

Committee Minutes

Control of Development and Advertisements

The Development Control Committee received and considered the following applications:

Item no: 01

Appn Ref No:
10/0508

Applicant:
Riverside Carlisle

Parish:
Carlisle

Date of Receipt:
31/05/2010 08:01:19

Agent:
Story Group

Ward:
Belah

Location:
Land between Stainton Road and track to
Kingsmoor Depot, Etterby Road, Carlisle

Grid Reference:
338645 557064

Proposal: New Housing Development For 30no. Affordable Homes

Grant Permission

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

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

2. The approved documents for this Planning Permission comprise:

1. the submitted planning application form;
2. the accompanying background information contained in the submitted Design and Access Statement, Ecological Survey, report on the Survey Details for Trees, Method Statement for Protection of Trees during development, Road Safety Audit, Flood Risk Assessment, and Geoenvironmental Report;
2. drawing numbers: SH071.90.9.SL.LP (Location Plan);1886/1 (Topographic Survey); 2562-01B (Landscape Proposals); 2010/41 (Items Raised by Stage 1/2 Road Safety Audit); SH071.90.9.SL.SL (Site Layout); SH071.90.9.SL.PF (Plot Finishes); SH071.90.9.SL.DR (Drainage Route); SH071.90.9.SL.PL1 (Planning Layout); SH071.90.9.SL.SE (Street Elevations); The Etterby A (PLE and PLP), The Etterby B/C (B/C -PLE1 to

2, B/C PLP1 to 2, and B/C - SECA1 to A2), The Etterby C (PLP1 to 2, PLE1 to E2, SECA and SECB), The Etterby D (PLE1 to E2, PLP, SEC1 to A2, SECB1, and SECB2), and The Etterby E (PLE, PLP, ESCA and ESCB) house types; Boundary Details (BD 01 to 04);

3. the Notice of Decision; and
4. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: For the avoidance of doubt.

3. The development hereby permitted by this planning permission shall not be initiated by the undertaking of a material operation as defined in section 56(4)(a)-(d) of the Town and Country Planning Act 1990, outside of site clearance, until a planning obligation pursuant to s.106 of the said Act relating to the land has been made and lodged with the Local Planning Authority and the Local Planning Authority has notified the persons submitting the same that it is to the Local Planning Authority's approval. The said planning obligation will provide: a) 16 houses and 4 bungalows to be rented at an affordable level; and 10 houses for shared ownership; and b) the payment of a commuted sum of £43,790 for the maintenance and enhancement of on and off-site open space provision.

Reason: In accordance with Policies IM1, H5, LC2 and LC4 of the Carlisle District Local 2001-2016.

4. The carriageway and footways (including the path through the Public Open Space) 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, outside of site clearance, commences on site. 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 and to support Local Transport Plan Policies S3, LD11 and LD7

5. No dwellings shall be occupied until the estate road to serve such dwellings has been constructed in all respects to base course level, and the street lighting and associated works identified in the Road Safety Audit have been provided and brought into full operational use.

Reason: To ensure that the matters specified are designed to the satisfaction of the Local Planning Authority and in accordance with the objectives of Policies H1 and T1 of the Carlisle District Local Plan 2001-2016.

6. 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 and people with impaired mobility can negotiate road junctions in relative safety and to support Local Transport Plan Policies LD12 and LD7.

7. Before each dwelling is occupied it's associated off street parking shall be provided together with vehicular access thereto and the associated turning area in accordance with the approved plans. The access, spaces for parking, and turning area shall be used for no other purpose without the prior approval of the local planning authority.

Reason: To ensure that each dwelling is provided with parking and thus comply with Policies H1 and T1 of the Carlisle District Local Plan 2001-2016.

8. Full details of the surface water drainage system shall be submitted to the Local Planning Authority for approval prior to development being commenced. Any approved works shall be implemented prior to the development being completed and shall be maintained operational thereafter.

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

9. The whole of each of the access areas to each dwelling fronting Etterby Road, bounded by the carriageway edge and the splays shall be constructed and drained to the specification of the Local Planning Authority in consultation with the Highway Authority.

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

10. Prior to the commencement of development a Construction Method Statement shall be submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction

period. The Statement shall provide for:

- i) the laying out of land for and details of the means of access and parking of vehicles of site operatives and visitors;
- ii) loading and unloading of plant and materials;
- iii) storage of plant and materials used in constructing the development;
- iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v) wheel washing facilities;
- vi) measures to control the emission of dust and dirt during construction; and
- vii) a scheme for the re-cycling/disposal of waste resulting from construction works.

Reason: To ensure proper and adequate provisions are made during the construction phase in the interests of highway safety and local amenity in accordance with Policy CP6 of the Carlisle District Local Plan 2001-2016.

11. No construction work associated with the development hereby approved shall be carried out before 07.30 hours on weekdays and Saturdays nor after 18.00 hours on weekdays and 13.00 hours on Saturdays (nor at any times on Sundays or Bank Holidays).

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

12. No work associated with the disposal of surface water to Pow Beck shall be commenced until suitable barriers preventing siltation and pollutants entering Pow Beck have been erected and subsequently maintained for the duration of the works in accordance with details to be submitted to and approved in writing beforehand by the Local Planning Authority.

Reason: To safeguard the biodiversity of the locality in accordance with Policy CP2 of the Carlisle District Local Plan 2001-2016.

13. No work associated with the disposal of surface water to Pow Beck shall be commenced until an otter survey has been carried out clarifying the presence and usage of the site of the proposed outfall and the results of the survey together with a method statement for the protection and enhancement/replacement of any necessary habitat has been submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard a European protected species in accordance with Policy CP2 of the Carlisle District Local Plan 2001-2016.

14. Before any part of the development hereby permitted commences, precise details of the provision of bird and bat boxes shall be submitted to and approved

in writing by the Local Planning Authority. The approved details shall be fully undertaken by not later than the end of the planting and seeding season following completion of the development.

Reason: To ensure no adverse impact on a favourable status of a European protected species in accordance with the requirements of the Habitats Regulations 1994.

15. In the event, following the commencement of development, that reptiles or Great Crested Newts are found on site all work shall cease until an appropriate survey has been carried out and the results of the survey together with a method statement for the protection and translocation of any reptiles or Great Crested Newts found to be present has been submitted to and approved in writing by the Local Planning Authority and any licenses for the trapping and translocation have been obtained. The aforementioned survey and method statement shall take place in accordance with details clarifying form, type, location, and a timetable to be submitted to and approved in writing beforehand by the Local Planning Authority.

Reason: To safeguard a European protected species in accordance with Policy CP2 of the Carlisle District Local Plan 2001-2016.

16. 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 compliance with Policies CP5, LE19 and H1 of the Carlisle District Local Plan 2001-2016.

17. 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 concurrently with the construction of the hereby permitted dwellings.

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

18. For the duration of the development works existing trees to be retained shall be protected by a suitable barrier erected and maintained at a distance from the trunk or hedge specified by the local planning authority. The Authority shall be notified at least seven days before work starts on site so that barrier positions can be established. Within this protected area there shall be no excavation, tipping or stacking, nor compaction of the ground by any other means.

Reason: To protect trees and hedges during development works.

19. All works comprised in the approved details of landscaping shall be carried out either contemporaneously with the completion of individual plots or, in the alternative, by not later than the end of the planting and seeding season following completion of the development.

Reason: To ensure that a satisfactory landscaping scheme is implemented in accord with Policy E19 of the Carlisle District Local Plan.

20. 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.

21. 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 (inclusive of an archaeological evaluation and recording programme) which has been submitted by the applicant and approved in writing 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 examination and recording of such remains.

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

Reason: To ensure that a permanent and accessible record by the public is made of the archaeological remains that have been disturbed by the development.

23. Adequate underground ducts shall be installed by the developers, in accordance

with details submitted to and approved before hand by the Local Planning Authority, before any of the dwellings) hereby permitted are occupied, to enable telephone services and electricity services to be connected to any premises within the application site, without recourse to the erection of distribution poles and overhead lines, and in providing such ducts the developers shall co-ordinate the provision of such services with the respective undertakers; notwithstanding the provisions of Article 3(1) and the Schedule 2 Part 17 Class G (B) of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), no distribution pole or overhead lines within the area shall be erected, save with the express consent of the local planning authority.

Reason: To maintain the special visual character of the locality in accordance with Policies CP5 and LE19 of the Carlisle District Local Plan 2001-2016.

24. The access covers to the underground ducts to be installed pursuant to the above condition shall be carefully located in relation to the surface finishes and to the satisfaction of the local planning authority and shall be of the type whereby the "tray" may be infilled with the appropriate surface materials.

Reason: To maintain the special visual character of the locality in accordance with Policy LE19 of the Carlisle District Local Plan 2001-2016.

25. No dwelling hereby permitted shall be occupied until the associated foul and surface water drainage works have been completed in accordance with the approved details.

Reason: To ensure that adequate drainage facilities are available in accordance with Policies CP10, CP11 and CP12 of the Carlisle District Local Plan 2001-2016.

Summary of Reasons for the Decision

The application site is 0.75 ha of former grazing land located on the northern side of Etterby Road to the immediate west of three detached dwellings known as The Beeches, The Orchard and Ridvan; and east of 2-12 Stainton Road. To the immediate north there is an open field, and on the opposite side of Etterby Road uncultivated land leading to the River Eden, and Etterby House. The River Eden, which is approximately 75m to the south east of the site, is designated as a 'main river' as well as a Site of Special Scientific Interest (SSSI) and a Special Area of Conservation (SAC). There is a minor watercourse located approximately 210m to the north of the site known as Pow Beck. The main distinguishing feature of the site is a line of mature Lime trees, the subject of a Tree Preservation Order, running

parallel with the boundaries of 2 -12 Stainton Road. Otherwise the site falls to the west and then the north-west with a high point of 22.120m AOD in the eastern corner and a low point of 18.430m AOD at the north- western boundary. The boundaries of the site are delineated by a Beech hedge to the north-east; shrubs to the south-east; fencing to the south- west; and to the north-west by hedging. An electricity sub-station is located in the south-eastern corner.

Under the Proposals Map of the Carlisle District Local Plan 2001-2016 the application site falls within part of the designated Urban Fringe Landscape and the Buffer Zone of Hadrian's Wall World Heritage Site.

This application seeks full permission for the erection of 16 houses and 4 bungalows for rent and 10 houses for shared ownership. The proposed bungalows are 2 bed with the two storey houses comprising 2, 3 and 4 bedroom properties. If permission was to be granted the intention would be for the applicant to apply for a Social Housing Grant from the Homes and Communities Agency through the National Affordable Housing Programme. The submitted layout plan shows the proposed development based around a "T" shaped cul-de-sac with the Lime trees along the south-western boundary retained within an area of open space. A new footpath link runs through the proposed open space as well as a pavement along the frontage with Etterby Road. The application is accompanied by a Design and Access Statement (D&A), an Ecological Survey, a report on the Survey Details for Trees, a Method Statement for Protection of Trees during development, a Road Safety Audit, a Flood Risk Assessment, a Geoenvironmental Report, and additional comments on highway safety.

It is considered that an assessment of the proposal is based upon whether the advantages outweigh the disadvantages concerning six principal issues.

1. Whether the proposal represents a sustainable form of development in terms of its location in the context of PPS1: Delivering Sustainable Development inclusive of its Supplement: Planning and Climate Change, PPS3: Housing, PPS7 Sustainable Development in Rural Areas, and PPG13: Transport.
2. Whether the scale of the proposal is well related to the existing settlement.
3. Whether there is an identified need for the proposed low cost dwellings in this location or any available alternative sites.
4. Whether the proposal safeguards the character of the area.
5. Whether the application safeguards the living conditions of neighbouring residents.
6. Whether the proposal is detrimental to highway safety.

When considering 1. the relevant question revolves around sustainability in the

sense of the appropriateness of the proposed use to the location. A Key Principle identified in paragraph 13 of PPS 1, and re-iterated in paragraphs 30-32, is that a spatial planning approach should be at the heart of planning for sustainable development. This is an approach which underpins Policies DP1 and H1 of the Carlisle District Local Plan 2001-2016 that seek to encourage development (inclusive of residential schemes) within identified sustainable locations.

In the case of the current proposal, the site is located within the Urban Area Boundary of Carlisle but falls within part of the designated Urban Fringe Landscape. The current proposal has been advanced in terms of addressing need in the northern wards of the City, although under Policy H1 of the Carlisle District Local Plan (2001-2016) Etterby is not identified as a location for new housing development. However, the site represents a gap, with existing development to the immediate north and south, and is approximately 185 metres to the west of Riverbank Court, Carlisle. The site can, therefore, be viewed- in relative terms- as well related, and readily accessible, to services within the City. As such it is considered that the applicant has sought to comply with the underlying sustainability objectives of Policy DP1 since it is situated within urban Carlisle even though the site is not within an area identified for new development under Policy H1.

Whether the scale can be considered appropriate is generally dependent upon the size of the settlement concerned and the likely cumulative impact of development taking place. In relation to these matters, while the community of Etterby currently comprises approximately 35 residential units, it is not a stand alone settlement and the projected number of dwellings is- in urban area terms- really quite modest. On this basis it is considered that the current proposal cannot be considered significant although, understandably, residents of the Etterby area may well feel that it would represent a substantial additional amount of development in its particular locality at the City fringes.

When considering the issue of affordable housing, Policy H5 of the Carlisle District Local Plan 2001-2016 stipulates that in the urban area windfall sites of 10 or more dwellings should make a contribution of 30% of units on-site towards affordable housing. In this case the proposal would lead to a 100% provision of affordable units. The City Council's Housing Strategy Officer is supportive of the application on the basis that there is a real need for affordable housing in Carlisle, particularly in the Belah area; and the tenure mix of both shared ownership and social rented properties, as well as the range of unit sizes on the development, is desirable for a balanced housing market in Carlisle.

In relation to alternative sites the hypothesis that a development should be better carried out somewhere else is a proper planning consideration. The general principle, as established in *Trust House Forte Hotels v S.O.S. 1986* is that if there are no clear planning objections to a development on a particular site, the fact that more appropriate alternative sites exist is irrelevant. Conversely, where there is a proven need for a proposed development but it would have significant adverse effects, it is appropriate to take into account the availability of more suitable sites elsewhere. In *G.L.C. v S.O.S. and London Docklands D.C. and Cablecross Projects 1986* the Court of Appeal reached a broadly similar conclusion to that in *Trust House Forte* and established a general test for the duty to consider comparable sites. It was held that this applied in cases where there was: a) the

presence of a clear public advantage in the proposal under consideration; b) the existence of inevitable adverse effects in the proposal; c) the existence of an alternative site with less disadvantages; and d) the situation where there could only be one or a limited number of permissions. On this basis there is a need to assess if it is relevant to consider alternative sites and then consider, based on available evidence, whether such sites exist.

