

Development Control Committee Main Schedule

Schedule of Applications for
Planning Permission

20th August 2010

Applications Entered on Development Control Committee Schedule

Item No.	Application Number/ Schedule	Location	Case Officer	Page No.
01.	<u>10/0508</u> A	Land between Stainton Road and track to Kingsmoor Depot, Etterby Road, Carlisle	<u>ARH</u>	1
02.	<u>10/0204</u> A	Land between Marsh Cottage and The Croft, Burgh by Sands	<u>RJM</u>	58
03.	<u>10/0233</u> A	Land Adjacent Moorhouse Hall, Moorhouse, Carlisle, Cumbria, CA5 6HA	<u>ST</u>	79
04.	<u>10/0433</u> A	28 Whiteclosegate, Carlisle, CA3 0JD	<u>SG</u>	96
05.	<u>10/0279</u> A	Land to the Rear of Ivy House, Ghyll Road, Scotby, Carlisle, CA4 8BT	<u>RJM</u>	114
06.	<u>10/0697</u> A	Meadow View, Smithfield, Kirkclinton, Carlisle, CA6 6BP	<u>BP</u>	134
07.	<u>10/0507</u> A	58 Lingyclose Road, Dalston, Carlisle, CA5 7LB	<u>DNC</u>	142
08.	<u>10/0304</u> A	Francismoor Wood, Longtown, CA6 5TR	<u>RJM</u>	159
09.	<u>10/0577</u> B	Tarn End House Hotel, Talkin, CA8 1LS	<u>ARH</u>	175
10.	<u>10/0164</u> B	102 & 104 Denton Street, Carlisle	<u>DNC</u>	223
11.	<u>10/0523</u> B	Knorren Lodge, Walton, Brampton, CA8 2BN	<u>ARH</u>	251
12.	<u>10/0524</u> B	Knorren Lodge, Walton, Brampton, CA8 2BN	<u>ARH</u>	268
13.	<u>10/9016</u> C	Newlaithes Junior School, Langrigg Road, Carlisle, CA2 6DX	<u>BP</u>	281
14.	<u>10/9010</u> C	Brampton Junior School, Sawmill Lane, Brampton, CA8 1BZ	<u>ST</u>	285
15.	<u>10/9015</u> C	Gillford Centre, Upperby Road, Carlisle, CA2 4JE	<u>ST</u>	288

Applications Entered on Development Control Committee Schedule

Item No.	Application Number/ Schedule	Location	Case Officer	Page No.
16.	<u>10/0346</u> D	Former Highways Depot & Dandycroft, Station Road, Brampton, CA8 1EU	<u>ARH</u>	293
17.	<u>10/0408</u> D	Former Premises of Glenwarwick Shirt Co Ltd, Lime Street, Carlisle	<u>ARH</u>	298

The Schedule of Applications

This schedule is set out in five parts:

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

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

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

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

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

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

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

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

This Schedule of Applications contains reports produced by the Department up to the 06/08/10 and related supporting information or representations received up to the Schedule's printing and compilation prior to despatch to the Members of the Development Control Committee on the 11/08/10.

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

SCHEDULE A

SCHEDULE A

SCHEDULE A: Applications with Recommendation

10/0508

Item No: 01

Date of Committee: 20/08/2010

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 four written or verbal 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: the applicant indicates disposal of foul sewage to the mains (public) sewer, which is acceptable. I see from the flood risk assessment that the developer has consulted with United Utilities to agree the most suitable connection point on the public sewer system to discharge foul sewage. United Utilities are best placed to give advice on flooding from the public sewers.

The applicant indicates disposal of surface water to a sustainable drainage system, which is an acceptable method of disposal. The proposed methods of surface water

disposal have been discussed with the Environment Agency and it is assumed that the proposed surface water management regime will be in accordance with Building Regulations H3 Section 3.

The proposed site is located within a flood risk area and as such the applicant has consulted with the Environment Agency for advice.

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): this proposal lies close to River Eden and Tributaries Site of Special Scientific Interest (SSSI) and River Eden Special Area of Conservation (SAC). It is our opinion that the proposal would be unlikely to have a significant effect on the interest features of the SAC and SSSI provided the following issues are thoroughly addressed and applied to the application in appropriately worded conditions:

The disposal of surface water involves a outfall and pipe discharge to Pow Beck. Although Pow Beck is not part of the River Eden SSSI or SAC, it does flow into it and therefore provides a direct pathway for pollutants / sediment etc to enter the River Eden. It is the responsibility of Carlisle City Council to ensure that no part of this development could have a significant effect on the SAC under the Habitat Regulations. Therefore the method statement for the installation of the discharge outlet at Pow Beck should be carefully scrutinised to ensure all relevant pollution prevention measures are in place with particular reference to the Environment Agency's Pollution Prevention Guidance 5: "Works and Maintenance In or Near Water".

As otter are an interest feature of the River Eden SSSI and SAC, checks for otter presence and usage of the site must be carried out by a suitably qualified individual prior to works on Pow Beck commencing and suitable recommendations made if found.

Under the Wildlife and Countryside Act 1981 (as amended), Carlisle City Council is also required to take reasonable steps, consistent with the proper exercise of your functions, to further the conservation and enhancement of the SSSI. We also draw your attention to the provisions of S281 of the 1981 Act, in particular to the

requirement that, should permission be given contrary to Natural England's advice or to the conditions which Natural England recommends should be attached to the permission, then you must ensure that: notification is given to Natural England of the date and terms of the permission and how, if at all, you have taken account of Natural England's advice; and the permission does not permit operations to begin before 21 days after the details of the permission and a statement of how you have taken account of Natural England's advice, has been given to Natural England.

Natural England broadly supports the recommendations made in the Ecological Survey report (ECUS Ltd, April 2010) and recommends their inclusion through appropriately worded conditions, with the exception of the following amendments/additions:

Some of the recommendations in the Ecological Survey report are for bird boxes and bat boxes/roosting opportunities. We request that these are developed into definite plans, incorporated into architectural plans if appropriate and agreed with Carlisle City Council, not only to compensate for potential loss but also to fulfil duties to seek opportunities for biodiversity enhancements. It is important to note that this development will result in an overall loss of biodiversity and therefore every opportunity should be taken to replace what is being lost and enhance what remains. Although it is claimed that none of the trees on site are suitable for bat roosting, some of them do support growths of ivy which is a feature known to be used by roosting bats in other situations. Therefore, we recommend that a precautionary approach is drawn up for any works impacting upon these trees.

Reptiles and amphibians - records from the Cumbrian Biodiversity Data Network via Tullie House museum do not provide a complete picture of what species may occur in an area. Therefore, we suggest that the Ecological Survey report be amended before adoption, to incorporate the instruction that if reptiles or GCN are found on site prior to or during works, all works must stop and the ecologist called for further advice.

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: no comments received;

Northern Gas Networks: no comments received;

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	
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	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	Undelivered
21 Stainton Road	07/06/10	Objection
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	Undelivered
33 Stainton Road	07/06/10	
34 Stainton Road	07/06/10	Undelivered
35 Stainton Road	07/06/10	
Kingmoor Depot	08/06/10	
Grange Cottage	07/06/10	
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
7 Stainton Road		Objection
Stainton Road		Objection
35 Finn Avenue		Objection
89 Etterby lea Crescent		Objection
15 Riverbank Court		Objection
The Beeches		Objection
4 Etterby Road		Objection
Belah		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 21 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 30 new buildings 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 30 new 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 problem 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 rejection³⁰.

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. Two public meetings arranged by Councillor Gareth Ellis have also taken place on the 5th February and 9th July 2010 at Belah Community Centre. During the public meeting held on 9th July 2010 an inter-related series of issues were raised concerning alternative sites (Deer Park and former Belah School); precedent that would be set; prematurity with regard to the "call for sites"/ Strategic Housing Land Availability Assessment (SHLAA); highway safety (inc. Integrity of rail bridge); local need for affordable housing; education provision; air quality; alterations to the TPO protecting the trees; planning history of the site; drainage; current designation of land; ecology; security; and design.

4. **Planning History**

4.1 The available records indicate that in 1966, under application TP1548, permission was refused and an appeal dismissed for residential development on what appears to be both sides of Etterby Rd including the application site.

- 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 At the Committee's previous Meeting on the 16th August 2010 Members resolved to defer discussion, without prejudice to consideration of this application, in order to explore the safety and practicality of the proposed dwellings on plots 1-3 and 25-30 having their own vehicular accesses onto Etterby Road. The application has not subsequently been revised but the applicant's agent has submitted additional comments on highway safety. At the behest of the Highway Authority, Capita Symonds have also provided supplementary comments to the Road Safety Audit. This report has subsequently been updated on this basis.

Site Description

- 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, a Geoenvironmental Report, and additional comments on highway safety.
- 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 receive 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 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 concludes that the field boundary hedge to the east and the Beech hedge to the north merit 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; installation of dropped kerbs and tactile paving across the access to the development; and provision of 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.
- 5.18 A copy of the additional comments on highway safety submitted on behalf of the applicant are attached to this report.

Assessment

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

5. Whether the application safeguards the living conditions of neighbouring residents.
 6. Whether the proposal is detrimental to highway safety.
- 5.20 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.
- 5.21 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.
- 5.22 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.
- 5.23 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.
- 5.24 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.
- 5.25 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.
- 5.26 When considering the issue of affordable housing, PPS3 explains in para. 30 that such provision should be mainly in market towns and villages.

- 5.27 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.
- 5.28 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.
- 5.29 In relation to alternative sites the hypothesis that a development should be better carried out somewhere else is a proper planning consideration. The general principle, as established in *Trust House Forte Hotels v S.O.S. 1986* is that if there are no clear planning objections to a development on a particular site, the fact that more appropriate alternative sites exist is irrelevant. Conversely, where there is a proven need for a proposed development but it would have significant adverse effects, it is appropriate to take into account the availability of more suitable sites elsewhere. In *G.L.C. v S.O.S. and London Docklands D.C. and Cablecross Projects 1986* the Court of Appeal reached a broadly similar conclusion to that in *Trust House Forte* and established a general test for the duty to consider comparable sites. It was held that this applied in cases where there was: a) the presence of a clear public advantage in the proposal under consideration; b) the existence of inevitable adverse effects in the proposal; c) the existence of an alternative site with less disadvantages; and d) the situation where there could only be one or a limited number of permissions. On this basis Members need to assess if it is relevant to consider alternative sites and then consider, based on available evidence, whether such sites exist.
- 5.30 Irrespective of this, the two alternative sites put forward are: the former Belah School site, and Deer Park. In relation to Belah School this does not appear to be on the market. In relation to Deer Park, Persimmon Homes had an option to purchase the site but this option lapsed approximately 18 months ago. The agent confirmed that discussions are on-going with another developer. Under the CDLP 2001-2016, Deer Park is identified as an area for Mixed Development, with Policy H16 identifying the potential for 60 houses based upon which (and Policy H5) 18 would be affordable units, or 12-13 units if assuming a 50% rented, 50% intermediate basis.
- 5.31 The Strategic Housing market Assessment identified an outstanding need in the Carlisle Urban area for 221 affordable units to be delivered per year. The City Council's Monitoring Officer has confirmed that last year, via Section 106 Agreements permission was given for the provision of 63 social rented units; 24 shared equity units; and 14 units with a 30% discounted sale price. Furthermore, another 86 permissions were granted to Registered Social Landlords for social rent but not secured under any S106 Agreement. This gives an overall total of 189 permissions for affordable housing last year. However, a fundamental problem is that the granting of permission does not ensure delivery. Thus, Housing Services figures for 2009-2010 (which include

all delivered units regardless of Section 106 Agreements or not) are 24 discounted sale, 25 home buy, and 16 social rented – giving a total of 65 units. This figure is 10 short of the current internal Housing Services target of 75 (given that LAA agreements have now been abolished). Housing Services internal target for next year is again 75. These figures need to be viewed in the context of Riverside stating that on average people remain on their waiting list for 10 years for a 3 bed dwelling in Belah, and on average 114 applications are received for each 3 bed house in Belah & Stanwix. On this basis it is considered that Deer Park would not deal by itself with the current yearly need for the provision of affordable housing, but would have to be in combination with other allocated and windfall sites.

- 5.32 When assessing the proposal in terms of its impact on the character of the area it would, if permitted, represent a consolidation of development on what is now an open field, and does not involve an open space recreational use as specified under Policy LE1.
- 5.33 Nevertheless, the applicant has sought to mitigate any harm by the use of materials and detailing evident locally, the retention of the Lime trees and, as far as possible, existing natural features. It is also evident that the perceived physical separation of Carlisle from Etterby by Kingmoor Nature Reserve and the West Coast Main Railway Line would be maintained.
- 5.34 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 loss of light or privacy.
- 5.35 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.
- 5.36 Finally, with regard to highway safety, concerns have been raised over the general increase in vehicles, but particularly concentrated on: 1) the need for a footway; and 2) the effect of vehicles reversing onto the highway.
- 5.37 In the case of 1) the County Highway Engineer has explained that the question of pedestrian movements between the development site and the local shops, pub and bus stops was discussed by the Audit Team. In response to which it has been pointed out that the road is subject to a 30mph speed limit, is lit and is currently used by pedestrians. The existing footway curtails at the north west

side of the railway bridge but there is no history of pedestrian personal injury accidents. There is likely to be an increase in pedestrian and cycle movements generated by the development so the provision of a footway or a shared footway and cycleway linking the development site to the existing footway might be of benefit. However, in the absence of those facilities the accident risk is considered to be only marginally greater than at present and such provision could be disproportionate in financial terms. In addition, the width of Etterby Road is insufficient in places to support both two-way traffic and a footway. After careful consideration, the Audit Team concluded that the lack of a footway or footway/cycleway does not justify a recommendation for the provision of such a facility on the basis of road safety.

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

Other Matters

- 5.39 It is acknowledged that other issues have been raised concerning biodiversity, precedent for other development, prematurity, security, problems caused during construction, education, the safety of the rail bridge, air quality, and trees subject of a previous TPO.
- 5.40 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. Natural England have not raised any objections to the proposal but recommended the imposition of conditions re. Pow Beck and the provision of bird and bat boxes, and that the Ecological Survey report is amended so that if reptiles or Great Crested Newts are found all works stop.
- 5.41 Fear of creating a precedent is a material consideration to be given weight in the decision making process when determining whether to grant permission

contrary to established planning policy or principles. However, a distinction has to be made between cases where applications for the same type of development are likely to be made at other locations with similar circumstances which future decision makers could not resist in all fairness, and those where the site circumstances are sufficiently unique for the risk of parallel conditions to be small. If the particular planning policy, which it is feared would be breached by cumulative planning permissions admits some exception within a continuing overall locational or numerical restriction on development, the force of the precedent argument is reduced. In these cases it is a reasonable defence that each case should be treated on its merits in the light of the situation prevailing at the time of application. In the case of the current proposal an exception is being advanced on the basis of meeting a need by the provision of 100% affordable housing with the merit of other cases likely to vary such that the argument that a precedent would be created for further applications is not considered in this case to be a sufficient reason for refusal.

- 5.42 PPS1 deals with the question of prematurity to an emergent plan, and advises that In some circumstances, it may be justifiable to refuse planning permission on grounds of prematurity where a Development Plan Document (DPD) is being prepared or is under review, but it has not yet been adopted. This may be appropriate where a proposed development is so substantial, or where the cumulative effect is so significant, that granting permission could prejudice the DPD by predetermining decisions about the scale, location or phasing of new development which are being addressed in the policy in the DPD. A proposal for development which has only an impact on a small area would rarely come into this category. The City Council's Principal Local Plans Officer has confirmed that the aim of the Strategic Housing Land Availability Assessment (SHLAA) is to identify potential land for housing development for the next 15 – 20 years. The work will be used to inform both the Core Strategy and Land Allocations Development Plan Documents (DPDs), which will form part of the new Local Development Framework for Carlisle. The SHLAA will also assess physical problems or limitations affecting the sites such as access, infrastructure, ground conditions, nature conservation, flood risk, pollution or contamination. Consultation on the draft SHLAA will be carried out in tandem with consultation on the Issues and Options stage of the Core Strategy, hopefully in September. On this basis, notably the modest scale of development in "urban" terms and location relative to the urban core, it is considered that determination of this application is not premature ahead of the SHLAA.
- 5.43 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. The safety of the rail bridge would be the responsibility of Network Rail.
- 5.44 The views of the Education Authority are awaited although Members will be conscious that responsibility falls on the County Council. Using similar projections to those applied at Crindledyke, it is estimated that there will be a child yield of 5.5 primary age children from this development which equates to 1 child per 5.4 units. If the bungalows were removed, this would reduce to 4.8 children of primary age. The proposal is also advanced on the basis of meeting

existing needs, as opposed to population growth with any travel distance not significantly greater than from other properties within the immediate vicinity.

5.45 The City Council's Environmental Quality Officer has explained that Scotland Road is within an Air Quality Management Area. The latest information indicates that the CNDR will lead to a 25% decrease in traffic derived nitrogen dioxide that will mean Scotland Road would easily fall within targets. The Officer also explained that the trigger value for requiring an Air Quality Assessment is usually 100 houses; and a scheme for 30 houses is unlikely to make much difference.

5.46 The City Council's Landscape/Tree Officer has explained that the trees on the site were previously the subject of TPO 3 made on the 2 October 1969, but no record of confirmation exists. To address this problem a new Order, TPO 224 was made on 23 April 2007 and confirmed on 5 June 2007 on those trees existing at this time that were considered worthy of protection - trees along the roadside shown in TPO 3 had been felled by 2007.

Conclusion

5.47 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.

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

5.49 In overall terms it is considered that the advantages outweigh the disadvantages and therefore the proposal is recommended for approval subject to awaited comments from the Education Authority.

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

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

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

Reason: For the avoidance of doubt.

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

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

4. The carriageway and footways (including the path through the Public Open Space) shall be designed, constructed, drained and lit to a standard suitable for adoption and in this respect further details, including longitudinal/cross sections, shall be submitted to the Local Planning Authority for approval before any work, outside of site clearance, commences on site. These details shall be in accordance with the standards laid down in the current Cumbria Design Guide. Any works so approved shall be constructed before the development is completed.

Reason: To ensure that the matters specified are designed to the satisfaction of the Local Planning Authority and to support Local Transport Plan Policies S3, LD11 and LD7

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

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

Local Plan 2001-2016.

6. Ramps shall be provided on each side of every road junction to enable wheelchairs, prams and invalid carriages to be safely manoeuvred at kerb lines. Details of all such ramps shall be submitted to the Local Planning Authority for approval before development commences. Any details so approved shall be constructed as part of the development.

Reason: To ensure that pedestrians and people with impaired mobility can negotiate road junctions in relative safety and to support Local Transport Plan Policies LD12 and LD7.

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

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

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

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

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

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

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

- i) the laying out of land for and details of the means of access and parking of vehicles of site operatives and visitors;
- ii) loading and unloading of plant and materials;
- iii) storage of plant and materials used in constructing the development;
- iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v) wheel washing facilities;

- vi) measures to control the emission of dust and dirt during construction; and
- vii) a scheme for the re-cycling/disposal of waste resulting from construction works.

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

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

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

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

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

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

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

14. Before any part of the development hereby permitted commences, precise details of the provision of bird and bat boxes shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully undertaken by not later than the end of the planting and seeding season following completion of the development.

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

15. In the event, following the commencement of development, that reptiles or Great Crested Newts are found on site all work shall cease until an appropriate survey has been carried out and the results of the survey together with a method statement for the protection and translocation of any reptiles or Great Crested Newts found to be present has been submitted to

and approved in writing by the Local Planning Authority and any licenses for the trapping and translocation have been obtained. The aforementioned survey and method statement shall take place in accordance with details clarifying form, type, location, and a timetable to be submitted to and approved in writing beforehand by the Local Planning Authority.

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

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

Reason: To ensure the works safeguard the character of the area in compliance with Policies CP5, LE19 and H1 of the Carlisle District Local Plan 2001-2016.

17. Details shall be submitted of the proposed hard surface finishes to all public and private external areas within the proposed scheme and approved by the Local Planning Authority before any site works commence, and the approved scheme shall be implemented concurrently with the construction of the hereby permitted dwellings.

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

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

Reason: To protect trees and hedges during development works.

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

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

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

authority may specify.

Reason: To ensure as far as possible that the landscaping scheme is fully effective in accord with Policy E15 of the Carlisle District Local Plan.

21. No development shall commence within the site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (inclusive of an archaeological evaluation and recording programme) which has been submitted by the applicant and approved in writing by the Local Planning Authority.

Reason: To afford reasonable opportunity for an examination to be made to determine the existence of any remains of archaeological interest within the site and for the examination and recording of such remains.

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

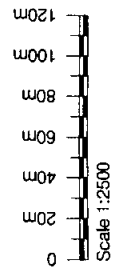
Reason: To ensure that a permanent and accessible record by the public is made of the archaeological remains that have been disturbed by the development.

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

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

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

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



LAND ADJACENT TO
Etterby Road, Carlisle

Location Plan

DRAWN BY	MT	DATE	14/08/2008
CHECKED BY		SCALE	1:2500
DRAWING NUMBER	SH071.90.9.SLLP	REVISION	
SITE REFERENCE	SH071		
Revisions			

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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 Type8 no

D Type 14 no

E Type 2 no

Total 30 no

PLANNING APP

STORY

DEVELOPMENT®

AND ADJACENT TO

Etterby Road, Carlisle
LAND ADJACENT TO

PLAYING

SITE LAYOUT

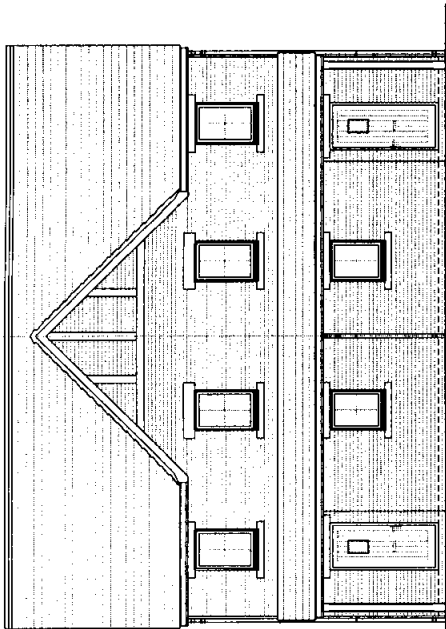
SITE LAYOUT

ISSUED BY	DATE	ISSUED TO
CHECKED BY	SCALE	SECTION
DRAWING NUMBER	SH071.90.9.SL.SL	
SHEET NUMBER	SH071	

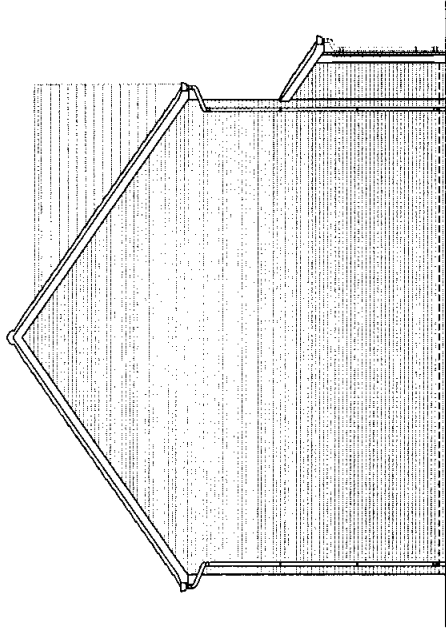
Site Layout

C. Story Construction Ltd.
Burgh Rd Industrial Estate, Canine, Cumbria, CA2 7NA
Tel 01228 646000 Fax 01228 646051

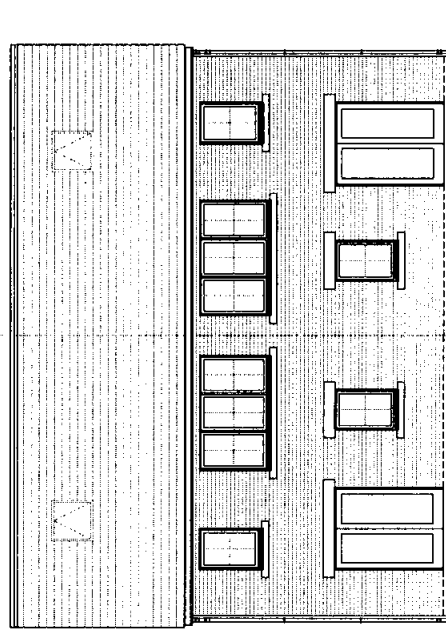
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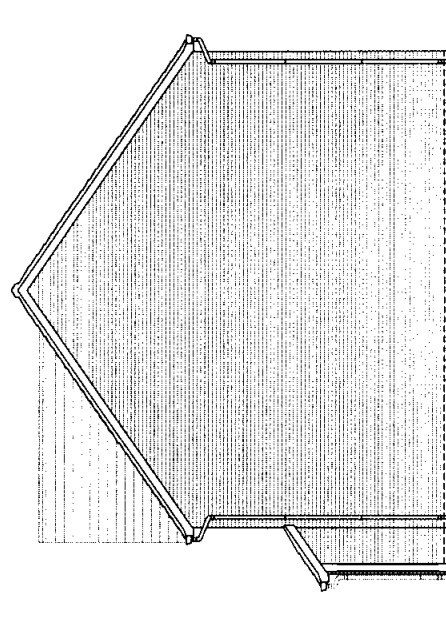
Front Elevation



Side Elevation



Rear Elevation



Side Elevation

PLANNING APP



DEVELOPMENT

Etterby, Carlisle

HOUSE TYPE

The Etterby E-Type

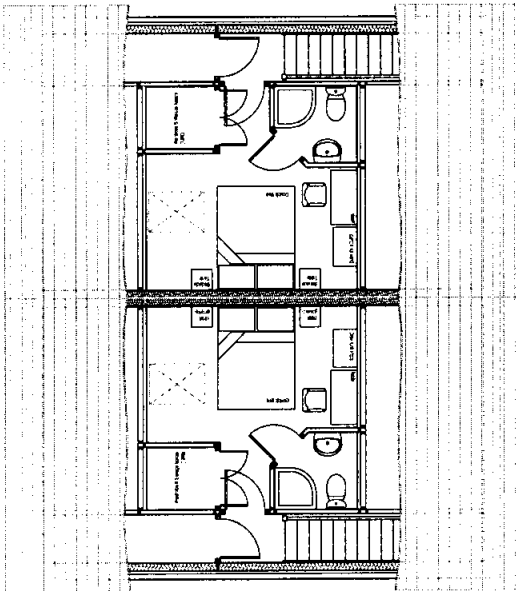
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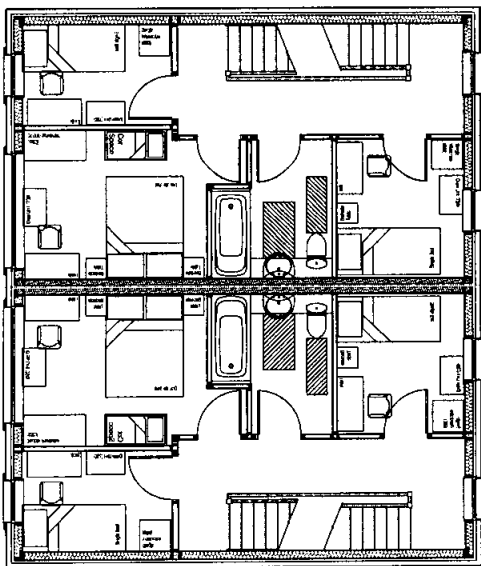
Planning Elevations

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SECTION SITE	SH071	MASTER REF	1
REFERENCE			
REVISION			

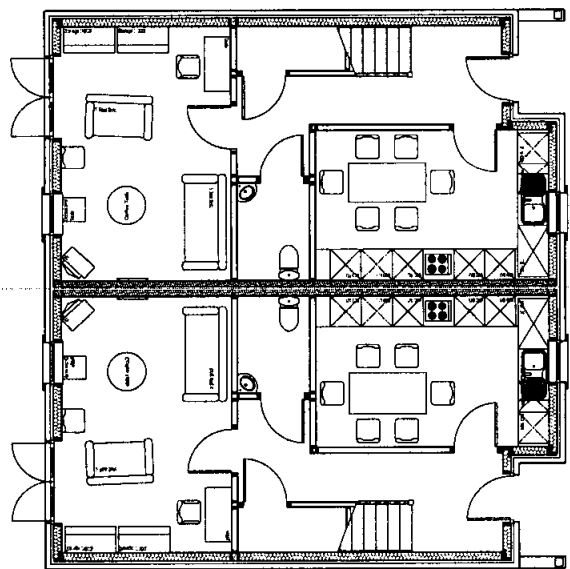
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Second Floor Plan



First Floor Plan



Ground Floor Plan



Etterby, Carlisle

The Etterby E-Type

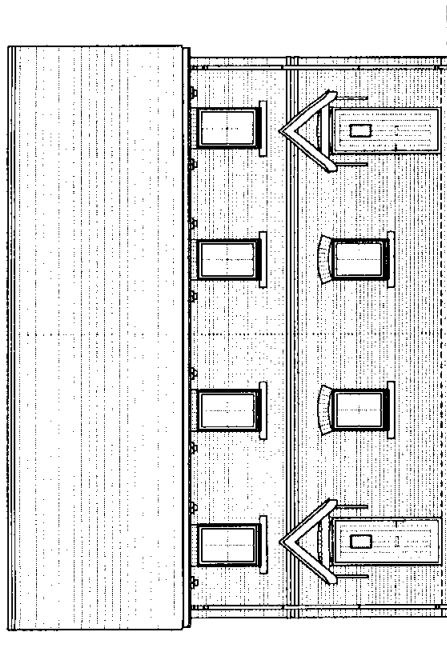
PLOTS 29 & 30

Planning Plans

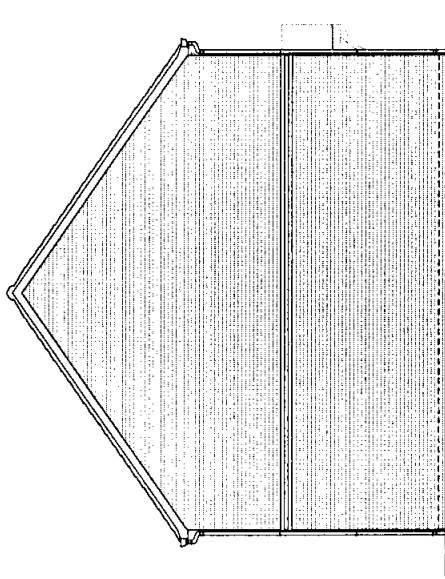
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MASTER REF	1

PLANNING APP

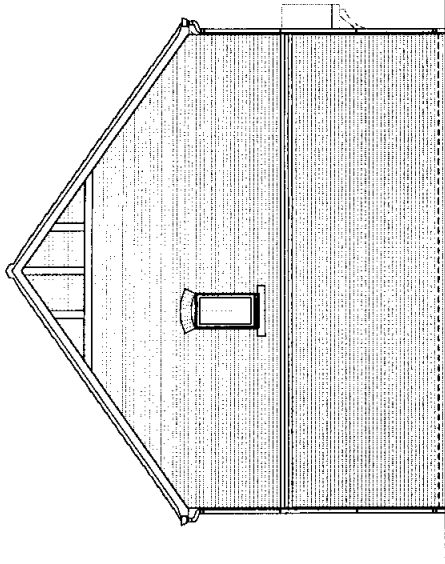
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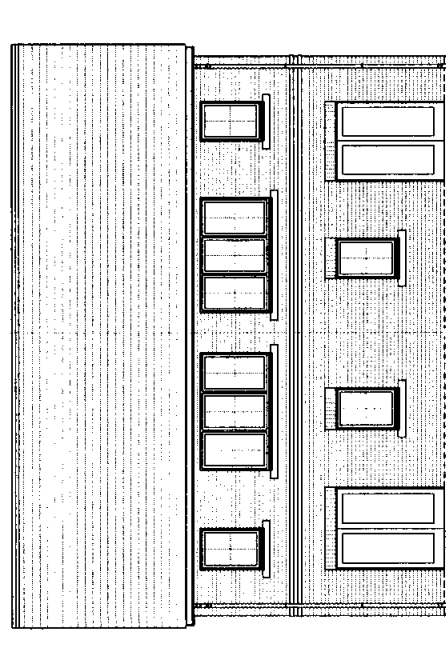
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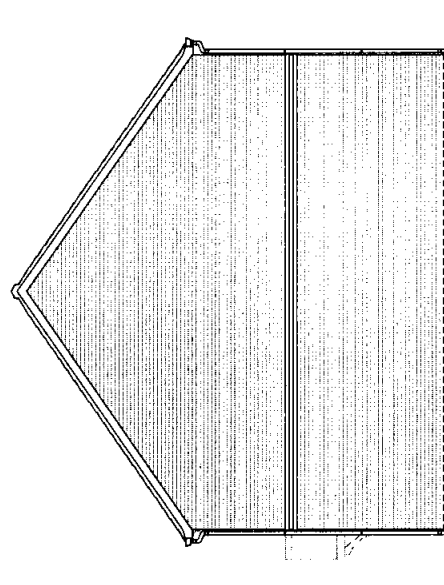
Side Elevation



Side Elevation to Feature Gable of
Plot 4 & 24 Only



Rear Elevation



Side Elevation

PLANNING APP

STORY
Group

WKS 20/07/18 15:00

DEVELOPMENT

Etterby, Carlisle

HOUSE TYPE

The Etterby D Type

PLOTS 3, 4, 12, 13, 23 & 24

DRAWING

Planning Elevations 1

BRICK BAND VERSION

DRAWN BY

AN

CHECKED BY

AN

DATE

26/07/18

SCALE

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REVISION

REVISION

NUMBER

D - PLE1

REGION

SH071

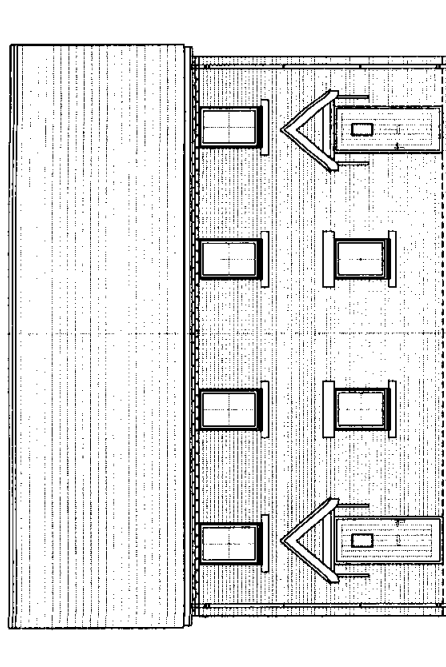
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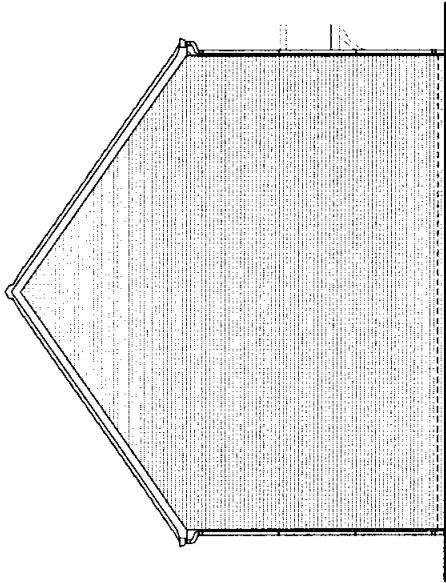
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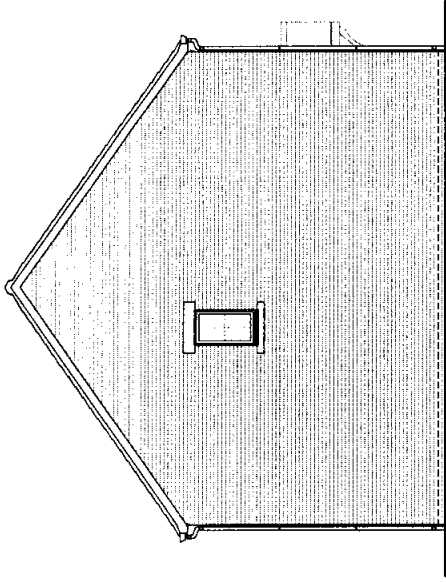
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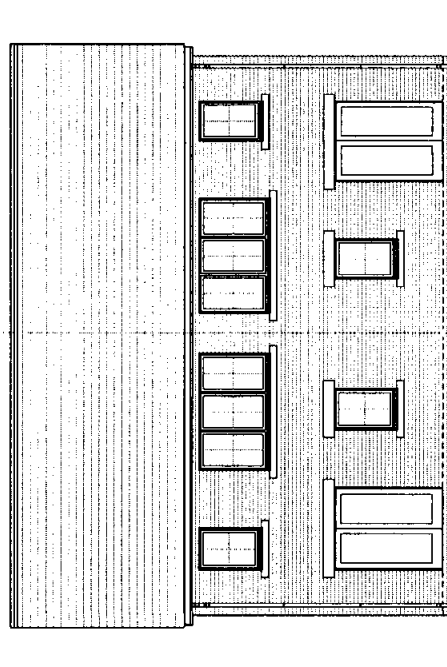
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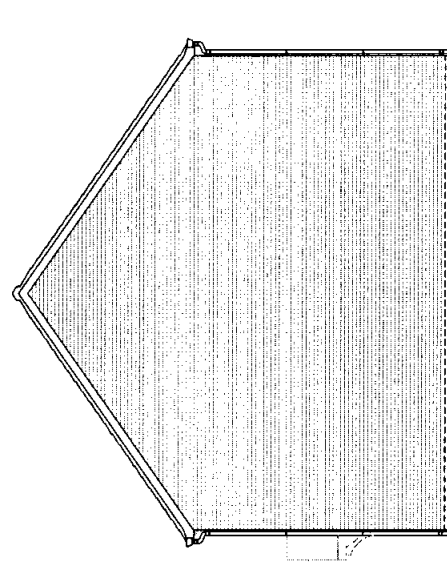
Side Elevation



Side Elevation to Feature Gable of Plot 30 Only



Rear Elevation



Side Elevation

PLANNING APP



DEVELOPMENT

Etterby, Carlisle

HOUSE TYPE

The Etterby D Type

PLOTS 1, 2, 14, 15, 20, 21, 28 & 30

DRAWING

Planning Elevations 2

DRAWN BY

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25/01/10

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REGION

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DRAWING NUMBER

D - PLE2

REGION

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SITE REFERENCE

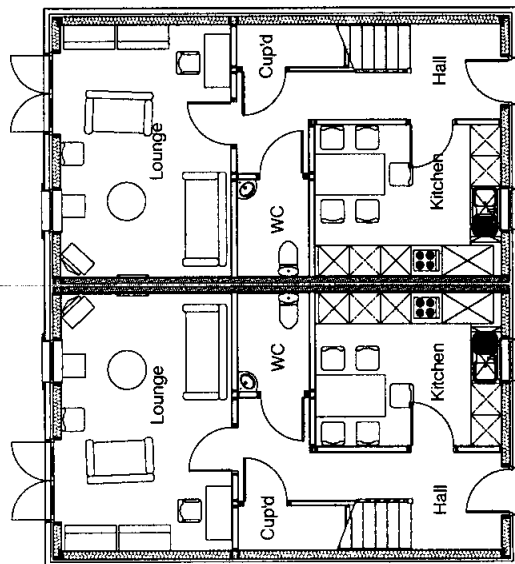
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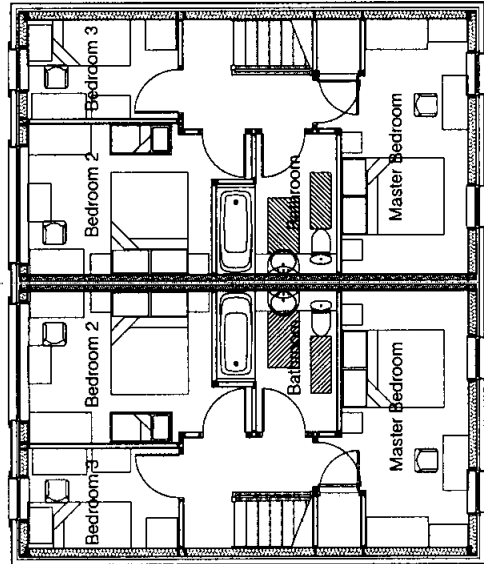
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Revisions

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Ground Floor Plan



First Floor Plan

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

PLANNING APP

STORY
Group

Etterby, Carlisle

HOUSE TYPE

The Etterby D Type

PLOTS 1, 2, 3, 4, 12, 13, 14, 15, 21, 22, 29 & 30

DRAWING

Planning Plans

BRICK BANG & LEVES BRICK CORBEL

DATE 28/07/18

CHECKED BY

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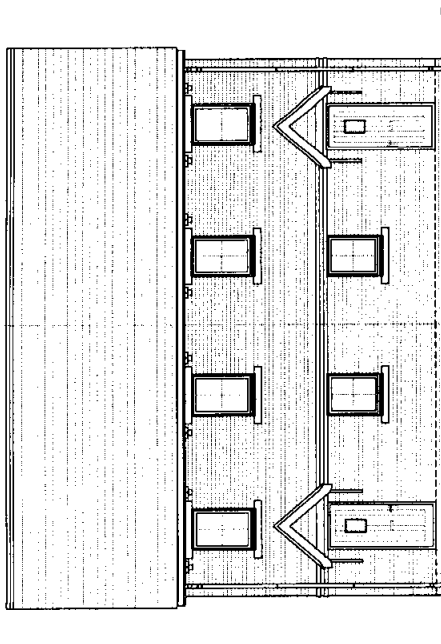
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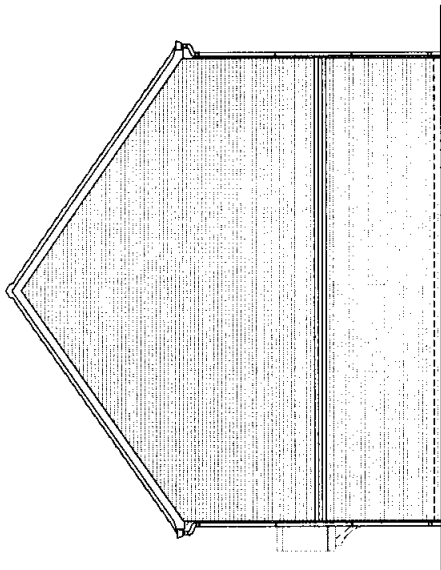
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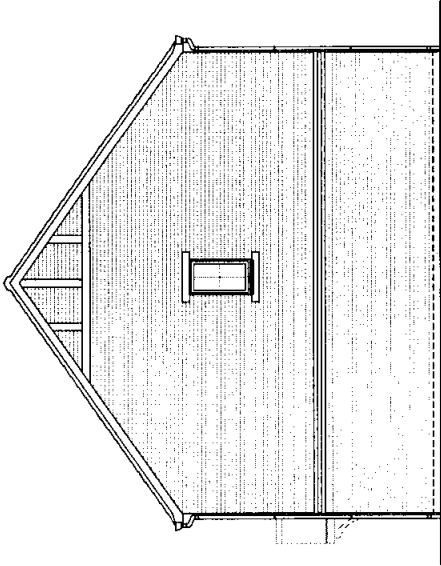
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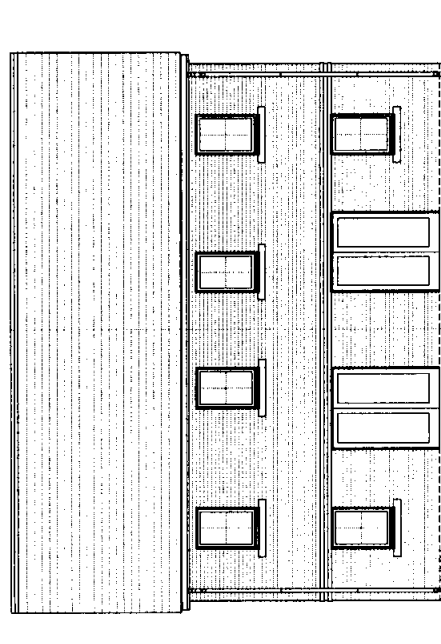
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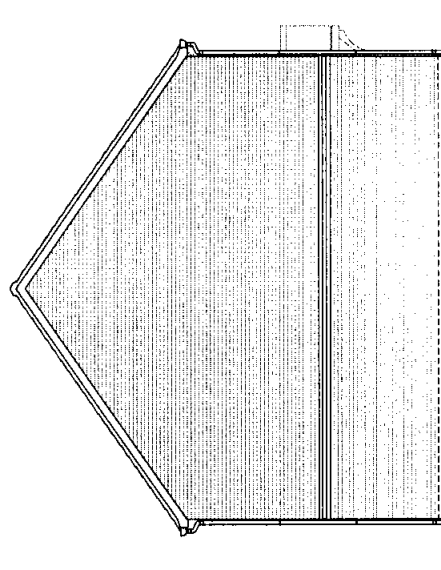
Side Elevation



Side Elevation to Feature Gable of
Plot 25 Only



Rear Elevation



Side Elevation

PLANNING APP

STORY
Group

DEVELOPMENT

Etterby, Carlisle

HOUSE TYPE

The Etterby C-Type

PLOTS 25 & 26

DRAWING

Planning Elevations 1

SEMI DETACHED

DATE 26/07/18

SCALE 1:100

REASON

C- PLE1

REASON

SH071

MASTER REF

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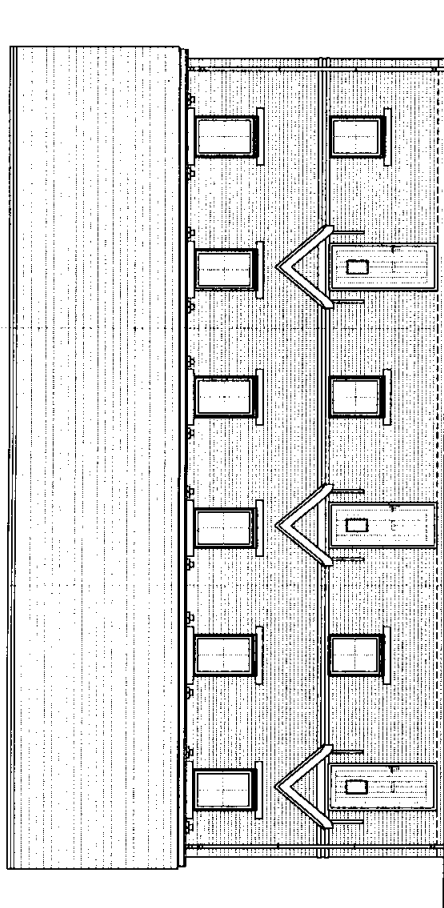
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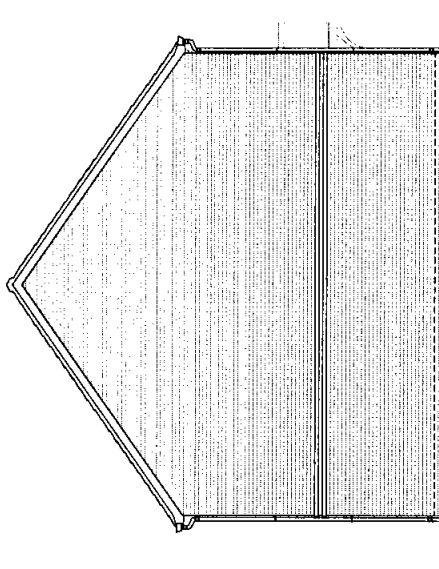
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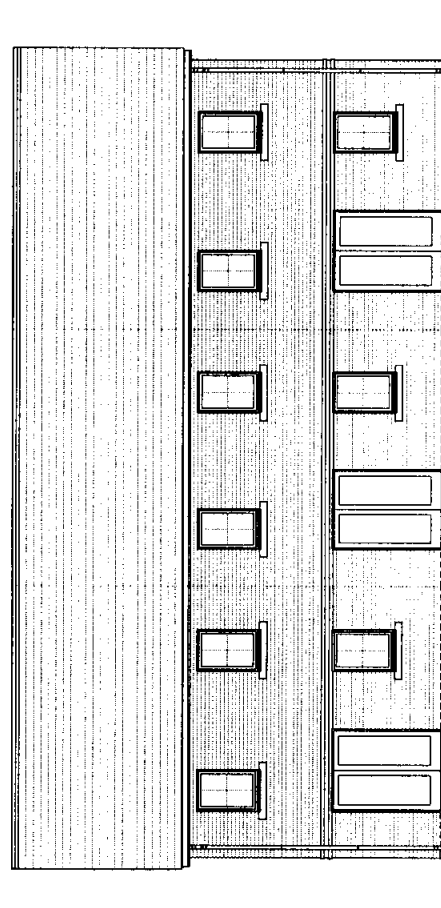
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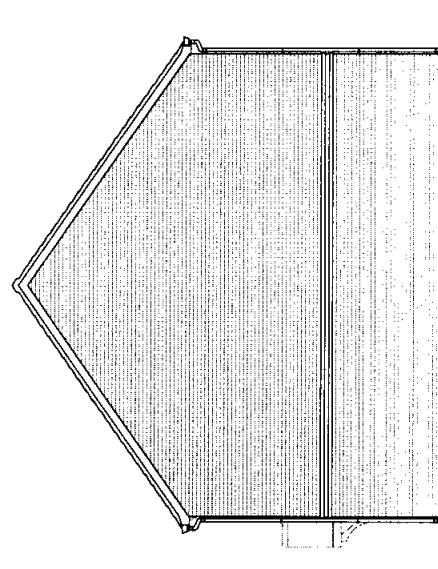
Front Elevation



Side Elevation



Rear Elevation



Side Elevation

PLANNING APP



DEVELOPMENT

Etterby, Carlisle

HOUSE TYPE

The Etterby C-Type

PLOTS 9, 10 & 11

DRAWING

Planning Elevations 2

3 BLOCK TERRACE

DRAWN BY

CHECKED BY

DATE

SCALE

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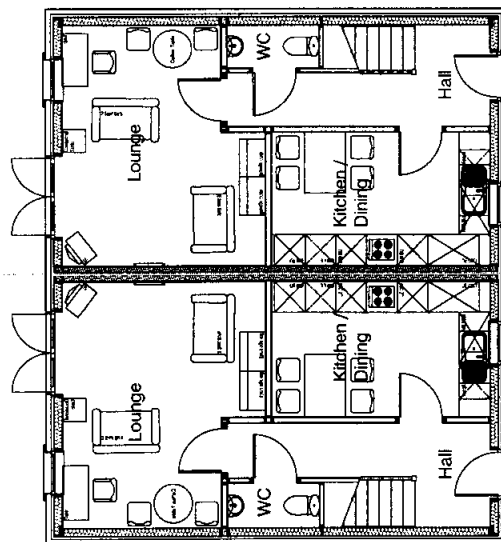
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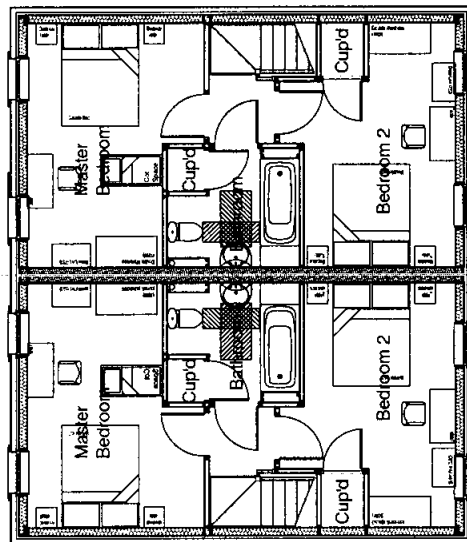
Burgh Rd Industrial Estate, Carlisle, Cumbria, CA2 7NA

Tel 01228 646864

Page 01228 646864



Ground Floor Plan



First Floor Plan



Part First Floor
Plan (Plot 25)

PLANNING APP

STORY
Group

Etterby, Carlisle

The Etterby C-Type

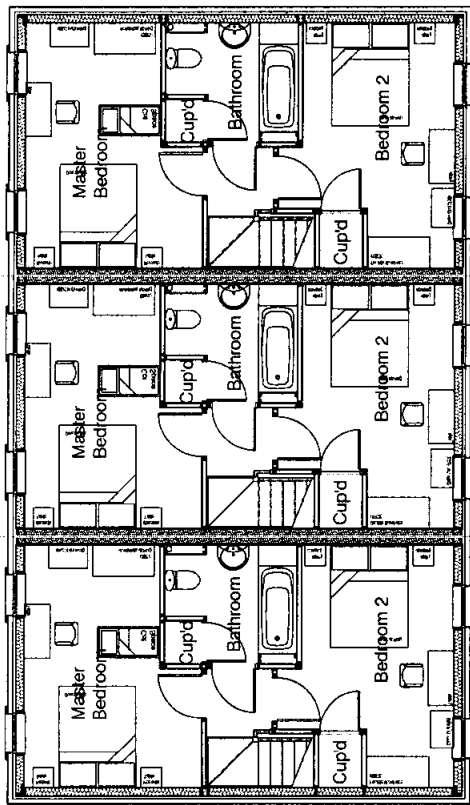
Planning Plans 1

PLOTS 25 & 26

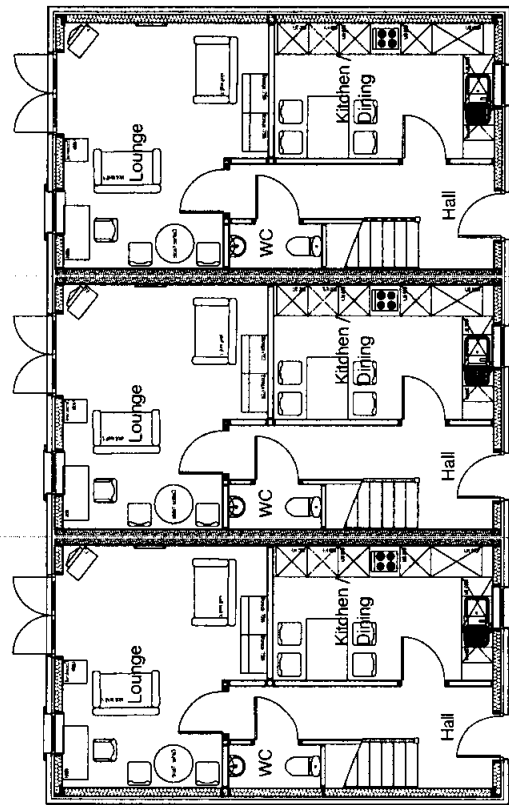
Drawings

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CHECKED BY						
DRAWING NUMBER						C - PLP1
PROJECT SITE REFERENCE						SH071
REVISION						MASTER REF 1

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Tel 01228 444444 Fax 01228 444444



First Floor Plan



Ground Floor Plan

PLANNING APP



DEVELOPMENT

Etterby, Carlisle

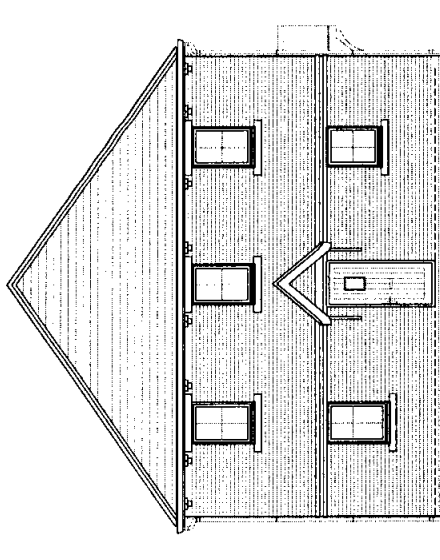
HOUSE TYPE

The Etterby C-Type
PLOTS 9, 10 & 11

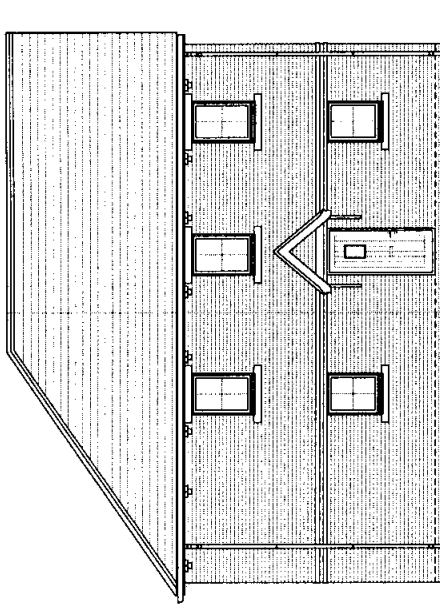
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Planning Plans 2
3 BLOCK TERRACE

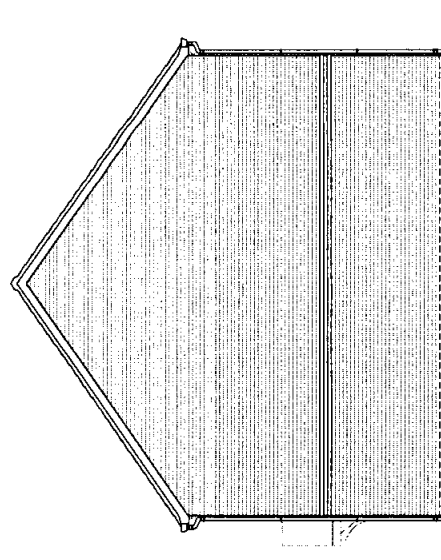
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REGION	SH071	MASTER REF	1
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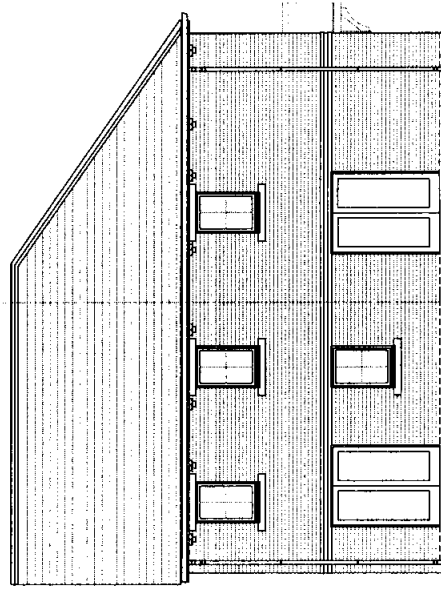
Front Elevation



Side Elevation



Rear Elevation



Side Elevation

PLANNING APP

STORY
Group

WINDY 2007 07/05/05 4.4.05

DEVELOPMENT

Etterby, Carlisle

HOUSE TYPE

The Etterby B/C Type

PLOTS 19 & 20

DRAWING

Planning Elevations 1

BACK BAND VERSION

DRAWN BY

CHECKED BY

DATE

SCALE

REVISION

DRAWING NUMBER

REGION

SITE REFERENCE

Revision

MASTER REF

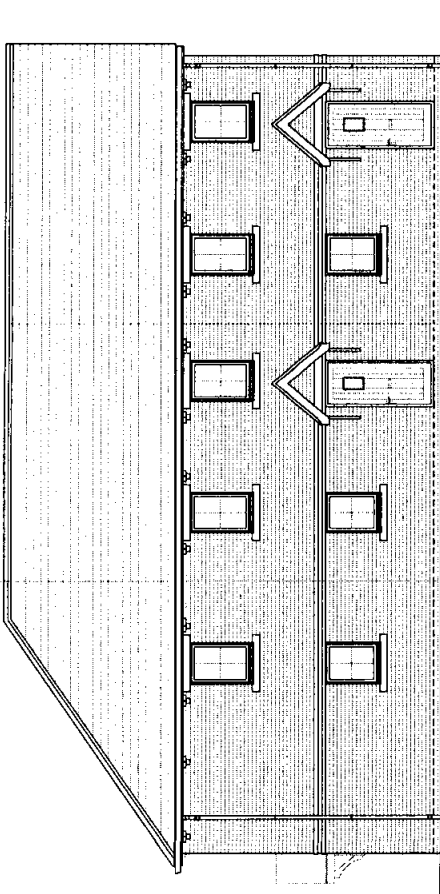
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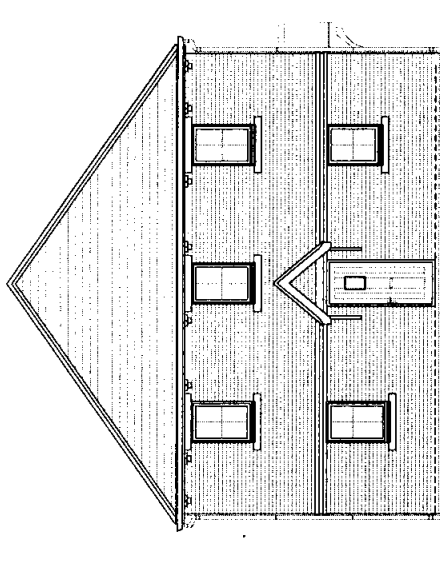
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Tel: 01228 644444

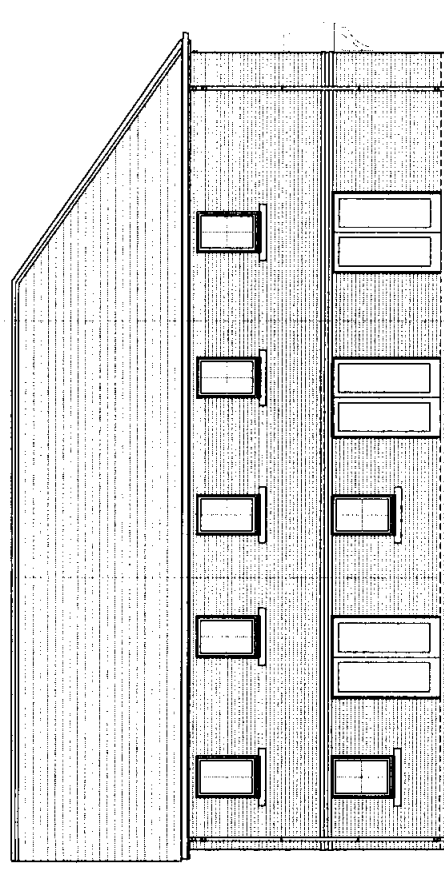
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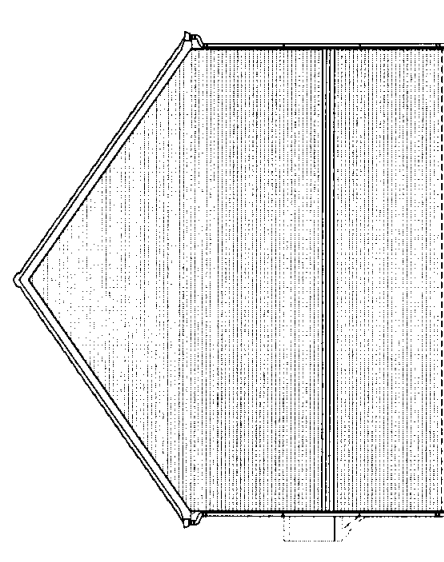
Front Elevation



Side Elevation



Rear Elevation



Side Elevation

PLANNING APP

STORY
Group

Etterby, Carlisle

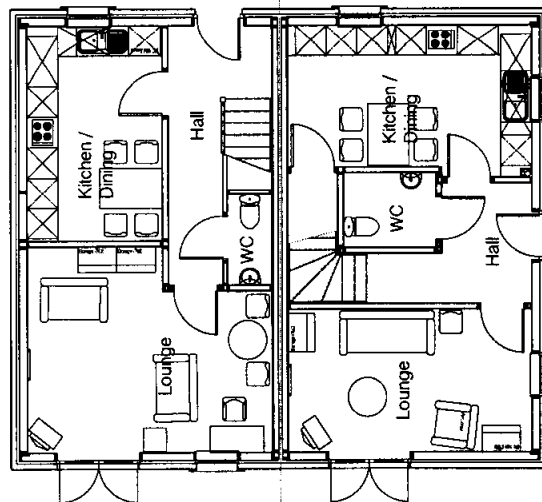
HOUSE TYPE
The Etterby B/C Type

PLOTS 16, 17 & 18

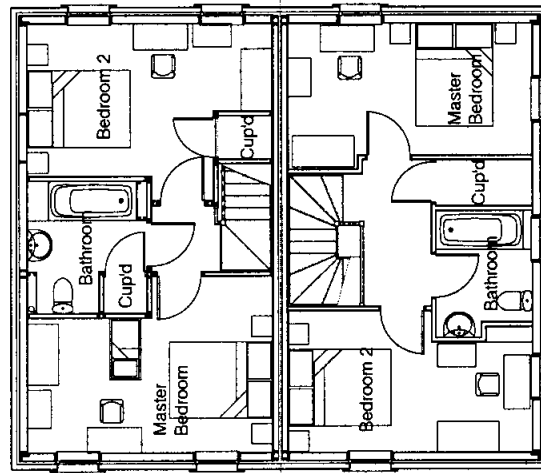
DRAWING
Planning Elevations 2

BRICK BAND VERSION

UNCLASSIFIED VERSION				
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CHECKED BY				
DRAWING NUMBER	B/C - PLE2		REASON	
		-		
REGION	SH071		MASTER REF	
		1		
Name: _____				



Ground Floor Plan



First Floor Plan

PLANNING APP

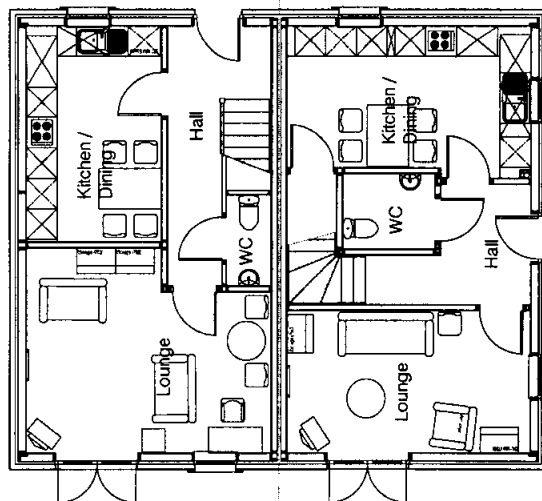
STORY
Group

Etterby, Carlisle

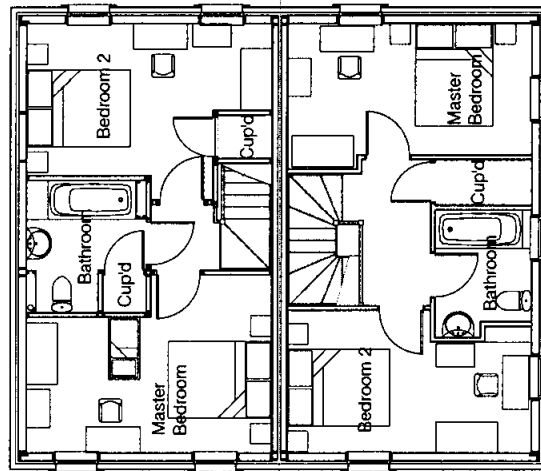
HOUSE TYPE
The Etterby B/C Type
PLOTS 19 & 20

Planning Plans 1

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CHECKED BY		SCALE	1:100
DRAWING NUMBER	B/C - PLP1	REVISION	-
SECTION		MASTER REF	1
SITE REFERENCE	SH071		
Revisions			



Ground Floor Plan



First Floor Plan

PLANNING APP



DEVELOPMENT

Etterby, Carlisle

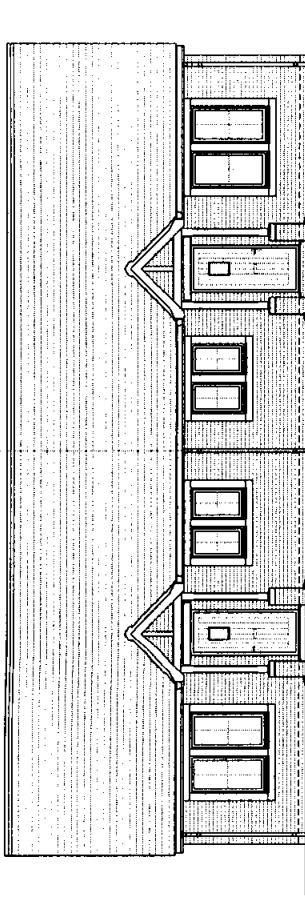
HOUSE TYPE
The Etterby B/C Type

LOTS 16, 17 & 18

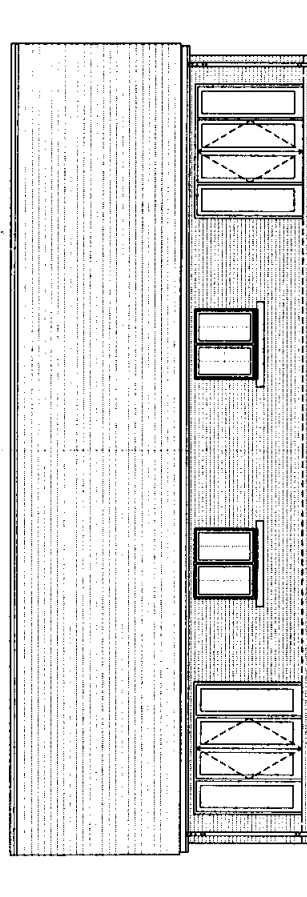
Planning Plans 2

BRICK BAND & EMES BRICK CORBEL

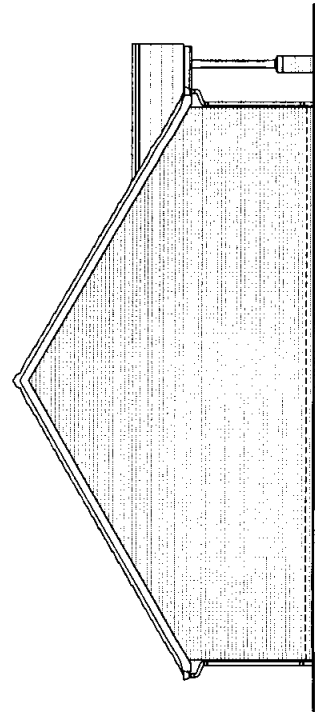
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B/C - PLP2		SH-071	1
REFERENCE	REVISION		



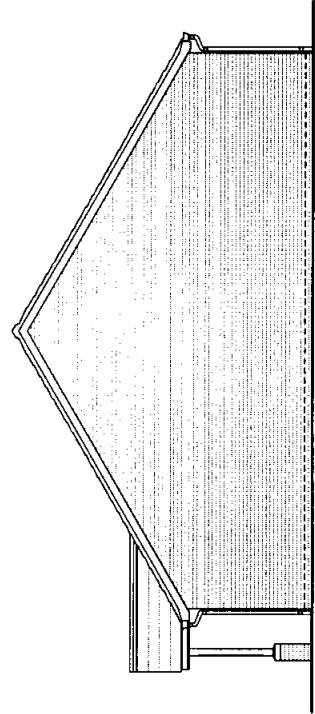
Front Elevation



Rear Elevation



Side Elevation



Side Elevation

PLANNING APP

STORY
Group

NEW 2019/2020 S.C.A.

