re-graded Welch Drive
Widened	: Random Stone Walls with Some Outcrops
Wildflowers & Decora	: Timber
Rainwater Ditches	: 100mm Hill Round UPRC
Windrows & Deep Samurds	: Natural Slopes

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## **SCHEDULE A: Applications with Recommendation**

12/0773

**Item No: 04**

**Date of Committee: 14/12/2012**

**Appn Ref No:**  
12/0773

**Applicant:**  
Miss Nichol

**Parish:**  
Beaumont

**Date of Receipt:**  
11/09/2012

**Agent:**

**Ward:**  
Burgh

**Location:**

Land Adjacent Priest Hill, Beaumont, Carlisle, CA5  
6EG

**Proposal:** Erection Of Mobile Lodge To Provide 1No. Agricultural Workers Dwelling

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### **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 Residential Development
- 2.2 The Effect On The Character And Appearance The Area
- 2.3 The Impact Of The Proposal On The Living Conditions Of The Neighbouring Property

#### **3. Application Details**

##### **The Site**

- 3.1 This application seeks Full Planning permission for the siting of a mobile home. The site is located close to the Beaumont to Burgh-by-Sands road, 1.3 kilometres north of Beaumont within the Solway Coast Area of Outstanding Natural Beauty (AONB). The land occupies elevated position with views to the north over the Solway Firth.
- 3.2 The 87 square metre site is rectangular in shape and its situated to the west of a dwelling known as Priest Hill and to the north of existing agricultural

buildings. The vehicular access would be through the farm steading. Along the eastern boundary is a hedgerow comprising of mature conifer trees which are approximately 8 metres in height.

## **The Proposal**

- 3.3 Planning permission is sought to site a mobile home on the land. The building would comprise of a lounge, dining room, kitchen, utility room, bedroom, bathroom, ensuite bedroom and a plant/ drying room. The building would be constructed from engineered timber cladding on a brick plinth with metal roof tiles.

## **4. Summary of Representations**

- 4.1 This application has been advertised by means of a site notice. One letter of support has been received from the occupier of the neighbouring property.

## **5. Summary of Consultation Responses**

Cumbria County Council - (Highway Authority): - no objection. The Applicant should note however note that the existing hedge to the north of the main farm access point has been allowed to grow out of control and should be cut back and maintained in order to achieve the required site lines when exiting the farm steading on to the public highway;

Beaumont Parish Council: - no problems but question the close proximity of the lodge to the existing house given the area available for placement;

Local Environment - Drainage Engineer: - comments awaited;

Solway Coast AONB Unit: - object to the application on the basis that it is not in keeping with the rural setting and landscape character of the area;

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

Hadrians Wall Heritage Limited: - comments awaited;

Cumbria County Council - (Archaeological Services): - 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, DP9, CP2, CP5, CP6, CP12, H1, H7, T1 and LE7 of the Carlisle District Local Plan (CDLP) 2001-2016. The proposal raises the following issues.

#### **1. The Principle Of Residential 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 Members need to be aware, that 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 H7. This policy requires that development proposals out with defined settlements are adequately justified by a proven agricultural or forestry need with development in the open countryside being permitted only in exceptional circumstances.
- 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. It follows that proposals which will extend a settlement in such a way as to act as a precedent for the release of other land for development beyond the village limits will not be acceptable.
- 6.5 Planning Policy Statement 7 (Sustainable Development in the Rural Area) previously set out the Government's planning policies for rural areas that should be taken into consideration when making planning decisions. It advocated that new building development in the open countryside away from existing settlements, or outside areas allocated for development in development plans, should be strictly controlled. By doing so it was the Government's aim to safeguard the character and beauty of the countryside, the diversity of its landscapes, heritage and wildlife, and its natural resources.
- 6.6 PPS7 has been replaced by the NPPF which 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.”
- 6.7 The applicant has provided additional supporting information that outlines the justification for the need to live on the site. In essence, the applicant farms 200 acres that spans Ratlingate Farm, Kirkandrews-on-Eden, Priest Hill Farm and Beaumont with a further 20 acres of rented farmland. There are over 80 breeding cows with calves, 60 breeding sheep plus lambs as well as 7 stud and sports horses. The applicant currently has to travel from her house in Carlisle to the farm.
- 6.8 Although there is a property at Priest Hill immediately adjacent to the application site, this is not within the ownership of the applicant. Similarly, the farm house at Ratlingate is occupied by the applicant's partner's father who is retiring from agriculture. Due to the unavailability of these properties and the circumstances of the business, there is clearly an essential and functional need for the applicant to live on the site and the application therefore complies with the assessment against paragraph 55 of the NPPF.
- 6.9 Previous guidance in PPS7 advocated the use of temporary planning consents to allow residential uses in order that business could be re-evaluated after 3 years. Although not referenced in the NPPF, the use of temporary consents can still be allowed. In this instance, it would be appropriate to grant such a temporary consent due to the temporary appearance of the building in the Solway Coast AONB together with further development of the agricultural business.

## 2. The Effect On The Character And Appearance The Area

- 6.10 The application site is within an AONB and planning policies require that proposals should not harm the special characteristics and landscape quality of the area. 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.
- 6.11 Members will note that an objection has been received from the Solway Coast AONB on the basis that proposal is not in keeping with the rural setting of Priest Hill or the landscape character of the area.
- 6.12 The land within the site is relatively level but slopes down quite steeply northwards. The building would be single storey and well-related to existing buildings. The visual impact would be mitigated through additional landscaping which the applicant has provisionally indicated would be along



the northern and western boundaries and details of which can be secured by way of a planning condition. Although the building would be close the adjacent property, this allows convenient access through the farm and avoids an extension of the building line into a more prominent location to the west of the farm buildings. The scale, design and use of materials of the building would be appropriate and would be sympathetic to the overall character of the area.

### **3. The Impact Of The Proposal On The Living Conditions Of The Neighbouring Property**

- 6.13 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.
- 6.14 The building is located within the open countryside with a residential property to the west; however, the two buildings would be off-set and separated by a line of conifer trees. Given the nature of the surrounding land use, the living conditions of the occupiers of these properties would not be adversely affected by the development.

### **4. Highway Issues**

- 6.15 The development would utilise an existing access leading into the steading and yard area. No response has been received from the Highway Authority and the proposal does not raise any highway issues.

### **5. Development Within The Hadrian's Wall Buffer Zone**

- 6.16 The proposal lies with the Hadrian's Wall Buffer Zone. Neither the Historic Environment Officer at Cumbria County Council or English Heritage have raised any objection.

### **6. Impact Of The Proposal On Biodiversity**

- 6.17 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.
- 6.18 The City Council's GIS layer did identify the potential for breeding birds on or within the immediate vicinity. Given that the proposal involves development of agricultural land, it is unlikely that the proposal would affect any species identified; 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.

## **Conclusion**

- 6.19 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 provided additional supporting information that justifies the application in terms of the NPPF and Local Plan policies. The proposal would not adversely affect the character of the area or adversely impact on the occupiers of the neighbouring property. In all aspects, the proposal is compliant with Local Plan policies and is recommended for approval.

## **7. Planning History**

- 7.1 Planning permission was granted in 1997 for the erection of an implement shed for storage and maintenance ancillary to the farm.
- 7.2 In 2004, planning permission was refused for the construction of a general purpose agricultural building.

## **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 10th September 2012;
2. the Location Plan Site Block Plan received 11th September 2012 (Drawing no. 1);
3. the Site Plan received 11th September 2012 (Drawing no. 2);
4. the Floor Plans 11th September 2012 (Drawing no. 3);
5. the Elevations 11th September 2012 (Drawing no. 4);
6. the Agricultural Appraisal received 11th September 2012;
7. the Notice of Decision; and
8. any such variation as may subsequently be approved in writing by the Local Planning Authority.

**Reason:** To define the permission.

3. The occupation of the caravan shall be limited to persons solely or mainly employed, or last employed, in the locality in agriculture as defined in Section 336 of the Town and Country Planning Act 1990, or in forestry, or

dependants of such persons residing with him or her, or a widow or widower of such a person.

**Reason:** The unrestricted use of the caravan would be contrary to the provisions of Policy H7 of the Carlisle District Local Plan 2001-2016 which seeks to prevent additional sporadic development in the countryside unless demonstrated to be essential in the interests of agriculture or forestry.

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

**Reason:** To ensure that the character and appearance of the Solway Coast Area of Outstanding Natural Beauty is not adversely affected by inappropriate development in accordance with Policy DP9 of the Carlisle District Local Plan 2001-2016.

5. Before development commences, details of a scheme for the conveyance of foul drainage shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be undertaken in accordance with the approved details.

**Reason:** To prevent pollution of the water environment in accordance with Policy CP11 of the Carlisle District Local Plan 2001-2016.

6. 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 that the colour of the materials are appropriate to the character of the area and to ensure compliance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

7. Before development commences a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority.

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

8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner, and maintained thereafter to the satisfaction of the Council; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become

seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

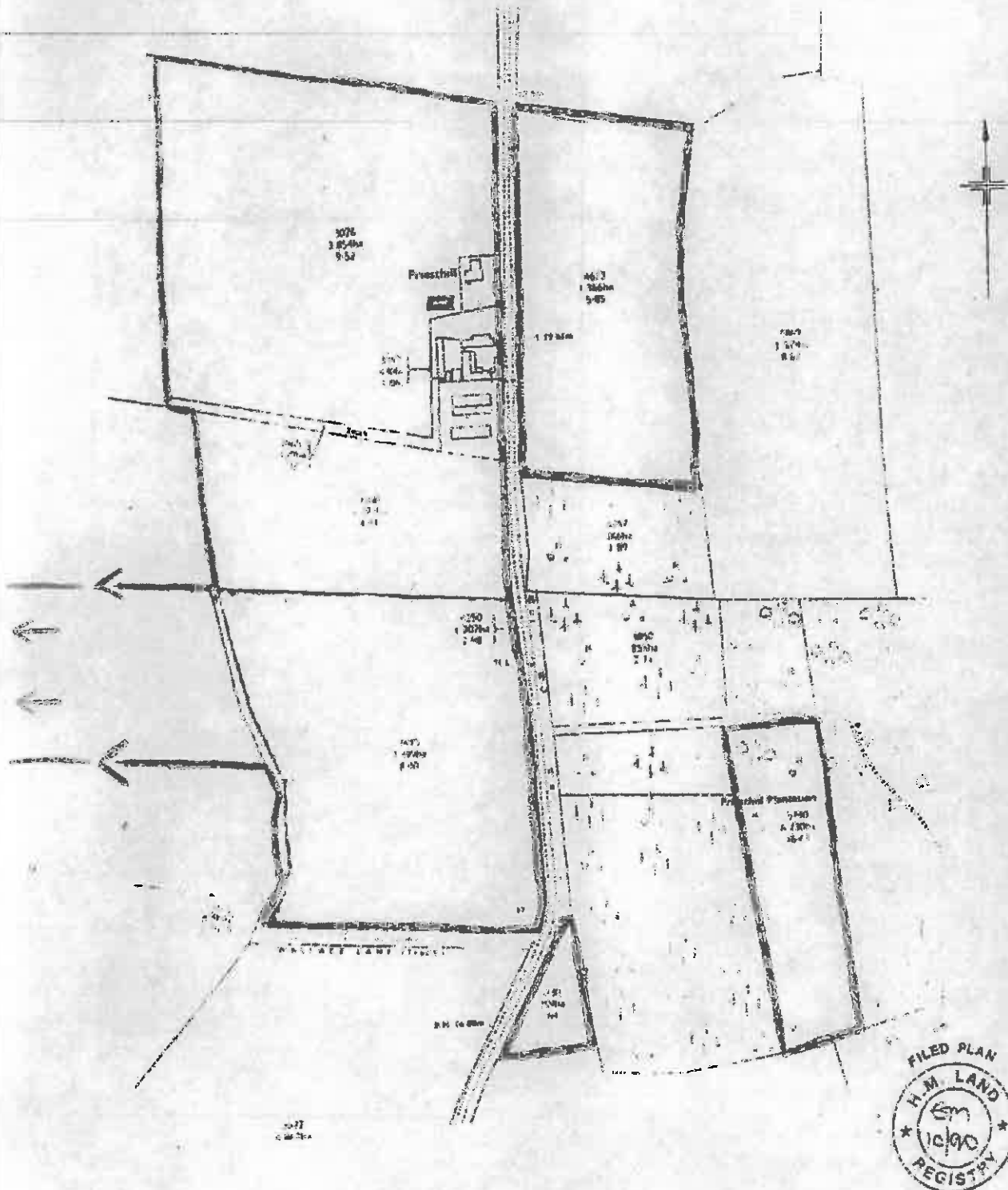
**Reason:** To ensure that a satisfactory landscaping scheme is implemented and that it fulfils the objectives of Policy CP5 of the Carlisle District Local Plan 2001-2016.

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H.M. LAND REGISTRY			CU64812
ORDNANCE SURVEY PLAN REFERENCE	NY3460	Scale 1:2500	
COUNTY	CUMBRIA	DISTRICT	CARLISLE
			25 Feet = 1 Inch

RECEIVED  
11 SEP 2002  
12/0713



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SITE PLAN 1.500 DWG02

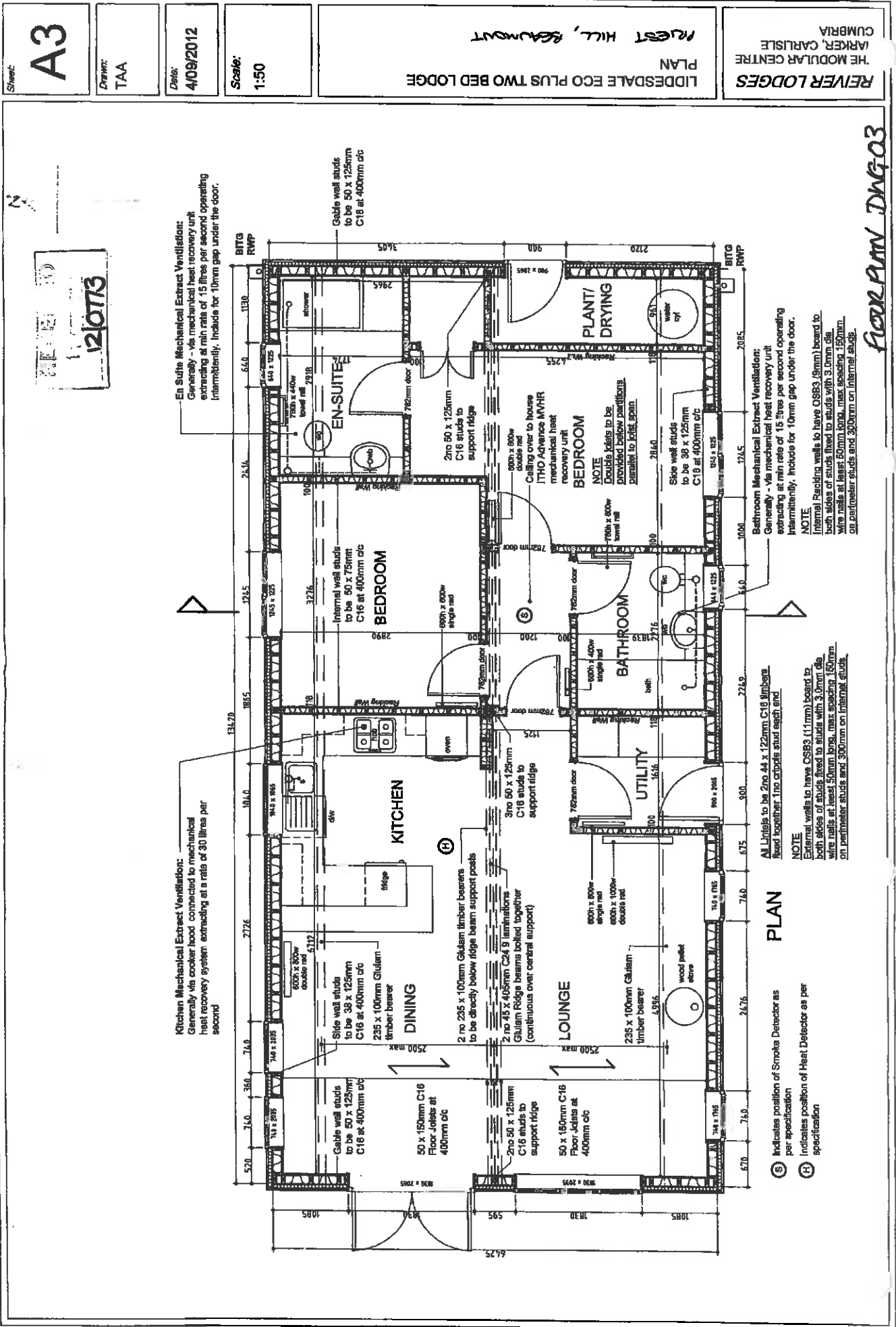
SEE TO THIS PLAN



EAST ELEVATION (VIEW FROM ROAD)

FIRST HILL MOBILE HOME  
FOR AGRICULTURAL DWELLING,  
BENNING, CARLISLE

09/09/2012



Floor Plan DWG-03



Sheet:

A3

Drawn:  
TAA

Date:  
4/09/2012

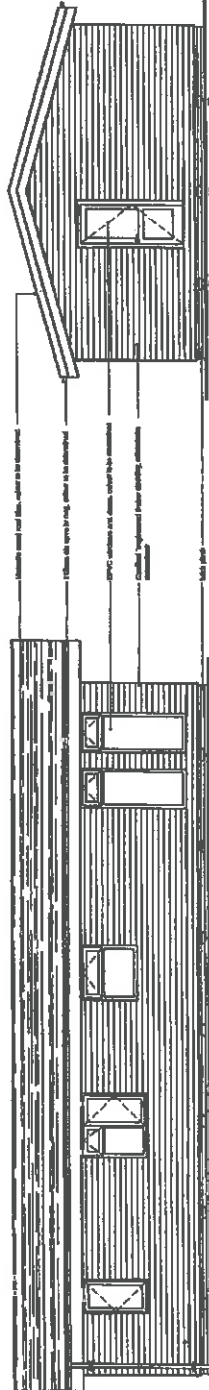
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LIDSDALE ECO PLUS TWO BED LODGE

PLANT HILL, LEAMINGTON

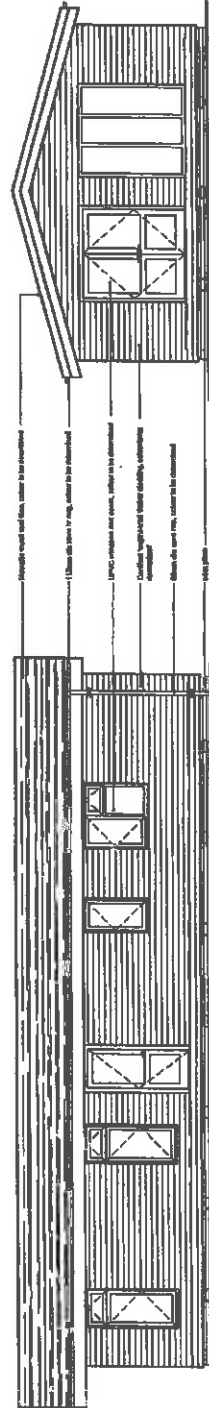
REIVER LODGES  
THE MODULAR CENTRE  
HARKER, CARLISLE  
CUMBRIA

12/07/13



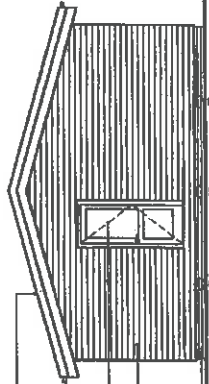
SIDE ELEVATION - NORTH

AS - Drawing 201 - Please refer to the main plan for the location of this elevation

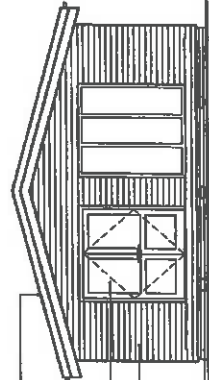


SIDE ELEVATION - WEST

AS - Drawing 201 - Please refer to the main plan for the location of this elevation



END ELEVATION - EAST



END ELEVATION - WEST

ELEVATIONS DWG

## **SCHEDULE A: Applications with Recommendation**

10/1129

**Item No: 05**

**Date of Committee: 14/12/2012**

**Appn Ref No:**  
10/1129

**Applicant:**  
Riverside Carlisle

**Parish:**  
Carlisle

**Date of Receipt:**  
17/12/2010

**Agent:**  
Ainsley Gommon  
Architects

**Ward:**  
Morton

**Location:**

Land At Burnrigg Road, Morton, Carlisle

**Proposal:** Erection Of 53No. Dwellings (17No. To Be Made Affordable By Way Of Social Rent And 36No. For Sale On The Open Market)

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### **REPORT**

**Case Officer:** Shona Taylor

#### **1. Recommendation**

1.1 It is recommended that this application is refused.

#### **2. Main Issues**

- 2.1 Principle Of Development
- 2.2 Scale, Layout And Design Of The Development
- 2.3 The Impact Of The Proposal On The Living Conditions Of Neighbouring Residents
- 2.4 Landscaping And Tree Issues
- 2.5 Affordable Housing
- 2.6 Open Space
- 2.7 Highway Issues
- 2.8 Flooding And Drainage Issues
- 2.9 Contamination Issues
- 2.10 Ecology

#### **3. Application Details**

**The Site**

- 3.1 The site, which is identified within the Carlisle District Local Plan 2001-2016 as being allocated for education, due to its previous use as a school, covers an area of approximately 1.76 hectares.
- 3.2 The site has a long frontage to Burnrigg, which forms the western and south-western boundaries. The northern and eastern edges of the site are framed mainly by the rear gardens of the bungalows on Robert Chance Gardens. A narrow road, Kingrigg, demarks the south eastern boundary, and to the northern end of the site lies a public footpath and narrow service road.
- 3.3 The site slopes gently from the southern corner and is located within the midst of a well established primary residential area.

### **Background**

- 3.4 Morton Park Primary occupied buildings which were purpose built as a school in 1957. The school closed in July 2006 and the buildings were cleared and the site was left as open space with significant areas of hardstanding where the buildings had been sited and playgrounds were laid out.
- 3.5 A number of significant trees remained on the site and some of these have subsequently been protected by Tree Protection Orders.
- 3.6 As Members may recall, on the 10th June 2011 this Committee resolved to give authority to the Director of Economic Development to issue approval for this proposal subject to the completion of a Section 106 agreement to ensure the provision of an affordable housing scheme; to explore the possibility of the a contribution towards off road cycleways; and to secure a commuted payment for maintenance of off-site play and open space facilities.
- 3.7 In pursuit of the s106 the Director of Economic Development has been unable to reach a satisfactory conclusion and the report is before members due to concerns highlighted in paragraphs 6.20, 6.244 and 6.31.

### **The Proposal**

- 3.8 This application seeks "Full" Planning Permission for the erection of 53 new houses and bungalows, together with associated parking, landscaping and the formation of a new access road, on land at Burnrigg, Morton, Carlisle
- 3.9 The new houses and bungalows will be grouped along a new road linking Burnrigg and Kingrigg, and also fronting onto the existing highway. This will form a traditional suburban streetscape with the houses along Burnrigg. The properties which will be built adjacent to Robert Chance Gardens are all bungalows, with the remainder of the site being made up of a mixture of semi detached dwellings, both two and three storey.
- 3.10 The proposed dwellings would be constructed using a mixture of facing brick with some rendered walls, with concrete tiled roofs. They have been designed to achieve Level 3 of the Code for Sustainable Homes, a

requirement of the Homes and Communities Agency, which is financially supporting the development. It is proposed that the dwellings would encourage environmentally responsible living by providing adequate space for the storage of recyclable refuse, space for the collection of rainwater for watering the garden and external storage for bicycles to encourage the use of non-polluting means of personal transport. Each unit will feature a solar generation panel.

- 3.11 All of the dwellings would have private rear gardens with direct street access for bins and recycling. To the street frontages the properties have manageable private garden spaces screened by shrub planting, with access paths and incurtilage car parking. The boundary treatment would consist of a mixture of timber close boarded fences and hedging at a height of 1.5m high between properties, raised to 2.1m privacy screening where the party fence abuts the dwelling, and 1.8m high on all interface boundaries. Front boundaries and any corners vulnerable to "short-cutting" will be protected by way of a low timber fences 1.1m high.
- 3.12 Vehicular and pedestrian access to the dwellings would be provided from Burnrigg onto the new road which will link out onto Kingrigg.
- 3.13 The application is accompanied by a Schedule of Materials, Planning Support Document, a Flood Risk Assessment, an Ecology Report, an Arboricultural Implications Report, a Contamination Desk Top Assessment and a Transport 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 seventy six neighbouring properties. In response seventeen letters of objection have been received. The grounds of objection are summarised as;
  - 1. houses will overlook the bungalows on Robert Chance Gardens;
  - 2. the TPO should be amended - people are more important than trees;
  - 3. two/three storey dwellings on plots 52 and 53 are not acceptable;
  - 4. Kingrigg is not wide enough for cars to pass by coming from the new estate;
  - 5. where will the children of the families living on the new estate go to school?
  - 6. there are problems with vandalism and crime in the area which will be enhanced;
  - 7. an increase in traffic along Burnrigg and Kingrigg is not acceptable;
  - 8. removal of the willow tree is not acceptable;
  - 9. the three storey town houses are out of keeping with the area;
  - 10. there is a bad bend in the road and it is very narrow to start with;
  - 11. the road should be widened.

#### **5. Summary of Consultation Responses**

Cumbria County Council - Highway Authority: - no objection subject to the inclusion of conditions;  
 Environment Agency: - no objection subject to the inclusion of conditions;  
 Local Environment - Drainage Engineer: - no response received;  
 United Utilities: - no objection subject to the implementation of the FRA recommendations;  
 Ramblers Association: - no response received;  
 Local Environment - Environmental Protection: - no objections subject to the inclusion of conditions;  
 Cumbria Constabulary - North Area Community Safety Unit: - complies with Policy CP17 of the Local Plan;  
 Community Engagement - Housing Strategy, 7th Floor: - no objections subject to the implementation of a S106 to secure 17 affordable units;  
 Open Spaces Society: - no objections;  
 Green Spaces - Countryside Officer - URBAN AREA: - there should be no obstruction of footpath 109285;  
 Green Spaces: - a commuted sum of £128,863.63 for provision and maintenance of open space is required;  
 Natural England: - a bat survey of T19 should be provided;  
 Forestry Commission: -no response received;

## **6. Officer's Report**

### **Assessment**

- 6.1 The relevant planning policies against which the application is required to be assessed are Policies CP2, CP3, CP5, CP6, CP12, CP15, CP17, H1, H2, LC4 and T1 of the Carlisle District Local Plan 2001-2016.
- 6.2 The proposal raises the following planning issues:
  1. Principle Of Development
- 6.3 The site is located within an extensive area that is identified as Primary Residential Area within the adopted Carlisle District Local Plan 2001-2016, although it still retains its designation as 'Education Health and Other Community Uses' from its previous use as a primary school. The school closed in July 2006 and the buildings were demolished in 2007. Before the buildings were demolished, and in line with paragraph 8.36 of the Local Plan which encourages alternative community uses for redundant school buildings, the County Council undertook a process of consultation with community groups via the local committee and neighbourhood forum to identify whether there was demand from the local population to utilize the accommodation provided by the current buildings. There was limited response to this approach and subsequently the buildings were demolished.
- 6.4 The site was submitted as part of the 'Call for Sites' in 2008, which is part of the subsequent Strategic Housing Land Availability Assessment (SHLAA). The SHLAA identifies the site as having the potential to be developed for housing in the next 5 years.

- 6.5 It is considered that the site is well located in terms of its proposed use for housing development. It is predominantly surrounded by housing, is close to both a primary and a secondary school, neighbourhood shops and the Morton Park Primary Leisure Area. As such it is considered that the principle of the proposal is acceptable.

## **2. Scale, Layout And Design Of The Development**

- 6.6 The proposed development is well laid out and will compliment the existing housing development within Morton. There are a range of house types, including semi-detached, detached and terraces of three properties, both single storey, two storey and three storey, which incorporate a range of finishes, helping to create a visually interesting development. The dwellings incorporate reasonably sized rear gardens that are comparable to the size of the units that they serve, thereby ensuring that the development does not appear cramped or overdeveloped.
- 6.7 Soft landscaping has been incorporated into the scheme, with trees shrubs and hedging all being planted.
- 6.8 The design of the houses includes sustainable elements that will improve the energy efficiency of the dwellings. Each property has a minimum of one in curtilage parking space.
- 6.9 Due to the permeability of the site, the agents are aware that the scheme will not achieve Secured by Design Certification as a whole, however, they are seeking to achieve the required standards for each individual plot.
- 6.10 In light of the above, the scale, layout and design of the proposals are acceptable.

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

- 6.11 The distance between the side elevation of plot 53 lies a minimum of 8.5m away from the rear elevation of a bungalow on Robert Chance Gardens. The applicants have confirmed that this distance cannot be altered, due to the layout of the site. However, the properties are at an acute angle to each other, and it is also worth noting that there are no windows in the gable of the new property and that both dwellings are bungalows. It is therefore considered that this issue is not so significant that it justifies refusal of the application.
- 6.12 The dwellings to be accommodated within the site have been relocated since the application was first submitted so that the recommended minimum distances are achieved. As such the separation distances within the proposed development and between the new dwellings and the existing properties at Burnrigg, Kingrigg and Robert Chance Gardens are acceptable and the proposal would not, therefore, have a significant adverse impact on the occupiers of any of the existing or proposed dwellings through loss of

light, loss of privacy or over-dominance.

- 6.13 Members will be aware that there have been a number of objections received from the occupiers of the surrounding properties. In the main, these relate to the construction of two storey dwellings adjacent to Robert Chance Gardens. These objections were noted, and the plans were subsequently amended, and as such all of the two storey dwellings in this location have been replaced with bungalows.

#### 4. Landscaping And Tree Issues

- 6.14 Five trees on the site, and one group of silver birch are subject to Tree Preservation Order 245, which was confirmed by the City Council on 26th August 2009. Two of these trees (T10 and T11) along with a group of trees (G1) are required to be removed to facilitate the development. Whilst the Council's Landscape Officer is less concerned about the loss of the group of Silver Birch trees, he has concerns about the loss of T10 and T11, a whitebeam and a cherry.
- 6.15 Members should note that whilst it is not normally acceptable to remove trees subject to a protection order in order to facilitate development, in this instance, in order to achieve the optimum layout for the site, with regard to lessening the impact of the development on neighbouring properties, it is considered necessary to allow the applicant to remove these trees.
- 6.16 There have been several amendments to the application to try and achieve the best design possible, with regard to minimising the impact on the trees. In particular T19, the large weeping willow, is now to be retained, and the layout has been amended so that it impacts upon as few gardens as possible.
- 6.17 The application is accompanied by an Arboricultural Implications Assessment, this states that mitigation for the loss of trees and associated habitats will be provided in the form of replacement tree planting and that the extent of mitigation will be determined in agreement with the Council. A condition has been included, requiring details of further replacement planting to be provided.

#### 5. Affordable Housing

- 6.18 The land is presently owned by the County Council, although the application was submitted by Riverside Housing Association, as the intended purchaser of the site. As Members will be aware, all allocated and windfall sites within the city are expected to make a contribution of 30% of units on site towards affordable housing.
- 6.19 The intention was for 17 units to be made affordable, by way of social rent, although Riverside previously confirmed that if funding became available the whole site may be developed as affordable. In order to secure the provision of these seventeen affordable properties, in perpetuity, Riverside agreed to enter into a Section 106 Agreement to regulate this matter.

- 6.20 Since authority to issue approval was given by this committee in June 2011, no legal agreement has been progressed. As such, there is no provision for affordable housing on the site and the application is contrary to Policy H5 of the Carlisle District Local Plan 2001-2016.

## **6. Open Space**

- 6.21 Policy LC4 requires new family housing developments of 40 or more dwellings to include 150 square metres per hectare of outdoor playgrounds and 270 square metres per hectare of informal play space. However, where the play space cannot be provided in a satisfactory manner on site, due to its size, shape or topography, or an adverse impact on the urban form of an area or the character of a conservation area, the requirement may be met by the provision of a new off site facility. If no appropriate site is available, the requirement can be met by the provision of additional play facilities on a nearby existing play area if appropriate.
- 6.22 As any play equipment provided should be sited at least 30 metres from the nearest dwelling so as not to cause nuisance to nearby residents it is not considered that it will be appropriate to provide on site play space due to the size and shape of the site.
- 6.23 Furthermore, due to the recent provision of play space via Section 106 agreements, and the recent upgrading of various play facilities and parks in the Morton Area it is not considered appropriate to require money for provision of further facilities. However, given that the site is being developed for mostly family housing, the Council's Green Spaces Department has requested a financial contribution of £45,309.13 towards the maintenance of amenity space and children's play space in the locality. The provision of this money would be secured through the completion of a Section 106 Agreement.
- 6.24 The applicants have not progressed a Legal Agreement to secure this contribution. As such, the Officer considers that the absence of a contribution towards the maintenance of amenity space and play space would place undue burden on the facilities in the locality and the application is contrary to Policy LC4 of the Carlisle District Local Plan.

## **7. Highway Issues**

- 6.25 The Highway Authority are satisfied with the level of parking provision, and the layout of the site, subject to the inclusion of three conditions on any approval.

## **8. Flooding And Drainage Issues**

- 6.26 The Environment Agency has confirmed that the site is within land assessed as Flood Zone 1 - Land at a low risk of flooding. They have raised no objections to the proposal, subject to the measures detailed within the Flood Risk Assessment, and have recommended the inclusion of three conditions.



- 6.27 United Utilities have raised no objections to the proposal, provided that all drainage is installed on a separate system as per the Flood Risk Assessment prepared by Thomas Mackay with attenuated flows to surface water sewers and highway drains.

## **9. Contamination Issues**

- 6.28 The Ground Contamination desk top assessment indicates that the potential for the presence of contamination is reasonably low. Various conditions have been recommended requiring further reports to be submitted and also requiring the applicant to inform the Council in the event that any contamination is found when carrying out the development which has not previously been identified.

## **10. Ecology**

- 6.29 Natural England requested a further bat survey as they considered that T19 (The mature golden weeping willow) may be capable of supporting roosting bats. However, as this tree is no longer proposed to be removed it is not considered necessary..

## **Conclusion**

- 6.30 In overall terms, the principle of the development is acceptable. The scale, layout and design of the proposals are acceptable and the development would not have an adverse impact on the surrounding area. The dwellings could be accommodated on the site without detriment to the living conditions of the neighbouring properties through loss of light, privacy or over dominance. Adequate amenity space and car parking provision would be available to serve the dwellings.
- 6.31 Whilst it is acknowledged that the scheme would develop a prominent and vacant site and contribute to the economic growth of the area, the lack of affordable housing and open space contribution mean that the proposal is contrary to the relevant policies of the Local Plan and the application is therefore recommended for refusal.

## **7. Planning History**

- 7.1 The previous use of the site was as a primary school. The school closed in July 2006 and the buildings were demolished in 2007 and the site has remained vacant since then.

## **8. Recommendation: Refuse Permission**

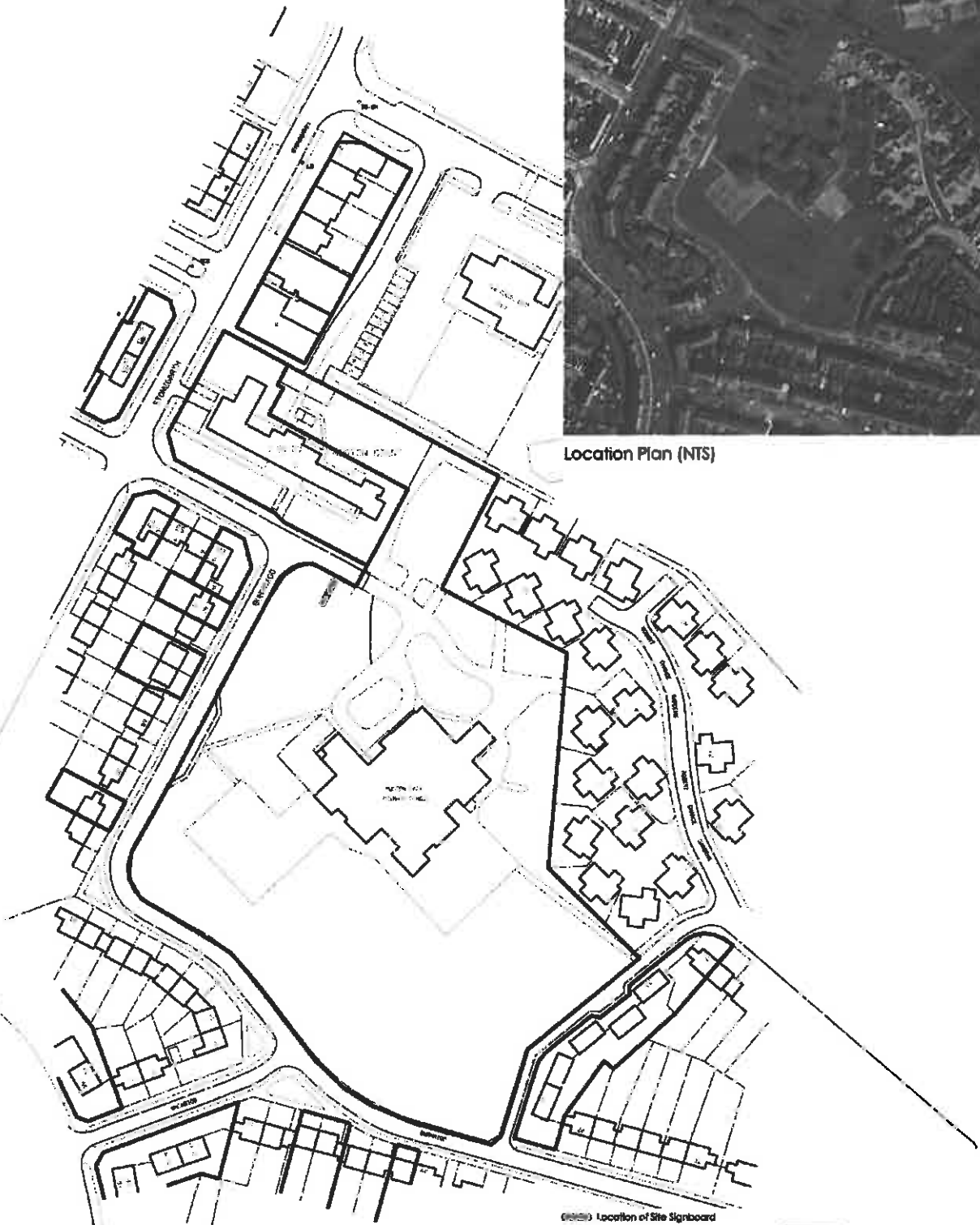
1. **Reason:** All allocated housing sites and windfall sites of 10 or more dwellings in the Urban area are expected to make a contribution of 30% of units on-site towards affordable residential housing. The proposal, which comprises the

provision of 53 units, does not include any scheme for affordable housing. On this basis it is therefore considered that the proposal is contrary to Policy H5 of the Carlisle District Local Plan 2001-2016.

2. **Reason:** On larger housing sites, developers are required to make a commuted payment towards the provision of play space. In this instance, as there is no deficiency of play space in the locality, a payment of £45,309.13 towards maintenance of existing public open space in the vicinity is required based on the proposed development. The applicant has not secured any means of making such a contribution and the proposal is therefore contrary to Policy LC4 of the Carlisle District Local Plan 2001-2016.
-



Location Plan (NTS)









Location of Site Signboard

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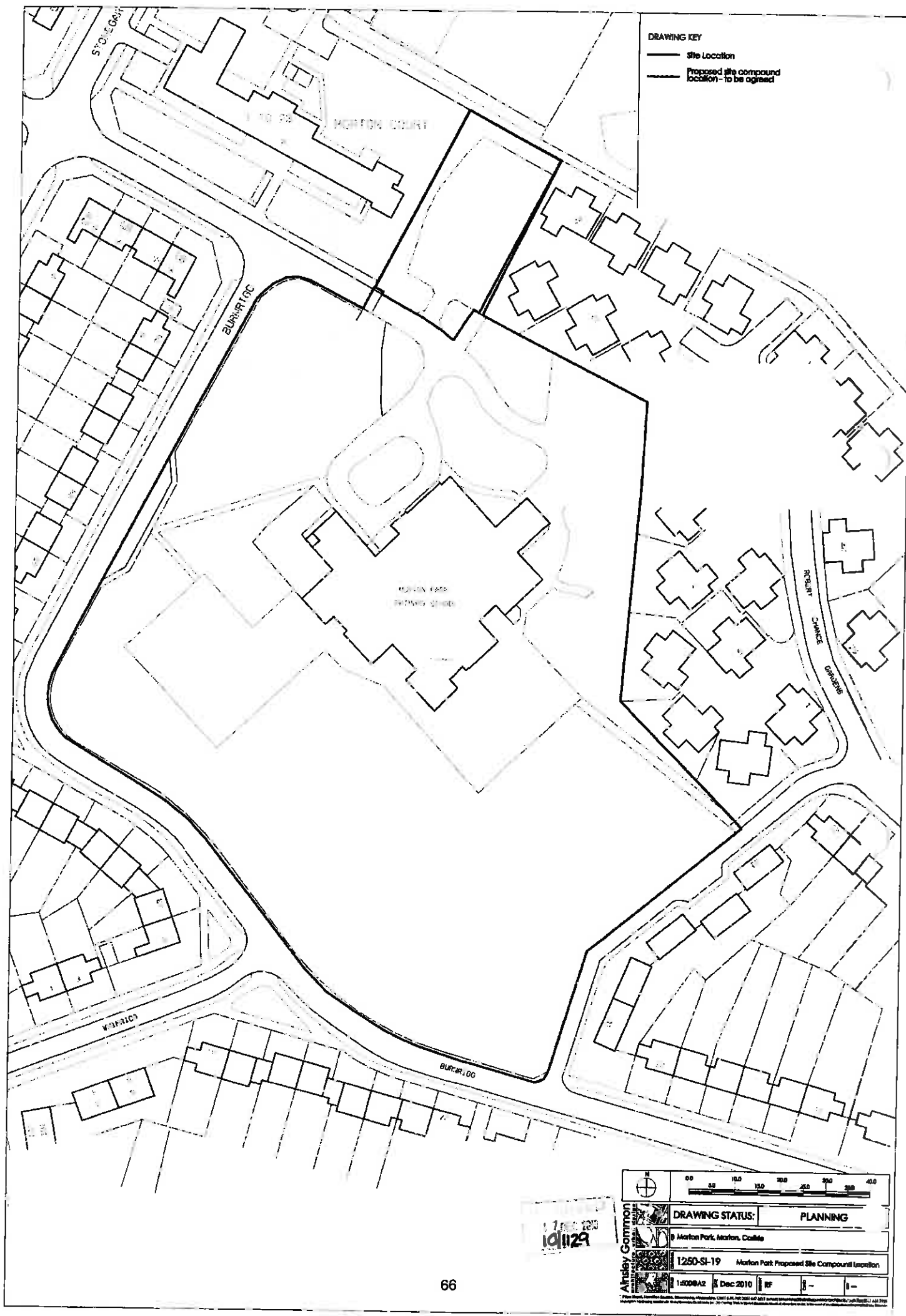
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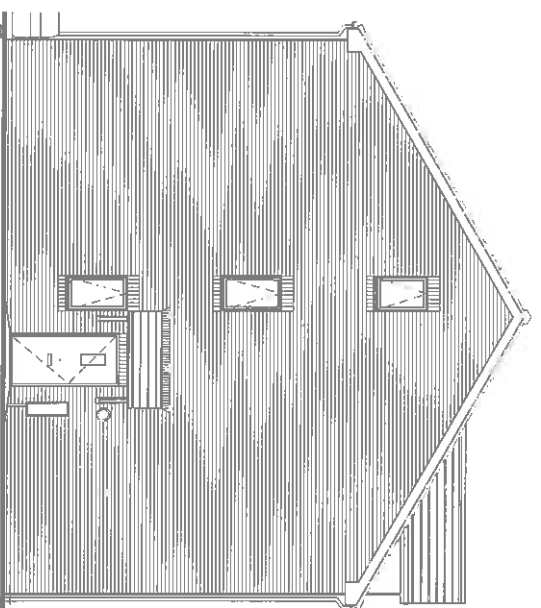
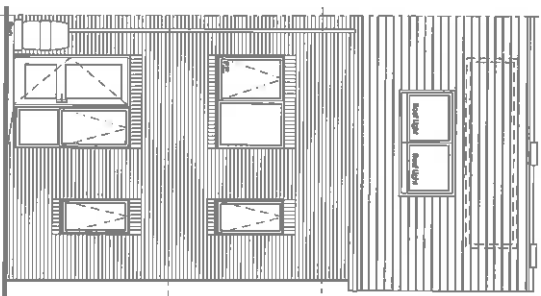
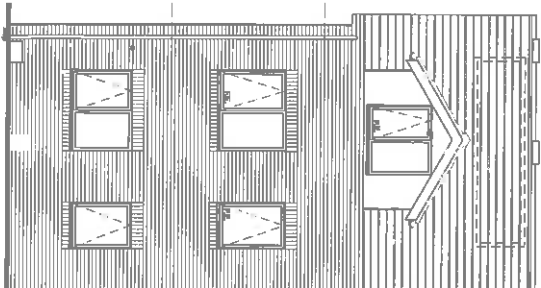
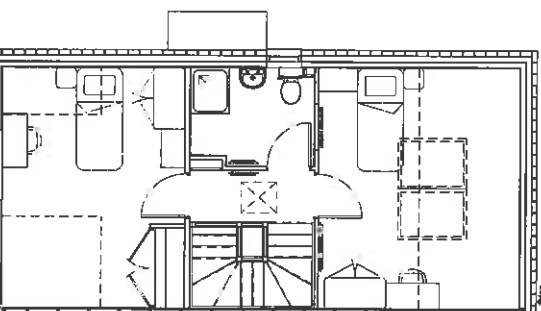
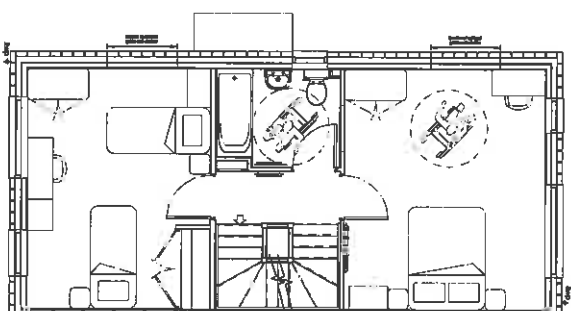
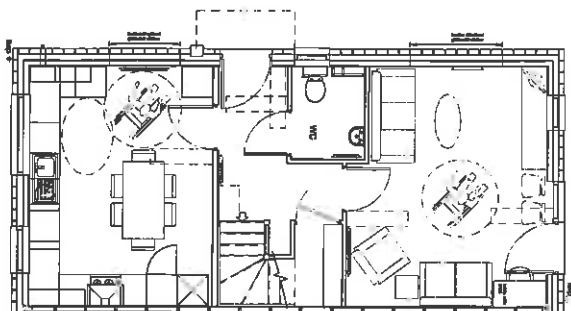
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		Scale: 1:1250@A3	Date: Dec 2010	Author: RF	Client: -	Rev: -





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10/1129











Revision	Comments	Date
A	height of house reduced	03.02.2011
-		-
-		-
-		-
-		-

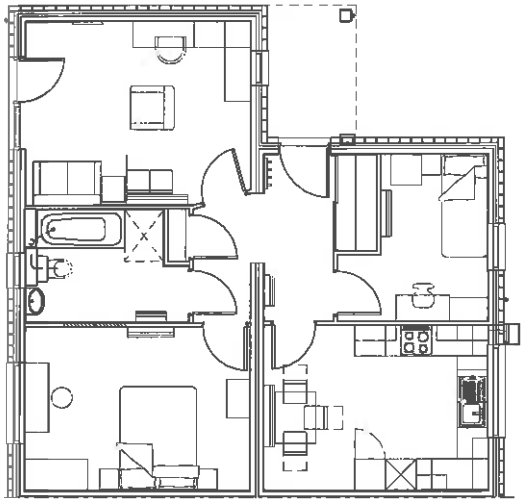
**NOTE:** size & location of renewable panels to be confirmed

**Bramall**  
CONSTRUCTION  
**Riverside**

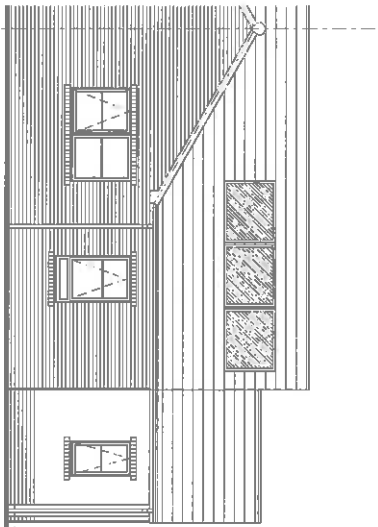
4 Bed 6 Person - Floor Area - 142.5m<sup>2</sup> or 1533.86sq.ft

 <b>Ainsley Gorman</b> architecture · urban design							
SCALE 1"=100'-AS		DRAWING <b>1250-4B&amp;P-120</b>		RE 1250 - Morton Park, Morton, Carlsile		DRAWING STATUS:	
DATE Dec 2010		REVISION RC		PROJECT Morton Park Planning Drawings		PLANNING	
CND -		REV A					

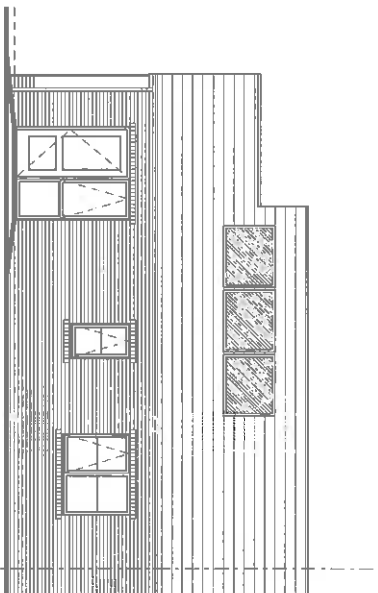
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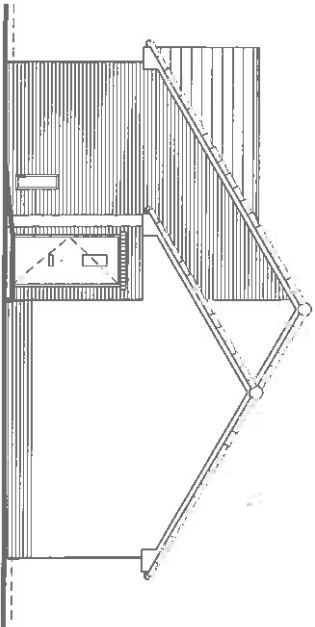
GROUND FLOOR PLAN - no gable window



FRONT ELEVATION



REAR ELEVATION



GABLE ELEVATION

NOTE: size & location of renewable panels to be confirmed



2 Bed 3 Person - Floor Area - 70.1m<sup>2</sup> or 754.55sq.ft

DRAWING STATUS: PLANNING

q 1250 - Morton Park, Morton, Ceflle

1250-2B3P-120-01 Morton Park Planning Drawings

Ainsley Gorman architecture urban design				
27/03	1/1000/A3	1/8 Dec 2010	RC	1/8 A

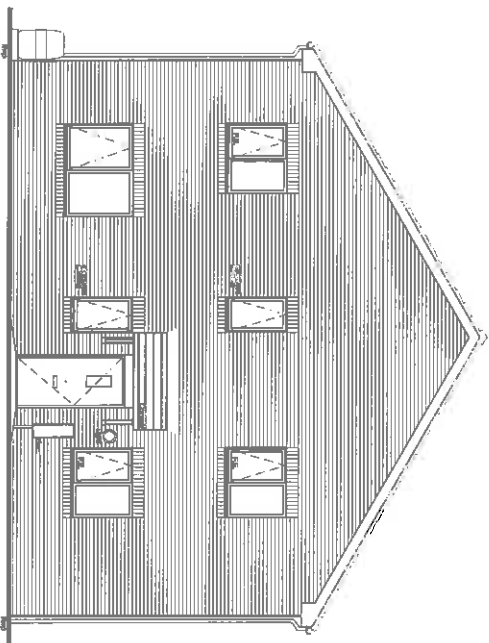
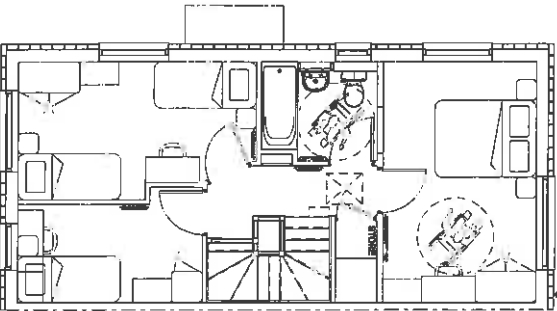
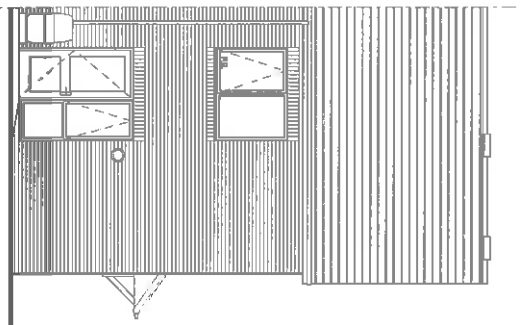
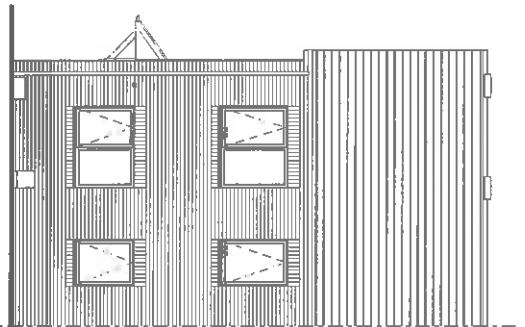
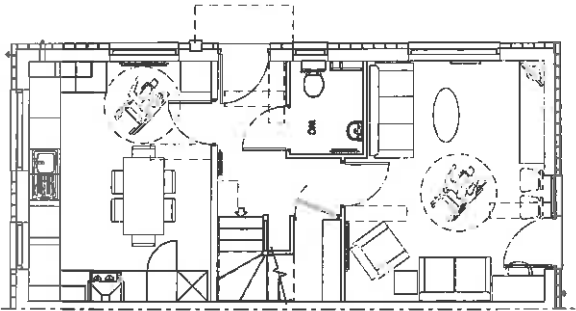
1. This drawing is the property of Ainsley Gorman. It is not to be used for any other purpose without the written consent of Ainsley Gorman. It is not to be used for any other purpose without the written consent of Ainsley Gorman. It is not to be used for any other purpose without the written consent of Ainsley Gorman.