Irrespective of this, the two alternative sites put forward are the former Belah School site, and Deer Park. In relation to Belah School this does not appear to be on the market. In relation to Deer Park, Persimmon Homes had an option to purchase the site but this option lapsed approximately 18 months ago. The agent confirmed that discussions are on-going with another developer. Under the CDLP 2001-2016, Deer Park is identified as an area for Mixed Development, with Policy H16 identifying the potential for 60 houses based upon which (and Policy H5) 18 would be affordable units, or 12-13 units if assuming a 50% rented, 50% intermediate basis.

The Strategic Housing market Assessment identified an outstanding need in the Carlisle Urban area for 221 affordable units to be delivered per year. The City Council's Monitoring Officer has confirmed that last year, via Section 106 Agreements permission was given for the provision of 63 social rented units; 24 shared equity units; and 14 units with a 30% discounted sale price. Furthermore, another 86 permissions were granted to Registered Social Landlords for social rent but not secured under any S106 Agreement. This gives an overall total of 189 permissions for affordable housing last year. However, a fundamental problem is that the granting of permission does not ensure delivery. Thus, Housing Services figures for 2009-2010 (which include all delivered units regardless of Section 106 Agreements or not) are 24 discounted sale, 25 home buy, and 16 social rented – giving a total of 65 units. This figure is 10 short of the current internal Housing Services target of 75 (given that LAA agreements have now been abolished). Housing Services internal target for next year is again 75. These figures need to be viewed in the context of Riverside stating that on average people remain on their waiting list for 10 years for a 3 bed dwelling in Belah, and on average 114 applications are received for each 3 bed house in Belah & Stanwix. On this basis it is considered that Deer Park would not deal by itself with the current yearly need for the provision of affordable housing, but would have to be in combination with other allocated and windfall sites.

When assessing the proposal in terms of its impact on the character of the area it would, if permitted, represent a consolidation of development on what is now an open field, and does not involve an open space recreational use as specified under Policy LE1. Nevertheless, the applicant has sought to mitigate any harm by the use of materials and detailing evident locally, the retention of the Lime trees and, as far as possible, existing natural features. It is also evident that the perceived physical separation of Carlisle from Etterby by Kingmoor Nature Reserve and the West Coast Main Railway Line would be maintained.

When considering whether the application safeguards the living conditions of neighbouring residents, the proposed dwelling on plot 1 is forward and to one side of The Beeches such that the nearest corners of each are 14.4m apart. In the case of the proposed dwellings on plots 5 and 6 the separating distance between facing

walls and the gable end of The Beeches is 17.4m. The proposed dwellings on plots 7 and 8 are at right angles to the house at The Beeches with the facing walls 10-11m away from the boundary. The proposed dwelling on plot 9 is sited so as to have a separation distance of 38m between the nearest corner of The Beeches. This is in the context of the existing Beech hedge running along the boundary. In relation to the dwellings at 2- 12 Stainton Road, the proposed dwellings with facing walls on plots 19-22 (inclusive) are shown to be over 29m apart at the closest point. As such it is considered that the proposal cannot be resisted on the basis of losses in light or privacy. In the context of the existing form and nature of development within the immediate area it is appreciated that the proposal will lead to some additional noise and disturbance but not to such an extent as to be considered excessive and is, therefore, of insufficient weight to justify the refusal of permission.

Finally, with regard to highway safety concerns have been raised over the general increase in vehicles, but particularly concentrated on: 1) the need for a footway; and 2) the effect of vehicles reversing onto the highway.

In the case of 1) the County Highway Engineer has explained that the question of pedestrian movements between the development site and the local shops, pub and bus stops was discussed by the Audit Team. In response to which it has been pointed out that the road is subject to a 30mph speed limit, is lit and is currently used by pedestrians. The existing footway curtails at the north west side of the railway bridge but there is no history of pedestrian personal injury accidents. There is likely to be an increase in pedestrian and cycle movements generated by the development so the provision of a footway or a shared footway and cycleway linking the development site to the existing footway might be of benefit. However, in the absence of those facilities the accident risk is considered to be only marginally greater than at present and such provision could be disproportionate in financial terms. In addition, the width of Etterby Road is insufficient in places to support both two-way traffic and a footway. After careful consideration, the Audit Team concluded that the lack of a footway or footway/cycleway does not justify a recommendation for the provision of such a facility on the basis of road safety.

When looking at the concern over vehicles potentially reversing onto the highway, the Audit Team are of the opinion that the reversing of vehicles directly onto Etterby road would not present an unacceptable road safety risk. Reversing of vehicles onto the highway, while maybe not in line with planning constraints, nor the Highway Code, is a widespread and generally acceptable method of accessing the road network. This applies to roads not only similar in nature to Etterby Road, but also to much lower (quieter) and higher (busier) classes of road. The Audit Team are not aware of an accident problem associated with reversing onto the highway either in terms of local or national statistics.

It is acknowledged that other issues have been raised concerning biodiversity, precedent for other development, prematurity, security, problems caused during construction, education, the safety of the rail bridge, air quality, and trees subject of a previous TPO; but these are not considered to be of sufficient weight to determine the application.

In conclusion, when looking at the disadvantages of the proposal, the site is not

within an area identified for new development under Policy H1; the proposal can only be considered significant when assessed within the immediate context of Etterby; it represents a consolidation of existing development into what is now an open field; and is not an open space recreational use as specified under Policy LE1.

When looking at the advantages it is considered that the applicant has sought to comply with the underlying objectives on sustainability of Policy DP1; the current proposal cannot be considered significant within the wider context of Carlisle; the proposal would lead to a 100% provision of affordable units; the City Council's Housing Strategy Officer is supportive of the application on the basis that there is a real need for affordable housing in Carlisle (particularly in the Belah area), the tenure mix of both shared ownership and social rented properties, as well as the range of unit sizes on the development, is desirable for a balanced housing market in Carlisle; and the applicant has sought to mitigate any harm by the proposed design of the dwellings and the retention of existing natural features. This is in the context that it is considered the proposal cannot be resisted on the basis of losses in light, privacy, noise or disturbance to local residents. The Highway Authority, following receipt of supplementary comments to the Road Safety Audit, have not raised any objections to the proposal.

In overall terms it is considered that the advantages outweigh the disadvantages.

Relevant Development Plan Policies

Carlisle District Local Plan 2001 - 2016

Core Development Policies - Policy CP1 - Landscape Character

Proposals for development in the rural area must seek to conserve and enhance the special features and diversity of the different landscape character areas.

Development will be considered appropriate to the character of the landscape provided the proposal has regard to and conserves:

the landform and natural patterns of drainage;

- the pattern of trees and woodland;
- the habitats of species of importance for wildlife;
- the pattern and composition of field boundaries;
- the pattern of historic landscape features;
- the pattern and distribution of settlements

Carlisle District Local Plan 2001 - 2016

Core Development Policies - Policy CP2 - Biodiversity

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

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

development proposals.

Carlisle District Local Plan 2001 - 2016

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

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

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

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

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

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

Carlisle District Local Plan 2001 - 2016

Core Development Policies - Policy CP4 - Agricultural Land

Permission will not be given for development where it would lead to the loss of the best and most versatile agricultural land, unless:

- 1 there is an overriding need for the development; and
- 2 there is insufficient land of a lower grade available; or
- 3 available lower grade land has a statutory landscape, wildlife, historic or archaeological designation.

Carlisle District Local Plan 2001 - 2016

Core Development Policies - Policy CP5 - Design

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

- 1 Respond to the local context and the form of surrounding buildings in relation to height, scale and massing, and by making use of appropriate materials and detailing;

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

Carlisle District Local Plan 2001 - 2016

Core Development Policies - Policy CP7 - 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

Core Development Policies - Policy CP9 - Development, Energy Conservation And Efficiency

Development proposals should take into account the need for energy conservation and efficiency in their design, layout and choice of materials. The principles should be introduced in the early stages of the design process in order to consider the orientation of buildings to maximise solar gain coupled with high levels of insulation to reduce heating costs. The efficient and effective use of land, including the reuse of existing buildings and the use of environmentally sustainable materials should also be encouraged. Landscaping schemes also may be used to shelter buildings in exposed positions to reduce heat loss.

These elements will contribute to the energy efficiency of a new development. Developers should also consider the possible incorporation of photovoltaic cells, active solar panels and other small-scale sources of renewable energy.

Consideration should be given to recycled materials, waste minimisation and recycling measures within the design.

Designers will be encouraged to include systems for collecting roof water to enable its re-use.

Carlisle District Local Plan 2001 - 2016

Core Development Policies - Policy CP10 - Sustainable Drainage Systems

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

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

Where SUDS are incorporated the following details shall be provided:

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

Carlisle District Local Plan 2001 - 2016

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

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

Carlisle District Local Plan 2001 - 2016

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

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

Carlisle District Local Plan 2001 - 2016

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

Development proposals should make provision for easy, safe and inclusive access to, into and within buildings and facilities. The layout and design of developments should meet the requirements of accessibility and inclusion for all potential users

regardless of disability, age or gender. The Council will have regard to the following criteria when assessing development proposals:

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

Carlisle District Local Plan 2001 - 2016

Core Development Policies - Public Transport, Pedestrians And Cyclists

New developments should offer a realistic choice of access by public transport, walking and cycling. Priority should be given to the provision for safe and convenient pedestrian and cycle access including secure cycle parking provision facilities, where appropriate, in all new developments accessible to the public.

Carlisle District Local Plan 2001 - 2016

Core Development Policies - Policy CP17 - Planning Out Crime

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

The following points should be applied to all development proposals:

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

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

Carlisle District Local Plan 2001 - 2016

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

All proposals for development will be assessed against their ability to promote

sustainable development. Proposals will be considered favourably in the following locations, provided they are in scale with their location and consistent with other Policies of this Local Plan.

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

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

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

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

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

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

Carlisle District Local Plan 2001 - 2016

Housing - Policy H1 - Location Of New Housing Development

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

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

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

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

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

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

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

Carlisle District Local Plan 2001 - 2016

Housing - Policy H5 - Affordable Housing

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

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

off-site contributions or a financial contribution in lieu of on-site provision.

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

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

The proportion of affordable housing sought will only be varied if this can be justified on a robust, evidence based, assessment of the economic viability of the site.

Where intermediate affordable housing is to be provided at a discounted market value a discount of 25-30% will be sought and the discounted sale will be required to be in perpetuity.

Carlisle District Local Plan 2001 - 2016 **Housing - Policy H6 - Rural Exception Sites**

Proposals for residential development may be permitted in locations where such development would not usually be permitted, provided the following conditions are met:

- 1 the proposal is for low cost affordable housing to meet an identified need; and
- 2 the proposal is supported by a S106 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 respects the local landscape character.

Carlisle District Local Plan 2001 - 2016 **Leisure & Community Uses - Policy LC2 - Primary Leisure Areas**

Within Primary Leisure Areas proposals that relate to and complement the existing use and are appropriate in character and scale to the surroundings, will be acceptable. Development or change of use of Primary Leisure Areas to non-sport or recreation uses will not be permitted unless:

- 1 an alternative open space can be provided which is equivalent in terms of size, quality, accessibility, usefulness and attractiveness; or–
- 2 the Open Space, Sports and Recreational Facilities Audit indicates that the ward has a surplus of open space.

The Local Planning Authority will aim to achieve the following standards of recreational open space provision:

- 3.6 hectares of land/1000 population of informal and formal grassed, wooded or landscaped land, and small amenity areas of public open space;
- 1.86 hectares of playing pitches/1000 population;
- all dwellings should be within 3km of an open space of at least 20 hectares which provides general facilities for recreational activity within a landscaped setting;
- all dwellings should be within 1km of an open space of between 5 and 20 hectares which provides general facilities for recreation provision within a

- landscaped setting;
- all dwellings should be within 400 metres of an open space of between 2 and 10 hectares which caters for informal recreational needs;
- all dwellings should be within 200 metres of a small formal or informal open space between 0.2 and 2 hectares that is suitable for informal use and has high amenity value.

Permission will not be given for development where it would lead to a reduction in the target for recreational open space provision/1000 population in the ward in which it is proposed.

Carlisle District Local Plan 2001 - 2016 **Leisure & Community Uses - Policy LC4 - Children's Play and Recreation Areas**

New family housing developments of 40 or more dwellings will be required to include, pro rata, the following standards of play space provision:

Outdoor playgrounds 150m² per hectare

Informal playspace 270m² per hectare

In addition to the above, on development sites of 5 hectares or over, 0.1 hectares of sports ground development per hectare will be required.

On smaller housing sites the developer will be required to make commuted payments towards the provision of play space in the locality if there is a deficiency of play space in the local area judged against the Audit of Open Space currently being carried out by the City Council as required by PPG 17.

Children's play and recreation areas required by this policy will be dedicated to the City Council for maintenance purposes and a commuted payment equivalent to 10 year's maintenance costs will be required.

Carlisle District Local Plan 2001 - 2016 **Local Environment - Policy LE1 - Urban Fringe Landscape**

Within the Urban Fringe Landscape areas, shown on the Proposals Map, permission will not be given for development which adversely affects the open character of the areas. Development of open space recreational uses such as golf courses and playing fields which retain the essential open nature will be acceptable. In addition, small scale development within or adjacent to established farmsteads and other groups of buildings, together with buildings associated with and required for the use of the area for open recreational areas will be acceptable providing that:

- 1 the proposal reflects the scale and character of the existing group of buildings; and
- 2 there is no unacceptable adverse effect on the amenity of neighbouring property; and
- 3 there is no unacceptable adverse effect on the character and appearance of the surrounding area; and
- 4 where appropriate satisfactory access and car parking can be achieved.

Carlisle District Local Plan 2001 - 2016

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

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

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

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

Carlisle District Local Plan 2001 - 2016

Transport - Policy T1- Parking Guidelines For Development

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

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

Item no: 02

Appn Ref No:
10/0204

Applicant:
Mrs Grainger

Parish:
Burgh-by-Sands

Date of Receipt:
03/03/2010 13:00:20

Agent:
Edwin Thompson

Ward:
Burgh

Location:
Land between Marsh Cottage and The Croft, Burgh by Sands

Grid Reference:
332158 558985

Proposal: Erection Of 1no. Detached Dwelling

Grant Permission

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

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

2. The approved documents for this Planning Permission comprise:

1. The submitted planning application form;
2. Drawing Number KG1028 Revision B;
3. Drawing Number KG1028 Revision C;
4. Drawing Number KG1028 P01 Revision C;
5. Drawing Number KG1028 P02 Revision B;
6. The Design And Access Statement received 1st July 2010;
7. The Archaeological Evaluation received 17th June 2010;
8. The Desktop Contamination Survey received 10th March 2010;
9. The Notice of Decision; and
10. Any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: For the avoidance of doubt.