DEVELOPMENT

Etterby, Carlisle

HOUSE TYPE

The Etterby A-Type

PLOTS 5, 6, 7 & 8

DRAWING

Planning Elevations

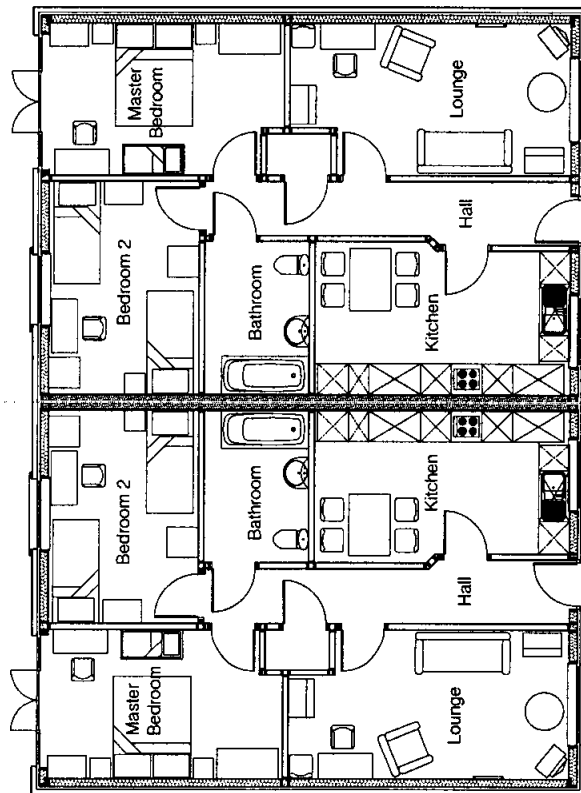
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CHECKED BY		SCALE	1:100
DRAWING NUMBER	A - PLE	REVISION	
REGION			
SITE REFERENCE	SH071	MASTER REF	1
REVISIONS			

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Tel: 01228 544444

For 01228 544444



Ground Floor Plan

PLANNING APP



DEVELOPMENT

Etterby, Carlisle

HOUSE TYPE

The Etterby A-Type

PLOTS 5, 6, 7 & 8

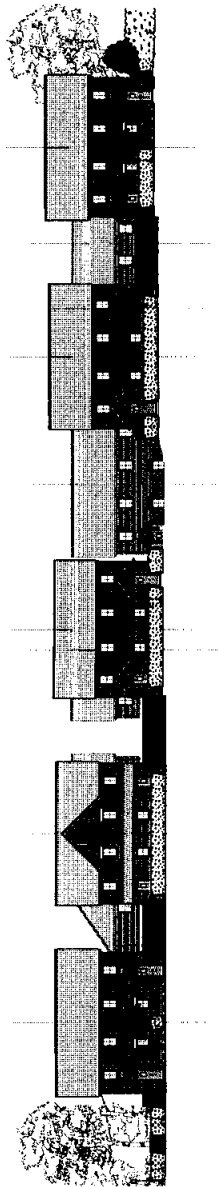
DRAWING

Planning Plans

DRAWN BY	AM	DATE	25/01/10
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REGION	SH071	MASTER REF	1
SITE REFERENCE		Revision	

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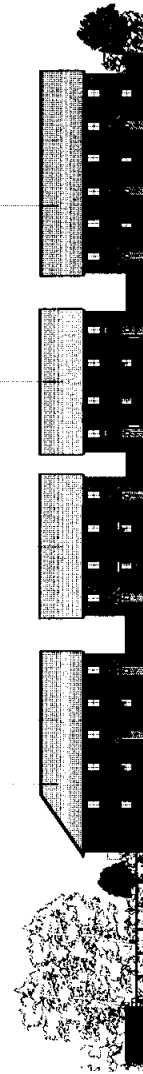
Bury Rd Industrial Estate, Carlisle, Cumbria, CA2 7NA
Tel: 01273 440495 Fax: 01273 440491



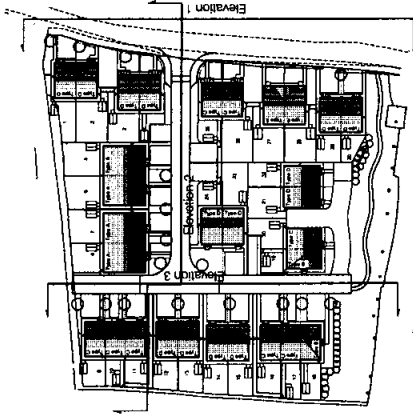
Elevation 1



Elevation 2



Elevation 3



Key Plan

PLANNING APP

STORY
Group

LAND CLIENT TO:
DEVELOPER:
Etterby Road, Carlisle

STREET ELEVATIONS
Street Elevations

FOUNDER BY	DATE	SCALE	REVISION
CHECKED BY	SH071.90.9.SL/SE	1:200	
NUMBER	SH071		
REFERENCE			

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Tel: 01273 444444

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	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Feature Band:	Red Facing Brick (to be confirmed) - Natural Mortar																						
	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 Corble 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 Front Door:	Gloss paint; Green			✓																			
	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

Houses

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	✓	✓	✓	✓	✓	✓	✓	✓
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	✓	✓	✓	✓	✓	✓	✓	✓
Cills, Heads, Surrounds	Pre-cast concrete painted (Buff)	✓	✓	✓	✓	✓	✓	✓	✓
& Mullions		✓	✓	✓	✓	✓	✓	✓	✓
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

Land between Stainton Road and track to Kingsmoor Depot
New Development for 30no Affordable Houses
Riverside Carlisle

Following the recent deferment of consideration of the planning application reference number 10/0508 for the development of 30no affordable houses adjacent Etterby Road, please find following our comments on the scheme. In particular these comments relate to the use of direct access drives onto Etterby Road.

Existing Situation

The proposed development is bound to the south-west by the existing residential properties on Stainton Road. Along Stainton Road, a number of properties function in the same way as that proposed in the current planning application but without the benefit of a footpath as proposed for the frontage of the Riverside application.



View Along Stainton Road

Accident statistics are appended and confirm that there are no underlying safety issues. Fears over reversing onto the road therefore are not borne out

by the data. This is further accepted by the no objection we have received from the Highway Authority subject to the imposition of general conditions.



Example of direct frontage access looking back towards site on left

Road Safety Audit

A Road Safety Audit has been carried out for the proposed development which accompanied the application. The Safety Audit was carried out independently by Capita Symonds. Several recommendations were noted in respect of the main site access and the inclusion of 'Give Way' markings and dropped kerbs etc. The Safety Audit does not raise any issues in relation to the use of direct accesses onto Etterby Road, the lack of any accidents in the last 10 years is again noted.

Manual for Streets and Direct Frontage

Direct frontage access is promoted within Manual for Streets (MfS) noting that:

"One of the key differences between streets and roads is that streets normally provide direct access to buildings and public spaces. This helps to generate activity and a positive relationship between the street and its surroundings" para 7.9.1

MfS further states

"In the past, a relatively low limit on traffic flow (300 vehicles per peak hour or some 3,000 vehicles per day) has generally been used when deciding whether direct access was appropriate.....It is recommended that the limit for providing direct access on roads with a 30mph speed restriction is raised to at least 10,000 per day" para 7.9.3/5

The above supports the views expressed by the Highway Authority and the findings that there are no significant issues raised by the Road Safety audit and specifically no issues raised in respect of direct access.

In terms of design, MfS also recognises the importance of development having an active street frontage:

“In many cases, buildings turn their backs on to local distributors, creating dead frontages and sterile environments. Separate service roads are another possible design response, but these are wasteful of land and reduce visual enclosure and quality” para 7.9.4

The design response to this site has been the subject of many discussions with the City Council's Urban Design Officer. In order to address design concerns, the development has gone through several iterations prior to the making of the application. The provision of an active street frontage is also a consideration of Building For Life which the development is considered against in terms of the funding bid to the Homes and Communities Agency.

Conclusion

In conclusion, it is our contention that the proposed development does not raise any issues of an unacceptable threat to road safety. This has been supported by the results of the Road Safety Audit, including the investigation of accident data over a 10 year period, which accompanied the application and the No Objection from the Highway Authority. The use of direct access onto the Etterby Road frontage encourages active use of the frontage and encourages the use of the space as a street rather than a road encouraging higher traffic speeds. The application accords with both local and national guidance.

Accident Statistics for Stainton Road and Etterby Road:

1 casualty with slight injury in 1999

2 casualties with slight injuries in 2007

These were on the actual roads.

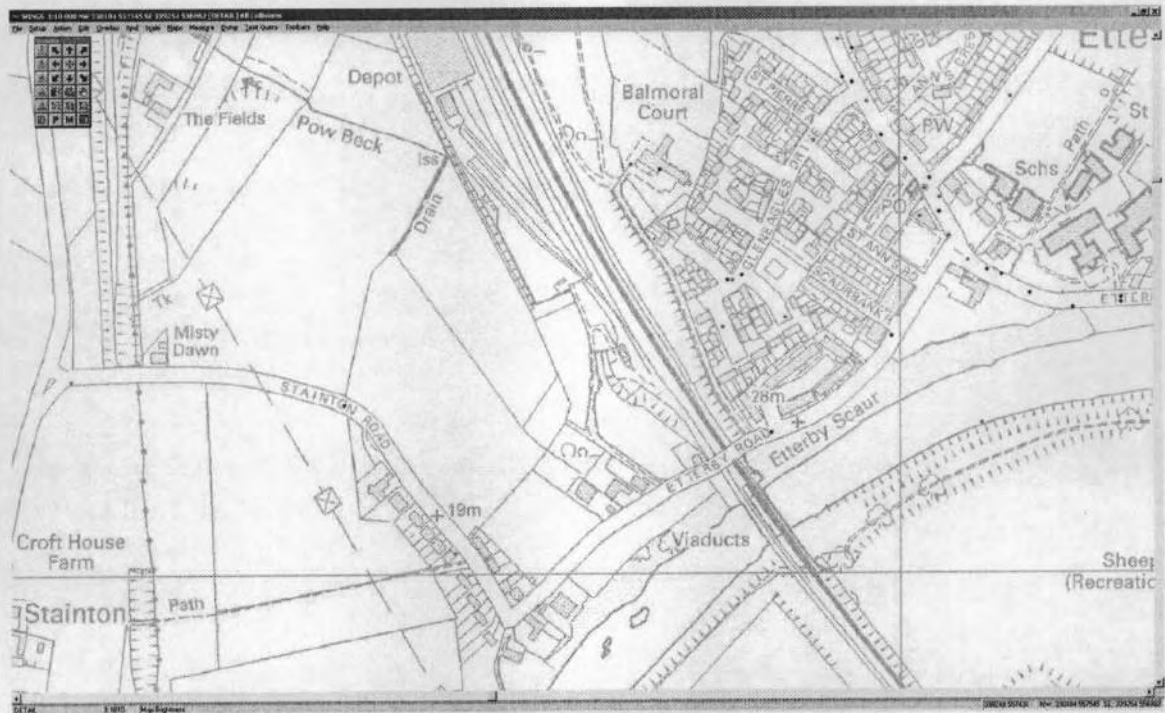
There are some more in surrounding areas as you can see below:

Please note dots below are for collision, not for casualty

Red – collision with one or more serious casualty

Blue - slight

Green – damage only



SCHEDULE A: Applications with Recommendation

10/0204

Item No: 02

Date of Committee: 20/08/2010

Appn Ref No:
10/0204

Applicant:
Mrs Grainger

Parish:
Burgh-by-Sands

Date of Receipt:
10/03/2010

Agent:
Edwin Thompson

Ward:
Burgh

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

Grid Reference:
332158 558985

Proposal: Erection Of 1no. Detached Dwelling

Amendment:

1. Revised Floor Plans And Elevations Modifying The Proposal From A 2 Storey Dwelling To A Single Storey Property

REPORT

Case Officer: Richard Maunsell

Reason for Determination by Committee:

This application is brought for determination by Members of the Development Control Committee due to an objection having been received from the Parish Council together with two letters of objection from neighbours.

1. Constraints and Planning Policies

Ancient Monument

Area Of Outstanding Natural Beauty

Local Plan Pol DP1 - Sustainable Development Location

Local Plan Pol DP9 - Areas of Outstanding Natural Beauty

Local Plan Pol CP3 - Trees and Hedges on Development Sites

Local Plan Pol CP5 - Design

Local Plan Pol CP6 - Residential Amenity

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

Local Plan Pol H1 - Location of New Housing Develop.

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

Local Plan Pol LE19 - Conservation Areas

Local Plan Pol T1- Parking Guidelines for Development

2. Summary of Consultation Responses

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

Local Environment, Streetscene - Drainage Engineer: the applicant indicates disposal of foul sewage to the mains (public) sewer, which is acceptable.

The applicant indicates disposal of surface water to a soakaway, which is an acceptable method of disposal.

There is no knowledge of flooding issues at the site;

United Utilities: no objection subject to the following:

- In accordance with PPS25 surface water should not be allowed to discharge to foul/combined sewer as stated in the planning application. This prevents foul flooding and pollution of the environment. Surface water should discharge to the soakaway as stated on the application form and may 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;

English Heritage - North West Region:

Summary

Because of the location of this proposal in relation to the Hadrian's Wall World Heritage Site, it is considered that it has the potential to impact on remains of high archaeological importance. As such, English Heritage recommends that this application is not determined until the results of an archaeological evaluation of the site, commissioned by the applicant, are known.

English Heritage Advice

It will be noted from previous applications in this part of Burgh, this is an area with a high archaeological potential. This potential derives from the position of the site, it

being on the line of the Hadrian's Wall Vallum. The Vallum is still poorly understood but it seems likely that this major Roman ditch system was constructed to control access to a military zone associated with Hadrian's Wall and its importance is such that it is included within the Unesco Hadrian's Wall World Heritage Site.

Given this position and consequent archaeological potential, English Heritage's clear advice is that this site should be the subject of an archaeological evaluation in advance of the determination of this application. In such an exercise, professional archaeologists would be commissioned by the applicant and would excavate trial trenches on the site to provide information about the location, extent and importance of the archaeology found within the site. This information would then be used to determine the priority that should be given to the preservation in situ of these remains and therefore for an informed planning decision to be taken and for any further archaeological work on remains whose preservation is not considered to be mandatory to be included as a planning condition. This approach to the archaeology of this site is in line with government advice contained in PPG16.

Recommendation

English Heritage recommends that this application should not be determined until the results of an archaeological evaluation, commissioned by the applicant, are known.

Further comments following the receipt of the archaeological evaluation are awaited;

Local Environment - Environmental Protection: no objections in principle to the application.

The recommendations relating to sensitive developments in PPS23 should be applied;

Planning - Planning Policy & Conservation: this initial proposal had a number of problems. The design of this unit was very urban and did not relate well to the adjacent village vernacular or even the modern dwelling to the west. The proposed dwelling would also have sat near the front of the site altering the character of this space dramatically and not for the better. Any development here should be set back so that its frontage is no farther forward than the front of the property known as the Croft on the adjoining site. The design needed to be reconsidered so that it has less of a "town house" feel.

Revised comments following the receipt of the amended plans are currently awaited;

Hadrians Wall Heritage Limited: comments awaited;

Burgh-by-Sands Parish Council: the following objections to the initial scheme were received:

1. the plan was unclear in that the garden is part of a complex of dwellings and some fences are omitted. A proper representation of the situation and a site visit should be sought before a decision is made;
2. the Parish Council was very unhappy about the increasing number of gardens within the village that have been built upon. This is causing a reduction of

- lifestyle opportunities and quality of life within Burgh-by-Sands. The village is being steadily in-filled. Gardens are not potential infill sites but integral to the housing regime within the village;
3. there are further grounds for the protection of the site due to the fact that the site may be a relic orchard and has specimen apple trees remaining;
 4. the property would not have been constructed to the existing building line;
 5. the property was on the vallum;
 6. the Parish Council had major concerns over the construction of further dwellings within the part of the village as the existing foul water system already overloads during wet weather;
 7. the egress from the site would have been near the summit of a blind hill;
 8. the property planned was much higher than the houses on either side due to size and topography;
 9. the Parish Council had concerns as to where the storm water is going to go as the inevitable run-off during high rainfall will go towards other dwellings in the area;
 10. one of the "walls of character" (see Burgh-by-Sands Design Statement) within the village would be broken into;
 11. dormer windows are not vernacular to this part of the village;
 12. the Parish Council had concerns that general support appears to have already been given, before consultation, as stated in the Design and Access Statement.

Further comments received on 1st July 2010 read as follows:

The Parish Council request a site visit before a decision is made and object on the following grounds:

1. the sewage system in Burgh-by-Sands is currently overloading at time of peak flow causing back up in several properties. Additional connections will make this worse;
2. this is not an infill site but a garden in front of a house and other properties;
3. under the new guidelines the Parish Council have the right to object to this 'new layer' brown field site and do so;
4. the open space structure is as important here as it is in a city because:
 - the site is within the Burgh-by-Sands Conservation Area
 - the Solway Coast Area of Outstanding Natural Beauty (AONB)
 - the Hadrian's Wall World Heritage Site
 - A National Trail for both walkers and cyclists.
5. the design of the proposed dwelling on a garden site is not appropriate and would detract from the Conservation Area's status and have an adverse impact on this part of the village. The open character of the village would be compromised by building on this garden;
6. the property is still not to be constructed to the existing building line;
7. the land to the south of the proposed property is lower and surface run off will go into these properties and does so regularly at present. Development will increase this;
8. there is already an access to a small estate with over spill parking on the main road in this area and additional accesses will compound congestion. The proposed access to the development is on the brow of the hill and on a slight bend and will be a traffic hazard;

9. Policy H5 refers to amenity of existing uses to the surrounding areas and this will detract from it;
10. the 150 year old cobble wall, earmarked as a wall of local character in the Burgh-by-Sands Design Statement (accepted as additional planning criteria by Carlisle City Council), will have to be breached to form a new entrance. This is one of the few areas where vernacular walls are on both sides of the road;
11. the proposal would have an adverse impact on the living conditions of neighbouring properties;
12. the Parish Council are concerned about the implication of letters of 'no objection' from adjacent un-inhabited and derelict properties and relatives of the applicant;

Solway Coast AONB Unit: comments awaited;

Cumbria County Council - (Archaeological Services): the records indicate that the site lies in an area of very high archaeological potential. The presumed course of Hadrian's Wall vallum passes directly beneath the site, which is legally protected as a Scheduled Monument to the east and west. Should remains survive of the vallum, they are highly likely to be deemed of national importance and worthy of preservation in situ, because of their direct association with the World Heritage site.

Given that the proposed development has the potential to affect archaeological remains of national importance, it is recommended that in line with saved policies LE6 and LE8 of the Carlisle District Local Plan, the site is subject to an archaeological evaluation carried out prior to the granting of planning permission. The evaluation should determine the presence, nature and extent of surviving archaeological remains within the area of the ground works of the proposed development. An informed judgement can then be made as to whether provisions will be required for the recording and, more importantly, the preservation of important archaeological remains in situ.

Further comments received on 17th June 2010 read as follows:

the site has been the subject of an archaeological evaluation as recommended in earlier correspondence. The results of the evaluation surprisingly revealed no remains of Hadrian's Wall vallum on the proposed location of the house. In light of this information, there is no objection to the proposed development;

Conservation Area Advisory Committee: the Committee felt that the originally proposed design was very poor and showed little respect for the local vernacular character. The Committee felt that this proposal was unacceptable in its submitted form and that this should be reconsidered.

Following the receipt of the revised proposal for a single storey dwelling, this application was reconsidered by the Committee who raised no objection; and

Local Plans (Tree Preservation), Economic Development: the proposed location for the development is on what appears to be a remnant of a derelict orchard. This is indicated by a number of fruit trees on and adjacent this site, with an adjacent property called The Old Orchard. Such sites do not unfortunately have statutory

protection in their own right, but are of importance for their local cultural and historic importance, their ecological value, as well as often containing old varieties of fruit trees no longer in commercial production.

Protection of the trees could only be achieved by means of a Tree Preservation Order, which in this instance is not considered appropriate due to the relative lack of visibility and prominence of the tree.

The loss of this tree will need to be mitigated, and this should be agreed prior to any decision being granted. The loss of an old mature apple tree along with the loss of other trees and shrubs will not be mitigated by the planting of one small apple tree, and further consideration must be given to the landscaping scheme.

3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:
Marsh Cottage	12/03/10	Objection
2 The Croft	12/03/10	
10 Beech Croft	12/03/10	
3 Marsh Terrace	17/03/10	
Marsh House	12/03/10	
1 Marsh Terrace	12/03/10	Undelivered
2 Marsh Terrace	12/03/10	Comment Only
3 Marsh Terrace	12/03/10	Comment Only
The Old Orchard	12/03/10	
1 The Croft	12/03/10	Objection
Burgh by Sands		Objection
Burgh by Sands Parish Council		Objection
MP for Carlisle		Comment Only

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

1. the site is within a Conservation Area whose character and appearance should be protected or enhanced. The development would fill in one of the few remaining open garden spaces in the centre of the village;
2. the future inhabitants of one of the cottages in Marsh Terrace will certainly be affected since they will lose their good sized garden and the light that the curtilage currently provides;
3. the site is at a higher level than the adjacent property and will have a bearing on the light coming through the kitchen window and dominating the space;
4. the submitted plan does not show the site boundaries and if it did, it would

show that the site is considerably smaller than it would appear;

5. visitors to Marsh Terrace park on the road creating low visibility when trying to enter or leave the adjacent property. A shared access for the existing and proposed properties would address this;
6. Marsh Cottage and Marsh Terrace are identified in the Burgh-by-Sands Design Statement as a “visually coherent group of buildings”. The proposal does not take account of the traditional design and materials of the surrounding properties and would reduce this coherence;
7. development of the site would reduce the dwindling number of open spaces within the village;
8. the development would result in the loss of a garden of mature standing which includes an apple tree described by the ‘apple fest’ as being of significant interest as it is over 100 years old;
9. the proposed property would tower above Marsh Cottage and Marsh Terrace as these are low cottages.

3.2 In addition, two letters of support have been received and the issues raised read as follows:

1. the present owner of 3 Marsh Terrace has no objection to the proposal;
2. up until 1964, the site was 3 separate produce gardens, one for each of the cottages that made up Marsh Terrace, and could not be described as an orchard;
3. an orchard used to exist in the property known as Marsh House but this was removed to make way for a number of properties now known as Marsh House Gardens

3.3 Following the receipt of amended drawings for a single storey dwelling, two further letters of objection has been received. The main issues raised are summarised as follows:

1. whilst there is an attempt to change the height of the design and lessen the impact on surrounding properties, the development would still impact on the village;
2. the plot is small and the development would be squeezed onto one of the few remaining open spaces;
3. no need has been submitted to loose the mature garden;
4. the development is unnecessary in the Conservation Area and would not have a positive effect on the character of the area; and
5. comments received from the owners of 2 and 3 Marsh Terrace have

raised no objection but they may be related to the developer.

4. Planning History

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

5. Details of Proposal/Officer Appraisal

Introduction

- 5.1 Members will recall that this application was deferred at the previous meeting to undertake a site visit.
- 5.2 This application seeks “Full” planning permission for the erection of a dwelling at Marsh Cottage, Burgh-by-Sands, Carlisle. The proposal relates to a modestly proportioned piece of garden located within the village, to the south of the County highway. There are residential properties on all sides of the application site which is within the Burgh-by-Sands Conservation Area and the Hadrian’s Wall Buffer Zone.
- 5.3 To the east of the application site is a row of two storey buildings orientated perpendicular to the road. The first property is of brick construction under a slate roof. Adjacent and to the rear, the buildings are finished in roughcast render under a slate roof. The application site slopes down from north to south and the frontage comprises of a sandstone wall. To the rear of the site is a modern two storey house finished in facing brick under a tiled roof. To the west of the application site is a two storey semi-detached dwelling that has recently been enlarged by a two storey extension to the gable. Within the site are several small trees, shrubs and a mature apple tree.
- 5.4 The application site, which extends to around 405 square metres, is rectangular in shape. It is proposed to construct a single storey dual pitched property within the site with a footprint of 88.75 square metres. The property would be set back 17 metres from the front boundary wall through which a new vehicular access would be formed.
- 5.5 The accommodation to be provided within the proposed dwelling would consist of an open plan kitchen, dining room and living room, a bathroom, 2no. bedrooms and 1no. ensuite bedroom.
- 5.6 The property would be constructed from clay facing brickwork under a slate roof. The windows would be mock timber sash and the door and window surrounds would be pre-formed concrete that would be painted.
- 5.7 The foul drainage system would connect into the mains sewer whilst the surface water would be contained in a water retention and control scheme.

Assessment

- 5.8 The relevant planning policies against which the application is required to be assessed are Policies DP1, DP9, CP3, CP5, CP6, CP12, H1, LE7, LE19 and T1 of the Carlisle District Local Plan 2001-2016. The proposal raises the following planning issues:
1. Principle Of Residential Development In Rural Area
- 5.9 The main thrust common to planning policies is that new development in the rural area will generally be focussed upon established settlements where there are appropriate services, facilities and amenities.
- 5.10 Policy DP1 of the Carlisle District Local Plan 2001-2016 sets out the broad development strategy for the area. It establishes a settlement hierarchy with Carlisle's Urban Area being the highest order of priority for most additional new development, followed by the Key Service Centres of Brampton and Longtown and, finally, 20 villages identified as Local Service Centres. Within these locations, development proposals will be assessed against the need to be in the location specified. In relation to rural settlements, boundaries have been identified for those villages that fulfil the Key Service and Local Service Centre functions and these are intended to be used to judge proposals for development within those settlements. Outside these locations, development will be assessed against the need to be in the location specified.
- 5.11 Policy H1 of the Carlisle District Local Plan 2001-2016 elaborates, in relation to development for housing, on the settlement hierarchy. It reiterates that the primary focus for new housing development will be the urban area of Carlisle, followed in order by the Key Service Centres of Brampton and Longtown (which have a broad range of amenities and services) and finally, selected villages which perform a service role within the rural area. These latter villages are sub-divided into two groups, the first group being the 20 larger villages that act as Local Service Centres where the scale and nature of additional development will be determined by local form and character. The second group of 21, essentially small, villages that possess very limited facilities and, hence, provide basic service provision, is regarded as being capable of accommodating only small scale infill development, which is required to be evidenced by local need to be in that location.
- 5.12 The application site lies within Burgh-by-Sands, which is identified as a Local Service Centre under Policy H1 of the adopted Local Plan, and is located within the settlement boundary identified on the Proposals Maps that are part of the adopted District Local Plan). Policy H1 of the Local Plan states that, in principle, small scale housing development will be acceptable within the settlement boundaries of Local Service Centres providing that compliance with seven specific criteria is achievable on site. In this instance, the relevant criteria are met and, on this basis, the principle of residential development is considered acceptable. The issues raised are discussed in more detail in the analysis which follows.
- 5.13 Members will be aware of the revisions to Planning Policy Statement 3 (PPS3) that occurred on 9th June 2010 that removes gardens from the definition of "brown field" land. This means that gardens are no longer

considered as previously developed land for the purposes of meeting brown field targets; however, the revision to PPS3 does not prevent all gardens from being developed.

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

5.15 Where no available brown field sites exist, some presumption in favour of developing sites including larger residential gardens within settlement boundaries, can still have planning merits. Thus the declassification of domestic gardens does not necessarily preclude development. In all cases, the character of the area will be the 'key' consideration.

5.16 The revision to the definition of 'brown field' offers Local Authorities more control over the protection of the character of the area, where appropriate, and greater scope as to whether development of residential gardens should be allowed.

2. Scale And Design

5.17 The scheme has been amended from the two storey detached dwelling that was originally submitted to a single storey dual pitched property. The front elevation is now in line with the linear form of the dwellings to the west and the height of the proposed building is better related to the row of properties to the east.

5.18 The submitted drawings illustrate that the proposed dwelling would be of a similar scale and massing to its immediate neighbours and other properties within the immediate vicinity to the east of the application site. The proposed materials would also complement the existing dwellings. Furthermore, the proposal would achieve adequate amenity space and off-street parking. The character and appearance of the dwelling would not be disproportionate or obtrusive within the streetscene.

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

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

5.20 As the proposal involves the introduction of windows that face the neighbouring property, it is appropriate to consider the development against the Supplementary Planning Document "Achieving Well Designed Housing". It requires that a distance of 21 metres is provided between primary windows.

The proposed building would be sited opposite and adjacent to residential properties. The dwelling would have habitable windows on the east elevation that would be approximately 13 metres from and face towards the properties in Marsh Cottages, albeit at an oblique angle; however, one of the proposed windows would serve a bathroom and would be obscurely glazed. The remaining two windows are relatively small, being only 600mm wide and the applicant has confirmed that a 1.5 metre high stone wall would be constructed along the boundary.

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

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

4. Impact On The Character And Appearance Of The Burgh-by-Sands Conservation Area

5.23 Members will note that concerns were initially expressed by the Conservation Area Advisory Committee (CAAC) in relation to the impact of the development on the Conservation Area. The scheme was amended in light of this objection and CAAC has raised no objection to the revised scheme. The scale, design and use of materials is appropriate to the site and would be consistent with the context of the Conservation Area. The character and appearance of the Conservation Area would not be adversely affected.

5. Archaeological Issues

5.24 The site is within a potentially highly sensitive archaeological area. The presumed course of Hadrian's Wall vallum passes directly beneath the site, which is protected as a Scheduled Monument to the east and west. English Heritage and the Historic Environment Officer requested that an archaeological evaluation be undertaken on the site prior to the determination of the application to establish whether remains survive of the vallum which is of international importance and worthy of preservation in situ. The evaluation was undertaken and submitted by the applicant. The Historic Environment Officer has accepted the findings of the report and has raised no objection to the proposal. Following the receipt of the evaluation, further comments from English Heritage are currently awaited.

6. Drainage Issues

- 5.25 Members will note from the consultation responses that the Council's Drainage Officer has raised no objection to the proposal. Local knowledge conveyed through the Parish Council indicates that the area has been subject to localised flooding that is partially due to development over the years and the inadequacy and poor condition of the infrastructure to deal with surface water. Members will be aware that this issue has also been considered as part of other planning applications in the village. The Parish Council has also commented that the land to the south of the proposed property is lower and surface run off would go into these properties and does so regularly at present. It is further commented that development of the site would increase this.
- 5.26 To address this problem and to ensure that the development would not compound flooding issues, the applicant proposes to install water retention and control scheme. This would comprise of an underground reservoir that could store 5000 litres of water and allow it to soak away gradually. This would be used in conjunction with permeable paving on the hard landscaped areas. These measures are appropriate given the site and localised conditions. The applicant is currently exploring the potential to use the harvested water within the property.

7. Highway Matters

- 5.27 The site would be served by forming a new vehicular access through the stone wall along the front boundary. The wall would be curved to provide the required visibility splays and there would be parking within the curtilage of the property.
- 5.28 A neighbour has raised objections on highway safety grounds; however, the Highway Authority has raised no objection.

8. Other Matters

- 5.29 The Parish Council and an objection from the neighbour refer to the Burgh-by-Sands Parish design Statement. In this document, the site is designated as having a 'visually coherent group of buildings' and 'important walls/ property boundaries'.
- 5.30 With regard to the pattern and setting of settlements, the Design Statement states:
- "The linear form of the existing settlements should be maintained, with new development largely confined to infill sites, limited "backland" development, redevelopment and conversions.
- There should be no encroachment on the approaches to the villages unless this forms part of an overall landscaping scheme aimed at enhancing views into the settlement."
- 5.31 It has been demonstrated in the preceding paragraphs of this report that the site is an infill plot, the definition of which in the Local Plan is given as "a gap

site in an otherwise built up frontage". The site does not encroach on areas outwith the village and in this regard, the proposal would be compliant with these criteria.

- 5.32 The Design Statement provides the criteria for new buildings and states:

"There should be a consistent theme and/ or style within new development which is related to the locality and setting.

New development should generally be single or two-storey in height.

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.

Where garden walls and outbuildings are present in new development, these should utilise the same materials as the main building.

Local distinctive features, such as date stones, decorative brickwork and gateposts, might be used to enhance new buildings."

- 5.33 The buildings in the immediate vicinity of the application site are an eclectic mix ranging from the brick construction of Marsh Cottage, the rendered finishes of Marsh Cottages, the modern semi-detached brick property to the west with its recent extension, all of which are two storeys in height, to the relatively modern development of bungalows on the opposite side of the road. The applicant proposes clay facing brick with a slate roof, materials which are subject of a condition to ensure that a suitable finish is used.
- 5.34 A stone boundary wall is also proposed to provide a continuation of the frontage boundary. Whilst a new vehicular access would be created, the Design Statement does not preclude openings in boundary walls, prescribing instead that new boundary structures should be in keeping with the locality as opposed to timber fences.

Conclusion

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

- 5.36 Whilst the application involves the development of an infill site within the village, the applicant has taken appropriate measures to ensure that the development would accord with the criteria of the Design Statement. The scale, design and use of materials in the building together would positively contribute to the character of the area. Further, it proposes a traditional design and use of vernacular materials such that the development would not adversely affect the character or appearance of the Conservation Area.
- 5.37 The Highway Authority has raised no objection and suitable mitigation measures would be incorporated to deal with surface water and attenuate any flooding issues. The building would not result in any demonstrable harm to the living conditions of any neighbouring residential dwellings. In all other aspects the proposal is compliant with the objectives of the relevant Local Plan policies.

6. Human Rights Act 1998

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

7. Recommendation - Grant Permission

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

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

2. The approved documents for this Planning Permission comprise:

1. the submitted planning application form;
2. drawing number KG1028 P 02;
3. the Notice of Decision; and
4. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: For the avoidance of doubt.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10. All works comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following occupation of the dwelling or completion of the development whichever is the sooner.

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

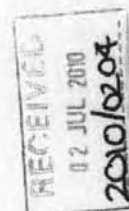
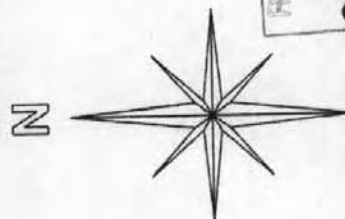
11. No development hereby approved by this permission shall commence until details of the construction of the soakaway, that should include metric scale drawings, have been submitted to and approved in writing by the Local Planning Authority. The development shall then be undertaken in accordance with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

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

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

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

PROPOSED SITE FOR NEW HOUSE



PROJ 101 01

NO POST CODES
All addresses to be checked on site by the Committee and any discrepancies brought to the attention of the Project Co-ordinators immediately.
The names of the people living in the houses in the sample must be recorded in the sample frame and made available to the Project Co-ordinators.



Edwin
Thompson

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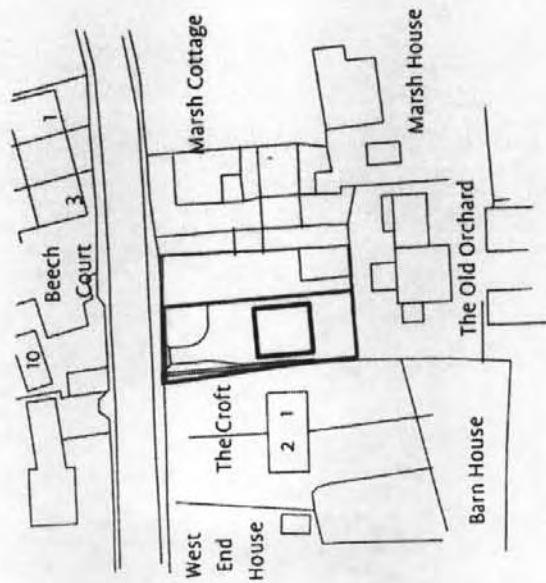
Project and Client

**PROPOSED SITE FOR NEW DWELLING
BURGH BY SANDS - CARLISLE**

Date	Jun 2010
Scale	1:500 @ A3

Drawn	cjr	Drawing No.	KG 1028
LOCATION PLAN rev C			

PROPOSED SITE FOR NEW DWELLING BURGH BY SANDS - CARLISLE



SCALE 1:1250

RECEIVED
01 JUL 2010
10/0204

DO NOT SCALE
All dimensions to be checked on site by the Contractor and any discrepancies brought to the attention of the Project Coordinator immediately.
Edwin Thompson is the trading name of Edwin Thompson LLP a Limited Liability Partnership registered in England and Wales No. 02743484. Office 28 St James Street, London W1A 1AB

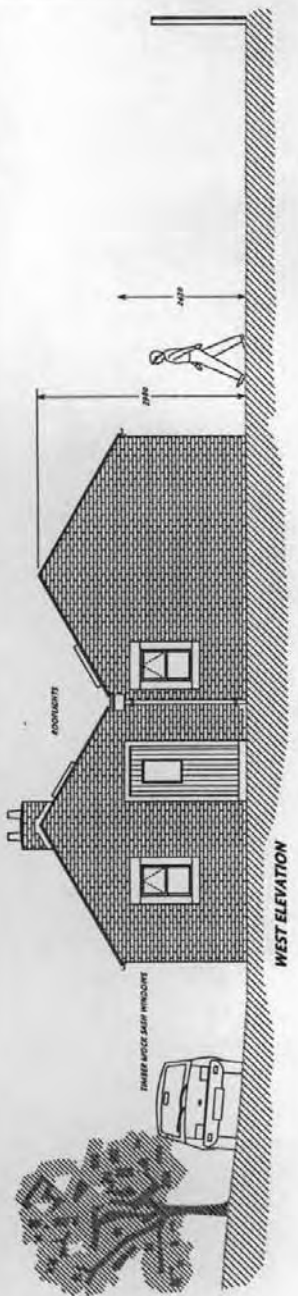


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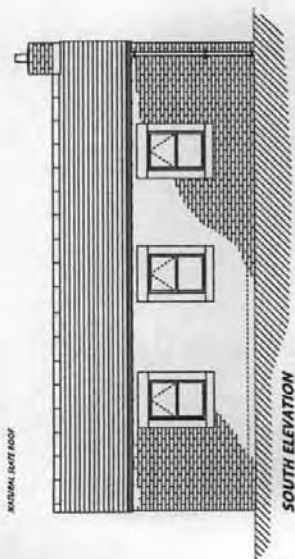
Project and Client

PROPOSED SITE FOR NEW DWELLING
BURGH BY SANDS - CARLISLE

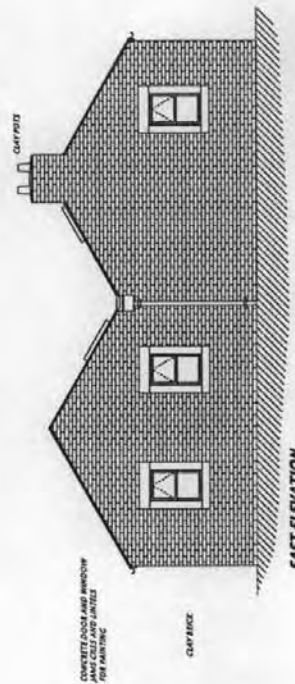
Date	Scale
NOV 2009	1:1250 @ A3
Drawn	Location
cjr	LOCATION PLAN rev B



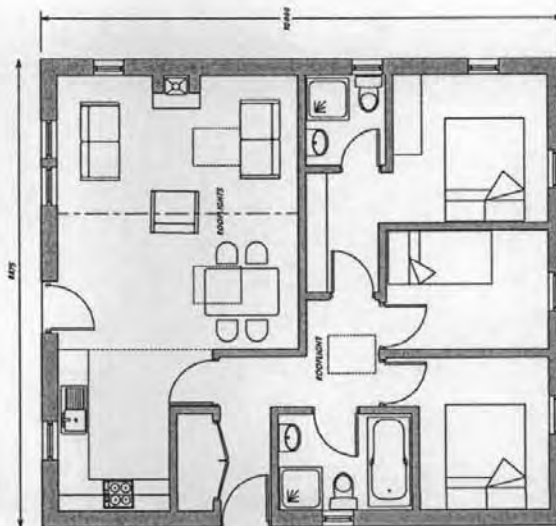
WEST ELEVATION



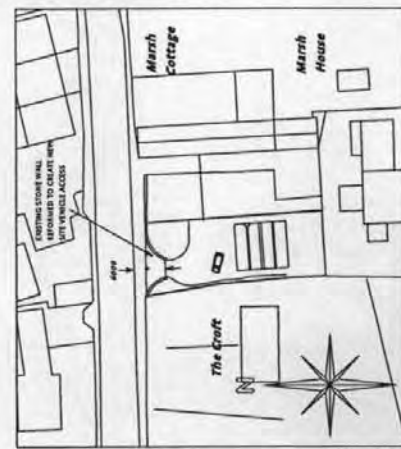
SOUTH ELEVATION



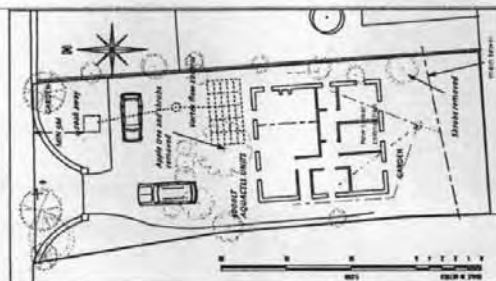
EAST ELEVATION



FLOOR PLAN



LOCATION PLAN 1:500



SITE PLAN 1:200

job well done.
All assignments to be checked on site by the Commissioner and any discrepancies brought to the attention of the August Committee immediately.
John P. Kavanagh, the leading name of those Democrats (of a similar calling) presently known as "Kavanagh and White" (the contact being John P. Kavanagh), is undoubtedly



Edwin Thompson

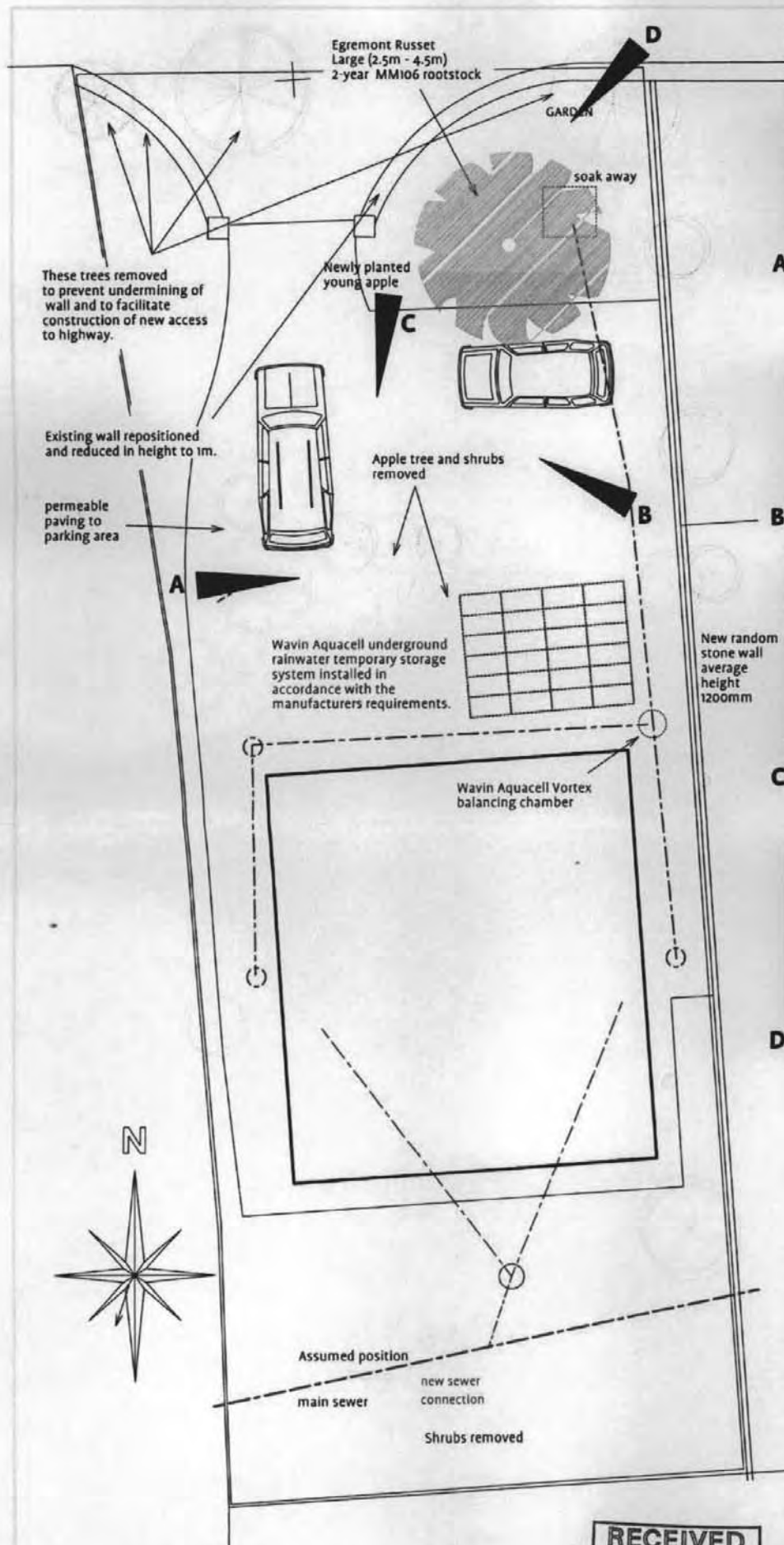
■ **KERNICK**
18 St. John's Street,
Kernick
Cumbria
CA13 3AF
Tel: 01753 772388
Fax: 01753 774499
E: karni@kernick-champagne.co.uk
W: www.kernick-champagne.co.uk

Project and Client

**BURGH BY SANDS
LAND TO WEST OF
MARSH HOUSE
NEW DWELLING**

Date	NOV 2009	Scale	AS SHOWN @ A1
Drawn	clj	Drawing No.	KCG1028 P 01 Rev C





Rev A 18/05/2010 SW drainage amended

Rev B 29/06/2010 House type amended

DO NOT SCALE
All dimensions to be checked on site by the Contractor and any discrepancies brought to the attention of the Project Coordinator immediately.
Notes: This plan is a preliminary plan and is not to be used for construction purposes. It is for information only and is not to be used for any other purpose.
Approved by: [Signature] Date: 18/05/2010

Edwin Thompson



IN SERVICE
All Ed. Thompson's work is carried out by the Contractor and any discrepancies brought to the attention of the Project Coordinator immediately.
Notes: This plan is a preliminary plan and is not to be used for construction purposes. It is for information only and is not to be used for any other purpose.
Approved by: [Signature] Date: 18/05/2010

also at: BIRMINGHAM, CHALMERS, CHALMERS, PETER & WILKINSON

Project and Client
BURGH BY SANDS
LAND TO WEST OF
MARSH HOUSE
Landscaping

Date	NOV 2009	Scale	AS SHOWN @ A3
Drawn	cjr	Drawing No.	Rev B
			KG1028 P 02

RECEIVED

01 JUL 2010

10/0204

SCHEDULE A: Applications with Recommendation

10/0233

Item No: 03

Date of Committee: 20/08/2010

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: no further objections;

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
Maple House		Objection

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 Members will recall that this application was deferred at the last Committee meeting as a member of the public raised concerns that Members hadn't been made fully aware of the objections, and that some information had been left out of the schedule.
- 5.3 As is normal practice, all objections letters were available for Members to view in the week preceding Committee in the 3rd party file in the Members Group Offices. The other information referred to includes the Design and Access Statement, previous correspondence between Taylor and Hardy and Chris Hardman, relating to the acceptability of the proposal, a contaminated land statement, a tree survey, a tree method statement and a bat survey.
- 5.4 This information is not normally copied into the Schedule, and Committee Members rely on the judgement of the Planning Officer, along with expert advice from Statutory Consultees. However, as there have been concerns raised, this information has been copied and is available to Members prior to the meeting, within the file containing third party representations.

- 5.5 As Members will be aware from viewing the site at the Committee's site visit, 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 southern 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

- 5.6 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 has flourished.
- 5.7 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.
- 5.8 It is proposed to build a one and a half storey bungalow on the site, to be constructed from traditional materials.
- 5.9 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.
- 5.10 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.
- 5.11 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.
- 5.12 It is proposed to discharge foul drainage to the public sewer and surface water to a soakaway.

Assessment

- 5.13 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.
- 5.14 The proposals raise the following planning issues:
1. Whether The Principle Of The Proposed Development Is Acceptable.

- 5.15 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.
- 5.16 The applicant's 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 they 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
 - iv. it is difficult to maintain both the house and the expansive grounds.
- 5.17 The case for "local need" that the applicant's agent is putting forward is that the owners 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.
- 5.18 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.
- 5.19 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 a similar feature in the rear elevation of Moorhouse Hall.
- 5.20 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.

- 5.21 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.

- 5.22 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 privacy or overdominance.

- 5.23 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 the proposed dwelling.

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

- 5.24 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 applicant 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

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

6. Tree Issues

- 5.26 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 June 2010 was submitted. This was broadly acceptable, but there were several issues which still needed to be confirmed.

- 5.27 The applicant's agent submitted an amended bat survey, tree protection area diagram and a proposed new planting scheme diagram along with a letter confirming various issues raised by the Council, on the 8th July 2010. The Council's Landscape Architect and Tree Officer has confirmed that these details are acceptable and that he has no further comments to make on the application.

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 considered 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 5.25.

- 5.36 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.

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, along with updated diagrams 4.1 and 5.1 dated 8th July 2010;
8. the tree method statement dated June 2010;
9. the Bat Survey dated 8th July 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, upon first and all subsequent occupations, 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 [and successive owners] when marketing the property for future sale, demonstrates to the Council that the dwelling (once constructed) has been advertised for sale or rent 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/enter into a tenancy agreement in respect of the dwelling then the owners shall be additionally entitled to dispose of or rent 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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) no fence, wall or other means of enclosure shall be erected or constructed within the curtilage of the dwelling to be erected in accordance with this permission, within the meaning of Schedule 2 Part (2) of these Orders, without the written approval of the Local Planning Authority.

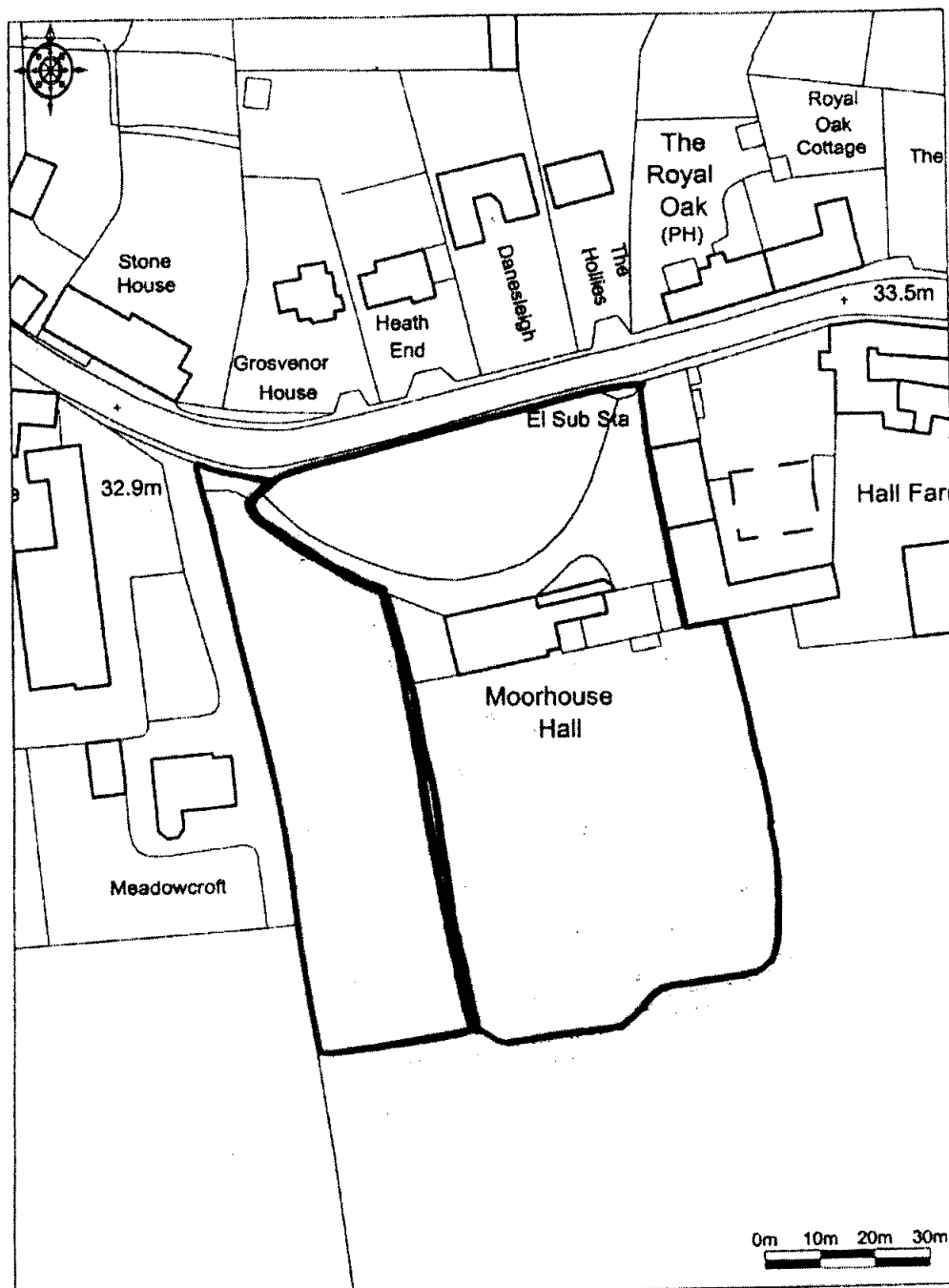
Reason: To ensure that the character and appearance of the area and the adjacent are not adversely affected by the erection of inappropriate enclosures and that any additions which may subsequently be proposed satisfy the objectives of Policy CP5 of the Carlisle District Local Plan 2001-2016.

8. 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.

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

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

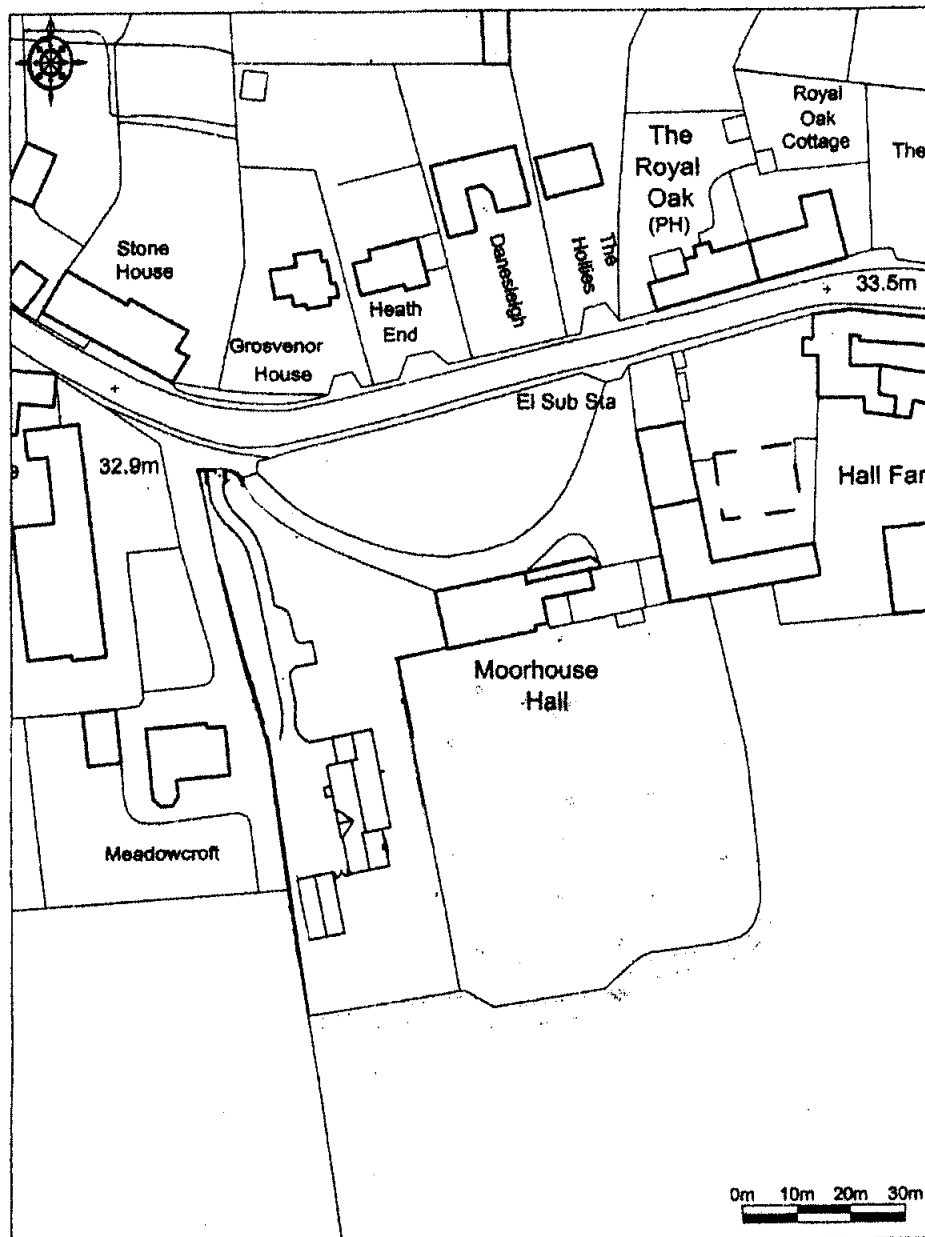


Enabled
Ordnance
Survey

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

0m 10m 20m 30m

1 0 MAR 2010
10/0233



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NOTES AND AMENDMENTS
 The drawing is copyright. Special permission is given to the client to use the drawing for the purpose of the project only. Any other use without the written permission of the author is prohibited.

REVISIONS

REV	DESCRIPTION	DATE
1	ISSUED FOR PERMIT	10/02/23

10/02/23

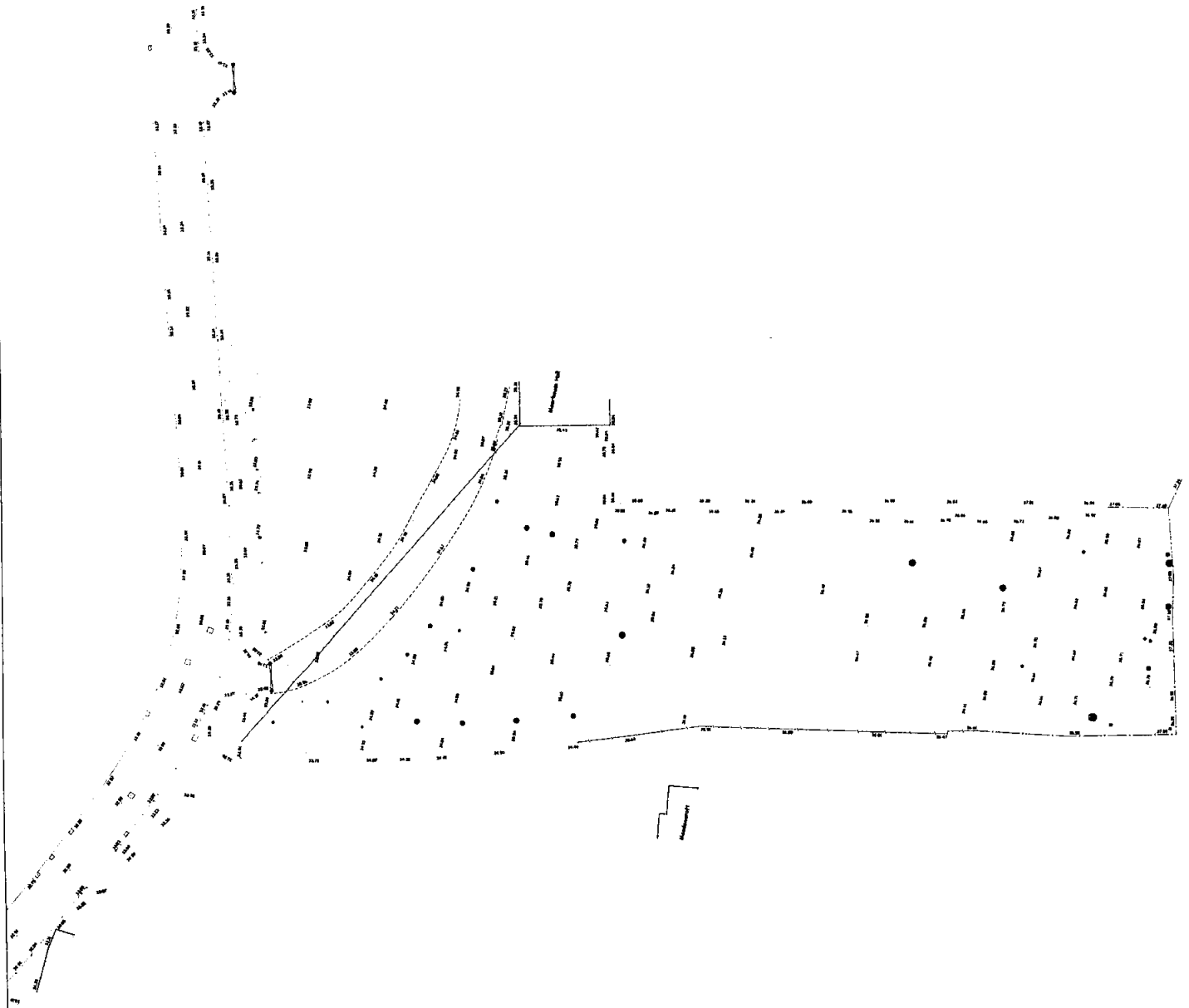


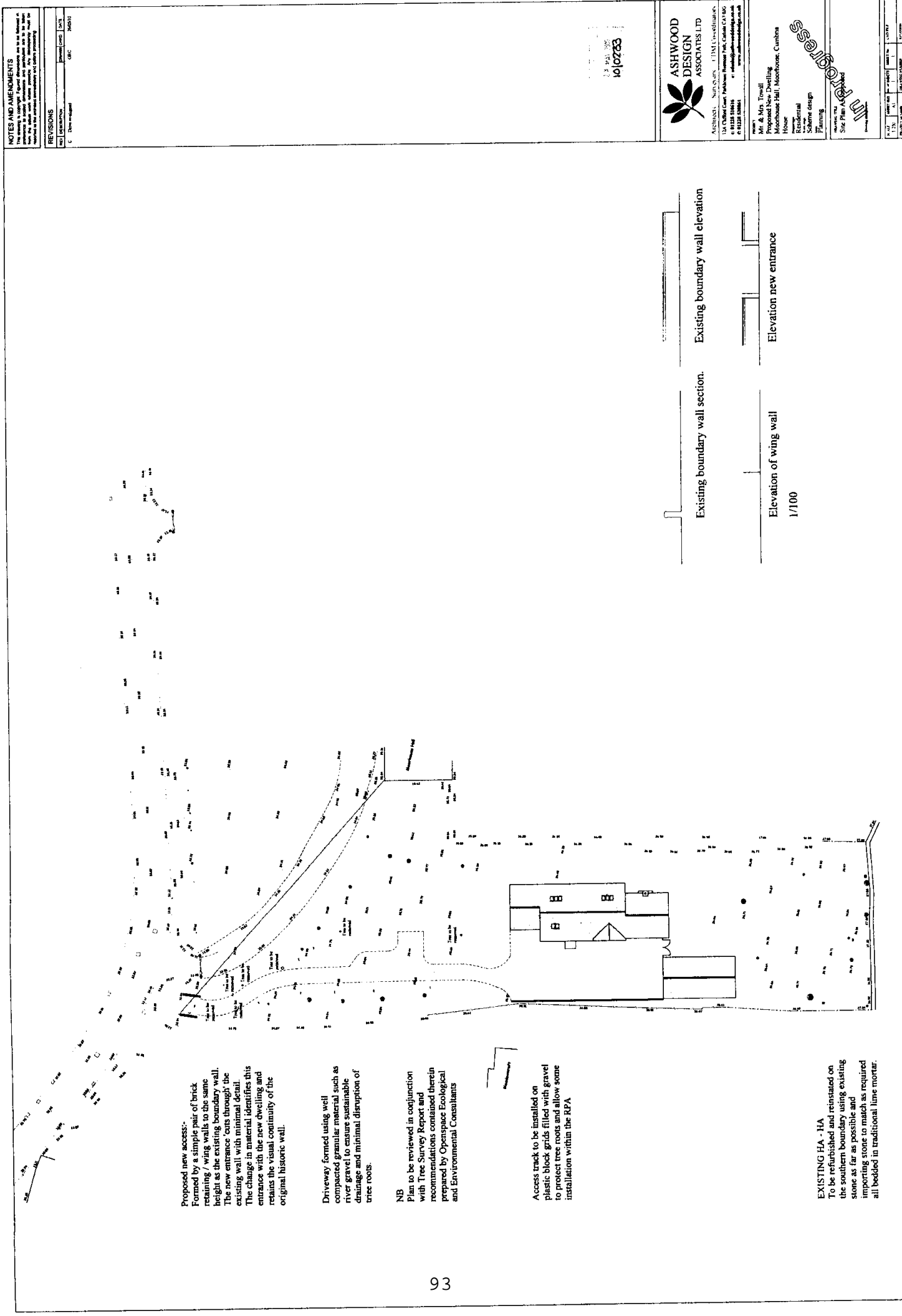
ASHWOOD DESIGN ASSOCIATES LTD
 ARCHITECTS SURVEYORS CIVIL ENGINEERS
 12A Clifford Court, Parkside Business Park, Colchester, Essex, CO1 1HQ
 Tel: 01206 514616 Fax: 01206 514617
 Email: info@ashwooddesign.co.uk Website: www.ashwooddesign.co.uk

PROJECT
 Mr & Mrs Towell
 Proposed New 4 Bed Semi Detached House
 12A Clifford Court, Parkside Business Park, Colchester, Essex, CO1 1HQ
 Project No: 2023/001
 Date: 10/02/23

Scale
 1:1000

Drawn by J. Smith
Checked by A. Jones
Scale 1:1000
Plot No 1270
Sheet No 004





Proposed new access:
 Formed by a simple pair of brick retaining / wing walls to the same height as the existing boundary wall. The new entrance 'cuts through' the existing wall with minimal detail. The change in material identifies this entrance with the new dwelling and retains the visual continuity of the original historic wall.

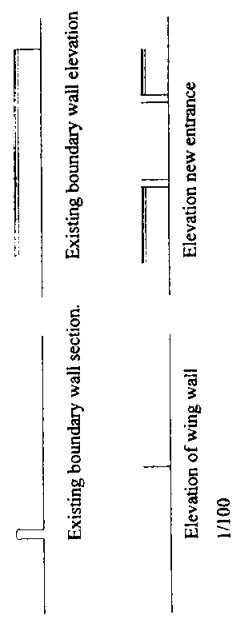
Driveway formed using well compacted granular material such as river gravel to ensure sustainable drainage and minimal disruption of tree roots.

NB
 Plan to be reviewed in conjunction with Tree Survey Report and recommendations contained therein prepared by Openspace Ecological and Environmental Consultants



Access track to be installed on plastic block grids filled with gravel to protect tree roots and allow some installation within the RPA

EXISTING HA - HA
 To be refurbished and reinstated on the southern boundary using existing stone as far as possible and importing stone to match as required all bedded in traditional lime mortar.



NOTES AND AMENDMENTS

The drawing is a preliminary design and should not be used for construction without the approval of the client. Any alterations must be made in consultation with the design team.

REVISIONS

NO.	DESCRIPTION	DATE
1	Issue for approval	08/03/23

ASHWOOD DESIGN ASSOCIATES LTD

Architects, Surveyors, Planning Consultants
 15A Clifton Court, Park Road, Clifton, Bristol, BS2 9BQ
 Tel: 0117 925 1000
 Email: info@ashwood-design.co.uk
 Website: www.ashwood-design.co.uk

Mr & Mrs Trowell
 Proposed New Dwelling
 15A Clifton Court, Park Road, Clifton, Bristol, BS2 9BQ

Project Manager
 Mr. Trowell

Site Plan Approved
 Planning

NOTES AND AMENDMENTS
 The drawings are intended to be used in conjunction with the specification and contract documents. Any amendments to the drawings shall be made in accordance with the contract documents and shall be the responsibility of the client. The drawings are not to be used for any other purpose without the written consent of the architect.