## GROUND FLOOR PLAN

**FRONT ELEVATION**

### REAR ELEVATION

## FIRST FLOOR PLAN

## CABLE ELEVATION

**NOTE: size & location of renewable panels to be confirmed**

**Bramall**  
CONSTRUCTION  
**Riverside**





**3 Bed 5 Person - Floor Area - 95m2 or 1022.57sq.ft**

**DRAWING STATUS:** **PLANNING**

**Q 1250 - Morton Park, Morton, Carlisle**

1250-3B5P-120-02 Morton Park Planning Drawings

SCALE	1:1000	DATE	Dec 2010	DRAWN	RC	CHECKED	BY
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<b>Ainsley Gomon</b> architecture : urban design			
<p>Drawing titled: <b>DRAWING STATUS:</b></p> <p>Project Name: <b>1250 - Morton Park, Morton, Corlies</b></p> <p>Project Address: <b>1250-3BSP-1-20-02 Morton Park Planning Drawings</b></p> <p>Date: <b>Dec 2010</b></p> <p>Author: <b>KC</b></p> <p>Checker: <b>-</b></p>			

## **SCHEDULE A: Applications with Recommendation**

12/0805

**Item No: 06**

**Date of Committee: 14/12/2012**

**Appn Ref No:**  
12/0805

**Applicant:**  
Mr & Mrs S Calvert

**Parish:**  
Wetheral

**Date of Receipt:**  
27/09/2012

**Agent:**

**Ward:**  
Great Corby & Geltsdale

**Location:**

Carrock View, 8 Sandy Lane, Broadwath, Heads  
Nook, Brampton, CA8 9BQ

**Proposal:** Demolition Of Existing Garage; Erection Of Swimming Pool With  
Changing Rooms And Pump Room For Commercial Use; Erection Of  
Replacement Domestic Garage

---

### **REPORT**

**Case Officer:** Richard Maunsell

#### **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 Rural Area
- 2.2 The Impact On Living Conditions Of Neighbouring Residents
- 2.3 Highway Matters
- 2.4 Ecological Issues
- 2.5 Drainage Issues

#### **3. Application Details**

##### **The Site**

- 3.1 This application seeks "Full Planning" permission for the demolition of the existing garage together with the erection of a swimming pool with changing rooms and pump room. The swimming pool would be rented for commercial use. The proposal also involves the erection of a replacement domestic garage at Carrock View, 8 Sandy Lane, Broadwath, Heads Nook, Carlisle.

- 3.2 The house lies within an area characterised by Land Settlement Association houses erected in the inter war period. They are set in substantial plots, formerly used as small holdings with some of these properties have been extended. Carrock View has previously been extended with a 2 storey extension and comprises of a slate Mansard roof and which painted render.
- 3.3 The site is accessed down a single track no-through road from Broadwath. The road terminates and continues as a footpath that leads to Great Corby. The road serves a number of detached properties.
- 3.4 The application site forms part of the curtilage to the applicant's property which comprises of a detached two store house and detached double garage. The property is set back from the frontage which is bounded by a low level brick wall. The north and south boundaries are formed by a 1.2 metre high timber fence with a hedgerow along the northern boundary and some intermittent planting along the southern boundary.
- 3.5 The property is served by a vehicular access located towards the south of the site.

### **The Proposal**

- 3.6 The proposal is seeking planning permission for extensions and alterations to the property. The double garage which is located to the side of the property would be demolished. A single storey building would be built adjacent to the gable of the building that would incorporate a swimming pool, changing rooms and WC. The building would be constructed from smooth white rendered panels and grey Welsh effect roof sheeting. The building would also incorporate aluminium guttering, black rainwater goods and grey upvc windows and doors.
- 3.7 The double garage would be located to the front of the proposed swimming pool and would be constructed from materials that would match the proposed extension.
- 3.8 Four dedicated parking spaces for the swimming, including one for disabled persons, would be provided adjacent to the building.
- 3.9 The applicant proposes that the swimming pool would be open between 10 am and 9 pm on Mondays to Fridays and, 8 am to 9 pm on Saturdays and 9 am to 9 pm on Sundays and bank holidays.
- 3.10 A supporting statement has been received from the applicant. The applicant has clarified that:
- the swimming pool would be available for private hire and would be available for hourly sessions that would be restricted to a maximum of 2 families thereby generating an expected maximum number of 4 cars per hour;
  - if the facility needs to be drained, this would be achieved by collection in a tanker and disposal at an authorised facility.

#### **4. Summary of Representations**

- 4.1 This application has been advertised by means of a site notice and direct notification to the occupiers of two of the neighbouring properties. Nine letters of objection have been received and the main issues raised are summarised as follows:
1. the access road is in a poor state of repair and with the potential of an additional 60 cars a day as a result of the pool being operated at capacity, this would result in additional erosion of the road;
  2. the access lane is used by dog walkers, joggers and families with small children and the additional traffic could pose a potentially serious safety issue;
  3. a commercial development of this design and size would be out of character for this quiet location;
  4. the development would detract from the privacy of the occupier of the property opposite the site, particularly as no screening is proposed;
  5. additional traffic entering and leaving this site would detract from the neighbour's enjoyment of their home;
  6. there are several private swimming facilities within easy travelling distance;
  7. the proposed development would be disproportionate and result in a building and use which is wholly inappropriate. The extension would be dominant and will increase the footprint of the original building fivefold contrary to Local Plan policies; and
  8. planning permission was previously refused for an extension in 2004.
- 4.2 In addition, ten letters of support have been received which state that the development would be a positive addition to the property and improve facilities for the local community.

#### **5. Summary of Consultation Responses**

Cumbria County Council - (Highway Authority): - no objection subject to the imposition of a condition limiting the scale of the use;

Wetheral PC: - the Parish Council approved of the amendments and no further comment was made;

Local Environment - Drainage Engineer: - comments awaited;

Cumbria Constabulary - North Area Community Safety Unit: - no objection raised but general comments regarding crime prevention measures were received; and

United Utilities: - no objection.

#### **6. Officer's Report**

## **Assessment**

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. This application is required to be considered against the National Planning Policy Framework (NPPF) and the relevant planning Policies DP1, CP1, CP2, CP3, CP5, CP6, CP11, EC11 and T1 of the Carlisle District Local Plan 2001-2016. The proposal raises the following planning issues.

### **1. Whether The Proposal Is Appropriate To The Rural Area**

- 6.2 The location of this type of operation in the rural area must also be justified. Policy DP1 of the Local Plan requires that development proposals will be assessed against their ability to promote sustainable development. Outside of the specified settlements, development proposals will be assessed against the need to be in the location specified.
- 6.3 The applicant argues that the swimming pool would serve a demand from residents in the rural area to the east of the City.
- 6.4 Paragraph 19 of the NPPF states:
- “The government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.”
- 6.5 ‘Sustainable development’ is defined in the NPPF as “positive growth – making economic, environment and social progress...”.
- 6.6 This proposal requires the development of a new building to house the swimming pool and associated hanging room and plant equipment. Policy EC11 of the Local Plan states that any new buildings within the rural area should be well related to an existing group of buildings to minimise their impact and ensure they blend satisfactorily into the landscape through suitable materials, design and siting.
- 6.7 The applicant proposes to employ 1 part time worker as part of the business. Whilst this employment role is acknowledged, it is not, on its own, significant. The facility will, however, enable residents to the east of the City access to a swimming pool without having to travel into the City or beyond, thus providing a more sustainable development.

### **2. Scale And Design**

- 6.8 The plans show the proposed building to be adjacent to the dwelling. The extension would be set back from the frontage but would be visible from outside the side due to the low brick wall along the frontage; however, it would be well related to the existing building.

- 6.9 The footprint of the extension is large; however, it is the minimal area required to provide the swimming pool and associated facilities together with a replacement garage for the applicant to store his works vehicles. Nonetheless, the building would be proportionate to the scale of the curtilage. The boundaries of the site consist of mature hedge which partially serves to screen the site and the applicant proposes additional landscaping to the frontage, adjacent to the vehicular access.
- 6.10 The objectors make reference to a previous application to extend the property which was refused. That extension sought approval for an increase in floorspace of 166%. The current proposal is larger although not strictly domestic insofar as the swimming pool would be rented to customers.
- 6.11 The design and appearance of the extension reflects that of the dwelling and the design and use of materials are to a good standard and are acceptable.

## **2. The Impact On Living Conditions Of Neighbouring Residents**

- 6.12 The property is a rural area albeit with a residential property opposite the site and further along the access road. The applicant has submitted a supporting statement which details how the business would be operated that would be on an appointment basis with approximately 2 cars arriving at quarter to the hour and 2 cars leaving at approximately quarter past the hour. The applicant has also revised the proposed opening hours and the premises would open no later than 9 pm.
- 6.13 The building would be sited in the south-east corner of the site. The site is visible from the adjacent road and from the neighbouring properties on the opposite side of the road; however, the scale siting and design mean that the living conditions of the occupiers of that property will not be compromised through loss of light, loss of privacy or over dominance.
- 6.14 Given the orientation of the application site with adjacent properties together with the level of use, it is not considered that the living conditions of the occupiers would suffer from loss of privacy or unacceptable levels of noise or disturbance.

## **3. Highway Matters**

- 6.15 The site is served by an access road. The objectors have raised concerns about the increase in vehicles movements and resulting damage to the road surface. Whilst there would be an increase in vehicles to the property, the Highway Authority has raised no objection to the application given the proposed limited commercial use.
- 6.16 Similarly, whilst the road is used by pedestrians, given the relatively low level of additional use, the proposal would not adversely affect other users of the road.



#### **4. Ecological Issues**

- 6.17 The Council's GIS Layer has identified that the site has the potential for water voles, otters, breeding birds and red squirrels to be present on or in the vicinity of the site. As the proposed development would be located within the curtilage of the dwelling and that a large portion of the disturbance to the site has already occurred, it is not considered that the development would harm a protected species or their habitat as the latter has been removed; 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.

#### **5. Drainage Issues**

- 6.18 The applicant has indicated that the surface water from the building would discharge into the existing system. In the event that the swimming pool would need to be drained, the applicant would employ a waste services contractor to empty the pool and dispose of the water at an authorised disposal point. Subject to the imposition of a condition, this is acceptable.

#### **Conclusion**

- 6.19 The principle of continued economic growth is supported by the Government's recently published NPPF and by Local Plan policies. The business and domestic extension in this rural location is appropriate. The scale, siting and design of the development, including the proposed building would be appropriate.
- 6.20 Subject to the imposition of appropriate planning conditions, the proposal would be acceptable and the concerns raised by the objectors could be suitably addressed. In all aspects, therefore, the proposal is considered to be compliant with the requirements of the relevant Local Plan policies.

#### **7. Planning History**

- 7.1 In 2004, planning permission was refused for the erection of a two storey extension to provide kitchen/breakfast room, dining room and two additional bedrooms together with a conservatory.
- 7.2 Later in 2004, planning consent was given for a two storey extension providing kitchen/ breakfast room, utility, WC and study with three en-suite bedrooms together with an extension to the existing garage.
- 7.3 Planning permission was granted in 2009 for the erection of a single storey side extension to provide a dining room.

#### **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 12th October 2012;
2. the Site Location Plan Site Block Plan received 27th September 2012 (Drawing no. SCsw/09);
3. the Existing Site Plan received 27th September 2012 (Drawing no. SCsw/04);
4. the Proposed Site Plan received 14th November 2012 (Drawing no. SCsw/10A);
5. the Existing Floor Plans received 27th September 2012 (Drawing no. SCsw/03);
6. the Existing Elevations received 27th September 2012 (Drawing no. SCsw/01);
7. the Existing Elevations received 27th September 2012 (Drawing no. SCsw/02);
8. the Proposed Floor Plan received 14th November 2012 (Drawing no. SCsw/07A);
9. the Proposed Elevations received 14th November 2012 (Drawing no. SCsw/05A);
10. the Proposed Elevations received 14th November 2012 (Drawing no. SCsw/06A);
11. the Tree Layout Plan received 27th September 2012 (Drawing no. SCsw/10);
12. the Design and Access Statement received 27th September 2012;
13. the Notice of Decision; and
14. any such variation as may subsequently be approved in writing by the Local Planning Authority.

**Reason:** To define the permission.

3. The proposed swimming pool shall not be open for trading except between 10 am and 9 pm on Mondays to Fridays, 8 am to 9 pm on Saturdays and 9 am to 9 pm on Sundays and bank holidays.

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

4. Before development commences, details of a Management Plan that deals with the disposal of the water from the swimming pool in the event that it needs to be emptied, shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be undertaken in accordance with the approved Management Plan.

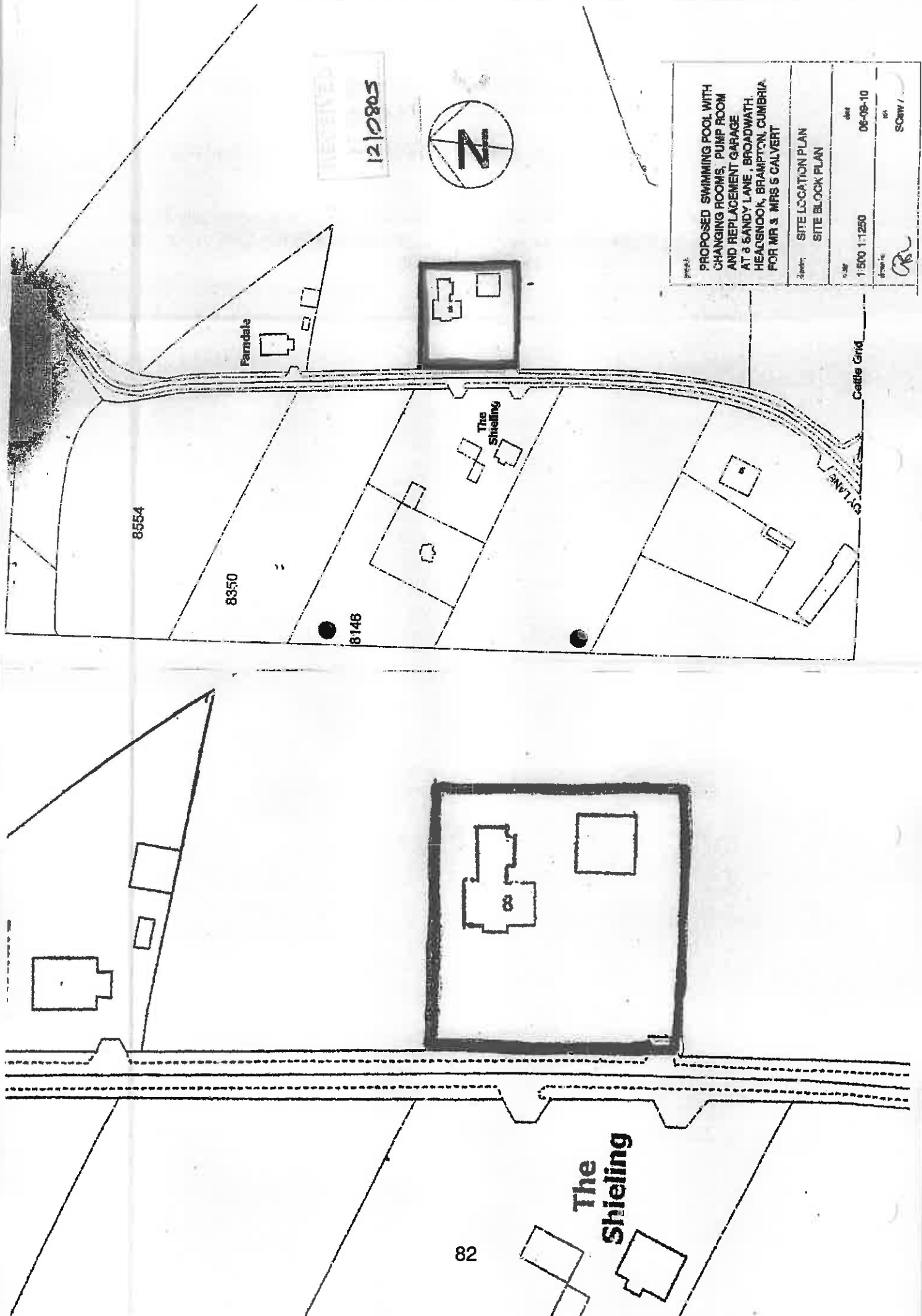
**Reason:** In order to ensure that water from the swimming pool is

adequately disposed of in accordance with Policy CP12 of the Carlisle District Local Plan 2001-2016.

5. No more than 5 customer vehicles shall be parked on the site at any given time.

**Reason:** To ensure that scale of the use does not detrimentally impact on highway safety in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

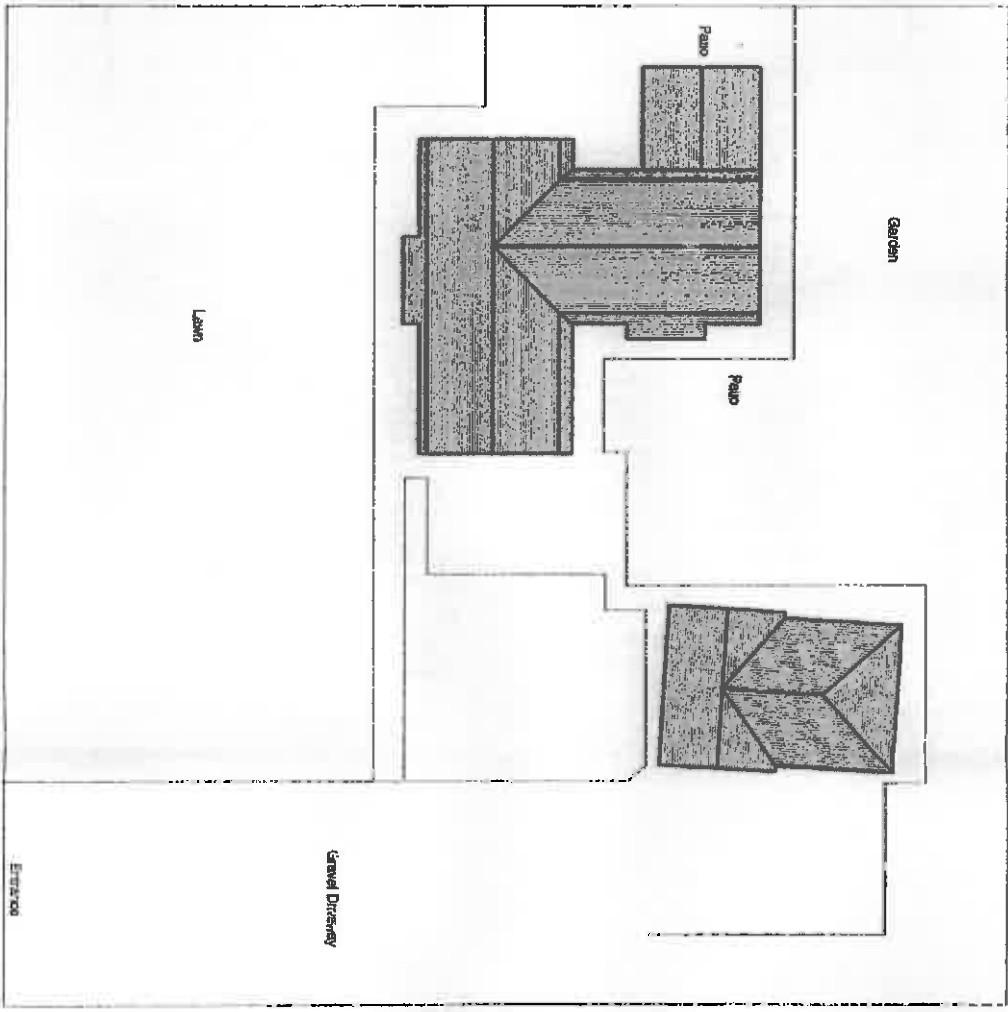
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12/0805



PROPOSED SWIMMING POOL WITH CHANGING ROOMS, PUMP ROOM AND REPLACEMENT GARAGE AT 8 SANDY LANE, BROADWATH HEADSNOOK, BRAMPTON, CUMBRIA FOR MR & MRS S CALVERT	
Date: 15/01/2010 Scale: 1:1250 Drawn by: [Signature]	Site: SITE LOCATION PLAN SITE BLOCK PLAN Date: 06-09-10 No: 10 Scale: 1:1250



Post and Wire Boundary Fence

Garden

Patio

Patio

Gravel Driveway

Entrance

Sandy Lane

Post and Wire Boundary Fence

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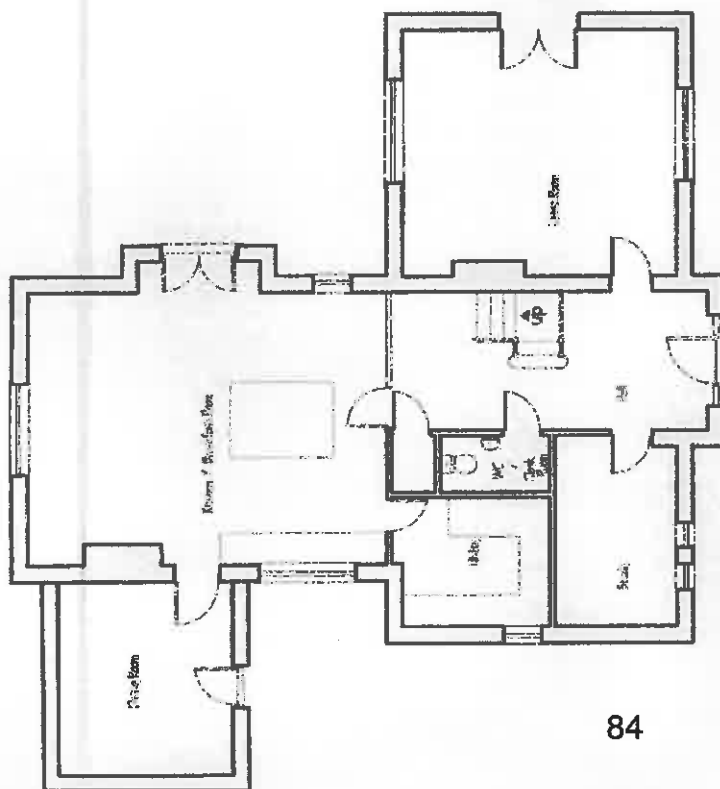
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CHANGING ROOMS, PUMP ROOM  
AND REPLACEMENT GARAGE  
AT 8 SANDY LANE, BROADWATH,  
HEADSNOOK, BRAMPTON, CUMBRIA  
FOR MR & MRS S CALVERT

EXISTING SITE PLAN

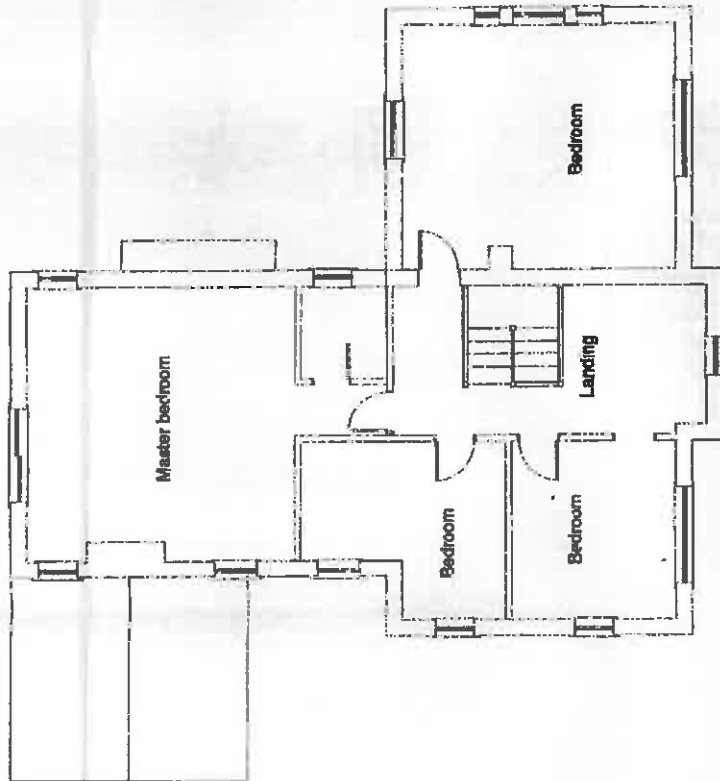
1200 06-08-10

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**EXISTING GROUND FLOOR PLAN**



**EXISTING FIRST FLOOR PLAN**

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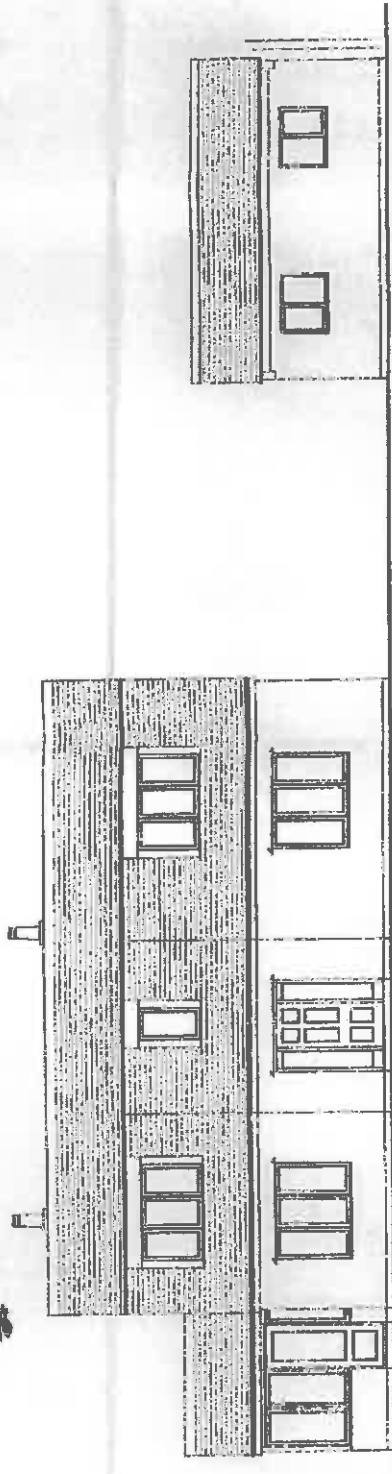
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AND REPLACEMENT GARAGE  
AT 8 SANDY LANE, BROADWATH,  
HEADSNOOK, BRAMPTON, CUMBERIA  
FOR MR & MRS S CALVERT

EXISTING FLOOR PLANS

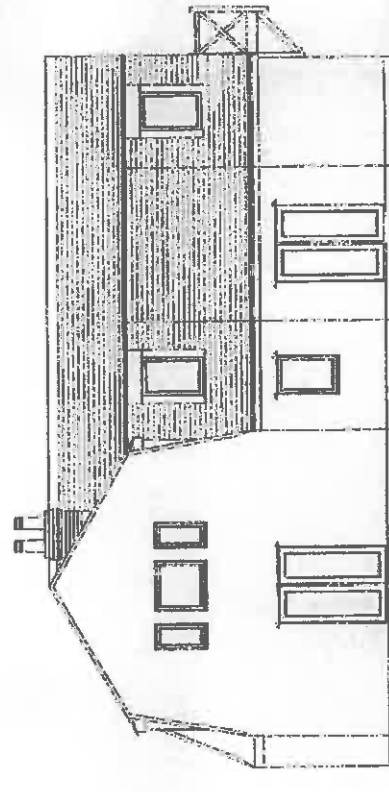
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Drawn by CR

SCS



**EXISTING FRONT ELEVATION**



**EXISTING SIDE ELEVATION**

NOTES - EXISTING CONSTRUCTION  
 ROOF - Grey Welsh Slate  
 RAINWATER GOODS - Black plastic half round  
 guttering, black plastic rainwater pipe and end  
 caps  
 WALLS - 6mm wire mesh render, painted white  
 WINDOWS AND DOORS - White upvc

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 12/08/05

Project

PROPOSED SWIMMING POOL WITH  
 CHANGING ROOMS, PUMP ROOM  
 AND REPLACEMENT GARAGE  
 AT 8 SANDY LANE, BROADWATH,  
 HEADSNOOK, BRAMPTON, GUMBRIA  
 FOR MR & MRS S CALVERT

Drawing

EXISTING ELEVATIONS

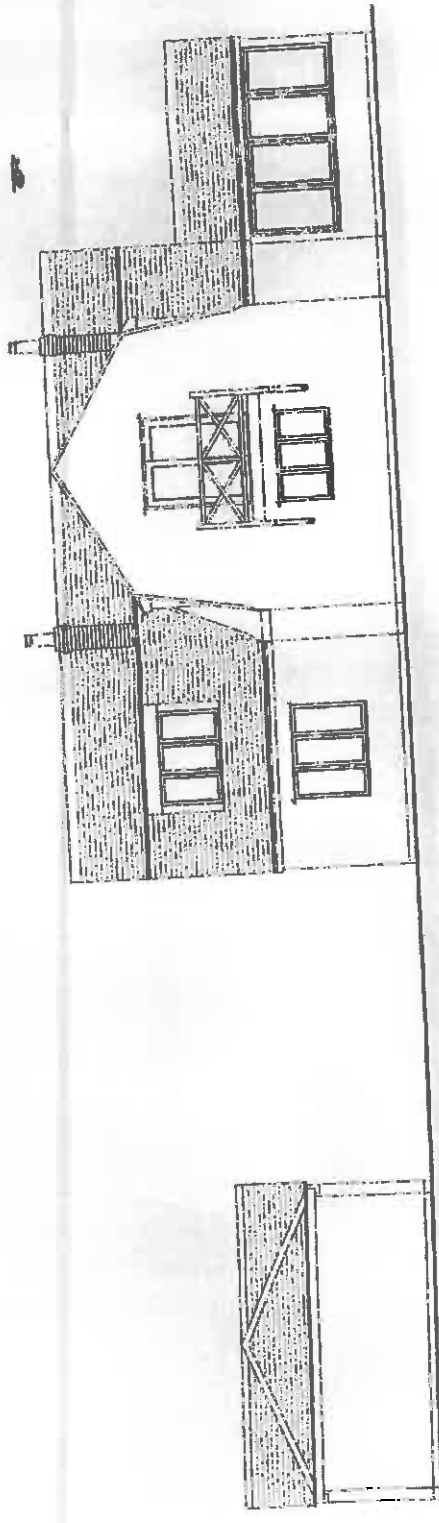
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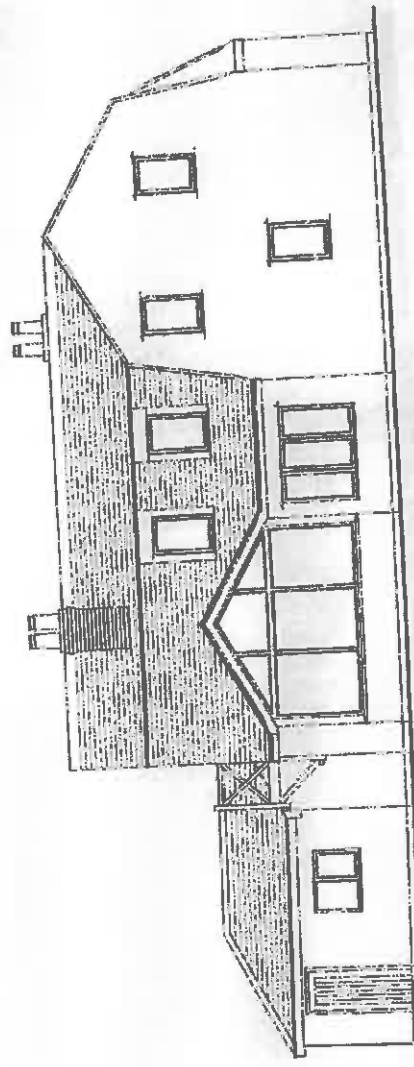
Author

SCW / D1

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**EXISTING REAR ELEVATION**



**EXISTING SIDE ELEVATION**

12/0805

PROPOSED SWIMMING POOL WITH  
CHANGING ROOMS, PUMP ROOM  
AND REPLACEMENT GARAGE  
AT 8 SANDY LANE, BROADWATH,  
HEADSNOOK, BRAMPTON, CUMBERIA  
FOR MR & MRS S CALVERT

EXISTING ELEVATIONS

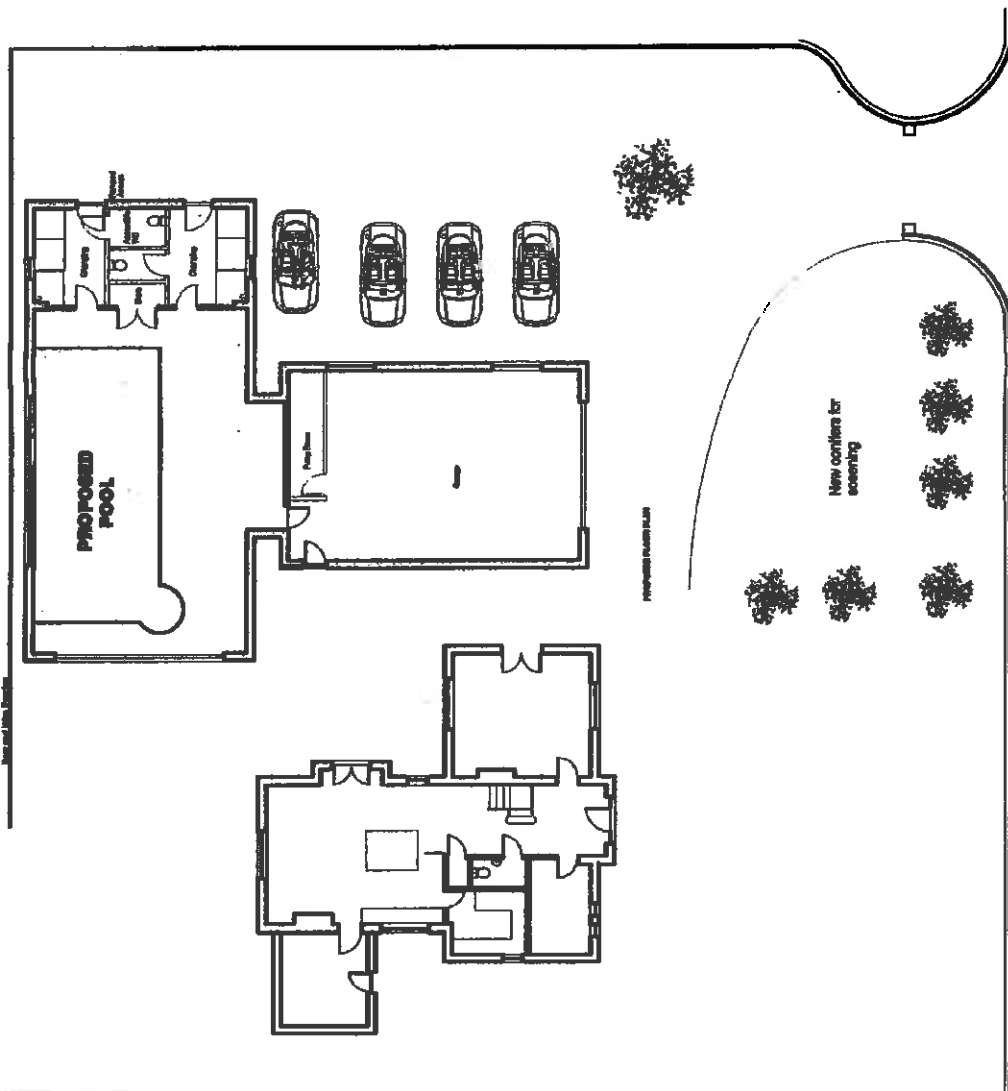
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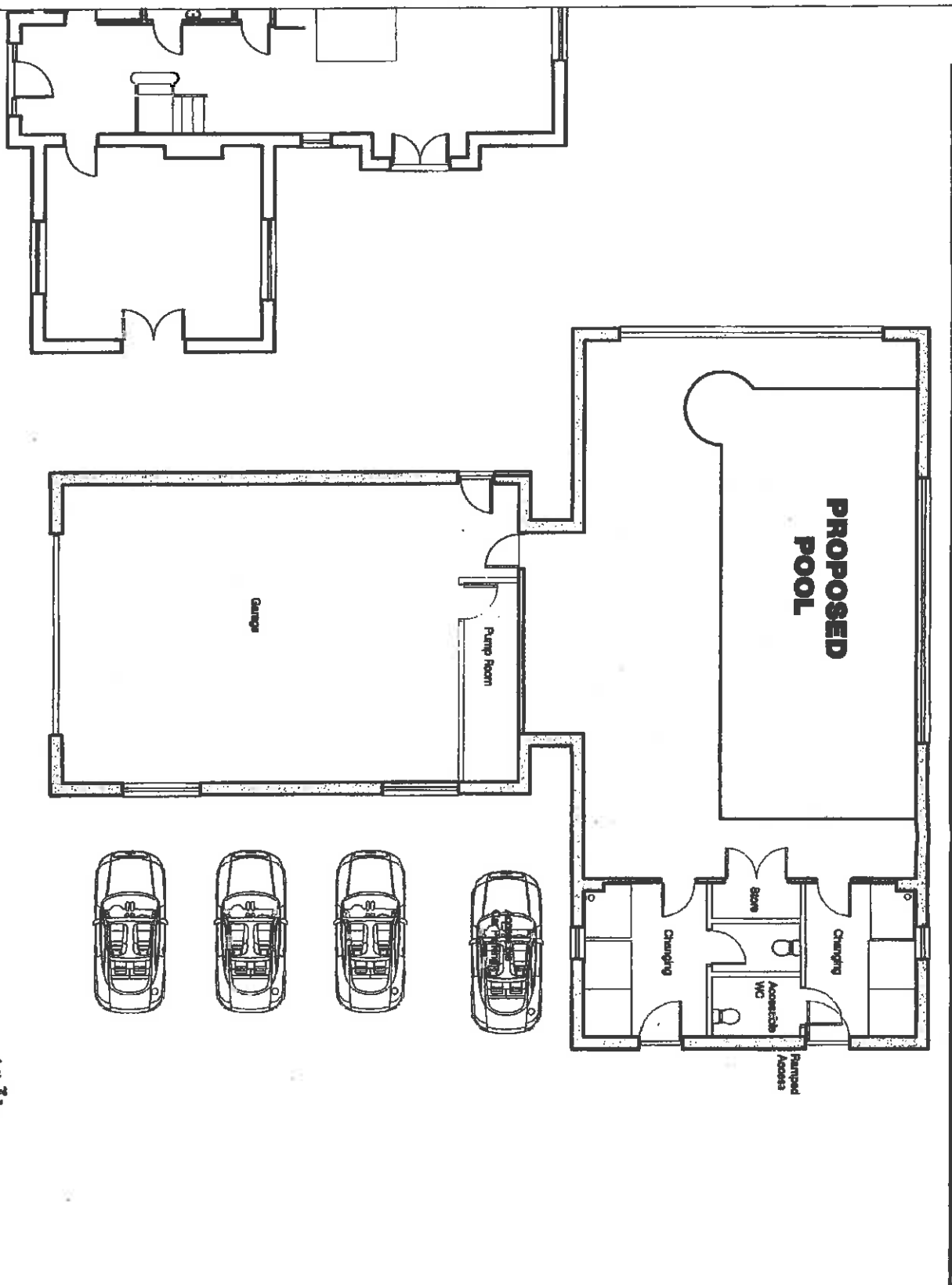




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12/0825

project		PROPOSED SWIMMING POOL AND CHANGING ROOMS AT 8 SANDY LANE, BROADWATH, HEADSHOOK, BRAMPTON, CUMBRIA. FOR MR & MRS S CALVERT	
drawn	PROPOSED SITE PLAN		
scale	1:200	date	13-11-12
drawn by	SCW / 010A		

PROPOSED SITE PLAN



PROPOSED FLOOR PLAN

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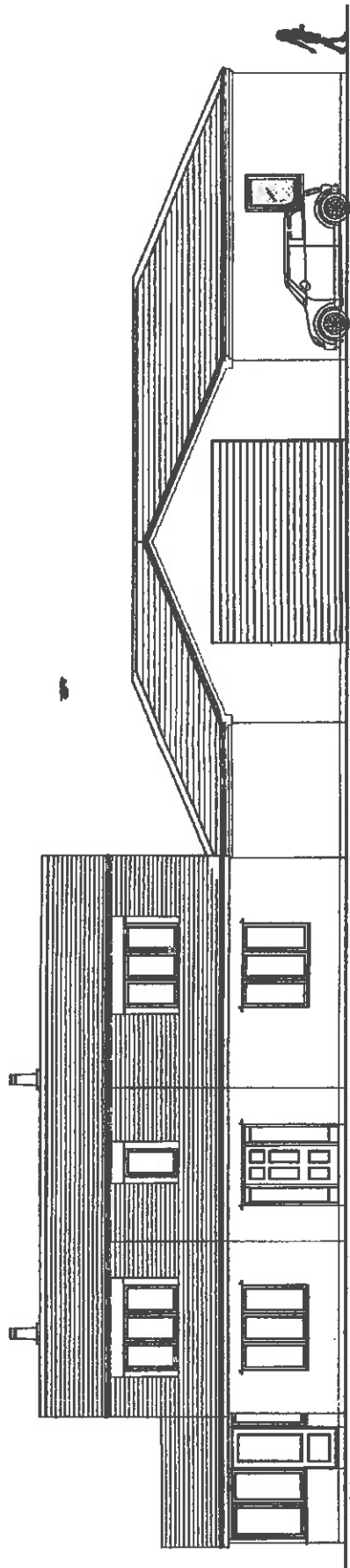
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CHANGING ROOMS, PUMP ROOM  
AND REPLACEMENT GARAGE  
AT 8 SANDY LANE, BROADWATH,  
HEADSNOOK, BRAIPTON, CUMBRIA  
FOR MR & MRS B CALVERT

Drawn:  
PROPOSED FLOOR PLAN

Scale:  
1:100

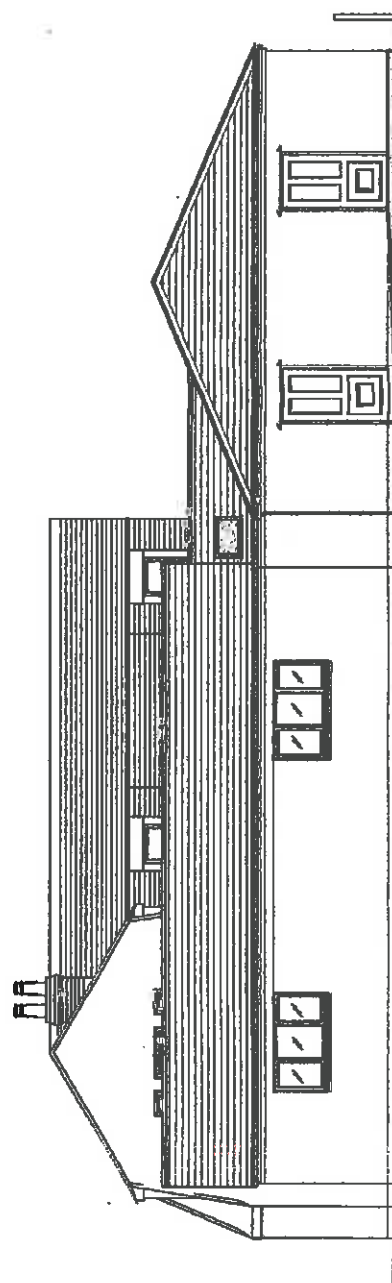
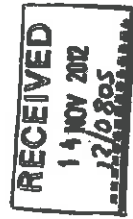
Date:  
13-11-12

Drawn by:  
SCW / 07A



**PROPOSED FRONT ELEVATION**

NOTES - PROPOSED CONSTRUCTION  
 ROOF - Grey Welsh Slate effect roof sheeting.  
 RAINWATER GOODS - Aluminium gutters, black  
 plastic rainwater pipes and wps.  
 WALLS - Smooth white rendered panels.  
 WINDOWS AND DOORS - Grey fol wrapped upvc.



