

Committee Minutes

Control of Development and Advertisements

The Development Control Committee received and considered the following applications:

Item no: 01

Appn Ref No:
07/0091

Applicant:
Northcare Developments
Ltd

Parish:
Brampton

Date of Receipt:
02/02/2007

Agent:
Blue Sky Planning

Ward:
Brampton

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

Grid Reference:
354949 560128

Proposal: Demolition Of Remaining Building And Erection Of A Secure Residential Mental Health Centre For Children And Adolescents Including Ancillary Staff Accommodation (within Class C2) Access, Parking And Boundary Treatment (Revised Proposal)

Planning Decision

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. Notwithstanding any description of materials in the application no development shall be commenced until samples or full details of materials to be used externally on the building(s) have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials.

Reason: To ensure that materials to be used are acceptable in accordance with Policy H16 of the Carlisle District Local Plan.

3. Prior to the commencement of development hereby approved, details of a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include details of the proposed type and species of all planted material including particulars of the proposed heights and planting densities.

Reason: To ensure that a satisfactory landscaping scheme is prepared. and to ensure compliance with Policy E9 of the Carlisle District Local Plan

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

Reason: To ensure that a satisfactory landscaping scheme is implemented and that it fulfils the objectives of Policy E9 of the Carlisle District Local Plan.

5. Prior to the commencement of development hereby approved, details for a scheme for the conveyance of foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The details of the means of surface water drainage shall include the use of Sustainable Drainage Systems (SuDS). The development shall then be undertaken in accordance with the approved details.

Reason: To prevent pollution of the water environment in accordance with the objectives of Policy E22 of the Carlisle District Local Plan.

6. Prior to the commencement of development hereby approved, details of the proposed hard surface finishes to all public and private external areas within the proposed scheme shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be undertaken in accordance with the approved details.

Reason: To ensure that materials to be used are acceptable and in compliance with the objectives of Policy H16 of the Carlisle District Local Plan.

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

Reason: For the avoidance of doubt.

8. Prior to the commencement of development hereby approved, any material deposited beneath the canopy and adjacent to existing trees as a result of previous demolition work, shall be removed from the site or stored in an alternative location in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to ensure that adequate protection is afforded to all trees on the site in accordance with the objectives of Policy E9 of the Carlisle District Local Plan.

9. Prior to the commencement of development hereby approved, including any site works of any description, details of tree protection barriers together with associated warning signs shall be submitted to and approved in writing by the Local Planning Authority. These details shall be in accordance with BS 5837 'Trees on Development Sites' within the areas so fenced off, the existing ground level shall be either raised nor lowered and no materials or temporary buildings or surplus soil of any kind shall be placed or stored thereon. If any trenches for services are required in the fenced off area, they shall be excavated and backfilled by hand and any roots encountered with a diameter of 50mm or more shall be left unsevered. The fence shall thereafter be retained at all times during construction works on the site.

Reason: In order to ensure that adequate protection is afforded to all trees on the site in accordance with the objectives of Policy E9 of the Carlisle District Local Plan.

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

Reason: For the avoidance of doubt.

11. Prior to the commencement of development hereby approved, particulars of height, materials and colour of all screen walls and fences shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be undertaken in accordance with the approved details.

Reason: To ensure that the appearance of the area is not prejudiced by lack of satisfactory screening which is not carried out in a co-ordinated manner and to ensure compliance with Policy H16 of the Carlisle District Local Plan.

Summary of Reasons for the Decision

The application seeks planning consent to redevelop the site of the former Milton Hall Nursing Home at Milton, Brampton, close to Brampton railway station. The majority of the buildings that previously occupied the site have now been demolished with only one building remaining centrally within the site. Mature trees fringe much of the site to the south and west with open countryside to the north and east although several residential properties front the access road to the east. The site is within a County Landscape.

The proposal involves the construction of two buildings to be utilised as a secure mental health facility. The principal of these is a two-storey main block which would contain the entrance/reception area, administration, recreational, educational, and support services (including kitchen facilities) together with extensive rear wings providing 32 bedrooms with associated lounge, treatment and recreational areas. The building would be finished from a combination of materials including reconstituted slate, aluminium, aluminium louvres, render, brick plinths, red cedar boarding and sliding sash aluminium windows.

Standing detached from that main block is a proposed two-storey building staff accommodation building sited closer to the access road to the east. It would provide 6no. single ensuite bedrooms, a kitchen, dining room and sitting room, with the same accommodation replicated on the first floor. The building would be constructed from materials to match those of the proposed adjacent building.

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

The relevant planning policies against which the application is required to be assessed are Policies E4, E19, E22, T1, T7, H17 and EM10 of the Carlisle District Local Plan and Policies DP9, CP2, CP4, CP5, CP9, CP11, CP14, CP16 and T1 of the Carlisle District Local Plan Redeposit Draft.

The proposals raise the following planning issues:

1. The Principle Of Development

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

The principal use of the building would be as a secure residential mental health

centre for children and adolescents. This would be a similar use to the established use on the site; however, reference is made in the consultation response from North Cumbria Health Authority that potentially the unit could accept youths requiring mental health intervention transferred from the Youth Justice System. The primary purpose of the development is to provide a secure residential mental health care facility for children and adolescents. Given the specialist nature of this development, it is perhaps inevitable that patients may also be treated from the Youth Justice System; however, Members will note that Cumbria Constabulary has no objection to the application.

The applicant's agent has submitted correspondence in response to the issues raised in the letter of objection. This letter also provides some additional useful background information to the application and a copy of the letter has been reproduced following this report.

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

Not only is the site located outwith any recognised settlement, the site is within an area designated as being of County Landscape Importance. In this context, planning policies are more restrictive on terms of the visual impact on the character of the area, given the particular designation of the countryside. The site slopes from east to west and is bounded by mature trees. The proposed development would largely take place centrally and to the west of the site and in this context, the existing trees would serve as adequate screening to the development. The impact, therefore, on the character of the area would be minimal.

3. The Scale And Design Of The Development

The site is bounded by established woodland and the topography is such that there is a 2 metre fall across the site from east to west. The buildings are proposed to be set back within the site, with the access taken from the eastern boundary. The residential accommodation building would be located towards the frontage of the site with the vehicular and pedestrian access routes adjacent and leading up to the main building.

It is proposed that the two-storey element would form the public façade to the site and would serve to screen the more private wards to the rear. The layout of the building has been designed to maximise the topography of the site, the existing landscaping and to take account of the views surrounding the site, particularly to the north over the ha-ha.

The adjacent properties to the site are of traditional appearance and construction, primarily finished from natural stone under a natural slate roof. The design of the proposed buildings is contemporary in their appearance and would be finished in a style to match using render, cedar cladding, reconstituted slate and aluminium roofs. Given the character of the site and the details of the proposal, the scale and design of the proposal would not be inappropriate or obtrusive.

4. The Impact Of The Proposal On The Living Conditions Of The Occupiers

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

The buildings are proposed to be sited within the context of the site. Residential properties are located to the east, adjacent to the highway that links Brampton Station with Milton. The proposed residential building would be 14 metres to the northwest of the nearest property whilst the main building would be 46 metres to the west of nearest property. In this respect, the proposal would not adversely affect the living conditions of the occupiers of these properties through over-dominance, loss of light or loss of privacy.

5. Other Matters

The site is bounded by significant areas of mature trees that serve to screen the site. Planning policies along with the Council's Supplementary Planning Guidance seek to protect the trees from unacceptable development. The Council's Tree Officer requested a tree inspection for the report and has met with a representative of the applicant on site. His findings state that all the trees recommended for removal have significant defects and therefore, it would be good management if the work to the trees detailed in the report are carried out as soon as possible.

The applicant has indicated that there is an existing collection tank, sensor system and pump set for foul drainage within the site area. There is then a pumping main through the site, along the road verge to an existing collecting chamber on the main drainage system. The foul drainage of the development would connect into this drainage system.

Owing to the fact that patients would be supervised at all times and to the protocols to be drawn up by the management team of the facility, Cumbria Constabulary has raised no objection to the proposed development.

6. Conclusion

In overall terms the principle of the redevelopment of the site has been established through the previous use of the site and the extant planning consent. Furthermore, the proposal does not adversely affect the living conditions of adjacent properties by poor design, unreasonable overlooking or unreasonable loss of daylight or sunlight. The scale and design of the building is acceptable in relation to the context of the site and in all aspects the proposals are considered to be compliant with the objectives of the relevant adopted and emerging Development Plan policies.

Relevant Development Plan Policies

Carlisle District Plan Environment - Policy E4

Within County Landscapes (as defined on the Proposals Map) permission will not be given for development or land use changes which would have an unacceptable effect on their distinctive landscape character.

Development required to meet local infrastructure needs which cannot be located elsewhere will be permitted provided it is sited to minimise environmental impact and meet high standards of design.

Carlisle District Plan Environment - Policy E19

In considering proposals for new development the City Council will where appropriate require the retention of existing trees, shrubs, hedges and other wildlife habitats, and the replacement of any environmental feature lost to development. Landscaping schemes to be implemented by the applicant will be required as part of most planning applications.

Carlisle District Plan Environment - Policy E22

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

Carlisle District Plan Transport - Proposal T1

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

Carlisle District Plan Transport - Proposal T7

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

1. The Parking Guidelines for Cumbria as detailed in Appendix 2;
2. The availability of public car parking in the vicinity;

3. The impact of parking provision on the environment of the surrounding area;
4. The likely impact on the surrounding road network; and
5. Accessibility by and availability of other forms of transport.

**Carlisle District Plan
Housing - Proposal H17**

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

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

**Carlisle District Plan
Employment - Proposal EM10**

Within the remainder of the Plan area permission will not be granted for industrial, warehousing and commercial development. However, small scale development within existing settlements, the curtilage of existing employment premises, or groups of farm buildings, or moderate extensions to existing premises will be acceptable provided:

1. There is no unacceptable adverse impact on the local landscape; and
2. There is no unacceptable adverse effect on nature conservation interests; and
3. Adequate access and appropriate parking provision can be achieved; and
4. There is no unacceptable adverse affect on the amenity of any adjacent properties.

**Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft
Development Principles - Policy DP9 - Landscapes of County Importance**

Within Landscapes of County Importance, will only be given for development provided that:

1. there is no unacceptable adverse effect on the distinctive landscape character and features of the area; and
2. the proposal preserves or enhances the special features and character of the particular landscape within which it is to be sited.

Development required to meet local infrastructure needs which can not be located elsewhere will be permitted provided it is sited to minimise environmental impact and meet high standards of design.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Core Development Policies - Policy CP2 - Trees and Hedges on Development Sites

When considering proposals for development on sites where there are existing trees and hedges, a survey will be required to show the following information:

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

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

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

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

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Core Development Policies - Policy CP4 - Design

The suitability of any new development or redevelopment will be assessed against the following design principles. Proposals should:

1. Have regard to surrounding buildings in the context of their form in relation to height, scale and massing and making use of appropriate materials and detailing.
2. Take into consideration any important landscape or topographical features and respect local landscape character.
3. Reinforce local architectural features where appropriate promoting and

- respecting local distinctiveness rather than detracting from it.
4. Be well integrated- ensuring all components of a development are well related to one another e.g. buildings, associated parking, access routes, open space, and hard and soft landscaping to ensure a successful and attractive outcome.
 5. Not adversely affect the residential amenity of existing areas-nor adjacent land uses, nor result in unacceptable standards for future users and occupiers of the development.
 6. Ensure where possible the retention of existing trees, shrubs, hedges and other wildlife habitats and the replacement of any environmental feature lost to development
 7. Recognise that landscaping schemes (both hard and soft) will be required to assist in integrating new development into existing areas and ensure that development on the edge of settlements is fully integrated into its surroundings.
 8. Ensure that the necessary services and drainage infrastructure can be incorporated without causing unacceptable harm to retained features.
 9. Through layout and design, encourage the promotion of energy and water conservation by its future occupiers, the incorporation of sustainable forms of energy production within the overall design should also be explored where appropriate
 10. Have a layout and design which minimises the potential for crime and antisocial behaviour.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Core Development Policies - Policy CP5 - Residential Amenity

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

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

In order to ensure residential amenity is not compromised a minimum distance of 21 metres should be allowed between primary facing windows between dwellings (12 metres gable end to primary facing window). A minimum of 4 metres should be allowed between gable ends to allow for maintenance of property. Changes in levels of land and height of development will be taken into account in applying these distances.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Core Development Policies - Policy CP9 - Sustainable Drainage Systems

When the following conditions apply sustainable drainage systems (SuDS) should be incorporated into a development proposal:

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

- problems; and
3. Sufficient land is available, or can be made available to incorporate any form of SuDS.

Where SuDS are to be incorporated the following details shall be provided:

1. The type of SuDS; and
2. Hydraulic design details/calculations; and
3. Operation, maintenance and, where appropriate, adoption details.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Core Development Policies - Policy CP11 - Foul and Surface Water Sewerage and Sewage Treatment

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

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Core Development Policies - Policy CP14 - Accessibility, Mobility and Inclusion

The layout and design of any development will be encouraged to meet the highest standards of accessibility and inclusion for all potential users regardless of disability, age or gender. Development proposals will be expected to demonstrate that they have made provision for easy, safe and inclusive access to, into and within buildings and facilities through the submission of an access statement alongside their planning application. The need for adequate parking facilities for disabled people should also be taken into account.

Facilities for disabled people should be included in proposals for extending and altering buildings and open spaces and changes of use where they are to be used by the public, in accordance with Part M of the Building Regulations 2004 and the Disability Discrimination Act 1995. Beyond these requirements, the City Council will seek, where applicable, to negotiate the extent of provision required for disabled people.

The Council will have regard to the following criteria when assessing development proposals:

1. The design of entrances and exits and ease of permeation through and between developments- in terms of street furniture, circulation areas and pedestrian routes
2. Location of any development proposal in relation to its potential users, customers, employees
3. Accessibility by all transport modes and provision for parking for disabled people
4. Provision of on site facilities e.g. baby changing facilities, public toilets, disabled parking, lifts and appropriate signage.

5. Consideration should also be given to the guidance in 'Better Access' produced by Carlisle City Council, regarding building details and accessibility for all and BS 8300: 2001 'Design of buildings and their approaches to meet the needs of disabled people- Code of Practice'.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Core Development Policies - Policy CP16 - 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
1. 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
2. Public and private spaces should have clearly defined boundaries.
3. Footpaths and cycleways should be designed to maximise their use and prevent opportunities for concealment, unauthorised access or provide a choice of escape routes.
4. Landscaping schemes should be designed to ensure that they do not create secluded areas, opportunities for climbing or reduce natural surveillance.
5. Lighting should deter criminal and antisocial activity whilst minimising light pollution.
7. CCTV may be considered necessary in certain circumstances. Developers should, at the earliest stage possible, consult the Architectural Liaison Officer to advise on measures to be incorporated for designing out crime.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Transport - Policy T1 - Parking Guidelines

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.
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Item no: 02

Appn Ref No:
07/0109

Applicant:
Mr Neil Stuart

Parish:
Wetheral

Date of Receipt:
05/02/2007

Agent:

Ward:
Great Corby & Geltsdale

Location:
6 The Beeches, Great Corby, Carlisle CA4 8LP

Grid Reference:
347117 554627

Proposal: Internal Remodelling And Extension To Form Extended Living Room,
Utility Room, Additional Bedroom And En-Suite

Planning Decision

Grant Permission

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

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

2. The materials (and finishes) to be used in the construction of the proposed development shall be in accordance with the details contained in the submitted application, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure a satisfactory external appearance for the completed development and to comply with Policy H14 of the Carlisle District Local Plan and Policy CP4 of the Carlisle District Redeposit Local Plan (2001-2016).

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

Reason: In order to protect the privacy and living conditions of residents in close proximity to the site and to ensure compliance with Policy H14 of the Carlisle District Local Plan.

Summary of Reasons for the Decision

The property subject to this application 'No. 6 The Beeches' is a two-storey terraced house situated within a small housing estate. The property is neighboured by No. 5 The Beeches to the east and No. 7 Beeches to the west. The dwelling is constructed from brick, painted white under a concrete tiled roof. The boundary is delineated by a 1 metre high hedge to the east and a 1 metre high timber fence to the west with mature planting on the northern boundary. The property is one of several in a terrace, which are largely unaltered with open aspects to both the front and rear elevations due to the boundary treatment and the adjacent areas of grass, particularly to the rear. The dwelling is located within the Great Corby Conservation Area.

The dwelling externally measures 7.8 metres in width by 6.2 metres in length, reaching to a total height of 6.8 metres to the ridge. This application seeks full planning permission for a two storey extension to the 'rear' elevation to form an extended living room, utility room, additional bathroom and en-suite to the 'rear' elevation of No. 6 The Beeches, Great Corby, Carlisle. The existing terraced house has a footprint of 49.7 square metres and the proposed two storey extension to the 'rear' will represent an increase of floor space by 26.6 square metres, a 53% overall increase of the existing house. The proposed 'rear' extension projects 3.4 metres outwards in depth and measures 7.8 metres in width, reaching 6.8 metres in height to the ridge.

The key issues raised by this application is whether the proposal is acceptable to the dwelling and surrounding area; and the potential impact of the extension on the living conditions of neighbouring properties. In order to assist Members are Policy ST3 of the Cumbria and Lake District Joint Structure Plan; Policies H14 and E43 of the adopted Carlisle District Local Plan; and Policies CP4, CP5, LE20, H11 of the Carlisle District Local Redeposit Draft Plan are of relevance.

1. Whether, The Proposal Is Appropriate To The Dwelling, And Safeguards, The Character Of The Great Corby Conservation Area

In consideration of this application Policy H14 of the Carlisle District Local Plan and Policy H11 of the Carlisle District Local Plan Redeposit Draft are relevant. These policies require that extensions are of good design and are of an acceptable scale. The policy also seeks to protect the amenity of adjacent properties from proposals which adversely affect them, through inappropriate scale, design or unreasonable overlooking.

Policy ST3 of the Cumbria and Lake District Joint Structure Plan Review seeks to ensure the development is appropriate in terms of quality to that of the surrounding area and that development proposals incorporate high standards of design including siting, scale, use of materials and landscaping which respect and, where possible, enhance the distinctive character of townscape and landscape. This is reflected in Policy H11 of the Local Plan Redeposit Draft which requires that development proposals should harmonise with the surrounding buildings respecting their form in

relation to height, scale and massing and making use of appropriate materials and detailing.

The extensions, in particular the first floor element of the extension to the property, would be large in scale. Given the character and nature of the existing property within the street scene, the resulting structure would be significant and would serve to dominate the existing property. Furthermore, by virtue of its scale, size and the way the extension spans the full width of the 'rear' elevation of the garden, the extension would dominate the existing dwelling and would result in an obtrusive development that would be inappropriate to the character of the housing estate.

A photograph of the existing dwelling and a 'rear' elevation of the proposed extension have been reproduced in the Schedule following this report.

Furthermore if the proposal were given permission, it could set a precedent for such future applications to be made to the Local Planning Authority for approval which would further dilute planning policies intended to protect the established character of the environment.

Conversely, the Conservation Officer has stated that:

"I should stress that this estate is located on the fringe of the Conservation Area and the proposed extension, in whatever form, will have no detrimental impact on the Conservation Area. However, it will impact on neighbouring properties, and others are like minded in applying for the same in future, then I consider that the character of this estate and its immediate surrounds would be irrevocably and detrimentally altered"

It is acknowledged that the extension would be located to the 'rear' elevation of the dwelling; however, as previously discussed in this report, there is a very open aspect to the property and the terraced houses are still visible to the north from 'Woodend' road and nearby properties.

Planning policies seek to preserve and enhance the character and appearance of designated Conservation Areas. The site is located on the fringe of the Great Corby Conservation Area; however, it is clear from the comments received from the Conservation Officer that it is not considered that the development would adversely affect the Conservation Area.

2. The Impact Of The Proposal On The Neighbouring Properties

The proposed two storey extension would be located on the northern elevation, project 3.4 metres from the rear elevation and would be built up to the boundaries of No. 5 The Beeches and No.7 The Beeches. Members are advised that proposed extension would abut two windows on the 'rear' elevation of No.5 The Beeches, each serving a habitual room; a living room at ground level and a bedroom above.

In view of this, the proposed two storey 'rear' extension by reason of its scale, height and disposition in relation to site boundaries would be an unneighbourly form of development that would have an overbearing and oppressive effect upon the

neighbouring properties and would result in loss of light to the ground floor living room and bedroom window above on the 'rear' elevation of the neighbouring property No. 5 The Beeches.

One letter has been received from 'No.5 The Beeches' stating they have no objections to the proposed extension; however this does not negate consideration against the relevant planning policies nor override the impact the extension would have on the neighbouring property and the living conditions of potential future residents have to be taken into consideration.

Having undertaken a site visit, Members have recommend that the application be approved as in this instance the proposal would not conflict with Policy H14 for the following reasons: (1) the proposal would not dominate the existing dwelling or detract from the appearance and character of the street scene; (2) the extension been located on the northern elevation would not adversely affect the living conditions of No.5 The Beeches by unreasonable loss of light/sunlight; (3) finally, the proposal would not set a precedent for future development to follow as every planning application is assessed on its own merit.

Relevant Development Plan Policies

Cumbria and Lake District Joint Structure Plan 2001 – 2016

Policy ST3: - Principles applying to all new development

All proposals for development including alterations to existing buildings and land use change will be required to:

1. seek locations consistent with policy ST5, ST6, and ST7 which will assist in reducing the need to travel, and then in the following order of priority :
 - a) the appropriate reuse of existing buildings worthy of retention, followed by
 - b) the reuse of previously developed land and only then
 - c) the use of previously undeveloped land,
2. seek sites that are or will be made accessible by public transport, walking or cycling,
3. reduce the risk of flooding within the development and elsewhere by a choice of location in the following order of priority:
 - a) sites with little or no flood risk, followed by
 - b) sites with low or medium flood risk, and only then
 - c) sites in areas of high flood risk

Design proposals should minimise or mitigate any flood risk and where practicable include sustainable drainage systems

4. ensure agricultural land of poorer quality is used for development in preference to the best and most versatile agricultural land.

5. avoid the loss of, or damage to, and where possible enhance, restore or re-establish, important nature conservation features,
6. avoid the loss of or damage to, and wherever possible enhance important or distinctive conservation features including landscapes, buildings, archaeological sites, historic parks and gardens and visually important public and private open spaces,
7. ensure high standards of design including siting, scale, use of materials and landscaping which respect and, where possible, enhance the distinctive character of townscape and landscape, promote a safe and secure environment that designs out crime and makes proper provision for people with restricted mobility and people with special needs, promote energy and water efficient design and the use of recycled materials and renewable energy technology, avoid reductions in air quality and the quality and quantity of groundwater and surface waters, ensure development makes efficient use of and is within infrastructure, community and service constraints, or that these can be satisfactorily overcome through planned improvements or at the developers expense without an adverse effect on the environment, Ensure minimal levels of light pollution and noise.

Cumbria and Lake District Joint Structure Plan 2001 – 2016

Policy E38: Historic environment

Measures will be taken to identify, record, protect, conserve or enhance areas, sites, buildings and settings of archaeological, historic and architectural importance. Proposals which fail to preserve or enhance the character or appearance of Conservation Areas or which damage, obscure, or remove important archaeological sites or other historic features or are detrimental to the character or setting of a listed building will not be permitted unless the harm caused to their importance and intrinsic interest is clearly outweighed by the need for the development.

Development and land use change should be compatible with the distinctive characteristics and features of 'Cumbria's Historic Landscape Characterisation Programme'.

Carlisle District Plan

Housing - Proposal H14

Applications for extensions to existing dwellings will be approved provided the City Council is satisfied that the proposals are appropriate to the dwelling, its design and setting. Inappropriate extensions which adversely affect the amenities of adjacent properties by poor design, unreasonable overlooking and/or unreasonable loss of daylight and sunlight will not be permitted.

Carlisle District Plan

Environment - Policy E43

The City Council will encourage and permission will be granted for development within and adjoining Conservation Areas which preserves or enhances their character. The City Council will seek to ensure that any new development or alterations to existing buildings are in sympathy with the setting, scale, density and physical characteristics of Conservation Areas and protect important views into or out of such areas. Applications for outline planning permission will not be accepted for proposals in Conservation Areas.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Core Development Policies - Policy CP4 - Design

The suitability of any new development or redevelopment will be assessed against the following design principles. Proposals should:

1. Have regard to surrounding buildings in the context of their form in relation to height, scale and massing and making use of appropriate materials and detailing.
2. Take into consideration any important landscape or topographical features and respect local landscape character.
3. Reinforce local architectural features where appropriate promoting and respecting local distinctiveness rather than detracting from it.
4. Be well integrated- ensuring all components of a development are well related to one another e.g. buildings, associated parking, access routes, open space, and hard and soft landscaping to ensure a successful and attractive outcome.
5. Not adversely affect the residential amenity of existing areas-nor adjacent land uses, nor result in unacceptable standards for future users and occupiers of the development.
6. Ensure where possible the retention of existing trees, shrubs, hedges and other wildlife habitats and the replacement of any environmental feature lost to development
7. Recognise that landscaping schemes (both hard and soft) will be required to assist in integrating new development into existing areas and ensure that development on the edge of settlements is fully integrated into its surroundings.
8. Ensure that the necessary services and drainage infrastructure can be incorporated without causing unacceptable harm to retained features.
9. Through layout and design, encourage the promotion of energy and water conservation by its future occupiers, the incorporation of sustainable forms of energy production within the overall design should also be explored where appropriate
10. Have a layout and design which minimises the potential for crime and antisocial behaviour.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Core Development Policies - Policy CP5 - Residential Amenity

The amenity of residential areas will be protected from inappropriate development

where that development:

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

In order to ensure residential amenity is not compromised a minimum distance of 21 metres should be allowed between primary facing windows between dwellings (12 metres gable end to primary facing window). A minimum of 4 metres should be allowed between gable ends to allow for maintenance of property. Changes in levels of land and height of development will be taken into account in applying these distances.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Housing - Policy H11 - Extensions to Existing Residential Premises

Applications for extensions to existing dwellings will be approved provided the City Council is satisfied that the proposals are appropriate to the dwelling, its design and setting. Inappropriate extensions which adversely affect the amenities of adjacent properties by poor design, unreasonable overlooking and/or unreasonable loss of daylight and sunlight will not be permitted. Extensions must be of an appropriate scale and not dominate the original dwelling.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Local Environment - Policy LE20 - Conservation Areas

The City Council will continue to review existing and designate new conservation areas. The City Council will encourage, and permission will be granted for development within and adjoining conservation areas which preserves or enhances their character. The City Council will seek to ensure any new development or alterations to existing buildings are in sympathy with the setting, scale, density and physical characteristics of conservation areas, and protect important views into or out of such areas. Applications for outline planning permission will not be accepted for proposals in conservation areas.

Proposals for new development and/or the alteration of buildings in conservation areas should harmonise with their surroundings:

1. the development should preserve or enhance all features which contribute positively to the area's character or appearance, in particular the design, massing and height of the building should closely relate to adjacent buildings and should not have an unacceptable impact 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.

