

## SCHEDULE A: Applications with Recommendation

10/0857

Item No: 07

Date of Committee: 15/04/2011

**Appn Ref No:**  
10/0857

**Applicant:**  
Mr Ollie Holt

**Parish:**  
Carlisle

**Date of Receipt:**  
20/09/2010

**Agent:**  
S & H Construction

**Ward:**  
Stanwix Urban

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

**Grid Reference:**  
339944 556874

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

**Amendment:**

1. Alteration to the rear elevation to accurately show the position of the ensuite shower room window to Bedroom 2;
  2. Alteration to the street scene elevation to illustrate the proposed changes to the approved scheme;
  3. Relocation of the proposed vehicular access from the lane to the rear of Eden Mount to St. Georges Crescent;
  4. Erection of two small lean-to extensions to the rear of the dwelling in the area that was previously occupied by the driveway.
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### REPORT

**Case Officer:** Sam Greig

### Reason for Determination by Committee:

This application is brought before the Development Control Committee as amended plans have been submitted since the scheme was previously considered by Members.

### 1. Constraints and Planning Policies

#### Ancient Monument

#### Gas Pipeline Safeguarding Area

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

#### Affecting The Setting Of A Listed Building

## **Conservation Area**

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

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

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

**Local Plan Pol CP5 - Design**

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

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

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

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

**Local Plan Pol LE13 - Alterations to Listed Buildings**

**Local Plan Pol LE14 - Dev.Involving Dem.of Listed Bldgs**

**Local Plan Pol LE19 - Conservation Areas**

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

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

**Cumbria County Council - (Highway Authority):** the layout details shown on the submitted plan are satisfactory from a highway perspective. As such, the Highway Authority has no objection to the proposed development.

It should however be noted that the application site will take access off a private road which leads to an un-adopted highway. The owner(s) of these private roads should therefore be consulted for their views on this application;

**Local Environment - Drainage Engineer:** no comments received;

**United Utilities:** no objections. If possible the site should be drained on a separate system, with foul drainage only connected into the foul sewer. Surface water should discharge to a soakaway/watercourse/surface water sewer and may require the consent of the Environment Agency. If surface water is allowed to discharge to the public sewerage system United Utilities may require the flow to be attenuated to a maximum discharge rate determined by United Utilities. A separate metered supply to each unit will be required at the applicant's expense;

**Cumbria County Council - (Archaeological Services):** the site lies 200m south

west of the Roman fort at Stanwix in an area considered to have been the location of a civilian settlement that lay immediately outside the fort. Considerable evidence for Romano-British and Roman activity has been revealed in the immediate vicinity and the archaeological evaluation that has been carried out has confirmed that important archaeological remains and finds survive on the site. These remains will be disturbed by the proposed development and, therefore, the site should be subject to a programme of archaeological recording. This recording should be carried out during the course of the development (a watching brief) and should be commissioned and undertaken at the expense of the developer. This programme of work can be secured through the imposition of two conditions;

**Northern Gas Networks:** no objections;

**Hadrians Wall Heritage Limited:** no comments received;

**English Heritage - North West Region:** the most appropriate mitigation for the impact of the development on the archaeology of this site would be an archaeological watching brief during the excavations necessary for its construction, to allow any further archaeological remains revealed to be recorded. This should be secured through the imposition of appropriate conditions;

**Natural England:** has confirmed that it has no objections to the redevelopment of the site, subject to the imposition of a planning condition to ensure that the recommendations outlined in the bat survey are adhered to.

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

#### **Representations Received**

Initial:	Consulted:	Reply Type:
3 St Georges Crescent	29/09/10	Undelivered
5 St Georges Crescent	29/09/10	
5 Eden Mount	29/09/10	
9 Devonshire Terrace	29/09/10	
3 Cromwell Crescent	29/09/10	
2 Eden Mount	29/09/10	Objection
4 Eden Mount	29/09/10	
6 Eden Mount	29/09/10	
2 Eden Mount	29/09/10	
Eden Hey	29/09/10	
8 St Georges Crescent	29/09/10	Objection
10 St Georges Crescent	29/09/10	
10 Etterby Scour	29/09/10	
6 St Georges Crescent	29/09/10	
9 Eden Mount	29/09/10	
Wolfhill House	10/03/11	Objection
7 St Georges Crescent	29/09/10	
4 St Georges Crescent	29/09/10	
1 Eden Mount	29/09/10	
3 Eden Mount	29/09/10	
32 Abbey Street		Objection
Cllr Stanwix Urban		Objection
2 Cromwell Crescent		Objection

- 3.1 This application has been advertised by means of site and press notices as well as notification letters sent to twenty neighbouring properties. In response nine letters of objection were received to the original plans submitted. No further objections have been received in response to the most recent amended plans submitted; however, one resident has written in support of the relocation of the access from the rear lane onto St. Georges Crescent.
- 3.2 In summary, the objectors have raised the following issues:
1. Previous applications for residential development have been refused by the City Council. An appeal against the refusal of the later of those two applications was also dismissed by the Planning Inspectorate, which reinforces the view that the site should not be redeveloped for residential purposes.
  2. When the original application was determined by the Development Control Committee in June, the Committee was not aware of the Planning Inspector's decision to refuse an earlier scheme [Members may recall that the previous report to the Development Control Committee discussed this issue at length and provided an explanation as to why Members would be justified in approving the application even though previous schemes had been refused, one of which was dismissed by the Planning Inspectorate];
  3. The current proposal is comparable to the previous scheme that was dismissed by the Planning Inspectorate;
  4. The proposal is out of keeping with the Stanwix Conservation Area and, therefore, at odds with Policy LE19 of the Carlisle District Local Plan;
  5. The approval of this scheme will set a precedent for further residential development within the grounds of Listed Buildings or within Conservation Areas;
  6. The dwelling projects beyond the building line of St. Georges Crescent;
  7. The dwelling has no rear garden, with its main recreational space to the front of the property, which is out of keeping with properties in the immediate vicinity;
  8. Historically, railings were supposed to have been erected to the St. Georges Crescent frontage; however, this work has not been carried out;
  9. The development will harm an archaeologically sensitive site;
  10. The site has already been cleared and several trees have been removed. This work was undertaken without consultation with the local community or the City Council;

11. There is no means of safeguarding the proposed landscaping in the future should permission be granted. If the proposed trees are removed/lopped this inappropriate, cramped and modern development would be clearly visible to the detriment of the surrounding area;
  12. The proposal will result in the demolition of a "Listed" boundary wall;
  13. The loss of the trees and the resurfacing of the garden with hardstanding will be detrimental to the ecology and biodiversity of the site;
  14. The dwelling will put increased pressure on the combined sewer which has previously blocked;
  15. The proposal will result in increased loss of light and privacy to neighbouring dwellings;
  16. The amended proposal result in a significantly larger dwelling than has been approved, which is contrary to the Council's justification for allowing that scheme;
  17. The development is tantamount to "garden grabbing", which is at odds with recent Government guidance;
  18. Access and egress from the proposed parking area will be difficult and visibility will be restricted, both during the construction phase and upon occupation of the dwelling. This problem will be exacerbated when other vehicles are parked in the lane to the rear of Eden Mount;
  19. The site has no legal right of access, as it is accessed from a private lane. The applicant has not liaised with the residents, as landowners, regarding this matter.
- 3.3 In respect of Point 19 Members are reminded that that "rights of access" are a civil matter to be resolved between the developer and the relevant land owner and that such issues are not material "planning" considerations in the determination of applications.

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

- 4.1 In March 1996 "Outline" planning permission was refused for the erection of a dwelling for the following reasons:
- i. *"The application seeks permission for residential development on a plot of some 275 square metres, located between the substantial properties No. 4 St George's Crescent and No. 1 Eden Mount. It is considered that the development of this plot would result in cramped development, unrelated to the surrounding buildings, in terms of scale, character and building line contrary to Proposal H2 of the Carlisle District Plan (Deposit Draft).*
  - ii. *Development of the proposed site would adversely effect the setting of the*

*adjacent property, No. 1 Eden Mount, which is a listed building, contrary to Proposal E30 of the Carlisle District Plan (Deposit Draft)."*

- 4.2 In May 1998 "Full" planning permission was refused for the erection of a dwelling for the following reasons:
- i. *"The application relates to an area of 270 square metres, within the setting of the listed building, No. 1 Eden Mount and adjacent to the substantial property No. 4 St George's Crescent. It is proposed to erect a two storey dwelling across the width of the site. It is considered that this development would result in cramped development, with an adverse impact on the attractive street scene of St George's Crescent which is within the proposed Stanwix Conservation Area, contrary to Policy H2 of the Carlisle District Plan.*
  - ii. *Development of the site in the manner proposed would have an adverse affect on the setting of the adjacent property, No. 1 Eden Mount, which is a listed building, contrary to Policy 35 of the Carlisle District Plan."*
- 4.3 An appeal was lodged against the Council's Decision to refuse the above application; however, this was subsequently dismissed by the Planning Inspectorate.
- 4.4 In 2010 "Full" planning permission and Conservation Area Consent was granted for the erection of a dwelling (Applications 10/0221 & 10/0262 respectively).
- 4.5 In 2010 an application for Conservation Area Consent was submitted, but subsequently withdrawn as Officers' advised that Listed Building Consent was required in lieu of Conservation Area Consent (Applications 10/0856 & 10/0930 respectively).

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

### **Introduction**

- 5.1 It will be recalled that this revised application seeks "Full" planning permission for the erection of a detached dwelling on land to the rear of No.1 Eden Mount, Stanwix. At the December meeting of the Development Control Committee Members granted authority to issue an approval to the Assistant Director (Economic Development) subject to the issues raised in Natural England's consultation response being addressed. Natural England had commented that there was insufficient information to determine the impact of the development upon legally protected species, such as bats. The applicant has since submitted a bat survey which identified that the site does not offer any suitable roosting sites for bats. In response Natural England has confirmed that it has no objections to the permission being issued subject the contractors being made aware should any evidence of bats be identified no further work should be undertaken in that area and that the bat consultant should be notified. This requirement could be addressed through the imposition of an appropriately worded planning condition.

- 5.2 Members may also recall that prior to the application being considered at the December meeting an objector provided information to demonstrate that the applicant was not in fact the legitimate owner of the site and the objector questioned whether, in light of this information, the Council could lawfully issue a planning consent irrespective of whether the Committee considered the scheme acceptable. Further information was sought from the applicant regarding this matter and it transpired that the applicant was not the registered owner, as identified on the title deeds. The site is registered to the applicants parents, whom have since written to the Council identifying that their son, whilst not an owner in title, co-owns the site with them. The applicant's parents also state that their son is acting on their behalf. Notwithstanding this fact the ownership certificates that were submitted with the application were technically incorrect. The applicant has remedied this situation by completing the correct ownership certificate and the Council has informed the residents of the updated information.
- 5.3 Whilst the above issues were being resolved the applicant has reviewed the concerns expressed by local residents in respect of the location of the access and has submitted revised plans, which propose the provision of a vehicular access point directly from St. Georges Crescent as opposed to the lane to the rear of Eden Mount. In modifying the access arrangement the applicant now proposes to extend the ground floor of the proposed dwelling into the area that previously would have served as the parking area. These changes are described in paragraphs 5.13, 5.16 and 5.18 of this report.
- 5.4 The site, which [according to the Officer's calculations] covers an area measuring approximately 280 square metres, is the former kitchen garden of No.1 Eden Mount; a Grade II Listed Building. It is segregated from that property by a private lane that runs along the rear of Eden Mount, which comprises a terrace of Grade II listed properties.
- 5.5 Whilst formerly associated with Eden Mount the site's principal frontage abuts St. George's Crescent, which is a privately owned road that lies to the south of the site. The site's north, east and west boundaries are defined by high brick walls whereas its southern boundary, which fronts St. Georges Crescent, is defined by a low stone wall with wooden fencing above.
- 5.6 To the east of the site, beyond the intervening lane, lies the Grade II Listed No.1 Eden Mount. To the west lies Nos. 4 and 6 St. Georges Crescent, a pair of substantial semi-detached dwellings. Whilst these two properties are not listed they are of architectural merit. To the north of the site lies the detached garden of No.2 Eden Mount, whereas to the south of the site, on the opposite side of St. Georges Crescent, is a modern detached bungalow, although it is predominantly screened from view by its high boundary fence.
- 5.7 The site is identified on the Inset Map that accompanies the Carlisle District Local Plan as being within a Primary Residential Area, and lies within both the Stanwix Conservation Area and the buffer zone of Hadrian's Wall World Heritage Site.

## **Background**

- 5.8 The City Council has previously refused "Outline" and "Full" planning applications for the erection of a dwelling on this site (1996 and 1998 respectively). In both cases the reason for refusals, which have been cited in full in the "Planning History" section of this report, highlighted concerns regarding the appearance of what was perceived to be a cramped development and the subsequent impact that it would have upon the streetscene, the character of the Stanwix Conservation Area and the setting of No.1 Eden Mount, which is Grade II Listed.
- 5.9 A subsequent Appeal against the 1998 refusal was dismissed by the Planning Inspectorate. The Inspector who determined the Appeal shared the City Council's concerns regarding the overdevelopment of the site and the impact the development would have upon the Stanwix Conservation Area.
- 5.10 In March 2010 a "Full" planning application was submitted for the erection of a dwelling on the site. That submission was accompanied by an application for Conservation Area Consent to remove a section of the boundary wall that is positioned parallel to the lane at the rear of Eden Mount. Whilst two previous residential schemes had been refused by the City Council on this site, one of which was upheld by the Planning Inspectorate, Officers were satisfied that the submissions addressed the previous issues that were raised. These applications were presented at the Development Control Committee meeting in June 2010 and Members concurred with the Officers' recommendation and approved both applications.
- 5.11 In September 2010 a revised "Full" planning application was submitted together with an application for Listed Building Consent to demolish and rebuild the Grade II Listed wall that demarcates the boundary with the lane to the rear of Eden Mount. Members may recall that at the time that the original application was determined the Conservation Officer had not commented that the wall formed part of the domestic curtilage of No.1 Eden Mount when that property was "listed". Even though the site has since been separated in ownership from that property any alterations to the boundary walls require Listed Building Consent as opposed to Conservation Area Consent. Members will note that a separate application to obtain Listed Building Consent follows this report in the Schedule and Members accepted at the December 2010 Committee meeting, after having visited the site, that the principle of demolishing and rebuilding the wall was acceptable.

## **The Proposal**

- 5.12 This current application seeks planning permission for the erection of a detached two storey dwelling. The accommodation to the ground floor comprises a living room, open plan kitchen/dining room, bathroom and a bedroom, with two further bedrooms to the first floor, each with en-suite shower rooms.
- 5.13 The proposed dwelling has an 'L' shaped footprint, although the two storey section of the dwelling would not occupy the full extent of the ground floor



area. That element is set back towards the rear of the site and would occupy approximately two thirds of the site's width. A single storey element would project forward of the main building, parallel with the eastern boundary of the site, together with a further single storey section to the rear of the building. In respect of the latter aspect it is this element that forms an alteration to the scheme that was presented to Members in December 2010.

- 5.14 The external materials to be used are unchanged from the scheme that Members previously considered. The dwelling would be constructed from clay facing bricks that would match the colour and texture of the bricks used in the immediate vicinity. The roof would be covered with natural slate, which would be laid in equal courses, and the roof lights to the front and rear elevations would be of a conservation type (i.e. they will fit flush with the roof slope as opposed to standing proud). The stonework to the copings, kneelers, heads and cills will be formed from natural stone. The window frames, door and gates to the driveway will all be constructed from timber, albeit the finish has yet to be clarified. The proposed rainwater goods are to be cast iron and the cheeks of dormer window to the front elevation are to be clad with lead, with its face finished in timber.
- 5.15 The external appearance of the dwelling is very similar to that which has been granted permission. Although it is proposed to increase the ground floor footprint of the "approved" dwelling, this enlargement has been achieved through modest extensions to certain aspects of the ground floor layout. Two small lean-to extensions, which measure 1m and 1.6m in depth are proposed to the south and west elevations respectively. The previously approved single storey projection to the front of the dwelling is proposed to be extended by 1.1m in length and 0.6m in width. Although the width of the single storey has increased, it has been designed with an asymmetrical roof thereby ensuring that its ridge height would be no higher than previously approved [these aspects of the revised scheme have previously been accepted by Members].
- 5.16 The additional changes to the approved scheme include two additional single storey lean to extensions to the rear of the proposed dwelling in the area that would previously have been occupied by the proposed driveway. The small extensions, which would not be visible over the boundary wall, would provide an enlarged kitchen and bedroom. These project outwards from the rear elevation of the building by 2m with a cumulative footprint measuring 18 sqm.
- 5.17 The whole of the dwelling would be set down approximately 1m below the existing ground level thereby reducing the building's overall height when viewed in the context of the streetscene. A sunken terrace would be provided adjacent to the dwelling, which would be enclosed by a retaining wall finished in a combination of facing brick and stone.
- 5.18 Under the last scheme considered by Members it was proposed that the vehicle access would be provided off the lane to the rear of Eden Mount. The principle of doing so was accepted by Members through the approval of the original application submitted earlier in 2010. Since Members granted authority to issue an approval in respect of the revised scheme the applicant, in recognising the concerns of residents, proposed an alternative access

arrangement directly from Eden Mount. As such it is now proposed that a single width vehicular access is provided immediately adjacent to the access that serves No.4 St. Georges Crescent.

- 5.19 Members may recall that the Planning Inspector previously considered that such an arrangement would be unacceptable as the view along an access drive would result in the proposed dwelling be viewed as a separate property, which would be disproportionate in scale to the larger houses on St. Georges Crescent. To overcome this specific issue the applicant's original architect worked with Council Officers to design a scheme that addressed these concerns by reducing the ground levels of the site, but also the providing a vehicular access from the rear lane. To address the Inspector's concerns of an access point from St. Georges Crescent the applicant now proposes to install electric gates that would automatically close after a set period, which has been approximated as being two minutes. This would potentially mitigate for a scenario where manually operated access gates could be left open at all times. The provision of the access would necessitate the removal of part of the low stone boundary wall to St. Georges Crescent; however, the proposed electronic gate would be designed to replicate the appearance of the approved timber fencing along this frontage.
- 5.20 The application is also accompanied by a desk top study into the possible presence of contamination and an archaeological evaluation, which identifies the findings of the archaeological investigation that was undertaken in advance of the application being submitted. It is proposed that foul and surface water will discharge to the mains sewer.

### **Assessment**

- 5.21 The relevant planning policies against which the application is required to be assessed are Policies DP1, CP3, CP5, CP12, LE6, LE12, LE13, LE14, LE19 and T1 of the Carlisle District Local Plan 2001-2016.
- 5.22 The proposals raise the following planning issues:
1. Whether The Principle Of The Proposed Development Is Acceptable.
- 5.23 The application site, which lies within the urban area of Carlisle, is designated as a "Primary Residential Area" in the adopted Carlisle District Local Plan. As such, the principle of residential development is acceptable, subject to compliance with the criteria identified in Policy H2 and other relevant Local Plan policies. These are discussed in detail in the following analysis; however, Members should be mindful that the principle of erecting a dwelling on this site has already been established through the approval of the application that was submitted in 2010 and through the Committee's decision in December 2010 to grant authority to issue an approval in respect of the revised scheme.
2. Whether The Scale And Design Of The Building Is Acceptable In Relation To Its Setting.
- 5.24 In respect of the previous planning appeal, the Planning Inspector identified in

the opening paragraphs of his decision letter that he perceived the principal issue to be the impact that the development would have upon the character of the Stanwix Conservation Area. The Inspector took the view that *“the site is not part of, and does not contribute to, the setting of the Listed Building”*. As such, the Inspector was of the opinion that the position of the dwelling [that which was refused in 1998] would not adversely affect and would, therefore, preserve the setting of No.1 Eden Mount, a Grade II Listed Building.

- 5.25 Members were previously advised that when assessing whether this revised application is acceptable they should focus on the changes between the revised submission and the approved scheme. In resolving to grant authority to issue an approval in December 2010 the Committee accepted that the proposed changes were acceptable. To recap these included the provision of small single storey lean-to extensions to the south and west elevations of the dwelling; a marginal increase in the length and width of the single storey projection to the front of the property and a slight repositioning of the ensuite shower room windows to the rear elevation of the property.
- 5.26 With regards to the further amendments Members need to consider whether the changes would alter the Committee's previous decision. The changes relates to the provision of small lean-to extensions to the rear of the dwelling and the amended position of the vehicular access. The extensions would be screened from public view by the boundary and, therefore, these alterations would not detract from the character of the Conservation Area.
- 5.27 In respect of the access the applicant has provided an amended street scene elevation to illustrate the change. This drawing shows that with the exception of the low section of boundary wall to St. Georges Crescent the approved street frontage would be largely unaltered. As identified in paragraph 5.19, to overcome the potential prospect of viewing the proposed dwelling along the driveway the applicant proposes to install electric gates that would ensure that the access point closed after a set period. By doing so the applicant has ensured that public views of the dwelling will remain largely as previously viewed under the approved scheme, i.e. as an ancillary building adjacent to No. 4 St. Georges Crescent.
- 5.28 On balance, it is the Officer's view that inclusion of a further extension to the rear elevation is acceptable and that the provision of a vehicular access point directly from St. Georges Crescent will not adversely impact upon the character and setting of the Stanwix Conservation Area. It is still pertinent to add that the quality of the design needs to be replicated in the selection of the external finishes. In respect of the latter a condition is recommended that requires all external materials to be agreed prior to development commencing on site. As a further precaution it is recommended that a condition is imposed that prevents future alterations to the building without the prior consent of the Planning Authority.

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

- 5.29 In respect of the approved scheme Members were advised that the scale and

position of the proposed dwelling is such that the living conditions of neighbouring residents are unlikely to be adversely affected by loss of light or overdominance. Similarly, in terms of overlooking Officers' advised that the position of opposing habitable windows within the proposed dwelling and the existing properties was such that any line of sight is oblique or, where windows do face more directly towards one another, the difference in levels mitigates any significant impact. Consequently Officers advised Members that the development was unlikely to result in a significant loss of privacy for neighbouring residents or the future occupiers of the proposed dwelling. The changes proposed by this current application do not affect this position.

#### 4. Access And Parking Provision.

- 5.30 Several local residents previously expressed concern regarding the means of vehicular access, together with the allegation that there is no right of access over the privately owned roads, which land lock the site. Whilst Members will appreciate that the latter is a civil matter to be resolved between the prospective developer and the relevant landowners, which should not influence their consideration of the scheme, the applicant has sought to address this by providing an access directly on to St. Georges Crescent. The Highway Authority has raised no objections to the re-siting of the access, which is considered acceptable from a highway safety perspective.

#### 5. Whether The Proposed Landscaping Is Acceptable.

- 5.31 The repositioning of the access will require modifications to the previously accepted landscaping scheme; however, the submission of an appropriate landscaping scheme can be regulated through the imposition of a planning condition.
- 5.32 The Landscape Architect has identified that tree protection barriers would be required to protect those trees within the site, but also the London Plane tree located on the pavement adjoining the application site. The erection of appropriate protective barriers can be ensured through the imposition of a planning condition.

#### 6. Archaeology.

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

#### 7. Impact Upon Protected Species.

- 5.34 Natural England confirmed that it has no objections to the proposal subject to the imposition of a condition that requires the applicant to implement the

development in accordance with the recommendations of the bat survey, as outlined in paragraph 5.1 of this report.

## **Conclusion**

- 5.35 In overall terms, the principle of the proposed development remains acceptable. The scale, siting and design of the proposed dwelling are considered to be acceptable in relation to the site and the surrounding properties. Similarly, for the reasons outlined in this report, it is also considered that there would be no adverse impact upon the setting of the Listed Building nor the character of the Conservation Area. The living conditions of neighbouring properties would not be adversely affected and adequate car parking/amenity space would be provided to serve the dwelling. Consequently, it is recommended that Members approve this revised scheme.

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

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

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

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

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

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

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

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

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

**Reason:** In accordance with the provisions of Section 91 of the Town

and Country Planning Act 1990 ( as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The approved documents for this planning permission comprise:

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

**Reason:** To define the permission.

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

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

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

**Reason:** To ensure the works reflect the character of the wall to be removed and preserve the setting of the Stanwix Conservation

Area in accordance with Policy LE19 of the Carlisle District  
Local Plan 2001-2016.

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

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

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

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

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

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

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

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

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

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

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

**Reason:** To safeguard the setting of the of the Stanwix Conservatiuon Area and the adjacent Listed Buildings in accordance with Policy LE12 and LE19 of the Carlisle District Local Plan 2001-2016.

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

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

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

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

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



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

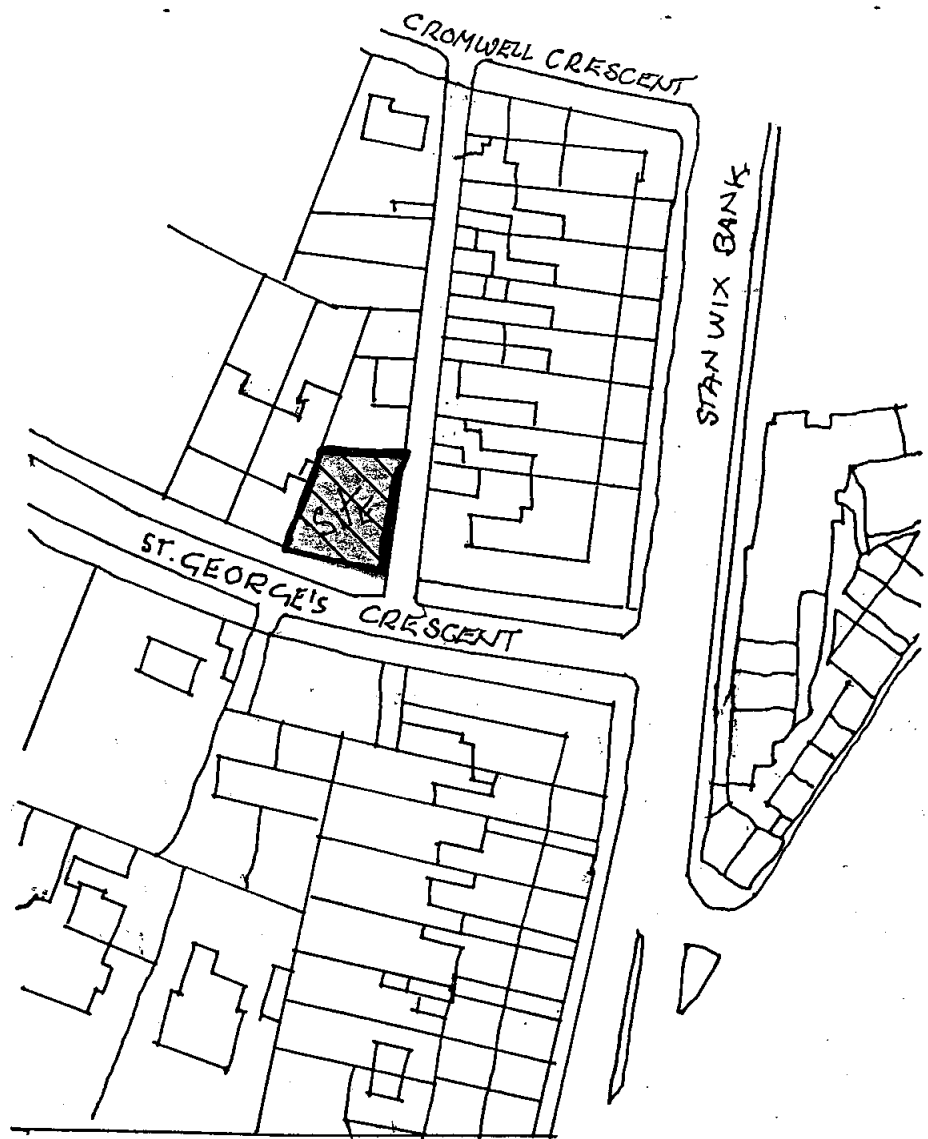
13. The development hereby approved shall be implemented in accordance with the recommendations outlined in paragraph E5.1 of the Bat Survey received 19th January 2011.

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

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

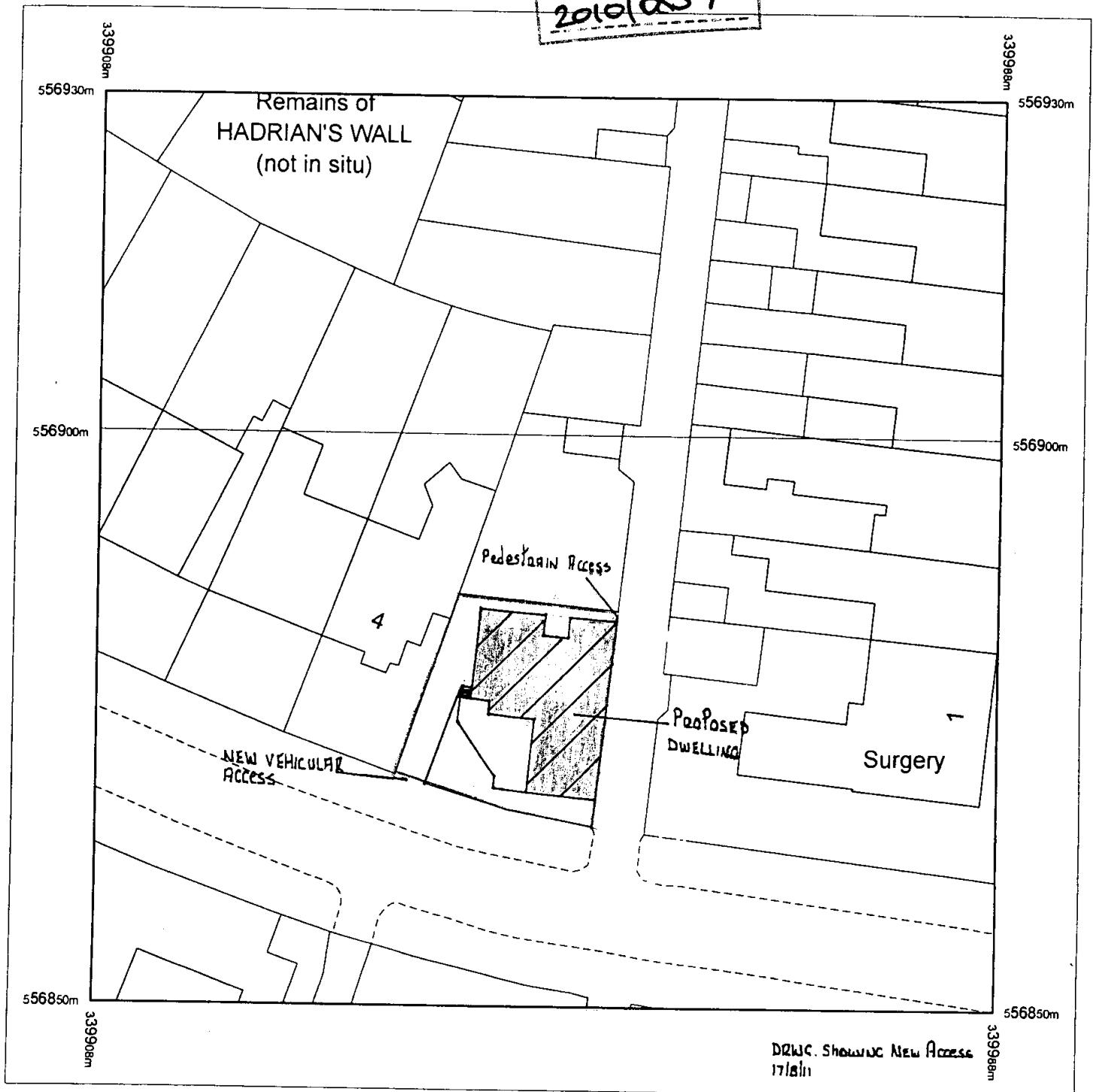
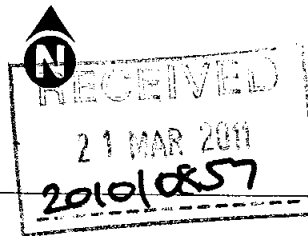
**Reason:** To ensure the works are sympathetic to the character of the Stanwix Conservation Area and to ensure compliance with Policy LE19 of the Carlisle District Local Plan 2001-2016.

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LOCATION PLAN 1:1250

12 OCT 2010  
2010/0930



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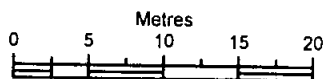
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201



Scale 1:500

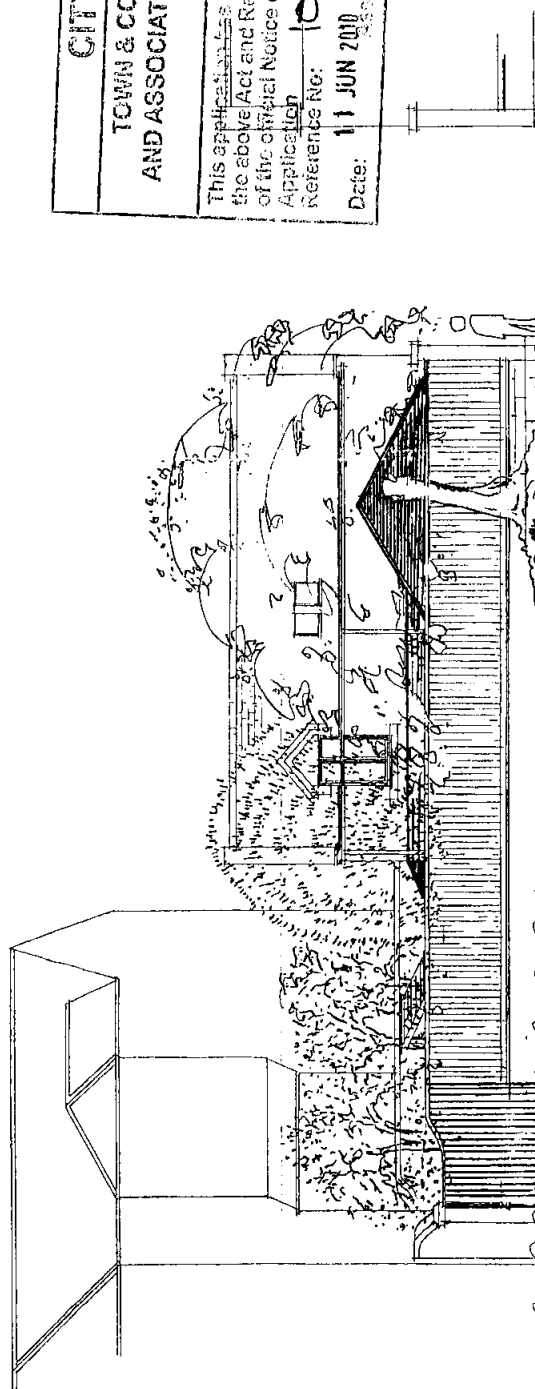
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**EDEN MOUNT/ST GEORGES CRESCENT**

CARLISLE





ELEVATION (SOUTH) TO ST. GEORGE'S CRESCENT

2010 10856  
21 MAR 2010

**CITY OF CARLISLE**  
TOWN & COUNTRY PLANNING ACT 1990  
AND ASSOCIATED ORDERS AND REGULATIONS  
THEREUNDER

This application has been Approved / Refused under  
the above Act and Regulations in accordance with the terms  
of the official Notice of Approval / Refused under  
Application Reference No: **1010856**  
Date: **11 JUN 2010** Assistant Director (Economic Development)

20 SEP 2010  
1010856

20 SEP 2010  
1010856

RECEIVED  
21 MAY 2010  
1010856

Previous Entrance Gates within  
Revisions: addition of Ground Floor Lean to, Gable end of Ground Floor  
Revisions: A.I. ROBERT JONES PARTNERSHIP 20-05-2010

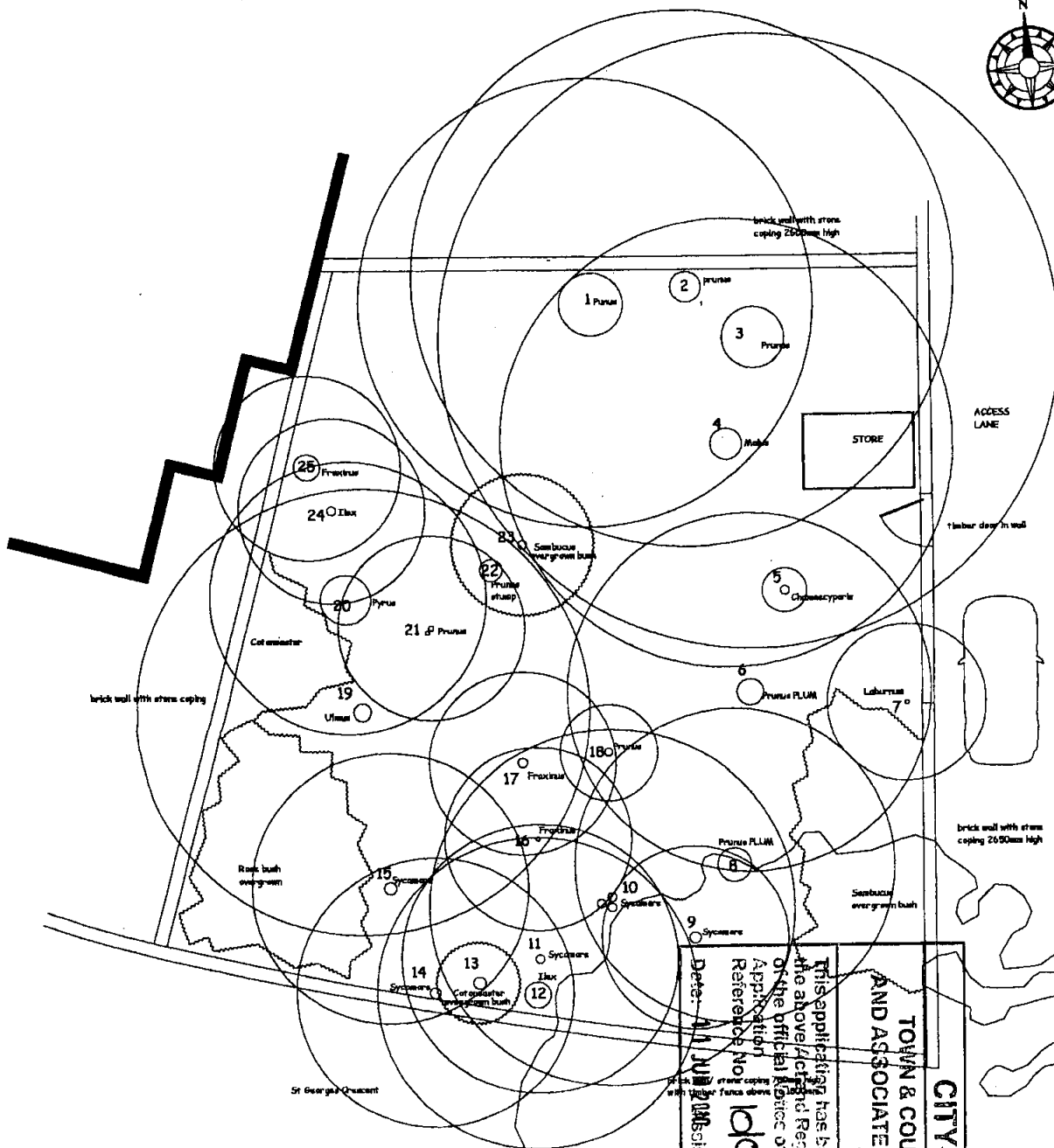
**PROPOSED DWELLING**  
ST. GEORGE'S CRESCENT, CARLISLE

**PLANS AS PROPOSED:**  
ROADWAY ELEVATION



drawn: LC scale: 1:100  
date: 02.10 drawing no: 2465/2A

CHARTERED  
ARCHITECTS



**CITY OF CARLISLE**  
**TOWN & COUNTRY PLANNING ACT 1990**  
**AND ASSOCIATED ORDERS AND REGULATIONS**  
**THEREUNDER**

This application has been Approved / Refused in accordance with the above / certain Regulations in accordance with the provisions of the official Notice of Approval / Refusal under the Application Reference No. 10/0262

Date: 11 JUL 2010 (Assistant Director Economic Development)

**Westwood**  
 landscape  
 www.westwoodnurseries.co.uk  
 Bruce Walker, Landscape Architect  
 01206 778128

UNWIN JONES ARCHITECTS		
4, ST. GEORGES CRESC, STANWIX		
Drawing No. TREE SURVEY		
Date	Scale	Sheet
24.7.09	1:100	SW
By: WW210	Checked: L01	

Drawing to be read in conjunction with Tree Survey Schedule dated 24.7.09 recorded during site visits on 21.7.09 and 22.7.09

RECEIVED  
 20 SEP 2010  
 1010857

22 MAR 2010  
 1010262



## SCHEDULE A: Applications with Recommendation

10/0930

Item No: 08

Date of Committee: 15/04/2011

**Appn Ref No:**  
10/0930

**Applicant:**  
Mr Ollie Holt

**Parish:**  
Carlisle

**Date of Receipt:**  
12/10/2010

**Agent:**  
S & H Construction

**Ward:**  
Stanwix Urban

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

**Grid Reference:**  
339944 556874

---

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

**Amendment:**

1. Submission of a plan illustrating the section of wall to be removed of the St. Georges Crescent frontage.

---

### REPORT

**Case Officer:** Sam Greig

### Reason for Determination by Committee:

This application is brought before the Development Control Committee as amended plans have been submitted since the scheme was previously considered by Members.

