Development Control Committee

Main Schedule

Schedule of Applications for Planning Permission

21st April 2006

CARLISLE CITY COUNCIL

www.carlisle.gov.uk

The Schedule of Applications

This schedule is set out in five parts:

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

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

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

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

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

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

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

If you are in doubt about any of the information or background material referred to in the Schedule you should contact the Development Control Section of the Department of Environment and Development.

This Schedule of Applications contains reports produced by the Department up to the *22/10/2001 and related supporting information or representations received up to the Schedule's printing and compilation prior to despatch to the Members of the Development Control Committee on the *26/10/2001.

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

Applications Entered on Development Control Committee Schedule

Item No.	Application Number/ Schedule	Location	Case Officer	Page No.
01.	04/1203 A	Kingswood Educational Study Centre, Greensyke, Cumdivock, Dalston, Carlisle, CA5 7JW	ARH	1
02.	05/1395 B	Hemblesgate, Tarn Road, Brampton, CA8 1QX	ARH	316
03.	05/1396 B	Hemblesgate, Tarn Road, Brampton, CA8 1QX	ARH	344
04.	06/0134 A	L/A part field 7765, Newtown Farm, Newtown, Blackford, Carlisle	ARH	357
05.	06/0218 A	L/A Field 3328, Castle Carrock, Castle Carrock	ARH	409
06.	06/0307 B	Former Highways Depot, Station Road, Brampton	ARH	436
07.	05/1394 A	Lane adj to Lane End Inn, Hayton Lane End, Hayton, Carlisle	ARH	470
08.	06/0055 A	Mill Chase, Thurstonfield, Burgh by Sands, CA5 6HQ	SG	490
09.	06/0251 A	52 Pinecroft, Carlisle, CA3 0DB	BP	498
10.	06/0258 B	Units N, P & R, Earls Way, Kingmoor Park Central, Carlisle, CA6 4SE	ARH	507
11.	05/9023 C	Warren House Farm, Newcastle Road, Brampton, CA8 2HY	RL	524
12.	05/0039 C	L/A Field 3644 - Cairn Bridge, Heads Nook, Carlisle, Cumbria	ARH	529
13.	02/1362 D	Former Highgrove Dairy, Harraby Green, Carlisle	ARH	531
14.	04/0853 D	Cumrew Farm, Cumrew, Heads Nook, Brampton, CA8 9DD	DNC	537
15.	05/1114 D	The Glen, Westlinton, Carlisle CA6 6AB	ARH	540

Date of Committee: 21/04/2006

Applications Entered on Development Control Committee Schedule

Item No.	Application Number/ Schedule	Location	Case Officer	Page No.
16.	06/0219 D	Plot 6 Hayton Gardens, Hayton, CA8 9HT	RL	542

SCHEDULE A

SCHEDULE A

SCHEDULE A

SCHEDULE A

SCHEDULE A

SCHEDULE A

SCHEDULE A

SCHEDULE A: Applications with Recommendation

04/1203

Item No: 01 Date of Committee: 21/04/2006

Appn Ref No:	**Applicant:**	**Parish:**
04/1203	Kingswood Learning & Leisure Group Ltd	Dalston
Date of Receipt:	**Agent:**	**Ward:**
01/09/2004	Cliff Walsingham	Dalston

Location:
Kingswood Educational Study Centre, Greensyke, Cumdivock, Dalston, Carlisle, CA5 7JW

Grid Reference:
335369 548364

Proposal: Operational development comprising:

a. Retention of dining/function hall and teacher's common room; underground caving system and proposed shelter; boundary fence; souvenir shop; air handling plant room; and, drainage layout;

b. Formation of challenge course; quad bike track and shelter; low ropes and nightline course; archery enclosure and shelter; new access road and parking layout; planted soil bund; and, a climbing wall; and,

c. Installation of external lighting system.

Amendment:

REPORT

Reason for Determination by Committee:

In the light of the nature of the proposal, the history of the site, the level of interest, the issues raised by interested parties, and, the potential need to complete a Section 106 Agreement.

Planning Policies:

Cumbria & Lake District Joint Structure Plan
Policy 3

The diversification of the rural economy and the maintenance of the vitality of rural

life will be assisted through a favourable response to developments which provide local benefits and are sensitive to the local environment.

Cumbria & Lake District Joint Structure Plan
Policy 13

In the areas not covered by Policies 11 and 12, development will normally be permitted which in its use, siting, scale and design is well related to existing developed areas of the countryside and does not harm distinctive features of local landscape significance. In the undeveloped open countryside development will not normally be permitted except when it is required to meet local infrastructure needs which cannot be located elsewhere, and provided it is sited to minimise environmental impacts and meets high standards of design.

Cumbria & Lake District Joint Structure Plan
Policy 17

Development and other land use changes which are detrimental to important nature conservation interests will not be permitted unless the harm caused to the value of those interests is clearly outweighed by the need for the development. Where development is permitted the loss of conservation interest should, where practicable, be minimised.

Cumbria & Lake District Joint Structure Plan
Policy 25

The siting, appearance and landscaping of all new development and alterations should aim to enhance the quality of the existing environment. It should be in keeping with the local character of the townscape or landscape, and be well integrated with the existing pattern of surrounding land uses and, where appropriate, be in keeping with the local vernacular tradition. Normally development should make proper provision for access by disabled persons.

Carlisle District Plan
Environment - Policy E8

Within the remainder of the rural area not covered by Policies E2-E6, proposals which are well related in use, siting, scale and design to existing settlements or other small clusters of buildings including farm buildings will be acceptable providing that:

1. The proposal reflects the scale and character of the existing group of buildings or settlement; and

2. There is no adverse effect upon the amenity of neighbouring property, and the character and appearance of the area; and

3. Satisfactory access and appropriate car parking can be achieved; and

4. Any exiting wildlife habitats are safeguarded.

Permission will not be granted for development in the undeveloped open countryside unless it is required to meet local infrastructure needs, or for dwellings supported by a proven agricultural or forestry need.

Carlisle District Plan
Environment - Policy E14

Proposals for development including re-use and adaptation of existing buildings, which will directly or indirectly affect species listed in Schedules 1, 5 and 8 of the Wildlife and Countryside Act 1981 (as amended) will not be permitted unless satisfactory safeguards for these species can be agreed in consultation with English Nature.

Carlisle District Plan
Environment - Policy E22

New development will only be permitted if foul sewers and sewage treatment works of adequate capacity and design are available or will be provided in time to serve the development. Within unsewered areas, development which requires the use of septic tanks or other waste water management systems will only be permitted if ground conditions are satisfactory and the plot of land is of sufficient size to provide an adequate subsoil drainage system.

Carlisle District Plan
Environment - Policy E30

On all scheduled and other nationally important monuments, sites of archaeological significance and other sites of high archaeological potential the City Council will ensure that the archaeological aspects of development proposals are examined and evaluated before planning applications are determined. Planning permission will not be granted without adequate assessment of the archaeological implications.
Carlisle District Plan
Environment - Policy E31

On land for which there is no archaeological information, but where there are reasonable grounds for believing remains to be present, the City Council will ensure that the archaeological aspects of development proposals are examined and evaluated before planning applications are determined. Planning permission will not be granted without adequate assessment of the archaeological implications.
Carlisle District Plan
Employment - Proposal EM11

Within the rural area proposals for the reuse and adaptation of buildings (of permanent construction) for commercial, industrial or recreational uses will be acceptable subject to the following criteria:

1. The form, bulk and general design of the buildings are in keeping with the surroundings;

2. Adequate access and appropriate parking arrangements are made;

3. Any increased traffic generated by the proposal can be accommodated by existing highway network;

4. There is no unacceptable adverse effect on the amenity of adjacent property or the surrounding landscape.

Carlisle District Plan
Employment - Proposal EM15

Proposals for small scale tourism related development will be acceptable providing that:

1. There is no unacceptable adverse impact on the landscape; and

2. Adequate access and appropriate car parking can be achieved; and

3. If the proposal is within the rural area it is well related to an established settlement or group of buildings or involves the conversion of an existing building, or would form an important element of a farm diversification scheme.

Carlisle District Plan
Transport - Proposal T1

In considering applications for development, account will be taken of the availability of a choice of means of travel to and from the site.

Carlisle District Plan
Transport - Proposal T3

Proposals for development which materially increase the traffic movement on the road network will need to be accompanied by a Traffic Impact Assessment. The City Council will usually require any road improvements or new highways, identified as being necessary by the assessment, to be funded by the developer. Such work should be consistent with the role and function of the highway. In the case of trunk roads all the costs will be borne by the developer and the scheme should be designed to be consistent with the Development of Environment, Transport and Regions' design horizon.

Carlisle District Plan
Housing - Proposal H17

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

1. Is for a use inappropriate for residential areas; and/or

2. Is of an unacceptable scale; and/or

3. Leads to an unacceptable increase in traffic or noise; and/or

4. Is visually intrusive; and/or

5. Leads to a loss of housing stock.

Carlisle District Plan
Leisure - Proposal L4

Within the Plan area, outside Primary Leisure Areas, proposals for leisure development including sport and active recreation development will be acceptable provided that:

1. The proposal does not have an adverse impact on the amenity of the surrounding area; and

2. Appropriate car parking and access to the site can be achieved; and

3. The proposed use is of an appropriate scale to the locality; and

4. Where practicable, the proposal can be accessed by public transport; and

5. The proposal makes a positive contribution to the development of tourism in the district; and/or

6. If the proposal is within Carlisle, it brings a vacant or part vacant building into use or contributes to the development of a mixed use scheme.

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): Drawing no. 934/SP/01 shows large vehicles entering onto the public highway using the opposite side of the access road and driving onto the opposite side of the carriageway, and this is not acceptable from a highway point of view.

Also object to large vehicles turning right from the site access and would require this type of vehicle to turn left only.

Dalston Parish Council: In relation to the initial consultation the Parish Council resolved that any decision should be deferred until there had been another meeting of interested parties to discuss the proposed Management Code and formation of the Liaison Committee. At a general level there were no plans in the application showing the archery enclosure and shelter, nor any indication as to which way the arrows were to be fired. There was no indication as to which floodlights were being removed, or the level of intensity of the security lighting to be installed.

On the 16th December the Parish Council also submitted the following comments:

At the meeting of Dalston Parish Council held on 14th September 2004 it was resolved that any decision on planning application 04/1203 should be deferred until there had been another meeting of interested parties to discuss the proposed Management Code and formation of the Liaison Committee. It was felt that there were possibly some issues not covered in the Management Code, as put forward with the application, that should be included. A meeting was held on 14th October 2004, attended by representatives of Dalston Parish Council, at which Mr Wilbraham, on behalf of the Cumdivock Group,

agreed to make amendments to the Management Code and provide some Heads of Terms for consideration by the Kingswood Group. It was suggested that the final documents should be available for consultation by the Parish Council at its December meeting prior to the application and associated matters being put before the Development Control Committee on January 7th 2005. Since the meeting, both parties have made various amendments to the documents regarding the Management Code, Liaison Committee, s106 agreement and other issues, but these are on going and further alterations are envisaged to try and reach an agreed solution. The Parish Council was willing to have a representative on the Liaison Committee, but felt that there should be District level involvement

Dalston Parish Council resolved, at the meeting held on 14th December 2004, that the response made in September 2004 still applied. It was regretted that no Management Code was yet in workable order, so close to the meeting on January 7th 2005. The Inspector, in his report following the Public Inquiry stated that in the absence of a satisfactory Management Code, the developments at Greensyke were unacceptable. It was therefore inappropriate for the Parish Council to consider the application, without an agreed Management Code, format of the Liaison Committee and other matters being resolved.

It was also agreed by the Parish Council that there were noise issues at Greensyke that had not been addressed. There was lack of clarity regarding the location of any sound monitoring devises, if indeed this was to be the method of recording any incidents in excess of the agreed standard yet to be agreed.

There was continued concern regarding the level of lighting in the central courtyard area. It was suggested that additional high-level lights had recently been installed.

In the Inspector's report it was recognised that Greensyke was an educational centre following a term time operation, with children being accompanied by teachers. It was questioned, therefore, as to whether running courses throughout the year fitted into this category.

The Parish Council have subsequently reiterated their objections in correspondence dated the 9th February, 11th March, and, 13th April. In the case of the letter dated the 13th April, it was confirmed that the planning controls assessed in the MAS Environmental second report still did not offer a solution for producing a satisfactory workable Management Code in terms of noise monitoring and enforcement. The lack of an acceptable Management Code as required by the Inspector was deplored.

It was resolved at the meeting of Dalston Parish Council held on 17th May 2005 that the following response should be made on the current situation and matters arising in relation to planning application 04/1203.

The Parish Council regrets that there has been little substantive progress in resolving the Greensyke planning applications since the last meeting of the Consultation Group on October 14th 2004, and notes in particular that:

1. A new complete Management Code, including the up to date Activity Standards and Activity Delivery Documents, satisfactory clauses on flood lighting and noise attenuation facilities, has not been provided to the Parish Council by the Planning

Officer. The Council also notes that a draft, but incomplete Management Code, dated 9th May 2005, has apparently been agreed with Carlisle Council Officers, but the Parish Council only obtained a copy from Kingswood's legal representative. After the meeting had taken place on 17th May 2005, an email was forwarded to the Clerk for the attention of the Parish Council. It was a request from the applicant for changes to the Management Code and conditions to be considered by Carlisle City Council. This highlights the procedural difficulties affecting the Parish Council since the application was first received in September 2004, as obviously this document was received too late for consultation. This has happened on other occasions following the application being lodged.

2. New sound clauses have been proposed by MAS, which appear to conflict with the expressed wish of the Planning Inspector's decision.

3. Kingswood continue to be in breach of at least 15 refused planning applications and seem to be relying on an informal undertaking by Carlisle City Council to suspend enforcement pending an agreed Management Code.

4. A failure to produce an agreed and complete Management Code continues to place Kingswood in breach of Policy E8 of the Local Plan.

5. Carlisle City Council has not called a further meeting of the informal Consultation Group since October 2004 when this group was showing signs of being able to develop an acceptable agreement between all parties. Dalston Parish Council resolved therefore, to request Carlisle City Council to convene another meeting to try and agree the outstanding issues prior to this planning application being put before the Development Control Committee for a decision. Reasons for requesting a further meeting are as follows:

   a) Two such meetings have already been held – 20th July 2004 and 14th October 2004, both of which were conducted in a spirit of goodwill. Both the Parish Council and the Cumdivock representatives felt that progress could be made in this type of all party meeting, if the will was there. At the Parish Council Meeting on 17th May 2005 this was re-enforced by members of the Council who recognised that a final meeting was essential.
   b) An all party meeting might agree on the final composition of the Liaison Committee and the s106 Agreement.
   c) The group could confirm that all of the key requirements of the Planning Inspectorate were satisfied.
   d) The group might be able to ensure that clear sets of papers were produced covering all aspects of the problem to ensure a speedy and unopposed passage through the Development Control Meeting.

The Parish Council also noted recent correspondence between the legal representative of the Cumdivock and Parishioners Group and Carlisle City Council.

The Parish Council, in the circumstances, saw no reason to alter its previous recommendation to the City Council to refuse permission and for it to move to enforcement. It was also confirmed that Mr A R Auld and Mrs P Dalton will be representing Dalston Parish Council at the Development Control Meeting.

A copy of a letter dated the 12th January 2006 to the Head of Legal Services has also been attached to this report.

Cumbria Fire Service: No objections to this application.

Ramblers Association: We applaud the aims of the Centre, however, feel that the development would be a most unsuitable intrusion into such a peaceful residential and recreational area. Despite the efforts being planned by the company to reduce inconvenience, noise, the adverse effects of additional heavy traffic and the extreme glare from floodlighting we still feel that this is not the right location for such a development.

Council for Protection of Rural England: In view of the Planning Inspector's considerations and proposal for this site, FLD has not further significant issues to raise from a landscape point of view.

However, we would question the need for a souvenir shop in a countryside location as part of an educational establishment. The building shown on the submitted plans would simply add to the clutter of structures on the site, and no demonstrable need for the building has been proven, given the principal use of the site. We would question why an educational establishment intended for school children should have a souvenir shop in the middle of the countryside. This element should in our view be deleted from the proposal.

English Nature: This consultation does not affect any Sites of Scientific Interest. However, it may affect one or more sites of Wildlife Importance, Regionally Important Geological and Geomorphological Sites or other features of wildlife importance. The Cumbria Wildlife Trust holds records of these and we suggest that you consult with them.

Commercial &Technical Services - Drainage Engineer: The applicant indicates disposal of foul sewage to a private sewage treatment plant or septic tank. The applicant must make sure through the Building Control process that the plant is adequately sized to meet treatment demand.

The applicant indicates disposal of surface water to an existing drain. However, in the first instance the application should investigate the use of soakaways for surface water disposal rather than to an existing drain, as this is the most sustainable method.

Cumbria Wildlife Trust: Comments awaited.

Summary of Representations:

Representations Received

Initial:	Consulted:	Reply Type:
The Occupier, Greensyke Cottage	03/09/04	

...ffe, Hollyoaks	03/09/04	
...ountain Cottage	03/09/04	
..., (PNW/MBB/WI1089.09995)	03/09/04	Objection
Brackenbrae	03/09/04	
Deepdale	03/09/04	
, Cumdivock House	03/09/04	
Bellgate House	03/09/04	Objection
The White House	03/09/04	Objection
Gill House	03/09/04	Comment Only
,, Ref MEH/J/C01/140	03/09/04	
BVSc Cert CHP MRCVS, Carlisle House	03/09/04	
Fountain Head	03/09/04	Comment Only
Birch Garth	03/09/04	
, DEFRA, Animal Health Office	03/09/04	
...die, Pin Cushion	03/09/04	
Boulder Garth	03/09/04	
Stonethwaite	03/09/04	
, Ladywood	03/09/04	
..., Lakerigg Cottage	03/09/04	
The Owner / Occupier, Cartner House	03/09/04	
Gambling Croft	03/09/04	
r, Gray Garth	03/09/04	
, Church View	03/09/04	Objection
Cardew Lodge	03/09/04	
Broomfield Farm	03/09/04	
..., North Cumbria Acute Hospitals	03/09/04	
Lime House Estates	03/09/04	
, Tarn Rigg	03/09/04	
..., Poplar House	03/09/04	Comment Only
, Wannaroo	03/09/04	
... 46a Cromwell Road	03/09/04	
..., 28 Glendarvon Street	03/09/04	
... Park Lodge	03/09/04	
, Nook Lane Head	03/09/04	
, Oakdale Cottage	03/09/04	
'Sondela'	03/09/04	
, Hillside	03/09/04	
Hollin Bush	03/09/04	
..., House of Commons	03/09/04	
122 Feckenham Road	03/09/04	
Longthwaite	03/09/04	
Greenhead	03/09/04	
Cottages		
g, Nooklane Cottage	03/09/04	
..., Nook	03/09/04	
..., Merlin	03/09/04	
...r, Broomfield House	03/09/04	
17 Barras Close	03/09/04	Comment Only
, The Gill	03/09/04	
Traffic Management Officer, Cumbria Constabulary	03/09/04	
Holme Cottage	03/09/04	
... Primrose Hill	03/09/04	
, Middle Farm	03/09/04	
..., Bellgate House	03/09/04	
, 2 High Forge	03/09/04	
..., 5 Bishops Mill	03/09/04	
Rose Villa	03/09/04	
Royal House	03/09/04	
..., Bellgate House	03/09/04	Objection
The Owner / Occupier, Cartner House	03/09/04	
..., The Gill	03/09/04	Objection

Canon Peter N Downham, Greenlaw	Support
Mr A R Auld, Bannerdale	Objection
Cllr Mrs L A Crookdake - Dalston	Comment Only
Cllr Mr T Allison - Dalston	Comment Only

Prior to the receipt of the current application on the 1st September 2004 but in anticipation of its submission, four letters of objection and a series of noise diaries were received. The letters of objection were on the basis that:

- Kingswood are alleged to be unable to control the noise. Despite two or three complaints on the same day.

- The coach routing is not working. No attempts seem to be made to police this.

- When site occupied by Banque de France children noise experienced.

- The present Management Code is not worth the paper it is written on. Kingswood appear not to abide by their own plans. The new Code of Practice will need teeth.

- Cheering and shouting by children noticeably 0.7 miles from the Centre.

- Goodwill and recognition of the right of residents are not being demonstrated.

Following receipt of the application it was advertised in the form of press and site notices, and, the direct notification of the occupiers of 54 properties. Prior to and upto the Meeting of the Development Control Committee on the 3rd June 2006 twelve letters of objection were received and a continuing series of noise diaries. The objections were because:

- Visits by Banque of France should be stopped.

- Frequent long spells when no senior resident manager is in charge on this site.

- Since the Public Inquiry found a marked increase in the noise on the site.

- Now that the darker nights are here we have seen the site lit up like the Blackpool Illuminations.

- What of the latest concerns regarding the insurance etc of activity educational centres and how some teachers and schools are wanting to ban them from the curriculum. If children are not allowed to attend then what would this site be used for?

- Kingswood are unable to control the noise. Have complained on 25 occasions since the Public Inquiry. Now feel it is pointless complaining.

- No improvement over control of noise since the Management Code was

introduced.

- The Central Courtyard does not contain noise.
- The proposed new layout will do nothing to alleviate the problem.
- The proposed noise attenuation barriers are unlikely to reduce off-site noise.
- The development needs an environmental impact assessment.
- Why is the LPA not enforcing a term time only operation.
- All day, every day (08.00 - 22.00 hours) is the potential for noise and the noise logs show that noise is often loud and sustained over long periods.
- Kingswood nor their agents have ever acted in a manner to reassure the local residents they are giving serious consideration to our concerns.
- An alternative site is available within 20 miles of Greensyke.
- Applicant needs to honour the promise by Mr S Wiley that student numbers would be reduced to 140 with aeroball and archery removed.
- Applicant accept an initial temporary permission for two years.
- Even very low levels of noise from the Greensyke site can be quite clearly and distinctly heard. It does not require expert opinion to recognise that moving all activities to the west, onto the most open part of the site and furthest from any buildings or solid object that would help reduce noise, will drastically increase noise and cause further harm to local residents.
- The proposed wooden fence will have little if any effect as a noise mitigation measure as the source of the noise can come from anywhere within the Courtyard; it will not block noise from the relocated activities reaching properties to the east; and, at 1.8 metres high it is near the height of most adult's ears.
- Had a representative of the applicants been allowed, a revised layout based on the sensible siting of the activities and effective noise attentuation could have been agreed.
- A low level of noise can be stressful and harmful to health.
- Of the opinion that the site is unsuitable and, allegedly, so is the applicants planning consultant who, when asked what advice he would have given Kingswood had he been consulted at the outset apparently replied that he would have advised that the site was too small for their needs.
- It is apparent that the background noise level is in the low to mid 30dBs

range. Noise levels of 30dB to 40dB is considered equivalent to a library, whereas 60-70dB is the equivalent of conversational speech. Although no specific value is given for children shouting and screaming, it is in excess of 70dBs and measurements done by Waterman at Kingswood's Runcorn site record levels in the mid to high 70dB range.

- The proposed sanctions in the Management Code are weak and would be difficult to enforce.

The Case Officer had also received a number of phone calls from local residents during which it has been explained, amongst other things, that there is no confidence that the Management Code will work; there is a need for both a suitable layout and Management Code; do not want to see the proposed facilities used outside term times; the use has nearly brought a local resident to a nervous breakdown compounded by the feeling of not being listened too; and, there is continuing problems of noise.

In addition, Members need to be aware that there had been detailed correspondence from the solicitor (Mr P Wilbraham) acting on behalf of the local residents(the Cumdivock Group). A noise consultant (Mr J Sim of Applied Acoustic Design) has also submitted correspondence on behalf of the Cumdivock Group.

Following the Meeting of the Development Control Committee on the 3rd June 2005 a further 21 pieces of correspondence have been received by Planning Services and Legal and Democratic Services copies of which have been attached to this report for Members attention.

Details of Proposal/Officer Appraisal:

Planning History:

The property is subject to a relatively extensive planning history comprising:

In February of 1988, under application 88/0007, planning permission was given for the conversion of the farm buildings to provide classroom, dormitory and other facilities for a junior school.

In June of 1988, under application number 88/0386, planning permission was also given to use the premises at Greensyke House as boarding accommodation for children attending Lime House School.

In 1989, application number 89/0616, planning permission was granted to convert the existing barn and garages into classroom and staff accommodation.

In 1993, application 93/0630, planning permission was given for the erection of an assembly hall and girls dormitory.

In 1995/96, application numbers 95/0092 and 95/0879, planning permission was given for the erection of a chapel/function building and science labs.

In 1997, application 97/0312, permission was given for a dormitory annexe.

On the 21st January 2003, planning permission was refused for application numbers 01/1013, 01/1043, 01/1099, 01/1151, 02/0019, 02/0068, 02/0069, 02/0070, 02/0071, 02/0949, 02/1214, and, 02/1215 which were submitted in association with the establishment of an educational activity centre (EAC). These decisions were subject to a Public Inquiry.

In September 2003, under application 03/0844, an application for a Certificate of Lawfulness for a C2 Use was refused.

The applicants/appellants also appealed over the non-determination of application 03/0843 for the use of land and buildings as an educational study centre with a range of outdoor activity equipment and landscaped mounding.

A summary of the decision reached with regard to the Public Inquiry is contained in the main report.

Details of Proposal:

The current application has previously been reported to Members at their Meetings on the 19th November 2004, 7th January 2005, and, the 6th June 2005. During the Meeting on the 6th June 2005 it was resolved to approve the application subject to the preparation of a Section 106 Agreement which should be brought back for ratification prior to completion. The current report is submitted on this basis and to update Members on the situation particularly with the recent, but previously aired, requests for the applicant to provide permanent noise monitors and for the Centre to have an annual break in activity for 4 weeks; and, in the light of the comments of the Highways Authority.

1. SITE DESCRIPTION

Greensyke House is a substantial Victorian property set within attractive grounds to the east of a farmhouse and outbuildings associated with the original steading. A cottage is to the immediate north of Greensyke House. The property is located on the northern side of the Cumdivock Road, opposite Holly Oaks and the junction with the Broomfield Road. The White House lies approximately 120 metres to the east of the driveway serving Greensyke House, whilst Bellgate is 320 metres to the north-west of the main access serving Greensyke Farmhouse and Greensyke House. Broomfield House is situated approximately 375 metres south-west of Greensyke. A public footpath runs through field number 2874 which lies between Bellgate and Greensyke and to the west of Holly Oaks.

The educational study use commenced in March 2002 and, as of September 2003, consists of:

- The "farmhouse" on the ground floor has two classrooms, a staff kitchen and toilet, and, a two bed sanatorium/first aid room. The first floor has a staff common room, activity store, male and female staff toilets, Senior Instructor's office, and NVQ staff room.

- Coniston (The Barn) is used for fencing and as an evening recreational room on the first floor with a laser tag facility on the ground floor.

- The ICT Centre has 5 laboratories and a manager's office.

- The Forum comprises on the ground floor the kitchen, dining/evening recreational/entertainment's room, toilets, and, reception. The first floor has the centre manager's office and the visiting teachers staff room.

- The Cottage is the centre manager's residence adjoining which there is a drying room, linen room and laundry.

- The indoor recreational areas comprise Coniston (The Barn), the dining room of The Forum, and, part of Lakerigg which includes karaoke.

- Teachers and childrens accommodation comprise The Green, Windermere (Greensyke House), Ullswater, Lakerigg, and, Lakerigg Annexe as shown on schematic floor plans.

The accommodation is arranged in each of the dormitories in the following manner:

Ullswater: 58 students and 6 teachers
Windermere: 34 students and 5 teachers and a potential common room
Lakerigg Annexe: 20 students and 5 teachers
Lakerigg: 40 students and 5 teachers
The Green: 22 students and 6 teachers

Members will be familiar with this site and its recent planning history. Suffice to say that between the 9th-11th March 2004 a Public Inquiry was held concerning the following:

a) Application ref. No 03/0843 – refusal of permission for the use of the land and buildings as an educational study centre;

b) Application ref. No. 03/0844 – refusal to grant a lawful development certificate for the use of the premises for the provision of short residential courses for groups of school children;

c) Application ref. no. 01/1013 – enforcement notice issued seeking the cessation of the use of the site as an educational activity centre;

d) Application ref. no. 03/0024 – enforcement notice issued requiring the removal from the land of the dining/function hall, kitchens and teachers'

retreat;

e) Application ref. no. 03/0025 – enforcement notice issued requiring the removal from the land of the above ground caving system;

f) Application ref. no. 03/0026 – enforcement notice requiring the removal from the land of the challenge course;

g) Application ref.no 03/0027 – enforcement notice requiring the removal from the land of the quad bike track;

h) Application ref. no. 03/0028 – enforcement notice requiring the removal of the „low ropes" and „nightline" challenge courses;

i) Application ref.no. 03/0029 – enforcement notice requiring the removal of a mechanical generator;

j) Application ref.no. 03/0030 – enforcement notice requiring the removal from the land of the climbing wall and shelter;

k) Application ref. no. 03/0031 – enforcement notice requiring the discontinuance of use of a barn for the purposes of „laser tag";

l) Application ref.no. 03/0032 – enforcement notice requiring the discontinuance of the use of dormitory accommodation;

m) Application ref.no. 03/0033 – enforcement notice requiring the discontinuance of the former dining room as student accommodation.

In relation to items a), d), e), f), g), h), i), and j) the appeals were dismissed but the remainder allowed. In effect the use of the land and previously authorised buildings for residential courses for groups of school children was certified as lawful. The Inspector, nevertheless, dismissed those appeals relating to the various buildings and structures that had been constructed without planning permission and which enabled the site to be used in a more intensive manner than when it was a boarding school.

In reaching this decision the Inspector considered that the development has the potential to cause unacceptable harm to the living conditions of nearby residents through noise and disturbance, but that this harm could be overcome through effective management measures (para.37). The Inspector, nevertheless, concluded that the then Management Code proposed by the applicants/appellants would not prevent the developments having an unacceptable impact on the living conditions of near neighbours through noise and disturbance. In the absence of a satisfactory Management Code the Inspector concluded that the developments were unacceptable (para 43).

In paragraph 44 of the Decision Letter the Inspector, however, states that:

"It will be apparent from my decision that, had there been a satisfactory Management Code, I would have come to a different conclusion on

these appeals. That being so, I propose to extend the period for compliance with the enforcement notices to 12 months to give the appellants the opportunity of revising the code and re-applying for planning permission should they choose to do so".

2. CURRENT APPLICATION

In response to the contents of the Inspector's Decision Notice, the applicants submitted the current application seeking permission for operational development comprising:

a) Retain the dining/function hall and teacher's retreat, the underground caving system and shelter, the boundary fence, sub-station enclosure, souvenir shop, air handling plant room; and, drainage arrangements.

b) Revise the location of a challenge course, quad bike track and shelter, and, low ropes and nightline course;

c) Formation of archery enclosure and shelter;

d) Amendments to alignment of access road and new parking layout;

e) Installation of external lighting system; and,

f) Landscaping and earth moving to create a planted soil bund.

The submitted forms and plans are accompanied by: a Management Code and riders; Activity Standards and Activity Structures; the Transport Assessment including its amendment and the Green Travel Plan; a Noise Assessment; and, a number of letters from the applicant's agent. Copies of the aforementioned documents are available for inspection by Members. The letters from the agent explain that:

- The applicant is agreeable to the imposition of a condition requiring compliance with the Management Code, thus enabling a Breach of Condition Notice to be served in the event of a non-compliance. This being in addition to any sanctions under a Section 106 Agreement.

- Kingswood would not be content to see a temporary condition imposed on any planning permission because the carrying out of the proposed re-locations, will cost at least £100,000; and Circular 11/95 generally discourages temporary permissions.

- It is not accepted that any Section 106 Agreement should be directly enforceable by third parties. The Local Planning Authority is empowered to exercise control over the use of land. The Management Code will ensure the existence of a Local Liaison Committee and associated arrangements which will give summary redress to complainants who bring justified complaints.

- The proposed archery shelter will be of the type shown on an already submitted plan. The archery shelter will be located at the southern end with

arrows fired in a south-north direction. Stray arrows would be caught to a lightweight netting screen.

- The only lighting of any intensity is as currently installed in the Central Area. The low-level safety lighting locations are as shown on a submitted plan.

3. ASSESSMENT

When Members considered the application at their Meeting on the 6th June 2005 it was considered that the main issue was whether the current proposal with a) its associated Management Code, and, b) subject to the imposition of appropriate conditions and completion of a satisfactory Section 106 Agreement, would successfully address the comments contained in the Inspector's Decision Letter. If not, where changes needed to be made and whether those changes are practical.

a) Management Code

In relation to the matter of noise and disturbance, the relevant advice and policy context is set by PPS1, PPG24 and Policy E8 of the Carlisle District Local Plan.

PPG24 "Planning and Pollution Control" recognises that the impact of noise is a material planning consideration in determining planning applications. Paragraph 10 of PPG24 states:

"Much of the development which is necessary for the creation of jobs and the construction and improvement of essential infrastructure will generate noise. The planning system should not place unjustifiable obstacles in the way of such development. Nevertheless, local planning authorities must ensure that development does not cause an unacceptable degree of disturbance. They should also bear in mind that a subsequent intensification or change of use may result in greater intrusion and they may wish to consider the use of appropriate conditions".

Paragraph 13 of PPG24, which relates to ways of reducing noise impact, identifies three measures that may be taken; i) engineering; ii) layout and, iii) administrative. Engineering measures are defined as including the reduction of noise at point of generation, such as would ensue from using quiet machines or methods of working, the insulation of noise generating buildings or the provision of purpose built barriers around sites or the insulation of the affected buildings. Layout is defined as adequate distance between the sources and noise-sensitive buildings or screening by natural barriers including other buildings or non-critical rooms within a building. Administrative measures are stated to be limits on the operating time of the noise source or the specification of an acceptable noise limit.

Members will recollect that an integral element of the proposed Management Code is the establishment of a Local Liaison Committee (LLC). Following the reports

presented at the previous Meetings of the Development Control Committee on the 19th November 2004 and 7th January 2005 Members agreed that, if permission was to be granted, an elected Member of the City Council would chair the suggested LLC.

This issue aside, Members will be aware from the correspondence that there are differences of opinion between the applicants and residents/the Cumdivock Group concerning the proposed Management Code with specific reference to: which residents would be entitled to nominate a representative to sit on the LLC; Kingswood agreeing to ensure that it has a representative attend each LLC meeting; the financial penalty (to be donated to a children's charity) that could be imposed by the LLC on the applicants.

In relation to which residents will be entitled to nominate a representative to sit on the LLC and attendance by a representative of Kingswood, the subsequently agreed rider of the Management Code indicates that permanent residents of houses within a radius of 1200 yards would be eligible and that Kingswood will ensure that a representative attends each meeting.. Ie.

When considering the appropriate financial penalty that could be imposed on the applicants by the LLC, the current Management Code stipulates a total of £2,000. In response, it is felt that a sanction of £2,000 is appropriate although not necessarily agreed by the local residents.

A copy of the most recent version of the Management Code has been attached to the report.

b) Conditions and Section 106 Agreement

In considering what conditions are appropriate due regard has to be made to Circular 11/95 "The Use of Conditions in Planning Permissions" which explains that they should be: i) necessary; ii) relevant to planning; iii) relevant to the development to be permitted; iv) enforceable; v) precise; and, reasonable in all other respects.

In regard to temporary permissions, Circular 11/95 advocates that three main factors should be taken into account, namely: i) it is rarely necessary to give a temporary permission to an applicant who wishes to carry out development which conforms with the provisions of the development plan; ii) it is undesirable to impose a condition requiring the demolition after a stated period of a building that is clearly intended to be permanent; iii) the reason for granting a temporary permission can never be that a time limit is necessary because of the effect of the development on the amenities of the area. Where such objections to a development arise they should, if necessary, be met instead by conditions whose rquirements will safeguard the amenities. If it is not possible to devise such conditions, and if the damage to amenity cannot be accepted, then the only course open is to refuse permission (para 109).

Circular 11/95 also explains in paragraphs 12 and 13 that it may be possible to overcome a planning objection to a development by entering into a planning obligation under Section 106 of the Act. Where conditions are imposed on a planning permission they should not be duplicated by a planning obligation.

Following the Committee Meeting on the 7th January an independent noise consultant (Mr M Stigwood of MAS Environmental) was commissioned by the Council to report on the suitability of the respective noise level conditions advanced by the noise consultants acting on behalf of the applicants and the Cumdivock Group, and, (if necessary) the wording of alternative conditions. In relation to the conditions advanced on behalf of the applicants and the Cumdivock Group they were both rejected primarily because they failed to meet the tests as set out in Circular 11/95, and, there was no evidence to relate them to levels that were appropriate to protect amenity. As a result a separate set of conditions were formulated and "agreed" by Members at their Meeting on the 6th June 2005 - see conditions attched to report.

On the 15th March 2006 (at a meeting also attended by the applicants agent, representatives of the Parish Council, Cllr Crookdake, and, Officers of the City Council) representatives of the local residents explained that there they had no further comments to make with regard to the Section 106 Agreement and the Management Code. It was, nevertheless, argued that there were two matters relating to the conditions that required further modification, namely:

- The alleged need to impose a condition requiring the permanent installation and maintenance of two monitoring stations at positions to be agreed and with the results of that monitoring to be available to the Council and thence to the Local Liaison Group; and,

- The strong request that the site should not be occupied for a period of four weeks during the summer of each year.

(The arguments are best advanced in the letter from Mr Wilbraham dated the 13th March 2006)

In relation to the first matter, Mr Stigwood of MAS Environmental was reconsulted based upon which he explained that:

"A permanent noise monitor would be unprecedented for a site and activity of this type and if there was an appeal I do not believe I could argue such a provision as reasonable. It would fail one of the 6 tests in 11/95. In those circumstances, as I understand case law, even if they did not appeal the condition it could never be enforced as acquiescence to an unreasonable condition does not make it lawful. I do not believe I can therefore recommend such a measure.

One of the reasons why it is unreasonable is because it is not just £20,000 to establish two monitoring stations. They have to be maintained. We have installed such a station on a £200 million building project in central London. We visit once a month to calibrate instruments and 2 - 3 times a week we remotely check the installation (via a broadband link). The system crashes about twice a month and someone at the site is trained to reset it in those circumstances. It is sited on top of a building out of harms way and with all the cables going inside to a room. The downloaded data takes an hour a week to process but we are mainly only looking at hourly averages. If we were

looking at 1 second data (which we record) then it would take many hours a week. We do not analyse the video and audio except when there is a complaint about noise at a particular time. Each analysis of that type could take half a day or more. We have only had to analyse audio / video once in 10 months. This is costing the company about £25,000 for the first year (including our installation etc. but excluding the clients infrastructure costs - roof platform, room, cableways and power) and about £12,000 each year thereafter. I suspect in the case of Greensyke there would be regular requests to analyse events costing each party £300 - £500 a time.

We do not monitor the weather at the London site as there are so many weather stations. In this case we would need to monitor weather also. A weather station would cost a further £2,000.

The installation cost is possibly as low as £20,000 in this case but most probably will be higher as external enclosures would be required and permanent cable installations along with power would be needed. The total installation may be nearer £35,000 - £40,000 in this case, due to the remoteness of installations. Annual maintenance costs of two stations would not be less than £15,000. The equipment is subject to high wear and microphones and hard drives that are constantly exposed or run all the time should be expected to last less that 3 years. The main meters may last 10 years but these also require biannual maintenance. That gives an annual equipment cost around £1800. You are therefore requiring an initial cost expected at £35,000- £40,000 and an annual running cost of £16,500 to ensure compliance with a condition which I believe they can comply with without the need to monitor noise. Automatic calibration could reduce running costs but these would cost around £12,000 capital for two stations and then these still require some maintenance.

We then have the problem that they will be collecting the data on which you would need to rely to prove a breach. In effect you probably could not rely upon this data and would need to independently monitor in the case of a breach of condition situation. Who from the Council's side is going to monitor the data collected by Greensyke on a regular basis and then check / verify its accuracy? If they show compliance over a sustained period then they would have evidence that the monitoring was not necessary and the condition was unreasonable.

We at MAS Environmental have developed portable equipment and can set up monitoring in the event of on-going breaches at much lower costs as the equipment is installed in someone's home, the home owner monitors and record times of clear breaches saving much time in terms of post analysis when we can independently confirm. This might be operated for a single month which is a fraction of the permanent cost approach."

Based on the foregoing it is not considered that the installation of two permanent noise monitors can be considered reasonable in this instance.

In the case of the requested permanent summer break for 4 weeks the applicants

agent has responded by highlighting that this matter was first raised at the Committee Meeting in June 2005 at which time the assurance was given that the Centre would be closed for three weeks in August 2005 and in summer 2006 ie from July 29th for three weeks. The agent goes on to explain that his clients do not feel able to provide a permanent break in the manner that the residents have requested because of the potential impact on the operation of the Centre over the summer period. However, his clients are prepared to look at the possibility of closure of the Centre during the following summer at the Local Liaison Committee to be held in the last quarter of each year.

When assessing this matter, and in the context that the appeal was allowed for the Certificate of Lawfulness under application 03/0844, it is considered difficult for the Council to insist upon a permanent break.

A copy of the draft Section 106 Agreement has been attached to this report along with the Green Travel Plan, Management Code and Noise Report. The aforementioned Agreement covering:

i) The applicant agreeing to the non-implementation of the permissions for the science labs approved under 95/0879 and dormitory annexe approved under 97/0312;

ii) An annual review of the Green Travel Plan; and,

iii) Adherence to the Management Code.

4. OTHER MATTERS

Other issues have been raised during the handling of previous applications and the current proposal (for example fire safety, drainage, the shop, impact on the character of the area, archaeology, and, the presence of bats) but they have either been resolved or are not considered of sufficient weight, in themselves, to materially affect any final decision. The submission of an Environmental Impact Assessment is also not considered necessary.

On the 15th March 2006 the local residents raised issues relating to the setting up of the Local Liaison Committee; the removal of the existing generator and containers; and, the alleged collapse of the road near the entrance to the site. The applicants agent has subsequently confirmed the intention to set up the Local Liaison Committee as soon as possible after the Committee Meeting on the 21st April and to repair any pot holes.

The removal of the generator is apparently dependent upon a permanent supply being provided by United Utilities. However, they will not accept an order for this work until planning permission has been granted. The applicant has allocated funds in the budget for 2006 for this supply to be provided as soon as possible.

In the case of the containers, the possible relocation and/or landscaping options are being investigated by the applicants with potential solutions and costings being provided as soon as possible. It is hoped that the outcome will be reported at the inaugural meeting of the LLC.

5. CONCLUSION

On the basis of the foregoing it is recommended that the contents and wording of the Section 106 Agreement be approved and the relevant decision notice be issued following receipt of an updated management code which shows the deletion of aeroball from the activity list, and, the resolution of ongoing discussions concerning the design of the proposed improvements to the access.

Human Rights Act 1998

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";

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;

The proposal has been considered against the above but in this instance, and on the basis that appropriate conditions are imposed and a satisfactory Management Code is implemented, it is not considered that there will be any conflict. If it was to be subsequently alleged that there was conflict it is considered not to be significant enugh to warrant the refusal of permission.

Recommendation: Grant Permission

1. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or an Order revoking and re-enacting or amending that Order), or the Town and Country Planning (Use Classes) Order 1987 (as amended) (Or an Order revoking and re-enacting that Order), the operational development hereby approved shall not be used for purposes other than as a residential activity and educational centre (which means a centre where students are accompanied by teachers from their school for the purposes of partaking in recreational and educational facilities).

Reason: The premises contain a range of facilities which either individually or collectively could be used for purposes outside of a residential activity and educational centre and thus not under the direct control and management of the applicant. The condition has therefore been imposed to preclude the possibility of the use of the premises for purposes inappropriate in the locality which would be detrimental to the amenities of the neighbouring residents in accordance with policies EM11, T1 and H17 of the Carlisle District Local Plan.

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking and re-enacting or amending that Order), no permanent or temporary building and/or structure shall be erected within or brought onto the site of the residential activity and educational centre hereby permitted (other than those expressly authorised by this permission) without the prior permission of the local planning authority and the approval by it of the design, siting and external appearance of such structures.

   Reason: The local planning authority wishes to retain full control over the mattes referred to in order to protect the character of the area and safeguard the amenities of neighbouring residents in accordance with Policy 25 of the Cumbria and Lake District Joint Structure Plan and Policies EM11 and H17 of the Carlisle District Local Plan.

3. Before installation details of the design, height, external finish, location and level of illumination of all floodlighting shall be submitted to and approved in writing by the local planning authority. The aforementioned details shall include a plan showing all existing floodlighting on the site which is proposed to remain.

   Reason: In order to safeguard the amenities of the area in accordance with Policy 25 of the Cumbria and Lake District Joint Structure Plan and Policy EM11 of the Carlisle District Local Plan..

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking and re-enacting or amending that Order) no floodlighting or other external lighting of the site shall be installed other than those expressly authorised by this permission, without the permission of the Local Planning Authority.

   Reason: In order to safeguard the amenities of the area in accordance with Policy 25 of the Cumbria and Lake District Joint Structure Plan and Policy EM11 of the Carlisle District Local Plan.

5. No more than 160 students shall be present, attend or be resident at the site at any one time.

   Reason: The local planning authority wish to control the number of students in order to ensure that the nature of the proposal is not inappropriate for its location and the amenities of neighbouring residents are safeguarded in accordance with Policies EM11 and

T1 of the Carlisle District Local Plan.

6. A register of students showing dates of arrival and departure shall be maintained by the site manager/ess and shall be freely available for inspection without notice during working hours by officers of the Local Planning Authority.

   Reason: In order the ensure the effective monitoring and compliance with condition 5 in order to ensure that the proposal is not inappropriate for its location and the amenities of neighbouring residents are safeguarded in accordance with Policies EM11 and T1 of the Carlisle District Local Plan.

7. The outdoor activities hereby approved comprise: a caving system; climbing wall; quad bike track; challenge course; low ropes course; nightline course; problem solving course; and, archery enclosure. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking and re-enacting or amending that Order) or the Town and Country Planning (Use Classes) Order 1987 (as amended) (or an Order revoking and re-enacting or amending that Order) no additional outdoor activities shall be introduced on the site or the permitted activities relocated without the prior approval in writing by the local planning authority.

   Reason: In order to ensure that the proposal is not inappropriate for its location and the amenities of neighbouring residents are safeguarded in accordance with Policy EM11 of the Carlisle District Local Plan.

8. The use by students of all of the outdoor areas and activities on the site hereby permitted (with the exception of the central courtyard) shall not commence before 09.00 hours or remain in operation after 18.15 hours.

   Reason: In order to safeguard the amenities of neighbouring residents in accordance with Policy EM11 of the Carlisle District Local Plan.

9. The use by students of the central courtyard hereby permitted shall not commence before 08.00 hours or remain in operation after 21.30 hours.

   Reason: In order to safeguard the amenities of neighbouring residents in accordance with Policy EM11 of the Carlisle District Local Plan.

10. At the expiration of six months from the granting of this permission no students shall be present, attend or reside at the site unless the proposed access and parking have been full constructed, surfaced and drained in accordance with details approved beforehand by the Local Planning Authority.

    Reason: In the interests of highway safety in accordance with Policy EM11 of the Carlisle District Local Plan.

11. At the expiration of six months from the date of this permission no students

shall be present, attend or reside at the site unless a detailed landscaping scheme (including a management scheme) have been submitted to the local planning authority. The aforementioned scheme(s) shall include details of the species of all planted material including particulars of the proposed heights and planting densities. If considered satisfactory, the said scheme(s) shall be approved in writing by the Local Planning Authority.

Reason: To ensure that a satisfactory landscaping scheme is prepared in accordance with Policy 25 of the Cumbria and Lake District Joint Structure Plan and Policy of the Carlisle District Local Plan.

12. At the expiration of six months from the date of approval by the Local Planning Authority of the landscaping scheme (subject to the aforementioned condition 11) no students shall be present, attend or reside at the site unless all works comprised in the approved details of landscaping have been fully carried out in accordance with the approved details.

Reason: To ensure that a satisfactory landscaping and noise mitigation scheme is implemented in accordance with Policies EM11 and E19 of the Carlisle District Local Plan.

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

Reason: To ensure as far as possible that the landscaping scheme is fully effective in compliance with Policies EM11 and E19 of the Carlisle District Local Plan.

14. At the expiration of six months from the date of this permission no students shall be present, attend or be resident on the site unless the applicant has relocated the climbing wall as shown on the approved site layout plan.

Reason: In order to safeguard the amenities of neighbouring residents in accordance with Policy EM11 of the Carlisle District Local Plan.

15. At the expiration of four months from the date of this permission no students shall be present, attend or be resident on the site until the applicant has submitted to and obtained approval in writing from the Local Planning Authority of the mechanism for review of the Green Travel Plan (as identified in Appendix B of the MVA report dated September 2003).

Reason: In order to ensure a choice of means of travel to and from the site which takes account of local infrastructure in accordance with Policy T1 of the Carlisle District Local Plan

16. At the expiration of six months from the date of this permission and the dates of

the subsequent reviews to be approved under condition16 no students shall be present, attend or be resident at the site until all the measures identified in the approved Green Travel Plan and subsequent reviews have been fully implemented.

Reason: In order to ensure a choice of means of travel to and from the site which takes account of local infrastructure in accordance with Policy T1 of the Carlisle District Local Plan.

17. At the expiration of three months from the date of this permission no students shall be present, attend or be resident on the site unless all the measures identified in the hereby approved Management Code have been fully implemented, and, shall be complied with at all times thereafter.

Reason: In order to safeguard the amenities of neighbouring residents in accordance with Policy EM11 of the Carlisle District Local Plan.

18. Any retail activities carried out at the premises shall be confined to the shop specified in the submitted plans; ancillary to the principal use; and, limited to sales to students attending courses and their supervisors.

Reason: To preclude the possibility of the use of the premises for purposes inappropriate in the locality in accordance with the underlying objectives of Policies T1 and S12 of the Carlisle District Local Plan.

19. Noise from the playing of electrically amplified music and / or electrically amplified speech that emanates from the site shall not exceed the levels and requirements set out in this condition. The levels shall be determined by measurement and / or calculation at those boundaries of residential property nearest to the site the subject of this approval and as shown delineated on the attached plan in red Ref xxxx. which is used for identification purposes only:

a) Between 18.15 hours and 08.00 hours on any day, all day Sunday, additionally between 13:00 and 18:15 on Saturdays and at anytime on Bank Holidays:

45dB one eighth of a second average equivalent energy level (45dB Leq(125m/s)) in the 63 Hz octave band, not more than 10 times in any 5 minute period.

28dB one eighth of a second average equivalent energy level (28dB Leq(125m/s)) in the 125 Hz octave band not more than 10 times in any 5 minute period.

b) Between 08:00 hours and 18:15 hours on any day (that is not covered in paragraph a) above):

52dB one eighth of a second average equivalent energy level (52dB Leq(125m/s)) in the 63 Hz octave band not more than

10 times in any 5 minute period.

35dB one eighth of a second average equivalent energy level (35dB Leq(125m/s)) in the 125 Hz octave band not more than 10 times in any 5 minute period.

Reason: To protect residential amenity in accordance with Policy EM11 of the Carlisle District Local Plan.

20. Details shall be submitted of all machinery, plant and equipment to be installed, located or used on the site (other than motor vehicles) that is audible outside of the site boundary, (when it is in use or operation). Details to include the maximum (LAmax(f)) 'A' weighted sound levels produced by this equipment. All such machinery, plant and equipment shall not be used on the site except in accordance with the prior written approval of the Local Planning Authority. Any approved noise mitigation measures and the conditions attached to approval of the machinery, plant and equipment shall be fully implemented and thereafter maintained in accordance with the approved details.

    Reason: To protect residential amenity in accprdance with Policy EM11 of the Carlisle District Local Plan.

21. This consent is subject to the written approval by the Local Planning Authority of a scheme of noise mitigation measures designed to minimise the impact from permitted activities. Written approval by the Local Planning Authority, of the scheme, must be obtained within 6 months of the date of this approval. The approved scheme of measures shall be fully implemented in accordance with the approved details and thereafter maintained in accordance with those details.

    Reason: To protect residential amenity and minimise the impact of noise in accordance with Policy EM11 of the Carlisle District Local Plan.

22. A planning and noise survey, involving the measurement of noise emissions from the site, shall be undertaken not less than once every calendar year at the site the subject of this approval. The survey shall identify the level of compliance and any breaches of the conditions attached to and forming part of this approval. A written report of the findings, identifying the level of compliance shall be submitted to the Local Planning Authority within 1 month of survey completion.

    Reason: To ensure continued enforceability of conditions and that the Local Planning Authority is notified of any unlawful development that may subsequently acquire immunity, thereby compromising the measures imposed to protect against unacceptable development or excessive noise in accordance with Policy EM11 of the Carlisle District Local Plan.

23. Noise emanating from the site arising from human voices and in particular

screaming, shouting, whoops or cheering shall not exceed the levels and requirements set out in this condition. The levels shall be determined by measurement and / or calculation at the boundaries of residential property that are nearest to the site the subject of this approval. These are delineated and shown on the attached plan in red Ref ..... which plan is used for identification purposes only:

a) Between 18.15 hours and 08:00 hours on any day:

35dB LAmax(f) not more than twice in any five minute period.

b) Between 08:00 hours and 18:15 hours on any weekday and 08:00 and 13:00 hours on any Saturday:

40dB LAmax(f) not more than ten times in any hour.

c) At any time on a Sunday or Bank Holiday and between 13:00 and 18:15 hours on a Saturday.

40dB LAmax(f) not more than five times in any hour.

The levels and requirements of this condition are subject to two exceptions.

a) It shall not apply during three separate periods occurring between 08:00 and 18:15 hours on any weekday and 08:00 and 13:00 hours on any Saturday. The periods shall not exceed 30 minutes in length.

b) Where the exceedances are in accordance with the prior written approval of the Local Planning Authority (such approval not to be given by the Local Planning Authority without consulting persons in the locality beforehand) and the conditions of that approval are met.

Reason: To protect residential amenity in accordance with Policy EM11 of the Carlisle District Local Plan.

24. Noise emanating from the site arising from the use of motorised and mechanical sporting or motorised and mechanical recreational equipment (including motor vehicles and in particular motor bicycles and quad bikes) shall not exceed the levels and requirements set out in this condition. The levels shall be determined by measurement and / or calculation at the boundaries of residential property that are nearest to the site the subject of this approval. These boundaries are delineated and shown on the attached plan in red Ref ..... which plan is used for identification purposes only:

a) Between 18.15 hours and 08:00 hours on any day:

33dB LAmax(f) not more than twice in any five minute period

b) Between 08:00 hours and 18:15 hours on any weekday and

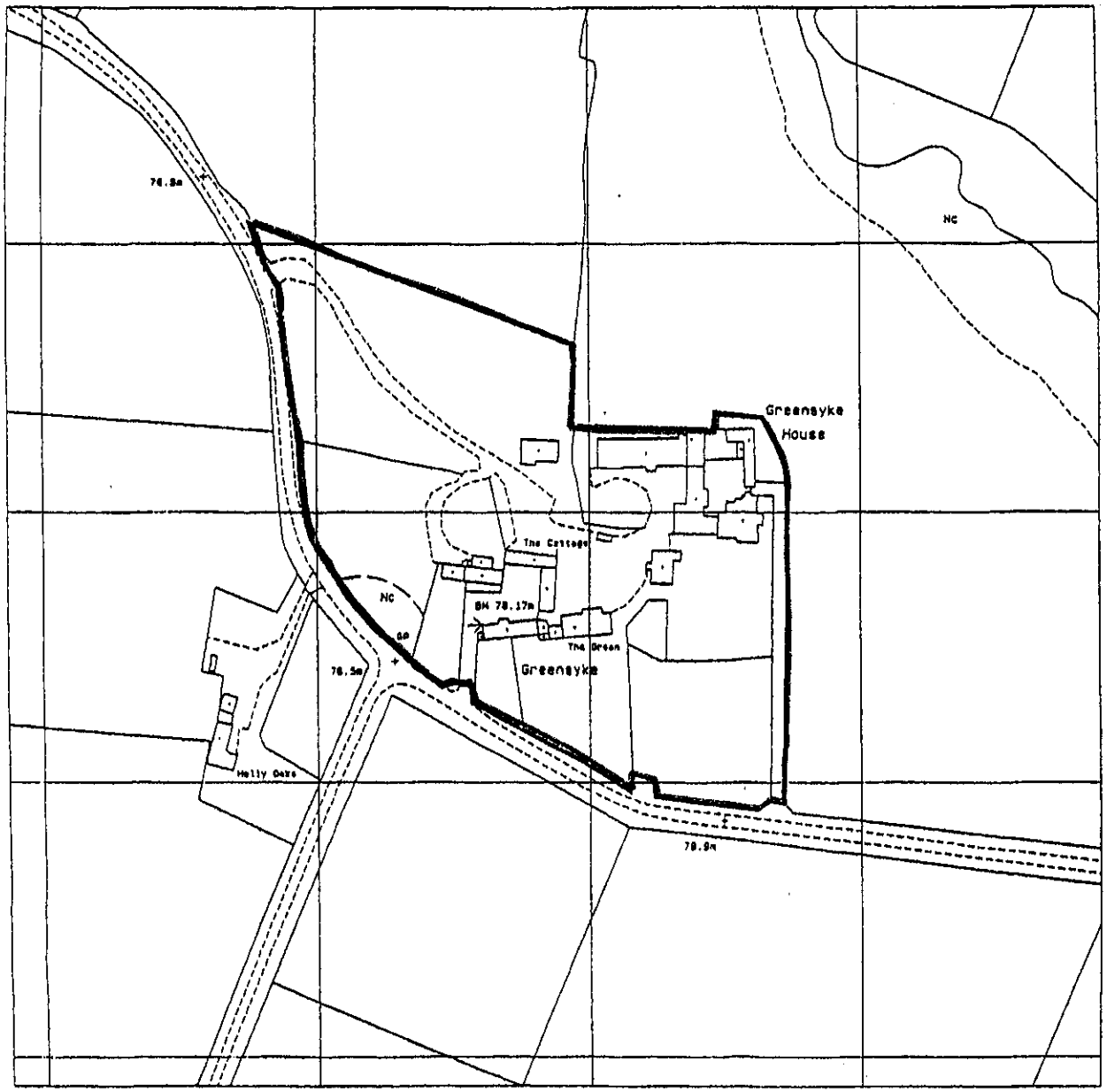
08:00 and 13:00 hours on any Saturday:

40dB LAmax(f) not more than ten times in any hour.

c) At any time on a Sunday or Bank Holiday and between 13:00 and 18:15 hours on a Saturday.

35dB LAmax(f) not more than five times in any hour.

Reason: To protect residential amenity in accordance with Policy EM11of the Carlisle District Local Plan.



Key

Site Location

Project: Kingswood, Dalston

Title: **Site Location Plan**

Client: Kingswood Learning & Leisure Group

Date: July 2003

Scale: 1:2500

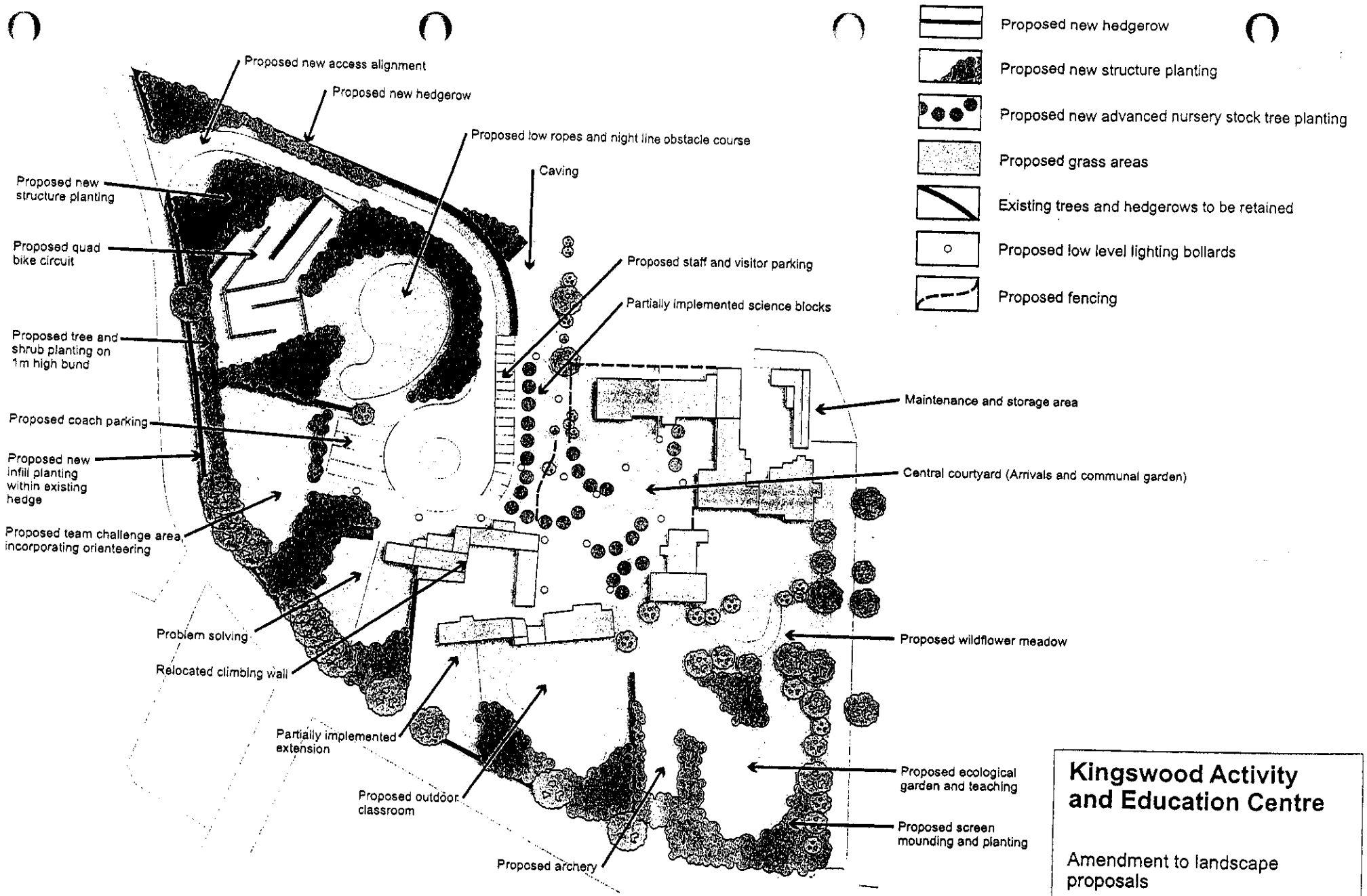
Drawn by: MH

Drg No: NE/2161/01

Nathan Lichfie & Partn
Development Pla
Urban Design Eco

Based upon Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office. © Crown copyright reser[illegible]cence number AL50684A

Completion Date: 2161/JULY/001

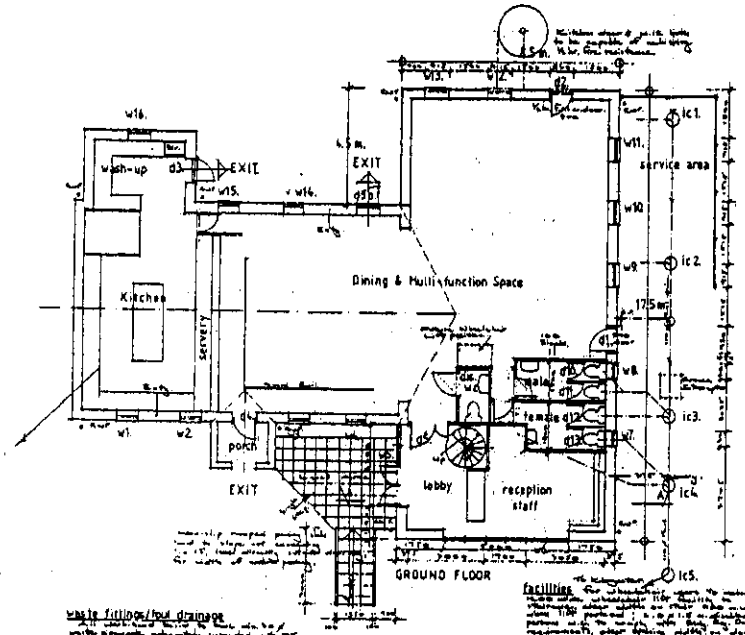


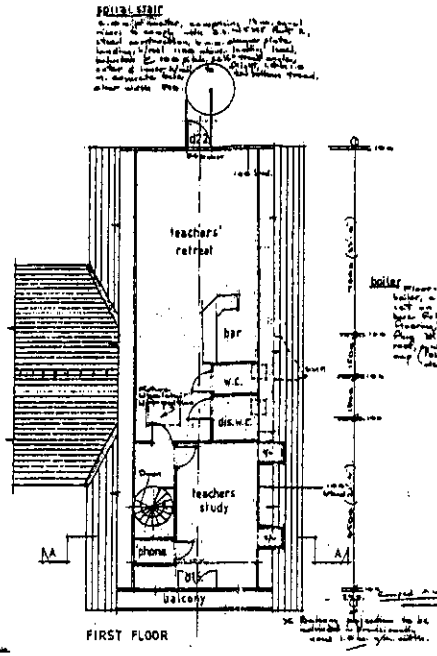
Kingswood Activity and Education Centre

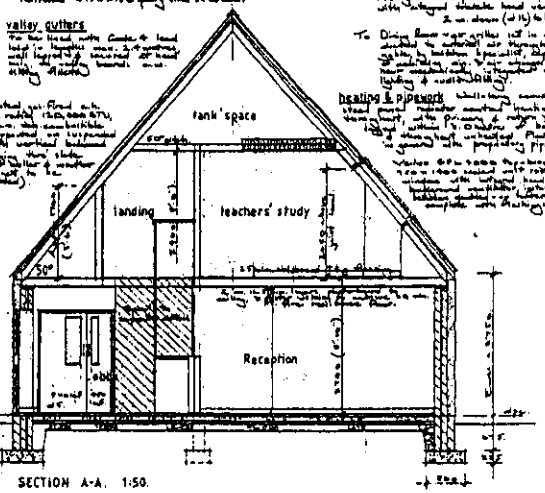
Amendment to landscape proposals

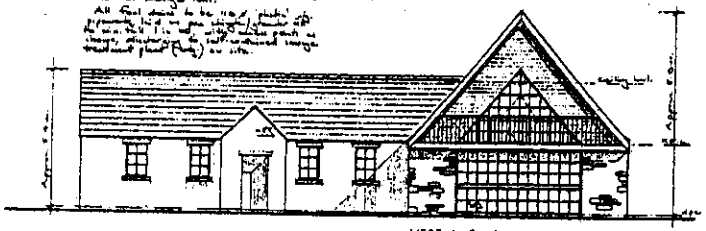
Scale: NTS
Drawn By: TER
Checked By: DJB
Date: 06.01.04
DHL2176

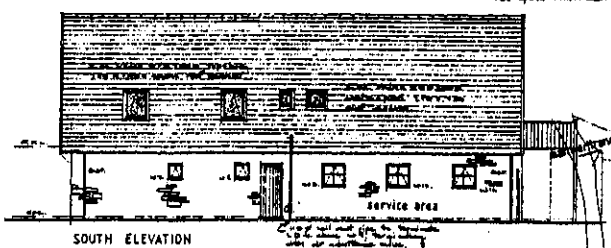
RPS Planning, Transport and Environment

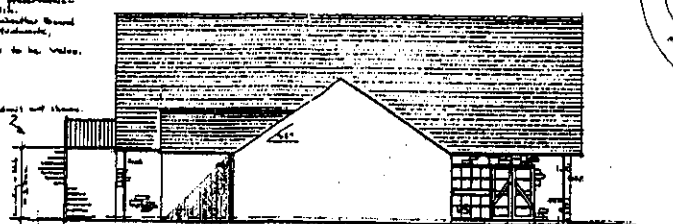


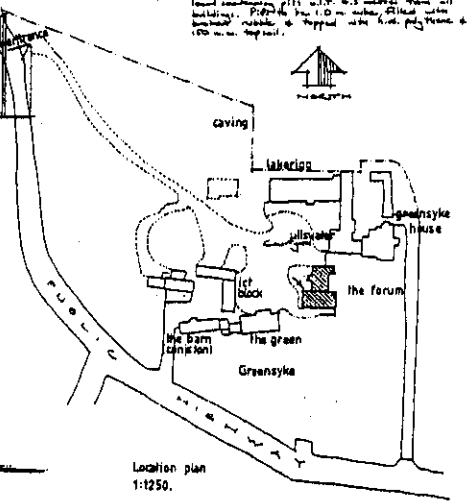






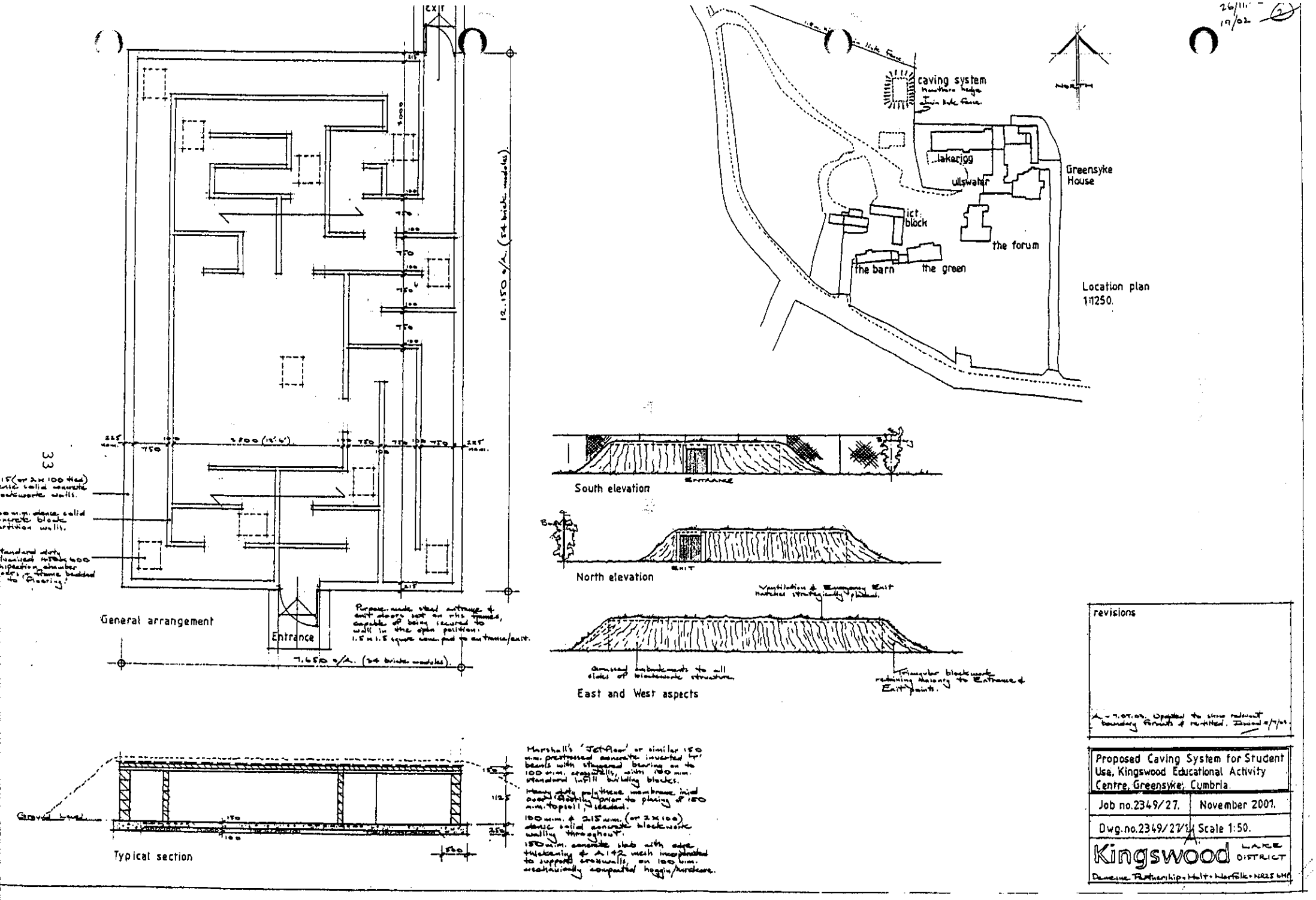




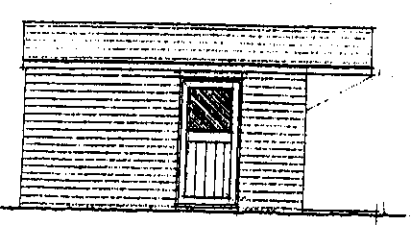


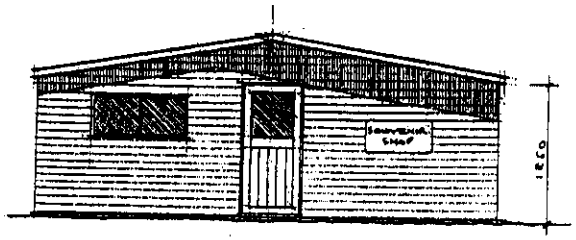
Facilities to comply with Part M to afford equal access to all persons.

Proposed conversion and extension of part-built chapel to Dining and Reception for Kingswood E.A. Centre.	
Job no. 2346/24.	October 2001.
Dwg no. 2346/24/2	Scale 1:100.
Kingswood	



EXIT
12.150 o/A. (54 brick modules).
3800 (12'6")
7.650 o/A. (34 brick modules).
Entrance
General arrangement
Purpose made steel entrance & exit doors set on rhs frames, capable of being secured to wall in the open position. 1.5 x 1.5 square conc. pad to entrance/exit.
caving system
hawthorn hedge
lakerigg
ullswater
Greensyke House
ict. block
the forum
the barn
the green
NORTH
Location plan 1:1250.
South elevation
ENTRANCE
North elevation
EXIT
Ventilation & Emergency Exit hatches strategically placed.
Grassed embankments to all sides of blockwork structure.
Triangular blockwork retaining masonry to Entrance & Exit points.
East and West aspects
Typical section
Marshall's 'Jetfloor' or similar 150 mm. prestressed concrete inverted 'T' beams with staggered bearing on to 100 mm. crosswalls, with 100 mm. standard infill building blocks.
Heavy duty polythene membrane laid over flooring prior to placing of 150 mm. topsoil, seeded.
100 mm. & 215 mm. (or 2 x 100) dense solid concrete blockwork walling throughout.
150 mm. concrete slab with edge thickening & A142 mesh incorporated to support crosswalls, on 100 mm. mechanically compacted hoggin/hardcore.
revisions
Proposed Caving System for Student Use, Kingswood Educational Activity Centre, Greensyke, Cumbria.
Job no.2349/27.
November 2001.
Dwg.no.2349/27/1
Scale 1:50.
Kingswood LAKE DISTRICT
Demesne Partnership • Holt • Norfolk • NR25 6HP





Souvenir shop

scale 1:50.

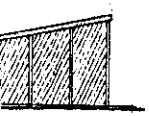
This is a demountable timber framed & clad structure, 6.0 m. by 3.6 m. by 2.4 m. high to ridge.

It is roofed in green mineral felt to a 10° pitch over golden stained boarding elevations.

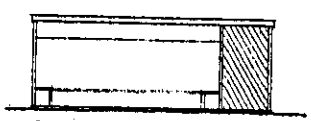
With a canilever roof overhang of 800 m.m., and an entrance decking of 900 m.m., it retails to visiting schools, members of the Centre, together with everyday essentials.

For location within the Centre grounds, refer to masterplan landscape drawing.

34

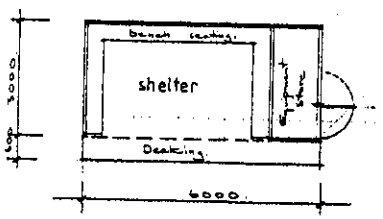


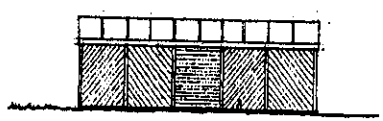
ide



front

store side





rear

Activity areas shelter scale 1:100.

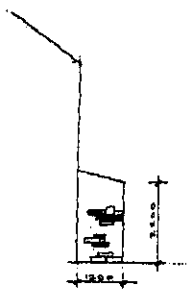
of modular construction, demountable, consisting of nom. 100x100 post & infill weatherboard panels under a monopitch roof.

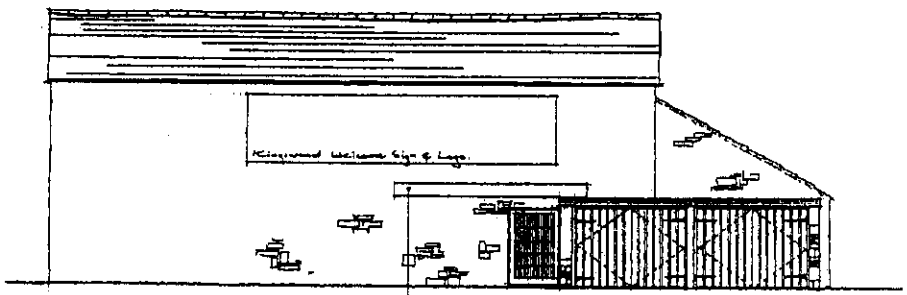
Equipment store is lockable with outward opening door securable by cabin hooks when open; store width available upto 2.4 m. wide when shelter reduced to 9.6 m. wide.

Constructed on preservative-treated softwood base/decking, all walls are solid infill panel & external t/g. weatherboarding all edges primed, knotted & seal prior to application of linseed oil paint from Holkham etc, colour Spruce Green.

Bench seating built in, comprising 22 m.m. skirting board on pre framing.

Roof covering to complete green mineral felt dressed over 25x150 fascia boards on all sides, with 25x50 pre holding battens @ 600 m.m. intervals along roof length.



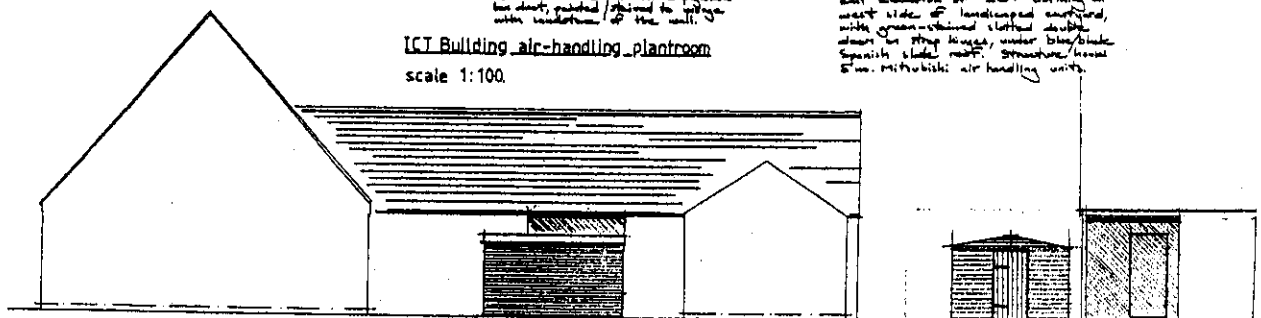


Cable tray secured to wall face & carrying 3 insulated copper pipes and 2 PVC enclosed in rubber pipe insulation & finished in white paint. Cable tray secured to wall face with isolators to the wall.

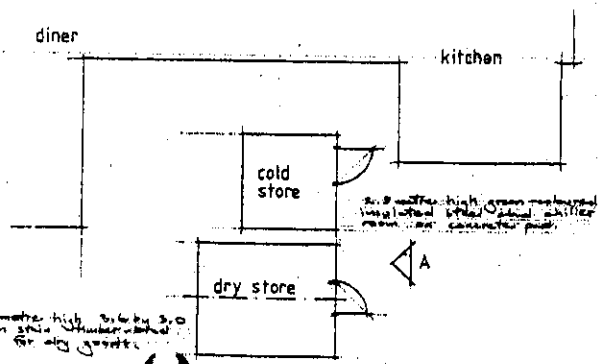
Condenser mounted weatherproof acoustic enclosure, 1200 wide, 1000 east elevation of ICT building on west side of landscaped courtyard, with green-coloured slatted double doors to ring fences, under blue/black Spanish slated roof. Structure/house 2 no. Mitsubishi air handling units.

ICT Building air-handling plantroom

scale 1:100.



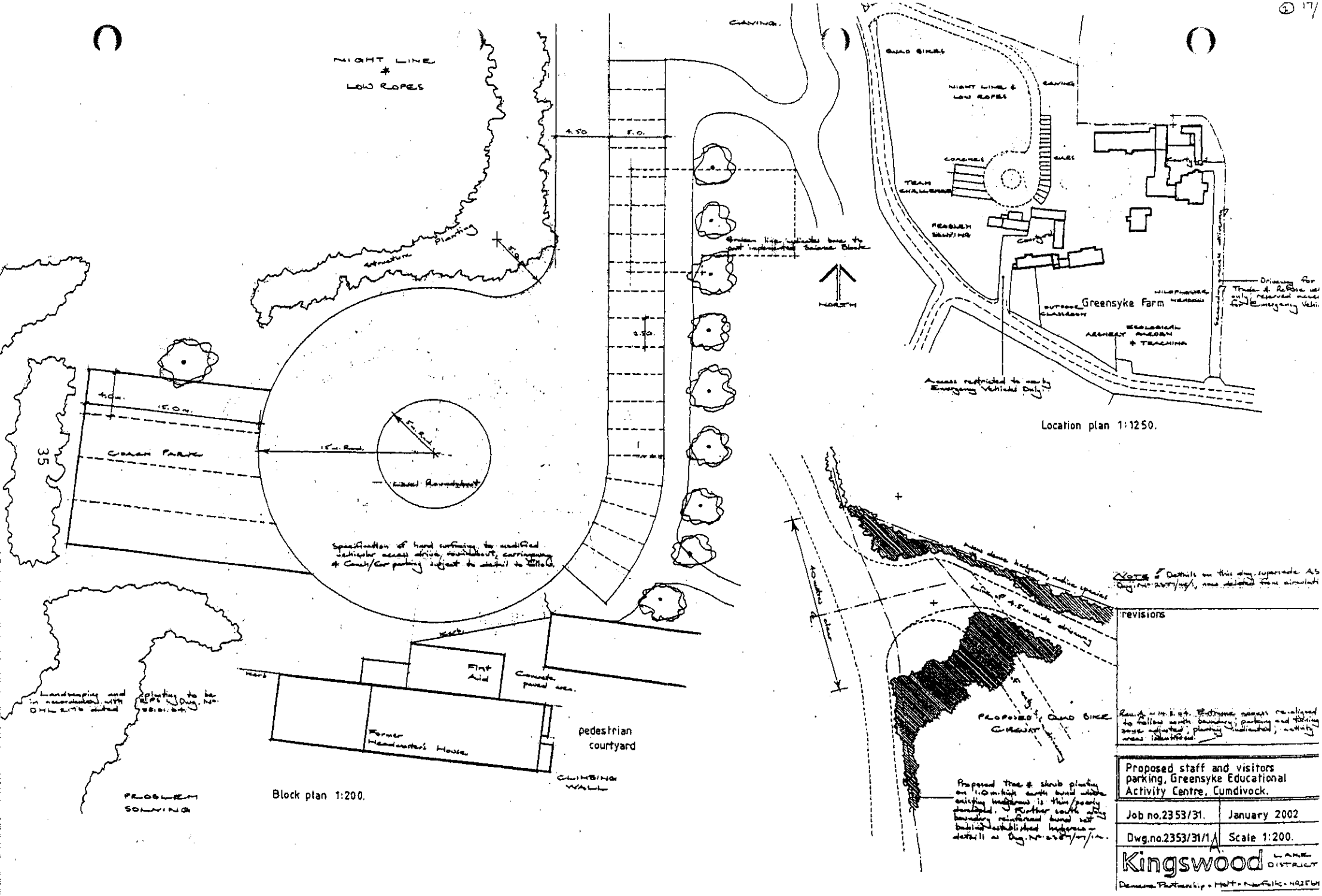
Elevation A - South identical, handed - doors.



A 1:100. Cold & Dry stores to rear of Kitchen/Diner omitted.

Kingswood Educational Activity Centre, Greensyke. Miscellaneous centre buildings.	
Job no.2389/48.	June 2003.
Dwg. no.2389/48/1 A	Scale as shown

Demesne partnership bolt norfolk nr25 6hs.
tel.01263.860134 fax.01772.9599880.



Block plan 1:200.

NOTE: Details on this dwg. supersede AS Dwg. No. 2377/46/1, now deleted from circulation

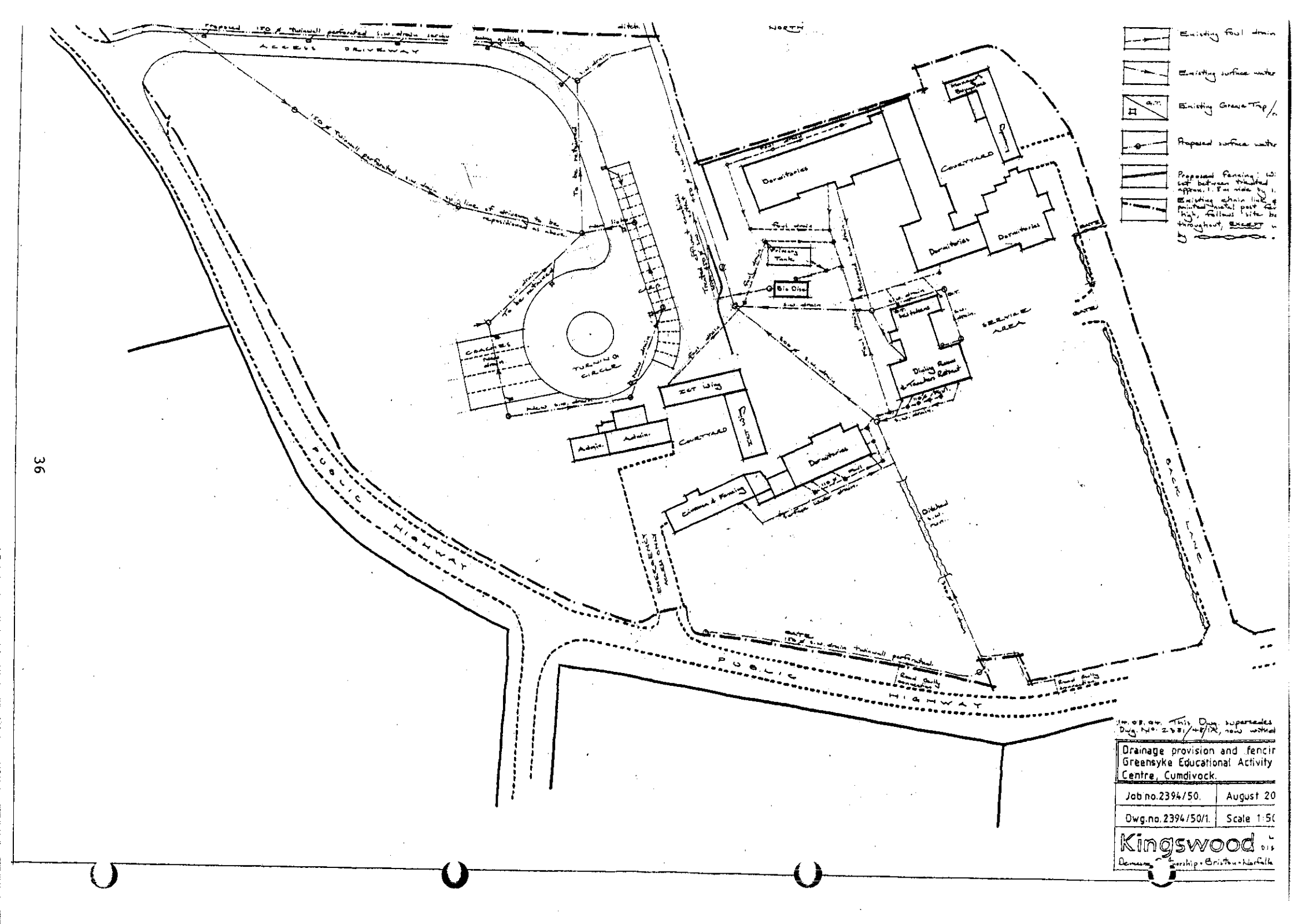
revisions

Rev. A — 14.3.04. Extreme access re-aligned to follow north boundary; parking and turning zone adjusted; planting indicated; activity areas identified.

Proposed staff and visitors parking, Greensyke Educational Activity Centre, Cumdivock.	
Job no.2353/31.	January 2002
Dwg.no.2353/31/1A	Scale 1:200.

Kingswood LAKE DISTRICT

Denmore Partnership • Holt • Norfolk • NR25 6H

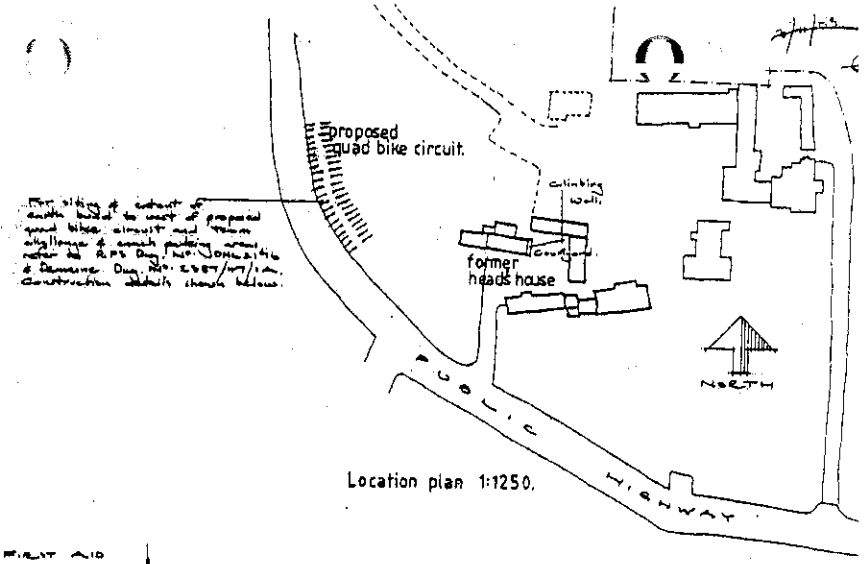


Drainage provision and fencir
Greensyke Educational Activity
Centre, Cumdivock.

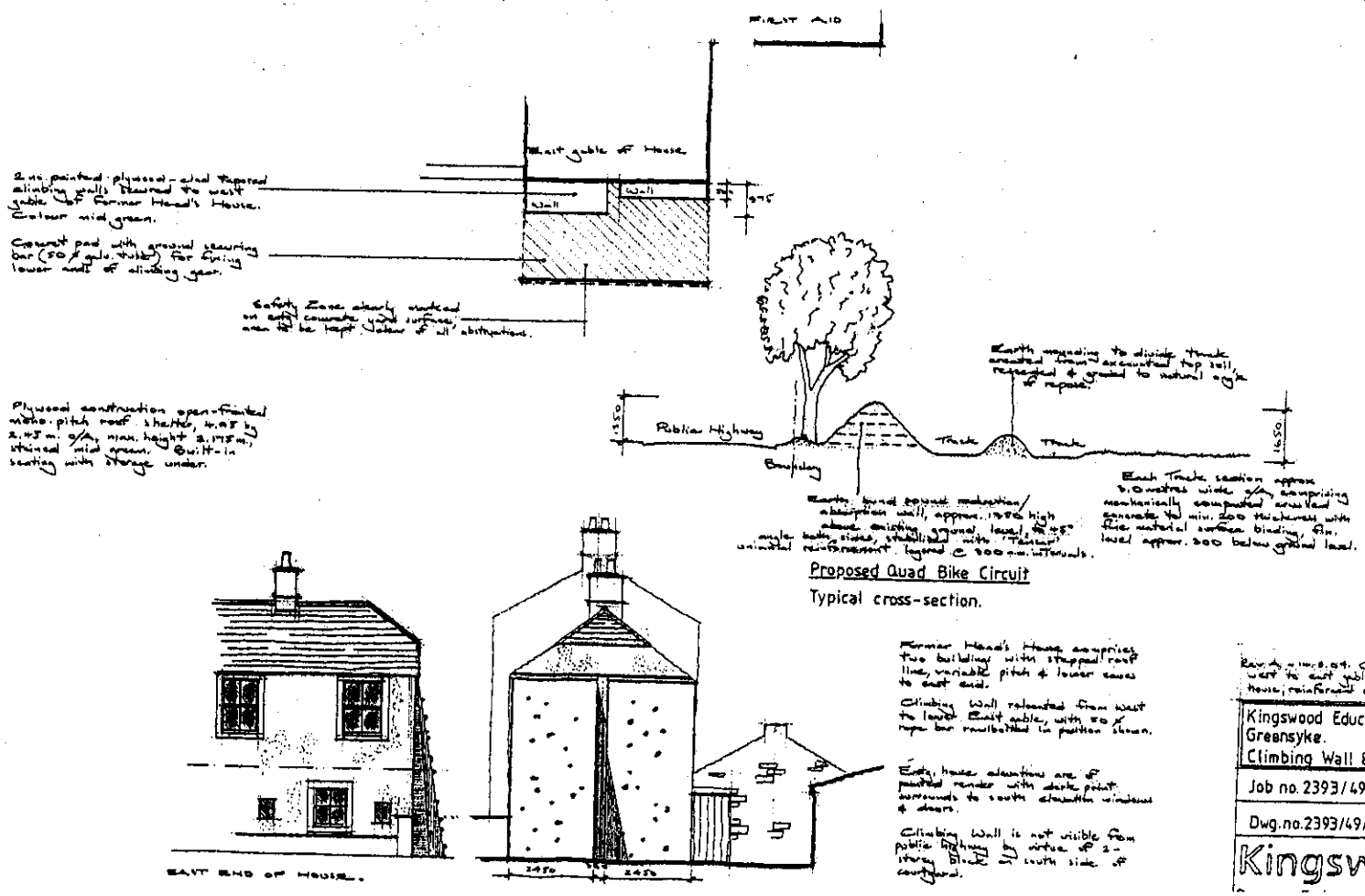
Job no.2394/50.	August 20
Dwg.no.2394/50/1.	Scale 1:5(

Kingswood
Design Partnership • Brisbane • Norfolk

36



Location plan 1:1250.

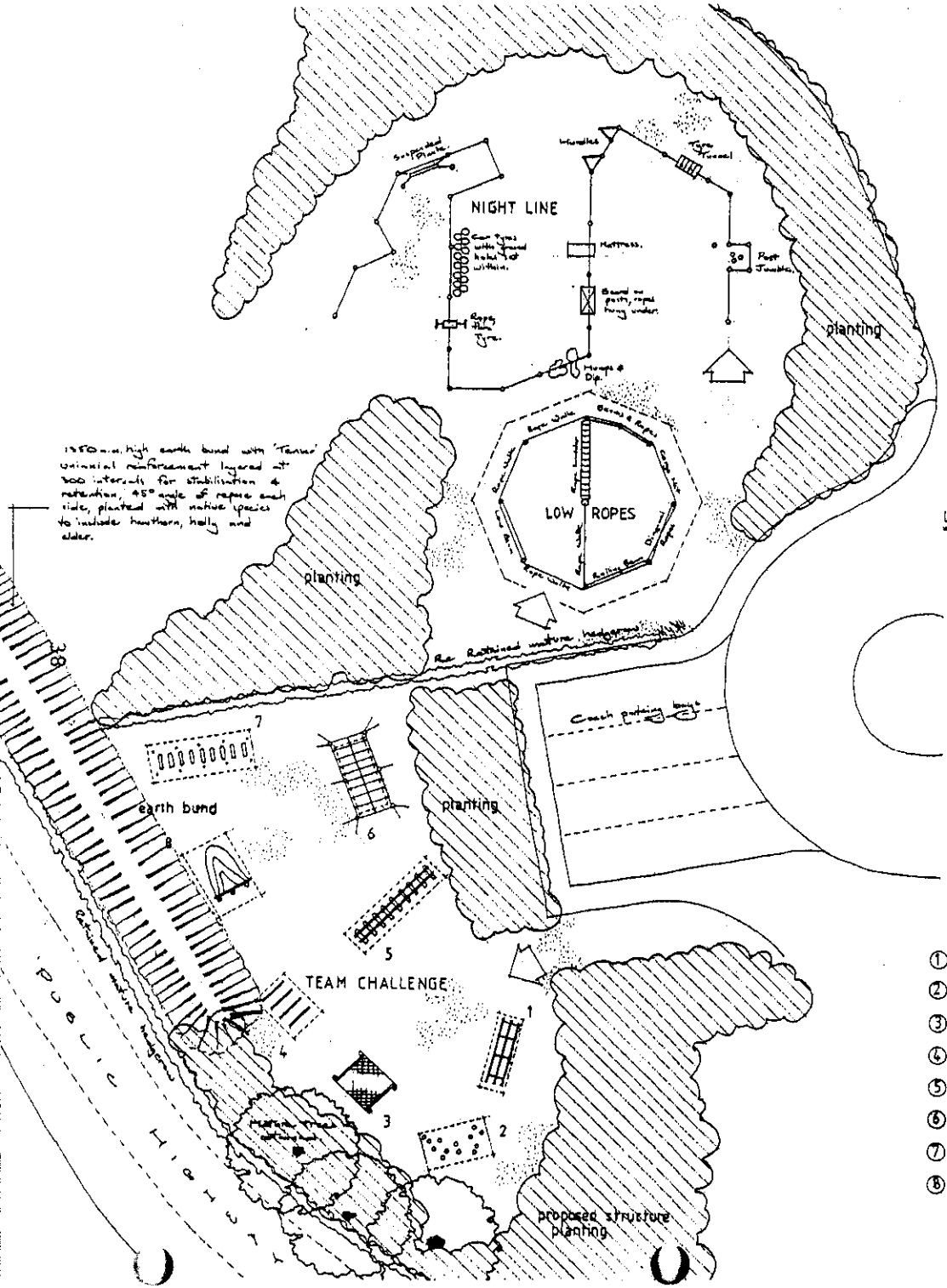


Proposed Quad Bike Circuit

Typical cross-section.

Kingswood Educational Activity Centre Greensyke.	
Climbing Wall & Quad Bike Circuit.	
Job no. 2393/49.	November 2003.
Dwg.no.2393/49/1/A	Scale 1:100.

Kingswood



NIGHT LINE is a continuous rope strung between 1.0 m. high posts, along which the students proceed in blindfolds with one hand on the shoulder of the person in front. All students wear protective headgear, and undertake to successfully progress their way through a number of simple obstacles set at ground level or heights not exceeding 450 m.m. above ground level. The course is designed to promote balance, self-confidence, orientation, sure-footedness and reliance on oval fellow participants. Posts are stained dark green, no equipment is higher than 700 m.m. above ground level.

LOW ROPES

Comprises a circular enclosure of 13.0 m. diameter surfaced with wood chip, consisting of 3.0 m. high telegraph poles between which are supported a variety of rope configurations. Set at 750 m.m. above ground level, the Low Ropes vary in form from straightforward rope walks with hand ropes set at a higher level, through to full height Cargo climbing net, beams supporting climbing ropes, a rope ladder/bridge, and diagonally fixed low to high ropes.

The outer 2.0 m. wide enclosure is bounded by a 900 m.m. high post & rail fence, and all timber is stained dark green.

① Parallel beams
② Stepping logs
③ Cargo net
④ Hurdles
⑤ Tyre tunnel
⑥ Rope bridge
⑦ Tyre swing
⑧ The wall

TEAM CHALLENGE consists of a series of low-profile constructions as identified by No. & brief description, through which teams of students are required to progress in accordance with basic equipment and instructions.

The various items are designed to encourage & promote self assurance, balance, orientation, team work and idea sharing/problem solving.

Max. height of any single structure is 3.0 metres (scaffold poles), most are considerably lower, i.e. under 1.0 m..

revisions

Rev. A. v 14.8.04. Hay bale sound reduction barrier replaced by reinforced earth bund with native species planting.

Proposed Team Challenge Area and Low Ropes & Night Line Course for Kingswood E.A. Centre, Greensyke.	
Job no. 2387/47.	June 2003.
Dwg. no. 2387/47/1.	Scale 1:250.

Demesne par[illegible] [illegible]hio·holt·norfolk·nr25 6l

Description	Proposed Noise Monitoring Procedure for planning noise conditions: Kingswood Educational Centre, Greensyke, Dalston, Cumbria.
Date	13 January 2006
Issued by	Peter Jackson MSc MIOA Principal Consultant.
Ref No	PJ1775/PJ/25154

1. OVERVIEW

Carlisle City Council, with the assistance of their noise consultant advisor MAS Environmental, have developed a set of noise conditions to be attached to the consent for permitted activities at the Kingswood Centre, at Greensyke, Dalston, in Cumbria. The conditions are imposed for the purpose of exercising control over the following potential noise generating activities

1 Noise from playing of amplified music, or speech
2 Noise arising from human voice, to include screaming, shouting, whoops, cheering
3 Noise arising from use of motorised sporting and recreational equipment (in particular quad bikes)
4 Noise from any other machinery, plant and equipment to be installed or located on the site.

Planning conditions 19 – 24 cover the control of noise, with conditions 19, 23, and 24 providing specific noise limit requirements, for the activities numbered 1, 2 and 3 above.

Condition 20 addresses item 4 above, requiring noise level detail on any equipment that is perceived as being audible outside the site boundary. Condition 21 requires submission of a scheme of noise mitigation designed to control noise from permitted activities. Condition 22 requires completion of an annual planning noise survey for the purpose of establishing noise emissions and identifying any breaches of noise limits, as detailed in conditions 19, 23 and 24.

2. INTRODUCTION

The purpose of this document is to set out the procedures for the noise monitoring associated with discharging the requirement of condition 22, i.e. for establishing noise emissions from the various activities and equipment to check compliance and any breaches of the noise limits specified in conditions 19, 23 and 24.

The measurement procedure therefore covers the protocol for the official annual survey, together with any additional survey specifically requested by Carlisle City Council, for the purpose of addressing compliance issues. The intention is for these surveys to be completed by an acoustic consultant representing either Kingswood Educational Centre, or Carlisle City Council.

It is recognised that the acoustic consultant undertaking the measurements may need to modify the procedures set out in this document, to reflect prevailing circumstances, or to ensure that empirical data that demonstrates the level of compliance is obtained. For example, in inclement weather, wind effects may need to be accounted for, and where unforeseen extraneous noise is encountered local to the monitoring positions, such positions may need to be modified. Any variations from the proposed procedure and monitoring positions will be reported, with reasons detailed.

It is recognised that the conditions covering noise limits create an on-going requirement that must be complied with. Whilst the planned annual noise survey is required to demonstrate that permitted activities

do comply with noise limits, it is between these surveys that the Kingswood Centre need to guard against breaches. To this effect a set of guidelines on the methods of operation and the use of mitigation will be incorporated into the Centre's own management code, to ensure levels are not exceeded, or only rarely exceeded. The effectiveness of the procedures will be tested by the initial set of noise measurements, so that the Centre knows that planned and permitted activities are compliant.

3. NOISE MONITORING POSITIONS

Each noise limit condition requires the determination of noise levels at the boundaries with the residential properties nearest to the Kingswood Educational Centre and for these positions to be delineated on a marked up plan, showing these community positions.

The community receiver positions (RP1 to RP4) chosen as being representative of the boundary with the nearest dwellings on each aspect of the Kingswood site are detailed in the following table, with the position marked with an X on the attached plans, included as Figures 1 and 2.

RP 1: Bellgate	This position is at the entrance to the driveway of Bellgate, a dwelling located on Cumdivok Road, some 400m north west of the centre of Greensyke.
RP 2: Holly Oaks	This position is at the side of the entrance driveway to Holly Oaks, a dwelling also located on Cumdivok Road, some 150m west of Greensyke.
RP 3: White House	This position is on the west boundary of the White House, a dwelling again located on Cumdivok Road, some 230m east of Greensyke.
RP 4: The Gill	This position is on the west boundary of 'The Gill' a dwelling located some 360m north east of Greensyke.

For each of these community receiver positions a corresponding boundary receiver position has also been chosen, designated RP1# to RP4#. These positions are located on the point of the Greensyke boundary, which would cross an imaginary line connecting the centre of Greensyke with the community reference position. The boundary receiver positions are marked with an X on the attached plans, included as Figures 1 and 2.

Noise measurements at these boundary positions may be used to predict levels at the further community positions, under the following circumstances :

- where direct measurement of Kingswood activity related noise is not possible due to higher-level extraneous noise.
- where access to the community receiver positions is difficult or denied by the land-owner. This is particularly the case for positions RP2 and RP4, which are likely to be situated on resident's private land.

4. INSTRUMENTATION

The noise level analyser used for monitoring noise levels shall conform with IEC 804 Type 1, or equivalent, with the octave and 1/3 octave filters conforming to IEC 1260 (draft 1974), or equivalent.

For the Kingswood Centre, Spectrum Acoustic Consultants propose to use the following instrumentation.

- Bruel & Kjaer Type 2260 Sound Level Analyser
- Bruel & Kjaer Type 4189 ½" Microphone
- Bruel & Kjaer Type 4230 Acoustic Calibrator

The sound level meter, calibrator and microphone are calibrated annually using equipment referenced to the British Calibration Service and The National Physical Laboratory.

It is recognised that there is equivalent instrumentation that the Authority's representative may utilise to complete any check measurements

5. NOISE MEASUREMENT PROCEDURE

Each of the planning conditions 19, 23 and 24, defines the noise limits for each source in terms of a different measurement parameter and consequently the acquisition of noise data will be different for each condition. However, the broad measurement procedure used for assessing compliance, or any breaches, of the defined numeric noise limits, is common to each condition

5.1 General information to be reported

The reason for the survey (routine, or in response to complaint) and type of survey (pre-arranged, or unannounced) will be reported.

Information, as outlined in paragraph 10 of BS4142: 1997, shall be recorded and reported. In addition, the activities both programmed and observed to occur at the Kingswood Activity centre, during noise monitoring, will be recorded and reported, as well as any significant off-site activities. The actual time of events and notable noise emissions shall also be recorded and correlated with the noise measurement records. Any factors influencing noise emissions, such as open windows during musical events held inside buildings, will also be reported.

The character of audible sounds at receiver positions (screams, shouts, mechanical noise etc) shall be noted in order to fully describe noise events.

5.2 General procedure

The proposed general procedure for noise measurements is outlined as follows. In all cases an attended survey is proposed in order to allow correct identification of sources. Where stated, 'noise measurement' is used as the general term for the measurement specific to the parameter applicable to each condition.

I. Kingswood's acoustic consultant, or representative, visits each of the defined residential receptor positions RP1 to RP4 and makes a subjective assessment of incident noise levels, using preliminary noise measurements to assist this subjective assessment. Due to the close proximity of measurement positions to residents land, notification of residents may be required before survey work commences.

II. Where noise from permitted activity emanating from the Kingswood Educational centre is subjectively discernible and where the noise is measurable i.e. the difference between measured noise with and without contributions from the Centre is > 3dB(A), the specific noise level from the Centre will be determined by direct measurement at the residential receiver position. The specific noise level from the Kingswood activity will be determined by subtracting the residual noise from the total noise, in accordance with procedures generally outlined in section 6.3.3 of BS 4142:1997.

III. Where residual noise effectively masks any noise contributions from the Kingswood Centre additional noise measurements will be completed at the closer boundary positions RP1# to RP4#, *or at an alternative position deemed to best represent noise from the specific activity and condition being monitored.*

IV. From the noise measurements recorded at positions RP1# to RP4#, or any other alternative position the noise level contribution at the residential receiver positions RP1 to RP4 will be calculated in the first instance using the following correction:

Lp(h) = Lp(s) + 20log Rs / Rh, where:

Lp(h) is the calculated sound pressure level at the house criteria position RPx

Lp(s) is the measured sound pressure level at the closer reference position RPx#.

Rs is the distance between the reference measurement position RPx# and the Kingswood Centre

Rh is the distance between the residential receptor position RPx and the Kingswood Centre

V. Where the calculated noise contribution, using the simplified relationship above, shows any breach of noise limit condition, the correction terms shall be recalculated in accordance with more detailed propagation terms, as outlined in EN ISO 9613: 1996 'Attenuation of sound during propagation outdoors'. Use of the Bruel and Kjaer 'Predictor' software may also be utilised to model noise levels to this standard.

VI. Noise measurements and/or predictions made as above to be compared with the numeric noise limits specified in conditions 19, 23 and 24.

5.3 Measurement data specific to each noise condition

The noise data to be acquired within the framework of the general noise measurement procedure outlined in sections 5.2, is specific to each noise limit condition. The specified noise limits, together the measurement data to be recorded for the checking of these limits is detailed as follows:

5.3.1 Condition 19

Noise from the playing of electrically amplified music/or electrically amplified speech that emanates from the site shall not exceed the levels and requirements set out in this condition. The levels shall be determined by measurement and/or calculation at those boundaries of residential property nearest to the site the subject of this approval and as shown delineated on the attached plans (Figures 1 and 2):

a. Between 18:15 hours and 08:00 hours on any day, all day Sunday, additionally between 13:00 and 18:15 on Saturdays and at anytime on Bank Holidays.

45dB one eight of a second average equivalent energy level (45dB Leq (125m/s)) in the 63Hz octave band, not more than 10 times in any 5 minute period.

28dB one eighth of a second average equivalent energy level (28dB Leq (125m/s)) in the 125Hz octave band not more than 10 times in any 5-minute period.

b. Between 08:00 hours and 18:15 hours on any day (that is not covered in paragraph a) above):

52dB one eighth of a second average equivalent energy level (52dB Leq (125m/s)) in the 63Hz octave band not more than 10 times in any 5 minute period.

35dB one eighth of a second average equivalent energy level (35dB Leq (125m/s)) in the 125Hz octave band not more than 10 times in any 5-minute period.

MONITORING OF CONDITION

As the playing of amplified music is not a regular event, any planned routine noise survey would need to be arranged to coincide with an event where such music is planned.

To allow measurements to be completed within the two time windows covered by the condition, the survey will be planned to allow at least 1 hours monitoring across each period, for example covering 17:15 to 19:15. Where direct noise measurement at the residential reference positions is possible, measurements will be completed in rotation at each of the four positions, with 15-minute continuous samples recorded at each position. Where measurements at the alternative reference receiver position are made these shall be continuous at this position.

Over the measurement period, noise data shall be recorded in terms of Lfmax, across each of the octave bands (31Hz – 8kHz), with the measurement logged every 1s. These measurements would identify and log the maximum Lfp sample in each second, without having to log each individual 1/8s LAeq level.

5.3.2 CONDITION 23

Noise emanating from the site arising from human voices and in particular screaming, shouting, whoops or cheering shall not exceed the levels and requirements set out in this condition. The levels shall be determined by measurement and/or calculation at the boundaries of residential property that are nearest to the site the subject of this approval. These are delineated and shown on the attached plans.

a. Between 18:15 and 08:00 hours on any day.

   35dB LAmax (f) not more than twice in any five-minute period.

b. Between 08:00 hours and 18:15 hours on any weekday and 08:00 and 13:00 hours on any Saturday.

   40dB LAmax (f) not more than ten times in any hour.

c. At any time on a Sunday or Bank Holiday and between 13:00 and 18:15 hours on a Saturday.

   40dBA LAmax (f) not more than five times in any hour.

The levels and requirements of this condition are subject to two exceptions:

a. It shall not apply during three separate periods occurring between 08:00 and 18:15 hours on any weekday and 08:00 and 13:00 hours on any Saturday. The periods shall not exceed 30 minutes in length.

b. Where excesses are in accordance with the prior written approval of the Local Planning Authority (such approval not to be given by the Local Planning Authority without consulting persons in the locality beforehand) and the conditions of that approval are met

MONITORING OF CONDITION

As human voices are a mixture of random events, any planned routine noise survey can be completed unannounced.

To allow measurements to be completed within the two main time windows covered by the condition, the survey will be planned to allow at least 1 hours monitoring across each period. Where direct noise measurement at the residential reference positions is possible, measurements will be completed in rotation at each of the four positions, with 15-minute continuous samples recorded at each position.

Where measurements at the alternative reference receiver position are made these shall be continuous at this position.

Over the measurement period, noise data shall be recorded in terms of LAFmax, with the measurement logged every second and data correlated to identify events within each 10 second interval. Where a maximum noise level (LAFmax) is attributable to noise emissions from the Kingswood Activity Centre, within a 10 second event period, this will be identified

The recorded LAmax noise levels will be presented as a level / time chart, typically in MS excel format, with graphical data presented in 15-minute segments.

The LAFmax events identified as being specifically produced by activity at the Kingswood Centre will be subsequently analysed, in terms of counting correlated event excesses. This will allow comparison with the allowed frequency of excesses in each time frame covered by the condition.

5.3.3 CONDITION 24

Noise emanating from the site arising from the use of motorised and mechanical sporting or motorised and mechanical recreational equipment (including motor vehicles and in particular motor bicycles and quad bikes) shall not exceed the levels and requirements set out in this condition. The levels shall be determined by measurement and/or calculation at the boundaries of residential property that are nearest to the site the subject of this approval. These boundaries are delineated and shown on the attached plan.

a. Between 18:15 and 08:00 hours on any day:

   33dB LAmax (f) not more than twice in any five minute period.

b. Between 08:00 hours and 18:15 hours on any weekday and 08:00 and 13:00 hours on any Saturday.

   40dB LAmax (f) not more than ten times in any hour.

c. At any time on a Sunday or Bank Holiday and between 13:00 and 18:15 hours on a Saturday.

   35dB LAmax (f) not more than five times in any hour.

MONITORING OF CONDITION

This is a regular daytime event, which produces a relatively consistent level of noise, and consequently the noise survey can be planned to coincide with the occurrence of this activity
The survey will be completed during a period of quad bike use on the quadtrack. Where direct noise measurement at residential reference positions RP1 and RP2 is possible, measurements will be completed in rotation at each of these positions, with a 30-minute continuous sample recorded at each position. Where measurements at the alternative reference receiver position RP1* are made these shall be continuous at this position.

Over the measurement period, noise data shall be recorded in terms of LAFmax, with the measurement logged every second and data correlated to identify events within each 10 second interval. Where a maximum noise level (LAFmax) is attributable to noise emissions from the Kingswood Activity Centre, within a 10 second event period, this will be identified

The recorded LAmax noise levels will be presented as a level / time chart, typically in MS excel format, with graphical data presented in 15-minute segments.

The L_{AFmax} events identified as being specifically produced by activity at the Kingswood Centre will be subsequently analysed, in terms of counting correlated event excesses. This will allow comparison with the allowed frequency of excesses in each time frame covered by the condition.

5.3.4 INAUDIBILITY FOR DETERMINATION OF COMPLIANCE

In the circumstances where the residual noise level (noise other than from the Kingswood Activity Centre) is sufficiently low to be able to distinguish any audible sound from Kingswood Activity Centre, and no such incidents are heard at the residential receiver positions, then this will provide sufficient evidence that the noise limit conditions are compliant.

Under these circumstances no additional noise measurements will be recorded at the site boundary positions RP1# to RP4#, for calculation purposes. However, the level of residual noise (the ambient noise without any noise contribution from the Kingswood centre) shall be fully described, by taking measurements in terms of ambient L_{Aeq} and background L_{A90}, over a prescribed period at each residential receptor position RP1 to RP4, or equivalent location.

6. SHORTENED MEASUREMENT PROCEDURE

As explained in the introduction section, whilst this detailed measurement procedure covers the protocol for the annual survey, to be completed by the acoustic specialists, the conditions represent an on-going requirement.

The initial set of noise measurements will provide a baseline to allow the Kingswood Centre to assess the effectiveness of the management procedures covering methods of operation and mitigation, so that the Centre has confidence that planned and permitted activities are compliant throughout all operating periods.

Where there is complaint of regular breaches between surveys a simplified measurement protocol will be produced to allow checks to be made by all parties without the specific requirement for the acoustic consultants to be involved every time. An option is to set local noise targets, which have been shown to correlate with off site compliant noise limits, which can then be checked by a simple hand held meter.

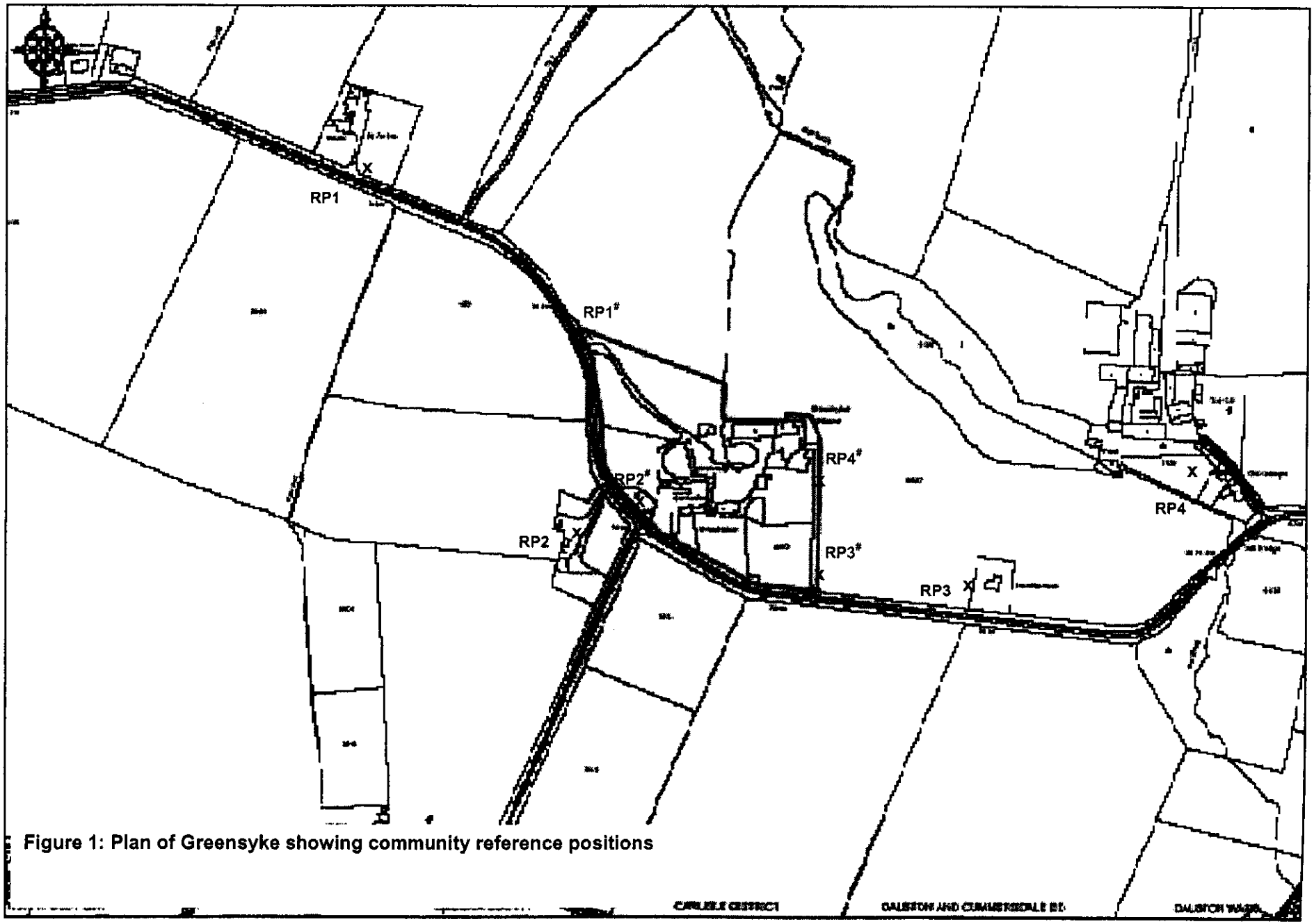


Figure 1: Plan of Greensyke showing community reference positions

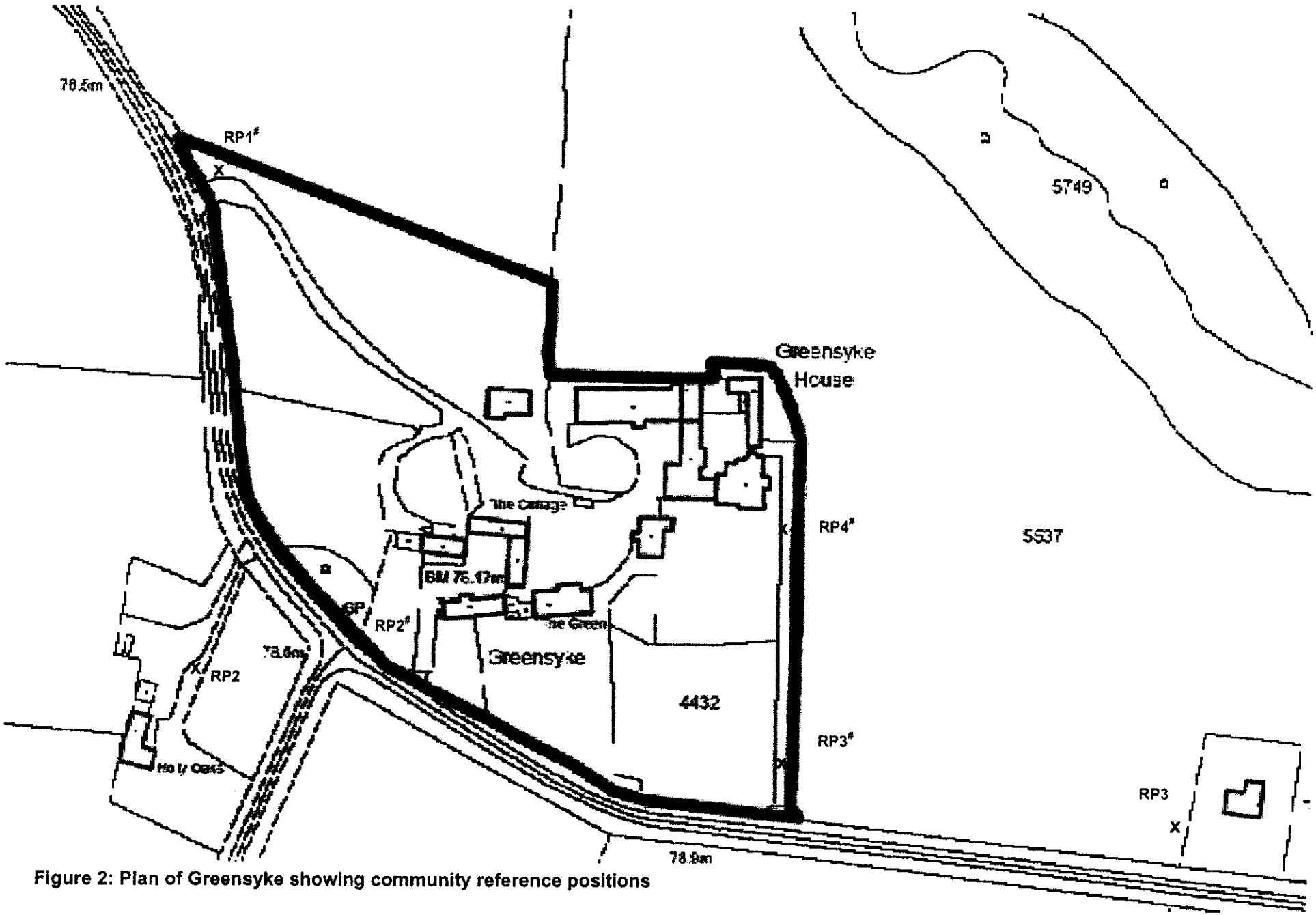
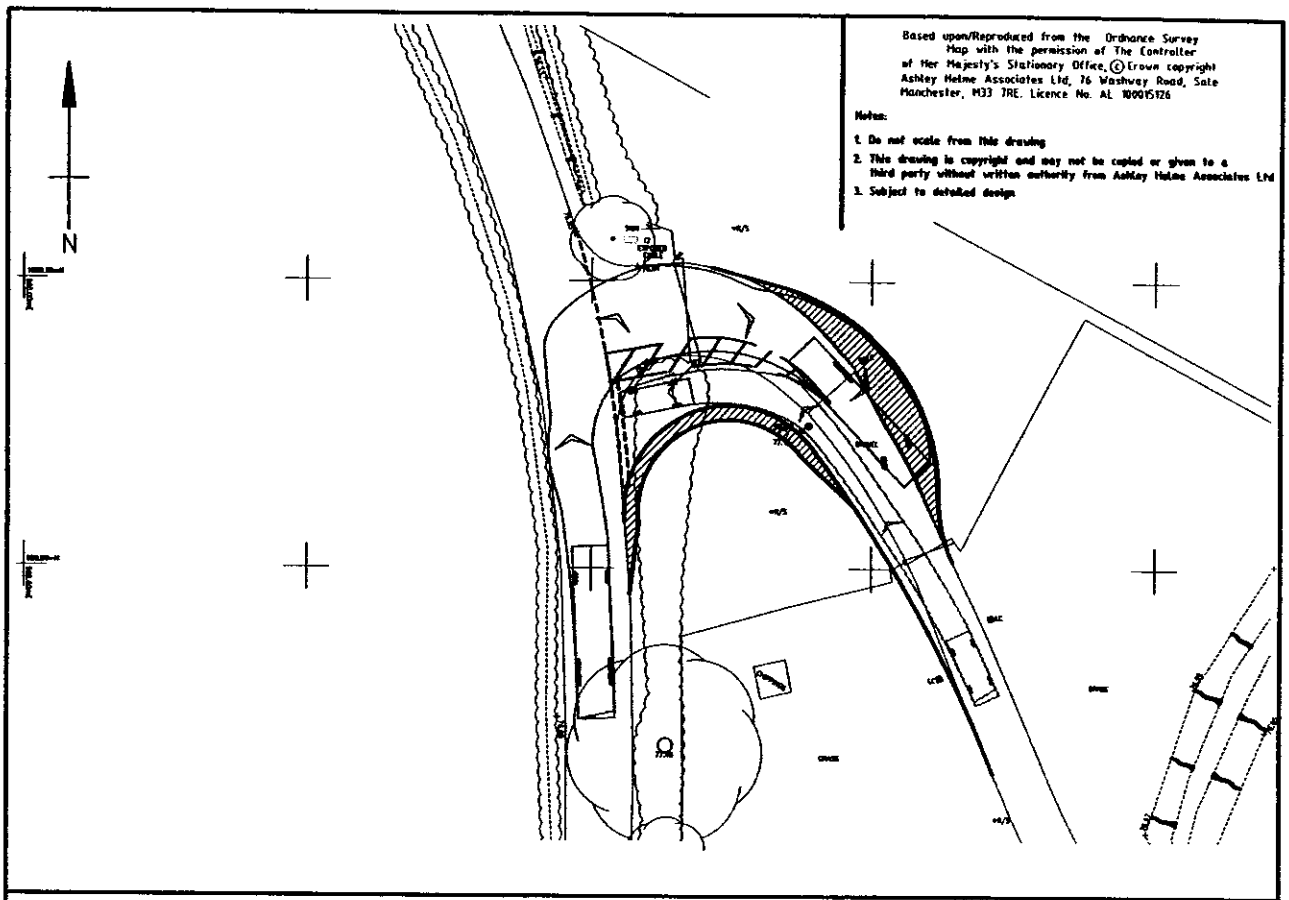
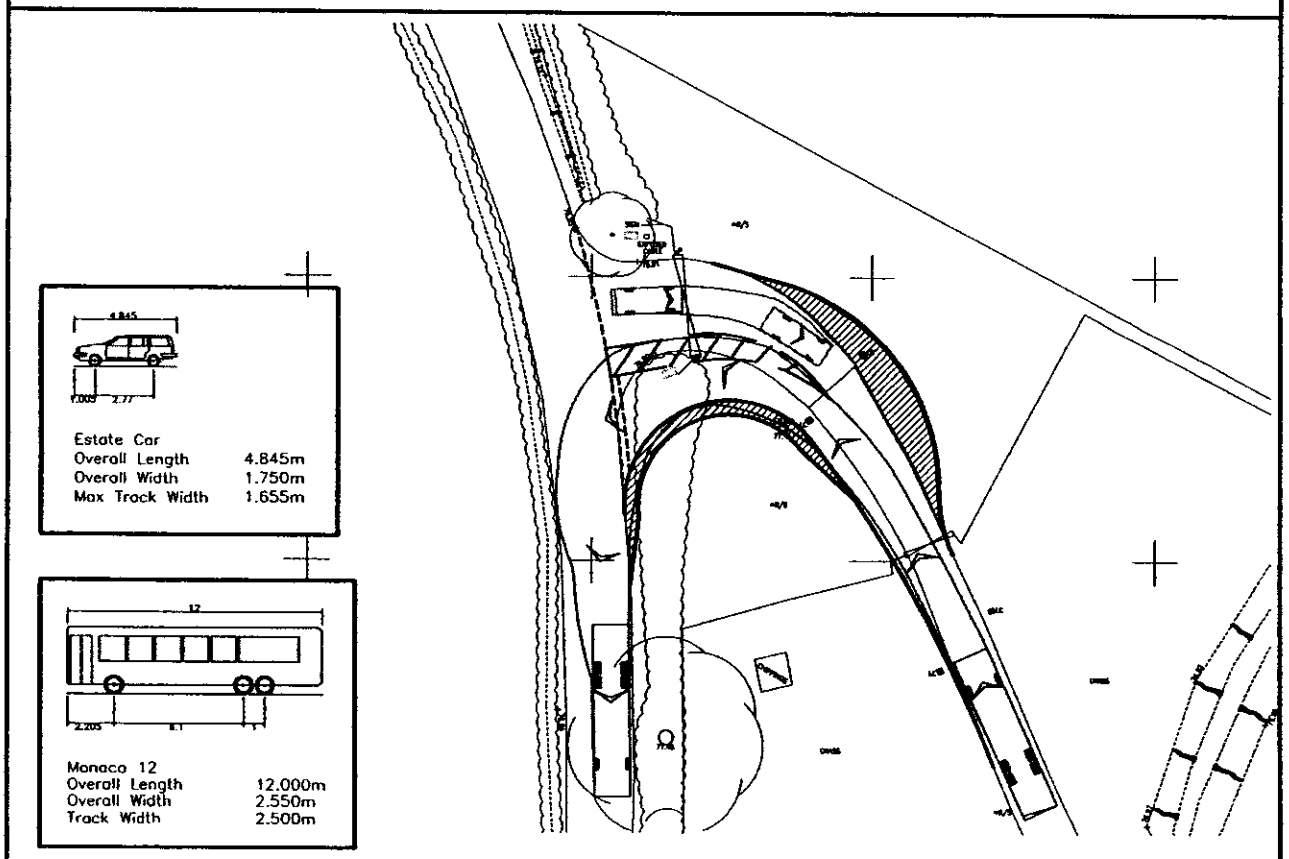


Figure 2: Plan of Greensyke showing community reference positions

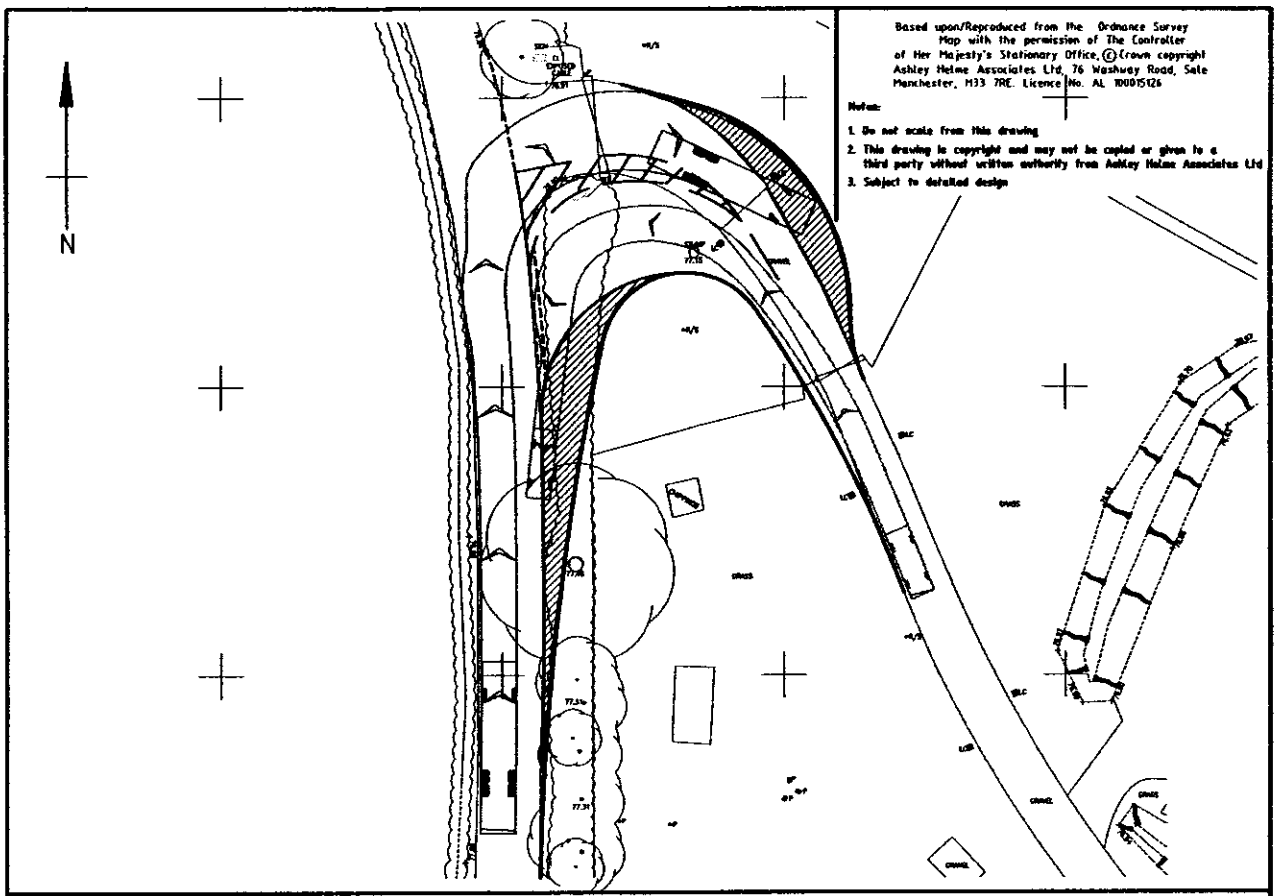


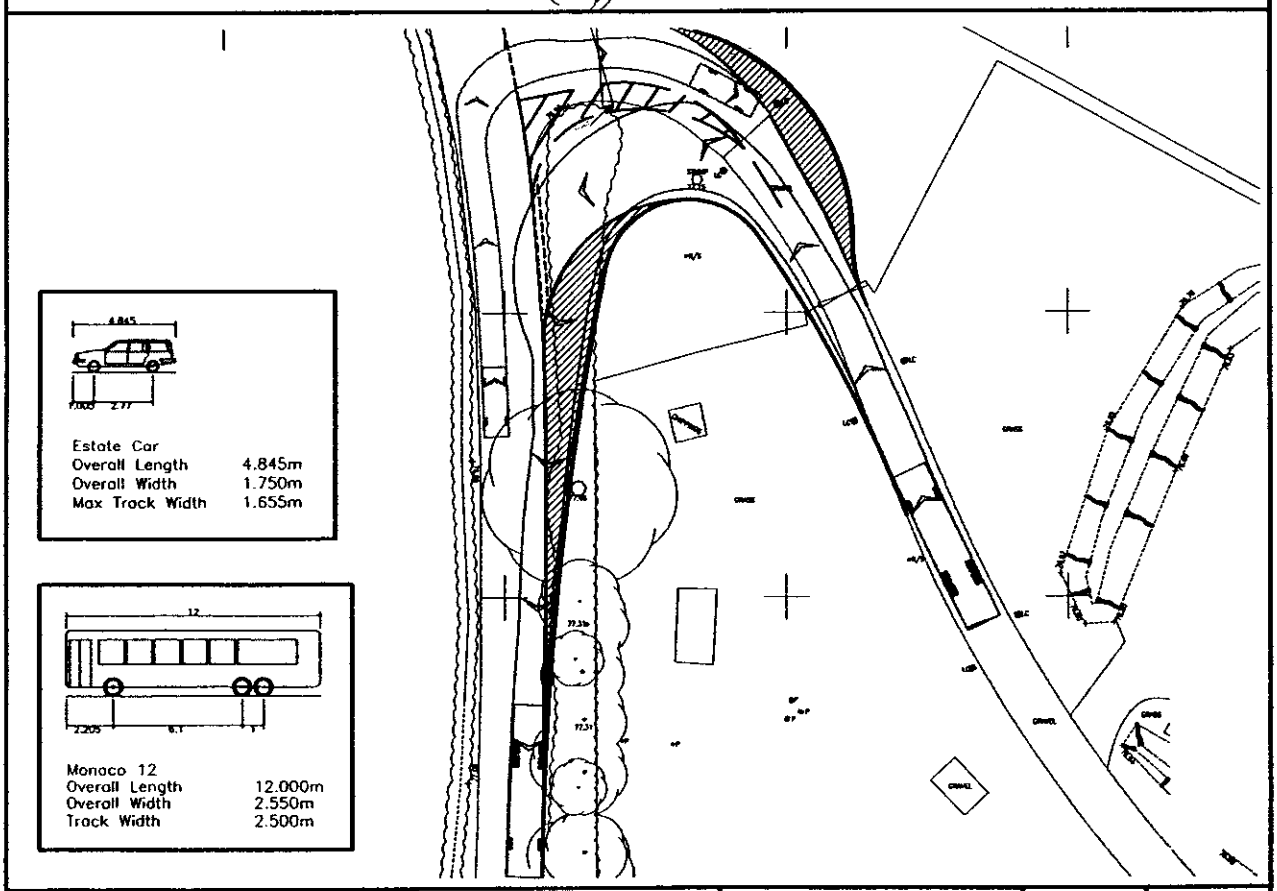


Estate Car
Overall Length 4.845m
Overall Width 1.750m
Max Track Width 1.655m

Monaco 12
Overall Length 12.000m
Overall Width 2.550m
Track Width 2.500m

ASHLEY♦HELME ASSOCIATES LTD 76 Washway Road SALE Manchester M33 7RE Tel: 0161 972 0552	Project: KINGSWOOD CENTRE, GREENSYKE	Client: KINGSWOOD LEARNING & LEISURE GROUP LTD	Drawing No: 934/08	Rev:
	Title: SWEPT PATH ANALYSIS: MAIN ACCESS		Date: FEB 2006	Scale: 1:500@A4





Estate Car	
Overall Length	4.845m
Overall Width	1.750m
Max Track Width	1.655m

Monaco 12	
Overall Length	12.000m
Overall Width	2.550m
Track Width	2.500m

ASHLEY◆HELME ASSOCIATES LTD 76 Washway Road SALE Manchester M33 7RE Tel: 0161 972 0552	Project: KINGSWOOD CENTRE, GREENSYKE	Client: KINGSWOOD LEARNING & LEISURE GROUP LTD	Drawing No: 934/SP/09	Rev:
	Title: SWEPT PATH ANALYSIS: MAIN ACCESS		Date: MAR 2006	Scale: 1:500@A4

DATED 200

CARLISLE CITY COUNCIL (1)

- and -

KINGSWOOD LEARNING AND LEISURE GROUP LIMITED (2)

- and -

NATIONAL WESTMINSTER BANK PLC (3)

A G R E E M E N T

under Section 106 of the Town and Country Planning Act 1990

J M Egan
Director of Legal and Democratic Services
Carlisle City Council
Civic Centre
Rickergate
CARLISLE
CA3 8QG

THIS DEED is made the day of Two Thousand and Six BETWEEN:

THE COUNCIL OF THE CITY OF CARLISLE of the Civic Centre Rickergate Carlisle Cumbria ("the Council") of the first part AND

KINGSWOOD LEARNING AND LEISURE GROUP LIMITED (Co. Regn. No. 03476432) of Kingswood House, Alkmaar Way, Norwich, Norfolk NR6 6BF ("the Owner") of the second part AND

NATIONAL WESTMINSTER BANK PLC (Co. Regn. No. 929027) of 3rd Floor, Cavell House, 2a Charing Cross Road, London WC2H 0NN ("the Bank") of the third part

INTERPRETATION

IN this Deed the following words and expressions shall have the following meanings:

"Green Travel Plan"	The Green Travel Plan annexed hereto
"Local Liaison Committee"	The Local Liaison Committee established by the Management Code
"Management Code"	The Management Code annexed hereto

WHEREAS

1. The Council is the Local Planning Authority for the purposes of this Deed for the area within which the land described in the First Schedule ("the Land") is situated and by whom the obligations contained in this Deed are enforceable
2. The Owner is the owner in fee simple in possession of the Land
3. The Bank is the proprietor of a Legal Charge over the land dated 4 April 2005 and registered on 9 May 2005 being contained within the Charges Register of the Registered Title to the land set out in the First Schedule hereto and the Bank has consented to the Owner entering into the obligations set out in this Deed
4. The Owner has by application dated 1 September 2004 ("the Planning Application") applied to the Council for permission to develop the Land in the

4. It is agreed and declared as follows :

4.1 The expressions "the Council", "the Owner" the Bank shall include their successors in title and assigns

4.2 No person shall be liable for breach of the covenant contained in this Agreement after he shall have parted with all interest in the Land or the part in respect of which such breach occurs but without prejudice to liability for any subsisting breach of covenant prior to parting with such interest

4.3 The covenants contained in this Agreement are given by the Owner with and to the Council on the basis that they shall be jointly and severally liable for any breach

4.4 The covenants contained in this Agreement shall take effect on the date of this Agreement

4.5 This Agreement is a local land charge and shall be registered as such

4.6 The Owner shall pay the Council's reasonable legal costs incurred in the preparation of this Agreement

4.7 In the event of any dispute arising between the parties hereto in respect of this Agreement save where such dispute may give rise to a right of appeal under the Town and Country Planning Act 1990 the same shall be referred to a member of the Royal Institution of Chartered Surveyors to be agreed between the parties or failing agreement to be appointed by the President for the time being of the Royal Institution of Chartered Surveyors or his duly authorised deputy on the application of either party and in this respect such referral shall be construed as a submission to arbitration within the meaning of the Arbitration Act 1996 or any statutory modification or re-enactment thereof for the time being in force

4.8 Nothing in this Agreement shall prohibit or limit the right to develop any part of the Land in accordance with a planning permission (other than one related

manner and for the uses set out in the Planning Application and in the plans specifications and particulars deposited with the Council and forming part of the Planning Application more particularly set out in the Second Schedule ("the Development")

5. The Council has decided to grant planning permission for the Development in accordance with the Planning Application and in accordance with the draft annexed in the Third Schedule hereto ("the Draft Planning Permission") subject to the making of this Agreement without which planning permission for the development would not have been granted

NOW THIS DEED is made in pursuance of Section 106 of the Town and Country Planning Act 1990 (as amended) (the Act) and is a planning obligation for the purposes of that section and

WITNESSETH as follows :

1. The Owner covenants with the Council to perform the obligation specified in the Fourth Schedule.
2. The Bank hereby consents to the owner entering into the obligations contained herein and acknowledges that the land shall be bound by the restrictions contained in the Fourth Schedule hereto

3. The Council covenants with the owner as follows:

a) forthwith upon the completion of this Agreement to issue the notice of planning permission for the Development in the form of the Draft Planning Permission

b) that the Council will comply with such provisions of the Management Code as require compliance by the Council including in particular (without prejudice to the generality of the foregoing) the nomination of a member of the Council from time to time throughout the period that the Management Code is in operation to act as Chairman of the Local Liaison Committee

to the Development as specified in the Planning Application) granted (whether or not on appeal) after the date of this Agreement

4.9 The Council will upon the written request of the Owner at any time after the obligations of the Owner under this Agreement have been fulfilled issue written confirmation thereof and thereafter cancel all related entries if any, entered in the Register of Local Land Charges

4.10 Unless expressly stated herein nothing in this Deed will create rights pursuant to the Contracts (Rights of Third Parties) Act 1999 in favour of anyone other than the parties to this Deed

4.11 In this Agreement words importing the singular shall be deemed to include the plural and the plural the singular unless the contrary is expressly provided or unless the same is inconsistent with the context

4.12 Headings and sub-headings are for ease of reference and do not form part of this Agreement unless the context so requires

EXECUTED AND DELIVERED as a Deed by both parties on the date hereof

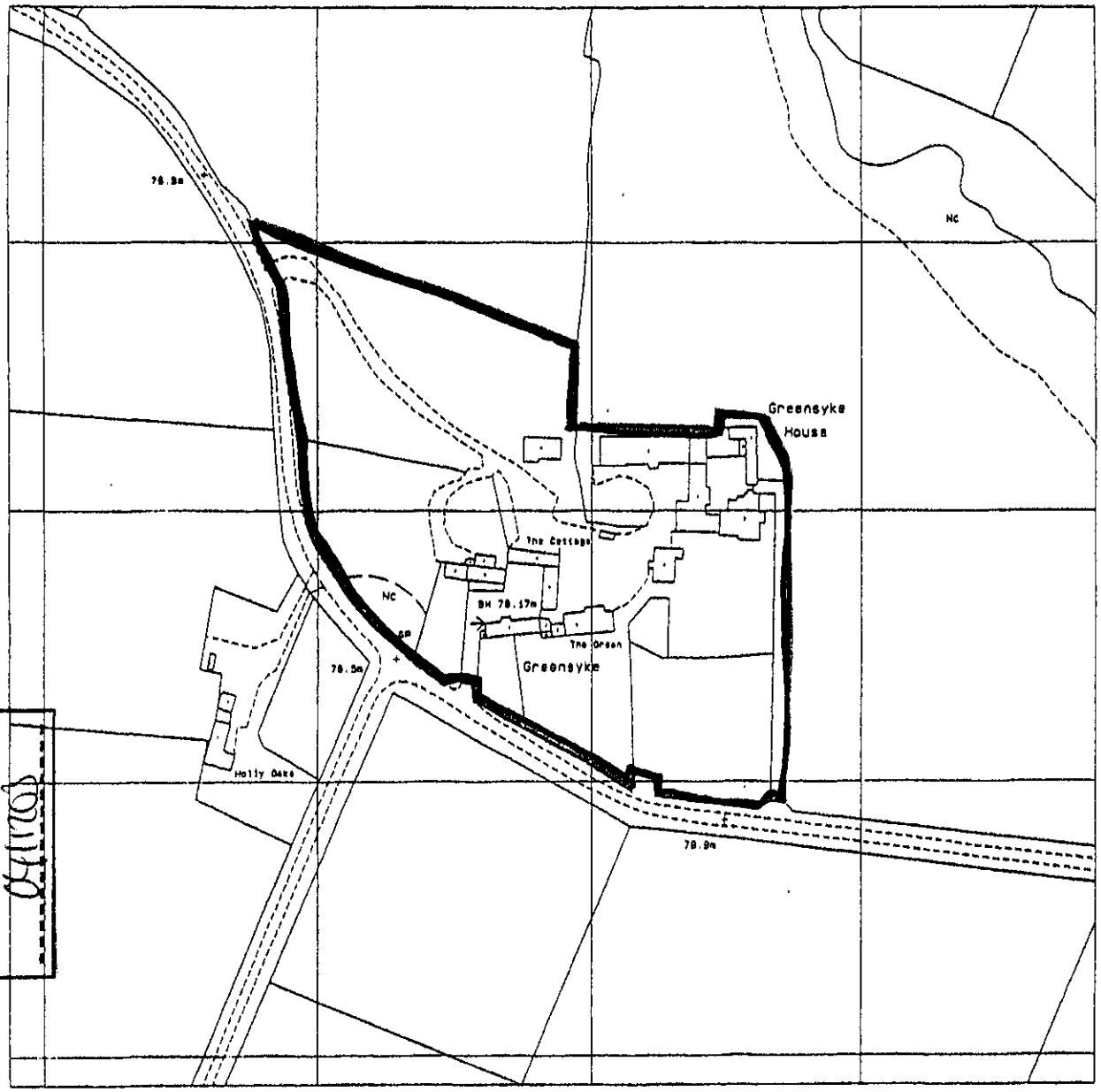
FIRST SCHEDULE

ALL THAT freehold land shown for the purpose of identification only edged red on the plan annexed and registered at H M Land Registry with Freehold Title Absolute under Title No's:

CU39463

CU169825

CU34211



RECEIVED
- 1 SEP 2004

Key

Site Location

56

Kingswood, Dalston

Site Location Plan

Kingswood Learning & Leisure Group L

July 2003

1:2500

MH

NE/2161/01

Nathani Lichfie & Partne

Development Plann Urban Design Envir

Based upon Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office. © Crown copyright reserved. Licence number AL50684A

SECOND SCHEDULE

Planning Application Ref: 2004/1203 received 1 September 2004 made by the Owner for operational development on the land described in the First Schedule and involving inter alia the:

1. Retention of dining/function hall and teachers' common room; underground caving system and proposed shelter; boundary fence; souvenir shop; air handling plant room; and, drainage layout;
2. Formation of challenge course; quad bike track and shelter; low ropes and nightline course; archery enclosure and shelter; new access road and parking layout; planted soil bund; and, a climbing wall; and,
3. Installation of external lighting system.