REVISIONS	DATE	BY	REASON
1	10/02/23	ASH	ISSUED FOR PERMIT

1 MAR 2018
 10/02/23

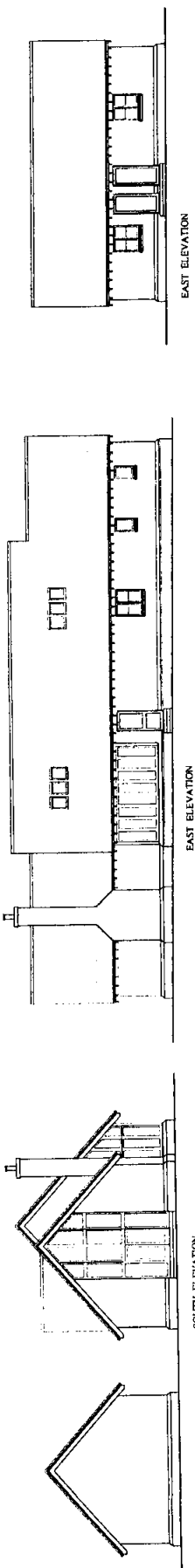


ASHWOOD DESIGN ASSOCIATES LTD
 Architects, Surveyors, Urban Consultants
 10A Clifton Court, Parkside Business Park, Clifton, GL1 2JG
 01235 518414
 www.ashwooddesign.co.uk

Mr & Mrs Towell
 Proposed New Dwelling
 Moorhouse Hall, Moorhouse, Cumbria
 Residential
 Scheme design
 Planning

Architectural
 Plans, Sections and Elevations
 As Proposed

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North Arrow							
Project No	1270	005					
Sheet No							A

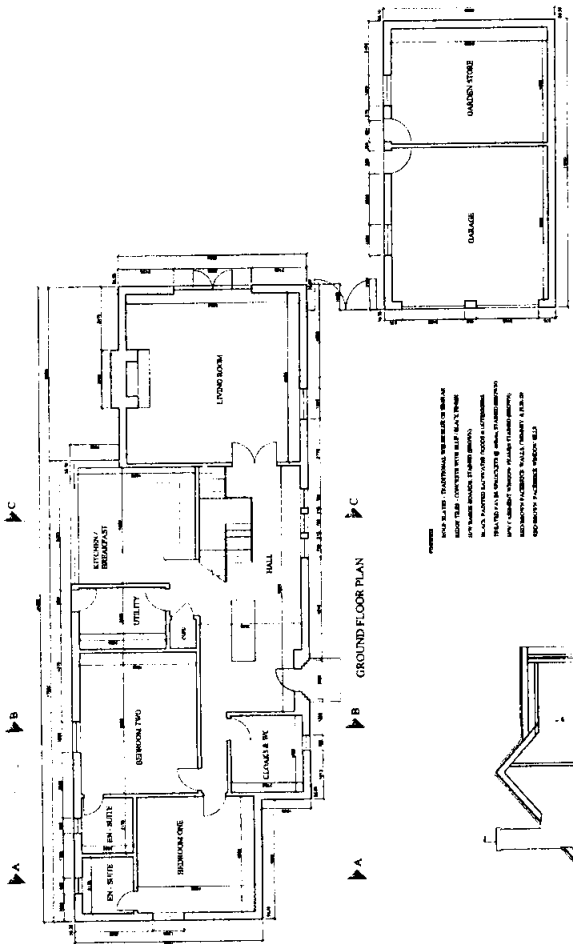


EAST ELEVATION

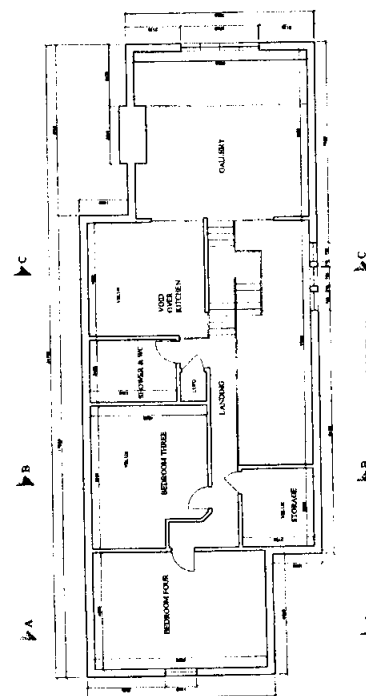
EAST ELEVATION

WEST ELEVATION

NORTH ELEVATION

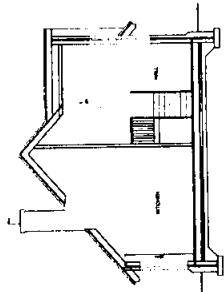


GROUND FLOOR PLAN

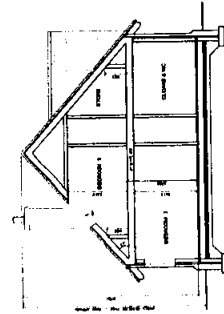


FIRST FLOOR PLAN

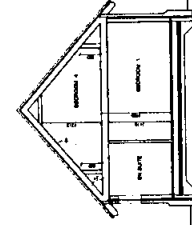
NOTES
 1. ALL BUILDINGS TO BE CONSTRUCTED IN ACCORDANCE WITH THE BUILDING REGULATIONS 2010.
 2. ALL BUILDINGS TO BE CONSTRUCTED IN ACCORDANCE WITH THE BUILDING REGULATIONS 2010.
 3. ALL BUILDINGS TO BE CONSTRUCTED IN ACCORDANCE WITH THE BUILDING REGULATIONS 2010.
 4. ALL BUILDINGS TO BE CONSTRUCTED IN ACCORDANCE WITH THE BUILDING REGULATIONS 2010.
 5. ALL BUILDINGS TO BE CONSTRUCTED IN ACCORDANCE WITH THE BUILDING REGULATIONS 2010.



SECTION C-C



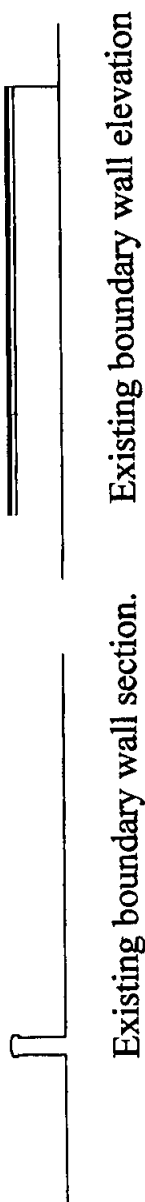
SECTION B-B



SECTION A-A

NOTES AND AMENDMENTS
 The Client has approved the design of the proposed new dwelling and the proposed new entrance and the proposed new entrance details. The design is subject to the client's final approval and the client's final approval is subject to the client's final approval.

REVISIONS			
NO.	DESCRIPTION	DATE	BY



Existing boundary wall elevation

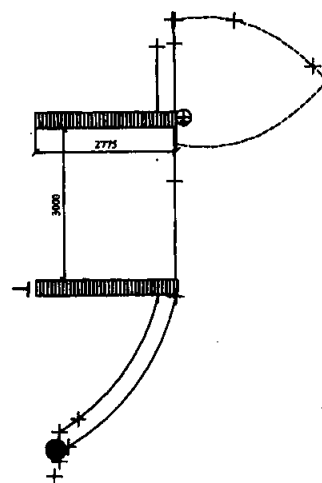


Elevation new entrance

Elevation of wing wall

1/100

Wall



1 0 MAR 2010
 1010233



Architects Surveyors Civil Consultants

12A Clifton Court, Parkside Business Park, Clifton, CV4 9EP
 01203 254111 Fax 01203 254112
 www.ashwooddesign.co.uk

Mr & Mrs Turgill

Proposed New Dwelling

Marblehead Hall, Marblehead, Cambridgeshire

Home

2007/0001

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Proposed New Entrance Details

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SCHEDULE A: Applications with Recommendation

10/0433

Item No: 04

Date of Committee: 20/08/2010

Appn Ref No:
10/0433

Applicant:
Mrs C Andrew

Parish:
Stanwix Rural

Date of Receipt:
11/05/2010

Agent:
Architects Plus (UK) Ltd

Ward:
Stanwix Rural

Location:
28 Whiteclosegate, Carlisle, CA3 0JD

Grid Reference:
341190 557885

Proposal: Renewal Of Unexpired Permission Of Application 09/0349 For Erection Of 1No. Dwelling In Rear Garden Of No. 28 Whiteclosegate And Construction Of New Access To The Existing House

Amendment:

REPORT

Case Officer: Sam Greig

Reason for Determination by Committee:

This application has been brought before the Development Control Committee for determination as the Government's national guidance on housing development, which is contained within Planning Policy Statement 3 "Housing", has been revised since planning permission was previously granted for an identical proposal.

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 CP12 - Foul&Surf.Water Sewerage/Sew.Tr.

Local Plan Pol H2 - Primary Residential Area

Local Plan Pol H4 - Res.Dev.on Prev.Dev.Land&Phasing of Dev.

Local Plan Pol H9 - Backland Development

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

Local Plan Pol T1- Parking Guidelines for Development

2. Summary of Consultation Responses

Cumbria County Council - (Highway Authority): no objections; however, the three conditions imposed on the earlier application are still applicable;

United Utilities: no objections, provided that the site is drained on a separate system, with only foul drainage connected to the foul sewer. Surface water should be discharged to the soakaway, as stated on the application form;

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

Stanwix Rural Parish Council: Policy H9, "Backland Development", of the Carlisle District Local Plan states that;

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

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

Paragraph 5.51 Policy H9 also states that:

"'Tandem' development, consisting of one house immediately behind another and sharing the same access is generally unsatisfactory because of the difficulties of access to the house at the back and the disturbance and lack of privacy suffered by the front house."

Given the above, the Parish Council is of the opinion that:

- the proposed building would command views over surrounding properties and gardens. The dwelling would therefore be prejudicial to their residential amenity;
- the proposal is for a 'tandem development', the entrance/exit to which would be very narrow;
- egress would have a limited sightline to the east, due to the bend and gradient of the B6264, at a point where many vehicles are still reducing their speeds - often

- from in excess of 60 mph;
- vehicles are frequently parked to the east and west of the existing entrance/ exit of 28 Whiteclosegate, further impeding sightlines.

In consideration of the foregoing the Parish Council objects to the proposal and urges refusal of the above application;

English Heritage - North West Region: no comments received;

Hadrians Wall Heritage Limited: the application should be determined in accordance with national and local policy guidance, and on the basis of the Council's specialist conservation advice;

Cumbria County Council - (Archaeological Services): does not wish to comment;

Community Services - Drainage Engineer: no comments received.

3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:
26 Whiteclosegate	17/05/10	
28 Whiteclosegate	17/05/10	
30 Whiteclosegate	17/05/10	
35 Millcroft	17/05/10	Objection
39 Millcroft	17/05/10	
28 Millcroft	17/05/10	
32 Whiteclosegate	17/05/10	

3.1 This application has been advertised by means of a site notice and notification letters sent to seven neighbouring properties. One letter of objection has been received which raises the following concerns:

1. The proposal will result in loss of privacy;
2. The proposed driveway will have an adverse impact upon trees and shrubs in the neighbouring garden; and
3. The use of the proposed driveway will result in noise and disturbance, which would be detrimental to the living conditions of neighbouring residents.

4. Planning History

- 4.1 In July 2009 "Outline" planning permission was granted for the erection of a dwelling in the rear garden of 28 Whiteclosegate and construction of new access to serve the existing house.

5. Details of Proposal/Officer Appraisal

- 5.1 This application seeks to renew an unimplemented "Outline" planning permission for the erection of a detached dwelling in the rear garden of 28 Whiteclosegate, Carlisle. The site is situated on the southern side of Brampton Road, at the north eastern fringe of the city. It is surrounded by residential properties on all sides, although a public footpath runs parallel with the south eastern boundary of the site.
- 5.2 No. 28 Whiteclosegate is a detached two storey dwelling, which is finished in wet dash render, with a slate roof. The existing vehicular access is located to the southern side of the property, which has a substantial rear garden that measures 76 metres in length.
- 5.3 The application site is enclosed by a combination of fencing and hedging, although the northern boundary, which crosses the existing garden, is undefined. A number of mature trees are located within the gardens of the neighbouring houses.

Background

- 5.4 In July 2009 the Development Control Committee granted "Outline" planning permission for the erection of a dwelling. The current submission is identical to that previously approved and permission is sought to extend the timeframe within which the proposal can be implemented.
- 5.5 In June 2010 the Government issued a revised version of Planning Policy Statement 3, which outlines the Government's strategy for housing development. The changes comprise the removal of minimum housing density targets and the exclusion of private residential gardens from the definition of brownfield land. The declassification of residential gardens as previously developed land removes the presumption in favour of their redevelopment for residential purposes. In light of the latter change the application has been brought before Members for determination.

The Proposal

- 5.6 This proposes the renewal of an "Outline" consent with four of the five "standard" details, i.e. siting, design, external appearance and landscaping, "reserved" for subsequent approval. The applicant has indicated that the means of access is to be considered as part of this "outline" application.
- 5.7 It is proposed to divide the rear garden to create a building plot that measures

53 metres in length by 16.8 metres in width. A 23 metre deep garden would be retained to serve the “host” dwelling, No.28 Whiteclosegate.

- 5.8 A private vehicular access would be created along the southern boundary of the site to serve the proposed dwelling and a new vehicular access onto Whiteclosegate would be created to serve the existing property.
- 5.9 The indicative layout plan that accompanies the application illustrates that it is proposed to erect a detached dwelling with an ‘L’ shaped footprint, which would be part two storey and part single storey in height. The property would have a front and rear garden and provision for two car parking spaces on the driveway, together with two further parking spaces available within an integral double garage.
- 5.10 It is proposed to discharge surface water run-off to a soakaway, with foul drainage connected to the public sewer.
- 5.11 Members are reminded that this is an “outline” application with issues relating to layout, scale, appearance, and landscaping reserved for subsequent approval and, therefore, these aspects of the scheme could vary at a later stage.

Assessment

- 5.12 The relevant planning policies against which the application is required to be assessed are Policies CP5, CP6, T1, H2, H4, H9 and LE6 of the Carlisle District Local Plan 2001-2016. PPS 3 “Housing”, which was issued in June 2010, also provides an overview of Government guidance in relation to housing development.
- 5.11 The proposals raise the following planning issues:
 - 1. Whether The Principle Of The Proposed Development Is Acceptable.
- 5.12 The application site, which lies within the urban area of Carlisle and is within a “Primary Residential Area” identified in the adopted Carlisle District Local Plan. As such, if considered against Policy H2 in isolation the principle of residential development is acceptable, subject to compliance with the criteria identified and the objectives of the other relevant Local Plan policies.
- 5.13 The principle of accommodating a dwelling on this land had been accepted by the Development Control Committee through the approval of an identical scheme in 2009. Whilst the Government has reviewed national guidance on residential development [in that the redevelopment of residential gardens no longer counts towards Brownfield targets] this does not preclude the development of all garden land. Instead, it simply removes any obligation to approve development in every large garden because it was considered to be “previously developed land” for which there is a strong planning presumption in favour. It follows that the change- from counting towards targets for a high level of Brownfield development to no such presumption in favour- does not

necessarily preclude the renewal of the previously approved scheme.

- 5.14 From the site location plan that has been reproduced in the Schedule, Members will note that the length of the existing rear garden of No.28 Whiteclosegate is significant and, arguably, is disproportionate to the size of the dwelling. The gardens of those properties located to the west of the site (Nos. 6 - 22 Whiteclosegate) are notably smaller, being less deep, with the plots associated with the development of Millcroft, the modern residential estate located to the south of the site, having virtually the same plot length as is now proposed for the application site.
- 5.15 If the change to the national guidance was intended to prevent unsympathetic and over intensive redevelopment of residential gardens it is questionable whether this development contravenes those objectives. The gardens of both the "host" dwelling and that proposed are reasonably sized and comparable to their immediate neighbours. Furthermore, the housing layout that this would create, in terms of plot sizes, is not out of keeping with the wider immediate locality notably at Millcroft.
- 5.16 It is the Officer's view that the redevelopment of the rear garden of No.28 Whiteclosegate would not result in any demonstrable harm or would be at odds with the revised guidance issued by the Government and that the principle of the proposal remains acceptable.

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

- 5.17 Members are reminded that as this is an "outline" application with the scale and layout reserved for subsequent approval and, therefore, these elements could change from the indicative layout provided.
- 5.18 The indicative position of the proposed dwelling shows that it is well related to the surrounding properties in terms of its siting, scale and plot width. The applicant has demonstrated that adequate parking and amenity space can be provided to serve the prospective dwelling.
- 5.19 The specific details regarding the height and detailing of the dwelling can be addressed through the "reserved matters" application to ensure that it is in keeping with the neighbouring properties. Members should be aware that these aspects of the scheme are unchanged from the previous approval.

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

- 5.20 As this proposal involves "backland" development, Policy H9 of the Local Plan is of particular relevance, as it specifically deals with this type of proposal.
- 5.21 The supporting text of this policy states that "tandem development", which involves one dwelling being erected directly behind the other, is generally unsatisfactory because of the impact upon the dwelling located at the front, as a result of disturbance and loss of privacy. Members will note that this is the principal concern raised by Stanwix Rural Parish Council.

- 5.22 Prior to the previous application being submitted pre-application advice was sought by the applicant. Officers initially expressed concern regarding the issue of “tandem development”, as when viewed on a location plan the relationship between the “host” dwelling and the proposed access road appears unsatisfactory. This was because of the potential impact upon the properties located either side of the access road, as a result of loss of privacy and disturbance.
- 5.23 Upon a site inspection it was apparent that this would not be the case. Neither 26 nor 28 Whiteclosegate have any primary windows located in the gable of either property which would face on to the proposed access road.
- 5.24 In addition to the absence of primary windows in the gables of these dwellings, to the side elevation of No.26 Whiteclosegate there is an attached single garage that would abut the access road. This would act as a buffer to mitigate any noise generated by vehicles using the access road, although given the nature of this road it is unlikely that vehicles will be travelling at speed and, therefore, noise levels are likely to be low.
- 5.25 Members will also be aware that Whiteclosegate is the main route into the city from the north east and, therefore, there will generally be a certain level of background noise generated by vehicles using this route.
- 5.26 Any issues regarding overlooking of either property could be mitigated by appropriate boundary fencing, which has been shown on the indicative layout plan. At the rear of the Nos. 26 and 28 Whiteclosegate the proposed timber fencing is shown as being 1.8 metres high, which would be acceptable visually, but also effective in providing a screen to mitigate overlooking.
- 5.27 At the front of the property the proposed new access would be situated in close proximity of the bay window at the front of No.28, the “host” dwelling. To prevent any overlooking occurring, particularly from pedestrians using the private access, it is proposed to erect a 1.8 metre high rendered wall.
- 5.28 In principle, this aspect of the scheme would be acceptable; however, Officers would not wish to see the wall extended at this height to the footpath edge, as this may detract from the streetscene. The applicant’s agent has indicated that this wall would be reduced in height as it approaches the pavement. In order to ensure that the design of the wall is sympathetic to the surroundings it is recommended that a condition is imposed that requires details to be submitted as part of the “reserved matters” application.
- 5.29 Although the siting of the dwelling on the layout plan is only indicative adequate separation distance can be maintained between the existing and proposed dwelling, thereby ensuring that the adjacent properties are not affected through loss of light, loss of privacy or overdominance.

4. Landscaping.

- 5.30 At the time of preparing this Report a response was awaited from the

Council's Landscape Architect. Some Members may recall that in respect of the previous application the Council's Landscape Architect highlighted that there are issues relating to the retention of the trees situated in the neighbouring gardens. The access road and parking area are situated within the root protection area of these trees and, therefore, any work required to form these aspects of the proposal would need to be created by a "no dig" method, which could be secured through the imposition of a suitably worded condition.

- 5.31 The Landscape Architect recommended that a method statement should be provided for any work within the root protection zone and that the access should be put in place before any works commences on the proposed dwelling in order to safeguard the root systems of the neighbouring trees.
- 5.32 The position of any services trenches also has the potential to impact upon the root systems of the nearby trees and, therefore, the Landscape Architect recommended that the service strips are located outwith of the root protection zones.

5. Highway Matters

- 5.33 The proposed access arrangements have not been reserved for subsequent approval; however, the Highway Authority has raised no objections to the access to serve either the proposed dwelling or the existing property. It is recommended that three conditions relating to the construction of the access are imposed.

Conclusion

- 5.34 In overall terms, notwithstanding the changes to the national guidance, the principle of the proposed development remains acceptable. The indicative layout plan demonstrates that the dwelling could be accommodated on the site without detriment to the living conditions of the neighbouring properties through loss of light, loss of privacy or over dominance. Adequate car parking and amenity space could also be provided to serve the dwelling.
- 5.35 In all aspects the proposal is compliant with the objectives of the Local Plan and, therefore, it is the Officer's view that the renewal of the previous permission should be supported.

6. Human Rights Act 1998

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

Article 6 bestowing the "Right to a Fair Trial" is applicable to both

applicants seeking to develop or use land or property and those whose interests may be affected by such proposals;

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

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

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

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

7. Recommendation - Grant Permission

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

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

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

(i) The expiration of 3 years from the date of the grant of this permission, or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9. Before any development is commenced on the site, including site works of any description, a protective fence shall be erected around the trees to be retained, in accordance with B.S. 5837, at a distance corresponding with the

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

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

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

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

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

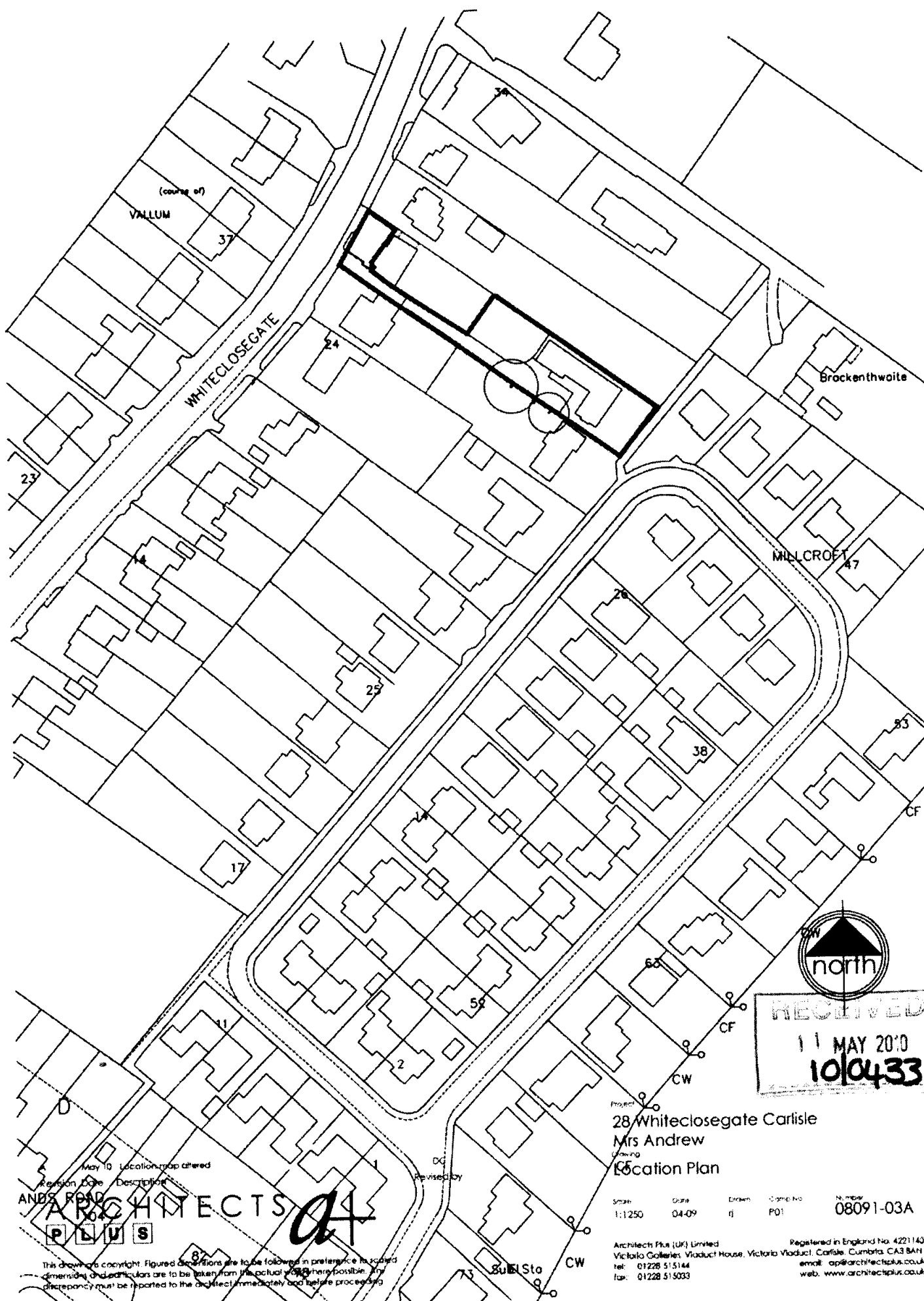
Reason: To ensure that the root systems of the neighbouring trees are safeguarded and to ensure that the approved development overcomes any problems associated with the topography of the area and safeguards the living conditions of neighbouring residents in accordance with Policies CP5 and H2 of the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

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

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

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

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



May 10 Location map altered
Revision Date Description

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Project
28 Whiteclosegate Carlisle
Mrs Andrew
Drawing
Location Plan

Scale	Date	Drawn	Comp No	Number
1:1250	04-09	ij	P01	08091-03A

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Revision Date Description
 version

Reflected by



11 MAY 2010
 10/04/33

Brackenthwaite

ARCHITECTS 
 MILL CROFT 47

28 Whiteclosegate, Carlisle

Mrs Andrew

Block Plan

Number
 08091-06

Drawn: DC
 Checked: PO

Date: 11/05/08
 1500

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 Fax: 01228 513133
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WHITECLOSEGATE

109

26

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Drawn by: [Redacted]

11 MAY 2010
1010433

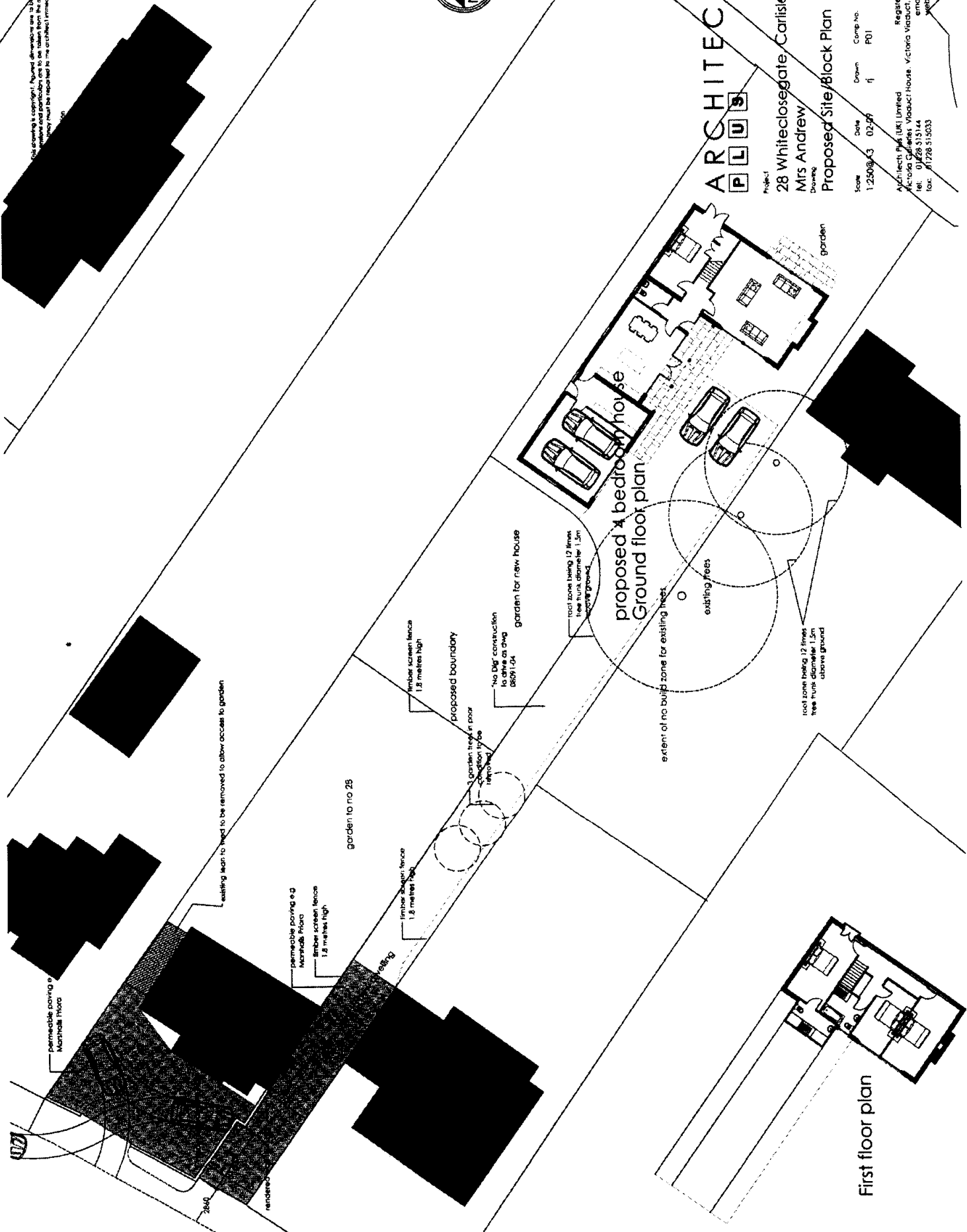


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Project:
28 Whiteclosegate, Carlisle
Mrs Andrew
Drawing:
Proposed Site/Block Plan

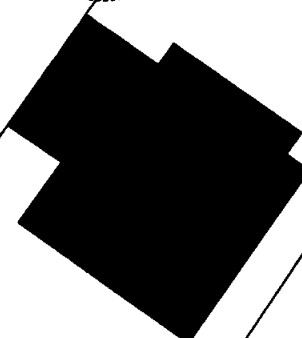
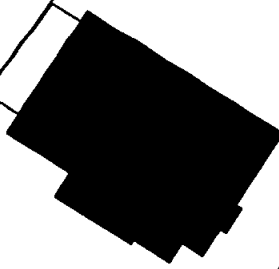
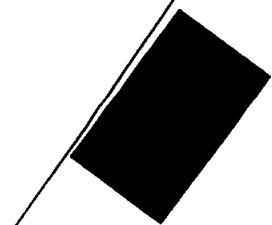
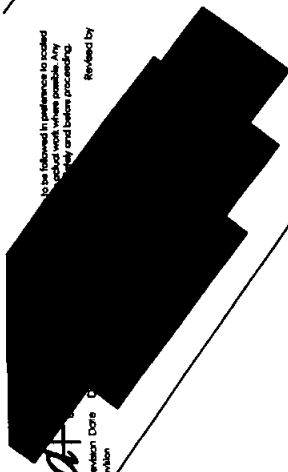
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Date: 02.05.10
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Comp. No.: P01
Number: 08091-01C

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Web: www.architectplu.co.uk



First floor plan

To be followed in preference to any other instructions given in the contract and before proceeding.



11 MAY 2010
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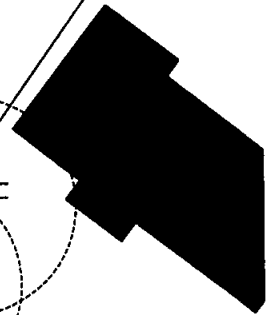
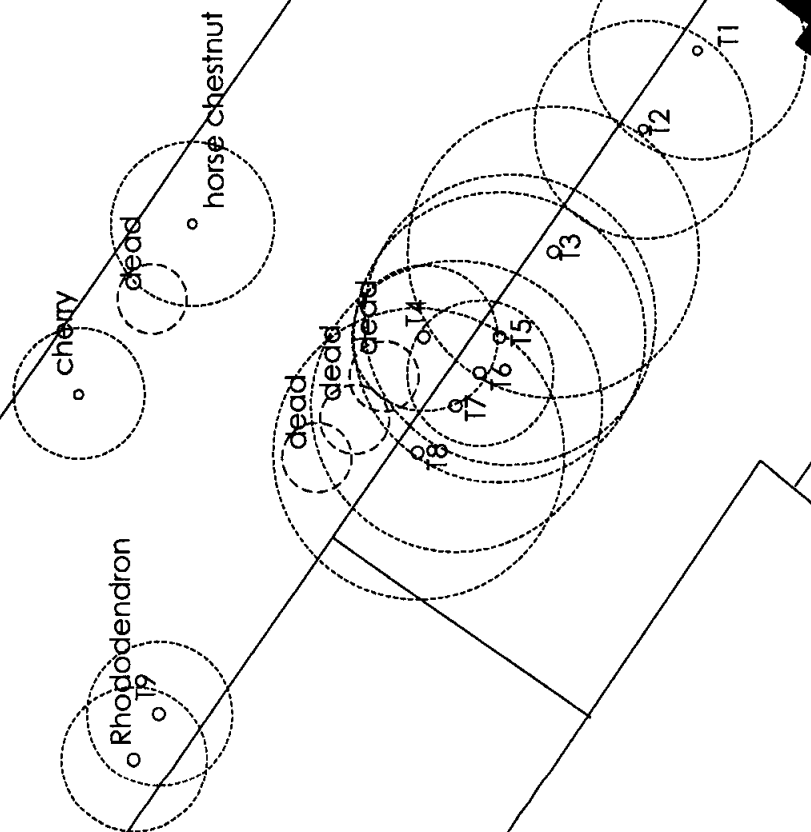
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Project
28 Whiteclosegate, Carlisle
Mrs Andrew

Drawing
Tree Survey

Scale
1:250
Date
02-09
Drawn
J
Checked
POI
Number
08091-05


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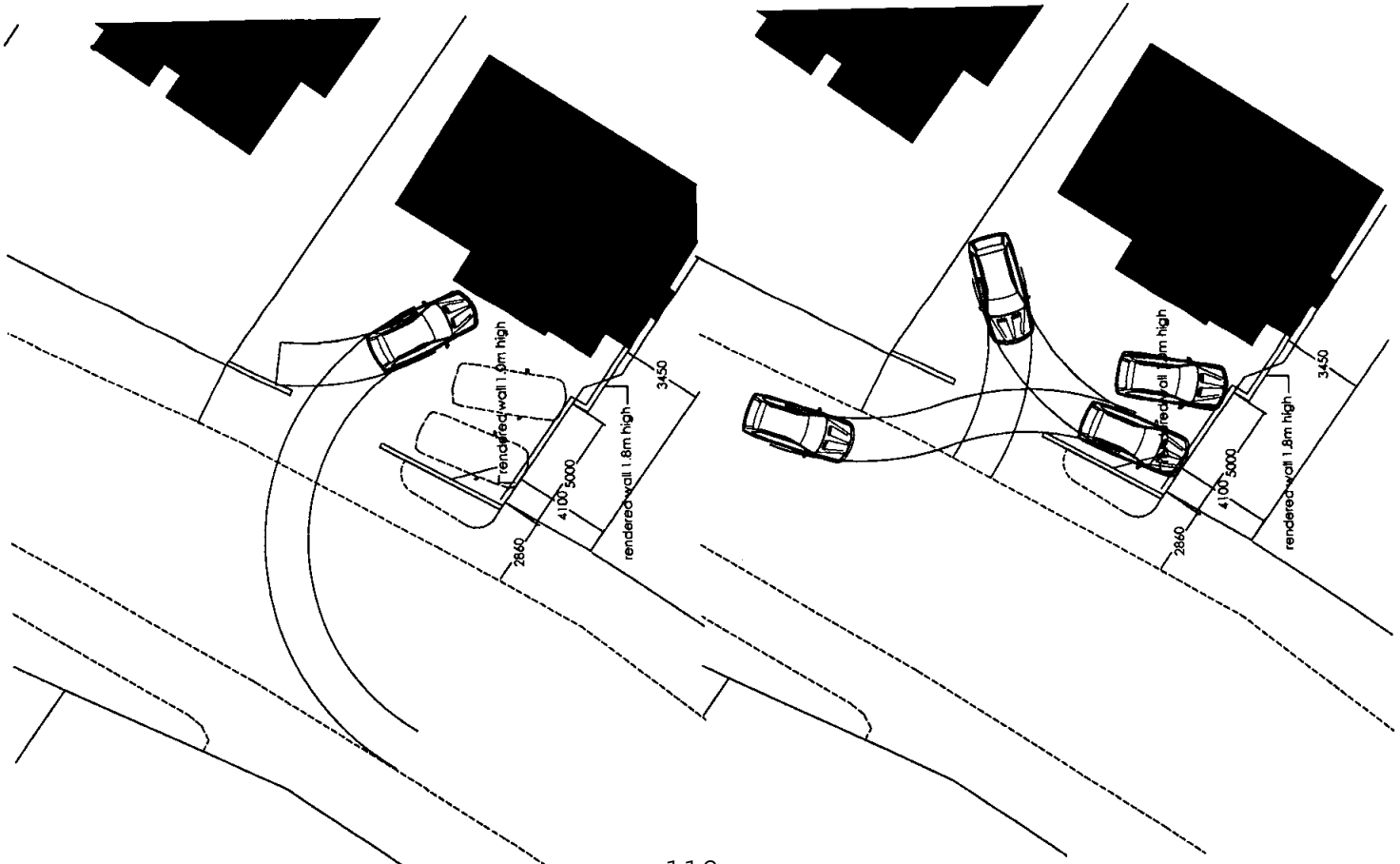
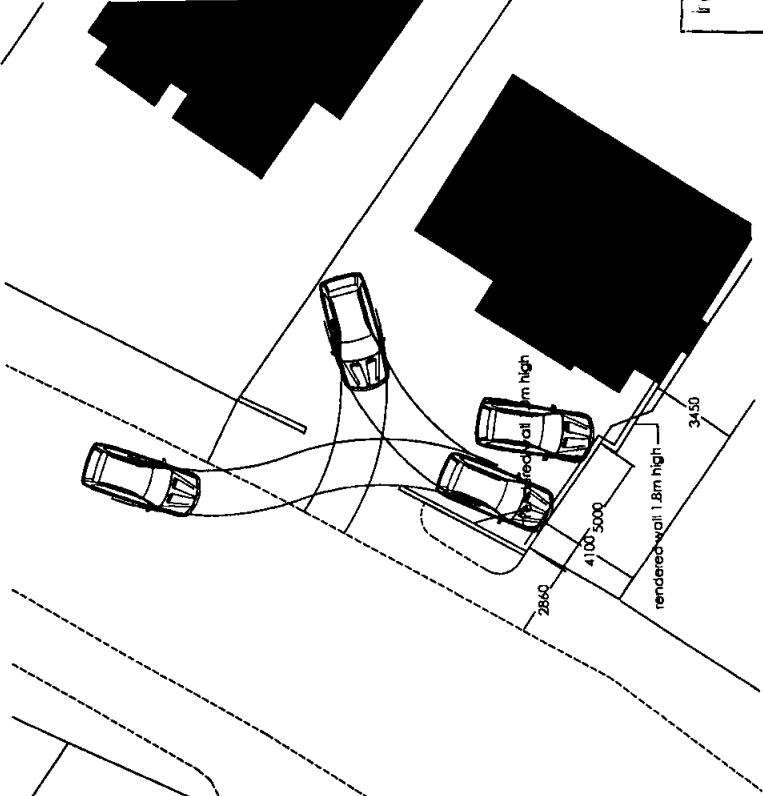
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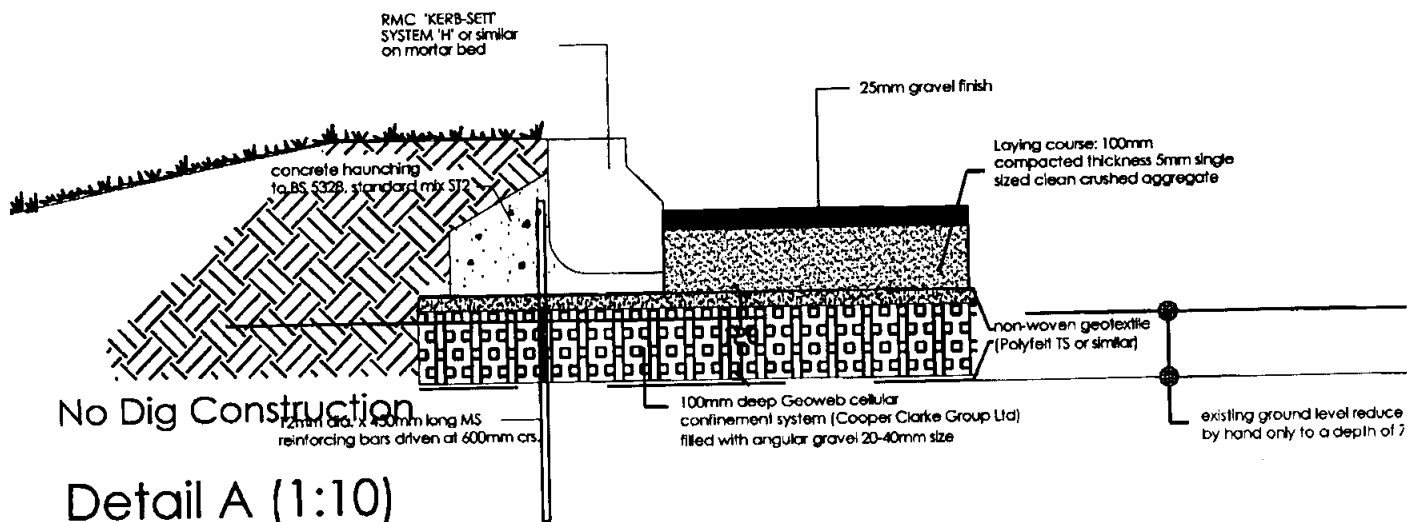
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Project
 28 Whiteclosegate, Carlisle
 Mrs Andrew
 Drawing
 Parking for existing house

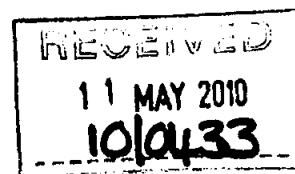
Scale 1:200 Date 02.09
 Comp. No. P01
 Number 08091-02

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- The access drive to the property to be constructed to a No-Dig specification as detailed on drawing Detail A.
- Work within this area to be carried out by hand without the use of excavators or dumpers.
- top/soil leaf litter should be removed carefully by hand to a maximum of 50mm, or less if roots are found near the surface.
 - following levelling with soil or sand, a permeable, non-woven geotextile membrane should be laid.
 - suitable cellular confinement system should then be constructed to manufacturers instructions on top of the membrane. (Suitable products include Geoweb supplied by Cooper Clarke Group Ltd. 01204 862 222, or Cellweb, supplied by Geosynthetics Ltd. 01455 617 139)
 - the cellular confinement system should be filled with clean gravel to provide load support, while allowing air and moisture to permeate to the root zone.
 - concrete haunching to kerb edges to be laid on top of the geotextile membrane and pinned in place by driven reinforcing rods, or similar.
 - drive finished with concrete brick pavers laid to herringbone pattern on coarse sand bedding.



revision
Revision Date Description

Revised by

ARCHITECTS *at*
PLUS

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Project
28 Whiteclosegate Carlisle
Mrs Andrew
Drawing
No Dig Drive Construction

Scale	Date	Drawn	Comp.No.	Number
1:10	04-09	rf	P01	08091-04

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SCHEDULE A: Applications with Recommendation

10/0279

Item No: 05

Date of Committee: 20/08/2010

Appn Ref No:
10/0279

Applicant:
Mr & Mrs Blain

Parish:
Wetheral

Date of Receipt:
28/04/2010

Agent:
Ashwood Design
Associates

Ward:
Wetheral

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

Grid Reference:
344267 554678

Proposal: Erection Of Detached Dwelling (Revised Application)

Amendment:

REPORT

Case Officer: Richard Maunsell

Reason for Determination by Committee:

This application is brought for determination by Members of the Development Control Committee due to the objections that have been received from Wetheral Parish Council and local residents.

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.

Gas Pipeline Safeguarding Area

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

Affecting The Setting Of A Listed Building

Conservation Area

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

Listed Building

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

Local Plan Pol DP1 - Sustainable Development Location

Local Plan Pol CP3 - Trees and Hedges on Development Sites

Local Plan Pol CP5 - Design

Local Plan Pol CP6 - Residential Amenity

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

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

Local Plan Pol H1 - Location of New Housing Develop.

Local Plan Pol H2 - Primary Residential Area

Local Plan Pol LE12 - Proposals Affecting Listed Buildings

Local Plan Pol LE19 - Conservation Areas

Local Plan Pol T1- Parking Guidelines for Development

2. Summary of Consultation Responses

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

Community Services - Drainage Engineer: the applicant indicates disposal of foul sewage to the mains (public) sewer, which is acceptable.

The applicant indicates disposal of surface water to the mains (public) sewer; however, in the first instance, the applicant should investigate the use of either a sustainable drainage system or soakaways for surface water disposal.

There is no knowledge of flooding issues at this site;

United Utilities: no objection subject to the imposition of a condition controlling the discharge of surface water;

Development Services Planning & Housing Services - Conservation Section:

previous comments have been expressed at length on the applicant's earlier proposals in the form of pre-application proposals for this site and have generally supported and encouraged the applicant's desire to build a quality contemporary dwelling on this site. The Conservation Officer has been unable to accept the size, massing and the relative complexity of the schemes that have previously been submitted. Despite considerable dialogue with the applicant and his agent, and despite a more recent change of architect, he remains unconvinced that this current proposal has addressed these key issues.

Alterations to the fenestration pattern and the simplification of the elevation treatment by using blocks of solid wall and blocks of glazing has certainly improved the overall appearance of the exterior of the building, yet it remains an imposing building rather than the sleek, modestly proportioned building which had been imagined when first visiting the site.

Despite the many changes in the footprint of the building since the initiation of this scheme, the floor area remains extremely generous and deep, with a series of large interconnecting rooms. As a consequence, ceiling heights exceed normal standards to avoid the claustrophobic effect that much lower ceilings would provide. This in turn leads to a higher roofline and adds to the buildings mass. Although the stepped roofline succeeds partially in reducing the physical bulk of the building, the Conservation Officer still considers that it sits too high on the site. The introduction of more horizontal members also helps to reduce the apparent height by emphasising the horizontal, but there is a lack of continuity of these members. A reduction in the overall height of the building, physically or apparently, would help to reduce the dominance of the structure in the landscape and in relation to both Ivy House and its immediate neighbours on both sides of the railway.

The addition of an enclosed swimming pool may appear extravagant but in some ways it helps to elongate the building and reduce the effect of its bulk but it also adds considerably to the footprint of the building and its structural mass. It would be interesting to see whether or not removing the enclosure together with other height reductions would have a beneficial effect on the overall impact of the building.

The Officer notes that there have been objections to the idea of canting the footprint of the building in relation to its surroundings; however, this is not something that is opposed. The footprint helps to define the entrance to the new building and allows the building to be set further back into the landscape, away from the railway.

Finally, it is noted that there have been objections to the principle of building a contemporary structure within a Conservation Area. Local Plan policy does not prevent such an occurrence providing it is of high quality. The Conservation Officer comments that although quality is subjective, he has no doubt that the applicant's ultimate intention is to construct a building finished to the highest possible standards.

Whilst the principle of a contemporary building on the site is supported, the Officer objects to the proposal in its present form;

Local Plans (Tree Preservation): all the trees on the site and adjacent the site are protected by virtue of their location within the Carlisle to Settle railway line Conservation Area. A number of trees are also protected by Tree Preservation Order 54.

Whilst the trees are numbered and plotted on a plan within the Tree Survey by Iain Tavendale dated 16 October 2008 there are no corresponding/ cross referenced numbers on the plans relating to the house. It is not therefore possible to determine the effect the proposals will have on the trees, or which are to remain, and which, if any, trees are to be felled. So that a reasoned decision can be made it will be necessary to provide this information.

If any of the large mature trees are to be removed suitable replacements will be required. To ensure that the tree replacement is carried out a detailed landscaping scheme must be a condition of any granting of consent, should it be forthcoming.

Should the proposals prove acceptable a condition must be attached to the decision notice requiring a detailed scheme of tree protection to be agreed in writing prior to the commencement of any works on site. This must include a specification for the tree protection barriers and a plan showing where the tree protection barriers are to be erected.

Furthermore the tree protection scheme must be erected prior to commencement of any works on site and maintained throughout the development;

Forestry Commission: comments awaited;

Wetheral Parish Council: the Parish Council objects to the proposal on the grounds that it would be contrary to Policies CP5, H9, LE12 and LE19 of the Carlisle and District Local Plan 2001–2016.

This contemporary development in the back garden of a Grade 2 listed building is within Scotby Conservation Area, and the Parish Council considers that the scale and design will neither enhance nor harmonise with the existing surroundings. The Council would suggest that a site meeting be carried out to enable Members of the Development Control Committee to see the location in relation to the Grade 2 listed building and Conservation Area;

Northern Gas Networks: no objection; and

Conservation Area Advisory Committee: the Committee considered this proposal to be poorly related to both its own site and the adjacent buildings, particularly the attractive sandstone house on the opposite side of the railway line which looks very close to the new build. As there was no section through the site and the railway it was difficult to determine what impact the new dwelling would have on the railway and the house opposite. In parts this building is three storeys tall and it would be important to know if this was an elevation that would create a dominant and overpowering effect on the house opposite but it is also going to be highly visible from the Carlisle – Settle Railway line.

3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:
Settle View	05/05/10	Support
Ladysteps	05/05/10	Undelivered
1 Stonebroom	05/05/10	
Killiecrombie	05/05/10	Objection
21 Ghyll Road	05/05/10	Support
Taylor & Hardy	05/05/10	Objection
12 Ghyll Road	05/05/10	Support
Ivy House	05/05/10	
Netherby House	05/05/10	
Chestnut Bank	05/05/10	
Avalon	05/05/10	
5 Townhead Farm Courtyard	05/05/10	
6 Broomfallen Road	05/05/10	Objection
8 Broomfallen Road	05/05/10	Objection
4 Broomfallen Road		Objection
Applegarth		Support
3 Broomfallen Road		Support
Wetheral Crook		Support
98 Scotby Rd		Support
Beech Croft,		Support
Meadowbank		Support
26 Ghyll Road		Support
108 Scotby Road		Support
Foxfield		Support
Railbeck House		Support
Hawthorn		Support
1 Townhead Farm Courtyard		Support
107 Scotby Rd		Support
Lough Butts Farm		Undelivered
Beckfoot		Support
Ivy Cottage		Support
23 Holmefauld		Support
6 Ghyll Road		Support

3.1 This application has been advertised by means of a site notice, a press notice and direct notification to the occupiers of fourteen of the neighbouring properties. At the time of writing this report, five letters of objection have been received and the main issues raised are summarised as follows:

1. the siting, scale, design and materials are wholly inappropriate for the site and its surroundings;
2. the siting of the building is awkward in relation to the adjacent buildings;
3. the building would be on an elevated part of the site. The scale, bulk and mass of the proposed building would be incongruous, visually dominant and intrusive;

4. the design and materials are out of character with the adjacent buildings many of which are of historic interest, including several which are listed;
5. the trees identified as G1, G2 and G3 are on land owned by National Rail. Whilst these are in the Conservation Area, as they are less than 6 metres from the railway line they are not afforded the same protection as other trees in the Conservation Area. If these trees were removed there would be nothing along the rear boundary with the exception of a leylandii hedge which is only a few feet high;
6. the three storey dwelling would not blend in with the surroundings; and
7. the building would look out of place in the Conservation Area.

3.2 Twenty one letters of support have also been received and the main issues raised are summarised as follows:

1. the building would be a welcome addition to the village and the area;
2. the applicant has undertaken other development in the area that has been to a high standard;
3. the contemporary building would blend into the landscape without detracting from the existing properties
4. there is an eclectic variety of buildings in the locality and the building would be an improvement rather than another faux Victorian building that looks anything but old;
5. a good design should not have to be traditional or conservative in concept, form and materials with the purpose of camouflaging it in order to 'lose' it amongst buildings and materials that reflect architectural trends and fashions of the past; and
6. the site is already secluded and as further planting and screening is proposed, the building will eventually be almost totally hidden from the public and neighbours.

4. Planning History

- 4.1 An application for planning permission for the erection of a dwelling was submitted in 2009 but was withdrawn by the applicant prior to determination.

5. Details of Proposal/Officer Appraisal

Introduction

- 5.1 This application seeks “Full” planning permission for the erection of a dwelling on land to the rear of Ivy House, Ghyll Road, Scotby, Carlisle. The proposal relates to a modestly proportioned piece of garden located within the village. There are residential properties on all sides of the application site which is within a Primary Residential Area, the Settle Conservation Area and within the curtilage of a Grade II Listed Building.
- 5.2 The site is accessed via an existing access that leads from Ghyll Road to the north west of Ivy House. The access rises up to the site, which is elevated above Ghyll Road and the railway to the south-west. A temporary timber panel fence has been erected whilst the hedgerow that separates the site from Ivy House becomes established. Along the north-west boundary are several large trees that are subject to a Tree Preservation Order; along the south-west boundary is a belt of young leylandi trees.
- 5.3 There is an eclectic mix of properties along Ghyll Road displaying a variety of ages and architectural styles. Immediately adjacent to Ivy House is a two storey detached brick house to the north-west and a brick built bungalow to the south-east. On the opposite side of the railway is a traditional property of stone construction that reflects the building style of properties along the Settle to Carlisle Conservation Area.
- 5.4 The application site, which extends to around 2,084 square metres, is rectangular in shape. It is proposed to construct a three storey flat roofed property which would be contemporary in appearance. The property would be set back 22 metres from the boundary with Ghyll Road.
- 5.5 The accommodation to be provided within the proposed dwelling would consist of a plant room, garage, changing room, games room, snooker room and a gym in the basement; a swimming pool, bedroom, utility, W.C., dining room/ kitchen, two living rooms and a study on the ground floor; and a gallery and 3no. ensuite bedrooms on the first floor.
- 5.6 The property would be constructed from white rendered walls under a flat roof. The windows would be pre-finished glazing systems constructed from aluminium with a powder coated finish.
- 5.7 The foul drainage system would connect into the mains sewer.

Assessment

- 5.7 The relevant planning policies against which the application is required to be assessed are Policies DP1, CP3, CP5, CP6, CP9, CP12, H1, H2, LE12, LE19 and T1 of the Carlisle District Local Plan 2001-2016. The proposal raises the following planning issues.
 1. Principle Of Residential Development In the Rural Area
- 5.8 The main thrust common to planning policies is that new development in the rural area will generally be focussed upon established settlements where

there are appropriate services, facilities and amenities.

- 5.9 Policy DP1 of the Carlisle District Local Plan 2001-2016 sets out the broad development strategy for the area. It establishes a settlement hierarchy with Carlisle's Urban Area being the highest order of priority for most additional new development, followed by the Key Service Centres of Brampton and Longtown and, finally, 20 villages identified as Local Service Centres. Within these locations, development proposals will be assessed against the need to be in the location specified. In relation to rural settlements, boundaries have been identified for those villages that fulfil the Key Service and Local Service Centre functions and these are intended to be used to judge proposals for development within those settlements. Outside these locations, development will be assessed against the need to be in the location specified.
- 5.10 Policy H1 of the Carlisle District Local Plan 2001-2016 elaborates, in relation to development for housing, on the settlement hierarchy. It reiterates that the primary focus for new housing development will be the urban area of Carlisle, followed in order by the Key Service Centres of Brampton and Longtown (which have a broad range of amenities and services) and finally, selected villages which perform a service role within the rural area. These latter villages are sub-divided into two groups, the first group being the 20 larger villages that act as Local Service Centres where the scale and nature of additional development will be determined by local form and character. The second group of 21, essentially small, villages that possess very limited facilities and, hence, provide basic service provision, is regarded as being capable of accommodating only small scale infill development, which is required to be evidenced by local need to be in that location.
- 5.11 The application site lies within Scotby, which is identified as a Local Service Centre under Policy H1 of the adopted Local Plan, and is located within the settlement boundary identified on the Proposals Maps that are part of the adopted District Local Plan. Policy H1 of the Local Plan states that, in principle, small scale housing development will be acceptable within the settlement boundaries of Local Service Centres providing that compliance with seven specific criteria is achievable on site. In this instance, the relevant criteria are met and, on this basis, the principle of residential development is acceptable. The issues raised are discussed in more detail in the analysis which follows.
- 5.12 Members will be aware of the Government's revisions to Planning Policy Statement 3 (PPS3) which were issued on 9th June 2010 that removes gardens from the definition of "brown field" land. This means that gardens are no longer considered as previously developed land for the purposes of meeting brown field targets; however, the revision to PPS3 does not prevent all gardens from being developed.
- 5.13 In most towns and cities the majority of residential properties will be located within the settlement boundaries. In areas where there is a good supply of brown field sites there will remain a presumption in favour of developing brown field land before considering other alternatives; however, in areas where the supply of brown field sites is more limited or does not exist at all,

the development of larger residential gardens will often provide a valuable source of development land which will help to reduce pressure on greenfield sites on the edge of existing settlements.

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

2. Scale And Design

- 5.16 The property would be sited at an angle within the site and would be positioned to take account of the topography of the site by sinking elements of the building into the ground. The scheme has been amended from the original submission to provide further architectural detail that includes 'framing' of the building recessing the first floor glazing on the south elevation.
- 5.17 The submitted drawings illustrate that the proposed dwelling would be of a similar scale and massing to its immediate neighbour, Ivy House. Whilst the building would be larger than properties on the opposite side of the railway and the bungalow immediately to the south-east of the site, there is diversity in the style, size and mix of properties along Ghyll Road and the scale of the dwelling would not be out of character with other buildings in the area.
- 5.18 Members will note that many of the objections received relate to the contemporary design of the building and the perceived detrimental effect that this would have on the character and appearance of the area, in particular, the Conservation Area. Planning policies do not rule out the use of a contemporary design but rather that development proposals should not adversely affect the character and appearance of the Conservation Area. The design of the property is distinctive but it is clear from the comments received from the Council's Conservation Officer that the development would not conflict with the policy criteria.
- 5.19 Further informal comments have been received from the Conservation Officer who is satisfied with the proposal but states that further refining is necessary, particularly at the corners and it may be that some of the return glazing panels may end up as solid. Overall, the Officer considers that the proposal is acceptable to the site. Further amended drawings that take account of this are expected to be available for reproduction in the Supplementary Schedule.
- 5.20 The proposal would achieve adequate amenity space and off-street parking. The character and appearance of the dwelling would not be disproportionate. Glimpsed views of the site would be visible from public vantage points but given this together with landscaping and existing trees, the development

would not be obtrusive within the streetscene.

- 5.21 Considering the fact that the site is within the Conservation Area, if planning permission is granted, it would be appropriate to impose a condition removing Permitted Development rights to extend or alter the property at a later date.

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

- 5.22 As the proposal involves the introduction of windows that face the neighbouring property, it is appropriate to consider the development against the draft Supplementary Planning Document "Achieving Well Designed Housing". It requires that a distance of 21 metres is provided between primary windows. The proposed building would be sited opposite and adjacent to residential properties. The dwelling would have habitable windows on all sides of the building. At the first floor windows to the rear would be 39 metres from the property known as 'Stonebroom' on the opposite side of the railway, 27 metres from the gable of 'Settle House', and 22 metres from the rear of Ivy House. To the north-west of the property would be an oblique angle to the immediate neighbouring properties, with the exception of Ivy House that would be directly opposite.

- 5.23 Given the physical relationship of the windows and the distances involved, the development would not result in overlooking or loss of privacy to the occupiers of the neighbouring property.

- 5.24 The height of the dwelling at the highest point would be 8 metres and given the physical relationship of the application site with adjacent properties, the occupiers would not suffer from an unreasonable loss of daylight or sunlight. The siting, scale and design of the development will not adversely affect the living conditions of the occupiers of the neighbouring property by virtue of loss of privacy or over-dominance.

4. Impact On The Character And Appearance Of The Settle to Carlisle Conservation Area

- 5.25 Members will note that concerns were initially expressed by the Conservation Area Advisory Committee (CAAC) in relation to the impact of the development on the Conservation Area. The scheme was amended in light of this objection and CAAC has raised no objection to the revised scheme. The scale, design and use of materials is appropriate to the site and would be consistent with the context of the Conservation Area. Although the dwelling would be contemporary, the character and appearance of the Conservation Area would not be adversely affected.

6. Drainage Issues

- 5.26 Members will note from the consultation responses that the Council's Drainage Officer has raised no objection to the proposal.
- 5.27 It would appropriate to impose a condition requiring the approval of the

surface water drainage details.

7. Highway Matters

- 5.28 The site would be served by the existing access adjacent to Ivy House. This access was formed as part of a previous planning application that involved development and alterations to Ivy House itself. The Highway Authority has raised no objection subject to the imposition of conditions.

Conclusion

- 5.29 In overall terms, the key issue for Members to consider is the impact on the character and appearance of the Conservation Area. The revisions to PPS3 do not preclude residential development on garden land but focuses on the visual impact on the character of the area. The site comprises a garden area adjacent to residential properties within the village but would be not particularly prominent as it set back from the highway and is screened by the surrounding buildings; however, the site would be seen from the Conservation Area to the rear of the site but this would be minimised over time due to the proposed landscaping.
- 5.30 The scale, design and use of materials in the building together would contribute to the character of the area. Further, it proposes a quality contemporary design that would not mimic a 'traditional' building but rather would introduce a further dimension. Given the context of the site, it is the view of the Conservation Officer, that this would not adversely affect the character or appearance of the Conservation Area.
- 5.31 The building would not result in any demonstrable harm to the living conditions of any neighbouring residential dwellings. In all other aspects the proposal is compliant with the objectives of the relevant Local Plan policies.

6. Human Rights Act 1998

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

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

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

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

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

7. Recommendation - Grant Permission

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

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

2. The approved documents for this Planning Permission comprise:

1. The submitted planning application form received 26th March 2010;
2. Location plan received 26th March 2010;
3. Drawing No. 1292 004 received 26th March 2010;
4. Drawing No. 1292 007A received 5th August 2010;
5. Drawing No. 1292 008A received 5th August 2010;
6. Drawing No. 1292 009B received 5th August 2010;
7. Drawing No. 1292 010 received 5th August 2010
8. The Notice of Decision; and
9. Any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: For the avoidance of doubt.

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

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

4. Notwithstanding the provisions of the Town and Country Planning (General

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

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

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

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

6. No development hereby approved by this permission shall commence until details of the 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.

7. All works comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following occupation of the dwelling or completion of the development whichever is the sooner.

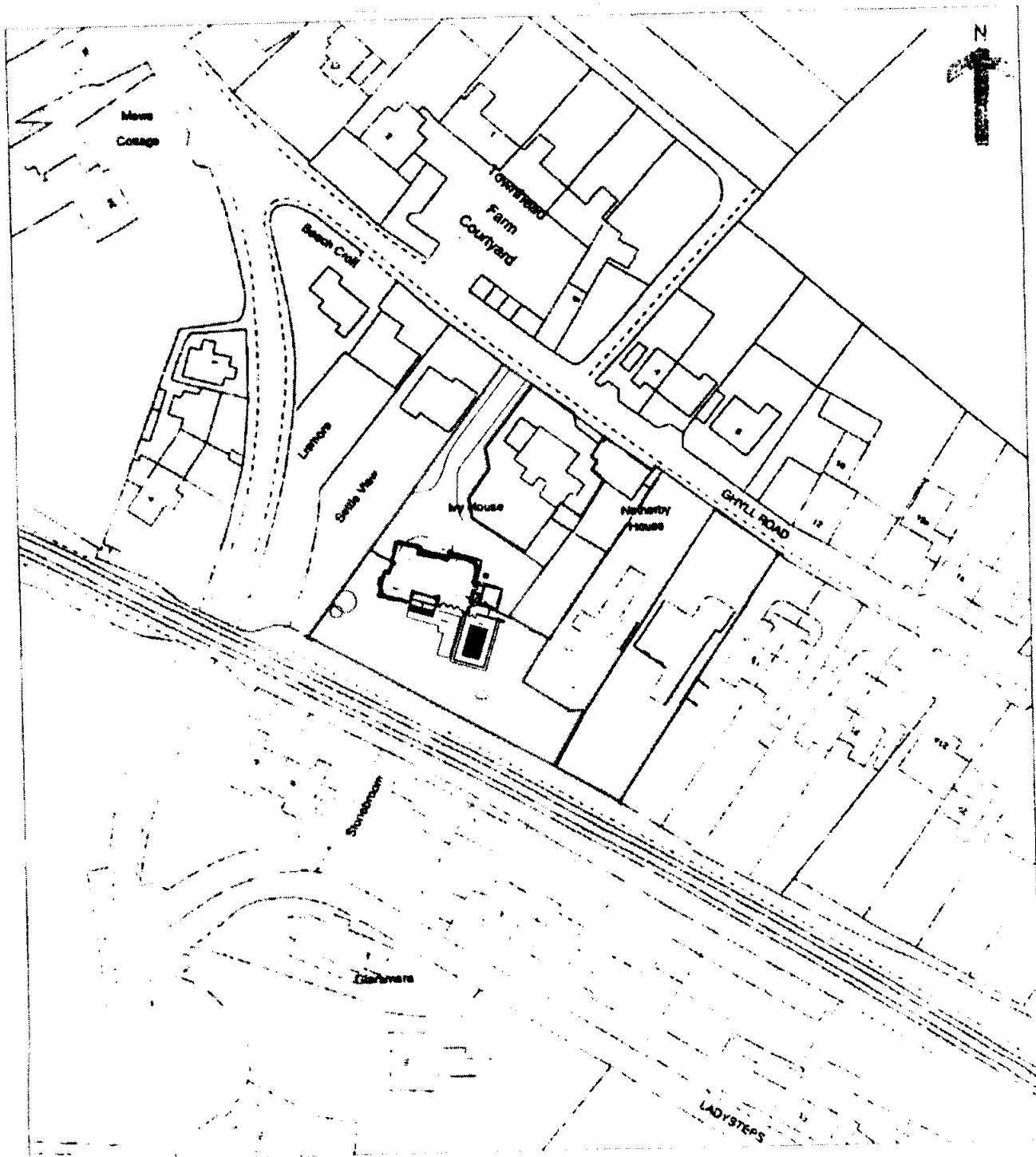
Reason: To ensure that a satisfactory landscaping scheme is implemented in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

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

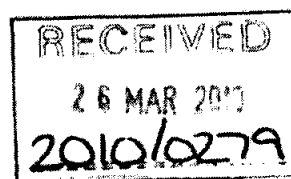
Reason: To ensure that the soakaway would be constructed in an appropriate manner in accordance with Policy CP12 of the Carlisle District Local Plan 2001-2016.

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

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



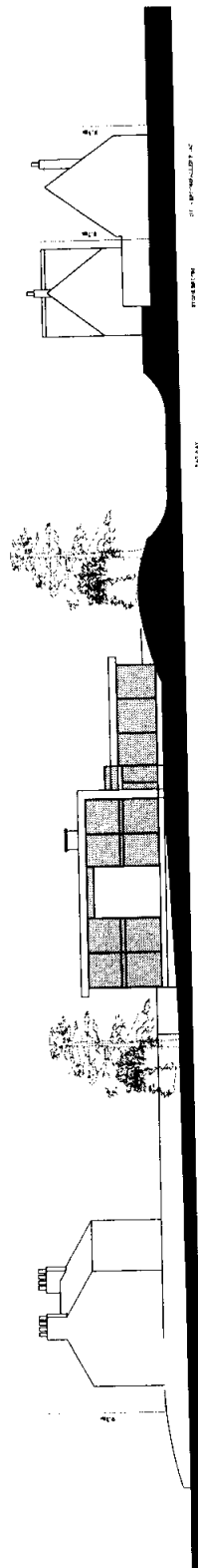
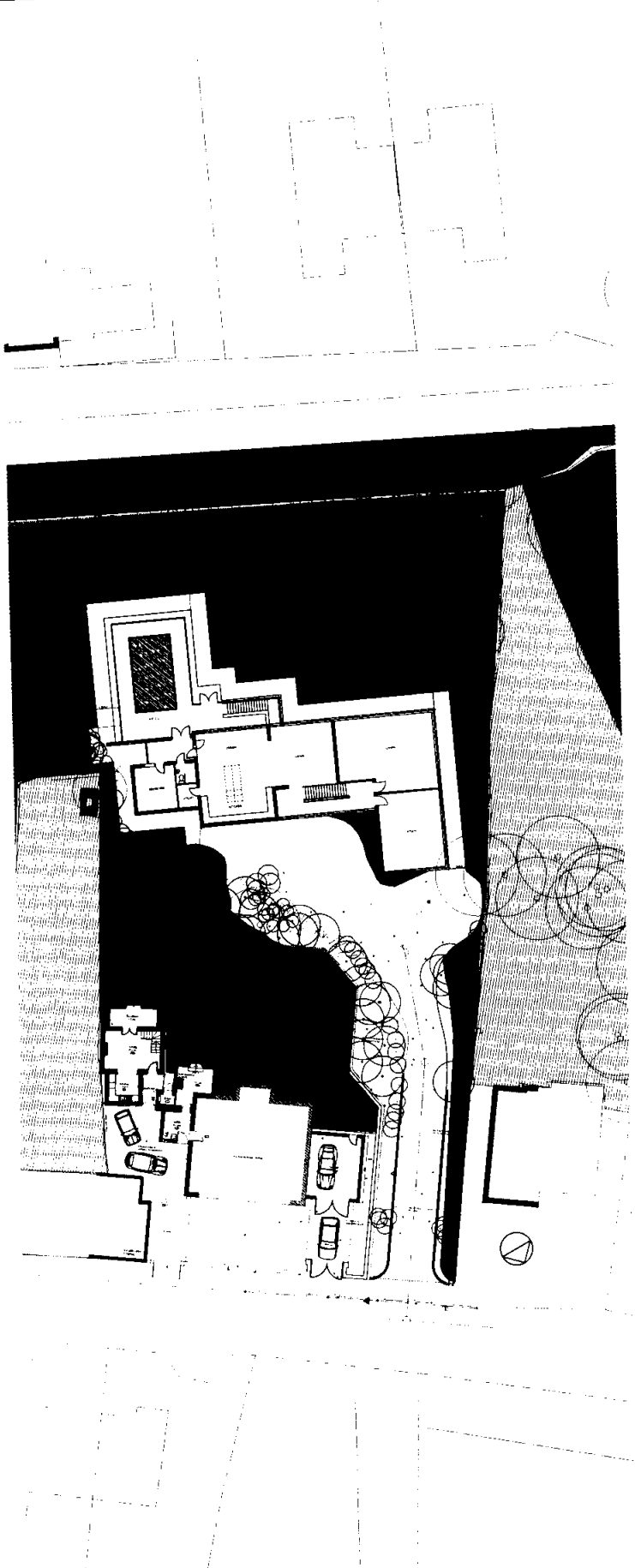
GARDEN HOUSE, GHYLL ROAD, SCOTBY
LOCATION PLAN
1:1250



ASHWOOD DESIGN ASSOCIATES, 12 CLIFFORD
COURT, COOPER WAY, PARKHOUSE BUSINESS
PARK, CARLISLE CA3 0JG.