### 1. Constraints and Planning Policies

#### **Ancient Monument**

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

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

#### **Listed Building**

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

#### **Conservation Area**



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

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

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

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

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

### **Local Plan Pol LE13 - Alterations to Listed Buildings**

### **Local Plan Pol LE14 - Dev.Involving Dem.of Listed Bldgs**

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

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

**Planning - Planning Policy & Conservation - Peter Messenger:** the minor extensions to the building will not have any detrimental impact on the setting of adjacent listed buildings or the appearance of the Conservation Area, nor do they harm the overall appearance of the proposed new dwelling.

The demolition and rebuilding of the boundary wall needs to be carefully carried out so that the bricks and sandstone coping can be re-used. A planning condition should be imposed to regulate these matters;

**Northern Gas Networks:** no objections.

## **3. Summary of Representations**

### **Representations Received**

Initial:	Consulted:	Reply Type:
3 St Georges Crescent	14/10/10	Undelivered
5 Eden Mount	14/10/10	Objection
9 Devonshire Terrace	14/10/10	
3 Cromwell Crescent	14/10/10	
2 Eden Mount	14/10/10	Objection
4 Eden Mount	14/10/10	Objection
6 Eden Mount	14/10/10	Objection
2 Eden Mount	14/10/10	
Eden Hey	14/10/10	
8 St Georges Crescent	14/10/10	
10 St Georges Crescent	14/10/10	

10 Etterby Scaur	14/10/10	
6 St Georges Crescent	14/10/10	
9 Eden Mount	14/10/10	
Wolfhill House	10/03/11	
5 St Georges Crescent	14/10/10	
7 St Georges Crescent	14/10/10	
4 St Georges Crescent	14/10/10	Objection
1 Eden Mount	14/10/10	Objection
3 Eden Mount	14/10/10	Objection
32 Abbey Street		Objection
2 Eden Mount		Objection
8 Devonshire Terrace		Objection
Cllr Stanwix Urban		Objection

3.1 This application has been advertised by means of site and press notices as well as notification letters sent to twenty neighbouring properties. In response ten letters of objection have been received to the original plans submitted; however, no representations have been received regarding the amended proposal. In summary, the objectors have raised the following issues:

1. The removal of the Grade II Listed wall will detract from the character and setting of the Stanwix Conservation Area, as well as the adjacent Grade II Listed terrace (Eden Mount);
2. The wall should be underpinned, thereby enabling its facade to be retained;
3. The work associated with the demolition and rebuilding of the wall will cause the rear access lane to be blocked;
4. Had Members of the Development Control Committee been advised that the wall was "Listed" when they consider the earlier application in June 2010, the Committee may have reached a different decision.

3.2 The letters of objection also raise issues relating to the associated "Full" planning application for the redevelopment of the site to form a dwelling, which precedes this report in the schedule (Application 10/0857). Given that these objections do not specifically relate to this application for Listed Building Consent the issues raised have not been reiterated within this report. A summary of the representations received can be viewed within the "Summary of Representations" section of the preceding report.

## 4. **Planning History**

4.1 In March 1996 "Outline" planning permission was refused for the erection of a dwelling for the following reasons:

- i. *"The application seeks permission for residential development on a plot of some 275 square metres, located between the substantial properties No. 4 St George's Crescent and No. 1 Eden Mount. It is considered that the*

*development of this plot would result in cramped development, unrelated to the surrounding buildings, in terms of scale, character and building line contrary to Proposal H2 of the Carlisle District Plan (Deposit Draft).*

- ii. Development of the proposed site would adversely effect the setting of the adjacent property, No. 1 Eden Mount, which is a listed building, contrary to Proposal E30 of the Carlisle District Plan (Deposit Draft)."*

4.2 In May 1998 (application 97/0458) "Full" planning permission was refused for the erection of a dwelling for the following reasons:

- i. "The application relates to an area of 270 square metres, within the setting of the listed building, No. 1 Eden Mount and adjacent to the substantial property No. 4 St George's Crescent. It is proposed to erect a two storey dwelling across the width of the site. It is considered that this development would result in cramped development, with an adverse impact on the attractive street scene of St George's Crescent which is within the proposed Stanwix Conservation Area, contrary to Policy H2 of the Carlisle District Plan.*
- ii. Development of the site in the manner proposed would have an adverse affect on the setting of the adjacent property, No. 1 Eden Mount, which is a listed building, contrary to Policy 35 of the Carlisle District Plan."*

4.3 An appeal was lodged against the Council's Decision to refuse the above application; however, this was subsequently dismissed by the Planning Inspectorate.

4.4 In 2010 "Full" planning permission and Conservation Area Consent was granted for the erection of a dwelling (Applications 10/0221 & 10/0262 respectively).

4.5 In 2010 an application for Conservation Area Consent was submitted, but subsequently withdrawn as Officers' advised that Listed Building Consent was required in lieu of Conservation Area Consent (Applications 10/0856 & 10/0930 respectively).

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

### **Introduction**

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

### **The Proposal**

- 5.2 The application proposes to remove the boundary wall along the eastern boundary of the site to facilitate the erection of a dwelling. It is also proposed to remove a section of the low stone boundary wall that fronts onto St. Georges Crescent in order to form a vehicular access. The application which relates to the dwelling precedes this report in the schedule (reference 10/0857). Listed Building Consent is required for the removal of these sections of wall as they formed part of the domestic curtilage of No.1 Eden Mount when that property was listed.

## **Assessment**

- 5.3 The relevant planning policies against which the application is required to be assessed are Policies CP5, LE12, LE13, LE14 and LE19 of the Carlisle District Local Plan 2001-2016.
- 5.4 The proposal raises the following planning issues:
1. Whether The Alterations To The Listed Wall Are Acceptable.
- 5.5 The removal of these sections of the wall will not have an adverse impact upon the character of the Stanwix Conservation Area or the Listed terrace of Eden Mount provided that it is undertaken in conjunction with an acceptable scheme to redevelop the site. It is, however, recommended that a condition is imposed that prevents this work from being carried out prior to a contract being agreed for the redevelopment of the site that is in accordance with an “approved” scheme.
- 5.6 Members are advised that if they were minded not to approve the application to redevelop the site (10/0857), which precedes this report in the Schedule, it would not be appropriate to approve this application. To do so may increase the likelihood of the wall being removed, which, if carried out in isolation, could detract from the appearance of the Conservation Area and setting of the Listed terrace. In the absence of an approved scheme to redevelop the site, the approval of this application would be premature.

## **Conclusion**

- 5.7 In conclusion, it is recommended that Members approve this application, but only if permission has been granted for the redevelopment of the site in accordance with application 10/0857. If that application is refused this application should also be refused on the grounds of prematurity and the potential adverse impact on the character and appearance of the Stanwix Conservation Area and the setting of Eden Mount, a terrace of Grade II Listed Buildings.

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

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

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

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

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

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

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

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

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

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

2. The approved documents for this planning permission comprise:

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

**Reason:** To define the permission.

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

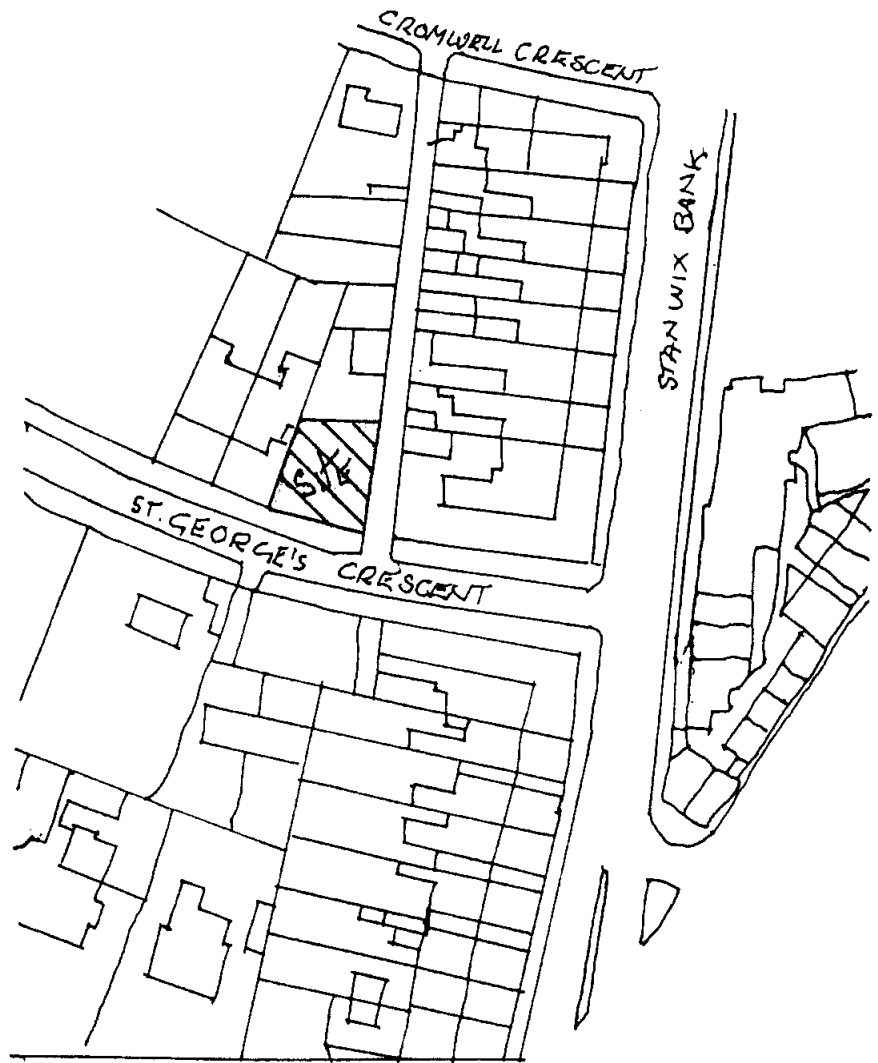
permission has been granted for the redevelopment for which the contract provides.

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

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

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

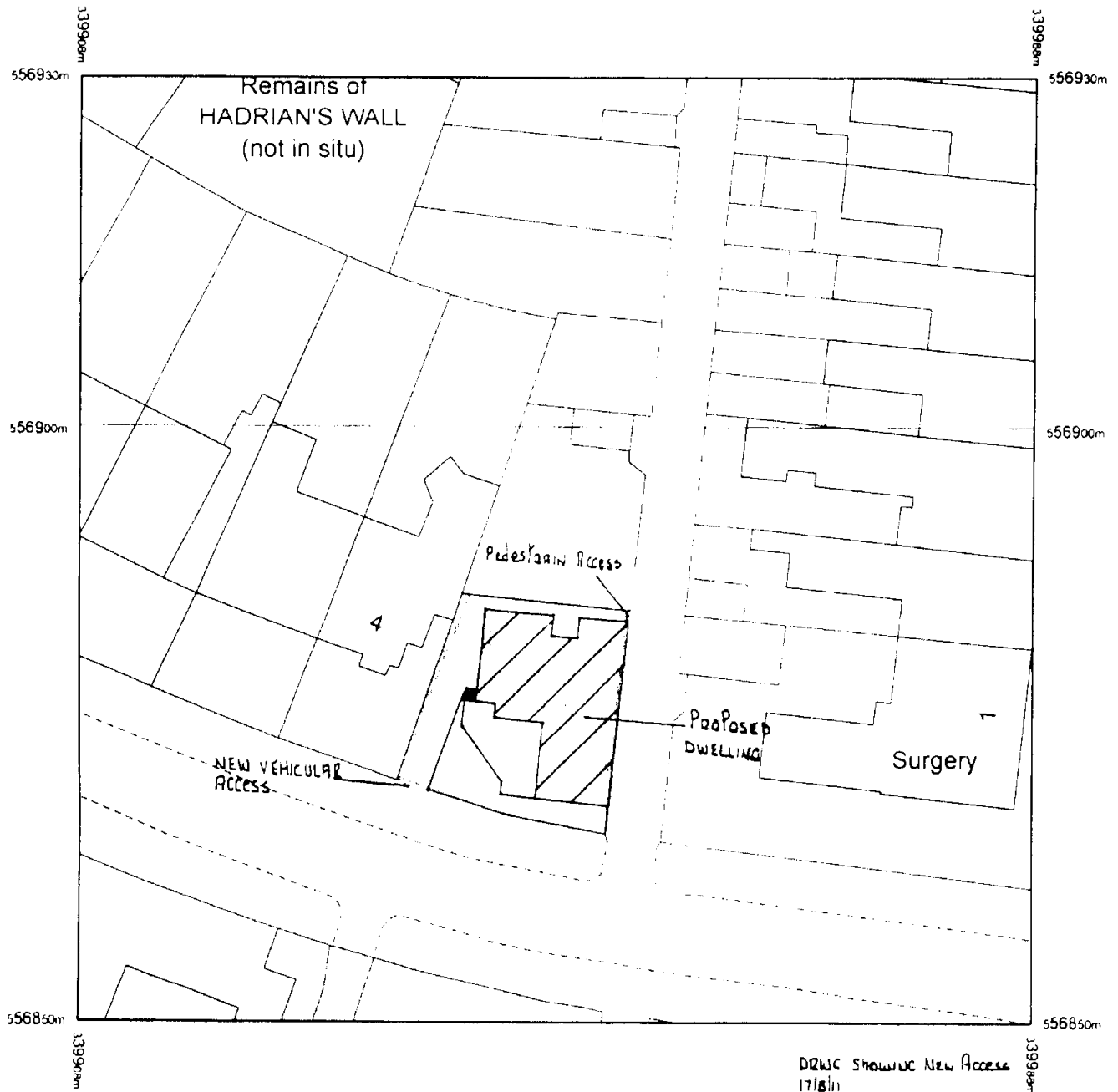
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LOCATION PLAN 1:1250

2010/0930

2010 0930



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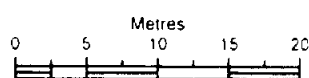
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Scale 1:500

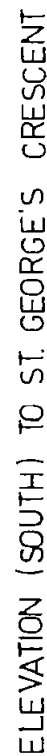
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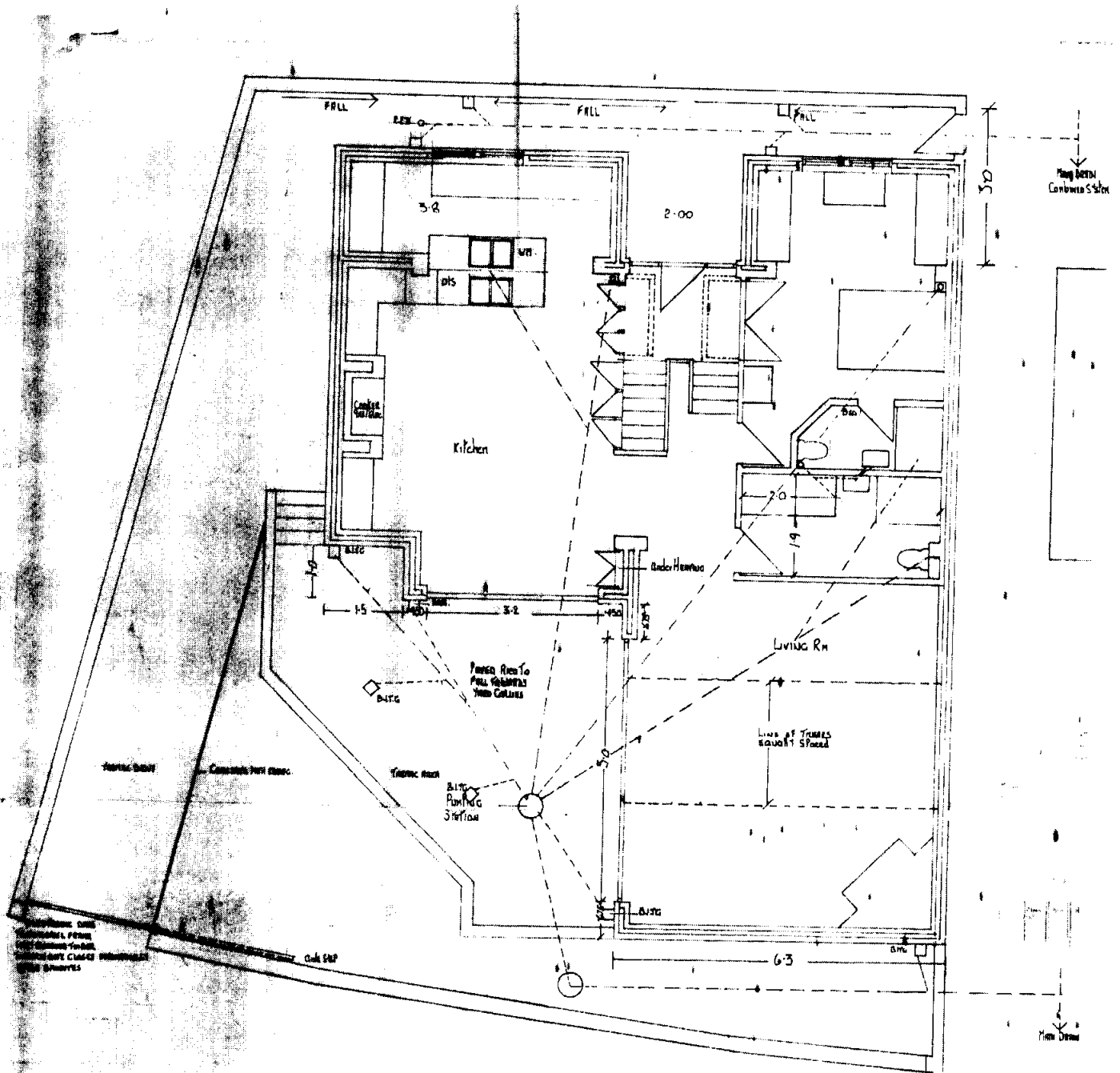
**EDEN MOUNT/ST GEORGES CRESCENT**

CARLISLE

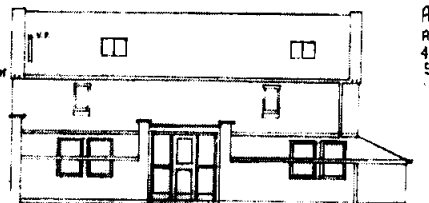




# ARCHITECTS



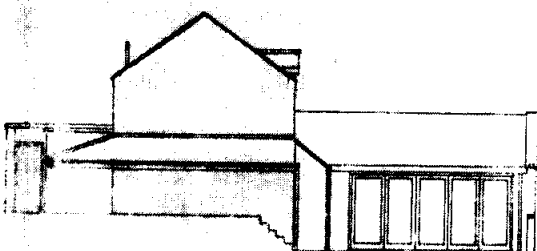
SOUTH ELEVATION



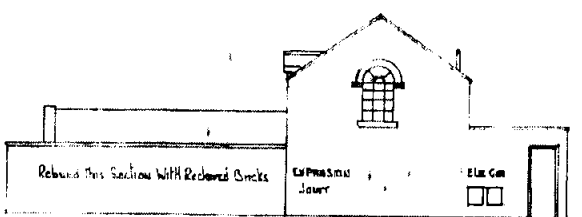
NORTH ELEVATION

AMENDMENTS TO THE PROPOSED DWELLING  
AT THE SITE BETWEEN EDEEN MOUNT AND  
4 ST GEORGES CRESCENT FOR MR O HOLY  
SCALE 1:50 1:100

RECEIVED  
21 MAR 1930  
2010/0830



WEST ELEVATION



EAST ELEVATION

## SCHEDULE A: Applications with Recommendation

10/1059

Item No: 09

Date of Committee: 15/04/2011

**Appn Ref No:**  
10/1059

**Applicant:**  
St George Healthcare Ltd

**Parish:**  
Brampton

**Date of Receipt:**  
11/01/2011

**Agent:**  
Langton Associates Uk Ltd

**Ward:**  
Brampton

**Location:**  
Milton Hall, Milton, Brampton, Carlisle, Cumbria,  
CA8 1JA

**Grid Reference:**  
354936 560064

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**Proposal:** Resiting And Redesign Of Previously Approved Ancillary Staff Accommodation Building Associated With Secure Residential Mental Health Centre Approved Under Reference 07/0091 To Incorporate Staff Training Facilities; Redesign Of Main Building To Incorporate Cafeteria For Visitors And Staff In Lieu Of Plant Room

**Amendment:**

1. Additional Site Section Drawings

---

**Case Officer:** Richard Maunsell

### REPORT

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

This application is brought for determination by Members of the Development Control Committee due to an objection having been received from the Environment Agency.

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

**Airport Safeguarding Area**

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

**Local Plan Pol DP10 - Landscapes of County Importance**

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

**Local Plan Pol CP5 - Design**

**Local Plan Pol CP6 - Residential Amenity**

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

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

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

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

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

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

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

**Brampton Parish Council:** no comment;

**Environment Agency (N Area (+ Waste Disp)):** the following comments have been received:

### Non-mains drainage

Section 11 of the application form states that it is the intention to dispose of foul sewage via a new package treatment plant.

The Agency object to the proposed development as submitted because it involves the use of a non-mains foul drainage system but no assessment of the risks of pollution to ground and surface water has been provided by the applicant. The Agency recommend that planning permission should be refused on this basis.

### Contaminated land

The Agency consider that planning permission should only be granted to the proposed development as submitted subject to the imposition of a condition requiring the submission of a scheme to deal with the risks associated with contamination.

### Surface water drainage

The Agency consider that a condition should be imposed requiring the development to be undertaken in accordance with the approved layout drawing.

Further comments received on 22nd February 2011 raise the following issues:

The Agency still feel that insufficient information has been supplied for an assessment to be made of the risks of pollution to ground and surface water arising from the proposed development therefore the Agency maintain their objection until such times that the following information had been supplied and considered.

DETR Circular 03/99 advises that a full and detailed consideration be given to the environmental criteria listed in Annex A of the Circular in order to justify the use of non-mains drainage facilities. In this instance no such information has been submitted.

The applicant should be advised that Section 3 and 4 in Annex A of DETR Circular 03/99 – Planning requirements in respect of the use of non-mains sewerage incorporating septic tanks in new development should be incorporated into their assessment/ justification.

They should also be advised that it may be worth noting that the foul sewer is only about 500 metres away running along the A689 and it would be worth the applicant looking into the practicalities of connecting into this. Although it is 500 metres away, a cost benefit analysis may prove this is a more viable financial option than installing on-site sewage treatment.

Along with the above assessment the application should be advised that a package treatment plant for this scale of development will require an Environmental Permit under the Environmental Permitting Regulations 2010, from the Agency.

**Local Environment - Drainage Engineer:** comments awaited;

**United Utilities:** no objection;

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

**Natural England:** no comment;

**Carlisle Airport:** comments awaited;

**Local Environment - Environmental Protection:** the following comments have been received.

The kitchen and associated food preparation etc. facilities for the cafe must comply with the requirements of Regulation (EC) 852/2004.

It is recommend that the brewing area and the adjacent toilet facilities are provided with mechanical extraction ventilation. Should this application be approved the applicant should contact this division to discuss these issues;

**Planning - Access Officer:** the Design and Access Statement has been noted.

Please note the following comments:

There is no objection to the proposed first floor conversion from plant room to cafeteria. The following advisory points taken from BS8300/09 should be noted:

- Self service area should have a continuous counter at a height of 850mm;
- Tables should be provided with clear heights of 700mm and 750mm from the floor surface to the underside of the table accommodating wheelchairs with and without armrests;

- Clearance between fixed tables should be sufficient to allow wheelchair users a choice of seating location;
- Chairs should be freely movable and some should have armrests.

The following points arise from the original application:

- Toilet facilities designated for people with a disability should be the appropriate size for a unisex toilet;
- The lobbies to the male and female staff changing areas do not comply with Approved Document M. They should facilitate access for everyone i.e. wheelchair users to use the shower facilities as well as the locker and changing facilities. There is also no disabled showering facility.

There is no objection to the proposed reduction in bedrooms (12 down to 6) within the staff accommodation building.; however, the toilet facility designated for people with a disability should be the appropriate size for a unisex toilet.

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

**Cumbria Constabulary:** this application merely refers to an alteration to the approved application 07/0091 to which Cumbria Constabulary has no objection.

However, the submitted Design and Access Statement does not demonstrate how crime prevention measures have been considered in the design of this proposal (Para 132 CLG Circular March 2010 "Guidance on Information Requirements and Validation") or how the design reflects the attributes of safe, sustainable places (Safer Places ODPM 2004). As a matter of clarity, Cumbria Constabulary seek further information regarding the matters detailed below, to ascertain that this application complies with Policy CP17 of the Local Plan.

There is reference to the proposed perimeter treatment but there is no indication if other security issues have been considered:

- Specification of exterior door and window products (i.e. demonstrating resistance to forced entry;
- Exterior lighting scheme;
- Implementation of CCTV observing exterior and interior spaces;
- Provision of Intruder Alarm System and inclusion of Personal Attack facilities;
- Secure storage of computer and audio/visual equipment;
- Internal access controls;
- Security of staff accommodation;
- Implementation of property marking programme; and

**Network Rail:** no objection in principle to the proposal. Concerns would be expressed for the safety of children in an environment next to an operational railway but the provision of a 5m high fence and other security issues should ensure that both the residents and the railway will be protected.

### 3. Summary of Representations

#### Representations Received

Initial:	Consulted:	Reply Type:
Lone Oak	26/01/11	
Oak View	26/01/11	
New Mills House	26/01/11	
Milton Mains	26/01/11	
Milton Mains	26/01/11	
Beckgate Farm	26/01/11	
Wood Croft	26/01/11	
Boon Hill Farmhouse	26/01/11	
The Lindens	26/01/11	
Ivyholme	26/01/11	
Milton Hall Lodge	26/01/11	
Station Sawmill	26/01/11	
Binney Bank	26/01/11	
1 Joseph Wilson Memorial Homes	26/01/11	
2 Joseph Wilson Memorial Homes	26/01/11	
3 Joseph Wilson Memorial Homes	26/01/11	
4 Joseph Wilson Memorial Homes	26/01/11	Undelivered
5 Joseph Wilson Memorial Homes	26/01/11	
6 Joseph Wilson Memorial Homes	26/01/11	
Milton Hall Farm	26/01/11	
1 Howgate	26/01/11	
2 Howgate	26/01/11	
Binney Bank	26/01/11	
4 Milton Terrace	26/01/11	
New Mills Trout Farm	26/01/11	
4 Milton Terrace	26/01/11	
Milton Mains	26/01/11	
The Lodge	26/01/11	
Cumcatch	26/01/11	
Milton Mains Farm	26/01/11	
4 Braeside	26/01/11	
Hillcrest	26/01/11	

3.1 This application has been advertised by means of a site notice and direct notification to the occupiers of thirty-two of the neighbouring properties. At the time of writing this report, one verbal objection has been received and the main issues raised are summarised as follows:

1. the scale of the staff accommodation is too large;
2. the accommodation could be sited elsewhere within the site;
3. consideration should be given to the reuse of the existing stable building;
4. there should be no further loss of trees; and
5. the building would be sited on land that is higher than her house that would overshadow and impact on her.

- 3.2 Following the receipt of a cross-section drawing, the objector was still of the opinion that 'she would be able to see' the staff accommodation building from her house and that other areas within the site should be explored.

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

- 4.1 Planning permission was granted in 1990 for a new pitched corrugated cladding to replace flat roof.
- 4.2 Again in 1990, planning consent was granted to install 3no. gas tanks and alterations to form boiler room.
- 4.3 Later in 1990, planning permission was granted for an extension to provide bedrooms and recreational facilities.
- 4.4 Planning permission was granted in 1991 for the conversion of a stable block to restaurant and bar facilities.
- 4.5 In 1992, planning consent was granted for the formation of residents sitting room.
- 4.6 A revised proposal for the formation of residents sitting room was granted later in 1992.
- 4.7 In 1995, planning consent was granted for an additional extension to the stable block bar, provision of a gymnasium within and attached to the main building and provision of new sewage pumping station.
- 4.8 Planning permission was granted in 1996 for the retention of a new vehicular access.
- 4.9 Also in the same year, an application for advertisement consent for the erection and display of 1no. fascia sign and 1no. pole mounted sign was withdrawn.
- 4.10 In 1997, planning permission was granted for the change of use of part of the ground floor to a function room, W.C.s and kitchen for use by residents and general public (retrospective).
- 4.11 A planning application for the removal of condition 04 attached to approval no: 91/0078 to allow use of restaurant and bar by the general public was withdrawn.
- 4.12 Later in the same year, planning consent was granted for the removal of condition of application 97/0109 to allow permanent use of function room/ restaurant facilities.
- 4.13 In 1999, planning permission was granted for the erection of an entrance porch.



- 4.14 Planning permission was granted in 2001 for the erection of an external fire escape from first floor of nursing home to ground east wing.
- 4.15 In 2003, planning consent was granted for: the demolition of redundant vacant care home and construction of purpose built care home to meet NCSC standards; demolition of disused gymnasium and construction of eight bed unit to provide extra care facilities; and demolition of building and construction of unit to house staff accommodation.
- 4.16 An application for planning permission for the demolition of remaining building and erection of a residential mental health centre for children and adolescents including ancillary staff accommodation (within use Class c2) including access, parking and boundary treatment was withdrawn prior to determination in 2007.
- 4.17 In 2007, a revised proposal for full planning permission was granted for the demolition of remaining building and erection of a secure residential mental health centre for children and adolescents including ancillary staff accommodation (within class c2) access, parking and boundary treatment.

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

### **Introduction**

- 5.1 The application seeks planning consent to redevelop the site of the former Milton Hall Nursing Home at Milton, Brampton, close to Brampton railway station. The majority of the buildings that previously occupied the site have now been demolished with only one building remaining centrally within the site. Mature trees fringe much of the site to the south and west with open countryside to the north and east although several residential properties front the access road to the east. The site is within a County Landscape.
- 5.2 The proposal involves the construction of two buildings to be utilised as a secure mental health facility. The principal of these is a two-storey main block which would contain the entrance/reception area, administration, recreational, educational, and support services (including kitchen facilities) together with extensive rear wings providing 32 bedrooms with associated lounge, treatment and recreational areas. The building would be finished from a combination of materials including reconstituted slate, aluminium, aluminium louvres, render, brick plinths, red cedar boarding and sliding sash aluminium windows.
- 5.3 Standing detached from that main block is a proposed two-storey staff accommodation building sited closer to the access road to the east. It would provide 3no. single ensuite bedrooms, a kitchen, toilets, office, a reception foyer and an auditorium on the ground floor with a further 3no. ensuite bedrooms, a kitchen, office accommodation and training facilities on the first floor. The building would be constructed from materials to match those of the

proposed adjacent building.

- 5.4 Surrounding the site it is proposed to erect a secure mesh steel fence to a height of up to 5.3 metres in parts. It is also proposed to subdivide the site through the construction of 1.8 metre high timber boarded fencing.

## **Background**

- 5.5 Planning permission was granted in 2007 for the demolition of the remaining building and erection of a secure residential mental health centre for children and adolescents including ancillary staff accommodation (within class C2) access, parking and boundary treatment. The relevant conditions were discharged in 2010 and the applicant has made a lawful start on the development by laying part of the foundations.
- 5.6 The current application is a revision to the scheme that was approved in 2007. There are some minor internal alterations to the main building which substitute part of the first floor plant room into a cafeteria to enable staff and visitors to purchase subsidised food and drink. The staff accommodation has been redesigned and the amount of accommodation has been reduced from 12no. bedrooms to 6no. bedrooms. To facilitate the revised accommodation, the footprint of the building would be enlarged by 68 per cent.
- 5.7 It is further proposed to resite the staff accommodation building 8.6 metres to the north away from the adjacent neighbouring residential property. As a result of the resiting and redesign of the building, the structure would be 5.66 metres lower at its highest point than approved due to the change in ground levels and reconfiguration.

## **Assessment**

- 5.8 The relevant planning policies against which the application is required to be assessed are Policies DP1, DP10, CP3, CP5, CP6, CP10, CP12, CP15, CP17 and T1 of the Carlisle District Local Plan 2001-2016. The proposals raise the following planning issues.

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

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

### **2. The Effect Of The Development On The Character Of The Area**

- 5.10 Not only is the site located out with any recognised settlement, the site is within an area designated as being of County Landscape Importance. In this context, planning policies are more restrictive on terms of the visual impact on the character of the area, given the particular designation of the countryside. The site slopes from east to west and is bounded by mature trees. Some trees on the site have been felled in accordance with details agreed under the landscaping scheme following discussions with the Council's Tree Officer; however, the proposed development would largely take place centrally and to the west of the site and in this context, the existing trees would serve as adequate screening to the development. The impact, therefore, on the character of the area would be minimal.

### 3. The Scale And Design Of The Development

- 5.11 The site is bounded by established woodland and the topography is such that there is a 2 metre fall across the site from east to west. The buildings are proposed to be set back within the site, with the access taken from the eastern boundary. The residential accommodation building would be located towards the frontage of the site with the vehicular and pedestrian access routes adjacent and leading up to the main building.
- 5.12 It is proposed that the two-storey element of the main building would form the public façade to the site and would serve to screen the more private wards to the rear. The layout of the building has been designed to maximise the topography of the site, the existing landscaping and to take account of the views surrounding the site, particularly to the north over the ha-ha.
- 5.13 The adjacent properties to the site are of traditional appearance and construction, primarily finished from natural stone under a natural slate roof. The design of the proposed buildings is contemporary in their appearance and would be finished in a style to match using render, cedar cladding, reconstituted slate and aluminium roofs. Given the character of the site and the details of the proposal, the scale and design of the proposal would not be inappropriate or obtrusive.

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

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

- 5.15 The buildings are proposed to be sited within the context of the site. Residential properties are located to the east, adjacent to the highway that links Brampton Station with Milton. The proposed residential building would be 22 metres to the north-west of the nearest property, known as Lindens, whilst the main building would be 45 metres to the west of nearest property, known as Oak View. The residential property would be off-set from Lindens and although the building would have a larger footprint, the repositioning of the building will mean that the building would have a significantly reduced impact on the occupier of this property. The fact that the roof will slope away from the neighbouring property, also means that the building will not be over dominant or imposing. In this respect, the impact of the proposal would be greatly improved over the scheme that was previously granted consent and the proposal would not adversely affect the living conditions of the occupiers of these properties through over-dominance, loss of light or loss of privacy.

## 5. Foul Drainage

- 5.16 The proposes to install a treatment plant as a means of dealing with the foul drainage. When planning consent was granted in 2007, the means of foul drainage was the subject of a planning condition requiring the submission and approval of the foul drainage details. In 2009, an application was submitted to discharge this condition, along with several others, and the proposal involved the installation of a treatment plant. The application to discharge the conditions was subsequently approved following consultation with the relevant consultees.

- 5.17 In respect of this revised application, the applicant proposes to install a treatment plant in accordance with the approved conditions. The Environment Agency has raised an objection on the basis that the advice within Circular 03/99 'Planning requirement in respect of the Use of Non-Mains Sewerage incorporating Septic Tanks in New Development' which states:

"When drawing up sewerage proposals for any development, the first presumption must always be to provide a system of foul drainage discharging into a public sewer. This should be done in consultation with the Sewerage Undertaker of the area."

- 5.18 There is an existing collection tank, sensor system and pump set for foul drainage within the site area. There is then a pumping main through the site, along the road verge to an existing collecting chamber on the main drainage system. The Environment Agency's objection is on the basis that the applicant has failed to fully explore this means of foul drainage. The applicant's response to the Agency's comments is that when the pumping station was investigated, it was found to be unused and beyond repair. The applicant also states that the drain crosses land which is controlled by three separate owners, thus making legal consent for the drain difficult.
- 5.19 The current difference of opinion has resulted in a stalemate between the Agency and the applicant. It is Officers' view that this can be resolved through the imposition of a condition requiring the submission of foul drainage

details. This would allow determination of the planning application and negotiations to continue to resolve the issue. The Agency are reluctant to accept this course of action and state that due to the lack of information/justification for the proposed package treatment plant and investigations into utilising the existing pump to discharge to the main foul sewer. If the Agency remove their objection and replace it with a condition, the Agency state that the applicant may receive planning permission but the applicant's Environmental Permit refused resulting in them having a condition that they cannot discharge and therefore, planning permission for a building with no means of drainage.

- 5.20 Whilst the Agency are not incorrect in their approach, it is appropriate to bear in mind that there is an extant permission for development of the site where conditions have been discharged, including the provision of a treatment plant. At the time the application was submitted to discharge the condition, the Agency didn't provide any response. It would be reasonable to impose the condition and allow further discussions to take place between the applicant and the Agency following which, the information could formally be submitted to the Council to discharge the condition.

## 6. Other Matters

- 5.21 The site is bounded by significant areas of mature trees that serve to screen the site. Planning policies along with the Council's Supplementary Planning Guidance seek to protect the trees from unacceptable development. In consideration of the previous planning application, the Council's Tree Officer requested a tree inspection for the report and has met with a representative of the applicant on site. His findings stated that all the trees recommended for removal have significant defects and therefore, it would be good management if the work to the trees detailed in the report were carried out as soon as possible. This work has subsequently been undertaken.
- 5.22 There remains a large number of trees on the site and the previous consent was subject to a landscaping scheme. It would be appropriate to impose conditions requiring the protection of the remaining trees on site during the construction process together with the requirement to implement the approved landscaping scheme.
- 5.23 Owing to the fact that patients would be supervised at all times and to the protocols to be drawn up by the management team of the facility, Cumbria Constabulary has raised no objection to the proposed development; although additional reference is required in respect of CP17 of the Local Plan, the revised proposal does not fundamentally alter the principle of development that has been approved.

## Conclusion

- 5.24 In overall terms the principle of the redevelopment of the site has been established through the previous use of the site and the extant planning consent. The main building is largely unchanged but the staff accommodation building would be altered dramatically. Although the

footprint would be larger, it would remain subservient to the main building. scheme has been revised Furthermore, the proposal is does not adversely affect the living conditions of adjacent properties by poor design, unreasonable overlooking or unreasonable loss of daylight or sunlight. The scale and design of the building is acceptable in relation to the context of the site and in all aspects the proposals are considered to be compliant with the objectives of the relevant Local Plan policies.

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

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

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

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

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

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

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

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

1. The approved documents for this planning permission comprise:
  1. the Planning Application Form received 23rd November 2010;
  2. the Existing Site Plan received 23rd November 2010 (Drawing No. L(90)01 Rev A);
  3. the Proposed Site and Location Plan received 6th December 2010 (Drawing No. L(90)04 Rev A);
  4. the Site Layout: Staff Accommodation & Training received 23rd November 2010 (Drawing No. L(90)05 Rev O);

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

**Reason:** To define the permission.

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

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

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

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

4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the

development, whichever is the sooner, and maintained thereafter to the satisfaction of the Council; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

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

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

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

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

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

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

8. Any material deposited beneath the canopy and adjacent to existing trees as a result of previous demolition work, shall be removed from the site or stored in an alternative location in accordance with those details submitted to the Local Planning Authority and discharged under condition 8 of application 09/1128 unless otherwise agreed in writing by the Local Planning Authority.

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

9. Tree protection barriers together with associated warning signs shall be erected and retained at all times during construction works on the site in accordance with those details submitted to the Local Planning Authority and discharged under condition 9 of application 09/1128 unless otherwise agreed



in writing by the Local Planning Authority. Within the areas so fenced off, the existing ground level shall be neither raised nor lowered and no materials or temporary buildings or surplus soil of any kind shall be placed or stored thereon. If any trenches for services are required in the fenced off area, they shall be excavated and backfilled by hand and any roots encountered with a diameter of 50mm or more shall be left unsevered.

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

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

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

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

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

12. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- 1) A preliminary risk assessment which has identified:
  - all previous uses
  - potential contaminants associated with those uses
  - a conceptual model of the site indicating sources, pathways and receptors
  - potentially unacceptable risks arising from contamination at the site.
- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- 4) A verification plan providing details of the data that will be collected in

order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

**Reason:** To protect the quality of the ground water in accordance with Policy LE27 of the Carlisle District Local Plan 2001-2016.