THIRD SCHEDULE

Draft Planning Permission in the form annexed

CARLISLE CITY COUNCIL

www.carlisle.gov.uk

Planning Services
Civic Centre, Rickergate, Carlisle, CA3 8QG.

Phone: 01228 817000 Fax: 01228 817199
Typetalk: 0800 95 95 98
Email: DC@carlisle.gov.uk

Application for Planning Permission
Notice of Approval

Town and Country Planning Act 1990
Town and Country Planning (General Development Procedure) Order 1995

DRAFT *Authorised at DP's meeting initial and date -*

Applicant:

Kingswood Learning & Leisure Group Ltd
11 Prince of Wales Road
NORWICH
NR1 1BD

Agent: (if any)

Geoffrey Searle
Planning & Property Solicitors
Orion House
14 Barn Hill
STAMFORD
PE9 2AE

Part 1 - Particulars of Application

Date of Application: 01/09/2004

Application Number: 04/1203

Particulars and Location of Proposal:

Proposal:
Operational development comprising:

a. Retention of dining/function hall and teacher's common room; underground caving system and proposed shelter; boundary fence; souvenir shop; air handling plant room; and, drainage layout;

b. Formation of challenge course; quad bike track and shelter; low ropes and nightline course; archery enclosure and shelter; new access road and parking layout; planted soil bund; and, a climbing wall; and,

c. Installation of external lighting system.

Location:
Kingswood Educational Study Centre, Greensyke, Cumdivock, Dalston, Carlisle, CA5 7JW

Part 2 - Particulars of Decision

In pursuance of the powers under the above Act and Order the Carlisle City Council hereby gives notice that **Planning Permission Has Been Granted** for the carrying out of the development referred to in Part 1 hereof and as described and shown on the application and plan(s) submitted, subject to due compliance with the following condition(s):

1. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or an Order revoking and re-enacting or amending that Order), or the Town and Country Planning (Use Classes) Order 1987 (as amended) (Or an Order revoking and re-enacting that Order), the operational development hereby approved shall not be used for purposes other than as a residential activity and educational centre (which means a centre where students are accompanied by teachers from their school for the purposes of partaking in recreational and educational facilities).

   Reason: The premises contain a range of facilities which either individually or collectively could be used for purposes outside of a residential activity and educational centre and thus not under the direct control and management of the applicant. The condition has therefore been imposed to preclude the possibility of the use of the premises for purposes inappropriate in the locality which would be detrimental to the amenities of the neighbouring residents in accordance with policies EM11, T1 and H17 of the Carlisle District Local Plan.

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking and re-enacting or amending that Order), no permanent or temporary building and/or structure shall be erected within or brought onto the site of the residential activity and educational centre hereby permitted (other than those expressly authorised by this permission) without the prior permission of the local planning authority and the approval by it of the design, siting and external appearance of such structures.

   Reason: The local planning authority wishes to retain full control over the mattes referred to in order to protect the character of the area and safeguard the amenities of neighbouring residents in accordance with Policy 25 of the Cumbria and Lake District Joint Structure Plan and Policies EM11 and H17 of the Carlisle District Local Plan.

3. Before installation details of the design, height, external finish, location and level of illumination of all floodlighting shall be submitted to and approved in writing by the local planning authority. The aforementioned details shall include a plan showing all existing floodlighting on the site which is proposed to remain.

Reason: In order to safeguard the amenities of the area in accordance with Policy 25 of the Cumbria and Lake District Joint Structure Plan and Policy EM11 of the Carlisle District Local Plan..

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking and re-enacting or amending that Order) no floodlighting or other external lighting of the site shall be installed other than those expressly authorised by this permission, without the permission of the Local Planning Authority.

   Reason: In order to safeguard the amenities of the area in accordance with Policy 25 of the Cumbria and Lake District Joint Structure Plan and Policy EM11 of the Carlisle District Local Plan.

5. No more than 160 students shall be present, attend or be resident at the site at any one time.

   Reason: The local planning authority wish to control the number of students in order to ensure that the nature of the proposal is not inappropriate for its location and the amenities of neighbouring residents are safeguarded in accordance with Policies EM11 and T1 of the Carlisle District Local Plan.

6. A register of students showing dates of arrival and departure shall be maintained by the site manager/ess and shall be freely available for inspection without notice during working hours by officers of the Local Planning Authority.

   Reason: In order the ensure the effective monitoring and compliance with condition 4 in order to ensure that the proposal is not inappropriate for its location and the amenities of neighbouring residents are safeguarded in accordance with Policies EM11 and T1 of the Carlisle District Local Plan.

7. The outdoor activities hereby approved comprise: a caving system; climbing wall; quad bike track; challenge course; low ropes course; nightline course; problem solving course; and, archery enclosure. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking and re-enacting or amending that Order) or the Town and Country Planning (Use Classes) Order 1987 (as amended) (or an Order revoking and re-enacting or amending that Order) no additional outdoor activities shall be introduced on the site or the permitted activities relocated without the prior approval in writing by the local planning authority.

   Reason: In order to ensure that the proposal is not inappropriate for its location and the amenities of neighbouring residents are safeguarded in accordance with Policy EM11 of the Carlisle District Local Plan.

8. The use by students of all of the outdoor areas and activities on the site hereby

permitted (with the exception of the central courtyard) shall not commence before 09.00 hours or remain in operation after 18.15 hours.

Reason: In order to safeguard the amenities of neighbouring residents in accordance with Policy EM11 of the Carlisle District Local Plan.

9. The use by students of the central courtyard hereby permitted shall not commence before 08.00 hours or remain in operation after 21.30 hours.

Reason: In order to safeguard the amenities of neighbouring residents in accordance with Policy EM11 of the Carlisle District Local Plan.

10. At the expiration of six months from the granting of this permission no students shall be present, attend or reside at the site unless the proposed access and parking have been full constructed, surfaced and drained in accordance with details approved beforehand by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with Policy EM11 of the Carlisle District Local Plan.

11. At the expiration of six months from the date of this permission no students shall be present, attend or reside at the site unless a detailed landscaping scheme (including a management scheme) have been submitted to the local planning authority. The aforementioned scheme(s) shall include details of the species of all planted material including particulars of the proposed heights and planting densities. If considered satisfactory, the said scheme(s) shall be approved in writing by the Local Planning Authority.

Reason: To ensure that a satisfactory landscaping scheme is prepared in accordance with Policy 25 of the Cumbria and Lake District Joint Structure Plan and Policy of the Carlisle District Local Plan.

12. At the expiration of six months from the date of approval by the Local Planning Authority of the landscaping scheme (subject to the aforementioned condition 11) no students shall be present, attend or reside at the site unless all works comprised in the approved details of landscaping, including the proposed barrier, have been fully carried out in accordance with the approved details.

Reason: To ensure that a satisfactory landscaping and noise mitigation scheme is implemented in accordance with Policies EM11 and E19 of the Carlisle District Local Plan.

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

Reason: To ensure as far as possible that the landscaping scheme is fully effective in compliance with Policies EM11 and E19 of the Carlisle District Local Plan.

14. At the expiration of six months from the date of this permission no students shall be present, attend or be resident on the site unless the applicant has relocated the climbing wall as shown on the approved site layout plan.

Reason: In order to safeguard the amenities of neighbouring residents in accordance with Policy EM11 of the Carlisle District Local Plan.

15. At the expiration of four months from the date of this permission no students shall be present, attend or be resident on the site until the applicant has submitted to and obtained approval in writing from the Local Planning Authority of the mechanism for review of the Green Travel Plan (as identified in Appendix B of the MVA report dated September 2003).

Reason: In order to ensure a choice of means of travel to and from the site which takes account of local infrastructure in accordance with Policy T1 of the Carlisle District Local Plan

16. At the expiration of six months from the date of this permission and the dates of the subsequent reviews to be approved under condition16 no students shall be present, attend or be resident at the site until all the measures identified in the approved Green Travel Plan and subsequent reviews have been fully implemented.

Reason: In order to ensure a choice of means of travel to and from the site which takes account of local infrastructure in accordance with Policy T1 of the Carlisle District Local Plan.

17. At the expiration of three months from the date of this permission no students shal be present, attend or be resident on the site unless all the measures identified in the hereby approved Management Code have been fully implemented, and, shall be complied with at all times thereafter.

Reason: In order to safeguard the amenities of neighbouring residents in accordance with Policy EM11 of the Carlisle District Local Plan.

18. Any retail activities carried out at the premises shall be confined to the shop specified in the submitted plans; ancillary to the principal use; and, limited to sales to students attending courses and their supervisors.

Reason: To preclude the possibility of the use of the premises for purposes inappropriate in the locality in accordance with the underlying objectives of Policies T1 and S12 of the Carlisle District Local Plan.

19. Noise from the playing of electrically amplified music and / or electrically

amplified speech that emanates from the site shall not exceed the levels and requirements set out in this condition. The levels shall be determined by measurement and / or calculation at those boundaries of residential property nearest to the site the subject of this approval and as shown delineated on the attached plan in red Ref xxxx. which is used for identification purposes only:

a) Between 18.15 hours and 08.00 hours on any day, all day Sunday, additionally between 13:00 and 18:15 on Saturdays and at anytime on Bank Holidays:

45dB one eighth of a second average equivalent energy level (45dB Leq(125m/s)) in the 63 Hz octave band, not more than 10 times in any 5 minute period.

28dB one eighth of a second average equivalent energy level (28dB Leq(125m/s)) in the 125 Hz octave band not more than 10 times in any 5 minute period.

b) Between 08:00 hours and 18:15 hours on any day (that is not covered in paragraph a) above):

52dB one eighth of a second average equivalent energy level (52dB Leq(125m/s)) in the 63 Hz octave band not more than 10 times in any 5 minute period.

35dB one eighth of a second average equivalent energy level (35dB Leq(125m/s)) in the 125 Hz octave band not more than 10 times in any 5 minute period.

Reason: To protect residential amenity in accordance with Policy EM11 of the Carlisle District Local Plan.

20. Details shall be submitted of all machinery, plant and equipment to be installed, located or used on the site (other than motor vehicles) that is audible outside of the site boundary, (when it is in use or operation). Details to include the maximum (LAmax(f)) and average (LAeq), 'A' weighted sound levels produced by this equipment. All such machinery, plant and equipment shall not be used on the site except in accordance with the prior written approval of the Local Planning Authority. Any approved noise mitigation measures and the conditions attached to approval of the machinery, plant and equipment shall be fully implemented and thereafter maintained in accordance with the approved details.

Reason: To protect residential amenity in accprdance with Policy EM11 of the Carlisle District Local Plan.

21. This consent is subject to the written approval by the Local Planning Authority of a scheme of noise mitigation measures designed to minimise the impact from permitted activities. Written approval by the Local Planning

Authority, of the scheme, must be obtained within 6 months of the date of this approval. The approved scheme of measures shall be fully implemented in accordance with the approved details and thereafter maintained in accordance with those details. * DC CTTEE TO CONSIDER TIME LIMITS FOR SUBMISSION/IMPLEMENTN

Reason: To protect residential amenity and minimise the impact of noise in accordance with Policy EM11 of the Carlisle District Local Plan.

22. A planning and noise survey, involving the measurement of noise emissions from the site, shall be undertaken not less than once every calendar year at the site the subject of this approval. The survey shall identify the level of compliance and any breaches of the conditions attached to and forming part of this approval. A written report of the findings, identifying the level of compliance shall be submitted to the Local Planning Authority within 1 month of survey completion.

Reason: To ensure continued enforceability of conditions and that the Local Planning Authority is notified of any unlawful development that may subsequently acquire immunity, thereby compromising the measures imposed to protect against unacceptable development or excessive noise in accordance with Policy EM11 of the Carlisle District Local Plan.

23. Noise emanating from the site arising from human voices and in particular screaming, shouting, whoops or cheering shall not exceed the levels and requirements set out in this condition. The levels shall be determined by measurement and / or calculation at the boundaries of residential property that are nearest to the site the subject of this approval. These are delineated and shown on the attached plan in red Ref ..... which plan * is used for identification purposes only:

*THIS PLAN IS TO BE AGREED BY THE NOISE EXPERTS.

a) Between 18.15 hours and 08:00 hours on any day:

35dB LAmax(f) not more than twice in any five minute period.

b) Between 08:00 hours and 18:15 hours on any weekday and 08:00 and 13:00 hours on any Saturday:

40dB LAmax(f) not more than ten times in any hour.

c) At any time on a Sunday or Bank Holiday and between 13:00 and 18:15 hours on a Saturday.

40dB LAmax(f) not more than five times in any hour.

The levels and requirements of this condition are subject to two exceptions.

a) It shall not apply during three separate periods occurring between 08:00 and 18:15 hours on any weekday and 08:00

and 13:00 hours on any Saturday. The periods shall not exceed 30 minutes in length.

b) Where the exceedances are in accordance with the prior written approval of the Local Planning Authority (such approval not to be given by the Local Planning Authority without consulting persons in the locality beforehand) and the conditions of that approval are met.

Reason: To protect residential amenity in accordance with Policy EM11 of the Carlisle District Local Plan.

24. Noise emanating from the site arising from the use of motorised and mechanical sporting or motorised and mechanical recreational equipment (including motor vehicles and in particular motor bicycles and quad bikes) shall not exceed the levels and requirements set out in this condition. The levels shall be determined by measurement and / or calculation at the boundaries of residential property that are nearest to the site the subject of this approval. These boundaries are delineated and shown on the attached plan in red Ref ..... which plan is used for identification purposes only:

a) Between 18.15 hours and 08:00 hours on any day:

33dB LAmax(f) not more than twice in any five minute period

b) Between 08:00 hours and 18:15 hours on any weekday and 08:00 and 13:00 hours on any Saturday:

40dB LAmax(f) not more than ten times in any hour.

c) At any time on a Sunday or Bank Holiday and between 13:00 and 18:15 hours on a Saturday.

35dB LAmax(f) not more than five times in any hour.

Reason: To protect residential amenity in accordance with Policy EM11of the Carlisle District Local Plan.

Summary of Reasons for the Decision

In the light of the Inspector's Decision Letter the main issue revolves around the acceptability or not of the proposed Management Code. On the basis that the contents of the Managment Code can be satisfactorily resolved, authority to issue an approval will be sought subject to the completion of a Section 106 Agreement and the imposition of relevant conditions.

Relevant Development Plan Policies

Cumbria & Lake District Joint Structure Plan
Policy 3

The diversification of the rural economy and the maintenance of the vitality of rural life will be assisted through a favourable response to developments which provide local benefits and are sensitive to the local environment.

Cumbria & Lake District Joint Structure Plan
Policy 13

In the areas not covered by Policies 11 and 12, development will normally be permitted which in its use, siting, scale and design is well related to existing developed areas of the countryside and does not harm distinctive features of local landscape significance. In the undeveloped open countryside development will not normally be permitted except when it is required to meet local infrastructure needs which cannot be located elsewhere, and provided it is sited to minimise environmental impacts and meets high standards of design.

Cumbria & Lake District Joint Structure Plan
Policy 17

Development and other land use changes which are detrimental to important nature conservation interests will not be permitted unless the harm caused to the value of those interests is clearly outweighed by the need for the development. Where development is permitted the loss of conservation interest should, where practicable, be minimised.

Cumbria & Lake District Joint Structure Plan
Policy 25

The siting, appearance and landscaping of all new development and alterations should aim to enhance the quality of the existing environment. It should be in keeping with the local character of the townscape or landscape, and be well integrated with the existing pattern of surrounding land uses and, where appropriate, be in keeping with the local vernacular tradition. Normally development should make proper provision for access by disabled persons.

Carlisle District Plan
Environment - Policy E8

Within the remainder of the rural area not covered by Policies E2-E6, proposals which are well related in use, siting, scale and design to existing settlements or other small clusters of buildings including farm buildings will be acceptable providing

that:

1. The proposal reflects the scale and character of the existing group of buildings or settlement; and

2. There is no adverse effect upon the amenity of neighbouring property, and the character and appearance of the area; and

3. Satisfactory access and appropriate car parking can be achieved; and

4. Any exiting wildlife habitats are safeguarded.

Permission will not be granted for development in the undeveloped open countryside unless it is required to meet local infrastructure needs, or for dwellings supported by a proven agricultural or forestry need.

Carlisle District Plan
Environment - Policy E14

Proposals for development including re-use and adaptation of existing buildings, which will directly or indirectly affect species listed in Schedules 1, 5 and 8 of the Wildlife and Countryside Act 1981 (as amended) will not be permitted unless satisfactory safeguards for these species can be agreed in consultation with English Nature.

Carlisle District Plan
Environment - Policy E22

New development will only be permitted if foul sewers and sewage treatment works of adequate capacity and design are available or will be provided in time to serve the development. Within unsewered areas, development which requires the use of septic tanks or other waste water management systems will only be permitted if ground conditions are satisfactory and the plot of land is of sufficient size to provide an adequate subsoil drainage system.

Carlisle District Plan
Environment - Policy E30

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

Carlisle District Plan
Environment - Policy E31

On land for which there is no archaeological information, but where there are reasonable grounds for believing remains to be present, the City Council will ensure that the archaeological aspects of development proposals are examined and evaluated before planning applications are determined. Planning permission will not be granted without adequate assessment of the archaeological implications.

Carlisle District Plan
Employment - Proposal EM11

Within the rural area proposals for the reuse and adaptation of buildings (of permanent construction) for commercial, industrial or recreational uses will be acceptable subject to the following criteria:

1. The form, bulk and general design of the buildings are in keeping with the surroundings;

2. Adequate access and appropriate parking arrangements are made;

3. Any increased traffic generated by the proposal can be accommodated by existing highway network;

4. There is no unacceptable adverse effect on the amenity of adjacent property or the surrounding landscape.

Carlisle District Plan
Employment - Proposal EM15

Proposals for small scale tourism related development will be acceptable providing that:

1. There is no unacceptable adverse impact on the landscape; and

2. Adequate access and appropriate car parking can be achieved; and

3. If the proposal is within the rural area it is well related to an established settlement or group of buildings or involves the conversion of an existing building, or would form an important element of a farm diversification scheme.

Carlisle District Plan
Transport - Proposal T1

In considering applications for development, account will be taken of the availability of a choice of means of travel to and from the site.

Carlisle District Plan
Transport - Proposal T3

Proposals for development which materially increase the traffic movement on the road network will need to be accompanied by a Traffic Impact Assessment. The

City Council will usually require any road improvements or new highways, identified as being necessary by the assessment, to be funded by the developer. Such work should be consistent with the role and function of the highway. In the case of trunk roads all the costs will be borne by the developer and the scheme should be designed to be consistent with the Development of Environment, Transport and Regions' design horizon.

Carlisle District Plan
Housing - Proposal H17

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

1. Is for a use inappropriate for residential areas; and/or
2. Is of an unacceptable scale; and/or
3. Leads to an unacceptable increase in traffic or noise; and/or
4. Is visually intrusive; and/or
5. Leads to a loss of housing stock.

Carlisle District Plan
Leisure - Proposal L4

Within the Plan area, outside Primary Leisure Areas, proposals for leisure development including sport and active recreation development will be acceptable provided that:

1. The proposal does not have an adverse impact on the amenity of the surrounding area; and
2. Appropriate car parking and access to the site can be achieved; and
3. The proposed use is of an appropriate scale to the locality; and
4. Where practicable, the proposal can be accessed by public transport; and
5. The proposal makes a positive contribution to the development of tourism in the district; and/or
6. If the proposal is within Carlisle, it brings a vacant or part vacant building into use or contributes to the development of a mixed use scheme.

Important Note

This notice neither conveys nor implies any other approvals, entitlements or statutory rights which may require to be obtained from any other public or private utility or agency prior to work being carried out. In particular, if the proposal involves building work you should ensure that you obtain any approval which may be necessary under the Building Regulations before commencement of development.

Advisory Notes

i) Any approval by the local planning authority of further details required by conditions specified in this notice must be obtained in writing and such notice of approval should thereafter be appended to this notification of decision.

ii) It is recommended that this notice (and any subsequent written approval of details required to satisfy conditions) be annexed to the property deeds to which the application relates.

1. The planning permission is linked to a Section 106 Agreement which is intended to cover the following matters:

   *[Insert variable text here].

Notice to Applicant of Rights of Appeal

- Where an application for planning permission has been refused, or has been granted subject to a condition or conditions with which you are dissatisfied, you are entitled to appeal to the Secretary of State for the Environment under Section 78 of the Town and Country Planning Act 1990.

- Appeals must, however be made within six months of the date of this notice. Appeal forms and guidance can be downloaded from The Planning Inspectorate web site www.planning-inspectorate.gov.uk. Alternatively they can be obtained from the following address: -

  The Planning Inspectorate
  Customer Support Unit
  Temple Quay House
  2 The Square
  Temple Quay
  BRISTOL
  BS1 6PN

  Telephone: 0117 372 6372

- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order.

- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based its decision on a direction given by him.

Further Information

- The Planning Portal web site (www.planningportal.gov.uk) contains a range of planning-related guidance and services, which are useful at both the application and appeal stage.

Purchase Notices

- If either the local planning authority or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

- In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Compensation

- In certain circumstances compensation may be claimed from the local planning authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.

- These circumstances are set out in sections 114 and related provisions of the Town and Country Planning Act 1990.

DocDdn FUL/GTD 27/06/2005 14:11:20

THE FOURTH SCHEDULE

The Owner covenants as follows:

1. Non-implementation of Planning Permissions

1.1. Not to implement the following planning permissions issued by the Council:

1.1.1. Planning Permission reference 1995/0879 for Science Laboratories; and,

1.1.2. Planning Permission reference 1997/0312 for a Dormitory Annexe.

2. Green Travel Plan

2.1. To implement and comply with the Green Travel Plan annexed hereto;

2.2. To conduct an annual review of the Green Travel Plan to assess its operation and identify any potential improvements;

2.3. To agree with the Council any alterations to the Green Travel Plan resulting from the annual review. Such agreement to be in writing. No agreement is to be made without prior consultation with the Local Liaison Committee.

3. The Management Code

3.1. To implement and comply in all respects with the Management Code;

3.2. Any variation to the Management Code may only be made after consultation between the Owner, the Local Liaison Committee and the Council. The Management Code may only be varied by a Deed of Variation to this Agreement.

KINGSWOOD EDUCATIONAL STUDY CENTRE
AT THE FORMER LIME HOUSE SCHOOL, CUMDIVOCK,
DALSTON, CARLISLE CA5 7JW

MANAGEMENT CODE

CONTENTS

1.0 INTRODUCTION 1

2.0 SUPERVISION 2

3.0 RANGE OF ACTIVITIES 3

4.0 HOURS OF OPERATION 65

Timetable 65

5.0 CONTROL OF NOISE 87

Activity Delivery and Activity Standards 87
Evening Activities 87

6.0 TRAFFIC ROUTING 98

7.0 COMMUNITY RELATIONS & THE LOCAL LIAISON COMMITTEE 108

Complaints Procedure 119

8.0 INDEPENDENT SCRUTINY AND SANCTIONS FOR NON-COMPLIANCE 1 1

9.0 CONCLUSION 1211

1.0 INTRODUCTION

This Management Code ("the Code") has been prepared by the Kingswood Learning and Leisure Group Ltd. and their advisers in consultation with the Local Planning Authority, Dalston Parish Council and local residents.

This Management Code has been produced to set out a code of practice to control the operation of the study centre at the Former Lime House School, Cumdivock, Dalston, Carlisle, CA5 7JW ("the Site"). The Code is intended to be binding on Kingswood and any successors. It can only be varied or replaced with the approval of the Local Planning Authority after consultation with the Local Liaison Committee.

The Site is particularly noise-sensitive and the purpose of this Code is to regulate the manner in which it is operated so as to limit the noise from the Site to the maximum level authorised by the planning permission. This is expressed in the planning conditions set out in the planning permission for the study centre; a copy of the relevant conditions is annexed to this Code. ~~level experienced when it was used as a conventional boarding school. This is to be expressed in the planning conditions set out in the planning permission for the study centre.~~

Due to the restrictions on noise generation in place at the Kingswood site it has been agreed that all schools making bookings will be supplied with a copy of this Management Code ~~at the time of their booking. 6 weeks prior to arrival.~~ at the time of the booking and the school shall be required to return a form of receipt that it has received a copy of the Code. All teachers arriving at the site will be given a copy of this Code and briefed regarding the need to ensure that noise is kept to an acceptable level.

All Kingswood staff are made aware of this Code and are required to comply with it. Each has signed a copy of it to acknowledge their familiarity with it.

This Management Code addresses the following matters:

- Supervision of Students
- The Range of Activities Available
- The Hours of Operation
- The Use of Floodlighting

- The Control of Noise
- Traffic Routing
- Community Relations and the Local Liaison Committee
- Independent Scrutiny and Sanctions for Non-Compliance

2.0 SUPERVISION

2.1 A qualified Centre Manager or his or her deputy shall be employed by and represent Kingswood (or any successor) and will be on duty at the Centre at all times when visiting students are on Site. He or she is responsible on behalf of Kingswood for the day-to-day operation of this Code and everyone visiting the Site must comply with any instructions given by the Manager.

2.2 Visiting teachers (which includes for the purposes of this Code only any adult visiting with ~~a school~~any party) are responsible for the behaviour and conduct of all students/children within their control at all times during their visit. Teachers must satisfy themselves particularly that during times of unstructured activity, their students comply with the requirements of the Code.

2.3 During the times of structured activities, Kingswood leaders will direct and supervise the students to ensure their safety and to comply with this Code. Teachers must assist the leaders of the activities during these sessions.

3.0 RANGE OF ACTIVITIES INDOORS AND OUTDOORS

Indoor Activities

3.1 The activities which take place indoors are as follows:

- All meals and juice breaks
- ICT
- Fencing
- Laser Zone
- Evening Entertainment

Outdoor Activities

3.2 The activities which take place outdoors are as follows:

- Caving
- Climbing (and Power Climbing)
- Quad Bikes
- Challenge Course
- Orienteering
- Low Ropes
- Mission Possible
- Nightline
- Parachute Games
- Problem Solving
- Archery
-
- Farm Visit (off-site)

- Environmental and Ecological Studies (on and off-site)

3.3 All activities at the Site listed in paragraph 3~~2~~.2 are described in the Activity Standards and Activity Delivery instructions and will be carried out strictly in accordance those standards and instructions. These are annexed to this Code.

3.4 The Activity Standards and Activity Delivery instructions may only be varied or replaced with the written approval of the Local Planning Authority following consultation with the Local Liaison Committee.

3.5 Before making any application to the Local Planning Authority for permission to introduce a new or varied outdoor activity, Kingswood will consult with the local Liaison Committee and will attach a copy of the Committee's views to its application.

4.0 HOURS OF OPERATION

Timetable

4.1 In order to ensure that the educational study centre operates in a controlled and organised manner a strict timetable of activities is provided.

4.2 The structure of the timetable may be varied or replaced only with the written approval of the Local planning Authority following consultation with the Local liaison Committee.

4.3. The timetable takes the following form:

Activity	Commences	Finishes	Comments
Waking		08.00	Indoors
Breakfast	08.00	09.00	Indoors or central courtyard
Management Meeting	08.30	08.40	Staff only indoors
Staff Meeting	08.45	09.00	Staff only indoors
Session 1	09.15	10.25	Mixture of indoor and outdoor activities. Session starting 15 minutes earlier than the previous operation
Juice Break	10.25	10.40	Indoors
Session 2	10.40	11.50	Mixture of indoor and outdoor activities.
Session 3	11.50	13.00	Mixture of indoor and outdoor activities + Lunch Session
Session 4	13.10	14.20	Mixture of indoor and outdoor activities + Lunch Session
Session 5	14.20	15.30	Mixture of indoor and outdoor activities.
Juice Break	15.30	15.45	Indoors
Session 6	15.45	16.55	Mixture of indoor and outdoor activities.
Session 7	16.55	18.05	Mixture of indoor and outdoor activities + Dinner Session
Session 8	18.05	19.15	Indoor sessions + Dinner Session
Evening Entertainments	19.30	21.00	Indoors

Cocoa	**21.00**	**21.30**	**Indoors or courtyard**

4.4. At lunch and dinner periods smaller groups of children will have approximately 45 minutes of non-activity time, supervised by their teachers. During such periods children will be restricted to the central courtyard area and dormitories.

4.5 There is generally a lights out policy of not later than 10.15 pm.

4.6. The main outdoor activity sessions will finish by 18.05 each day. After this time ~~organised~~ all activities will only take place indoors or within the central courtyard. For this reason the outdoor activity areas will not be floodlit, as they will not be used in the evenings.

5.0 CONTROL OF NOISE

5.1. The aim of this management plan is to regulate noise from the Site to ensure that it does not become a nuisance to local residents. The noise standard required of the activities is specified in the planning ~~obligation~~ permission conditions relating to the Site. All persons supervising students at the Site must exercise control so as to comply with these limitations.

Activity Delivery and Activity Standards

5.2. As part of their quality control procedures Kingswood Head Office produces a series of Activity Delivery and Activity Standards instructions to assist in the training of instructors. These schedules, which are annexed to and form part of this Code, are designed primarily to ensure a safe environment for all participating groups and a generally consistent approach across all the Kingswood centres. In recognition of the sensitivity of the Greensyke site in terms of noise and disturbance, these schedules provide guidance to Instructors to ensure that groups remain vigilant and quiet to ensure thorough instructor supervision. They all refer to the role of visiting teachers in assisting Instructors to keep the children quiet. The Activity Delivery and Activity Standards instructions applicable to the Site are annexed hereto. They are not to be varied or replaced without the approval of the Local Planning Authority after consultation with the Local Liaison Committee.

5.3. Staff are instructed to implement a 'time-out' procedure if children become over excited and levels of noise rise. This allows children the opportunity to calm down and reduces the potential for uncontrolled shouting.

Evening Activities

5.4. In the evenings after dinner the centre operates a number of organised entertainments in which larger groups of children take part together. This is the only activity session which involves groups of over 15. The evening entertainments can take a number of forms including fashion shows, quizzes, film screenings and discos. All these activities take place within the permanent buildings on the site.

6.0 TRAFFIC ROUTING

6.1. In order to minimise the impact of coach traffic generated by the Kingswood Centre on the local highway network and associated environs, and to avoid existing weight restrictions in and around Dalston, all coach traffic visiting the site will be directed to use the following routes:

- From the south – exit at Junction 41 of the M6, head northwest on the B5305, which is the signed route for Wigton from the motorway, and then north on the B5299;
- From the southwest – approach from the A595 via the B5305 and then north on the B5299;
- From Carlisle and areas to the north – approach southbound via the A595 to the B3505 and then north on the B5299.

All the above routes are in regular use by heavy goods traffic and therefore are capable of accommodating coaches.

Routing

When schools make bookings with Kingswood they are provided with directions setting out the authorised coach routes, Schools must send to Kingswood an acknowledgement that they have received the directions and that they have sent those instructions to their transport providers. When returning the acknowledgement they must identify which of the specified routes the transport provider will follow ~~require their transport providers to follow these routes.~~ When Kingswood arranges transport to and from the Site, it will require its contractors to follow the prescribed routes.

7.0 COMMUNITY RELATIONS AND THE LOCAL LIAISON COMMITTEE

Local Liaison Committee

7.1. A Local Liaison Committee has been established. Its composition, terms of reference and modus operandi will be as set out in the planning obligation in accordance with the following arrangements:

1. A Local Liaison Committee will be established within one month of the grant of planning permission. The following will be entitled to nominate a representative to sit on the Liaison Committee:-

a) Kingswood
b) Dalston Parish Council
c) Permanent residents of houses within a radius of 1200 yards of the Kingswood site
d) An elected Member of Carlisle City Council

2. The secretary to the Committee (who will have no voting rights) will be provided by Kingswood at its expense.
3. The names of the individuals nominated will be recorded by the secretary, together with the name of an alternate.
4. Meetings will be called at the frequency and on the dates agreed by the Committee but not less than once per quarter. Seven days notice in writing shall be given unless the meeting is a short notice meeting required under the complaints procedure.
5. Any two members of the Liaison Committee may require a meeting to be held.
6. Short notice meetings may be demanded in accordance with the provisions of the Complaints Procedure.
7. A quorum shall be 3, and Kingswood will ensure that its representative attends each meeting of the Committee
8. Meetings will be chaired by the Carlisle City Council representative
9. The terms of reference of the LLC will include

- considering any complaints which have not been resolved to the satisfaction of the complainant
- considering any proposals by Kingswood which might involve the need to change any of the Activity Standards or an application for any consent from Carlisle City Council.
- considering any proposals by Kingswood for a variation to or replacement of the Management Code
- providing a forum for discussion of topics of mutual interest

Complaints Procedure

7.2 The following Complaints Procedure will be established. The purpose of the procedure is to monitor and ensure compliance with the terms of the planning permission, planning obligation and this management code. For the avoidance of doubt, this procedure does not limit in any respect the right of the Local Planning Authority to take action or otherwise to enforce compliance with the terms of the planning permission or planning obligation as it sees fit.

- upon receipt of a complaint it is to be logged by Kingswood's Centre Manager in a register, recording the essence of the complaint and the time and date of the complaint- a copy of that log entry is to be provided to the complainant at the time it is entered
- most complaints will be dealt with on the spot by the Centre Manager; he/she will respond to the complaint immediately and take action to secure that the cause of complaint is removed. Where necessary, the complaint shall be referred to Head Office
- the Centre Manager shall enter into the log the identified cause for the complaint; the action (if any) taken to remedy the cause; and the name of the school responsible for the complaint.
- Head Office must give its substantive response to the complaint within 48 hours
- If the complainant is dissatisfied with the response either in respect of the particular complaint or, if that complaint is one of a series of complaints, he/she may refer the complaint(s) to a meeting of the Local Liaison Committee ('LLC') for their ruling. The complainant will have the opportunity of appearing in person at the relevant LLC meeting. For this purpose, any member of the LLC (including one who may be a complainant) may call a short notice meeting of the LLC for the purpose of considering the complaint and the response. Such meeting will take place within 48 hours of the request for the meeting and, in any case where a short notice meeting is held, the Head Office shall be notified of the complaint and the date and time of the meeting. Unless otherwise unanimously agreed, the only business for such a special meeting will be the issues raised by the complaint.
- For the avoidance of doubt, both Kingswood and the complainant shall be entitled to attend any meeting where a complaint is considered and Kingswood and the complainant (if a member of the LCC) shall be entitled to vote on any matter put to the meeting for decision.
- If either Kingswood or the complainant is dissatisfied with the LLC decision they may refer the matter to an arbitrator for binding arbitration. Kingswood will give effect to the sanction as imposed by the LLC pending the outcome of the arbitration.
- The arbitration shall be completed within two weeks of the reference. In the event that it is not so completed, the sanction imposed by the LLC (if in force at the time of reference) shall be continued until the arbitration is completed

8.0 INDEPENDENT SCRUTINY AND SANCTIONS FOR NON-COMPLIANCE

1. Sanctions available to the LLC will include the following:
   - Banning of up to 2 Activities (determined by the LLC) for up to 2 weeks
   - Banning a school or other customer of Kingswood for up to 2 years
2. In the event of any disagreement between Kingswood and a complainant not resolved by the LLC to the satisfaction of either party the matter may be referred to an arbitrator to be appointed by the President of the Chartered Institute of Arbitrators.
3. The sanctions available to the arbitrator in the event that he finds in favour of the complainant will be at his discretion commensurate with his ruling as to the level of non-compliance with the Management Code including (without limitation):
   a) An order to cease one or more Activities pending a modification to the operating procedures or physical changes to the Activity with a view to the activity being reactivated once the modifications have been made
   b) A financial penalty on Kingswood or one or more of its directors of up to £2000 such penalty to be donated to a children's charity
   c) A ban for up to 2 years on any customer of Kingswood who is found to have responsibility for the breach of the Management Code concerned

4. Kingswood will underwrite all costs of the arbitrator for a period of three years from the grant of planning permission. Thereafter the costs of the arbitrator shall be borne as decided by the arbitrator.

9.0 CONCLUSION

9.1. Kingswood is committed to operating the site in accordance with the terms of this Code.

Kingswood Centre – Greensyke

Activity Standards

1. Centre specific adjustments for External Activities at the Greensyke Centre

2. External activities run at Greensyke

i. Caving
ii. Climbing (including Power Climbing)
iii. Team Challenge (also known as Challenge Course)
iv. Quad Bikes
v. Low ropes
vi. Orienteering (including Mission Possible)
vii. Nightline
viii. Parachute Games
ix. Archery
x. Aeroball
xi. Problem Solving
xii. Team Tech (also takes place inside)

Environmental and Ecological Studies are run at the centre. These take place both on and off the site.

3. Inside activities at Greensyke

i. Laser Quest (also known as Laser Zone)
ii. Fencing

All meals, juice breaks, ICT classes and evening entertainment take place inside.

RECEIVED
- 1 SEP 2004
041203

Kingswood Learning & Leisure (Group) Ltd.

CENTRE SPECIFIC AMENDMENTS

ACTIVITY: **All External Activities** CENTRE: **Lakes**

PRE SESSION

Instructors must collect their group from the activity lines, on doing so please remind the group and accompanying teachers of the noise limitations. Explanations should be given with regards to the countryside and its codes.

SAFETY BRIEFING

Instructions to all children should be given at the meeting point.

DELIVERY

Instructors should ensure that children keep all noise to the absolute minimum whilst participating in the activities.

Instructors should ensure that individuals are encourage to achieve the task, this is to be undertaken before the activity begins.

Instructors are to monitor noise levels throughout the activity.

END OF ACTIVITY

Children should be walked quietly to the meeting point.

EXPLANATION OF AMENDMENT/S

There is a strict management code in-place for the Dalston Centre. Instructors must follow this code. Failure to do so will result in disciplinary action being taken.

Signature of Senior Manager: Print Name: PAUL SPROGINS

Date: JAN 04

Caving

Activity Standard

Activity area:	Caving system, man made brick structure.
Minimum Staffing Level:	2 instructors.
Staff/pupil ratio:	2:15
Staff Qualifications:	In-house training.
Maximum number of participants:	15
Role of accompanying adult:	Assistance with operation of activity.

Equipment required:

• **Activity:**	Head torch, battery and belt.
• **Clothing:**	Long sleeved top and trousers, no external jewellery.
• **Safety:**	Helmet.
• **Ratio participants/equipment:**	1:1 helmets.

Variance:

- In the event of an incident/accident all participants must vacate the activity area.
- Flooding due to heavy rain.

Activity Structure

Pre-session

The caving system remains locked between sessions. The key must be collected prior to meeting the group so unlocking can proceed immediately on arrival. Helmets and lamps are kept in the cave briefing room during the day so do not need collection prior to the activity commencing.

Prior to the session beginning, the instructor must find out which activity group will be participating, the number in the group and the children's ages. Reference must also be made to any special medical or behavioural needs information.

The instructor must meet the group at the activity boards at the correct time and introduce themselves. They should perform a head count to ensure everyone is present, and check that everyone is wearing appropriate clothing. Those who require inhalers should have them with them.

On arrival at the cave, the instructor must ensure that the entrance and exit doors and all escape hatches are unlocked, that the ventilation system is working, and that the steps to and from the cave are free from excessive mud.

Safety briefing

The safety brief must include the following:

- Appropriate clothing (arms and legs covered)
- Appropriate footwear
- Large earrings and facial jewellery removed
- Long hair tied back or tucked into sweaters
- Participants must stay together in small groups, they should never be on their own
- Sand from the floor is not to be thrown

Delivery

The group starts in the briefing area and is shown how to put on the helmets, lamps and battery packs. These must be checked for correct fitting by the instructor before proceeding.

Before entering the cave, the group should discuss briefly issues such as claustrophobia and nervousness of darkness. The instructor should allay any fears the group has before entering the cave, by reminding them that they all have their own light and there are numerous escape hatches. Participants should be encouraged to help each other through the caving system. The need for good communication should be stressed.

Inside the cave, one instructor should go in first and the other should take up the rear at the back of the group. The group should progress through the tunnels until they reach the central chamber. Once into the central chamber, the instructor must check that everyone is present and that everyone is OK.

At the instructor's discretion, the group can attempt to sit in silence in complete darkness for 60 seconds. All lamps must be turned off, and no-one in the group can make a sound for one minute. At the end of this minute when the lamps are turned on again, discuss what the group were thinking about and what experiences they were having.

Time can also be usefully spent in the central chamber by talking about what sort of creatures might be found in a cave and how they have adapted to live in such an environment.

At the end of this time, the group should leave the cave with one instructor at the head of the line and the other at the back.

Back in the briefing room, all equipment should be removed under the supervision of an instructor and returned to its hooks. A review of the activity should be carried out, with participants sharing their experiences with one another.

End of Activity

At the end of the session the children should be dismissed to prepare for their next activity. The instructor must report any problems to the senior instructor, and ensure the key is left ready for the next instructor. Faulty or broken equipment must be removed from service.

Climbing

Activity Standard

Activity area:	Purpose built scaffold Tower or panel wall.
Minimum Staffing Level:	2 instructors.
Staff/pupil ratio:	3:30 (1:1 when climbing).
Staff Qualifications:	In-house trained and MIC assessed.
Maximum number of participants:	15
Role of accompanying adult:	To provide discipline and supervision of group in the safety area.

Equipment required:

• **Activity:**	Ropes, Karabiners, GriGri, slings.
• **Clothing:**	Long sleeved top and trousers, fastened shoes with grip sole and no heel, no external jewellery.
• **Safety:**	Helmet, harness (chest harness in some cases).
• **Ratio participants/equipment:**	1:1 whilst climbing.

Variance:

- Adverse weather conditions.
- In the event of an incident/accident all participants must vacate the activity area.

Activity Structure

Pre-session

The ropes, helmets and harnesses will already be set out at the activity base at the beginning of the day by the set-up team. However, the slings and metalwork need to be readied at the beginning of each session, and the key to the climbing area collected.

Prior to the session beginning, the instructor must find out which activity group will be participating, the number in the group and the children's ages. Reference must also be made to any special medical or behavioural needs information.

The instructor must meet the group at the activity boards at the correct time and introduce themselves. They should perform a head count to ensure everyone is present, and check that everyone is wearing appropriate clothing. Those who require medication should have them with them.

On arrival at the climbing activity base, the instructor must carry out a visual safety check of the climbing facilities, to include the tower, wall, ropes, slings, metalwork, helmets and harnesses.

Safety briefing

Participants must be shown to the waiting area and have its function explained to them. The safety brief must include the following:

- Appropriate clothing (arms and legs covered)
- Appropriate footwear (flat shoes or trainers)
- Large earrings and facial jewellery removed
- Helmets must be worn at all times within the climbing area
- Helmets and harnesses are not to be tampered with once they have been checked by the instructor
- Flat shoes, no sandals or flip flops
- Long hair, toggles and straps tucked in

Delivery

Begin by describing and demonstrating the fitting of the helmet and harness, then issue these and make sure they are all being worn correctly. Assist the children as necessary and perform a final check on both helmets and harnesses before proceeding. Each participant's helmet and harness must be re-checked by the instructor immediately before each visit to the wall.

Between them, the two instructors should perform a short demonstration accompanied by a concise explanation of correct technique. As a minimum this must include using arms and legs effectively, scanning for routes and the safe procedure for coming down the wall, with legs extended walking slowly backwards.

The remainder of the session should see all group members having a turn on the wall, with extra goes if time allows. Participants should be encouraged to think about their performance as they progress, and to concentrate on improvement through refining their technique.

At the end of the session, the group should remove their helmets and harnesses under supervision of the instructors.

End of Activity

At the end of the session the children should be dismissed to prepare for their next activity. The instructors must report any problems to the senior instructor, and ensure the harnesses, helmets and climbing equipment is left ready for the next group. The key to the climbing area must be returned for the next instructor. Faulty or broken equipment must be removed from service.

Power Climbing

Activity Standard

Activity area:	Featured panel wall, flat panelled wall, and bolt-on's on a prepared wall, with Auto Belay or roped belay.
Minimum Staffing Level:	1 instructor.
Staff/pupil ratio:	1:15 (1:3 when climbing).
Staff Qualifications:	In-house trained and MIC assessed.
Maximum number of participants:	30
Role of accompanying adult:	To provide discipline and supervision of group in the safety area.

Equipment required:

• **Activity:**	Ropes, Karabiners, GriGri, slings, floor weights.
• **Clothing:**	Long sleeved top and trousers, fastened shoes with grip sole and no heel, no external jewellery.
• **Safety:**	Helmet, harness (chest harness in some cases).
• **Ratio participants/equipment:**	1:1 whilst climbing.

Variance:

- In the event of an incident/accident all participants must vacate the activity area.

Power Climbing

Activity Structure

Pre-session

The ropes, helmets and harnesses will already be set out at the activity base at the beginning of the day by the set-up team. However, the slings and metalwork need to be readied at the beginning of each session, and the key to the climbing area collected.

Prior to the session beginning, the instructor must find out which activity group will be participating, the number in the group and the children's ages. Reference must also be made to any special medical or behavioural needs information.

The instructor must meet the group at the activity boards at the correct time and introduce themselves. They should perform a head count to ensure everyone is present, and check that everyone is wearing appropriate clothing. Those who require inhalers should have them with them.

On arrival at the climbing activity base, the instructor must carry out a visual safety check of the climbing facilities, to include the tower, ropes, slings, metalwork, helmets and harnesses.

Safety briefing

Participants must be shown to the waiting area and have its function explained to them. The safety brief must include the following:

- Appropriate clothing (arms and legs covered).
- Appropriate footwear (flat shoes or trainers).
- Large earrings and facial jewellery removed.
- Helmets must be worn at all times within the climbing area.
- Helmets and harnesses are not to be tampered with once they have been checked by the instructor.

Delivery

Begin by describing and demonstrating the fitting of the helmet and harness, then issue these and make sure they are all being worn correctly. Assist the children as necessary and perform a final check on both helmets and harnesses before proceeding. Each participant's helmet and harness must be re-checked by the instructor immediately before each visit to the wall.

Between them, the two instructors should perform a short demonstration accompanied by a concise explanation of correct technique. As a minimum this must include using arms and legs effectively, scanning for routes and the safe procedure for coming down the wall, with legs extended walking slowly backwards.

The remainder of the session should see all group members having a turn on the wall, with extra goes if time allows. Participants should be encouraged to think about their performance as they progress, and to concentrate on improvement through refining their technique.

At the end of the session, the group should remove their helmets and harnesses under supervision of the instructors.

End of Activity

At the end of the session the children should be dismissed to prepare for their next activity. The instructors must report any problems to the senior instructor, and ensure the harnesses, helmets and climbing equipment are left ready for the next group. The key to the climbing area must be returned for the next instructor. Faulty or broken equipment must be removed from service.

Kingswood Learning & Leisure (Group) Ltd.

Team Challenge

Activity Standard

Activity area:	Outdoor area, wooden and concrete structures, some with moving parts, obstacle course.
Minimum Staffing Level:	1 instructor.
Staff/pupil ratio:	1:15
Staff Qualifications:	In-house trained.
Maximum number of participants:	15
Role of accompanying adult:	To provide discipline and supervision of group in the activity area.

Equipment required:

• **Activity:**	Helmet.
• **Clothing:**	Appropriate clothing, weather dependent.
• **Safety:**	Helmet.
• **Ratio participants/equipment:**	15:1

Variance:

- Adverse weather conditions.
- In the event of an incident/accident all participants must vacate the activity area.

Activity Structure

Pre-session

The Team Challenge course is a permanent structure so needs no setting up by the instructor.

Helmets must be available for use during the session, either collected from stores or kept at the activity area.

Prior to the session beginning, the instructor must find out which activity group will be participating, the number in the group and the children's ages. Reference must also be made to any special medical or behavioural needs information.

The instructor must meet the group at the activity boards at the correct time and introduce themselves. They should perform a head count to ensure everyone is present, and check that everyone is wearing appropriate clothing. Those who require inhalers should have them with them.

On arrival at the challenge course activity base, the instructor must carry out a visual safety check of the course elements to include the structures, ropes/wires and fittings.

Safety briefing

Participants must be shown to the waiting area and have its function explained to them. The safety brief must include the following:

- Appropriate clothing (arms and legs covered)
- Appropriate footwear (flat shoes or trainers)
- Large earrings and facial jewellery removed
- Long hair tied back or tucked into sweaters
- Helmets must be worn in the team challenge course area

Delivery

Begin by describing and demonstrating the fitting of the helmet, then issue these and make sure they are all being worn correctly.

Describe the purpose of the activity. It should begin with a brief discussion of the mechanisms and value of good teamwork and communication. The participants must

understand that the best way to success is to combine the good ideas and skills the whole group has to offer, and that failure to work together will undermine their efforts.

A ladder is provided for the group to make use of. This must accompany them across each one of the challenge elements, and will therefore act as both help and a hindrance in different situations.

The session progresses with the group negotiating each element in turn. Instructors should remain vigilant for team members acting dangerously or misusing equipment.

At the end of each completed element, the instructor should lead a review of the task to analyse what the group's strengths and weaknesses were. Where possible the groups should be encouraged to perform their own analysis of their performance.

End of Activity

At the end of the session the children should be dismissed to prepare for their next activity. The instructor must report any problems to the senior instructor, and ensure the helmets are left ready for the next instructor. Faulty or broken equipment must be removed from service.

Quad Biking

Activity Standard

Activity area:	Man made track, comprising of tiers (outdoors).
Minimum Staffing Level:	1 instructor.
Staff/pupil ratio:	1:15 (1:1 when driving).
Staff Qualifications:	In-house trained.
Maximum number of participants:	15
Role of accompanying adult:	To provide discipline and supervision of group in the safety area.

Equipment required:

• **Activity:**	Quad bikes.
• **Clothing:**	Long sleeved top and trousers, Fastened shoes with grip sole and no heel, no external jewellery.
• **Safety:**	Helmet.
• **Ratio participants/equipment:**	1:1 whilst on quads.

Variance:

- Adverse weather conditions.
- In the event of an incident/accident all participants must vacate the activity area.

Quad Biking

Activity Structure

Pre-session

The quads are taken to the track at the beginning of the day by the set-up team. A visual check of the integrity of the surrounding tyres is required.

Helmets, gloves, goggles and high visibility jackets must be available for use during the session, either collected from stores or kept at the activity area.

Prior to the session beginning, the instructor must find out which activity group will be participating, the number in the group and the children's ages. Reference must also be made to any special medical or behavioural needs information.

The instructor must meet the group at the activity boards at the correct time and introduce themselves. They should perform a head count to ensure everyone is present, and check that everyone is wearing appropriate clothing. Those who require medication should have it with them.

On arrival at the quad track, the instructor must carry out a visual safety check of the track and the vehicles, to include cut out switches, tyres, steering and brakes.

Safety briefing

Participants must be shown to the waiting area and have its function explained to them. The safety brief must include the following:

- Appropriate clothing (arms and legs covered)
- Appropriate footwear (flat shoes or trainers)
- Large earrings and facial jewellery removed
- Long hair tied back or tucked into sweaters
- Helmets and protective equipment must be worn when riding the quads
- Do not leave the safety area unless told to by the instructor
- Never walk in front of a moving quad
- Keep away from hot or moving engine parts
- Stay seated on the quad until told to get off by the instructor
- Obey hand signals; slow down, stop, keep your distance

Delivery

Begin the session with the safety rules relating to the safety area and access to the track. Take the group out on to the track and explain the procedure for getting on to the quad and operating its steering, accelerator and brake.

Walk a lap of the track, pointing out the corners where riders need to go slowly and describing the best line to take to avoid losing control or hitting the tyre wall.
Return to the safety area and demonstrate correct fitting of the protective equipment.

Before beginning track time, remind the participants that the measure of good technique is control rather than speed. Participants should be encouraged to think about their performance as they progress, and to concentrate on improvement through refining their operation of the vehicle's brakes, accelerator and steering.

The rest of the session is made up of riding time on the track. Participants must perform a successful 'driving test' lap before being allowed free access to the track. This is performed under close supervision of the instructor, with the instructor holding the cutout lanyard at the back of the vehicle as the rider progresses.

Participants should be given as much track time as possible. Instructors should stand in a place of safety behind the tyre barrier and remain vigilant to excessive speed, riding too close to another quad, or dangerous behaviour.

End of Activity

At the end of the session the children should be dismissed to prepare for their next activity. The instructor must report any problems to the senior instructor, and ensure the equipment is left ready for the next instructor. Faulty or broken equipment must be removed from service and reported. All relevant logs must be completed.

Low Ropes

Activity Standard

Activity area:	Enclosed Course, purpose built wooden structure.
Minimum Staffing Level:	1 instructor.
Staff/pupil ratio:	1:15
Staff Qualifications:	In-house trained.
Maximum number of participants:	15
Role of accompanying adult:	To provide discipline and supervision of group in the activity area.

Equipment required:

• **Activity:**	Low Ropes Course
• **Clothing:**	Long sleeved top and trousers, fastened shoes with grip sole and no heel, no external jewellery.
• **Safety:**	Helmet.
• **Ratio participants/equipment:**	15:1 on the course.

Variance:

- Adverse weather conditions.
- In the event of an incident/accident all participants must vacate the activity area.

Low Ropes

Activity Structure

Pre-session

The Low Ropes course is a permanent structure so needs no setting up by the instructor.

Helmets must be available for use during the session, either collected from stores or kept at the activity area.

Prior to the session beginning, the instructor must find out which activity group will be participating, the number in the group and the children's ages. Reference must also be made to any special medical or behavioural needs information.

The instructor must meet the group at the activity boards at the correct time and introduce themselves. They should perform a head count to ensure everyone is present, and check that everyone is wearing appropriate clothing. Those who require medication should have it with them.

On arrival at the low ropes activity base, the instructor must carry out a visual safety check of the soft landings and the structure, to include the frame, ropes/wires and shackle fittings.

Safety briefing

The safety brief must include the following:

- Appropriate clothing (arms and legs covered)
- Helmets must be worn by everyone present in the low ropes area
- Participants are not allowed onto the course without two spotters
- Only one climber is allowed onto each element at a time

Delivery

Begin by describing and demonstrating the fitting of the helmet, then issue these and make sure they are all being worn correctly (Instructor to wear a helmet).

Next, split the group into pairs or small groups and conduct some simple trust exercises, such as falling back into a partner's arms.

Demonstrate the correct spotting position, and explain how it can be used to safely arrest a fall.

If the facility is available, split the group into threes and use a low level element to practice the spotting position. Rotate through the groups so each member of the three gets a go at the climber role and each at the spotter role.

Once each person has shown competence as a spotter, introduce the main low ropes course. Describe each of the elements, what is required to negotiate it and any tips for successful completion. Groups then work their way round each of the elements, rotating through the three group members so each person gets an opportunity to complete each element of the course.

End of Activity

At the end of the session the children should be dismissed to prepare for their next activity. The instructor must report any problems to the senior instructor, and ensure the helmets are left ready for the next instructor. Faulty or broken equipment must be removed from service.

Activity Standard

Activity area:	Centre Grounds, markers placed in various locations.
Minimum Staffing Level:	1 instructor.
Staff/pupil ratio:	1:15
Staff Qualifications:	In-house trained.
Maximum number of participants:	15
Role of accompanying adult:	Role-play.

Equipment required:

• **Activity:**	Walkie-talkie, map pieces, question/clue sheets.
• **Clothing:**	Appropriate clothing dependent on weather.
• **Safety:**	None
• **Ratio participants/equipment:**	up to 6:1

Variance:

- Adverse weather conditions.

Activity Structure

Pre-session

The instructor must collect the mission possible box and check that there are sufficient pencils and answer sheets available for the session.

Prior to the session beginning, the instructor must find out which activity group will be participating, the number in the group and the children's ages. Reference must also be made to any special medical or behavioural needs information.

The instructor must meet the group at the activity boards at the correct time and introduce themselves. They should perform a head count to ensure everyone is present, and check that everyone is wearing appropriate clothing. Those who require medication should have it with them.

The mission possible activity can be run from any appropriate indoor or outdoor base, depending on the weather.

Safety briefing

The safety brief must include the following:

- Appropriate clothing
- Appropriate footwear
- Group members must stay together
- Groups must stay away from out of bounds areas
- Groups must not venture off site
- No running over uneven surfaces

Delivery

The session will start with a basic introduction to the scenario. The teams need to follow clues around the centre, which provide information on the whereabouts of a missing secret agent, and the identity of the 'insider' who betrayed them. The importance of teamwork must be highlighted, with a sharing of knowledge and ideas within each group.

The session is structured around participants being given a series of clues to locations somewhere on the centre. At each location is a marker containing information that they have to report back to their instructor. Successful return of information from a marker is rewarded with the clue to the location of the next one. Participant groups must record on their answer sheets the number/letter from each of these markers. Once all of the information has been gathered from all of the markers, this will reveal the identity of the 'insider.' The location of the missing agent and the name of the insider are then radioed to Headquarters using a walkie-talkie.

The session must end with a review of the activity, including recognition of the new skills learned and improved as they have been practised in an orienteering-style exercise.

End of Activity

At the end of the session the children should be dismissed to prepare for their next activity. The instructor must report any problems to the senior instructor, and ensure the mission possible box is left ready for the next instructor. New answer sheets should be copied as necessary, and old ones discarded.

Orienteering

Activity Standard

Activity area:	Centre Grounds, markers placed around centre.
Minimum Staffing Level:	1 instructor.
Staff/pupil ratio:	1:15
Staff Qualifications:	In-house trained.
Maximum number of participants:	15
Role of accompanying adult:	To provide discipline and supervision of group in the activity area.

Equipment required:

• **Activity:**	Maps, answer sheets, clipboards.
• **Clothing:**	Suitable clothing.
• **Safety:**	none.
• **Ratio participants/equipment:**	up to 6:1 on maps and clip boards

Variance:

- Adverse weather conditions.

Orienteering

Activity Structure

Pre-session

Participants are introduced to a map of the centre, including the key to the map and how to orientate the map. Participants have what they are looking for explained and must report back after the completion of each map or if they become detached from the group. All participants must report back to the instructor 15 minutes before the end of the session.

Prior to the session beginning, the instructor must find out which activity group will be participating, the number in the group and the children's ages. Reference must also be made to any special medical or behavioural needs information.

The instructor must meet the group at the activity boards at the correct time and introduce themselves. They should perform a head count to ensure everyone is present, and check that everyone is wearing appropriate clothing. Those who require medication should have it with them.

The mission possible activity can be run from any appropriate indoor or outdoor base, depending on the weather.

Safety briefing

The safety brief must include the following:

- Appropriate clothing
- Appropriate footwear
- Group members must stay together
- Groups must stay away from out of bounds areas
- Groups must not venture off site
- No running over uneven surfaces

Delivery

The session will start with a basic introduction to the scenario. The teams need to follow clues around the centre, the importance of teamwork must be highlighted, with a sharing of knowledge and ideas within each group.

The session is structured around participants using a schematic plan of the site to follow a route. At certain points on the route are marker symbols. Participant groups must record on their answer sheets the number/letter from each of these markers.

The session must end with a review of the activity, including recognition of the new skills learned and improved as they have been practised in an orienteering exercise.

End of Activity

At the end of the session the children should be dismissed to prepare for their next activity. The instructor must report any problems to the senior instructor, and ensure the orienteering box is left ready for the next instructor. New answer sheets should be copied as necessary, and old ones discarded.

Activity Standard

Activity area:	Enclosed area, purpose built assault course.
Minimum Staffing Level:	1 instructor.
Staff/pupil ratio:	1:15
Staff Qualifications:	In-house trained.
Maximum number of participants:	15
Role of accompanying adult:	To provide discipline and supervision of group in the activity area.

Equipment required:

• **Activity:**	Blindfolds x 15. Long length rope Old clothing.
• **Clothing:**	Long sleeved top and trousers, fastened shoes with grip sole and no heel, no external jewellery.
• **Safety:**	none.
• **Ratio participants/equipment:**	1:1 on blindfolds.

Variance:

- Adverse weather conditions.
- In the event of an incident/accident all participants must vacate the activity area.

Activity Structure

Pre-session

The Nightline course is a permanent structure so needs no setting up by the instructor.

Blindfolds must be available for use during the session and should be collected from stores before the session starts.

Prior to the session beginning, the instructor must find out which activity group will be participating, the number in the group and the children's ages. Reference must also be made to any special medical or behavioural needs information.

The instructor must meet the group at the activity boards at the correct time and introduce themselves. They should perform a head count to ensure everyone is present, and check that everyone is wearing appropriate clothing. Those who require medication should have them with them.

On arrival at the nightline course, the instructor must carry out a visual safety check of the course elements.

Safety briefing

The safety brief must include the following:

- Appropriate clothing (arms and legs covered)
- No running when blindfolded
- Listen carefully for commands from the instructor
- Stay together

Delivery

Begin the activity with some simple awareness games, getting participants to think about how they can make judgements about their surroundings using non-visual clues and understanding how their normal methods of communication will have to be modified when their ability to see has been removed.

Move on to the course. Explain to participants that before them is a series of obstacles for them to negotiate, linked together with rope or wooden guide rails.

The person at the front of the line must describe to the person behind them what the obstacle is like and how best to negotiate it. Stress the need for good communication between participants while attempting the course.

Instructors should remain vigilant for participants getting too close together, and may have to limit numbers on certain elements.

End of Activity

At the end of the session the children should be dismissed to prepare for their next activity. The instructor must report any problems to the senior instructor, and ensure the blindfolds are left ready for the next instructor. Faulty or broken equipment must be removed from service.

Parachute Games

Activity Standard

Activity area:	Open area, indoor or outdoor.
Minimum Staffing Level:	1 instructor.
Staff/pupil ratio:	1:15
Staff Qualifications:	In-house trained.
Maximum number of participants:	15
Role of accompanying adult:	To provide discipline and supervision of group in the activity area.

Equipment required:

• **Activity:**	1 canvas parachute.
• **Clothing:**	Appropriate clothing, weather dependent.
• **Safety:**	None.
• **Ratio participants/equipment:**	15:1

Variance:

- Adverse weather conditions.
- In the event of an incident/accident all participants must vacate the activity area.

Parachute Games

Activity Structure

Pre-session

The parachute must be collected from stores before the activity begins.

Prior to the session beginning, the instructor must find out which activity group will be participating, the number in the group and the children's ages. Reference must also be made to any special medical or behavioural needs information.

The instructor must meet the group at the activity boards at the correct time and introduce themselves. They should perform a head count to ensure everyone is present, and check that everyone is wearing appropriate clothing. Those who require medication should have it with them.

On arrival at the parachute games area, the instructor must carry out a visual safety check of the area to ensure there are no hazards that will effect the session, particularly uneven surfaces and proximity to obstacles.

Safety briefing

The safety brief varies depending on which particular game is being played, but must include as a minimum the following:

- Appropriate clothing (arms and legs covered)
- Appropriate footwear
- Awareness of other participants
- No physical contact

Delivery

The activity should begin with a brief discussion on the mechanisms and value of good teamwork and communication.

The group plays various different games through the time available, new games being introduced at the instructor's discretion.

The instructor must remain vigilant during game play for participants' safety and disruptive or dangerous behaviour.

End of Activity

At the end of the session the children should be dismissed to prepare for their next activity. The instructor must report any problems to the senior instructor, and ensure the parachute is left ready for the next instructor. Faulty or broken equipment must be removed from service.

Archery

Activity Standard

Activity area:	Marked area outdoor or indoor.
Minimum Staffing Level:	1 instructor.
Staff/pupil ratio:	1:15 (1:6 when firing).
Staff Qualifications:	GNAS Leader award.
Maximum number of participants:	15
Role of accompanying adult:	To provide discipline and supervision of group in the safety area.

Equipment required:

• **Activity:**	Bow, arrows, bosses, target faces.
• **Clothing:**	Long sleeved top and trousers, no external jewellery or large rimmed hats, no flip flops or sandals.
• **Safety:**	Arm brace, waiting/shooting line marked.
• **Ratio participants/equipment:**	1:1 whilst firing on the first go.

Variance:

- Adverse weather conditions.
- In the event of an incident/accident all participants must vacate the activity area.

Activity Structure

Pre-session

The bows and arrows are kept in a secure store away from the range, so these must be collected before the session starts.

Prior to the session beginning, the instructor must find out which activity group will be participating, the number in the group and the children's ages. Reference must also be made to any special medical or behavioural needs information.

The instructor must meet the group at the activity boards at the correct time and introduce themselves. They should perform a head count to ensure everyone is present, and check that everyone is wearing appropriate clothing. Those who require inhalers should have them with them.

On arrival at the archery activity base, the instructor must carry out a visual safety check of the range and equipment to include the bosses, stands, faces, quivers, braces, bows and arrows.

Safety briefing

Participants must be shown to the waiting area and have its function explained to them. The safety brief must include the following:

- Appropriate clothing (arms and legs covered).
- Appropriate footwear in flat shoes or trainers. No sandals.
- Large earrings and facial jewellery removed.
- Long hair tied back or tucked into sweaters.
- Waiting line and its importance.
- Shooting line and its importance.
- 'Stop' or 'Fast' commands.
- Arrows must always point down the range.
- Range discipline and etiquette.
- Correct technique.
- Equipment safety.

Delivery

On arrival at the archery range participants are taken through the safety rules relating to the range, and are introduced to the equipment they will be using. Correct technique is described and demonstrated.

The group is split into teams, one team per target. For each participant's first attempt they are given three arrows. They are talked through the first one by the instructor, they shoot the second one under the supervision of the instructor and then shoot the third in their own time, if the instructor is confident of their ability to do so. The instructor must check that the range is clear before allowing any shooting.

The instructor will collect all arrows from all targets in one visit to the target line. This will occur between shooting details. No further shooting will take place until the instructor has returned safely behind the shooting line, and all arrows have been accounted for.

Once all participants have had their initial three practice shots they will be given another set of three arrows which they can shoot at their own pace. The number of arrows will be increased slowly as the archers' technique improves. A less able group may not progress to higher numbers of arrows at each visit as quickly as a more able one.

The instructor can introduce a scoring system at any time. The central gold ring is worth 9 points, decreasing by 2 points for each subsequent coloured ring out to the edges of the target. The introduction of scoring is at the discretion of the instructor, if they think there is a possibility an individual may not achieve any score at all.

As the session progresses, participants should be encouraged to evaluate their own performance and work towards improvement through concentration on technique. The instructor should be ever vigilant to assist an individual in this improvement by offering appropriate coaching.

An archery session will typically end in some form of game. This will be equally accessible to those of higher and lower ability. The introduction and type of games played at the end of the session is at the instructor's discretion. They may or may not follow the standard scoring system, and may be individual or team challenges.

End of Activity

At the end of the session the children should be dismissed to prepare for their next activity. The instructor must report any problems to the senior instructor, and ensure the equipment is returned to its secure store ready for the next instructor. Faulty or broken equipment must be removed from service. Further, all logs must be completed. Bows require de-stringing at the end of the day.

Aeroball

Activity Standard

Activity area:	Metal frame with canvas interior and split partition, Indoor and outdoor.
Minimum Staffing Level:	1 instructor.
Staff/pupil ratio:	1:15 (1:4 when playing).
Staff Qualifications:	In-house training.
Maximum number of participants:	15
Role of accompanying adult:	To provide discipline and supervision of group in the safety area.

Equipment required:

• **Activity:**	1 or 2 balls.
• **Clothing:**	Long sleeved top and trousers No flip-flops or sandals but flat footwear essential.
• **Safety:**	None.
• **Ratio participants/equipment:**	4:1 or 2 balls.

Variance:

- Adverse weather conditions.

Activity Structure

Pre-session

The trampoline base is attached to the aeroball structure at the beginning of the day by the set-up team, so no preparatory action is needed by the instructor.

A ball must be available for use during the session, either collected from stores or kept at the activity area.

Prior to the session beginning, the instructor must find out which activity group will be participating, the number in the group and the children's ages. Reference must also be made to any special medical or behavioural needs information.

The instructor must meet the group at the activity boards at the correct time and introduce themselves. They should perform a head count to ensure everyone is present, and check that everyone is wearing appropriate clothing. Those who require inhalers should have them with them.

On arrival at the aeroball activity base, the instructor must carry out a visual safety check of the aeroball structure to include the frame, netting, trampoline base and springs.

Safety briefing

Participants must be shown to the waiting area and have its function explained to them. The safety brief must include the following:

- Appropriate clothing (arms and legs covered).
- Appropriate footwear (flat shoes or trainers).
- Large earrings and facial jewellery removed.
- Long hair tied back or tucked into sweaters.
- Entry and exit from the aeroball court to be performed one at a time.
- Instructor is to stand next to the step to assist players entering and leaving the court.
- Players and spectators to keep clear of springs.
- Bouncing is to cease if a player falls over, and while players are entering or leaving the court.
- Players are to stay in their own courts and not reach under the internal nets to reach the ball.

- Players are to bounce with knees bent and leaning forward slightly.
- Stopping is achieved by absorbing the bounce by bending the knees on landing.
- Children with photosensitive epilepsy exempt from play.
- No adults to play Aeroball with children.
- All objects removed from pockets.
- Shoes must not be removed during play.
- There is to be no physical contact between players.
- No Sandals.

Delivery

The activity should begin with a series of simple warm-up exercises.
Introduce the participants to the game and how to play.
Make sure all participants know the rules relating to both playing and spectating.

The group should be split into teams of two. Each game is played by two teams, and lasts for approximately three minutes. The instructor should rotate the teams through the game to ensure each gets a fair share of turns.

As the session progresses, the teams should be encouraged to think about how they can improve their performance, both in physical technique and team play. Communication between the team members should be encouraged.
If appropriate, scores can be kept and a league organised between the different teams.

End of Activity

At the end of the session the children should be dismissed to prepare for their next activity. The instructor must report any problems to the senior instructor, and ensure the ball is left ready for the next instructor.

Problem Solving

Activity Standard

Activity area:	Outdoor area, wooden, concrete structures, some with moving parts.
Minimum Staffing Level:	1 instructor.
Staff/pupil ratio:	1:15
Staff Qualifications:	In-house trained.
Maximum number of participants:	15
Role of accompanying adult:	To provide discipline and supervision of group in the activity area.

Equipment required:

• **Activity:**	None.
• **Clothing:**	Appropriate clothing weather dependent.
• **Safety:**	None.
• **Ratio participants/equipment:**	1:15

Variance:

- Adverse weather conditions.
- In the event of an incident/accident all participants must vacate the activity area.

Problem Solving

Activity Structure

Pre-session

The problem solving equipment is permanently set out, so no preparatory action is needed by the instructor.

Prior to the session beginning, the instructor must find out which activity group will be participating, the number in the group and the children's ages. Reference must also be made to any special medical or behavioural needs information.

The instructor must meet the group at the activity boards at the correct time and introduce themselves. They should perform a head count to ensure everyone is present, and check that everyone is wearing appropriate clothing. Those who require medication should have it with them.

On arrival at the problem solving activity base, the instructor must carry out a visual safety check of the area, to ensure all equipment is serviceable

Safety briefing

The safety brief varies depending on which particular problem is being attempted, but must include as a minimum the following:

- Appropriate clothing (arms and legs covered)
- Appropriate footwear
- Awareness of others when moving planks, tyres etc.
- Spotting of participants must occur on the higher elements
- Lifting techniques

Delivery

The activity should begin with a brief discussion on the mechanisms and value of good teamwork and communication. The participants must understand that the best way to success is to combine the good ideas and skills the whole group has to offer, and that failure to work together will undermine their efforts.

Once the group understands the theme and general purpose of the session, they will then work through as many of the individual problem tasks as they can in the time available.

The instructor must begin each new problem by explaining what it is and what is required. They should reiterate any safety points the group needs to be aware of and monitor progress to keep the group on task. At the instructor's discretion a background story can be used for each problem to make them more exciting.

At the end of each completed task, the instructor should lead a review of the activity to analyse what the group's strengths and weaknesses were. Where possible the groups should be encouraged to perform their own analysis of their performance.

At the very end of the session the instructor must complete a final review, and encourage the group to reflect on the lessons learned throughout the activity.

End of Activity

At the end of the session the children should be dismissed to prepare for their next activity. The instructor must report any problems to the senior instructor, and ensure the problem solving equipment is left ready for the next instructor. Faulty or broken equipment must be removed from service.

Activity Standard

Activity area:	Outdoor/indoor area.
Minimum Staffing Level:	1 instructor.
Staff/pupil ratio:	1:15
Staff Qualifications:	In-house trained.
Maximum number of participants:	15
Role of accompanying adult:	To provide discipline and supervision of group in the activity area.

Equipment required:

• **Activity:**	Mta Pass components.
• **Clothing:**	Appropriate clothing.
• **Safety:**	None.
• **Ratio participants/equipment:**	15:1

Variance:
None.

Activity Structure

Pre-session

The Team Tech kit bag must be collected from stores before the start of the session.

Prior to the session beginning, the instructor must find out which activity group will be participating, the number in the group and the children's ages. Reference must also be made to any special medical or behavioural needs information.

The instructor must meet the group at the activity boards at the correct time and introduce themselves. They should perform a head count to ensure everyone is present, and check that everyone is wearing appropriate clothing. Those who require medication should have it with them.

On arrival at the indoor activity area, the instructor must carry out a visual safety check of the area, and check that the team tech components are safe to use.

Safety briefing

The safety brief must include as a minimum the following:

- Appropriate clothing
- Appropriate footwear
- Safe use of equipment

Delivery

The activity should begin with a brief discussion on the mechanisms and value of good teamwork and communication. The participants must understand that the best way to success is to combine the good ideas and skills the whole group has to offer, and that failure to work together will undermine their efforts.

Using the Team Tech Manual, the instructor should select one of the tasks rated 'easy,' and read out the relevant crib card to the group. At the end of the task, the instructor should lead a review to analyse what the group's strengths and weaknesses were. Where possible the groups should be encouraged to perform their own analysis of their performance.

The instructor should then introduce another 'easy' rated task, and continue, as time allows, with a cycle of task completion and performance review. The tasks should get progressively more challenging as the session progresses, with the instructor selecting from the 'medium' and 'hard' rated tasks.

The instructor should begin each new task by reading out the crib card from the Team Tech manual to explain what it is and what is required. They should reiterate any safety points the group needs to be aware of and monitor progress to keep the group on task.

At the very end of the session the instructor must complete a final review, and encourage the group to reflect on the lessons learned throughout the activity.

End of Activity

At the end of the session the children should be dismissed to prepare for their next activity. The instructor must report any problems to the senior instructor, and ensure the team tech kit bags are returned to stores ready for the next instructor. Faulty or broken equipment must be removed from service.

Activity Standard

Activity area:	Indoor area, Purpose built arena/inflatable construction.
Minimum Staffing Level:	1 instructor.
Staff/pupil ratio:	1:15
Staff Qualifications:	In-house trained.
Maximum number of participants:	15
Role of accompanying adult:	To provide discipline and supervision of group in the waiting area.

Equipment required:

• **Activity:**	Laser packs.
• **Clothing:**	Long sleeved top and trousers.
• **Safety:**	Spring clip.
• **Ratio participants/equipment:**	1:1 when playing.

Variance:

- In the event of an incident/accident all participants must vacate the activity area.

Activity Structure

Pre-session

The Laser arena remains locked between sessions. The key must be collected prior to meeting the group. Laser packs are kept in the arena briefing room during the day so do not need collection prior to the activity commencing.

Prior to the session beginning, the instructor must find out which activity group will be participating, the number in the group and the children's ages. Reference must also be made to any special medical or behavioural needs information.

The instructor must meet the group at the activity boards at the correct time and introduce themselves. They should perform a head count to ensure everyone is present, and check that everyone is wearing appropriate clothing. Those who require medication should have it with them.

On arrival at the Laser arena, the instructor must carry out a visual safety check of the arena structures, lighting, vest packs and facemasks.

Safety briefing

Participants must be shown to the waiting area and have its function explained to them. The safety brief must include the following:

- Appropriate clothing (arms and legs covered)
- Appropriate footwear (flat shoes or trainers)
- Large earrings and facial jewellery removed
- Long hair tied back or tucked into sweaters
- No running
- No crouching/lying down
- Laser beams are not to be aimed at players' heads
- No diving on the floor
- No covering the pack when the game is in motion

Delivery

The activity begins with an explanation of the purpose of the activity and how the vest packs and laser pistols work.

The remainder of the session is game play, with participants playing either in teams or as individuals. Rotation through participants should give everyone equal opportunity to play.

As the session progresses, participants should be encouraged to evaluate their own and others' performance. During team games, time should be given to plan strategy and develop systems of communication. The obeying of rules should be stressed as a measure of good performance, and how not obeying rules spoils the experience for everyone.

End of Activity

At the end of the session the children should be dismissed to prepare for their next activity. The instructor must report any problems to the senior instructor, and ensure the key is returned ready for the next instructor. Faulty or broken equipment must be removed from service and reported.

Fencing

Activity Standard

Activity area:	Indoor Salle, fencing piste marked on the floor.
Minimum Staffing Level:	1 instructor.
Staff/pupil ratio:	1:15 (1:8 when fencing).
Staff Qualifications:	BFA Club Leader Award.
Maximum number of participants:	15
Role of accompanying adult:	To provide discipline and supervision of group in the safety area.

Equipment required:

• **Activity:**	Foil, cups.
• **Clothing:**	Long sleeved top and trousers.
• **Safety:**	Fencing masks, jacket, glove.
• **Ratio participants/equipment:**	1:1 when fencing

Variance:

- Adverse weather conditions.
- In the event of an incident/accident all participants must vacate the activity area.

Activity Structure

Pre-session

The fencing equipment, and particularly the foils, are kept locked away in the fencing room. The instructor must collect the key for this before meeting the group.

Prior to the session beginning, the instructor must find out which activity group will be participating, the number in the group and the children's ages. Reference must also be made to any special medical or behavioural needs information.

The instructor must meet the group at the activity boards at the correct time and introduce themselves. They should perform a head count to ensure everyone is present, and check that everyone is wearing appropriate clothing. Those who require medication should have them it them.

On arrival at the fencing room, the instructor must carry out a visual safety check of the area to ensure there are no hazards, and must check the equipment before use.

Safety briefing

Participants must be shown the safety area and have its function explained to them.
The safety brief must include the following:

- Appropriate clothing (arms and legs covered)
- Appropriate footwear
- Large earrings and facial jewellery removed
- Long hair tied back or tucked into sweaters
- Jackets and masks to be worn in the fencing area when foils are in use
- Jackets, masks, gauntlets and chest protectors to be worn if duelling

Delivery

The activity should begin with a series of simple warm-up exercises.
Introduce the participants to the sport of fencing and give a brief outline of what the group will do during the session.

Start by explaining and demonstrating the *en guarde* position. Reinforce this learning with simple games and tasks.

Build on the *en guarde* position by teaching movement, backwards and forwards steps. Simple games can be played using these steps to help participants perfect them.

The final skill to be introduced is the lunge attack.

Once the basics of technique have been taught and practised, distribute the protective equipment as a precursor to introducing the weapon. Participants should be shown how to put on and correctly fit the jackets, breast protectors, gauntlets and masks.

Before introducing the weapons, reiterate the importance of remaining in the safety area while swords are in use, and wearing correctly fitted masks while duelling.

Describe the foil, its component parts and how to hold it correctly. Use it demonstrate how to defeat, or *parry*, an attack, and the counter attack, or *riposte*.

While the foils are in use, the fencing area should be secured from the inside to prevent casual entry from the outside.

The remainder of the session is a series of duels between pairs of participants. These must take place inside the marked *pistes*, and should be timed to allow all participants at least two opportunities to duel with an opponent.

As the session progresses, participants should be encouraged to evaluate their own performance and work towards improvement through concentration on technique. The instructor should be ever vigilant to assist an individual in this improvement by offering appropriate coaching.

Leave sufficient time at the end of the session to remove protective equipment and return it neatly to its storage area.

End of Activity

At the end of the session the children should be dismissed to prepare for their next activity. The instructor must report any problems to the senior instructor, and ensure the equipment and key is left ready for the next instructor. Faulty or broken equipment must be removed from service.

Appendix B

Proposed Green Travel Plan

Appendix B

1 Introduction

1.1 In accordance with CCC's wishes, Kingswood are prepared to introduce a formal Green Travel Plan (GTP) in relation to operations at the centre at Greensyke Farm. The aim of the GTP is to introduce a package of measures which will reduce the need to travel by private car and support the strategic transport objectives as detailed in PPG13.

2 Specific Objectives

2.1 The GTP will seek to:

- Reduce the need to travel to and from the site;
- Reduce the number of vehicles attending the site;
- Provide the absolute 'safe' minimum number of car parking spaces on site;
- Reduce traffic and pollution in the vicinity of the site;
- Improve the safety and security of people who travel to the site;
- Promote the use of more sustainable modes of transport and therefore healthier living;
- Make positive changes to attitudes in relation to the use of alternative modes of transport;
- Inform employees of the social, environmental and economic costs of their travel choices;
- Provide clear information to employees on the alternative modes of transport to the site;
- Improve accessibility for the non-car users.

3 Initiating a GTP

3.1 The initial proposal is to identify a Green Transport Co-ordinator who would be responsible for introducing, promoting and monitoring such a plan at the site. It should be noted, that in relation to the development, this would not be a new appointment but would be an extension of the responsibilities of the site's Centre Manager.

3.2 It should be noted that the site currently does not generate significant volumes of traffic and so the potential to introduce measures which will result in further reductions in travel by car is somewhat limited. In addition, the centre currently has a policy of busing employees in/out from the site, utilising it's existing mini-buses, thus reducing the need for travel by car.

3.3 The Green Transport Coordinator who would be responsible for introducing such a plan at the site would be the site's Centre Manager. At this stage, potential measures for consideration for inclusion in a Green Travel Plan include:

- The transporting of workers to/from the site by mini-bus;

- The transporting of workers between the site and the local railway station (if required);
- Encouraging any staff who cannot make use of the mini-bus service to car share;
- Provision of limited on-site car parking capacity and the introduction of car park management scheme; and
- Provision of cycle stands on-site.

3.4 We propose that the efficiency of the GTP be reviewed with officers from the highway authority on an annual basis. However, whilst a GTP might not be able to make a significant impact in current travel practices, it will be an important means of ensuring that traffic to/from the site is not allowed to increase in the future. At this stage, potential measures for consideration for inclusion in the GTP include:

- Continuing the transporting of workers to/from the site by mini-bus;
- Extending the route of the mini-bus so as to provide a service for the majority of employees;
- The transporting of workers between the site and the local railway station (if required);
- Encouraging any staff who cannot make use of the mini-bus service to car share;
- Providing emergency 'get you home' transport for staff who car share in the event that a car sharing agreement fails due to unforeseen circumstances;
- Provision of limited on-site car parking for employees and the introduction of car park management scheme;
- Provision of cycle stands on-site;
- Provision of shower/changing/locker facilities for staff who cycle;
- Provision of interest free loan for staff to purchase a bicycle for use to/from work;
- Provide a pool of cycles for employee use;
- Providing employees with information regarding the use of local public transport services;
- Providing interest free loans for staff using public transport;
- Providing transport between the railway station and the site; and
- Encouraging staff who live within 3km to walk.

4 Management and Monitoring

4.1 In addition to introducing alternative measures to encourage employees not to drive to work, the Transport Plan Co-ordinator will also be responsible for the management and monitoring of the GTP. Tasks to be undertaken are likely to include the following:

- To actively promote and encourage the use of modes of transport other than the car, and to lead by example;
- To ensure that relevant information is provided to all new members of staff and that information is kept up-to-date and is clearly displayed on the notice boards;
- To arrange/record surveys of car park usage at say 3 monthly intervals for the first year, and annually thereafter (or in accordance with a period specified by CCC);
- Survey and record level of cycle usage at 3 monthly intervals and continually review for any increased provision that might be required;
- Monitor demand for company bus facility and review targets for any increased usage;
- Maintain database of car sharing availability;
- Arrange for travel survey to be undertaken of all staff on the site, identifying both travel needs and current mode of travel on an annual basis;
- Identify potential for staff to utilise existing public transport services; and
- Provide an annual monitoring report for the company and CCC, and meet with the appropriate officers from CCC to review progress on an annual basis.

5 Next Steps

5.1 Kingswood have accepted the requirement to introduce a GTP and are keen to work with CCC in implementing such a process. In order to progress with such an initiative we would recommend that initially, the appropriate officer from CCC visits the site in order to meet with the Transport Coordinator and to familiarize themselves with existing procedures. During this meeting it should be possible to:

- Review current practices and travel patterns at the centre;
- identify what specific measures should initially be promoted at the site;
- identify a realistic target for any reduction in travel by car to the site (typical successful GTPs aim to reduce car travel to a site by some 15 - 20% over a 5 year period);
- establish what the future monitoring regime should be;
- establish a timescale for future reviews of the GTP; and
- identify any assistance CCC might be able to provide in the setting-up of a GTP.

THE COMMON SEAL OF THE COUNCIL)
OF THE CITY OF CARLISLE was)
affixed to this Deed in the)
presence of :)

Director of Legal and Democratic Services

THE COMMON SEAL of)
KINGSWOOD LEARNING AND)
LEISURE GROUP LIMITED)
was affixed to this Deed in the)
presence of :)

SIGNED as a Deed by the said)
NATIONAL WESTMINSTER BANK)
PLC)
in the presence of :)

DALSTON PARISH COUNCIL

Mrs E. Auld – Clerk
Bannerdale Unthank Dalston Carlisle Cumbria CA5 7BA
Tel: Fax: 01228 712920; Email: liza@carlisle-city.gov.uk

30th September 2005

Mr J M Egan
Head of Legal and Democratic Services
Carlisle City Council
Civic Centre
Carlisle
CA3 8QG

ML

Dear Mr Egan

FORMER LIME HOUSE SCHOOL CUMDIVOCK: PROPOSED AGREEMENT PURSUANT TO TOWN AND COUNTRY PLANNING ACT 1990 SECTION 106

Further to your letters and enclosures dated 12th and 26th August 2005, please find below the response from Dalston Parish Council following circulation of the documents for comment as agreed at the meeting held on 13th September 2005.

Management Code

a. No one arriving at the site in a supervisory role should be unfamiliar with the code – it must be signed-off by all teachers and party leaders prior to confirming their booking (and this must especially include any parties from abroad or where a lower level of supervision by accompanying staff is envisaged).
b. Supervision Para 2.2 specifically covers 'school' parties – it should refer to **all** parties.
c. Indoor Activities Specifically mentions evening entertainment (Para 3.1). Does this mean that children will never be entertained outside, even on a hot summer's evening – i.e. will they always have to be inside? This is not a healthy policy and points to the inadequacy of the site/situation.
d. Outdoor Activities Has planning been applied for to cover the positioning and noise regulations relating to each of these activities.
    i. Why has one activity bullet point been left blank?
    ii. Where are the Activity Standards and Activity Delivery instructions, which are supposed to be annexed to the Management Plan? Para 3.4 specifically says that and changes to these must be approved by the Local Planning Authority – have these been read in detail by everyone considering this application?
e. Timetable This is very specific and seems to relate to every day. Even a school timetable varies by day of the week. The evening activities from 18.05 are inflexible, especially in hot weather. *It is essential that all visiting parties fully understand that children will not be allowed outside (at least not beyond the courtyard – and how noise proof is that?) after 18.05.*
f. Control of Noise
    i. This is central to the operation and the fact that the centre is so noise sensitive emphasises that the site is in the wrong place and, for the benefit of the children, staff and others operating the site, should be somewhere where noise, especially in the evenings where children want to let off steam, is no longer an issue.
    ii. Again, no Activity Standards and Activity Delivery instructions 'annexed hereto'. This application should not and cannot be properly considered by parties who have not had the opportunity to view the final version of these instructions which are referred to all over the Management Plan.
    iii. Evening Activities – Provision for the evening period is inadequate.

iv. **There is nothing in the Management Code or associated documents that adequately covers the matter of noise monitoring ('after the event' noise monitoring is useless), its cost (and who will pay) and the positioning of any instruments. Dalston Parish Council, raised the matter of cost at the last Development Control meeting only for it to remain unanswered by the officers.**

g. Traffic Routing and the Green Travel Plan The traffic routing part of the plan has supposedly been in place for quite some time and is clearly not being adhered to, without any apparent sanction on the coach operators or Kingswood. If coaches do not use the approved routes to and from the site, this is likely to be observed by local residents more than the site management. Reports to the Local Liaison Committee should therefore result in a possible sanction on both the coach operators and Kingswood.

h. Local Liaison Committee
   i. This is at the heart of the relationship between the Centre and the local and Parish residents.
   ii. The LLC should be properly set-up by Carlisle City Council before the ratification of this Agreement. The informal committee of local residents, Parish Council representatives etc. who met in the Civic Centre on two occasions was a very satisfactory embryo LLC. It has been a tragedy that Carlisle City Council has not seen fit to continue this particular consultation process to properly scrutinise the present s106 Agreement, Management Code and Activity Standards and Activity Delivery instructions (missing). If this process had been continued the Centre *might*, by now, have been operating legally.
   iii. The Carlisle City Council representative is not specified as to 'officer' or 'member' (Para 7.1.1d).
   iv. The notice for a normal meeting should be more than seven days - this is far too short to fit into the diaries of busy people (Para 7.1.4).
   v. Para 7.1.7 is not strong enough as the 'lack of availability' of the Kingswood member might result in delay of the meeting being called.
   vi. The financial penalty of £2,000 is at the lower end of the scale originally proposed and is risible. Perhaps the LLC should have the power to increase this if Kingswood is seen to be in regular breach of its conditions. Indeed, the LLC might be given the power to recommend to Carlisle City Council that some of the procedures and conditions should be changed due to frequent breaches in the s106 Agreement, although it is recognised that this is a legal document and could be pursued through the courts.

There is no mention of action to be taken by Carlisle City Council, should persistent and repeated complaints be received, problems arise, or if frequent failure to comply with the s106 Agreement occurs.

It would appear, apart from some alterations as indicated above, that the Agreement, including the Management Code, is an adequate compromise, provided that it is acceptable to the local residents and that it might be considered for approval after some further alterations.

It is a pity that Carlisle City Council has, once again, not been able to provide a complete set of papers for consultation. Also, some members at the last Development Control Committee meeting expressed a wish to visit the site. In view of the changes to the make-up of this committee and the length of time that this matter has been under consideration, a further site visit would be beneficial prior to the final decision on the s106 Agreement and incorporated documents.

Yours sincerely

DALSTON PARISH COUNCIL

Mrs E. Auld – Clerk
Bannerdale Unthank Dalston Carlisle Cumbria CA5 7BA
Fax: 01228 712920; Email: liza@carlisle-city.gov.uk

12th January 2006

Mr J M Egan
Head of Legal and Democratic Services
Carlisle City Council
Civic Centre
Carlisle
CA3 8QG

Dear Mr Egan

KINGSWOOD EDUCATIONAL STUDY CENTRE, CUMDIVOCK: TOWN AND COUNTRY PLANNING ACT 1990 SECTION 106 AGREEMENT

Thank you for your letter and enclosed documentation dated 22nd December 2005. Following the circulation of the documents to Members, it was agreed at the meeting of Dalston Parish Council held on 10th January 2006 to respond with the following points:

1 Progress was being made with a viable framework, but loopholes in the s106 agreement reduced its worth as a binding document. There was still scope for disagreement with:
   a) Interpretation of the sound monitoring equipment findings. Concerns were expressed regarding enforcement issues.
   b) Level of breach/level of sanction if failure to comply with noise standards needed clarification.
   Unless sound monitoring was clearly defined in terms of method, frequency of recordings and sanctions as part of the s106 agreement, its inclusion was of little value.

2 Intervention at the Development Control meeting offering a summer respite period was made without any strings attached – to be asking for a quid pro quo for the rest of the year with longer operating hours/increased numbers of students against this concession, should be discounted.

3 Continuing concern was expressed about keeping young children confined indoors or to a courtyard during summer evenings after 6.05pm and the level of supervision between 8.00am and 9.15am.

4 160 students plus staff was considered to be too many for this site.

Mrs Dalton and Mr Auld were appalled at the neglected condition of the premises and facilities on the recent site visit on 14th December 2005. Odours emanating from the dining/kitchen area were particularly obnoxious. Sleeping arrangements should be looked at – bunk beds tiered up to three high must be a safety concern, which needs to be addressed. Storage containers observed on site were unsightly and contrary to the rural nature of site – they should be subject to planning consent.

At the Parish Council meeting on 10th January 2006 these matters were raised and endorsed by District Councillor Allison who was present, as well as verbally by Councillor Crookdake when she telephoned with apologies for absence from the meeting. In addition, concern was expressed about compliance with Health and Safety standards, particularly regarding fire exit provision and assurance was requested that a recent inspection and fire certificate covered the premises. It was understood that Carlisle City Council had an obligation with regards to Health and Safety issues and it was agreed that the Chief Executive should be asked to ensure that the relevant bodies and departments attended to the matters raised.

Finally, Kingswood was now under new ownership – perhaps more should be known about them and their intentions for the site at Cumdivock.

Yours sincerely

Mrs E Auld
Clerk

CC: Ms M Mooney, Carlisle Chief Executive
Mrs L Crookdake, Mr T Allison, Mr B Dodd – Carlisle City Council
Mr J Collier – Cumbria County Councillor
Mr A C Eales – Head of Planning Services
Mr A Hutchinson - Planning Services Officer

Bellgate House
Cumdivock
CARLISLE
Cumbria
CA5 7JJ

Mr M Lambert
Legal and Democratic Services Division
Carlisle City Council
Civic Centre
CARLISLE
Cumbria
CA3 8QG

27.9.2005

Dear Mr Lambert

Former Lime House School, Cumdivock: Proposed Agreement
Pursuant to Town and Country Planning Act 1990, Section 106

As you are aware, I have been opposed to this proposed development by Kingswood at Greensyke since November 2001, and still believe that it is a totally inappropriate development for this tranquil, rural location.

I am conscious of the fact that several members of the DCC are relatively new and may not be fully aware of the problems this application presents. At the DCC meeting in June, some members asked for a site meeting. I fully support this and would suggest that such a visit should also take in nearby residential properties – they would be welcome to visit Bellgate House.

Basically, there are two real concerns - traffic and noise, the latter being by far the most serious as it causes a major loss of amenity and harm to the health and welfare of the local residents. I shall concentrate on this.

The problem arises because the nature of the business operated by Kingswood is such that it has both children and adults outside all day and evening, either taking part in the activities or on free time at play. As a result, the local residents are subjected to a continuous babble of voices punctuated by shouts, screams, screeches, etc., potentially every waking hour of every day. This is not supposition but fact, supported by the noise reports submitted by Mr Armstrong and myself over a period of two years, and it still continues. What does this mean for us? I refer you to the nine factors that Mr Stigwood (the Council's sound adviser) identifies as contributing to noise being intrusive. For ease of reference, I have reproduced this (see attached – *Factors that have an effect on the intrusiveness of noise*) and added my own comments in italics under each item identifying how they apply to our situation.

PPG24 lists three factors that should be addressed in order to control noise. Relative to this application, they are:-

1. **Site Layout**
   The proposed layout is the worst possible as it concentrates nearly all the activities in the most open part of the site, surrounded by little more than wire fences. This is illogical to say the least and is a point I have been stressing for the past two years. For details please see my most recent letter dated 27th May 2005 on this subject, particularly the attachment 'Comments about layout'.

2. **Noise Mitigation Measures**
These are not defined. In conversation with Mr. Stigwood, I found that he shares my belief that the original proposed close-boarded wooden fence (approved by the Planning Officer in previous schedules) would be ineffective. This has now been removed from Condition 21, but nothing specified in its place. I spent some time researching noise attenuation and submitted to Kingswood my own suggestions regarding layout and noise mitigation. Mr Walsingham (Kingswood's Planning Adviser), was sufficiently enthusiastic about them to visit both Mr. Armstrong and myself to more fully explore my ideas. Sadly, I subsequently learned from him that his client had stopped him from taking this any further. My letter to Mr. Searle (Kingswood's Solicitor) dated 24th October 2004, copied to the Planning Officer, gives details of these suggestions.

3. **The Management Code (MC) and Conditions (Noise Levels)**
   - **The MC does not meet its declared objective**. In the introduction, it is stated that '*the purpose of this Code is to regulate the manner in which it is operated so as to limit the noise from the Site to the level experienced when it was used as a conventional boarding school*'. In his Report, the Inspector expressed the noise from its former use as being '*..for fairly short periods at set points during the day and went almost unnoticed by people living nearby*'. However, this Code, along with the noise level conditions, still permits shouting and screaming at unpredictable times seven days per week.
   - **The MC is primarily dependent on a false claim** (that the Central Courtyard contains noise). I note that this claim has now been removed from the latest version of the Management Code, but it does **not** remove the problem.
   - **The noise levels set by Mr Stigwood will not stop the noise.** Under the heading 'Discussion on the level of control' in Mr Stigwood's report dated 7th April 2005, in setting the noise levels (with which I take no issue), he makes it quite clear that these levels will not stop the noise but simply limit the number of shouts, screams, etc. In summary what this means is that shouting, screaming, etc., is permitted each day but limited to so many per hour dependent upon the day and time. Also, during three half-hour periods each day (except Sundays and Bank Holidays) 08.00 to 18.15hrs, uncontrolled shouting and screaming is permitted at unpredictable times.
   - **Noise level monitoring.** The question was asked at the DCC meeting in June (but not answered) as to how this would be implemented and who would pay. Without continuous monitoring these noise levels are pointless. Monitoring after an event would be farcical, and monitoring for short periods (e.g. a month at a time), could easily be circumvented by Kingswood. Continuous monitoring is the best deterrent of all (a parallel is the need to use cameras to deter speeding motorists).
   - **Local Liaison Committee (LLC) powerless.** How could any complaint against Kingswood about noise be upheld without the measured noise levels?
   - **Sanctions open to the LLC.** These are very weak and extremely difficult to police:
     (a) Ban two activities for two weeks - could only be done via snap checks.
     (b) Ban a school for two years - Kingswood has seven centres. Unless banned from them all it is neither a sanction against the school nor Kingswood. Trying to verify such a ban would be extremely difficult and time consuming.

Has Mr. Stigwood been asked to consider and report upon the layout and noise mitigation measures? In my opinion, his professional opinion should be made available to all concerned before this application is considered further.

In conclusion: without a sensible layout, effective noise mitigation measures, continuous monitoring and term-time only operation, there will be no significant improvement. We have lived with this development for four years and speak from actual experience not just what we believe may be the case.

Yours sincerely

E H Harle

c.c. Mr A Hutchinson
Councillor L Crookdake
Councillor B Dodd
Councillor T Allison
Councillor J Collier
Mrs E Auld

Factors that have an effect on the intrusiveness of noise

I refer to the **'Second Report Assessing Suitable Planning Controls' by Mike Stigwood of MAS Environmental April 2005** (dated 7th April 2005).

Under the heading '**Discussion on the level of control**', Mr Stigwood lists nine factors that have an effect on the intrusiveness of noise. To assess whether or not satisfactory noise control will result from the proposed Conditions, a good guide is to look at each of these in turn to determine how they apply. I list these below and add my own comments, in italics.

1. Its loudness.
   Noise does not have to be loud to be intrusive; it is the level relative to the background levels that is the important factor. Therefore, in this very quiet, rural location even very low levels of noise are audible, such as the continuous babble coming from groups of children during both activity and free time.
2. Its impulsive (sudden) character.
   Very much the case and at unpredictable times. The shock of a sudden scream is nerve jangling and these will still occur, albeit possibly less frequently. One is also on edge waiting for the next scream, screech, etc.
3. The relatively long periods of duration.
   Potentially every waking hour. Our noise reports to the Planning Officer show this to be the case on many days and this will not change.
4. The large number of days over which it occurs.
   Kingswood demands to be allowed to operate seven days per week throughout the year despite having convinced the Inspector at the Public Inquiry that they would be operating during term-time only. I believe the Inspector took this into account when making his decision as he mentioned it specifically in his Report. If this was implemented the situation would be greatly improved for the local residents. We would also be able to plan for noise intrusion (see 9 below).
5. How identifiable the noise is.
   Shouts and screams are very identifiable, also the underlying babble of children's voices.
6. The presence of tonality or impulsive content.
   The children's screams are penetrating and nerve jangling, their frequency does not change this.
7. Occurrence during good weather days when residents wish to use their amenity more.
   Perhaps the cause of most harm and distress as such days are usually still and calm with very low background noise levels, hence very low levels become disruptive. In fact, since Kingswood moved to Greensyke, we have had to abandon any thought of quiet relaxation in our garden.
8. The character of the area within which it occurs.
   Very tranquil with very low background noise levels.
9. The inability to plan for noise intrusion or get away/obtain respite from the noise.
   With seven days a week operation throughout most of the year, it is impossible to plan. The only thing that makes any difference to the noise we suffer from day to day (other than no or very low numbers of children), is wind direction and strength. Again, a term-time only operation would greatly improve this and afford us some respite.

Bellgate House
Cumdivock
CARLISLE
Cumbria
CA5 7JJ

Mr M Lambert
Legal and Democratic Services Division
Carlisle City Council
Civic Centre
CARLISLE, Cumbria
CA3 8QG

26.9.2005

Dear Mr Lambert

Former Lime House School, Cumdivock: Proposed Agreement
Pursuant to Town and Country Planning Act 1990, Section 106

At the DCC meeting on 3rd June 2005, Kingswood agreed to close their site at Greensyke for four weeks during July/August for this year and next. This has meant that for the first time in four Summers we were able to enjoy the predictably quiet, peaceful, outdoor ambience that we had before they began operations. Many local people have remarked to me that they (like us) enjoyed the respite from the constant noise and disruption.

The decrease in traffic was also noticeable, so much so that I resumed the shorter drive past the site to my place of work during this time. Usually, I avoid the route past Greensyke because of the possibility of meeting coaches, mini-buses, large service vehicles (laundry, refuse collection, oil delivery, etc.), delivery vans and other staff vehicles on this narrow, winding country road. During this shutdown, it was a pleasure to greet the walkers and cyclists again who had also resumed their use of the roadway past Greensyke, without the unpredictable and dangerous intrusion of the above-mentioned traffic.

Please find attached a copy of the Occupancy Synopsis for Greensyke from 22nd August to the end of November 2005. You will see that on more than one occasion in excess of 160 children are listed as attending the site. Although I am aware that the Conditions are not yet fully implemented, this is a blatant contravention of Condition 5. We have already seen the maximum number permitted mysteriously increase from 140 (as promised by Kingswood's Chairman) to 160. I am concerned that 175 children (and 18 teachers) on site at the same time indicates that there is accommodation available for a number in excess of that allowed under Condition 5.

I remain fervently opposed to this development.

Yours sincerely

c.c. Mr A Hutchinson, Councillor L Crookdake, Councillor B Dodd, Councillor T Allison, Councillor J Collier, Mrs E Auld

	Schools	Teachers	Children	Groups	A's
st					
nd					
rd					
4th					
h					
h					
h					
th					
th					
1th					
h					
h					
h					
th					
th					
th					
th					
h					
d	1	4	34	3	5
d	1	4	34	3	5
h	0	0	0	0	0
h	1	21	160	11	14
	1	21	160	11	14
	1	21	160	11	14
	2	12	62	6	9
	3	15	94	9	12
	3	15	94	9	12
	4	18	128	12	15

September	Schools	Teachers	Children	Groups	A's
Thurs 1st	4	18	128	12	15
Fri 2nd	2	4	21	2	15
Sat 3rd	2	4	21	2	4
Sun 4th	2	5	47	4	7
Mon 5th	3	8	75	6	9
Tuee 6th	3	8	75	5	9
Wed 7th	3	8	75	6	9
Thurs 8th	3	8	75	6	9
Fri 9th	4	12	109	8	11
Sat 10th	4	12	109	8	11
Sun 11th	4	13	122	10	13
Mon 12th	4	14	137	12	15
Tues 13th	4	14	137	12	15
Wed14th	4	18	175	14	17
Thurs 15th	4	18	175	14	17
Fri 16th	3	10	106	8	11
Sat 17th	3	10	106	8	11
Sun 18th	2	8	85	6	11
Mon 19th	2	8	80	6	9
Tues 20th	2	8	80	6	9
Wed 21st	3	13	142	13	16
Thurs 22nd	3	13	142	13	16
Fri 23rd	1	15	150	10	15
Sat 24th	1	15	150	10	13
Sun 25th	1	13	135	9	13
Mon 26th	2	8	82	6	9
Tues 27th	2	8	82	6	9
Wed 28th	4	14	134	10	13
Thurs 29th	4	14	134	10	13
Fri 30th	4	14	159	12	15

	Schools	Teachers	Children	Groups	A's

October	Schools	Teachers	Children	Groups	A's
Sat 1st	4	16	159	12	15
Sun 2nd	1	8	64	5	15
Mon 3rd	3	16	140	11	18
Tue 4th	3	16	140	11	14
Wed 5th	3	16	140	11	14
Thur 6th	3	16	140	11	14
Fri 7th	3	9	74	6	14
Sat 8th	3	9	74	6	9
Sun 9th	1	3	30	2	9
Mon 10th	4	15	161	12	15
Tue 11th	4	15	161	12	15
Wed 12th	5	15	158	12	15
Thur 13th	5	15	158	12	15
Fri 14th	2	16	149	11	15
Sat 15th	2	16	149	11	14
Sun 16th	1	2	19	2	14
Mon 17th	4	11	104	10	19
Tue 18th	4	11	104	10	13
Wed 19th	4	14	141	12	15
Thur 20th	4	14	141	12	15
Fri 21st	1	2	28	2	15
Sat 22nd	1	2	28	2	4
Sun 23rd	0	0	0	0	0
Mon 24th	0	0	0	0	0
Tue 25th	0	0	0	0	0
Wed 26th	0	0	0	0	0
Thur 27th	0	0	0	0	0
Fri 28th	1	3	30	2	4
Sat 29th	1	3	30	2	4
Sun 30th	1	3	30	2	4
Mon 31st	5	15	160	15	18

	Schools	Teachers	Children	Groups	A's

November	Schools	Teachers	Children	Groups	A's
Tues 1st	5	15	160	15	18
Wed 2nd	5	15	160	15	18
Thur 3rd	5	15	160	15	18
Fri 4th	2	9	87	7	18
Sat 5th	2	9	87	7	10
Sun 6th	0	0	0	0	0
Mon 7th	1	7	66	5	8
Tue 8th	1	7	66	5	8
Wed 9th	2	14	134	10	13
Thur 10th	2	14	134	10	13
Fri 11th	1	5	44	3	13
Sat 12th	1	5	44	3	6
Sun 13th	0	0	0	0	6
Mon 14th	3	12	128	10	13
Tue 15th	3	12	128	10	13
Wed 16th	3	12	128	10	13
Thur 17th	3	12	128	10	13
Fri 18th	2	12	120	9	13
Sat 19th	2	12	120	9	12
Sun 20th	0	0	0	0	12
Mon 21st	2	10	103	8	11
Tue 22nd	2	10	103	8	11
Wed 23rd	2	10	103	8	11
Thur 24th	2	10	103	8	11
Fri 25th	1	4	40	3	11
Sat 26th	1	4	40	3	6
Sun 27th	0	0	0	0	0
Mon 28th	0	0	0	0	0
Tue 29th	0	0	0	0	0
Wed 30th	0	0	0	0	0
Thur 31st	0	0	0	0	0

	Schools	Teachers	Children	Groups	A's

PG42/137

Bellgate House
Cumdivock
CARLISLE
Cumbria
CA5 7JJ

Mr A Hutchinson
Planning Services Division
Carlisle City Council
The Civic Centre
CARLISLE
Cumbria
CA3 8QG

6.12.2005

Dear Mr Hutchinson

Proposed Development of Greensyke Farm, Cumdivock by Kingswood Learning and Leisure Group Limited. Application Number 04/1023

It is worth remembering that refusal of this application would not prevent Kingswood using the site, but could prevent use of the activities that are the prime cause of noise. It is both ironic and hypocritical that their website describes the surrounding landscape as quiet and gentle, the quiet being the very thing they are destroying and demand to be allowed to do so every day of the year if they wish. They also go on to say *"Schools find this perfect as a Lake District field study centre as the area abounds with wildlife ....."* and emphasize the highest standards of study rooms and ICT labs. **It would seem from this that the site could operate as a non-activity centre concentrating on these field studies and ICT.** This would then bring it more into line with their claim in the Introduction section of the Management Code which states: '*the purpose of this Code is to regulate the manner in which it is operated so as to limit the noise from the Site to the level experienced when it was used as a conventional boarding school'.*
As I have said before, only a short distance away is Derwent Park, a 1050-acre site being developed as a Leisure Park by Allerdale Borough Council and Partners (see www.allerdale.gov.uk for details). This would appear to offer unlimited scope to expand their range of activities, already restricted at Greensyke, with many being provided as part of the overall development of the Park.

Following our recent telephone conversation, I confirm that after nearly four years of operation, the **noise from the Kingswood activities at Greensyke is still as bad as it has ever been.** The Management Code, since its inception, has **not worked, not only in terms of noise control**, but also **traffic routing, student numbers** or **problem reporting.**

As the acceptance of this proposal is dependent upon the Management Code, one would have thought that it was in Kingswood's own best interests to ensure it worked, thereby, allaying the fears of the local community and councillors; this they have singularly and repeatedly failed to do. They may argue that no agreement has been signed, but surely this is not essential in order to implement it and demonstrate they have control. One may draw the reasonable conclusion from this that they cannot exercise control, an argument possibly further reinforced by their action of

taking about 50% of the children off site on the day of the Inspector's site visit. This day had been chosen specifically because a large number of children were scheduled to be there!

The Inspector allowed Kingswood 12 months to revise the Management Code and agree conditions. Very generously they have been allowed to overrun this deadline and it is now 17 months since the Appeal Decision - more than enough time for them to revise and demonstrate a working Management Code. What more do they want? In the meantime it is causing us high levels of stress and seriously impacting our health, something my doctor could confirm

I have re-read the report from MAS dated 9th May 2005 and feel that Mr Stigwood has misunderstood the problem in two respects:
I refer you first to paragraph three of that report where he states *"the objections of residents refer to prolonged periods of impact. It is almost inconceivable that impact would be continuous for such a 90 minute period and thus does not in reality reflect the scenario painted by the objection"*. **But that is exactly what does happen.** One must not confuse 'continuous' in the context of a machine running non-stop with that of noise that continues throughout the day and evening, rising and falling, stopping and starting, with quiet periods which may last from a few scant minutes to an hour or more. Mr Stigwood goes on to say *"perhaps if an actual example could be given rather than a hypothetical situation it would assist"*. I would have thought the noise reports submitted by Mr Armstrong and myself would have provided many actual examples, assuming he was given these. Failing that, he could have been advised to visit us to find out first hand about the real day-to-day noise we have suffered. After all, we have lived with this for four years and understand the problem better than anyone else. You will find later an example of a typical few days.
In paragraph four he states *"I do not accept that Kingswood could possibly interpret such a condition as permitting 1.5 hours of as much noise as they like"* and goes on to say that *"planning noisy events or up to 1.5 hours is liable to result in a breach"*. I do not believe it has ever been the case of them planning for noisy periods or so doing in the future, it is the very nature of the business that results in prolonged periods of noise. Over the years, several of Kingswood's managers have said exactly that.

I raised the matter of noise mitigation measures and you seemed uncertain if these were required. May I turn your attention to paragraph 18 of the same report where Mr Stigwood states ***"The noise mitigation scheme is important regardless of other controls"***. You did say you thought Mr Stigwood had been consulting with Kingswood on this matter, and I suggested to you that he might also like to consult the local residents. I do not wish to labour the point, but we are the only people with factual knowledge gained over the four years that Kingswood have been operating at Greensyke, so why not use it.

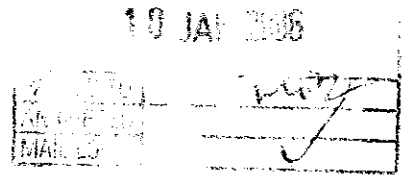
On many occasions, verbally and in writing, I have informed you that I can hear very low levels of noise from the site, for example, conversational level, so you can imagine just how loudly raised voices, shouts and screams, etc., come across. Twice in recent months, Richard Broad (who often deputizes as Location Manager at Greensyke) has informed me that it appeared to him and his manager that the noise is being funneled in my direction. I have suggested to them that they make this fact known to their senior management and the City Council. This confirms what I have been saying for the past four years about being able to hear noise from most parts of the site, that the **Central Courtyard does not contain noise, and how re-siting all the activities in the most open part of the site is senseless.** As yet I have not seen anything that will address this problem.

We have not been told how noise monitoring is to be carried out. I would refer you to paragraph 42 of the Inspector's report. First, he suggests that continuous monitoring would be unreasonable on the grounds of cost (has anyone actually looked into the cost?); second, he believes a noise condition would be unenforceable because the source of the noise would be likely to have gone before it could be measured. The latter is a very obvious point that can only be addressed by continuous monitoring.

One frequently hears or reads in the media that the single biggest complaint to local authorities today is about noise, and organisations like the CPRE are expressing their dismay at the huge loss of tranquil countryside in recent years. Here we have a situation where noise is a well recorded (done at your request), serious problem affecting the health and welfare of the local residents and the perpetrators still cannot get it under control after four years. **It is therefore difficult to see how this development can be recommended for approval when it so clearly exacerbates a major concern.**

The noise conditions suggested by Mr. Stigwood may in theory seem adequate but you have to look at them in the cold light of reality.

- First - the matter of monitoring as mentioned above. The how, when and where?
- Second - the levels are expressed in complex technical terms that I feel sure most people, particularly those having to implement them or conform to them, will not be able to relate to. Many of these (i.e. the teachers) change every few days.
- How will they impact the local residents? To visualize this let us take one scenario based firmly on my experience over four years of noise from the site.
  In brief, the conditions allow for three 30-minute periods of unlimited shouting, screaming, etc., at unpredictable times every day, except Sundays and Bank Holidays, and shouting at all other times limited to so many per hour dependent upon time and day. With this in mind consider the following:
  I am hoping to spend some time in my garden but on opening my door I am faced with screams, shouts, etc., from Greensyke. What am I to do? I cannot complain as they could argue they have just started the outside activities and the noise has only just begun. I could look at my watch, return indoors and wait for 90 minutes then check outside again. If the noise was still going on, yes I could complain but they could argue that the noise had not been continuous and that there had been a quiet period of more than 30 minutes in between and that they were only starting onto their allowed second 30-minute period. So, I return indoors, wait for another 60 minutes before going outdoors again to find the noise still as bad. A complaint at this time could be answered with exactly the same response, that is, there has been a gap and they have just begun their third 30-minute period. Another option would be for me to stay outside with my watch to record when the noise stopped and started and what the gaps were, in order to determine a breach, but that would only serve to cause me more stress. Even if I did record a breach of condition it would only be my word against theirs and I feel sure it would not be enough for the Council to take action against such a breach. What could the Local Liaison Committee do? The sanctions open to them are almost impossible to enforce as well as (to quote Dalston Parish Council) being risible.
  So, having eventually exhausted their three 30-minute periods, we are then still faced with the permitted number of exceedences per hour. It will be like the dripping tap torture waiting for the next shout or scream. Having to stay and count these in order to determine if a breach occurs will be even more stressful, more so, knowing it is unlikely that the Council would be prepared to take action against a breach of condition on this evidence. Realistically, for us to report a breach of the noise conditions, we would need to go outside armed with pen, pad, counter and stopwatch. But would anyone act on the evidence we provided? I doubt it.
  Consider it also from Kingswood's side. Having exhausted their three 30-minute periods,



Bellgate House
Cumdivock
CARLISLE
Cumbria
CA5 7JJ

Mr M Lambert
Legal and Democratic Services Division
Carlisle City Council
Civic Centre
CARLISLE
Cumbria
CA3 8QG

27.9.2005

Dear Mr Lambert

Former Lime House School, Cumdivock: Proposed Agreement
Pursuant to Town and Country Planning Act 1990, Section 106

As you are aware, I have been opposed to this proposed development by Kingswood at Greensyke since November 2001, and still believe that it is a totally inappropriate development for this tranquil, rural location.

I am conscious of the fact that several members of the DCC are relatively new and may not be fully aware of the problems this application presents. At the DCC meeting in June, some members asked for a site meeting. I fully support this and would suggest that such a visit should also take in nearby residential properties – they would be welcome to visit Bellgate House.

Basically, there are two real concerns - traffic and noise, the latter being by far the most serious as it causes a major loss of amenity and harm to the health and welfare of the local residents. I shall concentrate on this.

The problem arises because the nature of the business operated by Kingswood is such that it has both children and adults outside all day and evening, either taking part in the activities or on free time at play. As a result, the local residents are subjected to a continuous babble of voices punctuated by shouts, screams, screeches, etc., potentially every waking hour of every day. This is not supposition but fact, supported by the noise reports submitted by Mr Armstrong and myself over a period of two years, and it still continues. What does this mean for us? I refer you to the nine factors that Mr Stigwood (the Council's sound adviser) identifies as contributing to noise being intrusive. For ease of reference, I have reproduced this (see attached – *Factors that have an effect on the intrusiveness of noise*) and added my own comments in italics under each item identifying how they apply to our situation.

PPG24 lists three factors that should be addressed in order to control noise. Relative to this application, they are:-

1. **Site Layout**
   The proposed layout is the worst possible as it concentrates nearly all the activities in the most open part of the site, surrounded by little more than wire fences. This is illogical to say the least and is a point I have been stressing for the past two years. For details please see my most recent letter dated 27th May 2005 on this subject, particularly the attachment 'Comments about layout'.

2. **Noise Mitigation Measures**
These are not defined. In conversation with Mr. Stigwood, I found that he shares my belief that the original proposed close-boarded wooden fence (approved by the Planning Officer in previous schedules) would be ineffective. This has now been removed from Condition 21, but nothing specified in its place. I spent some time researching noise attenuation and submitted to Kingswood my own suggestions regarding layout and noise mitigation. Mr Walsingham (Kingswood's Planning Adviser), was sufficiently enthusiastic about them to visit both Mr. Armstrong and myself to more fully explore my ideas. Sadly, I subsequently learned from him that his client had stopped him from taking this any further. My letter to Mr. Searle (Kingswood's Solicitor) dated 24th October 2004, copied to the Planning Officer, gives details of these suggestions.

3. **The Management Code (MC) and Conditions (Noise Levels)**
   - **The MC does not meet its declared objective.** In the introduction, it is stated that '*the purpose of this Code is to regulate the manner in which it is operated so as to limit the noise from the Site to the level experienced when it was used as a conventional boarding school*'. In his Report, the Inspector expressed the noise from its former use as being '*..for fairly short periods at set points during the day and went almost unnoticed by people living nearby*'. However, this Code, along with the noise level conditions, still permits shouting and screaming at unpredictable times seven days per week.
   - **The MC is primarily dependent on a false claim** (that the Central Courtyard contains noise). I note that this claim has now been removed from the latest version of the Management Code, but it does not remove the problem.
   - **The noise levels set by Mr Stigwood will not stop the noise.** Under the heading 'Discussion on the level of control' in Mr Stigwood's report dated 7th April 2005, in setting the noise levels (with which I take no issue), he makes it quite clear that these levels will not stop the noise but simply limit the number of shouts, screams, etc. In summary what this means is that shouting, screaming, etc., is permitted each day but limited to so many per hour dependent upon the day and time. Also, during three half-hour periods each day (except Sundays and Bank Holidays) 08.00 to 18.15hrs, uncontrolled shouting and screaming is permitted at unpredictable times.
   - **Noise level monitoring.** The question was asked at the DCC meeting in June (but not answered) as to how this would be implemented and who would pay. Without continuous monitoring these noise levels are pointless. Monitoring after an event would be farcical, and monitoring for short periods (e.g. a month at a time), could easily be circumvented by Kingswood. Continuous monitoring is the best deterrent of all (a parallel is the need to use cameras to deter speeding motorists).
   - **Local Liaison Committee (LLC) powerless.** How could any complaint against Kingswood about noise be upheld without the measured noise levels?
   - **Sanctions open to the LLC.** These are very weak and extremely difficult to police:
     (a) Ban two activities for two weeks - could only be done via snap checks.
     (b) Ban a school for two years - Kingswood has seven centres. Unless banned from them all it is neither a sanction against the school nor Kingswood. Trying to verify such a ban would be extremely difficult and time consuming.

Has Mr. Stigwood been asked to consider and report upon the layout and noise mitigation measures? In my opinion, his professional opinion should be made available to all concerned before this application is considered further.

In conclusion: without a sensible layout, effective noise mitigation measures, continuous monitoring and term-time only operation, there will be no significant improvement. We have lived with this development for four years and speak from actual experience not just what we believe may be the case.

Yours sincerely

E H Harle

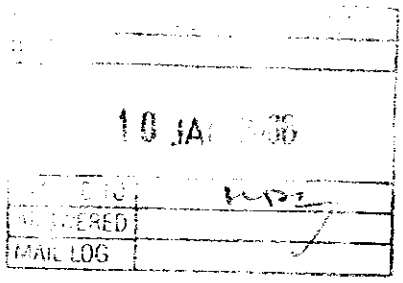
c.c. Mr A Hutchinson
Councillor L Crookdake
Councillor B Dodd
Councillor T Allison
Councillor J Collier
Mrs E Auld

Factors that have an effect on the intrusiveness of noise

I refer to the **'Second Report Assessing Suitable Planning Controls' by Mike Stigwood of MAS Environmental April 2005** (dated 7th April 2005).

Under the heading '**Discussion on the level of control**', Mr Stigwood lists nine factors that have an effect on the intrusiveness of noise. To assess whether or not satisfactory noise control will result from the proposed Conditions, a good guide is to look at each of these in turn to determine how they apply. I list these below and add my own comments, in italics.

1. Its loudness.
   Noise does not have to be loud to be intrusive; it is the level relative to the background levels that is the important factor. Therefore, in this very quiet, rural location even very low levels of noise are audible, such as the continuous babble coming from groups of children during both activity and free time.
2. Its impulsive (sudden) character.
   Very much the case and at unpredictable times. The shock of a sudden scream is nerve jangling and these will still occur, albeit possibly less frequently. One is also on edge waiting for the next scream, screech, etc.
3. The relatively long periods of duration.
   Potentially every waking hour. Our noise reports to the Planning Officer show this to be the case on many days and this will not change.
4. The large number of days over which it occurs.
   Kingswood demands to be allowed to operate seven days per week throughout the year despite having convinced the Inspector at the Public Inquiry that they would be operating during term-time only. I believe the Inspector took this into account when making his decision as he mentioned it specifically in his Report. If this was implemented the situation would be greatly improved for the local residents. We would also be able to plan for noise intrusion (see 9 below).
5. How identifiable the noise is.
   Shouts and screams are very identifiable, also the underlying babble of children's voices.
6. The presence of tonality or impulsive content.
   The children's screams are penetrating and nerve jangling, their frequency does not change this.
7. Occurrence during good weather days when residents wish to use their amenity more.
   Perhaps the cause of most harm and distress as such days are usually still and calm with very low background noise levels, hence very low levels become disruptive. In fact, since Kingswood moved to Greensyke, we have had to abandon any thought of quiet relaxation in our garden.
8. The character of the area within which it occurs.
   Very tranquil with very low background noise levels.
9. The inability to plan for noise intrusion or get away/obtain respite from the noise.
   With seven days a week operation throughout most of the year, it is impossible to plan. The only thing that makes any difference to the noise we suffer from day to day (other than no or very low numbers of children), is wind direction and strength. Again, a term-time only operation would greatly improve this and afford us some respite.



Bellgate House
Cumdivock
CARLISLE
Cumbria
CA5 7JJ

Mr J M Egan
Director of Legal & Democratic Services
Carlisle City Council
The Civic Centre
CARLISLE
Cumbria
CA3 8QG

6.1.2006

Dear Mr Egan

Kingswood Educational Study Centre, Cumdivock:
Town & Country Planning Act 1990, Section 106 Agreement

Thank you for letter dated 22nd December 2005 with enclosures.

Reviewing Mr Lambert's summary of our comments with regard to the Section106 Agreement (submitted at his request), I was dismayed to discover that my most significant comments had not been mentioned. For your perusal, I enclose a copy of my original letter to Mr Lambert (27.9.2005) and also a subsequent letter to Mr Hutchinson (6.12.2005) detailing why I believe the proposals for noise controls are impracticable and unworkable. These are my comments not mentioned in his summary (see original letter for full text):-

1. Mr. Stigwood, the Council's Sound Adviser, provided the Council with a set of nine factors that have an effect on the intrusiveness of noise. The only way to determine if the suggested proposal for noise control will be effective is to consider it in terms of these nine factors. I did this but it appears to have been ignored.
2. The Management Code (MC) does not meet the declared objective - set by the Applicant.
3. It is a false claim that the Central Courtyard contains noise.
4. The Local Liaison Committee (LLC) is powerless as the site operator can simply deny any noise complaint brought to them if measured noise levels do not accompany the complaint to back it up.
5. Noise level monitoring and how it will be implemented was responded to by saying **'Enforcement is a matter for the City Council'** but to date they have resisted saying how and when this will be done. What is the point of introducing a set of conditions that rely upon very precise and detailed technical measurements if no permanent way of measurement is provided?

With reference to the sanctions available to the LLC which Mr. Lambert thinks are good. If, as I understand it, these are supposed to be sanctions against the operator, they are not:-

- *Ban two activities for two weeks.* The only people penalised by this will be the unfortunate school/s whose booking coincides with the ban. They may not be happy, but it is doubtful that they would leave, demand a refund or decide never to return. This bans only two activities out of 15 listed in the MC.

- *Ban a school or customer for two years.* Kingswood has seven centres and, unless banned from them all, they can avoid being penalised by simply diverting the school to one of the other locations.
- *£2000 penalty.* Although this is a penalty applied directly to the operator, I would suggest that in terms of the potential earnings from this site it is a miniscule amount. It is also worth noting that this penalty can only be applied after going to arbitration.

To quote the Inspector's report, *'It (the MC) should contain sanctions and controls that would make it in the operator's best interest to ensure the Code was adhered to'*. In my opinion, the above sanctions do not meet this criterion.

On page 4 of the MC, under 3.2 (Outdoor Activities), I note that Aeroball and Team Tech are not mentioned, although they appear under the Activity Standards. Team Tech also takes place indoors, but is not mentioned under 3.1 (Indoor Activities) in the MC either. The local residents are anxious that nothing extra is 'slipped in' to the already overcrowded site.

With reference to Mr Searle's letter dated 30th November 2005, I note that he is advocating a *quid pro quo* for the proposed permanent period of respite during August (from 2007). Numbers of students have already mysteriously increased from the 140 promised by Mr S Wiley to 160, and now they suggest increasing them further or having an extension of operating hours. As Kingswood convinced the Inspector they would be operating 'Term Time' only, I fail to understand why the Council is not holding them to that. The only reason given that I have heard regarding their operation during normal holiday periods was from Mr Lambert when he said 'other schools do'. Greensyke is NOT an 'other school' and, as one of their previous managers said, Kingswood's way of operating is totally different. A conventional school is 90% classroom and 10% outside activity, Kingswood is the opposite.

This Section 106 Agreement still allows shouting, screaming, etc., all day, every day, which is the very thing we have been objecting to for the past four years.

I would welcome your comments.

Yours sincerely

c.c. Mrs E Auld, Dalston Parish Council
Mrs L Crookdake)
Mr T Allison) Dalston Ward Councillors
Mr B Dodd)
Mr J Collier, County Councillor
Mr M Lambert, Legal and Democratic Services
Mr A C Eales, Planning Services
Mr A Hutchinson, Planning Services

CARLISLE
CITY COUNCIL

www.carlisle.gov.uk

From Councillor:
Trevor Allison
17 Gilbert Road
Cummersdale
Carlisle CA2 6BJ
Telephone: 01228

City Councillor for:
Dalston

Mr Mark Lambert,
Legal Services Manager,
Carlisle City Council,
Civic Centre,
Carlisle.
CA3 8QG

19.10.0

Dear Mr Lambert,

Management Code at Kingswood Learning. Cumdivock.

A resident living close to the school contacted me today to express his concerns about the implementation of the management code in the school. This is still an ongoing issue.

It seems that the noise emanating from the school is intrusive and outside the guidelines which have been set. He instanced last weekend where the instructors were shouting commands and the general level of noise, in his view, was outside the acceptable limit and affecting his wellbeing. He has not complained formally, as without monitoring equipment this is a subjective assessment and open to challenge His own research has shown that basic sound monitoring equipment can be purchased for around £2-3,000, and this would take away the subjectivity that we are relying on at present.

Another issue is that contrary to the code, coaches bringing the children in/out are not using the specified route. He instanced last Friday when three coaches passed his house taking children in, and despite the notice on the gate that there was no right turn, left by the same route, in breach of the code.

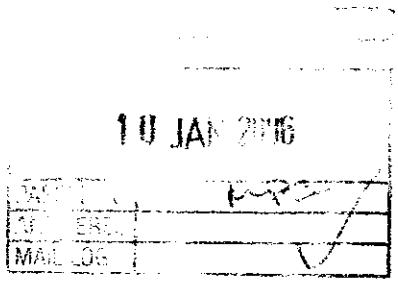
This calls into question the effectiveness and enforceability of the management code under the present arrangements, especially without proper monitoring equipment.

Against this background, I would appreciate it if you could give me an update on the status of the management code and whether there has been any meaningful dialogue between the parties. I am aware that there has been a lot of time and cost expended by all parties, including the City Council, and it would be unacceptable if this management code was allowed to go by default.

Yours sincerely,

CC. Mr Angus Hutchinson, Principle Development Control Officer.

INVESTOR IN PEOPLE



Bellgate House
Cumdivock
CARLISLE
Cumbria
CA5 7JJ

Mr A Hutchinson
Planning Services Division
Carlisle City Council
The Civic Centre
CARLISLE
Cumbria
CA3 8QG

6.12.2005

Dear Mr Hutchinson

Proposed Development of Greensyke Farm, Cumdivock by Kingswood Learning and Leisure Group Limited. Application Number 04/1023

It is worth remembering that refusal of this application would not prevent Kingswood using the site, but could prevent use of the activities that are the prime cause of noise. It is both ironic and hypocritical that their website describes the surrounding landscape as quiet and gentle, the quiet being the very thing they are destroying and demand to be allowed to do so every day of the year if they wish. They also go on to say *"Schools find this perfect as a Lake District field study centre as the area abounds with wildlife ……"* and emphasize the highest standards of study rooms and ICT labs. **It would seem from this that the site could operate as a non-activity centre concentrating on these field studies and ICT.** This would then bring it more into line with their claim in the Introduction section of the Management Code which states: *'the purpose of this Code is to regulate the manner in which it is operated so as to limit the noise from the Site to the level experienced when it was used as a conventional boarding school'.*
As I have said before, only a short distance away is Derwent Park, a 1050-acre site being developed as a Leisure Park by Allerdale Borough Council and Partners (see www.allerdale.gov.uk for details). This would appear to offer unlimited scope to expand their range of activities, already restricted at Greensyke, with many being provided as part of the overall development of the Park.

Following our recent telephone conversation, I confirm that after nearly four years of operation, the **noise from the Kingswood activities at Greensyke is still as bad as it has ever been.** The Management Code, since its inception, has **not** worked, not only in terms of **noise control**, but also **traffic routing, student numbers** or **problem reporting.**

As the acceptance of this proposal is dependent upon the Management Code, one would have thought that it was in Kingswood's own best interests to ensure it worked, thereby, allaying the fears of the local community and councillors; this they have singularly and repeatedly failed to do. They may argue that no agreement has been signed, but surely this is not essential in order to implement it and demonstrate they have control. One may draw the reasonable conclusion from this that they cannot exercise control, an argument possibly further reinforced by their action of

taking about 50% of the children off site on the day of the Inspector's site visit. This day had been chosen specifically because a large number of children were scheduled to be there!

The Inspector allowed Kingswood 12 months to revise the Management Code and agree conditions. Very generously they have been allowed to overrun this deadline and it is now 17 months since the Appeal Decision - more than enough time for them to revise and demonstrate a working Management Code. What more do they want? In the meantime it is causing us high levels of stress and seriously impacting our health, something my doctor could confirm

I have re-read the report from MAS dated 9th May 2005 and feel that Mr Stigwood has misunderstood the problem in two respects:
I refer you first to paragraph three of that report where he states "*the objections of residents refer to prolonged periods of impact. It is almost inconceivable that impact would be continuous for such a 90 minute period and thus does not in reality reflect the scenario painted by the objection*". **But that is exactly what does happen.** One must not confuse 'continuous' in the context of a machine running non-stop with that of noise that continues throughout the day and evening, rising and falling, stopping and starting, with quiet periods which may last from a few scant minutes to an hour or more. Mr Stigwood goes on to say "*perhaps if an actual example could be given rather than a hypothetical situation it would assist*". I would have thought the noise reports submitted by Mr Armstrong and myself would have provided many actual examples, assuming he was given these. Failing that, he could have been advised to visit us to find out first hand about the real day-to-day noise we have suffered. After all, we have lived with this for four years and understand the problem better than anyone else. You will find later an example of a typical few days.
In paragraph four he states "*I do not accept that Kingswood could possibly interpret such a condition as permitting 1.5 hours of as much noise as they like*" and goes on to say that "*planning noisy events or up to 1.5 hours is liable to result in a breach*". I do not believe it has ever been the case of them planning for noisy periods or so doing in the future, it is the very nature of the business that results in prolonged periods of noise. Over the years, several of Kingswood's managers have said exactly that.

I raised the matter of noise mitigation measures and you seemed uncertain if these were required. May I turn your attention to paragraph 18 of the same report where Mr Stigwood states ***"The noise mitigation scheme is important regardless of other controls"***. You did say you thought Mr Stigwood had been consulting with Kingswood on this matter, and I suggested to you that he might also like to consult the local residents. I do not wish to labour the point, but we are the only people with factual knowledge gained over the four years that Kingswood have been operating at Greensyke, so why not use it.

On many occasions, verbally and in writing, I have informed you that I can hear very low levels of noise from the site, for example, conversational level, so you can imagine just how loudly raised voices, shouts and screams, etc., come across. Twice in recent months, Richard Broad (who often deputizes as Location Manager at Greensyke) has informed me that it appeared to him and his manager that the noise is being funneled in my direction. I have suggested to them that they make this fact known to their senior management and the City Council. This confirms what I have been saying for the past four years about being able to hear noise from most parts of the site, that the **Central Courtyard does not contain noise, and how re-siting all the activities in the most open part of the site is senseless.** As yet I have not seen anything that will address this problem.

We have not been told how noise monitoring is to be carried out. I would refer you to paragraph 42 of the Inspector's report. First, he suggests that continuous monitoring would be unreasonable on the grounds of cost (has anyone actually looked into the cost?); second, he believes a noise condition would be unenforceable because the source of the noise would be likely to have gone before it could be measured. The latter is a very obvious point that can only be addressed by continuous monitoring.

One frequently hears or reads in the media that the single biggest complaint to local authorities today is about noise, and organisations like the CPRE are expressing their dismay at the huge loss of tranquil countryside in recent years. Here we have a situation where noise is a well recorded (done at your request), serious problem affecting the health and welfare of the local residents and the perpetrators still cannot get it under control after four years. **It is therefore difficult to see how this development can be recommended for approval when it so clearly exacerbates a major concern.**

The noise conditions suggested by Mr. Stigwood may in theory seem adequate but you have to look at them in the cold light of reality.

- First - the matter of monitoring as mentioned above. The how, when and where?
- Second - the levels are expressed in complex technical terms that I feel sure most people, particularly those having to implement them or conform to them, will not be able to relate to. Many of these (i.e. the teachers) change every few days.
- How will they impact the local residents? To visualize this let us take one scenario based firmly on my experience over four years of noise from the site.
  In brief, the conditions allow for three 30-minute periods of unlimited shouting, screaming, etc., at unpredictable times every day, except Sundays and Bank Holidays, and shouting at all other times limited to so many per hour dependent upon time and day. With this in mind consider the following:
  I am hoping to spend some time in my garden but on opening my door I am faced with screams, shouts, etc., from Greensyke. What am I to do? I cannot complain as they could argue they have just started the outside activities and the noise has only just begun. I could look at my watch, return indoors and wait for 90 minutes then check outside again. If the noise was still going on, yes I could complain but they could argue that the noise had not been continuous and that there had been a quiet period of more than 30 minutes in between and that they were only starting onto their allowed second 30-minute period. So, I return indoors, wait for another 60 minutes before going outdoors again to find the noise still as bad. A complaint at this time could be answered with exactly the same response, that is, there has been a gap and they have just begun their third 30-minute period. Another option would be for me to stay outside with my watch to record when the noise stopped and started and what the gaps were, in order to determine a breach, but that would only serve to cause me more stress. Even if I did record a breach of condition it would only be my word against theirs and I feel sure it would not be enough for the Council to take action against such a breach. What could the Local Liaison Committee do? The sanctions open to them are almost impossible to enforce as well as (to quote Dalston Parish Council) being risible.
  So, having eventually exhausted their three 30-minute periods, we are then still faced with the permitted number of exceedences per hour. It will be like the dripping tap torture waiting for the next shout or scream. Having to stay and count these in order to determine if a breach occurs will be even more stressful, more so, knowing it is unlikely that the Council would be prepared to take action against a breach of condition on this evidence. Realistically, for us to report a breach of the noise conditions, we would need to go outside armed with pen, pad, counter and stopwatch. But would anyone act on the evidence we provided? I doubt it.
  Consider it also from Kingswood's side. Having exhausted their three 30-minute periods,

how are they going to allocate these permitted exceedences per hour between all the groups? Are they going to have someone outside counting them, then go around all the groups saying 'no more noise until the next hour which begins in x number of minutes'?
This is just one scenario but what it does illustrate is that noise, either unlimited or limited, will be permitted to occur at totally unpredictable times every day. I do not see this as being an improvement on the situation as it is today.

In my letter to Mr. Lambert dated 27.9.2005 (copied to you), I listed the nine factors that Mr Stigwood identified as '*having an effect on the intrusiveness on noise*' and comment on how they all would still apply even with these noise conditions implemented.

Mr Armstrong kindly distributed a copy of the newspaper article ('Daily Telegraph' dated Thursday, 10th November 2005) about the restrictions imposed on a children's nursery in Hampshire by the local council. It told of a very positive and strong stance taken by the council in order to protect the amenity of a local resident from noisy children, exactly the problem we have here. I am sure you must, therefore, understand our frustration and bewilderment that similar conditions are not being implemented at Greensyke. Compare the difference: in Hampshire it is a nursery only open four days per week and their outside activities have been restricted to two half-hour periods each day, a condition that is easy to implement and enforce. At Greensyke the children are outside all day, every day, and the proposed conditions (that are complex and difficult to implement and enforce), still allow shouting, etc., for all that time, be it a limited or unlimited number of shouts and screams. It would seem Hampshire residents have more rights than we do!
This development at Greensyke is a selfish and uncompromising one that totally robs the local residents of what was once a very quiet, rural environment. It is not a few hours on some days - potentially, it is every hour of every day. By introducing and operating an inherently noisy business into what they recognize as a tranquil, rural location, Kingswood should expect to have some heavy restrictions placed upon them. I see no reason why outside activity should not be restricted to perhaps two hours per weekday at specific times, one hour on Saturdays, none on Sundays and term time only. **As stated in my opening paragraph, I see no reason why they could not operate this as a quiet site — it might then restrict noise to that of its former use, something they have been trying to convince us is the case in the Management Code.**

In my opinion, the Local Liaison Committee will be largely ineffective and will take the onus away from the Council taking immediate action against a breach and cause further delay. If Kingswood wanted to liaise with the local community they should have been doing it from the start instead of just ignoring us.

<u>Example of a typical few days</u>

As you know from previous correspondence, my wife and I now spend as little time as possible outside to reduce stress. However, essential work in the garden necessitates this.
On Saturday 15th October, we were outside from 10.00hrs until a little after 17.00hrs, during which time we were subjected to an almost continuous babble of voices punctuated at frequent intervals (so many per minute, not hour) by screams, shouts, etc. You should also be aware that a lot of the shouts were adult male voices (may have been instructors, may have been teachers), however, these are the people that are supposed to be controlling the noise. We did not complain to Kingswood as I wanted to see if anyone was going to take control, but this did not happen. Sunday morning was similar until the children left at midday. Noise began again towards evening following the arrival of the next intake of children and continued on Monday morning. I did then telephone Greensyke to complain and also get confirmation that they only had 19

children on site, as per the synopsis, as I was surprised that so few children could make so much noise. I was advised that this was the case. These were not exceptional days, but what have become the norm. The only thing that makes any difference to what we hear is wind strength and direction.

The three coaches that arrived on the Sunday to pick up the children passed by my house and left by the same route, therefore, breaching the traffic plan. They had already visited the site once to deliver them, using the same route. Even if the school failed to notify the Bus Company of the proper route, Kingswood should have ensured they were made aware of it before they left the site. The result: three coaches each making two round trips resulting in 12 breaches of the traffic plan in one weekend. **In terms of a breach of condition it could be argued that the school contracted the coaches therefore Kingswood are not responsible. If acceptable as a valid defence then clearly this condition is unenforceable and worthless.**

As the ownership of Kingswood has now changed, it may be worth delaying a decision until the new owners are identified in order that we can communicate **directly** with them to establish a mutual understanding of the problems associated with this development.

I remain opposed to this Application and ask that it be refused.

Yours sincerely

E H Harle

c.c. Mrs E Auld, Dalston Parish Council
Mrs L Crookdake)
Mr T Allison) Dalston Ward Councillors
Mr B Dodd)
Mr J Collier, County Councillor
Mr M Lambert, Legal and Democratic Services

The Gill
Dalston, Carlisle CA5 7JP

PLANNING SE...
REF
RECORDED MS
SCANNED
PASSED TO
ACTION

26 November 2005

Department of Environment & Development
Planning Services Division
The Civic Centre
Carlisle
CA3 8QG

Dear Mr Hutchinson

MS

Kingswood Educational & Leisure Centre, Greensyke, Cumdivock

We write to say that we have enjoyed the peace and quite during the summer break (July 20th to August 28th) on the above site. It was marvellous to go outside at any time and not hear any noise form them. It reminded us of how things were before they arrived. It would however, be even better if it were to become permanent.