**PROPOSED SIDE ELEVATION**

project

PROPOSED SWIMMING POOL WITH  
 CHANGING ROOMS, PUMP ROOM  
 AND REPLACEMENT GARAGE.  
 AT 8 SANDY LANE, BROADWATH,  
 HEADSNOOK, BRAMPTON, CUMBERIA  
 FOR MR & MRS S CALVERT

drawn

PROPOSED ELEVATIONS

scale

1:100

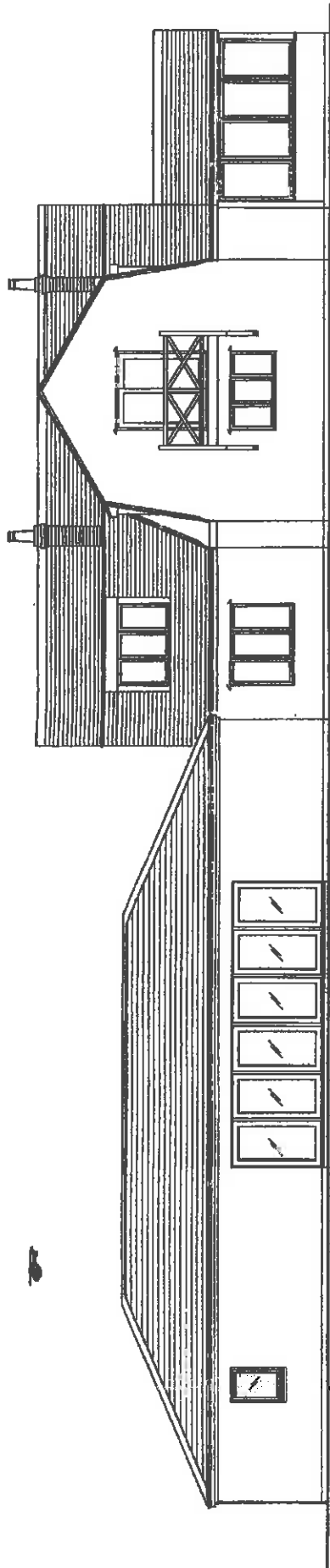
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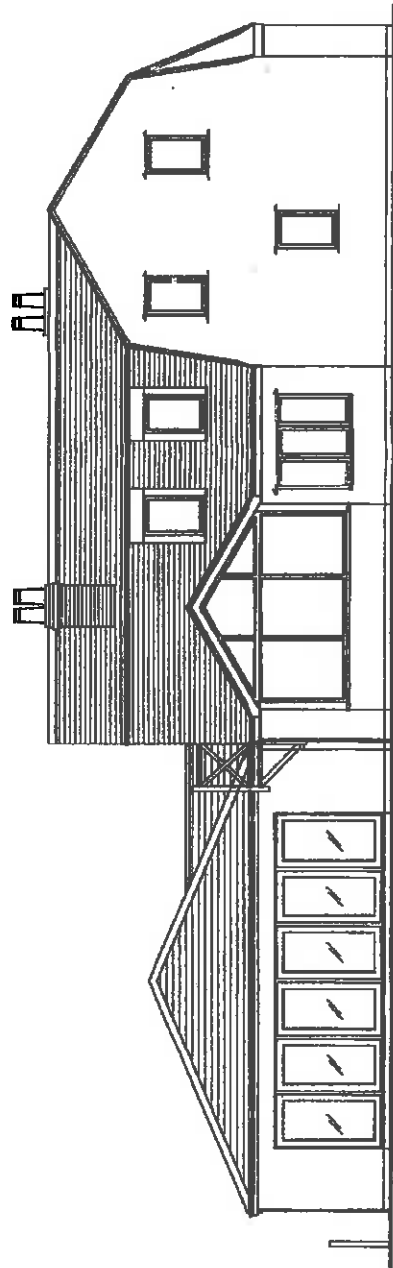
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BCWV / 06A



**PROPOSED REAR ELEVATION**

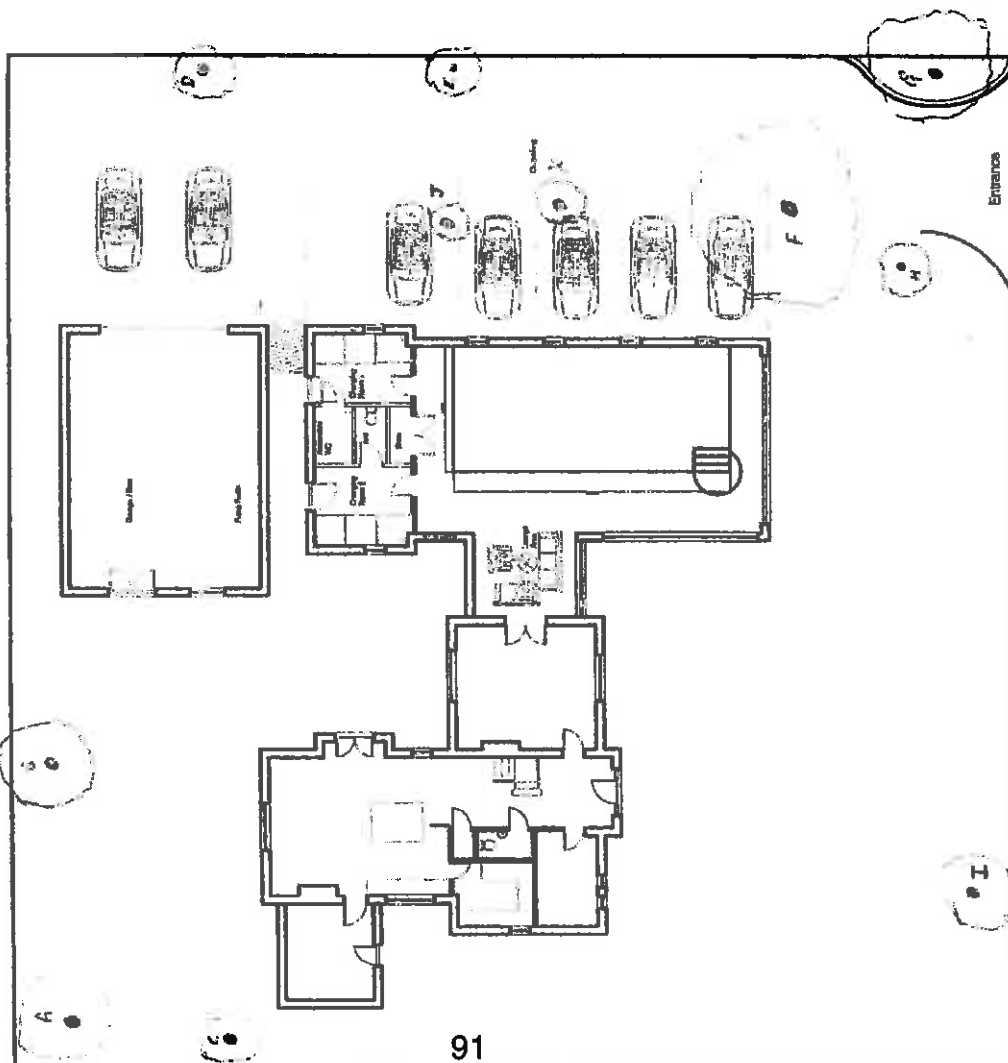


**PROPOSED SIDE ELEVATION**

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project  
PROPOSED SWIMMING POOL WITH  
CHANGING ROOMS, PUMP ROOM  
AND REPLACEMENT GARAGE  
AT 6 SANDY LANE, BROADWATH,  
HEADSNOOK, BRAMPTON, CUMBRIA.  
FOR MR & MRS S CALVERT

PROPOSED ELEVATIONS			
drawing	scale	date	drawn by
	1:100	13-11-12	
			SO. AA



Trees			
Description	Trunk	Height	
A Silver Birch	7.5cm	3.5m	
B Oak	6.0cm	3.2m	
C Silver Birch	4.5cm	3.2m	
D Silver Birch	5.5cm	3.5m	
E Silver Birch	2.0cm	2.7m	
F Oak	34cm	8.0m	
G Silver Birch	1.5cm	2.4m	
H Silver Birch	19cm	6.0m	
I Unknown	6.0 cm	3.0m	
J Silver Birch	1.5cm	2.4m	
K Silver Birch	1.5cm	2.4m	

Trees J & K are to be relocated to the front boundary prior to construction

project PROPOSED SWIMMING POOL WITH CHANGING ROOMS, PUMP ROOM AND REPLACEMENT GARAGE AT 8 SANDY LANE, BROADWATH, HEADSNOOK, BRAMPTON, CUMBRIA. FOR MR & MRS S CALVERT	
drawing Tree Layout Plan	date 08-08-10
scale 1:500 1:1250	drawn by CR
no SCW 110	

Existing Tree Layout Plan

## **SCHEDULE A: Applications with Recommendation**

12/0824

**Item No: 07**

**Date of Committee: 14/12/2012**

**Appn Ref No:**  
12/0824

**Applicant:**  
Mr Timothy Price

**Parish:**  
Brampton

**Date of Receipt:**  
03/10/2012

**Agent:**

**Ward:**  
Brampton

**Location:**

Land At The Barn, Park Barns, Irthington, Carlisle,  
CA6 4NQ

**Proposal:** Permanent Siting Of Mobile Home

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### **REPORT**

**Case Officer:** Stephen Daniel

#### **1. Recommendation**

- 1.1 It is recommended that this application is refused.

#### **2. Main Issues**

- 2.1 Whether The Proposal Is Acceptable In Principle
- 2.2 Impact Of The Proposal On Local Landscape Character
- 2.3 Impact Of The Proposal On The Living Conditions Of The Occupiers Of Any Neighbouring Properties

#### **3. Application Details**

##### **The Site**

- 3.1 The application site is located at Park Barns, which lies approximately 300m to the south of the A689, approximately 2.5km south-west of Brampton. Vehicular access to the site is via a single-track road with sporadic passing places. The site is located to the west of six existing residential barn conversions, which are located at a higher level than the application site. A residential caravan is located to the rear of a green corrugated steel Dutch Barn, which is used by the applicant as a joinery workshop, for the manufacture of bespoke furniture and fittings. A dilapidated timber storage

shed and some brick built former pheasant rearing pens also lie in close proximity to the caravan.

- 3.2 The applicant is also owner-occupier of approximately 9 hectares (22 acres) of natural woodland. In addition, the property has the shooting rights over 84 hectares (207 acres) of land (which is owned and farmed by local farmers) together with riparian ownership of 2 miles of the north bank of the River Gelt.
- 3.3 The woodland is largely located on the northern bank of the River Gelt and comprises mostly indigenous species. These areas are in the process of being clear felled, with the timber being sold for use off-site as firewood. This felling and extraction work is being undertaken by timber contractors.

### **Background**

- 3.4 In November 2007, planning permission was refused for the temporary siting of a residential caravan on this site, as the applicant had failed to provide any evidence to support the need for the dwelling in this location (i.e. in the open countryside).
- 3.5 In March 2009, planning permission was granted (at Development Control Committee) for the temporary siting of a residential caravan on this site. The application was recommended for refusal by officers as it was considered that there was no essential need for the applicant to live on the site on a permanent basis. However, Members considered that there was a need for the applicant to be on site on a permanent basis, to safeguard the existing employment use of the site and to enable the new rural businesses to become established.
- 3.6 A condition was added to the permission which linked it to the applicant and tied it to the proposed commercial pheasant shoot; the management of the woodland and the creation of a fuel coppicing programme; the management of fishing rights on the River Gelt; and to the provision of security for the existing rural joinery business. On the expiration of the applicant's interest in any of the above businesses, the occupation of the caravan shall cease, unless otherwise agreed in writing by the Local Planning Authority and the land shall be reinstated, in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

### **The Proposal**

- 3.7 The proposal is seeking full planning permission for the permanent siting of a mobile home for residential use. This would be sited 20m to the south of the existing caravan, to allow views of approach road, the woodland and the river. The applicant considers that the rural businesses on site (details of these are provided below) need a residential presence to safeguard their future.
- 3.8 The applicant has been running his joinery business on the site since 2000. The existing workshop building is used to store timber and as a workshop

and currently houses a range of equipment. The applicant works full-time in the joinery business and utilises another full-time self-employed joiner. The applicant is looking to expand the existing business into turnery and has recently acquired some new machinery in order to do this, and proposes to take on another joiner.

- 3.9 Areas of the woodland are in the process of being clear felled, with the timber being sold for use off-site as firewood. This felling and extraction work is being undertaken by timber contractors.
- 3.10 The applicant is proposing to replant the areas of cleared woodland with deciduous species and use them for coppicing. Once the new planting is established, the applicant would coppice it on a three year cycle for his own use and produce about 50 tons of surplus firewood per year for sale offsite. This area has the benefit of being accepted into a Woodland Grant Scheme administered by the Forestry Commission, who support the proposed management of the woodland, which will begin the process of restoring the valuable native woodlands back to a canopy made up of more locally native species. It considers that the work on turning the woodland back to a more native habitat coupled with some infill planting will enhance the important riparian woodland ecosystem. It also supports the linking of the woodland with the joinery business, which will be developed to make use of the renewable fuel source.
- 3.11 As part of the current forestry operation, the applicant is clearing sections of the of the river bank so that he can introduce fly fishing for trout. He has not leased any fishing but has interest in it and is intending to let space for four rods.
- 3.12 The applicant has established a shooting syndicate to utilise his existing shooting rights. The syndicate is up to nine guns and two or three shoots have been arranged in each of the last two years. The applicant is intending to increase this number to ten days shooting per year between each November and January, once his game rearing enterprise is established.
- 3.13 The proposed game rearing business would start with the rearing of around 600 pheasants from purchased day old chicks, increasing to 1,200 per year. About 50% of these would be released on to the land at Park Barns and 50% would be sold into the market as seven week old poults. As the enterprise progresses, the intention is to recapture some of the female released birds during the summer months and retain them in a wintering pen so that their eggs can be collected in the Spring and sent off for hatching and return as chicks. This enterprise will necessitate the reconstruction of the former pheasant rearing pens and the construction of a wintering pen.
- 3.14 The applicant has to restrict numbers of deer as part of his grant on the woodlands and he intends to introduce deer stalking, which is an early morning activity.
- 3.15 The applicant has advised that he has not progressed with his game rearing and fishing enterprises as quickly as planned, as he has concentrated on his



joinery business and extracting the timber.

- 3.16 He wants to live at Park Barns, so that he can manage any security/theft risks to his joinery business, manage the woodland and be on-hand at important times of the pheasant rearing cycle. He has been burgled in the past and has suffered from petty theft and vandalism but this stopped when he started living on the site. Living on site also leads to a considerable reduction in insurance premiums. The applicant states that with the increase in overheads he would not be able to bear the extra costs of renting accommodation locally, which have also risen in recent years. He considers that a constant on-site presence is required and that the combination of rural activities fully support his proposal.

#### **4. Summary of Representations**

- 4.1 This application has been advertised by means of a site notice and notification letters sent to seven neighbouring properties. Three letters of objection (one of which has been signed by five local residents from three different households) and six letters of support have been received.

- 4.2 The letters of objection make the following points:

- The need for permanent occupation by the applicant was considered in detail by the County Land Agent (CLA) for application 08/1152. The CLA did not accept that there was a functional need for the applicant to live on site in respect of a pheasant rearing business or a keepered shoot. In addition, the management of the woodland, use of the River Gelt for fishing and the joinery business did not require the applicant to live on site. The circumstances remain unchanged, so there is no justification for a dwelling on this site;
- There is a lack of clear evidence of firm intention or ability to develop the enterprises concerned;
- Since the submission of the application in 2008, the applicant has not undertaken any of the ventures he proposed over three years ago - the pheasant rearing business/ shoot has not commenced;
- The initial permission was obtained under false pretences;
- The applicant is a sole trader and does not employ any staff – he does, however, allow the occasional use of his machinery by a local, self-employed tradesman;
- The forestry enterprise does not need occupation on site to control deer. A substantial grant has been given from the English Woodland Grant Scheme to provide deer fencing and gate of a specification to remain deer proof for a minimum of ten years;
- A substantial felling of the woodland started some months ago and this has seen heavy forestry and haulage vehicles utilising the private lane to Park Barns, causing damage to the lane surface – this is at odds with the

applicant's claim that only light vehicles would use the lane;

- The applicant obtained a grant to remove non-native elements and replant native species but he has felled mature native species;
- The felling and enormous stacking of timber and the ensuing mess of mud and debris has had an unsightly and detrimental effect on the landscape character of the area and on the living conditions of local residents;
- The applicant has a right of way over the lane subject to him paying towards the maintenance and repair of the it, which he refused to do, when the lane was repaired earlier in 2012;
- Storage of felled timber is an on-going health and safety concern;
- Security cannot be considered a justification for the dwelling as there has been no crime of any type within 1km of Park Barns since December 2010 and none at Park Barns itself since 1995 – the single track access and the presence of a number of dwellings is a deterrent to criminals;
- The issue of foul sewage disposal remains a concern – there is no proof of proper sewerage disposal and this remains a concern for all regarding health and vermin;
- Many of the stipulations of the original permission have been violated, including operating outside designated working hours and the unsightly abandonment of unused machinery in front of the barn;
- The only goal is to build a permanent dwelling at Park Barns through 'planning by stealth';
- There is no need for a caravan at Park Barns because there are plenty of properties available within a 5 mile radius, which would give quick and easy access to the site;
- It is not essential for the applicant to live permanently at Park Barns and the NPPF requirement of special circumstances existing is not met and a new isolated home in the countryside should be avoided.

#### 4.3 The six letters of support make the following points:

- The applicant is a very competent cabinet maker and designer of bespoke furniture, who has continually invested in his business (new equipment and production methods), maintaining its viability and developing its market reach. He has recently purchased a copy lathe, with the intention of training a wood turner;
- Park Barns Joinery provides employment for two people in a rural environment, where jobs are increasingly at a premium;
- Investment and business expansion requires employment and training for young apprentices, which is exactly what the rural economy needs;
- Rural businesses form part of the character of the countryside and

contribute massively to the rural economy;

- Small scale businesses should be encouraged in rural areas and given assistance to ensure their success and continued existence;
- The fine margins and circumstances particular to rural businesses require costs to be minimised;
- Living on site allows the applicant to continue his business most effectively and efficiently – costs are reduced in terms of travel and rent;
- Living next to a rural business is crucial to its successful operation, partly because of the financial benefits of being able to keep down business overheads and also from increased security;
- Remote rural businesses need a security presence both day and night;
- Living on site allows the applicant to manage his forestry regeneration project, his green wood fuel business and his shoot;
- The success of the shooting syndicate is largely reliant on the applicant living on site;
- The business is viable but the applicant's continual investment means that the applicant's drawings and living allowances have to be minimised;
- If the applicant is required to live somewhere else the business would not be viable, which would be a waste of talent and much needed jobs and the shoot would cease to operate;
- We need to look after local businesses that have contributed to the rural economy over a number of years and can offer local employment.

## **5. Summary of Consultation Responses**

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

Brampton Parish Council: - comments awaited;

Agricultural Appraisals - A G & P Jackson: - concluded that:

- there is a very modest existing functional need in relation to the landholdings that make up the unit at Park Barns, for 1 full time worker, actively involved in the management of this holding, to be resident on or immediately adjacent to it. This need is desirable, rather than essential and therefore I do not feel the functional need test is met.
- there is an existing labour requirement of 2 full time workers. The labour requirement test is therefore met.
- this business has been established for about 12 years, and although the current returns are likely to be very modest, there is evidence of reinvestment in the business in additional equipment and operations. The business needs to progress by expanding the joinery enterprise and introducing the game rearing/shooting and fishing enterprises as originally planned to increase income. On balance I conclude that the business is reasonably financially viable and has a reasonable prospect of remaining so. Therefore the financial viability test is met.

- the existing caravan on the site meets the requirement to house 1 full time worker actively involved in the management of this unit but the consent for that caravan has expired.

United Utilities: - no objections.

## **6. Officer's Report**

### **Assessment**

- 6.1 The relevant planning policies against which the application is required to be assessed are Policies DP1, CP1, CP3, CP5, H1 and H7 of the Carlisle District Local Plan 2001-2016. The proposals raise the following planning issues:

#### **1. The Principle Of The Development**

- 6.2 Given the rural nature of the site, the application is required to be assessed against Policy H7 (Agricultural, Forestry and Other Occupational Dwellings) of the adopted Local Plan. Policy H7 states that within the rural area, planning permission will not be given for dwellings other than those essential to agriculture, forestry or any other rural based enterprise and which are supported by a proven need. The applicant has submitted some supporting information on his existing businesses and on his proposals for the site in order to seek to justify the mobile home.
- 6.3 Policy H7 includes paragraph 5.41, which states that when assessing if there is such a need, the Council should refer to the advice contained in Annex A to PPS7. PPS7 has, however, now been replaced by the National Planning Policy Framework (NPPF), which was published in March 2012. Paragraph 55 of the NPPF requires rural workers to demonstrate an 'essential need to live permanently at or near their place of work in the countryside'.
- 6.4 When considering applications for agricultural workers dwellings it is common practise for the Council to consult a Land Agent. As part of the response, the Land Agent assesses whether there is an essential need for a permanent dwelling to enable a full-time rural worker to live at or near their place of work. In order to do this, the Land Agent assesses the proposal against the following four tests: 1) to assess if there is a functional need for a worker to be resident on the holding, 2) to assess how many workers are needed to operate the holding and of those workers, how many need to be resident on the holding, 3) to assess if the business is financially viable and has a clear prospect of remaining so, and 4) to assess the suitability and availability of existing dwellings to house those workers that need to be resident on the holding.
- 6.5 In his response, the Land Agent has accepted that there is an existing labour requirement for two full time workers, so the labour requirement test is met. The business has been established for about 12 years, and although the current returns are likely to be very modest, there is evidence of reinvestment in the business and the business is reasonably financially viable and has a reasonable prospect of remaining so. Therefore, the financial viability test is

met.

- 6.6 The Land Agent does not, however, consider that there is an essential need for a worker to be resident at the site on a permanent basis. In relation to the timber enterprise, the work of extraction is currently carried out by contractors living off the holding. Replanting and subsequent management can be carried out during normal working hours. There is, therefore, little, if any, functional need for a worker to be resident on site in relation to the timber enterprise. The fishing enterprise proposes the leasing of space for up to four rods. Management may well be minimal, with clearing of sections of the river bank to maintain space for fly fishing. Security may be an issue, so an out of hours presence may be an advantage but the functional need for a worker to be resident on site in relation to the fishing enterprise is minimal. The shooting/game rearing enterprise, when progressed to rearing pheasants, would require regular attendance and feeding of the young birds from when they are introduced as day old chicks until they are released into the woods as poults. However, this would only be for a period of a few weeks each year. Daily feeding of the hen birds in the winter pen would also be required. Security might be an issue and it would be an advantage to have an out of normal working hours presence. However, the functional need in relation to this element of the business would only be modest.
- 6.7 The joinery enterprise is the dominant enterprise on these landholding. As such, it would be convenient for the applicant to live in close proximity to his workshop, so that he does not incur costs to travel to/ from work; he is on site to deal with any deliveries of materials/collections of finished goods; and he can ensure a better level of security for his equipment and stock. There is, therefore, a functional need in relation to the joinery enterprise but as many joiner's workshops are for example, located on industrial units with no residential element, in the Land Agent's view, in relation to functional need the residential element in this case is desirable rather than essential.
- 6.8 The Land Agent concluded that there is a very modest existing functional need in relation to the land holdings that make up the unit at Park Barns, for 1 full time worker, actively involved in the management of this holding, to be resident on or immediately adjacent to it. This need is desirable, rather than essential and therefore the functional need test is not met.
- 6.9 In light of the above, the proposed development is contrary to both the requirements of the Para 55 of the NPPF and Policies DP1, H1 and H7 of the Carlisle District Local Plan 2001-2016.

## **2. Impact On Local Landscape Character**

- 6.10 The mobile home would be located to the rear of the existing caravan and adjacent to a group of trees, which would help to screen it from long distance views. Mature trees would also screen the mobile home from the adjacent residential development. If Members are minded to approve the application, contrary to the Officer's recommendation, a condition requiring the existing trees, delineating the site boundaries, to be retained and managed could be imposed to ensure a sufficient landscaped buffer is

maintained. It is not, therefore, considered that the proposal would have an adverse impact on the character of the area.

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

- 6.11 The dwellings at Park Barns would be located more than 50m away from the mobile home. This distance, coupled with the change in levels and the presence of a number of trees between the dwellings and the mobile home, would be sufficient to ensure that 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.

## **Conclusion**

- 6.12 In overall terms, although the proposed development does not have a detrimental impact on the landscape character of the area, or on the living conditions of the occupiers of neighbouring properties, there is insufficient justification for a mobile home to be sited in this location. The proposal is, therefore, contrary to Paragraph 55 of the National Planning Policy Framework and to Policies DP1, H1 and H7 of the Carlisle District Local Plan 2001-2016.

## **7. Planning History**

- 7.1 In February 1991, an outline application was refused for the development of a game farm and the erection of an associated dwelling on a 3 hectare site (which incorporates the current application site). The proposal was rejected on the grounds that applicant owned and occupied an existing dwelling at Park Barns and a further dwelling was, therefore, not justified as an exception to planning policy. Following a Public Inquiry in September 1991, at which the Council confirmed it did not object to the establishment of the game farm, the Inspector allowed the additional dwelling.
- 7.2 In June 1998, full planning permission was granted under application number 98/0325 for change of use of a Dutch barn and storage shed to a workshop for general joinery and cabinet making and light engineering.
- 7.3 In September 1999, under application reference 99/0494 permission was granted for the variation of Condition 2 attached to planning permission 98/0325 to allow the premises to be used by the applicant.
- 7.4 In April 2000, full planning permission was granted under application reference 00/0430 for the erection of an extension for storage and timber seasoning.
- 7.5 In September 2000, full planning permission was granted under application reference 00/0534 for the renewal of temporary permission for the use of a building for general joinery, cabinet making and light engineering.

7.6 In November 2007, planning permission was refused for the temporary siting of a residential caravan on the site (07/0989).

7.7 In March 2009, planning permission was granted for the temporary siting of a residential caravan on this site (08/1152).

## **8. Recommendation: Refuse Permission**

1. **Reason:** Proposals for residential development outside identified settlements will only be considered acceptable where it is essential to agriculture, forestry or any other rural-based enterprise and is supported by a proven need. This application does not provide sufficient justification to support a special need for a dwelling in this location. If permitted, the proposed accommodation would therefore harm the spatial strategy of the Local Planning Authority that seeks to direct development to more sustainable settlements. The proposal is, accordingly, contrary to the objectives of the advice within Paragraph 55 of the National Planning Policy Framework and Policies H7 (Agricultural, Forestry and Other Occupational Dwellings), H1 (Location of New Housing Development) and DP1 (Sustainable Development Locations) of the Carlisle District Local Plan 2001 - 2016.
-

# Park Barns

**YOUNGS**  
chartered surveyors

12/0824

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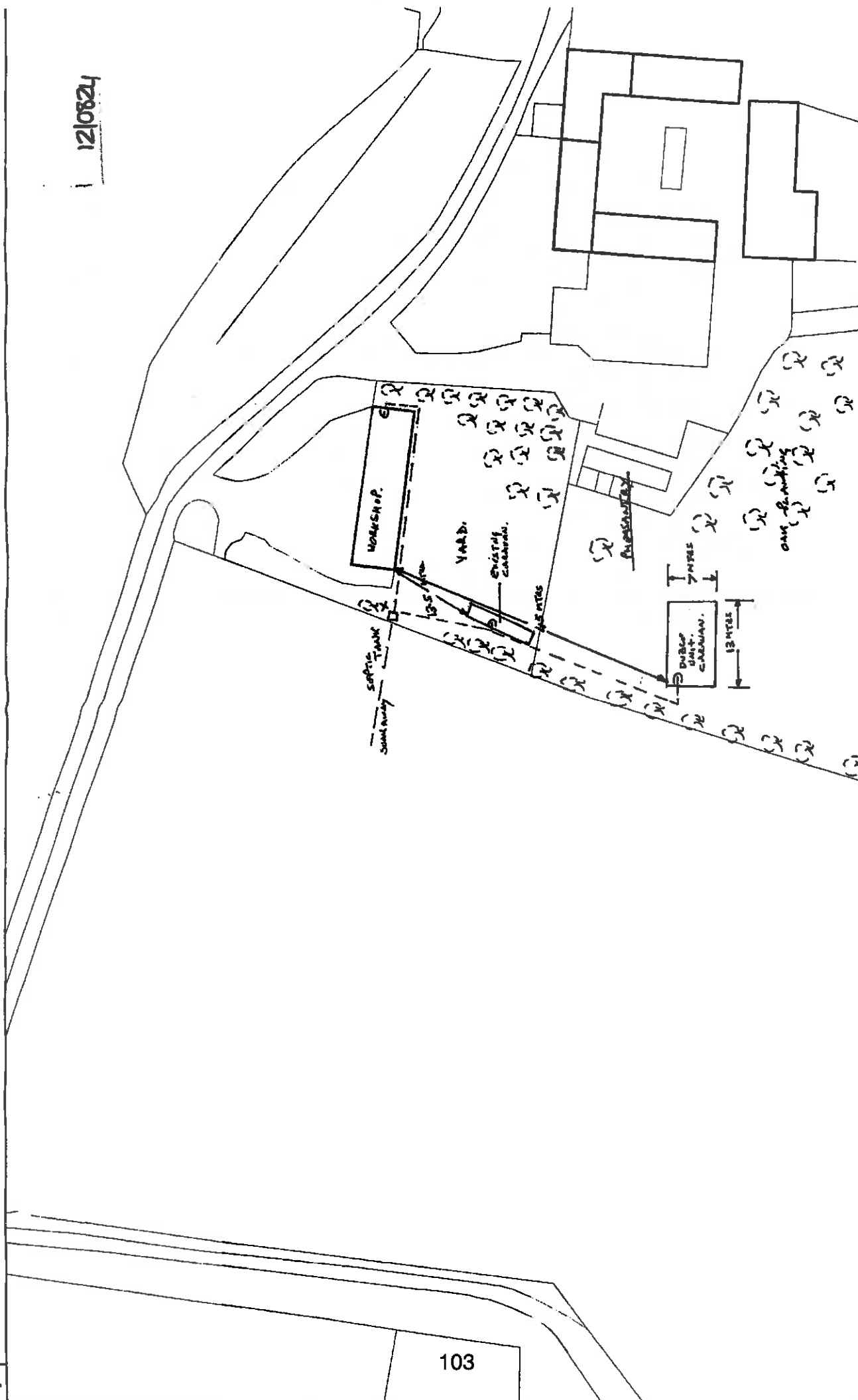




Block Plan Park Baenys

12/08/24

103



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LAND AND PROPERTY  
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12/0824

The Barn  
Park Barns  
Ruleholme  
Irthington  
CA6 4NQ

12/08/24

Development Services  
Carlisle City Council,  
Planning and Housing Services,  
Civic Centre, Carlisle CA3 8QG

28<sup>th</sup> September 2012

Dear Sir/Madam,

**Permanent Siting of Mobile Home at Park Barns, Ruleholme**

I would like to take the opportunity to set out the reasons why the above application should be approved by the local planning authority.

Planning permission (08/1152) was granted for the temporary siting of a residential caravan in 2009. Permission was granted contrary to officer advice, essentially because the committee accepted that there was a need for a residential presence on site to support a local rural business. The reasons for approval of the application included the following:

*"Members of the Development Control Committee considered that there was a need for the applicant to be on site on a permanent basis, to safeguard the existing employment use of the site and to enable the new rural businesses to become established."*

The permission expired earlier this year, and I would now like to make the permission permanent as the need for a residential presence has not diminished in the intervening years. I have continued to occupy the caravan for all that time.

When the previous application was determined the relevant national planning policy was PPS7. I understand however that this was superseded by the National Planning Policy Framework (NPPF) earlier this year. The NPPF maintains the policy stance in PPS7 that:

*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.*

I consider that the rural businesses on site need a residential presence to safeguard their future and the Council clearly concurred in granting the previous application, so the application would appear to be in accord with the NPPF.

I have set out, in a separate document supplied with the application, details of the ongoing businesses at Park Barns. The core of the business is the land that I own and the forestry operations and the bespoke joinery business that derives from it. The business has operated from the site since 2000 and currently employs two skilled cabinet makers full time. Recent investment in a hydraulic automatic copy lathe shows the strength

of the business and increases the prospect of taking on a third skilled worker. The pheasant shoot has not developed as quickly as envisaged principally because the forestry works which have taken place over the last three years. Once this work is completed rearing pens can be constructed.

The NPPF also places an increased emphasis on supporting economic development given the difficult conditions which have prevailed over the last few years.

Paragraph 28 of the NPPF makes clear that:

*"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"*

and that

*"to support 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".*

Paragraph 197 states that

*"when determining planning applications, local planning authorities should apply the presumption in favour of sustainable development (paragraph 197).*

Numerous ministerial announcements have reinforced that approach. Ministerial Statements are material considerations in the determination of planning applications. The ministerial statement by Mr Greg Clark (The Minister of State for Decentralisation) issued on the 23 March 2011 states:

*"Government's clear expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy."*

And,

*"When deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate housing, economic and other forms of sustainable development. Where relevant - and consistent with their statutory obligations - they should therefore:*

*(i) consider fully the importance of national planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust growth after the recent recession; "*

I understand that there were previously questions raised with regard to the disposal of foul sewage. Shortly after the 2009 permission I arranged for the existing septic tank to be inspected by Youngs Chartered Surveyors who confirmed that the tank was fit for purpose. I enclose a letter from Mr Raine of Youngs as supporting information. As far as I am aware there have been no problems with the tank during my occupation.

In summary I hope that planning officers are now able to recommend approval of the application given that it is in accord with a previous decision of Carlisle Council, and that there is currently an even more favourable policy environment in support of an application critical to the continuing operation of a local rural business with prospects of expansion, than at the time of the previous approval.

If you have any questions in respect of the application please do not hesitate to contact me.

Yours faithfully

A handwritten signature in black ink, appearing to read 'T Price', written over a horizontal line.

Mr Tim Price

## **SCHEDULE A: Applications with Recommendation**

12/0833

**Item No: 08**

**Date of Committee: 14/12/2012**

**Appn Ref No:**  
12/0833

**Applicant:**  
Mr Michael Glarvey

**Parish:**  
Hayton

**Date of Receipt:**  
08/10/2012

**Agent:**  
HTGL Architects Ltd

**Ward:**  
Hayton

**Location:**

Rosegarth, Brier Lonning, Hayton, Carlisle, CA8  
9HL

**Proposal:** Erection Of First Floor Extension To Provide 3no. Bedrooms Together  
With Single Storey Front Extension To Provide Kitchen, New Entrance  
And Internal Rearrangement

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### **REPORT**

**Case Officer:** Shona Taylor

#### **1. Recommendation**

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

#### **2. Main Issues**

- 2.1 Whether The Scale, Layout And Design Of The Development Is Acceptable.  
2.2 The Impact Of The Proposal On The Living Conditions Of Neighbouring Residents  
2.3 Other Matters

#### **3. Application Details**

##### **The Site**

- 3.1 The application site is located within the settlement of Hayton, the plot is part of the curtilage of Rosegarth, a detached bungalow set within a large garden. There is an existing detached garage to the north west of Rosegarth, which is accessed via the north east of the site, with the public highway, Brier Lonning, located to the east of Rosegarth. The boundaries of the property are treated by way of a sandstone wall to the highway, with a mixture of

close boarded fencing and hedging surrounding the remainder of the site.

## **The Proposal**

- 3.2 This application is seeking consent for the erection of a first floor extension to provide 3no. bedrooms together with a single storey front extension.
- 3.3 The accommodation provided would consist of a new entrance and a kitchen extension to ground floor and three bedrooms at first floor. The extension would be finished in stone, render and slate.

## **4. Summary of Representations**

- 4.1 This application has been advertised by means of notification letters sent to six neighbouring properties. In response two letters of objection have been received. The grounds of objection are summarised as;
1. The extension is dominant, overpowering and imposing on the neighbouring property, in particular the large glass windows and balcony;
  2. the existing bungalow, and also the approved dwelling in the grounds are both single storey, as such this is not appropriate;
  3. the garage will have its door blocked by this extension;
  4. the extension is out of character with neighbouring properties on Briar Lonning.

## **5. Summary of Consultation Responses**

Carlisle Airport: - no objections;

Hayton Parish Council: - object to the proposal, they consider that the proposal is not in keeping with the surrounding properties and the older part of the village.

## **6. Officer's Report**

### **Assessment**

- 6.1 The relevant planning policies against which the application is required to be assessed are Policies CP5 and H11 of the Carlisle District Local Plan 2001-2016. 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 proposal raises the following planning issues:
1. Whether The Scale, Layout And Design Of The Development Is Acceptable.
- 6.2 Whilst it is acknowledged that the extension would be large in terms of its overall scale it is not considered that the development is excessive or that the extension would dominate the original dwelling due to the large size of both the existing bungalow and also the generous plot within which it is located.

The two-storey section is located away from the surrounding properties and two sides face the surrounding fields. In light of the above, the scale and design of the proposal would be acceptable.

- 6.3 The extension is set back from the roadside by approximately 20m, and will be viewed behind the existing trees, hedging and sandstone wall. As such it is not considered that the proposal would have an impact that would adversely affect the character or appearance of the surrounding area.

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

- 6.4 The majority of the neighbouring properties are positioned sufficient distance away or orientated in such a way not to be directly affected as a result of loss of loss, loss of privacy or overdominance.

- 6.5 However, it is noted that the occupiers of the neighbouring property, Westgarth, have objected to the proposal. However, amended plans have since been received which reduce any impact upon this property by removing the first floor windows which face towards Westgarth and also the moving of the balcony so that it will not impact upon this property. As such, it is not considered that the proposal has an impact which could justify refusal of the application.

## 3. Other Matters

- 6.6 The Parish Council have raised concerns about the development, as they consider the extension to be out of keeping with the surrounding dwellings, and the older part of the village. However, it is considered that the extension is constructed from materials to match the existing, and would employ similar detailing, as such, it is considered that the proposed extension would complement the existing dwelling in terms of design and materials to be used.
- 6.7 There have also been concerns raised regarding the culvert which is located within the grounds of this property, however, it is considered that this is not affected by this development.
- 6.8 The applicants have confirmed that it is their intention not to build the dwelling approved under application 11/1037. Nonetheless, the permission remains valid for commencement until 20th April 2015. As such, the potential impact of the extensions upon the proposed dwelling need to be assessed. Whilst the first floor extension is adjacent to the proposed site of the dwelling, it is not considered that it would have such an impact upon the proposed property that would justify refusal of this application.

## Conclusion

- 6.9 In overall terms, the principle of the development is acceptable. The scale, siting and massing of the proposed extensions are considered to be acceptable in relation to the existing property, its setting and the street scene. The living conditions of neighbouring properties would not be compromised



through unreasonable overlooking or overdominance. In all aspects the proposal is compliant with the objectives of the Local Plan policies.

## **7. Planning History**

- 7.1 Planning permission was granted earlier in 2012 for the demolition of the existing detached garage and the erection of 1No. detached bungalow (application reference 11/1037).

## **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;
2. drawing 2030/03 the location plan received 8th October 2012;
3. drawing 2030/01 the property as proposed received 8th October 2012;
4. drawing 2030/02c the property as proposed received 23rd November 2012;
5. the Notice of Decision; and
6. any such variation as may subsequently be approved in writing by the Local Planning Authority.

**Reason:** To define the permission.

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

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

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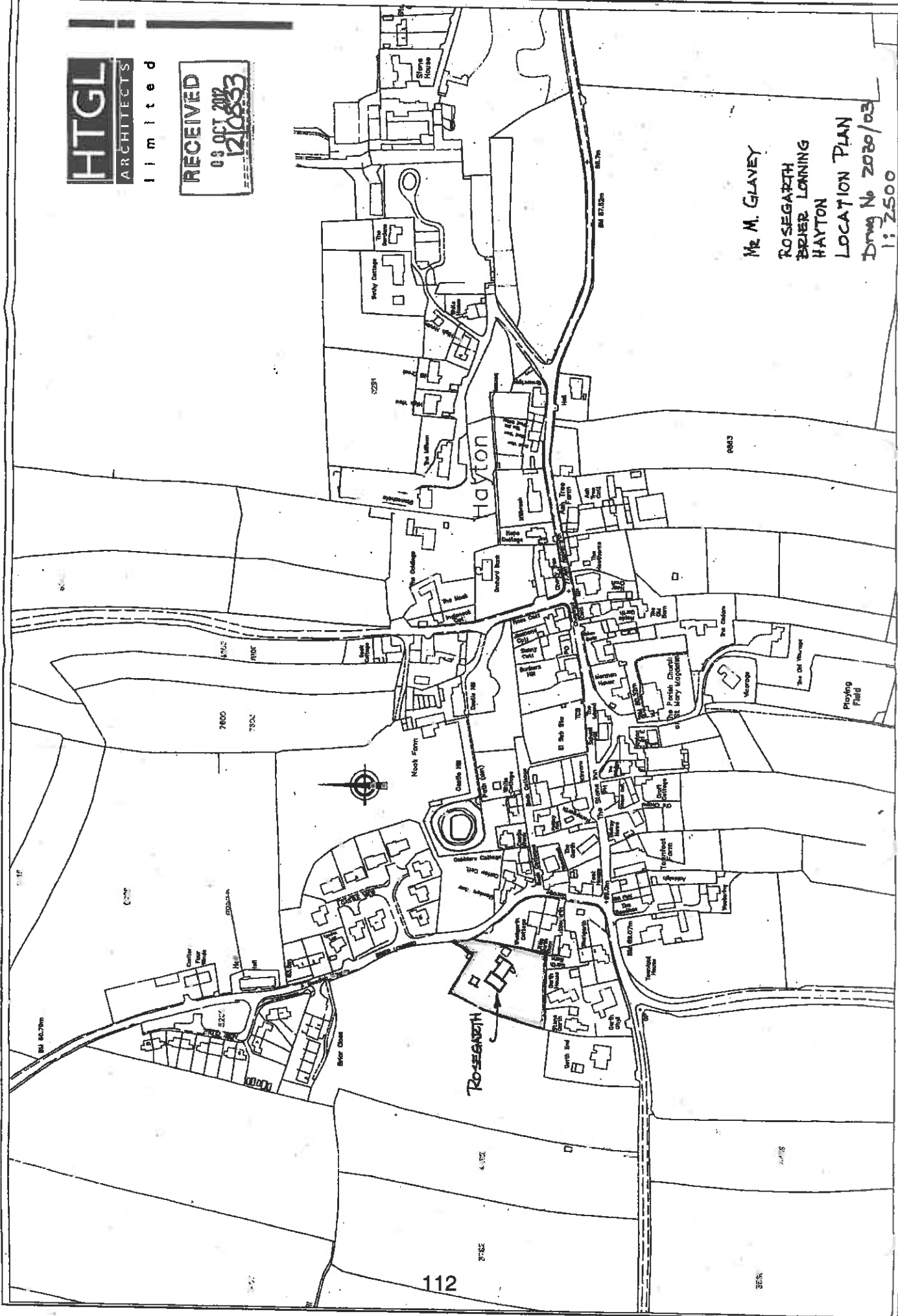
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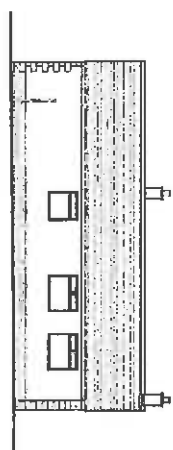
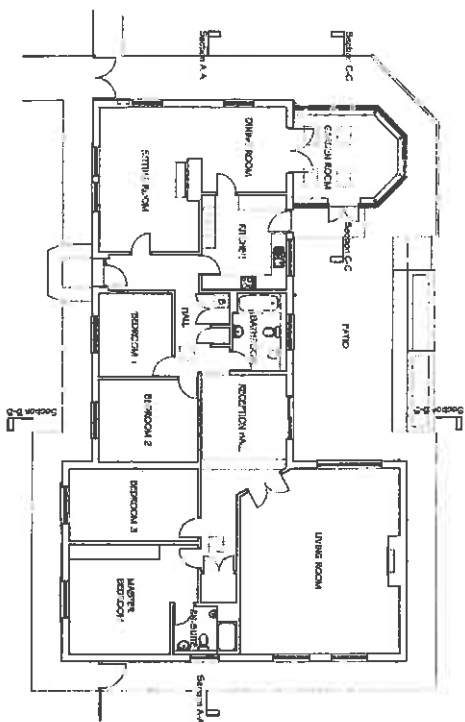
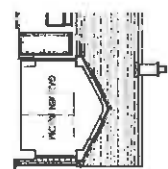
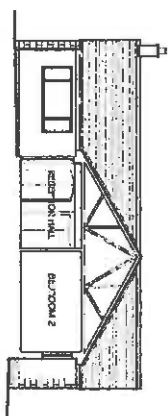
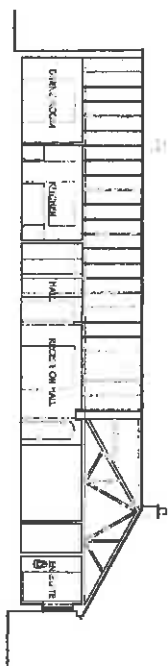
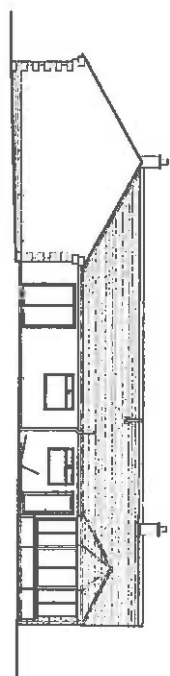
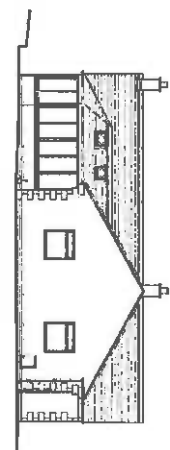
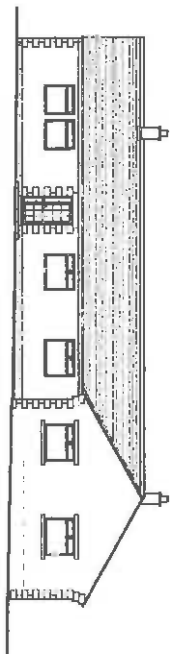
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MR. M. GLAVEY  
ROSEGARTH  
BURNER LONNING  
HAYTON  
LOCATION PLAN  
Drawing No 2020/03  
1:2500





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ARCHITECTS

11 m i t e d

15 Brunswick Street

**CARISIA CAL IPE**

Tel: 01226 521007

**Fax: 01228 016532**

**mailto:info@molliedigital.com or molliedigital.co.uk**

**Chronic:**

**Mr & Mrs M Garvey,**

Project  
Rose

Hayton, Brampton.  
Cumbria.

Title:

### PROPERTY AND MONITORING

Drawn: 16/5

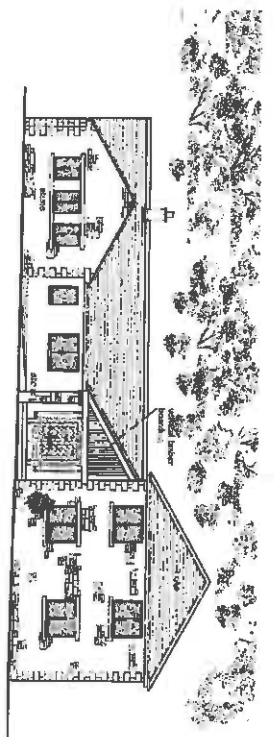
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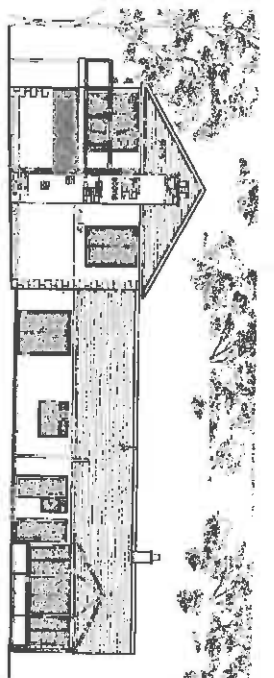
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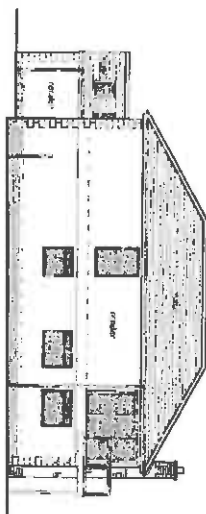
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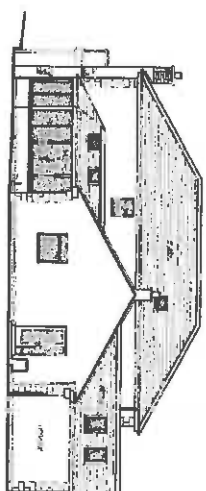
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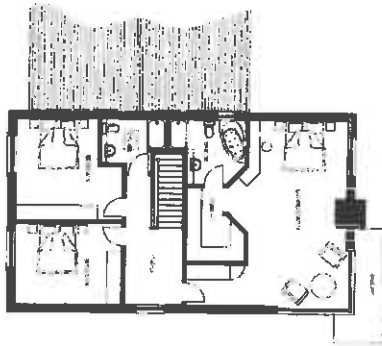
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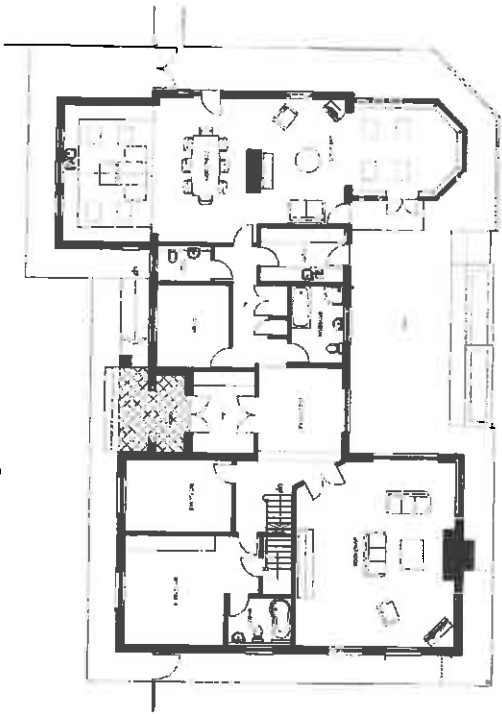
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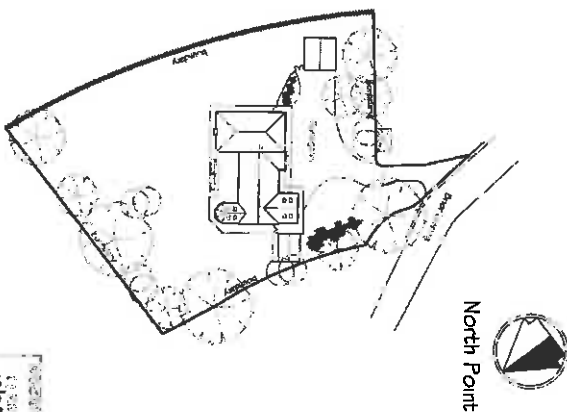
South East Elevation



First Floor Plan



Ground Floor Plan



Block Plan (1:500)



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LIMITED

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Tel: 01228 521887  
Fax: 01228 819882  
mail@htcl-architects.co.uk



Client:  
Mr & Mrs M. Givney  
Project:  
Rear extension,  
Haydon, Bampton,  
Devon.  
The  
Property is proposed

Drawn:

Date: October 2012

Scale: 1:100

Drawn by:  
2030/02 c

## **SCHEDULE A: Applications with Recommendation**

12/0847

**Item No: 09**

**Date of Committee: 14/12/2012**

**Appn Ref No:**  
12/0847

**Applicant:**  
Mr Herbert Ridley

**Parish:**  
Walton

**Date of Receipt:**  
12/10/2012

**Agent:**  
Taylor & Hardy

**Ward:**  
Irthing

**Location:**

L/A rear of 1 & 2 Whitehouse, Walton, Brampton,  
CA8 2DJ

**Proposal:** Residential Development (Outline Application)

---

### **REPORT**

**Case Officer:** Barbara Percival

#### **1. Recommendation**

- 1.1 It is recommended that this application is approved subject to legal agreement.