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Rev	Date	Description
1	20/01/01	Issue for tender
2	20/01/01	Issue for construction
3	20/01/01	Issue for construction
4	20/01/01	Issue for construction
5	20/01/01	Issue for construction
6	20/01/01	Issue for construction
7	20/01/01	Issue for construction
8	20/01/01	Issue for construction
9	20/01/01	Issue for construction
10	20/01/01	Issue for construction

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Existing Site Plan

Scale	1/5000	AI	NAL	Sept 09
Sheet Number	730			
Sheet Title				
Sheet Date	1/90/01			
Sheet Author				

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Location Plan 1:2500 scale



Proposed Site Plan 1:500 scale

Rev	Date	Description
1	10/10/04	Issue for planning
2	10/10/04	Issue for planning
3	10/10/04	Issue for planning
4	10/10/04	Issue for planning
5	10/10/04	Issue for planning
6	10/10/04	Issue for planning
7	10/10/04	Issue for planning
8	10/10/04	Issue for planning
9	10/10/04	Issue for planning
10	10/10/04	Issue for planning

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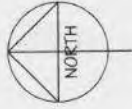
## Proposed Site and Location Plan

Scale	Drawn by	Checked by	Date
1/5000 A1	N.A.L.	Oct 10	
Scale	Drawn by	Checked by	Date
730	L(90)04	A	

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4	400	400
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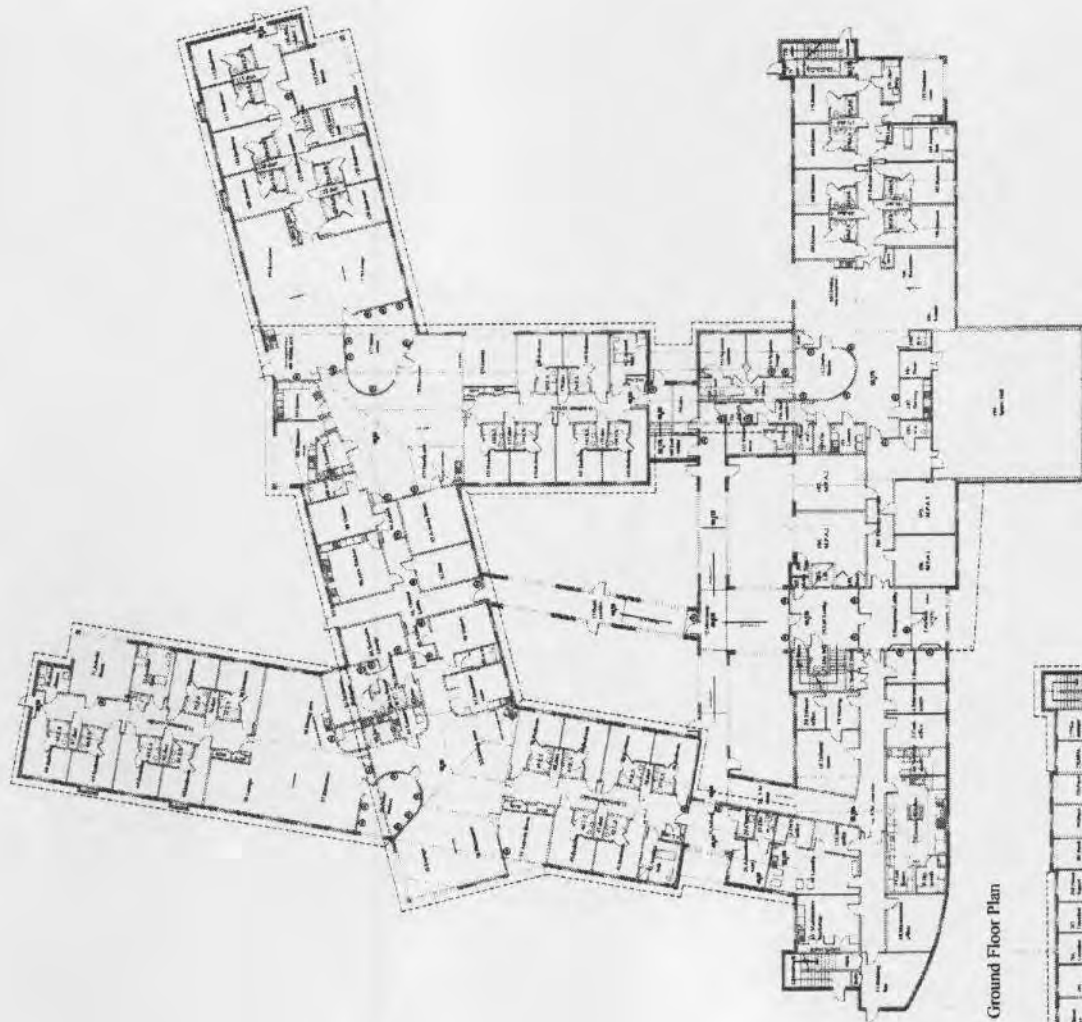
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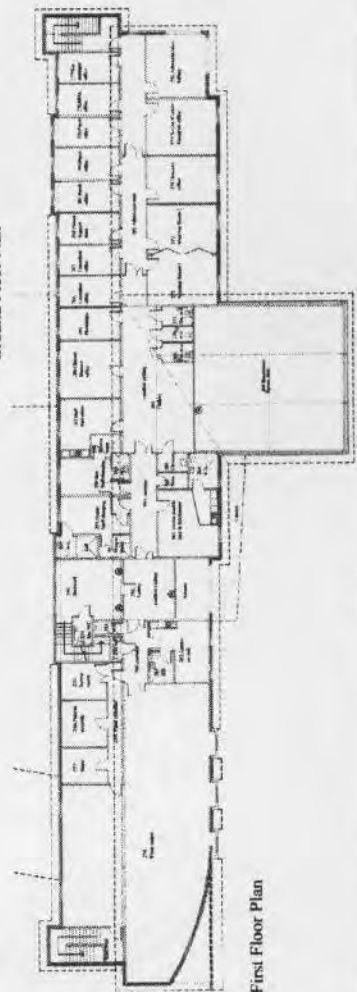
**Site Layout:**  
 Staff Accommodation & Training  
 1/2000 A1 N.A.L. Oct 10  
 730 L(90)05 0

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Ground Floor Plan



First Floor Plan

Clerestorey Level

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4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY CONSENTS AND PERMISSIONS FROM THE RELEVANT AUTHORITIES.

NO.	REVISION	DATE
1	ISSUED FOR TENDER	15/07/09
2	ISSUED FOR CONSTRUCTION	15/07/09
3	ISSUED FOR CONSTRUCTION	15/07/09
4	ISSUED FOR CONSTRUCTION	15/07/09
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The Area State  
 Centre Building  
 Children (16-4 MS)  
 1st Floor (15/07/09)  
 1st Floor (15/07/09)  
 1st Floor (15/07/09)

Architects and Designers  
 Carlisle M.S.U.  
 Milton Hall, Brampton, Cumbria.

As Approved Plans  
 Under Reference 07/0091

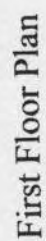
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- For General Sections see dwgs. 1(99)02.03.04
- For Detail Sections see dwgs. A(99)01.02.03.04.05.06
- For Elevations see dwg. 1(99)05
- For Roof Details see dwgs. 1(27)01.02
- For Staircase Details see dwgs. 1(24)01.02.03
- For Setting Out Details see dwgs. 1(21)02



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Carlisle M.S.U.  
Milton Hall, Brompton, Cumbria.

Proposed First Floor Conversion of  
Part of Plant Room to Cafeteria

DATE	1/10000 A1	DATE	Dec 10
ISSUE NO.	750	ISSUE NO.	1(99)502
ISSUE NO.		ISSUE NO.	A

# GENERAL NOTES

1. SEE FIRST STAGE FOR DIMENSIONS.
2. ALL DIMENSIONS ARE IN MILLIMETRES UNLESS NOTED OTHERWISE.
3. THIS DRAWING IS TO BE USED IN CONSTRUCTION WITH ALL NECESSARY CONTRACT DOCUMENTS.
4. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY APPROVALS FROM THE LOCAL AUTHORITY.

## KEY:

1. Reconstituted slate roof
2. Standing seam aluminium roof
3. Satin anodised aluminium leaves
4. Through-solar render
5. Engineering brick plinth
6. Western Red Cedar boarding
7. Horizontal sliding-sash sat in anodised aluminium framed windows
8. Satin anodised aluminium framed clerestory windows
9. Satin anodised aluminium framed curtain wall

NO.	REV.	DATE	DESCRIPTION
1	1	01/01/00	ISSUED FOR TENDER
2	1	01/01/00	ISSUED FOR TENDER
3	1	01/01/00	ISSUED FOR TENDER
4	1	01/01/00	ISSUED FOR TENDER
5	1	01/01/00	ISSUED FOR TENDER
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9	1	01/01/00	ISSUED FOR TENDER
10	1	01/01/00	ISSUED FOR TENDER

**LANGTON ASSOCIATES**  
The Airedale  
Office Building  
Greenfield Road  
Gillham, GLA 2NS

Architects and Designers  
For more information  
see www.langtonassociates.co.uk

Corliss M.S.U.  
Milton Hall, Brampton, Cumbria.

As Approved Elevations  
Under Reference 07/0091

Scale	1/1000 A1	NAL	001 09
Job Number	730	1(99)05	F

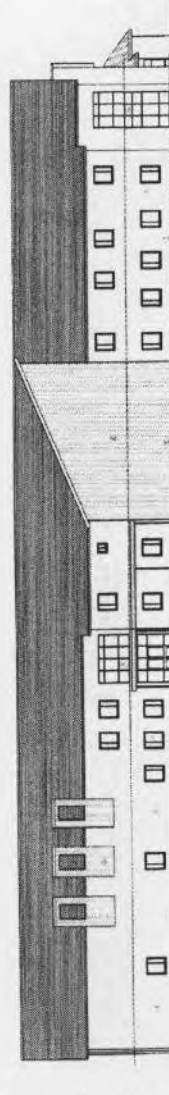
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- 1. 100mm High Rendered Level
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South Elevation

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- 4. 100mm High Rendered Level



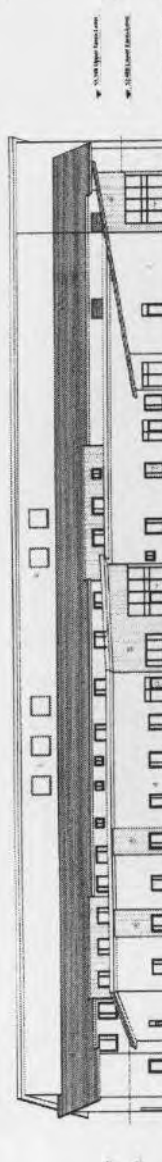
East Elevation

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North Elevation

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- 4. 100mm High Rendered Level



West Elevation

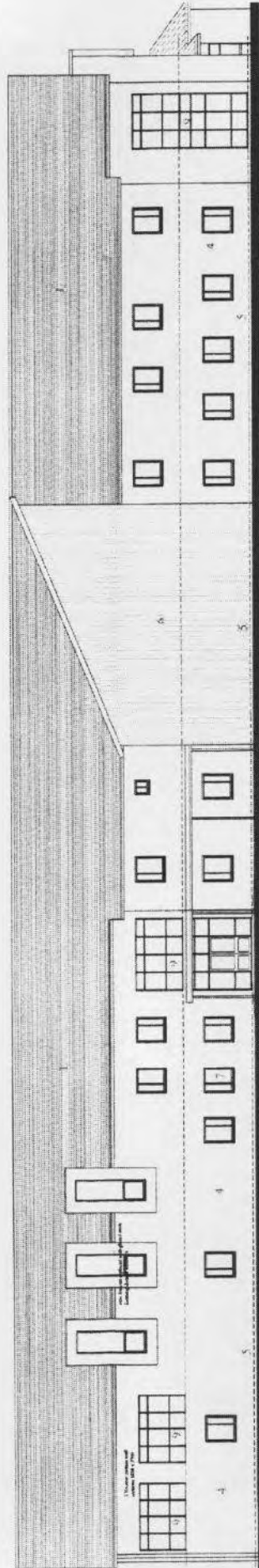


# GENERAL NOTES

1. ALL DIMENSIONS ARE IN METERS UNLESS OTHERWISE SPECIFIED.
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## KEY:

1. Reconstituted slate roof
2. Standing seam aluminium roof
3. Satin anodised aluminium louvers
4. Through-colour render
5. Engineering brick plinth
6. Western Red Cedar boarding
7. Horizontal sliding-sash satin anodised aluminium framed windows
8. satin anodised aluminium framed clerestory windows
9. Satin anodised aluminium framed curtain wall



Revised East Elevation

Rev.	Date	By	For
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 Email: info@langston.com

Architect and Engineer  
 Carlisle M.S.U.  
 Milton Hall, Brompton, Cumbria

Proposed Revised Elevation  
 Date: 1/10/00 At: N.A.L. Dec 10  
 Scale: 1:50 L(99)503

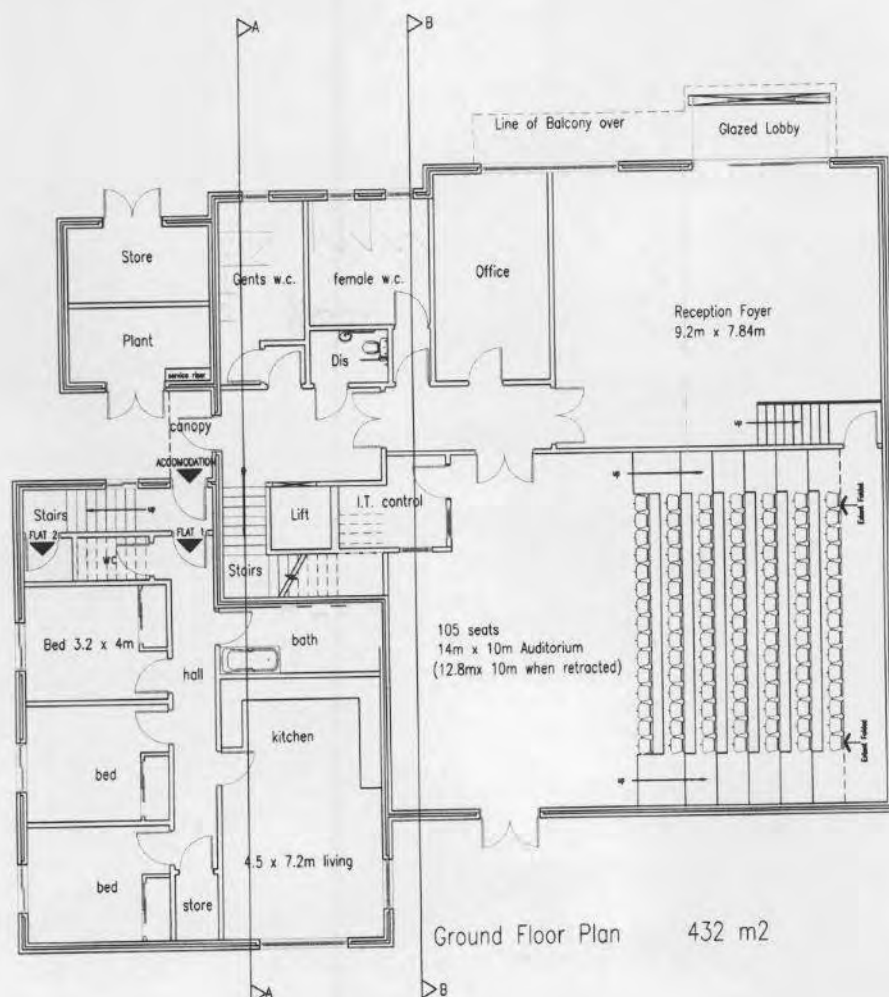


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F	FD	BF
E	ED	BE
D	DD	BD
C	CD	BC
B	BD	BB
A	AD	BA
Rev	Date	Amendment

#### LANGTON ASSOCIATES

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langtonassociates@yahoo.co.uk

#### Architects and Designers

Carlisle M.S.U.  
Milton Hall, Brampton, Cumbria.

#### Proposed Staff Training Building Proposed Plans

scale	drawn by / checked by	date
1/100@A2	NAL	Sept 10
job number	drawing number	revision
730	L(99)100	0

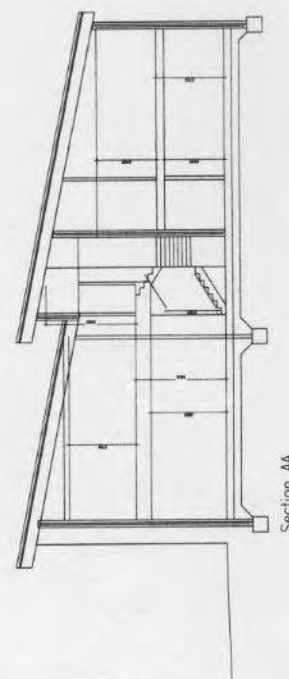
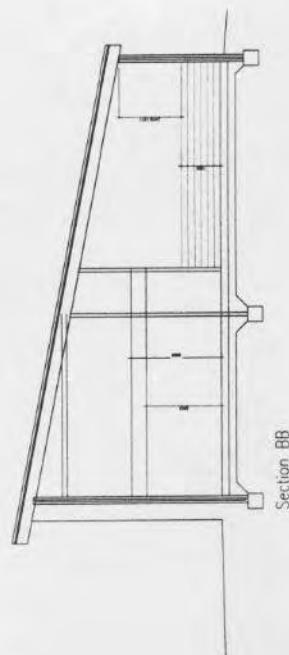
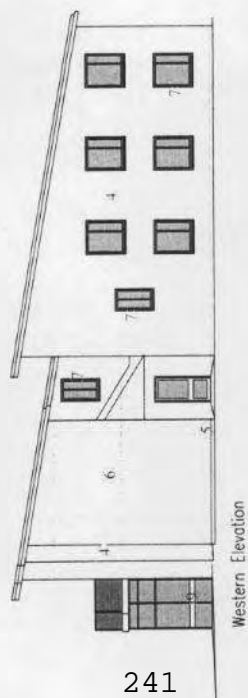
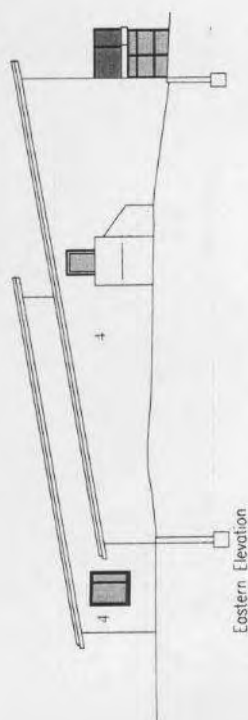
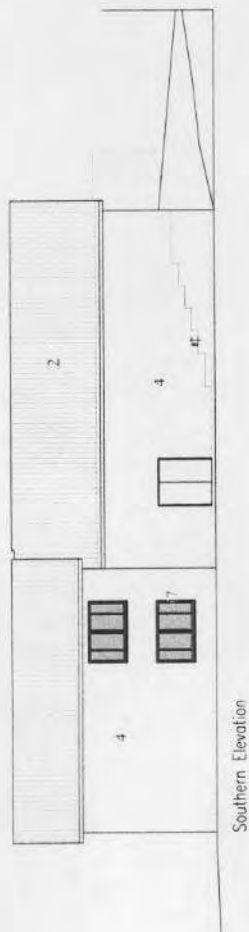
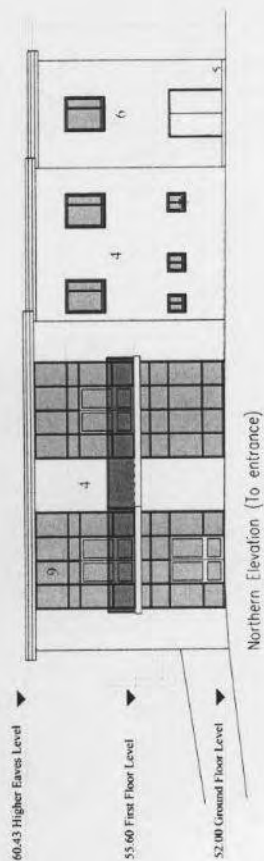
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## KEY:

1. Reconstituted slate roof
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7. Horizontal sliding-sash satin anodised aluminium framed windows
8. satin anodised aluminium framed egress windows
9. Satin anodised aluminium framed curtain wall



Rev	Description	Date
1	Issue	10/10/09
2	Issue	10/10/09
3	Issue	10/10/09
4	Issue	10/10/09
5	Issue	10/10/09
6	Issue	10/10/09
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12	Issue	10/10/09
13	Issue	10/10/09
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16	Issue	10/10/09
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18	Issue	10/10/09
19	Issue	10/10/09
20	Issue	10/10/09

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Carlisle M.S.U.  
Milton Hall, Brampton, Cumbria.

Proposed Staff Training Building  
Sections and Elevations

Rev	Description	Date
1	Issue	10/10/09
2	Issue	10/10/09
3	Issue	10/10/09
4	Issue	10/10/09
5	Issue	10/10/09
6	Issue	10/10/09
7	Issue	10/10/09
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14	Issue	10/10/09
15	Issue	10/10/09
16	Issue	10/10/09
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18	Issue	10/10/09
19	Issue	10/10/09
20	Issue	10/10/09

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Site Plan 1/500

Rev.	Date	Amendment
A	10/09/06	Initial Design
B	10/09/06	Revised Design
C	10/09/06	Revised Design
D	10/09/06	Revised Design
E	10/09/06	Revised Design
F	10/09/06	Revised Design

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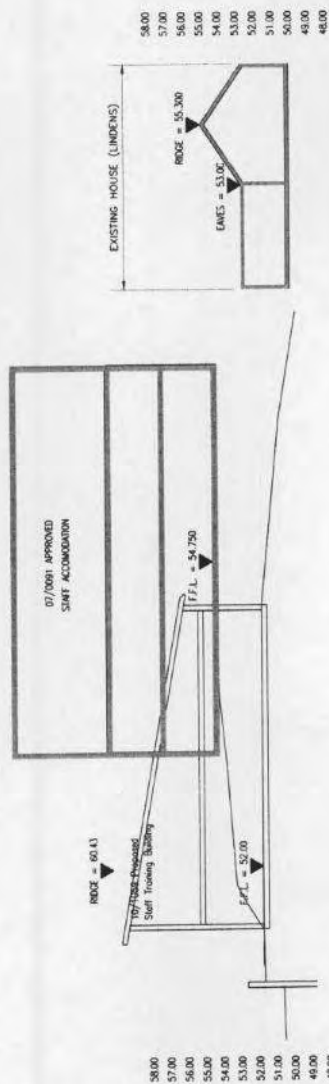
Carlisle M.S.U.

Milton Hall, Brampton, Cumbria.

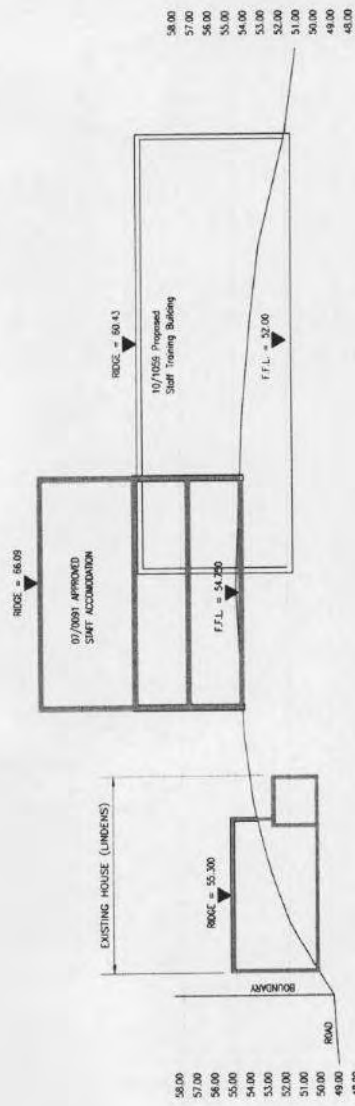
Proposed Staff Training Building  
Proposed Site Sections

Scale	Drawn by / checked by	Date
1/200	N.A.L.	Feb 11
Job number	Drawing number	Revision
730	L(90)06	0

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SECTION 5-5  
1/200

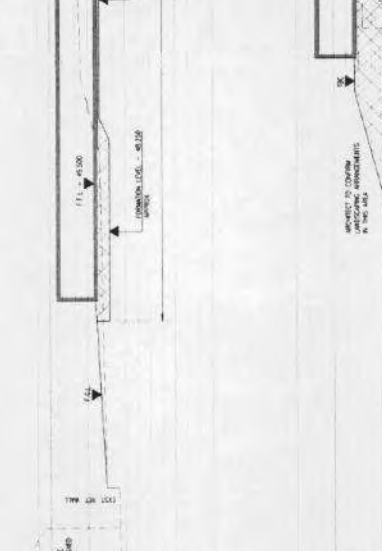
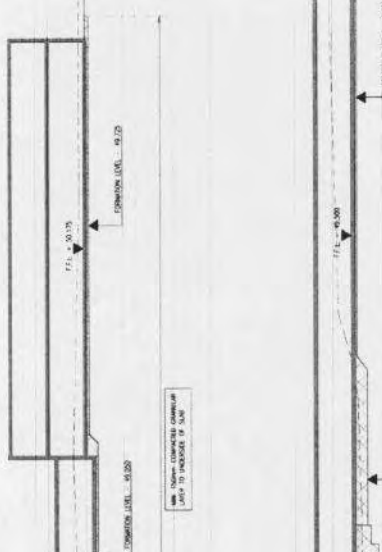
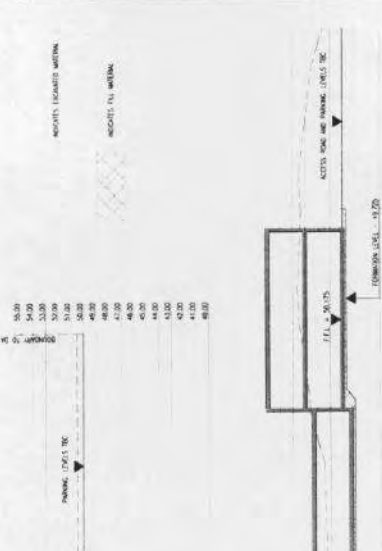
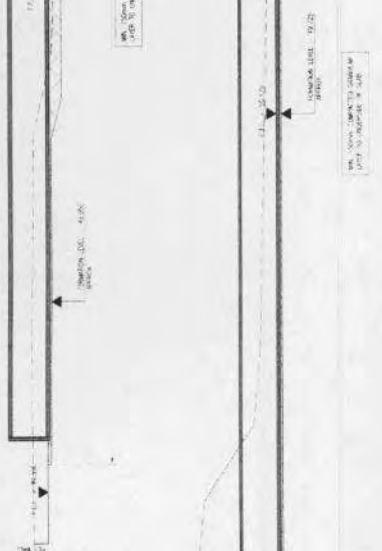
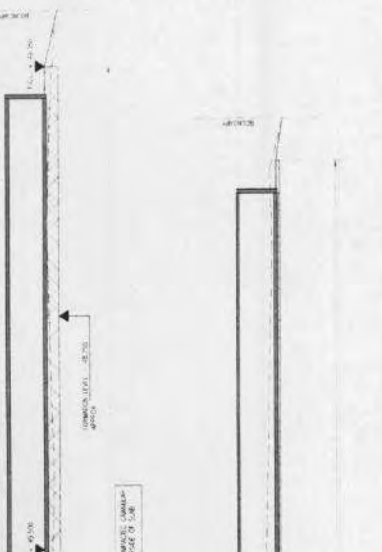


SECTION 6-6  
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# NOTES

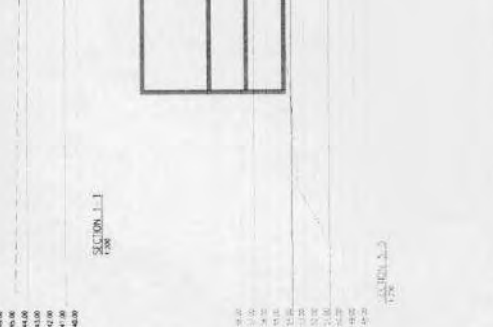
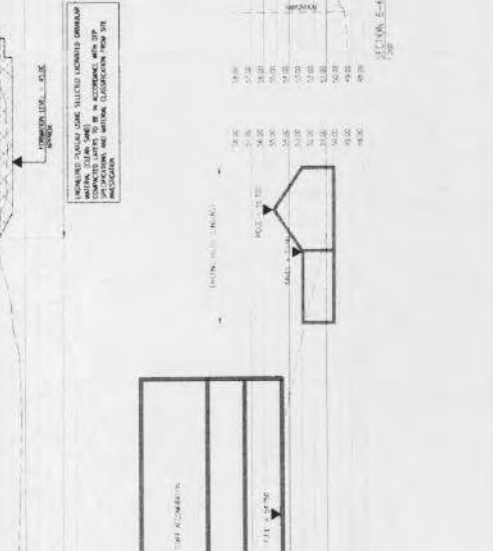
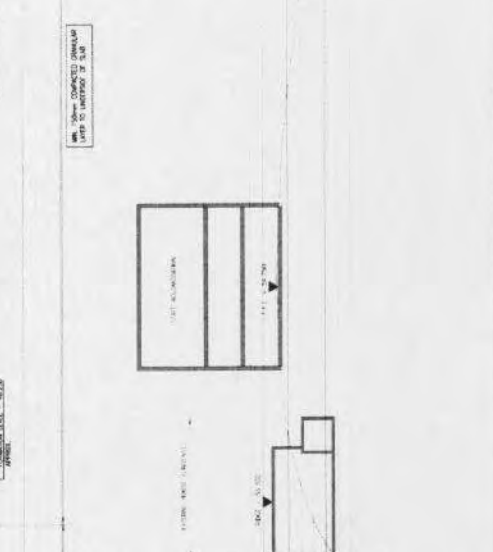
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GENERAL INFORMATION	
Project Name	
Client Name	
Project No.	
Scale	1:200 @ A1
Drawn By	
Check By	
Issue No.	01
Issue Date	01/11/2007
Issue Description	

LEVELS OF TOP AND FINISHED	
Location	Level
Ground Level	78.00
First Floor Level	71.00
Second Floor Level	64.00
Third Floor Level	57.00
Fourth Floor Level	50.00
Fifth Floor Level	43.00
Sixth Floor Level	36.00
Seventh Floor Level	29.00
Eighth Floor Level	22.00
Ninth Floor Level	15.00
Tenth Floor Level	8.00
Eleventh Floor Level	1.00
Twelfth Floor Level	-6.00
Thirteenth Floor Level	-13.00
Fourteenth Floor Level	-20.00
Fifteenth Floor Level	-27.00
Sixteenth Floor Level	-34.00
Seventeenth Floor Level	-41.00
Eighteenth Floor Level	-48.00
Nineteenth Floor Level	-55.00
Twentieth Floor Level	-62.00
Twenty-first Floor Level	-69.00
Twenty-second Floor Level	-76.00
Twenty-third Floor Level	-83.00
Twenty-fourth Floor Level	-90.00
Twenty-fifth Floor Level	-97.00
Twenty-sixth Floor Level	-104.00
Twenty-seventh Floor Level	-111.00
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Ninety-ninth Floor Level	-615.00
One hundredth Floor Level	-622.00







## NOTES

Please refer to Dwg No MH.03 Planting Masterplan for planting schedule and specification

$F$	$F/D$	$RR$
$F$	$F/D$	$RR$
$D$	$17.82/10$	$1.782/1.0$
$C$	$29.82/10$	$2.982/1.0$
$B$	$506.11/108$	$4.686/1.0$
$A$	$19.18/160$	$1.197/1.782$

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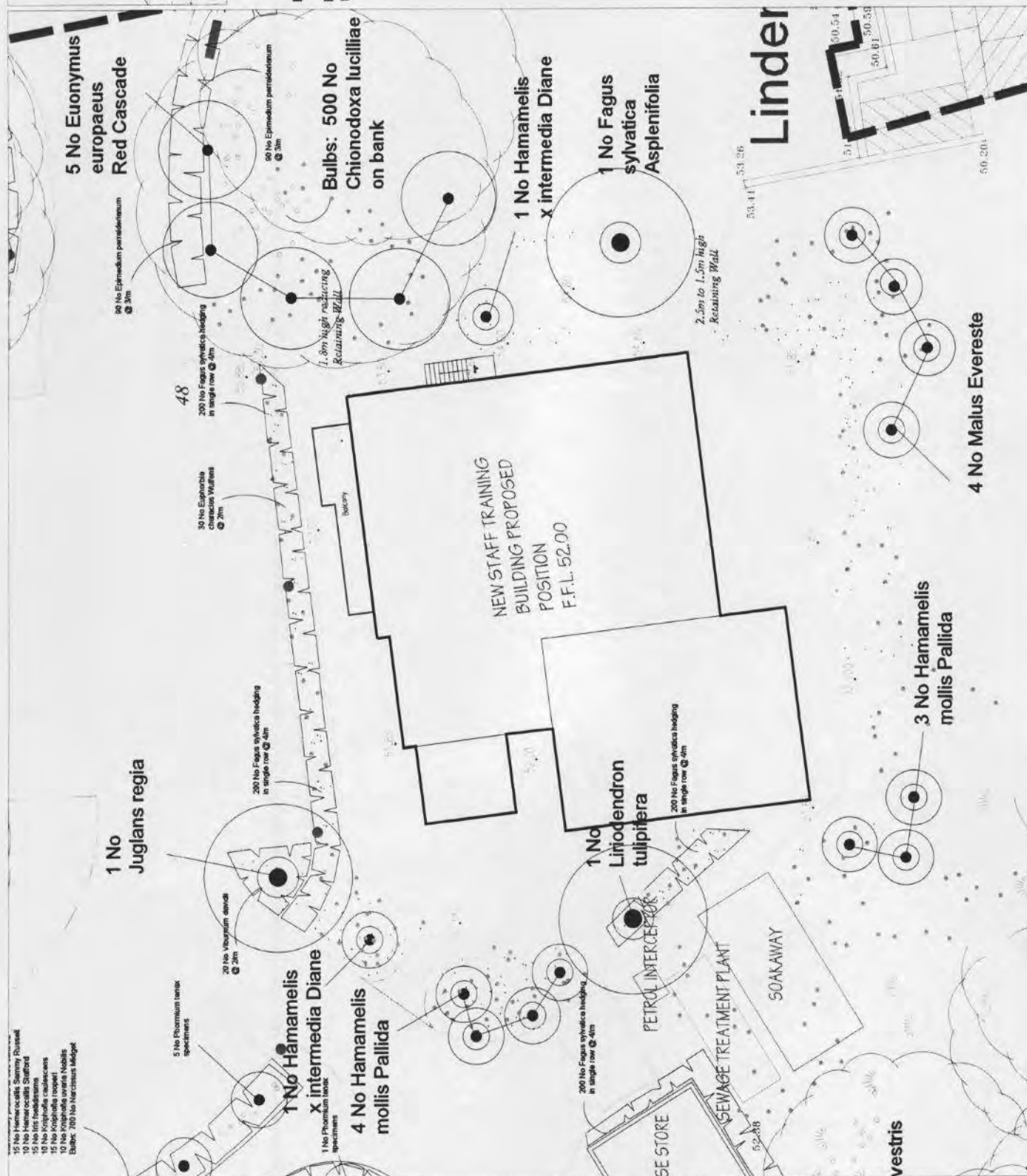
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Proposed Revised Planting Scheme  
Adjacent to Staff Building

Drawn by: checked by: date  
N.A.L. Oct 10

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## SCHEDULE A: Applications with Recommendation

11/0042

Item No: 10

Date of Committee: 15/04/2011

**Appn Ref No:**  
11/0042

**Applicant:**  
Egertons Recovery Ltd

**Parish:**  
Carlisle

**Date of Receipt:**  
19/01/2011

**Agent:**  
Taylor & Hardy

**Ward:**  
Belle Vue

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

**Grid Reference:**  
338054 556147

---

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

**Amendment:**

1. Reduction in the height of the acoustic fence from 3.2m to 2.7m to correspond with the height of the existing acoustic barrier.
  2. Repositioning of the acoustic fence closer to the southern boundary.
- 

### REPORT

**Case Officer:** Sam Greig

### Reason for Determination by Committee:

This application is brought before the Development Control Committee for determination as the Council has served a "Breach of Condition Notice", under Section 187A of the Town and Country Planning Act, against non-compliance with the condition that the applicant now wishes to vary.

### 1. Constraints and Planning Policies

#### **Waste Disposal Site**

The proposal site is within or adjacent to a Waste Disposal Site.

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

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

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

**Local Plan Pol CP6 - Residential Amenity**

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

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

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

**Local Plan Pol EC1 - Primary Employment Areas**

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

**Cumbria County Council - (Highway Authority):** no objections to the variation of Condition 6, as it does not affect the highway;

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

**Environment Agency:** no objections to the variation of Condition 6;

**Community Services - Drainage Engineer:** no objections;

**United Utilities:** no objections.

## **3. Summary of Representations**

### **Representations Received**

Initial:	Consulted:	Reply Type:
176 Newtown Road	26/01/11	
6 Osprey Close	26/01/11	
178 Newtown Road	26/01/11	Undelivered
180 Newtown Road	26/01/11	
168 Newtown Road	26/01/11	
170 Newtown Road	26/01/11	
37 Harvey Street	26/01/11	
38 Harvey Street	26/01/11	
39 Harvey Street	26/01/11	
40 Harvey Street	26/01/11	
41 Harvey Street	26/01/11	
42 Harvey Street	26/01/11	
Thompson Accident Repair Centre	26/01/11	
Carlisle Indoor Karting	26/01/11	Undelivered
Polestar Properties Limited	26/01/11	
3 Chatsworth Square	26/01/11	
5 Osprey Close	26/01/11	
7 Osprey Close	26/01/11	
8 Osprey Close	26/01/11	
9 Osprey Close	26/01/11	
10 Osprey Close	26/01/11	
Solway Slate & Tile Ltd	26/01/11	Undelivered



Newtown Glass	26/01/11	
The Window Shop Ltd	26/01/11	
C.S.L.	26/01/11	
Chris Brown Joinery	26/01/11	
Miltech Electrical	26/01/11	
St Barnabas Church Hall	26/01/11	
196 Newtown Road	26/01/11	
Hartington House	26/01/11	
224 Newtown Road	26/01/11	
10 Knowefield Avenue	26/01/11	
37 Carlisle Rd	26/01/11	
Site 2a Caxton Road	03/02/11	Undelivered
172 Newtown Road	26/01/11	
174 Newtown Road	26/01/11	Undelivered
35 Harvey Street	26/01/11	
36 Harvey Street	26/01/11	
182 Newtown Road	26/01/11	
184 Newtown Road	26/01/11	
186 Newtown Road	26/01/11	
188 Newtown Road	26/01/11	
190 Newtown Road	26/01/11	
192 Newtown Road	26/01/11	Comment Only

- 3.1 This application has been advertised by means of a site notice and notification letters sent to forty four neighbouring properties. In response one representation has been received from a local resident expressing their concern regarding the perceived lack of progress on the part of Egertons Recovery and that the surface water drainage problem in their rear garden has worsened.

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

- 4.1 In June 2008 retrospective planning permission was refused for the change of use of the premises to enable it to be used for the recovery and storage of vehicles involved in accidents (Application 08/0423).
- 4.2 In July 2010 retrospective planning permission was granted by the Development Control Committee for the change of use of the premises to enable it to be used for the recovery and storage of vehicles involved in accidents (Application 08/1089).
- 4.3 On the 13th October 2010 the Council served a "Breach of Condition Notice" under Section 187A of the Town and Country Planning Act for failing to comply with Condition 6 of the Decision Notice. Condition 6 required the approved acoustic/visual barrier to be erected within two months from the date of permission having been granted, together with the installation of a surface water drain to the southern side of the bund. The Breach of Condition Notice allowed the applicant a further 28 days to complete the outstanding work, which was not adhered to. Consequently, the Council took legal action against Egertons in the Magistrates Court; however, the Court adjourned the case pending the outcome of this application.
- 4.4 In February 2011 an application was submitted to vary condition 7 of

application 08/1089, which relates to the approved drainage details (Application 10/0986). The application has not yet been determined.

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

### **Introduction**

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

### **Background**

- 5.2 Members may recall that a retrospective planning permission, for the change of use of the depot to be used as a vehicle recovery centre, was approved at the Development Control Committee held on the 16th July 2010.
- 5.3 The planning permission was subject to a series of conditions that the operators of the premises have to adhere to in order to ensure that the operation does not prejudice the living conditions of the occupiers of the neighbouring residential properties.
- 5.4 Some of these conditions necessitated physical alterations to the site, which were required to be completed within a two month period from the date of the permission, such as the creation of a landscaped bund, the installation of a drainage system and the resurfacing of the concrete hardstanding, whereas other conditions regulate how the operation is carried out. In respect of the latter, conditions were imposed specifying the operating procedure for those recoveries outside conventional office hours, i.e. other than 8am to 6 pm Monday to Friday, while other conditions restricted where vehicles could be stored and the type of forklift trucks that could be used.
- 5.5 At the Development Control Committee in July Members expressed concern regarding the retrospective nature of the application and the fact that Egertons had been operating from the site since March 2008. Whilst accepting that the implementation of the mitigation measures, which are required through the imposition of the aforementioned conditions, would minimise any adverse impacts Members requested that the Case Officer present a report to a subsequent meeting of the Development Control Committee reporting on the applicants' compliance with them within the time frame specified in the conditions.
- 5.6 Two subsequent reports to Members, which were presented at the October and November Development Control Committee meetings, identified that neither the landscaped bund nor the surfacing of the storage yard had been

completed within the required timeframe. Consequently the operator was in breach of the requirements of these conditions. As a result of the Egertons failure to comply with these conditions the Council served a “Breach of Condition Notice” under Section 187A of the Town and Country Planning Act.

- 5.7 The “Breach of Condition Notice” was served on the 13th October and the 28 day timeframe for compliance expired on the 10th November. Within the specified timeframe Egertons were required to:
- complete the construction of the proposed acoustic/visual barrier (including the associated surface water drain to the south side of the barrier) in accordance with the approved scheme; and
  - complete the concreting and installation of the drainage scheme to the vehicle storage area in accordance with the approved details.
- 5.8 Following the expiry of the compliance period Egertons had failed to complete the acoustic/visual barrier in its entirety. The landscaped bund/acoustic fence had been erected along the rear of Nos. 182 to 192 Newtown Road, measuring 60m in length. In order to comply with the approved scheme the operator needed to extend the bund to the site’s eastern boundary which abuts Caxton Road [a further 25m]. The uncompleted section would screen the site from the rear garden of No. 180 Newtown Road as well as a plot of land to the rear of St. Barnabas Church Hall, which has planning permission for the erection of four dwellings [the permission has yet to be implemented].
- 5.9 The report to the November meeting of the Development Control Committee advised Members that, in the Case Officer’s view, Egertons Recovery Ltd had adequate time to prepare and construct the acoustic/visual barrier and as these works remained incomplete the Council’s Enforcement Officers should be instructed pursue matter through the Magistrates Court. Members supported this recommendation and Egertons failure to adhere with the requirements of Condition 6 was brought before the Magistrates Court on 14th February. The Magistrates resolved to adjourn the hearing of that case until the outcome of this current application had been determined.
- 5.10 The remaining physical works to be undertaken relate to those required by Condition 7. This condition requires the operator to concrete and drain the vehicle storage area in accordance with the approved scheme. Egertons Site Manager instructed a drainage contractor to carry out these works; however, following a site inspection the contractor informed the Site Manager that there were difficulties in complying with the approved means of draining the vehicle storage area because of the fall in levels across the site. At the November meeting of the Development Control Committee Members accepted Egertons Site Manager had attempted to progress these works, but that the approved scheme, which was proposed by Egertons, was unworkable. Members also accepted that there was no merit in trying to pursue compliance with the requirements of that condition. An application has been submitted to vary the details of Condition 7 in accordance with a modified scheme as proposed by Egertons drainage contractor; however, discussions are on-going with the applicant regarding the suitability of that scheme.