Since pupils have returned we have heard them regularly screaming, shouting and not just the children the teachers too. Even in our yard when the milking machines are on we can hear them so clearly we could follow instructions given to the visiting pupils by their teachers. Dependant on the weather conditions and which way the wind is blowing we can hear children regularly. The buses still take the wrong routes and only today I saw 2 buses leave the site; one of which, a Parks Bus, go along the Cumdivock road to the main road and turn towards Bridge End; as I wasn't going in that direction I don't know whether they went through Dalston or along to the motorway via Durdar.

The site is still a mess and weeds show through the gravel in the assault course and in general the place is not looking very tidy. I hope that this is not a sign of how they intend to look after the property.

There have been a number of evenings when we have got home and on getting out of the car we could hear children as if they were standing in our yard.

We do not keep a regular diary of the sites activites but occasionally will note particularly noisy occasions.

Yours sincerely

ACKNOWLEDGED
07 NOV 2005
MS

Fountain Head
Cumdivock
Dalston
CA5 7BP

October 31st 2005

PLANNING SERV.
REF
- 7 NOV 2005
RECORDED MS
SCANNED
PASSED TO A&H
ACTION

Dear Mr. Hutchinson,

Kingswood Educational Study Centre, Greensyke, Cumdivock.

My husband and I live 0.7 miles (as the crow flies) East of Greensyke. We are still concerned about the operation of the Kingswood Centre at Greensyke for 3 or 4 seasons.

Regarding noise: we heard the thump, thump & melodies of a disco at the beginning of September as there were occasions prior to that at the end of the schools' summer term when we heard shouting and cheering long after 7pm.

Regarding traffic: windows at my property overlook Nook Lane. I have often seen coaches using this route especially when empty and returning to/through Dalston to their eventual destination. Today, October 31st, at 3pm a coach from Annadale, Scotland used that route.
For a few weeks in the summer the roads in the area were noticeably quieter – no coaches and fewer service vehicles. I regularly walk out with my grandson in his pram & I felt less vulnerable during these weeks, less fearful.

Regarding occupancy: the operator's monthly list

2.

shows quite clearly that Greensyke has accommodation for many more children than the 160 maximum we understand should be adhered to.

We hope that you and those directly concerned with achieving an appropriate and sensible outcome to the present situation and continuing problems, will give further due consideration to the discrepancies and infringements occurring at Greensyke.

Yours sincerely,

MR A Hutchinson
PLANNING OFFICER
CARLISLE CITY COUNCIL
CARLISLE.

1. Copy: B Dodd, Councillor
2. " L. CROSSDALE, "
3. " P. WILBRAHAM, SOLICITOR FOR CUMDIVOCK GROUP.
4. Copy: M. LAMBERT, City Council Solicitor

THE WHITE HOUSE,
CUMDIVOCK,
DALSTON.
CARLISLE. CA5 7JH
Monday 22nd Aug '05

Copies to: THE CHAIRMAN + MEMBERS OF DEVELOPMENT CONTROL COMMITTEE.

RE: KINGSWOOD/GREENSYKE, CUMDIVOCK.

Dear Mr Hutchinson,

I am writing to let you and the Planning Committee know what a pleasure it has been since JULY 20th not having KINGSWOOD in operation next door at Greensyke.

It has meant a lot in terms of peace and relaxation not having to live with noise (and the potential of noise any minute) for some 30 days (since Wed 20th July). This has put a whole different meaning to our Summer, knowing that peace will prevail for a prolonged period at a crucial time of year when we are out in our garden for long periods.

We do most earnestly ask that the two years of no visitors/customers at Greensyke granted us by KINGSWOOD for approx 30 days each Summer be extended to become

S 106

a permanent condition. At present the period granted us by KINGSWOOD is from the end of the ENGLISH Summer term to the start of the Scottish Autumn term. We earnestly request that this 30 day period becomes a fixture during which time no customers are allowed at Greensyke. In the longer term should English schools move to a 4 term academic year then perhaps the month of August could be made the relevant 30 day period of peace for the local residents?

My wife and I feel that progress is being made on this vexious issue of KINGSWOOD operating out of Greensyke. ..ovided only students attend accompanied by teachers from THEIR School, that should rule out Banque-de-France, see CONDITION 1 "NOTICE OF APPROVAL" recently circulated by MR Egan. We can not accept AEROBALL as a listed/accepted outdoor activity, see Management Code list of outside activities. It is perfectly possible to operate Greensyke satisfactorily with 13 other outside activities as listed without the re-introduction[17] of Aero ball with or without

3 contd.

"countdown". It is a totally unnecessary additional request.

We feel the proposals on Decibel levels put forward by M.A.S. ENVIRONMENTAL to be a big step forward.

The Cundwick Group will no doubt be in touch soon regarding the finalisation of this KINGSWOOD/Greensyke issue through our Solicitors, WILBRAHAM + Co.

Meanwhile would you please circulate this letter to the DEV. CONTROL COMMITTEE and I will send copies to the 4 people on the list in the front panel.

Thanks you for your assistance.

Yours sincerely,

P.S. Students due back at Greensyke today for first time since 20/7/05.

A Hutchinson, Esq.
CASE OFFICER

The White House,
CUMDIVOCK
DARSTON
21/11/05

ARH DC/04/12043
on 14/11/05

Dear Angus,

I wish to speak, in due course, at the next relevant Dev. Control Committee meeting.

I hope you are well? We look forward to an end to Cumdivock C&R v Kingswood. We wonder what effect if any, the new ownership of Kingswood will have?

Regards,

PLANNING SERVICES
REF
14 FEB 2006
RECORDED
SCANNED
PASSED TO
ACTION

Bellgate House
Cumdivock
CARLISLE
Cumbria
CA5 7JJ

Mr J M Egan
Director
Legal and Democratic Services
Carlisle City Council
Civic Centre
CARLISLE
Cumbria
CA3 8QG

11.2.2006

Dear Mr Egan

Kingswood Educational Study Centre, Cumdivock:
Town and Country Planning Act 1990, Section 106 Agreement

Thank you for your letter dated 11th January 2006, which I received on 24th January 2006.

This matter has remained unresolved for over four years and I understand the need to reach a conclusion, but having fought hard to get where we are today, we do not wish to see the efforts of local residents sacrificed on the altar of expediency.

Having read the comments on the proposed Section 106 Agreement requested by you from Dalston Parish Council and our Ward Councillors (those from Mr Wilbraham awaited), it is obvious that, from their viewpoints, many issues remain unresolved. Whilst I appreciate your comments, your letter does not resolve any issues that I raised, particularly concerning indisputable **facts**, e.g. that the Central Courtyard does not contain noise; that the nine factors identified by Mr Stigwood as having an effect on the intrusiveness of noise still apply, and without permanent noise monitoring the conditions are unenforceable (in his Report, the Inspector states that he believes a noise condition would be unenforceable because the source of the noise would be likely to have gone before the noise could be measured).

To say the five points I highlighted were not included because they are relevant to the planning merits rather than the Section 106 Agreement is, in my opinion, incorrect as they referred specifically to the Management Code, which you have previously informed me will be an integral part of the Agreement.

Similarly, to simply dismiss my statement that the Management Code does not meet its declared objective, claiming the Section 106 Agreement had generated an amendment is, in my opinion, also incorrect when considered in the correct time frame. That is, my comment and the one that you say has generated an amendment were submitted in response to your request for comments, which you then

summarised. To be even-handed, how can some be included and others ignored? The irony is that had the applicants met their declared objective this whole matter could have been resolved rapidly without the huge input of time and expense incurred by all parties. Their declared objective could have been embraced in a simple Condition restricting outside activity (free and organised time) to perhaps two hours per day at specific times, further consideration being given to weekends, holidays, etc. Compliance could have been monitored using nothing more sophisticated or expensive than a clock or watch.

I have no intention of repeating my concerns about the proposed application here as they have been well documented in my many letters of objection to this development over the four years it has been in dispute. I note you will ensure that my correspondence is brought to the attention of the members when they consider the Section 106 Agreement. I understand that it is hoped to include this application in the agenda for the DCC meeting to be held on 10th March 2006. If this is the case, time is running out and I ask that resolutions be provided forthwith to the outstanding issues raised by all parties affected.

Apart from a comment to me from Mr Hutchinson that the new owners 'may wish to use the site in a different way', nothing has been heard from the Council concerning Bowmark or their intentions for the site at Greensyke. Do you have any information you can share with us?

Yours sincerely

c.c. Ms M Mooney, Chief Executive
Mr A C Eales, Head of Planning Services
Mr M Lambert, Legal and Democratic Services
Mr A Hutchinson, Planning Services
Mr J Collier, County Councillor
Mrs L. Crookdake, Mr T Allison, Mr B Dodd – Ward Councillors
Mrs E Auld, Dalston Parish Council

To:
Angus Hutchinson Esq
PLANNING OFFICER
CARLISLE CC

Noise
DIARY

KINGSWOOD/GREENSYKE

WHITE HOUSE
CUMDIVOCK
DALSTON
SEPT. 05

Date	COMMENTS.
THURS 1st Sept	Quiet AM BUT VERY NOISY at 3.00 PM 10 children playing PARACHUTE GAMES plus INSTRUCTOR CHILDREN SCREAMING VERY NOISILY UNCHECKED BY STAFF Also: 14/15 children on NIGHTLINE screaming went on until 3.30 PM Very smelly locally from slurry spreading south of site. Quiet again by 3.40 PM I think the smell drove them inside
FRI 2nd Sept To Mon 12th Sept	away on holiday in Devon — no diary
Tues 13th Sept	Very noisy 137 on site? 40 children out in paddock nearest to us on NIGHTLINE, LOW ROPES and PARACHUTE GAME as well as ASSAULT COURSE in next paddock. It was noisy 3.00 PM to 5.00 PM because of the sheer No. of children out together at one time.
Wed 14th Sept THURS 15th "	Noisy occasionally. KINGSWOOD HAVE 175 BOOKED in on site 175 on site but a very wet day indeed.
" 16th	Lots of coaches in and out, one of them lost near BLACKDEN at MIDDAY. Not a lot of noise heard.
Sat 17th Sept	10.00 AM UNCONTROLLED / UNACCEPTABLE SCREAMING from a group of only 6 or 7 girls playing behind main building. Went along to ask for it to be stopped immediately. Saw Richard on duty in Paul's absence — noise curtailed as I write this at 10.30 AM. 106 on site? Quite noisy again 3.00 PM to 5.00 PM with 2 groups of children on the "nightline" at the same time. Shouting.
Sunday 18th Sept	Very quiet all day.
Monday 19th	Only occasional noise.
Tues 20th	" " "

PLANNING SERVICES
REF
13 FEB 2006
RECORDED
SCANNED
PASSED TO
ACTION

TO:
A HUTCHINSON ESQ
Planning Officer
Carlisle CC

CUMDIVOCK GREENSYKE
KINGSWOOD

Noise Diary

[illegible] ARMSTRONG
THE WHITE HOUSE
CUMDIVOCK
CARLISLE
Sept 05 DC

Date	OBSERVATIONS
21st Sept 05	Very little noise AM. Coaches (2) collected children at 1.30 PM to return to TYNESIDE, some 80 have been on site SUN/MON/TUES 150 plus due on site on THURS, FRI, SAT. beginning this PM.
TH 22/9/05	Mainly fairly quiet.
PM 22/9/05 To PM SUNDAY 2nd OCT	AWAY ON HOLIDAY - LONDON.
MON 3rd OCT.	Quiet AM, 2.15 PM. some chanting and very loud shouting and squealing. 4.00 PM. large Blue coach in from ALLANS of EDINBURGH.
Tues 4th OCT.	9.45 AM awful noise 'phoned KINGSWOOD, spoke to Leanne and asked her to have a word with the INSTRUCTOR/s to calm the children down. Quiet rest of day
Wed 5th	No noise other than occasional shout
THURS 6th OCT	Very little noise today.
FRI 7th OCT.	Less children on site not much noise at all
8th SAT OCT	Wet day on and off no noise to speak of.
9th SUN OCT	Windy day, few on site no noise.
10th MON OCT	Windy day, did not hear any noise
TUES 11th OCT	Very wet, very few children seen at all.
WED 12th OCT	EXTREMELY wet and windy AM. A few children seen in the Assault Course area 4.30 PM and also in Courtyard. Quiet.
13th OCT THURS	Reasonably quiet AM. plenty of noise PM. up to 4.45 then qui
14th 15th 16th 17th	4 Days away, No Report.
TUES 18th OCT.	Not much noise at all - weather not too good - wet and wind
WED 19th	Did not hear any noise, weather very wet + windy.
THURS 20th	Quiet AM. Noisy 4.30 PM 2 groups children on Assault Course pl
20th October	2 lots also doing NIGHTLINE at the same time, hence the NOIS Shouting and some occasional screams until

FROM:

THE WHITE HOUSE
CUMDIVOCK
DALSTON. CA5 7

TO:
A. HUTCHINSON, ESQ.
PLANNING OFFICER
Carlisle CC.

CUMDIVOCK / GREENSYKE
KINGSWOOD 2 TD.
NOISE DIARY

OCT/NOV '05

DATE	OBSERVATIONS
21st OCT	Only a handful of children on site – no noise
22/10/05	" " " " " " " " "
SUN 23rd OCT	No one on site for most of this coming week.
SUN 30th OCT	No noise – very very wet again and only 30 on site
MON 31st OCT	160 children due in for 4 days:
Tues 1st NOV	Children arrived lunch time onwards . . not outside much.
Wed PM 2nd NOV	Noisy at times but not disturbing at this time of the year, when we are inside most of the day. Wet later PM.
THURS 3/11	Fine AM but wet and windy most of the afternoon.
Fri 4th NOV	Wet most of the day and very windy – did not hear much noise
Sat 5th NOV	Mainly quiet – very heavy showers
Sunday 6th	Quiet
Mon 7th	Very wet few children even seen
Tues 8th	Wet all day – few children seen, some noise p.m. not roused
Wed 9	We were away all day
TH 10th NOV	132 children on site and do we know it. Unacceptably noisy. Disgraceful noise AM and PM. PHONED up AM to ask for some discipline. Noisy again all t went along roadside 3.15 / 3.30 PM 20 plus children on Assault Course, 20+ children on nightline All screaming & shouting egged on by VISITING TEACHERS !! (CHILDREN ONLY 7 or 8 years old.)
FRI 11th NOV TO NOV 26th '05	POOR weather kept us from being outside. Not much noise heard as a consequence.
27th NOV 05	CHILDREN LEFT THE SITE – EMPTY UNTIL FEB '06

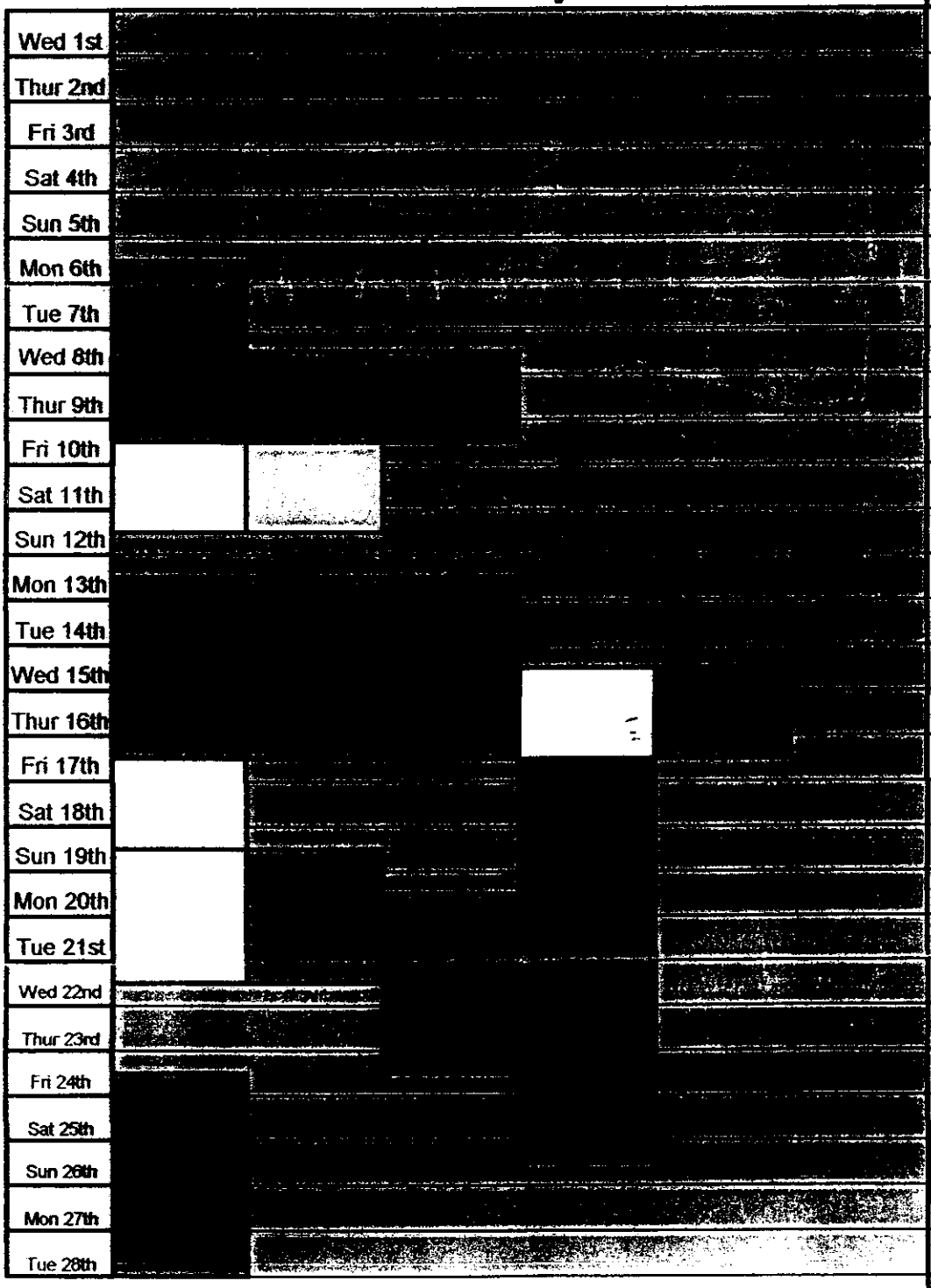
To: Angus H. from: Bruce
9/2/06

Please find enclosed KINGSWOOD EARNINGS
for Feb – April 06
Also my diary for Sept/Oct/ NOV 06

Regards

KINGSWOOD

Feburary '06

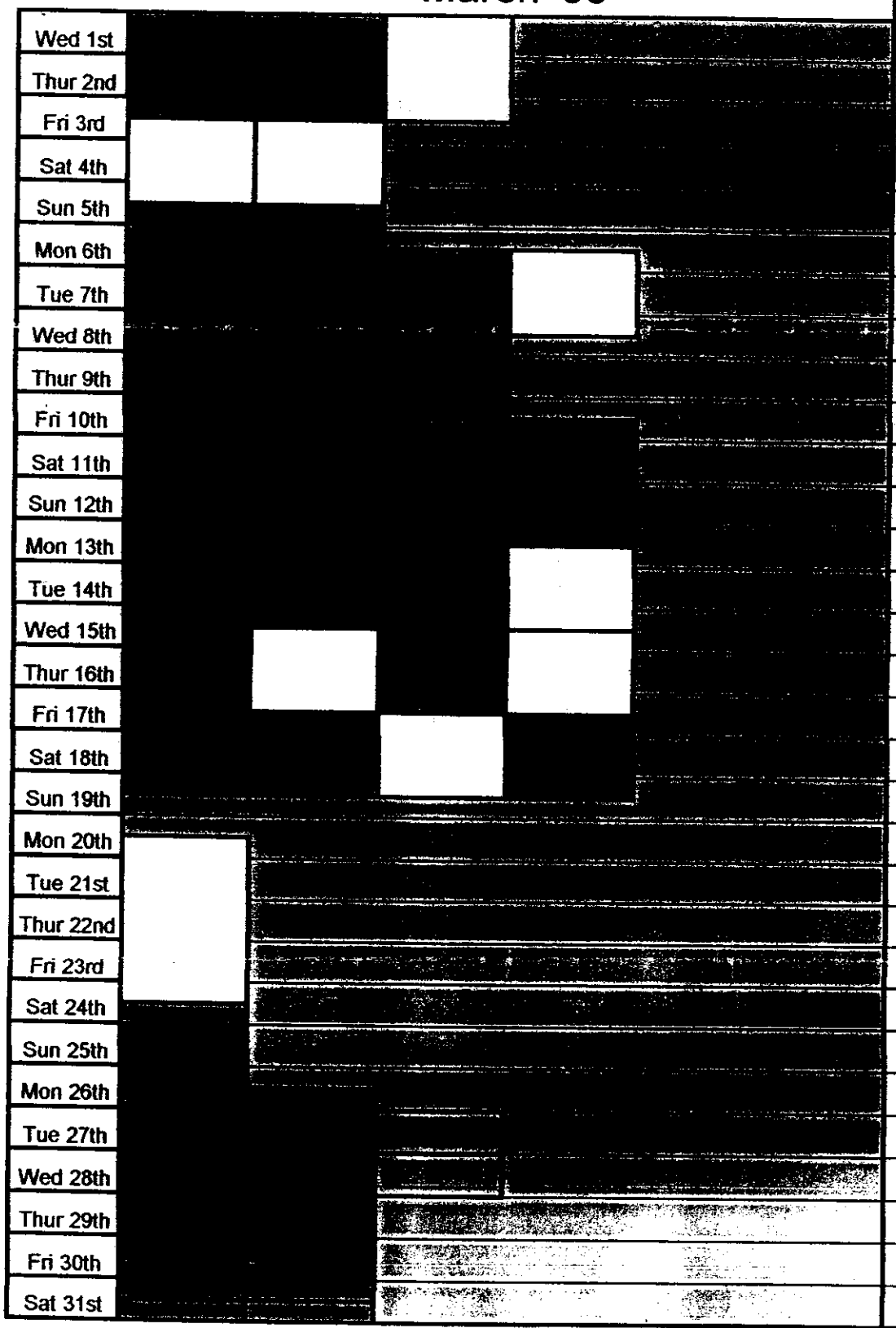


	Schools	Teachers	Children	Groups	A's
Wed 1st	0	0	0	0	0
Thur 2nd	0	0	0	0	0
Fri 3rd	0	0	0	0	0
Sat 4th	0	0	0	0	0
Sun 5th	0	0	0	0	0
Mon 6th	1	3	36	3	6
Tue 7th	1	3	36	3	6
Wed 8th	3	8	72	6	9
Thur 9th	3	8	72	6	9
Fri 10th	2	12	102	7	10
Sat 11th	2	12	102	7	10
Sun 12th	0	0	0	0	10
Mon 13th	3	11	102	8	11
Tue 14th	3	11	102	8	11
Wed 15th	5	15	148	12	15
Thur 16th	5	15	148	12	15
Fri 17th	2	6	38	4	15
Sat 18th	2	6	38	4	7
Sun 19th	3	7	60	5	9
Mon 20th	4	9	80	7	11
Tue 21st	4	9	80	7	11
Wed 22nd	2	4	40	4	11
Thur 23rd	2	4	40	4	7
Fri 24th	2	11	106	8	12
Sat 25th	2	11	106	8	12
Sun 26th	1	3	26	2	12
Mon 27th	1	3	26	2	4
Tue 28th	1	3	26	2	4
	Schools	Teachers	Children	Groups	A's

Get Active | EFS | Adv Choice | Lifeskills | G&T | OTHER

1521 / 3650 = 41 % occupancy

March '06

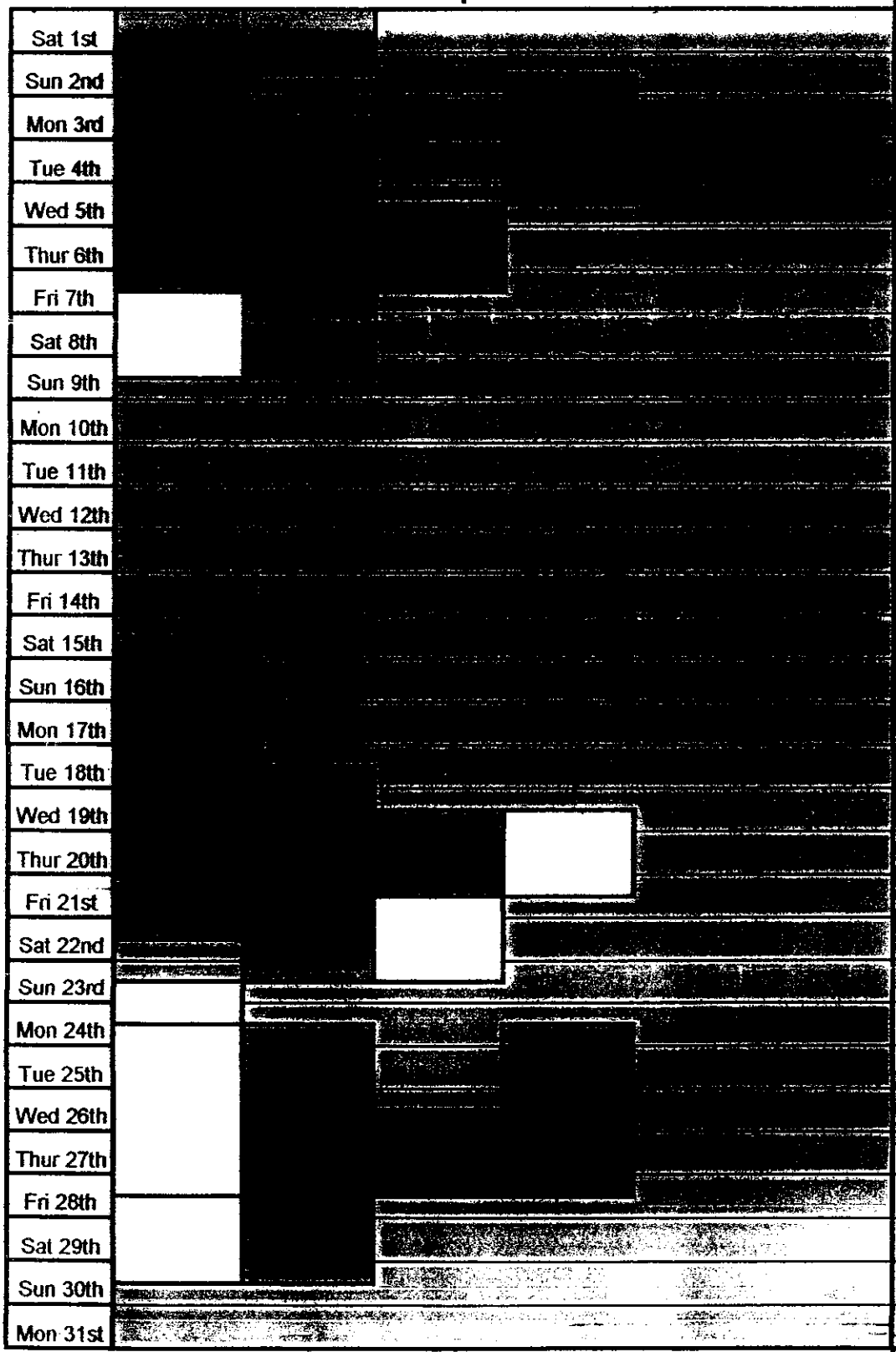


	Schools	Teachers	Children	Groups	AI's
Wed 1st	3	13	118	8	11
Thur 2nd	3	13	118	8	11
Fri 3rd	2	12	104	8	12
Sat 4th	2	12	104	8	11
Sun 5th	2	5	39	3	11
Mon 6th	4	15	120	10	13
Tue 7th	4	15	120	10	13
Wed 8th	3	10	84	7	13
Thur 9th	3	10	84	7	10
Fri 10th	4	11	101	7	10
Sat 11th	4	11	101	7	10
Sun 12th	4	10	87	7	10
Mon 13th	4	11	101	8	11
Tue 14th	4	11	101	8	11
Wed 15th	3	17	152	12	15
Thur 16th	3	17	152	12	15
Fri 17th	4	14	119	9	15
Sat 18th	4	14	119	9	12
Sun 19th	0	0	0	0	12
Mon 20th	1	13	135	9	12
Tue 21st	1	13	135	9	12
Thur 22nd	1	13	135	9	12
Fri 23rd	1	13	135	9	12
Sat 24th	1	3	30	2	12
Sun 25th	1	3	30	2	4
Mon 26th	2	11	111	9	12
Tue 27th	2	11	111	9	16
Wed 28th	2	11	111	9	16
Thur 29th	2	11	111	9	12
Fri 30th	2	11	111	9	12
Sat 31st	2	8	95	7	12
	Schools	Teachers	Children	Groups	AI's

Get Active	EFS	Adv Choice	Lifeskills
	G&T	Discovery	OTHER

3174 / 4960 = 64% occupancy.

April '06



	Schools	Teachers	Children	Groups	AI's
Sat 1st	2	9	95	7	10
Sun 2nd	2	10	110	9	12
Mon 3rd	3	13	144	12	15
Tue 4th	3	13	144	12	15
Wed 5th	3	12	134	11	15
Thur 6th	3	12	134	11	14
Fri 7th	2	9	67	5	14
Sat 8th	2	9	67	5	8
Sun 9th	0	0	0	0	8
Mon 10th	0	0	0	0	0
Tue 11th	0	0	0	0	0
Wed 12th	0	0	0	0	0
Thur 13th	0	0	0	0	0
Fri 14th	0	0	0	0	0
Sat 15th	1	5	40	3	6
Sun 16th	1	5	40	3	6
Mon 17th	1	5	40	3	6
Tue 18th	2	10	84	6	9
Wed 19th	4	18	160	12	15
Thur 20th	4	18	160	12	15
Fri 21st	3	11	75	6	15
Sat 22nd	2	6	35	3	9
Sun 23rd	1	3	13	1	6
Mon 24th	3	12	113	9	11
Tue 25th	3	12	113	9	11
Wed 26th	4	17	160	13	16
Thur 27th	4	17	160	13	16
Fri 28th	2	7	70	6	16
Sat 29th	2	7	70	6	9
Sun 30th	0	0	0	0	9
Mon 31st	0	0	0	0	0
	Schools	Teachers	Children	Groups	AI's

Get Active	EFS	Adv Choice	Lifeskills
	G&T	Discovery	OTHER

2280 / 4500 = 44.2% occupancy

wilbraham & co

the planning and environmental practice of cobbetts

Wilbraham & Co
Trafalgar House
29 Park Place
Leeds LS1 2SP
tel: 0845 404 1990
fax: 0845 404 1991
DX 14085 Leeds 1

Mr Mark Lambert
Legal & Democratic Services
Carlisle City Council
Civic Centre
Carlisle
CA3 8QG

By E-mail and by Fax

Your Ref:
Our Ref: PNW/MBB/WI1089-09995

13 March 2006

Dear Mark

Kingswood Educational Study Centre, Cumdivock: Town and Country Planning Act 1990, S106 Agreement

Thank you for your letters of 22 December and 24 February. I am sorry that I have not responded earlier to the former but I was away from the office for a month and had not picked up on it. I am grateful for the invitation to the meeting on 15 March; unfortunately I shall be out of the country on that date and so cannot attend. However, I had a meeting with some members of the Cumdivock Group last week and have discussed the position with them. I think it may be helpful briefly to outline the concerns that will be raised on behalf of the Group at the meeting.

The Group have noted that you accepted on behalf of the Council almost all of the matters raised in comments on the draft agreement. They have no further comments on the issues covered by the S106 agreement and the management code. There are, however, two matters relating to the conditions that do require further modification.

By way of background to these matters, I should say that the experience of members of the Group during the last twelve months has been that there have been not infrequent complaints of noise from the site. I understand that you or Angus Hutchinson has been made aware of a number of them. Mr Armstrong has continued to keep the diary that was put into the inquiry and accepted by all parties as an accurate record of his observations. He will have it available at the meeting on 15 March. It will give a picture of the actual operations and complaints during a period when the site owners have been operating the Management Code and, presumably, under the noise regime as contained in the conditions.

The test of any condition or indeed provision in the S106 Agreement is the ability of the Council to enforce it. That, of course, involves proving that there has been a breach of the relevant condition. Quite understandably, none of the local residents has any clear idea of the stipulated level of noise in practice. It follows that complaints may be made when they are not justified or, conversely, that noise at a distressing level is tolerated in the mistaken belief that it is below the level set in the conditions. In either event it will be impossible retrospectively to determine the noise level at the time of the complaint.

Wilbraham & Co is the planning and environmental practice of Cobbetts LLP which is a limited liability partnership Registered in England and Wales. Registration no. OC314724. Registered office: Ship Canal House, King Street, Manchester M2 4WB Regulated by the Law Society. A full list of members is available at the registered office. Any reference to a partner of Wilbraham & Co means a member of Cobbetts LLP or an employee or consultant of Cobbetts LLP with equivalent standing and qualifications.

www.cobbetts.co.uk
Birmingham I Leeds I Manchester

wilbraham & co
the planning and environmental practice of cobbetts

Bearing in mind the Inspector's concern that someone may operate the site with no interest in complying with the conditions, a persistent breach of them for a period of ten years would make them immune to enforcement action. If the site was in compliance for a limited period during monitoring by the owner but persistently in breach for the rest of the year, the Council would be faced with the difficult legal argument of whether, taking each year as a whole, there was a continuous breach or if a new period of non-compliance started after each period of monitoring. That would be a situation that would be wholly unacceptable to local residents and, I suspect, the Council. It is a situation, however, that could all too easily arise if the present monitoring provisions are retained.

I have argued before that the only satisfactory means of ensuring that noise is limited in practice in accordance with the conditions is to impose a requirement for continuous monitoring of it. Investigations made by members of the Cumdivock Group indicate that two monitoring stations could be installed and maintained for sums that are eminently affordable within the context of this development and would remove entirely any dispute about enforcement. It is the key element that would give confidence to the Group that the planning system can protect their amenity to the level the Council clearly consider necessary and appropriate.

On behalf of the Group, therefore, I most strongly urge the Council to impose a condition which, in outline, would require the installation and maintenance of two monitoring stations at positions to be agreed and with the results of that monitoring to be available to the Council and thence to the Local Liaison Group.

The other matter that remains to be agreed is the Group's strong request that the site should not be occupied for a period of four weeks during the summer of each year. You will recall that was agreed for last year and this year; the Council considered that was a reasonable requirement. There is no reason in principle why it should not be a continuing requirement of the operation of the Centre at Cumdivock.

Best wishes

Yours sincerely

Peter Wilbraham

cc David Cowen

wilbraham & co

the planning and
environmental practice of cobbetts

Wilbraham & Co
Trafalgar House
29 Park Place
Leeds LS1 2SP
tel: +44 (0)845 404 1990
fax: +44 (0)845 404 1991
DX 14085 Leeds 1

www.cobbetts.co.uk
Birmingham I Leeds I Manchester

Mr M Lambert
Legal & Democratic Services
Carlisle City Council
Civic Centre
Carlisle
CA3 8QG

By Fax and by Post

ML

Your Ref:
Our Ref: PNW/MBB/WI1089.09995

29 September 2005

Dear Sir

Former Lime House School, Cumdivock

I have now had the opportunity of discussing this matter with my clients.

I wish to make the following points on behalf of the Cumdivock Group. I appreciate that many of them are drafting points: they are picked up in an attempt to be helpful in resolving the matter as soon as possible.

1 The draft management code refers to the 'Activity Standards and Activity Delivery Instructions', which are described as attached to the Code (paragraph 3.3). These documents are not attached.

2 The draft conditions set out in the Committee report attached to the draft S106 obligation refer to a plan (conditions 18, 23 and 24). The plan is not attached to the draft.

3 The management code is not formally attached to or made part of the S106 obligation. Presumably there should be an amendment to the latter to incorporate the code either as a separate schedule to the agreement or as an annex to the fourth schedule in the same way as the green travel plan.

4 The management code refers to the composition, terms of reference and modus operandi of the Local Liaison Committee having been set out in the planning obligation (paragraph 7.1 of the Code). In fact the obligation does not contain any of those matters, although the Committee is referred to in paragraph 3.2 of the fourth schedule to the obligation. You may consider that paragraph 7.1 of the Code should be transferred to a separate schedule to the obligation, so that there is consistency with the other provisions to which I have referred.

The management code

5 The third paragraph of paragraph 1.0. My clients consider that this should be re-drafted to reflect the reality of the position as follows:

Regulated by the Law Society.
Authorised by the FSA to conduct investment business
A full list of partners is available at the above address

'The Site is particularly noise-sensitive and the purpose of this Code is to regulate the manner in which it is operated so as to limit the noise from the Site to the maximum level authorised by the planning permission. This is expressed in the planning conditions set out in the planning permission for the study centre; a copy of the relevant conditions is annexed to this Code.'

6 I have already made the point that informing the visiting school about the Code just six weeks before the arrival date is too late: the Code should be sent to them at the time of the booking. In order to optimise the prospect of the school complying with the Code and to avoid disputes about whether the Code has in fact been sent to them, it is essential that there should be an audit trail. When the Code is sent to the School, it should be required to return a receipt that it has received. That would provide evidence that Kingswood are complying with their obligations and strengthen the position of those who may have to enforce the Code in case of problems during any visit. I therefore suggest amending the fourth paragraph of this section by deleting the words'6 weeks prior to arrival' and substituting *'at the time of booking and the school shall be required to return a form of receipt that it has received a copy of the Code.'*

7 Section 2 should have some relatively minor amendments to make clear that Kingswood, as the operators of the site and the only organisation with a continuing interest, carry the ultimate responsibility of complying with the conditions:

- 2.1 after deputy add *'shall be employed by and represent Kingswood and'* [continue as draft]. After 'responsible' in the next sentence insert *'on behalf of Kingswood'* [continue as draft].

- 2.2 after 'includes' insert *'for the purposes of this Code only,'* [continue as draft].

8 Paragraph 3.2. The outdoor activities include three that are not listed in draft condition 7 to be attached to the planning permission (they are Orienteering, Mission Possible and Parachute Games). These three should be deleted from the Code.

9 Paragraph 3.3. The reference to 2.2 should be to 3.2. I have already referred to the absence of the Activity Standards and Delivery Instructions.

10 Paragraph 4.3: the timetable. Condition 9 prevents the use of the central courtyard before 8.00 a.m. and the use of the other outdoor areas before 9.00 a.m. The timetable should, therefore, reflect (and thereby inform visiting teachers) this restriction by including a description such as *'pre-activity time – waking – 0800 indoors; 0800 – 0900 breakfast, indoors or central courtyard'.*

11 Paragraph 4.6. The word 'organised' should be deleted and 'all' substituted. This ensures consistency with condition 8.

12 Paragraph 5.1. The noise standards are specified in the planning conditions rather than the planning obligation.

13 Paragraph 6.1. My clients have informed me that coaches regularly depart from the specified route, utilising the shortest rather than the identified route. Under the provisions of this paragraph, Kingswood have no practical control over the routing, since they will not know the identity of the coach operator who is to be employed nor, indeed, whether the visiting school has in fact sent the routing instructions to it. In order to optimise the prospect of the school making the coach operator aware of the routing instructions, I suggest that, when returning the receipt of the Code, it should be required also to acknowledge that it has sent the routing instructions to the operator. The second paragraph of 6.1 should be amended as follows:

'When schools make bookings with Kingswood they are provided with directions setting out the authorised coach routes. Schools must send to Kingswood an acknowledgement that they have received the directions and that they have sent those instructions to their transport providers. When returning the acknowledgement, they must identify which of the specified routes the operator will follow. [continue with final sentence of the paragraph.]

14 Paragraph 7.1. Point 8. In order to obviate any difficulty, I suggest that there should be added after 'representative' *or, in their absence, the nominee of Dalston Parish Council.'*

15 Paragraph 7.2. My clients are concerned to ensure that the Site Manager does in fact receive a copy of any serious complaint or series of complaints that might lead to the calling of a short notice meeting. I suggest adding the following to the end of the second bullet point: *'and, in any case where a short notice meeting is held, the Head Office shall be notified of the complaint and the date and time of the meeting.'* My clients' purpose is not to require a representative of the Head Office to attend such meeting but rather to ensure that it should be aware that the scale of the complaint has increased, with the possibility that it might lead to further dispute. Obviously if the Head Office decides to attend such meeting, my clients would have no objection.

16 I have already made observations about the scale of penalty in sub-paragraph 3 of paragraph 8 and I do not propose to reiterate them: sufficient to say that my clients remain convinced that it is inadequate.

I have two further points that relate to the proposed conditions to be attached to the permission.

17 My clients have enjoyed a short period of peace and tranquillity during August as a result of the closure of the Centre for four weeks. They most strongly urge that a condition should be imposed upon the permission to retain that as a permanent respite. In considering this, there are clearly two aspects: first, would such condition be lawful and secondly, would it be appropriate.

17.1 It is clearly the case that a condition that limits or removes an existing right is in principle lawful if it is related to the development for which permission is to be granted *(Petticoat Lane Rentals v Secretary of State for the Environment [1971] 1 WLR 1112)*. The proposed noise conditions are an example of this principle: they limit the noise that will emanate from a site that presently is unconstrained. In precisely the similar manner, it is entirely lawful for the

Local Planning Authority to restrict the period for which the site may be operated if there is planning justification for it.

17.2 Kingswood are providing an educational facility for schools: that is a defining feature as expressed in the proposed condition 1. So far as I am aware, no school in the UK operates during August nor do they organise educational as opposed to predominantly recreational trips during that month. There is, therefore, as a matter of practice, no active client base then. My clients are extremely concerned, based on their experiences over three years, that any activities on the site during August will be essentially recreational, which, of its nature, is noisy and extremely disturbing. My clients do not believe that the noise conditions can, as a matter of practice, be adequately enforced against such transitory recreational uses. It would be entirely reasonable that my clients should be relieved of that fear and of all noise during a period when there should be little, if any, effect on the lawful use of the site.

18 I have made the important point before but reiterate it that there should be a time limit within which the noise mitigation scheme must be submitted for approval and thereafter implemented. This principle has been accepted by the Council for the arguably less sensitive matters of landscape works (conditions 10 and 11) and the green travel plan (conditions 15 and 16). My clients simply cannot understand why the Council is not being consistent in relation to condition 21. Accordingly, I ask that the condition should be re-worded to adopt the formula used in conditions 11 and 16.

I appreciate that the matter has already been before the Committee and they have approved the conditions as presently drafted. Nevertheless, since they are to re-consider the matter following agreement on the S106 obligation, it is essential that they have the opportunity of considering the points made in this letter with regard to the conditions.

I look forward to hearing from you with your response to this letter when you have had an opportunity of considering it.

Yours faithfully

Peter Wilbraham

Poplar House,
Cumdivock,
Dalston,
Carlisle CA5 7JJ.

29 September 2005

Mr Angus Hutchinson,
Principal Development Control Officer,
Carlisle City Council,
Civic Centre,
Carlisle,
CA3 8QG.

Dear Mr Hutchinson,

Kingswood Educational Study Centre, Greensyke, Cumdivock, Dalston

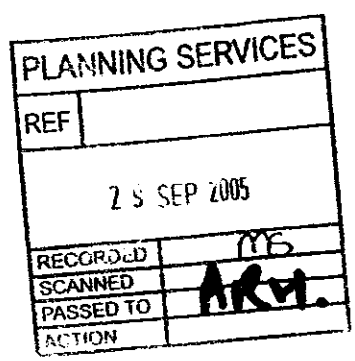
My wife and I have enjoyed the tranquillity within our garden during the time Kingswood's activities were suspended in parts of July and August this year. We also understand there are other local people who feel their quality of life was very much better during this time. We hope your Committee will be minded to include in their final determination of the application a permanent condition requiring the operator at Greensyke to suspend activities at the site for a minimum of four weeks during the school summer holiday period.

During the summer closure it was noticeable that the amount of traffic was significantly reduced on local roads around the site.

For your information in connection with noise, I was disturbed by loud music emanating from Greensyke on Sunday evening 4 September. On visiting the site, clearly a disco was taking place indoors, obviously the doors and windows were open on this quiet warm evening. This demonstrates why a stringent noise condition is necessary for the operation of the site. I understand, despite assurances from the operator, that on two days in September the number of students on site exceeded the number (160) permitted by the planning permission. A similar position is planned for October. You no doubt have observed this from the operator's monthly list of numbers, and this must indicate there are more bed spaces for students on site than 160 – the operator's programme indicates there are 175 bed spaces for students!

I shall be pleased if you will bring this letter to the attention of your members and pass a copy to Mr Mark Lambert in the Legal & Democratic Services Department.

Yours sincerely,



TO: Angus
PLANNING DEPT
CARLISLE CITY COUNCIL

FROM: THE WHITE HOUSE
CUMDIVOCK
DALSTON CA5 7
CARLISLE,
March 06

YEAR 2004

REGISTER OF SITE VISITS TO KINGSWOOD/GREENSYKE

BY MYSELF SINCE PUBLIC INQUIRY ON 9th to 13th March 04.

(and phone call

Date	Reason FOR VISIT OR PHONE CALL
1. SAT 27th March	1:30 PM Screaming - playing ~~Football~~ in front paddock
2. Sun 6th May	3.00 PM INSTRUCTORS Pouring cold water onto children on the NIGHTLINE APPARATUS.
3. Fri 25th June	9.30 PM Very noisy all day and night
4. 11th July Sun.	11.30 AM "BANQUE DE FRANCE" children on site playing Rugby + ~~Football~~ about 60 of them in front paddock
5. "	VISITED site again 4.30 PM, 90 children doing as they please.
6. 19th July Mon	Horrendous noise 4.30 pm 'phoned to speak to manager because of behaviour of the French children. 8.30 PM Noise no better.
7. 21st July	Complained again by 'phone 4.30 pm after noise all day
8. 25th July	French children again playing ~~Football~~, going crazy, phone 5.30PM.
9. 11th Aug	Phone call 1.30 PM and again at 5.00 PM / 3.20 Spoke to site manager 30/40 French children going wild.
10. SAT 25th Sept '04	12.30 - 4.30 Screaming coming from nightline apparatus
11. 10th OCT 04	12.15 PM Shouting - children playing Baseball, no on site manag
12. 14th NOV Sunday	. Noisy all morning, quite ridiculous noise, even up to 8.25 PM.

To

Planning Dept
Carlisle City Co.

Year 05

THE WHITE HOUSE
CUMDIVOCK
DALSTON
CARLISLE CA5 7JL
MARCH '06

REGISTER OF SITE VISITS TO KINGSWOOD/GREENSIKE

By MYSELF, FROM Feb 05 to NOV 05 (and phone calls)

Date	Reason for VISIT OR PHONE CALL
1. SAT Mar 05	Screaming on and off, went to see Manager to discuss 3.00
2. Wed 16th Mar	3.00 PM Had to visit site again to ask for control to the exercis
3. Fri 24th June	Phone call to ask for CONTROL please as noise WAS intrusive
4. Mon 27th June	Very noisy 7.00 PM Spoke to VISITING TEACHERS and told them about this "NOISE SENSITIVE SITE" they claimed they knew nothing of it. 40/50 children were playing FOOTBALL
5 Tues 2nd July	Visited site 7.30 PM. Warm evening, noise unacceptable.
6 Wed 13th July	Had to phone up to complain AGAIN 7.10 PM after very noisy day particularly from 2.00 to 3.30 PM.
NB.	NO CHILDREN ON SITE 21/7 to 22/8/05 CONTRAST THIS WITH period 11/7/04 to end AUGUST '04 !!
SAT 7. 17th Sept 05	10.00 AM SCREAMING UNCONTROLLED – VISITED Site to get it stopped
8. 4th OCT 05	9.45 AM Very noisy, phoned to ask for control please.
9. TH. 10th Nov	132 Children on site DISGRACEFUL NOISE all day. Phoned AM went to see site P.M. – trouble caused by visiting teachers encouraging screaming. (NM)

Ashbridge
Stockdalewath
Carlisle
Cumbria CA5 7DP

25th January 2006

Mr. Mark Lambert
Legal & Democratic Services
Carlisle City Council
Civic Centre
Carlisle CA3 8QG

Dear Mr. Lambert

Kingswood Educational Centre, Cumdivock, Nr. Dalston, Carlisle

Please find enclosed a copy of the letter I have received from the Dalston Parish Clerk (Mrs. E. Auld).

To date I have not received any reply to my letter regarding the building of the "Bund" to contain the noise on site and the question of the respite for the owners of properties adjacent The letter was sent to you dated June 11th 2005 – COPY ENCLOSED.

It is very frustrating for me having to defend the laisez faire attitude to the complaints of the residents by the City Council Officers.

The whole business is a very sorry mess. The site is very let go and dismal.

I have spent hours reading letters of complaint with a file a foot high and growing

Please may I have information on the new owners of the site. Would it be possible to meet them?

A rumour is circulating that they may apply for residential permission to be granted to the site. Have you any knowledge of this development? It would solve a lot of discontent.

Please could you reply to Mrs. Auld's letter and be kind enough to send me a copy.

Yours Sincerely

Lucy Ann Crookdake

Ashbridge
Stockdalewath
Carlisle
Cumbria CA5 7DP

11th June 2005

Mr. Eales
Director of Planning
Carlisle City Council
The Civic Centre
Carlisle CA3 8QG

Dear Mr. Eales

Kingswood Leisure & Learning Centre, Cumdivock

Further to the Planning Meeting held on June3rd 2005 I should like to clarify the Holiday relief period for the Properties near to the Kingswood Centre.

The Inspector was given the impression by Kingswood that they did not operate during the Summer Holiday. At the Planning Meeting I understood that four weeks had been agreed that there would be a respite for the nearby properties. I then understood that only three weeks had been agreed., although I gather it is not even three weeks.

This period is far too small. Summer holidays in Boarding schools are between six and eight weeks long. This will have to be reviewed.

Please could you forward to me the suggested (By the Planning Department?) 106 Agreement with the Management Code and the Sound Agreement suitably altered addressing the comments I sent to you (Mr Angus Hutchinson).

The Bund position and the "Expert" responsible for the installation has still to be considered. Will the Centre remain unoccupied until the Bund is in Situ? Please can you address the position if the Bund is totally unsatisfactory in containing the noise, or is there a guarantee?

Please remember to include the silencers on the Quad Bikes in the agreement.

These matters will have to be discussed and I should be grateful if I can have answers and copies as soon as possible.

The shambles of a meeting was very unsatisfactory. All the above matters that I am asking about should have been agreed prior to any question of agreeing any applications.

Yours sincerely

Lucy Ann Crookdake
Co-ordinator.

DALSTON PARISH COUNCIL

Mrs E. Auld – Clerk
Bannerdale Unthank Dalston Carlisle Cumbria CA5 7BA
Tel: 01228 712920; Fax: 01228 712920; Email: liza@carlisle-city.gov.uk

12th January 2006

Mr J M Egan
Head of Legal and Democratic Services
Carlisle City Council
Civic Centre
Carlisle
CA3 8QG

Dear Mr Egan

KINGSWOOD EDUCATIONAL STUDY CENTRE, CUMDIVOCK: TOWN AND COUNTRY PLANNING ACT 1990 SECTION 106 AGREEMENT

Thank you for your letter and enclosed documentation dated 22nd December 2005. Following the circulation of the documents to Members, it was agreed at the meeting of Dalston Parish Council held on 10th January 2006 to respond with the following points:

1 Progress was being made with a viable framework, but loopholes in the s106 agreement reduced its worth as a binding document. There was still scope for disagreement with:
   a) Interpretation of the sound monitoring equipment findings. Concerns were expressed regarding enforcement issues.
   b) Level of breach/level of sanction if failure to comply with noise standards needed clarification.
   Unless sound monitoring was clearly defined in terms of method, frequency of recordings and sanctions as part of the s106 agreement, its inclusion was of little value.

2 Intervention at the Development Control meeting offering a summer respite period was made without any strings attached – to be asking for a quid pro quo for the rest of the year with longer operating hours/increased numbers of students against this concession, should be discounted.

3 Continuing concern was expressed about keeping young children confined indoors or to a courtyard during summer evenings after 6.05pm and the level of supervision between 8.00am and 9.15am.

4 160 students plus staff was considered to be too many for this site.

Mrs Dalton and Mr Auld were appalled at the neglected condition of the premises and facilities on the recent site visit on 14th December 2005. Odours emanating from the dining/kitchen area were particularly obnoxious. Sleeping arrangements should be looked at – bunk beds tiered up to three high must be a safety concern, which needs to be addressed. Storage containers observed on site were unsightly and contrary to the rural nature of site – they should be subject to planning consent.

At the Parish Council meeting on 10th January 2006 these matters were raised and endorsed by District Councillor Allison who was present, as well as verbally by Councillor Crookdake when she telephoned with apologies for absence from the meeting. In addition, concern was expressed about compliance with Health and Safety standards, particularly regarding fire exit provision and assurance was requested that a recent inspection and fire certificate covered the premises. It was understood that Carlisle City Council had an obligation with regards to Health and Safety issues and it was agreed that the Chief Executive should be asked to ensure that the relevant bodies and departments attended to the matters raised.

Finally, Kingswood was now under new ownership – perhaps more should be known about them and their intentions for the site at Cumdivock.

Yours sincerely

Mrs E Auld
Clerk

CC: Ms M Mooney, Carlisle Chief Executive
Mrs L Crookdake, Mr T Allison, Mr B Dodd – Carlisle City Council
Mr J Collier – Cumbria County Councillor
Mr A C Eales – Head of Planning Services
Mr A Hutchinson - Planning Services Officer

Ashbridge
Stockdalewath
Carlisle
Cumbria CA5 7DP

24th January 2006

The Head of Legal & Democratic Services
The Civic Centre
Carlisle
Cumbria CA3 8GQ

Dear Mr. Egan

106 Agreement – Greensyke.

Once again I am voicing disatisfaction with the dealings of complaints regarding the Greensyke Development.

The Generator that makes so much noise has not been changed

The numbers on site have been exceeded.

Aeroball is on the list and it should be removed. The "Bund" has not materialised to stop noise.

Assurance regarding noise monitoring and action being taken is not clear. The number of weeks respite for the neighbouring properties during the Summer recess is not clarified correctly.

Kingwood has been sold but we do not have any knowledge of the new owner or his credentials to run the site as it is meant to be operated with the 106 agreement in force and interpreted correctly. What type of persons will be using the facility? Please could we have assurances

The site at present is in an appalling state. Because of it's appearance I asked Mr. Angus Hutchinson to make a date for the Councillors to view the complex. As I feared reports are not good of the general maintenance. I could not visit on the day of inspection because I had a meeting.

Please could you address the points I have made.

Yours sincerely

Lucy Ann Crookdake
Carlisle City Councillor – Dalston Ward.

J. Egan Esq.
Legal Dept.
Civic Centre
Carlisle CA3 8QG

The White House
Cumdivock
Dalston
Carlisle CA5 7JW
17th Jan '06

SH

RE: Kingswood Centre / Greensyke, Cumdivock.
(Section 106 Agreement, letter dated 22/12/05)

Dear Mr Egan,

May I begin by asking that you ensure that a copy of my letter goes to the Chairman and Members of your D.C.C. as well as of course, Mr M. Lambert and Mr A. Hutchinson?

There are 5 separate points of issue I wish to raise with you

(1) The Dev. C.C. need to put a time on when the various Noise mitigation measures are carried out. May I suggest 30/11/06. This gives time for plans to be finalised with a view to carrying out the work in the 2006 Autumn planting season.

(2) Permission was given 2 years ago for Kingswood to instal their new electricity supply, thus enabling this noisy generator to be removed.
The generator runs all day every day 365 days a year and it is big and noisy at nights when all other noises fall. Please can they be told to remove the generator, say by 1st May '06??

(3.) I know that "Aeroball" is not on the Agenda but in order to avoid confusion, may we have it removed from the list on PAGE 13 of the Management Code and the ACTIVITY STANDARD and ACTIVITY STRUCTURE pages (three of them) likewise removed?

CONT.

JFgan Esq

KINGSWOOD / GREENSYKE

(4) The various decibel levels proposed, look quite fair according to your consultant MR. M. STIGWOOD, but they nonetheless give KINGSWOOD a wide margin of wriggle. It will be difficult to measure, though the price of suitable measuring devices is falling year on year. This should enable Carlisle City Council's ENVIRONMENT Dept. to monitor the situation with determination to ensure compliance. As a Group we are worried about your officers taking firm action should KINGSWOOD be in default of the regulations. This CONCERN is voiced time and again by all local people. What assurances have we that Carlisle City Council will take the necessary firm steps should KINGSWOOD breach the various limits of noise placed upon them?? This is of huge concern.

(5) We do not like , the attempt by KINGSWOOD's Solicitor (Page 3 of his 30th NOV 05 letter) to trade off a months break in operations in AUGUST for more children on site, or more hours of operation!
The period of respite requested was 6 weeks by me, in my address to the Dev. CONTROL COM. on 3/6/05 meeting i.e. from 20th JULY to 1st Sept. MR. C WALSINGHAM who represented KINGSWOOD at that meeting agreed a 4 WEEK BREAK for two years, not a 3 week break.

We strongly as a GROUP request that whatever happens we are granted a 4 week break in AUGUST, PERMANENTLY. We have given so much, the least we deserve is peace for one month in SUMMER

Yours

P.S. DO THE COMMITTEE KNOW THAT KINGSWOOD HAVE SOLD OUT TO BOWMARK CAPITAL LTD

P642/137

A. HUTCHINSON, ESQ.
PLANNING OFFICER
Carlisle CC.

copies to: B. Dodd. Councillor
② L. CROOKBAKE "
③ P WILKINSON, SOLICITOR FOR CUMDIVOCK GROUP
④ M. LAMBERT, CITY COUNCIL, SOLICITOR

THE WHITE HOUSE
CUMDIVOCK
DALSTON
CARLISLE CA5 7JU
10TH NOV. '05

RE: KINGSWOOD | GREENSYKE, CUMDIVOCK, DALSTON.
Copies to: CHAIRMAN & MEMBERS OF DEV. CONTROL COMMITTEE

Dear MR Hutchinson,

In case you have not seen the article I enclose a copy from today's DAILY TELEGRAPH regarding a NURSERY SCHOOL in LOCKS HEATH, HANTS. This is a NURSERY catering for 70 children aged 2 to 5, open 4 days a week. They have been restricted to inside the nursery except for two half hour periods a day, on pain of a £20,000 FINE. Here, we are talking of a £2,000 fine for KINGSWOOD.

We have KINGSWOOD 7 days a week and potentially outside all the time except after 6.00 PM in the evening. Having read the article, my wife and I wished we lived in Hampshire, where the Local Council are much more strict on noisy behaviour than Carlisle City Council.

Yours sincerely

200

P.S. Please photo-copy the article and circulate to members of the COMMITTEE

B4

Boys and girls go [illegible] noise complaint

10th Nov '05 DAILY TELEGRAPH.

Nursery children must stay inside to protect neighbour's rights, reports Stewart Payne

A NURSERY has been forced to keep youngsters indoors after a council threatened it with legal action following a complaint about the noise its children made.

Children will only be allowed outside for two half-hour periods. The Wendy house must be carpeted to reduce noise, and games such as "That's the Time, Mr Wolf?" can no longer be played outdoors.

If the pre-school nursery fails to comply, council enforcement officers plan to serve a noise abatement order.

For 50 years children have gathered at the Memorial Hall in Locks Heath, Hants. But the future of the Jigsaw Nursery is in doubt after a nearby resident, Jim Habens, objected to the noise coming from a new outside play area built with donations from parents.

Mr Habens, 60, who runs a bed and breakfast from his bungalow, said: "I have complained because I have human rights as well as anyone else."

His wife Barbara said: "We are very pleased with the way the council has dealt with this."

Sally Pratt, the co-supervisor of the nursery, which opens four days a week and caters for 70 children aged between two and five, said the reduction in facilities caused by the threat of enforcement could lead to it receiving a poor Ofsted report.

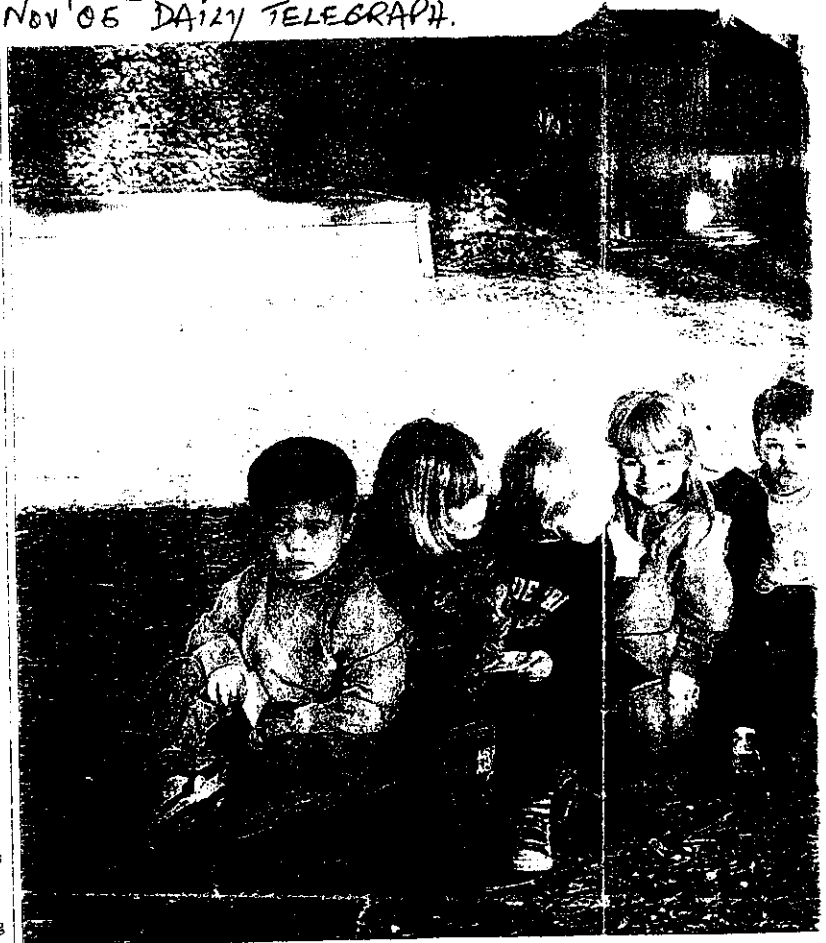
She said: "We have had ongoing problems with the gentleman in the bungalow for some time, saying the children are being a nuisance. The chairman of the hall and myself went to see him in the summer and we complied with everything he asked for.

"But within a couple of weeks we received a letter telling us the environmental health had been called in."

Her colleague Amanda Adams said: "Mr Habens has plagued us with complaints about the children, but it is just them laughing."

She said that learning through play was an important part of a child's development.

To prevent an order being served the nursery has had to agree to additional restrictions. It must keep children inside, except for the two 30-minute playtimes. If an order is imposed, failure to comply can lead to fines of up to £20,000.



[illegible] He runs a B&B from his nearby bungalow.

how anyone could have a problem with little children laughing and
how anyone could have a problem with little children laughing and playing outside."
It is like having the children kept in a prison."
It is like having [illegible] children kept in a prison."
Karen Spicer, whose son Owen,
house, climbing frames, a sand pit and several large toys.
house, climbing frames, a sand pit and several large toys.
Catherine Carter, 32, a nursery
schools, said the organisation was sympathetic to the problems [illegible]
schools, said the organisation [illegible] sympathetic to the problems [illegible] by Jigsaw.
"It has done everything it can to
impact on the [illegible] Ofsted is only going to be granting
impact on the [illegible] Ofsted is only going to be granting permission to groups that can provide outside play," she said.
environmental health officer
environmental health officer pollution for Fareham borou council, said: "At this stage
[illegible] said: "It is unfortunate when it's just one neighbour. But if anyone is

wilbraham & co

04/1202 the planning and environmental practice of cobbetts

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

MS
APP

ACKNOWLEDGED
12 MAY 2005
MS

Wilbraham & Co
Trafalgar House
29 Park Place
Leeds LS1 2SP
tel: +44 (0)845 404 1990
fax: +44 (0)845 404 1991
DX 14085 Leeds 1

www.cobbetts.co.uk
Birmingham I Leeds I Manchester

Your Ref:
Our Ref: PNW/MBB/WI1089.09995

11 May 2005

Dear Mr Hutchinson

Kingswood Educational Activity Centre
Greensyke, Cumdivock Kingswood

I refer to my letter of 25th April. Thank you for sending me Mr Stigwood's response to it: I shall respond to it in a separate letter.

Point 5 of my last letter referred specifically to the incomplete discussions on the Management Code. I have received no information concerning it since the latter part of last year. In particular, I am under the clear impression that discussions or negotiations were to be continued when either the noise regime has been agreed or, in default of agreement, the Council had determined it. I am told that the Parish Council have a similar impression.

You will be aware that a member of the Cumdivock Group, David Cowen, recently inspected the Council's file relating to the application. He was surprised to see that a revised version of the Management Code was sent to you on 2nd March and that in an exchange of e-mails of 22nd April there was agreement that, subject to a modification of 'rider B' it was satisfactory.

My clients were totally unaware of this exchange of correspondence until Mr Cowen inspected the file earlier this week. I have not been sent a copy of the 'final' version of the Code sent to you on 2nd March nor am aware of any correspondence or discussions since Christmas.

You will know that my clients do not wish to take a confrontational approach to the complex application. However, your acceptance of this document without my clients (or indeed the Parish Council who were party to the earlier discussions) even being aware that a further draft document was in circulation goes against the spirit in which we have worked. It will raise the suspicion amongst some of the local residents that they are being deliberately excluded from the discussions and denied the opportunity of making representations on the draft documents as they evolve.

Prop:1522605:1

Regulated by the Law Society.
Authorised by the FSA to conduct investment business.

Whilst it is not my wish to introduce a contentious note into this matter, I would remind you of the Court of Appeal case, R (on the application of Lichfield Securities Limited) v Lichfield District Council (2001) EWCA Civ 304

"It is fundamental to s.106 that it must be used only for legitimate planning purposes. A variety of people may have an interest in these - not only a potential financial [interest] ... but,for example, local people who want to be sure that their community is going to benefit appropriately from a development. It is only in the run-up to the entry into the s.106 obligation that these interests can have any worthwhile say, for they have no right of appeal if the authority's eventual resolution adopts an unsatisfactory agreement."

It is clear authority that my clients (and in this case at least, the Parish Council) have a legitimate interest in the negotiations leading up to agreement on documents that may be incorporated into a planning permission and will inevitably have the potential to affect the quality of their lives. I must make clear, so there is no misunderstanding in the future, that my clients do not consider that they are properly involved in these negotiations when, in effect, you have reached a conclusion some six weeks ago, without my clients even being aware of what was happening.

The position can, of course, be retrieved provided I, on behalf of my clients and the Parish Council are supplied with copies of the latest version of the Management Code and any other relevant document so as to give us a reasonable opportunity of making representations. At the same time, I seek your assurance that the minds of you and your other colleagues involved in the application are not closed to further representations, which will be considered on the merits notwithstanding your assurance to the Applicant that, with a modification, the draft Management Code was satisfactory. It is, of course, implicit that we shall have an opportunity of considering the draft before you prepare your report and recommendation to the Planning Committee.

Yours sincerely

Peter Wilbraham
Partner

Direct Dial: 0845 404 1720
Direct Fax: 0845 404 1991
Email: Peter.Wilbraham@wilbraham.co.uk

MAS Environmental

Local Gov. Issues, Planning, Noise, Pollution, Health & Safety, Food, Catering Design, Licensing, Nuisances, Training

PROPOSED PLANNING CONTROLS

KINGSWOOD EDUCATIONAL CENTRE

RESPONSE TO OBSERVATIONS MADE ON BEHALF OF LOCAL RESIDENTS

Report by Mike Stigwood
MAS Environmental May 2005

General

In my view, the Town and Country Planning Acts are not directed at controlling the "unreasonable user" syndrome. If it were otherwise every dwelling and every form of development would require a myriad of controls. These would need to condition most activities, emissions, use of colour in relation to visual impact and similar issues.

To adopt such an approach would be draconian, unreasonable and liable to render any condition to that effect in breach of Circular 11/95.

There is a clear duty upon the Local Planning Authority to ensure reasonableness throughout their use of controls and in particular not to approve uses that are defeated by the stringent criteria of conditions. If that were the case then refusal would be warranted which it clearly is not. This is a legitimate concern in this case.

It is with the above thoughts in mind, along with the Inspector's report which I read, that the conditions proposed were drafted.

I have provided evidence at a large number of planning appeals and gained much experience in this field. I have based my recommendations not just on what I believe I could defend at an Inquiry but also what I consider I could successfully argue if I were the appellant.

Specific points in relation to letter of 25th April 2005

1) **Uncontrolled events up to 1.5 hours a day.** It is my considered opinion it will be hard to ensure that the noise from normal operations that are **not** planned to be noisy or rowdy, do not, from time to time, exceed the maximum levels set. Normal, reasonable levels of activity will exceed the levels very occasionally. The permitted periods are designed to address this. If additional noisy activities are planned during the day, especially over a period of say an hour or so, it is most likely that breaches will arise, except where very careful control is exercised.

14 SOUTH ROAD, IMPINGTON, CAMBS CB4 9PB Tel/Ans: 01223 510430 Fax: 01223 501843 Mob: 07867 977222
e-mail: MAS@masenv.co.uk. www.masenv.co.uk. PARTNERS: MIKE STIGWOOD FRSH, MIOA. TERRI STIGWOOD MRIPH.

2) This exemption is very limiting in relation to the type of noise it permits.

3) If, for some inexplicable reason they were able to plan other daily activities such that they did not breach the levels set for the day time and then went on to utilise the three exempted periods together for noisy activity up to 1.5 hours, it would equate to a good noise environment throughout the day with maximum disruption for a period up to 1.5 hours only on any day. The objections of residents refer to prolonged periods of impact. It is almost inconceivable that impact would be continuous for such a 90 minute period and thus does not; in reality reflect the scenario painted by the objection. Perhaps if an actual example could be given rather than a hypothetical situation it would assist. If a wholly inconsiderate and unreasonable use arose that was not otherwise envisaged it would no doubt constitute a nuisance and could be addressed through separate legislation. Whilst that is a separate raft of legislation it is directed at unreasonable users, unlike the planning regime. Even then there exists respite for 85% of the day, the entire evening, Saturday afternoon and all day Sunday. I do not accept this objection or that the exemption is out of line with the Inspectors decision.

4) I do accept that the Kingswood Centre could possibly interpret such a condition as permitting up to 1.5 hours of as much noise as they like. It therefore needs to be clearly stressed that this is not the case and planning noisy events for periods up to 1.5 hours is liable to result in a breach, unless there is total respite at other times by strictly controlling / preventing other activities for the remainder of the day.

5) It is wholly unreasonable to prevent any noisy activity whatsoever, especially as this would not be consistent with the former use and the points that were raised by the Inspector. Some unrestricted use is needed to ensure conditions that are reasonable and without defeating the enterprise. I believe the unrestricted levels are reasonable, especially as the maximum noise level controls applying at all other times are directed at achieving a good standard of tranquillity.

6) Twilight riotous activity

7) The conditions specifically protect against this activity as they do not provide exemption in the evening. They do not provide any opportunity for uncontrolled evening or night time activity therefore.

8) Exemption on one day a year

9) This exemption is very limiting in relation to the type of noise it permits.

10) Most educational establishments have several events a year which are capable of causing uncontrolled disturbance but it does not result in planning controls being applied. That is primarily because they are operated reasonably and there is no planning argument as to necessity.

11) Unreasonable use resulting in excessive noise (even on one day) could once again fall under controls within nuisance legislation. I do not believe this should be controlled or prevented through the use of the planning acts or that such a level of control is

reasonable. There is an argument for multiple days without control but I argue the special circumstances of this case dictate stricter control as proposed and one annual event would be reasonable. To totally prevent any such event would, in my opinion, "opens the door" to a claim of unreasonable restriction.

12) Whilst the premises are not presently used for annual activities, this could arise in the future and a single day of some additional disruption is a reasonable approach.

13) In considering this one day event one must bear in mind permitted development rights for activities over 28 days of any calendar year that already exist.

14) The centre may wish to provide an open day, a day for past students, a community day, to let the premises out for use by the community for a charity event or indeed may capitalise on a commercial activity. It is restricted to one day and must finish by 23:00 hours (not midnight as suggested).

15) The application of what are fairly stringent controls, without exception, is unreasonable.

16) **Noise mitigation Scheme**

17) The noise mitigation scheme is important regardless of other controls. In the case of noise sensitive development PPG24 seeks that noise mitigation should limit noise as far as is practical. I do not see any significant difference in this situation and consider mitigation should reduce noise as far as practical without being unduly burdensome or compromising other planning principles. This helps to ensure the best noise environment that is practical to achieve.

18) The criterion for mitigation is "as far as practical without being unduly burdensome". That will depend upon fact and degree in every individual case of a proposed mitigation measure. It is not something that can be determined by setting a level or prescriptive criteria.

19) Where the noise mitigation scheme is not complied with within 6 months there is a planning breach, regardless of the presence or attendance of students. In the other cases there is only a planning breach where the requirement is not met **and** there are students still attending etc. The latter will have to be proved. The noise scheme is, therefore, more onerous. If, in relation to breaches of the other conditions, students continue to attend, the sanctions are identical to that for the noise scheme. Enforcement notices and Breach of Condition notices would not necessarily result in the cessation of student attendance until their outcome was determined.

20) Withholding approval until the details of the noise mitigation scheme are fully determined is, in my view, unreasonable as these are rightly matters which can be addressed post approval. This is not a case where inadequate mitigation of noise would equate to refusal. It is a case where they need to mitigate as far as practical and if that does not sufficiently reduce noise it will impact upon / restrict the activities they can undertake before breaching the condition levels. Approval of the mitigation scheme itself could be subject to forms of restraint 9caveats) which can only be determined once the detail is evaluated.

21) Two months to implement a noise mitigation scheme is unreasonable and serves to invite breach and appeal. This would merely serve to lengthen the entire process considerably. Adequate time is needed to consider proposals, reflect on them, calculate and predict impact and compare proposals to alternatives. Schemes need to be costed and contractors engaged, probably including competitive tendering. Time is then needed for them to be able to programme the work. In my experience 6 months can prove very tight in this regard, depending on what is required.

22) Noise Survey condition

23) The parameters of the noise condition scheme are clearly set by the reason given for the condition. If the survey is conducted at a time when there is no breach (which for the sake of this scenario let us consider it is not the normal experience) and therefore it shows there is not a continuous breach, it has served its primary purpose. I would invite the objectors to consider this point very carefully. The reporting does serve a purpose that the developers check on themselves. However the main purpose is to stop a continuous period of breach becoming lawful development simply because it has occurred for a period of 10 years without enforcement action occurring. If the reports show compliance with conditions then they also serve to show a 10 year breach could not have occurred. If the developers created a false impression of compliance it would hardly help them to try and argue 10 years of continuous breach in the future.

24) Balance of interests

25) I believe my recommendations balance the competing interests and are appropriately proportionate. Protection of residential amenity is an important aspect of town and country planning but unreasonable obstacles must not be placed in the way of development and some impact (a degree) must be tolerated. I do not believe human rights breaches arise in any respect.

Mike Stigwood
Environmental Health Consultant 9th May 2005

wilbraham & co

the planning and
environmental practice of cobbetts

Wilbraham & Co
Trafalgar House
29 Park Place
Leeds LS1 2SP
tel: +44 (0)845 404 1990
fax: +44 (0)845 404 1991
DX 14085 Leeds 1

www.cobbetts.co.uk
Birmingham I Leeds I Manchester

Mr Angus Hutchinson
Carlisle City Council
Civic Centre
Carlisle
CA3 8QG

By E-mail and by Fax

Your Ref:
Our Ref: PNW/MBB/W11089.09995

25 April 2005

Dear Mr Hutchinson

Kingswood Educational Activity Centre
Greensyke, Cumdivock

Thank you for sending to me a copy of your report to the Planning Committee to be held on 29th April. I have discussed the report with my clients and there are a number of points that must be made.

Before making specific comments, it is perhaps useful to remind you of the background against which the safeguards for my clients must be constructed. I draw your attention to the Kingswood web site, which describes the activities offered at Greensyke under the heading 'Activities Lake District'. These include the 'twilight zone', which is promoted in the terms

"...recharged and energised from dinner, every young guest will be ushered to the Twilight Zone ... Our Twilight hosts will lead the way to trails of costumed mystery and suspense ... campfires quizzes and even a 'Scrapheap Challenge'... socialising, relaxation and riotous enjoyment are compulsory for all students under the watchful eye of our Twilight Leaders. But for teachers and visiting staff attendance is entirely voluntary..."

I do not suggest that these activities are in any way inappropriate in the proper location but, at Greensyke, they clearly demonstrate a very real likelihood that the noise constraints will be tested to the limits. Furthermore, it is evident that the teachers, who have the primary responsibility for controlling the students, may well be absent during the evening entertainment.

1 Noise levels

In general terms, the Cumdivock Group, after taking advice from its consultants AAD, are content with the levels specified in conditions 20, 24 and 25. However, they have the strongest objections on two matters.

(a) Condition 20 allows uncontrolled noise from an amplified source for an unspecified period on one day in each year. That means, of course, that from, for example, from

Regulated by the Law Society.
Authorised by the FSA to conduct investment business.
A full list of partners is available at the above address.

8.00 a.m. to midnight on that day there could be continuous uncontrolled noise for the entire period. That is totally unacceptable in an area described by the Council's noise consultant as 'tranquil'. If the Kingswood operation were a school in the traditional sense, one could understand the usefulness of having, say, a sports day once a year for which announcements would be appropriate. But when dealing with an operation with a twice weekly turnover of visiting children, my clients cannot understand why any such provision is necessary, still less desirable. They do not consider that any exception to the noise levels in condition 20 should be permitted.

(b) Condition 24 as drafted, allows uncontrolled noise from children shouting, screaming and otherwise expressing themselves in an excitable manner for up to one and a half hours in each day. The half hour periods may, of course, be consecutive. During these periods, there are no noise restrictions on such noise. My clients are at a loss to understand why this exception has been incorporated, when it is at complete variance with the basis of the inspector's recommendation and the discussions between the Applicant, the Council and my clients. I would remind you that Mr Stigwood is at pains to point out that the area is tranquil and that the standards of noise acceptability in such an area is quite different from the standards in an urban area.

The exceptions are even more inexplicable when considered against the background of the approach that underlies the draft management code (in the incomplete form in which it is presently cast). All parties have been at pains to ensure that visiting schools know that it is a noise sensitive site. If there are extended periods when screaming and shouting not only is permitted but could be encouraged on a daily basis, it is inevitable that at the very least both children and teachers will be confused about the constraints applying to the site.

I do not know the reason why such an exception has been made. If it is to equate to the noise that could have been made at the site during morning, lunch and afternoon breaks, I must observe that the application proposals allow a least a doubling of numbers of people on the site, thereby inevitably leading to greater noise from them. Moreover, Greensyke, like all schools, operated on a term basis: whatever the noise during the term, my clients could look forward to relief from it during the extended holiday periods.

The Applicants demonstrated to the Inspector how they could operate it in a restrained and quiet manner and it is on that evidence that he reached his conclusion about the acceptability of the operation. It is precisely noise from children that has led on very many occasions to complaints of local residents. There is no basis whatsoever for removing controls for any period during the day.

2 Noise mitigation scheme

Condition 22 requires a noise mitigation scheme to be submitted for approval to the Council and then to be implemented. If the noise levels in conditions 20 and 24 were absolute levels with no exceptions, the scheme would be of secondary interest to my clients. However, where exceptions are proposed, the noise mitigation measures are essential. It is surprising that such measures have not been put forward in the period since the application was made. My clients believe that in the absence of such proposals, which should form part of the application, consideration of it should be deferred.

The condition contains no criteria against which the scheme can be judged. Such criteria should be included either in the condition or in the S106 agreement. Furthermore, conditions 11, 12, 15, 16, 17 and 18 contain the sanction, in relation to matters that are of less immediate importance than the noise mitigation scheme, that no students should be allowed on site after a period of six months unless the relevant matters have been completed. In relation to the noise mitigation scheme, no such period is identified. Kingswood have in fact been on this site for approximately three and a half years and it is almost twelve months since the appeals were rejected. There has been ample time to put forward a detailed noise mitigation scheme. It should be required as essential information to be considered by the Committee before they are asked to determine the application and the period for implementation of a satisfactory scheme should be no more than two months.

3 Noise survey

Condition 23 requires a noise survey to be carried out once in every three years. The condition does not set any parameters for the survey in terms of, for example, the duration of measurements or the location or locations at which they are to be taken. I am not suggesting bad faith on the part of Kingswood, but you will bear in mind that the Inspector was at pains to point out that the conditions and other constraints had to be read from the standpoint of an operator who did not wish to be bound by them. As drafted, it would be perfectly feasible for a noise survey to be carried out on a single day when some or all of the children had been taken on an excursion elsewhere or, being pre-warned, the operator took pains to arrange activities so as to convey an impression of compliance. The parameters of the noise survey should be set out in the S106 agreement, where it is particularly important that the survey should be carried out by independent experts who should not advise the operator when they propose to conduct it.

4 Enforceability

I note that you advise the Committee that my clients have argued that the provisions of the S106 Agreement should be directly enforceable by them but note that the Council's agreements are not so framed. That, of course, is the normal approach. However, the circumstances of this case are highly unusual if not unique, where the proposals are acceptable only if the operator behaves in a one manner rather than another. The Inspector specifically drew attention to this factor. The nature of the management at some point in the future, perhaps under a different operator, could result in continuing difficulties. If that were to be the case, the Council would be under continuing pressure to enforce the S106 agreement as my clients would have no other course of action.

You note under the heading of 'Human Rights' that 'on the basis that appropriate conditions are imposed and a satisfactory Management Code is implemented' there would be no conflict of sufficient significance to warrant refusal of planning permission. The corollary of this, of course, is that unless the conditions and Management Code were rigorously enforced, there could be a breach of my clients' human rights, particularly those under article 8. In the absence of direct enforcement of the Management Code through the S106 Agreement, you should be aware that my clients may have little choice but to enforce such rights.

5 Management Code

You will recollect that discussions took place during the latter part of last year on the content of the Management Code. Those discussions were incomplete but, for reasons of which I am unaware, they have not been continued. My clients specifically supported delay in enforcing the requirements of the enforcement notice because they felt that discussion would be the best way to resolve this difficult problem. It is at the least extremely disappointing that this matter is being brought forward for determination against the background of terminated discussions and wholly inadequate information.

6 General

I note that Dalston Parish Council draws attention to the incomplete nature of the application. On behalf of my clients, I fully support that view. It is approaching twelve months since the appeal decision was issued. It is the Applicants responsibility to put forward and progress proposals to deal with all the matters identified in the appeal decision. They have not done so. The Management Code is still under discussion; the noise attenuation measures are not put forward; the landscape scheme is not available. All these matters are very material to consideration of the application and, indeed, the requirement for an agreed management code was specifically identified by the inspector as a fundamental constituent of a satisfactory proposal. I have no doubt that the application as presently constituted does not meet the requirements identified in the appeal decision.

My clients do not suggest that the application should be refused on the basis of an inadequate and incomplete application. That would lead only to the confrontational approach that we have been at pains to avoid. However, I do strongly suggest that it is still not in a condition in which the Committee can know with any certainty what they are being asked to consider and approve. Bearing in mind the sensitive nature of the matter, I request that it be deferred for a further month during which time the Management Code should be finalised and the noise and landscape schemes should be prepared.

As is evident from this letter, I do not believe that it is in an appropriate state for determination but it could, with cooperation of all parties, be ready for the May meeting. That would have the dual benefit of allowing a complete application to be considered and commented upon by not only the Cumdivock Group but also the Dalston Parish Council.

wilbraham & co

the planning and environmental practice of cobbetts

Unfortunately, because of prior commitments made before I knew the matter was to be considered on 29th April, I shall be unable to be present to address the Committee. If the matter is deferred as I suggest, I shall attend the next meeting.

Yours sincerely

Peter Wilbraham
Partner

Direct Dial: 0845 404 1720
Direct Fax: 0845 166 6439
Email: Peter.Wilbraham@wilbraham.co.uk

cc David Cowen
Mark Lambert

To:

A HUTCHINSON
PLANNING OFFICER
Carlisle CC.

NOISE + EVENTS
DIARY - KINGSWOOD
GREENSYKE

THE WHITE HOUSE
CUMDIVOCK
1 March 0

Date	COMMENTS
SAT 19th Mar	P.M. Beautiful day spent in garden but very noisy in the afternoon. It is the squealing and screaming that we notice not so much the shouting. The screaming went on and o all afternoon until 5.30 p.m.
SUN 20th Mar	Did not hear much - children left midday to 1.00 PM
21/3 Mon	Some noise but nothing unbearable.
22/3 Tues	" " " " "
23/3 Wed	MAINLY QUIET
24/3 THURS	
FRI 25/3 EASTER	Very "quiet" No children on site over EASTER
SAT 26/3 EASTER	NO Children on site QUIET
Sunday EASTER	NO Children on site QUIET
28/3/05 Mon	Mainly quiet, few children on site
29/3/05 Tues	Not many children on site about 70
Wed 30th March	not many children on site — mainly quiet AM
THURS 31st	Mainly quiet
FRI APRIL	NO CHILDREN ON SITE — PEACEFUL — lovely weather
1st SAT AP.	NO CHILDREN ON SITE — PEACEFUL — " "
2nd SUN AP.	NO CHILDREN ON SITE — PEACEFUL — " "
4th Mon AP.	few children on site very quiet weather not so good
5th Tues AP.	" " " " " " " "
Wed 6th AP.	More children on site — rather cold windy - not a lot of ne
THURS 7th AP.	Too cold and wet and windy to hear any noise
FRI 8th AP	Quiet on the whole few children on site
SAT 9th AP	10.10 AM Very noisy screams from just a few children rolling about in pt of filthy muddy water - very cold s/ so they won't be outside for long in this temperature when
SUN 10th AP.	MOST children left the site early - quiet day.

TO:

A HUTCHINSON ESQ
CARLISLE CITY COUNCIL
PLANNING OFFICER

NOISE + EVENTS DIARY KINGSWOOD – GREENSIKE.

THE WHITE HOUSE
CUMDIVOCK
DALSTON
FEB – March '05

Date	COMMENTS
FEB'05	MOSTLY QUIET and peaceful – some noise occasionally particularly when I am at home at Weekends.
March 1st Tues	Not much in the way of noise
Wed 2 MARCH	mainly quiet
" 3 "	" "
Fri 4 "	" "
Sat-5 "	Some noise AM from NIGHTLINE being in action
Sun 6 "	mainly quiet
Mon 7 "	noise on and off but not troublesome
Tues 8 "	Some screaming – went to see Manager on site to discuss situati
Wed 9th Mar	Manager (Dave) came to see me this afternoon. Site quiet.
THURS 10th	mainly quiet
Fri 11th	Very noisy but only occasionally
SAT 12	Very noisy at 12-00 to 12.15 midday from just a handful of children, one girl in particular screaming frequent
" MN13	No children seen or heard
Mon 14th Mar	No children A.M. – PM a lot of children out in the play areas shouting from 3.00 PM onwards
Tues 15th Mar.	A very noisy morning in particular – if it is as noisy tomorrow (whilst I am in the garden) I shall go to complain
Wed 16th MAR	Not too much noise AM but by 3-00 PM I was moved visit the site to ask that more control be exercised over th children. They have been screaming on and off for 1½ hrs. The noise was stopped very quickly and the site Manager then came to see me at The White House to apologise and re-assure
THURS 17th MAR	Not too much noise
Fri 18 MAR	Occasionally noisy
SAT 19th Mar	Quiet AM despite a lot of children on site

copy Angus

09/03/2005 11:24

March	Schools	Teachers	Children	Groups
Tue 1st	3	14	111	10
Wed 2nd	3	14	127	10
Thur 3rd	2	14	127	10
Fri 4th	1	9	94	7
Sat 5th	1	9	94	7
Sun 6th	4	14	151	12
Mon 7th	4	14	151	12
Tue 8th	4	14	151	12
Wed 9th	3	9	95	8
Thur 10th	3	9	95	8
Fri 11th	3	11	65	5
Sat 12th	3	11	65	5
Sun 13th	1	4	38	3
Mon 14th	4	13	128	10
Thu 15th	4	13	128	10
Wed 16th	3	9	90	7
Thur 17th	3	9	90	7
Fri 18th	3	19	152	12
Sat 19th	3	19	152	12
Sun 20th	0	0	0	0
Mon 21st	2	11	113	9
Tue 22nd	2	11	113	9
Wed 23rd	1	5	50	4
Thur 24th	0	0	0	0
Fri 25th	0	0	0	0
Sat 26th	0	0	0	0
Sun 27th	1	4	39	3
Mon 28th	2	5	52	4
Tue 29th	3	7	71	6
Wed 30th	3	7	71	6
Thur 31st	3	7	71	6
	Schools	Teachers	Children	Groups

March
31 x 160 = 4960
occupancy = 2682
= 54%

April	Schools	Teachers	Children	Groups
Fri 1st	0	0	0	0
Sat 2nd	0	0	0	0
Sun 3rd	0	0	0	0
Mon 4th	2	8	65	5
Tue 5th	2	8	65	5
Wed 6th	4	15	127	10
Thur 7th	4	15	127	10
Fri 8th	3	7	60	5
Sat 9th	3	7	60	5
Sun 10th	1	2	13	1
Mon 11th	1	2	13	1
Tue 12th	1	2	13	1
Wed 13th	3	11	113	8
Thur 14th	3	11	113	8
Fri 15th	3	12	126	10
Sat 16th	3	12	126	10
Sun 17th	1	2	18	2
Mon 18th	1	4	29	2
Tue 19th	1	4	29	2
Wed 20th	2	11	93	7
Thur 21st	2	11	93	7
Fri 22nd	3	10	94	7
Sat 23rd	3	10	94	7
Sun 24th	1	4	30	2
Mon 25th	2	7	61	5
Tue 26th	2	7	61	5
Wed 27th	2	7	61	5
Thur 28th	2	7	61	5
Fri 29th	5	24	145	12
Sat 30th	5	24	145	12
Sun 1st				
	Schools	Teachers	Children	Groups

April
30 x 160 = 4800
occupancy = 2035
= 42%

May	Schools	Teachers	Children	Groups
Sun 1st	0	0	0	0
Mon 2nd	1	4	45	3
Tue 3rd	2	8	88	6
Wed 4th	3	11	112	8
Thurs 5th	3	11	112	8
Fri 6th	0	0	0	0
Sat 7th	0	0	0	0
Sun 8th	0	0	0	0
Mon 9th	2	16	160	12
Tue 10th	2	16	160	12
Wed 11th	2	16	160	12
Thur 12th	1	2	16	2
Fri 13th	1	3	33	3
Sat 14th	1	3	33	3
Sun 15th	3	11	102	8
Mon 16th	4	15	144	11
Tue 17th	4	15	144	11
Wed 18th	3	11	109	8
Thur 19th	3	11	109	8
Fri 20th	3	16	151	11
Sat 21st	3	16	151	11
Sun 22nd	2	6	68	4
Mon 23rd	5	16	160	12
Tue 24th	5	16	160	12
Wed 25th	4	16	153	12
Thur 26th	4	16	153	12
Fri 27th	2	8	77	6
Sat 28th	2	8	77	6
Sun 29th	0	0	0	0
Mon 30th	0	0	0	0
Tue 31st	2	8	78	6
	Schools	Teachers	Children	Groups

MAY
31 x 160 = 4960
occupancy = 2755
= 55%

31
Tot
= 5

C4/1203

MAS Environmental

Local Gov. Issues, Planning, Noise, Pollution, Health & Safety, Food, Catering Design, Licensing, Nuisances, Training

PROPOSED PLANNING CONTROLS

KINGSWOOD EDUCATIONAL CENTRE

SECOND REPORT
ASSESSING SUITABLE PANNING CONTROLS

Report by Mike Stigwood
MAS Environmental April 2005

Introduction and background

In March 2005 I provided a preliminary report in which I assessed the suitability of certain noise level conditions that had been proposed for this development. The conditions were rejected for various reasons but primarily they failed to meet the tests as set out in Circular 11/95 and secondly there was no evidence to relate them to levels that were appropriate to protect amenity.

This second report is directed at the determination of a suitable form of noise level control, the wording of the conditions and meeting the objectives.

In the first report I identified the use of a scheme type condition and gave a form of words that could be used within the wording of the scheme which provide greater flexibility over the levels set in the future. In this report I have merely stated all the elements of such a scheme as separate conditions. I have also provided a form of words allowing their variation (on request). If the scheme type approach is to be preferred then the elements of the conditions identified in this report can be amalgamated into scheme type conditions. Further forms of words can be provided on request.

In my further analysis of this matter I have concluded that the individual (separate) conditions as set out below provide a better form of control and greater certainty.

My experience and background is set out in the first report.

I have read reports from Waterman Environmental, Applied Acoustic Design and Sound Advice. I have also read the Inspectors appeal decision of June 2004. I have taken the comments into account when considering this matter, particularly in relation to the exceptions given in the conditions to enable noise not dissimilar to that from the former school.

14 SOUTH ROAD, IMPINGTON, CAMBS CB4 9PB Tel/Ans: 01223 510430 Fax: 01223 501843 Mob: 07867 977222
e-mail: MAS@masenv.co.uk. www.masenv.co.uk. PARTNERS: MIKE STIGWOOD FRSH, MIOA. TERRI STIGWOOD MRIPH.

Elements of note from the Inspector's decision include:

1) The new build allows activities to intensify.

2) The issue is one of the combined effects.

3) It is a tranquil rural area with long periods of quiet.

4) Previous impact only related to specific short times of the day during breaks etc.

5) With appropriate management controls in place and exercised it was viewed not significantly different to a school as previously experienced.

After analysis of the various reports and noise data I conclude:

1) This is indeed a quiet rural area that contains long periods of quiet or only very limited intrusion from sound that is generally alien to that expected in such a locality. There are therefore elements of tranquillity to consider.

2) Many of the noise sources which raise ambient noise levels in the area are either natural / countryside sounds (positive sounds) which remind the listener of their countryside locality (birds and farming activity) or are anonymous transport noise sources. The natural sources are usually wanted sound and so are not noise per se. The anonymous transport noise is usually tolerated at much higher levels than noise from a known source. This concept is identified in guidance.

3) A degree of noise from neighbours and of children playing can be a positive contribution to a noise environment provided it is limited in level, of limited time, duration and type. This is addressed in more detail below.

4) Evenings are particularly quiet. They are a period warranting particular protection.

5) Little data is available to determine either the noise environment at weekends or the actual source noise levels. Normally military flying is restricted to weekdays and in many localities weekends are similar to evening times both in terms of the expectation of quiet and the existence of quieter noise environments.

6) This is not an area that can remotely be regarded as mixed industrial and residential. As a consequence greater freedom from noise is expected in such an environment as found here. Further, noise sources are not industrial in nature and comparison with guidance based on industrial noise requires extreme care.

Planning conditions that meet the criteria in Circular 11/95

It is clear that control is essential in this case to enable development to proceed or continue. In order to control impact upon amenity conditions need to be readily understood and to set realistic and achievable controls. If the noise level control could not be met without defeating the enterprise it must surely fail the tests. However, if such a level of control was necessary, then the LPA would be obliged to refuse development. In this case it is clear a level of activity can continue without demonstrable harm to

amenity. The difficulty lies in setting a means of ensuring activities are permitted without them causing excess impact.

In view of the various proposed forms of words that have been suggested by various parties, it is necessary to set out the principles that have to be met.

There are six main criteria for conditions which can be summarised as follows:

1) Necessary
2) Enforceable
3) Reasonable
4) Precise and free from ambiguity
5) Relevant to the development permitted
6) Relevant to planning.

In this case noise level conditions are clearly necessary, relevant to planning and will relate to the development permitted. The remaining 3 criteria are considered below:

Enforceable

To be enforceable it must be possible to readily determine circumstances of non-compliance at a location and level of noise that still serves to protect the public. As a noise environment is made up of the cumulative impact of all noise sources, (including those not originating from the development site), to be enforceable any condition level must have a realistic prospect of being measured and the source noise contribution determined with sufficient reliability / accuracy.

This cannot be achieved in this case with conditions which seek to apply controls over noise averaged over periods other than of very short duration (1 second or less). A fuller explanation is given in the appendix to this report. The principle difficulty lies in adjusting measurements to reflect noise from the site and excluding all extraneous noise.

Conditions need to provide a means whereby the operatives can readily check they are complying and they need to do that without having to enter private land. Similarly the Local Authority and third parties need to be able to check compliance without having to enter private land. This is addressed by adding a caveat to the conditions for example that the noise level when "measured or calculated at the positions shown on the attached plan which is used for identification purposes only shall not exceed".

This caveat enables parties to have regard to environmental and built features, measure elsewhere (usually nearer to the source of noise) and predict / calculate levels at the respective receiver locations. In this case the operator's consultant can determine levels at various locations on the site which are predicted not to exceed levels at the respective monitoring locations. Third parties and the LPA are afforded the same opportunity except they generally have greater difficulty as they are measuring further from the source of noise.

The use of maximum noise levels (fast setting) (LAmax(f)) that should not be exceeded more than a set number of times are proposed. These relate better to how loud a sound will appear and by permitting a certain number of exceedances odd obscure events are not controlled but repeated exceedances are. As well as relating to the loudness of a

sound, the LAmax(f) level will invariably also relate to the typical or average noise caused by certain short term events. The choice of LAmax(f) is preferred over very short term LAeq measurements of 1/8th of a second or even 1 second in most cases but not all. This arises as a wider range of measuring instruments are able to record this information. It is therefore more reasonable to use this for 'A' weighted sound levels.

Music noise provides a particular difficulty as it is the low frequency noise content that mainly disturbs. 'A' weighted noise readings do not provide an adequate method of controlling this type of noise. As a consequence control over part of the noise spectrum is needed. This is more difficult to measure but developers are able to calibrate their sound amplification equipment to ensure limits are not breached. Future compliance would not require on-going complex measurements but ensuring pre-determined limits and controls (amplification levels and door closing etc) are not exceeded.

Reasonable

To be reasonable levels must be achievable without defeating the enterprise and at the same time adequately protect amenity without being unduly burdensome. The operators must be able to assess whether they can meet the condition requirements or whether a certain activity is liable to breach them and so should not occur. They must therefore have a means of calculating or predicting the outcome.

Conditions cannot create compliance dependant on chance or factors outside of the control of operator.

This problem serves to exclude any statistical measurement of noise such as L10 or L90 levels where the level exceeded for 10% or 90% of the time becomes a criterion. Statistical values cannot be known until after the event. At this point the operator has already either failed to comply or complied. The statistical value will depend on other noise sources in the environment which are outside the operators' control.

Different noise sources impact at different energy levels and thus different criteria of acceptability are needed for different noise types. This problem precludes the use of one integrated noise energy level for all noise emissions from the site.

Different times of the day and different days require different levels of protection. This arises for two main reasons. Firstly residents rightly have different levels of tolerance and expectation of freedom from noise at different times. The evenings and night require greater protection as do weekends. Secondly the ambient and background noise levels are different during the day, the evening and at night. Their masking effect varies therefore. PPG24 seeks that controls should reflect the quieter times of the day etc.

The use of LAmax(f) is considered reasonable as the operative is able to identify potential exceedance problems and both plan for them and provide means of ensuring control.

The greatest difficulty facing all the consultants and advisors is the setting of an appropriate noise level. In view of this difficulty it is proposed that the noise level is made subject to a prior written approval caveat where the local planning authority can consider revisions based on experience of impact gained. This then provides

opportunity to review its effectiveness and reasonableness without further planning applications.

Precise and free from ambiguity

The meaning and requirements of the condition must be clear and not subject to various differing understandings of the meaning.

FORM OF CONTROL PROPOSED

1) Different noise levels or forms of control for different noise sources, including:

   Human voices, screaming, shouting, cheering and very loud talking.

   Electrically amplified music and speech including tannoy and megaphone use.

   Plant and machinery including motorised sports vehicles such as quad bikes.

2) Different levels applicable at different times / periods of the day and days of the week as follows:

   Every weekday between 08:00 to 18:15 & Saturdays 08:00 to 13:00
   Every evening between 18:15 and 23:00
   Every night between 23:00 and 08:00
   Every Sunday and Bank Holidays

3) The use of maximum 'A' weighted noise levels which can then be exceeded only a set number of times during a set time period. It would be unreasonable to set a single level that should not be exceeded as a one off unusual event would breach this without any means for the operator to subsequently impose control.

DISCUSSION ON THE LEVEL OF CONTROL.

The intrusiveness of noise depends upon a number of factors including:

- Its loudness,
- Its impulsive (sudden) character,
- The relatively long periods of duration,
- The large number of days over which it occurs,
- How identifiable the noise is,
- The presence of tonality or impulsive content,
- Occurrence during good weather days when residents wish to use their amenity more,
- The character of the area within which it occurs and
- The inability to plan for noise intrusion or get away / obtain respite from the noise.

Where intrusive noise occurs only occasionally (a few times a year) higher levels are generally acceptable. Where noise of this type is potentially a regular intrusion then its mere audibility can be unacceptable. However, some disturbance during the day is a normal consequence of community life and in that as with other points I concur with the comments of the Inspector.

Human voices can be audible at levels well below the background noise level. The true extent of audibility depends on the spectrum of the background and ambient noise environment at the moment of noise source occurrence. It also depends on the spectrum of the noise itself and the hearing ability of the listener. Thus in the evenings or at times when the background noise is lower, human voices will be more audible and intrusive. Music noise is generally audible at much lower levels. Not only does the background level vary but the noise energy of screaming and shouting can also vary to some extent.

The levels identified below are directed at limiting audible screams, shouts and similar sounds to a degree of audibility during the day and virtually inaudible in the evening and at night. Stricter day time control is also applied on Sundays and at weekends.

In the case of music noise and electrically amplified speech, it is proposed this is inaudible except for a limited number of occasions for special events or where prior approved by the LPA.

PROPOSED CONDITIONS

1) Except for a single period between 08:00 and 23:00 on one day in any calendar year, or alternatively, after the prior written approval of the Local Planning Authority, noise from the playing of electrically amplified music and / or electrically amplified speech that emanates from the site shall not exceed the levels and requirements set out in this condition. The levels shall be determined by measurement and / or calculation at those boundaries of residential property nearest to the site the subject of this approval and as shown delineated on the attached plan in red Ref ..... which is used for identification purposes only:

a) Between 18.15 hours and 08.00 hours on any day, all day Sunday, additionally between 13:00 and 18:15 on Saturdays and at anytime on Bank Holidays:

45dB one eighth of a second average equivalent energy level (45dB Leq(125m/s)) in the 63 Hz octave band, not more than 10 times in any 5 minute period.

28dB one eighth of a second average equivalent energy level (28dB Leq(125m/s)) in the 125 Hz octave band not more than 10 times in any 5 minute period.

b) Between 08:00 hours and 18:15 hours on any day (that is not covered in paragraph a) above):

52dB one eighth of a second average equivalent energy level (52dB Leq(125m/s)) in the 63 Hz octave band not more than 10 times in any 5 minute period.

35dB one eighth of a second average equivalent energy level (35dB Leq(125m/s)) in the 125 Hz octave band not more than 10 times in any 5 minute period.

Reason: To protect residential amenity.

2) Details shall be submitted of all machinery, plant and equipment to be installed, located or used on the site (other than motor vehicles) that is audible outside of the site boundary, (when it is in use or operation). Details to include the maximum (LAmax(f)) and average (LAeq), 'A' weighted sound levels produced by this equipment. All such machinery, plant and equipment shall not be used on the site except in accordance with the prior written approval of the Local Planning Authority. Any approved noise mitigation measures and the conditions attached to approval of the machinery, plant and equipment shall be fully implemented and thereafter maintained in accordance with the approved details.

Reason: To protect residential amenity.

3) This consent is subject to the written approval by the Local Planning Authority of a scheme of noise mitigation measures designed to minimise the impact from permitted activities. Written approval by the Local Planning Authority, of the scheme, must be obtained within 6 months of the date of this approval. The approved scheme of measures shall be fully implemented in accordance with the approved details and thereafter maintained in accordance with those details.

Reason: To protect residential amenity and minimise the impact of noise.

4) A planning and noise survey, involving the measurement of noise emissions from the site shall be undertaken not less than once every three calendar years, at the site, the subject of this approval. The survey shall identify the level of compliance and any breaches of the conditions attached to and forming part of this approval. A written report of the findings, identifying the level of compliance shall be submitted to the Local Planning Authority within 1 month of survey completion.

Reason: To ensure continued enforceability of conditions and that the Local Planning Authority is notified of any unlawful development that may subsequently acquire immunity, thereby compromising the measures imposed to protect against unacceptable development or excessive noise.

5) Noise emanating from the site arising from human voices and in particular screaming, shouting, whoops or cheering shall not exceed the levels and requirements set out in this condition. The levels shall be determined by measurement and / or calculation at the boundaries of residential property that are nearest to the site the subject of this approval. These are delineated and shown on the attached plan in red Ref ..... which plan is used for identification purposes only:

a) Between 18.15 hours and 08:00 hours on any day:

35dB LAmax(f) not more than twice in any five minute period.

b) Between 08:00 hours and 18:15 hours on any weekday and 08:00 and 13:00 hours on any Saturday:

40dB LAmax(f) not more than ten times in any hour.

c) At any time on a Sunday or Bank Holiday and between 13:00 and 18:15 hours on a Saturday.

40dB LAmax(f) not more than five times in any hour.

The levels and requirements of this condition are subject to two exceptions.

a) It shall not apply during three separate periods occurring between 08:00 and 18:15 hours on any weekday and 08:00 and 13:00 hours on any Saturday. The periods shall not exceed 30 minutes in length.

b) Where the exceedances are in accordance with the prior written approval of the Local Planning Authority and the conditions of that approval are met.

Reason: To protect residential amenity.

6) Noise emanating from the site arising from the use of motorised and mechanical sporting or motorised and mechanical recreational equipment (including motor vehicles and in particular motor bicycles and quad bikes) shall not exceed the levels and requirements set out in this condition. The levels shall be determined by measurement and / or calculation at the boundaries of residential property that are nearest to the site the subject of this approval. These boundaries are delineated and shown on the attached plan in red Ref ..... which plan is used for identification purposes only:

a) Between 18.15 hours and 08:00 hours on any day:

33dB LAmax(f) not more than twice in any five minute period

c) Between 08:00 hours and 18:15 hours on any weekday and 08:00 and 13:00 hours on any Saturday:

40dB LAmax(f) not more than ten times in any hour.

c) At any time on a Sunday or Bank Holiday and between 13:00 and 18:15 hours on a Saturday.

35dB LAmax(f) not more than five times in any hour.

NOTE: Music noise levels at night and in the evenings are determined by reference to human limits of audibility and some exceedance thereof. All other noise sources and times relate to expected background noise levels identified from the various reports.

Mike Stigwood
Environmental Health Consultant

7th April 2005

APPENDIX

ENFORCEABILITY ISSUES DISCUSSION CONTINUED

Where noise sources are irregular and of short duration and the other environmental noise contributors are also of short duration and highly variable, it is not easy to determine respective source noise contributions with any accuracy. This is the case until they exceed the other noises present by a considerable margin. In other words sources of noise would have to be many decibels higher that any other noise. These levels would equate to significant exceedances of the levels needed to protect the community.

When average levels are set the margins become very small and it is virtually impossible to determine the respective contributions. Further this assessment needs to be made at the receivers (the residents) where other local sounds such as nearby birds etc. may be louder at the microphone position but not when inside the dwelling.

Another problem is the accuracy of noise meters. Typically a type (class) 1 noise meter is only accurate to 2dB. Finally de-minimus breaches are not enforceable.

The consequence is that enforceable breaches have to exceed the levels set by the condition by a reasonable margin before action could be taken. In determining the noise levels all noise that was influenced by sounds from other sources would have to be ignored. Thus if a bird squawked as someone screamed then the noise energy of both would have to be excluded as it is usually unrealistic to determine the respective contribution from each. After all the exclusions are made there often remains less than half the chosen time period left to record noise energy. The consequence of half of the recording time permits an increase of 3dB(A) before an exceedance could be shown.

After instrument error factors of 2dB(A) are added and 3dB(A) allowed for de-minimus exceedance, reliable enforcement is not possible until levels are some 8dB(A) above the condition levels. This equates to very considerable differences.

5 minute measurement periods provide only 12 opportunities within any hour to obtain uncorrupted data (that influenced by other contributions of noise). It follows that many hours of measurement may be required to demonstrate a single breach. It is also common sense that the activity of concern may have long finished. In practise such conditions are rarely enforceable.

Normally a relationship exists between a source of noise and its maximum level such that control can be imposed by controlling the maximum level. For intermittent noise as found in this case, compliance assessment opportunities are increased to many thousands for events during each hour. The prospect of uncorrupted readings is dramatically increased and the adjustment for available recording time eliminated. Non-compliance can therefore be shown with much smaller exceedances.

Date: 20th December 2004

Our Ref: 04485/js/ah/a

AAD
applied acoustic design
THE GREEN BUSINESS CENTRE
THE CAUSEWAY
STAINES
MIDDLESEX
TW18 3AL
TELEPHONE: 01784 464404
FACSIMILE: 01784 465447
E MAIL: mail@aad.co.uk

Mr Bruce Armstrong
Treasurer Cumdivock Group
The White House
Greensyke, Cumdivock
Dalston, Carlisle
Cumbria
CA5 7JW

Dear Mr Armstrong,

Kingswood Development – Management Plan

In order to control noise arising from their activity centre to levels that are appropriate, bearing in mind nearby residential amenity, I understood that a Management Code of Practice must be offered by Kingswood Development Ltd. A copy of Kingswood's proposed noise "condition" has been forwarded to me and I set this out below:-

> *"Noise emanating solely from the activity centre, measured as a $L_{Aeq\ (5\text{-}min)}$, shall not exceed the L_{A90} background noise level that would otherwise prevail in the absence of noise from the activity centre but including all other ambient noise sources present at that time, by more than 5 dB. For an exceedance to arise (a) the $L_{Aeq\ (5\text{-}min)}$ due to the noise emanating solely from the activity centre must also exceed the prevailing ambient $L_{Aeq\ (5\text{-}min)}$ that would otherwise prevail in the absence of noise from the activity centre by 3 dB and (b) these circumstances must be present for a minimum of 50% of the 5-minute periods."*

My reading of this is that four conditions must be met before noise arising from Kingswood Development's activity centre is considered excessive. The first circumstance is that the $L_{Aeq\ (5\text{-}min)}$ must exceed the background $L_{A90\ (5\text{-}min)}$ by more than 5 dB, the second is that the $L_{Aeq\ (5\text{-}min)}$ must exceed the ambient $L_{Aeq\ (5\text{-}min)}$ by more than 3 dB and the third is that both such exceedences must be present for at least 50% of the time. The fourth is that noise so arising must have been subject to measurement and assessment.

It is important to note that the proposed condition can be satisfied if noise from the activity centre is uncontrolled for 50% of the time; further, the proposed condition does not specify the time period during which the "*minimum 50% of the 5 minute time periods*" are to be considered.

As worded, the proposed condition allows unlimited levels of noise for five months and 29 days in a year, always provided that for the other six months and one day of the year, noise from the site complies with the proposed condition. In such a circumstance, if the centre were only used for six months in the year effectively there would be no control.

Given the degree of control Kingswood suggest will be provided over the behaviour of the children, that teachers are present and that this is, in part, a learning facility, the 50% exceedance time period is generous to Kingswood. It is not likely, for

PARTNERS: A.V.H. HOLDICH DMS MIMgt MIOA M. BISHOP BSc(Hons) MIOA

example, that a school would give rise to noise over such an extended period of the day/week/month/year, whichever period is to be considered.

A typical school is open and has children present from around 08:30 to around 16:30. During this 8 hour day there is likely to be group generated external noise for only around 2 hours and during breaks and while children arrive and leave.

If this condition is accepted there must be a fixed period of time over which the 50% exceedance should be determined; it is suggested this period should be no more than 2 hours, and that the degree of exceedance should be reduced to a maximum of 25% of the time.

In order to show that the exceedance was due to noise from Kingswood activities, it is likely that manual noise monitoring would be required. Setting the time period as 2 hours increases the practicality that any such survey undertaken could readily demonstrate if (an appropriately re-worded) noise condition was, or was not, being complied with.

The proposed condition does not set out where noise measurements should be made, or if the measurements should be made after complaint of annoyance/nuisance or if there should be a scheduled cycle of measurements, with the results made available for public scrutiny. These are fundamental matters which of themselves make the current proposed noise condition imprecise and unenforceable and therefore contrary to government planning condition tests as set out in paragraph 14 of Planning Circular 11/95.

From previous noise surveys undertaken at the site, it is clear that ambient and background noise levels are not the same for the three closest residential properties, in particular The White House. The rear garden of this property receives noise directly from parts of Kingswood's grounds while being screened from noise arising from road traffic due to the house and its adjacent garage. The two other nearby properties are more open, being subject to direct noise from parts of Kingswood's grounds as well as the road. Any noise condition imposed must include measurement locations that are known and accessible to all parties and such locations must be identified.

The proposed condition ignores completely the effect of periods of screaming or shouting, with the noise control criterion being set in terms of period averages i.e. $L_{Aeq\ (5\text{-}min)}$ levels. It is clear that it is the shouts and screams from the site in the past that have particularly affected residential amenity and as such this matter must be addressed by any condition.

PPG24 advises that noise control limits set as L_{Amax} levels are difficult to monitor. In order to control the absolute level of noise from the activities on the Kingswood site it would be possible to consider a noise index which is directly related to the highest levels of noise, without considering the L_{Amax} level.

Mindful of this guidance, consideration should be given to setting a criterion, in addition to a period L_{Aeq} level, in terms of an L_{A1} or L_{A5} or similar level over, for example, a 30 minute time period. Such a condition would serve to limit noisy occurrences to between around 20 seconds and 100 seconds in any 30 minute period at the agreed measurement positions. This would allow for periods of

excitement related noise (such as screaming and shouting) to arise while also allowing supervisors time to bring about control over the duration of such noise.

I also consider that any L_{Aeq} noise control limit should be set as an absolute rather than a relative level. The proposed condition relates noise arising from the activity centre to the L_{A90} and L_{Aeq} present "*at that time*" in absence of noise from the Kingswood site. Because ambient and background noise levels can vary significantly in the area of the activity centre, particularly over 5 minute time periods, depending upon traffic flows, farming activity, military aircraft over-flights and even birdsong, in order to set absolute noise level conditions, background L_{A90} and ambient L_{Aeq} levels must be determined over a number of days.

Background to this consideration arises from PPG24, which considers absolute L_{Aeq} noise levels for the Noise Exposure Categories and BS4142 sets the likelihood of complaint against a measurement over a period of time sufficient to provide a representative value for the background L_{A90} level.

Such an exercise (which is in any case required) could be undertaken around the Kingswood site at various locations close to the three adjacent residential properties and a view can be taken as to the "natural" background and ambient noise levels at those locations; these can be split into two or three periods of time if required. The results of the measurements and the considerations as to particular values for the natural ambient and background levels could then be submitted to Carlisle City Council for agreement.

On the basis of these agreed levels, absolute L_{Aeq} noise control criteria could then be set, in addition to the previously discussed L_{A1} or similar criterion, for a number of different locations and a number of periods during the day, all as appropriate.

The Planning Inspector set out in his report that "*if planning permission is to be granted, safeguards must be in place to avoid the recurrence of anything like the previous situation*" and that "*the Management Code would have to set out in fairly rigid terms how the centre is to operate*". The proposed noise condition is neither rigid in setting a noise control criterion nor is it likely to provide a safeguard to prevent a recurrence of the initial noise situation.

The above sets out why the proposed noise management condition is, essentially, meaningless and impossible to implement; it sets out what might reasonably be done to make a suitably re-worded condition both meaningful and practicable to implement. I trust the above assists in setting the proposed noise criterion in context.

With best regards,

Yours sincerely,
for Applied Acoustic Design

J Sim
Senior Consultant
Email: johns@aad.co.uk
Internet: www.aad.co.uk

Kingswood Educational Study Centre, Cumdivock

Further observations on behalf of the Cumdivock Group

1 Membership of the Local Liaison Committee (Mr Searle's note of 23 November 2004).

Although the Group understands the desire of the Applicant to introduce a neutral person on to the Committee, it does not accept that the Council's position. The Inspector identified that noise generated on the site has the potential to create serious and continuing problems for local residents. If the Council determine that planning permission should be granted for the various developments proposed for the site, they have a continuing obligation to ensure that a mechanism is created that can effectively deal with any issues that arise as a result of the development. The Group strongly believes that a Member or Officer of the Council must be a member of the Committee. It suggests that it is a role that should be taken by the Ward Councillor.

2 Memorandum dated 19th November 2004

2.1 The Group accepts that an agreed summary could be used but reserves its position until it is satisfied that a summary effectively conveys the nature of the restrictions to potential visitors.

2.2 The Group are taking technical advice on the views of Mr Forsdyke and will respond as soon as they understand the full implications of what is suggested.

2.3 The Group very strongly believe that it should have the right to enforce the provisions of the S106 agreement. Whilst the LPA is empowered to exercise control over the use of land, the issue in this case is directly related to management rather than use. The management sensitivity was at the heart of the Inspector's report. Those who are immediately and directly affected by any failure to maintain management standards must have the right to enforce them.

3 Draft Management Code Riders

Rider A

3.1 Paragraph 1(c). The Group would prefer a radius of 1200 yards

3.2 Paragraph 2. It is assumed that the Secretary will have no voting rights but perhaps this should be explicit.

3.3 Paragraphs 7 and 8. The Group's concern is that failure to attend a LLC meeting by either the Kingswood or the LPA's representative would prevent the Committee meeting, therby preventing or delaying

any effective consideration of issues. Whilst the Group understands the logic behind the alterations, if it is to accept them, it must have some provision to safeguard against possible problems. In the absence of such safeguards, it maintains its position on the original alterations.

Rider B

3.4 Bullet points 2 and 3. ('he/she will respond ...') and ('if the interim...'). It is accepted that most complaints will relate to management failures rather than system failures and that the former will be capable of being dealt with locally. Equally, it is understood that system failures will require more time to be dealt with. The concern is that even when a defective system is identified, the immediate problem should nevertheless be dealt with locally even though the underlying reason for the problem can be resolved only by a change to the management system. The Group suggests alternative wording to replace both bullet points:

"he/she will respond to the complaint immediately and take action to secure that the cause of the complaint is removed. Where necessary, the complaint shall be referred to Head Office."

3.5 Bullet point 5. (Head Office will ...") The Group understands that there may be difficulties in responding within 24 hours if a problem were to occur on certain days. They suggest therefore, a response within 48 hours as a compromise that will allow the Applicant to consider unusual issues and reassure the Group that the matters will be dealt with urgently.

3.6 Final bullet point. ("The arbitration ...") Whilst the Group understands the Applicant's concerns, it in turn is concerned that there are sufficient sanctions to make it in the Applicant's interests to conform to the Code and assist in resolving complaints. These were matters addre4ssed by the Inspector. The Group is not seeking a back door method of continuing a sanction: it simply wants a method of ensuring that it is in everyone's interest to resolve a dispute quickly. If the Applicant can suggest any other process that will demonstrably ensure that it is in its interest to secure a speedy resolution of a dispute, the Group will sympathetically consider it. However, in the absence of such suggestion, it maintains its position.

Rider C

3.7 Paragraph 3 (a). Restore the amendment. Since the Management Code specifies the activity delivery standards, instructions and disposition of activities, any order affecting them necessarily can be implemented only by first amending the relevant document. The proposed alteration simply seeks to prevent any possible dispute in the future.

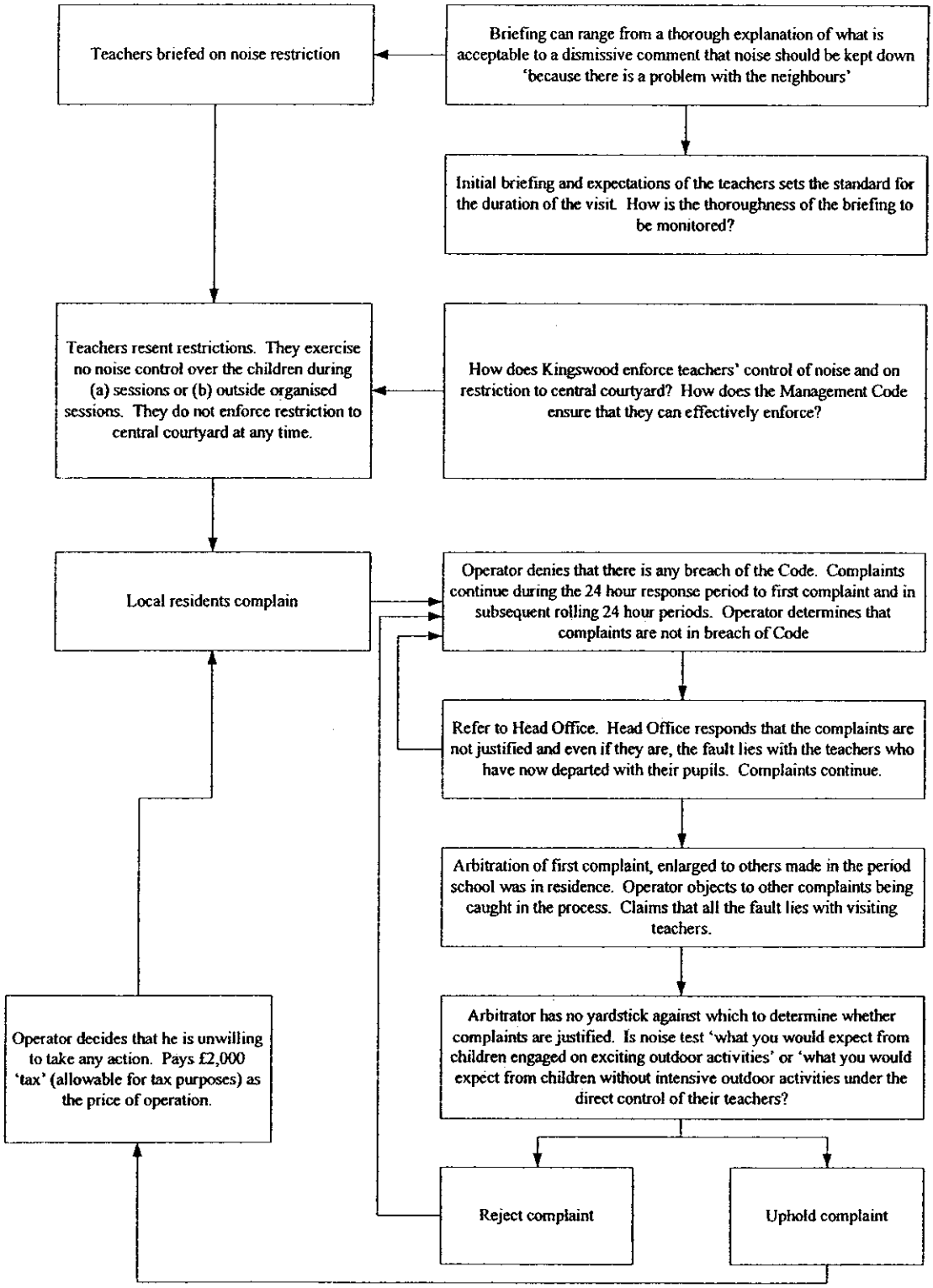
3.8 Paragraph 3 (b). The Group do not accept that a penalty of £2,000 is a sufficient sanction. It would be prepared to accept £7,500.

3.9 Paragraph 4. Bearing in mind that it is important to ensure that the management practices are maintained and that any breaches requiring arbitration will be preceded by a possibly extended period of discussion and attempts to remedy the problem, the Applicant should underwrite the costs of arbitration for a minimum of three years.

Peter Wilbraham

12 December 2004

Illustrative process assuming site occupied by a company that wishes to exploit any loopholes in a planning permission/agreement.



facsimile message

wilbraham & co

the planning and
environmental practice of cobbetts

for the attention of: Angus Hutchinson

your ref:

company: Carlisle City Council

fax number: 01228 817199

subject: Kingswood

from: Peter Wilbraham

our ref:

date: 10 February 2005

number of pages (including this one): 3

Wilbraham & Co
Trafalgar House
29 Park Place
Leeds LS1 2SP
tel: +44 (0)845 404 2404
fax: +44 (0)845 404 2424
DX 14085 Leeds Park Square

www.cobbetts.co.uk
Birmingham I Leeds I Manchester

PLEASE TELEPHONE US IF THE MESSAGE OR COPY YOU RECEIVE IS INCOMPLETE OR ILLEGIBLE.

Please see attached.

cc by fax: Mark Lambert – 01228 817 048
David Cowen

cc by e-mail: Cliff Walsingham
Geoffrey Searle

CONFIDENTIALITY NOTICE: The information contained in this facsimile is intended only for the individual or entity to whom it is addressed. It may contain privileged and confidential information that is exempt from disclosure by law and if you are not an intended recipient, you must not copy, distribute or take any action in reliance on it. If you have received this facsimile in error, please notify us immediately and either destroy the message or return the original to us by post. We will reimburse you for the postage.
Regulated by the Law Society. Authorised by the FSA to conduct investment business. A full list of partners is available at the above address

wilbraham & co

the planning and
environmental practice of cobbetts

Wilbraham & Co
Trafalgar House
29 Park Place
Leeds LS1 2SP
tel: +44 (0)845 404 1990
fax: +44 (0)845 404 1991
DX 14085 Leeds 1

www.cobbetts.co.uk
Birmingham I Leeds I Manchester

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

By Fax: 01228 817 199

Your Ref:
Our Ref: PNW/MBB/WI1089.09995

10 February 2005

Dear Angus

Kingswood

I have been sent a copy of the letter of 9th February written on behalf of the Parish Council. It is extremely unfortunate that they find themselves in the position where they cannot determine their stance because of the incompleteness of the information available to them.

My letter of 4 February 2005 addressed the main issue concerning this application, which was precisely the one considered at length by the Inspector following the public inquiry. He was particularly concerned to ensure that the conditions endured by my clients in the early months of the Kingswood occupation cannot be repeated in the future even by an occupier that has no interest in abiding by the restrictions necessary to protect the amenity of the area. It is worth recollecting that, after inquiry, the Inspector determined that the absence of a satisfactory management regime to deal with this matter justified the refusal of planning permission.

On behalf of my clients, the AAD's letter of 20 December 2004 identified major deficiencies in the proposals relating to noise. The only response to that letter was from Mr Searle, which did not disagree with many of the points made on behalf of the residents. There has been no communication from the City Council either to agree or disagree with the points made by AAD or, indeed, those set out in my last letter, which sought to draw together matters relating to noise control.

The position of my clients is that they are prepared to build upon the findings and decision of the Inspector. In terms, they recognise that, whatever their reservations, the grant of planning permission may be appropriate provided a satisfactory solution to noise control can be put in place. That solution must meet the concerns expressed by the Inspector in the appeal decision.

I do not wish to repeat the points made in my last letter, save to express the gravest concern that fundamental issues have not yet been addressed. It is not for the residents to make proposals; it is for the Applicant to put forward their ideas and for the Council to decide whether, in the public interest, those ideas are acceptable and, in particular, meet the concerns of the Inspector. In my clients' view, they fall a long way short of meeting those

Regulated by the Law Society.
Authorised by the FSA to conduct investment business.
A full list of partners is available at the above address.

wilbraham & co

the planning and environmental practice of cobbetts

concerns. There simply is no information on how the noise regime is to be enforced effectively. The continued absence of such information would quite clearly be sufficient to justify refusal of the application.

My clients have been at pains to point out that they do not want to deal with this matter in a confrontational manner that would be implied in deciding to refuse permission. However, they most certainly do not want a position where permission is granted in the hope that a satisfactory regime can be applied. Indeed, I would argue that to determine the application on that basis would be fundamentally flawed since the Members could not know whether the central matter – noise – is capable of being satisfactorily controlled.

If the application is to be brought to a satisfactory conclusion by negotiation, I believe that the Council must make their position clear. If you accept the general thrust of AAD's letter of 20 December, I am sure that both Geoffrey Searle and I would find it helpful to know. There would then be a basis upon which more detailed discussion could proceed and the further work identified by AAD could be undertaken. If the Council do not accept AAD's view, again it is essential to know the reasons and basis upon which it is not accepted.

I am told that it is your intention to refer the application to the Planning Committee towards the end of February. If that is the case, I have no choice but to argue that the application should be refused since it is manifestly incomplete. It cannot properly be granted for the reason I set out earlier. If that were to happen, I reluctantly have to say that my clients would have to consider a challenge to such a decision. It remains the residents' view that the best course is for the application to be deferred so that negotiations can continue and that, on behalf of the Council, you should set the parameters of the discussion on the noise regime.

Yours sincerely

Peter Wilbraham
Partner

Direct Dial: 0845 404 1720
Direct Fax: 0845 404 1991
Email: Peter.Wilbraham@wilbraham.co.uk

cc by Fax: Mark Lambert
David Cowen

cc by E-mail: Cliff Walsingham
Geoffrey Searle

facsimile message

wilbraham & co

the planning and
environmental practice of cobbetts

Wilbraham & Co
Trafalgar House
29 Park Place
Leeds LS1 2SP
tel: +44 (0)845 404 2404
fax: +44 (0)845 404 2424
DX 14085 Leeds Park Square

www.cobbetts.co.uk
Birmingham I Leeds I Manchester

for the attention of: Angus Hutchinson

your ref:

company: Carlisle City Council

fax number: 01228 625 666

subject: Kingswood

from: Peter Wilbraham

our ref:

date: 4 February 2005

number of pages (including this one): 5

PLEASE TELEPHONE US IF THE MESSAGE OR COPY YOU RECEIVE IS INCOMPLETE OR ILLEGIBLE.

URGENT

Please see attached.

I would be grateful if you could please distribute the attached fax to your colleagues as I have been unsuccessful in trying to get hold of their contact details.

Many thanks

Michelle Brown

cc by Fax Mark Lambert – Carlisle City Council
Liza? – Carlisle City Council
David Cowen

cc by E-mail: Geoffrey Searle
Cliff Walsingham

CONFIDENTIALITY NOTICE: The information contained in this facsimile is intended only for the individual or entity to whom it is addressed. It may contain privileged and confidential information that is exempt from disclosure by law and if you are not an intended recipient, you must not copy, distribute or take any action in reliance on it. If you have received this facsimile in error, please notify us immediately and either destroy the message or return the original to us by post. We will reimburse you for the postage.
Regulated by the Law Society. Authorised by the FSA to conduct investment business. A full list of partners is available at the above address

wilbraham & co

the planning and
environmental practice of cobbetts

Wilbraham & Co
Trafalgar House
29 Park Place
Leeds LS1 2SP
tel: +44 (0)845 404 1990
fax: +44 (0)845 404 1991
DX 14085 Leeds 1

www.cobbetts.co.uk
Birmingham I Leeds I Manchester

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

By Fax: 01228 625 666

Your Ref:
Our Ref: PNW/MBB/WI1089.09995

4 February 2005

Dear Angus

Kingswood

You will recollect the correspondence in December concerning the Management Code and, particularly, the correspondence concerning control of noise at Greensyke. It is entirely my fault that it has not progressed with that issue since that time and I apologise if it has caused inconvenience. I have now reviewed all of the papers concerning it and am setting extensively the views on noise on behalf of the Cumdivock Group as I believe it will both set the context and deal with each element of the proposed controls in detail.

The starting point, of course, is the Inspector's comments, referred to in Geoffrey Searle's letter of 22 December, that the conditions he observed on the site should remain as the operational noise climate. However, he also made clear that any conditions must be sufficient to control an operator who did not wish to be bound by the restrictions. Therefore, the efficacy of the entire package of measures is ultimately dependant on the mechanisms for enforcing the regime on a reluctant operator.

The mechanisms presently envisaged are, first, a complaints mechanism that could ultimately result in a 'fine' and/or restricting particular activities for two weeks. Secondly by enforcement of the S106 agreement directly through the courts and thirdly by enforcement of a condition through the normal planning processes. I shall address each in turn.

1 The 'complaints procedure'.

We are close to reaching agreement on this procedure, which is contained in the riders to the management agreement. There remains disagreement over a few points, one of which is the amount of a possible 'fine'. Kingswood has suggested a figure of £2,000; the residents put forward £10,000 but have since indicated a compromise amount of £7,500. There is clearly no precise science in determining what amount would be a deterrent such as to make it in the operator's interests to maintain the proper regime and I should be interested in your views. In considering the matter I should point out (a) the 'fine' is in fact a donation to charity upon which tax relief would be obtained. That means the actual cost to the operator would be in the region £1,200 to £4,500. (b) The penalty for failing to comply with an enforcement notice or breach of condition notice is up to £20,000 on a first offence with

Regulated by the Law Society.
Authorised by the FSA to conduct investment business.
A full list of partners is available at the above address

higher penalties for repeated offences. The residents believe that their suggestion is modest and is the minimum that should be considered.

2 Enforcement of the S106 agreement.

I believe that we all envisage that court action to enforce the provisions of the S106 agreement is a safeguard if the complaints procedure is inadequate either because the operator persistently fails to curb noise or conditions deteriorate to a point where more draconian action is indicated. The problem then arises of proving the breaches of the Code so that a court is prepared both to make an injunction and can define with precision the terms of it. I have very real concerns about both of these.

The fundamental problem is that the control of the visiting children is vested in their teachers, over whom Kingswood has no effective control. There is scope for much argument about whether Kingswood would have discharged its obligations under the S106 agreement and management code. The basic problem, however, is that neither the agreement nor the code place any enforceable obligation on the teachers.

Even if a breach could be proved, what is a court to do? It could require the occupier to comply with the code but since it does not bind the visiting teachers (who in any event would be long gone, perhaps never to return) the sanction would be of little practical use. I consider that direct enforcement of the agreement in the court is a useful tool if an occupier is in transparent breach of it or the code. For the rest, I cannot think that either the Council or residents would contemplate protracted and uncertain litigation with any sense of equanimity.

3 A noise condition and/or equivalent provision in the S106 agreement.

In the end the noise regime can be enforced only if there is a quantified or quantifiable noise limit and a mechanism for identifying whether it has been exceeded.

I think we are agreed that there should be either a noise condition attached to the permission and/or a provision in the s106 agreement. I have an open mind which is to be preferred if or when we reach agreement about the content, although I incline towards a detailed provision in the s106 agreement.

This issue is addressed in the draft condition put forward by Geoffrey Searle and addressed by AAD in their letter of 20th December and Geoffrey's of the 22nd. I am considering the separate elements of an enforceable provision that could be acceptable to the residents.

(a) The period of measurement. The present suggestion is that a breach would occur if the noise level was to be exceeded for 25% of the five minute periods in any period of two hours. The residents are very unhappy with this. On the assumption that the children go to bed at 2200, the noise would be unrestricted for a full half hour period between 2000 and 2200. That is precisely the time of greatest sensitivity but the time when, for example, doors to a disco may be opened for ventilation with impunity or children let off steam for half an hour before going to bed. Whilst the residents understand that occasional problems may occur, they are concerned to limit the potential for problems. I suggest, therefore, that the following amendment is made. (i) between 0800 and 1800 hours the threshold is 25% (i.e. six) of the five minute periods in any continuous

period of two hours; and (ii) between 1800 and 0800 the following morning, one five minute period in a continuous period of one hour.

(b) Location of monitoring points. AAD's letter notes that the background and ambient noise levels are not the same for each of the three nearest residential properties. In order to avoid dispute in the future and particularly to provide a degree of certainty to all parties, three monitoring points should be identified on a plan attached to the agreement. It may even be desirable that markers are placed in the ground to avoid any possibility of argument.

(c) Background and ambient noise levels. The draft condition suggested by Geoffrey is not based upon 'absolute' levels but upon 'relative' levels determined at the point of measurement and by elimination by calculation of noise generated by Kingswood. AAD have commented upon this and my clients are in total agreement with their comments. The formula suggested in the condition has very great potential for argument should it ever become necessary to enforce. In my view, the background and ambient noise levels should be ascertained for each of the three monitoring points and set out in the agreement as the benchmark for future measurement. Most of the work has already been done: Kingswood's evidence to the inquiry contained background noise levels. Insofar as further work needs to be undertaken, this can readily be done as suggested b y AAD.

(d) Additional noise criterion. AAD's letter, towards the end of the second page, identifies the need to have a criterion based upon L_{A1} or L_{A5} in addition to the L_{Aeq} level. My clients very strongly support this because it is events such as screaming and shouting that have been the principal cause for distress. Geoffrey's letter of 22nd December argues that L_{Amax} should not be used: we agree but suggest that the L_{A1} is required.

I now turn to the question of enforcement of the agreement. Our respective positions are clear: the residents strongly wish to have that right whereas Kingswood is equally strong in its view that the agreement should be enforceable only by the Council. Parliament has, of course, specifically contemplated that third parties who are affected by the terms of an agreement such as this should have the right to enforce its provisions unless specifically excluded. This acceptability of this proposal is completely dependent upon the day-to-day management of the Centre. Without wishing to be melodramatic, some of my clients' lives will become intolerable if the management fails and if the Council fail immediately to take action. There could well be human rights issues. In these circumstances, the only equitable course is not to prevent my clients from taking such action as a last resort.

Since Kingswood has repeatedly assured the Council and the residents that it will abide by these provisions, it is highly unlikely that it would be necessary to take action. In any event, it need have no fear that action would be taken lightly. First, a court would look at the provisions in the round and would doubtless wish to know why the more informal mechanism of the complaints procedure was not being followed. It would be necessary to prove a breach of a serious nature. There would be cost penalties, perhaps substantial, if the breach could not be demonstrated.

There are other matters that remain to be negotiated but, of course, noise control is the central issue and without agreement on the basis of control, there is no point in pursuing them until the main principles of the noise regulation regime have been agreed. In that regard, it would be interesting to know the Council's views in addition to those of Kingswood.

wilbraham & co

the planning and environmental practice of cobbetts

I am sending this letter to you by fax in view of the unfortunate flooding problems but I am circulating it by e-mail to all those to whom Geoffrey Searle's letter of 22nd December was sent.

Yours sincerely

Peter Wilbraham
Partner

Direct Dial: 0845 404 1720
Direct Fax: 0845 166 6439
Email: Peter.Wilbraham@wilbraham.co.uk

cc by Fax: Mark Lambert
Liza ?
David Cowen – 0207 5433 588

cc by E-mail: Cliff Walsingham
Geoffrey Searle

PLANNING SERVICES
REF 04 1023
- 3 FEB
RECORDED
SCANNED
PASSED TO ARH
ACTION

Bellgate House
Cumdivock
CARLISLE
Cumbria
CA5 7JJ

Tel:

Mr A Hutchinson
Planning Services Division
Carlisle City Council
The Civic Centre
CARLISLE
Cumbria
CA3 8QG

28.1.2005

Dear Mr Hutchinson

Proposed Development of Greensyke Farm, Cumdivock by Kingswood Learning and Leisure Group Limited. Application Number 04/1023

Further to our telephone conversation in December following receipt of the Schedule A, I restate my dismay that you are recommending this application for approval without ensuring adequate and effective noise mitigation measures to protect those properties to the West and North West, i.e., most of Cumdivock.

From my noise reports, submitted at your request over a period of nearly two years, it is evident that even very low levels of noise from the Greensyke site can be quite clearly and distinctly heard. You will note I have often used the expression ***'continual babble of voices punctuated by screams, shouts, etc'***. This happens with today's layout where most of the activities are sited away from the West, some in dips in the ground and/or close to buildings that afford some degree to noise attenuation. It does not require expert opinion to recognize that moving all the activities to the West, onto the most open part of the site and furthest from any buildings or solid object that would help reduce noise, will drastically increase noise and cause further harm to local residents.

You may think this new layout will reduce noise for those properties to the East because of the buildings in between. However, this relocation will place most of the activities so far from these buildings that they become ineffective as noise barriers. Besides, there are quite significant gaps between the buildings.

On many occasions I have reported noise at Bellgate House (to the West) as coming from those activities furthest from me (East side). What this illustrates is that noise can easily pass right through the site, proving the above point.

I note your Condition 14 states that a 1.8m (5' 11") wooden fence must be erected in accordance with the approved plan. I assume this refers to the fence on the West side of the Courtyard. With all due respect, this will have little if any effect as a noise mitigation measure as the source of the noise can come from anywhere within the Courtyard, often some distance from the barrier, therefore, it would simply pass over the top. Similarly, it will not block noise from the relocated activities reaching properties to the East. You will recall I did some research into noise attenuation barriers and sent both you and Kingswood the brochure from a company that specializes in barriers for open spaces. I contacted them in this regard and they said that in such circumstances the barrier would need to be a considerable height, for the reason I have already mentioned above.

A 1.8m (5'11") fence is near to the height of most adult's ears so how can it possibly act as an effective noise barrier?

It is perhaps worth adding that from two years of logging and reporting noise from the site, wind direction and strength have been the only factors governing what we hear on a day-to-day basis, the Management Code has made no difference whatsoever.

In summary: common sense dictates that if you want to contain noise within a property you do NOT locate whatever creates that noise in the most open part, furthest from any features that would help mitigate it. Yet, that is exactly what this proposal does.

With reference to my discussions with Mr Cliff Walshingam, Planning Consultant for Kingswood, I understand that his client has stopped him from going ahead with his plans. You will recall when I raised the matter of the relocation at the last joint meeting with yourselves and Kingswood, I was firmly put in my place by Mr Searle and told that the site plan was not open for discussion. He did, however, suggest that I submit my thoughts about the layout in writing to him and Mr Walshingham. This I did and, in due course, Mr Walshingham carried out a site visit and called upon Mr Armstrong and myself independently. An amicable and fruitful discussion ensued and I firmly believe that had Mr Walshingham been allowed to continue, sensible siting of the activities and effective noise attenuation could have been agreed. For example, he was very aware that the Central Courtyard would not contain noise and that a substantial structure was needed to close off the very open aspect to the West, and suggested a way this could be achieved.

In my letter to you of the 24th October 2004, one of my conclusions was that Kingswood should:

> *'Accept that noise is a serious problem for local residents, address it head on, look at the site as it is, review each activity, install effective noise barriers and relocate or remove those causing the most problem (i.e. Night Line).'*

I hope you would agree that this is a reasonable and logical approach and that we should not just rely on the Management Code. I find it sad that despite the fact their current Planning Consultant has shown interest in our advice about layout and has made suggestions of his own which we thought sensible and acceptable, he is being prevented

from going ahead by his client. Surely it is in their interests as much as ours to do everything possible to resolve the issue of noise. This suggestion would be far less disruptive than re-locating every activity and would give real benefit in terms of noise reduction.

Having looked at the latest exchanges regarding the Management Code, I feel I am still as much in the dark today as I was up to 18 months ago as to what noise will be permitted. One thing does seem clear; **Kingswood does not want a ban on shouting, screaming, calling, etc.**

With reference to the current version of the Management Code, the introduction states:

> ***'The site is particularly noise-sensitive and the purpose of this Code is to regulate the manner in which it is operated so as to limit the noise from the Site to the level experienced when it was used as a conventional boarding school. This is to be expressed as set out in Annex A'***

In his report (IR para 29) the Inspector describes this in the following manner:

> ***'I think it likely that the former boarding school use generated some noise when the children were outside during breaks. However, that would be for fairly short periods at set points during the day and went almost unnoticed by people living nearby'.***

As a local resident, I would be happy to accept this. **However, what Annex A describes is something totally different and allows noise all day.** It is worth noting at this time that the schedule allows for children to be outside all day, from getting up in the morning to going to bed at night, except for the 1.5 hour indoor session from 19.30 to 21.00hrs. Whether they are in the Courtyard or not makes no difference, as it does **not** contain noise.

I would ask that in considering this application and the Management Code, it is noted that it is not only the shouting and screaming we hear, but also the continual babble of voices. If you are of the opinion that a low level is not stressful or harmful to our health, may I suggest you read the following item from the Noise Abatement Society's website:

Noise: the hidden pollutant?

> *'Exceed an optimum level of bacteria in food or noxious gases in the air we breathe and serious illness - even death - may result. Excessive light too can be hazardous. But noise? It's just a nuisance, isn't it? Were the sound level in your home or neighbourhood to suddenly escalate a few decibels, irritation might result in the short term, but initially at least, little else.*
> *Er, not quite. Anti-depressants, broken homes and sudden, uncharacteristic violence are not untypical responses to overexposure to noise. Still not convinced? If we look at the 'positive' use of noise, what do we find? Well, it's an excellent tool*

for interrogation and even torture! But - you'll say - in such circumstances the victim is trapped, unable to remove him or herself from the source. Can't we feel equally trapped by a perpetually noisy neighbour, be it a pub, club, factory, main road, railway, or the family next door?'

Having now been subjected to this overexposure for three years, we know just how true the above words are - I have been driven from my home on more than one occasion by it, as you are well aware.

If you continue to recommend this application for approval, I would ask that you ensure a workable and effective Management Code is combined with real and effective noise attenuation measures, otherwise our misery will continue. We have told you what the problems are, at your request we have recorded the noise disturbance over a two-year period, therefore, you should have a clear picture of what it is like, the stress it causes and the harm done to our health.

I am still of the opinion that the site is unsuitable and so is Mr Walshingham, Kingswood's Planning Consultant and someone who, we are told, has had a long association with Kingswood. I asked him what advice he would have given Kingswood had he been consulted at the outset; he replied that he would have advised against this site, as it is too small for their needs.

I ask that this Application be refused.