3. No development hereby approved by this permission shall commence until details of the relative heights of the existing and proposed ground levels and the height of the proposed finished floor levels of the dwelling have been submitted to and approved in writing by the Local Planning Authority. The development shall then be undertaken in accordance with the approved plans.

Reason: In order that the development is appropriate to the character of the area in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

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

Reason: To ensure that the character and appearance of the area and the

living conditions of the occupiers of neighbouring properties are not adversely affected by inappropriate alterations and/ or extensions and that any additions which may subsequently be proposed satisfy the objectives of Policy CP5 of the Carlisle District Local Plan 2001-2016.

5. Notwithstanding any description of materials in the application no development hereby approved by this permission shall be commenced until samples or full details of materials to be used externally on the building have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. The development shall then be undertaken in accordance with the approved details.

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

6. No development hereby approved by this permission shall commence until details of the construction and drainage of the whole of the access area bounded by the carriageway edge, entrance gates and the splays has been submitted to and approved in writing by the Local Planning Authority. The development shall then be undertaken in accordance with the approved details.

Reason: In the interests of highway safety and in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

7. No development hereby approved shall commence until details of the height of the stone wall along the eastern boundary has been submitted to and approved in writing by the Local Planning Authority. The wall shall be completed prior to the occupation of the dwelling hereby approved.

Reason: To ensure that the living conditions of the occupiers of the neighbouring properties are not adversely affected in accordance with Policy CP6 of the Carlisle District Local Plan 2001-2016.

8. The surface water retention and control scheme detailed in the e-mail sent from Edwin Thompson on 18th June 2010 shall be completed prior to the occupation of the dwelling hereby approved.

Reason: To ensure that the development does not exacerbate existing local surface water drainage problems in accordance with Policy CP12 of the Carlisle District Local Plan 2001-2016.

9. No development hereby approved by this permission shall commence until details of the proposed hard surface finishes have been submitted to and approved in

writing by the Local Planning Authority. The development shall then be undertaken in accordance with the approved details.

Reason: To ensure that materials to be used are acceptable and permeable in accordance with the objectives of Policies CP5 and CP12 of the Carlisle District Local Plan 2001-2016.

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

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

11. No development hereby approved by this permission shall commence until details of the construction of the soakaway, that should include metric scale drawings, have been submitted to and approved in writing by the Local Planning Authority. The development shall then be undertaken in accordance with the approved details.

Reason: To ensure that the soakaway would be constructed in an appropriate manner to ensure that the risk of surface water flooding would not be increased in accordance with Policy CP12 of the Carlisle District Local Plan 2001-2016.

12. No development hereby approved by this permission shall commence until the percolation test results for the soakaway have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the soakaway would be constructed in an appropriate manner to ensure that the risk of surface water flooding would not be increased in accordance with Policy CP12 of the Carlisle District Local Plan 2001-2016.

13. No development shall take place until details of the construction and external finish of the roadside boundary wall have been submitted to and approved, in writing, by the Local Planning Authority. The stone used to form the existing wall shall be reused and laid in a manner that complements the style of the original wall.

Reason: To ensure that the design of the replacement wall is in keeping with the character and appearance of the Burgh By Sands Conservation Area and to support Policy LE19 of the Carlisle District Local Plan 2001-2016.

Summary of Reasons for the Decision

This application seeks “Full” planning permission for the erection of a dwelling at Marsh Cottage, Burgh-by-Sands, Carlisle. The proposal relates to a modestly proportioned piece of garden located within the village, to the south of the County highway. There are residential properties on all sides of the application site which is within the Burgh-by-Sands Conservation Area and the Hadrian's Wall Buffer Zone.

To the east of the application site is a row of two storey buildings orientated perpendicular to the road. The first property is of brick construction under a slate roof. Adjacent and to the rear, the buildings are finished in roughcast render under a slate roof. The application site slopes down from north to south and the frontage comprises of a sandstone wall. To the rear of the site is a modern two storey house finished in facing brick under a tiled roof. To the west of the application site is a two storey semi-detached dwelling that has recently been enlarged by a two storey extension to the gable. Within the site are several small trees, shrubs and a mature apple tree.

The application site, which extends to around 405 square metres, is rectangular in shape. It is proposed to construct a single storey dual pitched property within the site with a footprint of 88.75 square metres. The property would be set back 17 metres from the front boundary wall through which a new vehicular access would be formed.

The accommodation to be provided within the proposed dwelling would consist of an open plan kitchen, dining room and living room, a bathroom, 2no. bedrooms and 1no. ensuite bedroom. The property would be constructed from clay facing brickwork under a slate roof. The windows would be mock timber sash and the door and window surrounds would be pre-formed concrete that would be painted. The foul drainage system would connect into the mains sewer whilst the surface water would be contained in a water retention and control scheme.

The main thrust common to planning policies is that new development in the rural area will generally be focussed upon established settlements where there are appropriate services, facilities and amenities.

The application site lies within Burgh-by-Sands, which is identified as a Local Service Centre under Policy H1 of the adopted Local Plan, and is located within the settlement boundary identified on the Proposals Maps that are part of the adopted District Local Plan). Policy H1 of the Local Plan states that, in principle, small scale housing development will be acceptable within the settlement boundaries of Local Service Centres providing that compliance with seven specific criteria is achievable

on site. In this instance, the relevant criteria are met and, on this basis, the principle of residential development is considered acceptable. The issues raised are discussed in more detail in the analysis which follows.

The revisions to Planning Policy Statement 3 (PPS3) that occurred on 9th June 2010 removes gardens from the definition of "brown field" land. This means that gardens are no longer considered as previously developed land for the purposes of meeting brown field targets; however, the revision to PPS3 does not prevent all gardens from being developed.

In most towns and cities the majority of residential properties will be located within the settlement boundaries. In areas where there is a good supply of brown field sites there will remain a presumption in favour of developing brown field land before considering other alternatives; however, in areas where the supply of brown field sites is more limited or does not exist at all, the development of larger residential gardens will often provide a valuable source of development land which will help to reduce pressure on greenfield sites on the edge of existing settlements.

Where no available brown field sites exist, some presumption in favour of developing sites including larger residential gardens within settlement boundaries, can still have planning merits. Thus the declassification of domestic gardens does not necessarily preclude development. In all cases, the character of the area will be the 'key' consideration. The revision to the definition of 'brown field' offers Local Authorities more control over the protection of the character of the area, where appropriate, and greater scope as to whether development of residential gardens should be allowed.

The front elevation is would be in line with the linear form of the dwellings to the west and the height of the proposed building is better related to the row of properties to the east. The proposed dwelling would be of a similar scale and massing to its immediate neighbours and other properties within the immediate vicinity to the east of the application site. The proposed materials would also complement the existing dwellings. Furthermore, the proposal would achieve adequate amenity space and off-street parking. The character and appearance of the dwelling would not be disproportionate or obtrusive within the streetscene.

Considering the fact that the site is within the Conservation Area, if planning permission is granted, it would be appropriate to impose a condition removing Permitted Development rights.

As the proposal involves the introduction of windows that face the neighbouring property, it is appropriate to consider the development against the Supplementary Planning Document "Achieving Well Designed Housing". It requires that a distance of 21 metres is provided between primary windows. The proposed building would be sited opposite and adjacent to residential properties. The dwelling would have habitable windows on the east elevation that would be approximately 13 metres from and face towards the properties in Marsh Cottages, albeit at an oblique angle; however, one of the proposed windows would serve a bathroom and would be obscurely glazed. The remaining two windows are relatively small, being only 600mm wide and the applicant has confirmed that a 1.5 metre high stone wall would be constructed along the boundary.

Given the physical relationship of the windows, the single storey nature of the proposed property and the use of obscure glazing to the bathroom, the development would not result in overlooking or loss of privacy to the occupiers of the neighbouring property. The property to the west has a blank gable that is partially screened by existing vegetation. The properties to the north and south are of sufficient distance from the application site that the minimum distance would not be compromised.

The ridge height of the dwelling would be 3.9 metres and given the physical relationship of the application site with adjacent properties, the occupiers would not suffer from an unreasonable loss of daylight or sunlight. The siting, scale and design of the development will not adversely affect the living conditions of the occupiers of the neighbouring property by virtue of loss of privacy or over-dominance.

The scale, design and use of materials is appropriate to the site and would be consistent with the context of the Conservation Area. The character and appearance of the Conservation Area would not be adversely affected.

The site is within a potentially highly sensitive archaeological area. The presumed course of Hadrian's Wall vallum passes directly beneath the site, which is protected as a Scheduled Monument to the east and west. An archaeological evaluation was undertaken and submitted by the applicant. The Historic Environment Officer has accepted the findings of the report and has raised no objection to the proposal.

The Council's Drainage Officer raised no objection to the proposal. Local knowledge conveyed through the Parish Council indicates that the area has been subject to localised flooding that is partially due to development over the years and the inadequacy and poor condition of the infrastructure to deal with surface water. The Parish Council has also commented that the land to the south of the proposed property is lower and surface run off would go into these properties and does so regularly at present. It is further commented that development of the site would increase this.

To address this problem and to ensure that the development would not compound flooding issues, the applicant proposes to install a water retention and control scheme. This would comprise of an underground reservoir that could store 5000 litres of water and allow it to soak away gradually. This would be used in conjunction with permeable paving on the hard landscaped areas. These measures are appropriate given the site and localised conditions.

The site would be served by forming a new vehicular access through the stone wall along the front boundary. The wall would be curved to provide the required visibility splays and there would be parking within the curtilage of the property. The Highway Authority has raised no objection.

The Parish Council and an objection from the neighbour refer to the Burgh-by-Sands Parish Design Statement. In this document, the site is designated as having a 'visually coherent group of buildings' and 'important walls/ property boundaries'.

The buildings in the immediate vicinity of the application site are an eclectic mix ranging from the brick construction of Marsh Cottage, the rendered finishes of Marsh Cottages, the modern semi-detached brick property to the west with its recent extension, all of which are two storeys in height, to the relatively modern development of bungalows on the opposite side of the road. The applicant proposes clay facing brick with a slate roof, materials which are subject of a condition to ensure that a suitable finish is used.

A stone boundary wall is also proposed to provide a continuation of the frontage boundary. Whilst a new vehicular access would be created, the Design Statement does not preclude openings in boundary walls, prescribing instead that new boundary structures should be in keeping with the locality as opposed to timber fences. A condition is imposed to ensure that the design of the replacement wall complements the style of the original cobbled wall.

In overall terms, the key issue to consider is the importance of the open space and its contribution to the character of the village. The revisions to PPS3 do not preclude residential development on garden land but focuses on the visual impact on the character of the area. The site comprises an open area within the village but is not particularly prominent as it is screened when approaching from the east by Marsh Cottage whose gable abuts the pavement. The site is then exposed. On approach from the west, the neighbouring property is set back approximately 18 metres from the pavement and closely abuts the western boundary. The property would be set back 17 metres from the frontage of the site and would be a continuation of the linear frontage of the properties to the west, thereby retaining an open aspect within the village that would be consistent with the openness of the adjoining garden.

Whilst the application involves the development of an infill site within the village, the applicant has taken appropriate measures to ensure that the development would accord with the criteria of the Design Statement. The scale, design and use of materials in the building together would positively contribute to the character of the area. Further, it proposes a traditional design and use of vernacular materials such that the development would not adversely affect the character or appearance of the Conservation Area.

The Highway Authority has raised no objection and suitable mitigation measures would be incorporated to deal with surface water and attenuate any flooding issues. The building would not result in any demonstrable harm to the living conditions of any neighbouring residential dwellings. In all aspects the proposal is compliant with the objectives of the relevant Local Plan policies.

Relevant Development Plan Policies

Carlisle District Local Plan 2001 - 2016

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

All proposals for development will be assessed against their ability to promote

sustainable development. Proposals will be considered favourably in the following locations, provided they are in scale with their location and consistent with other Policies of this Local Plan.

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

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

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

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

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

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

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

Within the North Pennines and Solway Coast Areas of Outstanding Natural Beauty, and their settings, permission will not be given for development that would harm the special characteristics and landscape quality of the areas. Development proposals must conserve or enhance the natural beauty of the areas, including scenic qualities, landform, ecology, geology, cultural interests, and the historic environment, so that these qualities can be enjoyed by present and future

generations.

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

Carlisle District Local Plan 2001 - 2016

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

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

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

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

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

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

Carlisle District Local Plan 2001 - 2016

Core Development Policies - Policy CP5 - Design

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

- 1 Respond to the local context and the form of surrounding buildings in relation to height, scale and massing, and by making use of appropriate materials and detailing;
- 2 Take into consideration any important landscape or topographical features and respect local landscape character;
- 3 Reinforce local architectural features, where appropriate, promoting and respecting local distinctiveness;
- 4 Ensure all components of the proposal, such as buildings, car parking, access

routes, open space and landscaping, are well related to one another to ensure a well integrated, successful and attractive development;

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

Carlisle District Local Plan 2001 - 2016

Core Development Policies - Policy CP6 - Residential Amenity

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

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

Carlisle District Local Plan 2001 - 2016

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

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

Carlisle District Local Plan 2001 - 2016

Housing - Policy H1 - Location Of New Housing Development

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

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

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

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

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

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

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

Carlisle District Local Plan 2001 - 2016

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

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

- 1 the proposal reflects the scale and character of the existing group of buildings;

- and
- 2 there is no unacceptable adverse effect on the character and/or appearance of the Hadrian's Wall Military Zone World Heritage Site.

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

Carlisle District Local Plan 2001 - 2016

Local Environment - Policy LE19 - Conservation Areas

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

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

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

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

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

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

Item no: 03

Appn Ref No: 10/0233	Applicant: Mrs Judith Towill	Parish: Burgh-by-Sands
Date of Receipt: 10/03/2010	Agent: Taylor & Hardy	Ward: Burgh
Location: Land Adjacent Moorhouse Hall, Moorhouse, Carlisle, Cumbria, CA5 6HA		Grid Reference: 333135 556719

Proposal: Erection Of 1No. Detached Dwelling

Members resolved to give authority to the Head of Planning and Housing Services to issue approval for the proposal subject to enable Officers to investigate the applicant(s) willingness to enter into a legal agreement relating to the local occupancy restrictions rather than using a condition.