## **The Proposal**

- 5.11 This current application seeks approval to vary the requirements of Condition 6, which relates to the details of the landscaped bund/acoustic fence. Under the approved scheme a 2.7m high bund/fence is to be formed across the entire length of the southern boundary. This comprises a 1.5m high landscaped bund on top of which would be a 1.2m high acoustic fence. As described above in paragraph 5.8, the bund/barrier currently stretches 60m in length across the rear boundaries of Nos. 182 to 192 Newtown Road. The uncompleted section of the bund, which measures 25m in length, crosses the southern boundary of the visitor car parking area.
- 5.12 Egertons have requested that a 2.7m high acoustic fence is erected in lieu of the landscaped bund/acoustic fence. The appearance of the 2.7m acoustic fence would match that which has been erected on top of the bund. The Site Manager has advised that this arrangement would be more attractive aesthetically and that it would improve security within the site. The surface water drain, which has been partially erected along the completed section of the bund, would continue along the remainder of the southern boundary and connect into the existing drain, as previously approved. The reduction in the length of the landscaped bund would also involve a pro rata reduction in the level of planting to the southern side of the bund. As such, 18 trees would be planted along the existing bund with approximately 300 shrubs at a density of 3 per square metre.

## **Assessment**

- 5.13 The relevant planning policies against which the application is required to be assessed are Policies CP5, CP6, CP11, CP12, CP17 and EC1 of the Carlisle District Local Plan 2001-2016.
- 5.14 The proposals raise the following planning issues:
1. Whether The Amended Details Are Acceptable.
- 5.15 During consideration of the approved application the applicant's noise consultant recommended that a 2.7m high acoustic barrier was required to be erected along the southern boundary of the site to mitigate the potential impact that noise generated by the development would have upon the occupiers of the adjacent properties on Newtown Road.
- 5.16 The applicant's noise consultant advised that the acoustic barrier could take the form of either a 2.7m high acoustic fence or 1.2m high acoustic fence situated on top of a 1.5m high landscaped bund. It was agreed that the latter option would be preferable on the basis that the landscaping would help screen the vehicle storage area from the rear of those properties on Newtown Road.
- 5.17 In respect of the uncompleted section of the acoustic barrier/landscaped bund the applicant's noise consultant advised that this section was required to mitigate the potential effects of the development upon the future occupiers of the four approved dwellings that have permission to be erected to the rear of

## St Barnabas Church Hall.

- 5.18 Whilst it was preferable for the inclusion of landscaping to lessen the visual impact of the vehicle storage area, there was no requirement to screen the visitor car park. The sole purpose of the acoustic barrier in this location was to mitigate any noise that the use of the visitor car park may generate. Consequently, it is the Officer's view that the 2.7m high acoustic barrier will be "fit for purpose" in that regard. The Case Officer also agrees with the applicant in that exclusion of the landscaped bund in this location will be more visually attractive and that it would improve security within the site.
- 5.19 The actual position of the acoustic fence has been modified slightly from the approved scheme so that it is positioned closer to the southern boundary. As currently proposed there would be a gap of 1m between the existing 2.4m high palisade fence that delineates the boundary and proposed acoustic fence. The principal windows in the approved dwelling to be situated at the rear of St. Barnabas Church Hall face east and west and, therefore, the position of the fence, in terms of its height, will not significantly affect the living conditions of the future occupiers of these dwellings.
- 5.20 As the aforementioned dwellings have yet to be erected, the absence of the uncompleted section of the bund will not cause any actual harm in the short term; however, notwithstanding this fact, work could commence on these dwellings and, therefore, there is still a requirement for the acoustic/visual barrier to be completed soon. It is the Officer's recommendation that, if Members be minded to approve this application, the uncompleted section of the acoustic barrier, together with the installation of the remainder of the surface water drain, should be completed within two months.
- 5.21 A local resident has expressed concern that they have experienced surface water drainage problems in recent years and that this problem has worsened. Members may recall that several residents raised concerns during the consideration of the 2008 application stating that these drainage problems were as a result of Egertons Recovery Ltd occupying the premises. Whilst the concerns of the residents are noted there is no evidence to substantiate this claim. This current application does not propose to alter the position of the approved surface water drain to the southern side of landscaped bund, which, when connected to the mains sewer, should assist in reducing surface water run-off into the gardens of neighbouring properties if this does indeed occur at present.
- 5.22 Paragraph 4 of Circular 11/95: Use Of Conditions In Planning Permission advises that following the variation or removal of planning conditions the original planning permission will continue to subsist and, therefore, it is also pertinent to impose a condition that highlights the need to comply with the remaining conditions attached to the "Full" application.

## Conclusion

- 5.23 In summary, for the reasons identified in this report it is Officers' view that the proposed variation to condition 6 is acceptable. In all aspects the proposal is

compliant with the relevant policies contained in the Local Plan, but should only be approved subject to the imposition of those conditions identified.

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

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

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

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

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

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

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

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

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

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

2. The approved documents for this planning consent comprise:

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

**Reason:** To define the permission.

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

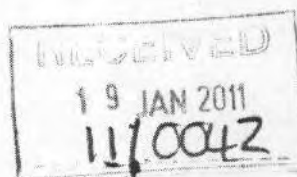
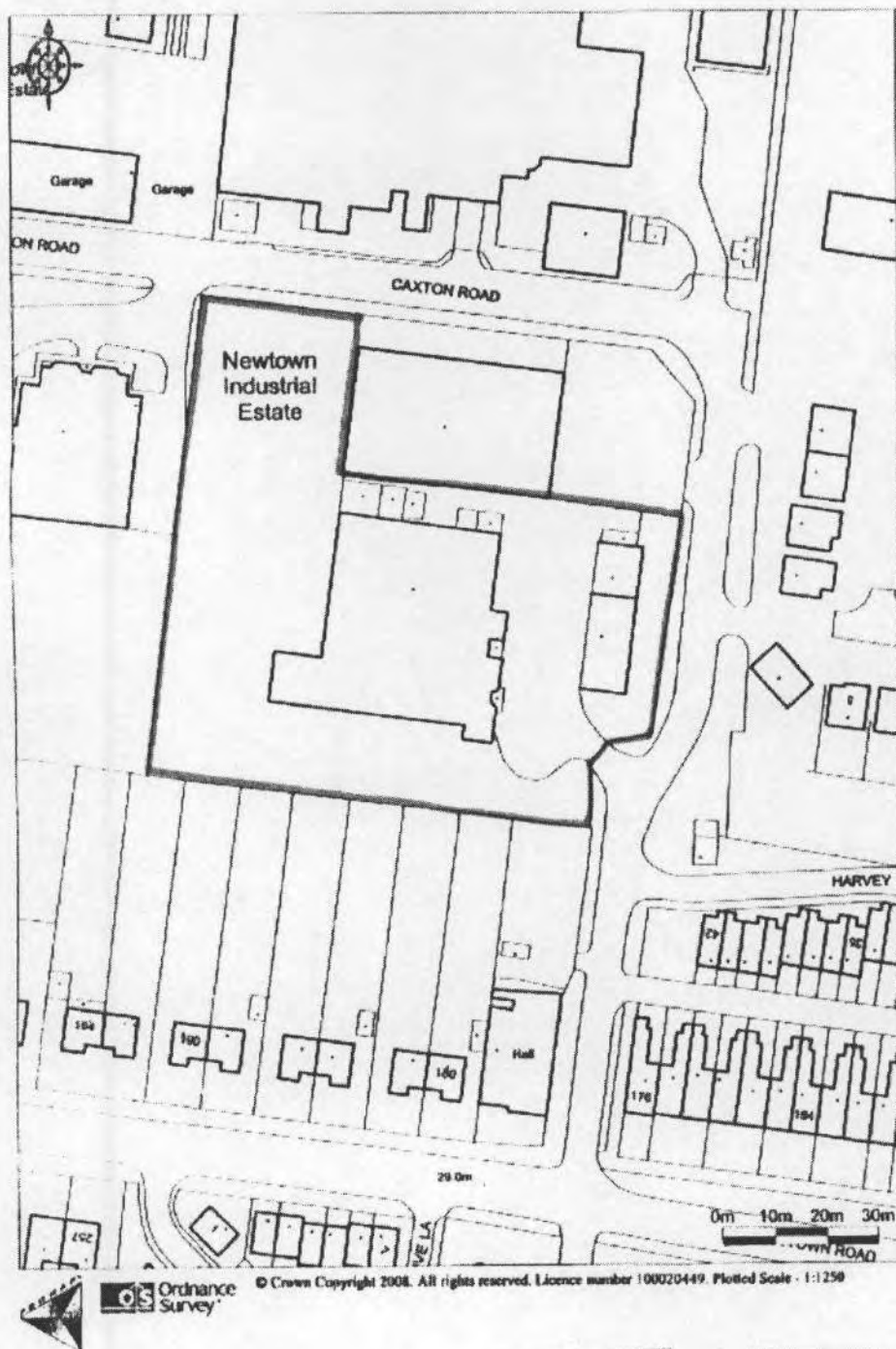
**Reason:** To ensure that the site is adequately screened and to ensure compliance with Policies CP5 and CP6 of the Carlisle District Local Plan 2001-2016.

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

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

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# Site Location Plan. Drawing No.1





## PLANTING SCHEDULE FOR BUND

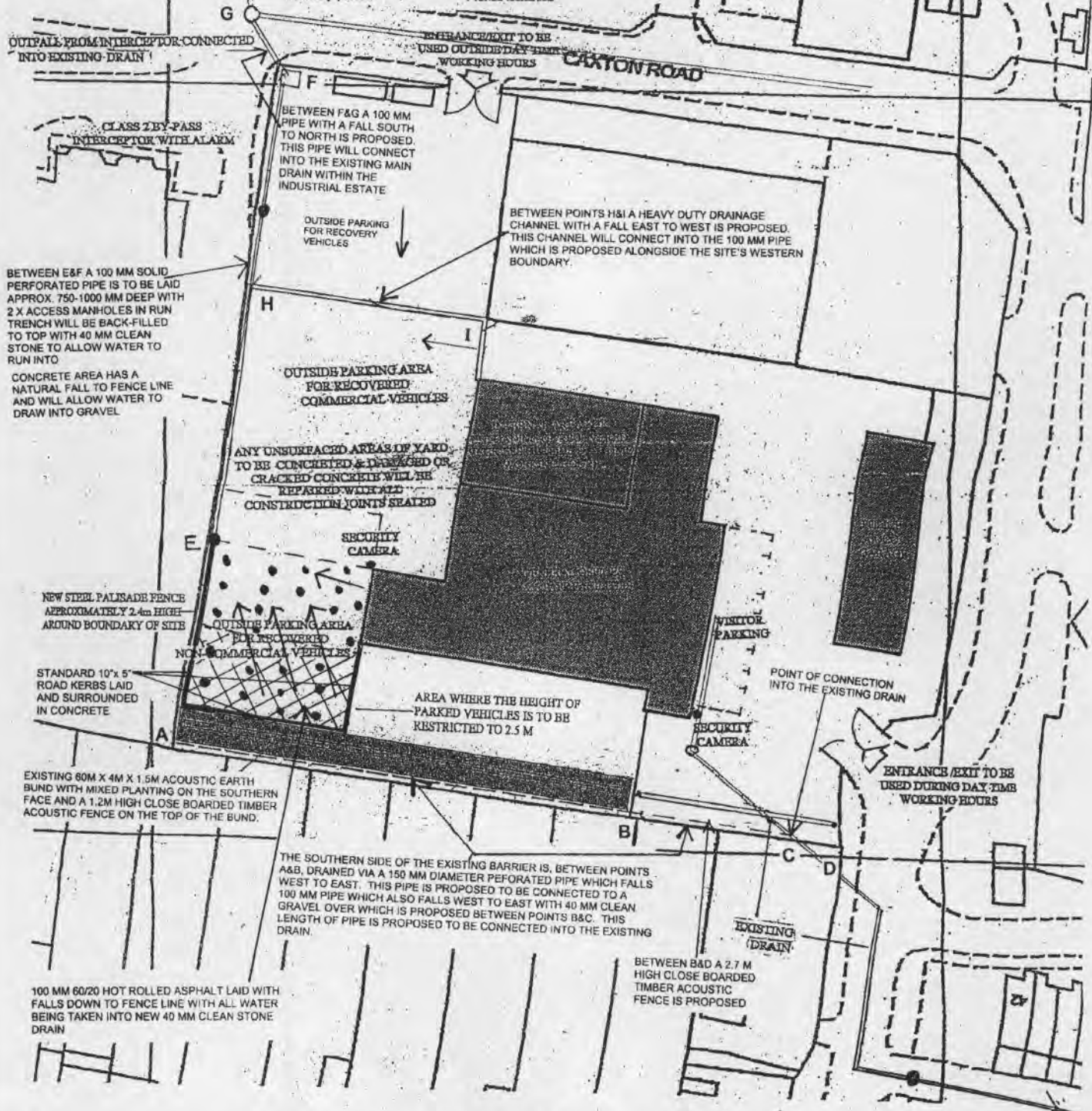
All planting schemes to be agreed with the Planning Authority prior to work commencing.

The bund is 4.0 metres long and 4 metres wide at the base. The southern slope and the top of the bund are to be planted to create a visual and acoustic screen. Most of the plants are to be evergreen plants, providing a visual barrier all year round. To provide some additional height 18 native species trees will be included, which will also be of benefit to birds and invertebrates. The suggested planting list and number of plants is as follows:

**TREES**  
18 native trees, mixed with tree size (standard size)  
Sorbus aucuparia x4  
Betula pendula x4  
Crataegus monogyna x4  
Acer campestre x2  
Sorbus aria x2  
Prunus avium x2

**SHRUBS**  
Mostly evergreen, with some deciduous planting, at 3 plants per square metre, in 10 litre pots.  
Estimate requires about 360 shrubs  
Aucubia japonica  
Buddleja davidii  
Cholera ternata  
Elaeagnus pungens 'Maculata'  
Hebe 'Midsummer beauty'  
Pieris japonica  
Berberis umbellata  
Ceanothus arboreus  
Cytisus praecox  
Eucrymus fortune 'Silver queen'  
Photinia glabra 'Rubens'  
Prunus lusitanica

SECTION THROUGH ACOUSTIC EARTH BUND  
SCALE: 1:100  
ALL FACES OF BUND TO BE SEEDED



PROPOSED VEHICLE RECOVERY DEPOT

SITE PLAN

CAXTON ROAD, CARLISLE

RECEIVED

17 MAR 2011

11/0042

(REVISED 09.03.09)  
(AND 03.04.09)  
(AND 12.05.09)  
(AND 14.06.10)  
(AND 16.03.11)

PLAN No. 11/023/01

SCALE 1:500

## SCHEDULE A: Applications with Recommendation

11/0091

**Item No: 11**

Date of Committee: 15/04/2011

**Appn Ref No:**  
11/0091

**Applicant:**  
Citadel Estates

**Parish:**  
Hayton

**Date of Receipt:**  
08/02/2011

**Agent:**  
Sandy Johnston Architect

**Ward:**  
Great Corby & Geltsdale

**Location:**  
The Offices, Talkin, Brampton, Cumbria

**Grid Reference:**  
354903 557506

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

**Amendment:**

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### REPORT

**Case Officer:** Richard Maunsell

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

This application is brought for determination by Members of the Development Control Committee due to the conversion of the building to a dwelling for sale on the open market being contrary to the Local Plan policy.

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

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

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

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

**Local Plan Pol DP10 - Landscapes of County Importance**

**Local Plan Pol CP5 - Design**

**Local Plan Pol CP6 - Residential Amenity**

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

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

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

## **Local Plan Pol LE29 - Land Affected by Contamination**

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

**Health and Safety Executive:** the HSE does not advise, on safety grounds, against the granting of planning permission in this case;

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

**Hayton Parish Council:** comments awaited;

**Local Environment - Drainage Engineer:** comments awaited;

**United Utilities:** no objection; and

**Northern Gas Networks:** comments awaited.

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

#### **Representations Received**

Initial:	Consulted:	Reply Type:
Garthside	08/02/11	
Dale Cottage	08/02/11	
Townfoot Farm Cottage	08/02/11	
Bushby Cottage	08/02/11	
Tea Tree House	08/02/11	
Townfoot Cottage	08/02/11	
Cherry Garth	08/02/11	
1 Graham Cottages	08/02/11	
2 Graham Cottages	08/02/11	
Ash Tree Barn	08/02/11	
Banktop House	08/02/11	
Townfoot Farmhouse	08/02/11	
Corner House	08/02/11	
Hamel Croft	08/02/11	
Tarn View	08/02/11	
Talkin Head	08/02/11	
Ghyll Cottage	08/02/11	
Honeymeade	08/02/11	

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

## **4. Planning History**

- 4.1 Outline planning permission was granted in 1977 for an extension to the existing offices and laboratory.
- 4.2 Also in 1977, planning permission was granted for the erection of offices and laboratory.
- 4.3 Planning permission was granted in 1983 for an extension to the existing laboratory and offices.
- 4.4 In 1984, planning consent was granted for an extension to the existing laboratory.
- 4.5 Planning permission was granted in 1989 for an office extension.
- 4.6 Also in 1989, temporary planning consent was granted for the siting of a portakabin. This temporary consent was renewed on a yearly basis until 1999.
- 4.7 Planning permission was granted in 1995 for an extension to the existing research office building to provide additional accommodation.

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

### **Introduction**

- 5.1 This application seeks “Full” planning permission for the conversion of the former offices that were associated with the vacant research laboratory, Talkin, Brampton. The site comprises of a large detached single storey building that has a mixture of sandstone and rendered facades under a slate roof. The building is set back 40 metres from the County highway within a large plot. The building has a footprint of 281 square metres and is within a 0.26 hectare site. The site is located towards the north east fringe of the village and is within a Landscape of County Importance.
- 5.2 The site is bounded to the south and south-west by residential properties; to the south-east is the former research laboratories; and to the north, east and west is open countryside. There are retaining walls to the east of the building as the building is set into the landscape which then falls away westwards resulting in a small portion of the building that is two storey in height.
- 5.3 The proposal would involve the conversion of the building to form a dwelling. The accommodation would comprise of a boot room, a utility room, a kitchen/ dining area, a lounge, a dining area/ snug, a study, a porch, an ensuite master bedroom and 3no. further ensuite bedrooms. To facilitate the conversion, the scheme would largely utilise the existing openings within the building. Some additional window openings would be formed and some existing openings would be reconfigured. An open sided porch would be created on the north elevation and constructed from a timber frame under a

slate roof. Also on the north elevation, two existing windows would be removed and replaced with a full height glazed opening.

- 5.4 The existing timber and upvc windows would be replaced with double glazed timber units and timber doors would be installed throughout. The concrete window cills would be replaced with sandstone and window openings, where appropriate, would incorporate sandstone mullions.
- 5.5 Adjacent to the north-east boundary it is proposed to construct a detached double garage. The building would measure 7.6 metres in width by 6.7 metres in length. The height to the ridge would measure 5 metres and the building would be finished from render under a slate roof.
- 5.6 The site is currently served by two accesses. The first access which leads adjacent to Townfoot Farm Cottage would be closed and the second access which leads along the eastern boundary would be used. Vehicles would be travel along the boundary of the site and be able to access the proposed garage to the rear of the plot.

## **Assessment**

- 5.7 The relevant planning policies against which the application is required to be assessed are Policies DP1, DP10, CP5, CP6, CP9, CP12, H1, LE29 and T1 of the Carlisle District Local Plan 2001-2016. The proposal raises the following planning issues.
  - 1. Principle Of Residential Development In Rural Area
- 5.8 The main thrust common to planning policies is that new development in the rural area will generally be focussed upon established settlements where there are appropriate services, facilities and amenities.
- 5.9 Policy DP1 of the Carlisle District Local Plan 2001-2016 sets out the broad development strategy for the area. It establishes a settlement hierarchy with Carlisle's Urban Area being the highest order of priority for most additional new development, followed by the Key Service Centres of Brampton and Longtown and, finally, 20 villages identified as Local Service Centres. Within these locations, development proposals will be assessed against the need to be in the location specified. In relation to rural settlements, boundaries have been identified for those villages that fulfil the Key Service and Local Service Centre functions and these are intended to be used to judge proposals for development within those settlements. Outside these locations, development will be assessed against the need to be in the location specified.
- 5.10 Policy H1 of the Carlisle District Local Plan 2001-2016 elaborates, in relation to development for housing, on the settlement hierarchy. It reiterates that the primary focus for new housing development will be the urban area of Carlisle, followed in order by the Key Service Centres of Brampton and Longtown (which have a broad range of amenities and services) and finally, selected villages which perform a service role within the rural area. These latter villages are sub-divided into two groups, the first group being the 20 larger

villages that act as Local Service Centres where the scale and nature of additional development will be determined by local form and character. The second group of 21, essentially small, villages that possess very limited facilities and, hence, provide basic service provision, is regarded as being capable of accommodating only small scale infill development, which is required to be evidenced by local need to be in that location.

- 5.11 The application site lies within Talkin, which is identified as a sustainable settlement under the second group of settlements identified by Policy H1 of the adopted Local Plan states that small scale infill development will be acceptable providing that compliance with seven specific criteria is achievable and provided that the development would be meet an identified local housing need. The principal objective of Policy H1 is to provide housing to meet an identified local need in the smaller villages in the rural area.
- 5.12 The existing building has been marketed for commercial use without success. The building has been vacant for some time and there are limited opportunities for its reuse, particularly given the proximity to nearby residential properties.
- 5.13 The resultant converted building would be for sale on the open market and would not be provided to meet any identified need. The proposal as submitted, therefore, does not fully accord with the requirements of the Local Plan; however, each application has to be considered on its own merits and Section 54A of the Town and Country Planning Act 1990 states:
- "Where, in making any determination under the Planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise."
- 5.14 In short, where the development plan has policies which affect the proposal they will dictate the decision unless there are other material considerations which should take precedence. Other material considerations need to be both significant and unique to the proposal to prevent the decision being used as a precedent for subsequent applications elsewhere.
- 5.15 The principle objective of Policy H1 in smaller villages is to provide a range of housing in the rural area through the provision of properties to meet an identified local need.
- 5.16 Although no personal need is identified, conversion of the building would broaden the range of housing type available in the village. The existing building is large in terms of its footprint and accommodation, it is situated within a sizeable plot (almost 0.26 hectares in area) and cannot qualify as an affordable housing development in the context of the site.
- 5.17 Members recently considered an application for 4no. dwellings on an adjacent site. This scheme involved the provision of two dwellings for sale on the open market and two properties that would available for affordable rent in perpetuity secured through a S106 agreement. Members granted Officers authority to issue the consent upon the completion of the S106 agreement.

The agreement is still being drafted; however, this should be concluded shortly at which time planning permission can be issued. The applicant for this current application is the same as for the adjacent proposal for 4no. dwellings. Although the determination of this application is in no way dependant on the adjacent proposal, it is important for Members to be aware of the mix of house types that would be provided within the village as a result of these two applications.

- 5.18 It would not be feasible to divide the building into two smaller housing units due to the building's footprint and the layout/ topography of the site. The site characteristics are such that any resulting subdivision is likely to mean that the living conditions of the occupiers of the properties would be prejudiced due to overlooking and loss of privacy.
- 5.19 Talkin is identified as a settlement where additional housing will be considered, albeit provided that it meets an identified local need. It is not a location where additional housing will not be considered per se; therefore, Members need to consider the merits of converting the building to a dwelling. In this instance, the site is a brown field site within the village that was previously in commercial use. The applicant has marketed the site as such but no reuse for commercial purposes has been forthcoming. The difficulties in subdividing the building to several more affordable units, cannot be achieved; therefore, whilst the principle of this proposal does not accord with the Local Plan, it is Officers' view that for the reasons outlined, Members would be justified in supporting this application.

## 2. Scale And Design

- 5.20 With the exception of the porch and the detached garage, the footprint of the building on the site would remain unaltered. The building is currently domestic in its appearance and its reuse would not be prejudicial to character and appearance of the building within the landscape. The alterations to the facade of the building are minimal but would significantly enhance the building. The introduction of natural materials such as sandstone and timber windows and doors will enhance the aesthetics of the building.
- 5.21 The current building is not wholly offensive but neither does it positively contribute to the character or appearance of the surrounding landscape. This scheme adopts an approach of combining the existing building with quality materials and design features that would result in a more visually appropriate building to the built environment of the village.
- 5.22 The scale and footprint of the garage is appropriate to that of the proposed dwelling. The garage would be sited adjacent to the north-east boundary beyond which the ground level rises. Public views of the garage would be limited and the design and use of materials would be appropriate to the site.
- 5.23 With one of the accessed closed, the applicant intends to bound the site with a stone wall and create a landscaped area within the plot which will serve to improve the aspect of the site when viewed from the road.

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

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

### 4. Highway Matters

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

### Conclusion

- 5.26 In overall terms, the principle of the development is acceptable. The site has been marketed for commercial purposes with no success. The scale of the dwelling is outwith the parameters of the policy guidance; however, there are material considerations that warrant approval of this application. The scale of the building and the plot within which it sits is large and would be outwith the realms of what could reasonably be described as affordable. The refurbishment and use of local, natural materials together with the high quality design of the fenestration would be an improvement to the existing building within the context of the village.
- 5.27 The building would not result in any demonstrable harm to the landscape character of the wider area or the living conditions of any neighbouring residential dwellings. In all other aspects the proposal is compliant with the objectives of the relevant Local Plan policies.

## 6. Human Rights Act 1998

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

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



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

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

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

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

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

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

2. The approved documents for this planning permission comprise:

1. the Planning Application Form received 7th February 2011;
2. the Site Location Plan received 7th February 2011 (Drawing No. 02/2011/00);
3. the Block Plan received 7th February 2011 (Drawing No. 02/2011/00);
4. the Site Survey received 7th February 2011 (Drawing No. 02/2011/02);
5. the Existing Plans received 7th February 2011 (Drawing No. 02/2011/06);
6. the Existing Elevations received 7th February 2011 (Drawing No. 02/2011/03);
7. the Proposed Plan received 7th February 2011 (Drawing No. 02/2011/04);
7. the Proposed Elevations received 7th February 2011 (Drawing No. 02/2011/05);
8. the Plans and Elevations Of The Garage received 7th February 2011 (Drawing No. 02/2011/00);
9. the Design and Access Statement received 7th February 2011;
10. the Notice of Decision; and
11. any such variation as may subsequently be approved in writing by the Local Planning Authority.

**Reason:** To define the permission.

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

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

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

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

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

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

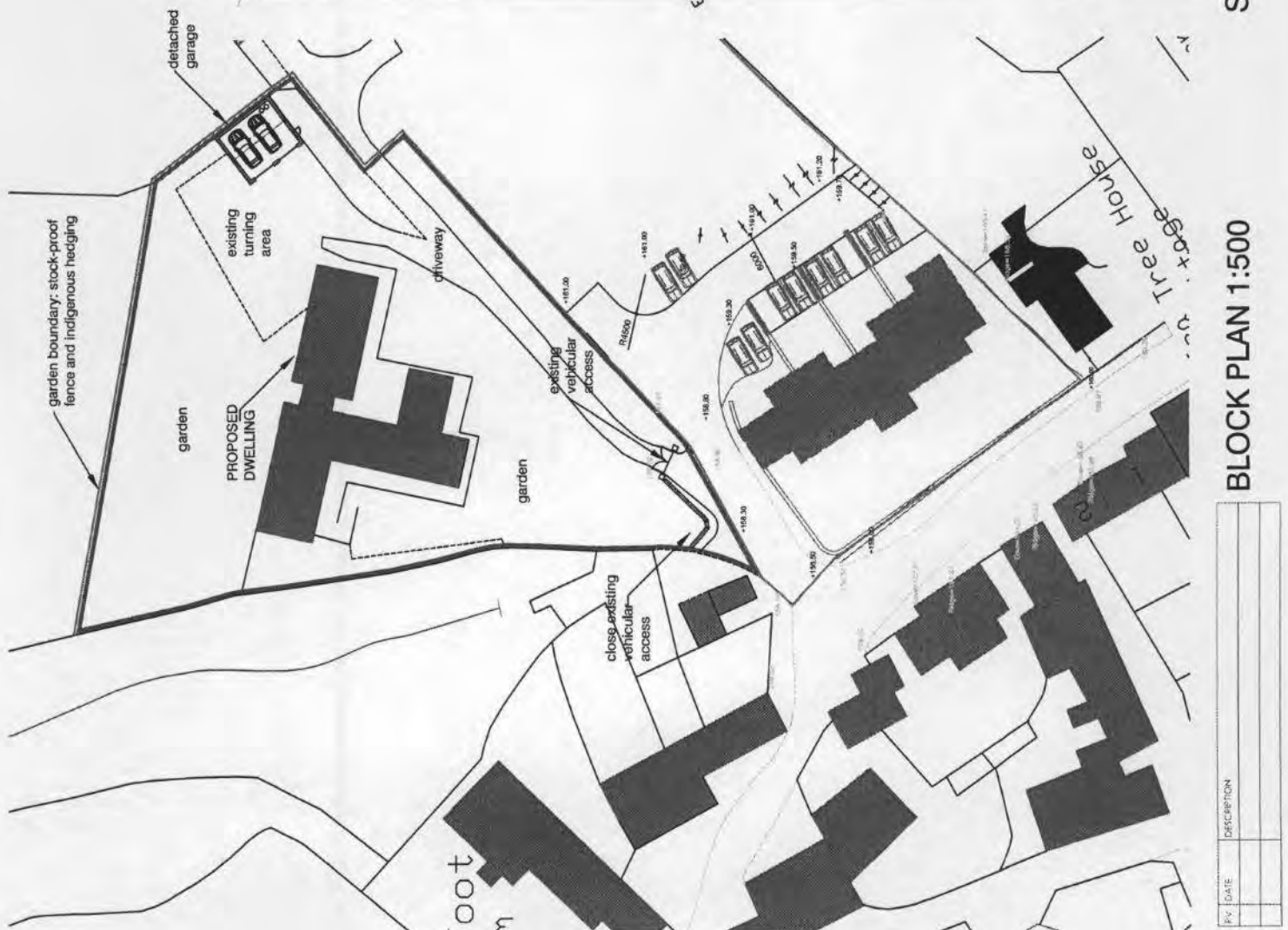
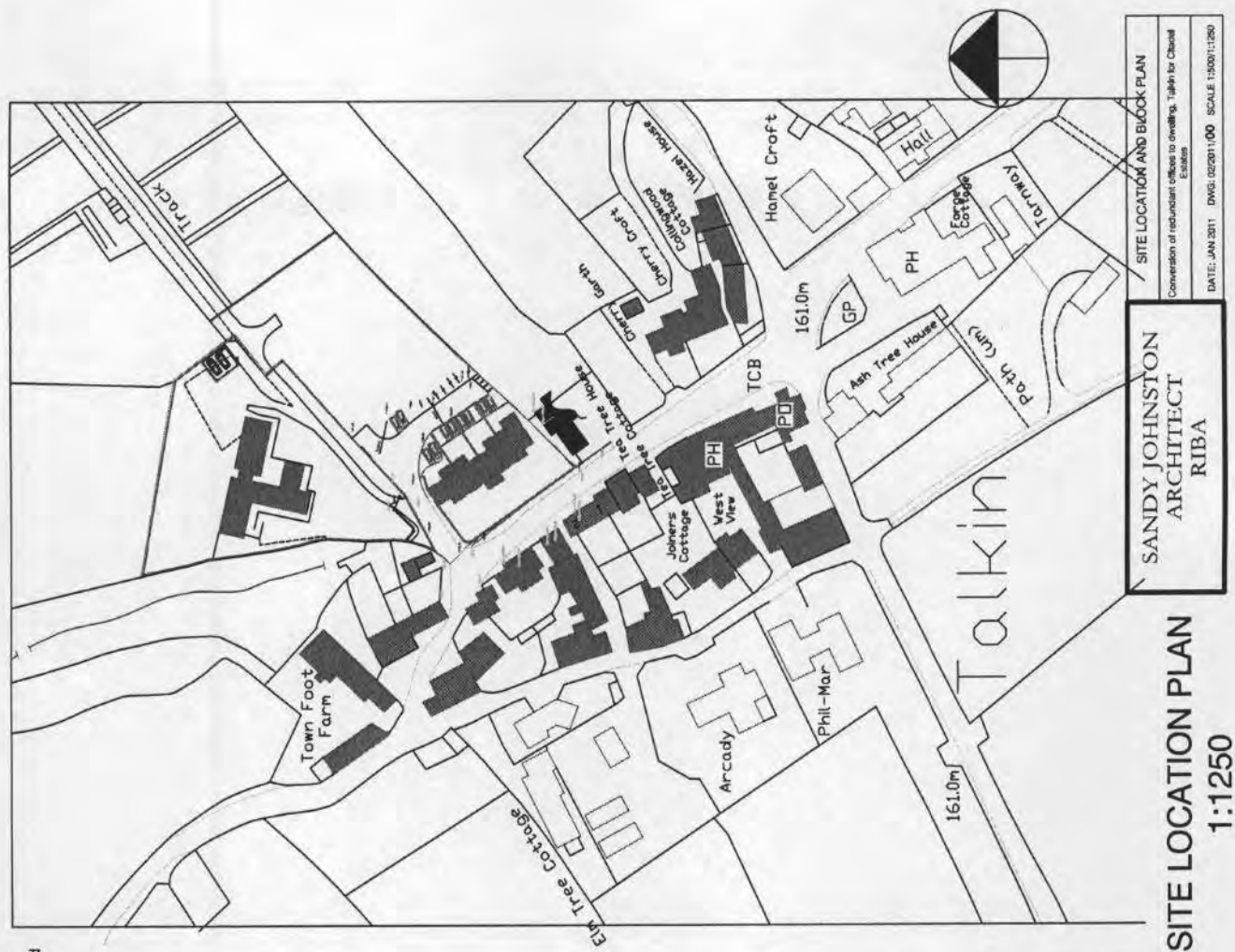
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) there shall be no enlargement or external alterations to the dwelling unit to be formed in accordance with this permission, within the meaning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

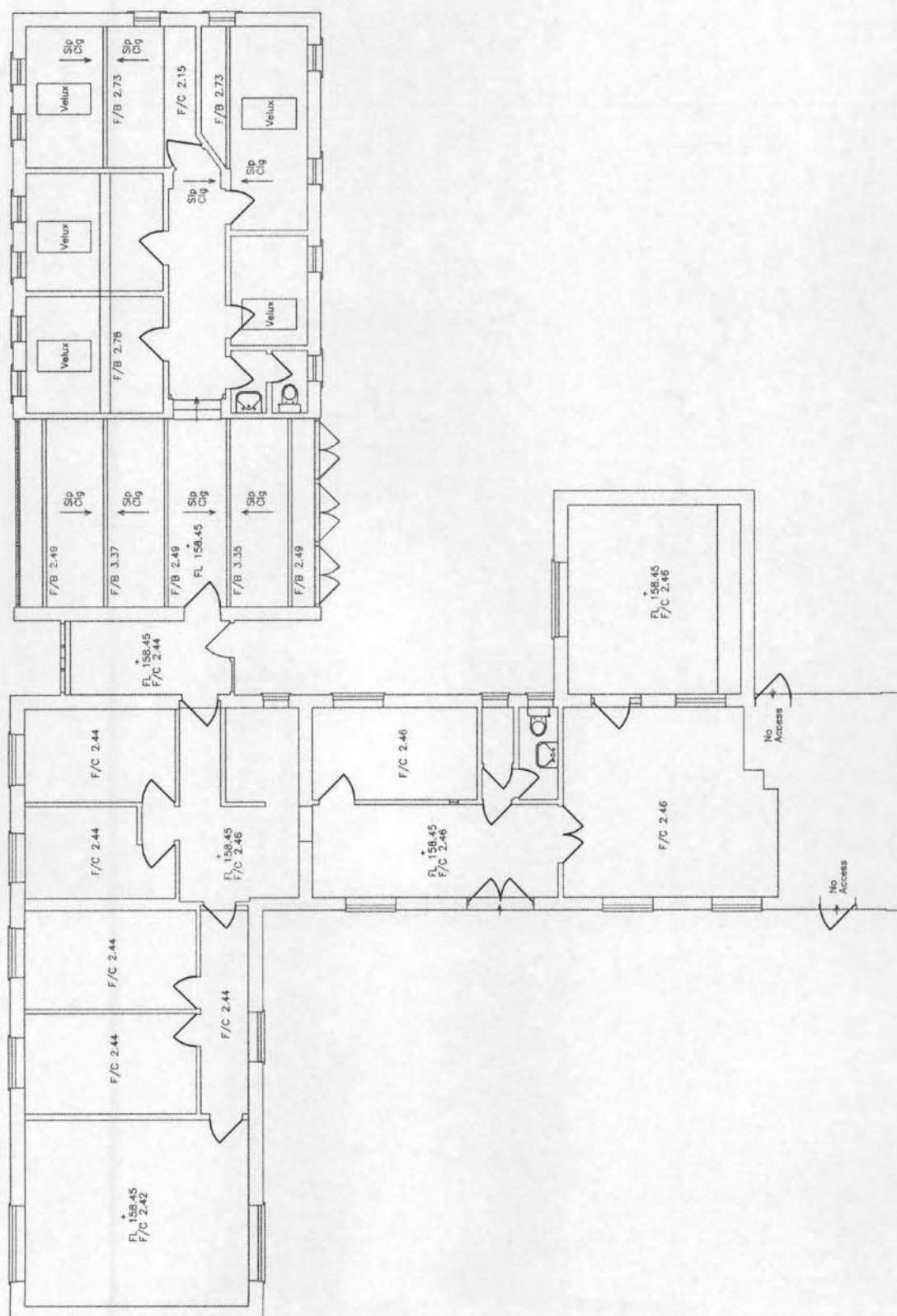
**Reason:** To ensure that the character and attractive appearance of the area is not harmed by inappropriate alterations and/or extensions and that any additions which may subsequently be proposed satisfy the objectives of Policy DP10 of the Carlisle District Local Plan 2001-2016.