Yours sincerely

E H Harle

c.c. Mrs E Auld, Dalston Parish Council
Mrs L Crookdake)
Mr T Allison) Dalston Ward Councillors
Mr B Dodd)
Mr J Collier, County Councillor

Edward Clark 30/12/04

Rang to say that:

- Noise & bldg treatment not being addressed.
- EH & Bruce had spoken to Cliff Walsingham. CW had suggested a traditional barn which would screen the site.
- EH & Bruce had asked CW whether this could be pursued but CW explained that his clients were unwilling to change plans at this stage.
- Does not feel Manag. Code will work. Worried that there is nothing in the Manag. Code will protect residents.
- Need layout & suitable Manag. Code + clear definition of what expected
- Do not want to see proposed facilities used outside term time.
- EAC has nearly brought him to a nervous breakdown and do not feel that he is being listened to.

04/1203

VG

ARH

Bellgate House
Cumdivock
CARLISLE
Cumbria
CA5 7JJ

Tel:

Mr A Hutchinson
Planning Services Division
Carlisle City Council
The Civic Centre
CARLISLE
Cumbria
CA3 8QG

16.12.2004

Dear Mr Hutchinson

Proposed Development of Greensyke Farm, Cumdivock by Kingswood Learning and Leisure Group Limited. Application Number 04/1023

Further to my letter dated 14th December 2004 concerning 'term time', I would stress that the meaning of this has to be taken in the context of the Inspector's Report and only that.

His Report was about Kingswood Educational Study Centre at Greensyke and his perception of how it operated – nothing else. He obviously took this into consideration when completing his Report and I would suggest it is a significant factor. Had he perceived an all-year-round operation it may well have affected his final decision. To me it is beyond any shadow of doubt that he thought Greensyke operated only during term time in the generally accepted meaning of the words with regard to education. If not, I see no reason whatsoever to mention it. It is not an argument about what 'term time' can or cannot mean in general, it is specific to the Inspector's Report.

Assurance for the local residents of a few weeks' peace and tranquillity during the school holiday periods would be a significant improvement in the quality of our lives, which has been severely diminished since Kingswood took over at Greensyke.

Yours sincerely

ACKNOWLEDGED
20 DEC 2004

E H Harle

c.c. Mrs E Auld, Dalston Parish Council
Mrs L Crookdake)
Mr T Allison) Dalston Ward Councillors
Mr B Dodd)
Mr J Collier, County Councillor

04/ 31203

VG

ACH. (Cons)

Bellgate House
Cumdivock
CARLISLE
Cumbria
CA5 7JJ

Tel:

Mr A Hutchinson
Planning Services Division
Carlisle City Council
The Civic Centre
CARLISLE
Cumbria
CA3 8QG

18.12.2004

Dear Mr Hutchinson

Proposed Development of Greensyke Farm, Cumdivock by Kingswood Learning and Leisure Group Limited. Application Number 04/1023

The main concern of local residents about the Greensyke site is that of noise, and you may wonder why we are so desperately worried about it. Much has been written and debated, mostly in such highly technical terms that I suspect few of us really understand. Therefore, with no disrespect, I shall try to express our concerns in 'Plain English'.

From measurements taken at various times both by Waterman acting for Kingswood and CCC EHO, it will be seen that the background noise level (at Bellgate for example) is in the low to mid 30dBs range. Referring to the chart used by the EHO, noise levels of 30dB to 40db is considered equivalent to a library, whereas 60dB to 70dB is the equivalent of conversational speech. Although no specific value is given for children shouting and screaming, it is in excess of 70dBs and measurements done by Waterman at Kingswood's Runcorn site record levels in the mid to high 70dB range.

In 'Plain English', the Greensyke site is without any noise attenuation properties. It is situated in a tranquil, rural location as quiet as a public library with children screaming, shouting and cheering at distances of only 20 to 200 metres from the three nearest residential properties, separated only by open fields. That is the reality and, of course, we hear them loud and clear.

At your request, Mr Armstrong and I have been submitting Noise Reports to you for nearly two years. These firmly establish this fact and also show there has been no improvement over that time period. People up to a mile away have reported hearing the shouting - when you consider the above factors you can understand why.

ACKNOWLEDGED
20 DEC 2004

Kingswood offers a Site Plan with a revised layout and a Management Code. Briefly:

The Site Plan

This in no way makes a serious attempt to address the noise problem as noise barriers are only briefly mentioned without clearly defining what they are, where they will be sited or what attenuation they will provide. This Plan also concentrates all the activities in the most open part of the site and will intensify the noise. My letter to you dated 24th October 2004 deals more fully with this.

The Management Code

Supposedly, this has been in operation for the past 18 months or more but, as our noise logging shows, it has done nothing to alleviate the problem. What we are now being offered is that same ineffective Management Code with riders about a local liaison committee, a complaints procedure and some sanctions.

As negotiations on the Code are still taking place it is difficult to comment fully, but with regard to the proposed sanctions, I would say that these are weak and would be difficult to enforce. Briefly:

1. *Ban two activities for two weeks* – How can this be done? They cannot be locked away and who is going to monitor to ensure they are not being used during that time? Would a member of the liaison committee be expected to make frequent, unannounced visits to check?

2. *Ban a school for two years* – Again, how is this to be done and how will it impact Kingswood? With several schools there at the same time one could argue against the other. Having banned a school, how would the LLC know they have not returned before the end of the two-year ban? Is Kingswood going to provide a list of banned schools and a weekly list of those scheduled to visit? Would this really be a sanction against Kingswood?- I suspect the majority of schools only visit once a year, therefore, the loss to Kingswood would be of little consequence.

3. *A fine of £2000 that can only be applied after arbitration.* That is an insignificant amount in relation to the potential turnover at Greensyke, judging by the prices they charge.

I see nothing in the Management Code that clearly defines in understandable and unambiguous terms who is allowed to attend Greensyke and when the site will be open. I would suggest something along the lines of:

'open only to school children up to age (16)? accompanied by their teachers or assistant teachers during the term times as laid down by Cumbria County Council'

I think that gives an unequivocal message, understandable to all, and precludes use by Banque de France (accompanied by their leaders), other similar institutions and what appeared to be a sublet on another occasion.

Similarly for noise – what is expected needs to be stated in words we can **all** understand. At the moment we have a technical definition from Waterman which I believe few of us really comprehend. Again, I would suggest:

'shouting, screaming, cheering and chanting is not permitted at any time'.

It has to be recognized that the Management Code is for the use of and interpretation by the manager and staff at Greensyke, visiting teachers, the LLC and local residents. It must be written in 'Plain English' so that there is no doubt in their minds as to the true meaning - technical specifications will be meaningless.

I ask that this application be refused.

Yours sincerely

E H Harle

c.c. Mrs E Auld, Dalston Parish Council
Mrs L Crookdake)
Mr T Allison) Dalston Ward Councillors
Mr B Dodd)
Mr J Collier, County Councillor

TO: A. HUTCHINSON
PLANNING OFFICER
PLANNING Dept
CARLISLE CC

NOISE + EVENTS DIARY
KINGSWOOD / GREENSYKE

THE WHITE HOUSE,
CUMDIVOCK,
DALSTON.

Date	NOV 04
Sat 13th Nov	Arrived home from wedding in afternoon. Loud shouting and screaming on site 1.30 to 4.30 PM
NOV Sunday 14th	Very noisy all morning, at times intolerably so. Went round to site at Noon to see site manager to ask for noise to be more controlled in the afternoon. It is 8.45 PM as I write and I can still hear screams coming from the site. Quite ridiculous it is black dark but lights are on all over the site.
Mon 15	No serious noise
Tues 16	some mainly shouting noise
wed 17	quiet
TH 18	quiet
FRI 19	some noise
SAT 20	some noise off and on but just below level of me complaining
SUN 21	quiet day this site
MON 22	mainly quiet
Tues 23	some noise
Wed 24	some noise on and off all day.
TH 25	Some very noisy children on site 10.00AM and again PM
FRI 26 NOV	10.00AM RIDICULOUS shouting, cheering, screaming. Went along road to see who was making the noise and it was coming from only 15 small children BUT with staff encouragement.
SAT 27	QUIET
SUN 28	QUIET
Mon 29	QUIET CHILDREN Have left Greensyke
Tues 30/11/04	FEBRUARY '05

PLANNING SERVICES
REF 04/1205
17 DEC 2004
VG
PASSED TO ARJ/CMD
ACTION
ACKNOWLEDGED
20 DEC 2004

TO A. HUTCHINSON
PLANNING OFFICER
CARLISLE CC.

NOISE + EVENTS DIARY
KINGSWOOD/GREENSYKE

THE WHITE HOUSE
CUMDIVOCK
DALSTON.
OCT 04

Date	
TH 14/10/04	CIVIC CENTRE MEETING 2-00 PM Mainly quiet on Site
FRI 15TH OCT	Some noise P.M.
SAT 16TH	A noisy day - obviously more audible when I am in the garden at weekends.
Sun 17TH	No noise
Mon 18TH	Not much noise
Tues 19	" "
Wed 20	" "
THUR 21	" "
FRI 22ND	away in London
Sat 23	" " "
Sun 24	" " "
M 25TH OCT	" " "
Tues 26TH	Noise occasionally
Wed	Occasional noise
THURS 28TH	"
Fri 29TH	"
Sat 30TH OCT	rather noisy at times as usual on a SATURDAY
Sun 31ST OCT	Quiet
Mon 1/11/04	Quiet
Tues 2	Noisy day
Wed 3RD	Not too noisy
TH 4TH NOV	not too noisy
Fri 5TH	some noise
Sat 6TH	Noisy AM, lot of children over-excited by Kingswood staff!
Sun 7TH	Not much noise at all.
Mon 8TH	Buses arrive, children screaming + shouting 2.45pm until 4.30 P.M.
Tues 9TH	NOT TOO NOISY
10TH WedNOV	Some intermittant noise
11TH TH	OCCASIONAL NOISE
12TH FRI	" "

The Ropers' home, Farley House, stands 100 yards from the main gates to Alton Towers

LAND SERVICES
05 NOV 2004
ACH

Judge calls halt to screaming at Alton Towers

By Nick Britten

ALTON Towers, the country's most popular theme park, may be forced to close down its most successful white-knuckle rides after being ordered to cut its noise levels.

In the first ruling of its kind, a judge told the park yesterday that neighbouring residents must not be interrupted by noise from thrill-seekers, the rides or loudspeaker system. The judgment could see an end to rides such as Nemesis, Air, Corkscrew and Oblivion.

The owners of Alton Towers, Tussauds Theme Parks Ltd, were fined the maximum £5,000 yesterday and served with a noise abatement order after a couple claimed that the racket from the park, which has regularly increased the number of rollercoasters and rides, had made their lives a misery.

Stephen and Suzanne Roper, whose house stands 100 yards from the main gates, said they could not sit in their garden because the noise levels from people screaming were so high. Late-night fireworks, concerts and corporate weekends had contributed to their despair.

Earlier this year they took out, and won, a private prosecution, arguing that Tussauds

Suzanne Roper: 'hopeful'

Stephen Roper: 'worth it'

It was also forced to cut its popular fireworks nights to one a year.

For years the park has been at the forefront of innovative, screaming was exacerbated by the constant whirr of the machinery.

Speaking after yesterday's hearing at Stafford Crown Court, Mrs Roper said: "I hope very much for the local community that they [Alton Towers] stick to the order. I think it's time that Alton Towers started to listen to the people who live around it and think about their quality of life.

"We have been in the hamlet for 36 years and we have seen the place change incredibly in that time. There's a big majority out there who don't like what goes on and don't like to make a fuss."

Mr Roper added: "The prosecution has definitely been worth it. We have got three or four quiet months – let's see what next year's going to be like."

The couple moved to Farley House, in Farley, in 1968, 12 years before Alton Towers opened. As it grew over the years they said that noise from rides, loudspeaker announcements and constant traffic passing through their village had made life unbearable.

The couple's solicitor, Richard Buxton, said the £5,000 fine reflected the judge's view that Alton Towers had made little or no effort to abate the nuisance.

TO:
ANGUS
HUTCHISON ESQ
C C C
PLANNING OFFICER

FAX
22.15 PM.
24/11/04

THE WHITE HOUSE
CUMDIVOCK,
DALSTON.
CARLISLE

GREENSYKE / KINGSWOOD

I have today seen copies of E_MAILS etc between G. Searle + P. Wilbraham respectively.

IF I understand it correctly, the CITY COUNCIL [your Dept. and M. Lambert Dept.] are refusing to chair the L.L.C. to be established concerning the above disputes/procedures etc.

Surely you must see the importance of an independant body like yourselves WITH AUTHORITY is essential in order to give credibility to the L.L.C.?

I can't understand why the C.C.C. won't stand up and accept its responsibilities. We pay our rates up here like anywhere else.

Yours etc,

To: Angus Hutchinson
PLANNING OFFICER
CARLISLE C.C.

Noise + EVENTS DIARY | AUG | Sept-Oct

The White House
CUMDIVOCK

DATE	KINGSWOOD / GREENSYKE CUMDIVOCK
Tues 14th Sept	No noise hardly any children on site
15	"
16	"
17	"
18	"
19	"
20	"
21	"
22	"
23	"
Fri 24	Lots of children arrive Noisy 12-12-30 and again at 4.30
SAT 25 Sept	Very noise AM on and off. Even worse P.M. lots of screaming from Night time Blindfolded children 18 in one chain and 12 in other at 4.30 PM screaming their heads off encouraged by a KINGSWOOD staff member. Went to site to discuss situation. Kieron Suchet Manager, not on site. Spoke to Richard Broad and discussed situation with him amicably. He knew about the Management code and would see that the screaming would reduce – his assistant went out to ask the staff in charge of the children to tone it down.
SUN 26 Sept	Seems to be few children about and poor weather, no undue noi
Mon 27 "	"
Tues 28 "	"
Wed 29 "	"
TH 30th "	"
FRI 1st OCT	AM Quiet – awful weather keeps noise down Noisy P.M.
SAT 2nd OCT	Very wet no one seen on site until P.M
SUN 3rd "	Very wet – Quiet
MON 4th "	Very, very wet – Quiet.

PLANNING SERVICES
REF
15 OCT 2004
RECORDED
SCANNED
PASSED TO
ACTION

To: A Hutchinson, Esq.
Planning Officer
Carlisle C.C.

From:
The White Hse
Cumwhinton
Oct '02

NOISE + EVENTS DIARY

DATE	KINGSWOOD — GREENSYKE SITE
Tues 5th Oct	Very wet few children seen or heard
Wed 6th Oct	" " " " " "
Th 7th Oct	Fine day, a few children on site. NOT much noise.
Fri 8th Oct	little seen of any children until late in the day
9th Oct Sat	Very noisy AM from 10.00 AM to 11.55 AM. A lot of screams
9/10 PM	Much quieter
Sun 10th Oct	12.15 PM A LOT OF RIDICULOUS shouting very, very loud Went along road to see about 6 Kingswood staff and a few children playing baseball. Went in to RECEPTION to remind Manager that this behaviour is contrary to site management control. The young girl in charge (no manager on site) replied that they were just playing a game with the children on the only open space of ground on the site before they left the site at 1.00 PM No apology - she seemed to think my complaint was frivolous but I reminded her again about staff responsibilities regards running this noise situation site. I don't think she was concerned, I asked if there was a complaint book I could sign to record my complaint but no such exists — yet.
Sun PM 10th	Quiet
Mon 11th Oct	Quiet, mainly
Tues 12th	Very noisy at 10.10 AM from only a few children, then quiet PM.
Wed 13th Oct	Did not hear any children today.

(1)

T. Hutchinson Esq
PLANNING OFFICER
PLANNING DEPT.
CARLISLE, CIVIC CENTRE.

THE WHITE HOUSE
CUMDIVOCK
DALSTON
CARLISLE
CA5 7JW
14TH OCT '04

RE: GREENSYKE, CUMDIVOCK.

with COPIES TO: CHAIRMAN + MEMBERS PLANNING COMMITTEE (please).

Dear MR Hutchinson,

Since the PUBLIC INQUIRY I have visited the Greensyke site next door on the following occasions to complain about NOISE:-

27TH March VISIT
16TH May VISIT
25TH June VISIT
11TH July VISIT
19TH July (PHONE)
21ST July (PHONE)
25TH July (PHONE)
7TH Aug (PHONE)
11TH AUG VISIT
25TH Sept VISIT
10TH OCT VISIT

As you can see from reading my diary, I do not go round every time it is noisy, only when I believe it is unacceptly noisy. In general after I have been to see them on site the noise is contained except when the French children are on site, as they seem to be a law unto themselves. With few (if any) Kingswood staff involved with them they do whatever they wish on site at any time day or evening. The period they were here, 11th July until 25th August was very noisy and at times unacceptably so. Can anything be done to prevent these visits?

After all the INSPECTOR in his REPORT page 12 stated:-

"THE PRESENCE OF THEIR OWN TEACHERS AND CHASSMATES WOULD REINFORCE THE EDUCATIONAL NATURE AND PURPOSE OF THEIR VISIT."

CONTD.

CONT'D (2)

When I spoke to one of the French children he told me that they were the children of Banque De France employees and that they did not come with their classmates and teachers from any particular school. If these French children come to Greensyke it does not excuse them from obeyance with the MANAGEMENT CODE. To throw the code out of the window because they are French is totally against all agreements concerning site management. The local resident strongly believe these visits by BANQUE-DE-FRANCE should be stopped as this would give us a period of PEACE and CALM in Summer to enjoy our gardens. Without these visitors from France most of August would be mercifully peaceful.

Finally, when I visited the site on Sunday 10th OCT because of noise, the main cause of the noise was Kingswood's own staff playing baseball with the children in the front paddock. This is contrary to the Management Code but when explained to the young lady at RECEPTION (No MANAGER ON SITE YET AGAIN) she seemed unconcerned, explaining to me that it was just until 1.00pm when the children were due to leave. I must say she was most polite, but just did not seem to grasp the meaning of the Management Code.

It does appear to me that there are frequent long spells now when no senior resident manager is in charge on this site. It is very rare that one ever meets the manager when visiting the site. It is all the more important therefore that JUNIOR staff are aware of the Management Code. This is my concern regarding KINGSWOOD's long term running of Greensyke.

Will the promises made on PAPER ever get down to the staff at ground level — experiences to date lead me to be very sceptical on this point.

The Gill
Dalston, Carlisle CA5 7JP
Tel:

14 October 2004

Department of Environment & Development
Planning Services Division
The Civic Centre
Carlisle
CA3 8QG

Dear Mr Hutchinson

Kingswood Educational & Leisure Centre, Greensyke, Cumdivock

We write to you today to keep you informed of just how this company works. During this last year, leading up to the Public Inquiry, we heard little noise from the site and what we heard was not particularly objectionable.

However, since the Public Inquiry and even before the decision was given we have found a marked increase in the noise on the site. We have listed below some of occasions we have noted in our daily diary which we keep on the farm. These are by no means all of the incidents and some of which we didn't note because we were too busy on the farm.

Sunday 4th April - Shouting, Screaming, cheering including Adult Male voice 11.50am
Monday 12th April - 3pm Adult shouting: 5.30pm Children shouting & screaming - this could be heard during milking in our yard.
Sunday 25th April - 3.15pm Adults shouting instructions, children clapping, shouting, chanting, screaming, cheering - this could be heard during milking from a field on the other side of Nook Lane near Fountain Head.
May 16th, 17th, 18th & 19th - heard the children most of the day.
Friday 25th June - heard children again
Friday 9th July - heard children on the site at 9.45pm!!!.....
Sunday 11 July - usual Sunday noise - must be to do with the changeover's.
Saturday 17th July - screaming and shouting again
Sunday 25th July - again the change over excitement can be heard today
Wednesday 11th August - noisy afternoon
Tuesday 31st August - shouting, cheering, screaming again
Saturday 25th September - again site very noisy
Saturday 9th & Sunday 10th October - we were working this weekend & could hear the children most of the time and they could be heard during milking.

It appears that they regarded the time before the inquiry as "we better keep quiet and keep the locals happy" now they are treating the site as they intend to allowing the children to enjoy the "Kingswood Experience" regardless of the noise and the local opinion.

The Gill
Dalston, Carlisle CA5 7JP
Tel:

Now that the darker nights are here we have seen the site lit up like the Blackpool Illuminations so much so that it has an orange glow over it which can be seen clearly in the mornings so. No matter what time you come at night the place is just a mass of lights. For instance last night I came home from a darts night with the W.I. and at 10.45pm it was a mass of lights. Every single light was on in Greensyke House and the outside lights too - We thought the children were meant to be in their dormitories and lights out by 10pm. How do visiting teachers rest when the children which are their responsibility in the evenings!!!) are still wide awake at this time and up again at 7am.

What of the latest concerns regarding the insurance etc of activity educational centres and how some teachers and schools are wanting to ban them from the curriculum. If children are not allowed to attend then what would this site be used for?????

Bellgate House
Cumdivock
CARLISLE
Cumbria
CA5 7JJ

Tel

Mr A Hutchinson
Planning Services Division
Carlisle City Council
The Civic Centre
CARLISLE
Cumbria
CA3 8QG

13.10.2004

Dear Mr Hutchinson

Proposed Development of Greensyke Farm, Cumdivock by Kingswood Learning and Leisure Group Limited. Application Number 04/1023

Please find attached a composite noise log recording events since the Public Inquiry. It includes those events previously reported to you in my letter of the 14th April 2004.

The attached log shows Kingswood are unable to control the noise and that I have either called or telephoned to complain on 25 occasions since the Public Inquiry, five times on one particular day and two or three times per day on other occasions. I now feel it is pointless complaining as little, if any, improvement results, instead my wife and I either stay inside or go away for the day when it becomes unbearable.

With regard to the Management Code and the Master Plan, in brief:

- There has been no improvement over control of noise since the Management Code was introduced.
- The Central Courtyard does not contain noise – how can it when it is wide open to the west, with large gaps between the buildings in other directions.
- The proposed new layout will do nothing to alleviate the problem and if anything will make it worse by moving nearly all the activities into the highest and most exposed part of the site. I say this based on 2½ years' first-hand experience of noise from the site.

- The proposed noise attenuation barriers (it is unclear exactly what these are and where they will be sited), are unlikely to reduce off-site noise. To be effective the essential factors for a noise barrier are:

  (a) The material used - it needs to absorb sound.
  (b) It must be close to the source - difficult to achieve with individual activities and a large play area (the central courtyard).
  (c) The height and width - otherwise sound will just pass over or around it. Also be aware some activities take place above ground level.

  From the few details provided, I do not believe any of these criteria have been met.

- The plans submitted do not show surrounding properties, so it is difficult for those assessing them to determine line of site, therefore sound, to these properties.

Yours sincerely

E H Harle

Noise and off-route coach movements from the KW activity centre at Greensyke

The following were observed and noted as we went about our daily lives, no special attempt being made to capture these events

Thursday 18/3/04

- 08.45hrs Opened door for first time to be greeted by children shouting.
- 10.15hrs Still as bad, phoned KW Greensyke. Spoke to Erin, she said no manager (on holiday) and no deputy. Apparently new manager is called Kiren Suchet and his wife Doris is the operations manager. Must be about eighth or ninth manager, I cannot keep up with them!
- 13.14hrs Had a call back from Mr Barbour the Group Operations Manager in HO to apologize.

Friday 19/3 Strong SW wind.

Sat 20/3 Gale force SW wind.

Sunday 21/3

- 13.30hrs Two coaches leave passing Bellgate (off approved route).
- 13.45hrs Another coach leaves passing Bellgate.
- 15.30hrs Coach arrives passing Bellgate.
- Assuming these four coaches used the same route arriving or leaving then it amounts to eight journeys in one day not on the approved route.
- I phoned KW and spoke to Doris Suchet, Operations Manager, she did not seem to be aware of the approved routes for coaches. *(I suggested that a solution, at least for those coaches leaving, was to put up a sign saying all coaches must turn left – I note they have now put up a sign saying no right turn for coaches)*

Monday 22/3 strong SW wind

- Spoke to Mr Armstrong at the White House, said he could hear children shouting etc his side.

Saturday 27/3 Stiff SW breeze

- Despite wind could still hear sporadic shouting.

Sunday 28/3 Strong SW wind (cold).

Monday 29/3

- 09.10hrs Babble of children's voices punctuated by sporadic shouts.

Tuesday 30/3 SE wind

- 09.15hrs Shouting and screaming.
- 15.30hrs Still lots of shouting and screaming. Called KW spoke to Erin, said no manager available.
- 15.40hrs Call back from Paul Sprigins, apparently works in the Operations Department at KW head office but is standing in as manager at Greensyke.

The following were observed and noted as we went about our daily lives, no special attempt being made to capture these events

- 18.00hrs The noise continues, phoned KW spoke to Erin, asked if I wanted to speak to Paul Sprigins, I said what is the point, this is my third contact today and the noise continues.

Wednesday 31/3 SE wind

- 12.19hrs After hearing shouting, calling etc. most of the morning phoned KW, spoke to Paul Sprigins. He was apologetic and said children were about to leave.
- 18.30hrs Babble of voices, shouts and screams (assume from new batch of children).

Thursday 1/4 SE wind

- 11.00hrs Out for the first time, babble of voices, shouts, screams, cheers.
- 15.00hrs Still going on, phoned KW spoke to Paul Sprigins, I was promised action would be taken.
- 17.00hrs Still as bad, phoned again spoke to 'Bas' he said he would speak to instructors and teachers about the noise (manager nor available).
- 18.10hrs Still just as bad, phoned and spoke to 'Bas' yet again.
- 18.57hrs Still shouting and screaming, could hear them in our bedroom. Phoned again and spoke to 'Bas' he said he was in charge at this time and that he would see what he could do. I suggested it was simple, tell them to be quiet.
  Although I never met 'Bas', from our conversation I was left with the impression he was quite young and not capable of showing the presence or authority necessary to control the children, or instruct their teachers to do so.

Friday 2/4 SE wind

- 10.15hrs Out for the first time to be greeted by instructors' shouts and children screaming and shouting.
- 11.15hrs Noise just as bad (worse in fact). Phone KW spoke to 'Rob' (no manager available) said he was aware of the problem and had spoken to both the teachers and instructors that morning to say the noise was unacceptable. He was apologetic and said he would try again to quieten them down.
  Paul Sprigen (stand-in manager) has returned to Head Office. Kiren Suchet (the actual Greensyke manager) is due back this afternoon.
- 13.15hrs Cumbria Coach leaves passing Bellgate, therefore not on approved route. Phone KW spoke to 'Rob' about it.
- Cumbria Coaches are the ones I see most often going in and out of Greensyke so I phoned them to see if they were aware of the traffic routing. I spoke to a lady called Janet who said she was not aware of any such routing but would look back through the paper-work. She is also a driver and was familiar with Greensyke. When I mentioned all coaches leaving Greensyke should turn left she reacted by saying how difficult it is and needs at least two attempts. This is in-line with my observation of dozens of coaches leaving Greensyke, I have never seen any large coach make it in one attempt. Compare that with the remark from the MVA traffic expert at the Public Inquiry when he said all the coaches he has seen made it in one attempt.

Noise and off-route coach movements from the KW activity centre at Greensyke

The following were observed and noted as we went about our daily lives, no special attempt being made to capture these events

Saturday 3/4

- 09.10hrs Opened door to be greeted by children shouting.

Sunday 4/4

- 16.00hrs Coach on-site.

Monday 5/4 (strong SW wind)

- same coach still on-site.

Tuesday 6/4 (strong SW wind)

- same coach still on site.

Sunday 11/4

- 11.00hrs Large yellow Cumbria Coach parked on road outside Greensyke main gate, after eight or nine minutes it drove on past Bellgate (not on route) then turned down Cardew. This road leads to a 7.5ton weight restriction through Dalston.

Monday 12/4 SW wind

Tuesday 13/4 SW wind.

Wednesday 14/4 SW wind

- 17.00hrs Large yellow Cumbria Coach passes Bellgate therefore not on approved route (appeared empty). This was rather an odd time as pick-up usually 12.00 to 13.00hrs, drop-off 15.00 to 16.00hrs. Perhaps they had been out for the day.
- 17.45hrs. Friend from Cardew telephoned to say that he had just had an 'altercation' with the female driver of a Cumbria Coach turning right out of Cumdivock Lane onto the Cardew road. He pointed out that this was not the approved route for coaches from Kingswood and that the road led to a 7.5ton weight restriction through Dalston. Our friend informed the police of the conversation with the driver.

Thursday/Friday/Saturday/Sunday (15-18/4) - away

Monday 19/4

pm. This afternoon yet another coach left Greensyke and turned right therefore not on the approved route. As I was in my gateway I signalled to the drive, who kindly stopped, and asked him if he was aware of the approved routes for coaches coming to or going from Greensyke; he said he was not.

The coach company was 'The Travellers Choice', head office, Carnforth, telephone number 01524-720033.

I rang 'The Travellers Choice' and asked to speak to the manager. When I raised the question of routing he said he was not aware of any but added that the coach was booked by the school not Kingswood.

I think this goes to prove that it is an unworkable plan that depends on third parties passing on the information to the coach companies.

The following were observed and noted as we went about our daily lives, no special attempt being made to capture these events

It also appears that those companies, or their drivers, hired directly by Kingswood are not aware of the approved routes either (re. my previous letter commenting on Cumbria Coaches).

Tuesday 20/4 SE wind

- 08.50hrs First time out to be greeted by babble of voices and shouting.
- 10.00hrs Went out to car to go to town, sporadic shouts.
- 12.35hrs Arrived home to be greeted by babble of voices and shouts.
- 14.00hrs Was going to work in garden but lots of shouting, raised voices, etc. Phoned and spoke to Manager, Mr Suchet. He said he had been monitoring the situation and though the level was acceptable, I disagreed, he said he was going to pass this on to head office.
- 14.15hrs Huge cheer and very loud shouting, rang again, spoke to 'Rob' he said Mr Suchet on phone. I asked him to pass on message to Mr Suchet about this noise. Also said it was becoming very stressful.
- 15.10hrs Went out to car, was greeted by very loud screeches and screams, phoned and spoke to Mr Suchet yet again.
- 16.35hrs Still the same babble of voices punctuated by screams and shouts, could also hear quad bikes (this is most unusual). Spoke to Doris Suchet , she suggested I rang Head Office.
- 16.55hrs Rang HO asked to speak to either Stewart or Oliver Wiley. Was given number of their secretary Lynda Green 01603-84296. I phoned, she said Stewart abroad, Oliver in meeting, she would get him to call me after it had finished.
- 18.05hrs Went out to be greeted yet again by loud shouting and screaming. Phoned, spoke to Kathleen, Mr Suchet had gone to his cottage, she said she would sort it out.
- 18.30hrs approx. Call from Oliver Wiley. He appeared not to accept that they had been any noise and reported Mr Suchet as having said to him that on one occasion when I had called, 'the place was like a grave yard'. As I do not carry my phone around with me it is quite possible that a few minutes later when I actually phoned the site was quiet. The complaints have always been about sporadic noise. However, it is interesting to note that for all the many times I have complained, this is the first time anyone has tried to deny it was happening
- 18.45hrs Stuck my head out and could hear the almost continual shouting and calling of excited children. I thought this a good time to phone Mr Suchet at get his opinion of the noise at this time as he is new and may not fully appreciate the situation. I asked him what he thought and he said he thought it reasonably quiet, I said that I could hear quite plainly. I then brought to his attention just how quiet it is around here as a result of which relatively low levels of noise can often be heard over considerable distances. He is discovering what all previous managers have discovered, that is, a tranquil rural location and the spontaneous, often involuntary shouts and screams of excited children are just not compatible. Also raised the matter of the quad bike/s that I could hear, asked if they may have got some new models or made some changes as normally we never hear them.

Noise and off-route coach movements from the KW activity centre at Greensyke

The following were observed and noted as we went about our daily lives, no special attempt being made to capture these events

Friday 23/4/04

- 08.30 Shouts and screams
- 11.45 Returned from town. Still shouting.
- 16.50 Still shouting.

Saturday 1/5/04

- 17.00 Frequent shouts and screams. 'Phoned and spoke to Erica. Mr Suchet's day off. Said she would speak to co-ordinator and ask him to 'phone me.
- 18.00 Still as bad. Went to complain, spoke to Robert. Another young instructor, I think the name was McGrath, said these are young children and they cannot be kept quiet. *I suggested he should be telling Mr Oliver Wiley and not me, we know that already.*

Wednesday 5/5/04

- 09.20 Babble of voices, punctuated by shouts.

Monday 10/5/04

- 14.00 Thump, thump, thump, walked past to see what was the cause - it was instructors kicking footballs against wall/fence. Did not seem to be any children on site.

Tuesday 11/5/04

- 10.00 Shouting and screaming.
- 17.50 Arrived home to thump, thump of football again.

17th to 24th May 04

Strong s/w wind. Bruce has been troubled by noise.

Monday 24/5/04

- 21.00 Lots of shouting.
- 21.30 Still shouting.

Tuesday 25/5/04

- 07.50 Shouts.

Wednesday 26/5/04

- p.m. Calls, shouts, screams, cheers continuing all afternoon.
- 19.00 Spoke to Kieron.

Thursday 27/5/04

- 09.15 Shouting and screaming. Loud adult voice.

Noise and off-route coach movements from the KW activity centre at Greensyke

The following were observed and noted as we went about our daily lives, no special attempt being made to capture these events

Saturday 29/5/04

- 10.10 Babble of voices punctuated by shouts and screams. Quad bike clearly audible.
- 10.20 Spoke to Baz. No improvement.

Sunday 6/6/04

- p.m. Could hear shouts despite strong s/w wind. Saw no children.

Tuesday 8/6/04

- 10.10 Shouting and screaming.

9th to 21st June 04

Mostly strong s/w wind.

Tuesday 22/6/04 SE Wind

- 12.00 Babble of voices with calls and shouts.

Wednesday 23/6/04

- 10.00 Shouting and calling. When I drove past, only two groups on far side of site, *(to reach me this had to pass through the Central Courtyard, the area they claim contains noise).*
- 11.30 'Phoned to complain about the noise.

Friday 25/6/04

- 12.40 Lots of shouting and chattering.
- 16.30 'Phoned to complain about noise. Mr Suchet not there, spoke to Rob who said he would see what could be done. Asked for Mr Suchet to call me.
- 17.00 Still as bad.

Friday 2.7.04

- p.m. Children from Kingswood walked past Bellgate House. One of them climbed onto the fence next to the large gate. Spoke to instructor and two teachers. One of the teachers denied the child had done so. However, one boy owned up and he was sent back to apologize. *I note the teacher did not apologize!*

Wednesday 7/7/04

- 11.30 Could hear shouts and calls inside my house (windows slightly open). Went on for most of the day.

Thursday 8/7/04

- 11.30 Screams and shouts.

Noise and off-route coach movements from the KW activity centre at Greensyke

The following were observed and noted as we went about our daily lives, no special attempt being made to capture these events

Sunday 11/7/04 SW Wind

- p.m. Bruce is hearing a lot of noise from Banque de France children (120 or so here until about 29/704). S/w wind so some noise here, but not as bad as at The White House.

Sunday 18/7/04

- 21.00 Although s/w breeze shouts and screams can clearly be heard.

Monday 19/7/04

- 21.20 Loud shouts and yells had been going on for some time. 'Phoned to complain. The girl I spoke to said it was difficult to keep them quiet as they were moving between locations and as they are French, making them understand is very difficult.

Tuesday 20/7/04

- Sporadic shouts and calls most of the afternoon.
  - 16.00 Getting worse – lots of screaming.
  - 16.45 Telephoned and spoke to John Robson – most apologetic and said he would do his best. I said not good enough – stop it.

Thursday 29/7/04

- 09.30 Shouting and calling.

Sunday 1/8/04 SE breeze, almost calm

- 09.00 Sporadic shouting and calling.

Saturday 7/8/04

- 15.30 Children walk past (about 20) with fishing nets.
  - 17.00 Man stopped asking way to the Gill, but it was actually Greensyke he wanted as he had a map of the site with red lines on it. He had passed earlier heading towards the Church.
  - 19.30 Sporadic shouting and chatter – could be heard against west wind.

Sunday 8/8/04

- 10.20 Screaming, shouting and whistling.
  - 11.00 Spoke to John Robson. He told me it was Bank of France's second group. They had divided themselves into two groups and were running their own mini Olympics. He said he would ask them to keep the noise down.
  - 11.30 Visited site John Robson.
  - 12.30 Still shouting and cheering – spoke to John again. Said he had been down to the end of the drive nearest me and could not hear anything – this may be true as he would still be in close proximity to the buildings. Noise may well spread out further from site – it is not unusual to be able to hear things from a distance yet be unable to hear them close up.

The following were observed and noted as we went about our daily lives, no special attempt being made to capture these events

17.30 Noise continues with sporadic shouts and screams. John was of the opinion that the Master Plan allows some leeway for shouting and screaming as long as it was not continuous. When I suggested it was even worse to arrange such an event on a Sunday he gave the excuse that they, Kingswood, did not know their agenda until the children arrived.

- *Elizabeth wrote to the MD of Kingswood (Oliver Wiley) re. groups turning up with their own agenda asking how he could justify this with respect to the Management Plan. She has still not had a reply or even an acknowledgement.*

Wednesday 18/8/04

- 16.10 Lots of shouts and screams.
  16.20 Telephoned to complain. Spoke toErin. Said she would get John Robson to call back.
  16.45 Call from John. Children down my end of site under control of their leaders – no Kingswood instructors. I said this is not Managemen Plan.
  21.00 Lots of loud shouting and cheering.

Monday 23/8.04 SE light breeze, almost still

- 16.00 – 17.30 Out in my garden - Continuous thump of ball punctuated by shouts. Went indoors at 17.30 as it was too much for me to take. No point in complaining – they pay no heed to our requests.

Tuesday 31/8/04

- 19.00 Screams and shouts from children running around the quad bike area – not supposed to be there. Heard them against fairly strong SW breeze.

Wednesday 1/9/04

- Light SW wind.
  19.00 Shouting, calling and screaming.

Thursday 2/9/04

- Very light SW wind.
  09.00 Sporadic shouting and screaming.
  17.40 Lots of uncontrolled screaming and shouting. Spoke to Bruce Armstrong, The White House – he confirmed noise.

Friday 3/9/04 SW wind

- 11.00 Sporadic shouts and screams.
  17.30 Returned home to be greeted by uncontrolled shouting and screaming.

Monday 6/9/04

- 16.30 Continual babble of voices with lots of screams and shouts. Walked along to Greensyke and stood in gateway watching small group of about 12 children. They had one instructor and one other adult with them (assume teacher) and neither made any attempt to quieten the children. I did not

complain as it just falls on deaf ears. This is the area they propose to erect all the outside activities. If one small group of children can make such a noise, what will several groups be like??

Tuesday 7/9/04 East wind

- 17.30 Uncontrolled shouting and screaming.

Wednesday 8/9/04 SE wind

- 16.00 Sporadic calling and screaming.

Thursday 9/9/04 SE wind

- 10.30 Sporadic calls and shouts.

Friday 10/9/04 Se wind

- 18.10 Uncontrolled shouting and calling punctuated by screams.
  18.30 Still the same.

Friday 17/9/04

- 17.00 Shouting and calling.

Sunday and Monday 19/9/04 and 20/9/04

- Gales and heavy rain.

Saturday 25/9/04 Stiff SW wind

- 17.30 Lots of shouting and screaming – could be heard against the wind.

Wednesday 29/9/04 SE breeze

- 11.20 Greeted by loud shouting and cheering. Went to investigate. Older children competing on climbing wall (first to get to the top, two or three at a time), egged on in loud voices by instructors. Did not complain as I have almost given up all hope of Kingswood ever giving any consideration to their neighbours.

Sunday 3/10/04

- 10.00 Opened door to be greeted by shouts, screams and a babble of voices.

Monday to Thursday, 4-7/10/04

- Mostly heavy rain and very strong SW wind, therefore nothing could be heard.

Friday 8/10/04 Breeze from the SW

Noise and off-route coach movements from the KW activity centre at Greensyke

The following were observed and noted as we went about our daily lives, no special attempt being made to capture these events

- 10.05 Walked outside to be greeted by babble of children's voices, punctuated by shouts and screams.
- 12.30 Lots of shouting and screaming, thump of football (could actually see it in the air from Bellgate). Adult voices also participating.
- 12.50 Still the same.

Saturday 9/10/04 SW wind, quite strong

- 11.30 Babble of voices, punctuated by shouts and screams.
- 12.30 Still the same.
- 13.15 Telephoned Kingswood and was passed to Richard Broad; he said they were trying their best and he would speak to teachers and instructors. Richard thought noise most likely from Night Line (QED Bruce's remark about it being very noisy and mine about hearing noise that has to pass through the so-called noise containment area they call the Central Courtyard).
- 15.45 Still sporadic shouting.
- 16.05 Still the same – spoke to Richard again – said he would have a look out. I went inside for the rest of the day.

Sunday 10/10/04 SE breeze

- 08.45 Shouting – and the daily programme has not commenced!!
- 12.40 Still frequent, uncontrolled shouting and screaming. Rang Kingswood and spoke to Kate. She said all children leaving at 13.00hrs. I said that although we welcomed this, it is not the point, I should not have to keep complaining. Mr Suchet away for weekend, Mrs Suchet in charge. Asked that they ensure this complaint is in logged and the Manager and HO informed.
- 15.00 Despite saying all leaving at 13.00hrs, when I drove passed a group of approximately 15 were on the Night Line. What can you believe from Kingswood – they never seem to know what they are doing.

Monday 11/10/04

- Away all day.

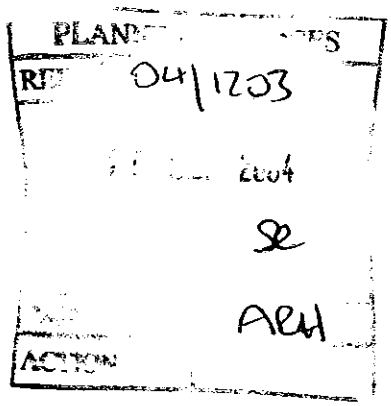
Tuesday 12/10/94 SE wind

- 15.30 First time out today – greeted by uncontrolled shouting, screaming and cheering.
- 16.00 Telephoned to complain and spoke to Doris – said she would go out and see what was happening.

Wednesday 13/10/04 – Light SE breeze, almost still

- 11.00 Babble of voices.
- 13.15 Coach arrives.

The White House
Cumdivock
Dalston
CARLISLE
Cumbria
CA5 7JW



Mr A Hutchinson
Planning Services Division
Carlisle City Council
The Civic Centre
CARLISLE
Cumbria
CA3 8QG

13.9.2004

Dear Mr Hutchinson

Kingswood Learning and Leisure, Greensyke, Cumdivock, Dalston

We have received notification of the applications for planning permission made by Kingswood dated 3rd September 2004 relating to Application 04/1203 (a), (b) and (c).

When we met on the 20th July 2004, Peter Wilbraham raised with you the question of environmental assessment for these applications. It is clear that they relate either to an urban development project as described in paragraph 10 in the Second Schedule to the Town and Country Planning (Environmental Impact Assessment) Regulations 1999 or a tourism and leisure facility within paragraph 17. In either event, since the area of the application site exceeds the threshold, the Council must decide whether an environmental impact assessment is required on the basis that the project is likely to have a significant effect on the environment.

Having regard to the history of the matter and, particularly, the appeal decision, it is inconceivable that any other decision could be made than that the development would have such effects and accordingly a formal environmental statement is required. Would you please let me know:

(a) Has an environmental statement been submitted with the applications;
(b) If not, has the Council adopted a screening opinion under either regulation 5 or 7;
(c) If a screening opinion has not been adopted, your assurance that an environmental statement will be required;
(d) If a screening opinion has been adopted, that it will require such a statement from the Applicant;
(e) If a screening opinion has been adopted to the effect that an environmental statement is not required, please let me know full details of the application and the decision as this Group would undoubtedly wish to consider a challenge to such decision.

Please let me have this information as soon as possible. If an environmental statement has been submitted, would you let me know the address from which I may purchase a copy.

The Cumdivock Group will certainly wish to comment on the applications. However, we have no detailed information on the proposals. Would you please let us have a copy of the applications so that we may consider them with our advisers.

Yours sincerely

FAXED 13/9/04
TO 01228 817199

The White House
Cumdivock
Dalston
CARLISLE
Cumbria
CA5 7JW

Mr A Hutchinson
Planning Services Division
Carlisle City Council
The Civic Centre
CARLISLE
Cumbria
CA3 8QG

13.9.2004

Dear Mr Hutchinson

Kingswood Learning and Leisure, Greensyke, Cumdivock, Dalston

We have received notification of the applications for planning permission made by Kingswood dated 3rd September 2004 relating to Application 04/1203 (a), (b) and (c).

When we met on the 20th July 2004, Peter Wilbraham raised with you the question of environmental assessment for these applications. It is clear that they relate either to an urban development project as described in paragraph 10 in the Second Schedule to the Town and Country Planning (Environmental Impact Assessment) Regulations 1999 or a tourism and leisure facility within paragraph 17. In either event, since the area of the application site exceeds the threshold, the Council must decide whether an environmental impact assessment is required on the basis that the project is likely to have a significant effect on the environment.

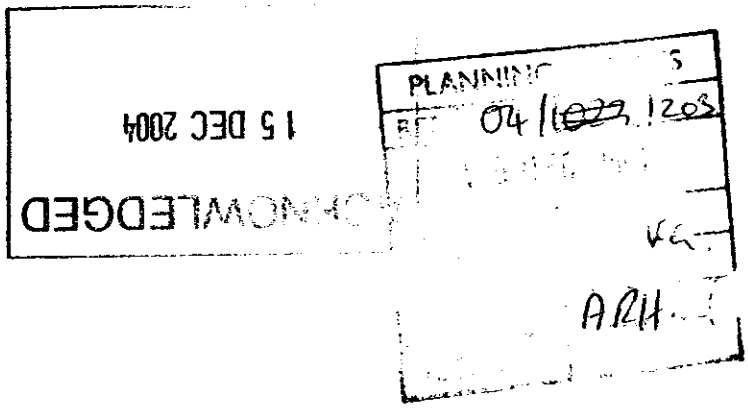
Having regard to the history of the matter and, particularly, the appeal decision, it is inconceivable that any other decision could be made than that the development would have such effects and accordingly a formal environmental statement is required. Would you please let me know:

(a) Has an environmental statement been submitted with the applications;
(b) If not, has the Council adopted a screening opinion under either regulation 5 or 7;
(c) If a screening opinion has not been adopted, your assurance that an environmental statement will be required;
(d) If a screening opinion has been adopted, that it will require such a statement from the Applicant;
(e) If a screening opinion has been adopted to the effect that an environmental statement is not required, please let me know full details of the application and the decision as this Group would undoubtedly wish to consider a challenge to such decision.

Please let me have this information as soon as possible. If an environmental statement has been submitted, would you let me know the address from which I may purchase a copy.

The Cumdivock Group will certainly wish to comment on the applications. However, we have no detailed information on the proposals. Would you please let us have a copy of the applications so that we may consider them with our advisers.

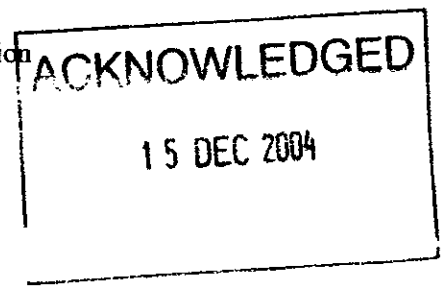
Yours sincerely



Bellgate House
Cumdivock
CARLISLE
Cumbria
CA5 7JJ

Tel:

Mr A Hutchinson
Planning Services Division
Carlisle City Council
The Civic Centre
CARLISLE
Cumbria
CA3 8QG



14.12.2004

Dear Mr Hutchinson

Proposed Development of Greensyke Farm, Cumdivock by Kingswood Learning and Leisure Group Limited. Application Number 04/1023

At the Public Inquiry, the Inspector asked a direct question of the appellants' QC - how many weeks per year do they operate at Greensyke? As a result of the reply, he stated in his report, paragraph 17:

> *'The courses are undertaken during term time and typically last a week'*

and then went on to say:

> *'The children are accompanied by their teachers and the courses are designed to meet national curriculum requirements'*

Why is the LPA not enforcing a term time only operation?

Kingswood has always been keen to emphasize that Greensyke is an educational establishment in support of the national curriculum. Clearly, the Inspector considered this was the case judging by the above extract from his report. There can be no misunderstanding about the meaning of 'term time' as it is the common expression used by Education Authorities when referring to the periods between school holidays. If the Inspector believed otherwise, why include it in his report? He could simply have said:

> *'The courses typically last a week'*

I attach a copy of the 'School Term Dates 2004/2005' taken from the Education Section of the Cumbria County Council website. This clearly supports my comment that 'terms' in the context of education refer to the periods between school holidays.

Looking further into the Inspector's report, in Paragraph 18 he states:

> *'The appellants run several similar centres and also use them for summer camps (Camp Beaumont)'*

Paragraph 20 continues:

> *'Having discontinued Camp Beaumont at Greensyke, it is clear that the appellants' business is the provision of education courses there'*

Having established that Greensyke is an educational establishment running courses during term time designed to meet the national curriculum, and based in Cumbria, it should operate only during the term times as defined by Cumbria County Council. Clearly this is how the Inspector perceived it and I ask the City Council to ensure that this is implemented and enforced.

I spoke to the Planning Inspectorate Office this morning and they supported my interpretation of 'term time'.

Yours sincerely

E H Harle

Attachment: Cumbria Education Service, School Term dates 2004/2005

c.c. Mrs E Auld, Dalston Parish Council
Mrs L Crookdake)
Mr T Allison) Dalston Ward Councillors
Mr B Dodd)
Mr J Collier, County Councillor

CUMBRIA EDUCATION SERVICE

SCHOOL TERM DATES 2004/2005

AUTUMN TERM 2004

STARTS	ENDS
Thursday 2 September	Friday 17 December

Number of school days in term - 72

HALF – TERM HOLIDAY
Monday 25 October
Friday 29 October

SPRING TERM 2005

STARTS	ENDS
Thursday 6 January	Thursday 24 March

Number of school days in term - 51

HALF – TERM HOLIDAY
Monday 14 February -
Friday 18 February

SUMMER TERM 2005

STARTS	ENDS
Monday 11 April	Wednesday 20 July

Number of schools days in term - 67

BANK HOLIDAY
Monday 2 May

HALF – TERM HOLIDAY
Monday 30 May -
Friday 3 June

Number of days in year – 190

INSET Days/Sessions

The 190 day school year identified above makes no provision for the additional 5 days non-contact time for which full-time teachers are contracted.

Therefore, any INSET sessions should be arranged either outside the above school term dates or outside pupil hours.

AGJ

04/120

The Gill
Dalston, Carlisle CA5 7JP
Tel:

20 October 2004

Department of Environment & Development
Planning Services Division
The Civic Centre
Carlisle
CA3 8QG

Dear Mr Hutchinson

Kingswood Educational & Leisure Centre, Greensyke, Cumdivock
Application Ref: 04/1203 (a,b,& c)

We write to you today to object to the above application. **We would also like to say that Mandy Henderson would like to speak at the Development Control committee meeting at which this application is to be heard.**

We feel that during this last year, leading up to the Public Inquiry, we heard little noise from the site. However, since the Public Inquiry and even before the decision was given we have found a marked increase in the noise on the site. We have listed below some of occasions we have noted in our daily diary which we keep on the farm. These are by no means all of the incidents

Sunday 4th April - Shouting, Screaming, cheering including Adult Male voice 11.50am
Monday 12th April - 3pm Adult shouting: 5.30pm Children shouting & screaming - this could be heard during milking in our yard.
Sunday 25th April - 3.15pm Adults shouting instructions, children clapping, shouting , chanting, screaming, cheering - this could be heard during milking from a field on the other side of Nook Lane near Fountain Head.
May 16th, 17th, 18th & 19th - heard the children most of the day.
Friday 25th June - heard children again
Friday 9th July - heard children on the site at 9.45pm!!!..... 04/1203
Sunday 11 July - usual Sunday noise - must be to do with the changeover's.
Saturday 17th July - screaming and shouting again
Sunday 25th July - again the change over excitement can be heard today
Wednesday 11th August - noisy afternoon
Tuesday 31st August - shouting, cheering, screaming again
Saturday 25th September - again site very noisy
Saturday 9th & Sunday 10th October - we were working this weekend & could hear the children most of the time and they could be heard during milking.

ARH.

They are allowing the children to enjoy the "Kingswood Experience" regardless of the noise created. Now that the darker nights are here we have seen the site lit up like the Blackpool Illuminations so much so that it has an orange glow over it which can be seen clearly in the

The Gill
Dalston, Carlisle CA5 7JP
Tel:

mornings to. No matter what time you come at night the place is just a mass of lights. We have come in at 10.45pm and the site was a mass of lights. Every single light was on in Greensyke House and the outside lights too - We thought the children were meant to be in their dormitories and lights out by 10pm. How do visiting teachers rest when the children (which are their responsibility in the evenings!!!) are still wide awake at this time and up again at 7am.

We regularly go past Greensyke and are very disappointed to see the state of the grass verges - especially the one opposite the Greensyke Mansion entrance. This is not even meant to be used as an access route. The proposals in this application just move the outdoor activities around the site even though the public enquiry upheld the enforcement notices on the outdoor activities.

What of the latest concerns regarding the insurance etc of activity educational centres and how some teachers, schools and government officials are wanting to ban them from the curriculum. If school children are not allowed to attend these type of courses then what would this site be used for? Under the Class 2 category the site can only be used for short residential educational and training courses for groups of school children.

We are very concerned that they will make promises to abide by any master plans drawn up but once they receive the go ahead we will only find things will get worse. We feel it is like the tip of an iceberg - we have only seen the top the rest is hidden under water.

Yours sincerely

Chris & Mandy Henderson

Bellgate House
Cumdivock
CARLISLE
Cumbria
CA5 7JJ

Tel:

24th October 2004

Mr A Hutchinson
Planning Services Division
Carlisle City Council
The Civic Centre
CARLISLE
Cumbria
CA3 8QG

04/1203

ARH

Dear Mr Hutchinson

Proposed Development of Greensyke Farm, Cumdivock by Kingswood Learning and Leisure Group Limited
Planning Application No. 04/1203

As I understand it from the Inspector's Report, no decision on this Application can be made until an acceptable Management Code is in place. I make no comment about the content of the Management Code at this time as discussions between the various parties are still in progress.

Noise is the principal reason for the very strong opposition to this proposed development, as expressed by hundreds of local residents, our MP, the Parish Council and Ward Councillors.

The Inspector in his Report following the Public Inquiry clearly recognizes this in paragraph 42 when he states:

> *'My conclusion is that the Management Code would not prevent the developments having an unacceptable impact on the living conditions of near neighbours through noise and disturbance, contrary to policy E8 of the Local Plan.'*

He makes this observation despite the fact that only about one third of the 141 children who should have been on site on the day chosen for his visit (21st April) were, in fact, there. For some reason, the rest of the children were taken away by coach to, I believe, Blackpool for the day. My noise log for 20th April when all the children were on site for the day gives a more accurate picture of what it is really like when Greensyke has near maximum occupancy (see Noise Log Oct 2004 attached).

All day, every day, 08.00 am to 10.00 pm is the potential for noise and if you view my most recent noise logs you will see that noise is often loud and sustained over long periods. Repeated complaints (sometimes several on the same day) to local Kingswood management do little, if anything, to alleviate the problem.
Mr Armstrong's noise logs show a similar pattern. A letter from my wife to Mr Oliver Wiley as Managing Director of Kingswood dated 8th August, 2004, concerning noise, is still unanswered or even acknowledged (copy attached).

Kingswood has argued that the Lime House School usage created noise, yes it did, and I actually used this as a yardstick in my first letters of objection. However, this was nowhere near being on the same scale. I attach a graph comparing the potential for noise between the Lime House School and Kingswood operations – I think it speaks for itself.

From the beginning, instead of accepting that noise is a problem and taking practical steps to address it, Kingswood has employed noise consultants in an attempt to disprove this. However, if you look at the resultant report it does the very opposite and substantiates what we have been saying and reporting in our noise logs. I refer to 'The Noise Survey and Assessment Report EN 3484/R/1.1.2/KH, Second Issue, dated September 2003, issued by Waterman Environmental' for Kingswood, which accompanies this application. Viewing the actual **recorded** noise levels as shown in the various tables rather than accepting the comments and conclusions, show that noise levels for events (such as calls, shouts, etc.) identified as coming from Greensyke, are significantly above background levels and, therefore, constitute a noise disturbance.

Similarly, in all the documentation produced by Kingswood or their agents they have never acknowledged noise as being a problem except for a single occasion involving the marquee. On the contrary they continued to say it was not a problem. I found this very difficult to understand as the noise logs, covering many months, submitted by Mr Armstrong and myself showed this was quite untrue. Prior to the January 2004 DC Meeting, I asked you if Kingswood and/or their agents were aware of these logs; you informed me that they were, then went on to say they had NEVER asked to see them.

Neither Kingswood nor their agents have ever acted in such a manner as to reassure the local residents that they are giving serious consideration to our concerns. For example, when it was suggested by Mr Wilbraham, on behalf of the Cumdivock residents, that if planning consent was granted it should, in the first instance, be for a trial period of two years as an incentive, this was rejected by Mr Searle on behalf of Kingswood. Had they accepted this willingly, I (and possibly others) would have felt reassured that they are confident in their ability to control noise and gain full planning consent at the end of two years. Their refusal to accept this throws out a clear message to everyone that they are NOT confident.

This proposed development can only be described as a selfish operation in as much as children are potentially present all day, every day throughout the year with no possibility of local residents being able to enjoy a relaxed time outdoors without the fear of it being invaded by the high-pitched, piercing shouts and screams of children. In his report, the Inspector was clearly of the opinion that Kingswood operates at Greensyke during term-time only (see paragraph 17):

'The courses are undertaken during term time and typically last a week.'

This has been pointed out to Kingswood, but they have rejected it on the grounds that it would 'hit their profits'. I do not think is unreasonable for the local residents to be afforded a break from the very stressful noise and disturbance they cause and find it sad that Kingswood obviously put their profits before the health and welfare of their neighbours.

Kingswood may argue that the Master Plan will solve the noise problem, but I fail to see how it addresses it in any way. Simply moving apparatus from one part of the site and concentrating more activities on the highest and most open part with nothing more than wire fences to contain noise, is a recipe for even greater disturbance. The Plan vaguely mentions noise attenuation barriers but gives no specifications; even the siting of these is unclear from the plans (see attached copy letter to Mr Searle dated 24th October 2004).

I would remind you that an alternative site is available within 20 miles of Greensyke. This site would not require all the conditions and restrictions necessary at Greensyke in an attempt to protect the local residents from harmful disturbance (again see attached copy letter to Mr Searle dated 24th October 2004 for details of this alternative site).

In conclusion and without prejudice, I ask that Kingswood:

- Accept that noise is a serious problem for local residents, address it head-on, look at the site as it is, review each activity, install effective noise barriers and re-locate or remove those causing the most problem (i.e. Night Line).

- Honour the promise made by Mr Stuart Wiley that the student numbers would be reduced to 140, with Aeroball and Archery removed. (We note these have been slipped back in with the Master Plan and Management Plan.

- Show some compassion for their neighbours and respect the Inspector's belief that it is a term time operation at Greensyke. (Terms as specified by Cumbria County Council on their website).

- Accept an initial two-year grant of permission. They have already had at least 18 months in which to operate an effective Management Plan and failed to do so; without any incentive to ensure they make it work, we see no end to this harmful disturbance.

I hereby lodge my objection to this Application.

Yours sincerely

E H Harle

c.c. Mrs E Auld, Dalston Parish Council
Mrs L Crookdake)
Mr T Allison) Dalston Ward Councillors
Mr B Dodd)
Mr J Collier, County Councillor

Noise and off-route coach movements from the KW activity centre at Greensyke

The following were observed and noted as we went about our daily lives, no special attempt being made to capture these events

Thursday 18/3/04

- 08.45hrs Opened door for first time to be greeted by children shouting.
- 10.15hrs Still as bad, phoned KW Greensyke. Spoke to Erin, she said no manager (on holiday) and no deputy. Apparently new manager is called Kiren Suchet and his wife Doris is the operations manager. Must be about eighth or ninth manager, I cannot keep up with them!
- 13.14hrs Had a call back from Mr Barbour the Group Operations Manager in HO to apologize.

Friday 19/3 Strong SW wind.

Sat 20/3 Gale force SW wind.

Sunday 21/3

- 13.30hrs Two coaches leave passing Bellgate (off approved route).
- 13.45hrs Another coach leaves passing Bellgate.
- 15.30hrs Coach arrives passing Bellgate.
- Assuming these four coaches used the same route arriving or leaving then it amounts to eight journeys in one day not on the approved route.
- I phoned KW and spoke to Doris Suchet, Operations Manager, she did not seem to be aware of the approved routes for coaches. *(I suggested that a solution, at least for those coaches leaving, was to put up a sign saying all coaches must turn left – I note they have now put up a sign saying no right turn for coaches)*

Monday 22/3 strong SW wind

- Spoke to Mr Armstrong at the White House, said he could hear children shouting etc his side.

Saturday 27/3 Stiff SW breeze

- Despite wind could still hear sporadic shouting.

Sunday 28/3 Strong SW wind (cold).

Monday 29/3

- 09.10hrs Babble of children's voices punctuated by sporadic shouts.

Tuesday 30/3 SE wind

- 09.15hrs Shouting and screaming.
- 15.30hrs Still lots of shouting and screaming. Called KW spoke to Erin, said no manager available.
- 15.40hrs Call back from Paul Sprigins, apparently works in the Operations Department at KW head office but is standing in as manager at Greensyke.

The following were observed and noted as we went about our daily lives, no special attempt being made to capture these events

- 18.00hrs The noise continues. phoned KW spoke to Erin, asked if I wanted to speak to Paul Sprigins, I said what is the point, this is my third contact today and the noise continues.

Wednesday 31/3 SE wind

- 12.19hrs After hearing shouting, calling etc. most of the morning phoned KW, spoke to Paul Sprigins. He was apologetic and said children were about to leave.
- 18.30hrs Babble of voices, shouts and screams (assume from new batch of children).

Thursday 1/4 SE wind

- 11.00hrs Out for the first time, babble of voices, shouts, screams, cheers.
- 15.00hrs Still going on, phoned KW spoke to Paul Sprigins, I was promised action would be taken.
- 17.00hrs Still as bad, phoned again spoke to 'Bas' he said he would speak to instructors and teachers about the noise (manager nor available).
- 18.10hrs Still just as bad, phoned and spoke to 'Bas' yet again.
- 18.57hrs Still shouting and screaming, could hear them in our bedroom. Phoned again and spoke to 'Bas' he said he was in charge at this time and that he would see what he could do. I suggested it was simple, tell them to be quiet.
  Although I never met 'Bas', from our conversation I was left with the impression he was quite young and not capable of showing the presence or authority necessary to control the children, or instruct their teachers to do so.

Friday 2/4 SE wind

- 10.15hrs Out for the first time to be greeted by instructors' shouts and children screaming and shouting.
- 11.15hrs Noise just as bad (worse in fact). Phone KW spoke to 'Rob' (no manager available) said he was aware of the problem and had spoken to both the teachers and instructors that morning to say the noise was unacceptable. He was apologetic and said he would try again to quieten them down.
  Paul Sprigen (stand-in manager) has returned to Head Office. Kiren Suchet (the actual Greensyke manager) is due back this afternoon.
- 13.15hrs Cumbria Coach leaves passing Bellgate, therefore not on approved route. Phone KW spoke to 'Rob' about it.
- Cumbria Coaches are the ones I see most often going in and out of Greensyke so I phoned them to see if they were aware of the traffic routing. I spoke to a lady called Janet who said she was not aware of any such routing but would look back through the paper-work. She is also a driver and was familiar with Greensyke. When I mentioned all coaches leaving Greensyke should turn left she reacted by saying how difficult it is and needs at least two attempts. This is in-line with my observation of dozens of coaches leaving Greensyke, I have never seen any large coach make it in one attempt. Compare that with the remark from the MVA traffic expert at the Public Inquiry when he said all the coaches he has seen made it in one attempt.

Noise and off-route coach movements from the KW activity centre at Greensyke

The following were observed and noted as we went about our daily lives, no special attempt being made to capture these events

Saturday 3/4

- 09.10hrs Opened door to be greeted by children shouting.

Sunday 4/4

- 16.00hrs Coach on-site.

Monday 5/4 (strong SW wind)

- same coach still on-site.

Tuesday 6/4 (strong SW wind)

- same coach still on site.

Sunday 11/4

- 11.00hrs Large yellow Cumbria Coach parked on road outside Greensyke main gate, after eight or nine minutes it drove on past Bellgate (not on route) then turned down Cardew. This road leads to a 7.5ton weight restriction through Dalston.

Monday 12/4 SW wind

Tuesday 13/4 SW wind.

Wednesday 14/4 SW wind

- 17.00hrs Large yellow Cumbria Coach passes Bellgate therefore not on approved route (appeared empty). This was rather an odd time as pick-up usually 12.00 to 13.00hrs, drop-off 15.00 to 16.00hrs. Perhaps they had been out for the day.
- 17.45hrs. Friend from Cardew telephoned to say that he had just had an 'altercation' with the female driver of a Cumbria Coach turning right out of Cumdivock Lane onto the Cardew road. He pointed out that this was not the approved route for coaches from Kingswood and that the road led to a 7.5ton weight restriction through Dalston. Our friend informed the police of the conversation with the driver.

Thursday/Friday/Saturday/Sunday (15-18/4) - away

Monday 19/4

pm. This afternoon yet another coach left Greensyke and turned right therefore not on the approved route. As I was in my gateway I signalled to the drive, who kindly stopped, and asked him if he was aware of the approved routes for coaches coming to or going from Greensyke; he said he was not.

The coach company was 'The Travellers Choice', head office, Carnforth, telephone number 01524-720033.

I rang 'The Travellers Choice' and asked to speak to the manager. When I raised the question of routing he said he was not aware of any but added that the coach was booked by the school not Kingswood.

I think this goes to prove that it is an unworkable plan that depends on third parties passing on the information to the coach companies.

The following were observed and noted as we went about our daily lives, no special attempt being made to capture these events

It also appears that those companies, or their drivers, hired directly by Kingswood are not aware of the approved routes either (re. my previous letter commenting on Cumbria Coaches).

Tuesday 20/4 SE wind

- 08.50hrs First time out to be greeted by babble of voices and shouting.
- 10.00hrs Went out to car to go to town, sporadic shouts.
- 12.35hrs Arrived home to be greeted by babble of voices and shouts.
- 14.00hrs Was going to work in garden but lots of shouting, raised voices, etc. Phoned and spoke to Manager, Mr Suchet. He said he had been monitoring the situation and though the level was acceptable, I disagreed, he said he was going to pass this on to head office.
- 14.15hrs Huge cheer and very loud shouting, rang again, spoke to 'Rob' he said Mr Suchet on phone. I asked him to pass on message to Mr Suchet about this noise. Also said it was becoming very stressful.
- 15.10hrs Went out to car, was greeted by very loud screeches and screams, phoned and spoke to Mr Suchet yet again.
- 16.35hrs Still the same babble of voices punctuated by screams and shouts, could also hear quad bikes (this is most unusual). Spoke to Doris Suchet , she suggested I rang Head Office.
- 16.55hrs Rang HO asked to speak to either Stewart or Oliver Wiley. Was given number of their secretary Lynda Green 01603-84296. I phoned, she said Stewart abroad, Oliver in meeting, she would get him to call me after it had finished.
- 18.05hrs Went out to be greeted yet again by loud shouting and screaming. Phoned, spoke to Kathleen, Mr Suchet had gone to his cottage, she said she would sort it out.
- 18.30hrs approx. Call from Oliver Wiley. He appeared not to accept that they had been any noise and reported Mr Suchet as having said to him that on one occasion when I had called, 'the place was like a grave yard'. As I do not carry my phone around with me it is quite possible that a few minutes later when I actually phoned the site was quiet. The complaints have always been about sporadic noise. However, it is interesting to note that for all the many times I have complained, this is the first time anyone has tried to deny it was happening
- 18.45hrs Stuck my head out and could hear the almost continual shouting and calling of excited children. I thought this a good time to phone Mr Suchet at get his opinion of the noise at this time as he is new and may not fully appreciate the situation. I asked him what he thought and he said he thought it reasonably quiet, I said that I could hear quite plainly. I then brought to his attention just how quiet it is around here as a result of which relatively low levels of noise can often be heard over considerable distances. He is discovering what all previous managers have discovered, that is, a tranquil rural location and the spontaneous, often involuntary shouts and screams of excited children are just not compatible. Also raised the matter of the quad bike/s that I could hear, asked if they may have got some new models or made some changes as normally we never hear them.

Noise and off-route coach movements from the KW activity centre at Greensyke

The following were observed and noted as we went about our daily lives, no special attempt being made to capture these events

Friday 23/4/04

- 08.30 Shouts and screams
- 11.45 Returned from town. Still shouting.
- 16.50 Still shouting.

Saturday 1/5/04

- 17.00 Frequent shouts and screams. 'Phoned and spoke to Erica. Mr Suchet's day off. Said she would speak to co-ordinator and ask him to 'phone me.
- 18.00 Still as bad. Went to complain, spoke to Robert. Another young instructor, I think the name was McGrath, said these are young children and they cannot be kept quiet. *I suggested he should be telling Mr Oliver Wiley and not me, we know that already.*

Wednesday 5/5/04

- 09.20 Babble of voices, punctuated by shouts.

Monday 10/5/04

- 14.00 Thump, thump, thump, walked past to see what was the cause - it was instructors kicking footballs against wall/fence. Did not seem to be any children on site.

Tuesday 11/5/04

- 10.00 Shouting and screaming.
- 17.50 Arrived home to thump, thump of football again.

17th to 24th May 04

Strong s/w wind. Bruce has been troubled by noise.

Monday 24/5/04

- 21.00 Lots of shouting.
- 21.30 Still shouting.

Tuesday 25/5/04

- 07.50 Shouts.

Wednesday 26/5/04

- p.m. Calls, shouts, screams, cheers continuing all afternoon.
- 19.00 Spoke to Kieron.

Thursday 27/5/04

- 09.15 Shouting and screaming. Loud adult voice.

Noise and off-route coach movements from the KW activity centre at Greensyke

The following were observed and noted as we went about our daily lives, no special attempt being made to capture these events

Saturday 29/5/04

- 10.10 Babble of voices punctuated by shouts and screams. Quad bike clearly audible.
- 10.20 Spoke to Baz. No improvement.

Sunday 6/6/04

- p.m. Could hear shouts despite strong s/w wind. Saw no children.

Tuesday 8/6/04

- 10.10 Shouting and screaming.

9th to 21st June 04

Mostly strong s/w wind.

Tuesday 22/6/04 SE Wind

- 12.00 Babble of voices with calls and shouts.

Wednesday 23/6/04

- 10.00 Shouting and calling. When I drove past, only two groups on far side of site, *(to reach me this had to pass through the Central Courtyard, the area they claim contains noise).*
- 11.30 'Phoned to complain about the noise.

Friday 25/6/04

- 12.40 Lots of shouting and chattering.
- 16.30 'Phoned to complain about noise. Mr Suchet not there, spoke to Rob who said he would see what could be done. Asked for Mr Suchet to call me.
- 17.00 Still as bad.

Friday 2.7.04

- p.m. Children from Kingswood walked past Bellgate House. One of them climbed onto the fence next to the large gate. Spoke to instructor and two teachers. One of the teachers denied the child had done so. However, one boy owned up and he was sent back to apologize. *I note the teacher did not apologize!*

Wednesday 7/7/04

- 11.30 Could hear shouts and calls inside my house (windows slightly open). Went on for most of the day.

Thursday 8/7/04

- 11.30 Screams and shouts.

Noise and off-route coach movements from the KW activity centre at Greensyke

The following were observed and noted as we went about our daily lives, no special attempt being made to capture these events

Sunday 11/7/04 SW Wind

- p.m. Bruce is hearing a lot of noise from Banque de France children (120 or so here until about 29/704). S/w wind so some noise here, but not as bad as at The White House.

Sunday 18/7/04

- 21.00 Although s/w breeze shouts and screams can clearly be heard.

Monday 19/7/04

- 21.20 Loud shouts and yells had been going on for some time. 'Phoned to complain. The girl I spoke to said it was difficult to keep them quiet as they were moving between locations and as they are French, making them understand is very difficult.

Tuesday 20/7/04

- Sporadic shouts and calls most of the afternoon.
  16.00 Getting worse – lots of screaming.
  16.45 Telephoned and spoke to John Robson – most apologetic and said he would do his best. I said not good enough – stop it.

Thursday 29/7/04

- 09.30 Shouting and calling.

Sunday 1/8/04 SE breeze, almost calm

- 09.00 Sporadic shouting and calling.

Saturday 7/8/04

- 15.30 Children walk past (about 20) with fishing nets.
  17.00 Man stopped asking way to the Gill, but it was actually Greensyke he wanted as he had a map of the site with red lines on it. He had passed earlier heading towards the Church.
  19.30 Sporadic shouting and chatter – could be heard against west wind.

Sunday 8/8/04

- 10.20 Screaming, shouting and whistling.
  11.00 Spoke to John Robson. He told me it was Bank of France's second group. They had divided themselves into two groups and were running their own mini Olympics. He said he would ask them to keep the noise down.
  11.30 Visited site John Robson.
  12.30 Still shouting and cheering – spoke to John again. Said he had been down to the end of the drive nearest me and could not hear anything – this may be true as he would still be in close proximity to the buildings. Noise may well spread out further from site – it is not unusual to be able to hear things from a distance yet be unable to hear them close up.

The following were observed and noted as we went about our daily lives, no special attempt being made to capture these events

17.30 Noise continues with sporadic shouts and screams. John was of the opinion that the Master Plan allows some leeway for shouting and screaming as long as it was not continuous. When I suggested it was even worse to arrange such an event on a Sunday he gave the excuse that they, Kingswood, did not know their agenda until the children arrived.

- *Elizabeth wrote to the MD of Kingswood (Oliver Wiley) re. groups turning up with their own agenda asking how he could justify this with respect to the Management Plan. She has still not had a reply or even an acknowledgement.*

Wednesday 18/8/04

- 16.10 Lots of shouts and screams.
  16.20 Telephoned to complain. Spoke toErin. Said she would get John Robson to call back.
  16.45 Call from John. Children down my end of site under control of their leaders – no Kingswood instructors. I said this is not Managemen Plan.
  21.00 Lots of loud shouting and cheering.

Monday 23/8.04 SE light breeze, almost still

- 16.00 – 17.30 Out in my garden - Continuous thump of ball punctuated by shouts. Went indoors at 17.30 as it was too much for me to take. No point in complaining – they pay no heed to our requests.

Tuesday 31/8/04

- 19.00 Screams and shouts from children running around the quad bike area – not supposed to be there. Heard them against fairly strong SW breeze.

Wednesday 1/9/04

- Light SW wind.
  19.00 Shouting, calling and screaming.

Thursday 2/9/04

- Very light SW wind.
  09.00 Sporadic shouting and screaming.
  17.40 Lots of uncontrolled screaming and shouting. Spoke to Bruce Armstrong, The White House – he confirmed noise.

Friday 3/9/04 SW wind

- 11.00 Sporadic shouts and screams.
  17.30 Returned home to be greeted by uncontrolled shouting and screaming.

Monday 6/9/04

- 16.30 Continual babble of voices with lots of screams and shouts. Walked along to Greensyke and stood in gateway watching small group of about 12 children. They had one instructor and one other adult with them (assume teacher) and neither made any attempt to quieten the children. I did not

complain as it just falls on deaf ears. This is the area they propose to erect all the outside activities. If one small group of children can make such a noise, what will several groups be like??

Tuesday 7/9/04 East wind

- 17.30 Uncontrolled shouting and screaming.

Wednesday 8/9/04 SE wind

- 16.00 Sporadic calling and screaming.

Thursday 9/9/04 SE wind

- 10.30 Sporadic calls and shouts.

Friday 10/9/04 Se wind

- 18.10 Uncontrolled shouting and calling punctuated by screams.
  18.30 Still the same.

Friday 17/9/04

- 17.00 Shouting and calling.

Sunday and Monday 19/9/04 and 20/9/04

- Gales and heavy rain.

Saturday 25/9/04 Stiff SW wind

- 17.30 Lots of shouting and screaming – could be heard against the wind.

Wednesday 29/9/04 SE breeze

- 11.20 Greeted by loud shouting and cheering. Went to investigate. Older children competing on climbing wall (first to get to the top, two or three at a time), egged on in loud voices by instructors. Did not complain as I have almost given up all hope of Kingswood ever giving any consideration to their neighbours.

Sunday 3/10/04

- 10.00 Opened door to be greeted by shouts, screams and a babble of voices.

Monday to Thursday, 4-7/10/04

- Mostly heavy rain and very strong SW wind, therefore nothing could be heard.

Friday 8/10/04 Breeze from the SW

Noise and off-route coach movements from the KW activity centre at Greensyke

The following were observed and noted as we went about our daily lives, no special attempt being made to capture these events

- 10.05 Walked outside to be greeted by babble of children's voices, punctuated by shouts and screams.
- 12.30 Lots of shouting and screaming, thump of football (could actually see it in the air from Bellgate). Adult voices also participating.
- 12.50 Still the same.

Saturday 9/10/04 SW wind, quite strong

- 11.30 Babble of voices, punctuated by shouts and screams.
- 12.30 Still the same.
- 13.15 Telephoned Kingswood and was passed to Richard Broad; he said they were trying their best and he would speak to teachers and instructors. Richard thought noise most likely from Night Line (QED Bruce's remark about it being very noisy and mine about hearing noise that has to pass through the so-called noise containment area they call the Central Courtyard).
- 15.45 Still sporadic shouting.
- 16.05 Still the same – spoke to Richard again – said he would have a look out. I went inside for the rest of the day.

Sunday 10/10/04 SE breeze

- 08.45 Shouting – and the daily programme has not commenced!!
- 12.40 Still frequent, uncontrolled shouting and screaming. Rang Kingswood and spoke to Kate. She said all children leaving at 13.00hrs. I said that although we welcomed this, it is not the point, I should not have to keep complaining. Mr Suchet away for weekend, Mrs Suchet in charge. Asked that they ensure this complaint is in logged and the Manager and HO informed.
- 15.00 Despite saying all leaving at 13.00hrs, when I drove passed a group of approximately 15 were on the Night Line. What can you believe from Kingswood – they never seem to know what they are doing.

Monday 11/10/04

- Away all day.

Tuesday 12/10/94 SE wind

- 15.30 First time out today – greeted by uncontrolled shouting, screaming and cheering.
- 16.00 Telephoned to complain and spoke to Doris – said she would go out and see what was happening.

Wednesday 13/10/04 – Light SE breeze, almost still

- 11.00 Babble of voices.
- 13.15 Coach arrives.

Bellgate House
Cumdivock
CARLISLE
Cumbria
CA5 7JJ

Tel:

24th October 2004

Mr G J Searle
Geoffrey Searle Planning and Property Solicitors
Orion House
14 Barn Hill
STAMFORD
Lincolnshire
PE9 2AE

Dear Mr Searle

Proposed Development of Greensyke Farm, Cumdivock by Kingswood Learning and Leisure Group Limited

Further to the meeting at the City Council Offices on the 14th October 2004 when I was invited to submit to yourself and Mr Cliff Walsingham my thoughts on the proposed new layout of activities at the above site, I make the following observations. I do this without prejudice as I am still firmly of the opinion that this site is unsuitable for the proposed use and, furthermore, that a far superior site is available within 20 miles of Greensyke. I refer to the Derwent Forest, formerly known as Broughton Moor, situated centrally between the West Coast towns of Cockermouth, Maryport and Workington. To my mind it has everything that a Kingswood-type operation could ask for – space for unlimited development, unsurpassed ecology/biodiversity on the doorstep, numerous tracks for cycling and walking in a secure environment and, not least, good access roads. I attach brief details taken from the Allerdale DC website – much more detail can be found there. I first suggested this as an alternative site in my letter to Mr S Wiley dated 7th March 2003.

Without doubt, noise is the major problem with the site at Greensyke; therefore, my suggestions are strongly biased towards noise attenuation. For any noise attenuation barrier to be effective, the essential factors are:

a) The material used – it needs to absorb sound, a wooden fence will have negligible effect.
b) It needs to be close to the source of the noise – not easy to achieve for an open area.
c) The height and width – if insufficient in either direction, sound will pass over and/or around it.

It is difficult to find any really meaningful reference material appertaining to noise barriers for open spaces. I did, however, come across a company specializing in this field and they produce a very good brochure describing their product. More importantly, specifications, attenuation factors, etc., are included. I am not suggesting Kingswood should employ this company, but suggest that both they and the City Council should be looking for comparable, if not better, specifications. As living barriers they provide almost instant audible and visual screening. Please find attached a copy of their brochure – 'The Green Barrier'.

I would suggest that when Kingswood submits plans, a map clearly showing the noise barriers, with specifications, should accompany them. The surrounding properties should also be shown so that those assessing the plans can determine line of sight, therefore sound, and how sound attenuation barriers may protect them.

Retaining most the existing layout, I suggest the following:-

1. Clearly the main entrance has to be improved. There is sufficient space to let the drive swing further towards the Northern boundary, but instead of continuing into the middle of the site, locate the coach and car park where the proposed relocated quad track is shown on the Plan DHL2176 (just inside the gate). This has two major advantages:
   *Avoids traffic movement near children, thus improving safety.
   *It would not be necessary to move the existing quad track. From a noise point of view, we have always said this track has not been a problem. We do not envisage any alteration to that view unless different, and possibly noisier, machines are used.
2. Extend the bunding around the existing quad track the full length of the Northern boundary and plant with living green barrier.
3. Proceed with the relocation of the climbing wall to the other end of the administration block, as requested by Mr Metcalfe of Holly Oaks.
4. Make the area across the road from Holly Oaks and to the West of the existing climbing wall the Environmental Area, thus avoiding additional noise for the residents of Holly Oaks by relocating other activities there.
5. The Challenge Course is located in a dip, below the level of the road and close to buildings, thus some degree of noise attenuation already exists and I am not aware that it has ever been a cause for complaint. The Low Ropes, although in a more exposed position, likewise have not been a cause for complaint. Therefore, a bund with willow wall on top erected along this Southern boundary and continuing along the Eastern boundary, would reduce both visual and audible intrusion.
6. The Night Line has been identified by Mr Armstrong as a major source of noise and should either be removed or relocated to a well-protected location. If relocation is the option, then the new position must be chosen with great care.
7. The Central Courtyard does not contain noise. It is wide open to the West and has quite large gaps between buildings to the South and East. It is frequently the source of noise that I hear and, as the designated play area for free time activities (when all the children may be together), the potential for noise is huge. Therefore, serious noise barriers are essential to close off the West side and the above-mentioned gaps - a wooden fence will achieve nothing.
8. I suggest that all noise barriers need to be at least 3.5 metres high – quite easily achieved by building on a soil bund – and something even more substantial around the Central Courtyard.

Yours sincerely

E H Harle

c.c. Mr C Walsingham

Allerdale borough council

Tuesday 26 October 2004

ICRA

Internet Crystal Mark (HT

Website approved by Plain English Campaign

Derwent Forest

Allerdale Borough Council has agreed to acquire the former Royal Naval Armaments Depot at Broughton Moor, subject to the receipt of a grant offer for its reclamation.

The Council and its partners on the Derwent Forest Shadow Board including West Lakes Renaissance, North West Development Agency, Forestry Commission and Cumbria County Council, are keen to promote the site for leisure and tourism uses, based upon the concept of a Regional Forest Park and associated development sites.

The Council is actively seeking development partners for the site and reclamation works should commence in early 2005.

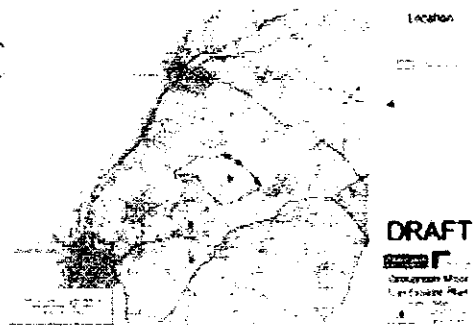
Introduction to the Project

Allerdale Borough Council with the support of the North West Development Agency (NWDA) and West Lakes Renaissance have the unique opportunity to acquire the former RNAD Broughton Moor site, near Cockermouth, Cumbria.This is seen as an exceptional opportunity, offering an unrivalled potential to deliver real benefit to the West Cumbrian economy, and to the people who live in and who visit this exceptional region.

Derwent Forest offers the chance to link the popularity of the Lake District National Park with Cumbria's West coast, and to boost the whole image of the area on a scale that can attract visitors and economic activity making a real and sustained difference to West Cumbria's economy. A number of high profile end users of national and of international reputation have already expressed their interest in being part of a new future for the site. In addition, the North West Development Agency (NWDA) is working alongside Allerdale giving the potential to access public sector funding to underpin new development.

Due to the nature of the site's historic use as an armament storage facility, there are a number of ground and decontamination works that need to be undertaken before new development can take place. However, before agreeing final terms for the site's transfer and commencement of works, the Council and it's partners want to raise the markets' awareness of this major regional development opportunity and seek expressions of interest from developers and end occupiers for the site.

Background to the Site



Covering an area of 425 ha (1,050 acres), the Royal Naval Armaments Depot (RNAD) at Broughton Moor is the largest brownfield site in the whole of the North West of England. It represents an exceptional development opportunity, situated in a central position at the heart of the West Cumbrian sub-region, in an area of potential that stretches from Cockermouth at the edge of the Lake District National Park to the two West Cumbrian coastal towns of Workington and historic Maryport.

The site's history over the last century has been an eclectic one. Compulsorily assembled from agricultural and coal mining origins, and effectively isolated by the MoD from its immediate locality since 1939, active operations at the site ceased in 1992. Since this time, the site has lain redundant and under-utilised, until Allerdale Borough Council was offered the opportunity to purchase in 2000.

The site has been closed to public access for over 50 years. Over that time it has developed a unique environmental character, with a wide variety of species of plants and animals. The reclamation scheme is designed to respect these delicate habitats and future uses of the site will reflect the site's unique ecological heritage.

Download Full-Size Location Map in JPG format
Size 1501k - Download time 7 mins 9 secs @ 28.8k, 3 mins 34 secs @ 56k

Objectives of the Project

Allerdale Borough Council has welcomed the opportunity to acquire the site, recognising its potential to bring significant economic, environmental and community benefits to the area contributing to the Council's overarching vision of an area in which all communities share in the prosperity currently only enjoyed in parts of the Borough.

The Council has consulted widely with local communities and partners at local and regional level. It has established the following broad aims which the after use should achieve:

- Economic Benefits through raising the profile of West Cumbria at regional and national level; attracting inward investment to the area, creating a tourism magnet between the Lake District and the Coast; creating jobs and training opportunities.
- Environmental Benefits through the removal of dereliction, maintenance of habitats and biodiversity, developing sustainable environmental enterprises.
- Community Benefits by ensuring that economic and environmental benefits to West Cumbria impact positively on local communities.

The Council has agreed that the preferred route to securing these objectives on the Broughton M[illegible] site is through a tourism and leisure development on the site and agreed supplementary p[illegible]ing guidance for the site in March 2004.

Download Full-Size DTML Aerial North West Perspective in JPG format
Size 40k - Download time 11 secs @ 28.8k, 6 secs @ 56k

Allerdale Borough Council is committed to the concept of local jobs for local people and is willing to co-ordinate pre entry level training in partnership with developers. The Council is currently involved in customer care programmes with the retail sector and in the development of specific construction training initiatives. These can be developed and enhanced for end users at Broughton Moor and the Council is already in discussion with the preferred contractor for the site, BIRSE, on the possibility of local labour initiatives.

Development of a Forest Park

The first stage of the development process will involve the creation of a Regional Forest Park, offering a variety of walking, cycling and riding routes for the public, along with facilities to interpret the site's history and environmental character.
It is intended that the network of trails will converge around a visitor area, comprising a Visitor Centre, car parking and toilets adjacent to a new access road to the site.

Within the Forest Park framework, a series of development sites can be created for high quality leisure and tourism uses, which can take full advantage of the environment and facilities that are b[illegible]g created.

Contact Details

Cumbria's Urban Regeneration Company, West Lakes Renaissance Ltd. are now leading on the redevelopment of the Derwent Forest site and have formed the Derwent Forest Shadow Board in anticipation of a new company which will operate and develop the site.

Alan Smith of West Lakes Renaissance is leading on the project and you can contact him via e-mail at a.smith@westlakesrenaissance.co.uk

or by phone on (01946) 693241 or post:

West Lakes Renaissance Ltd
Units 10/11
Ingwell Hall
Westlakes Science & Technology Park
Whitehaven
Cumbria
CA24 3JZ

Ann-Marie Cowperthwaite is also working as Project Manager along with Alan on the project. You can contact her at the same address or by email at ann-marie@westlakesrenaissance.co.uk.

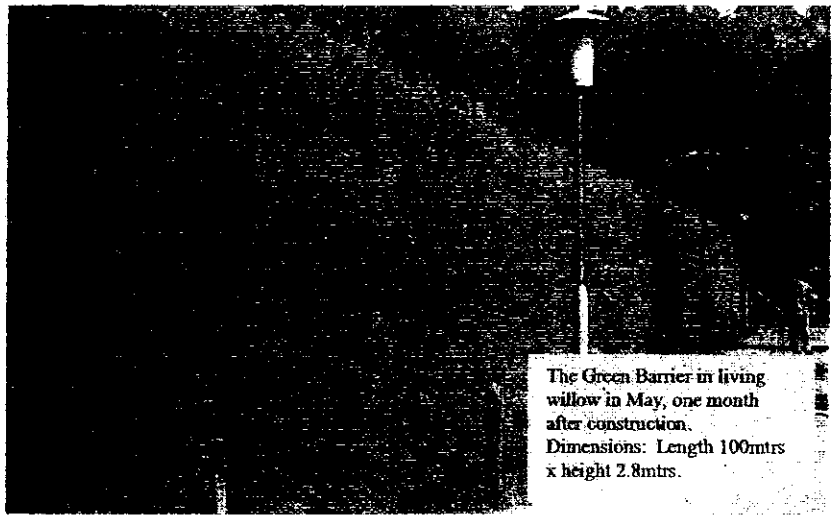
You can also contact David Martin, Allerdale Borough Council's Head of Regeneration for further

THE GREEN BARRIER

in Living Willow

Attractive Eco-Friendly and Sustainable

The traditional use of willow trees has been transformed using modern technology to produce a living Green Barrier. This is the sustainable solution to noise abatement, screening and fencing in both urban and rural situations.



The Green Barrier in living willow in May, one month after construction. Dimensions: Length 100mtrs x height 2.8mtrs.

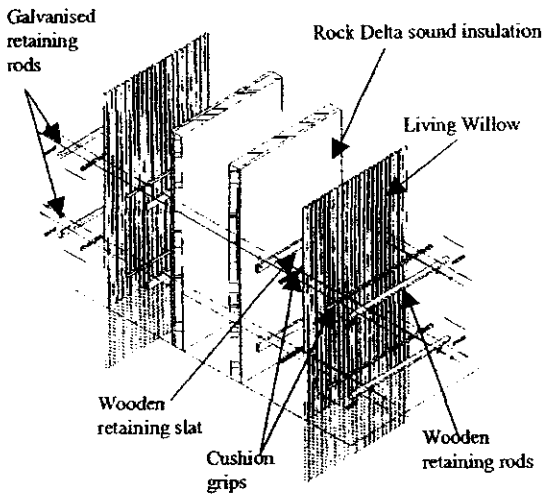
Quote - Technical Work Manager at Århus Power Station, Jacob Leerhøy:
"I was somewhat sceptical to begin with as to whether it would grow, but shortly after construction it started to sprout - and today I think I can say that everyone is very delighted with the result. It has been amazing watching it grow."

ets - Specialists in biodiversity and environmental sustainability, delivering practical and cost effective solutions to industry.

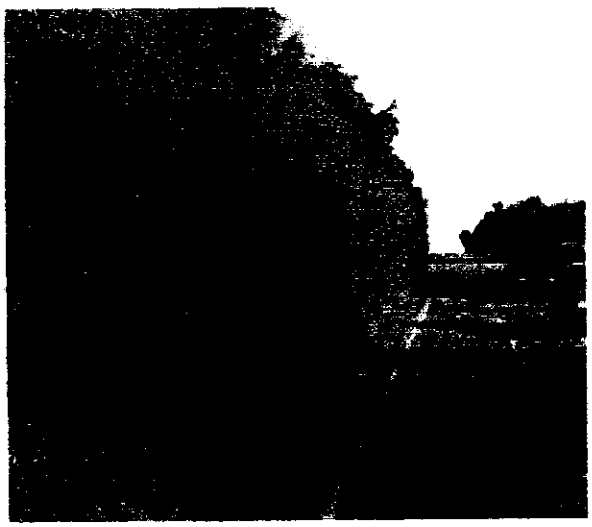
Enquiries to: Adrian Bowles Tel: 01793 741335
Web: www.etsluk.com e~mail: sales@etsluk.com
Reg'd Office: Environmental Tree Services Ltd,
Newton Brae, Foulden, Berwick upon Tweed. TD15 1UL
Tel: 01289 386664 Fax: 01289 386750

The ***only*** sound barrier recommended by
THE NOISE ABATEMENT SOCIETY

Shelter and screening with The Green Barrier in living willow. Single units 4 months after establishment.



Construction detail of The Green Barrier in Living Willow.



The Green Barrier in living willow erected as an acoustic barrier between a busy road and a primary school. Spring re-growth after winter trimming.

TRADITION

Traditional living willow craft is an excellent example of working with nature. The Green Barrier in living willow is an improvement of this tradition and comprises of two different types.

DESIGN

The Green Barrier in living willow supplied as either:

- Single units - which can be used for domestic or industrial fencing, screening or protective barriers in a variety of situations including industrial sites, parks, public areas, and mazes.

  or

- Double units – which, when assembled incorporating a RockDelta® sound proofing core, create an ideal acoustic barrier.

The Green Barrier in living willow was developed incorporating the natural growth characteristics of the willow tree. The Willow is one of the oldest and most common trees, and over the ages its hardiness and versatile growing power have made it valuable both for practical and decorative purposes when combined with RockDelta®, it offers first class noise abatement and the following advantages.

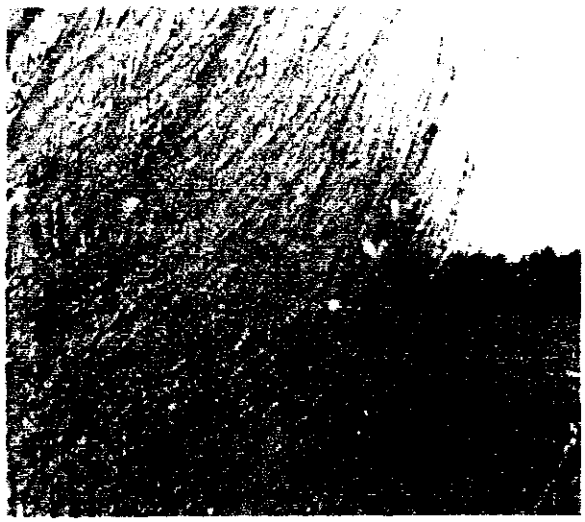
- Within only a few weeks of installation, the barrier is densely covered over its entirety with strong green side shoots and leaves.
- Within 2-3 months it appears as a long established, natural willow hedge.
- Sound attenuation of Rockdelta® core is proven to be the highest available. It is tested and approved in the highest noise-absorption and noise-reduction class giving a reduction between 25-35 dB's.
- Normal Life expectancy circa 25 years.

Enquiries to: Adrian Bowles Tel: 01793 741335
e-mail: sales@etsluk.com **web: www.etsluk.com**

AESTHETIC APPEAL

What makes the design unique, is that the construction itself, either as a fence or as a sound barrier, is a living, green unit giving the following characteristics.

- Constructed from natural and living materials- the barriers blend into both urban and rural surroundings. They show minimal breakdown or visible signs of ageing.
- The Green Barrier in living willow ages naturally without rusting or sun-bleaching
- The living characteristics of the willow deter the application of graffiti.
- Appearance varies with the seasons and the type of willow chosen. From April to November the barrier displays the colours of summer and autumn. During the winter the bare willow branches with their characteristic brown/orange colour brighten up the winter landscape.



The barrier after leaf fall. During winter time the living Green Barrier work opportunities. Cuttings for decoration and ornamental twigs with catkins can be taken from barriers.

ENVIRONMENT

- All materials used in the barriers can be fully recycled.
- Willow improves the air quality as a result of Co_2 absorption and by the release of oxygen.
- It forms natural habitats for local flora, fauna and wildlife.
- The Willow is produced from non-intensively cropped coppice plantations.

The living Green Barrier providing extremely effective noise abatement from train tracks next to a housing area.

Car Park view @ Arhus Powerstation. Three months after construction The Green Barrier is now a natural part of the landscaping surrounding the car park at the power station

Enquiries to: Adrian Bowles Tel: 01793 741335
e-mail: sales@etsluk.com **web: www.etsluk.com**

CONSTRUCTION

The GREEN BARRIER in living willow consists of 2 to 3 year old willow rods, of selected species and types of willow, held firmly together within a wooden frame. This ensures both fast and simple construction with the growth being controlled. The construction is installed directly in to the ground to a depth of 60cm.

Single units are delivered, ready for construction. Sound barriers do however need to be erected by professionals.

MAINTENANCE

The Green Barrier in living willow, as with all living materials, the barrier benefits from maintenance and attention.

- Drip irrigation in summertime during the first years ensures strong and healthy growth.
- Fertilising during the spring.
- Due to the natural characteristics of the barrier it is rendered vandal and graffiti resistant.

Conditional to construction and maintenance being undertaken by the suppliers a sprouting guarantee will be given for the first 2 years.

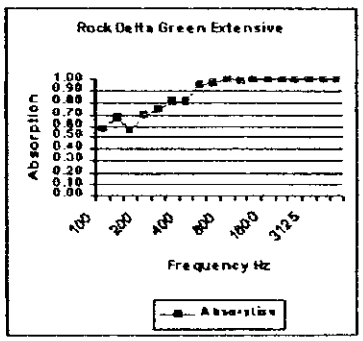
Proper maintenance is essential if the barrier is to stay in an attractive condition.

SPECIFICATIONS

Newly constructed barrier	45cm	Max 2,5 - 3.0m
Continual Trimming	Approx 1m	Construction height + 40 cm
Trimming twice a year	1.45m	Construction height + approx. 1m
Trimming once a year	2.95m	Construction height + approx. 2m
Trimming every 3rd year	Year 2 after Trimming: approx 3.55m Year 3 after Trimming: approx. 4.15m	Year 2 after Trimming: Construction Height+ approx. 2.4m Year 3 after:Trimming Construction Height + approx. 2.8m
Erection	Spring - March, April, May, perhaps June	
Maintenance routine :	Drip irrigation in May, June, July, August, at least during years 1+2 Trimming Ideally every year. (Absolute minimum every 3rd year, otherwise no guarantee) Fertilising - Ideally every year, using liquid or solid fertilisers.	

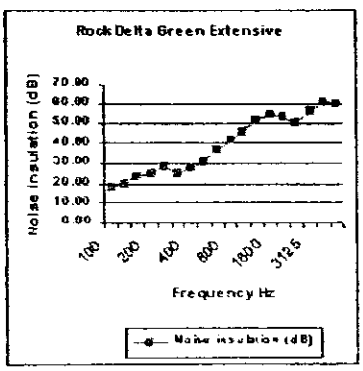
NOISE ABSORPTION

According to the CEN standard, EN 1793-1, the noise screen belongs in category A4($D_{l\alpha}$>11dB), which is the highest absorption class.



NOISE INSULATION

According to the future CEN standard, EN 1793-2, the noise reduction screen belongs in category (B3(D_{l_R}>24dB), which is the highest reduction class. The noise insulation value is 31 dB.



ets

ets designs, constructs, supplies and assembles Green Barriers in the UK and Ireland. ETS works in partnership with Pilebyg Ltd., a Danish company that has been involved with willow production since 1938. At Pilebyg efforts are directed toward continual development of new ways of utilising willows, and inspiration comes largely from past traditions. Pilebyg are Denmark's largest growers of willow, with a unique arboretum of willow species from all over the world, and considerable expertise in willow production, all made available to ets as a resource.

Enquiries to: Adrian Bowles Tel: 01793 741335
e-mail: sales@etsluk.com **web: www.etsluk.com**

Bellgate House
Cumdivock
CARLISLE
Cumbria
CA5 7JJ

Tel:

8th August 2004

Mr O Wiley
Managing Director
The Kingswood Group
Kingswood House
11 Prince of Wales Road
NORWICH
Norfolk
NR1 1BD

Dear Mr Wiley

Greensyke, Cumdivock

I am writing to complain about the noise from the above site today (Sunday). It was so bad by 11.00hrs that my husband telephoned (and subsequently visited) Greensyke and spoke to the site Manager, Mr John Robson. He told us that the second group of children from Banque de France had arrived 'with their own agenda' and had decided to stage their own 'mini Olympics'. He stated that although he would ask them to keep the noise down, he felt that the Master Plan allowed for some shouting as long as it was not continuous. The screams, shouts, whistles, etc., were so intrusive that by noon we went indoors and stayed there for most of the beautiful, sunny afternoon. This noise continued into the early evening (when my husband made his third telephone call to Mr Robson) and we object very strongly to this level of intrusion.

The only level of noise from your site we would find acceptable is that displayed by the children on the day of the Inspector's visit when virtually nothing was audible from the apparently almost full site with well behaved children participating quietly in the various activities (witnessed by all those present).

Perhaps you could explain to us how this behaviour today equates with the Management Code? Where does it say that visitors to your site can arrive with their own agenda and behave as they wish with your staff unable to control them?

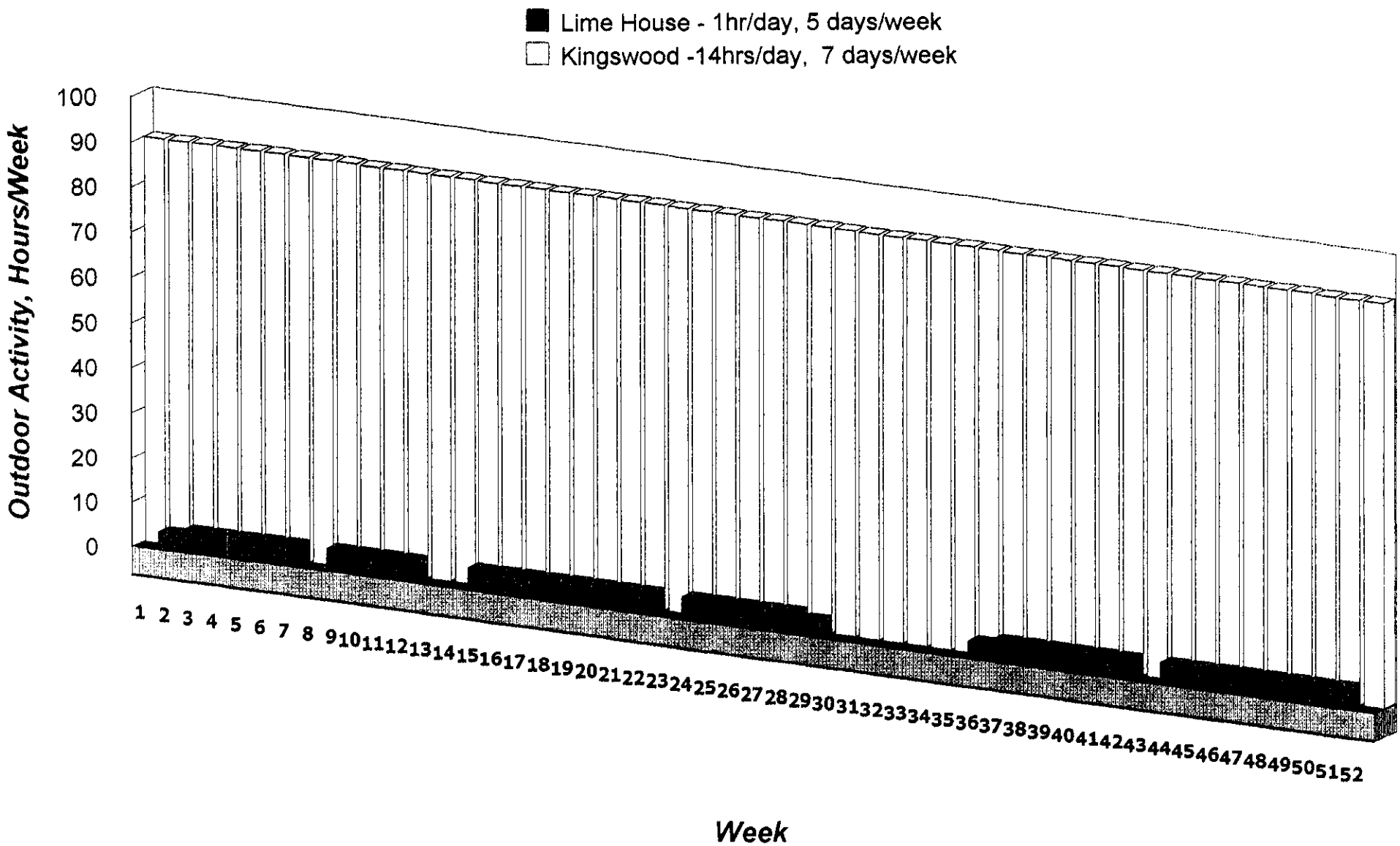
I await your reply.

Yours sincerely

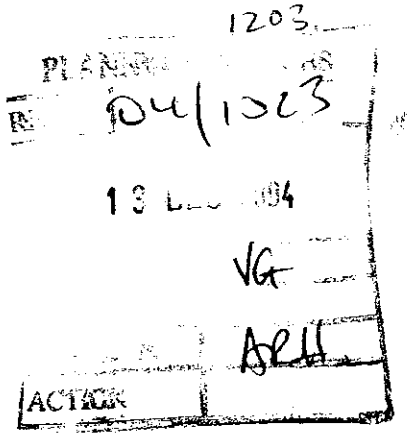
Elizabeth M Harle (Mrs)

c.c. Messrs P Wilbraham, A Hutchinson, M Lambert
Mr and Mrs R Auld and Dalston Ward Councillors

Potential for Noise - Lime House School v Kingswood

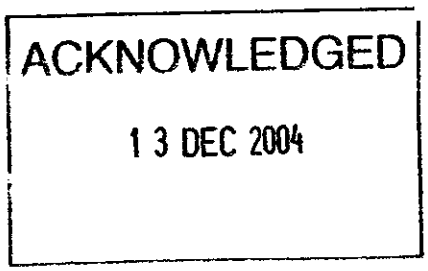


Note: Zero values for Lime House during school holidays



Bellgate House
Cumdivock
CARLISLE
Cumbria
CA5 7JJ

Tel:



Mr A Hutchinson
Planning Services Division
Carlisle City Council
The Civic Centre
CARLISLE
Cumbria
CA3 8QG

9.12.2004

Dear Mr Hutchinson

Proposed Development of Greensyke Farm, Cumdivock by Kingswood Learning and Leisure Group Limited. Application Number 04/1023

Please find attached my Noise Log recording events up to the time Kingswood closed for the Christmas and New Year period – reference: 'Noise Log Dec 2004'.

I have been submitting these reports since November 2002 and you will note that nothing has changed over that time period, the noise and frequency is every bit as bad today as when we first started.

Clearly the Management Code (Plan) is not working and never has. If Kingswood can not make it work now when facing the biggest sanction of all, that is, refusal of the current application, what chance is there of them making it work once they have planning consent?

Referring to the Noise Log entry for Thursday 24/11/04 – my conversation with Mr Maitland clearly demonstrates how ambiguous the Management Plan is when he, as the Greensyke Manager, can interpret it as allowing shouting, screaming and calling all day, every day. I thought its purpose was to prevent just that, not allow it.

Noise and off-route coach movements from the KW activity centre at Greensyke

The following were observed and noted as we went about our daily lives, no special attempt being made to capture these events

Thursday 18/10/04

- 12.30hrs This morning I made frequent trips outside to my garage, each time the children from Kingswood could be heard shouting and screaming.
- 15.30 Phoned Kingswood spoke to Brendan Maitland, the site manager, he said the shouting was because of the mud!

Friday 29/10/04

- 09.50hrs Sporadic shouting, calling, screaming.
- 11.00hrs Still the same - could be heard inside our dining room with side door open, the noise had to pass through two other rooms to reach me.
- 11.10hrs Phoned Kingswood, spoke to Brendan Maitland – told him I could hear the noise inside my house.
- 11.30hrs Still just as bad, phoned and spoke to Brendan again, he said he had just been out and did not think the noise was that bad.
- 12.00hrs Still no improvement, feeling very distressed by now and need to get away, phoned the city offices asked to speak to Mr Hutchinson, he was not available. Barbara took the call, asked her to pass on to Mr Hutchinson the fact I was being driven from my home. This is not the first time this has happened. I do not think people realise just how stressful it can be having to listen to children shouting and screaming for hours on end without any reprieve.

Saturday 30/10/04

- 10.00hrs approx. Still feeling very stressed by the previous day's events. My wife rang Kingswood and spoke to Brendan Maitland in order to determine the occupancy numbers to the end of the year. As they are unable to control the noise it left us with no other option than to arrange our lives so that we could be away or not plan to go outside when numbers are high and the potential for noise greatest. He provided the figures and said that up to 159 children at one time were due in before end of November, but assumed most of the large groups are ICT and will be indoors for most of the time. My wife asked for any co-operation possible from him to keep the noise to a minimum, he said he had been before (when the marquee was here) and was well aware of the history of the site.

Wednesday 3/11/04

- 11.30hrs Continual babble of children's and adult voices punctuated by calls and screams.
- 12.00hrs The same
- 13.15hrs The same
- 15.00hrs The same

Thursday 18/11/04

- 12.00hrs Lots of shouting, screaming and cheering
- 16.00hrs Just the same

Noise and off-route coach movements from the KW activity centre at Greensyke

The following were observed and noted as we went about our daily lives, no special attempt being made to capture these events

Friday 19/11/04

- 15.30 Coach for Kingswood turning out of Black Dish road – NOT ON APPROVED ROUTE.

Saturday 20/11/04

- 09.00hrs Lots of screaming and shouting, Spoke to Pete Hanna at Greensyke, he said he had 'a bit of a crisis'?
- 11.15hrs Arrived back from town to be greeted by the same screaming and shouting.

Sunday 21/11/04

- 09.10hrs Opened door to be greeted by shouting and screaming.
- 10.10hrs Called Kingswood, spoke to Pete as noise was just as bad.

Wednesday 23/11/04

- 11.15hrs Shouting could be heard in dining room.
- 13.10hrs No change, getting worse if anything
- 18.05hrs Still just as bad.

Thursday 24/11/04

- 11.15hrs Shouts, screams etc, could be heard inside house
- 12.20hrs Phoned Greensyke and spoke the Brendan Maitland, asked him for his interpretation of the Management Code. He said he considered noise acceptable when the outside activities were in use, similarly during freetime in the courtyard (combined these cover all of the day apart from any scheduled indoor evening events that last for about two hours). He then attempted to justify the noise by referring to an item in the inspector's report which stated *'It is quite likely that the former boarding school use generated some noise'* saying, if they can make a noise so can we. Had he read on he would have seen that the inspector also stated *'However, that would be for fairly short periods at set points during the day and went almost unnoticed by the local residents'*. He also felt it was natural for a child to shout or cheer when he/she achieved something, i.e. got to the top of the climbing wall, and as such was acceptable.

We have made it abundantly clear to Kingswood what the noise problem is by:

(a) direct correspondence with their Chairman and their Managing Director
(b) numerous letters of objection submitted to your office and
(c) many complaints to the Greensyke office regarding specific events (30 from me alone since the Public Inquiry).

What have Kingswood done to alleviate the problem? To be blunt about it, nothing, other than produce this ambiguous and ineffective Management Plan. They have certainly not contacted the local residents to find out if it has worked and, as you are well aware, they have never even asked to see our Noise Reports. In my opinion it has never been anything more than a paper exercise to try to convince you, the DC Committee and the Inspector that they are doing something.

I ask that this application be refused.

Yours sincerely

E H Harle

c.c. Mrs E Auld, Dalston Parish Council
Mrs L Crookdake)
Mr T Allison) Dalston Ward Councillors
Mr B Dodd)
Mr J Collier, County Councillor

ITEM 04
04/1203
SCHEDULE A
PAGE 61

Angus Hutchinson
Carlisle City Council
Civic Centre
Carlisle
CA3 8QG

By E-mail and by Post

Your Ref:
Our Ref: PNW/MBB/WI1089.09995

23 May 2005

Dear Angus

Kingswood Educational Activity Centre
Greensyke, Cumdivock

Thank you for your letters of 12 and 17 May 2005. I met with my clients on Friday to discuss the latest position.

I have received notification that the application is to be referred to the Planning Committee on 3 June 2005. My clients remain of the view that the application is incomplete and it is inappropriate to determine it until it has been completed. In particular the draft management code refers to activity standards: they are not included. It refers to a Section 106 Agreement; so far as I know it has not even been drafted although it refers to noise control. The landscape scheme, including noise mitigation measures has not been prepared. The location of the noise measurements referred to in the conditions has not been identified. Mr Walsingham has requested a further change to the management code and I comment on that below. If the application is to be taken for decision, it should be refused.

There are a number of matters relating to the draft noise conditions. I am referring to them as set out in the April report of MAS.

Condition 1 I understand that the applicant is content to delete the exception relating to one day in each year. My clients welcome this change. The plan referred to in the condition has not been prepared.

Condition 3 The condition should be reworded as a Grampian condition on the basis of those already discussed. No student should be on site after six months, unless an approved scheme has been formally implemented,

Condition 4 The date and duration of this survey must first be agreed on each occasion with the local planning authority. In theory, for example, a survey could be carried out when no one was on site and that would comply with the condition as drafted,

Condition 5 (a) my clients wish to have clarification of the interpretation of the exception in sub-paragraph (a). Is it the intention that, if noise exceeds stipulated levels during the day the half hour exemption should then begin with the result even if there are no further exceedances within the next 30 minutes one of the three "allowances" will have been used up? I should appreciate your understanding of this condition as soon as possible.

(b) I note the opportunity for the Council to grant prior written approval to other exceedances and I link this to the comment on page 4 of Mr Stigwood's report that "... the local planning authority can consider revisions based on experience of impact ... this then provides opportunity to review its effectiveness and reasonableness without further planning application". My clients would have the strongest objection to a facility to allow this condition effectively to be changed or relaxed without going through the due process of a Section 73 application. Such a provision does nothing to inspire confidence in my clients and should be deleted. If experience indicates that a relaxation might be appropriate it should be fully justified and be subject to the normal rigours of a planning application.

Condition 6 The plan is not attached.

I note that in his e-mail of 18 May 2005, Mr Walsingham requested an amendment to the management code so that it would have to be sent to schools booking at the centre 6 weeks before they arrived rather than when making the initial booking. My clients have a very strong objection to this. The purpose of sending the management code at the outset is to enable a school to decide whether it wishes to visit under the limited noise regime. There is nothing on the website or promotional literature to inform schools that the regime is different at Greensyke from that of the other centres. First learning of that six weeks before visiting is far too late to allow them to opt for a different centre.

I have written several times about the desirability of having the Section 106 Obligation directly enforceable by third parties. Whilst I do not wish to repeat the reasons that I have already set out my clients strongly reiterate that in circumstances where the acceptability of the centre depends entirely upon the management of it, they should have the ability to take action under the agreement in the event that a future occupier fails to comply with the requirements of the noise regime.

Yours sincerely

Peter Wilbraham
Partner

Direct Dial: 0845 404 1720
Direct Fax: 0845 404 1991
Email: Peter.Wilbraham@wilbraham.co.uk

Angus Hutchinson

From: Mike Stigwood [mail@masenv.co.uk]
Sent: 23 May 2005 17:15
To: Angus Hutchinson
Subject: Re: FW: Re Greensyke

Angus,

My responses are as follows:

1) All references to plans for the boundary locations to which noise level conditions apply. This has not been finalised as I wish to sit down with officers and confirm with greater precision the appropriate boundaries to use. This needs to relate both to accessibility should the land occupier refuse access (i.e. nearby public footpaths and roads) and how representative it is or how affected by other noise sources (nearby hedges for example). It is worth reiterating that the boundary level can be determined elsewhere and extrapolated back to the identified locations but t is always preferable if measurements can be undertaken on the identified boundary. The anticipated locations are the eastern land boundary of Bellgate House, the western land boundary of The Gill, the western land boundary of the White House, the northern and possibly eastern land boundary of Holly Oaks. As to land boundary, I refer to amenity land (gardens etc.) and not land ownership. No others are required as they are further away.

2) Whether the condition in relation to the noise scheme should be of a Grampian (negative) style. I have addressed this in responses. I do not agree and in my view it is not useful in retrospective approval situations as it would not equate to a test of whether development has actually occurred contrary to a prior approval situation. Enforcement would therefore be for breach of condition and not unlawful development and in the absence of a Stop notice would not cause the activity to cease. Further the activities have continued now for some considerable time. However, this is a matter for the planning authority whether they wish to add it. I see little consequence except it may cause slight additional pressure to agree a scheme prematurely. That is not a good thing as the pressure will fall on the Council to approve rather than cause a breach.

3) Survey date and duration. Again I have addressed this and I cannot agree. Undertaking a survey under circumstances that do not reflect reality does not assist the developers. It would still serve to show there could not have been an uninterrupted period of breach of the other conditions. This is the intent of the condition. Dates have the incumbent problem of uncontrolled weather. It could assist the assessment if the number of residents at the Centre were identified along with the activities undertaken during the survey period, their times of occurrence and the duration of each. A sentence could be added: "*The reports shall also identify how many persons were resident at the premises during the survey period or periods and the activities undertaken during that period which generate noise outside of the buildings or in the case of electrically amplified music, generated anywhere on the premises. It shall include the times and duration of activities.*"

4) Exempted periods. The interpretation set out by Mr Wilbraham in his letter of 23rd May is correct as to the meaning of the condition wording. I have set this out in correspondence.

5) Ability of the Council to give prior written approval. This is both normal practice and extremely common with this type of condition. It is based on experience of problems with conditions. It meets a need amongst other things for short term flexibility which the S73 route does not provide. It renders the condition reasonable. It is particularly useful to permit trial / testing of methods etc. that the S73 route cannot adequately address and very short term situations. Good administrative practice and Human Rights serve to protect against misuse of

powers and the public's route for remedy against such a scenario is no less than that found with a Section 73 approval. This approach is also preferable to identifying exceptions for inclusion in the condition and then trying to police them.

If activities at the Centre breached the condition but at the same time did not harm amenity in any way or sufficiently, the LPA would **not** be free to use enforcement action. I understand this follows government guidance. It would then become important to separately approve the activity in order to prevent an uncontrolled breach continuing until immunity from action was acquired. Once immunity was acquired in relation to one element of the condition then the whole condition is, in law, lost. As the source of noise is mobile, this is a distinct possibility that needs to be protected against. For example, imagine if one of the boundary dwellings was purchased by the Kingswood Centre and activities were allowed close to their boundary that breached the condition but did not harm the amenity of any of the other residents. After 10 years this would become immune from action and the condition lost unless approved by the Council (even for a short period or under certain circumstances). This is not unrealistic and I am personally aware of at least one case where immunity has been acquired in a similar way in the past.

I seek to re-assure the residents that the conditions have been thoroughly thought through and are based on addressing the very complex problems that can arise when noise levels are to be et. The vast majority of noise level conditions fall down. the measures here have been designed to stop that happen. There may be genuine reasons to vary the wording or precise requirements of the condition but only where it achieves the original intent or does not change that intent / purpose of the condition.

I hope this response is helpful.

Regards Mike Stigwood

At 13:19 23/05/2005 +0100, you wrote:

> Mike,
>
> Can I please have your observations.
>
> Many thanks,
>
> Angus
>
> > -----Original Message-----
> > From: Michelle B. Brown [SMTP:Michelle.Brown@wilbraham.co.uk]
> > Sent: 23 May 2005 13:14
> > To: Angus Hutchinson (E-mail)
> > Cc: Peter Wilbraham; David Cowen (E-mail)
> > Subject: Re Greensyke
> >
> > SENT ON BEHALF OF PETER WILBRAHAM
> >
> > Please see attached, a hard copy to follow by post.
> >
> > Michelle
> > <<1534719_1.DOC>>
> > ==========
> > Confidentiality Notice: The information contained in this e-mail
> > is for the intended recipient(s) alone. It may contain privileged
> > and confidential information that is exempt from disclosure under

Comments on; -
NE2005\9.05.05. Management Code as Agreed with Carlisle Council Officers

General Comments

- The first thing we note is that this document is already agreed with Carlisle Council Officers, I assume this means both Angus Hutchinson and Mark Lambert?
- Nowhere does it clearly define who are allowed to attend their courses. For example, something along the lines 'Children from recognized schools aged between x and y accompanied by their teachers and/or qualified ancillary teaching staff'.
- Term time operation only. It was Kingswood that misled the inspector to thinking this was a term time only operation, no one else. Certainly my letters and charts have always stressed that an every day operation was the other major factor besides noise, which I think everyone else on the group agrees with.
  You may recall that at the inquiry the inspector put it to KW as a direct question -- how many weeks a year do you operate? After an exchange between their QC and Stuart Wiley and acceptance that Camp Beaumont had gone, they concluded that it was a term time operation. In his report the inspector clearly states it as a term time operation and obviously took this into consideration when making his decision. Had he thought otherwise he might very well have come to a different conclusion. It should also be noted that he was referring to the Kingswood operation at Greensyke, NOT any school. They have argued that holiday operation is allowed because some other schools do so, it is not a valid argument as the inspector was referring specifically to Kingswood. I really don't see that KW have any option but to accept this, they can not say one thing to mislead the inspector in an attempt to win their case then demand the opposite. I understand it would not be difficult to write a condition to say 'term times as laid down by Cumbria County Council Education Department. If this could be done, it would be a massive relief for us, at least we would have some days of the year when we know we can go outside with no fear of the babble of children's and instructors' voices punctuated by shouts, calls, chants, screams, etc. Reasonableness is a double-edged sword, demanding that they are allow to disturb this tranquil rural environment every day of the year from waking to going to bed I do NOT consider reasonable, selfish is more appropriate
- If the Management Code proves successful for a number of years, perhaps the above restriction could be reviewed. More incentive for them to make it work.
- It is difficult to envisage what all these noise levels will mean in reality, they may reduce the amount of shouting and screaming but will not stop it, so many per hour, 3 half hour uncontrolled periods per day etc. However it will not stop the low level babble of voices our the unpredictable nature of these shouts and screams, that is why it is essential for our welfare that we have the holiday periods free of children in order to relax and regain our health. Children are not machines that can be switched on and off.
- Nowhere either in here or in the conditions does it say how and where noise measurements will be taken.

16/05/05

Edward H Harle

May 05 08:27 Cllr Lucy Crookdake

Comments on; -
NE2005\9.05.05. Management Code as Agreed with Carlisle Council Officers

Turning to the various headings

1.0 Introduction

- **Para 1** – This of course is not true. We, along with the Parish Council, have been excluded from any discussions that have taken place since October 2004 and have not had input into this AGREED version since that time. I also think it appropriate that any discussion should include the appointed City Council member of the LLC, that is, Lucy Crookdake. I believe this appointment was ratified at the last DCC meeting, I am not 100% sure on that, perhaps David can confirm.
- **Para 2** – This does raise several points:
  - Documents need to be annotated with version and date of last update etc.
  - The City Council and the LLC must sign off each version and a copy lodged with the City Council, the latest version to become the master copy.
  - All members of the LLC to be provided with the latest version, as well as staff and teachers
  - Distribution list maintained of all recipients and used to distribute updated copies

  The same should apply to all other documents, for example, Activity Standards and Activity Delivery.

  Considering KW produce and update these documents it would be only too easy for them to slip in subtle changes, we have seen this in the past.

- **Para 3** – To say it will limit the noise from the site to the level experienced when used as a conventional school, this is a gross misrepresentation of the truth, clearly intended to mislead the DCC members. The inspector described noise from former use as being for fairly short periods at set times (conventional school therefore term time only) – what we have now is all day, every day from waking in the morning to going to bed at night and at unpredictable times.
  Note also the use of the term conventional school when referring to former use, thus implying they are NOT conventional, which clearly they are not. I think this is a further consideration in the argument for term time only operation.

I thing both paras 1 and 3 are there to mislead.

- **Para 4** - Are they also going to be supplied with a copy of the conditions, as they are no longer contained in this document.
  - This is the only item in this document that mentions noise level and it simply says, 'acceptable level', a term that has no real meaning and is open to each individual's interpretation of what is acceptable.
  - Were they given a copy of the conditions would they understand what they meant
  - Would any of the Kingswood staff be able to explain in understandable terms what these conditions meant
- Para 5 – I really do not believe that they will be able to translate these detailed and complex technical conditions into something understandable that they can then

Comments on; -
NE2005\9.05.05. Management Code as Agreed with Carlisle Council Officers

readily apply.
Signed copy? Signed by them, or a copy bearing someone else's signature, whose?

2.0 Supervision

- **2.2** This appears to be putting the onus for the children's conduct squarely upon the visiting teachers at all times, Could this open the door for KW in any future action against them to disclaim responsibility for any disturbance. Ultimately doesn't KW have responsibility for everything that happens at Greensyke, including the conduct of the children and visiting teachers?

3.0 Range of Activities

- **3.1 and 3.2** Don't see anything sneaked in
- **3.3** The Activity Standards and Delivery documents are not annexed, therefore, this document incomplete. We have no idea what they may have changed in them
- **3.4** These need the same control as I stated in my comments against Para 2 of 'Introduction'

4.0 Hours of Operation

- **4.2** When it is altered a new copy of the code should be distributed to all on distribution list.
- **4.3** What this timetable does show is that the children can be outside all day every day, the only exception being the 1.5 hrs indoor session between 7.30 p.m. and 9.00 p.m. and the two 15min juice breaks am and pm.
- **4.4** this does seem to contradict the schedule when it says the children can be outside during the dinner session.
- **4.5** Another typical vague statement committing nothing
- **4.6** It needs to be made abundantly clear that **the central courtyard does not contain noise, never has and never will and a 5'11" high fence will not make the slightest difference.** I have made this point on numerous occasions to the planning officer and my noise reports, done at his request, identify it as being one of the sources of noise.

5.0 Control of Noise

- **5.1** I can only repeat what I said earlier, would those people doing the supervising have sufficient understanding of the complex technical limitations to know if they were complying. 'Stand up anyone that can tell me what 40dBs will sound like'? I have not seen anything yet about monitoring, is it to be permanent? What other way is there? It is no good coming along the next day to take measurements - which would be farcical to say the least. A bit like being stopped by a policeman for suspect speeding then being asked to come back the next day when he has his measuring equipment set up and do it again
- **5.2** Let us see these annexed documents or this document in with them included.

6.0 Traffic Routing

- **6.1** I still see quite a lot of coaches disregarding this even after three years. Clearly what is expected under subheading 'Routing' is still not being followed by some coach operators, what have KW done to address this problem. Not a thing I suspect. It was at my suggestion about one year ago that they put up a sign at the exit saying no right turn for coaches. They know when coaches are due, therefore, I would suggest they have someone on the gate checking from which direction the coaches

Comments on; -
NE2005\9.05.05. Management Code as Agreed with Carlisle Council Officers

arrive and inform the miscreants of the error of their ways. We noted they had someone on the gate the day of the inspector's visit!

7.0 Community Relations @ the Local Liaison Group

- **7.1 item 9, second from last bullet** – I would suggest that proposals for change should not be restricted to KW, members of he LLC should also be allowed to submit them
- **7.2, second bullet,** What happens if the manager does not agree with the complainant and refuses to take action immediately. Or, is this saying that irrespective of whether the manager thinks the complaint is justified he has to take action to stop the reported disturbance? I am sure there must be some nice legal terminology for this situation.

8.0 Independent Scrutiny and Sanctions for non Compliance

Thinking of what sanction to apply I feel one should first take into consideration when it occurred, was it during free time, or during activity time? If the latter, from which piece of equipment did it come? From my experience over three years of complaining and logging noise, it is frequently NOT from a single activity. If the proposed plan to concentrate all the activities in a relatively small area goes ahead, interaction will occur between the groups and the instructors will have to compete with each other to be heard, thus increasing the overall noise level.

- **Item 1** – The second bulleted item (banning a school) appears to me to be exactly the same as 3c. Whether positioned here or under item 3c I see several problems with this suggestion
  - Mostly there are several schools in at one time. During free time they play together, how do you identify which one is responsible for any disturbance, or do you ban them all? Again from my experience of going around to complain, the only adults around were the teachers with only one KW instructor on duty, and more often than not, difficult to locate. None of the teachers are likely to admit it was their school so we have an impasse.
  - If the above can be resolved does this ban the school from all the KW centres? With the new one in Sheffield I think it now comes to seven. It is pointless if they are not as it would be neither a sanction against KW nor the school.
  - Even if banned from all centres how will anyone other than KW know, how can it be monitored and policed
  - Are KW going to provide some independent person/s, perhaps the LPA or the chairman of the LLC, with the names of the schools attending all their centres each week so that they check if the ban is being enforced. An onerous task to say the least

- **Item 1,** first bullet item(banning two activities)
  - How will this be enforced? If effective visual screening is installed they will be out of sight. Will local residents and/or members of the LCC be allowed to go on site at anytime unannounced to check?
  - Would the word of a local resident be accepted to say there had been a breach of the ban?
  - Perhaps a means of disabling the chosen activities would be needed.

16/05/05

Comments on; -
NE2005\9.05.05. Management Code as Agreed with Carlisle Council Officers

- I think 3a should apply when a specific activity can be identified and this only used when the source cannot be identified, I also think this should be on an incremental scale, first time two weeks, next time three, then 4 et al.

I have seen nothing to say what will happen if KW are in breach of a ban?

- **Item 3a,** cease one or more activities
  - I think this is a much more sensible sanction that should be available to the LLC. Not only does it act as a sanction, but also it will ensure action is taken, modification, relocation, or whatever to prevent a reoccurrence. Isn't this what we all want?
- **Item 3b,** This is a pathetic amount when you consider they charge on average about £300 per week for each child, with tax relief that is approximately equivalent to the loss of income from 5 children for one week. Total child weeks possible is 160x52=8320, therefore 5 children =0.06%
- **Item 4,** Why not for ever as long as they are at Greensyke, it is they that are the cause of the problem

SCHEDULE B: Reports Requiring Further Information

05/1395

Item No: 02 Date of Committee: 21/04/2006

Appn Ref No:	**Applicant:**	**Parish:**
05/1395	Paton House Developments Ltd	Brampton
Date of Receipt:	**Agent:**	**Ward:**
28/12/2005	Taylor & Hardy	Brampton
Location:		**Grid Reference:**
Hemblesgate, Tarn Road, Brampton, CA8 1QX		353570 560537

Proposal: Erection of 9 dwellings and related access road

Amendment:

1. Revised layout plan, drawing number 04006-41B , indicating an additional 2 parking spaces received on the 16.01.06. Letter from agent also received 16.01.06 confirming that all the roofs will be natural slate, and, natural stone used in lieu of the Artstone indicated on the drawings.
2. Revised drawings received on 21.02.06 (drawing numbers 04006-41C, 04006-28B and 29B) showing changes to the layout of proposed plots 5 and 8, and, changes to the design of the proposed house on plot 5.

REPORT

Reason for Determination by Committee:

In the light of the history of the site and the objections received from interested parties.

Planning Policies:

Airport Safeguarding Area

Carlisle District Plan
Environment - Policy E4

Within County Landscapes (as defined on the Proposals Map) permission will not be given for development or land use changes which would have an unacceptable effect on their distinctive landscape character.

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

Carlisle District Plan
Environment - Policy E19

In considering proposals for new development the City Council will where appropriate require the retention of existing trees, shrubs, hedges and other wildlife habitats, and the replacement of any environmental feature lost to development. Landscaping schemes to be implemented by the applicant will be required as part of most planning applications.

Carlisle District Plan
Environment - Policy E20

Development which would result in the raising of the floor of the floodplain, or which would have an adverse impact on the water environment due to additional surface water run off, or adversely affect river defences will not be permitted unless appropriate alleviation or mitigation measures are included. This applies to the floodplains of the River Eden, Caldew, Petteril, Esk, Irthing and Lyne and their tributaries which are all subject to periodic flooding.

Carlisle District Plan
Environment - Policy E31

On land for which there is no archaeological information, but where there are reasonable grounds for believing remains to be present, the City Council will ensure that the archaeological aspects of development proposals are examined and evaluated before planning applications are determined. Planning permission will not be granted without adequate assessment of the archaeological implications.

Carlisle District Plan
Environment - Policy E43

The City Council will encourage and permission will be granted for development within and adjoining Conservation Areas which preserves or enhances their character. The City Council will seek to ensure that any new development or alterations to existing buildings are in sympathy with the setting, scale, density and physical characteristics of Conservation Areas and protect important views into or out of such areas. Applications for outline planning permission will not be accepted for proposals in Conservation Areas.

Carlisle District Plan
Transport - Proposal T1

In considering applications for development, account will be taken of the availability of a choice of means of travel to and from the site.

Carlisle District Plan
Transport - Proposal T7

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

1. The Parking Guidelines for Cumbria as detailed in Appendix 2;
2. The availability of public car parking in the vicinity;
3. The impact of parking provision on the environment of the surrounding area;
4. The likely impact on the surrounding road network; and
5. Accessibility by and availability of other forms of transport.

Carlisle District Plan
Housing - Proposal H1

To provide for housing needs, an additional 4,664 dwellings are required between April 1st 1994 and April 1st 2006. Making allowances for sites with planning permission and windfall sites provision, land for a further 2,146 dwellings is allocated for primary residential purposes, providing for a variety of housing needs. These additional sites, are:

Dwellings			**Site**	**Ha.**
i.	Morton Carlisle		41.00	1.025*
ii.	Garlands Carlisle		17.80	445*
iii.	Warwick Road, Carlisle		5.10	128*
iv.	Brisco Road, Carlisle		3.30	83*
v.	RAF 14MU Site No. 4		3.50	90*
vi.	Windsor Way, Carlisle		8.04	200*
vii.	Scotby, Carlisle	2.30	58*	
viii	William Howard Lower School, Brampton		1.00	25*
ix.	Barras Lane, Dalston		2.99	50
x.	Nook Lane, Dalston		1.47	20
xi	Ladyseat, Longtown		0.87	22*
Total		**87.37**	**2,146**	

*Site capacity for these sites is based on 25 dwellings per hectare.

Proposals for residential developemnt not included in the above allocations will be assessed according to Policies H2-H7.

All housing developments will be closely monitored to ensure that the scale of residential development relates to the Structure Plan requirement.

Carlisle District Plan
Housing - Proposal H2

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

1. Existing areas of open space and other amenity areas are safeguarded; and

2. The proposed development does not adversely affect the amenity of adjacent residential property; and

3. The proposed development complements or enhances existing adjacent residential areas and their amenity; and

4. Satisfactory access and appropriate parking arrangements can be achieved.

Proposals for uses other than residential will not be permitted in Primary Residential Areas other than where they do not adversely affect residential amenity. Development that would create unacceptable noise, smell, safety and health impacts or excessive traffic generation will not be acceptable. Such schemes falling within the scope of this Policy will be considered against the above criteria as well as other Policies of the Plan appropriate for the proposed use.

Carlisle District Plan
Housing - Proposal H3

Within the Capon Tree Road area of Brampton, shown in the Brampton Inset Proposals Map residential development will be permitted, provided:

1. The proposed development is of high quality, sympathetic to the character of the area;

2. The proposal is of low density with no more than five dwellings per hectare;

3. The proposed development does not involve the loss of existing mature trees.

Carlisle District Plan
Housing - Proposal H4

Within Carlisle, Brampton, Longtown and Dalston, outside the Primary Residential Areas and sites allocated under proposal H1, applications for residential development, including redevelopment and the change of use of vacant and underused buildings, will be permitted provided that:

1. Satisfactory housing conditions can be achieved; and

2. The proposal will complement the existing character of the area; and

3. The proposal will not adversely affect the amenity of the area; and

4. Satisfactory access can be provided; and

5. Appropriate parking arrangements can be made.

Carlisle District Plan
Housing - Proposal H9

Notwithstanding Proposal H1 and Policies H2-H5 and H7, proposals for residential development may be permitted in locations where such development would not usually be permitted, where the following conditions are met:

1. The proposal is for low-cost housing to meet an identified need; and

2. The proposal is supported by a detailed agreement which will satisfy the requirement that once built the residential units are retained for the benefit of successive as well as initial occupiers; and

3. The proposal is well related to the settlement where the need has been identified and does not involve a significant impact on the local landscape.

Carlisle District Plan
Housing - Proposal H15

Within the Plan area, where there is evidence of need, developers will be encouraged to meet the needs of disabled people. In these instances dwellings should be readily accessible for disabled people and be capable of adaptation to meet the needs of any future disabled resident.

Carlisle District Plan
Housing - Proposal H16

High standards of design in new housing sites and dwellings will be required. Matters to be considered include: The layout of roads and buildings; footpaths and cycleways; the retention of existing trees and hedgerows; planning out crime; the provision of public open space;the relationship to adjacent development.

Conservation Area

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

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): The proposed junction onto the public highway is sited outside the 30 mph speed limit, and in this respect the visibility splay shown on the submitted plan does not comply with current highway standards.

However, it would be possible to achieve the required visibility splay by extending the 30 mph speed limit beyond the proposed junction.

An amendment to the Traffic Regulation Order would be rquired, the costs of w3hich should be borne by the applicant (approximate cost being £1500). The Traffic Regulation Order should be implemented prior to any works commencing on site.

A stage one safety audit in accordance with the "Guidelines for the Safety Audit of Highways, IHT 1996" and taking into account relevant Cumbria County Council design standards, shall be submitted alongside the planning application. In this respect the submitted layout details are not satisfactory.

It is also recommended that three conditions are imposed on any approval notice.

Brampton Parish Council: Oppose on the grounds that the proposed development will extend the boundaries of Brampton; will result in road safety and drainage problems; is an overdevelopment of the site; and, is not in keeping with the locality.

United Utilities (former Norweb & NWWA): No objection to the proposal providing that the site is drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the watercourse/soakaway/surface water sewer and may require the consent of the Environment Agency.

A water supply can be made available to the proposed development. However, a separate metered supply to each unit will be required at the developer's expense and all internal pipework must comply with current water supply (water fittings) regulations 1999. The water mains will need extending to serve any development on this site.

The developer must undertake a complete soil survey, as and when land proposals

have progressed to a scheme design i.e. development, and results submitted along with an application for water.

Cumbria County Council - (Archaeological Services): No wish to make any recommendations or comments.

Carlisle Airport: I regret that I have to object to these proposals on behalf of Carlisle Airport. This is a large development (9 dwellings) and it is located close to the airport in an area clearly designated on the Carlisle Airport official Safeguarding Map as being one within which all development ought to be objected to. Carlisle Airport plans to grow its flying operation and there will, in the future, be an undoubted increase in movements including jet and turboprop aircraft. This will entail an increase in operating hours and engine noise, thus raising the spectre of public protest. It must be a matter of public record that Carlisle Airport objected to this development on the stated grounds and amplified its reasoning on the issue of noise and increased operating hours. No doubt purchasers of these properties, should the development go ahead, will be informed by their legal advisors of the existence of this objection.

Cumbria Constabulary - Crime Prevention: Comments awaited.

Commercial &Technical Services - Drainage Engineer: The applicant indicates disposal of foul sewage to the mains (public) sewer, which is acceptable. The applicant indicates disposal of surface water to a soakaway, which is an acceptable method of disposal.

No knowledge of flooding issues at this site.

Council for Protection of Rural England: FLD notes that the proposals are re-submissions after an earlier application 05/0435. Whilst there are some changes in the proposals the fundamental points raised in our earlier letter dated 31 March 2005 remain applicable. We are not convinced that the earlier reasons for refusal have been addressed and that, unless good reason exists why conversion of existing buildings cannot be undertaken and that an exceptional justification for meeting local housing need arises and is met by this proposal, the applications should be refused.

Conservation Officer: I have no objections to this proposal in principle however I do have concerns relating to the use of pre cast materials as finishes on the buildings. The site is prominently situated on the edge of the Brampton Conservation Area and as such forms a visual stop to the town. This requires a sensitive approach to both design and materials and I would recommend the use of natural slate for the roofs, sandstone for all stone dressings and timber for the windows, rather than the materials specified in the submitted drawings.

Environment Agency: The Agency have been consulted previously for proposed developments for this site. Since this period there have been designatory and legislatory changes that would affect any planning consultation response for this site, and as a result the Agency objects to the proposed development as submitted on

the following grounds:

a) Flood risk

Flood risk standing advice is now applicable and an application at a site such as this would not normally require the Agency to comment. The reason for this is that according to the Flood Zone Map the site is located in Flood Zone 1 (little or no flood risk).

It should be noted however, that the determining factor as to the relevant Flood Zone any proposed development falls into according to Flood Zone Matrix is the extent of the modelled floodplain. Currently only watercourses with catchments over 3 sq km are modelled. The proposed development site may therefore be at a greater flood risk and frequency than is indicated by the Flood Zone Map and Matrix.

The applicant needs to ensure that they have satisfactorily addressed any flood risk issues to ensure that flood risk is not increased by this or other sites as a result of the development as proposed. The best approach would be the undertaking of a Flood Risk Assessment appropriate to the scale and nature of the development and in accordance with PPG25.

b) Main River status

Consultation comments provided for the previous planning applications were made in relation to the ordinary watercourse stus of Brampton Beck at this location.

Brampton Beck has since been "enmained" and the Agency now exercises statutory powers, over this and other main river watercourses created by an Act of Parliament under the Water Resources Act 1991 and Land Drainage Byelaws.

These two factors mean that the development category in planning terms should be viewed on the Flood Zone Matrix as operational development less than 1 ha within byelaw distance of a Main River. By its nature, land within the byelaws distance will usually be within a high risk flood zone and development within this area may pose an unacceptable flood risk to the proposed development or to neighbouring property. In addition to this issue there are other considerations to be addressed satisfactorily including access for maintenance and improvements of the main river, obstruction to overland flood flows and loss of functional floodplain.

The Applicant should be aware that under the Water Resources Act 1991 and Land Drainage Byelaws, the prior consent of the Agency is required for any development within the byelaws distance. Such consent is in addition to planning permission and is likely to be refused.

Summary of Representations:

Representations Received

Initial:	Consulted:	Reply Type:

03/01/06	
03/01/06	Objection
03/01/06	
03/01/06	
03/01/06	
03/01/06	
03/01/06	
03/01/06	
03/01/06	
03/01/06	Objection
03/01/06	
03/01/06	
03/01/06	Objection
03/01/06	
03/01/06	
03/01/06	
	Comment Only

This application has been advertised in the form of press and site notices and the direct notification of the occupiers of 16 neighbouring properties. At the time of preparing the report the occupiers of four neighbouring properties have formally objected and a further resident has verbally objected to the proposal on the grounds that:

- It is considered to be an inappropriate development for a Conservation Area and Area of Landscape Significance.

- The road is potentially hazardous with the proposed visibility not felt to be adequate.

- No objections to the principle but feel that there are too many units.

- Not sufficient parking (proposed plots 1-4 and 9).

- The proposed materials for the proposed units on plots 5-8 are not felt to be appropriate.

- Part of the proposal is in an elevated location away from the farmyard. The construction should be in keeping with the Farmhouse-natural sandstone. No objection to the development of the farm buildings in a controlled manner. Tarn Road is a natural unspoilt area please keep it this way.

- Main concern is the proposed new entrance and the speed of traffic on Tarn Road, particularly coming downhill from the Castle Carrock direction. Is it intended to move the 30 mph restriction sign to include the new entrance to the proposed development? In the interests of road safety extending the 30 mph restriction should be considered before any permission is granted.

- The proposal results in an outbreak of suburbia well outside the existing developed area of Brampton.

- Proposal will lead to the loss of existing sandstone buildings.

Cllr Judith Prest has also written to object to the proposal because:

- The proposed development is outwith the envelope of Brampton. The development flies in the face of the linear style housing currently adjacent to Hemblesgate. It is completely out of character by forming a small estate around a cul de sac. The development would suburbanise the edge of the town and have a significant visual effect on what is currently a designated County Landscape. The layout involving an elevated part of the site will be conspicuous and have a detrimental effect on the character of the area.

- Concerned that within a Conservation Area the barns are to be demolished and rebuilt rather than a conversion.

- Can see no evidence why this application should be granted as there are no changes to the proposal negating the reasons given at that time for refusal.

Details of Proposal/Officer Appraisal:

Planning History:

In July 2004, under application reference number 04/0628, planning permission was refused for the demolition of the existing outbuildings and their replacement by a total of 16 dwellings, formation of an access road together with refurbishment/alterations to the farmhouse. The applicant has subsequently appealed over this decision.

In November 2004, application number 04/1042, planning permission was given for an extension to the existing house to form a workshop and bedroom including demolition of part of a barn/mill.

In June 2005, application 05/0435, planning permission was refused for the erection of 9 dwellings and alterations to the existing farmhouse.

The site is also currently subject to application 05/1396 seeking conservation area consent for the demolition of the existing outbuildings.

Details of Proposal:

1. **SITE DESCRIPTION**

Hemblesgate is located on the western side of Tarn Road and comprises a farmhouse, traditional range of two storey and single storey outbuildings with stone walls and slate roofs. There are also more recent agricultural buildings to the immediate south of the courtyard. The farmhouse and traditional outbuildings, although not listed, form a local landmark. Brampton Beck runs through the site and along the western wall of a barn/mill.