1. This drawing is a preliminary design and is not to be used for construction purposes. It is for information only and is subject to change without notice. The client agrees to indemnify and hold the architect harmless from all claims, damages, and expenses, including reasonable attorneys' fees, arising from the use of this drawing for any purpose other than that for which it was prepared.

REVISIONS	
NO.	DESCRIPTION
1	Initial Design



ASHWOOD DESIGN ASSOCIATES LTD
 Architects Surveyors CDM Co-ordinators
 134 Clifton Road, Farnham, Surrey, GU10 2JH
 Tel: 01253 870001 Fax: 01253 870002
 Email: ashwood@ashwood.co.uk

Mr Russell Blain
 Proposed Dwelling
 Land Adj. Ivy House, Civil Road, South
 Residential
 1292 007 A

Proposed Site Section	
1292	007 A

NOTES AND AMENDMENTS

1. All dimensions are to be taken to the centre of the wall unless otherwise stated.
2. All dimensions are to be taken to the centre of the wall unless otherwise stated.
3. All dimensions are to be taken to the centre of the wall unless otherwise stated.

REVISIONS

NO.	DESCRIPTION	DATE
1	Issue for planning	12/12/11

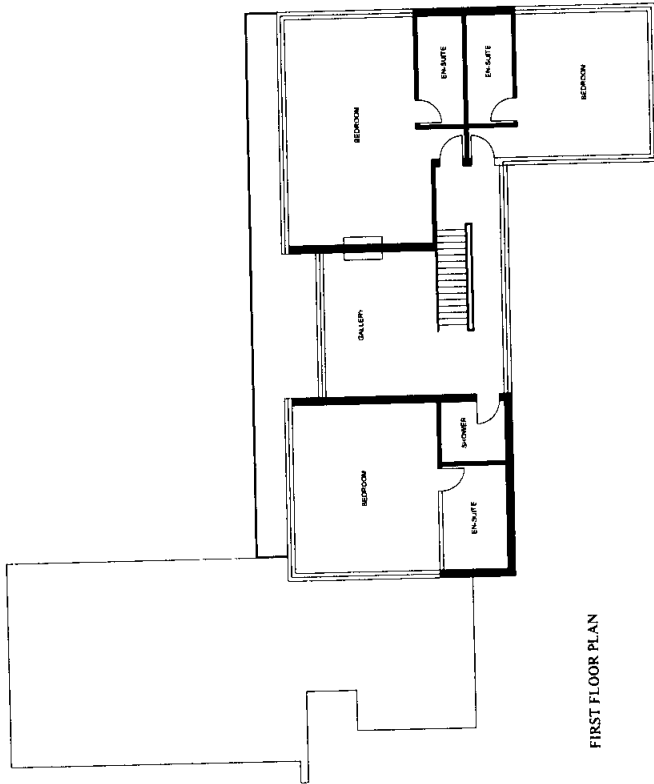


Architects, Surveyors, CDM Coordinators
125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

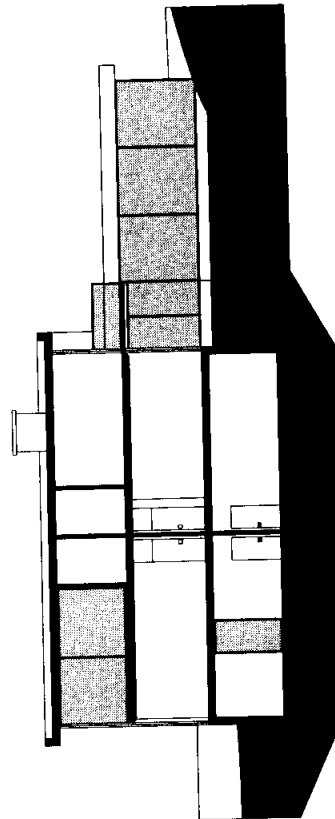
Mr Russell Blair
Proposed Dwelling
Land Adj. Ivy House, Givoli Road, Scully
Residential
1:100

Proposed plans
Scheme 2

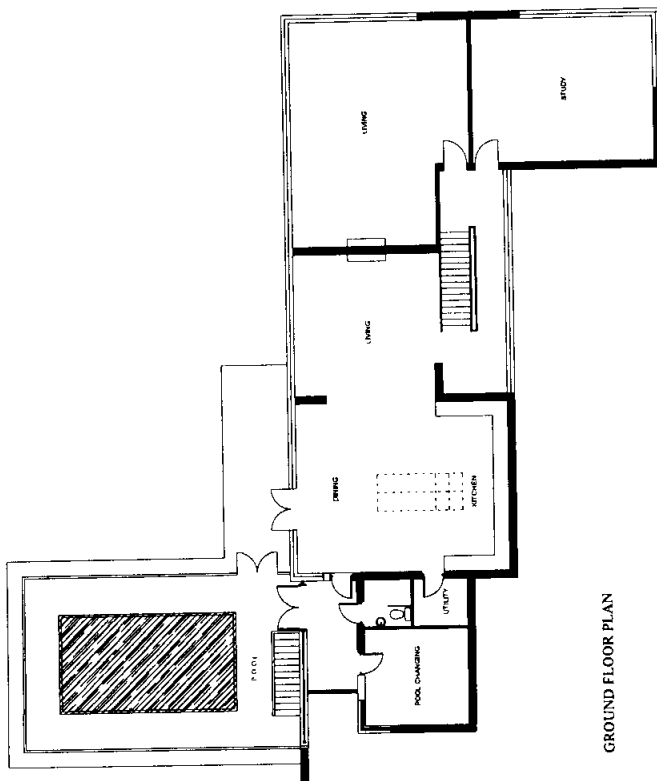
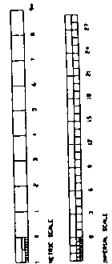
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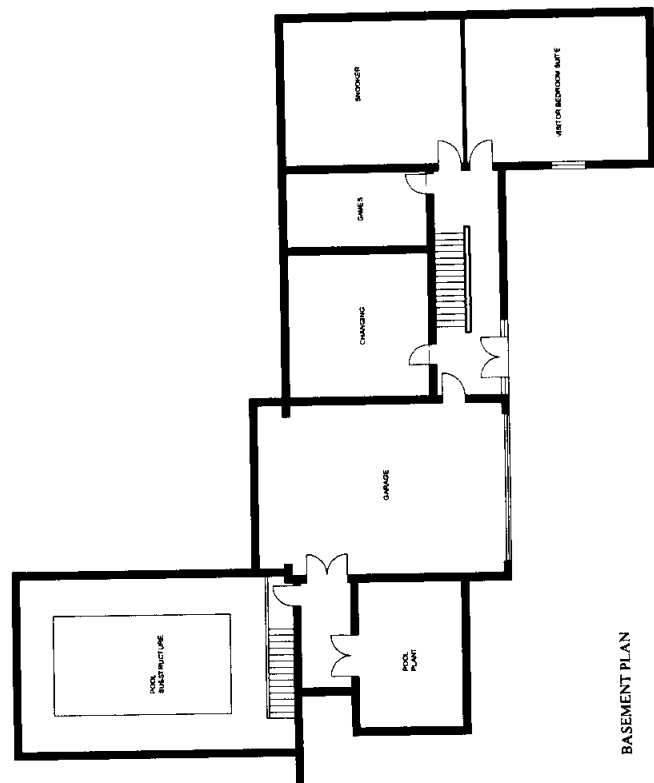
FIRST FLOOR PLAN



SECTION



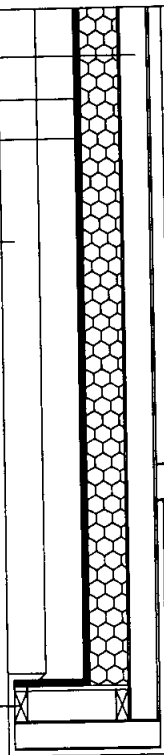
GROUND FLOOR PLAN



BASEMENT PLAN

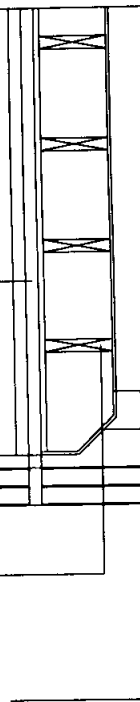
EAVES

Lightweight steel structural elements
Waterproof layer
Warm roof insulation
Proprietary self finished white cladding panels / flashings
Softwood framing.



FENESTRATION

Triple glazing in fine detail frames fixed to structure at roof and floor perimeter. Floor construction tapered to reduce visual impact on glazed elevations
22mm Flooring grade chipboard with hardwood block or strip finish. Softwood joists @ 400 c/c 12.5mm foil backed plasterboard.



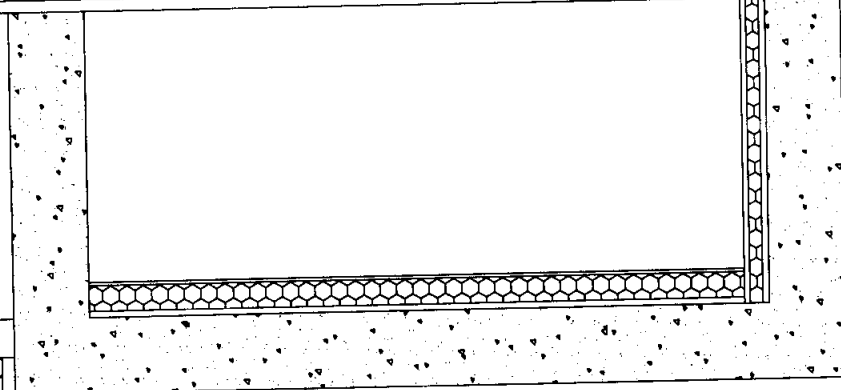
PRINCIPLE OF DETAILS

The design principle in producing details is to refer to the finished planes of the building, whether glazing, pre-finished panels, timber or concrete / render as a design datum and to accommodate the make-up of construction within the zones of building fabric.

The main overhang of the roof is designed to show a clean line to the top of the building but also provide a measure of shading for high sun angles (mid summer) and shed rain fall. Discrete water shedding drip details will be included in the design of the fascia and fenestration components.

BASEMENT

Reinforced concrete basement with continuous tanking membrane (Sodium Bentonite) with insulated lining, vapour barrier and 12.5mm plasterboard lining.
Lightweight structural steel frame bolted to reinforced concrete ground floor which has a hardwood block or strip finish.



REVISIONS	
1	12/12/2017
2	12/12/2017
3	12/12/2017
4	12/12/2017
5	12/12/2017
6	12/12/2017
7	12/12/2017
8	12/12/2017
9	12/12/2017
10	12/12/2017



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SCHEDULE A: Applications with Recommendation

10/0697

Item No: 06

Date of Committee: 20/08/2010

Appn Ref No:
10/0697

Applicant:
Mr & Mrs Maunsell

Parish:
Kirklington Middle

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

Agent:

Ward:
Lyne

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

Grid Reference:
344348 565310

Proposal: Change Of Use From Agricultural Land To Domestic Curtilage
Amendment:

REPORT

Case Officer: Barbara Percival

Reason for Determination by Committee:

This application is brought for determination by Members of the Development Control Committee as one of the applicants is an employee of the City Council.

1. Constraints and Planning Policies

Local Plan Pol CP1 - Landscape Character

Local Plan Pol CP3 - Trees and Hedges on Development Sites

Local Plan Pol CP4 - Agricultural Land

Local Plan Pol CP5 - Design

2. Summary of Consultation Responses

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

Planning - Local Plans (Trees): comments awaited;

Kirklington Parish Council: comments awaited.

3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:
The Cottage	30/07/10	
Maple Cottage	30/07/10	
West View	30/07/10	
Fell View	30/07/10	
The Barn	30/07/10	
Fir Ends Primary School	30/07/10	

- 3.1 This application has been advertised by the direct notification of the occupiers of six neighbouring properties. At the time of preparing the report no verbal or written representations have been made during the consultation period.

4. Planning History

- 4.1 There is no relevant planning history.

5. Details of Proposal/Officer Appraisal

Introduction

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

Background

- 5.2 The application site forms part of grazing land to the north of Meadow View's curtilage with the application seeking Full Planning Permission for its change of use into an enlarged garden to serve the property. The northern side of the A6971, which includes the application site, comprises of residential properties in a linear form. Immediately to the east is West View whose curtilage projects into the field beyond the application site, as does the curtilages to the remaining neighbouring properties to the east. The boundary of the application site would be a linear continuation of the boundary of the adjacent curtilage with open countryside to the north and east.
- 5.3 The submitted drawings illustrate that the application site would measure 32 metres in width by 9 metres in depth, which equates to 0.03 hectares in area. The Tree and Hedgerow Survey outlines that a section of hedgerow on the

existing north-east boundary would be removed and replaced by a 1.5 metre high close boarded fence. A further, smaller section to the west would also be removed to afford pedestrian access into the application site. The Survey goes on to explain that a native hedgerow would be planted along its northern and western boundaries.

Assessment

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

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

5.5 The area that is subject to the change of use is in open countryside and the applicants' existing hedgerow forms the settlement boundary to the north of the property. Planning policies seek to retain the open character of the area and development proposals should not adversely affect the living conditions of the occupiers of neighbouring properties or be detrimental to the character and appearance of the area.

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

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

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

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

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

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

5.10 There are residential properties to the east and west. To the west, the neighbouring curtilage is screened by existing trees and hedgerow. Similarly, to the east, the property is bounded by a 1 metre high boarded timber fence

with the property itself, being set back further within the site. Given the orientation of the application site with adjacent residential properties, it is not considered that the occupiers would suffer from a loss of privacy or over-dominance.

4. Other Matters

- 5.11 Members should also be aware that although Mr Maunsell is an employee of the City Council he has not been involved in the determination of the application outside of his role as applicant.

Conclusion

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

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).

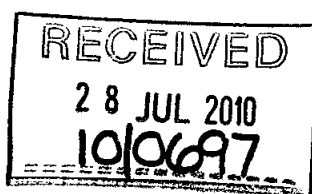
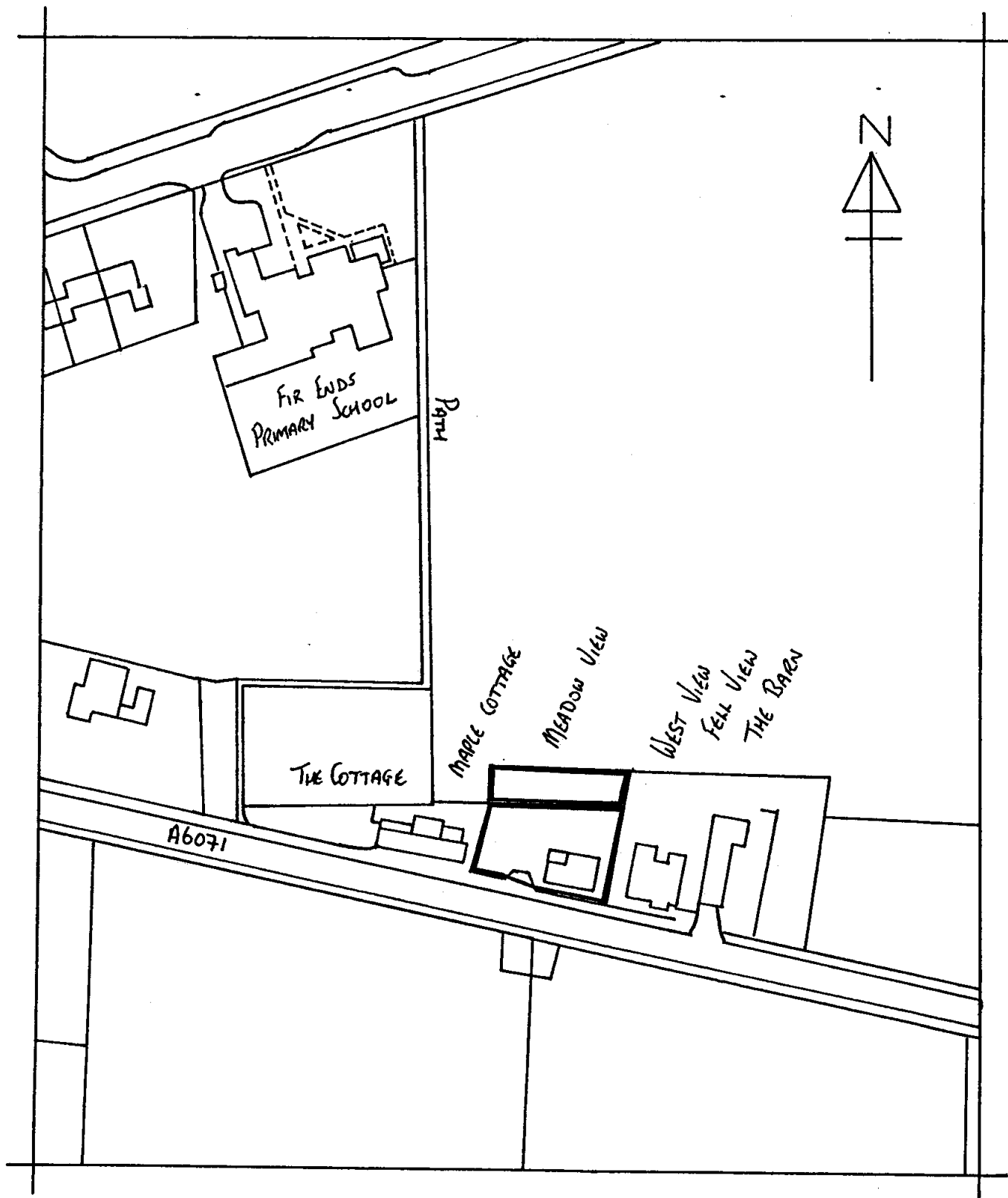
2. The approved documents for this Planning Permission comprise:

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

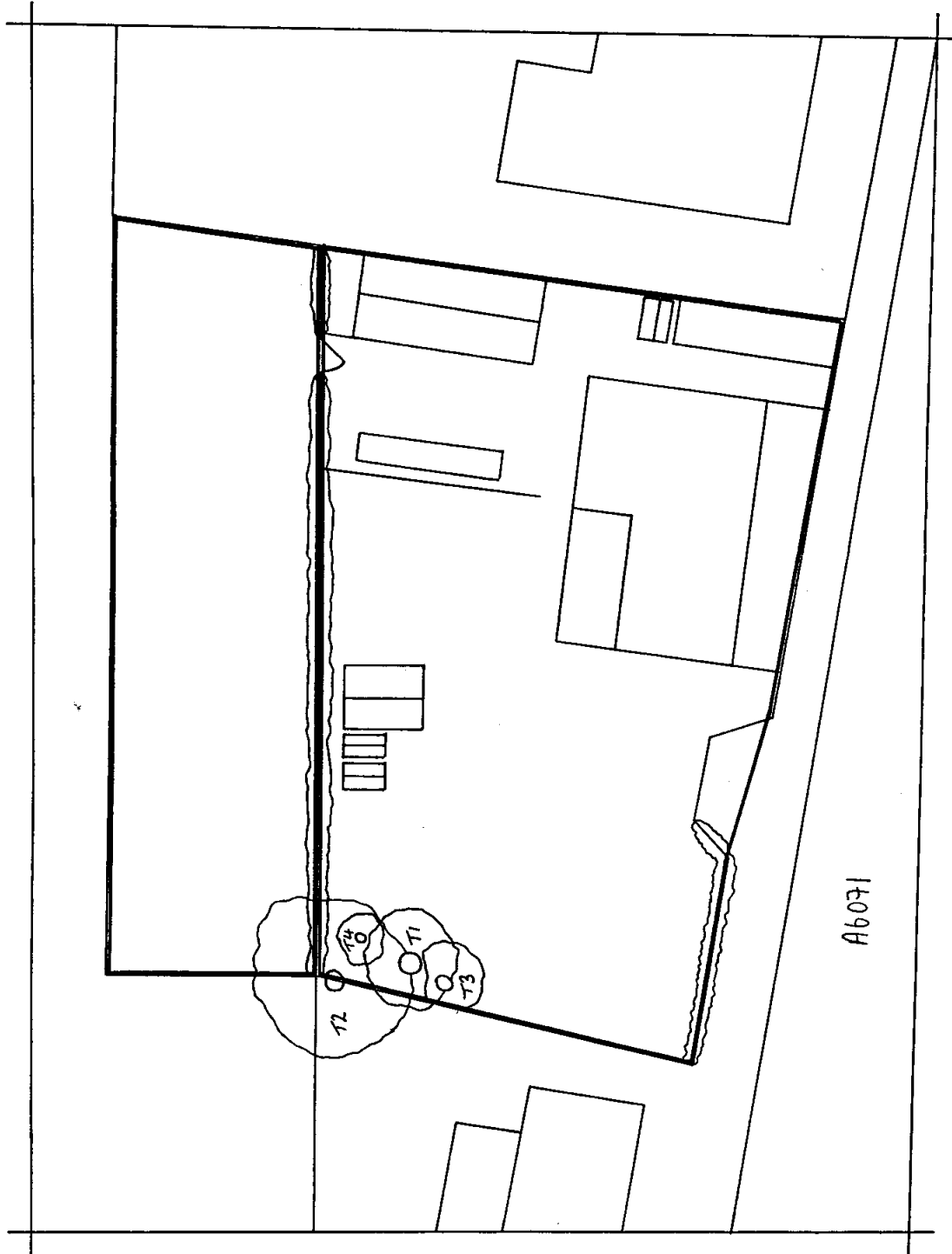
Reason: For the avoidance of doubt.

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

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

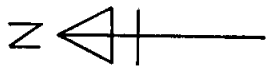
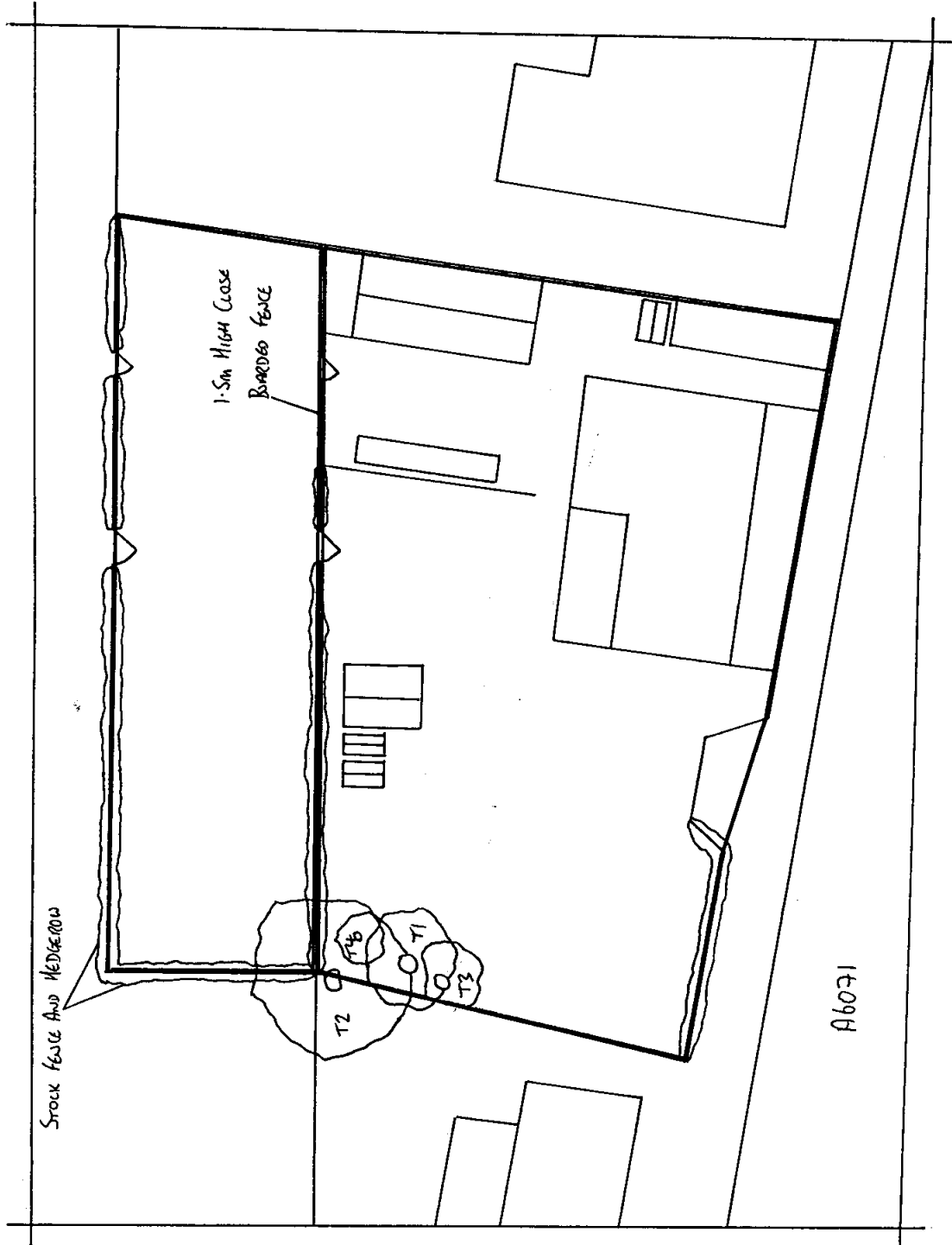


MEADOW VIEW, SMITHFIELD
SITE LOCATION PLAN
DRAWING No. 1
SCALE 1:1,250



RECEIVED
28 JUL 2010
1010697

MEADOW VIEW, SMITHFIELD
EXISTING BACK PLAN
DRAWING NO. 2
SCALE 1:200



RECEIVED
28 JUL 2010
1010697

MEADOW VIEW, SMITHFIELD
PROPOSED BLACK PLAN
DRAWING NO. 3
SCALE 1:200

SCHEDULE A: Applications with Recommendation

10/0507

Item No: 07

Date of Committee: 20/08/2010

Appn Ref No:
10/0507

Applicant:
Mr Little

Parish:
Cummersdale

Date of Receipt:
09/06/2010

Agent:
Dr Bell

Ward:
Dalston

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

Grid Reference:
337293 552888

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

Amendment:

REPORT

Case Officer: Dave Cartmell

Reason for Determination by Committee:

The application is brought before Members of the Development Control Committee due to concerns raised by the Parish Council.

1. Constraints and Planning Policies

Airport Safeguarding Area

Local Plan Pol CP1 - Landscape Character

Local Plan Pol CP2 - Biodiversity

Local Plan Pol CP4 - Agricultural Land

Local Plan Pol CP5 - Design

Local Plan Pol CP6 - Residential Amenity

Local Plan Pol CP8 - Renewable Energy

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): no objections to the above planning application, the noise data provided indicates that it is unlikely that the wind turbine would give rise to statutory noise nuisance to the adjacent properties, however it would be appropriate to set limits for noise received at the neighbouring properties from the wind turbine

i. e. PPG 24 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 45dBLA max.

Note these values do not apply to internally generated noise ie noise generated within the house.

It also suggests that steady noise in gardens does not exceed 50dB LAeqT and 55 LAeqT being the upper limit.

WHO

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 LAeq 8 hours (noise levels averaged over 8 hour period) inside living rooms the figure is 35dB LA eq 16 hours (noise levels averaged over 16 hour period). Again these values do not apply to internally operated 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 LAeqT (16 hours) to avoid moderate annoyance;

Cummersdale Parish Council: advise that they have concerns about the visibility of the turbine from the road. Are also concerned that the City Council do not appear to have a policy on the development of wind turbines in the area;

Carlisle Airport: this development falls within the area of the Carlisle Airport Safeguarding Map which is produced by the CAA for individual airports to advise them of the area that any proposed Wind farm/ Turbine could cause them a problem now or in the future. Having conducted a thorough study of the possible impact of this development, Stobart Air Ltd will not object if planning consent is sought;

National Air Traffic Services: the proposed development has been examined

from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly NATS has no safeguarding objection to the proposal;

Dalston Parish Council: no objections.

3. Summary of Representations

Representations Received

Initial:

Consulted:

Reply Type:

57 Lingey Close
Dalston

Petition
Comment Only

- 3.1 Publicity was given to the proposal by site notice. Initially the site notice was located at the end of the lane adjacent to Number. It was in this location for 7 days but was repositioned on a fencepost at the Lingey Close end of the lane where it remained for 21 days. No representations were received within the statutory period. for representations which expired on 16 July.

Outwith the statutory period:

- (1) a telephone caller expressed concern about the visual impact of the turbine and made allegations about unauthorised developments in the vicinity. The caller refused to give his name;
- (2) Mr Wannop of 6 Lingey Close complained that he had not been notified of the application. He was advised that publicity had been given by site notice placed at the Lingey Close end of the access to No 58. Mr Wannop queried the extent to which the mast would be visible from the surrounding area, quoting a third party opinion that the mast would be visible from Cummersdale. He also referred to noise levels associated with a turbine at Brampton but was unable to specify a location. It was explained that if planning permission was granted it would be subject to a condition specifying maximum noise levels;
- (3) Mr Grice of 52 Peter Lane complained on 30th July 2010 that he had only just been made aware of the proposal and has concerns about visual impact and noise. He considered that the proposal should have been given wider publicity and advised that a petition was being circulated.
- (4) A petition signed by 24 persons from 15 different households was received on 2 August objecting on the grounds of noise and intrusion into the rural area. The letter enclosing the petition complains that none of the neighbours had been consulted on the application.
- (5) A Mr Watson of 9 Lingy Close advised in a meeting that he had signed the petition but his wife had not been able to do so. He wished to make it clear that his wife was also opposed to the proposal on visual and noise

grounds.

- 3.2 Members will be aware that the Town and Country Planning (General Permitted Development) Order requires publicity to be given to planning applications either by direct notification of adjacent occupiers, or by site notice or by press notice. As, there was only one neighbouring property (number 57 Lingey Close) it was considered that wider publicity should be given to the proposal by the erecting a site notice, as previously stated, at the Lingey Close end of the access road to Number 58 Lingey Close.

4. Planning History

- 4.1 In 2003, Full Planning was granted for a two storey extension to provide a kitchen, utility, dining room, cloakroom and hallway with 2 bedrooms, (one ensuite) bathroom above (application reference 03/0381).
- 4.2 In 2004, Full Planning Permission was granted for an outdoor menage area (with floodlights) (application reference 03/1246).

5. Details of Proposal/Officer Appraisal

Introduction

- 5.1 This is an application for full planning permission for a wind turbine on land adjacent to Number 58 Lingey Close, approximately 3km north of Dalston. Number 58 comprises a house and a range of agricultural and equestrian buildings situated on a former small holding. The site is set within agricultural land with woodland to the north and three lines of National Grid pylons 150 metres to the south with lower voltage (11KV) cables closer to the site. To the north east is a distant view of the urban area of Carlisle including the Pirelli factory buildings and Dixon's chimney.
- 5.2 The nearest dwelling, apart from Number 58, lies immediately to the west, approximately 215m from the turbine. The nearest public highway (Lingey Close) lies over 300 metres from the application site.

Background

- 5.3 The wind turbine comprises a generator with a tail fin (3.75m long) on a 12m high mast with the three blades having a span of 5.4m giving a total base to tip height of 14.7m. The installation will be coloured grey. The structure will be located on a 2.6m square foundation and surrounded by a wooden post and wire fence. A temporary access track (100m long) is to be constructed from the existing access to Number 58.
- 5.4 The applicant has submitted a Design and Access Statement with Supporting Planning Statement which highlights the following points:
1. permission is sought for a 5kw Evance 9000 wind turbine to enable the

applicants to supplement their annual income and future proof their energy costs (the turbine was chosen following the evaluation of various options to reduce energy costs and make CO2 savings);

2. in addition to reducing the applicant's carbon emissions and energy bills, the turbine (which is capable of an annual production of 11kW of electricity and a carbon saving of 6.41 tons) will contribute to the national target of 30% of the UK's electricity from renewable's by 2020;
3. the specific site was chosen after (1) an appraisal to evaluate landscape character and access constraints; (2) gathering of information on background noise, micro-seismic noise, wind exposure, aircraft and radar communications, biodiversity, community, cultural heritage, highways, rights of way, local amenity, local economy, soils, hydrology and communications; and (3) a technical appraisal of the site to establish construction access, effluent potential, water runoff, risk assessment for construction, installation and ongoing operation, electricity connection, line quality, potential for electricity production and de-commissioning;
4. two sites were evaluated with the alternative site being considered visually prominent from the nearest road and from the two properties nearest the application site;
5. a 12m mast was chosen in preference to an 18m mast (which would generate up to 50% more energy) to take account of existing landscape characteristics;
6. the turbine will be linked by a 160m underground cable to the National Grid;
7. in terms of impact on the landscape, the single 12m structure will appear insignificant in a wider landscape that contains several very large HV lines on pylons, all of which are bigger and taller than the proposal;
8. the Acoustic Noise Assessment (submitted with the application) determined that the sound levels at distances of 25m and 60m from the turbine were as follows:

Lp25m = 52.5dB(A)

Lp60m = 45dB(A);
9. given the location of the wind turbine relative to dwellings and the distance from the dwellings, it is not considered that shadow flicker will be an issue;
10. electromagnetic interference is not associated with small turbines of this type and the site is outwith the 50km exclusion zone around the Eskdalemuir Seismic Array;
11. the site is sufficiently remote from all Conservation Areas, Listed Buildings and Scheduled Monuments so as not to cause an adverse impact.

(Notwithstanding this, to comply with the objectives of PPS16-Planning and Archaeology, any building foundations, artefacts or other unusual finds uncovered during excavation for the base will be notified to the relevant local authority archaeologist);

12. in terms of health and safety, the wind turbine will be separated from overhead power lines in accordance with the Electricity Council Standard 44-8 'Overhead line Clearances';
13. with regard to ecology and nature conservation, there are no statutory designated areas relevant to the application and the threat to living species is considered to be minimal. Research is quoted from the British Wind Energy Association, RSPB and Natural England;
14. given the distance from the nearest highway (315m) it is considered that driver distraction will not be a material consideration;
15. on cessation of wind energy operations, all major equipment and structures will be removed from the site. (The applicant has no objection to the imposition of a planning condition requiring removal of the turbine at the end of its operational life and reinstatement of the land to its former condition);
16. the document concludes that the development is appropriate for the location and the purpose for which it is proposed.

Assessment

- 5.5 Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission shall be determined in accordance with the provisions of the Development Plan unless material considerations (including Government Policy as expressed through Planning Policy Guidance notes and Planning Policy Statements and representations) indicate otherwise. The Development Plan comprises the Carlisle District Local Plan 2001 - 2016 (adopted 9th September 2008), Supplementary Planning Guidance and Documents and saved policies of the Joint Cumbria and Lake District Structure Plan 2006.
- 5.6 The most directly relevant national policy documents are PPS1 Delivering Sustainable Development, PPS 22 "Renewable Energy" and PPS7 Sustainable Development in Rural Areas. PPS1 sets out how planning should contribute to reducing emissions and stabilising climate change, noting that (1) tackling climate change is a key Government priority for the planning system and (2) that poor planning can result in the loss of the finest countryside to development. Whilst identifying the need to ameliorate climate change through a range of measures, (including renewable energy), PPS1 also seeks development which enhances as well as protects the historic environment and landscape; and addresses the causes and impacts of climate change.
- 5.7 PPS 22 identifies a number of key principles which local planning authorities

and developers should adhere to in their approach to planning for renewable energy. Paragraph 1(i) explains that renewable energy developments should be capable of being accommodated throughout England in locations where the technology is viable and environmental, economic and social impacts can be addressed satisfactorily. Paragraph 1(iv) records that the wider environmental and economic benefits should be given significant weight in determining whether proposals should be given planning permission.

5.8 A Supplementary Planning Document 'Cumbria Wind Energy', which sets out Guidelines for wind energy schemes and includes a Landscape Capacity Assessment, was adopted by the Council in September 2008.

5.9 In consideration of this application Policies CP1, CP2, CP4, CP5, CP6 and CP8 of the Carlisle District Local Plan are relevant.

5.10 Taking account of the objectives of the Development Plan and other material considerations, including the concerns expressed by Cummersdale Parish Council, it is considered that the determining issues revolve around whether the advantages outweigh the disadvantages with regard to:

1. the potential contribution of the scheme towards the generation of renewable energy;
2. the impact of the proposed development on the landscape and visual character of the area; and
3. the impact on the living conditions of local residents.

5.11 Addressing these issues in turn:

1. the importance attached by the Government to increasing the proportion of electricity generation derived from renewable sources is expressed in the Renewable's Statement of Need included in The Energy Challenge published by the former Department of Trade and Industry in 2006. Amongst other matters, this states that new renewable projects may not always appear to convey any particular local benefit, but they convey crucial national benefits. Individual renewable projects are part of a growing proportion of low-carbon generation that provides benefits shared by all communities both through reduced emissions and more diverse supplies of energy, which helps to ensure reliability. This message was reinforced in the Energy White Paper 2007 which also explains that developers should not be required to show the need for a proposed development to be sited in a particular location.

PPS22 also stresses that small scale projects can provide a limited but valuable contribution to the overall output of renewable energy and to meet energy needs both locally and nationally.

2. paragraphs 19 and 20 of PPS22 highlight that (1) landscape and visual effects should be assessed on a case by case basis using objective descriptive material and analysis wherever possible; and (2) of all

renewable technologies, wind turbines are likely to have the greatest visual and landscape effects.

Paragraphs 1(iv) and (v) of PPS7 explains that the Government's aim is to protect the countryside for the sake of its intrinsic character and beauty, the diversity of its landscape, heritage and wildlife and the wealth of its natural resources, and so that it may be enjoyed by all. All development in rural areas should be well designed and inclusive, in keeping and scale with its location, and sensitive to the character of the countryside and its local distinctiveness. Paragraph 16(iv) also advises that planning determinations should provide for the sensitive exploitation of renewable energy sources in accordance with the policies set out in PPS22.

The application site comprises grazing land in a fairly flat agricultural landscape (with field boundaries being mainly hedgerows with occasional hedgerow trees) and a block of dense woodland to the north. Some of the views of the site from Lingey Close (360 metres to the southwest), the B5299 Dalston - Carlisle road (400 metres to the southeast) and Peter Lane (almost 600 metres to the northeast) will have woodland, farm/equestrian buildings or National grid power lines as background. Three rows of NG pylons 22 - 25 metres in height lie within 150m of the application site (and lower poles for 11kv lines within 50m). The landscape is also punctuated by detached dwellings and small rural businesses.

The site falls within an area defined as Drained Mosses in the Cumbria Landscape Character Assessment carried out for the County Council.

The Solway Firth AONB is approximately 7km to the north of the application site. The North Pennines AONB lies approximately 20km to the east of the application site.

The Cumbria Wind Energy Supplementary Planning Document states that the character of the immediate area (Drained Mosses) is judged to have "moderate" capacity to accommodate turbine development that is defined as "a small group or, in exceptional circumstances a large group (which) could relate to the medium to large scale landform." A small group is 3-5 turbines. It is clear that a single turbine is within the size limits suggested for this landscape type.

As an engineered structure, where visible, the turbine would visually contrast with the more natural surroundings. However despite its height, the proposal has a relatively minimal form and given (1) the existing nature of the landscape and (2) the proposed colour of the wind turbine (grey) it is not considered that the proposal will adversely impact on the visual amenity and character of that landscape. For the same reasons it is similarly considered that the proposal will have no adverse effect on the character of the Solway Firth AONB the nearest part of which is 7KM to the north. Conditions are attached requiring removal of the turbine at the end of its operational life (or if it ceases to be operational for a continuance period of 12 months) and reinstatement of the land to its

former condition;

3. the noise levels generated by the wind turbine are specified as 45dBA at a distance of 60m from the turbine. PPG 24 (Planning and Noise) recommends using BS8233;1999 Sound Insulation and Noise Reduction in buildings-Code of Practice. This (1) recommends that noise levels in bedrooms at night should not normally exceed 45dBLA max (these values do not apply to noise generated within the house) and (2) suggests that steady noise in gardens should not exceed 50dbLAeqT . Given the siting of the wind turbine relative to dwellinghouses in the area (the nearest 'non-associated' one being over 200m away) it is not considered that it will have an adverse effect on the living conditions of neighbouring residents. Environmental Services have no objection to the proposal but as a safeguard, a condition is attached to ensure that the sound levels produced by the wind turbine do not exceed those specified in the Acoustic Noise Assessment submitted with the application.

Other Matters

- 5.12 It is appreciated that other issues can arise when considering a proposed turbine including impact on wildlife, shadow flicker and signal interference but based on the size of the proposed turbine, the accompanying information and its location, it is not considered that they are of sufficient weight to determine the proposal.
- 5.13 Cummersdale Parish Council expressed concern that the City Council do not appear to have a policy on the development of wind turbines in the area. However Policy CP8 of the Carlisle District Local Plan sets out the criteria to be met by proposals for renewable energy (This policy reflects national policy as set out in the appropriate Planning Policy Statements).

Conclusion

- 5.14 In conclusion the proposal involves a relatively small turbine to serve the needs of Number 58 Lingey Close with spare capacity feeding into the National Grid. Taking account of the modest scale and technical specifications of the proposal, it is considered that it will not have a detrimental effect on the character of the landscape or cause unacceptable harm to living conditions of neighbouring residents.

Recommendation

- 5.15 It is considered that the proposed development accords with the provisions of the Development Plan and, as there are no material considerations which indicate that it should be determined to the contrary, it will be determined in accordance with the Development Plan and is recommended for approval subject to appropriate conditions.

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. Plan No Lingey/01097541/BP (Block Plan);
 3. Plan No PP 01097541 (Location Plan);
 4. Plan No Lingey/01097541/GLP (General Location Plan);
 5. Elevations of Iskra AT-5 Small Wind Turbine Specification;
 6. Specifications for Lingey Close Wind Turbine Site Security Fence;
 7. Design and Access Statement with Supporting Planning Documents;
 8. Iskra AT5-1 Acoustic Noise assessment according to BWEA Performance and Safety Standard;
 9. the Notice of Decision; and
 10. any such variation as may subsequently be approved in writing by the Local Planning Authority.

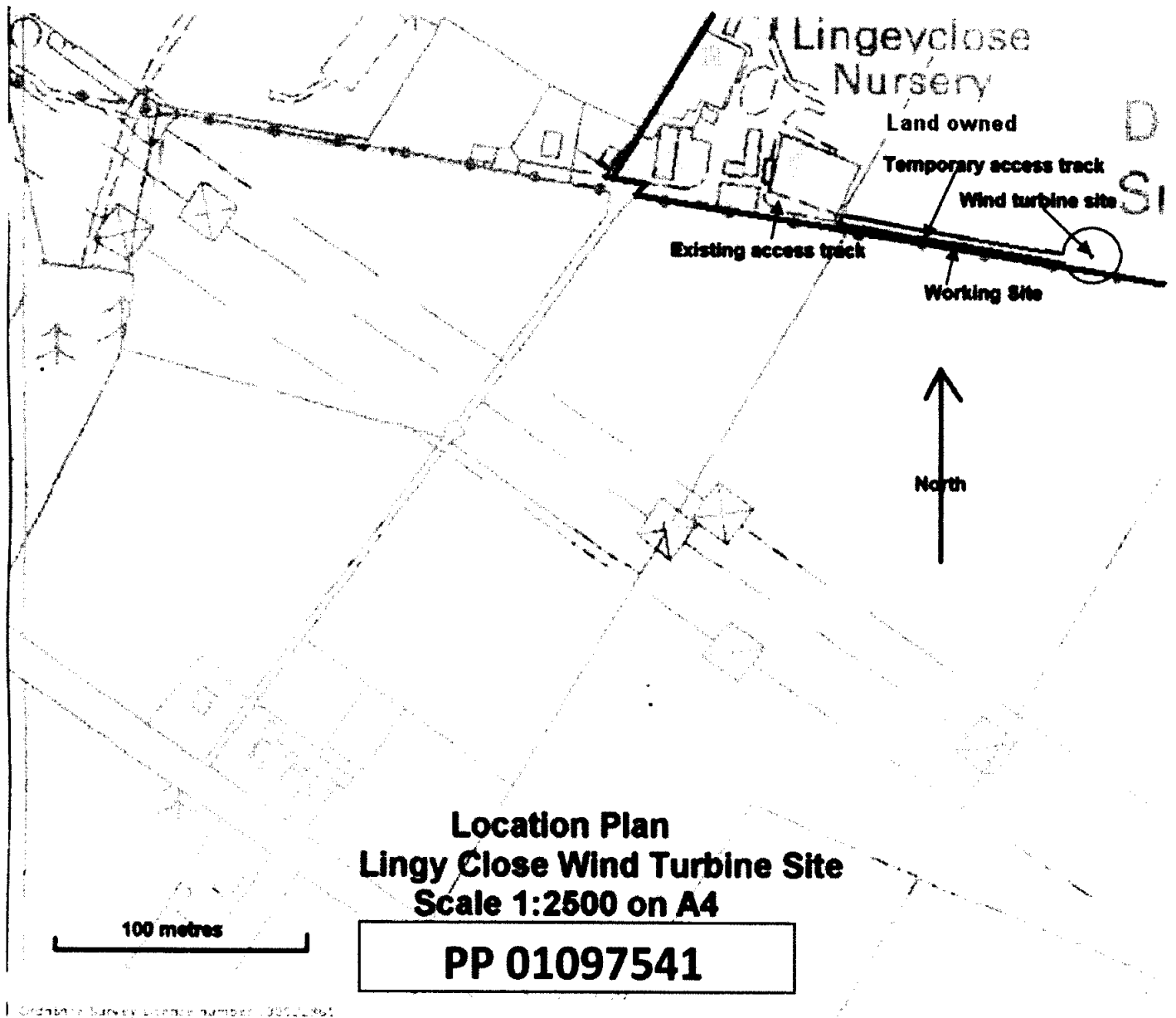
Reason: For the avoidance of doubt.

3. If the turbine hereby permitted ceases to be operational for a continuous period of 12 months (or such period as may otherwise be agreed in writing by the local planning authority) all the components as described in condition 3 above shall be removed from the site.

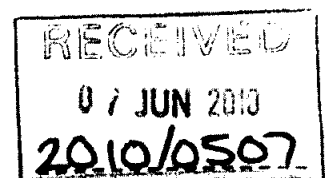
Reason: In the interests of the visual amenity of the area and to accord with the objectives of Policies CP1 and CP8 of the Carlisle District Local Plan.

4. The permission hereby granted is for the proposed development to be retained for a period of not more than 25 years from the date when electricity is first supplied to the grid. The local planning authority will be notified in writing of the date on the commissioning of the wind farm. By no later than the end of the 25 year period the turbine shall be de-commissioned, and it and all related above ground structures shall be removed from the site which shall be reinstated to its original condition.

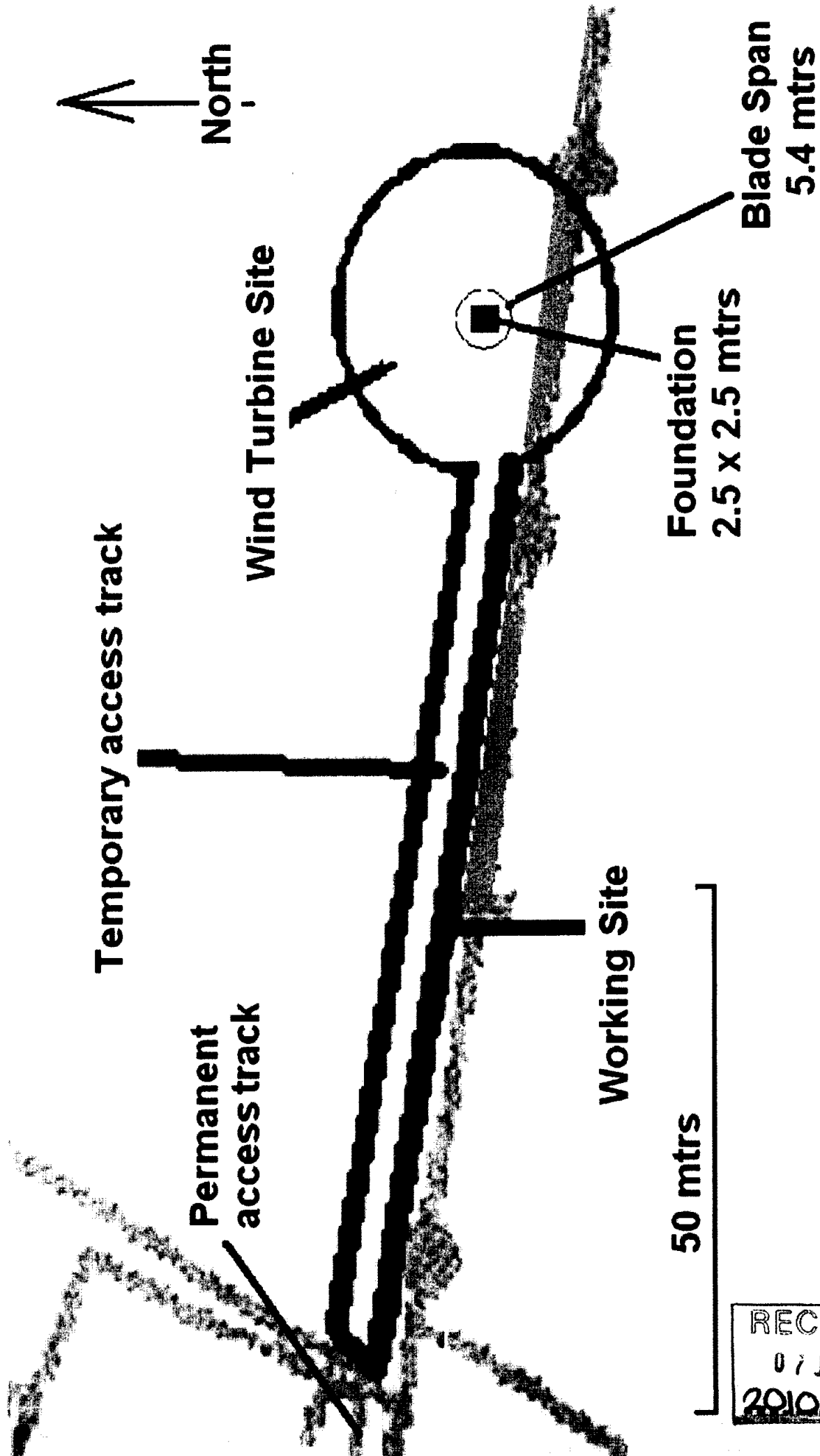
Reason: In the interests of the visual amenity of the area and to accord with the objectives of Policies CP1 and CP8 of the Carlisle District Local Plan.



Ref: Lingy/01097541/LP

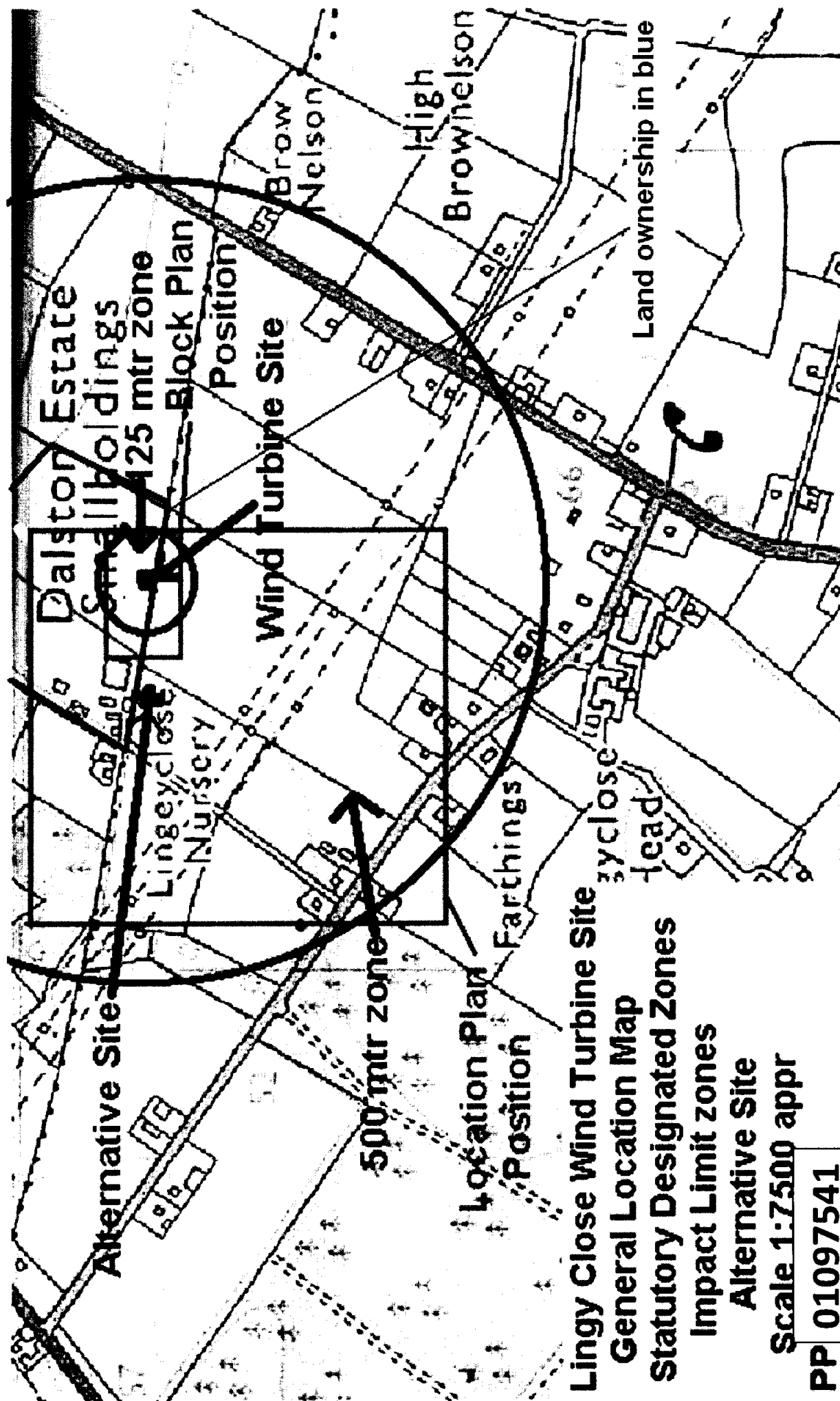


Ref: Lingy/01097541/BP



Scale 1:500 on A4 Block Plan

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07 JUN 2010
2010/0507



**Lingy Close Wind Turbine Site
General Location Map
Statutory Designated Zones
Impact Limit zones
Alternative Site
Scale 1:7500 appx**

PP 01097541

Ref: Lingy/01097541/GLP

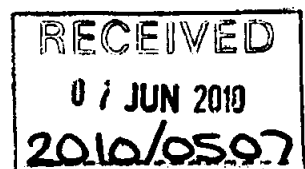
Specifications for Lingy Close Wind Turbine Site security fence:

Ref: **PP 01097541**

Posts: wooden dipped , 100mm approx square 1000 mm protrusion, colour as wood

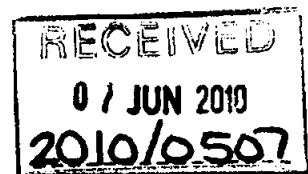
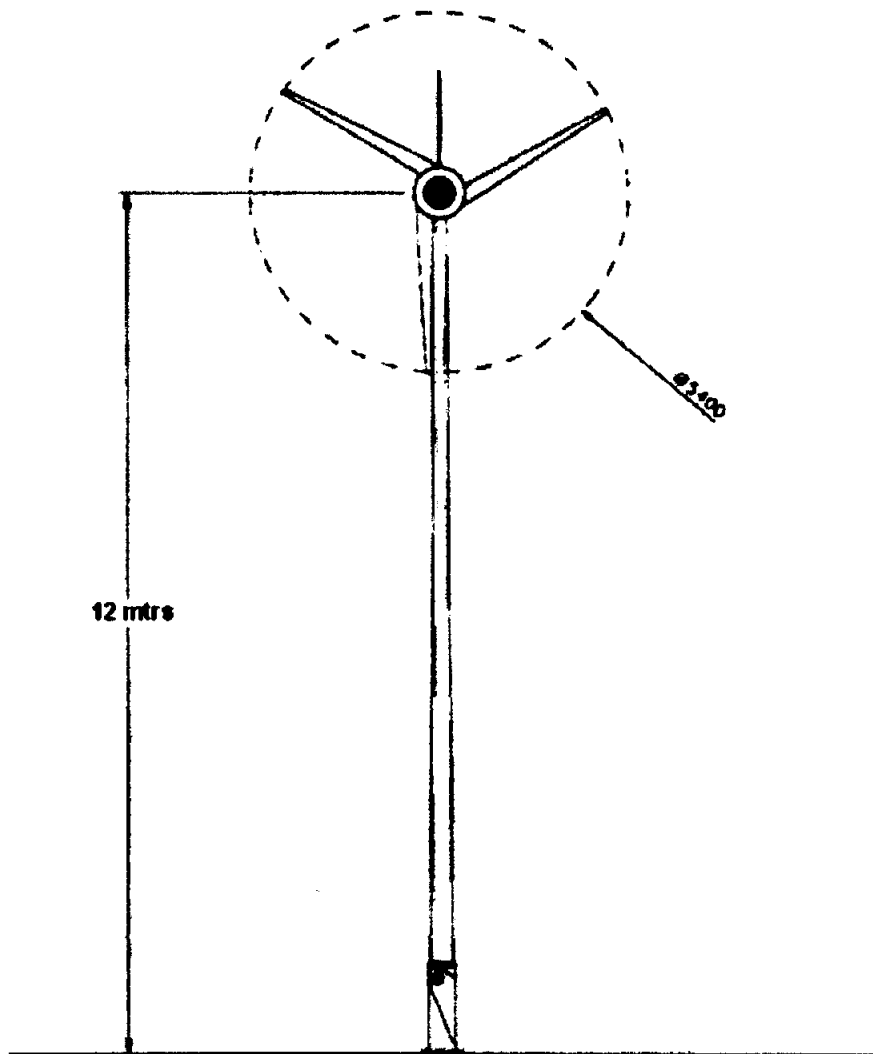
Wire: steel/iron 3mm.

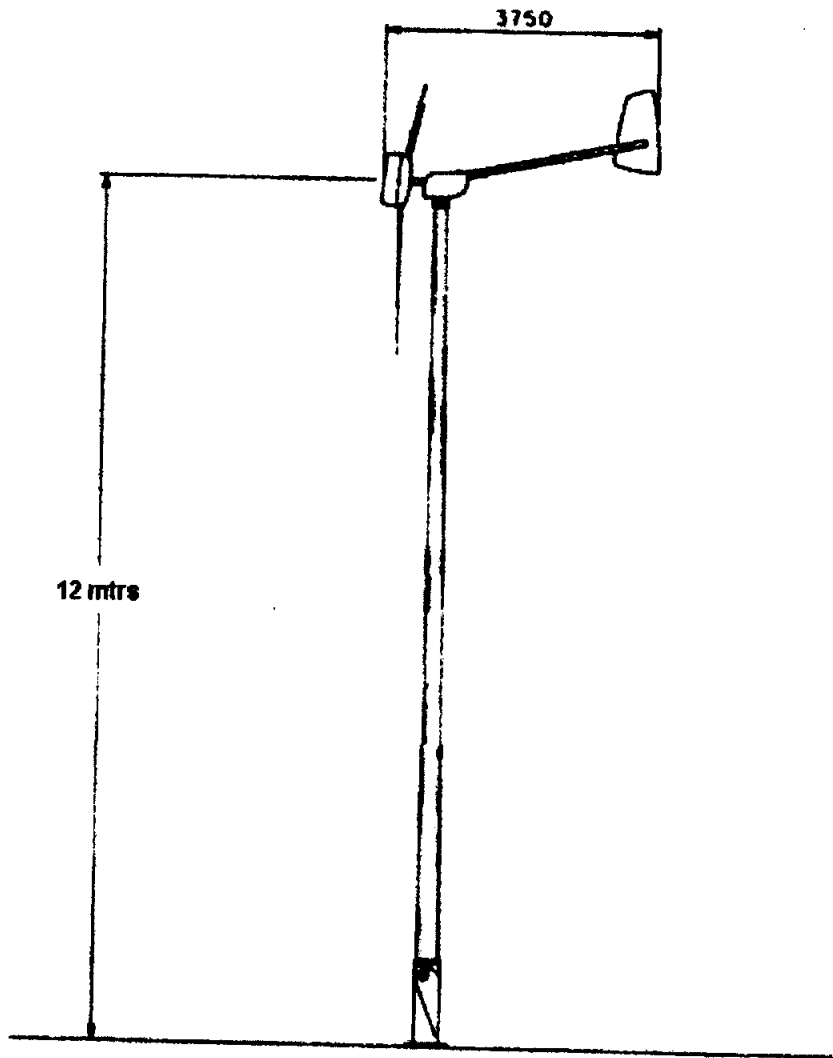
Construction: 3 courses wire at 250mm centres 100mm from tops, stapled. Posts corners at 3000mm centres with 1500mm insertion posts in square around concrete base. Use stress support angles on all corners. Set stile access on one corner.



Iskra AT-5 Small Wind Turbine Specifications

Scale Drawings at 1:100





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2010/0507

SCHEDULE A: Applications with Recommendation

10/0304

Item No: 08

Date of Committee: 20/08/2010

Appn Ref No:
10/0304

Applicant:
TG Norman (Timber)Ltd

Parish:
Arthuret

Date of Receipt:
14/04/2010

Agent:
Tsada Building Design
Services

Ward:
Longtown & Rockcliffe

Location:
Francismoor Wood, Longtown, CA6 5TR

Grid Reference:
340717 566890

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

Amendment:

1. Revised Site Layout Plan And Proposed Drying Shed Building Showing The Repositioning And Reduction In Scale Of The Drying Shed
-

REPORT

Case Officer: Richard Maunsell

Reason for Determination by Committee:

This application is brought for determination by Members of the Development Control Committee following the receipt of an objection from the Council's Tree Officer.

1. Constraints and Planning Policies

Local Plan Pol DP1 - Sustainable Development Location

Local Plan Pol CP1 - Landscape Character

Local Plan Pol CP3 - Trees and Hedges on Development Sites

Local Plan Pol CP5 - Design

Local Plan Pol CP6 - Residential Amenity

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

Local Plan Pol EC1 - Primary Employment Areas

Local Plan Pol T1- Parking Guidelines for Development

2. Summary of Consultation Responses

Cumbria County Council - (Highway Authority): the proposal is for the formation of a new access onto the A6071 at an existing saw mill south of Longtown.

The proposed access would be sited to the north of existing properties Clift Hill Cottage and Bush on Lyne Cottage. The proposed access is just beyond a crest in the highway which is outside of the properties.

The visibility required from the proposed access would be 4.5m x 215m (60mph highway). The visibility to the north is achievable although some management of the adjacent wooded area which the applicant owns may be required.

Visibility to the south may be restricted by the crest. Cars approaching from the south may be hidden for a brief period by the vertical alignment of the road. Also vehicles approaching from the south may not have visibility of any vehicles waiting to turn right into the proposed access. The site is located on a straight section of the A6071 and vehicle speeds tend to be high. The southern approach has an existing warning sign indicating a "Blind Summit" and a double white line system preventing northbound vehicles from overtaking at this location.

There is therefore no option but to recommend refusal due to the danger this new access pose for the following reason:

"Due to the geometry of the road (crest) fronting the site it is not possible to attain the required visibility splay of 2.4m x 215m either side of the proposed access. The lack of such visibility would result in an unacceptable danger and hazard to all road users to the detriment of general highway safety."

Following the receipt of further plans showing the visibility splays, additional comments are awaited;

Local Plans (Tree Preservation): the Tree Officer visited this site on the 1 December 2009 to discuss the expansion of the site with the applicant.

At section 16 of the application form it has been indicated that there are no trees on or adjacent the site but the site is in woodland where there are a number of trees both on and adjacent the site. However, no tree survey, as required where trees are affected by a proposal has been submitted.

Carlisle District Local Plan 2001-2016 Policy EC1 Primary Employment Areas makes specific mention of this area. Specifically that the proposal should not have an adverse impact on the character of the area, involve the loss of trees, provide

adequate access and parking, and opportunities are taken to reinforce existing landscaping.

It would appear that some tree felling has been carried out prior to the submission of this application in the area of the proposed timber drying shed and apron. Further tree felling will be required for the access road. No mitigation for this felling has been proposed, which if it were done to a reasonable standard would also improve the condition of the woodland and reinforce the existing landscaping.

In conclusion, the Tree Officer objects to the proposals on the grounds that they are contrary to Policy EC1 in so much as it relates to this area, the loss of a block of woodland to build the timber drying shed and apron, the further loss of trees to create the access track, lack of any mitigation to improve and enhance the existing woodland and landscaping, and that there is insufficient information to determine that application as no tree survey has been provided.

In response to the Tree Report dated 21st July 2010, further comments were received on 30th July 2010 read as follows:

"The site plan on page 17 of the report shows the area to the rear of Clift Hill Cottage, Bush on Lyne Cottage and to the north west corner of the site as outside the woodland area. Whilst the trees may have been felled as a pre-emptive measure prior to submitting the application this area was clearly woodland and at the time of my site visit could easily be reverted back to woodland.

Policy EC1 of the Carlisle District Local Plan lists four criteria specific to this area that must be met if development is to be acceptable. These include criteria to prevent the loss of trees, prevent an adverse impact on the landscape, and taking opportunities to reinforce existing landscape.

Similar proposals to extend units at Sandysike where the same policies apply, and trees have been removed to pre-empt an application have been dismissed on appeal.

Whilst there is no objection to a small amount of tree loss, subject to adequate mitigation, to allow for expansion of the operations what is proposed is not only contrary to the Local Plan Policy but excessive. The proposal is contrary to Local Plan Policy EC1; and

Arthuret Parish Council: the application is supported.

3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:
Clift Hill Cottage	19/04/10	
Bush on Lyne Cottage	19/04/10	Objection

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

1. there is no objection to the proposed offices and drying shed that would be a welcome improvement to the current eyesore;
2. the proposed access is of concern and it would be irresponsible to allow another access onto what is already a very fast, busy and dangerous road;
3. the positioning of the access would be more dangerous than the existing due to the undulations of the road; and
4. if the access is granted, the existing access should be permanently closed to prevent customer confusion.

4. Planning History

4.1 Planning permission was granted in 2002 for the erection of a two storey block to create office space, toilets, spares store and staff room.

5. Details of Proposal/Officer Appraisal

Introduction

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

Proposal

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

5.3 The existing office building, which is a portacabin-type structure, is in a poor state of repair and a replacement building would be constructed 7.5 metres to

the north-west with dedicated staff parking immediately adjacent to it. The replacement office would be single storey and of timber construction under a profile sheeted roof. The building would have a footprint that measures 12 metres by 9 metres.

- 5.4 The coal bunkers would be relocated adjacent to the northern boundary and this would allow articulated vehicles to delivery the coal directly and manoeuvre around the site safely.
- 5.5 Adjacent to the coal bunkers, in the north-west corner of the site, it is proposed to erect a building that would be used to provide barn dried seasoned timber and fuel for bio-mass heating systems. The building would measure 36 metres in width by 18 metres in depth. It would measure 5.7 metres to the eaves and 8.4 metres to the ridge. The building would be constructed from dark stained timber gap boarding under a slate grey coloured profile sheeted roof. In front of the building would be a concrete apron to allow access for delivery vehicles.
- 5.6 A new access would be constructed approximately 45 metres to the north-west of the existing access. This new access would be used by customers to the site, thereby negating the current conflict between delivery vehicles, staff vehicles and customers. A dedicated parking area would be provided for customers. The access would incorporate visibility splays of 2.4 metres by 215 metres in each direction.
- 5.7 In order to facilitate this development, an area of woodland and associated habitat would have to be removed. The area where the proposed drying shed would be sited has already been cleared.
- 5.8 The application has been amended following the original submission. The proposed drying shed has been repositioned insofar as it is now orientated in an east-west direction rather than north-south along the boundary.

Assessment

- 5.9 The relevant planning policies against which the application is required to be assessed are Policies DP1, CP1, CP3, CP5, CP6, CP12, EC1 and T1 of the Carlisle District Local Plan 2001-2016. The proposal raises the following planning issues.
 - 1. Whether The Principle Of The Use Is Acceptable
- 5.10 The application site falls within an area designated for Primary Employment use under the adopted Proposals Map and, in such locations, Policy EC1 of the Carlisle District Local Plan 2001-2016 is applicable. Policy EC1 specifically states that proposals in the Sandysike/ Whitesyke area for the redevelopment and extension to existing industrial and warehousing premises will be acceptable provided that: the proposal does not have an adverse impact on the landscape; the proposal does not involve the loss of existing tree cover; where appropriate, opportunities are taken to reinforce existing landscaping; and adequate access and appropriate parking are provided.