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

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

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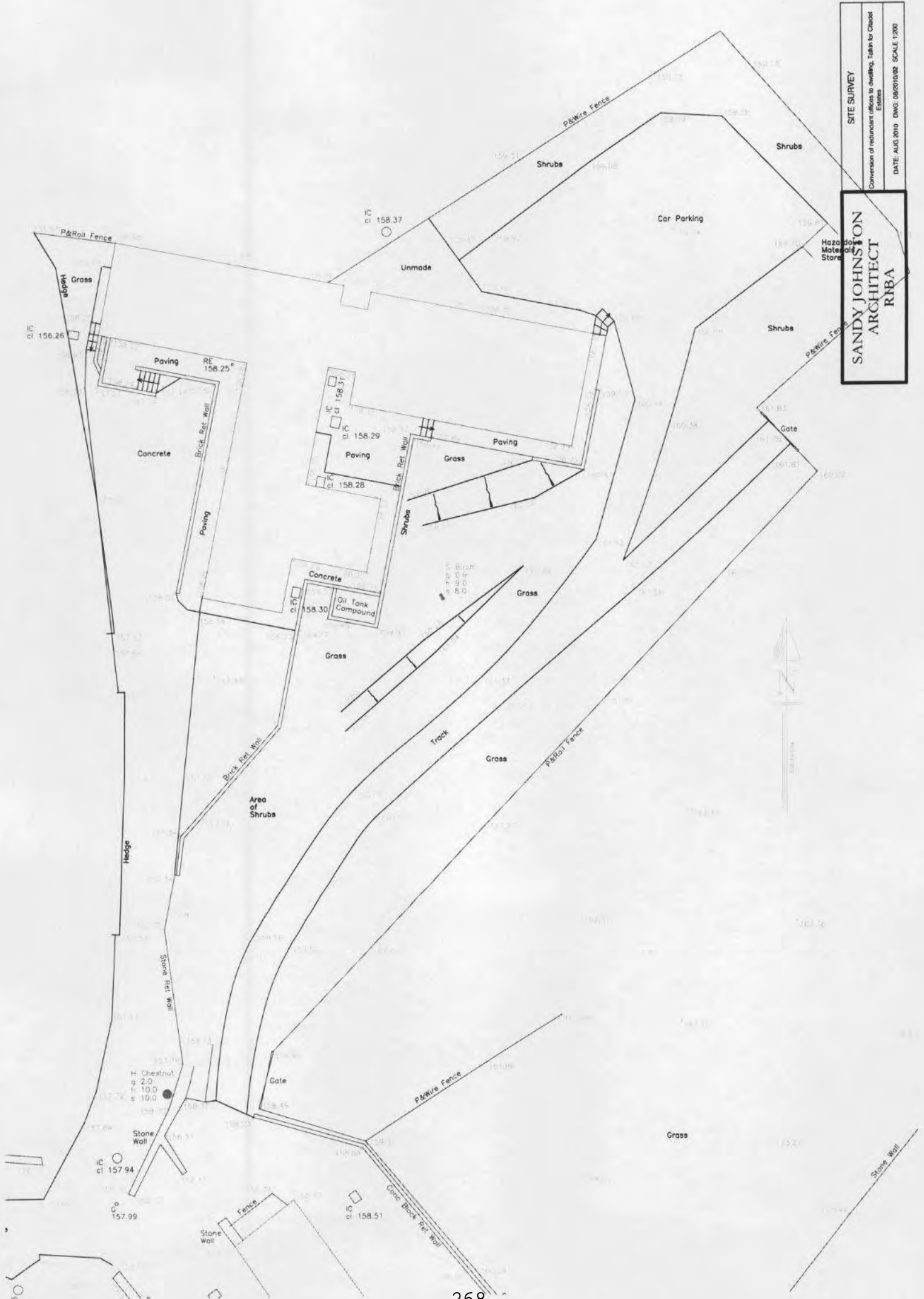


SITE SURVEY

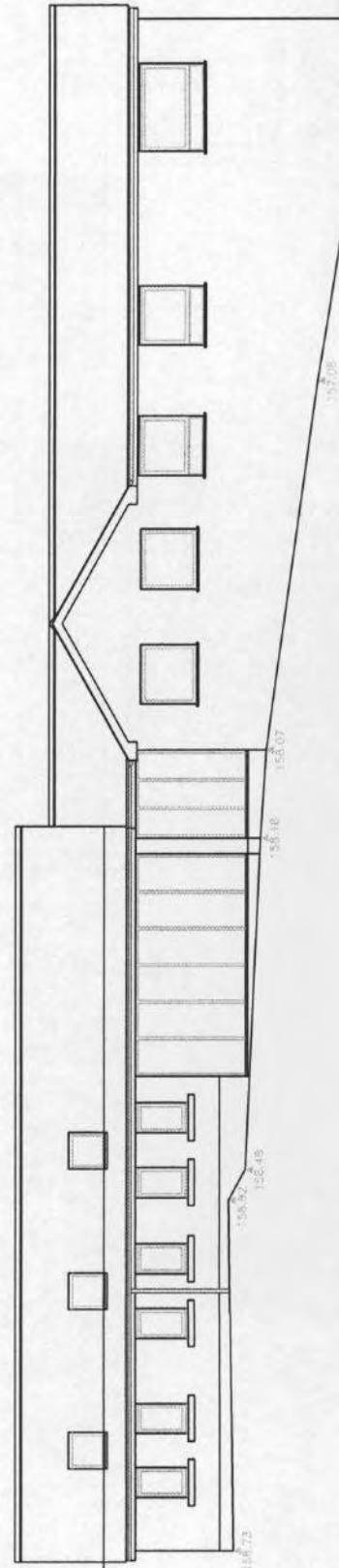
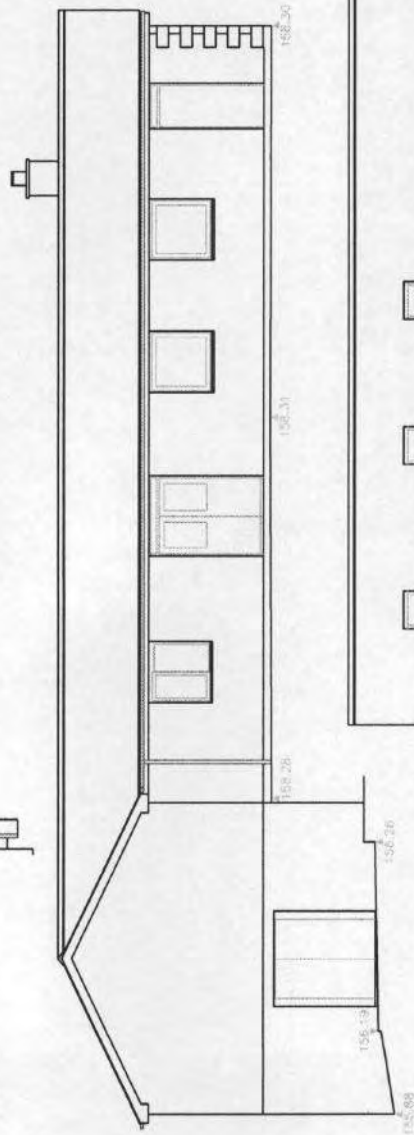
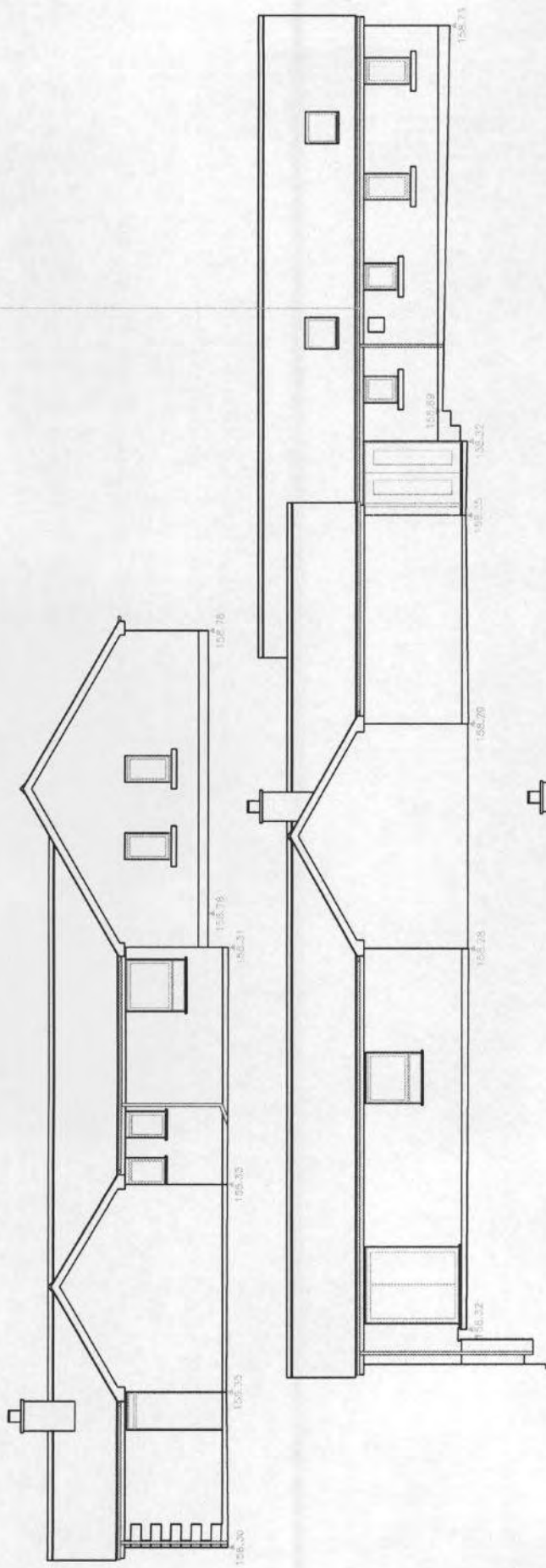
Conversion of redundant offices to dwelling, Tain for Chapel  
Estates

DATE: AUG 2010 DWG: 08/2010/02 SCALE: 1:200

SANDY JOHNSON  
ARCHITECT  
RIBA





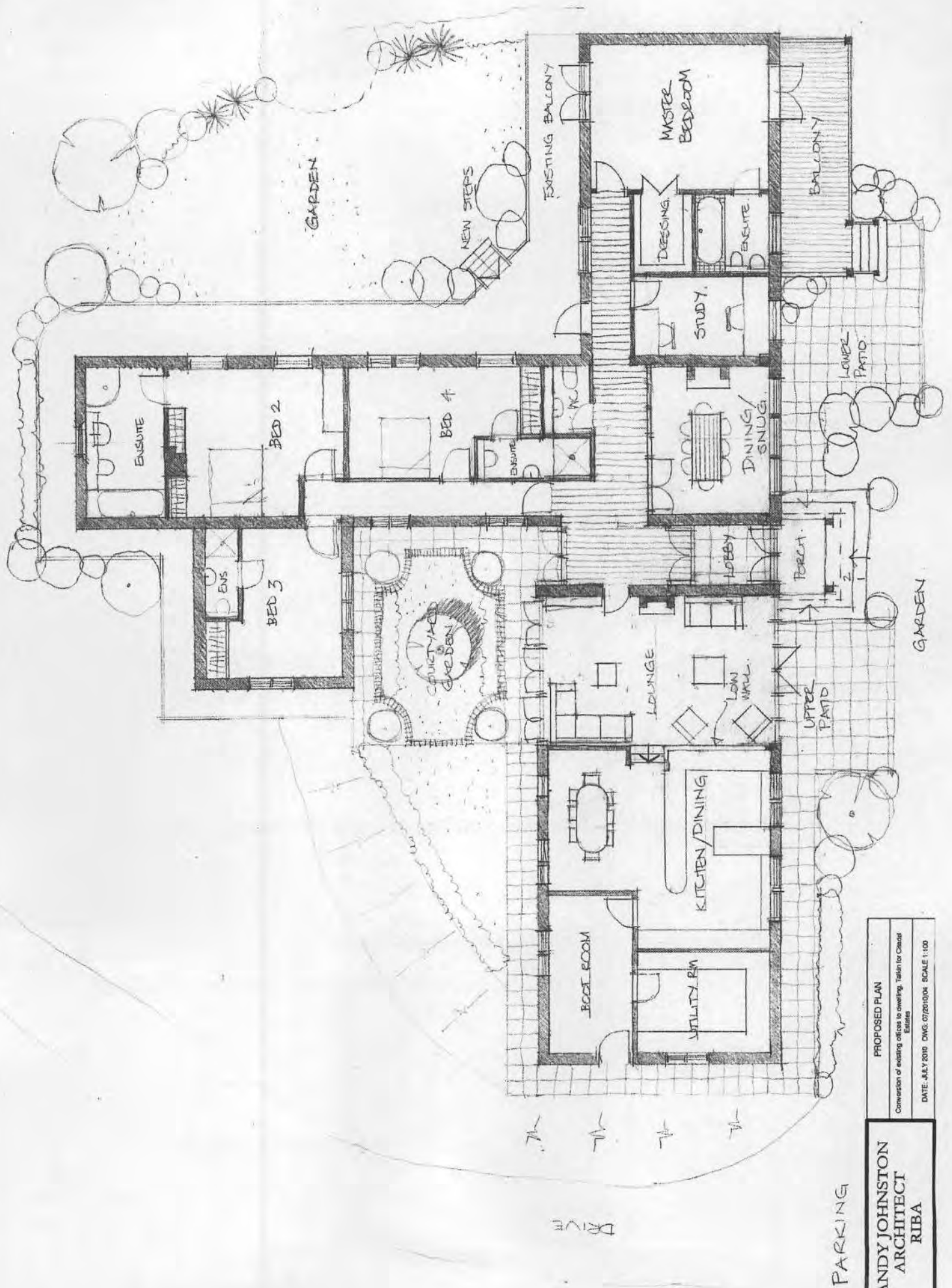


ABOVE ORDNANCE DATUM

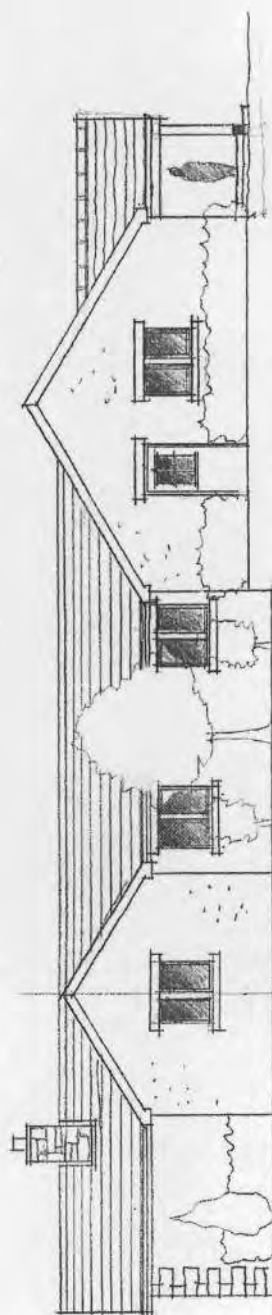
SANDY JOHNSTON  
ARCHITECT  
RIBA

EXISTING ELEVATIONS

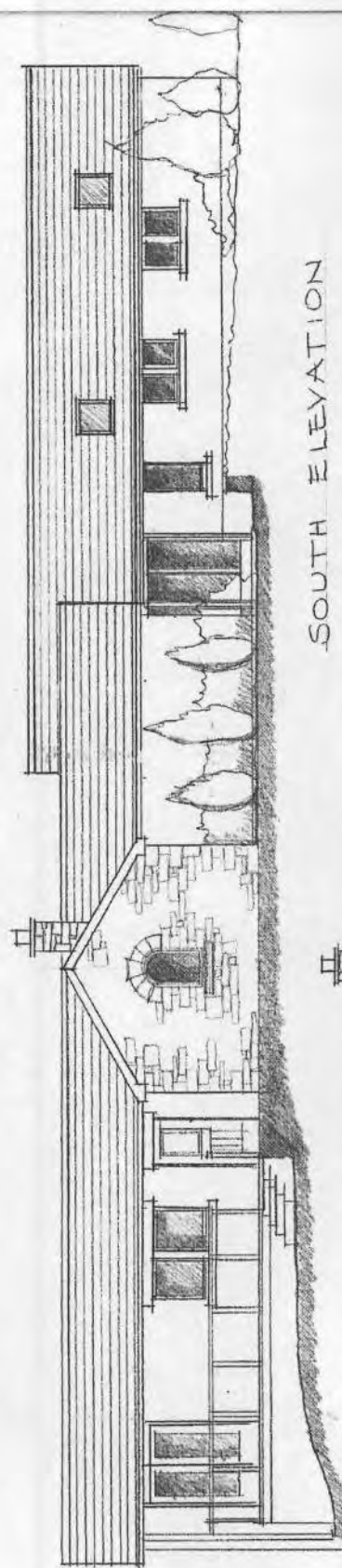
Conversion of redundant offices to dwelling, Telford for Clodd Estates  
DATE: JULY 2010 DWG: 07/2010/03 SCALE 1:100



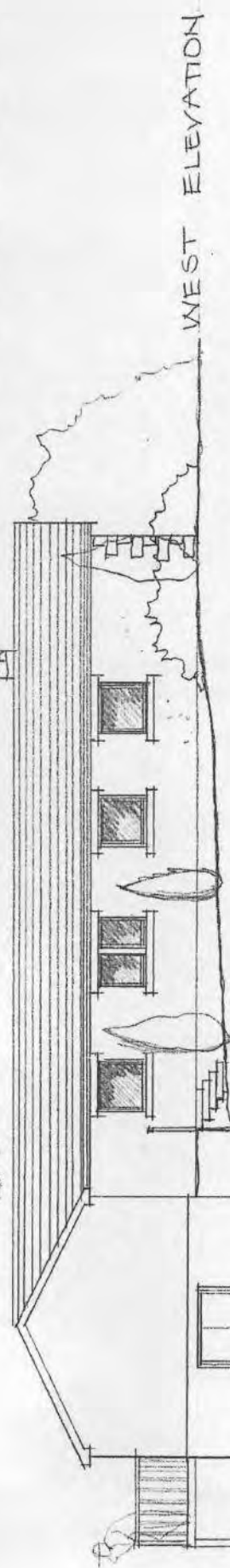




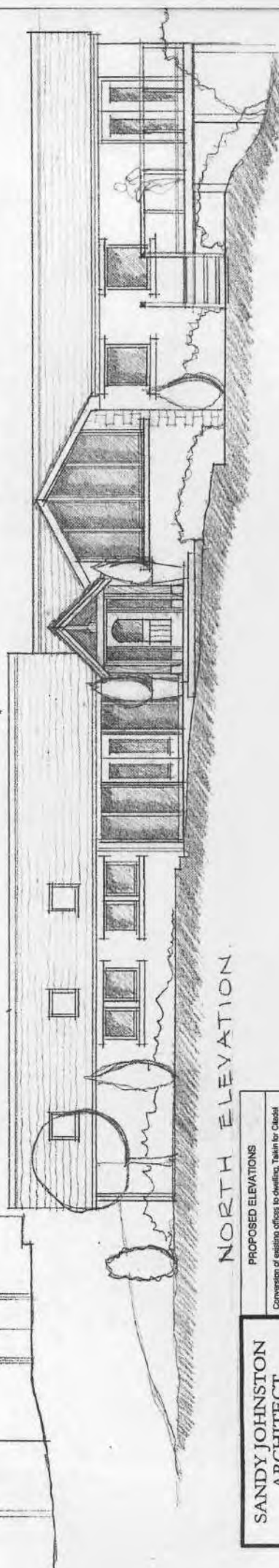
EAST ELEVATION



SOUTH ELEVATION

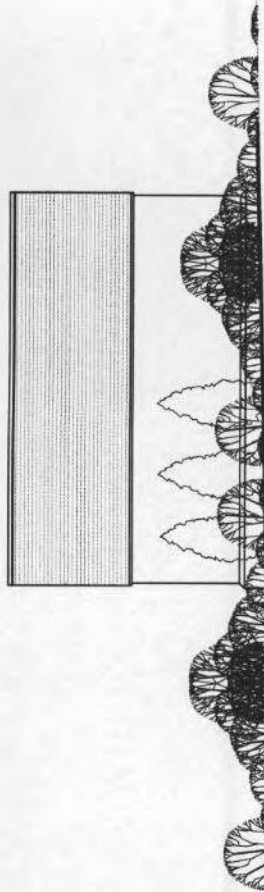


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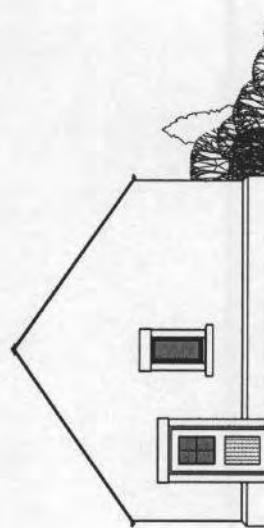


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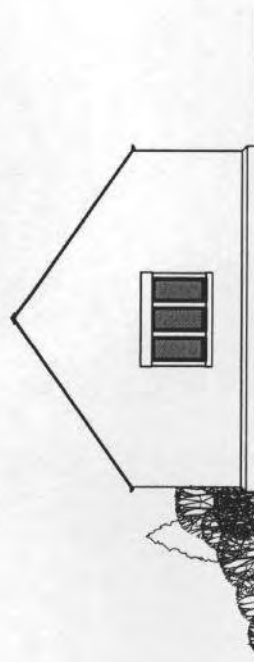
<p><b>SANDY JOHNSTON</b>  <b>ARCHITECT</b>  <b>RIBA</b></p>	<p>PROPOSED ELEVATIONS</p>
	<p>Conversion of existing offices to dwelling, Taitlin for Clodai Estates</p>
	<p>DATE: JULY 2010 DWG: 02/201006 SCALE 1:100</p>



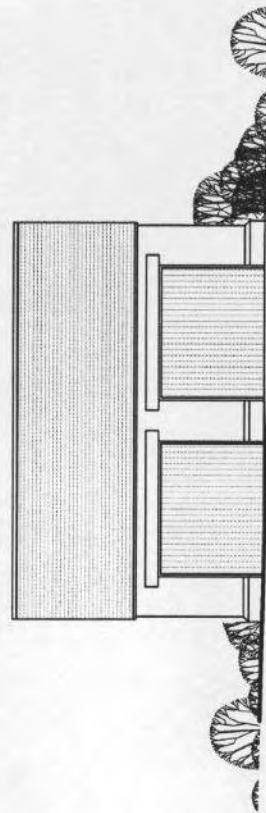
North-East Elevation



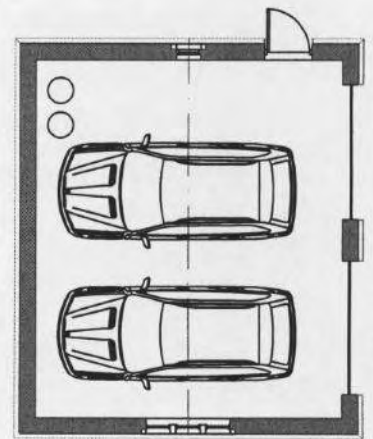
South-East Elevation



North-West Elevation



South-West Elevation



PLAN OF GARAGE 1:100

SANDY JOHNSTON  
ARCHITECT  
RIBA

PLANS AND ELEVATIONS OF GARAGE

Conversion of redundant office to dwelling, 1 John for Charles  
Estates

DATE: JAN 2011 DWG: 02/2011/07 SCALE 1:100

## SCHEDULE A: Applications with Recommendation

11/0143

Item No: 12

Date of Committee: 15/04/2011

**Appn Ref No:**  
11/0143

**Applicant:**  
Chris Nichol Construction

**Parish:**

**Date of Receipt:**  
22/02/2011 13:00:27

**Agent:**  
Richard Dryell Architect

**Ward:**  
Upperby

**Location:**  
Garth House, St. Ninian's Road, Upperby, Carlisle

**Grid Reference:**  
341134 553540

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

**Amendment:**

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### REPORT

**Case Officer:** Barbara Percival

### Reason for Determination by Committee:

The application is brought before Members of the Development Control Committee as more than four third party objections have been received.

### 1. Constraints and Planning Policies

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

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

#### **Waste Disposal Site**

The proposal site is within or adjacent to a Waste Disposal Site.

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

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

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

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

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

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

**Local Plan Pol H9 - Backland Development**

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

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

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

**Local Environment (former Community Services) - Drainage Engineer:** no comments received during the consultation period;

**United Utilities - (for water & wastewater comment) see UUES for electricity dist.network matters:** no objection to the proposed development. If possible this site should be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the soakaway/watercourse/surface water sewer and may require the consent of the Environment Agency. If surface water is allowed to be discharged to the public surface water sewerage system UU may require the flow to be attenuated to a maximum discharge rate determined by UU;

**Local Environment - Environmental Protection (former Comm Env Services- Env Quality):** no objection subject to the imposition of a condition;

**Northern Gas Networks:** no comments received during the consultation period.

## **3. Summary of Representations**

### **Representations Received**

Initial:	Consulted:	Reply Type:
9 St Ninian's Road	28/02/11	Objection
159 Upperby Road	28/02/11	
161 Upperby Road	28/02/11	
163 Upperby Road	28/02/11	
1 Hugh Little Garth	28/02/11	
2 Hugh Little Garth	28/02/11	
3 Hugh Little Garth	28/02/11	
40a Manor Road	28/02/11	
3 St Ninians Court	08/03/11	
4 St Ninians Court	08/03/11	Objection
5 St Ninians Court	08/03/11	

6 St Ninians Court	08/03/11	
11 St Ninian's Road	28/02/11	Objection
19 St Ninian's Road	28/02/11	
21 St Ninian's Road	28/02/11	
16 St Ninian's Road	28/02/11	
18 St Ninian's Road	28/02/11	
20 St Ninian's Road	28/02/11	
22 St Ninian's Road	28/02/11	

- 3.1 This application has been advertised by the direct notification of nineteen neighbouring properties and the posting of a site notice and press notice. In response, three letters of objection has been received with several neighbours visiting the Customer Contact Centre expressing their concerns.
- 3.2 The letters identifies the following issues:
1. the development would overshadow, reduce light and be overbearing.
  2. the development would overlook their properties and rear garden areas. The existing garden of Garth House is bounded by a building which as a rustic brick and stone wall which screens the development site form their gardens.
  3. the development would increase traffic movements along St Ninians Road. Pedestrians walking east to west on the north side of St Ninians Road would have no visible awareness of vehicles exiting the site.
  4. existing on-street parking would be reduced by the creation of the access exacerbating current parking problems.
  5. concerned about the potential for noise, dust, disturbance and general loss of amenity that the proposed development would bring.
  6. overall scale and massing of the proposal in the grounds of Garth House in unacceptable.

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

- 4.1 There is no relevant planning history.

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

##### **Introduction**

- 5.1 Garth House and its associated outbuildings, the subject of this application, are located on the northern side of St Ninians Road between the junctions of Upperby Road and St Ninians Court. The property is a large two storey detached dwelling, set in extensive grounds (approximately 0.143 hectares),

finished in painted render under a slate roof. The site is bounded to the north, south and west by two storey residential properties located on Hugh Little Garth, St Ninians Road and Upperby Road respectively. Immediately to the east of the entrance to the site is another two storey residential property, 19 St Ninians Road with an electricity substation, 21 St Ninians Road (a detached bungalow) and the gardens of 4 St Ninians Court (a first floor flat) beyond.

## **Background**

- 5.2 The application seeks Outline Planning Permission for the erection of a pair of semi-detached houses, a detached house together with the sub-division and extension of Garth House to create two dwellings. As previously highlighted, the application is in outline, and as such the submitted drawings are indicative only. However, the submitted drawings illustrate the demolition of single storey outbuildings along the south western boundary and the erection of a detached dwelling (Plot 1) in the south western corner of the site. The boundary wall along this part of the site will be retained and renovated, where necessary, at its existing height. Plots 2 and 3, a pair of semi-detached dwellings, would be located in the north eastern corner of the site.
- 5.3 The submitted Design and Access Statement together with the drawings illustrate that the accommodation provided in each of the proposed new build dwellings would comprise of a porch, w.c., living room, kitchen and dining room with 3no. bedrooms and bathroom above. The proposed dwellings would be finished in brown/red facing brickwork and render, grey plain interlocking roof tiles with uPVC windows and doors, in keeping with other properties within the immediate vicinity.
- 5.4 Works to Garth House would involve the partial demolition and rebuilding of the north eastern gable elevation, to facilitate improved vehicular access and parking, together with a two storey extension on the north western elevation to create 2no. three bed units. The existing access serving the application site would be widened and the visibility splays improved by the lowering of the existing boundary wall along the southern boundary of the site.

## **Assessment**

- 5.5 The relevant planning policies against which the application is required to be assessed are Policies DP1, CP3, CP5, CP12, H1, H2, H9 and T1 of the Carlisle District Local Plan 2001-2016.
- 5.6 The proposals raise the following issues:
1. Whether The Principle of Development Is Acceptable
- 5.7 The application site is within the urban area of Carlisle and identified as a Primary Residential Area in the adopted Local Plan. As such, the principle of residential development is acceptable, subject to compliance with the criteria identified in Policy H2 and other relevant Local Plan policies.

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

- 5.8 When assessing the character of the area, it is evident that there are a variety of properties of differing ages and styles. The topography of the application site and adjacent land is such that it gradually rises to the north, with existing residential properties occupying elevated positions within the streetscene. As previously outlined, the proposal seeks the sub-division of Garth House into two dwellings with the erection of 3 no. dwellings within its grounds, using materials sympathetic to other residential properties within the immediate vicinity. Furthermore, the proposal would achieve adequate amenity space and off-street parking for all of the proposed dwellings.
- 5.9 Given that there is already a mix of types of dwellings at differing levels within the immediate vicinity, the resultant impact on the streetscene would not be obtrusive or detrimental to the character of the area. In summary, the scale and massing of the proposed dwellings together with the sub-division of Garth House is comparable to the existing properties within the immediate vicinity. Accordingly, the development would not form a discordant feature within the street scene.

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

- 5.10 Objections have been received from the occupiers of neighbouring properties citing loss of privacy, overshadowing and highway safety. The location of the dwellings, shown on the indicative layout plan, achieve the adequate separation distances between existing and proposed dwellings, thereby, minimising any significant adverse impact on the living conditions of the occupiers of any neighbouring properties through loss of light, loss of privacy or over-dominance. Furthermore, the boundary wall along the western boundary is to be retained and renovated which would partially obscure the development site when viewed from the east.
- 5.11 Objections have also been received in respect of the potential of the development to create a noise and dust nuisance. These matters would be dealt with under Environmental Health Legislation; however, given the proximity of the site to neighbouring properties it is reasonable to include a condition restricting working hours.

## 4. Impact Of The Proposal On Highway Safety

- 5.12 Several occupiers of neighbouring properties have also raised objections in respect of highway safety and existing on-street parking problems. Members should be aware, however, the proposal includes alterations to the existing vehicular access serving Garth House thereby providing adequate access and off-street parking within the curtilage of the application site.
- 5.13 Following normal practice consultation has been undertaken with the Highway Authority. The Highway Authority do not object to the proposal subject to the

imposition of a condition ensuring that the access and parking provision within the site shall be substantially met prior to construction works commencing.

- 5.14 The local resident's concerns regarding highway safety and parking problems are noted; however, since the Highway Authority do not share these concerns it is the Officers view that a refusal of the application on this basis could not be substantiated.

## **Conclusion**

- 5.15 The application site is within the urban area of Carlisle, as such the principle of development is acceptable. The scale, design and use of materials in the proposal would positively contribute to the character of the area, with adequate car parking, access and amenity space provided within the curtilage of the site. Furthermore, the dwellings could be accommodated within the site without resulting in any demonstrable harm to the living conditions of the occupiers of neighbouring residential dwellings.
- 5.16 The application is recommended for approval, as it is considered that the proposal is compliant with the objectives of the adopted Local Plan policies.

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

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

1. In case of any "Reserved Matter" application for approval shall be made not later than the expiration of 1 year beginning with the date of this permission, and the development shall be begun not later than whichever is the later of the following dates:
  - i) The expiration of 3 years from the date of the grant of this permission, or
  - ii) The expiration of 2 years from the final approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.

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

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



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

3. The approved documents for this Outline Permission comprise:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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**REVISIONS:**  
Rev Date Amendments

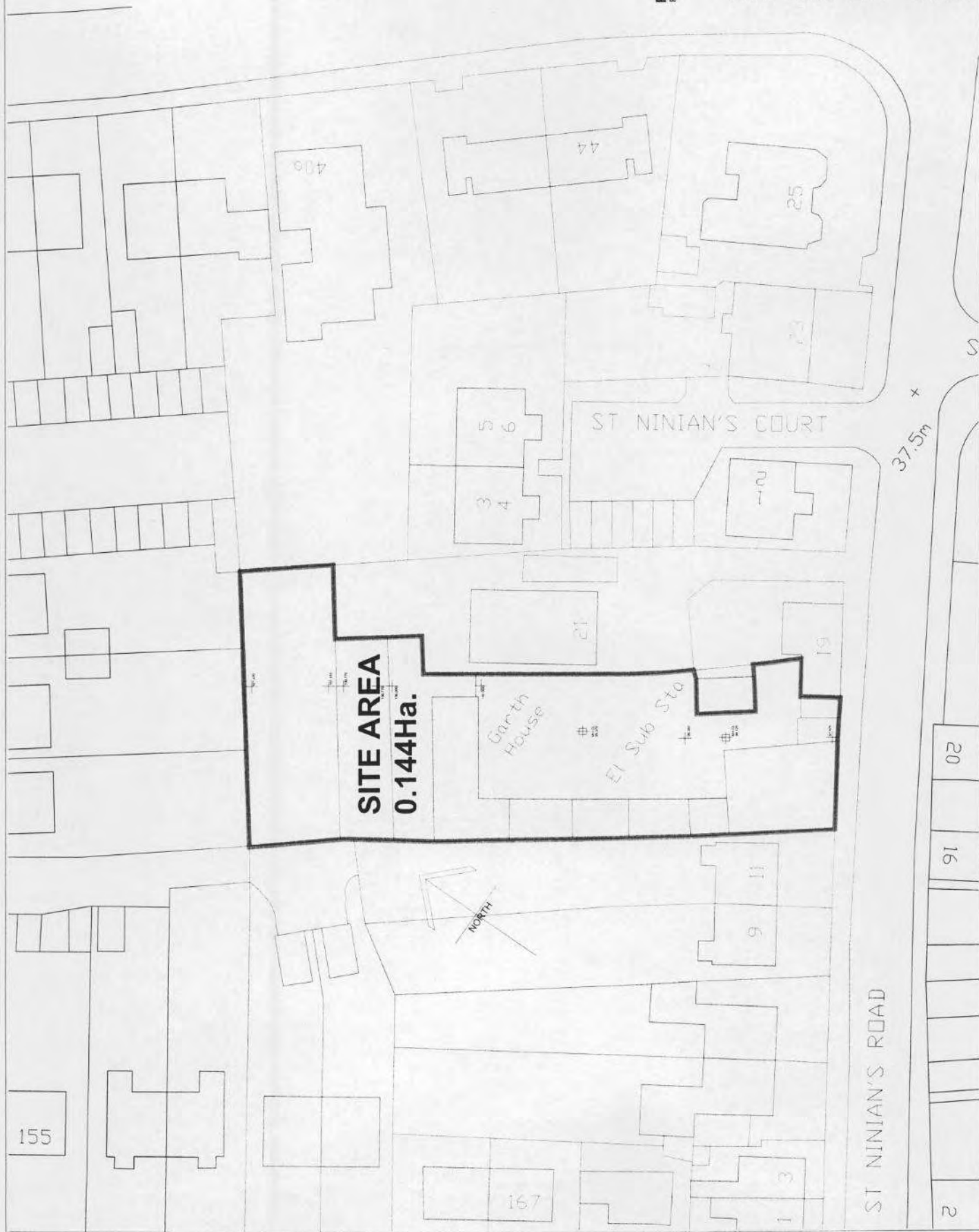
**CLIENT**  
CHRIS NICHOL  
CONSTRUCTION LTD

**JOB**  
NEW HOUSING,  
ST NINIANS RD  
UPPERBY, CARLISLE

**DRAWING**  
LOCATION PLAN

**SCALE** **DATE**  
1:1250 @ A4 10.12.10

**DRAWING NO**  
SNUC/CN/PF/11



**REVISIONS:**  
Rev Date Amendments

**CLIENT**  
CHRIS NICHOL  
CONSTRUCTION LTD

**JOB**  
NEW HOUSING,  
ST NINIANS RD  
UPPERBY, CARLISLE

**DRAWING**  
SITE LAYOUT  
AS EXISTING

**SCALE** 1:200 @ A1  
**DATE** 10.12.10

**DRAWING NO**  
SNUC/CN/PF/10

DO NOT SCALE THIS DRAWING

**REVISIONS:**  
Rev Date Amendments  
A 06/03/2011 Revised drawing to show the proposed site area  
B 06/03/2011 Revised drawing to show the proposed site area  
C 06/03/2011 Revised drawing to show the proposed site area

**CLIENT**  
CHRIS NICHOL  
CONSTRUCTION LTD

**JOB**  
NEW HOUSING,  
ST NINIAN'S RD  
UPPERBY, CARLISLE

**DRAWING**  
SITE LAYOUT  
AS PROPOSED  
(GROUND FLOOR PLANS)

**SCALE** 1:200 @ A1  
**DATE** 24.01.2011  
**DRAWING NO** SNUC/NIPF/22 Rev C





**CLIENT**  
CHRIS NICHOL  
CONSTRUCTION LTD

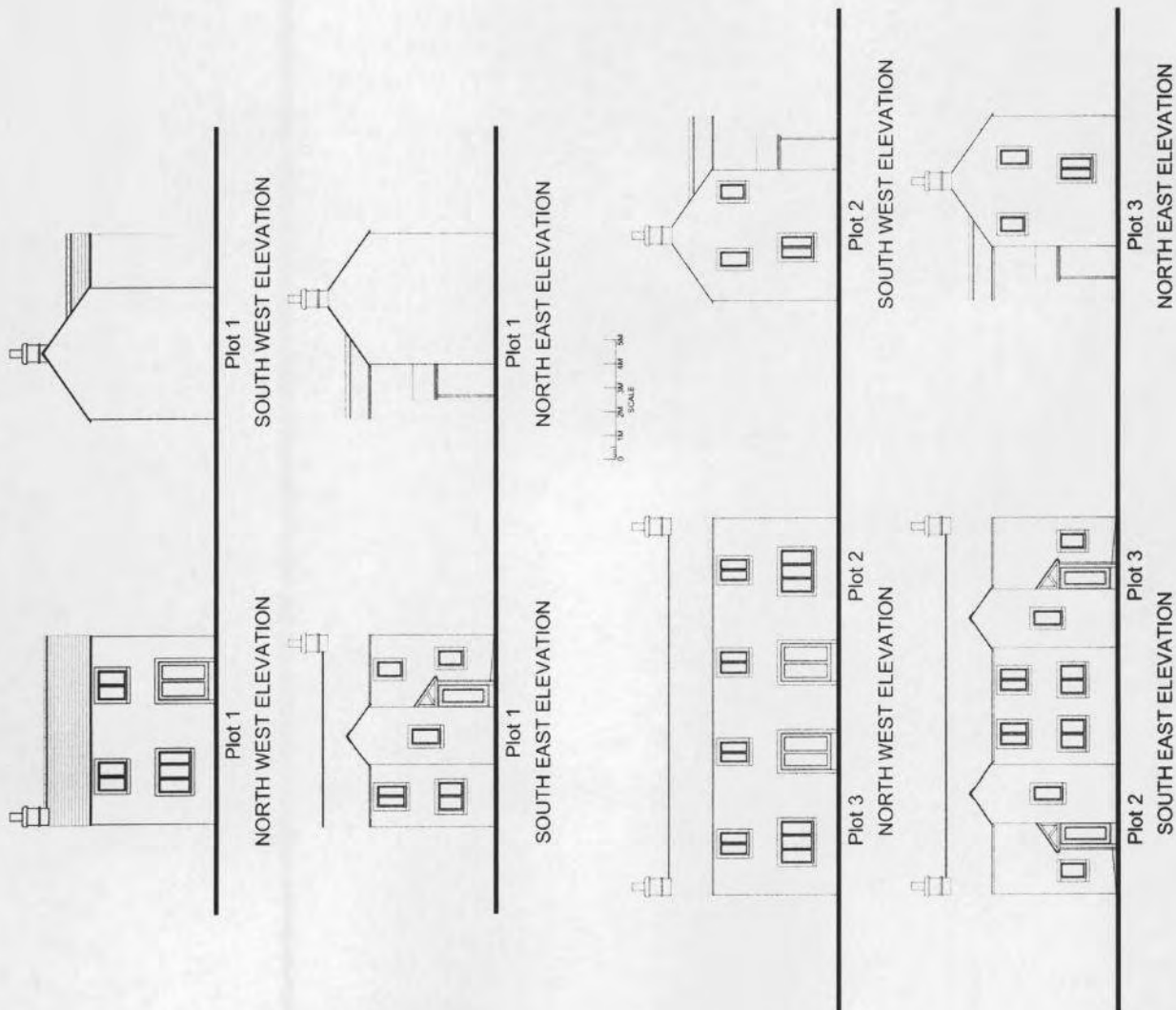
**JOB**  
NEW HOUSING,  
ST NINIAN'S RD  
UPPERBY, CARLISLE

**DRAWING  
SITE LAYOUT  
AS PROPOSED  
(FIRST FLOOR PLANS)**

**SCALE**  
1.200 @ A1

**DRAWING NO**  
**SNUC/CN/PF/23 Rev A**





**REVISIONS:**

Rev Date Amendments  
4 16/01/2011 Revised Elevation Drawings / Feedback

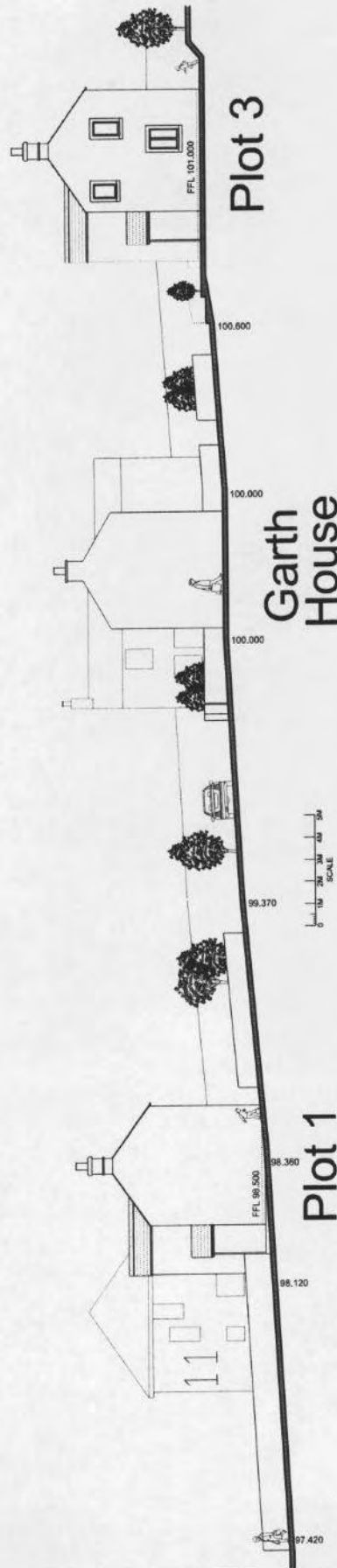
**CLIENT**  
CHRIS NICHOL  
CONSTRUCTION LTD

**JOB**  
NEW HOUSING,  
ST NINIANS RD  
UPPERBY, CARLISLE

**DRAWING**  
INDICATIVE ELEVATIONS

**SCALE** **DATE**  
1:100 @ A1 24.01.2011

**DRAWING NO**  
SNUC/CN/PF/24 REV A



**REVISIONS:**  
Rev Date Amendments  
A 24.01.2011 Plot 1 Layout amended to Plot 2 & 3

**CLIENT**  
CHRIS NICHOL  
CONSTRUCTION LTD

**JOB**  
NEW HOUSING,  
ST NINIANS RD  
UPPERBY, CARLISLE

**DRAWING**  
INDICATIVE SECTION  
THROUGH THE SITE

**SCALE** **DATE**  
1:100 @ A1 24.01.2011  
**DRAWING NO**  
SNUC/CN/PF/25 Rev A



## SCHEDULE A: Applications with Recommendation

10/0577

Item No: 13

Date of Committee: 15/04/2011

**Appn Ref No:**  
10/0577

**Applicant:**  
Citadel Estates Ltd.

**Parish:**  
Brampton

**Date of Receipt:**  
22/06/2010

**Agent:**  
Holt Planning Consultancy

**Ward:**  
Brampton

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

**Grid Reference:**  
354388 558357

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

**Amendment:**

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### REPORT

**Case Officer:** Angus Hutchinson

### Reason for Determination by Committee:

#### 1. Constraints and Planning Policies

##### **Tree Preservation Order**

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

##### **Site Of Nature Conservation Significance Public Footpath**

The proposal relates to development which affects a public footpath.