2. BACKGROUND INFORMATION

The current proposal involves the demolition of the existing outbuildings and their replacement by a terrace of five houses and four detached houses. The proposed terrace (plots 1-4 and 9) follows the form of the existing range of outbuildings. A new access would be formed to the south of the site. The proposed dwellings on plots 5-8 are all four bed units - see attached copies of plans.

The application is accompanied by two letters from the agent/architect explaining that:

- The scheme as detailed has been revised to take account of previous concerns/comments.

- Objections have been made to the emerging Local Plan, seeking to have the residential area designation extended to the south in order to facilitate the access arrangements appears to be acceptable to the Council.

- Brampton is clearly a Key Service Centre in terms of the Cumbria and Lake District Joint Structure Plan, where residential development is to be concentrated. Such themes are evident in the emerging Local Plan with the focus for the rural area being Brampton and Longtown (Policy H1) and a presumption in favour of development within Primary Residential Areas in such settlements (Policy H2).

- At their Meeting on the 16th December 2005 the Development Control Committee resolved that the Moratorium in the rural area be lifted.

- All the roofs of the proposed dwellings will be constructed in natural slate and the Artstone indicated on the submitted plans will be replaced by natural stone.

3. ASSESSMENT

When considering this application it is acknowledged that further issues may arise following receipt of the observations of interested parties. Nevertheless, at this stage it is felt that the main issues revolve around seeing whether the benefits outweigh the harm in terms of:

a) Whether the proposal would harmonise with the character and appearance of Brampton Conservation Area, and, the designated County Landscape;

b) Whether the site would be appropriate for residential use in the light of national, regional and local planning policy;

c) Whether there are any problems associated with flooding and/or the disposal of surface water; and,

d) Highway safety.

The relevant national guidance is contained in PPS1 "Delivering Sustainable Development", PPG3 "Housing" (revised March 2000), PPS7 "Sustainable Development in Rural Areas", PPG13 "Transport", and", and, PPG15 "Planning and the Historic Environment".

Regional Planning Guidance for the North West (RPG13) was published by the Government Office for the North West in March 2003 following consultation and revision since the North West Regional Assembly published the draft version in 2000. RPG13 set numerical constraints and provides the regional spatial strategy context for the development plan. In addition to the four Core Development Principles (Policies DP1-DP4) established in RPG13 reference can also be made to Policies SD3, SD8, UR4, UR7, UR8, UR9, RU3, ER2, ER3 and T4.

The development plan comprises the Cumbria and Lake District Joint Structure Plan 2001-2016and the Carlisle District Local Plan (CDLP). Policies ST1, ST2, ST3, ST5, H17, H18, E36, E37, and, E38 of the SP (2001-2016) are considered to be of relevance to the current proposal.

The Carlisle District Local Plan (CDLP) was adopted in September 1997. Policies E4, E19, E20, E31, E43, T1, T7, H1, H2, H3, H4, H9, H15 and H16 are of potential relevance. The CDLP is currently under review, with the Draft subject to an Inquiry in December 2005. In relation to the CDLP (2001-2016) Redeposit Draft Policies DP1, DP9, CP1, CP4, CP9, CP1O, CP11, CP14, CP14, CP16, LE8, LE20, LE28, H2, H3, H4 and H5 are relevant.

a) Whether the proposal would harmonise with the character and appearance of Brampton Conservation Area, and, the designated County Landscape

Policy 12 of the SP and Policy E4 of the CDLP set out to protect designated County Landscapes from development which would have an unacceptable effect on their distinctive landscape character. Policy 26 of the SP and Policy E43 of the CDLP aim to ensure that nay new development is in sympathy with the setting, scale, density and physical characteristics of conservation areas, and, protect important views into or out of such areas.

In such a context the Council's Conservation Officer has not raised any objections to the principle of the development but has raised concerns with regard to the use of pre-cast materials as finishes on the buildings. As a result the Applicant has agreed to use natural slate for the roofs, sandstone for all stone dressings, and, timber for the windows/doors.

In addition, it is recognised that the use of a cul-de-sac is not typical of the essentially linear characteristics of existing development along Tarn Road. In order to mitigate this situation the proposed scheme has been designed on the basis of retaining the form and layout of the existing buildings fronting the highway, the use of a centralised courtyard, the reduction in site levels for the proposed units on plots 5-8, and, the provision of a landscaping at the entrance.

b) Whether the site would be appropriate for residential use in the light of national, regional and local planning policy

Although the site was formerly used for agricultural purposes, the Proposals Map of the CDLP identifies the majority of which as a Primary Residential Area. Policy H2 of the CDLP states that within Primary Residential Areas proposals for new residential development will be acceptable providing that a number of criteria are met.

This aside, Policy H2 of the CDLP pre-dates the national guidance on housing development in PPG3. The main thrust of the national guidance is to secure an improvement in the quality of housing development, to achieve more sustainable patterns of development, to make better use of previously developed land and existing buildings and to limit the use of greenfield land. Furthermore, paragraph 38 makes it clear that the policy within the PPG3 may supersede that in local plans where there is non-compliance.

In order to ensure that new housing development occurs in sustainable locations the guidance establishes a sequential approach to site selection through the local plan process with priority given first to the re-use of buildings and the re-use of previously developed land in urban areas.

In addition, paragraph 35 of PPG3 recognises that there can be a contribution to supply from windfall sites that are not identified in the local plan unexpectedly becoming available. However, the guidance specifically states that no allowance should be made for greenfield windfalls. Annex C makes clear that land and buildings that are currently or lastly in use for agricultural or forestry purposes are excluded from the definition of previously developed land. As such greenfield permissions should only be granted where they comply with the sequential approach.

In this context it should be recognised that Brampton is identified as a Key Service Centre under Policy ST5 of the SP (2001-2016, Modifications, September 2005). In addition the Development Control Committee have recently agreed to lift the Moratorium.

c) Whether there are any problems associated with flooding and/or the disposal of surface water

In response to the formal observations of the Environment Agency the Applicant is agreeable to undertaking any necessary changes to the layout. At the time of preparing the report revised layout plans are anticipated following discussions with the Environment Agency.

d) Highway safety

In relation to the comments made by the Highways Authority, the Applicant is agreeable to the extension of the 30 mph speed limit and resolve any details in terms of the requested stage one Road Safety Audit.

4 OTHER MATTERS

In the case of the comments by Carlisle Airport they appear to be written in very generalised terms and from a stance of safeguarding their position in the future. Any application involving the development of the Airport would be considered on its merits.

5 CONCLUSION

It is recognised that Brampton is identified as a Key Service Centre and that the majority of the application site falls within a designated Primary Residential Area. When considering the proposal the outstanding issues in need of resolution revolve around flooding and highway safety. Further plans are also anticipated clarifying the likely impact of the proposal on the character of the area.

An updated report will be made to Members following the receipt of the awaited information/revised plans from the Applicant. On the basis that the awaited details are subsequently considered to be acceptable, the proposal will be recommended for approval.

Human Rights Act 1998

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";

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;

Recommendation:

Reason for including report in Schedule B

SCHEDULE B: Reports Requiring Further Information

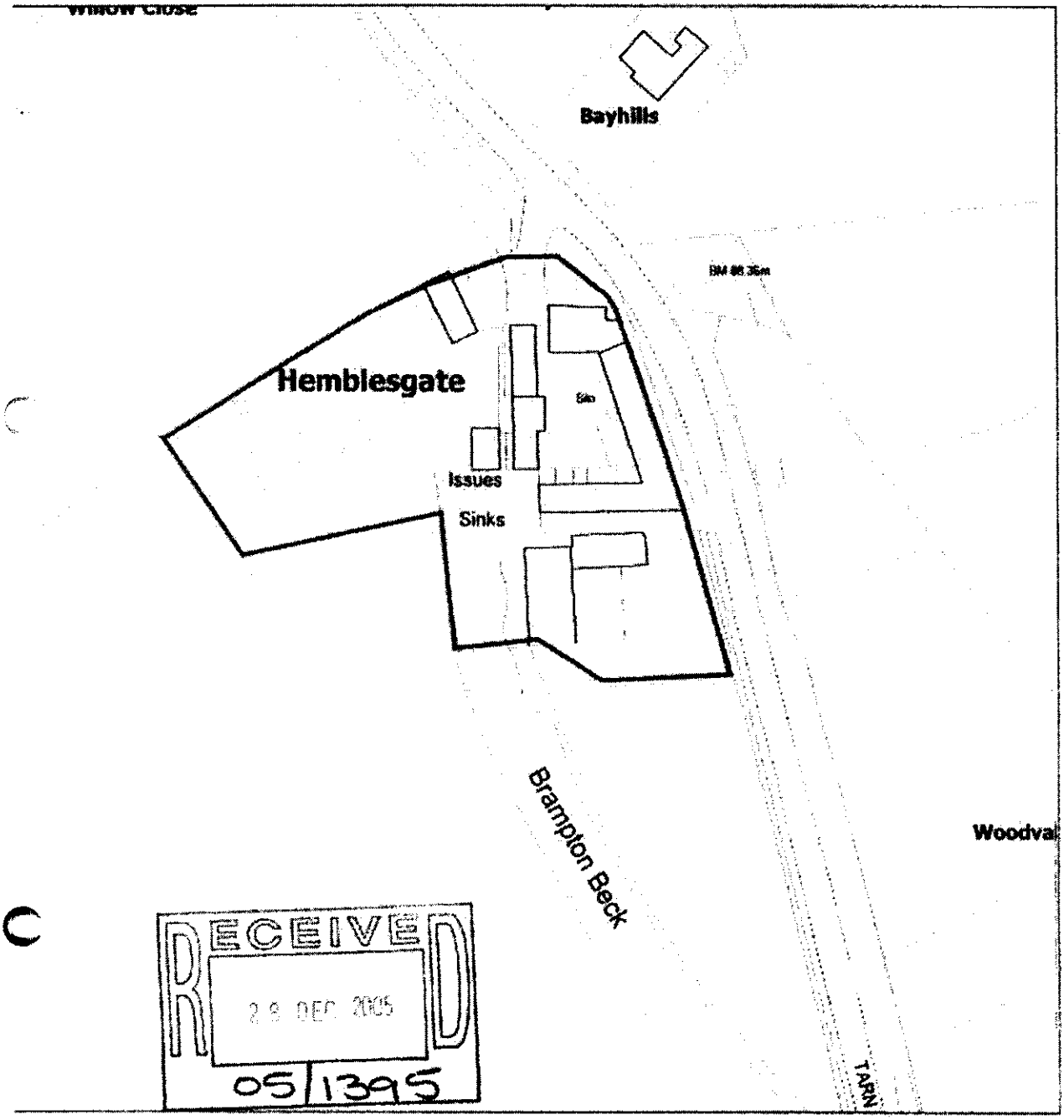
05/1395

At the time of preparing the report additional information and revised plans are awaited from the applicant, and, the consequent revised observations of interested parties have yet to be received.

This drawing is copyright. Figured dimensions are to be followed in preference to scaled dimensions and particulars are to be taken from the actual work where possible. Any discrepancy must be reported to the architect immediately and before proceeding.

Revision Date Description Revised by

revisions



RECEIVED
29 DEC 2005
05/1395

ARCHITECTS PLUS

Project

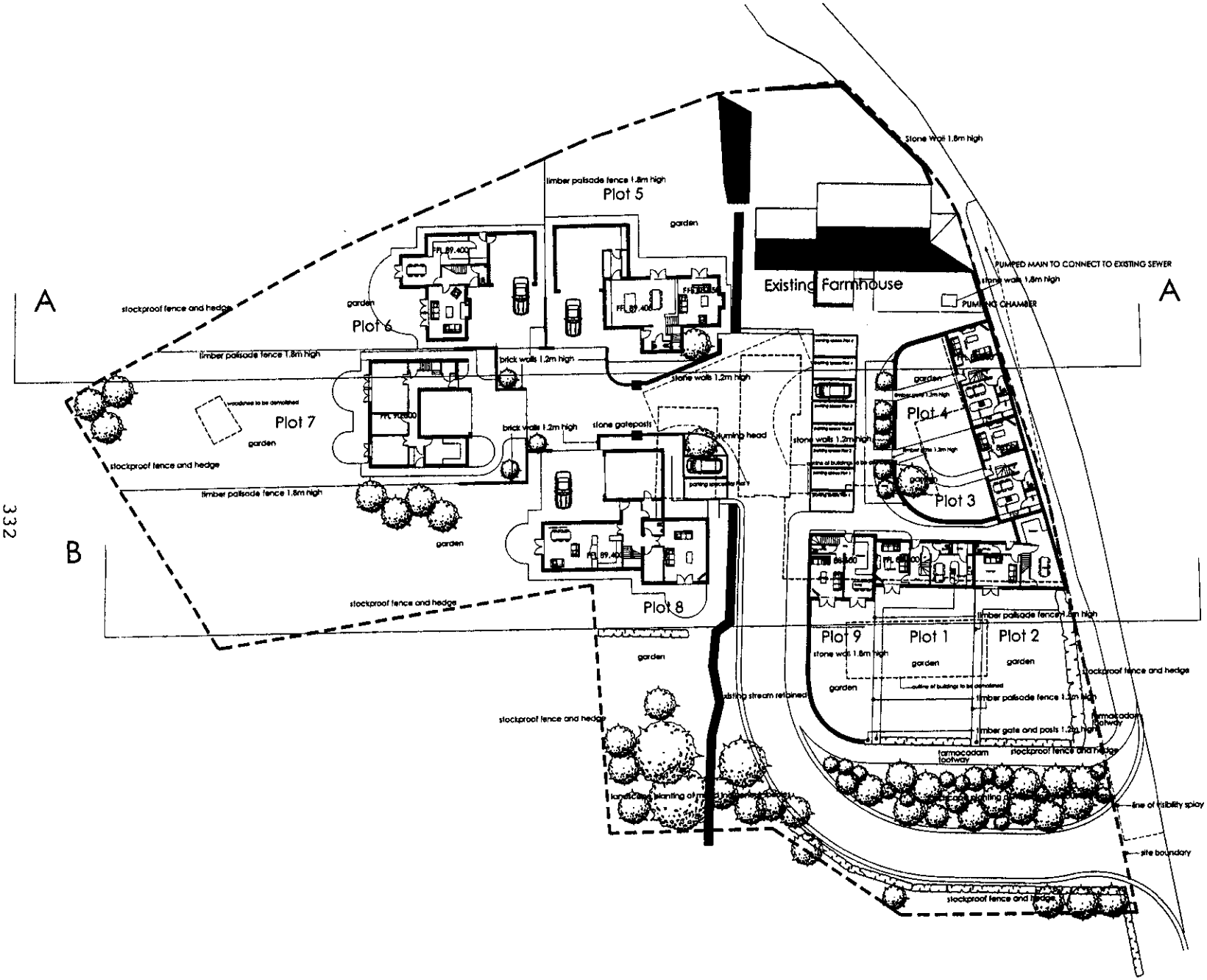
HEMBLESGATE, BRAMPTON

Drawing

Location Plan

Scale	Date	Drawn	Comp.No.	Number
1:1250	03-04	rj	C03	04006-13A

Architects Plus (UK) Limited. web: architectsplus.co.uk
Victoria Galleries, Viaduct House, Victoria Viaduct, Carlisle, Cumbria, CA3 8AN
tel: 01228 515144 fax: 01228 515033 e-mail: ap@architectsplus.co.uk



332

This drawing is copyright. Figured dimensions are to be followed in preference to scaled dimensions and particulars are to be taken from the actual work where possible. Any discrepancy must be reported to the architect immediately and before proceeding.

Revision	Date	Description	Revised by
B	13/1/06	Additional parking adjacent to Plot 8	
C	17/3/06	Plot 8 amended, stream to plot 8 culvert shortened house repositioned	

RECEIVED
21 FEB 2006
2005/1595

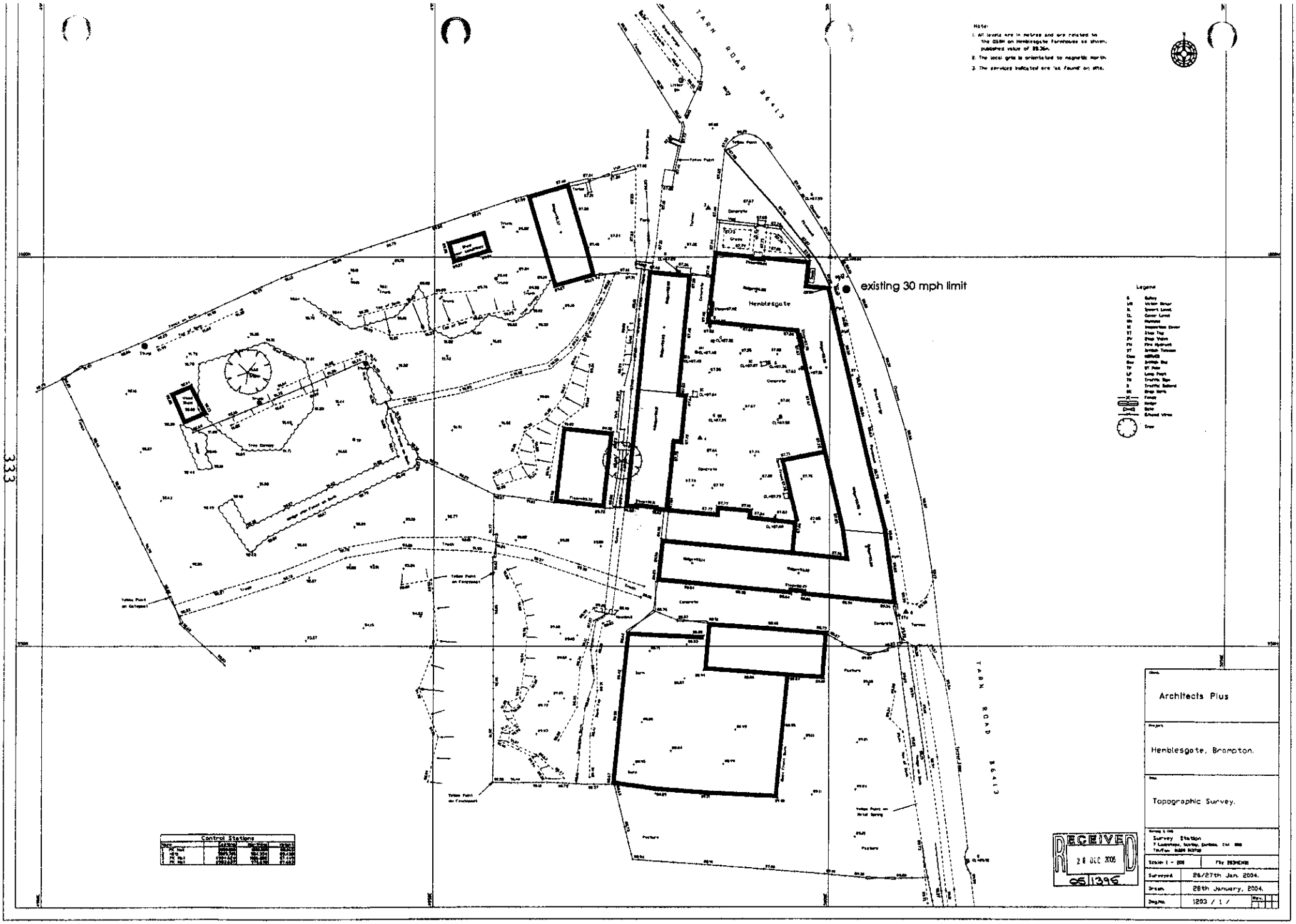
ARCHITECTS PLUS

Project
Hemblesgate Brampton

Drawing
Revised Site Plan 2

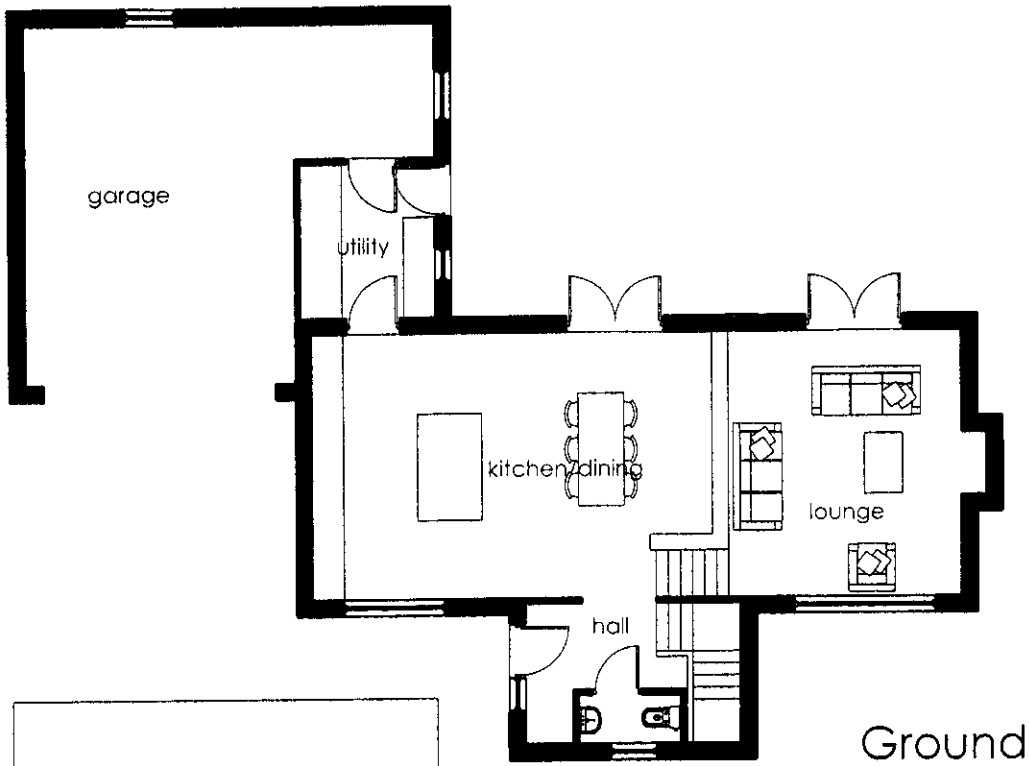
Scale	Date	Drawn	Comp.No.	Number
1:200@A1	31-10-05	rj	C14	04006-41C

Architects Plus (UK) Limited, web: architectsplus.co.uk
Victoria Galleries, Viaduct House, Victoria Viaduct, Carlisle, Cumbria CA3 8AN
tel: 01228 515144 fax: 01228 515033 e-mail: ap@archi

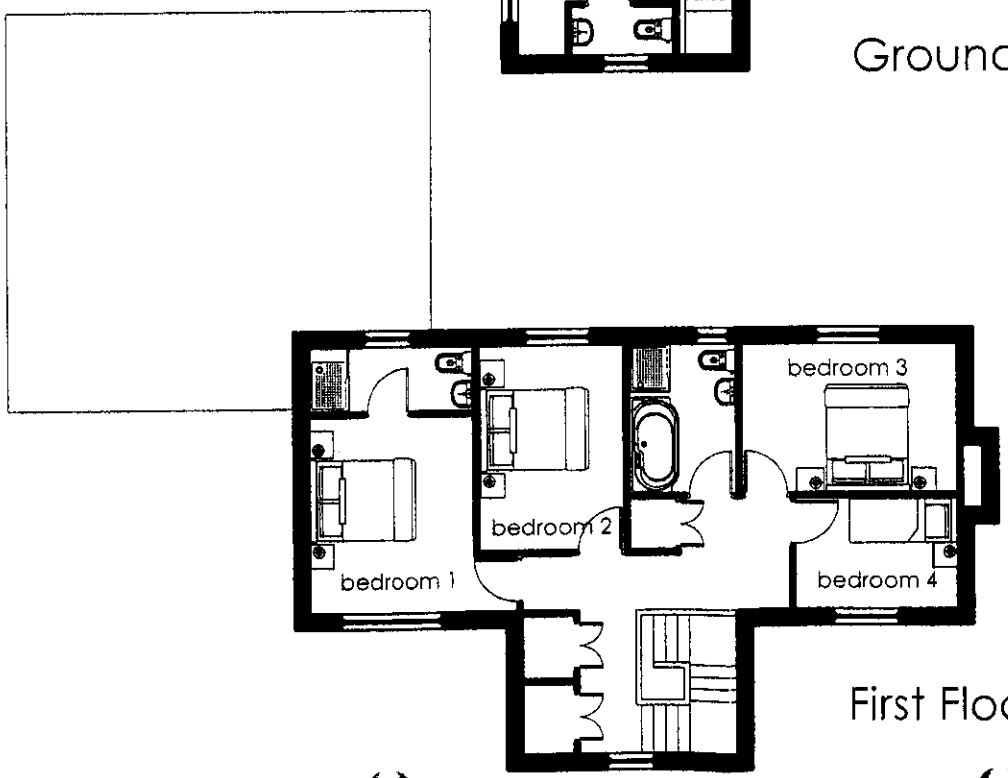

Note:
1. All levels are in metres and are related to the OSBM on Hemblesgate Farmhouse as shown, published value of 98.36m.
2. The local grid is orientated to magnetic north.
3. The services indicated are 'as found' on site.
existing 30 mph limit
Hemblesgate
TARN ROAD B6413
Legend
Control Stations
Architects Plus
Hemblesgate, Brampton.
Topographic Survey.
Survey Station
Scale 1 - 200
Surveyed 26/27th Jan. 2004.
Drawn 28th January, 2004.
Dwg.No. 1203 / 1 /
RECEIVED
28 OCT 2005
05/1396

This drawing is copyright. Figured dimensions are to be followed in preference to scaled dimensions and particulars are to be taken from the actual work where possible. Any discrepancy must be reported to the architect immediately and before proceeding.

Revision	Date	Description	Revised by
A	22-12-05	Title Amended	rj
B	20-02-06	Garage/Utility amended	rj



Ground Floor Plan



First Floor Plan

RECEIVED
21 FEB 2006

ARCHITECTS PLUS

Project
Housing at Hemblesgate

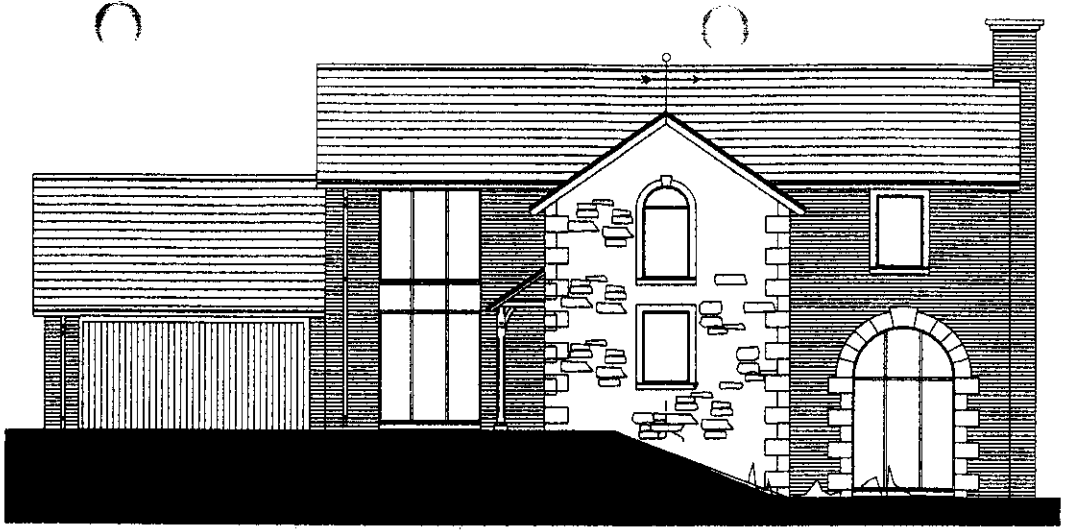
Drawing
Plot 5
Plans

Scale	Date	Drawn	Comp.No.	Number
1:100	04-05	rj	C12	04006-28B

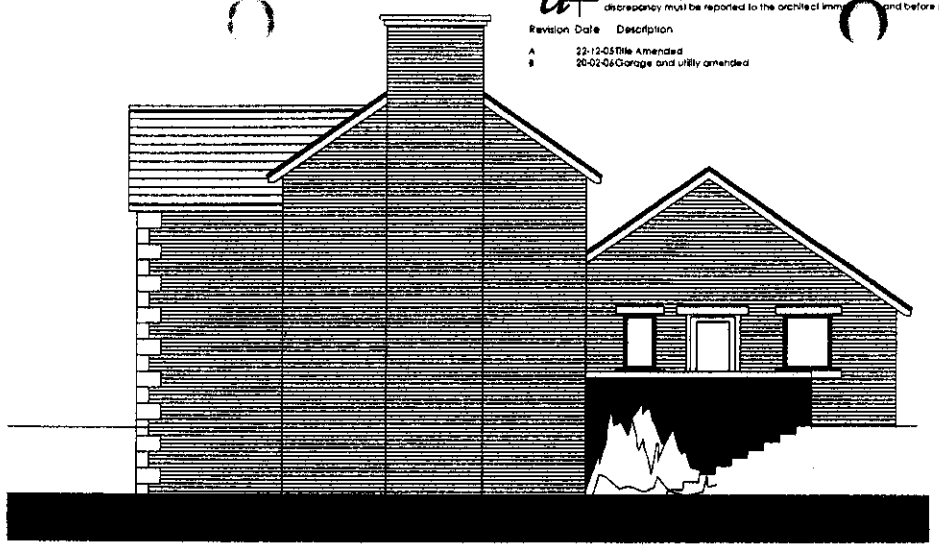
Architects Plus (UK) Limited. web: architectsplus.co.uk
Victoria Galleries, Viaduct House, Victoria Viaduct, Carlisle, Cumbria, CA3 8AN
tel: 01228 515144 fax: 01228 515033 e-mail: architectsplus.co.uk

This drawing is copyright. Figured dimensions are to be followed in preference to scaled dimensions and particulars are to be taken from the actual work where possible. Any discrepancy must be reported to the architect immediately and before proceeding.

Revision	Date	Description	Revised by
A	22-12-05	Title Amended	rj
B	20-02-06	Garage and utility amended	rj



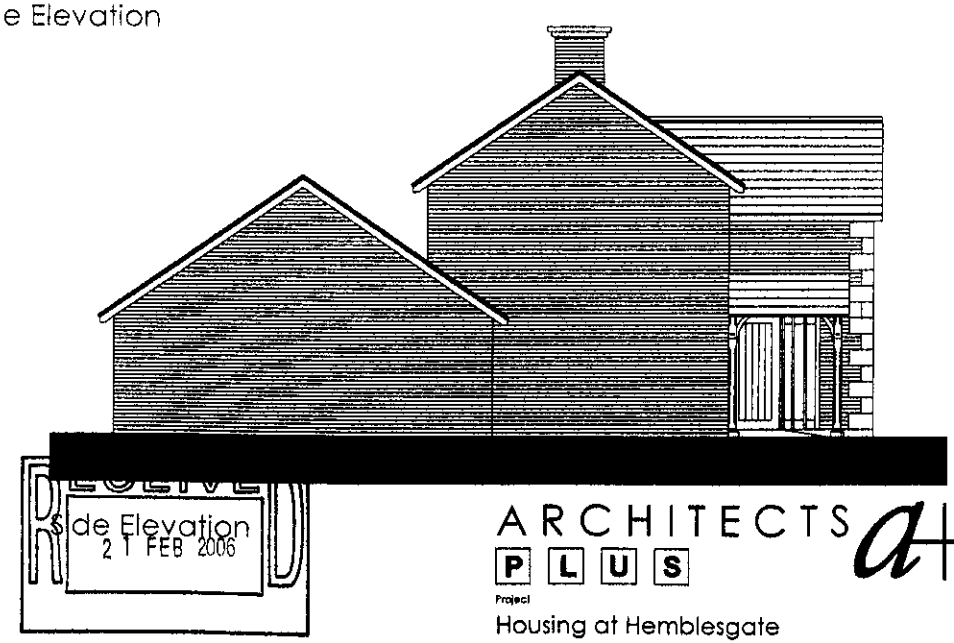
Front Elevation



Side Elevation

335

Rear Elevation



RECEIVED
Side Elevation
21 FEB 2006

Materials
Roof: Slate grey concrete tiles and angled ridges UPVC barge boards fasclas and soffits
Walls: Clay facing brick with Artstone quoins window and door sets. Natural reclaimed stone as indicated.
Windows and doors: UPVC double glazed.
Rainwater goods: Black UPVC.

ARCHITECTS a+
P L U S

Project
Housing at Hemblesgate

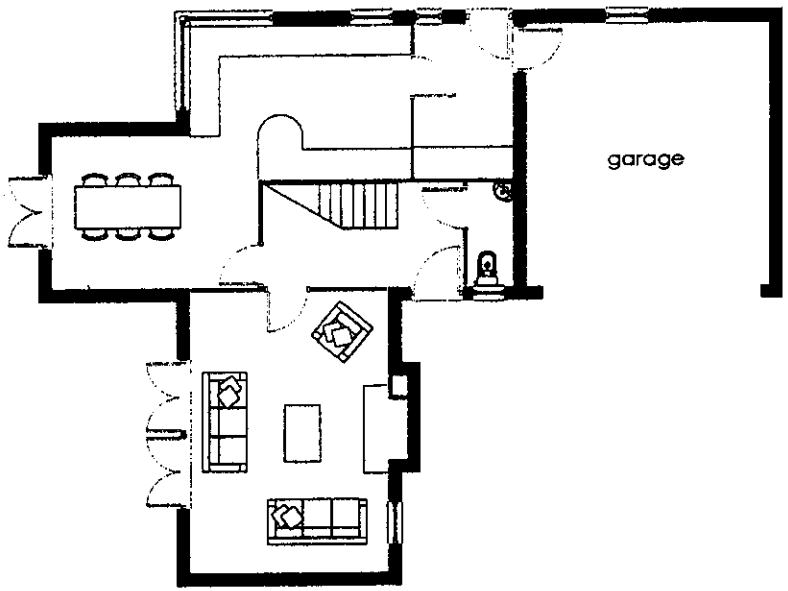
Drawing
Plot 5
Elevations

Scale	Date	Drawn	Comp.No.	Number
1:100	04-05	rj	C12	04006-29B

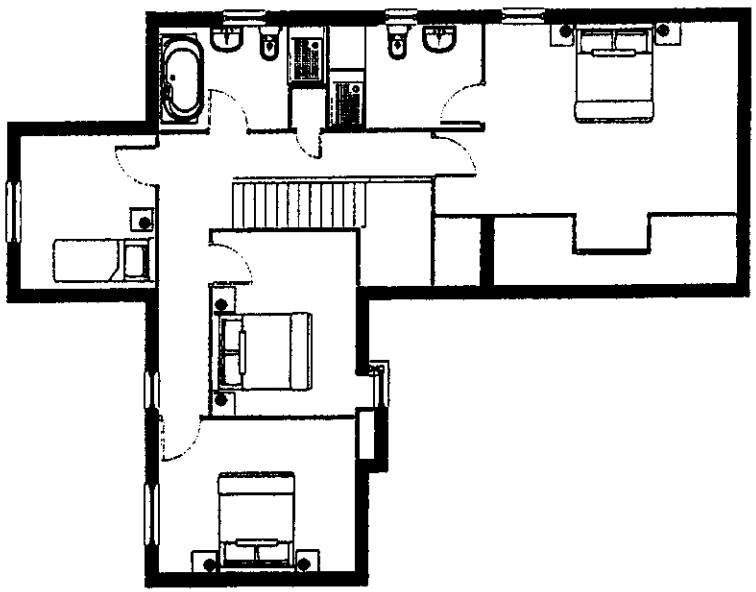
Architects Plus (UK) Limited. web: architectsplus.co.uk
Victoria Galleries, Viaduct House, Victoria Viaduct, Carlisle, Cumbria, CA3 8AN
tel: 01228 515144 fax: 01228 515033 e-mail: ap@architectsplus.co.uk

this drawing is copyright. figured dimensions are to be followed in preference to scaled dimensions and particulars are to be taken from the actual work where possible. Any discrepancy must be reported to the architect immediately and before proceeding.

Revision	Date	Description	Revised by
A	22-12-05	file amended	rj



Ground Floor Plan



First Floor Plan

RECEIVED
28 DEC 2005
DS/1395

ARCHITECTS PLUS

Project

Housing at Hemblesgate

Drawing

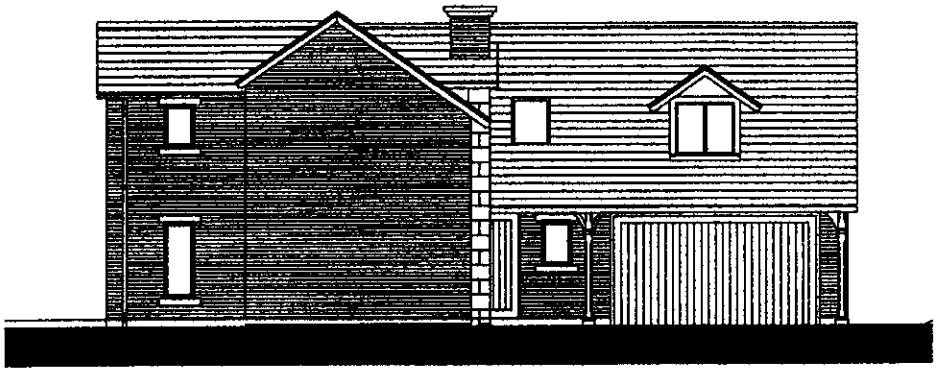
Plot 6 Plans

Scale	Date	Drawn	Comp.No.	Number
1:100	04-05	rj	C13	04006-30A

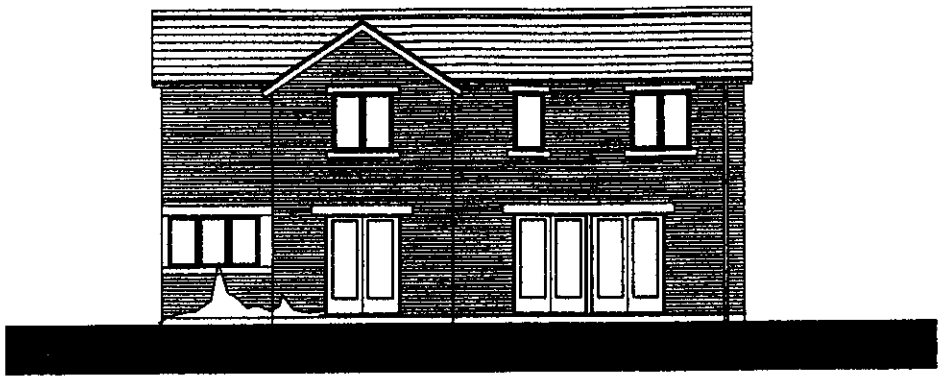
Architects Plus (UK) Limited. web: architectsplus.co.uk
Victoria Galleries, Viaduct House, Victoria Viaduct, Carlisle, Cumbria, CA3 8AN
tel: 01228 818144 fax: 01228 515033 e-mail: ap@architectsplus.co.uk

This drawing is copyright. Figured dimensions are to be followed in preference to scaled dimensions and particulars are to be taken from the actual work where possible. Any discrepancy must be reported to the architect immediately and before proceeding.

Revision	Date	Description	Revised by
A	22-12-05	title amended	rj

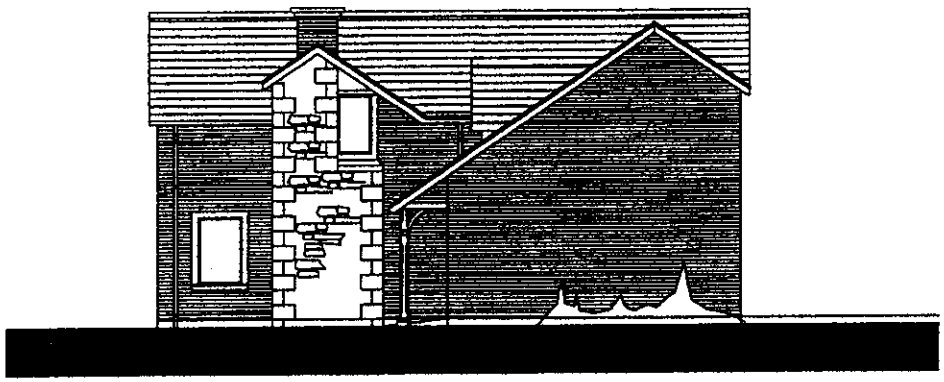


Front Elevation



Side Elevation

Rear Elevation



Side Elevation

Materials
Roof: Slate grey concrete tiles and angled ridges UPVC barge boards fascias and soffits
Walls: Clay facing brick with Artstone quoins window and door sets.
Natural reclaimed stone as indicated.
Windows and doors: UPVC double glazed.
Rainwater goods: Black UPVC

Note
Plot 8 handed

RECEIVED
28 DEC 2005
05/1395

ARCHITECTS PLUS

Project
Housing at Hemblesgate

Drawing
Plot 6
Elevations

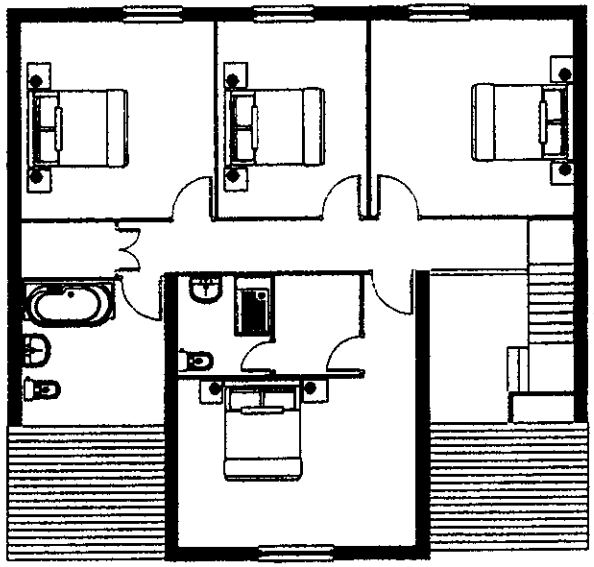
Scale	Date	Drawn	Comp.No.	Number
1:100	04-05	rj	C13	04006-31A

Architects Plus (UK) Limited. web: architectsplus.co.uk
Victoria Galleries, Viaduct House, Victoria Viaduct, Carlisle, Cumbria, CA3 8AN
tel: 01228 515144 fax: 01228 515033 e-mail: ap@architectsplus.co.uk

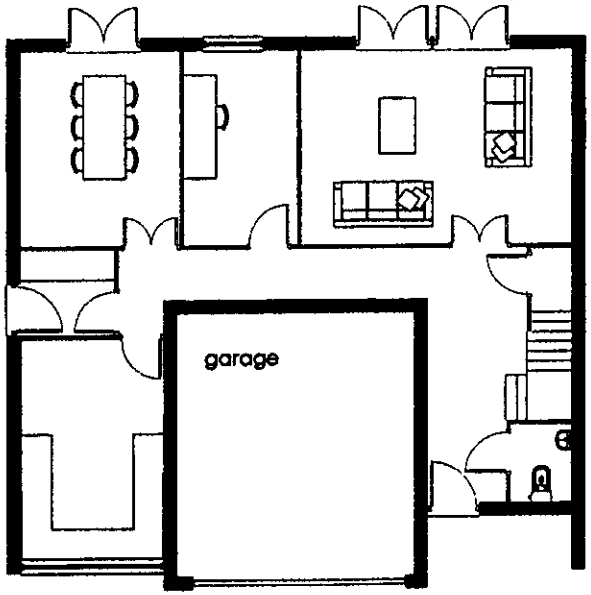
This drawing is copyright. Figured dimensions are to be followed in preference to scaled dimensions and positions are to be taken from the actual work where possible. Any discrepancy must be reported to the architect immediately and before proceeding.

Revision Date Description Revised by

revisions



First Floor Plan



Ground Floor Plan

RECEIVED
28 DEC 2005
05/1395

ARCHITECTS a+

P L U S

Housing at Hemblesgate

Plot 7
Plans

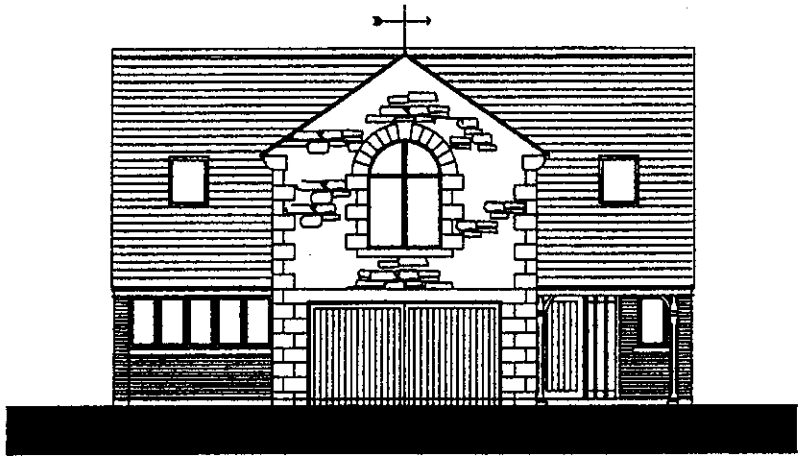
Scale	Date	Drawn	Comp.No.	Number
1:100	04-05	ij	C11	04006-32

Architects Plus (UK) Limited. web: architectsplus.co.uk
Victoria Galleries, Viaduct House, Victoria Viaduct, Carlisle, Cumbria, CA3 8AN
tel: 01228 515144 fax: 01228 515033 e-mail: ap@architectsplus.co.uk

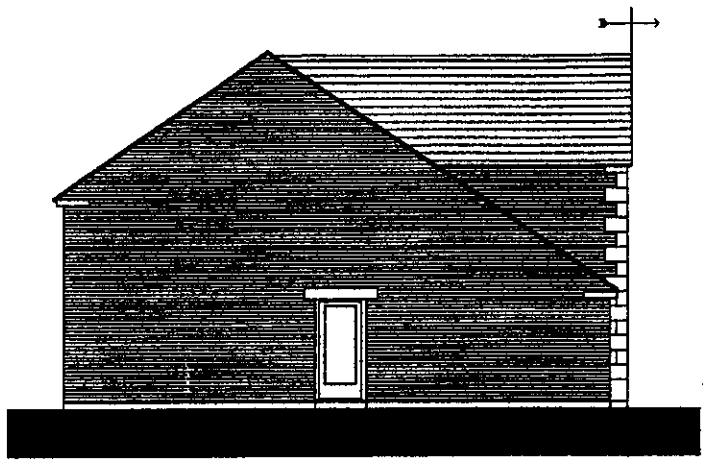
This drawing is copyright. Figured dimensions are to be followed in preference to scaled dimensions and particulars are to be taken from the actual work where possible. Any discrepancy must be reported to the architect immediately and before proceeding.

Revision Date Description Revised by

Revisions

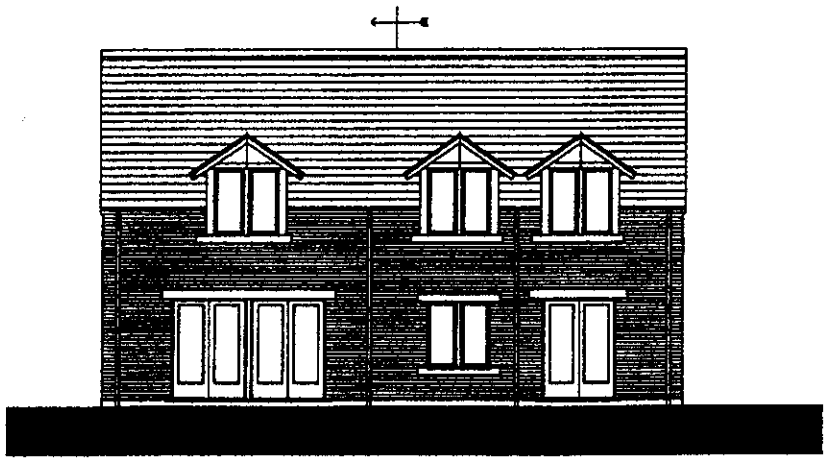


Front Elevation

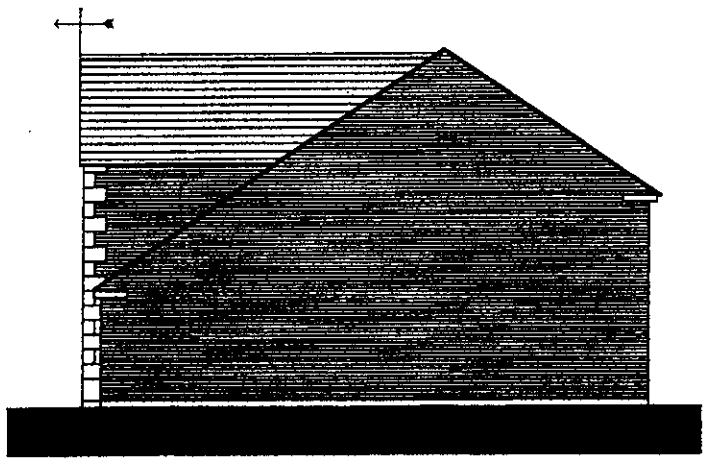


Side Elevation

RECEIVED
28 DEC 2005
05/1395



Rear Elevation



Side Elevation

Materials
Roof: Slate grey concrete tiles and angled ridges
Walls: Clay facing brick with Aristone quoins window and door sets.
Natural reclaimed stone as indicated.
Windows and doors: UPVC double glazed.
Rainwater goods: Black UPVC.

ARCHITECTS P L U S

Project
Housing at Hemblesgate

Drawing
Plot 7
Elevations

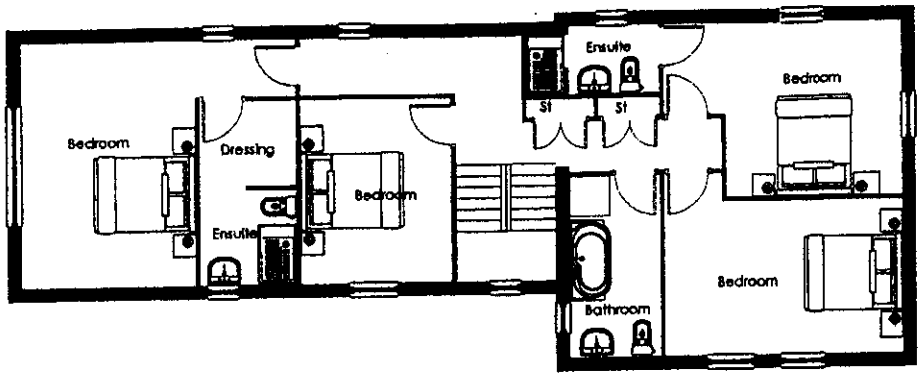
Scale	Date	Drawn	Comp.No.	Number
1:100	04-05	rj	C11	04006-33

Architects Plus (UK) Limited. web: architectsplus.co.uk
Victoria Galleries, Viaduct House, Victoria Viaduct, Carlisle, Cumbria, CA3 8AN
tel: 01228 515144 fax: 01228 515033 e-mail: ap@architectsplus.co.uk

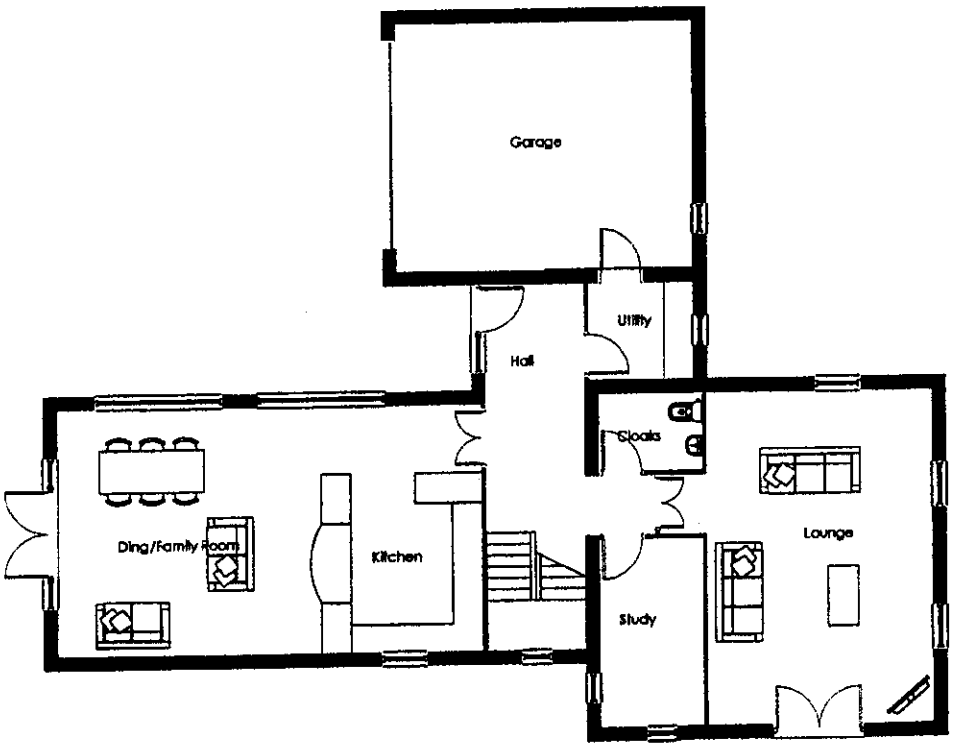
This drawing is copyright. Figured dimensions are to be followed in preference to scaled dimensions and particulars are to be taken from the actual work where possible. Any discrepancy must be reported to the architect immediately and before proceeding.

Revision Date Description Revised by

revisions



First Floor Plan



Ground Floor Plan

RECEIVED
28 DEC 2005
05/1395

ARCHITECTS a+
P L U S

Project
Hemblesgate Brampton

Drawing
Plot 8 Revised Plans

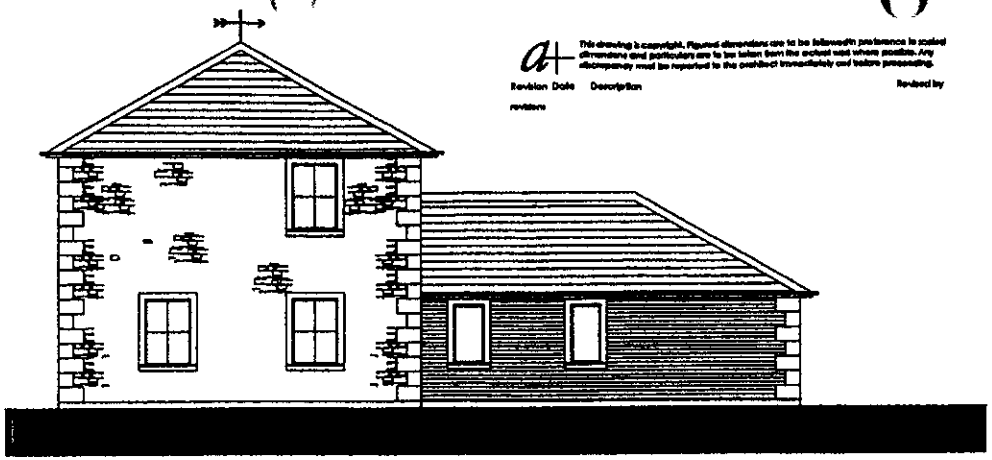
Scale	Date	Drawn	Comp.No.	Number
1:100	12-05	rj	C15	04006-43

Architects Plus (UK) Limited. web: architectsplus.co.uk
Victoria Galleries, Viaduct House, Victoria Viaduct, Carlisle, Cumbria, CA3 8AN
tel: 01228 515144 fax: 01228 515033 e-mail: ap@architectsplus.co.uk

This drawing is copyright. Figured dimensions are to be followed in preference to scaled dimensions and particulars are to be taken from the actual work where possible. Any discrepancy must be reported to the architect immediately and before proceeding.

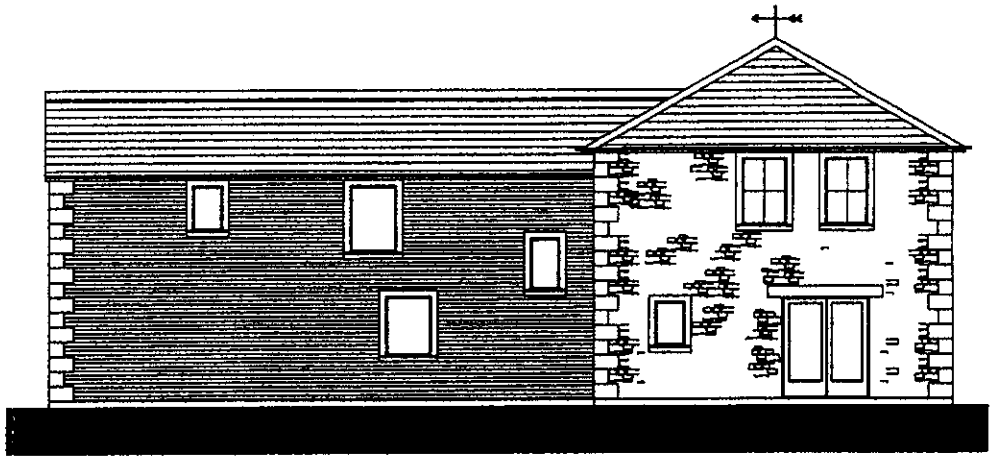
Revision Date Description Revised by

revisions

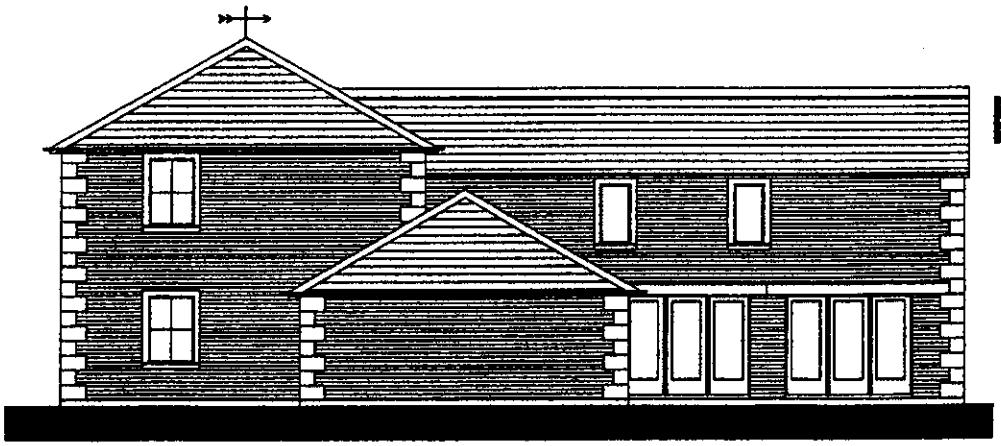


East Elevation

West Elevation



South Elevation



North Elevation

Materials
Roof: Natural Slate and clay angled ridges
Walls: Clay facing brick with Artstone quoins window and door sets.
Natural reclaimed stone as indicated.
Windows and doors: timber double glazed.
Rainwater goods: Black UPVC.

RECEIVED
05/1396

ARCHITECTS a+
P L U S

Project
Hemblesgate Brampton

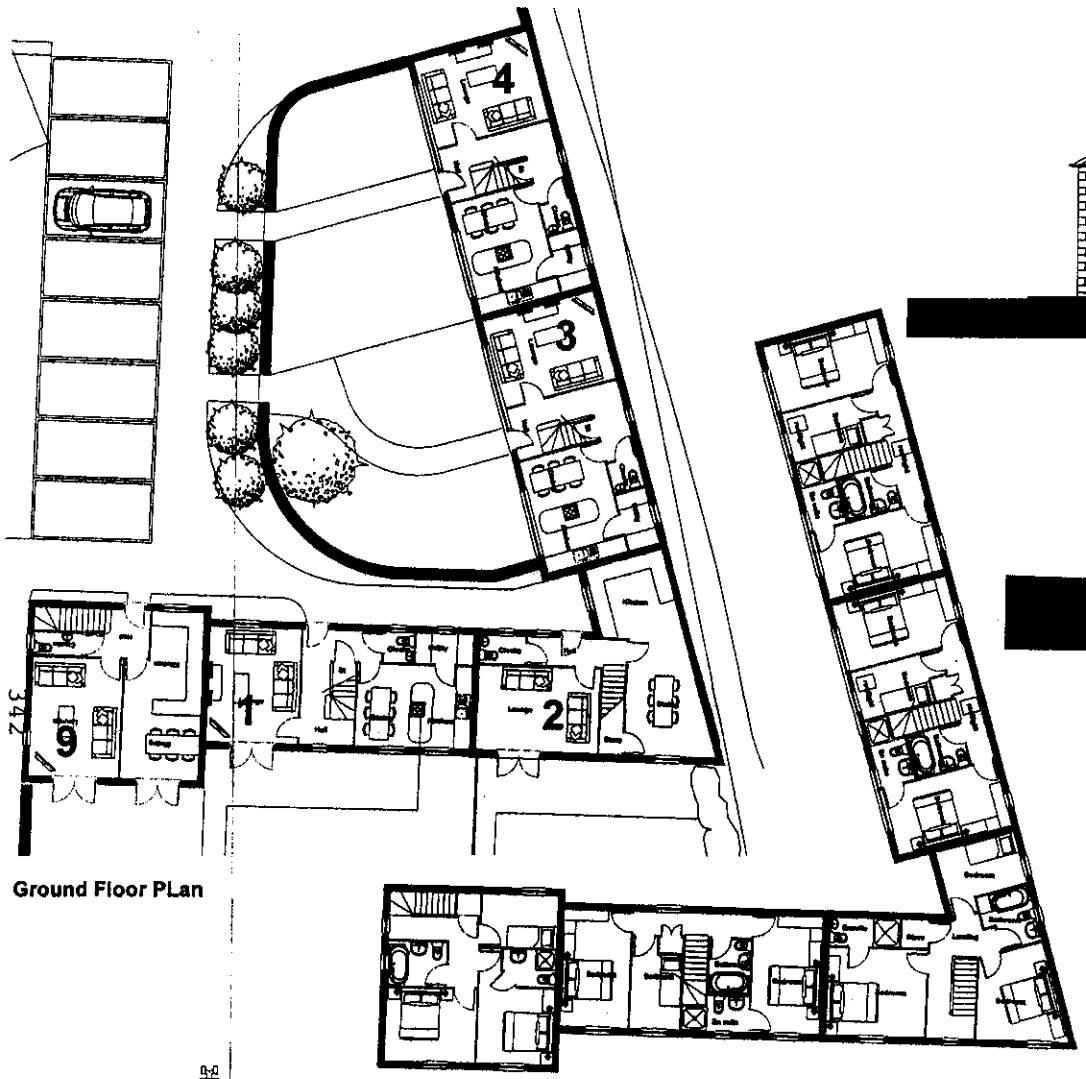
Drawing
Plot 8 Revised Elevations

Scale	Date	Drawn	Comp.No.	Number
1:100	12-05	rj	C15	04006-44

Architects Plus (UK) Limited. web: architectsplus.co.uk
Victoria Galleries, Viaduct House, Victoria Viaduct, Carlisle, Cumbria, CA3 8AN
tel: 01228 515144 Fax: 01228 515033 e-mail: ap@architectsplus.co.uk

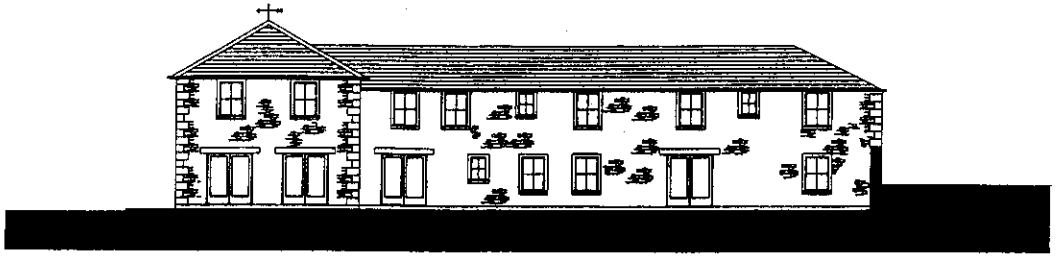
This drawing is copyright. Figured dimensions are to be followed in preference to scaled dimensions and particulars are to be taken from the actual work where possible. Any discrepancy must be reported to the architect immediately and before proceeding.

Revision	Date	Description	Revised by
revisions			

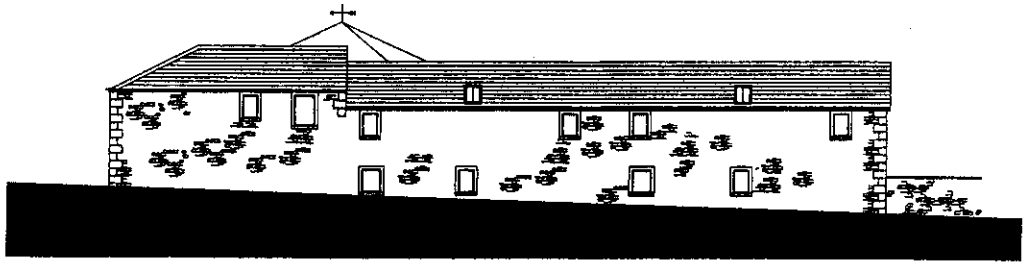


Ground Floor PLan

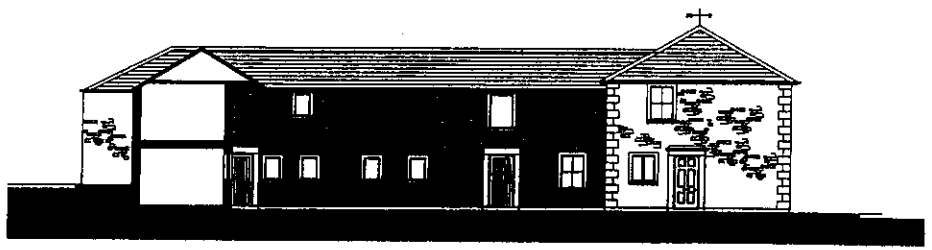
First Floor PLan



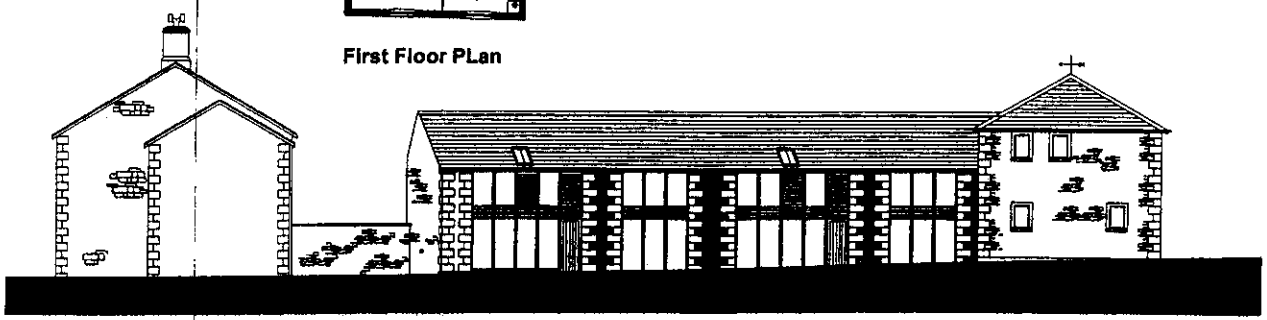
South Elevation



East Elevation



North Elevation



West Elevation

Materials
Roof: Natural flare and clay angled ridges
Walls: Clay facing brick with Artstone quoins window and door sills.
Natural reclaimed stone as indicated.
Windows and doors: timber double glazed.
Rainwater goods: Black UPVC.

ARCHITECTS PLUS

Project
Hemblesgate Brampton

Drawing
Revised Plans Plots 1-4 and 9

Scale	Date	Drawn	Comp.No.	Number
1:100	31-10-05	rj	C15	04006-45

Architects Plus (UK) Limited.
Victoria Galleries, Viaduct House, Victoria Viaduct, Carlisle, Cumbria, CA3 8AN
tel: 01228 515144 fax: 01228 515033 e-mail: ap@architectsplus.co.uk
web: architectsplus.co.uk

RECEIVED
28 DEC 2005
05/1395

This drawing is copyright. Figured dimensions are to be followed in preference to scaled dimensions and particulars are to be taken from the actual work where possible. Any discrepancy must be reported to the architect immediately prior to proceeding.

Revision Date Description Revised by

revisions

Section B-B

Section A-A

ARCHITECTS PLUS

Project
Hemblesgate Brampton

Drawing
Site Sections

RECEIVED
28 DEC 2005
Planning

Scale	Date	Drawn	Comp.No.	Number
1:200@A1	31-10-05	rl	C15	04006-46A

Architects Plus (UK) Limited. web: architectsplus.co.uk
Victoria Galleries, Viaduct House, Victoria Viaduct, Carlisle, Cumbria, CA3 8AN
tel: 01228 515144 fax: 01228 515033 e-mail: ap@architectsplus.co.uk

SCHEDULE B: Reports Requiring Further Information

05/1396

Item No: 03 Date of Committee: 21/04/2006

Appn Ref No:	**Applicant:**	**Parish:**
05/1396	Paton House Developments Ltd	Brampton
Date of Receipt:	**Agent:**	**Ward:**
28/12/2005	Taylor & Hardy	Brampton
Location:		**Grid Reference:**
Hemblesgate, Tarn Road, Brampton, CA8 1QX		353570 560537

Proposal: Demolition of outbuildings (CAC)

Amendment:

REPORT

Reason for Determination by Committee:

In the light of the history of the site and the observations received from interested parties.

Planning Policies:

Carlisle District Plan
Environment - Policy E4

Within County Landscapes (as defined on the Proposals Map) permission will not be given for development or land use changes which would have an unacceptable effect on their distinctive landscape character.

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

Carlisle District Plan
Environment - Policy E43

The City Council will encourage and permission will be granted for development within and adjoining Conservation Areas which preserves or enhances their character. The City Council will seek to ensure that any new development or alterations to existing buildings are in sympathy with the setting, scale, density and physical characteristics of Conservation Areas and protect important views into or out of such areas. Applications for outline planning permission will not be accepted

for proposals in Conservation Areas.

Policy ST3: - Principles applying to all new development

All proposals for development including alterations to existing buildings and land use change will be required to:

1. seek locations consistent with policy ST5, ST6, and ST7 which will assist in reducing the need to travel, and then in the following order of priority :

   a) the appropriate reuse of existing buildings worthy of retention, followed by
   b) the reuse of previously developed land and only then
   c) the use of previously undeveloped land,

2. seek sites that are or will be made accessible by public transport, walking or cycling,

3. reduce the risk of flooding within the development and elsewhere by a choice of location in the following order of priority:

   a) sites with little or no flood risk, followed by
   b) sites with low or medium flood risk, and only then
   c) sites in areas of high flood risk

   Design proposals should minimise or mitigate any flood risk and where practicable include sustainable drainage systems

4. ensure agricultural land of poorer quality is used for development in preference to the best and most versatile agricultural land.

5. avoid the loss of, or damage to, and where possible enhance, restore or re-establish, important nature conservation features,

6. avoid the loss of or damage to, and wherever possible enhance important or distinctive conservation features including landscapes, buildings, archaeological sites, historic parks and gardens and visually important public and private open spaces,

7. ensure high standards of design including siting, scale, use of materials and landscaping which respect and, where possible, enhance the distinctive character of townscape and landscape, promote a safe and secure environment that designs out crime and makes proper provision for people with restricted mobility and people with special needs, promote energy and water efficient design and the use of recycled materials and renewable energy technology, avoid reductions in air quality and the quality and quantity of groundwater and surface waters, ensure development makes efficient use of and is within infrastructure, community and service constraints, or that these can be satisfactorily overcome through planned improvements or at the developers expense without an adverse effect on the environment, Ensure

minimal levels of light pollution and noise.

Policy E36: Landscapes of County Importance

Development and land use change detrimental to the distinctive character of landscapes designated as of County Importance will not be permitted, except where required to meet local infrastructure needs, which cannot be located elsewhere and which is sited to minimise environmental impacts and meets high standards of design.

Policy E37: Landscape character

Development and land use change should be compatible with the distinctive characteristics and features of Cumbria's landscape types and sub types. Proposals will be assessed in relation to:

1. locally distinctive natural or built features,
2. visual intrusion or impact,
3. scale in relation to the landscape and features,
4. the character of the built environment,
5. public access and community value of the landscape,
6. historic patterns and attributes,
7. biodiversity features, ecological networks and seminatural habitats, and
8. openness, remoteness and tranquillity.

Policy E38: Historic environment

Measures will be taken to identify, record, protect, conserve or enhance areas, sites, buildings and settings of archaeological, historic and architectural importance. Proposals which fail to preserve or enhance the character or appearance of Conservation Areas or which damage, obscure, or remove important archaeological sites or other historic features or are detrimental to the character or setting of a listed building will not be permitted unless the harm caused to their importance and intrinsic interest is clearly outweighed by the need for the development. Development and land use change should be compatible with the distinctive characteristics and features of 'Cumbria's Historic Landscape Characterisation Programme'.

Carlisle District Local Plan 2001 - 2016 Redeposit draft
Policy DP9 (CP3) County Landscapes of County Importance

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

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

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

Carlisle District Local Plan 2001 - 2016 Redeposit draft
Policy CP1 (CP4) Landscape Character/ Biodiversity

Proposals for development in the rural area must seek to conserve and enhance the special features and diversity of the different landscape character areas. Planning permission will not be granted for new development in the open countryside which is detrimental to defined landscape character.

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

Carlisle District Local Plan 2001 - 2016 Redeposit draft
Policy LE20 (LE18) Conservation Areas

The City Council will continue to review existing and designate new conservation areas. The City Council will encourage, and permission will be granted for development within and adjoining conservation areas which preserves or enhances their character. The City Council will seek to ensure any new development or alterations to existing buildings are in sympathy with the setting, scale, density and physical characteristics of conservation areas, and protect important views into or out of such areas. Applications for outline planning permission will not be accepted for proposals in conservation areas.

Proposals for new development and/or the alteration of buildings in conservation areas should harmonise with their surroundings:

1. the development should preserve or enhance all features which contribute positively to the area's character or appearance, in particular the design, massing and height of the building should closely relate to adjacent buildings and should not have an unacceptable impact adversely impinge on the townscape or landscape;
2. the development should not have an unacceptable impact on the historic street patterns and morphology, roofscape, skyline and setting of the conservation area, important open spaces or significant views into, out of and within the area;
3. development proposals should not result in the amalgamation or redrawing of boundaries between traditional buildings and plots, or demolition and redevelopment behind retained facades;
4. wherever practicable traditional local materials such as brick, stone and slate should be used and incongruous materials should be avoided;
5. individual features both on buildings and contributing to their setting, should be retained e.g. doorways, windows, shopfronts, garden walls, railings, cobbled or flagged forecourts, sandstone kerbs, trees and hedges, etc. Where features have deteriorated to the extent to which they have to be replaced, the replacement should match the original;

6. proposals which would generate a significant increase in increased traffic movements and heavy vehicles or excessive parking demands will not be permitted since these would be prejudicial to amenity;
7. proposals which would require substantial car parking and servicing areas which can not be provided without an adverse effect on the site and its surroundings will not be permitted.

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): The proposed junction onto the public highway is sited outside the 30 mph speed limit, and in this respect the visibility splay shown on the submitted plan does not comply with current highway standards.

However, it would be possible to achieve the required visibility splay by extending the 30 mph speed limit beyond the proposed junction.

An amendment to the Traffic Regulation Order would be rquired, the costs of w3hich should be borne by the applicant (approximate cost being £1500). The Traffic Regulation Order should be implemented prior to any works commencing on site.

A stage one safety audit in accordance with the "Guidelines for the Safety Audit of Highways, IHT 1996" and taking into account relevant Cumbria County Council design standards, shall be submitted alongside the planning application. In this respect the submitted layout details are not satisfactory.

It is also recommended that three conditions are imposed on any approval notice.

Brampton Parish Council: Oppose application 05/1395 on the grounds that the proposed development will extend the boundaries of Brampton; will result in road safety and drainage problems; is an overdevelopment of the site; and, is not in keeping with the locality.

In the case of application 05/1396 there is no wish to make any representation.

United Utilities (former Norweb & NWWA): No objection to the proposal providing that the site is drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the watercourse/soakaway/surface water sewer and may require the consent of the Environment Agency.

A water supply can be made available to the proposed development. However, a separate metered supply to each unit will be required at the developer's expense and all internal pipework must comply with current water supply (water fittings) regulations 1999. The water mains will need extending to serve any development on this site.

The developer must undertake a complete soil survey, as and when land proposals

have progressed to a scheme design i.e. development, and results submitted along with an application for water.

Cumbria County Council - (Archaeological Services): No wish to make any recommendations or comments.

Carlisle Airport: I regret that I have to object to these proposals on behalf of Carlisle Airport. This is a large development (9 dwellings) and it is located close to the airport in an area clearly designated on the Carlisle Airport official Safeguarding Map as being one within which all development ought to be objected to. Carlisle Airport plans to grow its flying operation and there will, in the future, be an undoubted increase in movements including jet and turboprop aircraft. This will entail an increase in operating hours and engine noise, thus raising the spectre of public protest. It must be a matter of public record that Carlisle Airport objected to this development on the stated grounds and amplified its reasoning on the issue of noise and increased operating hours. No doubt purchasers of these properties, should the development go ahead, will be informed by their legal advisors of the existence of this objection.

Cumbria Constabulary - Crime Prevention: Comments awaited.

Commercial &Technical Services - Drainage Engineer: The applicant indicates disposal of foul sewage to the mains (public) sewer, which is acceptable. The applicant indicates disposal of surface water to a soakaway, which is an acceptable method of disposal.

No knowledge of flooding issues at this site.

Council for Protection of Rural England: FLD notes that the proposals are re-submissions after an earlier application 05/0435. Whilst there are some changes in the proposals the fundamental points raised in our earlier letter dated 31 March 2005 remain applicable. We are not convinced that the earlier reasons for refusal have been addressed and that, unless good reason exists why conversion of existing buildings cannot be undertaken and that an exceptional justification for meeting local housing need arises and is met by this proposal, the applications should be refused.

Environment Agency: The Agency have been consulted previously for proposed developments for this site. Since this period there have been designatory and legislatory changes that would affect any planning consultation response for this site, and as a result the Agency objects to the proposed development as submitted on the following grounds:

a) Flood risk

Flood risk standing advice is now applicable and an application at a site such as this would not normally require the Agency to comment. The reason for this is that according to the Flood Zone Map the site is located in Flood Zone 1 (little or no flood risk).

It should be noted however, that the determining factor as to the relevant Flood Zone any proposed development falls into according to Flood Zone Matrix is the extent of the modelled floodplain. Currently only watercourses with catchments over 3 sq km are modelled. The proposed development site may therefore be at a greater flood risk and frequency than is indicated by the Flood Zone Map and Matrix.

The applicant needs to ensure that they have satisfactorily addressed any flood risk issues to ensure that flood risk is not increased by this or other sites as a result of the development as proposed. The best approach would be the undertaking of a Flood Risk Assessment appropriate to the scale and nature of the development and in accordance with PPG25.

b) Main River status

Consultation comments provided for the previous planning applications were made in relation to the ordinary watercourse stus of Brampton Beck at this location.

Brampton Beck has since been "enmained" and the Agency now exercises statutory powers, over this and other main river watercourses created by an Act of Parliament under the Water Resources Act 1991 and Land Drainage Byelaws.

These two factors mean that the development category in planning terms should be viewed on the Flood Zone Matrix as operational development less than 1 ha within byelaw distance of a Main River. By its nature, land within the byelaws distance will usually be within a high risk flood zone and development within this area may pose an unacceptable flood risk to the proposed development or to neighbouring property. In addition to this issue there are other considerations to be addressed satisfactorily including access for maintenance and improvements of the main river, obstruction to overland flood flows and loss of functional floodplain.

The Applicant should be aware that under the Water Resources Act 1991 and Land Drainage Byelaws, the prior consent of the Agency is required for any development within the byelaws distance. Such consent is in addition to planning permission and is likely to be refused.

Conservation Officer: When I visited the site all of the buildings had been stripped of slates and a number of them were in a very poor state of repair. Therefore I have no objections to the demolition works taking place but I would expect the slates and sound sandstone to be set aside for re-use on the proposed housing scheme. Furthermore I recommend that a level 3 building survey is carried out prior to the demolition works taking place.

Summary of Representations:

Representations Received

SCHEDULE B: Reports Requiring Further Information

05/1396

Initial:	Consulted:	Reply Type:
	03/01/06	
	03/01/06	Objection
	03/01/06	
	03/01/06	
	03/01/06	
	03/01/06	
	03/01/06	
	03/01/06	
	03/01/06	Objection
	03/01/06	
	03/01/06	
	03/01/06	Objection
	03/01/06	
	03/01/06	
	03/01/06	Comment Only

This application has been advertised in the form of press and site notices and the direct notification of the occupiers of 16 neighbouring properties. At the time of preparing the report the occupiers of four neighbouring properties have formally objected and a further resident has verbally objected to the proposal on the grounds that:

- It is considered to be an inappropriate development for a Conservation Area and Area of Landscape Significance.

- The road is potentially hazardous with the proposed visibility not felt to be adequate.

- No objections to the principle but feel that there are too many units.

- Not sufficient parking (proposed plots 1-4 and 9).

- The proposed materials for the proposed units on plots 5-8 are not felt to be appropriate.

- Part of the proposal is in an elevated location away from the farmyard. The construction should be in keeping with the Farmhouse-natural sandstone. No objection to the development of the farm buildings in a controlled manner. Tarn Road is a natural unspoilt area please keep it this way.

- Main concern is the proposed new entrance and the speed of traffic on Tarn Road, particularly coming downhill from the Castle Carrock direction. Is it intended to move the 30 mph restriction sign to include the new entrance to the proposed development? In the interests of road safety extending the 30 mph restriction should be considered before any permission is granted.

- The proposal results in an outbreak of suburbia well outside the existing developed area of Brampton.

- Proposal will lead to the loss of existing sandstone buildings.

Cllr Judith Prest has also written to object to the proposal because:

- The proposed development is outwith the envelope of Brampton. The development flies in the face of the linear style housing currently adjacent to Hemblesgate. It is completely out of character by forming a small estate around a cul de sac. The development would suburbanise the edge of the town and have a significant visual effect on what is currently a designated County Landscape. The layout involving an elevated part of the site will be conspicuous and have a detrimental effect on the character of the area.

- Concerned that within a Conservation Area the barns are to be demolished and rebuilt rather than a conversion.

- Can see no evidence why this application should be granted as there are no changes to the proposal negating the reasons given at that time for refusal.

Details of Proposal/Officer Appraisal:

Planning History:

In July 2004, under application reference number 04/0628, planning permission was refused for the demolition of the existing outbuildings and their replacement by a total of 16 dwellings, formation of an access road together with refurbishment/alterations to the farmhouse. The applicant has subsequently appealed over this decision.

In November 2004, application number 04/1042, planning permission was given for an extension to the existing house to form a workshop and bedroom including demolition of part of a barn/mill.

In June 2005, application 05/0435, planning permission was refused for the erection of 9 dwellings and alterations to the existing farmhouse.

In addition to this application, the site is also currently subject to application 05/1395 seeking planning permission for the erection of 9 dwellings.

Details of Proposal:

Further to the report accompanying application no. 05/1395 an updated report will be presented to Members.

Human Rights Act 1998

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";

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;

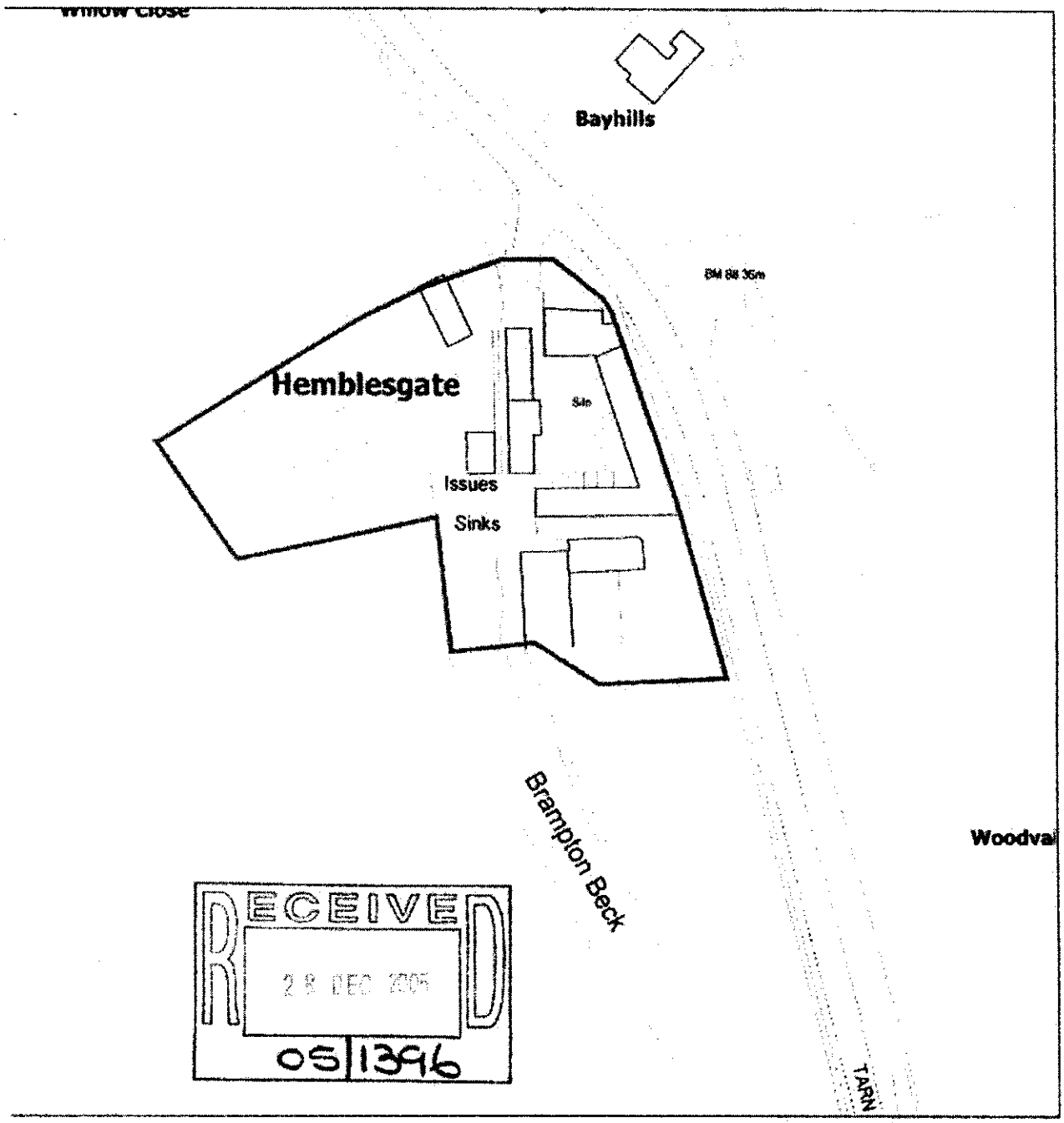
Recommendation:

Reason for including report in Schedule B

At the time of preparing the report additional information and revised plans are awaited from the applicant, and, the consequent revised observations of interested parties have yet to be received.

This drawing is copyright. Figured dimensions are to be followed in preference to scaled dimensions and particulars are to be taken from the actual work where possible. Any discrepancy must be reported to the architect immediately and before proceeding.

Revision	Date	Description	Revised by
revisions			



RECEIVED
28 DEC 2005
05/1396

ARCHITECTS PLUS

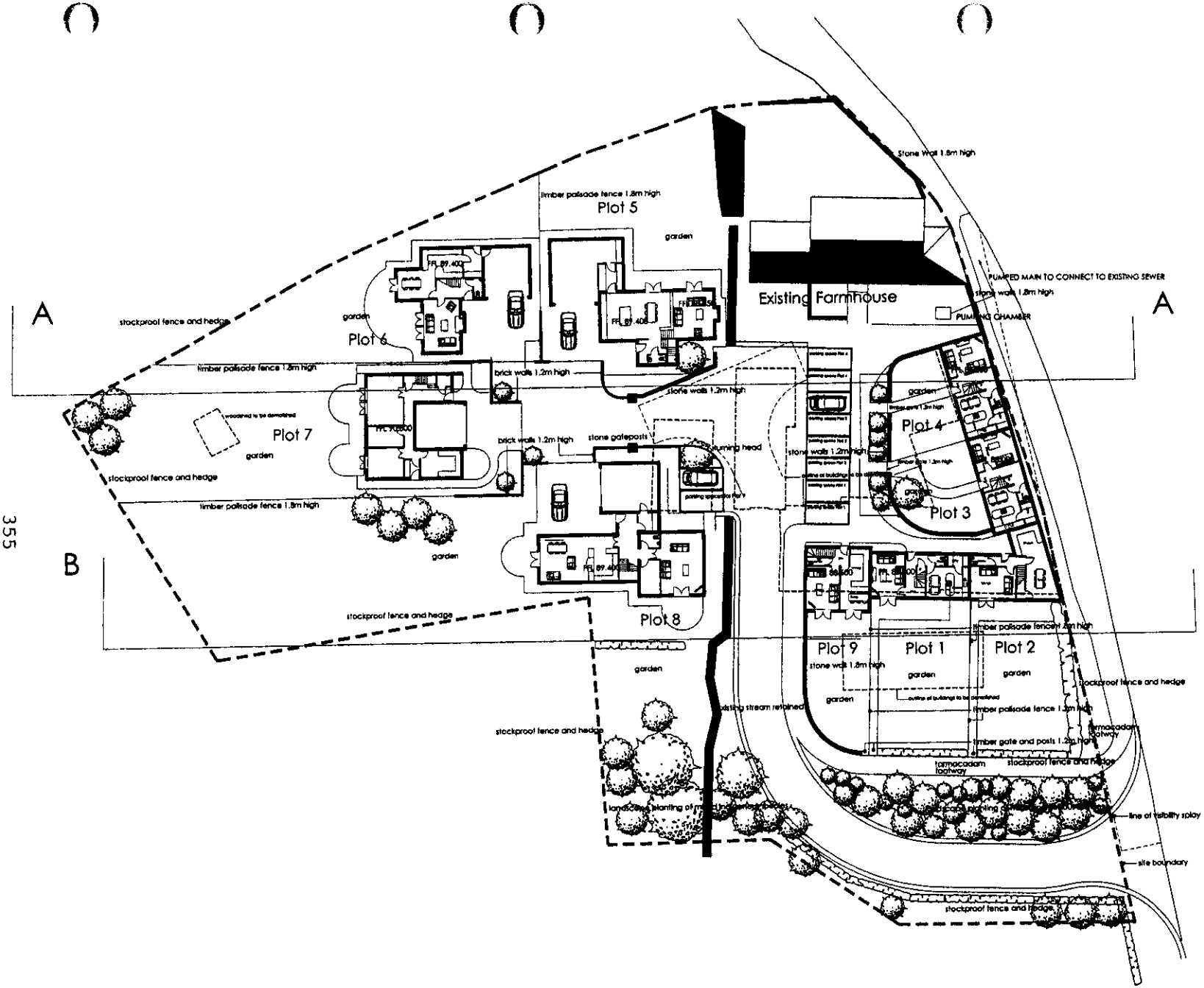
N

Project
HEMBLESGATE, BRAMPTON

Drawing
Location Plan

Scale	Date	Drawn	Comp.No.	Number
1:1250	03-04	rj	C03	04006-13A

Architects Plus (UK) Limited, Victoria Galleries, Viaduct House, Victoria Viaduct, Carlisle, Cumbria, CA3 8AN
tel: 01228 515144 fax: 01228 515033 web: architectsplus.co.uk e-mail: ap@architectsplus.co.uk



This drawing is copyright. Figured dimensions are to be taken in preference to scaled dimensions and particulars are to be taken from the actual. Any discrepancy must be reported to the architect immediately before proceeding.

Revision	Date	Description	Revised by
B	13/1/06	Additional parking adjacent to Plot 8	
C	17/2/06	Plot 5 amended, stream to pass 8 culvert shortened house repositioned	

RECEIVED
21 FEB 2006
2005/1395

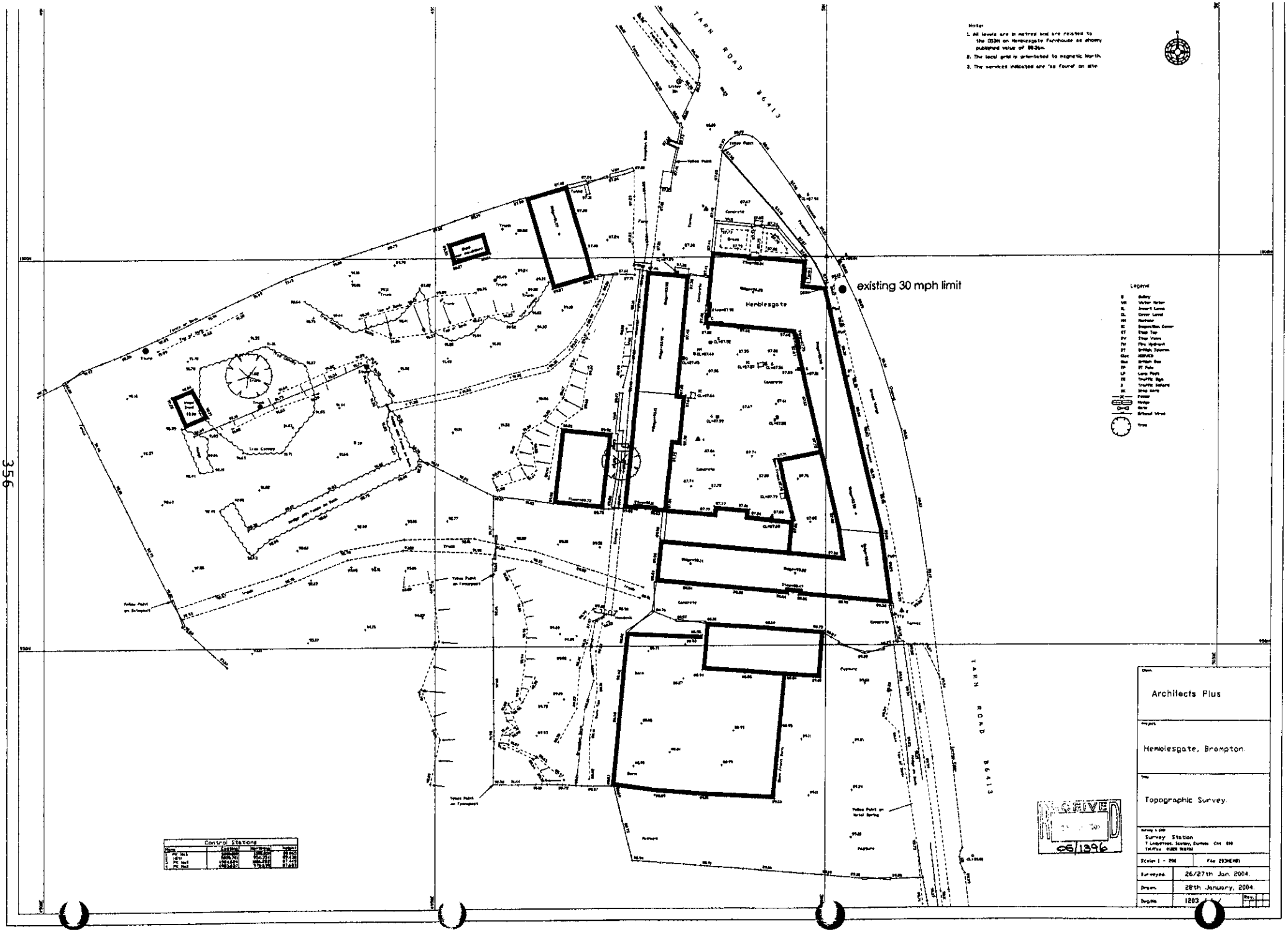
ARCHITECTS PLUS

Project
Hemblesgate Brampton

Drawing
Revised Site Plan 2

Scale	Date	Drawn	Comp No.	Number
1:200@A1	31-10-05	tl	C14	04006-41C

Architects Plus (UK) Limited. web: architectsplus.co.uk
Victoria Galleries, Viaduct House, Victoria Viaduct, Carlisle, Cumbria, CA3 8AN
tel: 01228 515144 fax: 01228 515033 e-mail: ap@architectsplus.co.uk


TARN ROAD B6413
existing 30 mph limit
Hemlesgate
Legend
Control Stations
Architects Plus
Hemlesgate, Brampton
Topographic Survey
Survey Station
26/27th Jan. 2004
28th January, 2004
05/1396

SCHEDULE A: Applications with Recommendation

06/0134

Item No: 04 Date of Committee: 21/04/2006

Appn Ref No:	**Applicant:**	**Parish:**
06/0134	Mr Peter Carrigan	Westlinton
Date of Receipt:	**Agent:**	**Ward:**
17/02/2006	Beresford Webb	Longtown & Rockcliffe

Location:
L/A part field 7765, Newtown Farm, Newtown, Blackford, Carlisle

Grid Reference:
338820 562629

Proposal: Use of part of land for siting of caravan for gypsy family together with erection of stables/tack room

Amendment:

REPORT

Reason for Determination by Committee:

In the light of an interested party wishing to exercise their right to speak and the nature of the judgement that has to be made when considering the application.

Planning Policies:

Carlisle District Plan
Environment - Policy E8

Within the remainder of the rural area not covered by Policies E2-E6, proposals which are well related in use, siting, scale and design to existing settlements or other small clusters of buildings including farm buildings will be acceptable providing that:

1. The proposal reflects the scale and character of the existing group of buildings or settlement; and

2. There is no adverse effect upon the amenity of neighbouring property, and the character and appearance of the area; and

3. Satisfactory access and appropriate car parking can be achieved; and

4. Any exiting wildlife habitats are safeguarded.

Permission will not be granted for development in the undeveloped open

countryside unless it is required to meet local infrastructure needs, or for dwellings supported by a proven agricultural or forestry need.

Carlisle District Plan
Environment - Policy E19

In considering proposals for new development the City Council will where appropriate require the retention of existing trees, shrubs, hedges and other wildlife habitats, and the replacement of any environmental feature lost to development. Landscaping schemes to be implemented by the applicant will be required as part of most planning applications.

Carlisle District Plan
Environment - Policy E22

New development will only be permitted if foul sewers and sewage treatment works of adequate capacity and design are available or will be provided in time to serve the development. Within unsewered areas, development which requires the use of septic tanks or other waste water management systems will only be permitted if ground conditions are satisfactory and the plot of land is of sufficient size to provide an adequate subsoil drainage system.

Carlisle District Plan
Transport - Proposal T1

In considering applications for development, account will be taken of the availability of a choice of means of travel to and from the site.

Carlisle District Plan
Housing - Proposal H5

Within the following settlements, large scale residential development will not be permitted. Proposals for small scale residential development will normally be acceptable providing that:

1. The site is well related to the landscape of the area and does not intrude into open countryside; and

2. The scale of the proposed development is well related to the scale, form and character of the existing settlement; and

3. The layout of the site and the design of the buildings is well related to existing property in the village; and

4. The siting and design of the buildings is well related to and does not adversely affect the amenity of neighbouring property; and

5. Appropriate access and parking can be achieved; and

6. The proposal will not lead to the loss of amenity open space within or at the edge of the settlement; and

7. The proposal will not lead to the loss of the best and most versatile agricultural land.

Aglionby, Baldwinholme, Banks, Barclose, Beaumont, Blackford, Blackwell, Boltonfellend, Boustead Hill, Broadwath, Brisco, Brunstock, Burgh-by-Sands, Burnrigg, Cardewlees, Cargo, Carleton, Castle Carrock, Cotehill, Cumdivock, Cummersdale, Cumrew, Cumwhinton, Cumwhitton, Durdar, Easton, Farlam, Faugh, Fenton, Gaitsgill, Gilsland, Great Corby, Great Orton, Grinsdale, Hallbankgate, Harker, Hayton, Hayton Townhead, Heads Nook, Hornsby, Boughton, How Mill, Irthington, Kirkcambeck, Kirkandrews-on-Eden, Knells, Lanercost, Laversdale, Linstock, Little Orton, Low Crosby, Longburgh, Low Row, Lyneholmeford, Midgeholme, Milton, Moat, Monkhill, Moorhouse, Newby East, Newtown, Raughtonhead, Rockcliffe, Rickerby, Scaleby, Scotby, Smithfield, Stainton, Stockdalewath, Talkin, Tarraby, Thurstonfield, Tindale, Todhills, Walton, Warwick-on-Eden, Warwick Bridge (including Little Corby & Corby Hill), Westlinton, Wetheral, Wetheral Pasture.

Carlisle District Plan
Housing - Proposal H20

Where there is an identified need the City Council will consider the provision of Gypsy Caravan Sites. Proposals for Gypsy sites will be acceptable providing that:

1. The proposal is not within an Area of Outstanding Natural Beauty or County Landscape; and

2. There would be no adverse impact on the local landscape; and

3. Appropriate access and parking can be achieved; and

4. The proposed site is reasonably accessible to community services; and

5. The proposal would not adversely affect the amenities of adjacent occupiers by way of noise, vehicle or other activities on site.

Carlisle District Local Plan 2001 - 2016 Redeposit draft
Policy H1 Location of New Housing Development

New housing development will be located in sustainable locations in accordance with PPG 3: *Housing*, Regional Planning Guidance and the Joint Structure Plan. During the Plan period 80% of new development will be located within the urban area of Carlisle, including allocated sites on the edge of the City referred to in Proposal H16. The remaining 20% will be permitted in the rural area of the District with the focus on the two Key Service Centres of Brampton and Longtown.

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

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

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

Burgh-by-Sands	Castle Carrock	Cummersdale
Cumwhinton	Dalston	Gilsland
Great Corby	Great Orton	Hallbankgate
Hayton	Heads Nook	Houghton
Irthington	Raughton Head	Rockcliffe
Scotby	Smithfield	Thurstonfield

Warwick Bridge (including Little Corby & Corby Hill)
Wetheral

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

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

Carlisle District Local Plan 2001 - 2016 Redeposit draft
Policy H14 (H14A) Gypsies and Travellers

Where there is an identified need the City Council will consider the provision of Gypsy and Traveller Sites. Proposals for Gypsy and Traveller sites will be acceptable providing that:

1. The proposal will not compromise the objectives of the designation of an Area of Outstanding Natural Beauty or Landscape of County Importance; and

2. there would be no adverse impact on the local landscape; and
3. appropriate access and parking can be achieved; and
4. the proposed site is reasonably accessible to community services; and
5. the proposal would not adversely affect the amenities of adjacent occupiers by way of noise, vehicular or other activities on site.

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): The layout details shown on the submitted plan are satisfactory from a highway point of view.

Environmental Protection Services: Comments awaited.

Westlinton Parish Council: Very strongly opposed to the proposal and make the following observations:

1. The address given as Newtown Farm is incorrect. Field 7765 is not part of Newtown Farm.

2. If this application is granted it could have adverse effect on adjacent residential property. If granted it could also lead to further future development in the area, which would not be in the interests of the local community.

3. Can see no reason for the siting of a residential caravan. There is no mains sewerage system in this area.

Planning Services - Local Plans: Policy H14 of the redeposit Carlisle District Local Plan sets out a number of criteria which should be used to assess proposals for new Gypsy sites. The criteria remain very similar to those set out in the adopted local plan policy H20 focusing on landscape impact, access and parking, access to services and impact on neighbouring properties. (It must be noted that the reasoned justification for policy H14 requires updating to bring it in line with the advice in circular 01/2006 which was published in February 2006, after publication of the redeposit draft local plan). Landscape impact has been an issue in the past and therefore consideration must be given to this in the assessment, access and parking have been raised by neighbouring occupiers and therefore should also be looked at alongside the potential negative impact on residential amenity as covered by criterion 5 in H14 of the redeposit local plan.

Policy H14 also refers to identified need as an important factor in determining whether or not a proposal should be considered acceptable. Under circular 01/2006, in the absence of Gypsy and Traveller Accommodation Assessments (which will

feed into the RSS), a criteria based policy should be used to assess the suitability of proposals for new Gypsy sites. Paragraph 44 sets out the information on the assessment of need which should be included to support the determination of an application for a Gypsy site.

The circular also looks at the issue of sustainability and considers the approach that should be taken when considering Gypsy sites in the rural area. It states that *'in assessing the suitability of such sites, local authorities should be realistic about the availability, or likely availability of alternatives to the car in accessing local services.'* The proposal site is considered to be open countryside as it falls outside the boundary of the urban area of the district and does not lie within the boundary of any rural settlement identified in policy DP1 (Sustainable Development Locations) of the redeposit draft Carlisle District Local Plan. The site is therefore not considered to be a sustainable location for residential development unless there is a specific need to be in that place.

Circular 01/2006 broadens the list of sustainability factors against which the proposal should be measured, access to health care and schools are identified as important considerations alongside the promotion of a peaceful and integrated co existence between the site and the local community. There is a primary school located on the road between Blackford and Newtown which is easily accessible from the proposal site. In respect of other services and facilities accessibility is more restricted, however the A7 road (which is less than a mile from the site) is likely to offer opportunities to utilise public transport as a main route to Carlisle City Centre. There does appear to be some concern from nearby residents regarding the impact of this proposal on the residential amenity of the area, opportunities if an where possible should be taken to mitigate the impact of the proposal to help ensure a peaceful co existence between the occupants of the site and the local community in line with circular 01/2006.

In summary, in line with policy H20 of the adopted Carlisle District Local Plan further evidence is required to establish whether or not there is a need for provision in addition to the two existing sites within the district. In terms of sustainability (with the exception of access to the local school) the occupants of the site will still be heavily reliant on the private car for access to certain facilities, however alternative means of transport are limited but available. The development is likely to have a visual impact on the landscape, and therefore if evidence can be provided to support a need for additional provision a judgement will be required to assess

Summary of Representations:

Representations Received

Initial:	Consulted:	Reply Type:
	22/02/06	Objection
	22/02/06	Undelivered
	22/02/06	
	22/02/06	Objection
	22/02/06	Objection
	22/02/06	Objection
	22/02/06	Comment Only
	22/02/06	Objection
	22/02/06	Objection
	22/02/06	
	22/02/06	
	22/02/06	
		Objection

This application was advertised in the form of a site notice and the direct notification of twelve neighbouring properties. At the time of preparing the report 9 letters of objection have been received on the following grounds:

- No existing sewerage provision;
- There are two existing gypsy caravan sites within 3-5 miles of this site;
- Stables etc have previously been refused on the site and the decisions upheld on Appeal;
- The application would cause an increase in unnecessary traffic down a very narrow road;
- The applicant has consistently ignored the decisions from the Council and Inspectorate as he regularly stores scrap metals in the compound already there, and has sited another contained in the compound after he was told to remove the original one;
- It is alleged that the applicant is using the compound at times for his business;
- If the applicant is looking to permanently site a caravan then a much better option would be for him to purchase one on an already established site;
- If permission is granted then this sets a precedent for anyone to buy a field, call themselves a gypsy and apply to site a caravan on it;
- The site was originally an open field pat of Newtown Farm that was sold off fro grazing has subsequently ended up in the applicant's possession.

It has since gone from open field to having a roadway put in and a large compound built to the applicant once again applying for stables and a gypsy caravan. this would seem an entirely inappropriate use fro what was an open field and in an area outside the local plan for development;

- The proposal would result in even more journeys form the site in both private car and wagon/vans as this is the nature of the scrap business;

- There is no means of mains sewerage to the site as is stated in the application. Therefore, the questions as to how the waste will be dealt with from people living in open land without electricity and sewerage must be asked;

- The applicant already has got a site at the gypsy caravan park at Houghton;

- Already have problems in the area with people setting up homes in fields;

- There are already two caravan sites for gypsies in the Carlisle area and one at Penrith thus cannot see shy the Council needs more. The use of the existing established sites is more appropriate to spasmodic distribution over the countryside;

- Permission for a caravan in a field across the road has been refused;

- The access to the property is on a blind bend. Allegedly incidents witnessed where vehicles have narrowly avoided collision with vans and wagons exiting the lane;

- The increase in traffic will lead to vehicles going on to the verge(s) which will collapse into the drainage ditches at the side. This damage to the ditches hinders the flow of water which carries the outflow of water from the septic tanks;

- Allegedly see wagons with hydraulic grabs going down the lane. Concerned that a business might be being run from these premises; and,

- There are no services to this site and should they use generators this would create noise nuisance.

Details of Proposal/Officer Appraisal:

Planning History:

In April 2003, under application number 03/0278, planning permission was refused for the erection of four stables and tack room with enclosed paddock. Enforcement action was also authorised. The subsequent appeal (ref APP/E0915/A/03/1119582) was dismissed.

In November 2003, application 03/0854, retrospective permission was refused for a building for storage of silage and animal feed and a container for the storage of implements.

The subsequent appeal (ref APP/E0915/C/04/1151115) concerning an enforcement notices served on the 19th April 2004 was dismissed and the enforcement notice upheld.

In relation to neighbouring field number 7584 planning permission was refused in 2000, under application number 00/0715, for the erection of a general purpose agricultural and livestock building. In 2001, under application number 01/0202 and 01/0009/AGD, planning permission was given for the erection of stables, and, no objections raised under the prior determination procedure for a hay shed. In 2002, application 02/0002/AGD, no objections were raised under the prior determination procedure for an agricultural implement shed.

In relation to field number 6577 at Black Moss a retrospective application (01/0699) for the siting of a residential caravan was refused permission. In 2003, application 03/1149, outline permission was refused for the erection of a dwelling.

In regard to the field to the north of Avonlea, and to the immediate south of the current application site, retrospective permission was given for the erection of a stable for domestic use under 05/0014. The applicants being the occupiers of Avonlea.

Details of Proposal:

SITE DESCRIPTION

This application relates to a rectangular field 2.8ha. in area which lies to the north of the hamlet of Newtown of Rockcliffe. Vehicular access is via a road to Westlinton formed by compacted tarmac scrapings and hardcore which runs along the southern boundary of the site. In the south-eastern corner of the field there is a mono-pitched building constructed externally in corrugated metal. Intermittent Hawthorn hedging and 1 tree delineate the existing boundary.

To the east of the site, the buildings associated with Newtown Farm are evident. To the immediate north, in the adjoining field number 7584, there are some stables, constructed in blockwork and green sheeting, and, a mono-pitched building constructed externally in black corrugated sheeting. Approximately 220 metres to the north of the entrance of the application site, on the western side of Westlinton road, there is the property referred to as Black Moss.

BACKGROUND INFORMATION

The current application has been submitted on the basis of seeking full permission for stables and tackroom plus a change of use to a caravan site for one gypsy family. On the application form it is stated that the applicant would be prepared to accept a temporary permission. The application is accompanied by plans,

Supporting Information form the applicant's agent, and, a Statutory Declaration signed by the applicant.

The submitted plans show the proposed erection of twin stables and a tackroom in a single building measuring 9.0 metres by 3.6 metres within the existing compound and the siting of a single caravan to the immediate west of the compound. Externally the proposed stables/tack room would have shiplap boarding with black onduline corrugated roof sheeting.

The Supporting Information explains that, amongst other things, that:

- The applicant is a Mr Patrick Carrigan, the owner of the site, who is seeking consent to use a corner of his field as a private site for one gypsy family plus the construction of a set of stables;

- Occupation of the caravan(s) are to be restricted to Mr Carrigan and his family;

- The site is well screened by trees and a mature hedge. There are no long distance views into the site;

- Further screen planting will be carried out to assist the total screening of the caravan(s);

- Access to the site is good both at its entrance and on the approach;

- National policy is currently contained in Circular 1/94 and the amended version dating from January 2005. In addition the Good Practice Guide: Managing Unauthorised Camping is applicable;

- The District has a large Gypsy population and has always had problems with unauthorised encampments as can be seen from the six monthly count figures produced by The Gypsy Site Branch at the ODPM. This is despite the fact that in recent years the figures produced within the Council area have been less than accurate - it would appear that the Council only count Gypsies that are known to be trespassing and not those on their own land;

- The granting of a planning permission in this case would help to overcome the problems due to the lack of any local authority accommodation in the area;

- In Hedges and Hedges v SoS & East Cambridge DC (1997) Mr G Moriarty QC set out in paragraph 3 the requirement to consider need in general and also distinguishes the issue of need for the provision of sites generally from the specific need for accommodation of an appellants family. The availability of alternative sites needs to be considered most carefully. This must also take into account the financial implications for the appellants (see Chapman 2001);

- Sites within the local settled community are likely to provoke discriminatory reaction. It is for this reason that government advice has always been that sites for Gypsies need to be removed from housing although not so isolated that they cannot be supplied with the necessary public services. The application site is ideally located according to this criteria. All the essential services are located in Newtown and the adjoining area;

- The basic principal underlying Gypsy site provision is the carrying out of a needs assessment by the local planning authority. This is set out in PPG3 (paragraph 13), PPG12 (paragraph 4.14) and Circular 1/94 (paragraphs 11 and 12) as well as the draft of the new circular. The failure of the local planning authority to carry out a quantitative assessment of need has been criticised in a number of appeal decisions of e.g. John Casey, Pylon site in Potters Bar;

- The education of children belonging to the applicant families is a matter which is given considerable importance by the Government. Education is accepted as a basic right under the Human Rights Act Part II Article 2. In this case there is a particular problem with the applicant's children who have profound hearing difficulties;

- It is not possible for children to learn effectively if their primary needs are not catered for and they are deprived of continuity in the learning situation. The most basic of these primary needs is a secure home;

- Consideration of common humanity has to be taken into account of expanding families need stopping places just like their parents. the fact that they wish to live adjacent to or in groups, as members of the same family very often needs to be accepted;

- In determining any appeal by Gypsies the Inspector and SoS must consider their obligations under the Human Rights Act 1998, in particular Article 1 Protocol 1, Article 8, and, Article 14. The ECHR Case of Chapman stated that in dealing with their obligations under the Above Articles the following issues must be taken into consideration: the availability of alternative accommodation; the suitability of the alternative accommodation; the particular need of the applicant/appellant and families involved; and, the financial resources available;

- It is contended in this case that: there is no alternative accommodation available; the site is suitable; the needs of the families as described in their Statutory Declaration is apparent; and, land prices in the area prohibits such families buying development land;

The submitted Statutory Declaration is signed by Mr Peter Carrigan who states that:

- He is of no fixed abode but with a postal address of 63 Milbourne Street, Carlisle;

- He is a Gypsy traveller born and bred, married to a Gypsy. He and his wife have six children aged 11, 9, 7, 6, 3 and 2;

- One of his daughters is handicapped by being deaf and this makes it very worrying when travelling and camping on the roadside. There is a need for a secure base for the family;

- He earns his living by horse dealing and scrap collecting;

- At present he is renting grazing in addition to the land at Blackford;

- There is a need for stabling during the winter months. There is no cover for the horses either on the rented land or on his land;

- He bought the land at Blackford with the intention of making a home for the family;

- His children are all aged between 2 and 11 years of age and there is a good school within half a mile of the land. He manages to keep them in school most of the time but this is not always possible without a secure base;

- I have to make probably more movements to and from the site living from the land. Horses need twice daily attention at all times.

The applicant has also had a telephone conversation with the Case Officer during which he confirmed that the reasons for the current application, were:

- There have been stables recently given permission and erected near the application site;

- The RSPCA have raised concerns over the winter condition of the horses;

- He and his family currently reside in a chalet at Hadrians Park. He has 6 children, 2 of which are deaf. He is concerned about the proximity of the site at Hadrians Park to the main road - his two deaf children would not be able to hear oncoming traffic.

- He is also "unsure" about the owner of Hadrians Park.

ASSESSMENT

Based on the foregoing information from or on the applicants behalf appears unclear and contradictory. Clarification has therefore been sought from the applicant's agent on:

- Whether the applicant is Mr Peter Carrigan or Mr Patrick Carrigan;

- The application form indicates that the applicant resides at 22 Hadrians

Park yet the Statutory Declaration states that he is of no fixed abode but with a postal address of 63 Milbourne Street;

- It is unclear whether the proposal relates to one or more unit; the form of the accommodation (i.e. chalet, static or tourer); the services to be connected; the extent of Mr Carrigan's family intended to reside at the premises; and, which school(s) the applicant's children currently attend.

In considering this application it is recognised and appreciated that in February of this year the Government published the following guidance:

i) "Definition of the term 'gypsies and travellers' for the purposes of the Housing Act 2004" (Consultation);

ii) "Gypsy and Traveller Accommodation Assessments" (Draft practice guidance);

iii) "Guide to effective use of enforcement powers Part 1: Unauthorised encampments";

iv) "Local authorities and Gypsies and Travellers: Guide to responsibilities and powers"; and,

v) Circular 01/2006 "Planning for Gypsy and Traveller Caravan Sites".

In addition it is appreciated that proposals for gypsy sites can raise objections based upon prejudice, ignorance, and/or, bad experiences. It is, however, necessary for Members to be objective about this matter and recognise that there may never be an ideal site for such a use.

This aside, it is considered that any assessment of the proposal has be to based on a balancing exercise weighing the harm arising to the public interest against the rights and personal circumstances of the applicant.

When considering the harm to public interest it is the case that Newtown of Rockcliffe is not listed as a settlement under either Policy H5 of the Carlisle District Local Plan nor Policy H1 of the Carlisle District (2001-2016) (Redeposit Draft). The application site is also considered to be outside the hamlet although not within an AONB or other designation of land.

Apart from the typical "domestic paraphernalia" associated with such a proposed development, there may be a variety of ancillary open uses (such as the parking of commercial vehicles and scrap metal dealing) to be expected at such a site where self-employment appears to be part of the gypsy way of life. This could, however, be subject to the imposition of a relevant condition.

In the context of the two previous appeal decision relating to this site (references APP/E0915/C/04/1151115 and APP/E0915/A/03/1119582) it is, nevertheless, held that the proposal would detract from the visual qualities of this rural area. This being at a time when the Council are facing similar demands on nearby sites.

In relation to the rights and personal circumstances of the applicant his agent has referred to unauthorised gypsy sites within the District. The available information appears to indicate that the applicant resides with his family in a three bed chalet/bungalow at Hadrians Park. The Community Safety Police Officer has verbally confirmed that since April 2002 there have only been two reported incidents. In this case if planning permission was withheld it appears that the applicant and his family could continue to reside at Hadrians Park within a relatively safe environment. The proprietor of Ghyll Bank Caravan Park at Low Harker has also confirmed that there are pitches available at his site.

One can fully understand the applicant's desire to ensure the maintenance of continuity of education for his children. In this instance no reason has too date been given why the applicant's children could not have a continuity of education or health care within Carlisle and/or Houghton. Based upon such a scenario, and with due regard to Circular 11/95, if a temporary permission was allowed (for example on the basis of the educational needs of the applicant's six children) this would have the effect of granting a consent contrary to policy.

The applicant may have invested in the site, however, it is held that unwise actions do not provide an adequate reason for setting aside strong planning objections.

In conclusion it is considered that the proposal would have an adverse impact on the local landscape in a generally unsustainable location at a time when the applicant has not satisfactorily demonstrated a need.

OTHER MATTERS

The applicant and interested parties have raised other matters however, in the context of the two previous appeal decisions, these are not considered to be of sufficient weight to be a determining factor in considering the application. The circumstances concerning the permission for a stable granted under 05/0014 are also not considered to be directly comparable to the current proposal.

In addition, Members need to be aware that the parents of an employee of the Council have objected to the proposal. Needless to say this member of staff has not directly or indirectly been involved in the processing of this application.

Human Rights Act 1998

Several provisions of the above Act can have implications in relation to the consideration of this planning application, 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";

Article 14 prohibition of discrimination;

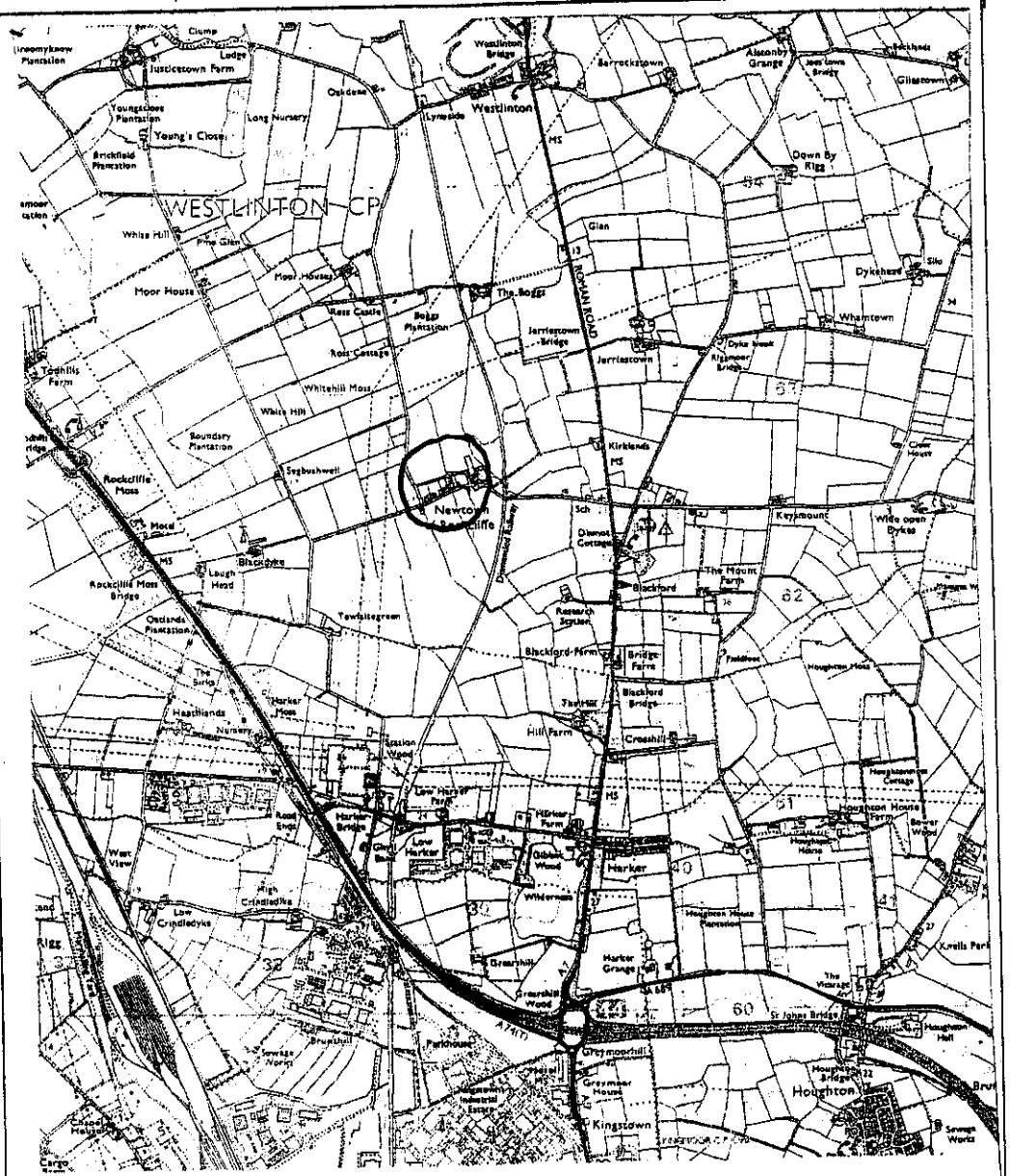
Article 1 of Protocol 1 relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary and appropriate;

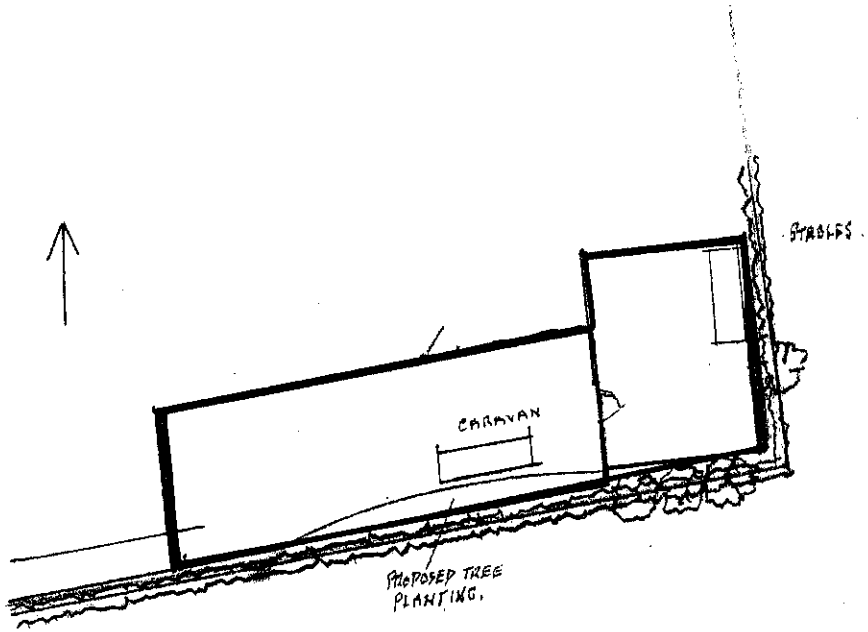
Article 2 of Protocol 1 sets out the right to a proper education.

The proposal has been considered against the above. The applicant's rights are respected but based on the foregoing it is considered that the proposal is harmful to interests of acknowledged importance and that the public interest can only be safeguarded by the refusal of permission. In addition, the application was determined in the context of the applicant and his family being resident at Hadrians Park with alternative provision also available elsewhere. In such circumstances it is considered that there has been no violation.

Recommendation: Refuse Permission

1. **Reason:** The site of the proposed development is in open countryside detached from the existing settlement at Newtown of Rockcliffe. In such a location the proposed development would represent a discordant feature to the detriment of the rural character of the area in a generally unsustainable location at a time when the applicant has not satisfactorily demonstrated a need. The proposal is therefore considered to be contrary to the underlying objectives of criteria 2 and 4 of Policy H20, criterion 1 of Policy E8, and, Policy T1 of the Carlisle District Local Plan.





SCALE 1:200.

RECEIVED
02 FEB 2006
2006/0134

DR CHRISTOPHER BERESFORD WEBB

NOTES:

All dimensions must be checked on site and not scaled from this drawing.

Client MR P CARRIGON

Job Title BLOCK PLAN FOR STABLES AND CARAVAN

Scale 1:200

Drawn by CB.

Date 10/9/05

Drawing Title BLOCK PLAN

Drg No. 01:08GG

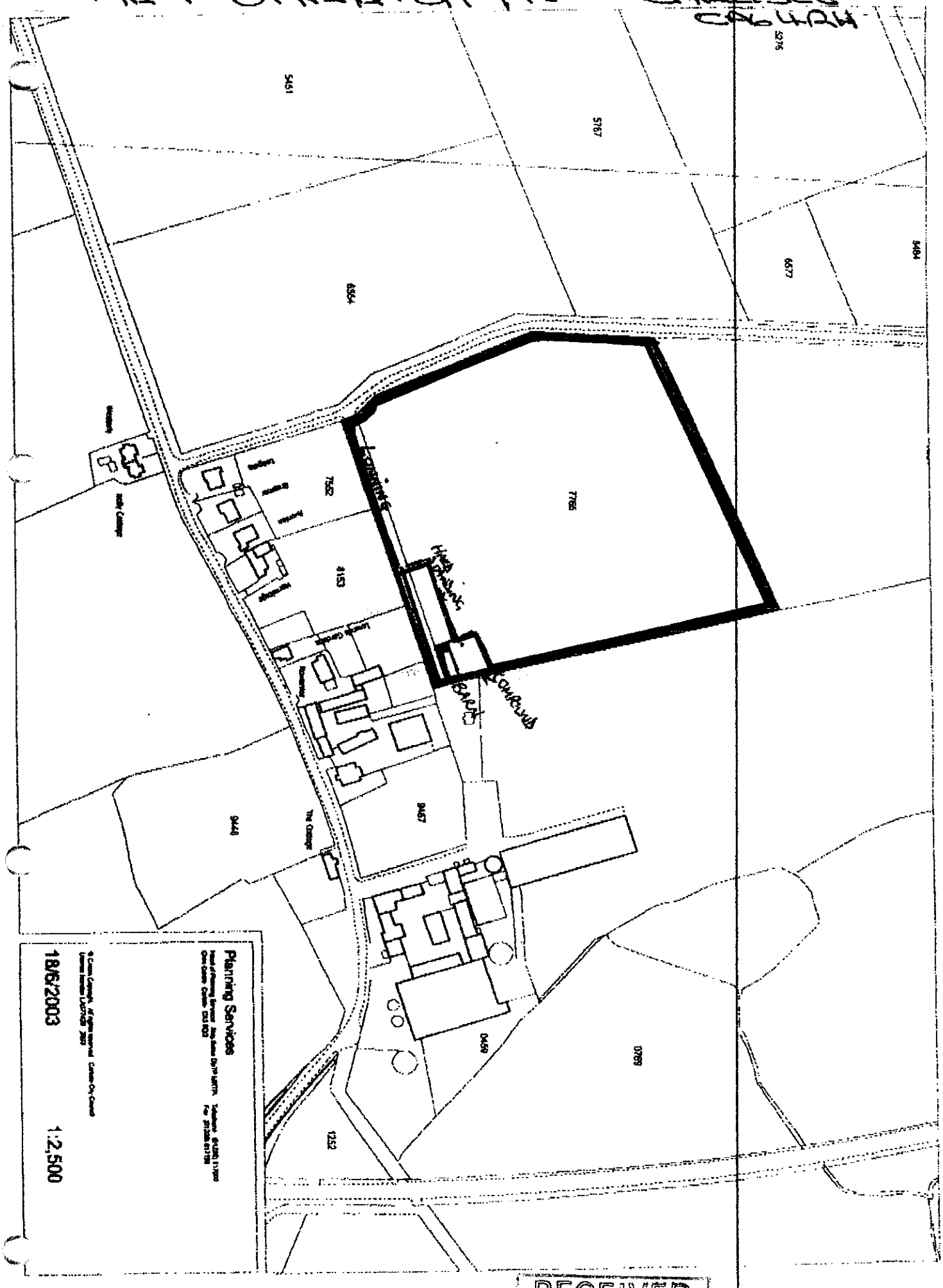
Rev

420x297mm A3

PD DRAWING
A PRODUCT OF THE UNO RANGE – ARCHITECT CAT. No. 7313

372

Mr Y CARRIGAN 22 HADRIANS TAX CARLISLE CA6 4RH



RECEIVED
02 FEB 2006

2006/0134

2005/0895

INTRODUCTION

This is an application by Mr Patrick Carrigan for consent to use a corner of his field at Newtown, Blackford as a Private site for one Gypsy family plus the construction of a set of stables. Occupation of the caravans are to be restricted to Mr Carrigan and his family.

The owners of the site is Mr Patrick Carrigan.

SITE DESCRIPTION

The land lies to the rear of houses in Newtown [see Appendix 1] with access being on the lane leading to Ross Castle.. There are houses immediately adjacent to the site.

The site is well screened by trees and a mature hedge. There are no long distance views into the site. .

Further screen planting will be carried out to assist the total screening of the caravans themselves. This is indicated on the plan attached.

Access to the site is good both at its entrance and on the approach.

RECEIVED
02 FEB 2006
2006/0134

POLICIES

National policy is currently contained in Circular 1/94 plus the amended version that has been in the public domain since January 2005. In addition the Good Practice Guide : Managing Unauthorised Camping is applicable.

NEED WITHIN THE AREA

The District has a large Gypsy population and has always had problems with unauthorised encampments as can be seen from the six monthly count figures produced by The Gypsy Site Branch at the Deputy Prime Ministers Office. This is despite the fact that in recent years the figures produced within the District Council area, have been less than accurate. It would appear that the Council only count Gypsies that are known to be trespassing and not those on their own land.

The granting of a planning permission in this case would help to overcome the problems due to the lack of any local authority accommodation in the area.

In Hedges and Hedges – v – Secretary of State & East Cambridge DC [1997] 73P & CR 534 Mr Gerald Moriarty QC sitting as a Deputy High Court Judge sets out in paragraph 3 on page 545 the requirement to consider need in general and also distinguishes the issue of need for the provision of sites generally from the specific need for accommodation for an appellants family. The availability of alternative sites needs to be considered most carefully. This must also take into account the financial implications for the appellants, See Chapman – v – [2001] Application No: 27238/95

Attention needs to be drawn at this stage to the fact that sites within the local settled community are likely to provoke discriminatory reaction. It is for this reason that ever since the first Circular Letter from the then Ministry of Housing and Local Government as far back as 1961 government advice has always been that *sites for Gypsies need to be removed from housing although not so isolated that they cannot be*

supplied with the necessary public services. The appeal site is ideally located according to this criteria. All the essential services are located in Newtown and the adjoining area.

It is contended that in accordance with Government Guidelines the basic principal underlying Gypsy Site provision is the carrying out of a **Needs Assessment** by the Local Authority to determine the need for Gypsy Site provision in the area. This is set out at

- PPG3 – Paragraph 13
- PPG12 – Paragraph 4.14
- Circular 1/94 – Paragraphs 11 and 12 and dealt with in considerable detail in the draft of the new circular.

The County Structure Plan recognises the need for such assessments for conventional housing but no allowance has been made for Caravan Sites for Gypsies.

The failure of the Local Planning Authority to carry out a quantitative Assessment of Need has been criticised in a number of Appeal Decisions. In the appeal John Casey, the Pylon Site in Potters Bar APP/N1920/A/01/106832 the Inspector, at paragraph 55 to 59 criticises the LPA for failing to carry out a Quantitative Assessment of Needs and concludes that the relevant Plan Policies should therefore, *carry only little weight.* The Secretary of State who had called in the decision at paragraph 13 of his Decision Letter agreed with the conclusion of the Inspector. [item 2]

The education of children belonging to the applicant families is a matter which is given considerable importance by the Government.. In addition to Circular 1/85 the decision in the Appleby Case ODPM para 19 and the Inspectors Report in paragraph 64 of the Basildon DC – v – Sec of State for the Environment & Others 120001 emphasises the importance of education which is accepted as a basic right under the Human Rights Act Part 11 Article 2, which states :

- *No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of the parents to ensure such*

education and teaching in conformity with their own religious and philosophical convictions.

Education is dependent to a very large extent on the degree of continuity that can be introduced to the provision if any meaning full success is to be attained. Research in this field demonstrates just how important this is. Education and the Gypsy, WMESTC. In this case there is a particular problem with the children who have profound hearing difficulties.

In short, to succeed in being taught one needs to attend regularly and for there to be a well structured continuity to the education you receive. To most of us as members of the settled population this is just commonsense. As a result we all make enormous sacrifices to insure that our children get the best education we can obtain for them. We of course have the added advantage in that we belong to a literate society that has had over 150 years experience of education. The Gypsy on the other hand does not enjoy these advantages. Their society is predominately uneducated or illiterate and they are only just experiencing what education is all about and how it can be of value to their society.

We in the settled community take for granted the need to keep children at the same school for as long as possible and will make tremendous efforts to achieve this aim. Yet, we never seem to consider the effect movement has on the traveller child. We accept that constant changing of school adversely affects the social confidence of our own children and yet we never give a thought to the constant movements we as a society add to the already considerable movements that the travellers have. ' Move them on' ' is the normal cry or if they own the land they are on', lets refuse them planning permission so we can move them on.

The double standards that we operate demonstrates an hypocrisy of majestic proportions. What we demand as of right for our own children we deny to the travellers. It is important for families to have a base in order for the children to receive an uninterrupted education. It is not possible for children to learn effectively if their primary needs are not catered for and they are deprived of continuity in the learning situation. The most basic of these primary needs is a secure home.

CONSIDERATION OF COMMON HUMANITY

Consideration of common humanity has to be taken account of as is noted in the Office of the Deputy Prime Ministers publication Managing Unauthorised Camping in paragraph 4.10 and also in R – v – Kerrier DC ex p Catherine Uzell & Others [1995] 71 P & CR page 45 paragraph 6.

Expanding families need stopping places just like their parents. The fact that they wish to live adjacent to or in groups, as members of the same family very often needs to be accepted. In the case of Brede & S Breaker – v – Epping Forest DC Section 78 (1) Appeal [2000] paragraphs 13 and 14 the Secretary of State allowed an extension of a site in the Green Belt in recognising the importance of the extended family tradition of the Gypsies. [ITEM 3]

HUMAN RIGHTS ISSUES

In determining any appeal by Gypsies the Inspector and the Secretary of State must consider their obligations under the Human Rights Act 1998. There is a positive obligation imposed upon the Contracting States in respect of the following articles of the European Convention on Human Rights :

- Article 1 Protocol 1, Entitlement to a peaceful enjoyment of possessions.
- Article 8: Respect for private, family and home life with a positive obligation on Contracting States to facilitate the Gypsy way of life.
- Article 14: Right not to be discriminated against.

These matters were dealt with in the celebrated case of Chapman which covered the three articles in paragraph 117 for Article 1; paragraph 68 for Article 8 and paragraph 126 for Article 14. The ECHR Case of Chapman stated that in dealing

with their obligations under the above listed Articles the following issues must be taken into consideration.

- The availability of alternative accommodation
- The suitability of the alternative accommodation
- The particular need of the appellant and families involved
- The financial resources available.

It is contended that in this particular case the importance of the findings in the Chapman case are well founded:

- The is no alternative accommodation available.
- The site is suitable in every way for the use being made of it.
- The needs of the families as described in their Statutory Declarations are all so apparent.
- Land prices in the area prohibits such families buying development Land.

CONCLUSIONS

There appears to be no good reason why in this case a planning permission should not be granted subject to the condition that the permission is restricted to Gypsies as defined in current legislation.

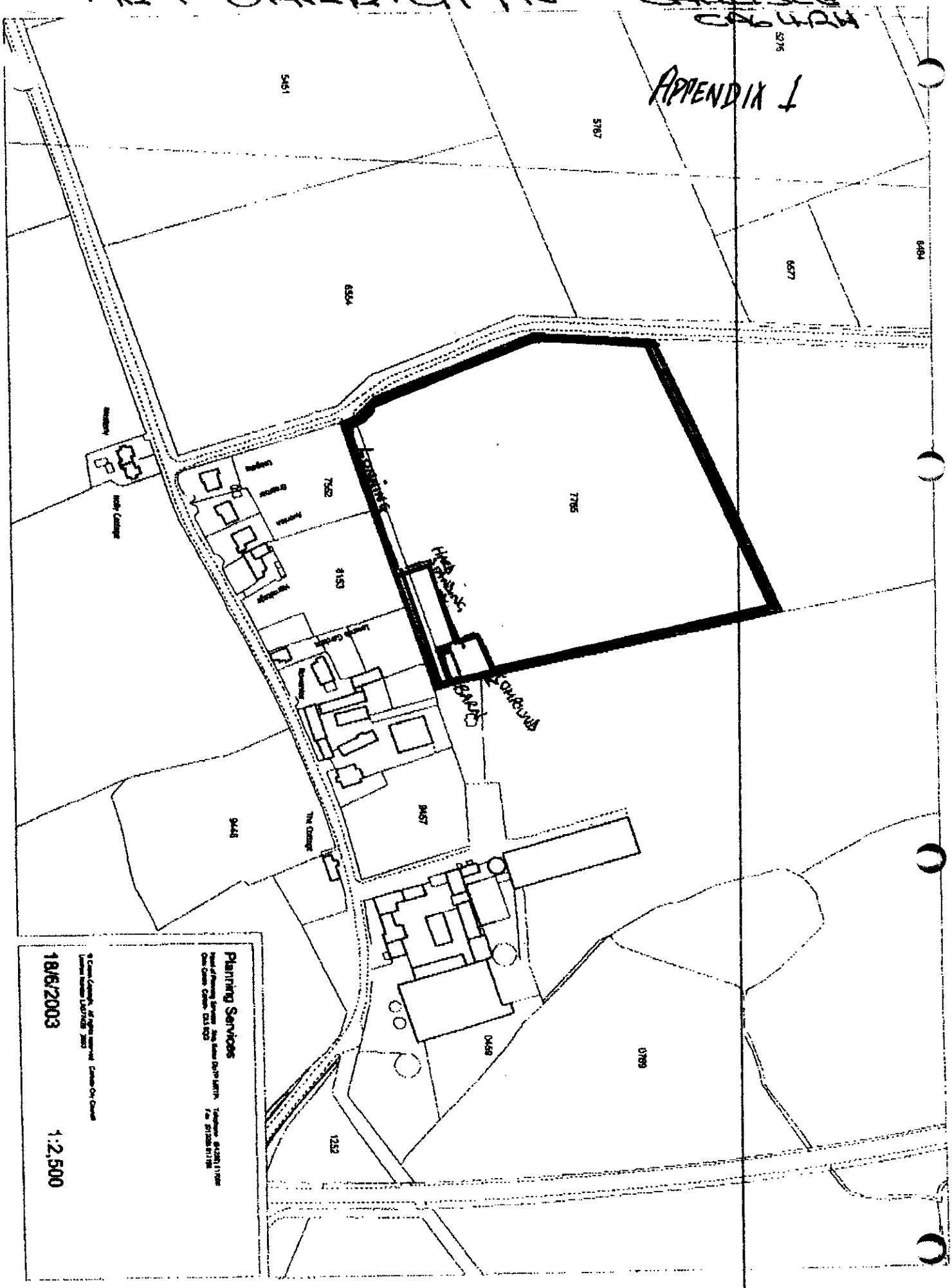
APPENDICES

ITEM 1	2,500 scale map showing the location.
ITEM 2	APP/N1926/A/01/106832 John Casey
ITEM 3	APP/J1535/A/99/1012660 J. Brede & S. Breaker

Copies of all printed matters are available.

MR P CARRIGAN

APPENDIX 1



RECEIVED
02 FEB 2006

APPENDIX 2.

19 Aug 04 11:24 Beresford-Webb 01547 528802 p.1
FILE No.809 09.05.'02 09:34 ID:CLP FAX:0121 236 5121 PAGE 1/ 10

GO-East

Angus

GOVERNMENT OFFICE
FOR THE EAST OF ENGLAND

Lindsay Speed
EnvironmentGroup
Victory House
Vision Park
Chivers Way
Histon
Cambridge
CB4 9ZR

Tel: 01223 202015
GTN: 3052 2015

Fax. 01223 202029
Internet email:
lspeed.go-east@go-regions.gsi.gov.uk
Website: http://www.go-east.gov.uk

Our Ref: APP/N1920/A/01/106832
4
Your Ref: 3631-PB-L26-LH

Mr P Brown
Bolton Emery Partnership
4 South Park Court
Hobson Street
MACCLESFIELD
Cheshire
SK11 8BS

RECEIVED
26 APR 2002

25 April 2002

Dear Sir

TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78(1)
APPEAL BY JOHN CASEY
LAND AT THE PYLON SITE, BARNET ROAD, POTTERS BAR
APPLICATION NO: TP/2001/0361

1. I am directed by the Secretary of State for Transport, Local Government and the Regions to say that consideration has been given to the report of the Inspector, Mrs L Drake, BSc, MSc, MRTPI, who held a local inquiry into your client's appeal against the decision of Hertsmere Borough Council to refuse planning permission for the change of use to Gypsy caravan site for 6 families with 12 caravans on land at The Pylon Site, Barnet Road, Potters Bar, Hertfordshire.

2. The Inspector, whose conclusions are reproduced in Annex A to this letter, recommended that the appeal be allowed and planning permission be granted subject to conditions. A copy of her report (IR) is enclosed.

3. The Secretary of State has given careful consideration to all the arguments for and against the appeal proposal and to the Inspector's conclusions and recommendation.

The Basis on which the Secretary of State has Determined the Appeal

4. At the inquiry it was agreed that, given the existing occupation of the site, the proposal should more correctly be considered as the continuation of the use of the land for the siting of 12 caravans for occupation by six families; the retention of the means of access to the highway, internal roadways and parking areas; and the provision of concrete

INVESTOR IN PEOPLE

RECEIVED
12 FEB 2006

hardstandings for the caravans (IR 17). The Secretary of State has therefore proceeded to determine your client's appeal on this basis.

Planning Policy Guidance Note 2: Green Belts and National Guidance on Gypsy Site Provision

5. The appeal site lies within the Green Belt. Government policy on Green Belts is set out in Planning Policy Guidance Note 2 "Green Belts" (PPG2). That policy states that there is a general presumption against inappropriate development in the Green Belt and that such development should not be approved except in very special circumstances. The construction of new buildings inside a Green Belt is inappropriate unless it is for a particular purpose. The purposes listed do not include the use of land for Gypsy caravan sites. Inappropriate development is, by definition, harmful to the Green Belt. Very special circumstances will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

6. Guidance on the provision of sites for Gypsy caravans is set out in Department of the Environment Circular 1/94. In that guidance, the Government recognised that many Gypsies would prefer to find and buy their own sites to develop and manage. Local Plans are, wherever possible, to identify locations suitable for Gypsy sites. Where that is not possible, plans should set out clear, realistic criteria for suitable locations, as a basis for site provision policies. The guidance repeats the advice that Gypsy sites are not regarded as being among those uses of land, which are normally appropriate in Green Belts.

The Development Plan

7. Under section 54A of the Town and Country Planning Act 1990, as introduced by section 26 of the Planning and Compensation Act 1991, the Secretary of State is required to determine your client's appeal in accordance with the development plan, unless material considerations indicate otherwise. The development plan for the area consists of the adopted Hertfordshire Structure Plan Review 1991 – 2011 and the adopted Hertsmere District Plan First Review 1998.

8. In considering your client's appeal, the Secretary of State has had regard to Structure Plan policies 5 (Green Belt) and 12 (Gypsy Sites). The gist of these policies is set out in paragraphs 7 and 8 of the Inspector's report.