- 5.11 Planning policies allow for the extension and alteration of existing premises within Primary Employment Areas. Sandysike and Whitesyke Industrial Areas are specifically identified in the policy; however, this principle is subject to consideration against the relevant policy criteria set out in the text of Policy EC1.
- 5.12 There is no objection to the principle of the refurbishment and limited expansion of the site. The site is however, specifically constrained by a wooded area that is located immediately within the site boundaries and it is the impact of the loss of such extensive woodland that is fundamental in determining this application. This issue is discussed in the following paragraphs.

2. The Loss Of Trees On The Site

- 5.13 In order to accommodate the proposed development it is necessary to clear areas of woodland and associated habitat to facilitate the development. As previously stated, an area of trees has already been cleared by the applicant; however, Members are reminded that these trees were not protected and did not require a Felling Licence from the Forestry Commission.
- 5.14 The applicant has submitted an arboricultural report which highlights that the proposal requires the removal of 15 metres of beech hedge and the removal of 58 trees. To mitigate the loss of trees and woodland habitat, the report recommends the planting of between 120 and 180 oak trees that would be planted in the area between the drying shed and the site boundary to the west.
- 5.15 In the Design and Access Statement submitted to support this application, it is stated that the main operation is the mill and manufacture of forestry products specialising in the milling of home grown hardwoods. The proposal has been submitted in a response to expand the business into the growing market of bio mass fuels and as a result of Health and Safety issues for those using the site. Additional information, that has been subsequently received, highlights the need for the business to expand and diversify to stay competitive and viable; furthermore, the applicant is eligible for a substantial grant to facilitate the development but the time scale for obtaining this is limited.
- 5.16 Planning policies recognise the needs of businesses to expand but proposals should be considered in the context of the Local Plan and other policies that are applicable to the development. Policy EC1 is clear that the consideration of trees is a significant factor and that there should be no loss of trees within the site. The applicant has already cleared a section of land for which no consent was required and this has been viewed by the Council's Tree Officer as a cynical move that pre-empts the planning application. It has to be stressed, however, that the applicant has not done anything unlawful.
- 5.17 The importance of trees on a site should not be belittled and they should be retained where appropriate. In this instance, it is Officers' view that there are material considerations that outweigh the loss of the trees. First, the

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

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

3. Highway Matters

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

4. Impact On The Living Conditions Of The occupiers Of The Neighbouring Properties

- 5.20 There are two residential properties to the west of the sawmill. One of these semi-detached properties is owned by the applicant and rented to a tenant whilst the other is in private ownership. The properties are screened from the site to the rear by a high timber close boarded fence.
- 5.21 The additional development is located to the north-west of the properties. Given the physical relationship of the dwellings to the site, the proposed development would not result in an increase level of noise or disturbance over and above that already generated by the existing activities.
- 5.21 The occupiers would not suffer from an unreasonable loss of daylight or sunlight. The siting, scale and design of the development will not adversely affect the living conditions of the occupiers of the neighbouring property by virtue of loss of privacy or over-dominance.

Conclusion

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

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

Reason: For the avoidance of doubt.

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

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

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

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

5. No development shall commence until visibility splays providing clear visibility of 2.4 metres x 215 metres measured down the centre of the access road and the nearside channel line of the major road have been provided at the junction of the access road with the county highway. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grow within the visibility splay which obstruct the visibility splays. The visibility splays shall be constructed before development on the site commences so that construction traffic is safeguarded.

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

6. The use of the development shall not be commenced until the access has been formed to give a minimum carriageway width of 4.8 metres, and that part of the access road extending 15 metres into the site from the existing

highway has been constructed in accordance with details approved in writing by the Local Planning Authority.

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

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

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

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

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

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

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

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

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

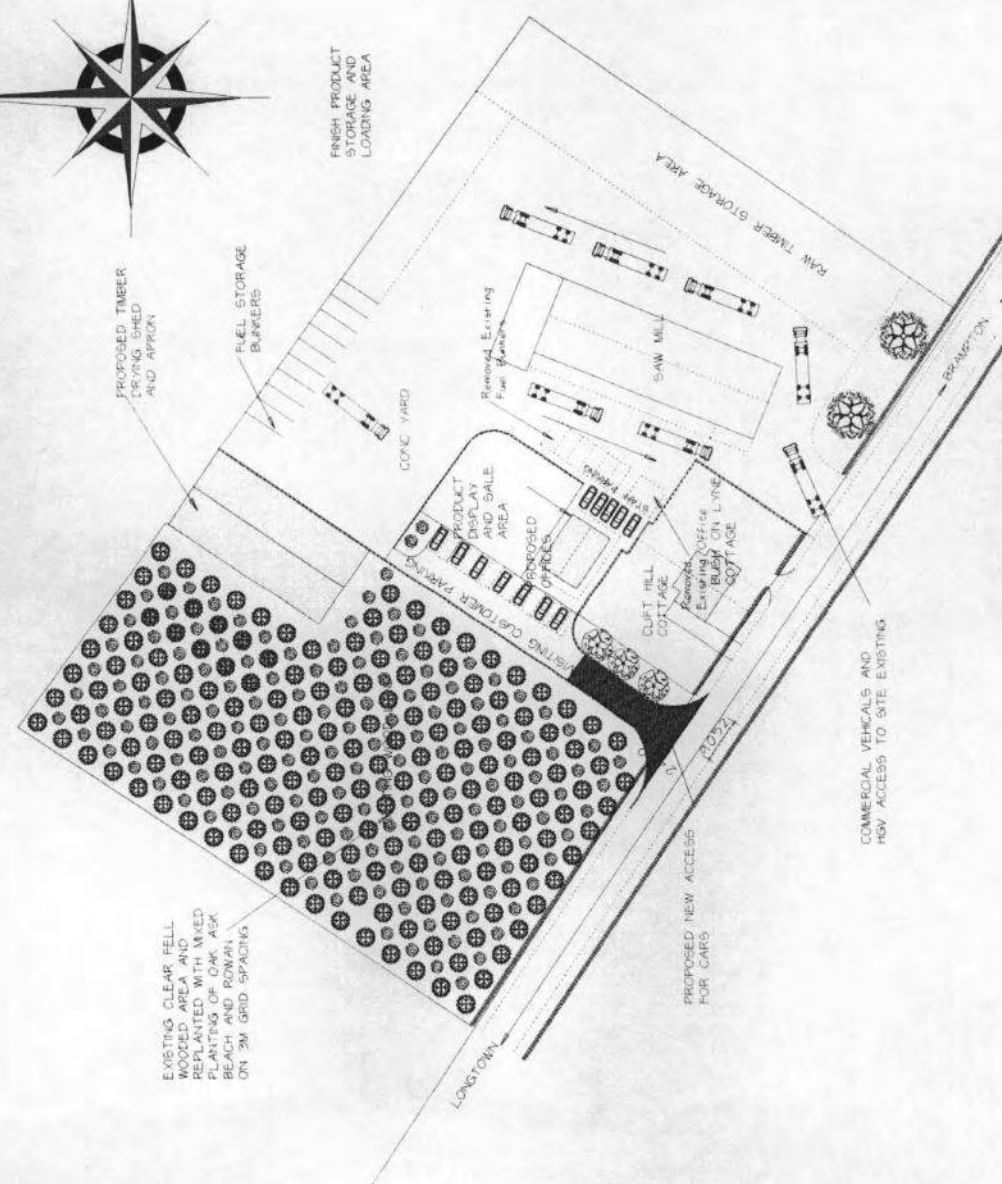
11. All planting comprised in the Pre-development Arboricultural Report submitted by Alistair Hearn and received on 22nd July 2010 shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner, and maintained thereafter to the satisfaction of the Council; and any trees or plants which within a period of 5 years from the completion of the

development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

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

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



TSADA BUILDING DESIGN SERVICES

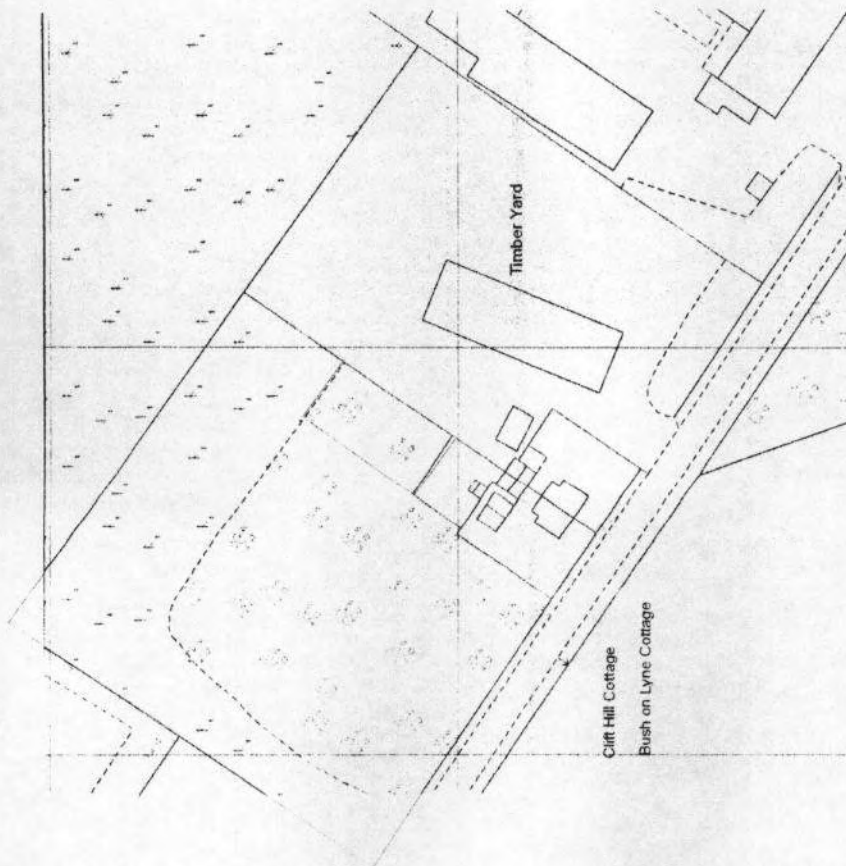
It was in 1944, just before the outbreak of the Second World War, that the first of the four volumes was published. The second volume was published in 1945, the third in 1946, and the fourth in 1947.

Job title:
LOCATION AND BLOCK PLAN

[illegible]

Drawing by W.F. FALIER	Amendments		Client TG NORMAN BRAMPTON ROAD LORSTOWN CARLSLE	Day No 12/7/2004/1B
	1. 06/20/04 2. 06/20/04	High Line Added Addition of Doping Road		
Date 12/7/2004			Scale AS SHOWN	

BLOCK PLAN 1.500



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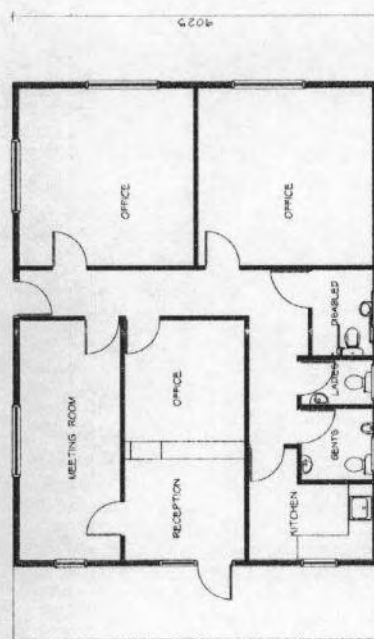
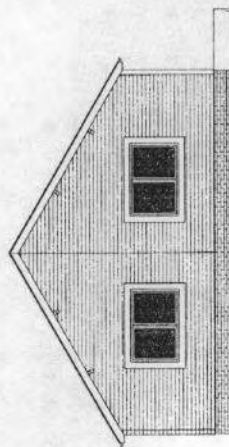
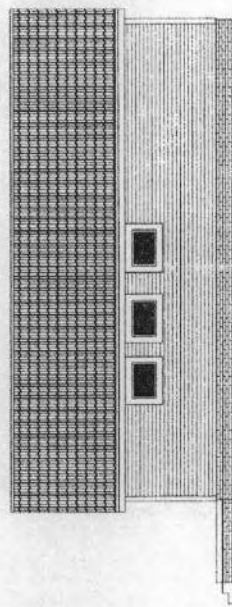
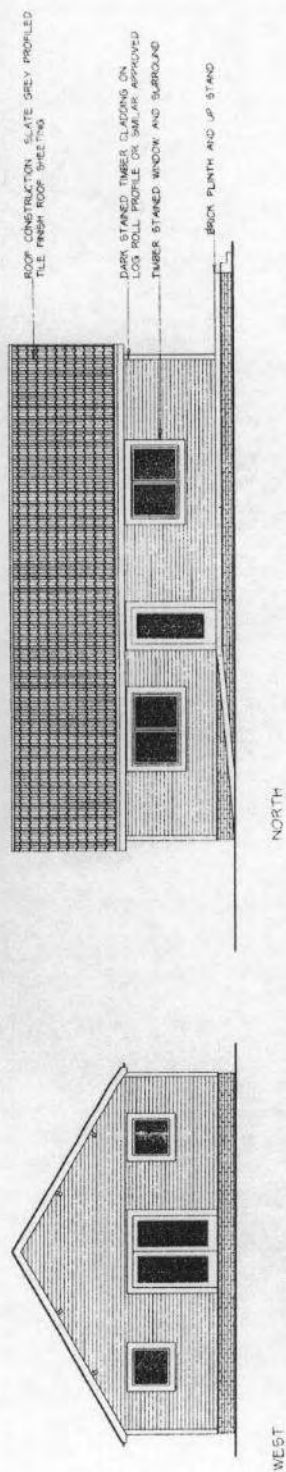
TSADA BUILDING DESIGN SERVICES
Timber Cottage, Longview, Ontario, Canada L9A 6 9A6
Telephone: (905) 224 791 807

Job title
AS EXISTING BLOCK PLAN

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Drawing by	Client	Dwg No.
W. P. ALLDER	T. G. NORMAN	12/7/2009/4
Date	BRAMPTON ROAD	Scale
12/14/2009	CLIFT HILL	1:500
	CARBON	

BLOCK PLAN AS EXISTING



10/03/04

TSADA BUILDING DESIGN SERVICES

Yusaku Kato, Longwood, Carlsbad, California 92008
Telephone (01224) 791807

Job title	PROPOSED OFFICES AND RECEPTIONS/SALES
1. Receptionist	1. Receptionist
2. Sales Representative	2. Sales Representative
3. Office Manager	3. Office Manager
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98. Sales Representative	98. Sales Representative
99. Office Manager	99. Office Manager
100. Receptionist	100. Receptionist

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All written documents would be taken over varied documents just for comparison and be returned to the client

Drawing by WJFA/LJL/ER	Amendments		Client TG NORBAN BRAMPTON ROAD LONGTOWN CAULFIELD	Dwg No. 12/170009/2
	Date 20/7/2009			

SCHEDULE B

SCHEDULE B

SCHEDULE B: Reports Requiring Further Information

10/0577

Item No: 09

Date of Committee 20/08/2010

Appn Ref No:
10/0577

Applicant:
Citadel Estates Ltd.

Parish:
Brampton

Date of Receipt:
22/06/2010

Agent:
Holt Planning Consultancy

Ward:
Brampton

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

Grid Reference:
354388 558357

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

Amendment:

REPORT

Case Officer: Angus Hutchinson

Reason for Determination by Committee:

1. Constraints and Planning Policies

Tree Preservation Order

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

Site Of Nature Conservation Significance Public Footpath

The proposal relates to development which affects a public footpath.

RSS Pol RDF 2 - Rural Areas

Local Plan Pol DP1 - Sustainable Development Location

Local Plan Pol DP10 - Landscapes of County Importance

Local Plan Pol CP1 - Landscape Character

Local Plan Pol CP2 - Biodiversity

Local Plan Pol CP3 - Trees and Hedges on Development Sites

Local Plan Pol CP5 - Design

Local Plan Pol CP7 - Use of Traditional Materials

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

Local Plan Pol CP10 - Sustainable Drainage Systems

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

Local Plan CP15 - Access, Mobility and Inclusion

Local Plan Pol CP16 -Public Trans.Pedestrians & Cyclists

Local Plan Pol EC13-Sustaining Rural Facilities&Services

Local Plan Pol H1 - Location of New Housing Develop.

Local Plan Pol H5 - Affordable Housing

Local Plan Pol H6 - Rural Exception Sites

Local Plan Pol H8 - Conversion of Existing Premises

Local Plan Pol IM1 - Planning Obligations

Local Plan Pol LE3 - Other Nature Conservation Sites

2. Summary of Consultation Responses

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

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

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

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

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

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

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

Brampton Parish Council: comments awaited.

Property Services: Fundamentally you instructed us on two questions:

1). Viability of building for hotel/holiday lets use, can it be demonstrated that a competent operator could make a return from that building.

2). Marketing – was the marketing approach “real”.

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

Moving on to marketing now. I have read the planning statement prepared by Holt Planning Consultancy in particular Hyde Harrington’s marketing report contained in Appendix 2. Assuming that Hyde Harrington’s report is genuine, it indicates a reasonable approach to the marketing of the building, my only criticisms would be the failure to advertise in a specialist Hotel/catering publication which was one recommendation we discussed initially you may recall and also the policy of inviting “reasonable offers”, I would have preferred to see simply “offers invited”, to illicit all potential interest in the property rather than a potential barrier being placed as could be the case with “reasonable offers”, which instantly begs the question what is a reasonable offer?

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

I reiterate that assuming Hyde Harrington’s report to be genuine they have undertaken a reasonable marketing campaign. However, the second document you provide, the email from Penny Cowper, again taken at face value appears to conflict with Hyde Harrington’s report. Ms Cowper mentions an asking price of £750,000, and also comments purporting from Hyde Harrington that “several other offers but these were rejected as they fell well short of the asking price of £750,000”. Ms Cowper also suggests that gaining access to the property was difficult, I would expect access arrangements for viewings to have been sorted prior to marketing commencing, my own view has always been that you will never sell anything if you

cannot get people through the door. Ms Cowper advises that they submitted an offer of £400,000 although it is unclear whether it was their intention to use the property as holiday lets or as a hotel, restaurant, cafe etc – however it is clear that their proposed use was not as a private residence as indicated in Hyde Harrington's report, there is clearly a conflict here between the two pieces of evidence. Taking the e-mail again at face value it would appear to show that there is demand for a commercial use whether that be holiday lets or a hotel.

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

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

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

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

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

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

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

has been identified. With this policy, all 8 dwellings would need to be low cost affordable housing.

However, for rural exception sites, localised housing needs evidence is required. There is certainly a need in the Brampton area for affordable housing, for which we have Strategic Housing Market Area information and an older Brampton survey. However if planning require more localised housing needs information to justify residential occupation, the applicant will have to fund a local housing needs survey. This should be carried out by the Cumbria Rural Housing Trust, or similar organisation.

3. Summary of Representations

Representations Received

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

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

3.1 This application has been advertised by notification letters and the posting of a site notice. In response, one petition objecting to the proposal together with 48 individual letters/e-mails of objection/comment have been received. One letter of support has also been received.

3.2 The letters identifies the following issues:

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

residents and tourists, providing accommodation and employment. The site is now an unacceptable eyesore. It should continue to provide tourist accommodation and employment in order to sustain development in this rural area. Would like to believe also that this coincides with the Local Plan, Good Practice Guide on Planning for Tourism and Sustainable Development in Rural Areas.

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

20. there is no provision for social housing.

21. it is hard to see how letting's in such a situation could not be economically viable. There are many examples of thriving holiday letting's businesses in the area e.g. Lanercost Priory.

3.3 In addition one Petition containing 39 signatures has been received objecting to the proposal as it is an important local facility which has provide employment in the rural area and should continue to do so in accordance with Policy EM15 of the Local Plan and Government advice contained in PPS7 Sustainable Development in Rural Areas and Good Practice Guide on Planning for Tourism.

3.3 The letter of support identifies the following:

1. any approval should remove PD rights for extensions and other buildings, the maximum number of dwellings should remain at 8, and approval of boundary treatment.

2. the development would help preserve this iconic building.

4. Planning History

4.1 In August 1983 under application 83/0414 an application was made for change of use from coach-house and stables into living accommodation.

4.2 In 2006, under application 06/0693, planning permission was given for the conversion of the hotel and outbuildings to 8 holiday units.

4.3 In 2009, under application 09/0719, planning permission was refused for the conversion and extension of the hotel premises to create 15no. dwellings.

5. Details of Proposal/Officer Appraisal

Introduction

5.1 During the previous Meeting on the 16th August 2010 Members resolved to defer consideration of the proposal in order to await further information on marketing, viability and monitor progress following the applicant's receipt of a letter of interest from a Mr T Mills.

5.2 In the intervening period the applicant has sent a letter dated the 21st July to Mr Mills explaining that marketing of the property ceased on the 15th June and the property is no longer for sale. In addition, the Council has received a letter dated the 22nd July from Hyde Harrington (estate agent acting on behalf of the applicant); an e-mail letter and e-mail from the applicant's planning agent sent on the 23rd and 30th July; and a Viability Report

undertaken for the applicant by Edwin Thompson LLP. The Committee report has subsequently been updated on this basis.

- 5.3 In the context of this additional information, the City Council has instructed advice from Counsel which is awaited at the time of preparing this report.

Site Description

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

Background

- 5.6 In 2006, under application 06/0693, full planning permission was given to convert the hotel and outbuildings to provide 8 holiday units. In 2009, under applications 09/0534 and 09/0902 the discharge of conditions 7 (safeguarding bats and barn owls), 10 (barn owl nesting box) and 13 (foul drainage) imposed under 06/0693 were granted. Members will also recollect that in October 2009, under application 09/0719, planning permission was refused for the conversion and extension of the hotel premises to create 15 dwellings.
- 5.7 The current application seeks permission for the removal of conditions 2 (restriction of use to holiday lets), 3 (holiday lets not to be used as sole/principal residence), 4 (holiday lets not to become second home), 5 (holiday lets not to be rented to any person or connected group for a period exceeding 8 weeks), and 6 (maintenance of a bound register of guests) imposed under 06/0693 to enable unrestricted residential occupation of the units.
- 5.8 The application is accompanied by a Planning Statement that states that the application needs to be considered against Policy H8 of the Carlisle District Local Plan 2001-2016 with particular regard to criteria 1 and 7. In the case of criterion 1, the Statement highlights that, although the building does not fulfil the criteria to become a Listed Building, the relevant English Heritage Advice Report considers the structure to be a landmark building within a "cherished natural beauty spot". This significance has previously been recognised by the applicant, Local Planning Authority and third parties. In regard to criterion 7, the site has been marketed for six months during which 25 individuals or parties made enquiries of which one led to an offer that was subsequently rejected. The Statement considers that it is an unrealistic expectation for this

modest property within a relatively limited curtilage to be viable as a hotel. A copy of the submitted Planning Statement has been attached to this report for Members to read.

5.9 The letter from Hyde Harrington makes five points:

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

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

1. Out of pragmatism, one must "draw a line" otherwise one is constantly "looking over one's shoulder" – as illustrated in the *Mount Cook* case.
2. There is the issue of the efficacy of any "offer" or indeed "expression of

interest” made, one must presume objectively, in the knowledge that the property is no longer on the market, and that it is the subject of a planning application; a principal supporting ground of which is, in the view of the applicant, the unfruitful marketing test exercise. It is our contention that when viewed objectively, his “expression of interest” would be coloured and indeed its efficacy “contaminated” by “the prevailing situation”.

3. Mr Mill’s representation is not an “offer”. It does not in my opinion communicate a “commitment to create legal relations”; it procrastinates by “*looking forward to progressing our interest*”. It was indeed a mere “expression of interest”.

- 5.11 The planning agent’s e-mail sent on the 30th July alleges that the comments made by an interested party with regard to the 1998 Competition Act are irrelevant and spurious – see attached copy.
- 5.12 The Viability Report prepared by Edwin Thompson LLP concludes that the scheme for eight self contained holiday homes has a negative value of £359,771; the refurbishment costs exceed total value of the property by 47%; stress testing the calculations would still result in a loss of over £200,000; and even accepting a zero valuation for the property as existing it is not economical to undertake the refurbishment relevant to the income return.

Assessment

- 5.13 When assessing this application, and irrespective of the recognition that the structure is a local landmark, it is considered that there are a series of issues, namely:
 1. whether an alternative use for economic or community purposes is either not viable or would be inappropriate in other respects (criterion 1 of Policy H8);
 2. whether the evidence provided of marketing the buildings for a minimum period of six months is satisfactory (criterion 7 of Policy H8);
 3. the sustainability of the location (Policies DP1, H1, and H8); and
 4. whether the proposal is in accordance with Policy H5 regarding the provision of affordable housing.
- 5.14 The viability of an alternative preferred use other than that which is proposed, may well be a material consideration. However, this is always subject to the general legal principle that if the use proposed were refused the alternative would, on the balance of probability, be implemented. The Court of Appeal decision (Mount Cook Land Ltd v Westminster City Council 2003) held that for alternative proposals to be regarded as a material consideration, there must be at least a likelihood or real possibility of them being implemented in the foreseeable future. It was said that the “bare possibility” that an alternative might occur, however ill defined and however unlikely, would put decision makers in the position of constantly having to “look over their shoulders

before granting planning permission" for fear of a challenge.

- 5.15 When considering viability, in *Libra Homes Ltd v S.O.S* 30/11/2006, the High Court refused an application to challenge an Inspector's decision to dismiss an appeal, concerning the proposed redevelopment of a hotel for housing. It was held that the Inspector had adopted the correct approach to considering whether the "average competent operator" could make a reasonable return from the business and in assessing whether it had been demonstrated that the hotel was incapable of being made viable. It is also anticipated that evidence would be forthcoming clearly demonstrating how any shortcomings (such as the absence of staff accommodation and associated leisure facilities) and the consequent level of investment required would make any alternative use inappropriate. It is considered that the submitted Planning Statement did not effectively address these matters, whilst the submitted Viability Report prepared by Edwin Thompson LLP concentrates on the scheme for eight holiday units as opposed to any potential use that could comply with the policies of the Local Plan 2001-2016.
- 5.16 In relation to any marketing, there is a need to show that unsuccessful attempts to sell the property have been made and that marketing has been correctly targeted, is financially realistic and is sustained. The onus to fulfil these requirements is normally on the applicant. The City Council's Property Services Manager highlights that, on face value, there would appear to be interest in the property both from the Cowpers' and also Mr Mills, both of whom would be looking at utilising the property for hotel/holiday lets.

Conclusion

- 5.17 When considering this application there are obvious concerns over the condition of the building. However, in this case where the application would lead to a residential use in a location where planning permission has recently been refused there is a need to clarify the validity of the argument advanced by the applicant's planning agent on the appropriate approach; whether an expression of interest after that period can be attributed much weight as a material consideration; and the weight that can be attributed to the concerns raised by the Highway Authority and Housing Services.
- 5.18 In the light of the foregoing, advice from Counsel has been sought and will form the basis of an updated report to Members.

6. Human Rights Act 1998

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

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

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

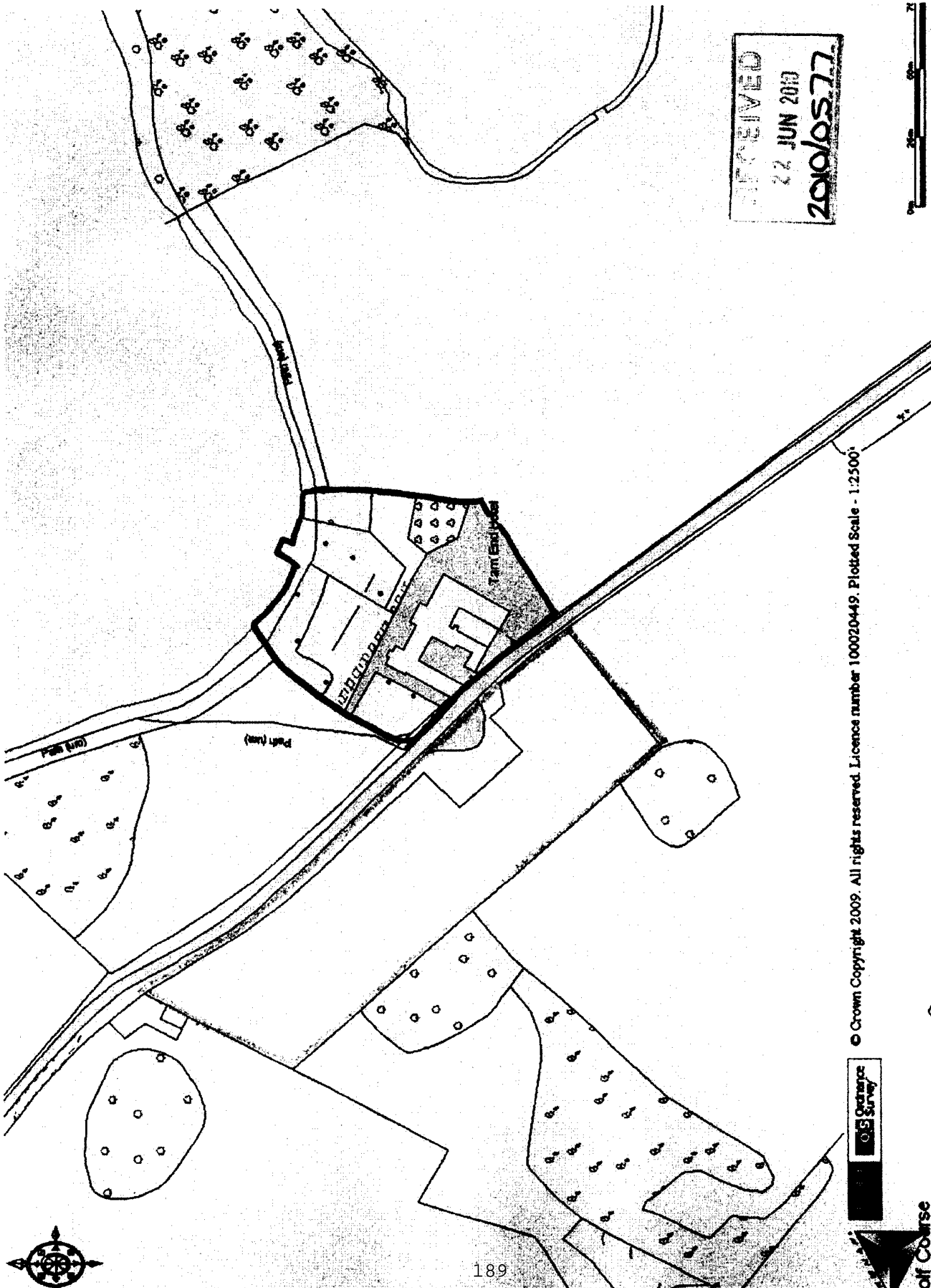
Article 8 recognises the "Right To Respect for Private and Family Life";

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

7. Recommendation

Reason For Including Report In Schedule B

At the time of preparing the report advice from Counsel is awaited.

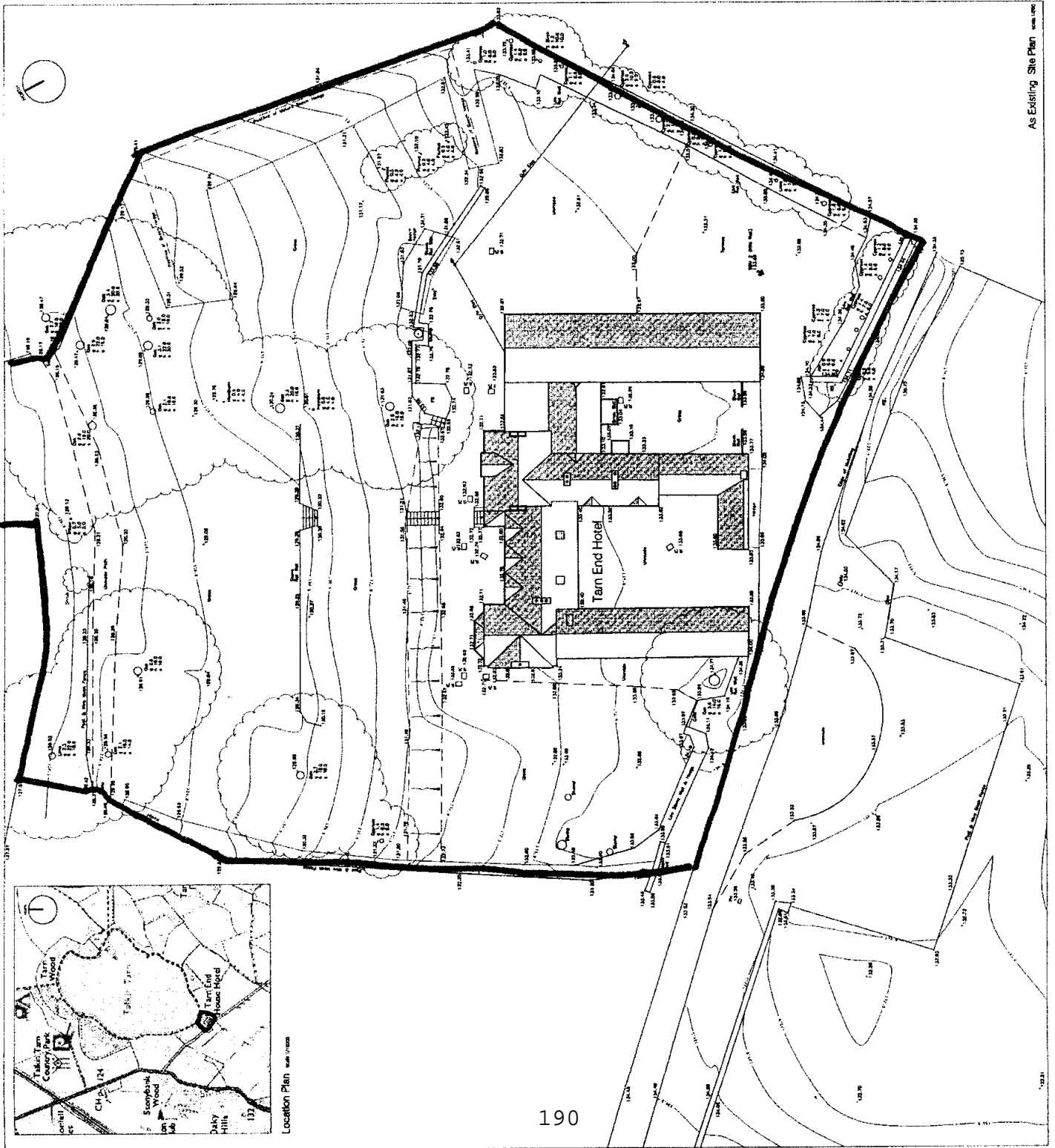


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Former Tam End Hotel

Tam End House is situated on a site that backs from the road and is bounded by a fence line to the north and east. The site is currently used as a garden and is in a good state of conservation. The site is bounded by a fence line to the north and east. The site is currently used as a garden and is in a good state of conservation.

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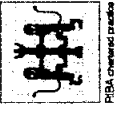
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PLANNING STATEMENT

TOWN & COUNTRY PLANNING ACT 1990 s.73

Proposed removal of the effects of Conditions 2, 3, 4, 5 and 6 attached to grant of full planning permission under 06/0693 for “Conversion of hotel and outbuildings to provide 8 holiday units”

Tarn End House Hotel, Talkin, Brampton, Carlisle

1. INTRODUCTION

- 1.1 This application is made under s.73 of the 1990 Act for the removal of *the effects of* Conditions 2,3,4,5,and 6 attached to the grant of full permission under 06/0693 for the conversion of the Tarn End House Hotel to 8 dwellings.
- 1.2 Because the Tarn End House Hotel lies within “open countryside”; neither within nor reasonably adjacent to/with any settlement (local centre or otherwise), and in view of the qualifying case presented below, the case falls to be considered against Policy H8.
- 1.3 To confirm at the outset; the planning permission granted under 06/0693 has been lawfully commenced, and so agreed in writing with the LPA. Accordingly, a number of Conditions need not be carried through should this application be approved as proposed.

2. Policy H8 (Conversion of Existing Premises)

2.1 Policy H8 provides:

POLICY H8 Conversion of Existing Premises

Proposals for the conversion of non-residential property to provide residential accommodation in locations where planning permission for new build residential development would not be granted will not be approved unless:

1. the building is of sufficient historic or architectural interest or which makes a contribution to local character such as to warrant its retention, and alternative use for economic or community purposes is either not viable or would be inappropriate in other respects; and
2. an appreciation of the historic, architectural, or archaeological significance of the building is submitted with the application against which the proposed development can be assessed, together with the need for further archaeological recording; and
3. the building can be converted without extensions or major alterations which would destroy its character; and
4. the details of the proposed conversion respect the building's character; and
5. adequate access and appropriate car parking can be achieved whilst respecting the character of the landscape; and
6. the design and appearance of the building and the site boundaries should be in keeping with its surrounding landscape; and
7. evidence is provided of marketing the building for economic development uses for a minimum period of six months

Where appropriate, in order to retain the character and fabric of historic farm buildings, development rights originally permitted by Classes A to E inclusive of Part One of Schedule Two to the *Town and Country Planning General Development Order 1995* as amended may be withdrawn by a condition attached to a planning consent.

The conversion of very remote rural buildings will be subject to sustainability tests to assess their acceptability.

- 1.5 Policy H8 is a qualified policy; its relevance and application is determined by the satisfaction of qualifying criteria contained therein. In this instance, in view of the Planning history; specifically the lawfully commenced scheme for 8 (holiday) dwellings under 06/0693, one is left to contemplate solely **criteria 1 and 7** (underscored above). For the avoidance of doubt; criteria 2. relates to instances where there is being proposed a new scheme for conversion. Again in this instance there is already an approved scheme for conversion which has been lawfully commenced. We will address criteria 1 and 7 in turn as follows:

Criteria 1.

- 1.6 It is worth noting that the wording of criteria 1. was the subject of scrutiny during the Plan preparation whereby it was agreed that a less restrictive approach be adopted; expanding the scope for inclusion to non-listed/designation examples.

“Conservation Principles” (English Heritage 2008)

- 1.7 In that respect reference is made to English Heritage’s publication “**Conservation Principles**” (2008) which accents the identification and assessment of “significance places” mainly in relation to the country’s built and natural *heritage*, and how they are “valued” by everyone – albeit with a necessary degree of comparative, qualitative discrimination.
- 1.8 This Guidance aims to break down the traditional barriers re-enforced by “high level terminology” that relied on formal designations (listed buildings, conservation areas, schedules monuments etc). Instead it places reliance on the idea of “place” to encompass any part of the historic environment, including non-physical forms, perceived as having an identity or a “sense of place”, thereby increasing the opportunities for attaching “value” by more people in more ways; evidential, historical, aesthetic, and communal, whilst appreciating that such will (have) change(d) over time, and in the realisation that “conservation” is essentially the management of inevitable change. “*..the significance of a place should influence decisions about its future, whether or not it has a statutory designation.*” (para 31).

English Heritage Advice Report – Tarn End House (February 2010)

- 1.9 In respect of Policy H8, a recent Advice Report carried by English Heritage (petitioned by a person unknown to consider having the building listed) is useful. A copy of the report (acquired by the applicant by right as landowner), is included here as **Appendix 1**. To summarize the findings; the building does not fulfil the criteria for listing; it is not of sufficient “special” architectural or historic interest. The pivotal period of its history was during the late C19 when it changed to a hotel, which wrought alteration and loss to its original agricultural-domestic fabric, though at the same time heralding a new and important chapter - its “secondary phase”, that sees its fortunes and importance develop and integrate with that of Talkin Tarn (Country Park) as a local beauty spot, visitor attraction and club sporting venue. The Advice Report states under its Assessment:

*“Externally [...it...] is a representative example of the investment made available at the end of the C19 for the construction of commercial buildings such as hotels. The building is designed in typical late-Victorian style with external detailing such as the use of ashlar dressings and half dormers epitomising the domestic architecture of the day. Its principal quality lies in its attractive exterior which is well composed with varied window forms and lively roofline.....**The loss of the interior in its entirety means that this hotel does not meet the criteria for listing....”***

“Although in the national context any claims to special interest have been seriously compromised by significant alteration, the complex is not without its merit and its local significance is clear enough. It remains a landmark building within the local area and has close association with a cherished natural beauty spot, now a country park.”

(our emphasis)

- 1.9 The extract emphasises the importance of the external appearance, which in turn is appreciated as part of and an important contributory element as a “*landmark building*” within a “*cherished natural beauty spot*”.

Application ref: 09/0917: Conversion & Extension to create 15 dwellings

- 1.10 On the previous application for conversion and extension of the building to create 15 dwellings, an assessment of the building and its setting was offered as part of the Planning Statement. With reference to the wider scene it states:

"At one level [...Talkin Tarn...] is a District attraction of wide appeal and significance, ranking alongside Hadrian's Wall and Tullie House as an exemplary popular facility/destination for locals and tourists alike. Talkin Tam is regarded also by many, in particular its neighbours, as an iconic landmark and feature of local interest and recreation value within which the constituent parts such as the rowing club and Tarn End House play roles of significance in effecting a single "cherished local scene".

".....Tarn End House Hotel; a locally iconic building/landmark, that otherwise faced a bleak commercial future as a hotel by reason of its limited scale and relatively "isolated" location. Despite being thrown the life-line of an approval for conversion to 8 "holiday" dwellings, such was little more than a market inducement; a tacit acceptance of its demise as a viable "hotel".

"The overall aim is to repair, improve and build-upon what is arguably "special" about this local landmark; what is significant about this "place"; this "cherished local scene".....Tarn End House is by no means an architectural "gem" in the purist sense. It is idiosyncratic; displaying an appreciable variety of styles each not particularly well executed or juxtaposed. It is something of an oddity, but nonetheless one that has become an icon of this locale; synonymous with the Talkin Tarn Countryside Park; a familiar element of the one's "memory map" - as much as the Rowing Club, the intimacy of the wooded landscape, and of course the Tam itself."

"Arguably, the significance of the building is not intrinsic, rather its relationship with and role within the framing landscape and the Tam. The building's scale, layout and orientation support that view, but these aspects in isolation are not determinative of its true importance. Rather it is the result of these factors and how the building and

the site contribute to the wider setting/scene that lends so much to the overall "sense of place" that defines and signifies "Talkin Tarn"

- 1.11 We believe the relevant aspects of the previous Planning Statement in respect of the significance of this "place" and indeed the significant contribution made by this building to the wider "sense of place", has now been endorsed by the English Heritage Advice Report. Indeed Planning Officers have on the matter of the conversion to 15 dwellings reported under para.5.16 that *"Policy H8 of the Local Plan states that proposals for the conversion of non-residential accommodation in locations where planning permission for new build residential development would not be granted will not be approved unless: the building is of sufficient historic or architectural interest or which makes a contribution to local character such as to warrant its retention.....In this context it is considered that Tarn End House Hotel is of sufficient local interest as to warrant its retention"*, and later under the Conclusions, that it is *"...a relatively substantial structure that is of local interest;"*
- 1.12 Added to all this has been the keen public and media interest that has surrounded the fate of this building over the past few years. The aforementioned previous application under 09/0917 prompted a significant response from the public both in writing as well as in a Facebook "campaign" that saw a considerable number not simply objecting to the previous proposal but conveying their own feelings and opinion on a building/a site as a valued landmark feature within, as we have always said, an undoubtedly "cherished local scene".
- 1.13 This harks back to **"Conservation Principles"** which suggests that any fixed part of the (historic) environment with a distinctive identity perceived by people can be considered a "place" against which a "value" may be attached and an idea of "significance" articulated. The "significance" of a place embraces all the diverse cultural and natural heritage values that people associate with it or which prompt them to respond to it. We believe that has been done, by the applicant, the LPA, 3rd parties and now English Heritage.

Setting and Local Landscape Context

- 1.14 The setting relates to the surroundings in which a place is experienced; its local context embracing past and present relationships to the adjacent landscape.
- 1.15 As stated; the history of the Hotel as such is associated with the evolution and consolidation of the Talkin Tarn and its progression as a Country Park visitor attraction. The focus remains on the tarn in every respect, with the Tarn End House a pivotal feature along with the Boathouse as forever embedded on the memory map of all who visit or pass the site.
- 1.16 This “focus” is provided and accentuated by the landscape; its topography and wooded cover. The tarn is a glacial lake set in the 50ha Talkin Tarn Country Park; a mix of farmland and woodland overlaid by a network of public footpaths and bridleways.
- 1.17 In the Cumbria Historic Landscape Characterization Database (2009) the landscape priorities for the built environment includes: *“Encourage the retention, reuse and adaptation, wherever possible, of former agricultural, industrial and commercial buildings as both a benefit to historic landscape character and to the reduction of carbon costs through unnecessary new build.”*
- 1.18 The site lies within the Irthing Valley Landscape Character Area, however the published summary of such imparts little if any pertinent insight; not surprising given the relatively recent evolution of the tarn environment since its emergence as a visitor attraction and community-recreational resource in the late C19. Conversely, it is arguably the contrast afforded the scattered small nucleated medieval settlement pattern within the wooded undulating landscape that distinguishes the Tarn environment as isolated and discrete/enclosed. As relayed by the typology-based Cumbria County Council’s Technical Paper No.5: Landscape Character (Type 11: Upland Fringes): *“Topography and woodland tend to shorten and frustrate views but there are glimpses of surrounding fells.”*. At the Tarn, enclosure is all around accentuated by dense ancient and plantation woodland.

Criteria 7

- 1.19 There is required evidence of marketing the building for economic development uses for a minimum period of six months. This we believe is integrated with the second aspect of criteria 1. in respect of alternative uses and the issue of viability, alongside other issues of location and accessibility.
- 1.20 **Appendix 2** provides the details and results of 6 months of marketing of the site – this, following that undertaken by agents for Cumbria County Council pursuant the sale of the site in 2009 with the benefit of and presaged upon the permission to convert to 8 (holiday) dwellings. This methodology was agreed prior with Council Officers, is self-evident, and satisfies criteria 7 as well as addressing criteria 1.
- 1.21 In addition it is worthwhile recounting the Officers' reported assessment of the scheme for 8 (holiday) dwellings in response to comments regarding the need to retain the hotel as such: *"Although no information on viability is presented, this application relates to a relatively small hotel which is not located within an identified settlement, and, is modest in terms of its facilities. The settlement of Talkin is served by a hotel and restaurant. The Tarn also has a cafe. In addition, the current proposal would potentially secure the continued upkeep of a prominent local landmark....."*, It is a matter of record the failure rates of hotels, pub and restaurants with survival resting increasingly on offering a wider range of services and attractions across economies of scale. This Hotel is indeed modest; the Council's evidential desire to retain the building's scale and character all within a relatively limited curtilage bound by a highway and the tarn, does not bode well for the revival of the hotel as such; it is an unrealistic expectation that, on the basis of the marketing, is unviable and so will not be realised.

CONCLUDING REMARKS

This s.73 would effect 8 permanent dwellings that would be acceptable against Policy H8 (i) & (vii); the remaining criteria being immaterial in the context of the lawfully commenced fallback position provided by 06/0693.

APPENDIX 1: English Heritage Advice Report (February 2010)

English Heritage (Listing)

Advice Report

10 FEB 2010

ADDRESS

THE FORMER TARN END HOTEL, TALKIN TARN (O), BRAMPTON

Parish BRAMPTON
District CARLISLE
County CUMBRIA

Case UID: 169235

Date First Listed:

Formerly Listed As:

RECOMMENDATION

Outcome: No, do not list

Recommended Grade: NL

25-NOV-2009

BACKGROUND:

After examining all the papers on this file and other relevant information and having carefully considered the architectural and historic interest of this case, the criteria for listing are not fulfilled.

CONTEXT

The application to list was prompted by the sale of this building, with planning consent for conversion to holiday apartments. A new planning application for the partial demolition, conversion and extension of the hotel to create 15 new houses was submitted and turned down in October 2009. The building is not included in a conservation area.

HISTORY

This building is present on the first edition Ordnance Survey map of 1864 and is depicted as an E-shaped farmstead named Tarn End. Earlier records indicate that it was a working farm which had its origins in the early C19 and its construction is therefore considered to fall within the important period 1750-1840, when English agriculture was the most advanced in the world. It was still a working farm in the mid-C19, owned by the Armstrong family. Later records and evidence contained within the building itself, indicate that the farmstead's main range was subsequently re-fronted, remodelled internally and converted to a domestic dwelling; a date stone incorporated into the new west gable records the date 1889 and bears the crest of the Howard Earls of Carlisle who owned the estate at that time. The northern parts of two of the rear ranges were also incorporated into the domestic building and converted; the remainder of the agricultural ranges were unconverted and continued in use as stores and barns. The architect of this work is unknown, although the applicant considers that the building was influenced by the architect Philip Webb who has a number of listed buildings to his name including two houses in the nearby town of Brampton, commissioned by George Howard (the future 9th Earl of Carlisle). The building is thought to have become a Temperance Hotel in 1910, no doubt influenced by the rise of Talkin Tarn as a local beauty spot and visitor attraction, and it remained a hotel throughout the C20, until its closure in 2006.

DESCRIPTION

This building is situated immediately above the glacial lake known as Talkin Tarn, a renowned beauty spot and country park on the edge of the North Pennines AONB. It faces north across the tarn with grounds sloping to the waterside, incorporating two terraces and stone steps. It is E-shape in plan with a main range oriented east-west and three ranges projecting to the rear. Ranges mostly comprise two storeys and are constructed of red sandstone with pitched roofs. Original stone slates have been removed from all roofs and the domestic ranges have ashlar

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English Heritage (Listing)

Advice Report

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dressings and tall brick chimneys. The main range, converted to the later C19 dwelling and later a hotel, comprises a three bay central section with large segmental headed ground floor windows and half dormers above. This is flanked, to the right, by a projecting gabled bay with a ground floor canted bay with a mullioned window above and, to the left, by a projecting two bay range with stone mullioned windows and a first floor full dormer. A small single storey flat-roofed building was added as infill in the mid-later C20. The north end of the central rear range is a two-bay, two-storey dwelling with half dormers of similar character to the main dwelling. The single unconverted rear range and the south parts of the other two largely retain their agricultural character and their fabric retains evidence of their evolution.

Internally, the former hotel has been gutted and walls stripped back to the original stonework; a staircase, some original doors and four fireplaces remain. The agricultural ranges have undergone similar stripping out although one of the ranges retains the partial remains of a mid-C20 milking parlour.

ASSESSMENT:

CONSULTATION

The applicant responded with information regarding the crest on the date stone, which has been incorporated into the history section of this advice.

ASSESSMENT

As set out in the English Heritage Selection Guide for Agricultural Buildings (2007), the period 1750-1880 is the most important for farm building development which witnessed major developments in both plans and building types. Examples of planned farmsteads dating from before 1840 are important if they survive in a complete state.

This farm complex is well built and displays some external detailing which helps to identify the former functions of some areas; the large barn forming the rear east range of the complex retains its agricultural character and is of some interest, however in the national context the architectural merits of the farm complex as a whole are modest. At its construction this farmstead probably achieved best practice in its design, based upon the clear flow-line principles of the time which were at the cutting edge of farm planning. Parts of this process flow can be read today in the present buildings, but a full understanding of how the farmstead operated, and the functions of its component parts, are difficult to identify as the buildings themselves have been subject to significant alteration. Incremental alteration can be seen for example in the large number of altered openings, replacement fabric and the removal of all roofing materials. This has compromised the interest of the buildings but in addition, and most significantly, is the loss of the external and internal agricultural character of the central range and northern parts of the rear ranges, which occurred during the later C19 conversion of the farm complex to a hotel; this is a very significant alteration which resulted in the re-fronting of the central range and the loss of its original interior and the interior of parts of the rear west and central ranges. Internally, there are few original features or fittings pertaining to the original agricultural function of the complex. Overall therefore, although this farmstead is considered to date from the earlier mid-C19 the buildings have been much altered, its architectural quality is limited and it does not compare favourably with other intact examples.

The complex also needs to be assessed in its secondary phase as a later C19 hotel. As set out in the English Heritage Selection Guide for Commercial Buildings (2007), hotels survive in high numbers and after 1840 there is a high degree of standardisation, high survival rates and varying levels of design interest, meaning that selectivity is necessary when considering such buildings for designation. Key considerations will be rarity, architectural quality and the degree of survival of

Page 2 of 4

English Heritage (Listing)

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original fabric, especially interior survival.

Externally the former Talkin Tarn Hotel is a representative example of the investment being made available at the end of the C19 for the construction of commercial buildings such as hotels. The building is designed in typical late-Victorian style with external detailing, such as the use of ashlar dressings and half dormers, epitomising the domestic architecture of the day. Its principal quality lies in its attractive exterior which is well-composed, with varied window forms and lively roofline. The interior, by contrast, has seen very significant alteration indeed, to the extent that it has been stripped back to its original stone walls; only a staircase and a few original fireplaces remain in situ and these are all representative of their period. All other fixtures, fittings, joinery and decorative features including the plaster lining of the walls have been removed from the building. A key element of the significance of a hotel will usually be the quality and intactness of its interiors as these are what convey their distinctive character. The loss of the interior in its entirety means that this hotel does not meet the criteria for listing. Although the applicant considers that the design of the building was influenced by two local works by Phillip Webb (both listed Grade II), the designer of the hotel is unknown. While of local interest, this potential influence is an insufficiently strong association and does not impart special interest.

Although in the national context any claims to special interest have been seriously compromised by significant alteration, the complex is not without its merits and its local significance is clear enough: it remains a landmark building within the local area and has a close association with a cherished natural beauty spot, now a country park.

CONCLUSION

The former Tarn End Hotel is therefore not recommended for designation.

SOURCES

Sheila Kirk, 'Webb, Philip Speakman (1831-1915), Oxford Dictionary of National Biography, Oxford University Press, 2004

[<http://www.oxforddnb.com/view/article/36801>, accessed 2 Nov 2009]

Sale Particulars 2009: <http://www.cumbria.gov.uk/eLibrary/Content/Internet/536/647/3947795920.pdf>

REASONS FOR DESIGNATION DECISION:

The former Tarn End Hotel, fashioned from an earlier planned farmstead in 1889, is not recommended for designation for the following principal reasons:

- * Alteration: the original farmstead was significantly altered during its later C19 conversion to a hotel
- * Design: the process-flow principles of the original farmstead are no longer explicit in the plan of the complex
- * Architectural: a standard and representative example of a later C19 rural hotel
- * Intactness: the interest of the hotel has been compromised by removal of its interior layout, fixtures and fittings

English Heritage (Listing)

Advice Report
VISITS

10 FEB 2010

11-NOV-0009 Full inspection

COUNTERSIGNING

Countersigning Comments: Agreed: While the buildings have obvious landscape qualities, they do not merit designation in a national context.
21.01.10

Second Countersigning Comments:

HP Director Comments:

Proposed List Entry

BRAMPTON

TALKIN TARN
(Off)
THE FORMER TARN END HOTEL
NL

Case UID: 169235

Proposed LBS UID: 507700

Findings

Attached overleaf is a tabulated summary itemising each of the 25 parties who have enquired about the property to date. The names of the parties shown have been abbreviated for data protection compliance. Whilst we have been encouraged by achieving on average 1 enquiry per week for the property, it should be noted that all of the enquiries that we have received are non progressive. The majority of enquiries were interested in developing the property as a private residence.

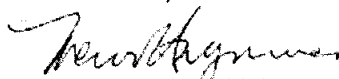
We received an unacceptable offer from Mr and Mrs C from Essex. They too, however, were intending to use the property as a private residence. They did not internally view the property and their offer was subject to planning consent, valuation and survey. We have received no further offers for the property.

I understand that the response which we have generated for the property is consistent with the response achieved by Capita, the appointed selling agent for the previous owners, and who marketed the property for 14 months before it was purchased by our client.

In our opinion it is clearly evident that there is insufficient interest for the property either as an established hotel, the currently approved holiday let usage, or for any other non housing alternative usages.

I trust my report meets with your requirements, however, if you require any further information then please let me know.

Yours sincerely



TREVOR HARGRAVES

Hyde Harrington

Direct Email: trevorhargraves@hydeharrington.co.uk

**SUMMARY OF MARKETING REPORT - TARN END HOTEL, TALKIN
DURING THE PERIOD OF DECEMBER 2009 – JUNE 2010**

Date	Enquiring Party	Outcome
05.01.2010	Ms R	Non progressive.
05.01.2010	Mr D, London	Non progressive.
13.01.2010	Mr R, Hexham	Non progressive.
14.01.2010	Mr D	Non progressive.
29.01.2010	Mr B	Non progressive.
02.02.2010	Retail Company	Non progressive.
02.02.2010	Property Company	Non progressive.
04.02.2010	Mr and Mrs P	Non progressive.
16.02.2010	Mr B, Mason Owen	Non progressive.
16.02.2010	Mr and Mrs C, Essex	Non progressive.
02.03.2010	Mr F	Non progressive.
03.03.2010	Mr E	Non progressive.
09.03.2010	Miss R	Non progressive.
10.03.2010	Mrs M	Non progressive.
10.03.2010	Mrs S, South Staffordshire	Non progressive.
29.03.2010	Mr D, Penrith	Non progressive.
29.03.2010	Mrs D, Chesterwood	Non progressive.
09.04.2010	Mrs T, Carlisle	Non progressive.
12.04.2010	Mrs G, Kendal	Non progressive.
12.04.2010	Mr K, Carlisle	Non progressive.
19.04.2010	Mr B, Dalston	Non progressive.
20.04.2010	Mr and Mrs B, Argyll	Non progressive.
23.04.2010	Mr W, Carlisle	Non progressive.
12.05.2010	Mr G, Carlisle	Non progressive.
14.05.2010	Mr and Mrs C, Essex	Offer rejected. Non progressive.

Hyde Harrington

Country House Specialists

TARN END HOUSE FOR SALE

Talkin Tarn, Nr. Brampton, Cumbria



Traditionally built former hotel with outbuildings.

Potential for alternative uses or development
(subject to planning permission)

Elevated position overlooking Talkin Tarn Country Park.

Offers invited for the freehold interest

For further information or to view the property please contact:
Mr. John Harrington, 01274 886666, j.harrington@hydeharrington.co.uk

Hyde Harrington, 10, The Quadrant, Brampton, Cumbria, LA6 2JH
Email: j.harrington@hydeharrington.co.uk, Tel: 01274 886666

Tarn End House, Talkin Tarn, Brampton, Cumbria, CA8 1LS

Description

Tarn End House comprises a former hotel with views to the Tarn and the surrounding country park. The property is constructed from local red sandstone and previously traded as a 8 bed hotel and licensed restaurant. The property has grounds of approximately 0.70 hectares (1.72 acres) and includes a number of stone outbuildings, courtyard and parking areas.



Photographs for illustration purposes only

Location

Tarn End House is situated just outside the fellside village of Talkin approximately 2 miles south east of the market town Brampton in north Cumbria. Brampton is situated on the A69(T) and is approximately 11 miles to the east of Carlisle.

Planning

Planning permission (Ref no. 06/0693) was granted by Carlisle City Council on 16 November 2006 for the conversion of the main house and outbuildings into 8 holiday apartments. The property may lend itself to alternative uses subject to planning.

Business Rates

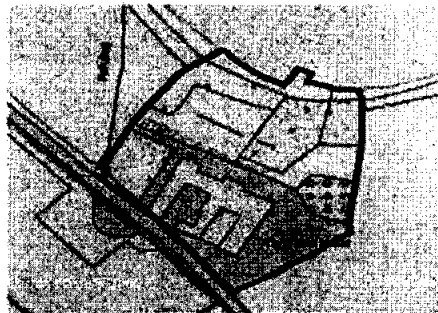
The Rateable Value in the 2005 Valuation List is £11,250.
The Rateable Value in the 2010 draft Valuation list is £11,400.

Services

Mains water and electricity are to hand.

Viewing

By arrangement only through
Hyde Harrington. Tel: 01228 595600

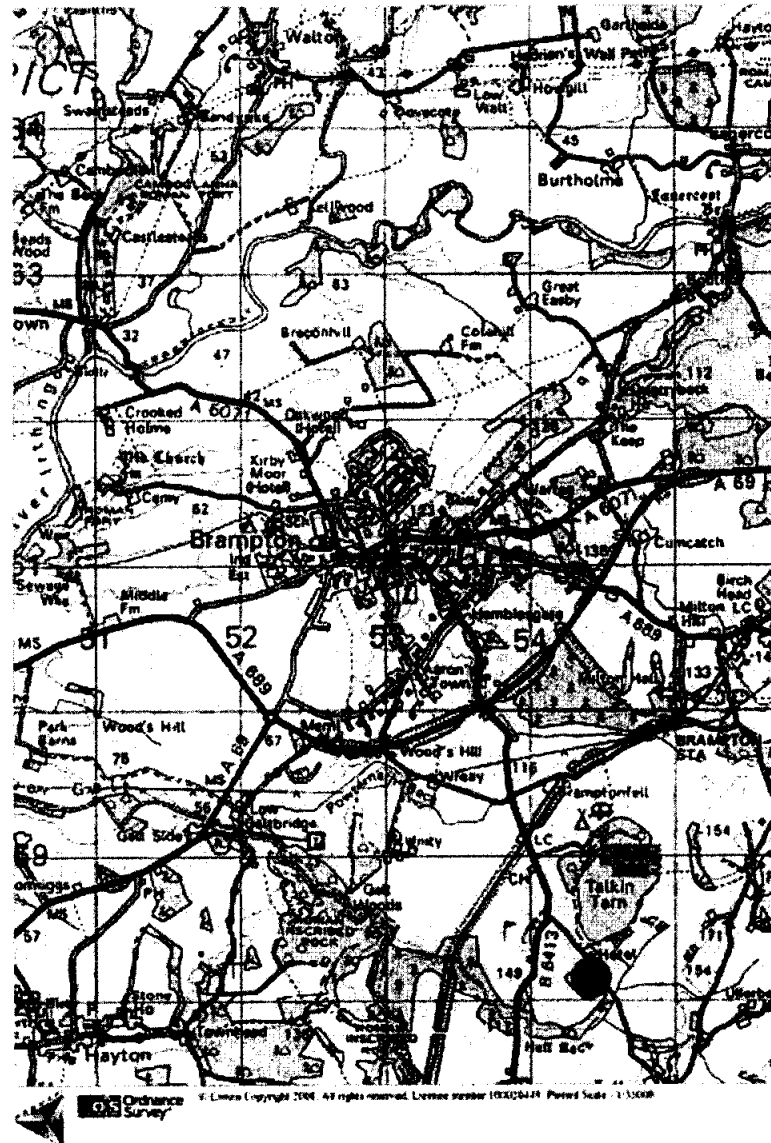


Particulars prepared December 2009 10571

IMPORTANT NOTICE

Whilst every care has been taken in the preparation of these particulars, all interested parties should note:

1. The description and photographs are for guidance only and are not a complete representation of the property.
2. Plans are not to scale, are for guidance only and do not form part of any contract.
3. Services and any appliances referred to have not been tested and cannot be verified as being in working order.
4. Not every part of the property has been checked and by the vendor or Hyde Harrington.
5. Measurements are approximate and must not be relied upon. Maximum approximate measurement are generally given, to the nearest 0.1 metre. (a) outbuildings are measured externally (unless otherwise stated); to the nearest 0.5 metre. (b) 0.5 approximate, an approximate, square capacity is also given.
6. Unless stated otherwise referred to in the text of these particulars are included.
7. Nothing in these particulars or any related documents forms part of any contract unless expressly incorporated within a subsequent written agreement.



REPORT WILL BE IN

Hyde Harrington
PROPERTY CONSULTANTS

For Sale

Tarn End House, Talkin Tarn, Brampton,
North Cumbria

Former Hotel/Development Opportunity

Comprises a former hotel in an elevated position overlooking the Tarn and surrounding country park. Grounds of approx 0.70 ha (1.72 acres) and stone outbuildings.

Previously traded as a 8 bed hotel and licensed restaurant.

Planning consent for conversion into 8 holiday apartments.

The property may lend itself to alternative uses subject to planning.

Offers invited

01228 595600
www.hydeharrington.co.uk

Hyde Harrington
PROPERTY CONSULTANTS

To Let

Talkin, Brampton
Rural Offices

Office accommodation in village location. Approx 2 miles south from market town of Brampton.

Former laboratory/office 84.5 sq m (908 sq ft) - £7,000 pa

Office 241.5 sq m (2,600 sq ft) - £20,000 pa

Further details on request

01228 595600
www.hydeharrington.co.uk

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Danny Pinkus

King Sturge
0161 236 8793

Richard Wharton

210





Angus Hutchinson

From: Andrew Willison-Holt [andrew.wh@btinternet.com]
Sent: 30 July 2010 08:29
To: Angus Hutchinson
Cc: Mark Lambert; Trevor Hargraves; Helen - Citadel Estates
Subject: Tarn End House - 10/0577 - Comment on Objection - Mr Ogilvy
Attachments: Ogilvy letter 28.7.2010.pdf

Angus,

I note a further objection made by Mr Ogilvy in respect of the marketing exercise. I believe his comments are irrelevant and spurious as is his reference to the 1998 Competition Act in respect of the marketing, but nonetheless revealing in other respects.

This Act The act provides an updated framework for identifying and dealing with restrictive business practices and abuse of a dominant market position. One of the main purposes of this act was to harmonise the UK with EU competition policy. It is an important part of ensuring the completion of the internal market meaning the free flow of working people, goods, services and capital in a borderless Europe - stems from the so-called foundatory "Four Freedoms". Main policy areas include:

- Cartels, or control of collusion and other anit-competitive practices;
- Monopolies, or preventing the abuse of firms' dominant market positions.
- Mergers; control of proposed mergers, acquisitions and joint ventures involving companies which have a certain, defined amount of turnover in the EU/EEA.

The reference to "directly or indirectly fix purchase or selling prices or any other trading conditions" is a "prohibition" - aka "price-fixing" - it has nothing at all to do with this case; the private marketing of a property for sale where "reasonable offers invited".


But again, we have the issue of a 3rd party blurring the necessary distinction between "true intentions" and how a reasonable person would objectively view the situation (re; my previous e-mail to yourself and Mark Lambert). Having now been exposed to my client's "true intentions" they believe such can be applied to question the quality and conduct of the advertiser during the marketing period during which in contrast they had, and should not have had any such inkling - as Ive previously argued. Such a position is untenable.

Moreover, its another facet of "contamination" - this time the abuse of hindsight by "going back to the future". This representation does little more than re-iterate my previously made points, and is otherwise irrelevant.

Regards

Andrew Willison-Holt

andrew.wh@btinternet.com

 Please consider the environment - Think before you print

This communication is only for the use of the addressee. It may contain information which is legally privileged, confidential and exempt from disclosure. If you

Tarn End Hotel

Report and Valuation

Undertaken for

**Citadel Estates of 111 Denton Street,
Denton Holme, Carlisle, CA2 3EH**

Edwin Thompson LLP
FIFTEEN Rosehill
Montgomery Way
Rosehill
Carlisle
Cumbria
CA1 2RW

Tel: 01228 548385
Fax: 01228 511042

File ref: M1073

CONTENTS

	Section
1.0	Instructions
2.0	Description
3.0	Condition
4.0	Location
5.0	Proposed accommodation and approximate gross internal areas
6.0	Services
7.0	Viability Appraisal
8.0	Calculations
9.0	Observation on Calculations
10.0	Conclusion
Appendix 1	Market Analysis of Direct Competitors
Appendix 2	Cumbria Tourism
Appendix 3	Evidence Market Comparables
Appendix 4	Photographs

- 1.0 Instructions
- 1.1 Instruction Agent
- Mr A Willison-Holt
- 1.2 Date of Inspection
- Tuesday 20th July 2010.
- 1.3 Remit
- Market Valuation to assist with an assessment on the viability of conversion of a former hotel into 8 self contained holiday homes.
- 1.4 Compliance
- The valuation has been undertaken in compliance with the requirements of the practice statements, guidance notes and appendices contained within the valuation standards (The Red Book) of the Royal Institution of Chartered Surveyors dated 2008 (6th addition).
- 1.5 Confirmation
- We confirm we have the necessary expertise in advising in respect of this property.
 - We confirm we have adequate professional insurance cover on an individual per-claim basis in respect of this report.
 - We confirm the standard Edwin Thompson Terms of Engagement forwarded to the instructing source, Citadel Estates, will apply to this report and valuation.
- 1.6 Surveyor carrying out the Report
- Mr C Gray B.Sc. B.A. M.R.I.C.S. F.A.A.V. of Edwin Thompson LLP, FIFTEEN Rosehill, Montgomery Way, Carlisle, CA1 2RW
- 1.7 Date of Report
- Monday 26th July 2010
- 2.0 Description
- A redundant mid 19th Century sandstone farmhouse latterly converted to an 8 bedroom hotel which ceased trading in 2004. Surrounded by approximately 1 acre of gardens and situated at the northern side of Talkin Tarn Country Park.

3.0 Condition

We understand that the property has suffered a number of break-ins and acts of vandalism since being purchased by the new owners. This included removal of lead from roof valleys and chimneys. Theft of copper pipe, wire and fireplaces, attempted arson attack, several broken windows and doors. Further when commencing internal repairs dry rot was discovered in several areas of the property and specialist advice was sought and implemented.

At the time of our inspection the following was noted:

- Remaining roof tiles and lead removed and a protective covering provided over the roof of the entire building.
- All windows and door openings boarded up.
- Disconnection of all services.
- Removal of all plaster work exposing bare stone.
- Removal of all timber with the exception of first floor joists and roof trusses.

Notwithstanding our clients' health and safety and insurance obligations, it is our opinion that these works were not only necessary but essential to ensure that the fabric of this historic building did not deteriorate further.

4.0 Location

Tarn End House is situated approximately 2 miles to the south east of the market town of Brampton in rural north Cumbria. Brampton is situated on the A69(T) and is approximately 11 miles to the east of the border city of Carlisle, and 52 miles to the west of Newcastle upon Tyne. Brampton is a small rural market town, offers all the usual amenities, including schools, cottage hospital, public houses and restaurants.