Item no: 03

Appn Ref No:
07/0073

Applicant:
D V Addison

Parish:
Rockcliffe

Date of Receipt:
29/01/2007

Agent:
D V Addison

Ward:
Longtown & Rockcliffe

Location:
Ghyll Bank, Low Harker, CA6 4DG

Grid Reference:
338457 560799

Proposal: Retrospective Application To Operate Reactive Maintenance Company
From Site Using Existing Office And Warehouse Facilities On Site

Planning Decision

Members resolved to give authority to the Head of Planning and Housing Services to issue approval for the proposal subject to no objection being received from the Highways Agency.

Item no: 04

Appn Ref No:

Applicant:

Parish:

07/0044

The Carphone Warehouse Carlisle
Group PLC

Date of Receipt:
19/01/2007

Agent:
ESA Planning

Ward:
Belah

Location:
103-105 Kingstown Road, Carlisle, CA3 0AL

Grid Reference:
339687 558277

Proposal: Installation Of New Shop Front

Planning Decision

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).

Summary of Reasons for the Decision

This application relates to the existing Carphone Warehouse premises located on the western side of the A7 Kingstown Road. The property is approximately 0.11 ha in extent and is bounded to the immediate north, south and west by residential properties in the form of 101 and 107 Kingstown Road and 19-23 Moorville Drive South.

The site consists of a single storey retail unit with a gross floor area of 302 sq. metres. There is a service yard associated with a car fitting bay and a forecourt area providing nine off-street parking spaces including one for a disabled driver. A timber fence delineates the western boundary.

The property is currently subject to 2 applications.

- Application 07/0044 for the installation of a new shop front. The submitted plans also show the sub-division of the existing unit to form two shop premises, the smaller one (71 sq. metres) of which would be occupied by Carphone Warehouse, and, the larger unit (231 sq. metres) sub let to Majestic Wine.
- Application 07/0045 to amend condition 2 attached to the permission granted under 01/0902 to extend the opening times from 0800 hrs – 1800

hrs to 0900 hrs – 2000 hrs Monday to Saturday and between 1000 hrs – 1600 hrs on Sundays and Bank Holidays.

Application 07/0044 is accompanied by a letter explaining that there are no conditions on the existing planning permission that seek to prevent the subdivision of the unit. Both new units will remain in retail use and therefore planning permission is not required for the proposed sub-division. The sub-division does, however, give rise to the need for new entrance doors and shop front to serve Carphone Warehouse.

When considering this application the main issues relate to the impact on the appearance of the building, and, the means of access for disabled people.

In relation to the former, it is held that the proposed alterations should not be detrimental to the character of the building.

In the case of the latter issue, the submitted details confirm that the proposed work will comply with Part M of the Building Regulations.

Relevant Development Plan Policies

Carlisle District Plan Environment - Policy E45

Well designed and appropriate shopfronts whether original or reproduction should be retained wherever practicable and if necessary restored when the opportunity arises. New shopfronts should relate in scale, proportions, materials and decorative treatment to the relevant facade of the building, and where appropriate, to adjacent buildings and/or shopfronts.

Carlisle District Plan Environment - Policy E56

When considering proposals for new development including changes of use where the public is to have access, the provisions of Part M of the Building Regulations will apply. Beyond this requirement, the City Council will seek to negotiate the extent of provision for disabled people to, from and within buildings. In addition the City Council will seek to ensure that pedestrianisation schemes and the general pedestrian environment are designed to accommodate the needs of the disabled, elderly, blind and partially sighted and other s with mobility problems.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Core Development Policies - Policy CP4 - Design

The suitability of any new development or redevelopment will be assessed against the following design principles. Proposals should:

1. Have regard to surrounding buildings in the context of their form in relation to height, scale and massing and making use of appropriate materials and detailing.
2. Take into consideration any important landscape or topographical features and respect local landscape character.
3. Reinforce local architectural features where appropriate promoting and respecting local distinctiveness rather than detracting from it.
4. Be well integrated- ensuring all components of a development are well related to one another e.g. buildings, associated parking, access routes, open space, and hard and soft landscaping to ensure a successful and attractive outcome.
5. Not adversely affect the residential amenity of existing areas-nor adjacent land uses, nor result in unacceptable standards for future users and occupiers of the development.
6. Ensure where possible the retention of existing trees, shrubs, hedges and other wildlife habitats and the replacement of any environmental feature lost to development
7. Recognise that landscaping schemes (both hard and soft) will be required to assist in integrating new development into existing areas and ensure that development on the edge of settlements is fully integrated into its surroundings.
8. Ensure that the necessary services and drainage infrastructure can be incorporated without causing unacceptable harm to retained features.
9. Through layout and design, encourage the promotion of energy and water conservation by its future occupiers, the incorporation of sustainable forms of energy production within the overall design should also be explored where appropriate
10. Have a layout and design which minimises the potential for crime and antisocial behaviour.

**Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft
Core Development Policies - Policy CP14 - Accessibility, Mobility and
Inclusion**

The layout and design of any development will be encouraged to meet the highest standards of accessibility and inclusion for all potential users regardless of disability, age or gender. Development proposals will be expected to demonstrate that they have made provision for easy, safe and inclusive access to, into and within buildings and facilities through the submission of an access statement alongside their planning application. The need for adequate parking facilities for disabled people should also be taken into account.

Facilities for disabled people should be included in proposals for extending and altering buildings and open spaces and changes of use where they are to be used by the public, in accordance with Part M of the Building Regulations 2004 and the Disability Discrimination Act 1995. Beyond these requirements, the City Council will seek, where applicable, to negotiate the extent of provision required for disabled people.

The Council will have regard to the following criteria when assessing development proposals:

1. The design of entrances and exits and ease of permeation through and between developments- in terms of street furniture, circulation areas and pedestrian routes
2. Location of any development proposal in relation to its potential users, customers, employees
3. Accessibility by all transport modes and provision for parking for disabled people
4. Provision of on site facilities e.g. baby changing facilities, public toilets, disabled parking, lifts and appropriate signage.
5. Consideration should also be given to the guidance in 'Better Access' produced by Carlisle City Council, regarding building details and accessibility for all and BS 8300: 2001 'Design of buildings and their approaches to meet the needs of disabled people- Code of Practice'.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Core Development Policies - Policy CP16 - 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 applied to all development proposals:

1. Security measures should be an integral part of the design
1. 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
2. Public and private spaces should have clearly defined boundaries.
3. Footpaths and cycleways should be designed to maximise their use and prevent opportunities for concealment, unauthorised access or provide a choice of escape routes.
4. Landscaping schemes should be designed to ensure that they do not create secluded areas, opportunities for climbing or reduce natural surveillance.
5. Lighting should deter criminal and antisocial activity whilst minimising light pollution.
7. CCTV may be considered necessary in certain circumstances. Developers should, at the earliest stage possible, consult the Architectural Liaison Officer to advise on measures to be incorporated for designing out crime.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Economic and Commercial Growth - Policy EC8 - Shopfronts

Well designed and appropriate shopfronts whether original or reproduction should be retained wherever practicable and if necessary restored when the opportunity arises. New shopfronts should relate in scale, proportions, materials and decorative treatment to the relevant facade of the building and where appropriate, to adjacent buildings and/or shopfronts.

Within a conservation area changes to shop fronts and new shop fronts will only be accepted if the design has no unacceptable impact on the area's character and appearance. Specifically such proposals will:

1. retain or restore any original or period features; and
2. relate well in scale, height, proportions, materials and detailing to other parts of the building adjoining shop fronts and to the street scene generally; and
3. not involve a single shop front spanning two or more frontages; and,
4. not involve the use of inappropriate modern shop front features such as plastic canopies, large plate glass display windows or roller shutters.

Item no: 05

Appn Ref No:
07/0045

Applicant:
The Carphone Warehouse
Group PLC

Parish:
Carlisle

Date of Receipt:
19/01/2007

Agent:
ESA Planning

Ward:
Belah

Location:
103-105 Kingstown Road, Carlisle, CA3 0AL

Grid Reference:
339687 558277

Proposal: Amendment To Condition 2 Of Planning Permission 01/0902 Dated 29
October 2001

Planning Decision

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 premises shall not be opened for trading or fitting of equipment prior to 0900 hours or remain open for trading or fitting of equipment after 2000 hours Monday to Saturday or prior to 1000 hours and after 1600 hours on Sunday and

Bank Holidays.

Reason: To prevent disturbance to nearby residential occupiers and in accord with Policy H17 of the Carlisle District Local Plan.

3. No deliveries shall take place at the premises outside the hours of 0900 to 2000 Monday to Saturday or 1000 to 1600 on Sundays and Bank Holidays.

Reason: To prevent disturbance to nearby occupants in accordance with Policy H17 of the Carlisle District Local Plan.

4. Between the hours of 1800 and 2000 Monday to Saturday, the premises shall not be used other than for the sale of mobile phones and associated products and the minimum purchase of 12 bottles of wine/spirits and/or manufacturers pack of beer and ancillary items.

Reason: To prevent disturbance to nearby residential occupiers and in accord with Policy H17 of the Carlisle District Local Plan.

Summary of Reasons for the Decision

This application relates to the existing Carphone Warehouse premises located on the western side of the A7 Kingstown Road. The property is approximately 0.11 ha in extent and is bounded to the immediate north, south and west by residential properties in the form of 101 and 107 Kingstown Road and 19-23 Moorville Drive South.

The site consists of a single storey retail unit with a gross floor area of 302 sq. metres. There is a service yard associated with a car fitting bay and a forecourt area providing nine off-street parking spaces including one for a disabled driver. A timber fence delineates the western boundary.

The property is currently subject to 2 applications.

- Application 07/0044 for the installation of a new shop front. The submitted plans also show the sub-division of the existing unit to form two shop premises, the smaller one (71 sq. metres) of which would be occupied by Carphone Warehouse, and, the larger unit (231 sq. metres) sub let to Majestic Wine.
- Application 07/0045 to amend condition 2 attached to the permission granted under 01/0902 to extend the opening times from 0800 hrs – 1800 hrs to 0900 hrs – 2000 hrs Monday to Saturday and between 1000 hrs – 1600 hrs on Sundays and Bank Holidays.

In the case of application 07/0045 it is proposed that condition 2 is amended as follows:

"The premises shall not be opened for trading or fitting of equipment prior to 0900 hours or remain open for trading or fitting of equipment after 2000 hours Monday to Saturday or prior to 1000 hours and after 1600 hours on Sunday and Bank Holidays"

The applicant also proposes an additional conditional restricting delivery times as follows:

"No deliveries shall take place at the premises outside the hours of 0900 to 2000 Monday to Saturday or 1000 to 1600 on Sundays and Bank Holidays."

In considering such a proposal the main issues revolve around the impact on the living conditions of the neighbouring residents with particular regard to noise, disturbance and any perceived threats to safety.

On the basis of the "Trading Statement" and subsequent correspondence provided on behalf of the applicant the proposal is considered to be acceptable subject to the imposition of an additional condition restricting the nature of the use during the extended hours.

Relevant Development Plan Policies

Carlisle District Plan Housing - Proposal H17

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

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

Carlisle District Plan Shopping - Proposal S12

Outside the defined Shopping Areas (Proposals S1, S5 and S6 and Policies S3, S4, S7, S8, S9, S10 and S11), mixed commercial areas (EM5) and large stores falling within Policy S2, further shopping provision, including changes of use, unless this

constitutes replacement of existing floorspace or minor extensions to premises, will not be permitted. Modest increases in floorspace will be permitted to allow for more efficient trading conditions, provided that the proposal does not prejudice the surrounding local residential environment.

Carlisle District Plan Shopping - Proposal S16

The City Council will negotiate with developers to ensure that proposals for retail development take account of the needs of the disabled, the elderly and those with pushchairs in the provision of parking, access to and from the building and adequate circulation within the building.

Carlisle District Plan Transport - Proposal T7

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

1. The Parking Guidelines for Cumbria as detailed in Appendix 2;
2. The availability of public car parking in the vicinity;
3. The impact of parking provision on the environment of the surrounding area;
4. The likely impact on the surrounding road network; and
5. Accessibility by and availability of other forms of transport.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Core Development Policies - Policy CP5 - Residential Amenity

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

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

In order to ensure residential amenity is not compromised a minimum distance of 21 metres should be allowed between primary facing windows between dwellings (12 metres gable end to primary facing window). A minimum of 4 metres should be allowed between gable ends to allow for maintenance of property. Changes in levels of land and height of development will be taken into account in applying these distances.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft

Core Development Policies - Policy CP16 - 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 applied to all development proposals:

1. Security measures should be an integral part of the design
1. 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
2. Public and private spaces should have clearly defined boundaries.
3. Footpaths and cycleways should be designed to maximise their use and prevent opportunities for concealment, unauthorised access or provide a choice of escape routes.
4. Landscaping schemes should be designed to ensure that they do not create secluded areas, opportunities for climbing or reduce natural surveillance.
5. Lighting should deter criminal and antisocial activity whilst minimising light pollution.
7. CCTV may be considered necessary in certain circumstances. Developers should, at the earliest stage possible, consult the Architectural Liaison Officer to advise on measures to be incorporated for designing out crime.

Item no: 06

Appn Ref No:
07/0005

Applicant:
M Bainbridge

Parish:
Wetheral

Date of Receipt:
03/01/2007

Agent:
H & H Bowe Ltd

Ward:
Wetheral

Location:
L/Adj Lough Butts Wood, Scotby, Carlisle CA4 8DG

Grid Reference:
343852 554021

Proposal: General Purpose Agricultural Building

Planning Decision

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

Reason: To ensure that materials to be used are acceptable and in accordance with Policy E2 of the Carlisle District Local Plan.

Summary of Reasons for the Decision

This application seeks planning permission for the erection of a general purpose agricultural building on land adjacent to Lough Butts Wood, Scotby, Carlisle. The site is accessed along a bridleway that leads from Broomfallen Road at the southern end of Scotby across to the former Garlands site. The application site consists of an existing agricultural building together with storage containers and caravans. To the southwest of the site are some stables with a copse of trees to the west. The site is surrounded by open countryside with the nearest residential properties being 350 metres to the east and 400 metres to northeast of the application site.

The building would be sited in the southwest corner of the site, adjacent to the boundary with the public bridleway. The building would measure 6.7 metres in depth by 36.5 metres in width. The height to the front of the building would measure 3.6 metres whilst the highest part of the roof would measure 4.2 metres. The building would be finished from block walls, profile sheeting and Yorkshire boarding.

This application is one of two for which planning consent is sought for agricultural development on the site. In consideration of this particular proposal, it is felt that there are four main planning issues:

1. Landscape Character

Policy ST3 of the Cumbria and Lake District Joint Structure Plan (as now adopted) seeks to ensure that development is appropriate in terms of quality to that of the surrounding area. Development proposals are expected to incorporate high standards of design including regard to siting, scale, use of materials and landscaping which respect and, where possible, should enhance the distinctive character of townscape and landscape. This is reflected in Policy E37 of the Structure Plan, Policy E8 of the adopted Carlisle District Local Plan and emerging

Policy CP1 of the Carlisle District Local Plan Redeposit Draft. These policies require that proposals for development in the rural area seek to conserve and enhance the special features and diversity of the different landscape character areas. Planning permission will not be granted for new development in the open countryside, which is detrimental to defined landscape character. The scale and design of the buildings is considered to be appropriate.

Policy E2 of the adopted Local Plan and LE26 of the Local Plan Redeposit Draft require that buildings relating to agricultural development are sited where practical to integrate with existing farm buildings and/or take advantage of the contours of the land and any existing natural screening. These policies also require that the scale and form of the proposed building or structure relate to the existing group of farm buildings.

The building is modest in terms of the scale of modern agricultural units. The applicant needs accommodation for the storage of feed and bedding for the livestock already in the existing building. The building is adjacent to an existing agricultural building and although adjacent from the public bridleway, the development would not be visible from any public vantage point on Broomfallen Road.

The application site is in open countryside but is not located within an Area of Outstanding Natural Beauty (AONB) or Conservation Area and there are no other landscape designations on the site; however, the design and materials proposed are appropriate and sympathetic to the overall character of the area.

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

Although the buildings are located within the open countryside, there are residential properties along Broomfallen Road that are approximately 350 metres to the east of the application site. The policy criterion within E2 of the Local Plan and LE26 of the Local Plan Redeposit Draft seek to ensure that any agricultural development proposal would not have an unacceptable adverse effect on any adjacent properties. The development would not adversely affect the living conditions of the occupiers of these properties through the visual impact of the building or result in unacceptable levels of noise or smell.

3. Use Of The Public Bridleway

There would be no interference over the public's right of way over the bridleway, and The Ramblers' Association has raised no objection to the proposal. If there are separate rights of access over the land and requirement for maintenance, these are civil matters that should be pursued by the relevant parties concerned outwith the planning system.

In conclusion, the agricultural buildings are of a scale and design that is appropriate. Whilst the siting is somewhat detached from the existing group of buildings, it is not considered that the character or appearance of the area would be adversely affected by the development and in all aspects the proposals are considered to be

compliant with the objectives of the relevant adopted and emerging Development Plan policies.

Relevant Development Plan Policies

Cumbria and Lake District Joint Structure Plan 2001 – 2016 Policy ST3: - Principles applying to all new development

All proposals for development including alterations to existing buildings and land use change will be required to:

1. seek locations consistent with policy ST5, ST6, and ST7 which will assist in reducing the need to travel, and then in the following order of priority :
 - a) the appropriate reuse of existing buildings worthy of retention, followed by
 - b) the reuse of previously developed land and only then
 - c) the use of previously undeveloped land,
2. seek sites that are or will be made accessible by public transport, walking or cycling,
3. reduce the risk of flooding within the development and elsewhere by a choice of location in the following order of priority:
 - a) sites with little or no flood risk, followed by
 - b) sites with low or medium flood risk, and only then
 - c) sites in areas of high flood risk

Design proposals should minimise or mitigate any flood risk and where practicable include sustainable drainage systems

4. ensure agricultural land of poorer quality is used for development in preference to the best and most versatile agricultural land.
5. avoid the loss of, or damage to, and where possible enhance, restore or re-establish, important nature conservation features,
6. avoid the loss of or damage to, and wherever possible enhance important or distinctive conservation features including landscapes, buildings, archaeological sites, historic parks and gardens and visually important public and private open spaces,
7. ensure high standards of design including siting, scale, use of materials and landscaping which respect and, where possible, enhance the distinctive character of townscape and landscape, promote a safe and secure environment that designs out crime and makes proper provision for people with restricted mobility and people with special needs, promote energy and water efficient design and the use of recycled materials and renewable energy

technology, avoid reductions in air quality and the quality and quantity of groundwater and surface waters, ensure development makes efficient use of and is within infrastructure, community and service constraints, or that these can be satisfactorily overcome through planned improvements or at the developers expense without an adverse effect on the environment, Ensure minimal levels of light pollution and noise.

Cumbria and Lake District Joint Structure Plan 2001 – 2016

Policy E37: Landscape character

Development and land use change should be compatible with the distinctive characteristics and features of Cumbria's landscape types and sub types. Proposals will be assessed in relation to:

1. locally distinctive natural or built features,
2. visual intrusion or impact,
3. scale in relation to the landscape and features,
4. the character of the built environment,
5. public access and community value of the landscape,
6. historic patterns and attributes,
7. biodiversity features, ecological networks and semi-natural habitats, and
8. openness, remoteness and tranquillity.

Carlisle District Plan

Environment - Policy E2

Proposals for new farm buildings and extensions to existing agricultural buildings and other farm structures will be permitted, providing that:

1. The building or structure is sited where practical to integrate with existing farm buildings and/or take advantage of the contours of the land and any existing natural screening; and
2. The scale and form of the proposed building or structure relates to the existing group of farm buildings; and
3. Within AONBs and Conservation Areas, the design and materials used reflect the overall character of the area; and
4. The proposal would not have an unacceptable adverse effect on any adjacent properties.

Carlisle District Plan

Environment - Policy E8

Within the remainder of the rural area not covered by Policies E2-E6, proposals which are well related in use, siting, scale and design to existing settlements or

other small clusters of buildings including farm buildings will be acceptable providing that:

1. The proposal reflects the scale and character of the existing group of buildings or settlement; and
2. There is no adverse effect upon the amenity of neighbouring property, and the character and appearance of the area; and
3. Satisfactory access and appropriate car parking can be achieved; and
4. Any existing wildlife habitats are safeguarded.

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

Carlisle District Plan Housing - Proposal H17

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

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

Carlisle District Plan Leisure - Proposal L5

The City council will seek to retain all existing bridleways, footpaths and rights of way and to establish new routes wherever possible. New development should seek to maintain the existing rights of way network and provide replacement routes for any lost to new development.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Core Development Policies - Policy CP1 - Landscape Character/Biodiversity

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

Such proposals should not harm the integrity of the biodiversity resource as judged

by key nature conservation principles, and proposals should seek to conserve and enhance the biodiversity value of areas which they affect.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Core Development Policies - Policy CP5 - Residential Amenity

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

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

In order to ensure residential amenity is not compromised a minimum distance of 21 metres should be allowed between primary facing windows between dwellings (12 metres gable end to primary facing window). A minimum of 4 metres should be allowed between gable ends to allow for maintenance of property. Changes in levels of land and height of development will be taken into account in applying these distances.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Local Environment - Policy LE26 - Agricultural Buildings

Proposals for new farm buildings and extensions to existing agricultural buildings and other farm structures will be permitted provided that;

1. The building or structure is sited where practical to integrate with existing farm buildings and/or take advantage of the contours of the land and any existing natural screening; and
2. The scale and form of the proposed building or structure relates to the existing group of farm buildings; and
3. Within AONBs, conservation areas and Landscapes of County Importance, the design and materials used reflect the overall character of the area; and
4. The proposal would not have an unacceptable impact on any adjacent properties.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft 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.

Item no: 07

Appn Ref No:
07/0006

Applicant:
M Bainbridge

Parish:
Wetheral

Date of Receipt:
03/01/2007

Agent:
H & H Bowe Ltd

Ward:
Wetheral

Location:
L/Adj Lough Butts Wood, Scotby, Carlisle CA4 8DG

Grid Reference:
343852 554021

Proposal: General Purpose Agricultural Building

Planning Decision

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

Reason: To ensure that materials to be used are acceptable and in accordance with Policy E2 of the Carlisle District Local Plan.

Summary of Reasons for the Decision

This application seeks planning permission for the erection of a general purpose agricultural building on land adjacent to Lough Butts Wood, Scotby, Carlisle. The

site is accessed along a bridleway that leads from Broomfallen Road at the southern end of Scotby across to the Garlands. The site consists of an existing agricultural building together with storage containers and caravans. To the southwest of the site are some stables with a copse of trees to the west. The site is surrounded by open countryside with the nearest residential properties being 350 metres to the east and 400 metres to northeast of the application site.

The building would be sited in the southwest corner of the site, adjacent to the boundary with the public bridleway. The building would measure 6 metres in depth by 13.7 metres in width. The height to the front of the building would measure 3 metres whilst the highest part of the roof would measure 3.6 metres. The building would be finished from profile sheeting and Yorkshire boarding.

This application is one of two for which planning consent is sought for agricultural development on the site. In consideration of this particular proposal, it is felt that there are four main planning issues:

1. Landscape Character

Policy ST3 of the Cumbria and Lake District Joint Structure Plan (as now adopted) seeks to ensure that development is appropriate in terms of quality to that of the surrounding area. Development proposals are expected to incorporate high standards of design including regard to siting, scale, use of materials and landscaping which respect and, where possible, should enhance the distinctive character of townscape and landscape. This is reflected in Policy E37 of the Structure Plan, Policy E8 of the adopted Carlisle District Local Plan and emerging Policy CP1 of the Carlisle District Local Plan Redeposit Draft. These policies require that proposals for development in the rural area seek to conserve and enhance the special features and diversity of the different landscape character areas. Planning permission will not be granted for new development in the open countryside, which is detrimental to defined landscape character. The scale and design of the buildings is considered to be appropriate.

Policy E2 of the adopted Local Plan and LE26 of the Local Plan Redeposit Draft require that buildings relating to agricultural development are sited where practical to integrate with existing farm buildings and/or take advantage of the contours of the land and any existing natural screening. These policies also require that the scale and form of the proposed building or structure relate to the existing group of farm buildings.

The building is modest in terms of the scale of modern agricultural units. The applicant needs accommodation for the storage of feed and bedding for the livestock already in the existing building. The building is adjacent to an existing agricultural building and although adjacent from the public bridleway, the development would not be visible from any public vantage point on Broomfallen Road.

The application site is in open countryside but is not located within an Area of Outstanding Natural Beauty (AONB) or Conservation Area and there are no other landscape designations on the site; however, the design and materials proposed are

appropriate and sympathetic to the overall character of the area.

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

Although the buildings are located within the open countryside, there are residential properties along Broomfallen Road that are approximately 350 metres to the east of the application site. The policy criterion within E2 of the Local Plan and LE26 of the Local Plan Redeposit Draft seek to ensure that any agricultural development proposal would not have an unacceptable adverse effect on any adjacent properties. The development would not adversely affect the living conditions of the occupiers of these properties through the visual impact of the building or result in unacceptable levels of noise or smell.

3. Use Of The Public Bridleway

There would be no interference over the public's right of way over the bridleway, and The Ramblers' Association has raised no objection to the proposal. If there are separate rights of access over the land and requirement for maintenance, these are civil matters that should be pursued by the relevant parties concerned outwith the planning system.

In conclusion, the agricultural buildings are of a scale and design that is appropriate. Whilst the siting is somewhat detached from the existing group of buildings, it is not considered that the character or appearance of the area would be adversely affected by the development and in all aspects the proposals are considered to be compliant with the objectives of the relevant adopted and emerging Development Plan policies.

Relevant Development Plan Policies

Cumbria and Lake District Joint Structure Plan 2001 – 2016 Policy ST3: - Principles applying to all new development

All proposals for development including alterations to existing buildings and land use change will be required to:

1. seek locations consistent with policy ST5, ST6, and ST7 which will assist in reducing the need to travel, and then in the following order of priority :
 - a) the appropriate reuse of existing buildings worthy of retention, followed by
 - b) the reuse of previously developed land and only then
 - c) the use of previously undeveloped land,
2. seek sites that are or will be made accessible by public transport, walking or cycling,
3. reduce the risk of flooding within the development and elsewhere by a choice

of location in the following order of priority:

- a) sites with little or no flood risk, followed by
- b) sites with low or medium flood risk, and only then
- c) sites in areas of high flood risk

Design proposals should minimise or mitigate any flood risk and where practicable include sustainable drainage systems

4. ensure agricultural land of poorer quality is used for development in preference to the best and most versatile agricultural land.
5. avoid the loss of, or damage to, and where possible enhance, restore or re-establish, important nature conservation features,
6. avoid the loss of or damage to, and wherever possible enhance important or distinctive conservation features including landscapes, buildings, archaeological sites, historic parks and gardens and visually important public and private open spaces,
7. ensure high standards of design including siting, scale, use of materials and landscaping which respect and, where possible, enhance the distinctive character of townscape and landscape, promote a safe and secure environment that designs out crime and makes proper provision for people with restricted mobility and people with special needs, promote energy and water efficient design and the use of recycled materials and renewable energy technology, avoid reductions in air quality and the quality and quantity of groundwater and surface waters, ensure development makes efficient use of and is within infrastructure, community and service constraints, or that these can be satisfactorily overcome through planned improvements or at the developers expense without an adverse effect on the environment, Ensure minimal levels of light pollution and noise.

Cumbria and Lake District Joint Structure Plan 2001 – 2016

Policy E37: Landscape character

Development and land use change should be compatible with the distinctive characteristics and features of Cumbria's landscape types and sub types.