9. The Secretary of State notes that the adopted Local Plan contains no policy specifically concerning Gypsies (IR 8). He has however had regard to adopted Local Plan policies 1 and 2, which set out the principal aims of the First Review and Green Belt policies.

10. The Hertsmere Local Plan is intended to replace the adopted 1991 Local Plan. In September 2000 the Council placed on deposit their Post-Inquiry Modifications Version and adopted these for development control purposes. Further Modifications were proposed in September 2001 but they did not involve any policies relevant to your client's appeal (IR 6).

Although the Hertsmere Local Plan has made considerable progress towards adoption, it is not yet part of the development plan. Nevertheless, its relevant policies are material considerations in the determination of the appeal and the Secretary of State has had regard to the Plan in reaching his decision. He has had particular regard to draft policies C1 (Green Belt); C15 (Development Criteria in the Green Belt) and S9 (Gypsies and Travellers). Details of these policies are given in paragraphs 7, 9 and 10 of the Inspector's report.

The Main Consideration in the Appeal

11. All the parties at the inquiry agreed that the proposal had to be regarded as inappropriate development within the terms of Structure Plan policy 5 and emerging Local Plan policy C1 (IR 7). The Council did not dispute the Gypsy status of any of the occupants of the appeal site (IR 19). The Secretary of State therefore takes the view that the main consideration in your client's appeal is whether there are very special circumstances that would justify allowing the development in the Green Belt. In determining whether very special circumstances exist the Secretary of State has had regard to the following issues:

i) Planning policies.

ii) The visual impact and effect on the openness of the Green Belt.

iii) The need for Gypsy sites in the area.

iv) Your client's accommodation needs

v) The educational needs of the occupants of the site.

vi) The families' healthcare needs.

The Secretary of State has also had regard to his obligations under Article 8 of the European Convention on Human Rights.

Issue (i): Planning Policies

12. The Inspector was of the opinion that Structure Plan policy 12 was very general in nature. She noted that neither its supporting text nor the County Council's Guide to Policy on Gypsies and Travellers made any assessment of need for Gypsy sites within the County, implying that that was the responsibility of District Councils. The Inspector also noted that the occupiers of the appeal site resided in, and had resorted to, the County for many years. In that respect, the appeal proposal would, in principle, accord with that policy (IR 54). Turning to draft Local Plan policy S9, the Inspector noted that it made no reference to the requirements of PPG3 regarding the assessments of housing needs and that, specifically, the emerging Local Plan contained no assessment of the need for Gypsy accommodation in the Borough (IR 55). She considered that draft Local Plan policy S9 did not accord with the requirements of PPG3 and Circular 1/94 in terms of deriving from an assessment of need for Gypsy site provision in the area or in providing clear, realistic criteria for suitable locations as

RECEIVED
02 FEB 2006

a basis for new Gypsy site provision. The Inspector therefore concluded that draft Local Plan policy S9 should carry only limited weight in the consideration of your client's appeal (IR 57 & 58).

13. The Secretary of State accepts that the appeal proposal accords to some extent with Structure Plan policy 12. The Inspector was critical of both Structure Plan policy 12 and emerging Local Plan policy S9 because neither derived from an assessment of need for Gypsy site provision in the area and also because policy S9 did not accord with the requirements of the latest version of PPG3. The Secretary of State agrees with the criticism in respect of PPG3. In respect of the assessment of need, he notes that while Mr Justice Sullivan said in his judgement in Egan v SSTLR & Hertsmere BC that it was by no means self-evident that a policy in respect of Gypsy caravan sites must contain a quantitative element in order to comply with the policy guidance in Circular 1/94, in this case the Inspector's criticism is that there is no quantitative assessment underlying the policy. Circular 1/94 does require a quantitative assessment to be made of the amount of accommodation required yet the Inspector found nothing in the supporting text for either policy to indicate that this had happened (IR54 and 55) and the witness for the local planning authority had no information that any such assessment had been made since Circular 1/94 was issued (IR55). The Secretary of State agrees with this criticism and for these reasons he considers that no more weight should be given to the draft policy than the Inspector accorded it.

Issue (ii): Visual Impact and Effect on the Openness of the Green Belt

14. On this issue the Inspector concluded, for the reasons given in paragraphs 61 – 65 of her report, that although the development would reduce the open appearance of part of the appeal site, the land was already well screened from public view by natural features, which could be enhanced, and that the visual impact of the development when seen from outside the site would be slight. That degree of harm had to be added to the harm by reason of inappropriateness in the Green Belt in assessing the proposal (IR 66). The Secretary of State agrees with the Inspector's assessment of impact upon the Green Belt. He considers that the harm that would be caused by allowing the appeal should be accorded some weight.

Issue (iii): The Need for Gypsy Sites in the Area

15. The Secretary of State shares the Inspector's view that the need for additional sites in Hertsmere and the Gypsy families' particular needs were important material considerations (IR 67). He also agrees with the Inspector that there was clearly a substantial shortage of lawful Gypsy sites in Hertfordshire in general and in Hertsmere in particular (IR 68). He has given this need considerable weight in determining your client's appeal. The Secretary of State notes that the emerging Local Plan did not identify any sites as being suitable as a private Gypsy site. He shares the Inspector's view that the Council was clearly in a difficult position in that all land outside the built-up areas was designated as Green Belt and that Circular 1/94 said that Green Belt land should not be allocated for Gypsy sites in development plans.

16. The Inspector noted that large swathes of the Green Belt in Hertfordshire were designated as Areas of Outstanding Natural Beauty (AONB) or Landscape Conservation Areas and that the majority of Gypsies resident in, or resorting to Hertfordshire wished to locate in the south of the County (IR 69). She concluded that, given the high price of land within urban areas, and the other competing demands for any available urban site, it was unrealistic to assume that a new Gypsy site in either Hertsmere or Hertfordshire would be anywhere but within the Green Belt. The Secretary of State agrees with this conclusion in so far as it relates to Hertsmere. However, as large parts of Hertfordshire are not within the Green Belt, he considers it would be more accurate to conclude that a new Gypsy site in south Hertfordshire would be more likely to be in the Green Belt. Nevertheless, he agrees with the Inspector that the appeal site had the relative benefit of being self-contained, well screened and not lying within an AONB of Landscape Conservation Area. He takes the view that these considerations should be given some weight in the determination of your client's appeal.

Issue (iv): Your Client's Accommodation Needs

17. The Inspector took the view that there was no realistic prospect of your client acquiring, or being offered to rent, an alternative site in Hertfordshire for himself and his wider family (IR 70). The Secretary of State agrees. The Inspector considered that that factor had to be a very special circumstance supporting their continued occupation of the appeal site. The Secretary of State does not consider it would be right, at this state, to refer to any consideration in favour of the appeal proposal as a "very special circumstance". Very special circumstances do not exist as such unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations (paragraph 3.2 of PPG2 refers). The Secretary of State has yet to undertake the Green Belt balancing exercise. He must first be satisfied as to the harm that would be caused to the Green Belt by the proposed development, in addition to the harm by reason of inappropriateness. He then must consider the material considerations put forward by your client in favour of the appeal proposal. It is then for the Secretary of State to decide whether or not these considerations clearly outweigh the harm, so as to justify inappropriate development in the Green Belt. At this stage, in respect of issue (iv), the Secretary of State has given some weight to the fact that there was no realistic prospect of your client acquiring, or being offered to rent, an alternative site in Hertfordshire for himself and his wider family.

Issue (v): The Families' Education Needs

18 The Inspector stated that the education needs of the children of Gypsy families, and in particular their need for a stable education had been accepted as a very special circumstances (sic) in a number of recent appeals (IR 71). The Secretary of State is of the opinion, for the reasons outlined in paragraph 17 above, that it would be more accurate to state that educational needs have been accepted as a material consideration to which weight can be attached; the degree of weight being dependent on the particular circumstances of the case.

19. The Secretary of State shares the Inspector's view that in your client's case a refusal of planning permission would make it all the more likely that the Council would enforce the

RECEIVED
02 FEB 2006

requirements of the injunction which they have already secured. He agrees that the almost inevitable disruption to the education of the children would have serious consequences for the individuals involved, and those younger children not yet of school age (IR 72). He considers that the families' education needs therefore carry considerable weight in this instance. He also agrees, for the reasons given by the Inspector, that there is no rational case for a time-limited permission because of education requirements (IR 73).

Issue (vi): The Families' Healthcare Needs

20. The Secretary of State agrees with the Inspector that the advantages to your client's family, and the public interest of meeting the health and welfare needs of the 32 residents of the appeal site were self evident. As the Inspector said, while they remain in a single location there was a good chance that those needs could be met, at minimum cost to the community (IR 74). The Secretary of State has therefore given weight to your client's and the families' healthcare needs.

The Overall Conclusions

21. The Inspector summarised the nature of the harm that would be caused by the development, in addition to the harm that would be caused by reason of inappropriateness, in paragraph 77 of her report. The Secretary of State agrees with this summary. The Inspector identified 8 factors, which must be weighed against the harm. The Secretary of State agrees, subject to the proviso that it would be more accurate to state under the second factor that "Realistically, any Gypsy site within south Hertfordshire is likely to be within the Green Belt". Subject to these reservations, however, the Secretary of State is satisfied that the factors in favour of the appeal proposal clearly outweigh the harm to the openness of the Green Belt, the character and appearance of the site, and the surrounding area, together with the harm that would be caused by reason of inappropriateness. Very special circumstances therefore exist which justify allowing the proposed inappropriate development. Consequently, the Secretary of State intends to allow your client's appeal.

The European Convention on Human Rights

22. The Secretary of State agrees with the Inspector that dismissal of your client's appeal would have resulted in an interference with the occupiers' home and private and family life under Article 8 of the European Convention on Human Rights (IR 75). However, as he intends to allow your client's appeal, the implications of Article 8 no longer need to be considered.

Planning Conditions

23. The Secretary of State has had regard to the conditions that should be imposed on the grant of planning permission. Seven conditions were suggested at the inquiry. The Inspector considered, for the reasons given in paragraph 79 of her report, that suggested conditions 1 and 3 – 7 were necessary. The Secretary of State agrees and will impose them on the grant of planning permission. The Council wished suggested condition 2 to be imposed, as a general

RECEIVED
02 FEB 2006

planning permission for a Gypsy site would establish a precedent for such permissions (IR 80). The condition would make the permission specific to the families currently occupying the appeal site.

24. The Secretary of State has given consideration to the justification for imposing suggested condition 2. He shares the Inspector's view that the grant of planning permission for any inappropriate development in the Green Belt requires the consideration of whether there are very special circumstances which outweigh the harm so caused, on a case by case basis. The Secretary of State has therefore given little weight to the Council's arguments relating to precedent. He agrees with the Inspector that in this instance the number and range of very special circumstances are considerable (IR 80). He agrees with the Inspector that the substantial shortage of lawful Gypsy accommodation in Hertfordshire in general and in Hertsmere in particular and the fact that any new sites were likely to be in the Green Belt carry considerable weight. However, he takes the view that it is only when the personal circumstances of the families are put into the equation that the Green Belt balancing exercise shows that the harm is clearly outweighed by the considerations in favour of the proposed development. He therefore considers that your client's personal circumstances are of crucial importance and that consequently suggested condition 2 should be imposed (IR 82). As suggested by the Inspector, specific reference will also be made to Arum and Breda Jones in the condition.

The Secretary of State's Formal Decision

25. For the reasons given above, the Secretary of State agrees with the Inspector's conclusions, except in so far as they relate to (i) the reference to the likelihood of a new Gypsy site in Hertfordshire being in the Green Belt and (ii) the wording of the Green Belt balancing exercise. He also accepts her recommendation. Accordingly, he allows your client's appeal and hereby grants planning permission for the continuation of the use of land for the siting of 12 caravans for occupation by six families; the retention of the means of access to the highway, internal roadways and parking areas; and the provision of concrete hardstandings for the caravans on land at The Pylon Site, Barnet Road, Potters Bar, Hertfordshire, in accordance with Application No. TP/2001/0361, subject to the conditions set out in Annex B to this letter.

26. Your client's attention is drawn to the fact that an Applicant for any consent, agreement or approval required by a condition of this permission has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused, or is granted conditionally or if the authority fail to give notice of their decision within the prescribed period.

27. This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than section 57 of the Town and Country

RECEIVED
02 FEB 2006

28. A separate note is enclosed setting out the circumstances in which the validity of the Secretary of State's decision may be challenged by the making of an application to the High Court.

29. Copies of this letter have been sent to Hertsmere Borough Council, everyone who appeared at the inquiry and those who asked to be notified of the Secretary of State's decision.

Yours faithfully

LINDSAY SPEED
Authorised by the Secretary of State
to sign in that behalf

RECEIVED
02 FEB 2006

CONCLUSIONS

52. The following conclusions are based on the information obtained at the inquiry, the written representations made and my inspection of the site and its surroundings. In this section the numbers in square brackets refer to the paragraphs in the previous section of the report.

Planning Policy (Paragraphs 6-12)

53. The use of part of the appeal site as a gypsy site would be inappropriate development within the Green Belt in terms of Structure Plan Policy 5 and Draft Local Plan Policy C1, as well as national policy guidance within PPG2 and Circular 1/94. Paragraph 3.2 of PPG2 says that inappropriate development is, by definition, harmful to the Green Belt. It is for the applicant to show why permission should be granted. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

54. Structure Plan Policy 12 is very general in nature and neither the supporting text, nor the County Council's Guide to Policy on Gypsies and Travellers, make any assessment of need for gypsy sites within the County, implying that this is the responsibility of district councils, using up to date information and regular counts. The occupiers of The Pylon Site reside in and have resorted to the County for many years and so the proposal would, in principle, accord with this policy. Although paragraph 21 of Circular 1/94 says that authorities should recognise that they may receive applications from gypsies without local connections which could not reasonably have been foreseen in their development plan policies. But to the extent that the site lies in the Green Belt, it has to be regarded as unsuitable.

55. Draft Local Plan Policy S9 was not included within the reasons for refusal of the application but was referred to by the Council in their appeal submissions. Although the Post Inquiry Modifications Version of the Local Plan was published in September 2000 it makes no reference to the requirements of PPG3 regarding the assessments of housing needs. Specifically neither this document, nor the Further Changes published in September 2001 contains any assessment of the need for gypsy accommodation in the Borough. Despite the commitment in the first sentence of the Policy that the need for additional sites will be reviewed in association with the County Council, the Council's planning witness had no information to indicate that such an assessment had been undertaken in the seven years since the Circular had been issued. The Local Plan gives no indication of what clear evidence of need would be required or what reasons would be adequate to meet the first criterion of the policy. These requirements also runs counter to the highlighted part of paragraph 21 of Circular 1/94 which says that authorities should not refuse private applications on the grounds that they consider provision in the area to be adequate, or because alternative accommodation is available elsewhere on the authorities' own sites.

56. Given that no land within the built up area is allocated as a gypsy site within the adopted or Draft Local Plan, and the very high prevailing land values in the area, it is extremely unlikely that a site within an urban area would be the subject of a planning application for gypsy use, except perhaps for a temporary period. The Council's planning witness agreed that an application for a gypsy site in Hertsmere was far more likely to involve a Green Belt location. He also agreed that the siting of a residential caravan on Green Belt land would detract from its openness and in almost every case would also detract from the visual amenity of the area (criterion (iii)).

57. In my view Local Plan Policy S9 does not accord with the requirements of PPG3 and Circular 1/94 in terms of deriving from an assessment of need for gypsy site provision in

02 FEB 2006

the area or in providing clear, realistic criteria for suitable locations as a basis for new gypsy site provision. A letter sent by the DETR to Chief Planning Officers in May 1998 drew their attention to the advice within Circular 1/94, reminding them that "compliance with the guidance was essential to fulfilling the government's objective that Gypsies should seek to provide their own accommodation, applying for planning permission like everyone else. It is essential therefore that adequate gypsy site provision is made in development plans to facilitate this process."

58. For these reasons I consider that the provisions of Draft Local Plan Policy S9 should carry only limited weight in the consideration of this appeal.

59. With regard to Local Plan Policy C15, the first two criteria imply a degree of flexibility with regard to the visual impact of development in the Green Belt which is not evident in criterion (iii) of S9, but criterion (iii) of C15 requires that development should not be harmful to the openness of the Green Belt. In this case I consider that the development would be relatively unobtrusive in any public view, subject to enhanced boundary treatment along the Barnet Road and additional planting at the site entrance, but that there would be some impact upon openness.

Main considerations

60. In my view the main considerations upon which the decision should be based are whether there are any very special circumstances in this case which clearly outweigh the harm which would be caused to the Green Belt and the character and appearance of the site and its surroundings were the appeal to be allowed.

The visual impact and effect upon the openness of the Green Belt. [paragraphs 3-5,17-18, 20, 28, 34, & 36-7]

61. I agree with my colleagues in the 1991 and 1995 appeals for similar proposals that that the use of even part of the appeal site for the stationing of caravans for residential use does detract from its openness and would represent an encroachment into the countryside. I also agree with them that the development undermines the aim of restricting the outward spread of the Potters Bar built up area along Barnet Road towards the M25.

62. However, if the use were not in existence the site would still contain the electricity pylon and railway ventilation shaft and a road system, presumably hard surfaced at least in part, would be required in order to provide access for inspection and maintenance purposes. When standing within the caravan site it has a developed appearance because of the number of caravans and the extensive areas of gravel surface. However, this would be lessened by the removal of much of the gravel surface and landscaping, including the planting of trees between the groups of caravans as shown on the application drawings. Public views into the site are limited essentially to those possible at the site entrance and through the hedge on Barnet Road. Trees on the M25 embankment screen it from passing traffic on this road.

63. The caravan site is not easily visible from the rear of the houses in Dove Lane, some 200 metres away. This is because of the distance involved, the presence of the rear garages, and the trees and shrubs growing on the embankment alongside the rear access lane to the garages and on the open land between the caravan site and the access lane. Additional planting is also proposed on this land by the appellant.

64. From Barnet Road the dominant features of the site are the pylon at the western end and the hedge alongside the road which runs for some 200 metres from the site entrance to the nearest house in the built up part of Potters Bar. The hedge is growing mainly on land

RECEIVED
02 FEB 2006

outside the site, believed to be in the ownership of the highway authority, and is some 4-5 metres high. It is sufficiently thick that even in mid November it creates an almost complete visual screen to the appeal site to passers by. The hedge thins out somewhat towards the caravan site entrance, (where there is a break in it for an electricity sub-station) but this is only obvious when standing directly opposite. It is proposed to site one caravan alongside this part of the boundary and another at 90 degrees to it but set further back from the road. The upper parts of these caravans, and possibly the two proposed in the northern corner of the caravan site, may be visible through the hedge and above the fence within the site during the winter months. But it is intended to provide a new, 2 metre high fence along this side of the site (the current fence is about 1.5 metres) and the visual impact from outside the site would be slight, especially from passing vehicles.

65. From the site entrance the main impression is of the fence around the base of the pylon, the hard-surfaced driveway and a caravan which at the date of the inquiry was parked just beyond the pylon. In the submitted layout this caravan would be moved further into the site and planting would take place around the entrance, to form the main focus of views into the site. By this means, views of the caravans and associated vehicles would be reduced to a minimum and the proposal would meet the requirements of the first two criteria of Draft Local Plan Policy C15 that developments should be as unobtrusive as possible. However, the proposal would not fully meet the stricter third criterion of draft Local Plan Policy S9 that new sites should not detract from the visual amenity of the area.

66. In conclusion I find that although the development would reduce the open appearance of part of the appeal site, the land is already well screened from public view by natural features, which could be enhanced, and the visual impact of the development when seen from outside the site would be slight. This degree of harm has to be added to the harm by reason of inappropriateness in the Green Belt in assessing the proposal.

Other material considerations

67. The need for additional gypsy sites within Hertsmere and the particular needs of the families involved in this appeal form a substantial part of the appellant's case and in my view are important material considerations. The case of *Hedges and Hedges v. Secretary of State for the Environment and East Cambridgeshire District Council* (Document 17) clarified the approach to be taken in these cases which is that the need for gypsy sites generally has to be considered separately from the personal needs and circumstances of the family involved. This is consistent with the needs-based approach to site provision of Circular 1/94 and PPG3.

The need for gypsy sites in the area [paragraphs 21,29-30, 38-42]

68. There is clearly a substantial shortage of lawful gypsy sites in Hertfordshire in general and in Hertsmere in particular. The fact that the Borough Council has sought injunctions to prevent the use of three sites owned by gypsies for the stationing of caravans (including the appeal site and at Ridge) is in itself evidence of a significant need for additional gypsy accommodation in the locality. The Green Ridge appeal (Document 5, Appendix 20) involved 12 families and it was accepted by the Secretary of State that there was clear evidence of need for a site. But on balance it was found that the need to protect the visual amenities of the surrounding area (the site is both in the Green Belt and within a very attractive part of a Landscape Conservation Area) outweighed the appellants' need for a settled base and their children's need for uninterrupted education. The families involved, and others, were still in occupation at the time of this appeal inquiry.

02 FEB 2006

69. The introduction to Policy S9 of the Draft Local Plan explains that the Council is unaware of any sites that would be suitable for use as a private gypsy site and the Local Plan therefore does not identify any. The Borough Council is clearly in a difficult position in that all land outside the built-up areas is designated as Green Belt and Circular 1/94 says that Green Belt land should not be allocated for gypsy sites in development plans. Large swathes of the Green Belt within Hertfordshire are also designated as AONB or landscape Conservation Areas. The County Council Gypsy Section acknowledge that the majority of gypsies resident in or resorting to Hertfordshire wish to locate in the south of the County, close to the London conurbation which greatly increases their ability to obtain work. Given the high price of land within urban areas, and the other competing demands for any available urban site, it is unrealistic to assume that a new gypsy site in either Hertsmere or Hertfordshire, assuming one or more could be identified, would be anywhere but within the Green Belt. The appeal site has the relative benefit of being self-contained, well screened and not lying within an AONB or Landscape Conservation Area.

The accommodation needs, and alternative options, for the families involved in this appeal. [paragraphs 31, 43-5]

70. In my view there is no realistic prospect of the appellant acquiring, or being offered to rent, an alternative site in Hertfordshire for himself and his wider family and this has to be regarded as a very special circumstance supporting their continued occupation of the appeal site. They have ties with the local area through long association, healthcare and education links and in my view it would be unreasonable to expect them to move to another part of the country, even if a more suitable site could be found and afforded. The refusal of planning permission in this case would inevitably result in a return to the insecurities and hardships of an itinerant lifestyle.

The educational needs of the families. [paragraphs 35, 46-8]

71. The educational needs of the children of gypsy families, and in particular their need for a stable education has been accepted as a very special circumstances in a number of recent appeals including the Basildon case of August 2000 (APP/V1505/A/99/1034851 etc, Document 5, Appendix 29) which was the subject of a High Court challenge in December 2000 (Document 12). Here it was found (paragraph 34) that quite apart from any considerations of common humanity, the needs of these particular gypsy families were a material consideration because they had a need for this development in this location. Their particular need for stability in the interests of the education of the younger children can also reasonably be seen as an aspect of the wider land use interest in the provision of gypsy sites, which interest includes the need for stable educational opportunities. Those personal circumstances entitled the Secretary of State to have regard to them as relevant to the decision he had to make in the public interest about the use of the land for the stationing of residential caravans.

72. The refusal of planning permission in this instance would make it all the more likely that the Council would enforce the requirements of the injunction which they have already secured and had their decision upheld in the Court of Appeal. The almost inevitable disruption to the education of the children would have serious consequences for the individuals involved, and those younger children not yet of school age, as I see no realistic likelihood of securing a regular and stable education when there is so little prospect of an alternative permanent site. It is principally through education that gypsy children will be able to choose, as they reach adulthood, whether to continue their traditional nomadic lifestyle, or seek permanent employment and housing outside the gypsy community.

02 FEB 2006

Denying them the opportunity of education denies them this choice in later life and thereby perpetuates, and potentially increases the need for gypsy caravan sites.

73. Given the broad age range of the children living on the site (four are under 5 years old) and the potential for more births to the two, second-generation family groups I see no rational case for a time-limited permission because of educational requirements

The healthcare needs of the families [paragraphs 49-50]

74. The advantages to the family, and the public interest of meeting the heath and welfare needs of the 32 residents of the appeal site, varying in age from 76 to under 1, are self evident. While they remain in a single location there is a good chance that these needs can be met, at minimum cost to the community. But a return to an itinerant lifestyle will both undo the good which has been achieved in the last 18 months and force a return to the disjointed and irregular provision and access which the families previously had to endure.

Other legislative provisions and international conventions [Paragraphs 22 & 25]

75. If the appeal were dismissed the Council would, in all probability, seek the vacation of the site by the families involved. Because of the severe shortage of alternative gypsy accommodation this would result in an interference with the current occupiers' home and private and family life under Article 8 of the European Convention on Human Rights. In my view the harm caused to the families would be greater than any visual harm to the environment and disproportionate to any claimed benefit. As I have decided to recommend that the appeal be allowed I do not address the question of whether dismissal of the appeal would result in a violation of their rights under Article 8 of the Convention.

Third Party Representations [paragraphs 33-37]

76. From my experience of gypsy site appeals this case is unusual in the amount of support expressed by local residents for the continued occupation of their site by the families involved, both in writing and in person at the inquiry. The objections are principally on the issues of development in the Green Belt, the precedent which might be set, the potential health risks to the families from the overhead electricity wires, the visual impact, loss of amenity to residents in Dove Lane and the effect upon local property prices. In my view only the first of these are of significant weight. The case needs to be considered on its own merits and, if permitted, would be on the grounds of very special circumstances outweighing the harm to the Green Belt. Similar cases would have to be considered on their own merits also. There is no proven health risk associated with living in proximity to the pylon and the appellants do not see this as a significant disadvantage. The visual impact from outside the site would be slight, particularly with a re-siting of some of the caravans and additional fencing and landscaping. The caravans are a considerable distance from the nearest houses in Dove Lane and are separated from them by an extensive area of open land. Any affect upon property prices is not a material planning consideration.

Overall Conclusions

77. The proposal would represent inappropriate development in the Green Belt which, by definition would cause harm to the Green Belt. The laying out of areas of hardstanding, the continued siting of mobile homes and touring caravans and the retention of the driveways and parking areas would undoubtedly result in a more developed appearance to the land than would be the case were the appeal to be dismissed and the requirements of the enforcement noticed to be complied with. The proposal would also conflict with national and local policies for the Green Belt and the precise requirements of Draft Local Plan

RECEIVED
02 FEB 2006

Policy S9. A decision to allow the appeal would also be contrary to the decisions on the two previous appeals for essentially the same development. However, against these must be weighed a number of factors:

- The site is self-contained and well screened from surrounding land. A re-positioning of some of the caravans closest to the road, as shown in the proposed layout plan, further tree planting within the site to break up the groups of caravans and close to the entrance and a new, 2 metre high fence along the road frontage and stained a dark colour would further reduce the visual impact of the development. Even if all parts of the unauthorised development were removed the large electricity pylon and brick railway ventilation shaft, with a vehicular access to them, would remain.
- The presumption against inappropriate development in the Green Belt in national and local policy is subject to the provision that such development may be exceptionally permitted where very special circumstances are considered to outweigh the harm by reason of inappropriateness, and any other harm. Realistically, any gypsy site within Hertfordshire is likely to be within the Green Belt.
- Neither the Structure Plan nor Local Plan Policies relating to gypsy site provision are based on a quantitative assessment of the need for sites, as required by Circular 1/94 and the recently issued PPG3.
- Proposed policy S9 of the draft Local Plan does not contain realistic or achievable criteria which might permit the provision of additional gypsy sites within Hertsmere. In requiring applicants to prove clear evidence of the need for a site in general and that site in particular it goes well beyond those of Circular 1/94 and PPG3 which expects local authorities to identify general needs and either identify specific sites or set out clear and realistic criteria against which sites can be judged. In my view the Draft policy should be given limited weight in this case.
- The two previous appeals pre-dated a number of important legal judgements and Secretary of State decisions with regard to the consideration of and the weight which may be given to the needs and personal circumstances of gypsies. These include *Ayers*, *Kerrier* and *Hedges* (Documents 15-17) and *Basildon District Council* (Document 12). Since the earlier decisions the Human Rights Act has also been enacted and the provisions of Article 8 in particular seem to me to be an important material consideration which was not an issue in the previous appeals.
- There is a severe shortage of suitable alternative and available sites within Hertfordshire, either for rent or purchase and a valid enforcement notice exists on the site under which the Council could take action to evict the occupiers. Were they to do so the gypsy families currently involved would be most likely to resort to unauthorised sites, quite possibly elsewhere in the Green Belt. The chances of them finding a suitable and site elsewhere in the foreseeable future is slim. This would result in considerable disruption to their family life, the education of the children and their healthcare, as well as their ability to find paid employment so that they can support themselves.
- Government policy seeks to encourage gypsies to provide and manage their own sites.
- The families have made considerable efforts over many years to find suitable alternative accommodation without success. Even if another site became available to buy, at current land values they do not have the resources to purchase it and are unlikely to acquire them. It is unrealistic to assume that affordable land will become available to rent in the local area, to allow them to maintain continuity of education and health care.

RECEIVED
02 FEB 2006

78. In my view these factors amount to very special circumstances which clearly outweigh the harm to the openness of the Green Belt and the character and appearance of the site and the surrounding area were the appeal to be allowed.

Conditions [paragraphs24 & 32]

79. If the Secretary of State were minded to allow the appeal I consider that conditions 1 and 3-7 of the conditions put forward by the Council and discussed at the inquiry (Document 21, attached as an annex to this decision) are necessary in order to:

(1) Ensure that the pitches are occupied only by gypsies falling within the statutory definition as it is only on the basis of need for gypsy accommodation that the proposal could be considered acceptable in this location.

(2) Control the number of mobile homes and touring caravans on each plot while allowing a single gypsy family to occupy each pitch and continue their nomadic life-style. The suggested condition would allow up to two touring caravans or one mobile home and one touring caravan to be placed on each pitch at any one time to give flexibility to the families involved.

(3) Provide for adequate parking and access areas to serve the needs of the occupiers, visitors and service vehicles.

(4) Expressly prevent the use of the land for any commercial or industrial activity, although it was agreed at the inquiry that the parking of vehicles used in the course of their business activities by the occupiers, provided they are less than 3.5 tonnes should be specifically permitted.

(5) Provide for adequate screening and landscaping, particularly along the Barnet Road frontage and at the site entrance in order to minimise the visual impact of the development. The time scales specified were considered reasonable by both parties, bearing in mind the limited funds available to the occupiers to carry out the works.

80. The Council requested, and the appellants have not objected to, condition 2 which would make the permission specific to the families currently occupying the site. The Council's main concern is that a general planning permission for a gypsy site would establish a precedent for such permissions, contrary to their policies, which would make it difficult for them to control similar applications in the future. The grant of planning permission for any inappropriate development in the Green Belt requires the consideration of whether there are very special circumstances which outweigh the harm so caused, on a case by case basis. In this instance the number and range of very special circumstances are considerable. Together they represent a very strong argument in favour of the grant of planning permission to the families involved, when weighed against the harm to the Green Belt by reason of inappropriateness and visual impact.

81. Although the personal circumstances of the families involved in this case are compelling, they are unlikely to be exceptional amongst the gypsy population. The substantial shortage of lawful gypsy accommodation in Hertfordshire in general and in Hertsmere in particular compared to the need expressed through the County Council's waiting list and the number of unauthorised encampments recorded on the County Council's Hotline; the fact that any new sites are likely to be in the Green Belt and the deficiencies of the Council's development plan policies in establishing a realistic basis on which private sites might be provided in my view amount to very special circumstances which in themselves are sufficient to justify a gypsy site in this location. I therefore consider that there are strong grounds for granting planning permission without a personal condition.

RECEIVED
02 FEB 2006

82. However, if the Secretary of State agrees with my recommendation, but considers the weight to be assigned to the personal circumstances of the individual families to be of critical importance to the necessary balancing exercise involved in all Green Belt cases, it is clearly an option to impose suggested condition 2. If that course of action is chosen I would suggest that Arann and Brede Jones (son and daughter-in-law to Arann and Jennifer Jones) are specifically added as the sixth family group for the sake of completeness. They have children of their own and are not necessarily dependants of the older generation and Arann's first cousin, John Casey (jnr) is identified as a separate family group. Their absence may have been a typographical error by the Council at the final drafting

RECEIVED
22 FEB 2006

ANNEX B

The Conditions Imposed on Planning Application TP/2001/0361

1. The occupation of the land and the caravans shall be restricted to persons defined as Gypsies in section 24(8) of the Caravan Sites and Control of Development Act 1960 or any Act revoking or re-enacting that Act.

2. The use of the land and occupation of the caravans shall ensure for the sole benefit of John & Bridie Casey, John and Lucy Casey, James & Eva Dooley, Aram & Jennifer Jones, Aram & Breda Jones and Peter Chivers and their dependants.

3. No more than 12 caravans (of which no more than 6 shall be static caravans) shall be stationed on the land at any one time.

4. Within one year of the date of this decision, the access and parking areas as shown on the approved plans shall be provided and thereafter permanently retained for parking and manoeuvring purposes. The space for manoeuvring purposes shall be capable of accommodating fire service and refuse vehicles.

5. No commercial activity shall take place on the site, including the storage of materials and stationing of any vehicle over 3.5 tonnes.

6. Within two months of the date of this decision, a scheme of hard and soft landscaping, incorporating suitable tree and shrub planting and indicating any areas to be grassed, details of the enclosure of the electricity pylon and the railway ventilation shaft and details of bin store enclosures shall be submitted to the Local Planning Authority for their written approval. The hard and soft landscaping scheme shall give details of the size, species and spacing of all proposed trees and shrubs and set out the specification including colours of all hardsurfacing materials. The landscaping scheme, enclosure of the electricity pylon and the railway ventilation shaft and the bin store enclosures shall be fully implemented as approved within one year of the date of the approval of details. Any trees or shrubs which die, are removed or become seriously damaged or diseased within a period of five years from the date of the approval of details shall be replaced in the first available planting season with others of similar size and species unless the Local Planning Authority gives prior written consent to any variation. The enclosure of the electricity pylon and the railway ventilation shaft and the bin store enclosures shall thereafter be permanently retained.

7. Within two months of the date of this decision, a scheme for the treatment of the front boundary of the site (facing Barnet Road) using walls, fences, gates or other means of enclosure shall be submitted to the Local Planning Authority for their written approval. Within one year of the date of the approved details, the approved scheme shall be carried out and thereafter permanently retained.

APPENDIX 3

GO-East

GOVERNMENT OFFICE
FOR THE EAST OF ENGLAND

Dr R K Home
Chartered Town Planner
91 Mortimer Road
LONDON
N1 4LB

RECEIVED
02 FEB 2006

ANDREW N HAYES
Planning & Transport Division
Heron House
49-53 Goldington Road
Bedford
MK40 3LL

Tel: 01234 796330
GTN: 3013 6330
Fax: 01234 796341

5 January 2000

Our Ref: APP/J1535/A/99/1017660
Your Ref: Brede

Dear Sir

TOWN AND COUNTRY PLANNING ACT 1990 - SECTION 78(1)
APPEAL BY J BREDE & S BREAKER
LAND AT SILVERWOOD AND SPRINGFIELD YARDS TYLERS CROSS NURSERY BROADLEY COMMON NAZEING
APPLICATION NO: EPF/960/98

1. I am directed by the Secretary of State for the Environment, Transport and the Regions to say that consideration has been given to the report of the Inspector, Miss B M Campbell, BA(Hons), MRTPI, who held a local inquiry into your clients' appeal against the decision of Epping Forest District Council to refuse planning permission for the change of use of land to accommodate an extension of the existing travellers' mobile home/caravan site, with an increase of seven homes, making a total of nine on land at Silverwood and Springfield Yards, Tylers Cross Nursery, Broadley Common, Nazeing, Essex.

2. The Inspector, whose conclusions are reproduced in the annex to this letter, recommended that the appeal be dismissed. A copy of her report (IR) is enclosed.

3. The Secretary of State has given careful consideration to all the arguments for and against the appeal proposal and to the Inspector's conclusions and recommendation. In considering the report, the Secretary of State has read "document 6, appendix 12" in lines 2 and 3 of paragraph 24 as "document 7, appendix 12".

The Nazeing and South Roydon Conservation Area

4. Tylers Cross Nursery, together with the adjoining nursery to the south, are surrounded by, but excluded from, the Nazeing and South Roydon Conservation Area. In determining your clients' appeal, the Secretary of State considers it appropriate that he should have regard to the desirability of preserving or enhancing the character or appearance of the Conservation

RECEIVED
02 FEB 2006

Area, as is required by section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The Development Plan

5. Under section 54A of the Town and Country Planning Act 1990, as introduced by section 26 of the Planning and Compensation Act 1991, the Secretary of State is required to determine your clients' appeal in accordance with the development plan, unless material considerations indicate otherwise. The development plan for the area consists of the adopted Second Alteration Essex Structure Plan 1995, together with the retained and unaltered policies from the approved Structure Plan 1985 and the approved First Alteration 1991, and the adopted Epping Forest District Local Plan 1998.

6. In determining your clients' appeal, the Secretary of State has had particular regard to Structure Plan policies S1, S6, S7, S9, BE6, C1, T4, NR1, NR10 and NR15 and to Local Plan policies GB1, GB2, H11, HC6, E13, T17, LL1, LL2, LL3, LL11 and DBE9. Details of those policies are set out in paragraphs 20 –22 and 24 – 26 of the Inspector's report.

7. The Essex Replacement County Structure Plan has been placed on deposit and an Examination in Public has been held. Although not part of the development plan, the relevant emerging policies within the Replacement Structure Plan are a material consideration in the determination of the appeal. The Plan recognises that there is an urgent need for additional sites given the scale of gypsy presence in Essex. That need is reflected in emerging policy H6, details of which are set out in paragraph 28 of the Inspector's report. The Secretary of State has had regard to that policy in determining your clients' appeal.

Planning Policy Guidance Note 2: Green Belts and National Guidance on Gypsy Site Provision

8. Government policy on Green Belts is set out in Planning Policy Guidance Note 2 (PPG2). That policy, as reflected generally in the development plan, states that there is a general presumption against inappropriate development in the Green Belt and that such development should not be approved except in very special circumstances. Paragraph 3.4 of PPG2 states that the construction of new buildings inside a Green Belt is inappropriate unless it is for a particular purpose. The purposes listed do not include the use of land for gypsy caravan sites. Inappropriate development is, by definition, harmful to the Green Belt. It is for the Applicant to show why permission for such development should be granted.

9. Guidance on the provision of sites for gypsy caravans is set out in Department of the Environment Circular 1/94. In that guidance, the Government recognised that many gypsies would prefer to find and buy their own sites to develop and manage. Local Plans are, wherever possible, to identify locations suitable for gypsy sites. Where that is not possible, plans should set out clear, realistic criteria for suitable locations, as a basis for site provision policies. The guidance repeats the advice that gypsy sites are not regarded as being among those uses of land which are normally appropriate in Green Belts

RECEIVED
02 FEB 2006

The Main Issues in the Appeal

10. Your clients' gypsy status was not in dispute. It was also accepted that the proposal was for inappropriate development in the Green Belt (IR 29 & 68). The Secretary of State considers that the main issues in your clients' appeal are whether:

i) the proposed development would harm the character and appearance of the area, having regard to the Green Belt designation, the rural setting, and the neighbouring Conservation Area;

ii) the proposed development would have a detrimental effect on highway safety along the B181, Epping Road; and

iii) there are any very special circumstances which would justify allowing the inappropriate development.

Issue (i) – The Harm to the Character and Appearance of the Area

11. The Inspector concluded, for the reasons given in paragraphs 69 – 73 of her report, that the proposal would harm the character and appearance of the area. The loss of openness would damage the integrity of the Green Belt and the consolidation of development on the Nursery would harm the rural scene and the setting of the neighbouring conservation area. The apparent visual damage, however, would be limited by the particular characteristics of the locality and could be further mitigated by the implementation of suitable landscaping. The Secretary of State agrees with the Inspector. He accepts the Inspector's comment that the fact that development might not be easily seen was not, by itself, a good argument as it could be repeated too often to justify development in the Green Belt/countryside.

Issue (ii) – Highway Safety

12. The Secretary of State agrees with the Inspector that every additional vehicle emerging from a substandard access presents a potential traffic hazard (IR 79). He also agrees with the Inspector, for the reasons given in paragraphs 75 – 78 of the report, that the appeal proposal would have a harmful effect on the conditions of highway safety along the B181, Epping Road. He accepts that that contributes to the unsuitable nature of the site, in addition to the objections found in relation to the first main consideration. However, the Inspector concluded that, on balance, the increased use of the access arising from the development is not an overriding factor sufficient to justify a refusal on highway grounds (IR 79). The Secretary of State agrees.

Issue (iii) – The Very Special Circumstances

13. The Inspector noted that policy H6 of the draft Replacement Structure Plan is more up to date than the existing Plan and that it requires Local Plans to make further site provision for gypsies residing in or resorting to the area where appropriate. Criterion (i) of Local Plan

RECEIVED
02 FEB 2006

policy H11 recognises that in the case of gypsies, there might be special circumstances which would justify an exception to the Green Belt policies of restraint (IR 80). The Secretary of State agrees that your clients' children, for whom the proposed pitches are intended, are of an age where they might be expected to live in separate accommodation from their parents. He accepts that they have strong links with the area both historically and taking into account the close family ties. He shares the Inspector's opinion that it is not unreasonable for them to seek to remain in the area to which they are associated (IR 81).

14. In considering this appeal, the Secretary of State has given weight to the recognised severe shortage of gypsy accommodation within the County and District. He has also taken account of the fact that all land outside identified towns and settlements in the District is Green Belt. Although the Secretary of State accepts that there is no essential need for the children to live on that particular site, rather than in the general area, he has given weight to your clients' argument that it is not uncommon to find several generations of gypsies staying together on the same land reflecting the extended family tradition (IR 35). He considers that the importance of the extended family tradition outweighs the fact that there is now no essential need for the children to reside on the appeal site.

15. The proposed development would harm the character and appearance of the area and the openness of the Green Belt. The consolidation of development would harm the rural scene and the setting of the conservation area. In addition, the increased use of the access onto Epping Road contributes to the unsuitable nature of the appeal site. However, the apparent visual damage would be limited by the particular characteristics of the locality and could be further mitigated by suitable landscaping. The effect on road safety is also not an overriding factor sufficient to justify a refusal on safety grounds alone. When added to the harm to the character and appearance of the area and the Green Belt, the Secretary of State is satisfied that the effect of the appeal proposal on road safety is still not enough to justify refusal. Your clients have not undertaken a search to ascertain whether other more suitable sites exist or taken up the Council's offer to discuss alternative solutions. Nevertheless, the Secretary of State considers that, even assuming that the requisite site or sites could be identified, they would in all probability also be in the Green Belt. In the Secretary of State's opinion, this factor, together with the desirability of maintaining the traditional gypsy family unit, outweigh the disadvantages identified by the Inspector. Taken with the severe shortage of gypsy accommodation in Essex and the District, he is satisfied that, in this instance, very special circumstances exist which justify allowing your clients' appeal.

Planning Conditions

16. The Secretary of State has had regard to the conditions which should be imposed on the grant of planning permission. The Inspector considered that if the appeal were to be allowed, then the conditions set out in paragraphs 64 and 65 of her report should be imposed. The Secretary of State agrees. He also agrees with the Council that the possibility of widening your clients' first suggested condition to enable occupation by other relations of your clients should not be accepted. He shares the Council's view that such a widening of the condition

RECEIVED
02 FEB 2006

would be difficult to enforce and would go beyond the arguments put forward to justify the inappropriate development in the Green Belt (IR 64).

The Secretary of State's Formal Decision

17. For the reasons given above, the Secretary of State does not accept the Inspector's recommendation that the appeal be dismissed. Accordingly, he allows your clients' appeal and hereby grants planning permission for the change of use of land to accommodate an extension of the existing travellers' mobile home/caravan site, with an increase of seven homes, making a total of nine on land at Silverwood and Springfield Yards, Tylers Cross Nursery, Broadley Common, Nazeing, Essex, in accordance with Application No EPF/960/98, subject to the following conditions:

i) The use hereby permitted shall be carried on only by the children of Mr J Brede and Mr S Breaker and their dependants.

ii) No more than one lorry parking space per pitch shall be provided, and no such space shall be used for parking a Heavy Goods Vehicle. Subject thereto, no part of the development hereby permitted shall be used for any business or open storage purposes.

iii) The number of mobile homes/caravans per pitch hereby permitted shall be limited to two, one of which shall be a touring caravan.

iv) Within three months of the date of this permission, details of a scheme for the landscaping of the site shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be carried out only in accordance with the approved details and only in accordance with a timetable to be agreed in writing beforehand by the Local Planning Authority.

18. Your clients' attention is drawn to the fact that an applicant for any consent, agreement or approval required by a condition of this permission has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused, or is granted conditionally or if the authority fail to give notice of their decision within the prescribed period.

19. This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than section 57 of the Town and Country Planning Act 1990.

20. A separate note is enclosed setting out the circumstances in which the validity of the Secretary of State's decision may be challenged by the making of an application to the High Court.

RECEIVED
02 FEB 2006

21. Copies of this letter have been sent to Epping Forest District Council, those parties who appeared at the inquiry and the local residents who asked to be notified of the Secretary of State's decision.

Yours faithfully

ANDREW N HAYES
Authorised by the Secretary of State
to sign in that behalf

STATUTORY DECLARATION

I, PETER CARRIGAN, of no fixed abode but with a postal address, 63 Milbourne Street, Denton Holme, Carlisle in the county of Cambria, Do Solemnly and sincerely Declare as follows :

1. I am a Gypsy traveller born and bred, married to a Gypsy. We have 6 children aged 11, 9, 7, 6, 3 and 2. One of my daughters is handicapped by being deaf and this makes it very worrying when travelling and camping on the roadside. We really need a secure base for the family were I can safely leave them when I have to travel away with my work.

2. I earn my living by Horse Dealing and Scrap collecting. This takes me all over the northern area of the UK. At present I am renting grazing in addition to my land at Blackford but I am desperate for stabling especially during the winter months. There is no cover for the horses either on the land I rent or on my land.

3. I brought the land at Blackford with the intention of making a home for the family. Somewhere for us to bring our caravans and keep our horses. There is ample room there and we would be safe.

4. My children are all aged between 2 and 11 years of age and there is a good school within ½ a mile of the land. I mange to keep them in school most of the time but this is not always possible without a secure base.

RECEIVED
02 FEB 2006
20061013 4

5. The children all need a good education if they are to have any real future and it is whilst they are young it has the most effect. My children are Katrina now aged 11, Charmaine aged 9, Shannon aged 7, Peter aged 6, Niomi is 3 and Isaac is 2. With children of this age we desperately need a base which is always there for us.

6. I have tried to get planning for a shelter for my horses before but for some reason that makes no sense to me we are always being turned down. The last time the Council claimed there would be to many movements to and from the land. This makes no sense a I have to make probably more movements to and from the site living away from the land. Horses need twice daily attention at all times.

7. The use of the land at Blackford would have a considerable effect on my need to travel so much in the area. To me this makes sense.

AND I MAKE THIS DECLARATION conscientiously believing the same to be true by virtue of the Statutory Declarations Act 1835.

Signed by the said

Mr Peter Carrigan

Before me :

A Solicitor/~~Commissioner of Oaths~~

This the 10th day of November 2005.

SCHEDULE A: Applications with Recommendation

06/0218

Item No: 05 Date of Committee: 21/04/2006

Appn Ref No:	**Applicant:**	**Parish:**
06/0218	Montgomery Homes Ltd	Castle Carrock
Date of Receipt:	**Agent:**	**Ward:**
16/02/2006	Green Design Group	Great Corby & Geltsdale
Location:		**Grid Reference:**
L/A Field 3328, Castle Carrock, Castle Carrock		354350 555270

Proposal: Revised Proposals for the Erection of 9 No. Dwellings Comprising Minor Revisions to Site Layout and Substitution of House Types to Provide 2 No. 4 Bed Houses, 3 No. Single Storey 4 Bed Dwellings, 2 No. Single Storey 3 Bed Dwellings and 2 No. 2 Bed Houses.

Amendment:

REPORT

Reason for Determination by Committee:

In the light of the objections received from interested parties and the expressed desire by two people to exercise their right to speak.

Planning Policies:

Carlisle District Plan
Environment - Policy E3

Within and adjacent to the North Pennines and Solway Coast Areas of Outstanding Natural Beauty, permission will not be given for development which would be unacceptably detrimental to the present character and quality of the landscape. Development proposals should seek to conserve or enchance the present character and quality of the landscape through appropriate siting, design, materials and landscaping. Large scale development will only be permitted where there is proven national need and lack of an alternative site.

Carlisle District Plan
Environment - Policy E22

New development will only be permitted if foul sewers and sewage treatment works of adequate capacity and design are available or will be provided in time to serve the development. Within unsewered areas, development which requires the use of

septic tanks or other waste water management systems will only be permitted if ground conditions are satisfactory and the plot of land is of sufficient size to provide an adequate subsoil drainage system.

Carlisle District Plan
Environment - Policy E50

The loss to built development of significant public and private open spaces within settlements will not be permitted.

Carlisle District Plan
Housing - Proposal H5

Within the following settlements, large scale residential development will not be permitted. Proposals for small scale residential development will normally be acceptable providing that:

1. The site is well related to the landscape of the area and does not intrude into open countryside; and

2. The scale of the proposed development is well related to the scale, form and character of the existing settlement; and

3. The layout of the site and the design of the buildings is well related to existing property in the village; and

4. The siting and design of the buildings is well related to and does not adversely affect the amenity of neighbouring property; and

5. Appropriate access and parking can be achieved; and

6. The proposal will not lead to the loss of amenity open space within or at the edge of the settlement; and

7. The proposal will not lead to the loss of the best and most versatile agricultural land.

Aglionby, Baldwinholme, Banks, Barclose, Beaumont, Blackford, Blackwell, Boltonfellend, Boustead Hill, Broadwath, Brisco, Brunstock, Burgh-by-Sands, Burnrigg, Cardewlees, Cargo, Carleton, Castle Carrock, Cotehill, Cumdivock, Cummersdale, Cumrew, Cumwhinton, Cumwhitton, Durdar, Easton, Farlam, Faugh, Fenton, Gaitsgill, Gilsland, Great Corby, Great Orton, Grinsdale, Hallbankgate, Harker, Hayton, Hayton Townhead, Heads Nook, Hornsby, Boughton, How Mill, Irthington, Kirkcambeck, Kirkandrews-on-Eden, Knells, Lanercost, Laversdale, Linstock, Little Orton, Low Crosby, Longburgh, Low Row, Lyneholmeford, Midgeholme, Milton, Moat, Monkhill, Moorhouse, Newby East, Newtown, Raughtonhead, Rockcliffe, Rickerby, Scaleby, Scotby, Smithfield, Stainton, Stockdalewath, Talkin, Tarraby, Thurstonfield, Tindale, Todhills, Walton, Warwick-on-Eden, Warwick Bridge (including Little Corby & Corby Hill), Westlinton,

Wetheral, Wetheral Pasture.

Carlisle District Plan
Housing - Proposal H15

Within the Plan area, where there is evidence of need, developers will be encouraged to meet the needs of disabled people. In these instances dwellings should be readily accessible for disabled people and be capable of adaptation to meet the needs of any future disabled resident.

Carlisle District Plan
Housing - Proposal H16

High standards of design in new housing sites and dwellings will be required. Matters to be considered include: The layout of roads and buildings; footpaths and cycleways; the retention of existing trees and hedgerows; planning out crime; the provision of public open space;the relationship to adjacent development.

Carlisle District Plan
Leisure - Proposal L5

The City council will seek to retain all existing bridleways, footpaths and rights of way and to establish new routes wherever possible. New development should seek to maintain the existing rights of way network and provide replacement routes for any lost to new development.

Carlisle District Local Plan 2001 - 2016 Deposit Draft
Core Development Policies - Policy CP1

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

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

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

Carlisle District Local Plan 2001 - 2016 Deposit Draft
Core Development Policies - Policy CP2

Within the North Pennines and Solway Coast Areas of Outstanding Natural Beauty, and their settings, permission will not be given for development that would harm the special characteristics and landscape quality of the areas. Development proposals must conserve or enhance the natural beauty of the areas, including scenic qualities, landform, ecology, geology and cultural interests, so that these qualities can be enjoyed by present and future generations.

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

Carlisle District Local Plan 2001 - 2016 Deposit Draft
Core Development Policies - Policy CP15

The suitability of any new development or redevelopment will be assessed against the following design principles. Proposals should:

1. Harmonise with the surrounding buildings respecting their form in relation to height, scale and massing and making use of appropriate materials and detailing.
2. Take into consideration any important landscape or topographical features.
3. Reinforce local architectural features where appropriate promoting and respecting local distinctiveness rather than detracting from it.
4. Be well integrated- ensuring all components of a development are well related to one another e.g. buildings, associated parking, access routes, open space, and hard and soft landscaping to ensure a successful and attractive outcome.
5. Not adversely affect the residential amenity of existing areas and nearby users, nor result in unacceptable standards for future users and occupiers of the development. (see Policy CP16)
6. Ensure where possible the retention of existing trees, shrubs, hedges and other wildlife habitats and the replacement of any environmental feature lost to development (see Policy CP7)
7. Recognise that landscaping schemes (both hard and soft) will be required to assist in integrating new development into existing areas and ensure that development on the edge of settlements is fully integrated into its surroundings.
8. Ensure that the necessary services and drainage infrastructure can be incorporated without causing unacceptable harm to retained features.
9. Through layout and design, encourage the promotion of energy conservation by its future occupiers, the incorporation of sustainable forms of energy production

within the overall design should also be explored where appropriate (see Policy CP19)

10. Have a layout and design which minimises the potential for crime and antisocial behaviour. (see Policy CP34)

Carlisle District Local Plan 2001 - 2016 Deposit Draft
Core Development Policies - Policy CP17

In order to sustain the local environment consideration will be given to locally sourced traditional materials to maintain the local character of buildings and their environment.

Within conservation areas the City Council will seek to ensure that existing traditional materials are reinstated following repairs to roads, pavements, kerbs and underground services.

Carlisle District Local Plan 2001 - 2016 Deposit Draft
Core Development Policies - Policy CP33

Permission will not be granted for development that would result in the loss of amenity open spaces within settlements.

Carlisle District Local Plan 2001 - 2016 Deposit Draft
Housing - Policy H1

New housing development will be located in sustainable locations in accordance with PPG 3: *Housing,* Regional Planning Guidance and the Joint Structure Plan. During the Plan period 80% of new development will be located within the urban area of Carlisle, including allocated sites on the edge of the City referred to in Proposal H15. The remaining 20% will be permitted in the rural area of the District with the focus on the two Key Service Centres of Brampton and Longtown.

In the remainder of the rural area small-scale development will be located in accordance with Policy CD1 and other policies of this Plan to ensure that:

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

land.

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

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

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

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

Carlisle District Local Plan 2001 - 2016 Deposit Draft
Housing - Policy H3

On new residential development the City Council will seek to achieve an average density of between 30 and 50 dwellings per hectare in accordance with PPG 3. The level of density will be required to reflect the opportunity to provide the best use of land as well as taking into account site conditions and the nature of the surrounding development. Developments close to the City Centre will be expected to be a higher density achieving over 50 dwellings per hectare.

Carlisle District Local Plan 2001 - 2016 Deposit Draft
Housing - Policy H5

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

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): As both estate roads do not comply with the "Cumbrian Design Guide" they would have to remain as private

shared driveways. It is recommended that both junctions be widened to 4.8 metres to avoid vehicles having to wait on the public highway to gain access to the developments.

Both junctions within the public highway need to be constructed and drained to full Highway Authority standards. It is requested that a further detailed plan be submitted for approval which addresses the above requirements.

United Utilities (former Norweb & NWWA): No objection to the proposal provided the site is drained on a separate system with only foul drainage connected into the foul sewer. Surface water should discharge to the watercourse/soakaway/surface water sewer and may require the consent of the Environment Agency. If surface water is allowed to be discharged to the public sewerage system it may be required that the flow is attenuated to a maximum discharge rate determined by United Utilities.

If any sewers on this development are proposed for adoption then the developer should contact the Sewer Adoptions Team. A water supply can be made available to the proposed development. The water mains will need extending to serve any development on this site.

Should this planning application be approved, the applicant should contact Service Enquiries regarding connection to the water mains/public sewers.

North Pennines AONB Partnership: Comments awaited.

Carlisle Airport: Object to the proposal. This is a large development and it is located close to the Airport in an area clearly designated on the official Safeguarding Map as being one within which all development ought to be objected to.

Carlisle Airport plans to grow its flying operation and there will, in the future, be an undoubted increase in movements including jet and turboprop aircraft. This will entail an increase in hours and engine noise, thus raising the spectre of public protest.

It must be a matter of public record that Carlisle Airport objected to this development on the stated grounds and amplified its reasoning on the issue of noise and increased operating hours. No doubt purchasers of these properties, should the development go ahead, will be informed by their legal advisors of the existence of this objection.

Castle Carrock Parish Council: Comments awaited.

Ramblers Association: No objection provided that there is no interference with the public's right of way over the adjacent footpath (FP 110018).

Commercial &Technical Services - Drainage Engineer: Comments awaited.

Council for Protection of Rural England: Comments awaited.

Summary of Representations:

Representations Received

Initial:	Consulted:	Reply Type:
	22/02/06	
	22/02/06	
	22/02/06	
	22/02/06	
	22/02/06	
	22/02/06	
	22/02/06	
	22/02/06	
	22/02/06	
	22/02/06	
	22/02/06	
	22/02/06	Undelivered
	22/02/06	
	22/02/06	
	22/02/06	
	22/02/06	
	22/02/06	
	22/02/06	
	22/02/06	
	22/02/06	
	22/02/06	
	22/02/06	
	22/02/06	
	22/02/06	
	22/02/06	
	22/02/06	
	22/02/06	
	22/02/06	
	22/02/06	
	22/02/06	
	22/02/06	
	22/02/06	
	22/02/06	
	22/02/06	
	22/02/06	
	22/02/06	
	22/02/06	
	22/02/06	
	22/02/06	
	22/02/06	
	22/02/06	
	22/02/06	
	22/02/06	
	22/02/06	
	22/02/06	
	22/02/06	
	22/02/06	
	22/02/06	
	22/02/06	Objection
	22/02/06	
	22/02/06	
	22/02/06	
	22/02/06	
	22/02/06	
	22/02/06	
	22/02/06	
	22/02/06	Undelivered
	22/02/06	
	22/02/06	
	22/02/06	

22/02/06	
22/02/06	
22/02/06	
22/02/06	
22/02/06	
22/02/06	
22/02/06	
22/02/06	
22/02/06	Objection
22/02/06	
22/02/06	
22/02/06	
22/02/06	
22/02/06	
22/02/06	
22/02/06	Undelivered
22/02/06	
22/02/06	
22/02/06	
22/02/06	
22/02/06	
22/02/06	
22/02/06	
22/02/06

SCHEDULE A: Applications with Recommendation

06/0218

22/02/06
22/02/06
22/02/06
22/02/06
22/02/06
22/02/06
22/02/06
22/02/06
22/02/06
22/02/06
22/02/06
22/02/06
22/02/06
22/02/06
22/02/06
22/02/06
22/02/06

Objection

This application has been advertised in the form of press and site notices, and, 132 formal notification letters sent. In response eight letters of objection/concern have been receive raising the following points:

- The planning application approved by the Planning Inspectorate differs from the current plans displayed in the Village Hall. The material difference being that the village amenity has been withdrawn; the two semi-detached two bedroom homes are not for rent to local people but for sale to the public. The previously approved development should be progressed;

- If the applicant wishes to file ever more applications then these ought to be minor revisions not wholesale changes as proposed in application 06/0218;

- These alterations should be directed only to the Secretary of State and the appointed Inspector should view them against the preconditions contained in the aforementioned Appeal Decision;

- It appears that the applicant has revisited the project and has concluded that he can't make quite as much profit on the development as he originally intended. Whether or not the developer feels that this configuration is commercially viable is not really the point;

- Whilst the revised house types seem to be an improvement, and, in greater keeping with the character of the Village, there is considerable concern re. their proposed finish, specifically regarded the extent of the rendering that would be employed, as it is felt that this would have a detrimental visual impact on the centre of the Village;

- Only a very small section of the wall onto the road remains standing. Would like to be assured that the wall will be reinstated; and,

- The Village does not need or want further housing.

Details of Proposal/Officer Appraisal:

Planning History:

In a comparatively short period of time the site appears to have acquired an extensive planning history. Based upon which it is felt that the following aspects need to be highlighted:

a) Under application number 02/0196 planning permission to accommodate 16 dwellings including 4 low-cost houses for local needs, was refused at the Committee meeting held in April 2003.

An appeal against that refusal was considered under the Written Representations procedure. The Inspector's decision letter, issued on 1st October 2003, identified two main planning issues: i) scale and need; and ii) character and appearance.

In respect of the first of these matters the Inspector concluded that the application was unacceptable on grounds of "scale and need".

However, in respect of the second issue and the site's relationship to the AONB and the village as a whole, he considered that the site was well-screened, enclosed by the topography of the field and by hedges and trees and is within the village envelope. He felt the developers proposals "would not harmfully affect the character and appearance of Castle Carrock", and, gave no credence to assertions of the significance of the field as an amenity space critical to the character of the village and clearly felt its development would cause no harm to the North Pennines AONB.

b) In the interval between refusal of permission for application 02/0196 by the City Council and the appeal decision of the Inspector, the applicants lodged a second application for the erection of 9 dwellings, including two dwellings intended for local needs, on part of the field with the remainder being indicated as available as a local play area/amenity open space. That application (03/0580) was determined at the meeting held on 10th October 2003 but was refused by the Committee. An appeal against the above refusal was allowed in January 2004.

c) Prior to that appeal decision, the applicant also submitted two applications, one seeking planning consent for a development of 5 units on part of the site (reference 03/1150) and the other for a development of 4 dwellings with open space (reference 03/1151). Both were considered by the Committee on 25th November 2003: the application for 5 dwellings was approved while the submission for 4 dwellings and public open space was deferred to investigate a S106 Agreement protecting the

open space from future development. After the Inspector's appeal decision on the application for 9 dwellings on the whole site, the application for 4 units was withdrawn.

d) In September 2004, a further detailed application (reference 04/1234) was submitted for the "Erection of 14no. dwellings incorporating 4no. small terraced 2 bed houses for local occupancy". That application was refused in February 2005.

e) An application (reference 05/0258) to modify the approved scheme of 9 dwellings allowed on appeal by changing the nature of certain house types, the siting of several of the dwellings and the access road to the site was refused in June 2005. The subsequent appeal was dismissed.

f) In October 2005, application number 05/0583, planning permission was given for an amendment to the existing planning consent for the erection of 9no. dwellings to incorporate all of Field 3328 to form extended garden areas.

Details of Proposal:

1) **SITE DESCRIPTION**

Members will recollect that this application relates to a field which lies approximately 70 metres to the south of the Weary PH and the heart of Castle Carrock village at the "Y" junction formed by Rectory Road, the B6413, and, the classified road leading to Jockey Shield. On the opposite side of the road there is also an existing series of dwellings. The field is bounded to the north and south by residential development. A public footpath runs along the southern boundary. Work has currently commenced on plots 6, 7, 8 and 9.

2) **BACKGROUND INFORMATION**

Based on the relevant history of the site it is apparent that this application follows three previous planning permissions, namely:

i) Application (number 03/1150) was for 5 detached dwellings, approved in November 2003;

ii) Application number 03/0580 (appeal reference APP/E0915/A/03/113087665) for 9 dwellings was allowed in January 2004; and,

iii) An amendment to ii) involving extended garden areas to include the whole field (number 05/0583) was approved in October 2005.

The current application represents further amendments to the scheme for 9 dwellings by modifying the layout and substituting dwelling types to provide two 4 bed houses, three single storey 4 bed dwellings, two single storey 3 bed dwellings,

and, two 2 bed houses. The application is accompanied by a design statement which explains that:

- The current proposal seeks to follow the principals of the approved scheme by keeping an overall layout comprising two tightly knit courtyards with the unifying feature of dry stone walling.

- The two courtyards remain on the lower contours of the site each with a focal point of a larger dwelling surrounded by subsidiary buildings.

- It is hoped that these proposals will provide a better mix of dwelling types and sizes which represents a reduction in overall floor area from 20,700 square feet to 14,900 square feet from the previously approved scheme.

3. **ASSESSMENT**

In the context of Ministerial advice contained in PPG3 "Housing" and PPS7 "Sustainable Development in Rural Areas"; the relevant policies of the Development Plan; and, the history of the site it is considered that the main issue in this case is whether any differences between the current proposal and the scheme(s) already approved would cause significant harm to the character and appearance of Castle Carrock and, as a result, to the AONB. When considering this issue it is felt that the following points need to be kept in mind:

a) Under the current application single storey dwellings are proposed on plots 4, 5, 6, 8 and 9. There is also a greater variation in size ranging from 2 bed houses to 4 bed properties. It is this variety in type and scale which is more typical of a rural village.

b) The proposal, although revising the layout, is still based upon two courtyards. The accompanying design statement indicating the aim of resembling a traditional farmstead.

c) The reduction in height of the proposed five dwellings from two storeys to single storey will reduce their visual impact.

d) It is, nevertheless, evident that the applicant is also introducing a greater degree of render with particular regard to the single storey units and the two 4 bed houses. This aside, the proposed houses on plots 1 and 2 are to have all external walls finished in sandstone; the remaining units either have detailing and/or prominent elements in sandstone; and, all the proposed dwellings are to be roofed in natural slate. The submitted layout plan also shows the utilisation of dry stone walling to delineate the respective boundaries.

OTHER MATTERS

It is appreciated that interested parties have commented that the current application should be determined by the Planning Inspectorate; the applicant should retain the previously suggested village amenity area and "affordable/social" units; and, there is

no alleged need for the proposed dwellings. In response, the City Council are the respective local planning authority; the previous intentions to provide a village amenity area and two "affordable/social" units were subsequently withdrawn following the refusal of application 03/0580; and, extant permissions already exist for the site to be developed to provide 9 dwellings.

On this basis the proposal is recommended for approval subject to the awaited comments of consultees, and, the resolution of the matter raised by the Highway Authority.

Human Rights Act 1998

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";

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;

The proposal has been considered against the above but in this instance it is not considered that there is any conflict. If it was to be alleged that there was conflict it is considered not to be significant enough to warrant the refusal of permission.

Recommendation: Grant Permission

2. 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).

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 Schedule 2 Part (1) (or any Order revoking and re-enacting that Order with or without modification), no

enlargement or material external alteration of the dwellings hereby permitted shall be made without the further approval in writing 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 Policy H14 of the Carlisle District Local Plan.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking or re-enacting that Order with or without modification), no building, garage, shed or other structure shall be erected within the curtilage of any dwelling hereby permitted without the prior approval in writing of the Local Planning Authority of the design, siting and external appearance of such structures.

Reason: The Local Planning Authority wishes to retain full control over the matters referred to in order to protect the character, integrity and appearance of the development and its setting within Castle Carrock and the North Pennines Area of Outstanding Natural Beauty.

5. Before any part of the development hereby approved is commenced details and samples of materials to be used on all external building finishes, screen walls and hard surfaces shall be submitted to and approved by the Local Planning Authority.

Reason: To ensure that materials to be used are acceptable and in accord with Policy 25 of the Cumbria and Lake District Joint Structure Plan.

6. Before any part of the development hereby approved is commenced details of existing and proposed ground levels, and the height of the proposed finished floor levels of the proposed dwellings and garages, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order that the approved development overcomes any problems associated with the topography of the area, that it satisfies the requirements of the Environment Agency in relation to flood risk and that it meets the objectives of Policy H16 of the Carlisle District Local Plan.

7. Before any part of the development hereby approved is commenced details of landscaping, including the type, species, heights and densities of all planted material, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that a satisfactory landscaping scheme is prepared in accord with Policy E9 an E19 of the Carlisle District Local Plan.

8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following completion of the development, 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 if fulfils the objectives of Policy E9 of the Carlisle District Local Plan.

9. The site boundary wall shall be retained as existing except where breached for approved access points.

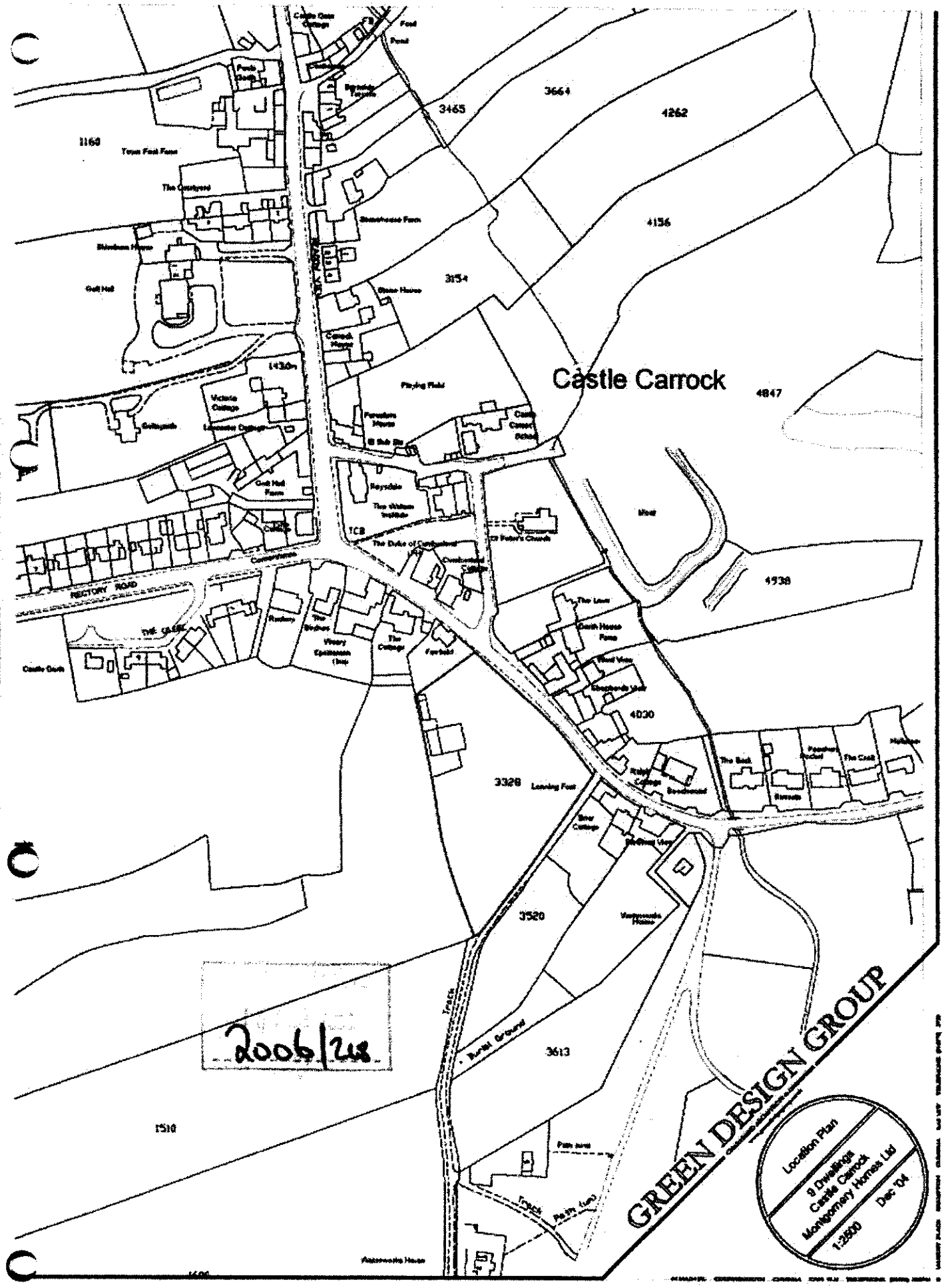
   Reason: to ensure the maximum retention of an important feature in the street scene within Castle Carrock.

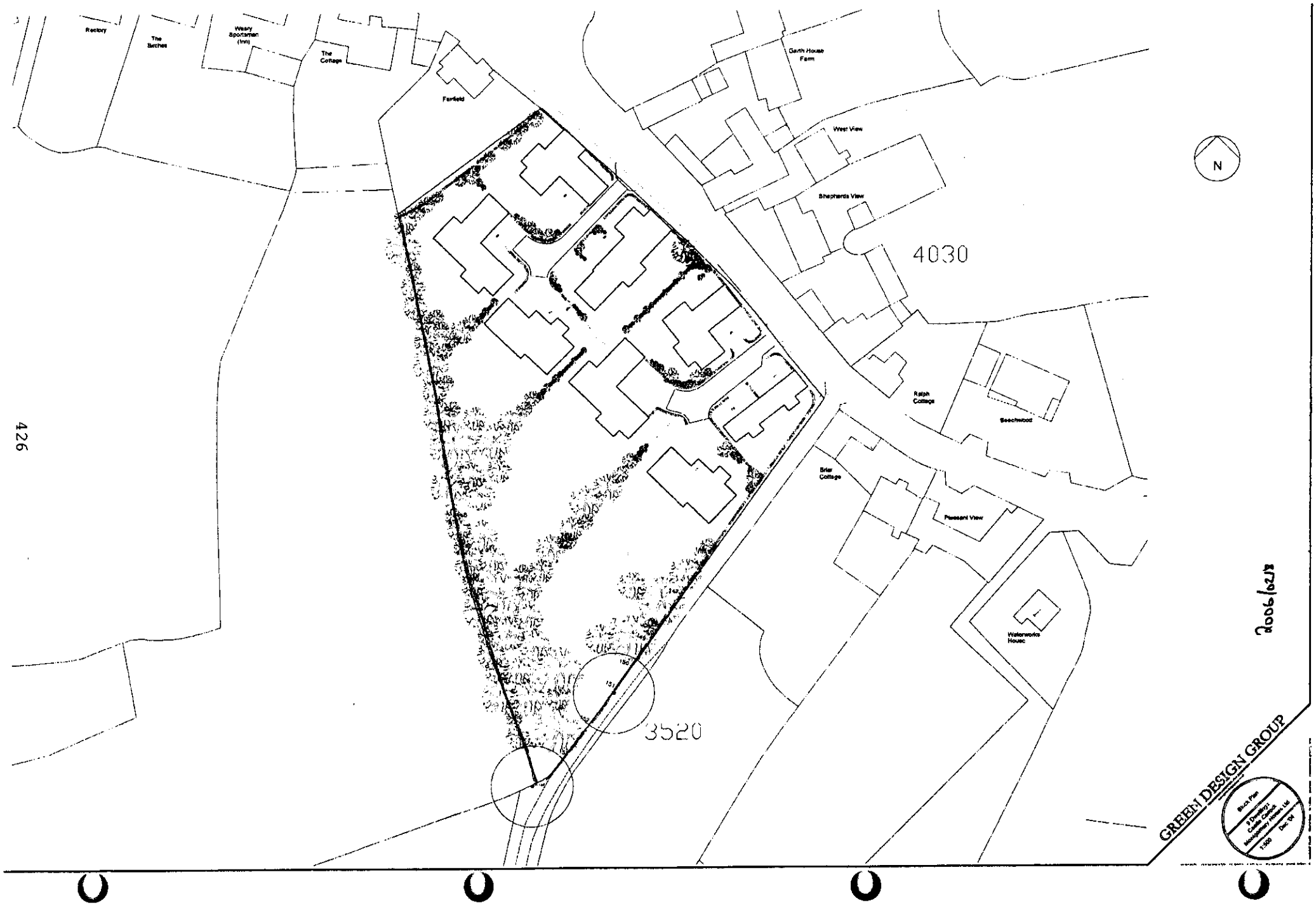
10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order), no gates, fences, walls or other means of enclosure shall be erected without the further approval in writing of the Local Planning Authority.

    Reason: To ensure that any form of enclosure to the properties is carried out in an appropriate and co-ordinated manner and which satisfies the objectives of Policy H16 of the Carlisle District Local Plan.

11. Before any part of the development hereby approved is commenced a scheme for the provision of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be effectively implemented before any dwelling is first implemented.

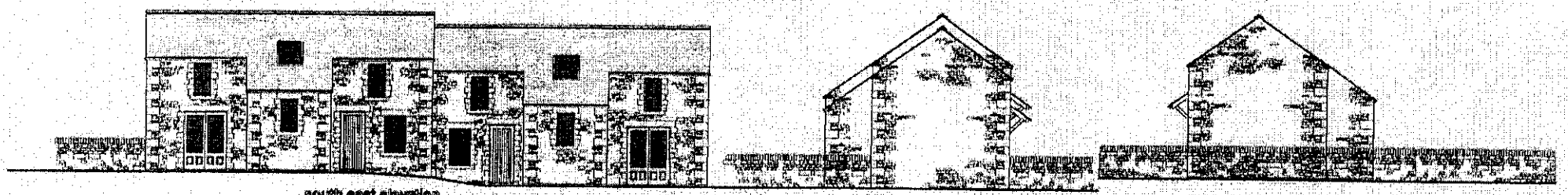
    Reason: To ensure a satisfactory means of surface water disposal and in accord with Policy 24 of the Cumbria and Lake District Joint Structure Plan and Policy E22 of the Carlisle District Local Plan.


Castle Carrock
RECTORY ROAD
GREEN DESIGN GROUP
Location Plan
9 Dwellings
Castle Carrock
Montgomery Homes Ltd
1:2500
Dec '04
2006/248


Rectory
The Birches
Weary Sportsman (Inn)
The Cottage
Fairfield
Garth House Farm
West View
Shepherds View
4030
Ralph Cottage
Beechwood
Briar Cottage
Pleasant View
Waterworks House
3520
N
GREEN DESIGN GROUP
Block Plan
9 Dewlings Castle Carpet Montgomery Hotels Ltd
1:500
Dec '04

2006/0218

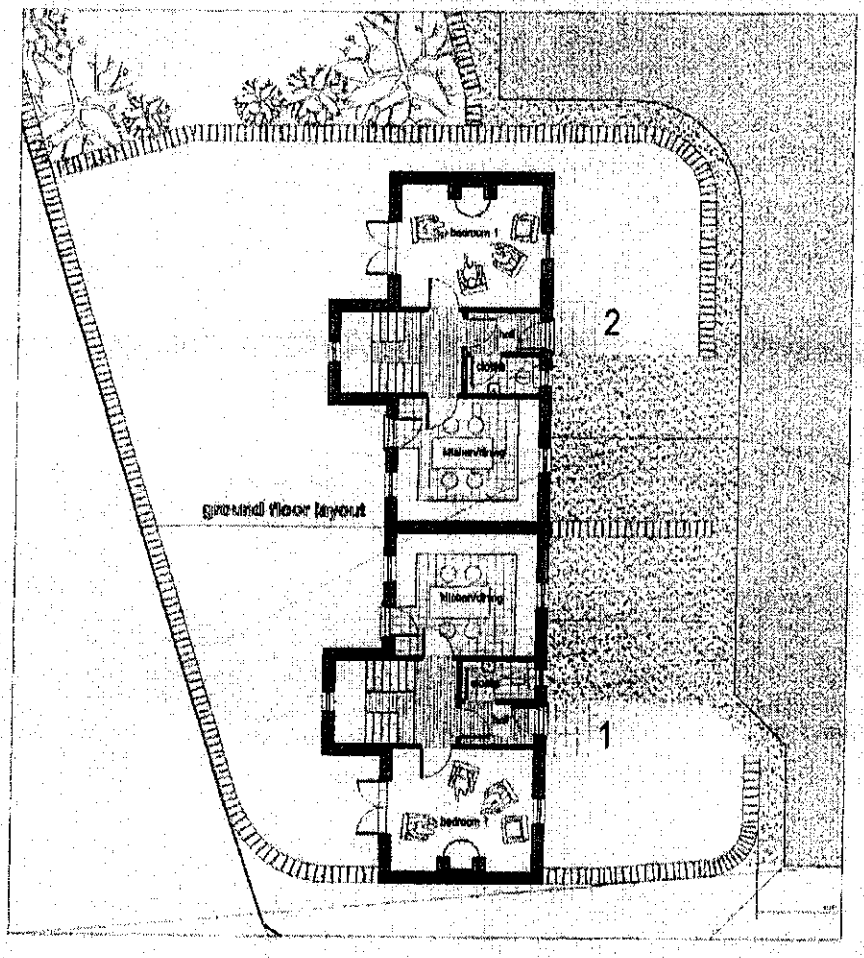
GREEN DESIGN GROUP
typical hard landscape details
scale 1:50

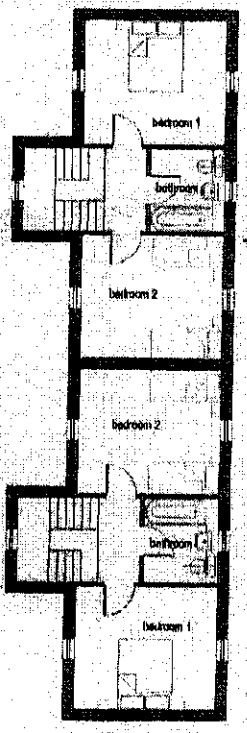


south east elevation

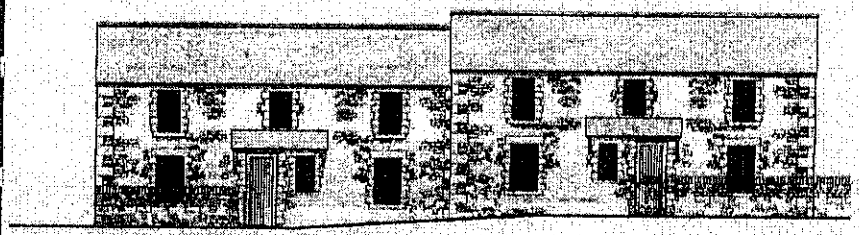
north east elevation

south west elevation





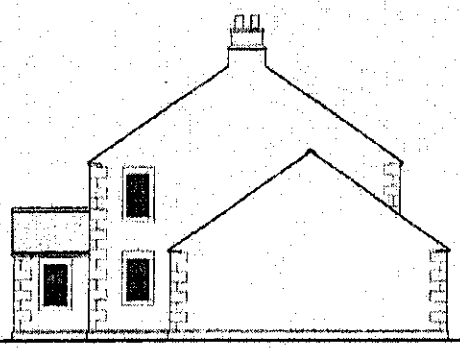
first floor layout



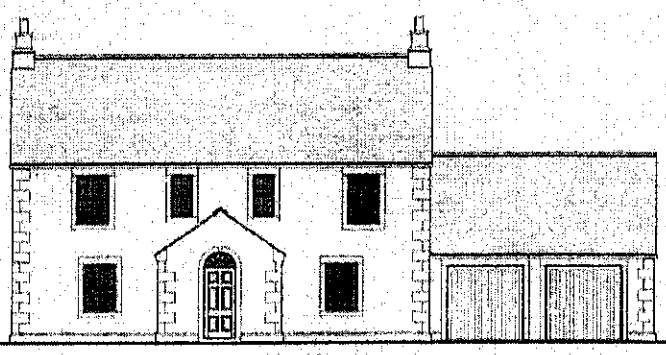
north west elevation

GREEN DESIGN GROUP

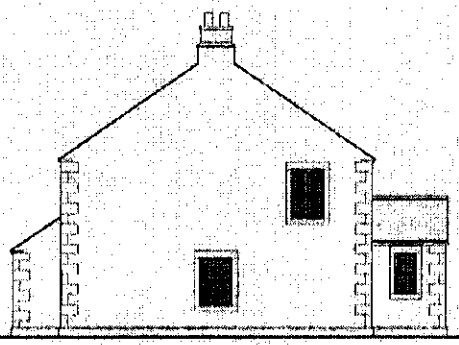
428



north west elevation

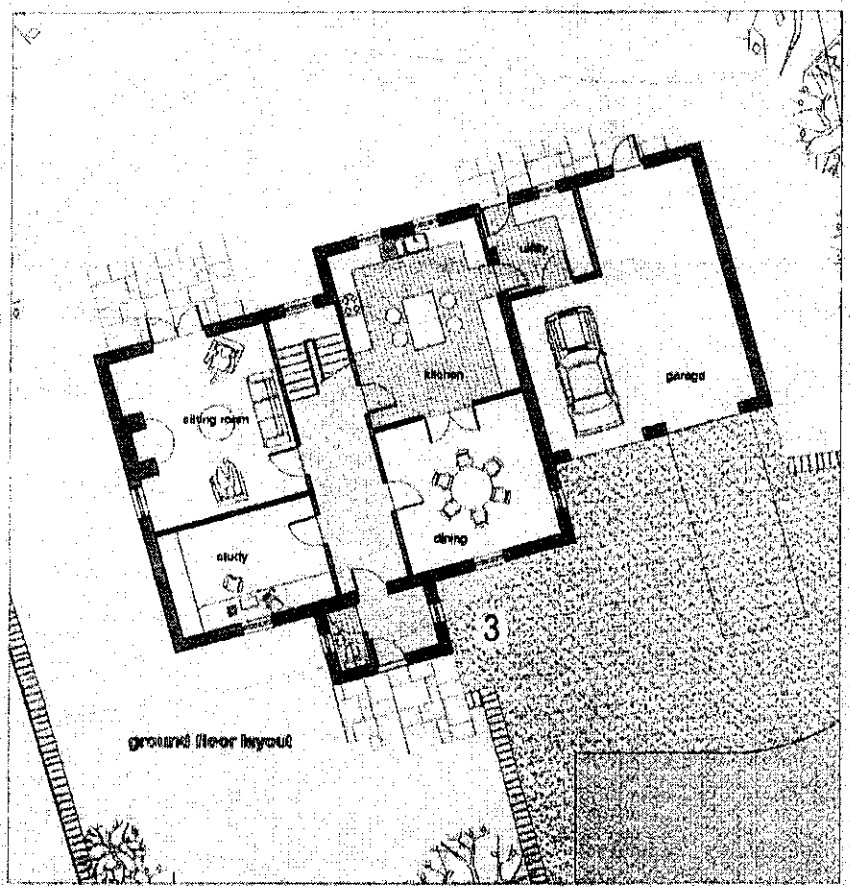


north east elevation

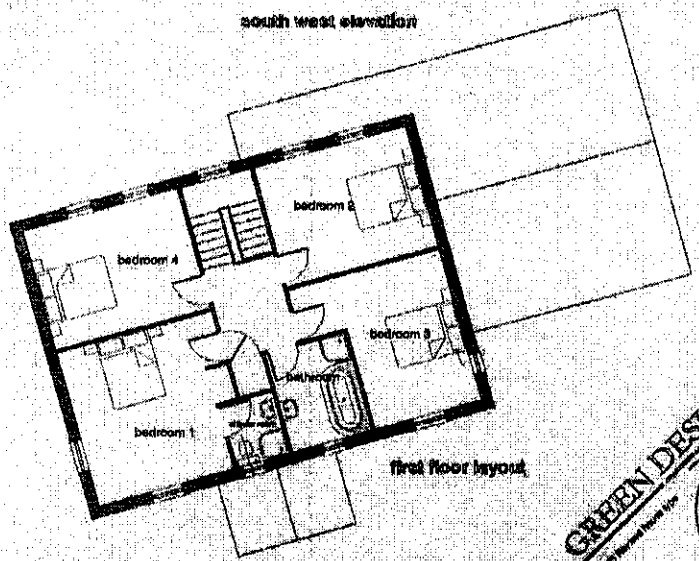


south east elevation

south west elevation

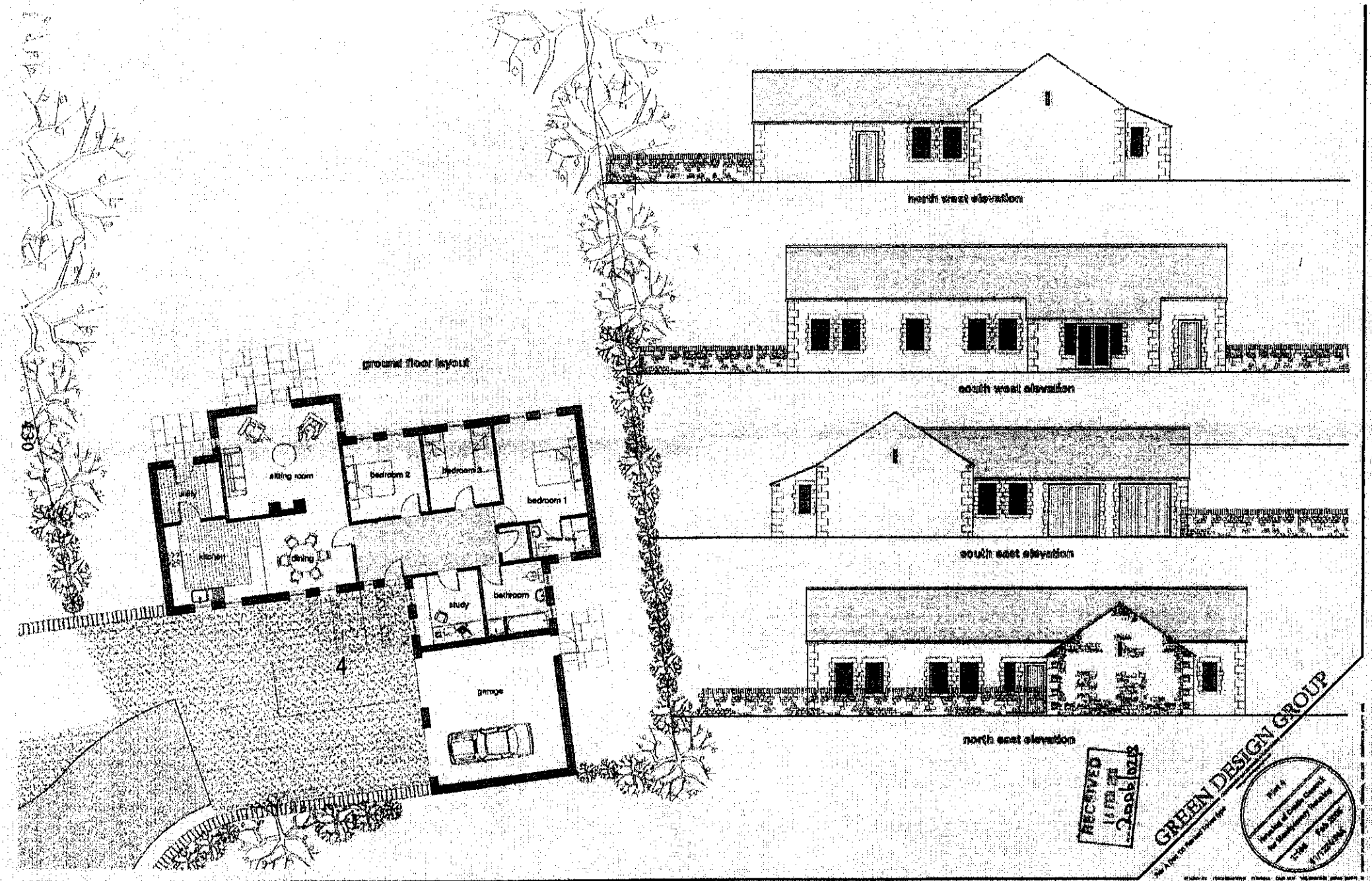


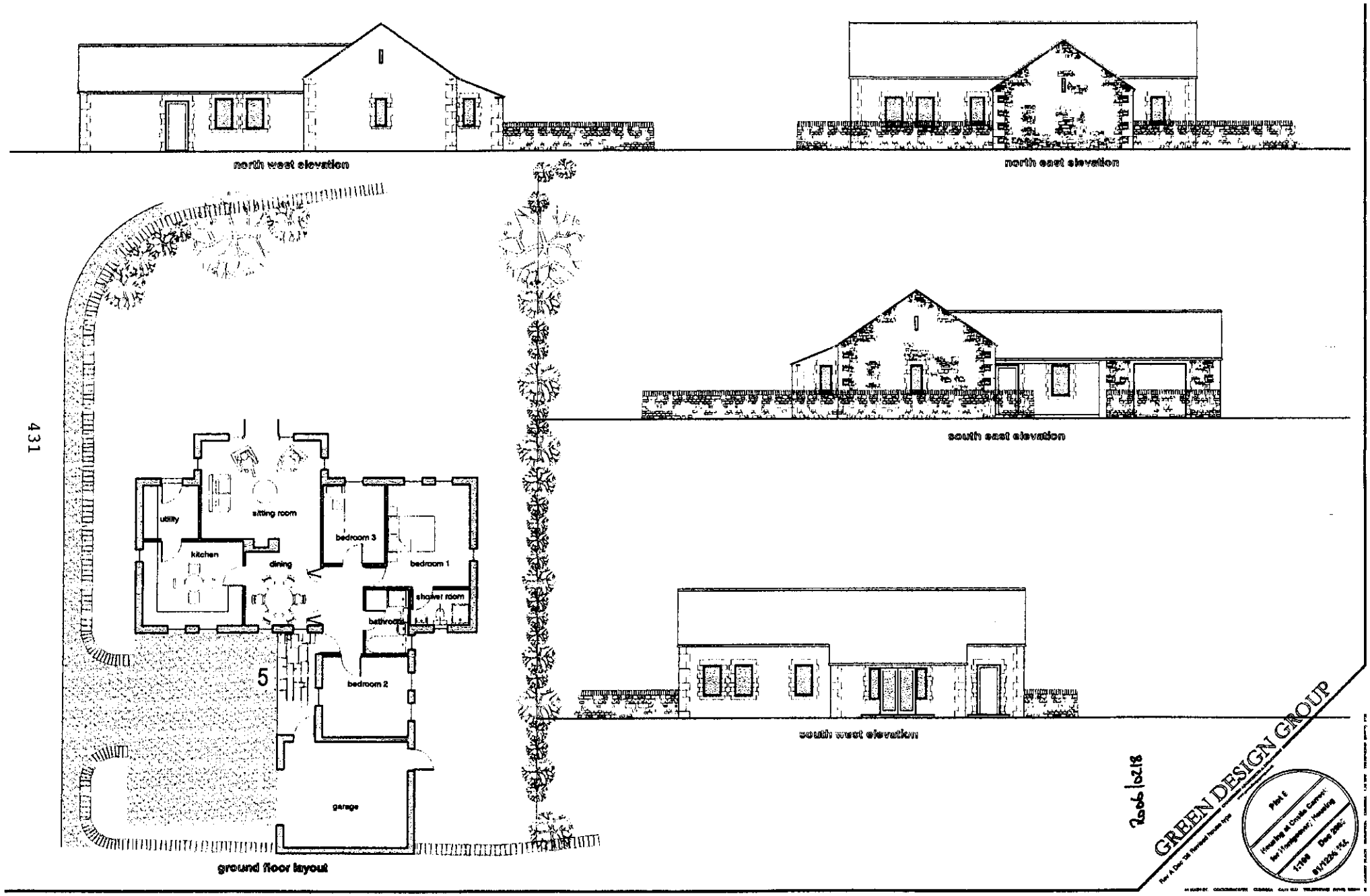
ground floor layout

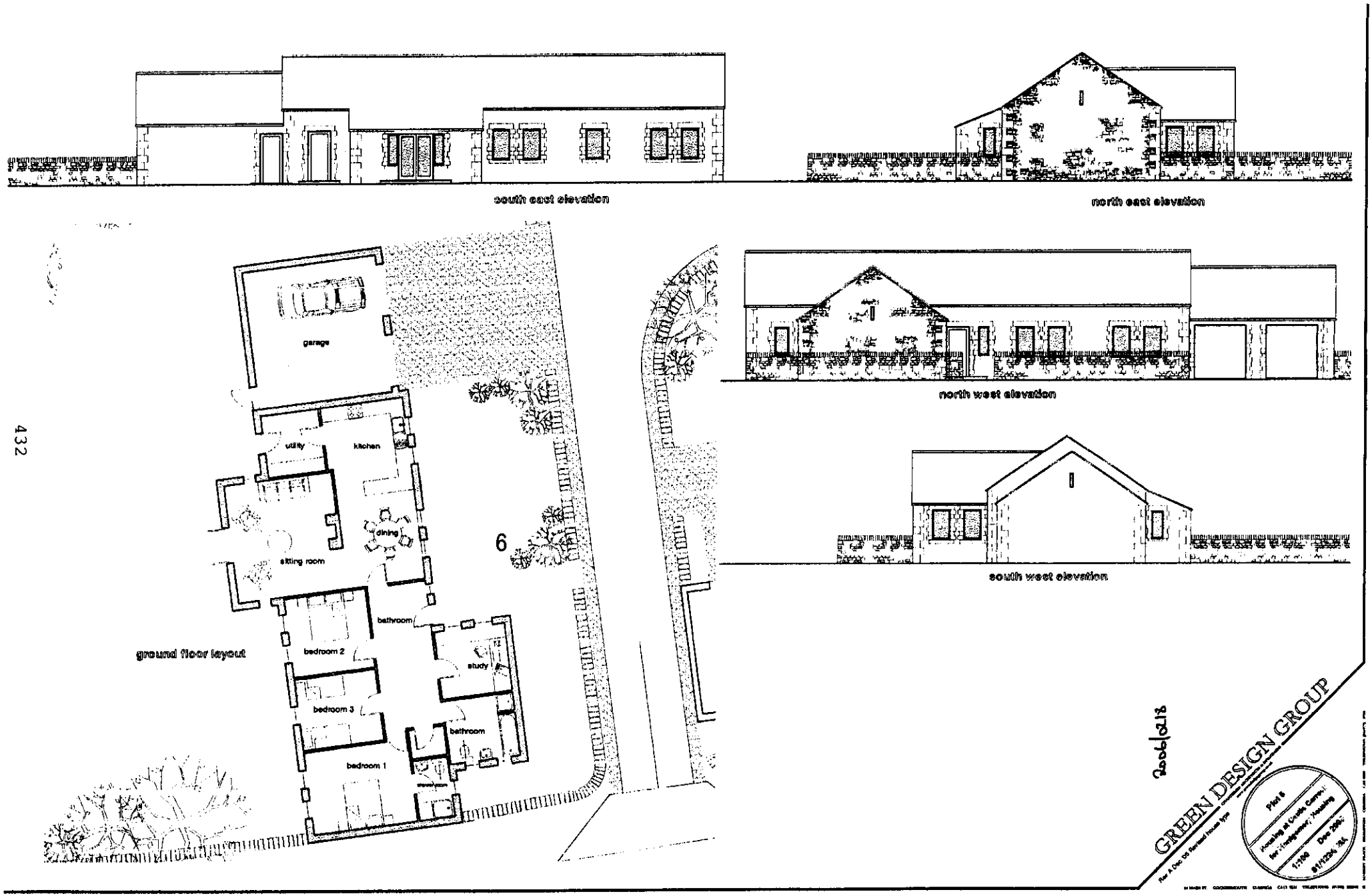


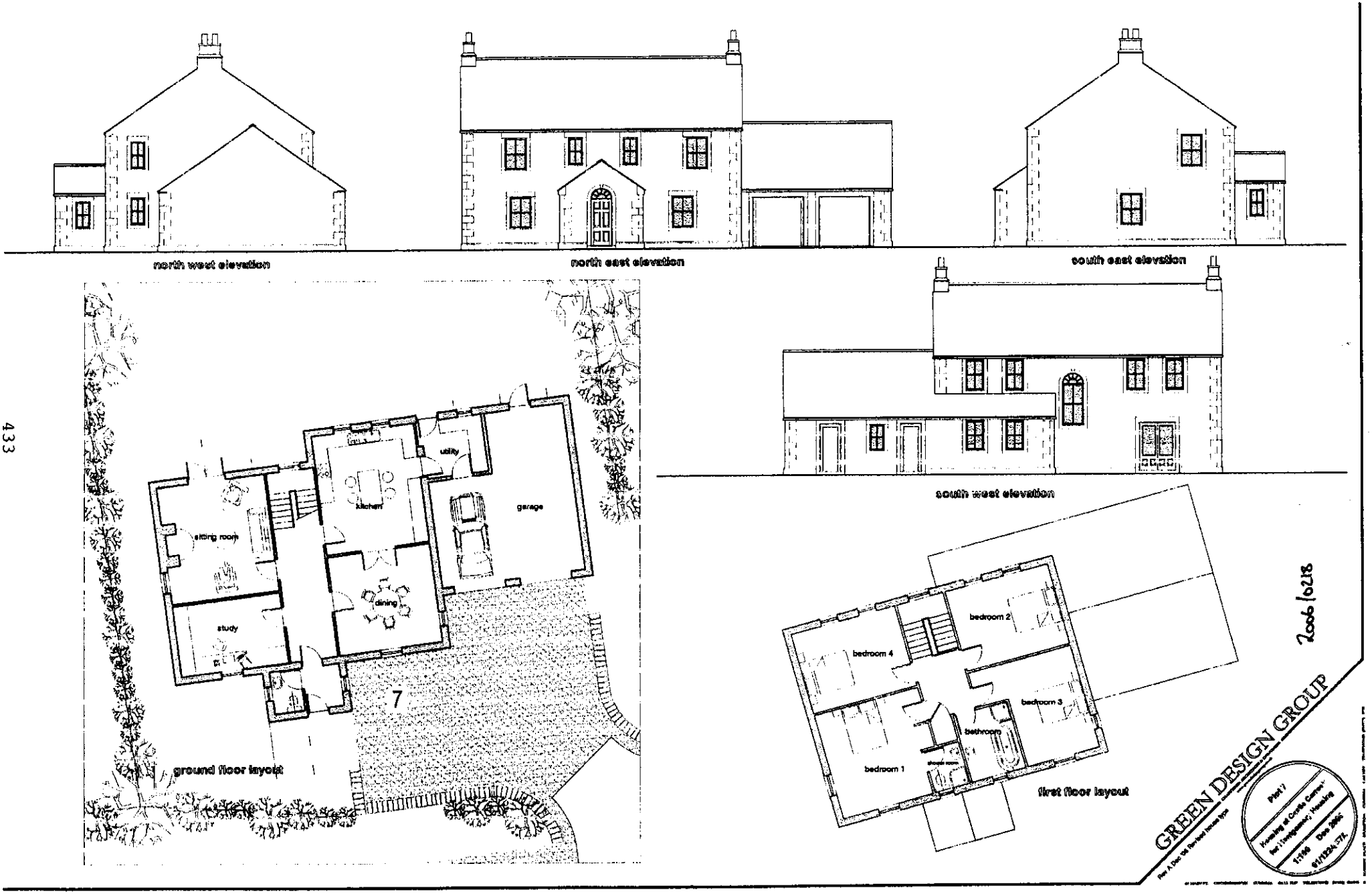
first floor layout

GREEN DESIGN GROUP

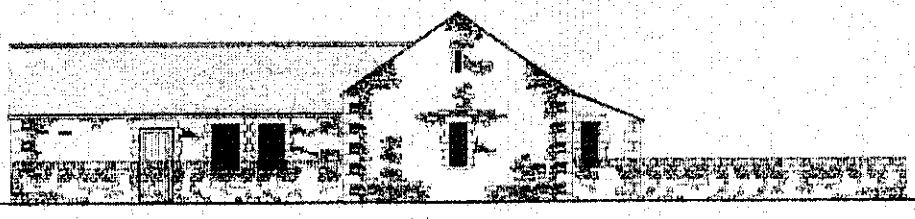

ground floor layout
sitting room
bedroom 2
bedroom 3
bedroom 1
utility
kitchen
dining
study
bathroom
garage
4
north west elevation
south west elevation
south east elevation
north east elevation
RECEIVED
GREEN DESIGN GROUP


north west elevation
north east elevation
south east elevation
south west elevation
ground floor layout
utility
sitting room
kitchen
dining
bedroom 3
bedroom 1
shower room
bathroom
bedroom 2
garage
5
GREEN DESIGN GROUP
Plot 5
Housing at Castle Carrock
for Hangstone Housing
1:100
Dec 2002
01/1224 PL
2006/0218

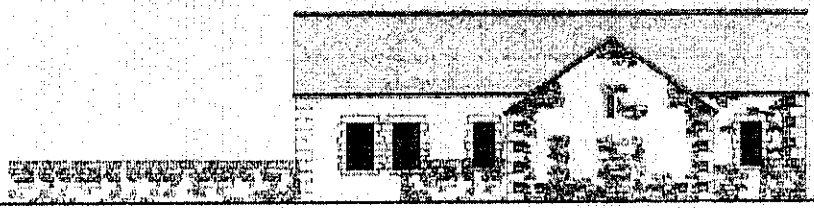

south east elevation
north east elevation
north west elevation
south west elevation
garage
utility
kitchen
dining
sitting room
bathroom
bedroom 2
study
bedroom 3
bathroom
bedroom 1
6
ground floor layout
GREEN DESIGN GROUP
2006/0218


north west elevation
north east elevation
south east elevation
south west elevation
sitting room
study
kitchen
utility
garage
dining
7
ground floor layout
bedroom 1
bedroom 2
bedroom 3
bedroom 4
bathroom
first floor layout
GREEN DESIGN GROUP
Plot 7
Housing at Castle Carrier
for Hastigemere Housing
1:100
Dec 2006
01/1224/STA
2006/0218

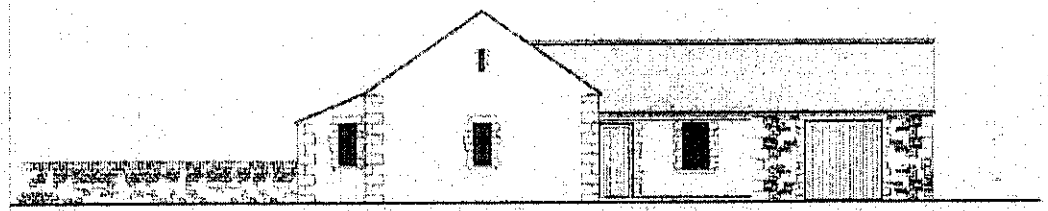
north west elevation
south west elevation
south east elevation
north east elevation
ground floor layout
bedroom 1
bedroom 2
bedroom 3
bathroom
study
garage
sitting room
dining
kitchen
utility
8



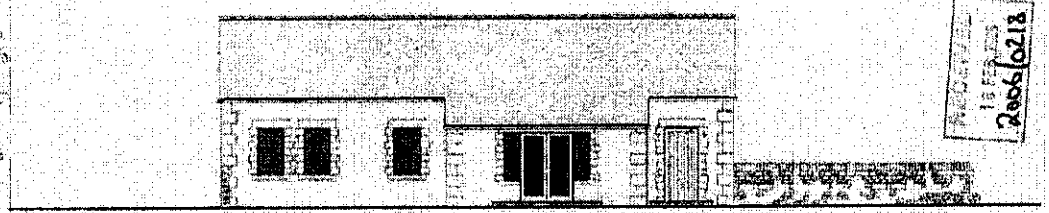
north east elevation



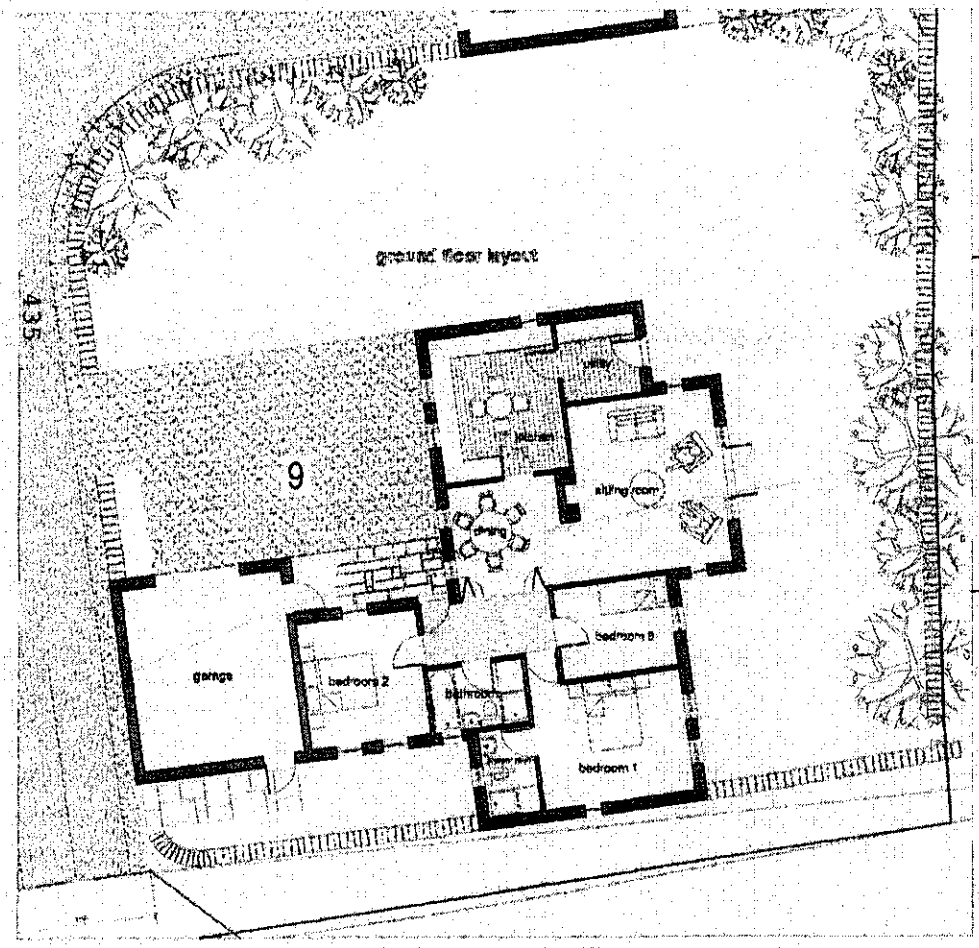
south east elevation



south west elevation



north west elevation



GREEN DESIGN GROUP

2006/0218

SCHEDULE B: Reports Requiring Further Information

06/0307

Item No: 06 Date of Committee: 21/04/2006

Appn Ref No:	**Applicant:**	**Parish:**
06/0307	Cumbria County Council	Brampton
Date of Receipt:	**Agent:**	**Ward:**
08/03/2006	Taylor & Hardy	Brampton
Location:		**Grid Reference:**
Former Highways Depot, Station Road, Brampton		353795 561036

Proposal: Erection of 24no. dwellings

Amendment:

REPORT

Reason for Determination by Committee:

This is a major application and a local Councillor would like to address the Committee prior to determination.

Planning Policies:

Airport Safeguarding Area

Conservation Area

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

Carlisle District Plan
Environment - Policy E19

In considering proposals for new development the City Council will where appropriate require the retention of existing trees, shrubs, hedges and other wildlife habitats, and the replacement of any environmental feature lost to development. Landscaping schemes to be implemented by the applicant will be required as part of most planning applications.

Carlisle District Plan
Environment - Policy E20

Development which would result in the raising of the floor of the floodplain, or which would have an adverse impact on the water environment due to additional surface water run off, or adversely affect river defences will not be permitted unless appropriate alleviation or mitigation measures are included. This applies to the floodplains of the River Eden, Caldew, Petteril, Esk, Irthing and Lyne and their tributaries which are all subject to periodic flooding.

Carlisle District Plan
Environment - Policy E43

The City Council will encourage and permission will be granted for development within and adjoining Conservation Areas which preserves or enhances their character. The City Council will seek to ensure that any new development or alterations to existing buildings are in sympathy with the setting, scale, density and physical characteristics of Conservation Areas and protect important views into or out of such areas. Applications for outline planning permission will not be accepted for proposals in Conservation Areas.

Carlisle District Plan
Environment - Policy E55

Proposals for the reclamation of derelict, redundant and vacant land and buildings will be permitted provided that the use is appropriate to the location and the development and landscaping are in keeping with the surroundings.

Carlisle District Plan
Transport - Proposal T1

In considering applications for development, account will be taken of the availability of a choice of means of travel to and from the site.

Carlisle District Plan
Transport - Proposal T7

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

1. The Parking Guidelines for Cumbria as detailed in Appendix 2;

2. The availability of public car parking in the vicinity;

3. The impact of parking provision on the environment of the surrounding area;

4. The likely impact on the surrounding road network; and

5. Accessibility by and availability of other forms of transport.

Carlisle District Plan

Housing - Proposal H1

To provide for housing needs, an additional 4,664 dwellings are required between April 1st 1994 and April 1st 2006. Making allowances for sites with planning permission and windfall sites provision, land for a further 2,146 dwellings is allocated for primary residential purposes, providing for a variety of housing needs. These additional sites, are:

Dwellings			Site	Ha.
i.	Morton Carlisle		41.00	1.025*
ii.	Garlands Carlisle		17.80	445*
iii.	Warwick Road, Carlisle		5.10	128*
iv.	Brisco Road, Carlisle		3.30	83*
v.	RAF 14MU Site No. 4		3.50	90*
vi.	Windsor Way, Carlisle		8.04	200*
vii.	Scotby, Carlisle	2.30	58*	
viii	William Howard Lower School, Brampton		1.00	25*
ix.	Barras Lane, Dalston		2.99	50
x.	Nook Lane, Dalston		1.47	20
xi	Ladyseat, Longtown		0.87	22*
Total		**87.37**	**2,146**	

*Site capacity for these sites is based on 25 dwellings per hectare.

Proposals for residential developemnt not included in the above allocations will be assessed according to Policies H2-H7.

All housing developments will be closely monitored to ensure that the scale of residential development relates to the Structure Plan requirement.

Carlisle District Plan
Housing - Proposal H2

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

1. Existing areas of open space and other amenity areas are safeguarded; and

2. The proposed development does not adversely affect the amenity of adjacent residential property; and

3. The proposed development complements or enhances existing adjacent residential areas and their amenity; and

4. Satisfactory access and appropriate parking arrangements can be achieved.

Proposals for uses other than residential will not be permitted in Primary Residential Areas other than where they do not adversely affect residential amenity. Development that would create unacceptable noise, smell, safety and health impacts or excessive traffic generation will not be acceptable. Such schemes falling within the scope of this Policy will be considered against the above criteria as well as other Policies of the Plan appropriate for the proposed use.

Carlisle District Plan
Housing - Proposal H3

Within the Capon Tree Road area of Brampton, shown in the Brampton Inset Proposals Map residential development will be permitted, provided:

1. The proposed development is of high quality, sympathetic to the character of the area;

2. The proposal is of low density with no more than five dwellings per hectare;

3. The proposed development does not involve the loss of existing mature trees.

Carlisle District Plan
Housing - Proposal H4

Within Carlisle, Brampton, Longtown and Dalston, outside the Primary Residential Areas and sites allocated under proposal H1, applications for residential development, including redevelopment and the change of use of vacant and underused buildings, will be permitted provided that:

1. Satisfactory housing conditions can be achieved; and

2. The proposal will complement the existing character of the area; and

3. The proposal will not adversely affect the amenity of the area; and

4. Satisfactory access can be provided; and

5. Appropriate parking arrangements can be made.

Carlisle District Plan
Housing - Proposal H8

The City council will, where appropriate, negotiate with developers for an element of affordable housing to be included in the larger housing developments.

Carlisle District Plan
Housing - Proposal H9

Notwithstanding Proposal H1 and Policies H2-H5 and H7, proposals for residential development may be permitted in locations where such development would not usually be permitted, where the following conditions are met:

1. The proposal is for low-cost housing to meet an identified need; and

2. The proposal is supported by a detailed agreement which will satisfy the requirement that once built the residential units are retained for the benefit of successive as well as initial occupiers; and

3. The proposal is well related to the settlement where the need has been identified and does not involve a significant impact on the local landscape.

Carlisle District Plan
Housing - Proposal H15

Within the Plan area, where there is evidence of need, developers will be encouraged to meet the needs of disabled people. In these instances dwellings should be readily accessible for disabled people and be capable of adaptation to meet the needs of any future disabled resident.

Carlisle District Plan
Housing - Proposal H16

High standards of design in new housing sites and dwellings will be required. Matters to be considered include: The layout of roads and buildings; footpaths and cycleways; the retention of existing trees and hedgerows; planning out crime; the provision of public open space;the relationship to adjacent development.

Carlisle District Plan
Employment - Proposal EM2

Within Primary Employment Areas proposals for B1, B2 and B8 uses will be acceptable. Permission will not be given for redevelopment or changes of use within such areas for other purposes. Exceptions may be permitted where:

1. The existing use of the site adversely affects or could adversely affect adjacent residential properties; or

2. The proposed alternative use is essential for the redevelopment of the majority of the site for employment purposes; and

3. The alternative development would be appropriate in terms of scale and design to the surrounding area, and the amenity of adjacent properties would not be prejudiced.

Carlisle District Plan
Environment - Policy E31

On land for which there is no archaeological information, but where there are reasonable grounds for believing remains to be present, the City Council will ensure that the archaeological aspects of development proposals are examined and evaluated before planning applications are determined. Planning permission will not be granted without adequate assessment of the archaeological implications.

Policy ST1: A Sustainable Vision for Cumbria

The overall quality of life within Cumbria should be enhanced through the promotion of sustainable development that seeks to protect the environment, ensure prudent use of resources and maintain social progress and economic growth.

Urban and rural communities should be sustained through measures that, in combination, advance the four objectives of sustainable development and achieve:

- a flourishing and diverse local economy
- access to good quality housing for all
- a full range of appropriate and accessible services
- good transport services and communications linking people to jobs, schools, health and other services
- quality built, natural and historic environments
- places to live in a safe and healthy manner
- vibrant, harmonious and inclusive communities

Policy ST2: Assessing impact on sustainability

Development or land use change affecting important environmental, social and economic assets should be assessed in terms of benefits and disbenefits. Where appropriate this will require transport, environmental and other impact assessments to assess the full effect of new development and identify the need for any mitigation.

Policy ST3: - Principles applying to all new development

All proposals for development including alterations to existing buildings and land use change will be required to:

1. seek locations consistent with policy ST5, ST6, and ST7 which will assist in reducing the need to travel, and then in the following order of priority :

a) the appropriate reuse of existing buildings worthy of retention, followed by
b) the reuse of previously developed land and only then
c) the use of previously undeveloped land,

2. seek sites that are or will be made accessible by public transport, walking or cycling,

3. reduce the risk of flooding within the development and elsewhere by a choice of location in the following order of priority:

a) sites with little or no flood risk, followed by
b) sites with low or medium flood risk, and only then
c) sites in areas of high flood risk

Design proposals should minimise or mitigate any flood risk and where practicable include sustainable drainage systems

4. ensure agricultural land of poorer quality is used for development in preference to the best and most versatile agricultural land.

5. avoid the loss of, or damage to, and where possible enhance, restore or re-establish, important nature conservation features,

6. avoid the loss of or damage to, and wherever possible enhance important or distinctive conservation features including landscapes, buildings, archaeological sites, historic parks and gardens and visually important public and private open spaces,

7. ensure high standards of design including siting, scale, use of materials and landscaping which respect and, where possible, enhance the distinctive character of townscape and landscape, promote a safe and secure environment that designs out crime and makes proper provision for people with restricted mobility and people with special needs, promote energy and water efficient design and the use of recycled materials and renewable energy technology, avoid reductions in air quality and the quality and quantity of groundwater and surface waters, ensure development makes efficient use of and is within infrastructure, community and service constraints, or that these can be satisfactorily overcome through planned improvements or at the developers expense without an adverse effect on the environment, Ensure minimal levels of light pollution and noise.

Policy E38: Historic environment

Measures will be taken to identify, record, protect, conserve or enhance areas, sites, buildings and settings of archaeological, historic and architectural importance.

Proposals which fail to preserve or enhance the character or appearance of Conservation Areas or which damage, obscure, or remove important archaeological sites or other historic features or are detrimental to the character or setting of a listed building will not be permitted unless the harm caused to their importance and intrinsic interest is clearly outweighed by the need for the development. Development and land use change should be compatible with the distinctive characteristics and features of 'Cumbria's Historic Landscape Characterisation Programme'.

Carlisle District Local Plan 2001 - 2016 Redeposit draft
Policy CP4 (CP15) Design

The suitability of any new development or redevelopment will be assessed against the following design principles. Proposals should:

1. Have regard to surrounding buildings in the context of their form in relation to height, scale and massing and making use of appropriate materials and detailing.
2. Take into consideration any important landscape or topographical features and respect local landscape character.
3. Reinforce local architectural features where appropriate promoting and respecting local distinctiveness rather than detracting from it.
4. Be well integrated- ensuring all components of a development are well related to one another e.g. buildings, associated parking, access routes, open space, and hard and soft landscaping to ensure a successful and attractive outcome.
5. Not adversely affect the residential amenity of existing areas, nor adjacent land uses, nor result in unacceptable standards for future users and occupiers of the development.
6. Ensure where possible the retention of existing trees, shrubs, hedges and other wildlife habitats and the replacement of any environmental feature lost to development.
7. Recognise that landscaping schemes (both hard and soft) will be required to assist in integrating new development into existing areas and ensure that development on the edge of settlements is fully integrated into its surroundings.
8. Ensure that the necessary services and drainage infrastructure can be incorporated without causing unacceptable harm to retained features.
9. Through layout and design, encourage the promotion of energy and water conservation by its future occupiers, the incorporation of sustainable forms of energy production within the overall design should also be explored where appropriate.
10. Have a layout and design which minimises the potential for crime and antisocial behaviour.

Carlisle District Local Plan 2001 - 2016 Redeposit draft
Policy CP5 (CP16) Residential Amenity

The amenity of residential areas will be protected from inappropriate development

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

In order to ensure residential amenity is not compromised a minimum distance of 21 metres should be allowed between primary facing windows between dwellings (12 metres gable end to primary facing window). A minimum of 4 metres should be allowed between gable ends to allow for maintenance of property. Changes in levels of land and height of development will be taken into account in applying these distances.

Carlisle District Local Plan 2001 - 2016 Redeposit draft
Policy CP6 (CP17) Use of Traditional Materials

In order to sustain the local environment consideration will be given to locally sourced traditional materials to maintain the local character of buildings and their environment. Within conservation areas the City Council will seek to ensure that existing traditional materials are reinstated following repairs to roads, pavements, kerbs and underground services.

Carlisle District Local Plan 2001 - 2016 Redeposit draft
Policy CP9 (CP22) Sustainable Drainage Systems

When the following conditions apply, sustainable drainage systems (SuDS) should be incorporated into a development proposal:
1. The development will generate an increase in surface water run-off; and
2. The rate of surface water run-off is likely to create or exacerbate flooding problems; and
3. Sufficient land is available, or can be made available to incorporate any form of SuDS.

Where SuDS are to be incorporated the following details shall be provided:
1. The type of SuDS; and
2. Hydraulic design details/ calculations; and
3. Operation, maintenance and, where appropriate, adoption details.

Carlisle District Local Plan 2001 - 2016 Redeposit draft
Policy CP10 (CP23) Protection of Groundwaters and Surface waters

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

Carlisle District Local Plan 2001 - 2016 Redeposit draft

Policy CP11 (CP24) Foul and Surface Water Sewerage and Sewage Treatment

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

Carlisle District Local Plan 2001 - 2016 Redeposit draft
Policy CP14 (CP29) Accessibility, Mobility and Inclusion

The layout and design of any development will be encouraged to meet the highest standards of accessibility and inclusion for all potential users regardless of disability, age or gender. Development proposals will be expected to demonstrate that they have made provision for easy, safe and inclusive access to, into and within buildings and facilities through the submission of an access statement alongside their planning application. The need for adequate parking facilities for disabled people should also be taken into account.

Facilities for disabled people should be included in proposals for extending and altering buildings and open spaces and changes of use where they are to be used by the public, in accordance with Part M of the Building Regulations 2004 and the Disability Discrimination Act 1995. Beyond these requirements, the City Council will seek, where applicable, to negotiate the extent of provision required for disabled people.

The Council will have regard to the following criteria when assessing development proposals:

1. The design of entrances and exits and ease of permeation through and between developments- in terms of street furniture, circulation areas and pedestrian routes
2. Location of any development proposal in relation to its potential users, customers, employees
3. Accessibility by all transport modes and provision for parking for disabled people
4. Provision of on site facilities e.g. baby changing facilities, public toilets, disabled parking, lifts and appropriate signage.
5. Consideration should also be given to the guidance in 'Better Access' produced by Carlisle City Council, regarding building details and accessibility for all and BS 8300: 2001 *'Design of buildings and their approaches to meet the needs of disabled people- Code of Practice'.*

Carlisle District Local Plan 2001 - 2016 Redeposit draft
Policy CP16 (CP34) Planning Out Crime

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

The following points should be applied to all development proposals:

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

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

Carlisle District Local Plan 2001 - 2016 Redeposit draft
Policy H3 Residential Density

On new residential development the City Council will seek to achieve an average density of between 30 and 50 dwellings per hectare in accordance with PPG 3. The level of density will be required to reflect the opportunity to provide the best use of land as well as taking into account site conditions and the nature of the surrounding development. Developments proposing a residential density of below 30 dwellings per hectare will have to justify an exception to PPG3 criteria. Developments close to the City Centre will, where appropriate, be expected to be a higher density achieving over 50 dwellings per hectare.

Carlisle District Local Plan 2001 - 2016 Redeposit draft
POLICY H4 Residential Development on Previously Developed Land and Phasing of development

The City Council will achieve the Structure Plan permission targets of 65% brownfield in the urban area and 40% brownfield in the rural area during the Plan period. In order to achieve the higher target in the urban area greenfield permissions will not be granted in addition to any allocations in Proposal H16. In order to achieve these targets permission will be phased on sites over 20 dwellings in the urban area and over 10 dwellings in the rural area.

These targets will be achieved through a sequential approach to site development where brownfield sites are available in the sustainable locations consistent with DP1 and not developed solely because they are brownfield sites.

Carlisle District Local Plan 2001 - 2016 Redeposit draft
Policy H5 Affordable Housing

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

All allocated housing sites are expected to make a contribution towards affordable housing. In the urban area a contribution will be sought on all other sites over 10 dwellings. In the rural area the contribution to affordable housing will be:

1. 25% of development costs on large sites (over 0.8 ha or 25 dwellings); or
2. 20% on medium sites (over 0.3 or 10 dwellings); or
3. 10% on small sites (over 0.1 ha or 3 units).

Where affordable housing is to be provided at a discounted market value a discount of 25- 30% will be sought.

Carlisle District Local Plan 2001 - 2016 Redeposit draft
Policy LE20 (LE18) Conservation Areas

The City Council will continue to review existing and designate new conservation areas. The City Council will encourage, and permission will be granted for development within and adjoining conservation areas which preserves or enhances their character. The City Council will seek to ensure any new development or alterations to existing buildings are in sympathy with the setting, scale, density and physical characteristics of conservation areas, and protect important views into or out of such areas. Applications for outline planning permission will not be accepted for proposals in conservation areas.

Proposals for new development and/or the alteration of buildings in conservation areas should harmonise with their surroundings:

1. the development should preserve or enhance all features which contribute positively to the area's character or appearance, in particular the design, massing and height of the building should closely relate to adjacent buildings and should not have an unacceptable impact adversely impinge on the townscape or landscape;
2. the development should not have an unacceptable impact on the historic street patterns and morphology, roofscape, skyline and setting of the conservation area, important open spaces or significant views into, out of and within the area;
3. development proposals should not result in the amalgamation or redrawing of boundaries between traditional buildings and plots, or demolition and redevelopment behind retained facades;
4. wherever practicable traditional local materials such as brick, stone and slate should be used and incongruous materials should be avoided;
5. individual features both on buildings and contributing to their setting, should be retained e.g. doorways, windows, shopfronts, garden walls, railings, cobbled or flagged forecourts, sandstone kerbs, trees and hedges, etc. Where features have deteriorated to the extent to which they have to be replaced, the replacement should match the original;
6. proposals which would generate a significant increase in increased traffic movements and heavy vehicles or excessive parking demands will not be

permitted since these would be prejudicial to amenity;

7. proposals which would require substantial car parking and servicing areas which can not be provided without an adverse effect on the site and its surroundings will not be permitted.

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): Comments awaited.

Brampton Parish Council: Comments awaited.

Commercial &Technical Services - Drainage Engineer: Comments awaited.

United Utilities (former Norweb & NWWA): No further comment to add to those contained in letter of 26th April 2005 relating to application number 05/0264.

Cumbria Constabulary - Crime Prevention: Comments awaited.

Carlisle Airport: Comments awaited.

Environmental Protection Services - Housing Strategy: . The Station Road site is well located within a key service centre, and as such its proximity to services, amenities and employment makes it an ideal location for the provision of an element of affordable housing.

Brampton Housing Need Survey (2005)

A Brampton Housing Need Survey (2005) was commissioned through Cumbria Rural Housing Trust (CRHT). The report identifies 42 households in need of affordable housing within Brampton parish.

Unfortunately, the CRHT report details only the no. of bedrooms required, rather than the actual property type requirements for those households identified as being in housing need, which obviously restricts our ability to make more specific recommendations on any development in Brampton in relation to dwelling types.

The majority of need is for 2 and 3 bedroom properties – the most popular being 2-beds (20: almost half of households in need), followed by 3-beds (14 – a third), dropping to 7 households requiring 1-beds, and only 1 needing 4 or more bedrooms. Although there are no 2-bedroom properties included in the Station Road planning application, the development would only be expected to meet an element of the need identified in the CRHT survey, and the affordable 3-bed units would still be

meeting part of the significant need for affordable 3-bedroom accommodation identified by CRHT.

CRHT have recommended renting as the most suitable tenure in the case of 38 of the 42 households in need of affordable housing (with regard to the 4 households where shared equity is the recommended option, 2 needed 2-bedroom accommodation & 2 needed 3-beds).

The affordable housing (as recommended by CRHT) would be best provided in partnership with a RSL (or other affordable housing provider) partner. In relation to RSLs working locally who provide general needs housing, the developer's agent is probably familiar with Impact & Two Castles, who have a good recent development record in the Carlisle area, and both already manage properties in Brampton. Home North West also manage properties in Brampton, and Carlisle Housing Association is the largest RSL in the area, although they have not developed any new schemes for some time.

Two other organisations who may be interested in this particular development are Penrith-based Eden Housing Association, which has built up a portfolio of properties in Carlisle's rural areas over recent years, and Brampton Rural Housing Society. Brampton Rural (although not actually a RSL) owns and manages over 150 rented properties in the Brampton area, and has an office in the town. They are currently interested in increasing their stock in Brampton itself, using the proceeds from selling off more deeply rural properties as vacancies arise.

In relation to the design of the scheme, we are impressed with the way the affordable housing units are mixed in with the market housing on the plans, rather than clustered together. In conclusion, our main concern is in relation to the actual number of affordable units. Priority 3.1 of the Housing Strategy Action Plan sets a target of 25-30% of developments to be affordable, based on need. The current planning application for Station Road allows for 6 affordable units (25% of the 24 properties in the development). We feel that in a case such as this, where an independent consultant has carried out a very recent housing need survey (sent to 100% of households in Brampton), which has identified a significant level of need for affordable housing, that around 30% affordable housing on the scheme would be justifiable. In the light of such robust evidence of housing need in Brampton, we recommend that 7 affordable units (just over 29%) should be affordable, rather than the 6 in the current application.

Environment Agency (N Area (+ Waste Disp)): Comments awaited.

Council for Protection of Rural England: Comments awaited.

Cumbria County Council - (Archaeological Services): No wish to make any recommendations or comments.

Planning Services - Local Plans (Trees): The proposal is acceptable in relation to the trees so long as the distances of the trees to the nearest walls of the properties and roads are as shown.

The developer should, prior to commencement, provide a written method statement for the demolition of the existing buildings adjacent the trees, and removal of the tarmac surface beneath the trees. This should not only include how they intend to carry out these operations but also how the trees are to be protected during these operations. The method statement should be agreed with the Council prior to commencement of any operations.

A number of trees will have to be felled to allow this proposal to proceed. Including new trees in a landscaping scheme will mitigate the loss of a number of trees from the site, although no landscaping scheme has yet been submitted at this time.

Environmental Protection Services: No part of the development hereby permitted shall commence until:

(a) there has been submitted to and approved by the Local Planning Authority ("the LPA") a remediation scheme ("the Remediation Scheme"), which shall:

(i) include an implementation timetable ("the Implementation Timetable"), monitoring proposals and a remediation verification methodology, comprising a sampling and analysis programme to confirm the adequacy of decontamination; and

(ii) provide that an appropriately qualified person shall oversee the implementation of all remediation; and

(b) all measures which are identified in the Remediation Scheme provided for in paragraph (a) above have been undertaken in accordance with the Implementation Timetable ("the Remediation Measures") and any Remediation Measures at variance with the Remediation Scheme shall have been submitted to and agreed in writing with the LPA in advance of such Remediation Measures being undertaken; and

(c) upon completion of the Remediation Measures there has been submitted to and approved by the LPA a report which shall include:

(i) results of the verification programme of post remediation sampling and monitoring in order to demonstrate that the required remediation has been fully met,

(ii) confirmation that all remediation measures have been carried out fully in accordance with the Remediation Scheme; and

(iii) future monitoring proposals and reporting. To protect the environment and prevent harm to human health awaited.

Urban Design Officer: The former depot site lies within the Brampton Conservation Area, fronting the prominent Station Road and bounded to the north by a well-used footpath. As such a high quality design solution is called for.

In my view the application at present lacks key information. The proposed layout lacks any indication of boundary treatments around or within the site. There is no Design Statement explaining the design philosophy behind the scheme, how and why this particular layout was arrived at, and why the proposed building forms and elevations are as they are. Brampton has a readily apparent typical building form and a palate of locally distinctive design elements and materials. While the application form identifies brick, render and stone the elevations provided are unclear in how these elements are to be deployed. Elements such as strongly articulated door and window surrounds, use of local red triassic sandstone, natural slate, render and articulation of roofscape through substantial chimneys are typical of Brampton and should be employed in any 'traditionally inspired' development proposal. House type B suggests some of these qualities but types A, C and D do not. This lack of clarity is exacerbated by the small scale of the submitted elevations, marked as 1:100 but in fact 1:200. Plot numbers are absent. For purposes of comment I am numbering the units 1-24 anti-clockwise from the south west.

House Type A

Lacking in annotation and drawn at 1:200 the proposed house type does not have sufficient detail or clarity to enable a full judgement on its design to be made. Overly glazed front doors; absence of any evident window hierarchy in the front elevation; lack of articulation in the roofscape due to omission of chimney stacks; and unrelieved blank gables suggest a very poor quality proposal. As such, I would recommend a substantial rethink of plots 5, 6, 9, 10, 17 and 18. The frontage parking as proposed is likely to result in an extremely poor quality streetscape and an alternative format should be investigated.

House Type B

Though lacking in annotation the overall form is acceptable. Adequately scaled chimney stacks, garages pulled back from the main face of the building, stone or artstone window surrounds and natural slate roofs as proposed are commended. However, the main facing material is ambiguous, the lintel details on the rear elevation unclear, and the glazed front doors inappropriate. Elevations are absent for the detached garage relating to plot numbers 1 and 2, type B. Plots 7 and 8 Type B units are inexplicably shown as stepping back rather than paired. No elevations are present for this variation. Units 15 and 16 Type B propose single garages for which elevations are absent. On plots 3, 4, 7,19, 20, 21 and 22, garages are pulled to the fore of the façade, contradicting and weakening the design indicated in the coloured elevations and plans.

House Type C

Comment relating to House Type A apply equally to Type C. The prominent garage link, pushed forward from the main face of the buildings is particularly weak, especially as this house type is proposed as the termination of the main view into the site from Station Road.

House Type D

Comment relating to House Type A and C apply equally to Type D. The prominent garage and under-articulated roofscape are weak. Unit 11 proposes a gap between the unit and its boundary fence that has clearly been given no thought.

General Comment & Layout.

The lack of competent design input into the composition of this scheme is readily apparent. Units are placed arbitrarily, making a vague attempt to avoid the root areas of retained trees, but are poorly related to one another, with no apparent logic to separation distances and position. Units 1 and 2 at least address the main road. The remaining units show little attempt to create a place framed by buildings, but are rather a turning head with units dotted around. The position of the units in their plots lacks coherency, especially in the parking-dominated type A units and in the garden layouts of plots 17 to 24, which deflect sharply for no apparent reason to the north west. Detail is absent on how the existing hedges to the front of the site are integrated into the scheme, or what the boundary treatments to the north might be. No indication is given as to the nature of surfaces within the site, and as to how these relate to its Conservation Area setting.

I would have no hesitation in recommending refusal of the scheme as it stands, on grounds of the adverse impact of its design on the Conservation Area.

Summary of Representations:

Representations Received

Initial:	Consulted:	Reply Type:
	14/03/06	

14/03/06	
14/03/06	
14/03/06	
14/03/06	
14/03/06	
14/03/06	
14/03/06	
14/03/06	
14/03/06	
14/03/06	
14/03/06	Objection
14/03/06	

This application has been advertised in the form of press and site notices, and, the direct notification of the occupiers of 13 neighbouring properties. At the time of preparing the report no informal or formal observations have been received.

Details of Proposal/Officer Appraisal:

Planning History:

In 1951, under application BA 750, approval was given for the erection of an open shed.

In 1966, application BA 4363, approval was given for canteen accommodation.

In 1971, BA 6454, approval was given for new office accommodation.

In 1981, 80/1014, on objections were raised to the provision of an underground 2000 gallon petrol tank.

In 1983, 83/0586, approval was given for a salt storage barn.

In 1985, application number 85/0750 and 85/0811, approval was given respectively for an extension to provide shower/drying rooms, and, erection of a salt storage barn.

In 2005, under application 05/0264, outline planning permission was refused for residential development. The two stated reasons for refusal being:

1) The proposal will result in a significant amount of additional housing that would compound the existing oversupply of "market led" houses within the rural area of Carlisle District contrary to Ministerial advice contained in PPG3 "Housing", Policy UR7 of RPG13 and Policy H17 of the Cumbria and Lake District Joint Structure Plan 2001-2016 Proposed Changes, June 2004. The proposed scheme has not been advanced on the basis of meeting a local need which could have provided an exceptional justification contrary to the moratorium adopted by the Council's Development Control Committee on the 16th July 2004, and, Policy H19 of the Cumbria and Lake District Joint Structure Plan 2001-2016 Proposed Changes, June 2004.

2) In the light of the current restrictions on the supply of housing in the rural area of Carlisle District, the proposal represents a siginificant addition of dwellings the determination of which in advance of the Carlisle District Local Plan (Deposit Draft) (2001-2016) Inquiry in December 2005 would prejudice its results contrary to Ministerial advice contained in PPS1 "Delivering Sustainable Development".

This refusal of permission is currently the subject of an outstanding appeal.

Details of Proposal:

1. **SITE DESCRIPTION**

The application site is approximately 0.8ha in extent, located to the immediate west of the now dismantled railway track/spur, and, approximately 50 metres to the east of the Tree Road/Station Road junction. To the south of the site there is agricultural land with a barn located adjacent to the boundary. To the west and south-west of the site there are residential properties at Tree Road and Tree Gardens. There is an electricity sub-station sited on the eastern boundary of the site.

The site, was formerly used as a depot for the County Council's highways maintenance teams consisted of storage areas for road grit/salt, road signs, top dressing, and, maintenance/refueling for the associated vehicles. In the southern part of the site there is a relatively large open fronted salt/grit store, and, a vehicle maintenance workshop. The northern section has three main buildings consisting of an office, joiners workshop, and, a tin shed. In addition, there are two above ground fuel tanks, and, two underground storage tanks. The site primarily has a tarmac surface with some areas of concrete hardstanding and grass. Mature trees also cross the site.

Vehicular access to the site is via Station Road. A public footpath runs along the eastern boundary following the line of the dismantled railway track.

The site lies within the recently extended Brampton Conservation Area.

2. **BACKGROUND INFORMATION ON THE APPLICATION**

The application, which seeks full permission, involves the demolition of the existing structures and the re-development of the site. The accompanying layout plan shows revisions to the access, the provision of a pavement, the erection of a total of 24 semi-detached dwellings based around a single access road with a turning head ie at a density of 30 dwellings per hectare.

The application is accompanied by a letter from the agent, a Land Quality Assessment Site Investigation Report, and, an Arboricultural Report. The aforementioned letter explains, amongst other things, that:

- It is clearly a previously developed site in the terms of PPG3 (Annex C)

well within the urban area of Brampton and relatively close to the Town Centre.

- Brampton is identified in the Cumbria and Lake District Joint Structure Plan as a Key Service Centre where new development will be focussed.

- The site is shown as a Primary Employment Area under the terms of Policy EM2 of the Carlisle District Local Plan. Whilst that policy presumes in favour of retaining the existing use, it notes that exceptions may be permitted. One of those exceptions is where the existing use adversely affects adjacent residential properties. It is understood that there have been complaints in the past because of the activities of the Depot in respect of vehicles and the use particularly during the winter months.

- The Redeposit version of the Carlisle District Local Plan allocates the site for residential purposes under the terms of Policy H16. No objection to that allocation has been made. Consequently considerable weight can be attached to the policy.

- The intention is to modify the existing highway and, as such, it would seem to be appropriate to impose a Grampian style planning condition in order to achieve these highway works.

- It is understood that up to 55 people could have worked from the site in the past and the level of trip generation was greater than will be the case with the residential development. As such there will be a net reduction in vehicle movements. The level of development is clearly below the threshold where a Transport Assessment is required.

- The layout plan shows that satisfactory distances can be maintained between existing properties such there will be no privacy issues.

The Land Quality Assessment Site Investigation Report recommends: the removal and off-site disposal of the localised areas of hydrocarbon "contamination"; the existing tanks and any associated infrastructure/hydrocarbon contamination removed; the removal of decommissioned services; dust suppression during earthworks; construction workers should adopt appropriate health and safety measures; adoption of surface water control measures during construction; further gas monitoring should be undertaken following removal of the diesel USTs ; soil gas protection measures, if required, should be designed in accordance with BRE Report 414 and CIRIA Report 149 should be incorporated into buildings in the western area of the site; appropriate mitigation measures within the built development; removal of buried structures; and, appropriate foundations are designed.

The Arboricultural Report concludes that the Beech tree T1 and Silver Birch trees T8, T9 and T10 are important features within the local landscape and the loss of these would be detrimental to the local environment. The remaining trees on the proposed development area do not contribute to the conservation value of the site. The Report recommends the carrying out of a programme of tree works prior to the commencement of development following which substantial protective fencing

should be erected.

3. ASSESSMENT OF THE PROPOSAL

The relevant national guidance is contained in PPS1 "Delivering Sustainable Development", PPG3 "Housing" (revised March 2000), PPS7 " Sustainable Development in Rural Areas", PPG13 "Transport", PPG15 "Planning and the Historic Environment", and, PPG23 "Planning and Pollution Control".

Regional Planning Guidance for the North West (RPG13) was published by the Government Office for the North West in March 2003 following consultation and revision since the North West Regional Assembly published the draft version in 2000. RPG13 sets numerical constraints and provides the regional spatial strategy context for the development plan. In addition to the four Core Development Principles (policies DP1-DP4) established in RPG13 reference can also be made to Policies SD3, SD6, UR4, UR5, UR7, UR8, UR9, RU3, ER3, EQ1 and T4.

The development plan comprises the Cumbria and Lake District Joint Structure Plan (Modifications) 2001-2016 (SP), the Carlisle District Local Plan (CDLP), and, the Carlisle District Local Plan (Redeposit Draft) 2001-2016.

In the case of the revised SP (2001-2016) it was subject to an examination in Public in September 2004. The Panels report was made available in January 2005, with Modifications published in September 2005. It is anticipated that the SP (2001-2016) will shortly be adopted. Policies ST1, ST2, ST3, ST5, H17, H18, H19, and E38 of the SP (2001-2016) (Modifications) are considered to be of relevance to the current application.

The Carlisle District Local Plan (CDLP) was adopted in September 1997. Policies E19, E20, E43, E55, T1, T7, H1, H2, H3, H4, H9, H15, H16, and, EM2 of the CDLP are of indirect or direct relevance. The CDLP is currently under review, with the Redeposit Draft subject to an Inquiry in November/December 2006. In relation to the CDLP (2001-2016) Redeposit Draft policies DP1, CP4, CP6, CP9, CP11, CP14, CP16, H3, H4, H5, and LE20 are relevant.

In such a context, and based on the observations received too date, it is considered that the main planning issues in the case of this application are whether the advantages outweigh the disadvantages with regard to:

i) Whether the site would be appropriate for residential use in the light of current national, regional and local planning policies in respect of new housing;

ii) Whether the application is premature in advance of the Inquiry into the Carlisle District Local Plan (Redeposit Draft)(2001-2016);

iii) Whether the proposal would be detrimental to the character of this part of Brampton Conservation Area;

iv) Whether the proposal would be detrimental to the amenities of

neighbouring residents and/or appropriate in the light of its relationship to neighbouring uses;

v) Whether the proposal meets the Council's objectives with regard to the provision of affordable/social housing; and,

vi) Whether the proposal, by the potential creation of a "ransom strip" would prejudice the development of neighbouring land.

It is appreciated that these issues inter-relate to a certain degree but in order to clarify matters they will be separately assessed.

i) **Whether the site would be appropriate for residential use in the light of current national, regional and local planning policies in respect of new housing.**

Policy H4 of the CDLP states that within Brampton, outside designated Primary Residential Areas, applications for residential development will be permitted subject to the satisfaction of a number of criteria. Policy EM2 also highlights that within Primary Employment Areas exceptions may be permitted for other uses outside of Classes B1, B2 and B8 providing that it is judged acceptable in relation to a series of criteria including that the existing use of the site adversely affects or could adversely affect adjacent residential properties. In the case of this application anecdotal evidence has indicated that the current use of the site has adversely affected the amenity of the existing adjacent residential properties.

This aside, Policies H4 and EM2 pre-date the guidance on housing development in PPG3, and, RPG13. Paragraph 38 of PPG3 makes it clear that the policy within PPG3 may supersede that in local plans where there is non-compliance.