#### **2. Main Issues**

- 2.1 Whether the principle of development is acceptable
- 2.2 Whether the scale and design of the dwellings are acceptable
- 2.3 The provision of affordable housing
- 2.4 The impact of the proposal on the living conditions of neighbouring residents
- 2.5 Whether the proposal would lead to the loss of the best and most versatile agricultural land.
- 2.6 Impact of the proposal on highway safety
- 2.7 Whether the method of disposal of foul and surface water are appropriate
- 2.8 Impact of the proposal on biodiversity
- 2.9 Impact of the proposal on existing trees and hedgerows
- 2.10 Impact of the proposal on archaeology
- 2.11 Other matters

#### **3. Application Details**

##### **The Site**

- 3.1 The application site is located immediately to the south of the Walton to Hethersgill road. Extending to approximately 0.191 hectares in area, the submitted application form outlines that the site is currently used for grazing, growing of vegetables and storage. The application site is delineated by mixed hedgerows along its western and northern boundaries, wooden fences and leylandii hedges along its eastern boundary with a mixture of post of wire fencing and mixed hedgerow along its southern boundary. An existing field access would serve the development.
- 3.2 The rear amenity spaces of numbers 1 and 2 Whitehouse, a detached bungalow and detached house respectively, lie immediately to the south of the site. Two further bungalows, numbers 15 and 16 Woodleigh are located along the site's eastern boundary with open aspects to the north and west.

### **The Proposal**

- 3.3 This application seeks Outline Permission for residential development with some matters reserved namely: appearance, landscaping, layout and scale. This application, therefore, is to establish the principle of development together with the proposed access arrangements.
- 3.4 As previously outlined, the application seeks Outline Planning Permission; however, indicative layout drawings submitted as part of the application illustrate three dormer style dwellings with the access road running along the southern boundary of the site.

## **4. Summary of Representations**

- 4.1 This application has been advertised by the direct notification of nine neighbouring properties and the posting of a Site Notice. In response, four letters/e-mails of objection have been received.
- 4.2 The letters/e-mails identifies the following issues:
1. impact of living conditions of neighbouring properties.
  2. proposed development would be outside settlement boundary.
  3. no requirement for affordable homes.
  4. intrusion into open countryside.
  5. loss of agricultural land.
  6. unauthorised use of land.
  7. contrary to National Planning Policy Framework.
  8. impact of highway safety.
  9. other matters.

## **5. Summary of Consultation Responses**

Cumbria County Council - (Econ. Dir. Highways & Transportation): - no objection in principle subject to the imposition of three conditions and an informative;

Walton Parish Council: - no objection but have the following comments: questions the requirement for additional housing as several properties within the village have been for sale for several years; there is no facilities within the village due to the closure of the Public House; and the results of the Community Led Plan illustrated that the majority of respondees do not believe additional housing is required although if new housing were built it should be affordable;

Local Environment - Environmental Protection: - no objections subject to the imposition of a condition;

Local Environment - Drainage Engineer: - no response received;

English Heritage - North West Region: - do not wish to offer any comments;

Hadrians Wall Heritage Limited: - no response received;

Housing Strategy: - no objections subject to compliance with H5 of the Local Plan;

United Utilities: - no objection subject to imposition of a condition requiring details of disposal of surface water prior to development.

## **6. Officer's Report**

### **Assessment**

6.1 The relevant planning policies against which the application is required to be assessed are Policies DP1, CP1, CP2, CP3, CP4, CP5, CP12, H1, H5 and T1 of the Carlisle District Local Plan 2001-2016. The proposals raise the following planning issues:

1. Whether The Principle of Development Is Acceptable

6.2 The main issue for Members to establish in the consideration of this application is the principle of development. Since the adoption of the Local Plan, the National Planning Policy Framework (NPPF) has been published by the Government and is a material consideration in the determination of this application. Policy considerations in relation to this application state that whilst development should be considered against Local Plan policies, the Council's Local Plan (in respect of the issue of housing) cannot be considered up to date under the NPPF. The Framework seeks to promote sustainable development and in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

6.3 Reference is made by the objectors to the site being outside the settlement boundary identified in the Local Plan. The NPPF does not advocate the use of settlement boundaries but rather promotes locations of new housing relative to existing development. With regard to this issue, limited weight can, therefore, be given to the fact that the site is outwith the settlement boundary.

6.4 The site is well related to Walton which is close to the Key Service Centre of Brampton which has a high level of service and that the proposal also includes provision for a commuted sum towards the provision of an affordable unit. In light of the foregoing, the site for housing is consistent with the policies in the NPPF and the principle of development is acceptable.

## **2. Whether The Scale And Design Of The Dwellings Are Acceptable**

- 6.5** The drawings and documents submitted as part of the application illustrate the siting of three dormer style dwellings with rooms in the roof space. However, the application seeks Outline Planning Permission with some matters reserved. The scale and design of the dwellings are reserved for subsequent approval should this application be approved, therefore, are for indicative purposes only.

## **3. The Provision Of Affordable Housing**

- 6.6** 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 to provide 3 units and the size of the site, there is a policy requirement to provide 10% contribution towards the provision of affordable housing. The applicant is willing to provide this contribution and subject to the completion of a S106 Agreement, there is no policy conflict.

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

- 6.7** Development should be appropriate in terms of quality to that of the surrounding area and that development proposals incorporate high standards of design including siting, scale, use of materials and landscaping which respect and, where possible, enhance the distinctive character of townscape and landscape. 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, which importantly requires that the suitability of any development proposal be assessed against the policy criteria.

- 6.8** Although the siting of the dwellings on the layout plan is only indicative adequate separation distance can be maintained between the existing and proposed dwellings, thereby ensuring that the adjacent properties are not affected through loss of light, loss of privacy or over dominance.

## **5. Whether the Proposal Would Lead To The Loss Of The Best And Most Versatile Agricultural Land**

- 6.9** It is accepted that the proposal would lead to the loss of agricultural land. The Agricultural Land Classification identifies this land as Grade 3, Grades 1 and 2 being of the highest quality. Grade 3 land is common both within the immediate vicinity of the application site and within the District as a whole. As such, it is not considered that the loss of this small area of agricultural land would provide grounds for refusal of the application.

## **6. Impact Of The Proposal On Highway Safety**

- 6.10** The proposal involves the utilisation of an existing access from the application site onto the County highway and would be within the restricted 30mph speed



limit. The objectors state that the increase in traffic serving the development would be detrimental to highway safety as the County highway passes both the village hall and the children's playground.

- 6.11 Members will note that the Highway Authority has raised no objection subject to the imposition of appropriate highway conditions.

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

- 6.12 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. As previously mentioned, the proposal seeks Outline Planning Permission with some Matters reserved; however, the application form highlights that foul drainage would be to the main sewer with surface water disposed of into a sustainable drainage system.

- 6.13 United Utilities in its consultation response has no objection to the proposal subject to the imposition of appropriate conditions.

#### 8. Impact Of The Proposal On Biodiversity

- 6.14 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; 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.

#### 9. Impact Of The Proposal On Existing Trees And Hedgerows

- 6.15 The site is bounded by hedgerows with sporadic trees. The applicant has submitted an Arboricultural Report which assesses the impact of the proposal on trees and hedgerow within the development site together with suggested mitigation measures and planting.
- 6.16 Members should also be aware that the City Council's Landscape Architect/Tree Officer has no objections subject to the imposition of appropriate condition.

#### 10. Impact Of The Proposal On Archaeology

- 6.17 An Archaeological Statement was submitted as part of the application as the site is within the buffer zone on the Hadrian's Wall World Heritage Site. English Heritage confirmed within that document that *"the development here would be too far north of the line of Hadrian's Wall for there to be any issue with it potentially impacting on archaeological remains ... in addition providing that the residential development is well designed and uses high quality materials it would not have an adverse impact on the setting of the World Heritage Site"*. The document also included an e-mail from Cumbria County Council's Historic Environment Officer outlining that it had no objections to

make regarding the development of the application site.

- 6.18 These views have been borne out in subsequent consultation responses.

## **11. Other Matters**

- 6.19 Objectors have raised concerns in respect of the existing use of the site and the alleged burning of materials on the site. These objections have been noted; however, they do not relate to the processing of this application. Their concerns have been forwarded to the appropriate Officers within the Council.
- 6.20 The Parish Council and several objectors also raised concerns in respect of the necessity of the additional proposed dwellings as there are several properties for sale/rent within Walton. The concerns are noted; however, this is not a material planning issue as Members are aware, every application must be dealt with on its own merits and assessed against policies within the Development Plan.
- 6.21 An objector also raised concerns about the publicity undertaken for the development. As previously outlined within the report the application was advertised by the posting of notification letters to the occupiers of nine neighbouring residential properties, including the objector's property, and the posting of a site notice. Members should be aware that no notification letters were returned by Royal Mail, therefore, it is assumed that the appropriate publicity procedures have been correctly undertaken.

## **Conclusion**

- 6.22 The principle of development of the site is acceptable under the provisions of the NPPF. Cumbria County Council, as Highways Authority, do not object subject to the imposition of appropriate conditions to the formation of the proposed access to serve the site. Other matters in respect of appearance, landscaping, layout and scale would be subject to consideration upon receipt of a further application.
- 6.23 In overall terms, the proposal is considered to be compliant under the provisions of the NPPF and the objectives of the relevant Local Plan policies. Accordingly, the application is recommended for approval subject to the completion of a Section 106 Agreement.

## **7. Planning History**

- 7.1 In 2005, Full Planning Permission was refused for the change of use of paddock to caravan and camping site with toilet block, site access roads and parking (application reference 05/1198).

## **8. Recommendation: Grant Subject to S106 Agreement**

1. In case of any "Reserved Matter" application for approval shall be made not

later than the expiration of three years 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 five years from the date of the grant of this permission, or
- ii) The expiration of two years from the final approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.

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

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

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

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

1. the submitted planning application form received 12th October 2012;
2. the site location plan received 12th October 2012 (Drawing Number CO169/100/01/P);
3. the block plan indicative layout received 12th October 2012 (Drawing Number CO169/100/02/P);
4. the site topography received 12th October 2012 (Drawing Number CO169/100/14/P);
5. the Design and Access Statement received 12th October 2012;
6. the Statement of Land Contamination amended November 2012 received 12th October 2012;
7. the Statement on the Archaeological Aspects received 12th October 2012;
8. the Statement on the Drainage Aspects received 12th October 2012;
9. the Tree and Hedge Survey Report received 12th October 2012;
10. the Notice of Decision; and
11. any such variation as may subsequently be approved in writing by the Local Planning Authority.

**Reason:** To define the permission.

4. No development approved by this permission shall be commenced until a scheme for the disposal of foul and surface waters 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.

5. Details showing the provision within each dwelling site for the parking, turning and loading and unloading of vehicles and for vehicles to enter and leave the site in a forward direction, shall be submitted to the Local Planning Authority for approval. The development shall not be brought into use until any such details have been approved in writing by the Local Planning Authority and the parking, loading, unloading and manoeuvring facilities constructed. The approved parking, loading, unloading and manoeuvring areas shall be kept available for those purposes at all times and shall not be used for any other purpose.

**Reason:** To ensure that all vehicles can be properly and safely accommodated clear of the highway in accordance with Policy T1 of the Carlisle District Local Plan 2001-2016. To support Local Transport Plan Policies: LD7, LD8.

6. No dwelling shall be occupied until the vehicular access and parking requirements have been constructed in accordance with the approved plan and brought into use. These facilities shall be retained and capable of use at all times thereafter and shall not be removed or altered without the prior consent in writing of the Local Planning Authority.

**Reason:** To ensure a minimum standard of access provision when the development is brought into use in accordance with Policy T1 of the Carlisle District Local Plan 2001-2016. To support Local Transport Plan Policies: LD5, LD7, LD8.

7. The whole of the access area bounded by the carriageway edge and the highway boundary shall be constructed and drained to the specification of the Local Highways Authority. For the avoidance of doubt the access shall be formed as a precursor to any works commencing on the site.

**Reason:** In the interests of highway safety and in accordance with Policy T1 of the Carlisle District Local Plan 2001-2016. To support Local Transport Plan Policies: LD5, LD7, LD8.

8. 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 Policy CP5 of the Carlisle District Local Plan 2001-2016.

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

development thereafter carried out in accordance therewith.

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

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

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

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

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

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

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

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 in accordance with condition 3.

**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 CP13 of the Carlisle District Local Plan 2001-2016.

14. Before any development is commenced on the site, including site works of any description, a protective fence in accordance with Fig. 2 in B.S. 5837: 2005 shall be erected around the trees and hedges to be retained at the extent of the Root Protection Area as calculated using the formula set out in B.S. 5837. Within the areas fenced off no fires should be lit, no equipment, machinery or structure shall be attached to or supported by a retained tree or hedge, no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area, the existing ground level shall be neither raised nor lowered, and no materials, temporary buildings or surplus soil of any kind shall be placed or stored thereon. The fence shall thereafter be retained at all times during construction works on the site.

**Reason:** In order to ensure that adequate protection is afforded to all trees/hedges to be retained on site in support of Policies CP3 and CP5 of the Carlisle District Local Plan 2001-2016.

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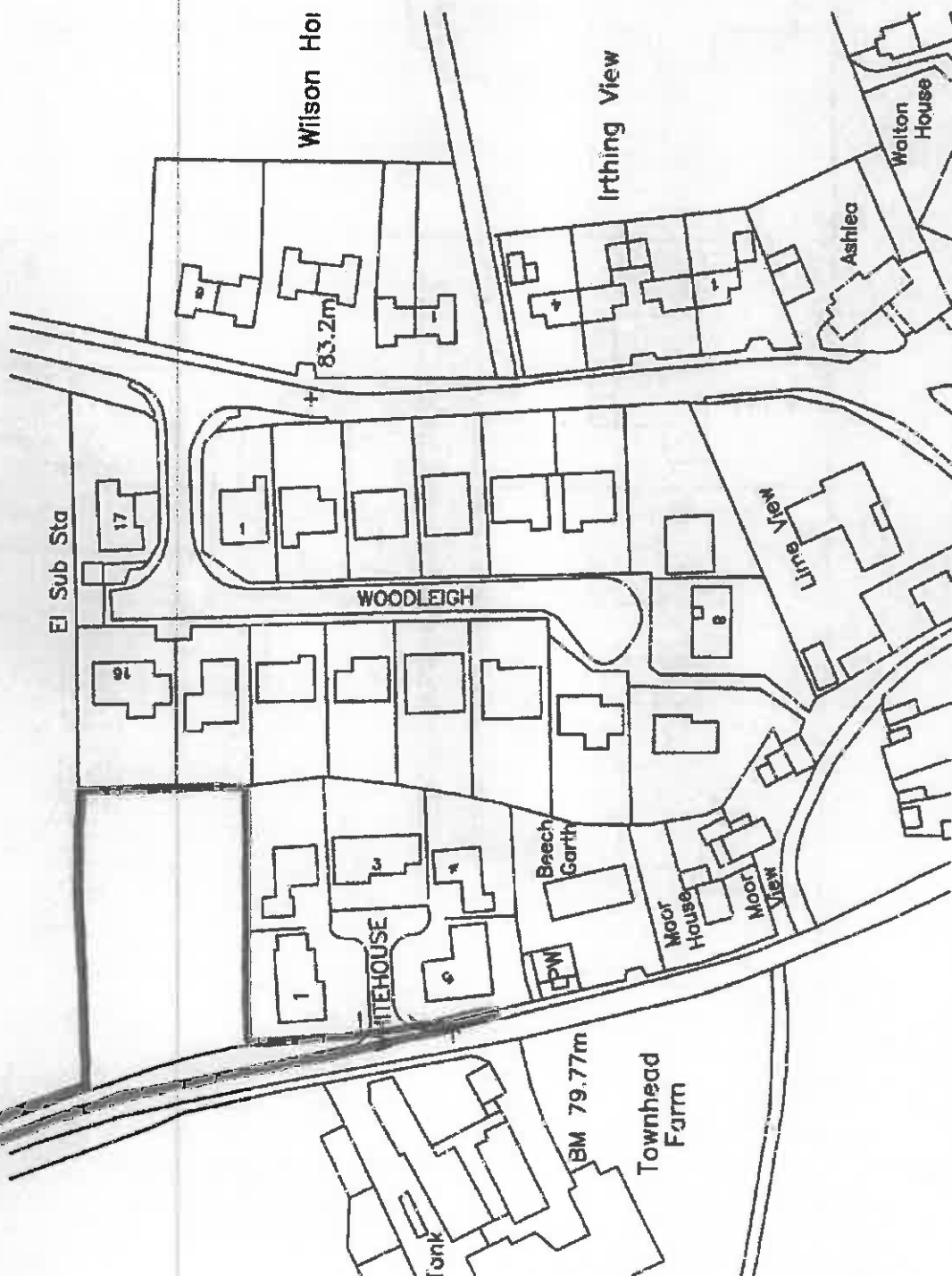
Building Consultancy Services  
25 STAMFORD ROAD • STIRLING • CAPTIVE • CUMBRIA • G4 3AT  
Tel: 01238 411621 • Mob: 07812 011631  
Email: [info@coordinatecumbria.com](mailto:info@coordinatecumbria.com)

Residential Development, Land to  
Rear of No's 1 & 2 Whitehouse,  
Walton

DATE

## Site Location Plan

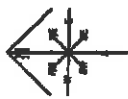
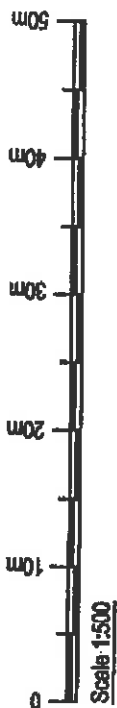
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Site Area - 1,910m<sup>2</sup> (0.191Ha)



Scale 1:1250



12/0847

Site Area - 1,910m<sup>2</sup> (0.191Ha)

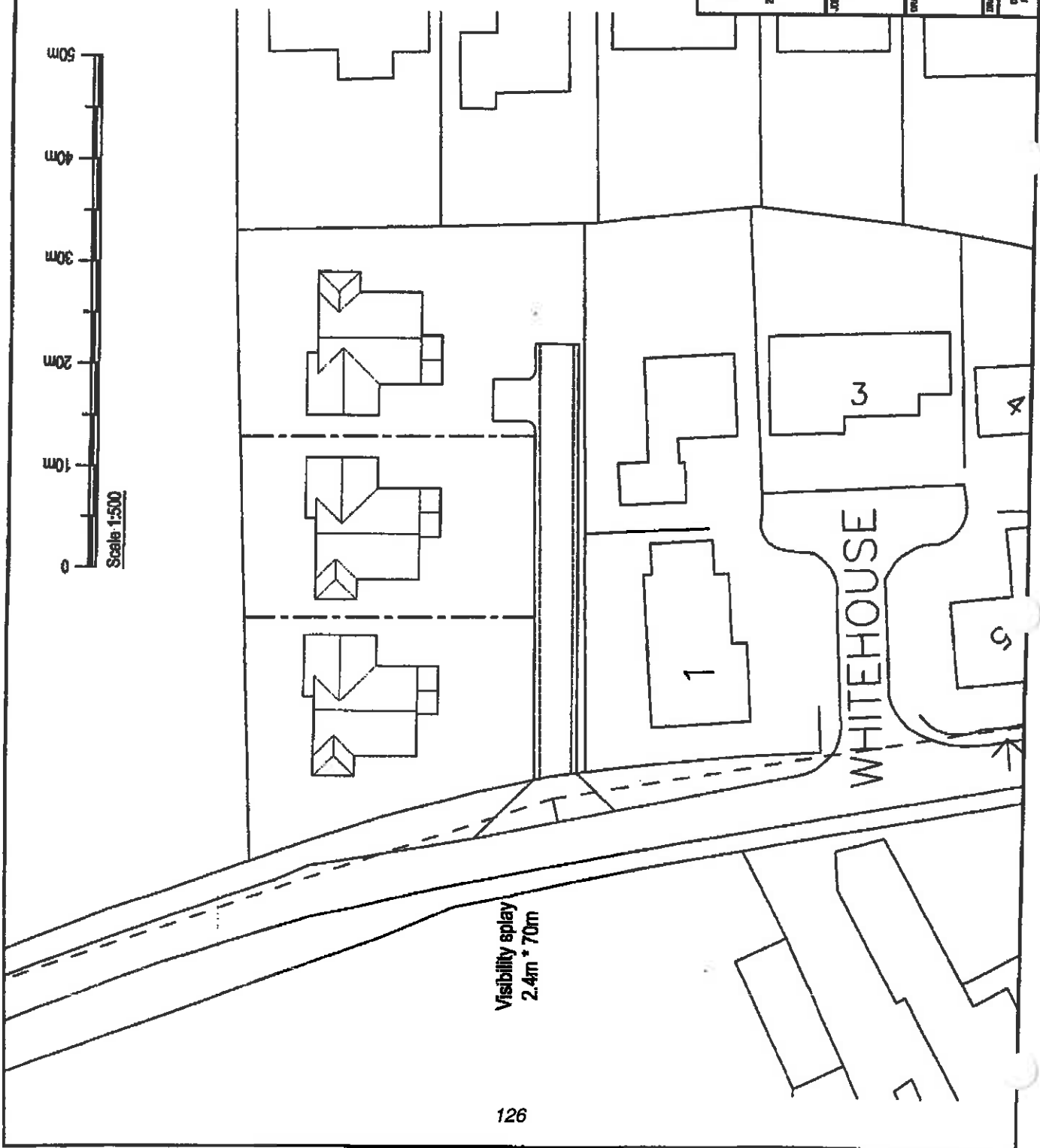
**Co-ordinate (Cumbria) Ltd**

Planning Consultancy Services  
25 STANTON ROAD • ETTTERBY • CARLISLE • CUMBRIA • CA5 9DT  
Tel: 01228 810281 • Mobile: 07793 091831  
Email: admin@co-ordinate.co.uk

**Joe Residential Development, Land to  
Rear of No's 1 & 2 Whitehouse,  
Walton**

**Block Plan  
Indicative Layout**

DRAWING NUMBER	DATE	SCALE	REVISION
CO168/100/02/P	02/06/2005	1:500	-



Visibility splay  
2.4m \* 70m



## **SCHEDULE A: Applications with Recommendation**

12/0835

**Item No: 10**

**Date of Committee: 14/12/2012**

**Appn Ref No:**  
12/0835

**Applicant:**  
Daniel Ferguson & Rachel  
Salmon

**Parish:**  
Stanwix Rural

**Date of Receipt:**  
08/10/2012

**Agent:**  
RCA Interiors Limited

**Ward:**  
Stanwix Rural

**Location:**  
Rickerby Cottage, Rickerby Park, Carlisle, CA3 9AA

**Proposal:** Change Of Use Of Part Of A Residential Property Including Part Demolition And Rebuilding. Upgrade Of The Existing Swimming Pool Complex To Form A Spa Facility, Licensed Cafe And Restaurant, Along With Associated Parking And Amenity Space

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### **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 & Design Would Be Acceptable
- 2.3 Impact On The Rickerby Conservation Area
- 2.4 Impact On The Living Conditions Of The Occupiers Of Neighbouring Properties
- 2.5 Highway Issues
- 2.6 Flood Risk Issues
- 2.7 Other Matters

#### **3. Application Details**

##### **The Site**

- 3.1 Rickerby Cottage is a substantial two-storey dwelling, which sits in extensive

grounds and lies within the Rickerby Conservation Area. A large swimming pool, which measures 17.5m in length by 9.5m in width, and which has a hipped roof, has been erected adjacent to the dwelling. The building contains a swimming pool, a Jacuzzi, a sauna and showers and has been let out as a private swimming pool for over ten years.

- 3.2 A two-storey brick building lies to the front of the swimming pool and is attached to the dwelling. The ground floor of this building contains changing rooms and a lounge that are linked to the swimming pool. A yard lies to the front of this building, which contains some outbuildings, and which is enclosed by a 3.6m high wall. The upper floor of this building is currently unused.
- 3.3 The property has a large front garden, which contains a number of mature trees and an area of hardstanding to the front of the main dwelling. A very large garden is located to the rear of the property, which adjoins Rickerby Park to the west and residential dwellings to the east.
- 3.4 The road that runs through Rickerby Park, that links Brampton Road to Linstock, runs to the front of the dwelling and is adjoined by Hadrian's Wall Path and Hadrian's Cycle Route.
- 3.5 Rickerby House, which is a listed building, and the residential dwellings in Rickerby Gardens, lie to the rear of the application site. Rickerby Lodge adjoins the site to the east and this dwelling directly faces Rickerby Cottage. The garage of Rickerby Lodge, which lies in close proximity to the front garden of Rickerby Cottage, is currently the subject of a planning application to convert it into a dwelling.

## **Background**

- 3.6 The application as originally submitted contained 162 covers in the cafe/restaurant (82 inside and 80 outside) and 12 camping pods, which would have been sited in the rear garden of the property. The revised plans remove the camping pods and remove any reference to the number of covers, which can be restricted by condition.

## **The Proposal**

- 3.7 The proposal is seeking to demolish the existing two-storey building, that lies to the front of the swimming pool, and the replace it with a new two-storey building which would sit on the footprint of the existing building and the yard area to the front. This would be constructed of brick and slate and would incorporate a chimney to match those on the main dwelling. A new two-storey glazed entrance would be created to the front of this, which would contain a reception area, a staircase and a lift, which would provide access to the first floor. This would be flanked by single-storey flat roof extensions, which would contain toilets and treatment rooms. The rear section of the ground floor would contain changing rooms and a small gym, which would measure 5.6m by 3.2m. A rendered section, with a glazed roof and a lower ridge height, would connect the new extension with the dwelling.
- 3.8 A new flat roof would be added to the swimming pool and a glazed

conservatory would project out 3.5m onto part of this. The conservatory would link to the upper floor of the new two-storey building and this area would contain a cafe/ restaurant. The east elevation of the conservatory would be obscure glazed to ensure that there is no overlooking of Rickerby Lodge, which lies to the east. There would be no access to the swimming pool roof, which would only be used to provide access to a fire escape, which would be attached to the east elevation of the swimming pool building.

- 3.9 It is anticipated that the cafe/ restaurant would be used during the day by people visiting Rickerby Park, people walking the Hadrian's Wall Path, visitors to the leisure facilities and local residents. In the evening, the restaurant would undoubtedly attract some dining customers.
- 3.10 The swimming pool would be refurbished and would include a swimming pool, steam room, sauna and gym. The leisure facilities would be booked in advance, with bookings allowing a maximum of 12 visitors at any one time (6 in the swimming pool and 6 in the gym/ treatment rooms). Historically, visitors to the swimming pool have booked the whole pool and this would be encouraged.
- 3.11 The applicant wants to open the leisure facilities from 6.30am to 9.00pm and the cafe and restaurant from 10.00am, with last orders being taken at 9.30pm. Deliveries would be limited to between 9.30am and 11.45am and 2.00pm and 4.45pm, with staff available to direct deliveries and assist with unloading.
- 3.12 The scheme includes the provision of 25 car parking spaces (including two for staff and two for disabled persons), three motorcycle spaces and four cycle spaces. Twelve of these spaces would be provided to the east of the cafe/ restaurant, with eleven spaces being provided to the rear of these, adjacent to the swimming pool. The two staff car parking spaces would be provided to the west of the glazed entrance. Additional staff parking would also be available on the existing hardstanding to the front of the main dwelling.
- 3.13 The Transport Statement that accompanies the application states that on average the leisure element would generate one trip arriving during the morning weekday peak period (8am to 9am) and two trips arriving and one trip departing during the evening peak (5pm to 6pm). The busiest time for the restaurant would be between 7pm and 8pm, when three vehicles would arrive and three would depart.
- 3.14 The road through the park is at least 5m in width for much of its length, a width that is suitable for a car and an HGV to pass. Visibility at the access would be improved in order to comply with current standards for visibility.
- 3.15 The existing footpath to the front of the site, which is on the Hadrian's Wall Path and the Hadrian's Cycle Route, is currently separated from the adjacent road by a fence. The proposals are to make a gap in the fence, opposite the access into Rickerby Cottage, to provide pedestrian and cycle access to the proposed development.
- 3.16 New hedging and landscaping would be provided to the front and rear of the

car park, with landscaping also being provided along the rear boundary of the property. A 2m wall would be erected between the front gardens of Rickerby Cottage and Rickerby Lodge.

- 3.17 The applicant would reside at the property and oversee the business, along with a management team, and this would help to control noise, opening and closing hours and deliveries.

#### **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 twenty-two neighbouring properties. Fifteen letters of objection (including one from the Friends of Rickerby Park), thirteen letters of support and one comment have been received in response to the original plans submitted.

- 4.2 The letters of objections make the following points:

- The primary motivation for the development seems to be to cater for the walkers along Hadrian's Wall. Cannot see the justification for a huge restaurant with a seating capacity of 160 people unless it is to attract the majority of customers from the greater Carlisle area. The impact of such a large restaurant in the middle of a quiet residential area would be unacceptable;
- There are certainly not enough walkers to support a restaurant of the size proposed;
- There are no public transport facilities in the area and the proposal would rely heavily on access by the private car. A3, A4 & A5 uses should be sited in accessible locations, within or adjacent to existing centres in line with the sequential approach. Such developments in town centres have a positive effect by introducing variety but they have the potential to cause significant disturbance to surrounding residential properties;
- What is the need to have the restaurant open until 12.00 midnight? The noise factor from people and traffic, particularly over weekends, would be unacceptable;
- The proposal will lead to a huge increase in traffic on a road that was not designed for such a use and this will lead to more accidents;
- The road that links Linstock to Brampton Road is single track going over the bridge into Rickerby Park. The road is very narrow in the park itself and not at all suitable for the number of vehicles that would need to access Rickerby Cottage should the development go ahead.
- Before the start of the Hadrian's Wall Path/Cycleway, cyclists and pedestrians often travel along the road. The road also gets narrow from the village of Rickerby to the site of Rickerby Cottage;
- The road system from Brampton Road through Rickerby Park and from

Linstock to Rickerby Park has been the subject of discussion with the Council for some time, both from the maintenance point of view and its suitability. This added traffic volume would aggravate the already potentially dangerous situation;

- The access to Rickerby Cottage is on a "blind" corner which already presents another dangerous situation - this would need to be improved;
- Visibility from the existing access is limited. Providing adequate visibility to the east would involve alterations to the existing hedge and trees along the frontage, which are outside the application site. The neighbour who owns this land would not allow these to be reduced in height/ removed;
- Off road driving (yob behaviour) in the Park is already an issue and could well escalate given the late opening hours of the restaurant, coupled with alcohol;
- When the park floods, cars will have to go via Linstock, which would disturb this quiet village;
- The road is not suitable for large delivery vehicles;
- The use would generate a need for 90 car parking spaces, but only 18 are being provided;
- Lack of parking spaces will lead to cars parking in Rickerby Gardens and on surrounding land, including grass areas within the park, which will cut up and destroy the land;
- The developments users may be inclined to park in Rickerby Park itself, potentially significantly reducing car parking for the Parks leisure users;
- The proposal would have an adverse impact on the Rickerby Conservation Area - the extra traffic movements and providing substantial car parking would not preserve or enhance the Conservation Area. The camping pods would detract from the Conservation Area;
- With the potential of having 160 diners, one has to bring into question the added security risk to residents given that alcohol could be served until 12.00 midnight;
- The application calls for 12 Camping Pods to accommodate Hadrian's Wall walkers. Given the number of walkers on any given day this appears to be excessive and to make up the numbers the proposal would have to attract campers from a broader audience;
- It is understood that the location for the Camping Pods is in the vicinity of the swimming pool. Rickerby Cottage's land extends upstream along Brunstock Beck/Eden River and as such borders along Rickerby Gardens and in particular Rickerby Court. If this land were to be utilised for Camping Pods and/or tents they would be within metres of residential properties and therefore totally unacceptable;
- Concerned the site could develop into a general camping site and greatly increase in size;

- Residential properties back onto the site and the noise and lighting from the camping pods could adversely affect people in these dwellings;
- The camping pods would increase the security risks to adjoining properties, as the existing boundary treatment is not robust;
- The camping pods would affect views from the dwellings to the rear of the site and would lead to loss of privacy to the dwellings/ gardens to the rear;
- Local residents don't need the facilities - most residents chose to live in Rickerby because of its quiet location and are not interested in the proposed facilities;
- The catering fans for the kitchens/ air conditioning units will create continuous low-level noise;
- Deliveries to the spa and cafe/ restaurant will create noise nuisance;
- This is not the right facility for this area - it should be in a more public place;
- Proposal would increase light pollution, which would adversely affect the park and affect local residents;
- There is no sub-division at the front of Rickerby Cottage and Rickerby Lodge. The use of the front garden of Rickerby Lodge will be significantly inhibited by this development, particularly if car parking was increased;
- The external balconies will cause overlooking of Rickerby Lodge and its garden;
- The proposal would change the park, which is currently a tranquil spot which offers walkers, cyclists and runners the open space they need;
- There are plenty of cafes/ pubs/ bed & breakfast accommodation along Hadrian's Wall to satisfy walkers passing through the area;
- Walkers would not be attracted to a formal restaurant. If the proposed application was for a small tea rooms without all the camping pods it may be supported, as this would benefit visitors to the area and local residents.
- To refurbish the pool and have a small cafe would be sufficient.

4.3 The Friends of Rickerby Park has also objected to the proposals. It is concerned about the extra traffic travelling through the park on narrow unlit roads, which are used by pedestrians and cyclists and which livestock have free range over from March to September. There have been a number of near misses involving vehicles and pedestrians along this route. The number of car parking spaces is woefully low. There are already issues of parking within the park, which has resulted in damage to grass verges and blocking of the road. Those unable to park at Rickerby Cottage will park in the Park, aggravating the problem. The increased traffic passing through the Park can only have a detrimental effect on the peace and tranquility of the Park. Whilst not opposed to development in general terms, the size and nature of the proposals are not in keeping with the existing access and rural amenity of

Rickerby Park.

**4.4 The letters of support make the following points:**

- This is a great idea and there is nothing like this, or of this standard, in Carlisle;
- The proposal will provide local people with several services under one roof which is a unique and exciting prospect for Rickerby and Carlisle;
- This proposal will benefit a lot of people both in and outside Carlisle, including tourists and cyclists;
- The proposal will boost the tourist economy in Carlisle;
- Proposal would bring a classy business to a beautiful part of Carlisle;
- The proposals will open up the natural beauty of Rickerby Park and the River Eden to locals and tourists to enjoy in a tasteful and relaxed setting;
- The proposal will add to the experience of the many people who walk Hadrian's Wall Path - provide refreshments, accommodation and relaxation therapies;
- It will benefit the local community and users of Rickerby Park by providing leisure, restaurant facilities and beauty treatments;
- The east side of the city is lacking in eating establishments;
- The modern extension enhances the naturally beautiful setting;
- The proposal will give a viable boost to the local economy in providing short-term construction employment and long term jobs in the service industry;
- The land around the property is extensive and could provide sufficient parking and also means that neighbours are some distance from the proposal.

**5. Summary of Consultation Responses**

Cumbria County Council - (Econ. Dir. Highways & Transportation): - no objections, subject to conditions;

Stanwix Rural Parish Council: - comments awaited;

English Heritage - North West Region: - no comments;

Hadrian's Wall Heritage Limited: - comments awaited;

Northern Gas Networks: - no objections;

Planning - Access Officer: - suggested some issues that should be considered to improve access for all;

Local Environment - Drainage Engineer: - comments awaited;

Environment Agency: - no objections to the revised scheme, which removes the camping pods. Recommends the inclusion of SUDS to avoid the creation of impermeable areas;

Cumbria Constabulary - North Area Community Safety Unit: - suggested a number of measures that they applicant should consider in order to reduce

opportunities for crime;

Food Hygiene: - no objections. If the application is successful, the applicant should contact Environmental Health to obtain guidance on legislative compliance with regard to Food Safety and Health & Safety;

Local Environment - Environmental Protection: - no objections;

Cumbria County Council - (Archaeological Services): - no objection, subject to conditions;

United Utilities: - no objections to the revised plans subject to conditions;

Conservation Area Advisory Committee: - no objections to amended plans.

## **6. Officer's Report**

### **Assessment**

- 6.1 The relevant planning policies against which the application is required to be assessed are Policies DP1, CP2, CP3, CP5, CP6, CP12, CP15, CP16, EC16, LE7, LE10, LE19 and T1 of the Carlisle District Local Plan 2001-2016. The proposal raises the following planning issues:

#### **1. Whether The Proposal Is Acceptable In Principle**

- 6.2 This proposal is seeking to create a cafe/ restaurant and small leisure facility, at Rickerby Cottage, which lies adjacent to Rickerby Park, Hadrian's Wall Path and the Hadrian's Cycle Trail. The existing swimming pool has been used on a commercial basis for a number of years and this would be expanded to include a small gym and treatment rooms. It is anticipated that the cafe/ restaurant would be used during the day by people visiting Rickerby Park, people walking the Hadrian's Wall Path, people cycling along the Hadrian's Cycle Trail, visitors to the leisure facilities and local residents and on this basis its location is considered to be acceptable. Whilst the restaurant would undoubtedly attract some dining customers in the evening, it would seem unreasonable to prevent it opening in the evenings. Indeed, the National Planning Policy Framework, which was published in March 2012, supports the expansion of businesses in the rural area and promotes the development of local services and community facilities in villages. In light of the above, providing that the cafe/ restaurant is of an acceptable scale, the proposal would be acceptable in principle.

#### **2. Whether The Scale & Design Would Be Acceptable**

- 6.3 The existing two-storey building that lies to the front of the swimming pool would be demolished and replaced by a new two-storey building which would sit on the footprint of the existing building and the yard area to the front. This would be constructed of brick and slate and would incorporate a chimney to match those on the main dwelling. A new two-storey glazed entrance would be created to the front of this, which would be flanked by single-storey flat roof extensions. A rendered section, with a glazed roof and a lower ridge height, would connect the new extension with the dwelling and would provide a break between the existing dwelling and the new extension.
- 6.4 A new flat roof would be added to the swimming pool, which would be



surrounded by a stainless steel and glass balustrade. A glazed conservatory, with a monopitch roof, would project out 3.5m onto part of this. A fire escape would be added to the east elevation of the swimming pool building but this would be not be readily visible from outside the site.

- 6.5 Whilst new parking areas would be created, these would lie adjacent to the building and would be screened by new planting along the front and rear boundaries. A new 2m wall would also be erected between the front gardens of Rickerby Cottage and Rickerby Lodge.
- 6.6 In light of the above, the scale and design of the proposals would be acceptable.

### **3. Impact On The Rickerby Conservation Area**

- 6.7 Both the Council's Heritage Officer and the Conservation Area Advisory Committee have no objections to the revised plans, subject to conditions. The scale and design of the new buildings would be acceptable and a condition has been added to ensure that the front boundary wall is acceptable in terms of materials and design. Whilst new car parking areas would be created these would be adjacent to the building and would be screened by existing and new landscaping.
- 6.8 Whilst the proposal would lead to an increase in traffic in the Conservation Area, this would not be significant enough to have an adverse impact on the character of the Conservation Area.

### **4. Impact On The Living Conditions Of The Occupiers Of Neighbouring Properties**

- 6.9 Rickerby Lodge adjoins the site to the east and directly faces the proposal but would be over 50m away from the building and 25m from the proposed car park. Rickerby House would be over 80m away from the proposed building, with the nearest dwellings in Rickerby Gardens being over 120m away. There is a current application to convert the garage of Rickerby Lodge, which would lie approximately 28m away from the proposed development but adjacent to the proposed parking areas.
- 6.10 People arriving and leaving the cafe/restaurant and leisure facilities would have the potential to adversely affect the living conditions of the occupiers of adjoining properties. It is proposed to restrict the number of covers to forty-eight in order to reduce the impact of the proposal on neighbours. The applicant is proposing to take last orders in the restaurant at 9.30pm and this could mean people leaving the premises after 11.00pm which is considered to be unreasonable. A closing time of 10.00pm for visitors, with all staff off the premises by 10.30pm, is considered to be more appropriate and this can be ensured by condition.

### **5. Highway Issues**

- 6.11 County Highways has no objections to the revised plans. The proposed levels of parking are acceptable for the proposed leisure facilities and up to

sixty covers in the cafe/ restaurant. Restricting the number of covers to forty-eight should ensure that there is sufficient parking for the proposals. Conditions have been added to the permission to ensure the provision of suitable visibility splays; that the parking is created before the cafe/ restaurant is brought into use; and that prior to the commencement of development the applicant provides details of where construction traffic would park and materials would be stored.

## **6. Flood Risk Issues**

- 6.12 Following the removal of the camping pods, the Environment Agency has removed its objection to the application. It has recommended the inclusion of SUDS to avoid creation of additional impermeable areas.

## **7. Other Matters**

- 6.13 United Utilities has no objections to the proposals subject to the imposition of conditions that require details of proposed foul and surface water drainage.

## **Conclusion**

- 6.14 The proposals are acceptable in principle. The scale and design of the proposals would be acceptable and they would not have an adverse impact on the Rickerby Conservation Area or on the living conditions of the occupiers of any neighbouring properties. The proposed access and parking arrangements would be acceptable. In all aspects, the proposal is compliant with the relevant planning policies contained within the Carlisle District Local Plan 2001-2016.

## **7. Planning History**

- 7.1 In June 1984, planning permission was granted for the conversion and extension of existing buildings to form two houses and four flats (84/0289).
- 7.2 In June 1989, planning permission was granted for the erection of a swimming pool (89/0413).
- 7.3 In July 2002, planning permission was granted for an extension with slated roof to provide larger kitchen and dining area (02/0660).

## **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 8 October 2012;
  2. Planning Statement, received 29 November 2012;
  3. Arboricultural Report, received 8 October 2012;
  4. Bat Survey Report, received 8 October 2012;
  5. Flood Risk Assessment, received 8 October 2012;
  6. E-mail from Simon Price to the EA, dated 29 November 2012;
  7. Access Statement, received 29 November 2012;
  8. Location Plan, received 8 October 2012;
  9. Existing Floor Plans & Elevations, received 8 October 2012 (Dwg No. PL01);
  10. Proposed Site Plan, received 28 November 2012 (Dwg No. PL08D);
  11. Proposed Floor Plans & Elevations, received 30 November 2012 (Dwg No. PL02D);
  12. Tree Survey Plan, received 8 October 2012 (Dwg No. C272\_D10);
  13. Tree Constraints Plan Unadjusted, received 8 October 2012 (Dwg No. C272\_D11);
  14. Tree Constraints Plan Adjusted, received 8 October 2012 (Dwg No. C272\_D12);
  15. Tree Protection Plan, received 8 October 2012 (Dwg No. C272\_D13);
  16. the Notice of Decision; and
  17. any such variation as may subsequently be approved in writing by the Local Planning Authority.

**Reason:** To define the permission.

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

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

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

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

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

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

6. Prior to commencement of development, details of how foul and surface water shall be drained on a separate system shall be submitted for approval in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.

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

7. Prior to the commencement of development, a scheme for surface water and foul water drainage (inclusive of how the scheme shall be maintained and managed after completion) shall be submitted to and approved in writing by the Local Planning Authority. The drainage scheme submitted for approval shall be in accordance with the principles set out in the Simon Price's email dated 30 November 2012 proposing surface water runoff from the site discharging directly into the watercourse/beck and foul water discharging into the foul sewer. For the avoidance of doubt, neither surface water, land drainage nor highway drainage shall connect into the public foul/combined sewerage system (directly or indirectly). No part of the development shall be occupied until the drainage scheme has been constructed in accordance with the approved details. The development shall be completed, maintained and managed in accordance with the approved details.

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

8. This permission shall not be exercised by any person other than the occupiers of Rickerby Cottage.

**Reason:** To protect the living conditions of the occupiers of Rickerby Cottage, in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

9. The restaurant/ cafe hereby approved shall be restricted to a maximum of forty-eight covers at any one time and these covers shall be located within the cafe/ restaurant area, identified on the Proposed Floor Plans & Elevations, received on 30 November 2012 (Drawing No. PL02D)

**Reason:** To ensure that the proposal does not have an adverse impact on the living conditions of the occupiers of any neighbouring properties, in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

10. The swimming pool, gym and treatment rooms hereby approved shall be used by a maximum of twelve customers at any one time.

**Reason:** To ensure that the proposal does not have an adverse impact on the living conditions of the occupiers of any neighbouring properties, in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

11. The proposed cafe/ restaurant shall not be open for trading except between 10:00 hours and 22.00 hours on Mondays-Sundays. All customers shall leave the premises by 22.00 hours, with all staff leaving the premises by 22.30 hours. The proposed leisure facilities (swimming pool, gym and treatment rooms) shall not be open for trading except between 06:30 hours and 21:00 hours Mondays-Sundays.

**Reason:** To prevent disturbance to nearby residential occupiers and in accord with Policy CP5 of the Carlisle District Local Plan 2001-2016.

12. No deliveries shall take place except between 09.00 hours and 17.00 hours.

**Reason:** To prevent disturbance to nearby residential occupiers and to ensure that delivery vehicles do not arrive/ leave the site during peak periods, in accord with Policy CP5 of the Carlisle District Local Plan 2001-2016.

13. The glazing in the east elevation of the first floor rear conservatory (located on the swimming roof) shall be obscure glazed and non-opening, in accordance with details to be agreed in writing by the Local Planning Authority and thereafter retained as such to the satisfaction of the Local Planning Authority.

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

14. For the duration of the development works, existing trees to be retained shall be protected by suitable barriers erected and maintained in accordance with details to be approved in writing by the Local Planning Authority. The Authority shall be notified at least seven days before work starts on site so that barrier positions can be established. Within this protected area there shall be no excavation, tipping or stacking, nor compaction of the ground by any other means.

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

15. The application shall be undertaken in strict accordance with the details contained within the Mitigation Strategy contained within the Bat Survey Report, produced by Lloyd Bore in August 2012 and received on 8 October 2012.

**Reason:** In order to enhance the habitat for bats in accordance with Policy CP2 of the Carlisle District Local Plan 2001-2016.

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

This written scheme will include the following components:

- (i) An archaeological evaluation;
- (ii) An archaeological recording programme the scope of which will be dependant upon the results of the evaluation;
- (iii) Where appropriate, a post-excavation assessment and analysis, preparation of a site archive ready for deposition at a store approved by the Planning Authority, completion of an archive report, and submission of the results for publication in a suitable journal.

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

17. The development shall not commence until visibility splays providing clear visibility of 70metres measured along the nearside channel lines of the public road from a position 2.4metres inset from the carriageway edge, on the centre line of the access, at a height of 1.05metres, have been provided. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be permitted to grow so as to obstruct the visibility splays.

**Reason:** In the interests of highway safety and to support Local

Transport Plan Policies LD7 & LD8.

18. The use of the café/restaurant, shall not be commenced until the access and hardstanding parking and turning areas have been constructed in accordance with the approved plan. All such provision shall be retained, capable of use when the development is completed and shall not be removed or altered thereafter, without the prior consent of the Local Planning Authority.