Proposals will be assessed in relation to:

1. locally distinctive natural or built features,
2. visual intrusion or impact,
3. scale in relation to the landscape and features,
4. the character of the built environment,
5. public access and community value of the landscape,
6. historic patterns and attributes,
7. biodiversity features, ecological networks and semi-natural habitats, and
8. openness, remoteness and tranquillity.

Carlisle District Plan Environment - Policy E2

Proposals for new farm buildings and extensions to existing agricultural buildings and other farm structures will be permitted, providing that:

1. The building or structure is sited where practical to integrate with existing farm buildings and/or take advantage of the contours of the land and any existing natural screening; and
2. The scale and form of the proposed building or structure relates to the existing group of farm buildings; and
3. Within AONBs and Conservation Areas, the design and materials used reflect the overall character of the area; and
4. The proposal would not have an unacceptable adverse effect on any adjacent properties.

Carlisle District Plan Environment - Policy E8

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

1. The proposal reflects the scale and character of the existing group of buildings or settlement; and
2. There is no adverse effect upon the amenity of neighbouring property, and the character and appearance of the area; and
3. Satisfactory access and appropriate car parking can be achieved; and
4. Any existing wildlife habitats are safeguarded.

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

Carlisle District Plan Housing - Proposal H17

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

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

Carlisle District Plan Leisure - Proposal L5

The City council will seek to retain all existing bridleways, footpaths and rights of way and to establish new routes wherever possible. New development should seek to maintain the existing rights of way network and provide replacement routes for any lost to new development.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Core Development Policies - Policy CP1 - Landscape Character/Biodiversity

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

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

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Core Development Policies - Policy CP5 - Residential Amenity

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

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

In order to ensure residential amenity is not compromised a minimum distance of 21 metres should be allowed between primary facing windows between dwellings (12 metres gable end to primary facing window). A minimum of 4 metres should be allowed between gable ends to allow for maintenance of property. Changes in levels of land and height of development will be taken into account in applying these distances.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft

Local Environment - Policy LE26 - Agricultural Buildings

Proposals for new farm buildings and extensions to existing agricultural buildings and other farm structures will be permitted provided that;

1. The building or structure is sited where practical to integrate with existing farm buildings and/or take advantage of the contours of the land and any existing natural screening; and
2. The scale and form of the proposed building or structure relates to the existing group of farm buildings; and
3. Within AONBs, conservation areas and Landscapes of County Importance, the design and materials used reflect the overall character of the area; and
4. The proposal would not have an unacceptable impact on any adjacent properties.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft 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.

Item no: 08

Appn Ref No:
06/1473

Applicant:
Environment Agency

Parish:
Multiple Parishes

Date of Receipt:
22/12/2006

Agent:
Axis

Ward:
Multiple Wards

Location:
Property along the rivers Caldew (Holmehead to Sheep Mount) and Eden (the Swifts to Spa Well)

Grid Reference:
339774 555697

Proposal: Flood defence improvements for the Rivers Caldew and Eden (the Caldew and Carlisle City flood defence scheme)

Planning Decision

Members resolved to give authority to the Head of Planning and Housing Services to issue approval for the proposal subject to the satisfactory resolution of the outstanding issues associated with archaeology.

Item no: 09

Appn Ref No:
07/0090

Applicant:
Environment Agency

Parish:
Carlisle

Date of Receipt:
02/02/2007

Agent:
Axis

Ward:
Castle

Location:
Theakstons Carlisle Brewery, Bridge Street, Carlisle

Grid Reference:
339525 556055

Proposal: Modifications To The Riverside Frontage Comprising:

32m Length Of New Flood Defence Wall

Permanent Frame To Inside Of Ground Floor Windows

Fitting Of Ductile Iron Flap Valve

Filling In Of Cellar Windows With Brickwork

17m Length Of New Flood Defence Wall

Repointing The Existing Wall Using Polymer Modified Mortar (LBC)

Planning Decision

Grant Permission

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

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

Summary of Reasons for the Decision

application 06/1473 seeking planning permission, this submission seeks Listed Building Consent for the proposed flood defence works which directly affect The Old

Brewery. The proposed work involves;

- 32 metre length of new flood defence wall 1.8 metres high above ground level of courtyard to replace the existing wall that runs between The Old Brewery and 1 The Barrel House;
- the construction of a permanent frame on the internal reveal to the ten windows along The Old Brewery;
- the fitting of a ductile iron flap valve over a rainwater gully;
- the filling in of an existing cellar window opening and louver filled opening with matching brickwork;
- closing off a central heating flue and providing a replacement flue outlet;
- a 17 metre length of new flood defence wall at the landward side of the existing wall between The Old Brewery and Caldew Bridge; and,
- re-pointing the wall from Caldew Bridge downstream to the start of The Barrel House using polymer modified mortar.

The application is accompanied by a Design and Access Statement that explains, amongst other things, that the intention is to use sympathetic brickwork laid using an English Garden Bond pattern. The proposed barriers for the windows would consist of permanently mounted frames. A removable steel or aluminium barrier would then be secured using wing bolts when a flood warning is forecast. This is on the basis that the proposed system would be less obtrusive than any other method.

On this basis it is considered that the proposal would prevent the flooding of the property in a manner which minimises any impact.

Relevant Development Plan Policies

Carlisle District Plan Environment - Policy E34

Applications for alterations or extensions to listed buildings must have regard to the scale, proportions, character and detailing of the existing building (both internally and externally) and of its windows and doorways. Any proposals which adversely affect the listed building will not be permitted.

Carlisle District Plan Environment - Policy E35

Proposals for new development which adversely affect a listed building or its setting will not be permitted. The City Council will seek to encourage any new development

to be sympathetic in scale, character and materials.

**Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft
Local Environment - Policy LE13 - Proposals Affecting Listed Buildings**

Proposals for new development which adversely affects a listed building or its setting will not be permitted. Any new development within the setting of a listed building should preserve the building's character and its setting. The City Council will seek to encourage any new development to be sympathetic in scale, character and materials.

**Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft
Local Environment - Policy LE14 - Alterations to Listed Buildings**

Applications for alterations or extensions to listed buildings must have regard to the scale, proportions, character and detailing of the existing building (both internally and externally) and of its windows and doorways. Any proposals which have an unacceptable impact on the listed building will not be permitted.

Applications will be assessed against the following criteria:

1. the importance of the building, its intrinsic architectural and historic interest and rarity, and its significance to the local distinctiveness and character of the district;
2. the particular physical features of the building
3. the setting of the building and its contribution to the local scene;
4. the extent to which the proposed works would bring substantial benefits for the community.

Item no: 10

Appn Ref No:
07/0047

Applicant:
Cavaghan & Gray

Parish:
Carlisle

Date of Receipt:
23/01/2007

Agent:
Day Cummins Architects

Ward:
Harraby

Location:
Eastern Way Factory, Arkwright Road, Durranshill
Industrial Estate, Carlisle, CA1 3NQ

Grid Reference:
341867 554352

Proposal: 2 No. External Plant Enclosures And Roof Top Equipment Associated
With New Chilling Cooling And Extraction Operations To Meet The

Increased Production Requirements

Planning Decision

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. Samples of the materials to be used in the construction of the external walls shall be submitted to and approved in writing by the local planning authority before any work is commenced.

Reason: To ensure the works harmonise as closely as possible with the existing building.

3. The plant and equipment associated with the hereby approved upgrade of the waste water treatment system shall be designed and installed in such a manner that the level of noise emitted from the site shall not exceed 45dB(A) as measured at the nearest noise sensitive dwellings on Mayfield Avenue and 39dB(A) measured at the nearest noise sensitive dwelling on Harraby Grove during the hours of 2300 hours to 0700 hours. The noise level shall be expressed as LAeqT where "T" shall be 5 minutes during the period 2300 hours to 0700 hours. The noise emitted from the hereby approved plant and equipment shall not contain any distinguishable, discrete, continuous note (e.g. whine, hiss, screech or hum), any distinct pulses (e.g. bangs, clicks, clatters or thumps) and shall not be so irregular as to attract attention.

Reason: To ensure that noise which may emanate from the development is compatible with the existing noise levels in the area and does not lead to undue disturbance to surrounding occupiers.

Summary of Reasons for the Decision

The proposals relate to additional plant and equipment to be installed to accommodate the manufacture of new product ranges from the premises. The manufacturing equipment and machinery is to be installed internally but further equipment related to chilling, cooking and extraction is required and these necessitate some external additions.

The principal aspects of the proposals are:

1. A proposed extension to the rear (north-west) that will contain a new spiral freezer, plant room, refrigeration control room and access/maintenance route and will be associated with a new production line being installed alongside the existing production lines in the factory. The new line will manufacture casserole/sauces and increase production of potato topped products already produced at Eastern Way. The extension will provide about 48 sq. m. floorspace and will project 4m from the existing rear wall, slightly proud of the extension, which was approved in 2006, to accommodate the arcadian oven. The extension would be clad in a 40mm thick composite sheet cladding (5m in height) which will also be continued to re-clad an existing single storey plant room at the rear, resulting in it having a double skinned enclosure. The proposed new plant room sitting alongside it would be constructed in 100mm blockwork and further enveloped in the 40mm thick composite cladding. It would have 15mm thick sound block boarding with 100mm thick acoustic insulation. Acoustic louvre doors will be fitted and these will have acoustic seals to door jambs, heads and thresholds.

A new water cooler, measuring approx. 2.5m by 1.5m and 2.6 m high, will also be located on an existing plant deck sitting 5m above ground floor level to replace an existing redundant tower and will sit alongside other existing air conditioning and cooling towers. None are visible from ground level due to the adjacent pitched roof areas of the buildings

With the exception of the water cooler, all of the new work will be undertaken in a yard area which lies at a considerably lower level than, for example, the car park to the west and will be further screened by existing sprinkler storage tanks and plant between the car park and the yard. It is, moreover, a very considerable distance from the nearest residential dwellings which lie approximately 112 metres away at Harraby Grove;

2. The extension of an existing concrete base serving a plant and equipment compound situated at the south-western end of the building (adjacent to the allotments between the Eastern Way factory and the doctor's surgery at the junction with London Road) to accommodate 2 no 2.5m high vacuum pumps and a new 1.9m high water cooling tower. In addition, to both visually screen that area and provide acoustic insulation and attenuation, it is proposed to erect a 4m high section of composite cladding running for a distance of 13m alongside the boundary with the allotments. At the ends it is proposed to construct 100mm thick blockwork walling wrapping around the ends of the concrete base. Whilst the areas above the existing and proposed cooling towers are unroofed, by virtue of its increased height (above existing and proposed plant) and incorporation of sound absorbing material in the cladding specification, the applicants believe that a substantial noise reduction from existing conditions will be achieved. The two "ends" relating to where the vacuum sets are positioned, will be roofed over with 40mm thick composite cladding. All acoustic louvred doors will be fitted with acoustic seals and the size of louvres has been calculated to be the minimum needed for functionality so as to mitigate risk of noise from those areas.

There are also further internal alterations to accommodate oven, vacuum cooling, transfer chill facilities and other vital equipment at the southern end of the factory which result in a need for 2 no. roof-mounted air intake ducts and 2 no. flues but these are not regarded as visually significant and are, through the appropriate inclusion of carbon filtering to the extract flues, not likely to create any odour nuisance from the new production ranges.

In policy terms, the site lies within a Primary Employment Area (PEA) wherein (under Policy EM2 of the adopted District Local Plan and Policy EC1 of the Revised Re-Deposit Draft of the District Local Plan review) there is a general presumption in favour of proposals for B1, B2 and B8 uses. Policy ST8 of the Structure Plan also promotes Carlisle's role as a regional centre for business, commerce and other activities and, clearly, an investment of this magnitude is in line with that objective.

Notwithstanding, it is necessary for the applicants to demonstrate that they have employed the best possible design and management practices to ensure that the development minimises the risk of nuisance, disturbance and inconvenience to adjacent occupiers. In that regard the Council is satisfied that the proposed scheme of works and related design specification of plant and equipment have had careful regard to the need to prevent undue noise, odour nuisance or other disturbances.

Relevant Development Plan Policies

Cumbria and Lake District Joint Structure Plan 2001 – 2016 Policy ST1: A Sustainable Vision for Cumbria

The overall quality of life within Cumbria should be enhanced through the promotion of sustainable development that seeks to protect the environment, ensure prudent use of resources and maintain social progress and economic growth.

Urban and rural communities should be sustained through measures that, in combination, advance the four objectives of sustainable development and achieve:

- a flourishing and diverse local economy
- access to good quality housing for all
- a full range of appropriate and accessible services
- good transport services and communications linking people to jobs, schools, health and other services
- quality built, natural and historic environments
- places to live in a safe and healthy manner
- vibrant, harmonious and inclusive communities

Cumbria and Lake District Joint Structure Plan 2001 – 2016 Policy ST2: Assessing impact on sustainability

Development or land use change affecting important environmental, social and economic assets should be assessed in terms of benefits and disbenefits. Where

appropriate this will require transport, environmental and other impact assessments to assess the full effect of new development and identify the need for any mitigation.

Cumbria and Lake District Joint Structure Plan 2001 – 2016 Policy ST3: - Principles applying to all new development

All proposals for development including alterations to existing buildings and land use change will be required to:

1. seek locations consistent with policy ST5, ST6, and ST7 which will assist in reducing the need to travel, and then in the following order of priority :
 - a) the appropriate reuse of existing buildings worthy of retention, followed by
 - b) the reuse of previously developed land and only then
 - c) the use of previously undeveloped land,
2. seek sites that are or will be made accessible by public transport, walking or cycling,
3. reduce the risk of flooding within the development and elsewhere by a choice of location in the following order of priority:
 - a) sites with little or no flood risk, followed by
 - b) sites with low or medium flood risk, and only then
 - c) sites in areas of high flood risk

Design proposals should minimise or mitigate any flood risk and where practicable include sustainable drainage systems

4. ensure agricultural land of poorer quality is used for development in preference to the best and most versatile agricultural land.
5. avoid the loss of, or damage to, and where possible enhance, restore or re-establish, important nature conservation features,
6. avoid the loss of or damage to, and wherever possible enhance important or distinctive conservation features including landscapes, buildings, archaeological sites, historic parks and gardens and visually important public and private open spaces,
7. ensure high standards of design including siting, scale, use of materials and landscaping which respect and, where possible, enhance the distinctive character of townscape and landscape, promote a safe and secure environment that designs out crime and makes proper provision for people with restricted mobility and people with special needs, promote energy and water efficient design and the use of recycled materials and renewable energy technology, avoid reductions in air quality and the quality and quantity of groundwater and surface waters, ensure development makes efficient use of and is within infrastructure, community and service constraints, or that these

can be satisfactorily overcome through planned improvements or at the developers expense without an adverse effect on the environment, Ensure minimal levels of light pollution and noise.

Cumbria and Lake District Joint Structure Plan 2001 – 2016
Policy ST5 : New development and key service centres outside the Lake District National Park

New development will be focused on the key service centres as set out below:

	Development emphasis	Major development of regional towns and cities	Sustained development of large towns	Moderate development appropriate to scale of town
City of Carlisle	Fostering regional role see Policy ST8	Carlisle		
North Cumbria	Sustaining rural services see Policy ST9			Brampton, Longtown, Wigton
Furness and West Cumbria	Securing regeneration see Policy ST10	Barrow In Furness	Maryport, Ulverston, Whitehaven, Workington	Aspatria Cleator Moor, Cockermouth, Dalton in Furness, Egremont, Silloth, Millom
South and East Cumbria	Meeting local needs, see Policy ST11		Kendal Penrith	Alston, Appleby, Grange over Sands, Kirkby Lonsdale, Kirkby Stephen, Milnthorpe

The scale of development should be appropriate to the size and role of each key service centre and reflect the development emphasis of Policies ST8 – ST11, but as

a minimum requirement provision should be made in each key service centre for:

1. a supply of new housing over the whole plan period,
2. an appropriate supply of readily available land in the Local Employment Site market sector,
3. a high level of transport accessibility, and
4. the ability to connect to high speed communications technology.

To ensure consistency with policies EM13 and H17 it will be the role of Local Planning Authorities to manage the above supply of land, particularly in areas of high demand to avoid over provision of development.

Cumbria and Lake District Joint Structure Plan 2001 – 2016

Policy ST8: The City of Carlisle

The City of Carlisle's importance will be fostered by new development that builds on its role as a regional centre for business, commerce, shopping, leisure and tourism. A range of employment opportunities including a Regional Investment Site at Kingmoor will be provided. Opportunities will be taken to strengthen links to employment uses at Kingmoor by all forms of transport. The role of Carlisle airport and its potential for contributing to economic activity within the city will be supported. New housing will be needed to sustain the city's economic potential. The release of land will be phased to minimise vacancies and ensure the refurbishment and redevelopment of the existing housing stock and to give priority to the use of previously developed land. In accommodating new development regard should be had to the city's historic character.

Carlisle District Plan

Employment - Proposal EM2

Within Primary Employment Areas proposals for B1, B2 and B8 uses will be acceptable. Permission will not be given for redevelopment or changes of use within such areas for other purposes. Exceptions may be permitted where:

1. The existing use of the site adversely affects or could adversely affect adjacent residential properties; or
2. The proposed alternative use is essential for the redevelopment of the majority of the site for employment purposes; and
3. The alternative development would be appropriate in terms of scale and design to the surrounding area, and the amenity of adjacent properties would not be prejudiced.

**Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft
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

Within these locations development proposals will be assessed against a sequential approach for the need to be in the location specified. In particular proposals for retail, office and leisure developments will all be subject to the sequential approach contained in paragraph 2.44 in PPS6. Residential proposals will be considered against sequential criteria based on PPG3.

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 Revised Redeposit Draft
Core Development Policies - Policy CP4 - Design**

The suitability of any new development or redevelopment will be assessed against the following design principles. Proposals should:

1. Have regard to surrounding buildings in the context of their form in relation to height, scale and massing and making use of appropriate materials and detailing.
2. Take into consideration any important landscape or topographical features and respect local landscape character.

3. Reinforce local architectural features where appropriate promoting and respecting local distinctiveness rather than detracting from it.
4. Be well integrated- ensuring all components of a development are well related to one another e.g. buildings, associated parking, access routes, open space, and hard and soft landscaping to ensure a successful and attractive outcome.
5. Not adversely affect the residential amenity of existing areas-nor adjacent land uses, nor result in unacceptable standards for future users and occupiers of the development.
6. Ensure where possible the retention of existing trees, shrubs, hedges and other wildlife habitats and the replacement of any environmental feature lost to development
7. Recognise that landscaping schemes (both hard and soft) will be required to assist in integrating new development into existing areas and ensure that development on the edge of settlements is fully integrated into its surroundings.
8. Ensure that the necessary services and drainage infrastructure can be incorporated without causing unacceptable harm to retained features.
9. Through layout and design, encourage the promotion of energy and water conservation by its future occupiers, the incorporation of sustainable forms of energy production within the overall design should also be explored where appropriate
10. Have a layout and design which minimises the potential for crime and antisocial behaviour.

**Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft
Core Development Policies - Policy CP12 - Pollution**

Development will not be permitted where it would generate, either during construction or on completion, significant levels of pollution (from contaminated substances, odour, noise, dust, vibration, light, heat) which can not be satisfactorily mitigated within the development proposal or by means of planning conditions.

**Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft
Economic and Commercial Growth - Policy EC1- Primary Employment Areas**

Within Primary Employment Areas proposals for B1, B2 and B8 uses will be acceptable. Permission will not be given for redevelopment or changes of use within such areas for other purposes.

Exceptions may be permitted where:

1. the existing use of the site adversely affects or could adversely affect adjacent residential properties or 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 within employment units will be restricted to no more than 5% of the available floorspace. Restrictions will be placed on the hours of operation in order to ensure that 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.

Item no: 11

Appn Ref No:
07/0059

Applicant:
Cavaghan & Gray

Parish:
Carlisle

Date of Receipt:
25/01/2007

Agent:
Day Cummins Architects

Ward:
Harraby

Location:
Cavaghan & Gray Riverside Site, Brunel Way,
Durrhill Industrial Estate, Carlisle

Grid Reference:
342023 554462

Proposal: Four New Extract Flues From New Oven Within Production Area

Planning Decision

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).

Summary of Reasons for the Decision

The application is linked to a separate planning submission made by the applicants (reference 07/0047) to undertake various works at the Eastern Way site to enable the manufacture of a new range of products in the prepared foods sector that are being transferred to Carlisle.

In order to accommodate that new work- which brings a £10m investment to the city- it is necessary to transfer some of the existing production space from Eastern Way to the Riverbank site. That will entail a new Dumpling Production line being installed within the existing Hot Roast Production area which, although entirely contained internally, necessitates the installation of 4 new flues that extract through the roof above the new production space. Those flues will project 2 metres above the roofline but since they will be sited on the distant slope of the pitched roof, furthest from the nearest public viewpoint at Petteril Terrace (some 105 metres to the south) perception of them will be negligible over the expansive roof area of the factory. The flues will be fitted with carbon filters to minimise odour emissions and there will be no noise associated with them.

The proposals are considered to be necessary, appropriate and acceptable in this location.

Relevant Development Plan Policies

Cumbria and Lake District Joint Structure Plan 2001 – 2016 Policy ST1: A Sustainable Vision for Cumbria

The overall quality of life within Cumbria should be enhanced through the promotion of sustainable development that seeks to protect the environment, ensure prudent use of resources and maintain social progress and economic growth.

Urban and rural communities should be sustained through measures that, in combination, advance the four objectives of sustainable development and achieve:

- a flourishing and diverse local economy
- access to good quality housing for all
- a full range of appropriate and accessible services
- good transport services and communications linking people to jobs, schools, health and other services
- quality built, natural and historic environments
- places to live in a safe and healthy manner

- vibrant, harmonious and inclusive communities

Cumbria and Lake District Joint Structure Plan 2001 – 2016

Policy ST2: Assessing impact on sustainability

Development or land use change affecting important environmental, social and economic assets should be assessed in terms of benefits and disbenefits. Where appropriate this will require transport, environmental and other impact assessments to assess the full effect of new development and identify the need for any mitigation.

Cumbria and Lake District Joint Structure Plan 2001 – 2016

Policy ST3: - Principles applying to all new development

All proposals for development including alterations to existing buildings and land use change will be required to:

1. seek locations consistent with policy ST5, ST6, and ST7 which will assist in reducing the need to travel, and then in the following order of priority :
 - a) the appropriate reuse of existing buildings worthy of retention, followed by
 - b) the reuse of previously developed land and only then
 - c) the use of previously undeveloped land,
2. seek sites that are or will be made accessible by public transport, walking or cycling,
3. reduce the risk of flooding within the development and elsewhere by a choice of location in the following order of priority:
 - a) sites with little or no flood risk, followed by
 - b) sites with low or medium flood risk, and only then
 - c) sites in areas of high flood risk

Design proposals should minimise or mitigate any flood risk and where practicable include sustainable drainage systems

4. ensure agricultural land of poorer quality is used for development in preference to the best and most versatile agricultural land.
5. avoid the loss of, or damage to, and where possible enhance, restore or re-establish, important nature conservation features,
6. avoid the loss of or damage to, and wherever possible enhance important or distinctive conservation features including landscapes, buildings, archaeological sites, historic parks and gardens and visually important public and private open spaces,
7. ensure high standards of design including siting, scale, use of materials and

landscaping which respect and, where possible, enhance the distinctive character of townscape and landscape, promote a safe and secure environment that designs out crime and makes proper provision for people with restricted mobility and people with special needs, promote energy and water efficient design and the use of recycled materials and renewable energy technology, avoid reductions in air quality and the quality and quantity of groundwater and surface waters, ensure development makes efficient use of and is within infrastructure, community and service constraints, or that these can be satisfactorily overcome through planned improvements or at the developers expense without an adverse effect on the environment, Ensure minimal levels of light pollution and noise.

Cumbria and Lake District Joint Structure Plan 2001 – 2016
Policy ST5 : New development and key service centres outside the Lake District National Park

New development will be focused on the key service centres as set out below:

	Development emphasis	Major development of regional towns and cities	Sustained development of large towns	Moderate development appropriate to scale of town
City of Carlisle	Fostering regional role see Policy ST8	Carlisle		
North Cumbria	Sustaining rural services see Policy ST9			Brampton, Longtown, Wigton
Furness and West Cumbria	Securing regeneration see Policy ST10	Barrow In Furness	Maryport, Ulverston, Whitehaven, Workington	Aspatria Cleator Moor, Cockermouth, Dalton in Furness, Egremont, Silloth, Millom
South and East Cumbria	Meeting local needs, see Policy ST11		Kendal Penrith	Alston, Appleby, Grange over Sands, Kirkby

The scale of development should be appropriate to the size and role of each key service centre and reflect the development emphasis of Policies ST8 – ST11, but as a minimum requirement provision should be made in each key service centre for:

1. a supply of new housing over the whole plan period,
2. an appropriate supply of readily available land in the Local Employment Site market sector,
3. a high level of transport accessibility, and
4. the ability to connect to high speed communications technology.

To ensure consistency with policies EM13 and H17 it will be the role of Local Planning Authorities to manage the above supply of land, particularly in areas of high demand to avoid over provision of development.

Cumbria and Lake District Joint Structure Plan 2001 – 2016 Policy ST8: The City of Carlisle

The City of Carlisle's importance will be fostered by new development that builds on its role as a regional centre for business, commerce, shopping, leisure and tourism. A range of employment opportunities including a Regional Investment Site at Kingmoor will be provided. Opportunities will be taken to strengthen links to employment uses at Kingmoor by all forms of transport. The role of Carlisle airport and its potential for contributing to economic activity within the city will be supported. New housing will be needed to sustain the city's economic potential. The release of land will be phased to minimise vacancies and ensure the refurbishment and redevelopment of the existing housing stock and to give priority to the use of previously developed land. In accommodating new development regard should be had to the city's historic character.

Carlisle District Plan Employment - Proposal EM2

Within Primary Employment Areas proposals for B1, B2 and B8 uses will be acceptable. Permission will not be given for redevelopment or changes of use within such areas for other purposes. Exceptions may be permitted where:

1. The existing use of the site adversely affects or could adversely affect adjacent residential properties; or

2. The proposed alternative use is essential for the redevelopment of the majority of the site for employment purposes; and
3. The alternative development would be appropriate in terms of scale and design to the surrounding area, and the amenity of adjacent properties would not be prejudiced.

**Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft
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

Within these locations development proposals will be assessed against a sequential approach for the need to be in the location specified. In particular proposals for retail, office and leisure developments will all be subject to the sequential approach contained in paragraph 2.44 in PPS6. Residential proposals will be considered against sequential criteria based on PPG3.