Item no: 04

Appn Ref No: 10/0433	Applicant: Mrs C Andrew	Parish: Stanwix Rural
Date of Receipt: 11/05/2010	Agent: Architects Plus (UK) Ltd	Ward: Stanwix Rural
Location: 28 Whiteclosegate, Carlisle, CA3 0JD		Grid Reference: 341190 557885

Proposal: Renewal Of Unexpired Permission Of Application 09/0349 For Erection Of 1No. Dwelling In Rear Garden Of No. 28 Whiteclosegate And

Construction Of New Access To The Existing House

Grant Permission

1. Before any work is commenced, details of the siting, design and external appearance of the building(s), and the landscaping of the site (hereinafter called "reserved matters") shall be submitted to and approved by the local planning authority.

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

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

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

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

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

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

4. Details shall be submitted of the proposed hard surface finishes within the proposed scheme and approved, in writing, by the Local Planning Authority before any site works commence.

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

5. Details of the proposed crossing of the highway verge and/or footway shall be submitted to the Local Planning Authority for approval. The development shall not be commenced until the details have been approved and the crossings have been constructed.

Reason: To ensure a suitable standard of crossing for pedestrian safety and to support Local Transport Plan Policies LD5, LD7 and LD8.

6. Before the new dwelling is commenced the new access shall be substantially completed in accordance with details to be submitted to and approved, in writing, by the Local Planning Authority.

Reason: To minimise highway danger and to safeguard the root systems of the adjacent trees in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016 and Local Transport Plan Policies LD5, LD7 and LD8.

7. The access and parking/turning requirements shall be substantially met before any building work commences on site so that constructional traffic can park and turn clear of the highway.

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

8. No development shall commence until the proposed means of surface water disposal have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the means of disposal is acceptable and to ensure compliance with Policy CP12 of the Carlisle District Local Plan 2001-2016.

9. Before any development is commenced on the site, including site works of any description, a protective fence shall be erected around the trees to be retained, in accordance with B.S. 5837, at a distance corresponding with the branch spread of the tree or hedge, or half the height of the tree or hedge, whichever is greater, unless otherwise agreed, in writing, by the Local Planning Authority. Within the areas fenced off the existing ground level shall be neither raised nor lowered, and no materials, temporary buildings or surplus soil of any kind shall be placed or stored thereon. No works shall be carried out within the fenced off area unless a method statement, detailing how those works shall be undertaken, has been submitted to and approved, in writing, by the Local Planning Authority. The protective fencing shall thereafter be retained at all times during construction works on the site.

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

10. The access drive and parking area shall be of a “no dig” construction in accordance with details to be submitted to and approved, in writing by the Local Planning Authority. No development shall commence on the dwelling hereby approved until the access and parking area have been constructed in accordance with the approved details.

Reason: To ensure that the root systems of the neighbouring trees are safeguarded in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

11. Details of the heights of the existing and proposed ground levels and the height of the proposed finished floor levels of the dwelling and access/parking areas shall be submitted to and approved, in writing, by the Local Planning Authority before any site works commence.

Reason: To ensure that the root systems of the neighbouring trees are safeguarded and to ensure that the approved development overcomes any problems associated with the topography of the area and safeguards the living conditions of neighbouring residents in accordance with Policies CP5 and H2 of the Carlisle District Local Plan 2001-2016.

12. No services trenches shall be positioned within the root protection area of those trees to be retained, unless otherwise agreed, in writing, by the Local Planning Authority.

Reason: To ensure that the root systems of the neighbouring trees are safeguarded in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

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

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

Summary of Reasons for the Decision

This application seeks to renew an unimplemented “Outline” planning permission for the erection of a detached dwelling in the rear garden of 28 Whiteclosegate, Carlisle. The site is situated on the southern side of Brampton Road, at the north eastern fringe of the city. It is surrounded by residential properties on all sides, although a public footpath runs parallel with the south eastern boundary of the site.

Whilst the Government has reviewed national guidance on residential development [in that the redevelopment of residential gardens no longer counts towards Brownfield targets] this change alone does not preclude the renewal of the previous “Outline” consent. It is the Council’s view that the principle of the proposed development remains acceptable. The indicative layout plan demonstrates that the dwelling could be accommodated on the site without detriment to the living conditions of the neighbouring properties through loss of light, loss of privacy or over dominance. Adequate car parking and amenity space could also be provided to serve the dwelling. In all aspects the proposal is compliant with the objectives of the Local Plan.

Relevant Development Plan Policies

Carlisle District Local Plan 2001 - 2016

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

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

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

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

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

The City Council will protect existing trees and woodlands where appropriate, by

tree preservation orders, and by the use of planning conditions requiring protective fencing around trees to be retained to prevent site works within their crown spread.

Carlisle District Local Plan 2001 - 2016

Core Development Policies - Policy CP5 - Design

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

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

Carlisle District Local Plan 2001 - 2016

Core Development Policies - Policy CP6 - Residential Amenity

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

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

Carlisle District Local Plan 2001 - 2016

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

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

Carlisle District Local Plan 2001 - 2016

Housing - Policy H2 - Primary Residential Areas

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

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

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

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

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

Carlisle District Local Plan 2001 - 2016

Housing - Policy H4 - Residential Development On Previously Developed Land And Phasing Of Development

In order to achieve the higher target of 65% brownfield permissions in the urban area, applications for greenfield development in addition to any allocations in H16 will not be granted planning permission. A sequential approach to site development will be applied and, in the context of Policy DP1, brownfield sites in unsustainable locations will not be given priority over more sustainably located greenfield sites. Permission will be phased on sites over 20 dwellings in the urban area and over 10 dwellings in the rural area.

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

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

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

Carlisle District Local Plan 2001 - 2016
Local Environment - Policy LE6 - Scheduled/Nationally Important Ancient Monuments

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

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

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

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

Item no: 05

Appn Ref No:
10/0279

Applicant:
Mr & Mrs Blain

Parish:
Wetheral

Date of Receipt:
26/03/2010

Agent:
Ashwood Design
Associates

Ward:
Wetheral

Location:
Land to the Rear of Ivy House, Ghyll Road, Scotby,
Carlisle, CA4 8BT

Grid Reference:
344267 554678

Proposal: Erection Of Detached Dwelling (Revised Application)

Members resolved to defer consideration of the proposal in order to undertake a site visit and to await a further report on the application at a future meeting of the Committee.

Item no: 06

Appn Ref No:
10/0697

Applicant:
Mr & Mrs Maunsell

Parish:
Kirklington Middle

Date of Receipt:
28/07/2010 16:00:20

Agent:

Ward:
Lyne

Location:
Meadow View, Smithfield, Kirklington, Carlisle, CA6
6BP

Grid Reference:
344348 565310

Proposal: Change Of Use From Agricultural Land To Domestic Curtilage

Grant Permission

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

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

2. The approved documents for this Planning Permission comprise:

1. the submitted planning application form;
2. the Tree and Hedgerow Survey;
3. Drawing Number 1;
4. Drawing Number 2;
5. Drawing Number 3;
6. the Notice of Decision; and
7. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: For the avoidance of doubt.

3. All planting, seeding or turfing comprised in the approved details of landscaping

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

Reason: To ensure that a satisfactory landscaping scheme is implemented and that it fulfils the objectives of Policy CP3 and CP5 of the Carlisle District Local Plan 2001-2016.

Summary of Reasons for the Decision

The application site forms part of the south western corner of agricultural land, currently used for grazing, within the village of Smithfield. Immediately to the north and west is open countryside whilst to the south and east are 2 no. dwellings, Meadow View and West View respectively. The field, which the application site forms part of, slopes from north to south but the application site itself is relatively level. The application site is not covered by any designation in the Carlisle District Local Plan 2001-2016.

The application site forms part of grazing land to the north Meadow View's curtilage with the application seeking Full Planning Permission for its change of use into an enlarged garden to serve the property. The northern side of the A6971, which includes the application site, comprises of residential properties in a linear form. Immediately to the east is West View whose curtilage projects into the field beyond the application site, as does the curtilages to the remaining neighbouring properties to the east. The boundary of the application site would be a linear continuation of the boundary of the adjacent curtilage with open countryside to the north and east.

The submitted drawings illustrate that the application site would measure 32 metres in width by 9 metres in depth that equates to 0.03 hectares in area. The Tree and Hedgerow Survey outlines that a section of hedgerow on the existing north-east boundary would be removed and replaced by a 1.5 metre high close boarded fence. A further, smaller section to the west would also be removed to afford pedestrian access into the application site. The Survey goes on to explain that a native hedgerow would be planted along its northern and western boundaries.

The relevant planning policies against which the application is required to be assessed are Policies CP1, CP3, CP4 and CP5 of the Carlisle District Local Plan 2001-2016. The proposal raises the following issues.

1. The Impact Of The Proposal On The Visual Character Of The Area

The area that is subject to the change of use is in open countryside, the applicant's existing hedgerow forms the settlement boundary to the north of the property.

Planning policies seek to retain the open character of the area and development proposals should not adversely affect the living conditions of the occupiers of neighbouring properties or be detrimental to the character and appearance of the area.

The rear boundary of the proposed curtilage (northern boundary) would be a continuation of the curtilage boundary to the adjacent property, West View. Further to the west, Members may recall that planning permission was granted in January for the erection of 2no. bungalows (application reference 09/0988).

The views from the north from Fir Ends Primary School and Skitby Road would be minimal. Although the land slopes down from north to south, the boundary adjacent to the highway is mature and only glimpsed views of the site would occur through the field access or breaks in the hedgerow.

2. Whether The Proposal Would Result In Loss Of Agricultural Land

PPS7 advises that Grades 1, 2 and 3a (as defined in the Agricultural Land Classification Map) should be protected as a national resource for future generations. While detailed investigations have been carried out on the margins of the built-up area of Carlisle to identify the location of these grades, within the rural area Grade 3 land has not be subdivided.

The proposed garden area lies within a general Grade 3 designation and as the total area of the proposal involves is approximately 290 square metres it is not considered to be contrary to the objectives of Policy CP4 of the Local Plan.

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

There are residential properties to the east and west. To the west, the neighbouring curtilage is screened by existing trees and hedgerow. Similarly, to the east, the property is bounded by a 1 metre high boarded timber fence with the property itself, being set back further within the site. Given the orientation of the application site with adjacent residential properties, it is not considered that the occupiers would suffer from a loss of privacy or over-dominance.

In overall terms, the application site relates well in terms of the scale and physical relationship with the adjacent curtilage and the development would not adversely affect the character and appearance of the area. The change of use would not adversely affect the living conditions of the occupiers of the neighbouring properties and in all aspects the proposal is considered to be compliant with the objectives of the relevant Local Plan policies.

Relevant Development Plan Policies

Carlisle District Local Plan 2001 - 2016

Core Development Policies - Policy CP1 - Landscape Character

Proposals for development in the rural area must seek to conserve and enhance the special features and diversity of the different landscape character areas.

Development will be considered appropriate to the character of the landscape provided the proposal has regard to and conserves:

the landform and natural patterns of drainage;

- the pattern of trees and woodland;
- the habitats of species of importance for wildlife;
- the pattern and composition of field boundaries;
- the pattern of historic landscape features;
- the pattern and distribution of settlements

Carlisle District Local Plan 2001 - 2016

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

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

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

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

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

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

Carlisle District Local Plan 2001 - 2016

Core Development Policies - Policy CP4 - Agricultural Land

Permission will not be given for development where it would lead to the loss of the best and most versatile agricultural land, unless:

- 1 there is an overriding need for the development; and
- 2 there is insufficient land of a lower grade available; or
- 3 available lower grade land has a statutory landscape, wildlife, historic or archaeological designation.

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

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

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

Item no: 07

Appn Ref No:
10/0507

Applicant:
Mr Little

Parish:
Cummersdale

Date of Receipt:
01/06/2010 08:00:30

Agent:
Dr Bell

Ward:
Dalston

Location:
58 Lingyclose Road, Dalston, Carlisle, CA5 7LB

Grid Reference:
337293 552888

Proposal: Erection Of A Small Wind Turbine (5kW) Height 14.7 Metres To Tip To The East Of The Property On A Concrete Base Surrounded By A Security Fence

Members resolved to give authority to the Head of Planning and Housing Services to issue approval subject to the conditions shown in the report and an additional condition to specify maximum permissible noise levels at the nearest noise sensitive property.

Item no: 08

Appn Ref No:

10/0304

Applicant:

TG Norman (Timber)Ltd

Parish:

Arthuret

Date of Receipt:

01/04/2010 13:00:13

Agent:

Tsada Building Design
Services

Ward:

Longtown & Rockcliffe

Location:

Francismoor Wood, Longtown, CA6 5TR

Grid Reference:

340717 566890

Proposal: Formation Of New Vehicular Access To A6071 Together With Formation Of New Parking Area And Product Display Area. Replacement Of Portable Office Unit With New Office Unit. Erection Of New Drying Shed For Storage Of Biomass Wood Storage And Relocation Of Fuel Storage Bunkers With Associated Hard Standing

Grant Permission

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

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

2. The approved documents for this Planning Permission comprise:

1. the submitted planning application form;
2. drawing number 12/7/2009/1B;
3. drawing number 12/7/2009/2;
4. drawing number 12/7/2009/3A;
5. drawing number 12/7/2009/4;
3. the Notice of Decision; and
4. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: For the avoidance of doubt.

3. No development hereby approved by this permission shall commence until samples or full details of all materials to be used on the exterior have been submitted to and approved in writing by the Local Planning Authority. The development shall then be undertaken in accordance with the approved details.

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

4. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and 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 CP12 of the Carlisle District Local Plan 2001-2016.

5. No development shall commence until visibility splays providing clear visibility of 2.4 metres x 215 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. The visibility splays shall be constructed before development on the site commences so that construction traffic is safeguarded.

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

6. The use of the development shall not be commenced until the access has been formed to give a minimum carriageway width of 4.8 metres, and that part of the access road extending 15 metres into the site from the existing highway has been constructed in accordance with details approved in writing by the Local Planning Authority.

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

7. The access and parking/ turning requirements shall be substantially met before any building work commences on site so that constructional traffic can park and

turn clear of the highway.

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

8. No development hereby approved by this permission shall commence until details showing the construction and drainage of the whole of the access area bound by the carriageway edge, entrance gates has been approved in writing by the Local Planning Authority. The development shall then commence in accordance with the approved details.

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

9. No development hereby approved by this permission shall commence until details showing the provision of a vehicle turning space within the site, which allows vehicles visiting the site to enter and leave the highway in a forward gear, have been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until any such details have been approved and the turning space constructed. The turning space shall not thereafter be used for any other purpose.