In order to ensure that new housing development occurs in sustainable locations PPG3 establishes a sequential approach to site selection through the local plan process with priority given first to the re-use of buildings and the re-use of previously developed land in urban areas. In addition, paragraph 35 of PPG3 recognises that there can be a contribution to supply from windfall sites that are not identified in the local plan unexpectedly becoming available.

PPG3 also sets out the Government's expectation that regional planning guidance will set the overall level of housing provision to be made in each region and its distribution to constituent planning authorities on a plan, monitor and manage approach.

Policy UR7 of RPG13 relates to regional housing provision and states:

"Local planning authorities should monitor and manage the availability of land identified in development plans to achieve the annual average rates of housing provision set out in Table 5.1..."

Table 5.1 indicates that the annual average rate of housing provision for Cumbria and the Lake District to be 1,170.

Although it is at a relatively early stage, policy H17 of the SP (2001-2016) disaggregates the RPG13 figure for Cumbria and allocates an annual average of 65 houses per year to the rural part of Carlisle District. Policy ST5 of the SP (2001-2016) also identifies Brampton as a Key Service Centre.

As policies H4 and EM12 of the CDLP do not differentiate between sequentially preferable locations and take account of the numerical constraints set by RPG13 there is an incompatibility with regional policy and PPG3.

Members will, nevertheless, also recollect that the Council has recently lifted a previously imposed Moratorium on new rural housing permissions.

In relation to this issue it is appreciated that the scheme relates to brownfield land within an identified Key Service Centre. In the current context it is now considered that the proposal would not undermine the aims of up to date national, regional and Structure Plan policies in respect of new housing development.

ii) Whether the application is premature in advance of the preparation of the Carlisle District Local Plan (Deposit Draft)

When considering this issue it is felt that the following points need to be kept in mind:

a) Ministerial advice contained in the attachment to PPS1, "The Planning System: General Principles", identifies in paragraph 17 that in some circumstances, it may be justifiable to refuse planning permission on grounds of prematurity where a Development Plan (DP) is being prepared or is under review, but it has not yet been adopted. This may be appropriate where a proposed development is so substantial, or where the cumulative effect would be so significant, that granting permission could prejudice the DP by predetermining decisions about the scale, location or phasing of new development which are being addressed in the policy in the DP.

b) Based on the lifting of the previously imposed Moratorium and no objections having been made concerning its allocation for residential purposes under Policy H16 of the CDLP Redeposit Draft (2001-2016) it is considered that the bringing forward in advance of the Inquiry in November/December 2006 would not prejudice its results.

iii) Whether the proposal would be detrimental to the character of this part of Brampton Conservation Area.

PPG15 "Planning and the Historic Environment" identifies that planning is an important instrument for protecting and enhancing the environment in town and country, and preserving the natural and built heritage (paragraph 1.2).

PPG15 advises in paragraph 4.17 that many conservation areas include gap sites

that make no positive contribution to the area. Their redevelopment should be a stimulus to imaginative, high quality design. **"What is important is not that new buildings should directly imitate earlier styles, but that they should be designed with respect for their context, as part of a larger whole which has a well-established character and appearance of its own"**. PPG15 goes on to advise that special regard should be had to matters such as scale, height, form, massing and respect for the traditional pattern of frontages.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of a conservation area. The objective of preservation can be achieved either by development which makes a positive contribution to an area's character or appearance, or by development which leaves character and appearance unharmed.

In such a context the Council's Urban Design Officer has raised a series of concerns which the applicant is currently seeking to address prior to the Committee Meeting.

iv) Whether the proposal would be detrimental to the amenities of neighbouring residents and/or appropriate in the light of its relationship to neighbouring uses

When considering these matters it is apparent that the indicative layout plan shows the proposed dwellings to be located at least 20 metres away from neighbouring properties. Based on this layout and the numbers of dwellings, it is felt that the proposal should not be detrimental to the amenities of the neighbouring residents.

In the case of the proposed semi-detached dwellings sited in relatively close proximity to an agricultural building(s). In mitigation this land is, however, designated as a Primary Residential Area under the Proposals Map of the Carlisle District Local Plan.

v) Whether the proposal meets the Council's objectives with regard to the provision of affordable/social housing

In the case of affordable/social housing PPG3 establishes that a community's need for low cost/subsidised housing is a material planning consideration. The Government's advice recognises that it may be desirable in planning terms for new housing on sites which are large enough to incorporate a reasonable mix and balance of house types and sizes to cater for a range of housing needs.

Policy H19 of the SP (2001-2016) sets the provision of affordable housing on sites of more than 0.4 ha or in developments of 10 or more dwellings.

The application as submitted indicates the provision of six low cost units. At the time of preparing the report the applicant's response to the formal observations of the Council's Housing Strategy Officer is awaited.

vi) Whether the proposal, by the potential creation of a "ransom strip" would prejudice the development of neighbouring land

Under the Proposals Map of the Carlisle District Local Plan the neighbouring land to the east is designated a Primary Residential Area. The submitted layout plan indicates a cul-de-sac with a turning head at the eastern most section. The proposed turning head, however, falls short of the boundary. In so doing it creates a potential ransom strip for vehicular access from this site to the neighbouring land. Clarification is currently awaited from the Council's Legal Services Manager on whether this is a material planning consideration and the height that it should be accorded.

4. CONCLUSION

At the time of preparing the report consultation responses are awaited from Cumbria Constabulary, the Parish Council, Highways Authority, Drainage, Carlisle Airport, the Environment Agency, and, CPRE.

This aside, it is recognised that the scheme relates to designated brownfield land within an identified Key Service Centre. As such there are no objections in principle to the redevelopment of the site for residential purposes and the applicant is seeking to satisfactorily address the matters of detail.

A further report will be presented to Members following receipt of the awaited observations from interested parties and the receipt of revised details from the applicant.

Human Rights Act 1998

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";

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;

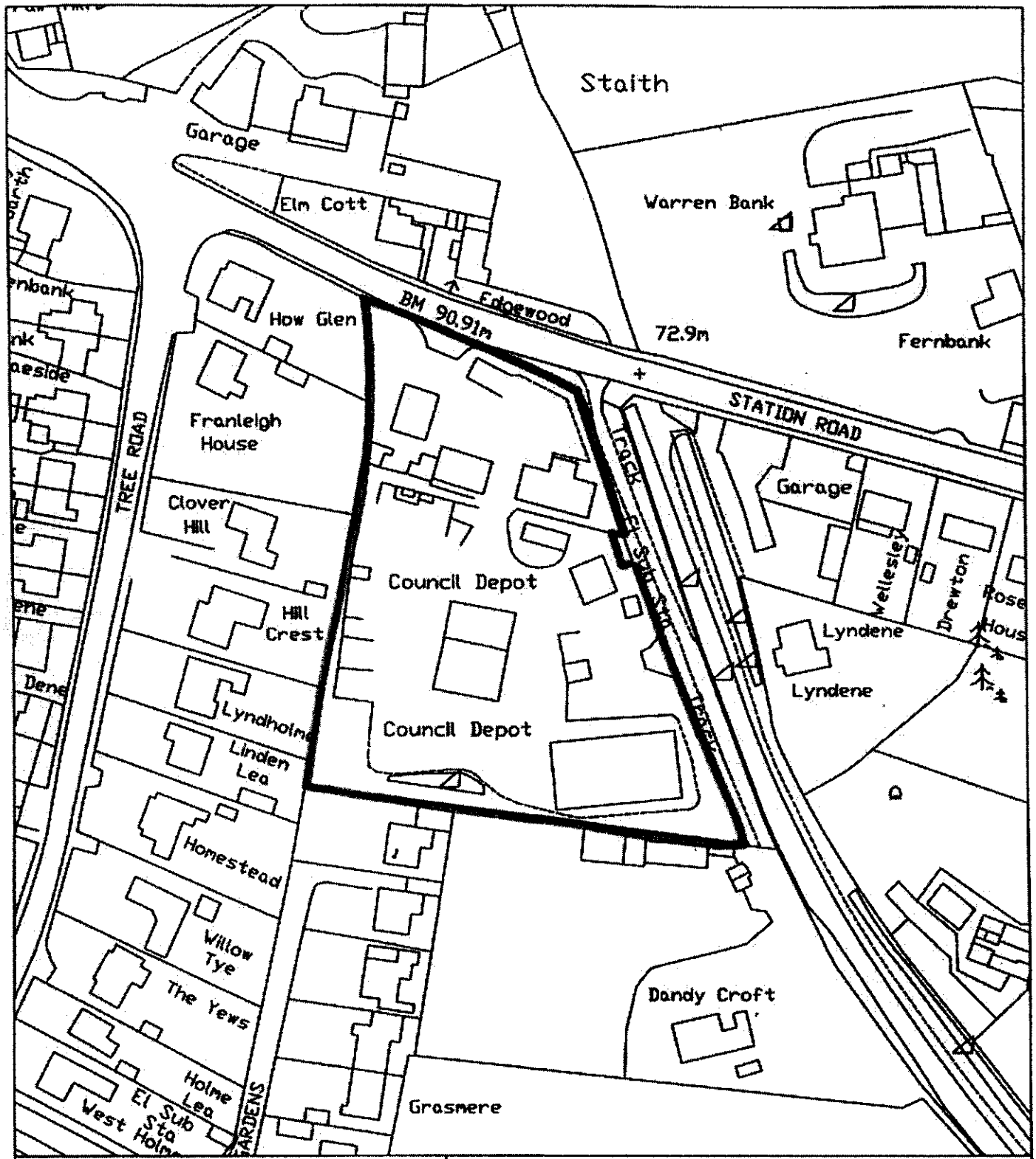
Recommendation:

SCHEDULE B: Reports Requiring Further Information

06/0307

Reason for including report in Schedule B

At the time of preparing the report observations are awaited from interested parties, and, revised details from the applicant.



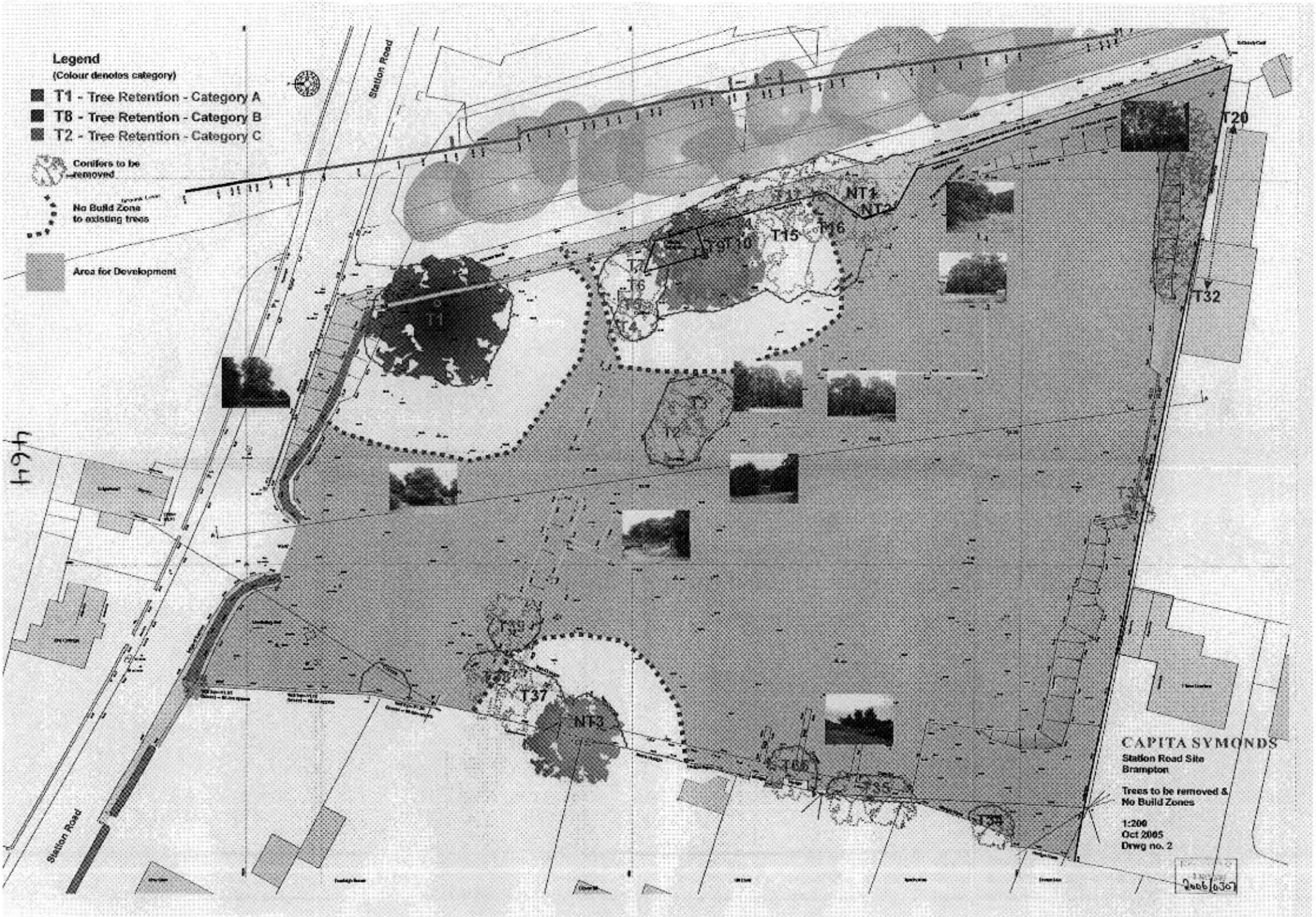
Cumbria County Council	Scale: 1:1250 O.S: NY5360
C/O Capita Symonds The Capita Building Kingmoor Business Park Carlisle CA6 4SJ	Highways Depot Station Road Brampton

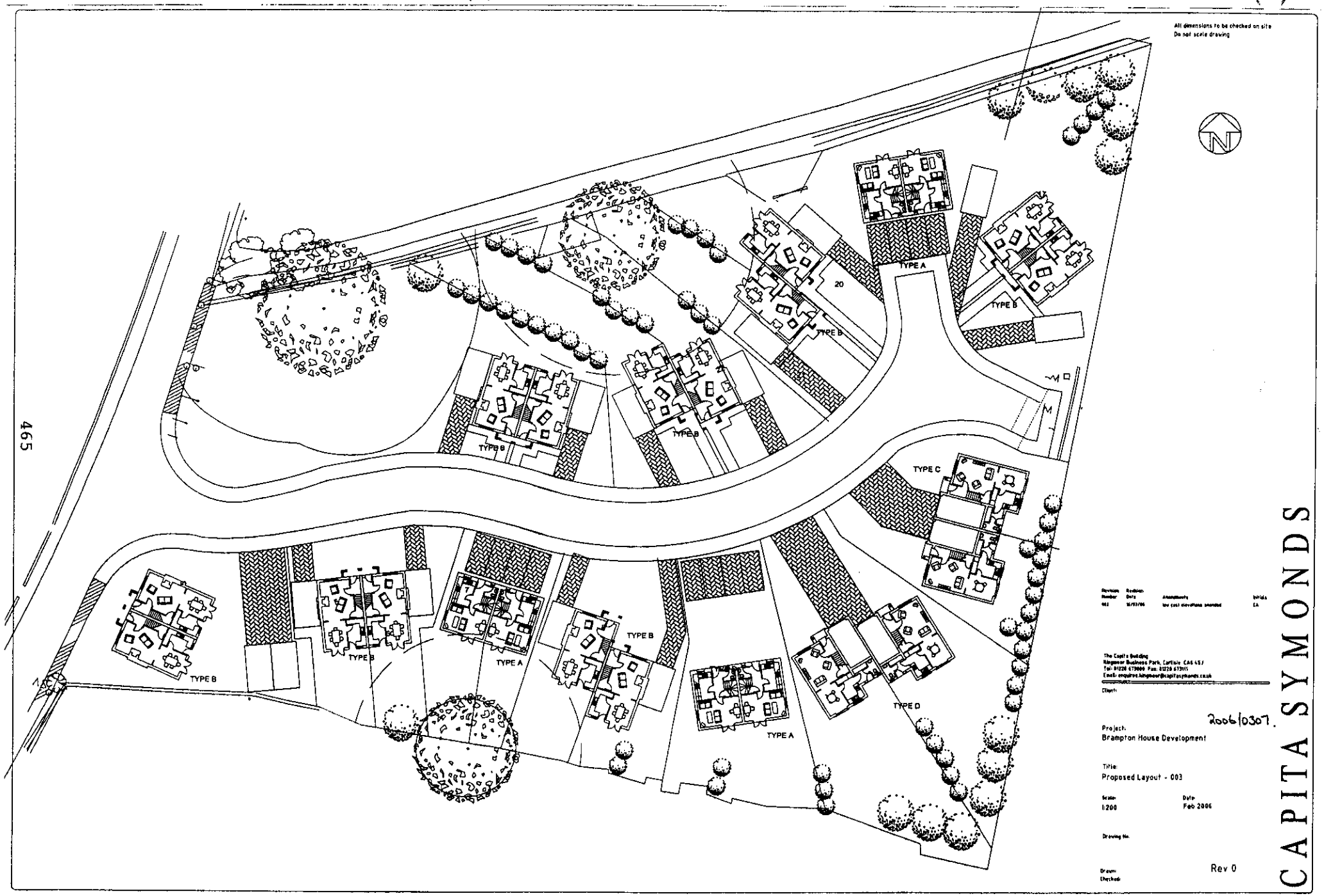
RECEIVED
8 MAR 2006
2006/0307

Reproduced from/based upon Ordnance Survey Data with the permission of the Controller of Her Majesty's Stationery Office.
Crown Copyright. Licence No. LA 100019596

Legend
(Colour denotes category)
T1 - Tree Retention - Category A
T8 - Tree Retention - Category B
T2 - Tree Retention - Category C
Station Road
Station Road
T20
T32
T15
T16
T37
CAPITA SYMONDS
Station Road Site
Brampton
Site As Existing
1:200
Oct 2005
Drwg no. 1

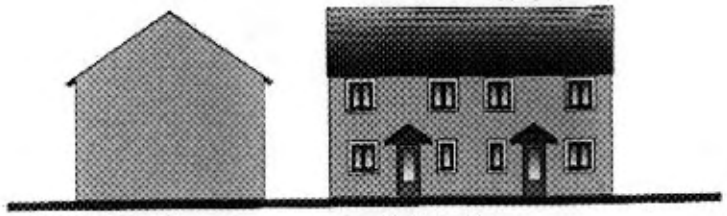
463


Legend
(Colour denotes category)
T1 - Tree Retention - Category A
T8 - Tree Retention - Category B
T2 - Tree Retention - Category C
Conifers to be removed
No Build Zone to existing trees
Area for Development
Station Road
Station Road
T1
T2
T3
T4
T6
T7
T9
T10
T11
T15
T16
NT1
NT2
T20
T32
T35
T36
T37
NT3
CAPITA SYMONDS
Station Road Site
Brampton
Trees to be removed &
No Build Zones
1:200
Oct 2005
Drwg no. 2


All dimensions to be checked on site
Do not scale drawing
TYPE A
TYPE B
TYPE C
TYPE D
20
CAPITA SYMONDS
The Capita Building
Kingmoor Business Park, Carlisle CA6 4SJ
Tel: 01228 673000 Fax: 01228 673111
Email: enquiries.kingmoor@capitasymonds.co.uk
Client:
2006/0307.
Project:
Brampton House Development
Title:
Proposed Layout - 003
Scale:
1:200
Date:
Feb 2006
Drawing No.
Drawn:
Checked:
Rev 0

Side Elevation

Front Elevation



Side Elevation

Front Elevation

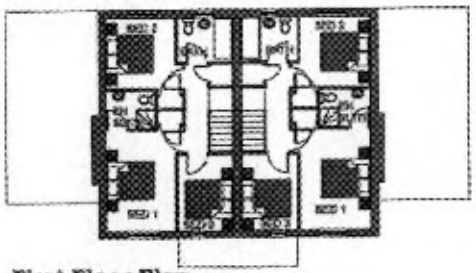
Rear Elevation

Side Elevation

Rear Elevation

Side Elevation

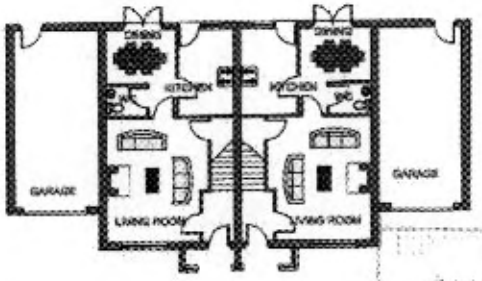
994



First Floor Plan

3 bedroom

livingroom	5.0 x 4.1m
dining room	2.8 x 2.1m
kitchen	2.2 x 3.4m
wc	1.8 x 1.2m
bedroom 1	2.8 x 3.35m
en suite	2.1 x 1.5m
bedroom 2	2.75 x 2.8m
bedroom 3	2.2 x 3.0m
bathroom	1.8 x 2.2m



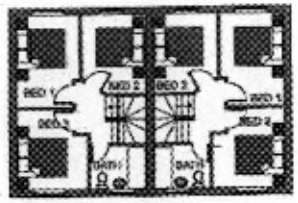
Ground Floor Plan

CAPITA SYMONDS

Station Road Site
Brampton

House Types
TYPE B

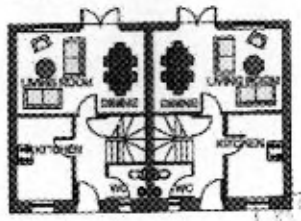
1:100
feb 2006
Drwg no. 2



First Floor Plan

3 bedroom

living / dining room	3.28 x 5.15m
kitchen	3.31 x 2.23m
wc	1.5 x 1.4m
bedroom 1	3.1 x 2.8m
bedroom 2	2.5 x 3.65m
bedroom 3	2.5 x 3.12m
bathroom	1.8 x 2.3m



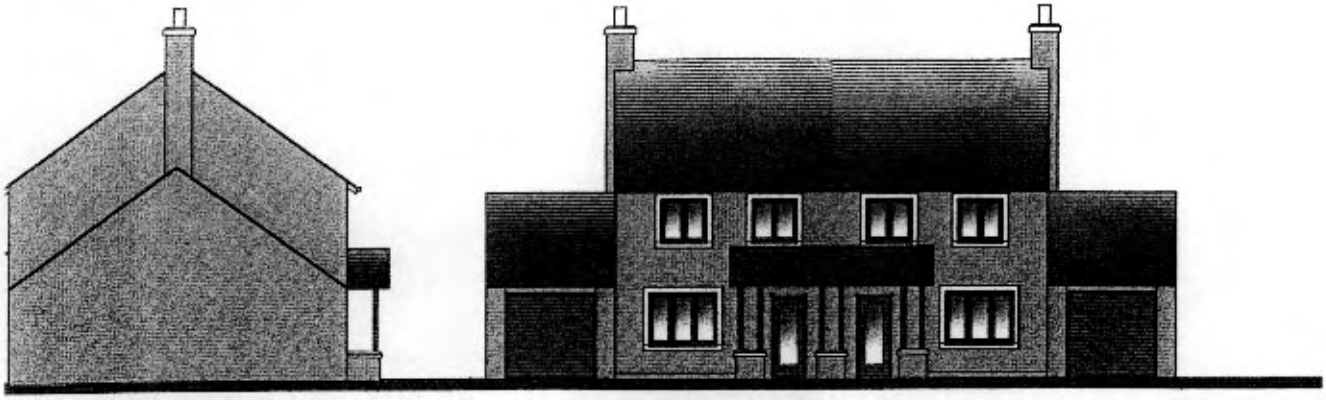
Ground Floor Plan

CAPITA SYMONDS

Station Road Site
Brampton

House Types
TYPE A - LOW COST

1:100
feb 2006
Drwg no. 1

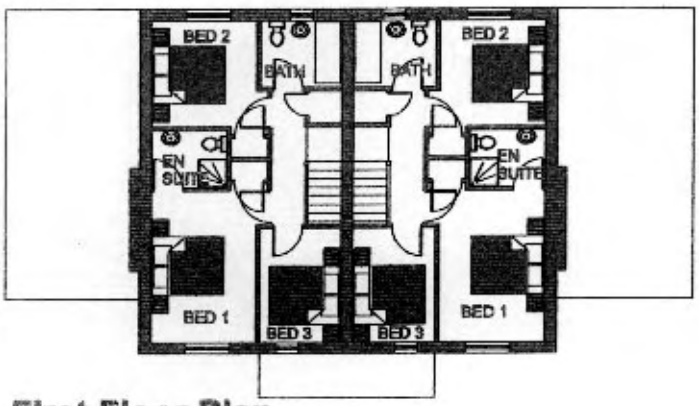


Side Elevation

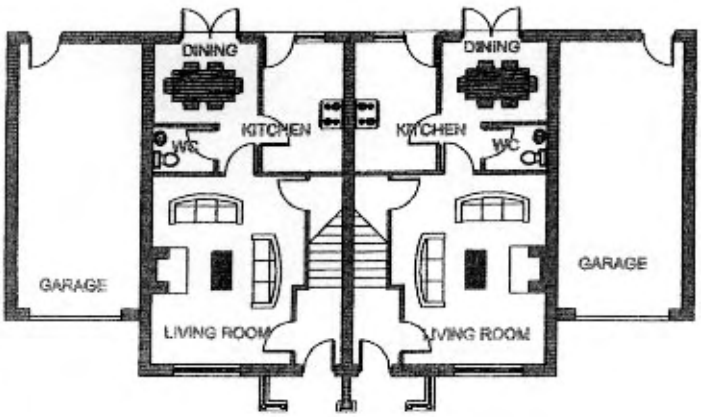
Front Elevation

Rear Elevation

Side Elevation



First Floor Plan



Ground Floor Plan

3 bedroom

livingroom	5.0 x 4.1m
dining room	2.8 x 2.1m
kitchen	2.2 x 3.4m
wc	1.6 x 1.2m
bedroom 1	2.8 x 3.95m
en suite	2.1 x 1.5m
bedroom 2	2.78 x 2.8m
bedroom 3	2.2 x 3.0m
bathroom	1.8 x 2.2m

CAPITA SYMONDS

Station Road Site
Brampton

House Types
TYPE B

1:100
feb 2006
Drwg no. 2

8 MAR 2006

2006/0307

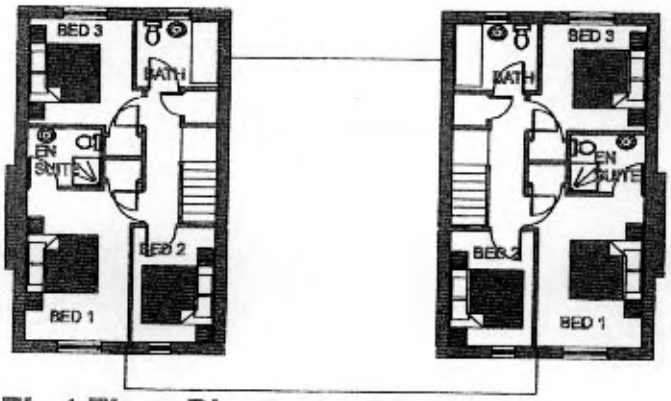
467

Side Elevation

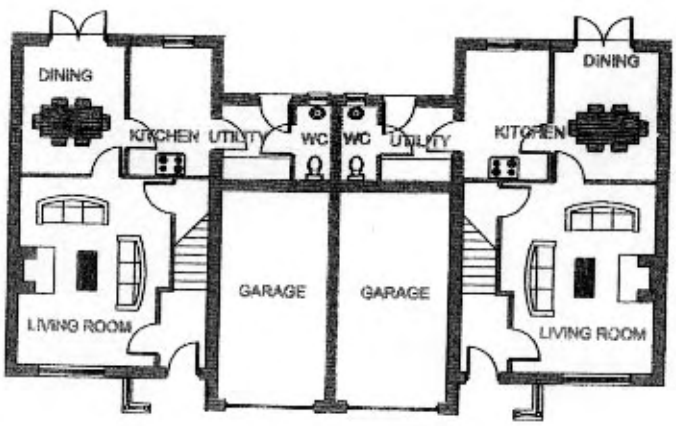
Front Elevation

Rear Elevation

Side Elevation



First Floor Plan



Ground Floor Plan

3 bedroom

living room	3.9 x 4.9m
dining room	2.7 x 3.4m
kitchen	3.4 x 2.1m
utility	1.9 x 2.0m
wc	1.1 x 2.1m
bedroom 1	2.75 x 3.9m
en suite	2.0 x 1.5m
bedroom 2	2.2 x 3.0m
bedroom 3	2.8 x 2.7m
bathroom	2.2 x 1.75

CAPITA SYMONDS

Station Road Site
Brampton

House Types
TYPE C

1:100
feb 2006
Drwg no. 3

2006/0307 468

Side Elevation

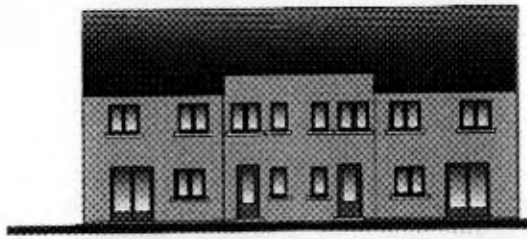
Front Elevation

Side Elevation

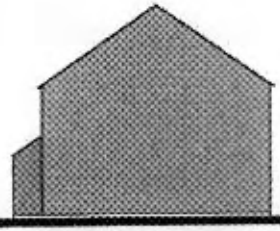
Front Elevation

Rear Elevation

Side Elevation

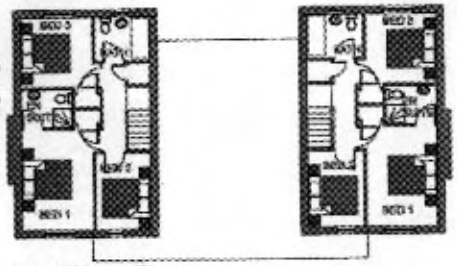


Rear Elevation



Side Elevation

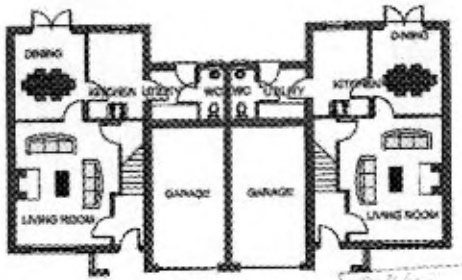
694



First Floor Plan

3 bedroom

living room	3.9 x 4.8m
dining room	2.7 x 3.4m
kitchen	3.4 x 2.1m
utility	1.9 x 2.0m
wc	1.1 x 2.1m
bedroom 1	2.75 x 3.9m
en suite	2.0 x 1.5m
bedroom 2	2.2 x 3.0m
bedroom 3	2.8 x 2.7m
bathroom	2.2 x 1.75



Ground Floor Plan

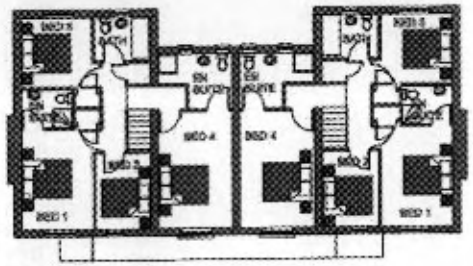
CAPITA SYMONDS

Station Road Site
Brampton

House Types
TYPE C

1:100
feb 2006
Drwg no. 3

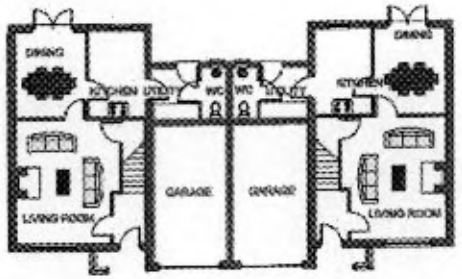
8 MAR 2006
2006/0307



First Floor Plan

4 bedroom

living room	3.9 x 4.8m
dining room	2.7 x 3.4m
kitchen	3.4 x 2.1m
utility	1.9 x 2.0m
wc	1.1 x 2.1m
bedroom 1	2.75 x 3.9m
en suite	2.0 x 1.5m
bedroom 2	2.2 x 3.0m
bedroom 3	2.8 x 2.7m
bedroom 4	2.9 x 4.84m
en suite	2.9 x 2.2m
bathroom	2.2 x 1.75



Ground Floor Plan

CAPITA SYMONDS

Station Road Site
Brampton

House Types
TYPE D -

1:100
feb 2006
Drwg no. 4

8 MAR 2006
2006/0307

SCHEDULE A: Applications with Recommendation

05/1394

Item No: 07 Date of Committee: 21/04/2006

Appn Ref No:	**Applicant:**	**Parish:**
05/1394	Jennings Brothers Plc	Hayton
Date of Receipt:	**Agent:**	**Ward:**
28/12/2005	Manning & Elliott	Hayton

Location: Lane adj to Lane End Inn, Hayton Lane End, Hayton, Carlisle

Grid Reference: 351300 558844

Proposal: Construction of 26 no bedroom hotel accommodation block

Amendment:

REPORT

Reason for Determination by Committee:

In the light of the objections raised by the Parish Council.

Planning Policies:

Cocklakes Safeguarding Area

The proposal relates to land or premises situated within the Cocklakes Safeguarding Area.

Trunk Road/Motorway affected

The proposal relates to development which may affect the A74, M6 or A69.

Policy ST1: A Sustainable Vision for Cumbria

The overall quality of life within Cumbria should be enhanced through the promotion of sustainable development that seeks to protect the environment, ensure prudent use of resources and maintain social progress and economic growth.

Urban and rural communities should be sustained through measures that, in combination, advance the four objectives of sustainable development and achieve:

- a flourishing and diverse local economy
- access to good quality housing for all

- a full range of appropriate and accessible services
- good transport services and communications linking people to jobs, schools, health and other services
- quality built, natural and historic environments
- places to live in a safe and healthy manner
- vibrant, harmonious and inclusive communities

Policy ST2: Assessing impact on sustainability

Development or land use change affecting important environmental, social and economic assets should be assessed in terms of benefits and disbenefits. Where appropriate this will require transport, environmental and other impact assessments to assess the full effect of new development and identify the need for any mitigation.

Policy ST3: - Principles applying to all new development

All proposals for development including alterations to existing buildings and land use change will be required to:

1. seek locations consistent with policy ST5, ST6, and ST7 which will assist in reducing the need to travel, and then in the following order of priority :

   a) the appropriate reuse of existing buildings worthy of retention, followed by
   b) the reuse of previously developed land and only then
   c) the use of previously undeveloped land,

2. seek sites that are or will be made accessible by public transport, walking or cycling,

3. reduce the risk of flooding within the development and elsewhere by a choice of location in the following order of priority:

   a) sites with little or no flood risk, followed by
   b) sites with low or medium flood risk, and only then
   c) sites in areas of high flood risk

   Design proposals should minimise or mitigate any flood risk and where practicable include sustainable drainage systems

4. ensure agricultural land of poorer quality is used for development in preference to the best and most versatile agricultural land.

5. avoid the loss of, or damage to, and where possible enhance, restore or re-establish, important nature conservation features,

6. avoid the loss of or damage to, and wherever possible enhance important or distinctive conservation features including landscapes, buildings, archaeological sites, historic parks and gardens and visually important public and private open spaces,

7. ensure high standards of design including siting, scale, use of materials and landscaping which respect and, where possible, enhance the distinctive character of townscape and landscape, promote a safe and secure environment that designs out crime and makes proper provision for people with restricted mobility and people with special needs, promote energy and water efficient design and the use of recycled materials and renewable energy technology, avoid reductions in air quality and the quality and quantity of groundwater and surface waters, ensure development makes efficient use of and is within infrastructure, community and service constraints, or that these can be satisfactorily overcome through planned improvements or at the developers expense without an adverse effect on the environment, Ensure minimal levels of light pollution and noise.

Policy ST7: Development to sustain rural communities

Small scale development to help sustain local services, meet local needs or support rural businesses will be permitted in towns and villages defined as Local Service Centres in Local Plans. It will be the exception for new development to be located in the open countryside.

Policy EM16: Tourism

New tourism facilities will be directed to Key Service Centres and to locations that enable the economic and physical regeneration of an area, where they bring benefit to the local community.

Tourism development will be permitted where this does not prejudice Cumbria's distinctive environmental, cultural and historic character and visitors enjoyment and understanding of it. The emphasis should be on sustaining these attributes and adding quality.

Tourism proposals in the Lake District National Park and AONBs will only be permitted where the statutory purposes of the designated areas are not contravened.

In the Lake District National Park changes of use or conversions which result in the loss of important tourism accommodation or public amenities will not be permitted unless they are demonstrated to be unviable.

Tourism development within or affecting the Lake District National Park and AONBs will only be permitted where:

1. it would not conflict with the special qualities of the designated areas or diminish opportunities for quiet enjoyment,
2. it would not introduce inappropriate activities or levels of use, or otherwise be of a nature and scale, detrimental to the character and quality of the environment, and
3. it would not result in the loss of serviced accommodation and of touring

caravan pitches to other tourist uses.

Policy E37: Landscape character

Development and land use change should be compatible with the distinctive characteristics and features of Cumbria's landscape types and sub types. Proposals will be assessed in relation to:

1. locally distinctive natural or built features,
2. visual intrusion or impact,
3. scale in relation to the landscape and features,
4. the character of the built environment,
5. public access and community value of the landscape,
6. historic patterns and attributes,
7. biodiversity features, ecological networks and seminatural habitats, and
8. openness, remoteness and tranquillity.

Policy E39: Enhancement of the built and natural environment

Development that includes measures to regenerate and upgrade rural, urban and urban fringe environments, both built and natural, will be supported, particularly where this protects, enhances or restores biodiversity, landscape and amenity value. Priority will be given to schemes that promote:

1. economic and physical regeneration , or
2. the attractiveness of approaches into key service centres, important transport corridors and entry points to the county, or
3. reuse of previously developed land with the emphasis in open countryside on forestry, woodland, agriculture and other uses which respect the character of the countryside, or
4. restoration and remediation of derelict or contaminated land.

Carlisle District Plan
Environment - Policy E8

Within the remainder of the rural area not covered by Policies E2-E6, proposals which are well related in use, siting, scale and design to existing settlements or other small clusters of buildings including farm buildings will be acceptable providing that:

1. The proposal reflects the scale and character of the existing group of buildings or settlement; and

2. There is no adverse effect upon the amenity of neighbouring property, and the character and appearance of the area; and

3. Satisfactory access and appropriate car parking can be achieved; and

4. Any exiting wildlife habitats are safeguarded.

Permission will not be granted for development in the undeveloped open countryside unless it is required to meet local infrastructure needs, or for dwellings supported by a proven agricultural or forestry need.

Carlisle District Plan
Environment - Policy E19

In considering proposals for new development the City Council will where appropriate require the retention of existing trees, shrubs, hedges and other wildlife habitats, and the replacement of any environmental feature lost to development. Landscaping schemes to be implemented by the applicant will be required as part of most planning applications.

Carlisle District Plan
Environment - Policy E22

New development will only be permitted if foul sewers and sewage treatment works of adequate capacity and design are available or will be provided in time to serve the development. Within unsewered areas, development which requires the use of septic tanks or other waste water management systems will only be permitted if ground conditions are satisfactory and the plot of land is of sufficient size to provide an adequate subsoil drainage system.

Carlisle District Plan
Employment - Proposal EM15

Proposals for small scale tourism related development will be acceptable providing that:

1. There is no unacceptable adverse impact on the landscape; and

2. Adequate access and appropriate car parking can be achieved; and

3. If the proposal is within the rural area it is well related to an established settlement or group of buildings or involves the conversion of an existing building, or would form an important element of a farm diversification scheme.

Carlisle District Plan
Transport - Proposal T1

In considering applications for development, account will be taken of the availability of a choice of means of travel to and from the site.

Carlisle District Plan

Transport - Proposal T7

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

1. The Parking Guidelines for Cumbria as detailed in Appendix 2;

2. The availability of public car parking in the vicinity;

3. The impact of parking provision on the environment of the surrounding area;

4. The likely impact on the surrounding road network; and

5. Accessibility by and availability of other forms of transport.

Carlisle District Local Plan 2001 - 2016 Redeposit draft
Policy CP1 (CP4) Landscape Character/ Biodiversity

Proposals for development in the rural area must seek to conserve and enhance the special features and diversity of the different landscape character areas. Planning permission will not be granted for new development in the open countryside which is detrimental to defined landscape character.

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

Carlisle District Local Plan 2001 - 2016 Redeposit draft
Policy CP2 (CP7) Trees and Hedges on Development Sites

When considering proposals for development on sites where there are existing trees and hedges, a survey will be required to show the following information:

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

In order to protect and integrate existing trees and hedges within new development, the City Council will resist proposals which cause unacceptable tree loss, and which do not allow for the successful integration of existing trees identified in the tree survey. Layouts will be required to provide adequate spacing between existing trees and buildings, taking into account the existing and future size of the trees, and their impact both above and below ground.

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

Carlisle District Local Plan 2001 - 2016 Redeposit draft
Policy CP4 (CP15) Design

The suitability of any new development or redevelopment will be assessed against the following design principles. Proposals should:

1. Have regard to surrounding buildings in the context of their form in relation to height, scale and massing and making use of appropriate materials and detailing.
2. Take into consideration any important landscape or topographical features and respect local landscape character.
3. Reinforce local architectural features where appropriate promoting and respecting local distinctiveness rather than detracting from it.
4. Be well integrated- ensuring all components of a development are well related to one another e.g. buildings, associated parking, access routes, open space, and hard and soft landscaping to ensure a successful and attractive outcome.
5. Not adversely affect the residential amenity of existing areas, nor adjacent land uses, nor result in unacceptable standards for future users and occupiers of the development.
6. Ensure where possible the retention of existing trees, shrubs, hedges and other wildlife habitats and the replacement of any environmental feature lost to development.
7. Recognise that landscaping schemes (both hard and soft) will be required to assist in integrating new development into existing areas and ensure that development on the edge of settlements is fully integrated into its surroundings.
8. Ensure that the necessary services and drainage infrastructure can be incorporated without causing unacceptable harm to retained features.
9. Through layout and design, encourage the promotion of energy and water conservation by its future occupiers, the incorporation of sustainable forms of energy production within the overall design should also be explored where appropriate.
10. Have a layout and design which minimises the potential for crime and antisocial behaviour.

Carlisle District Local Plan 2001 - 2016 Redeposit draft
Policy CP14 (CP29) Accessibility, Mobility and Inclusion

The layout and design of any development will be encouraged to meet the highest standards of accessibility and inclusion for all potential users regardless of disability, age or gender. Development proposals will be expected to demonstrate that they have made provision for easy, safe and inclusive access to, into and within buildings and facilities through the submission of an access statement alongside their planning application. The need for adequate parking facilities for disabled people

should also be taken into account.

Facilities for disabled people should be included in proposals for extending and altering buildings and open spaces and changes of use where they are to be used by the public, in accordance with Part M of the Building Regulations 2004 and the Disability Discrimination Act 1995. Beyond these requirements, the City Council will seek, where applicable, to negotiate the extent of provision required for disabled people.

The Council will have regard to the following criteria when assessing development proposals:

1. The design of entrances and exits and ease of permeation through and between developments- in terms of street furniture, circulation areas and pedestrian routes
2. Location of any development proposal in relation to its potential users, customers, employees
3. Accessibility by all transport modes and provision for parking for disabled people
4. Provision of on site facilities e.g. baby changing facilities, public toilets, disabled parking, lifts and appropriate signage.
5. Consideration should also be given to the guidance in 'Better Access' produced by Carlisle City Council, regarding building details and accessibility for all and BS 8300: 2001 *'Design of buildings and their approaches to meet the needs of disabled people- Code of Practice'.*

Carlisle District Local Plan 2001 - 2016 Redeposit draft
Policy EC11 (EC12) Rural Diversification

Development proposals to diversify and expand upon the range of economic activities undertaken in rural areas will be encouraged where the proposal re-uses or adapts existing traditional buildings (of permanent construction) for commercial, industrial or recreational uses. Any new building required as part of a diversification scheme must be well related to an existing group of buildings to minimise its impact, blending satisfactorily into the landscape through the use of suitable materials, design and siting. Proposals should:

1. Be complementary to or compatible with the agricultural operations in the rural area; and
2. Be compatible with the character and scale of the operation and its landscape character; and
3. Not lead to an increase in traffic levels beyond the capacity of the surrounding local highway network; and
4. Be capable of providing adequate access and parking arrangements.

Conversion of premises (of permanent construction) to live/ work units will be acceptable providing that they maintain the character of the original building and be in the region of 60% residential to 40% employment use. Permission for later conversion of the employment part will not be acceptable unless replacement employment use is provided in adjacent premises.

Carlisle District Local Plan 2001 - 2016 Redeposit draft
Policy EC12 (EC13A) Sustaining Rural Facilities and Services

Outside the key service centres of Brampton and Longtown, the change of use of a local shop, public house, post office, doctor's surgery, dental surgery, school, bank, church/ chapel, village hall or other facility considered important to the community will only be permitted where it can be demonstrated that:

1. Its current use is no longer viable and there is currently scope for an alternative community use; and
2. There is adequate alternative provision in the locality to serve the local community; and
3. All options for their continuance have been fully explored.

Proposals for the development of or extension to village services and facilities, including proposals which will assist in their retention, will be permitted provided that:

1. The scale and design does not adversely affect the local built environment and respects local landscape character; and
2. It does not have an adverse impact upon residential amenity; and
3. Appropriate parking and servicing arrangements can be made.

Carlisle District Local Plan 2001 - 2016 Redeposit draft
POLICY EC15 Tourism Development

Priority will be given for tourism related development in the City of Carlisle in accordance with Structure Plan Policy EM15. Proposals will be supported in Carlisle and elsewhere where they contribute towards the economic and physical regeneration of an area provided that the following criteria are met:

1. The scale and design of the development are compatible with the surrounding area; and
2. There would be no unacceptable adverse impact on the landscape/townscape; and
3. Adequate access by a choice of means of transport and appropriate car parking can be achieved; and
4. The level of traffic generated can be adequately accommodated within the local road network without detriment to the particular rural character of the area; and
5. If the proposal is within the rural area it is well related to an established settlement or group of buildings, or would form an important element of a farm diversification scheme; and
6. The distinctive environment, culture and history of the area are safeguarded.

Hadrian's Wall World Heritage Site is a major attraction for sustainable tourism and proposals for new tourism development which aim to promote

the enjoyment and understanding of the WHS whilst meeting the above criteria will be permitted.

Summary of Consultation Responses:

Highways Agency -(A69 Road Link Consultants): No objections to this application as their will be no material impact on the A69 Trunk Road.

Hayton Parish Council: The Council believe that there are significant differences between the original plans approved in 2001 compared with the new plans. The Council would request that they have sight of the original plans before they can make an informed decision.

The Council would ask for a response to the copy of a notification letter dated the 7th February 1991 which indicates that the site is within an "Area of Great Landscape Value".

The Council have concerns regarding the impact of light pollution with any new building in the area.

Following the decision of Members at the previous Meeting of the Development Control Committee the Parish Council have made the following comments:

1. An alleged report of contamination flowing into a nearby stream;

2. Light pollution is still considered to be an issue; and,

3. The Parish Council would like to know how previous correspondence from the City Council re. Carlisle Lodge dating from January 1977 and February 1991 has described the site as falling within an Area of Great Landscape Value.

Design Services - Drainage Engineer: Comments awaited.

Council for Protection of Rural England: Comments awaited.

Environmental Services: No objections to this application.

Carlisle Airport: Comments awaited.

Planning Services - Access Officer: Before a Building Regulations application is submitted, the following Part M and Disability Discrimination Act issues need to be considered:

- The parking spaces require the extra 1200mm at the rear making a 6m length and also an individual width of 3.6m
- As there are 26 bedrooms, another wheelchair accessible one is required, making 3 in total
- Guarding is required for the outward opening entrance doors
- There needs to be a choice of location for the bedrooms to include one at first

floor level
- Carlisle Access has requested that 2 out of the 3 accessible bedrooms have showers with folding seats, not baths
- Further specific details need to be altered with regard to the provision of a wardrobe, transfer space at the side of the WC, the design of the access corridor, light switches, the design of the reception desk, and, the design of all switches, handles and taps.

Summary of Representations:

Representations Received

Initial:	Consulted:	Reply Type:
	03/01/06	
	03/01/06	
	03/01/06	
	03/01/06	
	03/01/06	

Details of Proposal/Officer Appraisal:

Planning History:

The site has a relatively extensive planning history. In more recent times, planning permission was given in 1985, under application reference number 85/0747, for alteration of the existing public house, conversion of stables to self catering accommodation together with the provision of two new self catering units.

In 1986, application number 86/0249, permission was given for a rear lobby extension and replacement of a flat roof with a pitched roof.

In 1989, application number 89/0822, permission was given for an extension to form a dining area, function room and bedroom block.

In 1993, application number 93/0674, permission was granted for the erection of an extension to be used as a restaurant and function room.

In 2000, under application 00/0898, permission was given for the erection of a 26no. bedroom hotel accommodation block.

In January 2004, application 03/1220, permission was given for extensions to

provide enlarged conservatory and kitchen.

Details of Proposal:

The Lane End Inn is a two storey public house with a single storey conservatory/ dining room extension located on the southern side of the A69 to the immediate east of the junction with the road leading to Hayton. To the south of the Inn there is a residential dwelling in the form of Aikrigg and, approximately 110 metres to the east, there is Invergrae Lodge.

In 2000, under application 00/0898, planning permission was given for the erection of a 26 bed hotel accommodation block in a "U" shaped layout on land to the east of the Inn. The approved building consisted of two storeys with stone and painted rendered walls, timber detailing, and, a slate roof covering. Vehicular access was shown to be achieved from the Hayton road with a total of 28 off-street parking spaces provided. The approved layout plan also showed additional shrub and tree planting with a sewerage treatment plant located in the north-eastern corner of the site. The proposed accommodation was submitted on the basis that it would operate in conjunction with the use of the public house.

The current application has been submitted on the basis of seeking a renewal of the permission granted under 00/0898 and involves the same plans.

The previous Ministerial advice in Annex A to PPG13 "Transport" (1994) contained specific advice on motorway and roadside service areas. This advice has subsequently been superseded by PPG13 "Transport" (2001) with its emphasis firmly placed on:

a) promoting more sustainable transport choices for both people and freight;

b) promoting accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling; and,

c) reducing the need to travel, especially by car.

PPG13 (2001), nonetheless, recognises that the car will continue to have an important part to play and for some journeys it will remain the only real option for travel.

In the context of the advice contained in PPG13 (2001) and the adopted policies of the Development Plan it is considered that Members have to assess the proposal by weighing the need for the facility against any harm to the landscape, sustainability, the amenity of neighbouring residents, and, access by disabled people. As such it is felt that the following points need to be kept in mind:

a) It is acknowledged that the existing provision of accommodation to serve long distance motorists using the A69 is limited. To seek to relate such a specific facility to an existing settlement off the A69, for example Brampton, would appear to contradict the purpose of the bypass. It is also appreciated

that whilst there would be some competition with existing hotels and B & B businesses, the current proposal should not amount to serious harm. The proposal would, however, retain the existing local social facility of the public house whilst the hotel accommodation should appeal to a cross section of society. It is, however, acknowledged that what percentage of the traffic along this stretch of the A69 is generated by commuters as opposed to long distance travellers/holiday makers is unclear.

b) When considering the impact on the landscape it should be noted that the application site is not located within a designated County Landscape or Area of Outstanding Natural Beauty. In the light of Policy EM15 of the Local Plan it is evident that the proposal is related to an existing group of buildings, albeit limited in number. The scale, form, external materials and style of the proposed accommodation is felt to be consistent with local building traditions. It is appreciated that the proposal will lead to additional lighting. In mitigation, the proposal is not a truckstop or consists of a petrol filling station. It is thus anticipated that any external lighting would be more domestic in nature.

c) When considering the issue of sustainability, but also acknowledging that car journeys will still have a role to play, it could be argued that the development of such a facility away from the A69 would be less sustainable than a facility located along its route. The likely difference between, for example the Lane End Inn and hotel/B&B accommodation in Brampton, is likely to be limited.

d) It is acknowledged that the proposed car parking areas with the additional traffic generated and associated activity could create amenity problems. In mitigation it is readily apparent that the nature of the traffic using the A69 is such that the existing ambient noise level is relatively high. In regard to the proposed layout of the site and the additional landscaping, the applicants have sought to minimise any impact on the amenity of neighbouring residents. Any potential amenity problems associated with floodlighting could also be controlled by the imposition of a condition.

e) The Council's Access Officer has also raised a series of detailed points over the submitted plans. The aforementioned matters should, nevertheless, be resolved through the submission of revised details.

In summary, and when considering whether there has been any fundamental change in circumstances since the determination of application 00/0898, there appears to be a greater emphasis contained in PPG13 and the policies of the Structure Plan with regard to the sustainability of any development and the need to reduce journeys by car. The Disability Discrimination Act has also introduced a greater awareness of the needs of disabled people. At a time when tourist development is being encouraged within the District the current proposal should appeal to a cross section of society and widen the range of accommodation in addition to the existing self-catering units, hotels, and, B&Bs.

Members will recollect that at their previous Meeting they resolved to give authority

to issue approval subject to the receipt of revised plans which satisfactorily address the comments of the Council's Access Officer, and, on the basis that no objections are received from the Parish Council. Following their meeting on the 15th March the Parish Council commented on the application with regard to an alleged report of contamination in a nearby stream; light pollution; and, wanting to know why previous correspondence from the City Council dating from January 1977 and February 1991 concerning Carlisle Lodge has described the site as falling within an Area of Great Landscape Value.

In response to the first issue clarification has been sought from the applicant; the issue of light pollution is addressed in the report; and, bearing in mind that the aforementioned correspondence does not appear to relate to the current application site it is unclear what point is being made.

In conclusion it is considered that the additional comments made by the Parish Council do not fundamentally alter the situation. As such the proposal is recommended for approval subject to the receipt of revised plans which overcome the concerns of the Council's Access Officer and a satisfactory explanation is received concerning the alleged contamination of a stream.

Human Rights Act 1998

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";

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;

The proposal has been considered against the above but in this instance it is not considered that there is any conflict. If it was to be alleged that there was conflict it is considered not to be significant enough to warrant the refusal of permission.

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. This permission relates to the addition of supplementary hotel accommodation to the existing public house at the premises all of which shall operate and be used as one planning unit by the applicants or their successors in title. Under no circumstances shall the applicants or their successors in title subsequently sell, let or in any way dispose of or use or permit to be used any part of the hotel accommodation hereby approved, independently of the remainder of the overall property.

Reason: The local planning authority wish to control any future sub-division of the site and any consequent implcations because of the close physical proximity and inter-dependence of the hotel accommodation and the public house and the need to safeguard the amenities of neighbouring residents.

3. Before the commencement of development details of the design, height, finish, position, and, lighting levels of the proposed external means of illumination shall be submitted to and approved in writing by the local planning authority.

Reason: In order to safeguard the environmental and residential amenities of the area.

4. Samples or full details of all materials to be used on the exterior shall be submitted to and approved in writing by the local planning authority before any work is commenced.

Reason: To ensure the works harmonise as closely as possible with the existing building and to ensure compliance with Policy EM15 of the Carlisle District Local Plan.

5. Details shall be submitted of the proposed hard surface finishes to all public and private external areas within the proposed scheme and approved by the Local Planning Authority before any site works commence, and the approved scheme shall be implemented in accordance with a phasing scheme for the conversion works hereby approved.

Reason: To ensure that materials to be used are acceptable and in compliance with the objectives of Policy EM15 of the Carlisle District Local Plan.

6. No development shall take place until details of a landscaping scheme have been submitted to and approved by the local planning authority.

Reason: To ensure that a satisfactory landscaping scheme is prepared in

accord with Policy E19 of the Carlisle District Local Plan.

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

   Reason: To ensure that a satisfactory landscaping scheme is implemented in accord with Policy E19 of the Carlisle District Local Plan.

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

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

9. The hotel accommodation shall not be occupied until a means of vehicular access has been constructed in accordance with the approved plans.

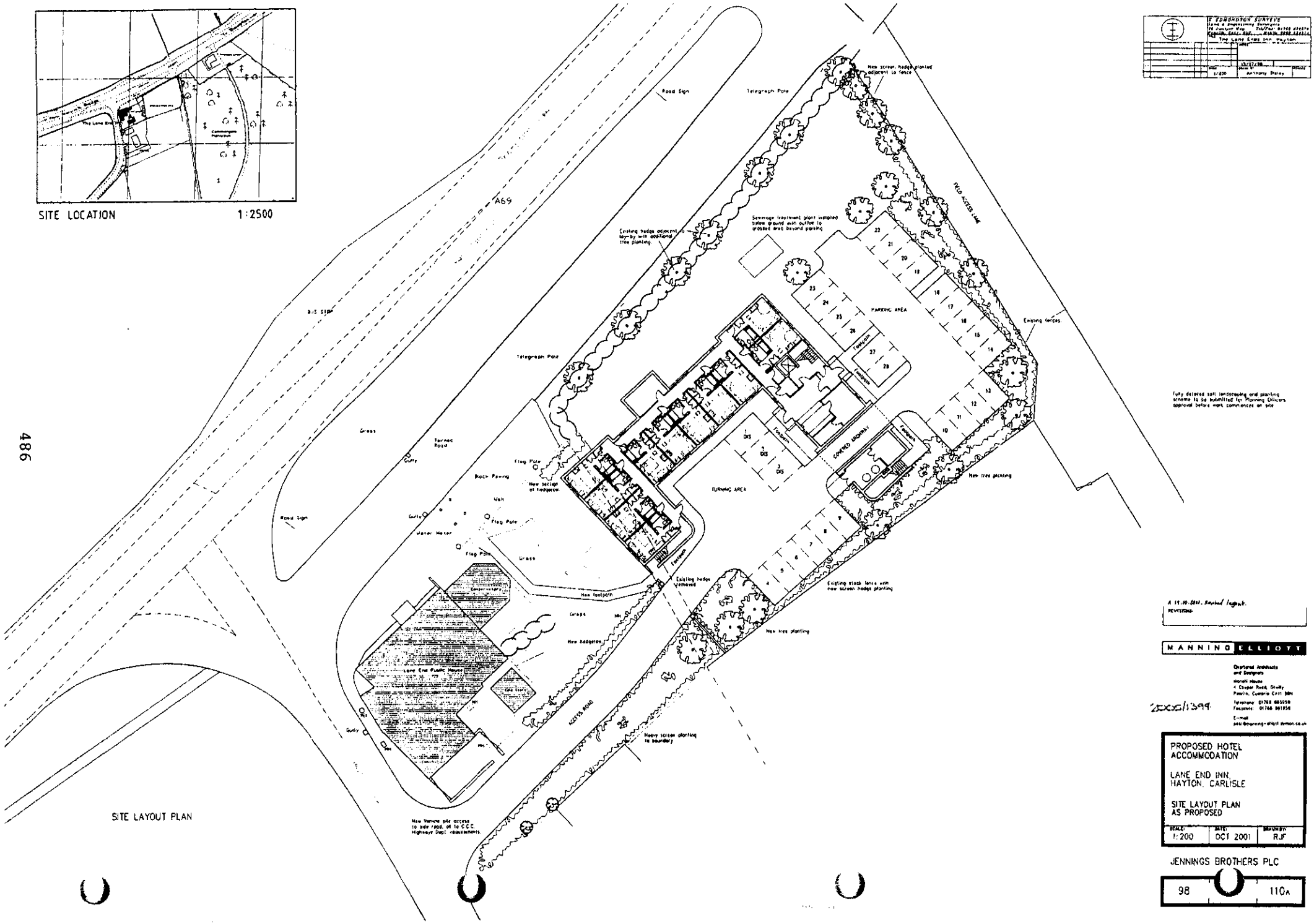
   Reason: To ensure that the development is served by a vehicular access constructed to the satisfaction of the local planning authority in accordance with Policy EM15 of the Carlisle District Local Plan.

10. The parking area shall be constructed in accordance with the approved plans before the building is occupied/use commences and shall not be used except for the parking of vehicles in connection with the development hereby approved.

    Reason: To ensure adequate access and parking is available in accord with Policy T7 of the Carlisle District Local Plan.

11. No development approved by this permission shall be commenced until a scheme for the disposal of foul drainage to the sewage treatment plant has been submitted to and approved in writing by the local planning authority. No part of the development shall be brought into use until such treatment plant has been constructed and completed in accordance with the approved plans.

    Reason: To ensure that adequate drainage facilities are available in accord with Policy E22 of the Carlisle District Local Plan.


SITE LOCATION
1:2500
SITE LAYOUT PLAN
A69
Road Sign
Telegraph Pole
New screen hedge planted adjacent to fence
Existing hedge adjacent to lay-by with additional tree planting
Sewerage treatment plant installed below ground with outfall to grassed area beyond parking
FIELD ACCESS LANE
PARKING AREA
Existing fences
Footpath
Fullpath
Fullpath
Fullpath
COVERED ARCHWAY
TURNING AREA
New tree planting
Existing stock fence with new screen hedge planting
New tree planting
Existing hedge removed
Fullpath
Flag Pole
Block Paving
New section of hedgerow
Wall
Flag Pole
Water Meter
Flag Pole
Grass
Gully
Tarmac Road
Grass
Road Sign
Gully
Conservatory
New footpath
Grass
New hedgerow
Lane End Public House
Gully
ACCESS ROAD
Heavy screen planting to boundary
New Venice site access to side road, all to C.C.C. Highways Dept. requirements.
Fully detailed soft landscaping and planting scheme to be submitted for Planning Officers approval before work commences on site
MANNING ELLIOTT
Chartered Architects and Designers
Manoli House
4 Cooper Road, Oliver
Penrith, Cumbria CA11 9BN
Telephone: 01768 865950
Facsimile: 01768 861858
E-mail
post@manning-elliott.demon.co.uk
2005/1399
PROPOSED HOTEL ACCOMMODATION
LANE END INN, HAYTON, CARLISLE
SITE LAYOUT PLAN AS PROPOSED
SCALE: 1:200
DATE: OCT 2001
DRAWN BY: RJF
JENNINGS BROTHERS PLC
98
110A

98-27-112

PLANTING SCHEDULE

TREES

All to be standards (3-4.5m high and 8-10cm girth) staked and tied with rabbit protection.

		Nos.
T1	Sorbus aucuparia	4
T2	Prunus avium	8
T3	Pinus sylvestris	3
T4	Tilia cordata	4
T5	Betula papyrifera	3
T6	Pinus sylvestris	3
T7	Quercus robur	3
T8	Prunus sargentii	3

HEDGES

H1 Existing hedge cut back and thin as required.

H2 New hedge 70% Hawthorn, 10% Blackthorn, 10% Holly, 5% Rosa rugosa, 2½% Oak and 2½% Ash planted at 7 N° plants/m run in double staggered rows.

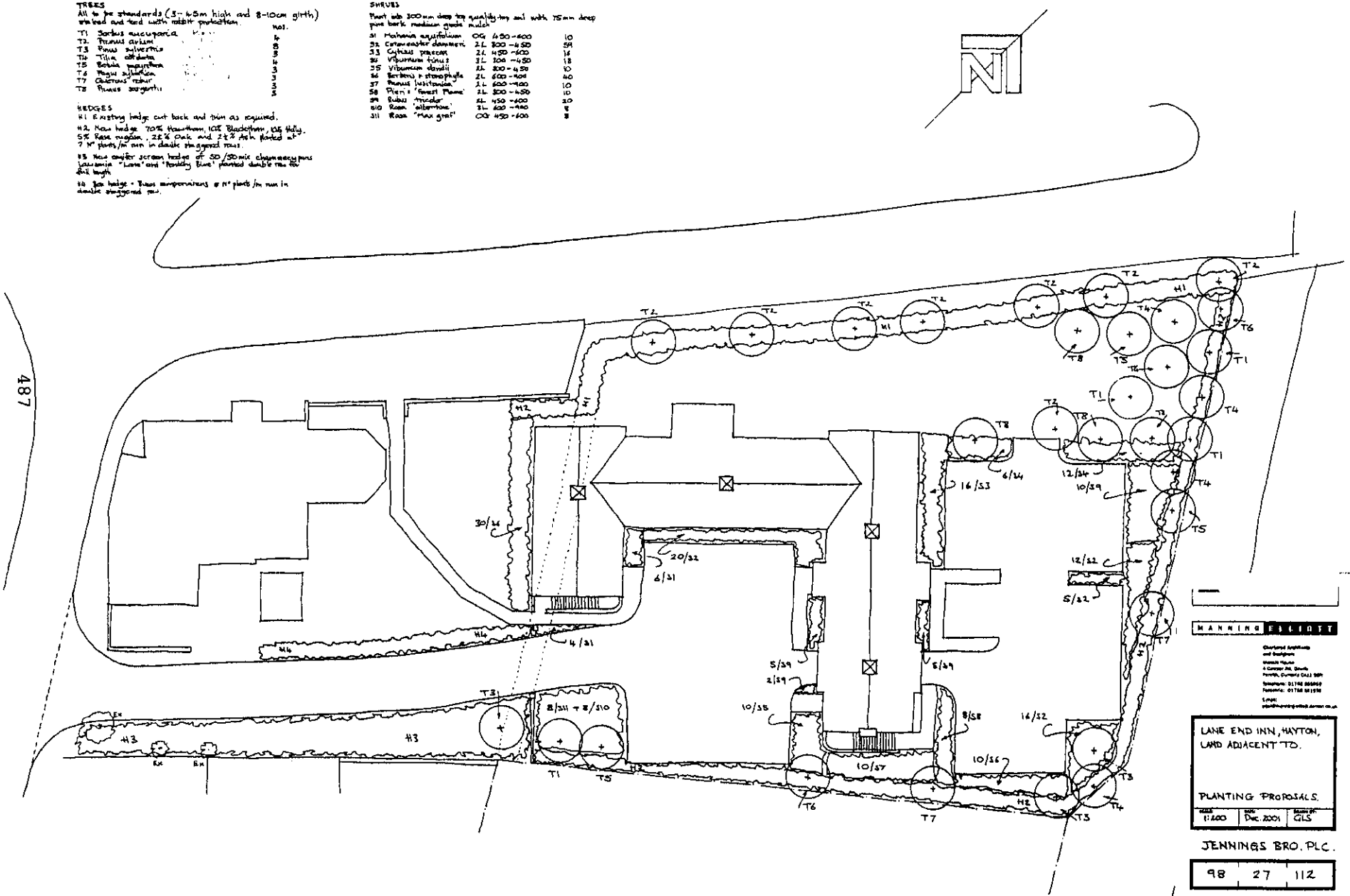
H3 New conifer screen hedge of 50/50 mix chamaecyparis Lawsonia "Lane" and "Pembury Blue" planted double row for full length.

H4 Box hedge - Buxus sempervirens @ N° plants/m run in double staggered row.

SHRUBS

Plant into 300mm deep top quality top soil with 75mm deep pine bark medium grade mulch

S1	Mahonia aquifolium	OG	450-600	10
S2	Cotoneaster dammeri	2L	300-450	59
S3	Cytisus praecox	2L	450-600	16
S4	Viburnum tinus	3L	300-450	18
S5	Viburnum davidii	2L	300-450	10
S6	Berberis x stenophylla	2L	600-900	40
S7	Prunus lusitanica	2L	600-900	10
S8	Pieris 'Forest Flame'	2L	300-450	10
S9	Rubus tricolor	2L	450-600	20
S10	Rosa 'albertine'	3L	600-900	8
S11	Rosa 'Max graf'	OG	450-600	8



MANNING ELLIOTT

Chartered Architects and Designers

LANE END INN, HAYTON, LAND ADJACENT TO.

PLANTING PROPOSALS.

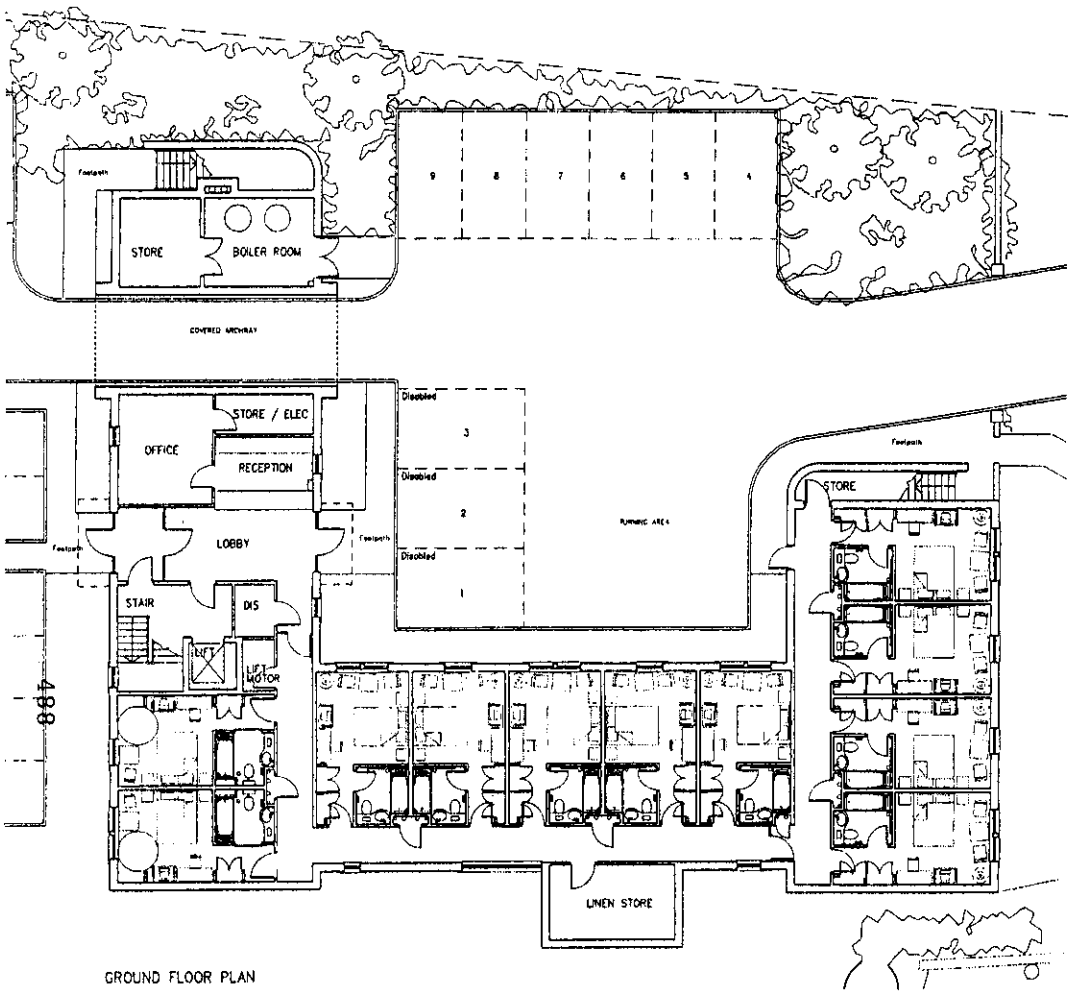
SCALE	DATE	DRAWN BY
1:200	Dec. 2001	GLS

JENNINGS BRO. PLC.

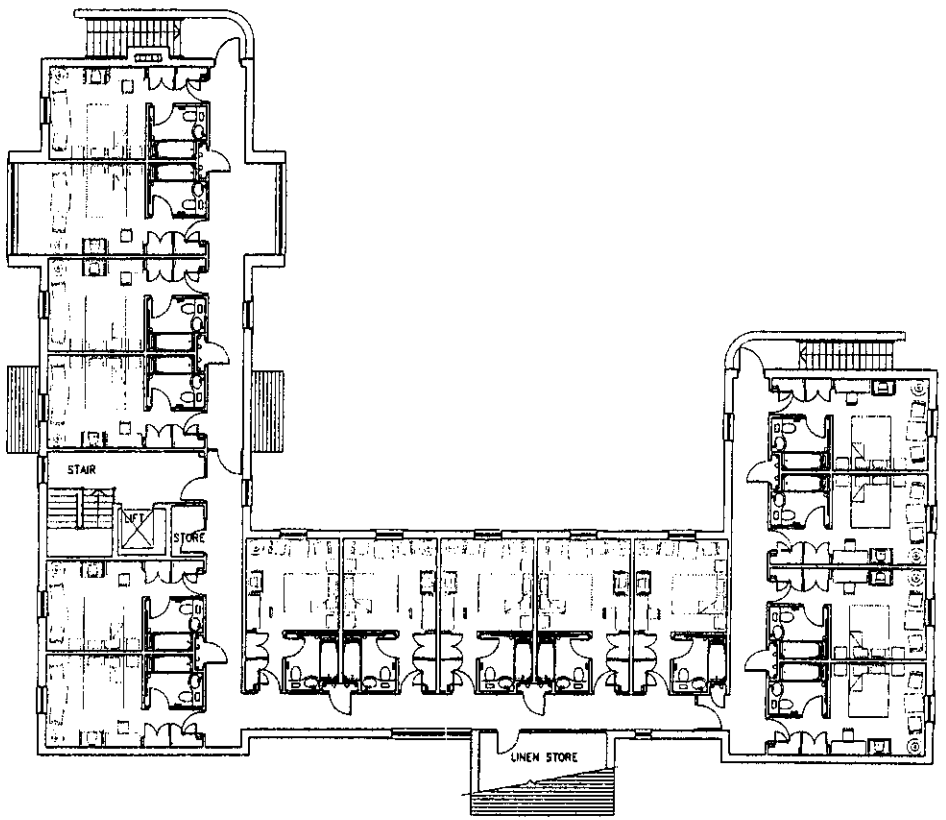
98	27	112

2005/1394

487



GROUND FLOOR PLAN



FIRST FLOOR PLAN

A. 22.10.2001 addition of site info.
REVISIONS

MANNING ELLIOTT

Chartered Architects and Designers
Marsh House
4 Cooper Road, Gilwilly
Penrith Cumbria CA11 9BN
Telephone: 01768 865959
Facsimile: 01768 861959
E-mail
post@manning-elliott.demon.co.uk

2000/1394

PROPOSED HOTEL ACCOMMODATION

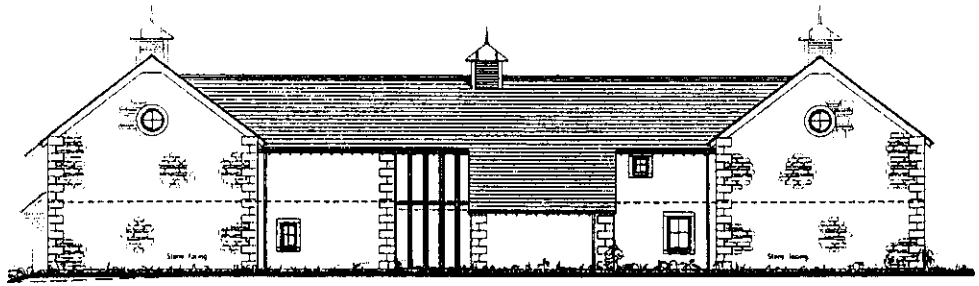
LANE END INN, HAYTON, CARLISLE

FLOOR PLANS AS PROPOSED

SCALE:	DATE:	DRAWN BY:
1:100	SEP 2001	RJF

JENNINGS BROTHERS PLC

98	27	109A

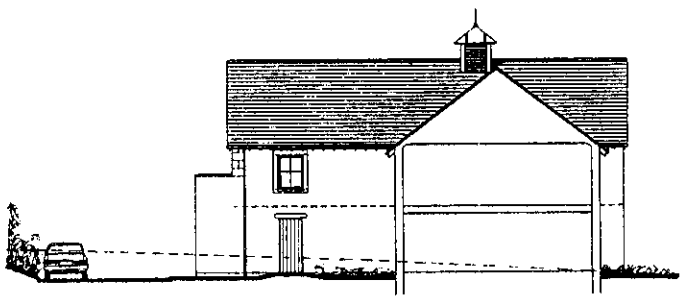


ELEVATION TO ROAD

ELEVATION TO FIELD

ELEVATION TO COURTYARD

ELEVATION FROM PUBLIC HOUSE



ELEVATION TO COURTYARD

ELEVATION TO COURTYARD

A 19.10.2001 Revised elevations
REVISIONS

MANNING ELLIOTT

Chartered Architects and Designers
Mansell House
4 Cooper Road, Gravity
Penrith, Cumbria CA11 9BN
Telephone 01768 865959
Facsimile 01768 861959
E-mail
post@manning-elliott.demon.co.uk

2005/1394

PROPOSED HOTEL ACCOMMODATION

LANE END INN, HAYTON, CARLISLE

ELEVATIONS AS PROPOSED

SCALE:	DATE:	DRAWN BY:
1:100	SEP 2001	RJF

JENNINGS BROTHERS PLC

98	27	111A

SCHEDULE A: Applications with Recommendation

06/0055

Item No: 08 Date of Committee: 21/04/2006

Appn Ref No:	**Applicant:**	**Parish:**
06/0055	Mr & Mrs P Dixon	Burgh-by-Sands
Date of Receipt:	**Agent:**	**Ward:**
18/01/2006	Johnston & Wright	Burgh

Location:
Mill Chase, Thurstonfield, Burgh by Sands, CA5 6HQ

Grid Reference:
331682 556598

Proposal: Two storey extension to side elevation to provide enlarged living/dining room on ground floor, with 1no bedroom and bathroom at first floor level, together with the erection of a detached shed/greenhouse.

Amendment:

1. Resiting of shed/greenhouse 0.5 metres off the boundary that the property shares with Storey Croft.

   Alteration to first floor layout resulting in the omission of a cupboard and associated window to the east elevation.

REPORT

Reason for Determination by Committee:

This application is brought before the Development Control Committee for determination as the applicant is an employee of Carlisle City Council.

Planning Policies:

Carlisle District Plan
Housing - Proposal H14

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

Carlisle District Local Plan 2001 - 2016 Redeposit draft
Policy CP4 Design

The suitability of any new development or redevelopment will be assessed against the following design principles. Proposals should:

1. Have regard to surrounding buildings in the context of their form in relation to height, scale and massing and making use of appropriate materials and detailing.
2. Take into consideration any important landscape or topographical features and respect local landscape character.
3. Reinforce local architectural features where appropriate promoting and respecting local distinctiveness rather than detracting from it.
4. Be well integrated- ensuring all components of a development are well related to one another e.g. buildings, associated parking, access routes, open space, and hard and soft landscaping to ensure a successful and attractive outcome.
5. Not adversely affect the residential amenity of existing areas, nor adjacent land uses, nor result in unacceptable standards for future users and occupiers of the development.
6. Ensure where possible the retention of existing trees, shrubs, hedges and other wildlife habitats and the replacement of any environmental feature lost to development.
7. Recognise that landscaping schemes (both hard and soft) will be required to assist in integrating new development into existing areas and ensure that development on the edge of settlements is fully integrated into its surroundings.
8. Ensure that the necessary services and drainage infrastructure can be incorporated without causing unacceptable harm to retained features.
9. Through layout and design, encourage the promotion of energy and water conservation by its future occupiers, the incorporation of sustainable forms of energy production within the overall design should also be explored where appropriate.
10. Have a layout and design which minimises the potential for crime and antisocial behaviour.

Carlisle District Local Plan 2001 - 2016 Redeposit draft
Policy H11 Extensions to Existing Residential Premises

Applications for extensions to existing dwellings will be approved provided the City Council is satisfied that the proposals are appropriate to the dwelling, its design and setting.

Inappropriate extensions which adversely affect the amenities of adjacent properties by poor design, unreasonable overlooking and/or unreasonable loss of daylight and sunlight will not be permitted. Extensions must be of an appropriate scale and not dominate the original dwelling.

Summary of Consultation Responses:

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

Burgh-by-Sands Parish Council: no comment;

Planning Services - Local Plans (Trees): no comment.

Summary of Representations:

Representations Received

Initial:	Consulted:	Reply Type:
	19/01/06	
	19/01/06	
	19/01/06	
	19/01/06	
	30/01/06	

This application has been advertised by means of a site notice and notification letters sent to five neighbouring properties. Whilst no formal objections have been received the occupiers of Storey Croft expressed some concern regarding the impact that the shed/greenhouse would have upon the amenity of their property as a result of loss of light and loss of view.

Details of Proposal/Officer Appraisal:

Planning History:

In 1977 planning permission was granted, under application 77/0955, for the erection of a single storey extension to provide a playroom

Details of Proposal:

This application seeks planning permission for the erection of a two storey side extension and a detached outbuilding at Mill Chase, Thurstonfield. The property is a detached dwelling of modern construction, finished in a combination of facing brick and render with a concrete tile roof. The property occupies a corner plot and is enclosed by residential properties along its northern and eastern boundaries. A plan indicating the location of the property and its relationship with the adjoining properties is reproduced following this report.

The proposal, as submitted, seeks approval for the erection of a two storey extension to provide an enlarged living/dining room on the ground floor with a bedroom and bathroom above. In order to accommodate the extension the existing conservatory is to be demolished. The front elevation of the two storey extension is constructed so that it is flush with the front elevation of the main dwelling. The extension would project outwards from the side elevation by 5 metres and would measure 7.8 metres in length, occupying the full depth of the gable. The eaves and ridge height of the extension would match those of the existing dwelling measuring 4.8 metres to the eaves and 7 metres to the peak of the pitched roof. The proposed

extension would be constructed from materials to match those of the existing property. In addition to the side extension this application also seeks approval for the erection of a detached shed/greenhouse. The proposed shed measures 3.8 metres in length, 2.8 metres in width, 2.1 metres to the eaves and 3 metres to the ridge. The proposed greenhouse is sited on the southern elevation of the shed and would measure 2.6 metres in length, 1.8 metres in width, 1.7 metres to the eaves and 2.4 metres to the peak of the pitched roof. The shed would be constructed from materials to match those of the house and the greenhouse would have an aluminium frame.

With regards to this application it is felt that the main issues to consider are the potential impact upon the amenities of neighbouring properties and whether the scale and design of the extension is appropriate to the dwelling and its setting.

In consideration of this application Policy H14 of the Carlisle District Local Plan and Policies CP4 and H11 of the Carlisle District Local Plan 2001-2016 Redeposit Draft are of relevance.

Members will note that this application has only been brought before the Development Control Committee, as the applicant is an employee of Carlisle City Council.

Whilst no formal objections have been received the occupier of Storey Croft expressed some concern regarding the impact that the shed/greenhouse would have upon the amenity of her property as a result of loss of light and loss of view. This issue will be addressed during the report.

The proposed extension and outbuilding complement the existing dwelling in terms of their design and materials to be used. Whilst the side extension is large in terms of its overall scale it is not considered that the proposal is excessive or that the extension dominates the original dwelling.

Taking into consideration the scale and position of the two storey extension in relation to the neighbouring properties and the orientation of the dwelling in relation to these properties it is not felt that the impact that the proposal would have, as a result of loss of light, loss of privacy or overdominance, is significant to the extent that it would be harmful to the amenity of any neighbouring property. It is acknowledged that on the eastern elevation the proposed first floor bedroom window would be within 12 metres of the rear elevation of the neighbouring property, Glenlivet. However, it should be noted due to the internal rearrangements proposed an existing bedroom window in the east elevation is to be removed and replaced with a bathroom window. In view of this it is not considered that the impact the proposed bedroom window would have upon Glenlivet, as a result of overlooking, is any greater than could occur at present.

When considering the impact the shed/greenhouse will have upon the property known as Storey Croft, which located to the east of the site along the main road frontage, Members should note the scale and position of the proposed structure in relation to that property. The proposed building, which measures 3 metres at the ridge, would be positioned adjacent the boundary, 7.5 metres to the north west of

the nearest corner of Storey Croft. Whist the structure would be visible from within the neighbour's property taking into consideration its height and position it is not considered that it would be overbearing or results in a significant loss of light. In respect of loss of view Members will be aware that this is not a material planning consideration. It is not considered that the shed/greenhouse would adversely affect the amenity of any other property.

In conclusion, therefore, the scale and design of the proposed extension and outbuilding are considered to be appropriate to this property. It is not considered that the development adversely affects the amenities of adjacent properties by poor design, unreasonable overlooking or unreasonable loss of daylight or sunlight. The proposal is in accordance with Policy H14 of the Carlisle District Local Plan and Policies CP4 and H11 of the Carlisle District Local Plan 2001-2016 Redeposit Draft. The application is therefore recommended for approval.

Human Rights Act 1998

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";

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;

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.

Recommendation: Grant Permission

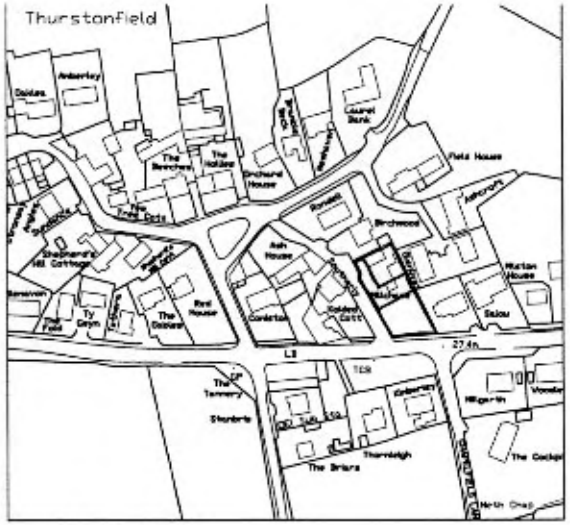
1. The development shall be begun not later than the expiration of 3 years beginning with the date of the grant of this permission.

   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 materials (and finishes) to be used in the construction of the proposed development shall be in accordance with the details contained in the submitted application, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure a satisfactory external appearance for the completed development and to ensure compliance with Policy CP4 of the Carlisle District Local Plan Redeposit Draft 2001-2016.



Location Plan 1:1250

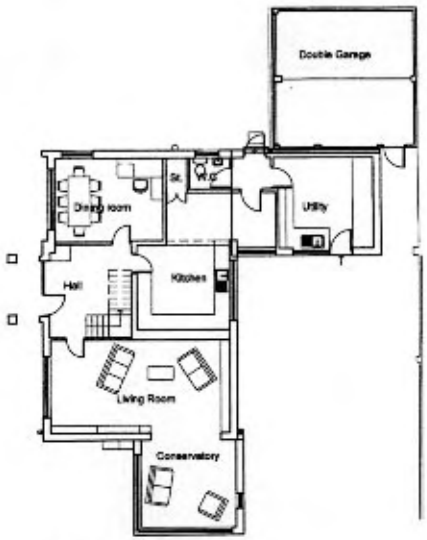
CROWN COPYRIGHT RESERVED
Based on the ordnance survey map with the permission of the controller of Her Majesty's Stationary Office
Licence Number 100006179

North

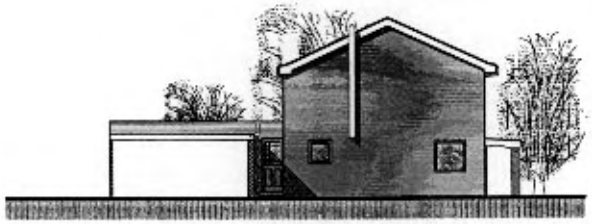
964

Site Plan 1:500

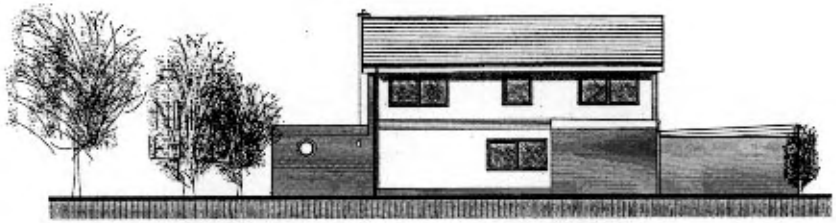
Existing First Floor 1:100



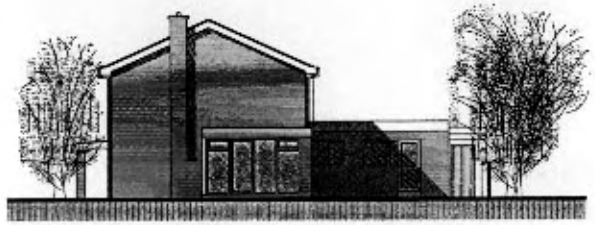
Existing Ground Floor 1:100



Existing North Elevation 1:100

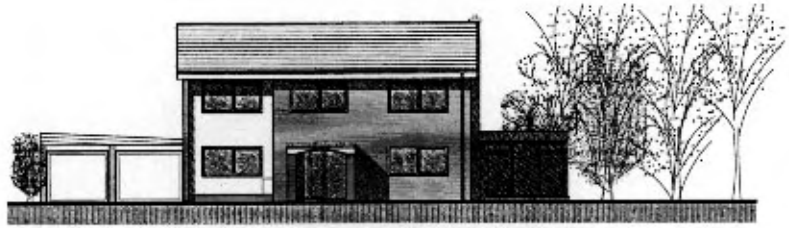


Existing East Elevation 1:100



Existing South Elevation 1:100

2006/0065



Existing West Elevation 1:100

Revisions:

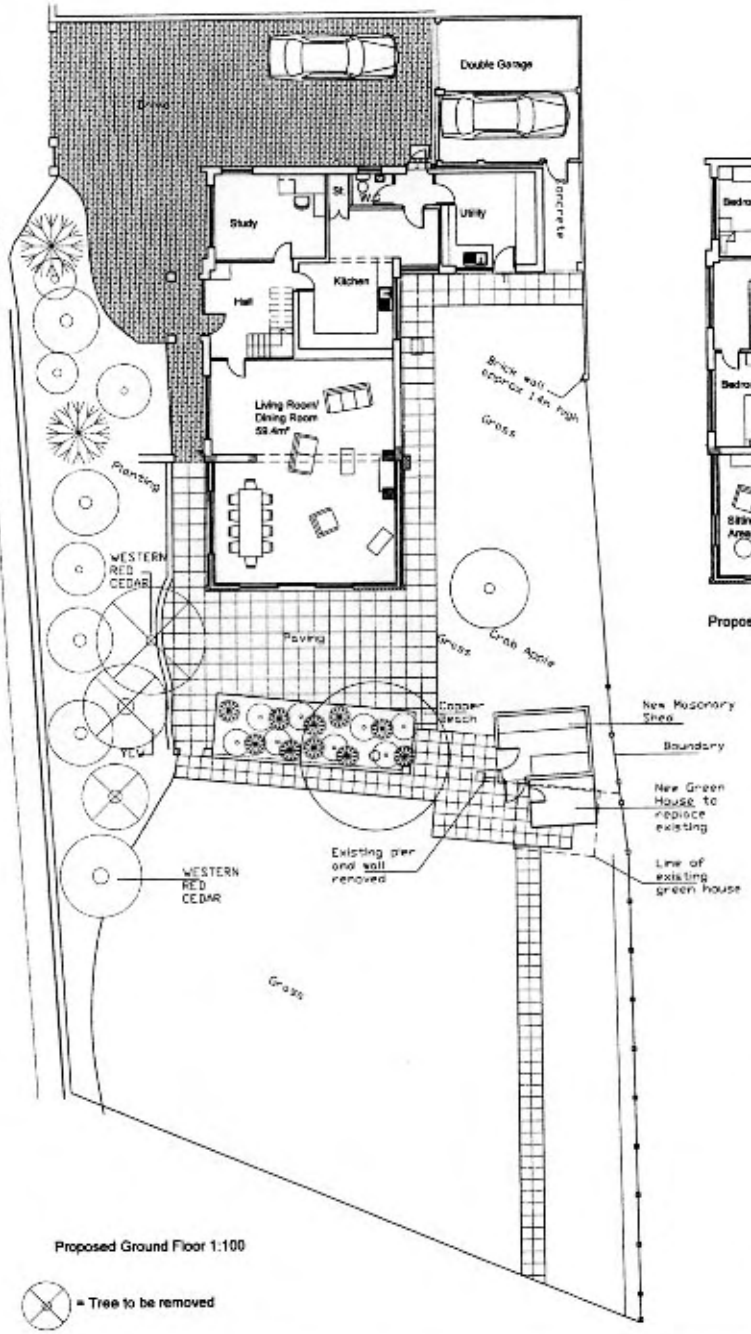
Johnston and Wright Chartered Architects
15 Castle Street Carlisle Cumbria CA3 8TD tel +44 (0) 1228 525161 fax +44 (0) 1228 515559
e-mail jw@jwarchitects.co.uk

Project Mr. and Mrs P Dixon
Millchase, Thurstonfield, Carlisle

Drawing Proposed Extension
Existing Plans and Elevations

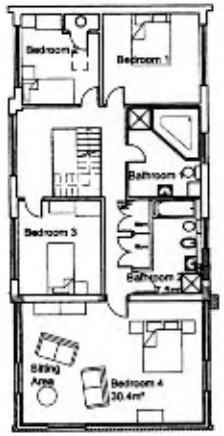
Scale Noted Date 17/11/05 Drawn pm Number 11295/3

THIS DRAWING IS COPYRIGHT AND MUST NOT BE REPRODUCED IN PART OR WHOLE WITHOUT THE PRIOR PERMISSION OF JOHNSTON AND WRIGHT.



Proposed Ground Floor 1:100

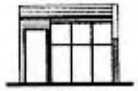
= Tree to be removed



Proposed First Floor 1:100

Proposed North Elevation 1:100

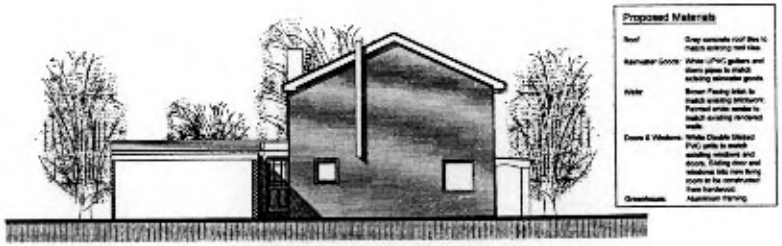
Proposed East Elevation 1:100



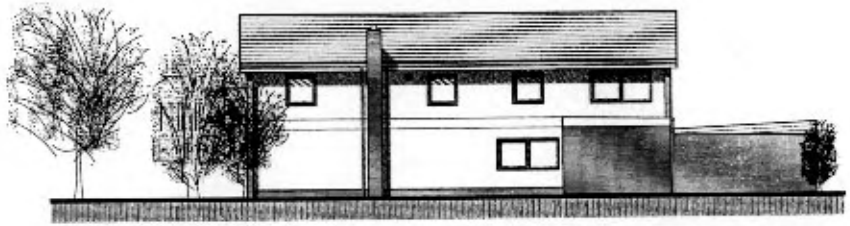
Proposed South Elevation 1:100

Proposed West Elevation 1:100

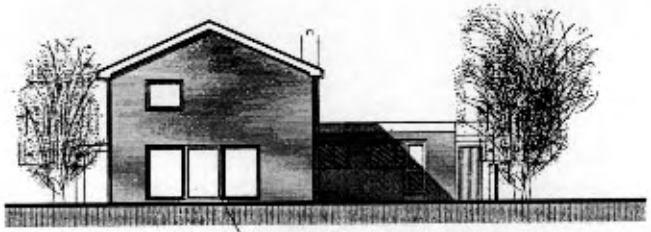
Green House/Shed



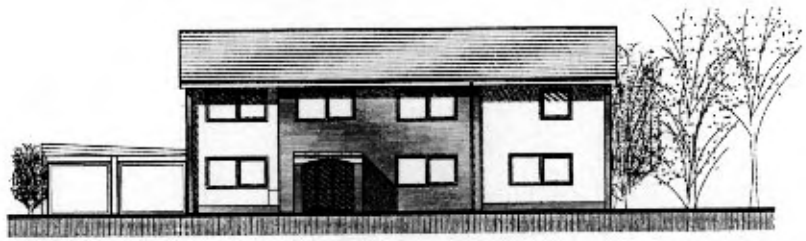
Proposed North Elevation 1:100



Proposed East Elevation 1:100

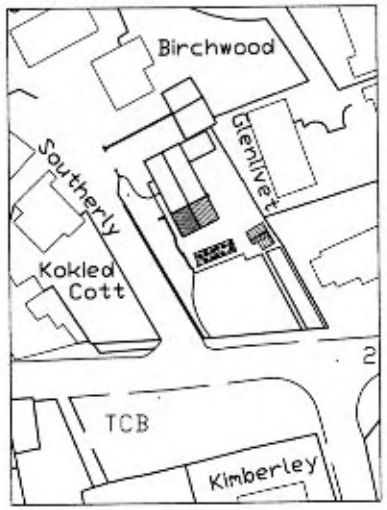


Proposed South Elevation 1:100



Proposed West Elevation 1:100

CROWN COPYRIGHT RESERVED
Based on the ordinance survey map
with the permission of the controller of
Her Majesty's Stationary Office
Licence Number 100006179



Site and Roof Plan 1:500

2006/0055

Johnston and Wright Chartered Architects
15 Castle Street Carlisle Cumbria CA3 8TD tel +44 (0) 1228 525161 fax +44 (0) 1228 515559
email jw@warchitects.co.uk

Project Mr. and Mrs. P. Dixon,
Milichase, Thurstonfield, Carlisle

Drawing Proposed Extension
Proposed Plans and Elevations

Scale 1:100 Date 17/11/05 Drawn pm Number 11295/04A

Revisions:
A - 31/03/06 Position and detailing of new Shed and Greenhouse revised. Boundary amended.
Windows revised after internal room alterations.

497

SCHEDULE A: Applications with Recommendation

06/0251

Item No: 09 Date of Committee: 21/04/2006

Appn Ref No:	**Applicant:**	**Parish:**
06/0251	Mr & Mrs Tibbetts	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
09/03/2006		Belah
Location:		**Grid Reference:**
52 Pinecroft, Carlisle, CA3 0DB		339675 559049

Proposal: Single storey rear extension to provide sunroom (revised proposal)

Amendment:

REPORT

Reason for Determination by Committee:

This application has been reported to Members because one of the applicants is an employee of Carlisle City Council.

Planning Policies:

Carlisle District Plan
Housing - Proposal H14

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

Carlisle District Local Plan 2001 - 2016 Redeposit draft
Policy H11 Extensions to Existing Residential Premises

Applications for extensions to existing dwellings will be approved provided the City Council is satisfied that the proposals are appropriate to the dwelling, its design and setting.

Inappropriate extensions which adversely affect the amenities of adjacent properties by poor design, unreasonable overlooking and/or unreasonable loss of daylight and sunlight will not be permitted. Extensions must be of an appropriate scale and not

dominate the original dwelling.

Carlisle District Local Plan 2001 - 2016 Redeposit draft
Policy CP4 (CP15) Design

The suitability of any new development or redevelopment will be assessed against the following design principles. Proposals should:

1. Have regard to surrounding buildings in the context of their form in relation to height, scale and massing and making use of appropriate materials and detailing.
2. Take into consideration any important landscape or topographical features and respect local landscape character.
3. Reinforce local architectural features where appropriate promoting and respecting local distinctiveness rather than detracting from it.
4. Be well integrated- ensuring all components of a development are well related to one another e.g. buildings, associated parking, access routes, open space, and hard and soft landscaping to ensure a successful and attractive outcome.
5. Not adversely affect the residential amenity of existing areas, nor adjacent land uses, nor result in unacceptable standards for future users and occupiers of the development.
6. Ensure where possible the retention of existing trees, shrubs, hedges and other wildlife habitats and the replacement of any environmental feature lost to development.
7. Recognise that landscaping schemes (both hard and soft) will be required to assist in integrating new development into existing areas and ensure that development on the edge of settlements is fully integrated into its surroundings.
8. Ensure that the necessary services and drainage infrastructure can be incorporated without causing unacceptable harm to retained features.
9. Through layout and design, encourage the promotion of energy and water conservation by its future occupiers, the incorporation of sustainable forms of energy production within the overall design should also be explored where appropriate.
10. Have a layout and design which minimises the potential for crime and antisocial behaviour.

Summary of Consultation Responses:

Summary of Representations:

Representations Received

Initial:	Consulted:	Reply Type:
	10/03/06	
	10/03/06	

This application was advertised by the direct notification of the occupiers of two neighbouring properties.

Details of Proposal/Officer Appraisal:

Planning History:

In 2005, under planning reference 05/0655, permission was given for a single storey rear extension to provide a sun room.

Details of Proposal:

52 Pinecroft is a two-storey detached corner house located on the north-eastern part of Pinecroft. The house, which is sited within a large corner plot, is set back approximately 10 metres from the road and is constructed of facing bricks and render with a concrete tiled roof.

The current application is a revision to application 05/0655, approved in August 2005, for the erection of a sun room on the rear elevation. The revisions are:

i) the heightening of an existing landing window in line with other first floor windows; and,

ii) the reduction in pitch of the roof slope.

The materials are as the previous application which are facing brick with concrete roof tiles, all to match the existing.

In considering this application it is felt that the two main issues are:

a) The impact of the proposal on the amenities of neighbouring residents (Policy H14 of the Carlisle District Local Plan, and, Policies CP4 and H11 of the Carlisle District Local Plan 2001-2016 Redeposit Draft); and,

b) Whether the proposal is appropriate to the dwelling (Policy H14 of the Carlisle District Local Plan, and, Policies CP4 and H11 of the Carlisle District Local Plan 2001-2016 Redeposit Draft).

When assessing these issues it is felt that the following points need to be kept in mind:

a) The impact of the revised proposal on the amenities of neighbouring residents.

In line with the foregoing, Policy H14 of the Local Plan and Policies CP4 and H11 of the Local Plan Redeposit Draft seeks to protect the amenity of adjacent properties from proposals which adversely affect them, through inappropriate scale, design or

unreasonable overlooking.

In overall terms it is considered that the revisions to the approved proposal does not adversely affect the amenities of adjacent properties by poor design, unreasonable overlooking or unreasonable loss of daylight or sunlight and is considered to be appropriate to this detached dwelling.

b) Whether the revised proposal is appropriate to the dwelling.

Policy H14 of the Local Plan, and, Policies CP4 and H11 of the Local Plan Redeposit Draft require that extensions are of good design, aim to enhance the quality of the existing environment and are of an acceptable scale.

The existing property is a substantial detached property situated within a large curtilage and in such a context it is felt that the revised proposal complements the design of the existing dwelling, utilises materials that will match those of the existing property, and, retains an effective garden.

Other Matters

Members should also be aware that although Mrs Tibbetts is an employee of the City Council she has not been involved in the determination of the application outside of her role as applicant.

Human Rights Act 1998

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";

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;

The proposal has been considered against the above Protocol of the Act but in this instance, it is not considered that there is any conflict. If any conflict was to be alleged it is not felt to be of sufficient weight to refuse planning permission.

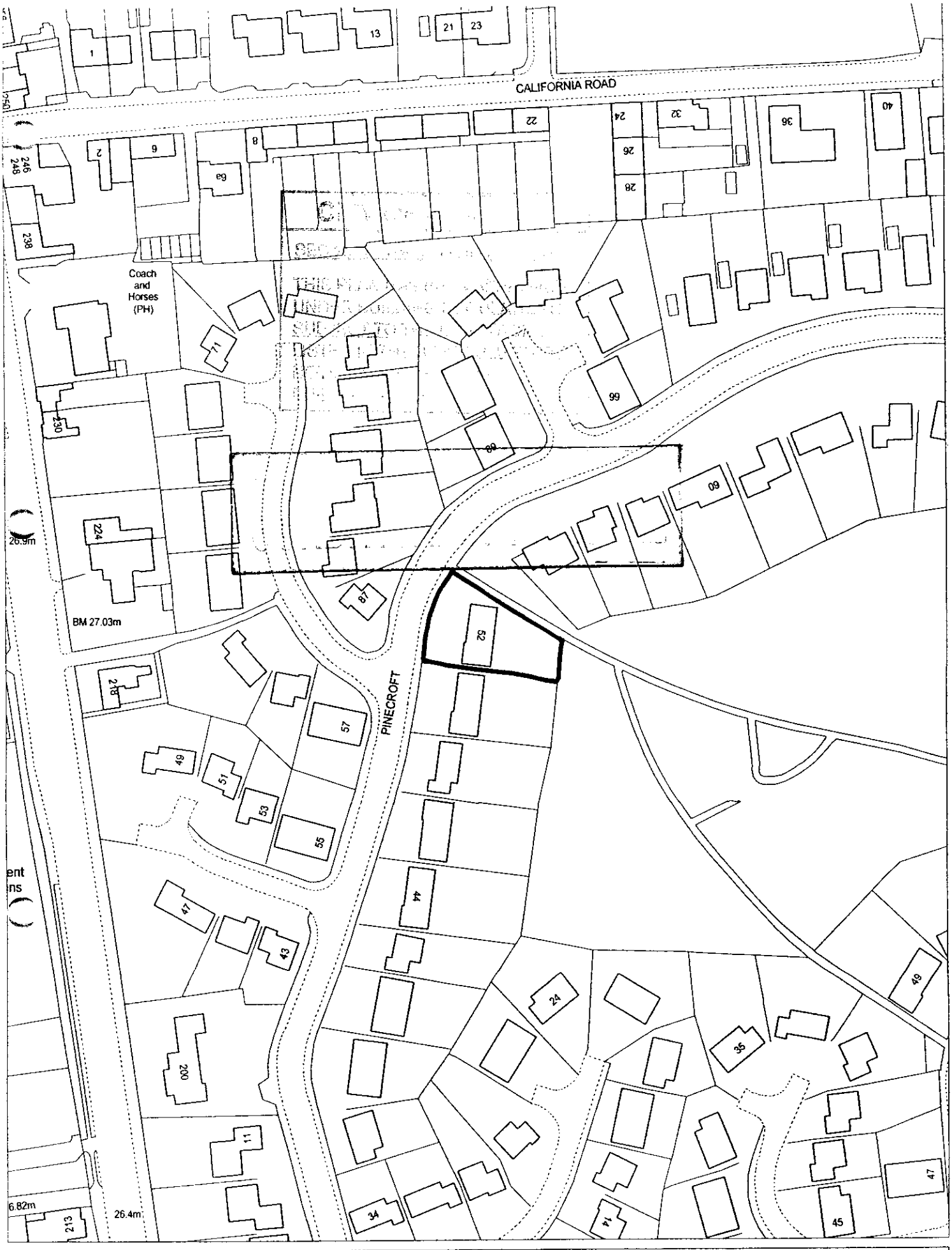
Recommendation: Grant Permission

2. The development shall be begun not later than the expiration of 5 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.

3. The external walling and roofing materials to be used in the building works hereby permitted shall be identical to those in the existing building. If any other material is proposed no development shall take place until such has been approved, in writing, by the Local Planning Authority.

   Reason: To ensure the works harmonise as closely as possible with the existing building and to ensure compliance with Policy 25 of the Cumbria and Lake District Joint Structure Plan.



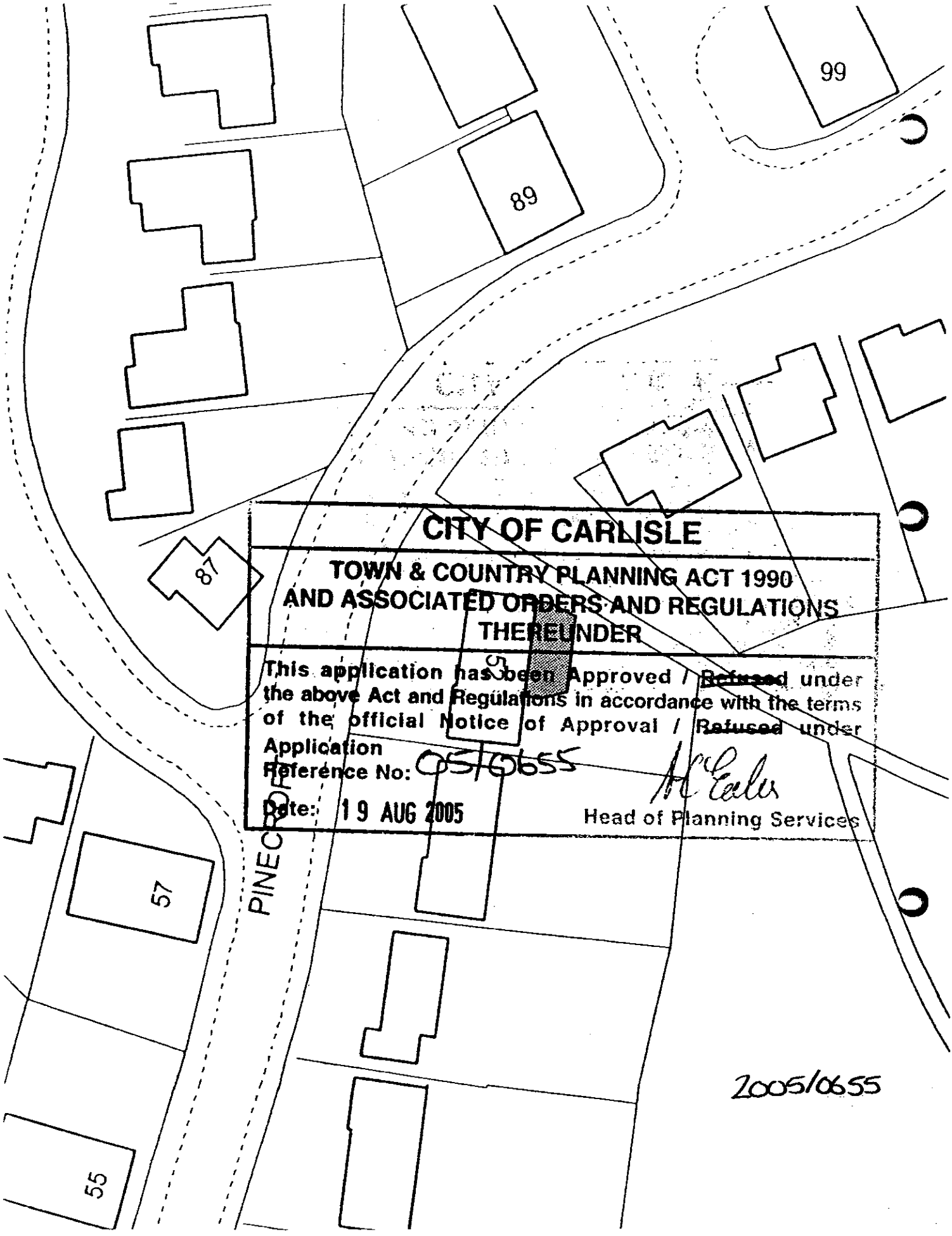
Carlisle City Council
Planning Services

Head of Planning : Alan Eales DipTP MRTPI

1:1,250 24/6/2005

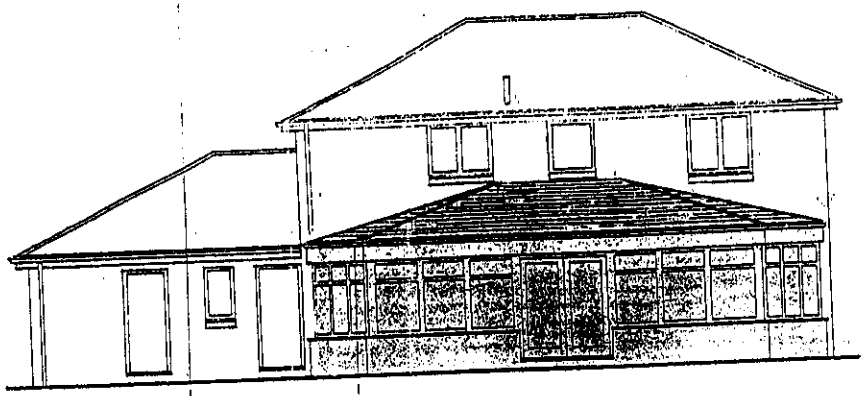
52 Pinecroft

This copy has been produced specifically for Map Return Scheme purposes only. No further copies may be made.
© Crown copyright. All rights reserved. Licence number 100024459.



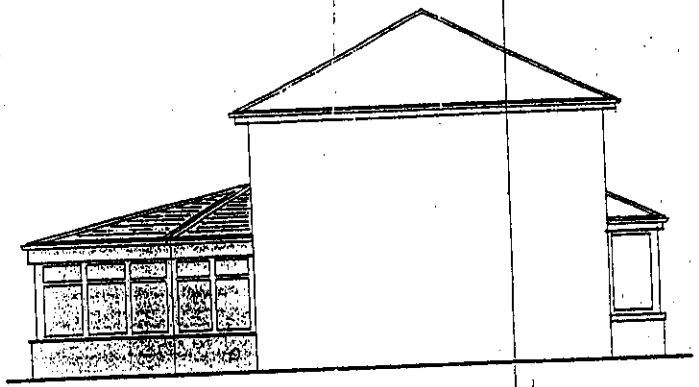
PROPOSED EXTENSION **SITE PLAN** N

52 PINECROFT - CARLISLE **SCALE : 1-500**

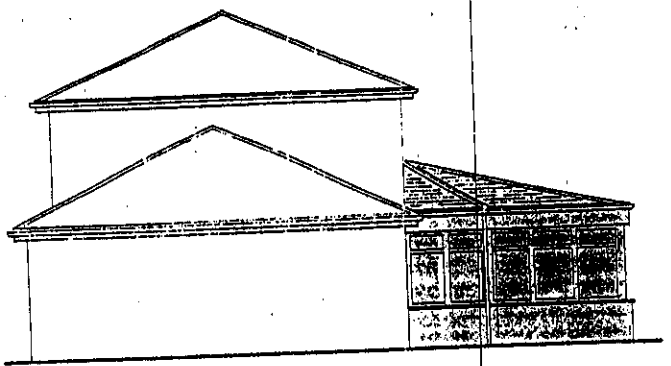


REAR ELEVATION

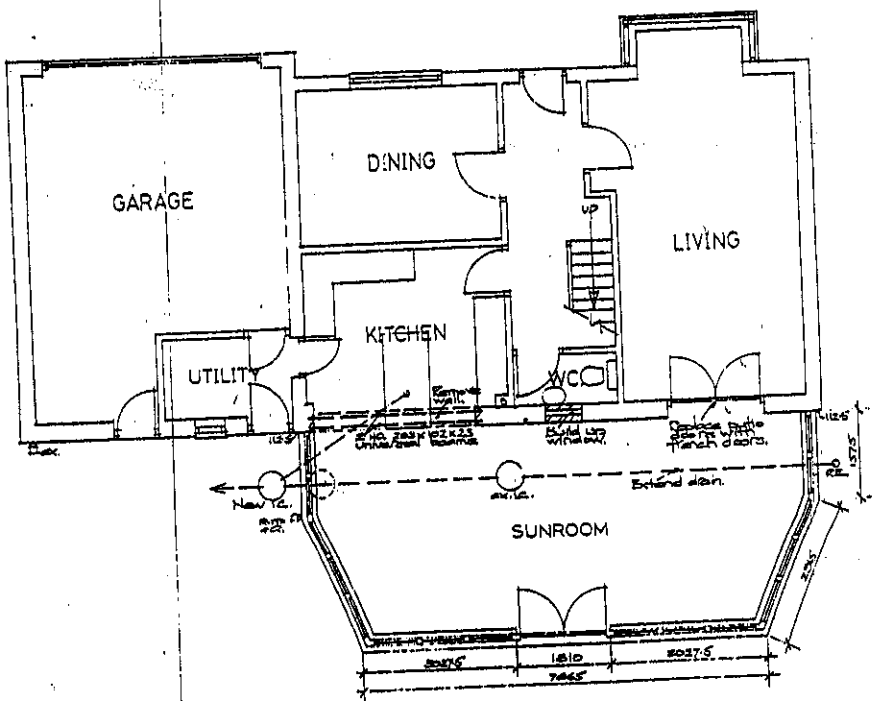
MATERIALS TO MATCH EXISTING



SIDE ELEVATION



SIDE ELEVATION



GROUND FLOOR PLAN

505

PROPOSED EXTENSION
52 PINECROFT – CARLISLE

DRG. No. 1424
SCALE: 1:50
DATE: MAY 2005

SCHEDULE B

SCHEDULE B

SCHEDULE B

SCHEDULE B

SCHEDULE B

SCHEDULE B

SCHEDULE B

Item No: 10 Date of Committee: 21/04/2006

Appn Ref No:	**Applicant:**	**Parish:**
06/0258	Kingmoor Park Properties Ltd	Kingmoor
Date of Receipt:	**Agent:**	**Ward:**
24/02/2006	Architects Plus (UK) Ltd	Stanwix Rural

Location:
Units N, P & R, Earls Way, Kingmoor Park Central, Carlisle, CA6 4SE

Grid Reference:
337867 559371

Proposal: New build industrial/commercial units (B1, B2, B8 use classes)

Amendment:

REPORT

Reason for Determination by Committee:

This is a major application which is likely to be of interest to Members.

Planning Policies:

Carlisle District Plan
Environment - Policy E19

In considering proposals for new development the City Council will where appropriate require the retention of existing trees, shrubs, hedges and other wildlife habitats, and the replacement of any environmental feature lost to development. Landscaping schemes to be implemented by the applicant will be required as part of most planning applications.

Carlisle District Plan
Environment - Policy E20

Development which would result in the raising of the floor of the floodplain, or which would have an adverse impact on the water environment due to additional surface water run off, or adversely affect river defences will not be permitted unless appropriate alleviation or mitigation measures are included. This applies to the floodplains of the River Eden, Caldew, Petteril, Esk, Irthing and Lyne and their tributaries which are all subject to periodic flooding.

Carlisle District Plan
Environment - Policy E22

New development will only be permitted if foul sewers and sewage treatment works of adequate capacity and design are available or will be provided in time to serve the development. Within unsewered areas, development which requires the use of septic tanks or other waste water management systems will only be permitted if ground conditions are satisfactory and the plot of land is of sufficient size to provide an adequate subsoil drainage system.

Carlisle District Plan
Transport - Proposal T1

In considering applications for development, account will be taken of the availability of a choice of means of travel to and from the site.

Carlisle District Plan
Transport - Proposal T7

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

1. The Parking Guidelines for Cumbria as detailed in Appendix 2;

2. The availability of public car parking in the vicinity;

3. The impact of parking provision on the environment of the surrounding area;

4. The likely impact on the surrounding road network; and

5. Accessibility by and availability of other forms of transport.

Carlisle District Plan
Employment - Proposal EM3

Within the Headquarters and 1 and 5 sites at RAF 14 MU, development of B1, B2 and B8 uses will be acceptable and together with the development of the adjacent Kingmoor Marshalling Yard site, will form a major Strategic Employment Site for the District.

Carlisle District Plan
Employment - Proposal EM17

When considering proposals for new employment related development, including extensions, where the public are to have access, the provisions of Part M of the Building Regulations will apply. Beyond this requirement, the City Council will seek to negotiate the extent of provision for disabled people to, from and within buildings.

Carlisle District Local Plan 2001 - 2016 Redeposit draft
Policy CP11 (CP24) Foul and Surface Water Sewerage and Sewage Treatment

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

Carlisle District Local Plan 2001 - 2016 Redeposit draft
Policy CP14 (CP29) Accessibility, Mobility and Inclusion

The layout and design of any development will be encouraged to meet the highest standards of accessibility and inclusion for all potential users regardless of disability, age or gender. Development proposals will be expected to demonstrate that they have made provision for easy, safe and inclusive access to, into and within buildings and facilities through the submission of an access statement alongside their planning application. The need for adequate parking facilities for disabled people should also be taken into account.

Facilities for disabled people should be included in proposals for extending and altering buildings and open spaces and changes of use where they are to be used by the public, in accordance with Part M of the Building Regulations 2004 and the Disability Discrimination Act 1995. Beyond these requirements, the City Council will seek, where applicable, to negotiate the extent of provision required for disabled people.

The Council will have regard to the following criteria when assessing development proposals:

1. The design of entrances and exits and ease of permeation through and between developments- in terms of street furniture, circulation areas and pedestrian routes
2. Location of any development proposal in relation to its potential users, customers, employees
3. Accessibility by all transport modes and provision for parking for disabled people
4. Provision of on site facilities e.g. baby changing facilities, public toilets, disabled parking, lifts and appropriate signage.
5. Consideration should also be given to the guidance in 'Better Access' produced by Carlisle City Council, regarding building details and accessibility for all and BS 8300: 2001 *'Design of buildings and their approaches to meet the needs of disabled people- Code of Practice'.*

Carlisle District Local Plan 2001 - 2016 Redeposit draft
Policy CP16 (CP34) Planning Out Crime

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

The following points should be applied to all development proposals:

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

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

Carlisle District Local Plan 2001 - 2016 Redeposit draft
POLICY T2 (T4) Parking in Conservation Areas

Within conservation areas, off-street vehicle parks will not be permitted, unless they:

1. are small in scale; and
2. have no adverse impact on the street frontage or character; and
3. have no detrimental effect on neighbouring properties; and
4. have satisfactory access.

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): Comments awaited.

Environment Agency (N Area (+ Waste Disp)): The Environment Agency OBJECTS to the proposed development on the grounds that the application may present a significant flood risk from the generation of surface water run-off but is not accompanied by a Flood Risk Assessment (FRA) as required by PPG 25.

The applicant should be aware from previous discussions with their Consulting Engineer that because of the finite capacity of the receiving watercourse the Environment Agency require drainage details for each proposed develeopment, and how this fits into the drainage strategy for the whole site.

The standing advice Flood Risk Assessment Guidance Note 2 recommends the following assessments are made and should be supplied with the planning application:

> Information about the surface water disposal measures already in place and their state of maintenance.

> An assessment of the volume of surface water run-off likely to be generated from

the proposed development.

> Information on how that surface water run-off will be disposed of from the new development (e.g. soakaway, combined sewer, direct to watercourse, SUDs etc.

> Estimates should also be made of how climate change could affect the probability and intensity of events in the future.

> Information about any other potential sources of flooding to the site - streams, ditches, sewers, groundwater, overland surface water flow or any combination of these.

Once this information is received we will provide further detailed comments.

In view of the above, the planning application needs to be tested against the following policies:

Policy Number 24 Flood Risk in the Cumbria and Lake District Joint Structure Plan
Policy Number E20 Development in floodplains in the Carlisle District Local Plan

In addition, further details (cross sections) are required for Units R8 - R11 as they appear to be very close to Cargo Beck which is designated a "main river" and is therefore subject to Land Drainage Byelaws. In particular, no trees or shrubs may be planted, nor fences, buildings, pipelines or any other structure erected within 8 metres of the top of any bank/retaining wall of the watercourse without prior consent of the Agency. Full details of such works, together with details of any proposed new surface water outfalls, which should be constructed entirely within the bank profile, must be submitted to the Development Control Section for consideration.

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

The developer should be advised that the granting of planning permission does not remove the need to obtain the relevant statutory Agency consent. Permission should be gained prior to any work commencing.

The previous use of the site is described as 'vacant areas adjacent to existing Kingmoor Buildings' therefore consideration should be given to the agreed protocols for accumulation and control of radioactive waste for authorised disposal, if any should arise during excavation works. You are also advised to contact Janet Blair in your Environmental Health Department to discuss the need for any prior investigation.

If you intend to approve the application contrary to our OBJECTION, paragraph 65 of PPG25 advises that you should re-consult the Agency in order to explain why and to give us the opportunity to make further representations.

SCHEDULE B: Reports Requiring Further Information

06/0258

Commercial &Technical Services - Drainage Engineer: Comments awaited.

United Utilities (former Norweb & NWWA): Comments awaited.

Environmental Protection Services: Comments awaited.

Planning Services - Access Officer: Comments awaited.

Cumbria Constabulary - Crime Prevention: Comments awaited.

Kingmoor Parish Council: Comments awaited.

Strategic Rail Authority: Comments awaited.

Summary of Representations:

Representations Received

Initial:	Consulted:	Reply Type:

This application has been advertised in the form of press and site notices. At the time of preparing the report no informal or formal responses have been received.

Details of Proposal/Officer Appraisal:

Planning History:

In 1999, under application 98/0786, planning permission was given for comprehensive industrial and warehousing development for Use Classes B, B2 and B8 purposes together with construction of new site access road, primary system of internal estate roads, sewers and other site services, and, extensive site landscaping.

Details of Proposal:

This application is tantamount to infill development in three separate locations (designated as "N", "P" and "R") within Kingmoor Park Central which lie to the south and west of existing buildings "A" and "C" respectively; to the immediate north of building "I"; and, to the east of building "F". there is an existing circulatory system in operation with the Central estate landscaped around the periphery.

The submitted plans show that proposed building "N" is to consist of eight back to back units each of which will measure 405 square metres and be served by 8 parking spaces. Externally the building would be constructed form profiled metal cladding with sectional metal overhead doors. Lorries servicing unit 1-4 in the western half of "N" would have to manoeuvre from the adjoining Kingmoor Park

Road.

Proposed building "P" is to be sub-divided into eight units with each measuring 144 square metres and served by 3 off-street parking spaces. The building would be constructed from profiled metal sheeting with a basic monopitch roof varying in height from 4.7 metres to 6.4 metres.

Proposed building "R" consists of two distinct elements, namely units 1-8 measuring 144 square metres and units 9-11 of 192 square metres. As per proposed buildings "N" and "P" it would be constructed from profiled metal sheeting and have a monopitched roof.

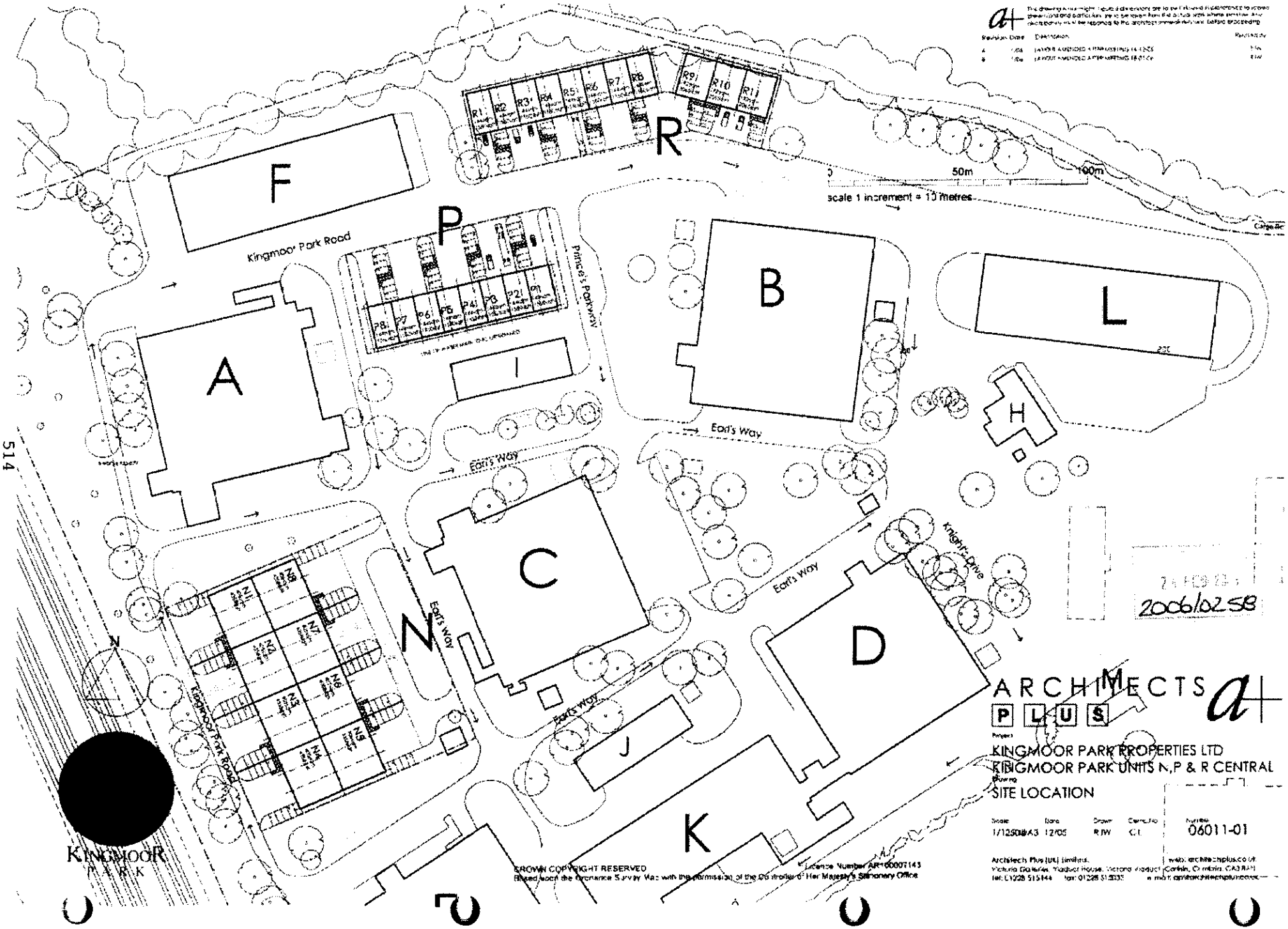
In the context of the policies of the Development Plan there are no objections in principle to the proposal although the main issues of detail to be resolved relate to highway safety; impact on the character of the estate; potential contamination; surface water drainage; relationship of proposed units R8-R11 to Cargo Beck; and, security.

At the time of preparing the report the applicant is seeking to address the concerns of the Environment Agency. In addition, the comments of interested parties are awaited.

Recommendation:

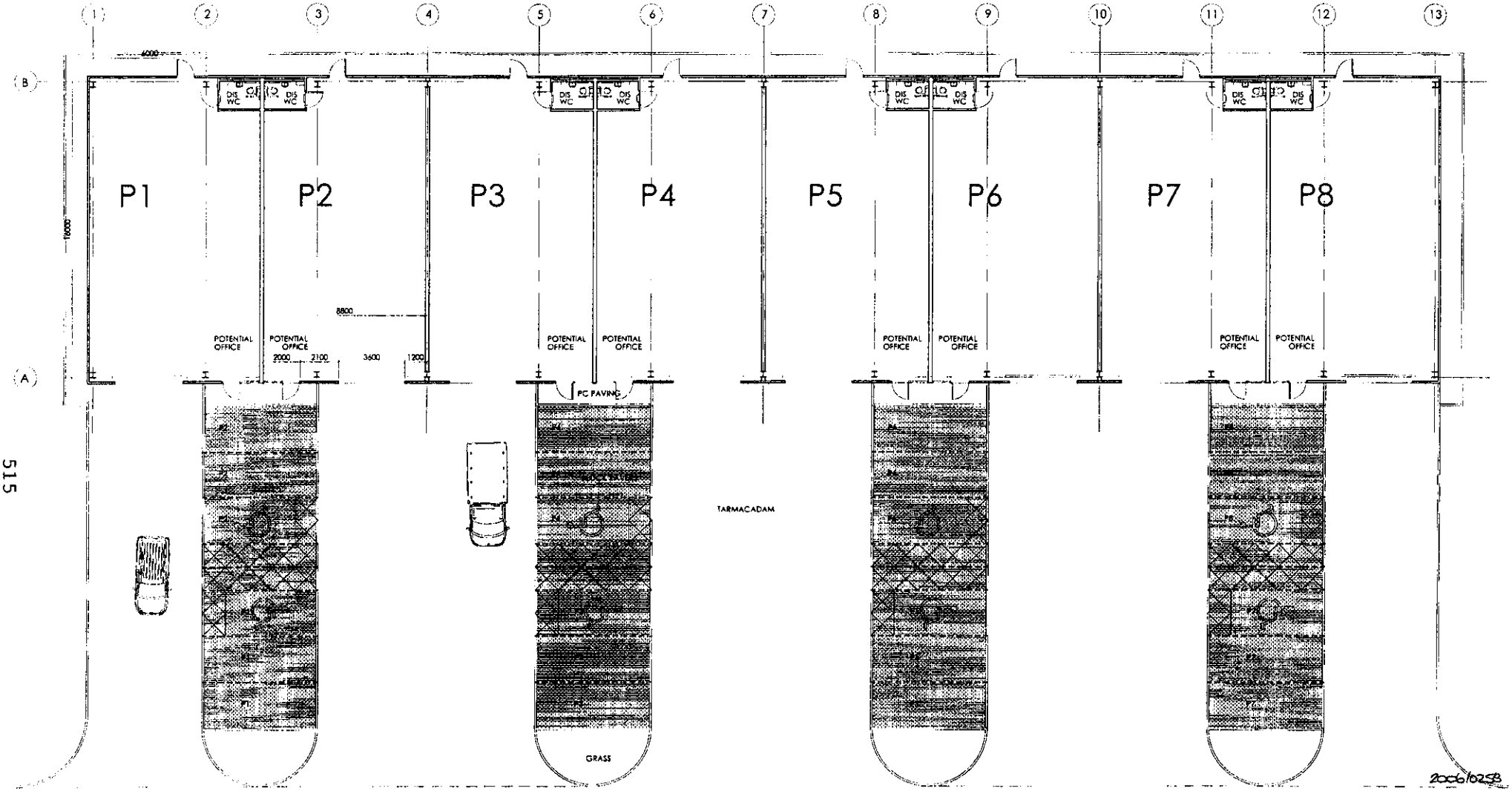
Reason for including report in Schedule B

At the time of preparing the report the applicant is seeking to address the concerns of the Environment Agency. The comments of interested parties are awaited.


F
R
P
A
B
L
I
H
C
D
N
J
K
Kingmoor Park Road
Prince's Parkway
Earl's Way
Knight's Drive
50m
100m
scale 1 increment = 10 metres
514
2006/0258
ARCHITECTS
P L U S
KINGMOOR PARK PROPERTIES LTD
KINGMOOR PARK UNITS N,P & R CENTRAL
SITE LOCATION
1/1250@A3
12/05
RJW
06011-01
KINGMOOR PARK
CROWN COPYRIGHT RESERVED
Licence Number AR 100007143

This drawing is copyright. Figured dimensions are to be followed in preference to scaled dimensions and particulars are to be taken from the actual work. Any discrepancy must be reported to the architect immediately before proceeding.

Revision Date Description Revised by



2006/0253

ARCHITECTS PLUS

Project
KINGMOOR PARK PROPERTIES LTD
KINGMOOR PARK UNIT P CENTRAL

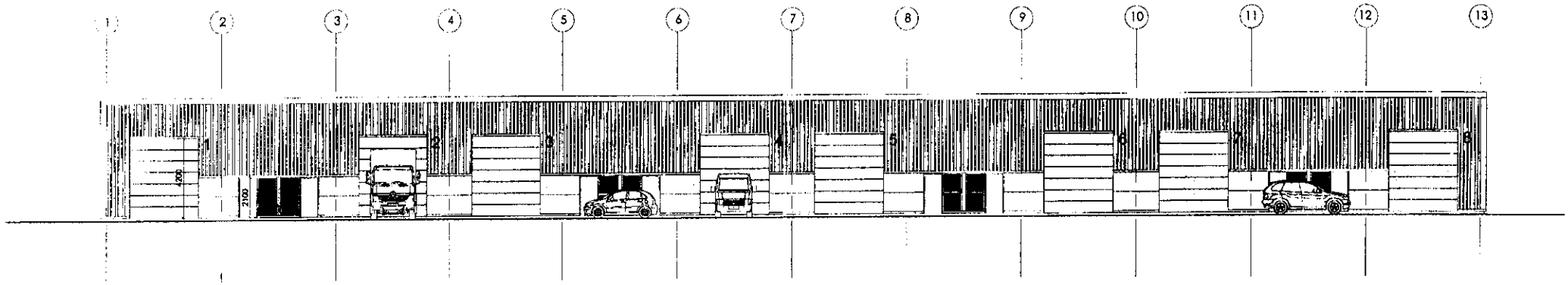
Drawing
PLAN

Scale	Date	Drawn	Comp.No.	Number
1/100	02/06	RJW	C2	06011-02

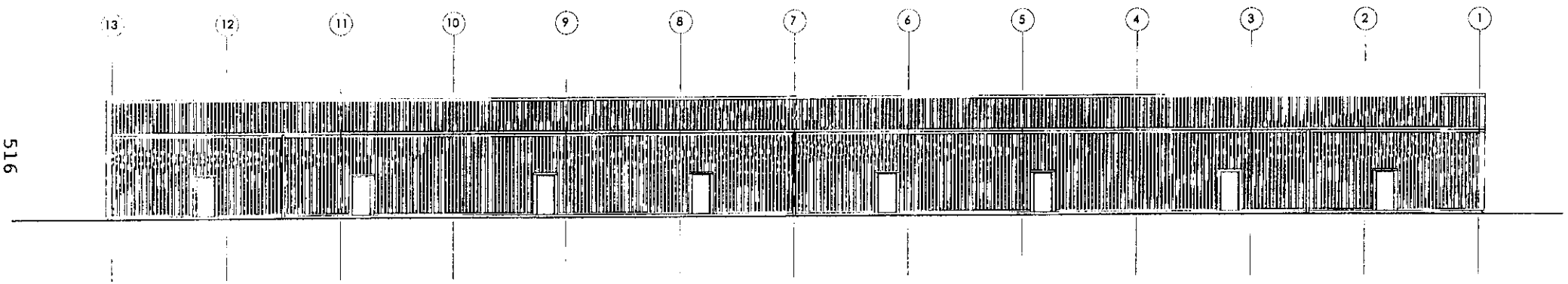
Architects Plus (UK) Limited. www.architectsplus.co.uk
Victoria Galleries, Viaduct House, Victoria Viaduct, Carlisle, Cumbria, CA3 8AN
tel: 01228 515144 fax: 01228 515033 e-mail: ap@architectsplus.co.uk

This drawing is copyright. Figured dimensions are to be followed in preference to scaled dimensions and particulars are to be taken from the actual work where possible. Any discrepancy must be reported to the architect immediately and before proceeding.

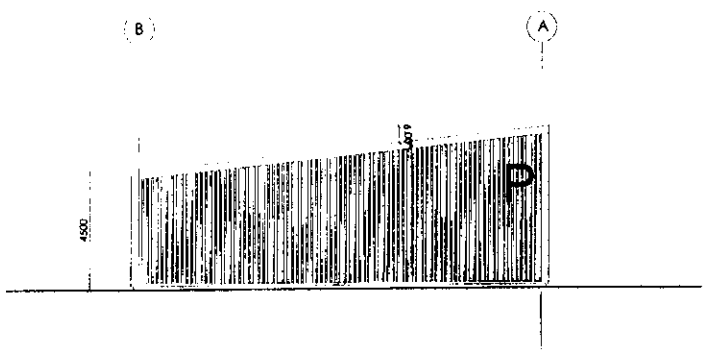
Revision	Date	Description	revised by



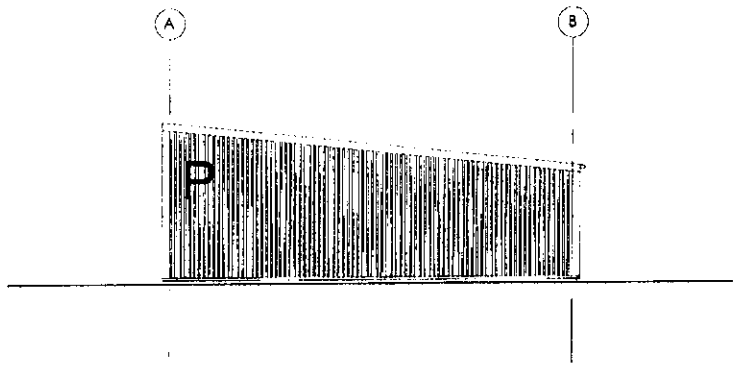
NORTH ELEVATION



SOUTH ELEVATION



EAST ELEVATION



WEST ELEVATION

MATERIALS

ROOF : PROFILED METAL SHEETING CORUS HPS200 FINISH COLOUR : ALBATROSS
WALLS : PROFILED METAL CLADDING CORUS HPS200 FINISH COLOUR : ALBATROSS
CLADDING TO NORTH ELEVATION : FLAT METAL CLADDING CORUS HPS200 FINISH COLOUR: SARGASSO
DOORS : SECTIONAL METAL OVERHEAD DOORS
COLOUR: SARGASSO
RWPS/GUTTER : METAL BOX SECTION
COLOUR: SARGASSO

2006/0258

ARCHITECTS PLUS

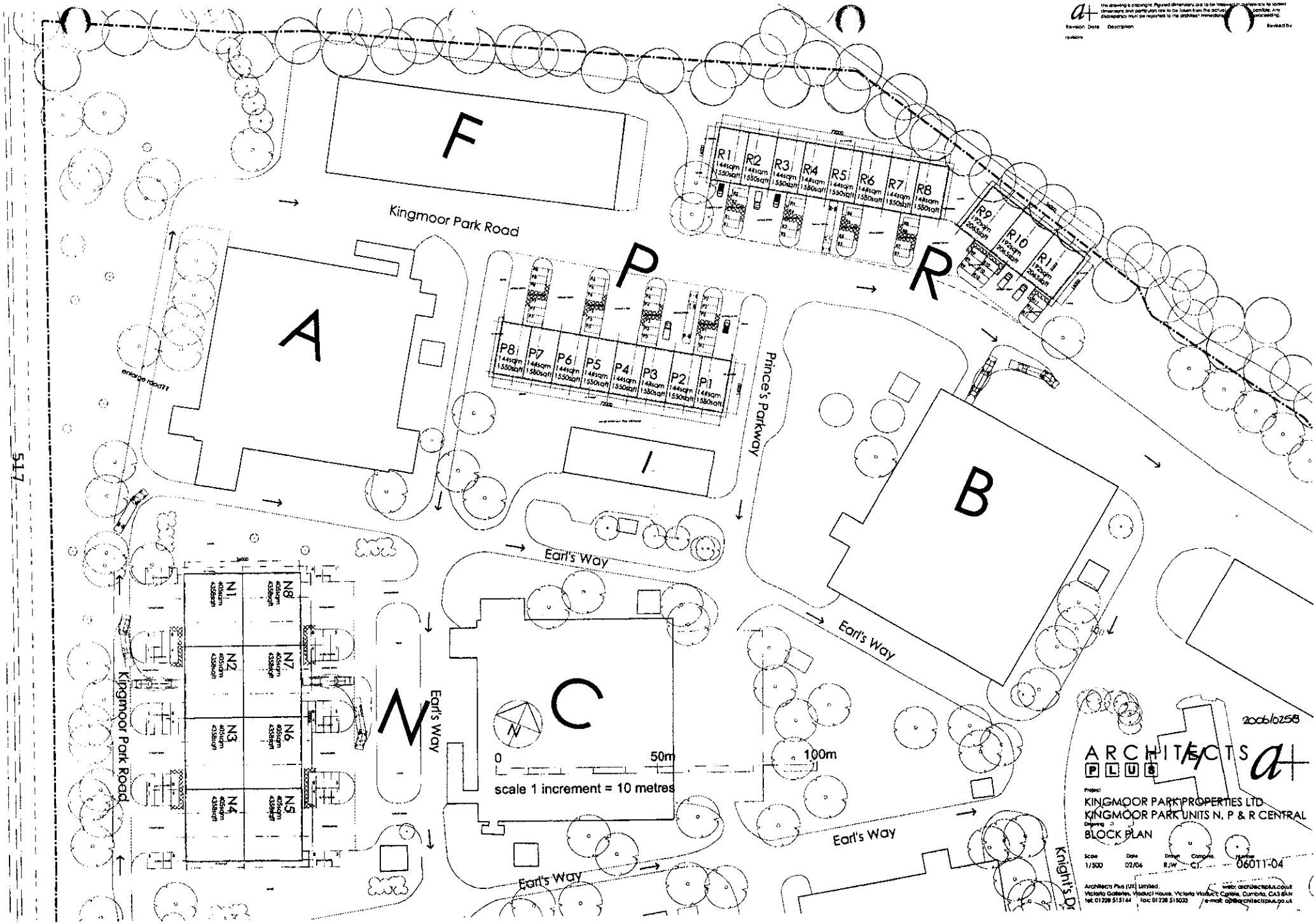
Project
KINGMOOR PARK PROPERTIES LTD
KINGMOOR PARK UNIT P CENTRAL

Drawing
ELEVATIONS

Scale	Date	Drawn	Comp No.	Number
1/100	02/06	RJW	C2	06011-03

Architects Plus (UK) Limited. web: architectsplus.co.uk
Victoria Galleries, Viaduct House, Victoria Viaduct, Carlisle, Cumbria, CA2 6AN
tel: 01228 515144 fax: 01228 515033 e-mail: [illegible]@architectsplus.co.uk

516



Revision Date Description Revised by

2006/0258

ARCHITECTS PLUS a+

Project
KINGMOOR PARK PROPERTIES LTD
KINGMOOR PARK UNITS N, P & R CENTRAL

Drawing
BLOCK PLAN

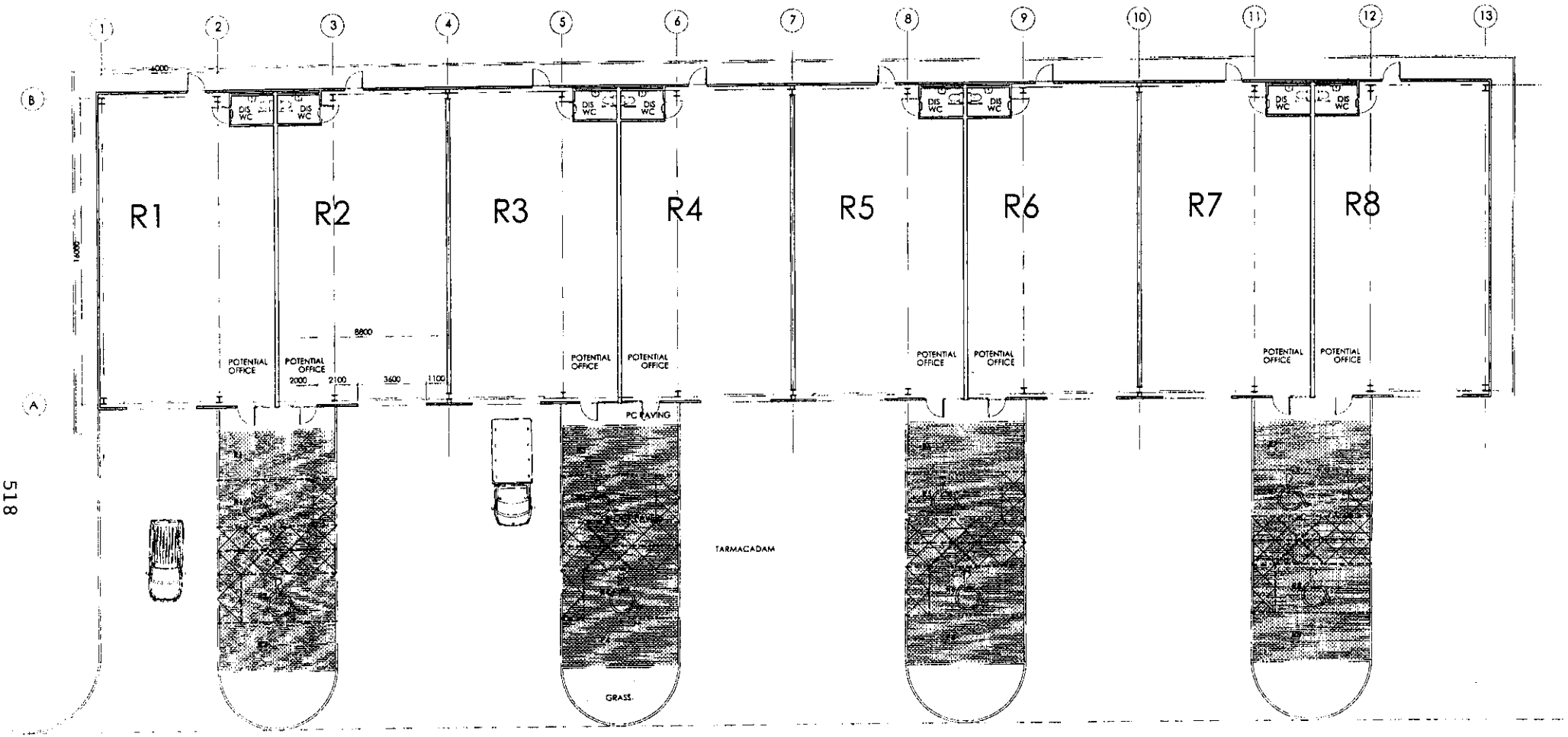
Scale	Date	Drawn	Complete	Number
1/500	02/06	RJW	CJ	06011-04

Architects Plus (UK) Limited.
Victoria Galleries, Viaduct House, Victoria Viaduct, Carlisle, Cumbria, CA3 8AN
tel: 01228 515144 fax: 01228 515033 web: architectsplus.co.uk e-mail: ap@architectsplus.co.uk

This drawing is copyright. Figured dimensions are to be followed in preference to scaled dimensions and particulars are to be taken from the actual work where possible. Any discrepancy must be reported to the architect immediately and before proceeding.