5.0 Proposed Accommodation and approximate gross internal areas

Unit	Accommodation	Approx GIA m ²
1	Ground Floor – Living room, kitchen, dining room, WC. First Floor – 4 Bedrooms each with en suite.	173.5
2	Ground Floor – Living room, kitchen, dining room, WC. First Floor – 3 Bedrooms each with en suite.	136
3	Ground Floor – Living room, Kitchen/Dining, WC First Floor – Bedroom, Shower room.	51.5

4	Ground Floor – Living room, Kitchen/Dining, WC. First Floor – Bedroom, Shower room	51
5	Ground Floor – Living room, Dining room, Kitchen, Bedroom, Shower room	51
6	Ground Floor – Living room, Kitchen/Dining, WC. First Floor – 2 Bedrooms each with en suite.	91.5
7	Ground Floor – Living room, Kitchen, WC. First Floor – 2 Bedrooms each with en suite.	90
8	Ground Floor – Living room, Kitchen/Dining, WC. First Floor – 3 Bedrooms each with en suite.	130.5
	Total GIA m ²	775

6.0 Services

The report commissioned is a valuation only and should not be construed as a detailed building survey. No testing of services has been carried out.

6.1 Electricity

Mains supply. Single phase. Disconnected.

Requires upgrading to 8 separate services with individual meters.

6.2 Water

22mm lead mains requires upgrading to 8 separate mains plus individual meters.

6.3 Drainage

Requires installation of a bio disc waste package treatment plant.

7.0 Viability Appraisal

7.1 Gross Development Value (completed value as a trading entity)

- Holiday homes in Cumbria have been traditionally valued on the basis of a capital value per unit.
- The unit price achievable is pre determined by market competition. In this instance the 10 most direct competitors geographically were chosen and an average figure for each unit type obtained.

- Gross income is determined by multiplying the unit price achievable by projected occupancy levels. In this case 58% as supported and endorsed by Cumbria Tourism.
- Because of the diverse nature of holiday homes a viability check is applied based on a yield (multiplier) applied to the EBITDA (Earnings before interest, tax, depreciation and amortisation) (net trading profit).
- Typical gross income/EBITDA ratios for this type of industry is 50%.
- We would assess the Gross Development Value (GDV) with works completed at EBITDA multiplied by ten.

Maximum Gross Income £258,076.00

Occupancy levels £149,684.00

EBITDA £ 74,842.00

G.D.V £748,420.00

We would therefore assess the gross development value at £748,420.00

An average unit value of £93,000.00.

These figures are further supported by the only known comparable sales evidence Tottergill Farm, Castle Carrock which achieved a holiday home value of approximately £93,200.00 per unit in Spring 2007 which was in our opinion near the top of the market and pre credit crunch.

7.2 Lump Sum Refurbishment Cost

R D Williamson, Chartered Quantity Surveyors, was instructed to provide a detailed refurbishment cost plan based on a specification required to upgrade the property to a Visit Britain 5 star.

£720,000.00

This figure is exclusive of services, professional fees, contingencies and developers profit.

This figure is significantly below RICS published Wessex Rates for this type of project.

7.3 Fees

We have assumed 7.5% of refurbishment cost to include building control regulations, project management, design, mechanical and electrical engineers, health and safety provisions and structural engineers advice.

£ 56,250.00

7.4 Service Connections

Water Connection

We have assumed a figure of £16,000.00

Electric Connection

We have assumed a figure of £20,000.00

Drainage

We have assumed a figure of £45,000.00

Total for the service connections £ 81,000.00

7.5 Furnishings

We have assumed a furnishing cost per home of

1 Bedroom	£4,000.00
2 Bedroom	£5,000.00
3 Bedroom	£6,000.00
4 Bedroom	£7,000.00

Total for the proposed accommodation. £ 41,000.00

7.6 Marketing

We have assumed a figure of £400.00 per month for the construction and maintenance of a website and monthly advertising in specification magazines.

£ 4,800.00

7.7 Deferred Loss

We have assumed 50% turnover for the first 12 months until a full market trading position is achieved.

£ 37,421.00

7.8 Finance

- We have assumed a 12 month work period.
- We have assumed an arrangement fee of £ 7,500.00
- We have assumed borrowing in relation to the build cost.
- We have assumed interest charges at 5% above Bank of England base rate and an interest rolled up with a total debt of £750,000.00 at the end of 12 months.
£ 37,500.00

7.9 Contingency

We have assumed a contingency fee of 5% of the total above.

£ 49,300.00

7.10 Developers Profit

We have assumed a minimum level of 10% of the G.D.V.

£ 75,000.00

8.0 Calculations

G.D.V- Completed and Trading		£750,000.00
Less Costs		
Refurbishment Costs	£ 720,000.00	
Professional Fees	£ 56,250.00	
Service Connections	£ 81,000.00	
Furnishings	£ 41,000.00	
Marketing	£ 4,800.00	
Deferred Loss	£ 37,421.00	
Arrangement Fee	£ 7,500.00	
Finance 5% above BEBR	£ 37,500.00	
Contingency 5% of total costs	£ 49,300.00	
Developers Profit	£ 75,000.00	
TOTAL COSTS	£1,109,771.00	
LOSS		-£359,771.00

9.0 Observation on Calculations

- The scheme has a negative value of £359,771.00.
- The refurbishment costs exceed the total value of the property by 47%.
- Stress testing the calculations by for example assuming a cash operator with development expertise would still result in a loss of over £200,000.00.

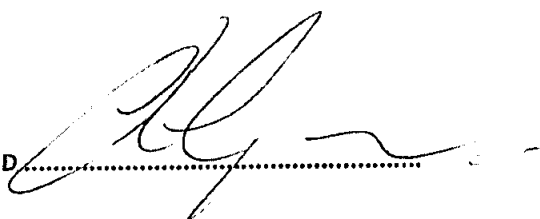
- Even accepting a zero valuation for the property as existing it is simply not economical to undertake the refurbishment relevant to the income return.

10.0

Conclusion

The proposal is not viable.

SIGNED.....



C R Gray B.Sc. B.A. M.R.I.C.S. F.A.A.V.

DATED THIS^{30th}.....DAY OF July 2010

SCHEDULE B: Reports Requiring Further Information

10/0164

Item No: 10

Date of Committee 20/08/2010

Appn Ref No:
10/0164

Applicant:
Top Notch Contractors Ltd

Parish:
Carlisle

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

Agent:
Hyde Harrington

Ward:
Denton Holme

Location:
102 & 104 Denton Street, Carlisle

Grid Reference:
339742 555044

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

Amendment:

1. The applicant has submitted the following amended plans: 10034 -02C (proposed elevations); 70834/15/D (proposed ground and first floor layouts) and 70834/16D (proposed second and third floor layouts).

REPORT

Case Officer: Dave Cartmell

Reason for Determination by Committee:

The application is brought before the Committee for determination as it is a revision to a previously approved planning permission (04/1196) for a substantial mixed residential/commercial redevelopment scheme in Denton Holme.

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.

Flood Risk Zone

Local Plan Pol DP1 - Sustainable Development Location

Local Plan Pol CP5 - Design

Local Plan Pol CP6 - Residential Amenity

Local Plan Pol CP7 - Use of Traditional Materials

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

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 EC7 - Neighbourhood Facilities

Local Plan Pol EC8 - Shopfronts

Local Plan Pol EC10 - Food and Drink

Local Plan Pol H2 - Primary Residential Area

Local Plan Pol H4 - Res.Dev.on Prev.Dev.Land&Phasing of Dev.

Local Plan Pol H5 - Affordable Housing

Local Plan Pol LE27- Developed Land in Floodplains

Local Plan Pol T1- Parking Guidelines for Development

Local Plan Pol LC8 - Rights of Way

2. Summary of Consultation Responses

Cumbria County Council - (Highway Authority): no objection to this application as shown on drawing no 10034-07A submitted with this application, subject to the imposition of four conditions in any consent you may grant.

The applicant's introduction of a presumably residents parking spaces on Northumberland Road has been noted. Although there are no objections to this being proposed the Highway Authority wish to point out that none of the cost involved in this order can fall to the public coffers.

It is recommend that the applicant enters into a Section 106 agreement to fund the promotion and possible implementation of this traffic regulation order, which would be controlled Parking Zone D, which restricts parking for 2 hours from 8am to 8pm with Residents exemption permits.

It should also be noted that this is to meet the visitors parking requirement of this development as the residents element are being provided for within curtilage (off road). Residents exemption permits will therefore not be issued to owners/

occupiers of the new development;

Environment Agency (N Area (+ Waste Disp)): the amended details have been considered and the Agency comment as follows:

The Agency OBJECT to this application because it has failed to meet the requirements of part (c) of the flood risk Exception Test and recommend that planning permission be refused on this basis for the following reasons:

Planning Policy Statement 25 (PPS25) requires the Exception Test to be applied in the circumstances shown in tables D.1 and D.3. Paragraph D9 of PPS25 makes clear that all three elements of the Test must be passed for development to be permitted. Part (c) of the Test requires the applicant to demonstrate that the development will be safe, without increasing flood risk elsewhere, and, where possible will reduce flood risk overall. Paragraph D13 requires that compliance with each part of the Exception Test is openly demonstrated.

The Revised Design and Access Statement dated 7th June states:

"The finished floor levels (FFL) within the residential units at ground floor level was increased by 300mm. The FFL now being 16.45m AOD. This increase in height provides greater 'freeboard' in the event of a flood and is closer to the current recommended requirements of the Environment Agency. (Please refer to the flood risk assessment documents appended separately)."

In our previous response we requested that a condition be included that stated:

Condition

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated 3rd March, referenced GAN 2/86, compiled by Geoff Noonan and the following mitigation measures detailed within the FRA:

- 1. Flood-proofing measures detailed in point 2 page 1 shall be implemented in the proposed development.*
- 2. Finished floor levels are set no lower than 16.75m above Ordnance Datum (AOD).*

Reason

- 1. To reduce the impact of flooding on the proposed development and future occupants.*
- 2. To reduce the risk of flooding to the proposed development and future occupants.*

Therefore, we do not support the amended proposal to reduce the Finished Floor Level's to 16.45m AOD as in the first instance this disregards the advice given by the clients consulting engineers amended Flood Risk Assessment, amended 3rd March 2010 produced by G A Noonan.

Secondly, this disregards post flood defence scheme residual risk flood modelling commissioned by ourselves on which the G A Noonan's recommendations are

based.

With the benefit of the breach modelling we do not believe that any proposed habitable floor levels set below 16.75m AOD could be demonstrated as 'safe' and insufficient evidence has been provided to support a proposal to lower advised habitable floor levels.

If the applicant believes that the modelling is not sound and the precautionary principal not applicable, then they are advised to undertake their own bespoke flood modelling to support any proposals;

Local Environment, Streetscene - Drainage Engineer: the applicant indicates disposal of foul sewage to the mains (public) sewer, which is acceptable.

The applicant indicates disposal of surface water to the mains (public) sewer. However, in the first instance the applicant should investigate the use of either a sustainable drainage system or soakaways for surface water disposal.

The proposed site is located within a flood risk area and as such the applicant has consulted with the Environment Agency for advice and produced a flood risk assessment.

A response to the amended application is awaited;

United Utilities - (for water & wastewater comment) see UUES for electricity dist.network matters: The response to the original application was as follows:

'no objection to the proposal provided that the following conditions are met: -

- 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/watercourse/surface water sewer and may require the consent of the Environment Agency. If surface water is allowed to be discharged to the public surface water sewerage system we may require the flow to be attenuated to a maximum discharge rate determined by United Utilities.
- Land drainage or subsoil drainage water must not be connected into the public sewer system directly or by way of private drainage pipes. It is the developer's responsibility to provide adequate land drainage without recourse to the use of the public sewer system.
- A public sewer is on the perimeter of this site and we will not permit building over it. We will require an access strip width of 8 metres, 4 metres either side of the centre line of the sewer which is in accordance with the minimum distances specified in the current issue of "Sewers for Adoption".
- Deep rooted shrubs and trees should not be planted in the vicinity of the public sewer and overflow systems.
- 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.
- Should this planning application be approved, the applicant should contact our Service Enquiries on 0845 7462200 regarding connection to the water mains/public sewers.'

A response to the amended application is awaited;

Local Environment - Environmental Protection (former Comm Env Services-Env Quality): no observations;

Access Officer: no objections.

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

Cumbria Constabulary - North Area Community Safety Unit (formerly Crime Prevention): I wish to make the following observations regarding this application, which I have considered from a crime prevention perspective.

The submitted Design and Access Statement makes extensive reference to proposed security measures, following pre-application consultation with the Constabulary earlier this year. Consequently, I am satisfied that this application complies with Policy CP17 of the Local Plan and reflects advice in the SPDs 'Achieving Well Designed Housing' and 'Designing Out Crime'.

I am in agreement with the proposal to restrict access into the rear car parking area with locking gates. However, I am mindful of the right of access for Morley Street residents - previously provided by the rear lane. I note that this access shall be maintained by provision of a digital keypad (linked to the Building Manager's accommodation, who shall be able to casually supervise correct use). The presence of a Building Manager shall significantly enhance the overall security of this development, by providing supervision of the site and being able to respond to issues arising.

The applicant has made clear the intention to provide security standard doors (exterior and apartment) and ground floor windows, fitted with laminated glazing. Consequently, this development could achieve accreditation under the Secured by Design initiative, thereby enhancing the development's market appeal. In the event of this application being approved, I shall be pleased to discuss this option with the applicant/agent.

Northern Gas Networks: advise that they have no objections but advise that there may be apparatus in the area that may be at risk during construction works and should the application be approved, NGN require the promoter of the works to contact them to discuss their requirements in detail . NGN also advise:

1. should diversionary works be necessary they will be fully rechargeable
2. the extract from the mains record of the area covered by the proposals shows only

mains owned by NGN in its role as a Licensed Gas Transporter

3. privately owned networks and gas mains owned by other GT's may also be present in this area and information with regard to such pipes should be obtained from the owners

4. service pipes, valves, siphons, stub connections, etc are not shown but their presence should be anticipated.

(Response to the amended application awaited);

Urban Designer (Carlisle Renaissance) formerly in Dev Services - Plng & Hsg:

thank you for re-consulting me on this proposal. Further to my email of 13th March 2010 and subsequent meetings there has been some significant progress on this application.

Constrained as we apparently are by the building height and massing established as a result of the extant permission I feel that the applicants have improved the proposal largely in line with our recommendations.

It is unfortunate that the opportunity has not been taken to introduce active frontage along Northumberland Street via the provision of doors, as this will lead to a relatively dead elevation at ground floor level and reduce the animation of the street. I feel though that I have pressed as hard as I am able for this inclusion.

The overall building treatment is however significantly better than that originally tabled. I would however invite the applicant to alter the positioning of the windows to the Denton Street first and second floor elevation – the facade would be better if the proportion of central masonry was reduced by pulling each set of windows inwards slightly – The jpeg below illustrates this. Subject to this, I would support a recommendation for approval for this proposal.

Supplementary response:

An additional point has occurred to me which you may want to raise or cover via a condition – the access radius to the new parking area is specified as tarmac on the drawings supplied. Northumberland Street, typically in Denton Holme has a carriageway of basalt setts. In my view the crossover portion should be surfaced in setts – this will both tie in with the aspirations of the Denton Holme Design SPD and provided a surface which should encourage lower speeds than the smooth finish currently proposed.

Planning & Housing Services - Housing Strategy: Responded to the original application as follows:

'following on from our telephone conversation yesterday (March 11) and the likelihood of not being able to enforce Policy H5 of the Local District Plan due to Planning Permission being granted before Policy H5 was written, the increased site

costs and the fact that its a renewal of planning permission. I still think I should briefly inform you of the 'headline findings' of the District Housing Survey 2006 that indicated the following.

- Significant levels of housing need in the wider housing market area of Carlisle Urban.
- The results of the survey show that, in addition to the affordable units already committed, 72 affordable housing units are required annually.
- The survey shows that there is a high demand for general needs accommodation - especially larger 3+ bed properties.

In line with Policy H5 we (Housing Strategy Team) would request 5 properties (30% of the development) be made available for affordable housing likely to include 1 no 3bed property, we would not be interested in the 1 no 1bed apartment. However, I note from the Design and Assess Statement, provided by Hyde Harrington, that a total of 13 no. 2 bed properties are planned. In the past we have had difficulty acquiring purchasers for 2 bed apartments (Turnstone Park and Lowry Hill Gardens) mainly due to the credit crunch and the request for large deposits (up to 25%). Also, I believe the addition of the bistro or tapas bar (on-line News & Star Friday March 5, 2010) will probably act as a deterrent to some potential purchasers. Still, the apartments at Hanson Place did sell rather quickly possibly because of the central location and the larger discount on the properties at 30% instead of 20% as at Turnstone Park.'

No additional comments on the amended scheme.

Food Hygiene (former Community - Environmental Services - Food, Health & Safety):

1. If the application is successful then the applicant should contact this division in order to be advised with regard to legislative compliance for food safety and occupational safety for the ground floor unit;
2. It must be ensured that steps are taken to prevent the transmission of excessive noise from the ground floor commercial unit to the residential units;
3. If the ground floor commercial unit is used for catering purposes then it will need to be provided with a grease trap to the drainage and suitable and sufficient ventilation. It must be ensured that any such ventilation system does not cause any nuisance with regard to noise or odour; and
4. It may be pertinent to consider restricting the hours of operation of the commercial premises so as to reduce the risk of disturbance to occupiers of residential properties;

Landscape Architect/Tree Officer: with regard to the trees located to the rear of the proposed car park, the large plum, as nice as the fruit are, has been badly pruned in the past, and along with the laurel and other shrubs of little importance. It would be a good idea if there was some landscaping which included replacement fruit trees to mitigate the loss of the plum.

3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:
102 Denton Street	25/02/10	Undelivered
22 Morley Street	25/02/10	
24 Morley Street	25/02/10	
26 Morley Street	25/02/10	
28 Morley Street	25/02/10	
30 Morley Street	25/02/10	
32 Morley Street	25/02/10	
34 Morley Street	25/02/10	
149 Denton Street	25/02/10	Objection
Rex Bingo Club	25/02/10	
104 Denton Street	25/02/10	Undelivered
139 Denton Street	25/02/10	
141 Denton Street	25/02/10	
143 Denton Street	25/02/10	
1 Northumberland Street	25/02/10	Undelivered
3 Northumberland Street	25/02/10	Undelivered
5 Northumberland Street	25/02/10	
7 Northumberland Street	25/02/10	Undelivered
9 Northumberland Street	25/02/10	
11 Northumberland Street	25/02/10	
13 Northumberland Street	25/02/10	Undelivered
15 Northumberland Street	25/02/10	Undelivered
17 Northumberland Street	25/02/10	Undelivered
16 Morley Street	25/02/10	
18 Morley Street	25/02/10	
20 Morley Street	25/02/10	

- 3.1 Publicity was given to the proposed development by press and site notice and by direct notification of adjacent occupiers. One letter of objection was received pointing out the existence of the Dentonholme and Longsowerby Design Statement which states that 'residential character will be maintained'. The writer does not object to the building but takes exception to the balconies on the front elevation which are not in keeping with the area.
- 3.2 The revised proposals submitted on 22 July were renotified to neighbouring occupiers and at the time of writing this report no representations had been received.

4. Planning History

- 4.1 While there have been previous approvals of planning permission and advertisement consent relating to the former public house, the only previous planning application for redevelopment of the site was 04/1196. Approval was granted in 2005 for the (1) demolition of the Prince of Wales public house, (2) construction of 18 apartments and 2No commercial units with

secure parking. (3) change of use of dwelling to form a commercial unit at ground floor and apartment at first floor and (4) provision of parking and servicing lay-by to Denton Street frontage.

5. Details of Proposal/Officer Appraisal

Introduction

- 5.1 This is an application for Full Planning Permission for the redevelopment of the site of the former Prince of Wales Public House, and the conversion of number 102 Denton Street, to form 16no. apartments and 1no. commercial unit with secure car parking to the rear of the development and the provision of parking and servicing lay-by's to the Denton Street Frontage. The 'L-shaped' site, which includes the lane to the rear of numbers 16-34 Morley Street, is located on the corner of Denton Street and Northumberland Street within an area of mixed commercial and residential use.

Background

- 5.2 Planning permission (04/1196) was granted in 2005 for (1) redevelopment of the site and conversion of number 102 Denton Street to flats to provide a total of 18no. apartments on three floors and 2no. commercial units with secure parking and (2) the provision of parking and servicing lay-by to Denton Street frontage. Subsequent to the granting of this permission the public house was demolished following a fire and the site is now cleared, leaving an exposed gable to the north, and enclosed by security fencing.
- 5.3 The revised application was submitted to address issues related (1) to 'Flood Risk' which have arisen in the period since 2005 and (2) the 'buildability' of the development which needed to be improved to accommodate the increased floor thickness required between each of the intermediate floors of the building and which stemmed from advice from a Structural Engineer.
- 5.4 The revised application as originally submitted was based on the design approved in 2005, and was for 17no. apartments and 1no. commercial unit. The application was considered to be inappropriate in the light of (1) the subsequent reinforcement of the importance of design in PPS1, the Carlisle District Local Plan and Supplementary Planning Document 'Dentonholme and Longsowerby Design Statement' approved by the Council in January 2007 and (2) comments made by the Urban Design Officer and the Architectural Liaison Officer. An amended design with revised internal layout was submitted on 22nd July which comprises a total of 16no. apartments and one commercial unit. The residential accommodation comprises 14no. apartments in the new building (9 two bedroom flats on the ground and first floors, 2 two bedroom flats and 3 three bedroom maisonettes on the second floor/third floor roof space). A lift is to be provided. Number 62 Denton Street is proposed to be converted to a single bedroom ground floor flat and a two bedroom upper flat.
- 5.5 The ridge height of the proposed building is 11.8 metres (1.8 metres above

the ridge height of adjacent properties in Denton Street). However, to give a corner emphasis, and provide realistic living space on the third floor, the front corner of the property (between Denton Street and Northumberland Street) has been 'book ended' which involves raising the roof line a further 1.3 metres to 13.1 metres. The eaves to the front of the proposed development (overlooking Denton Street) has been dropped down to existing eaves level to give continuity with current street elevations. Additionally the eaves at the front corner drop down again to give continuity within the new street elevations along Northumberland Street.

- 5.6 Projecting wall bays are provided towards the rear of the Northumberland Street frontage in order to provide vertical emphasis along this elevation. Additional gables have been introduced to increase the vertical emphasis of the building.
- 5.7 The proportions of the windows have been altered to reflect the local precedence and now incorporate decorative 'artstone' surrounds, again to reflect the local vernacular.
- 5.8 The number of balcony structures along Northumberland Street have been reduced and removed from ground and first floors of the Denton Street elevation. The material used for their construction will be galvanised steel.
- 5.9 All external meter cabinets have been removed from the scheme, as an all electric form of heating and hot water provision is now being provided to the dwellings.
- 5.10 Red/brown facing brick to match the existing adjoining terraced buildings is being used in the external wall construction, with blue/black natural slate being used for the pitched roof coverings. The western gable is hipped. The external walls no longer incorporate render to break up the elevations, but rather decorative horizontal 'artstone' bands instead.
- 5.11 The commercial unit will have a glazed shop front with timber frames and it is proposed that the apartments will have timber or upvc double glazed windows in painted finish.
- 5.12 Areas of cedar cladding on the previously submitted elevations have been replaced by glazing.
- 5.13 A refuse storage/recycling facility 17.5 metres by 3.8 metres, encased by a 1.8 metre high brick wall, is proposed adjacent to the rear entrance to the development.
- 5.14 Secure car parking is to be provided to the rear with access from Northumberland Street. A total of 17 parking spaces (including two disabled spaces) is proposed. While the access road is proposed to be tarmac, the surface of the bays will be concrete paviours. The entry to the parking area will be via galvanised steel, double swing, electronically operated gates. The applicant is also to provide a total of 11 spaces, partially set into the footpath, on the Denton Street frontage.

- 5.15 Planting beds are shown adjacent to the rear access to the building, to provide a buffer between parking spaces and the windows of Flat 4 on the ground floor and also within the projecting gables of the Northumberland Street frontage. Reinstated cobbles, removed from the rear lane, are to be re-used in raised strips adjacent to the access road and between the projecting gables on Northumberland Street.
- 5.16 The applicant has submitted a revised Design and Access Statement (June 2101) with the application, the salient points of which are as follows:
1. although the development has been reduced from 18no. residential units with 2no. commercial units to 17no. residential units and 1no. commercial unit, the same number of off-street parking spaces remain;
 2. a one bedroom flat replaces the second commercial unit;
 3. the number of 2 bedroom units has been reduced by five to 13 while the three bedroom maisonettes have been created in the rear section of the building at second and third floor levels to replace the five two bedroom units;
 4. the finished floor level (FFL) with the residential units at ground floor level was increased by 300mm to 16.45 metres AOD. This increase in height provides greater 'freeboard' in the event of a flood and is closer to the current recommended requirements of the Environment Agency.
 5. The depth of intermediate floor construction has been increased from 300mm to 600mm between the ground floor commercial unit and first floor residential unit and 450mm elsewhere;
 6. with regard to disabled access:
 - a) all approaches to the entrances are via hard surfaces;
 - b) the car park is generally level and pedestrian access ramps to, and within, the residential units and commercial unit comply with BS 8300:2001;
 - c) communal doors and frames will be of a colour to contrast with surrounding wall surfaces;
 - d) wall finishes in communal areas will provide a visual differentiation from floors;
 - e) tactile signage, incorporating colour contrasting symbols and numbers, will be provided within communal areas to identify floor number, flat number and location of the main stairs and lift.
 7. with regard to Secured by Design issues:
 - a) 'Building Manager' accommodation is to be provided within the ground floor unit of 102 Denton Street;
 - b) the vehicular entry gates will be operated by a combination of the following controls

- key fob remote controls (to allow residents to enter)
- illuminated, vandal resistant, brushed stainless steel faced intercom (linked with 'Building Managers' accommodation) and digital key pad(s) mounted on the external wall of the building (to allow visitors and Morley Street residents to enter)
- underground sensors within the car park to sense approaching vehicles (to allow vehicles to exit)
- brushed stainless steel faced, manually operated, illuminated push pad(s) mounted on the gate post or the external wall of the building (to allow pedestrians to exit);
- c) a security alarm is to be provided within the commercial unit;
- d) all external lighting to comply with BS 5489 - 1:2003;
- e) audio/visual intercoms to be fitted to both main entrance doors;
- f) specifications are given for all doors and windows;
- g) individual front loading/front retrieval mail boxes to be provided for each residence are within the front entrance lobby.

9. The applicant intends to install an array of photo-voltaic panels on the flat section of the main roof. These will be inclined at an angle approximating 10 degrees from the horizontal, so will rise 200mm (approx) above the level of the flat roof. These panels will not be seen from street level.

5.17 A Flood Risk Assessment (FRA) was submitted with the application, but was subsequently updated (received 10 March 2010) to specify a lowest finished floor level of 16.75m AOD. The FRA further advises as follows:

1. whilst the FFL, with the new flood defences in place, will give alleviation against a forecast 1 in 200 year flood, in the very unlikely event of the flood defences breaching or a flood gate becoming damaged or left open, it is possible that flood damage could occur. The Environment Agency (EA) strongly recommend that approved removable flood gates/stop logs be available to fit across doorways to give an additional 400mm of protection;
2. occupants of the properties will automatically be warned by a telephone message from the EA in the event of an exception flood being forecast. Occupants should not opt-out of the Warning Scheme;
3. that an action plan be prepared for occupants of the properties to follow should an exceptional flood be forecast.

5.18 As it is necessary to establish the justification for a development within Flood Zone 2/3, the FRA also claims that the Exception Test, prescribed by PPS25, has been satisfied by the applicants demonstrating that:

1. the development provides wider sustainability benefit to the community that outweigh flood risk;
2. the development is on developable and previously-developed land; and

3. the development will be safe without increasing flood risk elsewhere.

Assessment

- 5.19 Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission shall be determined in accordance with the provisions of the Development Plan unless material considerations (including Government Policy, as expressed through Planning Policy Guidance notes and Planning Policy Statements, and representations) indicate otherwise. The Development Plan comprises the Carlisle District Local Plan (2001 - 2016) (adopted 9/9/2008) and extended policies of the Joint Cumbria and Lake District Structure Plan (2006).
- 5.20 In consideration of this application Policies DP1, CP3, CP5, CP6, CP7, CP9, CP12, CP15, CP16, CP17, 17, EC7, EC8, EC10, H2, H4, H5, LE27, T1 and LC8 of the Carlisle District Local Plan are relevant. Policy DP1 seeks to ensure that priority for residential development is given to the re-use of previously developed land, with particular emphasis on vacant and derelict sites or buildings in sustainable locations. The relevant aspects of the other policies seek to ensure that:
1. all allocated and windfall sites of 10 or more dwellings in the urban area will be expected to make a contribution of 30% of units on site towards affordable housing. Only in exceptional circumstances will the Council consider off-site contributions or a financial contribution in lieu.
 2. proposals for shops within or adjacent to district centres meet the criteria specified in Policies EC, EC8 and EC10.
 3. development on previously developed land which is at risk of flooding is only permitted where a Flood Risk Assessment has been submitted which satisfactorily addresses flood related issues including the disposal of surface water generated by the site.
 4. in design terms the proposal should complement or enhance the existing adjacent residential area by: (1) responding to the local context and form of surrounding buildings in relation to height, scale and massing; (2) making use of appropriate materials and detailing; (3) reinforcing local architectural features, where appropriate, promoting and respecting local distinctiveness and (4) ensuring retention of existing trees where appropriate and including landscaping schemes (both hard and soft) to assist the integration of the new development into existing areas. (5) taking account of the need for energy conservation and efficiency; and (6) ensuring that the layout and design incorporates adequate space for waste and recycling bin storage and collection.
 5. there is no adverse effect on the residential amenity of adjacent residential property.
 6. new developments offer a realistic choice of access by public transport, walking and cycling with priority being given to the provision for safe and convenient pedestrian and cycle access, including secure cycle facilities.

7. all new development contributes to creating a safe and secure environment, integrating measures for security and crime prevention and minimising the opportunity for crime.
8. satisfactory access and appropriate parking arrangements can be achieved.
9. development proposals should make provision for easy, safe and inclusive access to, into and within buildings and facilities.
10. account is taken of the need for energy conservation and efficiency; and provision of adequate space for waste and recycling bin storage and collection.

5.21 With regard to the objective of the Development Plan and issues raised by consultees and representations:

1. the principle of redevelopment for mixed residential and commercial development accords with the provisions of the Development Plan as it is vacant brownfield site within a neighbourhood centre of Carlisle;
2. the applicant obtained planning permission for the site (application reference 04/1196) for the demolition of the Prince of Wales public house for mixed residential and commercial development together with the provision of a secure car park and on-street parking bays. Demolition has taken place, and it is therefore considered that as implementation has commenced the planning permission is extant. As the existing (extant) permission did not include the provision of an element of affordable housing (or a contribution thereto) it is considered that it would be unreasonable to invoke the requirements of Policy H5 whereby *"all allocated and windfall sites of 10 or more dwellings in the urban area will be expected to make a contribution of 30% of units on-site towards affordable housing"*;
3. with regard to flood risk, to allow necessary development within Flood Zone 2 and 3, the Exception Test to justify development within a Flood Zone under PPS25, requires that: (1) the development provides wider sustainability benefits to the community that outweigh flood risk; (2) the development is on developable previously-developed land; and (3) that the development will be safe, without increasing flood risk elsewhere and, where possible, will reduce flood risk overall.

As the proposal involves (a) the provision of accommodation in a very sustainable location in close proximity to a wide range of facilities, employment opportunities and public transport; (b) visual benefits which would arise from the development of the derelict site and (c) a contribution to the regeneration and renewal of the part of Denton Street within which the site is situated, and (d) there is an extant planning permission for the site, the Environment Agency is satisfied that criteria (1) and (2) have been met. However it has lodged an objection on the

grounds that the proposal fails to meet criteria (3) and recommend refusal.

This situation appears to have arisen as a result of inconsistencies between the Finished Floor Levels specified in the Design and Access Statement and the Flood Risk Assessment. This has been clarified by the applicant and the is under discussion with the Environment Agency.

The applicant proposes to discharge surface water to a main sewer. United Utilities have advised that (1) surface water should be discharged to a soakaway /watercourse/surface water sewer and may require the consent of the Environment Agency and (2) if surface water is allowed to be discharged to the public surface water sewerage system it may require the flow to be attenuated to a maximum discharge rate determined by United Utilities. A condition could therefore be attached requiring submission of details of proposals for disposal of surface water.

4. it is considered that the revised proposals respond more fully to the local context in terms of appropriate materials and architectural details. The ridge height of the new building is approximately 1.8 metres above that of the adjacent Denton Street buildings whilst the chamfered section of the building on the Denton Street/Northumberland Street corner is 1.3 metres higher to create an elevated corner feature similar in character to the building containing the Spar shop further north on Denton Street. Although the 11.8 metre high ridge line is higher than the properties on the opposite side of Northumberland Street, it is not considered that it adversely impacts on the character of the local streetscene. The Urban Design Officer has no objection to the amended proposal but recommends that setts be used to form part of the surface of the access to the rear car park (a condition can be attached).

The extent permission 904/1196) did not require the trees to the rear of the site to be retained. The Tree Officer has advised that they have been badly pruned and are of little importance. He considers however that it would be a good idea to include some replacement planting as part of a landscaping scheme.(Appropriate conditions can be attached).

5. an extant planning permission exists for a three storey residential development and the lateral separation of the proposed apartments from existing terraced houses on the opposite sides of Denton Street and Northumberland Street is no less than the situation prior to the demolition of the Prince of Wales. An overlooking situation therefore previously prevailed. The proposed replacement building lies to the northeast of the two houses opposite the development in Northumberland Street. Although the replacement building is higher it is not considered that the revised proposal will have a significant adverse affect on the living conditions of adjacent occupiers in Denton Street or Northumberland Street.

With regard to the relationship between the revised proposals and the properties in Morley Street, the lateral separation is the same as previously approved (13 - 14 metres). The proposed development lies to

the southeast of the rear elevation of the houses in Morley Street and again it is not considered that the additional height (1.8m) will have a significant adverse affect on the living conditions of adjacent occupiers in Morley Street.

However, there are two additional windows in the western gable elevation and while the proposed development is still of three storeys, unlike the extant permission which contained kitchen and bedroom windows, the western gable now includes secondary living room windows. A condition could be attached requiring partial opaque glazing of these windows to address this possible issue.

Clarification is being sought from the applicant regarding the intended use of the ground floor commercial unit to ensure that it is compatible with the adjacent residential use.

6. the site is within walking and cycling distance of the City Centre and public transport is available;
7. with regard to the development creating a safe and secure environment and minimising the opportunities for crime, a response is awaited from the Architectural Liaison Officer
8. Cumbria Highways have no objection to the proposal subject to the imposition of four conditions relating to access details, parking provision and surface water drainage and a Section 106 Agreement to fund the promotion and possible implementation of a Traffic Regulation Order. The TRO would relate to Parking Zone D which restricts parking to 2 hours from 8am to 8pm with residents exemption permits (this is to meet visitor parking requirements as the residents element is being provided for within the curtilage).
9. the applicant has submitted details with regard to the provision for easy, safe and inclusive access to into and within the building (access considerations will be addressed through the Building Control process).
10. with regard to energy conservation and efficiency, it is proposed to install photo-voltaic panels on the flat roof of the proposed development.

Conclusion

- 5.22 Subject to resolution of the flood risk issue, clarification regarding the commercial use and no other significant issues being raised in outstanding responses from consultees or neighbours, it is considered that the proposed development accords with the provisions of the Development Plan.
- 5.23 An update and recommendation will be made to the Development Control 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.

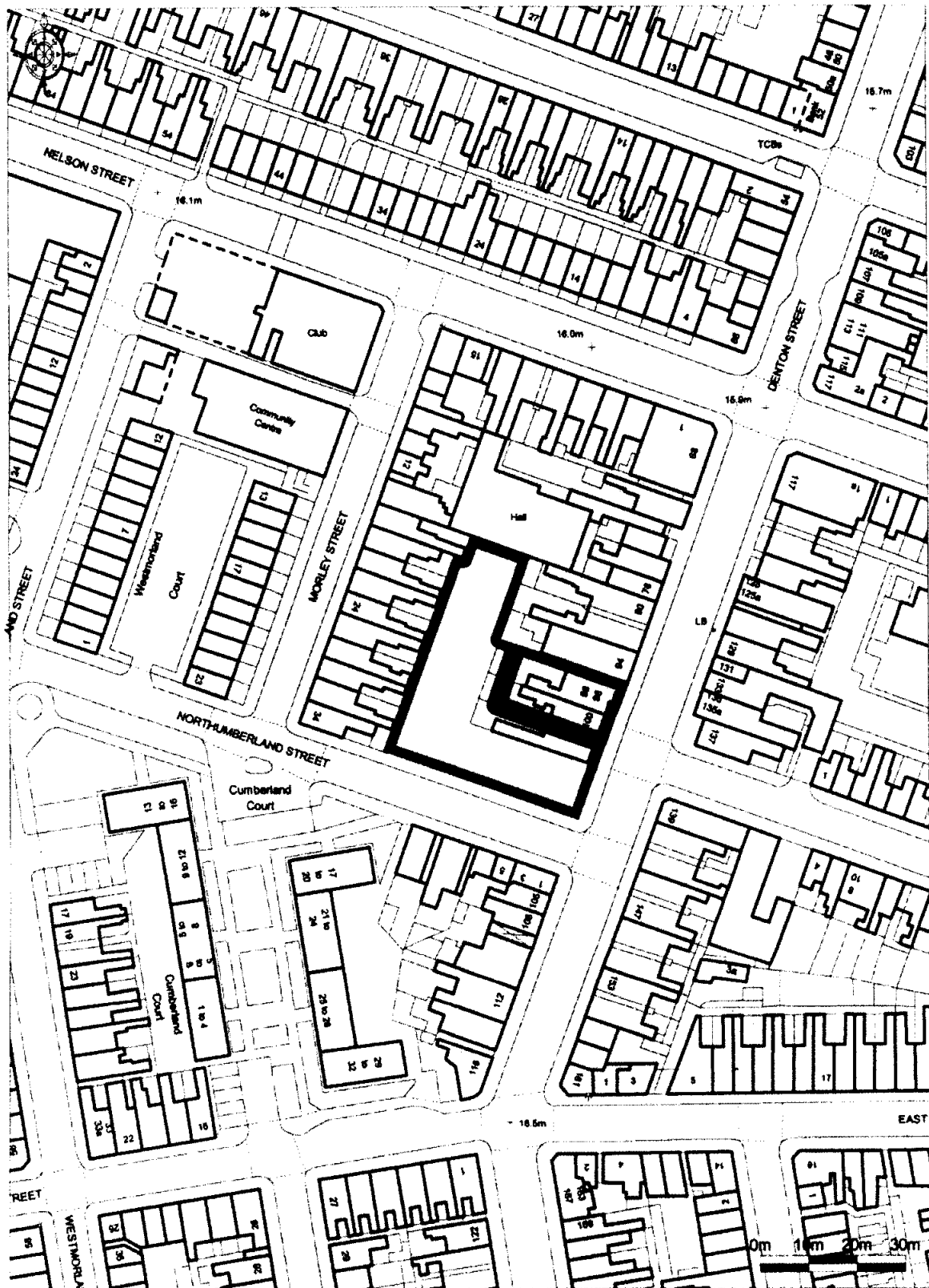
7. Recommendation

Reason For Including Report In Schedule B

The application is included in Schedule B as there are outstanding consultation responses from consultees, the period for representations has not expired and there is an unresolved issue with regard to flood risk.

102 and 104 Denton Street, Denton Holme, Carlisle

22 JUL 2010
10/0164



Promap

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Notes :

27 JUL 2010
10/0164

A Site boundaries revised 19/07/10 RY

Revision :

Hyde Harrington
PLANNING CONSULTANTS

Atlantic House, Parkhouse, Carlisle, CA3 0LJ
Telephone: 01228 595600 · Fax: 01228 595525
Email: carlisle@hydeharrington.co.uk
Website: www.hydeharrington.co.uk

Project title :

**Re-development of former
Prince of Wales Public House
& No.102 Denton Street,
Carlisle**

Drawing title :

**Site location plan -
As existing**

Drawing No :

70384/01

Drawn by :

RY

Revision :

A

Date :

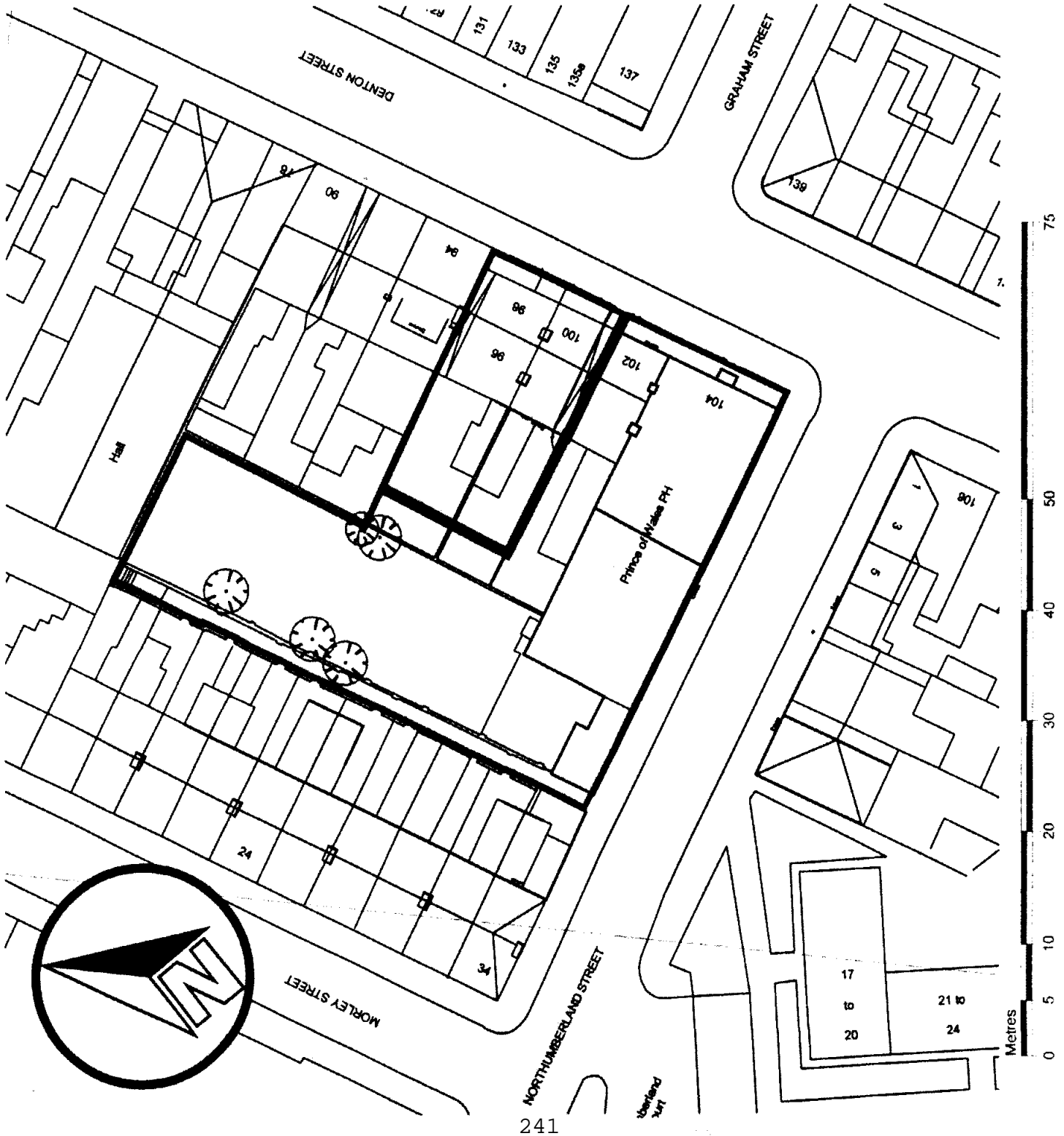
22/05/09

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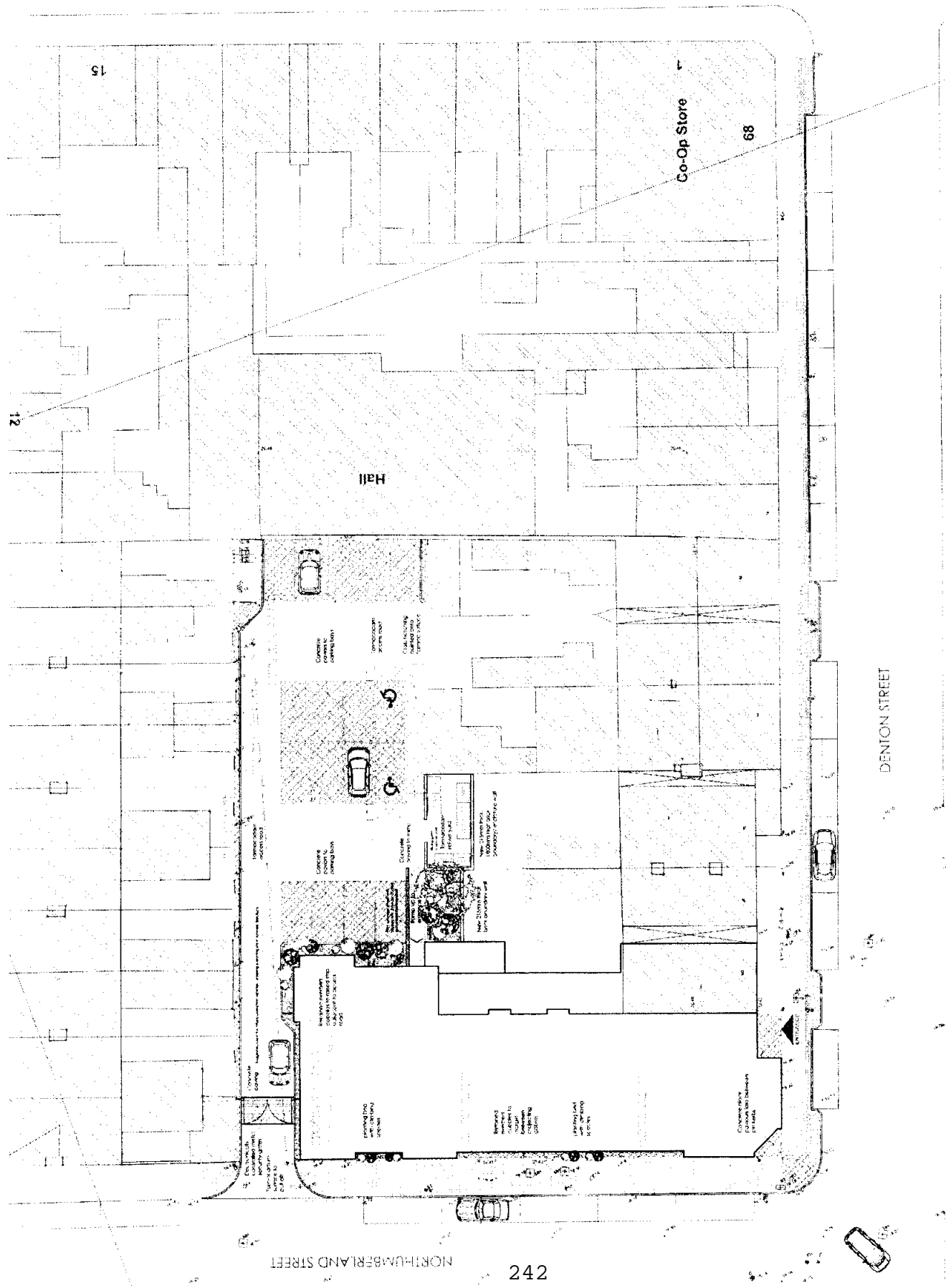
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A4

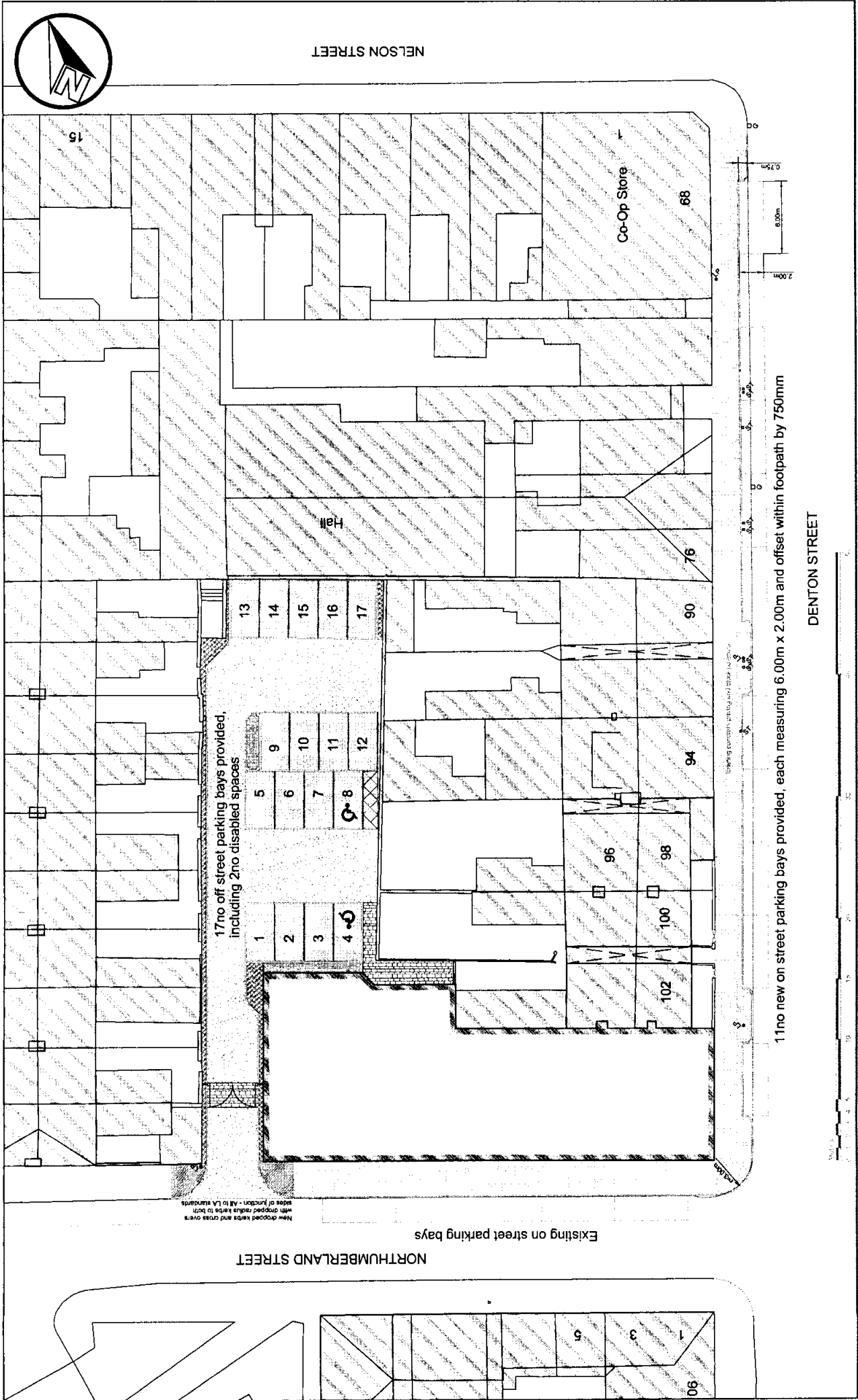
All critical dimensions to be confirmed on site
This drawing is the copyright of Hyde Harrington



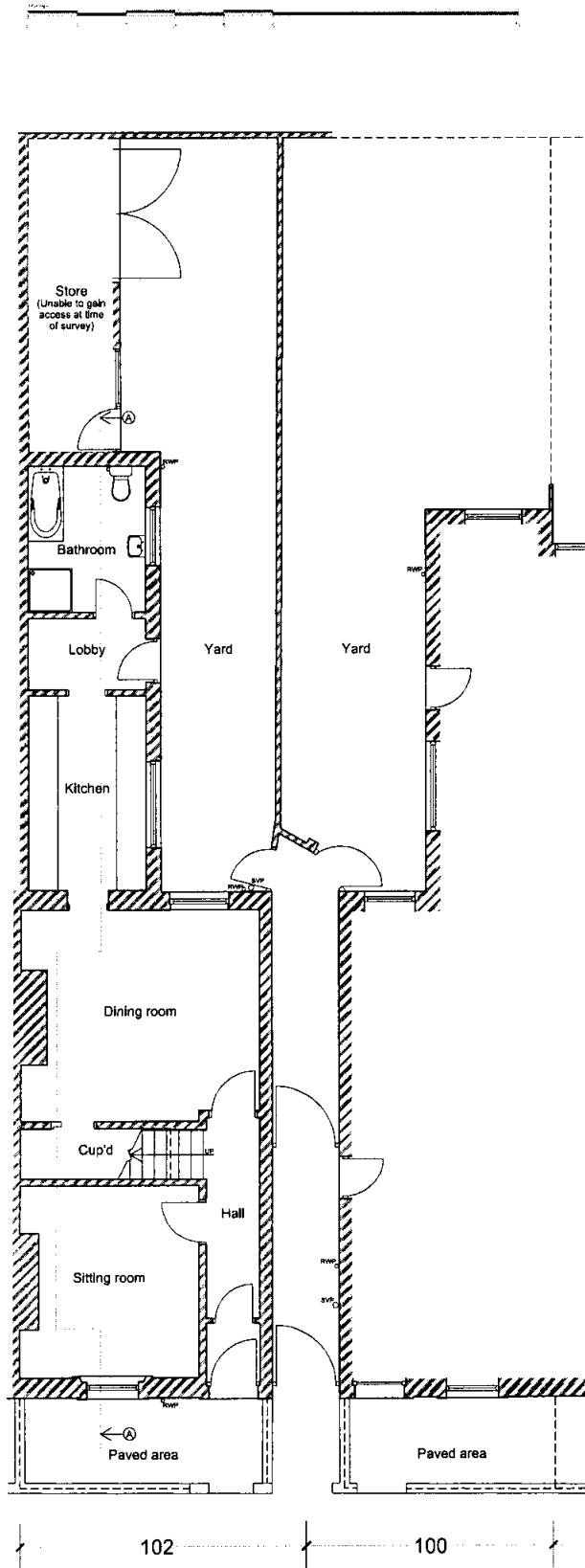
NELSON STREET



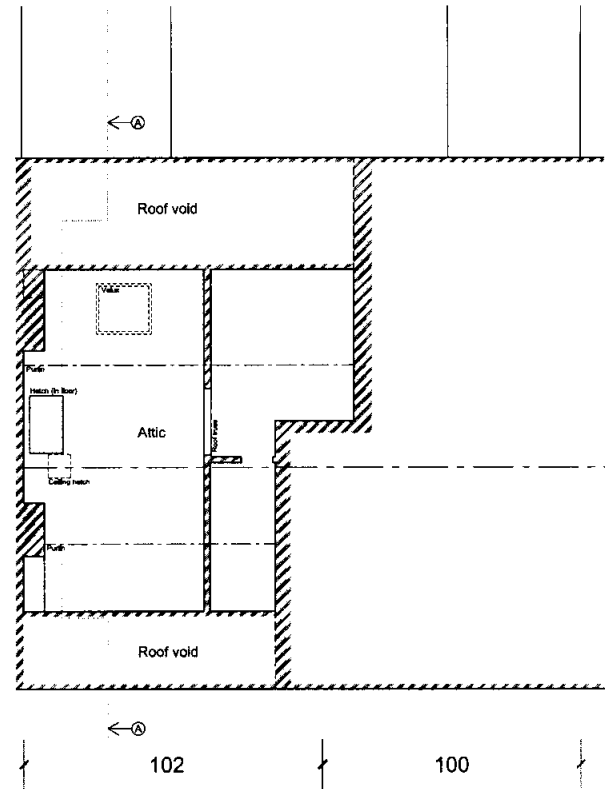
NORTHUMBERLAND STREET



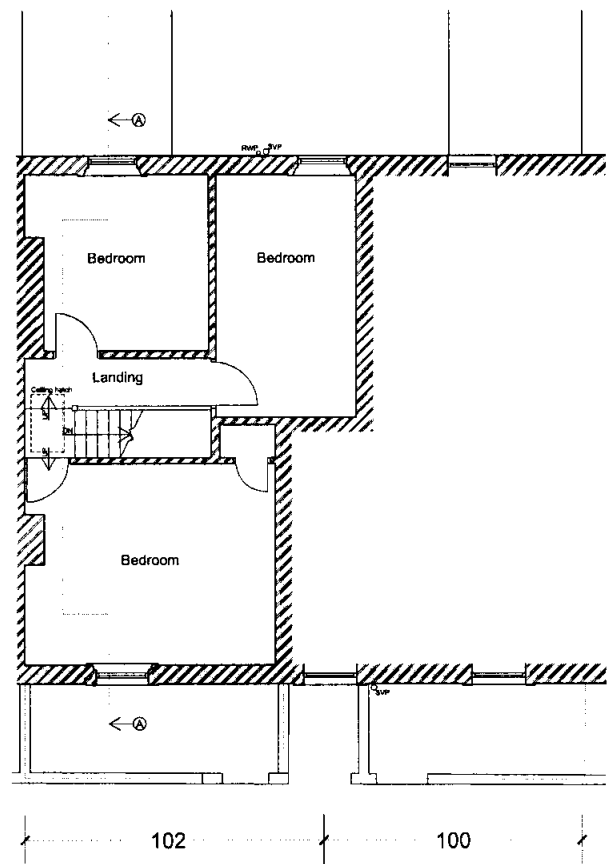
<p>Project title : Re-development of former Prince of Wales Public House & No. 102 Denton Street, Carlisle</p>	<p>Drawn by : RY</p>	<p>Date : 11/01/10</p>
<p>Drawing title : On and off street parking provision - As proposed</p>	<p>Scale : 1 : 200</p>	<p>Revision : A2</p>
<p>Drawing No : 70384/11</p>	<p>Author : Hyde Harrington</p>	<p>Checker : Hyde Harrington</p>



GROUND FLOOR PLAN



SECOND FLOOR PLAN



FIRST FLOOR PLAN

Notes:

Hyde Harrington
ARCHITECTS

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Project title:
Re-development of former Prince of Wales Public House
& No.102 Denton Street, Carlisle

Drawing title:
102 Denton Street, Carlisle
Ground, first & second floor plans - As existing

Drawing No:
70384/06

Drawn by:

RY

Date:

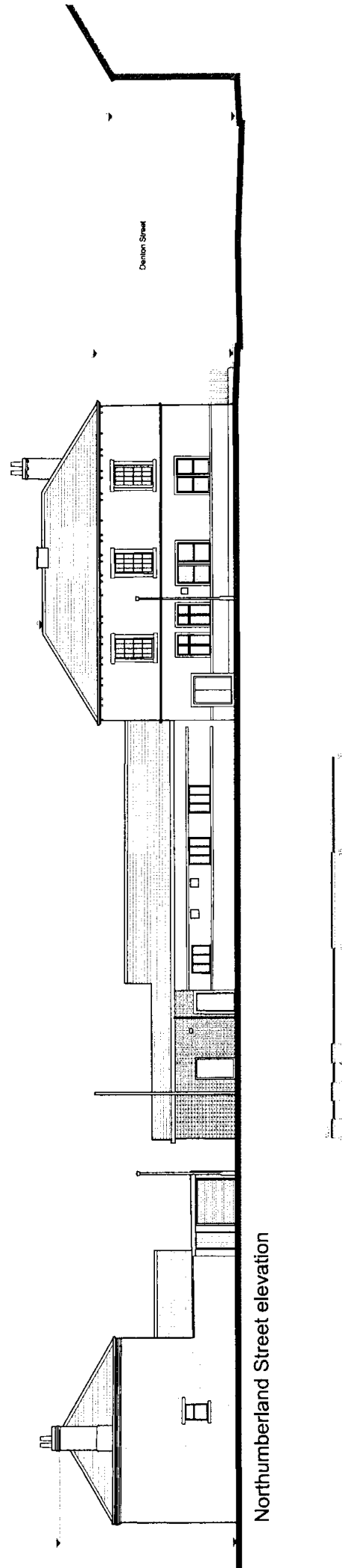
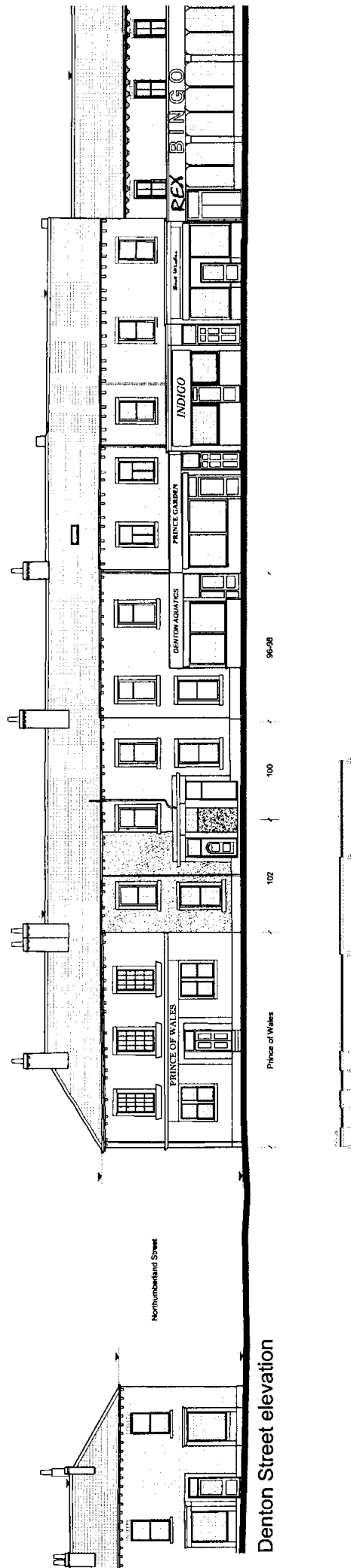
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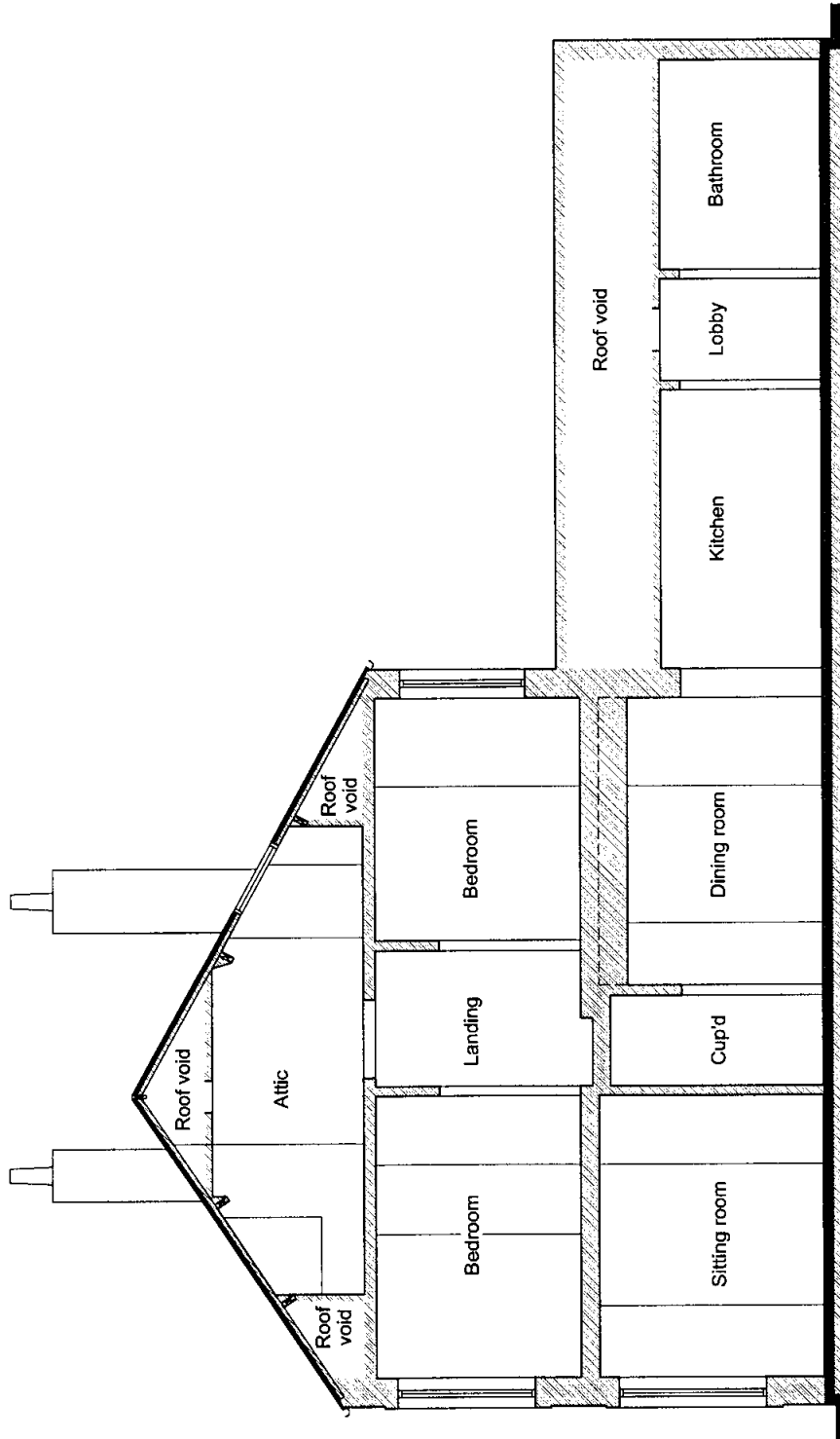
Scale:

1:50

Revision:

A1





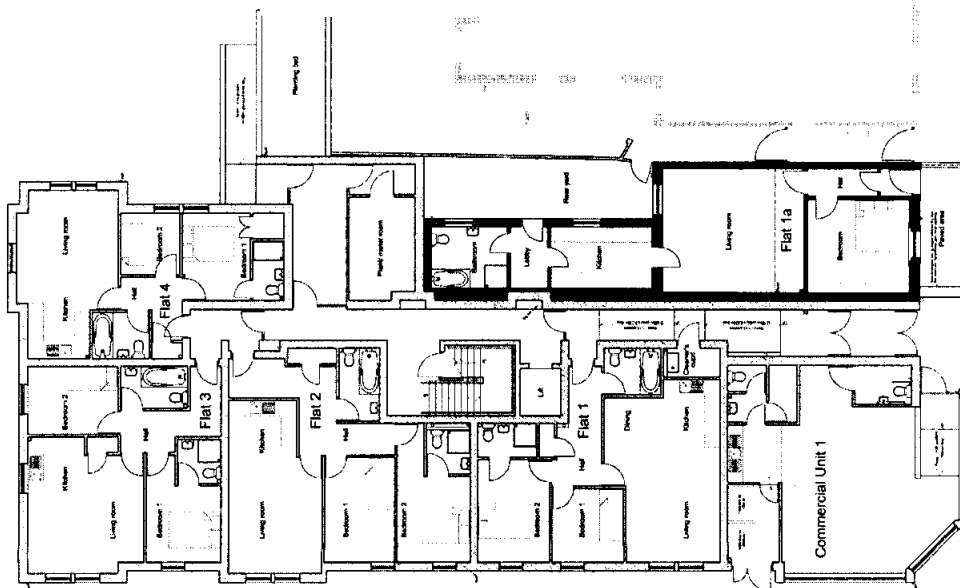
SECTION A-A



Revision:

Hyde Harrington
RESIDENTIAL CONSULTANTS

Address: Manor, Red House, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 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The floor plan illustrates a multi-unit residential building with 10 flats, numbered 1 through 10. The layout is as follows:

- Flat 1:** Located at the bottom left, featuring a Living room, Kitchen, Bathroom 1, and Bedroom 1.
- Flat 2:** Located at the bottom left, featuring a Living room, Kitchen, Bathroom 2, and Bedroom 2.
- Flat 3:** Located at the bottom left, featuring a Living room, Kitchen, Bathroom 1, and Bedroom 1.
- Flat 4:** Located at the bottom left, featuring a Living room, Kitchen, Bathroom 2, and Bedroom 2.
- Flat 5:** Located at the bottom left, featuring a Living room, Kitchen, Bathroom 1, and Bedroom 1.
- Flat 6:** Located at the bottom left, featuring a Living room, Kitchen, Bathroom 2, and Bedroom 2.
- Flat 7:** Located at the bottom left, featuring a Living room, Kitchen, Bathroom 1, and Bedroom 1.
- Flat 8:** Located at the bottom left, featuring a Living room, Kitchen, Bathroom 2, and Bedroom 2.
- Flat 9:** Located at the bottom left, featuring a Living room, Kitchen, Bathroom 1, and Bedroom 1.
- Flat 10:** Located at the bottom left, featuring a Living room, Kitchen, Bathroom 2, and Bedroom 2.

The plan also shows a central staircase and common areas, including a large open space at the top and a smaller area at the bottom right. The building is oriented with a North arrow pointing towards the top right.