Reason: To ensure that provision is made for vehicle turning within the site and in the interests of highway safety and to support Local Transport Plan Policies LD7 and LD8.

10. No development hereby approved by this permission shall commence until details of the siting and of signage within the site advising customers of the dip in the A6071 road has been submitted to and approved in writing by the Local Planning Authority. The development shall then commence in accordance with the approved details and shall be retained thereafter.

Reason: In the interests of highway safety and in accordance with Policy EC1 of the Carlisle District Local Plan 2001-2016.

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

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

12. In the event of trenches or excavations exposing tree roots of 50mm/2 inches diameter or more, these should be carefully retained and protected by suitable measures including (where otherwise unavoidable) bridging trenches. No severance of tree roots 50mm/2 inches or more in diameter shall be undertaken without prior notification to, and the subsequent approval of the local planning authority and where such approval is given, the roots shall be cut back to a smooth surface. Prior to the commencement of development, protective fencing shall be erected around the canopy areas of the major trees in accordance with the Pre-development Arboricultural Report submitted by Alistair Hearn and received on 22nd July 2010, and no machinery or vehicles shall be parked within, or materials stored, dumped or spilled within that area.

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

Summary of Reasons for the Decision

This application seeks “Full” planning permission for the formation of a new access, redevelopment of the existing layout to the site and erection of an additional building and replacement office building at Francismoor Wood, Longtown. The application site lies immediately adjacent to the A6071 Longtown to Brampton road approximately 3 kilometres south-west of Longtown. The application site is identified on the Proposal Map that accompanies the Carlisle District Local Plan (2001-2016) as lying within a Primary Employment Area.

The application site is served by a single existing vehicular access. Due to the constrained size of both the site and the position of buildings within it, articulated vehicles delivering to the site have to reverse into the site from the A-road, posing a danger to other highway users. It is therefore proposed to re-configure the layout of the site. The south-west portion would be used for deliveries and for staff moving stock within the site. Vehicles would be able to enter in a forward direction and travel around the existing sawmill building and exit the site in a forward gear.

The existing office building, which is a portacabin-type structure, is in a poor state of repair and a replacement building would be constructed 7.5 metres to the north-west with dedicated staff parking immediately adjacent to it. The replacement office would be single storey and of timber construction under a profile sheeted roof. The building would have a footprint that measures 12 metres by 9 metres.

The coal bunkers would be relocated adjacent to the northern boundary and this would allow articulated vehicles to deliver the coal directly and manoeuvre around

the site safely.

Adjacent to the coal bunkers, in the north-west corner of the site, it is proposed to erect a building that would be used to provide barn dried seasoned timber and fuel for bio-mass heating systems. The building would measure 36 metres in width by 18 metres in depth. It would measure 5.7 metres to the eaves and 8.4 metres to the ridge. The building would be constructed from dark stained timber gap boarding under a slate grey coloured profile sheeted roof. In front of the building would be a concrete apron to allow access for delivery vehicles.

A new access would be constructed approximately 45 metres to the north-west of the existing access. This new access would be used by customers to the site, thereby negating the current conflict between delivery vehicles, staff vehicles and customers. A dedicated parking area would be provided for customers. The access would incorporate visibility splays of 2.4 metres by 215 metres in each direction.

In order to facilitate this development, an area of woodland and associated habitat would have to be removed. The area where the proposed drying shed would be sited has already been cleared.

The application has been amended following the original submission. The proposed drying shed has been repositioned insofar as it is now orientated in an east-west direction rather than north-south along the boundary.

The application site falls within an area designated for Primary Employment use under the adopted Proposals Map and, in such locations, Policy EC1 of the Carlisle District Local Plan 2001-2016 is applicable. Policy EC1 specifically states that proposals in the Sandysike/ Whitesyke area for the redevelopment and extension to existing industrial and warehousing premises will be acceptable provided that: the proposal does not have an adverse impact on the landscape; the proposal does not involve the loss of existing tree cover; where appropriate, opportunities are taken to reinforce existing landscaping; and adequate access and appropriate parking are provided.

Planning policies allow for the extension and alteration of existing premises within Primary Employment Areas. Sandysike and Whitesyke Industrial Areas are specifically identified in the policy; however, this principle is subject to consideration against the relevant policy criteria set out in the text of Policy EC1.

There is no objection to the principle of the refurbishment and limited expansion of the site. The site is however, specifically constrained by a wooded area that is located immediately within the site boundaries and it is the impact of the loss of such extensive woodland that is fundamental in determining this application. This issue is discussed in the following paragraphs.

In order to accommodate the proposed development it is necessary to clear areas of woodland and associated habitat to facilitate the development. As previously stated, an area of trees has already been cleared by the applicant; however, Members are reminded that these trees were not protected and did not require a

Felling Licence from the Forestry Commission.

The applicant has submitted an arboricultural report which highlights that the proposal requires the removal of 15 metres of beech hedge and the removal of 58 trees. To mitigate the loss of trees and woodland habitat, the report recommends the planting of between 120 and 180 oak trees that would be planted in the area between the drying shed and the site boundary to the west.

In the Design and Access Statement submitted to support this application, it is stated that the main operation is the mill and manufacture of forestry products specialising in the milling of home grown hardwoods. The proposal has been submitted in a response to expand the business into the growing market of bio mass fuels and as a result of Health and Safety issues for those using the site. Additional information, that has been subsequently received, highlights the need for the business to expand and diversify to stay competitive and viable; furthermore, the applicant is eligible for a substantial grant to facilitate the development but the time scale for obtaining this is limited.

Planning policies recognise the needs of businesses to expand but proposals should be considered in the context of the Local Plan and other policies that are applicable to the development. Policy EC1 is clear that the consideration of trees is a significant factor and that there should be no loss of trees within the site. The applicant has already cleared a section of land for which no consent was required and this has been viewed by the Council's Tree Officer as a cynical move that pre-empted the planning application. It has to be stressed, however, that the applicant has not done anything unlawful.

The importance of trees on a site should not be belittled and they should be retained where appropriate. In this instance, it is Council's view that there are material considerations that outweigh the loss of the trees. First, the development is required to maintain the economic viability of the business and those employed on the site. The applicant has stated that without the expansion it is likely that the business would cease trading. Second, the area of cleared land is located to the rear of the site and the applicant proposes to mitigate the loss by planting additional trees within the remainder of the site. In overall terms, and indeed taking a longer term view, this would not be detrimental to the landscape character of the area since a greater number of native trees would provide future woodland cover. Third, the repositioning of the drying shed would ensure that further land would be available for additional tree planting and make future development along this boundary difficult.

The Tree Officer makes reference to other applications at Sandysike that were refused and subsequently dismissed at appeal. These involved areas of Ancient Woodland that were subject of a TPO and restocking notice by the Forestry Commission. No such constraints exist on this site. It would also seem grossly unfair for the current applicants' ambitions to develop their site in a carefully managed way to be prejudiced by reference to previous actions by other landowners in the same general area. Approval of this application would not set an undesirable precedent for other such similar applications. In any event each proposals must be considered on its merits.

The proposal involves the formation of a new access on the A6071. This road is a heavily trafficked section of road where vehicles travel at speed. The Highway Authority has accepted in its' consultation response that the existing arrangement poses a threat to the safety of highway users. Provided that visibility splays of 2.4 metres by 215 metres are provided and maintained, there is no highway objection.

There are two residential properties to the west of the sawmill. One of these semi-detached properties is owned by the applicant and rented to a tenant whilst the other is in private ownership. The properties are screened from the site to the rear by a high timber close boarded fence.

The additional development is located to the north-west of the properties. Given the physical relationship of the dwellings to the site, the proposed development would not result in an increase level of noise or disturbance over and above that already generated by the existing activities.

The occupiers would not suffer from an unreasonable loss of daylight or sunlight. The siting, scale and design of the development will not adversely affect the living conditions of the occupiers of the neighbouring property by virtue of loss of privacy or over-dominance.

In overall terms, the principle of redevelopment and expansion of existing premises within Primary Employment Areas is acceptable, subject to compliance with the relevant criteria of policies within the Local Plan. The development would enable the business to continue to operate and contribute to the local economy and employment market. Although the proposal involves the loss of some trees from the site, this loss would be mitigated through the planting of replacement trees. The development would not adversely affect the landscape character or the living conditions of the occupiers of the neighbouring properties.

Relevant Development Plan Policies

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

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

Urban Area	City of Carlisle	
Key Service Centres	Brampton Longtown	
Local Service Centres	Burgh by Sands Castle Carrock Cummersdale	Heads Nook Houghton Irthington

Cumwhinton	Raughton Head
Dalston	Rockcliffe
Gilsland	Scotby
Great Corby	Smithfield
Great Orton	Thurstonfield
Hallbankgate	Warwick Bridge
Hayton	Wetheral

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

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

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

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

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

Carlisle District Local Plan 2001 - 2016

Core Development Policies - Policy CP1 - Landscape Character

Proposals for development in the rural area must seek to conserve and enhance the special features and diversity of the different landscape character areas.

Development will be considered appropriate to the character of the landscape provided the proposal has regard to and conserves:

the landform and natural patterns of drainage;

- the pattern of trees and woodland;
- the habitats of species of importance for wildlife;
- the pattern and composition of field boundaries;
- the pattern of historic landscape features;
- the pattern and distribution of settlements

Carlisle District Local Plan 2001 - 2016

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

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

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

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

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

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

Carlisle District Local Plan 2001 - 2016

Core Development Policies - Policy CP5 - Design

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

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

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

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

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

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

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

Carlisle District Local Plan 2001 - 2016
Economic & Commercial Growth - Policy EC1 - Primary Employment Areas

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

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

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

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

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

provided:

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

Carlisle District Local Plan 2001 - 2016

Transport - Policy T1- Parking Guidelines For Development

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

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

Item no: 09

Appn Ref No:
10/0577

Applicant:
Citadel Estates Ltd.

Parish:
Brampton

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

Agent:
Holt Planning Consultancy

Ward:
Brampton

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

Grid Reference:
354388 558357

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

The application Report was withdrawn from discussion at the meeting in order to await Counsel's opinion and to enable the Local Planning Authority to seek advice on the marketing undertaken and the viability of alternative uses. The application will be the subject of an additional Report at a future meeting of the Committee.

Item no: 10

Appn Ref No:
10/0164

Applicant:
Top Notch Contractors Ltd Carlisle

Parish:

Date of Receipt:
19/02/2010 16:01:32

Agent:
Hyde Harrington

Ward:
Denton Holme

Location:
102 & 104 Denton Street, Carlisle

Grid Reference:
339742 555044

Proposal: Redevelopment Of Former Prince Of Wales Public House & Conversion Of 102 Denton Street To Create 16no. Apartments & 1no. Commercial Unit With Associated Parking & Servicing

Members resolved to give authority to the Head of Planning and Housing Services to issue approval for the proposal subject to:

(1) the applicant entering into a Section 106 Agreement relating to Highway works;

(2) the planning conditions set out in the Supplementary Schedule and two additional conditions requiring (a) submission of revised details of the on-street parking bays in Denton Street and (b) the installation of obscure glazing in the 1st and 2nd floor secondary

living room windows on the gable facing the rear of the houses in Mowbray Street and;

(3) an informative to make it clear that Residents Exemption Permits will not be issued to owner/occupiers of the new development.

Item no: 11

Appn Ref No:
10/0523

Applicant:
Mrs Forster

Parish:
Askerton

Date of Receipt:
02/06/2010 13:00:15

Agent:
Ashton Design

Ward:
Irthing

Location:
Knorren Lodge, Walton, Brampton, CA8 2BN

Grid Reference:
353598 567992

Proposal: Revision Of Planning approval 09/0298. Conversion Of Units Four & Five From Live/Work Units To 2no. Dwellings

Withdrawn by Applicant/or by default

Item no: 12

Appn Ref No:
10/0524

Applicant:
Mrs Forster

Parish:
Askerton

Date of Receipt:
02/06/2010 13:00:15

Agent:
Ashton Design

Ward:
Irthing

Location:
Knorren Lodge, Walton, Brampton, CA8 2BN

Grid Reference:
353598 567992

Proposal: Revision Of Planning approval 09/0298. Conversion Of Units Four & Five From Live/Work Units To 2no. Dwellings (LBC)

Withdrawn by Applicant/or by default

Item no: 13

Appn Ref No:
10/9016

Applicant:
Newlaithes Junior School

Parish:
Carlisle

Date of Receipt:
30/06/2010

Agent:
Cumbria County Council

Ward:
Morton

Location:
Newlaithes Junior School, Langrigg Road, Carlisle,
CA2 6DX

Grid Reference:
338426 554605

Proposal: Temporary Outdoor Teaching Facility

Decision: City Council Observation - Raise No Objection **Date:** 28/07/2010

Decision of: Cumbria County Council

Decision Type: Grant Permission

Date: 26/07/2010

Item no: 14

Appn Ref No:
10/9010

Applicant:
Cumbria County Council

Parish:
Brampton

Date of Receipt:
03/06/2010

Agent:
Economy, Culture and

Ward:
Brampton

Environment

Location:

Brampton Junior School, Sawmill Lane, Brampton,
CA8 1BZ

Grid Reference:

353040 561340

Proposal: Variation Of Condition 14 Of Planning Permission 08/9017 To
retain Temporary Path Around Nursery

Decision: City Council Observation - Raise No Objection **Date:** 08/07/2010

Decision of: Cumbria County Council

Decision Type: Grant Permission

Date: 28/07/2010

Item no: 15

Appn Ref No:

10/9015

Applicant:

Mr Robert Hewson
(Headteacher)

Parish:

Carlisle

Date of Receipt:

25/06/2010

Agent:

Cumbria County Council

Ward:

Upperby

Location:

Gillford Centre, Upperby Road, Carlisle, CA2 4JE

Grid Reference:

340880 553929

Proposal: Demolition Of Existing Single Garage And Erection Of New Double
Garage For Storing School Equipment

Decision: City Council Observation - Raise No Objection **Date:** 22/07/2010

Decision of: Cumbria County Council

Decision Type: Grant Permission

Date: 26/07/2010

Item no: 16

Appn Ref No:

10/0346

Applicant:

Story Homes

Parish:

Brampton

Date of Receipt:**Agent:****Ward:**

19/04/2010 08:01:14

Brampton

Location:

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

Grid Reference:

353782 561006

Proposal: Erection Of 42no. Dwellings And Associated Infrastructure

Members will recall at Committee meeting held on 11th June 2010 that authority was given to the Head of Planning and Housing Services to issue approval subject to the satisfactory resolution of issues raised by the Environment Agency, the City Council's Open Spaces Manager not raising any objections, and the imposition of relevant conditions. The issues were resolved and no objections were raised, the relevant conditions were imposed and permission was granted on 19th July 2010.