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 Revised Redeposit Draft
Core Development Policies - Policy CP4 - Design**

The suitability of any new development or redevelopment will be assessed against the following design principles. Proposals should:

1. Have regard to surrounding buildings in the context of their form in relation to height, scale and massing and making use of appropriate materials and detailing.
2. Take into consideration any important landscape or topographical features and respect local landscape character.
3. Reinforce local architectural features where appropriate promoting and respecting local distinctiveness rather than detracting from it.
4. Be well integrated- ensuring all components of a development are well related to one another e.g. buildings, associated parking, access routes, open space, and hard and soft landscaping to ensure a successful and attractive outcome.
5. Not adversely affect the residential amenity of existing areas-nor adjacent land uses, nor result in unacceptable standards for future users and occupiers of the development.
6. Ensure where possible the retention of existing trees, shrubs, hedges and other wildlife habitats and the replacement of any environmental feature lost to development
7. Recognise that landscaping schemes (both hard and soft) will be required to assist in integrating new development into existing areas and ensure that development on the edge of settlements is fully integrated into its surroundings.
8. Ensure that the necessary services and drainage infrastructure can be incorporated without causing unacceptable harm to retained features.
9. Through layout and design, encourage the promotion of energy and water conservation by its future occupiers, the incorporation of sustainable forms of energy production within the overall design should also be explored where appropriate
10. Have a layout and design which minimises the potential for crime and antisocial behaviour.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Core Development Policies - Policy CP12 - Pollution

Development will not be permitted where it would generate, either during construction or on completion, significant levels of pollution (from contaminated substances, odour, noise, dust, vibration, light, heat) which can not be satisfactorily mitigated within the development proposal or by means of planning conditions.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Economic and Commercial Growth - Policy EC1- Primary Employment Areas

Within Primary Employment Areas proposals for B1, B2 and B8 uses will be acceptable. Permission will not be given for redevelopment or changes of use within such areas for other purposes.

Exceptions may be permitted where:

1. the existing use of the site adversely affects or could adversely affect adjacent residential properties or 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 within employment units will be restricted to no more than 5% of the available floorspace. Restrictions will be placed on the hours of operation in order to ensure that 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.

Item no: 12

Appn Ref No:
07/0088

Applicant:
Mr & Mrs R Watson

Parish:
Hayton

Date of Receipt:
01/02/2007

Agent:
Unwin Jones Partnership

Ward:
Hayton

Location:
Land Barns at Stonehouse Farm, Hayton,
Brampton, CA8 9JE

Grid Reference:
351212 557891

Proposal: Revised Proposal For The Conversion Of Farm Buildings To Create
Twelve Dwellings With Nine Additional Garages

Planning Decision

Members resolved to give authority to the Head of Planning and Housing Services to issue approval for the proposal subject to the neighbouring resident withdrawing the request to exercise his Right to Speak with regard to the revised plans, and, the satisfactory completion of a Section 106 Agreement concerning the provision of two privately rented social/affordable dwellings.

Item no: 13

Appn Ref No:
06/1357

Applicant:
Dalston Tennis Club

Parish:
Dalston

Date of Receipt:
23/11/2006

Agent:
Gray Associates

Ward:
Dalston

Location:
Recreation Field, The Green, Dalston, Carlisle, CA5
7QB

Grid Reference:
336757 549579

Proposal: 9no. 6.7m lighting columns to courts 3 & 4

Planning Decision

The application Report was withdrawn from discussion at the meeting in order to undertake further consultation with the applicant and lighting specialist in relation to seeking further technical advise. The application will be the subject of an additional Report at a future meeting of the Committee.

Item no: 14

Appn Ref No:
06/0307

Applicant:
Cumbria County Council

Parish:
Brampton

Date of Receipt:
08/03/2006

Agent:
Taylor & Hardy

Ward:
Brampton

Location:
Former Highways Depot, Station Road, Brampton

Grid Reference:
353795 561036

Proposal: Erection of 23no. dwellings

Planning Decision

Members resolved to defer consideration of the proposal in order to allow further discussions to take place over the proposed layout with particular regard to the cramped appearance of the dwellings on plots 12-14, the parking provision for the affordable units, and, the configuration of the dwelling and garage on plot 1. In the case of the parking provision for the proposed affordable dwellings, this was to include exploring the feasibility of providing garages in order to comply with parking guidelines and ensure the satisfactory integration of these elements within the proposed scheme as a whole.

Item no: 15

Appn Ref No:
06/1397

Applicant:
Messrs Stoddart

Parish:
Burgh-by-Sands

Date of Receipt:
04/12/2006

Agent:
Smiths Gore

Ward:
Burgh

Location:
Land Adjacent to Hillcrest, Thurstonfield, Carlisle,
CA5 6HG

Grid Reference:
331350 556720

Proposal: Renewal of application 03/1123 together with removal of condition 3 of 03/1123 to allow the erection of a two storey dwelling

Planning Decision

Grant Permission

1. In case of any "Reserved Matter" application for approval shall be made not later than the expiration of 3 years beginning with the date of this permission, and the development shall be begun not later than whichever is the later of the following dates:
 - (i) The expiration of 5 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.

2. Notwithstanding the details given in the application form at part 3(a), before any work is commenced, details of the siting, design and external appearance of the building 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.

3. No development approved by this permission shall be commenced until a scheme for the disposal of foul and surface waters 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 drainage in accordance with

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

Reason: To ensure the works harmonise as closely as possible with the existing building and to ensure compliance with Policy CP4 of the emerging Carlisle District Local Plan Redeposit Draft 2001-2016.

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

Reason: To ensure that materials to be used are acceptable and to ensure compliance with Policy CP4 of the emerging Carlisle District Local Plan Redeposit Draft 2001-2016.

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

Reason: In order that the approved development overcomes any problems associated with the topography of the area and safeguards the amenity of neighbouring residents in accordance with Policy H16

of the Carlisle District Local Plan.

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

Reason: To ensure that a satisfactory landscaping scheme is prepared and to ensure compliance with E19 of the Carlisle District Local Plan.

8. No development shall commence until detailed drawings showing the development and means of access thereto, together with details of the proposed parking provision, have been submitted to and approved in writing by the Local Planning Authority. The approved means of access and parking provision to be provided shall be completed in accordance with the approved details before the development is occupied.

Reason: In the interests of highway safety and to minimise potential hazards in support of Local Transport Plan Policies S3, S4, LD10 and LD11.

9. The access and parking/turning requirements shall be constructed to base course before any building work commences on site so that construction 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 Policies S3 and LD9.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order), no dormer window or rooflight shall be inserted above the ground floor on the western elevation of the proposed dwellings without the prior written consent of the Local Planning Authority.

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

11. No development approved by this permission shall be commenced until a desk study has been undertaken and agreed in writing by the Local Planning Authority to investigate and produce an assessment of the risk of the potential for on-site contamination. If the desk study identifies potential contamination a detailed site investigation should be carried out to establish the degree and nature of the contamination and the potential to pollute the environment or cause harm to human health. If remediation measures are necessary they shall be implemented in accordance with the assessment and to the satisfaction of the Local Planning Authority.

Reason: To ensure a safe form of development that poses no unacceptable risk of pollution and to comply with the following Development Plan Policies: Policy E24- Carlisle District Local Plan.

Summary of Reasons for the Decision

The principle of the development is considered acceptable. The dwellings could be accommodated on the site without detriment to the living conditions of the neighbouring properties through loss of light, privacy or overdominance. Adequate amenity space, incurtilage parking provision and visitor car parking would be available to serve the dwelling. The new access to be formed and the anticipated level of traffic generated by the proposal would not prejudice highway safety. In all aspects the proposals are considered to be compliant with the objectives of the relevant adopted and emerging Development Plan policies.

Relevant Development Plan Policies

Carlisle District Plan Housing - Proposal H5

Within the following settlements, large scale residential development will not be permitted. Proposals for small scale residential development will normally be acceptable providing that:

1. The site is well related to the landscape of the area and does not intrude into open countryside; and
2. The scale of the proposed development is well related to the scale, form and character of the existing settlement; and
3. The layout of the site and the design of the buildings is well related to existing property in the village; and
4. The siting and design of the buildings is well related to and does not adversely affect the amenity of neighbouring property; and

5. Appropriate access and parking can be achieved; and
6. The proposal will not lead to the loss of amenity open space within or at the edge of the settlement; and
7. The proposal will not lead to the loss of the best and most versatile agricultural land.

Aglionby, Baldwinholme, Banks, Barclose, Beaumont, Blackford, Blackwell, Boltonfellend, Boustead Hill, Broadwath, Brisco, Brunstock, Burgh-by-Sands, Burnrigg, Cardewlees, Cargo, Carleton, Castle Carrock, Cotehill, Cumdivock, Cummersdale, Cumrew, Cumwhinton, Cumwhitton, Durdar, Easton, Farlam, Faugh, Fenton, Gaitsgill, Gilsland, Great Corby, Great Orton, Grinsdale, Hallbankgate, Harker, Hayton, Hayton Townhead, Heads Nook, Hornsby, Boughton, How Mill, Irthington, Kirkcambeck, Kirkandrews-on-Eden, Knells, Lanercost, Laversdale, Linstock, Little Orton, Low Crosby, Longburgh, Low Row, Lyneholmford, Midgeholme, Milton, Moat, Monkhill, Moorhouse, Newby East, Newtown, Raughtonhead, Rockcliffe, Rickerby, Scaleby, Scotby, Smithfield, Stainton, Stockdalewath, Talkin, Tarraby, Thurstonfield, Tindale, Todhills, Walton, Warwick-on-Eden, Warwick Bridge (including Little Corby & Corby Hill), Westlinton, Wetheral, Wetheral Pasture.

Carlisle District Plan Housing - Proposal H16

High standards of design in new housing sites and dwellings will be required. Matters to be considered include: The layout of roads and buildings; footpaths and cycleways; the retention of existing trees and hedgerows; planning out crime; the provision of public open space; the relationship to adjacent development.

Carlisle District Plan Environment - Policy E22

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

Carlisle District Plan Transport - Proposal T7

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

1. The Parking Guidelines for Cumbria as detailed in Appendix 2;
2. The availability of public car parking in the vicinity;
3. The impact of parking provision on the environment of the surrounding area;
4. The likely impact on the surrounding road network; and
5. Accessibility by and availability of other forms of transport.

**Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft
Housing - Policy H1 - Location of New Housing Development**

New housing development will be located in sustainable locations in accordance with PPG 3: *Housing*, Regional Planning Guidance and the Joint Structure Plan. During the Plan period 80% of new development will be located within the urban area of Carlisle, including allocated sites on the edge of the City referred to in Proposal H16. The remaining 20% will be permitted in the rural area of the District with the focus on the two Key Service Centres of Brampton and Longtown.

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

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

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

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

In the following settlements small-scale infilling (development between an otherwise

continuous frontage) will be allowed where this does not conflict with the criteria above and is evidenced by local need to be in that location. S106 agreements may be used to ensure local occupancy to provide for the identified need.

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

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Core Development Policies - Policy CP4 - Design

The suitability of any new development or redevelopment will be assessed against the following design principles. Proposals should:

1. Have regard to surrounding buildings in the context of their form in relation to height, scale and massing and making use of appropriate materials and detailing.
2. Take into consideration any important landscape or topographical features and respect local landscape character.
3. Reinforce local architectural features where appropriate promoting and respecting local distinctiveness rather than detracting from it.
4. Be well integrated- ensuring all components of a development are well related to one another e.g. buildings, associated parking, access routes, open space, and hard and soft landscaping to ensure a successful and attractive outcome.
5. Not adversely affect the residential amenity of existing areas-nor adjacent land uses, nor result in unacceptable standards for future users and occupiers of the development.
6. Ensure where possible the retention of existing trees, shrubs, hedges and other wildlife habitats and the replacement of any environmental feature lost to development
7. Recognise that landscaping schemes (both hard and soft) will be required to assist in integrating new development into existing areas and ensure that development on the edge of settlements is fully integrated into its surroundings.
8. Ensure that the necessary services and drainage infrastructure can be incorporated without causing unacceptable harm to retained features.
9. Through layout and design, encourage the promotion of energy and water conservation by its future occupiers, the incorporation of sustainable forms of energy production within the overall design should also be explored where appropriate
10. Have a layout and design which minimises the potential for crime and antisocial behaviour.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Core Development Policies - Policy CP5 - Residential Amenity

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

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

In order to ensure residential amenity is not compromised a minimum distance of 21 metres should be allowed between primary facing windows between dwellings (12 metres gable end to primary facing window). A minimum of 4 metres should be allowed between gable ends to allow for maintenance of property. Changes in levels of land and height of development will be taken into account in applying these distances.

**Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft
Core Development Policies - Policy CP11 - Foul and Surface Water Sewerage
and Sewage Treatment**

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

**Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft
Transport - Policy T1 - Parking Guidelines**

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: 16

Appn Ref No:
06/1459

Applicant:
North Lakes Children's
Services

Parish:
Brampton

Date of Receipt:
21/12/2006

Agent:
Architectural Design
Limited

Ward:
Brampton

Location:
Kirby Moor Country House Hotel, Longtown Road,
Brampton, CA8 2AB

Grid Reference:
352366 561479

Proposal: Erection of temporary single storey classroom accommodation

Planning Decision

Grant Permission

1. The portakabin shall be removed and there shall be carried out such works as may be required for the reinstatement of the land to the satisfaction of the Local Planning Authority not later than the 31st day of March 2010 unless in the meantime a further application has been submitted to and approved in writing by the Local Planning Authority.

Reason: The Local Planning Authority wish to review the matter at the end of the limited period specified.

Summary of Reasons for the Decision

The site is a former country house hotel which is currently undergoing alterations to be changed into a residential care home with educational facilities for children with emotional, behavioural and learning difficulties. The proposal is for the erection of a single storey building providing 3 classrooms, staff room, support room and WC facilities for temporary use whilst the business develops and during the construction phase. The building will be of a Portakabin nature with cream plastic coated walls and a pitched felt roof.

The site is set back from the road into Brampton by an access way lined with trees on the southern side. The site is surrounded by open fields, with those to the south east being used as playing fields. Further to the south on the other side of the playing fields is a school. To the north of the site is a nursery. There are no dwellings within adjacent to the site.

The relevant planning policies against which the application is required to be assessed against include Policy E6 of the Carlisle District Local Plan and Policies CP4, LE01 and LC11 of the Carlisle District Local Plan Redeposit Draft. The application raises the following planning issues:

1. Design

Proposals for any development should be well designed and in a manner that complements the existing environment. The erection of the portakabin will respect the local landscape character and will not necessitate any vegetation removal or landscape formation. The proposed building location is relatively flat and free of vegetation. The location of the building will enable the use of the current access and parking area; however, the proposed building being of a portakabin nature does not reflect the local architectural features, but given that the building is for temporary use it will not detrimentally affect the local architectural features in the long term.

2. Effect On The Open Character Of The Area

Policies LE1 and E6 do not allow development which adversely affects the open character of areas identified as having local landscape significance on urban fringes. Small scale development within or adjacent to established farmsteads or other groups of buildings will be acceptable provided the proposal reflects the scale and character of existing buildings; there is no unacceptable adverse effect on the amenity of neighbouring properties; there is no unacceptable adverse effect on the character and appearance of the area; and satisfactory access and car parking can be achieved. The proposed classrooms will be located to the rear of the existing buildings on the site and in comparison to the existing house will not appear more dominant or result in an over development of the site. There are no dwellings or buildings within close proximity to the site so the proposed building will not result in loss of privacy or restriction of daylight. As the proposed classroom will be predominantly screened by the existing house and the trees along the southern boundary, and is for a temporary period only, the character and appearance of the surrounding area will not be adversely affected. The site is adjacent to existing road and bus networks allowing easy access via public and private transport methods. Twelve parking spaces will be provided to the front of the site and seven to the rear. Adequate access and parking will be achieved and will not create traffic safety issues.

3. Educational Needs

Although the site is not identified within existing educational sites as indicated on the Proposals Map it does have planning permission for the operation of a residential care home with on site educational facilities. Policy LC11 states that proposals for new buildings should be in close proximity to existing buildings to minimise the visual impact. The proposed classrooms will be located to the rear of the existing building which will screen them from the road. A row of trees runs along the southern boundary which will screen the buildings when viewed from this side and there are no buildings to the north. The proposed classrooms will not create a visual distraction and will not result in an additional educational site within the district.

4. Other Matters

The site already has consent to be used in this manner. This application for an additional temporary building on the site for use while construction is occurring. Refusal of this application will not prevent the use of the site for residential care

purposes.

5. Conclusion

In overall terms, it is considered that the proposal does not adversely affect the amenities or character of the area. The temporary siting of a portakabin building will not adversely affect the open space qualities of the area or detract from the local architectural features. For the interim period in which the portakabin is on the site the scale of it will not dominate the existing building or detract from amenity values.

Relevant Development Plan Policies

Carlisle District Plan Environment - Policy E6

Within Areas of Landscape Improvement, the City Council will encourage landscape improvement schemes. 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 their 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 uses 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 Revised Redeposit Draft Core Development Policies - Policy CP4 - Design

The suitability of any new development or redevelopment will be assessed against the following design principles. Proposals should:

1. Have regard to surrounding buildings in the context of their form in relation to height, scale and massing and making use of appropriate materials and detailing.
2. Take into consideration any important landscape or topographical features and respect local landscape character.
3. Reinforce local architectural features where appropriate promoting and

- respecting local distinctiveness rather than detracting from it.
4. Be well integrated- ensuring all components of a development are well related to one another e.g. buildings, associated parking, access routes, open space, and hard and soft landscaping to ensure a successful and attractive outcome.
 5. Not adversely affect the residential amenity of existing areas-nor adjacent land uses, nor result in unacceptable standards for future users and occupiers of the development.
 6. Ensure where possible the retention of existing trees, shrubs, hedges and other wildlife habitats and the replacement of any environmental feature lost to development
 7. Recognise that landscaping schemes (both hard and soft) will be required to assist in integrating new development into existing areas and ensure that development on the edge of settlements is fully integrated into its surroundings.
 8. Ensure that the necessary services and drainage infrastructure can be incorporated without causing unacceptable harm to retained features.
 9. Through layout and design, encourage the promotion of energy and water conservation by its future occupiers, the incorporation of sustainable forms of energy production within the overall design should also be explored where appropriate
 10. Have a layout and design which minimises the potential for crime and antisocial behaviour.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Local Environment - Policy LE1 - Urban Fringe Landscape

Within Urban Fringe areas, 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 Revised Redeposit Draft Leisure & Community Uses - Policy LC11 - Educational Needs

Proposals for the development of education facilities should be provided within the existing educational sites as indicated on the Proposals Map. On existing sites, proposals for new buildings should be in close proximity to existing buildings to minimise the visual impact of additional development. Where proposed educational facilities are outside existing sites the location should be close to the intended

catchment in order to minimise travel in conjunction with centres listed in policy DP1. Other policies of this Plan will apply dependent upon the proposal and land to be utilised.

Item no: 17

Appn Ref No:
07/0022

Applicant:
Midas Vehicle
Management

Parish:
Stanwix Rural

Date of Receipt:
10/01/2007

Agent:

Ward:
Stanwix Rural

Location:
Whiteclosegate Garage, Brampton Old Road,
Carlisle, CA3 0JN

Grid Reference:
341205 558050

Proposal: Erection Of 2no. Non-Illuminated Double Sided Pole Mounted Signs

Planning Decision

Members resolved to give authority to the Head of Planning and Housing Services to issue approval for the proposal subject to no new issues being raised in response to the amended plans submitted 7th March 2007.

Item no: 18

Appn Ref No:
07/0079

Applicant:
Mr & Mrs Baty

Parish:
Carlisle

Date of Receipt:
29/01/2007

Agent:

Ward:
Stanwix Urban

Location:
46 Knowe Park Avenue, Stanwix, Carlisle, CA3 9EL

Grid Reference:
340181 557320

Proposal: Single Storey Side Extension to Provide Storage and Dining Room

Planning Decision

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).

Summary of Reasons for the Decision

The application seeks approval for an extension to 46 Knowe Park Avenue, Carlisle. The property is a two storey semi-detached dwelling located within a residential area and is surrounded by adjacent properties. The dwelling that is the subject of this application is elevated above the adjacent highway and is constructed from facing brickwork under a slate roof with tiles to the front elevation of the first floor bay window. The property is within a Primary Residential Area.

It is proposed to replace the existing detached sectional timber garage and erect a single storey extension to provide a storage area and a dining room. The extension would be constructed from facing brickwork to match the existing property under a flat felted roof.

The relevant planning policies against which the application is required to be assessed are Policy H14 of the Carlisle District Local Plan and Policies H11 and CP5 of the Carlisle District Local Plan Redeposit Draft.

The proposals raise the following planning issues:

1. Whether The Proposal Is Appropriate To The Dwelling

The boundary of the property is angled away from the building as it extends further back from the front elevation. The footprint of the extension reflects this unusual shape in order to maximise the potential of the land. This would be reflective of a similar development that has taken place within the curtilage of the adjacent property, 44 Knowe Park Avenue. Notwithstanding this, the extension would be reasonable in scale and would not dominate the character or setting of the original dwelling. The extension would incorporate materials that match and would be appropriate to those of the existing building.

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

The extension would be single storey and occupy an area of land between the

property and the boundary, to which there is an existing extension attached to the adjacent dwelling. There are two first floor windows to the gable of 44 Knowe Park Avenue, both of which are obscurely glazed. Due to the siting, scale and design of the extension, the development will not adversely affect the living conditions of the occupiers of the neighbouring properties by virtue of unreasonable loss of light, loss of privacy or over-dominance.

3. Conclusion

In overall terms, the proposal does not adversely affect the living conditions of adjacent properties by poor design, unreasonable overlooking or unreasonable loss of daylight or sunlight. The scale and design of the alterations to the dwelling is acceptable and in all aspects the proposals are considered to be compliant with the objectives of the relevant adopted and emerging Development Plan policies.

Relevant Development Plan Policies

Carlisle District Plan Housing - Proposal H14

Applications for extensions to existing dwellings will be approved provided the City Council is satisfied that the proposals are appropriate to the dwelling, its design and setting. Inappropriate extensions which adversely affect the amenities of adjacent properties by poor design, unreasonable overlooking and/or unreasonable loss of daylight and sunlight will not be permitted.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Housing - Policy H11 - Extensions to Existing Residential Premises

Applications for extensions to existing dwellings will be approved provided the City Council is satisfied that the proposals are appropriate to the dwelling, its design and setting. Inappropriate extensions which adversely affect the amenities of adjacent properties by poor design, unreasonable overlooking and/or unreasonable loss of daylight and sunlight will not be permitted. Extensions must be of an appropriate scale and not dominate the original dwelling.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Core Development Policies - Policy CP5 - Residential Amenity

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

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

In order to ensure residential amenity is not compromised a minimum distance of 21 metres should be allowed between primary facing windows between dwellings (12 metres gable end to primary facing window). A minimum of 4 metres should be allowed between gable ends to allow for maintenance of property. Changes in levels of land and height of development will be taken into account in applying these distances.

Item no: 19

Appn Ref No:
06/0002

Applicant:
Hutchison 3G UK Ltd

Parish:
Carlisle

Date of Receipt:
11/12/2006

Agent:
Mono Consultants Ltd

Ward:
Belle Vue

Location:
Land adjacent to Somerfield and 102, Wigton Road,
Carlisle

Grid Reference:
338797 555468

Proposal: Installation Of 12.5m High Telecommunications Monopole, 3no.
Antennas, Radio Equipment Housing And Development Ancillary

Planning Decision

Determination - Approved + add. conds.

1. Within 3 months of the mast being erected the mast and associated equipment cabinets shall be painted in a colour which shall be agreed in writing by the Local Planning Authority.

Reason: To ensure acceptable appearance and to ensure compliance with Policy E52 of the Carlisle District Local Plan.

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2001, (or any Order revoking and re-enacting that Order), no additional dishes or antennas shall be installed on the telecommunications mast hereby approved without the prior permission of the Local Planning Authority.

Reason: To prevent the proliferation of antennas/dishes whose external

appearance or siting may be detrimental to the visual amenities of the surrounding area in accordance with Policy E52 of the Carlisle District Local Plan and Policy EC18 Carlisle District Local Plan 2001-2016 Redeposit Draft.

Relevant Development Plan Policies

Carlisle District Plan Environment - Policy E52

In considering applications for larger telecommunications development the Council will wish to be satisfied that there is no spare capacity on existing structures or that technical and/or operational difficulties preclude such spare capacity from being exploited. High masts and other large apparatus will only be permitted within AONBs if they are sited and designed to minimise their impact on the landscape, taking into account their technical and locational requirements.

Carlisle District Plan Housing - Proposal H17

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

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

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Core Development Policies - Policy CP4 - Design

The suitability of any new development or redevelopment will be assessed against the following design principles. Proposals should:

1. Have regard to surrounding buildings in the context of their form in relation to height, scale and massing and making use of appropriate materials and detailing.
2. Take into consideration any important landscape or topographical features and respect local landscape character.
3. Reinforce local architectural features where appropriate promoting and

- respecting local distinctiveness rather than detracting from it.
4. Be well integrated- ensuring all components of a development are well related to one another e.g. buildings, associated parking, access routes, open space, and hard and soft landscaping to ensure a successful and attractive outcome.
 5. Not adversely affect the residential amenity of existing areas-nor adjacent land uses, nor result in unacceptable standards for future users and occupiers of the development.
 6. Ensure where possible the retention of existing trees, shrubs, hedges and other wildlife habitats and the replacement of any environmental feature lost to development
 7. Recognise that landscaping schemes (both hard and soft) will be required to assist in integrating new development into existing areas and ensure that development on the edge of settlements is fully integrated into its surroundings.
 8. Ensure that the necessary services and drainage infrastructure can be incorporated without causing unacceptable harm to retained features.
 9. Through layout and design, encourage the promotion of energy and water conservation by its future occupiers, the incorporation of sustainable forms of energy production within the overall design should also be explored where appropriate
 10. Have a layout and design which minimises the potential for crime and antisocial behaviour.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Core Development Policies - Policy CP5 - Residential Amenity

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

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

In order to ensure residential amenity is not compromised a minimum distance of 21 metres should be allowed between primary facing windows between dwellings (12 metres gable end to primary facing window). A minimum of 4 metres should be allowed between gable ends to allow for maintenance of property. Changes in levels of land and height of development will be taken into account in applying these distances.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Economic and Commercial Growth - Policy EC18 - Telecommunications and Satellite Receiving Equipment

Where either full permission, or prior approval for the siting and appearance under permitted development rights, is required for telecommunications development (including masts and ancillary equipment) permission will be granted subject to the following criteria:

1. the proposal meets the highest possible standards of siting and design and takes account of the landscape character if it is to be located in a rural area; and
2. the proposal would not result in any adverse impact on heritage features of the built environment; and
3. the proposed telecommunications service can not be provided by another means; and
4. there is no reasonable possibility of sharing existing facilities; and
5. there is no reasonable possibility of erecting antennas on an existing building or other structure; and
6. evidence is submitted that all measures to reduce environmental impacts has been pursued; and
7. evidence is submitted that the apparatus is in compliance with ICNIRP guidelines

Permission will be granted for satellite TV receiving dishes providing that the following criteria are satisfied:

1. the dish is sited to minimise its visual impact; and
2. the dish is sited so that no part of it projects above the highest part of the roof; and
3. in conservation areas, the dish is located so as not to be visible from any public viewpoint.

Item no: 20

Appn Ref No:
07/0103

Applicant:
A P & J Brown

Parish:
Wetheral

Date of Receipt:
05/02/2007

Agent:
Johnston & Wright

Ward:
Wetheral

Location:
Killoran Hotel, The Green, Wetheral, Carlisle, CA4
8ET

Grid Reference:
346700 554400

Proposal: Alterations To Units 3, 4, 5, 6 & 7 Of Approved Proposals (app No. 04/0636) For Conversion To Flats, Including: Internal Extension Of Accommodation (units 4 & 5); New Two-Storey Side Extension (units 3 & 6); And New Second Floor Roof Extension (unit 7); Together With Proposals To Reinstate Railings And Gates To Existing Roadside Boundary

Planning Decision

Members resolved to give authority to the Head of Planning and Housing Services to issue approval for the proposal subject to no objections being received prior to the expiry of the publicity period (20.03.07).

