

SCHEDULE B: Reports Requiring Further Information

10/0508

Item No: 02

Date of Committee 16/07/2010

Appn Ref No:
10/0508

Applicant:
Riverside Carlisle

Parish:
Carlisle

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

Agent:
Story Group

Ward:
Belah

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

Grid Reference:
338645 557064

Proposal: New Housing Development For 30no. Affordable Homes

Amendment:

REPORT

Case Officer: Angus Hutchinson

Reason for Determination by Committee:

This is a Major application of local interest that has generated more than three objections.

1. Constraints and Planning Policies

Tree Preservation Order

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

Ancient Monument

Gas Pipeline Safeguarding Area

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

Local Plan Pol CP1 - Landscape Character

Local Plan Pol CP2 - Biodiversity

Local Plan Pol CP3 - Trees and Hedges on Development Sites

Local Plan Pol CP4 - Agricultural Land

Local Plan Pol CP5 - Design

Local Plan Pol CP7 - Use of Traditional Materials

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

Local Plan Pol CP10 - Sustainable Drainage Systems

Local Plan Pol CP11-Prot.Groundwaters &Surface Waters

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

Local Plan CP15 - Access, Mobility and Inclusion

Local Plan Pol CP16 -Public Trans.Pedestrians & Cyclists

Local Plan Pol CP17 - Planning Out Crime

Local Plan Pol DP1 - Sustainable Development Location

Local Plan Pol H1 - Location of New Housing Develop.

Local Plan Pol H5 - Affordable Housing

Local Plan Pol H6 - Rural Exception Sites

Local Plan Pol LC2 - Primary Leisure Areas

Local Plan Pol LC4 - Children's Play and Recreation Areas

Local Plan Pol LE1 - Urban Fringe Landscape

Local Plan Pol LE7-Buffer Zone Hadrians Wall W.Herit.Site

Local Plan Pol T1- Parking Guidelines for Development

2. Summary of Consultation Responses

Cumbria County Council - (Highway Authority): no objection to the proposed development in principle;

I am aware of the issues raised by concerned residents relating to pedestrian safety on Etterby Road. Although it would be preferable to install a footway from the site, connecting to the existing footway on Etterby Road, I do not think it would be justifiable to require the applicant to fund such an improvement. The advantage of the footway would be likely outweighed by the perceived widening of the highway

corridor (i.e. installing the footway to one side would necessitate widening the road on the other. This overall widening of the corridor will change the perception of the road and will in all likelihood lead to an increase in vehicle speeds.). I will however invite the applicant to discuss the potential installation a solid edge line (as per TSRGD 2002 no1012.3) along the western edge of the road (approx 1.2m from the edge of the road) from the site to the existing footway; to ensure pedestrian safety.

However there are benefits for the footway fronting the site (including pedestrian safety and visibility splay protection) which will outweigh the potential risk in change in driver perception.

The Highway Authority can therefore confirm there are no objections to this application as shown on SH071.90.9.SL.SL but recommend the imposition of five conditions on the proviso that the Planning Authority will condition that these dwellings remain as social accommodation;

Local Plans (Tree Preservation), Economic Development: the scheme now strikes a reasonable balance between the number of plots and their juxtaposition in relation to the existing mature trees which are to be retained in open space, as opposed to placing them in small rear gardens.

A detailed scheme of tree protection should be provided, particularly regards the specification for the tree protection barrier. The location of the fence indicated on the plan appended to the Method Statement is acceptable.

Also a condition must be attached requiring that the agreed Method Statement is erected prior to commencement of work and maintained throughout the period of the development. Details of the construction of the informal path must be provided so that we know exactly how it is to be constructed.

The proposed landscaping is acceptable;

Cumbria Constabulary - North Area Community Safety Unit (formerly Crime Prevention): the submitted Design and Access Statement makes specific reference to the pre-application consultation and summarises the intended crime prevention measures. The Client also wishes to apply for Secured by Design accreditation for this development. I am satisfied that this application complies and Policy CP17 of the Local Plan and incorporates security advice as outlined in the SPG 'Designing Out Crime' and 'Achieving Well Designed Housing';

Local Environment (former Community Services) - Drainage Engineer: comments awaited;

United Utilities - (for water & wastewater comment): no objection to the proposal provided that the following conditions are met: -

- In accordance with PPS25 surface water should not be allowed to discharge to foul/combined sewer. This prevents foul flooding and pollution of the environment. This site must be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the soakaway and watercourse as stated in the planning applications and require

the consent of the Environment Agency.

- A separate metered supply to each unit will be required at the applicant's expense and all internal pipework must comply with current water supply (water fittings) regulations 1999;

Planning & Housing Services - Housing Strategy, 7th Floor: the Housing Strategy team is supportive of Riverside Carlisle's application for Etterby. There is a real need for affordable housing in Carlisle, particularly in the Belah area. The tenure mix of both shared ownership and social rented properties, as well as the range of unit sizes on the development, is desirable for a balanced housing market in Carlisle.

The district of Carlisle is divided into three distinct Housing Market Areas (HMAs), with the proposed development at Etterby located in the Carlisle Urban area. Etterby is situated on the urban fringe, in walking distance of various services, including transport links and the local school.

The district survey of 2006 found a need for 72 affordable units per year in the Carlisle Urban area, in addition to those affordable units already in the planning system. The proposed development is particularly relevant to Carlisle's affordable housing requirements in terms of its range of sizes and tenures.

The Strategic Housing Market Assessment (SHMA) for Urban Carlisle 2009 identified a real need for larger 3+ (family sized) bedroom housing. More than half of the proposed properties at Etterby will be family sized, including 2 four bed properties (of which there are barely any in the affordable housing sector). Family sized housing is in particular need in the affordable housing sector because many of the larger properties were taken out of the affordable sector through right-to-buy. The SHMA states that almost 1000 properties in Carlisle were lost through right-to-buy between 2001-2006

The proposed scheme at Etterby will also provide 2 bed bungalows. Many older people want and need 2 bed bungalows in order to provide over-night accommodation for carers or visitors. With the proportion of older people in Carlisle set to increase, these types of units are crucial to allow us to meet the needs of our residents.

The tenure of the units proposed at Etterby also ties in with the housing needs of the city. The full scheme at Etterby will contain 20 social rented units and 10 shared ownership units. The Strategic Housing Market Assessment 2009 for the Carlisle Urban area identifies that around twice as many social rented properties are required than intermediate housing. The lack of shared ownership units in the Carlisle area has limited housing options for residents in Carlisle, both those currently residing in shared ownership properties and those in need of affordable intermediate properties. Although in the urban boundary, Etterby is in close proximity to Carlisle's rural areas, and is therefore a popular place for first-time buyers living in rural areas, who can not afford house prices in their extreme locality.

One method to demonstrate a need for affordable housing in Etterby, Belah is to calculate whether prospective buyers will be able to acquire a financially viable mortgage on the property. The government recommends that sensible mortgage

borrowing should not exceed 2.9 x joint household income and 3.5 x a single household income. An examination of terraced and semi-detached houses sold in the last nine months in the area covered by the postcodes CA3 9 and CA3 0 (which covers the Belah and Stanwix wards) found an average sale price of £139'573. When this is compared to the median household income of £28'726 in Belah, (taken from CACI Paycheck 2010 data), a mortgage of 4.9 x household income is required on a property in this area. This clearly is above the recommended mortgage borrowing level, highlighting the need for lower-priced housing.

A similar examination can be made of those on Carlisle City Council's Low Cost Housing register; this perhaps gives a better representation of the financial situation first time buyers find themselves in. The average single income of those on the register (as of June 2010) is £16'901; the average joint income is £29'297.24. Based on the average property sale price of £139'573 as stated above, single applicants on the Low Cost Housing register would be required to take out a mortgage of 8.25 x annual incomes, and joint applicants must achieve a mortgage of just under 5 times their annual incomes. This again is well above government recommended borrowing levels.

The above needs to be considered within the context of the current financial climate. House prices have fallen in the last eighteen months, and although economic recovery appears underway, prices have not significantly recovered. To some this might signify that housing is more affordable, however, in actuality, the current housing market bodes ill for ensuring the necessary affordability in the market, both in the short term and longer term.

In the short term, the recent downturn in the economy has made it even harder for prospective householders to obtain larger mortgages. The Council of Mortgage Lenders reported in January 2009 that the average deposit required was 18% of the value of the property; anecdotal evidence from those registered on our Low Cost Housing register suggests that some lenders want between 20-25% in certain cases. These large deposit sizes are unrealistic for many of those on the Low Cost Housing register.

In the longer term, the current climate will have a devastating effect on the amount of housing available. Lack of available credit and lower house prices means that many developers are delaying building new houses until the housing market picks up. This will lead to a further gap between supply and demand in the future, and consequent in further unaffordable prices in the housing market. The situation will worsen given the inevitable reduction in public finance; national funding bodies, such as the Homes and Communities Agency (whose funding of affordable housing has proven invaluable during the financial crisis), will suffer large budget reductions. Given this will impede the ability of housing associations to build affordable housing, it will result in even less homes being built than at present;

Environment Agency (N Area (+ Waste Disp)): under Flood Risk Standing Advice the Agency would not normally be consulted on the development of a site less than 1 hectare in Flood Zone 1. We would like to take this opportunity to remind you that although Pow Beck does not have "main river" designation, the prior written consent of the Agency under the terms of the Land Drainage Act 1991 would still be required for the construction of any outfall structure for the clean, uncontaminated water to Pow Beck;

Natural England - Larger Schemes with Env.St & Designated Sites (SSSIs, SACs, SPAs, Ramsar Sites): comments awaited;

Planning - Local Plans, Planning - Planning Policy & Conservation: the Local Plan Proposals Map identifies the site as lying within the Urban Area Boundary for Carlisle and subject to an Urban Fringe Landscape designation. The western part of the site lies within Flood Zone2. This issue is considered to have been adequately addressed in the Flood Risk Assessment submitted with the application.

Policy H1 makes provision for the location of new housing development, stating that 80% of new development will be located within the urban area of Carlisle. Policy H5 states that all sites within the urban area are expected to make a 30% contribution of units on site as affordable housing. This site represents 100% contribution and therefore conforms with this policy.

Policy LE1 sets out the type of development which is acceptable in an Urban Fringe Landscape. There is generally a presumption against development which would affect the open character of the area. The proposal site when viewed from Etterby Road is seen in the context of the rail depot and scrap yard to the north, and does not physically or visually have the feel of open countryside. The site is well located in terms of access to local services and facilities, including public transport. As such there are no policy objections to its location.

Policy LC4 makes provision for children's play and recreation areas in conjunction with new family housing developments. The open space shown on the plans is under the canopy of the TPO protected trees, and has a more visual than functional importance. However, Belah Ward is considered to be well provided with open space, having Kingmoor Sidings LNR, Kingmoor Nature Reserve, and several areas of Primary Leisure Area (Briar Bank and Belah Road) within walking distance. With regard to playing pitches, there is a slight shortfall in Belah when judged against the standards in Policy LC2. This shortfall will increase with the development of 30 additional houses, and it is therefore recommended that negotiations are undertaken with the developer for a commuted sum to go towards either an improvement in quality of existing pitches, or future planned provision of a new pitch in the local area;

English Heritage - North West Region: our specialist staff have considered the information received and we do not wish to offer any comments on this occasion;

Hadrians Wall Heritage Limited: comments awaited;

Northern Gas Networks: comments awaited;

Cumbria County Council - (Archaeological Services): records indicate that the site lies in an area of archaeological potential. Etterby is first mentioned in 12th century documents, although the origins of the name suggests a settlement on the site prior to the Norman Conquest. Furthermore aerial photographs show remains indicative of Iron Age settlement and agricultural practices in the vicinity of the site. It is therefore considered likely that archaeological remains may survive on the site and that these would be disturbed by the proposed development.

Consequently it is recommended that an archaeological evaluation and, where necessary, a scheme of archaeological recording is undertaken in advance of development, and that this programme of work can be secured through the inclusion of two conditions in any planning consent that may be granted;

Cumbria County Council (Education Department): comments awaited.

3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:
Etterby House	07/06/10	
Grange Cottage	07/06/10	
5 Stainton Road	07/06/10	
6 Stainton Road	07/06/10	Objection
7 Stainton Road	07/06/10	Objection
8 Stainton Road	07/06/10	Objection
9 Stainton Road	07/06/10	
10 Stainton Road	07/06/10	
11 Stainton Road	07/06/10	
12 Stainton Road	07/06/10	Objection
13 Stainton Road	07/06/10	
14 Stainton Road	07/06/10	Undelivered
15 Stainton Road	07/06/10	
16 Stainton Road	07/06/10	
17 Stainton Road	07/06/10	Undelivered
18 Stainton Road	07/06/10	Undelivered
19 Stainton Road	07/06/10	
20 Stainton Road	07/06/10	
21 Stainton Road	07/06/10	
22 Stainton Road	07/06/10	
23 Stainton Road	07/06/10	Objection
24 Stainton Road	07/06/10	Undelivered
25 Stainton Road	07/06/10	
26 Stainton Road	07/06/10	Undelivered
27 Stainton Road	07/06/10	
28 Stainton Road	07/06/10	Undelivered
29 Stainton Road	07/06/10	Objection
30 Stainton Road	07/06/10	Undelivered
31 Stainton Road	07/06/10	Objection
32 Stainton Road	07/06/10	
33 Stainton Road	07/06/10	
34 Stainton Road	07/06/10	Undelivered
35 Stainton Road	07/06/10	
Direct Rail Services Limited, Kingmoor Depot	08/06/10	
Etterby Grange House	07/06/10	
Etterby Lodge	07/06/10	
Wath Cottage	07/06/10	
The Beeches		Petition
The Orchard	07/06/10	Objection
Ridvan	07/06/10	Objection
Etterby Cottage	07/06/10	Objection
1 Stainton Road	07/06/10	Objection
2 Stainton Road	07/06/10	Objection
3 Stainton Road	07/06/10	

4 Stainton Road
7 Stainton Road
Stainton Road
35 Finn Avenue
89 Etterby lea Crescent
15 Riverbank Court

07/06/10

Objection
Objection
Objection
Objection
Objection

3.1 This application has been advertised by press and site notices, and the direct notification of the occupiers of 51 properties. In response 17 letters/e-mails and one petition with 53 signatories raising objections have been received on the following grounds.

1. Highway Safety

The road is very narrow and there is an existing problem of parked cars and people reversing out of their drives. The development would result more traffic to an already dangerous road increasing the danger for existing residents and children.

There is already too much traffic for the narrow road around the area, building more houses would increase the amount massively. The development will make the road opposite Austin Friars School dangerous for drivers and pedestrians which is already extremely busy at school times.

Huge wagons going to Michael Douglas's makes the road dangerous, extra traffic would put the local residents in even more danger.

The proposed development is inappropriate for this area because the amount of traffic it will create will make the narrow road dangerous. The road is busy already with traffic to and from DRS and Douglas Auto Salvage (when large vehicles are on the road it is difficult for another to pass). The cars from the development will not be able to see beyond the blind bend towards the village and several houses have planned driveways onto the road causing an obstruction while manoeuvring their vehicles. There is no footpath between the village past the development up as far as Riverbank Court making it extremely dangerous for pedestrians especially children which no doubt this development will bring along with its increased traffic.

Generally most households nowadays have at least one car per house. This proposal would generate at the very least another 30 cars on an already narrow road. Although not an expert but having lived in the area for over 19 years the road past the proposed build is regularly having to be resurfaced due to potholes etc. Imagine what another 30 cars would do - not to mention further traffic fumes and noise. The road is very narrow alongside the proposed build with no real room for widening - this could cause massive problems with regard to people coming out from the development onto Etterby Road with cars going up and down.

At least eight houses on the proposed development will front onto Etterby Road with each property having a drive which could accommodate up to two

vehicles. Five of the eight (No's 2, 3, 26, 27 & 28) are for tandem parking so vehicles may need repositioning if not parked in the correct order for leaving. The three remaining (No's 1, 29 & 30) will have parallel parking. Etterby Road at this site is only 4 metres wide i.e. two car width, and approached from Stainton Road via a 90 degrees bend and the other direction is via a bend that reduces a drivers visibility of the site.

Each of these properties will either have to reverse onto or from their driveways which will result in a vehicle being broadside across Etterby Road. Any other vehicle approaching the site would have little or no warning of this and would have nowhere to go to take evasive action. There could be up to 16 vehicles broadside across Etterby Road for how many times a day is any ones guess, but certainly more than once a day taking into account tandem parking and multi journeys i.e. school run, shopping, visiting friends/relatives and the like. Each manoeuvre will be carried out in a variety of weather conditions and time of day i.e. daylight and darkness.

Etterby Road is not only used by cars/vans but also heavy lorries up to 44 ton plus children cycling and walking. In season, opposite the site, an attraction for the younger element is the collection of conkers which means standing in the road to collect those dislodged by throwing missiles. It is an accident awaiting to happen. In addition, the properties fronting Etterby Road only have access from the front requiring any delivery/visitor to park on the road (as already mentioned the road is only two cars width) thus causing a hazard to other road users in view of the aforementioned bends in the road.

Another aspect on the safety front is that the proposed site of 30 properties ranging from four two bedroom bungalows (occupied one assumes by the elderly and/or disabled) to 2, 3 & 4 bed houses. There could therefore be at least 100 people living in those properties with a spread of ages. Thus, there is potentially up to 100 extra pedestrians walking from the site to the shops/pub/takeaway/bus at all hours of the day and night. In view of the fact that there is no pavement from the proposed site to beyond the railway bridge (a distance of over 250 yards) it puts them all at risk particularly the young, elderly or disabled.

Development will increase traffic at peak times on Etterby Street, Etterby Scaur, Stanwix Bank and Kingmoor Road. There are already long delays in the mornings especially on Etterby Street. Etterby Street is very narrow in places and vehicles struggle to pass. A number of horse drawn vehicles and HGVs use Etterby Road and passing these is difficult and dangerous. As there is no footpath and no room otherwise, walking would be even more dangerous with increased road traffic. No state primary school places are presently available within walking distance and the 'school run' to Austin Friars / St Monica's causes problems now at the junctions of Kingmoor Road with Etterby Road and Belah Road.

All pedestrians, motorists, cyclist and equestrian's are already at risk from the hooligan speedster's in cars and on motorcycles who regularly race down this road at high speeds. The risk of serious accidents can only increase on Etterby Road with the extra vehicle use this development would bring - both

upon completion, and also during the construction period when heavy plant machinery would be in use.

One property has no sight line cars leaving our property are into the road before a clear view of the road is possible. This also affects the oncoming traffic as they are required to stop and allow the residents to turn into the road.

2. Living Conditions of Neighbouring Residents

The development will intrude on privacy at the rear of our house. This is a lovely quiet area and the housing development would bring more noise.

At the last meeting the residents were advised that the build would take at least 2 years. This is totally unreasonable to expect residents to have to put up with a construction site for that length of time. They realise that this is not something that the Council takes into consideration, but would like to point out that one of the main reasons residents bought their homes in this area was for the peace and quiet. If residents had wanted to live on a housing estate they would have bought a house on one.

Strongly object to the public open space and footpath immediately in front of the Lime tree boundary line. This footpath will also be accessed by any member of the public through a gated entrance from Etterby Road. This could seriously compromise the safety of these protected trees and also the safety and security of the fences and rear gardens of the adjacent properties behind these trees. It would also introduce noise pollution thus disturbing the present tranquility and amenity of the use of these gardens by existing residents.

Unacceptable levels of noise and air pollution during the building of this development (which could take up to two years) and also to the heavy plant vehicle movement that would be involved.

The development is, by nature of its mass, is out of scale with the immediate area and does not reflect the character of existing neighbouring buildings. It would adversely affect the character, appearance and amenity of the local area.

The development vernacular does not support the style or size of existing dwellings. The City Council was very stringent on the design of 2 dwellings within Etterby. Why go to great lengths to build two dwellings in a particular style and quality and then consider allowing 'affordable housing' only metres away?

3. Biodiversity

There is lots of wildlife in the field i.e. birds, butterflies, frogs which would be displaced by the development.

There is an abundance of wildlife in this area specifically a migration of toads

which happens every year around about March which come up from the river, across the road and into the proposed development site. Where would they go if the area was now full of houses?

This field is an undeveloped Greenfield site and is a species rich meadow which is unique in Etterby and the surrounding area. It is a small nature reserve in a village setting providing habitats for many species of birds some of which appear on the 'red' list. The berried hedgerows provide a valuable source of food. The site is a receptor for many other species - dragonfly, honey bee, bumblebee. There are also resident hedgehogs and rabbits plus many other species too numerous to mention. The housing development will have a significant adverse impact on all species. This field is also a migratory amphibian route for frogs, toads and newts.

Bats are regularly observed flying into and out of the trees and around the area generally. There may or may not be nesting/roosting within the area of this site. Only a very detailed survey could ascertain this. The ECUS report in no way could be classified as such.

The ECUS report mentions a new 'health centre' this aspect requires investigation as there is no health centre on the site.

A fox has set up home in the vicinity. This field is the only one for miles around that has lain fallow for 25 years and as such is an ideal locale for many species.

4. Drainage

What about the considerations for general waste and sewage? It seems that the present drains etc can hardly cope with the number of houses we have in this area already, so I shudder to think what will happen with a further 30 houses.

There is no surface water drainage on Etterby Road, and even a moderate shower of rain results in flooding and standing pools of water. The construction of 30no. building can only compound this problem, with water runoff. As it stands the field itself is a natural source of drainage.

The existing sewage system would struggle to cope with the effluent from another 30no. homes being added to it.

Stainton Road has a 6 inch bore sewer pipe which the proposed development will be intending to join into. The system can't cope now and a further 30 households waste water is just going to make the problem intolerable.

5. Schooling

Since the closure of Belah school, primary children have had to travel to Kingmoor or Stanwix which are now full. Where would any new children go?

Both local state schools are fully subscribed, therefore, small children would

need to travel long distances to school.

30 properties could represent 30/40 children of school age. Everyone knows there is a problems with primary school places locally due to the closure of Belah; Kingmoor School has 60 reception places but estimated numbers are 71 in 2011 and 67 in 2012; Stanwix is oversubscribed and land locked.

6. Trees

There are trees on this site which have Preservation Order on them.

The line of mature Lime trees which form the boundary line between the existing properties and the proposed development site are put at great risk by being placed entirely within this proposed, development, and the recommendation that they should be stripped of all branches up to as much as 6 metres is extremely harsh. Severe branch removal would remove the present screening and wind-break capabilities these trees give for existing properties for six months or so of the year, which would cause concern if the development was built. It would adversely affect the privacy of the present residents of existing house. It is a misconception that ivy damages trees. Strongly object to any severe interference with them or the ivy (which provides safe nesting and food for several species of birds) as it would totally destroy the character of the area.

7. Land Designation

Informed by the Planning Department that the proposed site is designated as urban fringe land as under Policy CP1 Landscape Character/Biodiversity . At a public meeting on the 15th February 2010 held at the Belah community centre a senior member of Riverside stated (twice) that your Department had informed them that this designation would be removed should they submit a planning application on the proposed site. How different to 2003 when an application to build one property at the rear of " The Orchard" (which would have had access onto the lane to DRS -planning application reference 03/0258) was declined . The reasons given being:

"The site of the proposed development, for which no special agricultural need has been demonstrated, is located within open countryside on the outskirts of Carlisle. In this location the proposed development would be unduly conspicuous to the detriment of the appearance and character of the area contrary to the objectives of policies H6 and E6 of the Carlisle District Local Plan."

Would not 30 houses also " be unduly conspicuous to the detriment of the character etc".

Not designated for residential use in the current Local Plan. Whilst there may be a case for more homes in Carlisle do not believe that there are exceptional reasons to grant approval for housing on this site. This application should not be considered until all sites have been fully evaluated through the Council's growth point initiative with priority given to brownfield

sites.

Whilst located within the urban boundary, Etterby has already been considered as having a 'village identity'. The scale of development proposed would almost double the size of the existing settlement. As a result the character and setting of the existing village would be fundamentally destroyed.

8. Precedent

If planning permission is given this will set a precedent regarding the reclassification of adjacent land not only that adjoining the proposed site down to the lane to DRS but also the land opposite the said site.

A solicitor has advised that he acts for an owner of some adjacent land is only awaiting the outcome of this application before offering further plots to interested buyers. If this happened the numbers of properties could double or treble causing even more problems as described above.

Planning Permission was sought and turned down previously for two dwellings on the grounds of poor access to Etterby Road. It stands to reason that the number of vehicles from 30 dwellings trying to access this same road presents a much bigger problem - and because of this, the application cannot justly succeed.

Another application for one property behind an existing dwelling was also refused on the grounds that the development is located within open countryside and would be unduly conspicuous and to the detriment of the appearance and character of the area. This area is Urban Fringe Land, and no home built on this site would qualify for the same grounds of rejection.

This development should be built on the site formerly occupied by Belah School. This is a Brownfield site, and would be central to bus services, amenities and also be closer to the two local schools in the area.

9. Alternative Sites

There is a number of unsold houses in the area already so why build more?

Not against the need for social housing but feel that there are safer alternatives bearing in mind the proposed 825 new homes at Morton, and 850 at Crindledyke, Raffles being only half developed, Low Meadows and 29 new homes at Barras Close. If schooling were not a problem then the site (owned by the County Council) which previously housed Belah School would prove much more suitable and safer.

Feel it has become just another area to put low cost housing when there are areas around the City with much better access and facilities that would suit young families.

Riverside has already lots of areas with plans passed that has not even been started yet.

- 3.2 In addition to the publicity undertaken by the Local Planning Authority the applicant sent local residents a letter in January 2010 inviting them to view the plans and provide feedback on the proposed scheme. The proposal was subsequently displayed at the Riverside central office between Monday 18th January and Friday 22nd January 2010. A public meeting arranged by Councillor Gareth Ellis also took place on Monday 15th February at Belah Community Centre. A further public meeting has been arranged to take place on the 9th July at Belah Community Centre.

4. Planning History

- 4.1 The available records indicate that the site has not previously been the subject of an application.
- 4.2 In relation to neighbouring sites, in 2003 (application number 03/0258) outline planning permission was refused for the erection of a dwelling on land at the rear of The Orchard, Etterby Road.

5. Details of Proposal/Officer Appraisal

Introduction

- 5.1 The application site is 0.75 ha of former grazing land located on the northern side of Etterby Road to the immediate west of three detached dwellings known as The Beeches, The Orchard and Ridvan; and east of 2-12 Stainton Road. To the immediate north there is an open field, and on the opposite side of Etterby Road uncultivated land leading to the River Eden, and Etterby House.
- 5.2 The River Eden, which is approximately 75m to the south east of the site, is designated as a 'main river' as well as a Site of Special Scientific Interest (SSSI) and a Special Area of Conservation (SAC). There is a minor watercourse located approximately 210m to the north of the site known as Pow Beck.
- 5.3 The main distinguishing feature of the site is a line of mature Lime trees, the subject of a Tree Preservation Order, running parallel with the boundaries of 2-12 Stainton Road. Otherwise the site falls to the west and then the north-west with a high point of 22.120m AOD in the eastern corner and a low point of 18.430m AOD at the north-western boundary. The boundaries of the site are delineated by a Beech hedge to the north-east; shrubs to the south-east; fencing to the south-west; and to the north-west by hedging. An electricity sub-station is located in the south-eastern corner.

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

Background

- 5.5 This application seeks full permission for the erection of 16 houses and 4 bungalows for rent and 10 houses for shared ownership. The proposed bungalows are 2 bed with the two storey houses comprising 2, 3 and 4 bedroom properties. If permission was to be granted the intention would be for the applicant to apply for a Social Housing Grant from the Homes and Communities Agency through the National Affordable Housing Programme.
- 5.6 The submitted layout plan shows the proposed development based around a "T" shaped cul-de-sac with the Lime trees along the south-western boundary retained within an area of open space. A new footpath link runs through the proposed open space as well as a pavement along the frontage with Etterby Road.
- 5.7 The application is accompanied by a Design and Access Statement (D&A), an Ecological Survey, a report on the Survey Details for Trees, a Method Statement for Protection of Trees during development, a Road Safety Audit, a Flood Risk Assessment, and a Geoenvironmental Report.
- 5.8 On the matter of housing need, the submitted D&A states that:
- Since December 2002, Riverside have seen stock levels fall to 6306 through Right to Buy sales. This has been mostly identified as stock that would have been suitable for families that has not been replaced. In Belah, where there are 2593 homes, the 2001 census identified that 82.6% of residents owned their own homes, with only 10.9% renting through an RSL or the local authority and only 0.3% in a Shared Ownership property, demonstrating an imbalance in tenure mix in the local area.
 - The Regional Housing Strategy for the North West identifies a net annual affordable housing need of 72 additional affordable units per year in Carlisle City, with 222 units required per annum in the District.
 - In total Riverside Carlisle have 274 properties in the Belah area 61% of which consist of less popular and less sustainable 1-bedroom accommodation. Only 2 out of 19 four bedroom homes and 21 out of 91 three bedroom homes in this location have become available since the stock transfer demonstrating a low turnover and a need for additional larger units.
 - Furthermore, through Choice Based Lettings (CBL) Riverside Carlisle received on average 102 applications per 2 bedroom house and 114 applications for each 3 bedroom house in Belah and Stanwix. A consequence of this has been that applicants are waiting, on average, 10 years for 2 or 3 bedroom homes in the area.
- 5.9 The D&A goes on to explain that the proposed dwellings have been designed to reflect local detailing; all the properties benefit from off street parking with the majority having 2 allocated spaces each; and landscaping has been used

where possible to break up any mass of parking and also to highlight plot boundaries.

- 5.10 On the matter of the suitability of the location of the application site, the D&A highlights that within a 400m radius of the site there is a public footpath leading to the River Eden Walk, the Kingmoor Nature Reserve and an equipped play area; within 500m there is a public house, takeaway, church, general store, private schools and bus stops; and within 1.6 km there are alternative schools, churches, public houses, restaurants, hotels, local shops, nurseries, a community centre, playing fields and retail stores.
- 5.11 Furthermore the D&A confirms that Parts K and M of the Building Regulations have been taken into consideration to provide greater accessibility for all users throughout the site, and all the dwellings have been designed to achieve Level 3 of the Code for Sustainable Homes. In the case of this latter point this is to be achieved by a range of measures including: the harvesting of rainwater on Plots 5-8 and 21-30 inclusive (14 units in total) stored in underground tanks; each dwelling to be provided with a water butt; all driveways to be porous paved to allow surface water to percolate into the subsoil with any additional surface water to be discharged into Powbeck via a drainage system; the provision of secure cycle parking to all the proposed dwellings; the provision of waste recycling receptacles; and the implementation of a Site Waste Management Plan during the construction phase of the development.
- 5.12 The Ecological Survey does not identify any protected species or habitats occurring on site and no invasive plant or animal species. The Survey anticipates that the proposed development will not impact upon any protected species or habitats occurring within the site which are considered to be of importance to nature conservation out with their immediate zone of influence.
- 5.13 The Tree Survey determined that the trees of greatest significance are the row of mature Lime trees along the southern boundary. The remaining trees on the site are classed as of low quality. The Survey also concluded that the field boundary hedge to the east and the Beech hedge to the north merited retention. The Method Statement contains recommendations on how the retained trees should be protected during all phases of the proposed construction.
- 5.14 The Road Safety Audit recommends the installing of "Give Way" marking at the edge of the Etterby Road junction; provide surface water drainage from the highway within the site; install dropped kerbs and tactile paving across the access to the development; and provide adequate street lighting within the site and on the proposed footways fronting the development.
- 5.15 The submitted Flood Risk Assessment highlights that the western boundary of the site has been found to be located within Flood Zone 2, which is defined as having a medium risk with 1 in 100 and 1 in 1000 annual probability (1% - 0.1%) of flooding from fluvial (i.e. river) sources. The remaining portion is located within Flood Zone 1, which is defined as having a low risk of less than 1 in 1000 annual probability (<0.1%) from fluvial sources. The proposed

development is classified as 'more vulnerable' and is therefore appropriate within these flood zones. However, the intention is for the current proposal to seek opportunities to reduce the overall level of flood risk in this area. The proposed dwellings located within Flood Zone 2 and those located in Flood Zone 1, which according to ground levels may also be at risk of flooding, are to have floor levels set to a minimum of 19.600mAOD. In addition, ground level on the western boundary of the site will be kept as existing to maintain the overland flood route to the River Eden. In order to mimic the pre-development condition, it is proposed to discharge flows to the Pow Beck to the north of the development via a 250m off site sewer. Flows cannot discharge directly to the River Eden to the south due to regulatory and environmental constraints. Surface water flows will be restricted to a minimum rate as to avoid blockages and excess flows are to be attenuated off-site in tanked sewers in the field to immediate north of the development. In addition, run-off volumes are to be reduced to Greenfield level through the use of Sustainable Drainage Systems (SuDS) including rainwater harvesting and permeable paving.

- 5.16 The Geoenvironmental Report does not identify any potential pollutant linkages from soil or water which could result in an unacceptable risk to the proposed end-use. Based upon NHBC Report Edition 4 and CIRIA Report C665A a gas screening value of 0.18/hr for carbon dioxide has been calculated; no methane has been detected; and carbon dioxide has been <5% during any of the six gas monitoring visits. The Report concludes that the overall ground gas regime falls within the "green" classification using the NHBC traffic light system, and therefore ground gas protection measures are not required for the proposed dwellings. The Report also concludes that basic radon protection measures are not currently required for the proposed development.
- 5.17 The applicant has confirmed a willingness to pay a commuted sum of £43,790 for the maintenance and enhancement of on and off-site open space provision in accordance with Policies LC2 and LC4 of the Carlisle District Local Plan 2001-2016.

Assessment

- 5.18 It is considered that an assessment of the proposal is based upon whether the advantages outweigh the disadvantages concerning six principal issues.
1. Whether the proposal represents a sustainable form of development in terms of its location in the context of PPS1: Delivering Sustainable Development inclusive of its Supplement: Planning and Climate Change, PPS3: Housing, PPS7 Sustainable Development in Rural Areas, and PPG13: Transport.
 2. Whether the scale of the proposal is well related to the existing settlement.
 3. Whether there is an identified need for the proposed low cost dwellings in this location.

4. Whether the proposal safeguards the character of the area.
 5. Whether the application safeguards the living conditions of neighbouring residents.
 6. Whether the proposal is detrimental to highway safety.
- 5.19 As identified, items 1 to 6 are tied up with an overall assessment of whether the proposed development accords with the Development Plan having regard to the provisions of Section 38 (6) of the Planning and Compulsory Purchase Act 2004.
- 5.20 When considering 1. the relevant question revolves around sustainability in the sense of the appropriateness of the proposed use to the location. A Key Principle identified in paragraph 13 of PPS 1, and re-iterated in paragraphs 30-32, is that a spatial planning approach should be at the heart of planning for sustainable development. This is an approach which underpins Policies DP1 and H1 of the Carlisle District Local Plan 2001-2016 that seek to encourage development (inclusive of residential schemes) within identified sustainable locations.
- 5.21 In the case of the current proposal, the site is located within the Urban Area Boundary of Carlisle but falls within part of the designated Urban Fringe Landscape. The current proposal has been advanced in terms of addressing need in the northern wards of the City, although under Policy H1 of the Carlisle District Local Plan (2001-2016) Etterby is not identified as a location for new housing development. However, the site represents a gap, with existing development to the immediate north and south, and is approximately 185 metres to the west of Riverbank Court, Carlisle. The site can, therefore, be viewed- in relative terms- as well related, and readily accessible, to services within the City.
- 5.22 As such it is considered that the applicant has sought to comply with the underlying sustainability objectives of Policy DP1 since it is situated within urban Carlisle even though the site is not within an area identified for new development under Policy H1.
- 5.23 Whether the scale can be considered appropriate is generally dependent upon the size of the settlement concerned and the likely cumulative impact of development taking place. In relation to these matters, while the community of Etterby currently comprises approximately 35 residential units, it is not a stand alone settlement and the projected number of dwellings is- in urban area terms- really quite modest.
- 5.24 On this basis it is considered that the current proposal cannot be considered significant although, understandably, residents of the Etterby area may well feel that it would represent a substantial additional amount of development in its particular locality at the City fringes.

- 5.25 When considering the issue of affordable housing, PPS3 explains in para. 30 that such provision should be mainly in market towns and villages.
- 5.26 Policy H5 of the Carlisle District Local Plan 2001-2016 stipulates that in the urban area windfall sites of 10 or more dwellings should make a contribution of 30% of units on-site towards affordable housing. In this case the proposal would lead to a 100% provision of affordable units.
- 5.27 The City Council's Housing Strategy Officer is supportive of the application on the basis that there is a real need for affordable housing in Carlisle, particularly in the Belah area; and the tenure mix of both shared ownership and social rented properties, as well as the range of unit sizes on the development, is desirable for a balanced housing market in Carlisle.
- 5.28 When assessing the proposal in terms of its impact on the character of the area it would- if permitted- represent a consolidation of development on what is now an open field, and would not result in the loss of an open space in recreational use as specified under Policy LE1.
- 5.29 The applicant has sought to mitigate any harm by the use of materials and detailing evident locally, the retention of the Lime trees and, as far as possible, existing natural features. It is also evident that the perceived physical separation of Carlisle from Etterby by Kingmoor Nature Reserve and the West Coast Main Railway Line would be maintained.
- 5.30 When considering whether the application safeguards the living conditions of neighbouring residents, the proposed dwelling on plot 1 is forward and to one side of The Beeches such that the nearest corners of each are 14.4m apart. In the case of the proposed dwellings on plots 5 and 6 the separating distance between facing walls and the gable end of The Beeches is 17.4m. The proposed dwellings on plots 7 and 8 are at right angles to the house at The Beeches with the facing walls 10-11m away from the boundary. The proposed dwelling on plot 9 is sited so as to have a separation distance of 38m between the nearest corner of The Beeches. This is in the context of the existing Beech hedge running along the boundary. In relation to the dwellings at 2- 12 Stainton Road, the proposed dwellings with facing walls on plots 19-22 (inclusive) are shown to be over 29m apart at the closest point. As such it is considered that the proposal cannot be resisted on the basis of losses in light or privacy.
- 5.31 In the context of the existing form and nature of development within the immediate area it is appreciated that the proposal will lead to some additional noise and disturbance but not to such an extent as to be considered excessive and is, therefore, of insufficient weight to justify the refusal of permission.
- 5.32 Finally, with regard to highway safety the County Highway Engineer has stated that although it would be preferable to install a footway from the site, connecting to the existing footway on Etterby Road, it is not considered justifiable to require the applicant to fund such an improvement. The Engineer has also explained that the installation of the footway to one side would necessitate widening the road on the other and that this overall widening of the

corridor will change the perception of the road that would, in all likelihood, lead to an increase in vehicle speeds. Discussions are currently on-going with the applicant to see whether, as an alternative, a solid edge line can be put in place along the western edge of the road (approx 1.2m from the edge of the road) from the site to the existing footway to ensure pedestrian safety.

Other Matters

- 5.33 It is acknowledged that other issues have been raised concerning biodiversity, precedent for other development, the availability of alternative sites, security, problems caused during construction, and education.
- 5.34 When considering whether the proposal safeguards the biodiversity and ecology of the area it is recognised that Local Planning Authorities must have regard to the requirements of the EC Habitats Directive (92/43/EEC) when determining a planning application as prescribed by Regulation 3 (4) of the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended), and Article 16 of the Habitats Directive before planning permission is granted. Article 16 of the Directive indicates that if there is reasonable likelihood of a European protected species being present then derogation may be sought when there is no satisfactory alternative and that the proposal will not harm the favourable conservation of the protected species and their habitat. In this case, the submitted Ecological Survey anticipates that the proposed development will not impact upon any protected species or habitats. On this basis it is considered that there should be no significant effects from the proposal, and that there will be no harm to the favourable conservation of any protected species or their habitats. However, the formal views of Natural England are awaited.
- 5.35 In the case of any issues associated with precedent and possible alternative sites, Members will be conscious that the Council is obliged to determine each application on its own merits.
- 5.36 In relation to security and potential problems caused during construction it is considered that such matters can be addressed through the imposition of relevant conditions.
- 5.37 The views of the Education Authority are awaited although Members will be conscious that the proposal only involves the provision of 30 dwellings that vary in type to meet existing needs. The consequent additional demands placed on local authority education services are likely to be minimal with any travel distance not significantly greater than from other properties within the immediate vicinity.

Conclusion

- 5.38 In conclusion, when looking at the disadvantages of the proposal, the site is not within an area identified for new development under Policy H1; the proposal can only be considered significant when assessed within the immediate context of Etterby; it represents a consolidation of existing development into what is now an open field; and is not an open space recreational use as specified

under Policy LE1.

- 5.39 When looking at the advantages it is considered that the applicant has sought to comply with the underlying objectives on sustainability of Policy DP1; the current proposal cannot be considered significant within the wider context of Carlisle; the proposal would lead to a 100% provision of affordable units; the City Council's Housing Strategy Officer is supportive of the application on the basis that there is a real need for affordable housing in Carlisle (particularly in the Belah area), the tenure mix of both shared ownership and social rented properties, as well as the range of unit sizes on the development, is desirable for a balanced housing market in Carlisle; and the applicant has sought to mitigate any harm by the proposed design of the dwellings and the retention of existing natural features. This is in the context that it is considered the proposal cannot be resisted on the basis of losses in light, privacy, noise or disturbance to local residents.
- 5.40 At the time of preparing the Report comments are awaited from the applicant with regard to the formal comments of the Highways Engineer, and various interested parties. A public meeting is also to take place at Belah Community Centre on the 9th July. An updated Report will be presented to the Committee.

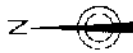
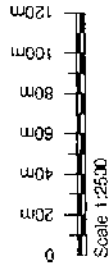
6. Human Rights Act 1998

- 6.1 Several provisions of the above Act can have implications in relation to the consideration of planning proposals, the most notable being:
- Article 6** bestowing the "Right to a Fair Trial" is applicable to both applicants seeking to develop or use land or property and those whose interests may be affected by such proposals;
- Article 7** provides that there shall be "No Punishment Without Law" and may be applicable in respect of enforcement proceedings taken by the Authority to regularise any breach of planning control;
- Article 8** recognises the "Right To Respect for Private and Family Life";
- 6.2 Article 1 of Protocol 1 relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary, proportionate and there is social need;
- 6.3 Article 8 and Article 1 Protocol 1 are relevant but the impact of the development in these respects will be minimal and the separate rights of the individuals under this legislation will not be prejudiced. If it was to be alleged that there was conflict it is considered not to be significant enough to warrant the refusal of permission.

7. Recommendation

Reason For Including Report In Schedule B

At the time of preparing the report comments are awaited from the applicant with regard to the formal comments of the Highways Engineer, and various interested parties. A public meeting is also to take place at Belah Community Centre on the 9th July.



LAND ADJACENT TO
Etterby Road, Carlisle

Drawn: 04/11/11

Drawn: 04/11/11

SITE LAYOUT

Location Plan

Drawn By	DATE	REVISION
04/11/11	04/11/11	1/1
Drawn No	SH071.90.9.SLUP	1/1
SITE	SH071	
Project		

C Story Construction Ltd.
Rough Road, Carlisle, Cumbria, CA2 7NA
Tel: 01273 444444 Fax: 01273 444444

Note
All visibility Splays to be kept free of any objects or planting above 1m in height

* Denotes feature gable detailing

Denotes extent of tree route protection zone

House Types

- A Type 4 no
- B Type 2 no
- C Type 6 no
- D Type 14 no
- E Type 2 no

Total 30 no

PLANNING APP

STORY
Group

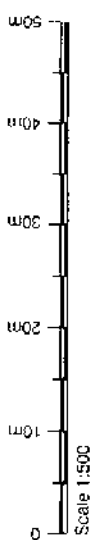
LAND AGENTS
Efterby Road, Carlisle

Site Layout

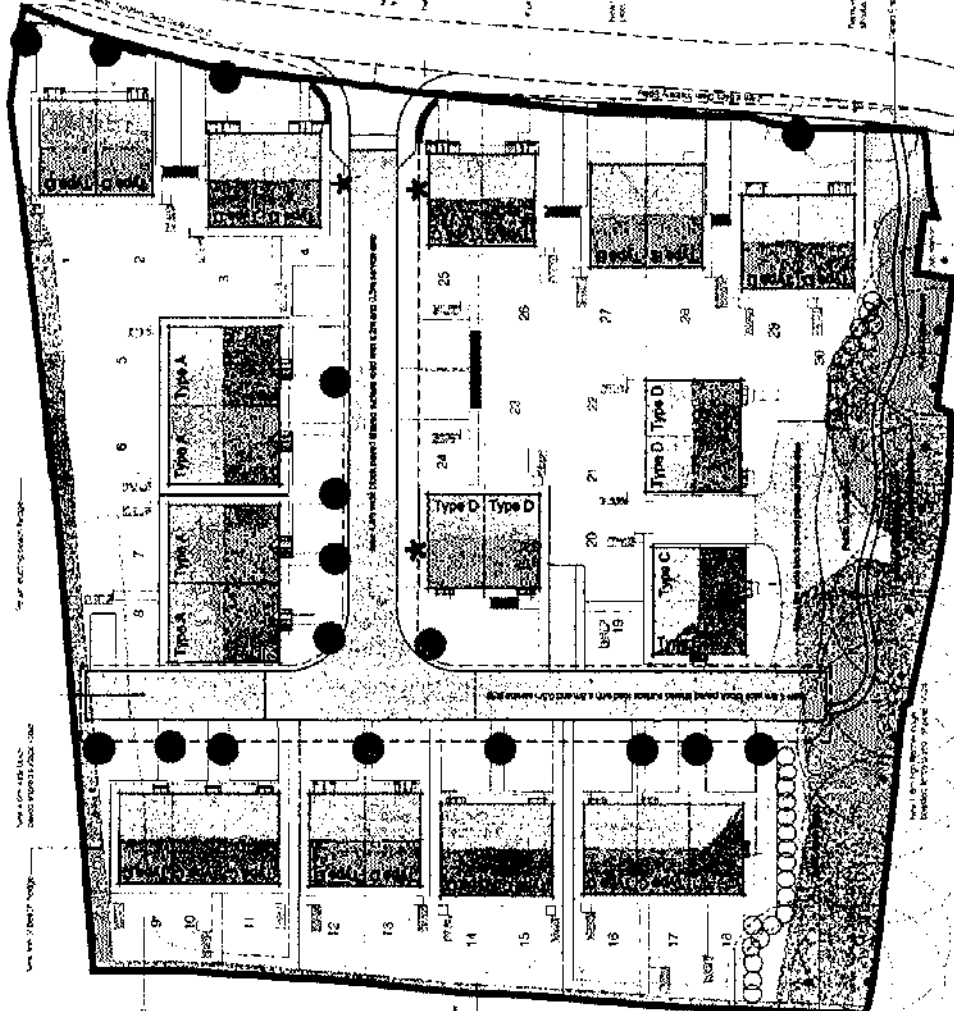
PLAN NO	SH071
DATE	10/01/2017
PROJECT	SH071.90.9.SL.SL
CLIENT	SH071

Story Construction Ltd.

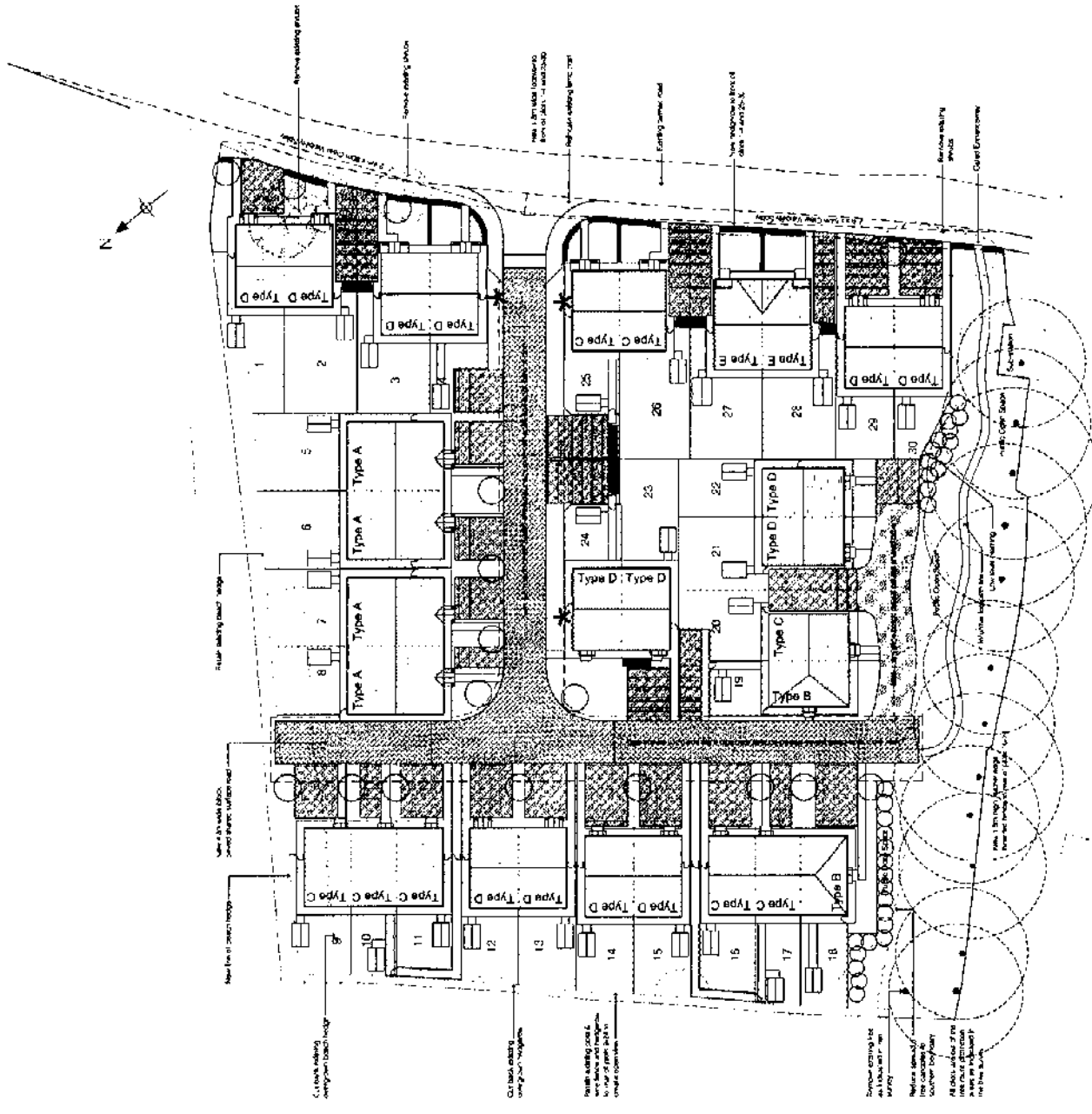
1000 Northgate, 9th Floor, London, E1 6AN
Tel: 01225 666666 Fax: 01225 666661



Note:
For SH071.90.9.SL.SL, the proposed development is shown in black.
Existing features are shown in grey.



Site Layout



Site Layout

Notes:
1. All buildings shown are to be constructed in accordance with the City of Seattle's Comprehensive Zoning Ordinance.
2. All buildings shown are to be constructed in accordance with the City of Seattle's Comprehensive Zoning Ordinance.

Legend:
* On-site parking spaces
* On-site parking spaces
* On-site parking spaces

Notes:	Notes:
A Type	4 to 6
B Type	7 to 9
C Type	10 to 12
D Type	13 to 15
E Type	16 to 18
Total	30

PLANNING APP

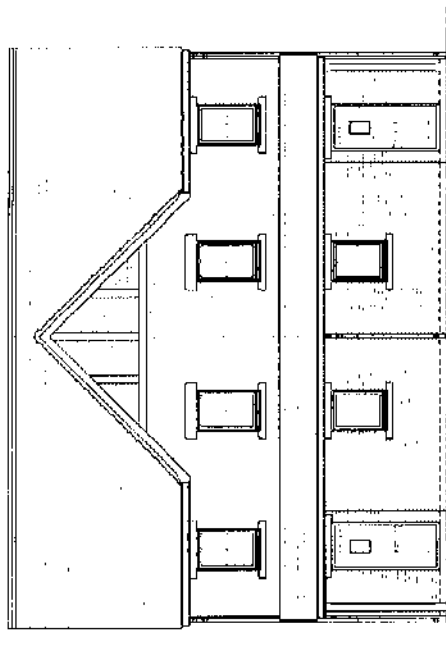
STORY Group

LAND ADJACENT TO
Etterby Road, Carlisle

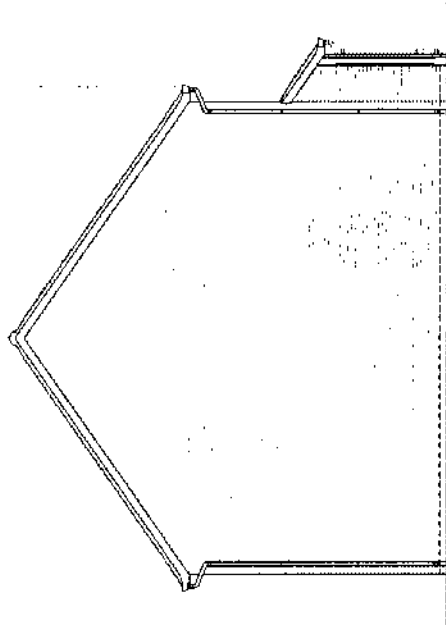
STORY Group
Planning Layout

Project Name	Project Number
SH07-90.9.5.1	SH07

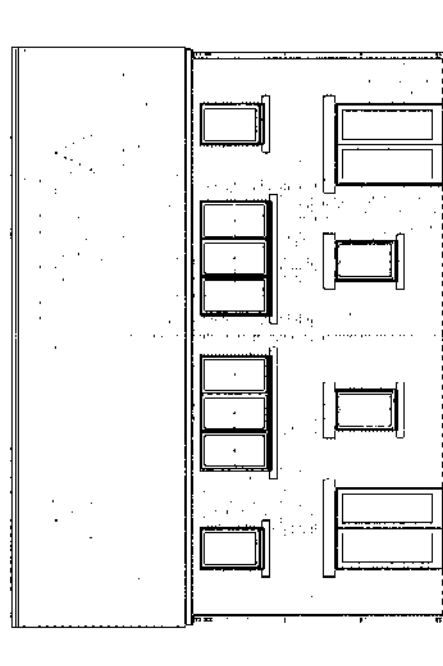
QStory Construction Ltd.
As per the proposed plan: Carlini Campus, CA, PA.
For further information, please contact: QStory Construction Ltd.