Grant Permission

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

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

2. The approved documents for this Planning Permission comprise:

1. the submitted planning application form;
2. the accompanying background information contained in the submitted Flood Risk Assessment, Phase 1 and 2 Geo-Environmental Ground Investigation Reports, Ecological Report, Arboricultural Report and Impact Assessment, a Design and Access Statement, Summary, Soakaway Design prepared by Wavin dated 18.05.10;
2. drawing numbers: SH068.90.9.SL.LP (Location Plan);1929/1/Rev A (Topographic Survey); SH068.90.9.SL.TC Rev A (Tree Constraints Plan); 2207.001.Rev P1 (External Works); 2207.002.P1 (Site Section); 2207.002.Rev T1 (SW Drainage Layout); Typical Soakaway Non Traffic Loading detail; 2207.004.Rev T1 (Plot Drainage Layout); SH068.90.9.SL.PA Rev A (Planning Layout); SH068.90.9.SL.ET Rev A (Elevation Treatments); SH068.90.9.SL.BD Rev.C (Boundary Area and Hard Surface Details); 2207-002-003-004-T1 (Drainage Layouts Plot Drainage); Boundary Details (BD-01 to 04); c-672-01 Rev C (Soft landscape proposals); The Beech (BEE-PLE1 to 4 and PLP), Aspen (ASP PLE1 to 4 and PLP, Ash (PLE1 to 4 and PLP), Hawthorn (PLE1 to 4 and PLP), Cedar (PLE1, 2, 4 and 5, PLE3 and PLP Rev A) Willow (PLE and PLP), and Osier (PLE1 and 2, and PLP) house types; and The Single Garage (SG-EPS1);

3. the Notice of Decision; and
4. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: For the avoidance of doubt.

3. The development hereby permitted by this planning permission shall not be initiated by the undertaking of a material operation as defined in section 56(4)(a)-(d) of the Town and Country Planning Act 1990, outside of site clearance, until a planning obligation pursuant to s.106 of the said Act relating to the land has been made and lodged with the Local Planning Authority and the Local Planning Authority has notified the persons submitting the same that it is to the Local Planning Authority's approval. The said planning obligation will provide: a) a total of ten 3no. bed social/affordable dwellings; and b) the payment of commuted sum of £88,640 for the maintenance and enhancement of play facilities and open space.

Reason: In accordance with Policies IM1, H5, LC2 and LC4 of the Carlisle District Local 2001-2016.

4. The carriageway and footways 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, outside of site clearance, commences on site. 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 and to support Local Transport Plan Policies S3, LD11 and LD7

5. No dwellings shall be occupied until the estate road to serve such dwellings has been constructed in all respects to base course level and street lighting has been provided and brought into full operational use.

Reason: To ensure that the matters specified are designed to the satisfaction of the Local Planning Authority and in accordance with the objectives of Policies H1 and T1 of the Carlisle District Local Plan 2001-2016.

6. No dwelling shall be occupied until a new access has been constructed onto Station Road with 6.0 metre radius kerbs to give a minimum carriageway width of 4.8 metres in accordance with details submitted to and approved before

hand in writing by the Local Planning Authority.

Reason: To ensure adequate access is available for each occupier in accordance with Policy H1 of the Carlisle District Local Plan 2001-2016.

7. No development shall commence, outside of site clearance, until visibility splays providing clear visibility of 70 metres x 2.4 metres x 70 metres measured down the centre of the exit road and the nearside channel line of the trunk 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, to ensure compliance with Policy H1 of the Carlisle District Local Plan 2001-2016.

8. No dwelling shall be occupied until a footway connection from the estate road along Station Road to Tree Road has been provided in accordance with details approved beforehand by the local planning authority.

Reason: In the interests of highway safety in accordance with Policy H4 of the Carlisle District Local Plan.

9. 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 and people with impaired mobility can negotiate road junctions in relative safety and to support Local Transport Plan Policies LD12 and LD7.

10. Before each dwelling is occupied its associated off street parking shall be provided together with vehicular access thereto and the associated turning area in accordance with the approved plans. The access, spaces for garage and/or parking, and, turning area shall be used for no other purpose without the prior approval of the local planning authority.

Reason: To ensure that each dwelling is provided with parking and thus comply with Policies H1 and T1 of the Carlisle District Local Plan 2001-2016.

11. 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 compliance with Policies CP5, LE19 and H1 of the Carlisle District Local Plan 2001-2016.

12. For the duration of the development works existing trees to be retained shall be protected by suitable barriers in accordance with the Arboricultural Report and Impact Assessment prepared by Scott Fitzgerald Dated the 20th March 2010.

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

13. All works comprised in the approved details of landscaping shall be carried out either contemporaneously with the completion of individual plots or, in the alternative, by not later than the end of the planting and seeding season following completion of the development.

Reason: To ensure that a satisfactory landscaping scheme is implemented in accord with Policy E19 of the Carlisle District Local Plan.

14. 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.

15. The development hereby permitted shall be carried out in accordance with the Demolition Statement, Zeras Industries Asbestos Removal Risk Assessment, General Risk Assessments and Methods Statement, and Ecology Report by Veronica Howard approved under application reference numbers 10/0234 and 10/0347.

Reason: To protect the trees during development works in accordance with Policies CP2 and CP11 of the Carlisle District Local Plan 2001-2016.

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

Reason: To protect the environment and prevent harm to human health in accordance with Policy CP11 of the Carlisle District Local Plan 2001-2016.

17. Adequate underground ducts shall be installed by the developers, in accordance with details submitted to and approved before hand by the Local planning authority, before any of the dwellings) hereby permitted are occupied, to enable telephone services and electricity services to be connected to any premises within the application site, without recourse to the erection of distribution poles and overhead lines, and in providing such ducts the developers shall co-ordinate the provision of such services with the respective undertakers; notwithstanding the provisions of Article 3(1) and the Schedule 2 Part 17 Class G (B) of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), no distribution pole or overhead lines within the area shall be erected, save with the express consent of the local planning authority.

Reason: To maintain the special visual character of the locality in accordance with Policies CP5 and LE19 of the Carlisle District Local Plan 2001-2016.

18. The access covers to the underground ducts to be installed pursuant to the above condition shall be carefully located in relation to the surface finishes and to the satisfaction of the local planning authority and shall be of the type whereby the "tray" may be infilled with the appropriate surface materials.

Reason: To maintain the special visual character of the locality in accordance with Policy LE19 of the Carlisle District Local Plan 2001-2016.

Summary of Reasons for the Decision

The application site, which is approximately 1.40 ha in extent, is located to the immediate west of the now dismantled railway track/spur, and is approximately 50 metres to the east of the Tree Road/Station Road junction. The northern part of the application site, which 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, maintenance/refuelling for the associated vehicles, a relatively large open fronted salt/grit store, a vehicle maintenance workshop, an office, joiners workshop, and a tin shed. The southern section of the site comprises what resembles a paddock with an outbuilding, nissen hut, a metal corrugated sheeted garage, timber shed, and a bungalow known as Dandy Croft. Vehicular access to the site is via Station Road with a public footpath (the "Dandy Line") running along the eastern boundary following the line of a dismantled railway track.

To the west and south-west of the site there are residential properties at Tree Road and Tree Gardens. The immediately neighbouring residential units at Tree Gardens comprise bungalows primarily with rendered walls and slate or tiled roofs. The southern and western boundaries are delineated by post and wire and concrete panel fencing. There is an electricity sub-station and a former entrance to the depot on the eastern boundary of the site.

Other characteristics of the site include the presence of mature trees and the gradual incline from Station Road giving it a visual prominence. The site lies within the recently extended Brampton Conservation Area.

In 2007, under application 06/0307, full planning permission was given for the erection of a total of 23 semi-detached dwellings on the former County Council's highways maintenance depot based around a single access road with a turning head at a density of 30 dwellings per hectare. Conservation Area Consent has also subsequently been given, under application 10/0234, for the demolition of the existing buildings.

The current application seeks Full Planning Permission for the erection of 42 two storey houses with an area of open space formed adjacent to the eastern part of the frontage facing Station Road, and a field access on the southern boundary. Of the 42 units, 20 are three bed and semi-detached and the remainder detached with four bedrooms. The detailing and external finishes of the proposed dwellings vary depending on prominence such that 4 have full stone elevations; 5 have frontage walls in stone; 9 have stone feature gables, and the remainder would be finished in render and brickwork. The proposed boundary treatment consists of stone walling at the entrance and within the estate at plots 15, 30 and 38; the western (in part) and eastern boundaries to be 1.8m high close boarded fencing; and the western (in part) and southern boundaries to be a new hedgerow. The submitted details indicate that 10 of the 3 bed dwellings are to be "affordable/social" units.

Investigation Reports, an Ecological Report, an Arboricultural Report and Impact Assessment, a Design and Access Statement, a Summary, and letter. The aforementioned letter explains, amongst other things, that the proposed development is at a rate of 30 dwellings per hectare; that a payment will be provided split between the maintenance cost of the on site provision and off site improvements to King George V playing field; and that the applicant is currently in talks with Brampton Rural Housing Trust on the basis of 25% of the units being affordable at a 30% discount.

At the time of preparing this report Members should be aware that revised copies of the proposed Site Layout plan (drawing no. SH068.90.9.SL.PA) are needed that the specified house types coincide with those shown on drawing no. SH068.90.9.SL.BD. This aside, when assessing this application it is considered that the main planning issues are:

- 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 complies with Policy LC8 concerning rights of way and the "Dandy Line";
- iii) Whether the proposal would be detrimental to the character of this part of Brampton Conservation Area inclusive of trees and the proposed landscaping;
- iv) Whether the proposal would be detrimental to the living conditions of neighbouring residents including security;
- v) Whether the proposal meets the Council's objectives with regard to the provision of affordable/social housing; and,
- vi) Whether the proposal complies with Policy LC4 concerning children's play and recreational areas.

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.

The application site falls within Brampton which, under Policy DP1 of the Local Plan, is identified as a Key Service Centre. Under the Proposals Map the former Depot is identified as land allocated for housing with the remainder designated as a Primary Residential Area. As such this application relates to land in a sustainable location and therefore is consistent with the aims of up to date national, regional and Local Plan policies in respect of new housing development.

- ii) Whether The Application Complies With Policy LC8 Of The Carlisle District Local Plan 2001-16

As part of the Urban Cycle Network Review for 2007/8, Capita Symonds prepared a draft report in January 2008 concerning the Brampton Urban Cycle Network. The aforementioned report identified the following six priorities: to establish an east-west strategic cycle route through the town on which to then develop local routes; link the schools, especially William Howard Secondary School, to the urban network; improve links between the rail station and town

centre; link the main employment site (Townfoot) to the urban network; provide a cycle link between the town and Talkin Tarn; and provide cycle parking in the town centre.

In the case of the links to the railway station, the report noted that the station is over 2km from the town centre and some 70m higher. The current road cycling route is 2.8km in distance and crosses the busy A69 bypass. The "Dandy Line," however, has the potential to provide a far more attractive cycle link to the station. The recognised potential problems in achieving such a link along the Dandy Line are the need to have a licensed agreement with the landowner, the need to re-surface and widen in places, and the access onto Station Road is currently via steps and a gate - whilst usable by dismounted cycles, a ramped access may be preferable if an acceptable gradient could be achieved. The report estimated in 2008 that the cost for the establishment of a shared footway/cycle (including a licensed agreement, widening and surface improvement) along the Dandy Line as £87,500.

There is a concern that the Highway Authority's requested contribution of £25,510 to fund the installation of a ramp, on the basis of a draft policy, is not consistent with advice contained in Circular 05/2005.

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 it is recognised that the proposed houses will be visible from a number of public vantage points and that the neighbouring dwellings at Tree Gardens are in the form of bungalows. Conversely, the former Depot is not particularly attractive, the proposed design incorporates a "green", the impact of the road has been minimised, the houses have been sited to avoid a continuous frontage using a more natural grade in site levels, and involves the use of traditional materials. On the matter of density it is apparent that that

this already varies within the immediate area, for example along Tree Road there are the terraced houses on Tree Terrace, the semi-detached properties on the western side, and the detached houses on the eastern side. Whilst the proposed development shows a more even distribution this is not considered to be particularly disconcerting in this case. On balance it is considered that the design of the proposed dwellings is acceptable.

iv) Whether The Proposal Would Be Detrimental To The Living Conditions Of Neighbouring Residents Including Security

The draft SPD on "Achieving Well Designed Housing" (February 2009) indicates that there needs to be a minimum distance of 21 metres between primary facing windows between dwellings and 12/14 metres from a gable end to primary facing windows. In the case of the proposed scheme, the proposed dwellings backing onto Tree Road are shown to be at least 23 metres from their counterparts facing wall. In relation to number 1 Tree Gardens, the facing walls of the proposed dwellings on plots 12 and 13 are respectively 4 metres and 6 metres from the boundary. However, due to the levels and relationship between the proposed and existing this is not considered sufficient in itself to refuse permission. In the case of the proposed dwelling on plot 16 the facing wall is 17 metres from the boundary; for the dwelling proposed on plot 17 the distance between facing walls varies from 16 metres to 20 metres. When considering the relationship of the proposal with regard to 2 Tree Gardens the originally submitted plans showed the proposed dwelling on plot 17 to be 9 metres from the boundary and 14 metres between the nearest walls. A similar relationship existed between the proposed dwelling on plot 18 and 3 Tree Gardens. The applicant subsequently submitted a revised layout plan that addressed these concerns, and the formal observations of Cumbria Constabulary.

v) Whether The Proposal Meets The Council's Objectives With Regard To The Provision Of Affordable/Social Housing

Policy H5 of the Local Plan sets the provision of affordable housing on sites of more than 0.4 ha or in developments of 10 or more dwellings i.e. 25% on sites over 0.8ha or 25 dwellings. At this stage the proposed amount of affordable/social housing is consistent with Policy H5, it is more the means of provision that needs to be resolved.

vi) Whether The Proposal Complies With Policy LC4 Concerning Children's Play And Recreational Areas

In response to this issue, the applicant has agreed to pay £88,640 as a commuted sum for the enhancement and maintenance of play facilities and open space.