**Reason:** To ensure a minimum standard of access and public safety/security when the development is brought into use.

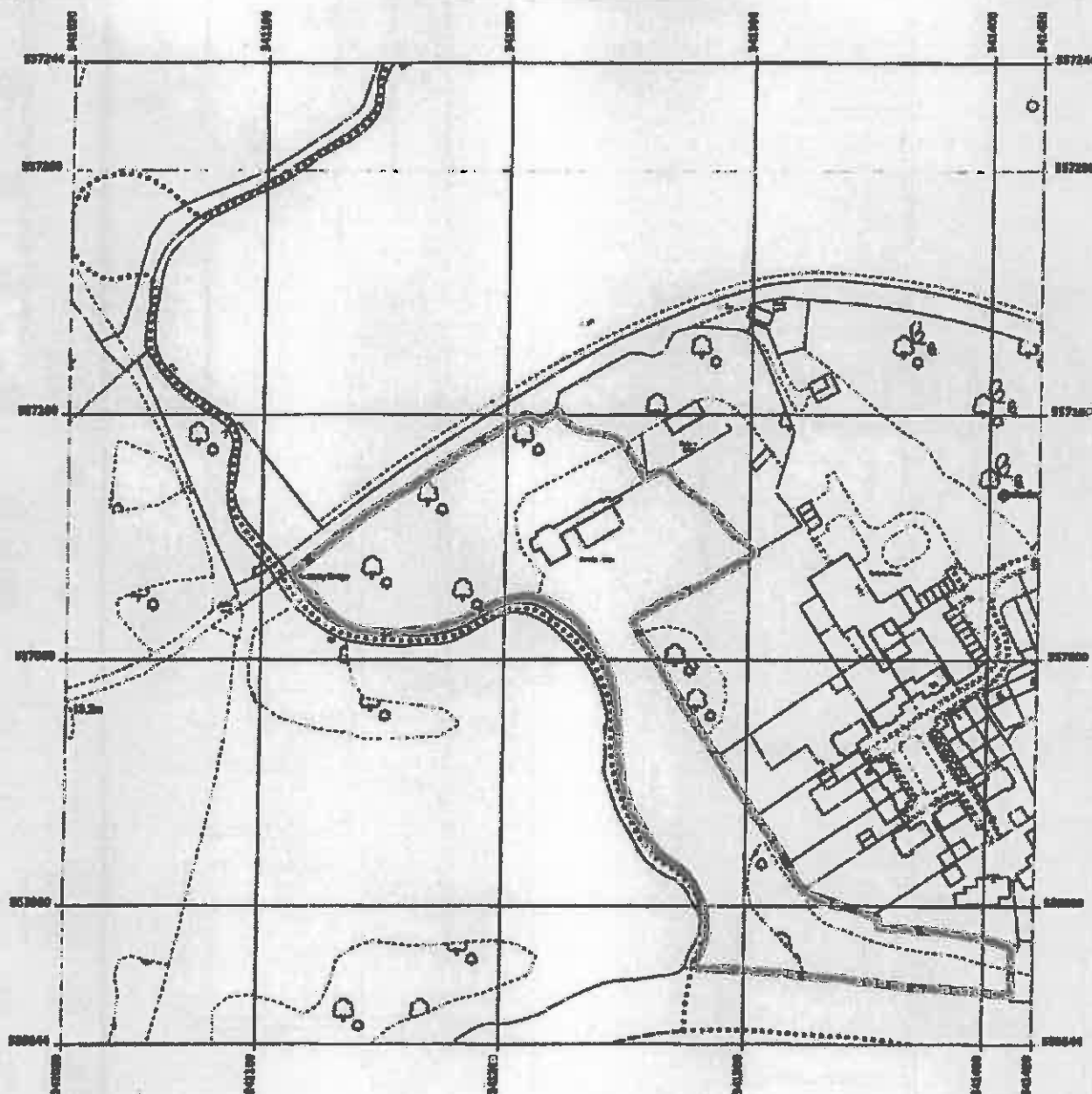
19. Before any building works commence, a plan shall be submitted for the approval of the local planning authority reserving adequate land for the storage of materials/parking of vehicles /plant engaged in the building operations and such land, including vehicular access thereto, shall be used for or be kept available for these purposes at all times until completion of the construction works.

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

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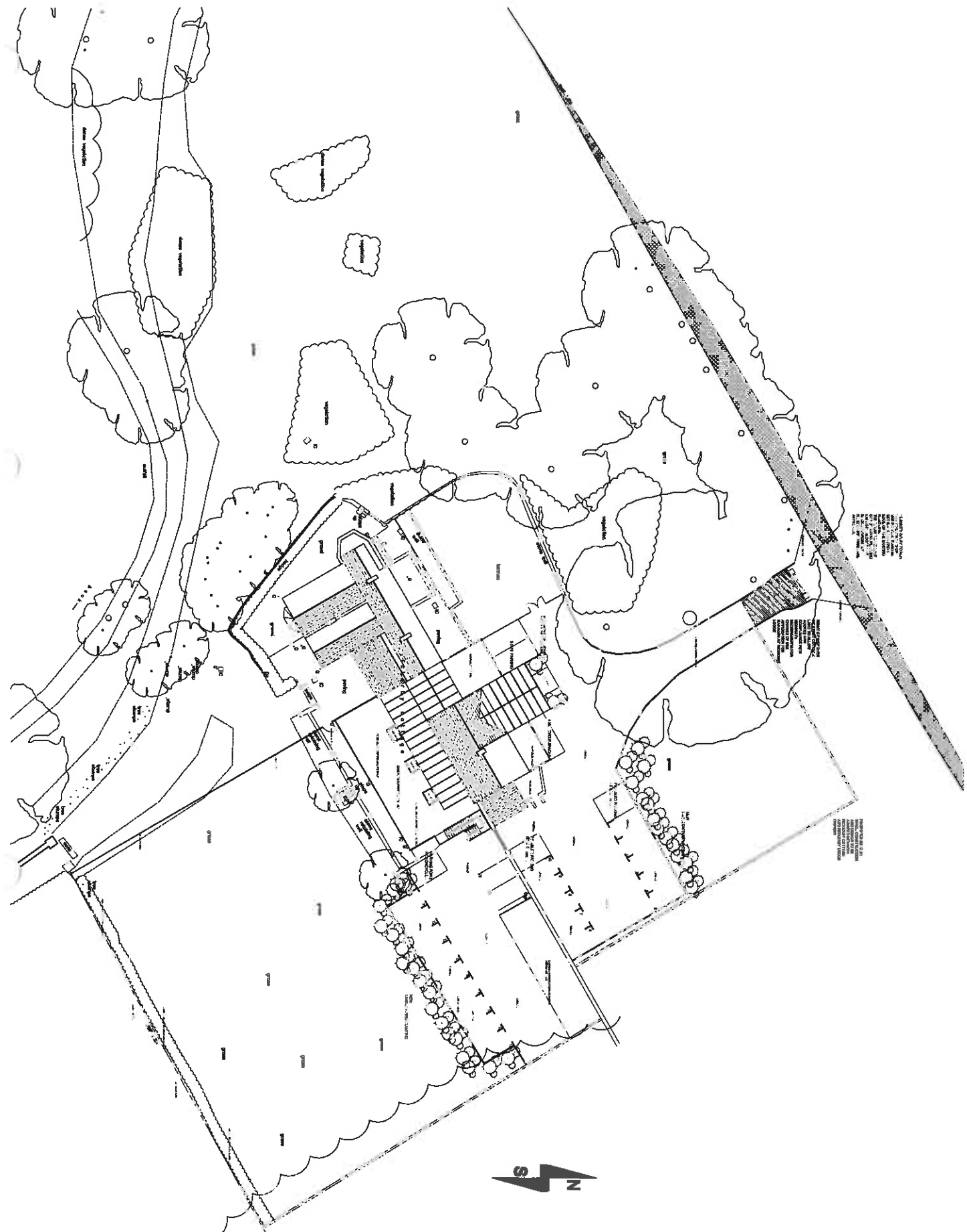


RICKERBY COTTAGE  
CARLISLE  
CA3 9AA

Supplied by: Stanfords  
Reference: OSN0575  
Centre coordinates: 341220 557044

12/0835





NOTES:  
1. ALL DIMENSIONS ARE IN METERS.  
2. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE ROAD.  
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**PROJECT INFORMATION**

PROJECT NAME: RCRA HEADQUARTERS

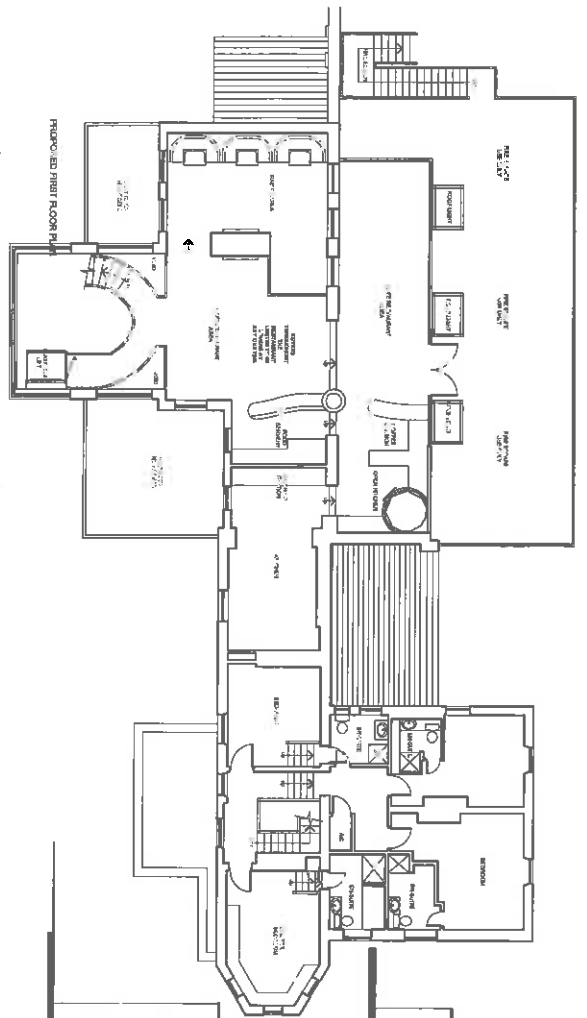
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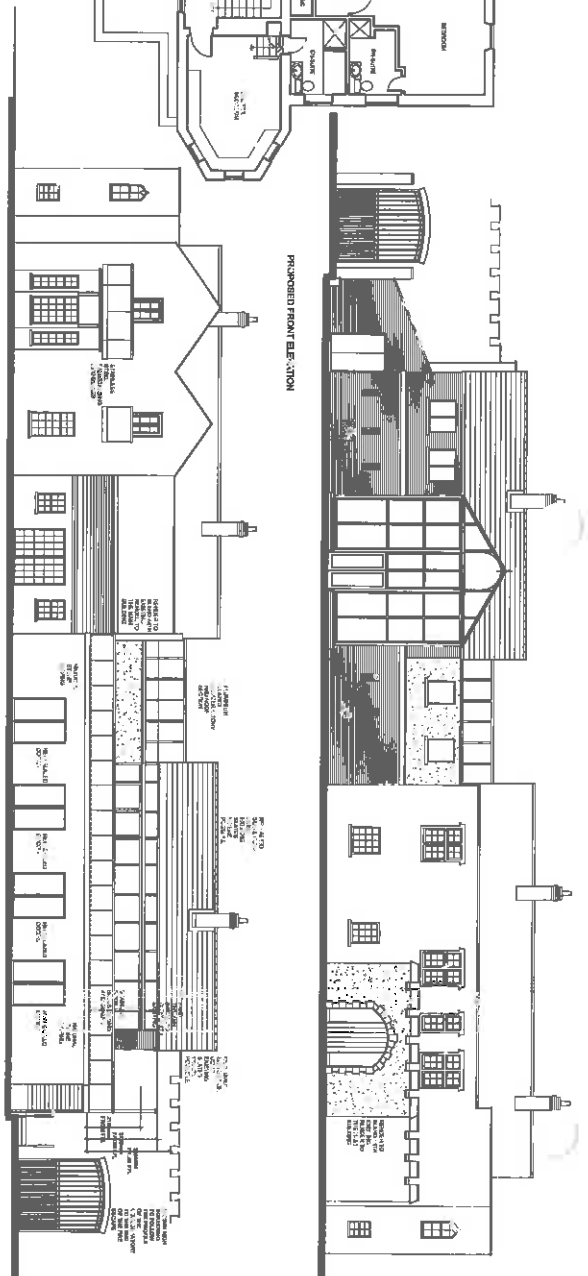
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PROJECT STATUS: COMPLETED

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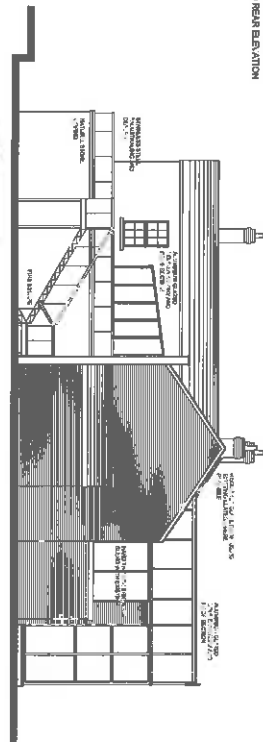


PROPOSED FIRST FLOOR PLAN

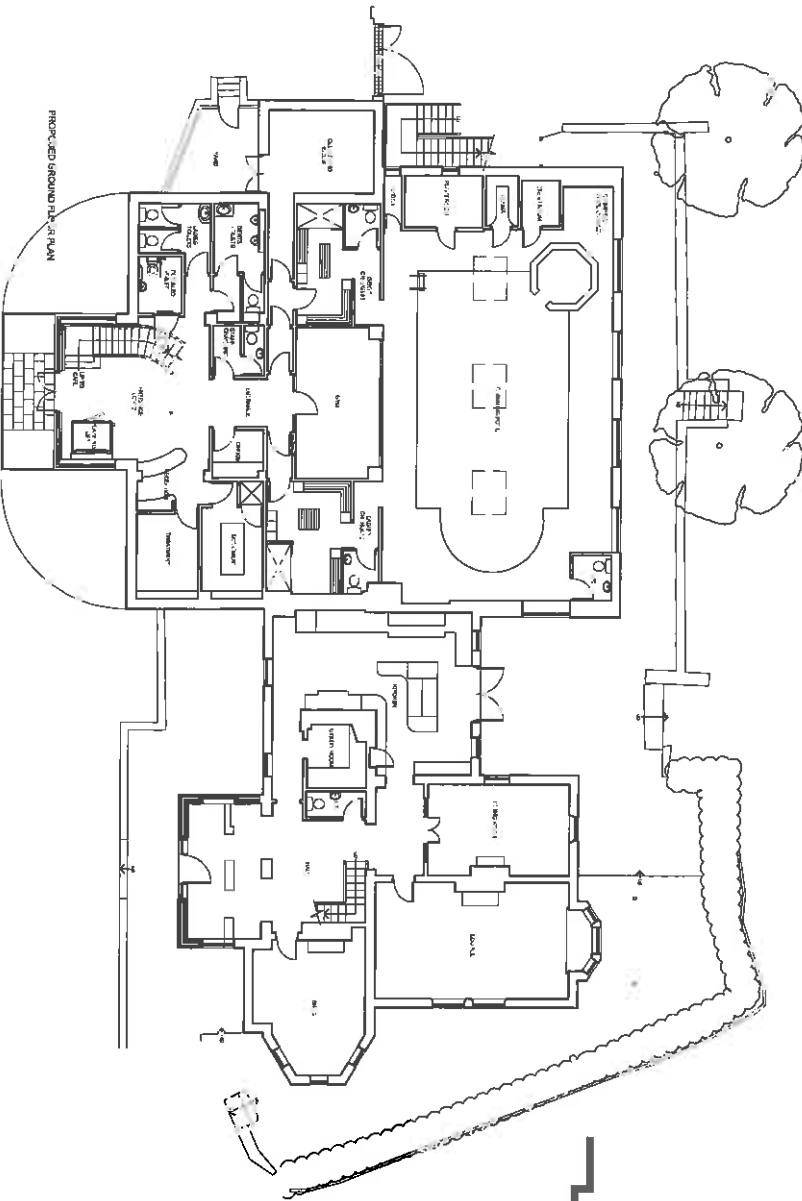


PROPOSED FRONT ELEVATION

PROPOSED REAR ELEVATION



PROPOSED SIDE ELEVATION



PROPOSED GROUND FLOOR PLAN

## **SCHEDULE A: Applications with Recommendation**

12/0836

**Item No: 11**

**Date of Committee: 14/12/2012**

**Appn Ref No:**  
12/0836

**Applicant:**  
Mr Daniel Ferguson

**Parish:**  
Stanwix Rural

**Date of Receipt:**  
08/10/2012

**Agent:**  
RCA Interiors Limited

**Ward:**  
Stanwix Rural

**Location:**

Rickerby Cottage, Rickerby Park, Carlisle, CA3 9AA

**Proposal:** Demolition Of Redundant Store And First Floor Building (Conservation Area Consent)

---

### **REPORT**

**Case Officer:** Stephen Daniel

#### **1. Recommendation**

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

#### **2. Main Issues**

- 2.1 Impact On The Rickerby Conservation Area

#### **3. Application Details**

##### **The Site**

- 3.1 Rickerby Cottage is a substantial two-storey dwelling, which sits in extensive grounds and lies within the Rickerby Conservation Area. A large swimming pool, which measures 17.5m in length by 9.5m in width, and which has a hipped roof, has been erected adjacent to the dwelling. The building contains a swimming pool, a Jacuzzi, a sauna and showers and has been let out as a private swimming pool for over ten years.
- 3.2 A two-storey brick building lies to the front of the swimming pool and is attached to the dwelling. The ground floor of this building contains changing rooms and a lounge that are linked to the swimming pool. A yard lies to the front of this building, which contains some outbuildings, and which is enclosed by a 3.6m high wall. The upper floor of this building is currently

unused.

- 3.3 The property has a large front garden, which contains a number of mature trees and an area of hardstanding to the front of the main dwelling. A very large garden is located to the rear of the property, which adjoins Rickerby Park to the west and residential dwellings to the east.
- 3.4 The road that runs through Rickerby Park, that links Brampton Road to Linstock, runs to the front of the dwelling and is adjoined by Hadrian's Wall Path and Hadrian's Cycle Route.
- 3.5 Rickerby House, which is a listed building, and the residential dwellings in Rickerby Gardens, lie to the rear of the application site. Rickerby Lodge adjoins the site to the east and this dwelling directly faces Rickerby Cottage. The garage of Rickerby Lodge, which lies in close proximity to the front garden of Rickerby Cottage, is currently the subject of a planning application to convert it into a dwelling.

### **The Proposal**

- 3.6 The proposal is seeking to demolish the existing two-storey building, that lies to the front of the swimming pool, and to replace it with a new two-storey building which would sit on the footprint of the existing building and the yard area to the front. The high wall that encloses the yard would also be demolished.
- 3.7 The replacement building would be two-storey and would be constructed of brick and slate and would incorporate a chimney to match those on the main dwelling. A new two-storey glazed entrance would be created to the front of this and this would be flanked by single-storey flat roof extensions. A rendered section, with a glazed roof and a lower ridge height, would connect the new extension with the dwelling.

## **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 twenty-two neighbouring properties. Two letters of objection have been received but these raise issues that are associated with the planning application (12/0835) and these concerns have, therefore, been summarised in that application.

## **5. Summary of Consultation Responses**

Stanwix Rural Parish Council: - comments awaited;  
English Heritage - North West Region: - no comments;  
Northern Gas Networks: - no objections.

## **6. Officer's Report**

### **Assessment**

- 6.1 The relevant planning policies against which the application is required to be assessed are Policies LE19 and CP5 of the Carlisle District Local Plan 2001-2016. The proposals raise the following planning issues:
1. **Impact On The Rickerby Conservation Area**
- 6.2 Both the Council's Heritage Officer and the Conservation Area Advisory Committee have no objections to proposals to demolish the existing building and wall and to replace it with a new two-storey building which would sit on the footprint of the existing building and the yard area to the front. This would be constructed of brick and slate and would incorporate a chimney to match those on the main dwelling. A new two-storey glazed entrance would be created to the front of this, which would be flanked by single-storey flat roof extensions. A rendered section, with a glazed roof and a lower ridge height, would connect the new extension with the dwelling and would provide a break between the existing dwelling and the new extension.
- 6.3 A condition has been added to the permission to ensure that a contract for the carrying out of works of redevelopment of the site has been made and planning permission has been granted for the redevelopment for which the contract provides.

## **Conclusion**

- 6.4 The proposal would not have an adverse impact on the Rickerby Conservation Area. In all aspects, the proposal is compliant with the relevant planning policies contained within the Carlisle District Local Plan 2001-2016.

## **7. Planning History**

- 7.1 In June 1984, planning permission was granted for the conversion and extension of existing buildings to form two houses and four flats (84/0289).
- 7.2 In June 1989, planning permission was granted for the erection of a swimming pool (89/0413).
- 7.3 In July 2002, planning permission was granted for an extension with slated roof to provide larger kitchen and dining area (02/0660).

## **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 Conservation Area Consent comprise:

1. the submitted planning application form, received 8 October 2012;
2. Planning Statement, received 29 November 2012;
3. Location Plan, received 8 October 2012;
4. Existing Floor Plans & Elevations, received 8 October 2012 (Dwg No. PL01);
5. Proposed Floor Plans & Elevations, received 30 November 2012 (Dwg No. PL02D);
6. the Notice of Decision; and
7. any such variation as may subsequently be approved in writing by the Local Planning Authority.

**Reason:** To define the permission.

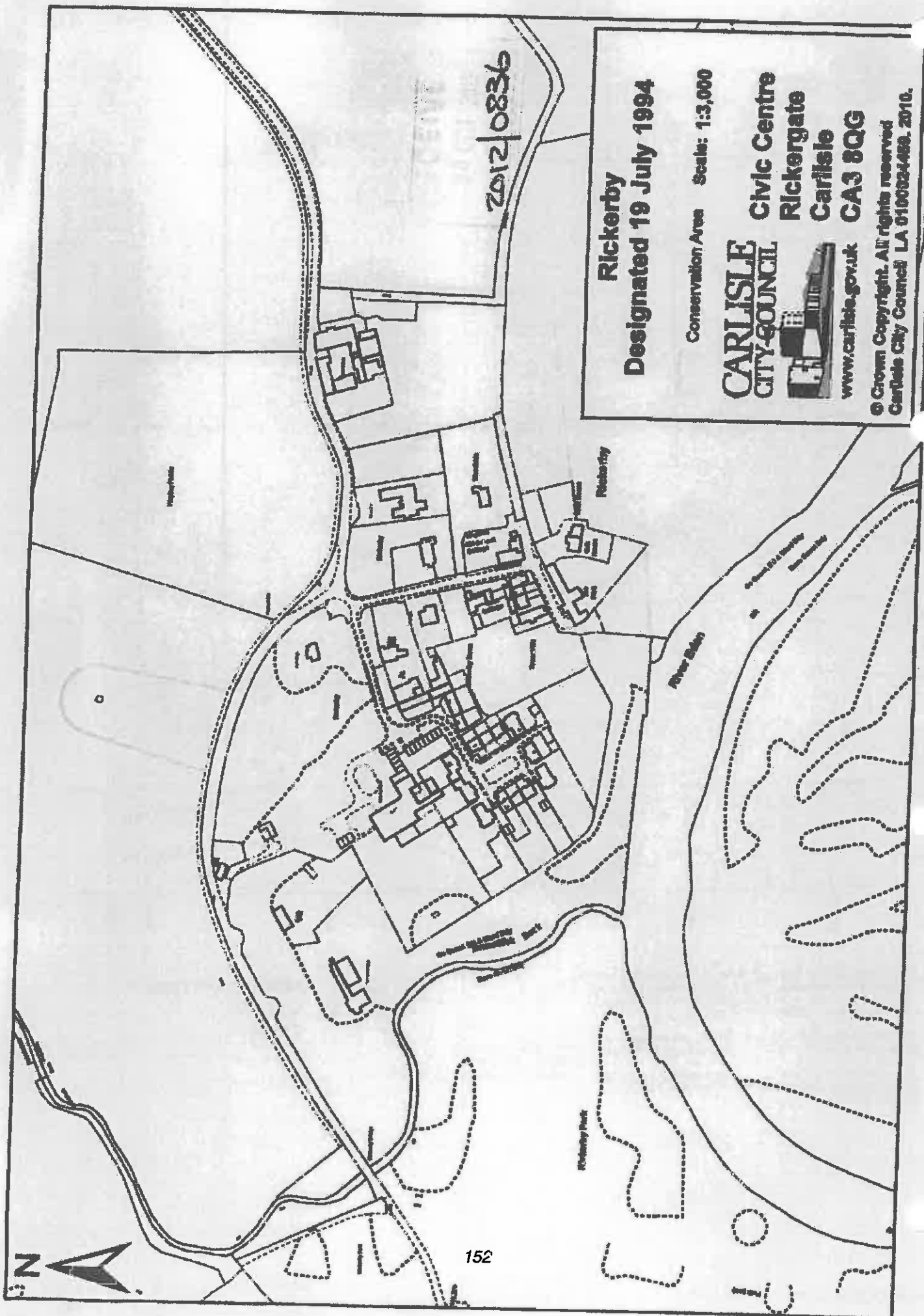
3. The building and wall shall not be demolished before a contract for the carrying out of works of redevelopment of the site has been made and planning permission has been granted for the redevelopment for which the contract provides.

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

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**Rickerby**  
**Designated 19 July 1994**

Conservation Area    Scale: 1:3,000

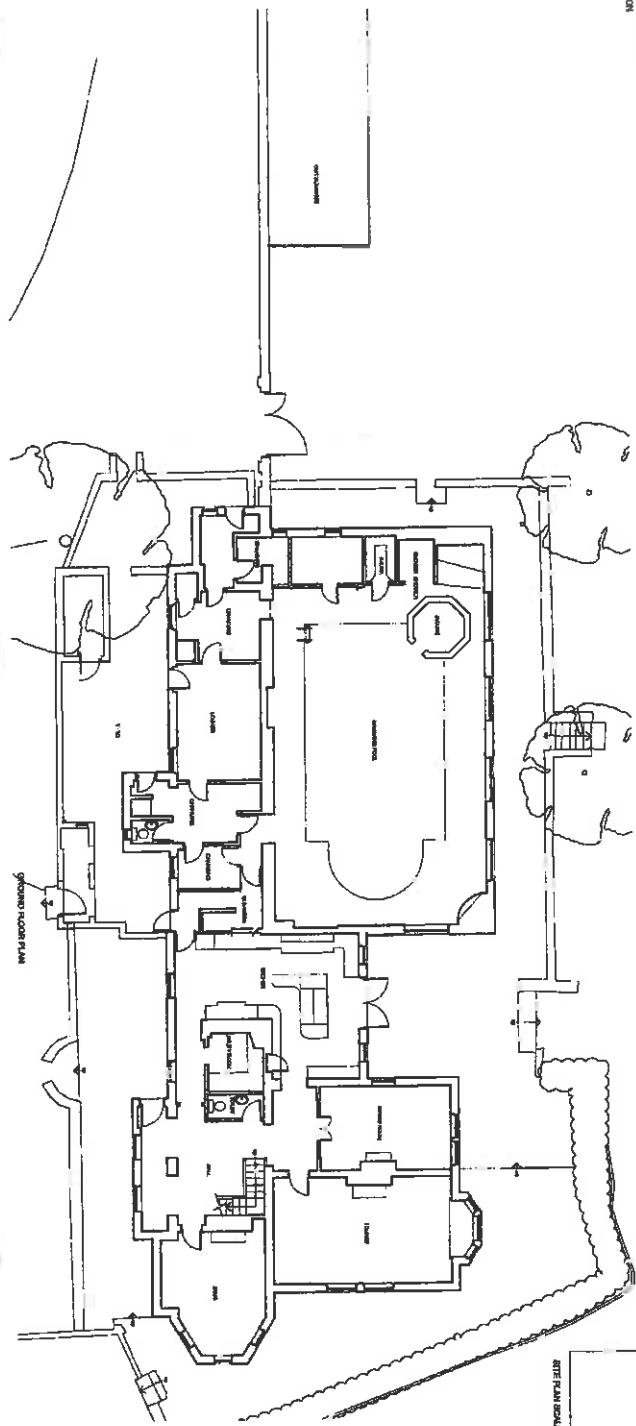
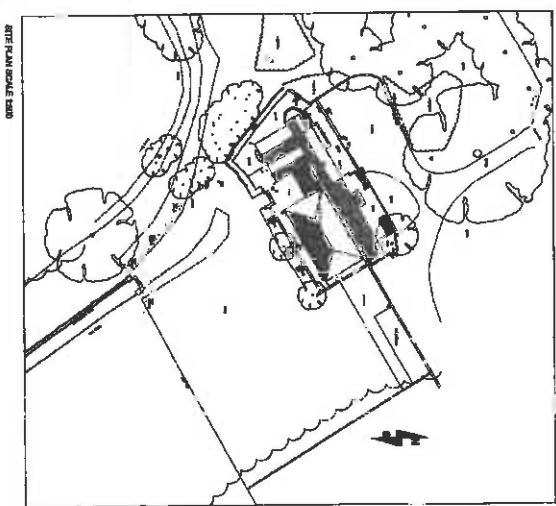
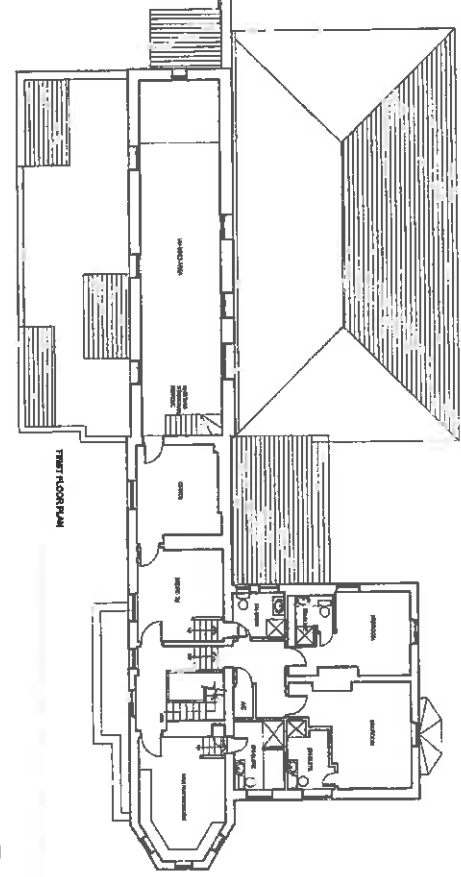
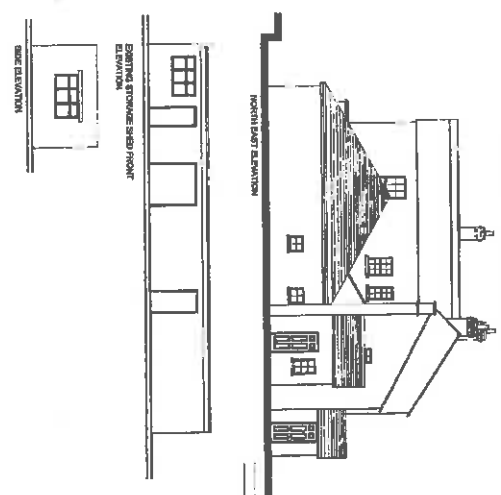
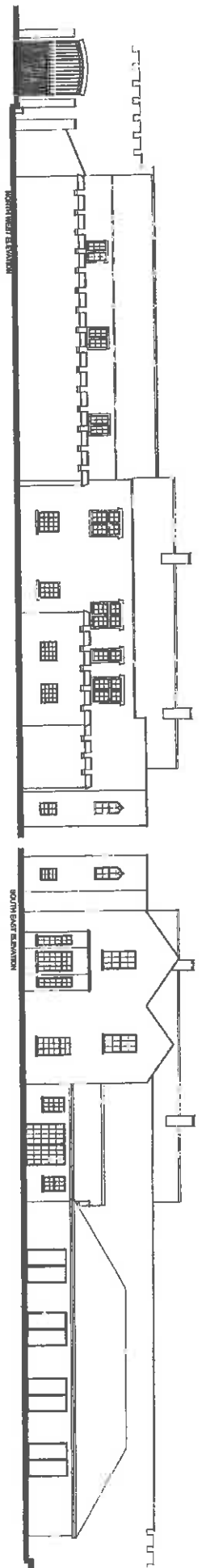
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## **SCHEDULE A: Applications with Recommendation**

12/0920

**Item No: 12**

**Date of Committee: 14/12/2012**

**Appn Ref No:**  
12/0920

**Applicant:**  
Halliwell Farms Limited

**Parish:**  
Westlinton

**Date of Receipt:**  
06/11/2012

**Agent:**  
Jock Gordon

**Ward:**  
Longtown & Rockcliffe

**Location:**

Keysmount Farm, Blackford, Carlisle, Cumbria, CA6  
4ER

**Proposal:** Erection Of Feed Bin For Cattle Housing Building  
(Revised/Retropective Application)

---

### **REPORT**

**Case Officer:** Richard Maunsell

#### **1. Recommendation**

- 1.1 It is recommended that Authority to Issue is granted to approve this application with conditions.

#### **2. Main Issues**

- 2.1 Whether the principle of the proposed development is acceptable;  
2.2 Whether the layout and appearance of the development is acceptable; and  
2.3 Highway matters.

#### **3. Application Details**

##### **The Site**

- 3.1 This application seeks retrospective "Full Planning" permission for the erection of 1 feed bin at Keysmount Farm, Westlinton, Carlisle. The site is located immediately adjacent to the Blackford to Scaleby road, approximately 820 metres east of the A7 Carlisle to Longtown road. The farm is within open countryside although there are several residential properties approximately 270 metres to the west.

## **Background**

- 3.2 An application for retrospective "Full Planning" permission was submitted in 2011 for the erection of 2 feed bins on the site. The proposal was recommended for approval by Officers but following consideration by Members of the Development Control Committee, the application was refused for the following reason:

"The feed bins are prominently site on the highway verge out with the curtilage of Keysmount Farm. In this location, the proposal represents an inappropriate development that results in a discordant feature within the rural area which, by reason of siting, design and appearance are detriment to the character of the local landscape, contrary to criteria 1 and 4 of Policy CP5 (Design) and criterion 1 of Policy LE25 (Agricultural Buildings) of the Carlisle District Local Plan 2001-2016."

## **The Proposal**

- 3.3 A concrete base has been constructed on land between a livestock building and the highway. The base measures 6.5 metres in width by 3.3 metres in depth with a height of 0.2 metres. One feed bin has been installed onto the concrete plinth and measures 1.9 metres in width by 5.8 metres in height. The bin has been constructed from galvanised framework with green profile sheeting.

## **4. Summary of Representations**

- 4.1 This application has been advertised by means of a site notice. No representations have been received.

## **5. Summary of Consultation Responses**

Cumbria County Council - (Econ. Dir. Highways & Transportation): - the structure should be removed from the highway as it has been erected within the highway verge. The Authority disputes the applicant's claim that the structure couldn't be located elsewhere within the farm and this should have been incorporated within the historic development of the farm.

There is no change from the previous application which was refused and the current application should be refused and enforcement action taken;

Westlinton Parish Council: - the Parish Council objected to this development the first time it was applied for and are still against it on the grounds that the concrete plinth encroaches on the highway and poses a hazard to traffic;

Local Environment - Environmental Protection: - no objection.

## **6. Officer's Report**

## **Assessment**

- 6.1 The relevant planning policies against which the application is required to be assessed are Policies CP1, CP2, CP5, CP6, LE25 and T1 of the Carlisle District Local Plan 2001-2016. The proposal raises the following planning issues.

1. The Principle Of Development

- 6.2 Planning policies require that buildings relating to agricultural development are sited where practical to integrate with existing farm buildings and/ or take advantage of the contours of the land and any existing natural screening. These policies also require that the scale and form of the proposed building or structure relates to the existing group of farm buildings.

- 6.3 The feed bin is large but reasonable in terms of the scale of modern agricultural structures and is reflective of similar buildings and structures within the steading. The siting has been selected to relate as closely as possible to the existing buildings on the farm. Although the feed bin is prominently sited to the front of the existing buildings with public views of the development, given the scale of the structure and its siting in relation to the scale of the existing buildings, the structure is not visually obtrusive or detrimental to the character of the area.

2. Effect On The Living Conditions Of The Occupiers Of The Neighbouring Properties

- 6.4 The structure is located within the open countryside but there are some residential properties close to the application site although none are immediately adjacent. The nearest property is known as Mount Cottage and is situated approximately 280 metres south west west of the application site, on the opposite side of the road.
- 6.5 Planning policies seek to ensure that any agricultural development proposal would not have an unacceptable adverse effect on any adjacent properties. Given the distance between the proposal and neighbouring residential properties, and the fact that the view would be shielded by the existing buildings, it is not considered that the living conditions of the occupiers of these properties would be adversely affected by the development.

3. Highway Matters

- 6.6 The concrete base and feed bin has been constructed on highway land. The applicant has submitted a Certificate of Ownership which confirms that the appropriate notification been served on the Highway Authority. This fulfils the applicant's responsibility under the planning application process.
- 6.7 Members will note that the Highway Authority has lodged a detailed objection to the application and are concerned that the structure has already been built on highway land which, in their view, should only be allowed in very exceptional occasions. It is further stated that the applicant has given no substantial evidence proving that this is one of those occasions.

- 6.8 The applicant states that the agricultural building adjacent to the feed bins is the main building used for the accommodation of livestock on the farm and there are no alternative suitable sites for the feed bins within the farm complex.
- 6.9 Whilst the Highway Authority has objected to the scheme on the basis that the applicant has not obtained the necessary consent from them (effectively as landowner), no substantive highway objection has been lodged that would justify refusal of the application. On that basis, given that the proposal is acceptable from a planning perspective, it is recommended that Members approve this application contrary to the Highway Authority's recommendation.
- 6.10 In considering the above, Members are reminded that the development has occurred within an area of highway verge which is a public right of way. Circular 02/93 'Public Rights Of Way' is relevant to the consideration of the proposal and in particular, Annex D 'Public Rights Of Way And Development' advises that the effect of development on public right of way is a material consideration in the determination of applications for planning permission but this does not prejudice the application being approved.
- 6.11 There is provision under the Town and Country Planning Act (TCPA) 1990 for the applicant to apply to the Secretary of State under S247 for the stopping up of the highway land to be authorised. The SoS would have to be satisfied that the 'stopping up' of the highway was necessary for the development to take place. This is not a section which operates retrospectively; *Ashby v. SoS for the Environment* [1980]. In other words, in this instance, the highway is already stopped up therefore S247 could not apply.
- 6.12 There is further provision available to District Council's under S257 of the said Act ; however, this only applies to footpaths and bridleways affected by development. There is no power under the TCPA to stop up the highway.
- 6.13 The appropriate course of action is for the applicant to make an application through the Local Highway Authority under S116 of the Highway Act 1980 to the Magistrates Court. The Court may authorise the stopping up of the highway if it appears to them to be necessary. This is a parallel yet separate issue to the consideration of the planning application. If Members are minded to grant approval, it would be appropriate to impose a condition requiring the applicant to apply for a Stopping Up Order.

#### 4. Ecological Issues

- 6.14 The Council's GIS Layer has identified that the site has the breeding birds to be present on or in the vicinity of the site. As the proposed development is retrospective and would not result in any further work, the development would not harm a protected species or their habitat.

#### 5. Other Matters

- 6.15 The Parish Council has commented that objections were raised to the first

application and continue to object on the basis that the concrete plinth encroaches on the highway and poses a hazard to traffic. Members will be aware that it is not unlawful for a development to be commenced and indeed completed prior to consent being granted; however, such works are at the applicant's own risk and do not prejudice the determination of the application. The relevant planning issues have been addressed in the preceding paragraphs of this report.

## **Conclusion**

- 6.16 In overall terms, the agricultural development is of a scale and design that is appropriate. The character and appearance of the area is not adversely affected to such a degree as to warrant refusal of the application. The development does not pose any issue in terms of affecting the living conditions of the occupiers of any neighbouring properties.
- 6.17 Although the structure is still subject to an application to the Highway Authority to stop up the highway, in all aspects the proposals are considered to be compliant with the objectives of the relevant Local Plan policies.

## **7. Planning History**

- 4.1 In 1987, under application 87/0770, planning permission was granted for the installation of a bulk gas storage tank.
- 4.2 In 2003, under application 03/0001, planning permission was granted for the erection of a silage shed.
- 4.3 In 2007, under application 07/1340, planning permission was granted for the erection of an agricultural storage building.
- 4.4 In 2008, under application 08/0818, planning permission was granted for the erection of a replacement animal housing building.
- 4.5 Retrospective planning permission was refused in 2011 for the erection of feed bins for cattle housing building.

## **8. Recommendation: Grant Permission**

1. The approved documents for this Planning Permission comprise:
1. the Planning Application Form received 5th November 2012;
  2. the Location Plan Site Block Plan received 5th November 2012 (Drawing no. 1765/4);
  3. the Site Plan 5th November 2012 (Drawing no. 1765/5A);
  4. the As Existing Drawing 5th November 2012 (Drawing no. 1765/6);
  5. the As Proposed Drawing 5th November 2012 (Drawing no. 1765/7A);
  6. the Notice of Decision; and
  7. any such variation as may subsequently be approved in writing by the



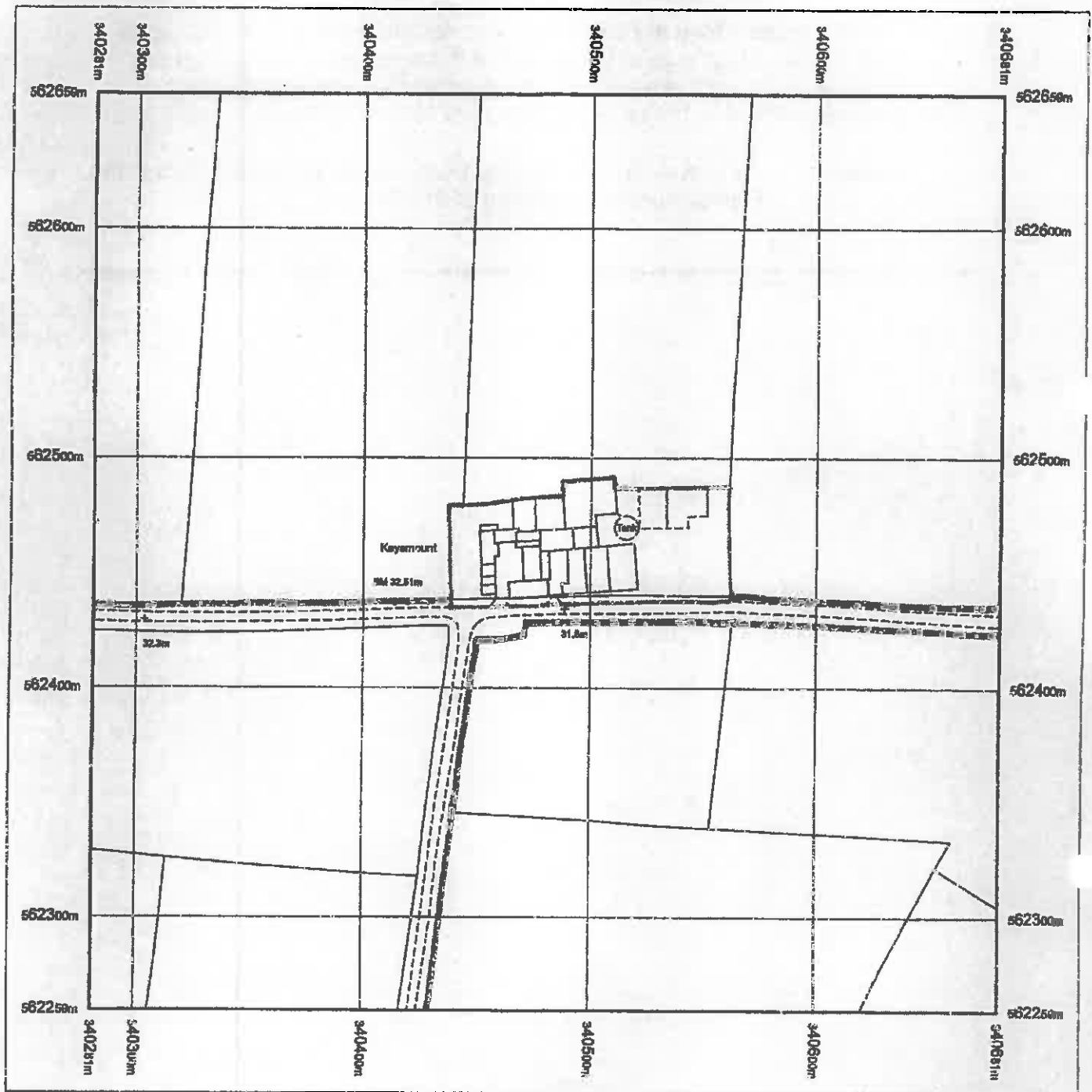
Local Planning Authority.

**Reason:** To define the permission.

2. Within 3 months from the date of this permission, the applicant shall apply for a Stopping Up Order of the portion of Public Highway upon which the concrete base has been formed, having utilised the relevant statutory procedure (Section 116 of the Highway Act 1980).