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

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

##### **Local Plan Pol DP10 - Landscapes of County Importance**

##### **Local Plan Pol CP1 - Landscape Character**

##### **Local Plan Pol CP2 - Biodiversity**

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

**Local Plan Pol CP5 - Design**

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

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

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

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

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

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

**Local Plan Pol EC13-Sustaining Rural Facilities&Services**

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

**Local Plan Pol H5 - Affordable Housing**

**Local Plan Pol H6 - Rural Exception Sites**

**Local Plan Pol H8 - Conversion of Existing Premises**

**Local Plan Pol IM1 - Planning Obligations**

**Local Plan Pol LE3 - Other Nature Conservation Sites**

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

**Cumbria County Council - (Highway Authority):** facilities within walking distance are minimal and there is no bus service provided. The lack of facilities and public transport will mean that virtually all journeys to and from the development will be car bourne. As there is no alternative to the car, it is likely that car ownership will be higher than average and therefore the movements to and from the site will be significantly higher than the existing use. The proposal is therefore contrary to the aims of promoting accessibility and contrary to the intentions of Government Policy.

As you are aware the above concerns are normally not applied to holiday lets in open countryside, but it does apply to residential dwellings where people can be expected to make necessary journeys on a daily basis throughout the year.

Apart from the above "policy" objection to this application, the applicant has not indicated that the change in parking this application will engender has been taken into account. The applicant will therefore have to justify that there is sufficient parking for this change of use to be accommodated. The information submitted on

the parking element is therefore inadequate and the applicant should be invited to revisit this element.

I can confirm that this Authority recommends refusal to this application for the aforementioned reasons.

**Cumbria Constabulary - North Area Community Safety Unit (formerly Crime Prevention):** no observations or comments to offer in respect of this application.

**Local Environment, Green Spaces - Countryside Officer - Rural Area:** public footpath 105033 must be kept open across its full width to the public at all times during and after development.

**Brampton Parish Council:** object to this proposal; the premises should be preserved as an amenity for use by the local community and visitors.

**Property Services:** fundamentally we looked at two questions:

- 1). Viability of building for hotel/holiday lets use, can it be demonstrated that a competent operator could make a return from that building.
- 2). Marketing – was the marketing approach “real”.

In terms of viability, there is still a market for hotels & holiday lets even in the current market. Operators would still be interested in this type of delivery having ascertained the costs of development including the purchase price. Key issue as ever would be price.

Moving on to marketing now. Assuming that Hyde Harrington’s report is genuine, it indicates a reasonable approach to the marketing of the building. The only criticisms would be the failure to advertise in a specialist Hotel/catering publication; and the preference to see simply “offers invited”, to illicit all potential interest in the property rather than “reasonable offers”, which instantly begs the question what is a reasonable offer?

It has to be accepted that in the current market that demand for this type of use will be depressed and as with anything this impacts on price. Hyde Harrington have not revealed the level of the offer made, merely indicating that an offer was put forward.

However, the email from Penny Cowper, again taken at face value appears to conflict with Hyde Harrington’s report. Ms Cowper mentions an asking price of £750,000, and also comments purporting from Hyde Harrington that “several other offers but these were rejected as they fell well short of the asking price of £750,000”. Ms Cowper also suggests that gaining access to the property was difficult. Ms Cowper advises that they submitted an offer of £400,000 although it is unclear whether it was their intention to use the property as holiday lets or as a hotel, restaurant, cafe etc – however it is clear that their proposed use was not as a private residence as indicated in Hyde Harrington’s report, there is clearly a conflict here between the two pieces of evidence. Taking the e-mail again at face value it would appear to show that there is demand for a commercial use whether that be holiday lets or a hotel.

The e-mail from JWA accountants dated 14 July 2010, which encloses a copy letter to Citadel Estates submitting an offer of £450,000 for the freehold of Tarn House Hotel, with the intention of using the property for a hotel, restaurant and holiday lets. Again assuming the letter to be genuine, it indicates that there is demand for the building from the commercial sector, namely hotel/holiday lets and that the development would appear to be financially viable.

In conclusion, there is clearly conflict between the interpretation of events by Hyde Harrington and Ms Cowper, however there would appear to be interest in the property both from the Cowpers' and also Mr Mills, both of whom would be looking at utilising the property for hotel/holiday lets.

**Housing Services:** in assessing the application in respect of affordable housing, one needs to consider policy H5 of the local plan, which requires that in the rural area, there is a required affordable housing contribution of 10% from plans that have 3-9 units. We would therefore be looking for 1 of the 8 dwellings to be an affordable property.

Affordable housing tenures are defined in Planning Policy Statement 3, but we generally aim to secure either discounted sale or social rented tenure. In this specific case, we would look for a discount of 30% on the property for general sale.

Should, despite a 30% discount on the market value, the property still be unaffordable (calculated by comparing the market value with local salary and house price data) to local people then we would have to consider other options, for example a commuted sum.

There is a clear housing need for affordable housing in the rural east area of Carlisle. The district housing survey of 2006 found that, in order to meet housing needs in Rural Carlisle East, 106 units of affordable housing were required per year for the subsequent five years. The Carlisle rural east Strategic Housing Market Assessment of 2009 states that earnings to property price ratios in this area were 7.6. With the government recommending that sensible mortgage borrowing should not exceed 2.9 x joint household income and 3.5 x a single household income, this clearly is above the recommend mortgage borrowing, highlighting the need for lower priced housing.

It could be argued that, given the existing holiday dwellings are located in an area which, for development purposes, can be defined as a rural exception site, arguably policy H6 in the Local Plan should be taken into consideration and applied here. Policy H6 states that proposals for residential development may be permitted in such a site so long as 1) the proposal is for local low cost affordable housing, 2) is secured for perpetual affordability and 3) well related to a settlement where the need has been identified. With this policy, all 8 dwellings would need to be low cost affordable housing.

However, for rural exception sites, localised housing needs evidence is required. There is certainly a need in the Brampton area for affordable housing, for which we have Strategic Housing Market Area information and an older Brampton survey. However if planning require more localised housing needs information to justify

residential occupation, the applicant will have to fund a local housing needs survey. This should be carried out by the Cumbria Rural Housing Trust, or similar organisation.

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

#### **Representations Received**

Initial:	Consulted:	Reply Type:
Banksfoot Farm	28/06/10	
The Howard,	28/06/10	
Hallgarth	28/06/10	
5 Irthing Park	28/06/10	
Park House	28/06/10	
Office Cottage	28/06/10	
25 Carlisle Road	28/06/10	
Capon Tree House	28/06/10	
Kelicksim	28/06/10	
Ash Tree Barn	28/06/10	Petition
The Heugh	28/06/10	
Banks House	28/06/10	
The Heugh	28/06/10	
Rose Cottage	28/06/10	Objection
The Sycamores	28/06/10	
11 Fieldside	28/06/10	
The Parsonage	28/06/10	Objection
Keepers Barn	28/06/10	Objection
Garden House	28/06/10	
Turnberry House	28/06/10	
The Old Rectory	28/06/10	
Briar Cottage	28/06/10	Objection
8 Carricks Court	28/06/10	
Hare Craft	28/06/10	
Thorn tree	28/06/10	
Belmont	28/06/10	
12 Greenhill	28/06/10	
The Shielling	28/06/10	Objection
Briar Cottage	28/06/10	
The Shielling	28/06/10	
2 Fosseyway	28/06/10	
Stone house	28/06/10	
15 Berrymoor Road	28/06/10	Objection
Ellencroft	28/06/10	
Saughtreegate	28/06/10	
The Green	28/06/10	Objection
1 St Martins Court	28/06/10	Objection
134 Dacre road	28/06/10	
8 Fell View	28/06/10	
Glendhu	28/06/10	
10 Park Terrace	28/06/10	
Great Easby Farm	28/06/10	
Woodbine Cottage	28/06/10	
3 Greenhill	28/06/10	
Cotehill Farm	28/06/10	
Cotehill Farm	28/06/10	
Ash Tree House	28/06/10	
Eden Holme	28/06/10	

Pinfold	28/06/10	
Kirkhouse		Objection
Yew Tree Chapel		Objection
Town Foot Cottage		Objection
75 Main Street		Objection
5 Chandler Lane		Objection
12 Grammer Street		Objection
7 Albert Terrace		Objection
20 Adelphi Terrace		Objection
62 Newholme Avenue		Objection
Woodbine Cottage		Objection
Woodbine Cottage		Objection
4 St Michaels Court		Objection
14 Carvoran Way		Objection
The Old Chapel		Objection
15 Chaple House Caravan Park		Objection
11 Lancaster Street		Objection
Rose Cottage		Objection
Maplewood		Support
Talkin Head		Objection
Corner House		Objection
		Comment Only
Domaine de Grais		Objection
1 Woodend Cottage		Objection
1 Croft Park		Comment Only
Linden Cottage		Objection
Philmar		Objection
Collingwood Cottage		Objection
Arcady		Objection
Brentwood		Objection
Ghyll Cottage		Objection
High Close Farm		Objection
Hamel Croft		Objection
Ullerbank Farm		Objection
High Rigg		Objection
9 Howard Place		Objection
1 Boulevard Saint-Martin		Objection
Park House		Objection
Brook Hall		Objection
Liddalbank		Objection
Ash Tree Barn		Objection
South Cottage		Objection
8 Oak Street		Objection
Former Brampton Resident		Objection
Coast Group		Comment Only

3.1 This application has been advertised by notification letters and the posting of a site notice. In response, one petition objecting to the proposal together with 50 individual letters/e-mails of objection/comment have been received. One letter of support has also been received.

3.2 The letters identifies the following issues:

1. rurally located restaurants with rooms, small boutique hotels or holiday accommodation with attached public restaurants are the trend for the future, the hotel is ideally located and would be a valuable asset for people in the region who regularly visit the Talkin Tarn.

2. a combination of the present owners lack of care for the property, unrealistic asking price and marketing may lead to a valuable part of the Talkin Tarn environment being asset stripped and lost to the area forever.
3. the applicants have attempted to demonstrate that there would be no commercial interest in developing the Tarn End Hotel site as holiday letting accommodation by putting the property up for sale for six months. Should the Planning Committee be mindful to accept, at face value, the outcome of this attempt at sale then the Committee should be aware of the provisions of the Competition Act 1998 and be able to demonstrate that all reasonable care has been taken to ensure that the present owner has genuinely tried to sell in a fair and open way and that there has been no attempt 'directly or indirectly to fix purchase or selling prices or any other trading conditions' or in other ways indulge in monopolistic behaviour. The summary of Marketing Report offered by Holt Planning Consultancy as part of their justification for removal of conditions is entirely opaque from this perspective.
4. the applicants chose to use a small local agency to market the Tarn End Hotel who advertises the local knowledge of the Cumbria market but does not appear to offer national or international promotion. For a sale of this importance it would be reasonable to expect that the property would be offered for sale in a far wider market place than Cumbria and that promotion should have been specifically directed towards the hotel and catering sector. The applicants should be required to demonstrate that they have in fact marketed the property in a genuine attempt to sell rather than, as many believe, with the specific intention of discouraging expressions of interest.
5. totally against this, please do not grant permission.
6. this proposal would have damaging effects on the area around the Tarn. Increased traffic on small roads and creating an exclusive area for people who can afford it would remove the attraction of the Tarn as a family place for all members of the public.
7. surely it is against the Local Plan to build permanent residencies in open countryside?
8. think the beginning of the end should be stopped. Talking Tarn is a beautiful place, one of the last vestiges of the last ice age and should be protected as a place for people to visit for recreation and not be turned into a housing estate.
9. the Tarn End Hotel was, until recently, an attractive beauty spot for residents and tourists, providing accommodation and employment. The site is now an unacceptable eyesore. It should continue to provide tourist accommodation and employment in order to sustain development in this rural area. Would like to believe also that this coincides with the Local Plan, Good Practice Guide on Planning for Tourism and Sustainable

## Development in Rural Areas.

10. Tarn End Hotel has functioned well in the past and there is no reason why hotel usage or some other form of holiday accommodation should not be economically viable on the site. Existing planning policy to support and maintain small-scale tourist activity and employment should be upheld.
11. development as residential accommodation for sale to the highest bidder for the profit of a developer has no place in this country park.
12. concerned about the lack of credible economic analysis underpinning this application. It could be claimed that the owner has deliberately taken steps to avoid selling the property for use as a hotel by intentionally causing significant damage to the property making it unattractive for purchase in its current state and not actively marketing the property at a realistic price.
13. granting planning permission would result in irreversible damage to the building, the character and environment of the surroundings and the loss of a significant development opportunity for the region.
14. new residential accommodation would not contribute at all to the local economy and with the housing market as it is at present, is this really a viable option?
15. the site appears to have been made unattractive in an attempt to persuade planners that anything would be better than nothing. When the current owners bought the property they knew what planning restrictions were placed on the property, and they should be made to adhere to them.
16. the property as it stands now must be worth less than the initial purchase price and the owners, should endeavour to place a realistic value on the property so that it could be sold to a developer with the skills and foresight to develop the Tarn End Hotel into something that is in keeping with its magnificent surroundings.
17. there is no demonstrable need for housing/apartments in this location, traffic along this very narrow and already quite busy road would be dangerous and polluting, there isn't adequate infrastructure to support the development.
18. local wildlife would suffer from increased populations/disturbance through building works.
19. the property should be used as a public building and not made into unsustainable private property.
20. there is no provision for social housing.
21. it is hard to see how letting's in such a situation could not be economically viable. There are many examples of thriving holiday letting's businesses



in the area e.g. Lanercost Priory.

- 3.3 In addition one Petition containing 39 signatures has been received objecting to the proposal as it is an important local facility which has provide employment in the rural area and should continue to do so in accordance with Policy EM15 of the Local Plan and Government advice contained in PPS7 Sustainable Development in Rural Areas and Good Practice Guide on Planning for Tourism.
- 3.4 As a result of advertising this application, the Council is aware of four separate parties who have expressed an interest in purchasing the propoerty.
- 3.5 The letter of support identifies the following:
  - 1. any approval should remove PD rights for extensions and other buildings, the maximum number of dwellings should remain at 8, and approval of boundary treatment.
  - 2. the development would help preserve this iconic building.

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

- 4.1 In August 1983 under application 83/0414 an application was made for change of use from coach-house and stables into living accommodation.
- 4.2 In 2006, under application 06/0693, planning permission was given for the conversion of the hotel and outbuildings to 8 holiday units.
- 4.3 In 2009, under application 09/0719, planning permission was refused for the conversion and extension of the hotel premises to create 15no. dwellings.

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

##### **Introduction**

- 5.1 During a previous Meeting on the 20th August 2010 Members resolved to defer consideration of the proposal in order to await further information on marketing, viability and monitor progress following the applicant's receipt of a letter of interest from a Mr T Mills.
- 5.2 In the intervening period the applicant has sent a letter dated the 21<sup>st</sup> July 2010 to Mr Mills explaining that marketing of the property ceased on the 15<sup>th</sup> June and the property is no longer for sale. In addition, the Council has received a letter dated the 22<sup>nd</sup> July 2010 from Hyde Harrington (estate agent acting on behalf of the applicant); an e-mail letter and e-mail from the applicant's planning agent sent on the 23<sup>rd</sup> and 30<sup>th</sup> July 2010; a response to the Highway Authority's comments from WYG Transport Planning dated the 27th January 2001; a Viability Report undertaken for the applicant by

Edwin Thompson LLP and accompanying letter from the applicant's agent; a letter from Edwin Thompson dated 17<sup>th</sup> February 2011; a letter from Cumberland Estate Agents dated 18<sup>th</sup> February 2011; a spread sheet received on the 8<sup>th</sup> March 2011 identifying over 40 sales enquiries to the applicant from prospective purchasers of any units; an Investment Appraisal prepared for Mr T Mills; and correspondence from three parties expressing an interest in purchasing the property. The City Council has separately sought independent advice from Counsel and GVA Grimley (GVA) on this application.

- 5.3 The Committee report has subsequently been updated on this basis.

### **Site Description**

- 5.4 The Tarn End House Hotel is prominently located on the southern side of the Brampton/Talkin road with a northern frontage facing Talkin Tarn. The Tarn is a designated Wildlife Site and has a public footpath around its perimeter inclusive of part of the Hotel's grounds. The Hotel and Tarn fall within part of a designated County Landscape. To the north of the Tarn there is an Ancient Woodland.
- 5.5 The former Hotel, is primarily two storeys in height and constructed externally with sandstone walls and slate roofs. The existing property has an "E" shaped layout and comprised a kitchen, wc facilities, bar, dining room, lounge, garage, four store rooms and two bedrooms. Attached to which there is a barn which provides additional storage. The first floor had seven bedrooms and a staff room.

### **Background**

- 5.6 In 2006, under application 06/0693, full planning permission was given to convert the hotel and outbuildings to provide 8 holiday units. In 2009, under applications 09/0534 and 09/0902 the discharge of conditions 7 (safeguarding bats and barn owls), 10 (barn owl nesting box) and 13 (foul drainage) imposed under 06/0693 were granted. Members will also recollect that in October 2009, under application 09/0719, planning permission was refused for the conversion and extension of the hotel premises to create 15 dwellings.
- 5.7 The current application seeks permission for the removal of conditions 2 (restriction of use to holiday lets), 3 (the holiday lets not to be used as sole/principal residence), 4 (the holiday lets not to become second home), 5 (the holiday lets not to be rented to any person or connected group for a period exceeding 8 weeks), and 6 (the maintenance of a bound register of guests) imposed under 06/0693 to enable unrestricted residential occupation of the units. The proposal also includes the payment of £31,000 as a commuted sum towards affordable housing.
- 5.8 The application is accompanied by a Planning Statement arguing that the application needs to be considered against Policy H8 of the Carlisle District Local Plan 2001-2016 with particular regard to criteria 1 and 7. In the case of

criterion 1, the Statement highlights that, although the building does not fulfil the criteria to become a Listed Building, the relevant English Heritage Advice Report considers the structure to be a landmark building within a "cherished natural beauty spot". This significance has previously been recognised by the applicant, Local Planning Authority and third parties. In regard to criterion 7, the site has been marketed for six months during which 25 individuals or parties made enquiries of which one led to an offer that was subsequently rejected. The Statement considers that it is an unrealistic expectation for this modest property within a relatively limited curtilage to be viable as a hotel. A copy of the submitted Planning Statement has been attached to this report for Members to read.

5.9 The letter from Hyde Harrington makes five points:

1. The marketing report provided is 'genuine' and on the basis that was confirmed that we have 'undertaken a reasonable marketing campaign', in satisfaction of Policy H8 criterion 7 of the Carlisle and District Local Plan.
2. On enquiry of the publication it was considered inappropriate to advertise in the specialist Hotel and Caterer magazine as this is targeted for ongoing trading businesses.
3. Mrs Cowper refers to an asking price of £750,000 for the property. This is incorrect as all of our marketing material quotes 'offers invited'.
4. During their enquiries, Mr and Mrs Cowper did not reveal their proposed use which we assumed to be as a private residence. They were unable to satisfy us that they were in a position to readily proceed with a purchase and we therefore declined their request to arrange an internal viewing until proof of funding was available.
5. Regarding the 'expression of interest' for the property from Mr T Mills of 14 July and forwarded direct to my client, this was received one month after the expiry of the 6 month marketing period, and therefore not relevant to the issue of the quality of the marketing exercise, and as such cannot figure in this post-marketing period assessment of reasonable market interest as required by Policy H8.

5.10 The e-mail letter from the applicant's planning agent sent on the 23<sup>rd</sup> July explains, amongst other things, that by the time the marketing period ceased and the property taken off the market, only one "offer" had been received, and that was duly recorded and included in the report on marketing prepared by his client's estate agent responsible for carrying out the marketing. Aside from that single "offer" there were no other representations of "interest" received during that period up to the 2nd July. The letter from Mr Mills to his client dated 14<sup>th</sup> July 2010 was received outside the marketing period, the subsequent period up to the date of registration of the planning application

and indeed its publicity. For this reason alone it should be discounted because:

1. Out of pragmatism, one must “draw a line” otherwise one is constantly “looking over one’s shoulder” – as illustrated in the *Mount Cook* case.
2. There is the issue of the efficacy of any “offer” or indeed “expression of interest” made, one must presume objectively, in the knowledge that the property is no longer on the market, and that it is the subject of a planning application; a principal supporting ground of which is, in the view of the applicant, the unfruitful marketing test exercise. It is our contention that when viewed objectively, his “expression of interest” would be coloured and indeed its efficacy “contaminated” by “the prevailing situation”.
3. Mr Mill’s representation is not an “offer”. It does not allegedly communicate a “commitment to create legal relations”; it procrastinates by “*looking forward to progressing our interest*”. It was indeed a mere “expression of interest”.

- 5.11 The planning agent’s e-mail sent on the 30<sup>th</sup> July alleges that the comments made by an interested party with regard to the 1998 Competition Act are irrelevant and spurious – see attached copy.
- 5.12 The Market Analysis of Direct Comparables submitted in support of Citadel’s application to remove the restrictions on the planning permission allows for a robust review of similar schemes. The analysis addressed ten developments each containing 5 to 10 holiday let units. The Viability Report prepared by Edwin Thompson LLP concludes that the scheme for eight self contained holiday homes has a negative value of £359,771; the refurbishment costs exceed total value of the property by 47%; stress testing the calculations would still result in a loss of over £200,000; and even accepting a zero valuation for the property as existing it is not economical to undertake the refurbishment relevant to the income return. However, a general residential scheme could have a 13% profit margin inclusive of the payment of £31,000 as a commuted sum towards affordable housing. A copy of the agent’s letter accompanying the Viability Report is also attached to this report along with the letter from Edwin Thompson dated the 17<sup>th</sup> February 2011, and the letter from the Cumberland Estate Agents dated 18<sup>th</sup> February 2011.
- 5.13 In October 2009, under application number 09/0719, when planning permission was refused for “conversion and extension of hotel premises to create 15 dwellings”, the accompanying Planning Statement described the permission granted under 06/0693 as an important “fall-back”, albeit that it was not considered “a sustainable commercial option”. It was stated that the proposed size of the 8 units was significantly larger than the normal holiday dwelling size and that 13 residential units could in fact be created in the available floor space and could be a commercial option. In response to this point the applicant’s planning agent has explained that it was a theoretical comparative fallback position based upon the physical capacity of the building, not development viability.

5.14 The letter from WYG Transport Planning explains, amongst other things, that:

1. Tarn End House is within 3.6km of Brampton town centre which is within the 5km advised in PPG 13 as suitable for cycling. In comparison Talkin is 4.6km and Castle Carrock is 6.3km from Brampton, and thus Tarn End House is more accessible for journeys on a bike than either Talkin or Castle Carrock.
2. Neither Tarn End House, Talkin nor Castle Carrock is within the 2km walking distance recommended in PPG 13 to the services in Brampton. However, Tarn End House is within a 2km walk of Brampton railway station and thus more accessible to useful destinations by walking than Talkin.
3. The 94/97 bus service (which runs on Wednesdays and Fridays) between Carlisle, Hethersgill, Brampton, Talkin and Castle Carrock passes Tarn End House. In addition to the 94/97 service bus there are daily school buses to both Castle Carrock Primary School and William Howard Secondary School from Talkin.
4. The current proposal relates to 8 units which would generate less traffic than the previous use.
5. Adequate parking can be provided and there is no justification for a refusal on parking grounds.

## Assessment

5.15 The current planning application has been submitted pursuant to section 73 of the Town and Country Planning Act 1990 (as amended) ("the 1990 Act"), seeking the removal of various conditions relating to the restriction to holiday use of the accommodation attached to the 2006 permission. Section 73(2) provides:

*"(2) On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and*

*(a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that*

*it should be granted unconditionally, they shall grant planning permission accordingly, and*

*(b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application."*

5.16 The difficulty when assessing such a proposal is that if permission were to be granted in this case in accordance with the application, permission would have been granted for conversion to holiday units. Before, however, advantage can be taken of Class C3 (dwelling houses) of the Use Classes Order, the position appears to be that use as holiday units must first take

place. A purely token implementation of that use will not permit reliance upon Class C3. For example, in the case of *Kwik-Save Discount Group v. Secretary of State for Wales* [1981] JPL 198 (C.A.) a 4 weeks' user as a car showroom (as permitted), before user as a supermarket (also what today would be termed an A1 use), was not considered a sufficient user. On the basis that the applicant does not wish to let or sell the accommodation as holiday units, this application should be viewed as a likely precursor, if successful, to a further proposal.

5.17 The City Council has sought advice from Counsel who has, amongst other things, advised that:

1. It is open in law to the Council to conclude that the 2006 permission was for non-residential development. The 2006 permission itself is subject to conditions. The use permitted is as holiday units. But for the conditions, that use would in my view be regarded as falling within Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended) ("the UCO") (use of each unit would constitute a dwelling house), but the conditions cannot be ignored. The conversion to holiday units has not yet occurred, so in any event if holiday lets were to be regarded as residential accommodation, the present application is not to convert premises which are presently holiday units. They are not presently residential accommodation.
2. It is considered appropriate for the Council to have regard to the intended ultimate user and to consider the representations of the Highways Authority and Housing Strategy when considering whether to grant the permission subject to different conditions or to reject the application.
3. Policy H8 criterion vii requires marketing for a minimum period of 6 months. So, too, does the reasoned justification at paragraph 5.44. Plainly, on that wording alone, the Council has discretion to seek a longer period of marketing than 6 months. If neither residential nor tourist use is presently viable, it could be said to be perverse to permit a different use, on the basis of lack of present viability of the premises as hotel or holiday lets, when the different use is not itself viable. At any rate it is not clear what planning purpose would be served. It could be concluded, in the circumstances, that it is only when residential use becomes viable that a 6 month (or other) marketing period should begin.
4. If a proposal is viable but has not been marketed properly, then the Council may give more weight to viability. There may be a number of reasons why a site is viable but for which there is no market at a given time: there may simply be no demand at the time. The judgment is very much one of fact and degree for the Council as decision-maker, on the particular facts, having regard to Policy H8 and other material considerations.

5.18 On the basis of the foregoing it is considered that any assessment of this application revolves around (a) an initial consideration of whether the marketing exercise undertaken on behalf of the applicant is satisfactory

(criterion 7 of Policy H8); and then address the subsequent question of whether the advantages of seeing the premises re-used in the near future outweigh the disadvantages and the policy benefits of retaining the premises in economic/tourism use. In order to address the latter question this report will look at (b) the viability of the approved use and any other realistic use (criterion 1 of Policy H8); (c) whether the proposal is in accordance with Policy H5 regarding the provision of affordable housing; (d) the suitability of the location (Policies DP1, H1, and H8); (e) highway safety (criterion 5 of Policy H8); and (f) the benefits of the scheme.

#### a) Marketing

- 5.19 In the case of GVA the advice to the Council was presented in the context of the marketing undertaken on behalf of the County Council as the previous owners, and covered the subsequent marketing undertaken by Hyde Harrington on behalf of the current owner; the commercial viability and demand for holiday lets as a use; and the viability and demand for any other uses.
- 5.20 When assessing the marketing undertaken by Hyde Harrington, GVA consider it to be robust and appropriate for a property of this type. However, GVA also note that no viewings were recorded by Hyde Harrington as they were only willing to take "serious interested parties" around the property in the interests of health and safety. As such, it could be argued that prospective purchasers would be unlikely to make bids until they had viewed the property and undertaken some degree of due diligence to identify and eliminate risk. In addition, there was no asking price put forward on the sales particulars, however it is understood from third parties that Hyde Harrington were indicating to interested parties that a figure of £700-800,000 would be acceptable to their clients. This is considerably in excess of the price of £450,000 which Citadel paid for the property. It is recognised that the pricing of the property could have been to reflect the costs accrued by Citadel (price plus Stamp Duty plus fees plus building work plus interest and holding costs) or it could have been a conscious measure to deter interest. In GVA's opinion, it would however be reasonable to conclude that the property was overpriced at the time of marketing.

#### b) Viability

- 5.21 In relation to viability, the three parties interested in purchasing the property that were interviewed by GVA felt that the alleged asking price communicated to them by Hyde Harrington was unrealistic, but would have negotiated at a price around the £475,000 level which they believed Citadel had paid. Furthermore, GVA consider that a return of 10% would be minimal, and given the current economic climate, this could easily be argued to be low in view of the risk involved.
- 5.22 When comparing the Edwin Thompson LLP Viability Report with that prepared by GVA, it is noted that Edwin Thompson estimated the maximum gross income to be £258,076 per annum which is close to the GVA average rent scenario amounting to £256,100 per annum. The Edwin Thompson Report

adopted an occupancy level of 58% that GVA consider to be reasonable and comparable to their slightly more cautious average occupancy level of 55%. Edwin Thompson's valuation of the completed scheme used in their development appraisal is £748,420 which is higher than the GVA favoured average rent/occupancy scenario of £704,280. On the basis of the development being 775 square metres and a build cost of £902 per square metre, GVA calculate the total build cost would be in the region of £699,050. This compares to the Report produced for Edwin Thompson LLP which states that the build cost has been calculated as £720,000. At this level, the pure build cost wipe out the end value of the completed scheme and thus GVA conclude that the development is not financially viable. GVA recognise that these figures will change over time and that the scheme could become viable if rental levels and capital values increase over time. However, in order for the proposals to become viable it is anticipated that the market will need to improve to around 2006/2007 levels. GVA anticipate that it could take three to five years to achieve the values achieved in 2006/2007.

- 5.23 With regard to hotel use, drawing on their national experience in dealing with hotels, leisure and commercial development, GVA are of the view that given the location of the site and the lack of any passing trade or major tourist 'honey pots', a hotel in this location would not attract the occupancy rates that would be required to make a scheme viable. This reflects not only the limitations of the location; the costs associated with repair and refurbishment of the premises; and that funding for hotel development is presently difficult to secure.
- 5.24 GVA are also of the opinion that an open residential permission is unlikely to be deliverable in the current market. Although no figures are provided, GVA point out that currently sales rates are low and residential values are falling which makes residential development for all but the best and most established sites, a high risk proposition. GVA appreciate that Citadel may have the personal finances to develop the site for open residential accommodation without the need for funding from the Banks. However, given the poor state of repair of the building it is anticipated that large scale works will be required in order to develop the site. This will have knock on effect for the asking prices of the properties if they were to be developed for open residential. Also given the remote location of the properties it is considered unlikely that high levels of take up will be experienced.
- 5.25 Based on the foregoing there is an evident difference in opinion between those consultants acting on behalf of the applicant and GVA. There is, however, common ground with regard to the commercial re-use of the former hotel not being considered viable for the next three to five years. In the context of the current economic climate, the profit for the general residential use of the buildings is low.

#### c) Affordable Housing

- 5.26 When considering the proposed off-site contribution towards affordable housing, Policy H5 states that *"the City Council will negotiate with developers for an element of affordable housing to be included in the majority of housing*



*developments.”* In the rural area the stated contribution is 10% of housing on small sites (i.e. over 0.1ha or 3 units). Policy H5 also explains that the proportion of affordable housing sought will only be varied if this can be justified on a robust, evidence based, assessment of the economic viability of the site. A discount of 25-30% is to be sought in the case of intermediate affordable housing.

- 5.27 In this case, the City Council’s Housing Services originally confirmed that it would be looking for 1 of the 8 dwellings to be an affordable property. However, it was acknowledged that even with a 30% discount on the market value, the property would still be unaffordable and therefore there would be a need to consider other options such as the payment of a commuted sum.
- 5.28 As already indicated, the applicant has provided evidence that demonstrates the proposal is only just viable with a 13% profit margin inclusive of the payment of £31,000 as a commuted sum towards affordable housing. This is in the context of the usual margins for a developer being between 15% and 20%, although in the current economic climate (where risk is greater), margins of 20-30% are not considered to be uncommon.
- 5.29 Nevertheless, Policy H5 does envisage less than the full quota of affordable housing if market conditions dictate, and therefore does not require that schemes which provide less than the expectation should be refused. This aside, there is a recognised pressing need for affordable housing in the District. It is also the clear intention of Government Policy, such as PPS 3 “Housing” and the policies of the Development Plan that market housing development should be expected to contribute towards alleviating the affordable housing shortfall. The provision of a commuted sum less than the full quota is therefore a recognised drawback to the scheme, although a Section 106 Agreement could be worded to require the applicant or any future developer to provide a commuted sum on a sliding scale if and when house prices recovered so that profits increased.

#### d) Suitability Of Location

- 5.30 In relation to the suitability of the location, one of the reasons that application 09/0719 was refused permission was on the grounds that the application site is not located in a designated Key Service Centre or Local Service Centre. Irrespective of the comments received from WYG Transport Planning on behalf of the applicant, the site is read as part of the open countryside. However, Policy H8 directly relates to those instances involving the provision of residential accommodation in locations where planning permission for new build residential development would not normally be granted.

#### e) Highway Safety

- 5.31 In relation to this matter it is evident that the proposal has been submitted on the basis of the removal of conditions on a previous planning permission.

#### f) Benefits

- 5.32 The proposal relates to a local landmark that is not a listed building but has local architectural and historic merit, and is included within the current "Building's At Risk Register" prepared by SAVE Britain's Heritage. The former Hotel is also prominently located by a public footpath bounding the popular Talkin Tarn Wildlife Site within a County Landscape. At present the site has been mothballed which, if permission was to be refused for the current application, would presumably be for three to five years. During this period the existing buildings would continue to deteriorate and be prone to vandalism and anti-social behaviour although the degree would be dependent upon the nature and form of the weather proofing and the security measures.
- 5.33 At a national level build rates have slowed and sites with permissions have either not been developed or at a much slower rate than previously experienced. This is also at a time when the Government is encouraging local authorities to allow housing to help stimulate the economy. The Housing Land Supply Position Statement (updated November 2010) prepared by the City Council shows that in 2009/10, 233 residential units were completed which is substantially less than the 374 units completed in 2007/08 and the 366 units completed in 2008/09.

## **Conclusion**

- 5.34 Any assessment of this application revolves around an initial consideration of whether the marketing exercise undertaken on behalf of the applicant is satisfactory (criterion 7 of Policy H8); and then seek to address the subsequent question of whether the advantages of seeing the premises re-used in the near future outweigh the disadvantages and the policy benefits of retaining the premises in economic/tourism use.
- 5.35 When assessing the marketing undertaken by Hyde Harrington, GVA consider it to be robust and appropriate for a property of this type. However, in GVA's opinion, it would be reasonable to conclude that the property was overpriced at the time of marketing.
- 5.36 GVA conclude that the scheme approved under 06/0693 is currently not financially viable, and in order for the proposals to become viable it is anticipated that the market will need to improve to around 2006/2007 levels which is anticipated to take three to five years. GVA are of the view that given the location of the site and the lack of any passing trade or major tourist 'honey pots', a hotel in this location would not attract the occupancy rates that would be required to make a scheme viable. GVA are also of the opinion that an open residential permission is unlikely to be deliverable in the current market because the profit margin is minimal.
- 5.37 In the case of this latter assertion, the applicant has confirmed a willingness to take on the scheme in the current market place (accepting all of the risks), has no need for third party funding, and explained that he is a local well established niche developer with a track record of delivering residential developments. This is in the context of no evidence having been submitted that conclusively demonstrates the current proposal not to be viable, and the applicant submitting a spread sheet identifying over 40 sales enquiries from

prospective purchasers.

- 5.38 The provision of a commuted sum less than the full quota with regard to affordable housing is a recognised drawback to the scheme, although a Section 106 Agreement could be worded to require the applicant or any future developer to provide a commuted sum on a sliding scale if and when house prices recovered so that profits increased.
- 5.39 Achieving a viable development for this local landmark in a prominent and attractive location, together with a small but contributory increase in the District's housing supply are benefits that weigh in favour of the proposal.
- 5.40 In overall terms it is considered that the disadvantages would be compensated for by the benefits brought forward by the scheme, and therefore the recommendation is authority to issue an approval following the satisfactory completion of a Section 106 Agreement concerning the payment of a commuted sum towards affordable housing. The aforementioned Agreement including the requirement that the applicant or any future developer to provide a commuted sum on a sliding scale if and when house prices recovered so that profits increased but starting from the base sum of £31,000.

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

- 6.1 Several provisions of the above Act can have implications in relation to the consideration of planning proposals, the most notable being:
- Article 6** bestowing the "Right to a Fair Trial" is applicable to both applicants seeking to develop or use land or property and those whose interests may be affected by such proposals;
- Article 7** provides that there shall be "No Punishment Without Law" and may be applicable in respect of enforcement proceedings taken by the Authority to regularise any breach of planning control;
- Article 8** recognises the "Right To Respect for Private and Family Life";
- 6.2 **Article 1 of Protocol 1** relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

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

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

**Reason:** In accordance with the provisions of Section 91 of the Town

and Country Planning Act 1990 ( as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The development hereby approved shall not be carried out otherwise than in complete accordance with the mitigation proposals as identified in Section 7 of the Bat and Barn Owl Survey report from Marshall Ecology (Rev. 4 September 2006), and subsequent details approved under application 09/0534. In particular:
- i) no work which would result in disturbance to bats (i.e. the removal of the roof, demolition, or any noisy or vibrating construction work) shall commence/take place between mid-November and mid-April;
  - ii) at least three weeks prior to the commencement of development three bat boxes shall be erected on trees within the grounds of the site at a height of at least 3.5 metres on the south-west, south or south-eastern side of the trees in accordance with details submitted to and approved in writing beforehand by the local planning authority;
  - iii) a dusk emergence or dawn swarming survey shall be undertaken immediately prior to the commencement of work followed by the exclusion of any bats present undertaken by a licensed bat consultant;
  - iv) existing holes and gaps at the eaves, in walls and under ridge tiles shall be retained, unless otherwise approved in writing by the local planning authority;
  - v) in the event that re-roofing is required, the mitigation detailed on page 19 of the aforementioned Bat and Barn Owl Survey report shall be fully followed in accordance with details submitted to and approved beforehand by the local planning authority;
  - vi) no tree existing on the site shall be felled, lopped, uprooted or layered without the prior consent of the local planning authority. Any request to lop, top, uproot or fell any tree shall be accompanied by a further bat survey undertaken by a licensed bat worker to check for the presence of bats;
  - vii) any in-situ timber treatment shall use only chemicals which are listed by Natural England as suitable for use in bat roosts and applied at times when bats are not present; and,
  - viii) if any bats are found during work, all work must stop and Natural England contacted immediately for advice on how to proceed.

**Reason:** In order to avoid any harm to protected species of wildlife in accordance with Policy CP2 of the Carlisle District Local Plan 2001-2016.

3. No tree or hedgerow existing on the site shall be felled, lopped, uprooted or layered without the prior consent in writing of the local planning authority and the protection of all such trees and hedgerows during construction shall be

ensured by a detailed scheme to be agreed with the local planning authority.

**Reason:** The local planning authority wishes to see existing hedgerows/trees incorporated into the new development where possible and to ensure compliance with Policy CP3 of the Carlisle District Local Plan 2001-2016.

4. Particulars of height and materials of all screen walls and boundary fences shall be submitted to and approved by the local planning authority prior to the commencement of the development hereby permitted.

**Reason:** To safeguard the character of the area in accord with Policy H8 of the Carlisle District Local Plan 2001-2016.

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

**Reason:** To ensure that any form of enclosure is carried out in a co-ordinated manner in accord with Policy H8 of the Carlisle District Local Plan 2001-2016.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) there shall be no enlargement or external alterations (including the installation of exterior lights) to the units hereby given consent, within the meaning of Schedule 2 Part (1) of these Orders, without the written approval of the local planning authority.

**Reason:** To ensure that the character and attractive appearance of the buildings is not harmed by inappropriate alterations and/or extensions, to safeguard protected wildlife, and the living conditions of the future occupiers of the units in accordance the objectives of Policies CP2 and H8 of the Carlisle District Local Plan 2001-2016.

7. Before the commencement of use/occupation of any unit hereby given consent the proposed coperate ground source heat pumps shall be installed and fully operational in accordance with details submitted to and approved in writing beforehand by the local planning authority.

**Reason:** In order to insure the effective utilisation of alternative sources of energy in accord with Policy CP9 of the Carlisle District Local Plan 2001-2016.