Revision Date Description Revised by

revisions



518

20061258

ARCHITECTS PLUS

Project
KINGMOOR PARK PROPERTIES LTD
KINGMOOR PARK UNITS R1-R8 CENTRAL

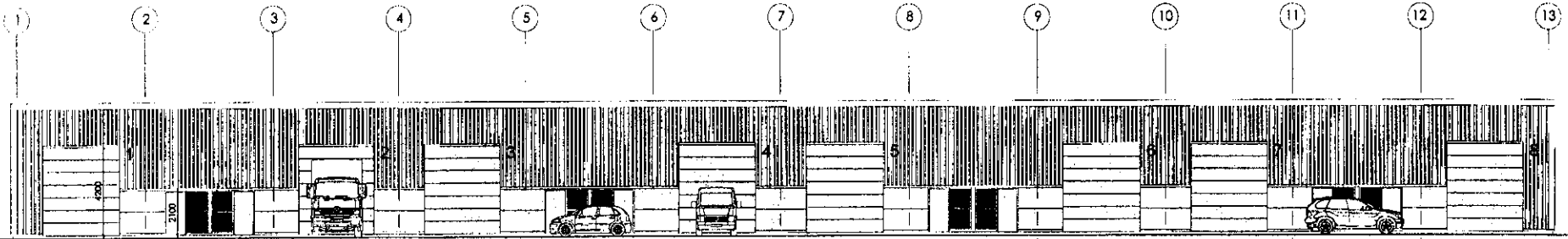
Drawing
PLAN

Scale	Date	Drawn	Comp.No.	Number
1/100	02/06	RJW	C2	06013-02

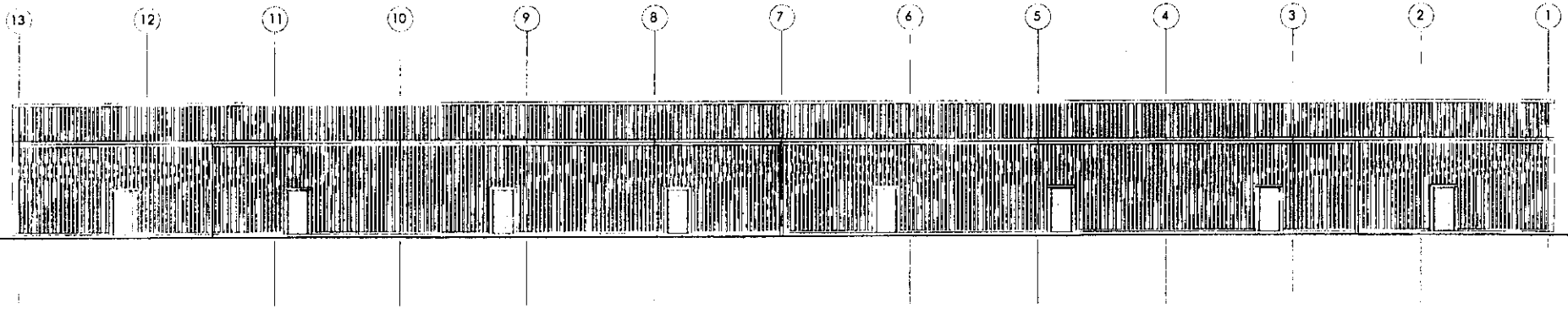
Architects Plus (UK) Limited. web: architectsplus.co.uk
Victoria Galleries, Viaduct House, Victoria Viaduct, Carlisle, Cumbria, CA3 8AN
tel: 01228 515144 fax: 01228 515033 e-mail: ap@architectsplus.co.uk

this drawing is copyright. Figured dimensions are to be taken in preference to scaled dimensions and particulars are to be taken from the actual. Any discrepancy must be reported to the architect immediately before proceeding.

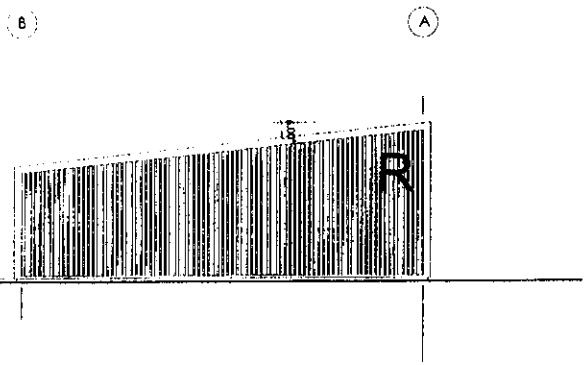
Revision Date Description Revised by



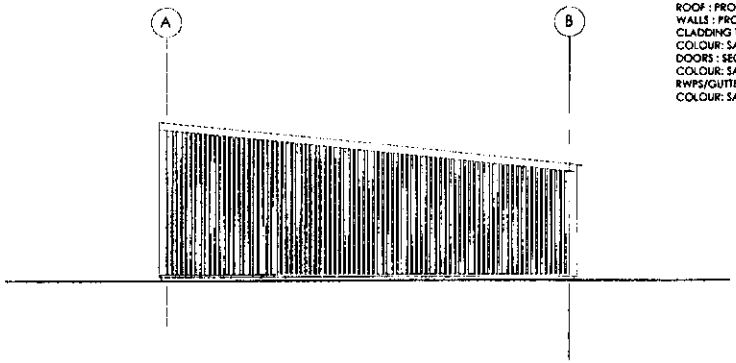
SOUTH ELEVATION



NORTH ELEVATION



WEST ELEVATION



EAST ELEVATION

MATERIALS

ROOF : PROFILED METAL SHEETING CORUS HPS200 FINISH COLOUR : ALBATROSS
WALLS : PROFILED METAL CLADDING CORUS HPS200 FINISH COLOUR : ALBATROSS
CLADDING TO NORTH ELEVATION : FLAT METAL CLADDING CORUS HPS200 FINISH
COLOUR: SARGASSO
DOORS : SECTIONAL METAL OVERHEAD DOORS
COLOUR: SARGASSO
RWPS/GUTTER : METAL BOX SECTION
COLOUR: SARGASSO

2006/0258

ARCHITECTS PLUS

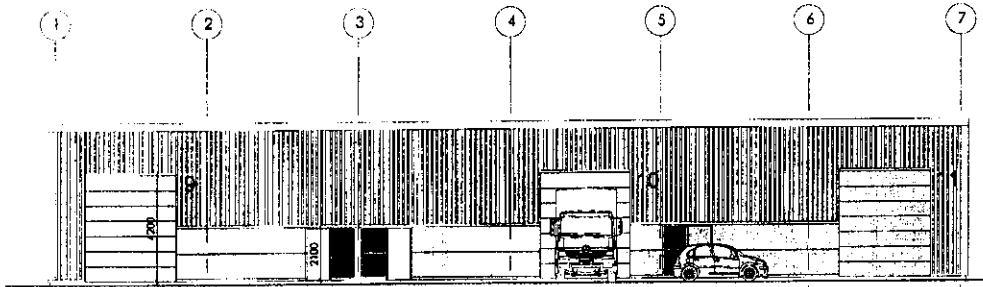
Project
KINGMOOR PARK PROPERTIES LTD
KINGMOOR PARK UNITS R1-R8 CENTRAL
Drawing
ELEVATIONS

Scale	Date	Drawn	Comp.No.	Number
1/100	02/06	RJW	C2	06013-03

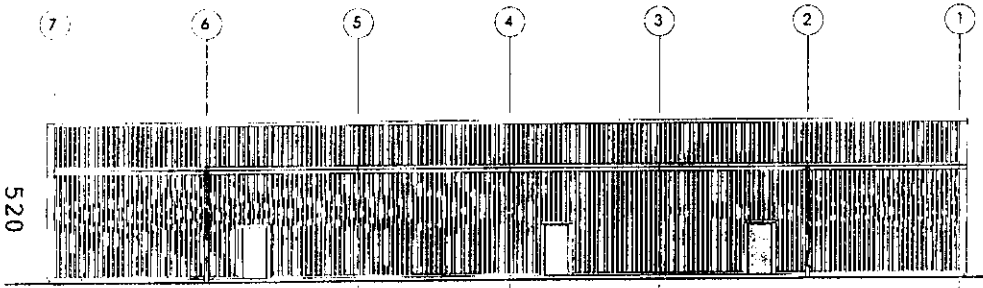
Architects Plus (UK) Limited web: architectsplus.co.uk
Victoria Galleries, Viaduct House, Victoria Viaduct, Carlisle, Cumbria, CA3 8AN
tel: 01228 515144 fax: 01228 515033 e-mail: ap@architectsplus.co.uk

This drawing is copyright. Figured dimensions are to be followed in preference to scaled dimensions and particulars are to be taken from the actual work where possible. Any discrepancy must be reported to the architect immediately and before proceeding.

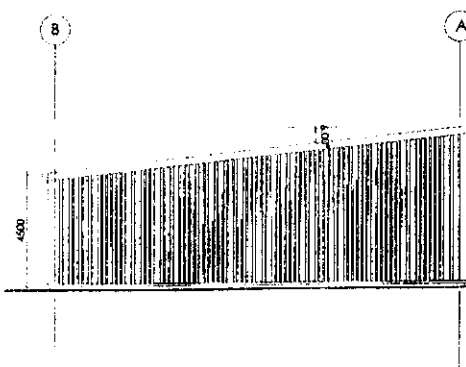
Revision Date Description Revised by



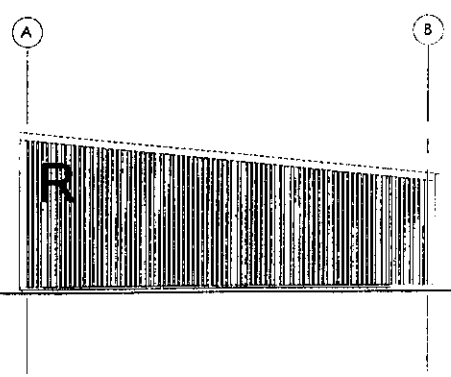
SOUTH ELEVATION



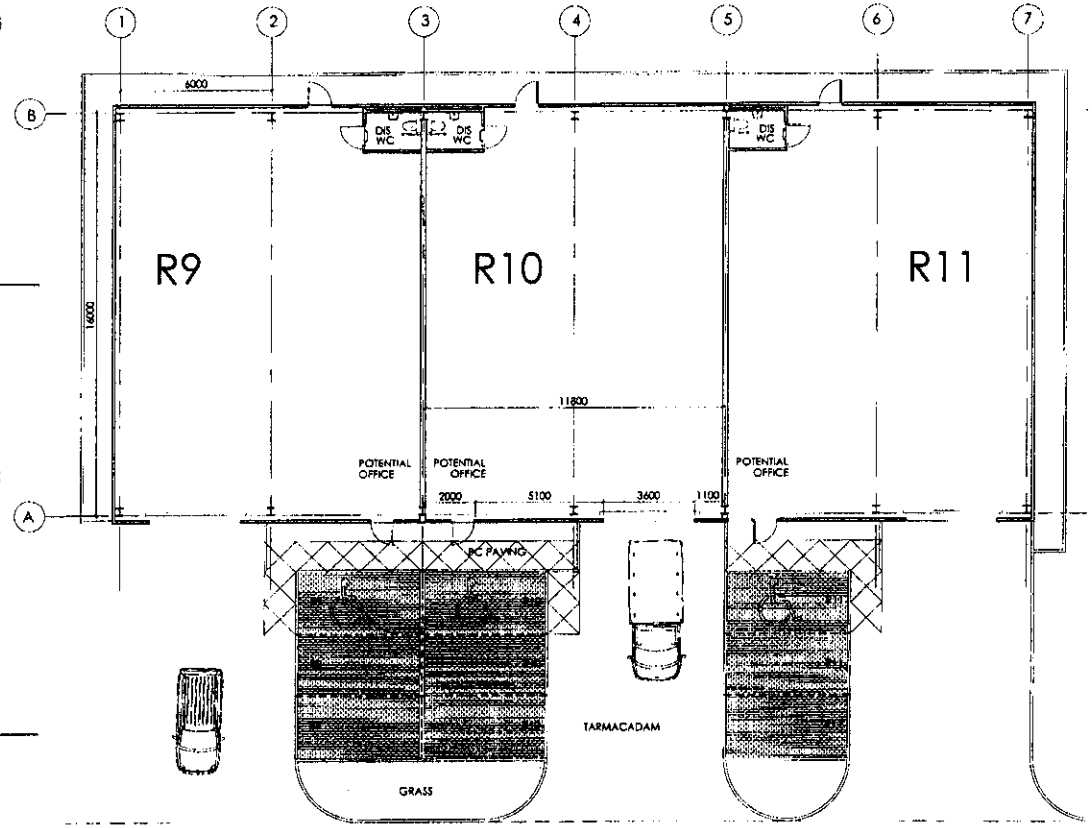
NORTH ELEVATION



WEST ELEVATION



EAST ELEVATION



MATERIALS

ROOF : PROFILED METAL SHEETING CORUS HPS200 FINISH COLOUR : ALBATROSS
WALLS : PROFILED METAL CLADDING CORUS HPS200 FINISH COLOUR : ALBATROSS
CLADDING TO NORTH ELEVATION : FLAT METAL CLADDING CORUS HPS200 FINISH COLOUR: SARGASSO
DOORS : SECTIONAL METAL OVERHEAD DOORS
COLOUR: SARGASSO
RWPS/GUTTER : METAL BOX SECTION
COLOUR: SARGASSO

2006b258

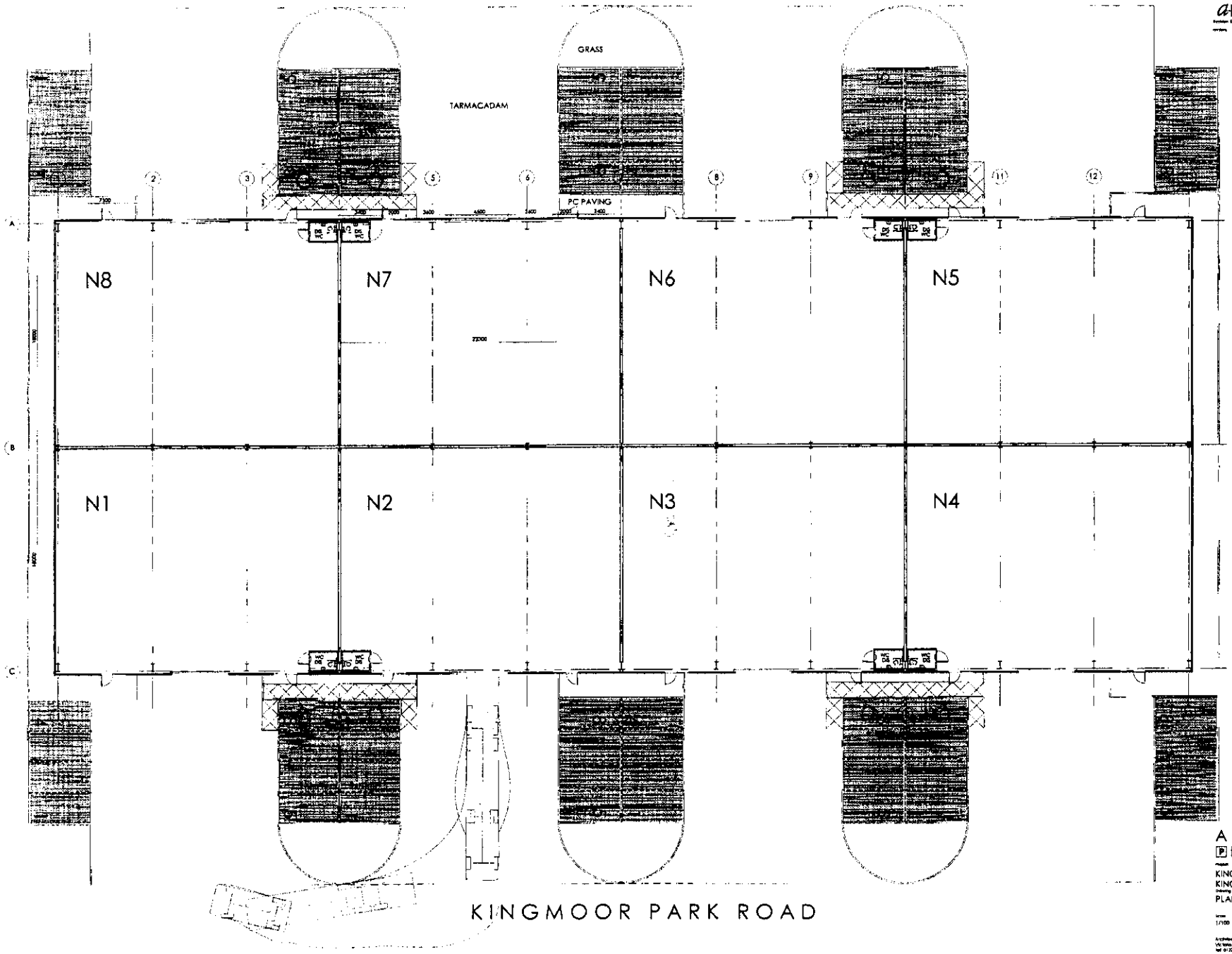
ARCHITECTS PLUS

Project
KINGMOOR PARK PROPERTIES LTD
KINGMOOR PARK UNITS R9-R11 CENTRAL

Drawing
PLAN & ELEVATION

Scale	Date	Drawn	Comp.No.	Number
1/100	02/06	RJW	C2	06013-04

Architects Plus (UK) Limited. web: architectsplus.co.uk
Victoria Galleries, Viaduct House, Victoria Viaduct, Carlisle, Cumbria, CA3 8AN
tel: 01228 515144 fax: 01228 515033 e-mail: apl@architectsplus.co.uk



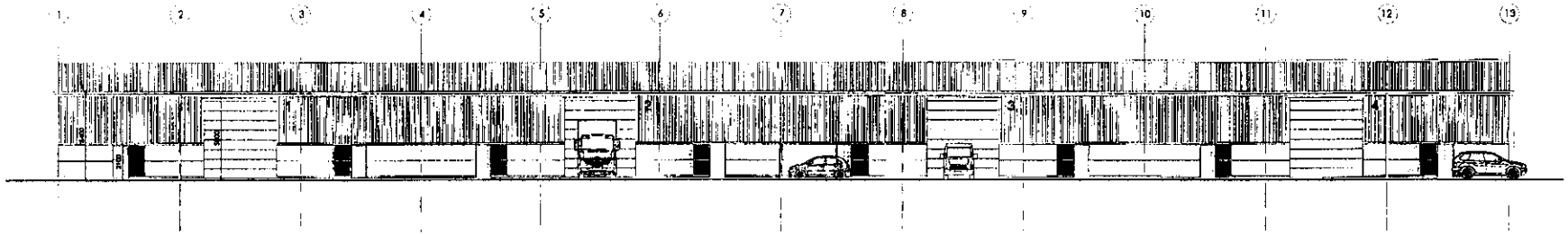
ARCHITECTS a+
PLUB

KINGMOOR PARK PROPERTIES LTD
KINGMOOR PARK UNIT N CENTRAL

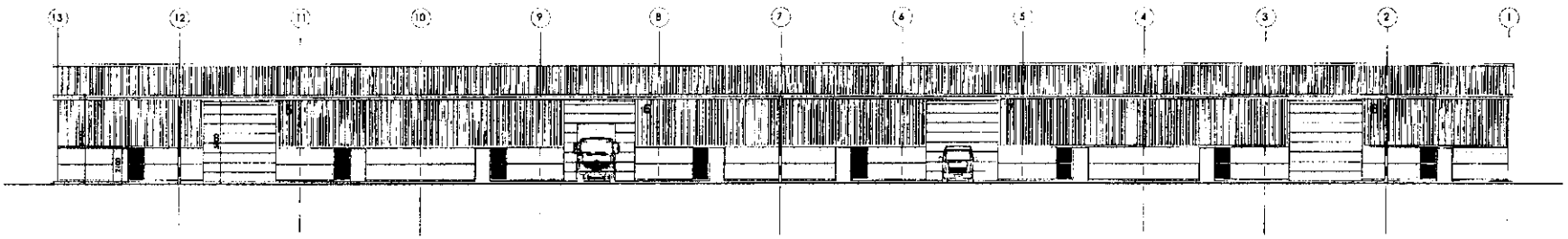
PLAN

1/100 02/06 BJW C7 06014-03

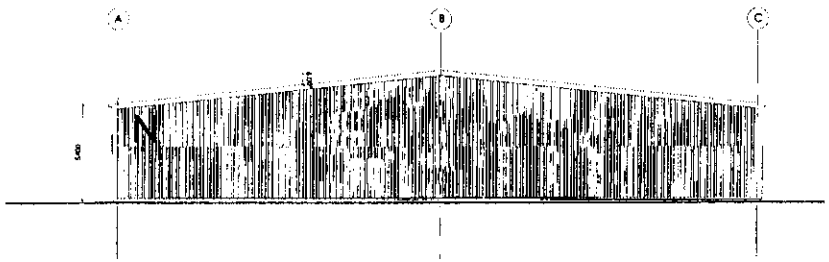
521



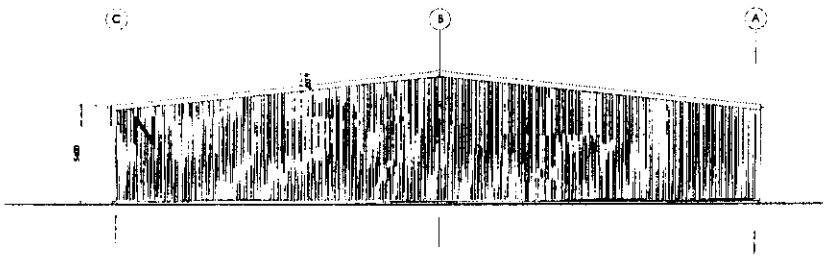
WEST ELEVATION



EAST ELEVATION



NORTH ELEVATION



SOUTH ELEVATION

MATERIALS

ROOF : PROFILED METAL SHEETING CORUS HPS200 FINISH COLOUR : ALBATROSS
WALLS : PROFILED METAL CLADDING CORUS HPS200 FINISH COLOUR : ALBATROSS
CLADDING TO NORTH ELEVATION : FLAT METAL CLADDING CORUS HPS200 FINISH COLOUR: SARGASSO
DOORS : SECTIONAL METAL OVERHEAD DOORS
COLOUR: SARGASSO
RWPS/GUTTER : METAL BOX SECTION
COLOUR; SARGASSO

ARCHITECTS PLUS

KINGMOOR PARK PROPERTIES LTD
KINGMOOR PARK UNIT N CENTRAL

ELEVATIONS

06014-04

522

SCHEDULE C

SCHEDULE C

SCHEDULE C

SCHEDULE C

SCHEDULE C

SCHEDULE C

SCHEDULE C

SCHEDULE C: Applications Determined by Other Authorities

Item No: 11 Between 24/11/2005 and 05/04/2006

Appn Ref No:	**Applicant:**	**Parish:**
05/9023	R Allen	Brampton
Date of Receipt:	**Agent:**	**Ward:**
30/09/2005	Cumbria County Council	Brampton

Location:
Warren House Farm, Newcastle Road, Brampton, CA8 2HY

Grid Reference:
354050 561300

Proposal: Amendments to planning application for improved entrance/exit, weighbridge and office

Amendment:

Report

City Council Observations on the Proposal:

Decision: City Council Observation - Raise No Objection **Date:** 12/10/2005

Decision of: Cumbria County Council

Decision Type: Grant Permission **Date:** 01/12/2005

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

CUMBRIA COUNTY COUNCIL

TOWN AND COUNTRY PLANNING ACT, 1990
TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER, 1995

NOTICE OF PLANNING CONSENT

To: Mr R Allen
Warren House Farm
Newcastle Road
Brampton
CA8 2HY

In pursuance of the powers under the above Act and Order the Cumbria County Council as local planning authority hereby **permit** the development described in your application received on the 23rd September 2005

viz: IMPROVED ENTRANCE/EXIT (TOGETHER WITH PROPOSED WEIGHBRIDGE AND OFFICE FOR EXISTING WASTE TRANSFER AND RECYCLING FACILITY); WARREN HOUSE FARM, NEWCASTLE ROAD, BRAMPTON

subject to due compliance with the following conditions:

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

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

2. The site office and weighbridge hereby approved shall be removed from site when the operation of the waste transfer station ceases at Warren House Farm.

Reason: A permanent office and weighbridge is not required for the farming activities.

3. The development shall be carried out in accordance with the approved scheme. Any variations to the approved scheme shall be submitted to and approved by the Local Planning Authority prior to being carried out.

Reason: To ensure the development is carried out to an approved appropriate standard.

4. Prior to works commencing drawings at scale 1:100 shall be submitted to and approved by the Local Planning Authority showing details of the design of the access, which shall be a minimum of 6 metres wide and incorporate 10.5 metres radii to each side, surfaced with bituminous or cement bound material and drained, earth modelling and a scheme of landscaping. 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 completion of the development, and any trees or plants which within a period of five 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 a satisfactory form of development.

CUMBRIA COUNTY COUNCIL

TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER 1995 (AS AMENDED)

SUMMARY OF REASONS FOR GRANT OF PLANNING PERMISSION

1. This application has been determined in accordance with the Town and Country Planning Acts, in the context of national and regional planning policy guidance and advice and the relevant development plan policies.

Dated the 1st day of December 2005

Shaun Gorman

.....

Signed: Shaun Gorman
The Head of Environment,
Directorate of Economy, Culture & Environment,
on behalf of the Council.

APPENDIX TO NOTIFICATION OF PLANNING DECISION

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

1. Unless specifically exempt by the Waste Management Licensing Regulations 1994, all operations involving "controlled waste", which includes most wastes excluding agricultural waste, mine and radioactive waste, requires a Waste Management Licence issued under the Environmental Protection Act 1990. Where your proposal includes the disposal, storage, transfer or treatment of any waste material on the permission site, you should contact the Environment Agency, Ghyll Mount, Gillan Way, Penrith 40 Business, Penrith, CA11 9BP (01768 866666), regarding applying for a licence, if you have not already done so. It is a criminal offence to deposit controlled waste and in certain circumstances to store, transfer or treat waste without a licence.

2. Obtaining any planning permission does not imply that any consents or licences required to be obtained from United Utilities plc or the Environment Agency would be granted. You are advised to consult the appropriate body to determine if any such consent or licence may be required.

3. Any grant of planning permission does not entitle developers to obstruct a public right of way. Development, insofar as it affects a right of way, should not be started, and the right of way should be kept open for public use, until the necessary order under Section 247 or 257 of the Town and Country Planning Act 1990, or other appropriate legislation, for the diversion or extinguishment of right of way has been made and confirmed.

4. The attention of the person to whom any permission has been granted is drawn to Sections 7 and 8A of the Chronically Sick and Disabled Persons Act 1970 and to the Code of Practice for Access of the Disabled to Buildings or any prescribed document replacing that code.

5. Any application made to the Local Planning Authority for any consent, agreement or approval required by a condition or limitation attached to a grant of planning permission will be treated as an application under Article 21 of the Town and Country Planning (General Permitted Development) Order 1995 and must be made in writing. Applications will be acknowledged and the Local Planning Authority is required to determine them within 8 weeks of receipt unless otherwise agreed in writing.

6. There is a right of appeal against the failure to determine applications within the specified period and against the refusal of any consent, agreement or approval for which application is made (see enclosed "Notes in respect of Appeals to The Secretary of State").

NOTES IN RESPECT OF APPEALS TO THE SECRETARY OF STATE

- If you are aggrieved by the decision of your local planning authority to refuse planning permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State for Transport, Local Government and the Regions under Section 78 of the Town and Country Planning Act 1990.

- If you want to appeal, then you must do so within three months (or six months in the case of applications submitted before 5th September 2003) of the date of the notice of decision, using a form which you can get from the Planning Inspectorate, Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, BRISTOL, BS1 6PN (Telephone: 0117 372 6372).

- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use his power unless there are special circumstances which excuse the delay in giving notice of appeal.

- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without conditions it imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

Purchase Notices

- If either the local planning authority or the Secretary of State for Transport, Local Government and the Regions refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

- In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of part VI of the Town and Country Planning Act 1990.

SCHEDULE C: Applications Determined by Other Authorities

05/0039

Item No: 12 Between 24/11/2005 and 05/04/2006

Appn Ref No:	**Applicant:**	**Parish:**
05/0039	Mr R C Lovell	Hayton
Date of Receipt:	**Agent:**	**Ward:**
26/01/2005	Taylor & Hardy	Hayton

Location: L/A Field 3644 - Cairn Bridge, Heads Nook, Carlisle, Cumbria

Grid Reference: 350300 554450

Proposal: Retention of toilet facilities for caravan site

Amendment:

Report

Decision on Appeals:

Appeal Against: Appeal against refusal of planning perm.

Type of Appeal: Written Representations

Report: An appeal was made under section 78 of the Town and Country Planning Act 1990 against the refusal of planning permission for the proposed toilet facilities for the caravan site.

The Inspector considered that the toilet block provided a discordant feature to the scenic quality of this intimate landscape area and adds to the clutter of objects within the site that undermine its pastoral nature. It was also felt that additional planting would be unlikely to make any material change to these conditions.

The Inspector also agreed with the view that the provision of such conveniences conflicts with the underlying concept of a Camping and Caravan Club exempted site.

The appeal was dismissed.

Appeal Decision: Appeal Dismissed **Date:** 25/11/2005

SCHEDULE D

SCHEDULE D

SCHEDULE D

SCHEDULE D

SCHEDULE D

SCHEDULE D

SCHEDULE D

SCHEDULE D: Reports on Previously Deferred Decisions

Item No: 13 Between 25/02/2006 and 05/04/2006

Appn Ref No:	**Applicant:**	**Parish:**
02/1362	Harrison Homes (Cumbria) Ltd	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
30/12/2002		Harraby
Location:		**Grid Reference:**
Former Highgrove Dairy, Harraby Green, Carlisle		341330 554457

Proposal: Residential development comprising of 2no. 2 bed dwellings, 29no. 3 bed dwellings, 14no. 4 bed dwellings, 44no. 2 bed apartments and 6no. 3 bed penthouses incorporating public open space consisting of kick about area and play equipment together with increasing the width of Harrison Way to 6 metres to allow for two-way movement of traffic and add a 1.8 metre wide pavement

Amendment:

1. Revised plans received on the 21st February 2003 showing increase in dwelling numbers, new dwelling types and the provision of a kick-about area and playground in the public open space.
2. Revised layout plan received 17th June 2003.
3. Revised layout plan received 29th November 2004.
4. Revised layout plan received 30th November 2004.
5. Revised layout plan received 3rd December 2004.
6. Revised site, layout and dwelling type plans received 09.05.05.
7. Revised plans received on the 2nd June 2005 showing the proposed apartment blocks.

Report

Details of Deferral:

Members resolved to give authority to the Head of Planning Services to issue approval for the proposal subject to the completion of a Section 106 Agreement concerning: the discharging or varying (if applicable) of previous legal agreements pertaining to the current application site; the dedication to the Council and payment of a commuted sum for the future maintenance of the proposed Public Open Space; the provision of the affordable residential units; and, the funding of the flood wall. The Section 106 Agreement has now been entered into and approval was issued on 14th March 2006.

Decision: Granted Subject to Legal Agreement **Date:** 15/03/2006

1. The development shall be begun not later than the expiration of 5 years

beginning with the date of the grant of this permission.

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

2. The carriageway, footways and footpaths shall be designed, constructed, drained and lit to a standard suitable for adoption and in this respect further details, including longitudinal/cross sections, shall be submitted to the local planning authority for approval before any work commences on site. No work shall be commenced until a full specification has been approved. These details shall be in accordance with the standards laid down in the current Cumbria Design Guide. Any works so approved shall be constructed before the development is completed.

Reason: To ensure that the matters specified are designed to the satisfaction of the local planning authority in accordance with Policy H4 of the Carlisle District Local Plan.

3. No development shall commence until visibility splays providing clear visibility of 4.5 metres x 60 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 provision 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 grow within the visibility splay which obstruct the visibility splays.

Reason: In the interests of highway safety in accordance with Policy H4 of the Carlisle District Local Plan.

4. The highway improvement works to the access road to be approved associated with the development hereby permitted shall be carried out according to the following phasing:

   i) the footways shall be completed and the carriageway shall be defined by kerbs and made up to base course level prior to the completion of any residential unit on the site;

   ii) immediately following completion of the final unit the highway works shall be completed to adoptable standards.

Reason: To ensure adequate access is available for each occupier in accordance with Policy H4 of the Carlisle District Local Plan.

5. The highway works involving the construction of the respective estate road(s)

shall be carried out according to the following phasing:

i) no residential unit shall be occupied until the respective estate road to serve such unit has been constructed in all respects to base course level and street lighting has been provided and brought into full operational use;

ii) immediately following completion (by the plastering out) of the final unit of each constituent phase the highway works shall be completed to adoptable standards.

Reason: In the interests of highway safety in accordance with Policy H4 of the Carlisle District Local Plan.

6. Details of all measures to be taken by the applicant/developer to prevent surface water discharging onto the highway shall be submitted to the local planning authority for approval prior to the development being completed.

Reason: In the interests of highway safety and to minimise potential hazards in accordance with Policy H4 of the Carlisle District Local Plan.

7. A visibility splay of 2.4 metres x 2.4 metres shall be provided and maintained where a driveway meets the back edge of a footway, with no obstruction higher than 600 mm above carriageway level. 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 permitted to grow within the visibility splay which obstruct the visibility splays.

Reason: In the interests of pedestrian safety in accordance with Policy H4 of the Carlisle District Local Plan.

8. Ramps shall be provided on each side of every road junction to enable wheelchairs, prams and invalid carriages to be safely manoeuvred at kerb lines. Details of all such ramps shall be submitted to the local planning authority for approval before development commences. Any details so approved shall be constructed as part of the development.

Reason: To ensure that pedestrians can negotiate road junctions in relative safety in accordance with Policy H4 of the Carlisle District Local Plan.

9. Efficient means shall be installed for cleaning all construction vehicles leaving the site (with the exception of public cars), maintained for the life of operations

and used to ensure that no slurry, mud or other material from the site is deposited upon the public highway. Adequate drains shall be installed to ensure that water from any wheel wash does not flow onto the public highway.

Reason: To avoid danger and inconvenience to road users in accordance with Policy H4 of the Carlisle District Local Plan.

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

Reason: The carrying out of this development without the provision of these facilities during the construction works is likely to lead to inconvenience and danger to road users and to support Local Transport Plan Policies S3 and LD9.

11. No development shall commence within the site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the 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 preservation, examination or recording of such remains in accordance with Policy E31 of the Carlisle District Local Plan.

12. The proposed childrens play area (including the associated accesses and footpaths) shall be laid out and provided with items of equipment at the expense of the developer in accordance with a scheme to be submitted to and approved by the local planning authority before the commencement of work on the erection of any residential unit, and, shall be completed in accordance with an agreed programme for implementation.

Reason: In order to secure a satisfactory standard of development and to make proper provision for the recreational needs of the area in accordance with Policies L8 and L9 of the Carlisle District Local Plan.

13. The play area (including the associated accesses and footpaths) shall be fully equipped and surfaced in accordance with the details submitted to and approved by the local planning authority under condition 12, and, be operational before the completion (by the plastering out) of the last unit within Phase 1 of

the development, as identified on the approved phasing plan.

Reason: In order to secure a satisfactory standard of development and to make proper provision for the recreational needs of the area in accordance with Policies L8 and L9 of the Carlisle District Local Plan.

14. 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 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 in accordance with Policy H4 of the Carlisle District Local Plan.

15. No development shall take place until details of a landscaping scheme have been submitted to and approved by the local planning authority.

Reason: To ensure that a satisfactory landscaping scheme is prepared in accordance with Policy E19 of the Carlisle District Local Plan.

16. All works comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following occupation of any residential unit or completion of the development, whichever is the sooner.

Reason: To ensure that a satisfactory landscaping scheme is implemented in accordance with Policy E19 of the Carlisle District Local Plan.

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

Reason: To ensure as far as possible that the landscaping scheme is fully effective in accordance with Policy E19 of the Carlisle District Local Plan.

18. 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 safeguard the character of the area in

accordance with Policy H4 of the Carlisle District Local Plan.

19. Details shall be submitted of the proposed hard surface finishes to all public and private external areas within the proposed scheme and approved by the local planning authority before any site works commence, and the approved scheme shall be fully implemented before any of the dwellings are occupied.

    Reason: To ensure that materials to be used are acceptable in accordance with Policy H4 of the Carlisle District Local Plan.

20. Details of the relative heights of the existing and proposed ground levels and the height of the proposed finished floor levels of the apartments and dwellings/garages 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 and that it meets the objectives of Policy E20 of the Carlisle District Local Plan.

21. Before the commencement of development an overall phasing plan and phasing programme of the whole site subject of this submission shall be submitted to and approved in writing by the local planning authority. The development of the site shall thereafter be undertaken in strict accord with the approved phasing plan and phasing programme.

    Reason: To secure a satisfactorily correlated order of development which meets the underlying housing strategy of the local planning authority.

22. Prior to the completion (by the plastering out) of the last residential unit within Phase 1 of the development, as identified on the approved phasing plan, the emergency access route shall be constructed and surfaced in accordance with details submitted to and approved beforehand by the local planning authority.

    Reason: To safeguard the character of the area and in order to meet the objectives of Policy E20 of the Carlisle District Local Plan.

23. No development approved by this permission shall be commenced until a desk study has been undertaken and agreed in writing by the Local Planning Authority to investigate and produce an assessment of the risk of the potential for on-site contamination. If the desk study identifies potential contamination a detailed site investigation should be carried out to establish the degree and nature of the contamination and the potential to pollute the environment or cause harm to human health. If remediation measures are necessary they shall

be implemented in accordance with the assessment and to the satisfaction of the Local Planning Authority.

Reason: To ensure a safe form of development that poses no unacceptable risk of pollution and to comply with Policy 23 of the Cumbria & Lake District Joint Structure Plan and Policy E24 of the Carlisle District Local Plan.

Item No: 14 Between 25/02/2006 and 05/04/2006

Appn Ref No:	**Applicant:**	**Parish:**
04/0853	Mr & Mrs Smith	Cumrew
Date of Receipt:	**Agent:**	**Ward:**
16/06/2004	David Parr	Great Corby & Geltsdale

Location:
Cumrew Farm, Cumrew, Heads Nook, Brampton, CA8 9DD

Grid Reference:
355090 550370

Proposal: Change of use from and alterations to redundant barns and other agricultural buildings to form a mixed development of holiday accomodation, 1no. live/work unit, 1no. affordable home and 3no. houses.

Amendment:

1. The original proposal to convert five redudant barns/agricultural buildings,submitted in June 2004 has been superceded.

Report

Details of Deferral:

Members will recall at Committee meeting held on 29th April 2005 that authority was given to the Head of Planning Services to issue approval subject to (1) the satisfactory completion of a Section 106 Agreement relating to the affordable dwelling unit, the holiday letting unit and the live/work unit and (2) specified conditions. This Section 106 Agreement has now been entered into and the decision notice was issued on 17th March 2006.

Decision: Granted Subject to Legal Agreement **Date:** 17/03/2006

1. The development shall be begun not later than the expiration of 5 years

beginning with the date of the grant of this permission.

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

2. The external walling and roofing materials to be used in the building works hereby permitted shall be identical to those in the existing buildings. If any other material is proposed no development shall take place until such has been approved, in writing, by the Local Planning Authority.

Reason: To ensure the works harmonise as closely as possible with the existing building and to ensure compliance with Policy 25 of the Cumbria and Lake District Joint Structure Plan.

3. The surfacing of the access road shall extend for at least 10m inside the site, as measured from the highway boundary and the works shall be carried out prior to the buildings being occupied and in accordance with details of construction which shall be submitted to the local planning authority.

Reason: To ensure that the matters specified are designed to the satisfaction of the local planning authority in accordance with Policies H5 - village development and EM15 – Tourism, of the Carlisle District Local Plan and Local Transport Plan Policies S3,S4,LD11,LD9 and LD7.

4. For avoidance of doubt, the details required under Condition 9 shall show the infilled doorways on Barns 1 and 2 being recessed and cills and lintels on all new window openings being red sandstone to match.

Reason: To ensure that the development is carried out in a manner that respects the architectural integrity of the Listed Buidling and the amenities of its surroundings in accordance with Policy E35 of the Carlisle District Local Plan

5. Prior to the carrying out of any demolition works the existing buildings occupying the site shall be recorded in accordance with guidance issued by English Heritage (formerly the Royal Commission). That record shall comprise a "Level 2 Survey" as set out in the attached extracts form "Recording Historic Buildings - A Descriptive Specification (Third Edition)" and, following its completion, a copy of that survey shall be furnished to the Local Planning Authority.

Reason: To ensure that a permanent record of the buildings is obtained and the pattern of historical development in this part of the Conservation Area is identified in accordance with Policies E 34 and E43 of the Carlisle District Local Plan.

6. The development shall not be occupied until the access and parking facilities have been constructed in accordance with the approved plan. The access and turning provision shall be retained and be capable of use when the development is completed and shall not be removed or altered without the prior consent of the local planning authority.

   Reason: In the interests of highway safety and in accordance with Policies H16 and T7 of the Carlisle District Local Plan.

7. The portion of the access lying within highway limits shall be constructed and in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

   Reason: In the interests of highway safety and to support Local Transport Plan Policies S3, LD7, LD11, LD5 (draft).

8. There shall be no interference with the public's right of way over Public Footpath No. 112003.

   Reason: In order to prevent any obstruction to a public right of way in accord with Policy L5 of the Carlisle District Local Plan.

9. Detailed working drawings at a suitable scale shall be submitted to and approved by the local planning authority before any works commence and these shall show:

   1 New work in relation to existing;

   2 Proposed repairs to existing, including structural works, roof structure, doors, windows, fittings, panelling and other architectural works.

   3 Ventilation details

   Reason: To ensure that the development is carried out in a manner that respects the architectural integrity of the Listed Buidling and the amenities of its surroundings in accordance with Policy E35 of the Carlisle District Local Plan

10. Full details of the proposed hedging defining the curtilages shall be submitted to and approved by the local planning authority prior to the occupation of dwelling numbers 3,4 and 5 hereby permitted. All works comprised in the approved details of hedge planting shall be carried out in the first planting season following the occupation of the holiday homes.

Reason: To ensure that the appearance of the area is enhanced by the proper landscaping of the site in accord with Policy E19 of the Carlisle District Local Plan.

11. The materials to be used in the construction of the boundary walls indicated on Drawing Number R328/22B shall be identical to those in the adjoining buildings.

Reason: To ensure the works harmonise as closely as possible with the existing building and in accordance with Policy SP25 of the Cumbria and Lake District Local Plan

12. The live/work unit shall not be occupied until the boundary wall with Cumrew House has been rebuilt in red sandstone to match the adjoining buildings and raised to the level of the eaves of the adjoining single storey building.

Reason: In order to protect the privacy and amenity of residents in close proximity to the site , to respect the setting of a Listed Building and to ensure compliance with Policies H5 and E35 of the Carlisle District Local Plan.

Item No: 15 Between 25/02/2006 and 05/04/2006

Appn Ref No:	**Applicant:**	**Parish:**
05/1114	N Wood	Westlinton
Date of Receipt:	**Agent:**	**Ward:**
19/10/2005		Longtown & Rockcliffe
Location:		**Grid Reference:**
The Glen, Westlinton, Carlisle CA6 6AB		339390 563930

Proposal: Extension to form annexe and erection of general purpose agricultural building

Amendment:

Report

Details of Deferral:

Members will recall at Committee meeting held on 27th January 2006 that authority

was given to the Head of Planning Services to issue approval subject to the receipt of satisfactory revised plans which clearly show the relationship of the proposed annexe to the existing dwelling. These have now been received and the decision notice issued on 9th March 2006.

Decision: Grant Permission **Date:** 09/03/2006

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. This permission relates to the addition of supplementary domestic accommodation to, and related internal re-arrangements of, the existing family accommodation at the premises, all of which shall be occupied as one planning unit by members of the applicants family or those of their successors in title. Under no circumstances shall the applicants or their successors in title subsequently sell, let or in any way dispose of or use or permit to be used any part of the accommodation hereby approved, independently of the remainder of the overall property.

   Reason: The local planning authority are not prepared to permit the establishment of a separate unit of accommodation on this site in accord with Policy H5 of the Carlisle District Local Plan.

3. The existing outbuilding(s)/structures, as identified on a plan to be submitted to and approved beforehand by the local planning authority, shall be demolished and trace of its/their existence removed prior to the occupation of the annexe.

   Reason: The local planning authority wish to ensure that the setting and scale of the development is not marred by the retention of the identified structure(s) in accordance with Policies E8 and H14 of the Carlisle District Local Plan.

4. Samples or full details of all materials to be used on the exterior shall be submitted to and approved in writing by the local planning authority before any work is commenced.

   Reason: To ensure the works harmonise as closely as possible with the existing building and to ensure compliance with Policy 25 of the Cumbria and Lake District Structure Plan.

SCHEDULE D: Reports on Previously Deferred Decisions

Item No: 16 Between 25/02/2006 and 05/04/2006

Appn Ref No:	**Applicant:**	**Parish:**
06/0219	Mr & Mrs J M Stashkiw	Hayton
Date of Receipt:	**Agent:**	**Ward:**
17/02/2006		Hayton
Location:		**Grid Reference:**
Plot 6 Hayton Gardens, Hayton, CA8 9HT		351164 557870

Proposal: Erection of detached dwelling house (revised application)

Amendment:

Report

Details of Deferral:

Members will recall at Committee meeting held on 10th March 2006 that authority was given to the Head of Planning Services to issue approval subject to expiry of the statutory consultation period.
The statutory period has expired and the approval was issued on 16th March 2006

Decision: Grant Permission **Date:** 16/03/2006

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. 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 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 H16 of the Carlisle District Local Plan.

3. No development shall take place until details of a landscaping scheme have

been submitted to and approved by the local planning authority. The scheme as approved shall be carried out in the first planting season following completion of the development.

Reason: To ensure that a satisfactory landscaping scheme is prepared in accord with Policy E9 of the Carlisle District Local Plan.

4. 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 and in accord with Policy E22 of the Carlisle District Local Plan.

5. Samples or full details of all materials to be used on the exterior shall be submitted to and approved in writing by the local planning authority before any work is commenced. The development shall be constructed utilising the agreed materials.

Reason: To ensure the works harmonise as closely as possible with the existing building and to ensure compliance with Policy H16 of the Carlisle District Local Plan.

SCHEDULE E

SCHEDULE E

SCHEDULE E

SCHEDULE E

SCHEDULE E

SCHEDULE E

SCHEDULE E

SCHEDULE E: Decisions Issued Under Delegated Powers

Between 25/02/2006 and 05/04/2006

Appn Ref No:	Applicant:	Parish:
05/0503	Kingmoor Park Properties Ltd	Stanwix Rural
Date of Receipt:	**Agent:**	**Ward:**
20/05/2005		Stanwix Rural

Location: Land opposite St Johns Church/M6 Northbound, Houghton, Carlisle

Grid Reference: 340900 559820

Proposal: Erection and display of directional signage (retrospective application)

Amendment:

Decision: Refuse Permission **Date:** 29/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No:	Applicant:	Parish:
05/1005	Mr M Scott	Wetheral
Date of Receipt:	**Agent:**	**Ward:**
30/01/2006	Green Design Group	Wetheral

Location: 6 Alby Terrace, Cumwhinton, Carlisle, CA4 0AU

Grid Reference: 346374 551240

Proposal: Two storey side extension to provide garage, re-located kitchen, dining area and utility room on the ground floor, with bathroom and en-suite bedroom area above, together with the change of use of part of the paddock to domestic garden.

Amendment:
1. Amended elevations and floor plans.

Decision: Grant Permission **Date:** 24/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No:	Applicant:	Parish:
05/1298	Mr J Jansen	Stanwix Rural
Date of Receipt:	**Agent:**	**Ward:**
30/11/2005	Jock Gordon	Stanwix Rural

SCHEDULE E: Decisions Issued Under Delegated Powers

Location:
Eden Croft Cottage, Crosby-on-Eden, CA6 4QN

Grid Reference:
344599 559450

Proposal: Internal alterations to provide larger kitchen, utility room, and first floor bedroom and bathroom plus replacement porch (LBC)

Amendment:

Decision: Grant Permission **Date:** 06/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No:
05/1318

Applicant:
H & M Hodgson

Parish:
Burgh-by-Sands

Date of Receipt:
27/01/2006

Agent:

Ward:
Burgh

Location:
Wormanby Farm, Burgh by Sands, Carlisle, CA5 6DA

Grid Reference:
333560 558877

Proposal: New front door to farm house (LBC)

Amendment:

Decision: Grant Permission **Date:** 15/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No:
05/1321

Applicant:
Helen Fuller

Parish:
Carlisle

Date of Receipt:
06/12/2005

Agent:
Carlisle Window Systems

Ward:
Botcherby

Location:
18 Wood Street, Botcherby, Carlisle, CA1 2SF

Grid Reference:
342273 555620

Proposal: 5no replacement windows (LBC)

Amendment:

Decision: Grant Permission **Date:** 09/03/2006

SCHEDULE E: Decisions Issued Under Delegated Powers

Between 25/02/2006 and 05/04/2006

Appn Ref No: 05/1332
Applicant: Mrs J Potts
Parish: Stapleton

Date of Receipt: 08/12/2005
Agent: Swarbrick Associates
Ward: Lyne

Location: Newlands, Hethersgill, Carlisle, CA6 6HU
Grid Reference: 347622 569145

Proposal: Revised application for refurbishment of existing cottage and extension through into existing barn

Amendment:

Decision: Grant Permission **Date:** 23/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No: 05/1349
Applicant: Gavin Butler
Parish: Carlisle

Date of Receipt: 20/01/2006
Agent:
Ward: Denton Holme

Location: 60 Denton Street, Carlisle, CA2 5EH
Grid Reference: 339787 555142

Proposal: New shopfront

Amendment:

Decision: Grant Permission **Date:** 17/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No: 05/1350
Applicant: Mr & Mrs Underwood
Parish: Carlisle

Date of Receipt: 12/01/2006
Agent: S Buttler
Ward: Belah

Location: 14 Sanderson Close, Carlisle, CA3 0QA
Grid Reference: 339436 558601

Proposal: First floor extension to front elevation to provide an enlarged bedroom

and erection of conservatory to rear elevation.

Amendment:

1. Submission of north facing existing and proposed side elevation, as previously omitted from original plans submitted.

Decision: Grant Permission **Date:** 06/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No:	**Applicant:**	**Parish:**
05/1354	Mr G Vevers	Nicholforest
Date of Receipt:	**Agent:**	**Ward:**
09/01/2006	Mr W Vevers	Lyne
Location:		**Grid Reference:**
Peterscrook Farm, Penton, Carlisle, CA6 5RA		344008 577875

Proposal: Extension to existing building to form collecting yard

Amendment:

Decision: Grant Permission **Date:** 27/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No:	**Applicant:**	**Parish:**
05/1355	Mr G Vevers	Nicholforest
Date of Receipt:	**Agent:**	**Ward:**
09/01/2006	Mr W Vevers	Lyne
Location:		**Grid Reference:**
Peterscrook Farm, Penton, Carlisle, CA6 5RA		344008 577875

Proposal: Erection of agricultural building for general storage purposes together with provision of a covered walkway

Amendment:

Decision: Grant Permission **Date:** 27/03/2006

Between 25/02/2006 and 05/04/2006

SCHEDULE E: Decisions Issued Under Delegated Powers

Appn Ref No: 05/1372
Applicant: Mr & Mrs T Musson
Parish: Arthuret

Date of Receipt: 05/01/2006
Agent: Alan Gosling Architects
Ward: Longtown & Rockcliffe

Location: Carwinley Mill House, Carwinley, Longtown, CA6 5PE
Grid Reference: 340385 572925

Proposal: Erection of replacement cabin

Amendment:

Decision: Grant Permission **Date:** 02/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No: 05/1375
Applicant: Clearair Construction
Parish: Wetheral

Date of Receipt: 18/01/2006
Agent: Braithwaite Associates
Ward: Wetheral

Location: Tithe Barn, Warwick-on-Eden, Carlisle, CA4 8PR
Grid Reference: 346506 556615

Proposal: Revised house type

Amendment:

Decision: Grant Permission **Date:** 06/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No: 05/1382
Applicant: Hyde Harrington
Parish: Kingmoor

Date of Receipt: 30/01/2006
Agent:
Ward: Stanwix Rural

Location: Atlantic House, Fletcher Way, Carlisle, CA3 0LJ
Grid Reference: 338797 559873

Proposal: Erection and display of 2no. non-illuminated pole mounted signage together with the display of 1no. non-illuminated pole mounted signage

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission **Date:** 16/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No:	**Applicant:**	**Parish:**
05/1398	Mr V Stephens	Brampton
Date of Receipt:	**Agent:**	**Ward:**
09/01/2006	Green Design Group	Brampton

Location: Land adjacent to Highfield, Capon Tree Road, Brampton

Grid Reference: 352845 559948

Proposal: Erection of a dwelling

Amendment:

Decision: Grant Permission **Date:** 06/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No:	**Applicant:**	**Parish:**
06/0003	Rawdon Investments Ltd	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
04/01/2006	Corstorphine & Wright Hills Erwin Ltd	Castle

Location: L/A former Hewden Hire Depot, 24-28 Bridge Street, Carlisle, CA2 5SX

Grid Reference: 339431 556022

Proposal: Demolition of existing buildings and construction of 30 no. apartments with associated car parking (amendments to proposals approved under Reference 04/0717 following the flooding of 7th/8th January 2005)

Amendment:

Decision: Grant Permission **Date:** 13/03/2006

Between 25/02/2006 and 05/04/2006

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

SCHEDULE E: Decisions Issued Under Delegated Powers

06/0005	Mr Les Burgess	Scaleby
Date of Receipt:	**Agent:**	**Ward:**
16/01/2006	Mr G Tyler	Stanwix Rural
Location:		**Grid Reference:**
Snowdale Cottage, Scaleby, Carlisle CA6 4LW		345377 563236

Proposal: Two storey extension to the side elevation to provide extended lounge at ground floor level, bedroom with en suite bathroom at first floor level and erection of detached double garage, store room and covered area

Amendment:

1. Amended block plan to show the position of the location of the proposed foul and surface water drainage.

   Drawing No.LB2/EXT/003 RevB amended to correctly illustrate the position of the boundary.

Decision: Grant Permission **Date:** 09/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No:	**Applicant:**	**Parish:**
06/0007	Malcolm & Patricia Crozier	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
05/01/2006	Burnetts Solicitors	Castle
Location:		**Grid Reference:**
52 Cecil Street, Carlisle, CA1 1NT		340544 555564

Proposal: Change of use to residential use

Amendment:

Decision: Grant Permission **Date:** 01/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No:	**Applicant:**	**Parish:**
06/0008	Pizza Hut (UK) Ltd	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
17/01/2006	Pegasus Planning Group	Harraby
Location:		**Grid Reference:**

SCHEDULE E: Decisions Issued Under Delegated Powers

Pizza Hut, London Road, Carlisle, CA1 2PW 341323 554919

Proposal: Display of internally illuminated signs comprising 4 no. name signs affixed to the roof and wall of the premises together with 2 no. freestanding directional signs and 1 no. pole mounted sign positioned adjacent to the London Road frontage

Amendment:

Decision: Grant Permission **Date:** 14/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No:	**Applicant:**	**Parish:**
06/0011	A P & J Brown Ltd	Wetheral
Date of Receipt:	**Agent:**	**Ward:**
06/01/2006		Wetheral
Location:		**Grid Reference:**
Killoran Hotel, The Green, Wetheral, CA4 8ET		346700 554400

Proposal: Variation of scheme including condition 4 attached to 04/0636 to allow implementation based upon landscaping scheme

Amendment:

Decision: Grant Permission **Date:** 01/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No:	**Applicant:**	**Parish:**
06/0012	Messrs J R Lyall	Carlatton
Date of Receipt:	**Agent:**	**Ward:**
06/01/2006	Nick Scholefield	Great Corby & Geltsdale
Location:		**Grid Reference:**
North Scales, Heads Nook, Brampton, CA8 9BT		351870 554217

Proposal: Proposed slurry and dirty water store

Amendment:

Decision: Grant Permission **Date:** 21/03/2006

SCHEDULE E: Decisions Issued Under Delegated Powers

Between 25/02/2006 and 05/04/2006

Appn Ref No: 06/0014
Applicant: Mr Kerr (Brownelson Properties)
Parish: Carlisle

Date of Receipt: 06/01/2006
Agent: Alan Fox Design
Ward: Castle

Location: 88 Warwick Road, Carlisle, CA1 1JX
Grid Reference: 340704 555880

Proposal: Change of use from two bedsits (within a property in multiple occupation) to 1 two person unit with internal alterations (revised appn)

Amendment:

Decision: Grant Permission **Date:** 01/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No: 06/0017
Applicant: Mr & Mrs Littleton
Parish: St Cuthberts Without

Date of Receipt: 09/01/2006
Agent: Jock Gordon
Ward: Dalston

Location: 11 The Willows, Durdar, Carlisle, CA2 4UP
Grid Reference: 340778 551113

Proposal: First floor extension over existing garage to provide bedroom and erection of detached domestic garage

Amendment:

Decision: Refuse Permission **Date:** 06/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No: 06/0018
Applicant: Mr Ray Irving
Parish: Carlisle

Date of Receipt: 12/01/2006
Agent:
Ward: Botcherby

Location: 70 Springfield Road, Carlisle, CA1 3QT
Grid Reference: 342558 554488

SCHEDULE E: Decisions Issued Under Delegated Powers

Proposal: Two storey side extension to provide kitchen, garage with en-suite bedroom above

Amendment:

Decision: Grant Permission **Date:** 07/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No:	**Applicant:**	**Parish:**
06/0020	Mrs M S Bennett	Kirkandrews
Date of Receipt:	**Agent:**	**Ward:**
09/01/2006	Jock Gordon	Longtown & Rockcliffe
Location:		**Grid Reference:**
Midways, Mill Hill, Gretna, DG16 5HU		334003 567835

Proposal: Two storey extension to provide ground floor ' Granny Annexe' for a disabled relative and carer with a bedroom above

Amendment:

Decision: Grant Permission **Date:** 03/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No:	**Applicant:**	**Parish:**
06/0021	W Murray & Sons	Hethersgill
Date of Receipt:	**Agent:**	**Ward:**
16/01/2006		Lyne
Location:		**Grid Reference:**
Prior House Farm, Kirklinton, Carlisle, CA6 6BQ		345700 568250

Proposal: Silage pit and slurry store (Phase 2)

Amendment:

Decision: Grant Permission **Date:** 09/03/2006

Between 25/02/2006 and 05/04/2006

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

SCHEDULE E: Decisions Issued Under Delegated Powers

06/0022 | Mr Philip Harling | Carlisle

Date of Receipt: 23/01/2006 | **Agent:** | **Ward:** Botcherby

Location: 21 Falcon Mews, Carlisle, Cumbria, CA1 2WE | **Grid Reference:** 341707 555544

Proposal: Two storey side extension to provide integral garage and dining room to ground floor, with 2no. bedrooms and shower room to first floor

Amendment:

Decision: Grant Permission | **Date:** 16/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No: 06/0023 | **Applicant:** W Murray & Sons | **Parish:** Hethersgill

Date of Receipt: 16/01/2006 | **Agent:** | **Ward:** Lyne

Location: Prior House Farm, Kirklinton, Carlisle, CA6 6BQ | **Grid Reference:** 345700 568250

Proposal: Proposed silage pit

Amendment:

Decision: Grant Permission | **Date:** 09/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No: 06/0026 | **Applicant:** Mr Robin Forster | **Parish:** Nicholforest

Date of Receipt: 01/02/2006 | **Agent:** | **Ward:** Lyne

Location: Cross House, Penton, CA6 5QH | **Grid Reference:** 347325 580354

Proposal: Widening of access

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission **Date:** 14/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No: 06/0034
Applicant: Mr Jim Berry
Parish: Carlisle

Date of Receipt: 19/01/2006
Agent:
Ward: Harraby

Location: 1 Chertsey Bank, Carlisle, CA1 2QF
Grid Reference: 341443 554354

Proposal: Store extension to existing garage (retrospective)

Amendment:

Decision: Grant Permission **Date:** 13/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No: 06/0035
Applicant: Wilson of Woodside Ltd
Parish: St Cuthberts Without

Date of Receipt: 20/01/2006
Agent: David Hetherington Environmental And Planning Services
Ward: Dalston

Location: Woodside Farm, Wreay, Carlisle, CA4 0RJ
Grid Reference: 341309 549922

Proposal: Erection of cubicle Shed

Amendment:

Decision: Grant Permission **Date:** 17/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No: 06/0036
Applicant: Central Dental Practice
Parish: Carlisle

Date of Receipt: 17/01/2006
Agent: Mr Berr
Ward: Castle

SCHEDULE E: Decisions Issued Under Delegated Powers

Location:
36 Victoria Place, Carlisle, CA1 1EX

Grid Reference:
340404 556045

Proposal: Change of use to D1 dentistry

Amendment:

Decision: Grant Permission **Date:** 14/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No:
06/0040

Applicant:
Woolworths PLC

Parish:
Carlisle

Date of Receipt:
12/01/2006

Agent:
Astley Signs

Ward:
Currock

Location:
Woolworths Plc 98-104 English Street, Carlisle, CA3 8ND

Grid Reference:
340141 555665

Proposal: Erection of internally illuminated fascia sign and projecting sign

Amendment:

Decision: Refuse Permission **Date:** 07/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No:
06/0044

Applicant:
Mr Dennis Park

Parish:
Carlisle

Date of Receipt:
01/02/2006

Agent:

Ward:
Belah

Location:
3 Teasdale Road, Carlisle, CA3 0HF

Grid Reference:
339008 558427

Proposal: Erection of single storey rear extension to provide an enlarged kitchen, together with the formation of a pitched roof over the existing flat roof garage.

Amendment:

Decision: Grant Permission **Date:** 15/03/2006

SCHEDULE E: Decisions Issued Under Delegated Powers

Between 25/02/2006 and 05/04/2006

Appn Ref No: 06/0045
Applicant: Mr Ian McKenna
Parish: Carlisle

Date of Receipt: 23/01/2006
Agent: Gray Associates
Ward: Denton Holme

Location: 15 St James Avenue, Carlisle, CA2 5PE
Grid Reference: 339238 555042

Proposal: First floor extension to provide larger third bedroom and extended bathroom, together with the conversion of the loft space to provide an additional bedroom.

Amendment:
1. Amendment of plans to include conversion of the loft space to provide an additional bedroom.

Decision: Grant Permission **Date:** 14/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No: 06/0046
Applicant: Wilson of Woodside Ltd
Parish: St Cuthberts Without

Date of Receipt: 20/01/2006
Agent: David Hetherington Environmental And Planning Services
Ward: Dalston

Location: Woodside Farm, Wreay, Carlisle, CA4 0RJ
Grid Reference: 341309 549922

Proposal: Extension of existing open silage pit by 2.44m and roofing over eastern half of open silage pit including erection of dividing wall (Phase I)

Amendment:

Decision: Grant Permission **Date:** 17/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No: 06/0047
Applicant: Miss Ruth Farmer
Parish: Carlisle

Date of Receipt:
Agent:
Ward:

SCHEDULE E: Decisions Issued Under Delegated Powers

20/01/2006 — Currock

Location:
261 Blackwell Road, Carlisle, CA2 4RB

Grid Reference:
340303 553935

Proposal: Two storey side and rear extension to provide garage and kitchen with 2no. bedrooms and bathroom above. Single storey rear extension to provide living room.

Amendment:

Decision: Grant Permission — **Date:** 17/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No:
06/0048

Applicant:
Wilson of Woodside Ltd

Parish:
St Cuthberts Without

Date of Receipt:
20/01/2006

Agent:
David Hetherington Environmental And Planning Services

Ward:
Dalston

Location:
Woodside Farm, Wreay, Carlisle, CA4 0RJ

Grid Reference:
341309 549922

Proposal: Roofing over part of existing silage pit (phase II)

Amendment:

Decision: Grant Permission — **Date:** 17/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No:
06/0049

Applicant:
Ms M L Hammond

Parish:
Carlisle

Date of Receipt:
16/01/2006

Agent:
Jock Gordon

Ward:
Yewdale

Location:
106 Castlesteads Drive, Carlisle, CA2 7XD

Grid Reference:
337279 555473

Proposal: Rear extension to provide study and sunroom and formation of pitched roof over existing flat roof to front and side

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission **Date:** 09/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No: 06/0051
Applicant: Mr & Mrs W Graham
Parish: Dalston

Date of Receipt: 02/02/2006
Agent: Architects Plus (UK) Ltd
Ward: Dalston

Location: Stone Fauld, Cumdivock, Dalston, CA5 7JJ
Grid Reference: 334400 548700

Proposal: Installation of sky satellite receiver (LBC)

Amendment:

Decision: Grant Permission **Date:** 16/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No: 06/0052
Applicant: Mrs A Laithwaite
Parish: Castle Carrock

Date of Receipt: 18/01/2006
Agent: G R & A J Stephen
Ward: Great Corby & Geltsdale

Location: 11 Rectory Road, Castle Carrock, CA8 9LY
Grid Reference: 354043 555379

Proposal: Single storey side extension to provide study, bathroom and utility

Amendment:

Decision: Grant Permission **Date:** 13/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No: 06/0053
Applicant: Mr Robert Maxwell
Parish: Carlisle

Date of Receipt: 18/01/2006
Agent:
Ward: Belah

Location:
Grid Reference:

SCHEDULE E: Decisions Issued Under Delegated Powers

17 Oakshaw Close, Carlisle, CA3 0EQ 338959 558095

Proposal: Extension above existing garage to provide en-suite bedroom

Amendment:

Decision: Grant Permission **Date:** 13/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No:	**Applicant:**	**Parish:**
06/0054	Robert Jeffrey	Brampton
Date of Receipt:	**Agent:**	**Ward:**
27/01/2006		Brampton
Location:		**Grid Reference:**
Plot 5 Townfoot Industrial Estate, Townfoot, Brampton, Cumbria CA8 1EX		352100 561300

Proposal: Steel portal frame joinery workshop building with external storage and security fencing/gates

Amendment:

Decision: Grant Permission **Date:** 24/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No:	**Applicant:**	**Parish:**
06/0058	Ms A Lingwood	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
19/01/2006	Mr Gordon Scott	Castle
Location:		**Grid Reference:**
22 Chatsworth Square, Carlisle, CA1 1HF		340630 556030

Proposal: Alteration to ground floor bay window, replace existing sashes with new double glazed timber sashes also full size replacement and pully style repairs to existing cases (LBC)

Amendment:

Decision: Grant Permission **Date:** 08/03/2006

SCHEDULE E: Decisions Issued Under Delegated Powers

Between 25/02/2006 and 05/04/2006

Appn Ref No:	Applicant:	Parish:
06/0059	Susan Kirkbride & Lesley Taylor	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
03/02/2006		Castle
Location:		**Grid Reference:**
7 Finkle Street, Carlisle, CA3 8UU		339842 556123

Proposal: Change of use from residential to hairdressing salon with ancillary beauty treatment room, offices and staff facilities

Amendment:

Decision: Grant Permission **Date:** 29/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No:	Applicant:	Parish:
06/0060	Mr J Prescott	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
19/01/2006	Anchor Staying Put - Carlisle	Currock
Location:		**Grid Reference:**
58 Jubilee Road, Carlisle, CA2 4DD		339975 554029

Proposal: Single storey extension to provide bedroom and shower room for disabled occupant

Amendment:

Decision: Grant Permission **Date:** 06/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No:	Applicant:	Parish:
06/0061	Mr CF & SD Deans	Dalston
Date of Receipt:	**Agent:**	**Ward:**
07/02/2006		Dalston
Location:		**Grid Reference:**

SCHEDULE E: Decisions Issued Under Delegated Powers

Close Head House, Lingyclose Road, Dalston, CA5 7LB — 337372 552259

Proposal: Detached garage with ancillary bedroom and ensuite.

Amendment:

Decision: Grant Permission — **Date:** 09/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No:	**Applicant:**	**Parish:**
06/0063	Mr C Hendren	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
30/01/2006	Vince Yarrington-Centreplan	Castle

Location: Scotch Gate Cafe, 29 Scotch Street, Carlisle, CA3 8PY — **Grid Reference:** 340124 556092

Proposal: Display of illuminated fascia sign (Retrospective)

Amendment:

Decision: Grant Permission — **Date:** 27/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No:	**Applicant:**	**Parish:**
06/0064	Mr Tullock	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
20/01/2006	Mr George Stephen	Morton

Location: 34 Wansfell Avenue, Carlisle, CA2 6HD — **Grid Reference:** 338892 554712

Proposal: Single storey extension to rear of dwelling to provide a kitchen and extension to rear of garage to provide a sunroom.

Amendment:

Decision: Grant Permission — **Date:** 13/03/2006

SCHEDULE E: Decisions Issued Under Delegated Powers

Between 25/02/2006 and 05/04/2006

Appn Ref No: 06/0065
Applicant: Prospect GB Ltd
Parish: Carlisle

Date of Receipt: 20/01/2006
Agent: Kate Palmer Pozzoni Design Group
Ward: Belah

Location: Newfield Grange Motel, Newfield Drive, Carlisle, CA3 OAF
Grid Reference: 339834 558903

Proposal: Amendment to Planning Permission 05/0535 to change 2no. two bed apartments to 2no. three bed apartments

Amendment:

Decision: Grant Permission **Date:** 14/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No: 06/0067
Applicant: Mr & Mrs Halliburton
Parish: Carlisle

Date of Receipt: 23/01/2006
Agent: Jock Gordon
Ward: Harraby

Location: 11 Chertsey Bank, Carlisle, CA1 2QF
Grid Reference: 341427 554314

Proposal: Erection of conservatory to rear elevation (revised application)

Amendment:

Decision: Grant Permission **Date:** 06/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No: 06/0068
Applicant: Mr Peter Watson
Parish: Carlisle

Date of Receipt: 23/01/2006
Agent: L W Rook
Ward: St Aidans

Location: 28 Brunton Crescent, Carlisle, CA1 2AX
Grid Reference: 341499 555855

SCHEDULE E: Decisions Issued Under Delegated Powers

Proposal: Erection of detached garage

Amendment:

Decision: Grant Permission **Date:** 14/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No:	**Applicant:**	**Parish:**
06/0069	Mr N Fell	Wetheral
Date of Receipt:	**Agent:**	**Ward:**
27/01/2006	Edwin Thompson	Wetheral
Location:		**Grid Reference:**
Wheelbarrow Hall, Aglionby, CA4 8AD		343800 556300

Proposal: Construction of new domestic garage and amenity area above

Amendment:

Decision: Grant Permission **Date:** 21/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No:	**Applicant:**	**Parish:**
06/0070	Mr Steven Bell	Wetheral
Date of Receipt:	**Agent:**	**Ward:**
06/02/2006	Jock Gordon	Great Corby & Geltsdale
Location:		**Grid Reference:**
Land adjacent to 3 Holme Eden, Church Road, Warwick Bridge, CA4 8RE		347297 556450

Proposal: Erection of dwelling (outline application)

Amendment:

Decision: Refuse Permission **Date:** 16/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No:	**Applicant:**	**Parish:**
06/0071	Mr Robert Swales	Hayton

SCHEDULE E: Decisions Issued Under Delegated Powers

Date of Receipt: 24/01/2006 | **Agent:** | **Ward:** Hayton

Location: Greenwell Farm, Greenwell, Castle Carrock, Brampton, CA8 9HN | **Grid Reference:** 353682 556440

Proposal: Demolition of existing farm building and erection of detached garage

Amendment:

Decision: Grant Permission | **Date:** 15/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No: 06/0072 | **Applicant:** R J & J Swales | **Parish:** Hayton

Date of Receipt: 24/01/2006 | **Agent:** | **Ward:** Hayton

Location: Greenwell Farm, Greenwell, Castle Carrock, Brampton, CA8 9HN | **Grid Reference:** 353682 556440

Proposal: Demolition of existing farm building and erection of detached garage (LBC)

Amendment:

Decision: Grant Permission | **Date:** 15/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No: 06/0073 | **Applicant:** Mr C Stubbs | **Parish:** Dalston

Date of Receipt: 26/01/2006 | **Agent:** | **Ward:** Dalston

Location: Site no. 1, Clipston M.O.T. Centre, Barras Lane Industrial Centre, Dalston, Carlisle | **Grid Reference:** 336415 550600

Proposal: Vehicle repair garage (revised proposal)

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission **Date:** 20/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No:	**Applicant:**	**Parish:**
06/0075	Mr & Mrs Ions	Dalston
Date of Receipt:	**Agent:**	**Ward:**
30/01/2006	Green Design Group	Dalston
Location:		**Grid Reference:**
Latimers Cottage, Hawksdale, Dalston, CA5 7BX		337640 547470

Proposal: Replacement dwelling and detached garage (revised proposal)

Amendment:

Decision: Grant Permission **Date:** 24/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No:	**Applicant:**	**Parish:**
06/0076	Mr M Paca	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
31/01/2006	Jock Gordon	Castle
Location:		**Grid Reference:**
101 Botchergate, Carlisle, CA1 1RY		340496 555452

Proposal: Erection of external flue to rear of premises (retrospective)

Amendment:

Decision: Grant Permission **Date:** 07/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No:	**Applicant:**	**Parish:**
06/0077	Mr S McIntosh	Stanwix Rural
Date of Receipt:	**Agent:**	**Ward:**
10/02/2006		Stanwix Rural

SCHEDULE E: Decisions Issued Under Delegated Powers

Location:
The Lodge, Newby Grange, Crosby-on-Eden, CA6 4RA

Grid Reference:
345866 558482

Proposal: Demolition of existing kitchen and erection of replacement kitchen/dining room

Amendment:

Decision: Grant Permission **Date:** 29/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No:
06/0078

Applicant:
The Automobile Association

Parish:
Carlisle

Date of Receipt:
25/01/2006

Agent:
DGG Planning (Wokingham) Ltd

Ward:
Currock

Location:
AA Service Centre, Unit 1, St Nicholas Gate, London Road, Carlisle CA1 2EA

Grid Reference:
340955 555002

Proposal: Change of use of premises to separate retail shop without compliance with condition 13 of planning permission 88/0530 dated 30/08/1988 to enable unit to be used for non food

retail sales

Amendment:

Decision: Withdrawn by Applicant/or by default
Date: 29/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No:
06/0080

Applicant:
Ann Reay

Parish:
Dalston

Date of Receipt:
25/01/2006

Agent:
Mr F J Elliott

Ward:
Dalston

Location:
Bank Croft, Townhead Road, Dalston, CA5 7PZ

Grid Reference:
336750 549980

Proposal:

SCHEDULE E: Decisions Issued Under Delegated Powers

Change of use of part of medical practice to provide retail pharmacy

Amendment:

Decision: Grant Permission **Date:** 15/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No:	**Applicant:**	**Parish:**
06/0081	Rickerby Estates Ltd	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
25/01/2006		Stanwix Urban
Location:		**Grid Reference:**
L/A to rear of 51 Scotland Road, Carlisle, CA3 9HS		339980 557210

Proposal: Erection of a single dwelling (revised application showing modified gable-end to previously approved application 05/0978 and insertion of 2no. roof lights)

Amendment:

1. Plans to clarify position of roof lights.

Decision: Grant Permission **Date:** 15/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No:	**Applicant:**	**Parish:**
06/0082	Rickerby Estates Ltd	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
25/01/2006		Stanwix Urban
Location:		**Grid Reference:**
L/A to rear of 51 Scotland Road, Carlisle, CA3 9HS		339980 557210

Proposal: Demolition of rear double garage/outbuildings and erection of a single dwelling with private parking (revised application) (LBC)

Amendment:

1. Plans to clarify position of roof lights.

Decision: Grant Permission **Date:** 15/03/2006

Between 25/02/2006 and 05/04/2006

SCHEDULE E: Decisions Issued Under Delegated Powers

Appn Ref No: 06/0084
Applicant: Mr & Mrs Murray
Parish: Carlisle

Date of Receipt: 02/02/2006
Agent: S Buttler
Ward: Currock

Location: 29 Almery Drive, Carlisle, CA2 4EX
Grid Reference: 340878 554570

Proposal: Erection of conservatory to rear of dwelling

Amendment:

Decision: Grant Permission **Date:** 20/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No: 06/0085
Applicant: Mel Kay
Parish: St Cuthberts Without

Date of Receipt: 26/01/2006
Agent: Craig Higgin
Ward: Dalston

Location: 3 Chestnut Lane, Carlisle, CA1 3SS
Grid Reference: 343149 553889

Proposal: Two storey extension to provide double garage with 1no en-suite bedroom above (revised proposal)

Amendment:

Decision: Grant Permission **Date:** 14/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No: 06/0086
Applicant: Bells Fishmongers Ltd
Parish: Carlisle

Date of Receipt: 06/02/2006
Agent: Jock Gordon
Ward: Belah

Location: Bells Fishmongers Ltd, 16 Westmoor Road, Carlisle, CA3 0HD
Grid Reference: 338881 559004

Proposal: Extension to provide larger covered loading bay

SCHEDULE E: Decisions Issued Under Delegated Powers

Amendment:

1. 1. Certificate B completed; and
   2. Entrance doors set back 2.4 metres from the roadway.

Decision: Grant Permission **Date:** 21/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No:	**Applicant:**	**Parish:**
06/0088	AMF Bowling	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
27/01/2006	Perspective Signs Ltd	Currock

Location: AMF Bowling Centre, Currock Road, Carlisle, CA2 4AS

Grid Reference: 340431 554784

Proposal: Display of replacement signage together with additional non-illuminated sign

Amendment:

Decision: Grant Permission **Date:** 24/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No:	**Applicant:**	**Parish:**
06/0089	Mr David Patterson	Orton
Date of Receipt:	**Agent:**	**Ward:**
30/01/2006	Unwin Jones Partnership	Burgh

Location: The Oaks, Orton Park, Orton, Carlisle, CA5 6JU

Grid Reference: 335655 552804

Proposal: Installation of velux rooflight to first floor bathroom and installation of glazed french doors to ground floor living space (LBC)

Amendment:

Decision: Grant Permission **Date:** 14/03/2006

Between 25/02/2006 and 05/04/2006

SCHEDULE E: Decisions Issued Under Delegated Powers

Appn Ref No: 06/0090
Applicant: Mr David M G Cross
Parish: Stanwix Rural

Date of Receipt: 01/02/2006
Agent:
Ward: Stanwix Rural

Location: Greenfields Farm, Houghton, Carlisle CA3 OLP
Grid Reference: 340798 559099

Proposal: Demolition of disused stables and erection of 1no. 4no. bedroom bungalow with double garage

Amendment:

Decision: Grant Permission **Date:** 27/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No: 06/0091
Applicant: Miss Anna Joy Nightingale
Parish: Wetheral

Date of Receipt: 27/01/2006
Agent:
Ward: Wetheral

Location: 11 Beech Tree Farm, Cumwhinton, CA4 8EJ
Grid Reference: 345013 552747

Proposal: Erection of wooden fence on top of brick wall

Amendment:

Decision: Grant Permission **Date:** 22/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No: 06/0094
Applicant: Mr Andrew Plolmey
Parish: Beaumont

Date of Receipt: 06/02/2006
Agent: Mr Bruce Herring
Ward: Burgh

Location: The Old Forge, Kirkandrews-in-Eden, Carlisle, CA5 6DJ
Grid Reference: 335413 558377

Proposal: Extension to provide living area, with one en-suite, hallway and shower room on ground floor, study/gallery on first floor

SCHEDULE E: Decisions Issued Under Delegated Powers

Amendment:

Decision: Grant Permission **Date:** 29/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No:	**Applicant:**	**Parish:**
06/0096	Cumbria Constabulary	Stanwix Rural
Date of Receipt:	**Agent:**	**Ward:**
14/02/2006		Stanwix Rural
Location:		**Grid Reference:**
L/A Cumbria Police Northern Traffic Unit, Hadrians Camp, Houghton Road, Carlisle		341340 558617

Proposal: Erection of modular unit to be used as a locker room

Amendment:

Decision: Grant Permission **Date:** 30/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No:	**Applicant:**	**Parish:**
06/0097	John Gallop & Barbara Gallop	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
08/02/2006		Belah
Location:		**Grid Reference:**
101 Lowry Hill Road, Carlisle, CA3 0ER		338977 558347

Proposal: Change existing flat roof of front canopy to a pitched roof

Amendment:

Decision: Grant Permission **Date:** 27/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No:	**Applicant:**	**Parish:**
06/0098	Rycroft Mercedes Benz	Carlisle

SCHEDULE E: Decisions Issued Under Delegated Powers

Date of Receipt: 20/02/2006
Agent: Unwin Jones Partnership
Ward: Botcherby

Location: Rycroft Mercedes, Montgomery Way, Rosehill, Carlisle CA1 2RW
Grid Reference: 342624 555924

Proposal: Modifications to shopfront glazing, minor showroom increase in size, workshop extension and modification to the car parking to the site and relocation of prep building

Amendment:

Decision: Grant Permission **Date:** 29/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No: 06/0099
Applicant: Messrs John Thompson & Son
Parish: Farlam

Date of Receipt: 30/01/2006
Agent: Tsada Building Design Services
Ward: Irthing

Location: Farlam Hill Farm, Farlam, Brampton, CA8 1LA
Grid Reference: 355715 558741

Proposal: Erection of slurry store

Amendment:

Decision: Grant Permission **Date:** 14/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No: 06/0100
Applicant: Mr Brian Champkins
Parish: Beaumont

Date of Receipt: 14/02/2006
Agent:
Ward: Burgh

Location: The Green, Kirkandrews-on-Eden, Carlisle, CA5 6DJ
Grid Reference: 335379 558391

Proposal: Change of use of property from agricultural to domestic and the

construction of a new single storey double garage with attached workshop/ storage room

Amendment:

Decision: Grant Permission **Date:** 29/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No:	**Applicant:**	**Parish:**
06/0101	Cumbria Institute of the Arts	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
06/02/2006	Swarbrick Associates	Stanwix Urban

Location:
Cumbria College Of Art & Design, Brampton Road, Carlisle, CA3 9AY

Grid Reference:
340363 557171

Proposal: Installation of a 'back up' generator

Amendment:

Decision: Grant Permission **Date:** 31/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No:	**Applicant:**	**Parish:**
06/0102	John Holliday Esq	Burtholme
Date of Receipt:	**Agent:**	**Ward:**
03/02/2006	C & D Property Services	Irthing

Location:
Pinegrove, Walton, Brampton CA8 2JW

Grid Reference:
355000 566137

Proposal: Erection of general purpose agricultural building

Amendment:

Decision: Grant Permission **Date:** 08/03/2006

Between 25/02/2006 and 05/04/2006

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

SCHEDULE E: Decisions Issued Under Delegated Powers

06/0103	North Cumbria Acute Hospitals Trust	Carlisle
Date of Receipt: 30/01/2006	**Agent:** HTGL Architects Ltd	**Ward:** Castle
Location: Unit 4 & 5, Canal Court Business Centre, Infirmary Street, Carlisle, CA2 7AN		**Grid Reference:** 338876 556162

Proposal: Reposition existing entrance to provide disabled access

Amendment:

Decision: Grant Permission **Date:** 24/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No: 06/0104	**Applicant:** Carlisle City Council	**Parish:** Carlisle
Date of Receipt: 01/02/2006	**Agent:** Carlisle City Council	**Ward:** Castle
Location: The Old Town Hall, English Street, Carlisle, CA3 8JH		**Grid Reference:** 340073 555959

Proposal: Urban bird deterrent to be added to the window ledge (LBC)

Amendment:

Decision: Grant Permission **Date:** 17/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No: 06/0105	**Applicant:** Carlisle City Council	**Parish:** Carlisle
Date of Receipt: 01/02/2006	**Agent:** Carlisle City Council	**Ward:** Castle
Location: Guildhall, Green Market, Carlisle CA3 8JE		**Grid Reference:** 340038 555976

Proposal: Urban bird deterrent to be added to the ledge (LBC)

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission **Date:** 29/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No:	**Applicant:**	**Parish:**
06/0108	Mr C Lancaster	Dalston
Date of Receipt:	**Agent:**	**Ward:**
06/02/2006		Dalston
Location:		**Grid Reference:**
25 Summerfields, Dalston, CA5 7NW		336660 550533

Proposal: First floor extension to provide 1no. bedroom

Amendment:

Decision: Grant Permission **Date:** 21/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No:	**Applicant:**	**Parish:**
06/0111	Mr D Stalker	Brampton
Date of Receipt:	**Agent:**	**Ward:**
03/02/2006	Jock Gordon	Brampton
Location:		**Grid Reference:**
29 Townfoot Park, Brampton, CA8 1RZ		352291 561162

Proposal: Erection of detached garage (revised proposal)

Amendment:

Decision: Grant Permission **Date:** 20/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No:	**Applicant:**	**Parish:**
06/0113	Mr D Routledge	Bewcastle
Date of Receipt:	**Agent:**	**Ward:**
31/01/2006	Rodney Jeremiah	Lyne

SCHEDULE E: Decisions Issued Under Delegated Powers

Location:
Greensyke, Roadhead, CA6 6PG

Grid Reference:
353080 578302

Proposal: Extension to form sitting room with en-suite bedroom above together with front porch

Amendment:

Decision: Grant Permission **Date:** 20/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No:	**Applicant:**	**Parish:**
06/0116	Prudential Assurance Co Ltd	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
31/01/2006	CPMS Ltd	Belah

Location:
Allied Carpets, Parkhouse Road, Carlisle, CA3 0JR

Grid Reference:
339400 559600

Proposal: Formation of new fire escape doors

Amendment:

Decision: Grant Permission **Date:** 27/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No:	**Applicant:**	**Parish:**
06/0117	Prudential Assurance Co Ltd	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
31/01/2006	CPMS Ltd	Belah

Location:
Unit B1, Comet, Parkhouse Road, Carlisle, CA3 0JR

Grid Reference:
339400 559600

Proposal: New fire exit installation to front elevation

Amendment:

Decision: Grant Permission **Date:** 27/03/2006

SCHEDULE E: Decisions Issued Under Delegated Powers

Between 25/02/2006 and 05/04/2006

Appn Ref No:	Applicant:	Parish:
06/0118	Mr & Mrs Robson	Irthington
Date of Receipt:	**Agent:**	**Ward:**
31/01/2006	Jock Gordon	Stanwix Rural
Location:		**Grid Reference:**
9 Dale View, Laversdale, Irthington, CA6 4PR		347734 562652

Proposal: Raising of the roof to provide a second floor to the dwelling and a front porch extension

Amendment:

Decision: Grant Permission **Date:** 23/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No:	Applicant:	Parish:
06/0120	Mr & Mrs Kruger	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
03/02/2006	Jock Gordon	St Aidans
Location:		**Grid Reference:**
1 Tullie Street, Carlisle, CA1 2AP		341157 555837

Proposal: Change of use of a shop and alterations to form a living room

Amendment:

Decision: Grant Permission **Date:** 31/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No:	Applicant:	Parish:
06/0121	Virginia Lodge Care Home	Arthuret
Date of Receipt:	**Agent:**	**Ward:**
31/01/2006	Jock Gordon	Longtown & Rockcliffe
Location:		**Grid Reference:**
Virginia Lodge Nursing Home, Old Road, Longtown, CA6 5TL		339220 568453

SCHEDULE E: Decisions Issued Under Delegated Powers

Proposal: Change of use of dwelling to a care home annexe with a link corridor to the main building and a single storey extension to provide a laundry

Amendment:

Decision: Grant Permission **Date:** 13/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No:	**Applicant:**	**Parish:**
06/0122	Mr G Smith	Burgh-by-Sands
Date of Receipt:	**Agent:**	**Ward:**
06/02/2006		Burgh
Location:		**Grid Reference:**
Yew Tree Cottage, Thurstonfield, Carlisle, CA5 6HE		331545 556640

Proposal: Erection of detached dwelling

Amendment:

Decision: Grant Permission **Date:** 31/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No:	**Applicant:**	**Parish:**
06/0123	David Irving	Hayton
Date of Receipt:	**Agent:**	**Ward:**
08/02/2006		Great Corby & Geltsdale
Location:		**Grid Reference:**
L/A The Bungalow, to rear of Village Hall, Talkin, Brampton		355000 557343

Proposal: Renewal of outline permission for the erection of a dwelling

Amendment:

Decision: Grant Permission **Date:** 21/03/2006

Between 25/02/2006 and 05/04/2006

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

SCHEDULE E: Decisions Issued Under Delegated Powers

06/0124 | Mr Ivan Ferguson | Wetheral

Date of Receipt: 08/02/2006 | **Agent:** | **Ward:** Wetheral

Location: Snowdrop Cottage, Primrose Hill, Wetheral, CA4 8HD | **Grid Reference:** 346476 554308

Proposal: Two storey extension to provide kitchen with bedroom and bathroom above

Amendment:

Decision: Grant Permission | **Date:** 23/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No: 06/0125 | **Applicant:** Mr Philip Senior | **Parish:** Burgh-by-Sands

Date of Receipt: 01/02/2006 | **Agent:** | **Ward:** Burgh

Location: Fell View, Thurstonfield, Carlisle, CA5 6HG | **Grid Reference:** 331405 556634

Proposal: Installation of an underground LPG tank in garden

Amendment:

Decision: Grant Permission | **Date:** 06/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No: 06/0127 | **Applicant:** Mr Walker | **Parish:** Carlisle

Date of Receipt: 01/02/2006 | **Agent:** Paramount Windows & Conservatories | **Ward:** Morton

Location: 20 Brownrigg Drive, Carlisle, CA2 6NX | **Grid Reference:** 338087 554779

Proposal: Erection of conservatory

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission **Date:** 21/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No:	**Applicant:**	**Parish:**
06/0129	Mr Nicholas Horn	St Cuthberts Without
Date of Receipt:	**Agent:**	**Ward:**
08/02/2006		Dalston
Location:		**Grid Reference:**
1 Brisco View, Carlisle, CA1 3DU		342844 552835

Proposal: Two storey extension to provide dining/lounge with bedroom and bathroom above

Amendment:

Decision: Grant Permission **Date:** 21/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No:	**Applicant:**	**Parish:**
06/0130	The Cumberland News Ltd	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
01/02/2006 16:14:52	Swarbrick Associates	Denton Holme
Location:		**Grid Reference:**
Newspaper House, Dalston Road, Carlisle, CA2 5UA		339451 555540

Proposal: Siting of temporary portacabin to provide offices

Amendment:

Decision: Grant Permission **Date:** 20/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No:	**Applicant:**	**Parish:**
06/0131	M R Broatch	Brampton
Date of Receipt:	**Agent:**	**Ward:**

SCHEDULE E: Decisions Issued Under Delegated Powers

07/02/2006	Tsada Building Design Services	Brampton

Location:
28 - 30 Front Street, Brampton, CA8 1NG

Grid Reference:
352942 561076

Proposal: Change of use of first floor flat to office and shop storage, redesign of second floor to form two bedroom flat and internal alteration of ground floor to provide means of escape etc.

Amendment:

Decision: Grant Permission **Date:** 31/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No: 06/0132	**Applicant:** Jock Gordon	**Parish:** Stanwix Rural
Date of Receipt: 02/02/2006	**Agent:**	**Ward:** Stanwix Rural

Location:
Land adjacent Orchard Gardens, Houghton, Carlisle

Grid Reference:
340560 559178

Proposal: Proposed residential development (outline application)

Amendment:

Decision: Refuse Permission **Date:** 21/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No: 06/0133	**Applicant:** Mr Paul Race	**Parish:** Carlisle
Date of Receipt: 02/02/2006	**Agent:** Mr Howard Turnbull	**Ward:** Upperby

Location:
116 Buchanan Road, Upperby, Carlisle, CA2 4PS

Grid Reference:
340726 553681

Proposal: Two storey side extension to provide living room with bedroom above

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission **Date:** 27/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No: 06/0138
Applicant: Mr Tim Dunham
Parish: Carlisle

Date of Receipt: 08/02/2006
Agent: Annandale Architectural Services
Ward: Stanwix Urban

Location: 5 Mulcaster Crescent, Carlisle, CA3 9EB
Grid Reference: 340054 557190

Proposal: Extension to provide kitchen

Amendment:

Decision: Grant Permission **Date:** 30/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No: 06/0139
Applicant: Mr Ian Storey
Parish: Carlisle

Date of Receipt: 03/02/2006
Agent:
Ward: Belah

Location: 14 Pinecroft, Carlisle, CA3 0DB
Grid Reference: 339709 558891

Proposal: Extension above existing garage to provide 1no. ensuite bedroom

Amendment:

Decision: Grant Permission **Date:** 20/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No: 06/0141
Applicant: Mr Mark Nunn
Parish: St Cuthberts Without

Date of Receipt: 09/02/2006
Agent: John Lyon Associates
Ward: Dalston

Location:
Grid Reference:

SCHEDULE E: Decisions Issued Under Delegated Powers

10 Woodhayes, Durdar Road, Carlisle, CA2 4TP 340560 551367

Proposal: Single storey bedroom extension to side elevation

Amendment:

Decision: Grant Permission **Date:** 08/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No:	**Applicant:**	**Parish:**
06/0142	Cumbrian Homes Ltd	Wetheral
Date of Receipt:	**Agent:**	**Ward:**
09/02/2006	HTGL Architects Ltd	Great Corby & Geltsdale
Location:		**Grid Reference:**
Holme Eden, Warwick Bridge, Carlisle, CA4 8RD		347300 556900

Proposal: Alteration to segmental arch (LBC)

Amendment:

1. Revised plan showing detail of the coping stone and how the raised arch ties in with the existing Walled Garden.

Decision: Grant Permission **Date:** 29/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No:	**Applicant:**	**Parish:**
06/0145	Mr Paul Bainbridge	Stapleton
Date of Receipt:	**Agent:**	**Ward:**
14/02/2006		Lyne
Location:		**Grid Reference:**
Heather Croft, Hethersgill, Carlisle, CA6 6HT		347876 569304

Proposal: Replacement of flat roof with pitched roof and erection of conservatory

Amendment:

Decision: Grant Permission **Date:** 30/03/2006

Between 25/02/2006 and 05/04/2006

SCHEDULE E: Decisions Issued Under Delegated Powers

Appn Ref No: 06/0147

Applicant: Carlisle Racecourse Co Ltd

Parish: St Cuthberts Without

Date of Receipt: 06/02/2006

Agent: HTGL Architects Ltd

Ward: Dalston

Location: Tote Stand, The Racecourse, Durdar Road, Carlisle, CA2 4TS

Grid Reference: 340460 551900

Proposal: Extension to the entrance area and change of use of existing Tote Club to form a new seafood bar

Amendment:

Decision: Grant Permission **Date:** 13/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No: 06/0148

Applicant: Mr David Lavery

Parish: Cummersdale

Date of Receipt: 06/02/2006

Agent: Gray Associates

Ward: Dalston

Location: 20 Newby Cross, Wigton Road, Carlisle, CA5 6JP

Grid Reference: 336858 553179

Proposal: Demolition of existing garage and erection of double garage in new location, extension of playroom to provide 2no. additional bedrooms and playroom (revised application)

Amendment:

Decision: Grant Permission **Date:** 20/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No: 06/0150

Applicant: Cumbria County Constabulary

Parish: Carlisle

Date of Receipt: 22/02/2006

Agent: Capita Symonds Limited

Ward: Harraby

SCHEDULE E: Decisions Issued Under Delegated Powers

Location:
Former Rathbones Site, Brunel Way, Durranhill Industrial Estate, CARLISLE, CA1 3NQ

Grid Reference:
341846 554695

Proposal: Erection of Police Operational Building (Custody Unit) and Associated Parking - Outline Application (Phase 1 of 2, Second Phase to incorporate Divisional HQ)

Amendment:

Decision: Grant Permission **Date:** 29/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No:	**Applicant:**	**Parish:**
06/0153	Mr & Mrs C Riley	Stapleton
Date of Receipt:	**Agent:**	**Ward:**
20/02/2006	Mr G R & A J Stephen	Lyne

Location:
Fell House, Hethersgill, Roweltown, CA6 6HW

Grid Reference:
347595 568925

Proposal: Two storey side extension to provide double garage and covered area on the ground floor with a study/workshop above, together with single storey rear extension to provide a sun room and formation of balcony to the rear elevation to provide access to existing first floor bedrooms.

Amendment:

Decision: Grant Permission **Date:** 04/04/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No:	**Applicant:**	**Parish:**
06/0154	Mr Terence Kerr	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
20/02/2006		Belle Vue

Location:
83 Green Lane, Belle Vue, Carlisle, CA2 7QB

Grid Reference:
337487 555757

Proposal: Ground floor extension to rear of dwelling to form lounge/play area (retrospective application)

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission **Date:** 24/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No: 06/0155
Applicant: Mrs D Clode
Parish: Dalston

Date of Receipt: 07/02/2006
Agent:
Ward: Dalston

Location: 14 The Square, Dalston, CA5 7PY
Grid Reference: 336868 550075

Proposal: Erection of non illuminated signage

Amendment:

Decision: Grant Permission **Date:** 27/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No: 06/0156
Applicant: Mrs D Clode
Parish: Dalston

Date of Receipt: 07/02/2006
Agent:
Ward: Dalston

Location: 14 The Square, Dalston, CA5 7PY
Grid Reference: 336868 550075

Proposal: Erection of non illuminated signage (LBC)

Amendment:

Decision: Grant Permission **Date:** 27/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No: 06/0157
Applicant: Mr S Bousfield
Parish: Carlisle

Date of Receipt: 07/02/2006
Agent: L W Rook
Ward: Botcherby

Location:
Grid Reference:

SCHEDULE E: Decisions Issued Under Delegated Powers

98 Eden Park Crescent, Carlisle, CA1 2UF 342180 555770

Proposal: Erection of two storey side extension to provide porch, garage and utility with ensuite bedroom and enlarged bathroom above

Amendment:

Decision: Grant Permission **Date:** 27/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No:	**Applicant:**	**Parish:**
06/0159	Mr & Mrs Cooper	Wetheral
Date of Receipt:	**Agent:**	**Ward:**
07/02/2006	Jock Gordon	Wetheral
Location:		**Grid Reference:**
Hallmoor Cottage, Wetheral, CA4 8NP		346100 554900

Proposal: Raising of perimeter walls at first floor level with new roof and new pitched roof over kitchen offshoot

Amendment:

Decision: Grant Permission **Date:** 13/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No:	**Applicant:**	**Parish:**
06/0161	Mr C Graham	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
07/02/2006	Jock Gordon	Currock
Location:		**Grid Reference:**
4 Esther Street, Carlisle, CA2 4HA		340766 554578

Proposal: Single storey rear extension to provide bathroom

Amendment:

Decision: Grant Permission **Date:** 23/03/2006

Between 25/02/2006 and 05/04/2006

SCHEDULE E: Decisions Issued Under Delegated Powers

Appn Ref No: 06/0163

Applicant: J G & M E Harrington & Son

Parish: Dalston

Date of Receipt: 07/02/2006

Agent: Nick Scholefield

Ward: Dalston

Location: Birds Hill Farm, Raughton, Dalston, CA5 7AQ

Grid Reference: 339362 547340

Proposal: Proposed earth bank silage clamp

Amendment:

Decision: Grant Permission

Date: 04/04/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No: 06/0166

Applicant: T Graham & Son

Parish: Hethersgill

Date of Receipt: 15/02/2006

Agent: Mike Dewis

Ward: Lyne

Location: Anguswell Farm, Kirklinton, Carlisle, CA6 6DN

Grid Reference: 347150 566022

Proposal: Erection of slurry store

Amendment:

Decision: Grant Permission

Date: 29/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No: 06/0170

Applicant: Nationwide Building Society

Parish: Carlisle

Date of Receipt: 08/02/2006

Agent: Acketts Group Ltd

Ward: Upperby

Location: Spar Shop, 10-12 Petteril Bank Road, Carlisle, CA1 3AH

Grid Reference: 341775 553800

Proposal: Erection of Internally illuminated fascia sign of ATM (retrospective)

SCHEDULE E: Decisions Issued Under Delegated Powers

Amendment:

Decision: Grant Permission **Date:** 14/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No:	**Applicant:**	**Parish:**
06/0172	Employment Tribunals Service	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
13/02/2006	Compass FM	Castle

Location:
Employment Tribunals Service, Stocklund House, Castle Street, Carlisle, CA3 8DY

Grid Reference:
339922 556038

Proposal: Installation of 1no. air cooling condenser to car park area (retrospective)

Amendment:

Decision: Grant Permission **Date:** 29/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No:	**Applicant:**	**Parish:**
06/0173	Carlisle City Council	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
09/02/2006	Community Services	Denton Holme

Location:
Carlisle City Crematorium, Richardson Street, Carlisle, CA2 6AL

Grid Reference:
339152 554493

Proposal: Erection of temporary steel storage container

Amendment:

Decision: Grant Permission **Date:** 29/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No:	**Applicant:**	**Parish:**
06/0174	Mr & Mrs Green	Carlisle

SCHEDULE E: Decisions Issued Under Delegated Powers

Date of Receipt: 20/02/2006

Agent:

Ward: Morton

Location: 50 Levens Drive, Morton, Carlisle, CA2 6JE

Grid Reference: 338602 554442

Proposal: Two storey side extension to provide enlarged kitchen and dining room on the ground floor, with 1no. en-suite bedroom at first floor level

Amendment:

Decision: Grant Permission **Date:** 31/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No: 06/0175

Applicant: Cumbria County Council

Parish: Carlisle

Date of Receipt: 23/02/2006

Agent: Capita Symonds Limited

Ward: Castle

Location: 23 Portland Square, Carlisle, CA1 1PE

Grid Reference: 340500 555690

Proposal: Alteration to existing WC areas to provide 1no. combined disabled/female WC, non-slip contrast nosings to main entrance steps and sign to rear entrance hi-lighting bell for entry (LBC)

Amendment:

Decision: Grant Permission **Date:** 29/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No: 06/0178

Applicant: Persimmon Homes Lancashire

Parish: Kingmoor

Date of Receipt: 10/02/2006

Agent:

Ward: Stanwix Rural

Location: Plot 29, Edenside, Cargo, Carlisle

Grid Reference: 336900 559600

Proposal: Revision of house type to include conservatory (retrospective application)

SCHEDULE E: Decisions Issued Under Delegated Powers

Amendment:

Decision: Grant Permission **Date:** 24/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No:	**Applicant:**	**Parish:**
06/0180	Mark Blaylock	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
10/02/2006		Denton Holme
Location:		**Grid Reference:**
13 Norfolk Street, Denton Holme, Carlisle, CA2 5JQ		339682 554943

Proposal: Removal of condition 3 of application 05/1160 to allow flat to be occupied

independantly

Amendment:

Decision: Grant Permission **Date:** 03/04/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No:	**Applicant:**	**Parish:**
06/0181	Mr & Mrs Quilter	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
22/02/2006	Rol Design Ltd	Morton
Location:		**Grid Reference:**
226 Stonegarth, Carlisle, CA2 6PH		338056 554341

Proposal: Single storey extension to front elevation and internal alterations to form ground floor bedroom

Amendment:

Decision: Grant Permission **Date:** 24/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No:	**Applicant:**	**Parish:**
06/0183	Mr Philip Rowland	Beaumont

SCHEDULE E: Decisions Issued Under Delegated Powers

Date of Receipt: 16/02/2006

Agent:

Ward: Burgh

Location: Bramblethwaite, Beaumont, Carlisle, CA5 6EF

Grid Reference: 334932 559313

Proposal: Proposed extension to provide en-suite shower room on first floor level to existing dwelling

Amendment:

Decision: Grant Permission **Date:** 23/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No: 06/0187

Applicant: Harrison Northern Limited

Parish: Carlisle

Date of Receipt: 13/02/2006

Agent: Rol Design Ltd

Ward: St Aidans

Location: Fusehill Medical Centre, Fusehill Street, Carlisle, CA1 2HE

Grid Reference: 340920 555450

Proposal: Erection of illuminated signage

Amendment:

Decision: Grant Permission **Date:** 20/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No: 06/0189

Applicant: Mr & Mrs P Dudeney

Parish: Arthuret

Date of Receipt: 13/02/2006

Agent: Tsada Building Design Services

Ward: Longtown & Rockcliffe

Location: 15 English Street, Longtown, CA6 5SE

Grid Reference: 337983 568592

Proposal: Formation of rear extension to provide kitchen, study, shower room and hall

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission **Date:** 31/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No:	**Applicant:**	**Parish:**
06/0190	H & H King Ltd	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
13/02/2006	Black Box Architects Limited	Botcherby

Location:
Cumbria Auction Rooms, Montgomery Way, Carlisle, CA1 2RS

Grid Reference:
342937 555694

Proposal: Extension to existing auction rooms

Amendment:

Decision: Grant Permission **Date:** 21/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No:	**Applicant:**	**Parish:**
06/0193	Mr & Mrs Burns	Dalston
Date of Receipt:	**Agent:**	**Ward:**
14/02/2006	Tyler Design Services	Dalston

Location:
Low Flanders, Durdar, Carlisle, CA5 7AF

Grid Reference:
338100 550177

Proposal: Proposed single storey extension to the side elevation to provide kitchen and dining area

Amendment:

Decision: Grant Permission **Date:** 03/04/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No:	**Applicant:**	**Parish:**
06/0194	Mr J Armstrong	Carlisle

SCHEDULE E: Decisions Issued Under Delegated Powers

Date of Receipt: 14/02/2006
Agent: Jock Gordon
Ward: Morton

Location: 116 Newlaithes Avenue, Carlisle, CA2 6QD
Grid Reference: 338429 554454

Proposal: Two storey side extension to provide bedroom and en-suite and extended kitchen with utility

Amendment:

Decision: Grant Permission **Date:** 21/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No: 06/0196
Applicant: Harper & Hebson Ltd
Parish: Carlisle

Date of Receipt: 16/02/2006
Agent: Unwin Jones Partnership
Ward: Botcherby

Location: Harper & Hebson, Auchinleck Drive, Rosehill, Carlisle, CA1 2UR
Grid Reference: 342600 555800

Proposal: Replacement and upgrading of vehicle dealership showroom facade

Amendment:

Decision: Grant Permission **Date:** 03/04/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No: 06/0199
Applicant: Mr Craig Handford
Parish: Carlisle

Date of Receipt: 15/02/2006
Agent: Mr G Tyler
Ward: Belle Vue

Location: 54 Berkeley Grange, Carlisle, CA2 7PW
Grid Reference: 337777 556016

Proposal: Proposed two storey extension to the side elevation to provide lounge, dining extended kitchen, bedroom c/w ensuite and extended bedroom

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission **Date:** 29/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No: 06/0201
Applicant: Mr J Robinson
Parish: Cumwhitton

Date of Receipt: 16/02/2006
Agent: G R & A J Stephen
Ward: Great Corby & Geltsdale

Location: Apple Tree House, Hornsby Gate, Heads Nook, Carlisle, CA8 9HF
Grid Reference: 351585 550054

Proposal: Timber balcony and staircase to rear of property

Amendment:

Decision: Grant Permission **Date:** 31/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No: 06/0203
Applicant: Mr Stephen Carr
Parish: Kingmoor

Date of Receipt: 14/02/2006
Agent:
Ward: Stanwix Rural

Location: Spa House, Stainton, Carlisle, CA3 9QY
Grid Reference: 338114 557840

Proposal: Erection of single storey side extension to provide 2no. bedrooms, 1no. en-suite, plus

a bathroom

Amendment:

Decision: Grant Permission **Date:** 24/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No: 06/0205
Applicant: D & D Premier Homes Ltd
Parish: Carlisle

Date of Receipt: 15/02/2006
Agent: John Lyon Associates
Ward: Botcherby

SCHEDULE E: Decisions Issued Under Delegated Powers

Location:
Land adjacent to Pennine Way Junior School, Pennine Way/Silverdale Road, Harraby, Carlisle, CA1 3RQ

Grid Reference:
342685 554573

Proposal: Erection of 8no. dwellings (revised proposal)

Amendment:

Decision: Grant Permission **Date:** 24/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No:
06/0207

Applicant:
Mr & Mrs Masterton

Parish:
Stanwix Rural

Date of Receipt:
15/02/2006

Agent:
Finesse Windows Ltd

Ward:
Stanwix Rural

Location:
183 Tribune Drive, Houghton, Carlisle, CA3 0LF

Grid Reference:
341278 559008

Proposal: Erection of conservatory to rear.

Amendment:

Decision: Grant Permission **Date:** 21/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No:
06/0210

Applicant:
Carlisle City Council

Parish:
Carlisle

Date of Receipt:
15/02/2006

Agent:
Carlisle City Council

Ward:
Harraby

Location:
Carliol Drive Play area, Carliol Drive, Carlisle

Grid Reference:
341555 553995

Proposal: Extension of the existing play area and addition of play equipment

Amendment:

Decision: Grant Permission **Date:** 31/03/2006

SCHEDULE E: Decisions Issued Under Delegated Powers

Between 25/02/2006 and 05/04/2006

Appn Ref No: 06/0212
Applicant: Ian Henderson
Parish: Dalston

Date of Receipt: 15/02/2006
Agent:
Ward: Dalston

Location: Park House Farm, Welton, Dalston, CA5 7EN
Grid Reference: 336400 545300

Proposal: Proposed extension to provide new cattle building

Amendment:

Decision: Grant Permission **Date:** 03/04/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No: 06/0213
Applicant: Ian Henderson
Parish: Dalston

Date of Receipt: 15/02/2006
Agent:
Ward: Dalston

Location: Park House Farm, Welton, Dalston, CA5 7EN
Grid Reference: 336400 545300

Proposal: Proposed extension to provide new cattle building

Amendment:

Decision: Grant Permission **Date:** 03/04/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No: 06/0216
Applicant: Mr G Hodgkison
Parish: Carlisle

Date of Receipt: 16/02/2006
Agent:
Ward: Stanwix Urban

Location: 16 Knowe Road, Carlisle, CA3 9EG
Grid Reference: 340107 557299

Proposal: Erection of single storey rear extension to provide kitchen and dining room and detached garage

SCHEDULE E: Decisions Issued Under Delegated Powers

Amendment:

Decision: Grant Permission **Date:** 27/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No:	**Applicant:**	**Parish:**
06/0229	Mr Barry McCluskey	Brampton
Date of Receipt:	**Agent:**	**Ward:**
20/02/2006	John Lyon Associates	Brampton
Location:		**Grid Reference:**
7 Berrymoor Road, Brampton, CA8 1DH		353026 561458

Proposal: Erection of two storey side extension to provide garage and en-suite bedroom with single storey rear extension to provide utility

Amendment:

Decision: Grant Permission **Date:** 30/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No:	**Applicant:**	**Parish:**
06/0232	Mr & Mrs Vernon	Brampton
Date of Receipt:	**Agent:**	**Ward:**
20/02/2006	Jock Gordon	Brampton
Location:		**Grid Reference:**
17 Well Lonning Close, Brampton, CA8 1TJ		352654 560885

Proposal: Two storey rear extension to provide dining room and extended kitchen, bedroom and bathroom

Amendment:

Decision: Grant Permission **Date:** 27/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No:	**Applicant:**	**Parish:**
06/0237	Anthony L Leach & Jacqueline M Leach	Wetheral

SCHEDULE E: Decisions Issued Under Delegated Powers

Date of Receipt: 21/02/2006

Agent:

Ward: Wetheral

Location: Land between 24 - 27, The Old Tannery, Scotby

Grid Reference: 343830 555398

Proposal: Erection of dwelling (outline)

Amendment:

Decision: Grant Permission **Date:** 31/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No: 06/0243

Applicant: Graeme Hill

Parish: Carlisle

Date of Receipt: 22/02/2006

Agent:

Ward: Upperby

Location: 26 Oaklands Drive, Carlisle, CA2 4NH

Grid Reference: 340811 553245

Proposal: Kitchen and lounge extension at ground floor level, extension to bedroom at first floor level

Amendment:

Decision: Grant Permission **Date:** 22/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No: 06/0270

Applicant: Mr & Mrs A Smith

Parish: Hethersgill

Date of Receipt: 28/02/2006

Agent: Tsada Building Design Services

Ward: Lyne

Location: 3 Dacre Road, Hethersgill, CA6 6EP

Grid Reference: 347874 567170

Proposal: Revised Proposal Ref 04/0690 -Demolition of existing outhouse and erection of two storey extension to provide porch, dining area, utility and wc with ensuite bedroom and bathroom (retrospective)

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission **Date:** 27/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No:	**Applicant:**	**Parish:**
06/9001	PTSU	Burgh-by-Sands
Date of Receipt:	**Agent:**	**Ward:**
01/02/2006	Capita Symonds Limited	Burgh
Location:		**Grid Reference:**
Burgh-by-Sands School, Burgh by Sands, CA5 6AP		332700 558830

Proposal: Two extensions to form library area and headteachers office; internal alterations.

Amendment:

Decision: City Council Observation - Observations
Date: 03/03/2006

Between 25/02/2006 and 05/04/2006

Appn Ref No:	**Applicant:**	**Parish:**
06/9002	Rockcliffe C of E Primary School	Rockcliffe
Date of Receipt:	**Agent:**	**Ward:**
14/02/2006	Cumbria County Council	Longtown & Rockcliffe
Location:		**Grid Reference:**
Rockcliffe Primary School, Rockcliffe, CA6 4AA		335961 561900

Proposal: Admin extension

Amendment:

Decision: City Council Observation - Raise No Objection
Date: 14/03/2006

Development Control Committee

Copies of Third Party correspondence relating to Main Schedule of Applications

21st April 2006

CARLISLE CITY COUNCIL

www.carlisle.gov.uk

Applications Entered on Development Control Committee Schedule

Item No.	Application Number/ Schedule	Location	Case Officer	Page No.
04.	06/0134 A	L/A part field 7765, Newtown Farm, Newtown, Blackford, Carlisle	ARH	1
05.	06/0218 A	L/A Field 3328, Castle Carrock, Castle Carrock	ARH	5

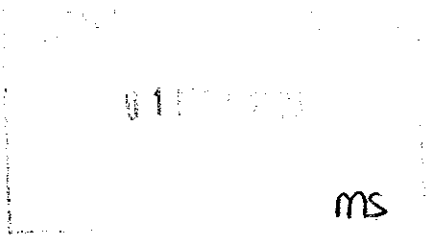
ITEM 04

A. M. Taylor

A M Taylor
Development Control Manager

PLANNING SERVICES
REF 06/134
01 MAR 2006 6
RECORDED MS
SCANNED
PASSED TO AA
ACTION

Dear Sir.
I do Object. to a gypsy Caravan etc
on land near Newtown, Blackford. L/A Portfield 7765.



a n Wightman

01

MS

CARLISLE CITY COUNCIL
www.carlisle.gov.uk

Planning Services

Head of Planning Services: **A C Eales** Dip.TP MRTPI
Civic Centre • Carlisle • CA3 8QG

Phone (01228) 817000 • Fax (01228) 817199 • Ansaphone (01228) 530263 • Typetalk 18001 (01228) 817193
Development Control **E-Mail** DC@carlisle.gov.uk • Local Plans and Conservation **E-Mail** LPC@carlisle.gov.uk

The Occupier / Owner
Leagate
Blackford
CARLISLE

Case Officer: Angus Hutchinson
Direct Line: 01228 817173
E-mail: AngusH@carlisle.gov.uk
Your Ref:
Our Ref: ARH/DC/06/0134

22 February 2006

Dear Sir/Madam

NOTIFICATION OF PLANNING PROPOSAL

Proposal: Use of part of land for siting of caravan for gypsy family together with erection of stables/tack room
Location: L/A part field 7765, Newtown Farm, Newtown, Blackford, Carlisle
Appn Ref: 06/0134

I am writing to inform you of the receipt by my Department of the above proposal and to extend to you the opportunity to view the submitted details and comment upon the proposal should you wish to do so. Any observations you may wish to subsequently make on the proposal should be expressed in writing and sent to these offices within 21 days of the date of this letter.

The application may be viewed at the temporary Customer Services Centre, Civic Centre, Rickergate, Carlisle during the Council's official opening hours of 9.00am to 5.00pm Mondays to Thursdays and 9.00am to 4.00pm on Fridays. When visiting reception, it would be helpful if you would either bring this letter with you or quote the application reference number shown above, to enable staff to assist you.

Should you experience extreme difficulty in being able to view the submission during the hours I have outlined, please contact the Case Officer whose name is printed above, who may be able to make alternative arrangements to enable you to see the plans by some other means.

Please note that when considering the comments you wish to make that only land use considerations can be taken into account in reaching a decision and factors

such as boundary disputes, loss of value of a property, loss of a view or the effects of competition on existing uses are not land use considerations.

Planning and related applications may either be determined by the Council's Development Control Committee or, as is the case with most submissions, are delegated to Officers to determine. In both instances, however, comments that are made by neighbours and other interested parties are available for inspection by the applicant or the public whether in person at the Civic Centre or through the Council's website. In view of these obligations you may wish to avoid incorporating in your letter any observations or information of a confidential nature.

I must point out that the Press and public may attend the Committee meeting and copies of the Committee Reports and background information (including petitions, letters of objection and support) are available for those attending to be able to follow the business of the Committee.

The City Council operates a "Right to Speak" at the Development Control Committee for objectors to applications for Planning Permission, Listed Building Consent, Advertisement Consent, Conservation Area Consent and in relation to Tree Preservation Orders. This Right to Speak also extends to the Applicant or Agent to respond to objectors exercising their "Right to Speak" or to support their own application. It should be emphasised that if you intend to speak at a Development Control Committee you must contact the Case Officer within 21 days of the date of this letter.

If you require further details of the Scheme please contact the Case Officer for a copy of the leaflet "The Scheme for Public Representation in Respect of Planning Applications" or you may access it via the Planning Applications page on the City Council's website, www.carlisle.gov.uk

Should you require further information about the proposal or the arrangements for making your observations please contact my staff who will endeavour to assist you.

Yours faithfully

Fairview
Formerly Lowrds Gard
Newtown
Blackford
Carlisle
CA6 4ET
02/03/06

Your Ref. ARH/DC/06/0134
Appn Ref. 06/0134

06 MAR 2006
MS

PLANNING SERVICES
REF 06/0134
8
06 MAR 2006
RECORDED MS
SCANNED MB
PASSED TO ARH
ACTION

Dear Sir,

We are in receipt of the Notification of Planning Proposal for the above reference and we are writing to comment on the proposal. We are at a loss to understand why the proposal involves the "erection of stables/tack room" when this same proposal has been submitted and refused ~~three~~ permission by the city council three time. already. To couple the proposal with that of "siting of caravan for gypsy family" is ludicrou Why allow such a caravan There are two Perfectly adequate sites for caravans and gypsy families nearby, one 1½ miles away at Low Harker, the other 3 miles away at Houghton. We strongly object to the Proposal.

Yours faithfully

PLANNING SERVICES
REF 06/0134
5
07 MAR 2006
RECORDED MS
SCANNED MS
PASSED TO ACT
ACTION

"BRAEMAR"
BLACKFORD
CARLISLE
CA6 4ET
01228 672009

MS

6th March, 2006.

Re: Proposed Siting of Caravan for Gypsy Family and erection of stables/tack room at Newtown Farm Blackford, Carlisle. Reference: 06/0134

We, the owners/occupiers of "Braemar", Blackford, Carlisle object to the intended use of the land at Newtown Farm for the purposes proposed.

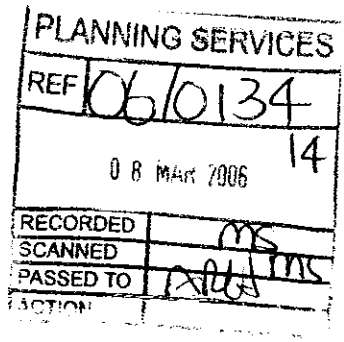
There are, within a three mile radius of the site involved, two already established sites for gypsy family dwelling; which sites are more appropriate for the intended purposes.

We consider that concentration of the proposed caravan etc., sitings is more appropriate to established sites rather than spasmodic distribution over the countrside.

G Hodgson

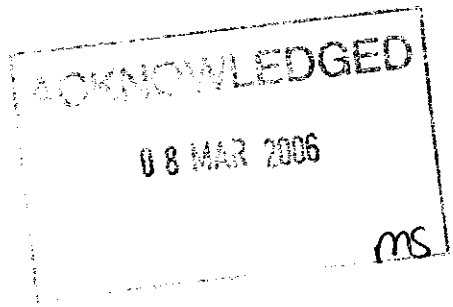
(G. Hodgson) ( )

WAVERLEY HOUSE
NEWTOWN
BLACKFORD
CARLISLE
CA6 4ET



5 March 2006

Angus Hutchinson
Planning Services
Civic Centre
Carlisle
CA3 8QG



Dear Sir

Application Ref: 06/0134

I am writing to object to the above planning proposal, which is to use part of land for the siting of caravan for gypsy family together with erection of stables/tack room at l/a part field 7765, Newtown Farm, Newtown, Blackford, Carlisle.

We were unaware of this proposal until a neighbour mentioned it by chance yesterday as we did not receive the letter of notification of planning proposal. Please can you amend your records so we are included in any further correspondence.

Firstly this was previously a green field site and not a storage area as suggested by the applicant. If the applicant is to succeed, would that then mean that I could purchase agricultural land, build storage sheds/stables, and reside there – I think not.

Secondly there are two gypsy camps within a 4-mile radius – I do not think there is a need for any more.

Thirdly, the applicant constructed a large shed on this land without first obtaining the relevant planning permission. After some time he was forced to reduce this but I feel the applicant would abuse any planning consent as he has previously shown a blatant disregard for regulations.

Lastly, there are no services to this site and should they use generators this would create a noise nuisance and there is also the issue of rubbish removal.

Yours faithfully

pp **Darran Fuller**

RECEIVED
10 MAR 2006
MS

PLANNING SERVICES
REF 06/0134
7
10 MAR 2006
RECORDED MS
SCANNED
PASSED TO
ACTION

Holly Cottage,
Blackford,
Carlisle.
CA6 4ET
4.3.06

ref. ARH/DC/06/0134

Dear Mr. Hutchinson,

Thank-you for the notification of the planning proposal for a caravan and stables at Newtown.

It is not clear from the description on the application whether the applicant intends to live there himself or if it is for any gypsy family passing through. If it is the latter, Carlisle has two sites for travellers, the nearest being less than one and a half miles away. If it is for a permanent caravan whether he is a traveller or not is irrelevant. Permission for a caravan in a field across the road has been refused and the same criteria should apply to this application.

The access to the property is on a blind bend and we have witnessed incidents where vehicles have narrowly avoided collision with vans and wagons exiting the lane. We have concerns about the increase in traffic using this minor road as the road is so narrow that vehicles have to go on to the grass to pass. This has caused the verges to collapse into the drainage ditches at the side.
This damage to the ditches hinders the flow of water which carries the outflow of water from the septic tanks. This needs to be able to flow freely and needs to get away. A permanent caravan would presumably require a septic tank and add to the water in the ditch.

Planning permission for stables and tack room was refused on appeal only a short while ago. Has anything changed that would make it more acceptable?

We see wagons with hydraulic grabs going down the lane and we cannot see what these have to do with keeping horses. We are concerned that a business might be being run from these premises. Please can you investigate further and let us know the outcome.

For a number of years the planning department has failed to remove the occupants of a caravan in a nearby field. This has now been upgraded to a chalet style mobile home showing blatent disregard for planning laws and contempt for the planning office. Years have elapsed and no progress appears to have been made. This gives others the impression that they can put up buildings and run businesses with impunity. Other law - abiding residents feel aggrieved that they abide by the rules while others flout the law and nothing happens.

Yours faithfully,

A. Grieg

A. Grieg.

06/0134

4

Avonlea
Newtown
Blackford
Carlisle
CA6 4ET

Dear Sir/Madam,

I am writing regarding the planning application 06/0134. My objection is that I dont agree with a caravan moving on as there is no sewerage. There are two caravan sites purpose made for living within less than 3 miles.

ACKNOWLEDGED
27 MAR 2006
MS

PLANNING SERVICES
REF 06/0134
13 MAR 2006
RECORDED MS
SCANNED
PASSED TO

Kowanlea
Newtown.
Blackford.
Carlisle.
CA6 4ET.
07.03.06.

13 MAR 2006
MS

Angus Hutchinson.
Planning Services.
civic centre.
Carlisle.

Dear Sir.

With reference to the planning proposal to site a caravan for a gypsy family together with erection of stables/tackroom on L/A part field 7765 Newtown Farm, Newtown, Blackford.

We strongly oppose these plans on the grounds that this family have had plans turned down for the erection of stables/tack room.

This is an agriculture field and we would Question its use as residential.

There is a family living in a caravan on the opposite side of the road to this proposed site. They did not have planning approval and were given six months to remove the caravan. It is now over the six month period and they have not removed the caravan.

We would also like to point out that while altering the fanning this family has blocked our right of way from our paddock on to the fanning.

This family are also coming in and out of the field with a truck with scrap on it?

We question the need for a caravan on this field when there are two gypsy sites within three miles of Newtown. Blackford we would like to point out that this field does not belong to Newtown Farm as stated.

Yours Sincerely

J. Bell

R Bell

P.S. Photos enclosed of scrap in compound.

Angus Hutchinson
Case Officer
Planning Dept
Carlisle City Council

Hudson Gray
Newtown House
Newtown
Blackford
Carlisle
CA6 4ET

13th March 06

Objections to Planning Proposal Ref: 06/0134
Use of part land for siting of caravan for gypsy family together with erection of stables/tack room L/A part field 7765, Newtown Farm, Newtown , Blackford, Carlisle.

I would like to make the following objections to the above proposal:

On previous other applications (which have been refused) I have expressed my concern that the applicant would use the site for the storage of scrap, this has been found to be the case with skips and scrap stored and sorted on site (the site being cleared for the period of planning application). I can seen no reason why this will not continue to be the case if any application for buildings, caravans or indeed any form of planning is granted on this field.

This was originally an open field part of Newtown Farm that was sold off for grazing and has subsequently ended up in the applicants' possession. It has since gone from open field to having a roadway put in and a large compound built (all without permission and being subject to several planning refusals) to the applicant once again applying for stables and also a gypsy caravan. This would seem an entirely inappropriate use for what was open field in a green belt and in an area outside the local plan for development.

One of the reasons for previous refusals for planning permission was that it would mean the reliance on a private car to look after the animals. It seems inconceivable that a family living on site would not need to come and go at least as many times a day (presumably to go to work, for provisions, school for children, visitors etc) as if the applicant was looking after his horses as in the previous applications. I would suggest that this would result in even more journeys from the site in both private car and wagon/vans as this is the nature of the scrap business or indeed most means of employment that gypsies undertake.

There is no means of mains sewerage to the site as is stated in the applicant, therefore the question as to how the waste will be dealt with from people living in open land without electricity and sewerage must be asked.

The application for the siting of a caravan for gypsy family does not state whether it is the applicants' family or not. If it is the applicants family he has already got a site at the gypsy caravan park at Houghton, this was one of the main objections to his previous applications as locals were concerned that he was going to try to get permission for a caravan from the start, this is not an appropriate use for a filed in the middle of open countryside. We already have problems in the area with people setting up homes in fields which although the council has issued orders for them to move this take time and money, it would seem to be better to refuse it from the start.
If the proposal is not for the applicants' family then does he intend to rent the site out in the form of a caravan park for hire, if so will it stop at one caravan or will the precedent of a caravan lead to more. There are already two caravan sites for gypsies in the Carlisle area and one at Penrith and I cannot see a reason why the council needs more.

I would also like to request a right to speak at the committee meeting.

Kind Regards

HUDSON GRAY

MR.M.R.DOUGLASS
PALUMIC HOUSE
NEWTOWN
BLACKFORD
CARLISLE

Ref. arh/dc/06/0134

I am writing to object to the planning proposal as above for the following reasons:-

There is no requirement for another place for a gypsy caravan site as there are two already available within 5 miles of the proposed field.
The proposal is almost identical to the previous application which was refused by the Council and the decision upheld by the GOVERNMENT.
The application would cause an increase in unnecessary traffic down a very narrow road.
The applicant has consistently ignored the decisions from yourselves and the appeal inspector as he regularly stores scrap metals in the compound already there, and has sited another container in the compound after he was told to remove the original one.
He is in fact using the compound at times for his business.
If the applicant is looking to permanently site a caravan then a much better option would be for him to purchase one on an already established site.
If permission is granted then this sets a precedent for anyone to buy a field, call themselves a gypsy and apply to site a caravan on it.

PLANNING SERVICES
REF 06/0134
16 MAR 2006
RECORDED MS
SCANNED
PASSED TO ARH
ACTION

Yours faithfully

M R Douglass

M. R. DOUGLASS

16 [illegible]

MS

ITEM 05

Dr. J. Lewis

Cornerstones
Castle Carrock
Brampton
Cumbria
CA8 9LT

28/2/06

PLANNING SERVICES
REF 06/0218
09 MAR 2006
RECORDED MS
SCANNED WS
PASSED TO AMT
ACTION

ACKNOWLEDGED
09 MAR 2006
MC

Alan Taylor
Planning Services
Carlisle City Council

Dear Mr Taylor

Re L/A Reld 3328 Castle Carrock
Appn Ref 06/0218.

I wish to further object to the new proposals submitted by the applicant for all the reasons outlined in previous letters.

This is a further measure by the applicant designed to wear down opposition by repeated planning applications. The village does not need or want further housing.

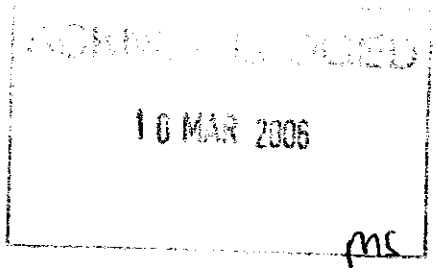
Yours Sincerely

John Lewis

The Lawn
Castle Carrock
Brampton
Cumbria
CA8 9LU

01228 - 670351

28th February, 2006



Mr Alan Taylor
Development Control Manager
Carlisle City Council
Planning Services
Civic Centre
Carlisle
CA3 8QG

Dear Mr Taylor

Notification of Planning Proposal

Proposal: **Revised Proposals for the erection of 9 no. Dwellings of various types etc.**
Location: **L/A Field 3328, Castle Carrock, Brampton.**
Appn Ref.: **06/0218**

I acknowledge receipt of your letter dated 22nd February, 2006 in regards to the captioned subject.

I do **not** approve of these, so called, minor changes to the layout, profile and construction of nine dwellings to be built on Sid's Field, reference 3328, by Messrs Montgomery Housing Ltd.

The alterations to the original plan, approved by The Secretary of State under Planning Application no.: 03/0580, are a significant departure from that concept, and will, in my opinion, detract from the overall appearance of the development.

The developer had a good idea which went a long way to satisfying the legitimate objections of many members of the community living in the vicinity of this proposed development, and was considered acceptable by the majority of fair minded people whose minds were open to change and progress. The new 'revisions' are a retrograde step and should be firmly and decisively rejected by the Planning Authority.

Yours sincerely

Christina Nicholson-Walker

Christina A Nicholson-Walker (Mrs)

The Lawn
Castle Carrock
Brampton
Cumbria
CA8 9LU

01228 - 670351

PLANNING SERVICES
REF 06/0218
10 MAR 2006 12
RECORDED
SCANNED
PASSED TO
ACTION

3rd March, 2006

Alan Taylor Esq.
Case Officer
Carlisle City Planning Service
Civic Centre
Carlisle
CA3 8QG

Your ref.: **AMT/Dc/06/0218.**

RECEIVED
10 MAR 2006
MS

Dear Mr Taylor

NOTIFICATION OF PLANNING PROPOSAL

Proposal: Further Revision to Proposal to erect 9 no Dwellings.
Location: Sid's Field, No.: 3328, Castle Carrock, Brampton.
Appn No.: 06/0218

Thank you for your letter dated 22nd February, 2006, in the aforementioned matter.

I have the strongest objection to this further revision to the development of Sid's Field, (OS ref.: 3328). The developer is reneging on proposals approved by the Planning Inspectorate under Planning Application number: 03/0580, and is going back on his word to me, and others, intended to meet the reasonable and legitimate objections of villagers as expressed through various media in the intervening time.

As your records will show I have been supportive of the developer, Montgomery Housing Ltd., in their plans to build on the site, and fully endorsed their proposals under application reference number 03/0580, which essentially provided for two (2) low cost semi-detached two bedroomed starter homes, with six (6) individual four bedroomed detached houses, and one (1) three bedroomed detached house, built in a vernacular style with local stone and slate roofs. The plan also provided for an area of approximately 0.4 acre at the top end (the southern portion) of the field to be turned over to the Parish as a village amenity space.

This late variation to the aforementioned plans for the erection of houses is wholly unjustified and unacceptable and must be resisted by the Development Control Committee.

Please, tell Mr Montgomery to get on with his building works to the exact layout, specification and format of the plan for which The Secretary of State has given formal approval.

Yours sincerely

Hugh Nicholson-Walker

The Lawn
Castle Carrock
Brampton
Cumbria
CA8 9LU

01228 - 670351

14th March, 2006

15 MAR 2006
MS

PLANNING
REF 06/0218
135
15 MAR 2006
RETURNED
SCANNED
PASSED TO MS
AMT 16

Mr Alan Taylor
Development Control Manager
Carlisle City Council - Planning Services
Civic Centre
CARLISLE
Cumbria
CA3 8QG

Your ref: AMT/DC 06/0218

Ref:- Sid's Field O/S 3328

Dear Mr Taylor

CLARIFICATION OF PLANNING APPLICATION - Field 3328 Castle Carrock, Brampton.

Many thanks for your letters dated 10th March, 2006 in regards to the captioned housing development application, number as above. Neither my wife, Christina, nor I have any objection to your writing to us jointly.

The first of your letters acknowledged receipt of both my wife's, and my own, letters of objection to the revised specification of the application submitted by Montgomery Housing Ltd, and further advised that our objections would be taken account of at any subsequent meeting of either your own colleagues or the City Council Development Control Committee (DCC), whichever ultimately reviewed and decided on the merit of the application under consideration. My response to this is that surely neither your department nor the DCC are competent authorities, given that the original application was approved by the Buildings Inspectorate (BI) after the DCC had rejected it for various reasons.

It must be the prerogative of the Buildings Inspectorate to review alterations to proposals submitted to them initially and approved by them in the knowledge that the original authorities had rejected such proposals. We are suprised, therefore, that the altered application isn't, as a matter of course, being referred to the higher authority, in this case the Buildings Inspectorate.

Your second letter, which sets out to clarify the revisions, has certainly bemused us, given that we had been under the impression that the plans displayed at Watson's Institute, and of which I have a copy (references: 01/1224/20 to 29 inclusive), were not the plans submitted to the DCC, then after refusal to approve had been handed down, submitted to the BI under the appeals procedure.

Clearly we have 'signed up' to a proposal which was significantly altered at some stage without our being aware of this fact. As I stated in my letter of the 3rd March, what I was backing was a proposal to apportion around 0.4 of an acre as a village amenity, with a couple of two bedroomed semi-detached houses as 'affordable' starter homes, one three bedroomed two storey dwelling and six four bedroomed two storey dwellings, all constructed in local stone throughout with slate roofs and in a layout complementary to the dwellings on the eastern side of the Gelt Road.

Whether the developer feels that this configuration is commercially viable or not is not really the point, that was what we supported then, in April 2003, not what is now being proposed as if it was the original concept with minor revisions.

Clearly we need to seek clarification from the Buildings Inspectorate as to precisely what was tabled, and what was approved and why, before we can move forward on these eleventh hour alterations. In this regard therefore please consider our objections valid until further notice.

Yours sincerely

C A Nicholson-Walker

Christina A Nicholson-Walker

Hugh Nicholson-Walker

The Lawn
Castle Carrock
Brampton
Cumbria
CA8 9LU

01228 - 670351

PLANNING SERVICES
REF
16 MAR 2006
SCANNED
PASSED TO AMT
ACTION

15th March, 2006

06/218
AMT

Mr Alan Taylor
Development Control Manager
Carlisle City Council - Planning Services
Civic Centre
CARLISLE
Cumbria
CA3 8QG

Your ref: AMT/DC 06/0218

Ref:- Sid's Field O/S 3328

Dear Mr Taylor

CLARIFICATION OF PLANNING APPLICATION - Field 3328 Castle Carrock, Brampton.

I refer to my letter dated 14th March, 2006, in regards to the captioned matter, and having attempted to contact you this morning with a view to arranging a meeting with you, your colleague, Mary Harrison, informed me that you had been taken ill and had gone on sick leave to recover. I am extremely sorry to hear of your incapacity, I hope you make a full and speedy recovery.

In the belief that your pending cases will be 'farmed out' to various colleagues, I wish to see the original planning application (under appn. no.: 03/0580) and all relevant supporting documents, including layouts, materials specifications etc. etc. upon which Mr Francis Farrimond, the Inspector appointed by the First Secretary of State to adjudicate on the Appeal lodged by Montgomery Homes Ltd, under reference: APP/E0915/A/03/1130876, gave his ruling and the conditions applying to that decision.

I now have a copy of the Appeal Decision, dated 24th January, 2004, and have carefully noted the text under Section 23 - Formal Decision, items 1) to 9). I consider it very important that Montgomery Homes Ltd should not stray from the conditions laid down in Mr Farrimord's ruling.

In the event that the current revisions to the planning permission do not recognise all of the conditions of approval contained in Mr Farrimond's ruling, then it is imperative that the proposed variations to those conditions are referred back to the Planning Inspectorate for their further review and decision accordingly.

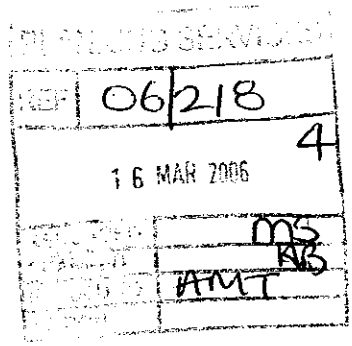
Although I represent only the views of my wife and myself, I feel certain that other residents of the village will have a view, not least the members of the Castle Carrock Pound, and I urge you and your colleagues in the Planning Dept to consult widely with those people, before any irrevocable decisions are made.

I look forward to hearing from you in due course.

Yours sincerely

Hugh Nicholson-Walker

CASTLE CARROCK POUND



Forresters House
Castle Carrock
Brampton
Cumbria CA8 9LT

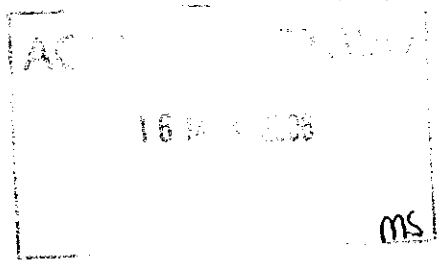
15th March 2005

Dear Mr Taylor,

Re Revised Planning Application No. 06/0218 for Field 3328, Castle Carrock.

Having seen the revised plans for the current application above, and duly reflected on the situation; we wish to record that whilst the revised house types seem to be an improvement, and in greater keeping with the character of our village, there is considerable concern re their proposed finish, specifically regarding the extent of rendering that would be employed, as it is felt that this would have a detrimental visual impact on the centre of the village.

At the time of writing it must also be noted that only a very small section of the wall onto the road remains standing. We would like to be assured that the wall will be reinstated, in line with the recommendations of the Planning Inspector.



Yours sincerely,

David Hassall
Chair, Castle Carrock Pound

24 MAR 2006

MB

Forresters House
Castle Carrock
Brampton
CA8 9LT

21st March 06

06/0218
4

MS
NB
AMT

Dear Sir or Madam,

I would like to reserve ~~the~~ right to speak should the revised application from Montgomery Homes Ltd be put before the Planning Control Committee -

Yours sincerely

D Hassall

MR. D. HASSALL
- CASTLE CARROCK POUND -

P.S.
LOCATION L/A FIELD 3328 CASTLE CARROCK -

01228 - 670351

PLANNING SERVICES
REF
28 MAR 2006
RECORDED MS
SCANNED
PASSED TO AMT
ACTION

The Lawn
Castle Carrock
Brampton
Cumbria
CA8 9LU

24th March, 2006

Mr Alan Taylor
Development Control Manager
Carlisle City Council - Planning Services
Civic Centre
CARLISLE
Cumbria
CA3 8QG

Your ref: **AMT/DC 06/0218**

Ref:- **Sid's Field O/S 3328**

Dear Mr Taylor

CLARIFICATION OF PLANNING APPLICATION - Field 3328 Castle Carrock, Brampton.

I am aware you are currently on sick leave but hope that one of your colleagues, perhaps Angus Hutchinson who I spoke to the other day on the telephone, may pick up this letter and log it on file prior to any decisions being made on the revised planning application from Montgomery Housing Ltd.

I am now aware that the planning application approved by the Planning Inspector on appeal, (Appeal reference number: APP/e0915/A/03/11308760) differed from the plans displayed in the village hall, and to which I alluded in my previous letter dated 3rd March such revision having been made prior to submission to the Inspector appointed by the First Secretary of State. The material difference being that the village amenity had been withdrawn, and the two semi-detached two bedroomed homes were not for rent to local people, but were for sale to members of the public, and because these houses were more modest in size and facilities, that they could be thought of as 'lower cost starter homes'.

The Inspector, Mr Francis Farrimond, clearly gave the application a great deal of careful consideration and ruled in favour of that development, stipulating that a number of conditions needed to be satisfied; the 'approved development' is what is 'on the table' and could, and I believe should, be progressed.

Although subsequent revised applications have been made, (one of which was appealed to the First Secretary of State and deliberated upon by Ms Wenda Fabian), all have been justifiably rejected. My view is that if Montgomery Housing Ltd wishes to file ever more applications for a development on the captioned land, then these ought to be revisions - minor modifications only - not wholesale changes as proposed in application number 06/0218, and that these alterations should be directed only to the First Secretary of State and the appointed Inspector should view those minor alterations against the preconditions contained in Francis Farrimond's Appeal Decision.

The thrust of your letter of clarification of the planning application (no.: 06/0218) appears to me to be that the developer has revisited the project and has concluded that he can't make quite as much profit on the development as he originally intended. This is patently absurd, the developer would have costed out the components of the development initially and submitted his accepted plan on the basis that the level of profitability was adequate, that is now what should bind the developer in to the project and for which the Planning Inspectorate has agreed to, incorporating those safeguards to the environment and existing community.

It naturally follows that if, in spite of my representations, a lower authority to the First Secretary's of State Appointed Inspector adjudicates in this matter - i.e. any internal assessment by your department or a meeting of the City Council Development Control Committee, then I wish to address whichever august body is convened to deliberate on the matter.

Yours sincerely

Hugh Nicholson-Walker