**Reason:** To ensure that the development accords with Policy CP5 of the Carlisle District Local Plan 2001-2016.

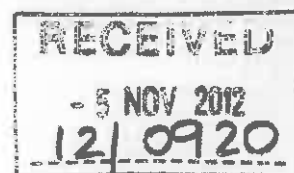
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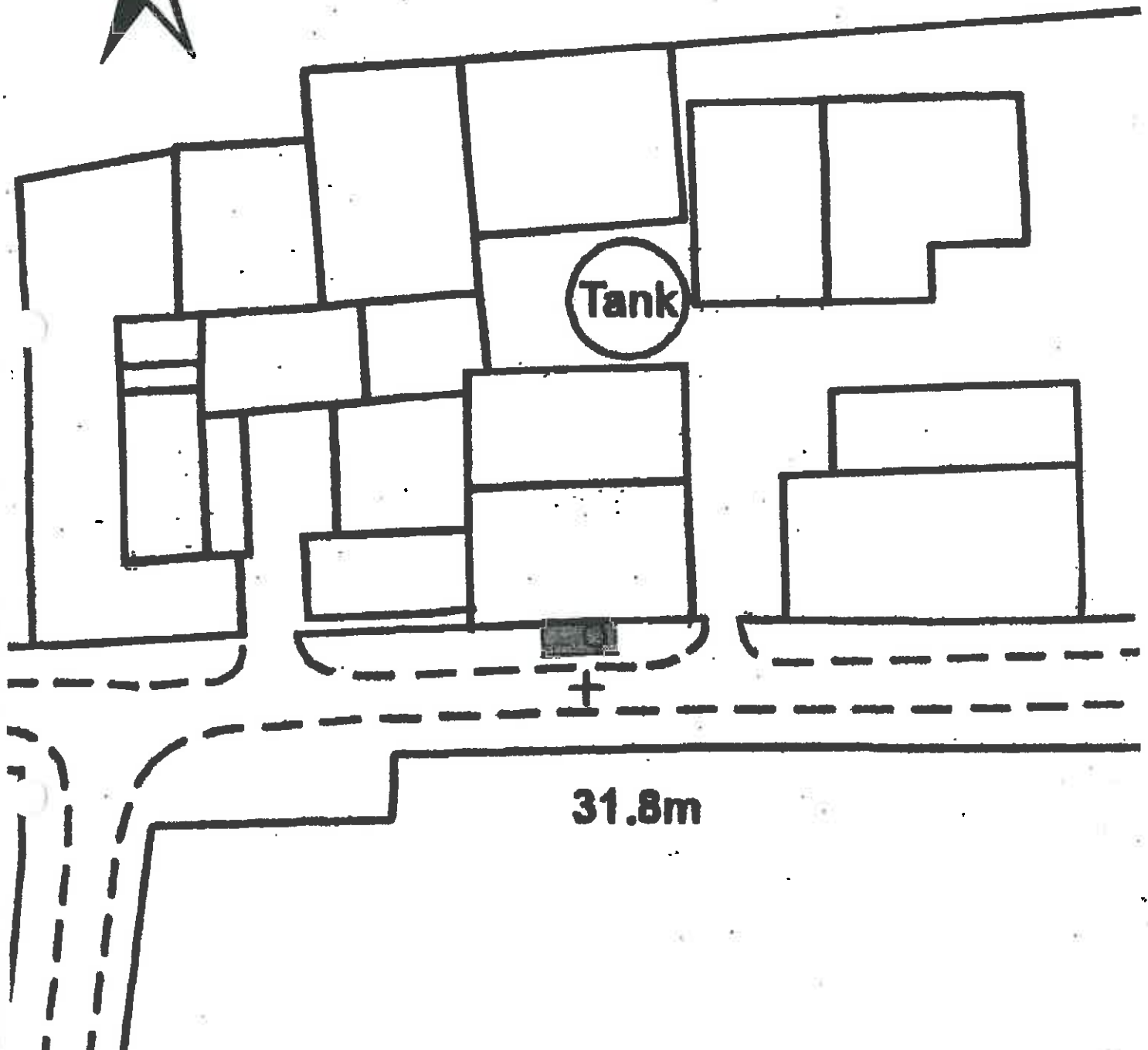
**PROPOSED FEED BINS - KEYSMOUNT FARM - BLACKFORD**

**DRG.NO. 1765/4**

**LOCATION PLAN**



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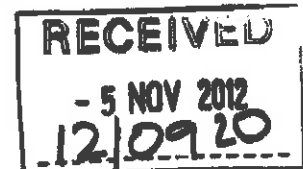


**PROPOSED FEED BINS - KEYSMOUNT FARM - BLACKFORD**

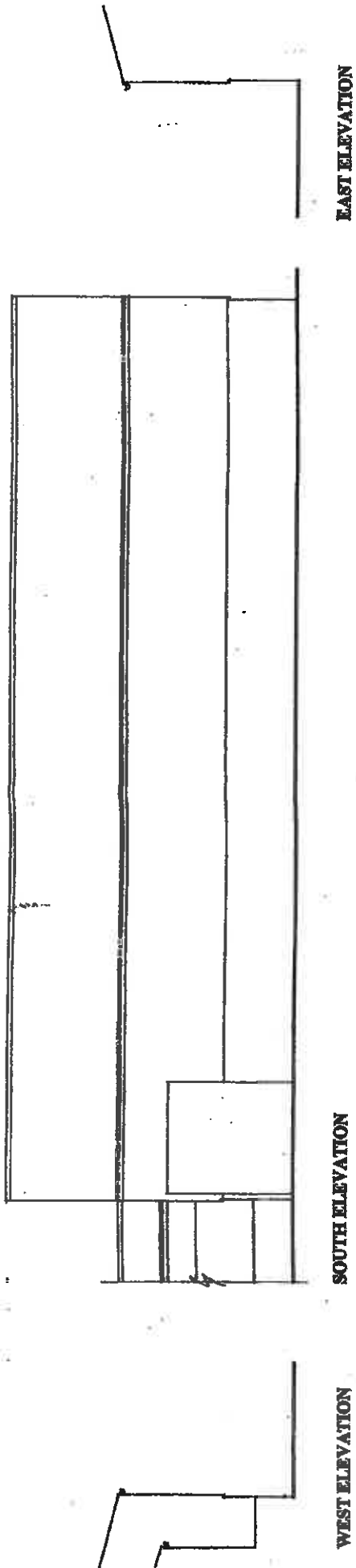
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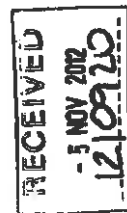
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**SCALE : 1-500**



PLAN



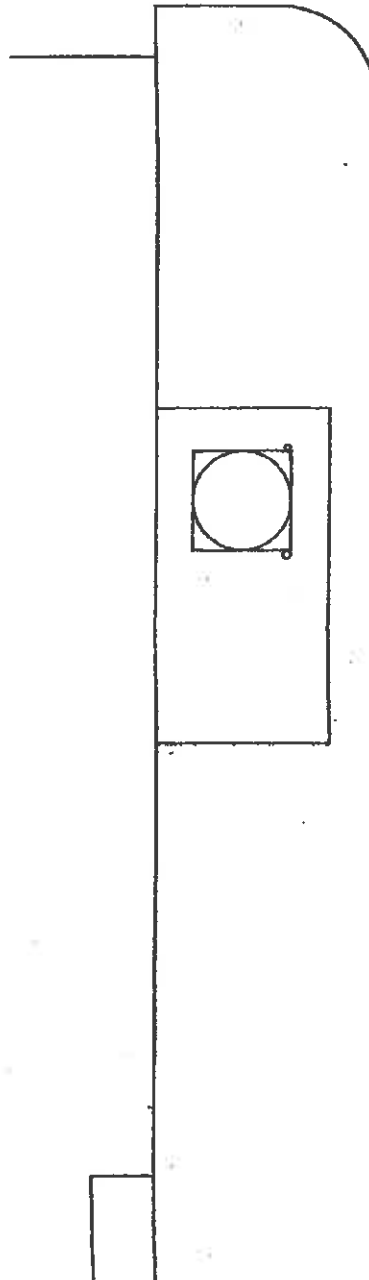
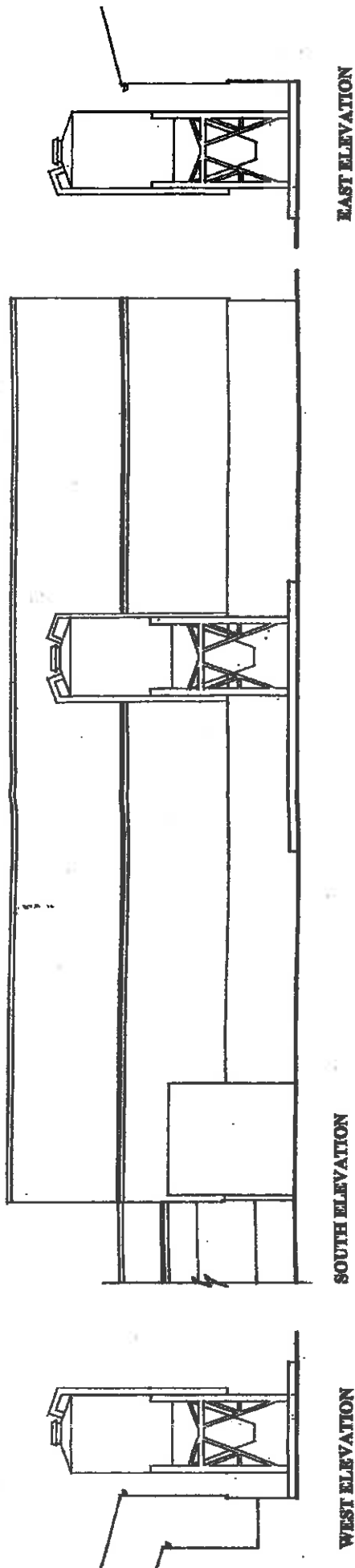
PROPOSED FEED BINS - KEYSMOUNT FARM - BLACKFORD

DRG.NO. 1765/6

SCALE : 1-100

AS EXISTING

MAY 2011



RECEIVED  
- 5 NOV 2012  
12/09/20

PLAN

PROPOSED FEED BIN - KEYSMOUNT FARM - BLACKFORD

DRG. NO. 1765/7A

SCALE : 1-100

AS PROPOSED

MAY 2011

## **SCHEDULE A: Applications with Recommendation**

12/0938

**Item No: 13**

**Date of Committee: 14/12/2012**

**Appn Ref No:**  
12/0938

**Applicant:**  
Mr Glen Quinn

**Parish:**  
Carlisle

**Date of Receipt:**  
12/11/2012

**Agent:**  
Mr Stuart Leslie

**Ward:**  
Harraby

**Location:**  
47 Longdyke Drive, Carlisle, CA1 3HT

**Proposal:** Erection Of Single Storey Side And Rear Extension To Provide Extended Kitchen, Dining/Living Room, Shower Room And Games Room

---

### **REPORT**

**Case Officer:** Barbara Percival

#### **1. Recommendation**

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

#### **2. Main Issues**

- 2.1 Impact on the living conditions of neighbouring residents.
- 2.2 Whether the proposal is appropriate to the dwelling.
- 2.3 Impact of the proposal on highway safety.
- 2.4 Impact of the proposal on biodiversity.

#### **3. Application Details**

##### **The Site**

- 3.1 Number 47 Longdyke Drive is a two storey semi-detached property finished in facing bricks under a tiled roof. The dwelling is located on the southern periphery of Longdyke Road at the head of a cul-de-sac. The property is immediately surrounded by two storey residential properties to the north, south and west whilst an area of public open space is located along its eastern boundary. The property's flanks and rear boundary consist of 1.8 metre high close boarded wooden fences.

## **The Proposal**

- 3.2 The property, along with other properties within the immediate vicinity, has been extended by the addition of a garage with two bedrooms above. This current proposal seeks Full Planning Permission for a single storey 'L-shaped' extension to provide an extended kitchen/living room, utility room, sitting room and w.c/shower room. The proposal, stepped off the shared rear boundary by 0.2 metres, would project 3.5 metres from the rear elevation with an overall length of 11.8 metres before extending forwards by 12.5 metres. The proposed extension would have a maximum overall height of 3.7 metres. The proposed materials are facing bricks with a tiled roof in keeping with the existing dwelling and other properties within the immediate vicinity.

## **4. Summary of Representations**

- 4.1 This application has been advertised by the direct notification of the occupiers of four neighbouring properties. No verbal or written representations have been made during the consultation period

## **5. Summary of Consultation Responses**

## **6. Officer's Report**

### **Assessment**

- 6.1 The relevant planning policies against which the application is required to be assessed are Policies CP2, CP5, H11 and T1 of the Carlisle District Local Plan 2001-2016. The Supplementary Planning Document (SPD) 'Achieving Well Designed Housing' is also a material planning consideration. The proposals raise the following planning issues:

#### **1. Impact Of The Proposal On The Living Conditions Of Neighbouring Residents**

- 6.2 Although the proposal is reasonably significant in scale its impact on the living conditions of neighbouring residents would be minimal due to the orientation of the property in relation to its neighbour. No windows are to be inserted in the north-western gable thereby preventing loss of privacy. In order to further safeguard the living conditions of the occupiers of 45 Longdyke Drive a condition will be included within the decision notice removing Permitted Development Rights to insert additional openings on that elevation. It is therefore considered that the proposal would not have a significant impact on the living conditions of the adjoining property through overlooking, overdominance or unreasonable loss of daylight or sunlight.

#### **2. Whether The Proposal Is Appropriate To The Dwelling**

- 6.3 Policies contained within the Local Plan and the aforementioned SPD seek to

ensure that proposals are appropriate to the dwelling, its design, setting and do not dominate the original dwelling. This proposal seeks a substantial extension to a dwelling which has previously been incrementally extended; however, the dwelling is located within a relatively large curtilage with the resultant proposal still retaining adequate amenity space to serve a three bedroom property. It would be constructed from materials to match the existing dwelling, and would employ similar detailing thereby not creating an adverse impact on the character of the area. Accordingly, the proposed extension would complement the existing dwelling in terms of design and materials to be used and would not form a discordant feature within the street scene.

### **3. Impact Of The Proposal On Highway Safety**

- 6.4 Although this application falls out with the remit of applications which Cumbria County Council, as Highways Authority, wish to be consulted on i.e. no increase in bedrooms. Given that the dwelling currently has limited off-street parking it would be appropriate to impose a condition removing Permitted Development Rights in respect of the retention of the garage. Accordingly, this would ensure that the proposal would not have a detrimental impact on highway safety.

### **4. Impact Of The Proposal On Biodiversity**

- 6.5 The Councils GIS Layer has identified that the site has the potential for several key species to be present within the vicinity. Based on Natural England's Standing Advice in respect of Protected Species and their Habitats, the proposal is unlikely to harm the favourable conservation of any Protected Species or their Habitat. However, an Informative will be included within the decision notice ensuring that if a protected species is found all work must cease immediately and the Local Planning Authority informed.

## **Conclusion**

- 6.6 In overall terms, the principle of the development is acceptable. The scale of the proposed extension is out with the parameters of the policy guidance; however, there are material considerations that warrant approval of this application. The design and use of materials are acceptable in relation to the dwelling and would not form a discordant feature within the street scene.
- 6.7 In all aspects the proposal is compliant with the objectives of the relevant Development Plan Policies.

## **7. Planning History**

- 7.1 In 1984, Full Planning Permission was granted for an extension to provide a garage (application reference 84/0947).
- 7.2 In 2000, Full Planning Permission was granted for an extension above garage to provide two bedrooms (application reference 00/0591).



**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 12th November 2012;
2. the existing elevations and floor plans received 12th November 2012 (Drawing Number GQ/01);
3. the proposed elevations received 12th November 2012 (Drawing Number GQ/02);
4. the proposed floor plans received 12th November 2012 (Drawing Number GQ/03);
5. the site location plan and site block plan received 12th November 2012 (Drawing Number GQ/04);
6. the Notice of Decision; and
7. any such variation as may subsequently be approved in writing by the Local Planning Authority.

**Reason:** To define the permission.

3. The garage illustrated on Drawing Number GQ/03 received 12th November 2012 shall remain available for use as a garage and for no other purpose except if approved in writing by the Local Planning Authority.

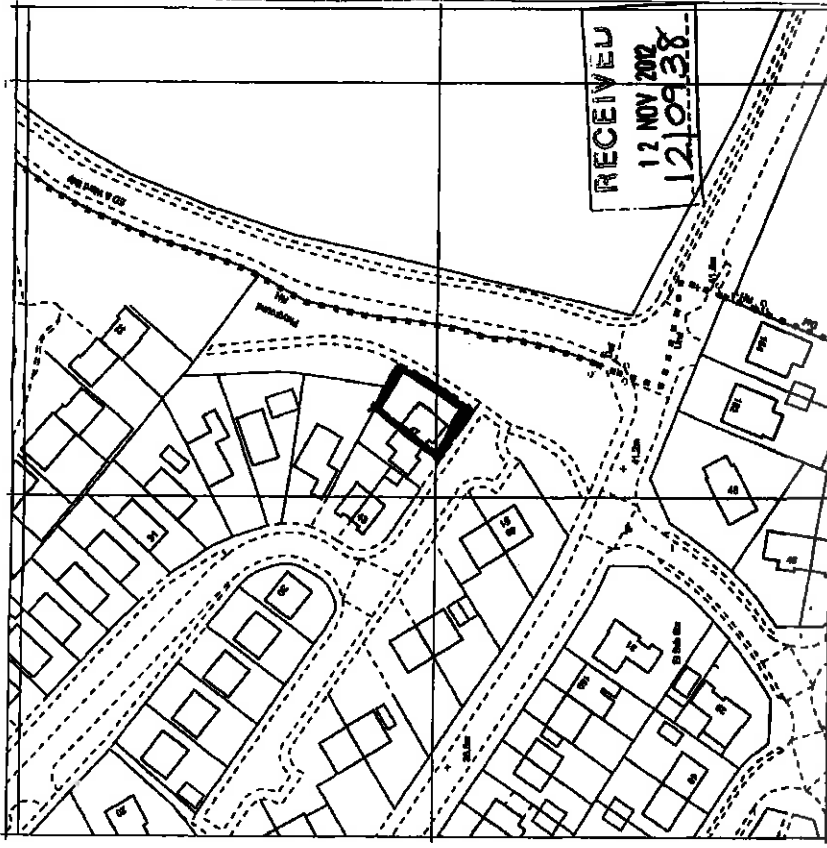
**Reason:** In order to ensure adequate off-street parking provision is retained in accordance with Policy T1 of the Carlisle District Local Plan 2001-2016.

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

**Reason:** In order to protect the privacy and amenities of residents in close proximity to the site and to ensure compliance with Policy CP5 and H11 of the Carlisle District Local Plan 2001-2016.

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SITE LOCATION PLAN  
(scale 1:1250)



N 47 LONGDYKE DRIVE  
CARLISLE  
CA1 3HT

project  
PROPOSED SINGLE STOREY WRAP  
AROUND EXTENSION TO PROVIDE  
NEW KITCHEN, DINING AND LIVING  
ROOM, UTILITY, SHOWER ROOM  
AND GAMES ROOM.  
FOR GLEN QUINN  
AT 47 LONGDYKE DRIVE CARLISLE.

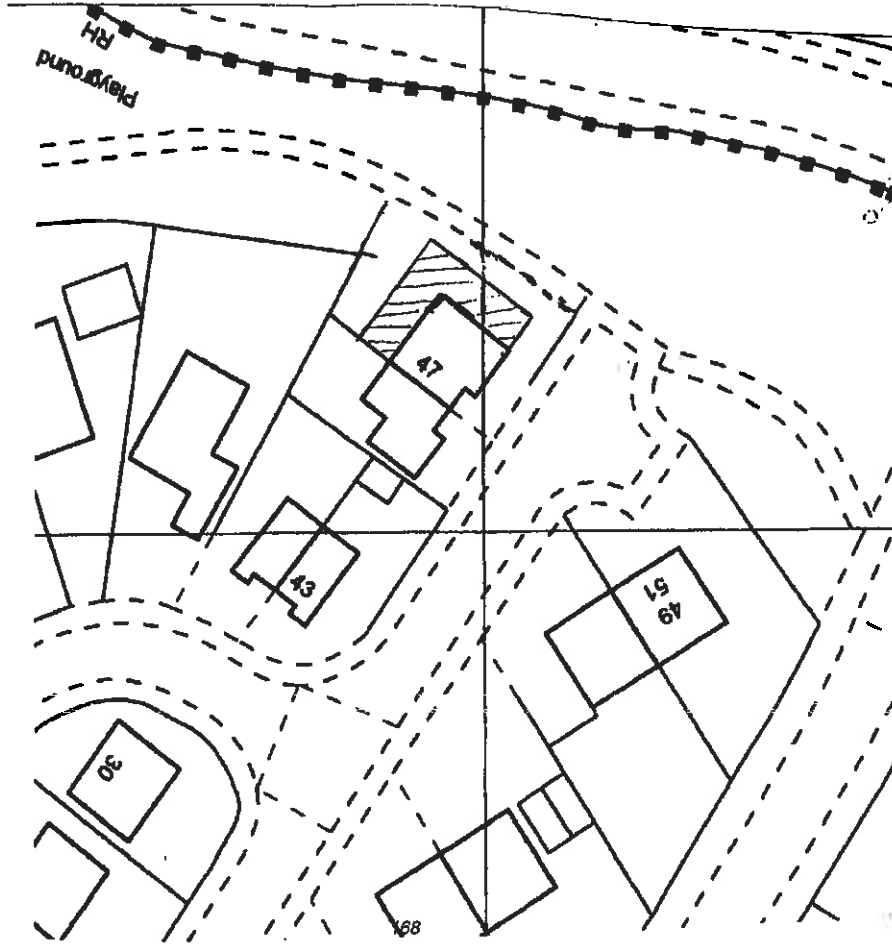
drawing  
SITE LOCATION PLAN  
SITE BLOCK PLAN

scale  
1:1250  
1:500

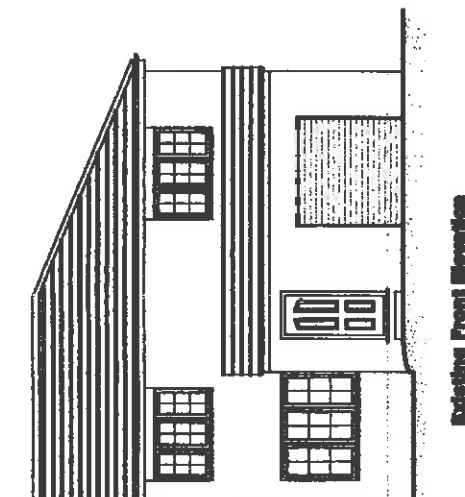
date  
09-11-12

drawn by  
GJ / 04

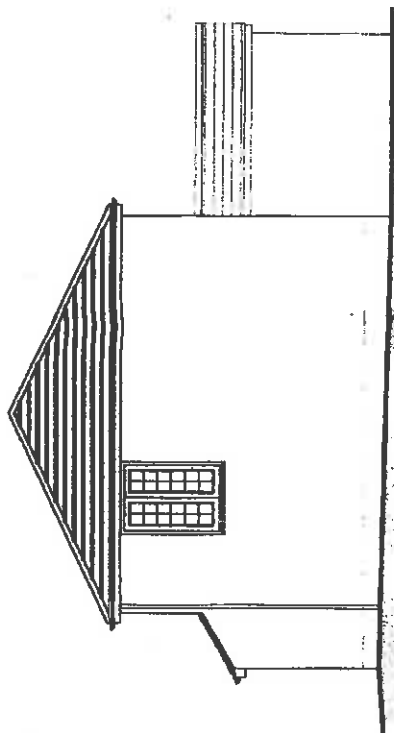
revision



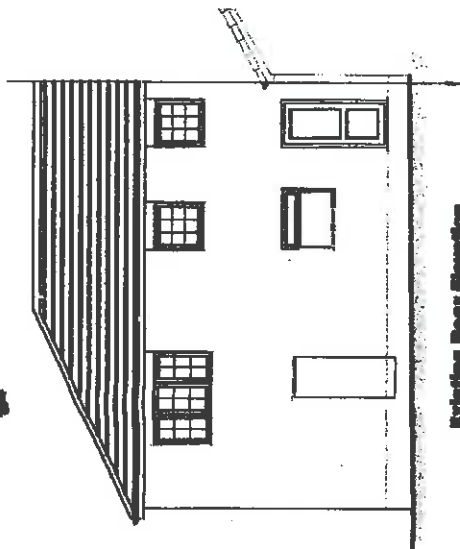
SITE BLOCK P.  
(scale 1:500)



Existing Front Elevation



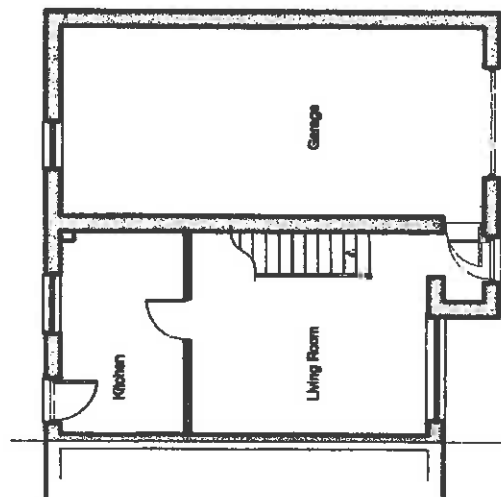
Existing Side Elevation



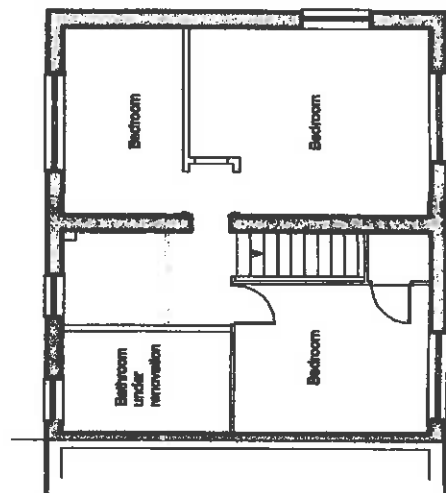
Existing Rear Elevation

NOTES - EXISTING CONSTRUCTION  
 ROOF - Grey smooth concrete tile  
 RAINWATER GOODS - Black plastic half round gutters,  
 black plastic spig and rainwater pipe.  
 WALLS - Red masonry facing brickwork.  
 WINDOWS - White upvc.  
 DOORS - White upvc.

RECEIVED  
 26 NOV 2012  
 12/09/38



Existing Ground Floor Plan



Existing First Floor Plan

project

PROPOSED SINGLE STOREY WRAP  
 AROUND EXTENSION TO PROVIDE  
 NEW KITCHEN, DINING AND LIVING  
 ROOM, UTILITY, SHOWER ROOM  
 AND GAMES ROOM.  
 FOR GLEN QUINN  
 AT 47, LONGDYKE DRIVE CARLISLE.

drawing

EXISTING ELEVATIONS & FLOOR PLANS

scale

1:100

date

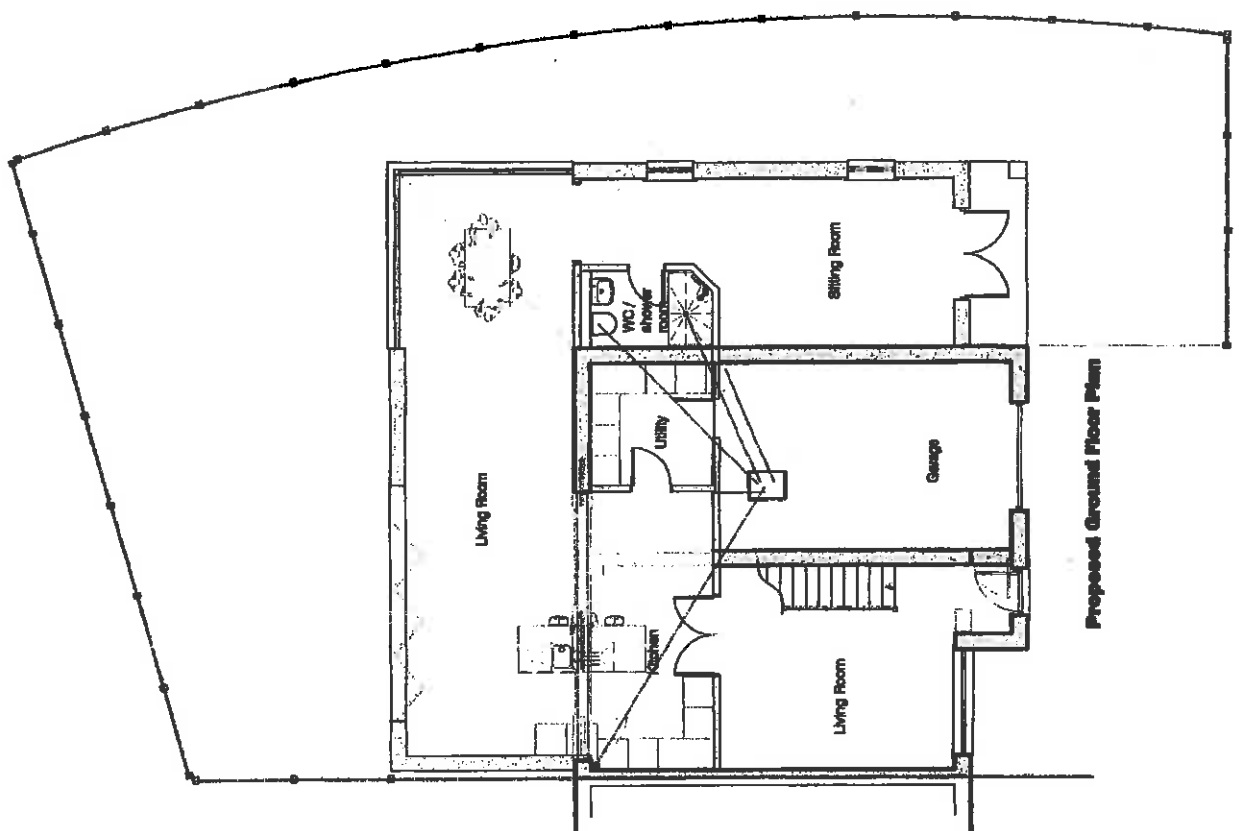
09-11-12

drawn by

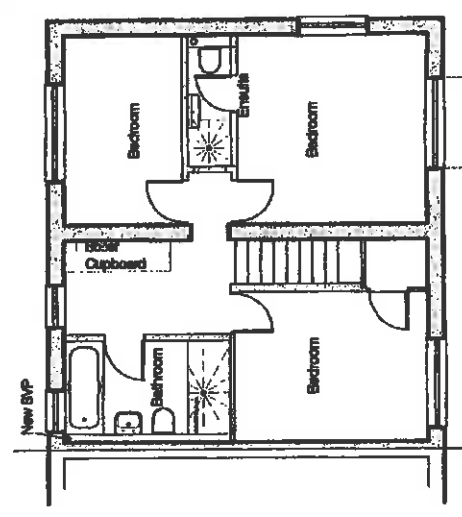
Revised

no

GQ/01



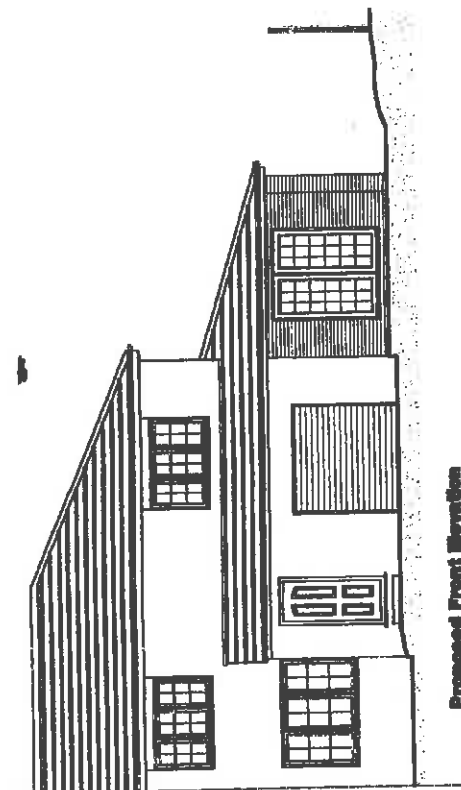
Proposed Ground Floor Plan



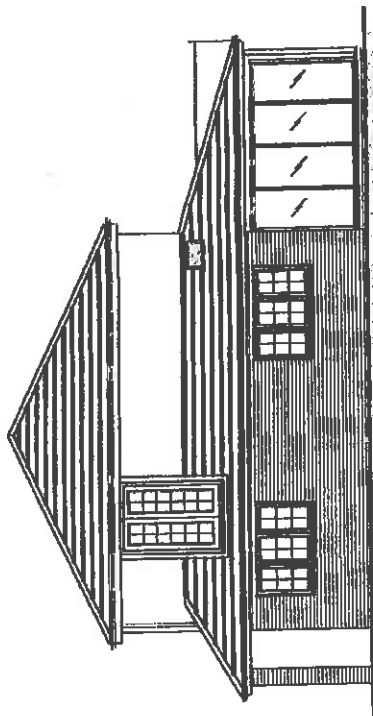
Proposed First Floor Plan

RECEIVED  
12 NOV 2012  
12/0938

Project	PROPOSED SINGLE STOREY WRAP AROUND EXTENSION TO PROVIDE NEW KITCHEN, DINING AND LIVING ROOM, UTILITY, SHOWER ROOM AND GAMES ROOM FOR GLEN QUINN AT 47 LONGDYKE DRIVE CARLISLE.		
Drawing	PROPOSED FLOOR PLANS		
Scale	1:100	Date	09-11-12
Drawn by	[Signature]		
Revised	03		



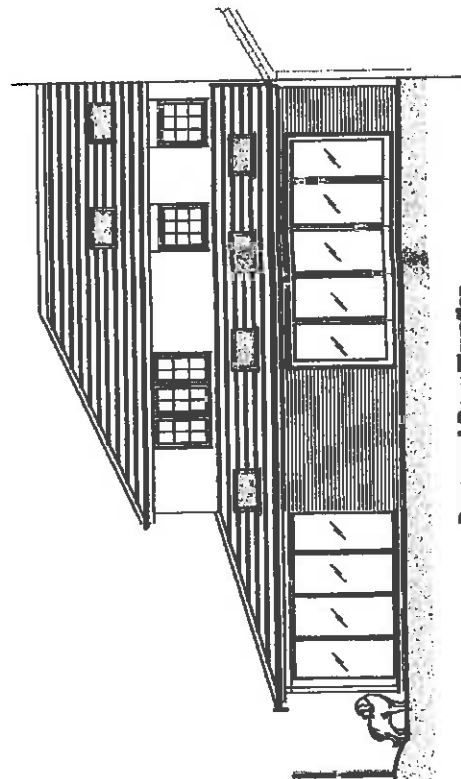
Proposed Front Elevation



Proposed Side Elevation

NOTES - PROPOSED CONSTRUCTION:  
 ROOF - Gray smooth concrete tiles  
 RAINWATER GOODS - Black plastic half round gutters,  
 black plastic esp and rainwater pipes.  
 WALLS - Red rustic facing brickwork.  
 WINDOWS - White upvc.  
 DOORS - White upvc.

RECEIVED  
 12 NOV 2012  
 12:09:38



Proposed Rear Elevation

project	PROPOSED SINGLE STOREY WRAP AROUND EXTENSION TO PROVIDE NEW KITCHEN, DINING AND LIVING ROOM, UTILITY, SHOWER ROOM AND GAMES ROOM FOR GLEN QUINN AT 47 LONGDYKE DRIVE CARLISLE		
drawings	PROPOSED ELEVATIONS		
scale	1:100	date	08-11-12
drawn by	GQ		
revision		date	
drawn by		date	

## **SCHEDULE A: Applications with Recommendation**

12/0891

**Item No: 14**

**Date of Committee: 14/12/2012**

**Appn Ref No:**  
12/0891

**Applicant:**  
Magnus Homes Limited

**Parish:**  
Wetheral

**Date of Receipt:**  
29/10/2012

**Agent:**  
Taylor & Hardy

**Ward:**  
Wetheral

**Location:**

Lime House, Wetheral, Carlisle, CA4 8EH

**Proposal:** Conversion To Provide 9no. Apartments Together With Alterations And Additions To Building; Partial Demolition Of Lean To Store Together With Parking And Access Improvements

---

## **REPORT**

**Case Officer:** Shona Taylor

### **1. Recommendation**

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

### **2. Main Issues**

- 2.1 Principle Of Development.
- 2.2 Impact Of The Proposal On The Conservation Area
- 2.3 The Impact Of The Proposal On The Living Conditions Of Neighbouring Resident
- 2.4 Access, Parking Provision and Highway Issues
- 2.5 Disposal Of Foul Sewage and Surface Water
- 2.6 Affordable Housing

### **3. Application Details**

#### **The Site**

- 3.1 Lime House is a large detached property overlooking Wetheral Village Green. It is constructed over three storeys plus a basement, the main frontage of which features a sandstone central wing with doric entrances, with two projecting side wings which are built from red brick. It is situated

within approximately 0.5ha of grounds, although not all of this forms the application site. There is an informal one way system via the two entrances from the green.

## **Background**

- 3.2 The property was built in circa 1850 as a pair of Victorian Villas, however, it was used as a school from 1856, initially as a ladies seminary, then as a boys preparatory school. In 1993 permission was given to change the use of the building from a residential institution to offices, its most recent use.

## **The Proposal**

- 3.3 The plan that accompanies the application illustrates that it is proposed to convert the premises into nine apartments. Four two-bedroom flats would be located on the ground and first floors, with a ninth two bedroom luxury penthouse unit being formed within the roof void.
- 3.4 It is proposed to raise the roof by 0.5m and two dormer windows with balconies will be incorporated on the front elevation. Each of the flats on the first floor will feature a glazed balcony, two to the front and two to the rear, and the penthouse apartment will also feature a large glazed balcony to the rear, on a large box dormer.
- 3.5 It is proposed to replace the windows in the front elevation with upvc double glazed conservation windows. The remainder of the windows in the property will be replaced with double glazed top hung upvc units.
- 3.6 Nine parking spaces are to be provided to the front of the site and nine to the northern side. The property has two entrances off the Green, which have historically been used as a one way system, which is proposed to be retained.
- 3.7 Each flat has its own balcony, along with the shared outside space and bin store, ensuring adequate amenity space is available for the future occupiers of the apartments.

## **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 three letters of objection and a petition with 27 signatures have been received. The grounds of objection are summarised as;

1. there are already 32 parking spaces to the rear of the site, plus the 18 proposed as part of this application, this seems excessive for 9 flats;
2. parking spaces to the front would detract from the Conservation Area status of the area;
3. the increase in hard standing from an additional 18 parking spaces as well as access road to the front will increase the existing surface drainage

problems;

4. there is no continuous pavement through Wetheral, which makes any additional development dangerous, particularly adjacent to the B6263, a pavement should be provided by the developer.

## **5. Summary of Consultation Responses**

Cumbria County Council - Highways & Transportation: - no objections subject to the inclusion of one condition;

Wetheral Parish Council: - no objections to the proposal, however, there are concerns that the parking to the front would be highly visible; would also like to see a conifer removed and replaced with a Lime Tree; all construction traffic should be situated to the rear of the building;

Local Environment - Drainage Engineer: - no response received;

Local Environment - Environmental Protection: -no objection subject to the inclusion of one condition;

United Utilities: - verbally confirmed no objections to the scheme;

Housing Strategy & Support: - would request a commuted sum of £49,075 based on a 25% affordable housing contribution.

## **6. Officer's Report**

### **Assessment**

- 6.1 The relevant planning policies against which the application is required to be assessed are Policies CP1, CP3, CP5, CP12, H1, H5, LE19 and T1 of the Carlisle District Local Plan 2001-2016. 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 proposal raises the following planning issues:

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

- 6.2 The application site lies within the settlement boundary of Wetheral, which is identified as a Local Service Centre by Policy H1 of the Local Plan. As such the principle of residential accommodation is acceptable, subject to compliance with the criteria identified in Policy H1 and other relevant policies contained within the Local Plan.

2. The Impact Of The Proposal Upon The Conservation Area.

- 6.3 Whilst the property is located within the Wetheral Conservation Area, the latest plans show little change to the front elevation of the premises, other than the addition of two balconies and the alterations to the roof. The Council's Heritage Officer has been consulted and has confirmed that the plans are acceptable. As such it is not considered that these alterations to an unlisted premises would have a detrimental impact upon the Wetheral Conservation Area such as to justify refusal of the application.

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



- 6.4 Taking into consideration the scale and position of the proposed development in relation to the existing properties it is unlikely that the living conditions of the occupiers of these properties will be compromised through loss of light, loss of privacy or overdominance, particularly with relation to the buildings previous use as an office.

#### **4. Access, Parking Provision and Highway Issues.**

- 6.5 The Highway Authority has stated that the provision of eighteen parking spaces will be sufficient to serve the development.

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

- 6.6 Earlier this year United Utilities confirmed that there was no spare capacity at the Waste Water Treatment works at Wetheral, and therefore any future housing growth would not be acceptable. Nonetheless, as Lime House is an existing premises, it has existing load at the treatment works. As such United Utilities requested a flow and load impact assessment, highlighting the flow and load (including both foul and surface water) from the proposed development against the existing site. They confirmed that they will require a non-increase or even volumetric betterment in flows from the development entering the public sewage network.

- 6.7 In conjunction with United Utilities, the applicants have agreed a scheme for the betterment of the site, which includes the installation of new drainage and attenuation systems both on and off site, at a total cost of over £125,000.

- 6.8 United Utilities have confirmed that they are satisfied with the amended drainage scheme, subject to the inclusion of two conditions requiring details to be submitted prior to development commencing.

#### **6. Affordable Housing.**

- 6.9 The Council's Housing Strategy Officer has requested a contribution of £49,075 towards affordable housing in the locality. However, due to the exceptional costs relating to the drainage (para 6.7 above) the applicant's agent has confirmed that contribution would jeopardise the scheme. Information has been provided to support this claim and as such, in the interests of viability, it is considered appropriate in this instance to waive the affordable housing contribution.

### **Conclusion**

- 6.10 In overall terms, the principle of the proposed development is acceptable. The proposal 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 Highway Authority has advised that the parking/access arrangements and the anticipated level of traffic generated by the proposal would not prejudice highway safety. In all aspects the proposals are considered to be compliant

with the objectives of the relevant Local Plan policies.

## **7. Planning History**

- 7.1 Planning permission was granted earlier in 1993 for the change of use from residential institution (C2) to offices (B1) and the demolition of three single storey outbuildings (application reference 93/0828).

## **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 consent comprise:

1. The Planning Application Form;
2. The existing plans received 29th October 2012 (Drawing No 1440/003/A);
3. The existing elevations received 29th October 2012 (Drawing No 1440/04);
4. The proposed block/site/roof plan received 21st November 2012 (Drawing No 1440/05/B);
5. The proposed elevations received 21st November 2012 (Drawing No 1440/07/B);
6. The proposed ground, first and second floor plans received 21st November 2012 (Drawing No 1440/06/D);
7. The tree protection drawing received 21st November 2012 (Drawing No 1440/08/A);
8. The Planning Statement received 29th October 2012;
9. The Design and Access Statement received 29th October 2012;
10. The Bat Survey received 29th October 2012;
11. The Desktop Study received 29th October 2012;
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 or full details of all materials to be used on the exterior shall be submitted to and approved, in writing, by the Local Planning Authority before any work is commenced.

**Reason:** To ensure the materials used are acceptable and to ensure compliance with Policies CP5 and LE19 of the Carlisle District

local Plan 2001-2016.

4. No development shall commence until details of the proposed hard surface finishes to all public and private external areas within the proposed scheme have been submitted to and approved, in writing, by the Local Planning Authority.

**Reason:** To ensure the materials used are acceptable and to ensure compliance with Policies CP5 and LE19 of the Carlisle District local Plan 2001-2016.

5. 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 in accordance with the condition above, which is subject to the approval in writing of the Local Planning Authority. 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 protect the environment and prevent harm to human health in accordance with Policy LE29 of the Carlisle District Local Plan 2001-2016.

6. No development shall commence until the accesses, parking areas, etc have been designed, constructed and drained to the satisfaction of the Local Planning Authority and in this respect full constructional details shall be submitted to the Local Planning Authority for approval. Any works approved shall be constructed before the development is complete.

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

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

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

8. Prior to commencement of the development, full details for the separate drainage systems for foul and surface water shall be submitted to the Local Planning Authority for approval in writing. The development shall thereafter

be completed in accordance with the approved details.

**Reason:** To ensure that adequate drainage facilities are available and to ensure compliance with Policy CP12 of the Carlisle District Local Plan 2001-2016.

9. Prior to the commencement of development, a scheme for surface water and foul water drainage (inclusive of how the scheme shall be maintained and managed after completion) shall be submitted to and approved in writing by the Local Planning Authority. The drainage scheme submitted for approval shall be in accordance with the principles set out in the Drainage Assessment, ref 12-C-13339 Rev A, November 2012, proposing the attenuated surface water flow of 5 l/sec (Maximum) for the whole development discharging to the east of the village green. The development shall be completed, maintained and managed in accordance with the approved details.

**Reason:** To ensure that adequate drainage facilities are available and to ensure compliance with Policy CP12 of the Carlisle District Local Plan 2001-2016.

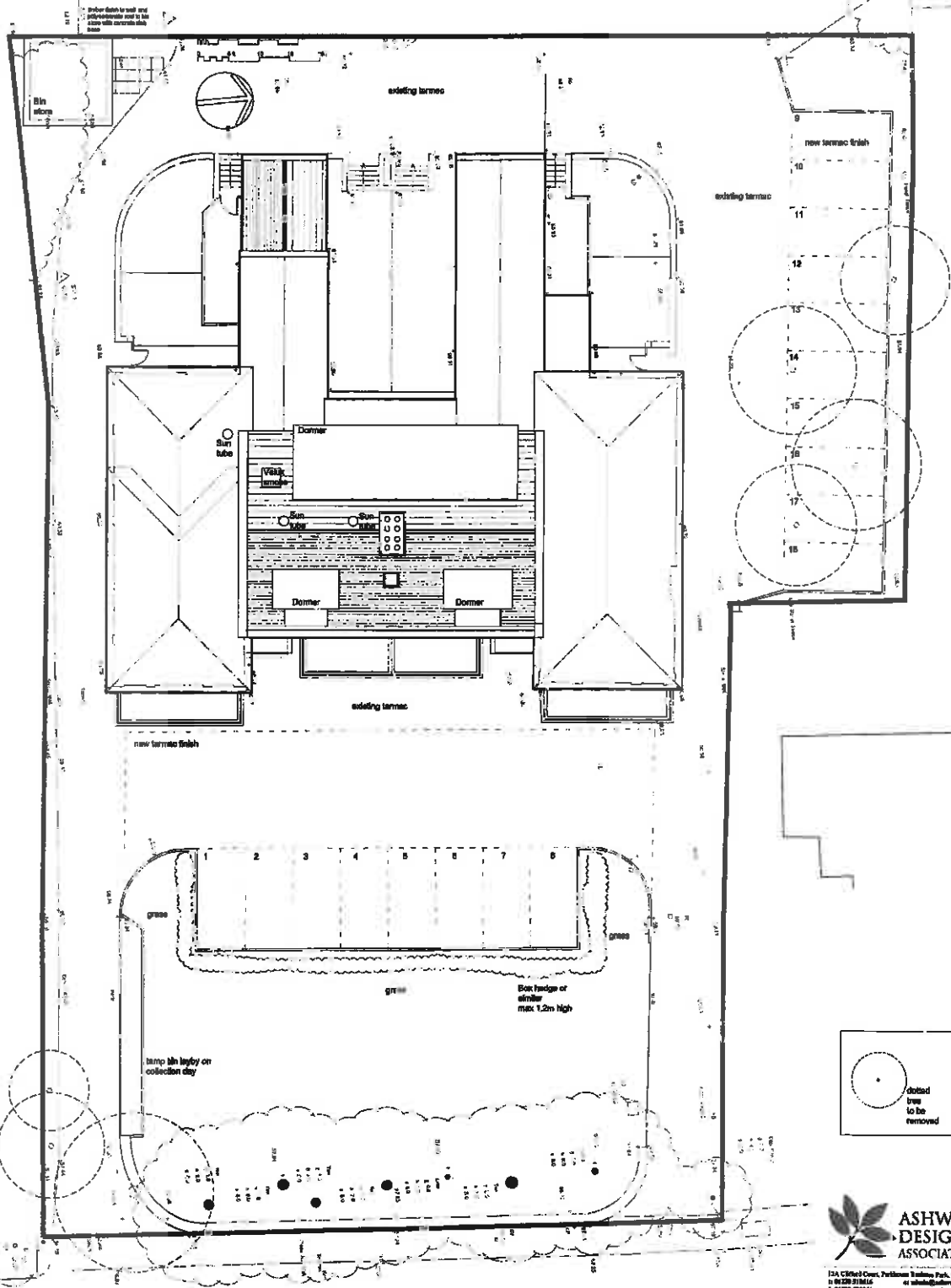
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## The Green

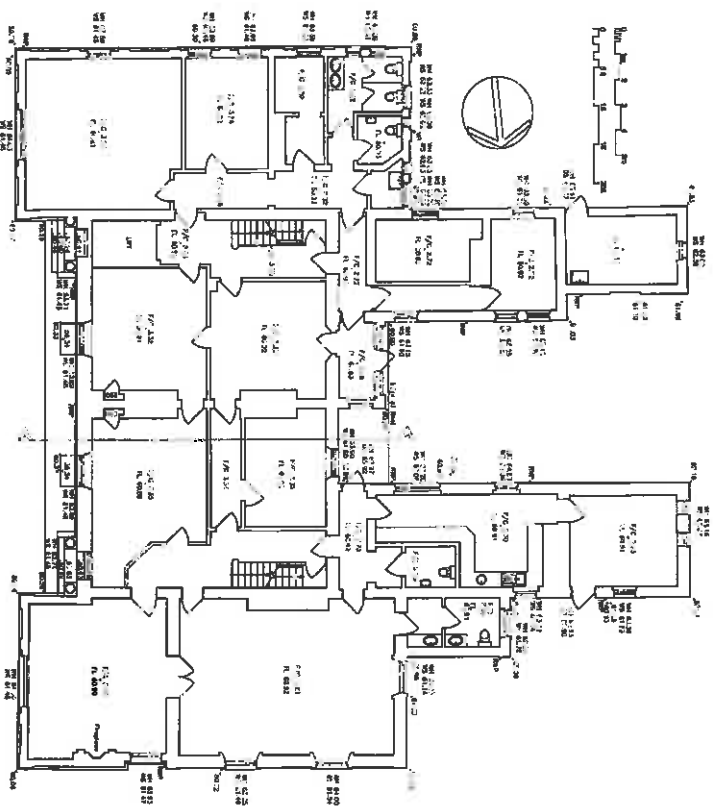
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No notes to be added. All changes are to be made by the client and not by the architect.			
REVISIONS			
No.	Revisions	Date	By
1	Initial design, including site plan, floor plan, and section.	10/11	10/11
2	Revised design, including site plan, floor plan, and section.	10/11	10/11
3	Revised design, including site plan, floor plan, and section.	10/11	10/11



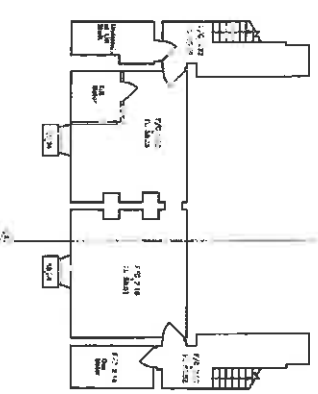
**ASHWOOD DESIGN ASSOCIATES LTD.**  
 12A Cribbs Court, Park Road, Dublin 15, Ireland  
 Tel: 01 226 2144  
 Fax: 01 226 2145  
 Email: ashwood@ashwooddesign.co.uk  
 Website: www.ashwooddesign.co.uk

Client: **Magnus Homes**  
 Project: **Rehabilitation of Lime House**  
 Location: **Wicklow**

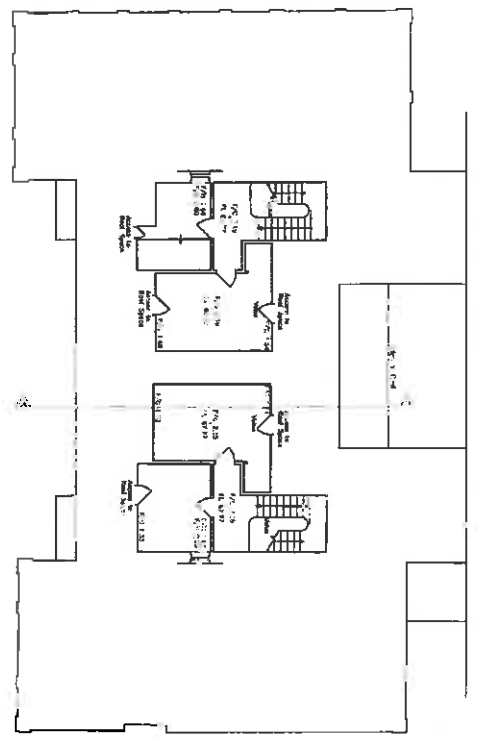
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1440	05		C



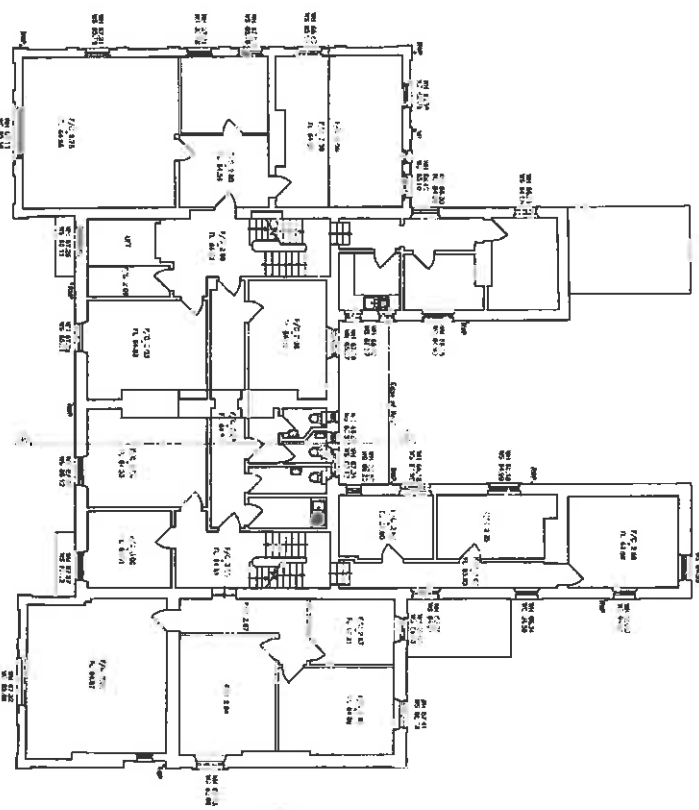
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 Scale 1:100