8. The parking area(s) shall be constructed in accordance with the approved plans before the commencement of use/occupation of any unit hereby given consent and shall not be used except for the parking of vehicles in

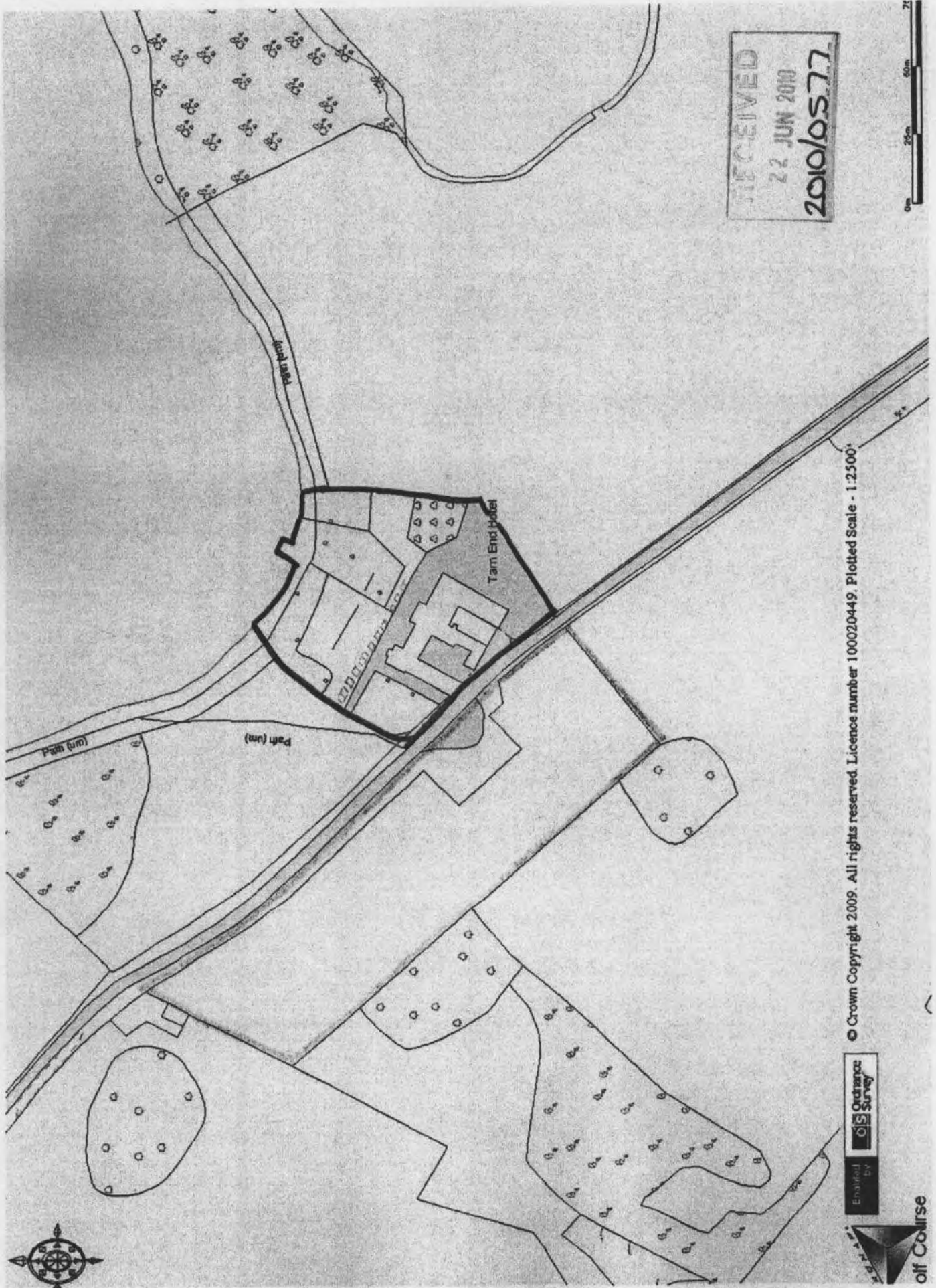
connection with the development hereby approved.

**Reason:** To ensure adequate access is available for each occupier in accord with Policy T1 of the Carlisle District Local Plan 2001-2016.

9. No residential unit hereby permitted shall be occupied until the foul drainage works approved under application 09/0902 have been fully constructed and completed in accordance with the approved plans.

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

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2010/0577

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Mr Angus Hutchinson  
Economic Development  
Planning Services  
Development Control  
Carlisle City Council  
Civic Centre  
Carlisle  
CA3 8QG

18 February 2011

Dear Mr Hutchinson,

**Tarn End House, Talkin Tarn, Brampton, Cumbria**

I have been retained by Citadel Estates to produce a report on the above.

As per my instructions I am to limit the extent of this report to my particular areas of expertise.

1. Saleability of the completed units
2. Perceived buyer profile
3. The current local market

I confirm that I am a qualified chartered surveyor with over twenty five years of local professional experience specialising in residential property valuation and estate agency. For the last sixteen years I have held the position of managing director of Cumberland Estate Agents Limited, a wholly owned subsidiary of Cumberland Building Society and one of the largest regional estate agencies with eight branches across Cumbria and Dumfriesshire.

Prior to producing this report I have reviewed the following documents:

- (a) Viability report on conversion to residential units for open market sale – produced by Edwin Thompson, chartered surveyors.
- (b) Proposed plans for the conversion to residential units for open market sale.
- (c) Letter dated 9 February 2011 from GVA Grimley Ltd to Mr Angus Hutchinson, Development Control, Carlisle City Council.
- (d) Letter dated 17 February 2011 from Edwin Thompson, chartered surveyors to Mr Angus Hutchinson, Development Control, Carlisle City Council.

40 Fisher Street, Carlisle, CA3 8RF  
Telephone 01228 403222  
Fax 01228 403333  
[www.cumberland.co.uk](http://www.cumberland.co.uk)

## **1. Saleability of the completed units**

### **Location**

The rural location of the proposed development is exceptionally appealing, being situated at the periphery of Talkin village and immediately adjacent to Talkin Tarn Country Park. Talkin village remains one of the most sought after residential villages within Carlisle district and consequently properties within the village are rarely sold.

### **Specification**

Cumberland Estate Agents have marketed and sold developments for Citadel Estates for over ten years. During this period, its developments have consistently out-performed the market due to an unrivalled specification and attention to detail. The specification for the proposed completed units is entirely appropriate.

### **Proposed Valuations**

I have reviewed the valuation methodology and the individual valuations for each of the proposed residential units as set out in section 3.2 of Edwin Thompson's viability report. I can confirm that I consider the methodology and each of the valuations to be realistic. In my opinion, the adoption of the proposed valuations as asking prices will be sufficiently competitive to attract buyers in the current housing market and successfully achieve sales.

## **2. Perceived Buyer Profile**

In my opinion the proposed residential units offer a unique purchasing opportunity and, therefore, I foresee a strong level of demand for the completed properties. In particular, I expect a significant proportion of the demand to arise from none mortgage dependent buyers.

From my analysis of the current prospective buyers who have registered with our Carlisle estate agency branch, there are currently 34 potential buyers whose requirements appear to be met by the proposed residential units and 13 of these potential buyers are not sale dependent.

## **2. The Current Local Market**

Land Registry data shows that house prices in Carlisle district have marginally fallen by 3.5% when comparing the three month period from 1 October to 31 December 2010 with the same period in 2009. However, I believe that when comparing these periods, house prices within Talkin village have been static due to the very low number of transactions which have occurred and the relatively high level of demand which has continued to exist for properties there, irrespective of the downturn in the housing market. I would highlight that these low number of

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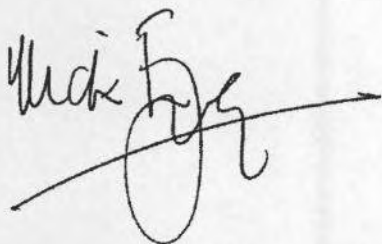
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transactions is due to a reduced supply of properties being offered for sale there and not because of any reduced levels of demand.

### **Conclusion**

For the reasons outlined above I believe that the proposed units are readily saleable in the current market.

I trust the above meets with your requirements, however, if you require any additional information then please don't hesitate to contact me.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Nick Elgey', with a long horizontal stroke extending to the right.

**Nick Elgey BSc (Hons) MRICS**  
**Managing Director**  
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17 February 2011

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Our reference

CRG/AC/M1073

Your reference

Dear Sirs

**Application Reference: 10/0577**  
**Applicant: Citadel Estates Ltd**

We have been passed a copy of GVA Grimley Ltd's letter of 9<sup>th</sup> February 2011 in relation to the subject planning application and Tarn End House, Talkin Tarn and most particularly our viability report of January 2011.

We make the following observations to the planning department in relation to this letter of 9<sup>th</sup> February 2011.

- The letter is not consistent and is at odds with the detailed advice previously supplied by GVA Grimley to Carlisle City Council in their detailed report of December 2010.
- The letter provides only general views on the state of the housing market in the north of England, ignores the site specific matters which are of particular relevance and consequence in the matter and the viability of the Citadel Estates proposal.
- Contrary to this firm's report GVA Grimley provide no method of valuation in this analysis.

Our analysis, in conservative terms, considered the potential sale value of the hypothetically completed units and the detailed projected cost of development.

The projected cost of development used is not subject to risk as suggested by GVA Grimley due to unknown refurbishment costs. As the council know this property has been stripped to a shell for reasons previously reported and any potentially unknown matters have been long since exposed.

- In their letter GVA Grimley now question the refurbishment costs.

In GVA Grimley's detailed report of December 2010 they looked closely at the costs of refurbishment and identified that in this particular instance they were likely to be lower figures than those provided by ourselves in our report of July 2010 and closely agreed with our costs.

We refer you specifically to paragraph 4.31 of the GVA Grimley detailed report of December 2010. They have now changed their mind or is this a different author?



- The GVA letter of 9<sup>th</sup> February 2011 goes on to indicate that it is unlikely that a developer would take on the risks of this proposal in the current market as developers and funders are now risk adverse.

In these particular circumstance you have a developer, Citadel Estates Ltd, who are identifying openly that they are prepared to take on the Scheme in the current marketplace and accept all of the risks which they believe are well known to them.

Further, again as previously identified within the detailed GVA Grimley report of December 2010 it is known to Carlisle City Council that Citadel Estates Ltd are not reliant upon finding a funder and are in a position of available cash reserves to take this project through to completion irrespective of profit levels and have no need for third party funding.

- The GVA Grimley letter makes comment as to an assumption of falling numbers of house sales in the marketplace since the peak in approximately 2007 and makes reference to there being only five transactions within the previous 12 months. These are correct facts but not necessarily a completely correct interpretation. The declining number of comparable transactions is as much due to a decrease in supply in the market and not necessarily due solely to a decrease in demand. It is a fact that most properties offered for sale in this locality have sold.

The letter fails to recognise that two of the final five sale comparables are properties developed by Citadel Estates themselves and far from working at decreased sale prices the specific subject properties were sold at figures in excess of £3,000 per m<sup>2</sup> of accommodation sale value compared to a suggested sale value within our report of 24<sup>th</sup> January 2011 of an average of some £2,500 per m<sup>2</sup>. Again, the GVA Grimley letter fails to recognise that you are not dealing here with a hypothetical situation but with an actual specialist developer with a proven track record in this specific marketplace that who has far more expertise in than the GVA Grimley letter suggests and takes no account of.

We would further contest the suggestion that the analysis of prices achieved using OS mapping and estimated floor areas is very broad brushed. A visual inspection of all of the comparables was undertaken to help with the analysis.

- The GVA Grimley letter of 9<sup>th</sup> February 2011 decides that in their experience the level of developers profit required is 20% to 25%.

In their much more detailed report of December 2010 they imply that a 10% profit whilst low is acceptable in the marketplace.

We refer you to paragraph 4.33 of the GVA Grimley report of December 2010.

Further, the January committee report (paragraph 5.20) as produced by the council identifies *GVA Grimley consider that a return of 10% is appropriate for a Scheme considering the current economic climate and property market.* Again, as indicated above in this instance the council do not have a hypothetical situation here, they have a developer in the form of Citadel Estates Ltd who are prepared to undertake the development, do not require outside funding and are in a position of cash available to take the development through to conclusion in the marketplace irrespective of the level of profit that is achieved.

Finally, the GVA Grimley report indicates that their general view is that it is unlikely that this property will buck the trend and that a house builder would commit to this property given its location, state of report and risks. Again, as identified above, and as the council know, Citadel Estates Ltd are a local well established niche developer with a strong balance sheet and track record of delivering residential developments successfully

7

within this area. The facts relating to Citadel Estates and this specific property surely must carry considerably more weight than the general views implied by GVA Grimley's planning department and its experience of large scale generic house builders across the region.

To assist GVA further in the matter to allow them to reconsider their general advice it would be perhaps relevant for them to visit the two properties developed and sold by Citadel Estates Ltd within the settlement of Castle Carrock in 2010 as the most directly relevant comparable evidence of the market in this location.

In the event of requiring further clarification or detail you will please not hesitate to contact me.

Yours sincerely

C R Gray



SCHEDULE B

SCHEDULE B

SCHEDULE C

SCHEDULE C



## SCHEDULE C: Applications Determined by Other Authorities

09/0886

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**Item No: 14**

Between 18/02/2010 and 01/04/2011

**Appn Ref No:**  
09/0886

**Applicant:**  
Mr G MacDonald

**Parish:**  
Arthuret

**Date of Receipt:**  
18/01/2010

**Agent:**  
Heine Planning  
Consultancy

**Ward:**  
Longtown & Rockcliffe

**Location:**  
Sandysike, Longtown, Carlisle, CA6 5SY

**Grid Reference:**  
338432 566163

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

**Amendment:**

1. Revised Site Layout Plan
- 

**REPORT**

**Case Officer:** Richard Maunsell

**Decision on Appeals:**

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

**Type of Appeal:** Informal Hearing

**Report:** This appeal relates to a retrospective application for "Full" planning permission for the change of use of land from former woodland to caravan site for stationing of caravans for single extended gypsy-traveller family with associated development (hard standing, cess pool, two utility sheds) at Sandysike, Longtown, Carlisle.

Members resolved to refuse the application on the basis that there is no proven general need for additional Gypsy sites in the area and the applicant's circumstances appear to be such that it cannot be concluded that occupation of the current site outweighs the potential to occupy alternative sites; and that the irrevocable loss of such a significant area of protected woodland would be detrimental to the landscape character of the surrounding area and result in the loss of a natural area and significant landscape feature.

Following the refusal of the application, Enforcement Notices were served which required the appellants:

- to cease using the land affected for residential purposes;

## SCHEDULE C: Applications Determined by Other Authorities

09/0886

- to cease stationing all caravans or other vehicles for residential use and to ensure their removal from the land;
- to remove from the land all other ancillary buildings, play shed, portable toilets, storage containers, and animal enclosures;
- to gather up and remove from the land all gravel, hard core, flag stones, nonvegetative material, etc brought onto the land;
- to dismantle, take up and remove from the land all internal fences and means of enclosure; and
- after the removal of all the items referred to above the cleared site is to be restored to the condition existing immediately prior to your occupation (as at September 2009) by the spreading of top soil currently existing in the top soil bunds on the western and eastern boundaries to enable the natural regeneration of vegetation.

The period for compliance was six months.

The application had originally been made on the basis of three pitches occupied by a single extended Gypsy family, with one of the appellants sharing a pitch with his mother. During 2010 there was a change in circumstances and fencing had been re-arranged to define four pitches. The Inspector was asked to consider the appeal on this basis and in place of the proposal for the siting of four static caravans/ mobile homes and three tourer caravans there would now be four statics and four tourers.

The Inspector considered that the main issue was whether the effects of the development on the rural landscape, and in particular the impact arising from the loss of trees within the protected woodland on a permanent basis are outweighed by the accommodation needs of the appellants as Gypsies for use of this land.

In his assessment, the Inspector concluded that landscape harm caused by the development is the loss of wooded cover along a section of the road frontage rather than the development itself. He accepted that due to the previous felling of trees on the site, the reduction of the overall extent of the woodland would have adverse implications for the woodland ecosystem as a whole; however, a temporary planning consent would not prejudice the future regeneration of the site.

In his decision, the Inspector recognised that the permanent loss of a significant portion of woodland as an important landscape feature is harmful to the area's character and appearance. In continuing, he stated that the development conflicts with the Council's policy in relation to Primary Employment Areas for alternative uses and the express objectives for development in the Whitesike area, and also with the Local Plan policy requirement for development to conserve and enhance landscape character.

The Inspector acknowledged that in relation to the final report of the Cumbria Gypsy and Traveller Accommodation Assessment (2008) [GTAA], the numerical provision of pitches in the District up to 2012 has met the

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

09/0886

specified requirement; however, he opines that the current situation gives rise to some concern of a need for further short term provision, whether as a product of under-estimation in the GTAA or by household growth for the period 2012–2016.

The appellants' have access to health care and education facilities. The Inspector noted that without a site in this general locality the advantages for site residents which had now been achieved in these regards would be disrupted and that there is a personal need for caravan site accommodation by the four households resident on the site. The Inspector commented that in the absence of immediately available sites in the Carlisle area there would be a possibility that some at least of the site occupiers would run the risk of 'returning to the roadside'. He concluded that this is a matter which potentially adds to the impact upon the appellants' European Convention on Human Rights Article 8 rights; furthermore, nomadic camping has implications for the public interest. This is an issue which weighs materially in support of the appeals.

The Inspector found that an alternative site which allowed continuity of access to these facilities would clearly be desirable but any alternative accommodation would have to be suitable, available, affordable and acceptable. The need for the appeals site as an element of long term provision in the area is insufficient to over-ride the harm to the area's environment; however, planning permission for five years would allow a review of the locally alternative sites available to the site residents.

Overall, the Inspector found that the circumstances are sufficient to set aside, on a temporary basis, the conflict with Local Plan policies. For these reasons, the Enforcement Notice appeal was allowed in part and planning permission granted for caravan site use of an area. The appeals for the remainder were dismissed. The appeal against the refusal of planning permission was allowed and temporary planning consent was granted.

**Appeal Decision:** Appeal Allowed with Conditions      **Date:** 21/03/2011

## SCHEDULE C: Applications Determined by Other Authorities

09/0029

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**Item No: 15** Between 18/02/2010 and 01/04/2011

**Appn Ref No:**  
09/0029

**Applicant:**  
Mr Simon Ptolomy

**Parish:**  
Beaumont

**Date of Receipt:**  
19/01/2009

**Agent:**  
Phoenix Architects

**Ward:**  
Burgh

**Location:**  
The Old Forge, Kirkandrews on Eden, Carlisle, CA5  
6DJ

**Grid Reference:**  
335420 558380

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

**Amendment:**

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### REPORT

**Case Officer:** Richard Maunsell

#### Decision on Appeals:

**Appeal Against:** Against imposition of conditions

**Type of Appeal:** Informal Hearing

**Report:** This appeal relates to an application for "Full" planning permission for the alterations and extension to existing two storey rear extension to provide storage area and enlarged bathroom. It further involved the demolition of single storey outbuilding and erection of two storey side extension to provide hall, cloakroom and study on ground floor with 1no. ensuite bedroom above together with the erection of single storey integral garage at The Old Forge, Kirkandrews on Eden, Carlisle.

This was a revised application to an earlier scheme and was approved under the Scheme of Delegation subject to the imposition of five planning conditions, namely:

1. a time limit within which development shall begin;
2. a requirement to submit a Method Statement relating to work adjacent to a tree that was subject to a preservation order that was adjacent to the boundary of the site;
3. details of root protection barriers;
4. submission of an archaeological watching brief; and
5. submission of a Level 3 survey of the building.

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

09/0029

The applicant lodged an appeal against the imposition of the conditions which was co-joined with an appeal against the refusal to discharge the planning conditions reported elsewhere in this Schedule under application reference 09/0580.

The Inspector considered the merits of the appellant's arguments and concluded that the conditions were required to adequately protect the Lime Tree adjacent to the site that is protected by a Tree Preservation Order and to preserve the archaeological interest of the Hadrian's Wall World Heritage Site Buffer Zone and the historic interest of the built environment.

For these reasons, the appeal was dismissed although the minor alterations were made by the Inspector to the wording of conditions 4 and 5.

**Appeal Decision:** Appeal Part Allowed

**Date:** 19/02/2010

## SCHEDULE C: Applications Determined by Other Authorities

09/0580

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**Item No: 16**

Between 18/02/2010 and 01/04/2011

**Appn Ref No:**  
09/0580

**Applicant:**  
Mr Simon Ptolomy

**Parish:**  
Beaumont

**Date of Receipt:**  
16/07/2009

**Agent:**  
Phoenix Architects

**Ward:**  
Burgh

**Location:**  
The Old Forge, Kirkandrews on Eden, Carlisle, CA5  
6DJ

**Grid Reference:**  
335420 558380

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

**Amendment:**

---

### REPORT

**Case Officer:** Richard Maunsell

#### Decision on Appeals:

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

**Type of Appeal:** Informal Hearing

**Report:** This appeal relates to an application for "Full" planning permission for the alterations and extension to existing two storey rear extension to provide storage area and enlarged bathroom. It further involved the demolition of single storey outbuilding and erection of two storey side extension to provide hall, cloakroom and study on ground floor with 1no. ensuite bedroom above together with the erection of single storey integral garage at The Old Forge, Kirkandrews on Eden, Carlisle.

This was a revised application to an earlier scheme and was approved under the Scheme of Delegation subject to the imposition of five planning conditions, namely:

1. a time limit within which development shall begin;
2. a requirement to submit a Method Statement relating to work adjacent to a tree that was subject to a preservation order that was adjacent to the boundary of the site;
3. details of root protection barriers;
4. submission of an archaeological watching brief; and
5. submission of a Level 3 survey of the building.

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

09/0580

Subsequently, an application was submitted to discharge the relevant conditions; however, the proposed tree protection barriers were not considered sufficiently robust and in accordance with the British Standard; the format for the archaeological watching brief was not compliant with the professionally recognised standard format in the Institute for Archaeologists (IfA) 'Standards and Guidance for an Archaeological Watching Brief' and did not allow for a proper evaluation; and the building survey did not accord with English Heritage's 'Understanding Historic Buildings - A Guide to Good Recording Practice, 2006' and given the lack of depth of the Record Survey and the lack of relationship with English Heritage's requirements.

Accordingly there was insufficient information to discharge the planning conditions.

During the Information Hearing, the appellant withdrew part of his appeal in respect of the Method Statement.

The Inspector considered that the main issue in terms of the imposition of the conditions is whether the requirements of conditions 4 and 5 are reasonable and necessary to preserve the archaeological interest of the Hadrian's Wall World Heritage Site Buffer Zone and the historic interest of the built environment. The main issue in terms of whether the conditions should be discharged is whether the details submitted in respect of conditions 2, 3, 4 and 5: safeguard the lime tree subject of Tree Preservation Order No 108; preserve the archaeological interest of the Hadrian's Wall World Heritage Site Buffer Zone; and preserve the historic interest of the built environment.

Although the appellant proposed to erect a post and wire fence around the protected tree, the Inspector found that this did not accord with the Council's Local Plan policy or Supplementary Planning Document. Consequently, she concluded that the fence details submitted in respect of the root protection barrier required by conditions 2 and 3 would fail to safeguard the future health of the protected tree.

The appeal site lies between Hadrian's Wall and Hadrian's Wall vallum, both Scheduled Ancient Monuments and within the World Heritage Site Buffer Zone. The Inspector made reference to Planning Policy Guidance 16 'Archaeology and Planning' and highlighted the fact that Local Authorities should satisfy themselves that the developer has made appropriate and satisfactory arrangements for the excavation and recording of remains and the publication of results which can be achieved through a negatively worded condition. The Inspector found that the condition was necessary to preserve the archaeological interest on the site but made some minor alterations to the wording.

The Inspector made reference to the fact that the submission did not meet the guidance set out in the IfA standard in respect of the written scheme of investigation. The Inspector found that the details submitted failed to safeguard the special archaeological interest of the Hadrian's Wall World

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

09/0580

Heritage Site.

The Inspector agreed that condition 5 was necessary to preserve the historic interest of the built environment; however, she concluded that a Level 3 survey was not necessary and reworded the condition to require the submission of a Level 1 survey. Following this amendment, the details submitted by the appellant were sufficient to preserve the historic interest of the built environment.

For these reasons, the appeal was dismissed insofar as it relates to conditions 2, 3 and 4. The Inspector allowed condition 5 and approved the submitted details.

Circular 03/2009 advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. During the appeal process, an application for an award of costs was made against the Council. The Inspector supported the appellant's application for an award of costs against the Council but only in relation to condition 5.

In response, a claim was submitted by the Council against the appellant. The Inspector found that the appellant failed to act reasonably in respect of the late withdrawal of a substantial part of the appeal that related to two out of four of the conditions in dispute. As a result, the Council incurred unnecessary expense and a partial award of costs was made to the Council.

Due to ongoing dispute between the appellant and his agent, the amount claimed by both parties has not yet been resolved.

**Appeal Decision:** Appeal Part Allowed

**Date:** 19/02/2010



SCHEDULE D

SCHEDULE D

## SCHEDULE D: Reports on Previously Deferred Decisions

---

**Item No: 17**

Between 26/02/2011 and 01/04/2011

**Appn Ref No:**

10/0265

**Applicant:**

Mr Watson

**Parish:**

Brampton

**Date of Receipt:**

26/03/2010

**Agent:**

Green Design Group

**Ward:**

Brampton

**Location:**

Brampton Playhouse, Moat Side, Brampton, CA8  
1UH

**Grid Reference:**

353224 561164

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

**Amendment:**

### REPORT

**Case Officer:** Stephen Daniel

#### Details of Deferral:

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

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

**Decision:** Granted Subject to Legal Agreement

**Date:** 03/03/2011

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

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

2. The approved documents for this planning permission comprise:
  1. the submitted planning application form;
  2. the Design and Access Statement;

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

3. Desk Top Study on Likelihood of Contamination;
4. Report on Structural Inspection;
5. Bat Survey;
6. Drawing Number 09/1897/01
7. Drawing Number 09/1897/03A
8. Drawing Number 091897/05D
9. Drawing Number 091897/06
10. the Notice of Decision;
11. any such variation as may subsequently be approved in writing by the Local Planning Authority.

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

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

**Reason:** To ensure the works harmonise as closely as possible with the existing building and to ensure compliance with Policies CP5 and LE19 of the Carlisle District Local Plan 2001-2016.

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

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

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

## SCHEDULE D: Reports on Previously Deferred Decisions

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

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

**Reason:** To protect the privacy and amenity of the occupiers of the dwellings to be created, in accordance with Policies H2 and CP5 of the Carlisle District Local Plan 2001-2016.

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

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

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

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

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

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

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting

## SCHEDULE D: Reports on Previously Deferred Decisions

that Order), no additional windows shall be inserted on the properties without the prior consent of the Local Planning Authority.

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

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

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

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

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

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

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

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

## SCHEDULE D: Reports on Previously Deferred Decisions

development. Within two months of the completion of development hereby approved, three copies of the report shall be furnished to the Local Planning Authority.

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

15. Prior to the demolition, the existing building affected by the proposed development shall be recorded in accordance with a Level 2 survey as described by English Heritage's document Understanding Historic Buildings A Guide to Good Recording Practice, 2006. Within 2 months of the commencement of construction works, 3 copies of the resultant level 2 survey report shall be furnished to the Local Planning Authority.

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

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

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

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

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

18. The dwellings shall not be occupied until the access and parking requirements

## SCHEDULE D: Reports on Previously Deferred Decisions

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

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

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

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

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

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

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

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

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SCHEDULE E

SCHEDULE E



## SCHEDULE E: Decisions Issued Under Delegated Powers

Between 26/02/2011 and 01/04/2011

<b>Appn Ref No:</b> 10/0398	<b>Applicant:</b> Mr Iain Barker	<b>Parish:</b> Upper Denton
<b>Date of Receipt:</b> 06/12/2010	<b>Agent:</b>	<b>Ward:</b> Irthing
<b>Location:</b> 1 Hall Terrace, Gilsland, Brampton, CA8 7BW		<b>Grid Reference:</b> 363305 566438

**Proposal:** Installation Of 2no. Rooflights To Rear Elevation (LBC)

**Amendment:**

**Decision:** Grant Permission

**Date:** 16/03/2011

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Between 26/02/2011 and 01/04/2011

<b>Appn Ref No:</b> 10/0707	<b>Applicant:</b> BCL Property	<b>Parish:</b> Hayton
<b>Date of Receipt:</b> 24/08/2010	<b>Agent:</b> Green Design Group	<b>Ward:</b> Hayton
<b>Location:</b> Bank Barn, The How, How Mill, CA8 9JY		<b>Grid Reference:</b> 350564 556409

**Proposal:** Change Of Use From Self Contained Flat To Office Use, Together With Alterations And Extension To Existing Ground Floor Accommodation Incorporating Retention Of Existing Single Storey Outbuilding To Provide Additional Office Accommodation And Including Construction Of Glazed Link/Entrance Hall

**Amendment:**

**Decision:** Grant Permission

**Date:** 18/03/2011

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Between 26/02/2011 and 01/04/2011

<b>Appn Ref No:</b> 10/0860	<b>Applicant:</b> Carlisle College	<b>Parish:</b> Carlisle
<b>Date of Receipt:</b> 21/09/2010	<b>Agent:</b> Ryder Architecture Ltd	<b>Ward:</b> Castle

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Location:**

Carlisle College, Strand Road, Carlisle, Cumbria,  
CA1 1HS

**Grid Reference:**

340510 556100

**Proposal:** Discharge Of Conditions 5 (Bridge, Substation & Smoking Shelters), Condition 7 (Parking & Drainage Details), Condition 8 (Ramps), Condition 11 (Materials), Condition 12 (Hard Surfaces), Condition 13 (Submission Of Landscaping), Condition 16 (Tree Protection), Condition 17 (Security) And Condition 18 (Disabled Parking) Of Previously Approved Appn 09/1085

**Amendment:**

**Decision:** Grant Permission

**Date:** 17/03/2011

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Between 26/02/2011 and 01/04/2011

**Appn Ref No:**

10/0870

**Applicant:**

Story Homes

**Parish:**

Brampton

**Date of Receipt:**

28/09/2010

**Agent:****Ward:**

Brampton

**Location:**

Former Highways Depot & Dandycroft, Station  
Road, Brampton, CA8 1EU

**Grid Reference:**

353782 561006

**Proposal:** Variation Of Condition 8 Of Previously Approved Appn 10/0346 To Include The Provision Of Dropped Kerbs And Tactile Paving

**Amendment:**

**Decision:** Grant Permission

**Date:** 10/03/2011

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Between 26/02/2011 and 01/04/2011

**Appn Ref No:**

10/0897

**Applicant:**

Mr Rob Carr

**Parish:**

Arthuret

**Date of Receipt:**

28/10/2010

**Agent:**

Black Box Architects  
Limited

**Ward:**

Longtown & Rockcliffe

**Location:****Grid Reference:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

Brackenhill Farm (Barns) Carlshaw, Longtown,  
Carlisle, Cumbria, CA6 5TU

344480 569540

**Proposal:** Discharge Of Conditions 9 (Materials); 10 (Roof Lights); 11 (Hard Surface Finishes); 13 (Rainwater Goods); 14 (Landscaping Scheme); 15 (Foul Drainage); 16 (Owl Nesting Box) And 17 (Level 3 Survey) Of Previously Approved Permission 08/0070

**Amendment:**

**Decision:** Grant Permission

**Date:** 11/03/2011

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Between 26/02/2011 and 01/04/2011

**Appn Ref No:**  
10/1043

**Applicant:**  
Defence Estates

**Parish:**  
Kingwater

**Date of Receipt:**  
18/01/2011

**Agent:**  
Carillion Enterprise

**Ward:**  
Irthing

**Location:**  
Building F61 Administration Site, RAF Spadeadam,  
Gilsland, Brampton CA8 7AT

**Grid Reference:**  
361521 570248

**Proposal:** Adaptation Of Existing Building To House Additional Biomass Boiler;  
Extension To Building To Provide Fuel Storage Area

**Amendment:**

**Decision:** Grant Permission

**Date:** 15/03/2011

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Between 26/02/2011 and 01/04/2011

**Appn Ref No:**  
10/1088

**Applicant:**  
Competition Line UK LTD

**Parish:**

**Date of Receipt:**  
02/12/2010 13:00:27

**Agent:**  
John Taylor Architects Ltd

**Ward:**

**Location:**  
Former Textile Mill Warehouse, Currock Road  
Retail Park, Carlisle, CA2 4AS

**Grid Reference:**  
340436 555793

**Proposal:** Proposed Change Of Use From Retail To Form Fitness Suite

**Amendment:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Decision:** Grant Permission

**Date:** 23/03/2011

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Between 26/02/2011 and 01/04/2011

**Appn Ref No:**  
10/1098

**Applicant:**  
Miss Helen Blake

**Parish:**  
Kingmoor

**Date of Receipt:**  
13/12/2010

**Agent:**  
Garner Planning  
Associates

**Ward:**  
Stanwix Rural

**Location:**  
Dabbing Cottage, Cargo, Carlisle, CA6 4AW

**Grid Reference:**  
336552 559164

**Proposal:** Demolition Of Dabbing Cottage And Erection Of 1no. Replacement Dwelling

**Amendment:**

**Decision:** Refuse Permission

**Date:** 10/03/2011

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Between 26/02/2011 and 01/04/2011

**Appn Ref No:**  
10/1099

**Applicant:**  
Miss Helen Blake

**Parish:**  
Kingmoor

**Date of Receipt:**  
08/12/2010 13:01:13

**Agent:**  
Garner Planning  
Associates

**Ward:**  
Stanwix Rural

**Location:**  
Dabbing Cottage, Cargo, Carlisle, CA6 4AW

**Grid Reference:**  
336552 559164

**Proposal:** Demolition Of Dabbing Cottage And Erection Of 1no. Replacement Dwelling (Revised Application) (LBC)

**Amendment:**

**Decision:** Refuse Permission

**Date:** 10/03/2011

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Between 26/02/2011 and 01/04/2011

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Appn Ref No:**  
10/1100

**Applicant:**  
Longtown Memorial Hall  
Community Centre

**Parish:**  
Arthuret

**Date of Receipt:**  
05/01/2011

**Agent:**

**Ward:**  
Longtown & Rockcliffe

**Location:**  
Longtown Memorial Community Centre, Arthuret  
Road, Longtown, Carlisle, Cumbria, CA6 5SJ

**Grid Reference:**  
338027 568377

**Proposal:** Display Of Freestanding Sign Located In Flower Bed

**Amendment:**

**Decision:** Grant Permission

**Date:** 02/03/2011

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Between 26/02/2011 and 01/04/2011

**Appn Ref No:**  
10/1101

**Applicant:**  
Andidrain

**Parish:**  
Rockcliffe

**Date of Receipt:**  
10/12/2010

**Agent:**  
PMS Fabrications Ltd

**Ward:**  
Longtown & Rockcliffe

**Location:**  
Andidrain, Building E, Kingmoor Park Rockcliffe  
Estate, Rockcliffe, Carlisle, CA6 4RW

**Grid Reference:**  
336516 560773

**Proposal:** Demolition Of Existing Office Block And Workshop And The Erection Of  
Two Storey Office Block; Steel Frame Profile Clad Workshop And  
Repositioned Existing Workshop (Revised Application)

**Amendment:**

**Decision:** Grant Permission

**Date:** 10/03/2011

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Between 26/02/2011 and 01/04/2011

**Appn Ref No:**  
10/1122

**Applicant:**  
Mr Ian Alexander Murray

**Parish:**  
Irthington

**Date of Receipt:**  
10/01/2011

**Agent:**  
A L Daines & Partners

**Ward:**  
Stanwix Rural

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Location:**

Newby Hall, Newby East, Carlisle, Cumbria, CA4 8QX

**Grid Reference:**

347554 558400

**Proposal:** Taking Down And Rebuilding Existing Boundary Wall (LBC)

**Amendment:**

**Decision:** Grant Permission

**Date:** 08/03/2011

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Between 26/02/2011 and 01/04/2011

**Appn Ref No:**

10/1135

**Applicant:**

Brampton Community Association

**Parish:**

Brampton

**Date of Receipt:**

25/02/2011

**Agent:**

Green Design Group

**Ward:**

Brampton

**Location:**

Irthing Centre, Union Lane, Brampton, CA8 1BX

**Grid Reference:**

352888 561242

**Proposal:** Erection Of New External Timber Decking With Perimeter Fencing 2430mm High; Replacement Of 3 No. Existing Single Glazed Doors With New Aluminium Clad Timber Doors; Minor Internal Alterations and Re-decoration; Concrete Ramp To External Play Area (Retrospective Application)

**Amendment:**

**Decision:** Grant Permission

**Date:** 28/03/2011

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Between 26/02/2011 and 01/04/2011

**Appn Ref No:**

10/1139

**Applicant:**

Triveritas

**Parish:**

Hayton

**Date of Receipt:**

06/01/2011

**Agent:**

Green Design Group

**Ward:**

Hayton

**Location:**

How Farm, How Mill, Cumbria, CA8 9JY

**Grid Reference:**

350573 556446

**Proposal:** Change Of Use From Agricultural Land To Ancillary Overflow Carpark

## SCHEDULE E: Decisions Issued Under Delegated Powers

For Triveritas Ltd

### Amendment:

**Decision:** Grant Permission

**Date:** 18/03/2011

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Between 26/02/2011 and 01/04/2011

**Appn Ref No:**  
10/1144

**Applicant:**  
St James Church PCC

**Parish:**  
Carlisle

**Date of Receipt:**  
05/01/2011

**Agent:**  
Hyde Harrington

**Ward:**  
Denton Holme

**Location:**  
62-66 Denton Street, Carlisle, CA2 5EH

**Grid Reference:**  
339786 555133

**Proposal:** Refurbishment And Alteration Of 2 Separate Retail Units To Form Single Retail Unit For Use As "Opportunity Shop" (A1 Class Use) And Community Hub For Church Activities; Includes Small Seating Area Within Shop For Hot Beverages (Ancillary Use); Demolition Of Internal Walls And Creation Of New Ground And First Floor Level, Including Two-Storey Extension To The Rear; New Shopfront To Denton Street Elevation, Insertion Of Shopfront To Nelson Street Elevation; Raising Of Roof Height; Insertion Of New Windows To Both Elevations

### Amendment:

**Decision:** Grant Permission

**Date:** 02/03/2011

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Between 26/02/2011 and 01/04/2011

**Appn Ref No:**  
10/1145

**Applicant:**  
St James Church PCC

**Parish:**  
Carlisle

**Date of Receipt:**  
18/01/2011

**Agent:**  
Hyde Harrington

**Ward:**  
Denton Holme

**Location:**  
62-66 Denton Street, Carlisle, CA2 5EH

**Grid Reference:**  
339786 555133

**Proposal:** Display Of Externally Illuminated Sign Board Located To Nelson Street Elevation At Ground Floor Level For The Purpose Of Advertising St. James Parish Church Carlisle Events

### Amendment:

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Decision:** Grant Permission

**Date:** 15/03/2011

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Between 26/02/2011 and 01/04/2011

**Appn Ref No:**  
10/1147

**Applicant:**  
Mr Stephen Bolger

**Parish:**  
Wetheral

**Date of Receipt:**  
21/01/2011

**Agent:**  
Philip Turner Associates

**Ward:**  
Wetheral

**Location:**  
The Plain, Plains Road, Wetheral, Carlisle,  
Cumbria, CA4 8JY

**Grid Reference:**  
346359 554944

**Proposal:** Proposed Alterations To Rear Access And Yard (LBC)

**Amendment:**

**Decision:** Grant Permission

**Date:** 28/03/2011

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Between 26/02/2011 and 01/04/2011

**Appn Ref No:**  
10/1149

**Applicant:**  
Mr Swailes

**Parish:**  
Carlisle

**Date of Receipt:**  
11/01/2011

**Agent:**  
Black Box Architects  
Limited

**Ward:**  
Castle

**Location:**  
64 Stanhope Road, Carlisle, CA2 7BP

**Grid Reference:**  
339186 555508

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

**Amendment:**

**Decision:** Grant Permission

**Date:** 08/03/2011

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Between 26/02/2011 and 01/04/2011

**Appn Ref No:**

**Applicant:**

**Parish:**



## SCHEDULE E: Decisions Issued Under Delegated Powers

11/0001                      Mr Atkinson                      St Cuthberts Without

**Date of Receipt:**                      **Agent:**                      **Ward:**  
14/01/2011                      SPACE Designed  
Solutions Ltd                      Dalston

**Location:**                      **Grid Reference:**  
Lane End Cottage, Wreay, Carlisle, CA4 0RL                      343620 549086

**Proposal:** Conversion Of Single Storey Flat Roof Dwelling To Two Storey Pitched  
Roof Dwelling (Revised/Part Retrospective Application)

**Amendment:**

**Decision:** Grant Permission                      **Date:** 16/03/2011

---

Between 26/02/2011 and 01/04/2011

**Appn Ref No:**                      **Applicant:**                      **Parish:**  
11/0003                      Mr Telford                      Stapleton

**Date of Receipt:**                      **Agent:**                      **Ward:**  
14/01/2011 16:00:33                      Planning Branch Ltd                      Lyne

**Location:**                      **Grid Reference:**  
High Mossthorn, Roadhead, Carlisle, CA6 6NJ                      351496 573435

**Proposal:** Conversion And Extension To Form Annex To The Existing Farmhouse

**Amendment:**

**Decision:** Grant Permission                      **Date:** 11/03/2011

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Between 26/02/2011 and 01/04/2011