It is recognised that Local Planning Authorities must have regard to the requirements of the EC Habitats Directive (92/43/EEC) when determining a planning application as prescribed by regulation 3 (4) of the Conservation

(Natural Habitats, &c.) Regulations 1994 (as amended), and Article 16 of the Habitats Directive before planning permission is granted. Article 16 of the Directive indicates that if there is reasonable likelihood of a European Protected Species being present then derogation may be sought when there is no satisfactory alternative and that the proposal will not harm the favourable conservation of the protected species and their habitat. In this case, based on the Ecological Report, Officers are satisfied that the proposal will not harm the favourable conservation of any protected species or their habitats.

It is appreciated that other issues were raised by interested parties (such as the design of street lighting, traffic, noise from the use of the proposed dwellings, the protection of existing hedgerows/birds, and the proposed fence blocking up a side window serving a garage) but these were not considered to have sufficient weight to determine the application because they can be covered by the imposition of relevant conditions, are covered by other agencies, constitutes permitted development, and/or raise potential civil matters.

Relevant Development Plan Policies

Carlisle District Local Plan 2001 - 2016

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

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

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

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

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

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

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

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

Carlisle District Local Plan 2001 - 2016

Core Development Policies - Policy CP1 - Landscape Character

Proposals for development in the rural area must seek to conserve and enhance the special features and diversity of the different landscape character areas.

Development will be considered appropriate to the character of the landscape provided the proposal has regard to and conserves:

- the landform and natural patterns of drainage;

- the pattern of trees and woodland;
- the habitats of species of importance for wildlife;
- the pattern and composition of field boundaries;
- the pattern of historic landscape features;
- the pattern and distribution of settlements

Carlisle District Local Plan 2001 - 2016

Core Development Policies - Policy CP2 - Biodiversity

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

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

Carlisle District Local Plan 2001 - 2016

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

Proposals for new development should provide for the protection and integration of

existing trees and hedges. Where trees and hedges are present, a survey will be required showing the following:

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

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

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

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

Carlisle District Local Plan 2001 - 2016

Core Development Policies - Policy CP5 - Design

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

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

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

Carlisle District Local Plan 2001 - 2016

Core Development Policies - Policy CP6 - Residential Amenity

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

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

Carlisle District Local Plan 2001 - 2016

Core Development Policies - Policy CP7 - 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

Core Development Policies - Policy CP8 - Renewable Energy

Proposals for renewable energy will be favourably considered provided that all of the following criteria are satisfied:

- 1 there is no unacceptable visual impact on the immediate and wider landscape and townscape;
- 2 there is no adverse impact on biodiversity;
- 3 any new structures would be sensitively incorporated into the surrounding landscape/ townscape and/or habitat and respect the local landscape character;
- 4 measures are taken to mitigate any noise, smell or other nuisance or pollutants likely to affect nearby occupiers, amenities and/or neighbouring land uses;
- 5 any waste arising as a result of the development is minimised and dealt with using a suitable means of disposal;
- 6 there would be no unacceptable levels of harm to features designated as of local, national or international importance;
- 7 adequate provision can be made for access and parking and the potential impact on the road network;
- 8 there would be no unacceptable conflict with any existing recreational facilities or routes;
- 9 there would be no unacceptable cumulative effects when proposals are considered together with any extant planning approvals or other existing renewable energy developments.

Carlisle District Local Plan 2001 - 2016

Core Development Policies - Policy CP9 - Development, Energy Conservation And Efficiency

Development proposals should take into account the need for energy conservation and efficiency in their design, layout and choice of materials. The principles should be introduced in the early stages of the design process in order to consider the orientation of buildings to maximise solar gain coupled with high levels of insulation to reduce heating costs. The efficient and effective use of land, including the reuse of existing buildings and the use of environmentally sustainable materials should also be encouraged. Landscaping schemes also may be used to shelter buildings in exposed positions to reduce heat loss.

These elements will contribute to the energy efficiency of a new development. Developers should also consider the possible incorporation of photovoltaic cells, active solar panels and other small-scale sources of renewable energy. Consideration should be given to recycled materials, waste minimisation and recycling measures within the design.

Designers will be encouraged to include systems for collecting roof water to enable its re-use.

Carlisle District Local Plan 2001 - 2016

Core Development Policies - Policy CP10 - Sustainable Drainage Systems

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

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

Where SUDS are incorporated the following details shall be provided:

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

Carlisle District Local Plan 2001 - 2016

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

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

Carlisle District Local Plan 2001 - 2016
Core Development Policies - Policy CP14 - Waste Minimisation And The Recycling Of Waste

Applications for major development proposals should follow the principles of sustainable waste management and must include details of facilities for the storage, collection and recycling of waste produced on-site. Those applications for planning permission for developments involving 10 or more dwellings; business, industrial or commercial floorspace of 300 m² or more; or retail floorspace of 500 m² or more, must be accompanied by a Waste Audit providing information on the type and volume of waste likely to be generated both during construction and subsequent use of the development, and the options for its management. The acceptability of proposals will be assessed sequentially against the following order of preference:

- 1 Reduction in the amount of waste produced;
- 2 re-use of waste on site without significant processing;
- 3 recycling and/or composting of waste on-site;
- 4 recycling and/or composting of waste off-site;
- 5 recovery of value from waste produced;
- 6 landfilling of residual waste

Carlisle District Local Plan 2001 - 2016
Core Development Policies - Policy CP15 - Access, Mobility And Inclusion

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

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

Carlisle District Local Plan 2001 - 2016
Core Development Policies - Public Transport, Pedestrians And Cyclists

New developments should offer a realistic choice of access by public transport, walking and cycling. Priority should be given to the provision for safe and convenient pedestrian and cycle access including secure cycle parking provision facilities, where appropriate, in all new developments accessible to the public.

Carlisle District Local Plan 2001 - 2016

Core Development Policies - Policy CP17 - Planning Out Crime

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

The following points should be applied to all development proposals:

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

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

Carlisle District Local Plan 2001 - 2016

Housing - Policy H1 - Location Of New Housing Development

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

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

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

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

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

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

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

Carlisle District Local Plan 2001 - 2016

Housing - Policy H3 - *Residential Density

New residential development should achieve an average minimum net density of 30 dwellings per hectare. Using land efficiently is a key consideration and exceptions to this must be justified by reference to the character of the surrounding area; the nature of the development proposed and the specific site considerations. Within urban areas development will be expected to achieve a minimum net density of 40 dwellings per hectare and, where appropriate, higher densities close to the City Centre.

Carlisle District Local Plan 2001 - 2016

Housing - Policy H4 - Residential Development On Previously Developed Land And Phasing Of Development

In order to achieve the higher target of 65% brownfield permissions in the urban area, applications for greenfield development in addition to any allocations in H16 will not be granted planning permission. A sequential approach to site development will be applied and, in the context of Policy DP1, brownfield sites in unsustainable locations will not be given priority over more sustainably located greenfield sites. Permission will be phased on sites over 20 dwellings in the urban area and over 10 dwellings in the rural area.

Carlisle District Local Plan 2001 - 2016

Housing - Policy H5 - Affordable Housing

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

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

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

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

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

Carlisle District Local Plan 2001 - 2016

Local Environment - Policy LE1 - Urban Fringe Landscape

Within the Urban Fringe Landscape areas, shown on the Proposals Map, permission will not be given for development which adversely affects the open character of the areas. Development of open space recreational uses such as golf courses and playing fields which retain the essential open nature will be acceptable. In addition, small scale development within or adjacent to established farmsteads and other groups of buildings, together with buildings associated with and required for the use of the area for open recreational areas will be acceptable providing that:

- 1 the proposal reflects the scale and character of the existing group of buildings; and
- 2 there is no unacceptable adverse effect on the amenity of neighbouring property; and
- 3 there is no unacceptable adverse effect on the character and appearance of the surrounding area; and
- 4 where appropriate satisfactory access and car parking can be achieved.

Carlisle District Local Plan 2001 - 2016

Local Environment - Policy LE17 - Development Involving The Demolition Of Unlisted Buildings In Conservation Areas

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

against the following criteria:

- 1 the contribution of the building to the landscape/townscape; and
- 2 the structural condition of the building; and
- 3 the suitability of the building for its existing, proposed or any other use; and
- 4 the cost of repair; and
- 5 the contribution which the demolition/ redevelopment would make to broader conservation objectives.
- 6 the inclusion of any building on a local list as defined in policy LE16

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

Carlisle District Local Plan 2001 - 2016

Local Environment - Policy LE19 - Conservation Areas

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

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

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

will not be permitted.

Carlisle District Local Plan 2001 - 2016
Local Environment - Policy LE30 - Derelict Land

Development involving the reclamation of derelict land and buildings will be permitted provided that the land has been remediated to a standard that is fit for the proposed land use. The proposed land use shall also be appropriate to the location, and the development and accompanying landscaping are in keeping with the surroundings. Where the derelict land has reverted to a natural state its quality, and the importance as a green area, will be taken into account in any decision about its future development.

Carlisle District Local Plan 2001 - 2016
Local Environment - Policy LE31 - Hazardous Substances

Planning permission will not be granted for new development which would be subject to risk from existing hazardous installations. The same consideration will apply to proposals for new installations that would involve the use, movement or storage of hazardous substances (e.g. certain gases, liquids and explosive chemicals) and pose an unacceptable risk to the health or safety of users of the site, neighbouring land and/or environment.

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

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

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

Carlisle District Local Plan 2001 - 2016
Leisure & Community Uses - Policy LC3 - Amenity Open Space

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
Leisure & Community Uses - Policy LC4 - Children's Play and Recreation Areas

New family housing developments of 40 or more dwellings will be required to include, pro rata, the following standards of play space provision:

Outdoor playgrounds 150m² per hectare

Informal playspace 270m² per hectare

In addition to the above, on development sites of 5 hectares or over, 0.1 hectares of sports ground development per hectare will be required.

On smaller housing sites the developer will be required to make commuted payments towards the provision of play space in the locality if there is a deficiency of play space in the local area judged against the Audit of Open Space currently being carried out by the City Council as required by PPG 17.

Children's play and recreation areas required by this policy will be dedicated to the City Council for maintenance purposes and a commuted payment equivalent to 10 year's maintenance costs will be required.

Carlisle District Local Plan 2001 - 2016

Leisure & Community Uses - Policy LC8 - Rights Of Way

Carlisle City Council will seek to retain all existing footpaths, bridleways and other rights of way and to establish new routes wherever possible. New development will seek to maintain the existing rights of way network and where possible local improvements and extensions will be sought as part of new developments.

Proposals to close or divert existing rights of way will not be permitted unless an alternative route is available which is attractive, serves the same area and is not significantly longer than the original route.

Carlisle District Local Plan 2001 - 2016

Leisure & Community Uses - Policy LC9 - Disused Railway Lines

Within the Plan area, the lines of disused railways which have potential for future recreation and/or transport use will be safeguarded from development which would prejudice those future uses.

Item no: 17

Appn Ref No:
10/0408

Applicant:
Citadel Estates Ltd

Parish:
Carlisle

Date of Receipt:
04/05/2010 13:00:46

Agent:
Holt Planning Consultancy

Ward:
Denton Holme

Location:
Former Premises of Glenwarwick Shirt Co Ltd, Lime Street, Carlisle

Grid Reference:
339970 555301

Proposal: Reconfiguration Of Lawfully Commenced Housing Development
(04/0785) Including 3 Additional Houses Together With The Construction
Of The Riverside Walk Link

Members will recall at Committee meeting held on 11th June 2010 that authority was given to the Head of Planning and Housing Services to issue approval subject no objections being received from the Environment Agency and interested parties prior to the expiration of the advertisement period on the 18th June, and the imposition of relevant conditions. This period has now lapsed with no objections being received therefore the decision was issued on 29th June 2010 with the relevant conditions attached.

Grant Permission

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

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

2. The approved documents for this Planning Permission comprise:

1. the submitted planning application form;
2. the Site Location plan, drawing numbers 12/2009/02A (Proposed Ground Floor Plan including site and floor levels, alley gate, reinstatement of Lime Street pavement to an adoptable standard and cycle path), /03B (Elevations), /04B (Elevations), /05B (Proposed Ground Floor Plan), and 06/A (with regard to the layout of the proposed first floors), and the contents of the e-mail from the applicant sent to the Local Planning Authority on the 8th June 2010;
3. the Notice of Decision; and
4. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: For the avoidance of doubt.

3. Prior to the completion (by the plastering out) of the proposed dwellings on plots 1-7 (inclusive), 9 and 10 the rear access lane, as identified on drawing number 12/2009/02A shall be upgraded in accordance with details submitted to and approved in writing beforehand by the Local Planning Authority.

Reason: In order to improve the character of the area and improve security

for local residents in accordance with Policies CP5 and CP17 of the Carlisle District Local Plan 2001-2016.

4. Prior to the completion (by the plastering out) of the proposed dwellings on plots 1-13 (inclusive) the cycle path and associated low wall/railings, as identified on drawing number 12/2009/02A, shall be constructed and drained in accordance with details submitted to and approved in writing beforehand by the Local Planning Authority.

Reason: In order to ensure the improvement to the Caldew cycle track is undertaken as part of the proposed development in accordance with Policy LC8 of the Carlisle District Local Plan 2001-2016.

5. Prior to the commencement of construction of the dwellings hereby permitted on plots 7, 8 and 11 revised elevational plans showing the insertion of first floor gable end arched windows shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be constructed and completed in accordance with the aforementioned approved plans.

Reason: In order to improve the character of the area and improve security for local residents in accordance with Policies CP5 and CP17 of the Carlisle District Local Plan 2001-2016.

6. Prior to the commencement of construction of the dwelling hereby permitted on plot 1 a revised elevational plan showing the insertion of a "dummy" first floor gable end arched window opening shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be constructed and completed in accordance with the aforementioned approved plans.

Reason: In order to improve the character of the area in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

7. Prior to the completion (by the plastering out) of the last dwellinghouse hereby permitted the pavement along the Lime Street frontage shall be reinstated to an adoptable standard in accordance with details submitted to and approved in writing beforehand by the Local Planning Authority.

Reason: In the interests of pedestrian safety and ensure adequate access in accordance with Policies CP15 and LC8 of the Carlisle District Local Plan 2001-2016.

8. No dwelling hereby permitted on plots 1-13 (inclusive) shall be occupied until the access drive, parking and turning area to serve such dwellings have been fully constructed and drained in accordance with details submitted to and approved in writing beforehand by the Local Planning Authority.

Reason: To ensure that the development is served by a vehicular access, turning area and parking constructed to the satisfaction of the Local Planning Authority in accordance with Policies H1 and T1 of the Carlisle District Local Plan 2001-2016.

9. All works comprised in the approved details of boundary walls and fences shall be carried out contemporaneously with the completion (i.e. by the plastering out) of each residential unit 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 that safeguards the security of residents in accord with Policies CP5, CP17 and H1 of the Carlisle District Local Plan 2001-2016.