**Existing Basement Plan**  
 Scale 1:100



**Existing Second Floor Plan**  
 Scale 1:100



**Existing First Floor Plan**  
 Scale 1:100



12A Clifford Court, Parkside, Victoria 3102, Australia  
 Tel: 03 9594 8800  
 Fax: 03 9594 8801  
 Email: info@ashwooddesign.com.au  
 Website: www.ashwooddesign.com.au

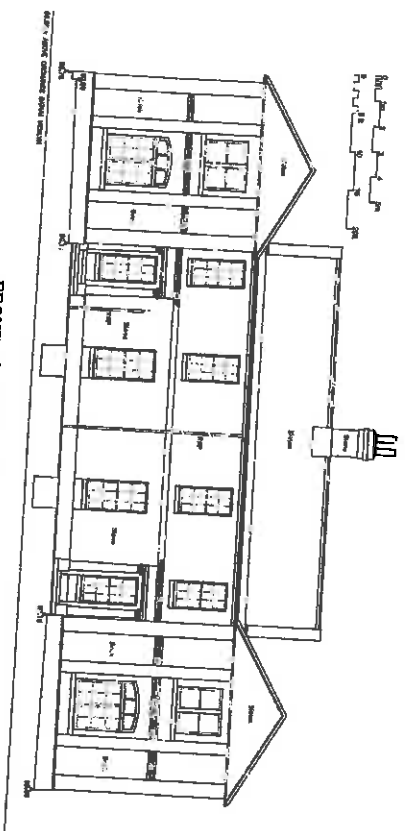
Majora Horne

Representative of  
 Lorne Horne

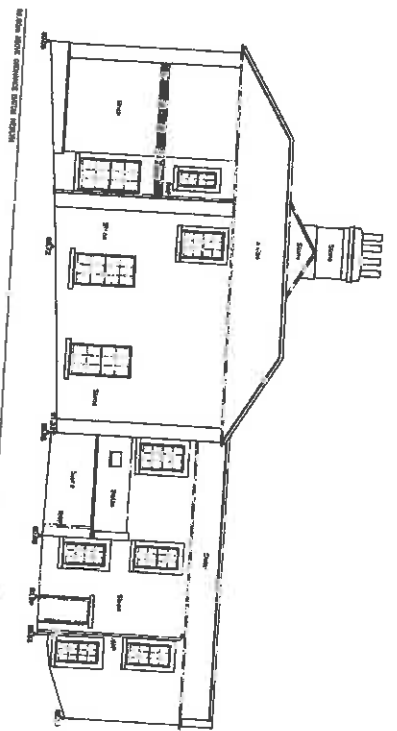
Witnessed

Existing Building Plans

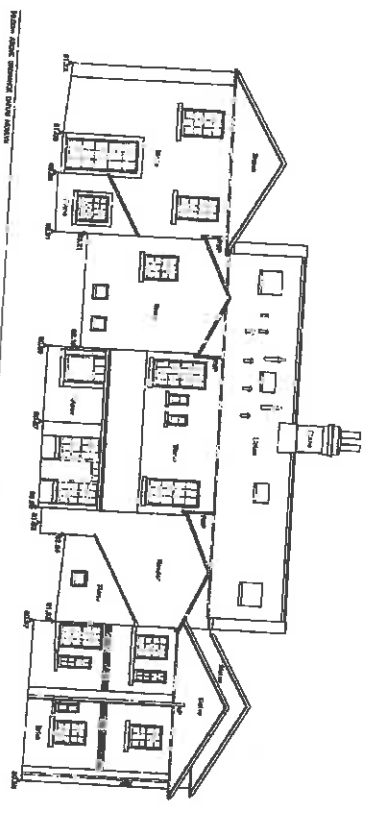
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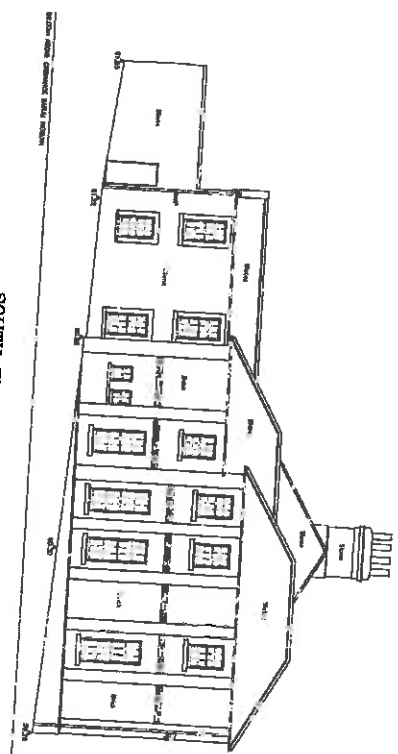
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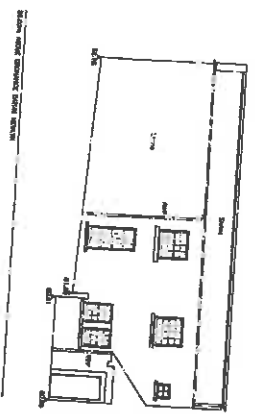
NORTH ELEVATION



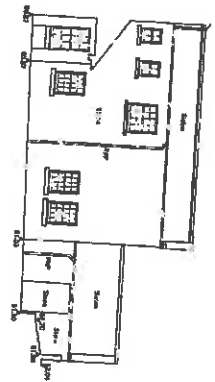
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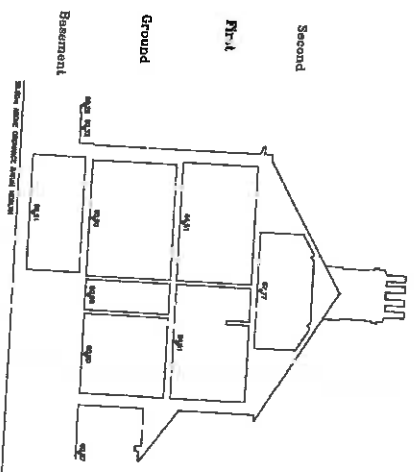
SOUTH ELEVATION



SOUTH COURTYARD ELEVATION



NORTH COURTYARD ELEVATION



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12/20/21

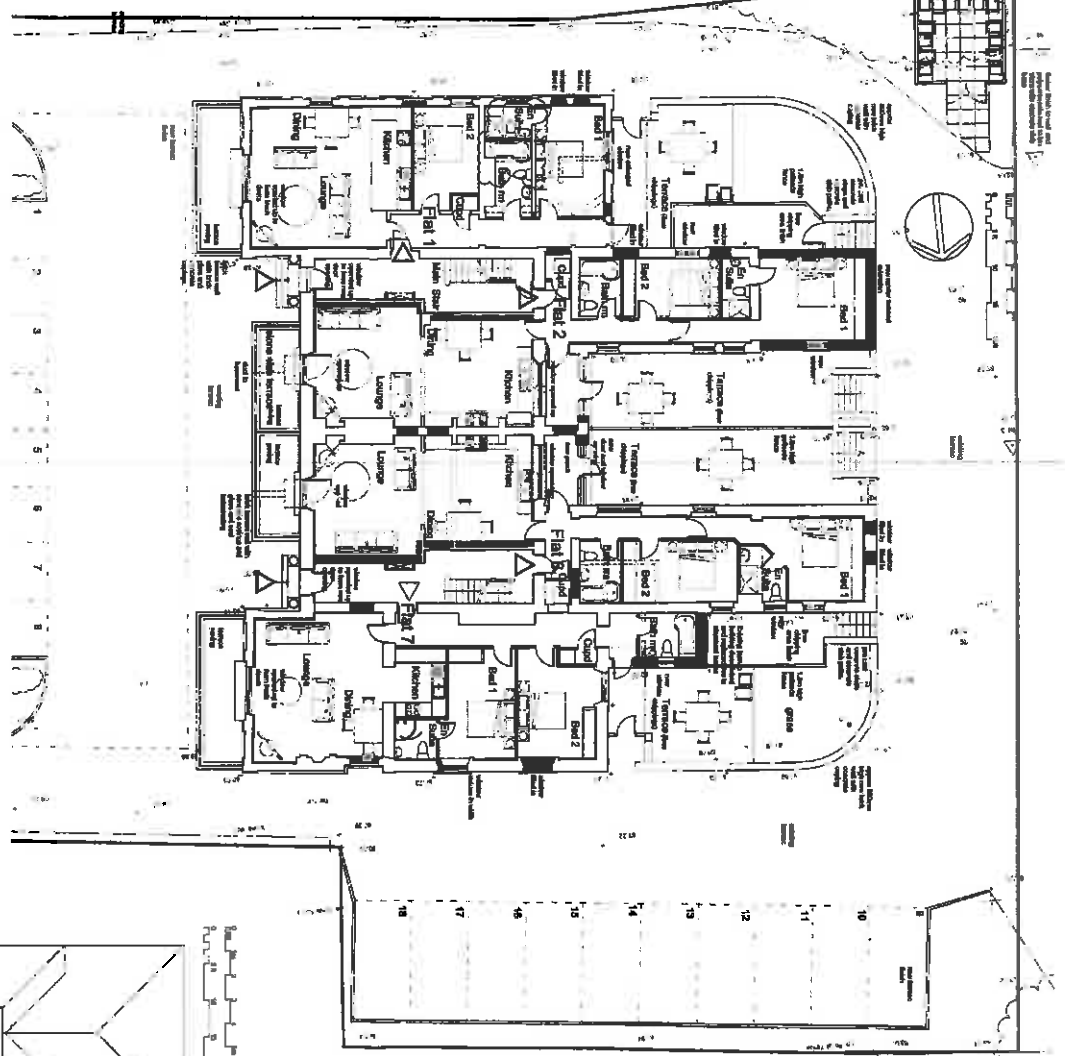


31A Cedar Grove Parkway, Building 1  
21220 BELL  
BELL, MI 48106  
Michigan, USA  
Architect: ASH DESI  
Architect of Record  
Landscape Architect  
Architectural Firm  
Existing Building Elevations

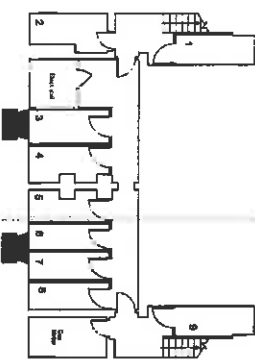




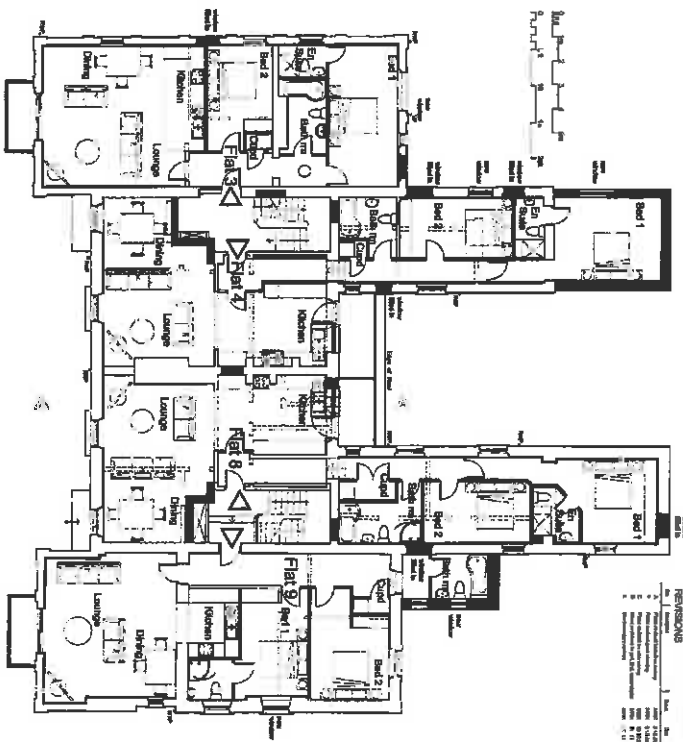
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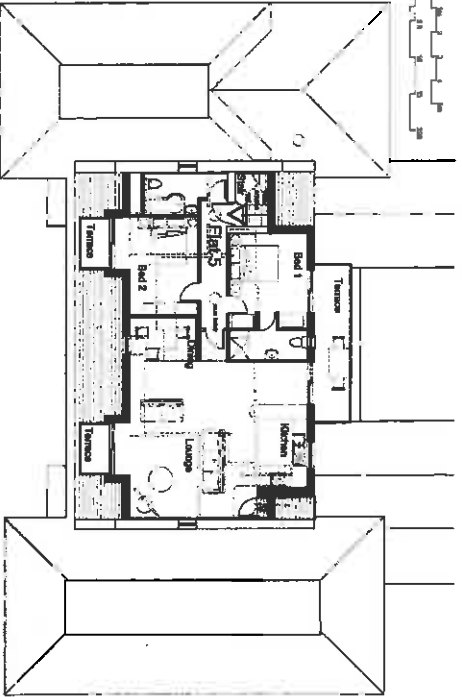
Basement  
Scale 1:100



First Floor Plan  
Scale 1:100



Second Floor Plan  
Scale 1:100



NOTES AND AMENDMENTS

NO.	REVISION	DATE	BY	CHKD.
1	ISSUED FOR PERMIT	12/08/11	ASHWOOD DESIGN ASSOCIATES LTD	ASHWOOD DESIGN ASSOCIATES LTD
2	REVISION	12/08/11	ASHWOOD DESIGN ASSOCIATES LTD	ASHWOOD DESIGN ASSOCIATES LTD
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5	REVISION	12/08/11	ASHWOOD DESIGN ASSOCIATES LTD	ASHWOOD DESIGN ASSOCIATES LTD
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7	REVISION	12/08/11	ASHWOOD DESIGN ASSOCIATES LTD	ASHWOOD DESIGN ASSOCIATES LTD
8	REVISION	12/08/11	ASHWOOD DESIGN ASSOCIATES LTD	ASHWOOD DESIGN ASSOCIATES LTD
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10	REVISION	12/08/11	ASHWOOD DESIGN ASSOCIATES LTD	ASHWOOD DESIGN ASSOCIATES LTD

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www.ashwood-design.co.uk

Prepared by: [Name]  
Checked by: [Name]  
Drawn by: [Name]  
Scale: 1:100

Project: [Name]  
Date: 12/08/11

12/08/11



**SCHEDULE B**

**SCHEDULE B**

SCHEDULE C

SCHEDULE C

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

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**Item No: 15**

**Between 27/10/2012 and 30/11/2012**

**Appn Ref No:**  
12/9009

**Applicant:**  
Mr D Clare

**Parish:**  
Multiple Parishes

**Date of Receipt:**  
11/07/2012

**Agent:**  
Economy, Culture &  
Environment

**Ward:**  
Great Corby & Geltsdale

**Location:**  
New Water River, East of Cumrew Fell, Cumrew,  
Heads Nook, Brampton

**Grid Reference:**  
357872 551580

**Proposal:** Construction Of A Multi Span Bridge To Carry A Public Bridleway Over A  
Watercourse Known As The New Water. The Width Of The Structure  
Shall Be 2.5 Metres And The Overall Length Shall Be 25 Metres

**Amendment:**

### **REPORT**

**Case Officer:** Suzanne Edgar

#### **City Council Observations on the Proposal:**

**Decision:** City Council Observation - Observations

**Date:** 31/07/2012

**Decision of:** Cumbria County Council

**Decision Type:** Withdrawn by Applicant/or by default

**Date:** 29/10/2012

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

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Dear Sir/Madam

**NOTIFICATION OF WITHDRAW OF AN APPLICATION FOR PLANNING PERMISSION**

**Ref No: 1/12/9009**

**Location:** New Water River, East of Cumrew Fell, Cumrew, Heads Nook, Brampton, [Grid Ref: NY 5788 5154]

**Proposal:** Construction of a multi span bridge to carry a public bridleway over a watercourse known as the New Water. The width of the structure shall be 2.5 metres and the overall length shall be 25 metres.

I write to advise you that, as of Monday 29th October 2012, the above planning application was been withdrawn.

I trust that you will update your records accordingly.

Yours sincerely

Mrs Jayne Petersen  
Senior Planning Officer | Development Control

**Planning & Sustainability**  
**Environment Directorate | Cumbria County Council**  
County Offices | Buser Walk | Kendal | LA9 4RQ

T. 01539 713 549  
F. 01539 713 439  
Dept. E-mail: [developmentcontrol@cumbria.gov.uk](mailto:developmentcontrol@cumbria.gov.uk)  
[www.cumbria.gov.uk](http://www.cumbria.gov.uk)

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This e-mail contains confidential information (which may also be legally privileged) and is intended solely for the use of the intended named recipient.

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

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**Item No: 16**

**Between 27/10/2012 and 30/11/2012**

**Appn Ref No:**  
12/9011

**Applicant:**  
Edward Wannop Ltd

**Parish:**  
Hayton

**Date of Receipt:**  
10/08/2012

**Agent:**  
Cumbria County Council

**Ward:**  
Hayton

**Location:**  
Faugh No. 2 Sand Pit, Heads Nook, Brampton CA8  
9EG

**Grid Reference:**  
351073 554911

**Proposal:** Section 73 Application To Vary Conditions Of 1/11/9009 Faugh No.2  
Quarry, To Extend Time Limit To 2022, Reduce Extraction Rate, And  
Amend Restoration Plan

**Amendment:**

### **REPORT**

**Case Officer:** Richard Maunsell

#### **City Council Observations on the Proposal:**

**Decision:** City Council Observation - Observations

**Date:** 13/09/2012

**Decision of:** Cumbria County Council

**Decision Type:** Grant Permission

**Date:** 13/11/2012

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

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**CUMBRIA COUNTY COUNCIL**

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

**NOTICE OF PLANNING CONSENT**

To: Edward Wannop Ltd  
Garth Head  
Castle Carrock  
Brampton

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 30 July 2012.

**viz: Section 73 application to vary conditions of 1/11/9009 Faugh no 2 Quarry, to extend time limit to 2022, reduce extraction rate, & amend restoration plan.**

**Faugh No 2 Sand Pit, Heads Nook, Brampton, Carlisle**

Subject to due compliance with the following conditions:

**Time Limits**

1. This permission shall be for a limited period only expiring on 31 December 2022, by which date the operations hereby permitted shall have ceased. All buildings, plant and machinery, including foundations and hardstandings shall have been removed from the site, and the site shall have been restored in accordance with the approved scheme by 30 September 2023.

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

**Approved Documents**

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 submitted Application Form – dated 8 Sept 2012
  - b. Planning Statement: DPS Ltd
  - c. Restoration Scheme 2Nov12 v3
  - d. Version 2 Working Method Statement (Appendix 1 to item c above).
  - e. Restoration Phasing Scheme – letter dated 12 Nov 2012
  - f. Ecology Planning: Penn Associates - July 2012
  - g. Runoff Estimate and Pond Volume Calculation: ref 2012-100
  - h. Plans
    - i) Site Plan
    - ii) C-864-001 - Site Context
    - iii) C-864-002 Rev A – Restoration Proposals
    - iv) C-864-004 Rev A – Pond Detail
    - v) C-864-005 – Restoration Areas
    - vi) WAN-001-010 – Site Plan comparing 1990 and proposed
    - vii) WAN-001-011 – Sections comparing 1990 and proposed



- i. Details of Slope Stabilisation Scheme – previously approved under condition
  - i) Slope Stabilisation Scheme - Geotechnical Report Ref.208-11-GA-01
  - ii) Supporting Statement V2 received 13-Mar-2012
  - iii) Drwg WAN-001-006-RevF - Proposed Bank Stabilisation (A1)
  - iv) Waste Recovery Plan v1.4 for Stabilisation Works at bank adjacent to West View
- j. The details or schemes approved in relation to the conditions attached to this permission
- k. This Decision Notice

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

3. The site shall be worked and progressively restored in accordance with the scheme approved under condition 2 above and any details approved under condition 16 below.

*Reason: To ensure the site is worked and restored in accordance with the approved scheme.*

#### **OPERATING HOURS**

4. The hours of operations permitted at the site shall be restricted to between:

0730 to 18.00 on Mondays to Fridays

0800 to 13.00 on Saturdays

No working on Sundays or Public Holidays.

This condition shall not, however, operate so as to prevent the carrying out, outside these working hours, of essential maintenance to plant and machinery used on site.

*Reason: To ensure that no operations hereby permitted take place outside normal working hours which would lead to an unacceptable impact upon the amenity of local residents, in accordance with Policy DC 2 of the Cumbria Minerals and Waste Development Framework [CMWDF].*

#### **ADDITIONAL DEVELOPMENTS OR ACTIVITIES**

5. Notwithstanding the provisions of Parts 4 or 19 of Schedule 2 of the Town and Country Planning (General Permitted Development Order) 1995 (or any other revoking and re-enacting that order) no motorsports shall take place and no buildings, fixed plant, or machinery shall be erected altered or extended without planning consent, on any part of the site.

*Reason: To maintain control over additional built development and activities on the site in the interest of minimising the visual, noise and dust impacts in accordance with Policy DC 2 of the CMWDF.*

#### **ANNUAL TONNAGE OF MINERAL**

6. No more than 30,000 tonnes of mineral shall be transported from the site in any calendar year. A report shall be submitted by 31 January each year detailing annual tonnages for monitoring purposes.

*Reason: To ensure traffic movements do not exceed current levels in the interest of highway safety in accordance with Policy DC1 of the CMWDF.*

## **NOISE LEVELS**

7. Noise levels attributable to the approved quarrying and any ancillary operations carried out under the terms of these conditions, shall not exceed 55dB(A) (LAeq, 1 hour free field) as measured at any noise sensitive property.

*Reason: To safeguard the amenity of local residents by ensuring that noise generated by the operations hereby permitted does not cause a nuisance outside the boundaries of the site, in accordance with Policy DC 2 of the CMWDF.*

## **DUST CONTROL**

8. The operator shall maintain on site at all times a water bowser or other dust suppression system, together with an adequate supply of water and during periods of dry weather shall spray the access road, haul roads, working areas, plant area and stockpiling areas with water to satisfactorily suppress dust to ensure that it does not constitute a nuisance outside the site.

*Reason: To safeguard the amenity of local residents by ensuring that dust does not constitute a nuisance outside the boundaries of the site, in accordance with Policy DC 2 of the CMWDF.*

## **HIGHWAY AND TRAFFIC SAFETY**

9. All vehicles used to transport mineral from the site onto the public highway shall be sheeted so as to not deposit any material upon the highway.

*Reason: To ensure that material is not released into the air or deposited upon the highway in the interest of local amenity and highway safety, in accordance with Policy DC 2 of the CMWDF.*

10. No vehicle shall leave the site in a condition that would deposit mud slurry or other material on the public highway.

*Reason: To ensure that no material is deposited onto the public highway in the interests of highway safety and local amenity, in accordance with Policy DC1 of the CMWDF.*

11. Traffic entering the quarry shall only do so solely by the access at the Cairnbridge/ Faugh road junction and shall leave the site solely via the exit to the north of the quarry onto the Faugh/How Mill road.

*Reason: To ensure that lorry drivers are aware of the agreed vehicle route to and from the site in the interest of highway safety and amenity, in accordance with Policy DC 1 of the CMWDF.*

12. Vehicles leaving the site from the northern exit shall only turn right onto the public highway no. C1035

*Reason: To ensure that lorry drivers are aware of the agreed vehicle route to and from the site in the interest of highway safety and amenity, in accordance with Policy DC 1 of the CMWDF.*

## **CONTROL OF OPERATIONS**

13. No mineral extraction or top soil recovery shall take place within 20m of the beck bordering the site except in the area identified as B2 on drawing. "C-864-005 – Restoration Areas."

*Reason: To avoid harm to protected species and to enhance biodiversity, in accordance with Policy CS 4 of the CMWDF.*

14. No works associated with the operations consented under the terms of this permission shall take place within the area identified as B2 on drawing "C-864-005 – Restoration Areas" without complying with the document "Version 2 Working Method Statement".

*Reason: To avoid harm to protected species and to enhance biodiversity, in accordance with Policy CS 4 of the CMWDF.*

## **PROTECTION OF SOIL RESOURCES**

15. All available topsoil, subsoil and soil making material, including that imported to the site, shall be used in progressive restoration, and none shall be sold off or removed from the site. If stored temporarily on the site prior to use the soils shall be retained separately.

*Reason: To ensure that all the available soils are kept for use in the restoration of the site, in accordance with Policy DC16 of the CMWDF.*

## **RESTORATION AND AFTERCARE**

16. Prior to the restoration of areas A2 or A3, as defined in the approved documents, final restoration details shall be submitted to and approved in writing by the Local Planning Authority. The details submitted shall conform to the document 'Restoration Scheme and Working Method Statement 2Nov12 v3', and shall include the following details:

- a. Seed mixes for all areas to be restored to pasture,
- b. A plan showing areas where top soil shall be spread, and
- c. The total quantity of soil forming material to be imported to the site.

Once approved the details shall be implemented in full.

*Reason: To secure the proper restoration of the site in accordance with Policy DC 16 of the CMWDF.*

17. The aftercare requirements shall be carried out for a period of five years from the April following the completion of final restoration operations on each area of the site as defined in the drawing C-864-005 – Restoration Areas

*Reason: To secure the proper aftercare of the restored land and to allow its return to as high a quality as possible, in accordance with Policy DC 16 of the CMWDF.*

18. Before 30 September of each year during the aftercare period there shall be a formal review, under the provisions of Section 72(5) of the Town and Country Planning Act 1990, to consider the operations which have taken place on each restored phase and to agree a programme of management for the coming year which shall be adhered to by the operator. The parties to be invited to attend this review shall include the mineral operator, the Local Planning Authority, owners and occupiers of the land and Natural England. At least 2 weeks before the date of each review the operator shall provide all people attending the meeting with a record of the management and operations carried out on each phase during the period covered by the review and a proposed programme of management for the coming year.

*Reason: To secure the proper restoration of the site to agricultural and nature conservation use and its subsequent aftercare, in accordance with Policy DC16 of the CMWDF.*

19. All trees or shrubs, planted in accordance with the approved Restoration Scheme which are removed or become seriously damaged or diseased or die within five years of being planted shall be replaced with others of similar size and species, unless the Local Planning Authority agrees to any variation.

*Reason: To secure the satisfactory establishment of the tree planting in the interests of amenity, in accordance with Policy DC2 of the CMWDF.*

Dated the 13 November 2012

.....  
Signed: Paul Feehily  
Assistant Director - Planning & Sustainability, Environment Directorate  
on behalf of Cumbria County Council.

#### NOTE

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

**CUMBRIA COUNTY COUNCIL**

**THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT  
PROCEDURE) (ENGLAND) ORDER 2010**

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

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

**Cumbria Minerals and Waste Development Framework (CMWDF)  
Core Strategy (CS) 2009-2020**

**Core Strategy Policy 4 - Environmental Assets**

Minerals and waste management developments should aim to:

- protect, maintain and enhance overall quality of life and the natural, historic and other distinctive features that contribute to the environment of Cumbria and to the character of its landscapes and places.
- improve the settings of the features,
- improve the linkages between them and buffer zones around them, where this is appropriate;
- realise the opportunities for expanding and increasing environmental resources, including adapting and mitigating for climate change.

**Areas and features identified to be of international or national importance.**

Planning application proposals within these, or that could affect them, must demonstrate that they comply with the relevant national policies as set out in Planning Policy Statements. Wherever practicable, they should also demonstrate that they would enhance the environmental assets.

**Environmental assets not protected by national or European legislation**

Planning permission will not be granted for development that would have an unacceptable impact on these environmental assets, on its own or in combination with other developments, unless:-

- it is demonstrated that there is an overriding need for the development, and
- that it cannot reasonably be located on any alternative site that would result in less or no harm, and then,
- that the effects can be adequately mitigated, or if not,
- that the effects can be adequately and realistically compensated for through offsetting actions.

All proposals would also be expected to demonstrate that they include reasonable measures to secure the opportunities that they present for enhancing Cumbria's environmental assets.

Guidance on implementing parts of this policy will be provided by the Landscape Character and Highway Design Guidance Documents and by the Cumbria Biodiversity Evidence Base.

### **Core Strategy Policy 5: Afteruse and Restoration**

Restoration and aftercare schemes for mineral working and waste management sites should demonstrate that best practicable measures have been taken to secure full advantage of their potential to help deliver sustainability objectives relating to the environment and the economy of the county.

### **Core Strategy Policy 13: Supply of Minerals**

Provision will be made to:-

- meet the Regional Spatial Strategy's apportionment to Cumbria of primary land won crushed rock and sand and gravel production, but
- further apply that apportionment to take account of Cumbria's pattern of quarries and the areas they supply, and its dispersed settlement pattern and transport routes;
- identify areas sufficient to maintain landbanks of permitted reserves for supply areas equivalent to at least seven years sales (using the rolling three-year annual average sales figure) for sand and gravel and at least ten years for crushed rock for general aggregate use, throughout the plan period, and
- recognise that the high and very high specification roadstone quarries, gypsum resources and High Greenscoe brick making mudstone quarry are regionally or nationally important,
- identify sites for the facilities that will be required to enable at least one quarter of the aggregates used within Cumbria to be met by secondary or recycled aggregates.

### **Cumbria Minerals and Waste Development Framework (CMWDF)** **Generic Development Control Policies (GDCP) 2009-2020**

#### **Policy DC1 – Traffic and Transport**

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

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

Mineral developments that are not located as above may be permitted if:

- they do not have unacceptable impacts on highway safety and fabric, the convenience of other road users and on community amenity,
- where an appropriate standard of access and traffic routing can be provided, and appropriate mitigation measures for unavoidable impacts are provided.

#### **Policy DC 2 - General Criteria**

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

- a. noise levels, blast vibration and air over-pressure levels would be within acceptable limits,
- b. there will be no significant degradation of air quality (from dust and emissions),
- c. public rights of way or concessionary paths are not adversely affected, or if this is not possible, either temporary or permanent alternative provision is

- made,
- d. carbon emissions from buildings, plant and transport have been minimised,
- e. issues of ground stability have been addressed.

Considerations will include:

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

#### **Policy DC 6 - Criteria for Non-Energy Minerals Development**

Proposals for non- energy minerals development inside the identified Preferred Areas will be permitted if they do not conflict with other policies in this plan.

Proposals for non- energy minerals development outside the Preferred Areas will only be permitted if :

- a. the landbank of reserves with planning permission is below the required level, and there is a need for the proposal to meet the levels of supply identified in the Core Strategy, and
- b. they do not conflict with other policies in this plan and to any relevant locational or site specific policies, and
- c. where relevant, there are adequate safeguards for land stability.

Favourable consideration may also be given to proposals that can be demonstrated to be more sustainable than any available alternative, including:

- borrow pits to meet a specific demand not easily met from elsewhere,
- building stone quarries to meet the need for stone to match local vernacular building, and the conservation and repair of historic buildings.
- areas already subject to minerals extraction where the additional working will enable comprehensive exploitation of the reserves, or where the proposal achieves a more sustainable afteruse or a better restoration of the area.

#### **Policy DC 16 - Afteruse and Restoration**

Proposals for minerals extraction, or for temporary waste facilities such as landfill, should be accompanied by detailed proposals for restoration including proposals for appropriate afteruse, financial provision and long term management where necessary. Restoration and enhancement measures should maximise their contributions to national, regional and local biodiversity objectives and targets. In all cases restoration schemes must demonstrate that the land is stable and that the risk of future collapse of any mineworkings has been minimised.

After-uses that enhance biodiversity and the environment, conserve soil resources, conserve and enhance ~~the~~ historic environment, increase public

access, minimise the impacts of global warming, and are appropriate for the landscape character of the area will be encouraged. These could include: nature conservation, agriculture, leisure and recreation, and woodland,

Where sites accord with other policies, an alternative or mixed afteruse that would support long term management, farm diversification, renewable energy schemes, tourism, or employment land may be acceptable.

All proposals must demonstrate that:

- a. for agricultural, forestry and amenity afteruses there is an aftercare management programme of at least 5 years, but longer where required to ensure that the restoration scheme is established,
- b. the restoration is appropriate for the landscape character and wildlife interest of the area, and measures to protect, restore and enhance biodiversity and geodiversity conservation features are practical, of a high quality appropriate to the area and secure their long term safeguarding and maintenance,
- c. restoration will be completed within a reasonable timescale and is progressive as far as practicable,
- d. provision for the likely financial and material budgets for the agreed restoration, aftercare and afteruse will be made during the operational life of the site.
- e. restoration will be undertaken using industry best practice.

Peat workings should be restored to peat regeneration wherever possible.

- 3 In summary, the reasons for granting permission are that the County Council is of the opinion that the proposed development is in accordance with the development plan, there are no material considerations that indicate the decision should be made otherwise and with the planning conditions included in the notice of planning consent, any harm would reasonably be mitigated. Furthermore, any potential harm to interests of acknowledged importance is likely to be negligible and would be outweighed by the benefits of the development.

Dated the 13 November 2012

.....  
Signed: Paul Feehily  
Assistant Director - Planning & Sustainability, Environment Directorate  
on behalf of Cumbria County Council.



## **APPENDIX TO NOTIFICATION OF PLANNING DECISION**

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

1. Unless specifically exempt by the Waste Management Licensing Regulations 1994, all operations involving "controlled waste", which includes most wastes excluding mine and radioactive waste, requires a Waste Management Licence or Pollution Prevention and Control Permit issued by the Environment Agency. Where your proposal includes the disposal, storage, transfer or treatment of any waste material on the permission site, you should contact the Environment Agency, Ghyll Mount, Gillan Way, Penrith 40 Business Park, Penrith, CA11 9BP (08708 506506), regarding applying for a licence, if you have not already done so. It is a criminal offence to deposit controlled waste and in certain circumstances to store, transfer or treat waste without a licence.
2. 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.
3. 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.
4. 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.
5. Any application made to the Local Planning Authority for any consent, agreement or approval required by a condition or limitation attached to a grant of planning permission will be treated as an application under Article 30 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 and must be made in writing. Applications will be acknowledged and the Local Planning Authority is required to determine them within 8 weeks of receipt unless otherwise agreed in writing. A fee of £85 is payable for each submission (except for mining and landfill sites where fees are chargeable for site visits). A single submission may relate to more than one condition. If the County Council does not make a decision within 12 weeks of the date of submission the fee will be returned.
6. There is a right of appeal against the failure to determine applications within the specified period and against the refusal of any consent, agreement or approval for which application is made (see enclosed "Notes in respect of Appeals to The Secretary of State").

### **NOTES IN RESPECT OF APPEALS TO THE SECRETARY OF STATE**

- If you are aggrieved by the decision of your local planning authority to refuse planning permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State for Communities & Local Government under Section 78 of the Town and Country Planning Act 1990. Please note, only the applicant possesses the right of appeal.
- If you want to appeal, then you must do so within six months of the date of the notice of decision, using the appropriate form. The types of appeal form available are: Planning Appeal Form; Householder Planning Appeal Form; Listed Building Consent or Conservation Area Consent Appeal Form; or Certificate of Lawful Use or Development Appeal Form. These forms can be obtained from the Planning Inspectorate by contacting them at their Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, BRISTOL, BS1 6PN (Telephone: 0303 444 5000). If requesting forms from the Planning Inspectorate, please state the appeal form you require.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use his power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without conditions it imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

### **Purchase Notices**

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of part VI of the Town and Country Planning Act 1990.

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

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**Item No: 17**

**Between 27/10/2012 and 30/11/2012**

**Appn Ref No:**  
12/9012

**Applicant:**  
Shanks Waste  
Management

**Parish:**  
Rockcliffe

**Date of Receipt:**  
30/08/2012

**Agent:**  
Cumbria County Council

**Ward:**  
Longtown & Rockcliffe

**Location:**  
Hespin Wood Resource Park & Landfill Site,  
Todhills, Carlisle

**Grid Reference:**  
336367 562961

**Proposal:** Use Of Existing Fines Stabilisation Building For The Importation,  
Storage, Baling And Export Of Solid Recovered Fuel

**Amendment:**

### **REPORT**

**Case Officer:** Stephen Daniel

#### **City Council Observations on the Proposal:**

**Decision:** City Council Observation - Observations

**Date:** 11/10/2012

**Decision of:** Cumbria County Council

**Decision Type:** Grant Permission

**Date:** 13/11/2012

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

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**CUMBRIA COUNTY COUNCIL**

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

**NOTICE OF PLANNING CONSENT**

To: Shanks Waste Management Ltd  
Coleridge House Annex, Stalker Road  
Gilwilly Industrial Estate, Penrith

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 21 August 2012.

**viz: Use of existing Fines Stabilisation Building for the importation, storage, bailing and export of Solid Recovered Fuel**

**Hespin Wood Resource Park & Landfill Site, Todhills, Carlisle**

Subject to due compliance with the following conditions:

**Time Limits**

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

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

2. The development hereby permitted shall be for a limited period expiring on the 31 December 2039 by which time the operations hereby permitted shall have ceased, and the waste materials and plant hereby permitted shall thereafter be removed from the site.

*Reason: To ensure that the site is restored or reused for sustainable development in accordance with Cumbria Minerals & Waste Development Framework (CMWDF) Policy 16 following the end of the agreed contract with Cumbria County Council.*

**Approved Documents**

3. 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 submitted Application Form – dated 15 August 2012
  - b. Addendum Transport Assessment
  - c. Planning Statement
  - d. Figure 2 : Red Line Plan
  - e. Figure 3 : Site Layout Plan
  - f. Letter from Mouchel re dust suppression and vehicle routing - dated 24 October 2012.
  - g. Figure 4 – Traffic Routing Plan
  - h. Figure 5 – Traffic Routing Plan – Inset detail
  - i. The details or schemes approved in relation to conditions attached to this permission.
  - j. This Decision Notice

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

**Operational Matters**

4. No Solid Recovered Fuel shall be delivered to or removed from the site via the public highway outside the hours:

08.00 to 18.00 hours: Mondays to Fridays

08.00 to 12.00 hours on Saturdays.

*Reason: To ensure that no operations hereby permitted take place outside normal working hours which would lead to an unacceptable impact upon the amenity of local residents and to conform with CMWDF Policy DC2.*

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

*Reason: To safeguard the amenity of local residents by ensuring that the noise generated in their operation is minimised and to conform with CMWDF Policy DC2.*

6. All vehicles under the site operator's control that are fitted with reversing alarms shall use a white noise type.

*Reason: To safeguard the amenity of local residents by ensuring that the noise generated in their operation is minimised and to conform with CMWDF Policy DC2.*

7. All vehicles used to transport materials to or from the site shall be sheeted or otherwise covered.

*Reason: In the interest of local amenity and highway safety and to prevent release of litter on to neighbouring properties and to conform with CMWDF Policy DC2.*

8. No Solid Recovered Fuel intended for processing on or disposal outside the site shall be stored externally within the site.

*Reason: In the interest of local amenity and to prevent release of dust or odour and to conform with CMWDF Policy DC2.*

9. No deliveries of Solid Recovered Fuel to the site shall take place until a Dust Suppression Scheme has been submitted to and approved in writing by the Local Planning Authority. The Scheme shall include details of:

- a. the conveyor and aperture in the building elevation; and
- b. a system to prevent fugitive dust emissions when doors are open;
- c. provision for an action plan if the dust suppression scheme fails to prevent adverse impacts on amenity due to dust.

When approved the Scheme shall be implemented in full before any Solid Recovered Fuel is delivered to the site.

*Reason: In the interest of local amenity and to prevent release of dust or odour and to conform with CMWDF Policy DC2.*

10. No waste vehicles under the operators control shall use any routes other than those agreed in the letter dated 24 October and Traffic Routing Plans listed under condition 3 (f,g and h).

*Reason: In the interest of local amenity and highway safety and to conform with CMWDF Policy DC1.*

Dated the 13 November 2012

.....  
Signed: Paul Feehily  
Assistant Director - Planning & Sustainability, Environment Directorate  
on behalf of Cumbria County Council.

**NOTE**

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

**CUMBRIA COUNTY COUNCIL**

**THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT  
PROCEDURE) (ENGLAND) ORDER 2010**

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

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

**CUMBRIA MINERALS AND WASTE DEVELOPMENT FRAMEWORK (CMWDF)**

**Core Strategy (CS) 2009-2020**

**Core Strategy Policy 1: SUSTAINABLE LOCATION AND DESIGN**

Proposals for minerals and waste management developments should demonstrate that:-

- energy management, environmental performance and carbon reduction have been determining design factors.
- their location will minimise, as far as is practicable, the "minerals or waste road miles" involved in supplying the minerals or managing the wastes unless other environmental/sustainability and, for minerals, geological considerations override this aim.
- all proposed waste management developments with gross floor space of over 1000 square metres gain at least 10% of energy supply, annually or over the design life of the development, from decentralised and renewable or low carbon energy supplies. Any exceptions to this should demonstrate that this would not be feasible or viable for the specific development and that the development would form part of an integrated process for reducing greenhouse gas emissions or for carbon-offsetting measures.
- where appropriate, the restoration proposals have a role in helping to combat climate change.
- mineral working proposals should demonstrate a life cycle ("cradle to grave") analysis of product and process carbon emissions.
- construction of buildings minimises waste production and use of primary aggregates and makes best use of products made from recycled/re-used materials.

Work will be undertaken, in conjunction with stakeholders, to develop life cycle analysis criteria that are relevant for minerals developments.

**Core Strategy Policy 8: PROVISION FOR WASTE**

Provision will be made for the management of all of Cumbria's wastes within the county, with the acceptance of limited cross boundary movements (net self-sufficiency). Any proposals to manage significant volumes of wastes from outside the county would have to demonstrate that the local, social and economic benefits outweigh other sustainability criteria. These other criteria include the impacts of the additional "waste miles" and the principles of managing waste as close as possible to its source, with each community taking responsibility for its own wastes and taking account of the nearest appropriate facility. Any proposals would have to demonstrate that their environmental impacts are acceptable.

**Generic Development Control Policies (GDCP) 2009-2020**

**Policy DC1 – Traffic and Transport**

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

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

Mineral developments that are not located as above may be permitted if:

- they do not have unacceptable impacts on highway safety and fabric, the convenience of other road users and on community amenity, where an appropriate standard of access and traffic routing can be provided, and appropriate mitigation measures for unavoidable impacts are provided.

**Policy DC 2 - General Criteria**

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

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

Considerations will include:

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

- 3 In summary, the reasons for granting permission are that the County Council is of the opinion that the proposed development is in accordance with the development plan, there are no material considerations that indicate the decision should be made otherwise and with the planning conditions included in the notice of planning consent, any harm would reasonably be mitigated. Furthermore, any potential harm to interests of acknowledged importance is likely to be negligible and would be outweighed by the benefits of the development.

Dated the 13 November 2012

.....  
Signed: Paul Feehily  
Assistant Director - Planning & Sustainability, Environment Directorate  
on behalf of Cumbria County Council.



## **APPENDIX TO NOTIFICATION OF PLANNING DECISION**

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

1. Unless specifically exempt by the Waste Management Licensing Regulations 1994, all operations involving "controlled waste", which includes most wastes excluding mine and radioactive waste, requires a Waste Management Licence or Pollution Prevention and Control Permit issued by the Environment Agency. Where your proposal includes the disposal, storage, transfer or treatment of any waste material on the permission site, you should contact the Environment Agency, Ghyll Mount, Gillan Way, Penrith 40 Business Park, Penrith, CA11 9BP (08708 506506), regarding applying for a licence, if you have not already done so. It is a criminal offence to deposit controlled waste and in certain circumstances to store, transfer or treat waste without a licence.
2. 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.
3. 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.
4. 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.
5. Any application made to the Local Planning Authority for any consent, agreement or approval required by a condition or limitation attached to a grant of planning permission will be treated as an application under Article 30 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 and must be made in writing. Applications will be acknowledged and the Local Planning Authority is required to determine them within 8 weeks of receipt unless otherwise agreed in writing. A fee of £85 is payable for each submission (except for mining and landfill sites where fees are chargeable for site visits). A single submission may relate to more than one condition. If the County Council does not make a decision within 12 weeks of the date of submission the fee will be returned.
6. There is a right of appeal against the failure to determine applications within the specified period and against the refusal of any consent, agreement or approval for which application is made (see enclosed "Notes in respect of Appeals to The Secretary of State").

## **NOTES IN RESPECT OF APPEALS TO THE SECRETARY OF STATE**

- If you are aggrieved by the decision of your local planning authority to refuse planning permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State for Communities & Local Government under Section 78 of the Town and Country Planning Act 1990. Please note, only the applicant possesses the right of appeal.
- If you want to appeal, then you must do so within six months of the date of the notice of decision, using the appropriate form. The types of appeal form available are: Planning Appeal Form; Householder Planning Appeal Form; Listed Building Consent or Conservation Area Consent Appeal Form; or Certificate of Lawful Use or Development Appeal Form. These forms can be obtained from the Planning Inspectorate by contacting them at their Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, BRISTOL, BS1 6PN (Telephone: 0303 444 5000). If requesting forms from the Planning Inspectorate, please state the appeal form you require.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use his power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without conditions it imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

## **Purchase Notices**

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of part VI of the Town and Country Planning Act 1990.

# SCHEDULE D

# SCHEDULE D

# SCHEDULE E

# SCHEDULE E

## **SCHEDULE E: Decisions Issued Under Delegated Powers**

Between 27/10/2012 and 30/11/2012

**Appn Ref No:**  
11/0698

**Applicant:**  
Mr Fraser

**Parish:**  
Arthuret

**Date of Receipt:**  
26/08/2011

**Agent:**  
Lofthouse (Cumbria) Ltd

**Ward:**  
Longtown & Rockcliffe

**Location:**  
West House, 53 English Street, Longtown, Carlisle,  
CA6 5SE

**Grid Reference:**  
338029 568460

**Proposal:** Demolition Of Existing Outhouses And Erection Of Single Story Side  
Extension To Provide Lounge, Porch, W.C. And Garage

**Amendment:**

**Decision:** Grant Permission

**Date:** 22/11/2012

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Between 27/10/2012 and 30/11/2012

**Appn Ref No:**  
11/0814

**Applicant:**  
Mr Andrew Leyssens

**Parish:**

**Date of Receipt:**  
16/09/2011

**Agent:**  
How Planning

**Ward:**  
Denton Holme

**Location:**  
United Utilities Depot, Nelson Street, Carlisle

**Grid Reference:**  
339548 555294

**Proposal:** Renewal Of Unexpired Permission Application Ref: 04/1339 For  
Residential Development And Retention/Reconfiguration Of Office  
Accommodation (Outline)

**Amendment:**

**Decision:** Granted Subject to Legal Agreement

**Date:** 07/11/2012

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Between 27/10/2012 and 30/11/2012

**Appn Ref No:**  
11/1082

**Applicant:**  
Sainsburys Supermarkets  
Ltd

**Parish:**

## **SCHEDULE E: Decisions Issued Under Delegated Powers**

**Date of Receipt:**  
19/12/2011 23:03:47

**Agent:**  
Turley Associates

**Ward:**  
Castle

**Location:**  
L/A Junction of Bridge Street and Bridge Lane,  
Carlisle CA2 5TA

**Grid Reference:**  
339343 556110

**Proposal:** Variation Of Condition 2 (Approved Plans) Of Previously Approved Application 09/0512 To Enable Minor Material Amendments To Facilitate Revisions To The External Site Layout; The Access Arrangements Through The Provision Of A Dedicated Lane Within The Site For East Bound Traffic; The Elevation Treatment, And The Installation Of A Ground Source Heat Pump Within The Service Yard.