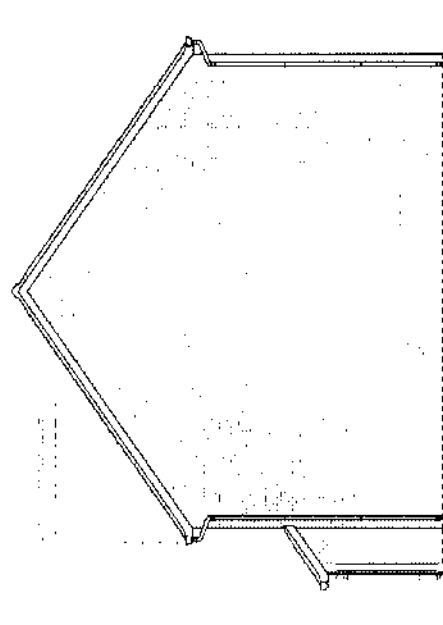
Front Elevation



Side Elevation



Rear Elevation



Side Elevation

PLANNING APP



REQUIREMENT

Etterby, Carlisle

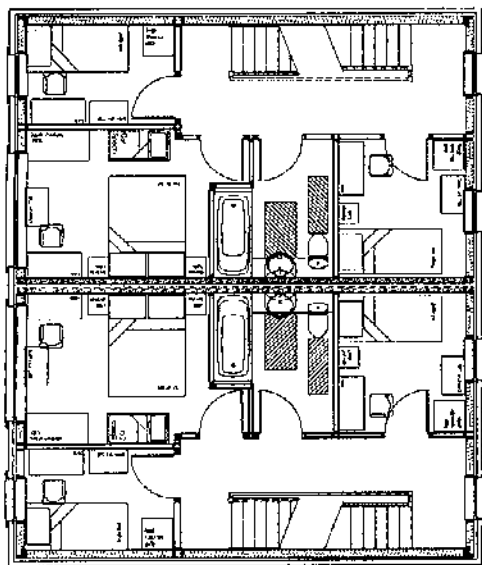
HOUSE TYPE
The Etterby E-Type

PLC'S 27 & 28

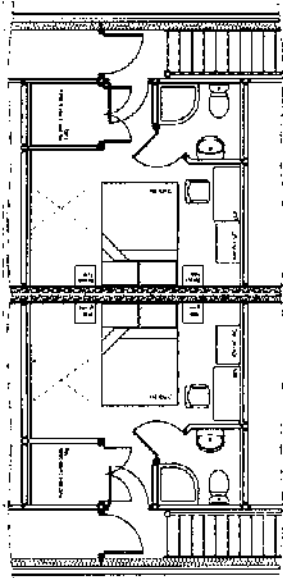
DRAWING
Planning Elevations

Drawn BY	AK	DATE	23/01/16
Checked BY		SCALE	1:100
DRAWING NUMBER	E - PLE	PLC'S 27	
SECTION		SECTION	SECTION
REFERENCE	SHD71	SECTION	SECTION

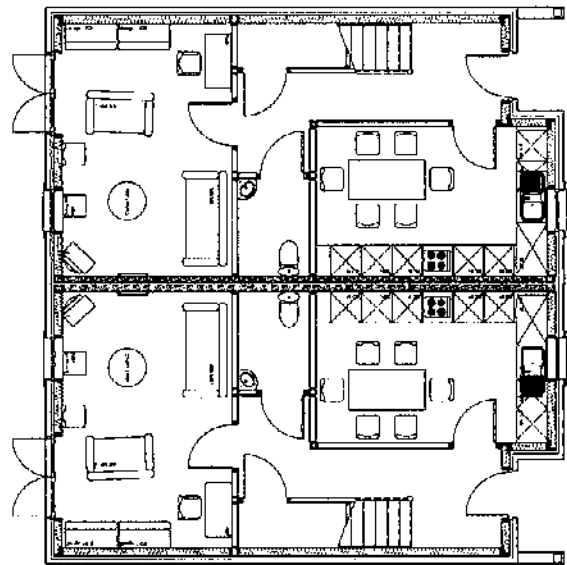
©Story Construction Ltd.
Brough Road, Carlisle, Cumbria, CA2 7PL
Tel: 01273 444444 Fax: 01273 444444



First Floor Plan



Second Floor Plan



Ground Floor Plan



DEVELOPMENT

Etterby, Carlisle

The Etterby E-Type

PLOTS 29 & 30

Planning Plans

DRAWING

DESIGN BY	DATE	PROJECT
CHECKED BY	DATE	SCALE
DRAWING NUMBER	REVISION	
PROJECT NAME	SH-071	1
PROJECT NUMBER	SH-071	1

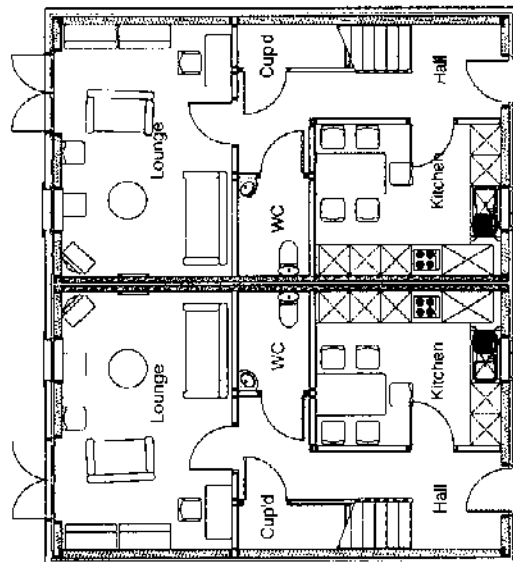
© Story Construction Ltd.

Buy 1st National Estate, Carlisle, Cumbria CA2 7NA.

Tel: 01228 440081

Fax: 01228 440081

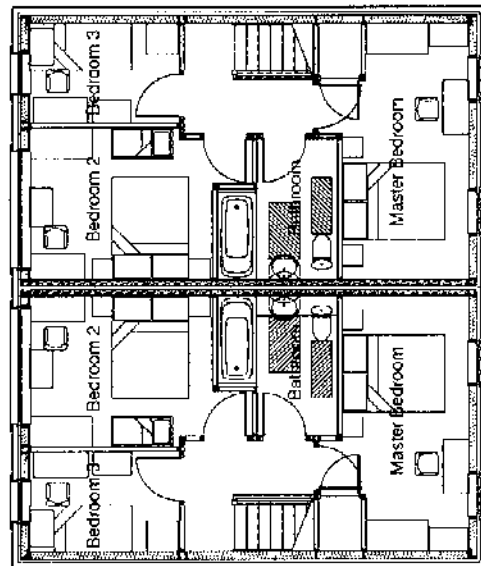
PLANNING APP



Ground Floor Plan



Part First Floor Plan
(Plots 4, 24 & 30)



First Floor Plan

PLANNING APP

STORY Group

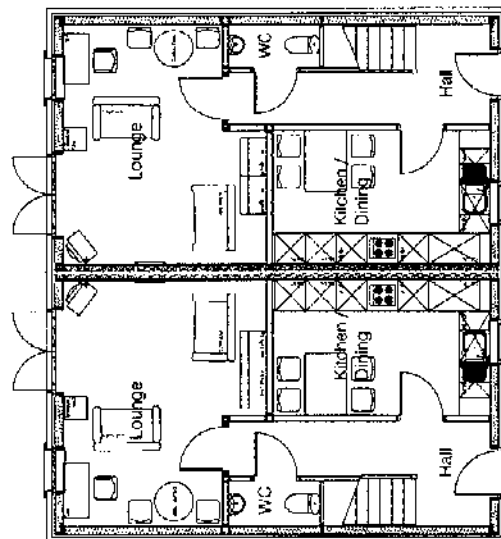
Developer
Eterby, Carlisle

Plot Type
The Eterby D Type
P.C.S. 1, 2, 3, 4, 12, 13, 14, 15, 21, 22, 23 & 30

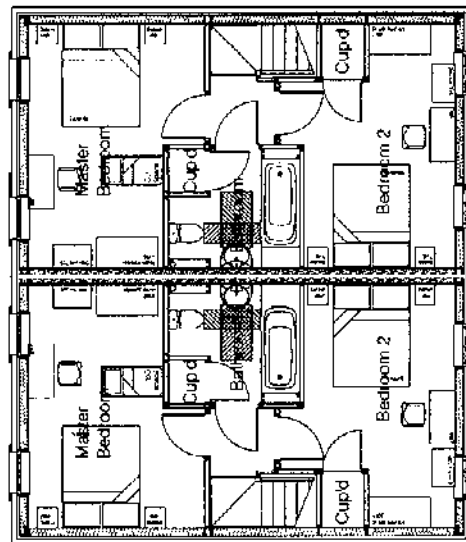
Planning Plans

DATE	20/01/10
REVISION	
DESIGNED BY	D - PJP
CHECKED BY	SH071
APPROVED BY	MASTER
REFERENCE	1

© Story Construction Ltd.
Bough Michael & Eterby, Carlisle, Cumbria, C12 7NL
Tel 01228 544444 Fax 01228 544441



Ground Floor Plan



First Floor Plan



Part First Floor
Plan (Plot 25)

PLANNING APP

STORY Group

STORY Group

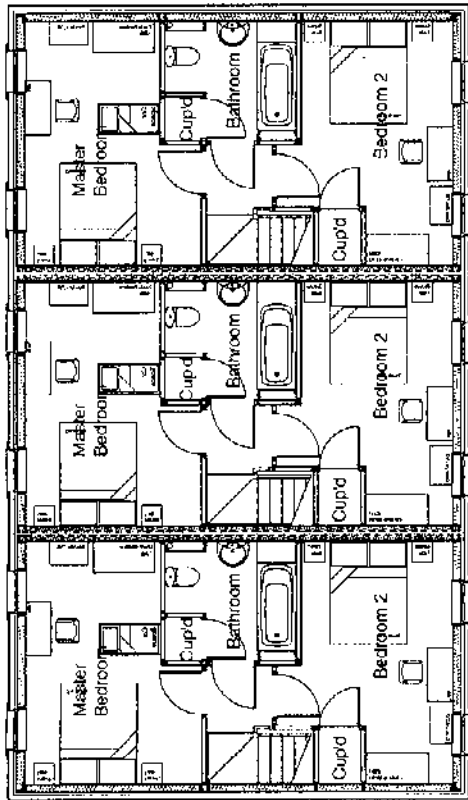
Etterby, Carlisle

The Etterby C-Type

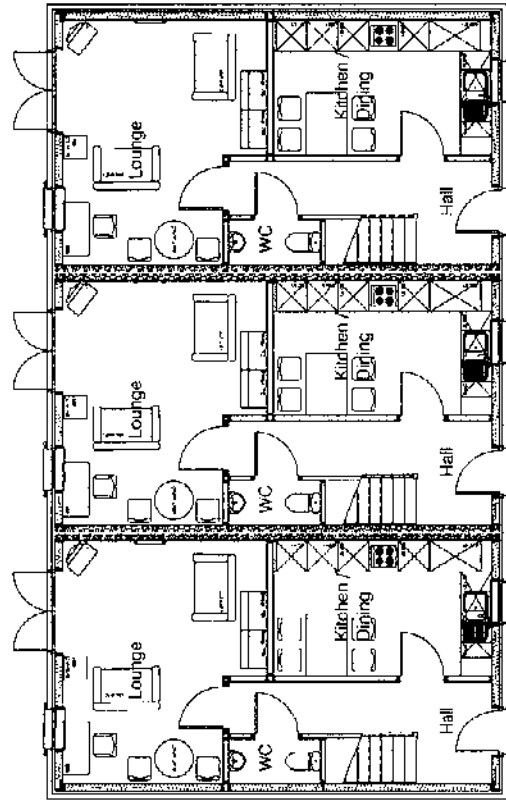
Planning Plans 1

Plot 25 & 26

QUANTITY	1	DATE	20/05/16
CHECKED BY	SEAN DELANEY	SCALE	1:100
DRAWING NUMBER	C - PLP1	REVISION	-
DESIGNER	SH071	MASTER	1
REFERENCE			



First Floor Plan



Ground Floor Plan

PLANNING APP

STORY
Group

Etterby, Carlisle

The Etterby C-Type

PL059-08-1

Planning Plans 2

3 BLOOK SPACE

DATE: 10/08/2010

SCALE: 1:100

REVISION

CONTRACT BY

C-PLP2

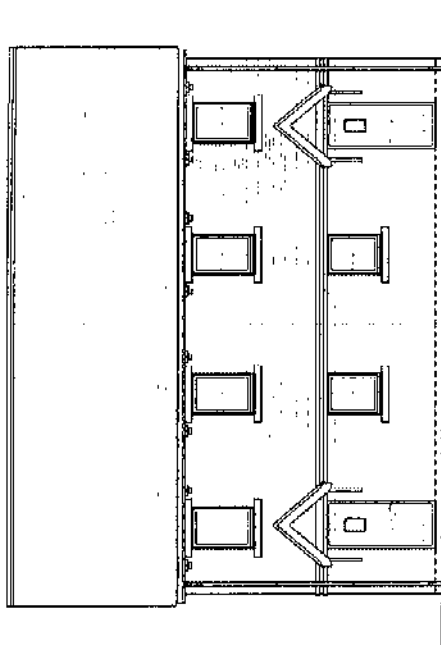
PLANNING

SH071

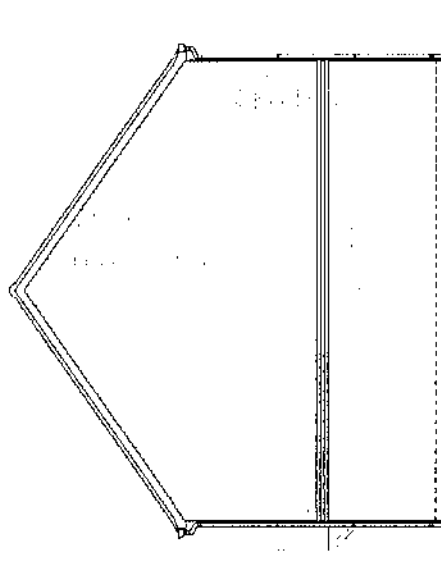
MASTERS

1

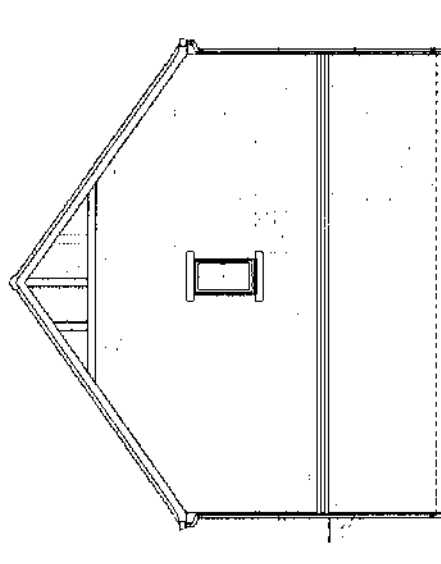
REVISION



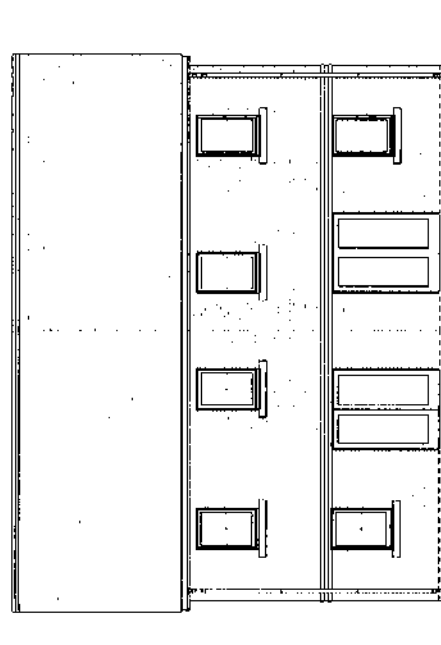
Front Elevation



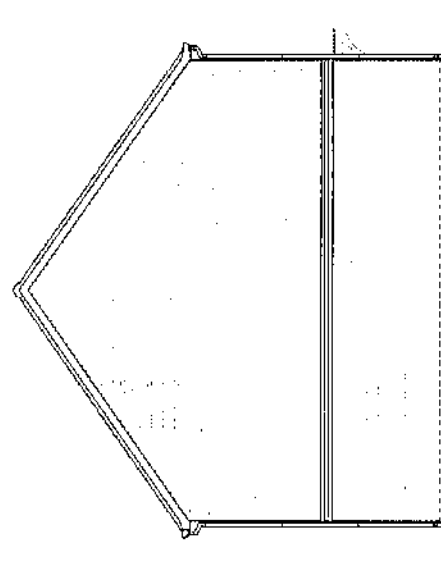
Side Elevation



Side Elevation to Feature Gable of Plot 25 Only



Rear Elevation



Side Elevation

PLANNING APP

STORY
Group

DEVELOPER

Etterby, Carlisle

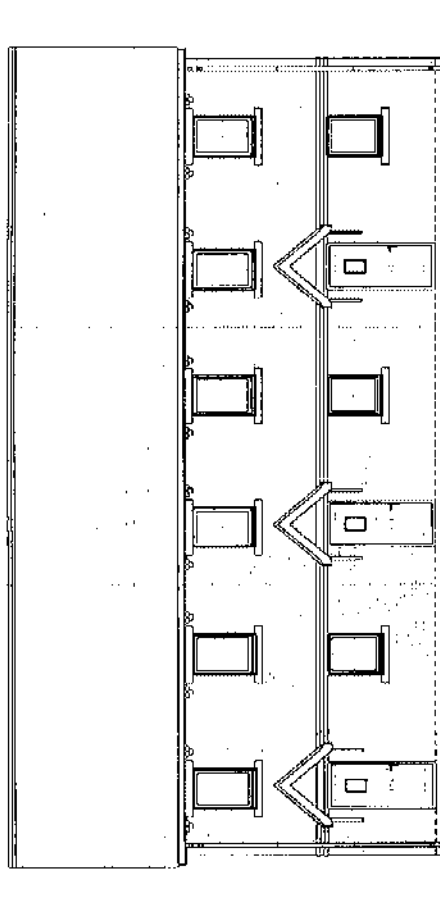
The Etterby C-Type
PLOTS 25 & 26

DRAWING

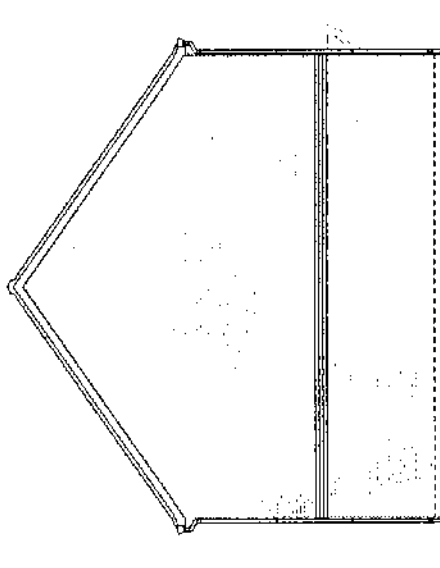
Planning Elevations 1

SEAL 36" X 60"

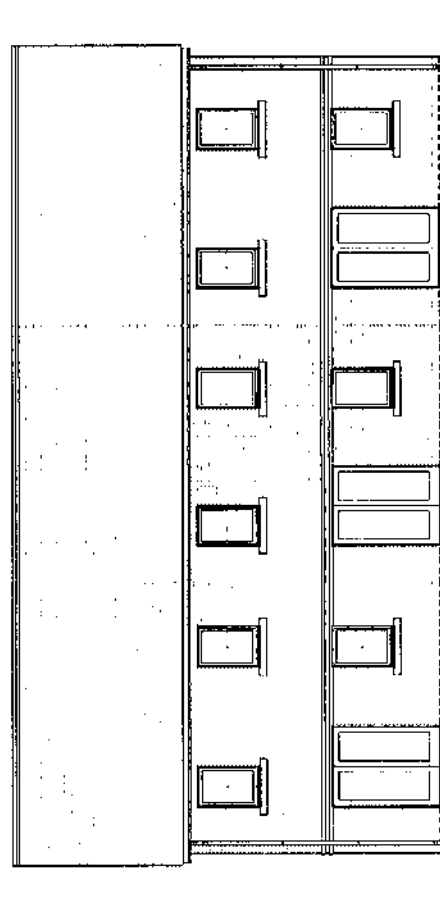
DESIGN NO.	DATE	SCALE	PROJECT
CAD/EST IN	24.03.18	1:100	
DRAWN BY			
CHECKED BY			
DATE			
REFERENCE	SH071		1



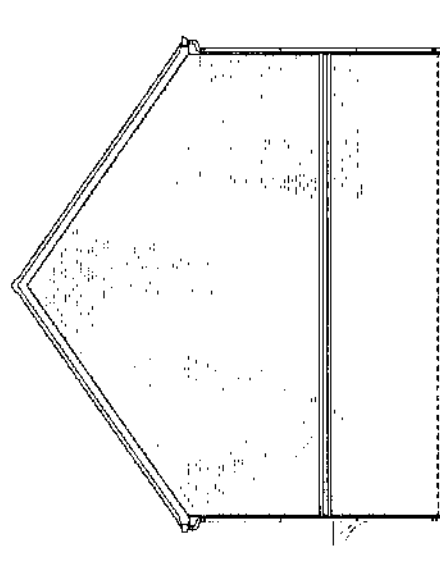
Front Elevation



Side Elevation



Rear Elevation



Side Elevation

PLANNING APP

STORY
Group

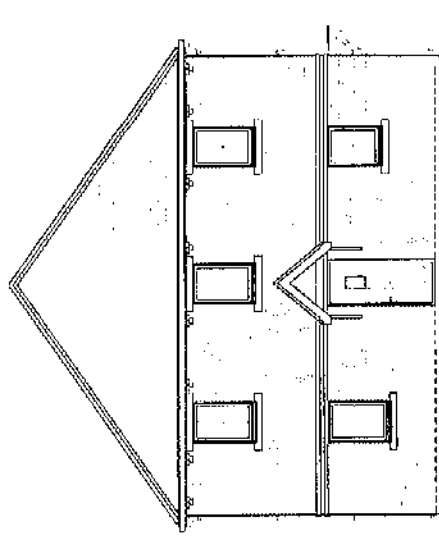
DEVELOPMENT
Eterby, Carlisle

PROJECT
The Eterby C-Type
PLOTS 9, 10 & 11

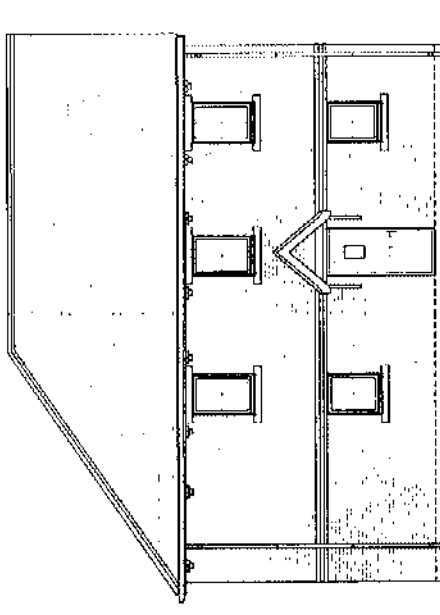
DRAWING
Planning Elevations 2

DATE	2019
SCALE	1:50
REVISION	
NO.	DESCRIPTION
1	C - PLE2
2	SH071
3	SH071
4	SH071
5	SH071
6	SH071
7	SH071
8	SH071
9	SH071
10	SH071
11	SH071
12	SH071
13	SH071
14	SH071
15	SH071
16	SH071
17	SH071
18	SH071
19	SH071
20	SH071
21	SH071
22	SH071
23	SH071
24	SH071
25	SH071
26	SH071
27	SH071
28	SH071
29	SH071
30	SH071
31	SH071
32	SH071
33	SH071
34	SH071
35	SH071
36	SH071
37	SH071
38	SH071
39	SH071
40	SH071
41	SH071
42	SH071
43	SH071
44	SH071
45	SH071
46	SH071
47	SH071
48	SH071
49	SH071
50	SH071
51	SH071
52	SH071
53	SH071
54	SH071
55	SH071
56	SH071
57	SH071
58	SH071
59	SH071
60	SH071
61	SH071
62	SH071
63	SH071
64	SH071
65	SH071
66	SH071
67	SH071
68	SH071
69	SH071
70	SH071
71	SH071
72	SH071
73	SH071
74	SH071
75	SH071
76	SH071
77	SH071
78	SH071
79	SH071
80	SH071
81	SH071
82	SH071
83	SH071
84	SH071
85	SH071
86	SH071
87	SH071
88	SH071
89	SH071
90	SH071
91	SH071
92	SH071
93	SH071
94	SH071
95	SH071
96	SH071
97	SH071
98	SH071
99	SH071
100	SH071

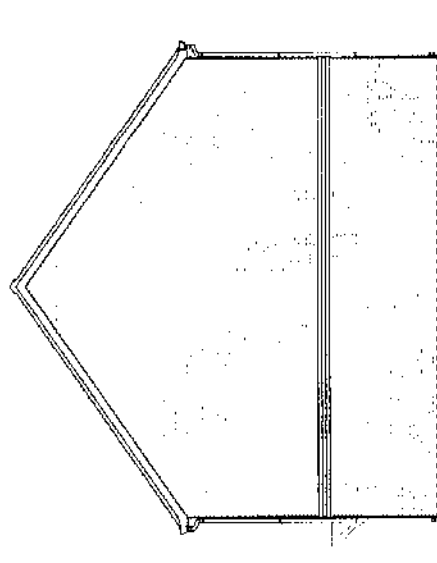
©Story Construction Ltd.
Burgess Industrial Estate, Carlisle, Cumbria, CA2 7NA
Tel: 01228 544444
Fax: 01228 544444



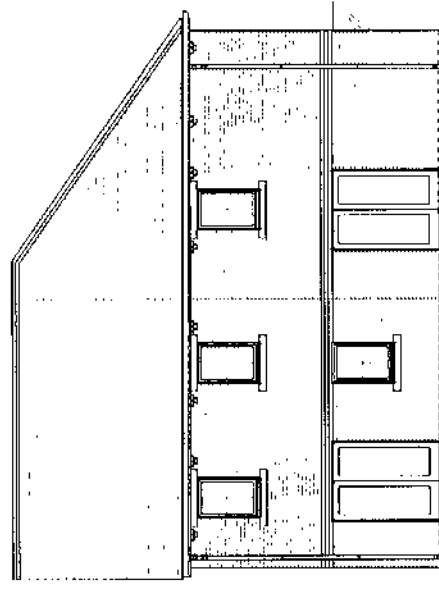
Front Elevation



Side Elevation



Rear Elevation



Side Elevation

PLANNING APP

STORY
Group

Etterby, Carlisle

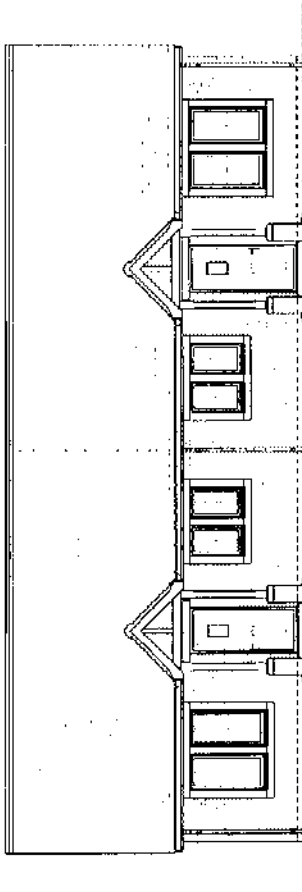
HOUSE TYPE
The Etterby B/C Type

PLOTS 19 & 20

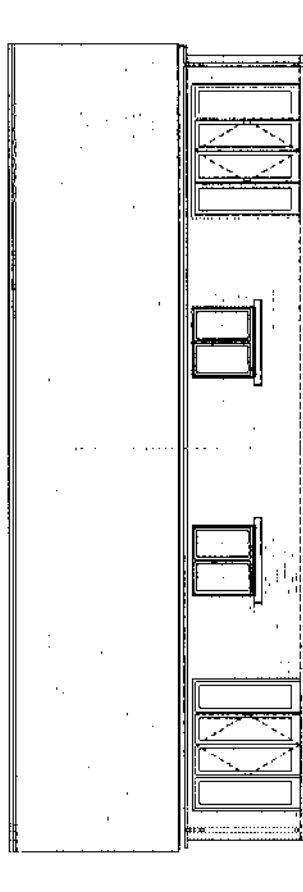
Planning Elevations 1

Drawings

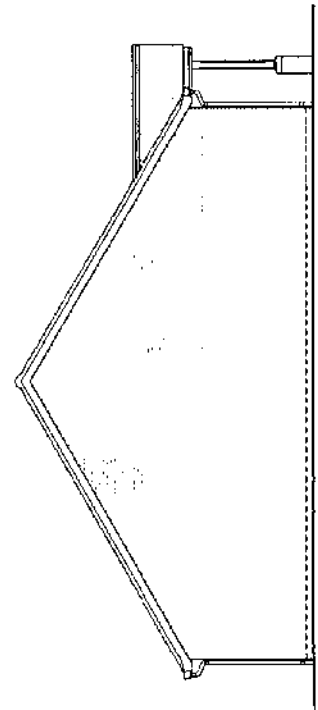
Drawn By	IN	DATE	SCALE	REVISION
Checked By			1:100	
Drawing Number			B/C - PLE1	
Revision			SH071	1
Reference				



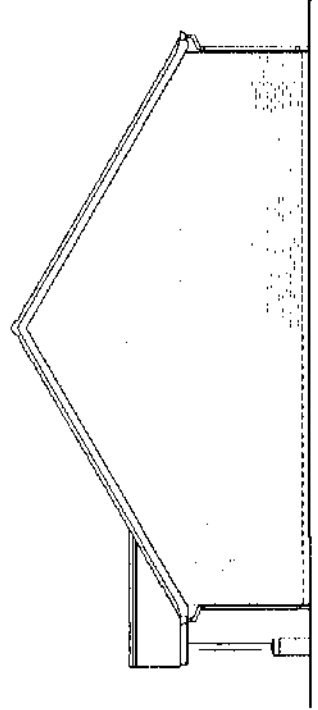
Front Elevation



Rear Elevation



Side Elevation



Side Elevation

PLANNING APP

STORY
Group
www.storygroup.co.uk

DEVELOPMENT

Etterby, Carlisle

HOUSE TYPE

The Etterby A-Type

FLOORS 6, 7 & 8

DRAWING

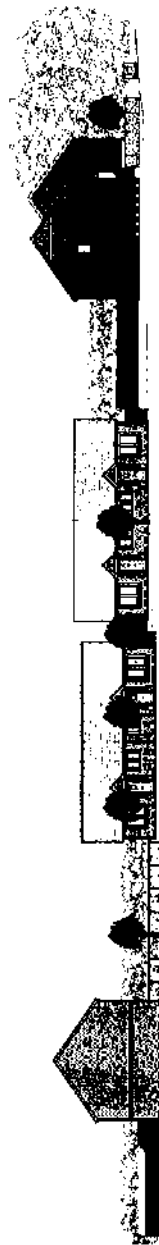
Planning Elevations

Drawn By	Alt	Date	Scale	Revision
DR001	1	20/01/18	1:100	
Planning Number	A - PLE			
Project Name	SH071			
Reference	1			
Revised				

©Story Construction Ltd.
Boughton Industrial Estate, Carlisle, Cumbria, CA2 7NL
Tel: 01228 600000
Email: 01228 600001



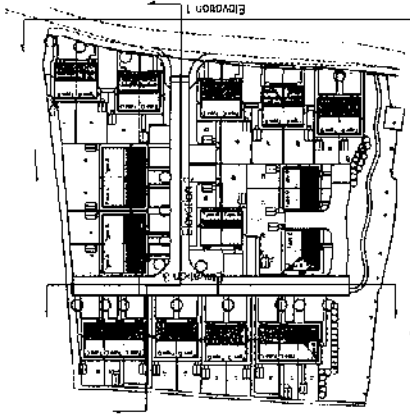
Elevation 1



Elevation 2



Elevation 3



Key Plan

PLANNING APP

STORY
Group

ARCHITECT

AND RELATED TO

Etterby Road, Carlisle

DESIGNED

STANDARD

Street Elevations

NO.	DATE	BY	FOR	SCALE	REVISION
1	10/10/17	SH	SH	1:100	1
2	10/10/17	SH	SH	1:100	2
3	10/10/17	SH	SH	1:100	3
4	10/10/17	SH	SH	1:100	4
5	10/10/17	SH	SH	1:100	5
6	10/10/17	SH	SH	1:100	6
7	10/10/17	SH	SH	1:100	7
8	10/10/17	SH	SH	1:100	8
9	10/10/17	SH	SH	1:100	9
10	10/10/17	SH	SH	1:100	10
11	10/10/17	SH	SH	1:100	11
12	10/10/17	SH	SH	1:100	12
13	10/10/17	SH	SH	1:100	13
14	10/10/17	SH	SH	1:100	14
15	10/10/17	SH	SH	1:100	15
16	10/10/17	SH	SH	1:100	16
17	10/10/17	SH	SH	1:100	17
18	10/10/17	SH	SH	1:100	18
19	10/10/17	SH	SH	1:100	19
20	10/10/17	SH	SH	1:100	20
21	10/10/17	SH	SH	1:100	21
22	10/10/17	SH	SH	1:100	22
23	10/10/17	SH	SH	1:100	23
24	10/10/17	SH	SH	1:100	24
25	10/10/17	SH	SH	1:100	25
26	10/10/17	SH	SH	1:100	26
27	10/10/17	SH	SH	1:100	27
28	10/10/17	SH	SH	1:100	28
29	10/10/17	SH	SH	1:100	29
30	10/10/17	SH	SH	1:100	30
31	10/10/17	SH	SH	1:100	31
32	10/10/17	SH	SH	1:100	32
33	10/10/17	SH	SH	1:100	33
34	10/10/17	SH	SH	1:100	34
35	10/10/17	SH	SH	1:100	35
36	10/10/17	SH	SH	1:100	36
37	10/10/17	SH	SH	1:100	37
38	10/10/17	SH	SH	1:100	38
39	10/10/17	SH	SH	1:100	39
40	10/10/17	SH	SH	1:100	40
41	10/10/17	SH	SH	1:100	41
42	10/10/17	SH	SH	1:100	42
43	10/10/17	SH	SH	1:100	43
44	10/10/17	SH	SH	1:100	44
45	10/10/17	SH	SH	1:100	45
46	10/10/17	SH	SH	1:100	46
47	10/10/17	SH	SH	1:100	47
48	10/10/17	SH	SH	1:100	48
49	10/10/17	SH	SH	1:100	49
50	10/10/17	SH	SH	1:100	50
51	10/10/17	SH	SH	1:100	51
52	10/10/17	SH	SH	1:100	52
53	10/10/17	SH	SH	1:100	53
54	10/10/17	SH	SH	1:100	54
55	10/10/17	SH	SH	1:100	55
56	10/10/17	SH	SH	1:100	56
57	10/10/17	SH	SH	1:100	57
58	10/10/17	SH	SH	1:100	58
59	10/10/17	SH	SH	1:100	59
60	10/10/17	SH	SH	1:100	60
61	10/10/17	SH	SH	1:100	61
62	10/10/17	SH	SH	1:100	62
63	10/10/17	SH	SH	1:100	63
64	10/10/17	SH	SH	1:100	64
65	10/10/17	SH	SH	1:100	65
66	10/10/17	SH	SH	1:100	66
67	10/10/17	SH	SH	1:100	67
68	10/10/17	SH	SH	1:100	68
69	10/10/17	SH	SH	1:100	69
70	10/10/17	SH	SH	1:100	70
71	10/10/17	SH	SH	1:100	71
72	10/10/17	SH	SH	1:100	72
73	10/10/17	SH	SH	1:100	73
74	10/10/17	SH	SH	1:100	74
75	10/10/17	SH	SH	1:100	75
76	10/10/17	SH	SH	1:100	76
77	10/10/17	SH	SH	1:100	77
78	10/10/17	SH	SH	1:100	78
79	10/10/17	SH	SH	1:100	79
80	10/10/17	SH	SH	1:100	80
81	10/10/17	SH	SH	1:100	81
82	10/10/17	SH	SH	1:100	82
83	10/10/17	SH	SH	1:100	83
84	10/10/17	SH	SH	1:100	84
85	10/10/17	SH	SH	1:100	85
86	10/10/17	SH	SH	1:100	86
87	10/10/17	SH	SH	1:100	87
88	10/10/17	SH	SH	1:100	88
89	10/10/17	SH	SH	1:100	89
90	10/10/17	SH	SH	1:100	90
91	10/10/17	SH	SH	1:100	91
92	10/10/17	SH	SH	1:100	92
93	10/10/17	SH	SH	1:100	93
94	10/10/17	SH	SH	1:100	94
95	10/10/17	SH	SH	1:100	95
96	10/10/17	SH	SH	1:100	96
97	10/10/17	SH	SH	1:100	97
98	10/10/17	SH	SH	1:100	98
99	10/10/17	SH	SH	1:100	99
100	10/10/17	SH	SH	1:100	100

Story Construction Ltd.
High Performance Ltd. Carlisle, Cumbria, UK
Tel: 01273 888888
Fax: 01273 888888

Houses

Element	Description	Plot 1	Plot 2	Plot 3	Plot 4	Plot 5	Plot 6	Plot 7	Plot 8	Plot 9	Plot 10	Plot 11	Plot 12	Plot 13	Plot 14	Plot 15	Plot 16	Plot 17	Plot 18	Plot 19	Plot 20	Plot 21	Plot 22
Walls, below DPC:	Smooth Red Engineering Brick - Natural Mortar	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Walls, above DPC:	Red Facing Brick (to be confirmed) - Natural Mortar	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
	Red Facing Brick (to be confirmed) - Natural Mortar																						
Feature Band:	3 Course Feature Band with Smooth Plain Red Engineering Brick to Middle Course			✓	✓					✓	✓	✓	✓	✓			✓	✓	✓	✓	✓		
	Eaves Level Brick Detailing to Front Elevation			✓	✓					✓	✓	✓	✓	✓			✓	✓	✓	✓	✓		
	Eaves Level Brick Detailing to Rear Elevation																						
	2 Course Corbel Eaves Detail	✓	✓																				
Feature Gable:	Black Ash / Dark Finish				✓																		
Cills, Heads, Surrounds & Mullions	Pre-cast concrete painted (Buff)	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Windows:	White PVCu, glazing bars as shown.	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Front Door/Frame:	Pre-finished composite woodgrain doors, part glazed, with PVCU frames, colour as below	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Rear Door/Frame:	Pre-finished composite woodgrain doors, part glazed, with PVCU frames, White Finish	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
French Door/Frame:	White PVCu, glazing bars as shown.	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Garage Door/Frame:	n/a																						
Gutters/Downpipes, etc:	Half round with PVCu Circular Downpipe, All in black finish	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Fascia/Barge etc:	Black Ash / Dark Finish	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Paintwork to External	Gloss paint; Green			✓	✓																		
Front Door:	Gloss paint; Blue																						
	Gloss paint; Red	✓	✓																				
Roof Coverings:	Plain tile, Slate Grey, smooth finish with Grey Ridge and Dry-Verge Detail	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Fences (rear):	Sawn Timber Boarded Fencing, 1800mm high	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

External Works

Drives:	Porous block paving - colour charcoal
Footpaths:	Pastel Buff paving slabs
Informal Footpath (POS):	TBA
Patios:	n/a

Roads

Kerbs:	PCC Half Battered: 250 x 125mm with Droppers and Bulbosed at crossings
Carriageway:	Bituminous macadam & Brindle block pavers: 60mm thick
Footways:	Bituminous macadam
Lighting Columns:	5m steel columns

Revision

Details

Date

Element	Description	Plot 23	Plot 24	Plot 25	Plot 26	Plot 27	Plot 28	Plot 29	Plot 30
Walls, below DPC:	Smooth Red Engineering Brick - Natural Mortar	✓	✓	✓	✓	✓	✓	✓	✓
Walls, above DPC:	Red Facing Brick (to be confirmed) - Natural Mortar	✓	✓						
	Red Facing Brick (to be confirmed) - Natural Mortar			✓	✓				
Feature Band:	3 Course Feature Band with Smooth Plain Red Engineering Brick to Middle Course	✓	✓	✓	✓				
	Eaves Level Brick Detailing to Front Elevation	✓	✓	✓	✓				
	Eaves Level Brick Detailing to Rear Elevation								
	2 Course Corbie Eaves Detail							✓	✓
Feature Gable:	Black Ash / Dark Finish		✓	✓					
Clis, Heads, Surrounds & Mullions	Pre-cast concrete painted (Buff)	✓			✓	✓		✓	✓
Windows:	White PVCu, glazing bars as shown.	✓	✓	✓	✓	✓			✓
Front Door/Frame:	Pre-finished composite woodgrain doors, part glazed, with PVCu frames, colour as below	✓	✓	✓	✓	✓	✓	✓	✓
Rear Door/Frame:	Pre-finished composite woodgrain doors, part glazed, with PVCu frames, White Finish	✓	✓	✓	✓	✓	✓	✓	✓
French Door/Frame:	White PVCu, glazing bars as shown	✓	✓	✓	✓	✓	✓	✓	✓
Garage Door/Frame:	n/a								
Gutters/Downpipes, etc:	Half round with PVCu Circular Downpipe. All in black finish	✓	✓	✓	✓	✓	✓	✓	✓
Fascia/Barge etc:	Black Ash / Dark Finish	✓	✓	✓	✓	✓	✓	✓	✓
Paintwork to External	Gloss paint; Green	✓	✓						
Front Door:	Gloss paint; Blue		✓	✓	✓				
	Gloss paint; Red					✓			
Roof Coverings:	Plain tile; Slate Grey; smooth finish with Grey Ridge and Dry-Verge Detail	✓	✓	✓	✓	✓	✓	✓	✓
Fences (rear):	Sawn Timber Boarded Fencing, 1800mm high	✓	✓	✓	✓	✓	✓	✓	✓

External Works

Drives:	Porous block paving - colour charcoal
Footpaths:	Pastel Buff paving slabs
Informal Footpath (POS):	TBA
Patios:	n/a

Roads

Kerbs:	PCC Half Battered; 250 x 125mm with Droppers and Bullnosed at crossings
Carriageway:	Bituminous macadam & Brindle block pavers; 80mm thick
Footways:	Bituminous macadam
Lighting Columns:	5m steel columns

Revision	Details	Date
----------	---------	------

SCHEDULE A: Applications with Recommendation

10/0429

Item No: 03

Date of Committee: 16/07/2010

Appn Ref No:
10/0429

Applicant:
Dobbies Garden
CentrePLC/Linton Tweeds
Ltd

Parish:
Dalston

Date of Receipt:
10/05/2010 11:51:27

Agent:
GVA Grimley

Ward:
Dalston

Location:
Westwood Garden Centre and surrounding land,
Orton Grange, Carlisle, CA5 6LB

Grid Reference:
335325 551573

Proposal: Garden Centre Retail Development Incorporating Restaurant/Cafe And Farm Foodhall, With Ancillary Works Including Car Parking, Access, Outdoor Display/Demonstration Areas, Farmyard Pens Area, Allotments And Landscaping (Revised Application)

Amendment:

1. Removal of the four 10m high flagpoles from the front elevation of the building.
2. Omission of the car wash facility.
3. Provision of a more detailed indicative landscaping scheme.

REPORT

Case Officer: Sam Greig

Reason for Determination by Committee:

This application is brought before the Development Control Committee for determination as the proposal represents a departure from the provisions of the Development Plan.

1. Constraints and Planning Policies

Gas Pipeline Safeguarding Area

The proposal relates to land or premises situated within or adjacent to the Gas

Pipeline Safeguarding Area.

RSS Pol DP 1 - Spatial Principles

RSS Pol DP 3 - Promote Sustainable Economic Development

RSS Pol DP 4 - Make Best Use Exstg.Resources&Infrastructure

RSS Pol DP 5 - Manage Travel Demand. Reduce Need to Travel

RSS Pol RDF 1 - Spatial Priorities

RSS Pol RDF 2 - Rural Areas

RSS Pol W 5 - Retail Development

Joint Str. Plan Pol ST4: Major development proposals

RSS Pol CNL 1 - Overall Spatial Policy for Cumbria

RSS Pol CNL 2 - Sub-area Development Priorities for Cumbria

Joint St. Plan Pol T31: Travel Plans

Joint St. Plan Pol E37: Landscape character

Joint St. Plan Pol E38: Historic environment

Joint St. Plan Pol R44: Renew.energy out.LDNP & AONBs

Local Plan Pol CP1 - Landscape Character

Local Plan Pol CP3 - Trees and Hedges on Development Sites

Local Plan Pol CP3 - Trees and Hedges on Development Sites

Local Plan Pol CP4 - Agricultural Land

Local Plan Pol CP5 - Design

Local Plan Pol CP6 - Residential Amenity

Local Plan Pol CP8 - Renewable Energy

Local Plan Pol CP10 - Sustainable Drainage Systems

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

Local Plan Pol CP13 - Pollution

Local Plan CP15 - Access, Mobility and Inclusion

Local Plan Pol CP16 -Public Trans.Pedestrians & Cyclists

Local Plan Pol CP17 - Planning Out Crime

Local Plan Pol EC5 - Large Stores and Retail Warehouses

Local Plan Pol EC11 - Rural Diversification

Local Plan Pol LE8 - Archaeology on Other Sites

Local Plan Pol T1- Parking Guidelines for Development

2. Summary of Consultation Responses

Cumbria Wildlife Trust: no response received;

Cumbria County Council - (Highway Authority): no response received;

Department for Transport (Highways Agency): the proposed site is to the south west of Carlisle with access taken via the A595. The nearest strategic road is the M6 motorway to the east of Carlisle, which is approximately 9km from the site. The traffic generation of the development, when distributed onto the surrounding highway network, should not impact materially on the M6 motorway and certainly not during the critical am peak period. The majority of staff and customers will be drawn from the Carlisle urban area. Taking the above into account, the Highways Agency would not wish to raise any objections to the proposals.

Dalston Parish Council: object to the application on the following grounds;

- Scale of development – the size of the proposed development (despite being smaller than application 08/0600) is still considered to be too large and inappropriate for the location.
- Increase in traffic - the Council think that the traffic figures shown in the Green Travel Plan are underestimated and reject Dobbies figures that only 10% of the traffic flow would come through Dalston. In the absence of a southern bypass, many of the potential visitors from the south and north of Carlisle, the Penrith direction and from the Caldbeck area would come through Dalston village. Traffic and parking is a major issue in Dalston and one which is currently being pursued by the Parish Council in conjunction with Cumbria Highways and Carlisle City Council. The existing infrastructure just cannot sustain more traffic. An increase in weekend traffic, particularly on Sundays is not felt to be desirable;
- Section 106 Agreement – Dalston Parish Council asks that Carlisle City Council give consideration to some of the s106 funds being used to remedy current traffic and parking problems in Dalston village centre. The Parish Council is currently pursuing the Kingsway car park and environmental project for this purpose. It is suggested that the City Council could contribute

financially to this scheme, via monies collected under the s106 agreement;

- Inadequacy of the roads on the Dalston side - all of the traffic coming through Dalston to this site will have to pass along a very narrow, twisty unclassified road. This route is already used as a 'rat run' from junction 42 of the M6 motorway. In the absence of a southern by-pass, the Parish Council has asked that this road is maintained to a higher standard;
- Sustainability of local business - many of the products that Dobbies is likely to sell can be sourced in and around the Dalston area, from high quality locally farm sourced meat and other provisions, to the full range of garden and horticultural produce;
- Employment - the Parish Council feel that, although Dobbies is planning on employing a significant number of people, given that much of the present workforce in local industry comes in from Carlisle and elsewhere, it is thought unlikely that the people of Dalston would benefit. With the potential number of job losses in the area due to businesses scaling down as a result of Dobbies, it could even be a net loss; and
- Planning creep - the Council is especially concerned about the long-term likelihood of other large scale retail enterprises seeking permission to build alongside this site. Also, the proximity of the current and future city boundary made it possible that, in 20 or so years, Carlisle and Dalston might merge. Dalston is particularly concerned to retain its rural village identity and does not wish to become a major service centre to Carlisle. In at least one other area where Dobbies has been granted permission for a similar scale development outside the obvious city boundaries, already other commercial developments are being built alongside;
- Recycling Facilities – the Parish Council requests that a recycling facility is included on the site. Dalston is currently experiencing problems with an overburdened re-cycling facility. Many users of this facility have been determined as travelling from the West of the City;

Environment Agency (N Area (+ Waste Disp)): no response received;

Community Services - Drainage Engineer: no response received;

United Utilities (former Norweb & NWWA): no objection to the development. The application form indicates that foul drainage will drain to the mains sewer and that surface water will drain to SUDS. United Utilities has no knowledge of any public sewers in the vicinity as stated in the flood risk assessment so it has been agreed that foul will discharge through an on site package treatment plant with outfall to a watercourse;

Cumbria Constabulary - North Area Community Safety Unit: satisfied that the application complies with Policy CP17 of the Local Plan;

Natural England: based on the information provided in the form of the report “Document 5 - Natural Conservation / Ecological Assessment” produced by Acorna Associates Ltd., Natural England do not have any objection to the proposed development provided the suggested conditions are attached to any decision notice issued.

Considering the findings of the survey work described in the report it is considered that reasonable effort has been employed to identify any protected species present within the proposed development site boundary. Natural England are in agreement with the identified “Potential Ecological Constraints & Mitigation” in section 7 of the above report and advise that adherence to all the recommendations made in this section is ensured via an appropriately worded condition attached to the planning decision notice.

Further to this it is felt necessary to seek clarification of the potential impacts on trees with low-moderate potential for bat usage. Figure 1 identifies an area of “trees with crevices/knotholes, cracked limbs offering low-moderate potential for use by bats” to the north west of the site. Figure 2 appears to show that this area will be affected by the proposed access road. Clarification is sought as to the level of impact to these trees which is anticipated. If any tree with low – moderate potential for roosting bats is to be lost, further investigation of this tree must be conducted prior to works commencing.

Natural England is not aware of any nationally designated landscapes or any statutorily designated areas of nature conservation importance that would be significantly affected by the proposed planning application. Natural England is also satisfied that the proposal does not have any significant impacts upon Natural England’s other interests, including National Trails, Access Land, or the areas of search for new national landscape designations.

Natural England has also provided advice in respect of the following three areas:

Bats

Bats are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and under the Conservation of Habitats and Species Regulations 2010. These statutory instruments protect both the species themselves and their associated habitats. Please note that places which bats utilise for shelter are protected regardless of whether they are present or not.

Breeding Birds

All wild birds, their nests, eggs and young are protected under the Wildlife and Countryside Act 1981 (as amended) during the nesting season. Work must not begin if nesting birds are present on site and should occur outside of the bird nesting season (March through to August, although weather dependant). If building works are undertaken during the bird breeding season, a check for any active nest sites should be undertaken by a suitably qualified ecologist. If breeding birds are found during this survey, the nest should not be disturbed and works should be delayed until nesting is complete and any young birds have fledged. Provision of artificial nest sites at selected points within the development should be made to provide alternative

nesting sites and to compensate for the loss of nesting sites. Further guidance as to the type and location of the artificial nests should be sought from any suitably qualified ecologist.

Biodiversity Duty

Biodiversity is a core component of sustainable development, underpinning economic development and prosperity, and has an important role to play in developing locally distinctive and sustainable communities. All local authorities and other public authorities in England and Wales have a Duty to have regard to the conservation of biodiversity in exercising their functions. The Duty aims to raise the profile and visibility of biodiversity, to clarify existing commitments with regard to biodiversity and to make it a natural and integral part of policy and decision making. The Duty is set out in Section 40 of the Natural Environment and Communities Act (NERC) 2006 and states that:

“Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity”.

Natural England recommends that the Council takes this into consideration when determining planning applications;

Northern Gas Networks: no objections;

Cumbria County Council - Transport & Spatial Planning: the current application is of a similar type, format and scale to that considered previously under application 08/0600, albeit now with a reduced gross internal retail floorspace and fewer overall car parking spaces. Given these factors, the County Council does not consider the current proposal to be a Category 1 Application, as it does not raise significant new planning issues over and above those already considered in detail on the original application;

Local Plans (Tree Preservation), Development Services: no response received;

Cumbria County Council - (Archaeological Services): no response received;

Development Services Planning & Housing Services - Local Plans: the site has an area of 7.47 hectares and is a part brownfield site in the rural area with an existing garden centre on the site. A plant nursery lies across the road. The site lies four miles south-west of Carlisle City Centre and just over a mile west of Dalston. The site is bordered by residential development and woodland to the north, by agricultural land to the east and south and by plant nursery buildings to the west including offices, storage and glasshouses.

The principle of a garden centre use of the site has been accepted over some years. Also, planning permission was granted for a larger garden centre on this site on 6 May 2010 (08/600). The current application is a scaled-down version of the previous application as a result of the economic downturn. The reduction in scale is

reflected in the floorspace being applied for and in the size of the car parking. Instead of 5,349 sq. m. net indoor sales (08/600) this application is for 2,201 sq. m. net trading floorspace. The outdoor sales' floorspace drops from 11,815 sq. m. (08/600) to 8,559 sq. m. The size of the car parking spaces reduces from 408 to 339. The current proposal includes an area of allotments towards the southern end of the site.

The site is not subject to any allocations on the adopted Local Plan; nor are there any special designations that affect the site. The main Local Plan policies of relevance are: CP5 Design, CP9 Development, Energy Conservation and Efficiency, CP16 Public Transport, pedestrians and cyclists, EC5 Large Stores and Retail warehouses and EC11 Rural Diversification.

The recently granted permission for the site was accompanied by a retail assessment which concluded that the development is consistent with advice in PPS6 in both qualitative and quantitative terms. PPS4 (December 2009) contains the most relevant advice; it advises in Policy EC1.4 what criteria local authorities should use in assessing the need for retail and leisure development. It advises that attention should be given to both the qualitative and quantitative need for the additional floorspace for this type of development. A sequential assessment of sites has been undertaken and submitted as part of the application's planning statement. Twenty four sites were examined. No one site is considered suitable or more appropriate. The situation is unchanged from the previous (08/0600) sequential assessment of sites.

In the case of the previous approval, DTZ, an independent retail consultancy, was asked to give a view. It advised that there was insufficient expenditure in the 2008 catchment to support the full amount of floorspace and could result in the closure of some small outlets but that there is a moderate quantitative need, particularly in the south and south-west sector of the City. Also, DTZ advised that there is a moderate qualitative need for a second modern garden centre, the first being the Houghton Hall Garden Centre to the north of the City. The Planning Statement accompanying the application argues again that there is a quantitative and qualitative need for the development even though the catchments of this proposal and that of Houghton Hall existing garden centre overlap. It contains revised horticultural expenditure forecasts to support the floorspace being applied for which show slight expenditure growth in the period 2008-11. It makes the point that some outflow of horticultural sales from more distant locations will be 'clawed back' to the Carlisle area which encourages more sustainable shopping visits.

The case for a garden centre use at this site has already been tested via the 08/600 permission and the principle of garden centre use accepted. The location is particularly suitable given the existence of a plant nursery across the road which will provide some stock and the site's proximity to a major trunk road, the A595. The applicant has, to some degree, addressed the need for the use of energy efficient principles in the implementation of the scheme. The proposal is still acceptable in principle and meets the tests of planning policy advice as examined in the previous proposal for the site;

Government Office for the North West: no response received;

Orton Parish Council: does not wish to make any comments regarding the application;

Access Officer, Economic Development: has asked that the following issues are brought to the attention of the developer:

- Disabled car parking spaces should be marked out in accordance with Approved Document M of the Building Regulations;
- It is assumed that there are automatic doors. If these are to be glass, adequate manifestation should be provided;
- There are two disabled toilets for customers and one for staff - attention should be paid to their fit out;
- Depending on the number of toilets within the ladies and gents toilets, there may be a requirement for an ambulant toilet;
- Attention should be drawn to the lobby leading to the cash office (see diagram 10 of Approved Document M);
- There should be a mixture of seating provided within the restaurant i.e. some chairs with armrests and others without; and
- Attention to signage.

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

Greenspaces Team: there is probably a shortage of allotments in the rural area around the proposed new gardening centre. Parish Councils have a statutory duty to provide plots for their electors. At present Dalston PC provides none. The 4 plots currently in Dalston are provided by the City Council. The proposed new plots would be private allotments and would therefore not fulfil the Parish's statutory duty to provide allotments if there is a "need".

Traditional plot size is 252sq.m. (10 rods), based on the area needed to feed a family of 4 for a year. Although this is too large now for most people, it is still a valid measure and there will always be a need for some plots of this size. The Council try to provide plots around 150 sq.m. with provision for more and less as people need. The plots proposed by this application are 90 sq.m., which is much smaller than those advocated by the Council, particularly if there is a shed on it.

As a comparison, the City Council would charge £16.20 rent per annum for a 90sqm plot with an additional £9 if there was water on the site (£25.20). This is not economic and the Council subsidises the service to approximately 50%. It would reasonably cost about £50 - £75 a year for the Council to run an allotment plot. Up to £100 would be a reasonable rent for a private site.

3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:
Heatherfield	18/05/10	
22 Orton Grange Caravan Park	18/05/10	Undelivered
23 Orton Grange Caravan Park	18/05/10	Support
24 Orton Grange Caravan Park	18/05/10	
25 Orton Grange Caravan Park	18/05/10	Undelivered
26 Orton Grange Caravan Park	18/05/10	
27 Orton Grange Caravan Park	18/05/10	Undelivered
28 Orton Grange Caravan Park	18/05/10	
29 Orton Grange Caravan Park	18/05/10	Undelivered
30 Orton Grange Caravan Park	18/05/10	Undelivered
31 Orton Grange Caravan Park	18/05/10	Undelivered
32 Orton Grange Caravan Park	18/05/10	Undelivered
1 Orton Grange Cottages	18/05/10	
2 Orton Grange Cottages	18/05/10	
Lakeland Spas	18/05/10	
Chestnut Cottage	18/05/10	
Viewlands	18/05/10	
Hill Crest	18/05/10	
Cardewlees Farm	18/05/10	
Beech Holme	18/05/10	
Beechwood	18/05/10	
F. Brown (Carlisle) Ltd	18/05/10	
Westwood Nurseries	18/05/10	
The Croft	18/05/10	
Meadowside	18/05/10	
24 Newlay Lane	18/05/10	
Rectory View	18/05/10	
Sebergham Castle Farm	18/05/10	
Yew Tree house	18/05/10	Objection
Orton Grange Farm Shop, Orton Grange	18/05/10	
Allys Shearing Shed, Orton Grange	18/05/10	
Orton Park Farm	18/05/10	
1 Walk Mill	18/05/10	
Dalston Aggregates, Barras Lane Ind Est	18/05/10	
4, Buckabank Court	18/05/10	
Newby Cross	18/05/10	
3 Chatsworth Square	18/05/10	
268 Yewdale Road	18/05/10	
Stackyard Cottage	18/05/10	
Moorpark Farm	18/05/10	
2 Madam Banks Rd	18/05/10	
30 Blunt St	18/05/10	
Old Garage	18/05/10	

39 Bankend	18/05/10	
Klondyke Group Limited, Head Office	18/05/10	
69 Granville Road	18/05/10	
Brindle	18/05/10	
Birch Close	18/05/10	
Wood Lea	18/05/10	
Hill View	18/05/10	
Overdale	18/05/10	
Corner Cottage	18/05/10	
Orton Grange Farm	18/05/10	
Sunny Side	18/05/10	
East Grange Cottage	18/05/10	
Hazeldene	18/05/10	
The Woodlands	18/05/10	
Furrowend	18/05/10	
Woodville	18/05/10	Undelivered
Orton Grange Caravan Park	18/05/10	
1 Orton Grange Caravan Park	18/05/10	
2 Orton Grange Caravan Park	18/05/10	
3 Orton Grange Caravan Park	18/05/10	Undelivered
4 Orton Grange Caravan Park	18/05/10	Undelivered
5 Orton Grange Caravan Park	18/05/10	Undelivered
6 Orton Grange Caravan Park	18/05/10	Undelivered
7 Orton Grange Caravan Park	18/05/10	
8 Orton Grange Caravan Park	18/05/10	Support
9 Orton Grange Caravan Park	18/05/10	Support
10 Orton Grange Caravan Park	18/05/10	Support
Oak View	18/05/10	
11 Orton Grange Caravan Park	18/05/10	
12 Orton Grange Caravan Park	18/05/10	
13 Orton Grange Caravan Park	18/05/10	Undelivered
14 Orton Grange Caravan Park	18/05/10	
15 Orton Grange Caravan Park	18/05/10	Support
16 Orton Grange Caravan Park	18/05/10	
17 Orton Grange Caravan Park	18/05/10	
18 Orton Grange Caravan Park	18/05/10	Undelivered
19 Orton Grange Caravan Park	18/05/10	Support
20 Orton Grange Caravan Park	18/05/10	
21 Orton Grange Caravan Park	18/05/10	
Dalston Parish Council		Objection

3.1 This application has been advertised by means of site and press notices as well as notification letters sent to eighty three neighbouring properties. At the time of preparing this report five letters of support have been received, which highlight the following issues:

1. The garden centre will be a great asset to the local community and the West side of the City;
2. The proposal will result in significant highway improvements;
3. The development will improve the appearance of the area.

4. Planning History

- 4.1 There are a number of historic applications relating to the development of the commercial nursery; however, more recently in 2003 planning permission was granted for the retention and reinstatement of the commercial nursery for the production of plants for wholesale market (Application 03/1097). The application also involved the use of part of former nursery as garden centre for sale of nursery stock and associated products, including provision of a coffee shop and the use of the redundant buildings by small businesses (Use Classes B1 and B8).
- 4.2 In May this year planning permission was granted for a significant garden centre development (Application 08/0600). Some Members may recall this application from when it was presented before the Development Control Committee in November 2009 when Officers were granted “authority to issue” an approval.
- 4.3 In December 2009 a further application for a garden centre was submitted; however, the application was withdrawn prior to determination (Application 09/1066).

5. Details of Proposal/Officer Appraisal

- 5.1 This revised application seeks “Full” planning permission for the erection of a garden centre retail development on part of the land owned by Westwood Nurseries, Orton Grange, Carlisle. The application site, which extends to 7.47 hectares, is situated approximately 3.5 kilometres to the southwest of Carlisle, on the eastern side of the minor road that links Orton Grange with Dalston. Dalston village is situated approximately 1.5 kilometres to the south east. Westwood Nurseries currently operate from land on both sides of the unclassified road, however, the application site relates to the land to the east.
- 5.2 The garden centre proposal incorporates a restaurant/café and farm food hall, with ancillary works including car parking, a new vehicular access road with a roundabout off the A595, an outdoor display/demonstration areas, a farm yard display area and associated landscaping.

- 5.3 The application site comprises Westwood Garden Centre and the field immediately to the north. It also incorporates parts of the surrounding road network, including the unclassified road, which links the site with Dalston and the A595, together with part of the field that is located to the west of the junction of these two roads.
- 5.4 The site has been in commercial use as part of Westwood Nurseries and comprises an extensive range of glass houses. Located immediately to the west of the application site across the existing road is the main part of Westwood Nurseries, with an extensive range of glass house structures and two small wind turbines (the permission granted in 2006 allows a further three turbines to be erected). Within this complex are a number of small commercial premises.
- 5.5 Immediately beyond the northern boundary of the site are the residential properties of “Heatherfield” and “Oak View”. Further to the north beyond these are a number of residential properties, including Orton Grange Residential Park, and a former mushroom farm located to the rear of the dwelling known as “Brindle”. Immediately to the east and south of the site lies open fields; however, views of the site from these directions are obscured by the dense woodland located further beyond.
- 5.6 Despite there being a number of buildings in the immediate locality, some of which are significant in scale and height, the character of the area is predominantly rural. This is largely due to the fact that the houses and businesses are set back off the road behind trees and hedges. This is particularly the case for the existing nursery. The native hedges that bound the road are a key characteristic of the landscape.

Background

- 5.7 Some Members may recall that in November 2009 the Development Control Committee granted Officers “authority to issue” an approval for a similar, albeit larger, proposal for a garden centre development. That permission was subsequently approved in May this year following the completion of a s106 agreement and a referral to Government Office North West who decided that it was not necessary for the application to be “called in” and that the decision could be issued by the Local Authority.
- 5.8 The garden centre proposed by that application is very similar to the current proposal in that the same highway works are proposed and the application site covered the same area. The notable difference between the “approved” scheme and this current application relates to the footprint on the garden centre building, which was approximately 1,000 sq. m. larger than that now proposed.

The Proposal

- 5.9 The application is a joint submission by Dobbies Garden Centres PLC, an established garden centre retailer, and Linton Tweeds as parent company of Westwood Nurseries. There is an existing business relationship between Dobbies and Westwood Nurseries, which currently supplies Dobbies with stock for their existing garden centre operations.
- 5.10 In the supporting documentation the applicants' agent has provided a summary of the development proposals, which comprise the following elements:
- i) Approximately 4,478 sq m of new build accommodation, which principally houses the covered heated element of the garden centre, including a farm food hall and café/restaurant;
 - ii) A total of 339 car parking spaces, including 18 disabled parking bays, 14 parent/child bays, 2 coach spaces and cycle parking;
 - iii) Heated and external sales areas including themed demonstration gardens, poly tunnels, garden buildings and a conservatory sales area;
 - iv) A high standard of design and comprehensive landscape solution sensitive to the nature of the site; and
 - v) Construction of a new 4-arm roundabout on the A595, realignment of the unclassified road and construction of a 3-arm roundabout on the unclassified road providing direct access to the site.
- 5.11 The existing glass houses that are located adjacent to the south boundary of the site are to be removed. There is a slight fall in level of approximately 2-3m from west to east and, therefore, it is proposed to position the garden centre building towards the eastern extent of the site where levels are lower. The building would occupy approximately two thirds of the width of the site, although two services yards are proposed to the north and south of the building. The southern service yard is the main service yard for the delivery of goods, whereas the northern service yard would serve the restaurant/food hall and contains the fridges/freezers etc.
- 5.12 The area to the east (rear) of the garden centre would be dedicated to outdoor sales, the enclosed cold house, polytunnels and farm yard pens. The land to the west of the garden centre would be occupied by the extensive car park, which provides 339 car parking spaces and 2 coach spaces. To the south of the car park are 20 allotments, which would be available to rent. 11 separate car parking spaces would be provided for users of the allotment. The building itself provides 4,478 sq. m. gross floor area, with a net trading retail area of 2,201 sq. m.

- 5.13 The scale, design and position of the proposed building are broadly similar to the approved scheme, although it occupies a smaller footprint. It is predominantly 6 metres in height, although the entrance canopy, which represent the highest part of the building, measures 6.4 metres. When the scheme was originally submitted the building had included four 10m high flag poles that rose out of the entrance canopy; however, the applicant agreed to omit these following concerns regarding the visual impact they would have upon the surrounding area.
- 5.14 The external walling of the front elevation is finished predominantly in timber, with the exception of the aluminium framed windows and the areas of natural stone. The main entrance is framed by a timber canopy [the highest part of the building]. Either side of the entrance canopy the height of the building is reduced thereby ensuring that despite the building's width (92m) the entrance remains the focal point. The roof, which is finished using a light grey coloured "Sika-Trocal" pvc membrane, is connected into a grey water harvesting system. The run-off from the roofs is pumped into, and stored within, above ground water tanks to utilise as part of the garden centre's daily irrigation works.
- 5.15 The remainder of the external elevations of the building are finished with a mixture of timber cladding and glazing. Those areas that are not accessible to the public, such as the service yards are to be finished using composite wall panelling. Both service yards would be screened from public view by 3.5m timber fencing. Additional planting is proposed to the southern boundary of the main service yard [as this is the most prominent] with a view to softening the impact of the fencing and the building beyond.
- 5.16 At the rear of the building there is an extensive area of poly tunnels, which are screened from views from the north west by the main garden centre structure. The upper sections of these polytunnels may be visible over the service yard wall when approaching the site from the south. Under the approved scheme these areas were screened from view by the garden centre building, which was 30m longer than the building now proposed. To compensate for this fact, additional planting is proposed to soften the visual impact that these areas will have when viewed from the south.
- 5.17 As might be expected from a garden centre retailer, an extensive amount of landscaping is proposed, albeit the submitted drawings are only indicative at this stage. Around the periphery of the site the existing hedgerows are to be retained and strengthened with additional tree planting. A landscaped strip, which varies in depth between 9m and 11m is proposed along the southern and eastern boundaries of "Heatherfield", the nearest residential dwelling, in order to mitigate the impact of the development upon this property. This landscaped strip is to extend along the field to the rear of "Oak View" at a depth of 17m.
- 5.18 The most notable feature of the landscaping works is proposed along the boundary with the unclassified road. It involves the formation of a landscaped bund, which would be at least 1.5m in height and be 40m in depth at its widest point/7.5m at its narrowest. The bund is intended to screen the car park and to soften the impact of the building. The northern extent of the landscape strip

becomes narrower to accommodate car parking spaces. Within this area any bund is likely to be much lower in height; however, to compensate for this additional tree planting is proposed to ensure that the car park remains largely screened from view.

- 5.19 The application also proposes some significant changes to the road network. A 4-arm roundabout is proposed on the A595 together with a re-configured section of the unclassified road leading to a 3 arm roundabout at the site entrance. The 4-arm roundabout would be positioned 100 metres to the west of the existing junction of the unclassified road with the A595. The unclassified road would be redirected and taper in a north-westerly direction from opposite the property known as “Heatherfield” to the proposed new roundabout on the A595.
- 5.20 The existing junction of the unclassified road with the A595 would be closed and a new junction formed from the redirected road onto the old road. The residents occupying adjacent nearby dwellings to the north of the application site would benefit through the provision of a quiet access road with no through traffic.
- 5.21 In addition to the above works a new pedestrian island is proposed to the east of the 4-arm roundabout to improve pedestrian access to the bus stop on the northern side of the A595.
- 5.22 It is proposed that the garden centre will be open to trade between 9am and 8pm Mondays to Friday, 9am to 6pm on Saturdays and 10.30am to 4.30pm on Sunday and Bank Holidays.
- 5.23 A number of supporting documents have been submitted with the application. These include a Planning Policy Statement, Landscape and Site Design Proposals, Transport Assessment and Green Travel Plan, Flood Risk/Drainage Impact Assessment, Geotechnical and Environmental Assessment Report, Pre Application Consultation Statement, Natural Conservation/Ecological Assessment and a series of Archaeological Surveys.

Assessment

- 5.24 The relevant planning policies against which the application is required to be assessed are Policies DP1, DP3, DP4, DP5, RDF1, RDF2, W5, CNL1 and CNL2 of the North West Regional Spatial Strategy to 2021; “extended” Policies ST4, T31, E37, E38 and R44 of the Cumbria and Lake District Joint Structure Plan 2001-2016 and Policies CP1, CP3, CP4, CP5, CP6, CP8, CP10, CP12, CP13, CP15, CP16, CP17, EC5, EC11, LE8 and T1 of the Carlisle District Local Plan 2001-2016. Planning Policy Statement (PPS) 4 “Planning For Sustainable Economic Growth” also provides an overview of Government guidance in relation to the retail sector.
- 5.25 The proposals raise the following planning issues:
 - 1. Whether The Principle Of The Proposed Development Is Acceptable.

- 5.26 Planning permission has recently been granted for a larger garden centre proposal on this site and, therefore, the principle of the development has already been established.
- 5.27 Although the Council accepted the principle of accommodating a garden centre in this location five restrictive retail conditions were imposed to prevent the development evolving into an alternative form of retailing that the Council would not wish to see in this location. Without such restrictions, the proposed garden centre could in effect trade as an unrestricted retail outlet, which would be at odds with national guidance on retail planning and could potentially harm the planned District Centre at Morton or the City Centre itself.
- 5.28 In summary, the aforementioned conditions specified that the premises had to trade as a garden centre and limited the size of the café/restaurant and farm foodhall to that which was shown on the approved plans. Whilst the Council accepted that some ancillary sales are required to smooth out seasonal fluctuations in the horticultural trade, the level of ancillary sales was restricted to not more than 15% of the net floor area. The range of primary goods that can be sold from the premises [as well as the size of the floor area from which specific sales can take place] was also restricted. The sale of ancillary goods from any temporary structures was also prohibited and, in the interest of clarity, a condition was imposed that constrained the sale of food and drink to the food hall, with the exception of the restaurant where food and drink could be sold for consumption on the premises.
- 5.29 The same conditions are recommended as part of this application, albeit they have been modified to reflect the reduced size of the store. Subject to the imposition of these conditions Officers are satisfied that the proposed development will not impact upon planned District Centre at Morton or the City Centre.
- 5.30 If Members are minded to approve this revised application, The Town and Country Planning (Consultation) (England) Direction 2009 dictates that it will be necessary to refer it to Government Office North West (GONW). This is because the development is out-of-centre and relates to a new retail development with a floor area of greater than 5,000 sq m. GONW would then determine on behalf of the Secretary of State whether or not the application should be “called in” by the SoS or whether it is appropriate that the decision is made by the Council, as Local Planning Authority.
- 5.31 In light of the above, if Members are minded to approve the application, it is requested that “authority to issue” the decision is given subject to clearance of the referred application by the Secretary of State.

2. Impact Upon The Landscape Character Of The Surrounding Area.

- 5.32 The proposal represents a significant development in the rural area. The building and car parking area alone would occupy a substantial footprint, which is comparable to that of a supermarket. In considering the previous application Members were advised that in assessing the visual impact of the development there were four key issues to consider:

- i) The visual impact of the development;
- ii) Whether the design of the store is appropriate to the setting;
- iii) The visual impact of the proposed alterations to the highway network; and
- iv) The effect of external lighting.

- 5.33 Through the approval of the earlier application the Council has accepted that a development of this scale could be accommodated on the site without resulting in an unacceptable level of visual impact. This judgement was based on the fact that public views of the building from the wider area will be limited. When travelling along the surrounding road network, views of the site will be generally obstructed by the road side hedges, although glimpses of the site will be afforded through field gates and at the road junction at Hillcrest Farm located immediately to the south of the site, from which the site would be most visible.
- 5.34 As the building is set back from the roadside by 115m (135m at its furthest point) views of the building from the A595 will be partially screened by the residential properties that form the hamlet of Orton Grange. When viewed from further westwards along the A595 the existing glass houses and other structures, which comprise the remainder of Westwood Nurseries, will obscure the site. Views from the north and east of the site are obstructed by the dense belt of trees.
- 5.35 In respect of the most prominent view from the road junction at Hillcrest Farm, the building will be visible; however, so are the existing glass houses on the application site and on the opposite side of the minor road, which are of a comparable height to the building proposed. These glass houses are also situated closer to the roadside where the site levels are higher. The proposed landscaped bund to the roadside boundary and additional planting along the southern boundary should screen the car park and soften the impact of the building. Where the building is visible, bearing in mind its timber façade, it would be seen against the backdrop of the woodland beyond. In contrast, the existing glasshouses reflect the sun light causing them to stand out rather than to blend in. On balance, it is Officer's view that subject to the submission of a detailed landscaping scheme, which can be secured through a condition, the visual impact of the building when viewed from a distance would be limited and would not be significantly greater than that which is generated by the existing structures.
- 5.36 In respect of the store itself, it will be visible when passing by the site on the unclassified road, although its car park should be largely screened from view by the landscaping. Whilst the building occupies a significant frontage (92m in width), its reduced height, simplistic appearance and timber façade should help the building to sit sympathetically within its rural surroundings. By way of a comparison Houghton Hall Garden Centre stands 10.4m in height at its highest point. The less sympathetic elements of the proposed garden centre at Orton Grange, such as the poly tunnels and garden shed/conservatory display areas, will be located in behind the building and the intention is to soften the impact of these elements through additional tree planting.

- 5.37 The alterations to the road network would, in the short term, have a significant impact upon the landscape character of the area. The realignment of the unclassified road and the creation of the roundabouts would inevitably have a dramatic effect; however, the applicants have confirmed that landscaping is proposed which includes the planting of roadside hedges. In time the landscaping will mature and the changes to the road network will not appear out of place.
- 5.38 On the basis of the above it is Officers' view that the visual impact of the development during daylight hours will be limited. In order to minimise the impact that the building will have at night, due to external lighting, a condition is recommended that requires the submission of a lighting scheme. In order to discharge that condition the applicant will need to demonstrate compliance with the Institute of Lighting Engineers (ILE) Guidance Note for the "Reduction of Obtrusive Light - GN01". This document recommends limitations for exterior lighting to ensure that developments do not have a harmful effect upon surrounding area.
- 5.39 In summary, whilst it is acknowledged that the development will impact upon the character of the landscape, its visual impact will be short lived and can be mitigated against through the implementation of a detailed landscaping scheme that will enable the development to blend into the landscape. In considering the visual impact that the development will have Members are reminded that there is an extant permission for a larger garden centre development.

3. Highway Issues.

- 5.40 As previously identified the proposal involves significant alterations to the highway network. The removal of the staggered junctions on the A595 and their replacement with a 4-arm roundabout will undoubtedly improve highway safety.
- 5.41 The roundabout will slow traffic on this stretch of the A595 and the provision of a pedestrian refuge island will assist the existing residents and potential customers arriving by bus to access the bus stop on the north side of the A595 in relative safety.
- 5.42 When the 2008 application was submitted several letters of objection made reference to the potential highway improvements, however, concerns were raised on the premise that the development will increase the volume of traffic that would pass through Dalston. Notwithstanding these concerns, the Development Control Committee granted Officers "authority to issue" an approval and, by doing so, accepted that there were no highway grounds to refuse the application.
- 5.43 In terms of this revised proposal the alterations to the highway network are unchanged. The highway issues, therefore, remain the same, although it could be argued that the reduced size of the store may result in less traffic generation.

- 5.44 The Highway Authority has raised no objection to the development subject to the subject to the imposition of four planning conditions, one of which requires the submission of a Travel Plan. The Highway Authority has also requested that a financial contribution of £6,125 is provided to enable the continued monitoring of the Travel Plan for a five year period, and this can be secured through a deed of variation to the original s106 Agreement.

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

- 5.45 In considering the impact of the development upon the living conditions of neighbouring residential properties there are three key issues to consider. These relate to the physical presence of the building and its car parking area; the potential noise and disturbance generated by the operation of the store and the increase in traffic movements.
- 5.46 In terms of the physical presence of the building it is the residential properties of "Heatherfield" and "Oak View" that are most likely to be affected. There are, however, a number of outbuildings in the rear garden of "Heatherfield" that would act as a visual barrier. In order to mitigate its potential impact a landscaped strip, which would be approximately 10 metres deep, is proposed around the southern and eastern boundary of "Heatherfield", the nearest residential dwelling. This landscaped strip is to extend along the field to the rear of "Oak View". Provided that this strip is planted with appropriate species it could screen the development and mitigate the impact of any external lighting. Other residential properties may be able to see the store; however, the occupants will not be directed affected.
- 5.47 In respect of the original scheme for a larger development Officers highlighted that whilst there may be a potential increase in background noise levels this is unlikely to be significantly greater than that generated by the A595 because of the speed at which vehicles would be travelling. The increase in traffic would also be restricted to the opening hours of the store and that many of the residents will be shielded from the effect of this traffic by the realignment of the unclassified road, which will separate the approach road from these properties. With regards to the larger proposal Officers concluded that it is likely that the living conditions of those properties in and around the caravan park will improve as a result of the changes to the road network.
- 5.48 The proposed hours of operation, which are unchanged from the approved scheme, are not unreasonable (9am to 8pm) and, subject to the imposition of a condition restricting the opening hours to these times, the living conditions of the immediate residents should not be adversely affected. For the nearest residents the proposed landscaping is likely to mitigate the impact created by car engines being revved or doors being opened and closed. In order to ensure that the immediate residents are not disturbed at unsociable times a condition is recommended that restricts deliveries to between 7am and 8pm, which accords with the existing consent.

- 5.49 As highlighted in paragraph 5.42, some residents of Dalston previously expressed concern regarding the effect that the increased volume of traffic on the surrounding roads will have upon their living conditions. Given that this current proposal reduces the size of the development, it may reasonably be concluded that the level of traffic on the surrounding road network and the impact that it will have will be less than that could be generated through the implementation of the approved scheme

5. Archaeology.

- 5.50 At the time of preparing this report a response was awaited from the County Council's Historic Environment Officer (HEO); however, in respect of the previous applications the HEO advised that the archaeological surveys undertaken by the applicant have identified that a number of remains exist on the site, which are of possible archaeological interest. The HEO stated that these remains are unlikely to be of national significance and it is not necessary that they are retained in situ; nonetheless, the HEO advised that these remains may be worthy of recording. As such, it is recommended that an archaeological evaluation and, where necessary, a scheme of archaeological recording of the site is undertaken in advance of development. This can be secured through the imposition of two planning conditions.

6. Foul Drainage.

- 5.51 As part of this application, it is the applicant's intention to discharge foul drainage to a treatment plant. The precise location of the treatment plant has not been specified, although this can be regulated through the imposition of a planning condition. The applicants have, however, obtained "consent to discharge" from the Environment Agency. A copy of that consent has been supplied to the Council; however, it is unclear as to what was applied for, particularly as the Environment Agency's supporting letter makes reference to a "sewerage treatment plant serving one property". It is not envisaged that the provision of an acceptable foul drainage system will prove problematic; nonetheless, until this matter is resolved it is pertinent to impose a condition that required the means of foul drainage to be agreed.

7. Surface Water Drainage.

- 5.52 The applicants' supporting Drainage Impact Assessment identifies that it is the applicants' intention to implement a sustainable drainage system, which aims to emulate the natural drainage system of the site through attenuation of flows and natural percolation.
- 5.53 The proposed means of surface water disposal has already been discussed with the Environment Agency (EA) who has raised no objections to the previous applications subject to the imposition of a condition that requires the proposed means of surface water drainage to be agreed prior to development commencing. Although a response is still awaited in respect of this revised application it is not envisaged that the EA's position will have changed.

- 5.54 Given the nature of the proposed use a significant amount of water is required as part of the garden centre's daily irrigation programme. In order to minimise pressure upon the existing water supply and to promote more sustainable forms development a grey water recycling system is to be installed that will use surface water run-off from the roofs of the various structures, which would be collected in water storage tanks.

8. Impact Upon Biodiversity.

- 5.55 The EA has previously highlighted that the sale of invasion non-native species has the potential to adversely affect the River Eden and tributaries Special Area of Conservation. The applicants have agreed to restrict the sale of these planted and, therefore, it is recommended that a condition is imposed to secure this agreement.

9. The Provision Of Allotments.

- 5.56 This current application includes the provision of twenty allotments that would be made available for rent. Whilst there is no objection, in principle, to this element it raises issues regarding sustainable travel. The Council's Sustainable Strategy is outlined within Policy DP1, which, amongst other things, seeks to reduce the length of trips made by car. In order to ensure compliance with that objective it is recommended that a condition is imposed that restricts the use of the allotments to those persons who live in the Parishes of Dalston, Orton and Cummersdale and those persons living in the City Wards of Belle Vue, Morton and Yewdale.
- 5.57 The Council's Greenspaces Team has commented that there is probably a shortage of allotments in the area around the proposed garden centre; however, it has highlighted that the size of the plots are smaller than what the Council would normally provide and concern has been raised regarding the prospective cost of renting the plots. Whilst Greenspaces concerns are noted, it is the Officer's view that the size and cost of renting the plots is a matter for the operator to decide.

9. Other Matters.

- 5.58 Dalston Parish Council has reiterated its previous grounds of objection that were cited in respect of the 2008 application. Amongst other things, it has expressed concern that the proposal will act as a catalyst resulting in further "ribbon" development in the surroundings to the site. Whilst this is a valid concern, Members ought to be aware that the circumstances in recommending this application for approval are exceptional. By and large most other forms of development would be unable to demonstrate a "need" to be in the location specified and would therefore fail the sustainable development locations strategy identified by Policy DP1 of the Carlisle District Local Plan.

- 5.59 In terms of new issues raised, Dalston Parish Council has asked whether a financial contribution could be obtained to remedy current traffic and parking problems in Dalston village centre. Whilst this might be beneficial the provision of such funds would not comply with the new tests for Section 106 Agreements introduced by Regulation 122 of the Community Infrastructure Levy Regulations 2010. The Regulations require that a planning agreements are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development proposed.
- 5.60 Dalston Parish Council has also requested that a recycling facility should be provided within the site, as the existing facility at Dalston is overburdened. In respect of this request, it is an issue that the Parish Council should take up with the City Council and it is not reasonable to expect that the issue should be remedied by the future operator of the garden centre.

Conclusion

- 5.61 In overall terms, the principle of the development has been established through the approval of the 2008 application. There would be no great harm in retail planning terms from permitting this revised proposal, subject to the restrictive retail conditions that are outlined within the report. These conditions are carefully worded to ensure that the development does not evolve into a form of retailing that the Council would not have accepted.
- 5.62 Although the proposed development will have a significant impact upon the local landscape in the short term, in time this could be mitigated through the implementation of a detailed landscaping scheme. Similarly, this landscaping will ensure that the living conditions of the immediate residents are not adversely affected.
- 5.63 The changes to the highway network will result in a positive improvement in highway and pedestrian safety. Any potential negative visual impacts perceived by these changes are outweighed by the improvement in road safety.
- 5.64 In conclusion, it is recommended that, although not an "allocated" site, there are sufficient material considerations relating to this form of specialist retailing in this particular location to justify approval of this development as an "exception" from the provisions of the Development Plan. If Members accept this recommendation, and are minded to grant planning approval it is requested that "authority to issue" the approval is bestowed subject to:
- i) clearance by GONW following the referral of the application as a "Departure"; and
 - ii) the completion of a deed of variation to the original s106 agreement to secure a financial contribution of £6,125 to enable the continued monitoring of the travel plan for a five year period.

Departure From Development Plan

The proposal involves, in the opinion of the Council, a departure from the provisions of the Development Plan within which the site is allocated for other purposes.

6. Human Rights Act 1998

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

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

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

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

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

- 6.3 Article 8 and Article 1 Protocol 1 are relevant but the impact of the development in these respects will be minimal and the separate rights of the individuals under this legislation will not be prejudiced.

7. Recommendation - Grant Subject to S106 Agreement

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

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

2. The approved documents for this planning consent comprise:

1. The Planning Application Form received 10th May 2010;
2. The existing site layout plan received 10th May 2010 (Drawing No. 1770(PL) 101);
3. The proposed masterplan site layout received 23rd June 2010 (Drawing No. 1770(PL) 102 Revision A);
4. The proposed site layout plan received 21st June 2010 (Drawing No. 1770(PL) 103 Revision A);
5. The proposed floor plans received 10th May 2010 (Drawing No. 1770(PL) 105);
6. The proposed elevations received 21st June 2010 (Drawing No.

- 1770(PL) 107 Revision A);
7. The proposed roof plan received 10th May 2010 (Drawing No. 1770(PL) 106);
8. The proposed surface and boundary treatment plan received 23rd June 2010 (Drawing No. 1770(PL) 104 Revision A);
9. The proposed landscaping plan produced by Sarah Byrne Limited received 21st June 2010 (Drawing No. SB/CAR/P01 Revision C);
10. Plan of the 4 arm roundabout to the A595 received 21st June 2010 (Drawing No. 3.4 Revision A);
11. Design and Access Statement received 10th May 2010;
12. Planning Policy Statement received 10th May 2010;
13. Pre - Application Consultation Statement received 10th May 2010;
14. Nature Conservation / Ecological Assessment received 10th May 2010;
15. Transport Assessment and Green Travel Plan received 10th May 2010;
16. Geophysical Survey received 10th May 2010;
17. Geotechnical and Environmental Report received 10th May 2010;
18. Desk Based Assessment and Walkover Survey received 10th May 2010;
19. The Tree Survey and Arboricultural Constraints received 10th May 2010;
20. The Notice of Decision; and
21. Any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

3. The retailing of products and the offering of services from the Garden Centre approved under application 10/0429 shall be limited by the terms of the following Schedule and to the associated areas of the premises identified on Drawing Numbers 1770(PL)105 and 1770(PL)102 Revision A which accompanied application 10/0429, to which the Schedule relates and no retailing of other goods, products or services shall take place within the areas so identified or from any other part of the site other than that specified on the plans.

Goods and Services offered for sale, activities and uses	Maximum Floor Area (square metres)
Composts, peats, topsoils and mulches, turfs, sands, gravel, grobags, tree steaks / plant supports, propagators/accessories, chemicals and other goods associated with plant/garden care, tools, watering equipment, tools and garden machinery	1182
Houseplants, seeds, bulbs, plants of all kinds dried / cut flowers, floristry requisites, canes, trellis, and goods associated with their care, arrangement and maintenance	709
Garden and conservatory furniture and	946

furnishings, garden lighting, barbecues,
charcoals, calor gas and barbeque accessories,
Christmas tress / decorations / lights

Garden gloves and garden footwear and garden outdoor clothing/leisure	296
Aquatic products, fish, pet accessories, fish ponds, pet care advice, products and accessories	532
Other ancillary goods falling within Class A1	335
Coffee shop/restaurant	954
Trees, plants of all kinds, shrubs, garden furniture, rockery and statuary, ponds, pools, fountains, and accessories, cold water fish, compost, peat, timber decking, wrought ironwork, flagstones and walling, weed killers, pesticides, fertilizers, lawn care, indoor / outdoor planters, terracotta ware, troughs and planters, and other garden care products, pots and containers, wood preservatives, garden ornaments, stoneware, garden lighting, garden play equipment, garden related books, tools and accessories, rockery	5639
Garden buildings, greenhouses, conservatories, gazebos, summer houses, sheds, swimming pools, ponds liners and accessories, spas all with accessories, landscape and building materials, fencing and accessories and timber products, rustic poles	1587

Foodhall	430
----------	-----

Reason: To define the nature of the approval hereby granted, to control the nature and extent of retail activities able to be conducted from the site in recognition of the specialist locational requirements of a Garden Centre and to ensure the protection of the vitality and viability of the City Centre of Carlisle and other existing retail centres in the urban area in accordance with the objectives of PPS4 "Planning for Sustainable Economic Growth" and Policy EC5 of the Carlisle District Local Plan 2001-2016.

- The premises shall be used as a garden centre (incorporating a 954 sqm cafe/restaurant and 430 sqm foodhall) and for no other purpose including any other purpose in Class A1 of the Schedule to the Town and County

Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order.

Reason: To define the nature of the approval hereby granted, to control the nature and extent of retail activities able to be conducted from the site in recognition of the specialist locational requirements of a Garden Centre and to ensure the protection of the vitality and viability of the City Centre of Carlisle and other existing retail centres in the urban area in accordance with the objectives of PPS4 "Planning for Sustainable Economic Growth" and Policy EC5 of the Carlisle District Local Plan 2001-2016.

5. The foodhall hereby permitted shall be restricted to 430 square metres and shall be used only for the sale of specialist foodstuffs and not general foodstuffs commonly sold from super markets and food superstores.

Reason: To define the nature of the approval hereby granted, to control the nature and extent of retail activities able to be conducted from the site in recognition of the specialist locational requirements of a Garden Centre and to ensure the protection of the vitality and viability of the City Centre of Carlisle and other existing retail centres in the urban area in accordance with the objectives of PPS4 "Planning for Sustainable Economic Growth" and Policy EC5 of the Carlisle District Local Plan 2001-2016.

6. There shall be no ancillary comparison goods sales from temporary structures such as marquees and canopies on the open display area.

Reason: To define the nature of the approval hereby granted, to control the nature and extent of retail activities able to be conducted from the site in recognition of the specialist locational requirements of a Garden Centre and to ensure the protection of the vitality and viability of the City Centre of Carlisle and other existing retail centres in the urban area in accordance with the objectives of PPS4 "Planning for Sustainable Economic Growth" and Policy EC5 of the Carlisle District Local Plan 2001-2016.

7. There shall be no sale of food or drink other than from the designated foodhall. The sale of food or drink for consumption on the premises shall only be permitted from the cafe/restaurant.

Reason: To define the nature of the approval hereby granted, to control the nature and extent of retail activities able to be conducted from the site in recognition of the specialist locational requirements of a Garden Centre and to ensure the protection of the vitality and viability of the City Centre of Carlisle and other existing retail centres in the urban area in accordance with the objectives of PPS4 "Planning for Sustainable Economic

Growth" and Policy EC5 of the Carlisle District Local Plan
2001-2016.

8. The garden centre hereby approved shall not be open for trading except between 0900 hours and 2000 hours on Mondays-Friday, 0900 hours and 1800 hours on Saturdays or between 1030 hours and 1630 hours on Sunday or bank holidays.

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

9. No deliveries shall take place before 0700 hours and after 2000 hours on any day.

Reason: To prevent undue disturbance to neighbouring residential properties in accordance with Policy CP6 of the Carlisle District Local Plan 2001-2016.

10. Prior to the development commencing the proposed development shall be subject of a lighting scheme for all external areas and for the buildings which shall be submitted to, and approved in writing by, the Local Planning Authority, and the development shall be carried out in accordance with the approved details prior to the commencement of trading. Outside of operating hours the external lighting, with the exception of security lighting, shall be switched off.

Reason: To minimise the impact upon the surrounding countryside landscape and the habitats of local wildlife in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

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

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

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

Reason: To ensure that an acceptable landscaping scheme is prepared and to ensure compliance with Policy CP5 of the Carlisle

District Local Plan 2001-2016.

13. No development shall commence until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which shall be submitted to and agreed in writing by the Local Planning Authority. This written scheme shall include the following components:

- i) An archaeological evaluation to be undertaken in accordance with the agreed written scheme of investigation; and
- ii) An archaeological recording programme the scope of which shall be dependant upon the results of the evaluation and shall be in accordance with the written scheme of investigation.

Reason: To afford reasonable opportunity for an examination to be made to determine the existence of any remains of archaeological interest within the site and for the examination and recording of such remains in accordance with Policy LE8 of the Carlisle District Local Plan 2001-2016.

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

Reason: To ensure that a permanent and accessible record by the public is made of the archaeological remains that have been disturbed by the development in accordance with Policy LE8 of the Carlisle District Local Plan 2001-2016.

15. Details shall be submitted of the proposed hard surface finishes to all public and private external areas within the proposed development, including footpaths, cycleways, car-parking and servicing areas, and areas of external sales/display of goods, and shall be approved, in writing, by the Local Planning Authority before any site works commence, and the approved scheme shall be fully implemented before the premises are open for trade.

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

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

Reason: To ensure that the design and materials to be used

complement the character of the countryside landscape and to ensure compliance with Policy CP5 of the Carlisle District Local Plan.

17. No development approved by this permission shall be commenced until a detailed drainage strategy has been submitted to and approved, in writing, by the Local Planning Authority. The drainage strategy shall demonstrate the provision of adequate storage so that the quantity and quality of water leaving the site does not increase flooding in the river Caldew catchment, or be deleterious to the catchment in terms of water quality.

Reason: To prevent the increased risk of flooding and impact on water quality by ensuring the provision of a satisfactory means of surface water disposal in accordance with Policy CP12 of the Carlisle District Local Plan 2001-2016.

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

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

19. A list of those invasive non-native species that shall not be sold from the premises, which include those species currently being considered under the quinquennial review of Wildlife & Countryside Act to be banned from sale, shall be submitted to and agreed, in writing, by the Local Planning Authority prior to the store commencing trading.

Reason: To prevent any potential adverse impact upon the River Eden and tributaries Special Area of Conservation and to ensure compliance with Policy LE3 of the Carlisle District Local Plan 2001-2016.

20. Details of the heights of the existing and proposed ground levels and the height of the proposed finished floor levels of the garden centre building 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 problem associated with the topography of the area and minimises its visual impact upon the surrounding countryside landscape in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

21. Prior to commencement of trading, the A595 roundabout junction improvement, new road including footways, pedestrian crossing facilities and site access roundabout junction improvement works (based on drawing numbers 1770(PL)102 Revision A and Figure 3.4 Revision A) shall be completed in accordance with such details that form part of an agreement

with the Highway Authority under Section 278 of the Highway Act 1980, unless otherwise agreed, in writing, with the Local Planning Authority, so that constructional traffic can safely access and egress the site.

Reason: To ensure that the highway network can safely accommodate the traffic associated with the development and the development's construction in accordance with Local Transport Plan Policies LD5, LD6, LD7 and LD8.

22. The carriageway, footways, footpaths, etc 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 work commences on site. No work shall be commenced until a full specification has been approved. These details shall be in accordance with the standards laid down in the current Cumbria Design Guide. Any works so approved shall be constructed before the development is complete.

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

23. Within 6 months of the development (or any part thereof) opening for business, the developer shall prepare and submit to the Local Planning Authority for their approval a Travel Plan which shall identify the measures that will be undertaken by the developer to encourage the achievement of a modal shift away from the use of private cars to visit the development to sustainable transport modes. The measures identified in the Travel Plan shall be implemented by the developer within 12 months of the development (or any part thereof) opening for business.

Reason: To aid in the delivery of sustainable transport objective and to support Local Transport Plan Policy LD4 and "extended" Policy T31 of the Cumbria and Lake District Joint Structure 2001-2016.

24. An annual report reviewing the effectiveness of the Travel Plan and including any necessary amendments or measures shall be prepared by the developer/occupier and submitted to the Local Planning Authority for approval.

Reason: To aid in the delivery of sustainable transport objectives and to support Local Transport Plan Policy LD4 and "extended" Policy T31 of the Cumbria and Lake District Joint Structure 2001-2016.

25. No development shall commence until detailed drawings of the allotment and farm yard buildings, including floor plans and elevations, have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To ensure that the design of the buildings is appropriate to the locality and to ensure compliance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

26. Any storage racking within the service yards shall not exceed the height of the service yard enclosure and no materials within these areas shall be stacked to a height exceeding 3.5 metres.

Reason: To ensure that the proposed development is undertaken in a manner that safeguards the visual amenities of the area and to ensure compliance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

27. The allotments hereby approved shall only be available for lease by qualifying persons, who for the avoidance of doubt comprise those persons who currently live or work within the administrative Parishes of Dalston, Orton and Cummersdale.

In the event that the owner of the allotments demonstrates to the Council that the allotments have been offered to qualifying persons [as set out above] for not less than 3 months and no qualifying person has signed a tenancy agreement in respect of the lease of the land then the owners shall be entitled to lease the allotments to any persons who currently live or work within the Carlisle Urban Wards of Belle Vue, Morton and Yewdale.

Reason: The unrestricted use of the allotments could result in unsustainable journeys which would be contrary to the Council's objectives of achieving sustainable development, as outlined in Policy DP1 of Carlisle District Local Plan 2001-2016.

28. The development hereby approved shall be carried out in accordance with Section 7 (Potential Ecological Constraints & Mitigation) of the Natural Conservation / Ecological Assessment received 10th May 2010, unless otherwise agreed in writing by the Local planning Authority.

Reason: To minimise the potential impact of the development upon wildlife in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

29. No development shall be undertaken until a further investigation into the suitability of those trees, identified in paragraph 6.1 of the Natural Conservation / Ecological Assessment received 10th May 2010, to provide potential roosting sites for bats has been undertaken and submitted to and agreed, in writing, by the Local Planning Authority.

Reason: In order not to disturb or deter the nesting or roosting of bats, a species protected by the Wildlife and Countryside Act 1981 and to ensure compliance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

Hardison House
13 Dufford Road
Edinburgh G14 3DZ
T: 0131 228 2088
F: 0131 228 2716
E: info@hardisonhouse.co.uk
www.hardisonhouse.co.uk

DOBBIES

PROVIDED GARDEN CENTRE
WESTWOOD NURSING
CARLISLE

ENDING SITE LAUNCH

APR 10	State	1-1250	AT	Drawn	GP
--------	-------	--------	----	-------	----

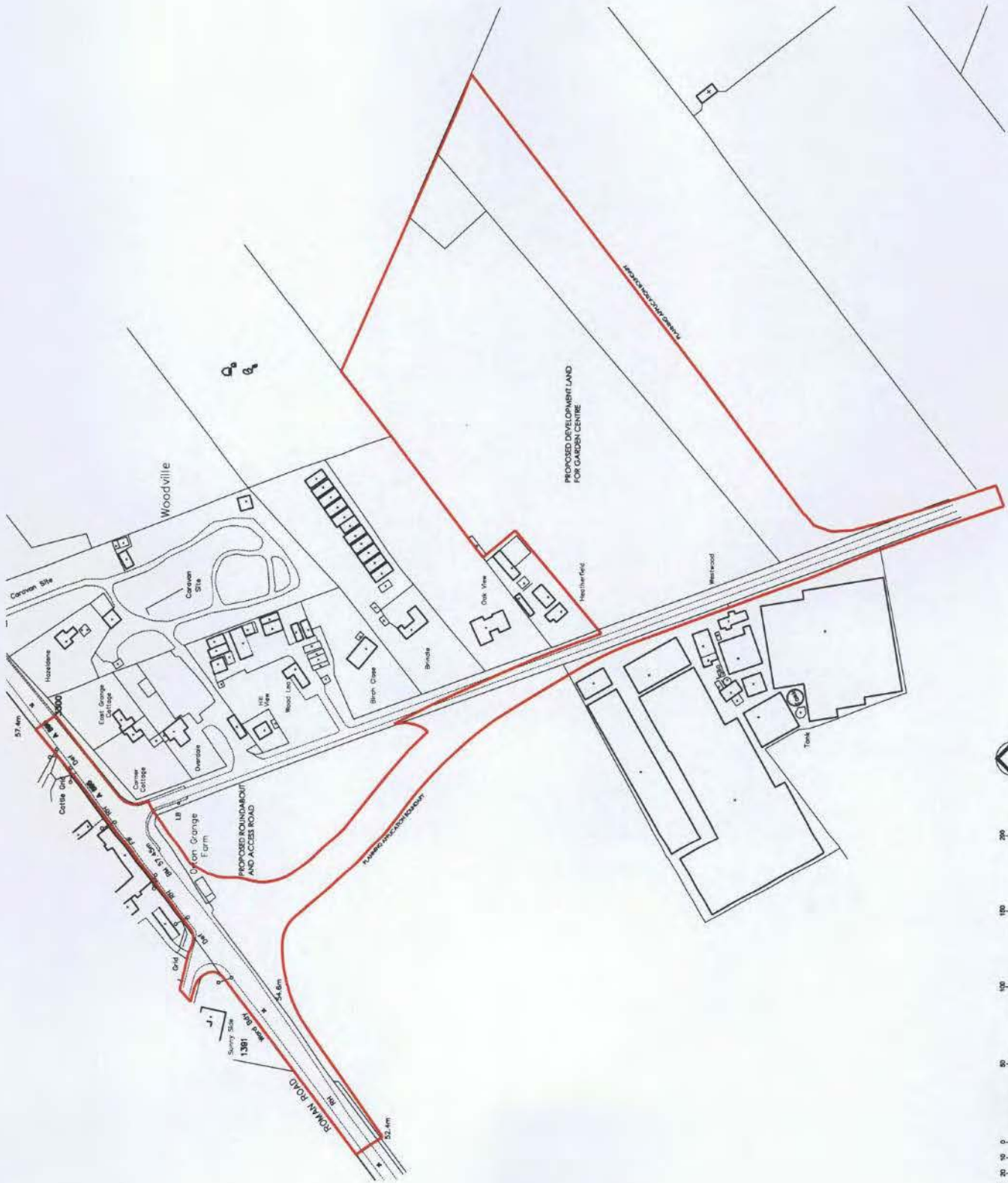
PLANNING

1770(PL)101

Services Office
15 South Tap Road
Durham, CO 176
T: 01505 859 101
F: 01505 215 640
E: enquiries@pennine.co.uk
www.pennine.co.uk

Advertising Office
London

All comments per book to be checked in the end by the Authors in the case of any discrepancies due to the management of text. Important alterations are not to be carried out by the Editors. If necessary, all 2-3 revisions require electronic approval. If any alterations in tables or/else please reply by e-mail.





Manson/Architects

Headquarters Place
100 Bedford Road
Bedfordburg IN 46008
T: 01 31 320 2000
F: 01 31 320 3715
E: info@newcastlebricks.co.uk
W: www.newcastlebricks.co.uk

DOBBIES

PROPOSED GARDEN CENTRE
WESTWOOD NURSERY
CARLEF

Design Title: PRELIMINARY MASTER PLAN SITE LAYOUT

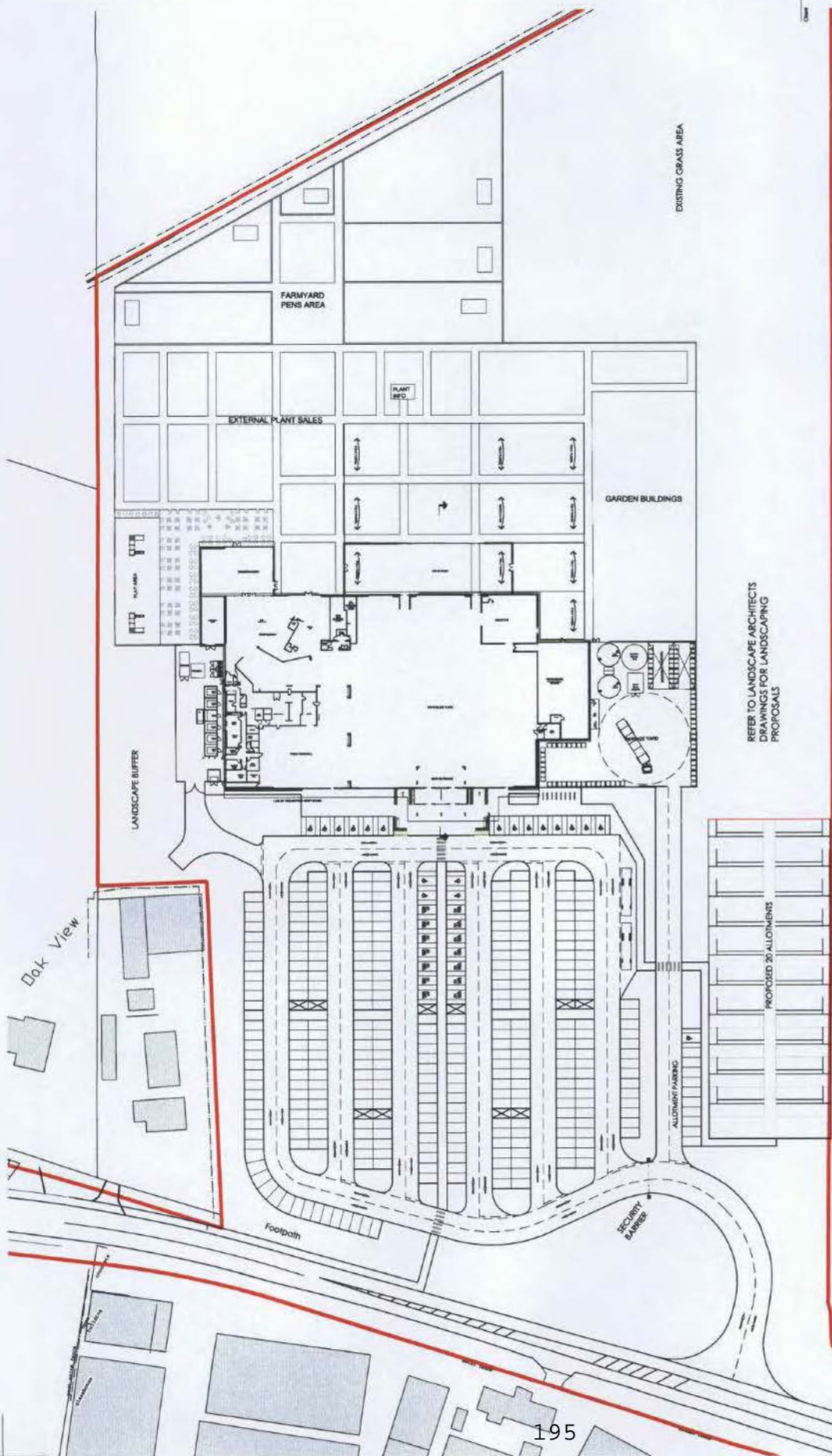
Date	Apr 10	Score	1-12.5 @ A1	Down	GT
------	--------	-------	-------------	------	----

PLANNING

	PL	A
1770(PL)102		

[illegible]

of the 1990s, most agree that a response to a specific security issue requires a more integrated approach, rather than the siloed response that has been the norm in the past. It is important to keep in mind, however, that the security industry has a long history of responding to a variety of threats, and it is not clear that the industry is not responding to a variety of threats in the future.



100% A. 100% A. VT
 CAN BE RE-USED
 Manson Architects
 100% A. 100% A. VT
 CAN BE RE-USED
 100% A. 100% A. VT
 CAN BE RE-USED
 100% A. 100% A. VT
 CAN BE RE-USED

Client
 DOBBIES
 Project
 PROPOSED GARDEN CENTRE
 WESTWOOD NURSERY
 CHALISSE
 Drawing No.
 1770(P)103
 Date
 A

PLANNING APPLICATION BOUNDARY

AREA SCHEDULE

APPROX SITE AREA (Planning boundary)	16.5 Acres	74,860 m ²
BUILDING AREA (HEATED-GROSS EXT)	48,202 ft ²	4,478 m ²
ENCLOSED COLD HOUSE	5,051 ft ²	468 m ²
PLANT SALES (ENCLOSED COLD HOUSE)	17,062 ft ²	1,587 m ²
GARDEN BUILDINGS	43,561 ft ²	4,046 m ²
FARMYARD PENS	46,274 ft ²	4,298 m ²
PLANT SALES (OPEN AIR)	15,062 ft ²	1,403 m ²
2 NO. SERVICE YARDS	338	
PARKING BAYS (TOTAL)	507	
REGULAR PARKING	14	
PARENT & CHILD PARKING	10	
TROLLEY BAYS	2	
COACH PARKING	10 BY + 1 DB	
ALLOTMENT PARKING SPACE		



[illegible]

PLANNING

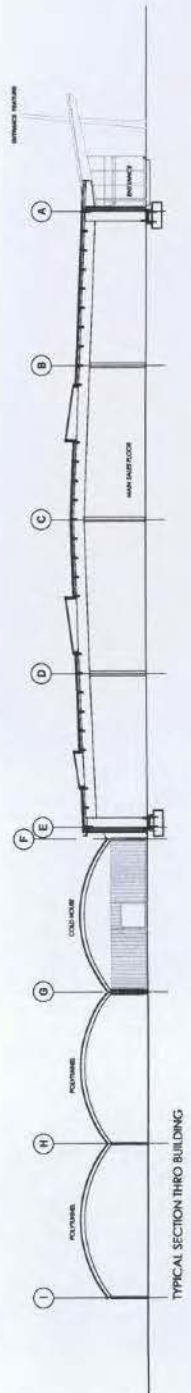
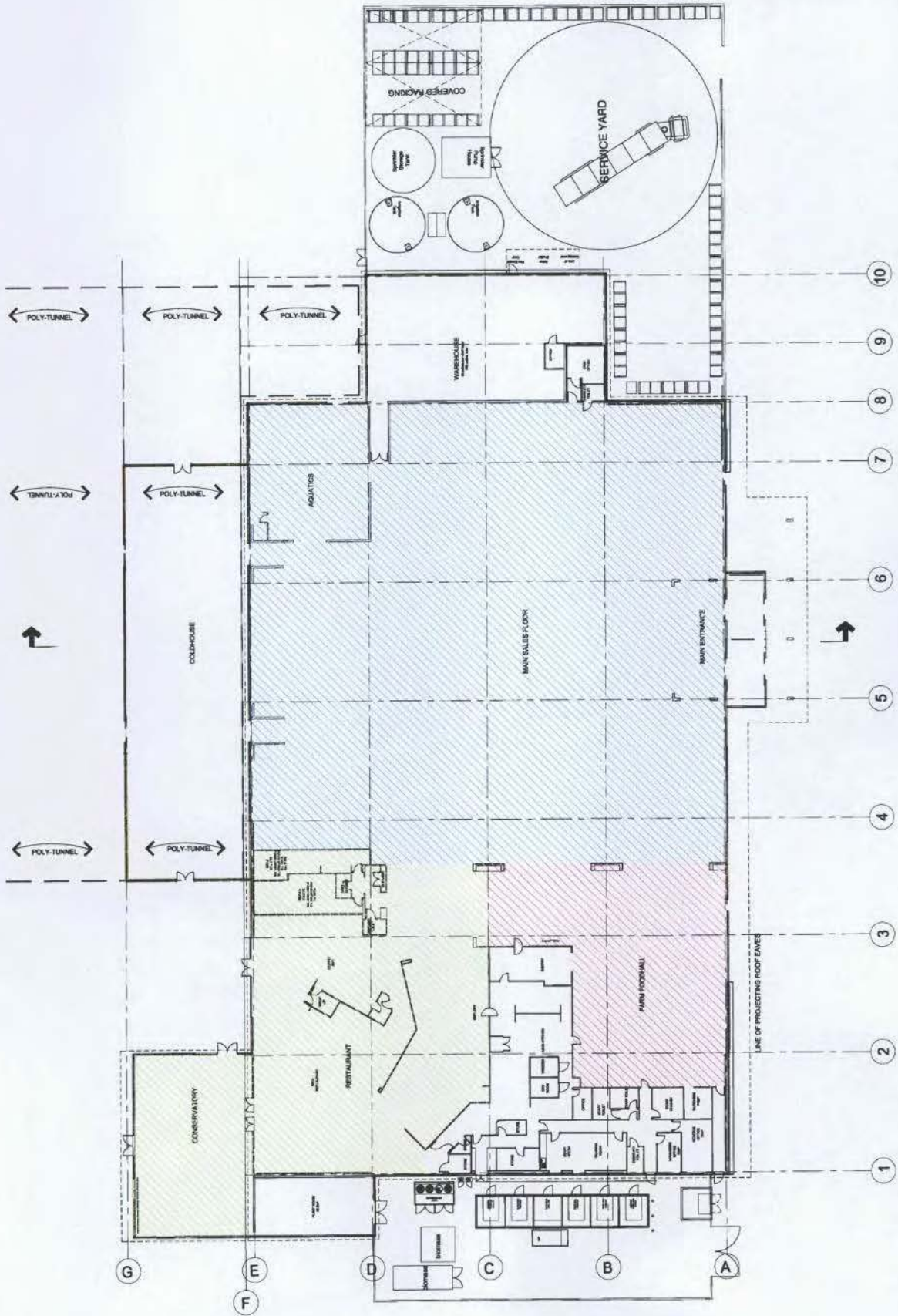

**DOBBIES GARDEN
CENTRES**
sarah byrne limited

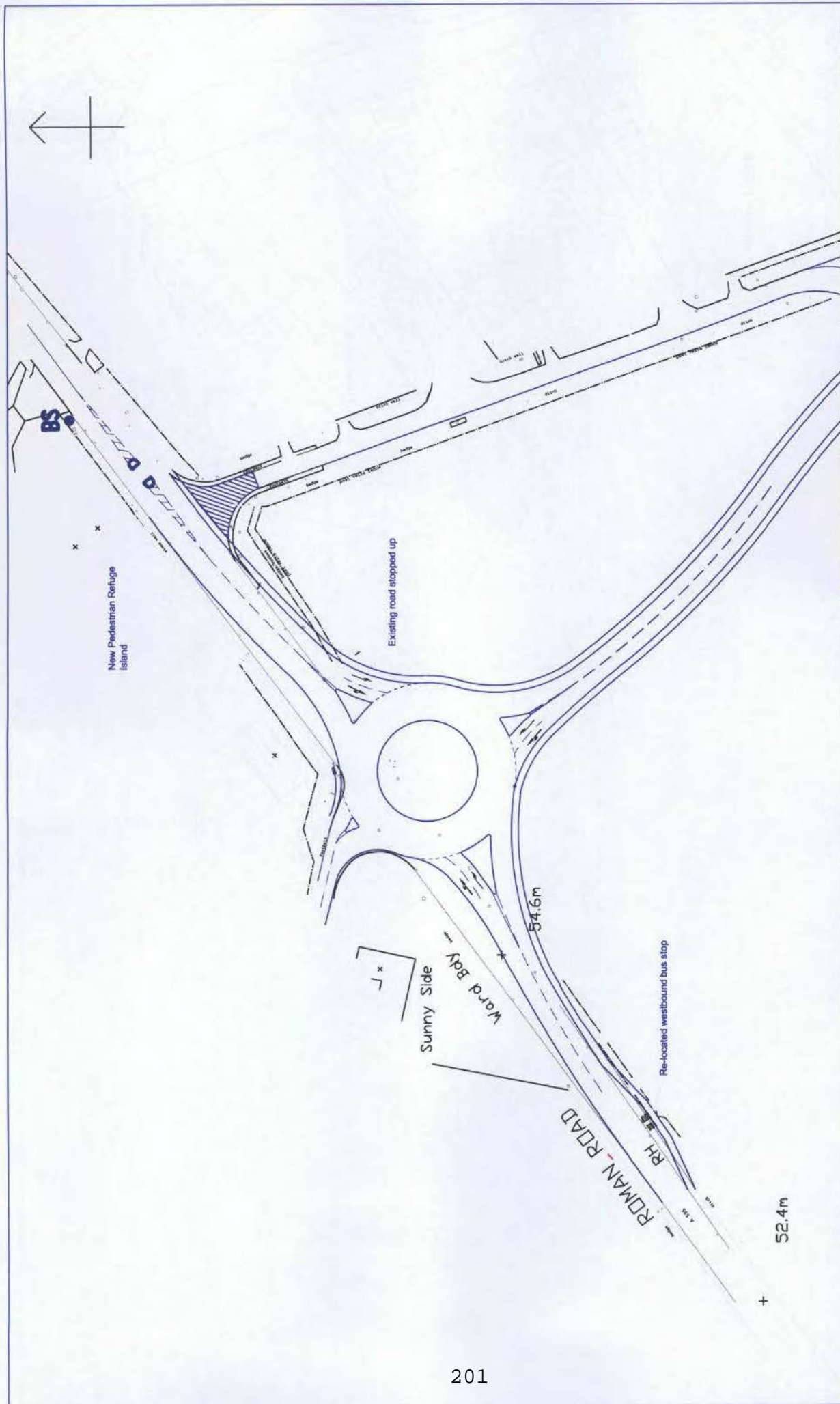
Outcomes
13 Clinical Outcomes

CARLISLE

SITE LAYOUT

Printed by:	602	Date: June 2010
Checked by:	606	Date: June 2010
Approved by:		Date:
		Signature:





Drawing Title	A595 / Unclassified Proposed Four Arm Roundabout	Client Dobbies Garden Centres Plc	<div>21 Blythwood Square Glasgow G2 4BL</div> <div>T 0141 229 6520 F 0141 229 6521 www.dbuchanan.co.uk</div>			Scale: 1:1000@A3				
				Designed by: CW						
				Drawn by: CW						
				Ckd/Appd: DB						
				First issued: May 08						
Job No: 17037-01-1					Rev.	Date,				
Job Title		Dobbies, Carlisle					Amendment,			

21 Blythswood Square
Glasgow
G2 4BL

T 0141 229 6520
F 0141 229 6521
www.buchanan.co.uk

BUCHANAN

SCHEDULE A: Applications with Recommendation

10/0467

Item No: 04

Date of Committee: 16/07/2010

Appn Ref No:
10/0467

Applicant:
Walton Parish Council

Parish:
Walton

Date of Receipt:
26/05/2010

Agent:
TSF Developments Ltd

Ward:
Irthing

Location:
Walton Play Area, Walton Village Hall, Walton,
Brampton, CA8 2DJ

Grid Reference:
352106 564483

Proposal: Refurbishment Of Parish Play Area (Revised Application)

Amendment:

REPORT

Case Officer: Suzanne Edgar

Reason for Determination by Committee:

This application has been brought before Members of the Development Control Committee for determination as four letters of objection have been received from separate households.

1. Constraints and Planning Policies

Ancient Monument

Local Plan Pol CP3 - Trees and Hedges on Development Sites

Local Plan Pol CP5 - Design

Local Plan Pol CP6 - Residential Amenity

Local Plan Pol LE7-Buffer Zone Hadrians Wall W.Herit.Site

Local Plan Pol LC3 - Amenity Open Space

2. Summary of Consultation Responses

Cumbria County Council - (Highway Authority): No objection to the proposed

development as it is considered that the proposal does not affect the highway;

Walton Parish Council: Do not wish to make any representation on the proposal;

English Heritage - North West Region: The application should be determined in accordance with national and local policy guidance and on the basis of your specialist conservation advice;

Hadrians Wall Heritage Limited: Comments awaited;

Environmental Services - Green Spaces (see IECO for Countryside Officer):
Comments awaited;

Cumbria County Council - (Archaeological Services): Do not wish to make any recommendations or comments;

Access Officer, Development Services: No objections;

Cumbria Constabulary - Crime Prevention: The following observations have been made:

The Cumbria Constabulary Architectural Liaison Officer (ALO) is disappointed to note that the recreational item specifically intended for use by older users has been dispensed with. Inclusion of this item would be more likely to retain their interest and their perception of responsibility for the facility as a whole.

The Parish Council, with the support of the local community, need to be mindful of possible misuse - if teenagers congregate on the remaining items - and any unacceptable behaviour must be promptly challenged. Otherwise, the spiral of misuse and abuse (as can be demonstrated in urban facilities) can occur.

It is hoped that recreational provision for other youngsters may perhaps be included at a later date. In the meantime, the ALO trusts that the proposed facility shall become a valued amenity in the village.

3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:
Walton Cottage	01/06/10	
Greenacres	01/06/10	Objection
Orchard House	01/06/10	Objection
Reading Room	01/06/10	
Friars Garth	01/06/10	
Myrtle Cottage	01/06/10	
Green Cottage	01/06/10	
Greenside	01/06/10	
Strathavon	01/06/10	
7 Woodleigh	01/06/10	Objection

The Old Vicarage	01/06/10	Comment Only
The Grove	01/06/10	Comment Only
Ashlea	01/06/10	
Lime View		Objection

3.1 This application has been advertised by the display of a site notice as well as notification letters sent to 13 neighbouring properties. During the consultation period four letters of objection and two letters of comment have been received.

3.2 The letters of objection are summarised as follows:

1. The existing play equipment has never been found to be inadequate;
2. Most children that use the play area play on the equipment for a short period of time then revert back to playing on the village green;
3. Questions regarding the number of play equipment items proposed;
4. Concern how the play equipment is going to fit on the area shown;
5. Play area will spoil the central green in the village;
6. The Site Location Plan names the neighbouring properties incorrectly;
7. The plans are a little bigger and show the site moved again closer to Greenacres and Orchard House;
8. Concerns regarding visual impact of the development;
9. Scale and design of the development is not in keeping with the extremely rural character of Walton;
10. These are difficult times. Would it not be more proportionate to just upgrade the equipment that is already there rather than spend tens of thousands of pounds on new equipment which could be so valuably used elsewhere in the county?;
11. The application should be subject to a site inspection;
12. Impact on privacy of Greenacres and general amenity of the village;
13. Concern that the area will become a magnet for anti-social behaviour;
14. Size of the play equipment is greater than the demand;
15. Most of the play equipment is for children of pre-school years which is ridiculous when viewed in light of the fact that the local mother and toddler group has recently closed down due to lack of interest;
16. The play equipment is closer to Orchard House which is contrary to

previous indications;

17. It is not safe to have play equipment so close to the road;
18. Little consultation has been made with the 11-19 age group in the village;
19. Refurbishment of the playground has been initiated by 2 parents in response to the Parish Plan that was published 4-5 years ago when the majority of children in the village were between 4-11 years of age, these children are now older and little or no thought has been given to their current needs.

3.3 The letters of comment are as follows:

1. The grant for the play equipment should be put to a better use and contribute to the overall sustainability of the County of Cumbria;
2. The play area will be hardly used by children of Walton village;
3. Recently the Walton Mothers and Toddlers Group was terminated. With the closure of this final play group it is obvious that there is no requirement for any refurbishment to take place in Walton Play Area;
4. With regard to the financial crisis affecting the world today, it is surely more important to direct public funds towards those vulnerable sectors of the community as opposed to a small village play area;
5. There are countless gardens with their own playing equipment;
6. The present play equipment is in good order and has been there for over 20 years;
7. There have been no accidents involving children within the last 20 years;
8. Fear of anti-social behaviour;
9. Houses in the immediate vicinity surrounding the area would have no privacy
10. The noise level will increase;
11. If a new modern play area is to be installed the beauty of the whole village would be ruined;
12. Perhaps consideration should be given for a site far away in Walton from the present area;
13. Concerns about the boundary of the playground.

4. Planning History

- 4.1 In September 2009 an application was received (under application reference 09/0715) seeking full planning permission for the refurbishment of the play area. The application was withdrawn prior to determination.
- 4.2 In January 2010 (under application reference 09/1047) planning permission was granted for the refurbishment of the parish play area (revised application).

5. Details of Proposal/Officer Appraisal

Introduction

- 5.1 This application seeks approval for the refurbishment of Walton Play Area which is situated in the centre of Walton Village on the western side of the road leading from Walton to Walton Moss. The play area is located on Walton Village Green which is delineated by large mature trees along the eastern boundary. Walton Village Hall/Reading Room is situated to the north of the application site together with a single storey residential property "Green Acres" to the north-west and a two storey property "Orchard House" to the west. Furthermore there is a single storey property located to the south-west "Walton Cottage" and a two storey property "Friars Garth" situated to the south of the application site.

Background

- 5.2 Members granted planning permission at the Planning Committee Meeting on the 29th January 2010 (under planning application reference 09/1047) for the refurbishment of Walton area. Since that application was approved it has transpired that the plans submitted were inaccurate as the red line on the submitted site location plan did not include all of the approved play equipment. Furthermore the exact positioning of the play equipment on the site location plan was also found to be inaccurate. Therefore, a new planning application has been submitted to rectify this situation. Members should be aware that there is no change in the design, scale or number of items of play equipment; however, the revised plans have resulted in the proposed play equipment being located nearer to Walton Village Hall/Reading Room and further away from the property located to the south of the application site "Friars Garth" than originally anticipated. Further information has also been submitted within this application illustrating the location of tree protection barriers during construction works.
- 5.3 Members are reminded that the existing play area consists of four swings, a slide and a roundabout located on rubber surfacing. The existing play equipment is not enclosed and is situated sporadically across the easternmost part of the village green. The submitted Design and Access Statement accompanying the planning application indicates that an independent safety inspection of Walton Play Area was carried out in May 2008 and the resulting report highlighted that every piece of equipment is in need of some remedial

work to prevent further deterioration or it becoming dangerous. The safety inspection also identified that the safety surfacing beneath the play equipment is badly aged and beyond repair in many places. The Design and Access Statement indicates that the play area was a high priority task highlighted in the Parish Plan documented in 2007 and that the design specification for the refurbishment of the play area has arisen directly from feedback received during public consultation meetings with parishioners.

Assessment

- 5.4 As part of the proposal, the existing play equipment and surfacing will be removed and replaced with 7 pieces of play equipment. The play equipment will be located towards the easternmost part of the village green in a similar location to the existing play equipment. The proposed play equipment will consist of a horse springer, speed gyro, cradle seat swings, gyro spiral, vivacity multi-play, pod swing and flat seat swings. The maximum height of this equipment will be 3.4 metres which is 0.25 metres higher than the existing play equipment. Each individual piece of play equipment will be situated on a grass mat. There will be two picnic tables located towards the east of the proposed refurbished play area. To the south of the play equipment there will be 0.5 metre high log stockading to create a low trail for children to play on. The play area will not be enclosed.
- 5.5 The relevant planning policies against which the application is required to be assessed are Policies CP3, CP5, CP6, LE7 and LC3 of the Carlisle District Local Plan 2001-2016.
- 5.6 The proposal raises the following planning issues:
1. Whether The Principle Is Acceptable
- 5.7 The principle of a play area situated on Walton Village Green has already been established. Policy LC3 of the Carlisle District Local Plan 2001-2016 seeks to ensure that permission will not be granted for development that would result in the loss of amenity open spaces within settlements. The proposed refurbished play area will be situated in a similar position to the existing play area and the play equipment approved under application 09/1047. The proposal will retain the majority of Walton Village Green and its open character. There have been no significant policy changes or physical changes (other than moving the play equipment further towards Walton Village Hall/Reading Room) since application 09/1047 was approved that would preclude this application being granted. It is therefore considered that the principle of the proposal is acceptable.
2. The Visual Impact Of The Proposal On The Surrounding Area; and
 3. The Impact Of The Proposal On The Living Conditions Of Neighbouring Residents
- 5.8 The principle of the scale, design and type of play equipment has already been established by the previous approval. Members are reminded that this

application has resulted in the play equipment being further away from Friars Garth than originally anticipated. The Play equipment will be no closer to "Orchard House" than that which was originally approved under application 09/1047; however, the equipment would be slightly closer to "Greenacres".

- 5.9 Members are, however, reminded that the proposed play equipment will be "off-set" from all of the principle elevations of the properties situated to the north-west, west and south-west of the application site: "Green Acres", "Orchard House" and "Walton Cottage" respectively. As such it is considered that the proposal will not adversely affect occupiers of these properties on the basis of loss of light, over dominance or overlooking.
- 5.10 The existing play equipment is situated 10.1 metres from the boundary of the property located to the south of the application site ("Friars Garth") and 10 metres from Walton Village Hall/Reading Room. The proposed refurbished play area will be located further away from Walton Village Hall/Reading Room than the existing play equipment. The nearest piece of equipment of the refurbished play area, the vertical log stockading, will be located a distance varying from 13.9 -19.1 metres from "Friars Garth". The nearest piece of play equipment after the log stockading will be situated 22.8 metres from the boundary of "Friars Garth". In such circumstances it is considered that the proposed refurbished play area will be located no closer to "Friars Garth" than the existing play area with the majority of the equipment located further away than existing. Accordingly, it is not considered that the proposal will significantly harm the living conditions of occupiers of neighbouring properties sufficient to suggest refusal of the planning application on the grounds of loss of light, over dominance, overlooking or noise. It is acknowledged that the refurbished play area will indeed have more play equipment than existing; however, it is not considered that the use of the play area will be significantly intensified to warrant refusal of the application on grounds of increase noise levels/loss of privacy.
- 5.11 The proposed refurbishment will significantly improve the existing play area. The submitted Design and Access Statement indicates that in order for children of Walton Village to attend a social club, sporting facility or another play area the children must travel 3 miles to Brompton or 10 miles to Carlisle which usually requires a vehicle. The proposed refurbishment of the play area will therefore provide a more sustainable option to villagers.

4. Trees

- 5.12 As stated above there are large mature lime trees surrounding the application site. Further information has been submitted indicating tree protection barriers during construction works. The Council's Landscape Architect/Tree Officer has been consulted on the proposal and has raised no objections. As such it is considered that the proposal will not have an adverse impact on trees surrounding the application site.

5. Impact Of The Proposal On Hadrian's Wall Buffer Zone

- 5.13 Policy LE7 of the Local Plan seeks to protect the World Heritage Site Buffer

Zone from developments which would have an adverse impact on its character or setting. No adverse comments have been received during the consultation period from relevant statutory consultees as such it is considered that there would be no adverse impact upon Hadrian's Wall World Heritage Site.

6. Anti-social Behaviour

- 5.14 Objectors have alleged that the proposed play equipment will result in anti-social behaviour. The Cumbria Constabulary Architectural Liaison Officer (ALO) has been consulted on the proposal. The ALO has raised no objection to the proposal and has indicated that the Parish Council, with the support of the local community should be mindful of possible misuse and any unacceptable behaviour must be promptly challenged. The ALO has made additional recommendations which are included within the decision notice as an advisory note. As the ALO has raised no objection to the proposal it is therefore not considered justifiable to refuse the application on the grounds of potential anti-social behaviour.

7. Other Matters

- 5.15 Objectors have indicated that recently the Walton Mothers and Toddlers group has been terminated and therefore there is no requirement for a refurbished play area. Members are reminded that the Council has to deal with what is proposed.

Conclusion

- 5.16 In conclusion, the proposed development is of a scale and design that is appropriate to the existing play area and the surrounding area. It is not considered that the occupiers of neighbouring properties would be adversely affected by the development. On this basis approval is recommended.

6. Human Rights Act 1998

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

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

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

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

- 6.2 Article 1 of Protocol 1 relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary, proportionate and there is social need;
- 6.3 Articles 1/6/8 of the Human Rights are relevant to this application and should be considered when a decision is made. Members are advised that for the reasons identified in the report the impact of the development in these respects will be minimal and the separate rights of individuals under this legislation will not be prejudiced.

7. Recommendation - Grant Permission

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

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

2. The approved documents for this planning permission comprise:
1. the submitted planning application form;
 2. the Existing Location Plan [Drawing 001];
 3. the Proposed Location Plan [Drawing 002];
 4. the Proposed Play Equipment Plan [Drawing 003];
 5. the Proposed Security Fence Plan [Drawing 004];
 6. the Proposed Demolition Plan [Drawing 005];
 7. the Tree Survey Schedule [Received 26th May 2010];
 8. the Design and Access Statement [Received 29th May 2010];
 9. the Play Area Details [Received 20th May 2010];
 10. the Accompanying Letter From TSF Developments Ltd [dated 19th May 2010];
 11. the Notice of Decision; and
 12. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: For the avoidance of doubt.

3. Before any development is commenced on the site, including site works of any description, the tree protection fencing shown on Drawing Numbers 004 and 005 shall be erected around the area of proposed site works. Within the areas fenced off no fires should be lit, the existing ground level shall be neither raised nor lowered, and no materials, temporary buildings or surplus soil of any kind shall be placed or stored thereon. The fence shall thereafter be retained at all times during construction works on the site.

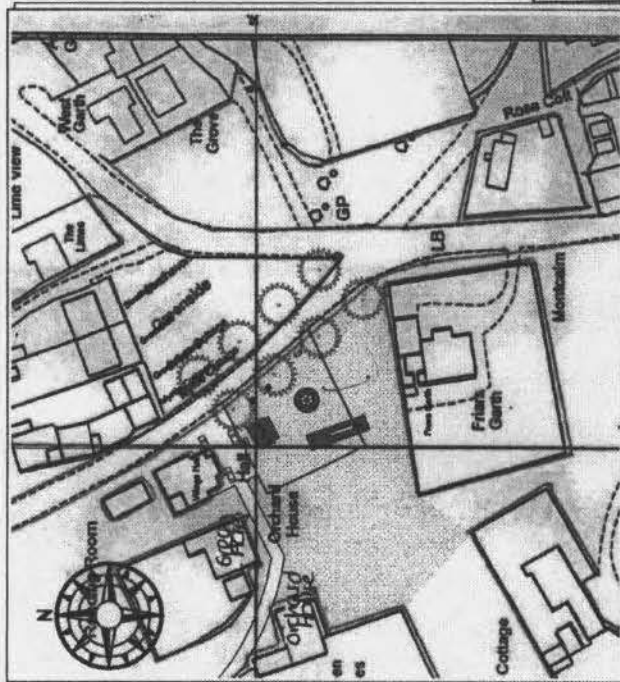
Reason: In order to ensure that adequate protection is afforded to all trees/hedges to be retained on site in support of Policies CP3 and CP5 of the Carlisle District Local Plan 2001-2016.

© This drawing is the copyright of TSF Developments Ltd 2010. It is not to be used, copied or reproduced in any form without the written permission of TSF Developments Ltd. It is to be used for information purposes only.

If you have received this drawing electronically it may not be to the correct scale unless printed.

TSF Developments Ltd provides drawings as a service to its clients. It is not responsible for the accuracy of the information provided. It is the client's responsibility to ensure that the drawings are used for the intended purpose and that the drawings are used in accordance with the planning application process.

TSF Developments Ltd cannot accept any liability for any subsequent issues with the property if the drawings are used for anything other than planning purposes.



Existing Site Location Plan
(1 - 1250)

RECEIVED
20 MAY 2010
2010/0467

PLANNING ISSUE



TSF Developments Ltd
The Barn,
Crooked Holmes,
Longdown Road,
Brampton,
Cumbria

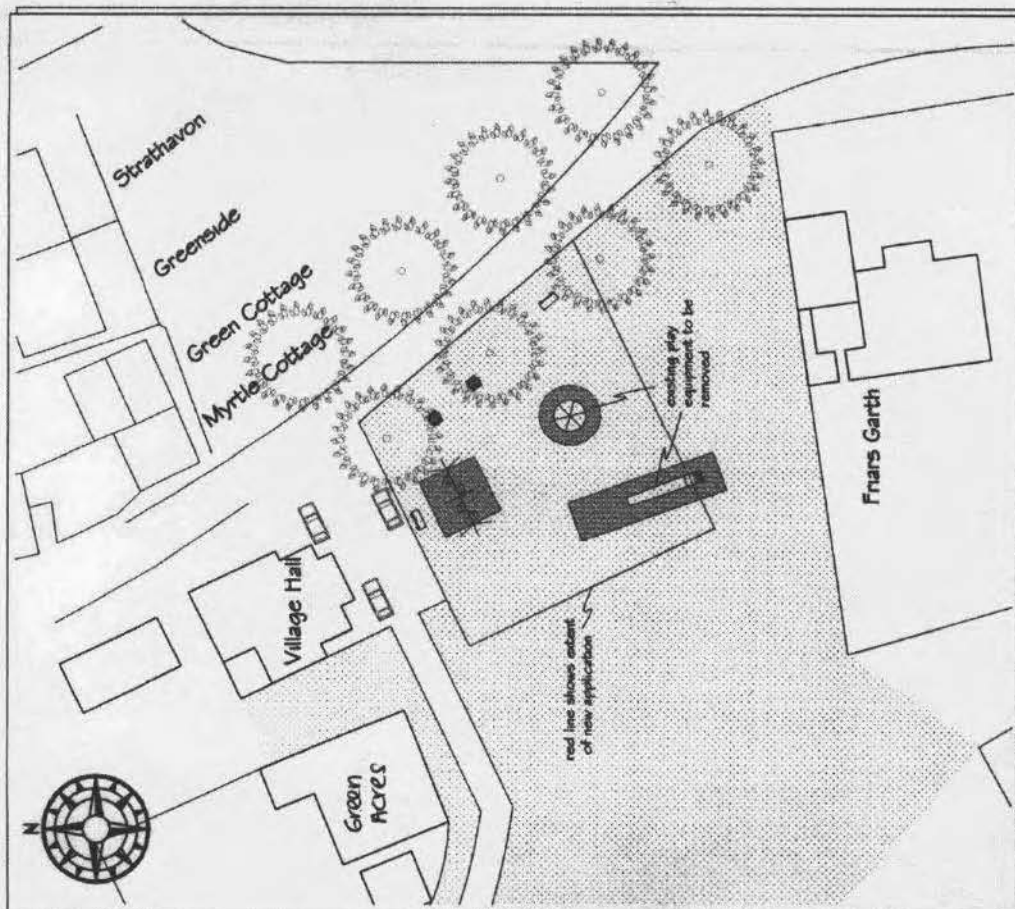
Telephone 016977 3339
email address: georgie@tsfdevelopments.co.uk
duncan@tsfdevelopments.co.uk
Company No. 6004732

Job : 10/008
Date : April 2010
Scale : 1 : 1250 & 500
Revision :

Proposed Development at
Walton Play Area
Walton
Cumbria

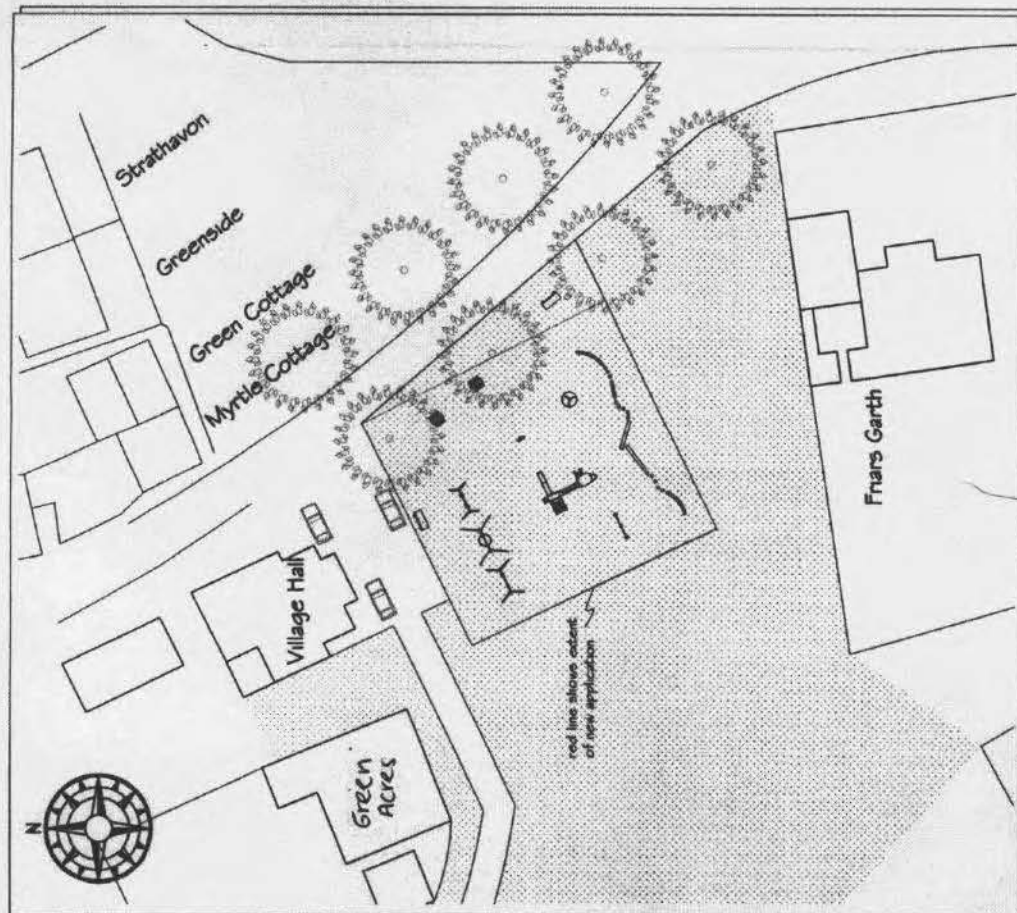
Existing Location Plan

001

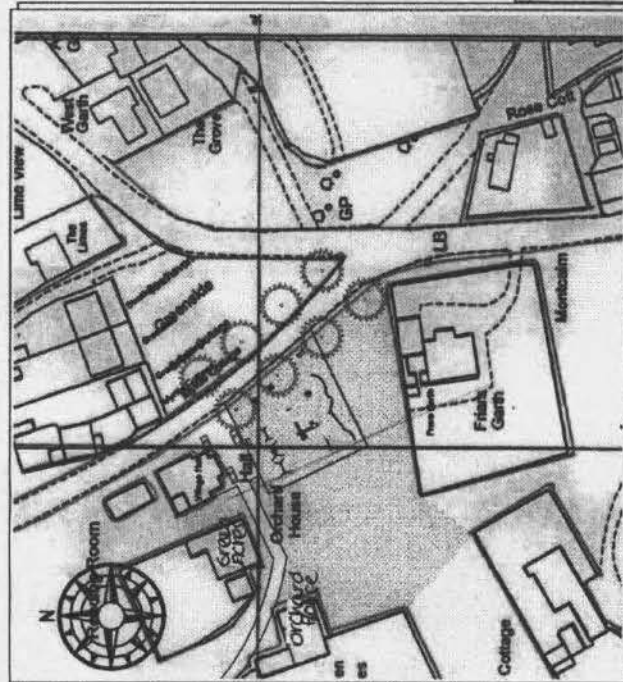


Existing Site Plan
(1 - 500)

© This drawing is the copyright of TSF Developments Ltd 2010. It is not to be used, copied or reproduced without written confirmation. DO NOT SCALE from this drawing. It is to be used as a guide only. If you have received this drawing electronically it may not be the correct scale when printed. TSF Developments Ltd require drawings to be submitted to us from a sample survey or from information provided to us by the client and will not be held responsible for the accuracy of the information provided. In most cases, the drawings will contain enough detail to be sufficient for planning purposes only and should not be used as a basis for construction. TSF Developments Ltd cannot accept any liability for any subsequent issues with the property if the drawings are used for anything other than planning purposes.



Proposed Site Plan
(1 - 500)



Proposed Site Location Plan
(1 - 1250)

RECEIVED
20 MAY 2010
2010/0467

PLANNING ISSUE



TSF Developments Ltd
The Barn,
Crook's House,
Longtown Road,
Brampton,
Cumbria

Telephone 016977 3338
www.tsfdevelopments.co.uk
email address duncan@tsfdevelopments.co.uk
Company No. 6504732

Job : 10/006
Date : April 2010
Scale : 1 : 1250 & 500
Revision :

Proposed Development at
Walton Play Area
Walton
Cumbria

Proposed Location Plan
002

© This drawing is the copyright of TSF Developments Ltd 2010. It is not to be used, copied or reproduced without written permission. DO NOT SCALE from this drawing. It is not to be used for any other purpose than that for which it was prepared.

If you have received this drawing electronically it may not be to the correct scale when printed. TSF Developments Ltd cannot accept any liability for any subsequent issues with the property if the drawings are used for anything other than planning purposes.

TSF Developments Ltd cannot accept any liability for any subsequent issues with the property if the drawings are used for anything other than planning purposes.

RECEIVED
20 MAY 2010
2010/045

PLANNING ISSUE

TSF Developments Ltd
 The Barn
 Crooked House
 Longtown Road
 Brampton,
 Cumbria.

TSF
Developments Ltd

Telephone 01987 3336
 Email: info@tsfdevelopments.co.uk
 Website: www.tsfdevelopments.co.uk

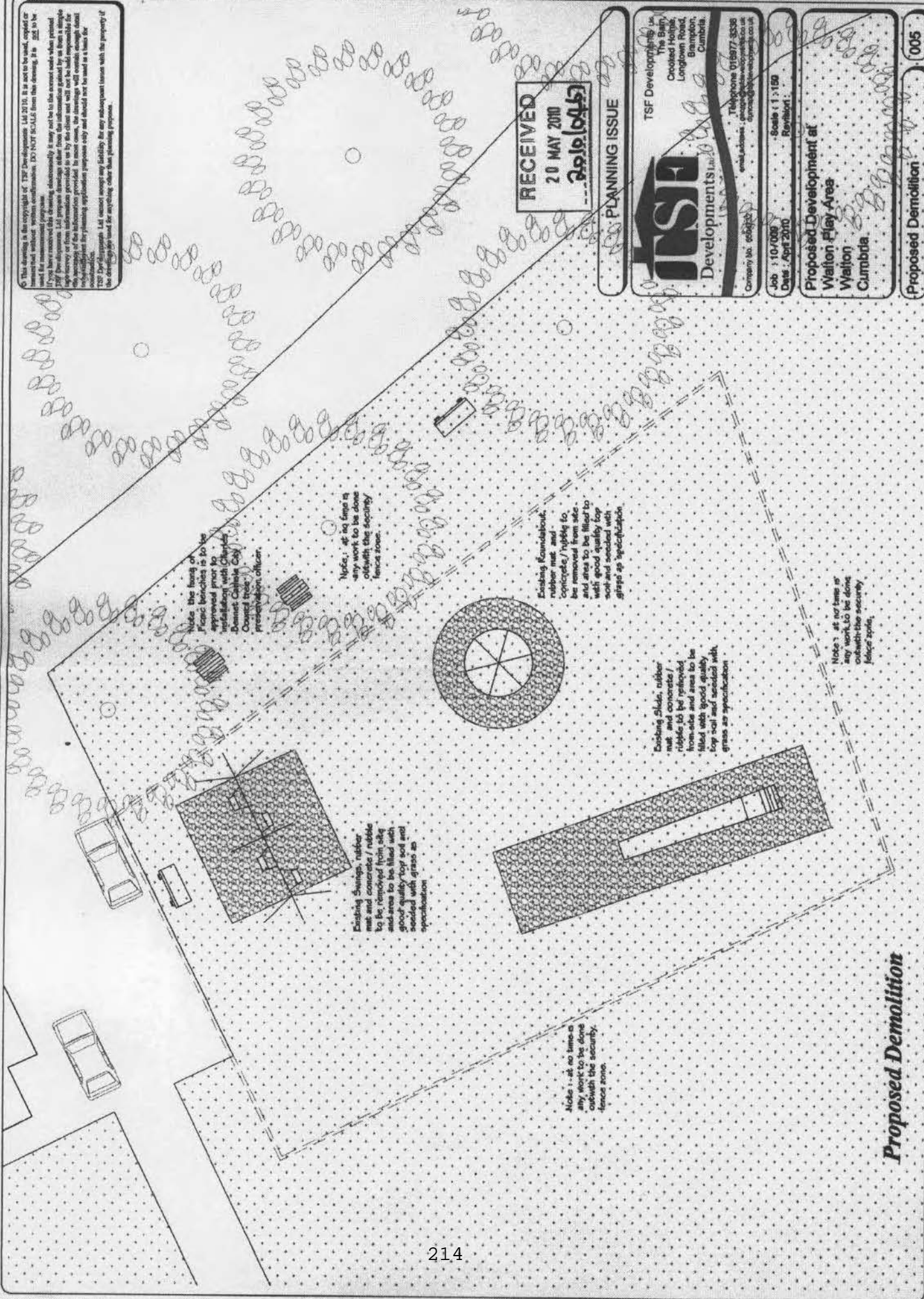
Company No. 0646220

Job : 10/008
 Date : April 2010
 Scale : 1 : 150
 Revision :

Proposed Development at
Walton Play Area
Walton
Cumbria

Proposed Demolition

005



Proposed Demolition

6 This drawing is the copyright of TSF Developments Ltd 2010. It is not to be used, copied or reproduced without the written consent of TSF Developments Ltd. NO NOT SCALE from this drawing. It is to be used for measurement purposes.
If you have received this drawing electronically it may not be to the correct scale when printed.
TSF Developments Ltd propose drawings either then the information gained by us from a single survey or from information provided to us by the client will not be held responsible for the accuracy of the information provided. It is noted that, for design will contain enough detail to be used for planning applications purposes only and should not be used as a basis for construction.
TSF Developments Ltd cannot accept any liability for any subsequent losses with the property if the drawings are used for anything other than planning purposes.

PLAY EQUIPMENT KEY

- A : Horse springer ref J819A
- B : Speed Gyro ref J2400A
- C : Cradle seat Swings ref J470
- D : Picnic Table x 2
- E : Gyro Spiral ref J831
- F : Vivacity Multipay ref J33130
- G : Pod Swing ref J440
- I : Flat Seat Swings ref J454
- K : 3m long balance logs x 2

RECEIVED
20 MAY 2010
-20.10.10462

PLANNING ISSUE



TSF Developments Ltd
The Barn
Crookdale Holme
Longtown Road
Brampton
Cumbria

Telephone 016977 3338
email address : post@tsfdevelopments.co.uk
duncan@tsfdevelopments.co.uk

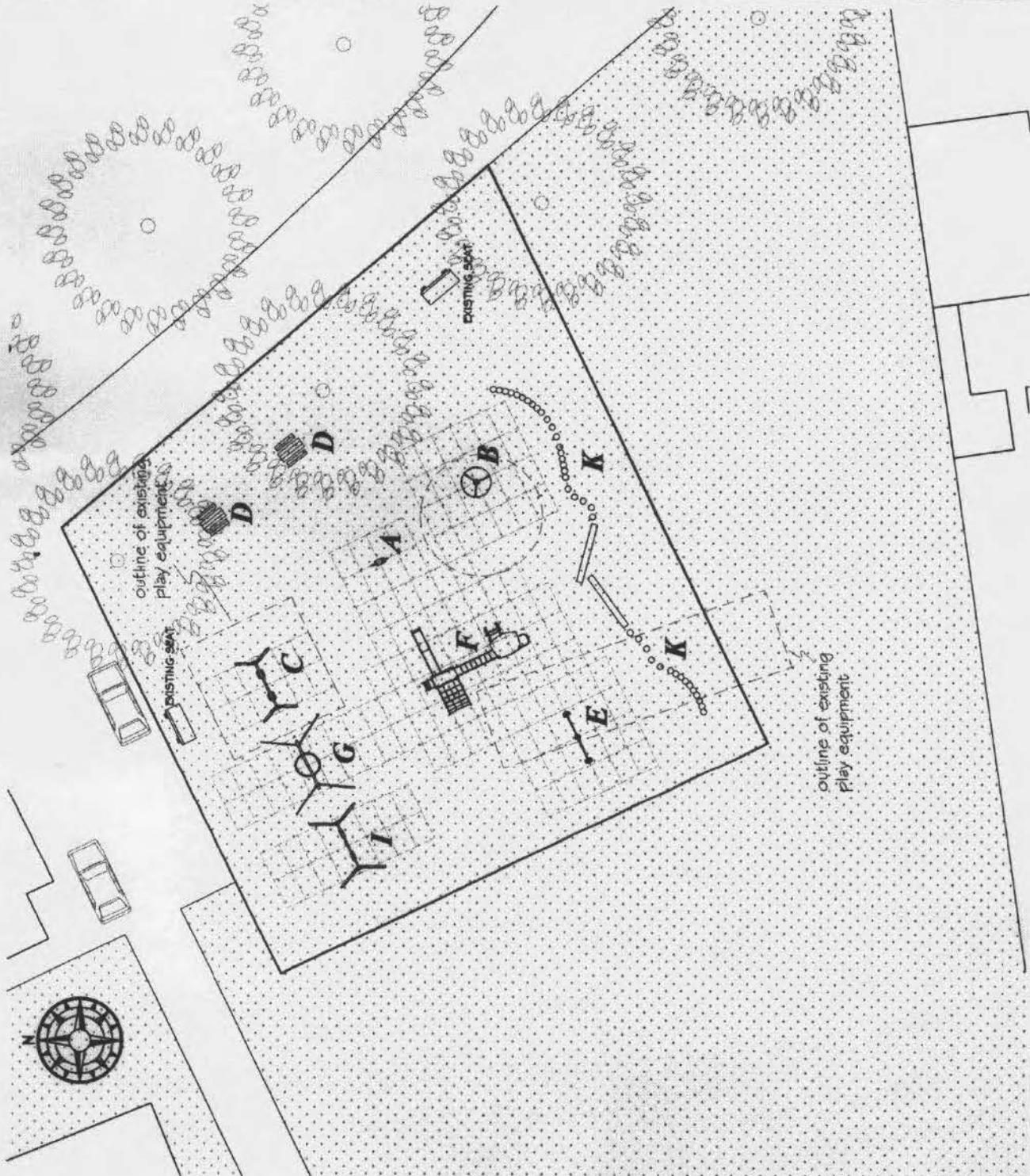
Company No. 0504732

Job : 10/009
Date : April 2010
Scale : 1 : 200
Revision :

Proposed Development at
Walton Play Area
Walton
Cumbria

Proposed Play Equipment Plan

003



Proposed Plan

Fence to be Heras temporary Standard Anti-Climb Panel or similar

RECEIVED
20 MAY 2010
2010/04/17

PLANNING ISSUE



TSF Developments Ltd
The Barn,
Crooked Holme,
Longtown Road,
Brampton,
Cumbria.

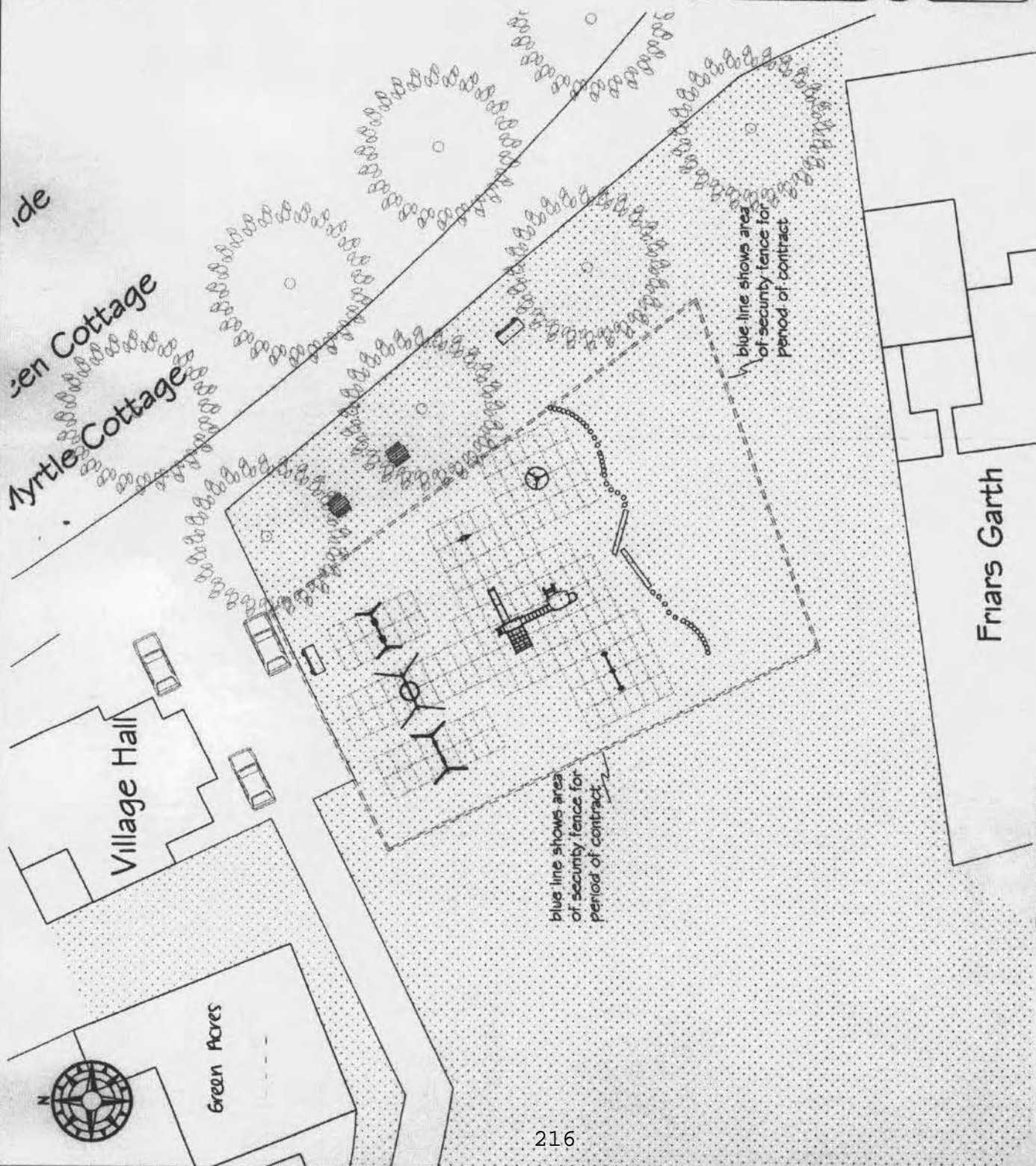
Telephone 016977 3338
email address : georg@fslaw.com
Company No. 0504732

Job : 10/009
Date : April 2010
Scale : 1 : 250
Revision :

**Proposed Development at
Walton Play Area
Walton
Cumbria**

Proposed Security Fence Plan

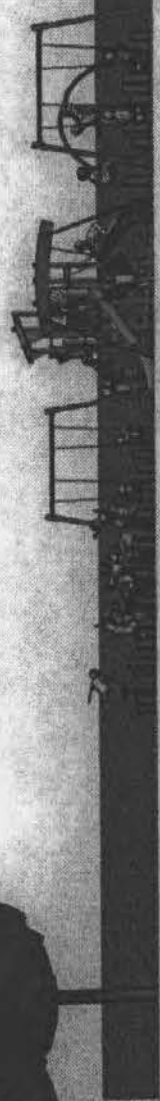
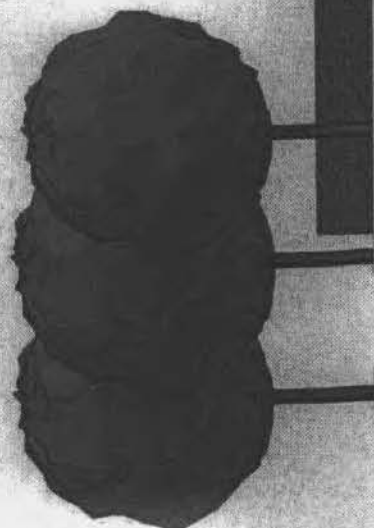
004



Walton Play Area - Elevations

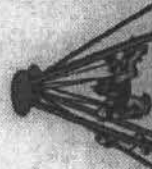
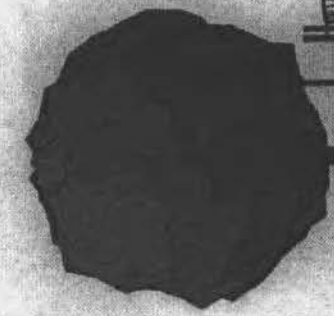
Walton Parish Council

www.produtic.com



24.2m

RECEIVED
20 MAY 2010
20.10/0467



3.8m



31.7m

Walton Play Area

Walton Parish Council

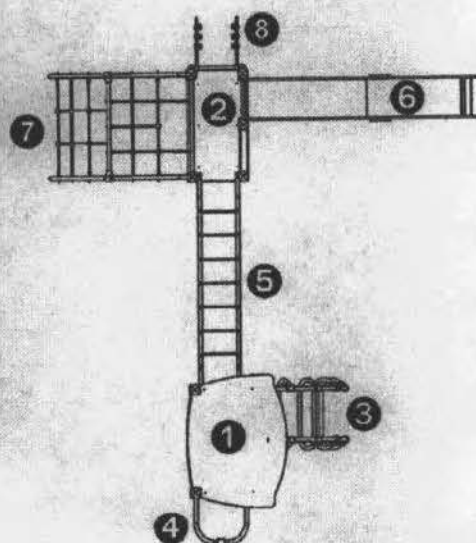
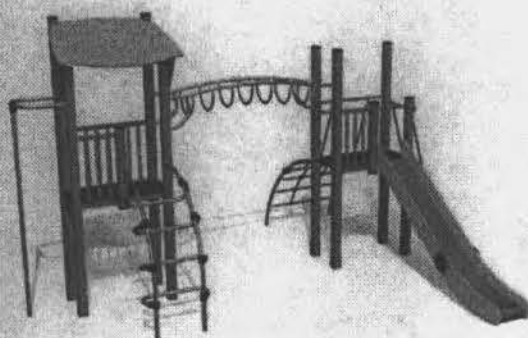
www.pptstudie.com



Walton Play Area



1=5.78m 2=4.7m 3=3.4m



- ① Covered platform h : 1.37m
- ② Covered platform - 5 posts - h : 1.37m - G3305
- ③ Arched ladder h : 1.37m - G33107
- ④ Fireman's pole h : 1.37 - G33104
- ⑤ Sloping net L : 2.2m - G33133
- ⑥ Slide h : 1.37m - G3350
- ⑦ Trapeze net h : 1.37m L : 1.2m - G33117
- ⑧ Flexible ladder - G3395

PLAY VALUE

climbing
sliding
meeting
jumping
hanging

OTHER INFORMATION



20 players



HCL= 2.4m

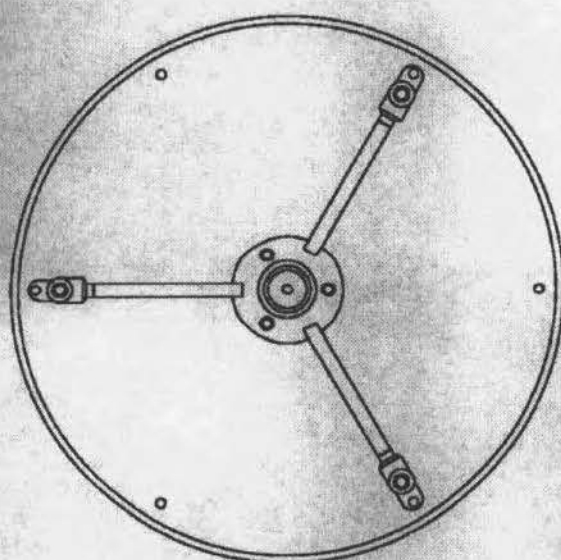


6-12 years old

V 1 - 2007-04-01



1=1.5m 2=1.5m 3=0.78m



PLAY VALUE

climbing
balancing
rotating



Levels of adaptation:

Motor
disability



Sensorial
Disabilities



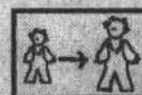
OTHER INFORMATION



8 players



HCL= 0,50m



3-10 years old


V 2 - 2002-06-11

Proludic

GYROSPIRAL

Roundabouts and Cableways

J831

 1=3m 2=0.25m 3=1.5m



If installed onto wetpour safer surfacing, we recommend a NON-FINES CONCRETE BASE.



PLAY VALUE

rotating
balancing



Levels of adaptation:

Sensorial
Disabilities



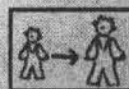
OTHER INFORMATION



2 players



HCL= 1.4m

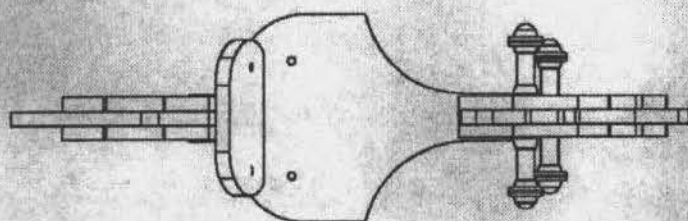
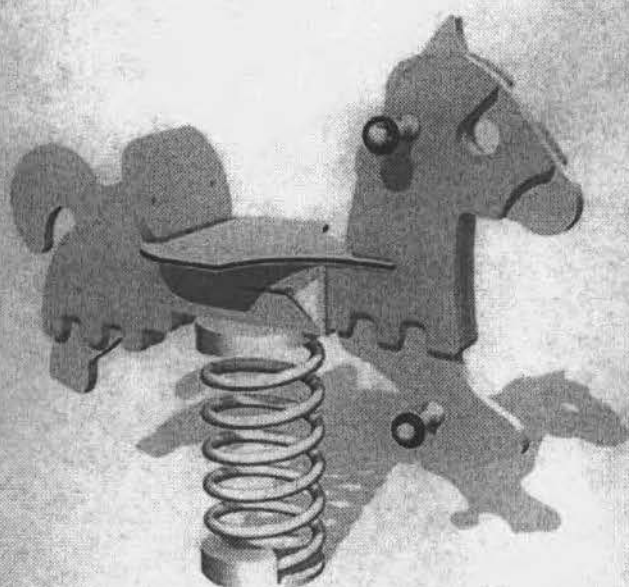


6-12 years old

V 2 - 2002-06-02



1=0.97m 2=0.3m 3=0.9m



PLAY VALUE

swinging
balancing



Levels of adaptation:

Sensorial
Disabilities



Learning
Disabilities



OTHER INFORMATION



1 player



HCL= 0,53m

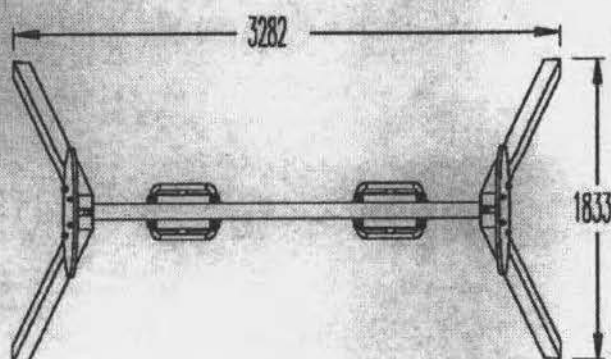
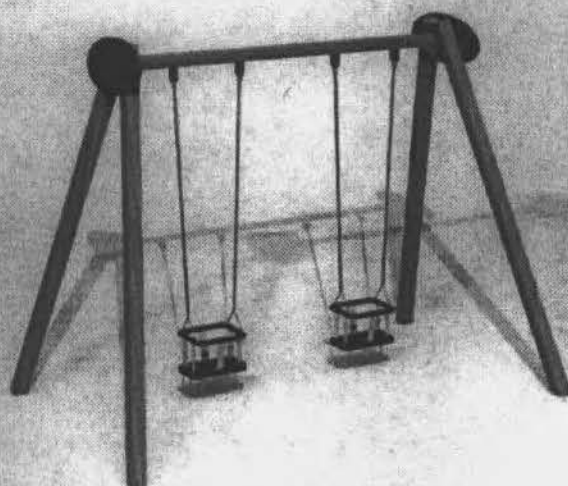


2-8 years old

V 4 - 2003-10-15



1=3.42m 2=2.13m 3=2.6m



PLAY VALUE

swinging
meeting



Levels of adaptation:

Motor disability ■■■
Sensorial Disabilities ■■■
Learning Disabilities ■■■



OTHER INFORMATION



2 players



HCL= 1,20m

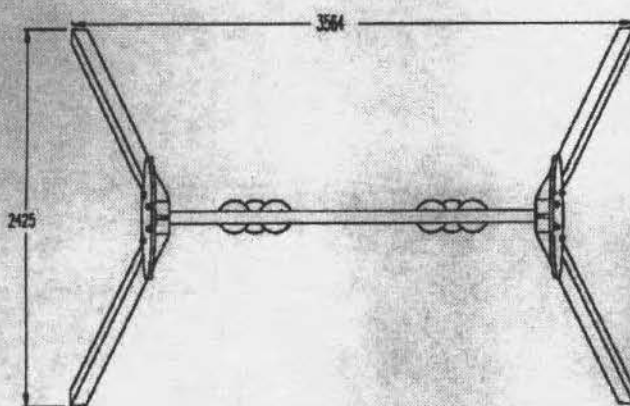
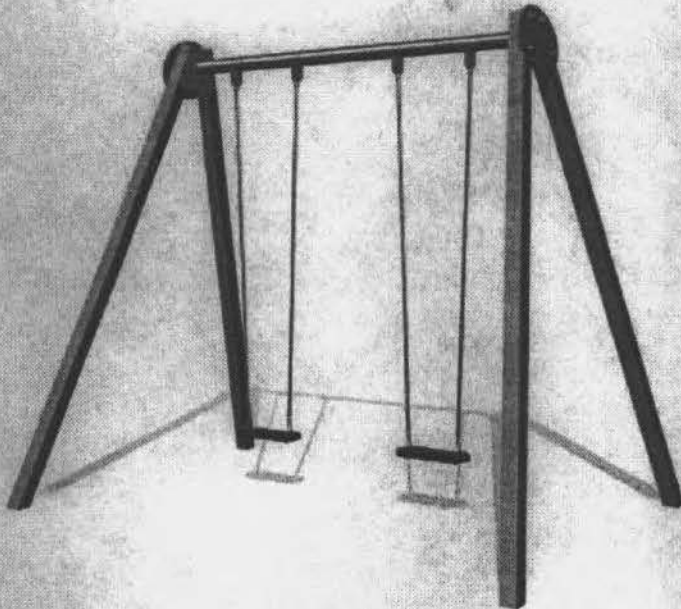


1-3 years old

V 2 - 2003-10-29



1=3.57m 2=2.43m 3=3m



PLAY VALUE

swinging



Levels of adaptation:

Motor
disability



Sensorial
Disabilities



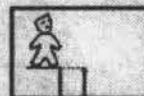
Learning
Disabilities



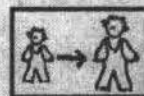
OTHER INFORMATION



2 players



HCL= 1.6m



2-10 years old

V 5 - 2006-05-11

Pro ludic

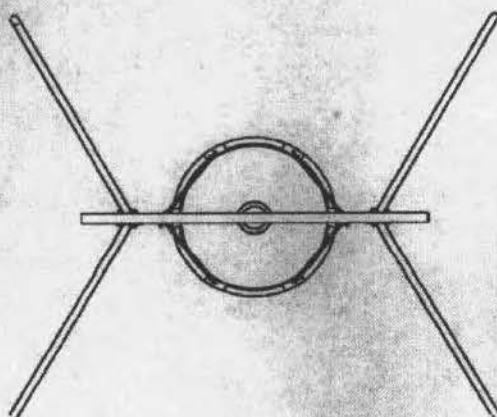
POD SWING

Swings

J440



1=3.76m 2=3.16m 3=2.68m



PLAY VALUE

swinging
meeting



Levels of adaptation:

Motor disability ■■■

Sensorial Disabilities ■■■

Learning Disabilities ■■□



OTHER INFORMATION



5 players

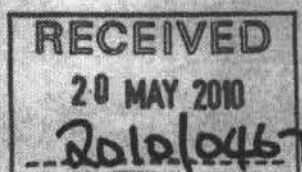


HCL= 2,00m



2-8 years old

V 4 - 2002-06-05



Technix Grass Mats

"Safagrass the Original Rubber Grass Mat"

Benefits:

- Absorbs shock and noise
- When tested on grass by RAPRA, achieved a C.F.H in excess of 3 mtrs
- Protects floor and equipment
- Moulded non-slip cellular structure with excellent durability and comfort
- Requires no special skills or tools allowing a quick and easy installation
- No costly base works (as required for conventional tiles or wet pour)
- Ideal for green field sites, disappears from view once turf has re-grown
- Can be used on flat or sloping landscapes
- Suitable for all weather, extreme temperatures and resists wind uplift
- Tested to BS EN 1177:1998 3 Metre Critical Fall Height (please check the suitability of this product prior to installation as the CFH figure will be affected by soil type, moisture and grass).
- Wheelchair and pushchair accessible

What could be more important than your children's safety while playing? Technix Grass Mats can provide protection from falls, trips and the general physical activity when kids play together.

Ideal for fitness/fun trails, cableways, most multi-function play frames, springers, swings and pathways.

"We used Safagrass on our local playground. It was fantastic and the children love running around on the grass. Thank you for your help and quick installation service. We will be recommending Safagrass to all our local councils"

Debbie Rushington from Derbyshire

Contact our Sales Team: T: +44 (0)1469 789944 F: +44 (0)1469 798666 Email: sales@technix-rubber.com



*"solutions for all your safety
surfacing needs"*

Safagrass Products & Sizes

Our range of Safety Matting products are available in various sizes and critical fall heights (CFH). All orders will include fixings. Additional Pegs and Ties available on request.

Product Code	Product	Size	Thickness	Critical Fall Height	Qty Per Pallet
SAFR 2001	Flame Retardant	1.5m x 1m	23mm	3m	60
*SAF 2001	Safagrass Mat	1.5m x 1m	23mm	3m	60
**SAF 2004/23	Interlocking Mat	1m x 1m	23mm	3m	60
SAF 2004/30	Interlocking Mat	1m x 1m	30mm	3m	50
LAW 2001	Lawn Mat	0.91m x 0.91m	12.5mm	2.1m	80
GS 2001	Grass Saver	1.2m x 0.8m	16mm	2.1m	80

* Also available in Green and Blue. Other colours can be requested as special order. (N.B. please check the suitability of this product prior to installation as the CFH figure will be affected by soil type, moisture and grass). To increase critical fall height or where areas may be prone to hard soil and poor grass growth, additional layers can be used.

** Special order only.

An environmentally friendly, non-slip, impact absorbing safety surface. For all your safety surfacing needs.

"We are always looking for safety surfacing products that can be installed within our town, local parks and schools. The staff at Technix made the process of gathering information, prices and samples very easy and we are now very happy with the results." **Mike Davis from Dorset**

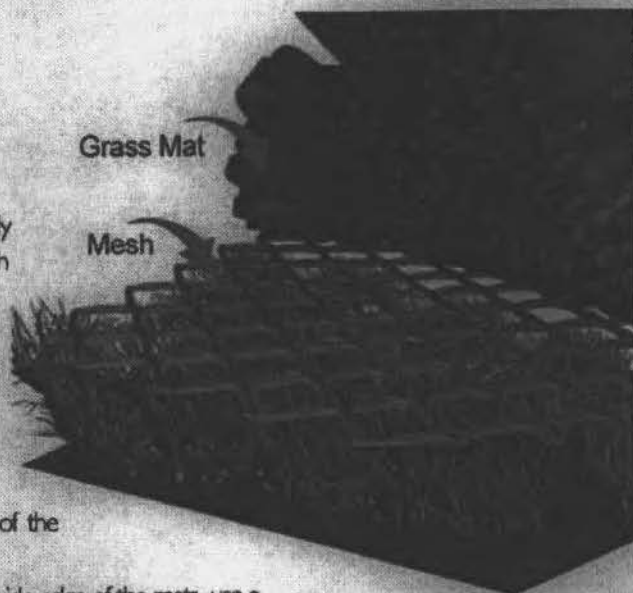
Contact our Sales Team: T: +44 (0)1489 789944 E: +44 (0)1489 798865 Email: sales@technix-rubber.com



*"The first choice & most competitive
safety surface available"*

Technix Safagrass Installation

1. Mark out the area to be covered by Safagrass. Mats can be laid directly on to existing grassed areas. The area should be filled in if uneven with topsoil and be compact.
2. Sow grass over this area. Leave about 150mm in from the outside edges.
4. Now lay out the Safagrass mats over the area to be covered, cutting around any equipment or obstacles if necessary and fasten edges together using cable ties and trim.
5. Cut into the ground about 75mm deep along the outside edge of the perimeter area to be covered using a grass edge cutter or similar.
6. Roll back the Safagrass mat and starting about 150mm in from the outside edge of the mats, use a spade and cut the top turf away in the direction of the 75mm deep cut finishing at the depth. This will leave a wedge shape channel. Continue around the perimeter of the laid mats.
7. Roll the Safagrass mat back and down into the channel and if the surface is hard, make a pilot hole prior to inserting pegs. Peg the edge through the large holes in the mat and into the ground. Use 3 pegs per mat. You should now have a ramp edge all the way around. Now cover the ramped area with topsoil and seed. Bring the level back up to it's original level and flatten into the existing ground.



Requirements

Ensure 3 pegs along perimeter length. Tools: 5 metre tape measure, stanley knife, rubber gloves, hammer, grass edge cutter, spade, cable ties, grass seed, rechargeable drill and 6mm drill bit. Please check the suitability of this product prior to installation as the CFH figure will be affected by soil type, moisture and grass. As soon as the installation is complete the area is ready for immediate use. Liberal and frequent watering is essential for optimum grass growth.

Installation Service available please ask for quote.

"Safagrass is great, cost effective, easy to install and safe. We used the Safagrass in our back garden. We needed something that could be laid under our child's climbing frame and this was just the product."

Philip Hall From Cambridge

Contact our Sales Team: T: +44 (0)1482 789944 E: +44 (0)1409 798866 Email: sales@technix-rubber.com



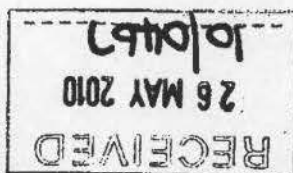
*"Can be installed all year round and
in most weather conditions."*

Annex D (informative) Example tree survey pro forma

This annex provides an example of a tree survey pro forma.

TREE SURVEY SCHEDULE

Client:
Site:
Date of Survey:
Arboricultural Consultant/Surveyor:
Tagged:
Weather:
See explanatory notes at 4.2.6



Tree reference number	Species	Height m	Stem diameter mm	Branch spread m	Height of crown clearance m	Age class	Physiological condition	Structural condition	Preliminary management recommendations	Estimated remaining contribution years	Category grading
1	PLANE	+30	700-900	NE 4m SE 4m SW 4m	4	110	Good	Good			
2				NE S W							
3				NE S W							
4				NE S W							

Walton Parish Play Area Refurbishment Design and Access Statement

DESCRIPTION OF PROJECT

We want to provide a safe environment in which the children of the parish can play. The "children" involved cover a vast age range: from babies and toddlers to teenagers and young adults.

It is important to remember that Walton is a beautiful rural picture postcard parish right on Hadrian's Wall. However, the quiet countryside and idyllic nature of the location means that currently there is nothing in the parish for young people to do other than play on the tired ageing slide, swing and roundabout.

This project will involve modernising the parish play area. First by removing the impaired existing swing, slide, roundabout and rubber surfacing and secondly by replacing it with safe modern equipment and safety surfacing.

A reputable specialist Play Equipment company will carry out the design and installation work. The design has been honed our original unique specifications. These specifications arose directly from the feedback we received during the Public Consultation meetings to date and take into account the opinions of the children, their families and other local residents (e.g. owners of neighbouring properties and those that have to drive past the site and "see it every day").

Do these children have any other options? In order to attend a social club, sporting facility or another play area the children must travel to the nearest small market town of Brampton, which is 3 miles away or to the City of Carlisle which is 10 miles away. This usually requires a vehicle, although cycling is an option for the teenagers the combination of narrow twisting rural roads, busy main roads, large agricultural and haulage vehicles and lack of street lighting can make this dangerous at certain times of day or year.

CURRENT CONDITION OF PROJECT SITE

The site involved is already used as a play area. It has three existing pieces of play equipment, a swing, slide and roundabout that are aged and not conforming to current safety standards.

An independent safety inspection was carried out in May 2008 and the resulting report highlighted that every piece of equipment is in need of some remedial work to prevent them further deteriorating or becoming dangerous.

The safety inspection also identified that the safety surfacing beneath is badly aged and beyond repair in many places. The holes and spongy areas render it no longer not fit for purpose.

The useful life of rubber surfacing, according to suppliers, is recommended to not exceed 8 years we estimate the safety surfacing below the current equipment in Walton is aged 15 years.

Walton Parish Play Area Refurbishment Design and Access Statement (Continued)

It would not make sense to replace the surfacing and not the equipment. The act of removing the old surface would further compromise the integrity of the existing equipment.

The remainder of the area for refurbishment (mainly infill since the current equipment is very spaced out) is grassed, decent in size, and not violating neighbouring properties.

HOW WE KNOW THE COMMUNITY WANTS THIS PROJECT

Improve the play area was a high priority task highlighted in the Parish Plan documented in 2007. This work was carried out by an independent team and the document was later adopted by Walton Parish Council. It took into account views from all parishioners.

The initial Public Consultation meeting in May 2008 gave us detailed feedback from the individuals this would benefit. Importantly it assisted us in documenting the wishes of the children. A structured questionnaire was issued to all those attending so as to facilitate the receipt of feedback and comments of a quality that we could use constructively in the design process.

At the second Public Consultation meeting in October 2008 we displayed to the public designs produced by 3 play equipment companies which were drawn up to our unique specifications, which arose directly from the feedback forms we received during the initial Public Consultation. We received quality feedback and comments from the children, their families and the other local residents (e.g. owners of bordering property). These have been collated and documented, and we were able to select one preferred supplier. This supplier further honed the design to reflect further feedback received.

This project is also supported by the local school.

Signed Mr G Stephen (Agent)

On behalf of Walton Parish Council

SCHEDULE A: Applications with Recommendation

10/0462

Item No: 05

Date of Committee: 16/07/2010

Appn Ref No:
10/0462

Applicant:
Michael Harrison

Parish:
Carlisle

Date of Receipt:
21/05/2010

Agent:

Ward:
Harraby

Location:
Garage block between 14 and 16, Highwood
Crescent, Carlisle

Grid Reference:
342168 553768

Proposal: Heightening Of Roof On Garage Block

Amendment:

REPORT

Case Officer: Barbara Percival

Reason for Determination by Committee:

1. Constraints and Planning Policies

Local Plan Pol CP5 - Design

Local Plan Pol CP6 - Residential Amenity

Local Plan Pol H2 - Primary Residential Area

2. Summary of Consultation Responses

Cumbria County Council - (Highway Authority): no objection to the proposed development as it is considered that the proposal does not affect the highway;

Local Environment - Environmental Protection (former Comm Env Services- Env Quality): this section has no involvement with asbestos in the demolition/ construction. There are however laws on asbestos and these include the Control of Asbestos at Work Regulations 1987 and 2002 and the Control of Asbestos in Air Regulations 1990 (includes demolition). These are enforced by the Health and Safety Executive.

In addition the Control of Pollution (Special Wastes) Regulations 1996 are enforced by the Environment Agency.

Any developer must comply with all relevant legislation relating to asbestos. For further details they should contact the Health and Safety Executive;

Planning - Local Plans (Trees): there are a number of trees in close proximity to the proposed development, particularly the two Cypress trees. The trees have limited visibility to the wider public, due to their rear garden location, and only glimpses of the trees are possible between the properties along London Road, and between and above the properties on Highwood Crescent. This lack of visibility, and of any other features of special merit e.g. rarity, indicate that these trees do not warrant the statutory protection afforded by a Tree Preservation Order.

All trees protected or otherwise are material considerations in any planning application; however, do not consider that the pruning necessary to implement the proposal would be detrimental to the character of the area, or the health of the tree. It should be noted that the Applicant has the Common Law right to prune back to the boundary those parts of the trees that encroach onto their property.

It is unlikely that the proposal will result in damage to the rooting structure of the tree as it is very unlikely the trees will root beneath the garages and under the hard surface in front of them, which in any case would act as root protection.

In conclusion, there are no objections to the proposal.

3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:
14 Highwood Crescent	25/05/10	Objection
16 Highwood Crescent	25/05/10	Objection
383 London Road	25/05/10	Objection
385 London Road	25/05/10	Objection
387 London Road	25/05/10	
17 Highwood Crescent		Objection

3.1 This application has been advertised by the direct written notification of receipt of the applicaiton which was sent to the occupiers of five neighbouring properties. In response, 4 letters and one e-mail, all objecting to the application, have been received.

3.2 The letters and e-mail identifies the following issues:

1. the existing roof height is already obtrusive with the proposed additional one metre making it more visually intrusive.
2. concerns about existing trees in close proximity to the development.
3. concerned about the future use of the garage block and the other garage block within the same ownership.
4. neighbours have suffered from excessive engine noise in the past from the garages.
5. raising the height of the garage roof would curtail light into rear windows.
6. the roof height is more in keeping with commercial premises and would be totally out of character with the surrounding residential area.
7. it is alleged that the use of these premises is now commercial due to current level of use.
8. request conditions be placed on use of garages.
9. seeks clarification of materials and colour.
10. concerned that precedent may be set for the adjacent garage roof to be raised.
11. concerned about the disposal of the asbestos roof.
13. concerned about increase in activities since the current owner purchased the garages.
14. questions if a change of use has occurred from garages to workshops.
15. questions the stability of the building.

4. Planning History

- 4.1 In 1996, Outline Planning Permission for the erection of a detached house was refused (application reference 96/0084).

5. Details of Proposal/Officer Appraisal

Introduction

- 5.1 The application site is one of two blocks of lock-up garages with associated hardstanding located on the south side of Highwood Crescent in Harraby. Access to the garages is via a lane which runs between 14 and 16 Highwood Crescent. Located at the base of a slight incline, the site's boundaries consist of a combination of wood fences, hedges and trees ranging in height

from approximately 1.8 metres to 11 metres with the garage block itself forming part of the northern boundary. The premises are identified in the Carlisle District Local Plan 2001-2016 as being within a Primary Residential Area.

Background

- 5.2 The existing garage block, subject of this application, is constructed from facing bricks and blocks with an 'asbestos' roof, the front of which has been painted red. The block originally consisted of 5no. garages; however, it has subsequently been internally subdivided into two with an overall external length of 13 metres by 5 metres wide. The mono-pitch roof slopes from south [front elevation] to north [rear elevation] to a maximum height of 3 metres (north elevation). Access is provided into the premises via 3no. timber doors.
- 5.3 The proposal seeks permission to raise the roof of the garage block by 1 metre together with the rebuilding and alteration of the front [southern elevation] to incorporate 2no. windows, 1no. roller shutter door and 1no. two leaf door. The proposed walling materials are 'Sandtex Brick Red' painted blockwork with the mono-pitch roof being finished in 'Steadmans Goosewing Grey' plastisol coated metal sheeting. The internal layout would remain as existing.

Assessment

- 5.4 The relevant planning policies against which the application is required to be assessed are Policies CP5, CP6 and H2 of the Carlisle District Local Plan 2001-2016.
- 5.5 The proposal raises the following planning issues:
1. The Principle Of Development
- 5.6 Available records indicate that the site has had planning permission for its use as 10no. lock-up garages since in May 1958 [planning reference 22835]. At the time of the site visit together with subsequent conversations with the applicant it is apparent that the garage block, subject of this application, has been altered to reduce the number of garages to two. Although the number of individual garages has reduced the use remains intrinsically the same as what would be expected for lock-up garages used for domestic purposes i.e. storage and running repairs of the occupier's personal motor vehicles together with domestic storage.
2. The Impact Of The Proposal On The Living Conditions Of Neighbouring Residents

- 5.7 In accordance with standard procedures a site notice has been displayed together with the direct notification sent to the occupiers of neighbouring properties. In response, letters and e-mails of objection from the occupiers of four neighbouring properties have been received. Copies are reproduced in the Schedule of Third Party Representations and are summarised in Section 3 above.
- 5.8 The main objections appear to centre on the current and potential use of the application site. Several of the objectors highlight issues of existing noise nuisance and increased activity at the garages, alleging that the premises may be being used as a commercial repair garage. Given their concerns regarding the possible use of the premises for commercial purposes and the resulting noise implications, the Case Officer has written to the applicant setting out the basis on which the application will be assessed i.e. that of a domestic garage for the storage and repair of the applicant's own vehicles together with ancillary domestic storage and hobby use. The applicant was invited to indicate to the contrary if this was not what the application sought. No response has been received from him. As Members know there is a clear distinction in planning terms between the use of premises for "purposes incidental to the enjoyment of a dwellinghouse" as opposed to use for commercial purposes. Since the applicant appears content that the Council deals with this application as being for the "incidental enjoyment of the dwellinghouse" it is appropriate to assess the planning merits of the proposals on that basis alone.
- 5.9 The Officer's Site Visit has also revealed no evidence that the garages were being used as anything other than as a domestic garage i.e. storage of his own vehicles and for the applicant's domestic storage. Likewise, In respect of adverse noise nuisance being emitted from the premises the City Council's Environmental Health Section has checked its records and can find no reports of any noise complaints being registered or investigated.
- 5.10 An objector has also expressed concerns over the possible impact on the development on light into her kitchen. The objection has been noted; however, it is not considered that the proposal would exacerbated the current situation to an unacceptable level and to warrant refusal, due to a combination of factors. Firstly, the orientation of the proposal in relation to the neighbour's bungalow; secondly, the garage block is 9 metres away from the nearest part of that property [its corner]; and finally, at present there are large conifer trees approximately 11 metres in height which have more of an impact than would arise from the heightening of the garage block by 1 metre.
- 5.11 Currently there are no planning restrictions on the use of the garages; however, to protect the living conditions of the occupiers of neighbouring properties it is recommended that a condition is attached to the decision notice ensuring that the garages are for the storage/repair of vehicles registered to the applicant only and for his domestic storage and hobbies. Furthermore, an additional condition is suggested ensuring that the garages should only be used for private and domestic use and shall at no time be used for any commercial or business purpose whatsoever.

- 5.12 The Case Officer had previously suggested to the applicant that a time restriction might be appropriate to overcome possible noise nuisance. This has since been considered to be unreasonable as other garage blocks throughout the City in similar locations do not carry such limitations. It should however be noted that noise nuisance is subject to Environmental Health Legislation.

3. The Impact Of The Proposal On The Character Of The Area

- 5.13 The proposal seeks to raise the roof of an existing garage block from 3 metres to 4 metres on the northern [rear] elevation; however, due to the slope of the mono-pitch roof the southern [front] elevation this would increase from 2.3 metres to 3.5 metres. The applicant has outlined that the additional height is necessary in order to accommodate his touring caravan. In mitigation, any impact from the increased height would be lessened due to the existing boundary treatments and the distance of the garage block in relation to the nearest residential properties [9 metres from 14 Highwood Crescent and 21 metres from 383 London Road].
- 5.14 Since the application was submitted the applicant has subsequently provided details of the proposed materials. Namely, 'Sandtex Brick Red' painted blockwork with the mono-pitch roof being finished in 'Steadmans Goosewing Grey' plastisol coated metal sheeting. These materials are considered to be appropriate and would not have a detrimental impact on the character of the area.

4. Whether The Proposal Would Have A Detrimental Impact On Existing Trees

- 5.15 Immediately adjacent to and overhanging the existing garage block are some cypress trees. The views of the City Council's Landscape Officer/Tree Officer have been sought. He has confirmed that the trees have limited visibility to the wider public, due to their rear garden location, and only glimpses of the trees are possible between the properties along London Road, and between and above the properties on Highwood Crescent. This lack of visibility, and of any other features of special merit e.g. rarity, indicate that these trees do not warrant the statutory protection afforded by a Tree Preservation Order. He goes on to outline that although all trees protected or otherwise are material considerations in any planning application he does not consider that the pruning necessary to implement the proposal would be detrimental to the character of the area, or the health of the tree. He goes on to explain under Common Law the Applicant has the right to prune back the boundary those parts of the trees that encroach onto their property.

5. Other Matters

- 5.16 The application form states that the existing roofing material is '*corrugated asbestos sheeting*' with several objectors raising concerns about its disposal. The applicant has since employed a company to ascertain the exact roofing material who has confirmed that the material is actually 'Big 6 fibre cement sheeting'.

- 5.17 Concerns have been raised in respect of the strength of the foundations and the stability of the building. This is not a material planning matter but is subject to Building Regulation Legislation.
- 5.18 Objectors have also raised issues in respect of possible covenants on the land. Their objections have been noted; however, these issues relate to Civil Law and not planning legislation.

Conclusion

- 5.19 In overall terms, the principle of the proposed development is acceptable. The scale, siting and design of the proposal is acceptable in relation to the site and the surrounding properties. The living conditions of neighbouring properties would not be compromised through unreasonable loss of light, overlooking or overdominance. In all aspects the proposal is compliant with the objectives of the adopted Local Plan policies.

6. Human Rights Act 1998

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

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

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

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

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

7. Recommendation - Grant Permission

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

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

2. The approved documents for this Planning Permission comprise:

1. the submitted planning application form;
2. Sandtex Masonry Paint Colour Chart date stamped 30th June 2010;
3. Steadmans AS200XT Plastisol roof coatings brochure date stamped 30th June 2010;
4. Site Location Plan (1:1250 scale);
5. Block Plan (1:500 scale);
6. Existing Plan and Front View (Revised);
7. Existing Rear and Side Views (Revised);
8. Proposed Front and Plan View (Revised);
9. Proposed Rear and Side Views (Revised);
10. the Notice of Decision; and
11. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: For the avoidance of doubt.

3. The materials (and finishes) to be used in the construction of the proposed development shall be in accordance with the details submitted by the applicant on 18th June 2010, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure a satisfactory external appearance for the completed development.

4. This permission shall not be exercised by any person other than the applicant, Mr M Harrison

Reason: In order to safeguard the amenity of the character of the locality in accordance with the objectives of Policies CP5, CP6 and H2 of the Carlisle District Local Plan 2001-2016.

5. The proposed garage premises shall be used solely for the garaging of motor cars, motor cycles or a touring caravan owned/registered to the applicant and any members of his family resident with him, for the domestic storage by the applicant and his family, and for hobby activities pursued by the applicant or his immediate family. No trade or business shall be carried out therein or therefrom.

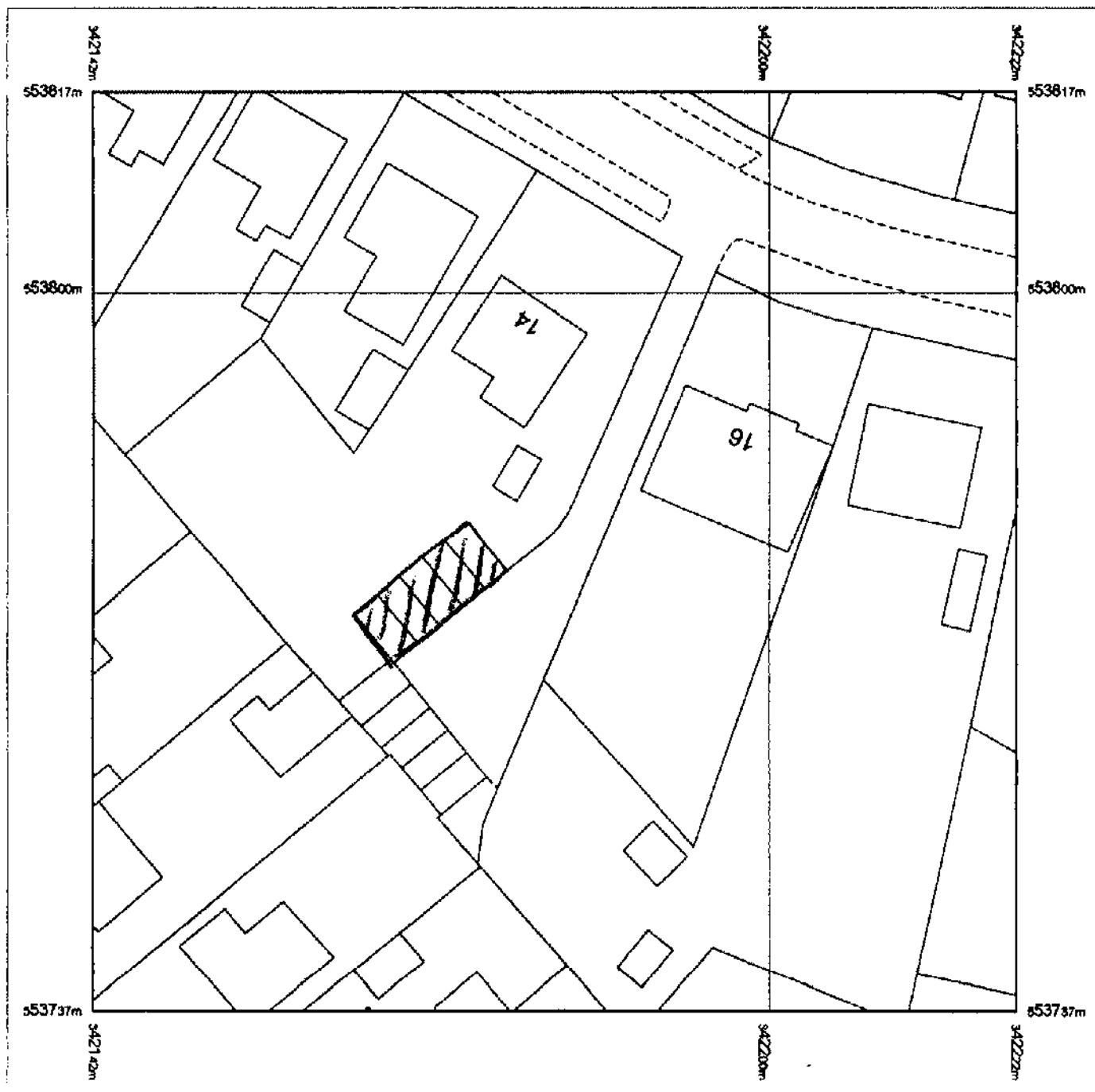
Reason: To preclude the possibility of the use of the premises for purposes inappropriate in the locality in accordance with the

objectives of Policies CP5, CP6 and H2 of the Carlisle District
Local Plan 2001-2016.



SCANNED
25 MAY 2010

RECEIVED
18 MAY 2010
10/09/01



Produced 13.06.2010 from the Ordnance Survey National Geographic Database and incorporating surveyed revision available at this date. © Crown Copyright 2010.

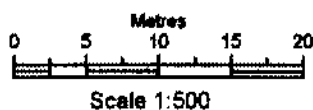
Reproduction in whole or part is prohibited without the prior permission of Ordnance Survey.

Ordnance Survey, the OS Symbol and OS Sitemap are registered trademarks of Ordnance Survey, the national mapping agency of Great Britain.

The representation of a road, track or path is no evidence of a right of way.

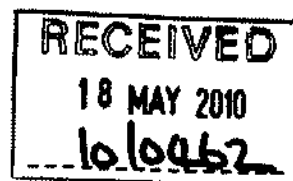
The representation of features as lines is no evidence of a property boundary.

Part or all of this OS Sitemap is enlarged from mapping produced at one or more of the following scales: 1:1250, 1:2500, 1:10000.

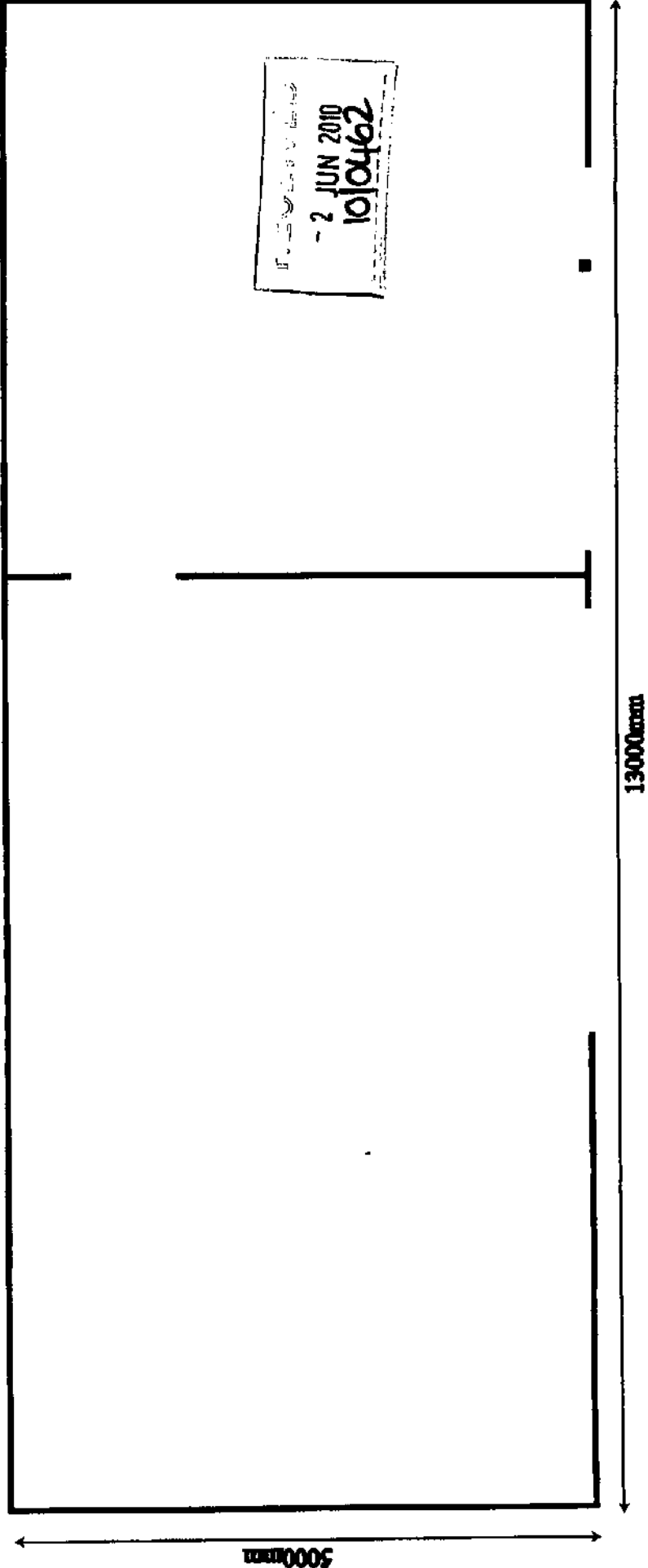
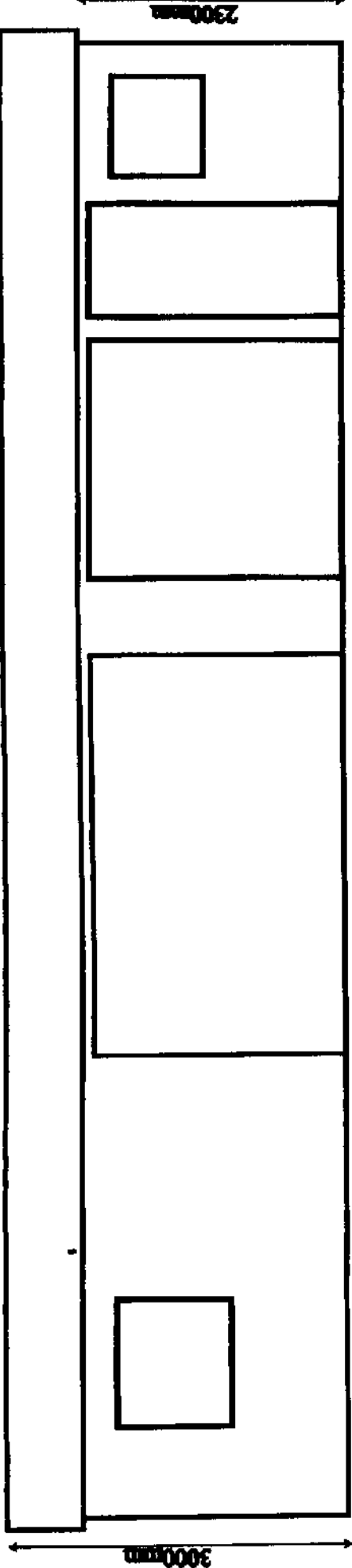


Supplied by: Carlisle Library
Serial number: 00062300
Centre coordinates: 342161.5 553777.38

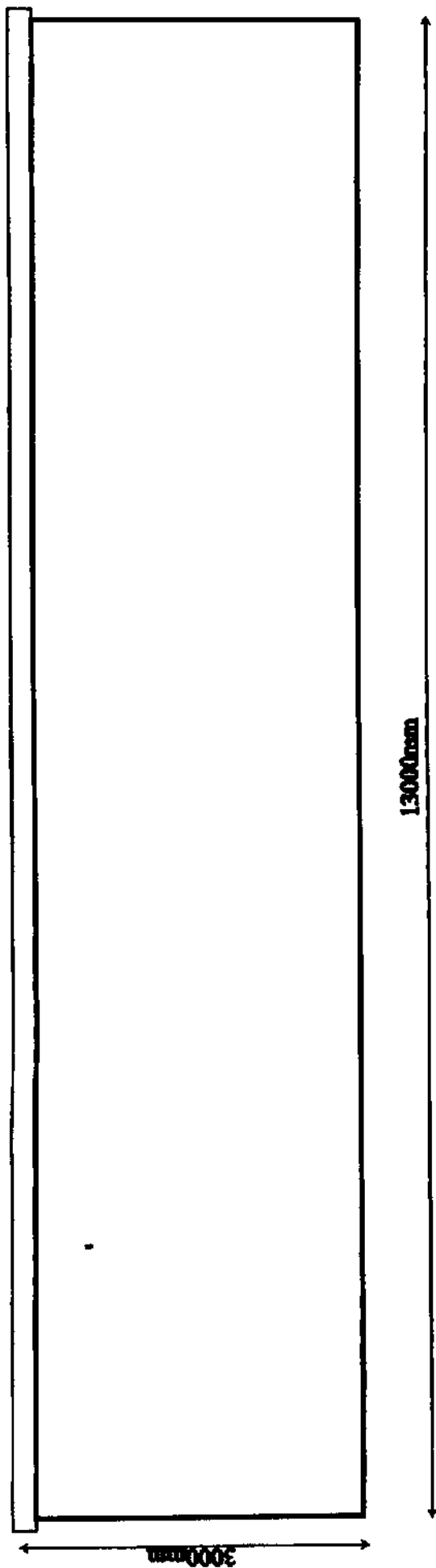
Further information can be found on the OS Sitemap information leaflet or the Ordnance Survey web site: www.ordnancesurvey.co.uk



Existing Plan and Front View (Revised) Scale 1:50

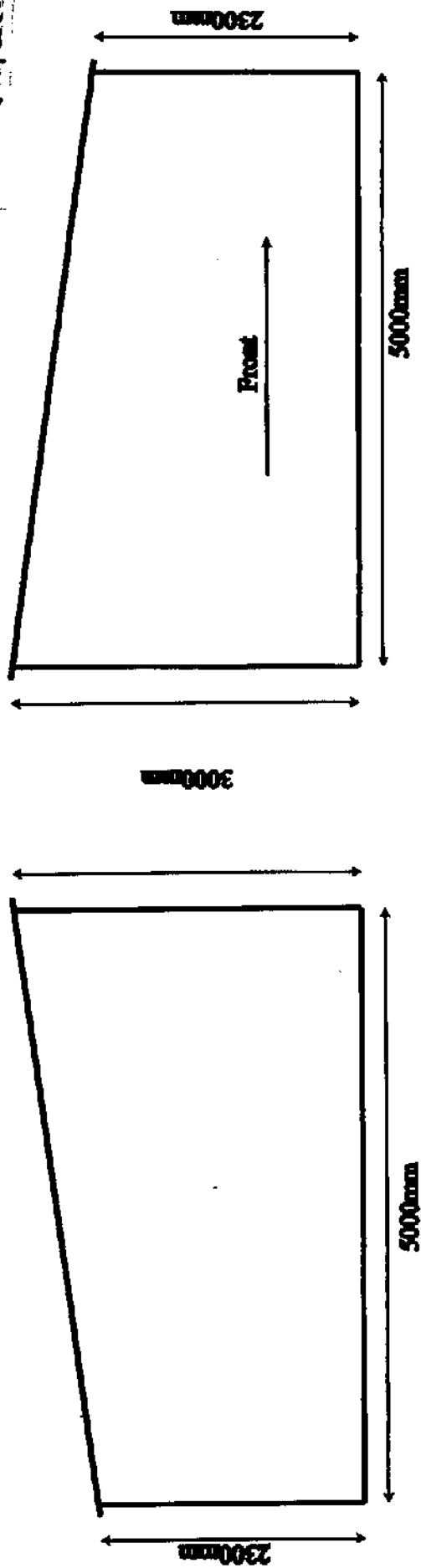


Existing Rear and Side Views (Revised) Scale 1:50

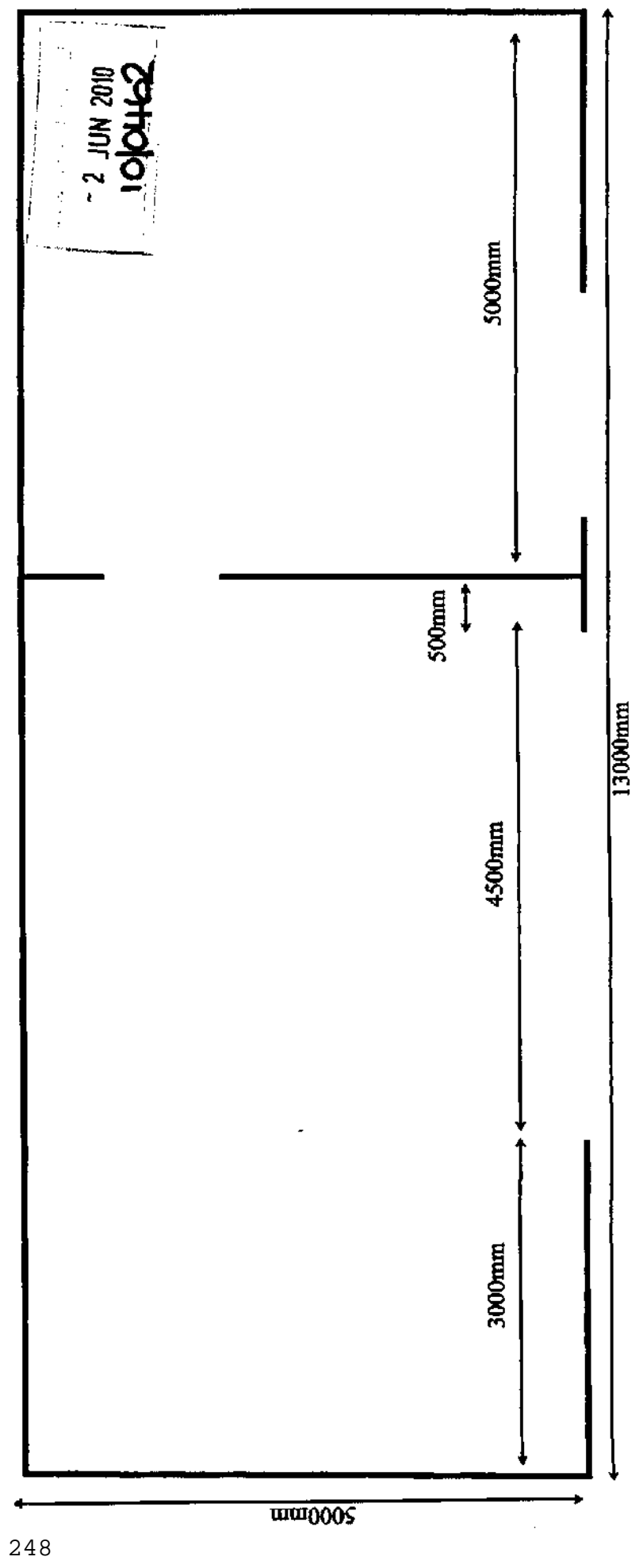
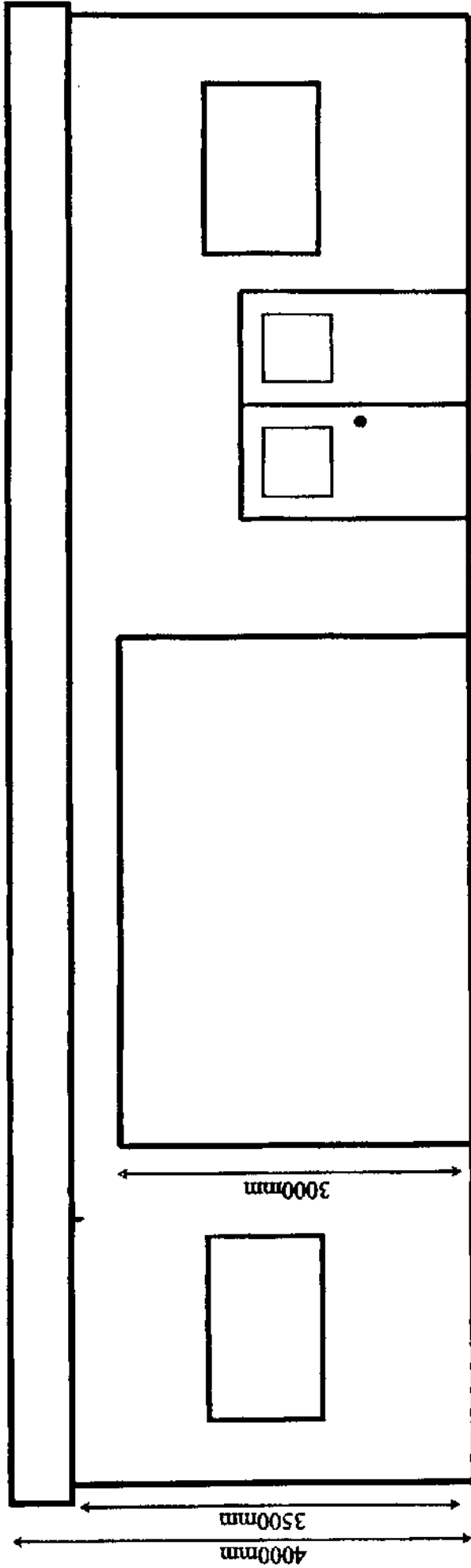


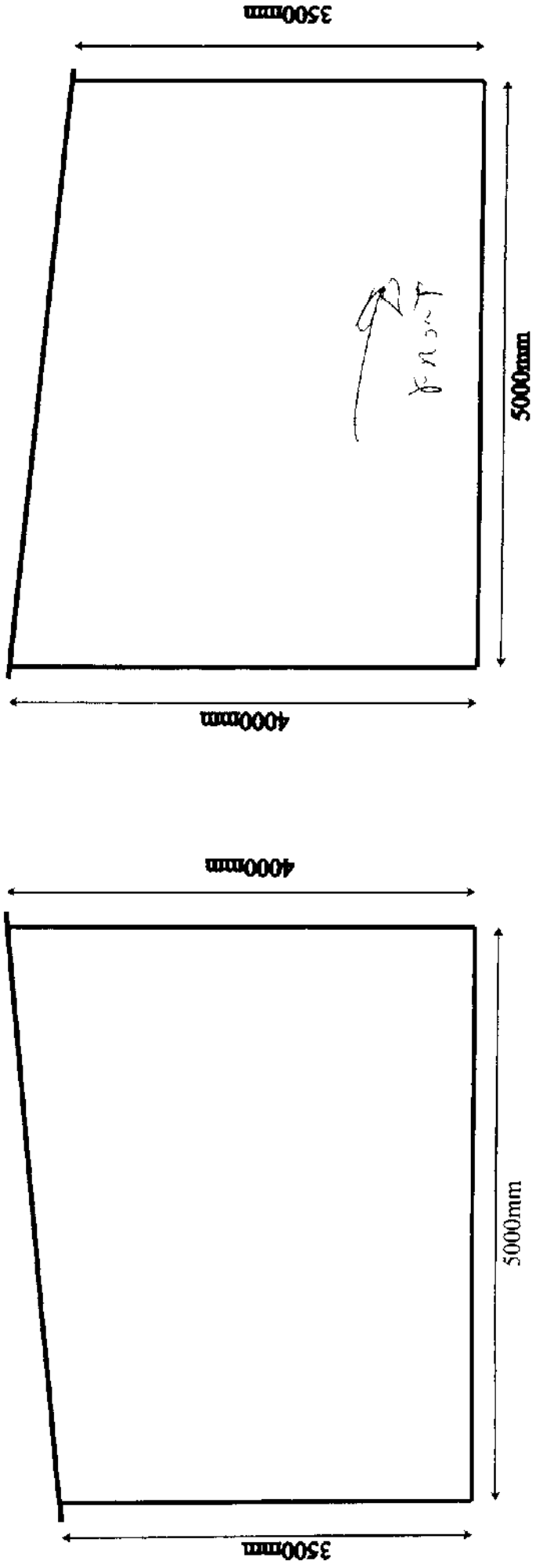
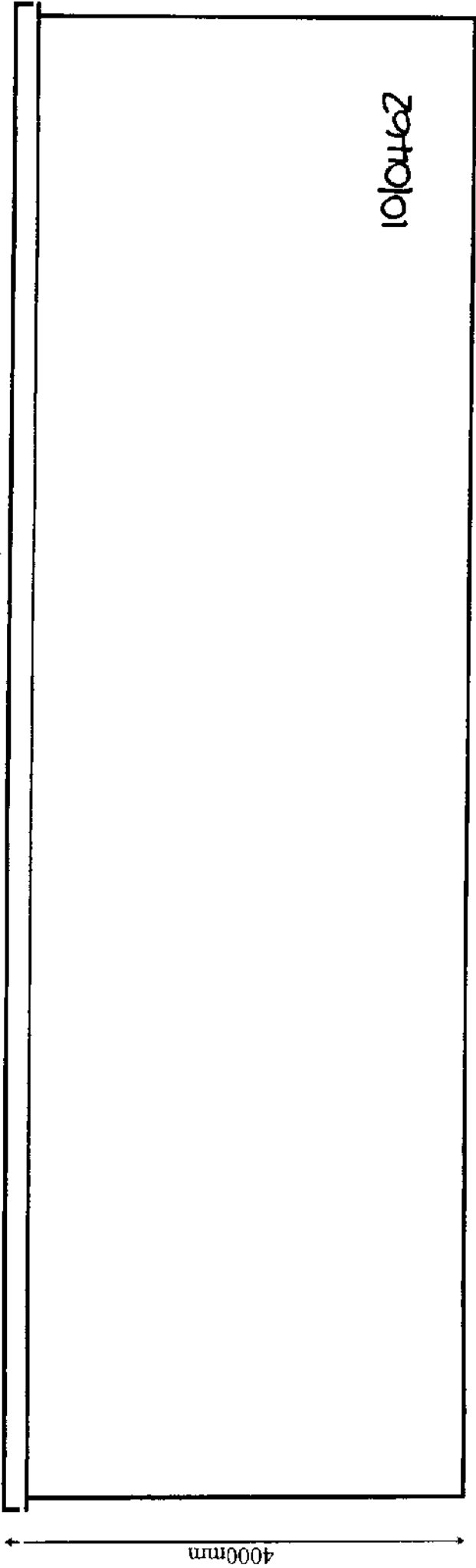
Existing Side Views

10/04/02
- 2 JUN 2010



Proposed front and Plan view (Revised) Scale 1:50





Michael Harrison

1 Longdyke Drive

Harraby

Carlisle

CA1 3HT

2nd June 2010

Planning Ref: 10/0462

Dear Barbara,

Regarding our recent telephone conversation.

I can confirm that there will be NO change of use for the building in question.

The current roof is in a poor state and is very low. I wish to replace the roof with better material and raise the height to accommodate a touring caravan.

I use the building in the same way as anyone would use their garage or shed at home. Mainly for storage, but also to maintain my own car and motorcycle as well as carrying out other hobbies.

For example, it recently housed a model railway and a large Scalextric track.

I understand concerns raised about possible noise so I am prepared to accept a limitation to the use as a workshop between the hours of 09:00 – 21:00 as you have advised

Regards,

Michael Harrison.





SCHEDULE A: Applications with Recommendation

08/1089

Item No: 06

Date of Committee: 16/07/2010

Appn Ref No:
08/1089

Applicant:
Egertons Recovery Ltd

Parish:
Carlisle

Date of Receipt:
27/11/2008

Agent:
Taylor & Hardy

Ward:
Belle Vue

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

Grid Reference:
338054 556147

Proposal: Change Of Use Of Depot To Recovery And Storage Of Vehicles Involved
In Accidents And Erection Of Palisade Fencing (Retrospective/Revised
Application)

Amendment:

1. Modifications to the landscaping scheme to address the Council's Landscape Architect's comments.
2. Statistical data detailing the number of recoveries made between April 2008 and April 2009.
3. Alterations to the areas where commercial and non commercial vehicles can be stored, together with 2.5 metre high vehicle height restriction in the 10 metres strip immediately behind the visual/acoustic barrier.
4. Submission of a noise report.
5. A 25m increase in the length of the visual/acoustic barrier so it extends the full length of the southern boundary of the site (85m) in order to reflect the recommendations contained within the noise report.

REPORT

Case Officer: Sam Greig

Reason for Determination by Committee:

This application is brought before the Development Control Committee for determination due to the receipt of four letters of objection and because an earlier application was refused, which is contrary to this current recommendation.

1. Constraints and Planning Policies

Waste Disposal Site

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

Gas Pipeline Safeguarding Area

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

Local Plan Pol CP5 - Design

Local Plan Pol CP6 - Residential Amenity

Local Plan Pol CP11-Prot.Groundwaters &Surface Waters

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

Local Plan Pol CP17 - Planning Out Crime

Local Plan Pol EC1 - Primary Employment Areas

2. Summary of Consultation Responses

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

Environmental Services - Environmental Quality: Newtown Industrial Estate lies to the north of Newtown Road and to the west of Osprey Close. The proposed development is located immediately to the rear of Nos. 180 and 192 Newtown Road and to the West of 6- 10 Osprey Close (the latter being separated by Caxton Road).

Site activities typically involve the arrival and departure of recovery vehicles, the unloading and loading of damaged vehicles onto the recovery vehicles and the use of a fork lift truck to manoeuvre vehicles around the site. Objections have been raised by several residents who live adjacent to the site on the grounds of noise nuisance.

The ensuing summarises the relevant British Standards, provides samples of data of noise emission from a site survey and assesses the data of noise emissions from the proposed development site against the appropriate standard.

Criteria for Monitoring Noise

- Planning Policy Guidance 24: Planning and Noise

Referred to as PPG24 (produced in September 1993), this is the main guidance relating to planning and general noise issues. For the assessment of industrial or commercial developments it recommends the use of BS4142 and the standard is also the relevant standard for the assessment of noise from existing industry.

BS4142 was used in the survey method and assessment.

- British Standard BS4142 1999: Method for Rating Industrial Noise Affecting Mixed Residential and Industrial Area

The standard describes methods for determining at the outside of a building, noise levels from factories, industrial premises, fixed installations, or sources of an industrial nature in commercial premises, and the background noise level.

It gives a method for assessing the likelihood of complaint from people residing in the building. It includes the following definitions:

- Specific Noise Source – the noise source under investigation for assessing the likeliness of complaints;
- Rating Level – The specific noise level plus an adjustment for the characteristics feature of the noise;
- Ambient Noise – Totally encompassing sound in a given situation at a given time usually comprised of sound from many sources near and far;
- Residual Noise – The ambient noise remaining at a given position in a given situation when the specific noise source is suppressed to such a degree that it does not contribute to the ambient noise;
- Background Noise Level – The A – Weighted sound pressure level of the residual noise at the assessment position that is exceeded for 90% of a given time interval, T, measured using time weighting, F;
- Reference time interval: BS4142 states that the specific noise must be evaluated in all cases over the appropriate reference period which is:
 - 1 hour during the day.
 - 5 mins during the night

Noise from the source, the specific noise, is measured as a LAeqT. This is then corrected for acoustic features as necessary to allow for distinguishable, discrete continuous tones (whine, hiss, screech, hum etc) distinct impulses (bangs, clicks, clatters or thumps) or sufficient irregularity to attract attention. This gives the Rating Level. This is compared with the background level measured as a LAgo as follows:

- If the rating level exceeds the background level by +10dB or more complaints are likely.
 - If the rating level exceeds the background level by +5dB it is of marginal significance.
- Other Guidance on Noise Levels

For guidance on suitable internal noise levels PPG24 recommends BS8233: 1999: Sound Insulation and Noise Reduction in buildings – Code of Practice.

Table 5 of BS 8233: 1999 gives the following criteria

Standard	Good	Reasonable
Living Rooms	30dB LAeqT	40dB LAeqT
Bedrooms	30dB LAeqT	35dB LAeqT

Individual noise levels in bedrooms at night should not normally exceed 45 dBLA_{max}. Note: These values do not apply to internally generated noise i.e. noise generated within the house.

It also suggests that steady noise in gardens does not exceed 50dB LA_{eqT} with 55dB LA_{eqT} being the upper limit.

- World Health Organisation

Guidance values for community noise in specific environments are also given by the World Health Organisation. In bedrooms they recommend that noise events exceeding 45dB LA_{Max} should be limited if possible and that for good sleep it is believed that this level should not be exceeded for more than 10 – 15 times per night. Average levels should not exceed 30dB LA_{eq} 8 hours (noise levels averaged over an 8 hour period). Inside living rooms the figure is 35dB LA_{eq} 16 hours (i.e. noise levels averaged over a 16 hour period). Again these values do not apply to internally generated noise. The guidance also recommends that for outdoor living areas levels should not exceed 55dB LA_{eqT} (16 hours) to avoid serious annoyance, and 50 dB LA_{eq} (16 hours) to avoid moderate annoyance.

The Site Survey

Noise sources in the yard were varied in position and occurrence. The main noise sources noted were the recovery vehicles' engine noise, fork lift truck movements, clattering forks of the fork lift truck and occasional hammering. Noise emissions received at the residential properties from the sources were at ever changing distances.

BS4142 Assessment Measurements

A survey of noise levels was carried out on the 8 July 2009 in accordance with the protocol of BS4142. The measurement position was in the centre rear part of the garden at 192 Burgh Road. The microphone was at 1.4m height. Continual measurements were undertaken over the following time periods 09.37 – 16:00 hours.

Results

The background and residual noise levels were taken during periods of no site activity. All noise sources measured were either irregular enough to attract attention or contained distinct impulse.

Ambient Noise Levels (Periods When Noise From Egertons was Occurring)

Time	Ambient Noise LA _{eqT}	On Time (mins)
10.16 – 10.19	48	4
10.28 – 11.00	49.9	37
11.22 – 11.33	51.7 *	10
11.42 – 12.03	50.3	21
13.24 – 13.28	48.2	4
14.23 – 14.48	47.7	25

15.20 – 15.23	49.7	3
	Log Av = 49.5	
	*For the purposes for robustness the loudest noise levels of 51.7 will be used of the assessment.	

Background Noise Levels (Periods When No Noise Was Audible From Egertons)

Time	Background Noise Level LA90T	Residential Noise Level LAeqT
9.37 – 10.16	45.1	51.7
10.19 – 10.23	42.3	48.4
11 – 11.22	43.7	50.1
11.34 – 11.42	43.9	46.9
12.03 – 13.00	42.6	46.0
13.10 – 13.24	44.0	46.7
13.40 – 13.47	45.6	47.8
13.51 – 14.22	43.1	45.9
14.48 – 15.06	43.8	50
15.06 – 15.20	43.2	46
15.23 – 15.59	42.6	47.4
	Log Av = 43.7 dB(A)	Log Av = 48 dB(A)

Assessment

Ambient Noise Level	*51.7 (for the purpose of robustness the loudest noise period was utilised)
Residual Noise Level	48dB(A)
On time correction 41/60 *	-1.68
Specific Noise Level	47.6
Geographic Feature Correction	+5
Rating level	52.6 dB(A)
Background Noise level	43.7
Excess over background level	8.9

At no point during the survey period did noise occur throughout a full 1 hour period. The longest period of noise was for 41 minutes over a 1 hour period. The assessment indicates that complaints about site noise are likely, as bangs and clatters were audible; however, during the monitoring a statutory noise nuisance was not substantiated.

Other Guidance on Noise Levels

Measurements indicate that the 50dB LAeqT level recommended by both the World Health Organisation and BS 8233 for gardens, as an overall average, was not exceeded.

Internal Noise Levels

Noise monitoring equipment was also installed at two properties on Newtown Road.

The purpose of this assessment was to determine the impact of noise levels at night time due to activities taking place at the proposed site.

- Internal Noise Levels – 186 Newtown Road, Carlisle.

Noise monitoring equipment was installed in the rear bedroom of 186 Newtown Road over the period 10.06.09 - 15.06.09. The occupants were requested to operate a digital sound level recorder when noise from the proposed site was affecting their property. No night time recordings were undertaken during this period. Figures provided by Egertons, regarding night time call outs (23.00 to 07.00) indicate there was one during the period, and four between 22.00 and 07.00 hrs.

As no recordings were made by the residents at this time it would suggest that night time activities were not causing a disturbance.

- Internal Noise Levels – 188 Newtown Road, Carlisle.

Noise monitoring equipment was installed in the rear bedroom of 188 Newtown Road over the following period 09.10.09 – 12.10.09. The occupants were requested to operate a digital sound level recorder when noise from the proposed site was affecting their property.

Only one 15 minute recording was made during the night time monitoring periods by the resident, during which approximately 1 ½ minutes of apparent noise from the site was audible. Details are given below of the 5 minute LAeq during which noise thought to be from Egertons was audible and the 5 minute LAeq when noise from Egertons was not audible.

Date	Time	Description of Noise Audible From Egertons Recovery Ltd	LAeq (5 mins)	LAqo (5 mins)
12.10.09		Distant Vehicle Engine Noise. Engine idling, then heard to accelerate	30.9	29.1
		None	29.6	28.4

Measurement indicates a slight increase in noise levels when noise was audible apparently from Egertons; however, the increase was only marginal. It should however be noted that figures provided by Egertons for the month of October indicates that there were no night time call outs during this monitoring period, thus suggesting that this noise must have originated elsewhere.

Additional Monitoring Details

Noise monitoring equipment was installed in the rear bedrooms of the above residential properties which back onto the site. Monitoring was undertaken to assess night time noise level. The monitoring period covered a total of 9 nights at these residential properties.

Only one short noise recording was made during this period by the residents. The recording indicates only a slight increase in noise level; however, figures provided by

Egertons indicate that there were no vehicle movements during the night time monitoring periods.

Conclusions / Recommendations

A BS 4142 assessment has been undertaken in order to determine the significance of noise levels emanating from Egertons Recovery Ltd. The assessment indicates that noise levels from daytime activities are likely to give rise to complaints but were not above the recommended World Health Organisation levels and did not constitute a statutory noise nuisance.

It is, therefore, recommended that before planning approval is given, a noise impact assessment is undertaken in order to determine suitable and effective noise mitigation measures. It is advised that in order to avoid complaints, the rating level of noise emitted (measured in LAeq 1 hour) shall not exceed the background noise level (measured in LAqT) by more than 5dB(A). Development Control may also want the applicant to submit an assessment for night time noise.

The Environmental Protection Services Officer (EPO) has advised that while objections have been received by the Planning Department on grounds of noise nuisance, this division has not directly received any noise complaints from nearby residences, nor has the monitoring undertaken to date revealed a statutory noise nuisance.

Subsequent to the forgoing the applicant has submitted a noise report to address the EPO's comments. At the time of preparing this Committee Report a formal response has not yet been received from the Environmental Protection Services; however, EPO has confirmed verbally that the measures suggested within the noise report [i.e. the increased length of the acoustic barrier, the measures suggested to reduce the noise generated by the forklift truck and the removal of the audible reversing alarms, and their replacement with a visual warning light] are acceptable and will mitigate the impact of noise generated;

Community Services - Drainage Engineer: the proposal to install a kerb drainage system should improve any drainage situation in the rear gardens of the residential properties adjoining the depot, as this will reduce runoff from the hard standing area. The installation of the interceptor and its use will need to comply with any Building Control, Environment Agency and United Utilities requirements and consents.

With regard to the installation of the bund for screening purposes, the Drainage Engineer originally commented that surface water run off may increase drainage problems within the gardens of the neighbouring residential properties. The Drainage Engineer has since commented that the provision of a surface water drain to the south of the landscaped bund will address this issue;

Cumbria Constabulary - Crime Prevention: the Architectural Liaison Officer has asked Cumbria Constabulary's Information Management Unit to research the extent of calls for police service (between 1 Jan 2007 and 31st Dec 2008) relating to vehicle recovery firms throughout Cumbria. Cumbria Constabulary has a contract with Recovery Management Services Limited (RSML) for the recovery of motor vehicles

either after a collision or suspected of being used in crime. RMSL utilise several specialist companies through the county to carry out this function and the research has been carried out against premises operated by these firms.

In total seven premises were investigated and during the period, forty three incidents were raised. Of these, seven were reported crimes and in four of these matters, suspects were arrested and charged. Two suspicious incidents were reported at the premises on Caxton Road. The premises were investigated on both occasions, but everything was found to be in order;

Environment Agency: only uncontaminated surface water should be discharged to any watercourse. Vehicle wash waters must be conveyed to the foul sewer (with the permission of the water undertakers). If no foul sewer is available then wash water must be conveyed to a sealed, recirculation system with no overflow, or to a sealed tank for off-site disposal. Wash water must not be discharged to any watercourse or soakaway.

All vehicles washing should be carried out in accordance with Pollution Prevention Guidelines Vehicle washing and cleaning: PPG13; a copy of which has been supplied to the applicant's agent. An Environmental Permit will be required if any waste is to be stored or treated on these premises.

Northern Gas Networks: no objections;

United Utilities: no objections to the proposal.

All fuel and chemical storage tanks must have adequate bund walls without outlets. The bund must be capable of holding more than the largest tank within it. Discharges from yard storage areas, vehicle washing areas, loading and unloading areas and any other areas likely to be contaminated by spillage should be connected to the foul sewer. They may be regarded as trade effluents and may require the formal consent of United Utilities.

If this proposal results in a trade effluent discharge to a public sewer, the applicant may need Trade Effluent Consent. The applicant must discuss this with United Utilities Regulatory Controller to determine whether consent would be granted. All surface water drains must have adequate oil interceptors;

Development Services Planning & Housing Services - Local Plans

(Trees): has confirmed that the proposed landscaping scheme is acceptable.

3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:
176 Newtown Road	05/12/08	
186 Newtown Road	05/12/08	Objection
188 Newtown Road	05/12/08	Objection
190 Newtown Road	05/12/08	

192 Newtown Road	05/12/08	Objection
6 Osprey Close	05/12/08	Objection
168 Newtown Road	05/12/08	
170 Newtown Road	05/12/08	
172 Newtown Road	05/12/08	
174 Newtown Road	05/12/08	
35 Harvey Street	05/12/08	
36 Harvey Street	05/12/08	
37 Harvey Street	05/12/08	
38 Harvey Street	05/12/08	
39 Harvey Street	05/12/08	
40 Harvey Street	05/12/08	
41 Harvey Street	05/12/08	
42 Harvey Street	05/12/08	
Thompson Accident Repair Centre	05/12/08	
Carlisle Indoor Karting	05/12/08	Undelivered
Polestar Properties Limited	05/12/08	
3 Chatsworth Square	05/12/08	
5 Osprey Close	05/12/08	
7 Osprey Close	05/12/08	
8 Osprey Close	05/12/08	
9 Osprey Close	05/12/08	
10 Osprey Close	05/12/08	
Solway Slate & Tile Ltd	05/12/08	Undelivered
Newtown Glass	05/12/08	
The Window Shop Ltd	05/12/08	
C.S.L.	05/12/08	
Chris Brown Joinery	05/12/08	
Miltech Electrical	05/12/08	
St Barnabas Church Hall	05/12/08	
196 Newtown Road	05/12/08	
Hartington House	05/12/08	
178 Newtown Road	05/12/08	Undelivered
180 Newtown Road	05/12/08	
182 Newtown Road	05/12/08	Objection
184 Newtown Road	05/12/08	
224 Newtown Road		Objection
10 Knowefield Avenue		Objection
37 Carlisle Rd		Objection

3.1 This application has been advertised by means of a site notice and notification letters sent to forty neighbouring properties.

3.2 In response eight letters of objection have been received. The grounds of objection are summarised as;

1. Egertons Transport is a vehicle recovery business operating 24 hours a day, 7 days a week within a residential area. The noise and 24 hour operation is detrimental to all residents in this area;
2. The absence of an adequate surface water drainage system could result in contaminants from damaged vehicles entering the watercourses and potentially affect neighbouring residents;
3. There are concerns regarding the risk to human health as contaminants, such as oil, contain carcinogens. These contaminants may be discharged into the grounds of neighbouring dwellings. Several local residents have

suffered from cancer and there may be a connection with this development;

4. The access road, which is used by large transport vehicles, is already in a bad state of repair;
5. The access road is immediately adjacent to St. Barnabas Church Hall. The building is well used by youth groups and older people and the use of the road by heavy transport vehicles would be an unacceptable risk;
6. The large transport vehicles associated with the business have difficulty negotiating the turn into Caxton Road to the detriment of the safety and flow of vehicles using Newtown Road;
7. The surrounding road network is unsuitable for the types of transport vehicles associated with the operation;
8. The storage of combustible and inflammatory materials such as fuel and the use of welding equipment pose a potential risk to nearby residential properties;
9. The buildings located within the premises have asbestos roofs. If a vehicle were to damage a roof asbestos fibres would be released into the environment and exposed to local residents;
10. A number of trees/hedges have been removed along the boundary that the site shares with the properties on Newtown Road, which is detrimental to local wildlife and increases the visual impact of the development;
11. The installation of CCTV cameras infringe the privacy of local residents;
12. The rear gardens of the properties along Newtown Road have historically been affected by localised flooding, particularly during the winter months. The provision of additional areas of hardstanding may exacerbate this problem as the site is situated at a higher level;
13. The provision of a landscape bund may exacerbate the problem of localised flooding experienced by local residents;
14. The use of the site may encourage criminal activity in the area; for example, where vehicles have been involved in criminal activities, the persons involved may attempt to destroy/recover the evidence;
15. There are concerns regarding the health and safety practises undertaken by employees on the site;
16. There are concerns that the proposal may affect the biodiversity of the landscape that surrounds the nearby River Eden; and
17. The vehicles stored on the site could include those that have been involved in fatal accidents, which would be distressing for nearby

residents.

4. Planning History

- 4.1 In June 2008 retrospective planning permission was refused for the change of use of the premises to enable it to be used for the recovery and storage of vehicles involved in accidents (Application 08/0423).

5. Details of Proposal/Officer Appraisal

Introduction

- 5.1 This application was deferred at the May 2009 meeting of the Development Control Committee to enable Officers to carry out further investigation regarding the proposed noise monitoring.
- 5.2 Members may recall that this revised application seeks retrospective approval for the change of use of a depot situated within Caxton Road Industrial Estate to enable it to be used as a vehicle recovery centre. The Industrial Estate is situated off Newtown Road, one of the main thoroughfares into the city from the West. The site is operated by Egertons Recovery Limited, a company that operates 24 hours a day, 7 days a week. The premises are situated at the south eastern extent of the Industrial Estate in close proximity to residential properties. The site is identified on the Urban Area Inset Map that accompanies the Carlisle District Local Plan as lying within a Primary Employment Area.

Background

- 5.3 The Council was alerted to the unauthorised use of the site following complaints received from local residents in March 2008. In April 2008 Egertons Recovery Ltd submitted a retrospective application; however, the application was refused in June 2008 under the Council's Delegated Powers procedure for the following reasons:
- 1. The application site is situated at the south eastern extent of Caxton Road Industrial Estate, which is within close proximity of the residential properties of Turnstone Park and Newtown Road. Egertons Recovery Ltd is a vehicle recovery service that operates 24 hours per day, 7 days per week and the intensification of commercial activity within this predominantly residential area, including into the late evening/early morning, would lead to an overall increase in the levels of noise and disturbance likely to be experienced by immediate and nearby residents. This would have an unacceptable adverse impact upon local residents at a time when they could reasonably expect peace and quiet. The proposal is, therefore, contrary to criteria 1 and 3 of Policy H17 (Residential Amenity) of the Carlisle District Local Plan; criterion 5 of Policy CP4 (Design) of the Carlisle District Local Plan 2001-2016 Revised Redeposit Draft, as amended by the Inspectors Report and criteria 1 and 3 of Policy*

2. *In the absence of adequate screening along the southern boundary of the site, adjacent to the rear domestic curtilage of Nos. 180-192 Newtown Road, the use of the site for the storage of damaged/recovered vehicles would be visually intrusive and detrimental to the living conditions of nearby residents. The proposal is, therefore, contrary to criterion 1 of Policy H17 (Residential Amenity) of the Carlisle District Local Plan and criterion 1 of Policy CP5 (Residential Amenity) of the Carlisle District Local Plan 2001-2016 Revised Redeposit Draft, as amended by the Inspectors Report.*
 3. *The proposed use of the site involves the storage of damaged vehicles, recovered from road traffic accidents, on an open area of hardstanding. In the absence of a surface water drainage system capable of intercepting contaminants from the damaged vehicles it is likely that contaminants, such as brake fluid, petrol or oil, will leak from the damaged vehicles, thereby causing significant risk of ground contamination, which would be potentially harmful to local wildlife or human health. The proposal is, therefore, contrary to the objectives of Policy E24 of (Ground, Surface and Coastal Waters) of the Carlisle District Local Plan; criterion 8 of Policy CP4 (Design) of the Carlisle District Local Plan 2001-2016 Revised Redeposit Draft, as amended by the Inspectors Report, and the objectives of Policy CP10 (Protection of Groundwaters and Surface Waters) and CP11 (Foul and Surface Water Sewerage and Sewerage Treatment) of the Carlisle District Local Plan 2001-2016 Revised Redeposit Draft, as amended by the Inspectors Report.*
- 5.4 In assessing this current proposal Members need to consider whether the information submitted to support this revised application overcomes the foregoing reasons for refusal.

The Proposal

- 5.5 Permission is sought to use the site for the storage and recovery of damaged vehicles. These comprise vehicles that have been involved in accidents or crimes, including stolen vehicles. There is no set period during which vehicles are retained since this is largely influenced by the time that it takes insurance companies to reach a settlement or for any accidents/incidents to go through any court processes.
- 5.6 The site comprises a general office and staff facilities building, a police "scene of crime" garage, staff/visitor parking facilities and an open vehicle storage area. Along the southern, western and northern boundary of the site a 2.4 metre high, galvanised steel fence has been erected. Within the site compound two CCTV cameras have been installed for security purposes. The cameras, which are positioned at the eastern and western side of the building, measure 4 and 3 metres in height respectively. They incorporate privacy blockers which restrict visibility to the site itself and do not overlook the neighbouring residential properties.

- 5.7 It is proposed to install an 85 metre long visual and acoustic barrier to the southern extent of the site, parallel with the rear boundary of the properties on Newtown Road (St. Barnabas Church Hall – No.192 Newtown Road). The barrier comprises a 1.5 metre high landscaped bund on top of which would be a 1.2 metre high close boarded timber fence. The bund is to be planted with 24 trees and approximately 425 shrubs at a density of 3 per square metre. To the southern side of the bund a surface water drain would be installed to prevent water discharging from the bund into the gardens of the properties on Newtown Road.
- 5.8 On the area where vehicles are to be stored, any existing unsurfaced areas of yard are to be concreted and any cracked or damaged concrete will be repaired with all joints sealed. Around the periphery of the hardstanding “Aco 305 drainage kerbs” will be installed and surface water from this area will outfall into a new interceptor. The interceptor is designed to separate any oil, petrol or other contaminants prior to surface water being discharged into the adopted sewer.
- 5.9 The site would be staffed from 8 a.m. to 8 p.m., with the site office open from 9 a.m. to 5 p.m. Monday to Friday and from 9 a.m. to 12 a.m. on Saturdays. The recovery vehicles themselves are available on 24 hour call-out. In total Egertons operate five recovery vehicles from the site.
- 5.10 The applicants' supporting statement, which is reproduced in the Schedule following this Report, identifies that following the previous refusal the applicants have sought to address the reasons for refusal outlined in paragraph 5.3 of this report.
- 5.11 The supporting statement indicates that, with regards to 24 hour operation, the applicants have implemented a new working practise to minimise disturbance to nearby residents. The site has two access points: one is to the south near the junction of Caxton Road and Newtown Road, while the other to the north within the Industrial Estate. It is proposed that the southern entrance is only used by recovery vehicles during daytime hours (9 a.m. - 5 p.m.) Monday to Friday, with the northern access point being used at all other times. The loading/unloading of vehicles during daytime hours (8 a.m. – 6 p.m.) from Monday to Friday will take place within the yard. Outside of these hours unloading will take place within the building located on the site, with its doors closed, in order to minimise disturbance. The “bleepers” on the recovery vehicles within the site will, outside day time working hours Monday to Friday, be switched off.
- 5.12 The site layout plan illustrates that recovered non-commercial vehicles will be stored to the south of the site, adjacent to the boundary with those properties on Newtown Road, with commercial vehicles stored further to the north. The site layout plan also identifies an area, which measures 10 metres in depth, within which no vehicles with a height exceeding 2.5 metres would be stored. The purpose of the height restriction is to ensure that vehicles parked within close proximity to the boundary could not be seen above the proposed visual/acoustic barrier.

- 5.13 The supporting statement also provides a detailed background about Egertons Recovery Ltd, how the Company functions and the circumstances that resulted in them operating from the current site. It is interesting background information; however, it is not pertinent to the decision. Members must consider whether the use of the site for the recovery and storage of recovered vehicles is appropriate in this location, irrespective of the operator.

Assessment

- 5.14 The relevant planning policies against which the application is required to be assessed are Policies CP5, CP6, CP11, CP12, CP17 and EC1 of the Carlisle District Local Plan 2001-2016.

- 5.15 The proposals raise the following planning issues:

1. Whether The Use Of The Site Is Appropriate In This Locality.

- 5.16 The site is allocated in the Carlisle District Local Plan as a Primary Employment Area. In such area uses falling into Use Classes Order B1, B2 and B8 will be acceptable. The proposed use falls within use class B8 and, therefore, the principle of accommodating a use of this nature on an employment site is acceptable, subject to compliance with the relevant policies contained in the Carlisle District Local Plan.

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

- 5.17 The buildings on the site have not been altered externally and, therefore, the living conditions of local residents will not be adversely affected through increased loss of light, privacy or overdominance.
- 5.18 Some local residents have voiced concern that the CCTV cameras that have been erected on the site could potentially view into the garden areas of those properties situated on Newtown Road. Whilst these concerns are noted, the cameras have been fitted with privacy blockers so that visibility is restricted to below the site perimeter fence. The Case Officer has viewed the camera system in operation and can confirm that the vista above the perimeter fence is masked. As such, the residents' concerns are not substantiated. The retention of the privacy blockers can be secured by a planning condition.
- 5.19 Whilst the office hours of the premises are reasonable, the recovery element of the business operates 24 hours and, therefore, the potential disturbance associated with the use of the premises could continue well after 11.00 p.m., the time when Planning Policy Guidance Note 24 (Planning and Noise) advises that people would normally be sleeping.
- 5.20 To assess the level of activity Officers originally requested information regarding the number of vehicles recovered. The applicant has duly supplied data, which was collated over a 12 month period from April 2008 to April 2009. Egertons Recovery retains this information for their monitoring

purposes and the information is gathered via a tracking system, which is installed into the recovery vehicles.

- 5.21 The vehicle movements are grouped into three time periods. These three groups comprise midnight to 6 a.m., 6 a.m. to 6 p.m. and 6 p.m. to midnight. This information has been reproduced in the Schedule following this report. The fundamental reason for refusal focused on the impact that the proposed use would have as a result of noise and disturbance at unsociable hours and, therefore, the period which Members ought to focus upon is from 6 pm to 6 am. On average the number of vehicle recoveries per month during this timeframe equates to 31 recoveries per month or approximately 1 recovery per night. It is acknowledged that these figures relate to a fixed period of time; however, it provides Members with an indication as to the level of recoveries generated by the proposed use.
- 5.22 A small number of local residents have reported instances of noise and disturbance in the early hours of the morning when vehicles are delivered to and off loaded at the premises.
- 5.23 In order to assess the impact that the “out of hours” operation has upon neighbouring residents the Officer asked the Council’s Environmental Protection Services Department to undertake noise monitoring for the neighbouring dwellings. Two objectors properties were identified, where occupants had raised concerns regarding noise disturbance. These were:
1. 188 Newtown Road; and
 2. 6 Osprey Close.
- 5.24 At the time that the application was originally brought before the Committee for determination, i.e. May 2009, the Case Officer was aware that the Environmental Protection Services Officer (EPO) and the occupants of 188 Newtown Road agreed not to have the noise monitoring installed; however, the previous Committee Report was prepared on the misunderstanding that the consultation response provided by the EPO was on the basis that monitoring had been carried out from No.6 Osprey Close.
- 5.25 In advance of the application being discussed at the May 2009 Committee meeting, the Case Officer subsequently learned that the occupant of 6 Osprey Close had agreed with the EPO that the noise monitoring was not necessary provided that the applicant’s used the north gate and not the south gate, which is situated to the rear of No. 6 Osprey Close. When this issue came to light the application was withdrawn from discussion at the meeting to avoid the Committee making a misinformed judgment and to enable further investigation to be carried out.
- 5.26 Since the withdrawal of the Report from the Committee's consideration in May of last year, both the Case Officer and the EPO have written to the original five objectors asking if they would be prepared to have noise monitoring equipment installed within their homes to determine the extent of the problem. The occupiers of Nos. 186 and 192 Newtown Road responded to this initial request and monitoring was undertaken, the details of which are provided

below. Further written requests were made to those objectors who had not responded to that preliminary correspondence. The occupiers of 186 Newtown Road were also contacted again, as the EPO felt that further monitoring from that property would be beneficial. With the exception of the occupiers of 188 Newtown Road, who agreed to have noise monitoring equipment installed [albeit nearly 3 months after the EPO made her initial request following the May 2009 Committee meeting], there has been no response to that correspondence.

- 5.27 Three further objections have subsequently been received from entirely different addresses since the Council carried out its monitoring; however, these objectors were not approached regarding the possible monitoring, since the nearest of these objectors' properties is situated 175 metres from the site while the other two objectors reside in properties in Dalston and Stanwix.
- 5.28 In total, noise monitoring has been undertaken from three properties that adjoin the southern boundary of the application site. Members should note that the distinct timeframe, between the earlier noise monitoring in July and the later recording in October, is as a consequence of those objectors who had been approached not responding to written requests by Council Officers to undertake the monitoring, the circumstances of which are highlighted in the preceding paragraphs.

186 Newtown Road

Night time noise monitoring was conducted over a 5 day period between 9th June and 15th June 2009 (inclusive).

192 Newtown Road

Day time noise monitoring was carried out on the 8th July for one day from within the rear garden of the property.

188 Newtown Road

Day and night time noise monitoring was conducted over a 4 day period between 9th October and the 12th October 2009 (inclusive).

- 5.29 The EPO's consultation response, which identifies the outcome of the aforementioned monitoring, is copied in full in the "Summary of Consultation Responses" [Section 2 of this Report].
- 5.30 The EPO undertook a noise survey of the activities on the site, which highlighted that the main sources of noise were recovery vehicle engine noise, forklift truck movements, clattering forks of the forklift truck and occasional hammering. Whilst, noise from these sources was audible, the EPO advises that during the monitoring period a statutory nuisance was not substantiated.
- 5.31 Members will note from the consultation response that night time monitoring was undertaken from the rear bedrooms of 186 and 188 Newtown Road. This

required the occupants of these properties to operate a digital sound level recorder when noise from the application site was affecting their property. Egertons were asked to provide statistical data regarding the movements of recovery vehicles during the respective periods in order to clarify whether any noise recorded correspond with Egertons activities.

- 5.32 In respect of the monitoring undertaken from No.186 Newtown Road no night time recordings (11pm to 7 am) were undertaken by the occupants; however, the EPO advises that the information received from Egertons identifies that, during that same period, out of hours recoveries were undertaken by Egertons, which suggests that on these instances night time activity did not cause a problem.
- 5.33 In respect of the monitoring undertaken at 188 Newtown Road, one 15 minute recording was made by the occupants during the night time, of which one and half minutes of apparent noise from the site was audible. The noise increase compared against background noise was described as marginal by the EPO and seemed to stem from engine noise, which sounded as though the engine was idling at first then the relevant vehicle accelerated away. The EPO has identified that the figures provided by Egertons suggest that there were no night time call outs during this monitoring period, from which Members might reasonably conclude that this noise must have been generated elsewhere.
- 5.34 In summary, on the basis of the monitoring that was carried out, the noise generated from night time activities did not appear to be causing a problem. That said, the EPO has advised that noise levels from day time activities are likely to give rise to complaints, but that the levels recorded did not exceed the recommended levels identified by the World Health Organisation and did not constitute a statutory nuisance.
- 5.35 Prior to determining the application the EPO recommended that the applicants submit a noise impact assessment to determine suitable and effective noise mitigation measures in order to avoid prospective complaints [this has since been provided by the applicant].
- 5.36 The applicant's noise report, which was undertaken by QEM Systems Ltd, includes several measures, which go beyond those outlined in the applicant's original supporting statement (see paragraph 5.11 of this report). A copy of the "summary and conclusions" of the noise report have been reproduced in the Schedule. The recommended mitigation measures include:
- i. Increasing the length of the acoustic barrier along the full length of the southern boundary of the application site [this has been incorporated on the revised site layout plan];
 - ii. The acoustic barrier could comprise either a 1.5m high bund with a 1.2m high acoustic fence on top or a 2.7 metre high acoustic fence [this application proposes the former];
 - iii. All recovery vehicles are required to use the northern gate, as opposed to the gate in the south east corner;
 - iv. Reducing the noise generated by the forks of the forklift truck. An engineering solution is recommended or the replacement of the vehicle

- with a rough terrain forklift; and
 - v. The audible reversing alarm to the forklift truck is removed and replaced with a visual warning light.
- 5.37 The applicants have confirmed that that they would accept the imposition of a condition that requires them to carry out their operation in accordance with the above measures.
- 5.38 At the time of preparing this report the EPO's formal response to the applicant's noise report and amended site layout plan has not yet been received; however, the EPO has confirmed verbally that the measures suggested by the noise consultant are acceptable provided that they are enforced through the imposition of appropriately worded planning conditions.
- 5.39 Given that the impact that the operation has upon the living conditions of nearby residents formed the principal reason of refusal, Members need to make a judgement as to whether the results of the noise monitoring collated by the Council and the mitigation measures proposed by the applicant's noise consultant overcome the Council's previous ground for refusal.
- 5.40 Although potential impact of the 24 hour operation upon the living conditions of neighbouring residents formed the principal reason for refusal it is the Officers' view that for the reasons outlined above there is no evidence to suggest that the use of the site causes sufficient disturbance to warrant refusal of the application, albeit this is subject to the imposition of appropriate condition to enforce the mitigation measures proposed.
- 5.41 It has been suggested that the use of the site could cause a problem in the future; however, the application should not be refused on the supposition that this may occur unless Members have clear evidence that this is likely to be the case. If Members were minded to refuse the application due to the potential impact that it has upon neighbouring residents they would need to be able to substantiate that decision otherwise the Council would be at risk of losing a subsequent appeal and potentially incur significant risks of costs being awarded to the applicants. The applicants have already indicated it would be their intention, if the outcome of this application was not favourable, to appeal.

3. The Visual Impact Of The development Upon The Surrounding Area.

- 5.42 Prior to Egertons operating from the site a number of trees and hedges along the southern perimeter, adjacent to the rear boundaries of 180-192 Newtown Road, were removed in order to erect the palisade fencing. This has increased the visibility of the site to neighbouring residents. It is acknowledged that the site is within an industrial estate and that it would be unreasonable of any resident not to expect to see the visual paraphernalia associated with an industrial premises; however, the resultant adverse visual impact caused by the site's exposure was such that the Council also refused the earlier application on this basis.
- 5.43 In order to overcome this concern the applicant proposes to erect an

acoustic/visual barrier which would provide a 2.7 metre high solid screen. Once the planting, which includes 24 trees and 425 shrubs, becomes established, it would screen the development further still. Within the area immediately below the visual barrier no vehicle with a height exceeding 2.5 metres would be stored. A condition is recommended to this effect. It is Officers' opinion that these measures satisfactorily address the previous reason for refusal.

- 5.44 One local resident has voiced concern that they can see vehicles that could have been involved in fatalities. With regard to this point the agent has clarified that the vehicles stored do not include those where there have been fatalities. Irrespective of whether or not such recovered vehicles were ever to be stored, once the visual barrier is erected and the landscaping matures, it is anticipated that the site will be largely screened from view, thereby addressing this concern should it ever arise.

4. Whether The Site Is Adequately Served By A Surface Water Drainage System.

- 5.45 By the nature of the proposed use, vehicles stored on the site can be damaged. As such, it is possible that contaminants, such as brake fluid, petrol or oil will leak from the damaged vehicles. To address this, those areas where vehicles are to be stored will be surfaced in concrete and surface water will drain into an interceptor. The Environment Agency has confirmed that this arrangement is acceptable.

- 5.46 Under the applicants' current operating procedures, if a vehicle is suspected of having a ruptured fuel tank etc it is taken to their existing premises at Southwaite to be depolluted before being recovered to the application site. If permission is forthcoming vehicles would be de-polluted at Caxton Road.

- 5.47 In respect of the de-pollution of vehicles, it is important for Members to appreciate that this simply relates to the removal of contaminants, a process which is comparable to that undertaken by a conventional motor repair garage. It does not relate to the disposal of "end of life" vehicles, which would be scrapped. Although, some of the vehicles stored at the premises are beyond repair and will, ultimately, be scrapped, this process takes place at licensed salvage/dismantling yards. The operation to scrap vehicles is classified as a waste recovery operation. It is regulated under the terms of the Environmental Protection Act and is overseen by the Environment Agency. Although one nearby resident has expressed concern that this will take place, this issue should not influence Members view of this proposal since, if the applicant wished to undertake this activity, a separate planning application would be required and determined accordingly.

5. Whether The Site Will Increase The Risk Of Criminal Activity Or Result In An Increased Perception Of The Fear Of Crime And Disorder.

- 5.48 A local resident has voiced concern that the site may attract criminal activity, particularly in relation to vehicles that have been seized by the Police and recovered to this site for secure storage. Cumbria Constabulary's Architectural Liaison Officer has investigated these concerns to establish

whether this claim can be substantiated. In doing so he has investigated criminal activity at other similar establishments in Cumbria. The evidence does not suggest that this would be the case and in the time that Egertons have operated from the site there has only been two suspicious incidents reported. In considering this particular issue, it could be argued that the use of the site would be at no greater risk of crime than if it were used for the storage of electrical equipment or other similar uses that are commonly found on industrial estates.

6. Highway Matters.

- 5.49 One of the key issues voiced by local residents relates to their concerns that neither Caxton Road nor Newtown Road is suitable for the large recovery vehicles associated with the business. Their concerns are noted, but in respect of this point it is important to remember that these roads serve an industrial estate and, therefore, it is not unreasonable to expect large vehicles associated with the industrial premises to use these roads. Furthermore, the Highway Authority has not objected to the development, stating that the vehicular use of the existing access is unlikely to have a significant material affect on existing highway conditions.

7. Whether The Residents Concerns Regarding Localised Flooding Can Be Substantiated.

- 5.50 A local resident has voiced concern that the operators have increased the size of the hardcore areas within the site, which due to the site levels being higher than neighbouring gardens, has exacerbated surface water drainage problems that they experience. Similarly, it is alleged that the removal of trees and hedges along parts of the southern boundary has worsened the problem.

- 5.51 It is difficult to substantiate these claims, as the extent of the former hardcore areas is not known nor is the full extent of the localised flooding. It is not unreasonable to assume that the removal of mature planting could have contributed to the problem; however, the surface water drainage to be installed to the vehicle storage area and to the south of the bund, together with the new planting, will capture water and, hence, prevent any surface water discharging from the site to the properties on Newtown Road. The Council's Drainage Engineer has confirmed that this arrangement is acceptable.

7. Other Matters.

- 5.52 Local residents have voiced concern regarding the health and safety practises of Egertons Recovery in the day-to-day operation, both within the site and upon the public highway. Whilst the concerns of the local residents are noted Members are advised that it would not be justifiable to refuse the application on this basis.
- 5.53 If Egertons are in breach of health and safety regulations within the site, that is a matter for the Health and Safety Executive to address, not the planning system. With regards to the way that Egertons conduct themselves whilst on

the public highway it is a matter for Cumbria Constabulary or the Highway Authority to address.

- 5.54 Reference has also been made to publications by the Royal Society for the Prevention of Accidents, a registered charity involved in the promotion of safety and the prevention of accidents in all areas of life; the Stern Review, which was an independent review commissioned by the Government into assessing the evidence and building understanding of the economics of climate change; and the European Directive 200/53/EC on End of Life Vehicles. Whilst all of the above can be related to the proposed development in some form, ultimately, Members need to make a judgement as to whether the development is an acceptable land use in this location and whether the proposal complies with the relevant policies contained within the Local Plan.

Conclusion

- 5.55 In summary, for the reasons identified in this report it is Officers' view that the applicant has satisfactorily addressed the three previous reasons for refusal. In all aspects the proposal is now compliant with the relevant policies contained in the Local Plan, but should only be approved subject to those conditions that have been recommended.

6. Human Rights Act 1998

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

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

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

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

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

- 6.3 The proposal has been considered against the above. The applicant's rights are respected but based on the foregoing it is considered that any personal considerations do not out-weigh the harm created.

- 7. Recommendation** - Grant Permission

1. The approved documents for this planning consent comprise:
 1. The Planning Application Form received 24th October 2008;
 2. The Planning Statement received 3rd November 2008;
 3. The site location plan received 24th October 2008;
 4. The site layout plan received 22nd June 2008;
 5. Technical details of the Klargester By Pass Separator 27th November 2008;
 6. Noise report produced by QEM Systems Ltd received 14th June 2008;
 7. The Notice of Decision; and
 8. Any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

2. The premises shall be used for as a vehicle recovery and storage depot and for no other purpose.

Reason: To preclude the possibility of the use of the premises for purposes inappropriate in the locality in accordance with Policies CP6 and EC1 of the Carlisle District Local Plan 2001-2016.

3. Recovery vehicles associated with the use hereby approved shall only use the vehicular entrance to the north of the site.

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

4. Between 6 p.m. to 8 a.m. Monday to Friday, and at all times on Saturdays or Sundays any recovered vehicle shall only be unloaded within the building identified on the site layout plan received 22nd June 2010 with its doors closed, as outlined in the applicant's supporting statement received 3rd November 2008.

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

5. The cameras hereby approved shall at all times be fitted with privacy blockers to prevent the neighbouring residential properties, including their domestic gardens, from being overlooked.

Reason: To ensure that the privacy of neighbouring residential properties is safeguarded in accordance with Policy CP6 of the Carlisle District Local Plan 2001-2016.

6. Within two months from the date of this permission the proposed acoustic/visual barrier shall be constructed in accordance with the approved

scheme. The landscaping scheme shall be implemented in the next available planting season, in accordance with the details contained on the site layout plan received 22nd June 2010, unless otherwise agreed, in writing, by the Local Planning Authority. Any plants which die or are removed within the first five years following the implementation of the landscaping scheme shall be replaced during the next planting season.

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

7. Within two months from the date of this permission the vehicle storage area shall be concreted and drained in accordance with the details contained on the site layout plan received 22nd June 2010, unless otherwise agreed, in writing, by the Local Planning Authority.

Reason: To ensure that the site is adequately screened and to ensure compliance with Policies CP11 and CP12 of the Carlisle District Local Plan 2001-2016.

8. No vehicle with a height exceeding 2.5 metres above the adjacent ground level of the site shall be stored within the hatched area illustrated on the site layout plan received 22nd June 2010.

Reason: To ensure that the proposed development is undertaken in a manner which safeguards the visual amenities of the area and to ensure compliance with Policies CP5 and CP6 of the Carlisle District Local Plan 2001-2016.

9. Any forklift truck to be used on the site shall comply with the details of the rough terrain forklift contained within Appendix A of the Noise Report produced by QEM Systems Ltd received 14th June 2010. No other forklift truck shall be used on the site until details of the forklift truck have been submitted to and approved, in writing, by the Local Planning Authority. These details shall include an engineering solution that demonstrates that the forks of the truck shall not result in unacceptable levels of noise disturbance.

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

10. The audible reversing alarm of forklift truck that is used on the premises shall be removed and replaced with a visual warning light.

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

11. The audible warning alarms on recovery vehicles shall not be used when in operation on the premises.

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

08/1089

PLANTING SCHEDULE FOR BUND

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

The bund is 60 metres long and 4 metres wide at the base. The southern slope and the top of the bund are to be planted to create a visual and acoustic screen. Most of the plants are to be evergreen perennials, providing a visual barrier all year round. To provide some additional height 18 native species trees will be included, which will also be of benefit to birds and invertebrates. The suggested planting list and number of plants is as follows:

TREES

2 Native trees, staked with tree ties (standard size)

Sorbus aucuparia x4
Betula pendula x4
Crataegus monogyna x4
Acer campestre x4
Sorbus aria x4
Prunus sylvia x4

SHRUBS

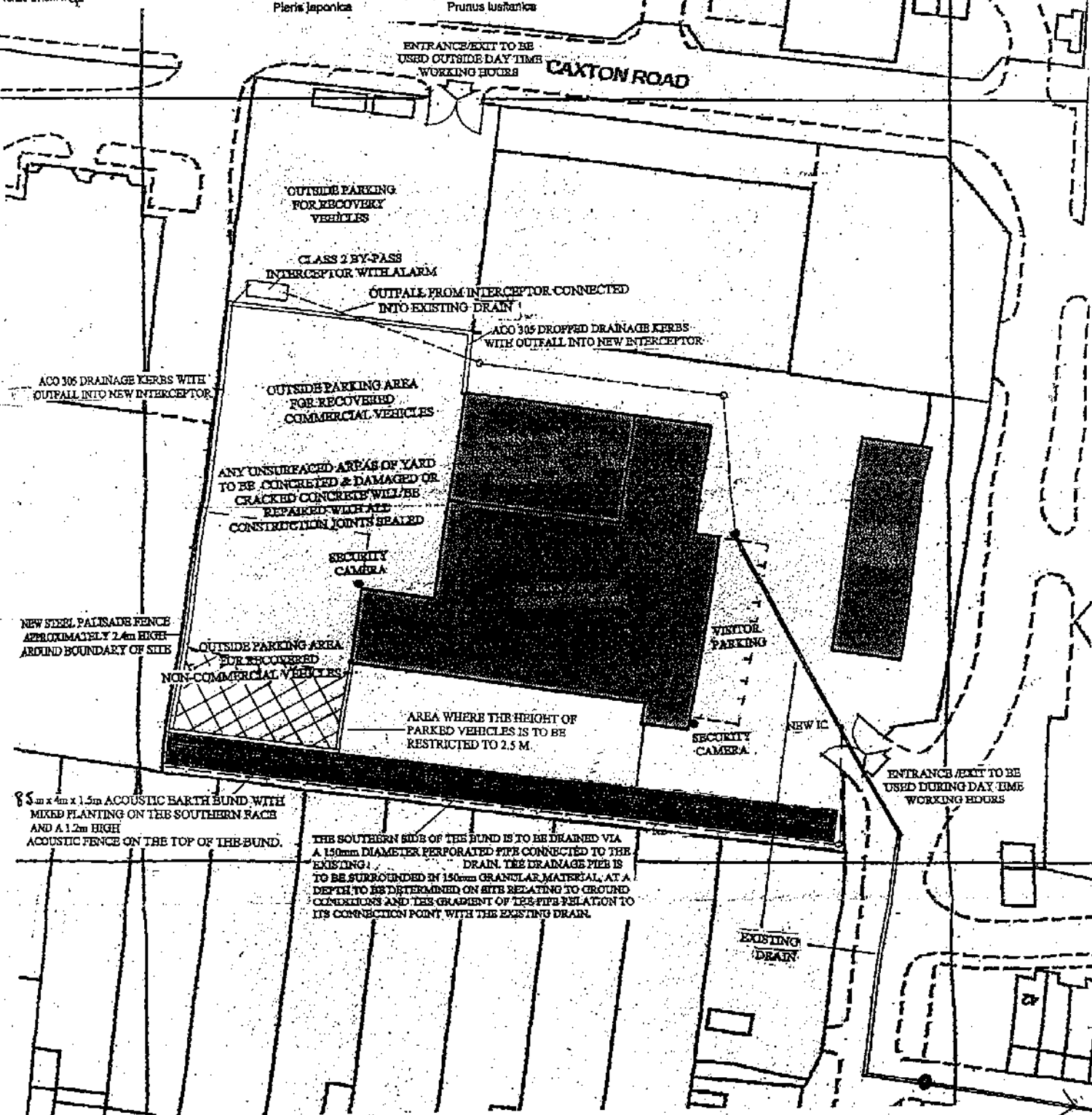
Mostly evergreen, with some deciduous planting, at 3 plants per square metre, in 10 litre pots.

Estimate requires about 42 shrubs

<i>Aucuba japonica</i>	<i>Barberry umbellata</i>
<i>Buddleja davidii</i>	<i>Ceanothus arboreus</i>
<i>Cholera taraxia</i>	<i>Cytisus praecox</i>
<i>Elaeagnus pungens 'Maculata'</i>	<i>Euonymus fortunei 'Silver queen'</i>
<i>Hebe 'Midsummer beauty'</i>	<i>Photinia glabra 'Rubens'</i>
<i>Pieris japonica</i>	<i>Prunus laurastica</i>

SECTION THROUGH ACOUSTIC EARTH BUND
SCALE: 1:100

ALL FACES OF BUND TO BE SEED



PROPOSED VEHICLE RECOVERY DEPOT

CAXTON ROAD - CARLISLE

SITE PLAN (REVISED 09.03.09)

Scale 1:500 (and 03.04.09)
 (and 12.05.09)
 (and 14.06.10)

STATEMENT

SETTING OUT BACKGROUND TO THE FULL PLANNING APPLICATION
WHICH SEEKS RETROSPECTIVE CONSENT
FOR THE USE OF PREMISES AT CAXTON ROAD, NEWTOWN
INDUSTRIAL ESTATE, CARLISLE FOR THE RECOVERY AND STORAGE OF
VEHICLES INVOLVED IN ACCIDENTS (AMENDED PROPOSAL FOLLOWING
REFUSAL OF APPLICATION L.P.A. REFERENCE NO. 08/0423)
FOR EGERTONS RECOVERY LIMITED

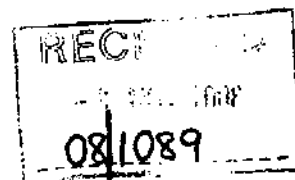
**TAYLOR & HARDY,
CHARTERED TOWN PLANNERS**

9 Finkle Street,
CARLISLE,
Cumbria,
CA3 8UU

Tel : 01228 538886
Fax: 01228 810362
Email: planners@taylorandhardy.co.uk

Our Ref : MEH/J/C08/125

OCTOBER, 2008



1. INTRODUCTION

In this Statement, set out under two headings, is background information to the full planning application which seeks retrospective consent for the use of premises at Caxton Road, Newtown Industrial Estate, Carlisle for the recovery and storage of vehicles involved in accidents (amended proposal following refusal of application L.P.A. Reference No. 08/0423).

In Section 2, background to Egertons Recovery Limited is set out including details of their Cumbria operation and how they use their premises at Caxton Road.

In Section 3, the details of their proposal, amended following the refusal of Application L.P.A. Reference No. 08/0423 on 20th June 2008 are set out.

2. CONTEXT

Egertons Recovery Limited are a National company whom have over 48 years experience of vehicle recovery. They are one of the largest recovery companies in Europe and have contracts with the Police Authority, the RAC, the AA, Europe Assistant, Green Flag and Stagecoach.

Within Cumbria where they have operated since 1992, Egertons Recovery Limited employ in the region of 28 staff and cover a wide geographical area:

- in respect of HGV vehicles the services provided by the company extend across an area defined by Gretna in the north, junction 37 of the M6 Motorway (Kendal) in the south, Brough on the A66 and Haltwhistle on the A69 in the east and Workington/Whitehaven in the west;
- in respect of non HGV's the area is essentially as above with the exception of the south where the area is slightly smaller extending only to junction 41 of the M6 Motorway.

When an incident occurs within these areas and is reported to Egertons Recovery Limited they are required to be at the site of that incident, 'the response time', within 35 minutes.

In the period up to April 2006 the company worked from 2 premises. These being at:

- Southwaite Services south of Carlisle on the M6 Motorway; and
- Allerdale Yard, Brigham on the A66 near Cockermouth.

These 2 long-established premises are the companies main sites where the bulk of their recovery vehicles are based, the majority of their staff are employed and most of their business activity occurs.

As the company has expanded and the range of the work they undertake within Cumbria has broadened, bearing in mind they have a 'response time' of 35 minutes, the company searched for additional premises within the City of Carlisle itself. It was in April 2006 that they first occupied premises at Watts Yard, London Road. The company operated from these premises for 2 years until they were given 'Notice to Quit' as consent was granted for the redevelopment of the site for residential purposes.

Egerton's Recovery Limited undertook a lengthy search for suitable premises to which to relocate to.

The selection of 'suitable premises' was guided by a number of clear requirements.

The premises needed to:

- be within the centre of population in a location where there is ease of access by a wide range of transport modes including walking, cycling and the bus;
- be well related to the principal road network of the City;
- be in a location which was convenient for the Police;
- be outwith any zone of flood risk;
- have been either used for employment purposes or zoned for employment purposes;
- be sited, in terms location, where they complemented the Applicants' existing premises at Southwaite Services and Brigham;

The site subject of the accompanying application met these requirements and the company moved into the premises in March 2008. From these premises Egertons Recovery Limited operate 5 recovery vehicles.

7 full time employees work from the premises. Of these 2 are administrative staff whom work normal office hours Monday to Friday and 5 are drivers. The drivers work on a shift system and 3 report to work each working day Monday to Friday. In addition there are 5 retained drivers whom stay at home until they are called upon.

The activity at the premises follows the following pattern:

i. Monday to Friday

Day time hours are 8.00 a.m. – 6.00 p.m. During these hours at the premises there are usually 2 administrative staff and 3 of the full time drivers.

Early evening hours are 6.00 p.m. – 8.00 p.m. During this period all the buildings are locked and all the vehicles parked. 1 member of staff, a full time driver, stays on the premises to take and respond to any calls.

Night hours are 8.00 p.m. – 8.00 a.m. During this period:

- the premises are wholly vacated, locked and alarmed. There are no staff whatsoever on site unless they are working having responded to a 'call out';
- no calls whatsoever are taken at the premises. All calls are routed to the company headquarters which is at Mobbley, Cheshire;
- if there is a 'call out' within the area of Cumbria covered by the Applicants the drivers are contacted at their home. The drivers, dependant on the location of the incident and the location of the driver's home, will call at the most conveniently located of Egerton Recovery's premises, collect a recovery vehicle, go to the site where the recovery is required and then return to 1 of the 3 premises. The premises to which they return being determined by the nature of the incident which has occurred.

ii. Saturdays, Sundays, Bank Holidays

Day Time hours are 8.00 a.m. – 6.00 p.m. During these hours all the buildings are locked and all the vehicles parked up. Usually 2 members of staff, full time drivers, stay on the premises to take and respond to any calls.

Night hours are 6.00 p.m. – 8.00 a.m. During this period, as above:

- the premises are wholly vacated, locked and alarmed. There are no staff whatsoever on site unless they are working having responded to a 'call out';
- no calls whatsoever are taken at the premises. All calls are routed to the company headquarters which is at Mobbley, Cheshire;
- if there is a 'call out' within the area of Cumbria covered by the Applicants the drivers are contacted at their home. The drivers, dependant on the location of the incident and the location of the driver's home, will call at the most conveniently located of Egerton Recovery's premises, collect a recovery vehicle, go to the site where the recovery is required and then return to 1 of the 3 premises. The

premises to which they return being determined by the nature of the incident which has occurred.

The premises subject of the accompanying application are used solely for the storage of damaged or recovered vehicles. These being those which result from accidents and crimes, including stolen vehicles, where there has been no loss of life or thought to be no loss of life. No mechanical repairs whatsoever are carried out.

The duration of the vehicle storage is dependant on a range of factors, but is principally influenced by the time it takes for insurance companies to reach a settlement and/or for any accident/incident to go through any court process.

As will be appreciated from the details set out above, the activity levels at the site subject of the application are directly related to the number of accidents/incidents upon which Egertons Recovery Limited are called upon to deal with which occur within the area of Cumbria specified above and from which it is appropriate for vehicles to be brought back to Caxton Road for storage.

To aid with an appreciation of the use at the application site details of the activity levels for the period April-September 2008 will be provided.

3. AMENDED PROPOSAL

Following refusal of the previous application (L.P.A. Reference No. 08/0423) on 20th June 2008 the Applicants have given close and careful consideration to the Reasons for Refusal and the steps that they can take to ensure that the concerns raised can be overcome.

My Clients have amended and refined their proposal to incorporate revisions which seek to minimise any adverse impacts. The revisions, which can be controlled by appropriately worded planning conditions, comprise:

i. A clear precise definition of the Work Hours at the premises

The work hours at the premises are described above. There are during the period Monday to Friday 3 distinct parts to the work hours, and on Saturday, Sunday and Bank Holidays 2 distinct parts.

In respect of Monday to Friday these parts are:

Day time	:	8.00 a.m. – 6.00 p.m;
Early Evening	:	6.00 p.m. – 8.00 p.m;
Night	:	8.00 p.m. – 8.00 a.m.

In respect of Saturday, Sunday and Bank Holidays these parts are:

Day Time	:	8.00 a.m. – 6.00 p.m;
Night	:	6.00 p.m. – 8.00 a.m.

As described in Section 2, between 6.00 p.m. to 8.00 a.m. Monday to Friday and on Saturdays, Sundays and Bank Holidays the activity at the application site is limited.

ii. Use of the entrance/exists to the site

As shown on the plans which accompany the application the site has two entrances, one to the south near to the junction of Caxton Road with Newtown Road, and one to the north within the industrial estate.

The entrance to the south is proposed to be used only during the day time hours Monday to Friday. This relates solely to the period 8.00 a.m. – 6.00 p.m. 5 days a week.

For the remainder of the time 6.00 p.m. – 8.00 a.m. Monday to Friday and all Saturdays, Sundays and Bank Holidays the northern entrance will be used.

iii. The formation of an acoustic and visual barrier

As also shown on the plans which accompany the application, an acoustic and visual barrier is proposed to be formed along the length of the site boundary between the premises and the rear gardens of 182-192 Newtown Road.

The precise nature of the physical barrier which is to be formed is subject to discussions with the Local Planning Authority.

The acoustic and visual barrier will screen the rear part of the application site, where vehicles are to be stored, from the rear gardens of the residential properties which front onto Newtown Road.

iv. A reconfiguration of how the premises are to be used

The site layout plan also identifies how the site is proposed to be used. Areas are specified for the outside parking of: recovered commercial vehicles (HGV's); recovered non-commercial (non-HGV's) vehicles and the vehicles used to carry out the recoveries.

v. Loading/unloading of recovered vehicles

During day time hours 8.00 a.m. – 6.00 p.m. Monday to Friday the loading and unloading of recovered vehicles will occur in the yard area. Outside these hours the unloading will occur within the building on the site after the doors have been closed.

vi. 'Bleepers'

The bleepers on the recovery vehicles when being manoeuvred within the site will, outside day time working hours Monday to Friday, be switched off.

vii. Surface Water

The recovered vehicles are to be stored on an area of hardstanding where a system of surface water drainage will be formed which will be fed into a Class 2 bypass separator with an alarm. A drain from the separator will connect into the adopted sewer in Caxton Road close to the junction with Newtown Road.

Further details on this aspect will be supplied shortly.

5 Summary and Conclusions

5.1.1 A review has been undertaken of the proposals relating to the retrospective planning consent for the change of use of a depot to recovery and storage of vehicles involved in accidents at Caxton Road, Newtown Industrial Estate.

5.1.2 The proposals put forward to date are worthwhile and will certainly reduce the potential noise impact at nearby residential properties, particularly the creation of a landscape/acoustic barrier along the southern boundary of the site.

5.1.3 A summary of the proposals and further recommendations detailed in this report are listed below:

a. Visual and Acoustic barrier

a.1.1 It is proposed to install a visual and acoustic barrier approximately 85 metres in length along the southern boundary of the site, adjacent to the gardens of dwellings of Nos. 180 – 192 Newtown Road. The barrier could be a combination of a 1.5 metre high landscaped bund, on top of which would be a 1.2 metre high acoustic fence, or a 2.7 metre high acoustic fence.

b. Activities at Greater Distances

b.1.1 All recovery vehicles enter the site through the gate on the northern boundary which is further from dwellings on Newtown Road than the previously used access in the south east corner of the site, which is normally only utilised for cars and light vehicles.

c. Reducing Noise at Source

c.1.1 It is recommended that consideration is given to reducing the noise created by the forks, which currently rattle, on the existing forklift truck. An engineering solution is proposed or the replacement of the vehicle with a rough terrain fork lift as shown in Appendix A.

d. Reversing alarms

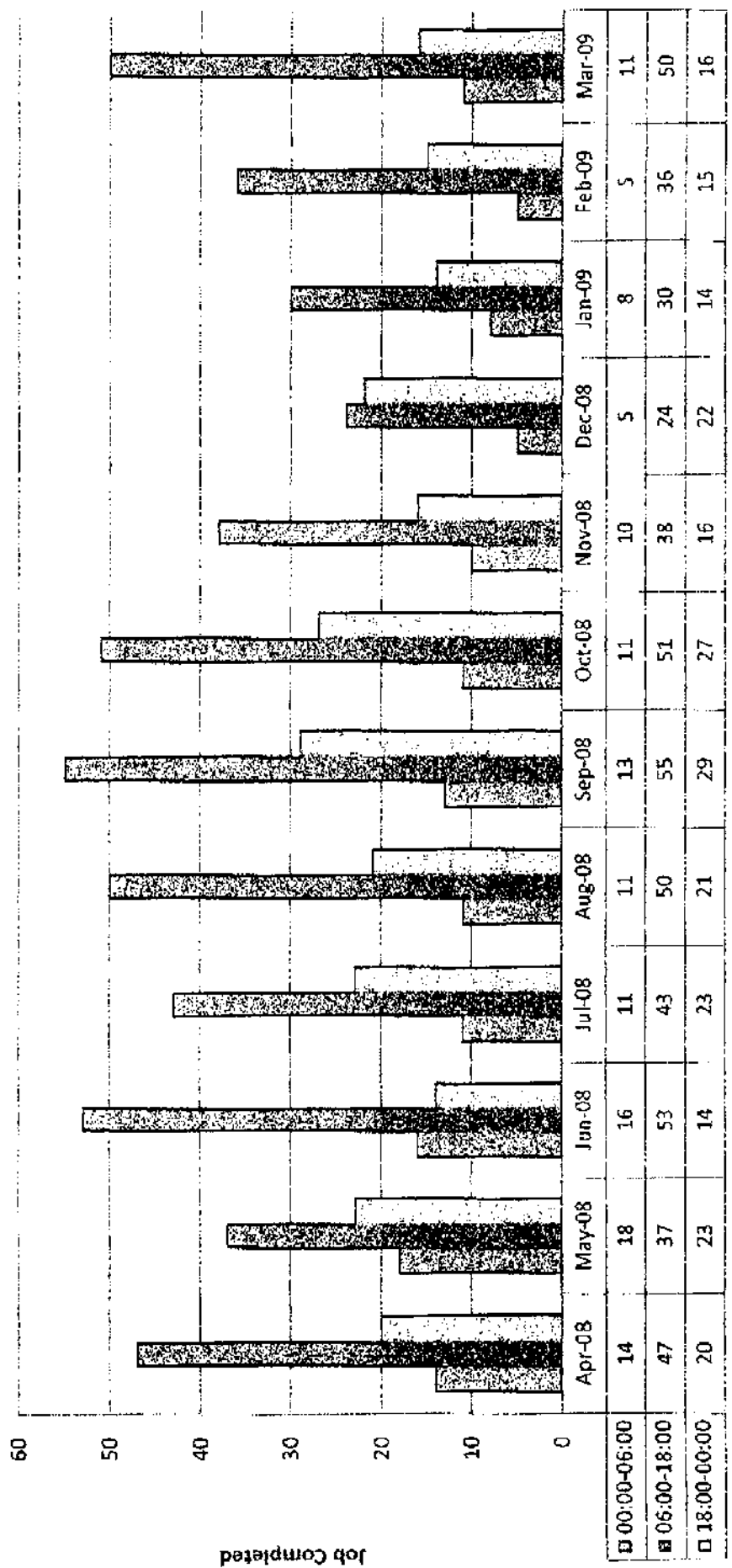
d.1.1 It has been previously recommended in a document "Schedule A: Applications with Recommendation" section 7 point 6 that:

**The audible reversing alarms on recovery vehicles shall only be used between 8 a.m. to 6 p.m. Monday to Friday. Outside of these hours the audible warning alarms shall be switched off.*

- d.1.2 The audible reversing alarm fitted to the forklift is to be removed and replaced with a visual warning light.

RECEIVED
14 APR 2009
08/1089

Work Loads April 2008 to April 2009



SCHEDULE A: Applications with Recommendation

10/0233

Item No: 07

Date of Committee: 16/07/2010

Appn Ref No:
10/0233

Applicant:
Mrs Judith Towill

Parish:
Burgh-by-Sands

Date of Receipt:
16/03/2010

Agent:
Taylor & Hardy

Ward:
Burgh

Location:
Land Adjacent Moorhouse Hall, Moorhouse,
Carlisle, Cumbria, CA5 6HA

Grid Reference:
333135 556719

Proposal: Erection Of 1No. Detached Dwelling

Amendment:

REPORT

Case Officer: Shona Taylor

Reason for Determination by Committee:

This application is brought before the Development Control Committee for determination as the Parish Council has objected to the scheme.

1. Constraints and Planning Policies

Local Plan Pol DP1 - Sustainable Development Location

Local Plan Pol CP5 - Design

Local Plan Pol CP6 - Residential Amenity

Local Plan Pol CP11-Prot.Groundwaters &Surface Waters

Local Plan Pol LE12 - Proposals Affecting Listed Buildings

Local Plan Pol H1 - Location of New Housing Develop.

Local Plan Pol T1- Parking Guidelines for Development

2. Summary of Consultation Responses

Cumbria County Council - (Highway Authority): no objections to the proposal, subject to the inclusion of one condition. It is also recommended that the applicant contacts the highways department to discuss the possible relocation of utility apparatus and street sign in order to accommodate the access.

Local Environment (former Community Services) - Drainage Engineer: no response received;

United Utilities - (for water & wastewater comment) see UUES for electricity dist.network matters: no objections to the proposal;

Local Plans (Tree Preservation), Economic Development: has made various comments on the further information, see report;

Planning - Planning Policy & Conservation - Peter Messenger: has verbally confirmed no objections to the proposal;

Burgh-by-Sands Parish Council: the development will lower an old wall of a walled garden to the main house (a building of character referred to in the Burgh By Sands Design Statement) and shouldn't be altered. The Parish Council consider that the new development will spoil the setting of one of the oldest and most important houses in the village (see Burgh by Sands Design Statement pg 9).

3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:
Moorhouse Hall	23/03/10	
Meadowcroft	23/03/10	Objection
Low Moorhouse Farm	23/03/10	Objection
Grosvenor House	23/03/10	
Stone House	23/03/10	
Croft View		Objection
Greenacre		Objection
Flattbank		Objection
6 The Courtyard		Comment Only

3.1 This application has been advertised by means of site and press notices as well as notification letters sent to neighbouring properties. In response five letters of objection and one comment have been received. The grounds of objection are summarised as;

1. the dwelling will spoil the look and character of the grade II Listed Building which is the main landmark of the village;
2. the dwelling will completely overlook and overshadow Meadowcroft, a neighbouring property;
3. the dwelling doesn't follow a defined building line;

4. the new dwelling is contemporary and not in accordance with the surrounding listed buildings, no thought or sympathy has been given when designing this property;
5. why is the property a large two storey house when it is stated that the current property is too large for the applicants and they need accommodation on one level?
6. too many trees are to be removed as part of the proposal.

4. Planning History

- 4.1 The site has no relevant planning history.

5. Details of Proposal/Officer Appraisal

Introduction

- 5.1 This application seeks full planning permission for the erection of a detached property on land adjacent to Moorhouse Hall, Moorhouse. Moorhouse Hall is a Grade II Listed Building set within approximately 2 acres of grounds within the centre of Moorhouse village and the surroundings are predominantly residential.
- 5.2 The site forms part of the existing curtilage of Moorhouse Hall and includes the complete western boundary, along with part of the boundary wall to the north. The south the boundary includes a portion of the historic 'Ha-Ha' which is proposed to be refurbished and reinstated using existing stone as far as possible.

The Proposal

- 5.3 The site is situated between Moorhouse Hall and Meadowcroft, within the curtilage of the Listed Building. The plot is naturally distinct from the rest of the Moorhouse Hall gardens as it is divided by way of a stone wall. The site has been allowed to become overgrown over time, as the site is not laid to lawns and trees and undergrowth have flourished.
- 5.4 The access to the site is currently via the westernmost entrance to Moorhouse Hall. Part of the northern boundary of the site is defined by the existing driveway, which curves away from the road past the front of the Hall and back down to the road again.
- 5.5 It is proposed to build a one and a half storey bungalow on the site, to be constructed from traditional materials.
- 5.6 The building would occupy a footprint measuring approximately 220 sq. m. and is set back from the road frontage by approximately 50m. The proposed

building is set at right angles to the road, and as such the main front elevation faces towards Moorhouse Hall and not the road frontage.

- 5.7 Much of the accommodation is provided at ground floor, including two en-suite bedrooms; however, two further bedrooms and a gallery are provided in the roof space.
- 5.8 The dwelling would largely be finished using a Cumbrian red/brown clay facing brick, the windows and doors would be finished in wood, and the roof would be slated in blue natural slate.
- 5.9 It is proposed to discharge foul drainage to the public sewer and surface water to a soakaway.

Assessment

- 5.10 The relevant planning policies against which the application is required to be assessed are Policies DP1, CP5, CP6, CP11, LE12, H1 and T1 of the Carlisle District Local Plan 2001-2016.
- 5.11 The proposals raise the following planning issues:
 - 1. Whether The Principle Of The Proposed Development Is Acceptable.
- 5.12 The site is situated within the village of Moorhouse, which is identified by Policy H1 of the Carlisle District Local Plan as being suitable for small scale infill development subject to compliance with the criteria identified, and provided that an identified local need can be established.
- 5.13 The applicants' agent has explained that the property is intended for the current residents of Moorhouse Hall, who have lived in the Hall since their marriage in 1968, over 40 years ago. As the applicants have aged the Hall has become unsuitable for their needs, particularly as Mr Towill is partially sighted and registered disabled. They consider that the Hall no longer meets the housing needs of Mr and Mrs Towill for the following reasons:
 - i. the property is too big and unsuitable for their requirements, the design and layout of the building, along with its Listed status, prevents adaptation to meet these needs;
 - ii. the layout and nature of the building makes it difficult for Mr Towill to move around;
 - iii. the property is costly to heat/light/repair; and is
 - iv. difficult to maintain, both the house and the expansive grounds.
- 5.14 The case for "local need" that the applicant's agent is putting forward is that the applicants have long standing links with the community and would benefit from a dwelling designed to disabled standards with wheelchair access which has sufficient accommodation on one level. Although such a site or property may be available in one of the neighbouring Local Service Centres, such as Burgh by Sands, the applicant would not benefit from the long standing links with Moorhouse. Taking into account the above, the principle of creating a

new dwelling in the village is acceptable. In accepting the principle of the development, it is pertinent to identify that had it not been for the special circumstances of the applicant permission may not have been forthcoming.

- 5.15 In order to satisfy Policy H1 of the Local Plan the occupation of the proposed dwelling would be restricted to those persons living within the village of Moorhouse, which can be secured in perpetuity by means of a local occupancy condition.

2. Whether The Scale, Layout And Design Of The Development Is Acceptable.

- 5.16 The submitted drawings illustrate that the property would be designed to a high standard, and the appearance is that of a traditional one and a half storey dwelling. Whilst it was considered that taking detail and finishes from Moorhouse Hall would not be appropriate due to the great disparity in scale, a modern reference to a Venetian window has been included in the south elevation of the property, reflecting that in the rear elevation of Moorhouse Hall.
- 5.17 The proposed materials would also complement the surrounding dwellings. Furthermore, the proposal would achieve adequate amenity space and off-street parking. The character and appearance of the dwelling would not be disproportionate or obtrusive within the streetscene.
- 5.18 Considering the site is located within the grounds of a Listed Building it is considered appropriate to impose a condition removing Permitted Development rights.

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

- 5.19 The majority of the neighbouring properties are positioned sufficient distance away or orientated in such a way not to be directly affected as a result of loss of loss, loss of privacy or overdominance.
- 5.20 The occupiers of the closest neighbouring property, Meadowcroft, object to the application on several grounds, one being that the new dwelling will completely overlook and overshadow their property. In respect of this matter, there are three windows in the proposal which look towards the boundary with Meadowcroft, one serving a wc and, as such, will be obscurely glazed; one to a hallway, which is not a habitable room; and one to the living room, although it is not the main window to this room. At a distance of approximately 17m away it is not considered that this window will have a significant impact upon the occupiers of Meadowcroft, when taking into account that there are no ground or first floor windows in the gable elevation of that property, only a bedroom window at second floor which is situated higher than the ridge of the roof of this proposal.

4. Impact on the Character and Appearance of the Listed Building

- 5.21 It is considered that the design of the building would not adversely affect the character or appearance of the Listed Building, a view that is supported by the Council's Principal Conservation Officer, who has had ongoing discussions with the applicants at pre- application stage through to the finalised design of the dwelling. It is recommended that a condition is imposed that requires samples of the external materials to be used to be agreed prior to work commencing to ensure the design is not compromised through the use of inappropriate external finishes.

5. Highway Matters

- 5.22 The Highway Authority has raised no objections to the proposal, but recommend that one planning condition is imposed, which relates to the proposed new access.

6. Tree Issues

- 5.23 Since the receipt of this application a Tree Preservation Order (TPO 252) has been established in respect of a number of trees on the site. Further information relating to tree protection methods and landscaping was requested by the Landscape Architect and Tree Officer, and a Tree Method Statement dated May 2010 was submitted. This is broadly acceptable, but there are several issues which still need to be confirmed:
- 5.24 The access for the proposed development impinges on the root protection area of a number of trees. In order to reduce the detrimental impact it is proposed to use Geogrid to form the road, and this is considered to be acceptable. However, in order to install the Geogrid it is necessary to remove the top 75 mm of grass/vegetation. This, in itself, is acceptable but when creating a level surface for the Geogrid any hollows or dips should be filled to raise the levels, rather than levelling the surface by further reducing the high points. Any works within the root protection area to install the access track must be carried out by hand and the edging of the Geogrid should be by means of retaining boards pinned into the ground, as excavations to install kerbs is unacceptable.
- 5.25 It is proposed to route the services along the new access route to avoid the exclusion zones. However, the new access route is within the root protection area of the trees and as such is an exclusion zone. Excavating trenches for services will negate the benefit of installing the Geogrid track. Further consideration must be given to the routing of services so that they are outside of the root protection zones.
- 5.26 The specification for tree protection fencing is acceptable as long as the posts and bracing are driven into the ground, and not supported by rubber blocks. However there needs to be some adjustment in the location of the fencing so that the fencing completely encloses the area it is to protect and is not be left open at the ends or sides.
- 5.27 The applicants agent has verbally confirmed that these alterations and additions to be added to the Tree Method Statement and Landscaping Plan

are acceptable, but at the time of writing this report an updated statement has not yet been received.

7. Other Matters

- 5.28 The Parish Council object to the proposal on the grounds that the development will lower an old wall of a walled garden. This is not the case, and as can be seen on the plans the wall which surrounds the walled garden will not be touched by the development.
- 5.29 The Parish also state that the new development will spoil the setting of one of the oldest and most important houses in the Village, and have referred to the Burgh-by-Sands Parish Design Statement.
- 5.30 The Design Statement provides the criteria for new buildings and states:
- i. "There should be a consistent theme and/or style within new development which is related to the locality and setting.
 - ii. New development should generally be single or two-storey in height.
 - iii. Building styles and materials should be in keeping with the local vernacular and reflect the nearby colours, textures, materials, shapes, styles and proportions of existing traditional buildings and the character of the surrounding area.
 - iv. Where garden walls and outbuildings are present in new development, these should utilise the same materials as the main building.
 - v. Local distinctive features, such as date stones, decorative brickwork and gateposts, might be used to enhance new buildings."
- 5.31 It is considered that the proposal accords with the above criteria and as such is acceptable in terms of the Parish Design Statement.

Conclusion

- 5.32 In overall terms, the principle of the proposed development is acceptable. The proposed dwelling can be accommodated on the site without detriment to the living conditions of the neighbouring properties or the character/setting of the Listed Building. The Highway Authority has advised that the proposal is acceptable subject to the imposition of a planning condition as outlined in paragraph 5.22.
- 5.33 In all aspects the proposal is compliant with the objectives of the Carlisle District Local Plan 2001-2016 and the application is recommended for approval subject to the receipt of an acceptable amended Tree Method Statement and Landscaping Plan.

6. Human Rights Act 1998

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

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

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

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

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

- 6.3 Article 8 and Article 1 of Protocol 1 of the Human Rights Act are relevant to this application, and should be considered when a decision is made. Members are advised that for the reasons identified in the report the impact of the development in these respects will be minimal and the separate rights of individuals under this legislation will not be prejudiced.

7. Recommendation - Grant Permission

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

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

2. The approved documents for this Planning Permission comprise:

1. the submitted planning application form;
2. Existing Plan dated 10th March 2010, drawing number 1270,004;
3. Proposed Plans, Sections and Elevations dated 10th March 2010, drawing number 1270,005;
4. Site Plan as Proposed dated 28th May 2010, drawing number 1270,003,C;
5. Proposed New Entrance Details dated 10th March, drawing number 1270,007;
6. the design and access statement
7. the tree survey report dated 10th March 2010
8. the tree method statement dated May 2010
9. the bat roost Survey dated May 2010

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

Reason: For the avoidance of doubt.

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

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

4. The dwelling hereby approved shall only be occupied by qualifying persons, or a widow or widower of such persons and any resident dependents, who currently live or work within the village of Moorhouse and who, for the avoidance of doubt, shall be persons who have done so for a continuous period of at least 10 years; or who have established and continuous links with the locality by reason of birth or long term immediate family connections; or who have an essential need through age or disability to live close to those supporting persons who have lived in the locality for at least 10 years.

In the event that the owner of the dwelling demonstrates to the Council that the dwelling (once constructed) has been advertised for sale to qualifying persons [as set out above] for not less than 12 months and no qualifying person or persons have been able to exchange contracts in respect of the purchase of the dwelling then the owners shall be additionally entitled to dispose of the dwelling to persons, or a widow or widower of such persons and any resident dependents, who currently live or work within the administrative Parish of Burgh-by-Sands and have done so for a continuous period of at least 10 years; or who have established and continuous links with the locality by reason of birth or long term immediate family connections; or who have an essential need through age or disability to live close to those supporting persons who have lived in the locality for at least 10 years.

Reason: There is a strong presumption against development in rural areas and the unrestricted use of the dwellings would be contrary to Policy H1 of the Carlisle District Local Plan 2001-2016.

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

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

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

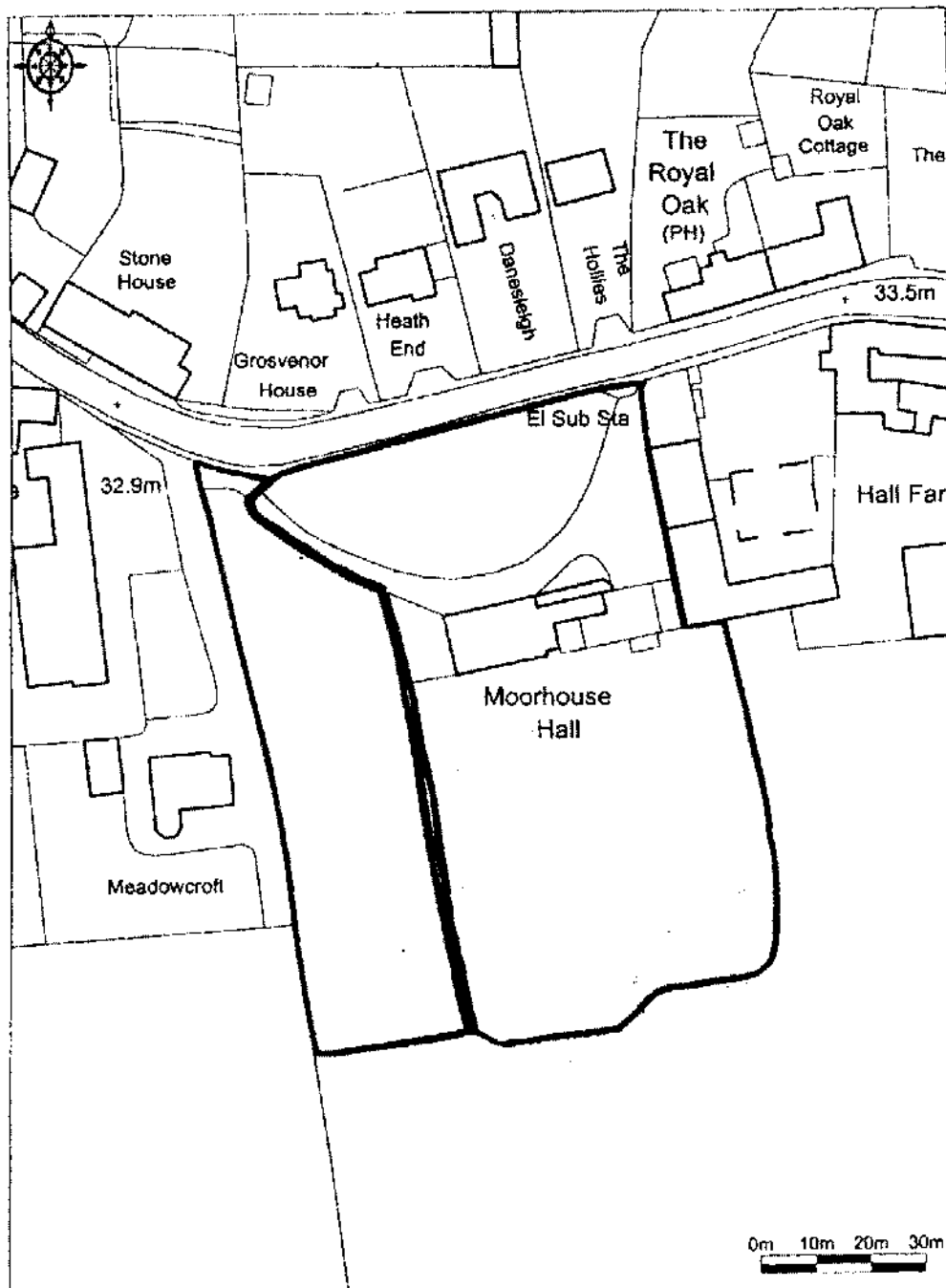
Reason: To ensure that the character and appearance of the area and the living conditions of the occupiers of neighbouring properties are not adversely affected by inappropriate alterations and/ or extensions and that any additions which may subsequently be proposed satisfy the objectives of Policy CP5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

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

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

8. No development hereby approved by this permission shall commence until details of the proposed hard surface finishes have been submitted to and approved in writing by the Local Planning Authority. The development shall then be undertaken in accordance with the approved details.

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

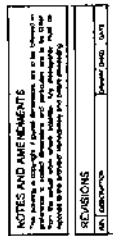



 Ordnance Survey
 Edited by

© Crown Copyright 2009. All rights reserved. Licence number 100020449. Plotted Scale: 1:1250

0m 10m 20m 30m

9 0 MAR 2010
 10/0233



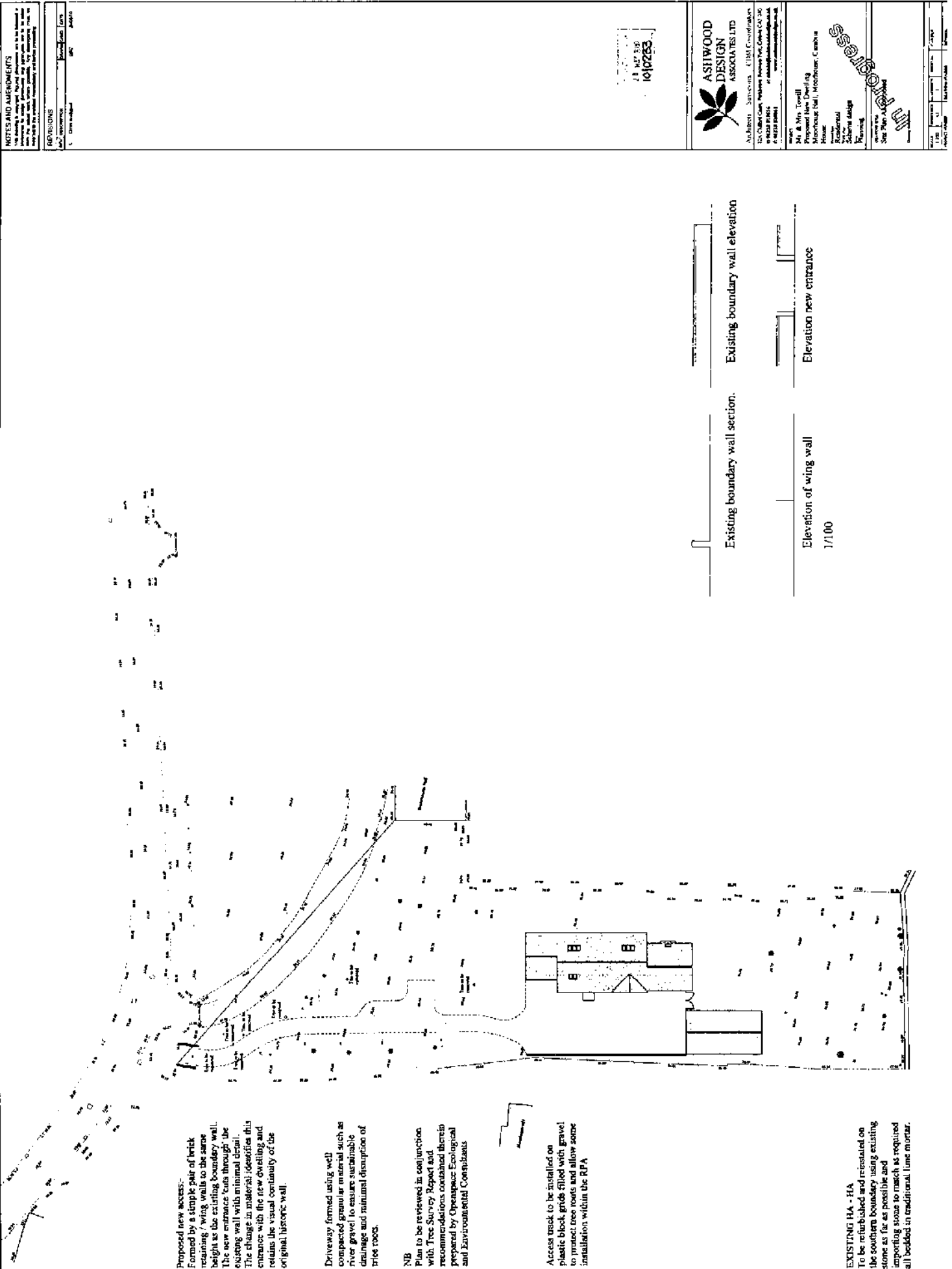
**ASHWOOD
DESIGN
ASSOCIATES LTD**

[illegible]

Mr & Mrs. Towell
Proprietors New Orleans
Norman Hall, Northouse, Cambria
House
Rogers and
Rogers and

PLATE 23 CONTINUED

[illegible]



NOTES AND ASSUMPTIONS

1. All dimensions are in millimeters unless otherwise stated.
2. All elevations are to finished ground level unless otherwise stated.
3. All sections are to finished ground level unless otherwise stated.
4. All sections are to finished ground level unless otherwise stated.

REVISIONS

NO. DESCRIPTION

1. 10/02/23

2. 10/02/23

3. 10/02/23

4. 10/02/23

5. 10/02/23

6. 10/02/23

7. 10/02/23

8. 10/02/23

9. 10/02/23

10. 10/02/23

11. 10/02/23

12. 10/02/23

13. 10/02/23

14. 10/02/23

15. 10/02/23

16. 10/02/23

17. 10/02/23

18. 10/02/23

19. 10/02/23

20. 10/02/23

21. 10/02/23

22. 10/02/23

23. 10/02/23

24. 10/02/23

25. 10/02/23

26. 10/02/23

27. 10/02/23

28. 10/02/23

29. 10/02/23

30. 10/02/23

31. 10/02/23

32. 10/02/23

33. 10/02/23

34. 10/02/23

35. 10/02/23

36. 10/02/23

37. 10/02/23

38. 10/02/23

39. 10/02/23

40. 10/02/23

41. 10/02/23

42. 10/02/23

43. 10/02/23

44. 10/02/23

45. 10/02/23

46. 10/02/23

47. 10/02/23

48. 10/02/23

49. 10/02/23

50. 10/02/23

51. 10/02/23

52. 10/02/23

53. 10/02/23

54. 10/02/23

55. 10/02/23

56. 10/02/23

57. 10/02/23

58. 10/02/23

59. 10/02/23

60. 10/02/23

61. 10/02/23

62. 10/02/23

63. 10/02/23

64. 10/02/23

65. 10/02/23

66. 10/02/23

67. 10/02/23

68. 10/02/23

69. 10/02/23

70. 10/02/23

71. 10/02/23

72. 10/02/23

73. 10/02/23

74. 10/02/23

75. 10/02/23

76. 10/02/23

77. 10/02/23

78. 10/02/23

79. 10/02/23

80. 10/02/23

81. 10/02/23

82. 10/02/23

83. 10/02/23

84. 10/02/23

85. 10/02/23

86. 10/02/23

87. 10/02/23

88. 10/02/23

89. 10/02/23

90. 10/02/23

91. 10/02/23

92. 10/02/23

93. 10/02/23

94. 10/02/23

95. 10/02/23

96. 10/02/23

97. 10/02/23

98. 10/02/23

99. 10/02/23

100. 10/02/23

101. 10/02/23

102. 10/02/23

103. 10/02/23

104. 10/02/23

105. 10/02/23

106. 10/02/23

107. 10/02/23

108. 10/02/23

109. 10/02/23

110. 10/02/23

111. 10/02/23

112. 10/02/23

113. 10/02/23

114. 10/02/23

115. 10/02/23

116. 10/02/23

117. 10/02/23

118. 10/02/23

119. 10/02/23

120. 10/02/23

121. 10/02/23

122. 10/02/23

123. 10/02/23

124. 10/02/23

125. 10/02/23

126. 10/02/23

127. 10/02/23

128. 10/02/23

129. 10/02/23

130. 10/02/23

131. 10/02/23

132. 10/02/23

133. 10/02/23

134. 10/02/23

135. 10/02/23

136. 10/02/23

137. 10/02/23

138. 10/02/23

139. 10/02/23

140. 10/02/23

141. 10/02/23

142. 10/02/23

143. 10/02/23

144. 10/02/23

145. 10/02/23

146. 10/02/23

147. 10/02/23

148. 10/02/23

149. 10/02/23

150. 10/02/23

151. 10/02/23

152. 10/02/23

153. 10/02/23

154. 10/02/23

155. 10/02/23

156. 10/02/23

157. 10/02/23

158. 10/02/23

159. 10/02/23

160. 10/02/23

161. 10/02/23

162. 10/02/23

163. 10/02/23

164. 10/02/23

165. 10/02/23

166. 10/02/23

167. 10/02/23

168. 10/02/23

169. 10/02/23

170. 10/02/23

171. 10/02/23

172. 10/02/23

173. 10/02/23

174. 10/02/23

175. 10/02/23

176. 10/02/23

177. 10/02/23

178. 10/02/23

179. 10/02/23

180. 10/02/23

181. 10/02/23

182. 10/02/23

183. 10/02/23

184. 10/02/23

185. 10/02/23

186. 10/02/23

187. 10/02/23

188. 10/02/23

189. 10/02/23

190. 10/02/23

191. 10/02/23

192. 10/02/23

193. 10/02/23

194. 10/02/23

195. 10/02/23

196. 10/02/23

197. 10/02/23

198. 10/02/23

199. 10/02/23

200. 10/02/23

201. 10/02/23

202. 10/02/23

203. 10/02/23

204. 10/02/23

205. 10/02/23

206. 10/02/23

207. 10/02/23

208. 10/02/23

209. 10/02/23

210. 10/02/23

211. 10/02/23

212. 10/02/23

213. 10/02/23

214. 10/02/23

215. 10/02/23

216. 10/02/23

217. 10/02/23

218. 10/02/23

219. 10/02/23

220. 10/02/23

221. 10/02/23

222. 10/02/23

223. 10/02/23

224. 10/02/23

225. 10/02/23

226. 10/02/23

227. 10/02/23

228. 10/02/23

229. 10/02/23

230. 10/02/23

231. 10/02/23

232. 10/02/23

233. 10/02/23

234. 10/02/23

235. 10/02/23

236. 10/02/23

237. 10/02/23

238. 10/02/23

239. 10/02/23

240. 10/02/23

241. 10/02/23

242. 10/02/23

243. 10/02/23

244. 10/02/23

245. 10/02/23

NOTES AND AMENDMENTS
 1. All dimensions are in millimetres unless otherwise stated.
 2. The drawings are to be read in conjunction with the Bill of Materials and the Specification.
 3. The drawings are to be read in conjunction with the Bill of Materials and the Specification.
 4. The drawings are to be read in conjunction with the Bill of Materials and the Specification.

REVISIONS

NO.	REVISION	DATE	BY



Existing boundary wall section.

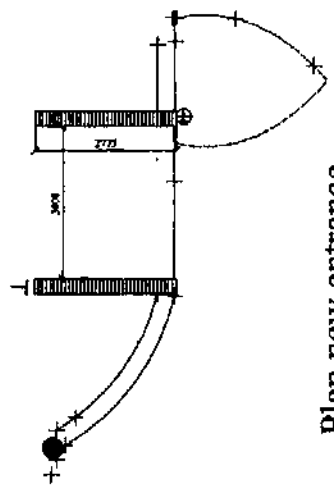
Existing boundary wall elevation



Elevation of wing wall

Elevation new entrance

1/100



Plan new entrance

1 0 MAR 2010
 10/0233

ASHWOOD
 DESIGN
 ASSOCIATES LTD

Architects, Surveyors, Civil Consultants
 1st, Oxford Court, Poppleton Avenue, Oundle, Cambs, UK
 CB8 8JH
 Tel: 01832 818811 Fax: 01832 818812
 www.ashwooddesign.co.uk

Mr. & Mrs. Smith
 Poppleton Avenue
 Oundle, Cambs, UK
 CB8 8JH
 Tel: 01832 818811 Fax: 01832 818812
 www.ashwooddesign.co.uk

Prepared: New Entrance Details
 Date: 10/02/2010
 By: [Signature]

NO.	REVISION	DATE	BY

SCHEDULE A: Applications with Recommendation

10/0425

Item No: 08

Date of Committee: 16/07/2010

Appn Ref No:
10/0425

Applicant:
Two Castles Housing
Association

Parish:
Brampton

Date of Receipt:
06/05/2010 16:00:54

Agent:
HMH Architects

Ward:
Brampton

Location:
Land to the south of Gelt Rise, Brampton, Cumbria

Grid Reference:
352860 560705

Proposal: Erection Of 17no. Dwellings Together With Associated Parking,
Landscaping And Formation Of New Access Road.

Amendment:

REPORT

Case Officer: Stephen Daniel

Reason for Determination by Committee:

Objections have been received from Brampton Parish Council and the Conservation Area Advisory Committee.

1. Constraints and Planning Policies

Airport Safeguarding Area

Conservation Area

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

Local Plan Pol DP1 - Sustainable Development Location

Local Plan Pol CP2 - Biodiversity

Local Plan Pol CP3 - Trees and Hedges on Development Sites

Local Plan Pol CP5 - Design

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

Local Plan Pol CP16 -Public Trans.Pedestrians & Cyclists

Local Plan Pol CP17 - Planning Out Crime

Local Plan Pol H1 - Location of New Housing Develop.

Local Plan Pol H2 - Primary Residential Area

Local Plan Pol H3 - Residential Density

Local Plan Pol H5 - Affordable Housing

Local Plan Pol LE8 - Archaeology on Other Sites

Local Plan Pol LE19 - Conservation Areas

Local Plan Pol LC4 - Children's Play and Recreation Areas

Local Plan Pol T1- Parking Guidelines for Development

2. Summary of Consultation Responses

Cumbria County Council - (Highway Authority): no objections, subject to conditions;

Local Environment (former Community Services) - Drainage Engineer: comments awaited;

United Utilities - (for water & wastewater comment) see UUES for electricity dist.network matters: no objections, subject to conditions being met;

Planning - Planning Policy & Conservation - Richard Majewicz: the site lies within the Brampton Conservation Area, and adjoins an existing housing estate located to the south of the centre of the town. The site rises steeply to the south east and is bordered on the south and east by a dense screen of mature trees which give the site a dark and enclosed aspect. As a consequence this is not an easy site to develop, and whilst this proposal is not the most imaginative of those originally considered for the site, it has been developed to provide a reasonable level of accommodation, and the elevations of the individual units has been much simplified when compared to the architect's original proposals.

There are a couple of architecturally poor details which should still be altered. First is the stepped roof detail over units 16 and 17 which is particularly weak at ridge level. Surely this can be avoided by the judicious use of cut and fill to provide a level base and, therefore, roofline, for these two units? Also feel that the hipped roof over the projecting bay of unit 15 is uncomfortably close to the main ridge.

Given the enclosed nature of the site, there are too many horizontal glazing bars on display for the ground floor windows and these should be removed or reduced to a

single central horizontal glazing bar to allow as much light as possible into the dwellings.

The detailing of the rear doorway on the rendered properties and the juxtaposition of the doorway and adjoining window are poor. Without a surround, the door appears as an afterthought rather than as an integral element of the design. The door and window should be combined within a common surround to make it appear part of the intended design – it seems ‘lonely’ as currently shown.

The previous scheme included brick porches on rendered facades and rendered porches on brick facades, but that this had been rejected. Providing it is done consistently throughout the scheme and not randomly as in the adjoining housing scheme, there are no objections if this treatment was to be re-introduced. Subject to the selection of an appropriate brick colour, the render might help to brighten up/lighten/enliven the overall appearance of the completed scheme. Equally the continuation of brick soldier courses could help to enliven the rear and gable elevations of the brick faced houses (subject to financial constraints);

Cumbria Constabulary - North Area Community Safety Unit (formerly Crime Prevention): the applicant is keen to achieve Secured by Design accreditation and the application complies with Local Plan Policy CP17;

Carlisle Airport: comments awaited;

Natural England - Larger Schemes with Env.St & Designated Sites (SSSIs, SACs, SPAs, Ramsar Sites): the proposal would not materially or significantly affect the River Eden & Tributaries SSSI and the River Eden SAC. Satisfied that the proposal does not have any significant impacts upon Natural England's other interests. Need to clarify why the Ecology Report did not consider the presence of Great Crested Newts in the ponds that are within 500m of the development;

Cumbria County Council - (Archaeological Services): no comments;

English Heritage - North West Region: no comments;

Brampton Parish Council: insufficient car parking spaces - two less houses should be built to give more parking;

Planning & Housing Services - Housing Strategy: support the application. There is a need for the 17 affordable dwellings for social rent at Gelt Rise;

(Former Comm/Env.Services) - Green Spaces - Countryside Officer - RURAL AREA: comments awaited;

Cumbria County Council - (Highway Authority - Footpaths): comments awaited;

Cumbria Wildlife Trust: comments awaited;

Local Environment - Environmental Protection (former Comm Env Services-Env Quality): no objections.

(Former Comm/Env.Services) - Green Spaces: would seek a contribution of £16,351 (provision £12,800 and 10 years maintenance £3,551) for formal play, plus 10 years maintenance, to enhance the existing facilities at the park.

Conservation Area Advisory Committee: this is a very disappointing proposal. Whilst the layout is reasonable the design of the dwellings is very poor and little thought has been given to providing attractive housing. The large variety of window types and patterns gives the dwellings an untidy appearance;

Planning & Housing Services - Tree/ Landscape Officer: the proposals are acceptable subject to a condition being attached to the granting of consent, should it be forthcoming requiring a scheme of tree protection. The scheme must include a specification for the tree protection barriers in accordance with BS 5837:2005 Trees in relation to construction – recommendations Fig. 2 or similar, and a plan showing the location the fencing is to be erected, the location shown on drawing no. SK 108 Rev. A is acceptable. This scheme of tree protection must be agreed in writing and the fencing erected prior to commencement of any works on site. Furthermore, the tree protection fencing must be maintained in the agreed position and in good order for the duration of the development.

3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:
1 Gelt Rise		
1 Gelt Rise	18/05/10	
14 Gelt Rise		
14 Gelt Rise	18/05/10	
15 Gelt Rise		
15 Gelt Rise	18/05/10	
16 Gelt Rise		
16 Gelt Rise	18/05/10	
17 Gelt Rise		
17 Gelt Rise	18/05/10	
18 Gelt Rise		
18 Gelt Rise	18/05/10	
19 Gelt Rise		
19 Gelt Rise	18/05/10	
20 Gelt Rise		
20 Gelt Rise	18/05/10	
1 Cambeck Close		
1 Cambeck Close	18/05/10	
2 Cambeck Close		
2 Cambeck Close	18/05/10	
3 Cambeck Close		
3 Cambeck Close	18/05/10	
4 Cambeck Close		
4 Cambeck Close	18/05/10	
5 Cambeck Close		
5 Cambeck Close	18/05/10	
6 Cambeck Close		
6 Cambeck Close	18/05/10	

7 Cambeck Close	
7 Cambeck Close	18/05/10
8 Cambeck Close	
8 Cambeck Close	18/05/10
9 Cambeck Close	
9 Cambeck Close	18/05/10
10 Cambeck Close	
10 Cambeck Close	18/05/10
11 Cambeck Close	
11 Cambeck Close	18/05/10
12 Cambeck Close	
12 Cambeck Close	18/05/10
13 Cambeck Close	
13 Cambeck Close	18/05/10
14 Cambeck Close	
14 Cambeck Close	18/05/10
15 Cambeck Close	
15 Cambeck Close	18/05/10
16 Cambeck Close	
16 Cambeck Close	18/05/10
17 Cambeck Close	
17 Cambeck Close	18/05/10
18 Cambeck Close	
18 Cambeck Close	18/05/10
19 Cambeck Close	
19 Cambeck Close	18/05/10
20 Cambeck Close	
20 Cambeck Close	18/05/10
21 Cambeck Close	
21 Cambeck Close	18/05/10
22 Cambeck Close	
22 Cambeck Close	18/05/10
23 Cambeck Close	
23 Cambeck Close	18/05/10
24 Cambeck Close	
24 Cambeck Close	18/05/10
25 Cambeck Close	
25 Cambeck Close	18/05/10
26 Cambeck Close	
26 Cambeck Close	18/05/10
27 Cambeck Close	
27 Cambeck Close	18/05/10
28 Cambeck Close	
28 Cambeck Close	18/05/10
29 Cambeck Close	
29 Cambeck Close	18/05/10
30 Cambeck Close	
30 Cambeck Close	18/05/10
1 Cambeck Rise	
1 Cambeck Rise	18/05/10
2 Cambeck Rise	
2 Cambeck Rise	18/05/10
3 Cambeck Rise	
3 Cambeck Rise	18/05/10
4 Cambeck Rise	
4 Cambeck Rise	18/05/10
5 Cambeck Rise	
5 Cambeck Rise	18/05/10
6 Cambeck Rise	
6 Cambeck Rise	18/05/10
7 Cambeck Rise	
7 Cambeck Rise	18/05/10

8 Cambeck Rise	
8 Cambeck Rise	18/05/10
1 Kingwater Close	
1 Kingwater Close	18/05/10
2 Kingwater Close	
2 Kingwater Close	18/05/10
3 Kingwater Close	
3 Kingwater Close	18/05/10
4 Kingwater Close	
4 Kingwater Close	18/05/10
5 Kingwater Close	
5 Kingwater Close	18/05/10
6 Kingwater Close	
6 Kingwater Close	18/05/10
7 Kingwater Close	
7 Kingwater Close	18/05/10
8 Kingwater Close	
8 Kingwater Close	18/05/10
9 Kingwater Close	
9 Kingwater Close	18/05/10
10 Kingwater Close	
10 Kingwater Close	18/05/10
11 Kingwater Close	
11 Kingwater Close	18/05/10
12 Kingwater Close	
12 Kingwater Close	18/05/10
13 Kingwater Close	
13 Kingwater Close	18/05/10
14 Kingwater Close	
14 Kingwater Close	18/05/10
15 Kingwater Close	
15 Kingwater Close	18/05/10
16 Kingwater Close	
16 Kingwater Close	18/05/10
17 Kingwater Close	
17 Kingwater Close	18/05/10
18 Kingwater Close	
18 Kingwater Close	18/05/10
19 Kingwater Close	
19 Kingwater Close	18/05/10
20 Kingwater Close	
20 Kingwater Close	18/05/10
2 Gelt Rise	
2 Gelt Rise	18/05/10
3 Gelt Rise	
3 Gelt Rise	18/05/10
4 Gelt Rise	
4 Gelt Rise	18/05/10
5 Gelt Rise	
5 Gelt Rise	18/05/10
6 Gelt Rise	
6 Gelt Rise	18/05/10
7 Gelt Rise	
7 Gelt Rise	18/05/10
8 Gelt Rise	
8 Gelt Rise	18/05/10
9 Gelt Rise	
9 Gelt Rise	18/05/10
10 Gelt Rise	
10 Gelt Rise	18/05/10
11 Gelt Rise	
11 Gelt Rise	18/05/10

12 Gelt Rise	
12 Gelt Rise	18/05/10
13 Gelt Rise	
13 Gelt Rise	18/05/10

- 3.1 This application has been advertised by means of site and press notices as well as notification letters sent to seventy-eight neighbouring properties. No verbal or written representations have been made during the consultation period.

4. Planning History

- 4.1 There is no planning history relating to this site.

5. Details of Proposal/Officer Appraisal

Introduction

- 5.1 This application seeks full planning permission for the erection of 17 dwellings, together with associated parking, landscaping and the formation of a new access road, on land to the south of Gelt Rise, Brampton. The site, which is designated as a Primary Residential Area and lies within the Brampton Conservation Area, covers an area of approximately 0.55 hectares and is currently undeveloped grassland.
- 5.2 A public footpath runs along the eastern boundary of the site and this provides a link from the dwellings on Gelt Rise and Cambeck Rise, to a recreation ground that lies to the south of the application site. A number of mature trees are located along the eastern and southern boundaries of the site, with a hedgerow, which incorporates some smaller trees, running along the western boundary. A section of hedgerow is also located in the middle of the site and this runs from north to south. There is a significant change in levels across the site, with the land rising approximately 9m from the north west to the south east corner.
- 5.3 Existing dwellings on Gelt Rise, which are owned by a Housing Association, adjoin the application site to the north. Open fields are located to the east and west, with open fields and a recreation ground adjoining the southern boundary of the site.

Background

- 5.4 The application site is owned by Carlisle City Council and it has been agreed that the site should be sold to a Housing Association to be developed for affordable housing.

The Proposal

- 5.5 The application proposes the erection of 17 affordable dwellings for rent by

Two Castles Housing Association. Seven of the dwellings would be located within a cul-de-sac, which would lie on the eastern side of the site. There would be three pairs of semi-detached dwellings, two of which would be two-storey with the other pair being two and a half-storey. There would also be a two storey detached dwelling. Three further pairs of semi-detached dwellings would be located on the southern side of the new access road, which would run to the western boundary of the site. A terrace of four two-storey dwellings would be located on the northern side of this road, adjacent to an existing terrace of four properties on Gelt Rise.

- 5.6 All of the dwellings would have rear gardens with the ten properties to the south of the site, having gardens on two-levels, separated by a retaining wall, due to the significant change in levels across the site. Boundary treatment would consist of 1.2m high timber post and rail fences between properties, 1.8m high timber close boarded fences adjacent to the footpath and hedgerows, where the rear of the properties adjoin the new access road.
- 5.7 Vehicular and pedestrian access to the dwellings would be provided from Gelt Rise. The existing footpath that runs along the eastern edge of the site would also provide access to the recreation ground that lies to the south of the application site.
- 5.8 Twenty-one car parking spaces would be provided across the site, with eleven of these being provided in-curtilage and ten being provided in marked parking bays, which would be overlooked by properties. Each dwelling would have one car parking space, with the remaining four being for visitor parking.
- 5.9 The proposed dwellings would be constructed of a mixture of multi-red facing brick and rendered walls, under grey profiled concrete roof tiles. They have been designed to achieve Level 3 of the Code for Sustainable Homes, which is a requirement of the Housing Corporation, which is funding the development. It is proposed that the dwellings would incorporate high levels of insulation, high efficiency boilers, recycled heat from boiler flues and solar panels for hot water. The scheme is also seeking to achieve Secured by Design Certification.
- 5.10 The application is accompanied by a Housing Needs Report, an Ecology Report, an Arboricultural Impact Assessment, a Flood Risk Assessment and Surface Water Drainage Strategy, a Geo-Environmental Investigation and details of consultation responses from both statutory consultees and the public.

Assessment

- 5.11 The relevant planning policies against which the application is required to be assessed are Policies DP1, CP2, CP3, CP5, CP12, CP16, CP17, H1, H2, H3, H5, LE8, LE19, LC4 and T1 of the Carlisle District Local Plan 2001-2016.
- 5.12 The proposal raises the following planning issues:

1. Principle Of Development

- 5.13 The application site is designated as a Primary Residential Area in the adopted Carlisle District Local Plan. As such, the principle of residential development is acceptable, subject to compliance with the criteria identified in Policy H2 and other relevant Local Plan policies.

2. Scale, Layout And Design Of The Development

- 5.14 The proposed development is well laid out and will compliment the existing housing development at Gelt Rise. There is a range of house types, including semi-detached, detached and a terrace of four properties, and a range of finishes, which will help to create a visually interesting development. The dwellings incorporate reasonably sized rear gardens that are comparable to the size of the units that they serve, thereby ensuring that the development does not appear cramped or overdeveloped.
- 5.15 Soft landscaping has been incorporated into the scheme and rear boundaries that adjoin the highway will consist of hedgerows. The mature trees around the periphery of the site are to be retained.
- 5.16 The design of the houses includes sustainable elements that will improve the energy efficiency of the dwellings. Each property has a dedicated parking space, with an additional four visitor spaces also being provided throughout the site.
- 5.17 In light of the above, the scale, layout and design of the proposals are acceptable.

3. Impact Of The Proposals On The Brampton Conservation Area

- 5.18 Given that the site lies within a Primary Residential Area and the proposed development is acceptable in terms of scale, layout and design it would not have an adverse impact on the character or appearance of the Brampton Conservation Area.

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

- 5.19 Plot 17 of the new development would be located to the rear of 10 Gelt Rise, which is a bungalow. The rear elevation of 10 Gelt Rise would not directly face the side elevation of Plot 17, which would only have a secondary kitchen window at ground floor level, and would be a minimum of 11.5m away. Plot 17 would have a hipped roof in order to reduce the impact on the occupier of 10 Gelt Rise.
- 5.20 Plot 1 of the new development would lie adjacent to the blank gable elevation of 11 Gelt Rise. Plot 1 would have a kitchen and living room window in the ground floor of the elevation facing 11 Gelt Rise and a bathroom window at first floor level in this elevation. Given that the kitchen would be served by a larger window in the front elevation and the living room would be served by

two additional windows in the rear elevation this is acceptable. Plot 1 would also face the front elevation of 20 Gelt Rise, but this property would be over 26m away and would not be adversely affected.

- 5.21 Plots 5 to 8 would lie to the south of numbers 11 to 14 Gelt Rise. The front elevation of plots 5 to 8 would be between 21.5m and 26.5m away from the rear elevations of the existing dwellings and these distances are sufficient to achieve acceptable levels of privacy.
- 5.22 The separation distances within the proposed development and between the new dwellings and the existing properties at Gelt Rise are acceptable and the proposal would not, therefore, have a significant adverse impact on the occupiers of any of the existing or proposed dwellings through loss of light, loss of privacy or over-dominance.

5. Density Of The Development

- 5.23 The density of the proposed development equates to approximately 31 dwellings per hectare, which accords with the density requirements of Policy H3 of the adopted Local Plan.

6. Landscaping

- 5.24 The application is accompanied by a Soft Landscaping Plan, which is acceptable to the Council's Landscape Architect. A condition has been imposed that requires protective fencing to be erected around any trees/hedges to be retained, which shall be kept in place for the duration of the development.

7. Affordable Housing

- 5.25 The land is presently owned by Carlisle City Council, who have agreed to sell it to a Housing Association, so that it can be developed for affordable housing. In order to secure the provision of these affordable properties, in perpetuity, the applicant, Two Castles Housing Association, has agreed to enter into a Section 106 Agreement to regulate this matter.

8. Open Space Provision

- 5.26 Given that the site is being developed for family housing, the Council's Green Spaces Department has requested a financial contribution of £16,351 towards the provision (£12,800) and the maintenance (£3,551) of children's play space in the locality. The provision of this money would be secured through the completion of a Section 106 Agreement.
- 5.27 It is not necessary for the applicant to make a financial contribution towards amenity open space or sports pitches, given the presence of existing facilities in the area.

9. Highway Issues

- 5.28 Brampton Parish Council considers that there is insufficient parking within the development. The Highway Authority is, however, satisfied with the level of parking provision, which equates to 1 space per dwelling plus four visitor parking spaces.

Conclusion

- 5.29 In overall terms, the principle of the development is acceptable. The scale, layout and design of the proposals are acceptable and it would not have an adverse impact on the Brampton Conservation Area. The dwellings could be accommodated on the site without detriment to the living conditions of the neighbouring properties through loss of light, privacy or over dominance. Adequate amenity space and car parking provision would be available to serve the dwellings. In all aspects the proposals are considered to be compliant with the objectives of the relevant Local Plan policies.

6. Human Rights Act 1998

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

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

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

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

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

- 6.3 The proposal has been considered against the above but in this instance it is not considered that there is any conflict. If it was to be alleged that there was conflict it is considered not to be significant enough to warrant the refusal of permission.

7. Recommendation - Grant Subject to S106 Agreement

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

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

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

2. The approved documents for this Planning Permission comprise:
 1. the submitted planning application form;
 2. the Design & Access Statement;
 3. Geo-Environmental Investigation + Addendum;
 4. Arboricultural Impact Assessment;
 5. Ecology Report;
 6. Flood Risk Assessment & Surface Water Drainage Strategy;
 7. Site Location Plan;
 8. Drawings SU01; SK100J; SK101A; SK102A; SK103B; SK104; SK106; SK107; SK108; SK201A; SK202B; SK203B; SK204A
 9. the Notice of Decision; and
 10. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: For the avoidance of doubt.

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

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

4. The landscaping scheme shall be implemented in accordance with the soft landscaping plan received on 9 June 2010 (Drawing No. SK108 Revision A) unless otherwise agreed, in writing, by the Local Planning Authority and these works shall be carried out as approved prior to the occupation of any part of the development or in accordance with the programme agreed by the Local Planning Authority. Any trees or other plants which die or are removed within the first five years following the implementation of the landscaping scheme shall be replaced during the next planting season.

Reason: To ensure that an acceptable landscaping scheme is prepared and to ensure compliance with Policies CP3 and CP5 of the Carlisle District Local Plan 2001-2016.

5. Before any development is commenced on the site, including site works of any description, a protective fence shall be erected around the trees and hedges to be retained in accordance with the details contained on the Soft Landscaping Plan (drawing no. SK 108 Rev. A) and in the Arboricultural Impact Assessment prepared by Dendra Consulting Ltd in February 2010 and received on 7 May 2010, unless otherwise agreed, in writing, by the Local Planning Authority. Within the areas fenced off the existing ground level shall be neither raised nor lowered, and no materials, temporary buildings or surplus soil of any kind shall be placed or stored thereon. If any trenches for services are required in the fenced off area, they shall be excavated or back filled by hand and any roots encountered with a diameter of 25mm or more shall be left unsevered. The fence shall thereafter be retained at all times during construction works on the site.

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

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order), no gates, fences, walls or other means of enclosure shall be erected or constructed in front of the forwardmost part of the front of the dwellings indicated as plots 1-17 on the approved plan, Drawing No. SK 100 Revision J received on 7 May 2010, without the permission of the Local Planning Authority.

Reason: To ensure that any form of enclosure to the front gardens of the properties is carried out in a co-ordinated manner in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

7. No dwelling shall be occupied until its foul drainage system is connected to a public sewer.

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

8. The surface water drainage system shall be implemented in accordance with the details contained within the Flood Risk Assessment and Surface Water Drainage Strategy produced by R. G. Parkins & Partners Ltd (Revision A) dated February 2010 (received on 11 May 2010), unless otherwise agreed, in writing, by the Local Planning Authority.

Reason: To prevent flooding at the site, in accordance with Policy CP12 of the Carlisle District Local Plan 2001-2016.

9. The proposed finished floor levels of the proposed dwellings hereby approved shall be in accordance with Drawing No. SK 100, Revision J, received 7 May 2010, unless otherwise agreed, in writing, by the Local Planning Authority.

Reason: In order that the approved development overcomes any problem associated with the topography of the area and safeguards the amenity of neighbouring residents in accordance with Policy H2 of the Carlisle District Local Plan 2001-2016.

10. The development hereby approved shall implemented in accordance with the mitigation measures outlined in paragraphs 5.1 to 5.3 of the Ecology Report produced by Dendra Consulting Ltd, dated 3rd March 2010 (received 7 May 2010), unless otherwise agreed, in writing, by the Local Planning Authority.

Reason: To protect wildlife and trees at the site, in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

11. The carriageway, footways, footpaths, cycleways etc 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 work commences on site. No work shall be commenced until a full specification has been approved. These details shall be in accordance with the standards laid down in the current Cumbria Design Guide. Any works so approved shall be constructed before the development is complete.

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

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

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

13. Measures should be taken by the applicant to ensure that no mud or debris are deposited on the public highway by any vehicle associated with the development. Details of the exact measures required to meet this condition are to be agreed with the Local Planning Authority.

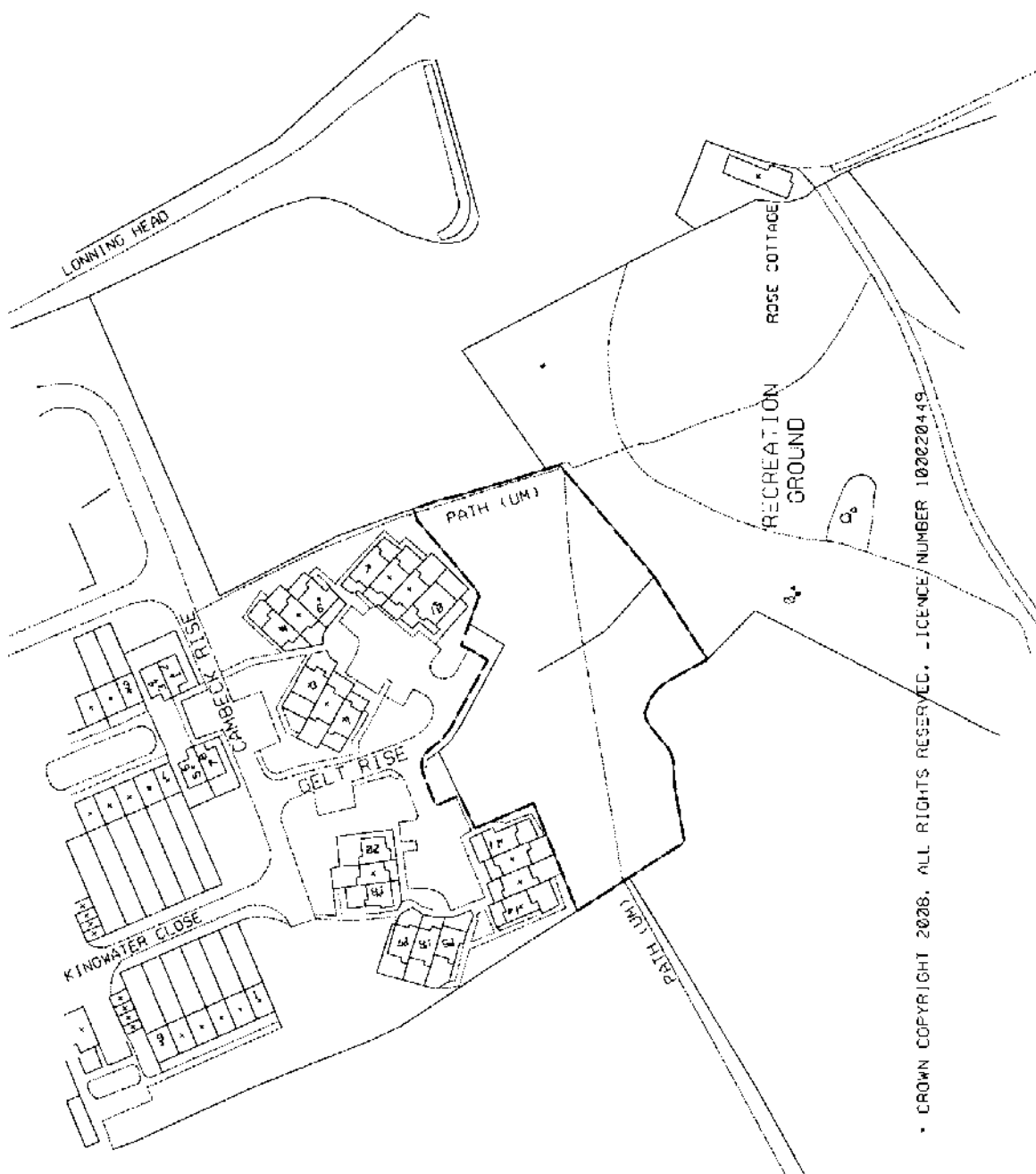
Reason: In the interests of highway safety and to support Local Transport Plan Policies LD7 and LD8.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) there shall be no enlargement or external alterations to the dwellings (Plots 1 to 17) to be erected in accordance with this permission, within the meaning of Schedule 2 Part (1) of these Orders, without the written approval of the local planning authority.

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

15. The hard landscaping scheme shall be implemented in accordance with the details contained within the Hard Landscaping Plan (drawing number SK104) and Hard Landscaping Details (drawing number SK107) unless otherwise agreed, in writing, by the Local Planning Authority and these works shall be carried out as approved prior to the occupation of any part of the development or in accordance with the programme agreed by the Local Planning Authority.

Reason: To ensure that an acceptable landscaping scheme is prepared and to ensure compliance with Policies CP3 and CP5 of the Carlisle District Local Plan 2001-2016.



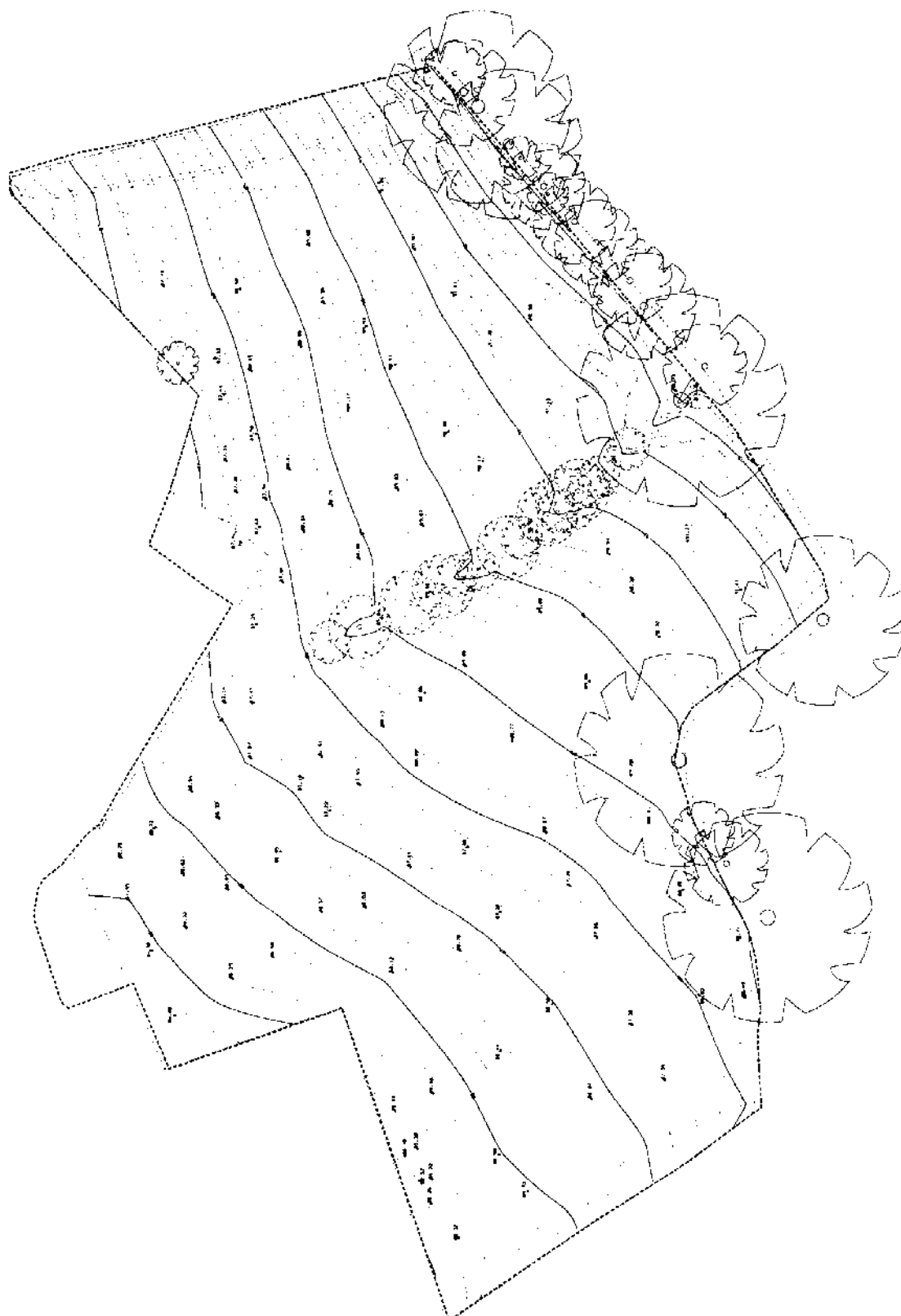
• CROWN COPYRIGHT 2006. ALL RIGHTS RESERVED. LICENCE NUMBER 102020449

3759
 L01
 11255@A3
 Feb 10
 AW SAS

26 Enterprise House
 Team Valley, Gateshead
 Tyne & Wear, NE11 0SR
 Telephone 0191 4870062
 Facsimile 0191 4825581
 hnmharchitects.co.uk



Two Castles Housing Association Housing Development Gelt Rise - Brampton Site Location



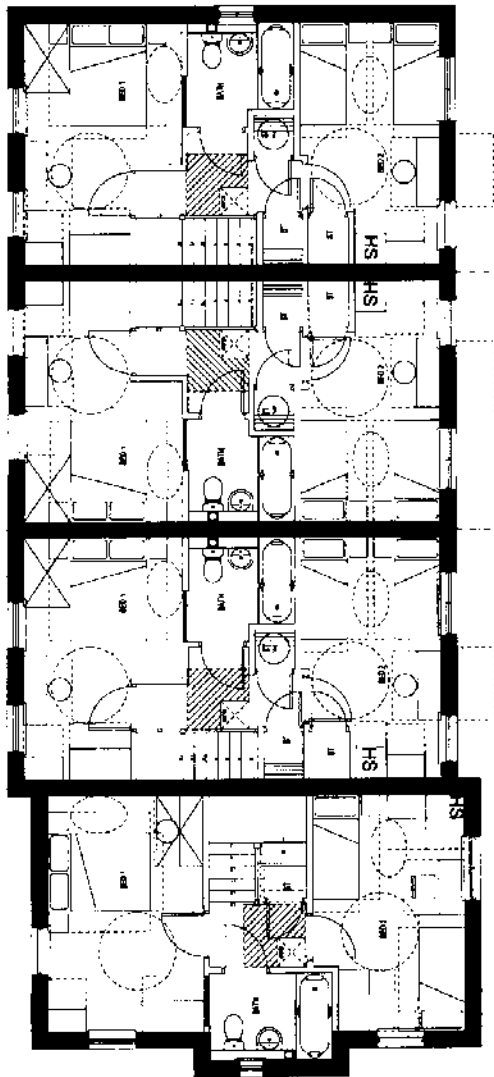
Key	Time to be viewed	Vegetation to be viewed	Time to be related	Location of "scanned" site

[illegible]

2 BED 4 PERSON HOUSE
 Type A1 - 20' x 30' x 11' 5" H
 Type A2 - 20' x 30' x 11' 5" H

2 BED 4 PERSON HOUSE
 Type A1 - 20' x 30' x 11' 5" H
 Type A2 - 20' x 30' x 11' 5" H

- To meet minimum standards
- To achieve the Code for Sustainable Homes
- Occupied 11 months or longer



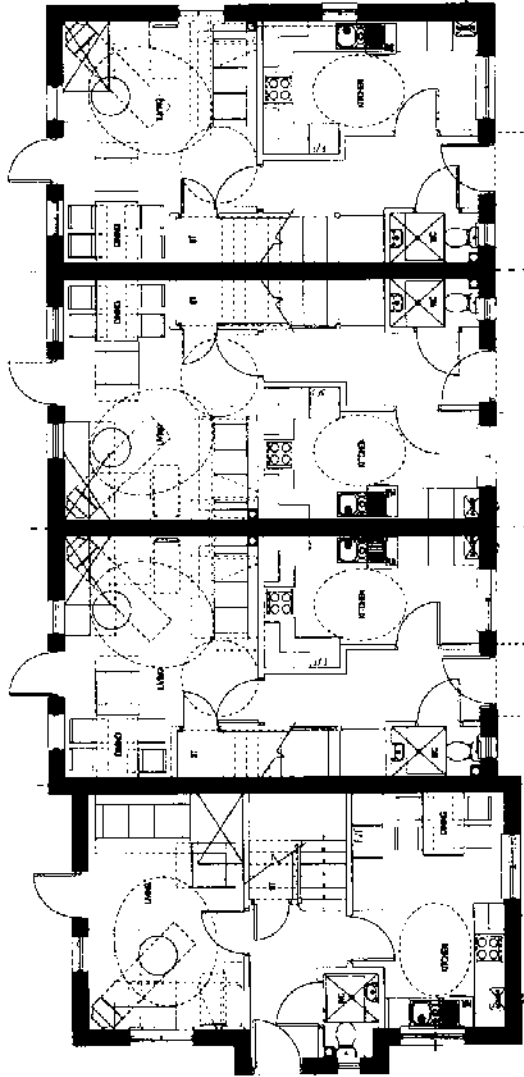
FIRST FLOOR Scale 1:50
 Type A1 part 1
 Type A2 part 1

Type A1 part 1

Type A1 part 2

Type A1 part 3

Type A2 part 1



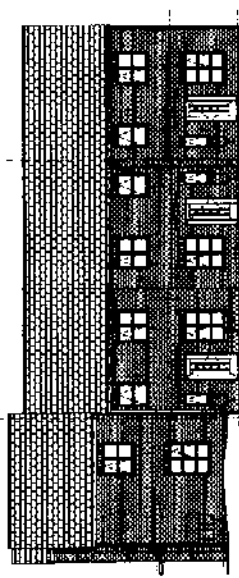
GROUND FLOOR Scale 1:50
 Type A1 part 1
 Type A2 part 1

Type A1 part 1

Type A1 part 2

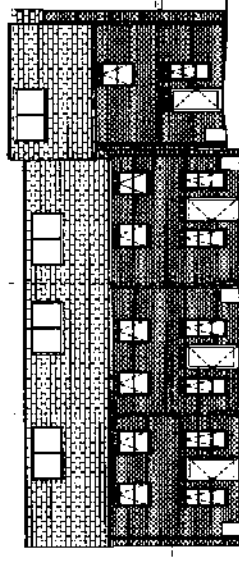
Type A1 part 3

Type A2 part 1



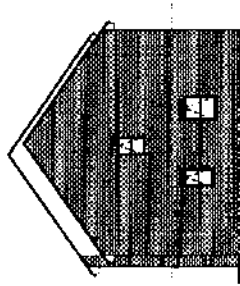
FRONT ELEVATION scale 1:100
 Type A1 part 1

Type A1 part 1



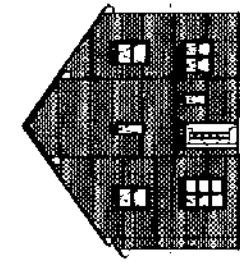
REAR ELEVATION scale 1:100
 Type A1 part 1

Type A1 part 1



GABLE ELEVATION scale 1:100
 Type A1 part 1

Type A1 part 1



GABLE ELEVATION scale 1:100
 Type A2 part 1

Type A2 part 1

2 BED 4 PERSON HOUSE
 Type A1 - 20' x 30' x 11' 5" H
 Type A2 - 20' x 30' x 11' 5" H



2 BED 4 PERSON HOUSE
 Type A1 - 20' x 30' x 11' 5" H
 Type A2 - 20' x 30' x 11' 5" H

2 BED 4 PERSON HOUSE
 Type A1 - 20' x 30' x 11' 5" H
 Type A2 - 20' x 30' x 11' 5" H

2 BED 4 PERSON HOUSE
 Type A1 - 20' x 30' x 11' 5" H
 Type A2 - 20' x 30' x 11' 5" H

2 BED 4 PERSON HOUSE
 Type A1 - 20' x 30' x 11' 5" H
 Type A2 - 20' x 30' x 11' 5" H

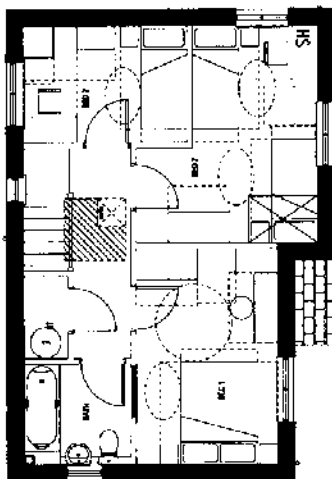
2 BED 4 PERSON HOUSE
 Type A1 - 20' x 30' x 11' 5" H
 Type A2 - 20' x 30' x 11' 5" H

COMPLOT - M. A. S. & L. L. L. C.
DIMENSIONS: 10'0" x 10'0" x 10'0"
To be used for reference only. Not for construction.

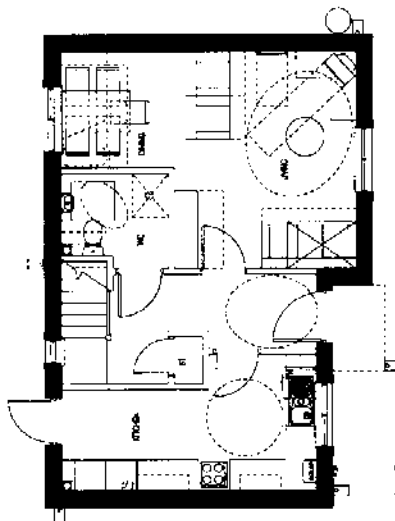
3 BED 3 PERSON HOUSE

Type B1: 10'0" x 10'0" x 10'0"
Type B2: 10'0" x 10'0" x 10'0"

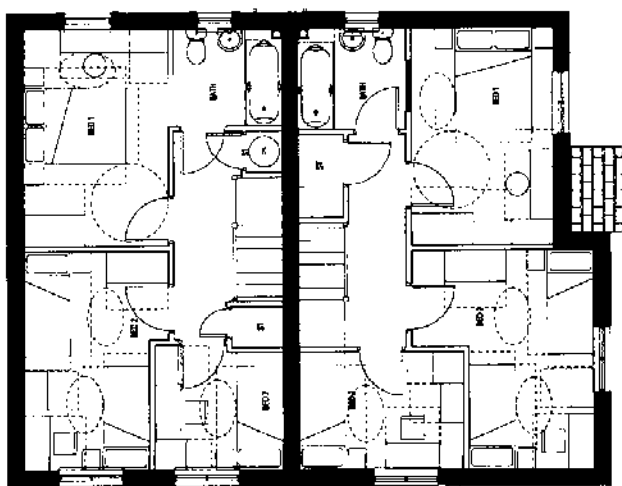
- To read: Address house elevation
- To activate the Code for Single House
- code line 3 verification of type



plot 15
Type B2 FIRST FLOOR scale 1:50



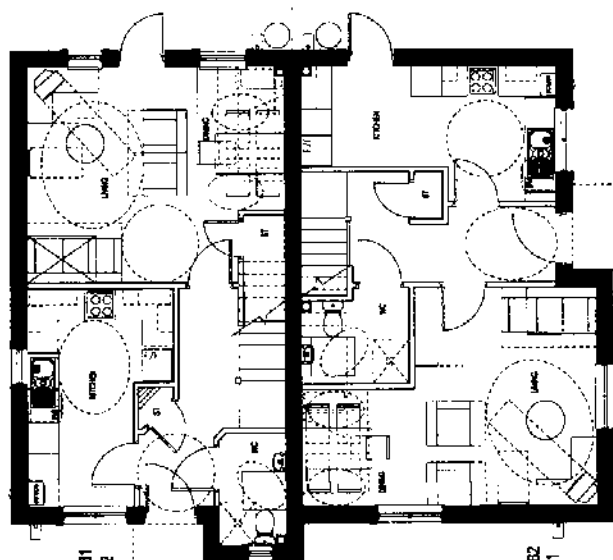
plot 15
Type B2 GROUND FLOOR scale 1:50



Type B1 and B2 FIRST FLOOR scale 1:50

Type B1
plot 12

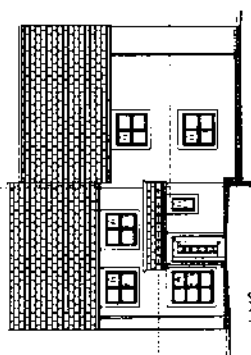
Type B2
plot 11



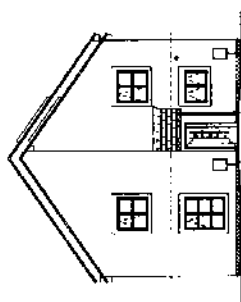
Type B1 and B2 GROUND FLOOR scale 1:50

Type B1
plot 12

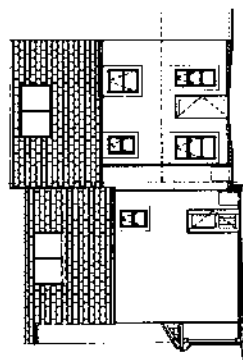
Type B2
plot 11



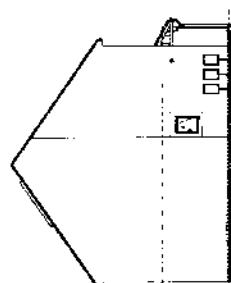
plot 12
FRONT ELEVATION - scale 1:100



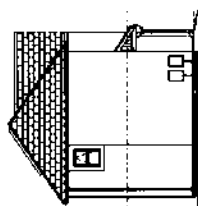
plot 11
FRONT ELEVATION - scale 1:100



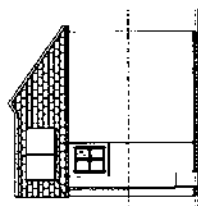
plot 11
REAR ELEVATION - scale 1:100



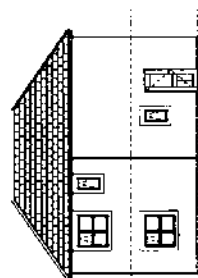
plot 12
GABLE ELEVATION - scale 1:100



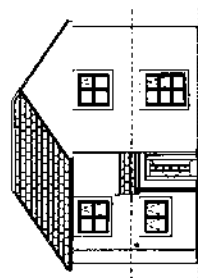
plot 15
GABLE ELEVATION - scale 1:100



plot 15
GABLE ELEVATION - scale 1:100



plot 15
REAR ELEVATION - scale 1:100



plot 15
FRONT ELEVATION - scale 1:100

COMPLOT - M. A. S. & L. L. L. C.
DIMENSIONS: 10'0" x 10'0" x 10'0"
To be used for reference only. Not for construction.

3 BED 3 PERSON HOUSE

Type B1: 10'0" x 10'0" x 10'0"
Type B2: 10'0" x 10'0" x 10'0"

To read: Address house elevation
To activate the Code for Single House
code line 3 verification of type

Plot 15: 10'0" x 10'0" x 10'0"
Plot 12: 10'0" x 10'0" x 10'0"

Plot 11: 10'0" x 10'0" x 10'0"

Plot 10: 10'0" x 10'0" x 10'0"

Plot 9: 10'0" x 10'0" x 10'0"

Plot 8: 10'0" x 10'0" x 10'0"

Plot 7: 10'0" x 10'0" x 10'0"

Plot 6: 10'0" x 10'0" x 10'0"

Plot 5: 10'0" x 10'0" x 10'0"

Plot 4: 10'0" x 10'0" x 10'0"

Plot 3: 10'0" x 10'0" x 10'0"

Plot 2: 10'0" x 10'0" x 10'0"

Plot 1: 10'0" x 10'0" x 10'0"

Plot 0: 10'0" x 10'0" x 10'0"

Plot -1: 10'0" x 10'0" x 10'0"

Plot -2: 10'0" x 10'0" x 10'0"

Plot -3: 10'0" x 10'0" x 10'0"

Plot -4: 10'0" x 10'0" x 10'0"

Plot -5: 10'0" x 10'0" x 10'0"

Plot -6: 10'0" x 10'0" x 10'0"

Plot -7: 10'0" x 10'0" x 10'0"

Plot -8: 10'0" x 10'0" x 10'0"

Plot -9: 10'0" x 10'0" x 10'0"

Plot -10: 10'0" x 10'0" x 10'0"

Plot -11: 10'0" x 10'0" x 10'0"

Plot -12: 10'0" x 10'0" x 10'0"

Plot -13: 10'0" x 10'0" x 10'0"

Plot -14: 10'0" x 10'0" x 10'0"

Plot -15: 10'0" x 10'0" x 10'0"

Plot -16: 10'0" x 10'0" x 10'0"

Plot -17: 10'0" x 10'0" x 10'0"

Plot -18: 10'0" x 10'0" x 10'0"

Plot -19: 10'0" x 10'0" x 10'0"

Plot -20: 10'0" x 10'0" x 10'0"

Plot -21: 10'0" x 10'0" x 10'0"

Plot -22: 10'0" x 10'0" x 10'0"

Plot -23: 10'0" x 10'0" x 10'0"

Plot -24: 10'0" x 10'0" x 10'0"

Plot -25: 10'0" x 10'0" x 10'0"

Plot -26: 10'0" x 10'0" x 10'0"

Plot -27: 10'0" x 10'0" x 10'0"

Plot -28: 10'0" x 10'0" x 10'0"

Plot -29: 10'0" x 10'0" x 10'0"

Plot -30: 10'0" x 10'0" x 10'0"

Plot -31: 10'0" x 10'0" x 10'0"

Plot -32: 10'0" x 10'0" x 10'0"

Plot -33: 10'0" x 10'0" x 10'0"

Plot -34: 10'0" x 10'0" x 10'0"

Plot -35: 10'0" x 10'0" x 10'0"

Plot -36: 10'0" x 10'0" x 10'0"

Plot -37: 10'0" x 10'0" x 10'0"

Plot -38: 10'0" x 10'0" x 10'0"

Plot -39: 10'0" x 10'0" x 10'0"

Plot -40: 10'0" x 10'0" x 10'0"

Plot -41: 10'0" x 10'0" x 10'0"

Plot -42: 10'0" x 10'0" x 10'0"

Plot -43: 10'0" x 10'0" x 10'0"

Plot -44: 10'0" x 10'0" x 10'0"

Plot -45: 10'0" x 10'0" x 10'0"

Plot -46: 10'0" x 10'0" x 10'0"

Plot -47: 10'0" x 10'0" x 10'0"

Plot -48: 10'0" x 10'0" x 10'0"

Plot -49: 10'0" x 10'0" x 10'0"

Plot -50: 10'0" x 10'0" x 10'0"

Plot -51: 10'0" x 10'0" x 10'0"

Plot -52: 10'0" x 10'0" x 10'0"

Plot -53: 10'0" x 10'0" x 10'0"

Plot -54: 10'0" x 10'0" x 10'0"

Plot -55: 10'0" x 10'0" x 10'0"

Plot -56: 10'0" x 10'0" x 10'0"

Plot -57: 10'0" x 10'0" x 10'0"

Plot -58: 10'0" x 10'0" x 10'0"

Plot -59: 10'0" x 10'0" x 10'0"

Plot -60: 10'0" x 10'0" x 10'0"

Plot -61: 10'0" x 10'0" x 10'0"

Plot -62: 10'0" x 10'0" x 10'0"

Plot -63: 10'0" x 10'0" x 10'0"

Plot -64: 10'0" x 10'0" x 10'0"

Plot -65: 10'0" x 10'0" x 10'0"

Plot -66: 10'0" x 10'0" x 10'0"

Plot -67: 10'0" x 10'0" x 10'0"

Plot -68: 10'0" x 10'0" x 10'0"

Plot -69: 10'0" x 10'0" x 10'0"

Plot -70: 10'0" x 10'0" x 10'0"

Plot -71: 10'0" x 10'0" x 10'0"

Plot -72: 10'0" x 10'0" x 10'0"

Plot -73: 10'0" x 10'0" x 10'0"

Plot -74: 10'0" x 10'0" x 10'0"

Plot -75: 10'0" x 10'0" x 10'0"

Plot -76: 10'0" x 10'0" x 10'0"

Plot -77: 10'0" x 10'0" x 10'0"

Plot -78: 10'0" x 10'0" x 10'0"

Plot -79: 10'0" x 10'0" x 10'0"

Plot -80: 10'0" x 10'0" x 10'0"

Plot -81: 10'0" x 10'0" x 10'0"

Plot -82: 10'0" x 10'0" x 10'0"

Plot -83: 10'0" x 10'0" x 10'0"

Plot -84: 10'0" x 10'0" x 10'0"

Plot -85: 10'0" x 10'0" x 10'0"

Plot -86: 10'0" x 10'0" x 10'0"

Plot -87: 10'0" x 10'0" x 10'0"

Plot -88: 10'0" x 10'0" x 10'0"

Plot -89: 10'0" x 10'0" x 10'0"

Plot -90: 10'0" x 10'0" x 10'0"

Plot -91: 10'0" x 10'0" x 10'0"

Plot -92: 10'0" x 10'0" x 10'0"

Plot -93: 10'0" x 10'0" x 10'0"

Plot -94: 10'0" x 10'0" x 10'0"

Plot -95: 10'0" x 10'0" x 10'0"

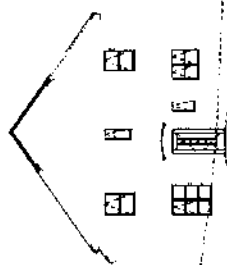
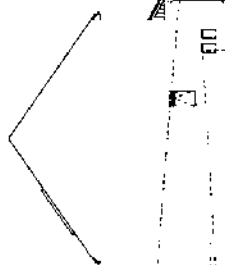
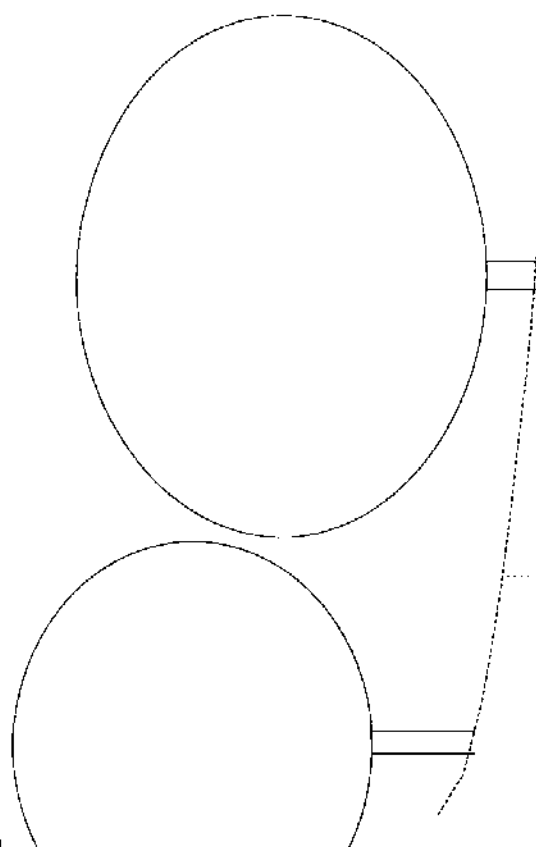
Plot -96: 10'0" x 10'0" x 10'0"

Plot -97: 10'0" x 10'0" x 10'0"

Plot -98: 10'0" x 10'0" x 10'0"

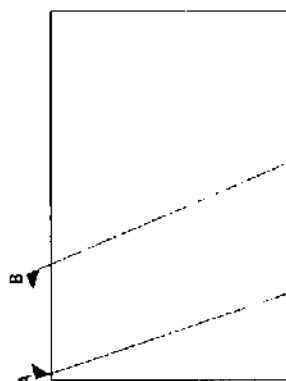
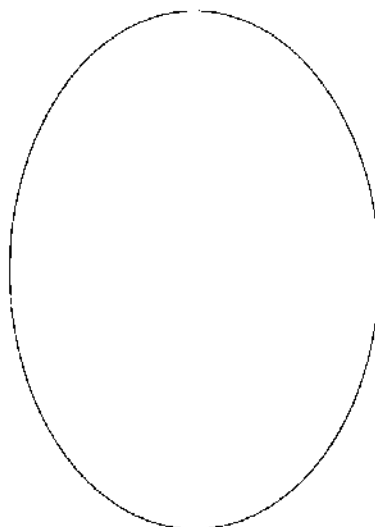
Plot -99: 10'0" x 10'0" x 10'0"

Plot -100: 10'0" x 10'0" x 10'0"



Case	Age	Sex	Occupation	Duration of illness	Site of lesion	Pathological changes	Microscopic findings	Immunohistochemical findings	Immunofluorescent findings	Immunoelectron microscopic findings	Immunoblot findings	Immunocytochemical findings	Immunofluorescent findings	Immunoelectron microscopic findings	Immunoblot findings	Immunocytochemical findings
1	45	M	Teacher	10 years	Brain	Chronic	Microscopic findings	Immunohistochemical findings	Immunofluorescent findings	Immunoelectron microscopic findings	Immunoblot findings	Immunocytochemical findings	Immunofluorescent findings	Immunoelectron microscopic findings	Immunoblot findings	Immunocytochemical findings
2	55	F	Housewife	5 years	Brain	Chronic	Microscopic findings	Immunohistochemical findings	Immunofluorescent findings	Immunoelectron microscopic findings	Immunoblot findings	Immunocytochemical findings	Immunofluorescent findings	Immunoelectron microscopic findings	Immunoblot findings	Immunocytochemical findings
3	65	M	Farmer	15 years	Brain	Chronic	Microscopic findings	Immunohistochemical findings	Immunofluorescent findings	Immunoelectron microscopic findings	Immunoblot findings	Immunocytochemical findings	Immunofluorescent findings	Immunoelectron microscopic findings	Immunoblot findings	Immunocytochemical findings
4	75	F	Retiree	20 years	Brain	Chronic	Microscopic findings	Immunohistochemical findings	Immunofluorescent findings	Immunoelectron microscopic findings	Immunoblot findings	Immunocytochemical findings	Immunofluorescent findings	Immunoelectron microscopic findings	Immunoblot findings	Immunocytochemical findings
5	85	M	Farmer	25 years	Brain	Chronic	Microscopic findings	Immunohistochemical findings	Immunofluorescent findings	Immunoelectron microscopic findings	Immunoblot findings	Immunocytochemical findings	Immunofluorescent findings	Immunoelectron microscopic findings	Immunoblot findings	Immunocytochemical findings

Section B.9



Sections Key

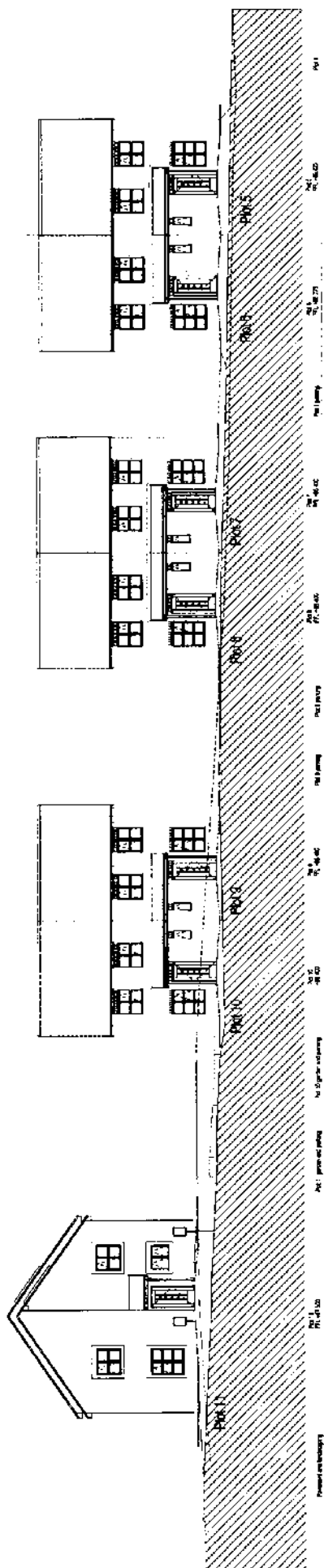
4



Section AA

CVS042
N4: JAMES MARSHALL MASON - NANCY

[illegible][illegible]



Section EE



Section key

12 ☐ Long-term request
 13 ☐ Immediate request
 14 ☐ New listing
 15 ☐ Renewal
 16 ☐ Transfer
 17 ☐ Other

18 ☐ **REASON FOR REQUEST**
 19 ☐ **REASON FOR REQUEST**
 20 ☐ **REASON FOR REQUEST**
 21 ☐ **REASON FOR REQUEST**
 22 ☐ **REASON FOR REQUEST**
 23 ☐ **REASON FOR REQUEST**
 24 ☐ **REASON FOR REQUEST**
 25 ☐ **REASON FOR REQUEST**
 26 ☐ **REASON FOR REQUEST**
 27 ☐ **REASON FOR REQUEST**
 28 ☐ **REASON FOR REQUEST**
 29 ☐ **REASON FOR REQUEST**
 30 ☐ **REASON FOR REQUEST**
 31 ☐ **REASON FOR REQUEST**
 32 ☐ **REASON FOR REQUEST**
 33 ☐ **REASON FOR REQUEST**
 34 ☐ **REASON FOR REQUEST**
 35 ☐ **REASON FOR REQUEST**
 36 ☐ **REASON FOR REQUEST**
 37 ☐ **REASON FOR REQUEST**
 38 ☐ **REASON FOR REQUEST**
 39 ☐ **REASON FOR REQUEST**
 40 ☐ **REASON FOR REQUEST**
 41 ☐ **REASON FOR REQUEST**
 42 ☐ **REASON FOR REQUEST**
 43 ☐ **REASON FOR REQUEST**
 44 ☐ **REASON FOR REQUEST**
 45 ☐ **REASON FOR REQUEST**
 46 ☐ **REASON FOR REQUEST**
 47 ☐ **REASON FOR REQUEST**
 48 ☐ **REASON FOR REQUEST**
 49 ☐ **REASON FOR REQUEST**
 50 ☐ **REASON FOR REQUEST**
 51 ☐ **REASON FOR REQUEST**
 52 ☐ **REASON FOR REQUEST**
 53 ☐ **REASON FOR REQUEST**
 54 ☐ **REASON FOR REQUEST**
 55 ☐ **REASON FOR REQUEST**
 56 ☐ **REASON FOR REQUEST**
 57 ☐ **REASON FOR REQUEST**
 58 ☐ **REASON FOR REQUEST**
 59 ☐ **REASON FOR REQUEST**
 60 ☐ **REASON FOR REQUEST**
 61 ☐ **REASON FOR REQUEST**
 62 ☐ **REASON FOR REQUEST**
 63 ☐ **REASON FOR REQUEST**
 64 ☐ **REASON FOR REQUEST**
 65 ☐ **REASON FOR REQUEST**
 66 ☐ **REASON FOR REQUEST**
 67 ☐ **REASON FOR REQUEST**
 68 ☐ **REASON FOR REQUEST**
 69 ☐ **REASON FOR REQUEST**
 70 ☐ **REASON FOR REQUEST**
 71 ☐ **REASON FOR REQUEST**
 72 ☐ **REASON FOR REQUEST**
 73 ☐ **REASON FOR REQUEST**
 74 ☐ **REASON FOR REQUEST**
 75 ☐ **REASON FOR REQUEST**
 76 ☐ **REASON FOR REQUEST**
 77 ☐ **REASON FOR REQUEST**
 78 ☐ **REASON FOR REQUEST**
 79 ☐ **REASON FOR REQUEST**
 80 ☐ **REASON FOR REQUEST**
 81 ☐ **REASON FOR REQUEST**
 82 ☐ **REASON FOR REQUEST**
 83 ☐ **REASON FOR REQUEST**
 84 ☐ **REASON FOR REQUEST**
 85 ☐ **REASON FOR REQUEST**
 86 ☐ **REASON FOR REQUEST**
 87 ☐ **REASON FOR REQUEST**
 88 ☐ **REASON FOR REQUEST**
 89 ☐ **REASON FOR REQUEST**
 90 ☐ **REASON FOR REQUEST**
 91 ☐ **REASON FOR REQUEST**
 92 ☐ **REASON FOR REQUEST**
 93 ☐ **REASON FOR REQUEST**
 94 ☐ **REASON FOR REQUEST**
 95 ☐ **REASON FOR REQUEST**
 96 ☐ **REASON FOR REQUEST**
 97 ☐ **REASON FOR REQUEST**
 98 ☐ **REASON FOR REQUEST**
 99 ☐ **REASON FOR REQUEST**
 100 ☐ **REASON FOR REQUEST**



Photo Shows an 8ft x 6ft Super Apex Shed

Super Apex

Quality garden shed from the Treetop traditional range.

Standard features include:

- 12mm tongue and groove red deal shiplap cladding
- 45mm x 27mm internal framework
- Roofing felt
- Key operated lock
- Fixed (non opening) glass windows
- Primary spirit based treatment
- Single 5'9" x 2'6" door
- Detailed instructions

Garden Shed
2400 x 1600mm containing cycles and recycling stores

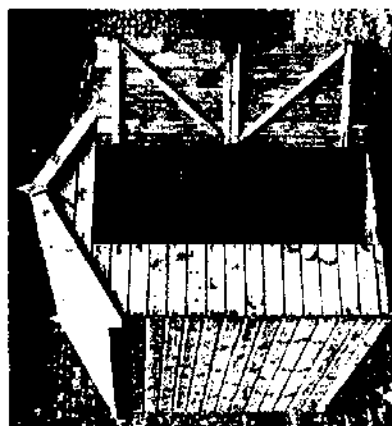


Photo Shows an 8ft x 6ft Super Apex Shed



"External" refers to the maximum external dimension.
All sizes are approximate and for guidance only.



Revisions

CONSTRUCTION

26 Enterprise House
Team Valley, Gateshead
Tyne & Wear, NE11 0SR
Telephone 0191 4870062
Facsimile 0191 4826581
hmmharchitects.co.uk



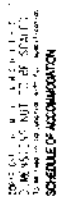
ARCHITECTS

3859
SK 105
ms
March 10
AW SAS

Shed details

Gelt Rise, Brampton

Two Castles Housing Association



317E AREA = 0.554

David C. Johnson, Houston

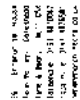
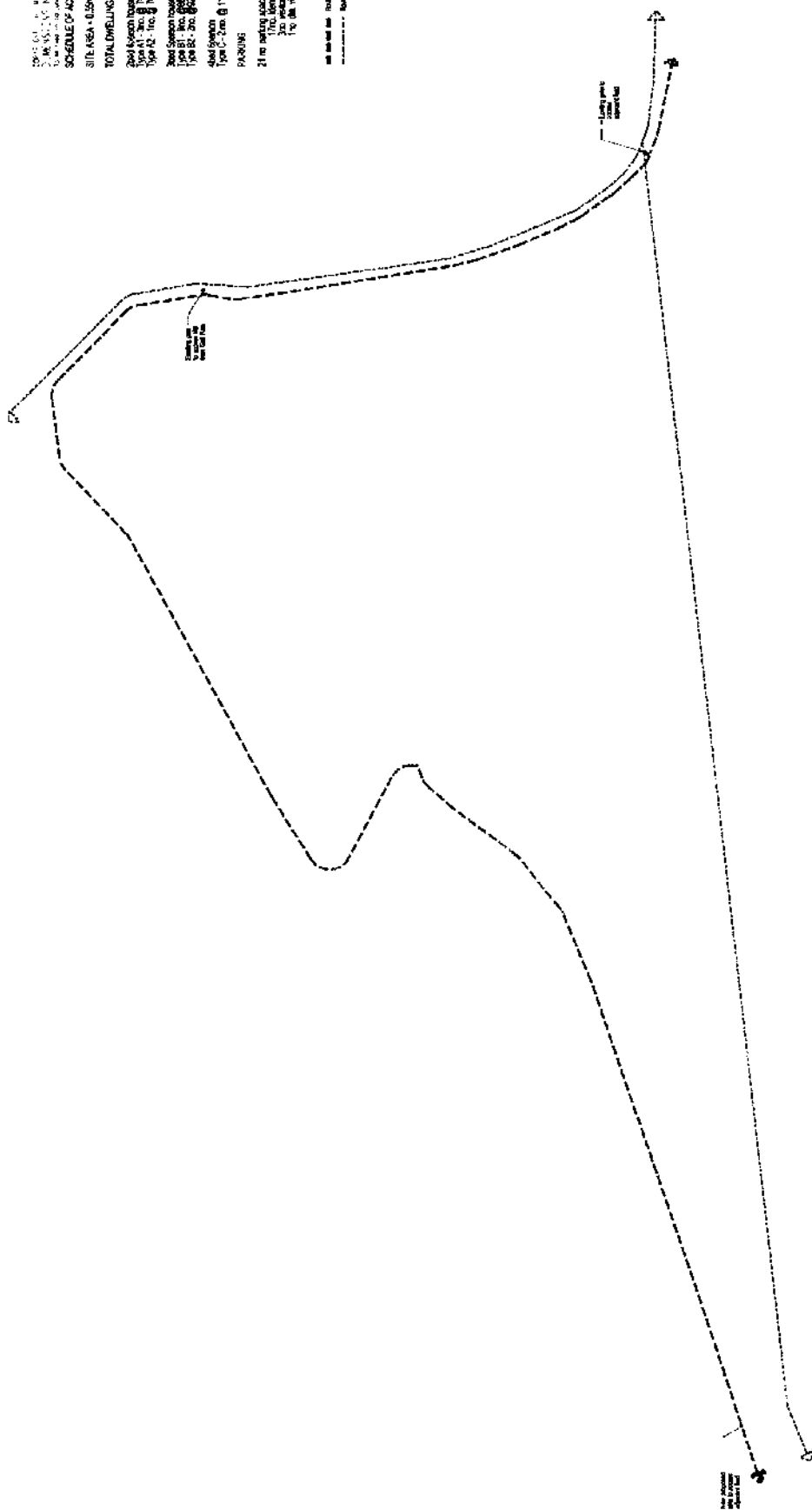
SEARCH LOCATIONS PAGE

4th Edition

PACKING

1710. **DETACHED AIRCRAFT** boys
320. **WATER** boys J.C.

with Anti-HIV and Anti-CD4 of Acquired Immunity



U.S. DEPARTMENT OF JUSTICE

Two Cardiac Housing Associations

Housing Development
Fall 2006 - Summer 2007[illegible]

Assessing Results for non-reporting

.....

W.D.C.,

1964

P.C. #	Drawing Name	SW	DOB

911 36 1 6686