Item no: 21

Appn Ref No:
07/0007

Applicant:
Barclays Bank PLC

Parish:
Arthuret

Date of Receipt:
04/01/2007

Agent:
Stride Treglown Ltd

Ward:
Longtown & Rockcliffe

Location:
Barclays Bank, 23 Bridge Street, Longtown, Carlisle
CA6 5UB

Grid Reference:
337881 568803

Proposal: Installation of ATM to front elevation

Planning Decision

Refuse Permission

- Reason:** The Bank is an attractive building which occupies a prominent position within the Longtown Conservation Area. Development within designated Conservation Areas should harmonise with the character and appearance of the area. The siting of the ATM would destroy the character of the window and introduce a discordant and inappropriate feature into the building. The incongruous development would adversely affect the character and appearance of the street scene in this part of the Longtown Conservation Area, contrary to the objectives of Policy E43 (Improvement and Enhancement of Conservation Areas) of the adopted Carlisle District Local Plan and Policy LE20 (Conservation Areas) of the emerging Carlisle District Local Plan Redeposit Draft.

Relevant Development Plan Policies

**Carlisle District Plan
Environment - Policy E43**

The City Council will encourage and permission will be granted for development within and adjoining Conservation Areas which preserves or enhances their character. The City Council will seek to ensure that any new development or alterations to existing buildings are in sympathy with the setting, scale, density and physical characteristics of Conservation Areas and protect important views into or out of such areas. Applications for outline planning permission will not be accepted for proposals in Conservation Areas.

Carlisle District Plan Environment - Policy E28

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

Carlisle District Plan Employment - Proposal EM2

Within Primary Employment Areas proposals for B1, B2 and B8 uses will be acceptable. Permission will not be given for redevelopment or changes of use within such areas for other purposes. Exceptions may be permitted where:

1. The existing use of the site adversely affects or could adversely affect adjacent residential properties; or
2. The proposed alternative use is essential for the redevelopment of the majority of the site for employment purposes; and
3. The alternative development would be appropriate in terms of scale and design to the surrounding area, and the amenity of adjacent properties would not be prejudiced.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Core Development Policies - Policy CP4 - Design

The suitability of any new development or redevelopment will be assessed against the following design principles. Proposals should:

1. Have regard to surrounding buildings in the context of their form in relation to height, scale and massing and making use of appropriate materials and detailing.
2. Take into consideration any important landscape or topographical features and respect local landscape character.
3. Reinforce local architectural features where appropriate promoting and respecting local distinctiveness rather than detracting from it.
4. Be well integrated- ensuring all components of a development are well related to one another e.g. buildings, associated parking, access routes, open space, and

- hard and soft landscaping to ensure a successful and attractive outcome.
5. Not adversely affect the residential amenity of existing areas-nor adjacent land uses, nor result in unacceptable standards for future users and occupiers of the development.
 6. Ensure where possible the retention of existing trees, shrubs, hedges and other wildlife habitats and the replacement of any environmental feature lost to development
 7. Recognise that landscaping schemes (both hard and soft) will be required to assist in integrating new development into existing areas and ensure that development on the edge of settlements is fully integrated into its surroundings.
 8. Ensure that the necessary services and drainage infrastructure can be incorporated without causing unacceptable harm to retained features.
 9. Through layout and design, encourage the promotion of energy and water conservation by its future occupiers, the incorporation of sustainable forms of energy production within the overall design should also be explored where appropriate
 - 10 Have a layout and design which minimises the potential for crime and antisocial behaviour.

**Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft
Economic and Commercial Growth - Policy EC1- Primary Employment Areas**

Within Primary Employment Areas proposals for B1, B2 and B8 uses will be acceptable. Permission will not be given for redevelopment or changes of use within such areas for other purposes.

Exceptions may be permitted where:

1. the existing use of the site adversely affects or could adversely affect adjacent residential properties or 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 within employment units will be restricted to no more than 5% of the available floorspace. Restrictions will be placed on the hours of operation in order to ensure that 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 Revised Redeposit Draft Local Environment - Policy LE12 - 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 Revised Redeposit Draft Local Environment - Policy LE20 - Conservation Areas

The City Council will continue to review existing and designate new conservation areas. The City Council will encourage, and permission will be granted for development within and adjoining conservation areas which preserves or enhances their character. The City Council will seek to ensure any new development or alterations to existing buildings are in sympathy with the setting, scale, density and physical characteristics of conservation areas, and protect important views into or out of such areas. Applications for outline planning permission will not be accepted for proposals in conservation areas.

Proposals for new development and/or the alteration of buildings in conservation areas should harmonise with their surroundings:

1. the development should preserve or enhance all features which contribute positively to the area's character or appearance, in particular the design, massing and height of the building should closely relate to adjacent buildings and should not have an unacceptable impact 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.

Item no: 22

Appn Ref No:
07/0008

Applicant:
Barclays Bank PLC

Parish:
Arthuret

Date of Receipt:
04/01/2007

Agent:
Stride Treglown Ltd

Ward:
Longtown & Rockcliffe

Location:
Barclays Bank, 23 Bridge Street, Longtown, Carlisle
CA6 5UB

Grid Reference:
337881 568803

Proposal: Installation of 1no. ATM integrated light box and 1no. illuminated side panel

Planning Decision

Refuse Permission

1. **Reason:** The proposal relates to a prominent building within the Longtown Conservation Area. In this location the proposed internally illuminated signage by reason of their size, design, and method of illumination are considered to be incongruous features that would destroy the character of the window and introduce a discordant feature within the building. The proposed signage would be obtrusive within the street scene, detrimental to the architectural features and character of the building and result in an incongruous and prominent feature that would adversely affect the character of the Longtown Conservation Area. The proposal is therefore contrary to the objectives of Policy E47 (Advertisements) and Policy E43 (Improvement and Enhancement of Conservation Areas) of the adopted Carlisle District Local Plan and to Policies EC16 (Advertisements) and LE20 (Conservation Areas) of the emerging Carlisle District Local Plan Redeposit Draft.

Relevant Development Plan Policies

Carlisle District Plan Environment - Policy E43

The City Council will encourage and permission will be granted for development within and adjoining Conservation Areas which preserves or enhances their character. The City Council will seek to ensure that any new development or alterations to existing buildings are in sympathy with the setting, scale, density and physical characteristics of Conservation Areas and protect important views into or out of such areas. Applications for outline planning permission will not be accepted for proposals in Conservation Areas.

Carlisle District Plan Environment - Policy E47

Proposals for advertisements in Carlisle, Brampton and Longtown will be permitted providing that:

1. It is an appropriate location for advertising given the character and appearance of the surrounding area; and
2. The general siting, size and dominance of the advertisement will not have an adverse impact on the amenity of adjacent property; and
3. Any relevant road safety issues are taken into consideration; and
4. Within Conservation Areas particular attention must be given to the design, siting and illumination of the advertisements to ensure the preservation and enhancement of the special character and appearance of the area.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Economic and Commercial Growth - Policy EC17 - Areas of Special Control of Advertisements

Within the Area of Special Control, which coincides with the Plan area, (excluding Carlisle, Brampton and Longtown) proposals for advertisements will be permitted providing:

1. they comply with Regulation 19 of the Advertisement Regulations; and
2. they respect the high environmental value of the Plan area; and
3. where appropriate they complement and enhance significant areas of townscape importance.

In addition, criteria 1-7 of policy EC16 apply to ensure that proposals are not detrimental to amenity or prejudice public safety.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Local Environment - Policy LE20 - Conservation Areas

The City Council will continue to review existing and designate new conservation areas. The City Council will encourage, and permission will be granted for development within and adjoining conservation areas which preserves or enhances their character. The City Council will seek to ensure any new development or alterations to existing buildings are in sympathy with the setting, scale, density and physical characteristics of conservation areas, and protect important views into or out of such areas. Applications for outline planning permission will not be accepted for proposals in conservation areas.

Proposals for new development and/or the alteration of buildings in conservation areas should harmonise with their surroundings:

1. the development should preserve or enhance all features which contribute positively to the area's character or appearance, in particular the design, massing and height of the building should closely relate to adjacent buildings and should not have an unacceptable impact 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.

Item no: 23

Appn Ref No:

Applicant:

Parish:

06/0692 Border Construction Ltd Carlisle

Date of Receipt: **Agent:** **Ward:**
08/06/2006 Taylor & Hardy Yewdale

Location: **Grid Reference:**
Land at Suttle House, Wigton Road, Carlisle, CA2 337640 554280
6QU

Proposal: Residential development to provide 27no houses and 14no flats (revised application)

Planning Decision

Decision: Refuse Permission **Date:** 24/08/2006

Decision of: Planning Inspectorate

Decision Type: Appeal Allowed with Conditions **Date:** 01/02/2007

Item no: 24

Appn Ref No: **Applicant:** **Parish:**
06/0364 Border Construction Ltd Carlisle

Date of Receipt: **Agent:** **Ward:**
17/03/2006 Taylor & Hardy Yewdale

Location: **Grid Reference:**
Land at Suttle House, Wigton Road, Carlisle, CA2 337640 554280
6QU

Proposal: Partial demolition of existing single storey outbuilding (LBC)

Planning Decision

Members resolved to defer consideration of the proposal in order to ascertain whether the building is a dangerous structure and to await a further report on the application at a future meeting of the Committee.

Item no: 25

Appn Ref No:
06/0323

Applicant:
Mrs V Ratcliffe

Parish:
Carlisle

Date of Receipt:
13/03/2006

Agent:
J Cameron Blackhall
Associates

Ward:
Belle Vue

Location:
Avonlea, 20 Moorhouse Road, Carlisle, CA2 7LU

Grid Reference:
337619 556141

Proposal: Siting of a mobile home whilst new dwelling (granted under application ref 05/1011) is erected (retrospective application)

Planning Decision

Decision: Refuse Permission

Date: 14/07/2006

Decision of: Planning Inspectorate

Decision Type: Appeal Dismissed

Date: 14/02/2007

Item no: 26

Appn Ref No:
06/0830

Applicant:
Mr & Mrs Wilkinson

Parish:
St Cuthberts Without

Date of Receipt:
06/07/2006

Agent:
Phoenix Architects

Ward:
Dalston

Location:
Barn 2, Park Fauld Farm, Brisco, Carlisle, CA5 7LJ

Grid Reference:
339455 551200

Proposal: Alteration to include the installation of a first floor and creating additional living accommodation from utility/garage space (revised application)

Planning Decision

Item no: 27

Appn Ref No: 04/1351	Applicant: Mr & Mrs Wilkinson	Parish: St Cuthberts Without
Date of Receipt: 07/10/2004	Agent: Phoenix Architects	Ward: Dalston
Location: Barn at Park Fauld Farm, Durdar, Carlisle, CA5 7LT	Grid Reference: 339455 551200	

Proposal: Repair and conversion of redundant stone barn to provide additional family accommodation and occasional holiday letting (retrospective).

Planning Decision

Decision: Refuse Permission **Date:** 14/11/2005

Decision of: Planning Inspectorate

Decision Type: Appeal Allowed with Conditions **Date:** 15/01/2007

Item no: 28

Appn Ref No: 06/0017	Applicant: Mr & Mrs Littleton	Parish: St Cuthberts Without
Date of Receipt: 09/01/2006	Agent: Taylor & Hardy	Ward: Dalston
Location: 11 The Willows, Durdar, Carlisle, CA2 4UP	Grid Reference: 340778 551113	

Proposal: First floor extension over existing garage to provide bedroom and erection of detached domestic garage

Planning Decision

Decision: Refuse Permission **Date:** 06/03/2006

Decision of: Planning Inspectorate

Decision Type: Appeal Part Allowed

Date: 17/01/2007

Item no: 29

Appn Ref No:
06/0132

Applicant:
Jock Gordon

Parish:
Stanwix Rural

Date of Receipt:
02/02/2006

Agent:
Taylor & Hardy

Ward:
Stanwix Rural

Location:
Land adjacent Orchard Gardens, Houghton, Carlisle

Grid Reference:
340560 559178

Proposal: Proposed residential development (outline application)

Planning Decision

Decision: Refuse Permission

Date: 21/03/2006

Decision of: Planning Inspectorate

Decision Type: Appeal Dismissed

Date: 29/01/2007

Item no: 30

Appn Ref No:
06/1095

Applicant:
Two Castles Housing
Association Ltd

Parish:
Burgh-by-Sands

Date of Receipt:
11/09/2006

Agent:
Day Cummins Architects

Ward:
Burgh

Location:
Part Field 6800 Amberfield, Burgh by Sands,
Carlisle

Grid Reference:
332676 558981

Proposal: Variation To Planning Approval Ref: 06/0524 - Floor Level Of Houses To Be Raised By 450mm To Comply With Statutory Authority Requirements

Members will recall at Committee meeting held on 29th September 2006 that authority was given to the Head of Planning and Housing Services to issue approval

subject to no new issues/objections being received prior to the expiration of the consultation period and the variation of the S106 Agreement to include the new application reference number.

This has been done and the approval was issued on 15th February 2007.

Planning Decision

Granted Subject to Legal Agreement

1. The materials proposed to be used on the exterior shall be those approved under condition 2 of planning permission reference 06/0524.

Reason: To ensure that materials to be used are acceptable and in accordance with Policy E43 of the Carlisle District Local Plan.

2. The proposed landscaping should be implemented in accordance with drawing number 018 of application 06/1095, which was received 11th September 2006.

Reason: To ensure that a satisfactory landscaping scheme is prepared in accordance with the objectives of Policy E9 of the Carlisle District Local Plan.

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 E9 of the Carlisle District Local Plan.

4. Within 3 months of the date of this approval samples of the proposed hard surface details shall be submitted to and approved, in writing, by the Local Planning Authority. The development shall be implemented in accordance with these details.

Reason: To ensure that materials to be used are acceptable and to ensure compliance with Policy CP4 of the Carlisle District Local Plan Redeposit Draft 2001-2016.

5. The proposed fencing shall be constructed in accordance with drawing number 018 of application 06/1095, which was received 11th September 2006.

Reason: To ensure that the materials used are acceptable and to ensure compliance with Policy H16 of the Carlisle District Local Plan.

6. The development hereby approved should be commenced in accordance with the Safety Audit received with this application dated 8th November 2005.

Reason: In order to ensure the internal arrangement is in accordance with the Cumbria County Council highway standards.

7. The dwellings hereby approved shall not be occupied until visibility splays providing clear visibility of 45m x 2.4m x 45metres 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 and to support Local Transport Policies S3 and LD7.

8. Within 3 months of this approval detail for the provision of surface water drainage works shall be submitted 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 to ensure compliance with Policy CP9 of the Carlisle District Local Plan Redeposit Draft 2001-2016.

10. Within 6 months of this approval a post-excavation assessment and analysis of the archaeological investigation undertaken on 17th-19th January 2006 shall be carried out and provided to the Local Planning Authority. Subject to its written approval, within 12 months from the date of that approval, the applicant shall prepare a site archive ready for deposition at a store approved by the Planning Authority; the completion of an archive report; and the submission of a publication text to a suitable journal.

Reasons: To afford reasonable opportunity for the examination and recording of the significant remains of archaeological interest that survive on the site and to ensure compliance with Policy E26 of the Carlisle District

Local Plan.

There are a number of issues that are relevant to this scheme that will be addressed in turn within the report. The first most important issue is whether there is a proven need for the development and in this location.

Proven Need and Affordable Housing

The principal of the application has been accepted under the previous application however details of the need for the affordable housing have been outlined again for your information.

The government has promised new planning guidance later this year, against a new expectation that rural authorities should be able to deliver 2,400 additional affordable homes per year in rural settlements. The Department for Communities and Local Government (DCLG) has also agreed that new housing development should not be restricted to town and cities and that there should be more flexibility about land for development in rural areas. This scheme would go towards providing this new goal that the Government is due to set Local Authorities.

A January 2004 Housing Need Survey of Burgh by Sands parish established the need for affordable housing for 7 families. In addition, between 5 and 8 households anticipated the need to down size shortly. Therefore the recommendation from the survey was for up to 8 properties. The relevant sections of the Housing Need Survey can be found within the response from the Housing Section.

The Councils Housing Services fully supports the scheme, which is identified in the Housing Strategy as one of the developments targeted at meeting identified housing need in the rural area. Two Castles were successful in bidding for a share of Regional Housing Board (RHB) funding, awarded to provide affordable housing across Cumbria, which the Housing Section were involved in negotiating (through their membership of the Cumbria Sub-Regional Housing Group (CSRHG)).

The need for these affordable houses is further supported by the Parish Plan in that 'at the Parish Consultation Meeting housing issues were voted the highest priority and it was stated that Family accommodation for young couples would, it is hoped support the Primary School in the future and smaller houses would encourage elderly people to stay living in the village for longer.' It is considered that the mix of 2no 2 bed houses, 4no 3 bed houses and 2no 2 bed bungalows would provide the housing that has been identified both within the Housing Needs Survey and the adopted Parish Plan.

It is considered that a proven need has been established for the principle of the housing in this location and therefore the principle of the scheme complies with the relevant local plan policies.

Concern has been previously expressed that the field is a green field development.

This is correct in that the site has not been previously developed however it is considered that as the reason that this development is being supported in principle is due to the established need for affordable housing that the scheme will be assessed as an exception site. Many sites were considered prior to the submission of this scheme and it was considered that although this has constraints it had the least and was located close to the existing built village. The location of the site is considered acceptable and complies with Policy H9 of the Carlisle District Local Plan and H6 of the Carlisle District Local Plan Redeposit Draft.

In line with the local plan policies a Section 106 is required in relation to the affordable housing. The Section 106 is identical to that under 06/0524 bar the reference number on the document as this current scheme does not involve changes to the principle of the affordable housing units.

There has been a proven established need for affordable housing and this scheme not only provides affordable housing but actually provides the varying sizes of affordable housing that have been identified as needed. This scheme would provide some of the rural affordable housing that Carlisle is required to provide. As the need has been established the finer details of the scheme must now be considered.

Design Considerations and the Conservation Area

The design considerations of the application are identical to those under application 06/0524. As previously stated the only change to the application is the floor levels. It is not felt the increase in floor levels will have a negative impact on the scheme but simply ensure the houses meet with drainage standards.

Although the site is not within the Conservation Area or the AONB it is located adjacent to the Conservation Area and the AONB and it is therefore considered necessary to evaluate the impact of the development on the Conservation Area in line with Policy E43 of the adopted local plan and Policy LE20 of the redeposit plan and Policy E3 of the adopted plan and DP8 of the redeposit in relation to AONB.

The scheme has been changed under application 06/0524 to address the comments made by the parish Council and Objectors to the scheme. These amended plans are the ones submitted with this application and therefore it is not anticipated that any objections will be received to the design of the scheme.

The scheme includes three different house types a 2 bed semi-detached house, a 3 bed semi-detached house and a semi-detached bungalow. Although concern has been expressed previously by the Parish that the designs are not of a vernacular design, similar designs to both the 2 bed and 3 bed house types can be found within the Parish Plan as examples of 'good examples or modern development within the village'.

The Parish Council has also previously expressed concern over the lack of use of natural stone or brick detailing, however the Parish Plan and Policies require that new developments complement the surrounding area. Page 11 of the Parish Plan requires that 'building styles and materials should be in keeping with the local vernacular and reflect and respect the nearby colours, textures, materials, shapes,

styles and proportions of existing traditional buildings and the character of the surrounding area. It is considered that the use of render walls with contrasting render surrounds and timber windows would reflect the immediate surrounding area in line with both the Parish Plan and the Local Plan Policies. This design has already been accepted by the Members during the consideration of the previous application.

Highway issues

The scheme proposes to utilise the existing field entrance and widen it to allow for a larger entrance and visibility splays.

Concern has been expressed in the previous application that there is no footpath leading from the village all the way to the School and that this scheme will increase the risk to pedestrian safety. As with the previous application it is accepted that with any new development that there will be an increase in traffic generation, however it is not considered that the proposal for 8 houses in this location would detrimental effect the pedestrian safety in the area.

Landscaping of site

A landscaping plan has been submitted with the application which shows all trees within the site or on the boundary will be retained along with the hedge being maintained and continued around the site.

Archaeology

In relation to the archaeology on the site both the County Archaeological and English Heritage have been consulted. The site is archaeologically significant and lies immediately south of the Hadrian's Wall World Heritage Site. The remains of a Roman civilian settlement associated with Aballava fort were archaeologically investigated 75m to the east and an archaeological evaluation of the site, undertaken in advance of this application, has revealed a series of Roman ditches which are likely to have formed field systems and track ways. All the archaeological works have been completed and an Archaeological Evaluation has been submitted with this application thus the proposal complies with Policies E24 and E26 of the Carlisle District Local Plan and Policies LE6 and LE7 of the Redeposit Draft.

Open space provision

The adopted Policy L9 and the Redeposit Policy LC4 requires that an element of play/open space is provided on schemes of less than 40 units if there is an identified deficiency in the play area provided in the locality in accordance with the Audit on Open Space report. No Audit on Open Space report is available for the rural area however it is considered that due to the fact that the site is located close to the existing play area that the proposal complies with these two policies in relation to open space / play area.

The nearest house is approximately 28m from the edge of the play area and it is considered that this is sufficient distance due to the fact that the proposed

development is not directly behind the play area and is actually offset.

The scheme also provides adequate on site amenity space for each of the residential units.

Conclusion

In conclusion, the proposed development of the site to provide 8 Affordable houses is considered to be acceptable. It is felt that the need for the scheme has been proven through the data supplied in this application and the granting of application 06/0524. It is not felt the raising of the floor levels will have a negative impact on the scheme and will simply allow the proposal to be built in accordance with drainage regulations. The applicant has discharged the majority of conditions from application 06/0524 and therefore some of the conditions attached to this application are linked to the previous application.

The proposal is considered to be in accordance with Policies E3, E9, E25, E26, E30, E43, H5, H7, H9, H16 and L9 of the Carlisle District Local Plan and Policies DP8, CP2, LE6, LE7, LE10, LE20, H1, H6, CP4, CP5 and LC4 of the Carlisle District Local Plan 2001-2016 Redeposit Draft and Policies ST1, ST3, ST7, E38 and H19 of the Joint Structure Plan and is therefore recommended for approval.

The recommendation subject to no objections being received that have not been addressed within the report or by the previous approved scheme is Authority to Issue to allow the statutory consultation period to expiry and also to allow the variation of the S106 Agreement in relation to affordable housing to include the new application reference number.

Relevant Development Plan Policies

Carlisle District Plan Environment - Policy E3

Within and adjacent to the North Pennines and Solway Coast Areas of Outstanding Natural Beauty, permission will not be given for development which would be unacceptably detrimental to the present character and quality of the landscape. Development proposals should seek to conserve or enhance the present character and quality of the landscape through appropriate siting, design, materials and landscaping. Large scale development will only be permitted where there is proven national need and lack of an alternative site.

Carlisle District Plan Environment - Policy E9

Landscaping schemes will be required for development permitted on the periphery of settlements in order to fully integrate the development with its settlement and the surrounding countryside.

**Carlisle District Plan
Environment - Policy E25**

Development will not be permitted where there is an unacceptable adverse effect on the Hadrian's Wall Military Zone World Heritage Site.

**Carlisle District Plan
Environment - Policy E26**

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 adverse 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 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.

**Carlisle District Plan
Environment - Policy E30**

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

**Carlisle District Plan
Environment - Policy E43**

The City Council will encourage and permission will be granted for development within and adjoining Conservation Areas which preserves or enhances their character. The City Council will seek to ensure that any new development or alterations to existing buildings are in sympathy with the setting, scale, density and physical characteristics of Conservation Areas and protect important views into or out of such areas. Applications for outline planning permission will not be accepted for proposals in Conservation Areas.

**Carlisle District Plan
Housing - Proposal H5**

Within the following settlements, large scale residential development will not be permitted. Proposals for small scale residential development will normally be acceptable providing that:

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

Aglionby, Baldwinholme, Banks, Barclose, Beaumont, Blackford, Blackwell, Boltonfellend, Boustead Hill, Broadwath, Brisco, Brunstock, Burgh-by-Sands, Burnrigg, Cardewlees, Cargo, Carleton, Castle Carrock, Cotehill, Cumdivock, Cummersdale, Cumrew, Cumwhinton, Cumwhitton, Durdar, Easton, Farlam, Faugh, Fenton, Gaitsgill, Gilsland, Great Corby, Great Orton, Grinsdale, Hallbankgate, Harker, Hayton, Hayton Townhead, Heads Nook, Hornsby, Boughton, How Mill, Irthington, Kirkcambeck, Kirkandrews-on-Eden, Knells, Lanercost, Laversdale, Linstock, Little Orton, Low Crosby, Longburgh, Low Row, Lyneholford, Midgeholme, Milton, Moat, Monkhill, Moorhouse, Newby East, Newtown, Raughtonhead, Rockcliffe, Rickerby, Scaleby, Scotby, Smithfield, Stainton, Stockdalewath, Talkin, Tarraby, Thurstonfield, Tindale, Todhills, Walton, Warwick-on-Eden, Warwick Bridge (including Little Corby & Corby Hill), Westlinton, Wetheral, Wetheral Pasture.

Carlisle District Plan Housing - Proposal H7

Within the Remote Rural Area (as defined on the Proposals Map), large scale development will not be permitted. Proposals for small scale development within existing hamlets or groups of houses will be acceptable in principle provided that:

1. The proposal is well related to existing local landscape features and is sited in such a way as to make maximum use of such features for screening and does not adversely affect the landscape; and

2. The proposal complements the character and size of the hamlet or group of dwellings; and
3. Appropriate access and parking can be obtained.

In addition proposals will be acceptable for additional accommodation on farm complexes which contain an existing occupied dwelling. However, in these cases clear evidence of the need for such development must be given. Such consents will be limited to one additional dwelling per farm.

**Carlisle District Plan
Housing - Proposal H9**

Notwithstanding Proposal H1 and Policies H2-H5 and H7, proposals for residential development may be permitted in locations where such development would not usually be permitted, where the following conditions are met:

1. The proposal is for low-cost housing to meet an identified need; and
2. The proposal is supported by a detailed agreement which will satisfy the requirement that once built the residential units are retained for the benefit of successive as well as initial occupiers; and
3. The proposal is well related to the settlement where the need has been identified and does not involve a significant impact on the local landscape.

**Carlisle District Plan
Housing - Proposal H16**

High standards of design in new housing sites and dwellings will be required. Matters to be considered include: The layout of roads and buildings; footpaths and cycleways; the retention of existing trees and hedgerows; planning out crime; the provision of public open space; the relationship to adjacent development.

**Carlisle District Plan
Leisure - Proposal L9**

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

	Per Hectare
Outdoor Playgrounds	150 square metres
Informal Playspace	270 square metres

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

In most large developments play provision will be able to be provided within the housing site. However, if no suitable location can be provided the requirement may be met by the provision of a new off site facility (if an appropriate site is available) or by the provision of additional play facilities on a nearby existing play area or one which is in the course of being provided, such improved play provision being secured by a legal agreement between the developers and the Council.

Where a housing development is over 40 dwellings but is partially developed by different developers or as separate phases by the same housing developer, provision will be required for each constituent part of the site.