10. 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 accord with Policies CP7 and H1 of the Carlisle and District Local Plan 2001-2016.

11. Details shall be submitted of the proposed hard surface finishes to all public and private external areas within the proposed scheme and approved in writing by the Local Planning Authority before any site works commence, and the approved scheme shall be implemented contemporaneously with the completion (i.e. by the plastering out) of each dwelling hereby permitted.

Reason: To ensure that materials to be used are acceptable and in accord with Policies CP7 and H1 of the Carlisle and District Local Plan 2001-2016.

12. 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 CP3 of the Carlisle District Local Plan 2001-2016.

13. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of any dwelling or the completion of the development hereby permitted, whichever is the sooner; 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 in accordance with the objectives of Policy CP3 of the Carlisle District Local Plan 2001-2016.

14. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To ensure that the effects of any contamination are combated successfully in the interests of the future occupiers/users of the site and to protect the quality of the River Caldew.

Summary of Reasons for the Decision

This application relates to 0.2 ha of “brownfield” land located to the immediate north and east of the terraced houses at 17 to 33 Lime Street. The land was formerly occupied by a relatively small shirt factory, and the now demolished houses that had comprised 1 -15 Lime Street but now forms an open amenity area. The recently constructed flood defences form the eastern boundary with the River Caldew; to the north and south there is the Caldew cycle track; and to the west terraced housing at Conisburgh Court. The “Goods Avoidance (railway) Line” passes the north eastern corner of the application site.

Under the Proposals Map of the Carlisle District Local Plan 2001-16 the site is identified as part of a Primary Residential Area. The River Caldew is an SSSI and SAC.

In August 2004, under application 04/0785, outline planning permission was given for residential development of the former shirt factory. In 2006, under application 06/0452, Approval of Reserved Matters was obtained for the erection of 14 no. two bed dwellings with the subsequent discharge of a condition concerning the undertaking of a site investigation granted under 09/0541.

The current application seeks full permission for the re-configuration of the housing development lawfully commenced and originally approved under 04/0785, coupled with the erection of three additional dwellings, and the construction of the “missing link” of the Caldew cycle track. The submitted plans show the proposed terraced houses to consist of a lounge, kitchen and w.c. on the ground floor with two

bedrooms and a bathroom on the first floor. Proposed units 14-17 front Lime Street with plots 1-13 served by a separate access and drive. The intention is for the cycle track to be separated from the access drive by a wall with railings, and each house to be served by a parking space. Externally the houses are to be constructed with brick walls, coloured concrete cills and heads, and blue/grey plain tiled roofs. The “public” boundaries are shown to be delineated by brick walls.

The application is accompanied by a Planning Statement (inclusive of a Design and Access Statement), a revised Flood Risk Assessment, a Geo-Environmental Site Investigation Interpretative Report, and a letter from the agent.

The Planning Statement explains, amongst other things, that:

- Since the previously approved scheme, the layout now incorporates a riverside cycle track that constitutes a critical strategic link in the wider cycle network;
- The previously approved scheme has been lawfully commenced and represents a material fall-back position that narrows the consideration of this current application to chiefly matters of detailed design;
- The current scheme offers a major public benefit as well as palpable improvements to the overall design approach and the efficient use of previously developed land in a sustainable location;
- It is vitally important to appreciate that the entire layout and its design has been shaped fundamentally by the incorporation of the cycle track along the riverside; and
- The revised scheme acknowledges the Council’s most recent draft SPDs “Achieving Well Designed Housing” and “Urban Design Guide and Public Realm Framework” as well as the “Denton Holme and Longsowerby Design Statement”. The Geo-Environmental Site Investigation concludes that significant remedial measures would not be required to enable development of the site; the risk posed from ground gas is low; and that all development should take into account Environment Agency guidance, licences and requirements for works adjacent to a “main river”.

The letter from the agent also explains that an application has been submitted for Constable Street (reference number 10/0415) that needs to be considered in parallel with this application; in practical terms the proposal at Lime Street comprises two elements, namely the housing for which there would be no requirement for affordable housing (based upon the net increase in numbers beyond the extant lawfully commenced scheme under 04/0785), and the riverside cycle track. The aforementioned letter goes on to state that the provision of the cycle track not only remains at the sole discretion of the applicant but also represents a considerable cost.

It is considered that the main planning issues in the case of this application are whether the advantages outweigh the disadvantages with regard to:

1. Whether the proposed residential development of the site is appropriate in the context of the consequent loss of an open area;
2. Whether proposed residential development on this site is compatible with the "Goods Avoidance (railway) Line";
3. Whether the proposal meets the objectives of the Development Plan with regard to the provision of affordable housing;
4. Whether the proposal would be detrimental to the living conditions of neighbouring residential properties including security;
5. Whether the proposal would be detrimental to the character of the area inclusive of any measures to take account of the risk from flooding;
6. Whether the proposal safeguards the biodiversity and ecology of the area including the Caldew SSSI and SAC; and
7. Whether the proposal would be detrimental to highway safety.

In relation to 1), the area of open space is restricted in size and shape, and therefore the effectiveness of any recreational use. In the context of the existing space available along the riverside, the loss of this area is not considered to be of any great significance.

The Goods Avoidance Line passes across the north eastern corner of the site but, when previously commenting on application 04/0785, the then Strategic Rail Authority did not raise any objection because the development does not encroach upon the Line itself. Network Rail have subsequently confirmed that it does not wish to object to the proposal.

The third key issue centres on whether the proposal meets the objectives of the Development Plan with regard to the provision of affordable housing. Policy H5 of the Local Plan 2001-16 states that on allocated housing and windfall sites of 10 or more dwellings it will be expected that 30% of units will be affordable. In this case the applicant has highlighted that the fall-back position is the development already commenced for the 14 houses approved under 04/0785, that this scheme has been submitted as a means to achieve the missing link in the Caldew cycle track, and that the three additional dwellings do not in themselves require the provision of any affordable units.

The fourth key issue is to consider whether the proposal would be detrimental to the living conditions of neighbouring residents. The draft SPD on "Achieving Well Designed Housing" (February 2009) indicates that there needs to be a minimum distance of 21 metres between primary facing windows between dwellings and 12/14 metres from a gable end to primary facing windows, in the interests of preserving the privacy of existing and prospective residents. In the case of this application the separation distance between proposed plots 1-7 and the existing terraced houses at 17-33 Lime Street varies from 15.2 metres to 22.5 metres. In addition, the proposed

dwelling on plots 9 and 10 are at right angles to 17 – 33 Lime Street. Furthermore, the proposed units on plots 14-17 continue the existing frontage along Lime Street, and are of a similar height and disposition. On this basis it is considered that the proposal will not lead to losses in privacy or light for the occupiers of the existing residential units to merit the refusal of permission. In the case of the proposed dwellings there is a potential concern over the close proximity of the gable end of plot 10 with the facing wall of plot 15. In mitigation there are no windows in the gable end of plot 10 and the terraced houses on plots 14-17 are likely to receive sunlight during the majority of the day during Spring and Summer months. In effect the limited outlook from plot 15 and the separation distances between plots 1-7 and the houses at 17-33 Lime Street are deficiencies in the scheme, but are a reflection of the constrained nature of the site. This is in the context of the relatively high density development within the locality such as Randall Street and Lorne Street. In response to the comments made by Cumbria Constabulary, the applicant has agreed for the proposed dwellings on units 7, 8, 11 and 13 to have windows in the gable end, to install an alley gate and to incorporate brick boundary walls.

The fifth key issue to consider is whether the proposal would be detrimental to the character of the area. The scale, layout and overall design of the development are considered to be acceptable in terms of urban design and its relationship with existing neighbouring developments. The proposal is considered to be consistent with the objectives of the Denton Holme and Long Sowerby Design Statement (2007).

When considering whether the proposal safeguards the biodiversity and ecology of the area it is recognised that local planning authorities must have regard to the requirements of the EC Habitats Directive (92/43/EEC) when determining a planning application as prescribed by regulation 3 (4) of the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended), and Article 16 of the Habitats Directive before planning permission is granted. Article 16 of the Directive indicates that if there is reasonable likelihood of a European protected species being present then derogation may be sought when there is no satisfactory alternative and that the proposal will not harm the favourable conservation of the protected species and their habitat. In this case, the proposal relates to a cleared site the majority of which was used as a compound by the Environment Agency for the construction of the City's flood defences. The site is also physically separated from the River by the resultant wall. On this basis it is considered that there should be no significant effects from the proposal, and that there will be no harm the favourable conservation of any protected species or their habitats.

The final key consideration is whether the proposal would be detrimental to highway safety. The Highway Engineer originally raised concerns with regard to the proposed private access drive because of its limited width, the lack of a turning head, restricted access by service vehicles, and the need for refuse collection points. The applicant has consequently submitted a revised layout plan to take account of these issues.

It is appreciated that a neighbouring resident has raised concerns over the need to retain a strip of land for the maintenance of his property and the need to heighten a garage wall. In response the applicant has agreed to meet these requirements and

detailed them on the revised plans.

On the one hand the current application does not involve the direct provision of any affordable housing and there is a concern over the outlook for the future occupiers of plot 15, and the separation distances between plots 1-7 and the houses at 17-33 Lime Street. In mitigation it is necessary to recognise the fall-back position of the applicant and that any tenant of plot 15 would be readily aware of the situation prior to entering any tenancy and thus represents a recognised risk to the developer. The strengths of the current proposal stem from the effective re-use of a brownfield site in a sustainable location, that represents an enhanced scheme to that already approved, and enables the missing link along the Caldew cycle track to be completed with all the social, recreational and environmental benefits that would accrue. In overall terms it is considered that the advantages outweigh the disadvantages.

Relevant Development Plan Policies

Carlisle District Local Plan 2001 - 2016

Core Development Policies - Policy CP2 - Biodiversity

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

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

Carlisle District Local Plan 2001 - 2016

Core Development Policies - Policy CP5 - Design

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

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

other wildlife habitats where possible. Where environmental features are lost as a result of the proposal, appropriate mitigation measures should be put in place and on-site replacement of those features will be sought;

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

Carlisle District Local Plan 2001 - 2016

Core Development Policies - Policy CP7 - 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

Core Development Policies - Policy CP9 - Development, Energy Conservation And Efficiency

Development proposals should take into account the need for energy conservation and efficiency in their design, layout and choice of materials. The principles should be introduced in the early stages of the design process in order to consider the orientation of buildings to maximise solar gain coupled with high levels of insulation to reduce heating costs. The efficient and effective use of land, including the reuse of existing buildings and the use of environmentally sustainable materials should also be encouraged. Landscaping schemes also may be used to shelter buildings in exposed positions to reduce heat loss.

These elements will contribute to the energy efficiency of a new development. Developers should also consider the possible incorporation of photovoltaic cells, active solar panels and other small-scale sources of renewable energy. Consideration should be given to recycled materials, waste minimisation and recycling measures within the design.

Designers will be encouraged to include systems for collecting roof water to enable its re-use.

Carlisle District Local Plan 2001 - 2016

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

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

Carlisle District Local Plan 2001 - 2016

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

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

Carlisle District Local Plan 2001 - 2016

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

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

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

Carlisle District Local Plan 2001 - 2016

Core Development Policies - Policy CP17 - Planning Out Crime

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

The following points should be applied to all development proposals:

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

pollution. CCTV may be considered necessary in certain circumstances.

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

Carlisle District Local Plan 2001 - 2016

Housing - Policy H2 - Primary Residential Areas

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

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

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

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

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

Carlisle District Local Plan 2001 - 2016

Housing - Policy H3 - *Residential Density

New residential development should achieve an average minimum net density of 30 dwellings per hectare. Using land efficiently is a key consideration and exceptions to this must be justified by reference to the character of the surrounding area; the nature of the development proposed and the specific site considerations. Within urban areas development will be expected to achieve a minimum net density of 40 dwellings per hectare and, where appropriate, higher densities close to the City Centre.

Carlisle District Local Plan 2001 - 2016

Housing - Policy H4 - Residential Development On Previously Developed Land And Phasing Of Development

In order to achieve the higher target of 65% brownfield permissions in the urban area, applications for greenfield development in addition to any allocations in H16 will not be granted planning permission. A sequential approach to site development will be applied and, in the context of Policy DP1, brownfield sites in unsustainable locations will not be given priority over more sustainably located greenfield sites. Permission will be phased on sites over 20 dwellings in the urban area and over 10 dwellings in the rural area.

Carlisle District Local Plan 2001 - 2016

Housing - Policy H5 - Affordable Housing

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

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

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

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

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

Carlisle District Local Plan 2001 - 2016

Local Environment - Policy LE2 - Sites Of Special Scientific Interest

Development proposals within or likely to affect the nature conservation or geological interest of Sites of Special Scientific Interest will be subject to special scrutiny and will not be permitted unless:

- 1 The reasons for the development clearly outweigh the nature conservation value of the site for which it is of special interest and therefore designated as part of the national series of SSSIs; or
- 2 the nature conservation interest of the site can be fully protected and enhanced by the appropriate use of planning conditions or obligations.

Carlisle District Local Plan 2001 - 2016

Local Environment - Policy LE27- Developed Land In Floodplains

Development on previously developed land which is at risk of flooding will only be permitted provided that a Flood Risk Assessment has been submitted with the planning application that confirms:

- 1 no other lower risk alternative site exists in the case of proposed development in Zone 3 (High Probability of river and/or sea flooding); and
- 2 flood defence measures to the appropriate standard are already in place or can be provided; and
- 3 adequate flood plain storage capacity can be provided; and
- 4 the development will not interfere with flood flows nor increase flood risk elsewhere; and
- 5 access and egress could be reasonably maintained at times of flood risk; and
- 6 adequate flood warning and evacuation procedures will be provided; and
- 7 mitigation measures will be provided where necessary; and
- 8 the building materials are appropriate for a flood risk area.

Carlisle District Local Plan 2001 - 2016

Local Environment - Policy LE29 - Land Affected By Contamination

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

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

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

Carlisle District Local Plan 2001 - 2016

Transport - Policy T1- Parking Guidelines For Development

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

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

Carlisle District Local Plan 2001 - 2016
Leisure & Community Uses - Policy LC8 - Rights Of Way

Carlisle City Council will seek to retain all existing footpaths, bridleways and other rights of way and to establish new routes wherever possible. New development will seek to maintain the existing rights of way network and where possible local improvements and extensions will be sought as part of new developments. Proposals to close or divert existing rights of way will not be permitted unless an alternative route is available which is attractive, serves the same area and is not significantly longer than the original route.