**Amendment:**

**Decision:** Granted Subject to Legal Agreement  
**Date:** 07/11/2012

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Between 27/10/2012 and 30/11/2012

**Appn Ref No:**  
11/1107

**Applicant:**  
Pizza Time

**Parish:**  
Carlisle

**Date of Receipt:**  
09/01/2012

**Agent:**  
Tsada Building Design  
Services

**Ward:**  
Currock

**Location:**  
Pizza Time, 18 Botchergate, Carlisle, CA1 1QS

**Grid Reference:**  
340339 555550

**Proposal:** Change Of Use Of First And Second Floor To 2no. Residential Flats; Alterations To Ground Floor To Create Access To Flats And Staff Toilets (Part Retrospective)

**Amendment:**

**Decision:** Grant Permission

**Date:** 22/11/2012

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Between 27/10/2012 and 30/11/2012

**Appn Ref No:**  
12/0059

**Applicant:**  
Mr K Uddin

**Parish:**  
Arthuret

**Date of Receipt:**

**Agent:**

**Ward:**

## **SCHEDULE E: Decisions Issued Under Delegated Powers**

27/01/2012

Longtown & Rockcliffe

**Location:**

5 Swan Street, Longtown, Carlisle, CA6 5UY

**Grid Reference:**

337963 568699

**Proposal:** Discharge Of Condition 6 (Extract Fan Details) Of Previously Approved Planning Application 11/0600

**Amendment:**

**Decision:** Grant Permission

**Date:** 21/11/2012

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Between 27/10/2012 and 30/11/2012

**Appn Ref No:**  
12/0242

**Applicant:**  
Hayton Construction Ltd

**Parish:**  
Hayton

**Date of Receipt:**  
19/03/2012

**Agent:**  
Ashwood Design  
Associates

**Ward:**  
Hayton

**Location:**  
Townhead Cottage, Townhead, Hayton, Carlisle

**Grid Reference:**  
351710 557625

**Proposal:** Discharge Of Conditions 4 (Materials) And 5 (Bat Habitat Mitigation Measures) Of Previously Approved Appn Ref: 11/0433

**Amendment:**

**Decision:** Grant Permission

**Date:** 09/11/2012

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Between 27/10/2012 and 30/11/2012

**Appn Ref No:**  
12/0416

**Applicant:**  
Story Homes

**Parish:**  
Burgh-by-Sands

**Date of Receipt:**  
06/06/2012

**Agent:**  
Positive Planning Solutions  
Ltd

**Ward:**  
Burgh

**Location:**  
Barns To North Of Buck Bottom Farm, Burgh by  
Sands, CA5 6AN

**Grid Reference:**  
332645 559152

**Proposal:** Conversion Of Barns To 2No. Dwellings

## **SCHEDULE E: Decisions Issued Under Delegated Powers**

### **Amendment:**

**Decision:** Grant Permission

**Date:** 23/11/2012

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Between 27/10/2012 and 30/11/2012

**Appn Ref No:**  
12/0449

**Applicant:**  
McKnight & Son Builders

**Parish:**  
Wetheral

**Date of Receipt:**  
23/05/2012

**Agent:**  
HTGL Architects Ltd

**Ward:**  
Great Corby & Geltsdale

**Location:**  
Holme Eden Farm, Warwick Bridge, Carlisle,  
Cumbria

**Grid Reference:**  
347351 556948

**Proposal:** Variation Of Condition 2 (List Of Approved Plans) Of Previously Approved Permission 10/1062 To Enable A Slight Modification To The Location Of The Vehicular Access Serving The Car Parking Area; The Inclusion Of Dormer Windows To The Rear Roof Slope; Modifications To The Internal Layout Of The Dwellings And Slight Alterations To The Boundary Of The Application Site

### **Amendment:**

**Decision:** Grant Permission

**Date:** 29/11/2012

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Between 27/10/2012 and 30/11/2012

**Appn Ref No:**  
12/0570

**Applicant:**  
Persimmon Homes  
Lancashire

**Parish:**  
Cummersdale

**Date of Receipt:**  
13/07/2012

**Agent:**

**Ward:**  
Multiple Wards

**Location:**  
Land adjoining Garden Village, Wigton Road,  
Carlisle, CA2 6QX

**Grid Reference:**  
337384 554100

**Proposal:** Siting Of Mobile Sales Cabin (Retrospective)

### **Amendment:**



## **SCHEDULE E: Decisions Issued Under Delegated Powers**

**Decision:** Grant Permission

**Date:** 26/11/2012

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Between 27/10/2012 and 30/11/2012

**Appn Ref No:**  
12/0582

**Applicant:**  
Mr Irving

**Parish:**  
Carlisle

**Date of Receipt:**  
13/07/2012

**Agent:**

**Ward:**  
Castle

**Location:**  
34 Lowther Street, Carlisle, CA3 8DH

**Grid Reference:**  
340251 555894

**Proposal:** Change Of Use Of First Floor From Self Contained Flat To Treatment Rooms (Use Class D1) (Revised Application) (Retrospective)

**Amendment:**

**Decision:** Grant Permission

**Date:** 02/11/2012

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Between 27/10/2012 and 30/11/2012

**Appn Ref No:**  
12/0596

**Applicant:**  
Mr A Sawyer

**Parish:**  
Stanwix Rural

**Date of Receipt:**  
06/09/2012

**Agent:**  
Edenholme Architectural  
Surveyors

**Ward:**  
Stanwix Rural

**Location:**  
181 Tribune Drive, Houghton, Carlisle, CA3 0LF

**Grid Reference:**  
341291 559020

**Proposal:** First Floor Side Extension To Provide 1No. Bedroom

**Amendment:**

**Decision:** Grant Permission

**Date:** 01/11/2012

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Between 27/10/2012 and 30/11/2012

**Appn Ref No:**  
12/0629

**Applicant:**  
Riverside Housing  
Association

**Parish:**

## **SCHEDULE E: Decisions Issued Under Delegated Powers**

**Date of Receipt:**  
02/11/2012

**Agent:**  
Ainsley Gommon  
Architects

**Ward:**  
Botcherby

**Location:**  
Careline Building, Cumrew Close, Carlisle, CA1  
2XA

**Grid Reference:**  
342529 555255

**Proposal:** Discharge Of Conditions 3 (External Finish For Car Port) And 4  
(Proposed Hedging) Of Previously Approved Permission 11/1100

**Amendment:**

**Decision:** Partial Discharge of Conditions  
16/11/2012

**Date:**

---

Between 27/10/2012 and 30/11/2012

**Appn Ref No:**  
12/0647

**Applicant:**  
Electricity Alliance West  
(Energy Alliance0

**Parish:**  
St Cuthberts Without

**Date of Receipt:**  
01/10/2012

**Agent:**

**Ward:**  
Dalston

**Location:**  
Land adjacent To Wash Beck, North Of  
Cumwhinton Road, Carlisle

**Grid Reference:**  
344129 552835

**Proposal:** Installation Of Bell Mouth Access

**Amendment:**

**Decision:** Grant Permission

**Date:** 16/11/2012

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Between 27/10/2012 and 30/11/2012

**Appn Ref No:**  
12/0648

**Applicant:**  
Electricity Alliance West  
(Energy Alliance)

**Parish:**  
Rockcliffe

**Date of Receipt:**  
01/10/2012

**Agent:**

**Ward:**  
Longtown & Rockcliffe

## **SCHEDULE E: Decisions Issued Under Delegated Powers**

**Location:**

Land between Michelle Cottage & Old Swinford,  
Low Harker, Carlisle

**Grid Reference:**

339073 560941

**Proposal:** Installation Of Bell Mouth Access (Retrospective Application)

**Amendment:**

**Decision:** Grant Permission

**Date:** 22/11/2012

---

Between 27/10/2012 and 30/11/2012

**Appn Ref No:**  
12/0649

**Applicant:**  
Electricity Alliance West  
(Energy Alliance)

**Parish:**  
Wetheral

**Date of Receipt:**  
01/10/2012

**Agent:**

**Ward:**  
Wetheral

**Location:**  
Land opposite Miry Lonning on the B6263, Carlisle

**Grid Reference:**  
344485 552164

**Proposal:** Installation Of A Bell Mouth Access (Retrospective Application)

**Amendment:**

**Decision:** Grant Permission

**Date:** 22/11/2012

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Between 27/10/2012 and 30/11/2012

**Appn Ref No:**  
12/0650

**Applicant:**  
Electricity Alliance West  
(Energy Alliance)

**Parish:**  
St Cuthberts Without

**Date of Receipt:**  
01/10/2012

**Agent:**

**Ward:**  
Dalston

**Location:**  
Land opposite to Wash Beck, South Of Cumwhinton  
Road, Carlisle

**Grid Reference:**  
344129 552835

**Proposal:** Installation Of Bell Mouth Access

**Amendment:**

## **SCHEDULE E: Decisions Issued Under Delegated Powers**

**Decision:** Grant Permission

**Date:** 23/11/2012

---

Between 27/10/2012 and 30/11/2012

**Appn Ref No:**  
12/0651

**Applicant:**  
Electricity Alliance West  
(Energy Alliance)

**Parish:**  
Wetheral

**Date of Receipt:**  
01/10/2012

**Agent:**

**Ward:**  
Wetheral

**Location:**  
Land adjacent Miry Lonning on the B6263, Carlisle

**Grid Reference:**  
344479 552126

**Proposal:** Installation Of Bell Mouth Access (Retrospective Application)

**Amendment:**

**Decision:** Grant Permission

**Date:** 23/11/2012

---

Between 27/10/2012 and 30/11/2012

**Appn Ref No:**  
12/0667

**Applicant:**  
Mr Bell

**Parish:**  
Brampton

**Date of Receipt:**  
25/09/2012

**Agent:**  
Northdale Properties Ltd

**Ward:**  
Brampton

**Location:**  
Land adjacent Franleigh House, Tree Road,  
Brampton, CA8 1UA

**Grid Reference:**  
353723 561044

**Proposal:** Erection Of 1no. Dwelling (Revised Application)

**Amendment:**

**Decision:** Grant Permission

**Date:** 20/11/2012

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Between 27/10/2012 and 30/11/2012

**Appn Ref No:**  
12/0690

**Applicant:**  
M & L Richardson & Sons

**Parish:**  
Nether Denton

## **SCHEDULE E: Decisions Issued Under Delegated Powers**

**Date of Receipt:**  
10/08/2012

**Agent:**  
Life Long Energy

**Ward:**  
Irthing

**Location:**  
Low Row Service Station, Low Row, Brampton, CA8  
2JE

**Grid Reference:**  
359122 562978

**Proposal:** Erection Of A 10kw Wind turbine (15.55 To The Hub, 20.34 To The Tip)  
**Amendment:**

**Decision:** Grant Permission

**Date:** 30/10/2012

---

Between 27/10/2012 and 30/11/2012

**Appn Ref No:**  
12/0707

**Applicant:**  
Mr G Sanna

**Parish:**  
Carlisle

**Date of Receipt:**  
04/09/2012

**Agent:**

**Ward:**  
Castle

**Location:**  
30 Lowther Street, Carlisle, CA3 8DH

**Grid Reference:**  
340253 555882

**Proposal:** Installation Of Handrails To Entrance Steps (LBC)  
**Amendment:**

**Decision:** Grant Permission

**Date:** 29/10/2012

---

Between 27/10/2012 and 30/11/2012

**Appn Ref No:**  
12/0713

**Applicant:**  
Mr & Mrs Pasa

**Parish:**  
Carlisle

**Date of Receipt:**  
23/08/2012

**Agent:**  
Jock Gordon

**Ward:**  
Belle Vue

**Location:**  
16 Sheehan Gardens, Carlisle, CA2 7GY

**Grid Reference:**  
337823 555478

**Proposal:** Erection Of Two Storey Side And Single Storey Rear Extension To  
Provide Lounge And Kitchen On Ground Floor With 2no. Bedrooms  
Above, Plus A Change Of Roof Material To The Existing Conservatory

**Amendment:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Decision:** Grant Permission

**Date:** 01/11/2012

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Between 27/10/2012 and 30/11/2012

**Appn Ref No:**  
12/0720

**Applicant:**  
Mr E Meekley

**Parish:**

**Date of Receipt:**  
22/08/2012

**Agent:**  
Tyler Design Services

**Ward:**  
Castle

**Location:**  
Garages at Bright Street, Carlisle, CA2 7JG

**Grid Reference:**  
338641 555836

**Proposal:** Demolition Of 6no. Garages And Erection Of 2no. Apartments  
**Amendment:**

**Decision:** Grant Permission

**Date:** 23/11/2012

---

Between 27/10/2012 and 30/11/2012

**Appn Ref No:**  
12/0743

**Applicant:**  
Emma Louise Reed

**Parish:**  
Irthington

**Date of Receipt:**  
04/09/2012

**Agent:**  
Sandy Johnson Architect

**Ward:**  
Stanwix Rural

**Location:**  
The Bungalow, Oldwall, Laversdale, Brampton,  
Cumbria

**Grid Reference:**  
348038 561722

**Proposal:** Erection Of Single Storey Glazed Link And Porch To Existing Bungalow;  
Extension Of Existing Porch  
**Amendment:**

**Decision:** Grant Permission

**Date:** 29/10/2012

---

Between 27/10/2012 and 30/11/2012

**Appn Ref No:**

**Applicant:**

**Parish:**

## **SCHEDULE E: Decisions Issued Under Delegated Powers**

12/0748                      Mr & Mrs Jeffrey                      Nicholforest

**Date of Receipt:**                      **Agent:**                      **Ward:**  
03/09/2012                      Jock Gordon                      Lyne

**Location:**                      **Grid Reference:**  
High Plains, Penton, Longtown, Carlisle, CA6 5RY                      344147 574400

**Proposal:** Erection Of Detached Swimming Pool  
**Amendment:**

**Decision:** Grant Permission                      **Date:** 29/10/2012

---

Between 27/10/2012 and 30/11/2012

**Appn Ref No:**                      **Applicant:**                      **Parish:**  
12/0756                      Mr Kartal

**Date of Receipt:**                      **Agent:**                      **Ward:**  
04/09/2012 13:00:16                      Swarbrick Associates                      Castle

**Location:**                      **Grid Reference:**  
103 - 105 Botchergate, Carlisle, CA1 1RY                      340507 555453

**Proposal:** Change Of Use From Retail Units To Cafe And Takeaway On Ground  
Floor With Staff Accommodation To First Floor (Revised Application)

**Amendment:**

**Decision:** Grant Permission                      **Date:** 29/10/2012

---

Between 27/10/2012 and 30/11/2012

**Appn Ref No:**                      **Applicant:**                      **Parish:**  
12/0757                      Mr Fraser                      Kirkandrews

**Date of Receipt:**                      **Agent:**                      **Ward:**  
11/09/2012                      Rodney Jeremiah                      Longtown & Rockcliffe

**Location:**                      **Grid Reference:**  
1 Kirkandrews Moat, Longtown, CA6 5PN                      341046 573865

**Proposal:** Single Storey Rear Extension To Provide Living Room, Utility And WC  
**Amendment:**

## **SCHEDULE E: Decisions Issued Under Delegated Powers**

**Decision:** Grant Permission

**Date:** 01/11/2012

---

Between 27/10/2012 and 30/11/2012

**Appn Ref No:**  
12/0759

**Applicant:**  
GL Noble Denton

**Parish:**  
Kingwater

**Date of Receipt:**  
12/09/2012

**Agent:**  
GL Noble Denton

**Ward:**  
Irthing

**Location:**  
Spadeadam Test Site, MOD R8, Gilsland,  
Brampton, CA8 7AU

**Grid Reference:**

**Proposal:** Siting Of 40 Tonne Vessel To Store Liquid Nitrogen And An  
Iso-Container To Be Used As A Control Cabin For The Investigation Of  
Hazards Associated With The Gas, Oil And Process Industries Together  
With Laying Of A Hardcore And Concrete Area

**Amendment:**

**Decision:** Grant Permission

**Date:** 01/11/2012

---

Between 27/10/2012 and 30/11/2012

**Appn Ref No:**  
12/0760

**Applicant:**  
Mr Taylor

**Parish:**  
Stapleton

**Date of Receipt:**  
10/09/2012

**Agent:**  
PFK Planning

**Ward:**  
Lyne

**Location:**  
Barns Adjacent Lyne Villa, Hethersgill, Carlisle, CA6  
6HY

**Grid Reference:**  
347426 570147

**Proposal:** Conversion Of Barns To Form 1No. Live/Work Unit

**Amendment:**

**Decision:** Grant Permission

**Date:** 29/10/2012

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## **SCHEDULE E: Decisions Issued Under Delegated Powers**

Between 27/10/2012 and 30/11/2012

<b>Appn Ref No:</b> 12/0761	<b>Applicant:</b> Mr Michael Downham	<b>Parish:</b> Solport
<b>Date of Receipt:</b> 10/09/2012	<b>Agent:</b>	<b>Ward:</b> Lyne
<b>Location:</b> Low Luckens, Roweltown, Carlisle, CA6 6LJ		<b>Grid Reference:</b> 349335 572640
<b>Proposal:</b> Erection Of New Earth Bank Digestate Store		
<b>Amendment:</b>		

**Decision:** Grant Permission

**Date:** 05/11/2012

---

Between 27/10/2012 and 30/11/2012

<b>Appn Ref No:</b> 12/0762	<b>Applicant:</b> Mr A & Mrs M E Abbott	<b>Parish:</b> Scaleby
<b>Date of Receipt:</b> 06/09/2012	<b>Agent:</b> Jock Gordon	<b>Ward:</b> Stanwix Rural
<b>Location:</b> The Stable, Corriefield Farm, Corriefield, Scaleby, Carlisle, CA6 4JY		<b>Grid Reference:</b> 344997 564052
<b>Proposal:</b> Erection Of Two Storey Extension To Provide Living Room And Sun Room On First Floor With 2no. Bedrooms Together With Single Storey Link Corridor Below		
<b>Amendment:</b>		

**Decision:** Grant Permission

**Date:** 31/10/2012

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Between 27/10/2012 and 30/11/2012

<b>Appn Ref No:</b> 12/0765	<b>Applicant:</b> Mr Macleod	<b>Parish:</b> Brampton
<b>Date of Receipt:</b> 17/09/2012	<b>Agent:</b> Tsada Building Design Services	<b>Ward:</b> Brampton

## **SCHEDULE E: Decisions Issued Under Delegated Powers**

**Location:**

2 The Grove, Brampton, CA8 1NZ

**Grid Reference:**

352870 560967

**Proposal:** First Floor Extension Above Existing Garage To Provide 1no. Bedroom Together With Two Storey Rear Extension To Provide Utility On Ground Floor With Bedroom Above

**Amendment:**

**Decision:** Grant Permission

**Date:** 31/10/2012

---

Between 27/10/2012 and 30/11/2012

**Appn Ref No:**

12/0766

**Applicant:**

Mr P Brady

**Parish:**

Carlisle

**Date of Receipt:**

07/09/2012

**Agent:**

**Ward:**

Stanwix Urban

**Location:**

38 Etterby Street, Carlisle, CA3 9JB

**Grid Reference:**

339869 557178

**Proposal:** Replacement Of Side Door And Rear French Doors With White uPVC Glazed Doors (LBC)

**Amendment:**

**Decision:** Refuse Permission

**Date:** 12/11/2012

---

Between 27/10/2012 and 30/11/2012

**Appn Ref No:**

12/0769

**Applicant:**

Marsh Paving and Fencing Irthington

**Parish:**

Irthington

**Date of Receipt:**

10/09/2012

**Agent:**

**Ward:**

Stanwix Rural

**Location:**

Rose Cottage, Laversdale Lane End, Irthington, Carlisle, CA6 4PS

**Grid Reference:**

347860 563677

**Proposal:** Change Of Use From Builders Yard To Enable Manufacturing Of Fence Panels, Gravel Boards And Concrete Posts, Together With The Use Of The Site As A Fencing/Paving Contractors Compound

## **SCHEDULE E: Decisions Issued Under Delegated Powers**

### **Amendment:**

**Decision:** Grant Permission

**Date:** 05/11/2012

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Between 27/10/2012 and 30/11/2012

**Appn Ref No:**  
12/0771

**Applicant:**  
Vets 4 Pets Ltd

**Parish:**  
Carlisle

**Date of Receipt:**  
21/09/2012

**Agent:**  
Kingsway Design

**Ward:**  
Stanwix Urban

**Location:**  
Unit 3, 54 Scotland Road, Carlisle, CA3 9DF

**Grid Reference:**  
340032 557269

**Proposal:** Change Of Use To Veterinary Surgery

**Amendment:**

**Decision:** Grant Permission

**Date:** 09/11/2012

---

Between 27/10/2012 and 30/11/2012

**Appn Ref No:**  
12/0776

**Applicant:**  
Mrs Anne Nichol

**Parish:**  
Dalston

**Date of Receipt:**  
14/09/2012

**Agent:**  
Phoenix Architects

**Ward:**  
Dalston

**Location:**  
1 The Green, Dalston, Carlisle, CA5 7QB

**Grid Reference:**  
336868 549970

**Proposal:** Replacement Of 5no. Windows And 2no. Doors (LBC)

**Amendment:**

**Decision:** Grant Permission

**Date:** 01/11/2012

---

Between 27/10/2012 and 30/11/2012

**Appn Ref No:**  
12/0777

**Applicant:**  
Lovell Partnership Ltd.

**Parish:**

## **SCHEDULE E: Decisions Issued Under Delegated Powers**

**Date of Receipt:**  
12/09/2012

**Agent:**  
Ainsley Gommon  
Architects

**Ward:**  
Belle Vue

**Location:**  
Site F, Brookside, Raffles Estate, Carlisle, CA2 7JR

**Grid Reference:**  
338194 555836

**Proposal:** Discharge Of Condition 17 (Unilateral Undertaking) Of Previously  
Approved Planning Application 11/0135

**Amendment:**

**Decision:** Grant Permission

**Date:** 31/10/2012

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Between 27/10/2012 and 30/11/2012

**Appn Ref No:**  
12/0778

**Applicant:**  
Mr & Mrs Armstrong

**Parish:**  
Upper Denton

**Date of Receipt:**  
13/09/2012

**Agent:**  
John Gordon Associates  
Ltd

**Ward:**  
Irthing

**Location:**  
4 Hall Terrace, Gilsland, CA8 7BW

**Grid Reference:**  
363297 566415

**Proposal:** Replacement Windows (LBC)

**Amendment:**

**Decision:** Grant Permission

**Date:** 29/10/2012

---

Between 27/10/2012 and 30/11/2012

**Appn Ref No:**  
12/0779

**Applicant:**  
Miss Abdul-Sahib

**Parish:**  
Carlisle

**Date of Receipt:**  
20/09/2012

**Agent:**

**Ward:**  
Castle

**Location:**  
11 Brunswick Street, Carlisle, CA1 1PB

**Grid Reference:**  
340565 555616

**Proposal:** Change Of Use From Offices To Form 3No. Flats (Revised)

## **SCHEDULE E: Decisions Issued Under Delegated Powers**

Retrospective Application)

**Amendment:**

**Decision:** Grant Permission

**Date:** 05/11/2012

---

Between 27/10/2012 and 30/11/2012

**Appn Ref No:**  
12/0780

**Applicant:**  
Furness Building Society

**Parish:**  
Brampton

**Date of Receipt:**  
21/09/2012

**Agent:**  
APM Design Ltd

**Ward:**  
Brampton

**Location:**  
45-47 Front Street, Brampton, CA8 1NT

**Grid Reference:**  
352869 561028

**Proposal:** Display Of 1no. Fascia Sign And 1no. Projecting Sign (Both Externally Illuminated) (LBC)

**Amendment:**

**Decision:** Grant Permission

**Date:** 16/11/2012

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Between 27/10/2012 and 30/11/2012

**Appn Ref No:**  
12/0781

**Applicant:**  
Furness Building Society

**Parish:**  
Brampton

**Date of Receipt:**  
21/09/2012

**Agent:**  
APM Design

**Ward:**  
Brampton

**Location:**  
45-47 Front Street, Brampton, CA8 1NT

**Grid Reference:**  
352869 561028

**Proposal:** Display Of 1no. Fascia Sign And 1no. Projecting Sign (Both Externally Illuminated)

**Amendment:**

**Decision:** Grant Permission

**Date:** 16/11/2012

---

Between 27/10/2012 and 30/11/2012

## **SCHEDULE E: Decisions Issued Under Delegated Powers**

**Appn Ref No:**  
12/0783

**Applicant:**  
Mr Lightfoot

**Parish:**  
Carlisle

**Date of Receipt:**  
13/09/2012 13:00:07

**Agent:**  
JPR Building Design Ltd

**Ward:**  
Harraby

**Location:**  
3 Cumwhinton Road, Carlisle, CA1 3LA

**Grid Reference:**  
342041 553927

**Proposal:** Demolition Of Existing Conservatory And Erection Of Single Storey Rear Extension To Provide Garden Room And Extended Kitchen

**Amendment:**

**Decision:** Grant Permission

**Date:** 01/11/2012

---

Between 27/10/2012 and 30/11/2012

**Appn Ref No:**  
12/0784

**Applicant:**  
Aldi Stores Ltd

**Parish:**  
Carlisle

**Date of Receipt:**  
19/09/2012

**Agent:**  
Signet Planning

**Ward:**  
Belah

**Location:**  
Aldi Ltd, Kingstown Road, Carlisle, CA3 0AJ

**Grid Reference:**  
339687 558169

**Proposal:** Variation Of Condition 12 Of Previously Approved Permission 93/0173 To Allow Trading Between 08:00-21:00 Hours Monday To Saturday And 10:00-18:00 Hours On Sunday (Retrospective)

**Amendment:**

**Decision:** Grant Permission

**Date:** 06/11/2012

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Between 27/10/2012 and 30/11/2012

**Appn Ref No:**  
12/0785

**Applicant:**  
Mr Goncaves-Jardim

**Parish:**  
Brampton

**Date of Receipt:**  
17/09/2012

**Agent:**  
Tsada Building Design Services

**Ward:**  
Brampton

## **SCHEDULE E: Decisions Issued Under Delegated Powers**

**Location:**  
8 Croft Road, Brampton, CA8 1DL

**Grid Reference:**  
353062 561537

**Proposal:** Two Storey Side Extension To Provide Dayroom And Utility Room On  
Ground Floor With 1No. En-Suite Bedroom Above

**Amendment:**

**Decision:** Grant Permission

**Date:** 30/10/2012

---

Between 27/10/2012 and 30/11/2012

**Appn Ref No:**  
12/0786

**Applicant:**  
Tesco Stores Ltd

**Parish:**  
Carlisle

**Date of Receipt:**  
27/09/2012

**Agent:**  
Barr Construction

**Ward:**  
Castle

**Location:**  
Tesco, Victoria Viaduct, Carlisle, CA3 8AJ

**Grid Reference:**  
340071 555734

**Proposal:** Installation Of New Roof Plant and Relocation Of Existing Roof Plant

**Amendment:**

**Decision:** Grant Permission

**Date:** 16/11/2012

---

Between 27/10/2012 and 30/11/2012

**Appn Ref No:**  
12/0789

**Applicant:**  
Mr Bell

**Parish:**  
Burtholme

**Date of Receipt:**  
24/09/2012

**Agent:**  
Tsada Building Design  
Services

**Ward:**  
Irthing

**Location:**  
Barras Top, Banks, CA8 2JJ

**Grid Reference:**  
356489 564926

**Proposal:** Demolition Of Existing Shed And Erection Of New Shed For Domestic  
Storage, Caravans, Cars And Vintage Tractors

**Amendment:**

## **SCHEDULE E: Decisions Issued Under Delegated Powers**

**Decision:** Grant Permission

**Date:** 09/11/2012

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Between 27/10/2012 and 30/11/2012

**Appn Ref No:**  
12/0792

**Applicant:**  
Mr Coady

**Parish:**

**Date of Receipt:**  
25/09/2012

**Agent:**  
Mr Connelly

**Ward:**  
Morton

**Location:**  
64 Skiddaw Road, Carlisle, CA2 5QS

**Grid Reference:**  
338798 555069

**Proposal:** Demolition Of Existing Garage And Utility; Erection Of Two Storey Side Extension To Provide Kitchen And Garage On Ground Floor With 1No. En-Suite Bedroom Above

**Amendment:**

**Decision:** Grant Permission

**Date:** 13/11/2012

---

Between 27/10/2012 and 30/11/2012

**Appn Ref No:**  
12/0794

**Applicant:**  
Mr John Hogarth

**Parish:**  
Carlisle

**Date of Receipt:**  
08/10/2012

**Agent:**

**Ward:**  
St Aidans

**Location:**  
55A Brook Street, Carlisle, Cumbria, CA1 2HW

**Grid Reference:**  
341048 555369

**Proposal:** Change Of Use From Residential To Internet Office With 6 Employees

**Amendment:**

**Decision:** Grant Permission

**Date:** 26/11/2012

---

Between 27/10/2012 and 30/11/2012

**Appn Ref No:**  
12/0795

**Applicant:**  
Persimmon Homes  
Lancashire

**Parish:**  
Wetheral



## **SCHEDULE E: Decisions Issued Under Delegated Powers**

**Date of Receipt:**  
25/09/2012

**Agent:**

**Ward:**  
Wetheral

**Location:**  
Land adjacent Alexandra Drive, Durranhill Road,  
Carlisle

**Grid Reference:**  
342900 555248

**Proposal:** Substitution Of House Type To Plots 27, 28, 29, 30 From The 'Swale' To  
The 'Souter' House Type (Part Retrospective)

**Amendment:**

**Decision:** Grant Permission

**Date:** 30/10/2012

---

Between 27/10/2012 and 30/11/2012

**Appn Ref No:**  
12/0797

**Applicant:**  
Mr Trevor Field

**Parish:**  
Irthington

**Date of Receipt:**  
01/10/2012

**Agent:**  
Mr Peter Orr

**Ward:**  
Stanwix Rural

**Location:**  
6 Irthing Court, Irthington, Carlisle, CA6 4NR

**Grid Reference:**  
349934 561566

**Proposal:** Erection Of Rear Extension To Provide Conservatory

**Amendment:**

**Decision:** Grant Permission

**Date:** 22/11/2012

---

Between 27/10/2012 and 30/11/2012

**Appn Ref No:**  
12/0798

**Applicant:**  
Ms Jayne Potts

**Parish:**  
Stapleton

**Date of Receipt:**  
24/09/2012

**Agent:**

**Ward:**  
Lyne

**Location:**  
Newlands Stable, Newlands, Hethersgill

**Grid Reference:**  
347622 569166

**Proposal:** Removal Of Condition 3 Of Previously Approved Permission 10/0726 To  
Allow Holiday Accommodation To Be Used For Permanent Residential  
Occupation

## **SCHEDULE E: Decisions Issued Under Delegated Powers**

### **Amendment:**

**Decision:** Grant Permission

**Date:** 30/10/2012

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Between 27/10/2012 and 30/11/2012

**Appn Ref No:**  
12/0799

**Applicant:**  
Mrs N Gordon

**Parish:**  
Carlisle

**Date of Receipt:**  
24/09/2012

**Agent:**  
Mr G Tyler

**Ward:**  
Yewdale

**Location:**  
18 Glaramara Drive, The Beeches, Carlisle, CA2  
6QP

**Grid Reference:**  
337613 554222

**Proposal:** First Floor Side Extension To Provide 1No. Bedroom

### **Amendment:**

**Decision:** Grant Permission

**Date:** 20/11/2012

---

Between 27/10/2012 and 30/11/2012

**Appn Ref No:**  
12/0801

**Applicant:**  
Story Homes

**Parish:**  
Kingmoor

**Date of Receipt:**  
25/09/2012

**Agent:**  
Positive Planning Solutions

**Ward:**  
Stanwix Rural

**Location:**  
L/A High Crindledyke Farm, Carlisle

**Grid Reference:**  
337819 560300

**Proposal:** Discharge Of Condition 14 (Scheme Of Highway Improvements) Of  
Previously Approved Permission 09/0617

### **Amendment:**

**Decision:** Partial Discharge of Conditions  
30/11/2012

**Date:**

---

Between 27/10/2012 and 30/11/2012

## **SCHEDULE E: Decisions Issued Under Delegated Powers**

**Appn Ref No:**  
12/0803

**Applicant:**  
Mr Paul Dixon

**Parish:**  
Stanwix Rural

**Date of Receipt:**  
27/09/2012

**Agent:**  
S & H Construction

**Ward:**  
Stanwix Rural

**Location:**  
5 Chestnut Grove, Linstock, Carlisle, CA6 4RS

**Grid Reference:**  
342823 558296

**Proposal:** Single Storey Rear Extension To Provide Enlarged Kitchen, Enlargement Of Existing Window to Form French Doors, Creation Of Patio Area Together With Erection Of Fence

**Amendment:**

**Decision:** Grant Permission

**Date:** 12/11/2012

---

Between 27/10/2012 and 30/11/2012

**Appn Ref No:**  
12/0804

**Applicant:**  
Mr Paul Jefferson

**Parish:**  
Beaumont

**Date of Receipt:**  
04/10/2012

**Agent:**

**Ward:**  
Burgh

**Location:**  
Prior Rigg, Prior Rigg Lane, Belle Vue, Carlisle, Cumbria, CA2 7RG

**Grid Reference:**  
335784 555579

**Proposal:** Erection Of Multi Purpose Agricultural Building

**Amendment:**

**Decision:** Grant Permission

**Date:** 09/11/2012

---

Between 27/10/2012 and 30/11/2012

**Appn Ref No:**  
12/0806

**Applicant:**  
Hobbycraft Trading Ltd

**Parish:**  
Carlisle

**Date of Receipt:**  
26/09/2012 13:00:24

**Agent:**  
Sapphire Signs Limited

**Ward:**  
Belah

**Location:**

**Grid Reference:**

## **SCHEDULE E: Decisions Issued Under Delegated Powers**

Former Unit A, Greymoorhill Retail Park, Parkhouse      339415 559577  
Road, Carlisle, CA3 0JR

**Proposal:** Display Of 4No. Internally Illuminated Fascia Signs (Retrospective)

**Amendment:**

**Decision:** Grant Permission

**Date:** 13/11/2012

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Between 27/10/2012 and 30/11/2012

**Appn Ref No:**  
12/0808

**Applicant:**  
Carlisle Caravan Storage

**Parish:**  
Rockcliffe

**Date of Receipt:**  
27/09/2012 16:00:08

**Agent:**  
Black Box Architects  
Limited

**Ward:**  
Longtown & Rockcliffe

**Location:**  
Ghyll Bank House, Low Harker, Carlisle, CA6 4DG

**Grid Reference:**  
338421 560808

**Proposal:** Provision Of 15no. Permanent Residential Mixed Pitches With Integral  
Parking

**Amendment:**

**Decision:** Grant Permission

**Date:** 16/11/2012

---

Between 27/10/2012 and 30/11/2012

**Appn Ref No:**  
12/0809

**Applicant:**  
Mr Chris Titley

**Parish:**  
Stapleton

**Date of Receipt:**  
02/10/2012

**Agent:**  
Countryside Consultants

**Ward:**  
Lyne

**Location:**  
The Old Smithy, Lyneholmford, Stapleton, Carlisle,  
Carlisle, CA6 6LH

**Grid Reference:**  
351650 572368

**Proposal:** Two Storey Rear Extension To Provide Garden Room On Ground Floor  
With 1No. Bedroom Within The Roof Space

**Amendment:**

## **SCHEDULE E: Decisions Issued Under Delegated Powers**

**Decision:** Grant Permission

**Date:** 06/11/2012

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Between 27/10/2012 and 30/11/2012

**Appn Ref No:**  
12/0810

**Applicant:**  
Mr & Mrs Taylor

**Parish:**  
Arthuret

**Date of Receipt:**  
28/09/2012 13:00:06

**Agent:**  
Bruce Armstrong-Payne  
Planning

**Ward:**  
Longtown & Rockcliffe

**Location:**  
Low Moor Head, Longtown, Carlisle, CA6 5RG

**Grid Reference:**  
340167 569631

**Proposal:** Discharge Of Condition 4 (Caravan Colour Scheme) And 10 (Surface Water Drainage) Of Previously Approved Permission 09/0626

**Amendment:**

**Decision:** Partial Discharge of Conditions  
22/11/2012

**Date:**

---

Between 27/10/2012 and 30/11/2012

**Appn Ref No:**  
12/0813

**Applicant:**  
Electricity Alliance West  
(Energy Alliance)

**Parish:**  
Stanwix Rural

**Date of Receipt:**  
01/10/2012

**Agent:**

**Ward:**  
Stanwix Rural

**Location:**  
Land Between Knells Farm And High Knells Farm,  
Knells, Houghton, Carlisle, Cumbria, CA6 4JG

**Grid Reference:**  
341489 560990

**Proposal:** Installation Of Bell Mouth Access

**Amendment:**

**Decision:** Grant Permission

**Date:** 23/11/2012

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Between 27/10/2012 and 30/11/2012

## **SCHEDULE E: Decisions Issued Under Delegated Powers**

<b>Appn Ref No:</b> 12/0815	<b>Applicant:</b> Mr Stephen Luck	<b>Parish:</b> Wetheral
<b>Date of Receipt:</b> 01/10/2012	<b>Agent:</b> Mr Peter Orr	<b>Ward:</b> Wetheral
<b>Location:</b> 100 Greenacres, Wetheral, Carlisle, CA4 8LD	<b>Grid Reference:</b> 346250 554995	
<b>Proposal:</b> Erection Of Orangery To Rear Elevation		
<b>Amendment:</b>		

**Decision:** Grant Permission

**Date:** 21/11/2012

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Between 27/10/2012 and 30/11/2012

<b>Appn Ref No:</b> 12/0816	<b>Applicant:</b> Mr & Mrs Kenneth & Anne Hope	<b>Parish:</b> Stapleton
<b>Date of Receipt:</b> 01/10/2012	<b>Agent:</b> John Taylor	<b>Ward:</b> Lyne
<b>Location:</b> Land Opposite The Drove Inn, Roweltown, Carlisle, CA6 6LB	<b>Grid Reference:</b> 350206 572104	
<b>Proposal:</b> Change Of Use Of Land To A Caravan Site For 1No. Static Mobile Home And 5No. Touring Caravan Pitches		
<b>Amendment:</b>		

**Decision:** Refuse Permission

**Date:** 26/11/2012

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Between 27/10/2012 and 30/11/2012

<b>Appn Ref No:</b> 12/0818	<b>Applicant:</b> Greensyke Properties Ltd	<b>Parish:</b> Dalston
<b>Date of Receipt:</b> 01/10/2012 13:01:28	<b>Agent:</b> Swarbrick Associates	<b>Ward:</b> Dalston
<b>Location:</b> Unit 10, Greensyke, Cumdivock, Dalston, CA5 7JW	<b>Grid Reference:</b> 335429 548378	

## **SCHEDULE E: Decisions Issued Under Delegated Powers**

**Proposal:** Change Of Use From Educational Building To 1No. Dwellinghouse

**Amendment:**

**Decision:** Grant Permission

**Date:** 26/11/2012

---

Between 27/10/2012 and 30/11/2012

**Appn Ref No:**  
12/0819

**Applicant:**  
Mr Mark Patton

**Parish:**

**Date of Receipt:**  
03/10/2012

**Agent:**  
S & H Construction

**Ward:**  
Denton Holme

**Location:**  
140 Richardson Street, Carlisle, CA2 6AL

**Grid Reference:**  
339367 554485

**Proposal:** Erection Of Single Storey Rear Extension To Provide Garden Room  
Together With Canopy To Front Elevation

**Amendment:**

**Decision:** Grant Permission

**Date:** 26/11/2012

---

Between 27/10/2012 and 30/11/2012

**Appn Ref No:**  
12/0821

**Applicant:**  
Mr Weir

**Parish:**  
Kingwater

**Date of Receipt:**  
04/10/2012

**Agent:**  
Edwin Thompson LLP

**Ward:**  
Irthing

**Location:**  
Craig Hill, Banks, Brampton, CA8 2BX

**Grid Reference:**  
357130 565771

**Proposal:** Variation Of Conditions 3 (Visibility Splays); 4 (Access Construction) And  
5 (Access Materials) Of Previously Approved Appn 10/1161  
(Retrospective)

**Amendment:**

**Decision:** Grant Permission

**Date:** 09/11/2012

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## **SCHEDULE E: Decisions Issued Under Delegated Powers**

Between 27/10/2012 and 30/11/2012

<b>Appn Ref No:</b> 12/0822	<b>Applicant:</b> C & D Property Services	<b>Parish:</b> Arthuret
<b>Date of Receipt:</b> 10/10/2012	<b>Agent:</b> Abacus Building Design	<b>Ward:</b> Longtown & Rockcliffe
<b>Location:</b> 17-19 High Street, Longtown, Carlisle, Cumbria, CA6 5UA	<b>Grid Reference:</b> 337940 568706	
<b>Proposal:</b> Demolition Of Existing Rear Lean-To Buildings And Erection Of Two Storey Rear Extension To Provide Additional Office Accommodation And External Fire Escape Together With Increase In Height of Boundary Wall By 600mm		

**Amendment:**

**Decision:** Grant Permission

**Date:** 26/11/2012

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Between 27/10/2012 and 30/11/2012

<b>Appn Ref No:</b> 12/0823	<b>Applicant:</b> Mr G J Reilly	<b>Parish:</b>
<b>Date of Receipt:</b> 02/11/2012	<b>Agent:</b>	<b>Ward:</b> Morton
<b>Location:</b> 7 Glendale Rise, Carlisle, CA2 6NJ	<b>Grid Reference:</b> 337990 554205	
<b>Proposal:</b> Erection Of Single Storey Side Extension To Provide Additional Bedroom And Bathroom (Retrospective)		

**Amendment:**

**Decision:** Grant Permission

**Date:** 27/11/2012

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Between 27/10/2012 and 30/11/2012

<b>Appn Ref No:</b> 12/0825	<b>Applicant:</b> Mr Graham	<b>Parish:</b> Scaleby
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## **SCHEDULE E: Decisions Issued Under Delegated Powers**

**Date of Receipt:**  
05/10/2012

**Agent:**  
Rodney Jeremiah

**Ward:**  
Stanwix Rural

**Location:**  
Scaleby Hill Farm, Scaleby Hill, Cumbria, CA6 4LW

**Grid Reference:**  
344051 563592

**Proposal:** Removal Of Conditions 2, 4 And 5 Of Previously Approved Permission  
07/0114 To Enable Holiday Cottage To Be Used As Residential  
Accommodation

**Amendment:**

**Decision:** Grant Permission

**Date:** 29/11/2012

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Between 27/10/2012 and 30/11/2012

**Appn Ref No:**  
12/0826

**Applicant:**  
Mr John Scott

**Parish:**  
Stanwix Rural

**Date of Receipt:**  
05/10/2012

**Agent:**

**Ward:**  
Stanwix Rural

**Location:**  
The Old Vicarage, Crosby On Eden, Carlisle,  
Cumbria, CA6 4QZ

**Grid Reference:**  
345509 559692

**Proposal:** Discharge Of Condition 2 (Painting Scheme) Of Previously Approved  
Planning Application 12/0297

**Amendment:**

**Decision:** Partial Discharge of Conditions  
05/11/2012

**Date:**

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Between 27/10/2012 and 30/11/2012

**Appn Ref No:**  
12/0828

**Applicant:**  
Mrs Linda Scott

**Parish:**  
Arthuret

**Date of Receipt:**  
05/10/2012

**Agent:**

**Ward:**  
Longtown & Rockcliffe

**Location:**  
Exchange Cottage, 55 Esk Street, Longtown,  
Carlisle, CA6 5PU

**Grid Reference:**  
337772 568573

## **SCHEDULE E: Decisions Issued Under Delegated Powers**

**Proposal:** Erection Of Conservatory To Rear Elevation

**Amendment:**

**Decision:** Grant Permission

**Date:** 09/11/2012

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Between 27/10/2012 and 30/11/2012

**Appn Ref No:**  
12/0830

**Applicant:**  
Cable & Wireless  
Worldwide

**Parish:**  
Carlisle

**Date of Receipt:**  
05/10/2012 16:00:08

**Agent:**  
Paul Owen Associates

**Ward:**  
Denton Holme

**Location:**  
Hadrians Mill, Nelson Street, Carlisle

**Grid Reference:**  
339468 555247

**Proposal:** Installation Of Standby Generator

**Amendment:**

**Decision:** Grant Permission

**Date:** 26/11/2012

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Between 27/10/2012 and 30/11/2012

**Appn Ref No:**  
12/0838

**Applicant:**  
Mr P Keyte

**Parish:**  
Stanwix Rural

**Date of Receipt:**  
10/10/2012

**Agent:**  
Black Box Architects  
Limited

**Ward:**  
Stanwix Rural

**Location:**  
Gwynedd, 26 Houghton Road, Houghton, Carlisle,  
CA3 0LA

**Grid Reference:**  
341286 558328

**Proposal:** Erection Of Single Storey Extension To Front Elevation To Provide  
Porch And Study Together With Single Storey Rear Extension To  
Provide Extended Kitchen And Dining Room With Dormer Roof Above  
Balcony (Revised Application)

**Amendment:**

## **SCHEDULE E: Decisions Issued Under Delegated Powers**

**Decision:** Grant Permission

**Date:** 26/11/2012

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Between 27/10/2012 and 30/11/2012

**Appn Ref No:**  
12/0839

**Applicant:**  
C & D Property Services

**Parish:**  
Arthuret

**Date of Receipt:**  
10/10/2012

**Agent:**  
Abacus Building Design

**Ward:**  
Longtown & Rockcliffe

**Location:**  
17-19 High Street, Longtown, Carlisle, Cumbria,  
CA6 5UA

**Grid Reference:**  
337940 568706

**Proposal:** Demolition Of Existing Rear Lean-To Buildings (Conservation Area  
Consent)

**Amendment:**

**Decision:** Grant Permission

**Date:** 27/11/2012

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Between 27/10/2012 and 30/11/2012

**Appn Ref No:**  
12/0842

**Applicant:**  
G and J Brown

**Parish:**  
Irthington

**Date of Receipt:**  
19/10/2012

**Agent:**

**Ward:**  
Stanwix Rural

**Location:**  
Lane End Farm, Irthington, Carlisle, CA6 4NE

**Grid Reference:**  
348076 559687

**Proposal:** Construction Of Internal Access Road For Livestock/farm Vehicles

**Amendment:**

**Decision:** Grant Permission

**Date:** 27/11/2012

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Between 27/10/2012 and 30/11/2012

**Appn Ref No:**  
12/0846

**Applicant:**  
Mr D Brown

**Parish:**  
Kingwater

## **SCHEDULE E: Decisions Issued Under Delegated Powers**

**Date of Receipt:**

19/10/2012

**Agent:**

Mr S Reynolds

**Ward:**

Irthing

**Location:**

Spadeadam Test Site, MOD R8, Gilsland,  
Brampton, CA8 7AU

**Grid Reference:**

362682 570817

**Proposal:** Siting Of Test Rigs For The Investigation Of Hazards Associated With  
The Gas, Oil And Process Industries. Erection Of A Two Strand Fence  
To Act As A Visual Indication Of The Exclusion Zone And A Stock Fence  
Around The Plant And Equipment

**Amendment:**

**Decision:** Grant Permission

**Date:** 27/11/2012

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Between 27/10/2012 and 30/11/2012

**Appn Ref No:**

12/0865

**Applicant:**

Mr J Caven

**Parish:**

Carlisle

**Date of Receipt:**

25/10/2012

**Agent:**

HTGL Architects Ltd

**Ward:****Location:**

L/Adj Garden Village-Caven Close, Wigton Road,  
Carlisle, Cumbria

**Grid Reference:**

337561 554050

**Proposal:** Non Material Amendment Relating To Application 10/1141

**Amendment:**

**Decision:** Amendment Accepted

09/11/2012

**Date:**

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Between 27/10/2012 and 30/11/2012

**Appn Ref No:**

12/0869

**Applicant:**

Two Castles Housing  
Association

**Parish:****Date of Receipt:**

23/10/2012

**Agent:**

Mr A Watson

**Ward:**

Belle Vue

**Location:****Grid Reference:**

## **SCHEDULE E: Decisions Issued Under Delegated Powers**

Land adjacent to Low Meadow/Brookside, Belle  
Vue, Carlisle

337949 555856

**Proposal:** Discharge Of Condition 8 (Gas Protection Measures) Of Previously  
Approved Permission 09/0511

**Amendment:**

**Decision:** Grant Permission

**Date:** 20/11/2012

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Between 27/10/2012 and 30/11/2012

**Appn Ref No:**  
12/0885

**Applicant:**  
Creative Support Limited

**Parish:**  
Carlisle

**Date of Receipt:**  
29/10/2012

**Agent:**  
RNJ Partnership

**Ward:**  
Belah

**Location:**  
Eden Vale House, 13 Marlborough Gardens,  
Carlisle, CA3 9NH

**Grid Reference:**  
339882 556963

**Proposal:** Discharge Of Condition 4 (Archaeological Watching Brief) Of Previously  
Approved Permission 12/0471

**Amendment:**

**Decision:** Grant Permission

**Date:** 09/11/2012

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Between 27/10/2012 and 30/11/2012

**Appn Ref No:**  
12/0893

**Applicant:**  
Mr Richard Patton

**Parish:**  
Carlisle

**Date of Receipt:**  
30/10/2012

**Agent:**  
S & H Construction

**Ward:**  
Harraby

**Location:**  
5 Highwood Crescent, Carlisle, CA1 3LF

**Grid Reference:**  
342087 553861

**Proposal:** Erection Of Single Storey Rear Extension To Provide Kitchen And Utility  
(Retrospective)

**Amendment:**

## **SCHEDULE E: Decisions Issued Under Delegated Powers**

**Decision:** Grant Permission

**Date:** 26/11/2012

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Between 27/10/2012 and 30/11/2012

**Appn Ref No:**  
12/0898

**Applicant:**  
Mr Ewart

**Parish:**  
Irthington

**Date of Receipt:**  
31/10/2012

**Agent:**  
Black Box Architects  
Limited

**Ward:**  
Stanwix Rural

**Location:**  
The Cottage, Irthington, Carlisle, CA6 4NN

**Grid Reference:**  
350153 561797

**Proposal:** Erection Of Replacement Rear Sun Room  
**Amendment:**

**Decision:** Grant Permission

**Date:** 30/11/2012

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Between 27/10/2012 and 30/11/2012

**Appn Ref No:**  
12/0903

**Applicant:**  
Two Castles Housing  
Association

**Parish:**

**Date of Receipt:**  
31/10/2012

**Agent:**  
HMH Architects

**Ward:**  
Harraby

**Location:**  
St Elisabeths Parish Church Hall, Mayfield Avenue,  
Harraby, Carlisle, CA1 3QA

**Grid Reference:**  
342096 554380

**Proposal:** Non Material Amendment To Include Photovoltaic Solar Panels On  
Roofs Of Previously Approved Appn 12/0108

**Amendment:**

**Decision:** Amendment Accepted  
09/11/2012

**Date:**

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Between 27/10/2012 and 30/11/2012

## **SCHEDULE E: Decisions Issued Under Delegated Powers**

**Appn Ref No:**  
12/9015

**Applicant:**  
Cumbria County Council

**Parish:**  
Kingmoor

**Date of Receipt:**  
05/11/2012

**Agent:**  
Cumbria County Council

**Ward:**  
Stanwix Rural

**Location:**  
Adj to Carlisle Northern Development Route, West  
of Spa House, Stainton, Carlisle, CA3 9QY

**Grid Reference:**  
338030 557902

**Proposal:** Construction Of A Noise/Visual Screen To Reduce Noise Pollution And  
Visual Intrusion

**Amendment:**

**Decision:** City Council Observation - Raise No Objection  
**Date:** 26/11/2012

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Between 27/10/2012 and 30/11/2012

**Appn Ref No:**  
12/9104

**Applicant:**  
Cumbria County Council

**Parish:**  
St Cuthberts Without

**Date of Receipt:**  
23/10/2012

**Agent:**  
URS

**Ward:**  
Dalston

**Location:**  
Stoneraise School, Stoneraise, Durdar, Carlisle,  
Cumbria, CA5 7AT

**Grid Reference:**  
340242 549935

**Proposal:** Non Material Amendment Of Previously Approved Permission  
12/9005/CTY

**Amendment:**

**Decision:** City Council Observation - Raise No Objection  
**Date:** 26/11/2012

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