On smaller housing sites the developer will be required to make commuted payments towards the provision of playspace in the locality if there is a deficiency of playspace in the local area judged against National Playing Fields Association standards.

Small areas of playspace provided by the developer which are principally of benefit to the development itself shall be dedicated to the City Council for maintenance purposes and a commuted payment equivalent to ten years maintenance costs will be required.

Carlisle District Local Plan 2001 - 2016 Redeposit draft Policy DP8 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 Redeposit draft Policy CP2 Trees and Hedges on Development Sites

When considering proposals for development on sites where there are existing trees and hedges, a survey will be required to show the following information:

1. the location of existing trees and hedges;
2. the species, **age**, height and crown spread of each tree;
3. an assessment of the condition of each tree;
4. the location and crown spread of trees on adjacent land which may be affected by

the development;
5. existing and proposed changes in ground level.

In order to protect and integrate existing trees and hedges within new development, the City Council will resist proposals which cause unacceptable tree loss, and which do not allow for the successful integration of existing trees identified in the tree survey. Layouts will be required to provide adequate spacing between existing trees and buildings, taking into account the existing and future size of the trees, and their impact both above and below ground.

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

Carlisle District Local Plan 2001 - 2016 Redeposit draft Policy H1 Location of New Housing Development

New housing development will be located in sustainable locations in accordance with PPG 3: *Housing*, Regional Planning Guidance and the Joint Structure Plan. During the Plan period 80% of new development will be located within the urban area of Carlisle, including allocated sites on the edge of the City referred to in Proposal H16. The remaining 20% will be permitted in the rural area of the District with the focus on the two Key Service Centres of Brampton and Longtown.

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

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

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

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

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

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

Carlisle District Local Plan 2001 - 2016 Redeposit draft Policy 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 Redeposit draft Policy LE6 Hadrian's Wall World Heritage Site

Development will not be permitted where there is an unacceptable impact on the Hadrian's Wall Military Zone World Heritage Site.

Carlisle District Local Plan 2001 - 2016 Redeposit draft Policy LE7 Buffer Zone of 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 adverse 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 Redeposit draft Policy LE10 Archaeological Field Evaluation

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

Carlisle District Local Plan 2001 - 2016 Redeposit draft Policy LE20 Conservation Areas

The City Council will continue to review existing and designate new conservation areas. The City Council will encourage, and permission will be granted for development within and adjoining conservation areas which preserves or enhances their character. The City Council will seek to ensure any new development or alterations to existing buildings are in sympathy with the setting, scale, density and physical characteristics of conservation areas, and protect important views into or out of such areas. Applications for outline planning permission will not be accepted for proposals in conservation areas.

Proposals for new development and/or the alteration of buildings in conservation areas should harmonise with their surroundings:

1. the development should preserve or enhance all features which contribute positively to the area's character or appearance, in particular the design, massing and height of the building should closely relate to adjacent buildings and should not have an unacceptable impact adversely impinge on the townscape or landscape;
2. the development should not have an unacceptable impact on the historic street patterns and morphology, roofscape, skyline and setting of the conservation area, important open spaces or significant views into, out of and within the area;
3. development proposals should not result in the amalgamation or redrawing of boundaries between traditional buildings and plots, or demolition and redevelopment behind retained facades;
4. wherever practicable traditional local materials such as brick, stone and slate should be used and incongruous materials should be avoided;
5. individual features both on buildings and contributing to their setting, should be retained e.g. doorways, windows, shopfronts, garden walls,

- railings, cobbled or flagged forecourts, sandstone kerbs, trees and hedges, etc. Where features have deteriorated to the extent to which they have to be replaced, the replacement should match the original;
6. proposals which would generate a significant increase in increased traffic movements and heavy vehicles or excessive parking demands will not be permitted since these would be prejudicial to amenity;
 7. proposals which would require substantial car parking and servicing areas which can not be provided without an adverse effect on the site and its surroundings will not be permitted.

Carlisle District Local Plan 2001 - 2016 Redeposit draft 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 Redeposit draft Policy CP4 Design

The suitability of any new development or redevelopment will be assessed against the following design principles. Proposals should:

1. Have regard to surrounding buildings in the context of their form in relation to height, scale and massing and making use of appropriate materials and detailing.
2. Take into consideration any important landscape or topographical
3. Reinforce local architectural features where appropriate promoting and respecting local distinctiveness rather than detracting from it.
4. Be well integrated- ensuring all components of a development are well related to one another e.g. buildings, associated parking, access routes, open space, and hard and soft landscaping to ensure a successful and attractive outcome.
5. Not adversely affect the residential amenity of existing areas, nor adjacent

- land uses, nor result in unacceptable standards for future users and occupiers of the development.
6. Ensure where possible the retention of existing trees, shrubs, hedges and other wildlife habitats and the replacement of any environmental feature lost to development.
 7. Recognise that landscaping schemes (both hard and soft) will be required to assist in integrating new development into existing areas and ensure that development on the edge of settlements is fully integrated into its surroundings.
 8. Ensure that the necessary services and drainage infrastructure can be incorporated without causing unacceptable harm to retained features.
 9. Through layout and design, encourage the promotion of energy and water conservation by its future occupiers, the incorporation of sustainable forms of energy production within the overall design should also be explored where appropriate.
 10. Have a layout and design which minimises the potential for crime and antisocial behaviour.

Carlisle District Local Plan 2001 - 2016 Redeposit draft Policy CP5 Residential Amenity

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

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

In order to ensure residential amenity is not compromised a minimum distance of 21 metres should be allowed between primary facing windows between dwellings (12 metres gable end to primary facing window). A minimum of 4 metres should be allowed between gable ends to allow for maintenance of property. Changes in levels of land and height of development will be taken into account in applying these distances.

Cumbria and Lake District Joint Structure Plan 2001– 2016 Policy ST1: A Sustainable Vision for Cumbria

The overall quality of life within Cumbria should be enhanced through the promotion of sustainable development that seeks to protect the environment, ensure prudent use of resources and maintain social progress and economic growth.

Urban and rural communities should be sustained through measures that, in combination, advance the four objectives of sustainable development and achieve:

- a flourishing and diverse local economy
- access to good quality housing for all

- a full range of appropriate and accessible services
- good transport services and communications linking people to jobs, schools, health and other services
- quality built, natural and historic environments
- places to live in a safe and healthy manner
- vibrant, harmonious and inclusive communities

Cumbria and Lake District Joint Structure Plan 2001– 2016
Policy E38: Historic environment

Measures will be taken to identify, record, protect, conserve or enhance areas, sites, buildings and settings of archaeological, historic and architectural importance. Proposals which fail to preserve or enhance the character or appearance of Conservation Areas or which damage, obscure, or remove important archaeological sites or other historic features or are detrimental to the character or setting of a listed building will not be permitted unless the harm caused to their importance and intrinsic interest is clearly outweighed by the need for the development.

Development and land use change should be compatible with the distinctive characteristics and features of 'Cumbria's Historic Landscape Characterisation Programme'.

Cumbria and Lake District Joint Structure Plan 2001– 2016
Policy ST3: - Principles applying to all new development

All proposals for development including alterations to existing buildings and land use change will be required to promote sustainable development. They should protect the quality of the environment, ensure prudent use of resources and maintain social progress and economic growth by:

1. seek locations consistent with policy ST5, ST6, and ST7 which will assist in reducing the need to travel, and then in the following order of priority :
 - a) the appropriate reuse of existing buildings worthy of retention, followed by
 - b) the reuse of previously developed land and only then
 - c) the use of previously undeveloped land,
2. seek sites that are or will be made accessible by public transport, walking or cycling,
3. reduce the risk of flooding within the development and elsewhere by a choice of location in the following order of priority:
 - a) sites with little or no flood risk, followed by
 - b) sites with low or medium flood risk, and only then
 - c) sites in areas of high flood risk.

Design proposals should minimise or mitigate any flood risk and where practicable include sustainable drainage systems.

4. ensure agricultural land of poorer quality is used for development in preference to the best and most versatile agricultural land.

5. avoid the loss of, or damage to, and where possible enhance, restore or re-establish, important nature conservation features,

6. avoid the loss of or damage to, and wherever possible enhance important or distinctive conservation features including landscapes, buildings, archaeological sites, historic parks and gardens and visually important public and private open spaces,

7. ensure high standards of design including siting, scale, use of materials and landscaping which respect and, where possible, enhance the distinctive character of townscape and landscape, promote a safe and secure environment that designs out crime and makes proper provision for people with restricted mobility and people with special needs, using promote energy and water efficient design and the use of recycled materials and renewable energy technology, avoiding reductions in air or water quality and the quality and quantity of groundwater and surface waters, ensuring development makes efficient use of and is within infrastructure, community and service constraints, including the road and transport hierarchy and water supply, or that these can be satisfactorily overcome through planned improvements or at the developers expense without an adverse effect on the environment. Ensure minimal levels of light pollution and noise.

Cumbria and Lake District Joint Structure Plan 2001– 2016

Policy ST7: Development to sustain rural communities

Small scale development to help sustain local services, meet local needs or support rural businesses will be permitted in towns and villages defined as Local Service Centres in Local Plans. It will be the exception for new development to be located in the open countryside.

Cumbria and Lake District Joint Structure Plan 2001– 2016

Policy H19: Affordable housing outside the Lake District National Park

Affordable housing to meet proven local need will be provided through:

1. the provision of an element of affordable housing as part of residential or mixed use development of sites of more than 0.4 hectares or 10 or more dwellings, or
2. the development of affordable housing in rural sites considered an exception to normal planning policy contained in Local Plans.

Adequate arrangements must be made to ensure that the housing remains available on an affordable basis for local people in perpetuity.

Item no: 31**Appn Ref No:**
06/1290**Applicant:**
Lovell Partnerships
Limited**Parish:**
Carlisle**Date of Receipt:**
07/11/2006**Agent:**
Ainsley Gommon Architects Morton**Ward:****Location:**
Land at Barras Close, Barras Close, Carlisle**Grid Reference:**
338386 554235

Proposal: Demolition of 40 flats and 54 garages, residential development of 49 new properties

Members will recall at Committee meeting held on 15th December 2006 that authority was given to the Head of Planning and Housing Services to issue approval subject to a Section 106 Agreement with regard to the payment of a commuted sum for the provision and maintenance of offsite play facilities, and also to appropriate conditions including a requirement for a Footpath Diversion Order under Section 257 of the Town and Country Planning Act 1990 being attached. These requirements have both been completed and the approval has been sent out on 6th February 2007.

Planning Decision

Grant Permission

1. No development approved by this planning permission shall be commenced until:
 - a) a desktop study has been carried out which shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information and a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors has been produced.
 - b) a site investigation has been designed for the site using the information obtained from the desktop study and any diagrammatical representation (Conceptual Model). This should be submitted to, and approved in writing by, the Local Planning Authority prior to that investigation being carried out on the site. The investigation must be comprehensive enough to enable a risk assessment to be undertaken relating to groundwater and surface waters

associated on and off the site that may be affected, refinement of the Conceptual Model and the development of a Method Statement detailing the remediation requirements.

c) the site investigation has been undertaken in accordance with details approved by the Local Planning Authority and a risk assessment has been undertaken.

d) a Method Statement, based on the site investigation and detailing the remediation requirements, including measures to minimise the impact on ground and surface waters, using the information obtained from the site investigation has been submitted to the LPA. This should be approved in writing by, the Local Planning Authority prior to that remediation being carried out on site.

Reason

To ensure that the proposed site investigations and remediation will not cause pollution of Controlled waters in accordance with Policy E24 of the Carlisle District Local Plan and Policies CP10 and LE30 of the Redeposit Draft

2. No development shall take place until details of a landscaping scheme have been submitted to and approved by the local planning authority.

Reason: To ensure that a satisfactory landscaping scheme is prepared in accord with Policy E19 of the Carlisle District Local Plan and Policy CP4 of the Redeposit Draft (2001 - 2016)

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 buildings 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 E19 of the Carlisle District Local Plan and Policy CP4 of the Redeposit Draft (2001 - 2016)

4. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works, supported by a Drainage Impact Assessment (DIA), has been approved in writing by the Local Planning Authority. Such a scheme shall be constructed and completed in accordance with the approved plans.

Reason: To ensure a satisfactory means of surface water disposal in accordance with Policy E24 of the Carlisle District Local Plan and Policy CP10 of the Redeposit Draft (2001 - 2016)

5. The carriageway, footways and footpaths shall be designed, constructed, drained and lit to a standard suitable for adoption and in this respect further details, including longitudinal/cross sections, shall be submitted to the local planning authority for approval before any work commences on site. Work will take place under a Highways Act 1980, Section 38 agreement with the Highway Authority and shall be constructed before the development is complete.

Reason: To ensure a minimum standard of construction in the interests of highway safety and to support Local Transport Plan Policies S3, LD11, LD7 and LD5 (draft).

6. No dwellings shall be occupied until the estate road, including footways and cycleways, to serve such dwellings has been constructed in all respects to base course level and street lighting, where it is to form part of the estate road, has been provided and brought into full operational use.

Reason: In the interests of highway safety and to support Local Transport Plan Policies S3, S4 and LD9.

7. The 49 houses to be built shall include 12 for rental by a Registered Social Landlord approved by Carlisle City Council, which houses shall comprise the 2 bungalows, 6 flats , 3 two bedroom houses and 1 three bedroom house.

Reason: To clarify the terms of the permission and to meet the objectives of Policy H8 of the Carlisle District Local Plan and Policy H5 of the Redeposit Draft (2001 - 2016)

8. No work shall commence on site until a footpath diversion order, under Section 257 of the Town and Country Planning Act 1990, has been confirmed and the route constructed to accommodate walkers in safety.

Reason: To ensure that the right -of- way over Footpath 109291 is retained in accordance with the objectives of Policy L5 of the Carlisle District Local Plan and Policy LC8 of the Redeposit Draft (2001-2016)

9. No development approved by this planning permission shall be commenced until:

(a) a survey has been carried out to establish whether bats are present in buildings on the site

(b) a report containing the methodology and findings of the bat survey and, if

bats are found to be present, detailed mitigation proposals, has been submitted to, and approved by the Local Planning Authority and;

(c) all necessary mitigation measures identified under (b) above have been implemented.

Reason: In order to avoid any harm to protected species of wildlife in accordance with Policy E14 of the Carlisle District Local Plan.

Summary of Reasons for the Decision

This is a revised application for full planning permission for the redevelopment of a site containing residential properties, open space and garages at Barras Close, Morton. The proposal involves the demolition of 40 one bedroom flats and 54 garages. 42 garages are contained within 3 blocks accessed from Levens Drive and the remainder, which lie behind the shops in Newlaithes Avenue, are accessed from Barras Close.

The site has been expanded to include (1) the former play area at the southern end of the site (2) a small triangular area (approximately 15 square metres) at the southern end of the access road to the rear of the shops in Newlaithes Avenue and (3) an area of open land (approximately 240 square metres) on the corner of Newlaithes Avenue and Barras Close.

The 49 new dwellings will comprise:

- (1) 6 two bedroom flats and 2 two bedroom bungalows (at the entrance to the development)
- (2) 2 four bedroom terrace properties
- (3) 36 three bedroom semi-detached/terrace properties
- (4) 3 two bedroom terrace properties

The applicant advises that 12 houses will be for rent (2 bungalows, 6 flats, 3 two-bedroom houses and 1 three-bedroom house) and the remainder for sale.

Proposals were first submitted for Planning Approval (05/817) on 1st August 2005, and subsequently withdrawn on 9th December 2005, following a deferment by committee, to allow for further consultation with local residents and design development. In particular proposals for the demolition and replacement of the bungalows in Hallin Crescent caused concern to the Council. This concern was then addressed and a further application, taking account of this and the above community consultation, was made in late July 2006(06/960). A refusal was issued at committee on 29th September 2006 on the grounds that (1) the proposed development involved the retention of a footpath link which would be likely to result

in criminal and anti-social behaviour (2) there was inadequate distance between existing and proposed dwellings and (3) there was restricted and insufficiently accessible car parking.

This new proposal, which takes account of matters raised by the former applications; continues in its intent to revive an area of failing housing within an otherwise well-established neighbourhood, by providing a mixed-tenure development of new housing for rent and for sale, with a diverse mix of 2 and 3 bedroom family homes, bungalows and flats, laid out to provide secure private space and attractive gardens in a landscaped setting.

With regard to the specific reasons for the refusal of the previous application (06/0960) the revised application:

(1) shows the footpath link between Barras Close and Levens Drive deleted (but does not assign ownership of the land to a particular property).

(2) has reorientated the bungalow to face Barras Close

(3) has achieved the 21m minimum window separation throughout the site (except where houses are being re-built on the same site as demolished properties. In this situation the privacy of existing properties on Levens Drive is enhanced as the upper floor of the new properties will be a bedroom instead of the living room of the flats. Erecting the new houses in the same position as those demolished allows the existing road to be re-used).

(4) The distance between gables of houses has been increased to a minimum of 5.5 metres to provide accessible car parking.

It was considered that the determining issue related to the future of the footpath link between Barras Close and Newlaithes Avenue and the relative importance of (a) removing the potential for anti-social behaviour or (b) ensuring that the regeneration project goes ahead. It was recognised that, in view of (1) the level of objection to the closure (2) the additional distance involved in the alternative route and (3) a question over whether the closure was necessary ' to enable the development to be carried out', there was a strong possibility that a Closure Order would not be confirmed.

It was considered that more weight should be given to the latter and the application approved.

Relevant Development Plan Policies

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft 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 uses other than residential will not be permitted in Primary Residential Areas other than where they do not adversely affect residential amenity.

Development that would create unacceptable noise, smell, safety and health impacts or excessive traffic generation will not be acceptable. 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, applications for residential development, including redevelopment and the change of use of vacant and underused buildings, will be permitted provided that:

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

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft 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 are expected to make a contribution towards affordable housing. In the urban area a contribution will be sought on all other sites over 10 dwellings. In the rural area the contribution to affordable housing will be:

1. 25% of development costs on large sites (over 0.8 ha or 25 dwellings); or
2. 20% on medium sites (over 0.3 or 10 dwellings); or
3. 10% on small sites (over 0.1 ha or 3 units).

Where affordable housing is to be provided at a discounted market value a discount of 25- 30% will be sought.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Core Development Policies - Policy CP4 - Design

The suitability of any new development or redevelopment will be assessed against the following design principles. Proposals should:

1. Have regard to surrounding buildings in the context of their form in relation to height, scale and massing and making use of appropriate materials and detailing.
2. Take into consideration any important landscape or topographical features and respect local landscape character.
3. Reinforce local architectural features where appropriate promoting and respecting local distinctiveness rather than detracting from it.
4. Be well integrated- ensuring all components of a development are well related to one another e.g. buildings, associated parking, access routes, open space, and hard and soft landscaping to ensure a successful and attractive outcome.
5. Not adversely affect the residential amenity of existing areas-nor adjacent land uses, nor result in unacceptable standards for future users and occupiers of the development.
6. Ensure where possible the retention of existing trees, shrubs, hedges and other wildlife habitats and the replacement of any environmental feature lost to development
7. Recognise that landscaping schemes (both hard and soft) will be required to assist in integrating new development into existing areas and ensure that development on the edge of settlements is fully integrated into its surroundings.
8. Ensure that the necessary services and drainage infrastructure can be incorporated without causing unacceptable harm to retained features.
9. Through layout and design, encourage the promotion of energy and water conservation by its future occupiers, the incorporation of sustainable forms of energy production within the overall design should also be explored where appropriate
10. Have a layout and design which minimises the potential for crime and antisocial behaviour.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Core Development Policies - Policy CP9 - Sustainable Drainage Systems

When the following conditions apply sustainable drainage systems (SuDS) should be incorporated into a development proposal:

1. The development will generate an increase in surface water run-off; and
2. The rate of surface water run-off is likely to create or exacerbate flooding problems; and
3. Sufficient land is available, or can be made available to incorporate any form of SuDS.

Where SuDS are to be incorporated the following details shall be provided:

1. The type of SuDS; and
2. Hydraulic design details/calculations; and
3. Operation, maintenance and, where appropriate, adoption details.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Core Development Policies - Policy CP14 - Accessibility, Mobility and Inclusion

The layout and design of any development will be encouraged to meet the highest standards of accessibility and inclusion for all potential users regardless of disability, age or gender. Development proposals will be expected to demonstrate that they have made provision for easy, safe and inclusive access to, into and within buildings and facilities through the submission of an access statement alongside their planning application. The need for adequate parking facilities for disabled people should also be taken into account.

Facilities for disabled people should be included in proposals for extending and altering buildings and open spaces and changes of use where they are to be used by the public, in accordance with Part M of the Building Regulations 2004 and the Disability Discrimination Act 1995. Beyond these requirements, the City Council will seek, where applicable, to negotiate the extent of provision required for disabled people.

The Council will have regard to the following criteria when assessing development proposals:

1. The design of entrances and exits and ease of permeation through and between developments- in terms of street furniture, circulation areas and pedestrian routes
2. Location of any development proposal in relation to its potential users, customers, employees
3. Accessibility by all transport modes and provision for parking for disabled people
4. Provision of on site facilities e.g. baby changing facilities, public toilets, disabled parking, lifts and appropriate signage.
5. Consideration should also be given to the guidance in 'Better Access' produced by Carlisle City Council, regarding building details and accessibility for all and BS 8300: 2001 'Design of buildings and their approaches to meet the needs of disabled people- Code of Practice'.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Core Development Policies - Policy CP15 - Public Transport, Pedestrians and Cyclists

Existing provision for cyclists and pedestrians will be protected, promoted and enhanced. All new development, accessible by the public, should include provision for safe and convenient pedestrian and cycle access, including secure cycle parking facilities where appropriate. New development should help to create places that are sustainably well connected with each other, providing the right conditions to encourage walking, cycling and the use of public transport.

In assessing the suitability of new developments account will be taken as to the availability of alternative modes of transport to the private car to ensure that new

sites can be reached sustainably. In considering the layout of a proposal, care should be taken to ensure that the needs of pedestrians and cyclists are placed before other traffic to ensure a safe environment for all.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft 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 Revised Redeposit Draft 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 Revised Redeposit Draft 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 Revised Redeposit Draft Core Development Policies - Policy CP16 - 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
1. 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
2. Public and private spaces should have clearly defined boundaries.
3. Footpaths and cycleways should be designed to maximise their use and prevent opportunities for concealment, unauthorised access or provide a choice of escape routes.
4. Landscaping schemes should be designed to ensure that they do not create secluded areas, opportunities for climbing or reduce natural surveillance.
5. Lighting should deter criminal and antisocial activity whilst minimising light pollution.
7. CCTV may be considered necessary in certain circumstances. Developers should, at the earliest stage possible, consult the Architectural Liaison Officer to advise on measures to be incorporated for designing out crime.

Carlisle District Plan Housing - Proposal H2

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

1. Existing areas of open space and other amenity areas are safeguarded; and
2. The proposed development does not adversely affect the amenity of adjacent residential property; and
3. The proposed development complements or enhances existing adjacent residential areas and their amenity; and

4. Satisfactory access and appropriate parking arrangements can be achieved.

Proposals for uses other than residential will not be permitted in Primary Residential Areas other than where they do not adversely affect residential amenity. Development that would create unacceptable noise, smell, safety and health impacts or excessive traffic generation will not be acceptable. Such schemes falling within the scope of this Policy will be considered against the above criteria as well as other Policies of the Plan appropriate for the proposed use.

Carlisle District Plan Housing - Proposal H8

The City council will, where appropriate, negotiate with developers for an element of affordable housing to be included in the larger housing developments.

Carlisle District Plan Housing - Proposal H16

High standards of design in new housing sites and dwellings will be required. Matters to be considered include: The layout of roads and buildings; footpaths and cycleways; the retention of existing trees and hedgerows; planning out crime; the provision of public open space; the relationship to adjacent development.

Carlisle District Plan Transport - Proposal T1

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

Carlisle District Plan Transport - Proposal T7

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

1. The Parking Guidelines for Cumbria as detailed in Appendix 2;
2. The availability of public car parking in the vicinity;
3. The impact of parking provision on the environment of the surrounding area;
4. The likely impact on the surrounding road network; and
5. Accessibility by and availability of other forms of transport.

**Carlisle District Plan
Transport - Proposal T15**

Within the Plan area existing provision for cyclists and pedestrians will be protected. The improvement of provision for cyclists in the form of both highway improvements and secure parking facilities will be encouraged. All new development will be designed to provide safe and convenient access for cyclists and pedestrians. This should include the provision of secure cycle parking facilities where appropriate.

**Carlisle District Plan
Environment - Policy E19**

In considering proposals for new development the City Council will where appropriate require the retention of existing trees, shrubs, hedges and other wildlife habitats, and the replacement of any environmental feature lost to development. Landscaping schemes to be implemented by the applicant will be required as part of most planning applications.

**Carlisle District Plan
Environment - Policy E24**

Proposals for development which in the opinion of both the City Council and the Environment Agency would pose an unacceptable risk to the quality of groundwater, surface or coastal water will not be acceptable.

**Carlisle District Plan
Leisure - Proposal L2**

Within Primary Leisure Areas and other significant leisure areas proposals that relate to and complement the existing use and are appropriate in character and scale to the surroundings, will be acceptable. Inappropriate proposals for development and changes of use will not be approved in these areas.

**Carlisle District Plan
Leisure - Proposal L5**

The City council will seek to retain all existing bridleways, footpaths and rights of way and to establish new routes wherever possible. New development should seek to maintain the existing rights of way network and provide replacement routes for any lost to new development.

**Carlisle District Plan
Leisure - Proposal L8**

The City Council will seek to ensure a suitable area of open space is available for public use, for passive and active recreation within walking distance of every house in Carlisle and the principal settlements and wherever possible with 0.5 km of every home and not separated from it by a busy road. This includes appropriate provision in new developments, which should be dedicated to the Council for maintenance.

Carlisle District Plan Leisure - Proposal L9

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

	Per Hectare
Outdoor Playgrounds	150 square metres
Informal Playspace	270 square metres

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

In most large developments play provision will be able to be provided within the housing site. However, if no suitable location can be provided the requirement may be met by the provision of a new off site facility (if an appropriate site is available) or by the provision of additional play facilities on a nearby existing play area or one which is in the course of being provided, such improved play provision being secured by a legal agreement between the developers and the Council.

Where a housing development is over 40 dwellings but is partially developed by different developers or as separate phases by the same housing developer, provision will be required for each constituent part of the site.

On smaller housing sites the developer will be required to make commuted payments towards the provision of playspace in the locality if there is a deficiency of playspace in the local area judged against National Playing Fields Association standards.

Small areas of playspace provided by the developer which are principally of benefit to the development itself shall be dedicated to the City Council for maintenance purposes and a commuted payment equivalent to ten years maintenance costs will be required.

Carlisle District Plan Leisure - Proposal L11

In the event of playing fields becoming genuinely surplus to requirements, proposals for their development will only be acceptable where:

1. There is no significant loss of amenity to the surrounding area;
2. The proposal is in keeping with the character of the surrounding area;
3. Adequate access and appropriate car parking can be achieved;

4. Any increased traffic generation can be accommodated by the existing highway network;
5. Appropriate landscaping is an integral part of the scheme.

**Cumbria & Lake District Joint Structure Plan
Policy 32**

On large housing developments some provision should normally be made through negotiation for affordable housing to meet proven local needs.

**Cumbria and Lake District Joint Structure Plan 2001 – 2016
Policy ST1: A Sustainable Vision for Cumbria**

The overall quality of life within Cumbria should be enhanced through the promotion of sustainable development that seeks to protect the environment, ensure prudent use of resources and maintain social progress and economic growth.

Urban and rural communities should be sustained through measures that, in combination, advance the four objectives of sustainable development and achieve:

- a flourishing and diverse local economy
- access to good quality housing for all
- a full range of appropriate and accessible services
- good transport services and communications linking people to jobs, schools, health and other services
- quality built, natural and historic environments
- places to live in a safe and healthy manner
- vibrant, harmonious and inclusive communities

**Cumbria and Lake District Joint Structure Plan 2001 – 2016
Policy ST3: - Principles applying to all new development**

All proposals for development including alterations to existing buildings and land use change will be required to:

1. seek locations consistent with policy ST5, ST6, and ST7 which will assist in reducing the need to travel, and then in the following order of priority :
 - a) the appropriate reuse of existing buildings worthy of retention, followed by
 - b) the reuse of previously developed land and only then
 - c) the use of previously undeveloped land,
2. seek sites that are or will be made accessible by public transport, walking or cycling,
3. reduce the risk of flooding within the development and elsewhere by a choice of location in the following order of priority:

- a) sites with little or no flood risk, followed by
- b) sites with low or medium flood risk, and only then
- c) sites in areas of high flood risk

Design proposals should minimise or mitigate any flood risk and where practicable include sustainable drainage systems

- 4. ensure agricultural land of poorer quality is used for development in preference to the best and most versatile agricultural land.
- 5. avoid the loss of, or damage to, and where possible enhance, restore or re-establish, important nature conservation features,
- 6. avoid the loss of or damage to, and wherever possible enhance important or distinctive conservation features including landscapes, buildings, archaeological sites, historic parks and gardens and visually important public and private open spaces,
- 7. ensure high standards of design including siting, scale, use of materials and landscaping which respect and, where possible, enhance the distinctive character of townscape and landscape, promote a safe and secure environment that designs out crime and makes proper provision for people with restricted mobility and people with special needs, promote energy and water efficient design and the use of recycled materials and renewable energy technology, avoid reductions in air quality and the quality and quantity of groundwater and surface waters, ensure development makes efficient use of and is within infrastructure, community and service constraints, or that these can be satisfactorily overcome through planned improvements or at the developers expense without an adverse effect on the environment, Ensure minimal levels of light pollution and noise.

Cumbria and Lake District Joint Structure Plan 2001 – 2016
Policy ST5 : New development and key service centres outside the Lake District National Park

New development will be focused on the key service centres as set out below:

	Development emphasis	Major development of regional towns and cities	Sustained development of large towns	Moderate development appropriate to scale of town
City of Carlisle	Fostering regional role see Policy ST8	Carlisle		
North	Sustaining			Brampton,

Cumbria	rural services see Policy ST9			Longtown, Wigton
Furness and West Cumbria	Securing regeneration see Policy ST10	Barrow In Furness	Maryport, Ulverston, Whitehaven, Workington	Aspatria Cleator Moor, Cockermouth, Dalton in Furness, Egremont, Silloth, Millom
South and East Cumbria	Meeting local needs, see Policy ST11		Kendal Penrith	Alston, Appleby, Grange over Sands, Kirkby Lonsdale, Kirkby Stephen, Milnthorpe

The scale of development should be appropriate to the size and role of each key service centre and reflect the development emphasis of Policies ST8 – ST11, but as a minimum requirement provision should be made in each key service centre for:

1. a supply of new housing over the whole plan period,
2. an appropriate supply of readily available land in the Local Employment Site market sector,
3. a high level of transport accessibility, and
4. the ability to connect to high speed communications technology.

To ensure consistency with policies EM13 and H17 it will be the role of Local Planning Authorities to manage the above supply of land, particularly in areas of high demand to avoid over provision of development.

Cumbria and Lake District Joint Structure Plan 2001 – 2016

Policy ST8: The City of Carlisle

The City of Carlisle's importance will be fostered by new development that builds on its role as a regional centre for business, commerce, shopping, leisure and tourism. A range of employment opportunities including a Regional Investment Site at Kingmoor will be provided. Opportunities will be taken to strengthen links to employment uses at Kingmoor by all forms of transport. The role of Carlisle airport and its potential for contributing to economic activity within the city will be supported.

New housing will be needed to sustain the city's economic potential. The release of land will be phased to minimise vacancies and ensure the refurbishment and redevelopment of the existing housing stock and to give priority to the use of previously developed land. In accommodating new development regard should be had to the city's historic character.

Cumbria and Lake District Joint Structure Plan 2001 – 2016
Policy H18: Targets for the recycling of land and buildings

During the period 2002 to 2016 at least 50% of housing constructed in Cumbria should use previously developed land and buildings. To achieve this, the following local targets will apply to planning permissions granted in the period 2002 to 2016:

	%
City of Carlisle	65
North Cumbria	
Allerdale	40
Carlisle	40
Furness and West Cumbria	
Allerdale	70
Barrow	85
Copeland	70
South Lakeland	50
South and East Cumbria	
Eden	30
South Lakeland	50

Cumbria and Lake District Joint Structure Plan 2001 – 2016
Policy H19: Affordable housing outside the Lake District National Park

Affordable housing to meet proven local need will be provided through:

1. the provision of an element of affordable housing as part of residential or mixed use development of sites of more than 0.4 hectares or 10 or more dwellings, or
2. the development of affordable housing in rural sites considered an exception to normal planning policy contained in Local Plans.

Adequate arrangements must be made to ensure that the housing remains available on an affordable basis for local people in perpetuity.

Cumbria and Lake District Joint Structure Plan 2001 – 2016
Policy H23: Housing renewal

Measures to improve the existing housing stock through housing refurbishment, renewal, and clearance will be supported particularly within the City of Carlisle and Furness and West Cumbria. Clearance will be undertaken where there are problems with housing that is unfit, beyond economic repair, life expired, unsuitable for

modern living, in areas of extremely low demand or it is necessary for the better functioning of local housing markets or the overall improvement and regeneration of an area.

Item no: 32

Appn Ref No:
06/0469

Applicant:
Liam McNulty

Parish:
Upper Denton

Date of Receipt:
11/04/2006

Agent:

Ward:
Irthing

Location:
Willowford Farm, Gilsland, Cumbria CA8 7AA

Grid Reference:
362500 566500

Proposal: Conversion of farm building into bed and breakfast accommodation

Members will recall at Committee meeting held on 18th August 2006 that authority was given to the Head of Planning and Housing Services to issue approval subject to an application for Scheduled Monument Consent having been submitted to and approved by English Heritage prior to the determination of this application. This has been done and the approval was issued on 6th February 2007.

Planning Decision

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).

4. i) All crevices detailed in F1 of the Bat and Barn Owl Report by Sally Phillips must be checked immediately prior to pointing to ensure that no bats are entombed.

ii) All builders on site must be briefed by a licensed bat worker prior to working on the site as to where the bats may be found, what the signs are of bat usage and what to do if any bats are found or suspected.

iii) If at any point during the works, bats or barn owls are seen or suspected in the development site, work must stop immediately and further advice must be sought from the English Nature Bat Help line 01768776911.

Reason: In order to safeguard the existing wildlife on the site in accordance with the Countryside and Wildlife Act.

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

This written scheme will include the following components:

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

Reason: To afford reasonable opportunity for an examination to be made to determine the existence of any remains of archaeological interest within the site and for the preservation, examination or recording of such remains and to ensure compliance with Policy E31 of the Carlisle District Local Plan.

Summary of Reasons for the Decision

This application seeks full planning permission for the conversion of an existing single storey outbuilding to provide bed and breakfast accommodation at Willowford farm, Gilsland. The proposal would provide 5 bedroom areas and a lounge/dining room.

The property is a listed building and therefore there is a listed building consent application under reference 06/0470.

A design statement, listed building appraisal, access statement, and assessment for the treatment of foul sewage, structural survey, Bat and Barn Owl assessment supports the application.

There are a number of issues relating to the determination of this application along

with a number of issues being raised by the objectors, which will be considered within the following report.

The relevant policies to the determination of the application are E10, E11, E25, E34, E36, EM11, EM15 and EM16 of the Carlisle District Local Plan and Policies ST3, EM16 and E34 of the Cumbria and Lake District Joint Structure Plan and also of relevance are Policies LE2, LE3, LE6, LE14, LE16, and EC11 of the Carlisle District Local Plan Redeposit Draft.

The planning issues are:

Design

The outbuilding would easily divide into 6 separate spaces to be used for 5 bedrooms and a lounge/dining room with minimal internal alterations other than partition stud walls. This is due to the existing building being 5 spaces already, two feed stores, a wagon barn, a milking parlour and a further space. The milking parlour space is the only space that would require a stud partition wall to divide into two en-suite bedrooms. The proposal would use existing openings other than the insertion of one window to serve the fifth bedroom, the insertion of a number of velux rooflights and the opening up of a previously closed doorway on the southern elevation and reopening the partially closed arch way on the west elevation.

The Conservation Officer has raised concerns over the accuracy of the existing plans and amended plans have been requested and submitted. It is considered that the design is sympathetic to the building and the surrounding area and the character of the listed building is not harmed by the proposal.

Archaeological implications

Although no external works other than the insertion of the additional windows and reopening doorways are proposed there may be associated grounds works such as the service trenches and therefore the County Archaeologist along with the English Heritage have requested additional information prior to making a final recommendation. This information has been received and prior to the submission of the information discussions were undertaken with English Heritage. As a result of the reconsultation with both the County Archaeologist and English Heritage they have recommended an archaeological evaluation be carried out prior to the determination of this application for the area where the service pipe and biodisc are proposed. They have also recommended a watching brief for the actual buildings.

As a result of the new sewage treatment plant proposed the Agents acting for the landlord have applied for Scheduled Monument Consent as this is a requirement for the landlord to carry out this work. English Heritage have requested that no decision is issued until the Scheduled Monument Consent has been determined as the scheme could not be implemented if the proposed sewer system was not supported.

English Heritage has supported the principle of the conversion of the buildings and they do not consider that the proposal would have an adverse impact on the neighbouring Hadrian's Wall Heritage Site.

Highways

Highways have no objections subject to a number of conditions and recommendations. They have requested that a condition ensuring that the neighbouring footpath is not obstructed is imposed however this cannot be imposed as a planning condition as it would not be enforceable by planning and therefore an informative is proposed.

In relation to the creation of a number of passing places along the private access, this has not been suggested as a condition, however it is considered that one can be imposed for the details of the position and number of passing places to be submitted at a later date.

A number of concerns were raised by the objectors which have partially been addressed within the report.

- The 15 year tenancy states that the farm should continue as a working farm

Although this is not a material planning consideration it is considered important to clarify this point. The applicants do not currently farm the holding themselves this is due to geographical constraints as they are not permanently at Gilsland until the Autumn when they propose to start to farm the holding themselves. Therefore this scheme is part of a rural/farm diversification and it is considered that it is in line with the relevant policies. PPS7 requires that Local Authorities support farm diversification projects that are an acceptable scale and would not adversely impact the surrounding rural area, it is considered that this proposal accords with PPS7 advice.

- What other redevelopment of the adjacent byres would be allowed

Concern has been expressed by the objectors and by the verbal objection that this is part of a larger scheme. After discussions with the Applicant it would appear that they do have aspirations to further develop the site with potentially a tearoom but that this is dependant on obtaining this permission and ensuring that it is a viable business and is therefore only an aspiration and no firm plans are available. In the event that any additional schemes are submitted these would be assessed on their own merits and the relevant consultees notified.

- Increased number of vehicles and the existing access is almost directly opposite the entrance to Gilsland School & increase use of footpaths.

Highways have no objections to the proposal from a vehicular point of view. The Ramblers Association support the scheme and although no written response has been received from the County Councils Footpath Officer they have indicated that they would not be objecting to the use of the footpath network and that the Cumbria County Council have a requirement to up keep the footpath network irrespective of the amount of usage. At the time of writing this report no response has been received from East Cumbria Countryside Project in relation to the footpath concerns.

- Concern over the need for further tourist accommodation in an area that they feel is oversupplied and the competition that this application will cause which could have a detrimental effect on existing businesses.

It is considered that the design of the conversion is sympathetic to the building and the surrounding area and would not have a detrimental impact on the neighbouring Hadrian's Wall World Heritage Site. Although there may be archaeological implications it is considered that these can be overcome with the imposition of appropriate conditions.

No objections have been received from the Highways Authority and written comments are awaited in relation to the impact on the surrounding footpath network. However it is considered that the Council aim to promote the archaeological significance of the area and this applications aims to encourage the number of visitors to the area.

It is therefore considered that the proposed conversion is sympathetic to the area and complies with the relevant policies.

Relevant Development Plan Policies

Carlisle District Plan Environment - Policy E10

Development which would affect an existing or proposed Special Protection Area (SPA), Special Area of Conservation (SAC) or Ramsar Site will be subject to the most rigorous examination. Development or land use change not directly connected with or necessary to the management of the site and which is likely to adversely affect the integrity of the site will not be permitted unless:

1. There is no alternative solution; and
2. There are imperative reasons of overriding public interest for the development;

Where the site concerned hosts a priority natural habitat type and/or a priority species, development will not be permitted unless the Authority is satisfied that it is necessary for reasons of human health or public safety or for beneficial consequences of primary importance for nature conservation.

Carlisle District Plan Environment - Policy E11

Development which would adversely affect the nature conservation (including the geological) interest of Sites of Specific 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 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 Plan
Environment - Policy E25**

Development will not be permitted where there is an unacceptable adverse effect on the Hadrian's Wall Military Zone World Heritage Site.

**Carlisle District Plan
Environment - Policy E34**

Applications for alterations or extensions to listed buildings must have regard to the scale, proportions, character and detailing of the existing building (both internally and externally) and of its windows and doorways. Any proposals which adversely affect the listed building will not be permitted.

**Carlisle District Plan
Environment - Policy E36**

The change of use of a listed building will be permitted provided it would not have a detrimental effect on the special architectural and historical interest of the building and neighbouring properties.

**Carlisle District Plan
Employment - Proposal EM11**

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

1. The form, bulk and general design of the buildings are in keeping with the surroundings;
2. Adequate access and appropriate parking arrangements are made;
3. Any increased traffic generated by the proposal can be accommodated by existing highway network;
4. There is no unacceptable adverse effect on the amenity of adjacent property or the surrounding landscape.

**Carlisle District Plan
Employment - Proposal EM15**

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

1. There is no unacceptable adverse impact on the landscape; and
2. Adequate access and appropriate car parking can be achieved; and
3. If the proposal is within the rural area it is well related to an established settlement or group of buildings or involves the conversion of an existing building, or would form an important element of a farm diversification scheme.

Carlisle District Plan Employment - Proposal EM16

Proposals for change of use from residential to guest house will be permitted provided that there is no unacceptable adverse impact upon the amenity of any neighbouring property and any additional parking requirements can be accommodated.

Proposals for guest house accommodation in the rural area will be acceptable providing that:

1. The proposal involves the use of an existing building or the extension of an existing guest house; and
2. The proposal reflects the scale and character of any existing development in the area; and
3. There is no unacceptable adverse effect upon the amenity of neighbouring property and the character and appearance of the area.

Carlisle District Local Plan 2001 - 2016 Redeposit draft Policy LE2 Sites of International Importance

Development which would affect an existing or proposed Special Protection Area (SPA), Special Area of Conservation (SAC) or Ramsar site will be subject to the most rigorous examination. Development or land use change not directly connected with or necessary to the management of the site and which is likely to adversely affect the integrity of the site will not be permitted unless:

1. there is no alternative solution; and
2. there are imperative reasons of overriding public interest for the development.

Where the site concerned hosts a priority natural habitat type and/ or a priority species, development will not be permitted unless the Authority is satisfied that it is necessary for reasons of human health or public safety or for beneficial consequences of primary importance for nature conservation.

Carlisle District Local Plan 2001 - 2016 Redeposit draft Policy LE3 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 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 Redeposit draft
Policy LE6 Hadrian's Wall World Heritage Site**

Development will not be permitted where there is an unacceptable impact on the Hadrian's Wall Military Zone World Heritage Site.

**Carlisle District Local Plan 2001 - 2016 Redeposit draft
Policy LE14 Alterations to Listed Buildings**

Applications for alterations or extensions to listed buildings must have regard to the scale, proportions, character and detailing of the existing building (both internally and externally) and of its windows and doorways. Any proposals which have an unacceptable impact on the listed building will not be permitted.

Applications will be assessed against the following criteria:

1. the importance of the building, its intrinsic architectural and historic interest and rarity, and its significance to the local distinctiveness and character of the district;
2. the particular physical features of the building
3. the setting of the building and its contribution to the local scene;
4. the extent to which the proposed works would bring substantial benefits for the community.

**Carlisle District Local Plan 2001 - 2016 Redeposit draft
Policy LE16 Change of Use of Listed Buildings**

The change of use of a listed building will be permitted provided it would not have a detrimental effect on the special architectural and or historical interest of the building and neighbouring properties.

**Carlisle District Local Plan 2001 - 2016 Redeposit draft
Policy EC11 Rural Diversification**

Development proposals to diversify and expand upon the range of economic activities undertaken in rural areas will be encouraged where the proposal re-uses or adapts existing traditional buildings (of permanent construction) for commercial, industrial or recreational uses. Any new building required as part of a diversification

scheme must be well related to an existing group of buildings to minimise its impact, blending satisfactorily into the landscape through the use of suitable materials, design and siting. Proposals should:

1. Be complementary to or compatible with the agricultural operations in the rural area; and
2. Be compatible with the character and scale of the operation and its landscape character; and
3. Not lead to an increase in traffic levels beyond the capacity of the surrounding local highway network; and
4. Be capable of providing adequate access and parking arrangements.

Conversion of premises (of permanent construction) to live/ work units will be acceptable providing that they maintain the character of the original building and be in the region of 60% residential to 40% employment use. Permission for later conversion of the employment part will not be acceptable unless replacement employment use is provided in adjacent premises.

Cumbria and Lake District Joint Structure Plan 2001– 2016 Policy ST3: - Principles applying to all new development

All proposals for development including alterations to existing buildings and land use change will be required to promote sustainable development. They should protect the quality of the environment, ensure prudent use of resources and maintain social progress and economic growth by:

1. seek locations consistent with policy ST5, ST6, and ST7 which will assist in reducing the need to travel, and then in the following order of priority :
 - a) the appropriate reuse of existing buildings worthy of retention, followed by
 - b) the reuse of previously developed land and only then
 - c) the use of previously undeveloped land,
2. seek sites that are or will be made accessible by public transport, walking or cycling,
3. reduce the risk of flooding within the development and elsewhere by a choice of location in the following order of priority:
 - a) sites with little or no flood risk, followed by
 - b) sites with low or medium flood risk, and only then
 - c) sites in areas of high flood risk.

Design proposals should minimise or mitigate any flood risk and where practicable include sustainable drainage systems.

4. ensure agricultural land of poorer quality is used for development in preference to the best and most versatile agricultural land.
5. avoid the loss of, or damage to, and where possible enhance, restore or re-establish, important nature conservation features,

6. avoid the loss of or damage to, and wherever possible enhance important or distinctive conservation features including landscapes, buildings, archaeological sites, historic parks and gardens and visually important public and private open spaces,

7. ensure high standards of design including siting, scale, use of materials and landscaping which respect and, where possible, enhance the distinctive character of townscape and landscape, promote a safe and secure environment that designs out crime and makes proper provision for people with restricted mobility and people with special needs, using promote energy and water efficient design and the use of recycled materials and renewable energy technology, avoiding reductions in air or water quality and the quality and quantity of groundwater and surface waters, ensuring development makes efficient use of and is within infrastructure, community and service constraints, including the road and transport hierarchy and water supply, or that these can be satisfactorily overcome through planned improvements or at the developers expense without an adverse effect on the environment. Ensure minimal levels of light pollution and noise.

Cumbria and Lake District Joint Structure Plan 2001– 2016

Policy EM16: Tourism

New tourism facilities will be directed to Key Service Centres and to locations that enable the economic and physical regeneration of an area, where they bring benefit to the local community.

Tourism development will be permitted where this does not prejudice Cumbria's distinctive environmental, cultural and historic character and visitors enjoyment and understanding of it. The emphasis should be on sustaining these attributes and adding quality.

Tourism proposals in the Lake District National Park and AONBs will only be permitted where the statutory purposes of the designated areas are not contravened.

In the Lake District National Park changes of use or conversions which result in the loss of important tourism accommodation or public amenities will not be permitted unless they are demonstrated to be unviable.

Tourism development within or affecting the Lake District National Park and AONBs will only be permitted where:

1. it would not conflict with the special qualities of the designated areas or diminish opportunities for quiet enjoyment,
2. it would not introduce inappropriate activities or levels of use, or otherwise be of a nature and scale, detrimental to the character and quality of the environment, and
3. it would not result in the loss of serviced accommodation and of touring caravan pitches to other tourist uses.

Cumbria and Lake District Joint Structure Plan 2001– 2016
Policy E34: Areas and features of national and international conservation importance

Development and other land use changes in areas or features of national or international conservation importance, or within their settings, and that are detrimental to their characteristics will not be permitted.

Exceptions will only be made where:

- 1 there is an over-riding need for development required to meet local infrastructure needs which cannot be located elsewhere and which is sited to minimise environmental impacts and meets high standards of design, and
- 2 In the case of international areas of nature conservation interest where:
 - i. There is no alternative solution; and
 - ii. There are imperative reasons of overriding public interest, including those of a social or economic nature; and
 - iii. If the site concerned hosts a priority natural habitat type and/or a priority species, where there are imperative reasons of human health or public safety or benefits of primary importance to the environment and
- 3 In the case of European Protected Species where:
 - i. There is no satisfactory alternative; and
 - ii. There is no detriment to the maintenance of the populations at a favourable conservation status in their natural range; and
 - iii. The proposed development is in the interests of public health or importance to the environment.
- 4 In the case of national areas of nature conservation interest,

Where development is permitted, mitigation should be provided, where appropriate.

Areas and features of international or national importance are defined as:

- World Heritage Sites recognised by the World Heritage Committee of UNESCO
- National Parks
- Areas of Outstanding Natural Beauty (AONB)
- Potential and classified Special Protection Areas (SPAs)
- Ramsar sites
- Candidate and designated Special Areas of Conservation (SACs)
- Limestone Pavements protected by Order
- National Nature Reserves
- Sites of Special Scientific Interest (SSSI)
- Statutory protected species
- Buildings or groups of buildings listed as of Grade 1 Grade II* or Grade II architectural or historic merit

- Parks or gardens listed as Grade I Grade II* or Grade II in the Register of Parks and Gardens of Special Historic Interest
- Sites of archaeological or historic interest which are scheduled ancient monuments
- Battlefields included in the Register of Historic Battlefields
- St Bees Heritage Coast

Item no: 33

Appn Ref No:
06/0470

Applicant:
Liam McNulty

Parish:
Upper Denton

Date of Receipt:
11/04/2006

Agent:

Ward:
Irthing

Location:
Willowford Farm, Gilsland, Cumbria CA8 7AA

Grid Reference:
362500 566500

Proposal: Conversion of farm building into bed and breakfast accommodation (LBC)
Members will recall at Committee meeting held on 18th August 2006 that authority was given to the Head of Planning and Housing Services to issue approval subject to an application for Scheduled Monument Consent having been submitted to and approved by English Heritage prior to the determination of this application. This has been done and approval was issued on 6th February 2007.

Planning Decision

Grant Permission

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

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

2. Prior to the commencement of the development hereby approved details of the size, materials and position of the proposed bat boxes shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to ensure the existing wildlife is safeguarded and the

character and structure of the listed building is safeguarded.

Summary of Reasons for the Decision

This application seeks listed building consent for the conversion of an existing single storey outbuilding to provide bed and breakfast accommodation at Willowford Farm, Gilsland. The proposal would provide 5 bedroom areas and a lounge/dining room.

A full planning application has also been submitted under reference 06/0469.

There are a number of issues raised by the objectors, with the majority relating to the full planning application and have therefore been considered within the report on application 06/0469.

The relevant policies to the determination of the application are E34 and E36 of the Carlisle District Local Plan and Policy E34 of the Cumbria and Lake District Joint Structure Plan and also of relevance are Policies LE14 and LE16 of the Carlisle District Local Plan Redeposit Draft.

When assessing a listed building application the impact of the proposal on the structure and appearance of the listed building is relevant.

The outbuilding would easily divide into 6 separate spaces to be used for 5 bedrooms and a lounge/dining room with minimal internal alterations other than partition stud walls. This is due to the existing building being 5 spaces already, two feed stores, a wagon barn, a milking parlour and a further space. The milking parlour space is the only space that would require a stud partition wall to divide into two en-suite bedrooms. The proposal would use existing openings other than the insertion of one window to serve the fifth bedroom, the insertion of a number of velux rooflights and the opening up of a previously closed doorway on the southern elevation and opening up a partially closed archway on the west elevation.

The Conservation Officer has raised concerns over the accuracy of the plans and amended plans have been requested, however at the time of writing this report the plans have not been received, although it is envisaged that they will be available for the supplementary schedule. It is considered that the design is sympathetic to the building and the surrounding area and the character of the listed building is not harmed by the proposal.

Archaeological implications

Although no external works other than the insertion of the additional windows are proposed there may be associated grounds works such as the service trenches and therefore the County Archaeologist along with the English Heritage have requested additional information prior to making a final recommendation. This information has been received and prior to the submission of the information discussions were undertaken with English Heritage. Both parties have been reconsulted and as a result of the reconsultation they have recommended an archaeological evaluation be

carried out prior to the determination of this application for the area where the service pipe and biodisc are proposed. They have also recommended a watching brief for the actual buildings.

English Heritage has supported the principle of the conversion of the buildings and they do not consider that the proposal would have an adverse impact on the neighbouring Hadrian's Wall Heritage Site subject to the additional investigations.

It is considered that subject to suitable conditions in relation to the archaeological surveys that the proposed conversion is sympathetic to the area and complies with the relevant policies.

Authority to Issue an approval is sought to allow for the Archaeological evaluation works to be carried out and subject to no adverse findings the decision will be issued subject to the proposed conditions and any additional conditions imposed by either County Archaeological or English Heritage as a result of the findings of the archaeological evaluation to be undertaken prior to the issuing of any planning decision.

Relevant Development Plan Policies

Carlisle District Plan Environment - Policy E34

Applications for alterations or extensions to listed buildings must have regard to the scale, proportions, character and detailing of the existing building (both internally and externally) and of its windows and doorways. Any proposals which adversely affect the listed building will not be permitted.

Carlisle District Plan Environment - Policy E36

The change of use of a listed building will be permitted provided it would not have a detrimental effect on the special architectural and historical interest of the building and neighbouring properties.

Carlisle District Local Plan 2001 - 2016 Redeposit draft Policy LE14 Alterations to Listed Buildings

Applications for alterations or extensions to listed buildings must have regard to the scale, proportions, character and detailing of the existing building (both internally and externally) and of its windows and doorways. Any proposals which have an unacceptable impact on the listed building will not be permitted.

Applications will be assessed against the following criteria:

1. the importance of the building, its intrinsic architectural and historic interest and rarity, and its significance to the local distinctiveness and character of the district;
2. the particular physical features of the building
3. the setting of the building and its contribution to the local scene;
4. the extent to which the proposed works would bring substantial benefits for the community.

**Carlisle District Local Plan 2001 - 2016 Redeposit draft
Policy LE16 Change of Use of Listed Buildings**

The change of use of a listed building will be permitted provided it would not have a detrimental effect on the special architectural and or historical interest of the building and neighbouring properties.

**Cumbria and Lake District Joint Structure Plan 2001– 2016
Policy E34: Areas and features of national and international conservation importance**

Development and other land use changes in areas or features of national or international conservation importance, or within their settings, and that are detrimental to their characteristics will not be permitted.

Exceptions will only be made where:

- 1 there is an over-riding need for development required to meet local infrastructure needs which cannot be located elsewhere and which is sited to minimise environmental impacts and meets high standards of design, and
- 2 In the case of international areas of nature conservation interest where:
 - i. There is no alternative solution; and
 - ii. There are imperative reasons of overriding public interest, including those of a social or economic nature; and
 - iii. If the site concerned hosts a priority natural habitat type and/or a priority species, where there are imperative reasons of human health or public safety or benefits of primary importance to the environment and
- 3 In the case of European Protected Species where:
 - i. There is no satisfactory alternative; and
 - ii. There is no detriment to the maintenance of the populations at a favourable conservation status in their natural range; and
 - iii. The proposed development is in the interests of public health or public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance to the environment.
- 4 In the case of national areas of nature conservation interest,

Where development is permitted, mitigation should be provided, where appropriate.

Areas and features of international or national importance are defined as:

- World Heritage Sites recognised by the World Heritage Committee of UNESCO
- National Parks
- Areas of Outstanding Natural Beauty (AONB)
- Potential and classified Special Protection Areas (SPAs)
- Ramsar sites
- Candidate and designated Special Areas of Conservation (SACs)
- Limestone Pavements protected by Order
- National Nature Reserves
- Sites of Special Scientific Interest (SSSI)
- Statutory protected species
- Buildings or groups of buildings listed as of Grade 1 Grade II* or Grade II architectural or historic merit
- Parks or gardens listed as Grade I Grade II* or Grade II in the Register of Parks and Gardens of Special Historic Interest
- Sites of archaeological or historic interest which are scheduled ancient monuments
- Battlefields included in the Register of Historic Battlefields
- St Bees Heritage Coast

**Carlisle District Local Plan 2001 - 2016 Redeposit draft
Policy LE6 Hadrian's Wall World Heritage Site**

Development will not be permitted where there is an unacceptable impact on the Hadrian's Wall Military Zone World Heritage Site.

Item no: 34

Appn Ref No:
07/0002

Applicant:
Mr & Mrs Greig

Parish:
Westlinton

Date of Receipt:
02/01/2007

Agent:
Jock Gordon

Ward:
Longtown & Rockcliffe

Location:
Holly Cottage, Newtown, Carlisle, Cumbria, CA6
4ET

Grid Reference:
338752 562435

Proposal: Two Storey Side Extension To Provide Garage, WC And Bedroom With

En-Suite

Members will recall at Committee meeting held on 26th January 2007 that authority was given to the Head of Planning and Housing Services to issue approval subject to no material representations being received from neighbours within the notification period which expires on 26th January. No material representations were received by the end of this deadline so the approval was issued on 31st January 2007.

Planning Decision

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 external walling and roofing materials to be used in the building works hereby permitted shall be identical to those in the existing building. If any other material is proposed no development shall take place until such has been approved, in writing, by the Local Planning Authority.

Reason: To ensure the works harmonise as closely as possible with the existing building and to ensure compliance with Policy H14 of the Carlisle District Local Plan and Policy H11 of the Redeposit draft (2001 - 2016).

Summary of Reasons for the Decision

This is an application for full planning permission for the erection of a two storey side extension to Holly Cottage, which as located at the western limit of Newtown of Rockcliffe to the south of the unclassified road linking the settlement to the A7.

The extension, which will contain a garage and WC on the ground floor with an additional bedroom (ensuite) on the upper floor, will involve the partial demolition of the existing extension. The latter has two storeys at the rear and a single storey at the front with the 2.4m difference in height resulting in a pronounced asymmetrical dual pitched roof with a velux on the front pitch.

The proposed extension will have a footprint of approximately 28 square metres and will have the same ridge height as the original house. The front wallhead will be slightly lower (0.7m) than the rear giving a much less asymmetrical roof than the existing extension. The extension will be constructed of brick on the front elevation, with render on the side and rear elevations, and will have two half dormer windows on the front elevation to match the existing. A single window is proposed in the

gable of the upper storey.

The front section of the garage, which will project 0.65m forward of the upper floor, will have a monopitch roof which will be extended over the entrance door.

In consideration of this application Policy H14 of the adopted Carlisle District Local Plan, Policies H11, CP4 and CP5 of the Redeposit Draft (2001 - 2016) and Policy ST3 of the adopted Cumbria and Lake District Joint Structure Plan 2001-2016, are relevant.

Taking account of the development plan objectives:

1. although the house has been previously extended (11 square metres) and the foot print of the proposed extension is over 40% larger than the original house, given:

(a) the size of the plot (approximately 420 square metres)

(b) that the house is one of a pair of freestanding semi-detached properties

(c) that the external materials and architectural details of the extension will match the existing house and;

(d) the existing extension will be replaced by a more traditional form of building, it is considered that the proposal is appropriate to the existing dwelling and its setting.

2. the front and rear windows of the extension overlook the applicant's gardens and do not directly face any residential property. The nearest property on the north side of the unclassified road, is almost 30 metres from the extension. The gable window overlooks agricultural land.

In view of the scale, design, siting and orientation of the extension, and the position of the windows, it is not considered that the amenity of adjacent properties are adversely affected by either poor design, unreasonable overlooking or unreasonable loss of daylight and sunlight.

3. the proposed development is considered to improve the appearance of the existing property

It is considered that the proposed development accords with the provisions of the Development Plan and in the absence of material considerations which indicate that it should be determined to the contrary, it should be determined in accordance with the Development Plan.

Relevant Development Plan Policies

Carlisle District Plan

Housing - Proposal H14

Applications for extensions to existing dwellings will be approved provided the City Council is satisfied that the proposals are appropriate to the dwelling, its design and setting. Inappropriate extensions which adversely affect the amenities of adjacent properties by poor design, unreasonable overlooking and/or unreasonable loss of daylight and sunlight will not be permitted.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Housing - Policy H11 - Extensions to Existing Residential Premises

Applications for extensions to existing dwellings will be approved provided the City Council is satisfied that the proposals are appropriate to the dwelling, its design and setting. Inappropriate extensions which adversely affect the amenities of adjacent properties by poor design, unreasonable overlooking and/or unreasonable loss of daylight and sunlight will not be permitted. Extensions must be of an appropriate scale and not dominate the original dwelling.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Core Development Policies - Policy CP4 - Design

The suitability of any new development or redevelopment will be assessed against the following design principles. Proposals should:

1. Have regard to surrounding buildings in the context of their form in relation to height, scale and massing and making use of appropriate materials and detailing.
2. Take into consideration any important landscape or topographical features and respect local landscape character.
3. Reinforce local architectural features where appropriate promoting and respecting local distinctiveness rather than detracting from it.
4. Be well integrated- ensuring all components of a development are well related to one another e.g. buildings, associated parking, access routes, open space, and hard and soft landscaping to ensure a successful and attractive outcome.
5. Not adversely affect the residential amenity of existing areas-nor adjacent land uses, nor result in unacceptable standards for future users and occupiers of the development.
6. Ensure where possible the retention of existing trees, shrubs, hedges and other wildlife habitats and the replacement of any environmental feature lost to development
7. Recognise that landscaping schemes (both hard and soft) will be required to assist in integrating new development into existing areas and ensure that development on the edge of settlements is fully integrated into its surroundings.
8. Ensure that the necessary services and drainage infrastructure can be incorporated without causing unacceptable harm to retained features.
9. Through layout and design, encourage the promotion of energy and water conservation by its future occupiers, the incorporation of sustainable forms of energy production within the overall design should also be explored where

appropriate

10 Have a layout and design which minimises the potential for crime and antisocial behaviour.

Cumbria and Lake District Joint Structure Plan 2001 – 2016

Policy ST3: - Principles applying to all new development

All proposals for development including alterations to existing buildings and land use change will be required to:

1. seek locations consistent with policy ST5, ST6, and ST7 which will assist in reducing the need to travel, and then in the following order of priority :
 - a) the appropriate reuse of existing buildings worthy of retention, followed by
 - b) the reuse of previously developed land and only then
 - c) the use of previously undeveloped land,

2. seek sites that are or will be made accessible by public transport, walking or cycling,

3. reduce the risk of flooding within the development and elsewhere by a choice of location in the following order of priority:

- a) sites with little or no flood risk, followed by
- b) sites with low or medium flood risk, and only then
- c) sites in areas of high flood risk

Design proposals should minimise or mitigate any flood risk and where practicable include sustainable drainage systems

4. ensure agricultural land of poorer quality is used for development in preference to the best and most versatile agricultural land.
5. avoid the loss of, or damage to, and where possible enhance, restore or re-establish, important nature conservation features,
6. avoid the loss of or damage to, and wherever possible enhance important or distinctive conservation features including landscapes, buildings, archaeological sites, historic parks and gardens and visually important public and private open spaces,
7. ensure high standards of design including siting, scale, use of materials and landscaping which respect and, where possible, enhance the distinctive character of townscape and landscape, promote a safe and secure environment that designs out crime and makes proper provision for people with restricted mobility and people with special needs, promote energy and water efficient design and the use of recycled materials and renewable energy technology, avoid reductions in air quality and the quality and quantity of groundwater and surface waters, ensure development makes efficient use of

and is within infrastructure, community and service constraints, or that these can be satisfactorily overcome through planned improvements or at the developers expense without an adverse effect on the environment, Ensure minimal levels of light pollution and noise.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Core Development Policies - Policy CP5 - Residential Amenity

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

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

In order to ensure residential amenity is not compromised a minimum distance of 21 metres should be allowed between primary facing windows between dwellings (12 metres gable end to primary facing window). A minimum of 4 metres should be allowed between gable ends to allow for maintenance of property. Changes in levels of land and height of development will be taken into account in applying these distances.

Item no: 35

Appn Ref No:
07/0004

Applicant:
Carlisle City Council

Parish:
Cummersdale

Date of Receipt:
03/01/2007

Agent:
Culture & Community

Ward:
Dalston

Location:
Cycle and Footpath adjoining Stead McAlpine,
Cummersdale

Grid Reference:
339350 553294

Proposal: New Ramp Linking Low And High Level Cycleways At Millstream,
Cummersdale

Members will recall at Committee meeting held on 26th January 200 that authority was given to the Head of Planning and Housing Services to issue approval subject to no material objections being received prior to the expiry of the consultation/notification period (29/01/07) and the imposition of the recommended conditions.

The notification period has expired and the recommended conditions have been imposed. The approval was issued on 13th February 2007.

Planning Decision

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. Before the completion of the ramp by the laying of the macadam wearing course the existing stile at the Mill Stream, as identified on drawing number 04-C-10000/100/A, shall be removed and reinstated (with any necessary means of enclosure) in an alternative location, and, the footpath/cycle track reinstated in accordance with plans to be submitted to and approved in writing beforehand by the local planning authority.

Reason: In order to enable the effective use of the cycle track.

3. For the duration of the development works a suitable barrier shall be erected adjacent to the River Caldeu/ Mill Stream capable of preventing soil, debris or construction material entering the Caldeu River in accordance with details submitted to and approved in writing beforehand by the local planning authority.

Reason: To avoid pollution and siltation of the river/mill stream and subsequently reduce the water quality and spawning ground quality for a variety of freshwater species such as Atlantic Salmon, Lamprey and native White-Clawed Crayfish.

4. For the duration of the development works there shall be no tipping, stacking, nor compaction of the ground by any other means along the riverside of the Caldeu.

Reason: To maintain riverside habitat and water quality.

5. Prior to the expiry of one week following completion of the development all equipment, (excess) materials, fuel and waste arising from the work shall be removed from the site.

Reason: To prevent materials entering the watercourse and reduce the risk

of habitat damage from any such materials.

6. 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.

7. 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 E9 and E19 of the Carlisle District Local Plan.

8. All planting comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of the development, and maintained thereafter to the satisfaction of the Local Planning Authority. Any trees 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 E9 of the Carlisle District Local Plan.

9. No tree (as part of the development hereby approved) shall be felled, lopped, uprooted or layered from the 1st March to 31st July of any calendar year during the main bird breeding season.

Reason: In order not to disturb or deter the nesting of any birds to ensure compliance with Policies E11 and E12 of the Carlisle District Local Plan.

Summary of Reasons for the Decision

1) Site Description

This application relates to the confluence of the Caldew cycle track with an

unsurfaced public footpath to the immediate north of the Stead McAlpin premises at Cummersdale. The footpath runs parallel with the River Caldew at a lower level to the tarmac surfaced cycle track.

The River Caldew is part of the River Eden and Tributaries Site of Special Scientific Interest (SSSI) and River Eden Special Area of Conservation (SAC). The application site is located within a Flood Zone and the surrounding fields part of a designated Primary Leisure Area under the Carlisle District Local Plan.

2) Background Information

This stretch of the Caldew cycle track was given planning permission in March 2000 thus allowing the linking of Denton Holme with Dalston. However, an acknowledged difficulty with the cycle track, which has subsequently been implemented, occurs where the existing steps linking the upper and lower sections of the cycle track have been retained adjoining the Stead McAlpin premises. This significantly hampers the effective use of the track by disabled people and guardians/parents of young children using pushchairs.

Members may recollect that at the time of processing an application (ref. no. 04/0718) for the re-development of a site at Graham Street in Denton Holme the developers, Story Homes, completed a Unilateral Undertaking confirming their willingness to provide a ramp to serve the Caldew cycle track as a replacement to the existing steps.

The current application has been submitted on the basis of gaining the necessary planning permission for the proposed ramp. A separate application for Land Drainage Consent will be shortly submitted to the Environment Agency.

The submitted plans indicate the widening and surfacing of the footpath that forks to a new ramp built into or as part of the bank joining the cycle track. The proposed ramp would be constructed upon a granular sub-base with macadam base and wearing courses. Where necessary, the bank would be shored up by stone filled gabion baskets. The ramp is to be edged in timber with treated timber fencing, and, at a gradient of 1:15. It is likely that the proposed scheme would involve the removal of three Hawthorn hedge trees.

A Design and Access Statement (D&AS) and a Flood Risk Assessment (FRA) accompany the application. The D&AS explains that the design of the ramp has taken into account the need to have a minimum impact on the existing flora and fauna; the whole purpose is to enable access by disabled people; and, it reflects comments made by Cumbria Constabulary and Carlisle Access Group.

The FRA highlights that the existing cycle track is located outside of a Flood Zone as designated under PPG 25 Development and Flood Risk. The site of the proposed ramp is, however, located within Flood Zone 2 and known to have flooded in January 2005. The Environment Agency's Flood Zone mapping indicates that the site is at low to medium risk of fluvial flooding with a 0.1% - 1% annual probability of occurrence. It is alleged that the ramp should not exacerbate the risk of flooding elsewhere; incorporates stone filled gabion baskets which should be resistant to

future flooding; and, the elevated nature of the cycle track should allow any users to view the extent of any flooding.

3) Assessment

When considering this application it is held that the main issues revolve around whether the advantages outweigh any harm caused in terms of the character of the area, the risks caused by future flooding, and, the flora and fauna of the area.

In relation to the character of the area, it is evident that the area consists of Ash and Sycamore trees and the remnants of a relatively old Hawthorn hedge. The more significant trees are along the top of the riverbank. In such a context it is considered that the loss of three Hawthorn hedge trees, and the retention of the remaining hedge and riverbank trees, should not be significant in terms of visual amenity. The design of the proposed cycle track has also been based on providing an effective ramp which can, as far as possible, blend in with the slope of the site.

In terms of the risks posed by flooding, the proposed ramp would at the lower levels be built into the slope. Any increase in volume of the slope is at the higher level and therefore considered unlikely to be insignificant as a cause for flooding elsewhere. The stone filled gabion baskets should also be resistant to damage from flood waters.

Finally, based on the nature and scale of the proposed works it is considered that the water quality of the River Caldwel will not be significantly affected during either the construction or operation of the ramp and cycle track. Generally, the proposal is not likely to have a significant effect on the site integrity or features of interest of the River Eden SAC.

Relevant Development Plan Policies

Carlisle District Plan Environment - Policy E10

Development which would affect an existing or proposed Special Protection Area (SPA), Special Area of Conservation (SAC) or Ramsar Site will be subject to the most rigorous examination. Development or land use change not directly connected with or necessary to the management of the site and which is likely to adversely affect the integrity of the site will not be permitted unless:

1. There is no alternative solution; and
2. There are imperative reasons of overriding public interest for the development;

Where the site concerned hosts a priority natural habitat type and/or a priority species, development will not be permitted unless the Authority is satisfied that it is necessary for reasons of human health or public safety or for beneficial consequences of primary importance for nature conservation.

Carlisle District Plan Environment - Policy E11

Development which would adversely affect the nature conservation (including the geological) interest of Sites of Specific 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 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 Plan Environment - Policy E12

Development which would adversely affect the nature conservation interests of wild life sites and other sites of nature conservation significance will not be permitted unless:

1. The harm caused to the value of those interests is clearly outweighed by the need for the development; and
2. Where practical any environmental feature lost is replaced with an equivalent feature.

Carlisle District Plan Environment - Policy E20

Development which would result in the raising of the floor of the floodplain, or which would have an adverse impact on the water environment due to additional surface water run off, or adversely affect river defences will not be permitted unless appropriate alleviation or mitigation measures are included. This applies to the floodplains of the River Eden, Caldew, Petteril, Esk, Irthing and Lyne and their tributaries which are all subject to periodic flooding.

Carlisle District Plan Environment - Policy E21

The City Council, in conjunction with the Environment Agency, will seek to promote the concept of river corridors as important areas of open space. It will promote, where appropriate, initiatives to conserve the quality and value of rivers, particularly for nature conservation purposes, and will identify appropriate locations for public access and water-related sport and recreation.

Carlisle District Plan Environment - Policy E56

When considering proposals for new development including changes of use where the public is to have access, the provisions of Part M of the Building Regulations will apply. Beyond this requirement, the City Council will seek to negotiate the extent of provision for disabled people to , from and within buildings. In addition the City Council will seek to ensure that pedestrianisation schemes and the general pedestrian environment are designed to accommodate the needs of the disabled, elderly, blind and partially sighted and other s with mobility problems.

Carlisle District Plan Transport - Proposal T15

Within the Plan area existing provision for cyclists and pedestrians will be protected. The improvement of provision for cyclists in the form of both highway improvements and secure parking facilities will be encouraged. All new development will be designed to provide safe and convenient access for cyclists and pedestrians. This should include the provision of secure cycle parking facilities where appropriate.

Carlisle District Plan Leisure - Proposal L2

Within Primary Leisure Areas and other significant leisure area proposals that relate to and complement the existing use and are appropriate in character and scale to the surroundings, will be acceptable. Inappropriate proposals for development and changes of use will not be approved in these areas.

Carlisle District Plan Leisure - Proposal L5

The City council will seek to retain all existing bridleways, footpaths and rights of way and to establish new routes wherever possible. New development should seek to maintain the existing rights of way network and provide replacement routes for any lost to new development.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Local Environment - Policy LE2 - Sites of International Importance

Development which would affect an existing or proposed Special Protection Area (SPA), Special Area of Conservation (SAC) or Ramsar site will be subject to the most rigorous examination. Development or land use change not directly connected with or necessary to the management of the site and which is likely to adversely affect the integrity of the site will not be permitted unless:

1. there is no alternative solution; and
2. there are imperative reasons of overriding public interest for the development.

Where the site concerned hosts a priority natural habitat type and/ or a priority species, development will not be permitted unless the Authority is satisfied that it is

necessary for reasons of human health or public safety or for beneficial consequences of primary importance for nature conservation.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Local Environment - Policy LE3 - 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 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 Revised Redeposit Draft Local Environment - Policy LE4 - Other Nature Conservation Sites

Development which would have a detrimental effect on Regionally Important Geological/Geomorphological Sites, County Wildlife Sites and other sites of nature conservation significance, Local Nature Reserves and Ancient Woodlands will not be permitted unless:

1. The harm caused to the value of those interests is clearly outweighed by the need for the development; and
2. Where practical, any environmental feature lost is replaced with an equivalent feature.

The City Council will seek to protect existing and establish additional Local Nature Reserves on areas of land which have ecological or geological value.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Local Environment - Policy LE5 - River Corridors

The City Council, in conjunction with the Environment Agency, will seek to promote the concept of river corridors as important areas of open space and for wildlife. It will promote, where appropriate, initiatives to conserve the quality and value of rivers, particularly for nature conservation purposes and will identify appropriate locations for public access and water related sport and recreation. The City Council will also consider improving the opportunities for economic development in relation to the rivers as an asset for the City.

Permission will not be granted for developments which are likely to have a detrimental impact on nature conservation, public access the quality of the landscape or recreational facilities found within river corridors.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Core Development Policies - Policy CP15 - Public Transport, Pedestrians and Cyclists

Existing provision for cyclists and pedestrians will be protected, promoted and enhanced. All new development, accessible by the public, should include provision for safe and convenient pedestrian and cycle access, including secure cycle parking facilities where appropriate. New development should help to create places that are sustainably well connected with each other, providing the right conditions to encourage walking, cycling and the use of public transport.

In assessing the suitability of new developments account will be taken as to the availability of alternative modes of transport to the private car to ensure that new sites can be reached sustainably. In considering the layout of a proposal, care should be taken to ensure that the needs of pedestrians and cyclists are placed before other traffic to ensure a safe environment for all.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Core Development Policies - Policy CP16 - 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
1. 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
2. Public and private spaces should have clearly defined boundaries.
3. Footpaths and cycleways should be designed to maximise their use and prevent opportunities for concealment, unauthorised access or provide a choice of escape routes.
4. Landscaping schemes should be designed to ensure that they do not create secluded areas, opportunities for climbing or reduce natural surveillance.
5. Lighting should deter criminal and antisocial activity whilst minimising light pollution.
7. CCTV may be considered necessary in certain circumstances. Developers should, at the earliest stage possible, consult the Architectural Liaison Officer to advise on measures to be incorporated for designing out crime.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft 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 Revised Redeposit Draft 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.

Cumbria and Lake District Joint Structure Plan 2001 – 2016 Policy E34: Areas and features of national and international conservation importance

Development and other land use changes in areas or features of national or international conservation importance, or within their settings, and that are detrimental to their characteristics will not be permitted.

Exceptions will only be made where:

1. there is an over-riding need for development required to meet local infrastructure needs which cannot be located elsewhere and which is sited to minimise environmental impacts and meets high standards of design, and
- 2 In the case of international areas of nature conservation interest where:
 - i. There is no alternative solution; and
 - ii. There are imperative reasons of overriding public interest, including those of a social or economic nature; and
 - iii. If the site concerned hosts a priority natural habitat type and/or a priority species, where there are imperative reasons of human health or public safety or benefits of primary importance to the environment and
- 3 In the case of European Protected Species where:
 - i. There is no satisfactory alternative; and
 - ii. There is no detriment to the maintenance of the populations at a favourable conservation status in their natural range; and
 - iii. The proposed development is in the interests of public health or public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance to the environment.
- 4 In the case of national areas of nature conservation interest, where the reasons for the development outweigh the national nature conservation value of the site.

Where development is permitted, mitigation should be provided, where appropriate.

Areas and features of international or national importance are defined as:

- World Heritage Sites recognised by the World Heritage Committee of UNESCO
- National Parks
- Areas of Outstanding Natural Beauty (AONB)
- Potential and classified Special Protection Areas (SPAs)
- Ramsar sites
- Candidate and designated Special Areas of Conservation (SACs)
- Limestone Pavements protected by Order
- National Nature Reserves
- Sites of Special Scientific Interest (SSSI)
- Statutory protected species
- Buildings or groups of buildings listed as of Grade 1 Grade II* or Grade II architectural or historic merit
- Parks or gardens listed as Grade I Grade II* or Grade II in the Register of Parks and Gardens of Special Historic Interest
- Sites of archaeological or historic interest which are scheduled ancient monuments
- Battlefields included in the Register of Historic Battlefields
- St Bees Heritage Coast

Cumbria and Lake District Joint Structure Plan 2001 – 2016
Policy E35: Areas and Features of nature conservation interests other than those of national and international conservation importance

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

These nature conservation interests are defined as:

- County Wildlife Sites (CWSs)
- Regionally Important Geological or Geomorphological Sites (RIGGS)
- The UK Biodiversity Action Plan Priority Habitats that occur in Cumbria
- Species of Conservation Importance in the North West Region that occur in Cumbria
- Landscape features of major importance for wild fauna and flora, which are essential for migration dispersal and genetic exchange
- Local nature reserves

Cumbria and Lake District Joint Structure Plan 2001 – 2016
Policy C42: Flood risk and development

Development proposals should take into account an assessment of the risk of flooding and be in accordance with the search sequence outlined in Policy ST3.

Development will not be permitted on functional floodplains within areas with a high risk of flooding, except for essential transport and utilities infrastructure that cannot be located elsewhere, including port related development. Land use changes not requiring built development may be permitted provided adequate warning and evacuation procedures are in place, and existing buildings incorporate floodproofing measures.

Elsewhere development that reduces flood risk or aids the operation of functional floodplains will be supported.

Cumbria and Lake District Joint Structure Plan 2001 – 2016
Policy ST3: - Principles applying to all new development

All proposals for development including alterations to existing buildings and land use change will be required to:

1. seek locations consistent with policy ST5, ST6, and ST7 which will assist in reducing the need to travel, and then in the following order of priority :
 - a) the appropriate reuse of existing buildings worthy of retention, followed by

- b) the reuse of previously developed land and only then
 - c) the use of previously undeveloped land,
2. seek sites that are or will be made accessible by public transport, walking or cycling,
 3. reduce the risk of flooding within the development and elsewhere by a choice of location in the following order of priority:
 - a) sites with little or no flood risk, followed by
 - b) sites with low or medium flood risk, and only then
 - c) sites in areas of high flood risk

Design proposals should minimise or mitigate any flood risk and where practicable include sustainable drainage systems

4. ensure agricultural land of poorer quality is used for development in preference to the best and most versatile agricultural land.
 5. avoid the loss of, or damage to, and where possible enhance, restore or re-establish, important nature conservation features,
 6. avoid the loss of or damage to, and wherever possible enhance important or distinctive conservation features including landscapes, buildings, archaeological sites, historic parks and gardens and visually important public and private open spaces,
 7. ensure high standards of design including siting, scale, use of materials and landscaping which respect and, where possible, enhance the distinctive character of townscape and landscape, promote a safe and secure environment that designs out crime and makes proper provision for people with restricted mobility and people with special needs, promote energy and water efficient design and the use of recycled materials and renewable energy technology, avoid reductions in air quality and the quality and quantity of groundwater and surface waters, ensure development makes efficient use of and is within infrastructure, community and service constraints, or that these can be satisfactorily overcome through planned improvements or at the developers expense without an adverse effect on the environment, Ensure minimal levels of light pollution and noise.
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