[illegible]

Hyde Harrington

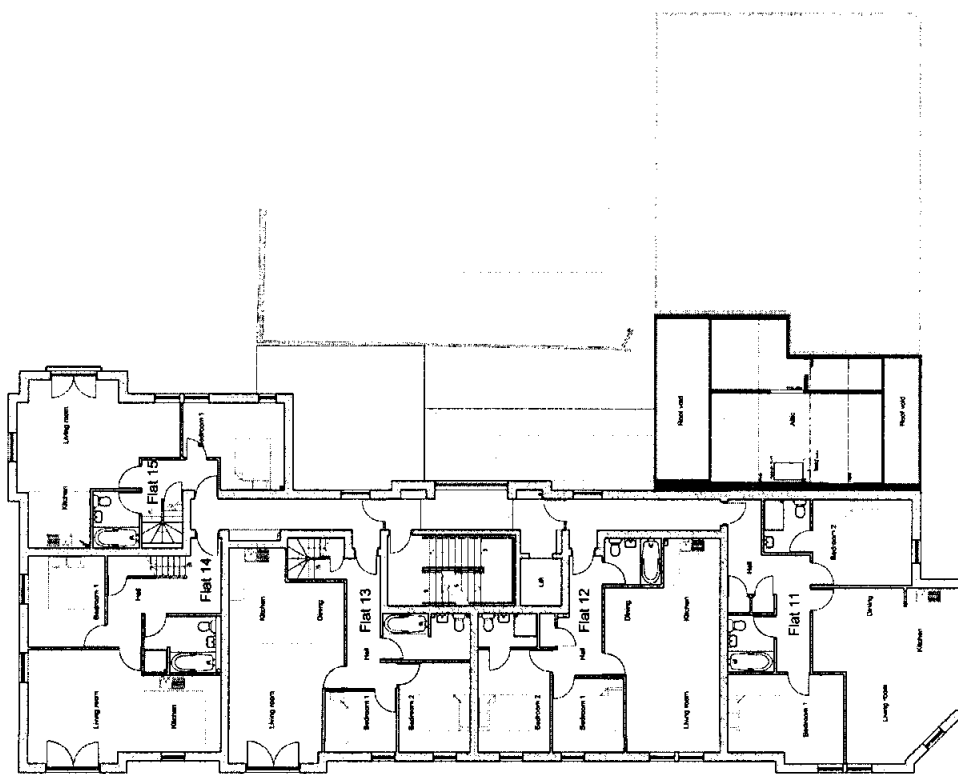
1. Name:
 2. Address:
 3. City:
 4. State:
 5. Zip:
 6. Phone:
 7. E-mail:
 8. Date:

Project title: **Re-development of former Prince of Wales Public House & No. 102 Denton Street, Carlisle**

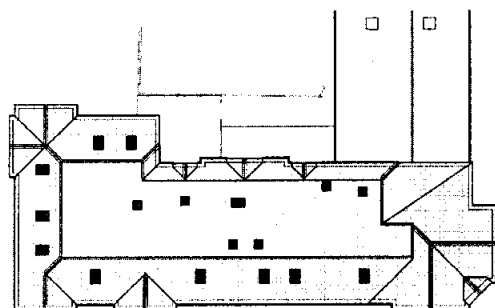
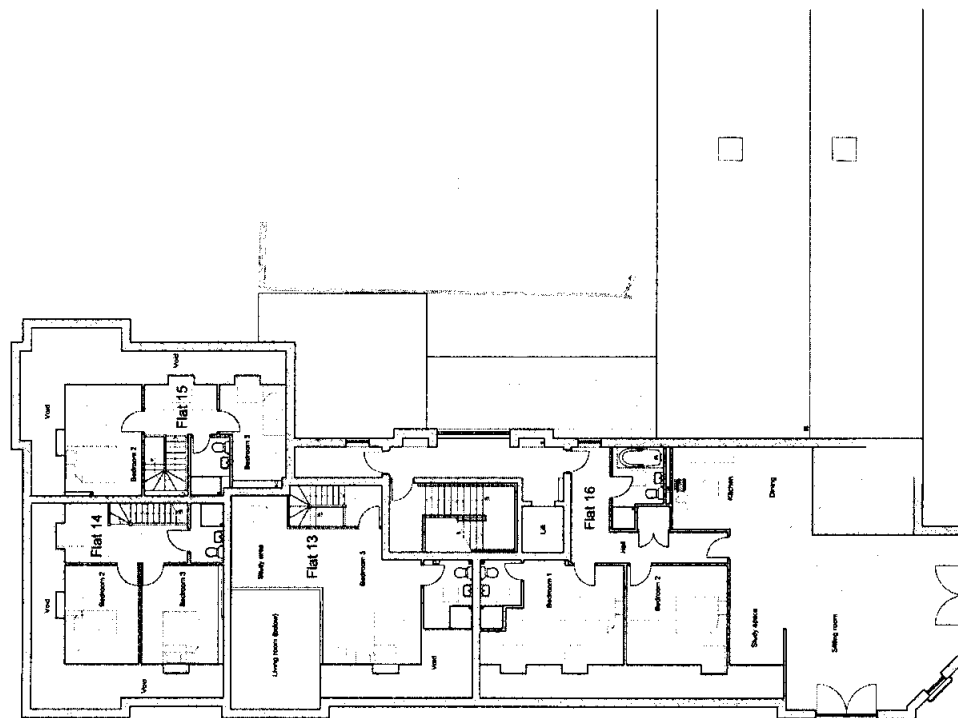
Drawing title:
Prince of Wales site -
Ground and first floor - As proposed

Drawing No: 70384/15
Revision D

$\frac{d}{dt} \left(\frac{1}{2} m \dot{x}^2 \right) = \frac{d}{dt} \left(\frac{1}{2} m \dot{y}^2 \right) = \frac{d}{dt} \left(\frac{1}{2} m \dot{z}^2 \right) = \frac{d}{dt} \left(\frac{1}{2} m \dot{\theta}^2 \right) = \frac{d}{dt} \left(\frac{1}{2} m \dot{\phi}^2 \right) = \frac{d}{dt} \left(\frac{1}{2} m \dot{\psi}^2 \right)$



2000



ROOF PLAN
Scale 1:200

D	Phenol oxidized following compressions from Urban Canyon Cave (start on elevated) plane	GA02710	A1
C	Phenol oxidized following compressions from Planners on eastward and left block plane	1900710	02
B	Ground surface dated at 200	1500210	07
A	Ground face dated at 1975m AGL, indicated mineral line at valley bottom, left slope below with commercial and meadow fields above to become and start top level	1501710	09

Hyde Harington

1. *Author's address:* Department of Mathematics, University of California, San Diego, La Jolla, CA 92037
 2. *Author's address:* Department of Mathematics, University of California, San Diego, La Jolla, CA 92037
 3. *Author's address:* Department of Mathematics, University of California, San Diego, La Jolla, CA 92037

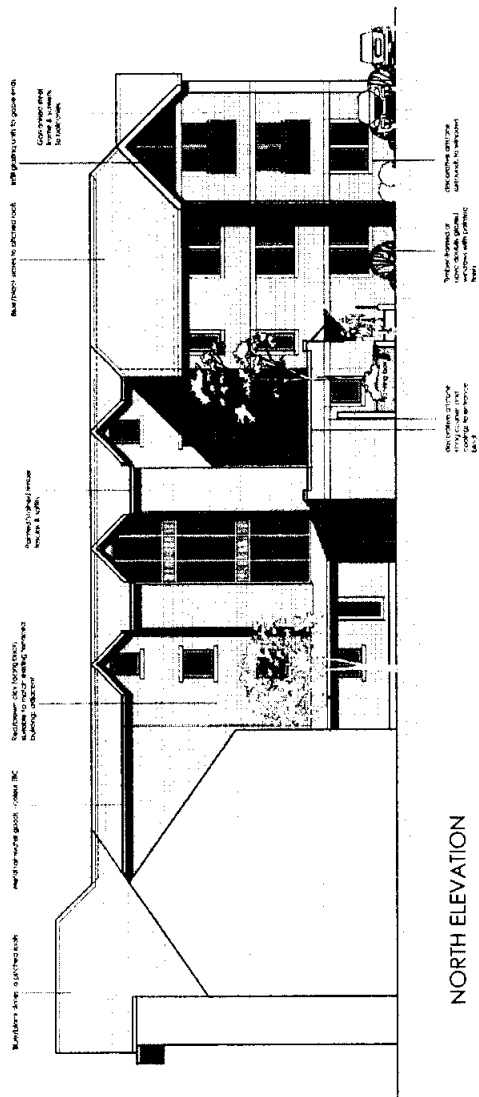
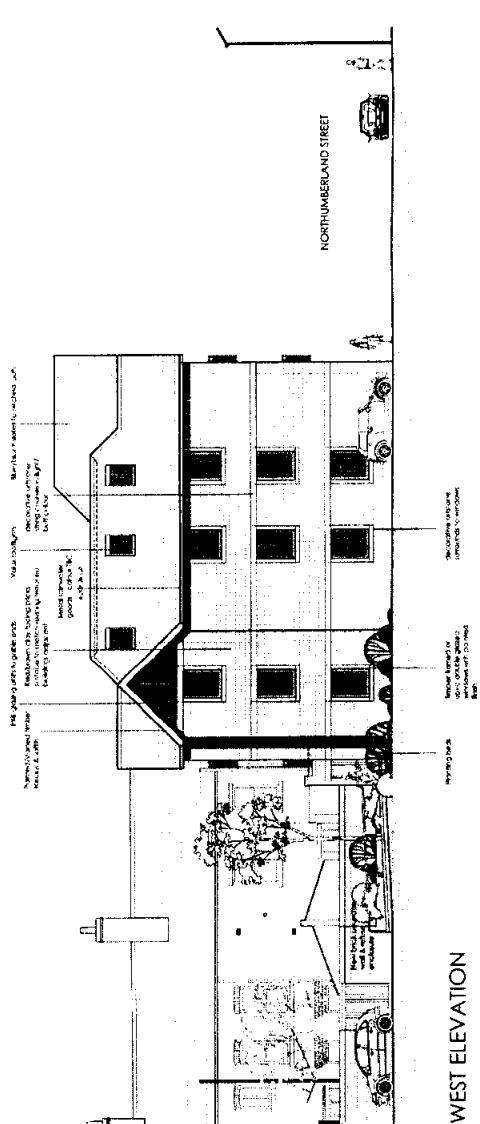
Project title :
Re-development of former Prince of Wales Public House & No.102 Denton Street, Carlisle

Drawing title -
Prince of Wales site -
Second and third floor - As proposed

Drawing No :
70384/16

Revision
D

Drawn by: RY Date: 29/05/08 Scale: 1:100



NORTH ELEVATION

10/01/64

ARCHITECTS *a*
P L U S

Project
PRINCE OF WALES SITE
DENTON HOLME, CARLISLE
Drawn by
PROPOSED ELEVATIONS

Score	Date	Drawn	Comp. No.	Handle
1/100	05/10	R.W./JRR	72	10034-03B

Architects Plus (UK) Limited
Victoria Galleries, Victoria House, Victoria Street, Cobble, Cumbria, CA3 8BH
Tel: 01228 315144
Fax: 01228 315033
Registered in England No. 422140
email: ap@architectplus.co.uk
web: www.architectplus.co.uk

SCHEDULE B: Reports Requiring Further Information

10/0523

Item No: 11

Date of Committee 20/08/2010

Appn Ref No:
10/0523

Applicant:
Mrs Forster

Parish:
Askerton

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

Agent:
Ashton Design

Ward:
Irthing

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

Grid Reference:
353598 567992

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

Amendment:

REPORT

Case Officer: Angus Hutchinson

Reason for Determination by Committee:

This application is not only of local significance but may have potential implications with regard to other sites in the District subject to outstanding permission for live/work units.

1. Constraints and Planning Policies

Local Plan Pol DP1 - Sustainable Development Location

Local Plan Pol CP1 - Landscape Character

Local Plan Pol CP2 - Biodiversity

Local Plan Pol CP5 - Design

Local Plan Pol CP7 - Use of Traditional Materials

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

Local Plan Pol CP10 - Sustainable Drainage Systems

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

Local Plan CP15 - Access, Mobility and Inclusion

Local Plan Pol CP16 -Public Trans.Pedestrians & Cyclists

Local Plan Pol H1 - Location of New Housing Develop.

Local Plan Pol H5 - Affordable Housing

Local Plan Pol H6 - Rural Exception Sites

Local Plan Pol H8 - Conversion of Existing Premises

Local Plan Pol LE12 - Proposals Affecting Listed Buildings

Local Plan Pol LE13 - Alterations to Listed Buildings

Local Plan Pol LE15 - Change of Use of Listed Buildings

Local Plan PolLE18 - Buildings at Risk

2. Summary of Consultation Responses

Cumbria County Council - (Highway Authority): the highway conditions contained in 09/0296 should still apply to this application.

Development Services Planning & Housing Services - Local Plans: I refer to comments submitted by Local Plans in respect of the previous revised application 09/0296 for the conversion of the barns to two live work units and three open market dwellings based on the fact that there had been limited interest to marketing attempts from potential purchasers. At that time I felt that limited information regarding the outcome of the marketing of the property (e.g. number of enquiries, nature of enquiries and feedback) had been provided to support the revision to the planning consent for open market housing.

Based on the additional viability information provided to support this application (10/0523) it is clear that the price at which the site/barns have been marketed far exceeds a realistic value particularly in light of their condition and the level of work that would be required for conversion. If the barns had been more appropriately priced the marketing exercise may well have been more effective attracting a higher level of interest.

This therefore raises some concerns as to the appropriateness of the marketing that has taken place and whether or not it would therefore be acceptable to allow 5 open market dwellings to be created in the open countryside on the basis of the information provided.

United Utilities (former Norweb & NWWA): no objection to the proposal provided that the following conditions are met: -

- 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.
- Should this planning application be approved, the applicant should contact our Service Enquiries on 0845 7462200 regarding connection to the water mains/public sewers.

Currently, United Utilities policy is not to adopt SUDS (Sustainable Urban Drainage System) structures. This stance has been taken as SUDS structures, typically ponds, do not align with United Utilities asset base and would represent a substantial maintenance liability.

United Utilities will only consider the adoption of surface water sewers draining to a balancing pond (as opposed to any other SUDS structure), providing the following conditions are met: -

- * The Local Authority takes responsibility for the maintenance of the pond
- * The freehold of the land on which the pond lies is transferred to the Local Authority
- * United Utilities is provided with a deed of "Grant of Rights" to discharge into the pond in perpetuity. Such a deed would necessarily contain provisions against the development within the balancing pond, and against altering its topography, or making connections to it.
- * That measures have been taken to prevent flooding of properties
- * That a legal agreement is in place between all parties.

A section 104 (Water Industry Act 1991) agreement for the surface water sewers draining to the balancing pond will not be entered into until every condition described above has been met.

The Electricity Distribution Network Operator for your area is now Electricity North West (Tel No 0800 195 1452 and our response is for United Utilities Water the statutory water and sewerage utility undertaker. Please send all consultation for Electricity Distribution Network Matters to Eric Roberts, Commercial Manager, United Utilities Electricity Services, Oldham WwTW, The Mill Building, The Causeway, Oldham Broadway Business Park, Chadderton, Oldham, OL9 9XD.

United Utilities offers a fully supported mapping service at a modest cost for our electricity, water mains and sewerage assets.

Development Services Planning & Housing Services - Access Officer: comments awaited.

Community Services - Drainage Engineer: comments awaited.

Development Services Planning & Housing Services - Conservation: have a few reservations concerning some of the detailing and alterations within the proposed scheme. The basic principle relating to listed farm buildings and their conversion is the retention of the original fabric and character of the buildings with new openings being introduced only where absolutely necessary. The current scheme includes a number of new large openings and on some elevations a

considerable number of rooflights. I believe these to be excessive and have an adverse effect on the character of these buildings. I consider that these additions and alterations are designed to increase the number of units rather than making a particular unit work.

I also have reservations about the possibility that these buildings could be converted to solely residential use. The advantage of converting them to Holiday Lets or for commercial or live/work units is that the buildings would not require as much alteration and the degree of external alterations and modifications, particularly to the setting of these buildings, will also be less.

I do not feel that sufficient effort has been made to find alternative uses for these buildings however even if we were to accept the conclusion that only residential use is viable at the present time then maybe now is not the appropriate time to develop these historic buildings. Providing proper maintenance is carried out this group of buildings would still be available for conversion at a future date, when a more acceptable and appropriate use might then be viable.

Cumbria County Council - (Archaeological Services): The County Historic Environment Record indicates that the farm buildings proposed for conversion are shown on the first edition OS map and therefore date from at least the mid 19th century (Historic Environment Record no. 41867). They form an integral part of the farm that includes the listed grade II farmhouse dating to the early 19th century. It is therefore considered that the buildings are of historic importance and that they would be altered by the proposed conversion.

Consequently, it is recommended that an archaeological building recording programme be undertaken in advance of development. This recording should be in accordance with a Level 2 survey as described by English Heritage Understanding Historic Buildings A Guide to Good Recording Practice, 2006. It is advised that this be secured by attaching a negative condition to any planning consent you may otherwise be minded to grant.

It is also suggested that you advise the applicant that such archaeological investigations are liable to involve some financial outlay.

Askerton Parish Council: comments awaited.

Natural England - Larger Schemes with Env.St & Designated Sites (SSSIs, SACs, SPAs, Ramsar Sites): this proposal lies 1.8km from Walton Moss Special Area of Conservation, Site of Special Scientific Interest but it is our opinion that the proposed development will not materially or significantly affect it. However, the developer should take reasonable measures to ensure that any materials and waste from the construction process do not enter any watercourse in the vicinity of the development site.

The proposal also lies 1.8km from the River Eden Site of Special Scientific Interest but it is our opinion that the proposed development will not materially or significantly affect it. However, the developer should take reasonable measures to ensure that any materials and waste from the construction process do not enter any watercourse

in the vicinity of the development site.

We are satisfied that the proposal does not have any significant impacts upon Natural England's other interests.

We note that the information provided identifies that bats which are a legally protected species, will be affected by the proposal. Such protected species are a material consideration and therefore recommend that the Local Authority consider the requirements of protected species in determination of this application - the Council may wish to note the implications of the case R v Cheshire East Borough Council.

Where a development affects a species protected under the Conservation of Habitats and Species Regulations 2010, a license from Natural England would be required in order to allow prohibited activities, such as damaging breeding sites or resting places, for the purpose of development. The following criteria, as set out under Regulation 53, must be satisfied for such a license to be granted:

- the purpose of the actions authorised must be for "preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance of the environment"; and
- there must be "no satisfactory alternative" to the actions authorised; and
- the actions authorised "will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range".

Where a license from Natural England is required for any operations that affect protected species; this is irrespective of any planning permission that has been granted. Development works cannot be undertaken unless a license is issued and failure to comply can result in a fine or custodial sentence.

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.

Natural England notes that the 2007 bat survey has been submitted with this application. In light of the potential obsolescence of the survey data, it may be appropriate to request a further survey in respect of this application, however we also note that Condition 13 of the current permission states that a new bat survey must be undertaken prior to any construction. We are unable to comment further in relation to the proposed mitigation for the loss of roosts, again this may need to be addressed by a new survey (our previous response in relation to this development is also attached to this matter as an annex). The developer should be aware that a license from Natural England is required for any operations that affect protected species, this is irrespective of any planning permission that has been granted. Development works cannot be undertaken unless a license is issued and failure to

comply can result in a fine or custodial sentence.

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 active nest sites should be undertaken by a suitable 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.

Sustainable Design

Natural England believes in encouraging the adoption of the principles of sustainability in all plans and projects. We support the implementation of standards such as; The Code for Sustainable Homes, both of which are concerned with a range of measures from building design to water energy and use. However sustainable design and construction entails a wider range of considerations, including development which conserves and enhances the distinctive landscape and townscape character, and conserves and enhances biodiversity, amongst other points.

3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:
Hawthorn Cottage	15/06/10	
Thomasdean Cottage	15/06/10	
Well Field	15/06/10	
Stone Cross Rigg	15/06/10	
Flat Moss	15/06/10	
Spout Bank Farm	15/06/10	
White Hill	15/06/10	
Birchhead Bungalow	15/06/10	
Knorren Fell Cottage	15/06/10	
White Hill Bungalow	15/06/10	
Cornerways	15/06/10	
Jennet Croft	15/06/10	
Red Hall	15/06/10	
Camside	15/06/10	
Beckstones	15/06/10	
The Gavel	15/06/10	
Forest Lodge	15/06/10	
Bowman House	15/06/10	
Calverill	15/06/10	
Guards Hill	15/06/10	

- 3.1 This application has been advertised in the form the direct notification of the occupiers of 40 properties, and site and press notices. In response 24 letters of support have been received on the basis that the proposal would save important barns at Knorren Lodge and also help people who want to live in this area.
- 3.2 The NFU have also written to say that although the initial plan for live/work units was a good idea this is not going to be viable and therefore to retain these historic and unique farm buildings for the future then the planning application should be approved.

4. Planning History

- 4.1 In 1990, under application 90/0812, listed building consent was granted for the erection of a satellite dish(LBC).
- 4.2 In April 2007, reference numbers 07/0181 and 07/0182, applications for planning permission and listed building consent for the conversion of barns to five live/work units were withdrawn.
- 4.3 In October 2007, under application numbers 07/0880 and 07/0881, listed building consent and planning permission were given for the conversion of barns to five live/work units.
- 4.4 In 2009, under application numbers 09/0296 and 09/0298, listed building consent and planning permission were given for the conversion of existing barns to three residential units and two live/work units.

5. Details of Proposal/Officer Appraisal

Introduction

- 5.1 Knorren Lodge is a grade II listed building located approximately 3.5 km to the north of Walton and 1 km to the south of Kirkcambeck. Vehicular access is via a driveway off the B 6318. Woodland neighbours the steading to the west and east. The steading comprises the main house (Knorren Lodge), Knorren Cottage, a series of traditional barns forming two courtyards, and a walled garden. The first courtyard consists of two storey barns constructed from brick/stone walls under stone and slate roofs. The second courtyard, that is L shaped and situated to the rear of the first courtyard, comprises of single and two storey barns constructed from sandstone walls with stone flags and slate roofs.
- 5.2 In October 2007, under application numbers 07/0880 and 07/0881, planning permission and listed building consent were given for the conversion of the barns to five live/work units. In June 2009, under 09/0298, planning permission was granted to revise the scheme approved under 07/0880 by the conversion of the barns to three residential units and two live work units (four units in the first courtyard, and a single unit in the second courtyard).

Background

- 5.3 The current application, which also needs to be considered with the application for Listed Building Consent which follows in the Schedule [10/0524], seeks permission for a further revision by the conversion of the remaining live/work units (4 and 5) to two dwellings. In addition to the submitted forms and plans, the application is accompanied by the results of two bat surveys, a report on the proposed sewage treatment and disposal system, an updated structural report, a historic building appraisal, a Design and Access Statement, and a Development Appraisal.
- 5.4 The submitted emergence survey identified two bats foraging around the site and three bats emerging from the barns. On this basis the aforementioned report recommends a series of mitigation measures including the creation of four roosts; retention of crevices in the external walls; access to the bat roosts via ridge tiles; and how and when work takes place.
- 5.5 The report on the proposed sewage treatment explains that Knorren Lodge is drained on a "combined system" to a septic tank that needs to be replaced by an anaerobic treatment plant with the surface water on a separate system. Ideally the new treatment plant should be located within the lower garden area of Knorren Lodge in order to facilitate the supply of power to the unit. The land contains boulder clay at a depth of 400mm below ground level and is therefore unsuitable for a piped infiltration system of soakaway. A consent will be required from the Environment Agency for any outfall to Knorren Beck.

- 5.6 The submitted historic building appraisal states that the buildings have been predominantly built over a 65 year period dating from 1807. Investigations suggest that originally the Lodge and estate were used as a hunting lodge and small farm. In 1950 the Lodge was sold thus reducing the overall size of the estate.
- 5.7 Amongst other things, the Design and Access Statement explains that the Lodge and attached barns are deteriorating rapidly; the owners are not in a position to maintain the buildings or develop the site themselves; they would like to have the barns redeveloped sympathetically and intend to continue living in the Lodge; redevelopment provides the opportunity to reuse an interesting set of buildings and the walled garden. The Statement goes on to highlight that Walton has its own church, public house, a Cumbrian Game and Produce business, and shopper bus service through the week, whilst a Rural Wheels service also operates in the area. Lees Hill Primary School is within walking distance of Knorren Lodge and a Telfords Coaches Ltd school bus passes the end drive every school day. In addition, within the locality there are the Low Luckens Organic Resource Centre at Roweltown and the Centre for Creative Knowledge in Bewcastle.
- 5.8 The D&A Statement goes on to state that since approval was granted, and following the marketing of the site, Smiths Gore and an independent chartered surveyor have advised that the live work element of the approved scheme has reduced the viability of the scheme which has resulted in no definite interest in the site. The Statement argues that the conversion to a residential development, as opposed to holiday accommodation, will provide support to local services; Eden Housing Association and several local developers have expressed an interest in a residential development if permission was given; and local estate agents have confirmed developments of this type have a ready market.
- 5.9 The Development Appraisal, prepared by Walton Goodland, explains that the property was then brought to the market via Smiths Gore in approximately April 2008, and advertised on the basis of a development opportunity of 5no live/work units. The marketing particulars refer to the inclusion of a claw-back arrangement i.e. should any further or alternative planning consents then be obtained within a period of 30 years from the date of sale then 50% of the resulting net uplift in value is to be payable to the vendor or their successors in title. What followed, notably the credit crunch, global economic crisis and collapse of many of the major financial institutions has resulted in residential property values falling back to roughly 2005/2006 levels.
- 5.10 The author of the Appraisal understands that during this initial marketing period no serious interest was received or offers lodged. Demand for live/work units is considered at best to be negligible and more often than not does not tend to exist. Similarly, the inclusion by the vendor of the claw-back agreement would not have inspired prospective developers who do not expect to be penalised for taking on the risk of development by sharing their profit reward. A new revised planning application was then submitted and approved on 3 June 2009 for the conversion of the property into 3 residential units and 2 live/work units. The property was then re-marketed on this basis however the

marketing particulars still refer to the original planning consent for 5no live/work units. We understand that Smiths Gore received no significant further interest or offers for the property which by now had been marketed for in excess of 12 months.

- 5.11 The Appraisal concludes that the total build cost including contingencies, site works, professional fees, marketing, finance and developer's profit exceeds the total Gross Development Value of the approved scheme under Planning Ref: 09/0298; with higher than average build costs in view of the historic listed status of the property; and that any form of reduction in the open Market Value whether it be on the basis of live/work units or affordability renders the development un-saleable.
- 5.12 The Appraisal goes on to question whether finished converted units in this location could ever be classed as affordable even after making a 30% reduction in Market Value - the likelihood is that the property would need to be further split into additional smaller units in order to achieve end sales values that are truly affordable. Any further sub-division would undoubtedly impact on the design and character of the listed building particularly as consideration would need to be given for the inclusion of additional windows, doors and walls along with car parking and further communal areas. Any scheme at this property incorporating an element of affordable housing is not considered viable due to the exceptional costs associated with the development of the listed buildings and infrastructure required to serve the property.
- 5.13 The applicant's agent has also explained in an e-mail that Mrs Forster and her son intend to continue living in Knorren Lodge; the up keep of a property of this size and age needs investment; any profits from the sale of the barns will be used to reduce this financial burden; the current maintenance involves repair of guttering, down pipes, ongoing repairs to the roof, to external render, and decoration; Mrs Forester has lived in Knorren Lodge for most of her life, both her and her son are keen to maintain their house for the future; if the barns can be developed and no longer their responsibility they can concentrate on the Lodge.

Assessment

- 5.14 When assessing this application it is considered that there are a series of issues, namely:
1. whether an alternative use for economic or community purposes is either not viable or would be inappropriate in other respects (criterion 1 of Policy H8);
 2. whether the evidence provided of marketing the buildings for a minimum period of six months is satisfactory (criterion 7 of Policy H8);
 3. whether the proposal safeguards the historic interest, character and setting of the listed buildings (Policies LE12, LE13 and LE15);

4. the sustainability of the location (Policies DP1, H1, and H8);
 5. whether the proposal is in accordance with Policy H5 regarding the provision of affordable housing; and
 6. whether the proposal is in accordance with Policy CP2 (biodiversity).
- 5.15 The viability of an alternative preferred use other than that which is proposed, may well be a material consideration. However, this is always subject to the general principle that if the use proposed were refused the alternative would, on the balance of probability, be implemented. In the case of above issues 1 and 2, there is a serious concern that the price at which the site has been marketed, and thus the expected return, may exceed a realistic valuation. The marketing exercise also appears to have been restricted to the previously approved live/work units as opposed to any other potential uses that may be compliant with the policies of the Local Plan. It is recognised that certain alternative uses, e.g. holiday accommodation, would have most of the cost implications of a permanent residential scheme but without the guaranteed return to defray the costs of conversion. In addition, it would be wrong to insist on the barns being used for any purpose that was inappropriate because of their relatively isolated, inland location away from any potential or existing recreational facility. In effect, a flexible approach is needed by all parties. However, concerns currently remain over whether the applicant has clearly demonstrated that other uses are not viable, and over the appropriateness of the marketing undertaken. At the time of preparing the report further information on marketing is anticipated.
- 5.16 Policies LE12, LE13 and LE15 of the Local Plan 2001-2016 seek to ensure that applications for alterations to listed buildings have regard to the scale, proportions, character and detailing of the existing building and of its windows and doorways. Any proposals which adversely affect the listed building will not be permitted. Furthermore, the change of use of a listed building will be permitted provided it would not have a detrimental effect on the special architectural and or historical interest of the building and neighbouring properties.
- 5.17 In this case it is appreciated that the submitted structural surveys indicate that the barns are in a poor condition and have fallen into general disrepair. However, based on the submitted plans, the Council's Conservation Officer has raised concerns over the proposed alterations.
- 5.18 When considering the issue of sustainability, the application site is not within the village envelope of Walton nor Kirkcambeck, neither of which are identified as Local Service Centres under Policies DP1 and H1 of the Local Plan 2001-2016. This is in the context that the previously approved schemes offered some sustainability benefits in that use would be made of existing land and buildings that offered the opportunity for home-working, and thus reducing trips.
- 5.19 Policy H5 of the Local Plan 2001-2016 states that in the rural area the

contribution to affordable housing will be 10% on small sites i.e. over 0.1 ha or 3 units. The Policy acknowledges that the proportion of affordable housing sought will only be varied if this can be justified on a robust assessment of the economic viability of the site. On this matter, Members should also be aware that the permissions granted under 07/0881 and 09/0298 did not require the provision of any affordable units.

- 5.20 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 emergence survey identified two bats foraging around the site and three bats emerging from the barns. The aforementioned report recommends a series of mitigation measures including the creation of four roosts; retention of crevices in the external walls; access to the bat roosts via ridge tiles; and, how and when work takes place. On this basis it is considered that there should be no significant effects from the proposal, and that there will be no harm the favourable conservation of any protected species or their habitats.

Other Matters

- 5.21 Members will be aware that the applicant has explained that if the barns can be developed this would enable her to concentrate on maintenance of the Lodge. Based on the information provided, it appears that Knorren Lodge is already in a reasonable state and therefore this matter should be afforded little weight.

Conclusion

- 5.22 The securing of a long term use of the buildings is a tangible benefit. However, any assessment on whether that benefit outweighs the recognised conflict with the aforementioned planning policies needs to be undertaken following receipt of the awaited information and revised details from the applicant. An updated report will be presented to Members.

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";

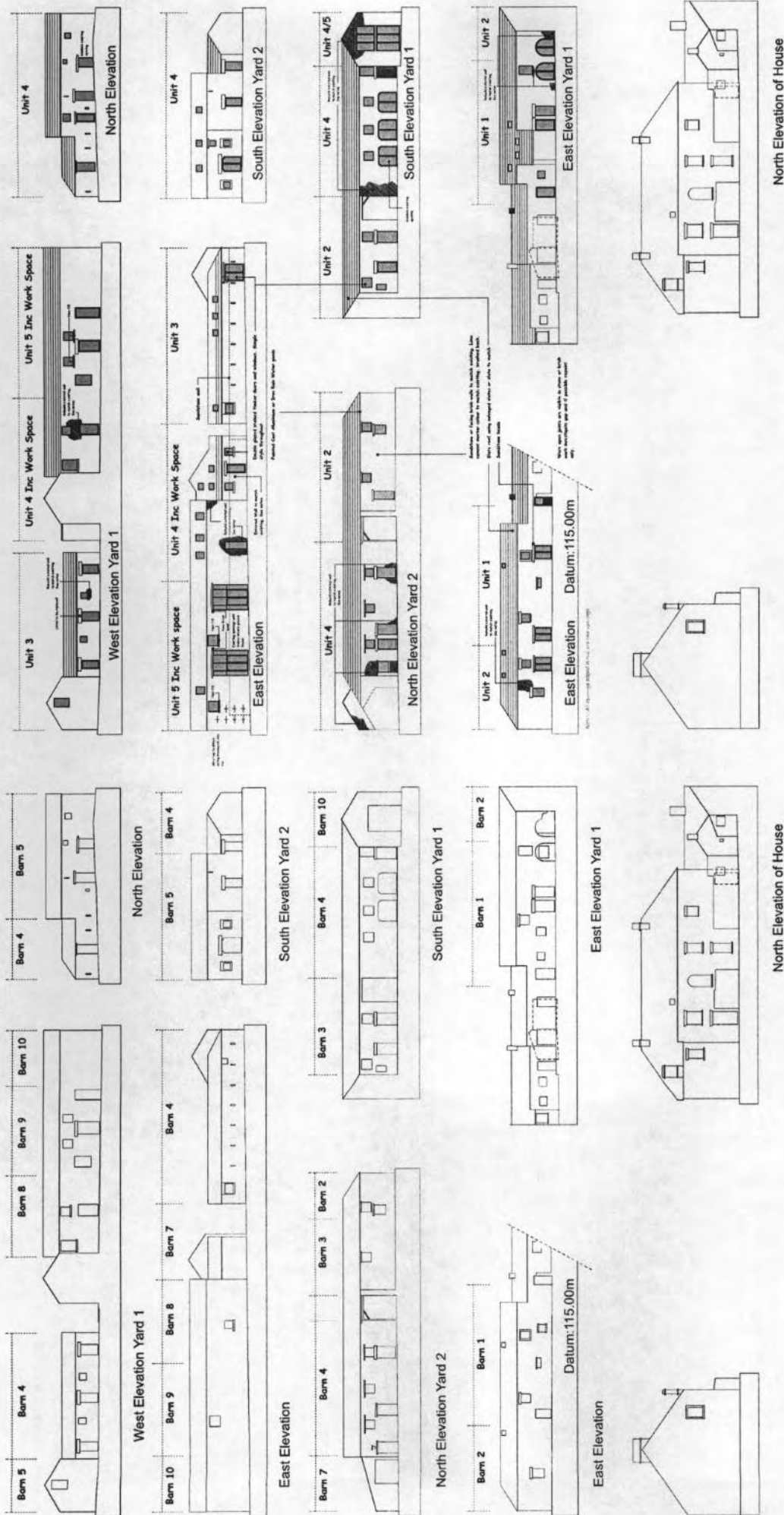
6.2 Article 1 of Protocol 1 relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary, proportionate and there is social need;

7. Recommendation

Reason For Including Report In Schedule B

At the time of preparing the report information and revised details are awaited from the applicant.

<p>The builder shall check any noted dimensions. Do not alter any dimensions. This drawing is not a construction drawing and is for the purpose of a planning application only.</p>	<p>Project Conversion of Barn Units Four & Five to Residential Units</p>		 <p>ASHTON DESIGN CONRADIA - HARTFORD CLAREMONT - CALIFORNIA TEL: 626.255.4200 WWW.ASHTONDESIGN.COM</p>
	<p>Address Knorrer Lodge, Walton</p>		
	<p>Client Mrs F M Forster</p>		
	<p>Title Proposed Site and Floor Plans</p>		
	<p>Scale 1:200</p>	<p>Date March 09</p>	



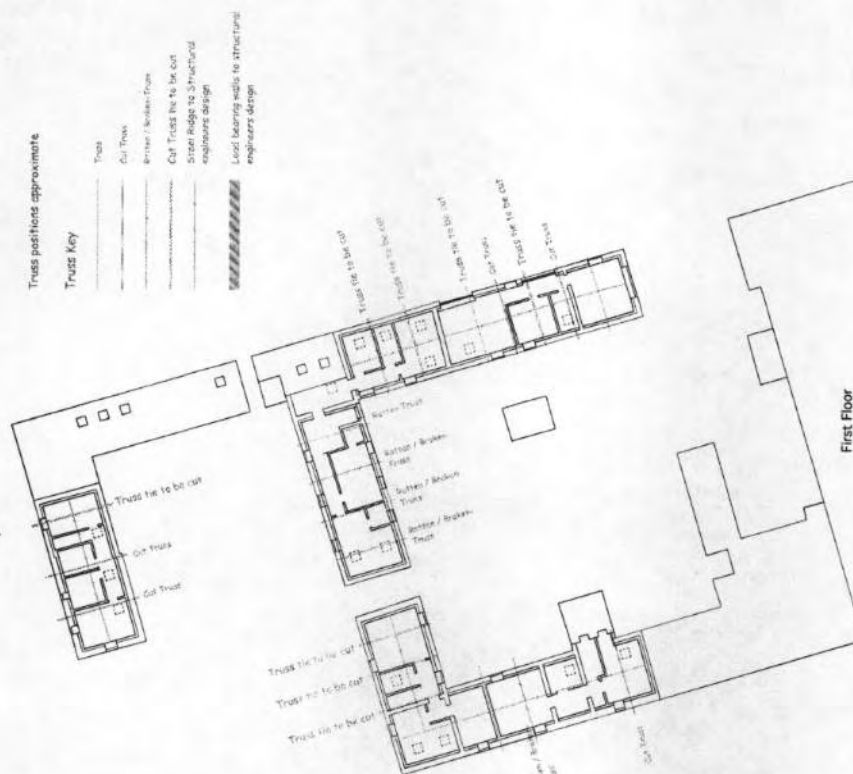
Proposed Elevations

<p>The builder shall check any noted discrepancies before construction. This drawing is not a construction drawing and is for the purpose of a Planning application only.</p>	<p>Project Conversion of Barn Units Four & Five to Residential Units</p>		
	<p>Address Knorrn Lodge, Walton</p>		
	<p>Client Mrs F M Forster</p>		
	<p>Title Existing & Proposed Elevations</p>		
	<p>Scale 1:200</p>	<p>Date March 09</p>	<p>Project No P1006/02</p>

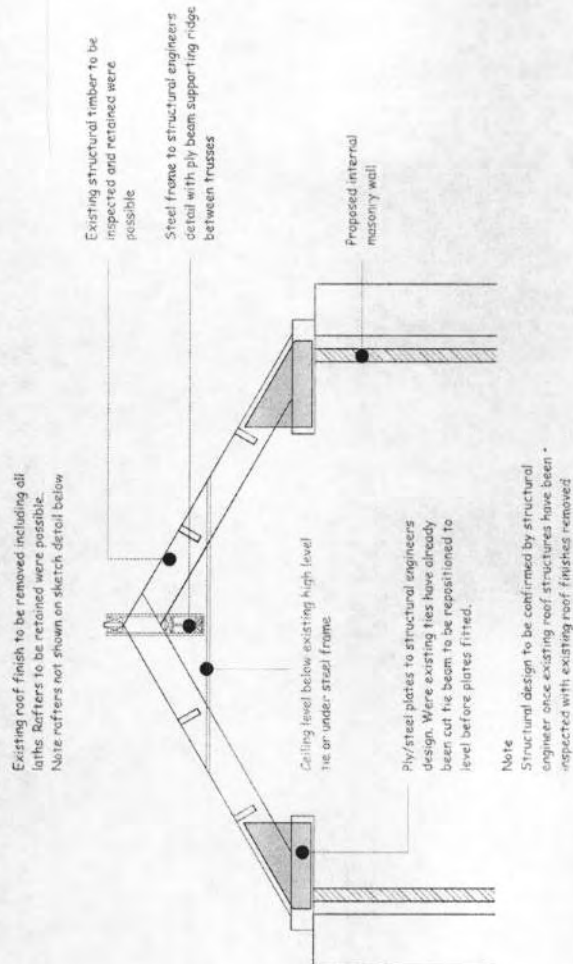
ASHTON DESIGN



EDMUND - HAYTON
TEL: 01223 470047
WWW.ASHTONDESIGN.CO.UK




Plan showing approximate Truss positions, Truss treatment and proposed Steel Frame.



General detail for truss treatment and steel ridge

Basic Structural design only, detailed structural design by Structural Engineer

0 50 100mm

The builder shall check any noted dimensions. Do not scale of this drawing. This drawing is not a construction drawing and is for the purpose of a Planning application only.				
	Project Conversion of Barn Units Four & Five to Residential Units			
	Address Khorren Lodge, Walton			
	Client Mrs F M Forster			
	Title Proposed Truss Treatment and Steel Frame			
	Scale	1:200, 1:20	Date April 09	PI006/04

SCHEDULE B: Reports Requiring Further Information

10/0524

Item No: 12

Date of Committee 20/08/2010

Appn Ref No:
10/0524

Applicant:
Mrs Forster

Parish:
Askerton

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

Agent:
Ashton Design

Ward:
Irthing

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

Grid Reference:
353598 567992

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

Amendment:

REPORT

Case Officer: Angus Hutchinson

Reason for Determination by Committee:

This application needs to be considered in the context of the preceding report concerning application 10/0523.

1. Constraints and Planning Policies

Local Plan Pol CP5 - Design

Local Plan Pol CP7 - Use of Traditional Materials

Local Plan Pol LE12 - Proposals Affecting Listed Buildings

Local Plan Pol LE13 - Alterations to Listed Buildings

Local Plan Pol LE15 - Change of Use of Listed Buildings

Local Plan PolLE18 - Buildings at Risk

2. Summary of Consultation Responses

Cumbria County Council - (Highway Authority): the highway conditions contained in 09/0296 should still apply to this application.

Development Services Planning & Housing Services - Local Plans: I refer to comments submitted by Local Plans in respect of the previous revised application 09/0296 for the conversion of the barns to two live work units and three open market dwellings based on the fact that there had been limited interest to marketing attempts from potential purchasers. At that time I felt that limited information regarding the outcome of the marketing of the property (e.g. number of enquiries, nature of enquiries and feedback) had been provided to support the revision to the planning consent for open market housing.

Based on the additional viability information provided to support this application (10/0523) it is clear that the price at which the site/barns have been marketed far exceeds a realistic value particularly in light of their condition and the level of work that would be required for conversion. If the barns had been more appropriately priced the marketing exercise may well have been more effective attracting a higher level of interest.

This therefore raises some concerns as to the appropriateness of the marketing that has taken place and whether or not it would therefore be acceptable to allow 5 open market dwellings to be created in the open countryside on the basis of the information provided.

United Utilities (former Norweb & NWWA): no objection to the proposal provided that the following conditions are met: -

- 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.
- Should this planning application be approved, the applicant should contact our Service Enquiries on 0845 7462200 regarding connection to the water mains/public sewers.

Currently, United Utilities policy is not to adopt SUDS (Sustainable Urban Drainage System) structures. This stance has been taken as SUDS structures, typically ponds, do not align with United Utilities asset base and would represent a substantial maintenance liability.

United Utilities will only consider the adoption of surface water sewers draining to a balancing pond (as opposed to any other SUDS structure), providing the following conditions are met: -

- * The Local Authority takes responsibility for the maintenance of the pond
- * The freehold of the land on which the pond lies is transferred to the Local Authority
- * United Utilities is provided with a deed of "Grant of Rights" to discharge into the pond in perpetuity. Such a deed would necessarily contain provisions against the development within the balancing pond, and against altering its topography, or making

connections to it.

- * That measures have been taken to prevent flooding of properties
- * That a legal agreement is in place between all parties.

A section 104 (Water Industry Act 1991) agreement for the surface water sewers draining to the balancing pond will not be entered into until every condition described above has been met.

The Electricity Distribution Network Operator for your area is now Electricity North West (Tel No 0800 195 1452 and our response is for United Utilities Water the statutory water and sewerage utility undertaker. Please send all consultation for Electricity Distribution Network Matters to Eric Roberts, Commercial Manager, United Utilities Electricity Services, Oldham WwTW, The Mill Building, The Causeway, Oldham Broadway Business Park, Chadderton, Oldham, OL9 9XD.

United Utilities offers a fully supported mapping service at a modest cost for our electricity, water mains and sewerage assets.

Development Services Planning & Housing Services - Access Officer:
comments awaited.

Community Services - Drainage Engineer: comments awaited.

Development Services Planning & Housing Services - Conservation: have a few reservations concerning some of the detailing and alterations within the proposed scheme. The basic principle relating to listed farm buildings and their conversion is the retention of the original fabric and character of the buildings with new openings being introduced only where absolutely necessary. The current scheme includes a number of new large openings and on some elevations a considerable number of rooflights. I believe these to be excessive and have an adverse effect on the character of these buildings. I consider that these additions and alterations are designed to increase the number of units rather than making a particular unit work.

I also have reservations about the possibility that these buildings could be converted to solely residential use. The advantage of converting them to Holiday Lets or for commercial or live/work units is that the buildings would not require as much alteration and the degree of external alterations and modifications, particularly to the setting of these buildings, will also be less.

I do not feel that sufficient effort has been made to find alternative uses for these buildings however even if we were to accept the conclusion that only residential use is viable at the present time then maybe now is not the appropriate time to develop these historic buildings. Providing proper maintenance is carried out this group of buildings would still be available for conversion at a future date, when a more acceptable and appropriate use might then be viable.

Cumbria County Council - (Archaeological Services): The County Historic Environment Record indicates that the farm buildings proposed for conversion are shown on the first edition OS map and therefore date from at least the mid 19th century (Historic Environment Record no. 41867). They form an integral part of the farm that includes the listed grade II farmhouse dating to the early 19th century. It is therefore considered that the buildings are of historic importance and that they would be altered by the proposed conversion.

Consequently, it is recommended that an archaeological building recording programme be undertaken in advance of development. This recording should be in accordance with a Level 2 survey as described by English Heritage Understanding Historic Buildings A Guide to Good Recording Practice, 2006. It is advised that this be secured by attaching a negative condition to any planning consent you may otherwise be minded to grant.

It is also suggested that you advise the applicant that such archaeological investigations are liable to involve some financial outlay.

Askerton Parish Council: comments awaited.

Natural England - Larger Schemes with Env.St & Designated Sites (SSSIs, SACs, SPAs, Ramsar Sites): this proposal lies 1.8km from Walton Moss Special Area of Conservation, Site of Special Scientific Interest but it is our opinion that the proposed development will not materially or significantly affect it. However, the developer should take reasonable measures to ensure that any materials and waste from the construction process do not enter any watercourse in the vicinity of the development site.

The proposal also lies 1.8km from the River Eden Site of Special Scientific Interest but it is our opinion that the proposed development will not materially or significantly affect it. However, the developer should take reasonable measures to ensure that any materials and waste from the construction process do not enter any watercourse in the vicinity of the development site.

We are satisfied that the proposal does not have any significant impacts upon Natural England's other interests.

We note that the information provided identifies that bats which are a legally protected species, will be affected by the proposal. Such protected species are a material consideration and therefore recommend that the Local Authority consider the requirements of protected species in determination of this application - the Council may wish to note the implications of the case R v Cheshire East Borough Council.

Where a development affects a species protected under the Conservation of Habitats and Species Regulations 2010, a license from Natural England would be required in order to allow prohibited activities, such as damaging breeding sites or resting places, for the purpose of development. The following criteria, as set out under Regulation 53, must be satisfied for such a license to be granted:

- the purpose of the actions authorised must be for "preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance of the environment"; and
- there must be "no satisfactory alternative" to the actions authorised; and
- the actions authorised "will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range".

Where a license from Natural England is required for any operations that affect protected species; this is irrespective of any planning permission that has been granted. Development works cannot be undertaken unless a license is issued and failure to comply can result in a fine or custodial sentence.

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.

Natural England notes that the 2007 bat survey has been submitted with this application. In light of the potential obsolescence of the survey data, it may be appropriate to request a further survey in respect of this application, however we also note that Condition 13 of the current permission states that a new bat survey must be undertaken prior to any construction. We are unable to comment further in relation to the proposed mitigation for the loss of roosts, again this may need to be addressed by a new survey (our previous response in relation to this development is also attached to this matter as an annex). The developer should be aware that a license from Natural England is required for any operations that affect protected species, this is irrespective of any planning permission that has been granted. Development works cannot be undertaken unless a license is issued and failure to comply can result in a fine or custodial sentence.

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 active nest sites should be undertaken by a suitable 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.

Sustainable Design

Natural England believes in encouraging the adoption of the principles of sustainability in all plans and projects. We support the implementation of standards such as; The Code for Sustainable Homes, both of which are concerned with a range of measures from building design to water energy and use. However sustainable design and construction entails a wider range of considerations, including development which conserves and enhances the distinctive landscape and townscape character, and conserves and enhances biodiversity, amongst other points.

3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:
Hawthorn Cottage	09/06/10	
Hill House	09/06/10	
NFU	09/06/10	Support
Low Lees Hill	09/06/10	
Forest Lodge	09/06/10	
Red Hills	09/06/10	
Thomasdean Cottage	09/06/10	Support
Walton Wood Head	09/06/10	
Bowman House	09/06/10	Support
Guards Hill House	09/06/10	
Pine Grove	09/06/10	
Burthiinghurst	09/06/10	
Knorren Fell Cottage	09/06/10	
Stone Cross Rigg	09/06/10	Support
Flat Moss	09/06/10	

Birchhead Bungalow	09/06/10	
White Hill Bungalow	09/06/10	Support
Jennet Croft	09/06/10	Support
Red Hall	09/06/10	Support
Camside	09/06/10	Support
Beckstones	09/06/10	
Calverill	09/06/10	
Easthouse	09/06/10	Support
White Hill Farm	09/06/10	Support
Nickes Hill	09/06/10	
Wellfield	09/06/10	Support
Holme House	09/06/10	
Cornerways	09/06/10	Support
Flack Moss	09/06/10	Support
Guards Hill	09/06/10	Support
White Hill	09/06/10	
Spout Bank Farm	09/06/10	Support
Red Hill	09/06/10	
The Chestnuts	09/06/10	Support
The Thrang	09/06/10	
The Gavel	09/06/10	Support
The Old Post Office		Support
Kirkdale		Support
Petersyke		Support
Kirkcambeck		Support
Glenesk		Support

- 3.1 This application has been advertised in the form the direct notification of the occupiers of 40 properties, and site and press notices. In response 24 letters of support have been received on the basis that the proposal would save important barns at Knorren Lodge and also help people who want to live in this area.
- 3.2 The NFU have also written to say that although the initial plan for live/work units was a good idea this is not going to be viable and therefore to retain these historic and unique farm buildings for the future then the planning application should be approved.

4. Planning History

- 4.1 *
- 4.2 *
- 4.3 *
- 4.4 *
- 4.5 *
- 4.6 *
- 4.7 *

- 4.8 *
- 4.9 *
- 4.10 *

*

5. Details of Proposal/Officer Appraisal

Introduction

- 5.1 Knorren Lodge is a Grade II Listed Building located approximately 3.5 km to the north of Walton and 1 km to the south of Kirkcambeck. Vehicular access is via a driveway off the B 6318. Woodland neighbours the steading to the west and east. The steading comprises the main house (Knorren Lodge), Knorren Cottage, a series of traditional barns forming two courtyards, and a walled garden. The first courtyard consists of two storey barns constructed from brick/stone walls under stone and slate roofs. The second courtyard, that is L shaped and situated to the rear of the first courtyard, comprises of single and two storey barns constructed from sandstone walls with stone flags and slate roofs.
- 5.2 In October 2007, under application numbers 07/0880 and 07/0881, planning permission and listed building consent were given for the conversion of the barns to five live/work units. In June 2009, under 09/0298, planning permission was granted to revise the scheme approved under 07/0880 by the conversion of the barns to three residential units and two live work units (four units in the first courtyard, and a single unit in the second courtyard).

Background

- 5.3 The current application, which also needs to be considered with the preceding application for planning permission [10/0523], seeks Listed Building Consent for a further revision by the conversion of the remaining live/work units (4 and 5) to two dwellings. In addition to the submitted forms and plans, the application is accompanied by the results of two bat surveys, a report on the proposed sewage treatment and disposal system, an updated structural report, a historic building appraisal, a Design and Access Statement, and a Development Appraisal.
- 5.4 The submitted emergence survey identified two bats foraging around the site and three bats emerging from the barns. On this basis the aforementioned report recommends a series of mitigation measures including the creation of four roosts; retention of crevices in the external walls; access to the bat roosts via ridge tiles; and, how and when work takes place.
- 5.5 The report on the proposed sewage treatment explains that Knorren Lodge is

drained on a "combined system" to a septic tank that needs to be replaced by an anaerobic treatment plant with the surface water on a separate system. Ideally the new treatment plant should be located within the lower garden area of Knorren Lodge in order to facilitate the supply of power to the unit. The land contains boulder clay at a depth of 400mm below ground level and is therefore unsuitable for a piped infiltration system of soakaway. A consent will be required from the Environment Agency for any outfall to Knorren Beck.

- 5.6 The submitted historic building appraisal states that the buildings have been predominantly built over a 65 year period dating from 1807. Investigations suggest that originally the Lodge and estate were used as a hunting lodge and small farm. In 1950 the Lodge was sold thus reducing the overall size of the estate.
- 5.7 Amongst other things, the Design and Access Statement explains that the Lodge and attached barns are deteriorating rapidly; the owners are not in a position to maintain the buildings or develop the site themselves; they would like to have the barns redeveloped sympathetically and intend to continue living in the Lodge; redevelopment provides the opportunity to reuse an interesting set of buildings and the walled garden. The Statement goes on to highlight that Walton has its own church, public house, a Cumbrian Game and Produce business, and shopper bus service through the week, whilst a Rural Wheels service also operates in the area. Lees Hill Primary School is within walking distance of Knorren Lodge and a Telfords Coaches Ltd school bus passes the end drive every school day. In addition, within the locality there are the Low Luckens Organic Resource Centre at Roweltown and the Centre for Creative Knowledge in Bewcastle.
- 5.8 The D&A Statement goes on to state that since approval was granted, and following the marketing of the site, Smiths Gore and an independent chartered surveyor have advised that the live work element of the approved scheme has reduced the viability of the scheme which has resulted in no definite interest in the site. The Statement argues that the conversion to a residential development, as opposed to holiday accommodation, will provide support to local services; Eden Housing Association and several local developers have expressed an interest in a residential development if permission was given; and local estate agents have confirmed developments of this type have a ready market.
- 5.9 The Development Appraisal, prepared by Walton Goodland, explains that the property was then brought to the market via Smiths Gore in approximately April 2008, and advertised on the basis of a development opportunity of 5no live/work units. The marketing particulars refer to the inclusion of a claw-back arrangement i.e. should any further or alternative planning consents then be obtained within a period of 30 years from the date of sale then 50% of the resulting net uplift in value is to be payable to the vendor or their successors in title. What followed, notably the credit crunch, global economic crisis and collapse of many of the major financial institutions has resulted in residential property values falling back to roughly 2005/2006 levels.
- 5.10 The author of the Appraisal understands that during this initial marketing

period no serious interest was received or offers lodged. Demand for live/work units is considered at best to be negligible and more often than not does not tend to exist. Similarly, the inclusion by the vendor of the claw-back agreement would not have inspired prospective developers who do not expect to be penalised for taking on the risk of development by sharing their profit reward. A new revised planning application was then submitted and approved on 3 June 2009 for the conversion of the property into 3 residential units and 2 live/work units. The property was then re-marketed on this basis however the marketing particulars still refer to the original planning consent for 5no live/work units. We understand that Smiths Gore received no significant further interest or offers for the property which by now had been marketed for in excess of 12 months.

- 5.11 The Appraisal concludes that the total build cost including contingencies, site works, professional fees, marketing, finance and developer's profit exceeds the total Gross Development Value of the approved scheme under Planning Ref: 09/0298; with higher than average build costs in view of the historic listed status of the property; and that any form of reduction in the open Market Value whether it be on the basis of live/work units or affordability renders the development un-saleable.
- 5.12 The Appraisal goes on to question whether finished converted units in this location could ever be classed as affordable even after making a 30% reduction in Market Value - the likelihood is that the property would need to be further split into additional smaller units in order to achieve end sales values that are truly affordable. Any further sub-division would undoubtedly impact on the design and character of the listed building particularly as consideration would need to be given for the inclusion of additional windows, doors and walls along with car parking and further communal areas. Any scheme at this property incorporating an element of affordable housing is not considered viable due to the exceptional costs associated with the development of the listed buildings and infrastructure required to serve the property.
- 5.13 The applicant's agent has also explained in an e-mail that Mrs Forster and her son intend to continue living in Knorren Lodge; the up keep of a property of this size and age needs containing investment; any profits from the sale of the barns will be used to reduce this financial burden; the current maintenance involves repair of guttering, down pipes, ongoing repairs to the roof, to external render, and decoration; Mrs Forester has lived in Knorren Lodge for most of her life, both her and her son are keen to maintain their house for the future; if the barns can be developed and no longer their responsibility they can concentrate on the Lodge.

Assessment

- 5.14 When assessing this application for Listed Building Consent it is considered that the main issue is whether the proposal safeguards the historic interest, character and setting of the Listed Buildings (Policies LE12, LE13 and LE15).

- 5.15 Policies LE12, LE13 and LE15 of the Local Plan 2001-2016 seek to ensure that applications for alterations to Listed Buildings have regard to the scale, proportions, character and detailing of the existing building and of its windows and doorways. Any proposals which adversely affect the Listed Building will not be permitted. Furthermore, the change of use of a Listed Buildings will be permitted provided it would not have a detrimental effect on the special architectural and or historical interest of the building and neighbouring properties.
- 5.17 In this case it is appreciated that the submitted structural surveys indicate that the barns are in a poor condition and have fallen into general disrepair. However, the Council's Conservation Officer has raised a number of concerns over the submitted details.

Other Matters

- 5.18 Members will be aware that the applicant has explained that if the barns can be developed and no longer her responsibility this would enable her to concentrate on maintenance of the Lodge. Based on the information provided, it appears that Knorren Lodge is already in a reasonable state and therefore this matter should be afforded little weight.

Conclusion

- 5.19 The securing of a long term use of the buildings is a tangible benefit. However, any assessment on whether that benefit outweighs the recognised conflict with the aforementioned planning policies needs to be undertaken following receipt of revised details. An updated report will be presented to Members.

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;

7. Recommendation

Reason For Including Report In Schedule B

At the time of preparing the report outstanding information and revised details are awaited from the applicant.

SCHEDULE C

SCHEDULE C

SCHEDULE C: Applications Determined by Other Authorities

Item No: 13

Between 03/07/2010 and 06/08/2010

Appn Ref No:

10/9016

Applicant:

Newlaithes Junior School

Parish:

Carlisle

Date of Receipt:

30/06/2010

Agent:

Cumbria County Council

Ward:

Morton

Location:

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

Grid Reference:

338426 554605

Proposal: Temporary Outdoor Teaching Facility

Amendment:

REPORT

Case Officer: Barbara Percival

City Council Observations on the Proposal:

Decision: City Council Observation - Raise No Objection

Date: 28/07/2010

Decision of: Cumbria County Council

Decision Type: Grant Permission

Date: 26/07/2010

A copy of the Notice of the decision of the Determining Authority is printed following the report.

CUMBRIA COUNTY COUNCIL

**TOWN AND COUNTRY PLANNING ACT, 1990
TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE)
ORDER, 1995**

NOTICE OF PLANNING CONSENT

To:

Newlaithes Junior School
Langrigg Road
Carlisle
Cumbria
CA2 6DX

In pursuance of the powers under the above Act and Order the Cumbria County Council as local planning authority hereby **permit** the development described in your application and on the plans and drawings attached thereto received on 23 June 2010.

viz: Temporary outdoor teaching facility

Newlaithes Junior School, Langrigg Road, Carlisle, Cumbria, CA2 6DX

subject to due compliance with the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

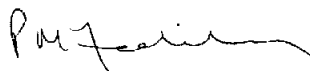
Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

2. The development shall be carried out in accordance with the approved scheme. The approved scheme for this planning permission shall comprise of:

- the submitted planning application form
- site location plan
- Drawings A01, A02, A03 & A04.
- the details required by the conditions attached to this permission
- the Decision Notice

Reason: To avoid confusion as to what comprises the approved scheme and ensure the development is carried out to an approved appropriate standard.

Dated the 26 July 2010



Signed: Paul Feehily
Assistant Director, Planning & Sustainability
on behalf of the Council.

NOTE

- Where the permission is granted subject to conditions, attention is directed to the attached Appendix/Notes.
- The conditions attached to this permission may override details shown on the application form, accompanying statements and plans.
- Any approval to be given by the Director of Environment or any other officer of Cumbria County Council, shall be in writing.

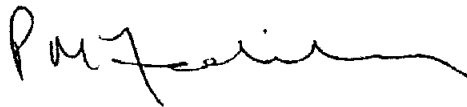
CUMBRIA COUNTY COUNCIL

**TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE)
ORDER 1995 (AS AMENDED)**

SUMMARY OF REASONS FOR GRANT OF PLANNING PERMISSION

1. This application has been determined in accordance with the Town and Country Planning Acts, in the context of national and regional planning policy guidance and advice and the relevant development plan policies.
2. In summary, the reasons for granting permission are that the County Council is of the opinion that the proposed development is in accordance with the development plan, there are no material considerations that indicate the decision should be made otherwise and with the planning conditions included in the notice of planning consent, any harm would reasonably be mitigated. Furthermore, any potential harm to interests of acknowledged importance is likely to be negligible and would be outweighed by the benefits of the development.

Dated the 26 July 2010



Signed: Paul Feehily
Assistant Director, Planning & Sustainability
on behalf of the Council.

SCHEDULE C: Applications Determined by Other Authorities

Item No: 14

Between 03/07/2010 and 06/08/2010

Appn Ref No:

10/9010

Applicant:

Cumbria County Council

Parish:

Brampton

Date of Receipt:

03/06/2010

Agent:

Economy, Culture and
Environment

Ward:

Brampton

Location:

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

Grid Reference:

353040 561340

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

Amendment:

REPORT

Case Officer: Shona Taylor

City Council Observations on the Proposal:

Decision: City Council Observation - Raise No Objection

Date: 08/07/2010

Decision of: Cumbria County Council

Decision Type: Grant Permission

Date: 28/07/2010

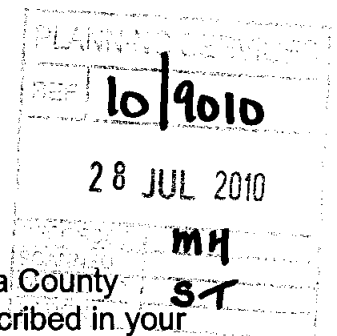
A copy of the Notice of the decision of the Determining Authority is printed following the report.

CUMBRIA COUNTY COUNCIL

TOWN AND COUNTRY PLANNING ACT, 1990
TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE)
ORDER, 1995

NOTICE OF PLANNING CONSENT

To: Cumbria County Council
Portland Square
Carlisle



In pursuance of the powers under the above Act and Order the Cumbria County Council as local planning authority hereby **permit** the development described in your application and on the plans and drawings attached thereto received on 25 May 2010.

viz: Variation of condition 14 of planning permission 1/08/9017 to retain temporary path around new nursery

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

Subject to due compliance with the following conditions:

1. The development shall be carried out strictly in accordance with the approved documents, herein referred to as the approved scheme. The approved scheme shall comprise the following:
 - the planning application form, dated 19 May 2010 and attached statement;
 - the Design and Access Statement , Rev.A;
 - the Location Plan, No. G2 Rev.A, dated 12 May 2008, and
 - the Landscaping Plan, No. G11 Rev.C, dated January 2009.

Reason: To ensure that the site is developed in accordance with the approved scheme.

2. The copper beech hedge shall be planted in the first planting season from the date of this permission. Any plants which die or become seriously damaged or diseased within five years of the planting shall be replaced with plants of the same species. The established hedge shall thereafter be maintained.

Reason: To secure the satisfactory establishment and maintenance of the hedge in the the interests of residential amenity, in accordance with Policy CP6 of the Carlisle District Local Plan 2001-2016.

Dated the 28 July 2010

A handwritten signature in black ink, appearing to read 'Paul Feehily'.

Signed: Paul Feehily, Assistant Director of Planning & Sustainability
on behalf of the Council.

NOTE

- Where the permission is granted subject to conditions, attention is directed to the attached Appendix/Notes.
 - The conditions attached to this permission may override details shown on the application form, accompanying statements and plans.
 - Any approval to be given by the Director of Environment or any other officer of Cumbria County Council, shall be in writing.
 - Any approval to be given by the Assistant Director of Planning & Sustainability or any other officer of Cumbria County Council, shall be in writing.
-

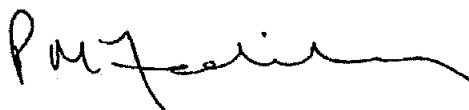
CUMBRIA COUNTY COUNCIL

**TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE)
ORDER 1995 (AS AMENDED)**

SUMMARY OF REASONS FOR GRANT OF PLANNING PERMISSION

- 1 This application has been determined in accordance with the Town and Country Planning Acts, in the context of national and regional planning policy guidance and advice and the relevant development plan policies.
- 2 The reasons for granting permission are that the County Council is of the opinion that the development is in accordance with the development plan; there are no material considerations that indicate the decision should be made otherwise, and with the planning conditions included in the decision notice, any harm would reasonably be mitigated. Any potential harm to interests of acknowledged importance is likely to be negligible and would be outweighed by the benefits of the development.

Dated the 28 July 2010



.....
Signed: Paul Feehily
Assistant Director, Planning & Sustainability
on behalf of the Council.

SCHEDULE C: Applications Determined by Other Authorities

Item No: 15

Between 03/07/2010 and 06/08/2010

Appn Ref No:

10/9015

Applicant:

Mr Robert Hewson
(Headteacher)

Parish:

Carlisle

Date of Receipt:

25/06/2010

Agent:

Cumbria County Council

Ward:

Upperby

Location:

Gillford Centre, Upperby Road, Carlisle, CA2 4JE

Grid Reference:

340880 553929

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

Amendment:

REPORT

Case Officer: Shona Taylor

City Council Observations on the Proposal:

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

Decision of: Cumbria County Council

Decision Type: Grant Permission

Date: 26/07/2010

A copy of the Notice of the decision of the Determining Authority is printed following the report.

CUMBRIA COUNTY COUNCIL

**TOWN AND COUNTRY PLANNING ACT, 1990
TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE)
ORDER, 1995**

NOTICE OF PLANNING CONSENT

To: Mr Hewson
The Gillford Centre
Upperby Road
Carlisle
Cumbria
CA2 4JE

In pursuance of the powers under the above Act and Order the Cumbria County Council as local planning authority hereby **permit** the development described in your application and on the plans and drawings attached thereto received on 18 June 2010.

**viz: Demolition of existing single garage and erection of new double garage for storing school equipment
Gillford Centre, Upperby Road, Carlisle, Cumbria, CA2 4JE**

subject to due compliance with the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

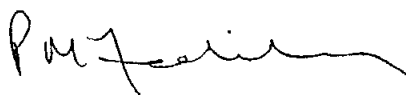
Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

2. The development shall be carried out in accordance with the approved scheme. The approved scheme for this planning permission shall comprise of:

- the submitted planning application form
- site location plan and the block plan ref CS038100/A/001
- the details required by the conditions attached to this permission
- the Decision Notice

Reason: To avoid confusion as to what comprises the approved scheme and ensure the development is carried out to an approved appropriate standard.

Dated the 26 July 2010



Signed: Paul Feehily
Assistant Director, Planning & Sustainability
on behalf of the Council.

NOTE

- Where the permission is granted subject to conditions, attention is directed to the attached Appendix/Notes.
- The conditions attached to this permission may override details shown on the application form, accompanying statements and plans.
- Any approval to be given by the Director of Environment or any other officer of Cumbria County Council, shall be in writing.

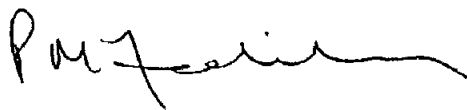
CUMBRIA COUNTY COUNCIL

**TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE)
ORDER 1995 (AS AMENDED)**

SUMMARY OF REASONS FOR GRANT OF PLANNING PERMISSION

1. This application has been determined in accordance with the Town and Country Planning Acts, in the context of national and regional planning policy guidance and advice and the relevant development plan policies.
2. In summary, the reasons for granting permission are that the County Council is of the opinion that the proposed development is in accordance with the development plan, there are no material considerations that indicate the decision should be made otherwise and with the planning conditions included in the notice of planning consent, any harm would reasonably be mitigated. Furthermore, any potential harm to interests of acknowledged importance is likely to be negligible and would be outweighed by the benefits of the development.

Dated the 26 July 2010

A handwritten signature in black ink, appearing to read 'Paul Feehily', with a long horizontal flourish extending to the right.

Signed: Paul Feehily
Assistant Director, Planning & Sustainability
on behalf of the Council.

SCHEDULE D

SCHEDULE D

SCHEDULE D: Reports on Previously Deferred Decisions

Item No: 16

Between 26/06/2010 and 06/08/2010

Appn Ref No:

10/0346

Applicant:

Story Homes

Parish:

Brampton

Date of Receipt:

19/04/2010 08:01:14

Agent:

Ward:

Brampton

Location:

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

Grid Reference:

353782 561006

Proposal: Erection Of 42no. Dwellings And Associated Infrastructure

Amendment:

REPORT

Case Officer: Angus Hutchinson

Details of Deferral:

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

Decision: Grant Permission

Date: 19/07/2010

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

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

2. The approved documents for this Planning Permission comprise:
 1. the submitted planning application form;
 2. the accompanying background information contained in the submitted Flood Risk Assessment, Phase 1 and 2 Geo-Environmental Ground Investigation Reports, Ecological Report, Arboricultural Report and Impact Assessment, a Design and Access Statement, Summary, Soakaway

SCHEDULE D: Reports on Previously Deferred Decisions

Design prepared by Wavin dated 18.05.10;

2. drawing numbers: SH068.90.9.SL.LP (Location Plan); 1929/1/Rev A (Topographic Survey); SH068.90.9.SL.TC Rev A (Tree Constraints Plan); 2207.001.Rev P1 (External Works); 2207.002.P1 (Site Section); 2207.002.Rev T1 (SW Drainage Layout); Typical Soakaway Non Traffic Loading detail; 2207.004.Rev T1 (Plot Drainage Layout); SH068.90.9.SL.PA Rev A (Planning Layout); SH068.90.9.SL.ET Rev A (Elevation Treatments); SH068.90.9.SL.BD Rev.C (Boundary Area and Hard Surface Details); 2207-002-003-004-T1 (Drainage Layouts Plot Drainage); Boundary Details (BD-01 to 04); c-672-01 Rev C (Soft landscape proposals); The Beech (BEE-PL1 to 4 and PLP), Aspen (ASP PL1 to 4 and PLP), Ash (PL1 to 4 and PLP), Hawthorn (PL1 to 4 and PLP), Cedar (PL1, 2, 4 and 5, PL3 and PLP Rev A) Willow (PL1 and PLP), and Osier (PL1 and 2, and PLP) house types; and The Single Garage (SG-EPS1);
3. the Notice of Decision; and
4. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: For the avoidance of doubt.