**Appn Ref No:**                      **Applicant:**                      **Parish:**  
11/0004                      Mr Ferguson                      Burtholme

**Date of Receipt:**                      **Agent:**                      **Ward:**  
25/01/2011                                           Irthing

**Location:**                      **Grid Reference:**  
Ridge View, Walton, Brampton, CA8 2JR                      353540 564470

**Proposal:** Discharge Of Condition 3 (Planting Details To Roadside) Of Previously

## SCHEDULE E: Decisions Issued Under Delegated Powers

Approved Application 09/0135

**Amendment:**

**Decision:** Grant Permission

**Date:** 23/03/2011

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Between 26/02/2011 and 01/04/2011

**Appn Ref No:**  
11/0007

**Applicant:**  
Mr Irving

**Parish:**  
Carlisle

**Date of Receipt:**  
10/01/2011

**Agent:**

**Ward:**  
Castle

**Location:**  
12 Chatsworth Square, Carlisle, CA1 1HB

**Grid Reference:**  
340498 555949

**Proposal:** Change Of Use Of House Of Multiple Occupancy To Provide 6No. Flats  
**Amendment:**

**Decision:** Grant Permission

**Date:** 09/03/2011

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Between 26/02/2011 and 01/04/2011

**Appn Ref No:**  
11/0011

**Applicant:**  
Mr Robin Bowman

**Parish:**

**Date of Receipt:**  
11/01/2011

**Agent:**  
Rodney Jeremiah

**Ward:**  
Lyne

**Location:**  
Tiggle Hollow, Sleetbeck Road, Roadhead, Carlisle,  
CA6 6PA

**Grid Reference:**  
350342 576861

**Proposal:** Two Storey Side Extension To Provide Garage And 1No. En-Suite  
Bedroom On Ground Floor With Provision Of First Floor Containing 2No.  
Attic Rooms

**Amendment:**

**Decision:** Grant Permission

**Date:** 08/03/2011

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## SCHEDULE E: Decisions Issued Under Delegated Powers

Between 26/02/2011 and 01/04/2011

**Appn Ref No:**  
11/0019

**Applicant:**  
Mr Craig Walker

**Parish:**  
Carlisle

**Date of Receipt:**  
20/01/2011

**Agent:**  
Broad Building Services

**Ward:**  
Belah

**Location:**  
5 Hartley Avenue, St Anns Hill, Carlisle, Cumbria,  
CA3 9RT

**Grid Reference:**  
338927 557734

**Proposal:** Erection Of Single Storey Rear Extension To Provide Extended Kitchen,  
Conservatory, Utility Room, WC & Store

**Amendment:**

**Decision:** Grant Permission

**Date:** 15/03/2011

---

Between 26/02/2011 and 01/04/2011

**Appn Ref No:**  
11/0020

**Applicant:**  
Mr & Mrs Pollock

**Parish:**  
Arthuret

**Date of Receipt:**  
27/01/2011

**Agent:**  
Tsada Building Design  
Services

**Ward:**  
Longtown & Rockcliffe

**Location:**  
Land adjacent Fauld Farm, Longtown, Carlisle, CA6  
5SN

**Grid Reference:**  
337690 566937

**Proposal:** Erection Of Agricultural Building For Young Stock And Calf Housing -  
Phase 4 (Retrospective)

**Amendment:**

**Decision:** Grant Permission

**Date:** 18/03/2011

---

Between 26/02/2011 and 01/04/2011

**Appn Ref No:**  
11/0021

**Applicant:**  
Mr & Mrs Pollock

**Parish:**  
Arthuret

**Date of Receipt:**

**Agent:**

**Ward:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

27/01/2011

Tsada Building Design  
Services

Longtown & Rockcliffe

**Location:**

Land adjacent Fauld Farm, Longtown, Carlisle, CA6  
5SN

**Grid Reference:**

337690 566937

---

**Proposal:** Erection Of Agricultural Building For Cubicle/Feed Shed With Bull  
Penage And Slatted Collection Tank - Phase 3 (Retrospective)

**Amendment:**

**Decision:** Grant Permission

**Date:** 29/03/2011

---

Between 26/02/2011 and 01/04/2011

**Appn Ref No:**  
11/0024

**Applicant:**  
Nigel Thompson  
Developments LTD

**Parish:**  
Hayton

**Date of Receipt:**  
28/01/2011

**Agent:**  
Mr Beattie

**Ward:**  
Hayton

**Location:**

L/A Fenton Farm, Fenton, Carlisle, CA8 9JZ

**Grid Reference:**

350250 556080

**Proposal:** Erection Of 2no. Dwellings (Revised House Type For Plots 1 & 2 Of  
Previously Approved Appn 05/0042)

**Amendment:**

**Decision:** Grant Permission

**Date:** 16/03/2011

---

Between 26/02/2011 and 01/04/2011

**Appn Ref No:**  
11/0027

**Applicant:**  
Mr Craig Murray

**Parish:**  
Carlisle

**Date of Receipt:**  
27/01/2011

**Agent:**

**Ward:**  
Belah

**Location:**

149 Kingstown Road, Carlisle, Cumbria, CA3 0AX

**Grid Reference:**

339621 558566

**Proposal:** Erection Of Single Storey Rear Extension To Provide Extended

## SCHEDULE E: Decisions Issued Under Delegated Powers

Kitchen/Dining Room

**Amendment:**

**Decision:** Grant Permission

**Date:** 10/03/2011

---

Between 26/02/2011 and 01/04/2011

**Appn Ref No:**  
11/0030

**Applicant:**  
Lonsdale Leisure Ltd

**Parish:**  
Carlisle

**Date of Receipt:**  
21/01/2011

**Agent:**  
HTGL Architects Ltd

**Ward:**  
Currock

**Location:**  
4 Botchergate, Carlisle

**Grid Reference:**  
340295 555570

**Proposal:** Change Of Use Of Hotel Entrance To Bar/Nightclub

**Amendment:**

**Decision:** Grant Permission

**Date:** 18/03/2011

---

Between 26/02/2011 and 01/04/2011

**Appn Ref No:**  
11/0031

**Applicant:**  
Lonsdale Leisure Ltd

**Parish:**  
Carlisle

**Date of Receipt:**  
14/01/2011

**Agent:**  
HTGL Architects Ltd

**Ward:**  
Currock

**Location:**  
4 Botchergate, Carlisle

**Grid Reference:**

**Proposal:** Alterations To Existing Stairs To Improve Access/Exit Provision;  
Removal Of Existing Glazed Inner Screen & Doors

**Amendment:**

**Decision:** Grant Permission

**Date:** 11/03/2011

---

Between 26/02/2011 and 01/04/2011

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Appn Ref No:**  
11/0034

**Applicant:**  
Mr Tunnclyff

**Parish:**  
Wetheral

**Date of Receipt:**  
14/01/2011 16:00:19

**Agent:**  
Ashton Design

**Ward:**  
Great Corby & Geltsdale

**Location:**  
22 Broadwath, Heads Nook, Carlisle, Cumbria

**Grid Reference:**  
349065 554647

**Proposal:** Erection Of 4No. Garages For The Storage Of Classic Cars  
(Revised/Retropective Application)

**Amendment:**

**Decision:** Grant Permission

**Date:** 11/03/2011

---

Between 26/02/2011 and 01/04/2011

**Appn Ref No:**  
11/0036

**Applicant:**  
Mr Handley

**Parish:**  
Dalston

**Date of Receipt:**  
04/02/2011

**Agent:**

**Ward:**  
Dalston

**Location:**  
Field adj. Honeypot, Low Flanders, Dalston,  
Carlisle, CA5 7AF

**Grid Reference:**  
338051 550210

**Proposal:** Installation Of Ground Mounted Solar Photovoltaic Cells

**Amendment:**

**Decision:** Grant Permission

**Date:** 29/03/2011

---

Between 26/02/2011 and 01/04/2011

**Appn Ref No:**  
11/0038

**Applicant:**  
Mrs Timperon

**Parish:**  
Brampton

**Date of Receipt:**  
24/01/2011

**Agent:**

**Ward:**  
Brampton

**Location:**  
The Old String of Horses, 2-4 Stephenson's Lane,  
Brampton, CA8 1RU

**Grid Reference:**  
353054 561212

## **SCHEDULE E: Decisions Issued Under Delegated Powers**

**Proposal:** Change Of Use From 1No. Dwelling To 2No. Dwellings

**Amendment:**

**Decision:** Grant Permission

**Date:** 21/03/2011

---

Between 26/02/2011 and 01/04/2011

**Appn Ref No:**  
11/0039

**Applicant:**  
Mrs M O'Donnell

**Parish:**  
Wetheral

**Date of Receipt:**  
24/01/2011

**Agent:**  
Hogg & Robinson Design  
Services

**Ward:**  
Wetheral

**Location:**  
Land adj to Rydal, Park Road, Scotby, Carlisle, CA4  
8AT

**Grid Reference:**  
343793 555325

**Proposal:** Erection Of 4no. Bed Detached Dwelling (Revised Application)

**Amendment:**

**Decision:** Grant Permission

**Date:** 11/03/2011

---

Between 26/02/2011 and 01/04/2011

**Appn Ref No:**  
11/0040

**Applicant:**  
KC Superbikes Carlisle

**Parish:**  
Carlisle

**Date of Receipt:**  
19/01/2011

**Agent:**  
Unwin Jones Partnership

**Ward:**  
Castle

**Location:**  
23-27 Church Street, Caldewgate, Carlisle, CA2 5TJ

**Grid Reference:**  
339353 555908

**Proposal:** Proposed Motorcycle Showroom And Workshop

**Amendment:**

**Decision:** Grant Permission

**Date:** 21/03/2011

---

## SCHEDULE E: Decisions Issued Under Delegated Powers

Between 26/02/2011 and 01/04/2011

**Appn Ref No:**  
11/0041

**Applicant:**  
Ms Jayne Potts

**Parish:**  
Stapleton

**Date of Receipt:**  
19/01/2011

**Agent:**

**Ward:**  
Lyne

**Location:**  
Newlands, Hethersgill, Carlisle, CA6 6HU

**Grid Reference:**  
347622 569165

**Proposal:** Discharge Of Condition 7 (Provision For Barn Owls And Bats) Of  
Previously Approved Application 10/0726

**Amendment:**

**Decision:** Grant Permission

**Date:** 10/03/2011

---

Between 26/02/2011 and 01/04/2011

**Appn Ref No:**  
11/0043

**Applicant:**  
AP Brown Ltd

**Parish:**  
Wetheral

**Date of Receipt:**  
26/01/2011

**Agent:**  
Brian Child

**Ward:**  
Wetheral

**Location:**  
Land adjacent School House, Wetheral, Carlisle,  
CA4 8HE

**Grid Reference:**  
346450 554136

**Proposal:** Erection Of 2no. Detached Dwellings (Revised Application)

**Amendment:**

**Decision:** Grant Permission

**Date:** 28/02/2011

---

Between 26/02/2011 and 01/04/2011

**Appn Ref No:**  
11/0044

**Applicant:**  
Mr Ian Ferguson

**Parish:**  
Carlisle

**Date of Receipt:**  
19/01/2011

**Agent:**

**Ward:**  
Stanwix Urban

**Location:**

**Grid Reference:**



## SCHEDULE E: Decisions Issued Under Delegated Powers

199 Brampton Road, Carlisle, CA3 9AX

340895 557622

**Proposal:** Erection Of Single Storey Rear Extension To Provide Kitchen And Extension To Existing Garage

**Amendment:**

**Decision:** Grant Permission

**Date:** 09/03/2011

---

Between 26/02/2011 and 01/04/2011

**Appn Ref No:**  
11/0046

**Applicant:**  
Mr John H Potts

**Parish:**  
Carlisle

**Date of Receipt:**  
21/01/2011

**Agent:**  
Mrs Margaret Thompson

**Ward:**  
Stanwix Urban

**Location:**  
40 Etterby Street, Stanwix, Carlisle, CA3 9JD

**Grid Reference:**  
339858 557167

**Proposal:** Repairs, Refurbishment And Minor Internal Alterations (LBC)

**Amendment:**

**Decision:** Grant Permission

**Date:** 11/03/2011

---

Between 26/02/2011 and 01/04/2011

**Appn Ref No:**  
11/0047

**Applicant:**  
Ms Madeline Prior

**Parish:**

**Date of Receipt:**  
10/02/2011

**Agent:**

**Ward:**  
Lyne

**Location:**  
The Steppings, Bewcastle, Carlisle, CA6 6PW

**Grid Reference:**  
354378 574925

**Proposal:** Conversion Of A Single Storey Outbuilding To Workshop And Associated Accommodation (Revised Application)

**Amendment:**

**Decision:** Grant Permission

**Date:** 16/03/2011

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## SCHEDULE E: Decisions Issued Under Delegated Powers

Between 26/02/2011 and 01/04/2011

**Appn Ref No:**  
11/0049

**Applicant:**  
Mr & Mrs Armstrong

**Parish:**  
Upper Denton

**Date of Receipt:**  
24/01/2011

**Agent:**  
Taylor & Hardy

**Ward:**  
Irthing

**Location:**  
The Bridge Inn, Gilsland, Brampton, CA8 7BG

**Grid Reference:**  
363347 566435

**Proposal:** Change Of Use Of A Public House To Form 1No. Dwelling And Erection  
Of An Adjoining Dwelling

**Amendment:**

**Decision:** Grant Permission

**Date:** 18/03/2011

---

Between 26/02/2011 and 01/04/2011

**Appn Ref No:**  
11/0051

**Applicant:**  
Mr Steven Salkeld

**Parish:**  
Carlisle

**Date of Receipt:**  
24/01/2011

**Agent:**  
Mr Matt Haggerty

**Ward:**  
Castle

**Location:**  
Carlisle College, Victoria Place, Carlisle, CA1 1HS

**Grid Reference:**  
340510 556100

**Proposal:** Revision To Planning Appn Ref: 09/1085 To Extend The Lift/Stair Core  
Adjacent To Block A By Another Level

**Amendment:**

**Decision:** Grant Permission

**Date:** 18/03/2011

---

Between 26/02/2011 and 01/04/2011

**Appn Ref No:**  
11/0053

**Applicant:**  
Mr George Garton

**Parish:**  
Brampton

**Date of Receipt:**  
31/01/2011

**Agent:**

**Ward:**  
Brampton

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Location:**

New Mills Trout Farm, Brampton, Cumbria, CA8  
2QS

**Grid Reference:**

354946 561679

**Proposal:** Extension Of House Into Existing Adjoining Building To Create Granny  
Annexe

**Amendment:**

**Decision:** Grant Permission

**Date:** 28/03/2011

---

Between 26/02/2011 and 01/04/2011

**Appn Ref No:**

11/0054

**Applicant:**

Mr J Colin Stamper

**Parish:**

Carlisle

**Date of Receipt:**

17/02/2011

**Agent:****Ward:**

Castle

**Location:**

26 Aglionby Street, Carlisle, CA1 1JP

**Grid Reference:**

340640 555627

**Proposal:** Discharge Of Conditions 3 (Details Of Railings); 4 (Details Of Crime  
Prevention Measures) And 5 (Details Of Materials) Of Previously  
Approved Application Ref:10/0364

**Amendment:**

**Decision:** Grant Permission

**Date:** 29/03/2011

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Between 26/02/2011 and 01/04/2011

**Appn Ref No:**

11/0058

**Applicant:**

Mr & Mrs Ingledow

**Parish:**

Carlisle

**Date of Receipt:**

31/01/2011

**Agent:**

Finesse PVCu Limited

**Ward:**

Belle Vue

**Location:**

3 Beck Close, Carlisle, CA2 7QN

**Grid Reference:**

337110 556107

**Proposal:** Removal Of Existing Conservatory And Erection Of Tiled Roof  
Conservatory

**Amendment:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Decision:** Grant Permission

**Date:** 28/03/2011

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Between 26/02/2011 and 01/04/2011

**Appn Ref No:**  
11/0059

**Applicant:**  
Hills of Corby Hill Ltd

**Parish:**  
Carlisle

**Date of Receipt:**  
24/01/2011 08:00:22

**Agent:**  
John Lyon Associates Ltd

**Ward:**  
Belah

**Location:**  
Kingstown Filling Station, Kingstown Road, Carlisle,  
CA3 0BN

**Grid Reference:**  
339489 559332

**Proposal:** Replacement Of Existing Above Ground Diesel Fuel Oil Tank

**Amendment:**

**Decision:** Grant Permission

**Date:** 23/03/2011

---

Between 26/02/2011 and 01/04/2011

**Appn Ref No:**  
11/0060

**Applicant:**  
Mr Woodman

**Parish:**  
Brampton

**Date of Receipt:**  
24/01/2011 13:00:24

**Agent:**  
Gray Associates Limited

**Ward:**  
Brampton

**Location:**  
Uldale, Gelt Road, Brampton, CA8 1QH

**Grid Reference:**  
353063 560567

**Proposal:** Change Of Use Of Agricultural Land To Domestic Garden; Demolition Of Detached Garage And Sheds; Erection Of Rear Extension To Provide 1No. En-Suite Bedroom, Utility Room And Garage On Ground Floor With 1No. En-Suite Bedroom Above In Roof Space; Blocking Up Of Existing Pedestrian Access To Gelt Road; Widening Of Existing Vehicular Access Onto Gelt Road

**Amendment:**

**Decision:** Grant Permission

**Date:** 18/03/2011

---

## SCHEDULE E: Decisions Issued Under Delegated Powers

Between 26/02/2011 and 01/04/2011

**Appn Ref No:**  
11/0061

**Applicant:**  
Mr Woodman

**Parish:**  
Brampton

**Date of Receipt:**  
24/01/2011 13:00:24

**Agent:**  
Gray Associates Limited

**Ward:**  
Brampton

**Location:**  
Uldale, Gelt Road, Brampton, CA8 1QH

**Grid Reference:**  
353063 560567

**Proposal:** Demolition Of Existing Detached Garage And Sheds (Conservation Area Consent)

**Amendment:**

**Decision:** Grant Permission

**Date:** 18/03/2011

---

Between 26/02/2011 and 01/04/2011

**Appn Ref No:**  
11/0063

**Applicant:**  
Mr Parsons

**Parish:**  
Irthington

**Date of Receipt:**  
01/02/2011

**Agent:**  
Finesse PVCu Limited

**Ward:**  
Stanwix Rural

**Location:**  
Freelands Burr, Hethersgill, Carlisle, CA6 6EY

**Grid Reference:**  
347882 564633

**Proposal:** Erection Of Conservatory

**Amendment:**

**Decision:** Grant Permission

**Date:** 15/03/2011

---

Between 26/02/2011 and 01/04/2011

**Appn Ref No:**  
11/0064

**Applicant:**  
Mr Sutcliffe

**Parish:**  
Walton

**Date of Receipt:**  
31/01/2011

**Agent:**  
Concept A & D Services

**Ward:**  
Multiple Wards

**Location:**  
Sandysike Farmhouse, Walton, Brampton, CA8

**Grid Reference:**  
351584 564086

## SCHEDULE E: Decisions Issued Under Delegated Powers

2DU

**Proposal:** Change Of Use Of Existing Barn To Provide Agricultural Workers Dwelling

**Amendment:**

**Decision:** Grant Permission

**Date:** 31/03/2011

---

Between 26/02/2011 and 01/04/2011

**Appn Ref No:**  
11/0066

**Applicant:**  
Russell Armer Limited

**Parish:**  
Dalston

**Date of Receipt:**  
27/01/2011 16:00:31

**Agent:**

**Ward:**  
Dalston

**Location:**  
3 Hawksdale Pastures, Nr Dalston, CA5 7EJ

**Grid Reference:**  
336035 547104

**Proposal:** Erection Of Stone Wall In Lieu Of Post And Mesh Fence Approved In Previous Application 08/0128

**Amendment:**

**Decision:** Grant Permission

**Date:** 18/03/2011

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Between 26/02/2011 and 01/04/2011

**Appn Ref No:**  
11/0068

**Applicant:**  
Mr Alan Stalker

**Parish:**  
Carlisle

**Date of Receipt:**  
28/01/2011

**Agent:**

**Ward:**  
Harraby

**Location:**  
450 London Road, Carlisle, Cumbria, CA1 3EP

**Grid Reference:**  
342326 553458

**Proposal:** Erection Of Two Storey Side Extension To Provide Garage, Kitchen & Utility On Ground Floor With 2no. Bedrooms Above And 1no. Bedroom In Roof Space

**Amendment:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Decision:** Grant Permission

**Date:** 16/03/2011

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Between 26/02/2011 and 01/04/2011

**Appn Ref No:**  
11/0069

**Applicant:**  
Miss Atkinson

**Parish:**  
Burgh-by-Sands

**Date of Receipt:**  
01/02/2011

**Agent:**  
Brian Child

**Ward:**  
Burgh

**Location:**  
The Cottage, Boustead Hill, Burgh by Sands,  
Carlisle, CA5 6AA

**Grid Reference:**  
329260 559070

**Proposal:** Change Of Use From Artists Studio To Occassional Holiday Let  
**Amendment:**

**Decision:** Grant Permission

**Date:** 16/03/2011

---

Between 26/02/2011 and 01/04/2011

**Appn Ref No:**  
11/0070

**Applicant:**  
Mr Dinning

**Parish:**  
Dalston

**Date of Receipt:**  
03/02/2011

**Agent:**  
Gray Associates Limited

**Ward:**  
Dalston

**Location:**  
25 The Green, Dalston, Carlisle, CA5 7QB

**Grid Reference:**  
336875 549655

**Proposal:** Erection Of End Terrace Three Bedroom Dwelling (Revised Application)  
**Amendment:**

**Decision:** Grant Permission

**Date:** 31/03/2011

---

Between 26/02/2011 and 01/04/2011

**Appn Ref No:**  
11/0073

**Applicant:**  
Mr Stephen Corbishley

**Parish:**  
Wetheral

**Date of Receipt:**  
04/02/2011

**Agent:**

**Ward:**  
Wetheral

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Location:**

L/A Field No 5846, Adj 2 Lonsdale Terrace,  
Cumwhinton, Carlisle, CA4 0AY

**Grid Reference:**

346629 551520

**Proposal:** Erection Of Building For Animal Welfare/Lambing And General Storage

**Amendment:**

**Decision:** Grant Permission

**Date:** 28/03/2011

---

Between 26/02/2011 and 01/04/2011

**Appn Ref No:**

11/0075

**Applicant:**

Mr Tony Grayson

**Parish:**

Wetheral

**Date of Receipt:**

31/01/2011

**Agent:**

Philip Turner Associates

**Ward:**

Wetheral

**Location:**

The Old Rectory, Plains Road, Wetheral, Carlisle,  
Cumbria, CA4 8JY

**Grid Reference:**

346368 554933

**Proposal:** Internal Alterations Together With Improvements To The Rear Access

**Amendment:**

**Decision:** Grant Permission

**Date:** 28/03/2011

---

Between 26/02/2011 and 01/04/2011

**Appn Ref No:**

11/0076

**Applicant:**

Mr Hinton-Smith

**Parish:**

Solport

**Date of Receipt:**

01/02/2011 08:00:24

**Agent:****Ward:**

Lyne

**Location:**

Friarhill Gate, Roweltown, Carlisle, CA6 6LN

**Grid Reference:**

348363 573143

**Proposal:** Internal Alterations To Amend Approved Appn Ref: 08/0359 -  
Modification To Barn Roof Truss (LBC)

**Amendment:**



## SCHEDULE E: Decisions Issued Under Delegated Powers

**Decision:** Grant Permission

**Date:** 17/03/2011

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Between 26/02/2011 and 01/04/2011

**Appn Ref No:**  
11/0077

**Applicant:**  
Mr S Parkins

**Parish:**  
Carlisle

**Date of Receipt:**  
01/02/2011

**Agent:**

**Ward:**  
Currock

**Location:**  
112 Currock Park Avenue, Carlisle, Cumbria, CA2  
4DH

**Grid Reference:**  
340168 554076

**Proposal:** First Floor Rear Bathroom Extension

**Amendment:**

**Decision:** Grant Permission

**Date:** 03/03/2011

---

Between 26/02/2011 and 01/04/2011

**Appn Ref No:**  
11/0082

**Applicant:**  
Mr Kevin Bell

**Parish:**  
St Cuthberts Without

**Date of Receipt:**  
07/02/2011

**Agent:**  
Mr David Lamond

**Ward:**  
Wetheral

**Location:**  
77 Valley Drive, Carlisle, CA1 3TR

**Grid Reference:**  
343190 554256

**Proposal:** Single Storey Rear Extension To Provide Garden Room

**Amendment:**

**Decision:** Grant Permission

**Date:** 15/03/2011

---

Between 26/02/2011 and 01/04/2011

**Appn Ref No:**  
11/0083

**Applicant:**  
Ramsdens Financial Ltd

**Parish:**  
Carlisle

**Date of Receipt:**

**Agent:**

**Ward:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

02/02/2011

Castle

**Location:**

51 Lowther Street, CA3 8EQ

**Grid Reference:**

340215 555906

**Proposal:** Installation Of Wall Mounted Air Conditioning Unit; Installation Of Shop Entrance Door To Replace Existing (Retrospective Application)

**Amendment:**

**Decision:** Grant Permission

**Date:** 30/03/2011

---

Between 26/02/2011 and 01/04/2011

**Appn Ref No:**

11/0085

**Applicant:**

Mr R Grieve

**Parish:**

Hayton

**Date of Receipt:**

02/02/2011

**Agent:**

**Ward:**

Hayton

**Location:**

The Mount, How Mill, Brampton, Cumbria, CA8 9JU

**Grid Reference:**

351175 556338

**Proposal:** Creation Of New Vehicular Access

**Amendment:**

**Decision:** Grant Permission

**Date:** 22/03/2011

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Between 26/02/2011 and 01/04/2011

**Appn Ref No:**

11/0086

**Applicant:**

Mr Chapple

**Parish:**

Solport

**Date of Receipt:**

08/02/2011

**Agent:**

Mr Stuart Morrison

**Ward:**

Lyne

**Location:**

Mallshill, Roweltown, Carlisle, CA6 6LR

**Grid Reference:**

347624 573929

**Proposal:** Rear Single Storey Extension To Provide Kitchen/Utility

**Amendment:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Decision:** Grant Permission

**Date:** 21/03/2011

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Between 26/02/2011 and 01/04/2011

**Appn Ref No:**  
11/0087

**Applicant:**  
Mr W J Kirkup

**Parish:**  
Arthuret

**Date of Receipt:**  
03/02/2011

**Agent:**  
Jock Gordon

**Ward:**  
Longtown & Rockcliffe

**Location:**  
4 Swan Street, Longtown, Carlisle, CA6 5UY

**Grid Reference:**  
338000 568620

**Proposal:** Discharge Of Conditions 3 (Details Of Materials); 4 (Foul And Surface Water Disposal) And 5 (Contamination Scheme) Of Previously Approved Application 10/0729

**Amendment:**

**Decision:** Grant Permission

**Date:** 15/03/2011

---

Between 26/02/2011 and 01/04/2011

**Appn Ref No:**  
11/0089

**Applicant:**  
Miss Beck

**Parish:**  
Scaleby

**Date of Receipt:**  
03/02/2011

**Agent:**  
Mr Rodney Jeremiah

**Ward:**  
Stanwix Rural

**Location:**  
Croft End, Blackford, Carlisle, CA6 4EP

**Grid Reference:**  
341284 562430

**Proposal:** Discharge Of Conditions 2 (Sample Of Materials); 4 (Level 3 Survey) and 8 (Details Of Fences And Gates) Of Previously Approved Application 09/0994

**Amendment:**

**Decision:** Grant Permission

**Date:** 09/03/2011

---

Between 26/02/2011 and 01/04/2011

**Appn Ref No:**  
11/0092

**Applicant:**  
Dorsman Estates

**Parish:**  
Carlisle

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Date of Receipt:**  
04/02/2011

**Agent:**  
RRDS Ltd

**Ward:**  
Castle

**Location:**  
45 Grapes Lane, The Lanes Shopping Centre,  
Carlisle, CA3 8NH

**Grid Reference:**  
340189 555929

**Proposal:** Non Material Amendment Relating To Previously Approved Planning  
Permission 10/1073

**Amendment:**

**Decision:** Amendment Accepted  
03/03/2011

**Date:**

---

Between 26/02/2011 and 01/04/2011

**Appn Ref No:**  
11/0093

**Applicant:**  
Mr Lloyd

**Parish:**  
St Cuthberts Without

**Date of Receipt:**  
04/02/2011

**Agent:**  
Green Design Group

**Ward:**  
Dalston

**Location:**  
Brisco Hill, Brisco, CA4 0QZ

**Grid Reference:**  
342566 551412

**Proposal:** Discharge Of Conditions 3 (Working Drawings); 6 ( Lime Render) And  
8(Details Of Fireplace & Surround) Previously Approved Application  
10/0826 (LBC)

**Amendment:**

**Decision:** Grant Permission

**Date:** 31/03/2011

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Between 26/02/2011 and 01/04/2011

**Appn Ref No:**  
11/0094

**Applicant:**  
Mr Lloyd

**Parish:**  
St Cuthberts Without

**Date of Receipt:**  
04/02/2011

**Agent:**  
Green Design Group

**Ward:**  
Dalston

**Location:**  
Brisco Hill, Brisco, CA4 0QZ

**Grid Reference:**  
342563 551416

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Proposal:** Discharge Of Conditions 2 (Working Drawing For Front Elevation And Bay Window); 3 (Working Drawing For New Extensions); 5 (Details Of Joinery Elements) And 6 (Details Of New Lime Render, Plaster And Mortar) Of Previously Approved Application 09/0117

**Amendment:**

**Decision:** Grant Permission

**Date:** 31/03/2011

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Between 26/02/2011 and 01/04/2011

**Appn Ref No:**  
11/0095

**Applicant:**  
Two Castles Housing  
Association

**Parish:**

**Date of Receipt:**  
07/02/2011

**Agent:**  
HMH Architects

**Ward:**  
Belle Vue

**Location:**  
Land adjacent to Low Meadow/Brookside, Belle  
Vue, Carlisle

**Grid Reference:**  
337887 555864

**Proposal:** Discharge Of Condition 12 (Public Arts Feature) Relating To Previously  
Approved Planning Application 09/0511

**Amendment:**

**Decision:** Grant Permission

**Date:** 09/03/2011

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Between 26/02/2011 and 01/04/2011

**Appn Ref No:**  
11/0099

**Applicant:**  
Mr Lloyd

**Agent:**  
Co-ordinate (Cumbria)  
Limited

**Parish:**  
Stanwix Rural

**Date of Receipt:**  
07/02/2011 08:00:47

**Ward:**  
Stanwix Rural

**Location:**  
Houghton House, Houghton, Carlisle, CA6 4DX

**Grid Reference:**  
340763 560863

**Proposal:** Demolition Of Existing Dog Kennels And Storage Sheds And Erection Of  
Replacement Dog Kennels, Car Port And Secure Storage Facilities  
(Revised Application) (LBC)

## SCHEDULE E: Decisions Issued Under Delegated Powers

### Amendment:

**Decision:** Grant Permission

**Date:** 01/04/2011

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Between 26/02/2011 and 01/04/2011

**Appn Ref No:**  
11/0104

**Applicant:**  
WCF Ltd

**Parish:**  
Brampton

**Date of Receipt:**  
14/02/2011

**Agent:**  
WCF Ltd

**Ward:**  
Brampton

**Location:**  
WCF, Craw Hall, Brampton, CA8 1TN

**Grid Reference:**  
353286 561052

**Proposal:** Erection Of Metal Railings To The Western Boundary And Provision Of Gates In The Southern Boundary And North-Eastern Corner

### Amendment:

**Decision:** Grant Permission

**Date:** 29/03/2011

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Between 26/02/2011 and 01/04/2011

**Appn Ref No:**  
11/0105

**Applicant:**  
Mr & Mrs Hutton

**Parish:**  
Wetheral

**Date of Receipt:**  
11/02/2011

**Agent:**  
Jock Gordon

**Ward:**  
Wetheral

**Location:**  
1 Lonsdale Terrace, Cumwhinton, Carlisle, CA4 0AY

**Grid Reference:**  
346629 551459

**Proposal:** Single Storey Rear And Side Extension To Provide Sunroom, En-Suite Bedroom & Kitchenette

### Amendment:

**Decision:** Grant Permission

**Date:** 01/04/2011

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Between 26/02/2011 and 01/04/2011

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Appn Ref No:**  
11/0107

**Applicant:**  
Mr A Marcus

**Parish:**  
Carlisle

**Date of Receipt:**  
15/02/2011

**Agent:**

**Ward:**  
Currock

**Location:**  
7 Regent Street, Currock, Carlisle, CA2 4HD

**Grid Reference:**  
340719 554759

**Proposal:** Erection Of Two Storey Side Extension To Provide Car Port On Ground Floor With En-Suite Bedroom Above Together With Single Storey Rear Extension To Provide Bathroom And Kitchen

**Amendment:**

**Decision:** Grant Permission

**Date:** 21/03/2011

---

Between 26/02/2011 and 01/04/2011

**Appn Ref No:**  
11/0109

**Applicant:**  
Mr Bruce Coulthard

**Parish:**  
Arthuret

**Date of Receipt:**  
14/02/2011

**Agent:**  
Ward Architects

**Ward:**  
Longtown & Rockcliffe

**Location:**  
Brisco Hill, Longtown, Carlisle, Cumbria, CA6 5TP

**Grid Reference:**  
339506 567774

**Proposal:** Erection Of Single Storey Extension To Provide Extended Kitchen And Garden Room Together With Internal Alterations

**Amendment:**

**Decision:** Grant Permission

**Date:** 01/04/2011

---

Between 26/02/2011 and 01/04/2011

**Appn Ref No:**  
11/0110

**Applicant:**  
Mr Colin Thorburn

**Parish:**  
Carlisle

**Date of Receipt:**  
10/02/2011

**Agent:**

**Ward:**  
Yewdale

**Location:**

**Grid Reference:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

20 Priorwood Close, Carlisle, CA2 7TU

336690 555145

**Proposal:** Erection Of Single Storey Rear Extension To Provide Kitchen/Living Room (Revised Application)

**Amendment:**

**Decision:** Grant Permission

**Date:** 16/03/2011

---

Between 26/02/2011 and 01/04/2011

**Appn Ref No:**  
11/0111

**Applicant:**  
Mr & Mrs Baker

**Parish:**  
Hayton

**Date of Receipt:**  
10/02/2011 13:00:33

**Agent:**  
Rol Design

**Ward:**  
Hayton

**Location:**  
Green Hollow, Townhead, Hayton, Brampton, CA8 9JQ

**Grid Reference:**  
351761 558229

**Proposal:** Erection Of Single Storey Extension To Provide Kitchen Together With External Alterations

**Amendment:**

**Decision:** Grant Permission

**Date:** 21/03/2011

---

Between 26/02/2011 and 01/04/2011

**Appn Ref No:**  
11/0117

**Applicant:**  
Sytner Group Ltd

**Parish:**  
Carlisle

**Date of Receipt:**  
14/02/2011 08:00:33

**Agent:**  
Building Design Group

**Ward:**  
Botcherby

**Location:**  
Mercedes Benz, Montgomery Way, Rosehill Industrial Estate, Carlisle, CA1 2RW

**Grid Reference:**  
342596 555911

**Proposal:** Erection Of Entrance Porch

**Amendment:**



## SCHEDULE E: Decisions Issued Under Delegated Powers

**Decision:** Grant Permission

**Date:** 21/03/2011

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Between 26/02/2011 and 01/04/2011

**Appn Ref No:**  
11/0121

**Applicant:**  
Knightsbridge  
Developments

**Parish:**  
Hayton

**Date of Receipt:**  
15/02/2011

**Agent:**  
Architects Plus (UK) Ltd

**Ward:**  
Hayton

**Location:**  
Former WI Hall Site, Brier Lonning, Hayton,  
Brampton, CA8 9HN

**Grid Reference:**  
350568 557995

**Proposal:** Discharge Of Condition 7 (Parking During Construction) Of Previously  
Approved Application 10/0970

**Amendment:**

**Decision:** Grant Permission

**Date:** 15/03/2011

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Between 26/02/2011 and 01/04/2011

**Appn Ref No:**  
11/0124

**Applicant:**  
Mr & Mrs N Lishman

**Parish:**  
Carlisle

**Date of Receipt:**  
22/02/2011

**Agent:**  
Mr Ian Ward

**Ward:**  
Stanwix Urban

**Location:**  
47 Longlands Road, Carlisle, CA3 9AE

**Grid Reference:**  
340953 557441

**Proposal:** Erection Of Single Storey Extension To Front Elevation To Provide  
Office And Porch

**Amendment:**

**Decision:** Grant Permission

**Date:** 29/03/2011

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Between 26/02/2011 and 01/04/2011

**Appn Ref No:**  
11/0126

**Applicant:**  
Mr Hands

**Parish:**  
Farlam

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Date of Receipt:**  
17/02/2011 13:07:16

**Agent:**  
Gray Associates Limited

**Ward:**  
Multiple Wards

**Location:**  
The Sycamores, Tarn Banks, Farlam, Brampton,  
CA8 1LA

**Grid Reference:**  
355621 558773

**Proposal:** Erection Of Side Extension Above Existing Garage To Provide 1no.  
Bedroom Together With 1no. Bedroom Above Within Existing Roof  
Space

**Amendment:**

**Decision:** Grant Permission

**Date:** 23/03/2011

---

Between 26/02/2011 and 01/04/2011

**Appn Ref No:**  
11/0140

**Applicant:**  
Mr David Harding

**Parish:**  
Burtholme

**Date of Receipt:**  
22/02/2011

**Agent:**

**Ward:**  
Irthing

**Location:**  
Land North of Newgate House, Banks, Brampton,  
CA8 2JH

**Grid Reference:**  
357133 564855

**Proposal:** Discharge Of Condition 5 (Location Of Structures) Relating To Planning  
Ref: 10/1091

**Amendment:**

**Decision:** Grant Permission

**Date:** 15/03/2011

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Between 26/02/2011 and 01/04/2011

**Appn Ref No:**  
11/0164

**Applicant:**  
Mr Byrne

**Parish:**  
Hayton

**Date of Receipt:**  
03/03/2011 08:00:17

**Agent:**  
John Lyon Associates Ltd

**Ward:**  
Hayton

**Location:**  
Land behind Ash Tree Barn, Hayton, CA8 9HT

**Grid Reference:**  
350923 557708

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Proposal:** Discharge Of Conditions 2 (Materials); 3 (Hard Surface Finishes); 4 (Ground Levels And Floor Levels); 5 (Boundary Treatments); 7 (Landscaping Details); 8 (Surface Water Disposal); 9 (Oak Tree) And 10 (Stone Sample) Of Previously Approved Permission 08/0149

**Amendment:**

**Decision:** Grant Permission

**Date:** 01/04/2011

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Between 26/02/2011 and 01/04/2011

**Appn Ref No:**  
11/0166

**Applicant:**  
Carlisle Mencap

**Parish:**  
Kingmoor

**Date of Receipt:**  
03/03/2011

**Agent:**  
Architects Plus (UK) Ltd

**Ward:**  
Stanwix Rural

**Location:**  
Site off Crindledyke Road, Kingmoor Business Park,  
Carlisle, CA6 4SJ

**Grid Reference:**  
338360 560427

**Proposal:** Discharge Of Condition 4 (Tree Protection); 5 (Hard and Soft Landscaping); 6 (Surface Water Drainage) and 7 (Access Road Construction & Drainage) Of Previously Approved Planning Application 10/0957

**Amendment:**

**Decision:** Grant Permission

**Date:** 01/04/2011

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Between 26/02/2011 and 01/04/2011

**Appn Ref No:**  
11/0177

**Applicant:**  
Mr Thomas Hedley

**Parish:**  
Wetheral

**Date of Receipt:**  
07/03/2011

**Agent:**

**Ward:**  
Wetheral

**Location:**  
Hedley Cross, Scotby Road, Carlisle CA4 8BJ

**Grid Reference:**  
343890 556158

**Proposal:** Discharge Of Condition 4 (Parking Spaces) Relating To Previously Approved Planning Permission 10/0847

**Amendment:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Decision:** Grant Permission

**Date:** 17/03/2011

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Between 26/02/2011 and 01/04/2011

**Appn Ref No:**  
11/0184

**Applicant:**  
Mrs Janet Tringham

**Parish:**  
Wetheral

**Date of Receipt:**  
09/03/2011

**Agent:**  
Mr Roger Tringham

**Ward:**  
Wetheral

**Location:**  
The Plains, Plains Road, Wetheral, Carlisle CA4 8JY

**Grid Reference:**  
346381 554916

**Proposal:** Discharge Of Condition 2 (Sample Of Materials) Relating To Previously Approved Planning Permission 09/0662

**Amendment:**

**Decision:** Grant Permission

**Date:** 01/04/2011

---

Between 26/02/2011 and 01/04/2011

**Appn Ref No:**  
11/9007

**Applicant:**  
Mansell Construction  
Services Ltd and Cumbria  
Fire and Rescue Services

**Parish:**  
Carlisle

**Date of Receipt:**  
15/03/2011

**Agent:**  
Mrs Maggie Mason

**Ward:**  
Harraby

**Location:**  
Jewsons Builder's Merchants, Eastern Way,  
Carlisle, Cumbria, CA1 3QZ

**Grid Reference:**  
342072 554611

**Proposal:** Variation Of Condition 1 (Amended Drawings) Of Previously Approved Planning Permission 10/9005

**Amendment:**

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

## **SCHEDULE E: Decisions Issued Under Delegated Powers**

**Date:** 01/04/2011

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