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

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

4. The carriageway and footways shall be designed, constructed, drained and lit to a standard suitable for adoption and in this respect further details, including longitudinal/cross sections, shall be submitted to the Local Planning Authority for approval before any work, outside of site clearance, commences on site. These details shall be in accordance with the standards laid down in the current Cumbria Design Guide. Any works so approved shall be constructed before the development is completed.

Reason: To ensure that the matters specified are designed to the satisfaction of the Local Planning Authority and to support Local

SCHEDULE D: Reports on Previously Deferred Decisions

Transport Plan Policies S3, LD11 and LD7

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

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

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

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

7. No development shall commence, outside of site clearance, until visibility splays providing clear visibility of 70 metres x 2.4 metres x 70 metres measured down the centre of the exit road and the nearside channel line of the trunk road have been provided at the junction of the access road with the county highway. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grow within the visibility splay which obstruct the visibility splays.

Reason: In the interests of highway safety, to ensure compliance with Policy H1 of the Carlisle District Local Plan 2001-2016.

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

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

9. Ramps shall be provided on each side of every road junction to enable wheelchairs, prams and invalid carriages to be safely manoeuvred at kerb lines. Details of all such ramps shall be submitted to the Local Planning Authority for approval before development commences. Any details so approved shall be

SCHEDULE D: Reports on Previously Deferred Decisions

constructed as part of the development.

Reason: To ensure that pedestrians and people with impaired mobility can negotiate road junctions in relative safety and to support Local Transport Plan Policies LD12 and LD7.

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

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

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

Reason: To ensure the works safeguard the character of the area in compliance with Policies CP5, LE19 and H1 of the Carlisle District Local Plan 2001-2016.

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

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

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

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

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

SCHEDULE D: Reports on Previously Deferred Decisions

Reason: To ensure as far as possible that the landscaping scheme is fully effective in accord with Policy E15 of the Carlisle District Local Plan.

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

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

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

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

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

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

18. The access covers to the underground ducts to be installed pursuant to the above condition shall be carefully located in relation to the surface finishes and to the satisfaction of the local planning authority and shall be of the type

SCHEDULE D: Reports on Previously Deferred Decisions

whereby the "tray" may be infilled with the appropriate surface materials.

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

Item No: 17

Between 26/06/2010 and 06/08/2010

Appn Ref No:
10/0408

Applicant:
Citadel Estates Ltd

Parish:
Carlisle

Date of Receipt:
13/05/2010

Agent:
Holt Planning Consultancy

Ward:
Denton Holme

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

Grid Reference:
339970 555301

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

Amendment:

REPORT

Case Officer: Angus Hutchinson

Details of Deferral:

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

Decision: Grant Permission

Date: 29/06/2010

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

SCHEDULE D: Reports on Previously Deferred Decisions

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

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

Reason: For the avoidance of doubt.

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

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

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

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

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

SCHEDULE D: Reports on Previously Deferred Decisions

accordance with the aforementioned approved plans.

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

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

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

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

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

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

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

9. All works comprised in the approved details of boundary walls and fences shall be carried out contemporaneously with the completion (i.e. by the plastering out) of each residential unit hereby permitted.

Reason: To ensure that the appearance of the area is not prejudiced by lack of satisfactory screening which is not carried out in a co-ordinated manner and that safeguards the security of residents in accord with Policies CP5, CP17 and H1 of the Carlisle District Local Plan 2001-2016.

10. Samples or full details of all materials to be used on the exterior shall be

SCHEDULE D: Reports on Previously Deferred Decisions

submitted to and approved in writing by the Local Planning Authority before any work is commenced.

Reason: To ensure the works safeguard the character of the area in accord with Policies CP7 and H1 of the Carlisle and District Local Plan 2001-2016.

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

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

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

Reason: To ensure that a satisfactory landscaping scheme is prepared in accord with Policy CP3 of the Carlisle District Local Plan 2001-2016.

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

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

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

Reason: To ensure that the effects of any contamination are combatted successfully in the interests of the future occupiers/users of the

SCHEDULE D: Reports on Previously Deferred Decisions

site and to protect the quality of the River Caldeu.

SCHEDULE E

SCHEDULE E

SCHEDULE E: Decisions Issued Under Delegated Powers

Between 03/07/2010 and 06/08/2010

Appn Ref No:
10/0003

Applicant:
Glenzier Estates

Parish:
Kirkandrews

Date of Receipt:
07/01/2010

Agent:
Mr Bill Vevers

Ward:
Longtown & Rockcliffe

Location:
Batenbush Farm House, Longtown, CA6 5NW

Grid Reference:
337788 571478

Proposal: Demolition Of Existing Farmhouse And Erection Of Two Storey Dwelling
Amendment:

Decision: Grant Permission

Date: 06/08/2010

Between 03/07/2010 and 06/08/2010

Appn Ref No:
10/0258

Applicant:
Tesco Stores Ltd

Parish:
Wetheral

Date of Receipt:
28/05/2010

Agent:
Smith Smalley Architects
Ltd.

Ward:
Wetheral

Location:
Tesco Stores, Warwick Road, Carlisle, CA1 2SB

Grid Reference:
342849 556161

Proposal: Erection Of Single Storey Bulkstore/Warehouse Extension To South
East Of Existing Retail Superstore

Amendment:

1. Car Park Study

Decision: Grant Permission

Date: 23/07/2010

Between 03/07/2010 and 06/08/2010

Appn Ref No:
10/0272

Applicant:
Mrs Barbara Mitchinson

Parish:
Carlisle

Date of Receipt:
27/05/2010

Agent:
The Royal British Legion

Ward:
Morton

SCHEDULE E: Decisions Issued Under Delegated Powers

Location:
17 Irton Place, Morton Park, Carlisle, CA2 6LX

Grid Reference:
338169 553958

Proposal: Erection Of Scooter Store To Front Of Property To House Electrically
Powered Vehicle For Use By A Disabled Person

Amendment:

Decision: Grant Permission

Date: 23/07/2010

Between 03/07/2010 and 06/08/2010

Appn Ref No:
10/0274

Applicant:
Mrs Edna Matthews

Parish:
Carlisle

Date of Receipt:
27/05/2010

Agent:
The Royal British Legion

Ward:
Morton

Location:
9 Bannisdale Way, Morton, Carlisle, CA2 6LR

Grid Reference:
338411 554004

Proposal: Erection Of Scooter Store To Front Of Property To House Electrically
Powered Vehicle For Use By A Disabled Person

Amendment:

Decision: Grant Permission

Date: 23/07/2010

Between 03/07/2010 and 06/08/2010

Appn Ref No:
10/0275

Applicant:
Ms Catherine Harlow

Parish:
Brampton

Date of Receipt:
14/05/2010

Agent:

Ward:
Brampton

Location:
5 Hemblesgate Court, Tarn Road, Brampton, CA8
1QX

Grid Reference:
353577 560520

Proposal: Erection Of Bike Store And Trellis (Part Retrospective)

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 09/07/2010

Between 03/07/2010 and 06/08/2010

Appn Ref No:
10/0284

Applicant:
Mr Allison

Parish:
Burgh-by-Sands

Date of Receipt:
14/05/2010

Agent:
Black Box Architects
Limited

Ward:
Burgh

Location:
Beech House, Thurstonfield, CA5 6HE

Grid Reference:
331556 556545

Proposal: Conversion Of Barn Into Extra Living Accommodation

Amendment:

Decision: Grant Permission

Date: 08/07/2010

Between 03/07/2010 and 06/08/2010

Appn Ref No:
10/0285

Applicant:
Mr Allison

Parish:
Burgh-by-Sands

Date of Receipt:
14/05/2010

Agent:
Black Box Architects
Limited

Ward:
Burgh

Location:
Beech House, Thurstonfield, CA5 6HE

Grid Reference:
331556 556545

Proposal: Conversion Of Barn Into Extra Living Accommodation (LBC)

Amendment:

Decision: Grant Permission

Date: 08/07/2010

Between 03/07/2010 and 06/08/2010

Appn Ref No:
10/0289

Applicant:
Mr Hodgson

Parish:
Burgh-by-Sands

SCHEDULE E: Decisions Issued Under Delegated Powers

Date of Receipt:
29/03/2010 13:00:59

Agent:
H&H Bowe Ltd.

Ward:
Burgh

Location:
Wormanby Farm, Burgh by Sands, Carlisle, CA5
6DA

Grid Reference:
333528 558925

Proposal: Proposed New Cattle Shed With Underground Slurry Storage

Amendment:

Decision: Grant Permission

Date: 29/07/2010

Between 03/07/2010 and 06/08/2010

Appn Ref No:
10/0306

Applicant:
Mr Powley

Parish:
St Cuthberts Without

Date of Receipt:
14/05/2010

Agent:
H&H Bowe Ltd.

Ward:
Dalston

Location:
Green Marsh, Brisco, Carlisle, CA4 0RE

Grid Reference:
341723 551195

Proposal: Proposed Poultry Unit Comprising Egg Collection, Storage Room And
Flock 1 Area

Amendment:

Decision: Grant Permission

Date: 20/07/2010

Between 03/07/2010 and 06/08/2010

Appn Ref No:
10/0308

Applicant:
Mr Powley

Parish:
St Cuthberts Without

Date of Receipt:
19/05/2010

Agent:
H&H Bowe Ltd.

Ward:
Dalston

Location:
Green Marsh, Brisco Carlisle, CA4 0RE

Grid Reference:
341723 551195

Proposal: Proposed Poultry Unit: Phase 2: Flock 2 Area

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 20/07/2010

Between 03/07/2010 and 06/08/2010

Appn Ref No:
10/0338

Applicant:
Mr Holiday

Parish:
Carlisle

Date of Receipt:
14/04/2010 16:00:17

Agent:
Green Design Group

Ward:
Currock

Location:
Currock House Community Centre, Lediard Avenue,
Carlisle, CA2 4BS

Grid Reference:
339999 554218

Proposal: Demolition Of Existing Store/Garage And Replaced With New Store In
Same Location.

Amendment:

Decision: Grant Permission

Date: 29/07/2010

Between 03/07/2010 and 06/08/2010

Appn Ref No:
10/0339

Applicant:
Mr Holiday

Parish:
Carlisle

Date of Receipt:
14/04/2010 16:00:17

Agent:
Green Design Group

Ward:
Currock

Location:
Currock House Community Centre, Lediard Avenue,
Carlisle, CA2 4BS

Grid Reference:
339999 554218

Proposal: Demolition Of Existing Store/Garage And Replaced With New Store In
Same Location. (LBC)

Amendment:

Decision: Grant Permission

Date: 29/07/2010

Between 03/07/2010 and 06/08/2010

SCHEDULE E: Decisions Issued Under Delegated Powers

Appn Ref No:
10/0343

Applicant:
Reiver Lodges Ltd

Parish:
Rockcliffe

Date of Receipt:
20/05/2010

Agent:

Ward:
Longtown & Rockcliffe

Location:
Dalton Auction Mart, Harker, Carlisle, CA6 6DS

Grid Reference:
339518 560921

Proposal: Change Of Use Of Auction Mart To Offices, Sales Area and Marketing Suite; Demolition Of Single Storey Building Together With Display Of 4No. Show Lodges

Amendment:

Decision: Withdrawn by Applicant/or by default

Date: 13/07/2010

Between 03/07/2010 and 06/08/2010

Appn Ref No:
10/0345

Applicant:
Mr Ian Simpson

Parish:
Carlisle

Date of Receipt:
20/05/2010

Agent:

Ward:
Currock

Location:
Simpsons The Builders, St Nicholas Bridges,
Carlisle, CA2 4AA

Grid Reference:
340855 554785

Proposal: Erection Of Two Storey Extension To The West Elevation (Offices) & Two Storey Extension To The East Elevation (Workshop)

Amendment:

Decision: Grant Permission

Date: 05/07/2010

Between 03/07/2010 and 06/08/2010

Appn Ref No:
10/0375

Applicant:
GL Noble Denton

Parish:
Kingwater

Date of Receipt:
24/05/2010

Agent:

Ward:
Irthing

SCHEDULE E: Decisions Issued Under Delegated Powers

Location:

Spadeadam Test Site, MOD R5, Gilsland,
Brampton, Cumbria, CA8 7AU

Grid Reference:

361314 572578

Proposal: Storage Of 2no. Containers Used As A Pump Cabin And A Control Cabin Together With The Storage Of Lengths Of Steel Pipeline (Revised Application)

Amendment:

Decision: Grant Permission

Date: 15/07/2010

Between 03/07/2010 and 06/08/2010

Appn Ref No:

10/0399

Applicant:

Mr & Mrs Bunting

Parish:

Burgh-by-Sands

Date of Receipt:

04/05/2010

Agent:

Jock Gordon

Ward:

Burgh

Location:

8 The Courtyards, Moorhouse, Carlisle, CA5 6EX

Grid Reference:

332979 556787

Proposal: Single Storey Rear Extension to Provide Sunroom (LBC)

Amendment:

Decision: Grant Permission

Date: 09/07/2010

Between 03/07/2010 and 06/08/2010

Appn Ref No:

10/0400

Applicant:

Mr Mike Swan - Fletcher

Parish:

Stanwix Rural

Date of Receipt:

04/05/2010

Agent:**Ward:**

Stanwix Rural

Location:

2 Wellfield Cottages, Linstock, Carlisle, CA6 4QA

Grid Reference:

342481 558039

Proposal: Erection Of Two Storey Side And Rear Extension to Provide Enlarged Kitchen On Ground Floor With 1no. En-Suite Bedroom At First Floor Level

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 29/07/2010

Between 03/07/2010 and 06/08/2010

Appn Ref No:
10/0404

Applicant:
Mr Francis Grant

Parish:
Carlisle

Date of Receipt:
04/05/2010

Agent:
Architects Plus (UK) Ltd

Ward:
Upperby

Location:
143 Upperby Road, Carlisle, Cumbria, CA2 4JP

Grid Reference:
341041 553614

Proposal: Erection Of Garage (Retrospective)

Amendment:

Decision: Grant Permission

Date: 09/07/2010

Between 03/07/2010 and 06/08/2010

Appn Ref No:
10/0410

Applicant:
Electricity North West
Limited

Parish:
Hayton

Date of Receipt:
04/05/2010

Agent:

Ward:
Hayton

Location:
Land from Low Gelt Farm, How Mill To Townhead
Wood

Grid Reference:
352170 559091

Proposal: Installation Of Electric Line Above Ground

Amendment:

Decision: City Council Observation - Observations

Date: 23/07/2010

Between 03/07/2010 and 06/08/2010

Appn Ref No:

Applicant:

Parish:

SCHEDULE E: Decisions Issued Under Delegated Powers

10/0411 Mr Tweedie Carlisle

Date of Receipt: **Agent:** **Ward:**
19/05/2010 Gray Associates Limited Belah

Location: **Grid Reference:**
2 Scaurbank Terrace, Carlisle, CA3 9PJ 338940 557307

Proposal: Single Storey Rear Extension To Provide Enlarged Kitchen/Dining Room
Amendment:

Decision: Grant Permission **Date:** 05/07/2010

Between 03/07/2010 and 06/08/2010

Appn Ref No: **Applicant:** **Parish:**
10/0417 Mr McDonnell Orton

Date of Receipt: **Agent:** **Ward:**
11/05/2010 Carlisle Window Systems Burgh

Location: **Grid Reference:**
Croft House, Baldwinholme, Carlisle, Cumbria, CA5 333789 551968
6LJ

Proposal: Erection Of Conservatory To Front Elevation
Amendment:

Decision: Grant Permission **Date:** 06/07/2010

Between 03/07/2010 and 06/08/2010

Appn Ref No: **Applicant:** **Parish:**
10/0418 Mr Stephen Brough Dalston

Date of Receipt: **Agent:** **Ward:**
07/06/2010 Dalston

Location: **Grid Reference:**
Buckabank Farm, Dalston, Carlisle, Cumbria, CA5 337949 549429
7AB

Proposal: Erection Of Steel Portal Frame Building Housing For Calf And

SCHEDULE E: Decisions Issued Under Delegated Powers

Youngstock

Amendment:

Decision: Grant Permission

Date: 28/07/2010

Between 03/07/2010 and 06/08/2010

Appn Ref No:
10/0422

Applicant:
Mrs Sue Hedley

Parish:
Scaleby

Date of Receipt:
18/05/2010

Agent:

Ward:
Stanwix Rural

Location:
Glencote, Scaleby, Carlisle

Grid Reference:
344749 563097

Proposal: Erection Of Replacement Pitched Roof Garage

Amendment:

1. Revised Proposed Drawings That Illustrate The Proposed Gable Facing The Highway
2. Revised Application Form That Completes Certificate Of Ownership - Certificate B
3. Submission Of Householder Application Forms

Decision: Grant Permission

Date: 14/07/2010

Between 03/07/2010 and 06/08/2010

Appn Ref No:
10/0430

Applicant:
Mr Neville Mason

Parish:
Wetheral

Date of Receipt:
01/06/2010

Agent:
Michael Haymes
Partnership Limited

Ward:
Wetheral

Location:
4 Broomy Hill, Aglionby, Carlisle, CA4 8AF

Grid Reference:
344732 556625

Proposal: Installation Of Window To Landing

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 06/07/2010

Between 03/07/2010 and 06/08/2010

Appn Ref No:
10/0432

Applicant:
Ms Rachael Rodway

Parish:
Carlisle

Date of Receipt:
19/05/2010

Agent:
Mr Steve Buttler

Ward:
St Aidans

Location:
49 Raven Street, Carlisle, Cumbria, CA1 2DQ

Grid Reference:
341311 555431

Proposal: Erection Of First Floor Extension Over Garage To Provide 1No. Bedroom

Amendment:

Decision: Grant Permission

Date: 06/07/2010

Between 03/07/2010 and 06/08/2010

Appn Ref No:
10/0435

Applicant:
Santander

Parish:

Date of Receipt:
02/06/2010

Agent:
Insignia Projects Limited

Ward:
Castle

Location:
18 Devonshire Street, Carlisle, CA3 8LP

Grid Reference:
340221 555744

Proposal: Display Of 1no. Non-Illuminated Fascia Sign, 1no. Non-Illuminated Hanging Sign Together With Non-Illuminated Window Lettering, 1no. Internally Illuminated ATM Header Sign, 1no. Non-Illuminated ATM Surround And 1no. Non-Illuminated Letter Box Sign

Amendment:

Decision: Grant Permission

Date: 27/07/2010

Between 03/07/2010 and 06/08/2010

SCHEDULE E: Decisions Issued Under Delegated Powers

Appn Ref No:
10/0437

Applicant:
Mr Scott Rattray

Parish:
Hayton

Date of Receipt:
02/06/2010

Agent:

Ward:
Hayton

Location:
The Garth, Hayton, Brampton, CA8 9HR

Grid Reference:
350676 557752

Proposal: Erection Of Wooden Shed/Play Room In Garden

Amendment:

Decision: Grant Permission

Date: 27/07/2010

Between 03/07/2010 and 06/08/2010

Appn Ref No:
10/0439

Applicant:
Foxes Cafe Lounge

Parish:
Carlisle

Date of Receipt:
28/05/2010

Agent:

Ward:
Castle

Location:
18 Abbey Street, Carlisle, CA3 8TX

Grid Reference:
339706 556007

Proposal: Change Of Use Of Rear Yard To Outside Seating Area Together With Replacement Of Window To Door In Rear Elevation To Create A Fire Escape (LBC)

Amendment:

Decision: Grant Permission

Date: 19/07/2010

Between 03/07/2010 and 06/08/2010

Appn Ref No:
10/0440

Applicant:
Mr Telford

Parish:
Stapleton

Date of Receipt:
25/05/2010

Agent:
Planning Branch Ltd

Ward:
Lyne

Location:
High Mossthorn, Roadhead, Carlisle, CA6 6NJ

Grid Reference:
351496 573435

SCHEDULE E: Decisions Issued Under Delegated Powers

Proposal: Conversion And Extension Of Barn To Form 1no. 2 Bedroom Dwelling
Amendment:

Decision: Refuse Permission

Date: 19/07/2010

Between 03/07/2010 and 06/08/2010

Appn Ref No:
10/0442

Applicant:
Carlisle Glass Limited

Parish:
Carlisle

Date of Receipt:
13/05/2010

Agent:
Architects Plus (UK) Ltd

Ward:
Castle

Location:
Club XS/Twisted Wheel, West Walls, Carlisle, CA3
8UB

Grid Reference:
339953 555771

Proposal: Discharge of Condition 2 (Material Samples) Relating to Planning
Reference 07/0478

Amendment:

Decision: Grant Permission

Date: 05/07/2010

Between 03/07/2010 and 06/08/2010

Appn Ref No:
10/0443

Applicant:
BRB (Residuary) Ltd

Parish:
Kingmoor

Date of Receipt:
26/05/2010

Agent:
Balvak Ltd

Ward:
Stanwix Rural

Location:
Waverley Viaduct, River Eden, Willowholme, CA2
7NY

Grid Reference:
338317 556513

Proposal: Discharge of Condition 2 (Fence Details) Of Previously Approved
Application 09/1094

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 13/07/2010

Between 03/07/2010 and 06/08/2010

Appn Ref No:
10/0447

Applicant:
Mr M Milburn

Parish:
Carlisle

Date of Receipt:
21/05/2010

Agent:

Ward:
Stanwix Urban

Location:
50 Etterby Street, Carlisle, CA3 9JD

Grid Reference:
339825 557177

Proposal: Alterations To Existing Roof On Single Storey Rear Extension To
Provide New Infill Roof And 1no. Lantern Lights Together With Internal
Alterations (Revised Application) (LBC)

Amendment:

Decision: Grant Permission

Date: 12/07/2010

Between 03/07/2010 and 06/08/2010

Appn Ref No:
10/0448

Applicant:
Mr M Milburn

Parish:
Carlisle

Date of Receipt:
21/05/2010

Agent:

Ward:
Stanwix Urban

Location:
50 Etterby Street, Carlisle, CA3 9JD

Grid Reference:
339825 557177

Proposal: Alterations To Existing Roof On Single Storey Rear Extension To
Provide New Infill Roof And 1no. Lantern Lights Together With Internal
Alterations (Revised Application)

Amendment:

Decision: Grant Permission

Date: 12/07/2010

Between 03/07/2010 and 06/08/2010

Appn Ref No:
10/0449

Applicant:
Mr B W J Gooding

Parish:
Wetheral

SCHEDULE E: Decisions Issued Under Delegated Powers

Date of Receipt:

14/06/2010

Agent:

Ward:

Wetheral

Location:

The Croft, School Road, Wetheral, Carlisle, CA4
8HE

Grid Reference:

346463 554198

Proposal: Installation Of An Air Source Heat Pump In Rear Garden

Amendment:

Decision: Grant Permission

Date: 05/08/2010

Between 03/07/2010 and 06/08/2010

Appn Ref No:

10/0452

Applicant:

Mr Watson

Parish:

Stanwix Rural

Date of Receipt:

08/06/2010

Agent:

Paramount Windows &
Conservatories

Ward:

Stanwix Rural

Location:

2 Knells Cottages, Houghton, Carlisle, Cumbria

Grid Reference:

341253 560695

Proposal: Erection Of Conservatory To Rear Elevation

Amendment:

Decision: Grant Permission

Date: 15/07/2010

Between 03/07/2010 and 06/08/2010

Appn Ref No:

10/0454

Applicant:

Williams & Airey

Parish:

Carlisle

Date of Receipt:

19/05/2010

Agent:

CONCEPT Architectural &
Design Services

Ward:

Castle

Location:

24 Spencer Street, Carlisle, CA1 1BG

Grid Reference:

340404 555920

Proposal: Erection Of Single Storey Lean-To Rear Extension To Form 2No.

SCHEDULE E: Decisions Issued Under Delegated Powers

Consulting Rooms

Amendment:

Decision: Grant Permission

Date: 05/07/2010

Between 03/07/2010 and 06/08/2010

Appn Ref No:
10/0455

Applicant:
Williams & Airey

Parish:
Carlisle

Date of Receipt:
19/05/2010

Agent:
CONCEPT Architectural &
Design Services

Ward:
Castle

Location:
24 Spencer Street, Carlisle, CA1 1BG

Grid Reference:
340404 555920

Proposal: Erection Of Single Storey Lean-To Rear Extension To Form 2No.
Consulting Rooms (LBC)

Amendment:

Decision: Grant Permission

Date: 05/07/2010

Between 03/07/2010 and 06/08/2010

Appn Ref No:
10/0456

Applicant:
Mr Jonathan Reed

Parish:
Stanwix Rural

Date of Receipt:
20/05/2010

Agent:

Ward:
Stanwix Rural

Location:
Whitrigg Bungalow, Crosby on Eden, Carlisle, CA6
4QY

Grid Reference:
344886 561247

Proposal: Demolition Of Existing Dwelling And Erection Of Replacement Dwelling
(Revised Application)

Amendment:

Decision: Grant Permission

Date: 12/07/2010

SCHEDULE E: Decisions Issued Under Delegated Powers

Between 03/07/2010 and 06/08/2010

Appn Ref No:
10/0457

Applicant:
Mr & Mrs Howell

Parish:
Brampton

Date of Receipt:
27/05/2010

Agent:
TSF Developments Ltd

Ward:
Brampton

Location:
Eastwood, Milton, Brampton, Cumbria, CA8 1JD

Grid Reference:
355643 560590

Proposal: Two Storey Rear Extension To Provide Living/Dining Area On Ground Floor With 2no. Bedrooms And Bathroom Above Together With Single Storey Conservatory

Amendment:

Decision: Grant Permission

Date: 22/07/2010

Between 03/07/2010 and 06/08/2010

Appn Ref No:
10/0458

Applicant:
Mr Alan Davidson

Parish:
Carlisle

Date of Receipt:
21/05/2010

Agent:
HTGL Architects Ltd

Ward:
Castle

Location:
38 Aglionby Street, Carlisle CA1 1JP

Grid Reference:
340669 555660

Proposal: Removal Of Existing Rear Outhouses And Erection Of Single Storey Rear Extension To Provide Utility Room

Amendment:

Decision: Grant Permission

Date: 16/07/2010

Between 03/07/2010 and 06/08/2010

Appn Ref No:
10/0464

Applicant:
Mr Stephen Carruthers

Parish:
Dalston

Date of Receipt:
19/05/2010

Agent:
Mr James Stephens

Ward:
Dalston

SCHEDULE E: Decisions Issued Under Delegated Powers

Location:

South Muse, Buckabank, Dalston CA5 7AA

Grid Reference:

337481 549388

Proposal: Single Storey Extension To Rear Elevation To Provide 1No. Bedroom And Kitchen/Dining Area

Amendment:

Decision: Grant Permission

Date: 14/07/2010

Between 03/07/2010 and 06/08/2010

Appn Ref No:

10/0465

Applicant:

Mr Stephen Carruthers

Parish:

Dalston

Date of Receipt:

19/05/2010

Agent:

Mr James Stephens

Ward:

Dalston

Location:

South Muse, Buckabank, Dalston CA5 7AA

Grid Reference:

337481 549388

Proposal: Single Storey Extension To Rear Elevation To Provide 1No. Bedroom And Kitchen/Dining Area; Demolition of Conservatory and Removal of Window to Provide Internal Passage to Extension (LBC)

Amendment:

Decision: Grant Permission

Date: 14/07/2010

Between 03/07/2010 and 06/08/2010

Appn Ref No:

10/0466

Applicant:

Mr Gary Winder

Parish:

Carlisle

Date of Receipt:

24/05/2010

Agent:**Ward:**

Stanwix Urban

Location:

105 Beech Grove, Stanwix, Carlisle CA3 9BN

Grid Reference:

340174 557942

Proposal: Ground Floor Rear And Side Extension To Provide Snug/Dining Room, Conservatory And Utility Room; First Floor Rear Extension To Provide Extended Bathroom And 1No. En-Suite Bedroom

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 19/07/2010

Between 03/07/2010 and 06/08/2010

Appn Ref No:
10/0468

Applicant:
Mrs M O' Donnell

Parish:
Wetheral

Date of Receipt:
01/06/2010

Agent:
Hogg & Robinson Design
Services

Ward:
Wetheral

Location:
Land adj to Rydal, Park Road, Scotby, Carlisle CA4
8AT

Grid Reference:
343793 555325

Proposal: Erection Of 4no. Bed Detached Dwelling
Amendment:

Decision: Grant Permission

Date: 26/07/2010

Between 03/07/2010 and 06/08/2010

Appn Ref No:
10/0469

Applicant:
Euro Car Parts Ltd

Parish:
Carlisle

Date of Receipt:
26/05/2010

Agent:
Windsor Signs & Graphics
Ltd

Ward:
Belah

Location:
Unit 1 & 2, (Site 26) Kingstown Broadway, Carlisle,
CA3 0HA

Grid Reference:
339107 559112

Proposal: Display Of 3no. Internally Illuminated Fascia Signs
Amendment:

Decision: Grant Permission

Date: 05/07/2010

Between 03/07/2010 and 06/08/2010

SCHEDULE E: Decisions Issued Under Delegated Powers

Appn Ref No:
10/0471

Applicant:
BRB (Residuary) Ltd

Parish:
Kingmoor

Date of Receipt:
28/05/2010

Agent:
Balvac Ltd

Ward:
Stanwix Rural

Location:
Waverley Viaduct, River Eden, Willowholme, CA2
7NY

Grid Reference:
338317 556513

Proposal: Temporary Consent For Additional Palisade Outstands To Existing
Palisade Fencing Located At Each End Of Viaduct (LBC)

Amendment:

Decision: Grant Permission

Date: 13/07/2010

Between 03/07/2010 and 06/08/2010

Appn Ref No:
10/0475

Applicant:
Ms Claire Scott

Parish:
Orton

Date of Receipt:
26/05/2010

Agent:

Ward:
Burgh

Location:
Orton Grange Farm Shop, Great Orton, Carlisle,
Cumbria, CA5 6LA

Grid Reference:
335222 551963

Proposal: Erection Of Double Sided Non Illuminated Fascia Sign (Retrospective
Application)

Amendment:

Decision: Grant Permission

Date: 21/07/2010

Between 03/07/2010 and 06/08/2010

Appn Ref No:
10/0478

Applicant:
Mr D Knox

Parish:
Orton

Date of Receipt:
25/05/2010

Agent:
Mr Gary Tyler

Ward:
Burgh

SCHEDULE E: Decisions Issued Under Delegated Powers

Location:

2 South View, Great Orton, Carlisle, CA5 6LX

Grid Reference:

332886 553609

Proposal: Two Storey Side Extension To Provide Car Port On The Ground Floor
With 2no. Bedrooms, 1no. En-Suite For Existing Bedroom, Shower
Room And Lounge Above

Amendment:

Decision: Grant Permission

Date: 13/07/2010

Between 03/07/2010 and 06/08/2010

Appn Ref No:

10/0479

Applicant:

Foxes Cafe Lounge

Parish:

Carlisle

Date of Receipt:

28/05/2010

Agent:**Ward:**

Castle

Location:

18 Abbey Street, Carlisle, Cumbria, CA3 8TX

Grid Reference:

339706 556007

Proposal: Change Of Use Of Rear Yard To Outside Seating Area Together With
Replacement Of Window To Door In Rear Elevation To Create A Fire
Escape

Amendment:

Decision: Grant Permission

Date: 19/07/2010

Between 03/07/2010 and 06/08/2010

Appn Ref No:

10/0480

Applicant:

Mr I Connelly

Parish:

Stanwix Rural

Date of Receipt:

27/05/2010

Agent:

Jock Gordon

Ward:

Stanwix Rural

Location:

Eden Croft, Crosby on Eden, Carlisle CA6 4QN

Grid Reference:

344630 559423

Proposal: Erection Of Replacement Garage And Garden Shelter

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 23/07/2010

Between 03/07/2010 and 06/08/2010

Appn Ref No:
10/0481

Applicant:
Paragon Veterinary Group

Parish:
Dalston

Date of Receipt:
02/06/2010

Agent:
Alan Fox Design

Ward:
Dalston

Location:
Paragon Veterinary Group, Carlisle House,
Townhead Road, Dalston, Carlisle, CA5 7JF

Grid Reference:
336483 550016

Proposal: Erection Of Single Storey And Two Storey Extensions To Provide
Additional Office And Treatment Rooms Together With Additional
Parking (Revised Application)

Amendment:

Decision: Grant Permission

Date: 27/07/2010

Between 03/07/2010 and 06/08/2010

Appn Ref No:
10/0482

Applicant:
Mrs C Davidson

Parish:
Carlisle

Date of Receipt:
28/05/2010

Agent:

Ward:
Belah

Location:
171 Kingstown Road, Carlisle CA3 OAX

Grid Reference:
339596 558676

Proposal: First Floor Extension To Side Elevation To Provide Additional Bedroom
Space

Amendment:

Decision: Grant Permission

Date: 13/07/2010

Between 03/07/2010 and 06/08/2010

Appn Ref No:

Applicant:

Parish:

SCHEDULE E: Decisions Issued Under Delegated Powers

10/0483 Carlisle Racecourse Co St Cuthberts Without
Ltd

Date of Receipt: **Agent:** **Ward:**
25/05/2010 16:00:19 Jon Underwood Associates Dalston

Location: **Grid Reference:**
Carlisle Racecourse, Durdar Road, Carlisle, CA2 340491 551914
4TS

Proposal: Erection Of A Dedicated Entrance And Reception Area For The Use Of
Owners And Trainers

Amendment:

Decision: Grant Permission

Date: 15/07/2010

Between 03/07/2010 and 06/08/2010

Appn Ref No: **Applicant:** **Parish:**
10/0484 Oasis Dental Care Ltd Carlisle

Date of Receipt: **Agent:** **Ward:**
25/05/2010 Rapleys LLP Castle

Location: **Grid Reference:**
Ground Floor Unit, Exchange House, Cecil Street, 340453 555688
Carlisle, CA1 1NL

Proposal: Change Of Use Of Part Of The Ground Floor From Office (Use Class
B1) To A Dentist (Use Class D1) And The Installation Of Air Conditioning
Units

Amendment:

Decision: Grant Permission

Date: 12/07/2010

Between 03/07/2010 and 06/08/2010

Appn Ref No: **Applicant:** **Parish:**
10/0486 Mr P A Goodwin Carlisle

Date of Receipt: **Agent:** **Ward:**
26/05/2010 Jock Gordon Upperby

SCHEDULE E: Decisions Issued Under Delegated Powers

Location:

47 Woodside North, Upperby, Carlisle CA2 4NW

Grid Reference:

341067 553374

Proposal: Two Storey Side Extension To Provide Garage With Bedroom Above;
Erection Of Porch To Front Elevation

Amendment:

Decision: Grant Permission

Date: 21/07/2010

Between 03/07/2010 and 06/08/2010

Appn Ref No:

10/0487

Applicant:

Mr Ian Graham

Parish:

Burtholme

Date of Receipt:

26/05/2010

Agent:

Mr D McAdam Sproat

Ward:

Irthing

Location:

Moorfield, Walton, Brampton, CA8 2JW

Grid Reference:

354419 565436

Proposal: Change Of Use From Show Jump Fence Display Area To Boarding
Kennels And Cattery

Amendment:

Decision: Grant Permission

Date: 13/07/2010

Between 03/07/2010 and 06/08/2010

Appn Ref No:

10/0488

Applicant:

Mr Philip Hughes

Parish:

Stanwix Rural

Date of Receipt:

09/06/2010

Agent:

Mr P Orr

Ward:

Stanwix Rural

Location:

118 Tribune Drive, Houghton, Carlisle, CA3 0LF

Grid Reference:

341233 559083

Proposal: Erection Of Conservatory To Rear Elevation

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 29/07/2010

Between 03/07/2010 and 06/08/2010

Appn Ref No:
10/0489

Applicant:
The Trustees of Burgh by
Sands Parish Public Hall

Parish:
Burgh-by-Sands

Date of Receipt:
26/05/2010

Agent:
Swarbrick Associates

Ward:
Burgh

Location:
Burgh by Sands Village Hall, Burgh-by-Sands,
Carlisle CA5 6AN

Grid Reference:
332609 559100

Proposal: Discharge of Condition 3 (Surface Water Drainage) And 4
(Archaeological Watching Brief) Of Previously Approved Application
08/0615

Amendment:

Decision: Grant Permission

Date: 13/07/2010

Between 03/07/2010 and 06/08/2010

Appn Ref No:
10/0490

Applicant:
Mr Charles Barton

Parish:
Dalston

Date of Receipt:
26/05/2010

Agent:
Mr Colin Holmes

Ward:
Dalston

Location:
Orton Grange Caravan Park, Great Orton, Carlisle,
Cumbria, CA5 6LA

Grid Reference:
335392 551982

Proposal: Discharge of Conditions 5 (Surface Water Disposal); 6 (Landscaping
Scheme); 7 (Fence Details) And 8 (Security Barrier Details) Of
Previously Approved Application 09/0302

Amendment:

Decision: Grant Permission

Date: 30/07/2010

Between 03/07/2010 and 06/08/2010

SCHEDULE E: Decisions Issued Under Delegated Powers

Appn Ref No:
10/0492

Applicant:
Mr Keith Armstrong

Parish:

Date of Receipt:
27/05/2010

Agent:

Ward:
Lyne

Location:
Lyne Bank, Bewcastle, Carlisle, CA6 6WF

Grid Reference:
354531 574677

Proposal: Erection Of Single Storey Side Extension To Provide Double Garage,
Utility & Cloakroom

Amendment:

Decision: Grant Permission

Date: 15/07/2010

Between 03/07/2010 and 06/08/2010

Appn Ref No:
10/0493

Applicant:
Mr John Wright

Parish:
Dalston

Date of Receipt:
07/06/2010

Agent:

Ward:
Dalston

Location:
Fountain Head, Dalston, Cumbria, CA5 7BP

Grid Reference:
336178 548305

Proposal: Erection Of Conservatory To Rear Elevation (LBC)

Amendment:

Decision: Grant Permission

Date: 02/08/2010

Between 03/07/2010 and 06/08/2010

Appn Ref No:
10/0496

Applicant:
Ms Lisa Graham

Parish:
Kingmoor

Date of Receipt:
07/06/2010

Agent:

Ward:
Stanwix Rural

Location:
8 King Garth, Cargo, Carlisle, CA6 4AU

Grid Reference:
336415 559129

SCHEDULE E: Decisions Issued Under Delegated Powers

Proposal: Erection Of Two Storey Rear Extension To Provide Lounge On Ground Floor With En-Suite Bedroom Above Together With 1no. Bedroom In Loft Space

Amendment:

Decision: Grant Permission

Date: 29/07/2010

Between 03/07/2010 and 06/08/2010

Appn Ref No:
10/0497

Applicant:
Messrs ES & E Norman

Parish:
Orton

Date of Receipt:
02/06/2010

Agent:

Ward:
Burgh

Location:
Spital Syke Farm, Broomhills, Orton Road, Carlisle
CA5 6JR

Grid Reference:
335640 554167

Proposal: Extension to Existing Poultry Building

Amendment:

Decision: Grant Permission

Date: 19/07/2010

Between 03/07/2010 and 06/08/2010

Appn Ref No:
10/0499

Applicant:
Mr Paterson

Parish:
Brampton

Date of Receipt:
28/05/2010 08:00:15

Agent:
Jeremiah

Ward:
Brampton

Location:
Claybanks House, Longtown Road, BRAMPTON,
CA8 2AB

Grid Reference:
352705 562092

Proposal: Construction Of Swimming Pool And Games Room (Revised Application) (Part Retrospective)

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 06/07/2010

Between 03/07/2010 and 06/08/2010

Appn Ref No:
10/0500

Applicant:
Stephen Crichton
Chartered Architect Limited

Parish:
Wetheral

Date of Receipt:
01/06/2010

Agent:
Stephen Crichton
Chartered Architect Limited

Ward:
Great Corby & Geltsdale

Location:
15 Holme Eden Gardens, Warwick Bridge, Carlisle,
CA4 8RZ

Grid Reference:
347294 556839

Proposal: Single Storey Rear Extension To Provide Family Room

Amendment:

Decision: Grant Permission

Date: 26/07/2010

Between 03/07/2010 and 06/08/2010

Appn Ref No:
10/0505

Applicant:
Mr Richard Hawkins

Parish:
Nicholforest

Date of Receipt:
04/06/2010

Agent:
Mr S Mansbridge

Ward:
Lyne

Location:
Pleaknowles, Catlowdy, Carlisle, Cumbria, CA6
5QP

Grid Reference:
345967 576766

Proposal: Single Storey Side And Rear Extensions To Provide Kitchen/Diner,
Utility, Lounge And Porch

Amendment:

Decision: Grant Permission

Date: 19/07/2010

Between 03/07/2010 and 06/08/2010

Appn Ref No:

Applicant:

Parish:

SCHEDULE E: Decisions Issued Under Delegated Powers

Proposal: Single Storey Extension To Existing Workshop Building

Amendment:

Decision: Grant Permission

Date: 15/07/2010

Between 03/07/2010 and 06/08/2010

Appn Ref No:
10/0512

Applicant:
Mrs Alison Gibson

Parish:
Carlisle

Date of Receipt:
01/06/2010

Agent:
Mr M D Hodgson

Ward:
Stanwix Urban

Location:
88 Knowe Park Avenue, Carlisle, CA3 9EL

Grid Reference:
340220 557449

Proposal: Erection of Kitchen Extension

Amendment:

Decision: Grant Permission

Date: 26/07/2010

Between 03/07/2010 and 06/08/2010

Appn Ref No:
10/0513

Applicant:
Mr Stephen Brough

Parish:
Dalston

Date of Receipt:
07/06/2010

Agent:

Ward:
Dalston

Location:
Buckabank Farm, Dalston, Carlisle, CA5 7AB

Grid Reference:
337949 549429

Proposal: Erection Of Steel Portal Frame Youngstock and Calf Housing Building

Amendment:

Decision: Grant Permission

Date: 28/07/2010

Between 03/07/2010 and 06/08/2010

Appn Ref No:

Applicant:

Parish:

SCHEDULE E: Decisions Issued Under Delegated Powers

10/0514 Mrs Little Carlisle

Date of Receipt: **Agent:** **Ward:**
02/06/2010 Currock

Location: **Grid Reference:**
Land to Rear 60 Currock Road, Carlisle, CA2 4BJ 340274 554455

Proposal: Erection Of 2no. Bungalows (Outline)
Amendment:

Decision: Grant Permission **Date:** 27/07/2010

Between 03/07/2010 and 06/08/2010

Appn Ref No: **Applicant:** **Parish:**
10/0515 Mr Todd Hayton

Date of Receipt: **Agent:** **Ward:**
09/06/2010 Green Design Group Hayton

Location: **Grid Reference:**
Rose Bank Cottage, How Mill, Brampton, CA8 9LU 351559 556711

Proposal: Construction Of Retaining Wall
Amendment:

Decision: Grant Permission **Date:** 30/07/2010

Between 03/07/2010 and 06/08/2010

Appn Ref No: **Applicant:** **Parish:**
10/0516 Mr & Mrs Johns Hayton

Date of Receipt: **Agent:** **Ward:**
02/07/2010 Mr David Willcock Hayton

Location: **Grid Reference:**
24 Cairnwood, Heads Nook, Brampton, CA8 9AH 349757 555171

Proposal: Replacement Of Existing Conservatory To Rear Elevation
Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 02/08/2010

Between 03/07/2010 and 06/08/2010

Appn Ref No:
10/0517

Applicant:
Mr Thomas Harding

Parish:
Westlinton

Date of Receipt:
09/06/2010

Agent:
Mr Brian Smith

Ward:
Longtown & Rockcliffe

Location:
Leagate, Newtown, Blackford, Carlisle, CA6 4ET

Grid Reference:
338756 562478

Proposal: Erection Of Conservatory To Side Elevation

Amendment:

Decision: Grant Permission

Date: 30/07/2010

Between 03/07/2010 and 06/08/2010

Appn Ref No:
10/0518

Applicant:
Mr Michael Shirvington

Parish:
St Cuthberts Without

Date of Receipt:
17/06/2010

Agent:

Ward:
Dalston

Location:
Woodbank Farm, Brisco, Carlisle, CA4 OQP

Grid Reference:
341933 552864

Proposal: Erection Of Agricultural Building

Amendment:

Decision: Grant Permission

Date: 29/07/2010

Between 03/07/2010 and 06/08/2010

Appn Ref No:
10/0520

Applicant:
Mr Leslie Armstrong

Parish:
Carlisle

Date of Receipt:

Agent:

Ward:

SCHEDULE E: Decisions Issued Under Delegated Powers

15/06/2010

Mr Brian Black

Upperby

Location:

61 Greengarth, Carlisle, Cumbria, CA2 4PN

Grid Reference:

340927 553456

Proposal: Erection Of Conservatory To Rear Elevation Together With Single Storey Extension To Provide Extended Kitchen (Retrospective)

Amendment:

Decision: Grant Permission

Date: 20/07/2010

Between 03/07/2010 and 06/08/2010

Appn Ref No:

10/0521

Applicant:

Mr David Swindlehurst

Parish:

Westlinton

Date of Receipt:

02/06/2010

Agent:

Ward:

Longtown & Rockcliffe

Location:

Lynefoot Farm, Westlinton, Carlisle CA6 6AJ

Grid Reference:

336369 565065

Proposal: Erection of 7no. Additional Boarding Kennels

Amendment:

Decision: Grant Permission

Date: 14/07/2010

Between 03/07/2010 and 06/08/2010

Appn Ref No:

10/0522

Applicant:

Mrs Monkhouse

Parish:

Arthuret

Date of Receipt:

02/06/2010 16:00:12

Agent:

Rodney Jeremiah

Ward:

Longtown & Rockcliffe

Location:

6 Woodside, Sandysike, Longtown, Carlisle, CA6 5SP

Grid Reference:

337961 566128

Proposal: Single Storey Side Extension To Provide Extended Kitchen And Shower Room

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 27/07/2010

Between 03/07/2010 and 06/08/2010

Appn Ref No:
10/0526

Applicant:
Mr & Mrs C Root

Parish:
Carlisle

Date of Receipt:
03/06/2010

Agent:
Tony Hayes, Architect

Ward:
Stanwix Urban

Location:
Kilmuir, 14 Etterby Scaur, Carlisle, CA3 9NX

Grid Reference:
339345 557312

Proposal: Single Storey Side Extension To Provide Family Kitchen; Alteration To Existing Rear Extension Including Raising Height Of Flat Roof

Amendment:

Decision: Grant Permission

Date: 12/07/2010

Between 03/07/2010 and 06/08/2010

Appn Ref No:
10/0527

Applicant:
Mr Richard Wise

Parish:
Wetheral

Date of Receipt:
03/06/2010

Agent:

Ward:
Wetheral

Location:
Larches, Plains Road, Wetheral, Carlisle CA4 8JY

Grid Reference:
346546 554787

Proposal: Installation of Photovoltaic Solar Panels to South East Facing Roofs Of Dwelling House & Garage

Amendment:

Decision: Grant Permission

Date: 14/07/2010

Between 03/07/2010 and 06/08/2010

Appn Ref No:
10/0531

Applicant:
Mr Dinning

Parish:
Dalston

SCHEDULE E: Decisions Issued Under Delegated Powers

Date of Receipt:
09/06/2010

Agent:
Gray Associates Limited

Ward:
Dalston

Location:
25 The Green, Dalston, Carlisle, CA5 7QB

Grid Reference:
336875 549655

Proposal: Erection Of End Terrace Three Bedroom Dwelling

Amendment:

1. Revised drawing no. P2a received 19th July 2010 confirming that existing cottages are to be converted as per the permission granted under 08/0585.

Decision: Refuse Permission

Date: 04/08/2010

Between 03/07/2010 and 06/08/2010

Appn Ref No:
10/0533

Applicant:
Mrs E Murray

Parish:
Hayton

Date of Receipt:
07/06/2010

Agent:
Carlisle City Council

Ward:
Hayton

Location:
5 Acre Close, Hayton, Brampton, CA8 9HW

Grid Reference:
350511 558004

Proposal: Erection Of Single Storey Side Extension To Provide En-Suite Bedroom

Amendment:

Decision: Grant Permission

Date: 13/07/2010

Between 03/07/2010 and 06/08/2010

Appn Ref No:
10/0538

Applicant:
Mr Cullen

Parish:
Stanwix Rural

Date of Receipt:
14/06/2010

Agent:
C & D Property Services

Ward:
Stanwix Rural

Location:
Crosshill Farmhouse, Blackford, CA6 4DU

Grid Reference:
339987 561307

Proposal: Erection Of Agricultural Building For Livestock Housing

SCHEDULE E: Decisions Issued Under Delegated Powers

Amendment:

Decision: Grant Permission

Date: 16/07/2010

Between 03/07/2010 and 06/08/2010

Appn Ref No:
10/0539

Applicant:
Mr Colin Thorburn

Parish:
Carlisle

Date of Receipt:
08/06/2010

Agent:

Ward:
Yewdale

Location:
20 Priorwood Close, Carlisle, CA2 7TU

Grid Reference:
336690 555145

Proposal: Erection of Single Storey Rear Extension to Provide Kitchen/Living Room

Amendment:

Decision: Grant Permission

Date: 29/07/2010

Between 03/07/2010 and 06/08/2010

Appn Ref No:
10/0540

Applicant:
Mr & Mrs Connell

Parish:
Arthuret

Date of Receipt:
11/06/2010

Agent:
Tsada Building Design
Services

Ward:
Longtown & Rockcliffe

Location:
1 Liddel Road, Longtown, CA6 5UP

Grid Reference:
338541 569007

Proposal: Extension To Existing Utility To Provide Shower Area Together With First Floor Extension Above To Provide En-Suite Bedroom

Amendment:

Decision: Grant Permission

Date: 20/07/2010

Between 03/07/2010 and 06/08/2010

SCHEDULE E: Decisions Issued Under Delegated Powers

Appn Ref No:
10/0541

Applicant:
Mr & Mrs Reid

Parish:
Stanwix Rural

Date of Receipt:
10/06/2010

Agent:
Edenholme Building &
Architectural Surveyors

Ward:
Stanwix Rural

Location:
3 Askerton Close, Carlisle, CA3 0PE

Grid Reference:
339958 558276

Proposal: Erection Of Single Storey Side Extension To Provide Extended
Kitchen/Diner And Utility Room

Amendment:

Decision: Grant Permission

Date: 04/08/2010

Between 03/07/2010 and 06/08/2010

Appn Ref No:
10/0543

Applicant:
Mr Robinson

Parish:
Carlisle

Date of Receipt:
09/06/2010 08:00:18

Agent:
KB Surveying

Ward:
Currock

Location:
61 Millholme Avenue, Carlisle, CA2 4DW

Grid Reference:
340337 554105

Proposal: Erection Of 1No. Detached Dwelling With Garage (Revised Application)

Amendment:

Decision: Grant Permission

Date: 29/07/2010

Between 03/07/2010 and 06/08/2010

Appn Ref No:
10/0545

Applicant:
Mr Keith Simpson

Parish:
Carlisle

Date of Receipt:
14/06/2010

Agent:
Mr George Simpson

Ward:
Castle

Location:
6 Newcastle Street, Carlisle, CA2 5UH

Grid Reference:
339310 555673

SCHEDULE E: Decisions Issued Under Delegated Powers

Proposal: Single Storey Rear Extension To Provide Enlarged Kitchen And Bathroom

Amendment:

Decision: Grant Permission

Date: 06/08/2010

Between 03/07/2010 and 06/08/2010

Appn Ref No:
10/0547

Applicant:
Mr Mark Wight

Parish:
Carlisle

Date of Receipt:
10/06/2010

Agent:

Ward:
Harraby

Location:
28 Crossways, Carlisle, Cumbria, CA1 3JW

Grid Reference:
342466 554234

Proposal: Non Material Amendment For Previously Approved Planning Application 09/0629

Amendment:

Decision: Amendment Accepted
06/07/2010

Date:

Between 03/07/2010 and 06/08/2010

Appn Ref No:
10/0553

Applicant:
Mr K Armiger

Parish:
St Cuthberts Without

Date of Receipt:
11/06/2010

Agent:

Ward:
Dalston

Location:
The Cottage, Carleton, Carlisle, CA1 3DP

Grid Reference:
342951 552719

Proposal: Renewal Of Unexpired Permission Of Appn 07/0489 For Erection Of Detached 4no. Bedroom Dwelling

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 04/08/2010

Between 03/07/2010 and 06/08/2010

Appn Ref No:
10/0558

Applicant:
Nestle UK Ltd

Parish:
Dalston

Date of Receipt:
11/06/2010 08:00:24

Agent:
Ashwood Design
Associates Ltd

Ward:
Dalston

Location:
Nestle UK Limited, Dalston, Carlisle, CA5 7NH

Grid Reference:
337378 550813

Proposal: Demolition Of Existing Concrete Canopy And Erection Of Nitrogen Balloon Enclosure And Associated Plant.

Amendment:

1. Revised Drawings Illustrating Alterations To The Tank Bunding And Inclusion Of Ventilation For The Nitrogen Balloon Room

Decision: Grant Permission

Date: 19/07/2010

Between 03/07/2010 and 06/08/2010

Appn Ref No:
10/0559

Applicant:
Mr & Mrs Pape

Parish:
Burgh-by-Sands

Date of Receipt:
11/06/2010

Agent:
S Buttler Chartered
Architect

Ward:
Burgh

Location:
Low Field, Moorhouse, Carlisle, Cumbria, CA5 6EY

Grid Reference:
333433 556678

Proposal: Demolition Of Existing Workshop And Erection Of Side Extension To Provide Study & Utility Room On Ground Floor Together With The Raising Of The Roof To Create A First Floor Comprising 3no. Bedrooms And A Bathroom. Erection Of Detached Single Garage (Revised Application)

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 14/07/2010

Between 03/07/2010 and 06/08/2010

Appn Ref No:
10/0560

Applicant:
Borderbrite Limited

Parish:
Carlisle

Date of Receipt:
11/06/2010 08:00:38

Agent:
Black Box Architects
Limited

Ward:
Castle

Location:
St Bedes Social Club, Silloth Street, Carlisle, CA2
5UR

Grid Reference:
339216 555748

Proposal: Demolition Of Existing Social Club And Erection Of Six New Terraced
Houses (Revised Application)

Amendment:

Decision: Grant Permission

Date: 29/07/2010

Between 03/07/2010 and 06/08/2010

Appn Ref No:
10/0561

Applicant:
Mrs Holland

Parish:
Wetheral

Date of Receipt:
11/06/2010 13:00:20

Agent:
GR Architects

Ward:
Wetheral

Location:
Unit A, Moorhouse Courtyard, Moorhouse Hall,
Warwick on Eden, Carlisle, CA4 8PA

Grid Reference:
346132 556215

Proposal: Change Of Use From Redundant Offices To 2 Flats; Insertion Of 5no.
Rooflights

Amendment:

Decision: Grant Permission

Date: 06/08/2010

Between 03/07/2010 and 06/08/2010

Appn Ref No:

Applicant:

Parish:

SCHEDULE E: Decisions Issued Under Delegated Powers

10/0562 Mrs Holland Wetheral

Date of Receipt: 11/06/2010 13:00:20
Agent: GR Architects
Ward: Wetheral

Location: Unit A, Moorhouse Courtyard, Moorhouse Hall,
Warwick on Eden, Carlisle, CA4 8PA
Grid Reference: 346133 556215

Proposal: Change Of Use From Redundant Offices To 2 Flats; Insertion Of 5no.
Rooflights (LBC)

Amendment:

Decision: Grant Permission

Date: 06/08/2010

Between 03/07/2010 and 06/08/2010

Appn Ref No: 10/0563
Applicant: Irving Builders Limited
Parish: Carlisle

Date of Receipt: 11/06/2010 16:00:36
Agent: Black Box Architects
Limited
Ward: Currock

Location: 209 Blackwell Road, Carlisle
Grid Reference: 340333 554211

Proposal: Demolition Of Existing House And Workshop Buildings And Erection Of
5 Terraced Houses (Revised/Retropective Application)

Amendment:

Decision: Grant Permission

Date: 05/08/2010

Between 03/07/2010 and 06/08/2010

Appn Ref No: 10/0566
Applicant: Mr Nicholls
Parish: Burgh-by-Sands

Date of Receipt: 14/06/2010 08:00:18
Agent:
Ward: Burgh

Location: The Hawthorns, 4 The Courtyards, Moorhouse,
Grid Reference: 333001 556754

SCHEDULE E: Decisions Issued Under Delegated Powers

Carlisle, CA5 6EX

Proposal: Single Storey Extension To Provide Office/Study With En-Suite

Amendment:

Decision: Grant Permission

Date: 15/07/2010

Between 03/07/2010 and 06/08/2010

Appn Ref No:
10/0567

Applicant:
Mr Jan Meyer

Parish:
Dalston

Date of Receipt:
14/06/2010

Agent:
Taylor & Hardy

Ward:
Dalston

Location:
Dalston Hall Hotel, Dalston, Carlisle, CA5 7JX

Grid Reference:
337672 551567

Proposal: Renewal Of Unexpired Permission Of Appn Ref: 05/0214 For First Floor Extension And Ground Floor Conversion To Form 8no. Rooms In East Wing And Erection Of Two Storey Lodge Comprising 12no. Rooms

Amendment:

Decision: Grant Permission

Date: 22/07/2010

Between 03/07/2010 and 06/08/2010

Appn Ref No:
10/0569

Applicant:
Mr Mike Shirvinton

Parish:
St Cuthberts Without

Date of Receipt:
17/06/2010

Agent:
Hogg & Robinson Design
Services

Ward:
Dalston

Location:
Woodbank Farm, Brisco, Carlisle, CA4 0QP

Grid Reference:
341956 552882

Proposal: Demolition Of Outhouse/Store; Erection Of Two Storey Side And Rear Extension To Provide Kitchen Extension On Ground Floor With En-Suite And Dressing Room To Existing Bedroom And 1no. Bathroom Above

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 29/07/2010

Between 03/07/2010 and 06/08/2010

Appn Ref No:
10/0570

Applicant:
Mr Cullen

Parish:
Stanwix Rural

Date of Receipt:
17/06/2010

Agent:
C & D Property Services

Ward:
Stanwix Rural

Location:
Crosshill Farmhouse, Blackford, CA6 4DU

Grid Reference:
339987 561331

Proposal: Erection Of General Purpose Agricultural Building

Amendment:

Decision: Grant Permission

Date: 16/07/2010

Between 03/07/2010 and 06/08/2010

Appn Ref No:
10/0571

Applicant:
Mr Jeffery Cowan

Parish:
Carlisle

Date of Receipt:
14/06/2010

Agent:
S & H Construction

Ward:
Yewdale

Location:
36 Hebden Avenue, Carlisle, Cumbria, CA2 6TT

Grid Reference:
337422 554775

Proposal: Two Storey Side Extension To Provide Enlarged Living Room,
Kitchen/Dining Area On Ground Floor With 2No. Bedrooms Above

Amendment:

Decision: Grant Permission

Date: 06/08/2010

Between 03/07/2010 and 06/08/2010

Appn Ref No:
10/0572

Applicant:
Mr John Wright

Parish:
Dalston

Date of Receipt:

Agent:

Ward:

SCHEDULE E: Decisions Issued Under Delegated Powers

14/06/2010

Dalston

Location:

Fountain Head, Dalston, Carlisle, CA5 7BP

Grid Reference:

336178 548305

Proposal: Erection Of Conservatory To Rear Elevation

Amendment:

Decision: Grant Permission

Date: 03/08/2010

Between 03/07/2010 and 06/08/2010

Appn Ref No:

10/0573

Applicant:

Asda Stores Ltd

Parish:

Kingmoor

Date of Receipt:

28/06/2010

Agent:

Darnton EGS Ltd

Ward:

Stanwix Rural

Location:

ASDA, Chandler Way, Parkhouse, Carlisle, CA3 0JQ

Grid Reference:

338844 559675

Proposal: Increase In Height Of Existing Warehouse Delivery And Exit Doors.
Removal Of 2no Trolley Bays And Replace With Disabled Parking Bays.
Construction Of A New Canopy Over Proposed Home Delivery Van
Parking Bays

Amendment:

Decision: Grant Permission

Date: 03/08/2010

Between 03/07/2010 and 06/08/2010

Appn Ref No:

10/0574

Applicant:

Mr Jan Meyer

Parish:

Dalston

Date of Receipt:

16/06/2010

Agent:

Taylor & Hardy

Ward:

Dalston

Location:

Dalston Hall Hotel, Dalston, Carlisle, Cumbria, CA5 7JX

Grid Reference:

337672 551567

Proposal: Renewal Of Unexpired Permission Of Appn Ref: 05/0224 For First Floor

SCHEDULE E: Decisions Issued Under Delegated Powers

Extension And Ground Floor Conversion To Form 8no. Rooms In East Wing And Erection Of Two Storey Lodge Comprising 12no. Rooms (LBC)

Amendment:

Decision: Grant Permission

Date: 22/07/2010

Between 03/07/2010 and 06/08/2010

Appn Ref No:
10/0578

Applicant:
Mr Peter Collins

Parish:
Wetheral

Date of Receipt:
21/06/2010

Agent:

Ward:
Wetheral

Location:
Land between 16 & 17 Faustin Hill, Wetheral,
Carlisle, CA4 8JZ

Grid Reference:
346442 554989

Proposal: Discharge Of Condition 3 (Roofing Materials) and Condition 8 (Landscaping) Of Previously Approved Planning Application 09/0106

Amendment:

Decision: Grant Permission

Date: 09/07/2010

Between 03/07/2010 and 06/08/2010

Appn Ref No:
10/0584

Applicant:
Mr R Alston

Parish:
Hayton

Date of Receipt:
23/06/2010 16:03:12

Agent:
Gray Associates Limited

Ward:
Great Corby & Geltsdale

Location:
High Close Farm, Talkin, Brampton, CA8 1LD

Grid Reference:
355822 557212

Proposal: Single Storey Extension To Existing Sun Room

Amendment:

Decision: Grant Permission

Date: 21/07/2010

SCHEDULE E: Decisions Issued Under Delegated Powers

Between 03/07/2010 and 06/08/2010

Appn Ref No:
10/0585

Applicant:
Mr A Nelson

Parish:
Carlisle

Date of Receipt:
30/06/2010

Agent:

Ward:
Denton Holme

Location:
26 Shankly Road, Denton Holme, Carlisle

Grid Reference:
339694 554657

Proposal: Single Storey Side Extension To Provide Sunroom (Retrospective)
Amendment:

Decision: Grant Permission

Date: 28/07/2010

Between 03/07/2010 and 06/08/2010

Appn Ref No:
10/0586

Applicant:
Mrs Jean Ballantyne

Parish:
Arthuret

Date of Receipt:
24/06/2010

Agent:
Carlisle City Council

Ward:
Longtown & Rockcliffe

Location:
24 Dukeswood Road, Longtown, CA6 5UJ

Grid Reference:
338638 569009

Proposal: Erection Of Single Storey Rear Extension To Provide Shower Room
Amendment:

Decision: Grant Permission

Date: 29/07/2010

Between 03/07/2010 and 06/08/2010

Appn Ref No:
10/0589

Applicant:
C/O A&S Joinery Ltd

Parish:
Brampton

Date of Receipt:
24/06/2010 13:00:26

Agent:
Tsada Building Design
Services

Ward:
Brampton

Location:

Grid Reference:

SCHEDULE E: Decisions Issued Under Delegated Powers

14 Morpeth Close, Brampton, CA8 1DS

353204 561756

Proposal: Discharge Of Conditions 3 (Materials), 4 (Boundary Details) & 5 (Hard Surfaces) Of Previously Approved Appn 10/0245

Amendment:

Decision: Grant Permission

Date: 29/07/2010

Between 03/07/2010 and 06/08/2010

Appn Ref No:
10/0590

Applicant:
Mr Blacklock

Parish:
Carlisle

Date of Receipt:
02/07/2010

Agent:
Red Raven Design Ltd

Ward:
Castle

Location:
123-127 Botchergate, Carlisle, CA1 1RZ

Grid Reference:
340542 555410

Proposal: Conversion Of Ground And First Floors To Provide Office Accommodation And 2no. Flats On The Second Floor

Amendment:

Decision: Grant Permission

Date: 04/08/2010

Between 03/07/2010 and 06/08/2010

Appn Ref No:
10/0595

Applicant:
Possfund Custodian
Trustees Limited c/o Savills

Parish:
Carlisle

Date of Receipt:
29/06/2010

Agent:
Savills

Ward:
Currock

Location:
Unit 4, 5 and 6, St Nicholas Gate, Carlisle, CA1 2EA

Grid Reference:
340782 555100

Proposal: Alterations To Existing Shopfront

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 03/08/2010

Between 03/07/2010 and 06/08/2010

Appn Ref No:
10/0605

Applicant:
Mr & Mrs K Davidson

Parish:
Carlisle

Date of Receipt:
01/07/2010

Agent:

Ward:
Yewdale

Location:
214 Wigton Road, Carlisle, CA2 6JZ

Grid Reference:
337912 554623

Proposal: Extension To Domestic Garage To Provide Storage

Amendment:

Decision: Grant Permission

Date: 05/08/2010

Between 03/07/2010 and 06/08/2010

Appn Ref No:
10/0606

Applicant:
Mrs Betty Percival

Parish:
Carlisle

Date of Receipt:
29/06/2010

Agent:
Carlisle City Council

Ward:
Upperby

Location:
22 Holmacres Drive, Harraby, Carlisle, CA1 3AA

Grid Reference:
341579 553950

Proposal: Single Storey Rear Extension To Provide Bedroom And Shower Room
Together With Internal Alterations And Ramped Wheelchair Access To
Front

Amendment:

Decision: Grant Permission

Date: 29/07/2010

Between 03/07/2010 and 06/08/2010

Appn Ref No:
10/0612

Applicant:
Riverside Carlisle

Parish:
Carlisle

Date of Receipt:

Agent:

Ward:

SCHEDULE E: Decisions Issued Under Delegated Powers

01/07/2010

Architects Plus (UK) Ltd

Upperby

Location:

62-84 Welsh Road, Carlisle, CA1 3AU

Grid Reference:

341991 553720

Proposal: Non Material Amendment Of Previously Approved Appn 10/0269 For A Change Of Materials To The Fascia Boards And Verge Tiles

Amendment:

Decision: Amendment Accepted

Date:

09/07/2010

Between 03/07/2010 and 06/08/2010

Appn Ref No:

10/0613

Applicant:

Riverside Carlisle

Parish:

Carlisle

Date of Receipt:

01/07/2010

Agent:

Architects Plus (UK) Ltd

Ward:

Upperby

Location:

Henderson Road, Carlisle, CA2 4PX

Grid Reference:

340541 553694

Proposal: Non Material Amendment Of Previously Approved Appn 10/0240 For A Change Of Materials To The Fascia Boards And Verge Tiles

Amendment:

Decision: Amendment Accepted

Date:

23/07/2010

Between 03/07/2010 and 06/08/2010

Appn Ref No:

10/0614

Applicant:

Riverside Carlisle

Parish:

Carlisle

Date of Receipt:

01/07/2010

Agent:

Architects Plus (UK) Ltd

Ward:

Upperby

Location:

Land at Harris Crescent, Carlisle, Cumbria, CA1 3BA

Grid Reference:

342052 553556

Proposal: Non Material Amendment Of Previously Approved Appn 10/0241 For A

SCHEDULE E: Decisions Issued Under Delegated Powers

Change Of Materials To The Fascia Boards And Verge Tiles

Amendment:

Decision: Amendment Accepted
12/07/2010

Date:

Between 03/07/2010 and 06/08/2010

Appn Ref No:
10/0617

Applicant:
Mr Mark Hawker

Parish:
Hayton

Date of Receipt:
01/07/2010

Agent:

Ward:
Hayton

Location:
The Barn, Low Gelt Bridge, Brampton, Cumbria,
CA8 1SY

Grid Reference:
351993 559117

Proposal: Change Of Use And Conversion Of Two Storey Barn To Dwelling And
Conversion Of Small Detached Barn To Workshop Annexe. Revised
Proposal To Include Erection Of Double Garage

Amendment:

Decision: Grant Permission

Date: 06/08/2010

Between 03/07/2010 and 06/08/2010

Appn Ref No:
10/0671

Applicant:
Mr Wayne O'Neil

Parish:
Carlisle

Date of Receipt:
20/07/2010

Agent:
K Bell 2006 Ltd

Ward:
Morton

Location:
7 Lyndhurst Gardens, Carlisle, CA2 6NL

Grid Reference:
337943 554255

Proposal: Non Material Amendment To Previously Approved Appn 10/0152 To
Change External Finishes From Brickwork To Blockwork With Dry Dash
Finish

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Amendment Accepted
02/08/2010

Date:

Between 03/07/2010 and 06/08/2010

Appn Ref No:
10/0700

Applicant:
Mr Andrew Ptolomey

Parish:
Beaumont

Date of Receipt:
29/07/2010

Agent:

Ward:
Burgh

Location:
The Old Forge, Kirkandrews on Eden, Carlisle

Grid Reference:
335420 558380

Proposal: Non Material Amendments to Change Window Types

Amendment:

Decision: Amendment Accepted
06/08/2010

Date: