

AGENDA

DEVELOPMENT CONTROL COMMITTEE

FRIDAY, 11 OCTOBER 2013 AT 10.00 AM

In the Council Chamber, Civic Centre, Carlisle

Apologies for Absence

To receive apologies for absence and notification of substitutions.

Declarations of Interest

Members are invited to declare any disclosable pecuniary interests, other registrable interests and any interests relating to any item on the agenda at this stage.

Public and Press

To agree that items of business within Part A of the agenda should be dealt with in public.

Minutes of Previous Meetings

To approve and sign the Minutes of the meetings held on 5 June 2013, 7 June 2013, 17 July 2013 and 19 July 2013
[Copy Minutes in Minute Book Volume 40(2)]

To note the Minutes of the site visits held on 9 October 2013.

PART A
To be considered when the Public and Press are present

	Pages
A.1 *CONTROL OF DEVELOPMENT AND ADVERTISING	
To consider applications for:	
(a) planning permission for proposed developments;	
(b) approval of detailed plans;	
(c) consents for display of advertisements.	
 01. – 13/0450	 13-48
 02. – 13/0474	 49-76
 03. – 13/0481	 77-84
 04. – 13/0438	 85-100
 05. – 13/0651	 101-112
 06. – 13/0612	 113-126
 07. – 13/0431	 127-164
 08. – 13/0546	 165-178
 09. – 13/0423	 179-192
 10. – 13/0548	 193-204
 11. – 13/0519	 205-214
 12. – 13/0532	 215-230
 13. – 13/0674	 231-238
 14. – 13/0599	 239-250
 Schedules B-E	 251-298

A.2	CONFIRMATION OF TREE PRESERVATION ORDER 267 – ROSE WOOD, ROSE BANK, DALSTON	299-330
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The Director of Economic Development to submit a report seeking confirmation of Tree Preservation Order 267.
(Copy Report ED.31/13 herewith)

A.3	APPLICATION UNDER S.106A OF THE 1990 TOWN AND COUNTRY PLANNING ACT – REMOVAL OF PLANNING OBLIGATION	331-338
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The Director of Economic Development to submit a report that sets out consideration of an application to remove the S106 obligation for a property to remain as an affordable housing unit in perpetuity.
(Copy Report ED.30/13 herewith)

A.4	DCLG CONSULTATION GREATER FLEXIBILITIES FOR CHANGE OF USE	339-348
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The Director of Economic Development to submit a report that summarises the Government's consultation on a number of changes to the current planning system regarding permitted development rights and sets out the proposed responses to the questions raised in the consultation.
(Copy Report ED.28/13 herewith)

PART B

To be considered in private

NIL

Members of the Development Control Committee:

Conservative: Bloxham, Craig, Earp, Parsons, Prest

Labour: Bradley, McDevitt, Riddle, Scarborough (Chairman), Warwick, Whalen (Vice-Chairman)

Independent: Graham

Substitutes: Bowman S, Layden, Nedved (Conservative), Bowditch, Franklin, Patrick (Labour), Betton (Independent).

NOTES FOR MEMBERS – The Conservative Group meeting will be held at 9.00 am in the Conservative Group Office.

Enquiries to - Sheila Norton Ext: 7557

Development Control Committee Main Schedule

Schedule of Applications for
Planning Permission

11th October 2013

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, National Planning Policy Guidance Notes, Development Control Policy Notes and other Statements of Ministerial Policy;
- the adopted provisions of the North West of England and Regional Spatial Strategy to 2021 and 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 Management Team of the Planning Services section of the Economic Development Directorate.

This Schedule of Applications contains reports produced by the Department up to the 27/09/2013 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 02/10/2013.

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 5 working days prior to the day of the meeting.

SCHEDULE A

SCHEDULE A

Applications Entered on Development Control Committee Schedule

Item No.	Application Number/ Schedule	Location	Case Officer	Page No.
01.	<u>13/0450</u> A	Land to west of Quarry House, Wetheral Pasture, Carlisle	<u>BP</u>	13-48
02.	<u>13/0474</u> A	1, 1a, & 1b Thornton Road, Carlisle, CA3 9HZ	<u>SD</u>	49-76
03.	<u>13/0481</u> A	1, 1a, & 1b Thornton Road, Carlisle, CA3 9HZ	<u>SD</u>	77-84
04.	<u>13/0438</u> A	Sechelt, Longburgh, Burgh by Sands, Carlisle, CA5 6BJ	<u>BP</u>	85-100
05.	<u>13/0651</u> A	Land between Woodcote and Badgers Barn, Durdar Road, Carlisle, CA2 4TL	<u>RJM</u>	101-112
06.	<u>13/0612</u> A	Land adjacent Woodvale, Tarn Road, Brampton	<u>BP</u>	113-126
07.	<u>13/0431</u> A	Town Head Cottage and adjoining land, Townhead, Hayton, CA8 9JH	<u>ARH</u>	127-164
08.	<u>13/0546</u> A	L/Adj Fallowfield, Plains Road, Wetheral, Carlisle, CA4 8LE	<u>BP</u>	165-177
09.	<u>13/0423</u> A	Land adjacent Alpine Cottage, Raughton Head, Carlisle, CA5 7DD	<u>SO</u>	179-192
10.	<u>13/0548</u> A	Beech House, Stockdalewath, Dalston, Carlisle, CA5 7DN	<u>ST</u>	193-204
11.	<u>13/0519</u> A	Monkhill Hall Farm, Monkhill, Burgh by Sands, Carlisle, CA5 6DD	<u>SD</u>	205-214
12.	<u>13/0532</u> A	Land to the rear of Park House, Parkett Hill, Scotby, Carlisle, CA4 8BZ	<u>ST</u>	215-230
13.	<u>13/0674</u> A	Mossfoot, Roweltown, Carlisle, CA6 6JX	<u>RJM</u>	231-238
14.	<u>13/0599</u> A	Co-operative Food Store, Warwick Bridge, Carlisle, CA4 8RL	<u>RJM</u>	239-250
15.	<u>12/0766</u> C	38 Etterby Street, Carlisle, CA3 9JB	<u>RB</u>	253-256

Applications Entered on Development Control Committee Schedule

Item No.	Application Number/ Schedule	Location	Case Officer	Page No.
16.	<u>13/9018</u> C	James Rennie School, California Road, Kingstown, Carlisle, Cumbria, CA3 0BX	<u>SE</u>	257-260

SCHEDULE A: Applications with Recommendation

13/0450

Item No: 01

Date of Committee: 11/10/2013

Appn Ref No:
13/0450

Applicant:
Mr A McKeown

Parish:
Wetheral

Date of Receipt:
07/06/2013

Agent:
Jock Gordon

Ward:
Wetheral

Location:

Land to west of Quarry House, Wetheral Pasture,
Carlisle

Proposal: Erection Of 3no. Detached Dwellings & Garages

REPORT

Case Officer: Barbara Percival

1. Recommendation

- 1.1 It is recommended that this application is approved subject to legal agreement.

2. Main Issues

- 2.1 Whether The Principle of Development Is Acceptable
- 2.2 Impact Of The Development On The Character Of The Area
- 2.3 Whether the Proposal Would Lead To The Loss Of The Best And Most Versatile Agricultural Land
- 2.4 Whether The Scale And Design Of The Dwellings Are Acceptable
- 2.5 Impact Of The Proposal On The Living Conditions Of Neighbouring Residents
- 2.6 Provision Of Affordable Housing
- 2.7 Impact Of The Proposal On Highway Safety
- 2.8 Whether The Method of Disposal of Foul And Surface Water Are Appropriate
- 2.9 Impact Of The Proposal On Biodiversity
- 2.10 Impact Of The Proposal On Existing Trees And Hedgerows
- 2.11 Other Matters

3. Application Details

The Site

- 3.1 Members will recall that this application was deferred at a previous meeting of this Committee to allow Members the opportunity to visit the site.
- 3.2 The application site is located immediately to the south of the B6263 Wetheral to Cumwhinton road. Extending to approximately 0.58 hectares in area, the application site is delineated by mixed hedgerows with sporadic trees. An existing field access would serve the development.
- 3.3 Quarry House, a two storey detached property, is located to the east of the site with three detached bungalows, numbers 5 (Trefmawr), 6(Sangria) and 7(Ramsland) Wetheral Pastures, together with the accesses serving numbers 6 and 7 Wetheral Pastures to the south. The Wetheral Pastures to Armathwaite road runs along the western boundary and beyond that numbers 1 and 2 Fernbank Cottages, a pair of semi-detached two storey properties with dormer rooms in their roof space. Further down the hill towards the road junction there is a detached garage and another residential property, Rose Cottage, a single storey property with rooms in its roof space. The B6263 road runs along the northern boundary of the site with open aspects beyond that.

The Proposal

- 3.4 This application seeks Full Planning Permission for the erection of three detached dwellings and garages. The layout has been dictated by the presence of a mains sewer; however, the submitted drawings illustrate that the dwellings would be centrally located within the site whilst the detached garages serving the dwellings would be adjacent to the proposed access drive running along the southern boundary.
- 3.5 Each of the units would be individual in style and design with the required private amenity space serving each of the properties to the rear. The sizes and accommodation provided for each of the dwellings are as follows:
- Unit 1 - 16.1 metres in length with a maximum width of 12.2 metres and a maximum ridge height of 8.9 metres. The ground floor accommodation would comprise of a kitchen/living room, dining room, lounge, utility, w.c., cloakroom and porch with 2no. ensuite bedroom, 2no. bedrooms, landing and bathroom above;
 - Unit 2 - 17.2 metres in length with a maximum width (including external chimneys) of 11.2 metres (including porch) and a ridge height of 8.8 metres. The accommodation provided would consist of a kitchen/living room, dining room, lounge, hall, w.c. and utility with 2no. ensuite bedrooms, 2no. bedrooms and bathroom above.
 - Unit 3 - 19.55 metres in length with a maximum width of 19.5 metres and a maximum ridge height of 8.9 metres. The accommodation provided would comprise of a kitchen/living room, dining room, lounge, study,

games room, utility w.c. and cloakroom with 1no. ensuite bedroom, 3no. bedrooms and bathroom above with a further bedroom in the roof space.

- Garages - all of the garage would be 6.8 metres wide and 8.1 metres in length with a ridge height of 4.8 metres.

3.6 The proposed walls would be finished in render with either slate or 'terracotta style' roofs. Windows and doors would either be uPVC or timber. All the materials and finishes would reflect other properties within the immediate vicinity.

4. Summary of Representations

4.1 This application has been advertised by the direct notification of ten neighbouring properties and the posting of a Site Notice. In response, eight letters/e-mails of objection has been received and 4 letters/e-mails of support.

4.2 The letters/e-mails of objections identifies the following issues:

1. questions availability and contents of original copy of Will of Thomas Graham and Trust.
2. majority of residents in Wetheral Pastures opposed to development.
3. loss of privacy.
4. capability of existing sewage system to deal with additional development.
5. prior notification of adjacent occupiers of the development by the applicant.
6. development would exacerbate existing flooding of the B6263 road.
7. impact on highway safety.
8. development out of keeping with surroundings.
9. present Government policy is for one-bedroom dwellings not four or five bedroom dwellings.
10. loss of view.
11. construction of access and building over existing water pipes and stop taps.
12. assume minimum distance between opposing windows is adhered to by the applicant.
13. the buildings should be relocated further down the field to reduce impact.

14. proposed driveway surfaces (chippings) would lead to noise disturbance.
15. ownership and impact on hedgerows.
16. stability of land for development.
17. proposal contrary to National Planning Policy Framework (NPPF).
18. impact on biodiversity.
19. accuracy of submitted documents and drawings.
20. consultation procedural methods.
21. artists impression drawing should be submitted illustrating outlook northwards from existing dwellings.
22. questions the impartiality of the Planning Officer.

4.3 The letters/e-mails of support identifies the following issues:

1. occupiers of additional dwellings will help to support local amenities and businesses.
2. dwellings would connect Inglenook and Quarry House to the Wetheral Pastures, therefore, providing more continuity
3. attractive development will increase other house prices in close proximity.
4. development in accordance with the NPPF and Local Plan.
5. the development would support services in Wetheral and Cumwhinton.
6. development would make a significant contribution towards the provision of affordable housing, the lack of which was highlighted in the 2005 Parish Plan.

5. Summary of Consultation Responses

Health and Safety Executive/ PADHI+ online consultation: - does not advise, on safety grounds, against the granting of planning permission;

Cumbria County Council - (Econ. Dir. Highways & Transportation): - the proposal seeks to use the existing field access off the Armathwaite road, this will need to be upgraded to serve as the private shared driveway to the dwellings, therefore, recommend the imposition of three conditions. The plans have no dimensions, but assuming the double garage doors is of: 2 metres height, 4 metres width, then using this benchmark the various drawings detailing the access, internal parking/layout are sufficient;

Clerk to Wetheral PC: - Whilst the Parish Council (PC) has no objections to the development of this land, they have concerns regarding the lack of privacy to the existing properties from the proposed overlooking windows in the new development. The Parish Council would prefer to see the proposed new homes set farther back on the site from the existing properties. They feel that the distance should be greater, or the windows to the upper floors overlooking the B6263 only, to avoid overlooking the existing properties.

In respect to the revised proposal, the PC has no objections to this application, but would still prefer to see the new development situated closer to the B6263, further back than proposed, without overlooking windows;

Local Environment - Environmental Protection: - no objections;

Cumbria County Council - Drainage: - no response received;

National Grid UK Transmission - Plant Protection: - no objection;

British Gypsum: - no response received;

Northern Gas Networks: - no objections to the proposals, however, there may be apparatus in the area that may be at risk during construction works and should the planning application be approved, then it is required that the promoter of these works to contact United Utilities directly to discuss their requirements in detail. Should diversionary works be required these will be fully chargeable;

Community Engagement - Housing Strategy: - this scheme is located within the rural east housing market of Carlisle. The Carlisle Housing Need and Demand Study 2011 identified an affordable housing need of 101 units a year in the rural east housing market area. Within the ward of Wetheral, there are only 91 affordable homes, which, according to our records, is only 4.2% of the total homes of the Ward. In consideration of this application, Policy H5 of the Carlisle Local Plan highlights that rural housing schemes between 3-9 units in size must provide an affordable housing contribution of 10% (0.1). The policy also states that affordable properties must be discounted by between 25-30% from their full market value. Given that the application of Policy H5 to this scheme results in an affordable housing contribution of 0.1 units, it would be detrimental to the viability of the scheme if the developer had to provide one unit of affordable housing. The provision of a commuted sum, in lieu of an affordable housing unit, is therefore more rational.

United Utilities: - no objection to the proposed development subject to the imposition of a condition and informative.

6. Officer's Report

Assessment

- 6.1 The relevant planning policies against which the application is required to be assessed are Policies DP1, CP1, CP2, CP3, CP4, CP5, CP12, H1, H5 and

T1 of the Carlisle District Local Plan 2001-2016. The proposals raise the following planning issues:

1. Whether The Principle of Development Is Acceptable
- 6.2 The main issue for Members to establish in the consideration of this application is the principle of development. Since the adoption of the Local Plan, the National Planning Policy Framework (NPPF) has been published by the Government and is a material consideration in the determination of this application.
- 6.3 Paragraph 14 of the NPPF outlines that *"at the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking"*. For decision-taking the NPPF highlights that this means: *approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted"*.
- 6.4 This is further reiterated in paragraph 215 of the NPPF which highlights that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given). Accordingly, in respect of this application whilst the development should be considered against Local Plan policies, the Council's Local Plan (in respect of the issue of housing) cannot be considered up to date under the NPPF.
- 6.5 When assessing the application against the foregoing policy advice it is evident that the application site is well related to the settlement of Wetheral Pastures. Wetheral Pastures itself is in close proximity to both Wetheral and Cumwhinton, both of which provide a high level of service including a school, public houses, village hall, church and shops. Accordingly, the site is considered to be a sustainable location, therefore, the principle for the development of the site for housing is consistent with the objectives of the NPPF.
2. Impact Of The Development On The Character Of The Area
- 6.6 The Cumbria Landscape Character Guidance and Toolkit (March 2001) identifies that the site falls within the Cumbria Landscape Character Sub-Type 5c 'Rolling Landscape'. The toolkit advises that key characteristics of this landscape are: open undulating and rolling topography; lowland agricultural landscape dominated by pasture; hedges and hedgerows trees are common on lower ground and sparse of higher ground; and some scrub woodland.
- 6.7 The application site is a field which slopes down towards the B6263 Wetheral to Cumwhinton road. Although there are no trees or landscape features of

note within the development site itself, the site is delineated on all four sides by hedgerows and sporadic trees, all of which would be retained. A revised block plan also illustrates the planting of an additional two trees within the rear gardens of Plots 1 and 2, a Sweet Chestnut and Sycamore, approximately 3 metres in height with a 130mm girth. An additional hedge would be planted immediately adjacent to the 900mm boundary wall delineating Plots 1 and 2 along the southern boundary of the site. Furthermore, conditions are suggested, should the application be approved, which would ensure the retention of the existing hedgerows together with the planting of the additional hedgerow.

- 6.8 In summary, it is inevitable that there will be some impact on the character of the area given that the application site is currently an open field. In mitigation however; the existing hedgerows around the site would be retained with further planting proposed. Although the development would be visible from public viewpoints, it is well related to the built form of Wetheral Pastures and would not result in a discordant feature in the landscape to such an extent to warrant refusal of the application.

3. Whether the Proposal Would Lead To The Loss Of The Best And Most Versatile Agricultural Land

- 6.9 It is accepted that the proposal would lead to the loss of agricultural land. The Agricultural Land Classification identifies this land as Grade 3, Grades 1 and 2 being of the highest quality. Grade 3 land is common both within the immediate vicinity of the application site and within the District as a whole. As such, it is not considered that the loss of this small area of agricultural land would provide grounds for refusal of the application.

4. Whether The Scale And Design Of The Dwellings Are Acceptable

- 6.10 Policies seek to ensure the development is appropriate in terms of quality to that of the surrounding area and that development proposals incorporate high standards of design including siting, scale, use of materials and landscaping which respect and, where possible, enhance the distinctive character of townscape and landscape. This theme is identified in Policy CP5 of the Local Plan which requires that development proposals should also harmonise with the surrounding buildings respecting their form in relation to height, scale and massing and make use of appropriate materials and detailing.
- 6.11 In respect of the layout of the development, Wetheral Pastures is predominantly linear in form with the exception of numbers 5, 6, and 7 Wetheral Pastures. The site layout is dictated by the need to maintain an easement of the mains sewer that cross the site together with the requirement to achieve adequate separation distances between properties and private amenity space. Notwithstanding this, the form of the development follows that of numbers 5, 6 and 7 Wetheral Pastures and would not be obtrusive or detract from the character of the area.
- 6.12 Objections have been raised in respect of the scale, design and massing of the proposed dwellings. When assessing the character of the area, it is evident that there are a variety of properties of differing ages and styles within Wetheral Pastures. The properties within the immediate vicinity consist of

two storey properties to the west, single storey properties along its southern boundary whilst along the eastern boundary there is a mix of single storey cottages and two storey properties with rooms in the roof space.

- 6.13 In terms of the proposed dwellings, subject of the application, there are a range of differing dwelling types, which, aesthetically, will add variety to the development and create its own identity. The dwellings incorporate reasonably sized garden areas, both front and rear, that are comparable to the size of the units that they serve, thereby ensuring that the development does not appear cramped or overdeveloped. Furthermore, the size of the gardens and the way that the properties are laid out will help create a sense of space within the development.
- 6.14 The topography of the area is such that there is already a mix of styles and ages of dwellings at differing levels within the immediate vicinity, the resultant impact of the development on the streetscene would not be obtrusive or be detrimental to the character of the area. In summary, the scale and massing of the proposed dwellings are comparable to the existing properties within the vicinity. Accordingly, the development would not form a discordant feature within the street scene.

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

- 6.15 Objections have been raised by the occupiers of neighbouring properties in respect of the impact of the development on their living conditions citing over-dominance, over-looking, loss of view and intensification of use. Similar concerns have also been raised by Wetheral Parish Council.
- 6.16 The originally submitted drawings illustrated that the southern (front) elevations of the proposed dwellings would be located between 38.2 metres and 39.2 metres from the single storey properties along its southern boundary, numbers 5 (Trefmawr), 6 (Sangria) and 7 (Ramsland) Wetheral Pastures whilst the garages would come closer. The garage serving Plot 1 would be 27.2 metres from the gable elevation of 5 Wetheral Pastures and 17.5 metres from the front elevation of 1 Fernbank Cottage, a two storey property located to the west of application site. The garage serving Unit 2 would be off-set from the front elevation of 6 Wetheral Pastures whilst the garage of Unit 3 would be 17.2 metres from the front elevation of number 7 Wetheral Pastures.
- 6.17 In light of the objections raised by both the third parties and the Parish Council, the applicant has subsequently submitted revised drawings which now illustrate the relocation of the dwellings further to the north which has resulted in the properties being more centrally located with the application site and the shared access drive surfaced in clay pavers as opposed to tarmacadam and chippings.
- 6.18 In terms of the revised drawings the distances between the proposed dwellings and the existing properties are:
- southern elevation of Unit 1 to the gable elevation of 5 Wetheral Pastures

is now 39 metres. The garage would be 27.1 metres to 5 Wetheral Pastures and 17.5 metres from the front elevation of 1 Fernbank Cottages;

- southern elevation of Unit 2 to the northern elevation of 6 Wetheral Pastures is now 43.2 metres. The garage would remain off-set from 6 Wetheral Pastures; and
- main southern elevation of Unit 3 to the northern elevation of 7 Wetheral Pastures is now 44.4 metres. The garage would remain 17.2 metres from 7 Wetheral Pastures.

- 6.19 In light of the foregoing, the relocation of the proposed dwellings not only meets but are well in excess of the distances outlined in the City Council's Supplementary Planning Document 'Achieving Well Designed Housing' i.e. 12 metres between primary windows and blank gables and 21 metres between primary windows. Furthermore, any perceived potential impact due to scale and massing would also be reduced. The loss of a view is not a material planning consideration. In respect of intensification of use, it is inevitable that any development proposals in an otherwise undeveloped area would lead to increased levels of traffic and noise; however, given that the proposal is for three dwellings the level of usage would not warrant refusal of the application on this basis.

6. Provision Of Affordable Housing

- 6.20 When considering the issue of affordable housing, Policy H5 of the Local Plan sets thresholds for the provision of affordable housing. Given the nature of the proposal to provide 3 units and the size of the site, there is a policy requirement to provide 10% contribution towards the provision of affordable housing. The applicant is willing to provide this contribution and subject to the completion of a S106 Agreement, there is no policy conflict.

7. Impact Of The Proposal On Highway Safety

- 6.21 The proposal involves the utilisation of an existing field access to serve the proposed development. Objections have been raised in respect of highway safety citing the potential impact that the additional traffic from the proposed development would have on the highway junction of the B6263 road.
- 6.22 Cumbria County Council, as Highways Authority, has been consulted and raise no objections to the proposal subject to the imposition of three conditions and an informative. The concerns of the objectors have been noted; however, given that the Highways Authority do not share these concerns it would be difficult to substantiate a refusal of the application on highway grounds.

8. Whether The Method of Disposal of Foul And Surface Water Are Appropriate

- 6.23 In order to protect against pollution, Policy CP12 seeks to ensure that development proposals have adequate provision for the disposal of foul and surface water. The application form, submitted as part of the application,

outlines that foul sewage would be to the mains whilst surface water would be to a soakaway. Objectors questioned the capability of the existing sewage system to deal with the proposed development together with the impact of the proposal on existing flooding of the B6263 road from surface water run-off. United Utilities has been consulted and have raised no objections subject to the imposition of a condition and informative which requires the submission of a scheme for surface and foul water drainage prior to commencement.

9. Impact Of The Proposal On Biodiversity

- 6.24 The Councils GIS Layer has identified that there is the potential for several key species to be present within the vicinity. Using the guidance issued by Natural England, the development would not harm protected species or their habitat; however, an Informative has been included within the decision notice ensuring that if a protected species is found all work must cease immediately and the Local Planning Authority informed.

10. Impact Of The Proposal On Existing Trees And Hedgerows

- 6.25 The site is bounded by hedgerows with sporadic trees all of which would be retained with further planting proposed along the southern boundary. The imposition of a condition would also ensure that the hedgerows are retained.

11. Other Matters

- 6.26 There are discrepancies within the Design and Access Statement, submitted as part of the application. Since the 25th June 2013 the requirement for the submission of a Design and Access Statement has been relaxed. Accordingly, in light of the foregoing the Design and Access Statement will not form part of the approved documents should the application be approved.
- 6.27 Objectors have raised concerns in respect of the availability and contents of the Will of Thomas Graham, impact of the development on existing water pipes and stop taps and the stability of the land. These issues are noted; however, these are covered by other legislation and not planning legislation.
- 6.28 Several objectors have highlighted that representations have been received from people who do not reside in Wetheral Pastures. As Members are aware all representations have to be taken into consideration when assessing planning applications, irrespective of where people reside.
- 6.29 The occupiers of a property in Wetheral Pastures questions the impartiality of the Case Officer due to the format of a letter of Supporting Information received from a Planning Consultant acting on behalf of the applicant. Members should be assured that the application has been dealt with in accordance with the provisions of the Development Plan taking into consideration any material planning considerations.

Conclusion

- 6.30 The principle of development of the site is acceptable under the provisions of the NPPF. The scale and design of the dwelling are acceptable and would not have a significant detrimental impact on the character of the area or the living conditions of the occupiers of neighbouring properties. Adequate parking and access provision can be achieved whilst the method of disposal for foul and surface water is acceptable subject to the imposition of relevant conditions. The proposal would also retain existing hedgerows and would not have a detrimental impact on biodiversity.
- 6.31 In overall terms, the proposal is considered to be compliant under the provisions of the NPPF and the objectives of the relevant Local Plan policies. Accordingly, the application is recommended for approval subject to the completion of a Section 106 Agreement.

7. Planning History

- 7.1 There is no relevant planning history.

8. Recommendation: Grant Subject to S106 Agreement

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

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

2. The approved documents for this Planning Permission comprise:

1. the submitted planning application form received 4th June 2013;
2. the Assessment of Likelihood of Contamination received 7th June 2013;
3. the Tree Survey received 22nd July 2013;
4. the location plan received 4th June 2013 (Drawing No. 2080/1);
5. the block plan received 13th September 2013 (Drawing No. 2080/2A);
6. the block plan received 22 July 2013 (Drawing No. 2080/2B);
7. the site plan received 22nd July 2013 (Drawing No. 2080/3A);
8. site elevations - north and south received 4th June 2013 (Drawing No. 2080/4);
9. site elevation - west received 22nd July 2013 (Drawing No. 2080/5B);
10. unit 1 floor plans received 4th June 2013 (Drawing No. 2080/6);
11. unit 1 elevations received 4th June 2013 (Drawing No. 2080/7);
12. units 1 & 2 garage received 9th July 2013 (Drawing No. 2080/9A);
13. unit 2 floor plans received 4th June 2013 (Drawing No. 2080/10);
14. unit 2 elevations received 4th June 2013 ((Drawing No. 2080/11);
15. unit 3 floor plans received 7th August 2013 (Drawing No. 2080/13A);
16. unit 3 elevations received 4th June 2013 (Drawing No. 2080/14);
17. unit 3 garage received 4th June 2013 (Drawing No. 2080/16);
18. the Notice of Decision; and

19. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

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

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

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

Reason: To ensure that a satisfactory landscaping scheme is prepared and to ensure compliance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

5. The existing hedgerows to the northern and eastern boundaries of the site as indicated on Drawing Number 2080/3A shall be retained at a height of not less than 1.8 metres as measured from the base of the hedge.

Reason: In the interests of privacy and amenity in accordance with Policies CP5 of the Carlisle District Local Plan.

6. Before any development is commenced on the site, including site works of any description, a protective fence in accordance with Fig. 2 in B.S. 5837: 2005 shall be erected around the trees and hedges to be retained at the extent of the Root Protection Area as calculated using the formula set out in B.S. 5837. Within the areas fenced off no fires should be lit, no equipment, machinery or structure shall be attached to or supported by a retained tree or hedge, no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area, the existing ground level shall be neither raised nor lowered, and no materials, temporary buildings or surplus soil of any kind shall be placed or stored thereon. The fence shall thereafter be retained at all times during construction works on the site.

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

7. Notwithstanding any description of boundary treatments in the application no development shall be commenced until particulars of the height and materials of any new screen walls and boundary fences to be erected has been submitted to and approved in writing by the Local Planning Authority and the development thereafter carried out in accordance therewith.

Reason: In the interests of privacy and visual amenity in accordance with Policy H2 of the Carlisle District Local Plan 2001-2016.

8. The whole of the vehicular access area bounded by the carriageway edge and the highway boundary shall be constructed and drained to the specification of the Local Highways Authority.

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

9. The access and parking/turning requirements, shown on Drawing Number 2080/03A, shall be substantially met before any building work commences on site so that constructional materials can be delivered and stored within the site, and traffic/plant can be accommodated clear of the highway.

Reason: The carrying out of this development without the provision of these facilities is likely to lead to inconvenience and danger to road users. Retention of these facilities ensures an appropriate standard of parking and access for as long as the use continues. To support Local Transport Plan Policies: LD5, LD7 and LD8.

10. No dwelling shall be occupied until the vehicular access and parking requirements have been constructed in accordance with the approved plan and brought into use. These facilities shall be retained and capable of use at all times thereafter and shall not be removed or altered without the prior consent of the Local Planning Authority.

Reason: To ensure a minimum standard of access provision when the development is brought into use. To support Local Transport Plan Policies: LD5, LD7, LD8.

11. Prior to the commencement of development, a scheme for foul and surface water drainage (inclusive of how the scheme shall be maintained and managed after completion) shall be submitted to and approved in writing by the Local Planning Authority. The drainage scheme submitted for approval shall be in accordance with the principles set out in the planning application proposing surface water from the site discharging into the SUDs. No part of the development shall be occupied until the drainage scheme has been constructed in accordance with the approved details. For the avoidance of doubt, neither surface water, land drainage, nor highway drainage shall connect into the public sewerage system (directly or indirectly). The development shall be completed, maintained and managed in accordance with the approved details.

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

12. No work associated with the construction of the residential units 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 statutory holidays).

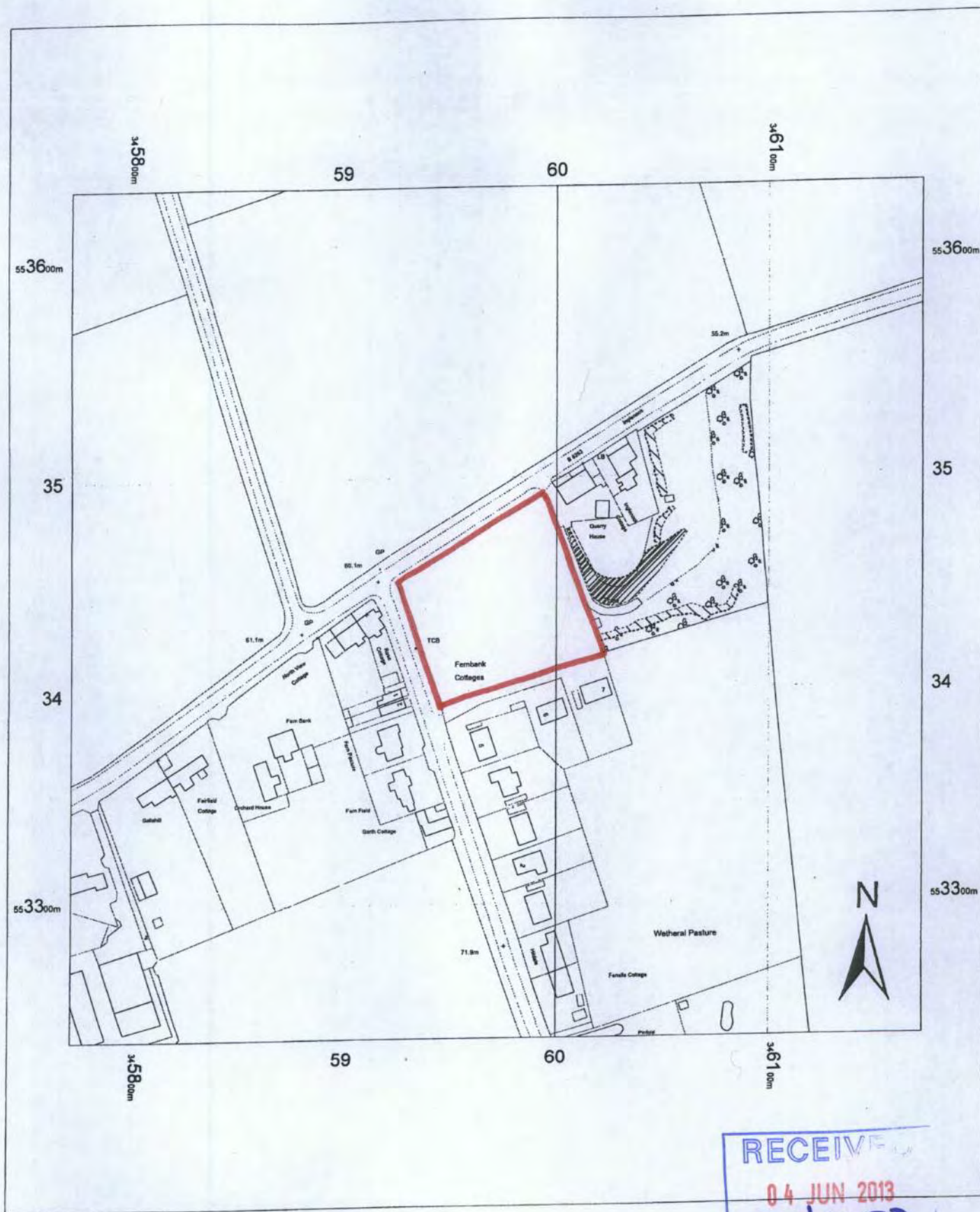
Reason: To prevent disturbance to nearby occupants in accordance with Policy H2 of the Carlisle District Local Plan 2001-2016.

13. 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 approval in writing of the Local Planning Authority.

Site investigations should follow the guidance in BS10175.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

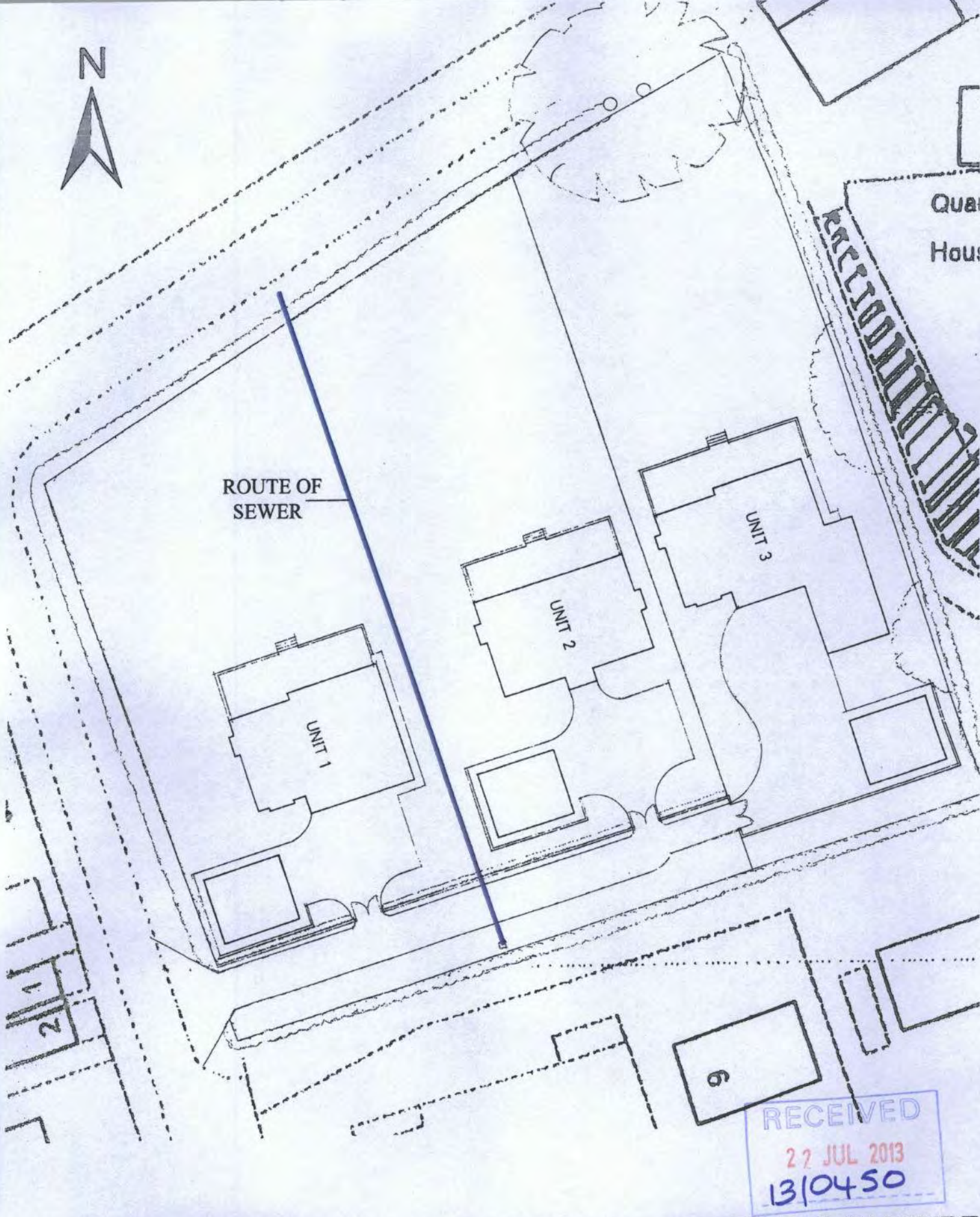
Reason To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CP13 of the Carlisle District Local Plan 2001-2016.



RECEIVED
04 JUN 2013
2013/0450

PROPOSED RESIDENTIAL DEVELOPMENT - WETHERAL PASTURE LOCATION PLAN

DRG. NO. 2080/1



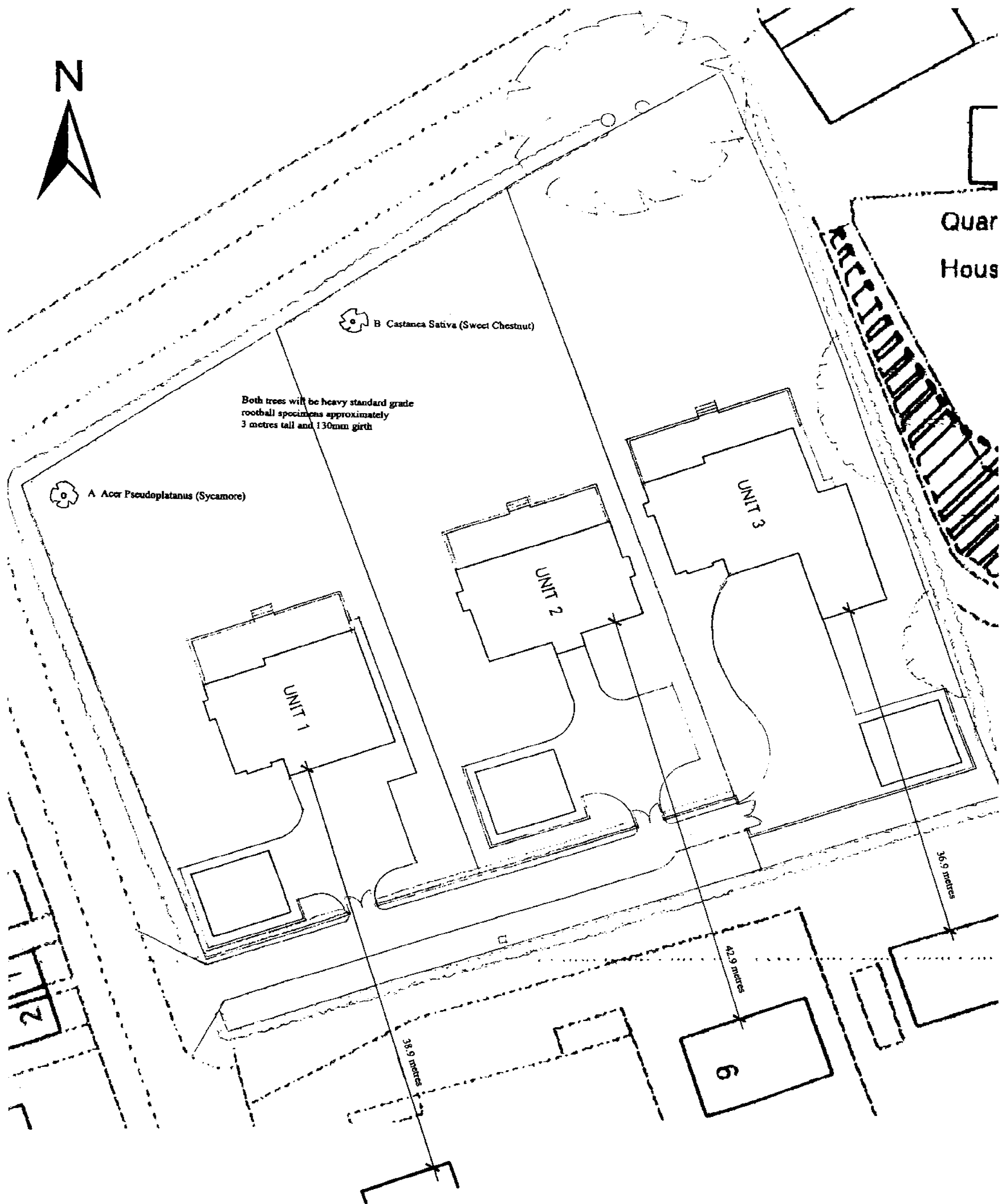
RECEIVED
27 JUL 2013
1310450

PROPOSED RESIDENTIAL DEVELOPMENT - WETHERAL PASTURE

BLOCK PLAN

DRG. NO. 2080/2B

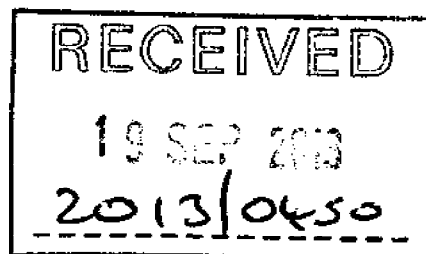
SCALE : 1-500



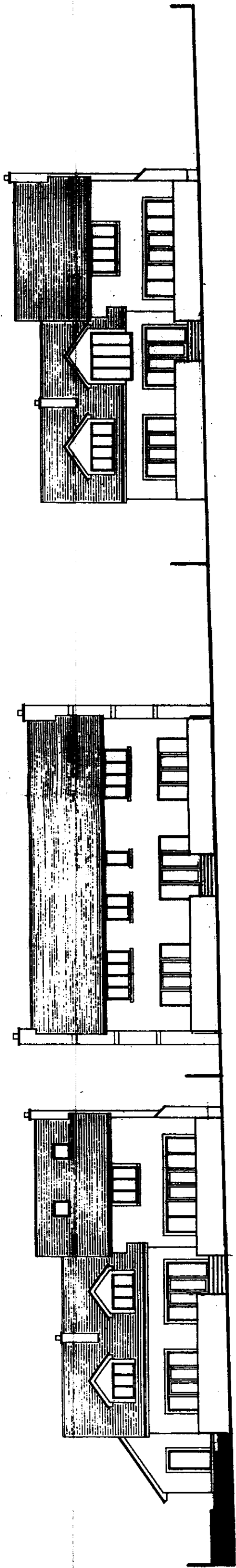
PROPOSED RESIDENTIAL DEVELOPMENT - WETHERAL PASTURE

BLOCK PLAN

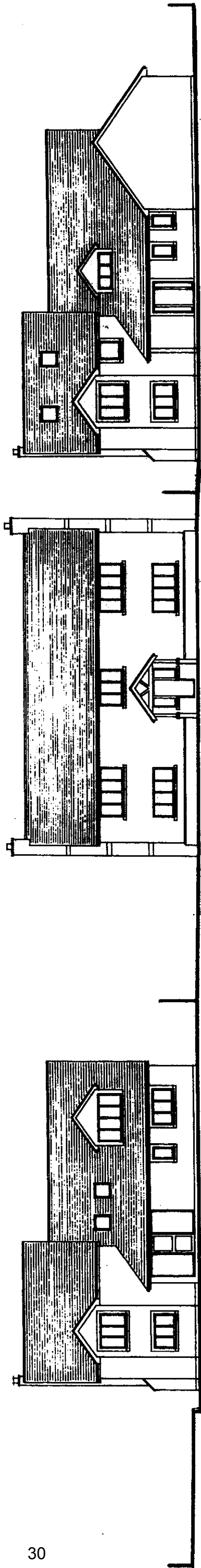
DRG. NO. 2080/2B



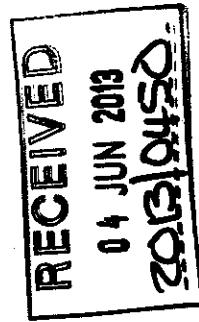
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NORTH ELEVATION



SOUTH ELEVATION

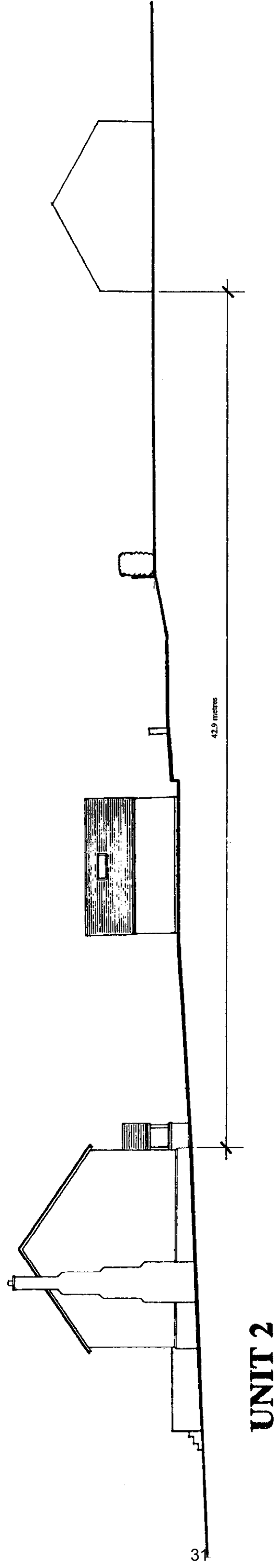


PROPOSED RESIDENTIAL DEVELOPMENT - WETHERAL PASTURE

SITE ELEVATIONS - NORTH & SOUTH

DRG. NO. 2080/4

SCALE : 1-200



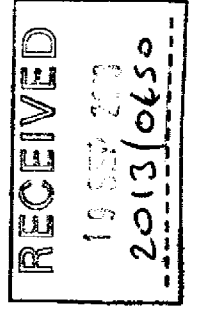
UNIT 2

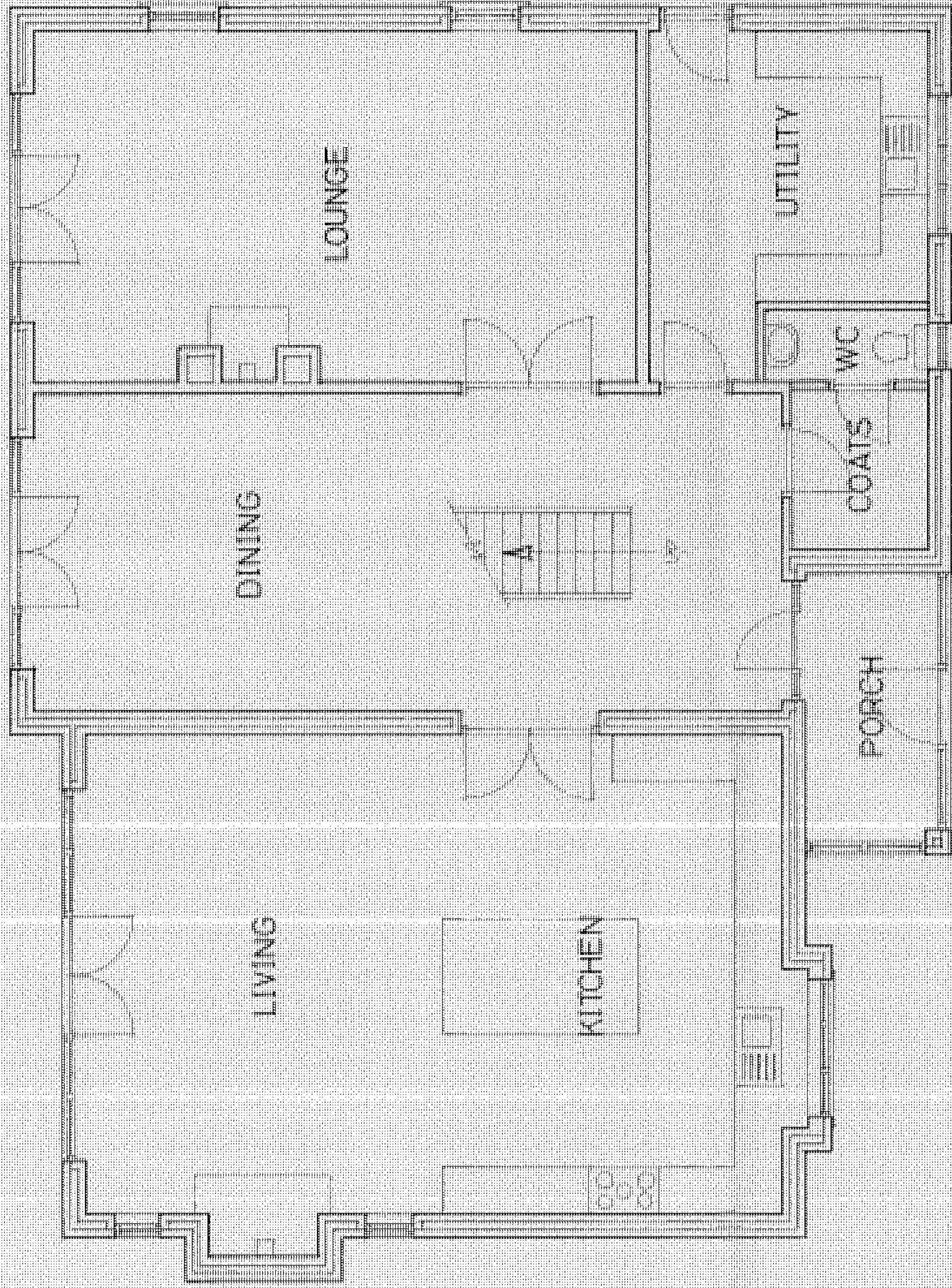
PROPOSED RESIDENTIAL DEVELOPMENT - WETHERAL PASTURE

SITE ELEVATION - WEST

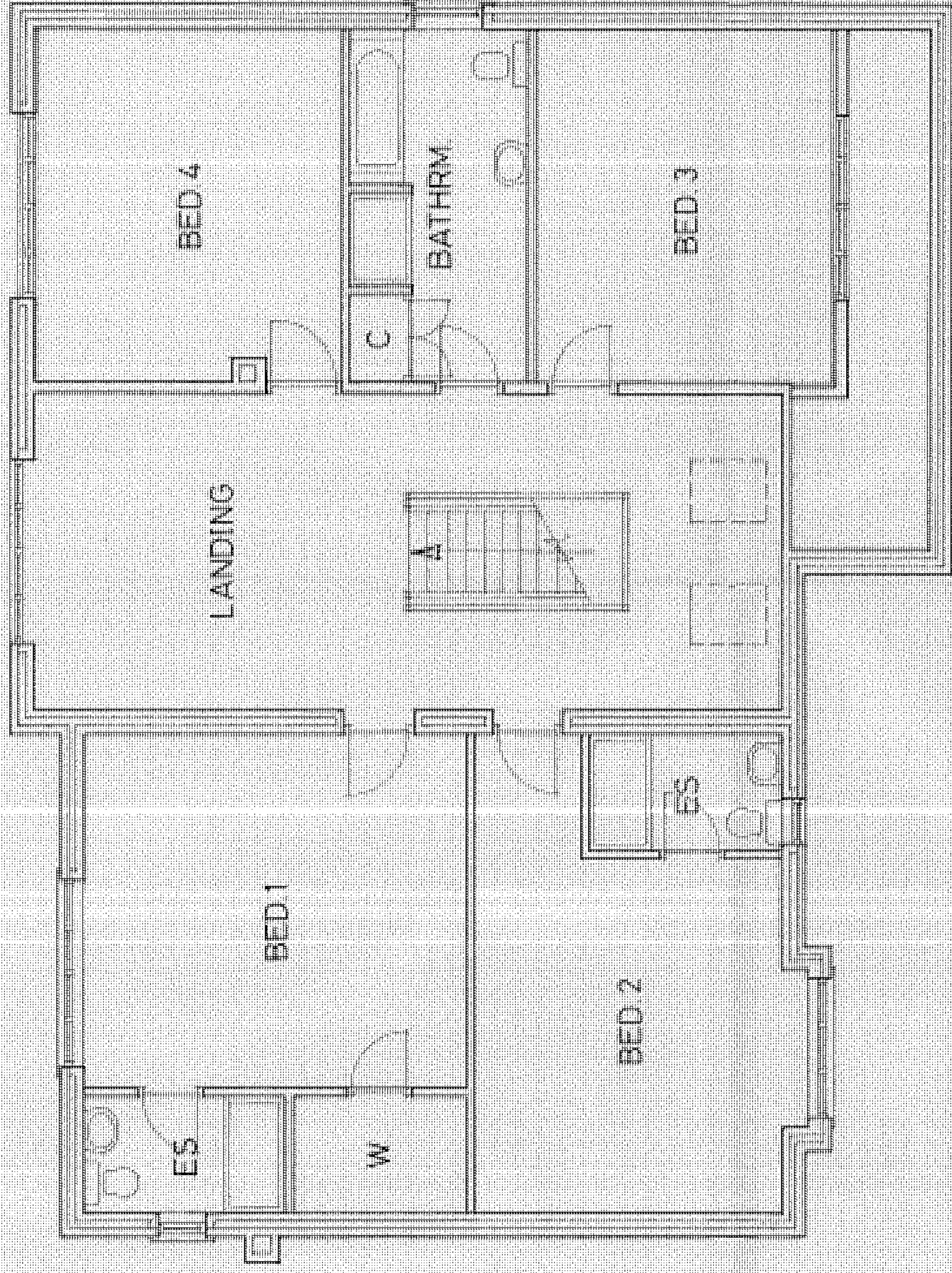
DRG. NO. 2080/5C

SCALE : 1-200





GROUND FLOOR



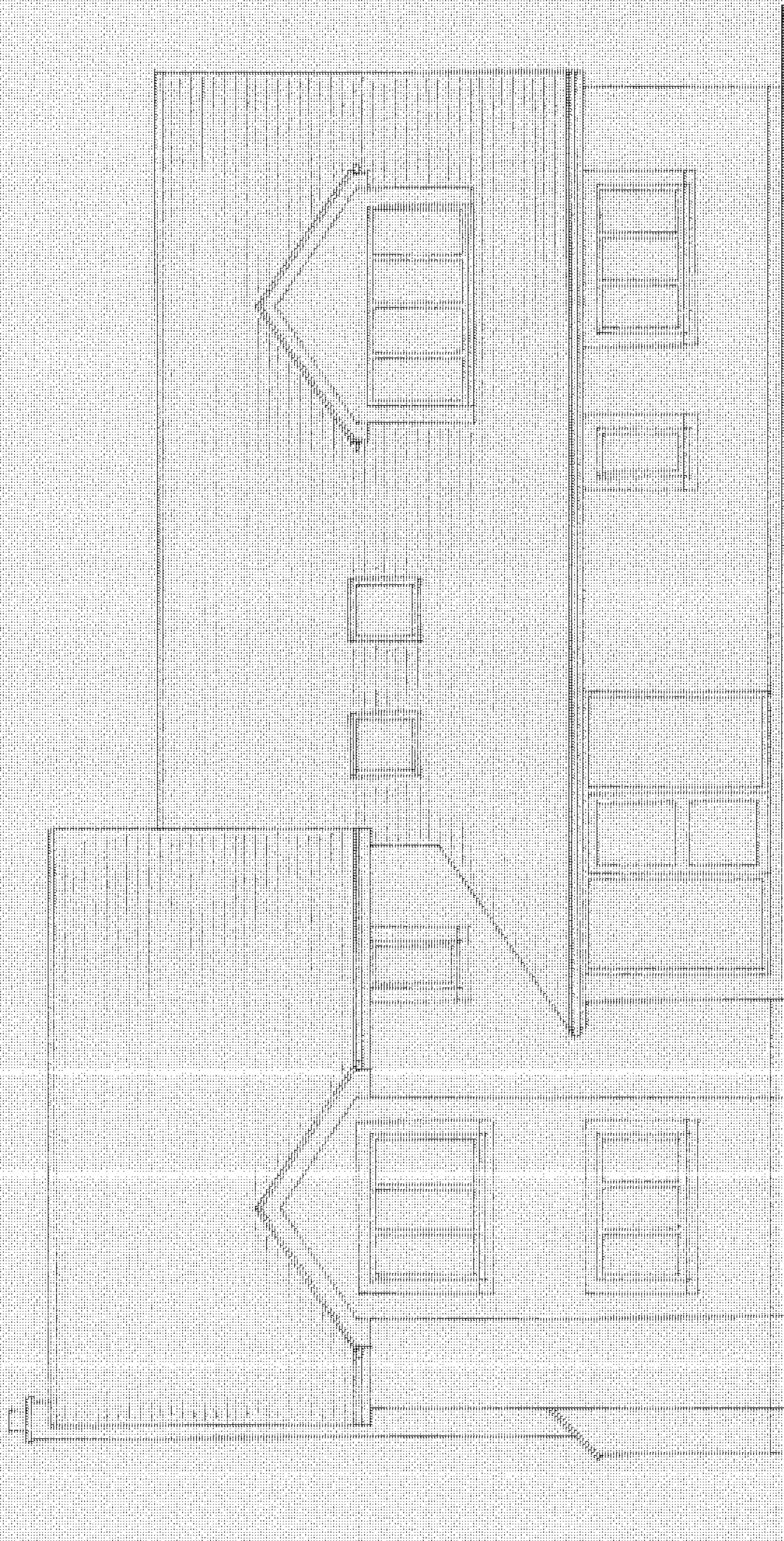
FIRST FLOOR

UNIT 1

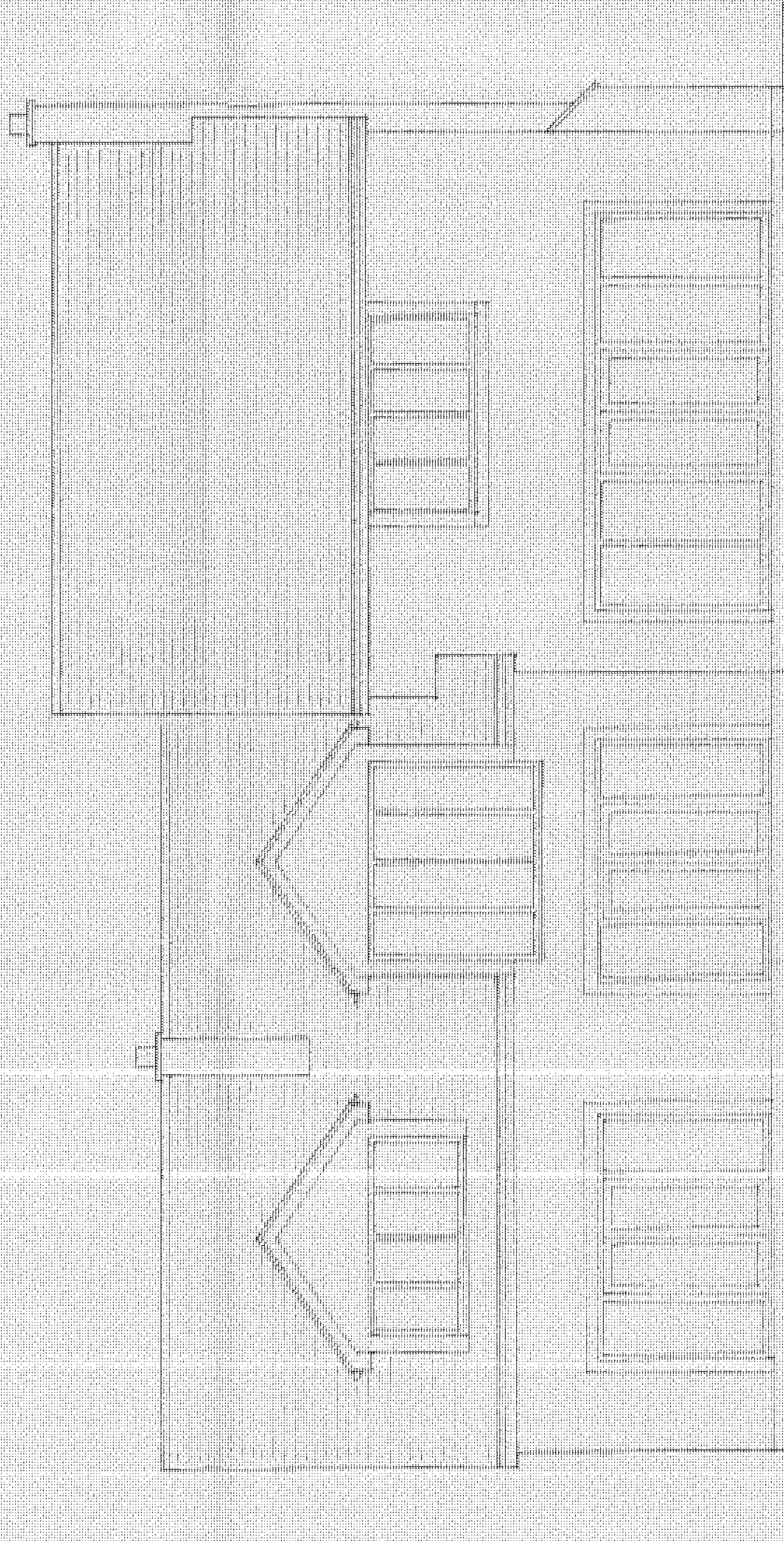
FLOOR PLANS

RECEIVED
04 JAN 2013
2013/01/30

PROPOSED RESIDENTIAL DEVELOPMENT WETHERAL PASTURE - CARLISLE	
DRG No. 208016 SCALE: 1-50 DATE: FEB 2013	JACK GORDON ARCHITECTURAL SERVICES 37 SCOTLAND ROAD CARLISLE CA5 9HE Tel: 01558 545588

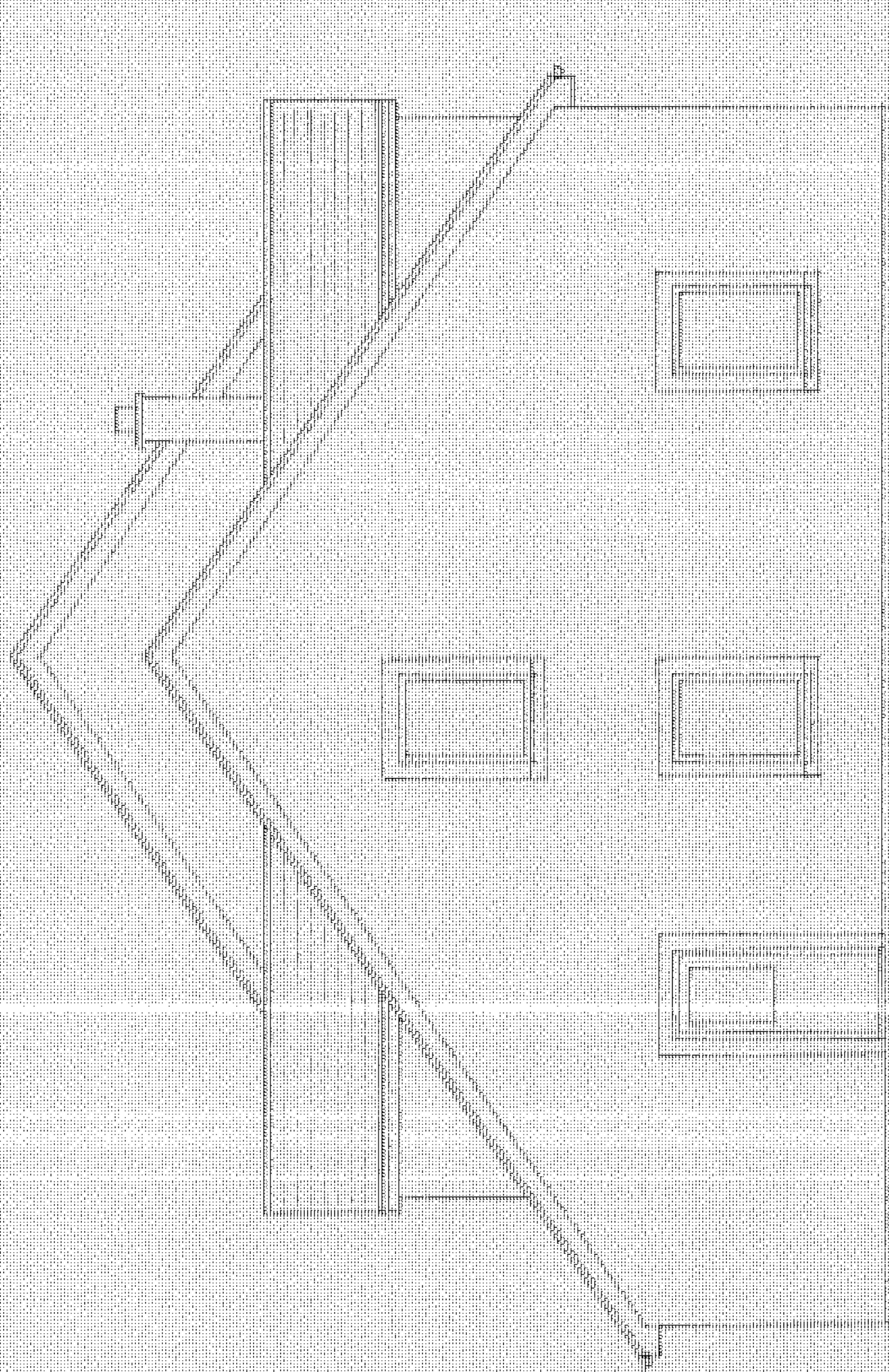


SOUTH ELEVATION

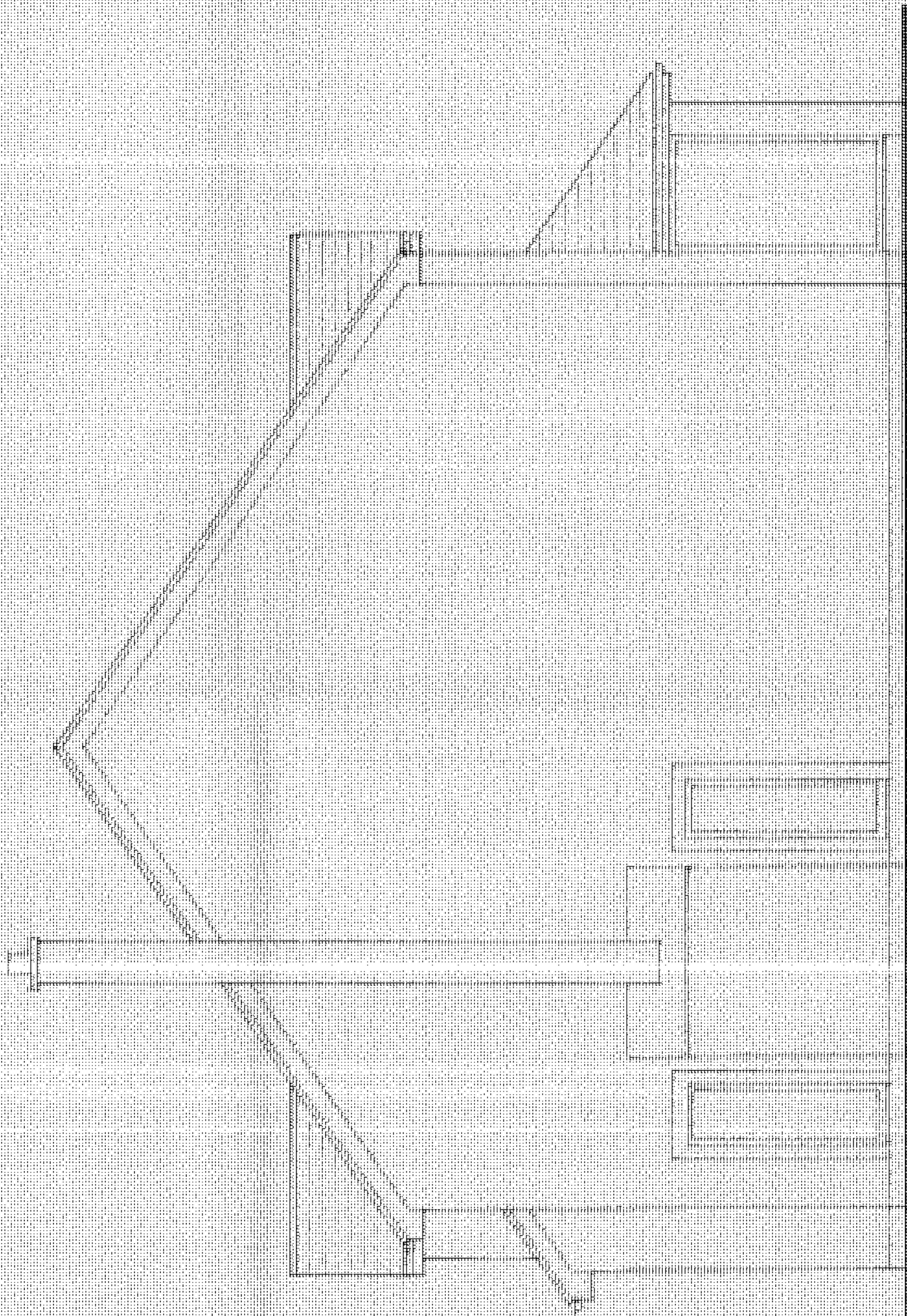


NORTH ELEVATION

Materials:
 Masonry
 Siding
 Windows
 Doors
 Roofing
 Gutters
 Downspouts
 Foundation
 Footings
 Driveway
 Walkways
 Landscaping



EAST ELEVATION

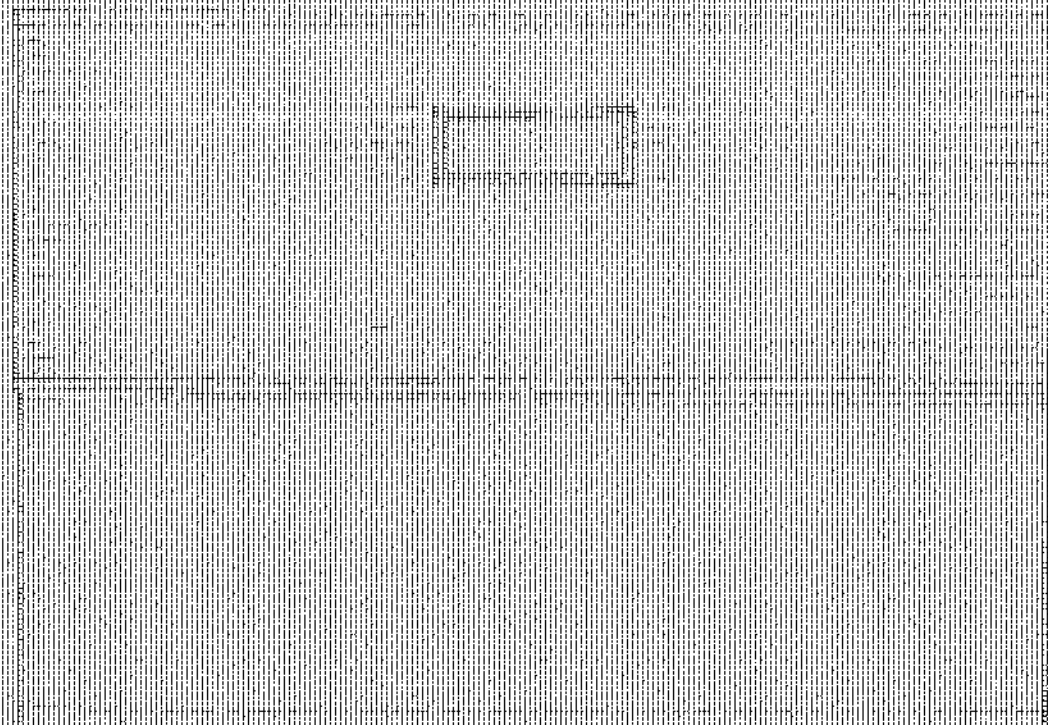


WEST ELEVATION

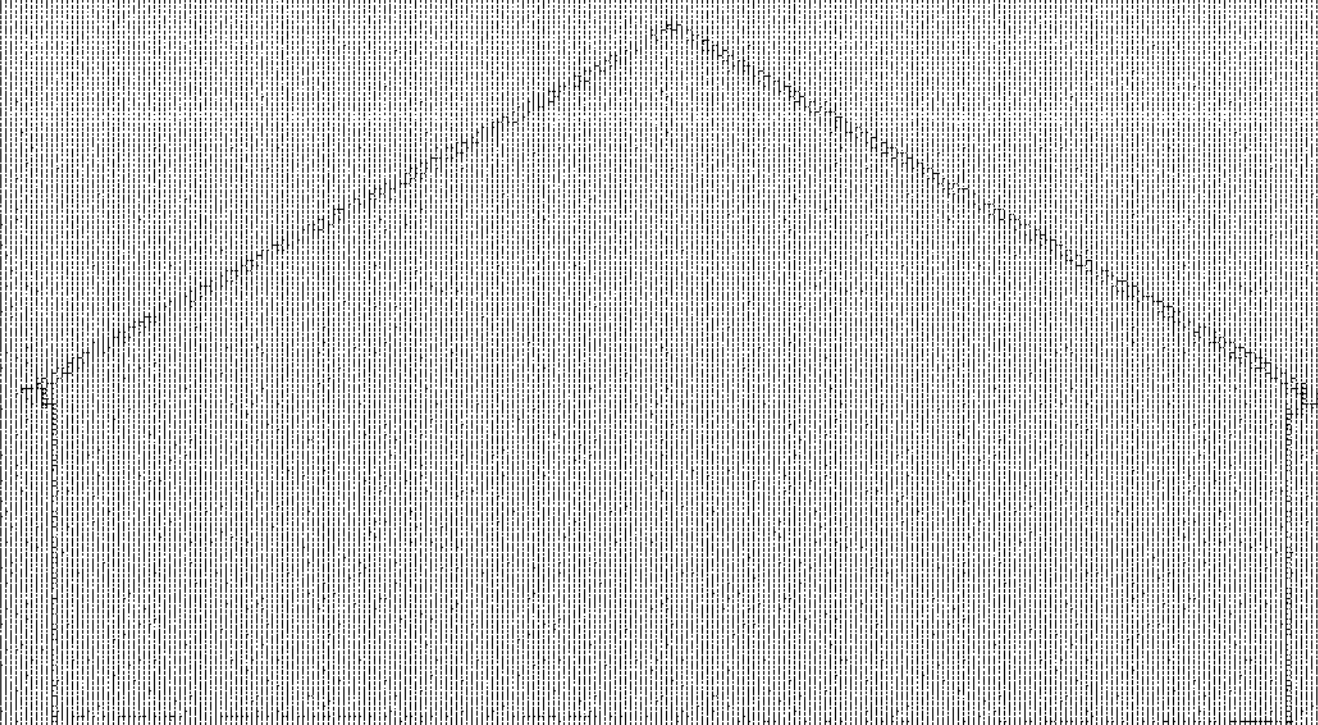
UNIT 1 ELEVATIONS

RECEIVED
 14 JAN 2013
 2013/01/13

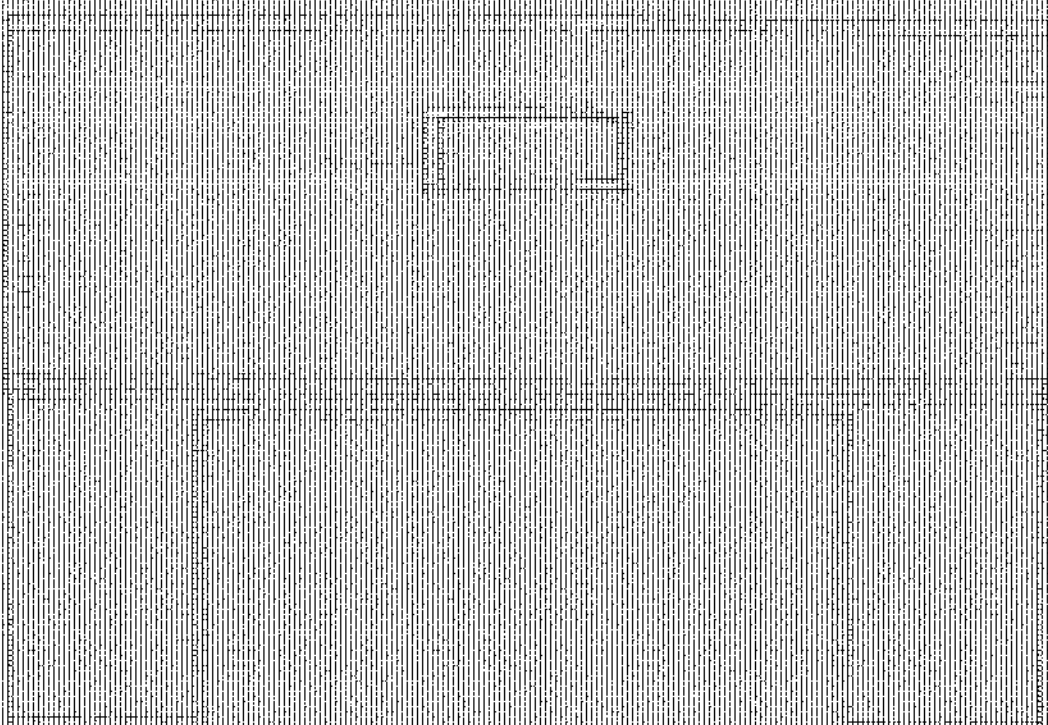
PROPOSED RESIDENTIAL DEVELOPMENT WETHERAL PASTURE - CARLISLE	
DRG. No. 2013/01/13 SCALE: 1/50 DATE: FEB 2013	JACK GORDON ARCHITECTURAL SERVICES 87 SCOTLAND ROAD CARLISLE CA9 5HE TEL: 01275 545555



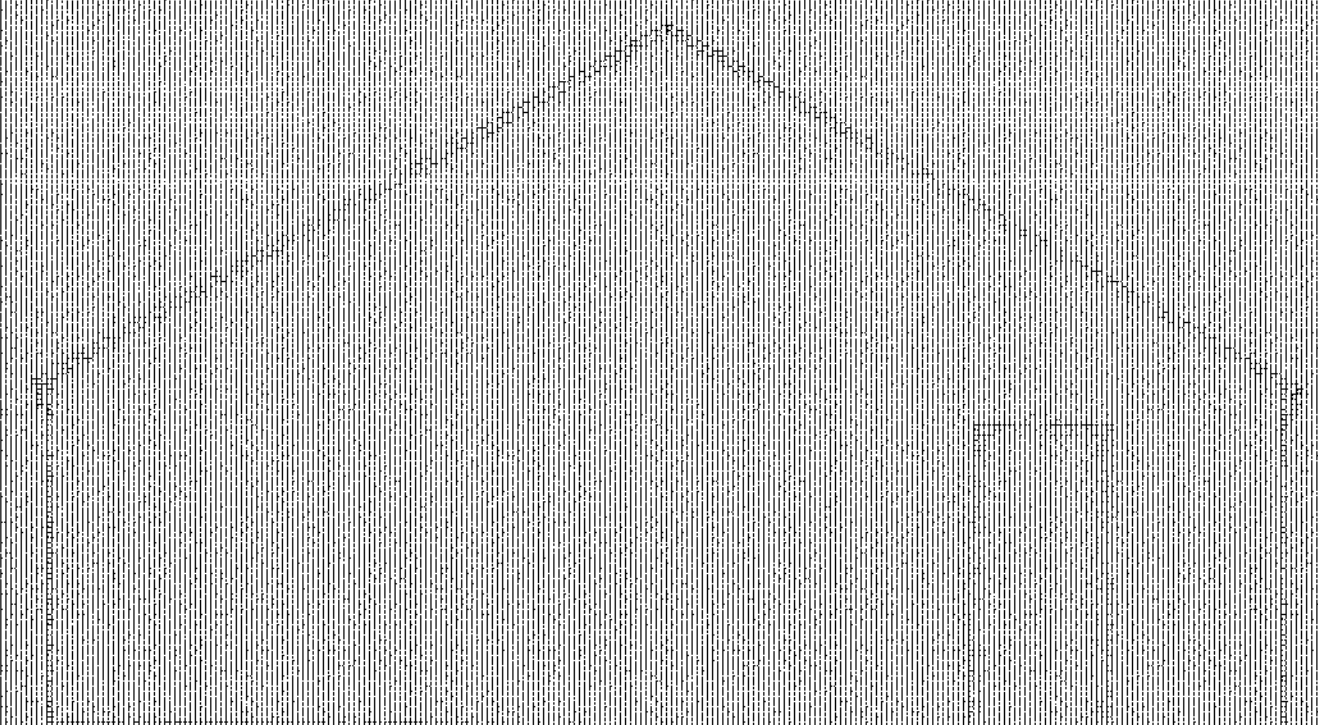
WEST ELEVATION



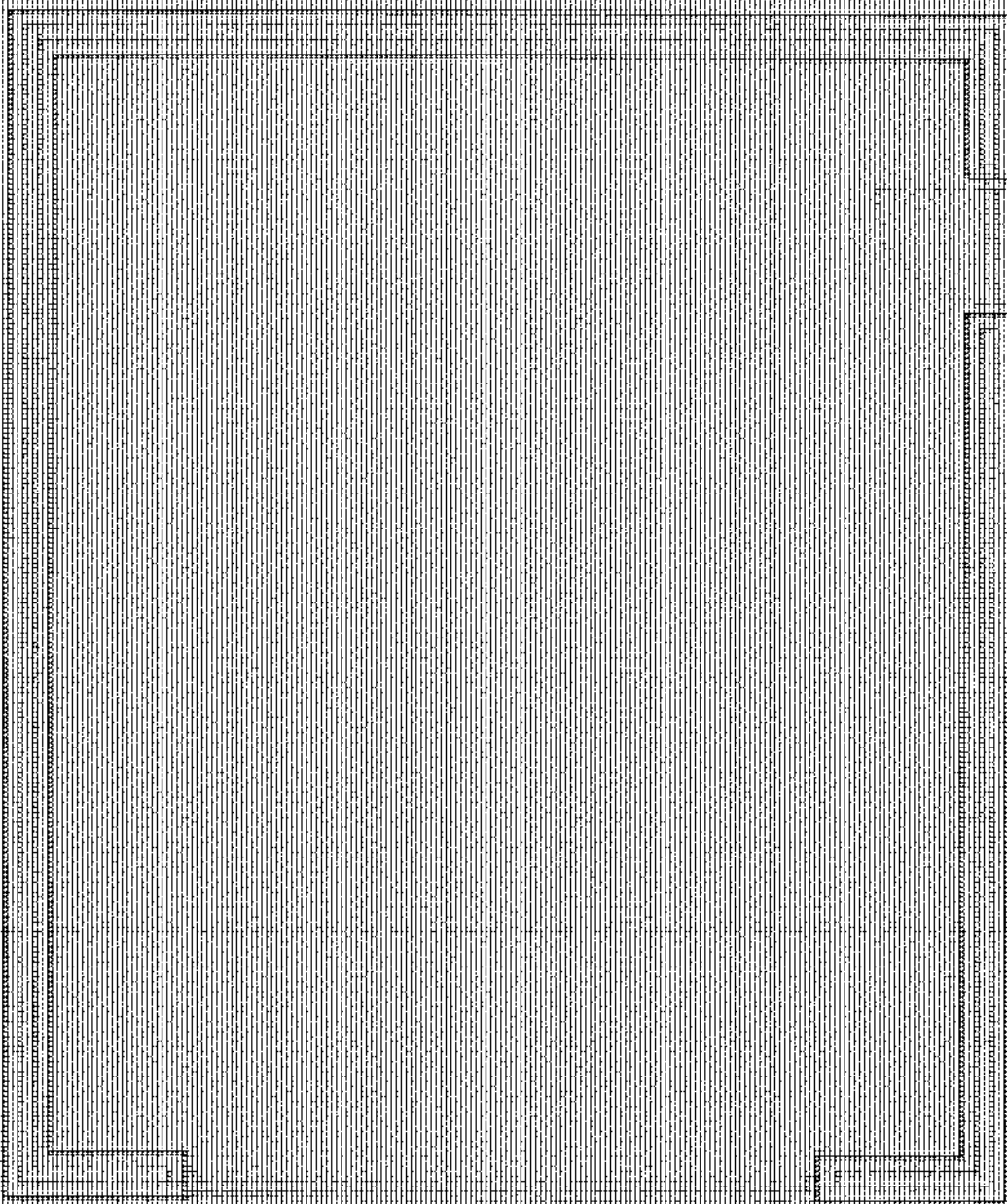
SOUTH ELEVATION



EAST ELEVATION



NORTH ELEVATION

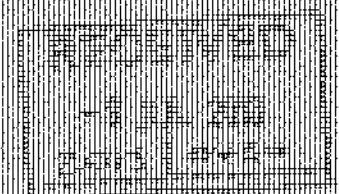


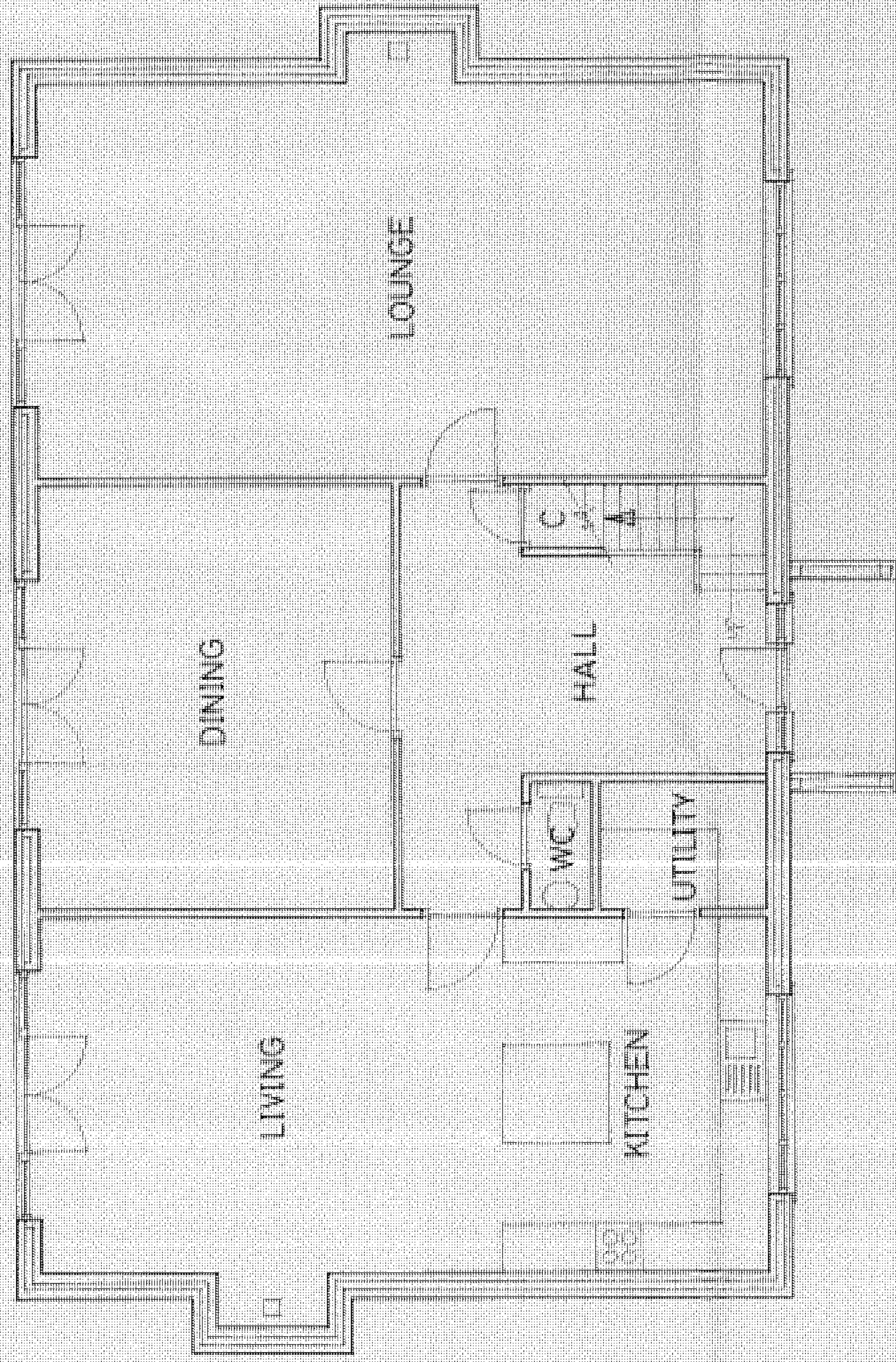
PLAN

UNITS 1 & 2
GARAGE
PROPOSED RESIDENTIAL
DEVELOPMENT

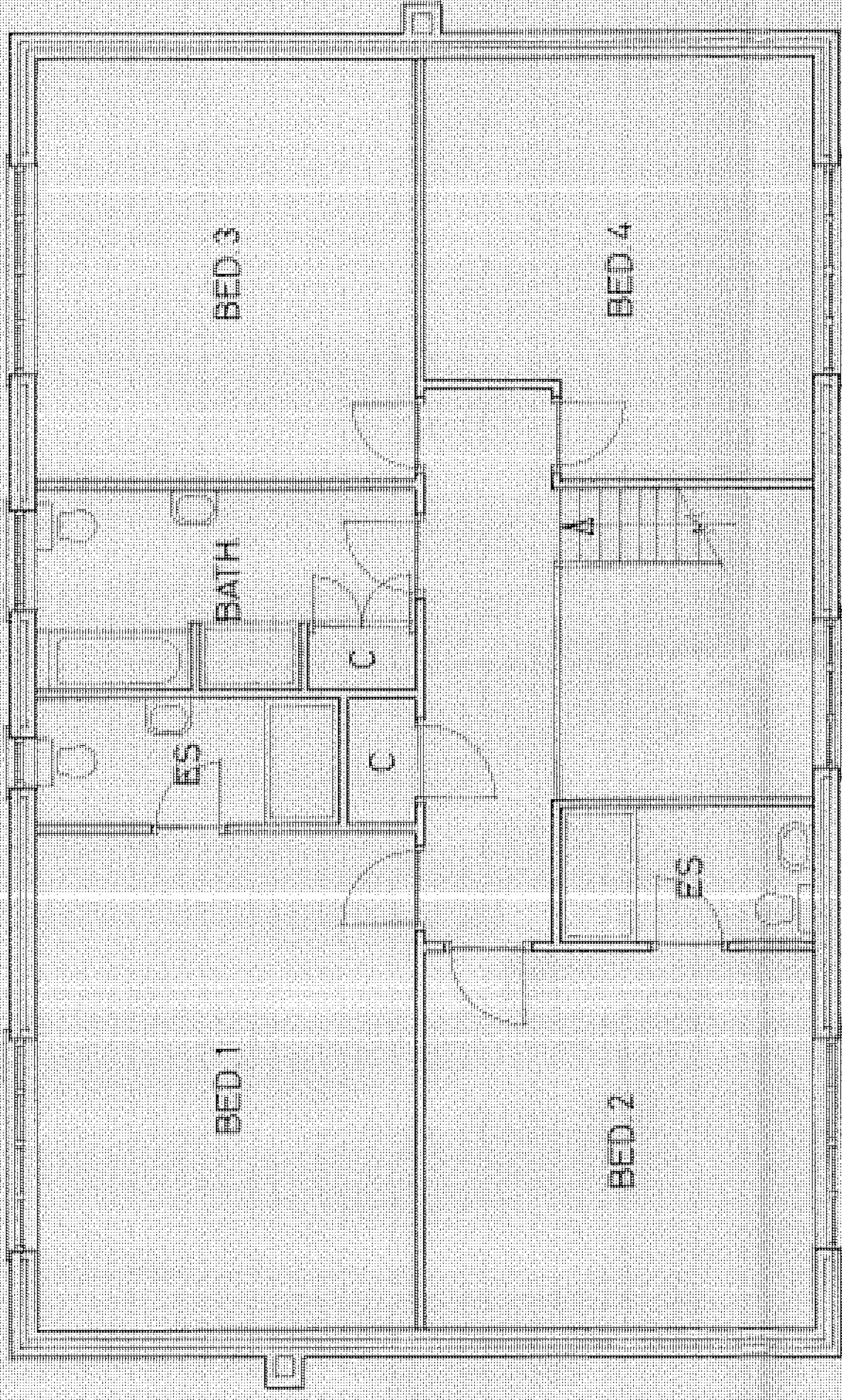
UNITS 1 & 2

GARAGE





GROUND FLOOR



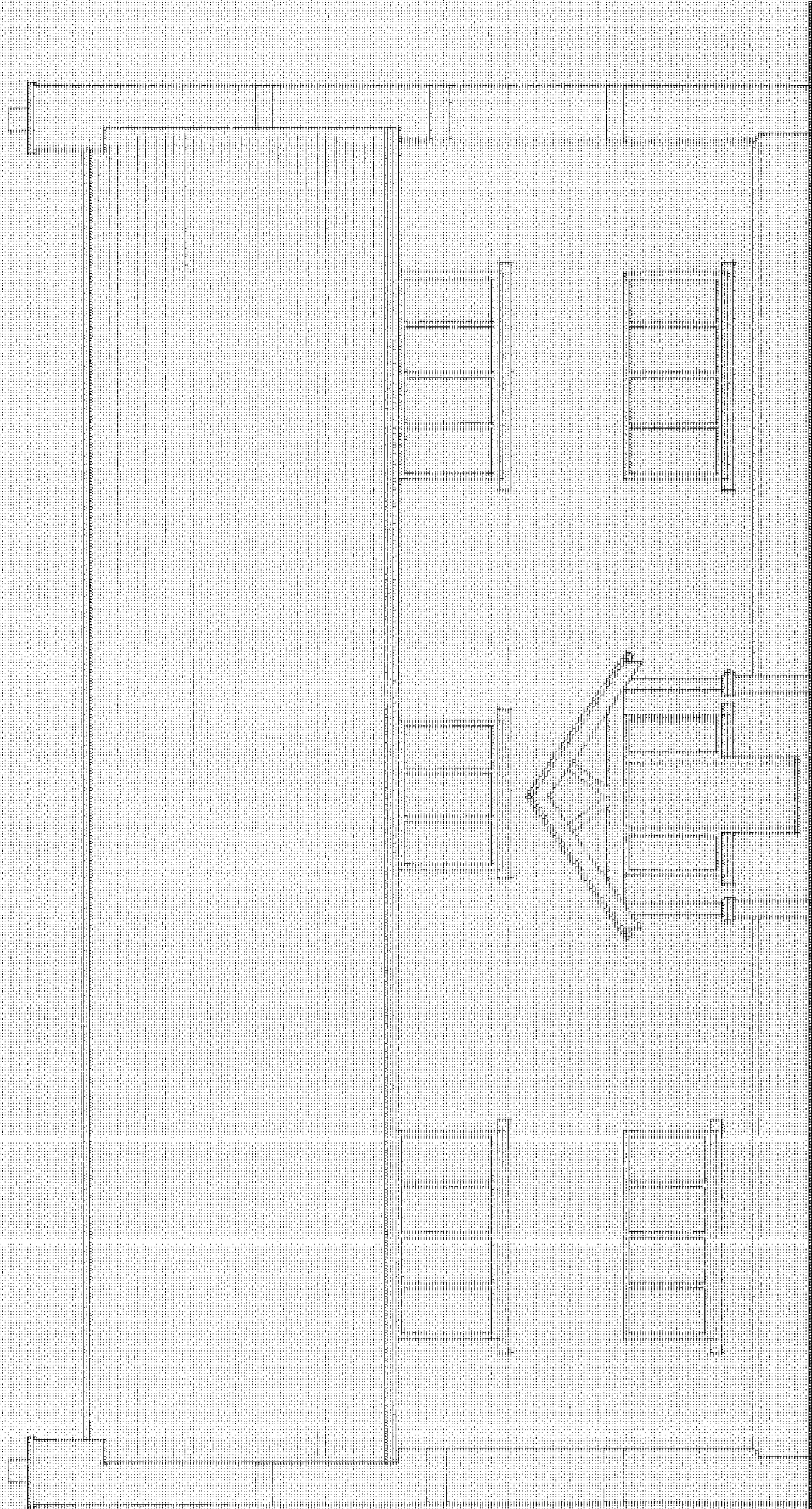
FIRST FLOOR

UNIT 2

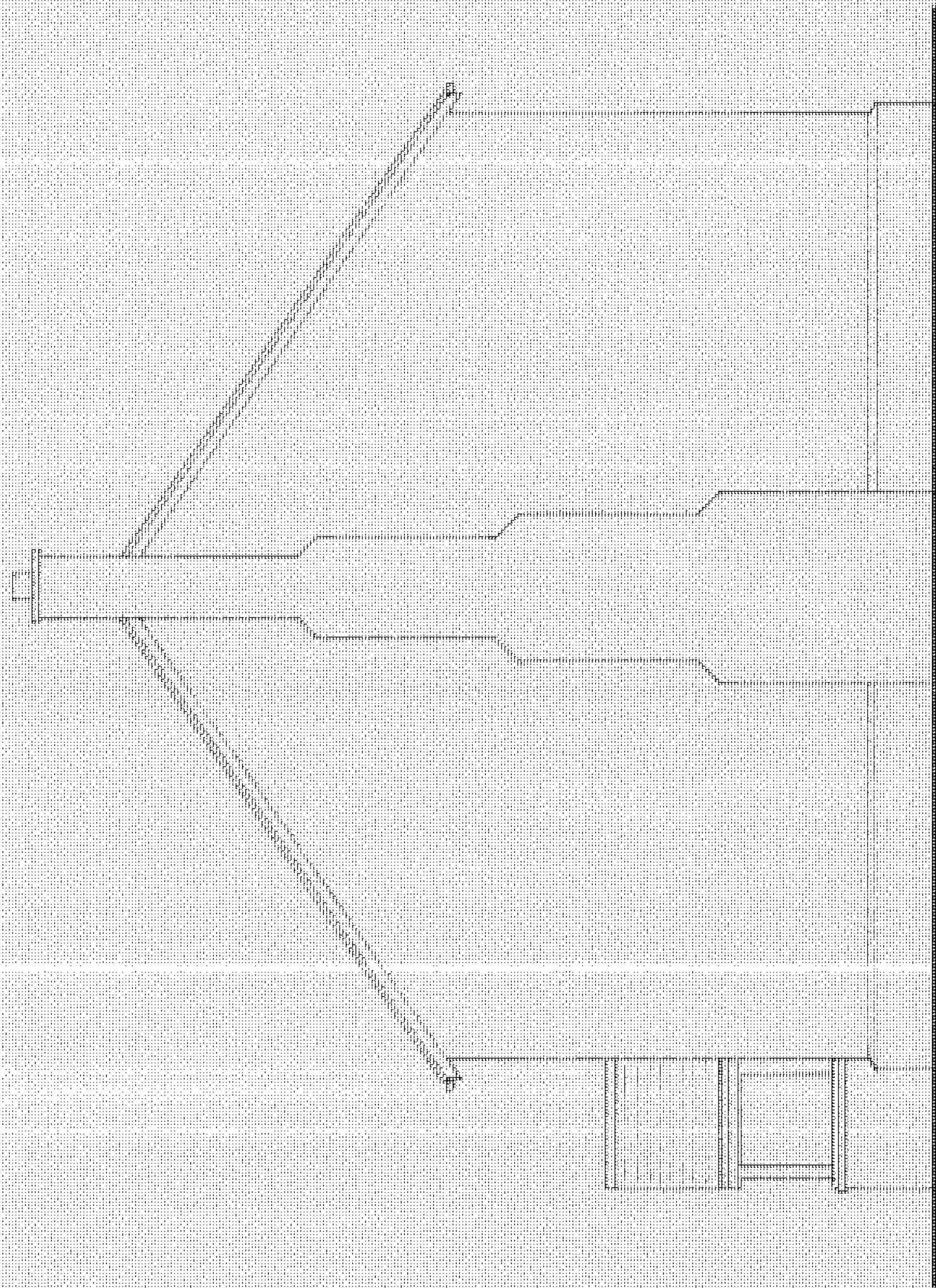
FLOOR PLANS

RECEIVED
BY JUN 2013
2013/06/20

PROPOSED RESIDENTIAL DEVELOPMENT WETHERAL PASTURE – CARLISLE	
DRG. No. 2010/110	JOCK GORDON ARCHITECTURAL SERVICES
SCALE 1:50	47 SCOTLAND ROAD CARLISLE, CUMBRIA CA1 1HS
DATE FEB 2013	Tel: 01273 551545



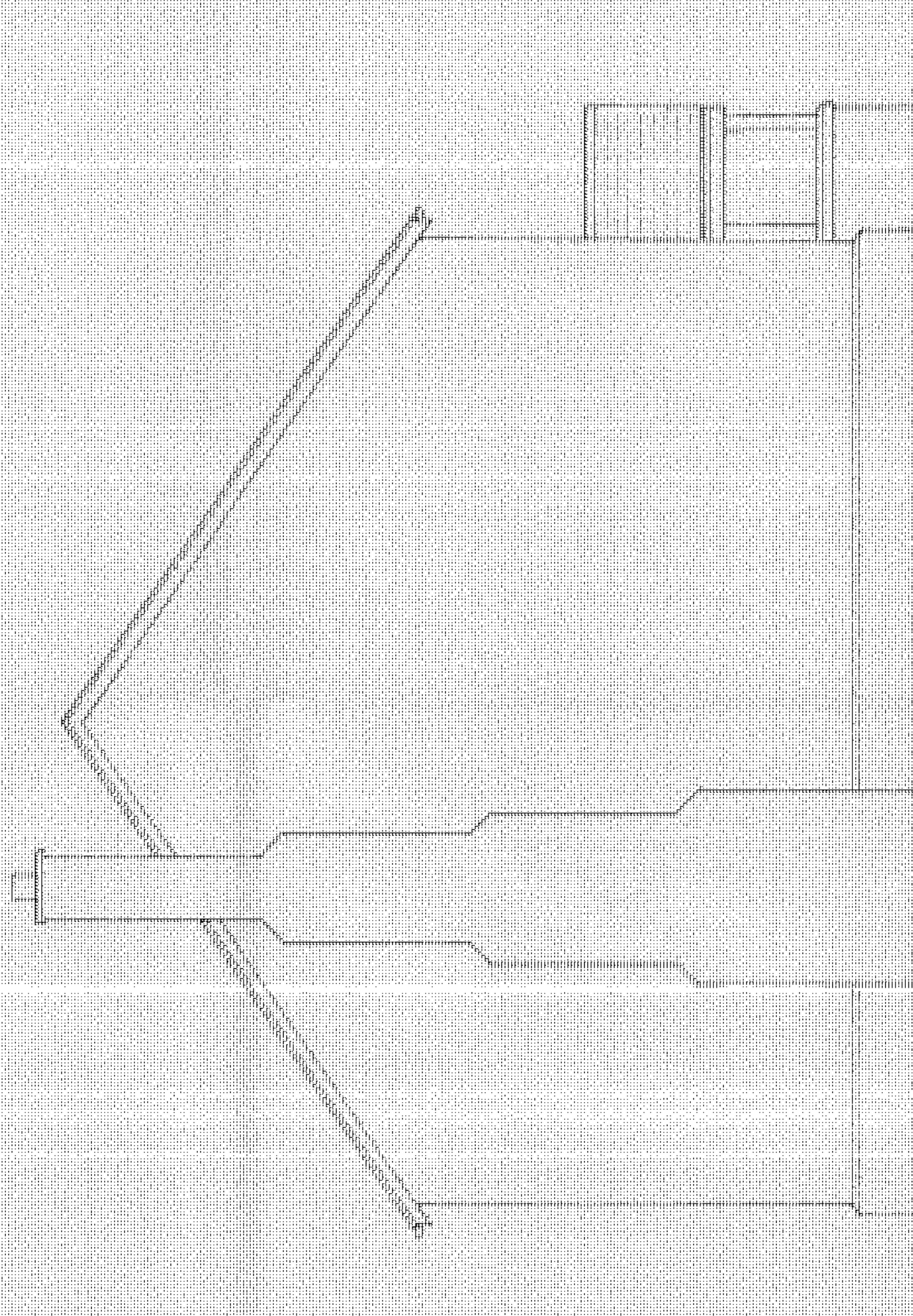
SOUTH ELEVATION



EAST ELEVATION



NORTH ELEVATION



WEST ELEVATION

Materials:
Floor: Polished concrete
Walls: Drywall with oil-based
paint
Windows: White
Trim: White
Roof: Asphalt/Flt

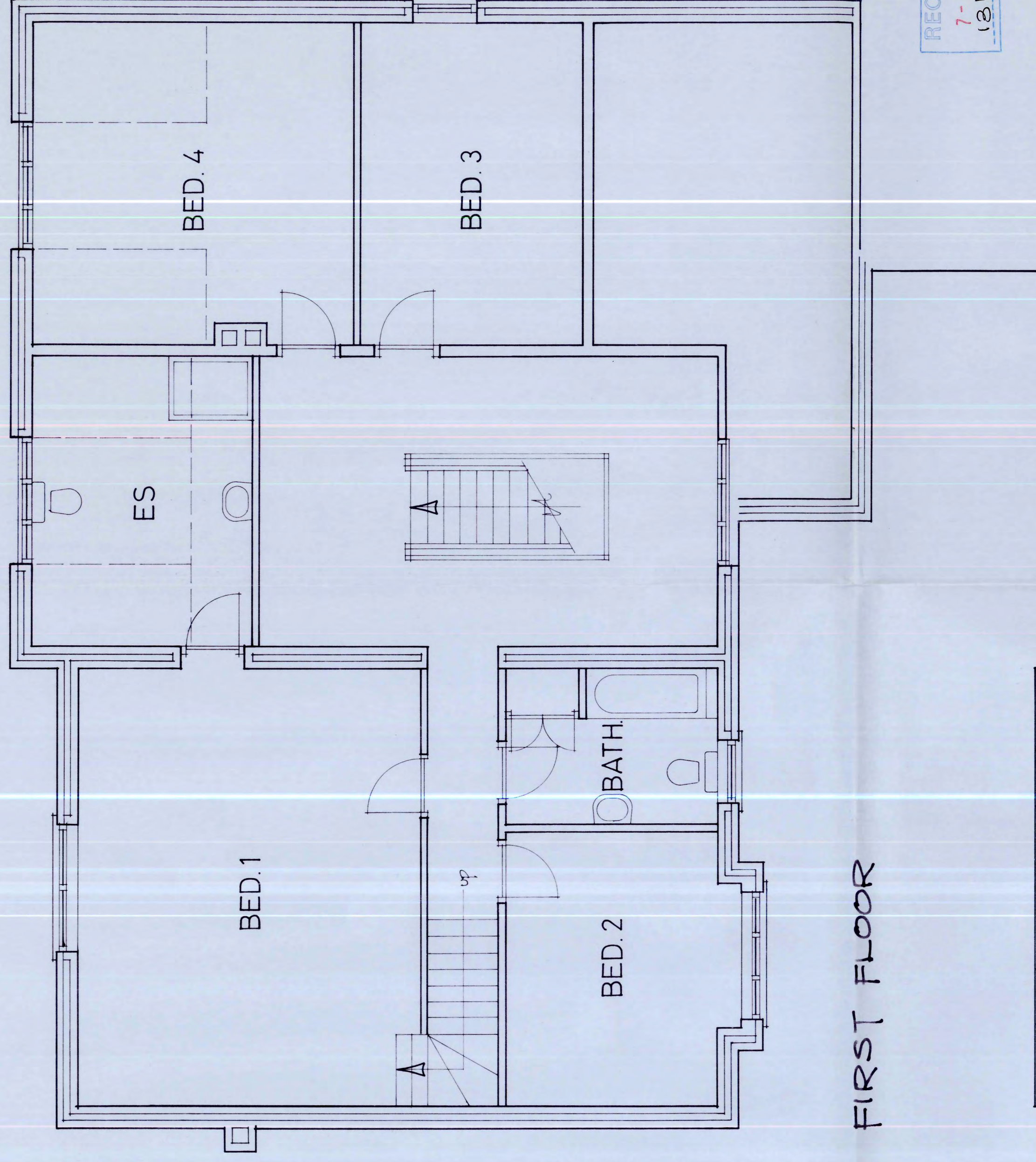
UNIT 2 ELEVATIONS

RECEIVED
AT JUN 03
2013/04/23

PROPOSED RESIDENTIAL DEVELOPMENT WETHERAL PASTURE - CARLISLE	
DWG. No. 2080/111	JEFF GORDON ARCHITECTURAL SERVICES
SCALE: 1/50	47 SCOTLAND ROAD CARLISLE CA3 9AB
DATE: FEB 2013	FOR OTHER SIZES

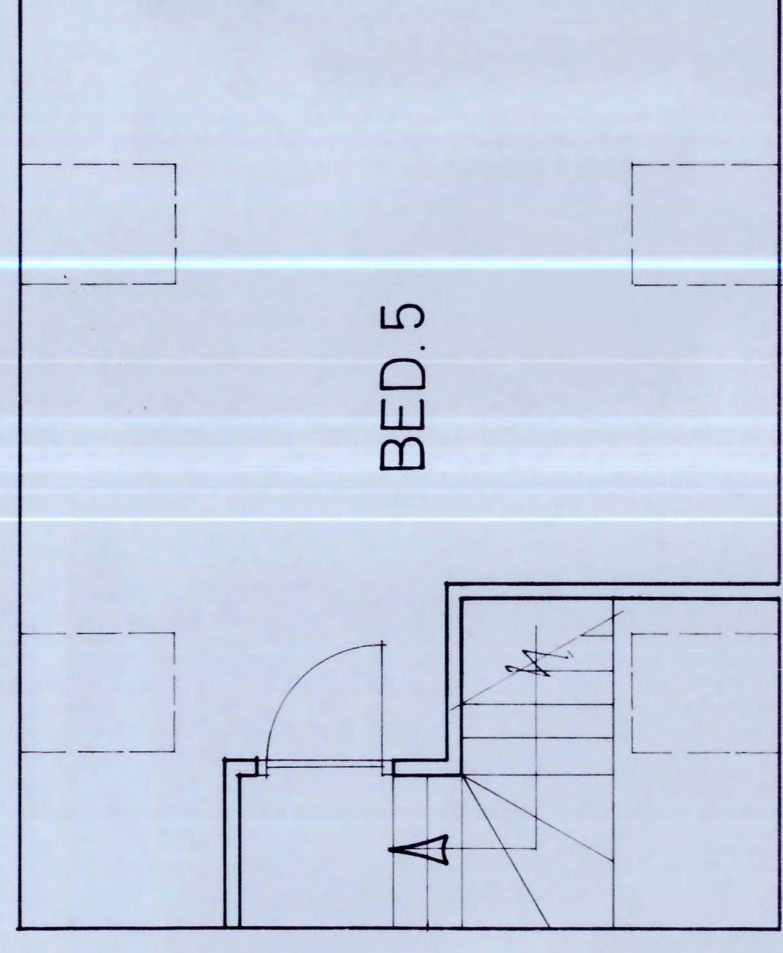


GROUND FLOOR



FIRST FLOOR

RECEIVED
7 - AUG 2013
13/0450

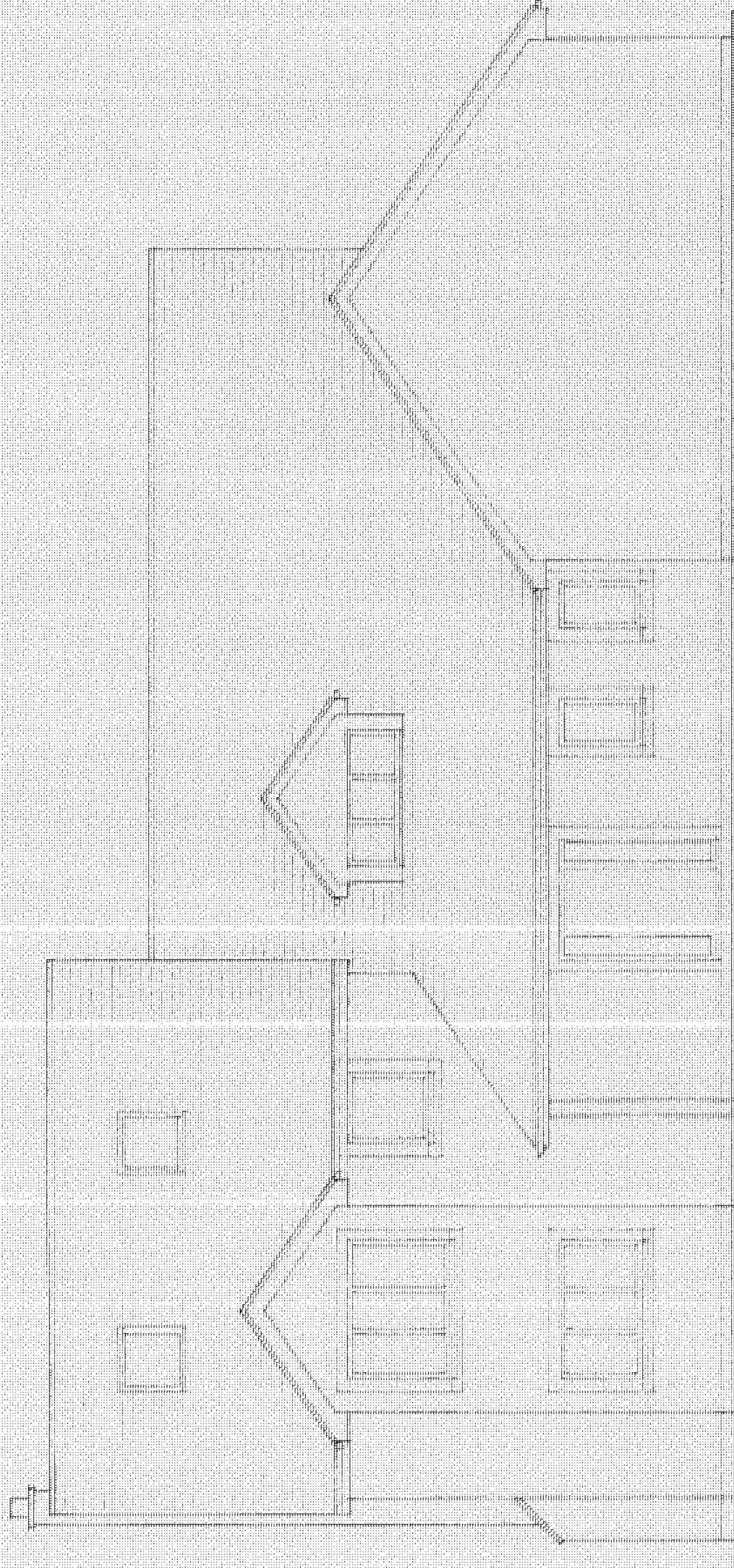


SECOND FLOOR

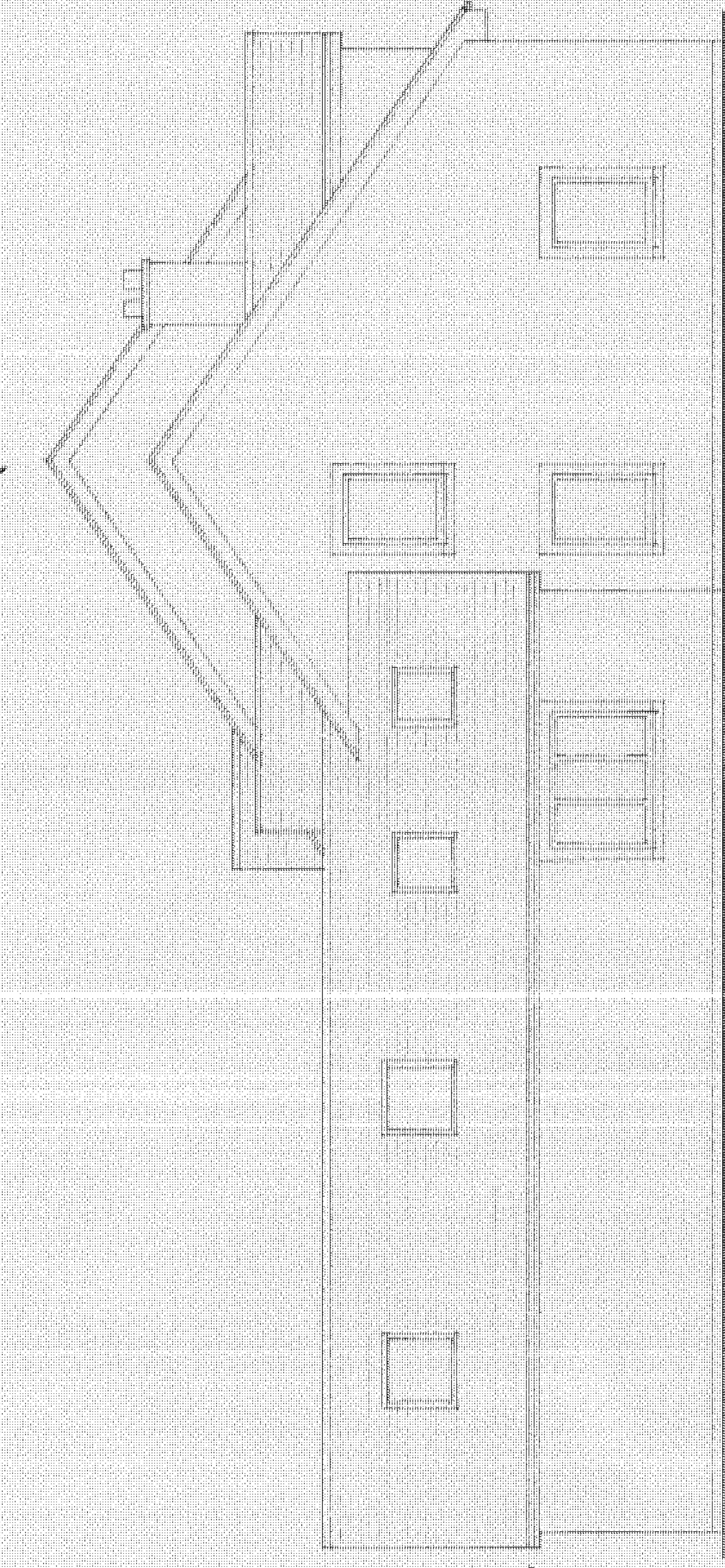
UNIT 3

FLOOR PLANS

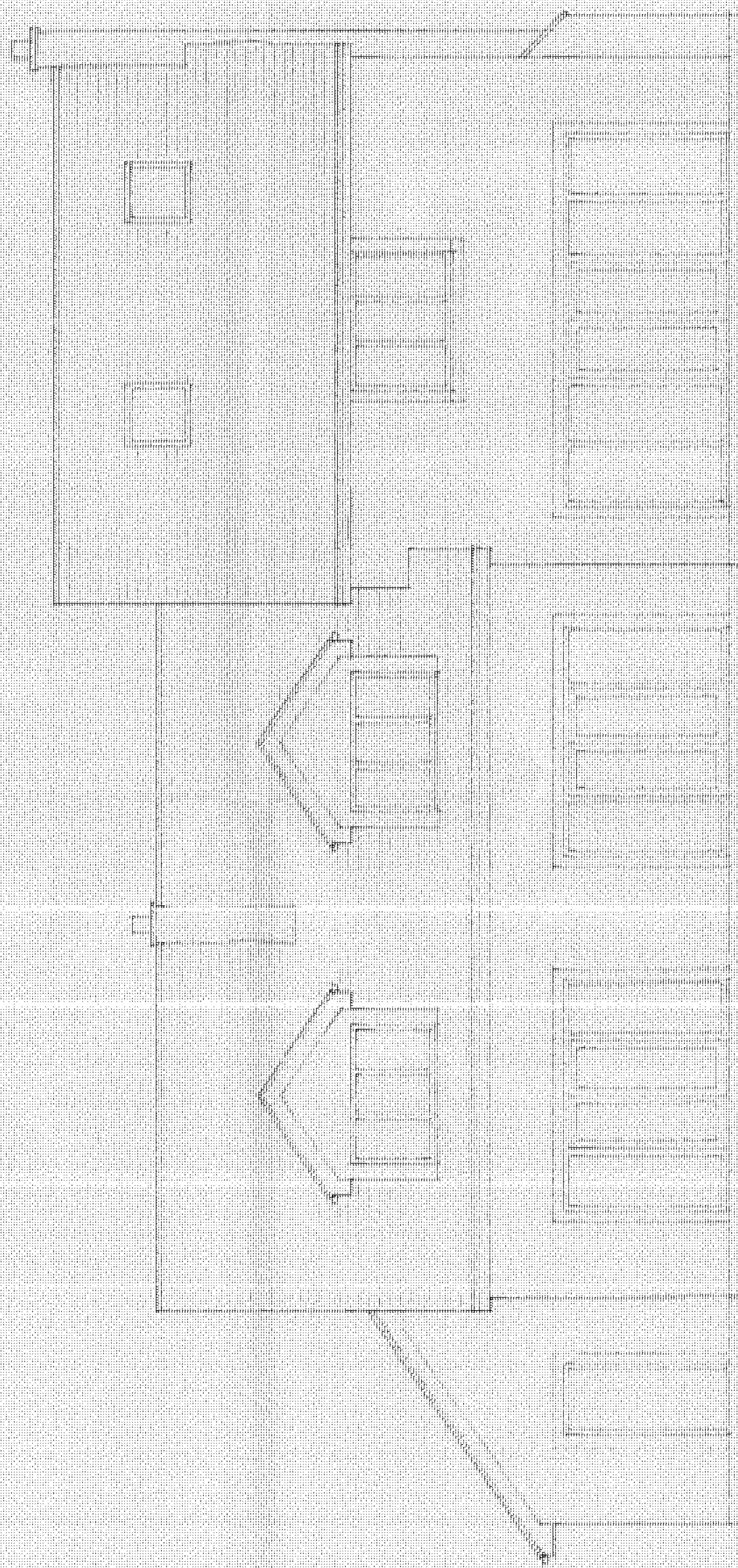
PROPOSED RESIDENTIAL DEVELOPMENT WETHERAL PASTURE – CARLISLE	
DRG. No. 2080/13A SCALE: 1-50 DATE: FEB 2013	JOCK GORDON ARCHITECTURAL SERVICES 47 SCOTLAND ROAD CARLISLE CA3 9HS Tel: 01228 543288



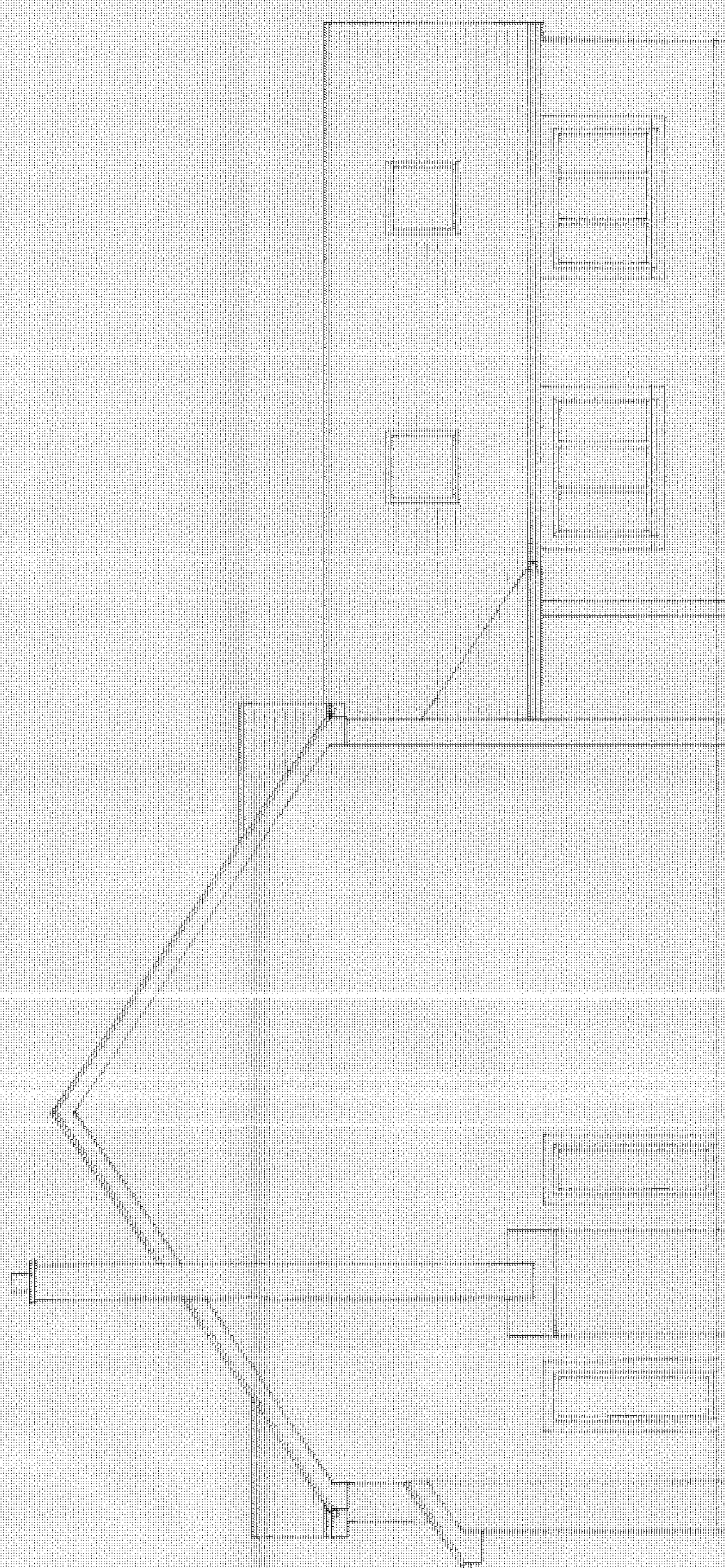
SOUTH ELEVATION



EAST ELEVATION



NORTH ELEVATION



WEST ELEVATION

Marked by
Owner: [illegible]
Washed by [illegible]
[illegible]
[illegible]

UNIT 3

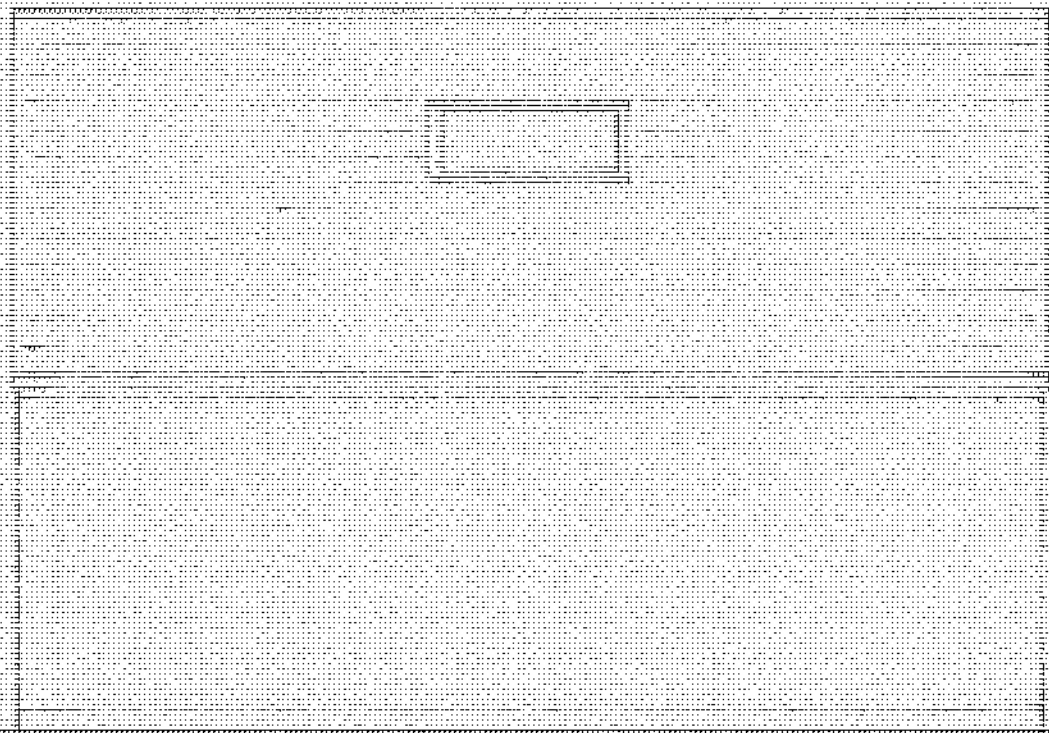
ELEVATIONS

RECEIVED
31 05 2013
2013/05/30

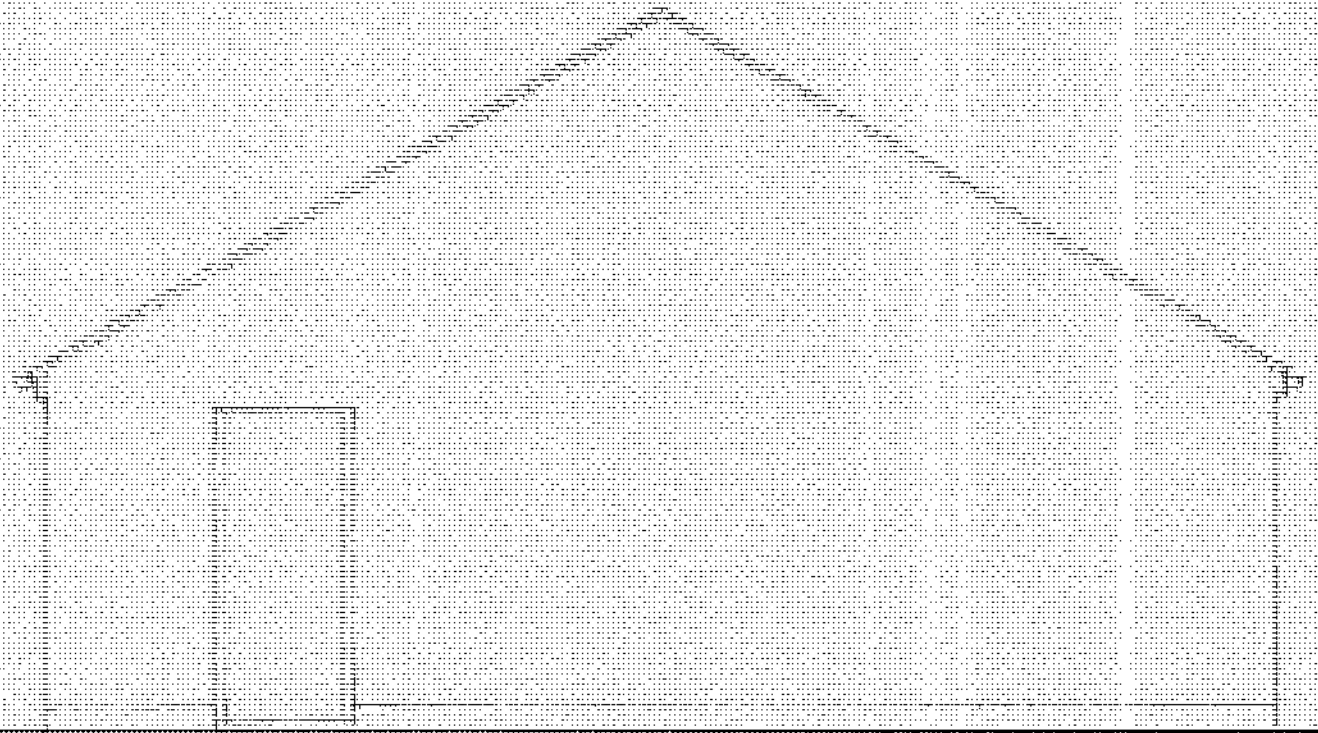
PROPOSED RESIDENTIAL
DEVELOPMENT
WETHERAL PASTURE - CARLISLE

DRG No. 2050/11
SCALE: 1:50
DATE: FEB 2013

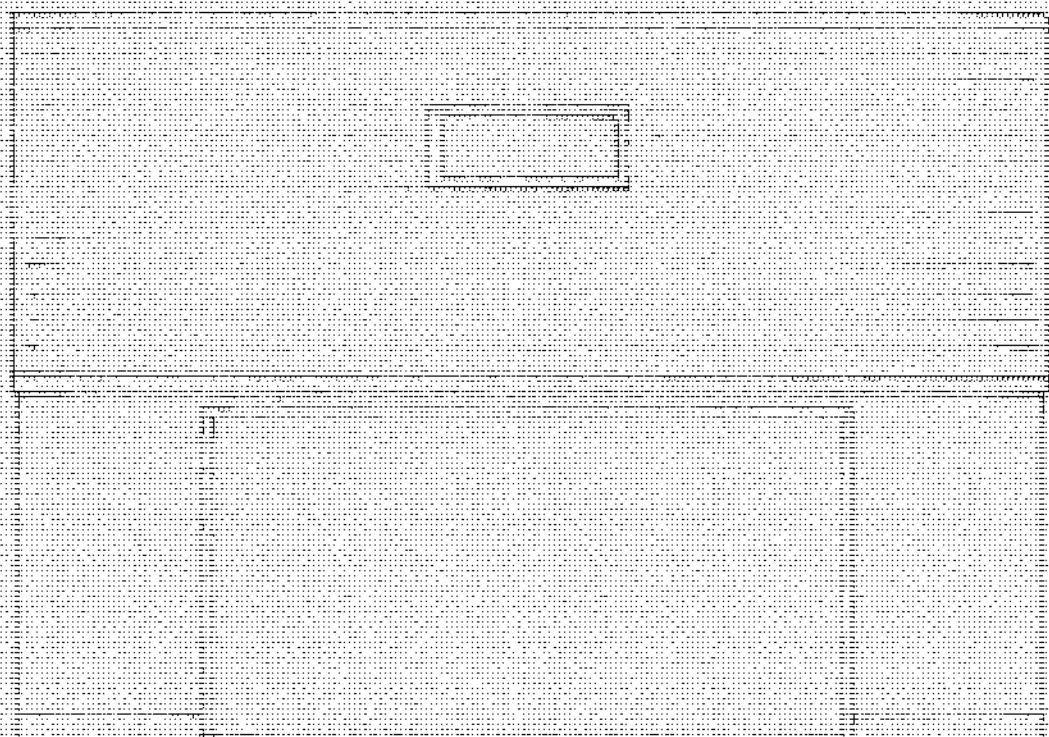
JOCK GORDON
ARCHITECTURAL SERVICES
87 SCOTLAND ROAD
CARLISLE CA9 8HS
TEL 01228 543288



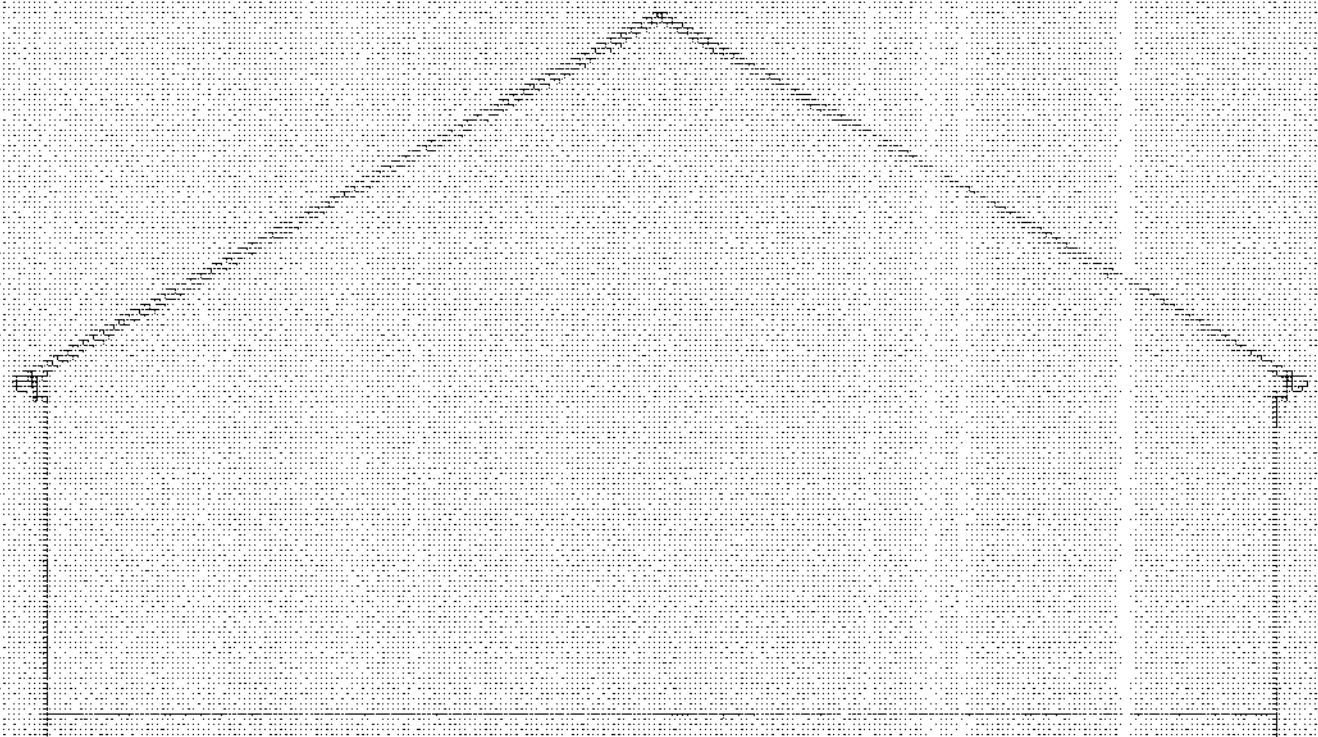
EAST ELEVATION



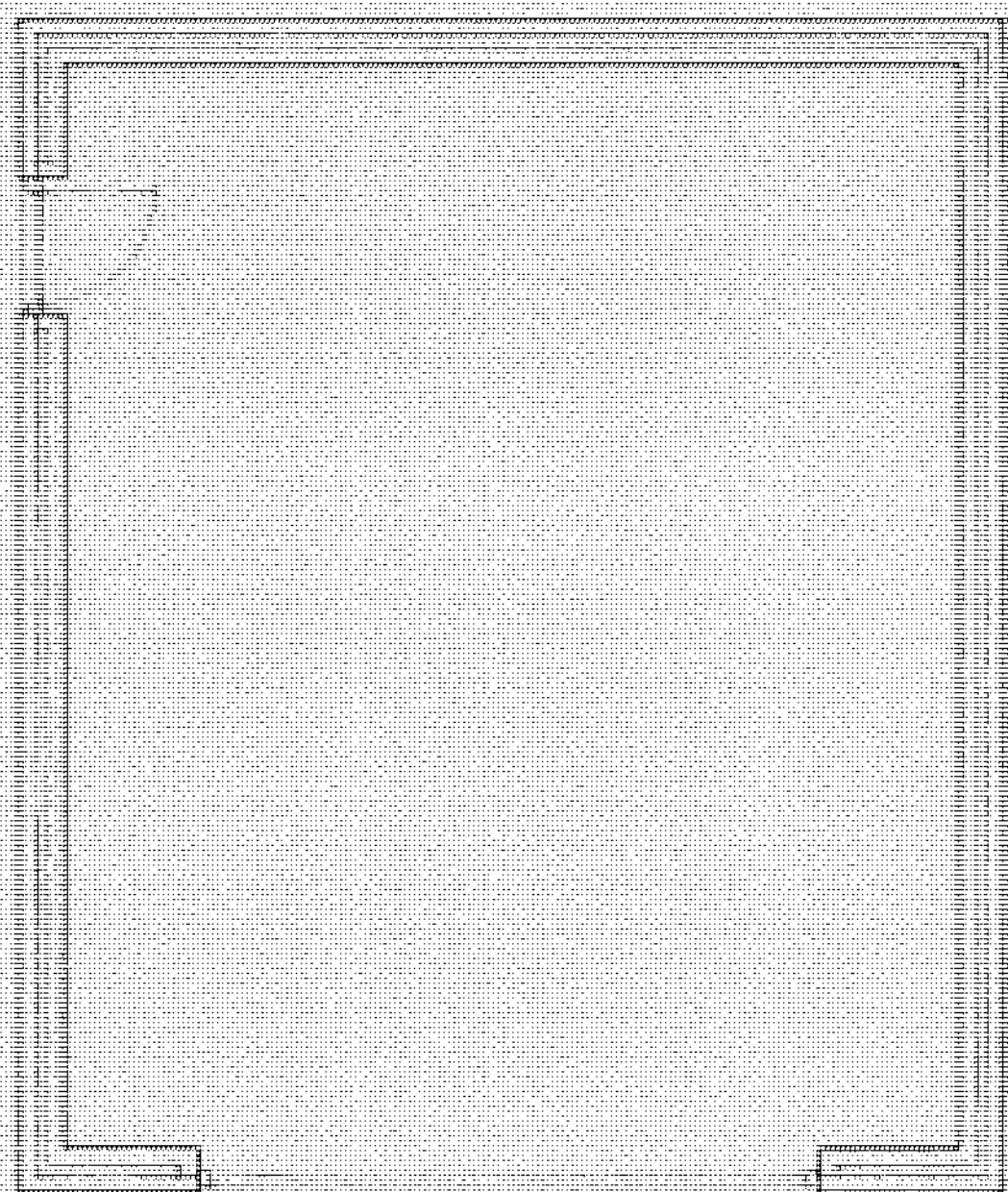
NORTH ELEVATION



WEST ELEVATION



SOUTH ELEVATION

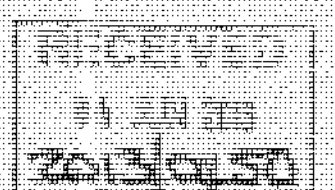


PLAN

WETHERAL PASTURE
 177 SCOTLAND ROAD
 CARLISLE CA9 5HJ
 TEL: 01223 543333

UNIT 3

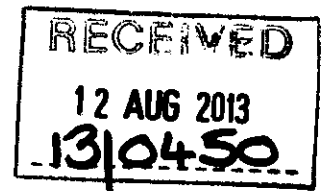
GARAGE



PROPOSED RESIDENTIAL
 DEVELOPMENT
 WETHERAL PASTURE - CARLISLE

DRG. No. 2000115
 SCALE: 1:50
 DATE: FEB 2013

JACK GORDON
 ARCHITECTURAL SERVICES
 47 SCOTLAND ROAD
 CARLISLE CA9 5HJ
 TEL: 01223 543333



Ms B Percival
Development Services
Planning and Housing Services
Carlisle City Council
Civic Centre
Carlisle
CA3 8QG

12 August 2013

Dear Barbara

**Erection of Three Detached Dwellings & Garages on Land to the West of Quarry House,
Wetheral Pasture, Carlisle (Planning Application Reference: 13/0450)**

The following comments are made on behalf of Andy Mckeown (the 'applicant') in support of a full planning application to erect three detached dwellings (4+ bedrooms) and garages on land at the above address.

Background

A full planning application (ref: 13/0450) to erect three detached dwellings on land at Wetheral Pasture was validated by Carlisle City Council on 7 June 2013. A target date for a decision was set for 2 August 2013 (8 weeks).

During the consultation period the following consultees raised no objections to the proposal: Housing Strategy; Highways & Transportation; Environmental Health (EH); Health and Safety Executive (HSE); Northern Gas Networks; United Utilities (UU); and Wetheral Parish Council. Four letters of support have also been received from the local community.

Notwithstanding the wider support, eight letters of objections have been received from surrounding local residents. As a result the planning application will be considered by Members of Carlisle City Council's Development Control Committee on 30 August 2013, with an officer recommendation to approve the planning application, subject to a Section 106 Agreement (relating to affordable housing).

This additional letter of support considers those neighbour objections received during the formal consultation period and responds to their key concerns below.

Neighbour Comments

Neighbours have raised concerns that the height, scale, massing and design of the proposed dwellings, alongside proximity to nearby properties, results in an adverse impact on visual amenities.

Neighbours indicate that that the dwellings should be single storey in height (bungalows) to better reflect the type and size of housing in the immediate area and re-orientated fronting the main access road (south to north) to reflect the linear form of development.

Height, Scale and Massing

The proposed dwellings will be sited centrally within a 0.58 hectare site, sloping downwards towards the sites northern boundary with Steele's Bank Road (B6263).

Due to the topography of the land and generous plot sizes, the site is able to accommodate larger family sized dwellings, without causing a visual intrusion.

The proposed dwellings will be set back within the site, within generous, well landscaped plots, behind a new access road, boundary fence, single storey garage and open parking area. The careful siting of the dwellings alongside high quality boundary treatments and planting allows the proposed development to blend into the surroundings, without creating over-dominant, incongruous features in the landscape.

Although the nearest dwellings are single storey (bungalows), Wetheral Pasture includes a range of house types and sizes in the immediate area, including the 2/3 storey property at the sites eastern boundary and the large Quarry House at the sites north western boundary. As such, the height and scale of the proposed dwellings reflects the range of building heights and sizes in the immediate area, ultimately adding to the mix and variety of dwellings in the wider area.

In view of the above, the proposal has responded to the local context and built form of surrounding buildings in terms of height, scale and massing, in line with Local Plan 'saved' Policies **H1**, **CP5** (Design), **CP6** (residential amenity) and **H9** (Backland Development) criteria and guidance contained in the Councils adopted Supplementary Planning Document 'Achieving Well Designed Housing' (SPD, 2011).

Design, Layout and Orientation

The individually designed dwellings will be constructed of a mix of modern and traditional materials to reflect the design and appearance of a range of nearby dwellings in the wider area. Final details relating to material will be controlled and agreed via planning condition.

The proposed dwellings are laid out and orientated to reflect the existing form of development, thus responding to local context. The layout follows the form of the nearest properties, allowing the remaining areas of the site to remain open as garden areas and private amenity space. This approach makes best use of the site area while maintaining open views across the site.

The orientation of dwellings also takes into account site constraints such as topography and physical features such as the existing sewerage system.

The high quality design and layout principles applied at the site will result in a well-integrated, successful and attractive development, which responds to the local context in terms of design, layout and orientation, resulting in a positive impact on the character and quality of the local environment. On this basis, the proposal complies with Local Plan 'saved' Policies **H1**, **CP5** (Design), **CP6** (residential amenity) and **H9** (Backland Development) and the guidance contained in the Councils adopted Supplementary Planning Document 'Achieving Well Designed Housing' (SPD, 2011).

Parking / Highway Safety

Neighbours have raised concerns that five parking spaces per dwelling is excessive. Neighbours consider that the increase in vehicle numbers at the site could result in a highway safety and capacity issues on the main road outside the site.

The spacious plots provide a substantial area for parking at the front of each dwelling, which could accommodate up to five vehicles. However, although family sized dwellings, it is anticipated that each property will accommodate between 2-3 vehicles, with sufficient space for occasional visitor parking.

The main access road to the site is also considered a minor road with occasional slow moving traffic, as vehicles approach or exit the T crossing. As such, a limited number of additional vehicle movements accessing and exiting the site at this location at varying times during the day will not result in an adverse impact on highway safety and capacity at this location. On this basis, the Councils Highways and Transportation team has raised no objections to the proposal. The applicant has also agreed to upgrade the proposed access point and access road, including provision of sufficient visibility splays, to ensure highway safety at this location.

As the proposed development does not result in adverse impact on the local highway network, in terms of safety and capacity, and as the proposal meets the Councils maximum parking standards for housing developments, the proposal complies with Local Plan Policy **T1, H1, H2** and **H9** criteria.

Sewerage Capacity / Flood Risk

Neighbours have raised concern that the existing sewerage system is at full capacity and can not accommodate additional development. Neighbours have also raised concern that new development at the site could create on-site and off-site flooding issues.

The layout of the proposed dwellings takes into account the public sewer which crosses the site, allowing for an access strip of at least 6 metres (3 metres either side) for maintenance and replacement purposes.

In terms of system capacity, United Utilities have indicated no objections to the proposal provided that no surface water, land drainage or highway drainage from the site is disposed of into the public sewerage system (directly or indirectly). On this basis, the applicant will submit a scheme for surface water and foul water drainage, and how this will be drained on a separate system, as part of a planning condition(s).

In terms of flood risk, the site is less than 1 hectare in size and lies in Flood Zone 1 (as defined on the Environment Agency Flood Maps). On this basis, a Flood Risk Assessment was not required to accompany the planning application. Notwithstanding this, the dwellings are located at top of a sloping site. This allows surface water run-off to flow naturally downwards towards the ditch at the north edge of the site, preventing on-site flooding. The final design of dwellings will also include a surface water drainage scheme, to appropriately accommodate additional water flows from the site, in line with Local Plan Policies **H1, CP10** and **LE26**.

Impact on Residential Amenity

As well as providing a well-designed development that complements the site and immediate area, the proposed layout also takes into account possible impacts on surrounding residential amenities, in terms of over-looking, visual intrusion, privacy, noise and disturbance matters.

As set out, the topography of the site and careful siting of dwellings prevents any over-looking issues at the site. It is also demonstrated that the scale and massing of the proposed dwellings reflects the varying scales and heights of properties in the immediate area. On this basis, the proposed dwellings will not create visually intrusive, over-dominant features in the landscape, resulting in adverse visual impact on surrounding residential amenities.

Separation distances of 42 metres between the primary facing windows of nearby properties (nos 6 and 7 Wetheral Pasture) and the proposed dwellings have also been applied. This separation distance exceeds the 21 metre distance which should be applied to new developments in the Councils **SPD** (2011). Given the clear separation between existing and proposed dwellings, noise and disturbance issues will not occur and existing privacy will be maintained.

The use of single storey garaging at the front of each dwelling, alongside boundary treatments, fencing and landscaping will further separate the proposed dwellings from existing properties. This creates a clear separation between the dwellings and creates a sense of enclosure within the development site, thus protecting the privacy of nearby occupants. The provision of rear garden areas will also maintain the privacy of future occupants of the proposed development.

In view of the above, the proposed development will protect the amenities of existing and future residents, in compliance with Local Plan 'saved' Policies **H1, H2, H9, CP5, CP6** and guidance contained in the Councils **SPD** 'Achieving Well Designed Housing' (2011).

The Need for New Homes in the Rural Areas

The National Planning Policy Framework (**NPPF**) (March 2012) seeks to significantly boost the supply of new homes across the Country. To achieve this, Local Planning Authorities (LPA's) are required to maintain an up-to-date, objectively assessed, evidence base of housing need.

Paragraph 49 of the **NPPF** indicates that the relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of 'deliverable' housing sites.

The now revoked Regional Spatial Strategy for the North West (RSS, 2008) set Carlisle City Council an annual housing target of 450 dwellings per annum for the period 2001 – 2016 (or 2,250 new dwellings over a five year period). Local Plan Policy DP1 indicates that 80% of this requirement (360 dwellings per annum) will be delivered in the urban areas and the remaining 20% (90 dwellings per annum) will be delivered in the rural areas.

In view of the above, Carlisle City Council has persistently under delivered in housing supply terms since 2006/07, resulting in an overall shortfall of 583 dwellings between the period 2006/07 – 2011/12 (as set out in the 'Five Year Housing Land Position Statement', September 2012). In this case, the **NPPF** requires local planning authorities to apply a 20% buffer to future supply targets. As such, Carlisle City Council is required to deliver 90 additional dwellings per annum (450 over five years)

above the five year Local Plan requirement of 2,250 dwelling, or 2,700 new dwellings over the five year period 2012/13 – 2016/17.

The Councils 'Five Years Housing Land Supply Position Statement' (September 2012) indicates a total supply of 3,282 dwellings at September 2012, based on sites with planning permission, Local Plan allocations and windfall sites. This equates to an overall housing land supply position of 7.29 years, at September 2012. Where this total supply figure is split between urban and rural areas, the Position Statement indicates that 2,888 dwellings could come forward in the urban area alongside 394 dwellings in the rural areas (between the period 2012/13 – 2016/17). This equates to an 8.02 year supply in the urban area and a 4.47 year supply in the rural area at September 2012. On this basis, the Council falls short of its five year supply requirement in the rural area for the period 2012/13 – 2016/17.

Furthermore, when applying anticipated non-delivery, phasing and windfall allowance, the Position Statement (Appendix 1) indicates an actual 'deliverable' supply of 2,765 dwellings between the period 2012/13 – 2016/17. This revised figure takes into account 132 dwellings lost in Brisco (rural area) due to on-site contamination issues. On this basis, there are 262 new dwellings currently identified as 'deliverable' in the rural areas for the period 2012/13 – 2016/17. This total falls significantly short of the minimum 394 dwellings required to be built in the rural areas up to 2016/17, to meet population demands.

In view of the above, there is an insufficient supply of new homes in the rural areas to meet current housing supply needs.

Although the new Local Plan is currently in draft form (Preferred Options stage), emerging Local Plan **Policy 19** (Housing Strategy and Delivery) indicates an increase in the Councils annual housing supply requirement for the period 2015 – 2030, to 550 – 650 dwellings per annum (9,000 dwellings over the lifespan of the emerging plan period). This anticipated increase in the annual housing target will only increase development pressure in the urban and rural areas of the District over the next 10 – 15 years, further indicating the need to identify and release appropriate land in accessible locations in the rural areas, for new housing, to meet future needs.

The Sustainable Location

As set out above, there is a clear need to provide new homes in the rural areas of the District.

In terms of suitable locations, Local Plan Policy **HP1** indicates that 20% of new housing will come forward in the rural areas, in the most sustainable locations.

Local Plan Policy **DP1** indicates that the sustainable locations include the urban area of Carlisle, the Key Service Centres of Brampton and Longtown and the Local Service Centres, including Wetheral and Cumwhinton.

Beyond these defined settlement limits, and in the remainder of the rural area, small-scale development will be permitted, providing **1)** the site is well related to the landscape of the area and does not intrude into open countryside; **2)** the scale of the proposed development is well related to the scale, form and character of the existing settlement; and **3)** the layout of the site and the design of the buildings is well related to existing property in the village; and **4)** the siting and design of the buildings is well related to and does not adversely affect the amenity of neighbouring property; and **5)**

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

It is demonstrated above that the application site can accommodate three new dwellings without adverse impact on the site, immediate area and surrounding amenities, thus satisfying Local Plan Policy **DP1** criteria (1 – 7) above.

In line with the above, and although the application site lies outside the existing settlement boundary limits of Wetheral and Cumwhinton (Local Service Centres), the site is considered highly accessible, being situated in the rural hamlet of Wetheral Pasture in close proximity to two Local Service Centres, which both provide a range of local shops, facilities and public transport services.

The **NPPF** indicates that new housing in the rural areas should enhance or maintain the vitality of rural communities. This may be achieved, for example, 'where there are groups of smaller settlements, development in one village may support services in a village nearby.' On this basis, new dwellings at the application site would help maintain the vitality of those rural communities within the nearby Local Service Centres, further supporting the local services, in line with National guidance and Local Plan Policy **EC13**. This view is further supported in the letter of support received from the owner of Wetheral Village Shop.

In view of the above, the application site constitutes a sustainable location for new housing, particularly given the established residential area that surrounds the site alongside its proximity to the Local Service Centres of Wetheral and Cumwhinton.

The Need for Family Sized Dwellings

GL Hearn undertook a Housing Needs and Demand Study (HNDS) on behalf of Carlisle City Council in November 2011. The purpose of the HNDS is to provide a robust and up-to-date understanding of housing need and demand within the City and its three Housing Market Areas (HMAs) in order to inform and support planning policy and housing strategy.

The Study is structured to provide analysis for three broad Housing Market Areas (Rural West, Rural East and Carlisle Urban). The application site lies in the Rural East area of the District.

Paragraph 29 of the HNDS indicates that within the District, the highest proportions of households with children are found in the two rural HMAs and 'we would expect strong demand for family housing to arise in these areas'. On this basis, the HNDS recognises that there is a need for larger family sized homes in the rural areas of the District.

The application site will contribute to this rural housing need, through the provision of three family sized dwellings (4+beds), in a sustainable location. Although it is the applicant's intention to occupy two of the proposed dwellings (for family members), the remaining property will be sold on the open market, allowing a new family to occupy the property. The applicants' existing dwellings in Wetheral will also become available on the open market, providing further family sized dwellings for occupation in the rural area.

Affordable Housing

The Housing Needs and Demand Study indicates that the stock of affordable housing in the District has declined by 22% over the last decade with a net reduction of 2,100 properties (2000-10). As a result there is a net shortfall of affordable housing of 708 affordable homes per annum, across the District. The HNDC further indicates a demand for 11 affordable homes in the Rural West Housing Market, 101 affordable homes in the Rural East Housing Market and 597 affordable homes in the Carlisle Urban Area.

In line with the above, there is a clear need to provide new affordable housing in the Rural East area of the District. The Housing Strategy team in their consultation response further confirm that within the ward of Wetheral, there are only 91 affordable homes, which equates to 4.2% of the total number of homes in the ward.

Local Plan 'saved' Policy H5 indicates that rural housing schemes of between 3-9 units, must provide an affordable housing contribution of 10% (0.1). On this basis, the current planning application for three dwellings would require the provision of one of the three dwellings as an affordable unit. However, the Housing Strategy team accept that the provision of one affordable unit within the scheme would impact on overall viability. In this case, an applicant is able to make a financial contribution towards affordable housing provision elsewhere, in lieu of on-site provision.

In line with the above, the applicant has agreed to make a financial contribution of £18,000 to assist the delivery of affordable housing in the District. On this basis, the Housing Strategy team support the proposal.

Summary

Having addressed those neighbour concerns, it is demonstrated above that the proposed development:

- Responds to the local context and built form of surrounding buildings in terms of height, scale and massing;
- Results in a well-integrated, successful and attractive development, which responds to the local context in terms of design, layout and orientation, resulting in a positive impact on the character and quality of the local environment, without resulting in an adverse impact on the amenities of existing and future residents;
- Does not result in adverse impact on the local highway network, in terms of safety and capacity;
- Can be accommodated at the site without impact on the local sewerage system and without leading to an increase in the risk of flooding on-site or elsewhere;
- Will assist the identified need for new market housing in the Rural East housing market area;
- Will assist the provision of larger family sized homes in the rural area, for which a need is identified; and

- Will contribute towards the provision of rural affordable housing, through a financial contribution of £18,000 (to be agreed through a Section 106 Agreement).

In line with the above, the proposed development complies with the criteria set out in the **NPPF**, Local Plan 'saved' Policies **H1, H2, H5, H9, DP1, CP5, CP6, CP10, LE26** and **EC13** criteria, guidance contained in the Councils adopted Supplementary Planning Document 'Achieving Well Designed Housing' (**SPD**, 2011) and guidance and draft planning policies contained in the emerging Local Plan (Preferred Options draft) (2012 – 2030).

I trust the above comments are helpful, but should you require any further information or clarification on any of the above points raised, please do not hesitate to contact me.

Yours sincerely



Matt Claxton

MRTPI

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SCHEDULE A: Applications with Recommendation

13/0474

Item No: 02

Date of Committee: 11/10/2013

Appn Ref No:
13/0474

Applicant:
Carlisle Estates Co
Limited

Parish:
Carlisle

Date of Receipt:
18/06/2013

Agent:
Black Box Architects
Limited

Ward:
Stanwix Urban

Location:

1, 1a, & 1b Thornton Road, Carlisle, CA3 9HZ

Proposal: Demolition Of 1, 1a, And 1b Thornton Road And Erection Of 5no.
Apartments And 5no. Townhouses With On Site Parking

REPORT

Case Officer: Stephen Daniel

1. Recommendation

- 1.1 It is recommended that this application is approved with conditions.

2. Main Issues

- 2.1 The Principle Of Development
- 2.2 The Scale & Design Of The Development
- 2.3 Impact Of The Proposal On The Stanwix Conservation Area
- 2.4 Impact Of The Proposal On Adjacent Listed Buildings
- 2.5 Impact Of The Proposal On The Living Conditions Of The Occupiers Of Any Neighbouring Properties
- 2.6 Access & Parking Issues
- 2.7 Other Matters

3. Application Details

The Site

- 3.1 The north-eastern corner of the site, adjacent to Thornton Road, is occupied by a large two-storey Victorian building, which is currently divided into two

dwelling. The front elevation of this building measures 13.5m in width and contains a two-storey gable, which measures 6.3m in width and which sits 2m forward of the remainder of the front elevation. This building has a ridge height of between 10.6m and 11m. The front elevation contains four windows at first floor level, which measure 1m in width by 2m in height. An additional flat is located to the rear of the main building and this fronts onto a private access road. The east elevation, that adjoins the private access road, has a two-storey section which measures 17.3m, that is adjoined by a single-storey section, which measures 17.5m. This elevation contains five windows at first floor level. The front gable, rear and side (west) elevations of the main building are constructed of brick, with the remainder of the front elevation and the east elevation being rendered to the ground floor, with brick at first floor level, under a slate roof.

- 3.2 There is currently a 12m gap between the west elevation of the main building and 3 Thornton Road and this area contains a builders yard. This consists of a large area of hardstanding and a range of single-storey brick buildings which are located to the rear of the main building, in the south-east corner of the site. These buildings have a mixture of pitched slate roofs and flat sheet metal roofs. The builders yard is currently vacant and is becoming unsightly and run down in appearance.. A high brick wall lies along the southern boundary of the site, with a lower brick wall separating the yard from 3 Thornton Road, that adjoins the site to the west. The builders yard is separated from Thornton Road by a brick boundary wall, which incorporates corrugated metal gates, which provide access into the site.
- 3.3 A private road, that provides access to the rear of properties that front onto Scotland Road, adjoins the eastern boundary of the site. Thornton Mews, a one-and-a-half-storey property, with a mansard roof, adjoins the private road, as do the rear boundaries of 43 to 51 Scotland Road, which use the lane to access their garages/ driveways. These properties on Scotland Road are Grade II Listed.
- 3.4 A terrace of residential dwellings lie on the opposite side of Thornton Road to the application site and these are constructed of brick with rendered bay windows to the ground floor, under slate roofs. Thornton Road slopes downhill away from Scotland Road and this means the roof height of the terrace changes. Dwellings on Etterby Street, which have long rear gardens, adjoin the site to the south. These, which are Grade II Listed, adjoin the site to the south and these dwellings have long rear gardens
- 3.5 The site lies within the Stanwix Conservation Area. The dwellings on Scotland Road and Etterby Road that adjoin the site are all Grade II Listed.

Background

- 3.6 In June 2013, demolition consent and Conservation Area Consent were granted for the partial demolition of rear storage buildings (13/0003/DEM & 13/0356).

The Proposal

- 3.7 The proposal is seeking to demolish all the buildings on the site and to redevelop the whole site for residential use. The applicant initially considered converting the main building into a number of residential units. This would have involved the re-design of the internal spaces within the building, but with some ceilings being at over 3m high it became difficult to come up with a workable scheme. The street character would have shown no signs of improvement and the applicant, therefore, decided that the best option would be to demolish the existing buildings on the site and to redevelop for residential purposes.
- 3.8 The residential building in the north-east corner of the site would be replaced by a three-storey block, which would contain five apartments. This would be set back 2m from the edge of the pavement on Thornton Road and would be separated from it by a low brick wall, with railings on top. The majority of this building would have a ridge height that would vary from 11.6m to 11.9m and this would section would measure 11.1m in width. The front elevation would contain a bay window at ground floor level, a two-storey bay window and large windows on the north-east corner of the building, that would wrap around the corner of the apartment block, together with some more conventional windows. This would be adjoined by a three-storey section of the apartment block which would measure 4.6m in width, with a ridge height that would vary from 10.8m to 11m. This section of the building would be sited over the access road so would only contain a first and second floor, which would have large bay windows. The east elevation of the apartment block would have large windows on the corner, which would wrap around onto the Thornton Road elevation and a number of windows at ground, first and second floor level.
- 3.9 The ground floor would contain two two-bedroom apartments (Units 4 & 5), with the other three apartments (Units 8, 9 & 10) (one two-bed and two three-bed) occupying space on the first and second floors. The first/second floor apartments would be accessed via a stairwell that would be sited to the rear of Unit 6 and which would provide access to a walkway that would link to the front doors of Units 8, 9 and 10. Unit 8 would have a large balcony to its front elevation, which would be accessed via two sets of French doors. A bin store and recycling area would also be located to the rear of Unit 6 and these would link directly onto the new access road.
- 3.10 A pair of dwellings (Units 6 & 7) would be attached to the eastern side of the apartment block and these would link into the existing terrace. These would be set back 2m from the edge of the pavement and would be separated from it by a low brick wall, with railings on top. The scale and design of these dwellings would reflect the character and appearance of the existing dwellings. Unit 6 would also include the first floor of the building that sits over the access road. A small garden area would be provided to the rear of Unit 7.
- 3.11 A terrace of three dwellings (Units 1, 2 & 3) would be sited to the rear of the apartment block. These would have rear elevations adjacent to the private access road, which would be separated from it by a narrow landscape strip (0.9m in width). These dwellings would have an eaves height of 4.9m and a

ridge height of 8m. The front elevation of these dwellings would face into the site and would lie adjacent to the parking area. These dwellings would have two bedrooms and a bathroom to the ground floor and an open plan living/dining/kitchen area. Balconies would be provided at first floor level on the front elevations.

- 3.12 A car park would be provided on the rear section of the site and this would provide 14 car parking spaces (one of which would serve a disabled driver/passenger). A new 4.2m wide access road would link the car park with Thornton Road and this would pass through an archway that would be sited below part of the building. The existing brick walls along the southern and western boundaries of the site would be retained and some landscaping would be provided adjacent to these.

4. Summary of Representations

- 4.1 This application has been advertised by means of site and press notices as well as notification letters sent to eighteen neighbouring properties. 18 letters of objection have been received to the original plans and 18 letters have been received to the amended plans (in total 23 different households have objected). A petition objecting to the application has been received and this has been signed by 89 people.

- 4.2 The letters of objection make the following points:

Design

- the three-storey section represents a solid, modern looking building that is not in character with the homes in Thornton Rd and not in line with the architecture of any of the residential streets in the Stanwix Conservation Area;

- the contemporary look is not in keeping with a row of Victorian terraced houses;

- 3-storey homes would not be in keeping with the conservation area, where all the existing dwellings are two-storey;

- a more appropriate development would be a row of 2-storey terraces with front and back gardens, as is typical within the conservation area, with parking for 2 cars to be provided to the rear of the dwellings;

- there is a lack of green outdoor space with the development, which is a significant deviation from the local built environment within the conservation area;

- the 3-storey element is out of character with the street scene considering the site is in a conservation and overlooks a terrace of listed houses on Scotland Rd;

- what is the purpose of the small landscape area to the rear of 3 dwellings at the end of the private lane that runs to the rear of the dwellings on

Scotland Rd? How will it be maintained?;

- if the existing building to be demolished is out of character with the area it doesn't need to be replaced with a building that is out of character with the area;

Parking/ Access

- the size of the development is a cause for great concern because the road is already very congested with parked cars, as are the two connecting unadopted roads;

- eleven car parking spaces will not suffice, let alone additional vehicles for visitors - the 14 spaces on the revised plans are still inadequate;

- there needs to be two parking spaces provided for each new dwelling;

- parking hugely concerns all residents and something that will have an impact on all residents of Thornton Road. The current proposal shows '11' very tightly designed off-street parking bays - it will be very tricky to actually park 11 cars in these spaces (unless several are Smart cars). The revised plans show 14 spaces but these will be difficult to access, which might lead to people parking on Thornton Rd;

- most households in Thornton Road have 2 cars, so the proposed development could mean another 10 cars regularly seeking on-street parking in Thornton Road, not including visitors;

- there is already great stress on the unadopted connector roads and cars spilling into Roseberry Road. Just two-and-a-half weeks ago the family at no16 had their car, parked in front of no 1, written off when a resident crashed into it while swerving in the tightly parked up street from oncoming traffic;

- reducing the communal parking to 9 with place for 3 more cars on street (12 in total for 6 dwellings) would be a realistic proposition in terms of impact on parking in the whole street;

- Thornton Road is narrow street with parking on both sides, which makes it difficult for 2 cars to pass;

- emergency vehicles will not be able to access Thornton Rd;

- whilst some houses on the even number side have garages, they have to be accessed by the overgrown lane at the back of the houses and the garages were not designed for modern cars and cannot in practice be used for that purpose;

- the road is usually full of cars, cars also park for Spar and usually park on the double yellow lines in Thornton Road or just onto Scotland Road making access/exit difficult. When the Spar delivery lorry/ bin lorry accesses Thornton Rd, if there is a vehicle on the opposite side of the road, the road is blocked and no vehicles can get in or out;

- residents of Thornton Rd regularly park on Dalmeny Road which is unadopted - this road has a number of amazingly large potholes which have damaged cars;
- reducing the number of dwellings from 10 to 6 would allow a more realistic average of 1.5 cars per household;
- more vehicles will increase risks of a potential accident;
- might need to consider introducing a one-way system down Thornton Rd and back up Roseberry Rd, which would have implications for the two unadopted connecting roads;
- exiting from Thornton Rd or Roseberry Rd onto Scotland Rd is often very difficult and additional traffic would exacerbate this problem;
- concerned parked cars might be damaged by trucks/ machinery being used for demolition and construction;
- given the constrained nature of the site and the access along Thornton Rd detailed construction method and access plans should be provided and these should be available for consultation with the local community;
- Dalmeny Rd should be adopted by the Council;
- concerned that the private lane to the rear of the properties on Scotland Rd will be used by the new houses for parking - this is used for access to garages;
- the revised plans have 14 car parking spaces but no turning area so cars might need to reverse out of the site, which would be dangerous;
- the proposed access is too narrow to allow two vehicles to pass, which will impede in-and-out movement and this might lead to increased on-street parking;
- the access doubles as a pedestrian entrance to eight of the dwellings, which raises issues of pedestrian safety - there should be a separate pedestrian entrance or a pavement;
- the new Local Plan that is currently out to consultation states that for residential development each dwelling should have at-least two dedicated parking spaces associated with it (Policy 35);

Scale

- ten residential units is overdevelopment of the site, with 9 of the units having no amenity space;
- the current proposal represents a more than threefold densification of occupancy - doubling the density is more in line with the character of the Stanwix Conservation Area and that 6 dwellings represent a realistic

increase that will still retain the character of the area - that could be achieved without needing to incorporate a three-storey building and two-storey aspect of the proposal;

- the proposed development is overbearing in relation to surrounding properties;

- six houses plus adequate parking spaces would be sufficient;

- gardens should be provided for each property - building family homes without any outdoor space would seem detrimental to family life;

- the density equates to 100 dwellings per hectare, which is double the highest density proposed in the new Local Plan that is out to consultation (Policy 21);

Impact on Residential Amenity

- the three-storey corner of the development will impede winter sunlight, in addition to the loss of light as a result of building on the undeveloped section of the site;

- concerned that the raised roofline of the of the 3-storey properties will reduce light into neighbouring properties;

- the amount of windows overlooking neighbouring properties would increase dramatically (from 6 to 14 opposite number 6 Thornton Rd) and some of these would be on 2nd floors, which reduce privacy for occupiers of these dwellings;

- all of the first and second floor windows on the east elevation overlook the gardens of numbers 43-49 Scotland Rd, with the resultant loss of privacy to those properties;

- the main house has 6 windows (2 opaque) facing the rear of the dwellings on Scotland Rd - the new proposals would have over 20;

- there are living rooms on the second floor with bay width and floor to ceiling windows which will allow overlooking of adjacent properties;

- the exit point for vehicles is directly opposite 6 Thornton Rd and bright headlights will shine directly into the main living room of this property from 4m away;

- the balconies on the first floor of the western aspect will look directly into the adjacent gardens, destroying any privacy;

- where will 11 wheelie bins, 22 recycling bags and 11 recycling boxes be placed?;

- Thornton Mews will be overlooked and as the property has a full glass roof to the rear the privacy of the occupiers of this property will be compromised. Light coming into the property will also be reduced (the property has no downstairs windows);

- should the development be approved, conditions should be added relating to hours of work (should be restricted to 8am to 5pm Monday to Friday), parking of contractors vehicles and deliveries of materials;

Other Matters

- the proposal does not comply with the criteria in Policy H2;
- if the properties do not sell they will be rented out which could result in a potential increase in crime in the area;
- local schools are at, or approaching capacity. Whilst the development is not large enough to cause specific over capacity problems, it will add another incremental increase to pupil numbers;
- will the developer make a contribution to affordable housing;
- provision is made on site for the storage of refuse bins but what provision has been made for their collection? - will all the bins and refuse bags/containers be placed on, and obstruct the pavement, on collection days?;

4.3 The petition, which has been signed by 89 people, urges the Planning Committee to refuse the application for the following reasons:

1. the proposed number of dwellings, because of their impact on traffic, pavement parking and pedestrian safety - propose that planning permission be granted for a maximum of 5 or 6 dwellings, whichever allows full on site parking for 2 cars per dwelling and sufficient turning space that cars are not forced to have to reverse onto Thornton Rd to exit;
2. the proposed architecture and height of the replacement for the current main house - proposed that the total height of all parts of the development be restricted, in line with all the surrounding architecture and with the street front aspects so characteristic of the Stanwix Conservation Area, to 2-storeys. This can be achieved either by keeping the front facade of the current main house, or by replacing it with a building that mirrors the more sensitively designed townhouse fronts proposed for the now empty site to the west of the entrance to no. 1.

5. Summary of Consultation Responses

Cumbria County Council - (Econ. Dir. Highways & Transportation): - no objections, subject to conditions;

Cumbria County Council - Drainage: - comments awaited;

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

Local Environment - Environmental Protection: - no objections;

United Utilities: - no objections, subject to conditions;

Conservation Area Advisory Committee: - welcomed the clarity of the

proposal and in particular the commissioning of the model which was very useful in understanding the scale and character of the proposal. There was discussion of aspects of the design including queries regarding the appropriateness of ground floor bedrooms off the side lane; the small scale of windows on the ground floor of Thornton Road (suggesting that it would be more conventional for windows to be larger at ground floor level and to reduce in height thereafter); the possibility of introducing a gable to the 3 storey Thornton Road elevation to enliven what might be a large expanse of roof and to better 'bookend' the scheme; and the suggestion that the lane be gated. Concluded that the scheme was acceptable subject to consideration of the above.

Following the receipt of the amended plans:

- note some changes to windows arising.
- welcome less confused return elevation and rationalisation of vertical/horizontal conflicts.
- would still prefer stronger articulation/turn of the corner.
- would have preferred the two smaller 'terrace' units on Thornton Road to be matching.
- overall, supportive of the scheme.
- recommendation – no objections.

6. Officer's Report

Assessment

- 6.1 The relevant planning policies against which the application is required to be assessed are Policies DP1, H1, H2, LE19, CP2, CP5, CP12, T1 and T2 of the Carlisle District Local Plan 2001-2016. The proposals raise the following planning issues:
1. Whether The Proposal Is Acceptable In Principle
- 6.2 The site lies within the urban area of Carlisle and is a brownfield site that is currently occupied by three residential units and a vacant builders yard. The proposed use of the site for residential development would, therefore, be acceptable in principle.
2. The Scale & Design Of The Proposal
- 6.3 A number of objectors have raised concerns about the scale of the proposed development, the three-storey sections of the building and the design of the scheme, particularly the large windows.
- 6.4 The eaves height of the main section of the apartment block would be similar to the eaves height of the existing residential building that lies adjacent to Thornton Road. The ridge height of the building would be 1m higher than the existing ridge height when viewed from Thornton Road but this would slope back into the site. Part of the apartment block would be sited 1.7m forward of the main front elevation of the existing building but this would bring it in line with the existing gable and the remaining properties on Thornton Road. The removal of the gable would reduce the mass of the building when viewed

from the eastern end of Thornton Road and the section of the apartment block that would run adjacent to the private lane would have a 0.7m lower ridge height than the existing building. The Council's Conservation Officer has been consulted on the application and is content with the overall form of the proposal. He considers that the overall massing of the building is acceptable and would not encourage a reduction in the scale of the corner unit, as this 'bookends' the site with a building of some stature.

- 6.5 Part of the apartment block and two dwellings would also be erected in the gap between the existing building and 3 Thornton Road. Whilst it is accepted that this area is currently undeveloped, the erection of dwellings in this area would continue the terrace on the southern side of Thornton Road and improve the street scene. The two dwellings adjacent to 3 Thornton Road would reflect the scale and character of the existing dwellings in the street.
- 6.6 The majority of the windows in the front elevation of the apartment block would reflect the character of the existing dwellings. It is acknowledged that large windows would be sited in the north-east corner of the building, which would wrap around the edge of the building but these are supported by Council's Conservation Officer as they would add visual interest and would help to 'bookend' the development. The two-storey bay window and the bay window at first and second floor level above the new access are also supported by the Conservation Officer.
- 6.7 The three dwellings to the rear of the apartment block would be of an acceptable scale and design but these would not be readily visible from outside the site. The proposed car parking area would be largely screened by the existing buildings and would only be visible from the proposed access. A bin store has also been provided within the site.
- 6.8 The apartment block and dwellings would be constructed of red/ brown brick, with painted timber windows and doors, under a slate roof. Guttering and rainwater pipes would be black aluminium. The existing brick walls along the southern and western boundaries would be retained, with a new low brick wall with railings on top being provided along the northern site boundary, adjacent to Thornton Road.
- 6.9 The Conservation Area Advisory Committee has also been consulted on the application and has no objections to the scheme and are broadly supportive of the proposals.
- 6.10 In light of the above, the scale and design of the proposal would be acceptable.

3. Impact Of The Proposal On The Stanwix Conservation Area

- 6.11 The existing site contains a large building which is of limited architectural merit and a vacant builders yard which forms a gap in an otherwise built up frontage. The Thornton Road frontage would contain the front elevation of the apartment block and two dwellings, which would be attached to the existing terrace of dwellings. The two dwellings would reflect the scale and

character of the existing terrace properties.

- 6.12 The Council's Conservation Officer supports the three-storey corner block which forms a 'bookend' to the street and reflects the scale of the existing building. Whilst the apartment block would contain some more modern elements, the building would be constructed of brick, with timber windows and doors, under a slate roof and would complement the existing terraced properties. A low brick wall, with railings on top, would be sited along the Thornton Road frontage, which would contain a 2m wide landscaped area. The car park and bin storage area would be sited to the rear of the buildings and would not be readily visible from Thornton Road.
- 6.13 In light of the above, the proposal would improve the street scene and would make a positive contribution to the character and appearance of the conservation area.

4. Impact Of The Proposal On Listed Buildings

- 6.14 Listed buildings on Scotland Road and Etterby Street adjoin the application site. The dwellings on Scotland Road are separated from the site by a private access road and three of these have garages at the rear which are accessed from the private road. Thornton Mews lies to the rear of 51/ 51a Scotland Road. The nearest dwelling on Scotland Road would have a two-storey off-shoot a minimum of 19m away from the proposed development, with the main rear elevation being 28m away.
- 6.15 The dwellings on Etterby Street would adjoin the southern boundary of the site. This boundary would contain the blank gable of a dwelling, which would measure 8m in width, with 16m forming part of the car park. The dwellings on Etterby Street have long back gardens and the nearest dwelling would have a rear elevation over 34m away.
- 6.16 The proposal would not, therefore, have an adverse impact on any of the Listed Buildings which adjoin the site.

5. Impact Of The Proposal On The Living Conditions Of The Occupiers Of Any Neighbouring Properties

- 6.17 The front of the apartment block would be line with the gable of the existing dwelling and the terraced properties that lie to the west of the application site. It would have a front elevation 14m away from the front elevation of the dwellings on the opposite side of Thornton Road. This distance is considered to be acceptable in this location, given the need to maintain the character of the street scene.
- 6.18 The proposed front elevation of the apartment block would contain five windows at first and second floor level, three of which would be bay windows and two of which would wrap around the side of the building. Three of the windows at first floor level would serve living rooms (including two of the larger windows), with two serving bedrooms. At second floor level, two of the windows would serve a living room, the bay window would serve a kitchen/

dining area and two of the windows (including the large corner window) would serve a bedroom. Objectors have raised concerns about a loss of privacy due to the number of windows in the front elevation, their size and the function of some of the rooms.

- 6.19 The dwellings along Thornton Road that face the application site have bay windows at ground floor which serve living rooms and bedroom windows at first floor level. The ground floor windows are already overlooked from the adjoining pavement, whilst the existing large dwelling contains four large windows at first floor level, which could be used as bedrooms or living accommodation, and which overlook the dwellings opposite. If the site were redeveloped for a terrace of dwellings there would be overlooking of the dwellings opposite, which is standard in terraced streets. Whilst the apartment block would contain a number of windows in the front elevation, some of which would be large and would serve living accommodation, it would be difficult to sustain a reason for refusal on this basis of loss of privacy given the existing dwelling on the site and the fall back position of redeveloping the site with terraced properties.
- 6.20 Two new dwellings would be added in an existing gap and this would increase overlooking of the dwellings on the opposite side of Thornton Road. These dwellings would have more conventional windows, with those at first floor level serving bedrooms. The filling in of this gap with residential development, which would be attached to the existing terrace, would greatly improve the street scene. Given that setting the properties back to increase separation distances would be detrimental to the street scene, the proposed dwellings in the location proposed would be acceptable.
- 6.21 Number 3 Thornton Road lies adjacent to the site and is separated from the builders yard by a brick wall. This dwelling, which sits at a lower level than the application site, has a rear two-storey off-shoot which contains three kitchen windows at ground floor level and two obscure glazed windows at first floor level which face the site. The west elevation of one of the apartments would have a balcony 19m away from the side elevation of this dwelling. The garden to the rear of Unit 7 (that would be attached to the 3 Thornton Road) would lie adjacent to the off-shoot and there would potential for overlooking of the kitchen windows from this garden. Suitable boundary treatment erected along part of the western boundary of the site would help to eliminate any potential overlooking of the kitchen windows from the garden to the rear of Unit 7 and from the balcony of Unit 8.
- 6.22 The balconies on the dwellings would not allow direct overlooking of the kitchen given the angle of the windows but would allow the garden of this dwelling to be overlooked at a distance of 15m. This distance is considered to be acceptable and given the change in levels between this dwelling and the application site, there would be parts of the garden which would not be overlooked.
- 6.23 Thornton Mews lies directly to the east of the application site. This building is one-and-a-half-storey and has a partly glazed roof. The occupiers have raised concerns about overlooking from the apartment block. The approved

plans for Thornton Mews show a glazed roof serving a courtyard and the glazing is shown as translucent, which would limit overlooking. The main living areas of the dwelling have a solid roof.

- 6.24 The nearest dwelling in Scotland Road (51/ 51a) would have a two-storey off-shoot 19m away from the east elevation of the apartment block. This has two obscure glazed windows in the gable facing the site and this would be partly screened by Thornton Mews. The main section of the dwelling would be other 28m away from the east elevation of the apartment block. Number 49 Scotland Road would have a two-storey off-shoot a minimum of 21.5m away, whilst the nearest part of 47 Scotland Road would be over 23.5m away. Numbers 43 and 45 Scotland Road would lie to the east of the two-storey dwellings along the south-west boundary of the site and these would have rear elevations a minimum of 26m away. These separation distances are considered to be acceptable. Whilst the rear gardens of these dwellings might be overlooked more than at present, there are sections of the gardens that would remain reasonably private and this is not considered to be a significant issue.
- 6.25 The dwellings on Etterby Street to the south of the application site would have rear elevations a minimum of 34m away from the side elevation of a two-storey dwelling and these dwellings would not be adversely affected by the proposals.
- 6.26 Objectors have also raised concerns about the loss of light to their properties. The three-storey corner block reflects the scale of the existing property on the site and would not lead to loss of light to adjoining properties. The two dwellings on Thornton Road would reflect the scale and character of the existing properties on the terrace and would not lead to unreasonable loss of light to the dwellings on the opposite side of Thornton Road. The three dwellings adjacent to the private lane would have a maximum height of 8m and whilst there might be some extra overshadowing of the rear gardens of some of the dwellings on Scotland Road at certain times of the day and at certain times of the year this would not be significant, particularly given the presence of garages and trees within some of these gardens.
- 6.27 One objector has also raised concerns about car headlights shining into their living room window when cars leave the site. The new access would be in a similar position to the existing access, which serves a builders yard and could be used for the parking of the existing residents vehicles. Given that the new access would only serve fourteen parking spaces, the impact on the dwellings opposite would not be significant enough to warrant refusal of the application.
- 6.28 In light of the above, the proposal would not have a significant adverse impact on the living conditions of the occupiers of any adjoining properties through loss of light, loss of privacy or over-dominance, that would warrant refusal of the application.

6. Access & Parking

- 6.29 A number of objectors have raised concerns about traffic issues in Thornton Road, which is a narrow road that is already very congested due to parked cars on both sides of the road.
- 6.30 The application site currently contains three residential properties, none of which have in-curtilage parking. The site also contains a builders yard, which whilst currently vacant, could generate significant vehicle movements and demand for parking in Thornton Road.
- 6.31 The application originally contained 11 car parking spaces and County Highways recommended that the application should be refused due to a lack of parking within the site. The application has now been amended to incorporate 14 spaces within the site (including one for a disabled driver/passenger) and County Highways is satisfied that this number of spaces is sufficient to cater for parking generated by the proposal. It is also satisfied that the proposed access would be acceptable.
- 6.32 It has been suggested by some local residents that the developer should pay for a traffic management system on Thornton Road which could include: extending the existing 'no waiting at any time' zone on the southern side of Thornton Road; introducing a loading bay on the northern side; and upgrading the western link from Roseberry Road to Thornton Road to adoptable standard to enable the introduction of a one-way system towards Scotland Road, along Thornton Road. County Highways feels that if there is an indication from a majority of the frontage properties in support of such measures to make the development acceptable locally, it would not be unreasonable for Committee to impose a Grampian Condition requiring the Developer to implement such works/Orders prior to construction commencing.
- 6.33 The County Councillor for the Stanwix Division has put out a circular letter seeking residents views and the results of this will be reported verbally at the Site Visit and to the Committee Meeting. It should be noted these proposals would have to follow due statutory process and whilst the outcome of such processes cannot be pre-ordained, if there is majority frontager support, it makes the introduction of such proposals more certain.
- 6.34 Members should give consideration to the parking and highway issues and although the level of parking proposed is acceptable to County Highways the impact on the street is finely balanced.

7. Other Matters

- 6.35 Policy H5 requires developers to make contributions to affordable housing on sites of ten or more dwellings in the urban area. There are already three residential units on the site, so the proposal would only lead to a net addition of seven residential units on this site. The developer would not, therefore, be required to provide any affordable housing.
- 6.36 The applicant has commissioned a bat survey and English Nature will be consulted on this. If required, conditions will be added to the consent to deal

with any mitigation that is deemed to be necessary. Members will be updated on this issue at committee.

- 6.37 A member of the Planning Department lives in Thornton Road but he has had no direct or indirect involvement in the application.

Conclusion

- 6.38 The proposal would be acceptable in principle. The scale and design of the proposal would be acceptable and it would not have an adverse impact on the Stanwix Conservation Area, the adjacent listed buildings, or the living conditions of the occupiers of any neighbouring properties through loss of light, loss of privacy or over-dominance. The proposed access and parking would be acceptable. In all aspects, the proposal is compliant with the relevant planning policies contained within the Carlisle District Local Plan 2001-2016.

7. Planning History

- 7.1 In June 2013, demolition consent and Conservation Area Consent were granted for the partial demolition of rear storage buildings (13/0003/DEM & 13/0356).

8. 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 13th June 2013;
 2. Design Statement, received 1st August 2013;
 3. Archaeological Rapid Desk Based Assessment, received 13 June 2013;
 4. Phase 1 Site Investigation, received 18 June 2013;
 5. Location Plan (drawing ref 11-13-26) received 13th June 2013;
 6. Block Plan (drawing ref 11-13-27A) received 1st August 2013;
 7. Site Survey (drawing ref 10-113-30) received 13th June 2013;

8. Elevation to Thornton Road (drawing ref 10-113-20A) received 1st August 2013;
9. Side Elevation (drawing ref 10-113-22A) received 1st August 2013;
10. Courtyard Elevations (drawing ref 10-113-21A) received 1st August 2013;
11. Ground Floor Plan (drawing ref 10-113-25A) received 1st August 2013;
12. First Floor Plan (drawing ref 10-113-24) received 13th June 2013;
13. Second Floor (drawing ref 10-113-23A) received 27th September 2013;
14. the Notice of Decision; and
15. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

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 dwellings in the vicinity and to ensure compliance with Policies CP5 and LE19 of the Carlisle District Local Plan 2001-2016.

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

Reason: To ensure that a satisfactory landscaping scheme is prepared and to ensure compliance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

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

Reason: To ensure suitable boundary treatment is erected in accordance with Policies CP5 and LE19 of the Carlisle District

Local Plan 2001-2016.

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

Reason: To ensure a satisfactory means of surface water disposal and in accord with Policy CP12 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) there shall be no enlargement or external alterations to the dwelling 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 attractive appearance of the buildings is not harmed by inappropriate alterations and/or extensions and that any additions which may subsequently be proposed satisfy the objectives of Policy H5 of the Carlisle District Local Plan 2001-2016.

8. Details of the relative heights of the existing and proposed ground levels and the height of the proposed finished floor levels of the buildings shall be submitted to and approved in writing by the Local Planning Authority before any site works commence (excluding demolition).

Reason: To ensure that the development does not adversely affect neighbouring properties, in accordance with Policy CP5 of the area of the Carlisle District Local Plan.

9. The whole of the vehicular access area bounded by the carriageway edge and the paving feature at the Archway, shall be constructed to the specification of the Local Highways Authority. The new access and parking/turning requirements, shown on the Plan, shall be substantially met before building works commence, so that constructional traffic/plant can be accommodated clear of the highway. On completion of the building of the frontage properties, the Thornton Rd footway fronting the site shall be reconstructed to the specification of the Local Highways Authority.

Reason: The carrying out of building works without the provision of these facilities is likely to lead to inconvenience and danger to road users. In the interests of road safety and to support Local Transport Plan Policies LD5, LD7 & LD8.

10. The access and parking mews areas etc shall be designed, constructed and drained to the satisfaction of the Local Planning Authority and in this respect full engineering details, shall be submitted to the Local Planning Authority for approval before work commences on site. No work shall be commenced

until a full specification has been approved.

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

11. No dwelling shall be occupied until its access and parking facilities have been constructed in accordance with the approved plan. These facilities shall be retained capable of use at all times thereafter and shall not be removed or altered without the prior consent of the Local Planning Authority.

Reason: To ensure a minimum standard of access provision when the development is brought into use and to support Local Transport Plan Policies LD5, LD7 & LD8.

12. Before any building works commence (including demolition), a plan shall be submitted for prior approval by the Local Planning Authority reserving adequate land for the parking of vehicles/plant and material storage associated with the works hereby approved, and such, including vehicular access thereto, shall be used for or be kept available for these purposes at all times until completion of the construction works.

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

13. No construction work associated with the development hereby approved shall be carried out before 07.30 hours or after 18.00 hours Monday to Friday, before 07.30 hours or after 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 CP5 of the Carlisle District Local Plan 2001-2016.

14. Prior to the commencement of development, details of all new windows and doors shall be submitted for prior approval in writing by the Local Planning Authority. The windows and doors shall then be installed in accordance with these details.

Reason: To ensure the windows and doors are acceptable and to accord with Policies CP5 and LE19 of the Carlisle District Local Plan 2001-2016.

15. All window frames shall be set back a minimum of 75mm from the external face of the wall. Any glazing bars should appear on the external surface of the glass and should not be solely applied internally nor within the pane.

Reason: To ensure the external appearance of the dwellings is acceptable, in accordance with Policies CP5 and LE19 of the Carlisle District Local Plan 2001-2016.

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0m 25m



Project	Thornton Road. Carlisle			Black Box Architects Limited.	
Drawing	Planning Submission.			Rickerby Buildings	
Detail	Location Plan			Currock Road	
	Revision	Scale	1:1250	Carlisle, Cumbria. CA2 4AU	
	Job.no.	11-13-26	Date	may-13	Tel: 01228 402 200

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Project	Thornton Road, Carlisle		
Working	Planning Submission, Residential		
Detail	Site Survey		
Scale	1:100	Date	apr-13
100:00			Revision
			10-113-30



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THORNTON ROAD

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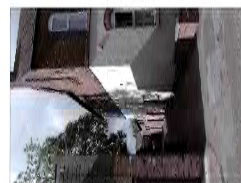
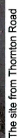
01 AUG 2013

2013/0474

REVISION A: 26.07.13 PARKING AREA ADJUSTED TO HIGHWAYS ADVICE

Project	Thornton Road. Carlisle			Black Box Architects Limited. Rickerby Buildings Currock Road Carlisle. Cumbria. CA2 4AU Tel: 01228 402 200	
Drawing	Planning Submission.	Revision	A	Scale	1:500
Detail	Block Plan	Job.no.	11-13-27A	Date	may-13





100

process lane
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Carlisle, Cumbria. CA2 4AU
Tel: 01228 402 200

Theater Dept. Office

 Springer

Ground Floor

Scale	1:100	Date	Apr-13
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10-1113-25A
Revision A

10-113-23A	A
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The site from Thornton Road



The site from Thornton Road approach



The site and entrance, behind the boundary wall



The site from the rear wall



The site from the rear wall facing no 3 Thornton Road



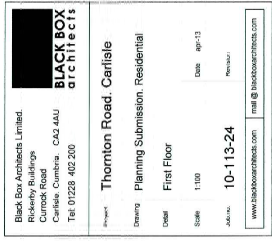
The site from the rear wall facing Thornton Road



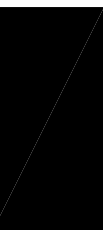
The site from the back gardens of Scotland Road

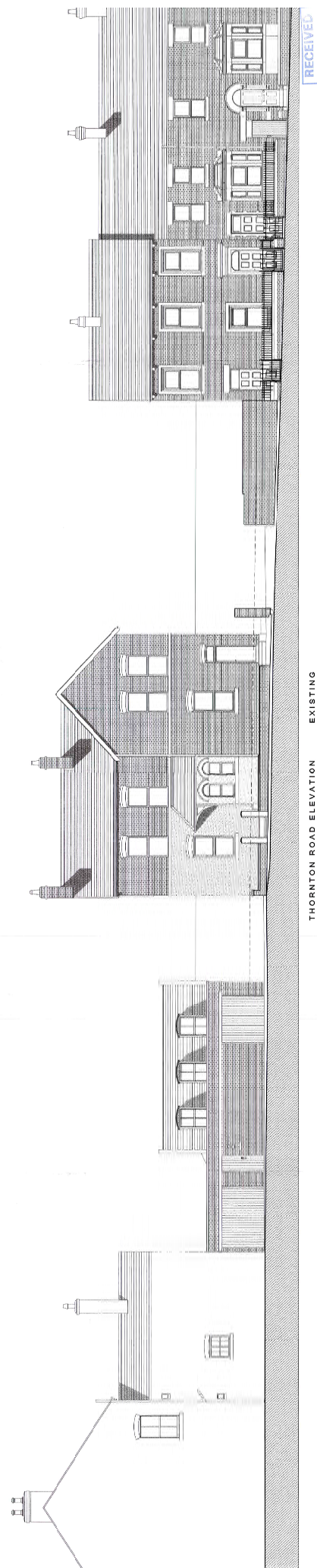


The site and private access lane





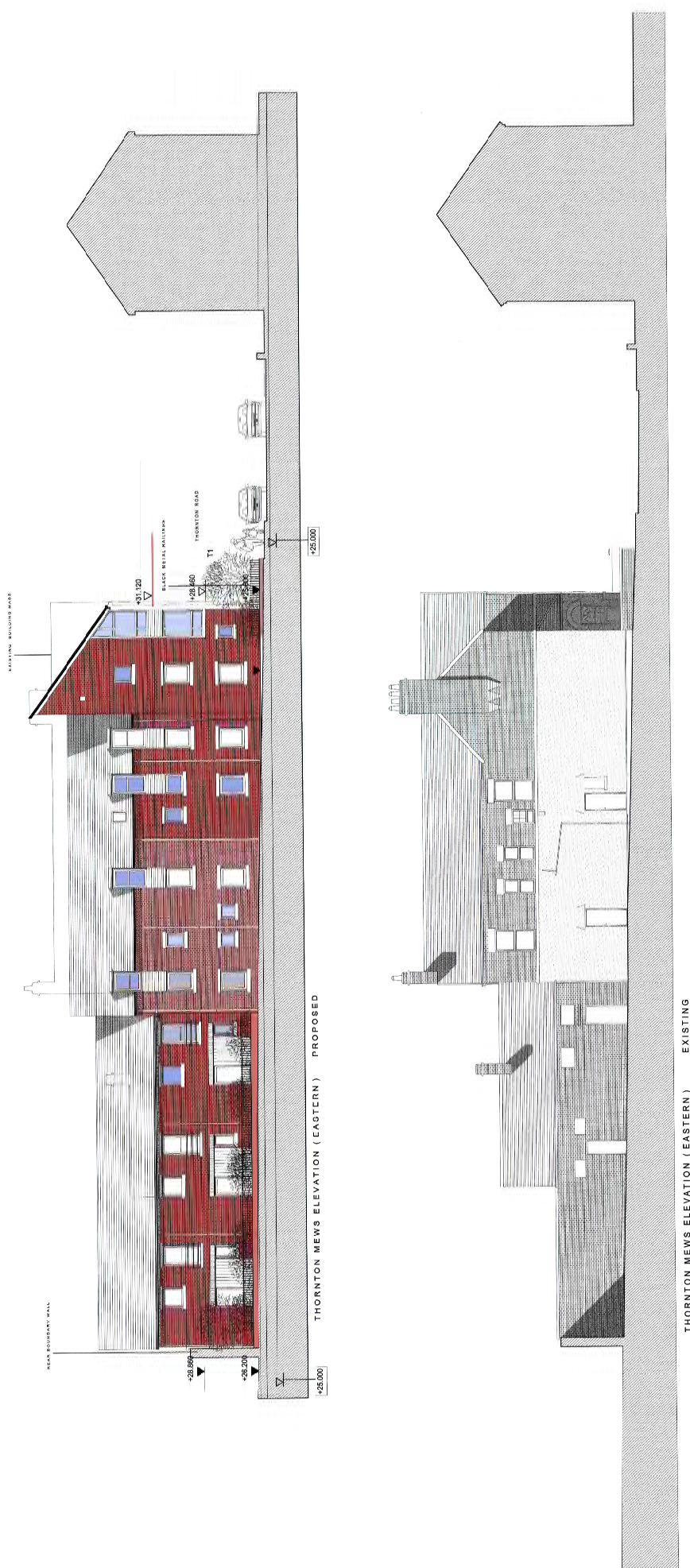
Black Box Architects Limited, Rickerby Buildings Currook Road Carlisle, Cumbria, CA2 4AU Tel: 01228 402 200		 BLACK BOX architects	
Project Thornton Road, Carlisle			
Drawing Planning Submission, Residential			
Detail Second Floor			
Scale 1:100	Date apr-13	Revision A	
Job no. 10-113-23A	Revision A		
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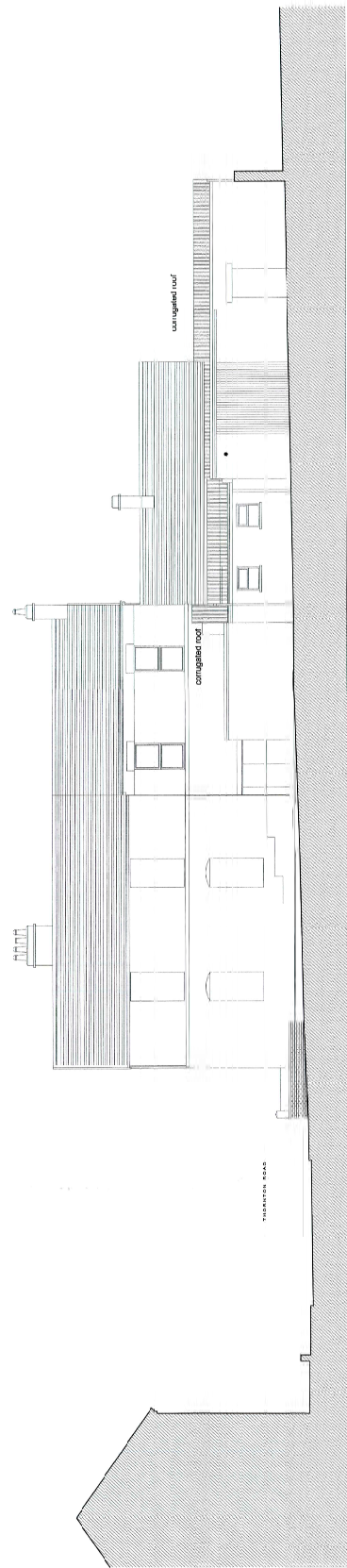
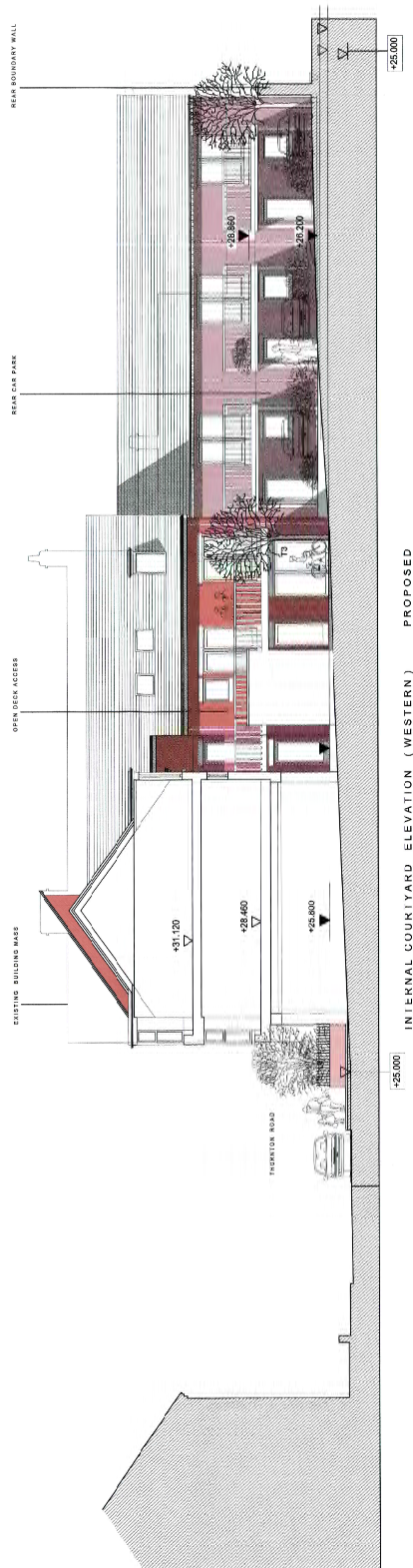
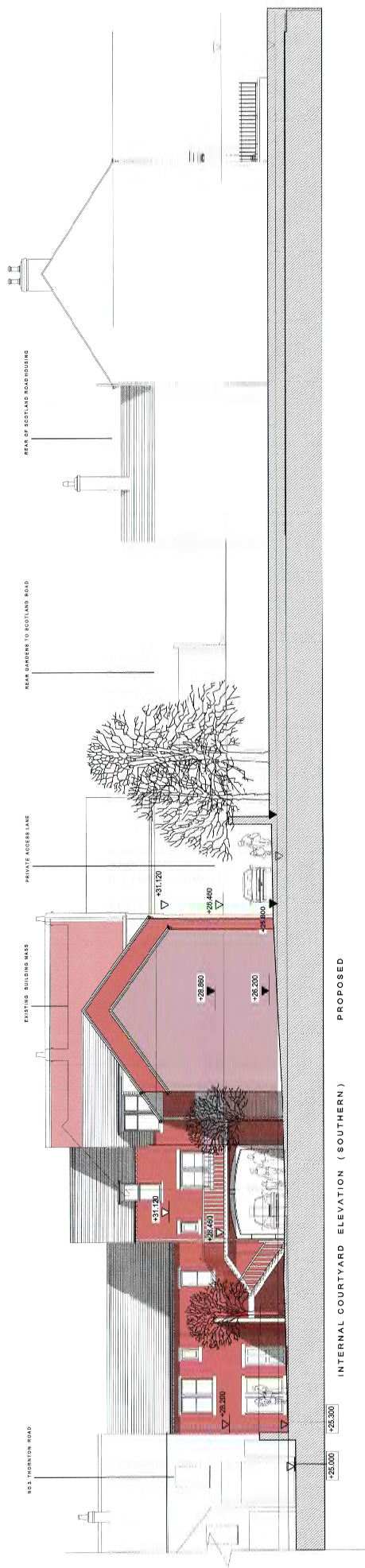


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Project	Thornton Road, Carlisle		
Drawing	Planning Submission, Residential		
Datall	Elevation to Thornton Road		
Scale	1:100	Date	Apr-13
Job no.	10-113-20A	Revision	A
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SCHEDULE A: Applications with Recommendation

13/0481

Item No: 03

Date of Committee: 11/10/2013

Appn Ref No:
13/0481

Applicant:
Carlisle Estates Co
Limited

Parish:
Carlisle

Date of Receipt:
13/06/2013

Agent:
Black Box Architects
Limited

Ward:
Stanwix Urban

Location:

1, 1a, & 1b Thornton Road, Carlisle, CA3 9HZ

Proposal: Demolition Of 1, 1a, And 1b Thornton Road (Conservation Area Consent)

REPORT

Case Officer: Stephen Daniel

1. Recommendation

- 1.1 It is recommended that this application is approved with conditions.

2. Main Issues

- 2.1 Impact On The Stanwix Conservation Area

3. Application Details

The Site

- 3.1 The north-eastern corner of the site, adjacent to Thornton Road, is occupied by a large two-storey Victorian building, which is currently divided into two dwellings. The front elevation of this building measures 13.5m in width and contains a two-storey gable, which measures 6.3m in width and which sits 2m forward of the remainder of the front elevation. This building has a ridge height of between 10.6m and 11m. The front elevation contains four windows at first floor level, which measure 1m in width by 2m in height. An additional flat is located to the rear of the main building and this fronts onto a private access road. The east elevation, that adjoins the private access

road, has a two-storey section which measures 17.3m, that is adjoined by a single-storey section, which measures 17.5m. This elevation contains five windows at first floor level. The front gable, rear and side (west) elevations of the main building are constructed of brick, with the remainder of the front elevation and the east elevation being rendered to the ground floor, with brick at first floor level, under a slate roof.

- 3.2 There is currently a 12m gap between the west elevation of the main building and 3 Thornton Road and this area contains a builders yard. This consists of a large area of hardstanding and a range of single-storey brick buildings which are located to the rear of the main building, in the south-east corner of the site. These buildings have a mixture of pitched slate roofs and flat sheet metal roofs. The builders yard is currently vacant and is becoming unsightly and run down in appearance.. A high brick wall lies along the southern boundary of the site, with a lower brick wall separating the yard from 3 Thornton Road, that adjoins the site to the west. The builders yard is separated from Thornton Road by a brick boundary wall, which incorporates corrugated metal gates, which provide access into the site.
- 3.3 A private road, that provides access to the rear of properties that front onto Scotland Road, adjoins the eastern boundary of the site. Thornton Mews, a one-and-a-half-storey property, with a mansard roof, adjoins the private road, as do the rear boundaries of 43 to 51 Scotland Road, which use the lane to access their garages/ driveways. These properties on Scotland Road are Grade II Listed.
- 3.4 A terrace of residential dwellings lie on the opposite side of Thornton Road to the application site and these are constructed of brick with rendered bay windows to the ground floor, under slate roofs. Thornton Road slopes downhill away from Scotland Road and this means the roof height of the terrace changes. Dwellings on Etterby Street, which have long rear gardens, adjoin the site to the south. These, which are Grade II Listed, adjoin the site to the south and these dwellings have long rear gardens
- 3.5 The site lies within the Stanwix Conservation Area. The dwellings on Scotland Road and Etterby Road that adjoin the site are all Grade II Listed.

Background

- 3.6 In June 2013, demolition consent and Conservation Area Consent were granted for the partial demolition of rear storage buildings (13/0003/DEM & 13/0356).

The Proposal

- 3.7 The proposal is seeking Conservation Area Consent to demolish the main large Victorian dwelling and the flat to the rear. The applicant initially considered converting the main building into a number of residential units. This would have involved the re-design of the internal spaces within the building, but with some ceilings being at over 3m high it became difficult to come up with a workable scheme. The street character would have shown no signs of improvement and the applicant, therefore, decided that the best

option would be to demolish the existing buildings on the site and to redevelop for residential purposes.

- 3.8 Demolition Consent and Conservation Area Consent have already been granted for the partial demolition of rear storage buildings at the site, which formed part of the builders yard.
- 3.9 The demolition works fall under CDM regulations and the registered contractor would need to submit Method Statements for approval by the CDM co-ordinator before any demolition works commence.
- 3.10 The applicant has submitted a supporting statement which gives details of the method of demolition. The commercial outbuildings to the rear of the site would be demolished first and this would allow a greater area of cleared site for the parking of vehicles and the storage of skips. The boundary walls adjacent to the private access road would be retained at a height of 2m until new build construction is ready to commence, to maintain site security.
- 3.11 Access to the site would be through the current gateway on Thornton Road, with all demolition taking place internally. Contractors vehicles would also be parked within the site as far as practicable. Some slates and brickwork would be recycled, with the other material being removed from the site as work proceeds. Contractors would work from 8am to 4pm.

4. Summary of Representations

- 4.1 This application has been advertised by means of site and press notices as well as notification letters sent to eighteen neighbouring properties. Four letters of objection have been received, which raise a number of issues, the majority of which relate to the redevelopment of the site and these are summarised in application 13/0474.
- 4.2 The following points are relevant to this application:
- worried about the large vehicles that would be required to demolish the building and used for rebuilding - worried about damage to cars and the road, which already requires repair to potholes;
 - where will the construction vehicles go when the demolition takes place?

5. Summary of Consultation Responses

Cumbria County Council - (Econ. Dir. Highways & Transportation): - the submitted details are acceptable to this Authority, with the existing access point being used;

Northern Gas Networks: - no objections.

6. Officer's Report

Assessment

- 6.1 The relevant planning policies against which the application is required to be assessed are Policies LE17 and LE19 of the Carlisle District Local Plan 2001-2016. The proposals raise the following planning issues:
1. Impact Of The Proposal On The Stanwix Conservation Area
- 6.2 The existing site contains a large building which is of little architectural merit and a vacant builders yard which forms a gap in an otherwise built up frontage. The Council's Heritage Officer has no objections to proposals to demolish the existing buildings on the site and to redevelop the site for residential purposes.
- 6.3 A condition has been added to the permission to ensure that a contract for the carrying out of works of redevelopment of the site has been made and planning permission has been granted for the redevelopment for which the contract provides.
2. Other Matters
- 6.4 Objectors have raised concerns about where vehicles would park when the building is being demolished. The supporting statement that accompanies the application gives details of the method of demolition. The commercial outbuildings to the rear of the site would be demolished first and this would allow a greater area of cleared site for the parking of vehicles and the storage of skips. Contractors vehicles would be parked within the site as far as practicable. Access to the site would be through the current gateway on Thornton Road, with all demolition taking place internally. A condition has also been added to the permission, which requires the applicant to submit a plan to show adequate land reserved for the parking of vehicles and for the storage of plant and machinery. This should ensure that the demolition works have limited impact on the parking situation in Thornton Road.
- 6.5 Concerns have also been raised about possible damage to parked vehicles during the demolition/ construction phase but this is a civil matter and it not an issue for the planning application.
- 6.6 A member of the Planning Department lives in Thornton Road but he has had no direct or indirect involvement in the application.

Conclusion

- 6.7 The proposal would not have an adverse impact on the Stanwix Conservation Area. In all aspects, the proposal is compliant with the relevant planning policies contained within the Carlisle District Local Plan 2001-2016.

7. Planning History

- 7.1 In June 2013, demolition consent and Conservation Area Consent were granted for the partial demolition of rear storage buildings (13/0003/DEM & 13/0356).

8. 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 Conservation Area Consent comprise:

1. the submitted planning application form received 17th June 2013;
2. the Supporting Statement received 19th June 2013;
3. the Location Plan (drawing ref 11-13-26) received 13th June 2013;
4. the Site Survey (drawing ref 10-113-30) received 13th June 2013;
5. the Notice of Decision; and
6. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

3. The main dwelling (1 & 1a Thornton Road) shall not be demolished before a contract for the carrying out of works of redevelopment of the site has been made and planning permission has been granted for the redevelopment for which the contract provides.

Reason: To safeguard against premature demolition in accord with Policies LE17 and LE19 of the Carlisle District Local Plan 2001-2016.

4. Before any building works commence (including demolition), a plan shall be submitted for prior approval by the Local Planning Authority reserving adequate land for the parking of vehicles/plant and material storage associated with the works hereby approved, and such, including vehicular access thereto, shall be used for or be kept available for these purposes at all times until completion of the construction works.

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

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13 JUN 2013
13/0487



Project	Thornton Road. Carlisle			Black Box Architects Limited. Rickerby Buildings Currock Road Carlisle. Cumbria. CA2 4AU Tel: 01228 402 200	
Drawing	Planning Submission.			Revision	Scale 1:1250
Detail	Location Plan			Job.no. 11-13-26	Date may-13

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architects



SCHEDULE A: Applications with Recommendation

13/0438

Item No: 04

Date of Committee: 11/10/2013

Appn Ref No:
13/0438

Applicant:
Mr George Graham

Parish:
Burgh-by-Sands

Date of Receipt:
27/06/2013

Agent:
S & H Construction

Ward:
Burgh

Location:

Sechelt, Longburgh, Burgh by Sands, Carlisle, CA5
6BJ

Proposal: Erection Of 1no. Dwelling (Outline Application)

REPORT

Case Officer: Barbara Percival

1. Recommendation

- 1.1 It is recommended that this application is approved with conditions.

2. Main Issues

- 2.1 Whether the principle of development is acceptable
- 2.2 Whether the scale and design of the dwelling is acceptable
- 2.3 Impact of the proposal on the living conditions of neighbouring residents
- 2.4 Impact of the proposal on highway safety
- 2.5 Impact of the proposal on existing trees and hedgerows
- 2.6 Impact of the proposal on biodiversity
- 2.7 Method for the disposal of foul and surface water
- 2.8 Other Matters

3. Application Details

The Site

- 3.1 The application site is located within the domestic curtilage of Sechelt, a detached one and a half storey property located on the southern periphery of Longburgh. Extending to approximately 965 square metres, the application site is delineated by mixed hedgerows, sporadic trees and post and wire

fences along its north-west and north-eastern boundaries. An existing access would serve the proposed dwelling, the existing dwelling (Sechelt) and the garage conversion which was granted Full Planning Permission under Delegated Powers in December 2012.

- 3.2 A detached bungalow, Willowbank (annotated as The Shield on Ordnance Survey maps), is located to the north-east with open aspects to the north-west and south-east. Shield Farm is located approximately 580 metres to the south west, along the private access road which runs along the southern boundary of the application site.

The Proposal

- 3.3 This application seeks Outline Permission for residential development with all Matters Reserved. This application, therefore, is to establish the principle of development; however, indicative layout drawings submitted as part of the application illustrates a dormer style dwelling.

4. Summary of Representations

- 4.1 This application has been advertised by the direct notification of two neighbouring properties and the posting of a Site Notice. In response, five letters/e-mails of objection, from two households, have been received in respect of the original and revised proposal.
- 4.2 The letters/e-mails identifies the following issues:
1. impact of the development on the peace and tranquility of the area through increase traffic, noise and light pollution;
 2. loss of privacy and view;
 3. loss of trees and its impact on biodiversity;
 4. overdevelopment of the site;
 5. impact on highway safety;
 6. development out of character with the area and the Buffer Zone on the World Heritage Site;
 7. adequacy of foul and surface water drainage provision;
 8. proposal would restrict any potential extensions of neighbouring properties;
 9. request that a clause be included within any decision notice requiring a 3 metre high wall be constructed along the entire length of the shared boundary on the applicants land;

10. to mitigate for tree loss, the applicant plant replacement mature trees in the adjacent property's garden;
 11. questions the requirement for further housing given the amount of houses for sale within a 3 mile radius of the site;
 12. increased noise from construction works;
 13. worry and financial implications that it will de-value the surrounding area;
 14. questions why application was not submitted at the same time as previous applications.
 15. other sites within Longburgh more suitable for development.
- 4.3 Representations have been received from both the City and County Council Ward Members. The City Councillor has raised an objection in respect of overdevelopment of the site. Whilst the County Councillor notes that the revised drawings have reduced the footprint of the dwelling and illustrates a 2 metre high wall with copings. This the County Councillor considers will substantially shield the new build from view, and protect the privacy of the occupiers of the adjacent property, Willow Bank.

5. Summary of Consultation Responses

Cumbria County Council - (Econ. Dir. Highways & Transportation): - the property is accessed along Public Footpath 106111; however this is 3 metres in width and concrete paved, so is suitable for the additional traffic likely to be generated. The revised information confirms how the site is to be sub-divided between the 3 sites it is proposed to form, using the existing drive as a shared one. Can confirm that the proposals are acceptable to the Highways Authority subject to the imposition of a condition;

Burgh-by-Sands Parish Council: - do not wish to make any representations on the proposal;

Local Environment - Environmental Protection: - no objections subject to the imposition of a condition;

Cumbria County Council - Drainage: - no response received.

6. Officer's Report

Assessment

- 6.1 The relevant planning policies against which the application is required to be assessed are Policies DP1, CP1, CP2, CP3, CP5, CP12, H1, H9, T1 and LC8 of the Carlisle District Local Plan 2001-2016. The National Planning Policy Framework (NPPF), the Burgh-By-Sands Parish Design Statement and Supplementary Planning Document 'Achieving Well Designed Housing' are also material planning considerations. The proposals raise the following planning issues:

1. Whether The Principle of Development Is Acceptable

- 6.2 The main issue for Members to establish in the consideration of this application is the principle of development. Since the adoption of the Local Plan, the NPPF has been published by the Government and is a material consideration in the determination of this application.
- 6.3 Paragraph 14 of the NPPF outlines that *"at the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking"*. For decision-taking the NPPF highlights that this means: *"approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted"*.
- 6.4 This is further reiterated in paragraph 215 of the NPPF which highlights that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given). Accordingly, in respect of this application whilst the development should be considered against Local Plan policies, the Council's Local Plan (in respect of the issue of housing) cannot be considered up to date under the NPPF.
- 6.5 When assessing the application against the foregoing policy advice it is evident that the application site is well related to the settlement of Longburgh within the domestic curtilage of Sechelt which forms a natural stop to the built form of Longburgh. Longburgh itself is in close proximity to Burgh- By-Sands which provides a high level of service including a school and public house. Accordingly, the site is considered to be a sustainable location, therefore, the principle for the development of the site for housing is consistent with the objectives of the NPPF.

2. Whether The Scale And Design Of The Dwelling Is Acceptable

- 6.6 The Burgh-By-Sands Parish Design Statement outlines that *"settlements within the Parish tend to be of linear nature, with residential properties and clusters of farm buildings strung out along a single road and backing onto agricultural land"*. The Design Statement goes on to highlight that *"gaps within the linear structure have been subject to infill development over the years and some buildings have also been replaced, thus giving rise to a mix of buildings of different ages"*.
- 6.7 The drawings submitted as part of the application illustrate the siting of dormer style dwelling with rooms in the roof space. However, the application seeks Outline Planning Permission with all Matters Reserved. The scale and design of the dwelling is reserved for subsequent approval should this application be approved, therefore, is for indicative purposes only.

- 6.8 Concerns have been expressed by local residents in respect of overdevelopment of the site, in light of a recent approval for the conversion of a garage within the grounds of Sechelt into a dwelling (application reference 12/0744). As Members are aware each application is dealt with on its own merits; however, in respect of this proposal the submitted drawings, although indicative only, illustrate that the footprint of the dwelling would be commensurate in scale to its immediate neighbours and that there would be adequate amenity space to serve the proposed dwelling together with the existing and proposed garage conversion. In light of the foregoing, it is appropriate to condition that the height of the proposed dwelling should be no higher than one and a half storey.

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

- 6.9 Development should be appropriate in terms of quality to that of the surrounding area and that development proposals incorporate high standards of design including siting, scale, use of materials and landscaping which respect and, where possible, enhance the distinctive character of townscape and landscape. One of the criterion being that the living conditions of the occupiers of adjacent residential properties are not adversely affected by proposed developments. This is echoed and reinforced in Local Plan policies, which importantly requires that the suitability of any development proposal be assessed against the policy criteria.
- 6.10 Objections have been expressed by local residents in respect of intensification of use of the site through increased noise and light pollution. It would be inevitable that an additional dwelling together with the existing dwelling and garage conversion would lead to some increase in noise and light pollution to that previously experienced by adjoining occupiers. As Members are aware, adverse noise nuisance and light pollution would be subject to Environmental Health Legislation.
- 6.11 Objections have also been received in respect of loss of privacy. The revised drawings illustrate that the proposed shared boundary between the application site and the adjacent property, Willowbank (annotated on OS Maps as The Shield), would be a 2 metre high block and render wall topped with coping stones. Furthermore, the application satisfies the minimum distances between windows as outlined in the City Council's Supplementary Planning Document 'Achieving Well Designed Housing'. Although the drawings are indicative only and in light of the proposed boundary treatment, conditions ensuring that the proposed dwelling would be no more than one and an half storey high with no windows above ground floor level on the western elevation of the proposed dwelling are proposed which will further ensure that there is no significant loss of privacy to the occupiers of Willowbank.

4. Impact Of The Proposal On Highway Safety

- 6.12 Access to the proposed dwelling would be via a private concrete surfaced road along which Public Footpath 106011 also runs. Objections have been

raised in respect of the intensification of use of the existing access road together with the potential for overspill parking from the proposed and existing properties resulting in parking along the verge. Members should note that Cumbria County Council, as Highways Authority, has raised no objection to the proposal subject to the imposition of appropriate highway conditions.

5. Impact Of The Proposal On Existing Trees And Hedgerows

- 6.13 The application site is bounded by hedgerows with sporadic trees along the north-western and north-eastern boundaries. The applicant has submitted an Arboricultural Report which assesses the impact of the proposal on trees and hedgerows within the development site. The Report outlines that the hedgerow along the northern-western boundary including a Sycamore and an Oak tree would be retained; however, recommends that trees along the north-eastern boundary be felled due to fungal decay and potential structural instability.
- 6.14 The City Council's Landscape Architect/Tree Officer has been consulted and has no objections subject to the imposition of a condition ensuring the protection of those trees to be retained.

6. Impact Of The Proposal On Biodiversity

- 6.15 The Council's GIS Layer has identified that there is the potential for several key species to be present within the vicinity. Using the guidance issued by Natural England, the development would not harm protected species or their habitat; however, an Informative has been included within the decision notice ensuring that if a protected species is found all work must cease immediately and the Local Planning Authority informed. An additional condition is also proposed ensuring that all works to hedgerows and trees and undertaken out with the bird nesting season.

7. Method Of Disposal Of Foul And Surface Water

- 6.16 In order to protect against pollution, Policy CP12 seeks to ensure that development proposals have adequate provision for the disposal of foul and surface water. As previously mentioned, the proposal seeks Outline Planning Permission with all Matters Reserved; however, it is appropriate to include a condition, should the application be approved, ensuring submission of details for the disposal of foul and surface water as part of any future application.

8. Other Matters

- 6.17 Objectors have raised concerns in respect of the impact of the proposal on the Buffer Zone on the World Heritage Site and Longburgh Conservation Area; however, the site and its immediate neighbours are out with both the Buffer Zone and the Conservation Area.
- 6.18 Objectors have raised concerns about: the 'drip-feed' nature of planning applications within the site; suggested other sites within Longburgh which they consider more appropriate for development; and need for the dwelling.

Members are aware that each application is dealt with on its own merits and have to consider the application as proposed.

Conclusion

- 6.19 The principle of development of the site is acceptable under the provisions of the NPPF. Cumbria County Council, as Highways Authority, do not object subject to the imposition of appropriate conditions. Other matters in respect of appearance, landscaping, layout and scale would be subject to consideration upon receipt of a further application.
- 6.20 In overall terms, the proposal is considered to be compliant under the provisions of the NPPF and the objectives of the relevant Local Plan policies. Accordingly, the application is recommended for approval.

7. Planning History

- 7.1 In 1954, Planning Permission was granted for erection of a dwellinghouse (application reference BA1116).
- 7.2 In 1977, Planning Permission was granted for siting of temporary residential caravan (application reference 77/0797).
- 7.3 Also in 1977, Planning Permission was granted for demolition of existing cottage and outbuildings and erection of new bungalow and garage (application reference 77/0920).
- 7.4 In 1981, Outline Planning Permission was granted for erection of new dwelling (application reference 81/0105).
- 7.5 In 1982, Full Planning Permission was granted for conversion of barn into stores and new loft store (application reference 82/0286).
- 7.6 In 2006, Full Planning Permission was granted for a domestic garage and store to house vintage tractors (application reference 06/1348).
- 7.7 In 2012, Full Planning Permission was granted for change of use from garage to dwelling (application reference 12/0744).

8. Recommendation: Grant Permission

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

- ii) The expiration of two 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).

- 2. Before any work is commenced, details of the access, appearance, landscaping, layout, and scale of the site (hereinafter called "Reserved Matters") shall be submitted to and approved by the Local Planning Authority.

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

- 3. The approved documents for this Outline Planning Permission comprise:

- 1. the submitted planning application form received 31st May 2013;
- 2. the Tree Report compiled by Westwood Landscape received 4th September 2013;
- 3. the Contamination Report received 27th June 2013;
- 4. the site location plan received 19th September 2013;
- 5. the site plan received 17th September 2013;
- 6. the ground floor plan received 4th September 2013;
- 7. the first floor plan received 4th September 2013;
- 8. the Notice of Decision; and
- 9. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

- 4. No development approved by this permission shall be commenced until a scheme for the provision of foul and surface waters have been approved in writing by the Local Planning Authority. Such a scheme shall be constructed and completed in accordance with the approved plans.

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

- 5. No development shall be commenced until samples or full details of materials to be used externally on the dwelling have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials.

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

6. Before development commences, particulars of height and materials of all screen walls and boundary fences to be erected shall be submitted to and approved in writing by the Local Planning Authority and the development thereafter carried out in accordance therewith.

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

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

Reason: To ensure that a satisfactory landscaping scheme is prepared and to ensure compliance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

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

Reason: In order that the approved development overcomes any problems associated with the topography of the area in accordance with Policies CP5 of the Carlisle District Local Plan 2001-2016.

9. The access road/parking areas etc shall be designed, constructed and drained to the satisfaction of the Local Planning Authority and in this respect full engineering details, shall be submitted to the Local Planning Authority for approval as part of the Reserved Matters Application.

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

10. There shall be no interference with the public's right of way over Public Footpath No. 106011.

Reason: In order to prevent any obstruction to a public right of way in accord with Policy LC8 of the Carlisle District Local Plan 2001-2016.

11. The dwelling, subject of this approval, shall be no higher than 1.5 storeys.

Reason: In the interests of preserving the privacy and amenity of the neighbouring residents, to ensure that the development respects the scale and character of buildings in the locality and

to ensure compliance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order), no additional windows shall be inserted above the ground floor on the north east elevation without the prior consent of the Local Planning Authority.

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

13. No site clearance or works to hedges shall take place during the bird breeding season from 1st March to 31st August unless the absence of nesting birds has been established through a survey and such survey has been agreed in writing beforehand by the Local Planning Authority.

Reason: To protect nesting birds in accordance with Policy CP2 of the Carlisle District Local Plan 2001-2016.

14. Before any development is commenced on the site, including site works of any description, a protective fence in accordance with Fig. 2 in B.S. 5837: 2005 shall be erected around the trees and hedges to be retained at the extent of the Root Protection Area as calculated using the formula set out in B.S. 5837. Within the areas fenced off no fires should be lit, no equipment, machinery or structure shall be attached to or supported by a retained tree or hedge, no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area, the existing ground level shall be neither raised nor lowered, and no materials, temporary buildings or surplus soil of any kind shall be placed or stored thereon. The fence shall thereafter be retained at all times during construction works on the site.

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

15. 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 approval in writing of the Local Planning Authority.

Site investigations should follow the guidance in BS10175.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CP13 of the Carlisle District Local Plan 2001-2016.

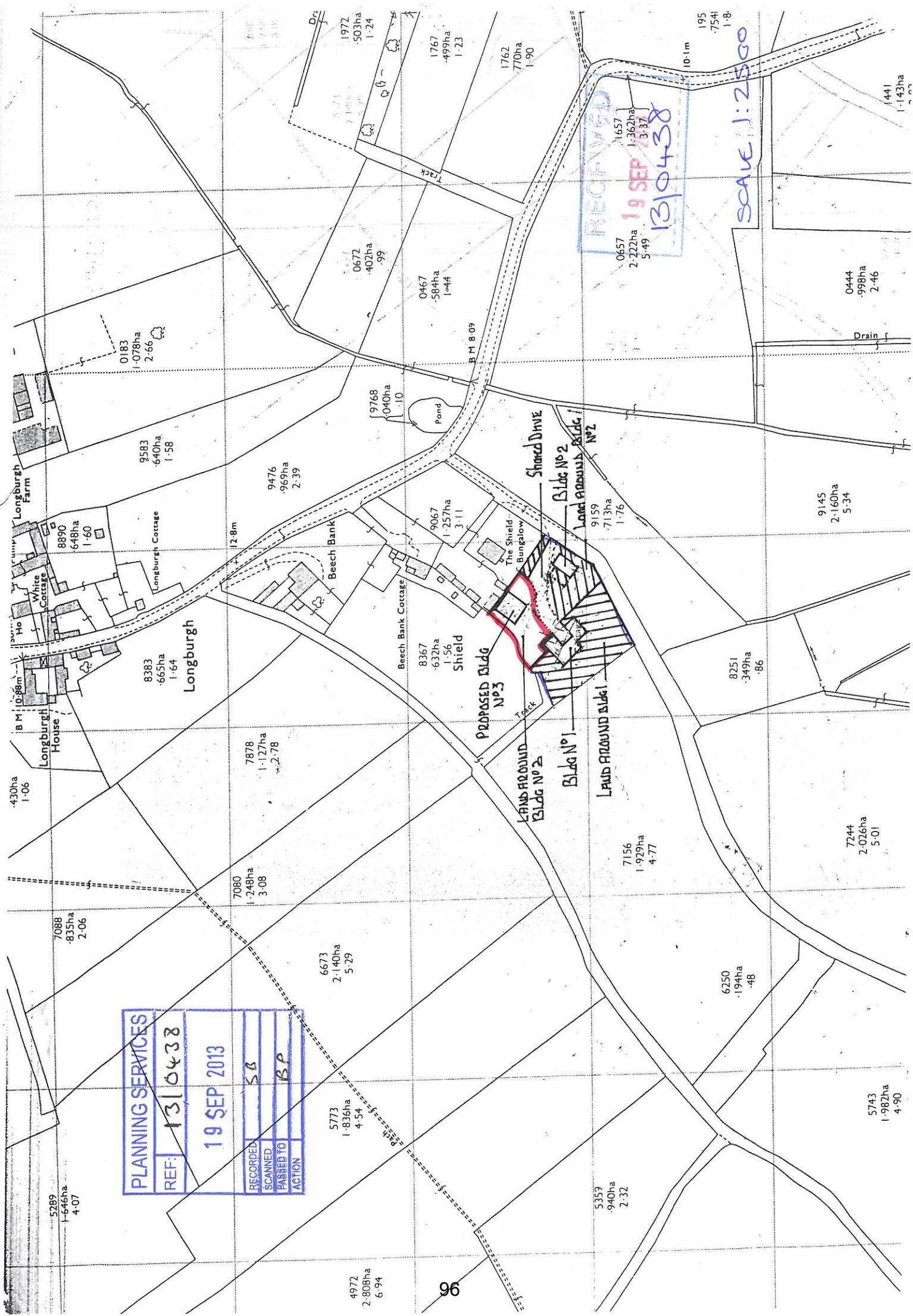
16. No work associated with the construction of the residential unit hereby approved shall be carried out before 07.30 hours on weekdays and Saturdays nor after 18.00 hours on weekdays and 13.00 hours on Saturdays (nor at any times on Sundays or statutory holidays).

Reason: To prevent disturbance to nearby occupants in accordance with Policy H2 of the Carlisle District Local Plan 2001-2016.

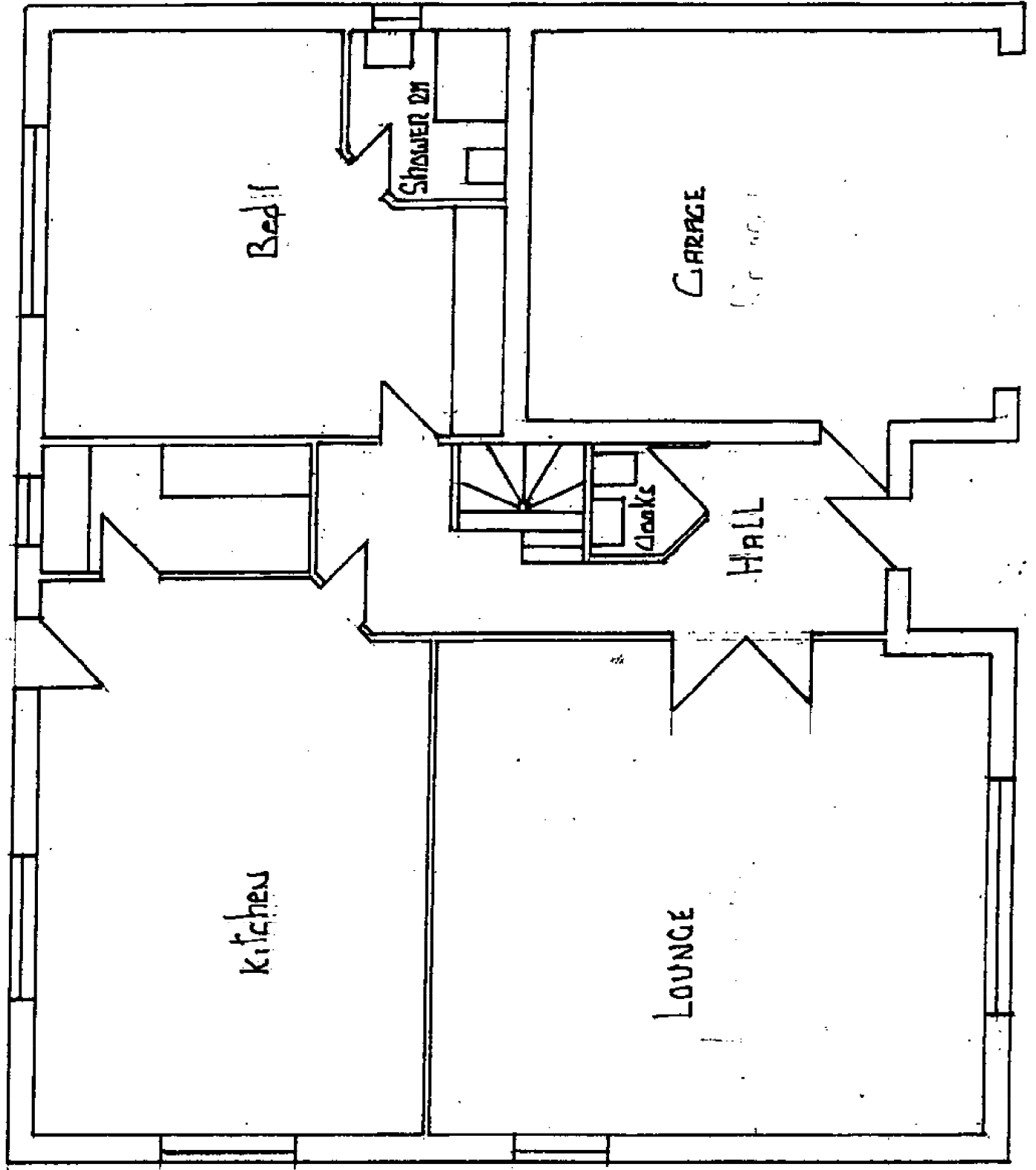
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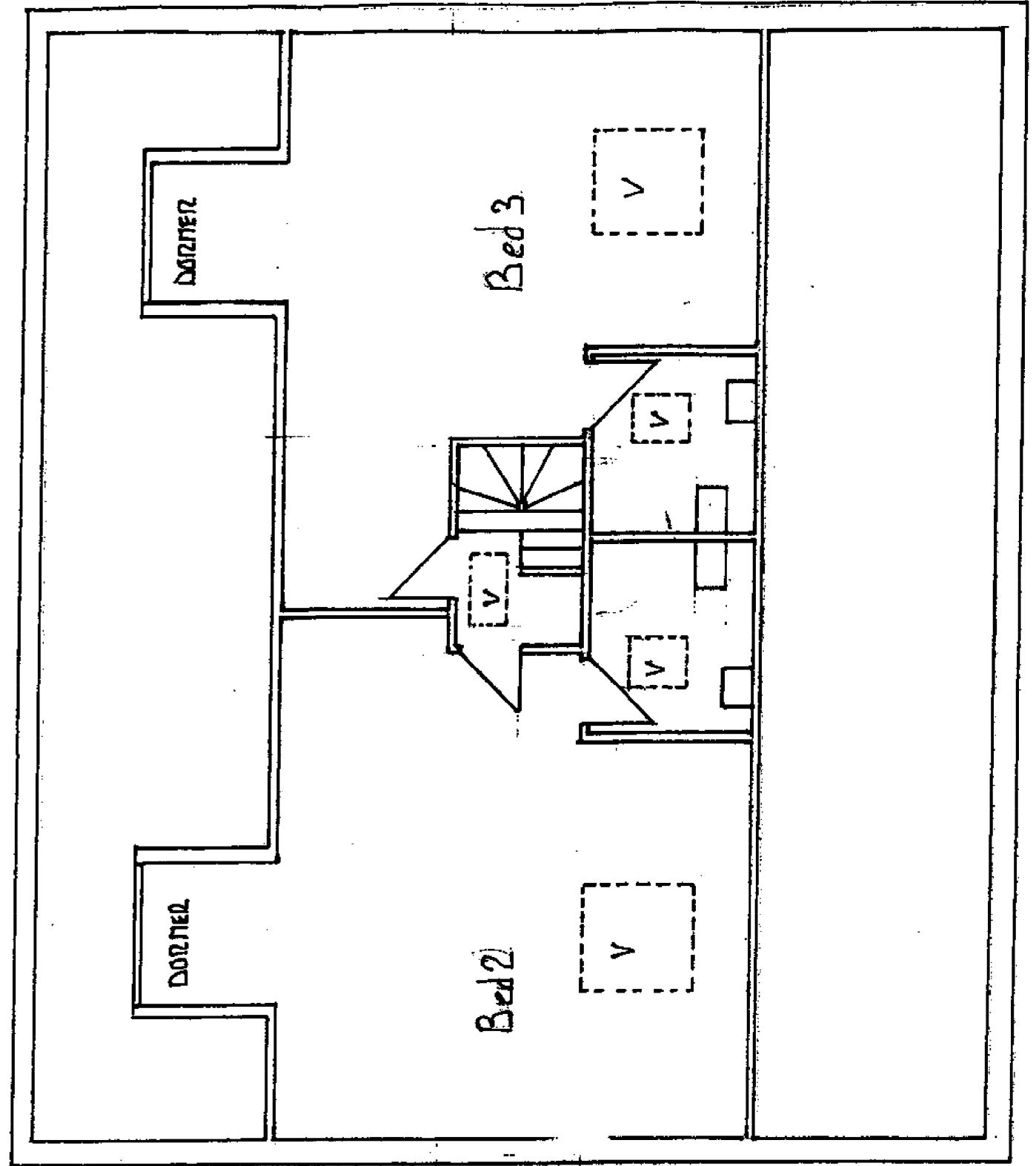


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GROUND FLOOR PROPOSE DORMER BUNGALOW
 LAND AT SECHET LONG BURGH BURG BY SANDS
 FOR MR + MRS GEORGE GRAHAM SCALE 1:100 DRAWN 5/9/04

1st FLOOR FOR DORMER BUNGALOW LAND AT
 SECHET LONGBURGH. BURGH BY SANDS
 FOR MR + MRS GEORGE GRAHAM. SCALE 1/100 DRAWN 9/9/05
 V = VELUX ROOF LIGHT



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SCHEDULE A: Applications with Recommendation

13/0651

Item No: 05

Date of Committee: 11/10/2013

Appn Ref No:
13/0651

Applicant:
Mr & Mrs Irving

Parish:
St Cuthberts Without

Date of Receipt:
19/08/2013

Agent:
Planning Branch Ltd

Ward:
Dalston

Location:

Land between Woodcote and Badgers Barn, Durdar Road, Carlisle, CA2 4TL

Proposal: Erection Of 1No. Dwelling

REPORT

Case Officer: Richard Maunsell

1. Recommendation

- 1.1 It is recommended that this application is refused.

2. Main Issues

- 2.1 Whether The Principle of Development Is Acceptable
- 2.2 Whether The Scale And Design Of The Dwelling Is Acceptable
- 2.3 Impact Of The Proposal On The Living Conditions Of Neighbouring Residents
- 2.4 Impact Of The Proposal On Highway Safety
- 2.5 Impact Of The Proposal On Biodiversity
- 2.6 Method of Disposal of Foul And Surface Water
- 2.7 The Impact On Human Rights

3. Application Details

The Site

- 3.1 The application site is located approximately 150 metres east of Durdar Road, along a private shared driveway. Immediately adjacent to the east of the site is a public right of way and beyond this to the east is a group of 4 dwellings in a courtyard arrangement. Historically, this has been developed

from a farmhouse and the conversion of outbuildings to 3 residential properties.

- 3.2 The application site, equating to approximately 990 square metres, is enclosed by a stock fence and is currently in agricultural use. The site has open aspects to the north and south with Scuggar House to the east and a bungalow 45 metres to the west.

The Proposal

- 3.3 The application seeks Full Planning Permission for the erection of 1 dwelling. The submitted drawings illustrate a single storey property, the overall length, including the garage, would be 26.9 metres. The width would vary between 12.2 metres and 15.6 metres. The maximum ridge height of the dwelling would be 5.6 metres.
- 3.4 The accommodation would comprise of a double garage, store, boiler room, utility room, kitchen, sun room, hall, lounge, a bathroom, 2 bedrooms and 1 ensuite bedroom.
- 3.5 The proposed materials would be render with stone quoins and window surrounds under a slate or tiled roof.

4. Summary of Representations

- 4.1 This application has been advertised by means of a site notice and direct notification to the occupiers of 4 of the neighbouring properties. No representations have been received.
- 4.2 The local Ward Councillor has written in support of the application and the following issues have been raised:
1. the applicants are retired and live in the original farmhouse. Mobility is becoming an issue for one of them and will become progressively more difficult. They do not want to move from the area where they have lived for many years and this has prompted them to apply for permission to build a single storey bungalow on adjacent land which they own;
 2. there is a bus service which passes the end of the lane (about 200m) but it is recognised that the proposed bungalow would be some distance from the nearest shops and services;
 3. the property will be well-related to the adjacent barn conversions and properties;
 4. a number of substantial “new “estates have been granted permission on this same stretch of Durdar Road including Cawflands, Woodhayes and The Willows which total 69 houses. Another small development close by on Durdar Road has only recently been granted planning permission. Apart from the pub at the cross roads, these have no advantage with regard to access to services than has this application and in fact are further away from the main shops;
 5. the long established ribbon development is a feature of the southern end

- of Durdar Road with number 281 being only a few hundred metres from the access lane;
6. the County Council's Development Plan and the consultation document for Carlisle District Local Plan 2015 to 2030 both envisage development in this area to the South of Carlisle to balance the current migration to the North. The County Council Intelligence Unit revealed that over 25% of the population in the area are in the 65 to 75+age group. It was disappointing then, that of the 121 unit development at Dalston, (which I represent) granted planning permission, only 4 were single storey, suitable for elderly people, yet there is a demonstrable need for this type of single storey lifetime housing;
 7. against this background, this application is supported on the grounds of precedent and demonstrable need.

5. Summary of Consultation Responses

Cumbria County Council - (Highway Authority - Footpaths): - access to the proposed development will be along the Public Right of Way (footpath) Number 129015. Where a public right of way is enclosed to either side the width of the footpath is deemed to be from boundary to boundary, as such pedestrian access must not be obstructed between the two boundaries during or after completion of the proposed development and vehicles using the path as part of a private right of access must give way to pedestrians using the path;

Cumbria County Council - (Econ. Dir. Highways & Transportation): - no objection subject to the imposition of a condition;

St Cuthberts Without Parish Council: - comments awaited;

Local Environment - Environmental Protection: - no objection subject to the imposition of a condition;

United Utilities: - no objection.

6. Officer's Report

Assessment

- 6.1 The relevant planning policies against which the application is required to be assessed is the National Planning Policy Framework (NPPF) together with Policies DP1, CP1, CP2, CP3, CP4, CP5, CP12, H1 and T1 of the Carlisle District Local Plan 2001-2016. The Supplementary Planning Document (SPD) "Achieving Well Designed Housing" is also of relevance. The proposal raises the following planning issues.

1. Whether The Principle of Development Is Acceptable

- 6.2 The main issue to establish in the consideration of this application is the principle of development. Since the adoption of the Local Plan, the NPPF has been published by the Government and is a material consideration in the

determination of this application.

- 6.3 Paragraph 215 of the NPPF highlights that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given). Accordingly, in respect of this application whilst the development should be considered against Local Plan policies, in respect of the issue of housing, the Local Plan cannot be considered up to date under the NPPF.
- 6.4 When assessing the application site against the foregoing policies, it is acknowledged that this is a small group of dwellings, located on what was a former farm steading; however, in the context of the NPPF the site cannot be considered either a village or a settlement. It therefore falls to be considered as a site in an isolated rural location.
- 6.5 Consequently the proposal is required to be assessed against those policies for isolated new homes in the countryside. Paragraph 55 of the NPPF outlines that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances such as: the essential need for a rural worker to live permanently at or near their place of work in the countryside; or where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or the exceptional quality or innovative nature of the design of the dwelling.
- 6.6 The application fails the policy tests that underpin the assessment of this application insofar as no essential need is claimed; the proposal does not involve the development of a heritage asset or redundant or disused building, and the design of the building is not of exceptional quality. In support of the application, the Ward Councillor has identified that one of the applicants is elderly and has mobility problems. In considering this issue, no reason has been given as to whether other single storey properties in the area have been considered. In any event, development of the application site represents a desire of the applicants to live in the vicinity of their current property but it does not quantify a justifiable need and allow approval contrary to the policy context.
- 6.7 Given the rural nature of the District there are many farm steadings which are similar to the site and the adjacent cluster of dwellings. As Members are aware, whilst each application is to be dealt with on its own merits there are concerns for the sustainability of development if new dwellings were to be developed in relation to farm steadings without a justified need.
- 6.8 The Design and Access Statement submitted with the application states that the site is “located adjacent to the settlement of Blackwell”. The Oxford English Dictionary definition of “adjacent” is “next to or adjoining something else”. Members will note from the site location plan published following this report, that the site is significantly detached from the dwellings on Blackwell

Road. The applicant states that “whilst this property does into fall within the list of examples (and it is just a list of examples as indicated by the words ‘such as’), there are special circumstances which justify its location.” No explanation is given as to what these circumstances are; however, it is assumed that these relate to other aspects of the Design and Access Statement where to support the applicant's argument that the principle of development is acceptable, it is stated that land adjacent to the application site was considered developable under the Strategic Housing Land Availability Assessment (SHLAA). It is further stated that if this land is developed then the application would be well related to the settlement.

- 6.9 There are 2 fundamental flaws in this approach. Firstly, the SHLAA formed the evidence base for the formation of the new local plan. Whilst the land may have been considered acceptable under the SHLAA, the site has not been brought forward as either a preferred option or an alternative option under the Carlisle District Local Plan 2015 -2030 Preferred Options Consultation. Although this plan is currently subject to consultation and therefore no material weight can be attached in the consideration of planning applications, it is nonetheless significant to note the absence of this site from the plan. The Ward Councillor makes reference to the Preferred Options Consultation Local Plan encouraging development to the south of the city. Policy S2 (Spatial Strategy) states that in delivering new housing, “for 11-15 years the preferred option is to identify a broad location for growth in the area of Carlisle South”; however, this is a long-term strategic approach and not dependant on ad hoc sporadic development such as that proposed by this application.
- 6.10 The second issue is the fact this argument is dependant on the site being developed. Aside from the fact that the land is unallocated, the site is out with the control of the applicant and it would be unreasonable to grant planning permission on the basis that the development of an adjacent site may or may not happen.
- 6.11 Although the support from the Ward Councillor makes reference to the ribbon development along Durdar Road, the application site cannot be considered as being well-related to this development as it is distinctly physically separate. The description of being “adjacent” therefore is inappropriate and not applicable in this instance and the application falls to be considered as an isolated site.
- 6.12 The Design and Access Statement also suggests that the dwelling is being offered with a local occupancy restriction. The current adopted local plan allowed consideration of planning applications for dwellings on infill sites within settlements where they were evidenced by local need to be in that location. The introduction of the NPPF does not require development to be limited to a local occupancy restriction, although policies still allow open market housing and affordable housing subject to consideration against the relevant policies. The applicant's suggestion that the occupancy could be restricted to local occupancy is not supported by any evidence. In addition, such a restriction would not be reasonable as it is not supported by current planning policies. The proposed imposition of the condition by the applicant

serves to undermine their argument that the principle of development is acceptable by limiting the occupancy of the property as a compromise, particularly as if no future occupier for the property could be found in the Parish, the search would cascade to the next level which would include residents within the city, thereby eroding the definition of "local".

- 6.13 The application seeks Full Planning Permission for a new dwelling in an isolated rural location with no special circumstances as detailed in the NPPF put been forward by the applicant that would justify a new dwelling in this location. The proposal is, therefore, contrary to Policy CP1, Criteria 2 of Policy CP5, Criterion 1 of Policy H1 of the Carlisle District Local Plan 2001-2016 and Paragraph 55 of the National Planning Policy Framework.

2. Whether The Scale And Design Of The Dwelling Is Acceptable

- 6.14 Policies seek to ensure the development is appropriate in terms of quality to that of the surrounding area and that development proposals incorporate high standards of design including siting, scale, use of materials and landscaping which respect and, where possible, enhance the distinctive character of town scape and landscape. This theme is identified in Policy CP5 of the Local Plan which requires that development proposals should also harmonise with the surrounding buildings respecting their form in relation to height, scale and massing and make use of appropriate materials and detailing.
- 6.15 The submitted drawings illustrate that the proposed dwelling would be large in footprint and would have a frontage measuring in excess of 27 metres. The double projection to the frontage scale exacerbates the scale and massing of the building and the isolated position of the site in relation to the converted barns and the bungalow further to the west. Although adequate amenity space and off-street parking would be achieved, the development would be disproportionate or obtrusive within the character or appearance of the area.

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

- 6.16 Planning policies also require that consideration is also given to the living conditions of the occupiers of neighbouring properties. The proposed building would be situated approximately 28 metres from the nearest converted barn to the east and 53 metres from the bungalow to the west. As such, the living conditions of the occupiers of that property will not be compromised through loss of light, loss of privacy or over dominance.
- 6.17 Given the relationship of the site to the nearest residential dwellings, any dwelling on this site would achieve the Council's minimum distances between dwellings as stated in the Council's Supplementary Planning Document 'Achieving Well Designed Housing'.

4. Impact Of The Proposal On Highway Safety

- 6.18 The application site is accessed via a private access. Cumbria County Council, as Highways Authority, has been consulted and raises no objections

subject to the imposition of a condition. Accordingly, the proposal would not have any significant highways or traffic implications.

5. Impact Of The Proposal On Biodiversity

- 6.19 The Councils GIS Layer has identified that the site has the potential for protected species to be present on or in the vicinity of the site. As the proposed development is within agricultural land, using the guidance issued by Natural England, the development would not harm a protected species or their habitat; however, an Informative could be included within the decision notice ensuring that if a protected species is found all work must cease immediately and the Local Planning Authority informed.

6. Method of Disposal of Foul And Surface Water

- 6.20 The application forms identify that the foul drainage would be dealt with by means of a package treatment plant whilst surface water would go to a soakaway. Whilst the principle is acceptable further details would be required to assess the suitability of the proposals.

7. The Impact On Human Rights

- 6.21 The appellant's human rights have been properly considered and taken into account as part of the determination of the application. Article 8 of the Human Rights Act 1998 provides that:
1. Everyone has the right to respect for his private and family life, his home and his correspondence.
 2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society.
- 6.22 No justification has been submitted with the application to weigh against the general interest in conforming to planning policy. For the reasons outlined above it is considered that no essential need has been demonstrated that would justify setting aside local and national policies designed to protect the countryside.

Conclusion

- 6.23 In overall terms, the proposed site is located in a rural location and the erection of a dwelling on this site would, therefore, form a prominent intrusion into the open countryside contrary to both local and national planning policies. Members will be aware that material considerations can be taken into account and allow determination contrary to planning policies; however, this report has clearly demonstrated that no exceptional need or particular justification has been submitted to allow the Council to approve this application contrary to the presumption against development in this location. The scale and design of the property would be alien to the character and appearance of surrounding properties and the proposal is, therefore, contrary to planning policies and is recommended for refusal.

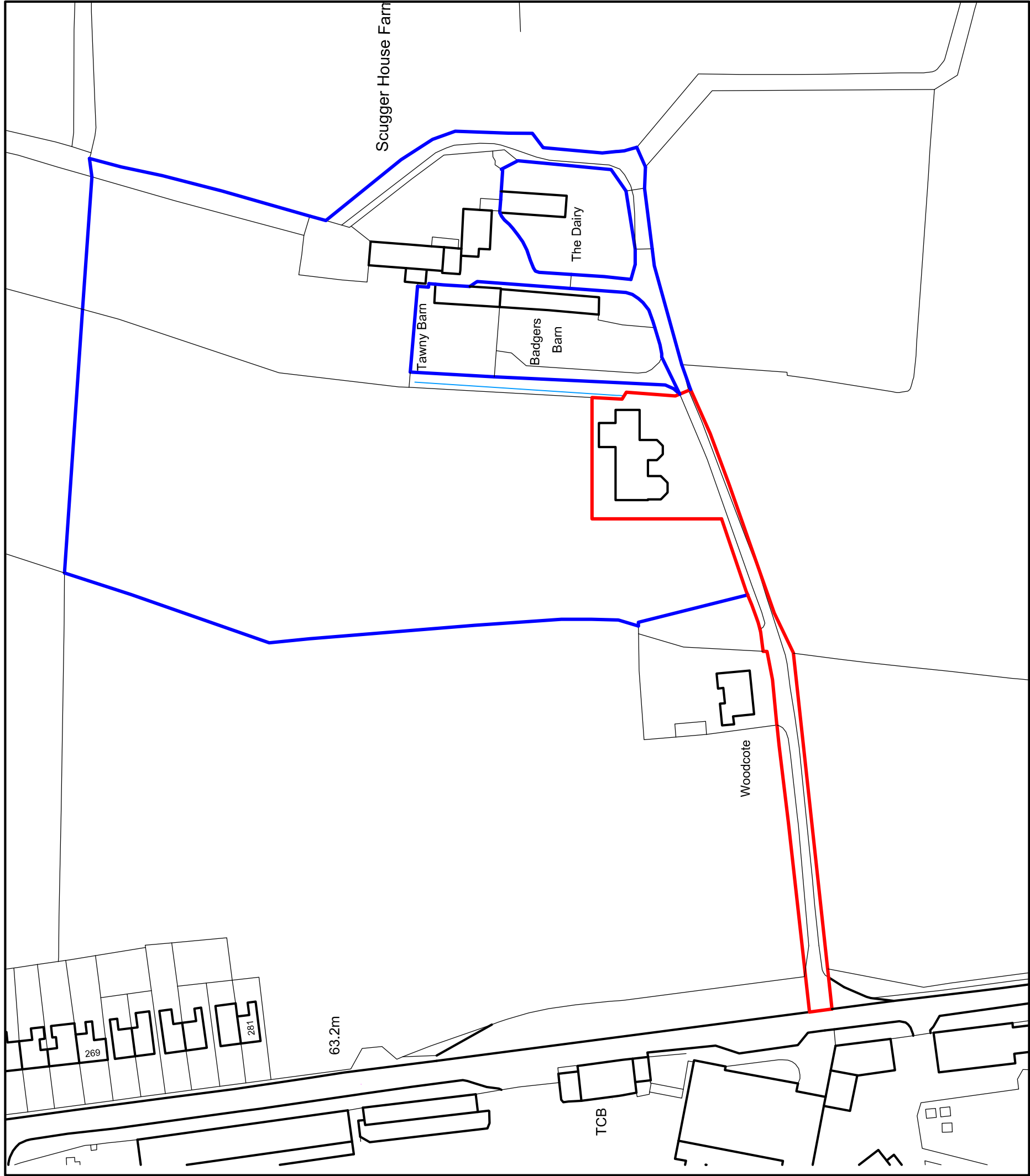
7. Planning History

- 7.1 There is no planning history for this site.

8. Recommendation: Refuse Permission

1. **Reason:** The application site is located in the remote rural area. The National Planning Policy Framework (NPPF) states that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances. No special circumstances as detailed in the NPPF have put been forward by the applicant that would justify a new dwelling in this location. The proposal is therefore contrary to Paragraph 55 of the National Planning Policy Framework and Policy DP1 (Sustainable Development Locations) and criterion 1 of Policy H1 of the Carlisle District Local Plan 2001-2016 and .
 2. **Reason:** The proposal relates to a rectangular shaped site located in a prominent position adjacent to a public right of way in the open countryside. The dwelling does not relate to the local vernacular scale or appearance of nearby properties due to its large footprint and design. The development in the manner proposed would, therefore, appear overdominant within the plot and obtrusive with the character of the area contrary to criteria 1 and 2 of Policy CP5 (Design) of the Carlisle District Local Plan 2001-2016.
-

Location Plan (1:1250)



Revision Status			Initials
Rev	Date	Amendments	

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Mr W Irving
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CA2 4TL

Drawing

Title: Location Plan

Scheme: New Build Dwelling Near Scugger House

Scale: 1:1250

Date: June 2013

Dwg No.: D3

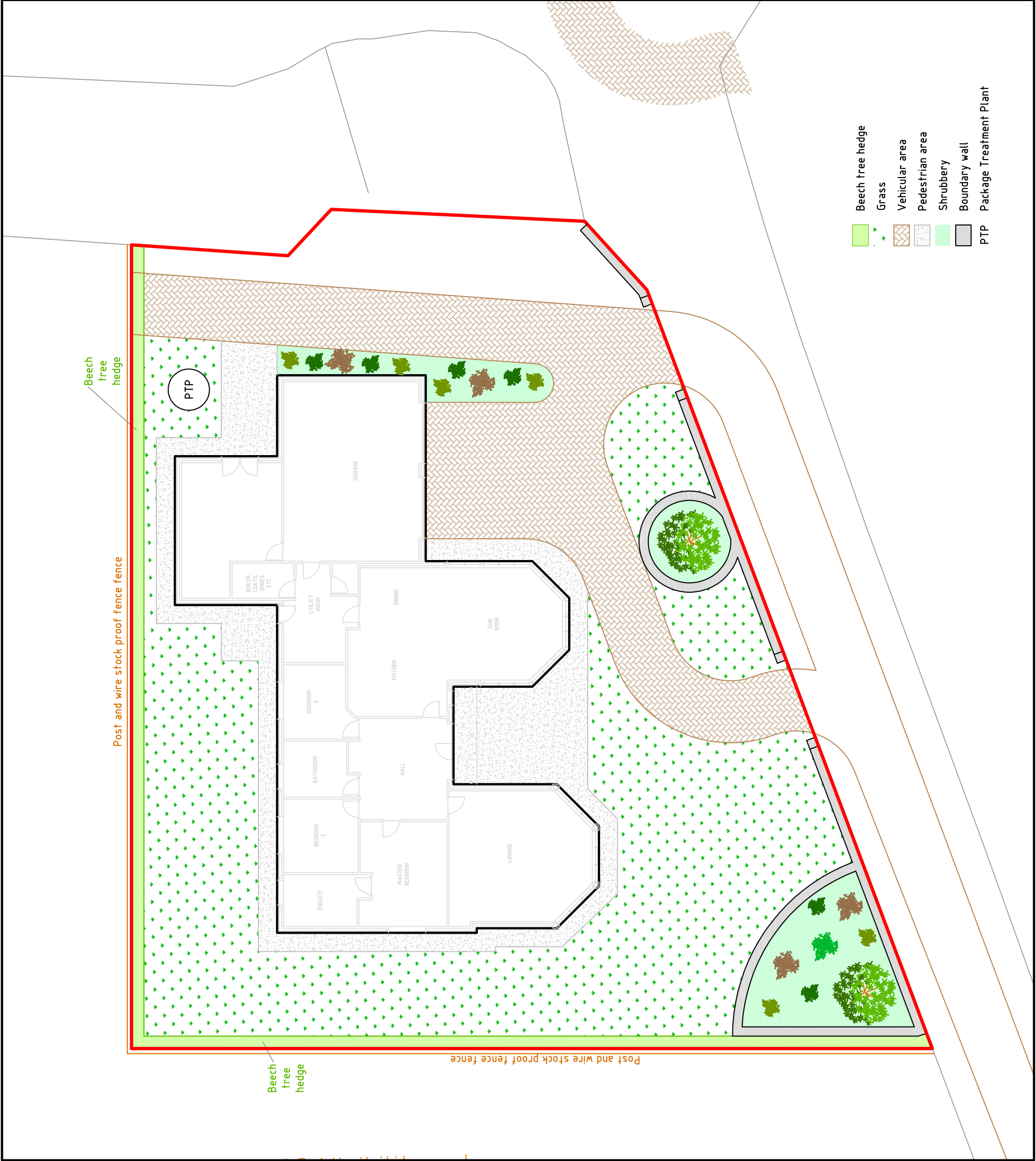
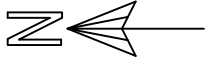
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Site Plan (1:200)



Revision Status			Initials
Rev	Date	Amendments	

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Carlisle
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Drawing

Title: Site Plan

Scheme: New Build Dwelling Near Scuggar House

Scale: 1:200

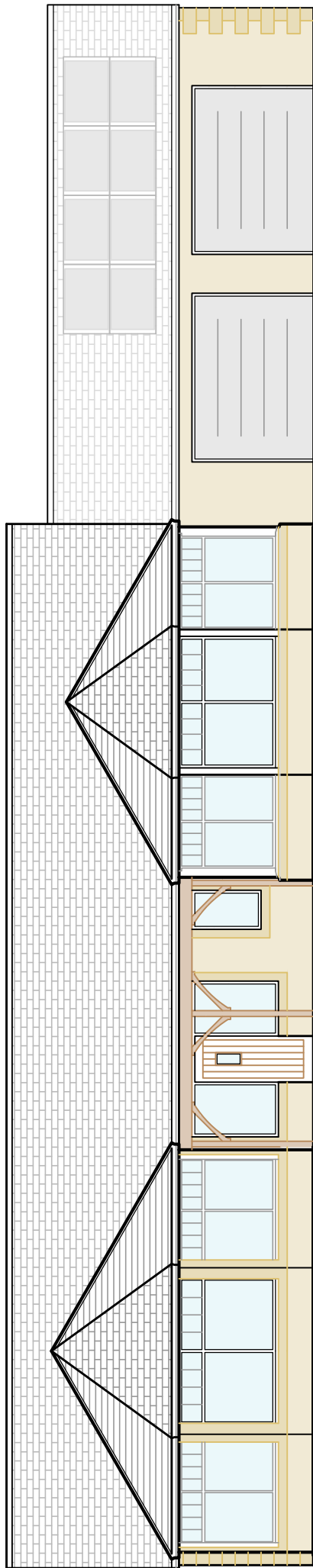
Date: April 2013

Dwg No.: D2a

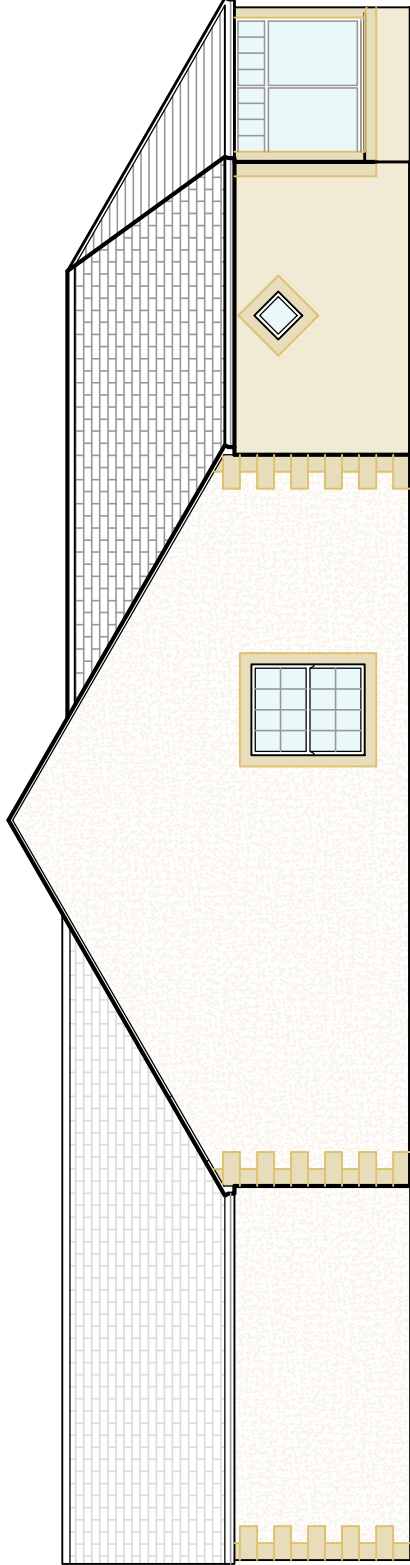
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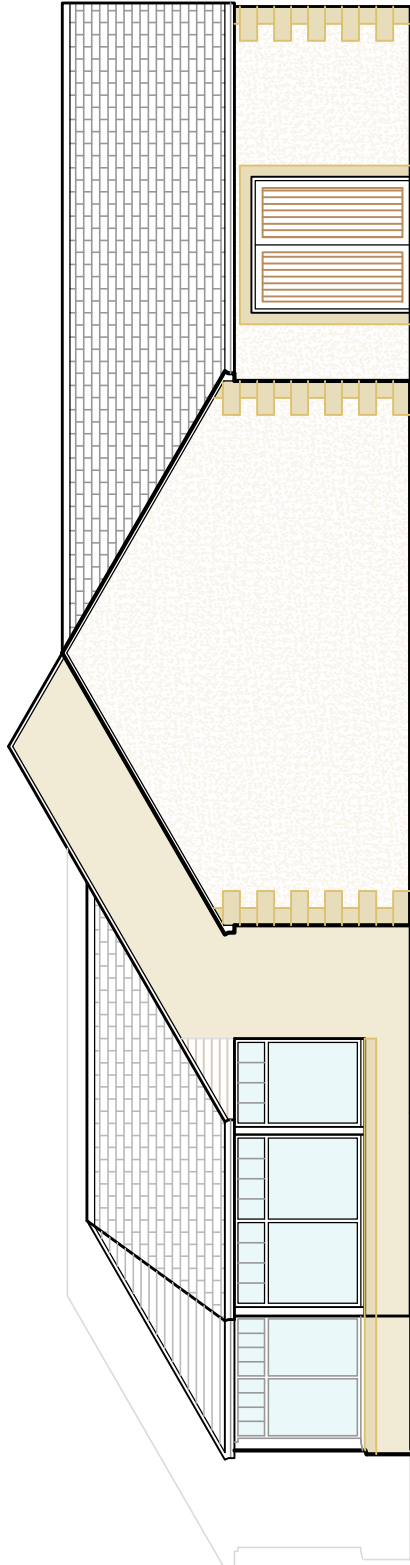
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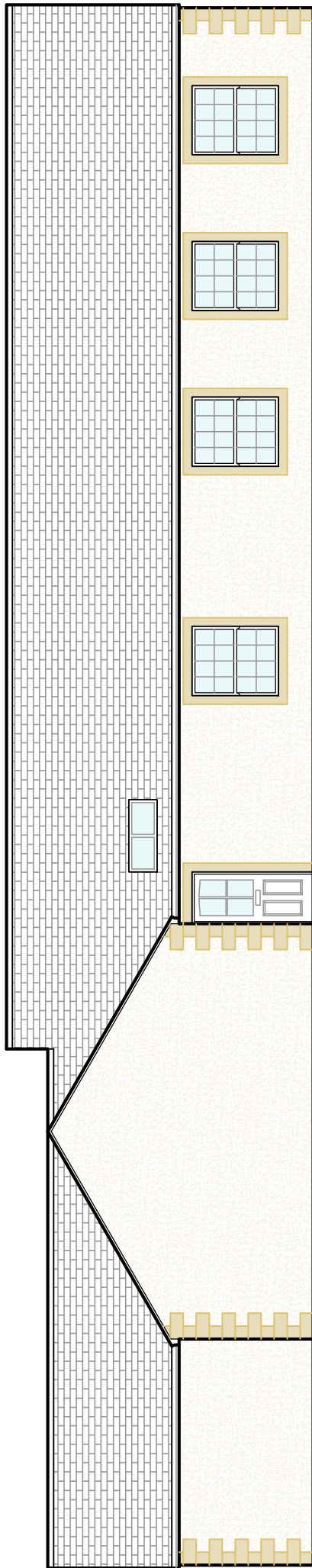
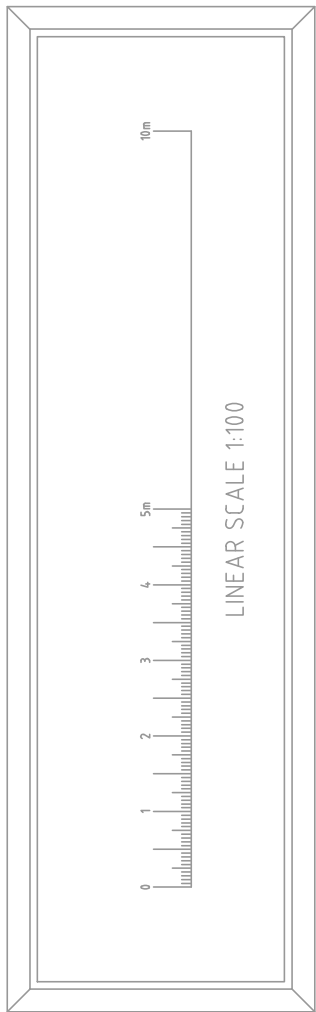
PROPOSED SOUTH ELEVATION



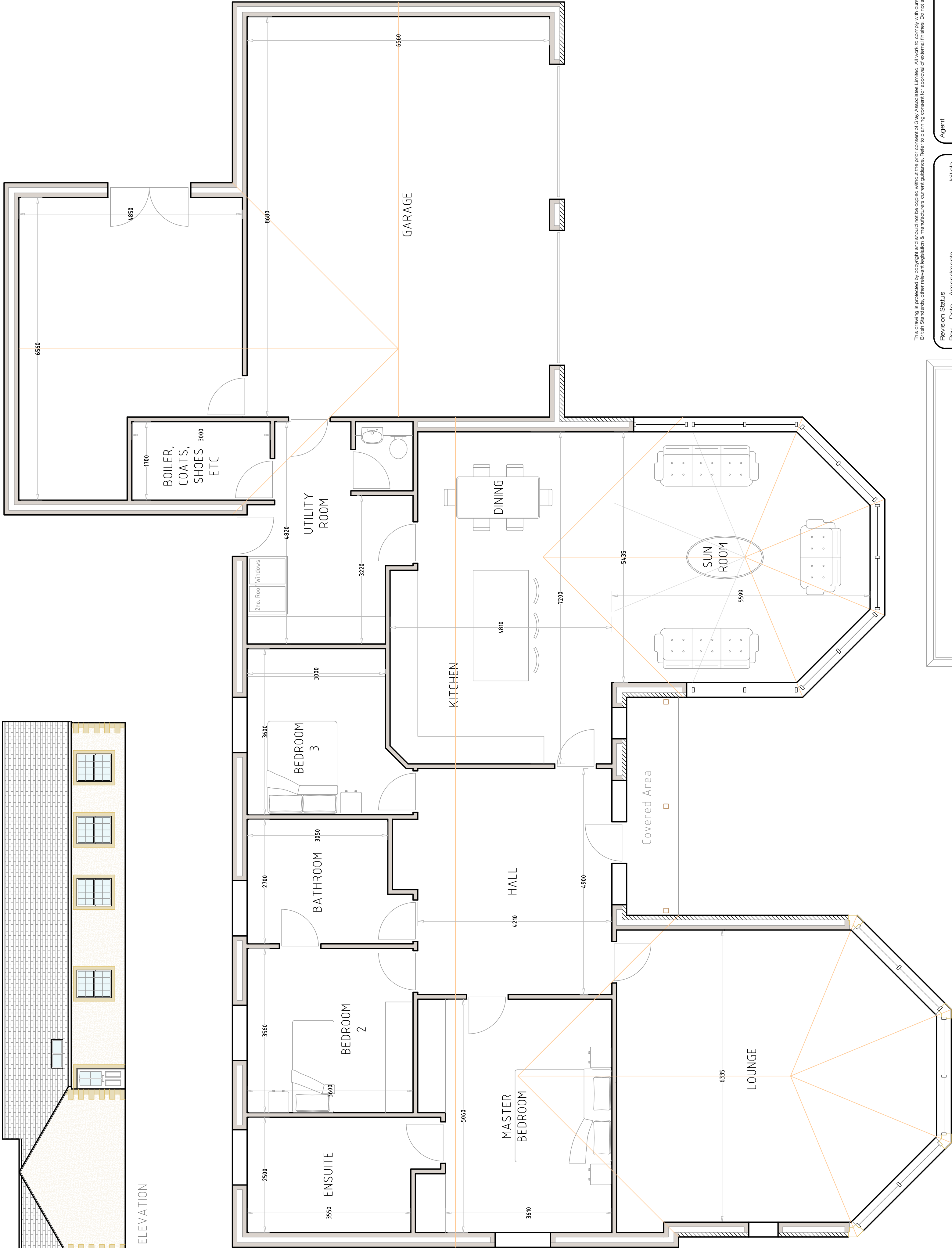
PROPOSED WEST ELEVATION



PROPOSED EAST ELEVATION



PROPOSED NORTH ELEVATION



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Revision Status		Amendments		Initials	
Rev	Date				

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Carlisle
CA2 4TL

Drawing
Title: Floor Plans and Elevations
Scheme: New Build Dwelling Near Souggar House
Scale: 1:50 & 1:100
Date: April 2013
Dwg No.: 01
Drawn: D Gray

SCHEDULE A: Applications with Recommendation

13/0612

Item No: 06

Date of Committee: 11/10/2013

Appn Ref No:
13/0612

Applicant:
Mr Cathers

Parish:
Brampton

Date of Receipt:
06/08/2013 16:00:14

Agent:
Positive Planning Solutions Ltd

Ward:
Brampton

Location:

Land adjacent Woodvale, Tarn Road, Brampton

Proposal: Erection Of 1no. Dwelling

REPORT

Case Officer: Barbara Percival

1. Recommendation

- 1.1 It is recommended that this application is refused.

2. Main Issues

- 2.1 Whether the principle of development is acceptable
- 2.2 Whether the scale and design of the proposal is acceptable
- 2.3 Impact of the proposal on the living conditions of neighbouring residents
- 2.4 Impact of the proposal on highway safety
- 2.5 Impact of the proposal on biodiversity
- 2.6 Impact of the proposal on existing trees and hedgerows
- 2.7 Method of disposal of foul and surface water
- 2.8 Whether the proposal would lead to the loss of the best and most versatile agricultural land

3. Application Details

The Site

- 3.1 The application site is located to the eastern side of the Brampton to Castle Carrock Road. The proposed dwelling and detached garage would be located in the northern section of a field extending to approximately 3440

square metres in area. The land is currently in agricultural use.

- 3.2 The site rises steeply away from the county highway and is delineated by hedgerows with sporadic trees along the northern and western boundaries with a post and wire fence and a hedgerow along the southern boundary. The eastern boundary is delineated by a post and wire fence beyond which lies a small copse.
- 3.3 To the south east and adjacent to the site is Woodvale, a 1.5 storey high detached dwelling, whilst the Hemblesgate Court lies to the north west. To the north and west of the site are open fields with a wooded copse on the ridge immediately to the east.

The Proposal

- 3.4 The application seeks Full Planning Permission for the erection of one dwelling with a detached garage. The submitted drawings illustrate a two storey property, the overall length of which would be 14.1 metres with a maximum width of 12.4 metres. The maximum ridge height of the dwelling would be 8.4 metres.
- 3.5 The accommodation would comprise of a lounge, sunroom, hallway, cloakroom, utility, kitchen, dining room and study with 1no. ensuite bedroom, 3no. bedrooms and bathroom above. Access would be via an existing field access in the north western corner of the site. The detached double garage would be 11.7 metres long by 6.9 metres wide with a ridge height of 5.2 metres.
- 3.6 The proposed materials would be facing brickwork and stone with a tiled roof.

4. Summary of Representations

- 4.1 This application has been advertised by the direct notification of one neighbouring property and the posting of a Site Notice. In response, one e-mail of objection has been received.
- 4.2 The e-mail identifies the following issues:
 - 1. a two storey dwelling on this site of Tarn Road is inappropriate as there are currently bungalows on either side of the proposed development, albeit some distance away;
 - 2. if planning permission is granted, this would lead to the potential for other "infill" development on this mainly rural section of Tarn Road.
- 4.3 The Ward Councillor supports the application and has requested that Members of the Committee consider the application.

5. Summary of Consultation Responses

Cumbria County Council - (Econ. Dir. Highways & Transportation): - submitted details are acceptable subject to the imposition of conditions and an informative;

Brampton Parish Council: - support application;

Local Environment - Environmental Protection: - no objections subject to the imposition of a condition;

Carlisle Airport: - no objections;

United Utilities: - no objection; however, if possible this site should 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 Local Authority. If surface water is allowed to be discharged to the public surface water sewerage system UU may require the flow to be attenuated to a maximum discharge rate determined by UU.

6. Officer's Report

Assessment

- 6.1 The relevant planning policies against which the application is required to be assessed are Policies DP1, CP1, CP2, CP3, CP4, CP5, CP12, H1 and T1 of the Carlisle District Local Plan 2001-2016. The National Planning Policy Framework and the Supplementary Planning Document 'Achieving Well Designed Housing' are also material planning considerations. The proposal raises the following planning issues.

1. Whether The Principle Of Development Is Acceptable

- 6.2 The main issue for Members to establish in the consideration of this application is the principle of development. Since the adoption of the Local Plan, the NPPF has been published by the Government and is a material consideration in the determination of this application.
- 6.3 Paragraph 14 of the NPPF outlines that *"at the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking"*. For decision-taking the NPPF highlights that this means: *"approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted"*.
- 6.4 This is further reiterated in paragraph 215 of the NPPF which highlights that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF (the closer the policies in the plan

to the policies in the NPPF, the greater the weight that may be given). Accordingly, in respect of this application whilst the development should be considered against Local Plan policies, the Council's Local Plan (in respect of the issue of housing) cannot be considered up to date under the NPPF.

- 6.5 The Planning Statement submitted as part of the application outlines that *"although the site is outside the town boundary as drawn in the Local Plan, the site is well contained by other development and would not result in a prominent intrusion into the countryside nor would it detract from the landscape character of the area"*. The Report goes on to highlight that *"the site is sustainably located in relation to available services and well contained so as not to intrude into the countryside or give rise to concerns over ribbon development"*.
- 6.6 When assessing the application site against the foregoing, the NPPF does not advocate the use of settlement boundaries but rather promotes locations of new housing relative to existing development. With regard to this issue, limited weight can, therefore, be given to the fact that the site is outwith the settlement boundary for Brampton as identified in the Proposals Map of the Local Plan.
- 6.7 Although the area has no statutory landscape designation, the Cumbria Landscape Strategy (CLS) outlines that the area is characterised by sandy knolls and ridges. The perceptual character of the area is of a pleasant farmed landscape. The landscape is generally small to medium in scale and enclosed which then opens out on the edges. The combination of knolls and ridges with mature woodland and pasture creates an enclosed parkland like appearance. Most views are framed by woodland or topography. There are some longer vistas northwards from the ridges near Brampton. The CLS seeks to ensure that the varied and well-composed landscape will be conserved and enhanced with residential development carefully controlled.
- 6.8 It is not disputed that the application site is located in close proximity to other residential properties along Tarn Road including the Hemblesgate Court Development to the north west of the application site and is within walking distance of the centre of Brampton. However, the character of the eastern side of Tarn Road remains very much open and rural in character with only limited housing along its route. The perception at this point is of having left the built form of Brampton into an area of sporadic development borne out by the CLS designation of sandy knolls and ridges. Indeed, the topography of the site is such that the site rises sharply away from the public highway. In light of the foregoing landscape character assessment, the proposed can not be considered well related to Brampton.
- 6.9 Consequently, the NPPF is clear in its guidance that the proposal is required to be assessed against those policies for isolated new homes in the countryside. Paragraph 55 of the NPPF outlines that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances such as: the essential need for a rural worker to live permanently at or near their place of work in the countryside; or where such development would represent the optimal viable use of a heritage asset

or would be appropriate enabling development to secure the future of heritage assets; or where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or the exceptional quality or innovative nature of the design of the dwelling.

- 6.10 Although the application has the support from the Ward Councillor and the Parish Council, the application fails the policy tests that underpin the assessment of this application insofar as no essential need is claimed; the proposal does not involve the development of a heritage asset or redundant or disused building, and the design of the building is not of exceptional quality. Furthermore, although the site is within walking distance of Brampton and its services, the application site is not well-related to Brampton as it is both physically and visibility separated from Brampton within an essentially rural landscape.
- 6.11 In light of the foregoing, the application site is not well-related to Brampton in a rural area with sporadic housing and development would intrude into open countryside. The National Planning Policy Framework (NPPF) states that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances. No special circumstances as detailed in the NPPF have put been forward by the applicant that would justify a new dwelling in this location. The proposal is, therefore, contrary to Policy CP1, Criteria 2 of Policy CP5, Criterion 1 of Policy H1 of the Carlisle District Local Plan 2001-2016 and Paragraph 55 of the National Planning Policy Framework.
- 6.12 The CLS seeks to ensure that the varied and well-composed landscape will be conserved and enhanced with residential development carefully controlled. The topography of the site is such that any dwelling would be unacceptably prominent within an open and rural setting and the erection of a dwelling on this site would have a significant detrimental impact on the landscape character of the area. The proposal is, therefore, contrary to Policy CP1 and Criterion 2 of Policy CP5 of the Carlisle District Local Plan 2001-2016.

2. Whether The Scale And Design Of The Proposal Is Acceptable

- 6.13 Policies seek to ensure the development is appropriate in terms of quality to that of the surrounding area and that development proposals incorporate high standards of design including siting, scale, use of materials and landscaping which respect and, where possible, enhance the distinctive character of town scape and landscape. This theme is identified in Policy CP5 of the Local Plan which requires that development proposals should also harmonise with the surrounding buildings respecting their form in relation to height, scale and massing and make use of appropriate materials and detailing.
- 6.14 The proposal relates to substantial two storey dwelling with detached double garage set within an extensive curtilage in open countryside. The scale and massing of which would be further exacerbated by the topography of the site where sporadic single storey or dormer style bungalows predominate on the eastern side of Tarn Road. The dwelling does not relate to the local vernacular scale or appearance of the dwellings on the elevated eastern side

of Tarn Road due to its large footprint or design. The development in the manner proposed would, therefore, appear overdominant within the plot and obtrusive with the character of the area contrary to criteria 1 and 2 of Policy CP5 of the Carlisle District Local Plan 2001-2016.

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

- 6.15 Planning policies require that the living conditions of the occupiers of adjacent residential properties are not adversely affected by proposed developments and which importantly requires that the suitability of any development proposal be assessed against the policy criteria.
- 6.16 Given the intervening boundary treatment and the orientation of the application site with the adjacent property, the development would not adversely affect the living conditions of the occupiers of the neighbouring property by virtue of loss of privacy or over-dominance. The dwelling would be to the north of the neighbouring property and accordingly, the occupiers would not suffer from an unreasonable loss of daylight or sunlight. Due to the orientation of the existing and proposed buildings, it is not considered that the occupiers would suffer from a loss of privacy or over-dominance.
- 6.17 Given the relationship of the site to the nearest residential dwellings, any dwelling on this site would achieve the Council's minimum distances between dwellings as stated in the Council's Supplementary Planning Document 'Achieving Well Designed Housing'.

4. Impact Of The Proposal On Highway Safety

- 6.18 The submitted drawings illustrate that the application site would be accessed via an existing field access. Cumbria County Council, as Highways Authority, has been consulted and raises no objections subject to the imposition of conditions. Accordingly, the proposal would not have any significant highways or traffic implications

5. Impact Of The Proposal On Biodiversity

- 6.19 The Council's GIS Layer has identified that the site has the potential for protected species to be present on or in the vicinity of the site. As the proposed development is within agricultural land, using the guidance issued by Natural England, the development would not harm a protected species or their habitat; however, an Informative could be included within the decision notice ensuring that if a protected species is found all work must cease immediately and the Local Planning Authority informed.

6. Impact Of The Proposal On Existing Trees and Hedgerows

- 6.20 The application site is bounded by hedgerows with sporadic trees along the northern and western boundary with a post and wire fence and hedgerows along the southern boundary. The eastern boundary is delineated by a post and wire fence beyond which lies a small copse. The applicant has

submitted an Arboricultural Report which assesses the impact of the proposal on trees and hedgerows within the development site. The Report outlines that the hedgerows are to be retained with the copse along the eastern boundary unaffected.

- 6.21 The City Council's Landscape Architect/Tree Officer has been consulted and has no objections subject to the imposition of a condition.

7. Method Of Disposal Of Foul And Surface Water

- 6.22 The application forms identify that the foul drainage would be dealt with by means of the mains sewer whilst surface water would go to a sustainable drainage system. Whilst the principle is acceptable further details would be required to assess the suitability of the proposals.

8. Whether the Proposal Would Lead To The Loss Of The Best And Most Versatile Agricultural Land

- 6.23 It is accepted that the proposal would lead to the loss of agricultural land. The Agricultural Land Classification identifies this land as Grade 3, Grades 1 and 2 being of the highest quality. Grade 3 land is common both within the immediate vicinity of the application site and within the District as a whole. As such, it is not considered that the loss of this small area of agricultural land would provide grounds for refusal of the application.

Conclusion

- 6.24 In overall terms, the proposed site is located in a rural location and the erection of a dwelling on this elevated site would form an unacceptable prominent intrusion into the open countryside contrary to both local and national planning policies. Members will be aware that material considerations can be taken into account and allow determination contrary to planning policies; however, this report has clearly demonstrated that no exceptional need or particular justification has been submitted to allow the Council to approve this application contrary to the presumption against development in this location. The siting, scale and design of the property would be alien in the context of the character and appearance of the locality surrounding properties. The proposal is, therefore, contrary to planning policies and is recommended for refusal.

7. Planning History

- 7.1 There is no relevant planning history.

8. Recommendation: Refuse Permission

1. **Reason:** The application site is physically and visibly separated from Brampton within an area of sporadic development, thereby, intruding into open countryside. The National Planning Policy

Framework (NPPF) states that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances. No special circumstances as detailed in the NPPF have put been forward by the applicant that would justify a new dwelling in this location. The proposal is, therefore, contrary to Criterion 1 of Policy H1 of the Carlisle District Local Plan 2001-2016 and Paragraph 55 of the National Planning Policy Framework.

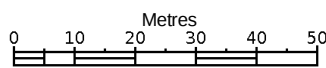
2. **Reason:** The Cumbria Landscape Strategy (CLS) outlines that the area is characterised by sandy knolls and ridges. The perceptual character of the area is of a pleasant farmed landscape. The landscape is generally small to medium scale and enclosed which opens out on the edges. The combination of knolls and ridges with mature woodland and pasture creates an enclosed parkland like appearance. Most views are framed by woodland or topography. The CLS seeks to ensure that the varied and well-composed landscape will be conserved and enhanced with residential development carefully controlled. The topography of the site is such that any dwelling would be highly visible within this open and rural setting, therefore, the erection of a dwelling on this site would have a significant detrimental impact on the landscape character of the area. The proposal is, therefore, contrary to Policy CP1 and criterion 2 of Policy CP5 of the Carlisle District Local Plan 2001-2016.
 3. **Reason:** The proposal relates to substantial two storey dwelling with detached double garage set within an extensive curtilage in open countryside. The scale and massing of which on the eastern side of Tarn Road would be further exacerbated by the topography of the site where sporadic single storey or dormer style bungalows predominate. The dwelling does not relate to the local vernacular scale or appearance of the dwellings on the elevated eastern side of Tarn Road due to its large footprint and design. The development in the manner proposed would, therefore, appear overdominant within the plot and obtrusive with the character of the area contrary to criteria 1 and 2 of Policy CP5 of the Carlisle District Local Plan 2001-2016.
-



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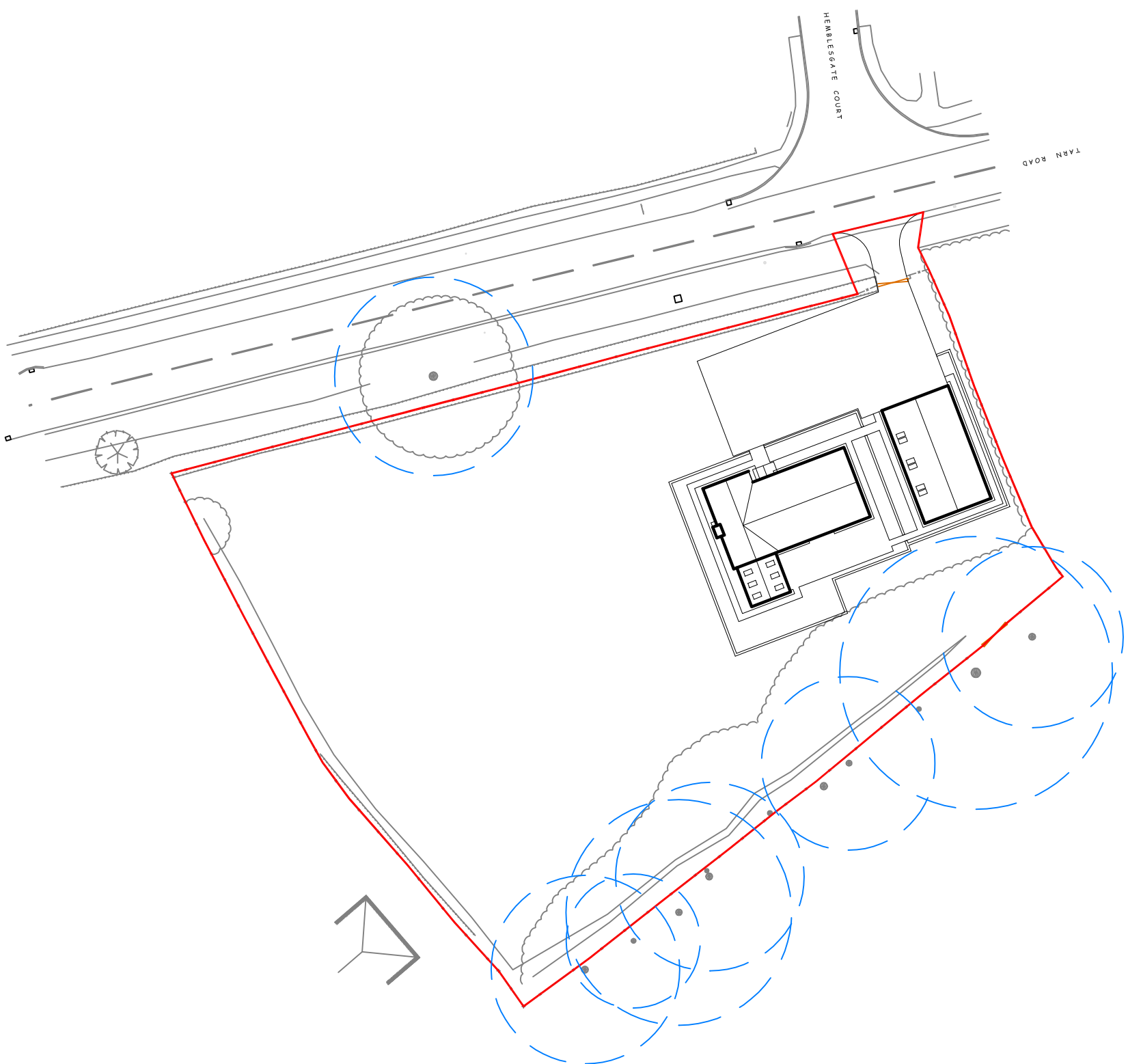
The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.



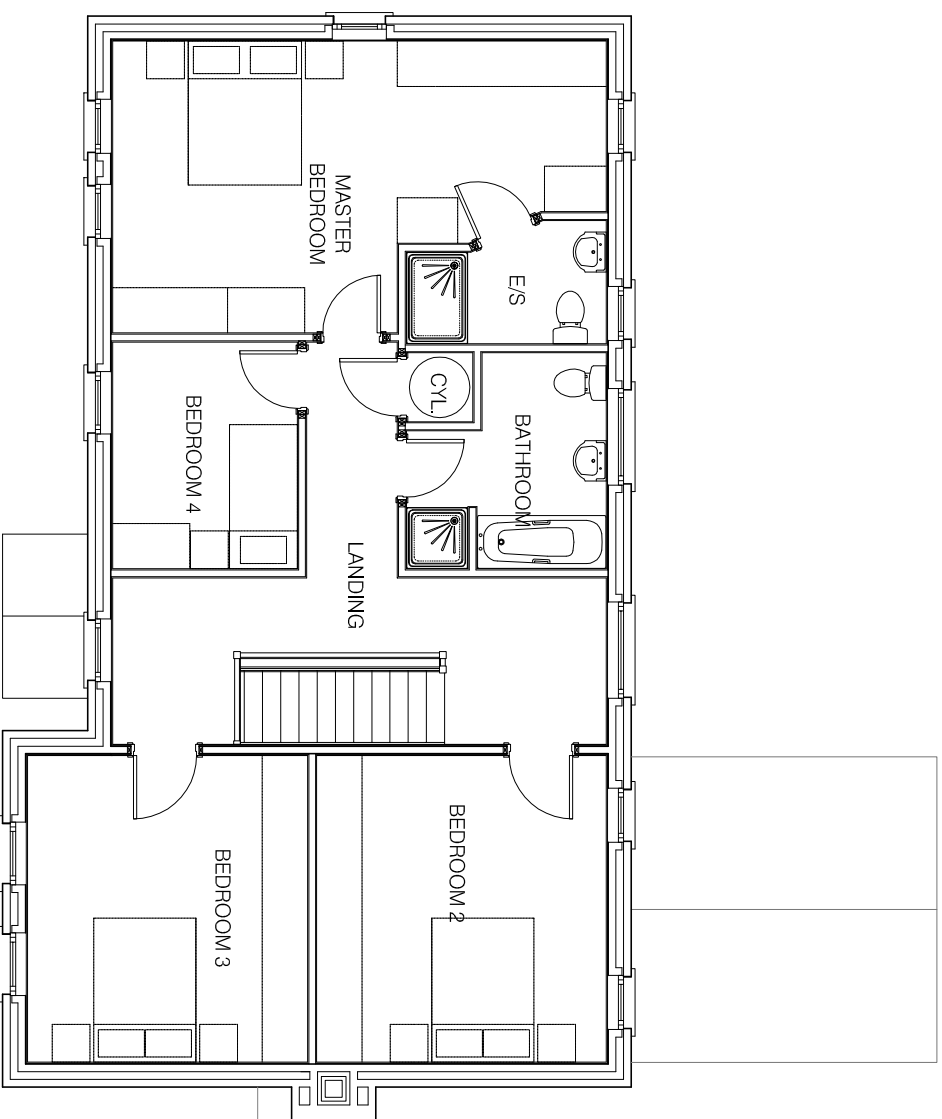
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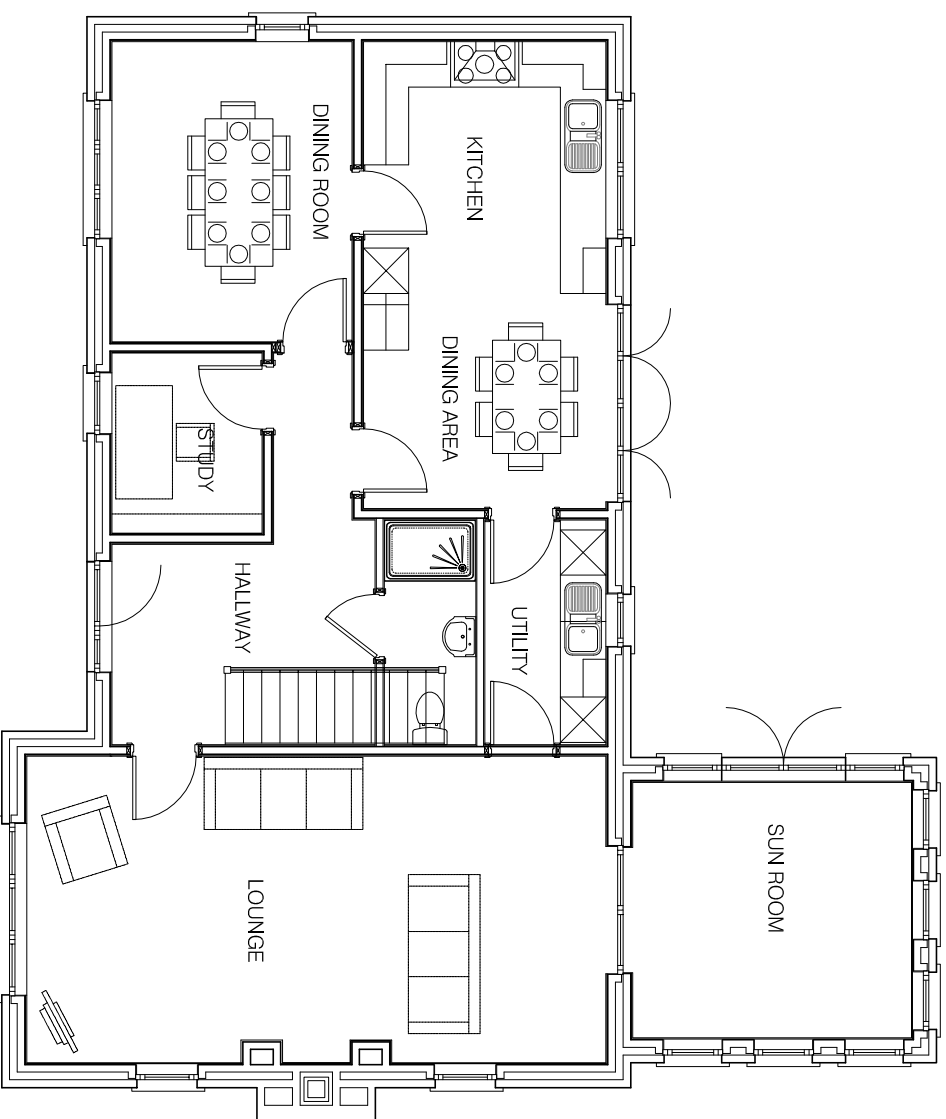
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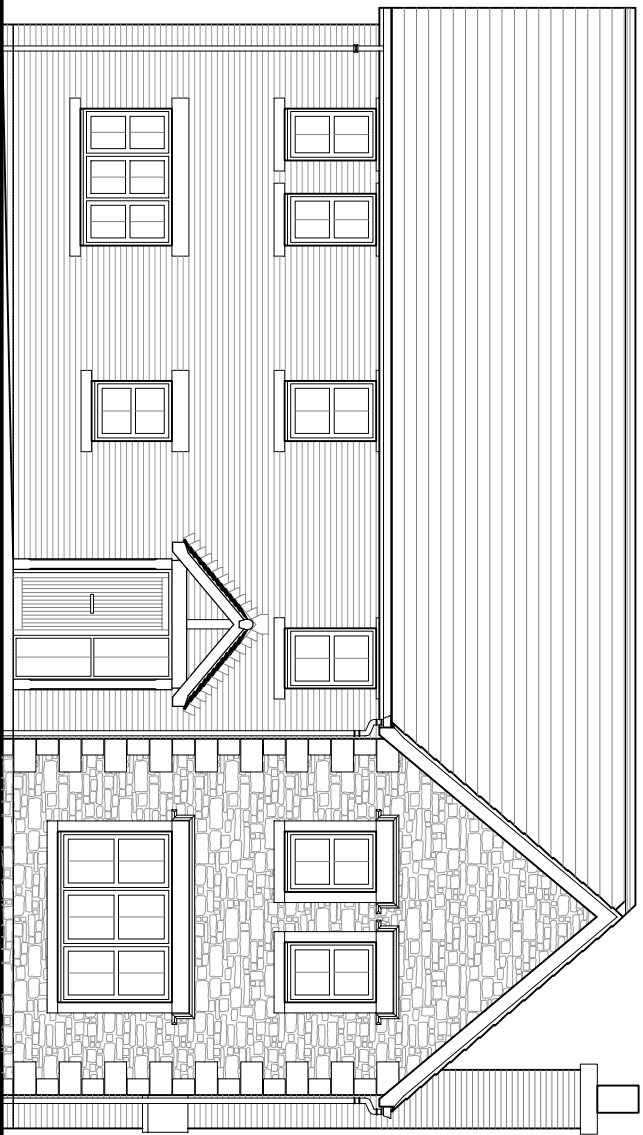
Proposed dwelling opposite
Hemblesgate, Brampton
Block Plan 1:500@A3



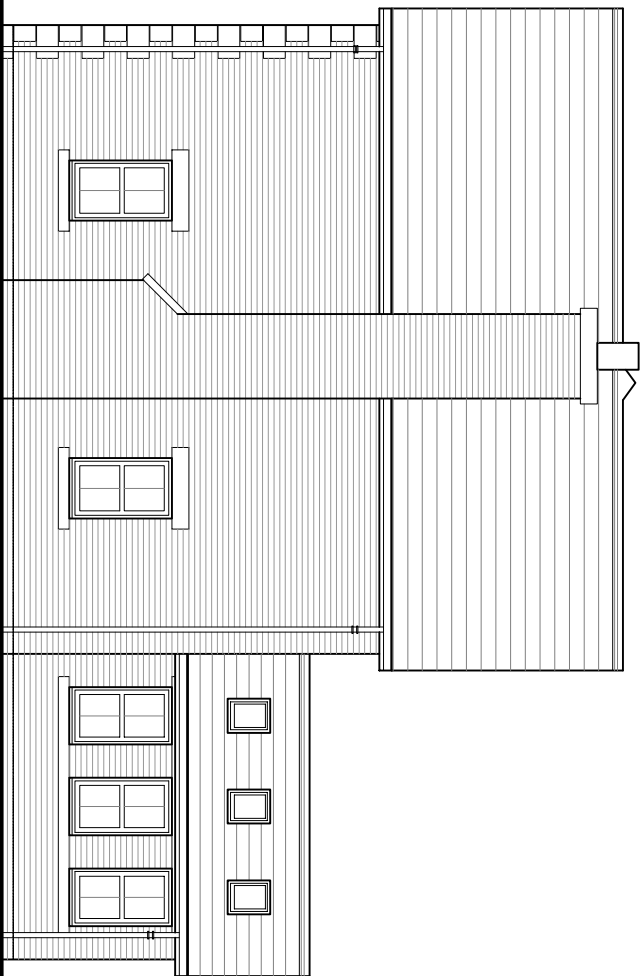
First Floor



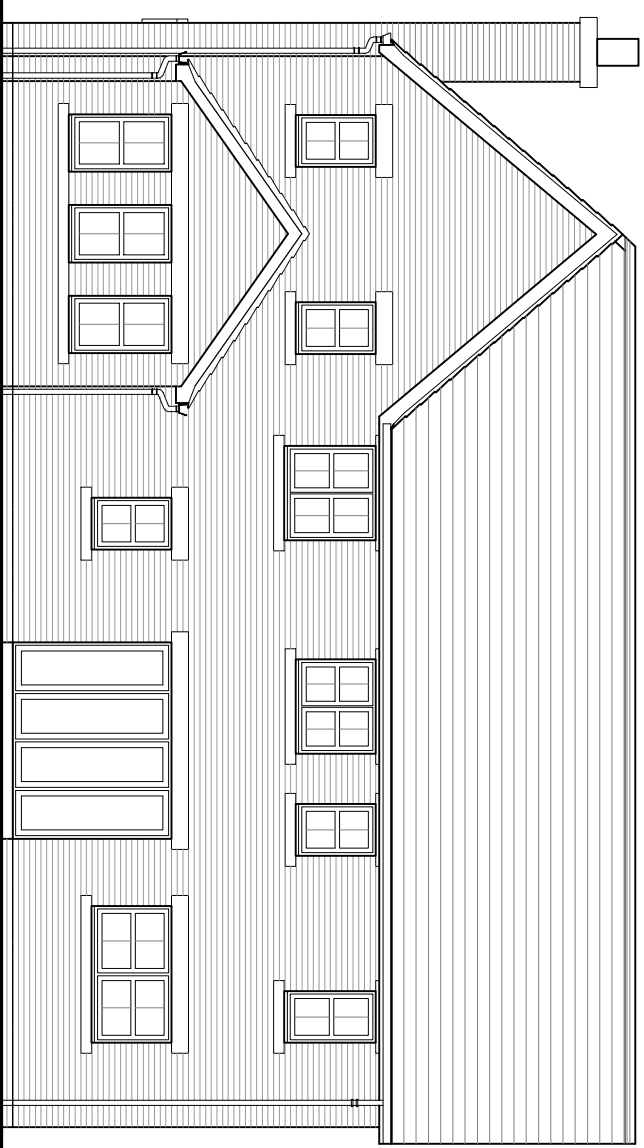
Ground Floor



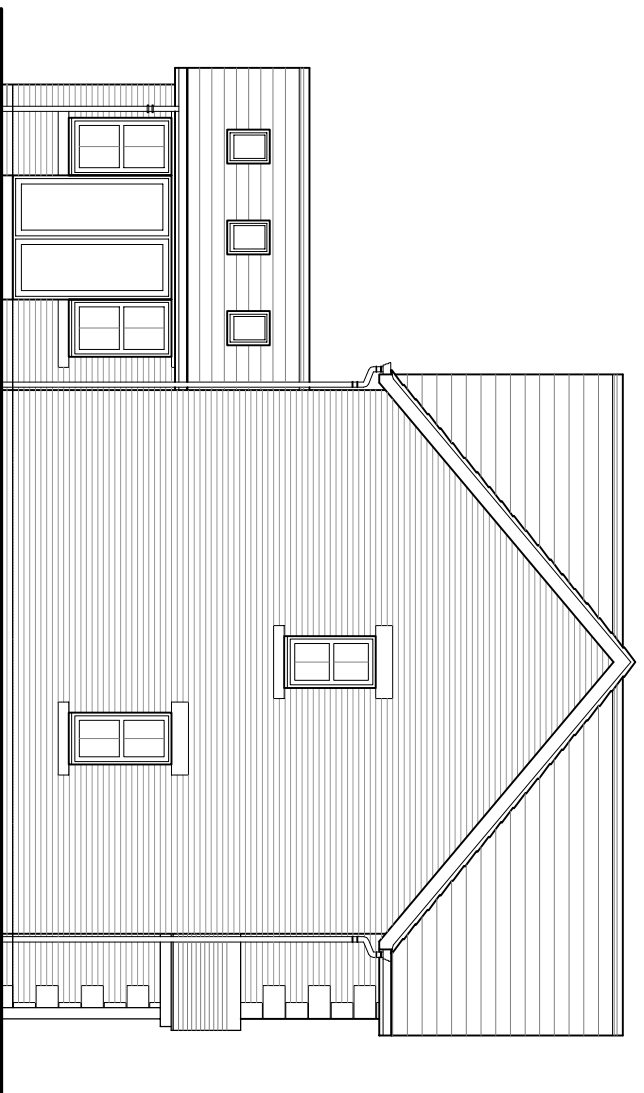
Front Elevation



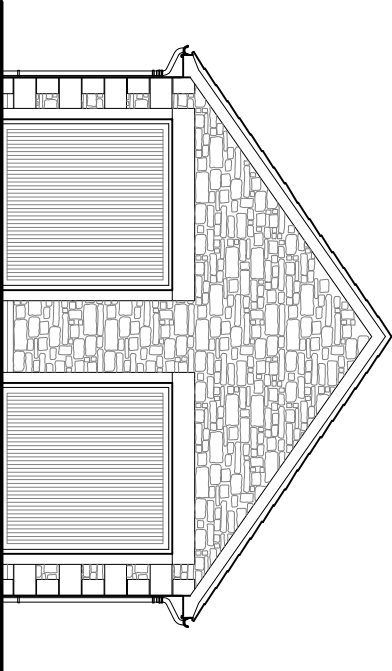
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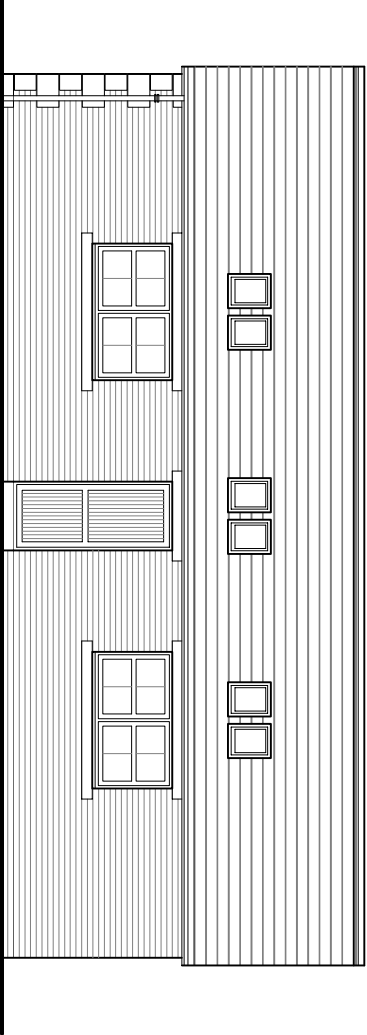
Rear Elevation



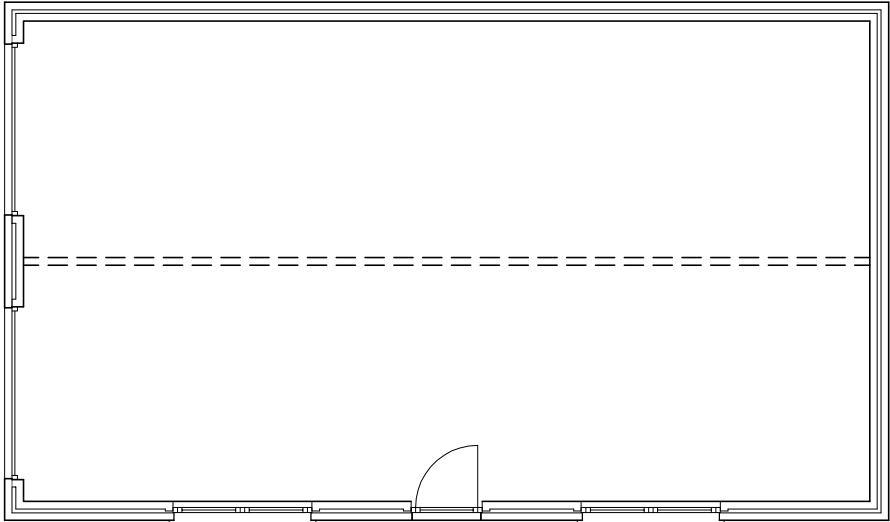
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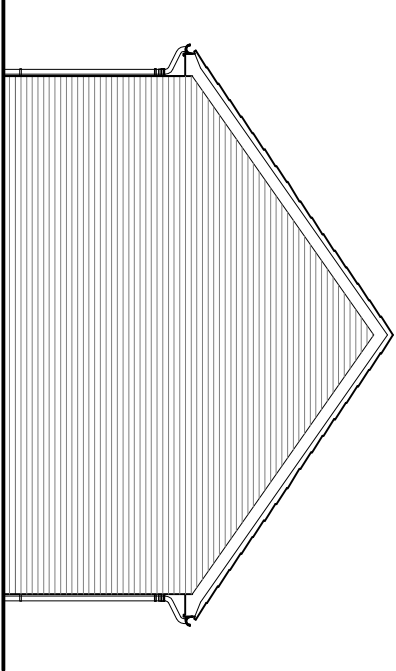
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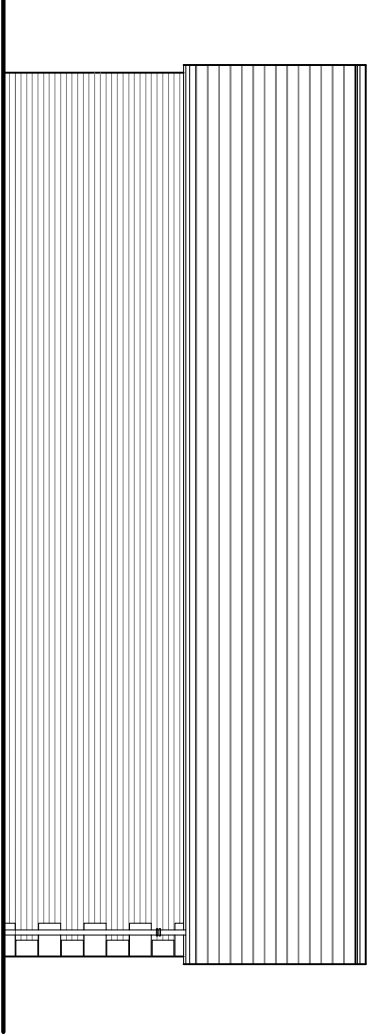
Side Elevation



Front Elevation



Rear Elevation



Side Elevation

SCHEDULE A: Applications with Recommendation

13/0431

Item No: 07

Date of Committee: 11/10/2013

Appn Ref No:
13/0431

Applicant:
Hayton High Estates

Parish:
Hayton

Date of Receipt:
19/06/2013

Agent:
SPACE Designed
Solutions Ltd

Ward:
Hayton

Location:

Town Head Cottage and adjoining land, Townhead,
Hayton, CA8 9JH

Proposal: Revisions To Original Planning Approvals 11/0433 & 11/0690 Involving
Amended Estate House And Erection Of 1no. Eight Bed Holiday Unit In
Lieu Of 8no. Holiday Lets

REPORT

Case Officer: Angus Hutchinson

Brief Summary

Members resolved to defer consideration of the proposal during their previous Meeting on the 30th August 2013 in order to allow the submission of further information regarding the impact of the proposal on the ecology of the area. A "Review of Ecological Issues" prepared by Middlemarch Environmental Ltd has subsequently been submitted on behalf of the applicant. The Review concludes that if the measures are undertaken there will be no detrimental impact upon the existing bat population. In addition, the proposed habitat works could enhance biodiversity value of the site compared to its interest before the development was started.

No evidence has been submitted nor readily apparent reason established to question or contradict the conclusions of the aforementioned Review.

In the intervening period there has not been a fundamental change in circumstances that alters the previous recommendation.

1. Recommendation

- 1.1 The application is recommended for approval subject to the imposition of relevant conditions.

2. Main Issues

- 2.1 The sustainability of the location
- 2.2 The scale of the development
- 2.3 Impact on landscape character and visual amenity
- 2.4 Impact on the living conditions of neighbouring residents
- 2.5 Ecology and biodiversity
- 2.6 Benefits

3. Application Details

The Site

- 3.1 The application site is located on the eastern side of the unclassified Townhead Road to the immediate south of Woodleigh; and approximately 80 metres to the north of the junction with the Talkin/Castle Carrock Road. The site involves the former Townhead Cottage and the northernmost part of an open field, vehicular access to which was originally via the Talkin/Castle Carrock Road. A second access has recently been formed under permitted development rights onto the Townhead Road.
- 3.2 Development at Townhead is essentially linear in form with the neighbouring dwellings to the north at Woodleigh and Oakleigh being two storey houses and a bungalow at Upwood.
- 3.3 The land rises from the road to the east with the backdrop of Townhead Wood and Whinhill Wood. Whinhill Wood is part of an “ancient woodland”. Approximately 110 metres to the north, a public footpath runs through Townhead Wood. The application site forms the southern approach to the hamlet.
- 3.4 The distance between the western outskirts of Hayton and the easternmost property at Townhead is approximately 100 metres. Hayton is identified under Policy DP1 of the Carlisle District Local Plan 2001-2016 as a Local Service Centre. Townhead is not, however, within Hayton’s settlement boundary as defined under H1 of the Local Plan 2001-2016.
- 3.5 In September 2011, under application 11/0433, planning permission was given for the replacement of Townhead Cottage. In November 2011, under application 11/0690, full permission was given for the erection of eight holiday let units on land adjoining Townhead Cottage. In August 2012, under applications 12/0540 and 12/0635 approval was given for non material amendments to include basements for the developments approved under 11/0433 and 11/0690. The applicant has subsequently excavated the application site, and ground-works are well advanced. The bulk of the excavated material, primarily sand, has now been removed from the site.

The Proposal

- 3.6 The current application seeks full permission to revise the original planning approvals granted under 11/0433 and 11/0690 with regard to the replacement of Townhead Cottage by an Estate worker's house, and the holiday units based around the courtyard.
- 3.7 In the case of the Estate worker's house, the approved plans show a dwelling measuring 10.8m by 12.3m with an eaves height of 4.1m and a ridge height of 7.3m; and sited approximately 24m from the facing wall of Woodleigh. In comparison the proposed plans show a dwelling measuring 10.5m by 11.7m with the addition of a rear single storey porch (2.35m x 2.55m); an eaves height of 5.0m and ridge height of 7.75m; and located 24m from Woodleigh. In effect, the proposed dwelling has a slightly larger footprint (from 133 sq. metres to 135 sq. metres), and an increase in height. The submitted plans also show the basement previously approved under 12/0635 which incorporates a swimming pool.
- 3.8 In relation to the eight holiday lets the approved plans show them arranged in a "U –shape" to form a courtyard. The wings of the courtyard measure 21.1m by 5.6m with the link measuring 14.1m by 5.6m; a basic eaves height of 4.0m and ridge height of 6.3m; and the closest wall 9.2m from the boundary with Woodleigh. The accommodation was designed to incorporate connecting doorways to enable greater flexibility such that units 1-3, 4-5, and 6-8 could have been combined to provide a possible reduced minimum total of 3 lets. The proposed building, now to be used as a single holiday let, has the wing elements measuring 21.2m by 6m with the link being 14.8m by 5.8m; an eaves height of 4.6m and ridge height of 7.2m; and the closest wall 7.3m from the boundary with Woodleigh. As such the proposed building has a larger footprint, is higher by approximately 0.9m, and is closer to the boundary by 1.9m. The submitted plans also show the provision of two external fire escapes and two internal staircases leading to the basement. The basement approved under 12/0540 is extended to connect to a boiler room also serving the house. The basement is shown to have a swimming pool, hot tub, gym, and a tv/games area.
- 3.9 The submitted layout plan shows the utilisation of the recently created access onto Townhead Road but with the parking area re-configured.
- 3.10 The application is accompanied by a Design and Access Statement that explains, amongst other things, that:
- The Edmond Castle Estate is going to be rebuilt as a working Estate which has led to reformulated thoughts as to the scope of the proposed tourist accommodation. The intention now is to have a single large house of eight bedrooms designed to offer something attractive to higher socio economic families/like minded friends looking to stay in luxury self-catering accommodation;
 - It is felt this is a relatively untapped market in the area and will deliver wide ranging benefit to the local economy.
 - This shift in nature of the letting arrangement will produce a benefit to the

neighbours in that the number and frequency of change over dates will reduce.

- The replacement house has a simplified plan to make a traditional format for a family associated with the needs and activities of the Estate i.e. as a general Estate house accommodating either staff or residential tenants.
- Under applications 12/0540 and 12/0635 both the Estate house and the holiday let complex were granted for full footprint basements that amounted to 368 square metres in the case of the 8 bed holiday units. The area of basement under units 6, 7 and 8 as previously granted will now not be built with a consequential reduction in floor area of the basements.
- The increase in roof height for the Estate house reflects the need for a minimum working sloping ceiling height for practical use of the en-suite facilities. The increase in roof height for the holiday house is to allow for the proposed circulation routes.
- The proposed external changes do not impose un-neighbourly additions.
- The extent of excavations to form the basements has meant that the rear block of the holiday accommodation has been moved forwards 1.6m to reduce dig volumes.
- Landscaping proposals will involve the redistribution of significant amounts of excavation material. Some of the spoil will be put back on the rear of the site to restore previous ground levels. There is recorded a sloped banking with level changes of around 3 metres from the woodland fence boundary to the normal field level – this slope will be removed and reinstated. The field will then be covered in topsoil and reseeded for grazing. The bulk of new tree screening and planting will be centred around the proposed car parking area.
- The revised application replaces all the render with local red sandstone.
- The adjoining property Woodleigh has several groups of trees and significant shrubbery screening the site.
- The holiday house is designed to cater for disabled persons and offers a fully compliant access provision to two bedroom suites, the whole of the ground floor and (via a lift installed for the purpose) access to the basement. Access to the Estate house ground floor is in accordance with the Building Regulations.

3.11 In response to initial queries from Cumbria Constabulary, the applicant's agent has explained that:

- The Estate commissions on all its premises CCTV security cameras (inclusive of the car park). These are linked to monitoring facilities, on the Estate and off site.
- The buildings will incorporate measures to make them resistant to burglary.
- There will be courtesy lighting between the car parking areas (low level,

low luminance lights to the path), lights within the courtyard area; and lights adjacent to all entrances.

- An intruder alarm system will be provided in both premises.
- At this juncture there is no specific intent to lodge shooting parties here. If shooting parties were to use the holiday unit they would do so at the invitation only of the Estate. The Estate would secure their guests firearms for them, or as may be the case provide secured storage within the unit. That matter would be by application for same to Cumbria Constabulary.

3.12 The agent has also responded to the further points raised by the neighbouring resident by:

- submitting a plan that identifies the extent of the curtilage associated with the proposed holiday let;
- agreement to the imposition of a condition restricting the use of the field to agricultural purposes;
- confirmed that the applicant does not intend to develop the field;
- explaining that the intention is for the holiday let to be served by eight parking spaces, and the Estate house to have four spaces;
- the point of contact for residents regarding the site is/will be the Estate Manager;
- subject to comments from Natural England the applicant is happy to install sensors on the external lights, and the first floor internal corridor lights served by rooflights.

3.13 In September 2013 a "Review of Ecological Issues" prepared by Middlesmarch Environmental Ltd was submitted on behalf of the applicant. The Review highlights, amongst other things, that:

- the habitats present on site prior to development were in themselves of low ecological importance consisting of common widespread habitats with little intrinsic ecological interest;
- the previous Echoes Ecological report found in 2011 a single soprano pipistrelle bat and a single common pipistrelle bat entering a roost within the former house;
- the wider area has an extensive expanse of woodland containing semi-mature and mature broadleaved and coniferous trees providing bats with numerous alternative roosting sites throughout the year;
- records collected by the Biological Records Centres have identified a substantial maternity roost (pipistrelle species) approximately 100 metres north of the site, however the development within the site boundary as described will not impact upon this nearby roost;
- good foraging areas are still available to local bat populations during the contract works and this will continue to be the case post development;
- the minor changes to the site layout have not had a significant impact upon the ecology of the site - the main ecological consideration of the site is the use as a bat roost;
- to date two artificial bat roosting boxes have been installed on nearby trees;
- two bat boxes and bat access slates will be installed on the new building;

- it is still proposed to maintain unlit areas to the east of the buildings providing dark flight corridors for bats to commute and forage;
- the area to the south of the site will be sown with a suitable wildflower mix to attract a wide range of invertebrate species;
- the existing Monkey Puzzle is a non native species and its ecological value is limited. There has been some damage to the aerial parts of the tree as well as severance to the roots. It should be noted that the tree will be 2-3m from the new building which is not ideal as there is a risk of damage to the building;
- given the location and extent of works in the vicinity of the Monkey Puzzle tree the limited mitigation works which are possible include trimming any severed roots, replacing the soil around the tree, feeding the tree, and monitoring the growth/condition of the tree;
- there are a number of trees along the boundary within 5m of the development site which have received root damage. It is suggested that these trees are felled to leave only the mature oak tree. If the trees are felled they should be cut at a height of 4-5m leaving standing stems to rot and provide habitat for invertebrates and woodpeckers etc. Cut timber will be left stacked and some of the brash left to provide shelter and nest sites for birds; and
- the area will then be replanted with small tree species and underwood shrub species such as rowan, hazel, holly and gorse. As well as attracting a range of butterflies, bees and moths they will also provide food sources for red squirrels, dormice and bats.

3.14 The Review concludes that if the measures are undertaken there will be no detrimental impact upon the existing bat population. In addition, the proposed habitat works could enhance biodiversity value of the site compared to its interest before the development was started.

4. Summary of Representations

4.1 This application was originally advertised in the form of a site notice and the direct notification of the occupiers of 27 neighbouring dwellings. In response a total of 16 formal objections and one informal objection from interested parties have been received. The issues raised are:

1. the building site has been an eyesore for several months and has destroyed the natural look and beauty of the area.
2. The proposal for two swimming pools will put the ageing sewage system under excessive strain – will this be renewed at the expense of the developer? Extremely concerned about the additional traffic and in particular the road width – the country road onto which vehicles will pour out is already barely wide enough for two cars to pass let alone the occasional buses, trucks, vans and farm vehicles. As this road is used by many walkers and cyclists there is an accident waiting to happen. Currently the roads are quiet enough for younger children to go out and about on their cycles and to play games. A development of this size would ruin this aspect of village life due to the comings and goings of cars and service vehicles to the proposed complex. There are places

adjacent to the site where two cars cannot pass each other easily at all. This development will lead to an unacceptable increase in traffic (another 12 cars) entering and exiting from a narrow lane with a junction and a blind bend only yards from the gateway. The traffic increase needs to be considered in the light of other planning applications, Stone House (between Townhead and Hayton) development of 15-20 units, and a possible 3 house development in Townhead.

3. This structure is entirely inappropriate for a small hamlet with the combined property capable of sleeping at least 24 people – this is a massive change in use from the original small cottage and is liable to have a significant effect on the character of the hamlet of Townhead.
4. The area covered by the buildings currently proposed is significantly different from the original two bedroom cottage and from the earlier accepted proposals.
5. The extensive work has already begun and is substantially well into the new build making this not just a revised but a retrospective application.
6. No apparent consideration of the impact of the construction and occupation traffic on the local hamlet and entry roads. The local residents have already been seriously inconvenienced and annoyed by the allegedly inconsiderate behaviour of the heavy supply vehicles which are too big for these lanes.
7. There is no clear plan for the use of this significantly revised property, and concern is expressed that, once built, it could have a different end use, such as country boutique hotel or sports facility/leisure centre. The building might end up as a “white elephant”.
8. The proposal is totally out of character with the surrounding landscape and local buildings architecture.
9. The plans are alleged to be inaccurate in respect of dimensions and the representation of the old plans; and inconsistent.
10. The impact of contaminated waste water (chlorine, cleaning chemicals etc) from the swimming pools could have a disastrous effect on the local environment.
11. The noise pollution of a boiler running 24 hours a day will be detrimental to the health and peace of mind of the neighbouring households.
12. It is likely that the “hotel” and surrounding area will be brightly illuminated, thus bringing light pollution to an area of reasonable darkness and tranquillity used by amateur astronomers and observers of nocturnal wildlife.
13. A Self Catering Accommodation Occupancy Survey completed by Cumbria Tourism for 2007-2012 showed a deteriorating trend of un-let occupancy. There appears to be no need for more holiday lets. Adding more will only serve to adversely affect others in the local community who rely on this type of business as their income and employment.
14. Additional noise and disturbance. What assurances can be given over who will occupy the holiday unit – this is a business proposal to make money. The Estate house may be occupied by “in season” workers and work overnight causing more disturbance.
15. Concerned about potential noise and disruption caused by a large group of transient holiday makers with no regard for the tranquillity of the tiny hamlet.
16. Many in the local community object to the previous planning applications

- when are the voices of the local community whom this affects the most going to be heard.
- 17. Townhead is a small rural hamlet fairly isolated in relation to general transport and other public amenities. The proposed holiday complex would largely be dependent on the use of private motor vehicles. As such, the development would not be sustainable in terms of current ministerial and development plan policy.
- 18. Old Townhead Cottage and its adjoining field provided a picturesque and sympathetic entrance to the hamlet when approaching from the south. Thus many local people remain baffled as to how the development granted under 11/0433 and 11/0690 could be approved.
- 19. The proposed replacement buildings by virtue of their scale and character will appear an overstatement of design with none of the unique charm of the previous old dwelling. The proposed new buildings would certainly not echo the rural past of the hamlet and give a false impression of the true historical record for the area. Approaching Townhead from the south, one would encounter overly dominant buildings of an estate character which are incongruous in their setting.
- 20. Correct impact assessments of possible disturbance and road safety issues need to be carried out based upon a properly defined end-use of the buildings.
- 21. Local people sincerely wish to preserve the special character and community spirit of the settlement.
- 22. The current proposal now involves a large estate house linked by a basement to an 8 bed holiday home, with leisure facilities incorporating two swimming pools, games room and gymnasium. This is a commercial enterprise which is totally out of character for a small hamlet such as Townhead and will destroy its rural atmosphere for ever.
- 23. The current application sounds like a plan to build a grand hotel with a swimming pool(s) which would be a total eyesore in this environment.
- 24. It is alleged that the supporting statement and the photographic evidence are not accurate/skewed.
- 25. Assessment of the pressure on highways, water and drainage, and gas services must be revisited. In the case of water, the proposed swimming pools would contain approximately 100,000 litres of water. Water pressure in Townhead is not particularly high and the rest of the village would be likely to suffer low water pressure for prolonged periods (several days at a time) when the pools would be filled. Do not believe that the sanitary sewer system would be able to cope with this volume of flow.
- 26. Storage of guns, firearms and ammunition are a major worry for local residents.
- 27. The property Woodleigh is not marked correctly which therefore inaccurately represents the relationship it has to the proposed buildings.
- 28. The holiday let has been moved forward by 1.6m and the ridge height raised by nearly 1m. These changes if realised will have a hugely detrimental impact on the aesthetic of the village/hamlet. Woodleigh is a landmark that identifies the start of the village/hamlet, with the rest of the village opening up as the observer gets closer. Should the proposed holiday let be built, Woodleigh will only be visible by part of the roofline and chimney pots. In its place will be an overpoweringly large edifice of

a design that would not be complimentary to the rest of the village/hamlet. Should this building be allowed it would through its size impose the Edmond Castle Estate identity on the rest of the village. Townhead is a village where people live and work: it should not be permitted for a huge new build to imply that the rest of the village is part of a theme park “estate village”.

29. The original cottage on the site was a small two bedroom sandstone cottage. The previous applications for the estate house and holiday units had far exceeded the original dwelling in size and stature. That the current proposal is for a block of buildings that are bigger and more imposing still will be hugely negative for the village/hamlet. The proposal will dominate the approach to the hamlet.
30. Concern that there is a hidden agenda and could develop into yet another use such as a leisure centre.
31. If the holiday let is allowed at all, then it should be reduced considerably in height and/or the extent of the wings reduced.
32. It is alleged that the Design and Access Statement misleadingly suggests that many of the design elements of the holiday let are necessary due to Building Regulation requirements for fire safety. However there are numerous ways in which these standards can be met, for example the external fire escape can be included with some revision in the spiral stair serving the basement.
33. Many of the problems described would be exacerbated should the usage creep towards that of a spa/leisure facility. Clear limits should be set on what the usage would be should the application be granted.
34. The HGVs that thunder the narrow lanes daily to and from the site should not be allowed access as there is a sign at the end of the lane that clearly reads “Unsuitable for heavy goods vehicles”.
35. How will this be sustainable if not operating as a hotel and funded by exclusive membership to the gymnasium and spa facilities. Need a sustainability report that this is a viable venture. What sort of change of use will be applied for if/when the proposed business fails? Consideration must be made for the future and possible further unwanted development. If a business plan is expected will the community have sufficient time to scrutinise it before it goes to Committee?
36. There is no statement to say definitely how and for what use the Estate house will be used. What employee or tenant is entitled to a swimming pool? There is an assumption that this house will also become a holiday let.
37. The holiday let can accommodate 16 people say 8 couples. It is not possible to see people sharing a kitchen and cook for 16 every day. This implies a cook/housekeeper but there is no indication where that person will stay.
38. We cannot understand why a development as large as this has proceeded as far as it has. If what was built didn't match any plans, would the developer be allowed to seek retrospective permission yet again?

- 4.2 Following the Committee site visit on the 28th August 2013, a neighbouring resident also raised a number of queries regarding:

1. confirmation that the field will not become domestic curtilage;
2. need to provide cross-sections;
3. whether the applicant can clarify any future intentions regarding the field;
4. clarification on the parking provision;
5. clarification on how the site would be managed if the Estate house is let; and
6. clarification on whether it would be possible for the internal and external lighting to have movement sensors.

5. Summary of Consultation Responses

Carlisle Airport: - the proposed development has been examined from an aerodrome safeguarding aspect and does not conflict with our safeguarding, and has no objection to this proposal.

Cumbria County Council - (Archaeological Services): - no comments received.

Cumbria County Council (Highways & Transportation): - the various highway conditions were included in the previous consents and a Highways Act 1980 Permit has been obtained and the access has been part formed. No objections subject to the imposition of a condition regarding the provision of the access and hard-standing as a substitute for the previous highway conditions.

Local Environment - Environmental Protection: - no objections.

Hayton Parish Council: - The observations of the Council are:

- a potential increase in traffic during construction and once in use;
- inappropriately sized development at Townhead;
- lack of consistency in plans with regard to dimensions and elevations, both with respect to new proposal and previously passed application; and
- a site visit is recommended by the Planning Committee before it is considered further.

Cumbria Constabulary (formerly Crime Prevention): - The additional information provided by the applicant's agent covers each of the points previously raised and demonstrates that security has been considered as part of the design.

The applicant may wish to consider applying for Secured by Design certification for this development – although this will require incorporation of exterior doors and windows that have achieved BS PAS24:2012 (which may not be feasible for the bespoke windows).

The proposal to implement a CCTV scheme is welcomed. The system should be capable of providing evidential quality images, whilst remaining compliant

with Data Protection legislation.

Access Officer, Building Control: - bedrooms one and two are deemed as having full access for disabled people – this should be level access with the thresholds a maximum of 15mm. The two en suites do not meet the requirements laid out in diagrams 25 and 26 of the current Approved Document M – measurements should be 2500mm by 2700mm. Best practice would be to have one with a level access shower and one with a bath facility; a choice of layouts suitable for left-hand and right-hand transfer. Doors should preferably be outward opening but not detract from the circulation of a wheelchair user within the bedroom. An emergency assistance pull cord and alarm system should be fitted. If the applicant is to only provide one fully accessible bedroom and en-suite this should be to bedroom one as this is beside the location for a lift to the ground floor.

A gravel surface within a car parking area is not acceptable for wheelchair users. It is noted that there are flags within the courtyard area with drop off points but if the wheelchair user is the driver of a vehicle they will have to transfer from the car park to the holiday house.

It would be best practice to provide a wheelchair accessible WC in the basement. It may be an option (space allowing) to also provide a family change cubicle so that the facility will not be taken over as a changing room.

Can the applicant confirm what measures there will be to facilitate wheelchair access into the games room due to differing levels resulting in a stepped entry?

In the kitchen there should be sufficient space around the seating area for a wheelchair user to get around. Consideration should be given to the heights of the benches and sockets as well as clear spaces below benches, shared use of kettles, fridges, cookers etc as well as the provision of lever taps.

The whole of the ground floor should be level.

Policy CP15 should be adhered to and guidance should be taken from Approved Document M and BS 8300/2009. The applicant should be aware of their duties under the Equalities Act.

United Utilities: - no objection to the proposed development providing specific conditions are included in any planning permission granted concerning the submission of details showing the drainage of foul and surface water on separate systems inclusive of how the scheme shall be maintained and managed after completion. The proposed backwash water from the swimming pool(s) shall discharge into the soakaway. When the developer applies for a water connection, we will require the installation of a pressure sustaining valve (PSV) on the connection. The PSV will protect the surrounding water network from having poor supplies if the development was to use large volumes of water in a short period of time, i.e. re-filling the pools after cleaning.

6. Officer's Report

Assessment

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan, unless material considerations indicate otherwise. Of particular relevance are Policies DP1, CP1, CP2, CP3, CP5, CP7, CP12, CP15, CP17, EC11, EC16, H1, H10, and T1 of the Carlisle District Local Plan 2001-2016.
- 6.2 In 2006 the DCLG published the "Good Practice Guide on Planning for Tourism" which should be read in the context of national planning policies (para. 1.2). Paragraph 2.7 of the Guide highlights that tourism can lead to valuable economic, social and environmental benefits. However, at the same time, the planning system aims to ensure that these benefits are achieved in the most sustainable manner possible.
- 6.3 Paragraph B18 of Circular 03/2009 "Costs Awards in Appeals and Other Planning Proceedings" explains that planning appeals often involve matters of judgement concerning the character and appearance of a local area or the living conditions of adjoining occupiers of property. However, vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis, are more likely to result in a costs award. Paragraph B21 goes on to say that while planning authorities are expected to consider the views of local residents when determining a planning application, the extent of local opposition is not, in itself, a reasonable ground for resisting development. To carry significant weight, opposition should be founded on valid planning reasons which are supported by substantial evidence. Planning authorities will be at risk of an award of costs for unsubstantiated objections where they include valid reasons for refusal but rely almost exclusively on local opposition from third parties to support the decision.
- 6.4 In April 2012 the government published its National Planning Policy Framework. As up-to-date government advice, this is clearly a highly material consideration in the determination of the application. The NPPF seeks sustainable development/growth in economic, environmental and social respects. The NPPF *"does not change the statutory status of the development plan as the starting point for decision-making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise."* (para.11)
- 6.5 This application comprises two distinct but related elements, namely the replacement Estate house; and the eight bed holiday unit. To lesser or greater degrees depending on the particular element, it is considered that the main determining issues are:
1. the sustainability of the location;

2. the scale of the development;
3. impact on landscape character and visual amenity;
4. impact on the living conditions of neighbouring residents;
5. ecology and biodiversity; and
6. benefits.

Sustainability of location

- 6.6 At the heart of the National Planning Policy Framework (NPPF) there is a presumption in favour of sustainable development which should be seen as a “golden thread” running through decision taking (para.14). For decision taking this means:
1. approving development proposals that accord with the development plan without delay; and
 2. where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF; or specific policies in the NPPF indicate development should be restricted.
- 6.7 Paragraph 28 of the NPPF goes on to say that planning policies should support economic growth in rural areas by taking a positive approach to sustainable new development. To promote a strong rural economy, plans should, amongst other things:
1. support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings;
 2. promote the development and diversification of agricultural and other land-based rural businesses;
 3. support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside.
- 6.8 In relation to housing and sustainable development in rural areas, paragraph 55 of the NPPF explains that where there are groups of smaller settlements, development in one village may support services in a village nearby. Paragraph 173 also explains that pursuing sustainable development requires careful attention to viability and costs in decision-taking.
- 6.9 The current proposal falls outside of a sustainable development location as defined by Policy DP1 of the CDLP (2001-2016). Nevertheless, outside of the City, identified Key Service Centres and Local Service Centres development

needs to be assessed against the need to be in the location specified. Policy EC16 of the CDLP (2001-2016) states that proposals for tourism related development will be supported where they contribute to the economic and physical regeneration of an area subject to compliance of a number of criteria including, when in a rural location, it is well related to an established tourist attraction or an existing group of buildings, or would form an important element of a farm diversification scheme. Policy EC16 also requires tourism development to have adequate access by a choice of means of transport.

- 6.10 When considering the location of the proposal, it is appreciated that Townhead is not within the settlement boundary of the Local Service Centre at Hayton, and that the scheme would largely be dependent on the use of private vehicles. New self-catering accommodation in isolated rural locations where there would be total reliance on a private motor vehicle is generally not deemed to be sustainable in terms of current ministerial and development plan policy.
- 6.11 However, under Policy DP1 there is a recognition that such a conflict could be outweighed if the development has a meaningful link to the location. In this case, the applicant has explained the particular market that is being met by the accommodation with due recognition of the site's rural location and natural setting. Whether this is accepted or not, the site is on the edge of Townhead which is relatively accessible to the Local Service Centre at Hayton. Members will also recollect that during their last Meeting, under application 13/0455, outline planning permission was granted for three dwellings at Elmfield, Townhead.

Scale of development

- 6.12 Criterion 2 of Policy H10 of the Local Plan 2001-2016 states that the scale of the replacement dwelling should be no greater than a 15% increase in the footprint of the original dwelling. The accompanying text in paragraph 5.52 explaining that the "*...new dwelling should reflect the scale and character of the existing dwelling and relate well to other dwellings in the area and the surrounding landscape. As such, the new dwelling must not be substantially larger than the dwelling to be replaced and should be located on or close to the footprint of the original dwelling. This policy is intended to maintain the stock of existing dwellings in the rural area rather than add to the loss of smaller more affordable properties.*"
- 6.13 The original two bed house was relatively small with a ground floor area of approximately 73 square metres and an overall ridge height of 6.8 metres. The applicant has previously enquired about extending the original house under permitted development rights which could have led to the provision of an additional ground floor area of approximately 60 square metres. However, the applicant confirmed that this option would not be pursued pending consideration of application 11/0433. The replacement dwelling approved under 11/0433 has four bedrooms with an overall footprint of approximately 133 square metres and ridge height of 7.3 metres. In effect, the proposal represented an almost the doubling of the footprint when compared to the existing house, but not an increase when compared with what could be

carried out under permitted development rights. This increase in floorspace reflecting the perceived need to improve and modernise the living conditions associated with the original house. In addition, whilst the existing dwelling was modest in terms of its footprint and accommodation, it is duly recognised that it sat within a relatively large plot that was likely to also affect its overall affordability. The replacement dwelling was sited approximately 24m from the facing wall of Woodleigh.

- 6.14 In the case of the currently proposed Estate house, the plans now show a dwelling measuring 10.5m by 11.8m with the addition of a rear single storey porch (2.35m x 2.55m); an eaves height of 5.0m and ridge height of 7.75m; but still located 24m from Woodleigh although re-sited. In effect, the proposed dwelling has a similar footprint albeit with a small increase (from 133 sq. metres to 135 sq. metres), and an increase in height. As already indicated, the submitted plans also show the retention of the basement previously approved under 12/0635 which incorporates a swimming pool.
- 6.15 In summary, when considering the proposed Estate house, the principle of the proposal is acceptable. However, the scale of the proposed replacement dwelling is contrary to criterion 2 of Policy H10 of the Local Plan 2001-2016. Conversely, there are other material considerations that mitigate/weigh in favour of the proposal, namely that the current proposal represents a marginal increase in footprint compared to the previously approved scheme; the recognition that the perceived need to improve and modernise the living conditions associated with the previous (relatively modest) house would remain; and the proposal is situated within a relatively large plot.
- 6.16 In regard to the proposed holiday let, criterion 2 of Policy EC11 and criterion 1 of Policy EC16 of the Local Plan (2001-2016) require tourism development to be in scale with the surrounding area. General concerns regarding the large scale imposition of holiday homes on a small community seeking to preserve its identity are understandable. The problems associated with the “swamping” of an existing community usually manifest themselves through pressures on existing services/facilities, and/or the creation of social instability.
- 6.17 Townhead currently consists of approximately 24 dwellings. In this context it is recognised that the proposed eight bed holiday unit, whether taken in isolation or in combination with the Estate house, has a relative significance for Townhead but this does not mean that it is untoward. There is no evidence that facilities would be overwhelmed. There is no reason to believe that guests would cause, or make worse, any social discord. On the contrary, the proposal may well contribute to existing facilities at Hayton. This aside, the scale of development also needs to be assessed with regard to any harm to the character of the landscape and visual amenity.

Landscape character and visual amenity

- 6.18 The Cumbria Landscape Character Guidance and Toolkit (March 2011) prepared jointly for Local Planning Authorities in Cumbria describes the site as lying within the Cumbria Landscape Character Sub-Type 7c – ‘Sandy

Knolls and Ridges". The toolkit advises that much of this landscape type is regular knolls and ridges; the land cover is generally pasture; field patterns are irregular; and there are significant amounts of woodland cover. The Toolkit advises that when new development takes place within this landscape area, there will be a need to conserve and protect historic villages and hamlets; ensure all development reflects the scale and character of the existing settlement; and encourage additional planting to soften and screen.

- 6.19 The existing dwellings within the immediate vicinity of the site consist of a range of styles (bungalows and houses), external materials, ages, and positioning within their respective curtilages. Townhead has a well defined form. In this context, the proposed holiday unit represents an incursion into formerly open land.
- 6.20 However, the proposed dwellings are shown to be positioned such that they would be set back from the road; the proposed holiday unit is set within an excavated area (as opposed to being in an elevated position); and both properties would be viewed within the backdrop of the existing trees of Whinhill Wood and slope of the land. The proposed design and scale of the dwellings, with their use of vernacular details and traditional materials, are not considered to be significantly larger to that already approved under applications 11/0433 and 11/0690. The tree loss is not considered to be significant with the backdrop of Whinhill Wood and Townhead Wood. The proposed layout and landscape plans show the intention to provide additional screen planting and the contours of the reinstated field to tie in with the form of the existing topography and gradients from the neighbouring land.
- 6.21 It is appreciated that the site resembles what is, in effect a building site. However, once completed it is considered that the impact on the character of the area and/or visual amenity of the proposal, taken individually or collectively, will be consistent with the relevant policies.

Living conditions

- 6.22 When assessing the impact of the proposal on living conditions this can relate to such matters as noise and disturbance, overshadowing, losses in privacy, and fears over anti-social behaviour.
- 6.23 In the case of the occupiers of neighbouring properties, the submitted layout plan shows the proposed holiday unit to be 3.2 metres to the south-east of the Estate house. In mitigation, the proposed north-west elevation of the holiday unit is blank save for a ground floor doorway, first floor means of escape, and five rooflights; and (by lying to the south) the holiday unit should not cause overshadowing. The proposed holiday unit is located 7.3m away from the boundary with Woodleigh but because of the limited openings, the respective site levels, and intervening vegetation, should not lead to problems associated with losses in privacy and overshadowing for the occupiers of this property. Whilst the submitted plans do not show the full extent of the house at Woodleigh this does not, in this case, because of the site levels and existing vegetation mean that the impact cannot be fully assessed. The same conclusion for similar reasons is also reached regarding the relationship of the

proposed Estate house to Woodleigh, albeit that the separation distance between facing walls is further at approximately 24 metres.

- 6.24 The use of the proposed holiday let will inevitably give rise to an increase in the level of pedestrian and vehicular activity at the site. Typically it is alleged that the movements generated by holiday units are greater than general residential dwellings due to frequent leisure trips to visit nearby sights and attractions. In the case of the current proposal, the associated recreational facilities are in the basement, and it is anticipated that the site would attract visitors wanting a different experience to that of a typical holiday camp. As such, it is considered that it would lead to an increase in noise and disturbance but not at a level that would sustain an amenity objection.

Ecology and biodiversity

- 6.25 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.
- 6.26 The previous application relating to Townhead Cottage (11/0433) was accompanied by a Species Protection Plan and Method Statement which confirmed that there are bats roosting within Townhead Cottage but that the behaviour recorded was indicative of male bats roosting away from larger female maternity colonies, and that the site is not deemed to be a location where bats would normally be found hibernating during the winter months. In the intervening period Townhead Cottage has been demolished, the site cleared and work commenced.
- 6.27 The "Review of Ecological Issues" prepared by Middlemarch Environmental Ltd accompanying the current application concludes that if the proposed measures are undertaken (such as the provision of two bat boxes and bat access slates on the new building and retention of unlit areas to the east of the buildings) there will be no detrimental impact upon the existing bat population. In addition, the proposed habitat works (such as sowing the field with a suitable wildflower mix, and replanting of part of the adjacent wood with small tree species and underwood shrub species) could enhance biodiversity value of the site compared to its interest before the development was started.
- 6.28 No evidence has been submitted nor readily apparent reason established to question or contradict the conclusions of the aforementioned Review. Relevant conditions can be imposed to ensure that the proposed measures, inclusive of the proposed means of disposal of foul and surface water, are undertaken.

Benefits

- 6.29 The proposal, although difficult to precisely quantify, will offer benefits to the local economy in terms of construction; and operation through the provision of tourist accommodation.

Other Matters

- 6.30 United Utilities has not raised any objection to the planning application including the two swimming pools, although gone on to explain that, if permission was to be granted, when the developer applies for a water connection a pressure sustaining valve (PSV) on the connection will be required. The PSV will protect the surrounding water network from having poor supplies if the development was to use large volumes of water in a short period of time.
- 6.31 In the context that this application does not determine the need or details/form of any development elsewhere; the site is the subject to current permissions; and the relationship of Townhead to the Local Service Centre at Hayton, consideration of this application is not felt to be premature ahead of the determination of any other application on a different part of the Estate.
- 6.32 The agent has confirmed that the application will comply with the relevant Building Regulations concerning access by disabled people, and in the light of the comments made by the Council's Access Officer the agent has confirmed that accessible en-suites will be redesigned to comply with Part M. The basement level is all accessible and one level as is the ground floor and the nomenclature "lift" is to be added to the drawings. It is felt that reasonable adjustments have been made for access and use of the facilities by disabled persons.
- 6.33 A local resident has queried the accuracy of the Proposed Site Plan (drawing number 1213.18 10 Rev.C) compared to the Proposed Landscape/Reinstatement Site Plan (drawing 1213.18. 11). Drawing 10 (Rev.C) has the length of the proposed holiday let annotated as 21.2 metres whereas the equivalent distance on drawing 11, when scaled, is approximately 25 metres. However, when viewing the electronic version it is apparent that drawing 11 is also similarly annotated with the distance of 21.2 metres. Significantly, the respective distances from the neighbouring property at Woodleigh are consistent. As such, it is considered that the inconsistencies in drawings 10 and 11 neither lead to confusion over what is being proposed nor materially affect the conclusions of any assessment.
- 6.34 Any impacts during construction and external lighting can be controlled through the imposition of relevant conditions.
- 6.35 The need for such a facility has been questioned on the basis that there are other establishments of various kinds already offering accommodation in the immediate area, and that the granting of approval for this development could

potentially impact on the financial interests of nearby enterprises which also provide tourist accommodation. However, ministerial advice has often re-iterated that considerations of commercial competition are not planning matters and this would therefore not provide a valid reason for refusing the application.

- 6.36 The current proposal, in terms of traffic impact, is not considered to be materially different to that already approved under applications 11/0433 and 11/0690. The matters related to security have been addressed by the applicant.
- 6.37 Viability is inherently linked to the ability of a proposal to comply with planning policy and to deliver sustainable development. In this case the principle of holiday accommodation on this site has been accepted. The permission granted under 11/0690 is still extant; and the current proposal is considered to be consistent with the policies of the Local Plan. As such, it is not considered reasonable to request the developer submit a viability report on this element of the proposal.
- 6.38 A set of details and calculations from AL Daines and Partners have been submitted for all the retaining walls under the relevant application to comply with the Building Regulations.
- 6.39 Prior to the Committee undertaking the site visit on the 28th August 2013 a representative of the Parish Council queried whether the required visibility splays for the access can be in place during the construction phase of the development. This was in the context where the Highway Authority had originally recommended visibility splays of 2.4m by 150m for the previous application regarding the holiday lets. In the light of the likely traffic speed, and with due recognition of the existing configuration of the road, the stipulated visibility splays were not imposed as part of a condition. The maximum visibility that can be achieved is 2.4m by 110m, as constructed. In relation to this application, the Highway Authority has not raised any objection subject to the imposition of a condition regarding the provision of the access as a substitute for the previous highway conditions. These matters are addressed through suggested conditions 9 and 16.

Conclusion

- 6.40 In relation to this application there are two distinct but related elements, namely the replacement Estate house; and the eight bed holiday unit.
- 6.41 When assessing the replacement dwelling, the principle of the proposal is acceptable. However, the scale of the proposed replacement dwelling is contrary to criterion 2 of Policy H10 of the Local Plan 2001-2016. Conversely, there are other material considerations that mitigate/weigh in favour of the proposal, namely that the current proposal represents a marginal increase in footprint compared to the previously approved scheme; the recognition that the perceived need to improve and modernise the living conditions associated with the previous (relatively modest) house would remain; and the proposal is situated within a relatively large plot. Its' impact on the character of the area and visual amenity is considered to be

acceptable; it would not lead to material problems in terms of losses in privacy, noise/disturbance and overshadowing; and not harm protected species.

- 6.42 In regard to the holiday unit, it is appreciated that Townhead is not within the settlement boundary of the Local Service Centre at Hayton, and that the scheme would largely be dependent on the use of private vehicles. However, the site is on the edge of Townhead which is relatively accessible to Hayton. On this basis it is considered that the proposal satisfactorily demonstrates compliance with paragraphs 14 and 28 of the NPPF. There is no evidence that existing facilities would be overwhelmed; nor a reason to believe that guests would cause, or make worse, any social discord. The proposed unit is shown to be positioned such that it would be set back from the road within an excavated area and therefore largely screened by the existing trees of Whinhill Wood and slope of the land. As such, and on the basis of the proposed design and scale of the holiday unit, and the associated landscaping, it is considered that the impact (when completed) on the character of the area and visual amenity is consistent with the relevant policies. The proposed holiday let should not lead to problems associated with losses in privacy and overshadowing. It is considered that the proposal would lead to an increase in noise and disturbance but not at a level that would sustain an amenity objection.
- 6.43 Any other matters are not considered to be of such weight as to determine the outcome of any decision.
- 6.44 On this basis the proposal is recommended for approval subject to the imposition of relevant conditions.

7. Planning History

- 7.1 In September 2011, under application 11/0433, planning permission was given for a replacement dwelling at Townhead Cottage, Hayton.
- 7.2 In November 2011, under application 11/0690, full permission was given for the erection of eight holiday let units on land adjoining Townhead Cottage.
- 7.3 In 2012, under application 12/0242, approval was given to discharge conditions 4 (materials) And 5 (bat habitat mitigation measures) regarding the permission granted under 11/0433.
- 7.4 In August 2012, under applications 12/0540 and 12/0635 approval was given for non material amendments to include basements for the developments approved under 11/0690 and 11/0433.
- 7.5 In December 2012, under application 12/0736 partial discharge of conditions 6 (Bat Friendly Ridge Tiles); 8 (Hard Surface Details); And 13 (Drainage Details) and full discharge of conditions 7 (Materials); and 11 (Landscape Scheme) relating to application 11/0690 was given.

8. 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 rec'd 30 May 2013;
2. Dwg 1213.18.01 Proposed Basement Plan (Single letting unit) Rev.B rec'd 25 July 2013;
3. Dwg 1213.18.02 Proposed Ground Floor Plan (Single letting unit) Rev C rec'd 16 August 2013;
4. Dwg 1213.18.03. Proposed 1st Floor Plan (single letting unit)Rev.B rec'd 25 July 2013; .
5. Dwg 1213.18.04 Proposed Roof Plan (single letting unit) Rev.B rec'd 25 July 2013; .
6. Dwg 1213.18.05 Proposed Elevations to Quadrangle/Courtyard sheet 1 Rev. B rec'd 25 July 2013;
7. Dwg 1213.18.06 Proposed Elevations to Quadrangle/Courtyard sheet 2 Rev. B rec'd 25 July 2013;
8. Dwg 1213.18.07 Setting Out Section PRELIMINARY Rev. A rec'd 25 July 2013; .
9. Dwg 1213.18.08 Proposed & Existing Site Sectional Elevations Rev. A rec'd 25 July 2013;
10. Dwg 1213.18.10 Proposed Site Plan (single letting unit) Rev.C rec'd 15 September 2013 attached to e-mail sent by agent to the Case Officer at 16:54 hours;
11. Dwg 1213.18.11 Proposed Landscape/Reinstatement Site Plan rec'd 15 September 2013 attached to e-mail sent by agent to the Case Officer at 16:54 hours;
12. Dwg 1213.18.12 Location Plan Rev.O rec'd 25 July 2013;
13. Dwg 1213.18.13 Block Plan Rev.O rec'd 25 July 2013;
14. Dwg 1213.18.14 Site Survey - made 29.04.13 Rev.O rec'd 25 July 2013;
15. Dwg 1213.19.01 Proposed Ground & 1st Floor Plans Front & Gable Elevations as proposed Rev.C rec'd 16 August 2013;
16. Dwg 1213.19.02 Basement, Loft & Roof Plans Rear & Gable Elevations as proposed Rev.B rec'd 6 June 2013;
17. the submitted Design and Access Statement rec'd 30 May 2013 and "Review of Ecological Issues" prepared by Middlemarch Environmental Ltd and rec'd 18th September 2013;
18. the Notice of Decision; and
19. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: For the avoidance of doubt.

3. The holiday unit hereby approved shall be used for let holiday accommodation as a single planning unit and for no other purpose, including any other purpose in Class C of the Schedule to the Town and County Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order with or without modification. Under no circumstances shall the applicant or successors in title subsequently let, use or permit to be used any part of the holiday unit hereby permitted independently of the remainder of the overall property.

Reason: To ensure that the approved holiday accommodation is carried out as assessed.

4. A bound register of all occupants of the holiday unit hereby approved shall be maintained at all times and shall be made available for inspection by the Local Planning Authority on request. The register shall contain details of those persons occupying the premises, their name, normal permanent address and the period of occupation of the premises by them.

Reason: To ensure that the approved holiday accommodation is carried out as assessed.

5. The paddock/field as identified on drawing number 1213.18.11 shall be retained and used for agriculture as defined in Section 336 of the Town and Country Planning Act 1990.

Reason: For the avoidance of doubt and safeguard the visual amenity of the area.

6. No dwelling hereby permitted shall be occupied until the "bat friendly ridge tiles" and bat boxes have been provided in accordance with details submitted to and approved in writing beforehand by the local planning authority.

Reason: To mitigate and enhance the impact of the development upon bats in the vicinity and to ensure compliance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

7. At the expiration of four months from the granting of this permission, construction on the site shall cease unless 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.

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

8. Prior to implementation details shall be submitted of the proposed hard surface finishes to all external areas within the proposed scheme and approved by the Local Planning Authority. The approved scheme shall be fully implemented prior to the commencement of use of any unit hereby

permitted.

Reason: To ensure that materials to be used are acceptable and in compliance with the objectives of Policy EC16 of the Carlisle District Local Plan (2001-2016).

9. Prior to the occupation of any dwelling unit hereby permitted the whole of the access area bounded by the carriageway edge, splays, and crossings of the highway verge, driveway, and car park shall be constructed and drained in accordance with details submitted to and approved in writing beforehand by the Local Planning Authority.

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

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order), no extensions shall be carried out to the holiday unit hereby permitted without the permission of the local planning authority.

Reason: The local planning authority wishes to retain full control over the matters referred to in order to protect the living conditions of the neighbouring residents and safeguard the character of the area in accordance with Policy EC16 of the Carlisle District Local Plan 2001-2016.

11. At the expiration of four months from the granting of this permission, construction on the site shall cease unless a landscaping scheme (inclusive of the proposed measures and habitat works identified in the "Review of Ecological Issues" prepared by Middlemarch Environmental Ltd) has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that a satisfactory landscaping scheme is prepared and the development safeguards the existing ecology and visual amenity of the area, in accord with Policies CP2 and CP3 of the Carlisle District Local Plan 2001-2016.

12. All works comprised in the approved details of landscaping (including the re-instatement and re-grading work of the site and paddock/field, and the proposed ecological measures and habitat works) shall be carried out in the first planting and seeding season following the commencement of use of any unit hereby permitted or completion of the development, whichever is the sooner.

Reason: To ensure that a satisfactory landscaping scheme is implemented in accord with Policies CP2 and CP3 of the Carlisle District Local Plan 2001-2016.

13. No dwelling hereby approved shall be occupied until an external lighting scheme that minimises any potential impacts of light pollution has been completed in accordance with details submitted to and approved in writing

beforehand by the Local Planning Authority.

Reason: To safeguard the ecology and environment of the area.

14. The holiday unit hereby permitted shall not be occupied until the lighting in the first floor corridors is fitted with movement sensors to minimise any impacts of light pollution in accordance with details submitted to and approved in writing beforehand by the Local Planning Authority.

Reason: To safeguard the environment of the area.

15. At the expiration of four months from the granting of this permission, construction on the site shall cease unless a Construction Site Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Site Management Plan shall include the proposed routes and timetabling of construction traffic, the hours of operation on the site; measures to control dust, and a lighting mitigation plan to minimise the spread of light.

Reason: To safeguard the environment, ecology and the living conditions of local residents.

16. Construction on the site shall cease unless the vehicular access and associated visibility splays identified on drawing number 1213.18.10 Rev B are retained.

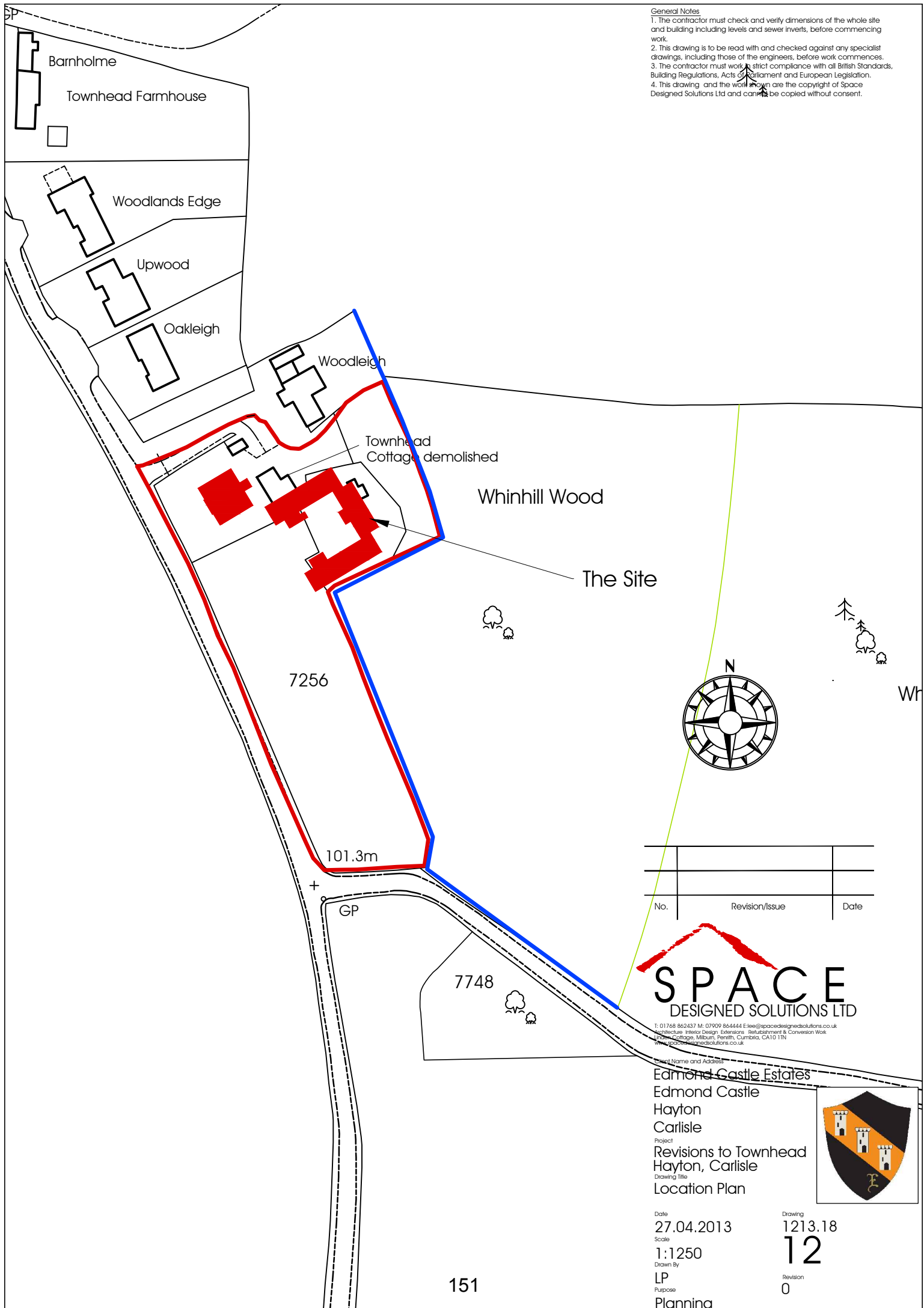
Reason: In the interests of highway safety during the construction phase of the development.

17. No development approved by this permission shall be commenced until a scheme for the separate drainage of surface water and foul water (inclusive of backwash water drainage for the swimming pools into a respective soakaway and how the scheme shall be maintained and managed after completion) shall be submitted to and approved in writing by the Local Planning Authority. The backwash water drainage scheme for the swimming pools submitted for approval shall be in accordance with the principles set out in the e-mail sent by the agent to the Case Officer on the 28th August 2013. No part of the development shall be occupied until the respective elements of the drainage scheme have been fully constructed in accordance with the approved details. For the avoidance of doubt, neither drainage from the proposed swimming pools, surface water, land drainage, nor highway drainage shall connect into the public sewerage system (directly or indirectly). The development shall thereafter be maintained and managed in accordance with the approved details.

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

General Notes

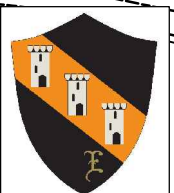
1. The contractor must check and verify dimensions of the whole site and building including levels and sewer inverts, before commencing work.
2. This drawing is to be read with and checked against any specialist drawings, including those of the engineers, before work commences.
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www.spacedesignedsolutions.co.uk

Client Name and Address
Edmond Castle Estates
Edmond Castle
Hayton
Carlisle
Project
Revisions to Townhead
Hayton, Carlisle
Drawing Title
Location Plan

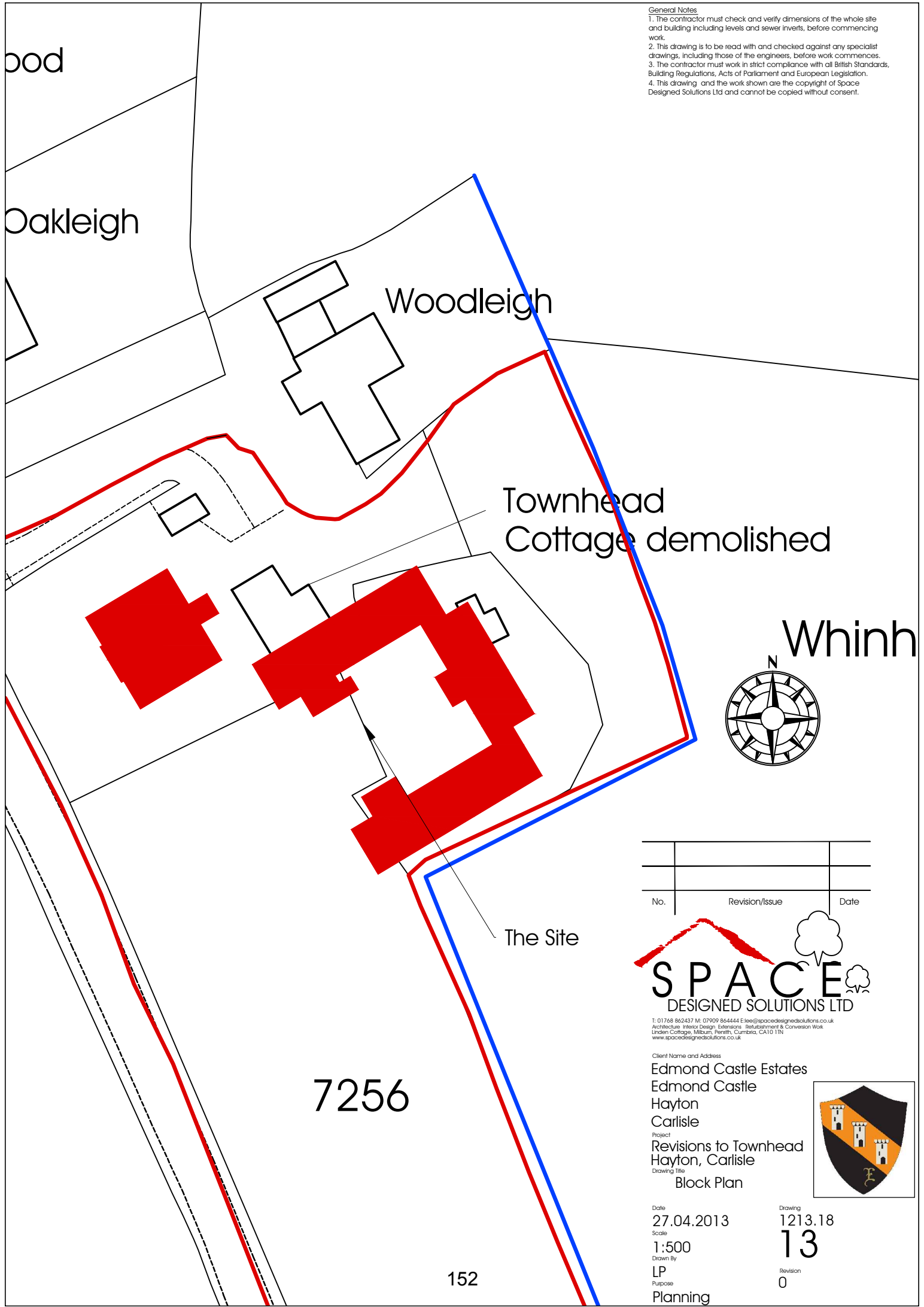


Date
27.04.2013
Scale
1:1250
Drawn By
LP
Purpose
Planning

Drawing
1213.18
12
Revision
0

General Notes

1. The contractor must check and verify dimensions of the whole site and building including levels and sewer inverts, before commencing work.
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No.	Revision/Issue	Date

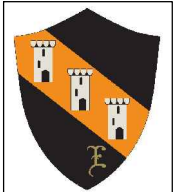


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Client Name and Address
 Edmond Castle Estates
 Edmond Castle
 Hayton
 Carlisle

Project
 Revisions to Townhead
 Hayton, Carlisle

Drawing Title
 Block Plan



Date
 27.04.2013
 Scale
 1:500
 Drawn By
 LP
 Purpose
 Planning

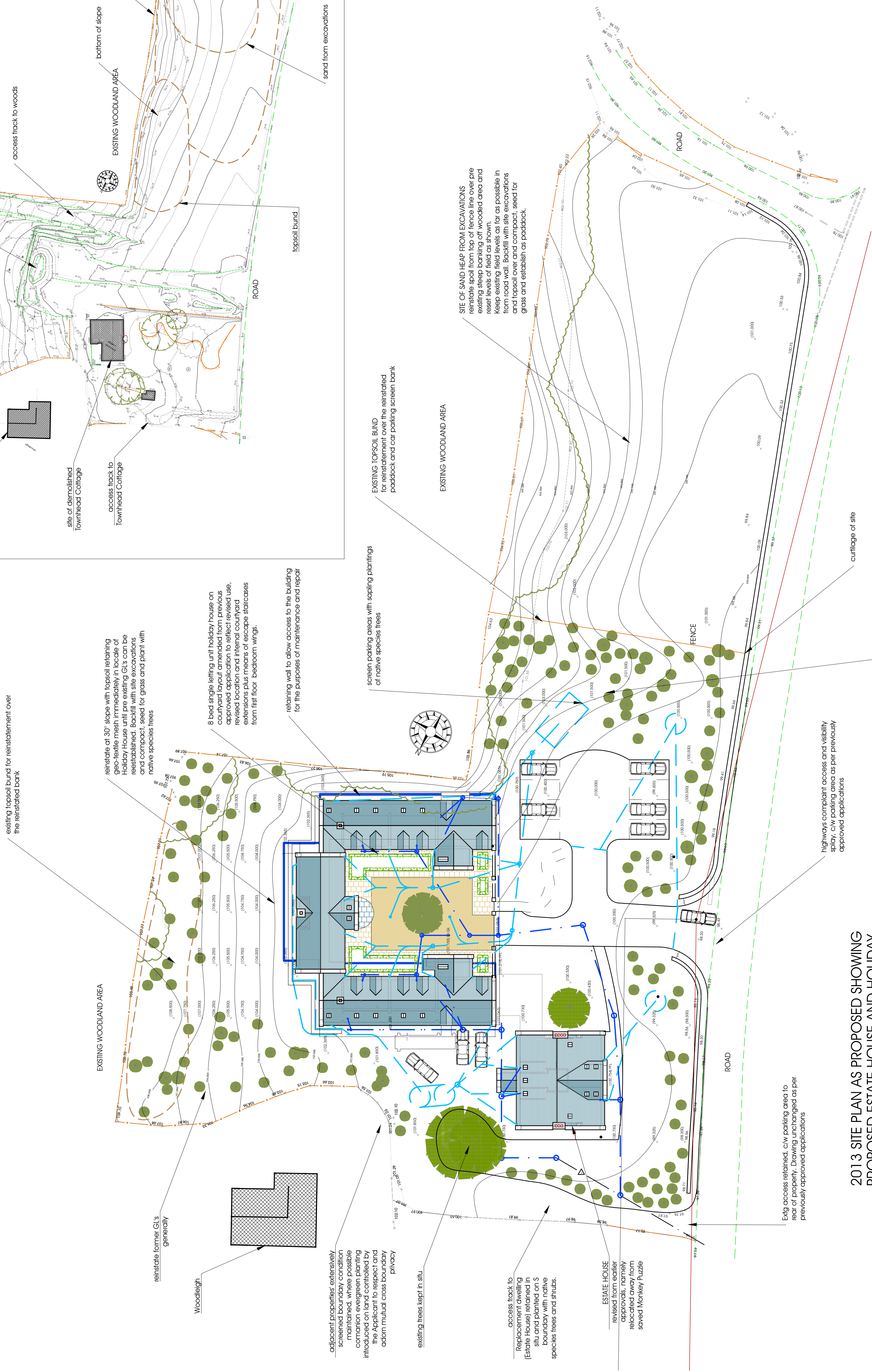
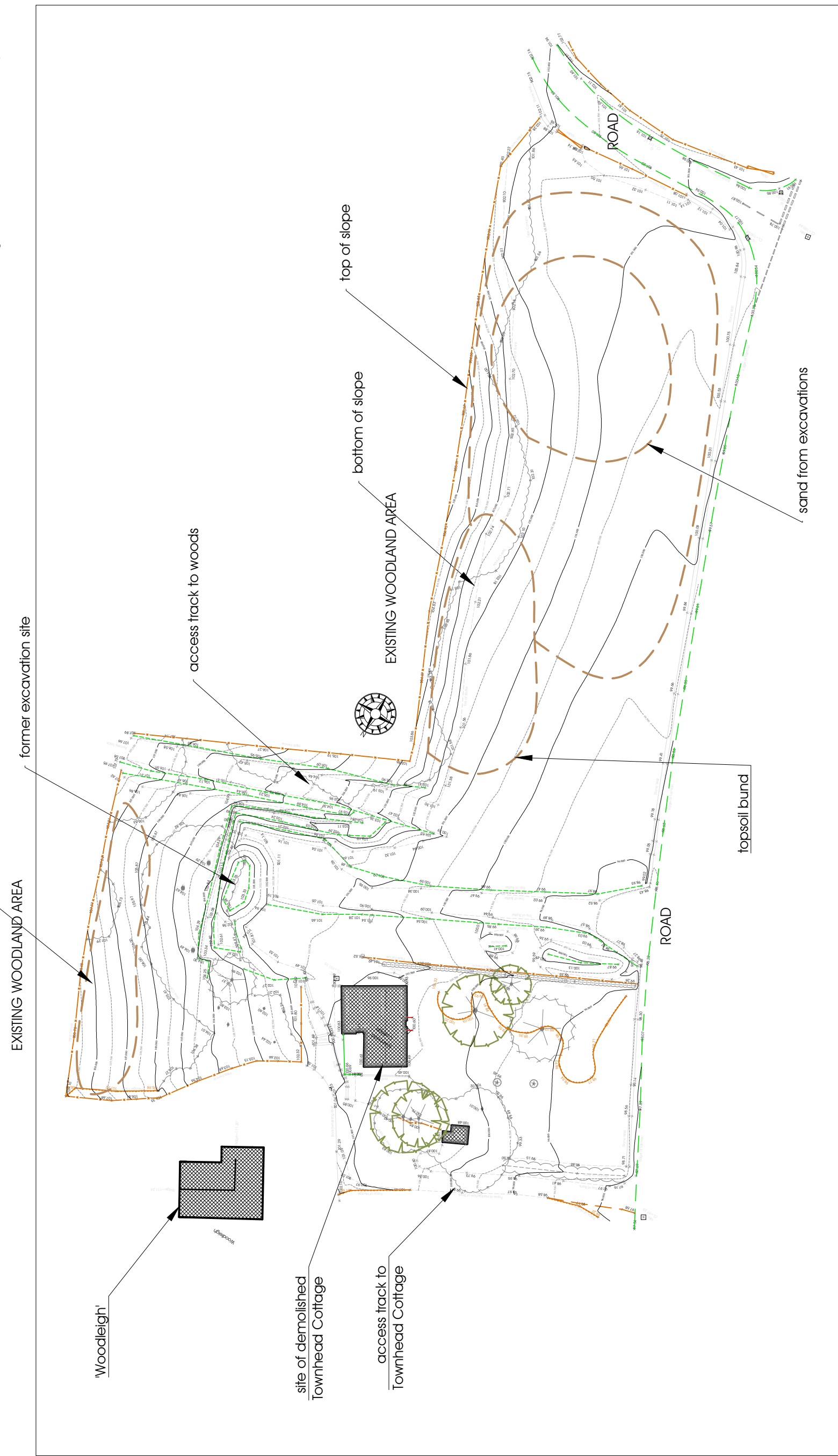
Drawing
 1213.18
 13
 Revision
 0

2011 HISTORIC SITE PLAN PRE ORIGINAL PLANNING APPLICATIONS

scale 1:500

General Notes

1. The contractor must check and verify dimensions of the whole site and building including levels and several levels, before commencing work.
2. This drawing is to be read with and checked against any specialist drawings, including those of the engineers, before work commences.
3. The contractor must work in strict compliance with all British Standard Building Regulations, Acts of Parliament and European Legislation.
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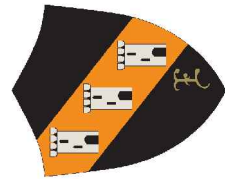


2013 SITE PLAN AS PROPOSED SHOWING PROPOSED ESTATE HOUSE AND HOLIDAY HOUSE, LANDSCAPE REINSTATEMENT PROPOSALS

scale 1:250

No.	Revision/issue	Date	

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Unit 10, The Mill Lane, Lutterworth, Leicestershire LE17 4NF
Lutterworth, Leicestershire LE17 4NF Conversion Road



Client Name and Address
Edmond Castle Estates
Edmond Castle

Carlisle
Project
Revisions to Approved Holiday Units
Townhead, Hayton

Proposed Landscape/Reinstatement Site Plan

Date: 28.04.2013
 Drawing: 1213.18

Scale
1:250, 500
Drawn By

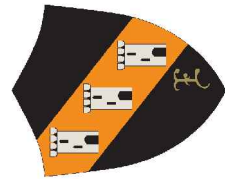
LVP	Revision
Purpose	0



A	Sample Dimensions added to building	06.08.13
B	Visibility display dim revised	29.08.13
C	Estate House relocated to position approved under 17/0433	11.09.13
No.	Revision/issue	Date

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Edmond Castle Estates
Edmond Castle

Carlisle
Hayton
Project

Project
Revisions to Approved Holiday Units
Townhead, Hayton
Drawing Title

Proposed Site Plan
(Single Letting Unit)

Date 28.04.2013

Scale
1:100

Drawn By
LVP

Purpose

General Notes


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B	revisions following as built survey	13.04.13
No.	Revision/Issue	Date



Client Name and Address



Edmond Castle Estates
Edmond Castle
Hayton
Carlisle

Revisions to Approved Holiday Units Townhead, Hayton

Proposed Basement Plan
(Single Letting Unit)

Date 31.03.2013 Drawing 1213.18

1:50
01

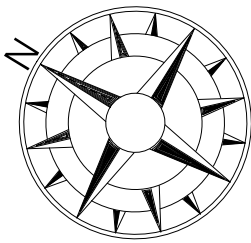
LVP
Purpose

Planning




General Notes

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2. This drawing is to be read with and checked against any specialist drawings, including those of the engineers, before work commences.
3. The contractor must work in strict compliance with all British Standards.
4. Building Regulations, Acts of Parliament and European Legislation.
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A	Escape staircase revised from FF beds at Client instruction	06.04.13
B	revisions following as built survey	13.04.13
No.	Revision/Issue	Date



Client Name and Address	
Edmond Castle Estates	
Edmond Castle	
Hayton	
Carlisle	

Project:
Revisions to Approved Holiday Units
Townhead, Hayton
Drawing Title:
Proposed First Floor Plan
(Single Letting Unit)

Date	31.03.2013
Drawing	1213.18

scale
1:50
03

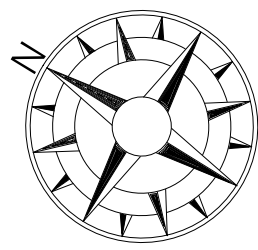
LVP
Purpose

Planning

General Notes

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2. This drawing is to be read with and checked against any specialist drawings, including those of all the engineers, before work commences.
3. The contractor must act in strict compliance with all British Standards, Building Regulations, Acts of Parliament and European Legislation.
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Architectural section drawing of a building. The drawing shows a cross-section of a structure with a sloped roof. A large, multi-paned window is visible on the left side, labeled "timber framed dormers future details". A smaller, single-paned window is located on the right side, labeled "conservation rooflights in the roof to light the spaces below". The drawing includes structural elements like walls, floors, and roof trusses, and is annotated with dimensions and notes.




A	Escape staircase revised from FF beds at Client instruction	06.04.13
B	revisions following as built survey	13.04.13
No.	Revision/issue	Date



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www.spacedesignsolutions.co.uk

Client Name and Address	
Edmond Castle Estates	
Edmond Castle	
Hayton	
Carlisle	

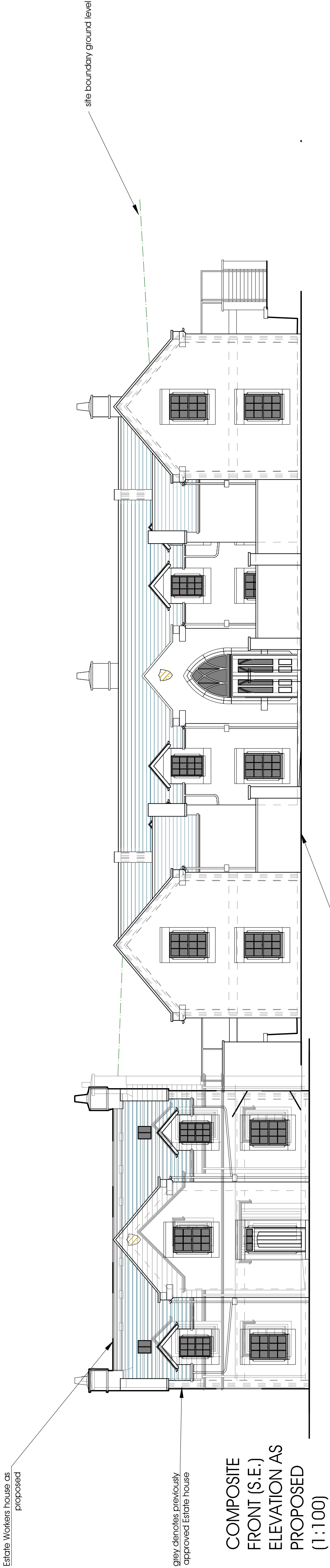
Project:
Revisions to Approved Holiday Units
Townhead, Hayton
Drawing Title:
Proposed Roof Plan
(Single Letting Unit)

Drawing
 1213.18
 04
 Revision
 B

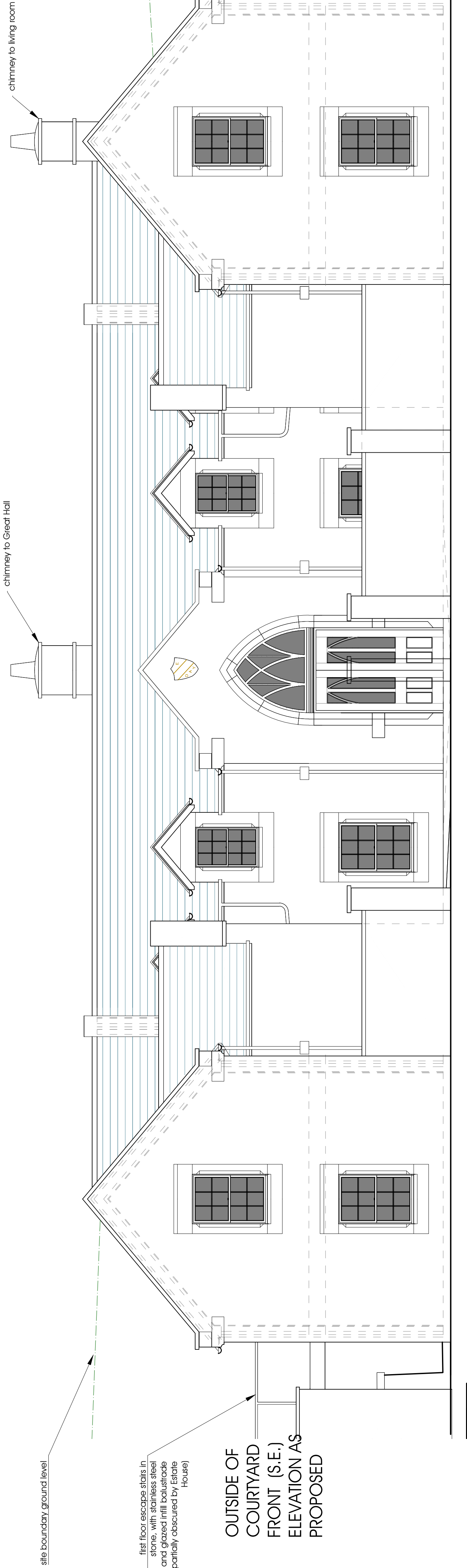
Planning

General Notes

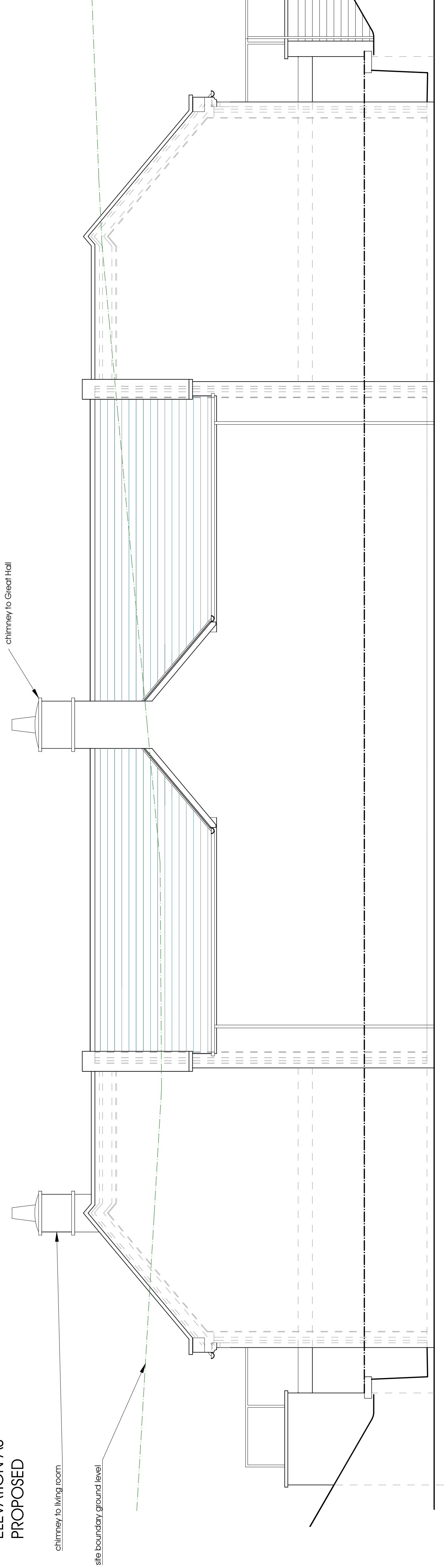
1. The contractor must check and verify dimensions of the whole site and building including levels and sewer inverts, before commencing work.
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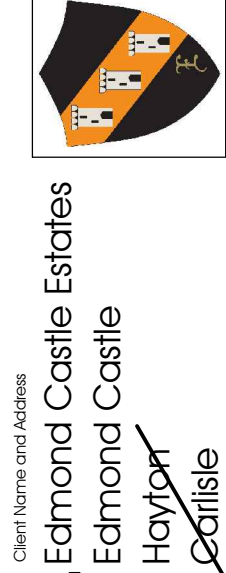
As Proposed:
8 Bed Holiday Letting unit



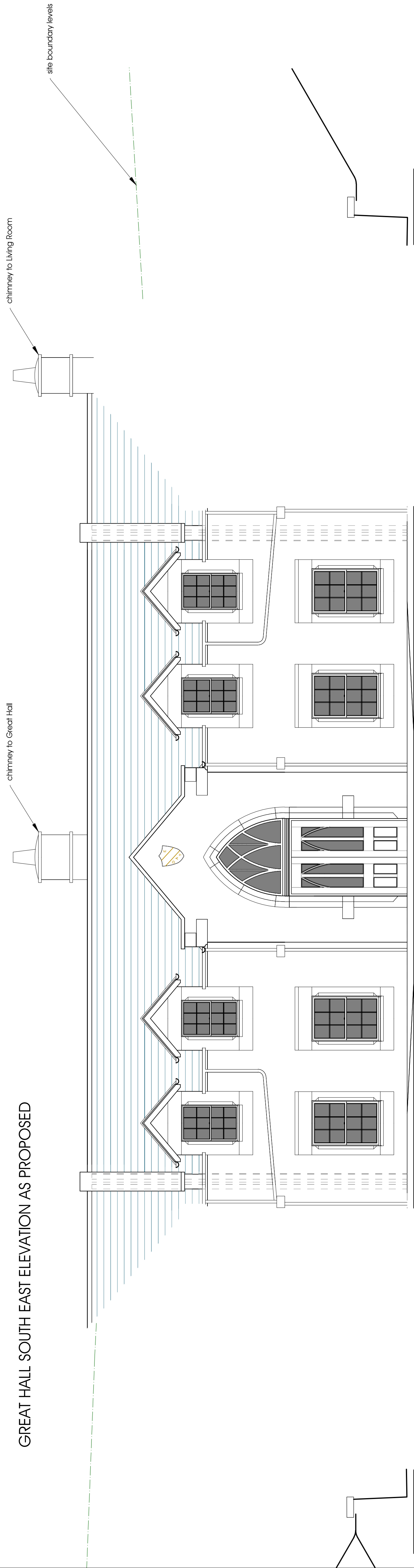
REAR (N.W.)
ELEVATION AS
PROPOSED



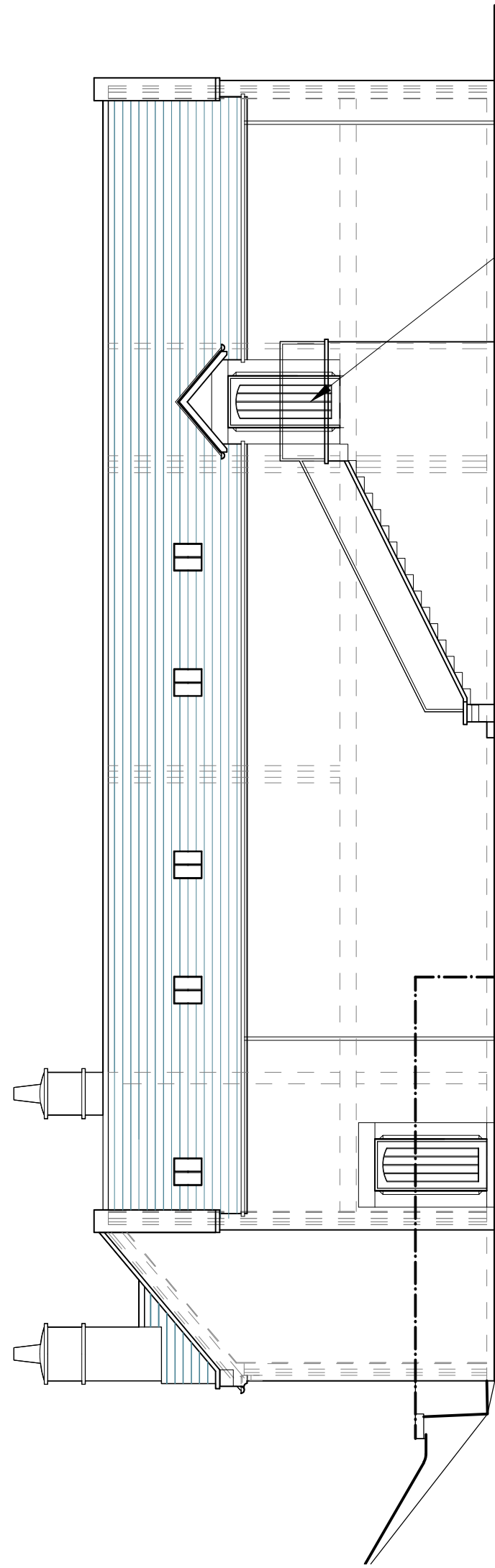
Site levels plotted on front elevation			
A	Escape staircase revised from FF	13.04.13	
B	beds at Client institution	13.04.13	
revisions following as built survey			
No.	Revision/Issue	Date	



GREAT HALL SOUTH EAST ELEVATION AS PROPOSED

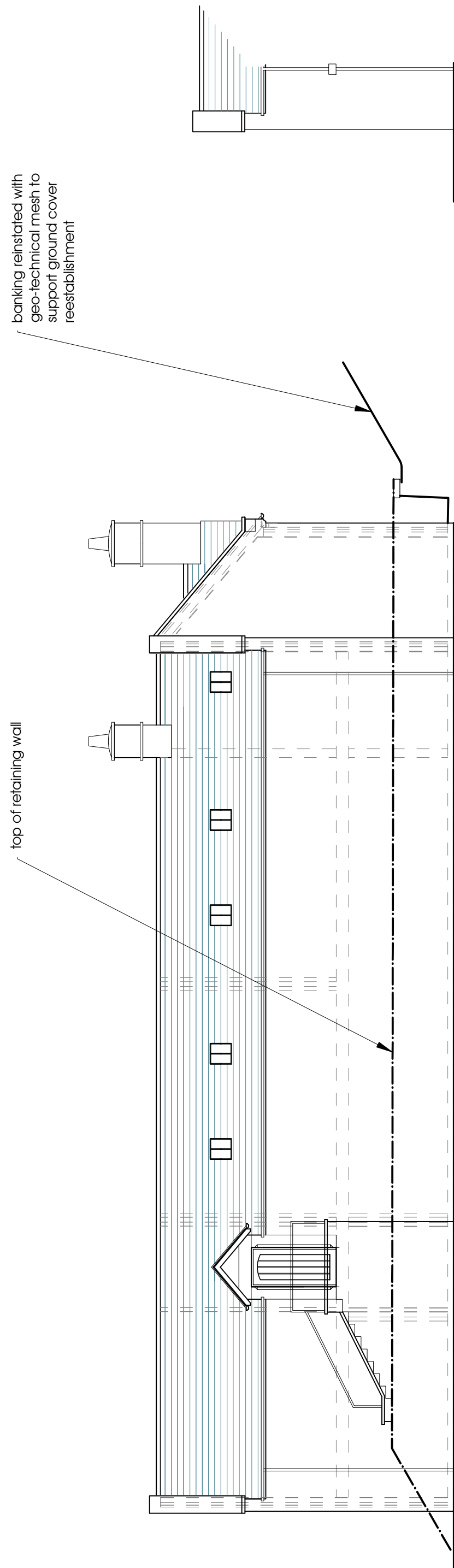


NORTH WEST ELEVATION AS PROPOSED



glass and stainless steel
handrails and balustrades
over stone clad escape
stairs structure

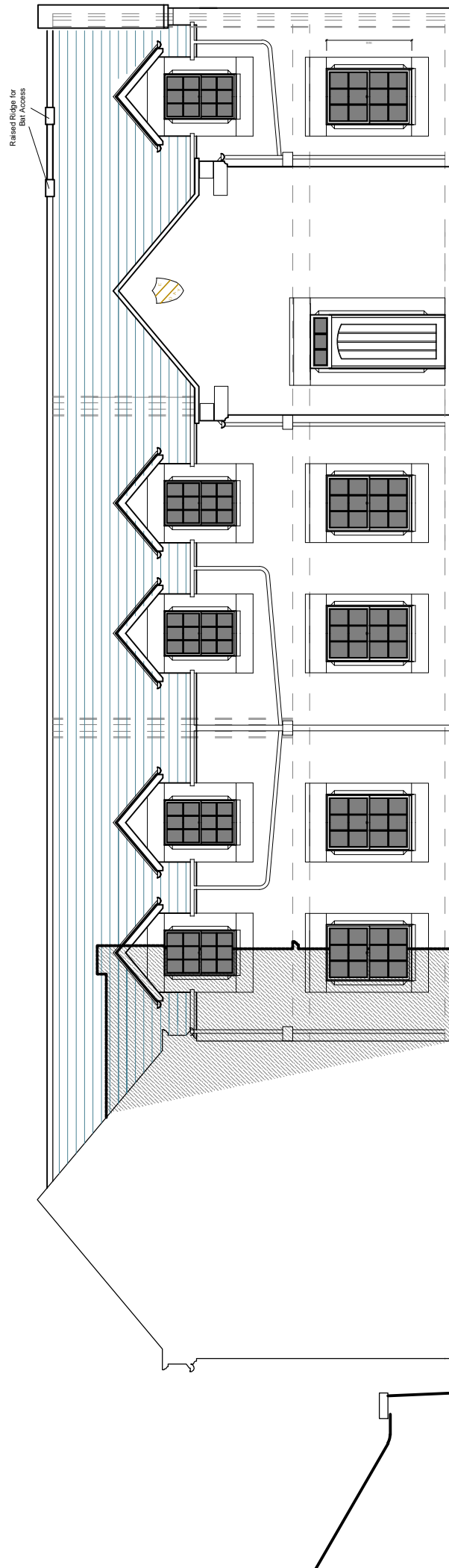
SOUTH EAST ELEVATION AS PROPOSED



banking reinstated with
geo-technical mesh to
support ground cover
reestablishment

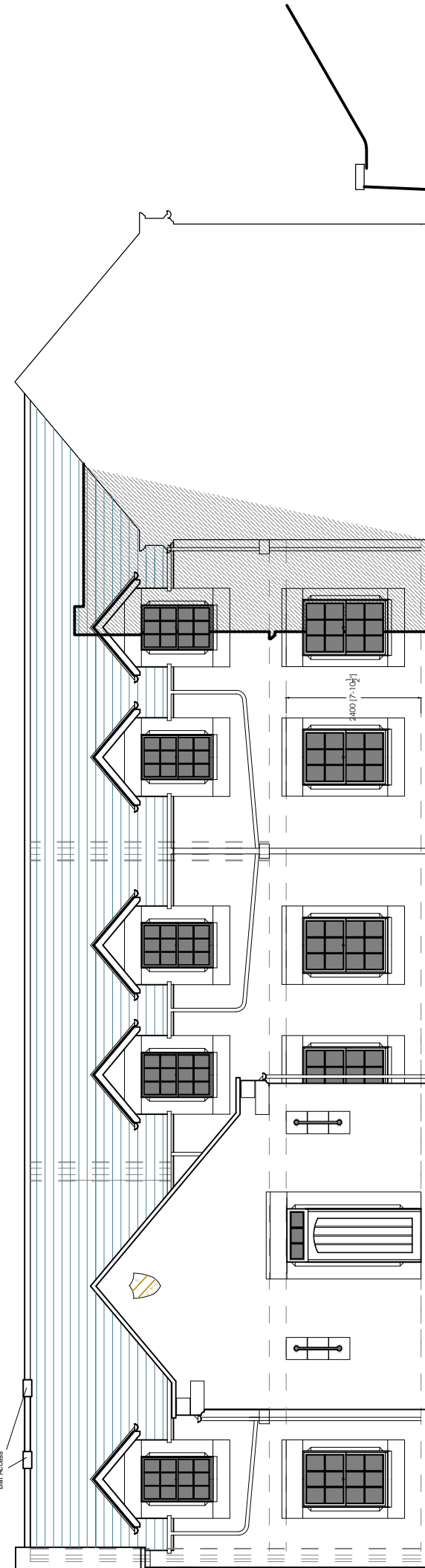
INSIDE OF COURTYARD: SIDE
ELEVATIONS TO GREAT HALL
LOBBY AS PROPOSED

1:100 (MIRRC)



INSIDE OF COURTYARD: NW SIDE ELEVATION AS PROPOSED

(1:100)



INSIDE OF COURTYARD: SE SIDE ELEVATION AS PROPOSED

(1:100)

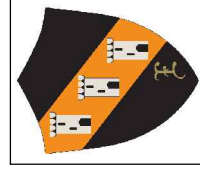
A	Escape staircase revised from FF beds at Client instruction	06.04.13
B	revisions following as built survey	13.04.13
No.	Revision/issue	Date



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Undercliffe, Mill Lane, Undercliffe, Leeds LS1 5JF
Unit 20, The Mill, Mill Lane, Undercliffe, Leeds LS1 5JF

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Ironbridge Mill, Millum Cottage, Milsum, Penrith, Cumbria CA10 1TN
www.spaceadsignedsolutions.co.uk



Client Name and Address	
Edmond Castle Estates	
Edmond Castle	
Hayton	
Carlisle	

Revisions to Approved Holiday Units Townhead, Hayton Proposed Elevations to Drawing Title

Order	Date	Drawing
1	31.03.2013	1213.18

06
1:50
Scale

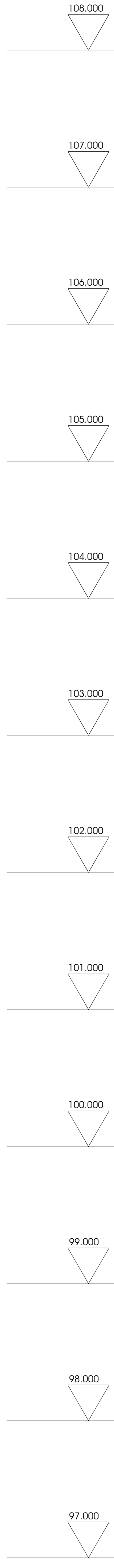
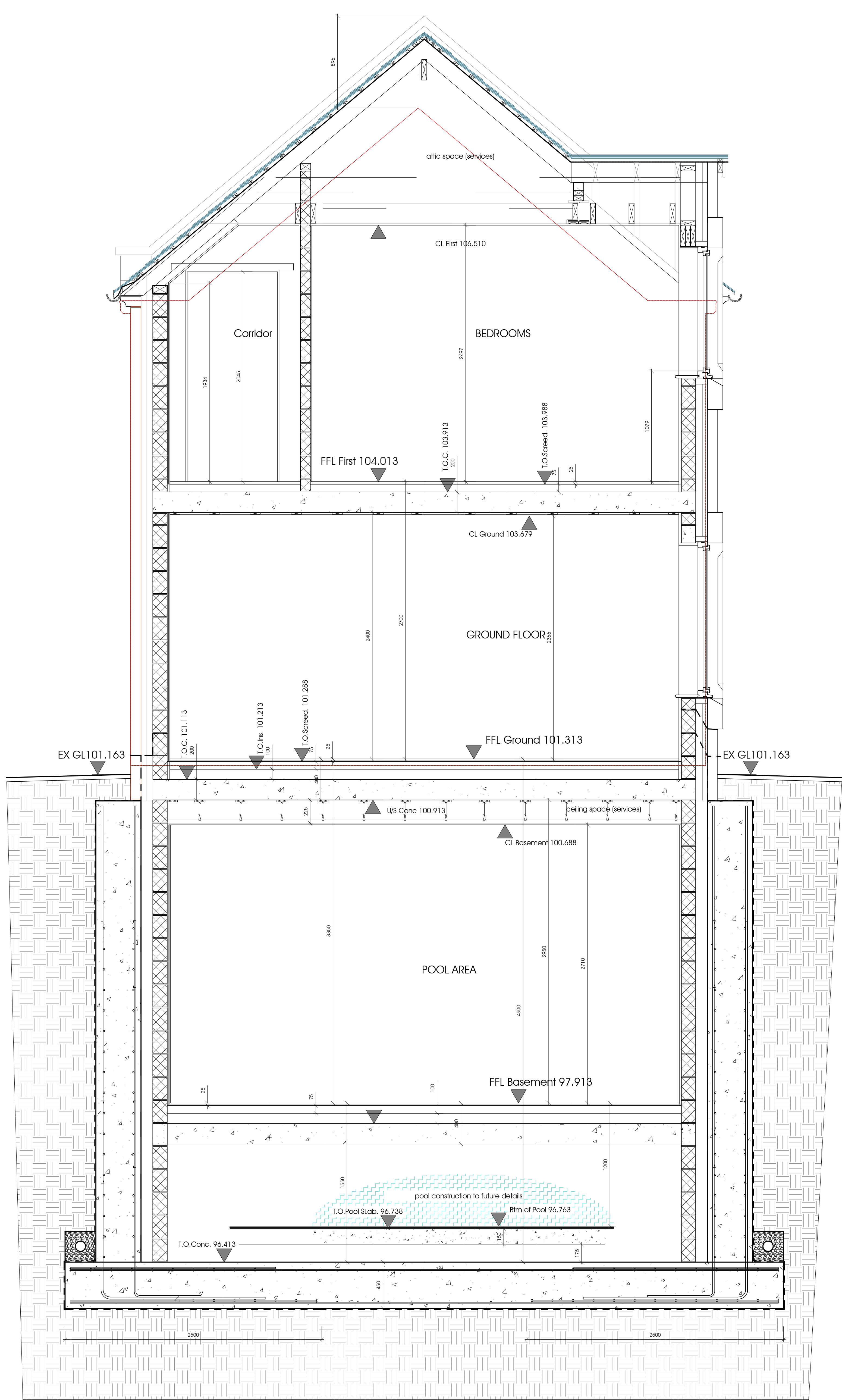
LVP Purpose

Planning

General Notes

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General Notes: 109.000
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A	revisions following as built survey	13.04.13
No.	Revision/Issue	Date

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Green Cottage, Millburn, South Cumbria, C.A.10 1TN
www.spacedesignedsolutions.co.uk

Client Name and Address
Edmond Castle Estates
Edmond Castle
Hayton
Carlisle

Project
Revisions to Approved Holiday Units
Townhead, Hayton

Drawing Title
Setting Out Section
PRELIMINARY

Date
02.04.2013

Scale
1:20

Drawn By
LP

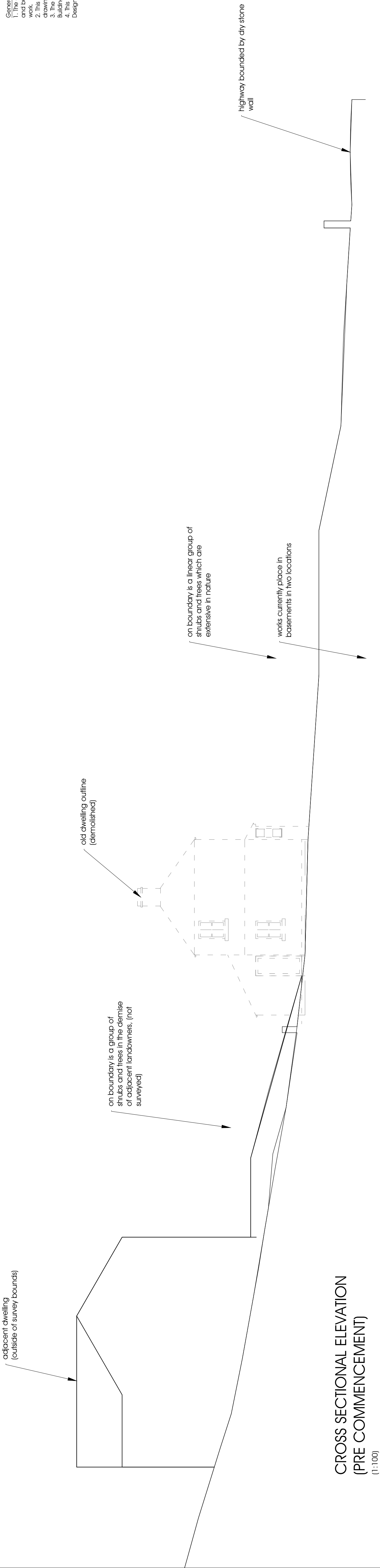
Purpose
Planning

Revision
A

1213.18
07

General Notes

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3. The contractor must work in full accordance with all listed standards, rules, regulations, codes of practice, and any other relevant documents.
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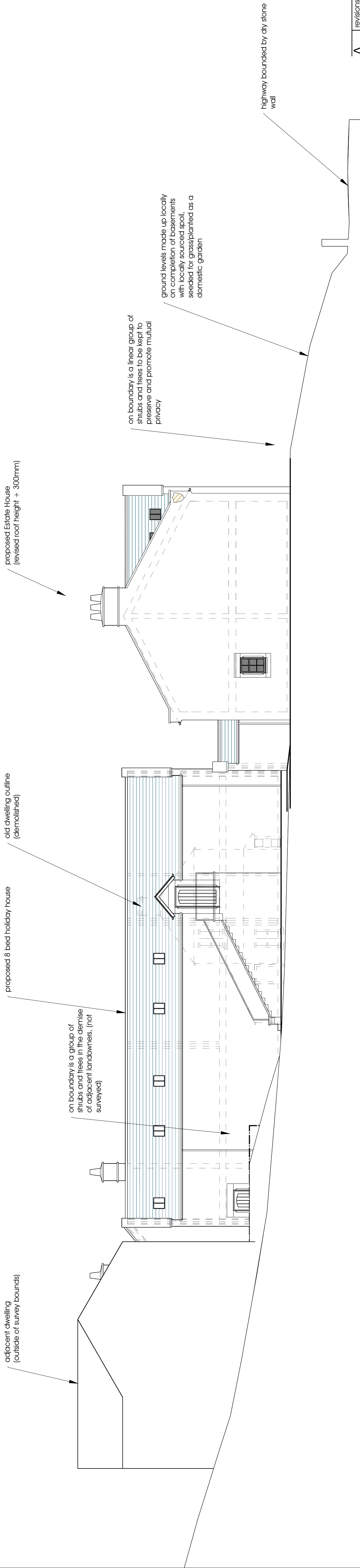


CROSS SECTIONAL ELEVATION
(PRE COMMENCEMENT)

(1:100)

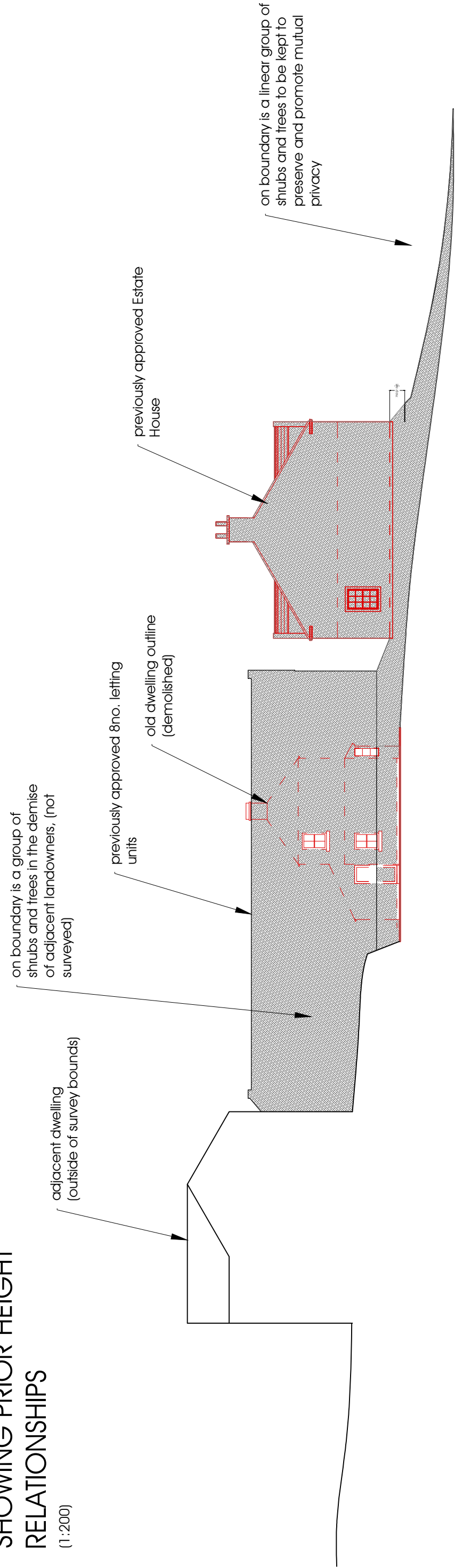
CROSS SECTIONAL ELEVATION
SHOWING PROPOSED HEIGHT
RELATIONSHIPS

(1:100)



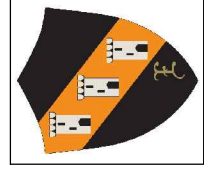
CROSS SECTIONAL ELEVATION
SHOWING PRIOR HEIGHT
RELATIONSHIPS

(1:200)



A	revisions following as built survey	13.04.13
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No.	Revision/Issue	Date
-----	----------------	------



Proposed and Existing
Edmond Castle
Hayton
Carlisle
Project
Revisions to Approved Holiday Units
Townhead, Hayton
Drawing No.

Site Front Elevations

Date
10.04.2013

Scale
1:200

Drawn by
LVP

Project
Planning

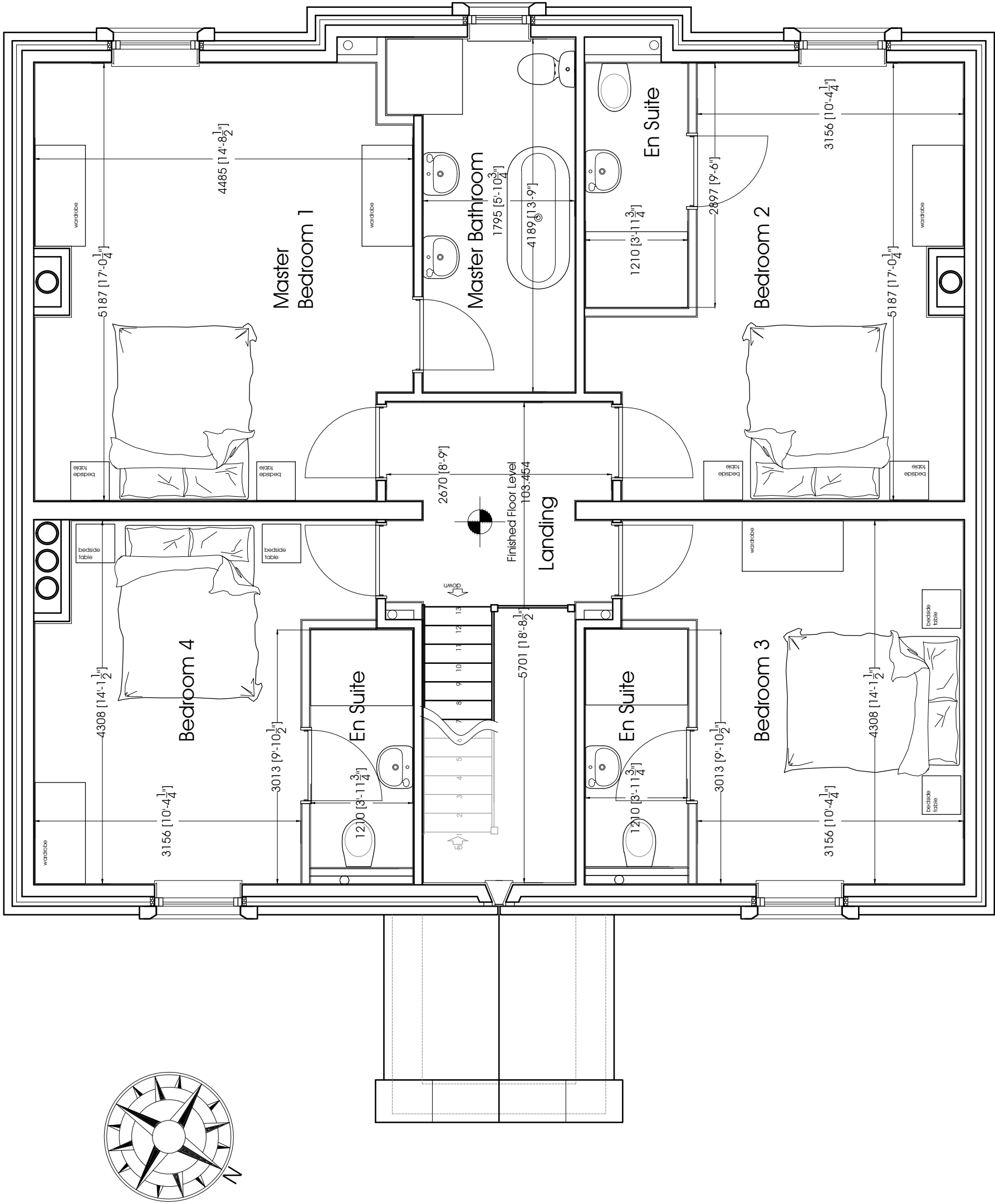
Revision
A

Drawing
1213.18

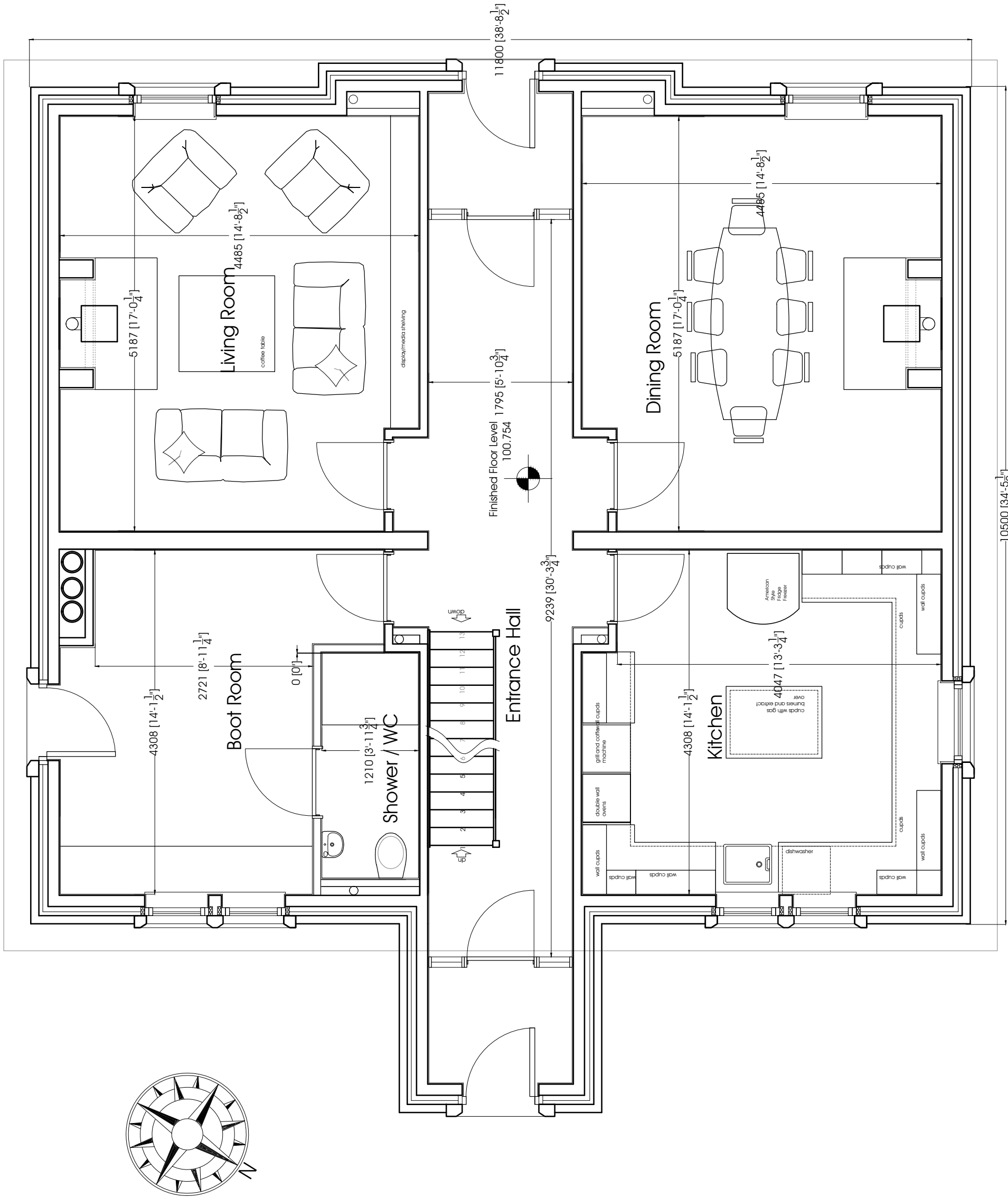
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General Notes

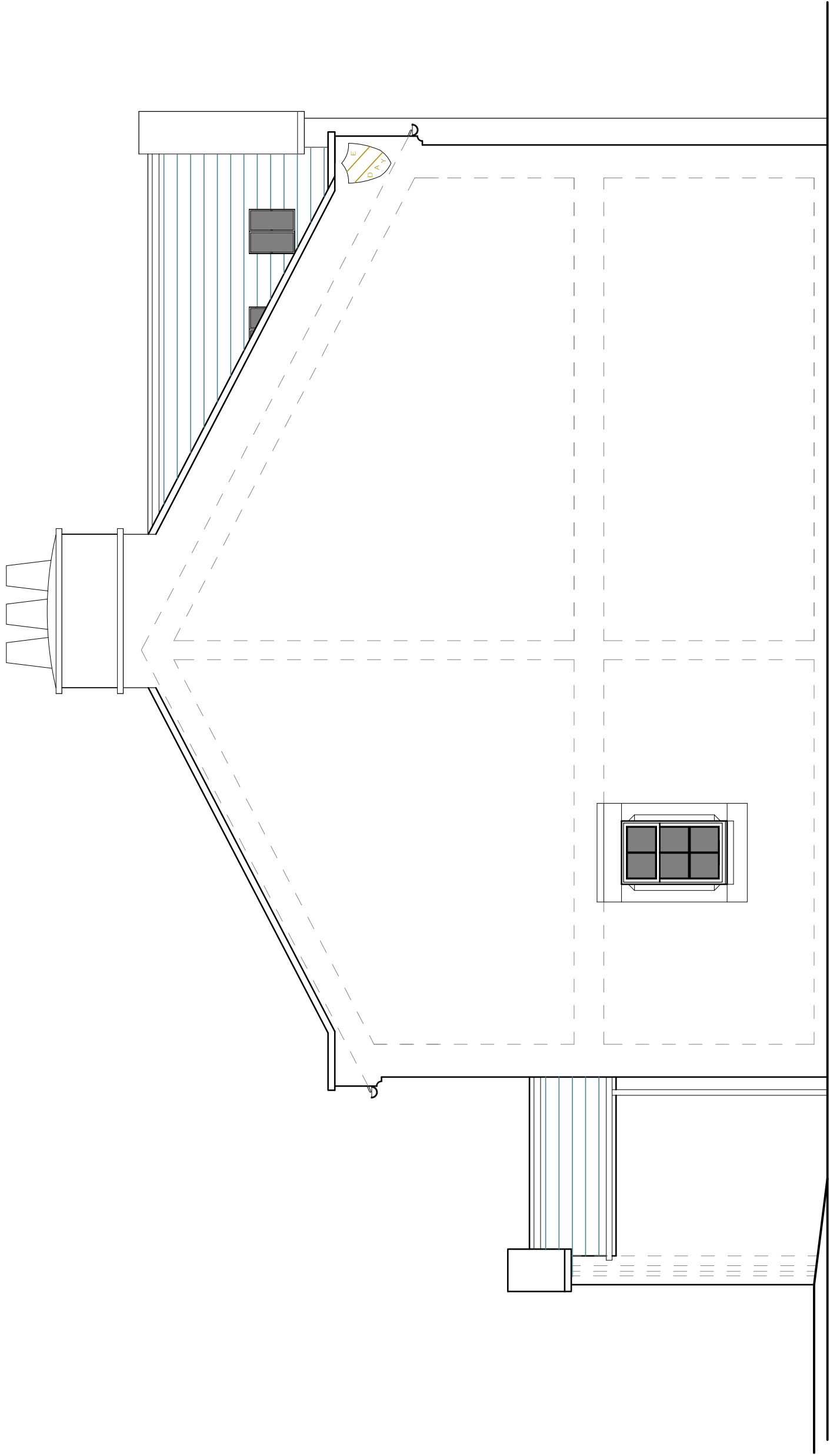
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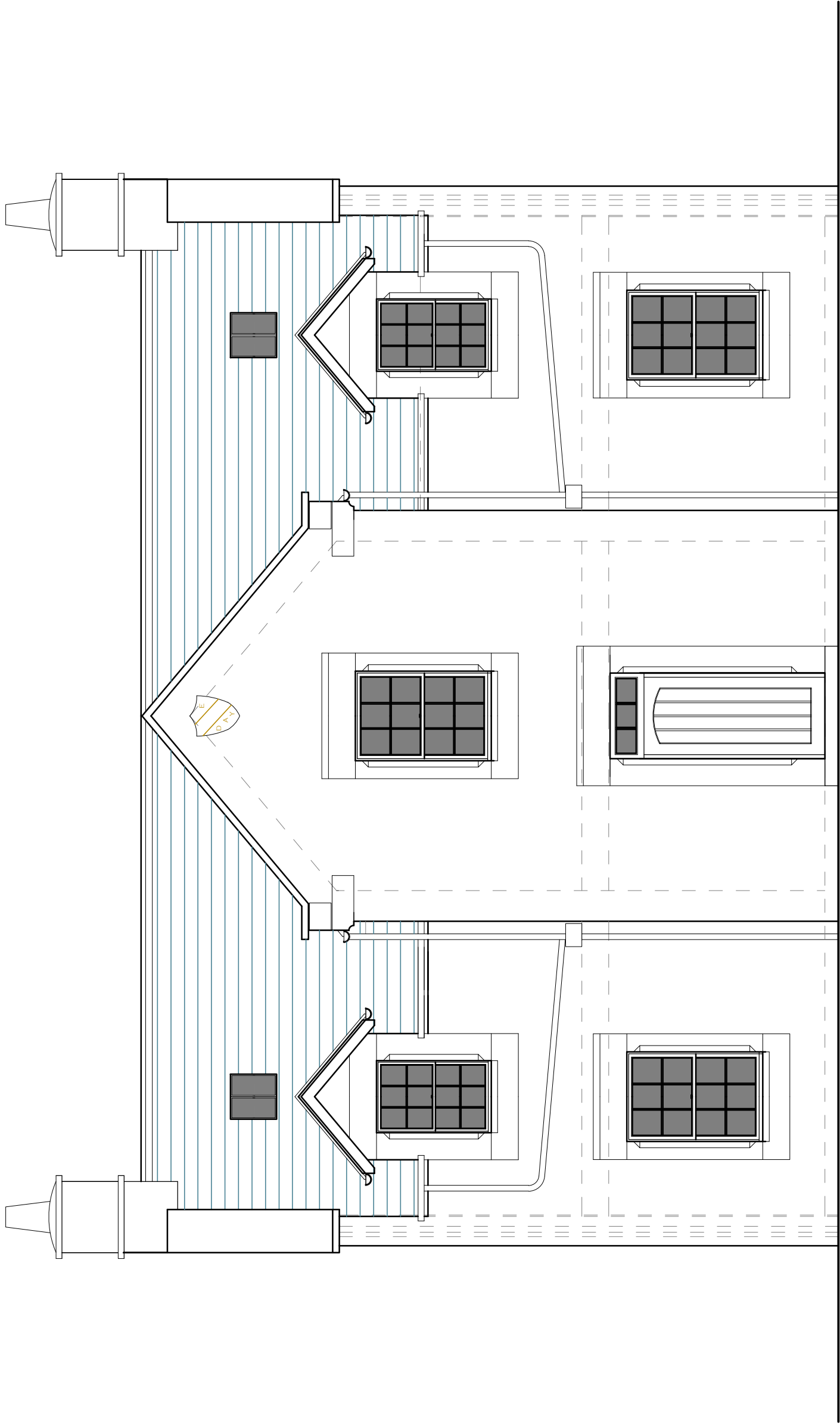
FIRST FLOOR PLAN AS PROPOSED



GROUND FLOOR PLAN AS PROPOSED



GABLE (NORTH WEST) ELEVATION AS PROPOSED



FRONT (SOUTH WEST) ELEVATION AS PROPOSED

Site levels plotted on front elevation		
Escaped staircase revised from FF beds at Client instruction	06.04.13	
Revisions following as built survey	13.04.13	
Sample Dimensions added to building	06.08.13	
No.	Revision/Issue	Date



Client Name and Address
Hayton High Estate
Edmond Castle
Hayton
Carlisle

Project
Revisions to Approved Estate House
Townhead, Hayton
Downing Hill
Proposed Ground & First Floor Plans
Front & Gable Elevations As Proposed

Date
15.04.2013
Scale
1:50
Drawn By
LVP
Reviewed
Planning

01
Revision
C

BASEMENT PLAN AS PROPOSED

GABLE (SOUTH WEST) ELEVATION AS PROPOSED



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Web: www.space-solutions.co.uk



Haydon High Estate
 Edmond Castle
 Haydon
 Carlisle

Project: **Revisions to Approved Estate House
Townhead, Hayton**
Drawing No: **Basement, Loft & Roof Plans
Rear & Gable Elevations As Proposed**

15.04.2013
 12:13.19
 02
 1:50
 LVP
 02
 02

SCHEDULE A: Applications with Recommendation

13/0546

Item No: 08

Date of Committee: 11/10/2013

Appn Ref No:
13/0546

Applicant:
Mr & Mrs D Stevens

Parish:
Wetheral

Date of Receipt:
16/07/2013

Agent:
Taylor & Hardy

Ward:
Wetheral

Location:

L/Adj Fallowfield, Plains Road, Wetheral, Carlisle,
CA4 8LE

Proposal: Erection Of Dwellings (Outline)

REPORT

Case Officer: Barbara Percival

1. Recommendation

- 1.1 It is recommended that this application is approved subject to legal agreement.

2. Main Issues

- 2.1 Whether The Principle of Development Is Acceptable
- 2.2 Whether The Scale And Design Of The Dwellings Are Acceptable
- 2.3 The Provision Of Affordable Housing
- 2.4 Impact Of The Proposal On The Living Conditions Of Neighbouring Residents
- 2.5 Impact Of The Proposal On Highway Safety
- 2.6 Whether The Method of Disposal of Foul And Surface Water Are Appropriate
- 2.7 Impact Of The Proposal On Biodiversity
- 2.8 Impact Of The Proposal On Existing Trees And Hedgerows

3. Application Details

The Site

- 3.1 Members will recall that this application was deferred at a previous meeting

of this Committee to allow Members the opportunity to visit the site.

- 3.2 The application site is located to the west of Plains Road, Wetheral. Extending to approximately 0.276 hectares in area the application site forms part of the domestic curtilage of Fallowfield, a substantial detached dwelling, located to the west of the site. The application site is delineated by mixed hedgerows and trees along its northern and eastern boundary with a combination of hedgerow and a brick wall along its southern boundary beyond which are numbers 2 - 8 Greenacres.

The Proposal

- 3.3 This application seeks Outline Permission for residential development with some Matters Reserved namely: appearance, landscaping, layout and scale. This application, therefore, is to establish the principle of development together with the proposed access arrangements.
- 3.4 As previously outlined, the application seeks Outline Planning Permission; however, indicative layout drawings submitted as part of the application illustrate three detached two storey dwellings with the access road, serving both the proposed dwellings and Fallowfield, running along the southern boundary of the site.

4. Summary of Representations

- 4.1 This application has been advertised by the direct notification of eight neighbouring properties and the posting of Site and Press Notices. In response, one letter of objection has been received.
- 4.2 The letter identifies the following issues:
1. objects to the proposed retention of existing trees within the development.
 2. the boundary wall along the southern boundary should be retained.
 3. the submitted drawings are not a true representation of the extent of the tree canopies. If Tree 9 (on the submitted Tree Survey) is to be retained it may affect the objectors property, therefore, it is their intention to prune it back to the boundary wall.

5. Summary of Consultation Responses

Forestry Commission: - no response received;

Cumbria County Council - (Econ. Dir. Highways & Transportation): - submitted details are acceptable. It should be noted as it is Outline the drives and 'in-curtilage' parking are taken as indicative only and these will need to accord with The Cumbria Standards depending on the actual designs of the dwellings put forward with the Reserved Matters application(s);

Clerk to Wetheral PC: - object to the proposal on the following grounds: width of the access road for service vehicles; visibility for both entering and exiting the site onto Plains Road; and the new properties would place an extra burden on the existing treatment plant which is already at full capacity;

Cumbria County Council - Drainage: - no response received;

Local Environment - Environmental Protection: - no objections to the proposal;

Northern Gas Networks: - no objections to the proposals, however, there may be apparatus in the area that may be at risk during construction works and should the planning application be approved, then it is required that the promoter of these works to contact United Utilities directly to discuss their requirements in detail. Should diversionary works be required these will be fully chargeable;

United Utilities - (for water & wastewater comment): - no objection to the proposed development; however, if this site should 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 Local Authority. If surface water is allowed to be discharged into the public surface water sewerage system UU may require the flow to be attenuated to a maximum discharge rate determined by UU.

6. Officer's Report

Assessment

- 6.1 The relevant planning policies against which the application is required to be assessed are Policies DP1, CP1, CP2, CP3, CP4, CP5, CP12, H1, H5 and T1 of the Carlisle District Local Plan 2001-2016. The proposals raise the following planning issues:

1. Whether The Principle of Development Is Acceptable

- 6.2 The main issue for Members to establish in the consideration of this application is the principle of development. Since the adoption of the Local Plan, the National Planning Policy Framework (NPPF) has been published by the Government and is a material consideration in the determination of this application.

- 6.3 Paragraph 14 of the NPPF outlines that *"at the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking"*. For decision-taking the NPPF highlights that this means: *approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this*

Framework indicate development should be restricted".

6.4 This is further reiterated in paragraph 215 of the NPPF which highlights that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given). Accordingly, in respect of this application whilst the development should be considered against Local Plan policies, the Council's Local Plan (in respect of the issue of housing) cannot be considered up to date under the NPPF.

6.5 Paragraph 55 of the NPPF outlines that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. The application site is located on Plains Road close to the centre of Wetheral which has a high level of services. Accordingly, Wetheral is considered to be a sustainable location, therefore, the principle for the development of the site for housing is consistent with the objectives of the NPPF.

2. Whether The Scale And Design Of The Dwellings Are Acceptable

6.6 The drawings and documents submitted as part of the application illustrate the siting of three two storey detached dwellings. However, the application seeks Outline Planning Permission with some Matters Reserved. The scale and design of the dwellings are reserved for subsequent approval, should this application be approved therefore are for indicative purposes only.

3. The Provision Of Affordable Housing

6.7 When considering the issue of affordable housing, Policy H5 of the Local Plan sets thresholds for the provision of affordable housing. Given the nature of the proposal to provide 3 units and the size of the site, there is a policy requirement to provide 10% contribution towards the provision of affordable housing. The applicant is willing to provide this contribution and subject to the completion of a Section 106 Agreement, there is no policy conflict.

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

6.8 Development should be appropriate in terms of quality to that of the surrounding area and that development proposals incorporate high standards of design including siting, scale, use of materials and landscaping which respect and, where possible, enhance the distinctive character of townscape and landscape. The living conditions of the occupiers of adjacent residential properties should not be adversely affected by proposed developments. This is echoed and reinforced in Local Plan policies, which importantly requires that the suitability of any development proposal be assessed against the policy criteria.

6.9 Although the siting of the dwellings on the layout plan is only indicative adequate separation distance can be maintained between the existing and

proposed dwellings, thereby ensuring that the adjacent properties are not affected through loss of light, loss of privacy or over dominance.

5. Impact Of The Proposal On Highway Safety

- 6.10 The Parish Council has raised objections the proposals citing the capability of the access road to accommodate service vehicles and visibility for vehicles entering and exiting the site.
- 6.11 The proposal would involve the closing up of the existing access and the formation of a new vehicular access to serve Fallowfield and the proposed dwellings. The proposed scheme would also include the extension of the existing pavement along the frontage of the application site. The submitted drawings illustrate that the new bitumen access would be a minimum of 4.4 metres wide for a length of 10 metres, thereby, allowing vehicles to enter and exit the site at the same time. Although a new bin store would be located close to the entrance of the site there would also be adequate provision for the storage of bins during kerb site collection days without having an adverse impact on the visibility splays.
- 6.12 Cumbria County Council, as Highways Authority, has been consulted and subject to the imposition of four conditions and an informative have no objections to the proposal. The objections of the Parish Council are acknowledged however, given that the Highways Authority do not share their concerns it would be difficult to substantiate a refusal of the application on highway safety grounds.

6. Whether The Method of Disposal of Foul And Surface Water Are Appropriate

- 6.13 In order to protect against pollution, Policy CP12 seeks to ensure that development proposals have adequate provision for the disposal of foul and surface water. As previously highlighted, the proposal seeks Outline Planning Permission with some Matters reserved; however, the application form detail that foul drainage would be to the main sewer with surface water disposed of into a sustainable drainage system.
- 6.14 The Parish Council have also raised an objection on the potential impact of the development on the existing mains sewage treatment facilities. The Statement on Drainage Aspects, submitted as part of the application, outlines the mitigation measures proposed for the existing and proposed dwellings. Currently the surface water from Fallowfield enters the public sewage infrastructure; however, the proposal would remove the surface water of Fallowfield from the combined sewer into an infiltration device which would also serve the proposed dwellings. The report goes on the detail that the foul drainage would go to a package treatment plant pending the upgrade of the Wetheral WWTW whilst the application form outlines that it would enter the mains sewer with off-peaking pumping. It should however; be noted that this application seeks Outline Planning Permission, therefore, the method of disposal of both foul and surface water would be subject to further details at the Reserved Matters stage should the application be approved.

- 6.15 United Utilities in its consultation response has no objection to the proposal subject to only the foul drainage entering the foul sewer.

7. Impact Of The Proposal On Biodiversity

- 6.16 The Council's GIS Layer has identified that there is the potential for several key species to be present within the vicinity. Using the guidance issued by Natural England, the development would not harm protected species or their habitat. Furthermore, the impact on Protected Species specifically bats, red squirrel and nesting birds was considered as part of the Tree Survey. The survey found that there were no features for bats to roost in any of the trees and that no presence of red squirrels were found. Two open birds nest were found within the conifers. A condition and informative has been included within the draft decision notice ensuring no works are undertaken during the bird-breeding season and that if a protected species is found all work must cease immediately and the Local Planning Authority informed.

8. Impact Of The Proposal On Existing Trees And Hedgerows

- 6.17 Policy CP3 of the Local Plan seeks to ensure that proposals for new development should provide for the protection and integration of existing trees and hedges. In respect of new development, the City Council will resist proposals which cause unacceptable tree loss, and which do not allow for the successful integration of existing trees. This aim is further reiterated in Policy CP5 which requires all developments to take into account important landscape features and ensure the enhancement and retention of existing hedges.
- 6.18 Furthermore, the City Council's Supplementary Planning Document (SPD) 'Trees and Development' outlines that native large growing species are intrinsic elements in the landscape character of both rural and urban areas alike and acquire increasing environmental value as they mature. Large trees need space in which to grow to maturity without the need for repeated human intervention. Not only should the design of the development seek to retain existing tree and hedgerow features, but sufficient space should be allocated within the schemes to ensure integration of existing features and space for new planting it is important that these issues are considered at the very start of the planning process.
- 6.19 The application site forms part of the domestic curtilage of Fallowfield within which there is a mixture of densely and more sparsely populated wooded areas. The Tree Survey, submitted as part of the application, outlines that the development would involve the removal of a number of trees. The majority of the trees consist of three groups of non-native ornamental conifers with 3no. Cypress and a Hemlock. The report goes on to highlight that the removal of the trees would be of a low impact with only a short-term visual amenity impact which could be mitigated by the planting of native trees and hedges.
- 6.20 The City Council's Landscape Architect/Tree Officer has been consulted and

has no objections to the removal of the trees subject to the imposition of three conditions which would ensure the protection of the retained trees within the site. As previously outlined, the application seeks Outline Planning Permission with landscaping subject of a further application.

9. Conclusion

- 6.21 The principle of development of the site is acceptable under the provisions of the NPPF. Cumbria County Council, as Highways Authority, do not object subject to the imposition of appropriate conditions. Other matters in respect of appearance, landscaping, layout, and scale would be subject to consideration upon receipt of a further application.
- 6.22 In overall terms, the proposal is considered to be compliant under the provisions of the NPPF and the objectives of the relevant Local Plan policies. Accordingly, the application is recommended for approval subject to the completion of a Section 106 Agreement.

7. Planning History

- 7.1 There is no relevant planning history.

8. Recommendation: Grant Subject to S106 Agreement

1. In case of any "Reserved Matter" application for approval shall be made not later than the expiration of three years beginning with the date of this permission, and the development shall be begun not later than whichever is the later of the following dates:
- i) The expiration of five years from the date of the grant of this permission, or
 - ii) The expiration of two 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).

2. Before any work is commenced, details of the appearance, landscaping, layout, drainage and scale of the site (hereinafter called "Reserved Matters") shall be submitted to and approved by the Local Planning Authority.

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

3. The approved documents for this Outline Planning Permission comprise:

1. the submitted planning application form received 16th July 2013;
2. the Statement on the Drainage Aspects received 16th July 2013;
3. the Statement on Land Contamination received 16th July 2013;
4. the Statement on the Archaeological Aspects received 16th July 2013;
5. the Tree Survey Report received 16th July 2013;
6. the site location plan received 16th July 2013 (Drawing No. 08/023/1);
7. the details of the proposed new access and indicative layout received 16th July 2013 (Drawing No. 11021-04A);
8. the topographic survey received 16th July 2013 (Drawing No. 2108/1)
9. the Notice of Decision; and
10. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

4. No development approved by this permission shall be commenced until a scheme for the provision of foul and surface waters have been approved in writing by the Local Planning Authority. Such a scheme shall be constructed and completed in accordance with the approved plans.

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

5. No development shall be commenced until samples or full details of materials to be used externally on the dwellings have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials.

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

6. Before development commences, particulars of height and materials of all screen walls and boundary fences to be erected shall be submitted to and approved in writing by the Local Planning Authority and the development thereafter carried out in accordance therewith.

Reason: In the interests of privacy and visual amenity in accordance with Policy H2 of the Carlisle District Local Plan 2001-2016.

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

Reason: In order that the approved development overcomes any problems associated with the topography of the area in accordance with Policies H2 of the Carlisle District Local Plan

2001-2016.

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

Reason: To ensure that a satisfactory landscaping scheme is prepared and to ensure compliance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

9. Before development commences a scheme of tree and hedge protection shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall show the position and type of barriers to be installed. The barriers shall be erected before development commences and retained for the duration of the development.

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

10. Within the tree protection fencing approved by Condition 9:

1. No equipment, machinery or structure shall be attached to or supported by a retained tree or by the tree protection barrier.
2. No mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area.
3. No alterations or variations to the approved tree and hedge protection schemes shall be made without prior written consent of the local planning authority.
4. No materials or vehicles shall be stored or parked within the fenced off area.
5. No alterations to the natural/existing ground level shall occur.
6. No excavations will be carried out within the fenced off area.
7. The tree and hedge protection fencing must be maintained to the satisfaction of the Local Planning Authority at all times until completion of the development.

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

11. Trees and shrubs shall be planted in accordance with a scheme to be agreed with the Local Planning Authority before building work commences. The scheme shall be implemented during the planting season following the completion of the development hereby approved and any trees or shrubs which die, become diseased or are lopped, topped, uprooted or willfully

destroyed within the following five years shall be replaced by appropriate nursery stock. The scheme shall include the use of native species and shall also include a detailed survey of any existing trees and shrubs on the site and shall indicate plant species and those trees and shrubs to be retained.

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

12. Before development commences a detailed Method Statement shall be submitted to and approved in writing by the Local Authority of how the works are to be undertaken within the root protection areas of the retained trees identified as Trees T1-T3, T8 and T9-T11 in the Tree Survey compiled by OpenSpace dated July 2013. The works within the root protection areas must thereafter be undertaken in accordance with the agreed Method Statement.

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

13. No site clearance or works to the retained trees or hedges shall take place during the bird breeding season from 1st March to 31st August unless the absence of nesting birds has been established through a survey and such survey has been agreed in writing beforehand by the Local Planning Authority.

Reason: To protect nesting birds in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

14. The whole of the vehicular access area bounded by the carriageway edge and the 'narrowing at the bin store' shall be constructed and drained to the specification of the Local Highways Authority. For the avoidance of doubt this also includes the link footway, stopping up of the existing access and realigned boundary wall along the frontage of the development.

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

15. 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. To support Local Transport Policy LD8.

16. The driveways, parking/turning areas etc shall be designed, constructed, drained and drained to the satisfaction of the Local Planning Authority and in this respect full engineering details, shall be submitted to the Local Planning

Authority for approval before work commences on site.

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

17. The dwelling shall be occupied until the access and parking facilities have been constructed in accordance with the approved plan and brought into use. These facilities shall be retained and be capable of use at all times thereafter and shall not be removed or altered without the prior consent of the Local Planning Authority.

Reason: To ensure a minimum standard of access provision when the development is brought into use. To support Local Transport Policies: LD5, LD7, LD8.

18. No work associated with the construction of the residential unit 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 statutory holidays).

Reason: To prevent disturbance to nearby occupants in accordance with Policy H2 of the Carlisle District Local Plan 2001-2016.

19. 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 approval in writing of the Local Planning Authority.

Site investigations should follow the guidance in BS10175.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CP13 of the Carlisle District Local Plan 2001-2016.

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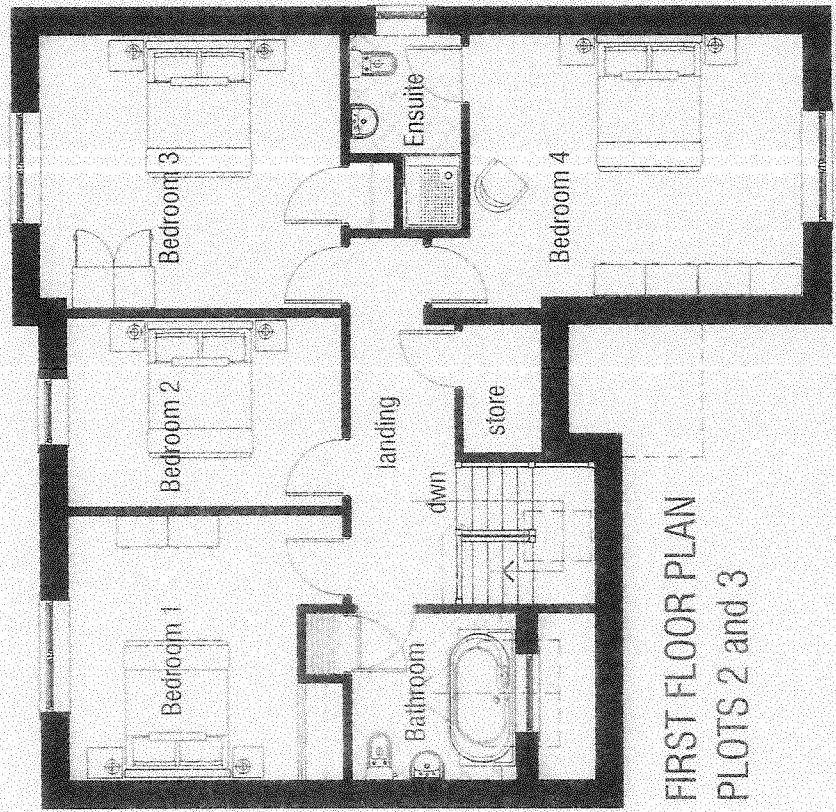
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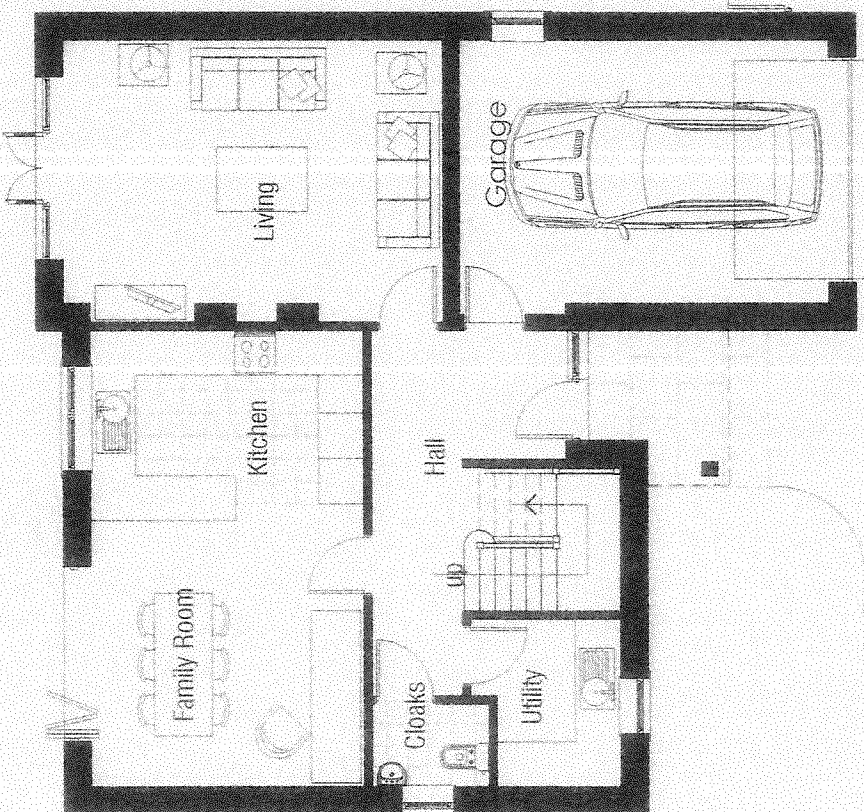
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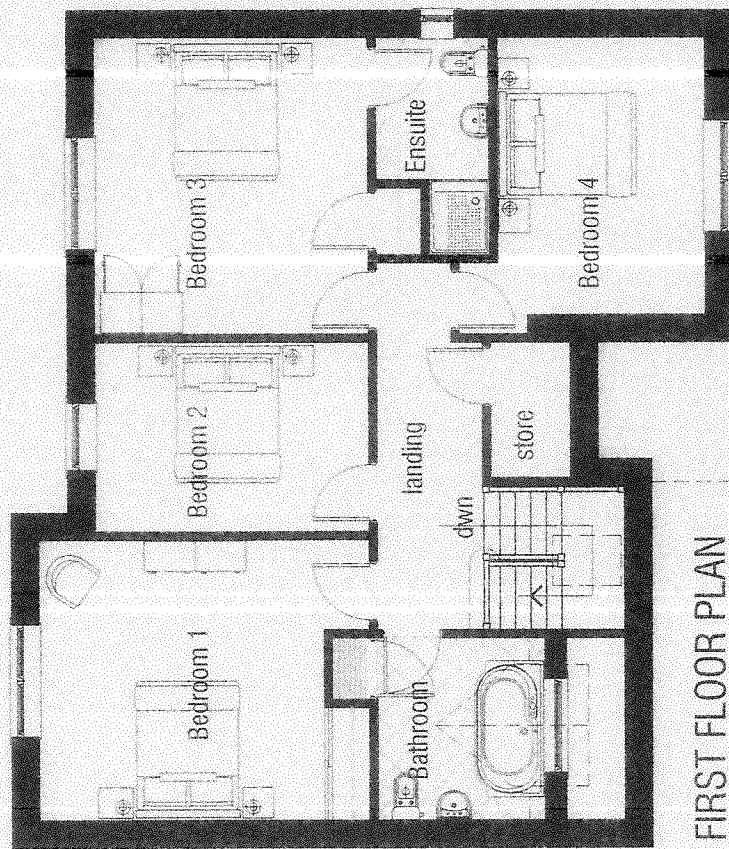
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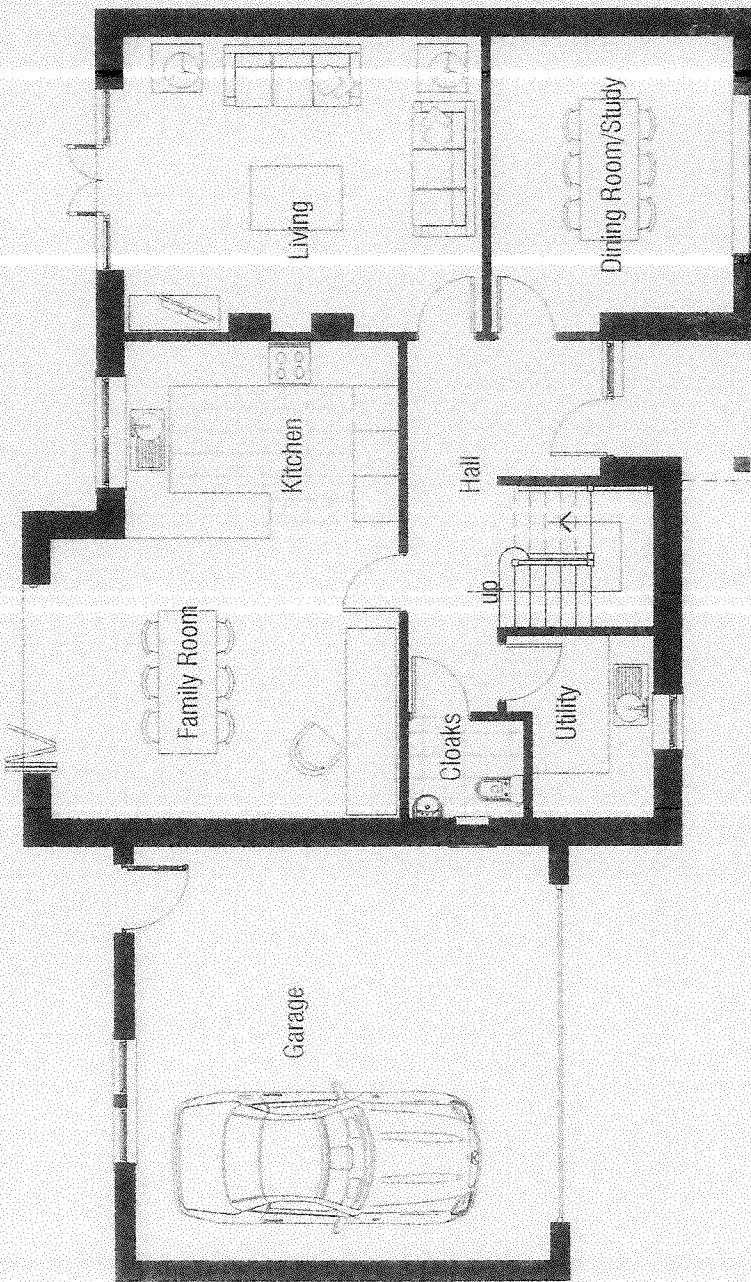
FIRST FLOOR PLAN
PLOTS 2 and 3



GROUND FLOOR PLAN
PLOTS 2 and 3



FIRST FLOOR PLAN
PLOT 1



GROUND FLOOR PLAN
PLOT 1



SCHEDULE A: Applications with Recommendation

13/0423

Item No: 09

Date of Committee: 11/10/2013

Appn Ref No:
13/0423

Applicant:
Mr Stephens

Parish:
Dalston

Date of Receipt:
11/06/2013

Agent:
Mr Clode

Ward:
Dalston

Location:

Land adjacent Alpine Cottage, Raughton Head,
Carlisle, CA5 7DD

Proposal: Erection Of 1no. Dwelling

REPORT

Case Officer: Suzanne Osborne

1. Recommendation

- 1.1 It is recommended that this application is approved with conditions.

2. Main Issues

- 2.1 The Principle Of Development
- 2.2 Whether The Scale, Layout And Design Of The Development Is Acceptable
- 2.3 Impact Upon The Living Conditions Of Neighbouring Residents
- 2.4 Highway And Parking Matters
- 2.5 Drainage
- 2.6 Impact On Trees/Hedges
- 2.7 Biodiversity
- 2.8 Whether The Proposal Would Lead to The Loss of The Best And Most Versatile Agricultural Land
- 2.9 Contamination
- 2.10 Other Matters

3. Application Details

The Site

- 3.1 Members will recall that this application was deferred at a previous meeting

of this Committee to allow Members the opportunity to visit the site.

- 3.2 This application seeks full planning permission for the erection of a dwelling at land to the east of Alpine Cottage, Raughton Head. Alpine Cottage is a two storey property constructed from rendered walls under a concrete tiled roof located on the northern side of the road that leads from Raughton Head towards Stockdalewath. The land to the east of Alpine Cottage is approximately 957 sqm in area and is bounded by hawthorn hedging to the west together with stock proof fencing to the remaining boundaries. The land is currently used for agricultural purposes and is surrounded by residential properties to the west, north-west and south-east. To the north there are fields and to the east there are farm buildings.

The Proposal

- 3.3 The proposal seeks to erect a two storey property on land to the east of Alpine Cottage. It would provide a study, WC, living room, hall, kitchen, dining room and integral garage at ground floor with 4no.bedrooms (1 en-suite) and bathroom situated above. The dwelling is proposed to be constructed from roughcast rendered walls to match Alpine Cottage, white UPVC windows with sandstone sills, jambs and heads under a blue-black natural slate roof. Foul drainage will discharge to a biodisc treatment plant and surface water drainage will discharge to soakaways.
- 3.4 The application also includes the formation of a new access onto the road leading from Raughton Head to Stockdalewath. The proposal will provide 3 incurtilage parking spaces as well as a turning area.

4. Summary of Representations

- 4.1 This application has been advertised by the display of a site notice and by means of notification letters sent to nine neighbouring properties. At the time of preparing this report four letters/emails of objection and one email making comments have been received.
- 4.2 The letters/emails of objection cover a number of matters which are summarised as follows:
1. There is a legal covenant on the land restricting any further building development
 2. Loss of light and privacy to neighbouring properties
 3. Highway Safety And Access Issues
 4. Increase in surface water run off and flooding
 5. Land ownership

6. Accuracy of information supplied
7. Management of proposed hedgerows

4.3 The email raising comments is summarised as follows:

1. There is a legal covenant on the land
2. Access Issues
3. Accuracy of plans.

5. Summary of Consultation Responses

Cumbria County Council - (Econ. Dir. Highways & Transportation): - no objection subject to the imposition of 3 conditions;

Dalston Parish Council: - object on the following grounds: proposed development is on land designated as farmland; it is not on the current housing plan; access is across common land; proposed access is potentially hazardous as it is close to both a junction and a bend on a well used country road into the village; it is recommended that a local occupancy restriction is considered; and, there is concern regarding the size and weight of vehicles which will cross over the partly combined threshold.

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

Cumbria County Council - Drainage: - do not wish to make any comments;

United Utilities - (for water & wastewater comment) see UUES for electricity dist.network matters: - no objection.

6. Officer's Report

Assessment

6.1 The relevant planning policies against which the application is required to be assessed are Policies DP1, CP1, CP2, CP3, CP4, CP5, CP6, CP10, CP11, CP12, H1 and T1 of the Carlisle District Local Plan 2001-2016. The National Planning Policy Framework (NPPF) and the Council's Achieving Well Designed Housing Supplementary Planning Document (SPD) are also material planning considerations. The proposal raises the following planning issues:

1. The Principle Of Development

6.2 Since the adoption of the Local Plan, the National Planning Policy Framework (NPPF) has been published by the Government and is a material consideration in the determination of this application. Policy considerations in relation to this application state that whilst development should be considered

against Local Plan policies, the Council's Local Plan (in respect of the issue of the location of housing) cannot be considered up to date under the NPPF as per paragraphs 55 and 215. The Framework seeks to promote sustainable development and in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are small groups of smaller settlements, development in one village may support services in a village nearby.

- 6.3 The site is located within the settlement boundary for Raughton Head as defined in the proposal maps which accompany the Carlisle District Local Plan 2001-2016 however it is important for Members to note that the NPPF does not advocate the use of settlement boundaries. Raughton Head is defined within Policies DP1 and H1 of the Local Plan as being a sustainable location. Raughton Head has a church and school. It is also located in close proximity to Dalston which has a further range of services (primary school, secondary school, shops, church, village hall, public house, dentist etc). In such circumstances the application site is considered to be in a sustainable location for housing development in terms of the policies in the NPPF and the Carlisle District Local Plan. In such circumstances the principle of development is acceptable.

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

- 6.4 There are a range of house types within Raughton Head which vary in terms of their scale, design and materials. The houses within the immediate vicinity of the application site are mainly two storey and constructed from either stone or rendered walls under tiled/slate roofs. The footprint of the proposed development is similar to that of surrounding properties and the size of the dwelling is commensurate to the size of the plot.
- 6.5 The materials of the proposed dwelling would correspond with the surrounding residential properties. The design of the dwelling is appropriate to the site and would not have a detrimental impact upon the existing street scene or the visual character of the area to warrant refusal of the application on this basis.

3. Impact Upon The Living Conditions Of Neighbouring Residents

- 6.6 All of the primary windows will be compliant with the separation distances outlined in paragraph 5.44 of the Council's Achieving Well Designed Housing SPD.
- 6.7 Given the positioning of the proposed development in relation to residential properties surrounding the site it is not considered that the development would have an adverse impact upon the occupiers of any neighbouring properties in terms of loss of light, overlooking or over dominance sufficient to warrant refusal of the application.

4. Highway and Parking Matters

- 6.8 The proposed development will create a new access from the road leading through Raughton Head towards Stockdalewath. The proposal includes three incurtilage parking spaces as well as a turning area. The Highways Authority has been consulted on the proposed development and has raised no objections subject to the imposition of three conditions relating to: 1) construction of the vehicular access, 2) access and turning requirements being met before any building work commences on site, and 3) dwelling not to be occupied until the vehicular access and parking requirements have been constructed and capable of use.
- 6.9 Objectors have raised concerns regarding the location of the proposed site entrance in relation to the bend in the road and the existing entrance to the agricultural buildings located to the east of the site. Objectors have also indicated that agricultural vehicles park in front of the field gate and the proposed development could interfere with this access/parking. The Parish Council has also raised concern over the size and weight of vehicles which will cross over which now appears to be a partly combined threshold. The Highway Authority has raised no objections with regard to highway visibility and has indicated that the proposed access would not comprise the existing farm access/usage. The construction of the access will be dealt with under Section 184 of the Highways Act 1980. In such circumstances and given no objection to the proposal from the relevant Highways Authority the proposal would not have a significant impact upon highway safety. Accordingly there is no policy conflict.

5. Drainage

- 6.9 Foul drainage will be disposed of via a bio disc treatment plant and surface water will be disposed off via soakaways. The treated water from the bio disc treatment plant will also go to the proposed soakaways. Objectors have raised concerns that the proposed development would exacerbate existing surface water run off during downpours and lead to flooding of neighbouring properties. Cumbria County Council has been consulted on the proposed development and has confirmed that after looking at their flooded properties list and flood map for surface water that they do not wish to make any comments on the application. Percolation tests have been submitted by Bingham Yates & Partners on behalf of the applicant which illustrates that the land is suitable for soakaways and provides the relevant calculations of the size of the soakaways required. The Councils Building Control section has been consulted on the information supplied and has confirmed no objections. Accordingly it is considered that the methods for the disposal of foul and surface water is appropriate and the proposal would not exacerbate existing flooding conditions claimed by third parties.

6. Impact On Trees/Hedges

- 6.10 The application site is bounded by a hawthorn hedgerow to the west together with stock proof fencing to the remaining boundaries. The proposal includes the planting of new hedgerows to the north, east and southern boundaries as well as the planting of three hedgerows trees to the north. The Council's Landscape Architect/Tree Officer has been consulted on the proposal and has raised no objections.

7. Biodiversity

- 6.11 The Councils GIS Layer has identified that the site has the potential for breeding birds and badgers to be present. As stated above the proposal will retain the existing hedgerow and will enhance the biodiversity of the site by the planting of new hedgerows/trees. In such circumstances the proposed development is unlikely to harm a protected species or their habitat. However an Informative has been included within the Decision Notice ensuring that if a protected species is found all work must cease immediately and the Local Planning Authority informed.

8. Whether The Proposal Would Lead to The Loss of The Best And Most Versatile Agricultural Land

- 6.12 It is accepted that the proposal would lead to the loss of agricultural land. The Agricultural Land Classification identifies this land as Grade 3, Grades 1 and 2 being of the highest quality. Grade 3 land is common both within the immediate vicinity of the application site and within the District as a whole. As such, it is not considered that the loss of this area of agricultural land would provide sufficient grounds for refusal of the application.

9. Contamination

- 6.13 A desk top study has been submitted which indicates that there is no evidence of any source of activity on the site except agriculture. Environmental Services has been consulted on the proposed development and has raised no objections. A condition has however been imposed within the decision notice regarding contamination, should it be found.

10. Other Matters

- 6.14 Objectors have alleged during the consultation period that there is a legal covenant on the land. This is a legal matter and can not be dealt with under planning legislation.
- 6.15 Objectors have also raised concerns regarding the future management of the new hedgerows particularly with regard to their height. Any concerns regarding the height of hedgerows would be dealt with under the separate High Hedge Legislation.
- 6.16 It is noted that Dalston Parish Council have indicated that a local occupancy condition should be considered. A justification for local need has not been put forward by the applicant and the application therefore has to be judged on its own merits. The Parish Councils comments have been noted however as stated in paragraphs 6.2 and 6.3 above the application site is considered an appropriate and sustainable location for new housing development. A local occupancy condition would not be in accordance with the current Development Plan policies.
- 6.17 Dalston Parish Council have indicated that the proposed access is across Common Land. This claim is disputed by the local Highways Authority who has indicated that the proposed access is within the highway corridor and a separate section 184 agreement is required for these works. Members will be aware that issues regarding land ownership are a civil matter and cannot be

dealt with under planning legislation.

- 6.18 The proposal has been considered against the provisions of the Human Rights Act 1998. 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.

Conclusion

- 6.19 To conclude the principle of development is acceptable. The scale, design and use of materials in the proposal would positively contribute to the character of the area, with adequate car parking, access and amenity space provided within the curtilage of the site. Furthermore, the dwelling could be accommodated within the site without resulting in any demonstrable harm to the living conditions of the occupiers of neighbouring residential dwellings or the existing watercourse. The proposal would also not have an adverse impact upon biodiversity or highway safety. The application is recommended for approval as the proposal is considered to be is compliant with the relevant Development Plan Policies.

7. Planning History

- 7.1 In 2012 planning permission was granted at Alpine Cottage for the erection of a new double garage and garden appliance store, existing garage to be used as a small gym (reference 12/0323);
- 7.2 In 2000 planning permission was refused for change of use of roadside verge to domestic garden (reference 00/0964).

8. 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 24th May 2013;
 2. the site location and block plan received 26th July 2013 (Drawing No.11281-001A);
 3. the proposed block plan received 26th July 2013 (Drawing No.11281-002);
 4. the proposed site layout received 26th July 2013 (Drawing No. 11282-01B);
 5. the proposed plans and elevations received 24th May 2013 (Drawing

- No.11282-02);
6. the desk top study for contamination received 11th June 2013;
 7. the design and access statement received 24th May 2013;
 8. the soakaway design and calculations received 14th August 2013 and the email from Brian Child received 14th August 2013;
 9. the Notice of Decision; and
 10. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

3. Samples of the roofing materials 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 within the immediate vicinity and to ensure compliance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

4. Details of the relative heights of the existing and proposed ground levels and the height of the proposed finished floor levels of the dwelling shall be submitted to and approved in writing by the local planning authority before any site works commence.

Reason: In the interests of preserving the privacy and amenity of the neighbouring residents and to ensure that the development respects the scale and character of buildings in the locality. In accordance with Policies CP5 and H1 of the Carlisle District Local Plan 2001-2016.

5. Before any development is commenced on the site, including site works of any description, a protective fence shall be erected around those trees and hedges to be retained in accordance with a scheme that has been submitted to and agreed, in writing, by the Local Planning Authority. Within the areas fenced off the existing ground level shall be neither raised nor lowered, except in accordance with the approved scheme, and no materials, temporary buildings or surplus soil of any kind shall be placed or stored thereon. The fence shall thereafter be retained at all times during construction works on the site to the satisfaction of the Local Planning Authority.

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

6. The development shall be landscaped in accordance with the landscaping scheme hereby approved. The scheme shall be implemented during the planting season following the completion of the development hereby

approved and any trees or shrubs which die, become diseased or are lopped, topped, uprooted or wilfully destroyed within the following five years shall be replaced by appropriate nursery stock.

Reason: To ensure that a satisfactory landscaping scheme is prepared in accordance with Policy CP3 of the Carlisle District Local Plan 2001-2016.

7. The access and 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. Such facilities shall be retained capable of use thereafter and shall not be altered without the prior consent of the Local Planning Authority.

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. Retention of the facilities ensures an appropriate standard of parking and access for as long as the use continues. To support Local Transport Policies: LD5, 7 and 8.

8. The dwelling shall not be occupied until the vehicular access and parking requirements (including the integral garage) have been constructed and capable of use. These facilities shall be retained, capable of use at all times thereafter and shall not be removed or altered without the prior consent of the Local Planning Authority.

Reason: To ensure a minimum standard of access provision when the development is brought into use. To support Local Transport Plan Policies: LD5, LD7 and LD8.

9. The whole of the vehicular access area bounded by the carriageway edge and the highway boundary shall be constructed and drained to the specification of the Local Highways Authority.

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

10. 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 approval in writing of the Local Planning Authority.

Site investigations should follow the guidance in BS10175.

Following completion of measures identified in the approved remediation

scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CP13 of the Carlisle District Local Plan 2001-2016.

11. The dwelling hereby approved shall not be occupied until the foul and surface water drainage works have been completed in accordance with the submitted plans. If any other drainage scheme is proposed this shall be submitted to and approved in writing by the Local Planning Authority.

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



RECEIVED
26 JUL 2013
1310423

Brian F Child Dip ARCH RIBA
Criffel View, Cummersdale, Carlisle tel 01228 534537 mob 07821824541 e-mail brianfchild@o2.co.uk
Project Proposed New Dwelling
Land Adjacent Alpine Cottage
Drawing Raughton Head, Carlisle CA5 7DD
Site Location and Block Plan
Scale shown Date 09/05/13 Drawn bfc... Number 1281-001A
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Revisions:
A: 26-07-13 RED LINE BOUNDARY AMENDED

FOOTWAY CROSSING TO BE CONSTRUCTED IN ACCORDANCE WITH CUMBRIA COUNTY HIGHWAY SPECIFICATION FOR ASPHALT CONCRETE FOOTWAY TO STANDARD DETAIL CDG1113/AM2
NEW BUILD VEHICULAR ACCESS
EXCAVATE TO REDUCED DEPTH OF AT LEAST 300mm BELOW FINISHED LEVEL AND CART ALL SPOIL TO LICENSED, OFF-SITE TIP.
EXCAVATE ANY SOFT SPOTS IN SUB-GRADE AS REQUIRED AND DISPOSE.
SUPPLY, LAY AND COMPACT MINIMUM OF 225mm OF GRANULAR SUB-BASE MATERIAL TO FALLS AND LEVELS.
SUPPLY, LAY AND COMPACT 50mm OF 20mm DENSE BIN 100/150 BIN, 30mm OF AC 6mm DENSE SURF 100/150/PSV 50 TO FALLS AND LEVELS.
CLEAR ALL SITE OF DEBRIS AND RUBBLE ON COMPLETION AND MAKE GOOD.
ALL TARMAC TO COMPLY WITH BS 4987

50mm x 200mm BULL-NOSED EB CONCRETE EDGING KERBS TO STRAIGHT LINES AND CURVES AS NECESSARY
PC EDGING ON 10 - 40 THICK MORTAR BED.
MIX ST2 COCRETE FOUNDATION AND HAUNCH
MAKE GOOD TO BACK OF KERB ON COMPLETION
ALL KERBS TO COMPLY WITH BS EN 1340

PROPOSED DWELLING

PECKED LINE DENOTES EXTENT OF EXISTING HARDWARE/STONE BASE. THE PROPOSED CROSSING WILL CROSS THIS AREA AS SHOWN AND CONSTRUCTED IN ACCORDANCE WITH CUMBRIA COUNTY HIGHWAY STANDARDS AS STATED AND SUBMITTED TO CCC HIGHWAYS
NOTE THAT HATCHED AREA SIGNIFIES THE EXTENT OF THE EXISTING HARDSTAND AREA

NEW VEHICLE ACCESS TO BE CONSTRUCTED IN ACCORDANCE WITH COUNTY HIGHWAYS REQUIREMENTS TO SINGLE DWELLINGS IN ACCORDANCE WITH DETAIL VA/1

ALPINE COTTAGE

THIS SECTION TO BE MADE GOOD AS NECESSARY AND IN ACCORDANCE WITH COUNTY HIGHWAYS/DETAILS

RECEIVED
26 JUL 2013
1310423

Brian F Child Dip ARCH RIBA
Criffel View, Cummersdale, Carlisle tel 01228 534537 mob 07821824541
e-mail brianfchild@a2.co.uk

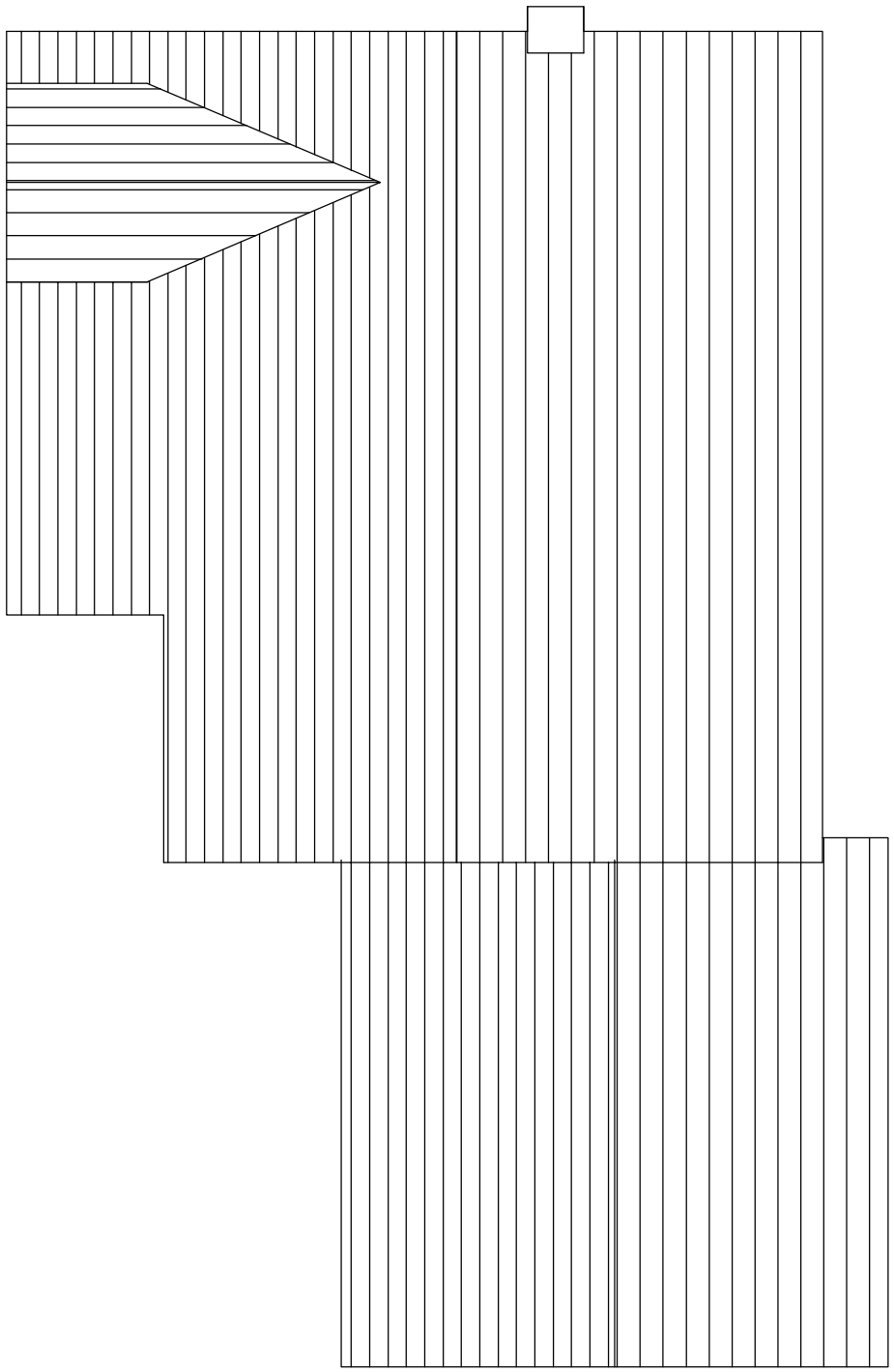
Revisions:

Project Proposed New Dwelling

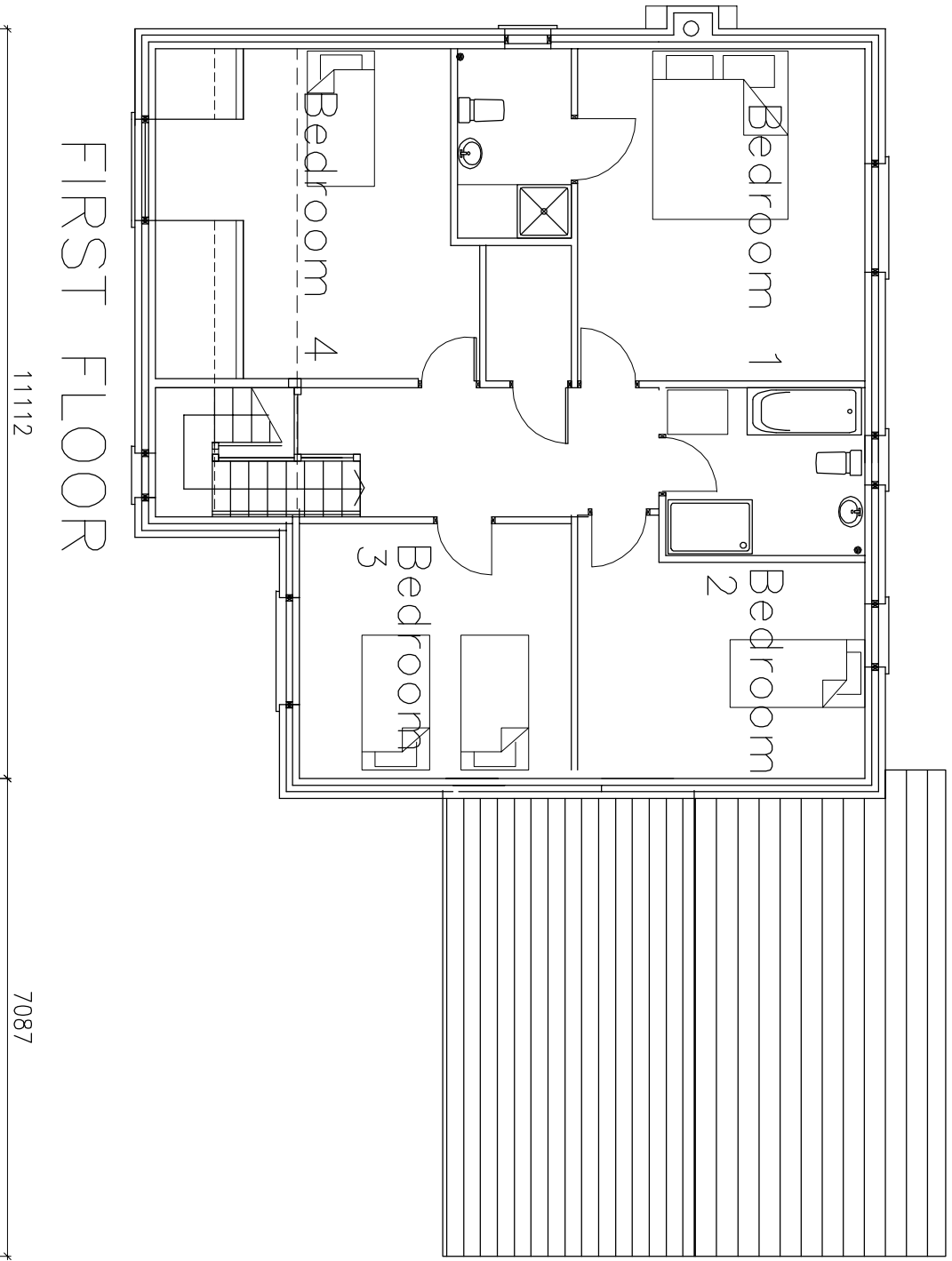
Drawing Land Adjacent Alpine Cottage
Raughton Head, Carlisle CA5 7DD
block plan proposed site access

Scale: 1:200@A3 Date: 24-07-13 Drawn by: ... Number: 1281-002
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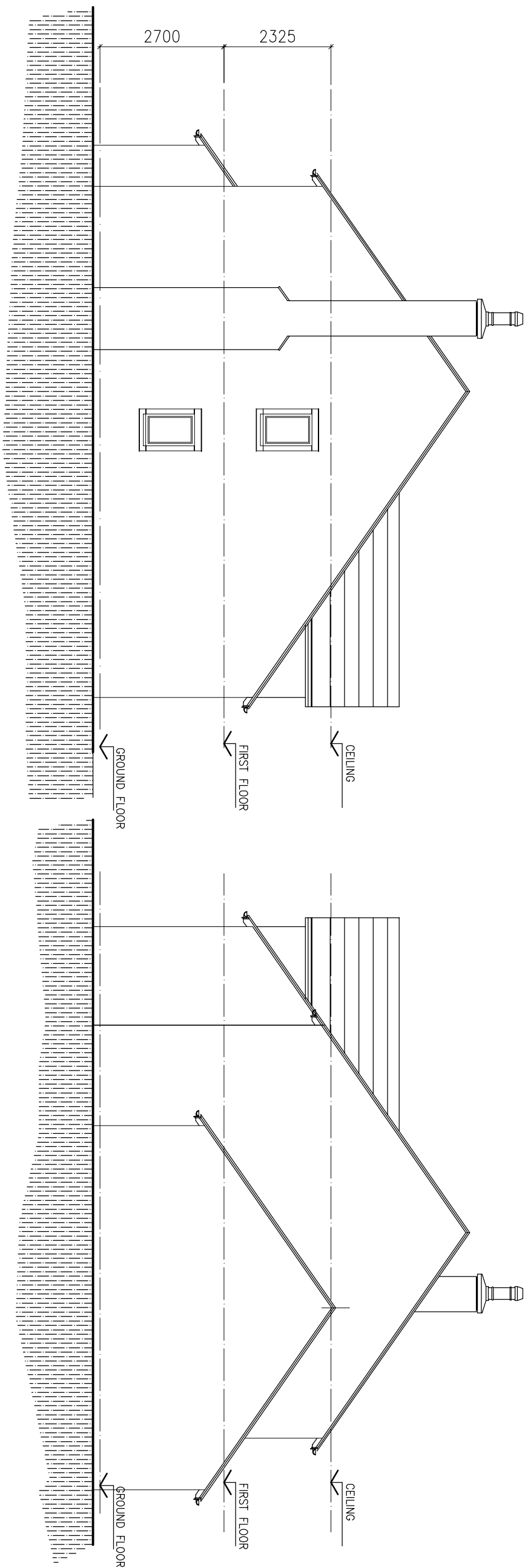
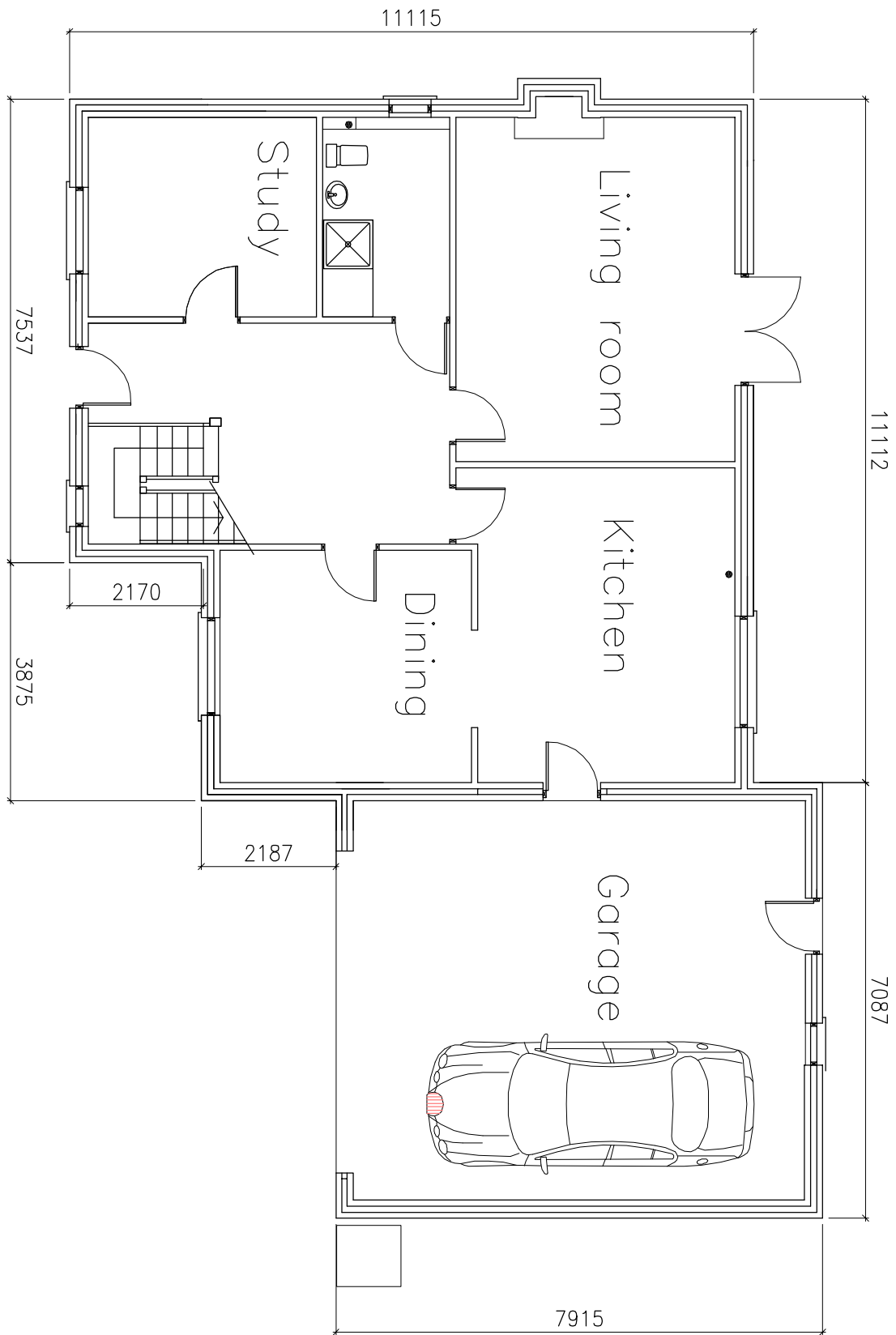
SITE: BLOCK PLAN
SCALE: 1:200@A3



ROOF PLAN



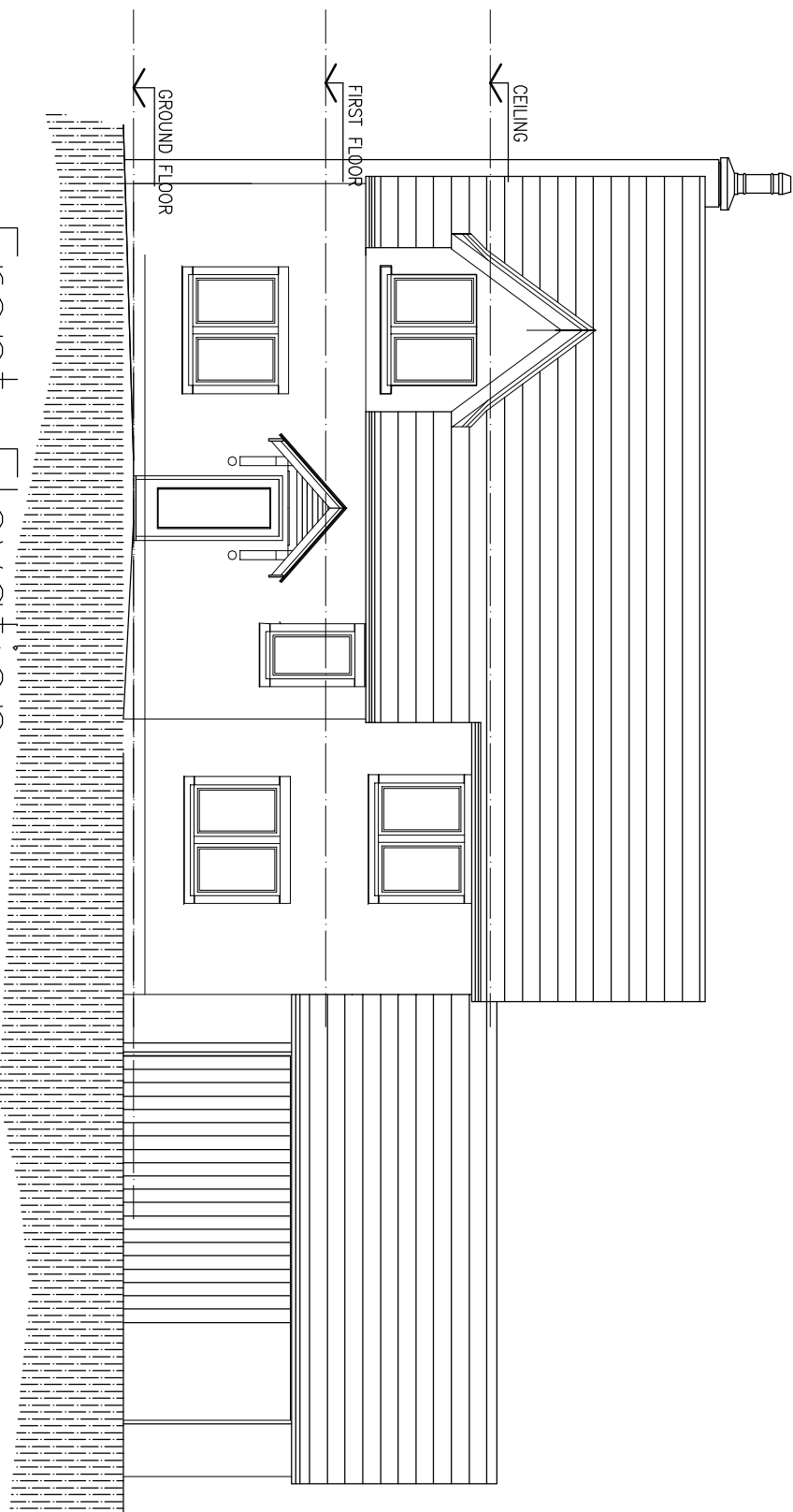
FIRST FLOOR



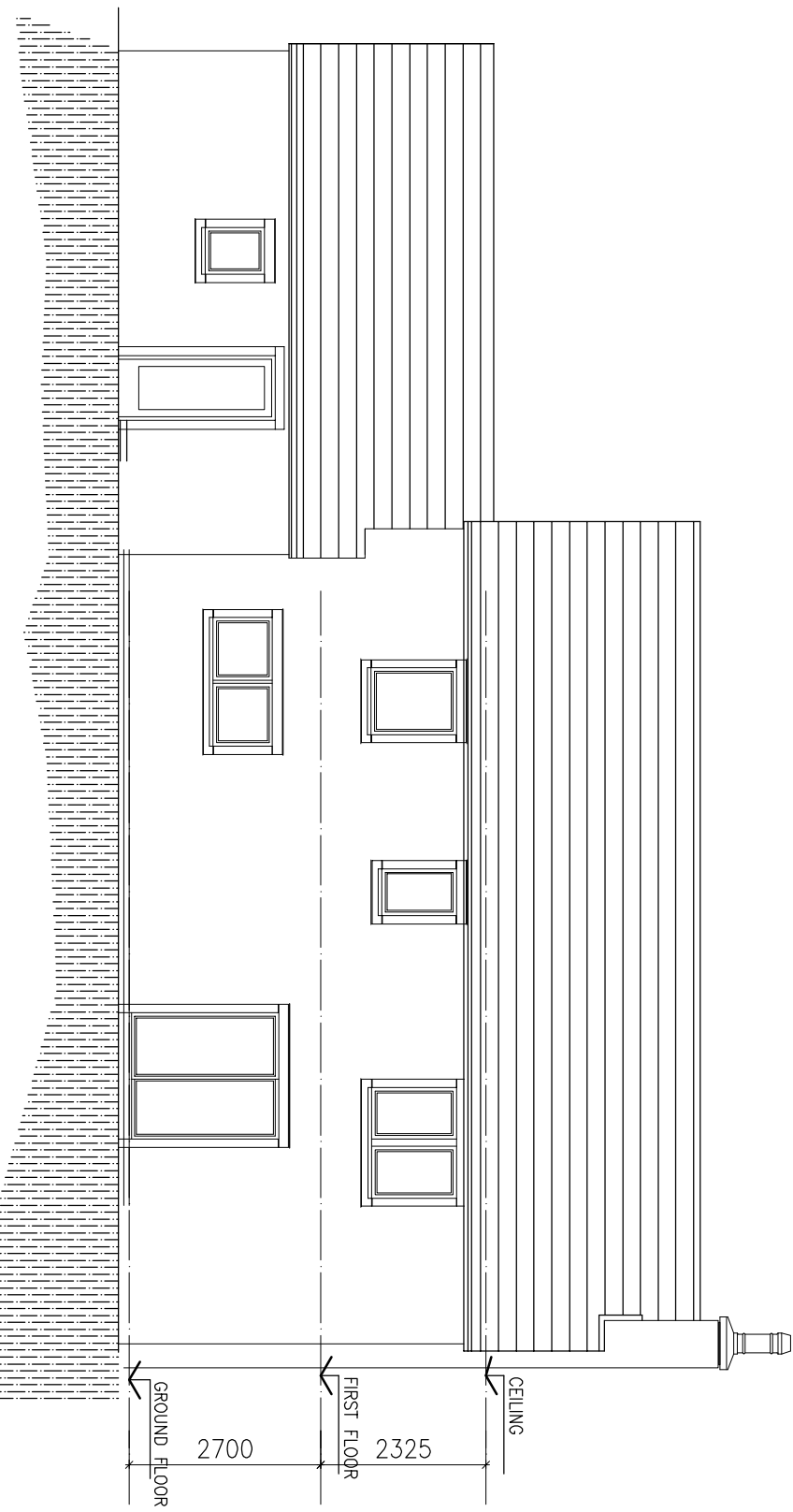
Left Gable
North West Elevation

Right Gable
North East Elevation

MATERIALS TO PROPOSED WORKS
ROOF: BLUE GRAY NATURAL SLATE
WINDOWS: WHITE DOUBLE GLAZED UPVC WITH SANDSTONE
SILLS, JAMBS AND HEADS
DOORS: 'OAK' FRAMED UPVC WITH SANDSTONE JAMBS AND
HEADS
WALLS: WET DASH ROUGHCAST RENDER TO MATCH ADJACENT
PROPERTY (ALPINE COTTAGE)



Front Elevation
South East Elevation



Rear Garden
North West Elevation

Brian F Child Dip ARCH RIBA

Critfel View, Cummersdale, Carlisle tel 01228 534537 mob 07821824541

Project e-mail brianfchild@o2.co.uk

Proposed New Dwelling

Land adjacent Alpine Cottage

Raughton Head, Carlisle CA5 7DD

Proposed Plans and Elevations

Scale 1:100 @ A1 Date 09/05/13 Drawn bfc... Number 11282-02

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SCHEDULE A: Applications with Recommendation

13/0548

Item No: 10

Date of Committee: 11/10/2013

Appn Ref No:

13/0548

Applicant:

Mr & Mrs Aston

Parish:

Dalston

Date of Receipt:

15/07/2013 23:00:07

Agent:

Brier Associates

Ward:

Dalston

Location:

Beech House, Stockdalewath, Dalston, Carlisle,
CA5 7DN

Proposal: Erection Of 5no. Timber Holiday Lodges

REPORT

Case Officer: Shona Taylor

1. Recommendation

- 1.1 It is recommended that this application is granted subject conditions.

2. Main Issues

- 2.1 Whether The Principle of Development Is Acceptable
- 2.2 The Impact On The Landscape Character
- 2.3 The Impact Of The Proposal On The Living Conditions Of Neighbouring Residents
- 2.4 Impact Of The Proposal On The Listed Building
- 2.5 Impact Of The Proposal On Highway Safety

3. Application Details

The Site

- 3.1 The application site is within the curtilage of Beech House, Stockdalewath, a Grade II Listed 18th Century farmhouse, with associated Listed outbuildings. The property is a two storey, three bay house, constructed from coursed red sandstone on a chamfer red plinth, with V-jointed calciferous sandstone quoins. The roof is graduated greenslate, with coped gables and kneelers and features 19th Century brick chimney stacks. The various outbuildings

are constructed from mixed sandstone rubble walls, with welsh slate roofs, with lower courses partly sandstone slate.

- 3.2 The site is currently used as a garden area, adjacent to the access to the property. It is bounded by the access track, post and rail fencing and trees and hedges. It is accessed via an existing access lane leading from the County Highway down to Beech House.

Background

- 3.3 This application has been brought before the Development Control Committee for determination due to the receipt of an objection from the Parish Council.

The Proposal

- 3.4 The application is seeking Planning Permission for the erection of five number timber holiday lodges. The block plan which accompanies this application outlines that the lodges will be single storey detached buildings, laid out informally, and each have a footprint of 66 square metres.
- 3.5 The plans show that the lodges will be clad externally with cedar timber boards and shingles, allowing the walls to weather and blend in with the natural surroundings. The applicants agent has stated that the main design approach has been to develop high quality design, incorporating modern and innovative technologies. Walls are super insulated, with triple glazed windows, the dwellings south facing principal elevation has been maximised for solar gain, and rainwater harvesting is being considered.

4. Summary of Representations

- 4.1 This application has been advertised by means of site and press notices as well as notification letters sent to two neighbouring properties. In response two letters of objection have been received. The grounds of objection are summarised as;
1. neighbours would not want to see anymore traffic generated on these inadequate country roads;
 2. there is sufficient holiday accommodation within the immediate vicinity, including one already at Beech House, more would be out of keeping with the village;
 3. concerns are raised about the continual development and further applications for proposed development at Beech House;
 4. the level of charges for the existing self catering accommodation are out of reach for many, and it is believed it is used as corporate hospitality by the parent group;
 5. all other holiday accommodation in the area has been through conversion of traditional buildings, these lodges are out of keeping;
 6. there is no apparent benefit to the local population or the area and any future development will adversely affect the local community.

5. Summary of Consultation Responses

Cumbria County Council - Highways & Transport: - no objections subject to the inclusion of one condition;

Dalston Parish Council: - Object to the proposal; there is a degree of creep outside of the village boundary. There are concerns about the effect on the landscape and amenity. The development will be prominent and obtrusive and not in keeping with the main house or its surroundings;

Cumbria Constabulary (Crime Prevention): - has raised comments for the applicant to consider;

Local Environment - Environmental Protection: - no objections;

United Utilities: - no objections, however, if possible the site should be drained on a separate system.

6. Officer's Report

Assessment

- 6.1 The relevant planning policies against which the application is required to be assessed are Policies DP1, CP1, CP2, CP5, CP12, CP17, EC11, EC16, LE12 and T1 of the Carlisle District Local Plan 2001-2016. The proposal raises the following issues.

1. The Principle Of Development

- 6.2 The location of this type of operation in the rural area must be justified. Policy DP1 of the Local Plan requires that development proposals will be assessed against their ability to promote sustainable development. Outside of the specified settlements, development proposals will be assessed against the need to be in the location specified.
- 6.3 The applicant has stated that the holiday lodges would complement the existing holiday let, which was granted in 2011. Since the granting of the previous applications, (barn conversions to holiday let and office use) the Government has published the National Planning Policy Framework (NPPF) which is a material planning consideration.
- 6.4 Paragraph 19 of the NPPF states *"The government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system."*
- 6.5 Sustainable development is defined in the NPPF as *"positive growth – making economic, environment and social progress..."*. This is also reiterated in Paragraph 28 of the NPPF, which states *"Planning Policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development"*.

- 6.6 Policy EC16 of the Local Plan states that proposals for tourism development in Carlisle and elsewhere will be supported where they contribute towards the economic and physical regeneration of an area. The holiday units would help to support both the new enterprise and the wider area as a whole due to their proximity to Stockdalewath, Raughton Head, which is a Local Service Centre, as well as Dalton and Carlisle. As such, the principle of the development is considered to be acceptable.

2. The Impact On The Landscape Character

- 6.7 Policy EC11 of the Local Plan states that any new buildings within the rural area should be well related to an existing group of buildings to minimise their impact and ensure they blend satisfactorily into the landscape through suitable materials, design and siting.
- 6.8 In relation to the potential landscape or visual impact, it should be noted that the topography of the land is such that the application site slopes down away from County Highway. In addition, the existing landscaping, consisting of hedging, provides additional screening along the boundaries. Given these factors, the visual amenity and character of the area would be sufficiently protected.

3. Impact On Living Conditions Of Neighbouring Residents

- 6.9 The proposal is located within a former farm steading with the nearest residential property located a significant distance away. Accordingly, given the orientation of the property with adjacent residential properties together with the proposed level of use, it is considered that the proposal is unlikely to have a detrimental impact on the living conditions of occupiers of adjoining properties through loss of privacy or unacceptable levels of noise or disturbance.

4. Impact Upon The Listed Building

- 6.10 The proposal involves no alterations to the appearance of the Listed Building. The topography of the land is such that the proposal would have no additional impact upon the building. As such the character and appearance of the Listed Building will not be detrimentally affected by the proposal.

5. Impact On Highway Safety

- 6.11 The site is served by an access road which also serves other residential properties within the former farmstead. Cumbria County Council, as Highways Authority, has been consulted and have raised no objections subject to the imposition of a condition. In such a context, although neighbours have raised concerns, it is considered that the proposal is unlikely to have a detrimental impact on highway safety.

Conclusion

- 6.12 The principle of continued economic growth is supported by the NPPF and by

Local Plan policies. It is not considered that the erection of the holiday lodges would detract from the landscape character of the surrounding area; nor would they adversely affect the amenity of those persons who will occupy the neighbouring residential properties. In all aspects the proposal is compliant with the requirements of the relevant Local Plan policies and those of the NPPF, as such the application is recommended for approval subject to conditions.

7. Planning History

- 7.1 The following applications have been granted at the site:
- 7.2 11/0096 Demolition Of Redundant Outbuildings And Conversion/Change Of Use Of 2No. Existing Barns To Provide 1No. Holiday Let, 1No. Commercial Office, Private Link Section Between Office And Beech House And New Vehicular Site Access
- 7.3 11/0097 Demolition Of Redundant Outbuildings And Conversion/Change Of Use Of 2No. Existing Barns To Provide 1No. Holiday Let, 1No. Commercial Office, Private Link Section Between Office And Beech House And New Vehicular Site Access (LBC)
- 7.4 11/0840 Proposed Carport And Biomass Boiler House; Change Of Use Of Land To Provide Private Horse Training Arena
- 7.5 11/0841 Proposed Carport And Biomass Boiler House (LBC)
- 7.6 11/1028 Removal Of Barn Roof To Enable The Replacing Of Its Structure And Raising Of Door Head Lintel (LBC)
- 7.7 11/1111 Enlargement Of Main Barn Entrance, Erection Of External Balcony And Rebuilding Of Retaining Wall (LBC)

8. 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 site location plan received 16th July 2013;
 - 3. the proposed site plan received 16th July 2013;
 - 4. the proposed floor plans and elevations received 16th July 2013;

5. the design and access statement received 16th July 2013;
6. the Notice of Decision; and
7. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

3. The materials (and finishes) to be used in the construction of the proposed development shall be in accordance with the details contained in the submitted application, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the objectives of Policy CP5 of the Carlisle District Local Plan 2001-2016 are met and to ensure a satisfactory external appearance for the completed development.

4. The lodges shall be used for holiday let accommodation and for no other purpose (including any other purpose in Class C of the Schedule to the Town and Country Planning [Use Classes] Order 1987), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: The site is within an area, where to preserve the character of the countryside it is the policy of the Local Planning Authority not to permit additional residential development and to ensure compliance with Policy EC11 of the Carlisle District Local Plan 2001-2016.

5. The lodges shall not be used at any time as sole and principal residences by any occupants.

Reason: The site is within an area, where to preserve the character of the countryside it is the policy of the Local Planning Authority not to permit additional residential development and to ensure compliance with Policy EC11 of the Carlisle District Local Plan 2001-2016.

6. The lodges shall not be used as a second home by any person.

Reason: The site is within an area, where to preserve the character of the countryside it is the policy of the Local Planning Authority not to permit additional residential development and to ensure compliance with Policy EC11 of the Carlisle District Local Plan 2001-2016.

7. The lodges shall not be let to any person or connected group of persons for a period exceeding eight weeks in any one calendar year.

Reason: The site is within an area, where to preserve the character of the countryside it is the policy of the Local Planning Authority not to permit additional residential development and to ensure

compliance with Policy EC11 of the Carlisle District Local Plan 2001-2016.

8. A bound register of all occupants of the holiday let accommodation hereby approved shall be maintained at all times and shall be made available for inspection by the Local Planning Authority on request. The register shall comprise consecutively numbered pages which shall be kept in order, and each entry shall contain the name and address of the principal occupier together with the dates of occupation.

Reason: The site is within an area, where to preserve the character of the countryside it is the policy of the Local Planning Authority not to permit additional residential development and to ensure compliance with Policy EC11 of the Carlisle District Local Plan 2001-2016.

9. No development approved by this permission shall be commenced until a scheme for the conveyance of foul drainage to a private treatment plant/septic tank has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use until such treatment plant has been constructed and completed in accordance with the approved plans unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent pollution of the water environment and to ensure compliance with Policy CP11 of the Carlisle District Local Plan 2001-2016.

10. No lodge shall be occupied until the access and parking facilities have been constructed in accordance with the approved plan and brought into use. These facilities shall be retained and capable of use at all times thereafter and shall not be removed or altered without the prior consent of the Local Planning Authority.

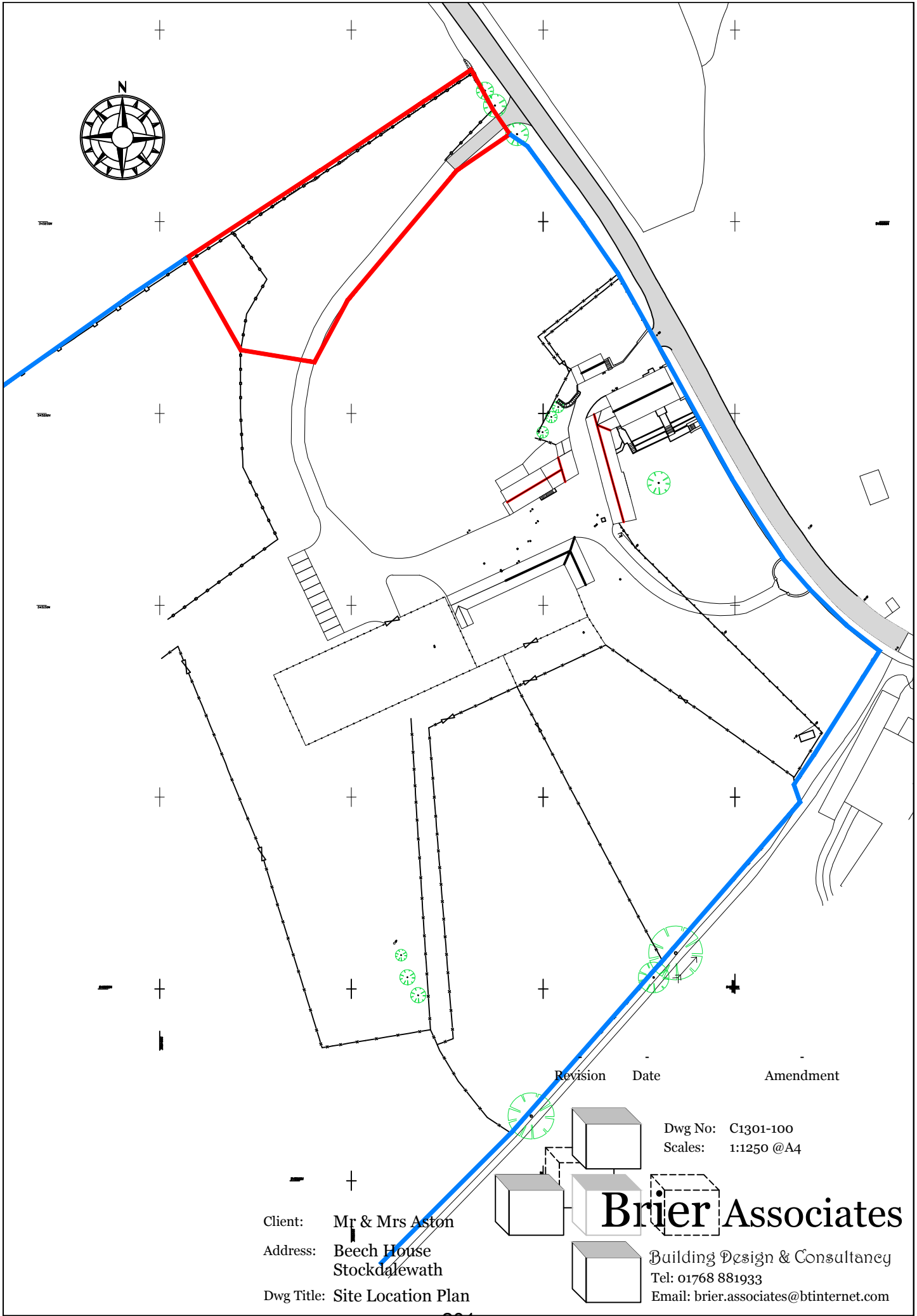
Reason: To ensure a minimum standard of access provision when the development is brought into use and to support Local Transport Plan Policies LD5, LD7 and LD8.

11. 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 approval in writing of the Local Planning Authority.

Site investigations should follow the guidance in BS10175.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

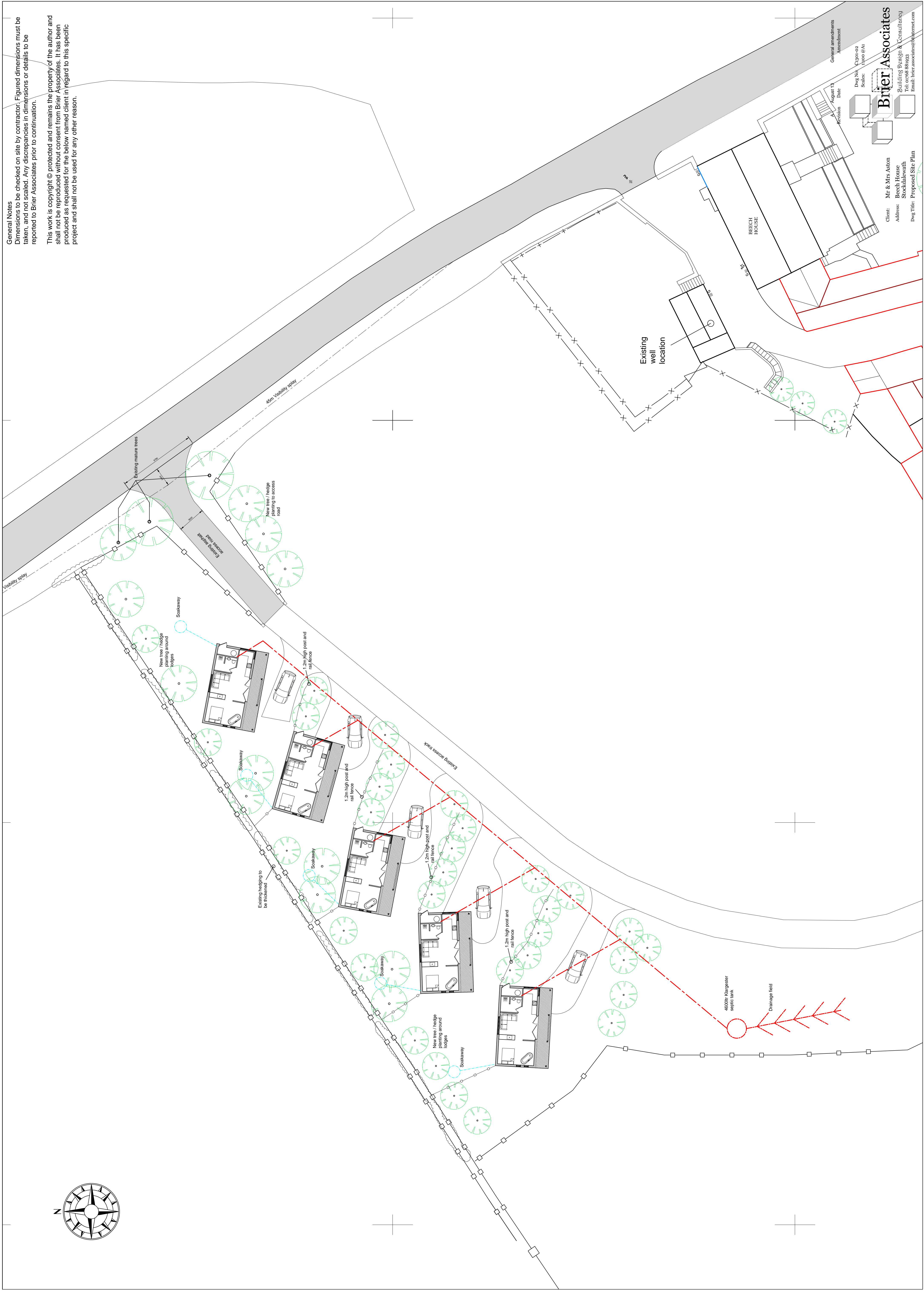
Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.



General Notes

Dimensions to be checked on site by contractor. Figured dimensions must be taken, and not scaled. Any discrepancies in dimensions or details to be reported to Brier Associates prior to continuation.

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General amendments
Amendment

August 13
Date

Dwg No: C390-02
Scale: 1:300 @ A1

Brier Associates

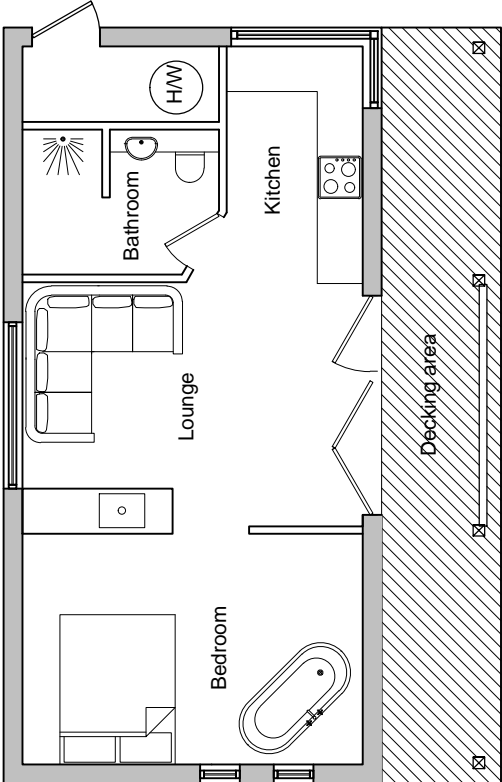
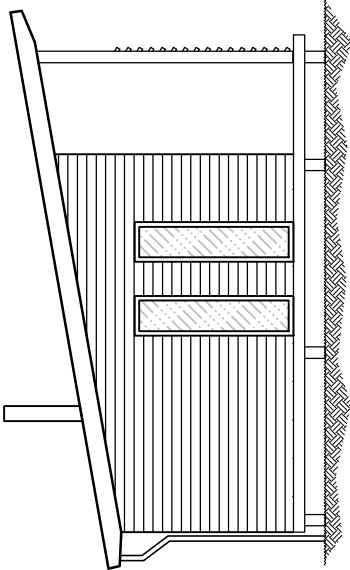
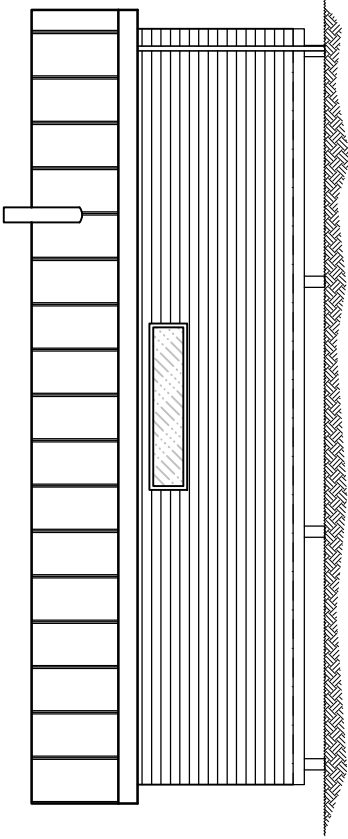
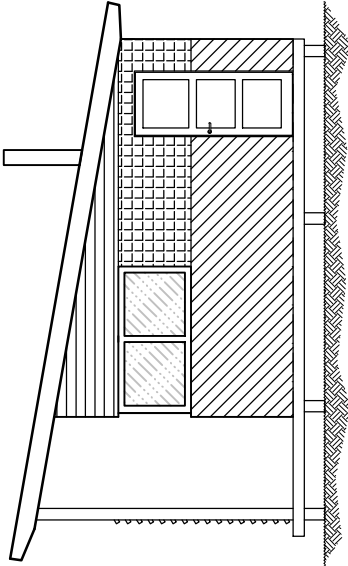
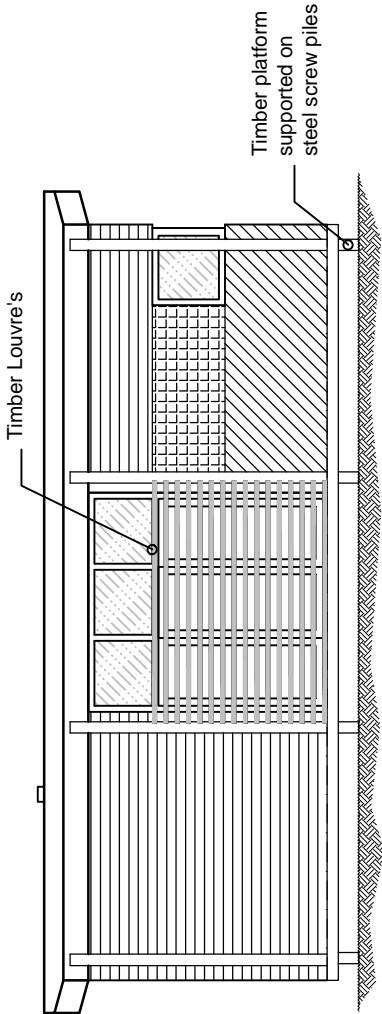
Client: Mr & Mrs Aston
Address: Beech House
Stockdalewath
Dwg Title: Proposed Site Plan

Building Design & Consultancy
Tel: 07968 889933
Email: brier.associates@btinternet.com

General Notes

Dimensions to be checked on site by contractor. Figured dimensions must be taken, and not scaled. Any discrepancies in dimensions or details to be reported to Brier Associates prior to continuation.

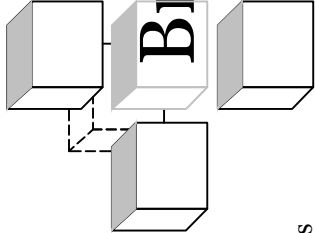
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PROPOSED MATERIALS

- Walls - Timber clad with combination of panels and cedar shingles
- Windows - Painted timber windows
- Roof - Tata Colour coat urban sheeting in Grey green
- Rainwater goods - Hidden gutter with grey green downspout

Revision Date Amendment



Dwg No: C1301-01
Scales: 1:100 @A3

Client: Mr & Mrs Aston
Address: Beech House
Stockdalewath
Dwg Title: Proposed Lodge Plans

Brier Associates
Building Design & Consultancy
Tel: 01768 881933
Email: brier-associates@btinternet.com

SCHEDULE A: Applications with Recommendation

13/0519

Item No: 11

Date of Committee: 11/10/2013

Appn Ref No:

13/0519

Applicant:

Mr DI & Ms PA Bimson &
Martin

Parish:

Beaumont

Date of Receipt:

16/07/2013

Agent:

Ward:

Burgh

Location:

Monkhill Hall Farm, Monkhill, Burgh by Sands,
Carlisle, CA5 6DD

Proposal: Erection Of 1No. Dwelling (Outline)

REPORT

Case Officer: Stephen Daniel

1. Recommendation

- 1.1 It is recommended that this application is approved with conditions.

2. Main Issues

- 2.1 The Principle Of Development
- 2.2 The Scale & Design Of The Development
- 2.3 Impact Of The Proposal On The Living Conditions Of The Occupiers Of
Neighbouring Dwellings
- 2.4 Access & Parking Issues
- 2.5 Tree/ Hedgerow Issues
- 2.6 Other Matters

3. Application Details

The Site

- 3.1 The site currently contains a slurry tower and some adjacent land, part of which is used for storage of silage. It is elevated above the adjacent road, which runs along the western site boundary and is separated from it by a

hedge, which incorporates some trees.

- 3.2 The existing farm access runs to the front (north) of the site and this would be used to provide access to the proposed dwelling. Farm buildings adjoin the application site to the north, beyond which lies some residential development, with fields adjoining the site to the south, east and west.

The Proposal

- 3.3 The proposal is seeking outline planning permission for the erection of a dwelling on the site of the slurry tower. The block plan shows a dwelling with footprint of 13.5m by 11.5m. A 9m long garden would be provided to the rear of the dwelling, with a garden also being provided to the west of the dwelling, adjacent to the existing hedgerow. Access would be via the existing farm access.

4. Summary of Representations

- 4.1 This application has been advertised by means of a site notice and notification letters sent to four neighbouring properties. Five letters of objection (from three separate dwellings) and one comment have been received. The letters of objection make the following points:
- The proposal extends the boundary of the village;
 - Will this set down a marker for future infill?;
 - If permission is given, would the adjacent farm sheds then be open to unwelcome infill development?;
 - This is the 2nd application for a house at Monkhill Hall Farm in one year – the first was granted due to its agricultural need but this has not yet been built, which leads me to question the need for a further dwelling;
 - Monkhill has had many new dwellings built in the last 10 years and there are applications in for 7 more currently, which is too much for the size of the hamlet;
 - There is no need for the dwelling – there are currently several dwellings for sale in Monkhill, some of which have been on the market for a long time;
 - The farm access road regularly floods – if a dwelling is built here there could be implications for future occupants and other residents on the road;
 - The drainage at Monkhill is a disgrace – surface water runs down the road and it starts at Monkhill Hall Farm – another dwelling would just

add to the problems;

- 19 properties have been built in Monkhill in recent years, which has increased congestion – there has been enough development;
- Monkhill is a hamlet and only has a pub and a sparse bus service;
- Houses should be built in areas with better amenities and planned for expansion, such as Burgh, which has more facilities including a school;
- The dwelling is for the applicant's daughter - the applicant has built 8 properties in Monkhill over the last few years and their daughter is living in one of them.

5. Summary of Consultation Responses

Cumbria County Council - (Econ. Dir. Highways & Transportation): - no objections, subject to conditions;

Cumbria County Council - Drainage: - comments awaited;

Local Environment - Environmental Protection: - no objections, subject to conditions;

Beaumont Parish Council: - the application site is an extension to the village; will the site be inspected by Environmental Health in relation to possible contamination; the application site starts very high; this is the 2nd application received for a dwelling at Monkhill Hall Farm in one year.

English Heritage - North West Region: - no objections;

United Utilities: - no objections, subject to conditions.

6. Officer's Report

Assessment

- 6.1 The relevant planning policies against which the application is required to be assessed are Policies DP1, H1, LE7, CP3, CP5, CP12 and T1 of the Carlisle District Local Plan 2001-2016. The proposal raises the following planning issues:

1. The Principle Of Development

- 6.2 The site is currently occupied by a slurry tower, which is no longer needed by the applicants. It lies adjacent to some existing farm buildings, which lie adjacent to some residential properties. An existing farm access would serve the dwelling and the existing hedge, that lies adjacent to the road, would be retained. Whilst Monkhill only has a pub, the settlement lies in close proximity to Burgh-By-Sands, which contains a number of services, including a school, which could be used by any future occupiers of the dwelling. In light of the above, the proposal would be acceptable in principle.

2. The Scale & Design Of The Development

- 6.3 These matters are reserved for subsequent approval and do not form part of this application. The illustrative layout plan that has been submitted with the application shows a dwelling 13.5m by 11.5m within an acceptable sized plot. Given the elevated nature of the site, the height of any dwelling would need to be kept low, but this matter can be resolved at the Reserved Matters stage.

3. Impact Of The Proposal On The Living Conditions Of The Occupiers Of Neighbouring Dwellings

- 6.4 The nearest residential property would have a side elevation over 35m away from the nearest part of the proposed dwelling and this distance would be sufficient to ensure that the proposed dwelling does not have an adverse impact on the living conditions of the occupiers of that dwelling through loss of light, loss of privacy or over-dominance.

4. Access & Parking Issues

- 6.5 The existing farm access would be used to provide access to the new dwelling. County Highways has no objections to this providing that provision is made within the site for the parking and turning of vehicles and this can be ensured by condition.

5. Tree/ Hedgerow Issues

- 6.6 The Block Plan shows a dwelling sited on the footprint of the existing slurry tower. The existing hedge/ trees along the western boundary of the site should be retained and a landscaping condition has been used to ensure that new and existing landscaping is incorporated into the scheme.

6. Other Matters

- 6.7 The applicant has indicated that surface water drainage would go to a soakaway. A condition has been added to the permission to deal with this, as requested by United Utilities.

Conclusion

- 6.8 In overall terms, the proposal is acceptable in principle. The scale and design of the dwelling would be addressed through a Reserved Matters application. The indicative layout plan illustrates that the dwelling could be located on the application site without having an adverse impact on the occupiers of any neighbouring properties. Appropriate access and parking could be provided and the proposal would not have an adverse impact of the existing hedge/ trees. In all aspects, the proposal is considered to be compliant with the objectives of the relevant national and local planning policies.

7. Planning History

- 7.1 A number of applications have been submitted at Monkhill Hall Farm over the

last few years but none are related to the application site.

8. Recommendation: Grant Permission

1. Before any work is commenced details of the layout, scale, appearance, access and 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. The approved documents for this Outline permission comprise:

1. the submitted planning application form, received 2 July 2013;
2. Contamination Study, received 2 July 2013;
3. Site Location Plan, received 3 July 2013 (Plan 2);
4. Block Plan, received 3 July 2013 (Plan 1);
5. the Notice of Decision; and
6. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: For the avoidance of doubt.

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

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

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

Reason: To ensure that a satisfactory landscaping scheme is prepared and to ensure compliance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

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

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

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

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

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) there shall be no enlargement or external alterations to the dwellings 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 attractive appearance of the buildings is not harmed by inappropriate alterations and/or extensions and that any additions which may subsequently be proposed satisfy the objectives of Policy CP5 of the Carlisle District Local Plan 2001-2016.

9. As the site is to be used for a sensitive development, a desk study and site reconnaissance (walk-over) report should be submitted with the Reserved Matters application. The report should include sufficient information to

determine the existence or otherwise of contamination and the nature and risks it may pose. The desk study should follow the guidance provided in the developer's guide.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

10. The first Reserved Matters Application shall include full details showing provision within the site for the parking, turning and loading and unloading of vehicles, so vehicles enter and leave the site in a forward direction, shall be submitted to the Local Planning Authority for approval. The development shall not be brought into use until any such details have been approved and the facilities constructed; they shall be kept available for those purposes at all times thereafter; and shall not be used for any other purpose.

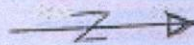
Reason: To ensure that all vehicles can be properly and safely accommodated clear of the highway and to support Local Transport Plan Policies LD7 & LD8.

11. The whole of the vehicular access area bounded by the carriageway edge and the gates shall be constructed and drained to the specification of the Local Highways Authority.

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

RECEIVED
- 3 JUL 2013
13/0519

APPLICATION SITE



LOCATION PLAN 2
SCALE 1:2500

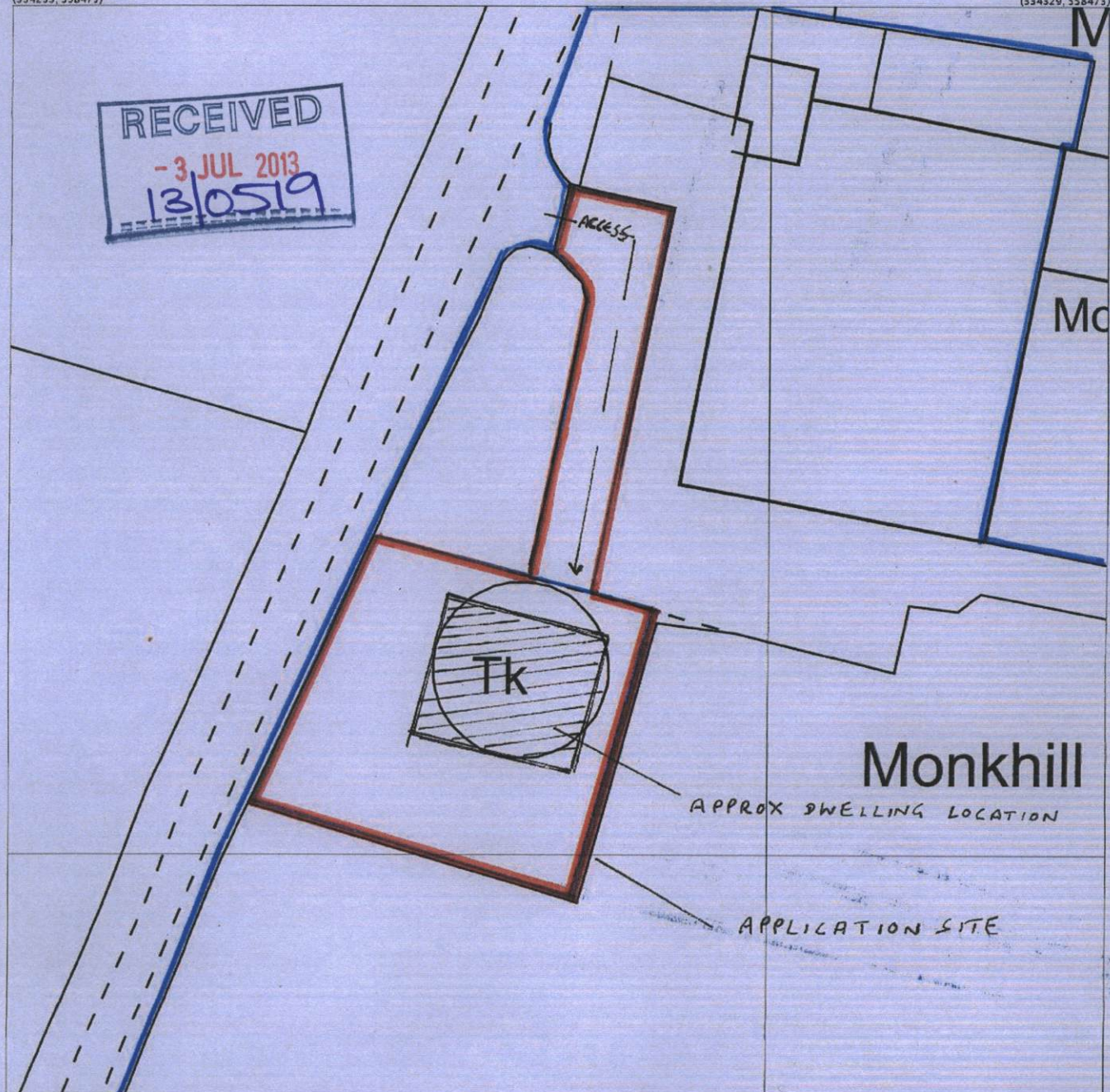
BLOCK PLAN 1



(334235, 558473)

(334329, 558473)

RECEIVED
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13/0519



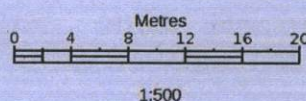
(334235, 558379)

(334329, 558379)

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MONKHILL HALL FARM
CARLISLE
CA5 6DD

Supplied by: Latitude Mapping Ltd
Reference: OI593301
Centre coordinates: 334282 558426

SCHEDULE A: Applications with Recommendation

13/0532

Item No: 12

Date of Committee: 11/10/2013

Appn Ref No:
13/0532

Applicant:
Mr Harris

Parish:
Wetheral

Date of Receipt:
04/07/2013 23:00:11

Agent:
Green Design Architects

Ward:
Wetheral

Location:

Land to the rear of Park House, Parkett Hill, Scotby,
Carlisle, CA4 8BZ

Proposal: Erection Of 3no. Detached Dwellings And 1no. Bungalow (Outline)
(Revised Application)

REPORT

Case Officer: Shona Taylor

1. Recommendation

- 1.1 It is recommended that this application is granted subject to the completion of a s106 agreement relating to affordable housing.

2. Main Issues

- 2.1 Whether The Principle of Development Is Acceptable
- 2.2 Whether The Scale And Design Of The Dwellings Are Acceptable
- 2.3 The Impact Of The Proposal On The Living Conditions Of Neighbouring Residents
- 2.4 Impact Of The Proposal On Highway Safety
- 2.5 Impact Of The Proposal On The Railway

3. Application Details

The Site

- 3.1 The application site is at Parkett Hill, Scotby, an unadopted private road serving eight properties and the playing fields/pavillion.
- 3.2 The site is currently unused and had become overgrown. It is bounded to the

north by the railway, to the east by residential properties Lyneside and The Picture House, to the west by 'Wash Beck' a small stream which marks the boundary between the site and Railbeck House, and to the south by Park House and Beckfoot. It is accessed via an existing track between Park House and Beck Foot which exits onto Parkett Hill.

Background

- 3.3 This application has been brought before the Development Control Committee for determination as the Parish Council have raised objections to the scheme and due to Members having determined an earlier scheme.

The Proposal

- 3.4 The application is seeking Outline Planning Permission for the erection of four number detached properties. The block plan which accompanies this application outlines that three of the the dwellings will be two storey detached dwellings, and one will be a bungalow. All matters are reserved except access.
- 3.5 The indicative plans show that the design, scale and massing of the proposed dwelling houses would be similar to those of their immediate neighbours.

4. Summary of Representations

- 4.1 This application has been advertised by means of a site notice and a notification letter sent to six neighbouring properties. In response no responses have been received during the consultation period.

5. Summary of Consultation Responses

Cumbria County Council - Highways & Transportation: - are not the highway authority as Parkett Hill is an unadopted road, however, they have suggested two conditions that should be included on any permission, and have confirmed they would have no concerns in terms of access;

Clerk to Wetheral PC: - raised objections to the proposal relating to overdevelopment, access and flooding;

Local Environment - Environmental Protection: - no objections subject to the inclusion of a conditon;

Network Rail: - no objections subject to the inclusion of several conditons;

Northern Gas Networks: - no objections;

Cumbria County Council - Drainage: - awaiting response;

Local Environment - Waste Services: - no objections;

Housing Strategy & Support: - an affordable housing contribution should be secured by way of a s106 agreement.

6. Officer's Report

Assessment

- 6.1 The relevant planning policies against which the application is required to be assessed are Policies DP1, H1, H9, CP3, CP5, CP6, CP12 and T1 of the Carlisle District Local Plan 2001-2016.

The proposals raise the following issues:

1. Whether The Principle of Development Is Acceptable

- 6.2 The application site is located on land which is currently vacant and overgrown. Policies require that development proposals, and in this instance residential development, should enhance the overall quality of life within Cumbria through the promotion of sustainable development that seeks to protect the environment, ensure prudent use of resources and maintain social progress and economic growth. In particular, H1 of the Local Plan, identifies Local Service Centres that are considered to be sustainable and appropriate for additional development, subject to consideration against the relevant policy criteria. Scotby is one such Local Service Centre; therefore, the principle of development is considered to be acceptable.

2. Whether The Scale And Design Of The Dwellings Are Acceptable

- 6.3 The submitted plans illustrate that the proposed dwellings would be of a similar scale and massing to the majority of their immediate neighbours. As this application is for outline consent, these plans are indicative only and any design/layout issues can be resolved within the reserved matters application.
- 6.4 In summary, the scale and massing of the proposed dwellings appear comparable to the existing properties within Parkett Hill. Accordingly, it is not considered that the development would form a discordant feature in the street scene.

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

- 6.5 The proposed dwellings would need to be orientated so as to achieve adequate separation distance between the primary windows of the existing residential properties and the proposed dwellings. This application is seeking outline consent, and as such any concerns regarding the layout will be able to be overcome at the reserved matters stage through sympathetic design. As such, taking into consideration the scale and position of the proposed application site in relation to these properties, it is unlikely that the living conditions of the occupiers of the surrounding properties will be compromised through loss of light, loss of privacy or overdominance.

4. Impact Of The Proposal On Highway Safety

- 6.6 The proposal seeks approval to use the existing access, and illustrates parking and turning space for the dwellings within their curtilage. The access road has been shown as being 4m wide at its narrowest point. The Highway Authority did not previously raise any objections to the application, as it will

not take access directly onto the public maintained highway, as Parkett Hill is an unadopted road. However, they raised concerns regarding the access during this application, as a result, additional drawings were produced by the applicant showing the alterations to the access and an area for waste storage, and as a result the Highway Authority have withdrawn their objection.

- 6.7 The Council's waste services have confirmed that as the driveway has been confirmed as 4m, refuse vehicle would be able to access the site. However, recycling containers may have to be taken to the main road to be emptied.

5. Impact Of The Proposal On The Railway

- 6.8 Network Rail have no objections to the principle of the development, but have raised several issues relating to the drainage, boundary fencing, soundproofing and landscaping of the development, with regard to the safety, operational needs and integrity of the railway. The applicant's agent has been provided with a copy of these comments and they will be dealt with by way of condition.
- 6.9 Advice has been taken from the Council's Environmental Quality Department regarding possible soundproofing measures, they have advised that a condition be attached to the decision notice relating to acceptable sound levels.

6. Other Matters

- 6.10 Housing services have requested a commuted sum for affordable housing, as the relevant policy contribution would be 0.5 of a unit. So, the figure for the commuted sum would be worked out as follows:

$(A \times 0.1) \times 30\%$ where 'A' is the market value of the relevant unit as at the relevant unit's practical completion date or sale.

This would be secured by the provision of a section 106 legal agreement.

Conclusion

- 6.11 In overall terms, the principle of the proposed development is acceptable. The scale, siting and massing of the proposed dwellings are acceptable in relation to the site and the surrounding properties. With minimal alterations to the layout, the living conditions of neighbouring properties would not be compromised through unreasonable overlooking or overdominance. Adequate car parking, access and amenity space would be able to be provided to serve the dwellings. In all aspects the proposal is compliant with the objectives of the Local Plan policies and the proposal is recommended for approval subject to the completion of a S106 Agreement.

7. Planning History

- 7.1 Permission was granted in 2010 for the erection of 2no. 2 storey detached

dwellings (Outline Application reference 09/0314).

- 7.2 Permission was refused earlier this year for an outline application seeking permission for the erection of 5 no. dwellings (application reference 12/0970).

8. Recommendation: Grant Permission

1. 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).

2. Before any work is commenced, details of the layout, scale, appearance, and landscaping of the site (hereinafter called "reserved matters") shall be submitted to and approved by the Local Planning Authority.

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

3. The approved documents for this Planning Permission comprise:
 1. the submitted planning application form;
 2. the site location plan received 5th August 2013 (drawing 12/2153/00);
 3. the block plan received 5th August 2013 (drawing 2153/10/C);
 4. the indicative house types received 5th August 2013 (drawings 12/2153/11, 12/2153/12A and 12/2153/13A);
 5. the access plan received 5th August 2013 (drawing 12/2153/14A);
 6. the desk top study received 4th July 2013;
 7. the design and access statement received 4th July 2013;
 8. the Notice of Decision; and
 9. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

4. No development hereby approved by this permission shall commence until samples or full details of all materials to be used on the exterior 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 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.

5. No development hereby approved by this permission shall commence until details of the proposed hard surface finishes to all public and private external areas within the proposed scheme have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

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

6. No development hereby approved by this permission shall commence 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 and in order to protect the safety, operational need and integrity of the railway.

7. No development hereby approved by this permission shall commence until a scheme for the conveyance of foul drainage has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use the approved drainage scheme has been constructed and completed in accordance with the approved plans.

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

8. No development hereby approved by this permission shall commence until particulars of height and materials of all boundary fences 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 appearance of the area is not prejudiced by lack of satisfactory screening which is not carried out in a co-ordinated manner and to ensure compliance with Policy CP5 of the Carlisle District Local Plan 2001-2016 and in order to protect the safety, operational need and integrity of the railway.

9. No development hereby approved by this permission shall commence until details of a landscaping scheme have been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include the proposed type and species of all planted material including particulars of the proposed heights and planting densities.

Reason: To ensure that a satisfactory landscaping scheme is prepared in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016 and in order to protect the safety, operational need and integrity of the railway.

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 accord with Policy CP5 of the Carlisle District Local Plan 2001-2016.

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

Reason: In order that the approved development overcomes any problems associated with the topography of the area, that it satisfies the requirements of the Drainage Engineer in relation to flood risk and that it meets the objectives of Policies H1 of the Carlisle District Local Plan 2001-2016.

12. Development shall not begin until a scheme for protecting the proposed dwellings from noise from the adjacent railway has been submitted to and approved by the Local Planning Authority; and all works which form part of the scheme shall be completed before any of the permitted dwellings are occupied. The internal noise levels for each dwelling shall meet the WHO guidelines for LAeq and LMax sound levels.

Reason: So that the externally generated sound level within each dwellings are acceptable in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016

13. No tree or hedgerow existing on the site shall be felled, lopped, uprooted or layered without the prior consent in writing of the Local Planning Authority and the protection of all such trees and hedgerows during construction shall be ensured by a detailed scheme to be agreed with the Local Planning Authority.

Reason: The Local Planning Authority wishes to see existing hedgerows/trees incorporated into the new development where possible and to ensure compliance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) there shall be no enlargement or external alterations to the dwelling units 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 attractive appearance of the buildings is not harmed by inappropriate alterations and/or extensions and that any additions which may subsequently be proposed satisfy the objectives of Policies CP5 and CP6 of the Carlisle District Local Plan 2001-2016.

15. No development shall take place until full details of all excavations and earthworks to be carried out near the railway undertakers boundary fence have been submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the Local Planning Authority.]

Reason: To protect the safety, operational needs and integrity of the railway to the north of the site.

16. Before the development hereby permitted is occupied a suitable 1.8 metre (minimum) high trespass proof boundary fence shall be erected shall be erected and maintained in perpetuity to the satisfaction of the Local Planning Authority.

Reason: In order to prevent trespass onto the railway.

17. A scheme for all external lighting within and around the site (including temporary and permanent) shall be submitted to and approved in writing by the Local Planning Authority before any work on the site is commenced. The approved scheme shall be permanently retained and maintained thereafter.

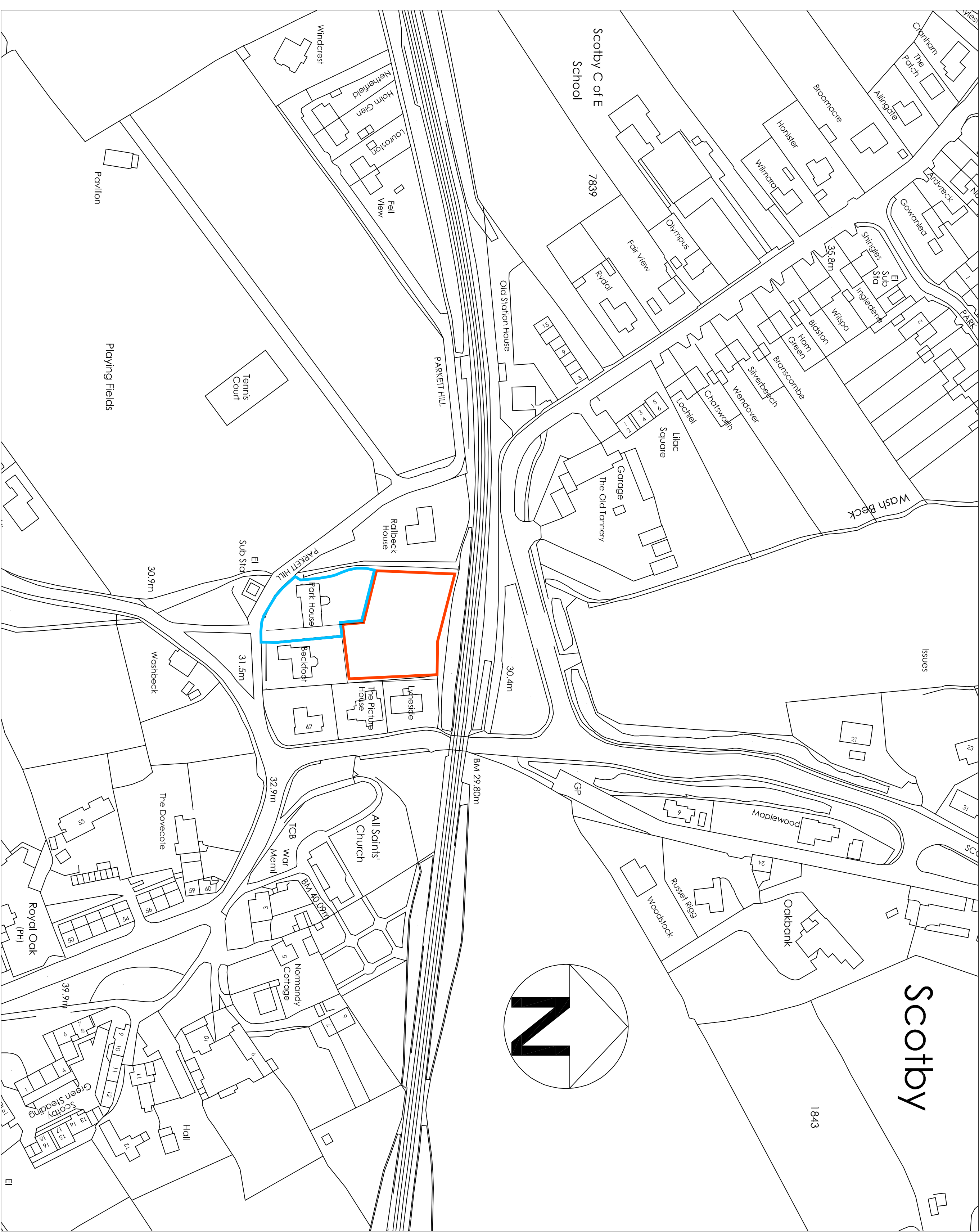
Reason: To protect the safety, operational needs and integrity of the railway to the north of the site.

18. The access and parking/turning requirements, shown on the approved plan, shall be substantially met before any building work commences on site so that constructional traffic can park and turn clear of the highway. Once complete they shall be retained capable of use thereafter and shall not be altered without the prior consent of the Local Planning Authority.

Reason: The carrying out of building works without the provision of these facilities is likely to lead to inconvenience and danger to road users. Retention of the facilities ensures an appropriate standard of parking and access for as long as the use continues, and in accordance with Policies LD5, LD7 and LD8 of the Local Transport Plan.

19. No dwelling shall be occupied until its access and parking requirements have been completed in accordance with the approved plan. These facilities shall be maintained capable of use at all times thereafter and shall not be removed or altered without the prior consent of the Local Planning Authority.

Reason: To ensure a minimum standard of access provision when the development is brought into use and to support Local Transport Plan Policies LD5, LD7 and LD8.



D	C
RV	DATE
DESCRIPTION	

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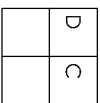
SUTTON HOUSE DOVENBY HALL ESTATE COCKERMOUTH CUMBRIA CA13 0PN TEL: 01900 822245

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Location Plan

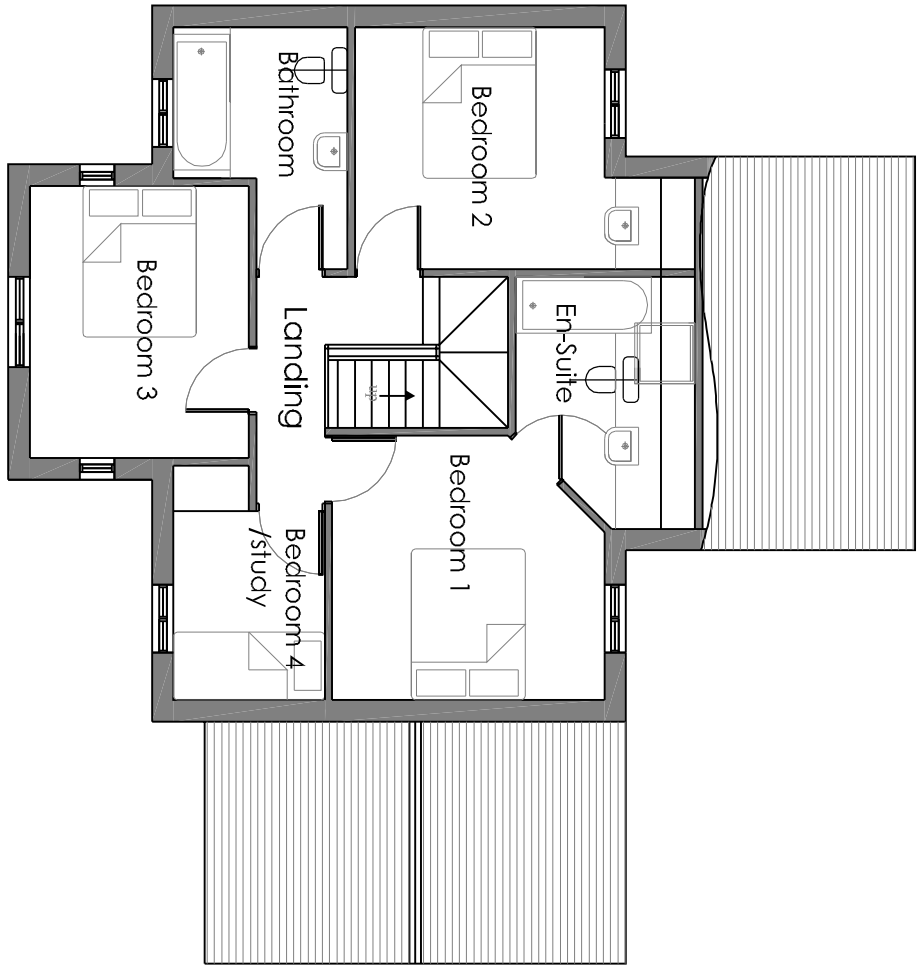
New Site Behind Park House,
Parkett Hill, Scotby, Carlisle
for Mr & Mrs M Harris
SCALE 1:1250 @ A2
November 2012
12/2153/00



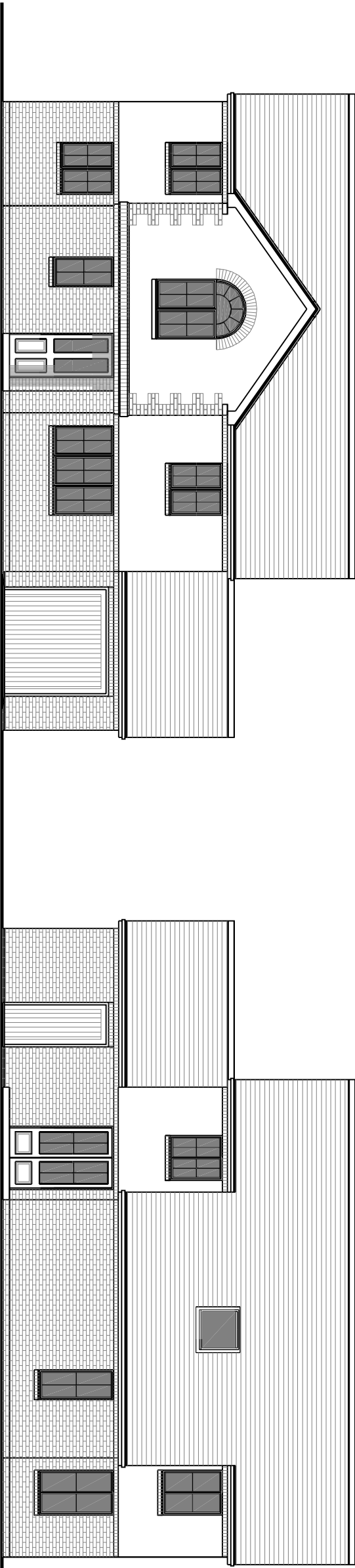
RV	DATE	DESCRIPTION
A	09/01/2013	Revised Access Road
B	27/02/2013	Revised Parking & Waste Provision
C	28/06/2013	Revised Planning Application

DESIGN ARCHITECTS AND DESIGNERS
www.greendesigngroup.co.uk
Block Plan

Block Plan
New Site Behind Park House,
Parkett Hill, Scotby, Carlisle
for Mr & Mrs M Harris
SCALE 1:500 @ A2
November 2012
12/2153/10C



First Floor Plan

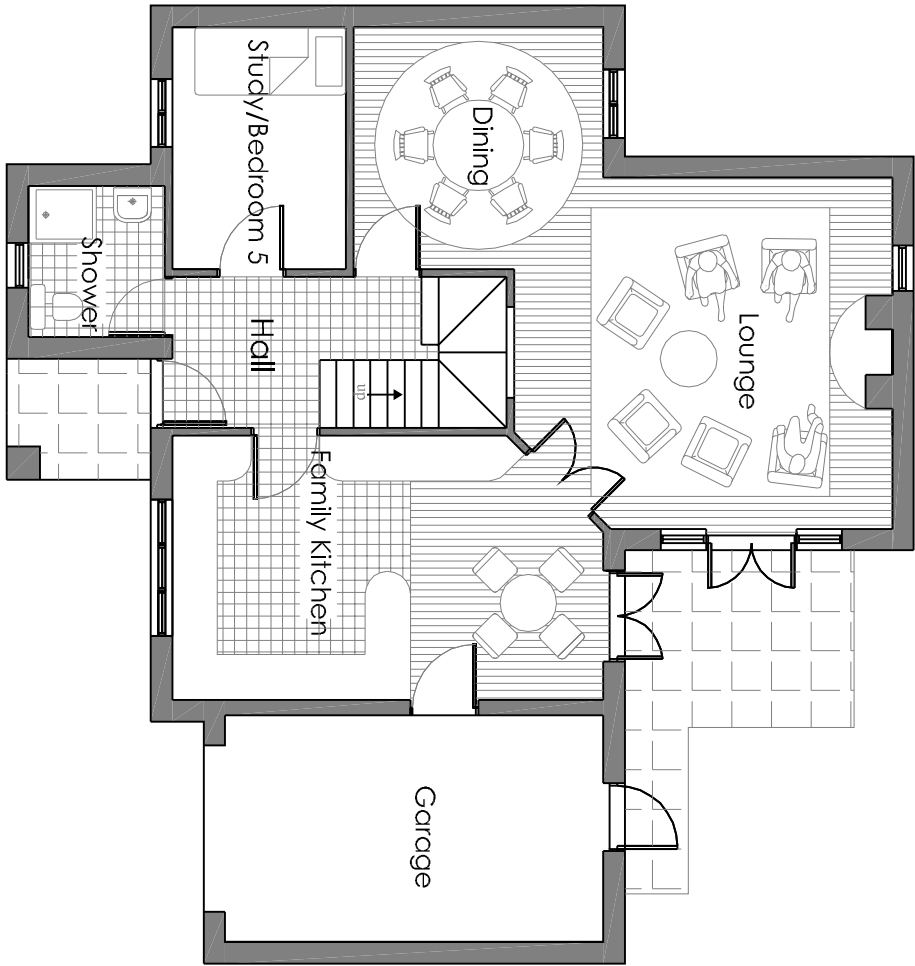


Front Elevation

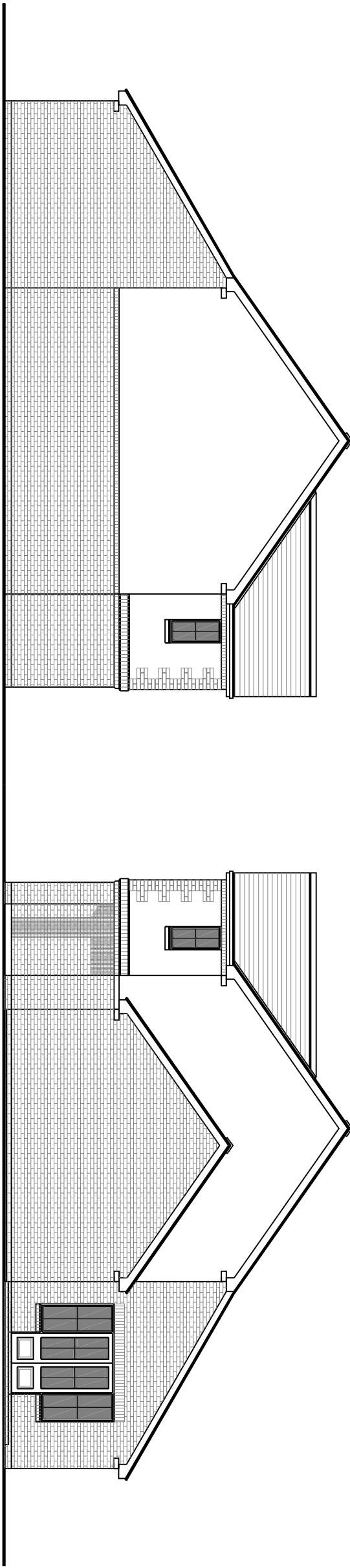
Design Parameters Plot 1

Rear Elevation

4 Bed House - Width 12.7m
Depth 12m
Height 7.1m



Ground Floor Plan



Side Elevation

Side Elevation

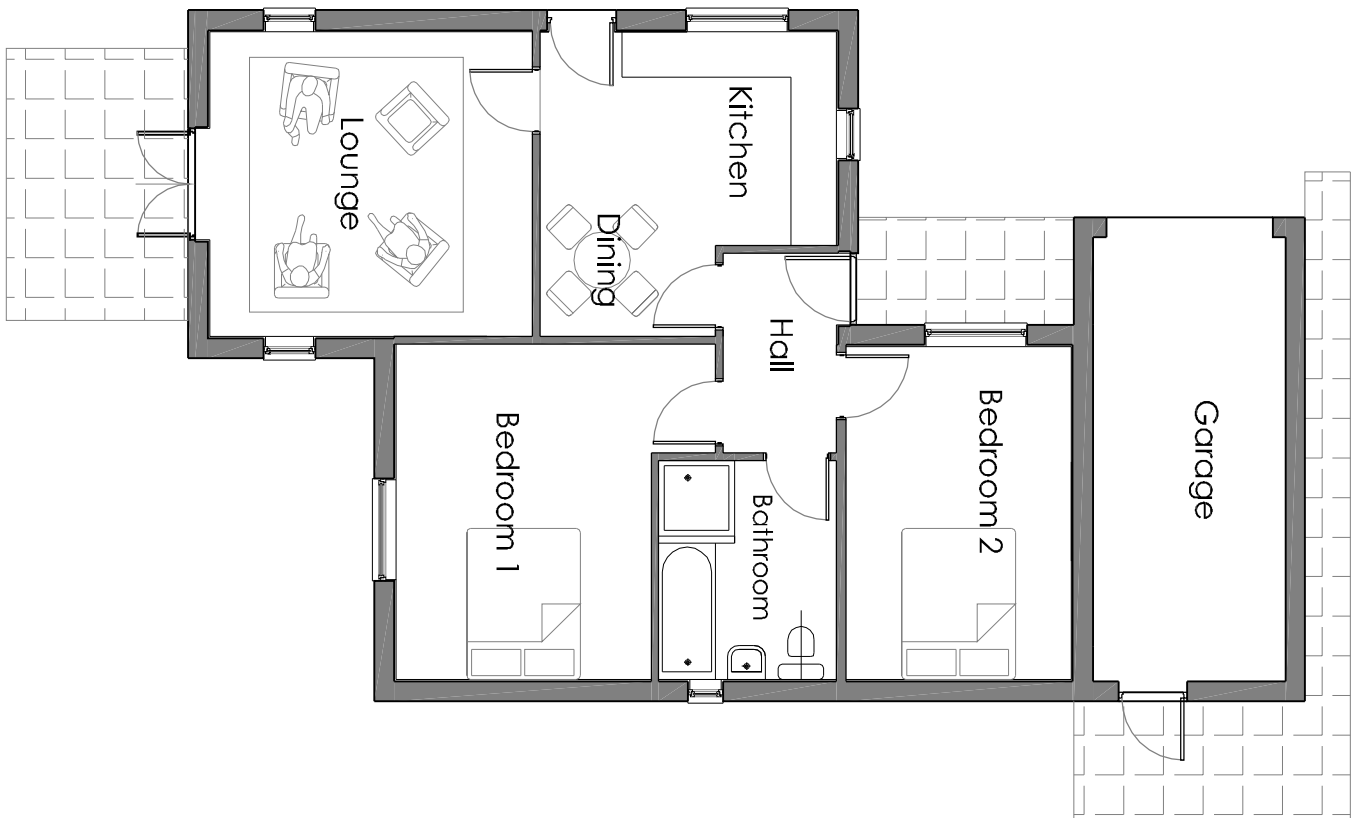
D	C
RV	DATE
	DESCRIPTION

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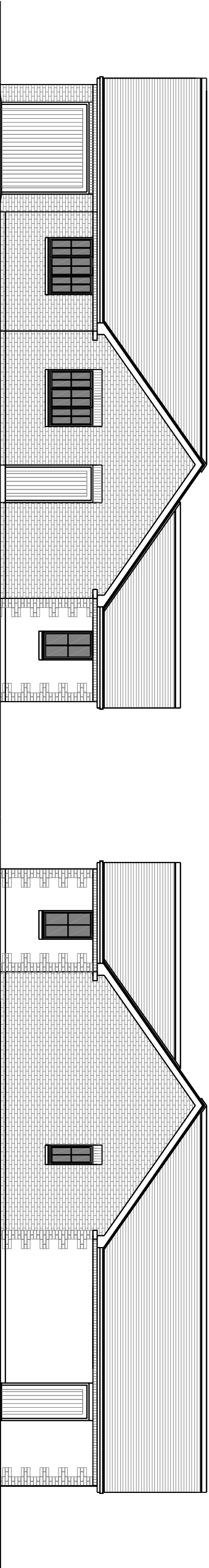
GREEN DESIGN ARCHITECTS

CHARTERED ARCHITECTS AND DESIGNERS
www.greendesigngroup.co.uk

Indicative
4 Bed House Type A
Plot 1
New Site Behind Park House,
Parkett Hill, Scotby, Carlisle
for Mr & Mrs M Harris
SCALE 1:100 @ A2
November 2012
12/2153/11



Ground Floor Plan

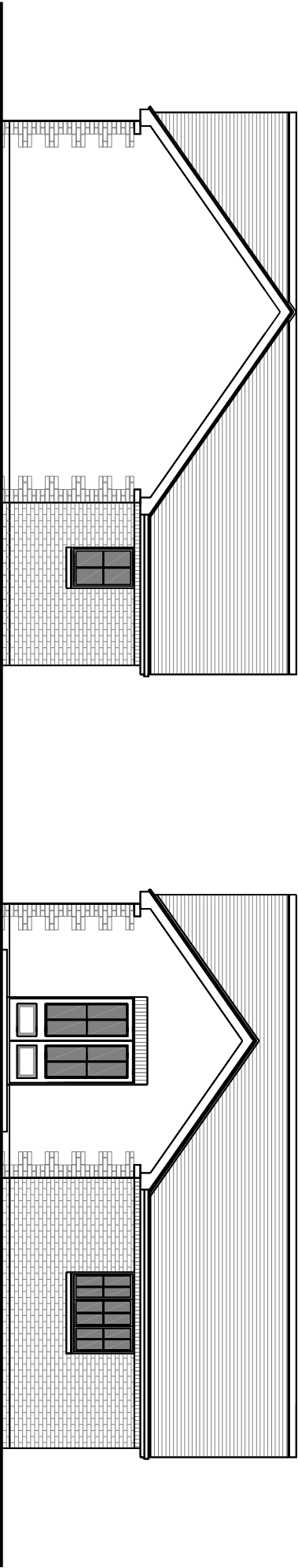


Front Elevation

Design Parameters Plot 4

Rear Elevation

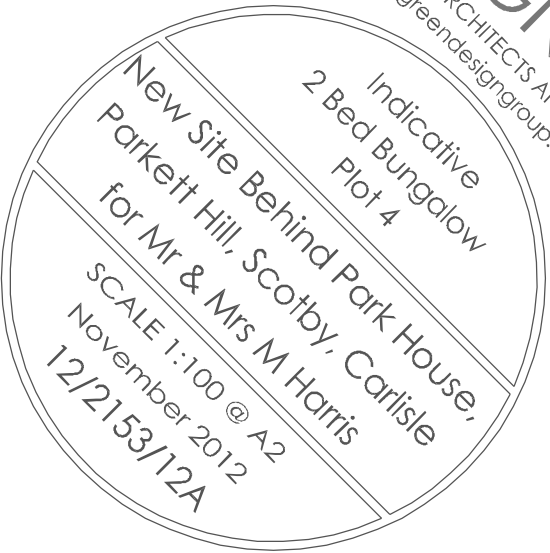
2 Bed Bungalow - Width 14.8m
Depth 9.2m
Height 5m

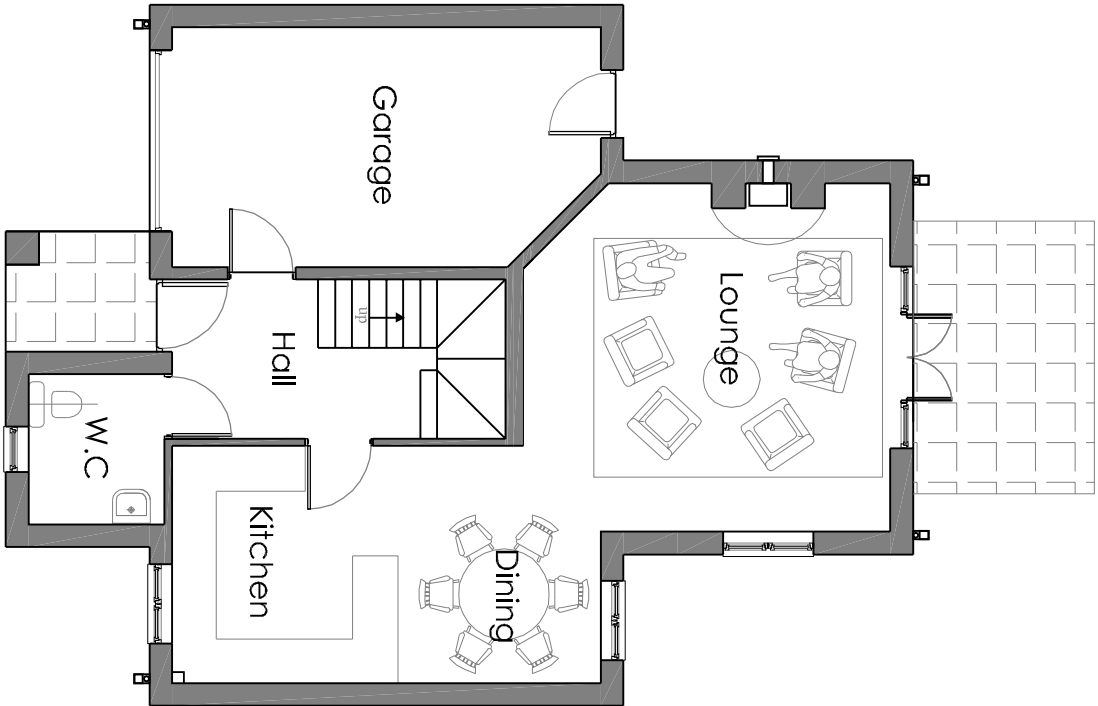


Side Elevation

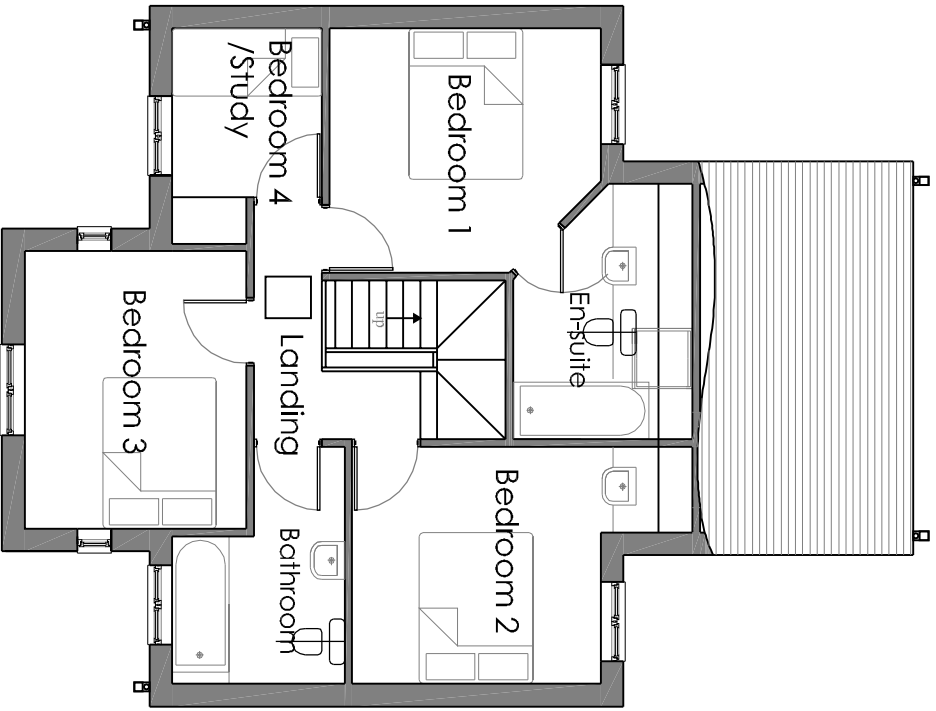
Side Elevation

D	C
RV	DATE
A	04/07/2013
DESCRIPTION	
Revised Planning Application	

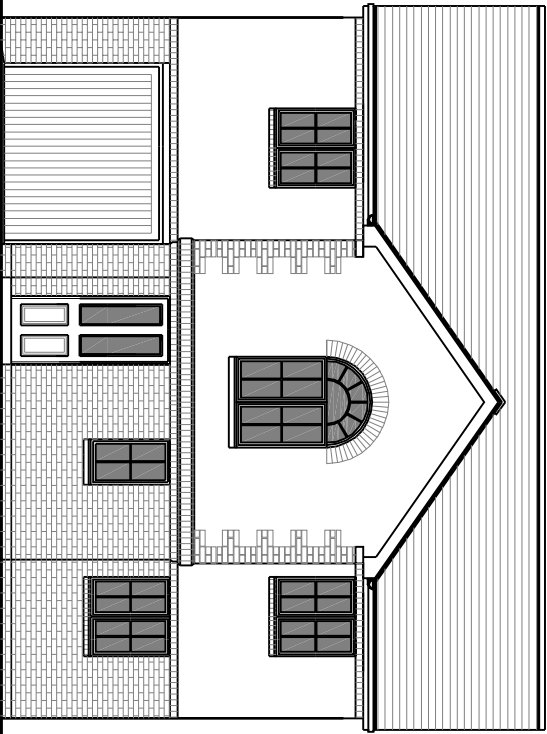




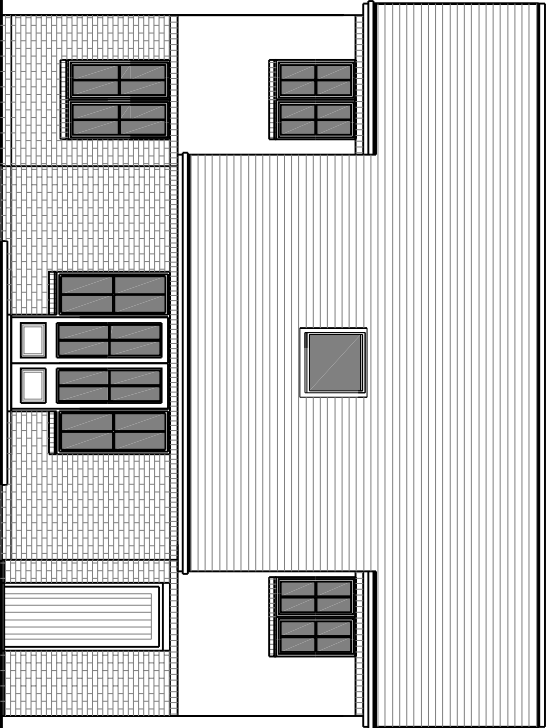
Ground Floor Plan



First Floor Plan



Front Elevation

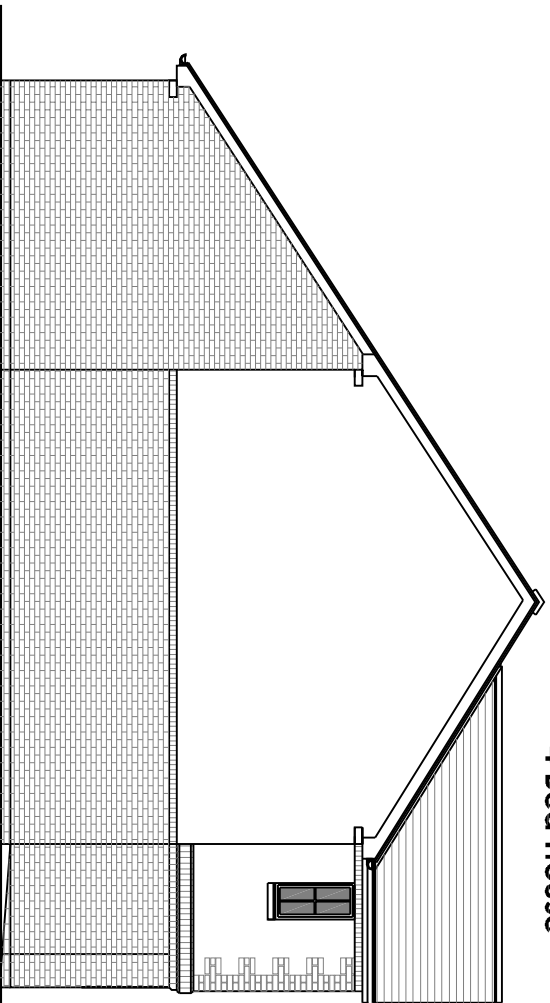


Rear Elevation

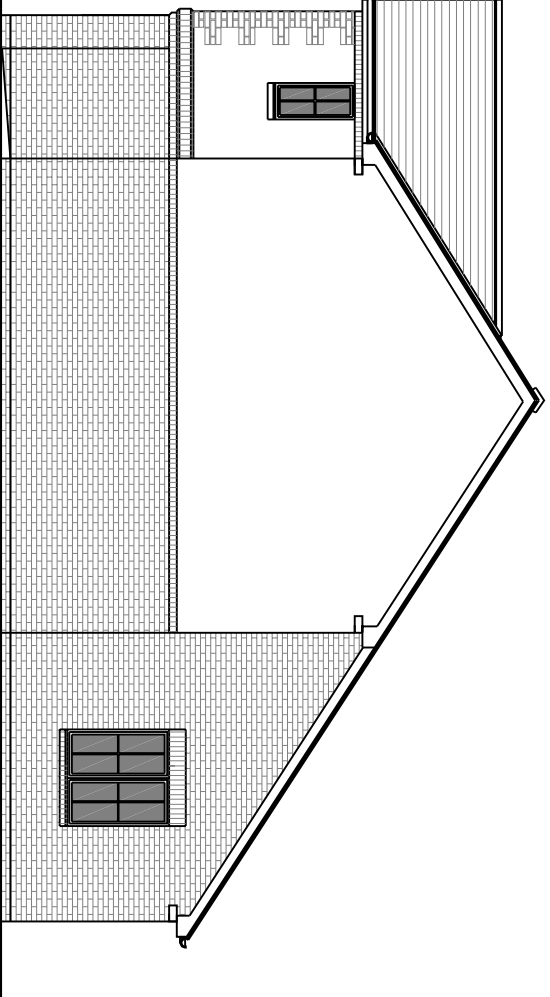
Design Parameters Plots 2 & 3

4 Bed House -

Width 9.7m
Depth 12m
Height 7.2m



Side Elevation



Side Elevation

D	C

RV	DATE	DESCRIPTION
A	04/07/2013	Revised Planning Application

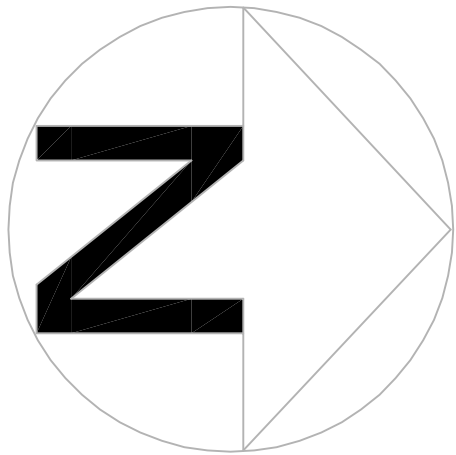
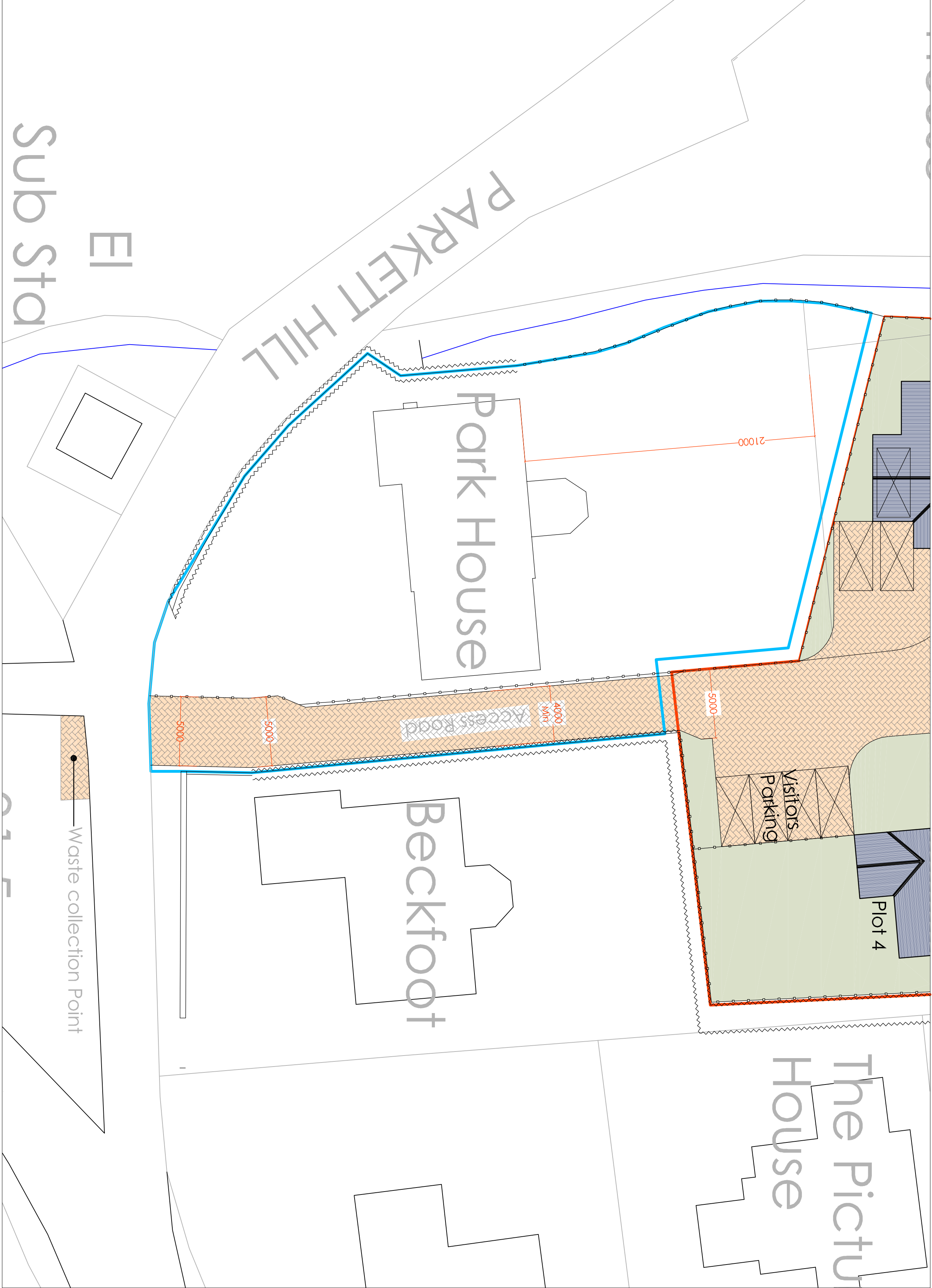
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SUTTON HOUSE DOVENBY HALL ESTATE COCKERMOUTH CUMBRIA CA13 0PN TEL: 01909 822245

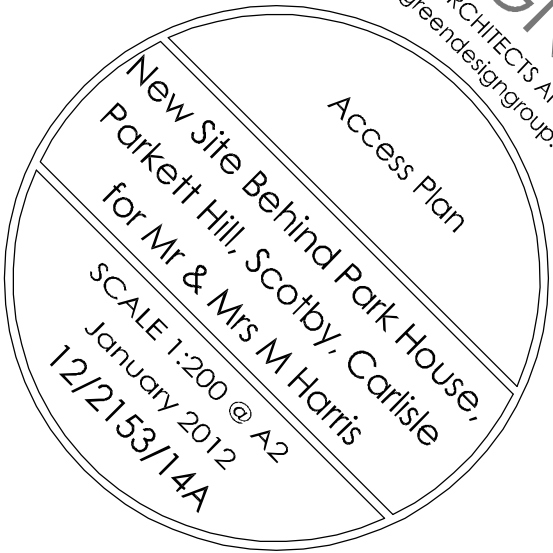
GREEN DESIGN ARCHITECTS

CHARTERED ARCHITECTS AND DESIGNERS
www.greendesigngroup.co.uk

Indicative
4 Bed House Type B
Plots 2 & 3
New Site Behind Park House,
Parkett Hill, Scotby, Carlisle
for Mr & Mrs M Harris
SCALE 1:100 @ A2
November 2012
12/2153/13A



D	C	RV	DATE	DESCRIPTION
		A	04/07/2013	Revised Planning Application



SCHEDULE A: Applications with Recommendation

13/0674

Item No: 13

Date of Committee: 11/10/2013

Appn Ref No:
13/0674

Applicant:
Mrs Celia Taylor

Parish:
Askerton

Date of Receipt:
27/08/2013

Agent:

Ward:
Irthing

Location:

Mossfoot, Roweltown, Carlisle, CA6 6JX

Proposal: Erection Of Field Shelter For Equestrian Use/Hay Storage

REPORT

Case Officer: Richard Maunsell

1. Recommendation

- 1.1 It is recommended that this application is approved with conditions.

2. Main Issues

- 2.1 The Principle of Development
- 2.2 The Effect on the Character of the Countryside
- 2.3 Scale and Design
- 2.4 Biodiversity

3. Application Details

The Site

- 3.1 This application seeks Full Planning permission for the erection of stables at Mossfoot, Roweltown, Carlisle. Mossfoot is a single storey detached property that is located within open countryside, approximately 1 mile (1.6 kilometres) east of Lyneholme Ford. A private access road leads past the property to an existing field shelter on land to the north. The road then continues to a farm further to the north known as Birk Bush.
- 3.2 The site is bounded by a stock fence with some hedging and mature trees. The land is relatively level but then falls and rises again to the south-west.

An existing field shelter constructed from timber and corrugated sheeting is situated 5.7 metres to the north-west of the proposed building.

The Proposal

- 3.3 The field shelter would be rectangular in shape and have a footprint of 4.29 metres by 7.32 metres in width. The height to the eaves would measure 2.08 metres and the height to the ridge would measure 3.25 metres. The building would be constructed from timber under a pitched roof formed from corrugated sheeting.

4. Summary of Representations

- 4.1 This application has been advertised by means of a site notice. No representations have been received.

5. Summary of Consultation Responses

6. Officer's Report

Assessment

- 6.1 The relevant planning policies against which the application is required to be assessed are Policies DP1, CP1, CP2, CP5, LE24 and T1 of the Carlisle District Local Plan 2001-2016. The National Planning Policy Framework (NPPF) is also a material planning consideration in the determination of this application. The proposal raises the following planning issues.

1. The Principle of Development

- 6.2 Policy LE24 of the Local Plan discuss the issue of equine development and states that the development of stables, horse riding schools and/or riding centres in the rural area will be permitted provided that: there will be no detrimental effect upon the landscape and character of the area; adequate access arrangements and on-site car parking can be achieved; the scheme will not have a detrimental effect upon nearby properties or surrounding land uses; the scheme reuses existing buildings where possible and any associated new build, where necessary, should be located within an existing group of buildings; the surrounding roads and bridleways are adequate for the increased use by horse riders, with the roads being suitable for both riders and motorists; the issue of lighting is addressed to ensure that there is no impact on surrounding uses; and the intensity of use is appropriate for the character of the area.
- 6.3 Policy DP1 of the Local Plan requires that all proposals for development will be assessed against their ability to promote sustainable development and this approach is consistent with the NPPF. This application has been submitted by the occupier of Mossfoot and is for the applicant's own use. Accordingly, no issue regarding sustainability or conflict with Policy DP1 of the Local Plan

is raised.

2. The Effect on the Character of the Countryside

- 6.4 The site is located in open countryside outwith any recognised settlement and as such, Policy CP1 of the Local Plan states that within open countryside permission will not be given for development or land use changes which would have an unacceptable effect on the landscape character. Proposals for development should conserve and enhance the special features and diversity of the different landscape character areas and are expected to incorporate high standards of design including regard to siting, scale and landscaping which respect and, where possible, should enhance the distinctive character of the landscape.
- 6.5 The site is bounded by a stock fence and intermittant hedgerows and trees. The property and related equine building is accessed along a private road that leads beyond the site to Birk Bush. The building would be sited approximately 215 metres from the County highway that is to the south. Given these considerations, together with the topography of the land, the siting of the building would not be detrimental to the character of the area.

3. Scale And Design

- 6.6 The proposed field shelter would be of a scale that is proportionate to the use and to the adjacent building. The use of timber cladding and corrugated sheets on the roof would be appropriate. The visual impact of the building would be minimal and the scale and form of the building accords with advice in the Local Plan policies.

4. Biodiversity

- 6.7 The Councils GIS Layer has identified that the site has the potential for breeding birds to be present on the site. As the proposed development would be located on land used for equestrian purposes, it is not considered that the development would harm a protected species or their habitat; however, an Informative has been included within the decision notice ensuring that if a protected species is found all work must cease immediately and the Local Planning Authority informed.

Conclusion

- 6.8 In overall terms, the proposed building is of a scale and design that is appropriate to the application site. The building has been sited in such a manner as to minimise the impact on the character and appearance of the area and the building does not appear too obtrusive. The additional equestrian development would not adversely impact on this rural setting or on the occupiers of the neighbouring properties and in all aspects the proposals would be compliant with the objectives of the relevant Local Plan policies.

7. Planning History

7.1 There is no planning history for this site.

8. 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 27th August 2013;
2. the Site Location Plan received 27th August 2013;
3. the Site Location Plan received 27th August 2013;
4. the Site Plan received 29th August 2013;
5. the Plan and Elevations received 27th August 2013;
6. the Notice of Decision; and
7. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

3. The stables hereby granted planning permission shall be used only by the occupier of Mossfoot, Roweltown, Carlisle and by no other person.

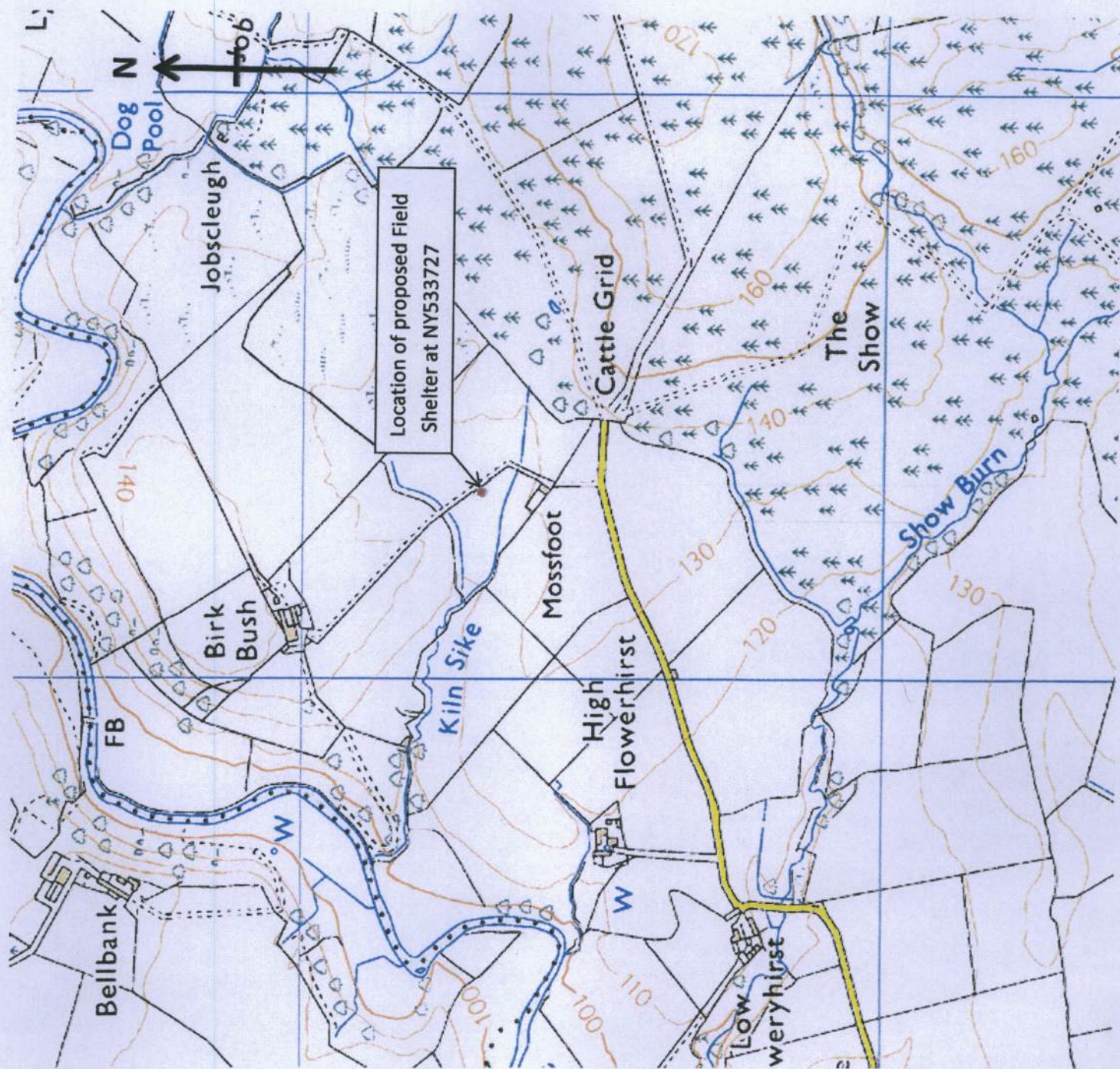
Reason: In order to ensure that the stables remain in use by the occupier of Mossfoot in accordance with sustainable planning objectives and Policy DP1 of the Carlisle District Local Plan 2001-2016.

Proposed Field Shelter at
Mossfoot, Roweltown,
Carlisle, CA6 6JX

Site Location Plan

Scale 1: 25,000

M.R. Taylor, C.Eng. MICE

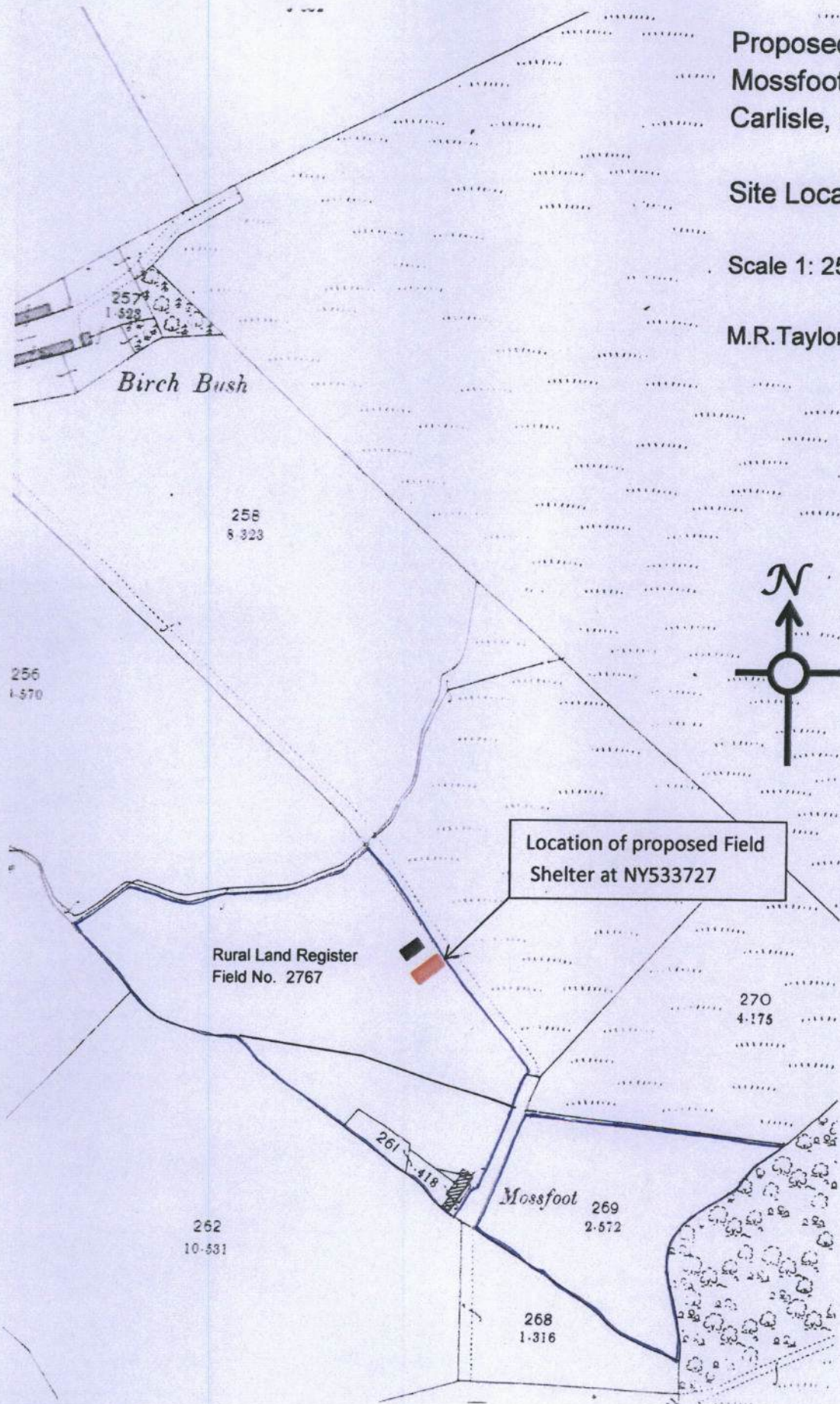


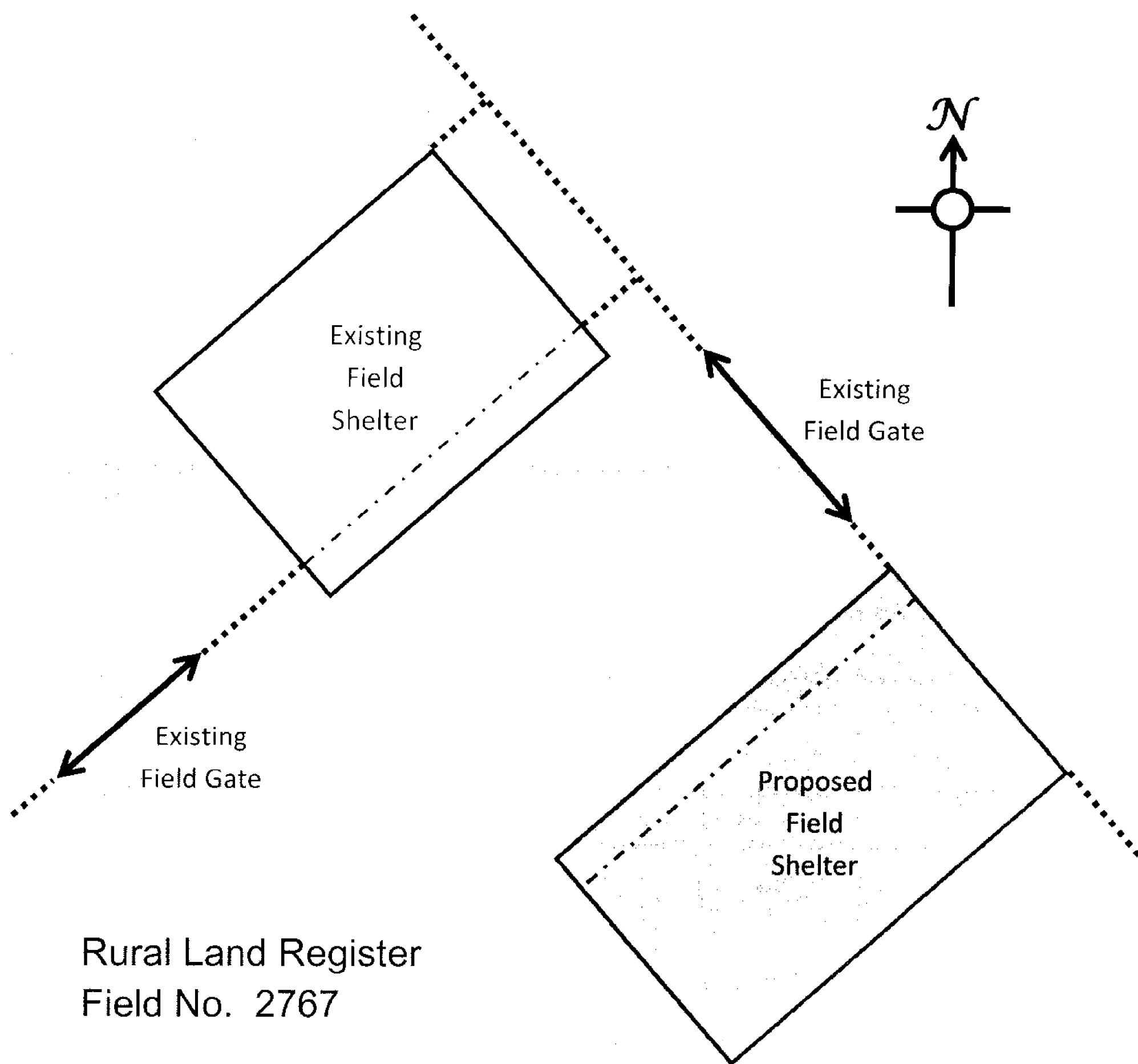
Proposed Field Shelter at
Mossfoot, Roweltown,
Carlisle, CA6 6JX

Site Location Plan

Scale 1: 2500

M.R.Taylor, C.Eng. MICE





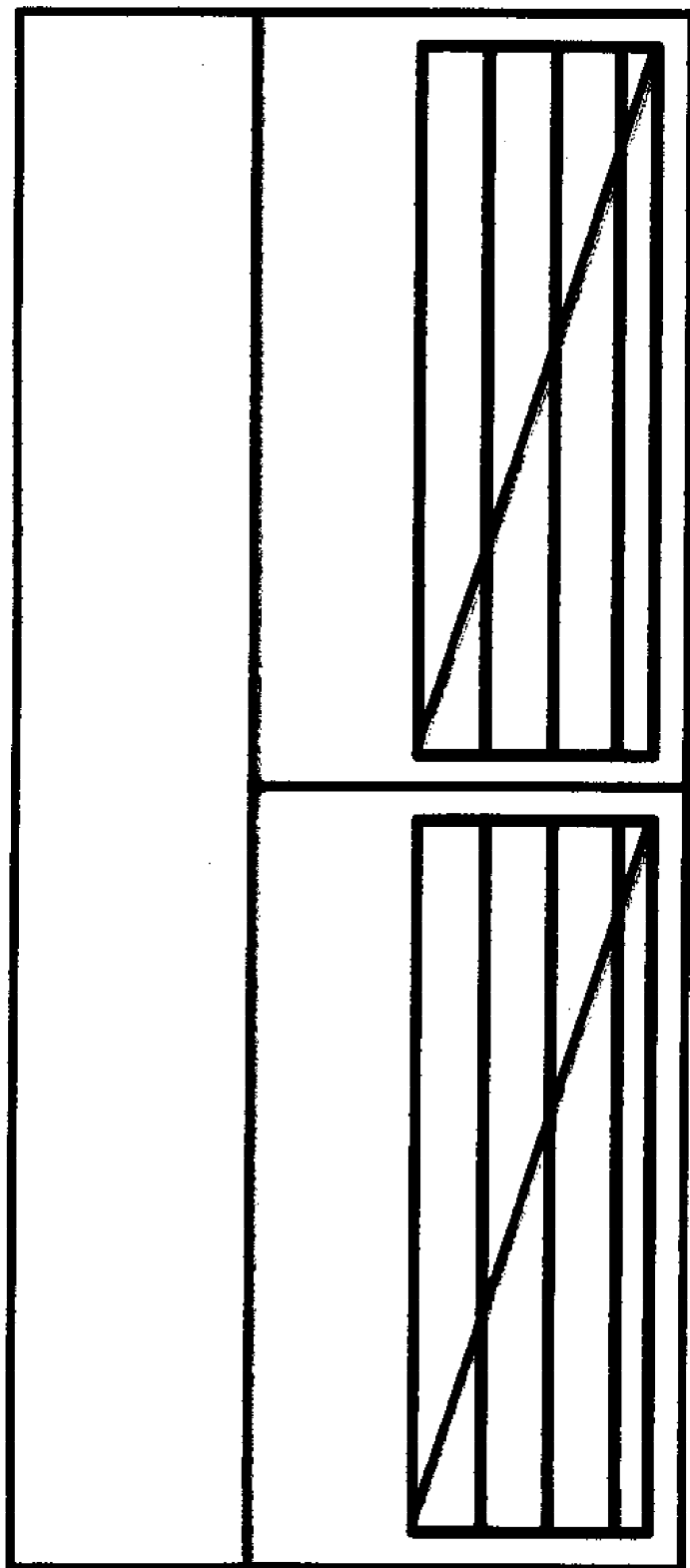
Proposed Field Shelter at Mossfoot,
Roweltown, Carlisle, CA6 6JX

Site Plan

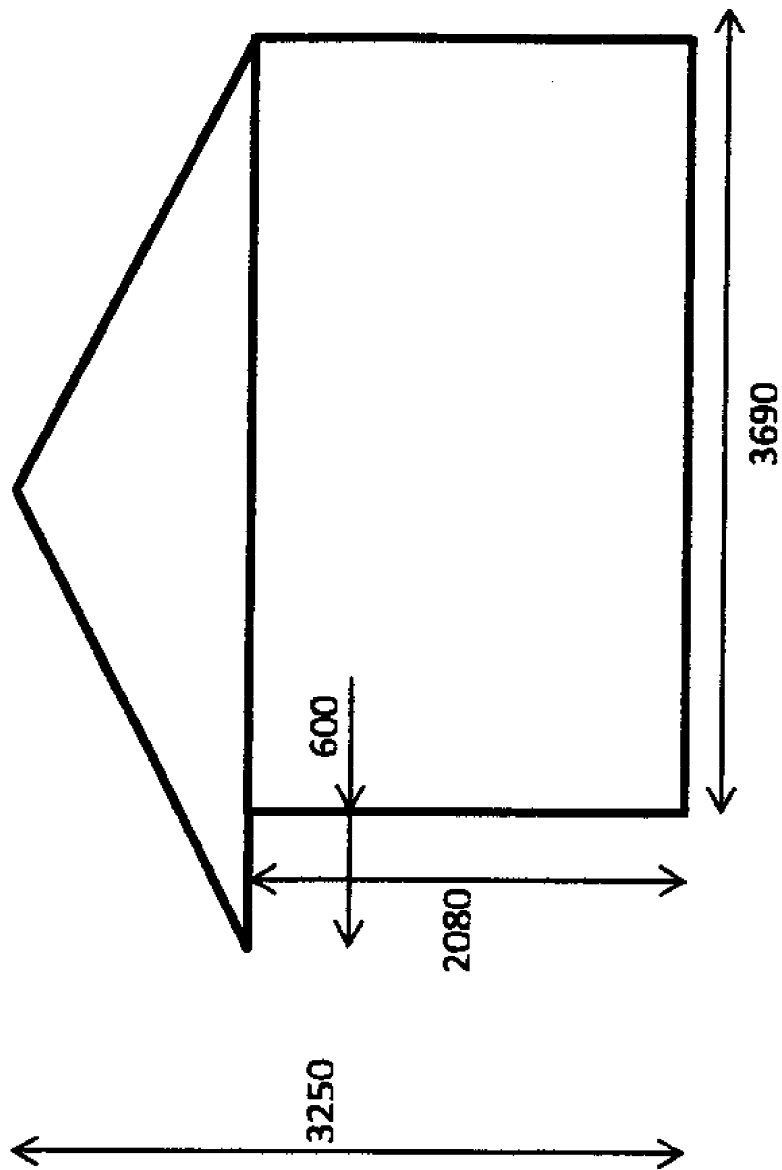
Scale : 1: 100

2018/10/14

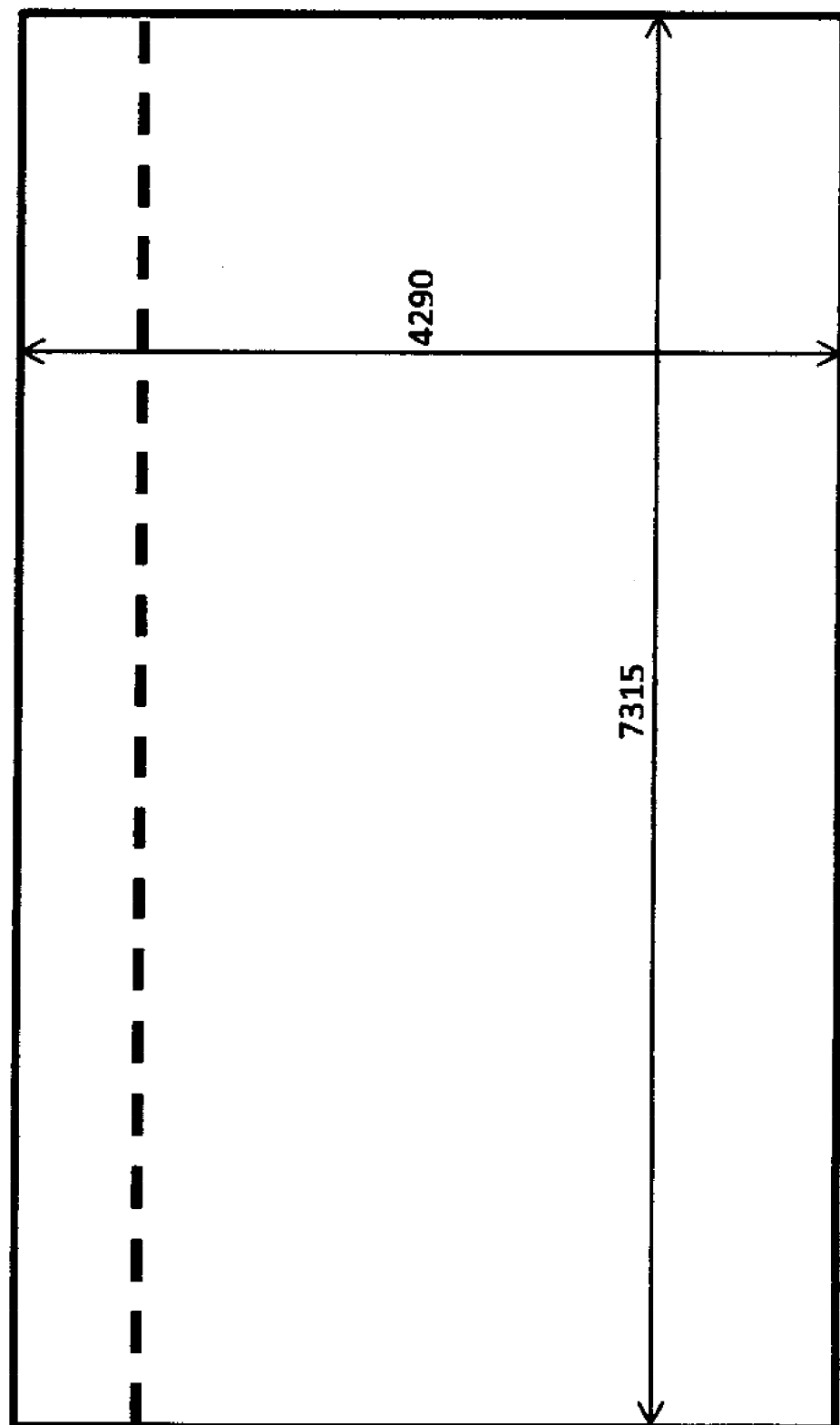
M.R.Taylor, C.Eng MICE
237



Front Elevation



Side Elevation



Plan

Materials:

Timber frame building, clad in softwood, treated, sawn, boards. Galvanized gates to front.

Roof - timber roof trusses clad in galvanised corrugated iron sheets

Proposed Field Shelter at
Mossfoot, Roweltown,
Carlisle, CA6 6JX

Plan and Elevations

Scale 1: 50

M.R. Taylor, C.Eng MICE

27 AUG 2013
13/0074

SCHEDULE A: Applications with Recommendation

13/0599

Item No: 14

Date of Committee: 11/10/2013

Appn Ref No:
13/0599

Applicant:
The Co-operative Food
Group

Parish:
Wetheral

Date of Receipt:
02/08/2013 13:00:28

Agent:
Evolvegroup Ltd

Ward:
Great Corby & Geltsdale

Location:
Co-operative Food Store, Warwick Bridge, Carlisle,
CA4 8RL

Proposal: Display Of LED Internally Illuminated And Non-Illuminated Signs

REPORT

Case Officer: Richard Maunsell

1. Recommendation

- 1.1 It is recommended that this application is approved with conditions.

2. Main Issues

- 2.1 Whether The Siting And Design Of The Signage Is Appropriate To The Area
2.2 The Impact On Highway Safety

3. Application Details

The Site

- 3.1 The site of the former George P.H. is located on the southern side of the A69 opposite the junction with Waters Meet. The building is nearing completion of the redevelopment of the site providing a retail unit on the ground floor with flats above.
- 3.2 To the west there is Cairn Beck and its associated weir; a terrace of 3 dwellings in the form of Beck Grange, Burnside Cottage and Jasmine House; and, 2 semi-detached houses known as Cairn Cottage and Ivy Cottage. Beck Grange and Burnside Cottage are single storey properties constructed

externally with sandstone and rendered walling with slate roofs. A principal bedroom of Beck Grange has 4 windows facing east towards the site, although the same room is also served by a 3 pane opening on the north elevation. Jasmine House, Cairn Cottage and Ivy Cottage are 2 storey houses. On the opposite side of the road there are the 2 storey houses at Waters Meet and the 3 storey block of flats at Cairn Mill. To the east there is Mill Lane, which is also a public footpath, leading to the terraced houses at Low and High Buildings, Warwick Mill (Business Village) and Longthwaite Farm. The access to the aforementioned Lane also serves the neighbouring commercial properties which includes the Co-op shop.

The Proposal

- 3.3 The application seeks advertisement consent for the display of advertisements on the main facades of the retail unit. The building was designed such that any advertisement could be recessed within the facade and to this end, there are 3 recessed areas to each frontage.
- 3.4 The larger sign would measure approximately 3.38 metres in width by 0.6 metres in height. The background would be green with blue and white translucent lettering that would be halo illuminated. The sign would display the words “The co-operative food”.
- 3.5 A smaller sign measuring approximately 1.36 metres in width by 0.6 metres in height would display the words “Open every day 7.00am–10.00pm”. A third sign of similar proportions would complete the fascia signage; however, this would be a blank green background. These latter 2 elements of the proposal would be non-illuminated.
- 3.6 Smaller information signage would be displayed within the site identifying areas such as parking areas for disabled persons, trolley areas etc.

4. Summary of Representations

- 4.1 This application has been advertised by means of a site notice and direct notification to the occupiers of 10 of the neighbouring properties. No representations have been received.

5. Summary of Consultation Responses

Cumbria County Council - (Econ. Dir. Highways & Transportation): - the submitted details are acceptable;

Clerk to Wetheral PC, Downgate Community Centre: - the Parish Council object to the size of the proposed illuminated signs. The Parish Council would like to see a restriction to the times when the signs may be illuminated i.e. during opening hours only.

6. Officer's Report

Assessment

- 6.1 The relevant planning policies against which the application is required to be assessed are Policies CP5 and EC17 of the Carlisle District Local Plan 2001-2016. The National Planning Policy Framework (NPPF) is also a material planning consideration in the determination of this application. The proposal raises the following planning issues.

1. Whether The Siting And Design Of The Signage Is Appropriate To The Area

- 6.2 Applications for advertisement consent can only be controlled in the interests of 'amenity' and 'public safety'.
- 6.3 The merits of the application must also be assessed under 'amenity' grounds. Advertisement proposals should have a positive impact on the appearance of the built and natural environment as required in paragraph 67 of the NPPF. The Framework also requires that planning decisions should limit the impact of light pollution from artificial light on local amenity.
- 6.4 The site is prominently located adjacent to the A69 centrally within Warwick Bridge. The scheme has been amended from the originally proposed externally mounted trough lit signs to recessed halo illuminated and non-illuminated signage. The illuminated signage will contribute colour, interest and vitality to one of the main thoroughfares leading into Carlisle City Centre. The signs would not form a discordant feature within its immediate surroundings. The incorporation of recessed signage would be in keeping with the facade and appearance of the building and the means of illumination is acceptable.

2. The Impact On Highway Safety

- 6.5 The majority of the signs would be visible from the public highway and may attract the attention of drivers and pedestrians; however, given the scale and physical relationship with the junction, the proposal would not adversely affect users of the highway or public safety. The Highway Authority has submitted their observations and raised no objection.

3. Other Matters

- 6.6 The Parish Council has raised the issue that the signs should be non-illuminate when the store is not trading. The applicant has agreed that this is acceptable and a condition is included within the decision notice to enforce this.

Conclusion

- 6.7 In overall terms, the signage would be of a scale and design that would be appropriate to the building and the visual character of the area would not be adversely affected. In all aspects the proposals would be compliant with the

objectives of the relevant Local Plan policies.

7. Planning History

- 7.1 In 1983, planning permission was given for an extension to the car park.
- 7.2 In 1990 and 1991, planning permission and advertisement consent were given for the erection of an extension to the public house and installation of signage.
- 7.3 In 1993 and 1994, advertisement consents were given for the installation of additional signage.
- 7.4 In 1996, planning permission was given for the enclosure of part of scrubland to form a beer garden and children's play area.
- 7.5 In 2008, planning consent was sought for mixed development comprising retail development with 24 apartments but was withdrawn prior to determination.
- 7.6 Planning permission was granted in 2009 for a revised scheme for a mixed development comprising retail development with 24 apartments.
- 7.7 In 2012, planning permission was refused for a mixed development comprising retail development for Co-Operative store with 18 houses and 10 apartments.
- 7.8 Later in 2012, planning permission was granted for a revised scheme for the provision of a mixed development comprising retail development for co-operative store with 18 houses and 10 apartments.
- 7.9 Earlier this year, planning permission was granted for the variation of condition 2 (approved documents) of the previously approved application 12/0383.

8. Recommendation: Grant Permission

- 1. The consent now granted is limited to a period of five years from the date hereof.

Reason: To accord with Regulation 14 (7) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

- 2. The approved documents for this Advertisement Consent comprise:
 - 1. the submitted Advertisement Application Form received 2nd August 2013;
 - 2. the Location Plan received 2nd August 2013 (Drawing no. 01);

3. the Block Plan received 2nd August 2013 (Drawing no. 02);
4. the Proposed Signage received 20th September 2013 (Drawing no. 26522 Rev C);
5. the North East Elevation received 20th September 2013 (Drawing no. 26522 Rev C);
6. the North West Elevation received 20th September 2013 (Drawing no. 26522 Rev C);
7. the Notice of Decision.

Reason: To define the permission.

3. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

Reason: To accord with Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

4. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

Reason: To accord with Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

5. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason: To accord with Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

6. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

Reason: To accord with Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

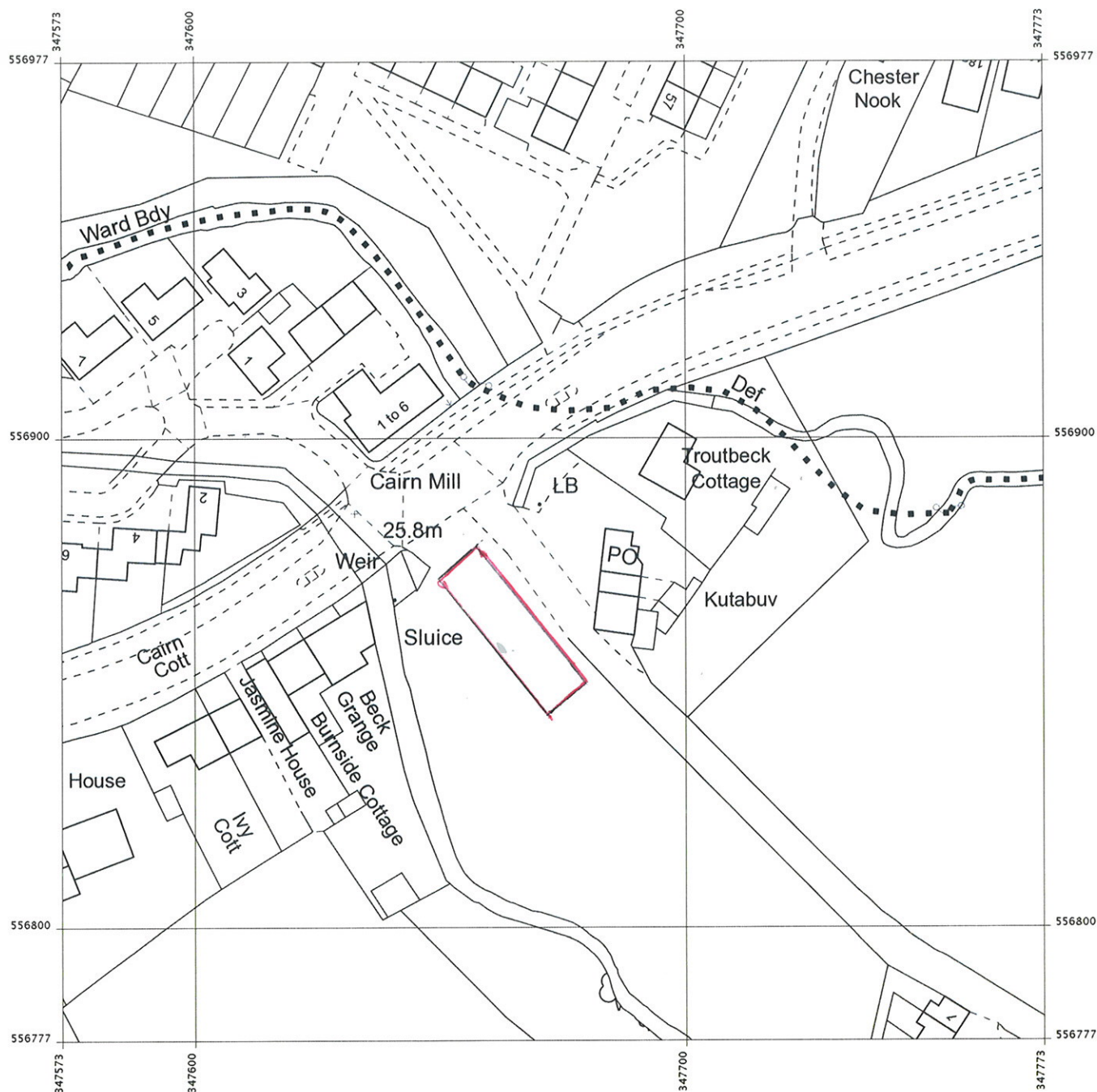
7. No advertisement shall be sited or displayed so as to -
 - (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
 - (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

Reason: To accord with Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

8. The illumination for the signage hereby approved shall be turned off during

non-trading hours.

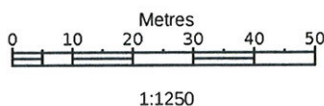
Reason: To ensure that the visual amenity of the area is not prejudiced by permanent illumination in accordance with Policy EC17 of the Carlisle District Local Plan 2001-2016.



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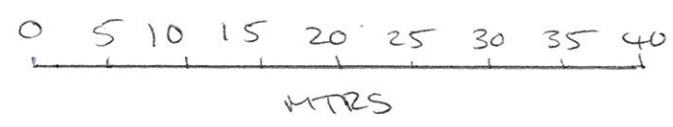
The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.



WARWICK BRIDGE
CARLISLE

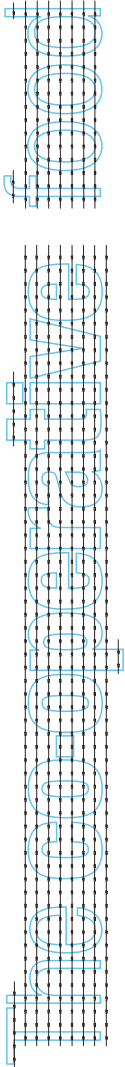
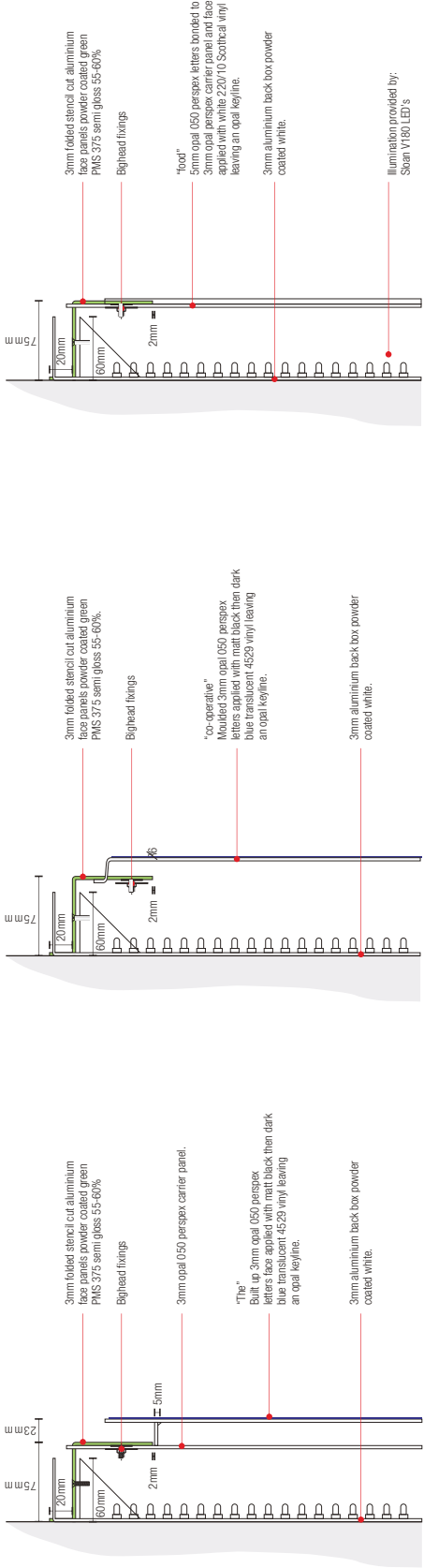
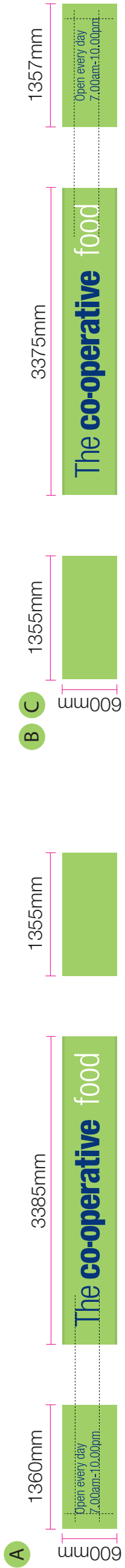
Supplied by: Latitude Mapping Ltd
Reference: OI597405
Centre coordinates: 347673 556877

Block Plan
A3 1:500



The co-operative food

Signage Proposal
Warwick Bridge, **Carlisle**



Internally illuminated fascias - Sloan V180 LED

THE CO-OPERATIVE FOOD
WARWICK BRIDGE

Revision C Date 12/09/13

Project Manager Steve Brown
Drawing Number 26522
Designer A. Butchard
Scale @ A3 1:50
Approved for Print (please tick)

Pantones / RAL / CMYK
All colours are for representational purpose only. Accurate colours can be gained using the appropriate colour chart.

	Pantone 375c		Pantone
	Pantone 2757c		Pantone
	Pantone		Pantone

Approved by Date

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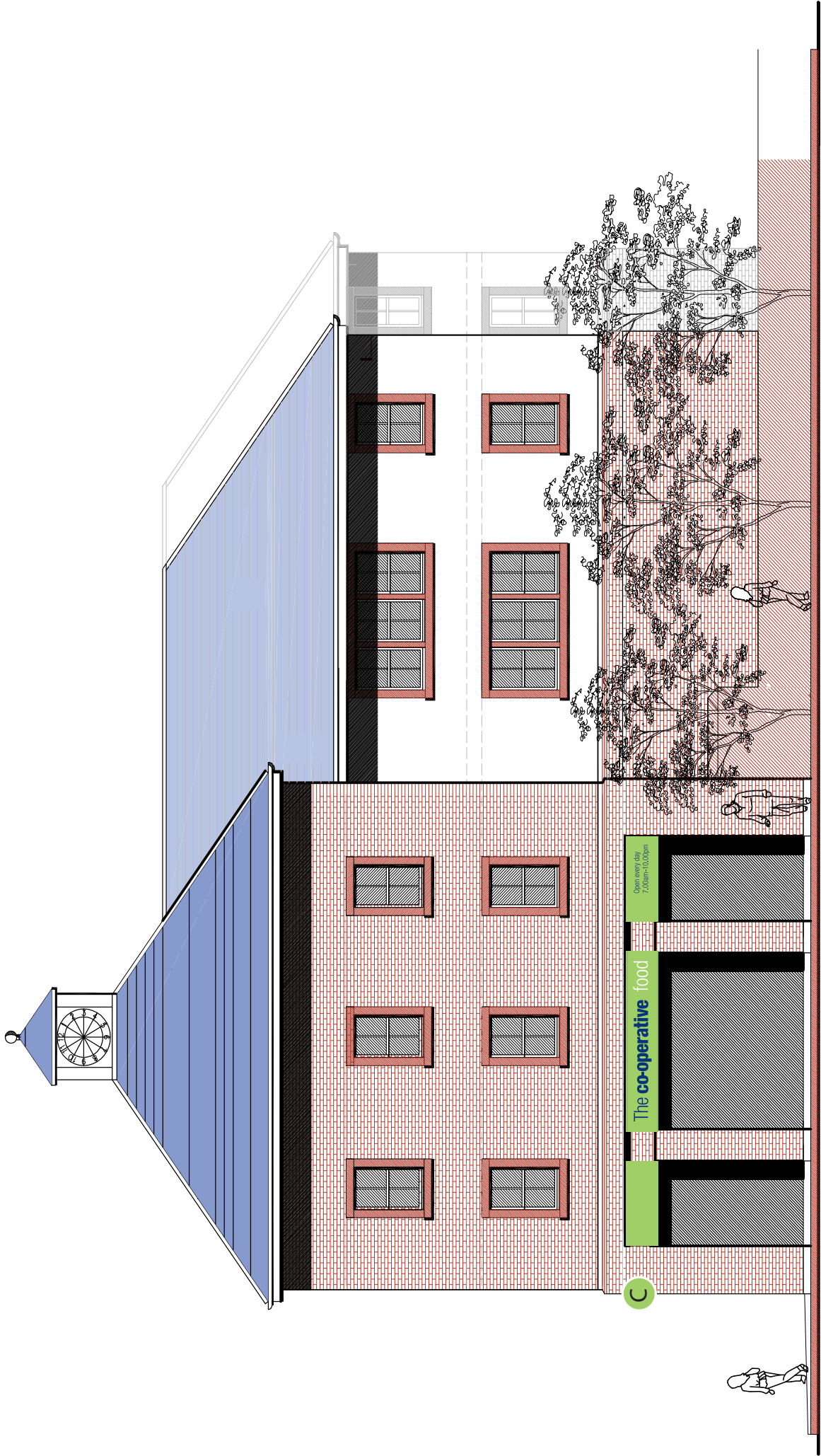
Drawing to be viewed & printed @ A3



Evolve Group Limited, 1 Millfield Lane,
Haydock, St Helens, Merseyside, WA11 9TW
T 01942 272 330 F 01942 272 331
E info@evolvegroup.co.uk







SCHEDULE B

SCHEDULE B

SCHEDULE C

SCHEDULE C

Item No: 15 Between 17/08/2013 and 27/09/2013

Appn Ref No:
12/0766

Applicant:
Mr P Brady

Parish:
Carlisle

Date of Receipt:
07/09/2012

Agent:

Ward:
Stanwix Urban

Location:
38 Etterby Street, Carlisle, CA3 9JB

Grid Reference:
339869 557178

Proposal: Replacement Of Side Door And Rear French Doors With White uPVC Glazed Doors (LBC)

Amendment:

REPORT

Case Officer: Rebecca Burns

Decision on Appeals:

Appeal Against: Appeal against refusal of planning perm.

Type of Appeal: Written Representations

Report: This appeal related to an application for Listed Building Consent for the replacement of side door and rear French doors with white uPVC glazed doors. The application was refused for the following reason:

This property lies within Stanwix Conservation Area and is part of an attractive and architecturally important Grade II Listed street of 19th century terraced properties. Timber doors are prevalent in the majority of properties within the street and are a significant contribution to the architectural merit of these properties. The introduction of the uPVC to the rear elevation does not respect the integrity of the Grade II Listed Building within the terrace, nor does it respect the detailing, appearance or finish associated with traditional timber doors. If permitted, the insertion of uPVC would be seriously detrimental to the character of the Listed Building and would be contrary to Policies LE13 and LE19 of the Carlisle District Local Plan 2001-2016.

The Inspector acknowledges that Number 38 Etterby Street is a mid terraced grade II listed building dating from the 1830's with existing timber windows and timber panelled door to the front. The Inspector notes that these materials and features contribute to the special architectural and historic interest of the property.

The proposal relates to the replacement of French doors and side door on the rear extension. The Inspector acknowledges that whilst the extension is a later, modern addition it has clearly been designed to reflect the character of the host building. The Inspector states that the proposed replacement with uPVC doors would result in a change to the character of the building as they would not have the same detail or patina as traditional timber. As a consequence the proposed works would detract from the special architectural and historic interest of the property and would therefore conflict with Policy LE13 of Carlisle District Local Plan 2001-2016 which requires, amongst other things, that regard must be paid to doorways in terms of character and detailing and that those which have an unacceptable impact on a listed building will be refused.

The Inspector addresses the attached properties, both of which have uPVC windows at the rear. The Inspector acknowledges that the City Council confirmed that one of these properties does not have listed building consent whilst the other was granted consent on the basis that the extension into which they were inserted was wholly out of character such that the window change would not be more harmful. The Inspector states that neither case reflects the circumstances of the appeal property which has been judged on its own merits. Whilst the Council express a concern that this scheme, if approved, would set a precedent, this is not a matter which has been given weight in this appeal, as each scheme should be assessed according to its own details and circumstances.

Whilst the rear elevation would not be open to public view, the harm to the listed building would detract from Stanwix Conservation Area and the proposal would neither preserve nor enhance the character or appearance of the Conservation Area. The proposal is therefore contrary to Policy LE19 which seeks to ensure that, wherever possible, traditional materials should be used and that incongruous materials should be avoided and that features needing replacement should match existing.

The Inspector references the National Planning Policy Framework which advises that where less than substantial harm would arise to heritage assets, this should be weighed against public benefits of the scheme. However, no such benefits are set out in the appeal and whilst there may be modest benefits of reduced heat loss, there is no evidence to indicate that any other means of draught proofing which may be more sensitive to the building have been carried out.

The Inspector therefore concludes that for the reasons set out above the appeal should fail.

Appeal Decision: Appeal Dismissed

Date: 17/09/2013

Appeal Decision

Site visit made on 10 September 2013

by Mrs Zoë Hill BA(Hons) DipBldgCons(RICS) MRTPI IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 17 September 2013

Appeal Ref: APP/E0915/E/13/2195387
38 Etterby Street, Carlisle, Cumbria CA3 9JB

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr P Brady against the decision of Carlisle City Council.
 - The application Ref: 12/0766, dated 28 August 2012, was refused by notice dated 12 November 2012.
 - The works proposed are for replacement double and single external doors to the existing rear extension.
-

Procedural Matters

1. The Council expresses concern that there are references to windows in the grounds of appeal. However, the first line of those grounds of appeal make it clear that the appellant is seeking replacement doors only and, indeed, this is clear from the application form and drawings. I have therefore dealt with the appeal on the basis of the description set out above.

Decision

2. The appeal is dismissed.

Main Issues

3. The main issues in this case are the effect of the proposed works on the special architectural and historic interest of 38 Etterby Street, a grade II listed building; and, whether or not the proposed works would preserve or enhance the character or appearance of the Stanwix Conservation Area.

Reasons

Listed Building

4. No 38 Etterby Street is a mid-terraced dwelling dating from the 1830's. It is stuccoed to the front with brickwork the rear where there has also been a modern brick built extension. The roof is of slate. The existing windows are of timber, although not of sash form, and there is a timber panelled front door under a semi-circular fanlight. These materials and features, along with the modest but elegant form and the relationship to the adjoining dwellings, establish the special architectural and historic interest of the property.
5. The appeal proposal relates to the replacement of the French doors and side door in the rear extension. Whilst I appreciate that this extension is a later,

modern, addition it was clearly designed to reflect the character of the host building, including in terms of the materials used. The proposed replacement with uPVC doors would result in a change to the character of the building as they would not have the same detail or patina as traditional timber.

Additionally, the design of the proposed French doors would not reflect the small-paned windows that exist at present. As a consequence, the proposed works would detract from the special architectural and historic interest of the property. This would conflict with Carlisle District Local Plan (2001-2016)¹ Policy LE13 which requires, amongst other things, that regard must be paid to doorways in terms of character and detailing and that those which have an unacceptable impact on a listed building will be refused.

6. I understand that both the attached neighbouring properties have uPVC windows at the rear. The Council explains that one does not have listed building consent, while the other was granted consent on the basis that the extension within which they were inserted was, itself, wholly out of character such that the window change would not be more harmful. Because of the relationship between the buildings I could not see those windows. However, I consider that neither case reflects the circumstances of the appeal property which I have judged on its own merits. Whilst the Council expresses concern that this scheme, if approved, would set a precedent, this is not a matter to which I have attached weight, rather each scheme should be assessed according to its own details and circumstances.
7. The rear elevation would not be open to public view, but the harm to the listed building would detract from the Stanwix Conservation Area, albeit marginally, which is characterised by vernacular properties of traditional construction and detailing along with extensive areas of open space. Thus, it would neither preserve nor enhance the character or appearance of the Conservation Area. This would conflict with Local Plan Policy LE19 which seeks that in Conservation Areas, wherever possible, traditional materials should be used and incongruous materials avoided and that features needing replacement, including windows, should match the original.
8. I am mindful that the National Planning Policy Framework advises that where less than substantial harm would arise to heritage assets, as would be the case here, this should be weighed against any public benefits of the scheme. No such benefits are set out. The benefits of reducing heat loss within a building which forms part of the housing stock is of some benefit but that benefit would be very modest in this case. Furthermore, there is no evidence to indicate that other means of draught-proofing, which might be more sensitive to the building, have been considered.
9. For the reasons set out above and having had regard to all other matters raised, I conclude that the appeal should fail.

Zoë Hill

Inspector

¹ I attach weight to the local plan policies cited as they broadly accord with the advice of the National Planning Policy Framework.

SCHEDULE C: Applications Determined by Other Authorities

Item No: 16

Between 17/08/2013 and 27/09/2013

Appn Ref No:

13/9018

Applicant:

The Governors

Parish:

Carlisle

Date of Receipt:

05/08/2013

Agent:

Cumbria County Council -
Economy & Planning

Ward:

Belah

Location:

James Rennie School, California Road, Kingstown,
Carlisle, Cumbria, CA3 0BX

Grid Reference:

339697 559299

Proposal: New Build To Soft Play And Sensory Room And Demolition Of Existing
Soft Play Hut

Amendment:

REPORT

Case Officer: Suzanne Edgar

City Council Observations on the Proposal:

Decision: City Council Observation - Raise No Objection **Date:** 16/08/2013

Decision of: Cumbria County Council

Decision Type: Grant Permission

Date: 13/09/2013

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 (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2010

NOTICE OF PLANNING CONSENT

To: James Rennie School
California Road
Kingstown
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/drawings attached thereto received on 1 August 2013.

viz: New build soft play and sensory room

James Rennie School, California Road, Kingstown, Carlisle, CA3 0BX

Subject to due compliance with the following conditions:

Time Limit for Implementation

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 (as amended by the Planning and Compulsory Purchase Act 2004).

Approved Scheme

2. The development shall be carried out strictly in accordance with the approved documents, hereinafter referred to as the approved scheme. The approved scheme shall comprise the following:
 - a. The submitted Application Form - dated 31 July 2013
 - b. Design and Access Statement - dated July 2013 and Revised September 2013
 - c. Plans numbered and named:
 - i) 12084-05 - Site Location
 - ii) 12084-02-RevC - As Proposed Plans
 - iii) 12084-03-RevC - As Proposed Elevations
 - iv) 12084-04 RevA - As Proposed Site Layout
 - d. This 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.

Highway Safety

3. No construction traffic or deliveries shall be allowed to access the school during the term-time peak muster hours of:

08:20 - 09:20 and 15:00 - 16:00 Monday-Friday

Reason: In the operational interests of the school and highway safety

Visual Amenity

4. Within 12 months of occupation of the new building, the old soft-play room hut shall be repaired and painted.

Reason: In the interest of visual amenity.

Informative(s)

Any future planning application relating to an expansion of class-room space to accommodate increased role numbers will be required to be accompanied by an updated school travel plan.

Dated the 13 September 2013

Signed: Paul Feehily
Assistant Director of Planning & Sustainability
on behalf of the Council.

NOTES

- The local planning authority has worked with the applicant/agent in a positive and proactive manner to seek solutions to any problems which have arisen in relation to dealing with the planning application and has implemented the requirements of the National Planning Policy Framework.
- 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.
- Submissions to discharge conditions will require a fee (*see point 5 of Appendix*)
- Any approval to be given by the Assistant Director - Planning & Sustainability or any other officer of Cumbria County Council shall be in writing.

APPENDIX TO NOTIFICATION OF PLANNING DECISION

This Appendix does not form part of any consent. However, you should take careful notice of the advice given below as it may affect your proposal.

1. Unless specifically exempt by the Waste Management Licensing Regulations 1994, all operations involving “controlled waste”, which includes most wastes excluding mine and radioactive waste, requires a Waste Management Licence or Pollution Prevention and Control Permit issued by the Environment Agency. Where your proposal includes the disposal, storage, transfer or treatment of any waste material on the permission site, you should contact the Environment Agency, Ghyll Mount, Gillan Way, Penrith 40 Business Park, Penrith, CA11 9BP (08708 506506), regarding applying for a licence, if you have not already done so. It is a criminal offence to deposit controlled waste and in certain circumstances to store, transfer or treat waste without a licence.
2. Obtaining any planning permission does not imply that any consents or licences required to be obtained from United Utilities plc or the Environment Agency would be granted. You are advised to consult the appropriate body to determine if any such consent or licence may be required.
3. Any grant of planning permission does not entitle developers to obstruct a public right of way. Development, insofar as it affects a right of way, should not be started, and the right of way should be kept open for public use, until the necessary order under Section 247 or 257 of the Town and Country Planning Act 1990, or other appropriate legislation, for the diversion or extinguishment of right of way has been made and confirmed.
4. The attention of the person to whom any permission has been granted is drawn to Sections 7 and 8A of the Chronically Sick and Disabled Persons Act 1970 and to the Code of Practice for Access of the Disabled to Buildings or any prescribed document replacing that code.
5. Any application made to the Local Planning Authority for any consent, agreement or approval required by a condition or limitation attached to a grant of planning permission will be treated as an application under Article 30 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 and must be made in writing. Applications will be acknowledged and the Local Planning Authority is required to determine them within 8 weeks of receipt unless otherwise agreed in writing. A fee of £97 is payable for each submission (except for mining and landfill sites where fees are chargeable for site visits). A single submission may relate to more than one condition. If the County Council does not make a decision within 12 weeks of the date of submission the fee will be returned.

SCHEDULE D

SCHEDULE D

SCHEDULE E

SCHEDULE E

SCHEDULE E: Decisions Issued Under Delegated Powers

Between 17/08/2013 and 27/09/2013

Appn Ref No:
12/0767

Applicant:
Mr Farish

Parish:
Brampton

Date of Receipt:
27/09/2012

Agent:
Tsada Building Design
Services

Ward:
Brampton

Location:
Land To Rear Of Hirta Tree Road, Brampton,
Cumbria, CA8 1TX

Grid Reference:
353514 560779

Proposal: Erection Of 1no. Dwelling

Amendment:

Decision: Grant Permission

Date: 27/09/2013

Between 17/08/2013 and 27/09/2013

Appn Ref No:
12/0834

Applicant:
Tayay Kitchen

Parish:

Date of Receipt:
01/02/2013

Agent:

Ward:
Castle

Location:
Tayay Kitchen, 38 Lowther Street, Carlisle, CA3
8DH

Grid Reference:
340250 555907

Proposal: Display Of Signage (Retrospective) (LBC)

Amendment:

Decision: Grant Permission

Date: 11/09/2013

Between 17/08/2013 and 27/09/2013

Appn Ref No:
12/1048

Applicant:
Oakmere Homes Limited

Parish:
Arthuret

Date of Receipt:
21/12/2012 13:01:39

Agent:
MCK Associates Limited

Ward:
Longtown & Rockcliffe

SCHEDULE E: Decisions Issued Under Delegated Powers

Location:

Former Sawmill Site, Netherby Road, Longtown,
CA6 5NS

Grid Reference:

338160 568945

Proposal: Replacement Of Plots 27-41, 44-49, 50-61 And 83-94 Inc (47 Dwellings)
With Plots 23-34, 37-54 Inc (29 Dwellings) Relating To Previously
Approved Application 08/1172

Amendment:

Decision: Granted Subject to Legal Agreement

Date: 24/09/2013

Between 17/08/2013 and 27/09/2013

Appn Ref No:

13/0179

Applicant:

Mr Mark Beveridge

Parish:

Hayton

Date of Receipt:

22/04/2013

Agent:

Blueprint - Architectural
Services

Ward:

Hayton

Location:

The Nook, Hayton, Brampton, CA8 9JA

Grid Reference:

350861 557855

Proposal: Conversion Of Existing Barn To Provide Additional Living
Accommodation (Part Retrospective)

Amendment:

Decision: Grant Permission

Date: 24/09/2013

Between 17/08/2013 and 27/09/2013

Appn Ref No:

13/0201

Applicant:

Mr Allison

Parish:

Burgh-by-Sands

Date of Receipt:

02/07/2013

Agent:**Ward:**

Burgh

Location:

The Beeches, Thurstonfield, Carlisle, Cumbria, CA5
6HD

Grid Reference:

331568 556666

Proposal: Removal Of Existing Cement Render Patch And Application Of Lime

SCHEDULE E: Decisions Issued Under Delegated Powers

Render To Rear Elevation (LBC)

Amendment:

Decision: Grant Permission

Date: 27/08/2013

Between 17/08/2013 and 27/09/2013

Appn Ref No:
13/0330

Applicant:
Mr Neil Davison

Parish:

Date of Receipt:
02/07/2013

Agent:
Schofield Commercial
Interiors

Ward:
Currock

Location:
L/Adj. AMF BOWLING, Currock Road, Carlisle, CA2
4AS

Grid Reference:
340395 554754

Proposal: Variation Of Condition 3 Of Previously Approved Permission 03/0652 To
Use Premises As An Electrical Wholesalers (Retrospective Application)

Amendment:

Decision: Grant Permission

Date: 23/08/2013

Between 17/08/2013 and 27/09/2013

Appn Ref No:
13/0366

Applicant:
Mrs A J Boyd

Parish:
Wetheral

Date of Receipt:
07/05/2013

Agent:
Jock Gordon

Ward:
Wetheral

Location:
Land to front of School House, School Road,
Cumwhinton, Carlisle, CA4 8DU

Grid Reference:
345339 552699

Proposal: Erection Of 1no. Detached Dwelling

Amendment:

Decision: Grant Permission

Date: 19/08/2013

SCHEDULE E: Decisions Issued Under Delegated Powers

Between 17/08/2013 and 27/09/2013

Appn Ref No:
13/0368

Applicant:
Ms Janette Henderson

Parish:
Orton

Date of Receipt:
07/05/2013

Agent:

Ward:
Burgh

Location:
The Limes, Great Orton, Carlisle, CA5 6NA

Grid Reference:
332827 554209

Proposal: Discharge Of Conditions 5 (Screen Walls And Boundary Fences); 6 (Surface Water Drainage) And 9 (Scheme Of Tree Protection) Of Previously Approved Permission 13/0144

Amendment:

Decision: Grant Permission

Date: 19/08/2013

Between 17/08/2013 and 27/09/2013

Appn Ref No:
13/0391

Applicant:
Mr Carr

Parish:
Arthuret

Date of Receipt:
14/05/2013 13:00:21

Agent:
Black Box Architects
Limited

Ward:
Longtown & Rockcliffe

Location:
Brackenhill Farm, Longtown, Carlisle, CA6 5TU

Grid Reference:
345112 569802

Proposal: Erection Of 2no. Detached Holiday Let Log Cabins And Associated Maintenance/Arrival Lodge (Revised Part Retrospective Application)

Amendment:

Decision: Grant Permission

Date: 20/08/2013

Between 17/08/2013 and 27/09/2013

Appn Ref No:
13/0402

Applicant:
Mrs Hang Yee Jenny Kwok

Parish:
Carlisle

Date of Receipt:

Agent:

Ward:

SCHEDULE E: Decisions Issued Under Delegated Powers

21/05/2013

Currock

Location:

Unit 1 St Nicholas Industrial Estate, Princess Street,
Carlisle, CA1 1TT

Grid Reference:

340590 555299

Proposal: Change Of Use From Workshop/Warehouse To Licensed Chinese
Takeaway, Shop And Office Space (Use Classes A1, A5 and B1(a))
Together With Installation Of Flue

Amendment:

Decision: Grant Permission

Date: 22/08/2013

Between 17/08/2013 and 27/09/2013

Appn Ref No:
13/0469

Applicant:
Anchor National Learning
Resource Centre

Parish:
Wetheral

Date of Receipt:
01/08/2013

Agent:

Ward:
Wetheral

Location:
Scotby Green Steading, Scotby, Carlisle, CA4 8EH

Grid Reference:
344155 555100

Proposal: Relevelling Of Flag Paving, Replacement Oak Lintels, Painting Of
Exterior, Pointing Of Former Quaker Meeting House And Fitting Smoke
Seals To External Doors (LBC)

Amendment:

Decision: Grant Permission

Date: 02/09/2013

Between 17/08/2013 and 27/09/2013

Appn Ref No:
13/0470

Applicant:
ECM (Vehicle Delivery
Services) Ltd

Parish:
Irthington

Date of Receipt:
11/06/2013

Agent:
HTGL Architects Ltd

Ward:
Stanwix Rural

Location:
Land adjacent ECM Depot, The Airport, Carlisle,

Grid Reference:
348463 561389

SCHEDULE E: Decisions Issued Under Delegated Powers

CA6 4NN

Proposal: Extension To Site Compound To Provide Improved Site Circulation And Additional Parking; Extension To Body Fabrication Workshop And Extension To Provide Dedicated MOT Bay; Roof Extension Over Existing Vehicle Wash Area

Amendment:

Decision: Grant Permission

Date: 06/09/2013

Between 17/08/2013 and 27/09/2013

Appn Ref No:
13/0494

Applicant:
Wetheral Parish Council

Parish:
Wetheral

Date of Receipt:
28/06/2013

Agent:

Ward:
Wetheral

Location:
Cotehill Village Hall, Front Street, Cotehill, Carlisle,
CA4 0DQ

Grid Reference:
346853 550232

Proposal: Replacement Of Existing Play Area Equipment And Extension Of Play Area Installing New Equipment And Surfacing

Amendment:

Decision: Grant Permission

Date: 19/08/2013

Between 17/08/2013 and 27/09/2013

Appn Ref No:
13/0501

Applicant:
Eden Valley Hospice

Parish:
St Cuthberts Without

Date of Receipt:
25/06/2013

Agent:
Architects Plus (UK) Ltd

Ward:
Dalston

Location:
Eden Valley Hospice, Durdar Road, Carlisle,
Cumbria, CA2 4SD

Grid Reference:
340320 553255

Proposal: Erection Of Two Storey Garage With First Floor Office/Storage Area; Amendments To Entrance Areas To Improve Accessibility

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 09/09/2013

Between 17/08/2013 and 27/09/2013

Appn Ref No:
13/0503

Applicant:
Mr Richard Hodgson

Parish:
Wetheral

Date of Receipt:
19/07/2013

Agent:

Ward:
Great Corby & Geltsdale

Location:
Willowdene, 14 Broadwath Holdings, Heads Nook,
Brampton, CA8 9BB

Grid Reference:
348573 555006

Proposal: Erection Of Detached Garage

Amendment:

1. Inclusion Of Solar PV Panels On South East Elevation

Decision: Grant Permission

Date: 19/08/2013

Between 17/08/2013 and 27/09/2013

Appn Ref No:
13/0508

Applicant:
Ms Anne McDowall

Parish:
Stanwix Rural

Date of Receipt:
09/08/2013

Agent:
Gray Associates Limited

Ward:
Stanwix Urban

Location:
27 Whiteclosegate, Carlisle, CA3 0JA

Grid Reference:
341073 557869

Proposal: Discharge Of Condition 3 (Archaeological Watching Brief) Of Previously
Approved Application 12/0954

Amendment:

Decision: Grant Permission

Date: 23/08/2013

Between 17/08/2013 and 27/09/2013

SCHEDULE E: Decisions Issued Under Delegated Powers

Appn Ref No:
13/0510

Applicant:
Julie Graham

Parish:
Kirklington Middle

Date of Receipt:
28/06/2013

Agent:

Ward:
Lyne

Location:
5 Skitby Road, Smithfield, Kirklington, Carlisle,
Cumbria, CA6 6AY

Grid Reference:
344208 565430

Proposal: Discharge Of Conditions 3 (Materials); 4 (Hard Surface Finishes); 5 (Ground And Floor Levels); 7 (Tree Protection) And 9 (Foul And Surface Water Drainage) Of Previously Approved Permission 13/0146

Amendment:

Decision: Partial Discharge of Conditions
22/08/2013

Date:

Between 17/08/2013 and 27/09/2013

Appn Ref No:
13/0515

Applicant:
Thomas Graham and
Sons Ltd

Parish:
Kingmoor

Date of Receipt:
01/07/2013

Agent:
Johnston & Wright

Ward:
Stanwix Rural

Location:
Baxters and Site 24 Spellar Way, Kingmoor Park
East, Carlisle, Cumbria, CA6 4SQ

Grid Reference:
338496 559202

Proposal: Alterations To Former Baxter Building And Erection Of Steel Warehouse

Amendment:

Decision: Grant Permission

Date: 18/09/2013

Between 17/08/2013 and 27/09/2013

Appn Ref No:
13/0516

Applicant:
NET

Parish:
Carlisle

Date of Receipt:

Agent:

Ward:

SCHEDULE E: Decisions Issued Under Delegated Powers

01/07/2013 13:00:11

GVA

Morton

Location:

St Lukes Church Bell Tower, Stonegarth, Carlisle

Grid Reference:

338169 554730

Proposal: Relocation Of Existing 6no. Antennas And Ancillary Development

Amendment:

Decision: Grant Permission

Date: 22/08/2013

Between 17/08/2013 and 27/09/2013

Appn Ref No:

13/0518

Applicant:

Mr & Mrs Dalglish

Parish:

Hethersgill

Date of Receipt:

02/07/2013 08:00:06

Agent:

Tsada Building Design
Services

Ward:

Lyne

Location:

Howgate, Kirklington, Carlisle, CA6 6DS

Grid Reference:

346281 566706

Proposal: Erection Of Agricultural Storage Building And Service Yard With Parking;
Change Of Use Of Part Of Field To Extend Domestic Curtilage With
Garden Area; Closing Off Existing Domestic Access And Improving
Existing Field Access To Form Agricultural And Domestic Single
Vehicular Access Point

Amendment:

Decision: Grant Permission

Date: 23/08/2013

Between 17/08/2013 and 27/09/2013

Appn Ref No:

13/0522

Applicant:

Mr Main

Parish:

Arthuret

Date of Receipt:

04/07/2013

Agent:

Tsada Building Design
Services

Ward:

Longtown & Rockcliffe

Location:

117 Moor Road, Longtown, Carlisle, CA6 5XB

Grid Reference:

338793 569064

SCHEDULE E: Decisions Issued Under Delegated Powers

Proposal: Erection Of Replacement Dwelling With Detached Garage

Amendment:

Decision: Grant Permission

Date: 27/08/2013

Between 17/08/2013 and 27/09/2013

Appn Ref No:
13/0527

Applicant:
Mrs S White

Parish:
Carlisle

Date of Receipt:
17/07/2013

Agent:

Ward:
Yewdale

Location:
62 Castlesteads Drive, Sandsfield Park, Carlisle,
Cumbria, CA2 7XD

Grid Reference:
337054 555636

Proposal: Replacement Of Flat Roof To Garage/Utility Room For Pitched Roof;
Window Position Altered On Side Elevation

Amendment:

Decision: Grant Permission

Date: 29/08/2013

Between 17/08/2013 and 27/09/2013

Appn Ref No:
13/0530

Applicant:
Mr Brown

Parish:
St Cuthberts Without

Date of Receipt:
09/07/2013

Agent:
John Lyon Associates Ltd

Ward:
Dalston

Location:
2 Blackhall Wood Cottages, Durdar, Carlisle, CA5
7LH

Grid Reference:
338947 551156

Proposal: Change Of Use Of Agricultural Land To Domestic Garden; Erection Of
Double Garage With Link To House; Erection Of Balcony To Rear;
Alterations To Windows And Doors

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 27/08/2013

Between 17/08/2013 and 27/09/2013

Appn Ref No:
13/0531

Applicant:
Mr Wallis

Parish:
Scaleby

Date of Receipt:
04/07/2013 13:00:06

Agent:
Ashton Design

Ward:
Stanwix Rural

Location:
Summerhill Cottage, Chapel Lane, Scaleby Hill,
Carlisle, CA6 4LY

Grid Reference:
343871 563569

Proposal: Demolition And Replacement Of Existing Workshop And Store (Revised Application)

Amendment:

Decision: Grant Permission

Date: 27/08/2013

Between 17/08/2013 and 27/09/2013

Appn Ref No:
13/0533

Applicant:
Mr Cunliffe

Parish:
Carlisle

Date of Receipt:
09/07/2013

Agent:
PlanB Building Drawing

Ward:
Belle Vue

Location:
80 Crown Road, Carlisle, CA2 7QQ

Grid Reference:
337231 555858

Proposal: Erection Of Two Storey Rear Extension To Provide Extended Kitchen/Living Room And Wash Room To Ground Floor With 1No. Additional Bedroom, Shower Room And Bathroom Above

Amendment:

Decision: Grant Permission

Date: 03/09/2013

Between 17/08/2013 and 27/09/2013

Appn Ref No:
13/0535

Applicant:
RA Construction

Parish:
Kingmoor

SCHEDULE E: Decisions Issued Under Delegated Powers

Date of Receipt:
15/07/2013

Agent:
Capita Symonds

Ward:
Stanwix Rural

Location:
Cargo Hill Farm, Cargo, Carlisle, CA6 4AL

Grid Reference:
336628 560161

Proposal: Repair Landslip And Regrade Existing Slope Beneath House, Using Imported Engineering Fill Material

Amendment:

Decision: Grant Permission

Date: 09/09/2013

Between 17/08/2013 and 27/09/2013

Appn Ref No:
13/0536

Applicant:
Mr & Mrs Baxter

Parish:
Dalston

Date of Receipt:
09/07/2013

Agent:
Jock Gordon

Ward:
Dalston

Location:
Pine View, 2 Lingy Close, Carlisle, CA5 7LB

Grid Reference:
336728 552810

Proposal: Erection Of Conservatory To Front Elevation

Amendment:

Decision: Grant Permission

Date: 19/08/2013

Between 17/08/2013 and 27/09/2013

Appn Ref No:
13/0541

Applicant:
Mr I Newstead & Ms S
Heeley

Parish:
Burgh-by-Sands

Date of Receipt:
11/07/2013

Agent:

Ward:
Burgh

Location:
Amberley, Thurstonfield, Carlisle, CA5 6HE

Grid Reference:
331527 556692

Proposal: Single Storey Front And Side Extension To Provide Office/Workshop, Studio And Garage

SCHEDULE E: Decisions Issued Under Delegated Powers

Amendment:

Decision: Grant Permission

Date: 02/09/2013

Between 17/08/2013 and 27/09/2013

Appn Ref No:
13/0543

Applicant:
Mr Cayne

Parish:

Date of Receipt:
25/07/2013

Agent:
PlanB Building Drawing

Ward:
Morton

Location:
108 Newlaithes Avenue, Carlisle, CA2 6QD

Grid Reference:
338459 554464

Proposal: Single Storey Rear Extension To Provide Kitchen

Amendment:

Decision: Grant Permission

Date: 12/09/2013

Between 17/08/2013 and 27/09/2013

Appn Ref No:
13/0544

Applicant:
Mr Graham

Parish:
St Cuthberts Without

Date of Receipt:
15/07/2013 08:00:13

Agent:
JPR Building Design Ltd

Ward:
Dalston

Location:
Land Adjacent to 97 Durdar Road, Carlisle, CA2
4SU

Grid Reference:
340266 552958

Proposal: Discharge Of Conditions 3 (Surface Water Drainage) And 4 (Screen Walls And Boundary Fences) Of Previously Approved Permission
13/0147

Amendment:

Decision: Grant Permission

Date: 02/09/2013

Between 17/08/2013 and 27/09/2013

SCHEDULE E: Decisions Issued Under Delegated Powers

Appn Ref No:
13/0547

Applicant:
Mr & Mrs Sykes

Parish:
Castle Carrock

Date of Receipt:
18/07/2013

Agent:
Bell Cornwell LLP

Ward:
Great Corby & Geltsdale

Location:
The Weary Inn and Restaurant, Castle Carrock,
Brampton, CA8 9LU

Grid Reference:
354261 555371

Proposal: Discharge Of Conditions 3 (Samples Of Materials); 4 (Hard And Soft Landscaping Works); 5 (Walls, Gates, Fences); 6 (Foul And Surface Water Drainage Works); 9 (Proposed Mitigation Measures For Bats) And 10 (Level 2 Survey) Of Previously Approved Permission 12/0983

Amendment:

Decision: Grant Permission

Date: 11/09/2013

Between 17/08/2013 and 27/09/2013

Appn Ref No:
13/0549

Applicant:
Mr Forster

Parish:
Castle Carrock

Date of Receipt:
25/07/2013

Agent:
Sandy Johnston Architect

Ward:
Great Corby & Geltsdale

Location:
Longdyke Barn, Heads Nook, Carlisle, CA8 9DW

Grid Reference:
353989 554411

Proposal: Conversion Of Barn To Dwelling

Amendment:

Decision: Grant Permission

Date: 02/09/2013

Between 17/08/2013 and 27/09/2013

Appn Ref No:
13/0550

Applicant:
Mr Abdul Ahad

Parish:

Date of Receipt:
17/07/2013

Agent:

Ward:
Currock

SCHEDULE E: Decisions Issued Under Delegated Powers

Location:

30-34 Botchergate, Carlisle, CA1 1QS

Grid Reference:

340351 555509

Proposal: Variation Of Condition 3 Of Previously Approved Application 11/1032 To Allow The Opening Hours From 1100 Hours Till 0400 Hours Mondays To Sundays Including Bank Holidays

Amendment:

Decision: Grant Permission

Date: 02/09/2013

Between 17/08/2013 and 27/09/2013

Appn Ref No:

13/0551

Applicant:

Mr Terry & Mrs Pam
Hanlon

Parish:

Carlisle

Date of Receipt:

29/07/2013

Agent:**Ward:**

Currock

Location:

110 English Street, Carlisle, CA3 8ND

Grid Reference:

340173 555667

Proposal: Change Of Use From Retail To Tanning Salon

Amendment:

Decision: Grant Permission

Date: 09/09/2013

Between 17/08/2013 and 27/09/2013

Appn Ref No:

13/0552

Applicant:

Cumbria Partnership NHS Foundation Trust

Parish:

St Cuthberts Without

Date of Receipt:

17/07/2013

Agent:

Johnston & Wright

Ward:

Dalston

Location:

Carleton Clinic, Cumwhinton Drive, Carlisle, CA1 3SX

Grid Reference:

343510 553493

Proposal: Erection Of 3 Metre High Fence & Access Gates To Rear Of Rehabilitation Unit

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 09/09/2013

Between 17/08/2013 and 27/09/2013

Appn Ref No:
13/0553

Applicant:
Everything Everywhere

Parish:
Carlisle

Date of Receipt:
17/07/2013

Agent:
Caip Ltd

Ward:
Castle

Location:
Civic Centre, Rickergate, Carlisle, CA3 8QG

Grid Reference:
340157 556265

Proposal: Alterations To Antennas And Associated Works

Amendment:

Decision: Grant Permission

Date: 11/09/2013

Between 17/08/2013 and 27/09/2013

Appn Ref No:
13/0554

Applicant:
Mrs Richardson

Parish:

Date of Receipt:
19/07/2013

Agent:
PlanB Building Drawing

Ward:
Currock

Location:
74 Currock Park Avenue, Carlisle, CA2 4DJ

Grid Reference:
340047 554109

Proposal: Erection Of Two Storey Side Extension To Provide Cloakroom On Ground Floor With Extended Bedroom Above Together With Single Storey Rear Extension

Amendment:

Decision: Grant Permission

Date: 19/08/2013

Between 17/08/2013 and 27/09/2013

Appn Ref No:

Applicant:

Parish:

SCHEDULE E: Decisions Issued Under Delegated Powers

13/0555 Lloyds Banking Group Carlisle

Date of Receipt: **Agent:** **Ward:**
18/07/2013 13:00:08 Merson Signs Castle

Location: **Grid Reference:**
Lloyds TSB Bank Plc, 8 Lowther Street, Carlisle, 340274 555773
CA3 8DA

Proposal: Replacement Of Existing Advertisement Signage (LBC)

Amendment:

Decision: Grant Permission

Date: 09/09/2013

Between 17/08/2013 and 27/09/2013

Appn Ref No: **Applicant:** **Parish:**
13/0556 Sainsbury's Supermarket
Ltd

Date of Receipt: **Agent:** **Ward:**
23/07/2013 Turley Associates Castle

Location: **Grid Reference:**
Sainsbury's Supermarket Ltd, Bridge Street, 339343 556110
Carlisle, CA2 5TA

Proposal: Erection Of 2.4m High Palisade Fence To The North West Boundary
Sainsbury's And Alexander Sawmill Access Road

Amendment:

Decision: Grant Permission

Date: 17/09/2013

Between 17/08/2013 and 27/09/2013

Appn Ref No: **Applicant:** **Parish:**
13/0557 Mr & Mrs McKenna Dalston

Date of Receipt: **Agent:** **Ward:**
23/07/2013 Hyde Harrington Dalston

Location: **Grid Reference:**
Holly Oaks, The Gill, Dalston, Carlisle, CA5 7JP 335280 548334

SCHEDULE E: Decisions Issued Under Delegated Powers

Proposal: Change Of Use Of Redundant Coach Garage To 1no. Dwelling Together With Extensions And Alterations To Provide Additional Ground And First Floor Accommodation

Amendment:

Decision: Grant Permission

Date: 09/09/2013

Between 17/08/2013 and 27/09/2013

Appn Ref No:
13/0558

Applicant:
Mr & Mrs Martin

Parish:
Stanwix Rural

Date of Receipt:
19/07/2013

Agent:
Phoenix Architects

Ward:
Stanwix Rural

Location:
18 The Garth, Crosby on Eden, Carlisle, CA6 4QS

Grid Reference:
344704 559701

Proposal: Erection Of Two Storey Rear Extension To Provide Enlarged Kitchen And Family Space On Ground Floor With 1No. En-Suite Bedroom Above

Amendment:

Decision: Grant Permission

Date: 29/08/2013

Between 17/08/2013 and 27/09/2013

Appn Ref No:
13/0561

Applicant:
Mrs Belinda Wilson

Parish:
Wetheral

Date of Receipt:
25/07/2013

Agent:
Mr John Widdaker

Ward:
Wetheral

Location:
Stable Cottage, Eden Brows, Armathwaite, Carlisle, CA4 9SY

Grid Reference:
349673 549518

Proposal: Change Of Use Of Grooms Room And Provision Of First Floor Area To Create Annexe To Stable Cottage

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 12/09/2013

Between 17/08/2013 and 27/09/2013

Appn Ref No:
13/0563

Applicant:
The Knells Country House Ltd

Parish:
Stanwix Rural

Date of Receipt:
19/07/2013 13:00:10

Agent:
Swarbrick Associates

Ward:
Stanwix Rural

Location:
The Knells Country House Ltd, The Knells,
Houghton, Carlisle, CA6 4JG

Grid Reference:
341368 560591

Proposal: Discharge Of Conditions 4 (Roofing Materials); 5 (Details Of Windows & Doors); 6 (Hard & Soft Landscape Details); 7 (Tree Protection) And 8 (Parking During Construction) Of Previously Approved Application 10/0551

Amendment:

Decision: Grant Permission

Date: 12/09/2013

Between 17/08/2013 and 27/09/2013

Appn Ref No:
13/0565

Applicant:
Mr I & Mrs L McKey

Parish:

Date of Receipt:
24/07/2013

Agent:
Ashwood Design
Associates

Ward:
Wetheral

Location:
5 Jennet Croft, Wetheral, Carlisle, CA4 8JJ

Grid Reference:
346452 554486

Proposal: Single Storey Rear Extension To Extend Utility Room; First Floor Side Extension To Provide 1No. En-Suite Bedroom

Amendment:

Decision: Grant Permission

Date: 04/09/2013

Between 17/08/2013 and 27/09/2013

SCHEDULE E: Decisions Issued Under Delegated Powers

Appn Ref No:
13/0568

Applicant:
ATS Euromaster

Parish:
Carlisle

Date of Receipt:
22/07/2013 13:00:25

Agent:
Spencer Signs Ltd

Ward:
Botcherby

Location:
ATS Euromaster Limited, Site 18A, Montgomery
Way, Carlisle, CA1 2RW

Grid Reference:
342673 555857

Proposal: Display Of Internally Illuminated And Non Illuminated Signage
Amendment:

Decision: Grant Permission

Date: 06/09/2013

Between 17/08/2013 and 27/09/2013

Appn Ref No:
13/0570

Applicant:
Riverside (Carlisle)

Parish:

Date of Receipt:
24/07/2013 13:00:11

Agent:
Day Cummins Limited

Ward:
Harraby

Location:
Arnside Court, Arnside Road, Harraby, Carlisle CA1
3QA

Grid Reference:
342157 554407

Proposal: Discharge Of Conditions 4 (Shared Access Way); 5 (Vehicular Access
Area); 10 (Surface Water Disposal) And 11 (Provision Of Affordable
Housing) Of Previously Approved Permission 13/0213

Amendment:

Decision: Grant Permission

Date: 17/09/2013

Between 17/08/2013 and 27/09/2013

Appn Ref No:
13/0572

Applicant:
Mr B Foster

Parish:
Brampton

Date of Receipt:
25/07/2013

Agent:
HTGL Architects Ltd

Ward:
Brampton

SCHEDULE E: Decisions Issued Under Delegated Powers

Location:
Apeldoorn, Paving Brow, Brampton, CA8 1QS

Grid Reference:
353208 560433

Proposal: Erection Of Replacement Dwelling (Revised Application)

Amendment:

Decision: Grant Permission

Date: 17/09/2013

Between 17/08/2013 and 27/09/2013

Appn Ref No:
13/0573

Applicant:
Mr Jackson

Parish:
Dalston

Date of Receipt:
25/07/2013 13:00:09

Agent:

Ward:
Dalston

Location:
Rose Cottage, Stockdalewath, Dalston, Carlisle,
CA5 7DN

Grid Reference:
338703 545114

Proposal: Relocation Of Vehicular And Pedestrian Access

Amendment:

Decision: Grant Permission

Date: 17/09/2013

Between 17/08/2013 and 27/09/2013

Appn Ref No:
13/0577

Applicant:
Mr Abdul Ahad

Parish:

Date of Receipt:
29/07/2013

Agent:

Ward:
Currock

Location:
30-34 Botchergate, Carlisle, CA1 1QS

Grid Reference:
340351 555509

Proposal: Display Of Illuminated Fascia Sign

Amendment:

Decision: Grant Permission

Date: 06/09/2013

SCHEDULE E: Decisions Issued Under Delegated Powers

Between 17/08/2013 and 27/09/2013

Appn Ref No:
13/0578

Applicant:
Mr Chris Robertson

Parish:
Carlisle

Date of Receipt:
08/08/2013

Agent:

Ward:
Stanwix Urban

Location:
8 Eden Mount, Stanwix Bank, Carlisle, CA3 9LZ

Grid Reference:
339990 556935

Proposal: Installation Of Satellite Dish To Side Elevation Together With Installation Of Boiler Flue Pipe Above Back Door (LBC) (Retrospective)

Amendment:

Decision: Grant Permission

Date: 16/09/2013

Between 17/08/2013 and 27/09/2013

Appn Ref No:
13/0579

Applicant:
Arnold Clark Automobiles
Ltd

Parish:
Carlisle

Date of Receipt:
30/07/2013

Agent:
Unwin Jones Partnership

Ward:
Belah

Location:
Arnold Clark, Kingstown Broadway, Kingstown
Industrial Estate, Carlisle, Cumbria, CA3 0HE

Grid Reference:
339417 559037

Proposal: Conversion Of Existing Workshop To New Showroom; Replacement Of Existing Roller Shutter Doors With New Glazed Curtain Walling And Slide/Fold Vehicle Access Doors

Amendment:

Decision: Grant Permission

Date: 13/09/2013

Between 17/08/2013 and 27/09/2013

Appn Ref No:
13/0581

Applicant:
Mrs Johnson

Parish:
Burtholme

SCHEDULE E: Decisions Issued Under Delegated Powers

Date of Receipt:
01/08/2013

Agent:
RodneyJeremiah

Ward:
Irthing

Location:
Calees Methodist Chapel, Banks, Brampton, CA8
2JJ

Grid Reference:
356577 564815

Proposal: Change Of Use Of Disused Chapel To 1No. Dwelling

Amendment:

Decision: Grant Permission

Date: 20/09/2013

Between 17/08/2013 and 27/09/2013

Appn Ref No:
13/0585

Applicant:
Mr Graham

Parish:
Waterhead

Date of Receipt:
30/07/2013 16:00:16

Agent:
Tsada Building Design
Services

Ward:
Irthing

Location:
Lanerlyn, Gilsland, Brampton, CA8 7DA

Grid Reference:
362915 566555

Proposal: Single Storey Extensions To Provide Conservatory To West Elevation
And 2No. Bedrooms To East Elevation (Revised/Part Retrospective
Application)

Amendment:

Decision: Grant Permission

Date: 27/08/2013

Between 17/08/2013 and 27/09/2013

Appn Ref No:
13/0587

Applicant:
Messrs Martin

Parish:
Orton

Date of Receipt:
01/08/2013

Agent:
H&H Land and Property

Ward:
Burgh

Location:
Tempest Tower Farm, Little Orton, CA5 6EP

Grid Reference:
334823 555349

Proposal: Installation Of Anaerobic Digester Plant

SCHEDULE E: Decisions Issued Under Delegated Powers

Amendment:

Decision: Grant Permission

Date: 16/09/2013

Between 17/08/2013 and 27/09/2013

Appn Ref No:
13/0588

Applicant:
Poundland

Parish:

Date of Receipt:
30/07/2013 23:00:13

Agent:
HLP UK Ltd

Ward:
Currock

Location:
Unit 5B, St Nicholas Gate Retail Park, London
Road, Carlisle, CA1 2EA

Grid Reference:
340744 555101

Proposal: Display Of 1no. Internally Illuminated Fascia Sign

Amendment:

Decision: Refuse Permission

Date: 24/09/2013

Between 17/08/2013 and 27/09/2013

Appn Ref No:
13/0590

Applicant:
Mrs Susan Henderson

Parish:
Wetheral

Date of Receipt:
31/07/2013

Agent:
Abacus Building Design

Ward:
Great Corby & Geltsdale

Location:
East View, Allenwood, Heads Nook, Brampton, CA8
9AG

Grid Reference:
348825 556068

Proposal: Formation Of 2No. Dormer Windows To Front Elevation; Alterations To
Existing Dormer Window

Amendment:

Decision: Grant Permission

Date: 12/09/2013

Between 17/08/2013 and 27/09/2013

SCHEDULE E: Decisions Issued Under Delegated Powers

Appn Ref No:
13/0594

Applicant:
Ms Coates

Parish:
Dalston

Date of Receipt:
31/07/2013 23:00:06

Agent:
Gray Associates Limited

Ward:
Dalston

Location:
2 The Green, Dalston, Carlisle, CA5 7QB

Grid Reference:
336865 549954

Proposal: Alterations To Internal Layout And Replacement Of Windows (LBC)

Amendment:

Decision: Grant Permission

Date: 24/09/2013

Between 17/08/2013 and 27/09/2013

Appn Ref No:
13/0595

Applicant:
Mr & Mrs Parry

Parish:
Dalston

Date of Receipt:
01/08/2013 13:00:17

Agent:
John Thornton Chartered
Architect

Ward:
Dalston

Location:
Royal Oak Cottage, Gaitsgill, Dalston, Carlisle, CA5
7AH

Grid Reference:
338811 546697

Proposal: Two Storey Side Extension To Provide Living Room And Kitchen On Ground Floor With Bedroom And Bathroom Above; Single Storey Side Extension To Provide Family Room; Erection Of Detached Garage And Formation Of Bridge Over Existing Beck Together With Internal Alterations And Reroofing Of Existing Cottage (Part Retrospective) (Revised Application)

Amendment:

Decision: Grant Permission

Date: 17/09/2013

Between 17/08/2013 and 27/09/2013

Appn Ref No:
13/0596

Applicant:
Mr & Mrs Parry

Parish:
Dalston

SCHEDULE E: Decisions Issued Under Delegated Powers

Date of Receipt:

01/08/2013 13:00:17

Agent:

John Thornton Chartered
Architect

Ward:

Dalston

Location:

Royal Oak Cottage, Gaitsgill, Dalston, Carlisle, CA5
7AH

Grid Reference:

338811 546697

Proposal: Two Storey Side Extension To Provide Living Room And Kitchen On Ground Floor With Bedroom And Bathroom Above; Single Storey Side Extension To Provide Family Room; Erection Of Detached Garage And Formation Of Bridge Over Existing Beck Together With Internal Alterations And Reroofing Of Existing Cottage (LBC) (Part Retrospective) (Revised Application)

Amendment:

Decision: Grant Permission

Date: 17/09/2013

Between 17/08/2013 and 27/09/2013

Appn Ref No:

13/0597

Applicant:

Dr Ansari

Parish:

Dalston

Date of Receipt:

01/08/2013 16:00:34

Agent:

Suburban Studios Ltd

Ward:

Dalston

Location:

Former Telephone Exchange Station, Hawksdale
Road, Dalston, Carlisle, CA5 7BX

Grid Reference:

336295 546494

Proposal: Change Of Use From Telephone Repeater Station To Short Term Holiday Accommodation; Erection Of Rear Extension (Part Revised Application)

Amendment:

Decision: Grant Permission

Date: 18/09/2013

Between 17/08/2013 and 27/09/2013

Appn Ref No:

13/0598

Applicant:

Ms Casson

Parish:

Hayton

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

SCHEDULE E: Decisions Issued Under Delegated Powers

02/08/2013

AA Design Services

Hayton

Location:

Millerground, Fenton Lane End, How Mill,
Brampton, CA8 9LE

Grid Reference:

350985 555555

Proposal: Raising Of Roof To Provide First Floor Accommodation Comprising Lounge, Study, 2No. Bedrooms, Bathroom And Store; Reconfiguration Of Ground Floor Accommodation; Extensions To Both Front And Rear Elevations To Provide Sun Lounge And Garage

Amendment:

Decision: Grant Permission

Date: 27/09/2013

Between 17/08/2013 and 27/09/2013

Appn Ref No:
13/0600

Applicant:
Mr Hunter

Parish:
Irthington

Date of Receipt:
06/08/2013

Agent:

Ward:
Stanwix Rural

Location:
Land adjoining The Village Shop, Irthington, CA6
4NN

Grid Reference:
349940 561757

Proposal: Erection Of 1No. Detached Dormer Bungalow (Revised Application)

Amendment:

Decision: Grant Permission

Date: 16/09/2013

Between 17/08/2013 and 27/09/2013

Appn Ref No:
13/0601

Applicant:
Mrs S Kidd

Parish:
Wetheral

Date of Receipt:
06/08/2013

Agent:
Tsada Building Design
Services

Ward:
Wetheral

Location:
Grey Owl Cottage, Warwick on Eden, Carlisle, CA4
8PA

Grid Reference:
346498 556385

SCHEDULE E: Decisions Issued Under Delegated Powers

Proposal: Erection Of Single Storey Rear Extension

Amendment:

Decision: Grant Permission

Date: 09/09/2013

Between 17/08/2013 and 27/09/2013

Appn Ref No:
13/0602

Applicant:
Mr & Mrs E Wilson

Parish:
Brampton

Date of Receipt:
05/08/2013

Agent:

Ward:
Brampton

Location:
Field to South of Old Church Lane and to East of
Cemetery, Brampton, Cumbria CA8 2AA

Grid Reference:
351589 561530

Proposal: Erection Of General Purpose Agricultural Storage Building

Amendment:

Decision: Grant Permission

Date: 13/09/2013

Between 17/08/2013 and 27/09/2013

Appn Ref No:
13/0603

Applicant:
Mr S Platten

Parish:
Wetheral

Date of Receipt:
05/08/2013

Agent:
Mr G Tyler

Ward:
Wetheral

Location:
Oaklands, Cumwhinton, Carlisle, Cumbria, CA4
8DT

Grid Reference:
344799 552483

Proposal: Erection Of 1no. Dwelling (Revised/Part Retrospective Application)

Amendment:

Decision: Grant Permission

Date: 13/09/2013

SCHEDULE E: Decisions Issued Under Delegated Powers

Between 17/08/2013 and 27/09/2013

Appn Ref No:
13/0607

Applicant:
Mr Christopher Ward

Parish:
Brampton

Date of Receipt:
06/08/2013

Agent:
Concept Support

Ward:
Brampton

Location:
Hazelton, Carlisle Road, Brampton, CA8 1ST

Grid Reference:
352525 561089

Proposal: Non Material Amendment Relating To Previously Approved Permission
12/0512

Amendment:

Decision: Amendment Accepted
02/09/2013

Date:

Between 17/08/2013 and 27/09/2013

Appn Ref No:
13/0608

Applicant:
Mr N J Kirkup

Parish:
Arthuret

Date of Receipt:
07/08/2013

Agent:

Ward:
Longtown & Rockcliffe

Location:
4 Swan Street, Longtown, Carlisle, CA6 5UY

Grid Reference:
338000 568620

Proposal: Erection Of 1no. Detached Dwelling (Revised Application)

Amendment:

Decision: Grant Permission

Date: 27/09/2013

Between 17/08/2013 and 27/09/2013

Appn Ref No:
13/0610

Applicant:
Mrs Taylor

Parish:
Wetheral

Date of Receipt:
08/08/2013

Agent:
CONCEPT

Ward:
Wetheral

Location:

Grid Reference:

SCHEDULE E: Decisions Issued Under Delegated Powers

49 Scotby Road, Scotby, Carlisle, CA4 8BD

344064 555646

Proposal: Erection Of Two Storey Side Extension To Provide Living Room, Shower Room And Utility On Ground Floor With En-Suite Bedroom Above Together With Single Storey Rear Extension To Provide Kitchen/Family Room

Amendment:

Decision: Grant Permission

Date: 26/09/2013

Between 17/08/2013 and 27/09/2013

Appn Ref No:
13/0616

Applicant:
Mr A Gould

Parish:
Stanwix Rural

Date of Receipt:
08/08/2013

Agent:
Tyler Design Services

Ward:
Stanwix Urban

Location:
Wensleydale, Tarraby, Carlisle, CA3 0JS

Grid Reference:
341071 558053

Proposal: Erection Of Single Storey Rear Extension To Provide Sunroom

Amendment:

Decision: Grant Permission

Date: 16/09/2013

Between 17/08/2013 and 27/09/2013

Appn Ref No:
13/0617

Applicant:
Mr Laidlaw

Parish:

Date of Receipt:
13/08/2013

Agent:
Tsada Building Design
Services

Ward:
Denton Holme

Location:
Units PR1 & PR2, Scotts Self Storage, Rome
Street, Carlisle

Grid Reference:
340041 555129

Proposal: Change Of Use From Storage Unit To Specialist Auction Room And Offices

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 23/09/2013

Between 17/08/2013 and 27/09/2013

Appn Ref No:
13/0624

Applicant:
Story Homes

Parish:

Date of Receipt:
12/08/2013 13:01:22

Agent:

Ward:

Location:
Land to the Rear of Scotby Green Steading, Scotby,
Carlisle

Grid Reference:
344296 555136

Proposal: Discharge Of Conditions 22 (Buffer Zone Landscaping Scheme); 23 (Breeding Bird Information) And 24 (Mitigation Measures For Protected Species/Wildlife) Of Previously Approved Appn 12/0710

Amendment:

Decision: Partial Discharge of Conditions
24/09/2013

Date:

Between 17/08/2013 and 27/09/2013

Appn Ref No:
13/0625

Applicant:
Story Homes

Parish:

Date of Receipt:
12/08/2013 13:00:25

Agent:

Ward:

Location:
Land to the Rear of Scotby Green Steading, Scotby,
Carlisle

Grid Reference:
344296 555136

Proposal: Discharge Of Condition 11 (Surface Water Drainage Monitoring) Of Previously Approved Appn 12/0710

Amendment:

Decision: Partial Discharge of Conditions
24/09/2013

Date:

SCHEDULE E: Decisions Issued Under Delegated Powers

Between 17/08/2013 and 27/09/2013

Appn Ref No:
13/0627

Applicant:
Story Homes

Parish:

Date of Receipt:
12/08/2013 13:00:20

Agent:

Ward:

Location:
Land to the Rear of Scotby Green Steading, Scotby,
Carlisle

Grid Reference:
344296 555136

Proposal: Discharge Of Condition 26 (Method Statement) Of Previously Approved
Appn 12/0710

Amendment:

Decision: Partial Discharge of Conditions
24/09/2013

Date:

Between 17/08/2013 and 27/09/2013

Appn Ref No:
13/0633

Applicant:
Mr Tony Winter

Parish:
Carlisle

Date of Receipt:
16/08/2013

Agent:
Mr Richard Lindsay

Ward:
Castle

Location:
113 Warwick Road, Carlisle, CA1 1JY

Grid Reference:
340706 555918

Proposal: Installation Of Double Doors To Kitchen/Dining Room And Bricking Up
Existing Rear Door (LBC) (Retrospective)

Amendment:

Decision: Grant Permission

Date: 17/09/2013

Between 17/08/2013 and 27/09/2013

Appn Ref No:
13/0638

Applicant:
N & S J Sanderson

Parish:
Burtholme

Date of Receipt:

Agent:

Ward:

SCHEDULE E: Decisions Issued Under Delegated Powers

15/08/2013

Irthing

Location:

Burtholme Farm, Lanercost, Brampton, CA8 2HH

Grid Reference:

354600 563645

Proposal: Erection of General Purpose Cattle Shed and Storage for Hay, Straw
And Farm Implements

Amendment:

Decision: Grant Permission

Date: 19/09/2013

Between 17/08/2013 and 27/09/2013

Appn Ref No:

13/0640

Applicant:

Mrs Jennifer Bullamore

Parish:

Farlam

Date of Receipt:

14/08/2013

Agent:

Ward:

Irthing

Location:

The Fauld, Coal Fell, Hallbankgate, Brampton, CA8
2PY

Grid Reference:

359460 560063

Proposal: Renewal Of Unexpired Permission Of Previously Approved Appn
10/0669 For The Erection Of Porch To Front Of Dwelling

Amendment:

Decision: Grant Permission

Date: 23/09/2013

Between 17/08/2013 and 27/09/2013

Appn Ref No:

13/0641

Applicant:

Mr Terence Meredith

Parish:

Hayton

Date of Receipt:

28/08/2013

Agent:

Ward:

Hayton

Location:

61 Hurley Road, Little Corby, Carlisle, CA4 8QY

Grid Reference:

347960 557371

Proposal: Erection Of Conservatory To Rear Elevation (Retrospective)

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 27/09/2013

Between 17/08/2013 and 27/09/2013

Appn Ref No:
13/0643

Applicant:
Mr & Mrs Andrew Reed

Parish:
Wetheral

Date of Receipt:
14/08/2013

Agent:
Mr Chris Reed

Ward:
Wetheral

Location:
2 Park Close, Scotby, Carlisle, CA4 8AX

Grid Reference:
343811 555479

Proposal: Erection Of Two Storey Side Extension To Provide Family Room And Extended Kitchen On Ground Floor With 1no. En-Suite Bedroom And Bathroom Above Together With Single Storey Rear Extension To Provide Dining Room

Amendment:

Decision: Grant Permission

Date: 16/09/2013

Between 17/08/2013 and 27/09/2013

Appn Ref No:
13/0676

Applicant:
MJ Quinn

Parish:
Farlam

Date of Receipt:
27/08/2013 13:00:20

Agent:
McGrath Associates

Ward:
Multiple Wards

Location:
BT Telephone Exchange, Hallbankgate, CA8 2NJ

Grid Reference:
357927 559692

Proposal: Certificate Of Proposed Lawful Development For The Installation Of PRV Louvre Within Existing Opening Together With Externally Mounted Ventilation Unit Ducted Within Existing Opening

Amendment:

Decision: Grant Permission

Date: 24/09/2013

Between 17/08/2013 and 27/09/2013

SCHEDULE E: Decisions Issued Under Delegated Powers

Appn Ref No:
13/0706

Applicant:
Mr J C Stamper

Parish:
Cumwhitton

Date of Receipt:
06/09/2013

Agent:
Jock Gordon

Ward:
Great Corby & Geltsdale

Location:
East Cottage, Cringles Farm, Cumwhinton, CA4
8DL

Grid Reference:
344513 552801

Proposal: Non Material Amendment Of Previously Approved Permission 11/0784
Amendment:

Decision: Amendment Accepted
27/09/2013

Date:

Between 17/08/2013 and 27/09/2013

Appn Ref No:
13/9019

Applicant:
Mr S Leader

Parish:

Date of Receipt:
14/08/2013

Agent:
Cumbria County Council -
Economy & Planning

Ward:
Denton Holme

Location:
Centre 47, 47 Nelson Street, Carlisle, Cumbria, CA2
5NE

Grid Reference:
339521 555147

Proposal: Change Of Use From Business To Day Centre
Amendment:

Decision: City Council Observation - Raise Objection(s)
Date: 09/09/2013

Report to Development Control Committee

Agenda
Item:
A.2

Meeting Date: 11 October 2013
Portfolio: Economy and Enterprise
Key Decision: Not Applicable:
Within Policy and
Budget Framework YES
Public / Private Public

Title: CONFIRMATION OF TREE PRESERVATION ORDER 267
Report of: Director of Economic Development
Report Number: ED 31/13

Purpose / Summary:

This report considers the confirmation of Tree Preservation Order 267, Rose Wood, Rose Bank, Dalston, and objections to the making of the tree preservation order.

Recommendations:

Tree Preservation Order 267 is confirmed with or without such modifications as the Committee considers appropriate.

Tracking

Executive:	
Overview and Scrutiny:	
Council:	

1. BACKGROUND

- 1.1 The Town and Country Planning Act 1990, Section 197 places a duty on Local Planning Authorities to make tree preservation orders where it appears to the authority to be necessary in connection with the granting of planning permission. The Department of Environment Transport and the Regions document, "Tree Preservation Orders A Guide to the Law and Good Practice" advises that "Tree Preservation Orders should be used to protect selected trees and woodland if their removal would have a significant local impact on the environment and its enjoyment by the public".
- 1.2 Tree Preservation Order 267 was made to protect an area of designated ancient woodland at Rose Bank Sawmill following the submission of planning application Ref. 13/0576 which brought to Officers' attention the loss of ancient woodland from this site without the requisite Environmental Impact Assessment or consent of the Forestry Commission, and the un-consented change of use from forestry to timber storage and vehicle parking. A copy of the plan relating to Tree Preservation Order 267 and the statement of reasons for making the tree preservation order are attached hereto at Appendix 1
- 1.3 Objections to the making of the tree preservation order were received by Carlisle City Council. The letters of objection and the Officers' replies are attached hereto at Appendix 2.
- 1.5 The objections are summarised below with the Officers replies in *italics*;
- (i) It is open to interpretation whether or not a tree preservation order is appropriate.

When it is considered appropriate to make a tree preservation order is a matter of judgement for the local authority however, it must be expedient in the interest of amenity to do so. In this instance it was considered expedient due to the loss of the ancient woodland and the consequential loss of amenity and effect on the character of the area in which such woodlands are an important feature.

- (ii) There must be a balance between the environment and development.

The balance between the environment/loss of ancient woodland and the benefits accrued from any planning consent is considered during the planning application process. On the saw mill site portion of Rose Bank Wood no such balance has ever been considered as the ancient woodland has been removed without an Environmental Impact Assessment and

application to the Forestry Commission and no planning application has been submitted for change of use, although necessary, from woodland to car parking/storage. It should be noted that in both national planning policy and local planning policy there is a strong presumption in favour of the retention of ancient woodland sites, and planning permission would normally be refused for such sites.

(iii) No further tree loss is required to provide the building subject to the current planning application 13/0576.

Whilst there may be no need to destroy any more ancient woodland for the purposes of the current proposal the future intention of the owners cannot be known. Taking into consideration the extent of the loss of the ancient woodland over several years it is appropriate to protect the remaining ancient woodland to prevent further loss.

(iv) The ancient woodland is not being removed, nor in danger of being removed.

Since 1992 there has been a gradual loss of the ancient woodland which has continued till recently. Approximately 6300m² of ancient woodland has been lost from this site, which equates to nearly 50% of the ancient woodland area on the saw mill site.

(v) The ancient woodland is not there to be enjoyed by the public or visible to the public.

Although the ancient woodland is in private ownership it can still be enjoyed by the public, both for its intrinsic beauty and as a visual amenity as seen from the adjacent path and surroundings.

(vi) Will the entire Rose Wood have a tree preservation order placed on it.

Only the saw mill site is included within the tree preservation order as this is where the deforestation of the ancient woodland and un-consented development has been taking place.

vii) Tree removal has been in accordance with the Forestry Commission guidelines, why is an Environmental Impact Assessment required.

Deforestation i.e. felling woodland to use the land for a different purpose requires an Environmental Impact Assessment and the consent of the

Forestry Commission. This is a legal requirement under the Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999.

(viii) The tree preservation order is an unnecessary precaution requiring repeat applications if work is required to the trees.

The Order will not prevent good woodland management. Whilst an application will be required to carry out works to trees any consent can be conditioned to ensure that repeat activities can be carried out over a period of years without the need for repeat applications.

(ix) The description of the ancient woodland should be more explicit as in the examples given in the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

The “all trees of all species” description leaves no room for misinterpretation and as such is much clearer.

(x) What do the Council consider is a tree.

There is no definition of a tree or woodland in the legislation. However, this has been considered by the Courts. The two cases that are relevant are Bullock v Secretary of State 1980, and Palm Developments Ltd v Secretary of State 2009. To summarise, a tree is anything that one would ordinarily call a tree, oak, sycamore, willow, etc. It follows that bushes such as elderberry are not trees and the tree preservation order would not apply. There is no size limit to a tree in woodland protected by the preservation order, so a seedling would be protected to the same extent as a large mature tree. The Council follows the interpretation of the Courts.

(xi) The Council would be required to make pre-application site visits.

Officers of the Council will make a site visit in response to any application to fell a tree. Pre-application visits at a mutually agreeable time and date are also welcomed.

(xii) What is the chronology of ancient woodland loss from the site.

The City Council have aerial photographs of the area from 1992 onwards which clearly shows the extent of the deforestation of the ancient woodland on the site over this time period. The deforestation has clearly been incremental but the timeline of the deforestation is irrelevant. It is the fact that it has occurred at all that is relevant.

(xiii) Which part of the saw mill site has undergone a material change of planning use.

All the site that has been the subject of deforestation by removal of the ancient woodland and changed to parking/storage etc has undergone a material change of use for which planning permission would be required.

(xiv) The low frequency of use of footpath 11403.

The guidance on making tree preservation orders says that the trees, or at least part of them, should normally be visible from a public place, such as a road or footpath. Frequency of use of the footpath is not a material consideration.

2. PROPOSALS

2.1 Having duly considered the objections and Officers' observations Members have three options;

- (1) Confirm the tree preservation order as it stands; or
- (ii) Decline to confirm the tree preservation order; or
- (iii) Confirm the tree preservation order with modifications that is make the tree preservation order permanent in relation to some of the woodland specified in the order, but to exclude other woodland from the order.

2.2 If Members are minded to add woodland to the tree preservation order, the tree preservation order should be confirmed. A variation order will then be made to add the new woodland. A further 28 day statutory consultation period with those affected will be undertaken on the addition of the woodland. If objections to the variation order are made a report will be drafted and brought before this Committee so Members can duly consider the objections and decide whether or not to confirm the variation.

3. CONSULTATION

3.1 The Owners of the affected property, and all those with an interest in the land were sent copies of the tree preservation order. A covering letter was enclosed explaining how to make representations to the Local Planning Authority.

4. CONCLUSION AND REASONS FOR RECOMMENDATIONS

- 4.1** Tree Preservation Order 267 Rose Bank Saw Mill, Dalston, be confirmed with or without such modifications as the Committee consider appropriate.
- 4.2** The Tree Preservation Order will ensure the continuing visual and environmental benefits of the ancient woodland by preventing any further loss of the ancient woodland from this site.

5. CONTRIBUTION TO THE CARLISLE PLAN PRIORITIES

- 5.1** Helps create a pleasant environment in which to live and work and engendering a pride in place.

Contact Officer: Charles Bennett **Ext:** 7535

Appendices attached to report: Appendix 1: Tree Preservation Order Plan & Statement Of Reasons
Appendix 2: Letters Of Objection And Officers Replies

Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers:

- The Town and Country Planning Act 1990; DETR Tree Preservation Orders A Guide to the Law and Good Practice

CORPORATE IMPLICATIONS/RISKS:

Chief Executive's - None

Community Engagement – None

Economic Development – None

Governance – The validity of the tree preservation order cannot be challenged in any legal proceedings except by way of application to the High Court. An application must be made within six weeks from the date of the confirmation of the tree preservation order.

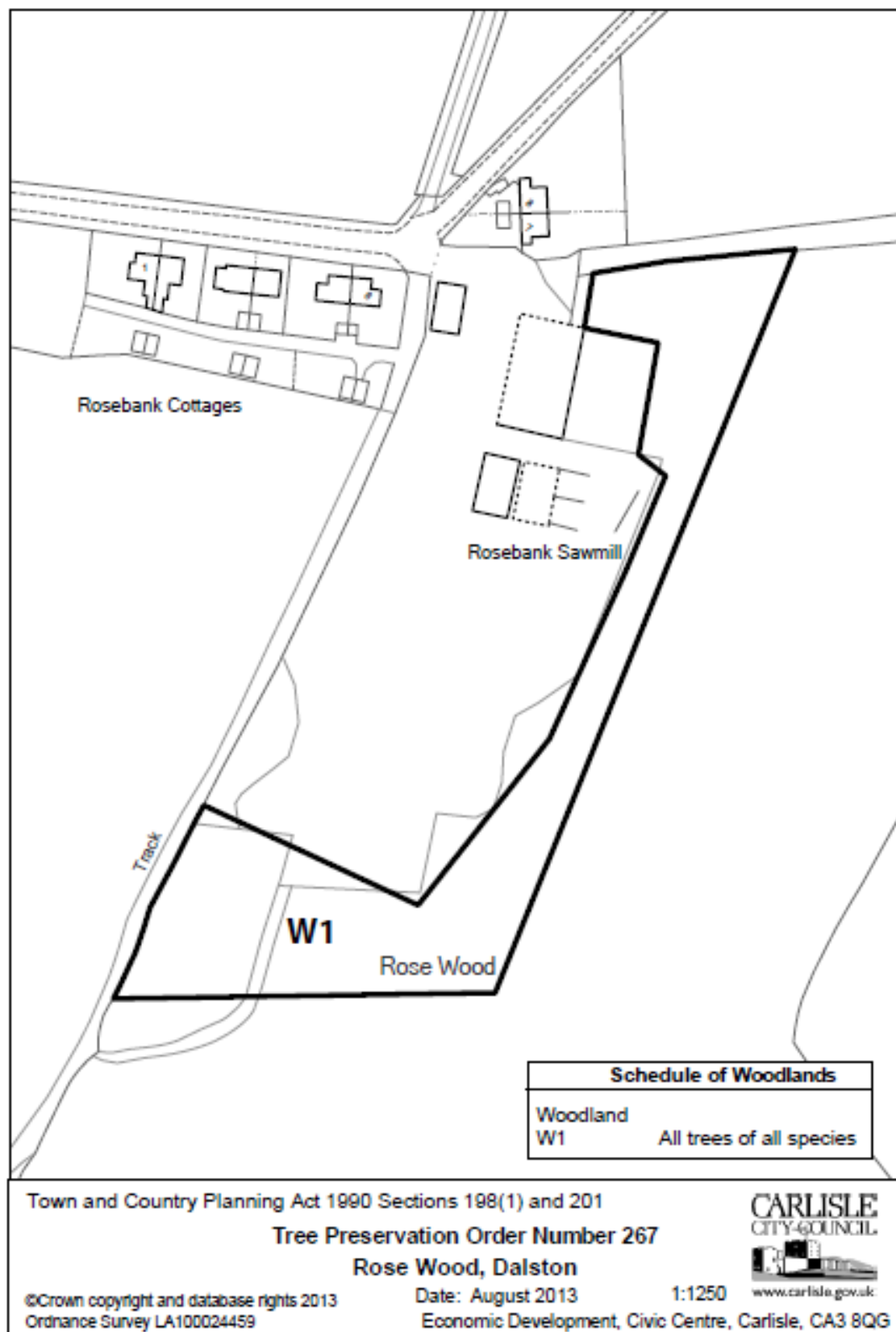
This Tree Preservation Order needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the third parties, including local residents, who have made representations, have the right to a fair hearing and to this end the Committee must give full consideration to their comments.

Article 8 and Protocol 1 Article 1 confer(s) a right of respect for a person's home and a right to peaceful enjoyment of one's possessions, which could include a person's home, other land and business assets. In taking account of all material considerations, including Council policy it is considered that some rights conferred by these Articles on the residents/objectors and other occupiers and owners of nearby land that might be affected may be interfered with but that interference is in accordance with the law and justified by being in the public interest and on the basis of the restriction on these rights posed by confirmation of the Tree Preservation Order is proportionate to the wider benefits of approval and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Local Environment – The tree preservation order by preventing further loss of this ancient woodland site will ensure that the ancient woodland continues to provide a significant degree of visual amenity, and benefit the local environment and its enjoyment by the public.

Resources - Compensation maybe payable if a person establishes that loss or damage has been caused or occurred in consequence of the refusal of consent, or the grant of consent subject to conditions, subject to the restrictions and exemptions set out in The Town and Country Planning (Tree Preservation)(England) Regulations 2012. Necessary works to the trees will not be unreasonably refused, so it is not envisaged that a claim for compensation will occur.

APPENDIX 1 TREE PRESERVATION ORDER PLAN & STATEMENT OF REASONS



TREE PRESERVATION ORDER No. TPO 267 **ROSE WOOD, ROSEBANK, DALSTON, CARLISLE, CUMBRIA**

STATEMENT OF REASONS

By virtue of section 197 of the Town and Country Planning Act 1990 the local planning authority has a duty to ensure, whenever it is appropriate, that in granting planning permission for any development adequate provision is made, by the imposition of conditions, for the preservation or planting of trees.

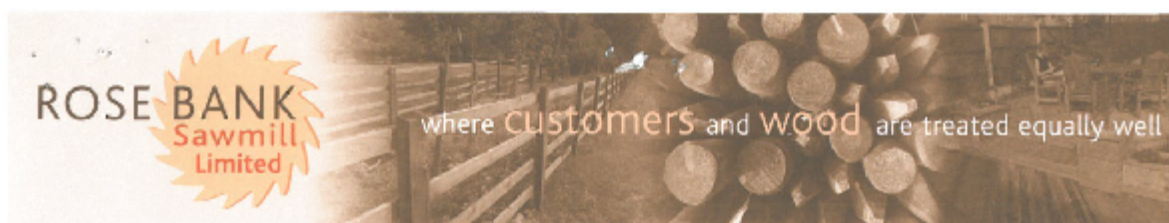
The guidance set out in the Department of the Environment Transport and the Regions document 'Tree Preservation Orders, A Guide to the Law and Good Practice' states that tree preservation orders should be used to protect selected trees and woodlands if their removal would have a significant impact on the local environment and its enjoyment by the public.

The woodland, by virtue of its size and location is clearly visible to the public from public footpath 114043, the road through Rosebank. The woodland contributes to the character of the landscape which is classified as type 5 Lowland, sub-type 5a Ridge and Valley, a key characteristic of which is native woodland, tree clumps and plantations.

Erosion of the ancient woodland site has occurred due to development pressure. To prevent further loss of the ancient woodland and to ensure the continuity of the amenity provided by the woodland a tree preservation order is considered appropriate.

APPENDIX 2

LETTERS OF OBJECTION AND OFFICERS REPLIES



Rose Bank Sawmill, Dalston, Carlisle, Cumbria CA5 7DA Tel: 016974 76259 Fax: 016974 76295
email: rosebanksawmill@btinternet.com www.rosebanksawmill.co.uk

Mr M Lambert
Director of Governance
Carlisle City Council
Civic Centre
Carlisle
CA3 8QG



26 August 2013

Dear Mr Lambert

Tree Preservation Order 2013 No 267 – Delivered 19 August 2013

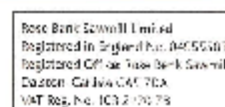
By way of introduction David Bowe (David) and Julie Bowe (Julie) own Rose Bank Sawmill. I am Pat Jefferson, Julie's mother and therefore David's is my son in law. For the past seven years I have worked at the Sawmill and my role is that of Standards and Marketing management. It is in this capacity that I have been asked to address the issue of the TPO placed on the site on 19 August, 2013.

To put everything into context and so that there may be some understanding of our position, I offer the following background:

On 27 January, 2009 Mr Charles Bennett and Jim O'Neil of the Forestry Commission visited Rose Bank Sawmill. Both were there by invitation as David wished to submit a planning application for a joiners shop and storage on the site currently under consideration in the recently submitted planning application. He wished to take advice on the woodlands area of the site, part of which would have been affected, before engaging structural engineers and submitting a planning application, due to the high costs involved.

The Forestry Commission obviously also want to protect and enhance woodlands but Jim O'Neil of the Forestry Commission recognised that the land in question was degraded and discussed with David ways of bringing about positive conservation gain from the small piece of Sawmill woodland which adjoins the 34 acre PAWS site owned by the Church Commissioners.

He suggested a slow process of work by under planting the existing sycamore canopy with some native shade tolerant species such as holly and hazel which would



re-establish the under storey of the woodland. He further suggested thinning of the sycamore and beech to allow more light to reach the floor to help any remnant native flora that exists within the soil.

His view was that with enough light available some higher forest species could be added like oak and ash. He noted one or two surviving oak in some old tubes and further suggested viable specimens should be carefully opened up by thinning around them.

The ultimate aim of the restoration, he advised, would be to have a variety of site native trees and flora growing, with a range of tiers of storeys of vegetation.

Mr Bennett was unable to concur with any of the suggestions. The planning application was never submitted and the opportunity of grant aid from Solway Border & Eden Programme was lost.

That was four years ago and having battled through an economic recession and adverse weather conditions which affects this business badly, David and Julie decided to try and stabilise the position by submitting the current planning application and accompanying background notes. Pre planning advice was sought and based on discussions with Stephen Daniel who visited the site it was decided to submit the planning application.

A post application site visit was made by Janet Blair and again helpful and appropriate discussions took place. We believe in this type of approach then any problems can be discussed openly and honestly. However, the third visit to the site was not so pleasant.

On Monday 19 August, Mr Bennett walked into the office and asked for Mr Bowe. He was told that he was not on site and he then abruptly handed over and announced "Tree Preservation Order" to the only person in the office. He did not introduce himself and he did not ask who the person was that he was handing his TPO to. It happened to be Julie Bowe and Julie is a director of the business, but she could have been anyone. At that juncture David returned to the Sawmill and became involved in the discussion. Taken aback at the extreme measures in the TPO he requested that Mr Bennett accompany him along the site and see for himself overhanging bushes and foliage which needs to be cut back on a regular basis.

For the second time, Mr Bennett did not want to know. David asked if he could appeal and he was told he could but he ought to remember that this could affect his Planning Application and the City Council would make him restore the Ancient Woodland on the area where the extension shed would go. This land is currently used as a drying are for the peeled timber and keeps movement of the JCB away from the general public as far as possible.

(Photographs were submitted to Carlisle City Council Planning Department with the application).

Both David and Julie, usually mild mannered and courteous people, were extremely upset and outraged at the way this has been handled and by the attitude of Mr Bennett. David cannot understand why no discussion took place with them before slapping a TPO on the entire site tree species. He is not against TPO's in their place but not all over the site. His intention, when time and finances allow, was to take the valuable advice given by Jim O'Neil of the Forestry Commission and gradually programme the environmental work suggested.

Instead of having a proper discussion before presenting David and Julie with a formal notice, we are now left with no option other than to appeal against the provisional order.

Response to the TPO

We note the contents in the Statement of Reasons and make observations on each section:

Reason 1

"By virtue of section 197 of the Town and Country Planning Act 1990 the local planning authority has a duty to ensure, whenever is appropriate, that in granting planning permission for any development adequate provision is made, by the imposition of conditions, for the preservation or planting of trees".

Response:

The statement in the quote is open to interpretation and much depends on why it is felt "appropriate".

The family also want to protect and enhance the woodland as explained in our submission. However, in various Acts, Statutory Instruments and Local Plans it has also been made clear that there should be a balance between development and environmental concerns. For example, Local Authorities are asked to consider whether *"the need for, and benefits of, the development in that location clearly outweigh the losses"*

In this case no further tree loss is required to provide the additional building and we made reference to retention of trees adjacent to the proposed site for the building in our planning submission.

We do not consider this a worthy reason for placing a TPO across the entire woodland

Reason 2

The guidance set out in the Department of the Environment Transport and the Regions document "Tree Preservation Orders, A Guide to the Law and Good Practice" states that tree preservation orders should be used to protect selected trees and woodlands if their removal would have a significant impact on the local environment and its enjoyment by the public.

Response

The woodland is not being removed, nor is it in danger of being removed. We would point out that the woodland is a family asset and as such it is not there to be enjoyed by the public. Unauthorised entry to the private woodland would be called trespass.

Reason 3 continued from 2

"The woodland, by virtue of its size and location is clearly visible to the public from public footpath 11403, the road through Rosebank. The woodland contributes to the character of the landscape which is classified as type 5 Lowland, sub-type 5a Ridge and Valley, a key characteristic of which is native woodland, tree clumps and plantations".

Response:

Please note the woodland is not clearly visible to the general public, it is "clearly visible to the public from public footpath 11403".

The Countryside and Rights of Way Act 2000 clearly states:

"Any person is entitled to enter and remain on access land for the purpose of open air recreation".

The Act does not specify that the landowner must provide a view acceptable to the person using the access facility, or classify the type of view required as part of the character of the landscape on which the footpath passes.

In this case, however, walkers albeit there are few who come through the Sawmill site, because they cannot access the next section of the path as it is so overgrown, are welcomed by a beautiful environment, excellent views across the valley and footpath access along a walkway which is beautifully tendered as part of David and Julie's garden. Then they can get no further and turn round and come back. Most of what they see is an avenue of trees. (Photographs enclosed)

Question:

As Rose Bank is only a very small section of the public access route, does the entire Rose Wood have a TPO placed on it?

Point 4

"Erosion of the ancient woodland site has occurred due to development pressure. To prevent further loss of the ancient woodland and to ensure the continuity of the amenity provided by the woodland a tree preservation order is considered appropriate".

Response

Rose Bank Sawmill has been used for business activity for over sixty years. Originally the site was the maintenance area for the 7000 acre Rose Castle Estate. David's grandfather helped set it up. In 1989 the Sawmill and cottages adjoining were

purchased by the Bowe family. David and Julie took over the running of the business in 2004 and live on the site as did David's family before him.

Anyone visiting the site comments on the beautiful environment and many on the way the business is now run. There was already erosion on the site by the very nature of the business activity over the years and following FMD in 2001 the business, agriculture dependent, nearly closed. There has been immense work put in by everyone to bring back its economic life, which in turn meant diversification and obtaining various accreditations to strengthen the customer base.

David and Julie do not consider that any action taken to make this business safer and more viable has caused erosion of the ancient woodland site. There is over 30 acres of PAWS woodland adjoining the small woodland area at the Sawmill.

Nor do they consider they have done anything wrong in enhancing the site. Health and Safety considerations have been a driver in the way the Sawmill site is set out today. Lorries are much larger and need turning areas; insurance companies have their own requirements and ISO 9001-2008, FSC and PEFC Auditors all have their demands. Carlisle City Council make annual inspections for environmental reasons and businesses have to respond to all of these external demands as well as trying to survive and ensure staff positions are protected.

Some tree removal has had to occur to keep the business viable but this has been done legally. Under Forestry Commission rules, you are allowed, without licence, to cut a % of your own timber on a calendar quarterly basis; you do not need a licence for lopping, topping, pruning or pollarding and are encouraged to engage in coppicing to provide light for ancient woodland plants etc.

A TPO from Carlisle City Council, covering all trees of all species, which does not allow you to cut down, top or lop without applying every time for permission is an unnecessary precaution and yet another time-consuming intervention, when trying to sustain a business and keep your site in order.

Question

Why would David and Julie Bowe want to cause wilful damage or destroy part of the environment in which they and their daughter live, work and enjoy?

Other considerations

Town and Country Planning, (Tree Preservation), statutory instrument 2012 No 605 Schedule Specification of trees, Article 3 page 19.

Examples of descriptions of the various categories of trees and how they should be marked on a map is shown. It is noted that Woodlands W1 and W2 is explicit in the example about the types of trees to be protected. Obviously it would depend on the specific trees in the specific woodlands but W1 as shown on the map delivered here uses a blanket "All trees of all species" grid reference 336800 546233.

The rationale behind the revised TPO administration is to streamline a cumbersome system and reduce the administrative burden on local authorities. The economic assessment says, "these will give greater clarity and reduce the administrative burden for tree owners, others affected by the Orders and authorities by virtue of operating within a simpler system".

It is unclear to us how this can be the case. If Carlisle City Council persists with this TPO in the form presented, it will become a huge administrative burden for everyone concerned because the woodland is a mixture of shrubs, fallen trees, dead and dying trees, bushes, plants etc. We would not want to make any costly mistakes:

1. We would need to know what Carlisle City Council considers to be a tree or a bush because this is not clear in guidelines, only that a bush is a tree when it looks like a tree.
2. We would require Carlisle City Council to come out every time a tree or a bush needs attention to ensure we have the correct wording in the application e.g. would we be making topping or lopping applications?
3. We would require Carlisle City Council to determine whether a tree is dead, dying or considered dangerous before applications are made for felling work to be undertaken

We could go on but we do know that Since the Church Commissioners site was cleared of its non-native conifer crop and replanted with site native mix of species, the Sawmill site has not had the cover and protection from the canopy of trees which originally existed. The adjoining site PAWS work was very necessary but the prevailing wind has done some damage to the Sawmill section of woodland and so there is much to do.

Mr Bennett as far as we know has not looked at this site in detail. To the south and north the site has good groupings of trees. The west is hedge and the east is where David took Mr Bennett to see the bushes (we think they are) which are currently overgrowing on to the gates for sale. Also to the east there are swathes of area with no trees except on the boundary of the work site. These are randomly spaced, some look dead; some look battered by the wind. (Photographs enclosed)

The avenue of trees to the north which bound the footpath are not all in good condition and need pollarding (or topping or lopping). Although they are beautiful they are hugely overgrown and cover a lot of ground which is always wet underfoot because there is no light getting through to the ground. It is to this sort of area a programme of work mentioned earlier refers. (Photograph enclosed)

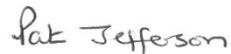
This area is teeming with wildlife and David spends an enormous amount of money on keeping all the bird and squirrel feeders stocked. These are placed across the woodland and in their garden. Red squirrels, rabbits, deer, pheasants and birds of all species including a woodpecker and doves, enjoy a five star life and we enjoy having them around.

Returning to the Forestry Commission's input four years ago. We do not know if there has been a change of mind by the Forestry Commission about the programme of work previously suggested or if the TPO has been influenced during the consultation process, however, we would still prefer to follow their advice and remove the unnecessary administrative burden on the business.

There are already three covenants over this land and this last Order has been one too many. We appeal against the decision to place the TPO across the woodland site and following your procedures request that we attend and speak at Development Control if that is required.

We will contact Planning Services separately to ascertain the effect this has on the application before them.

Yours sincerely

A handwritten signature in dark ink that reads "Pat Jefferson". The signature is written in a cursive, slightly informal style.

Pat Jefferson
Standards & Marketing Management

Mr C Bennett
Landscape Architect/Tree Officer
Carlisle City Council
Economic Development
Planning Services
Civic Centre
CA3 8QG

10 September 2013

Dear Mr Bennett

Objection to Tree Preservation Order 267

Thank you for your correspondence dated 30 August 2013 and your various explanations as to why you chose to serve the above Order.

As planning decisions are based on planning policy and not perception, it is important that we are clear about areas of your response. Could you please clarify the following for us please, as soon as it is convenient for you to do so:

1. Why was an Environmental Impact Statement required?
2. Given the advice from the Forestry Commission on 27 January 2009 what application to the Forestry Commission was required?
3. What is the significance of the timeline "1992 till recently".
4. In chronological order how has approximately 6300 square metres of woodland been lost from this site since 1992 till recently. By whom and how has that survey been conducted?
5. "No planning application has been submitted for change of use from woodland to car parking/storage". Please explain where on the site you are referring to.
6. Public Footpath 11403 – do you know how many people use this footpath annually?

Once we are in receipt of your reply a full response will be submitted before the deadline of 16 September 2013.

Yours sincerely

Pat Jefferson

Pat Jefferson
Standards and Marketing Management



Rose Bank Sawmill Limited
Registered in England No. 04955503
Registered Office: Rose Bank Sawmill,
Dalston, Carlisle CA5 7DA
VAT Reg. No. 103 2170 78



where customers and wood are treated equally well

Rose Bank Sawmill, Dalston, Carlisle, Cumbria CA5 7DA Tel: 016974 76259 Fax: 016974 76295
email: rosebanksawmill@btinternet.com www.rosebanksawmill.co.uk

Mr C Bennett
Landscape Architect/Tree Officer
Carlisle City Council
Economic Development
Planning Services
Civic Centre
CA3 8QG

PLANNING SERVICES	
REF	TPO 267
16 SEP 2013	
RECORDED	LS
MARKED	
PASSED TO	CB
ACTION	

13 September 2013

Dear Mr Bennett

**Objection to Tree Preservation Order 2013 NO. 267
Rose Wood, Rosebank, Dalston, Carlisle, Cumbria
Specification - Woodland W1 – All trees of all species**

Further to our e-mail and correspondence dated 26 August and 10 September 2013. I understand that you are on holiday until the 16th September, which is the final date for submission of our objections and appeal. You will, therefore, be unable to respond to our request for further information on various statements made in your correspondence of 10 September.

To ensure compliance with the process of lodging an objection we will respond as best we can, without the benefit of your explanations.

You accept that our recent planning application which seems to have triggered the TPO does not require the removal of trees. We made it clear in the design and access statement submitted with the planning application, that we did not want any of the trees removed. The rationale behind that statement was due to the policy relating to the required distance between new buildings and trees. David (Bowe) and Janet Blair discussed the same when she came to inspect the site.

Our Architect states, in the same design and access statement that, "The proposed building will be set within the existing wooded area although there will be no felling of the existing trees as they act as a screen to development".

However, despite these assurances you consider it, "expedient in the interests of the amenity" to place a TPO across the entire woodland site because, "the future intention of the owners cannot be known".

The first and most important response to that statement, is why did you not ask?

1



Rose Bank Sawmill Limited
Registered in England No. 04955503
Registered Office: Rose Bank Sawmill,
Dalston, Carlisle CA5 7DA
VAT Reg. No. 103 2170 78

A major thrust of your TPO is the public right of way on the edge of the Sawmill site, which you say is to be enjoyed by the public for its intrinsic beauty and visual amenity value.

Given this footpath's importance in your deliberations, we asked if a TPO was to be placed on the 35 acres of adjoining woodland, which hosts continuation of footpath No 114043 on land owned by the Church Commissioners. Your response being that, "only the saw mill site is included as this is where deforestation and unconsented development has been taking place".

Do you therefore know the intention of the current and future owners of Rose Castle and do you consider their intentions more honourable than those of a family who have lived and worked here so long?

Again, due to the importance this footpath plays in the Order, one of the questions to you on 10 September related to how many people walk footpath No 114043. We welcome walkers coming past the Saw Mill but we know that fewer than half a dozen people a year (usually with maps) attempt to take that walk. As previously explained, the path beyond us is impassable along the Church Commissioners section down to Rose Castle.

Deforestation and Uncontested Development

You state, "the woodland has been removed without an Environmental Impact Statement and application to the Forestry Commission and no planning application has been submitted for change of use from woodland to car parking/storage".

We will try and fathom these statements and respond as best we can, although we may still need an answer to questions which were submitted to you on 10 September 2013.

Environmental Impact Statement

We have made our position clear in the earlier submission on 26th August 2013. There is an assumption in your statement that David and Julie have actually required an Environmental Impact Statement. Why is this?

Application to the Forestry Commission

David's clear understanding, when you attended the joint meeting in 2009 with Jim O'Neil and himself, is that it was stated by the Forestry Commission Officer that Mr Bowe could legally remove a % of trees for his own use and based on this, it was his understanding that the ruling was, "in any calendar quarter, you may fell up to 5 cubic metres on your property without a licence as long as no more than two cubic metres are sold". You say there is no % of felling allowed on ancient woodland. Was that meeting not the time to disagree with the Forestry Commission's position on felling?

For the purpose of clarity, Mr O'Neil was not defending the felling of trees but explaining the legal position because David was asking for pre-planning application advice. That particular planning application would have required the removal of a few trees. The current extension application is smaller.

Please can you advise which piece of legislation says there is no allowance to fell any % of ancient woodland as I cannot find it amongst the plethora of rules and regulations.

Requirement for a Planning application car parking/storage – change of use

As far as we are concerned no change of use has occurred on this site, so why would we need to submit a planning application for car parking and storage? The business has been here since the 1940's and when the family took it over in 1989 it continued as the same business, even taking on existing staff. Granted today it is more efficient and responsive to its customers but is that not what businesses are supposed to be doing?

Planning permission was given for changes on this site for a new office and those plans included the demolition of a shed at the entrance to the site, which blocked the pathway of increasing size vehicles.

Car parking

We are not aware that we have a specific car park. Cars, lorries, tractors and trailers have come into this yard as long as the business has been here and customers have parked wherever was convenient. David even recalls his grandfather's tales of horses and carts coming on site.

Today in the interest of customer care and health and safety, when a vehicle comes into the yard the customer comes into the office, lets us know what they want and then we radio the site manager who attends to the customer. If the customer needs to take their vehicle to the timber for collection along the yard, they do so. If they want us to cut timber to take away in their vehicles then they go and park close to the shed where the cutting takes place. The site manager radio's the office to say what the customer has purchased and payment is made at the office.

Storage

We are not clear what you mean by storage. If you are referring to timber storage, this has always been stored around the yard as it is air dried. Is that what you are referring to?

1992 till recently

Your statement, "that since 1992 there has been a gradual loss of woodland which has continued till recently. Approximately 6300 sq. metres of ancient woodland has been lost from the site. Which equates to nearly 50% of the wooded area on the saw mill site".

This statement is very specific so could you please explain the significance of the year 1992 and inform us when, how and by whom, information was gathered to make an assessment that 6300 sq. metres of ancient woodland has been lost from this site during that time-line.

The entire Rose Bank Sawmill site is 4.8 acres. By your calculation the wooded area would be 3 acres approximately of the 4.8 acres in 1992. So are you saying that the business was run on something the size of a football pitch?

We cannot agree with your calculations but we can explain why areas of woodland, which are not used for business activity and which we consider to be Rose Wood have been, in your words "subject to deforestation". Firstly, a small number of trees, in the interest of site safety have been removed from the south west corner of the site. As previously stated, David understood he could.

As compensation, he then added a new feature on the same area of the site. This is a 'traditional Stewardship mix' hedgerow, made up of approximately 70% hawthorn, 20% blackthorn, plus crab apple, hazel, field maple and dog rose. This provides a visual screen and shelter belt between the sawmill yard and the neighbouring Church Commissioners land and houses and provides further nesting and feeding opportunities for birds and small mammals.

He has also cut back willow bushes and tree branches overhanging the site from the woodland and taken out a very small number of damaged trees. The major devastation to the woodland and trees on this site, however, were not by his hand but by acts of nature.

On 7/8 January 2005 storms invaded the Saw Mill site. From the west side of the yard the storm took out a clump of leylandii trees, missed the oak tree which stands proud in the centre of the yard, took out another clump of trees on the east boundary of the wood and then continued on a north easterly course across the woodland, flattened trees and bushes on route.

With that area of woodland opening up, a small orchard has been planted with apple trees, pears, plums, cherries and damsons.

The position of this Sawmill and woodland on hillside overlooking a valley will always be affected by extreme weather conditions and this with the accompanying loss of cover of the main Rose Wood, until it grows again, leaves the Sawmill site even more vulnerable. It is not uncommon on very windy days to find timber strewn across the yard but you have to work with the elements. A TPO will not prevent natural loss, nor will it help manage the woodland.

All trees of all species

I am fully aware that the examples given in the Town and Country Planning (Tree Preservation) (England) Regulations 2012 did not relate to Rose Wood. The point I was making that in their example document there appeared to be a process of selecting specific trees in woodlands. You suggest that imposing a TPO on "all trees of all species", is a means of leaving no room for misinterpretation. We would consider that to be an easy option for the person placing the Order and a minefield for the woodland owners.

We are in agreement that there is no definition of a tree or woodland in legislation. We are however, somewhat surprised when you tell us that a seedling would be protected to the same extent as a large mature tree.

We note Carlisle City Council follows the interpretation of the Courts and wonder if a case has ever been brought against a landowner or walker for standing on a seedling?

In our first submission we told you that there are already three covenants on this land. One of those covenants allows the local Shoot, who use the main Rose Wood for pheasant shooting, to have rite of passage through and over the Sawmill section of woodland as part of their sporting activity. Shooters, Beaters and dogs use the wood each Thursday and Saturday during the shooting season. We can do nothing about this and certainly have no intention of facing a shooting party to ask them not to stand on a seedling. Would you like to tell them?

We maintain that placing this albeit provisional TPO on this family owned piece of woodland and business is out of order. Not because of a desire to cut down trees but the way this has been handled and the total lack of respect for the intelligence of David and Julie in that, as business owners, they cannot judge for themselves when a tree needs to be managed without coming to the Local Authority for permission.

I think an extract from an article written by Natural Benefits for Business Awards in 2009, portrays the family belief system:

"The primary reason that Rose Bank Sawmill became involved with the Natural Benefits for Business pilot was that the Bowe family feel that the business should operate in a sustainable way.

Initially David built a number of bird boxes, but soon realised that he could build a variety of other boxes using the Sawmill's FSC timber, so the woodland adjacent to the Sawmill now has many different boxes designed to provide nest sites for a range of birds.

One problem that became apparent in the early stages was a great spotted woodpecker, a regular visitor to the site, who has been given the name of 'The Architect' by the Bowe family. This is in recognition of his determination to redesign the entrances to all the boxes by pecking away until the holes are too large; a habit that David describes as "a woodpecker working without planning permission". Whilst David and his family are happy to see this attractive bird visiting the bird feeders, he is now tackling the nest box problem by installing Perspex plates with holes of the right size on all the boxes in the hope that the bird will not find this such an attractive material to peck!

David's ingenuity is also in evidence in the red squirrel feeders he has devised and built for the site. The design evolved over time as he has tried to provide food to the native red squirrels whilst excluding the non-native grey squirrels that are now invading Cumbria. The final version has a mesh front with holes of a size that allows the smaller reds to access the nut and seed dispenser inside the box. The dispenser itself went through a series of development stages until a successful design emerged that provided a steady supply of fresh food but minimised spillage and waste.

The many species of birds that visit Rose Bank are catered for with an impressive range of feeders including dispensers for peanuts for nuthatches, blue tits, great tits and coal tits, sunflower seeds for chaffinches and green finches, niger seed for goldfinches and siskins and 'soft bill' mix for robins, blackbirds and thrushes. David has noticed an increase in the species of birds he sees since setting up the feeders".

I re-iterate a question asked in the first submission:

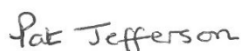
"Why would David and Julie Bowe want to cause wilful damage or destroy part of the environment in which they and their daughter live, work and enjoy?"

Mr Bennett, this is confirmation that we are not able to withdraw the appeal, despite you telling David that if he appealed the planning application would be put on hold and the City Council would make him turn the area back to Ancient Woodland.

We will ask to come before the Development Control Committee to speak at the appropriate time. Businesses are struggling enough without all the added external complications, which are expensive, time consuming and a distraction from the main purpose of the business which includes staff retention through good times and bad.

We are asking the Council to revoke this order for all reasons stated in our objection and appeal process communication.

Yours sincerely



Pat Jefferson
Standards and Marketing Management

Copy to Mr Mark Lambert, Head of Governance, Carlisle City Council.



Mrs Jefferson
Standards and Marketing Management
Rose Bank Sawmill
Dalston
Cumbria
CA5 7DA

Please ask for:

Direct Line:

E-mail:

Your ref:

Our ref:

Charles Bennett

01228 817535

charlesb@carlisle.gov.uk

CB/TPO 267

30 August 2013

Dear Mrs Jefferson

OBJECTION TO TREE PRESERVATION ORDER 267

I refer to your letter of objection dated 26 August 2013 to the making of Tree Preservation Order 267, Rose Bank Sawmill. In your letter you raise several objections to the making of the Order. I have summarised these below, and respond to them in the same order.

- The Town and Country Planning Act 1990 s197 is open to interpretation as to when it is "appropriate" to make a tree preservation order.
- There should be a balance between development and the environment.
- No further tree loss is required to provide the building subject to the current planning application.
- The woodland is not being removed, nor in danger of being removed.
- The woodland is not there to be enjoyed by the public.
- The woodland is not clearly visible to the public.
- Does the entire Rose Wood have a tree preservation order placed on it.
- Tree removal has been in accordance with the Forestry Commission guidelines.
- The tree preservation order is an unnecessary precaution requiring repeat applications.
- That the description of the woodland should be more explicit as in the examples given in the Town and Country Planning (Tree Preservation) (England) Regulations 2012.
- What does the Council consider a tree.
- The Council would be required to make pre-application site visits.

I have the following comments to make in response;

- When it is considered appropriate to make a tree preservation order is a matter of judgement for the local authority however, it must be expedient in the interest of amenity to do so. In this instance it was considered expedient due to the loss of the ancient woodland and the consequential loss of amenity and effect on the character of the area in which such woodlands are an important feature.
- The balance between the environment/loss of ancient woodland and the benefits accrued from any planning consent is considered during the planning application process. On the saw mill site portion of Rose Bank wood no such balance has ever been considered as the woodland has been removed without an Environmental Impact Assessment and application to the Forestry Commission, (I will return to this matter later), and no planning application has been submitted for change of use from woodland to car parking/storage, although necessary. It should be noted that in both national planning policy and local planning policy there is a strong presumption in favour of the retention of ancient woodland sites, and planning permission would normally be refused for such sites.
- Whilst there may be no need to destroy any more woodland for the purposes of the current proposal the future intention of the owners cannot be known. Taking into consideration the extent of the loss of the ancient woodland over several years it is appropriate to protect the woodland to prevent further loss.
- Since 1992 there has been a gradual loss of the woodland which has continued till recently. Approximately 6300m² of ancient woodland has been lost from this site. Which equates to nearly 50% of the wooded area on the saw mill site.
- Although the woodland is in private ownership it can still be enjoyed by the public, both for its intrinsic beauty and as a visual amenity as seen from the adjacent path and surroundings.
- Public footpath 11403 runs adjacent the woodland, which is clearly visible.
- Only the saw mill site is included within the tree preservation order as this is where the deforestation and unconsented development has been taking place.
- The saw mill site has been the subject of deforestation (as mentioned above at bullet point 2). This requires an environmental impact assessment and an application to the Forestry Commission for consent. There is no allowance to deforest any % of ancient woodland.
- As previously stated the tree preservation order is considered necessary to prevent the further loss of the ancient woodland. The Order will not prevent good woodland management. Whilst an application will be required to carry

out works to trees any consent can be conditioned to ensure that repeat activities can be carried out over a period of years without the need for repeat applications.

- The examples given do not relate to Rose Bank Wood. Neither are they precise but open to interpretation as to exactly what is and isn't protected. The "all trees of all species" description leaves no room for misinterpretation and as such is much clearer.
- There is no definition of a tree or woodland in the legislation. However, this has been considered by the courts. The two cases that are relevant are *Bullock v Secretary of State* 1980, and *Palm Developments Ltd v Secretary of State* 2009. To summarise, a tree is anything that one would ordinarily call a tree, oak, sycamore, willow, etc. It follows that bushes such as elderberry are not trees and the tree preservation order would not apply. There is no size limit to a tree protected by the preservation order, so a seedling would be protected to the same extent as a large mature tree. The Council follows the interpretation of the Courts.
- Officers of the Council will make a site visit in response to any application to fell a tree. Pre-application visits at a mutually agreeable time and date are also welcomed.

I trust I have been able to answer your questions, you are able to better understand why the Local Authority made the tree preservation, and are able to withdraw your objections.

However, if you are unable to withdraw your objection the tree preservation order will go before the Development Control Committee who will decide whether or not it should be made permanent.

If the tree preservation order is to be determined by Committee the press and public may attend the meeting. Copies of the Committee Reports and background information (including petitions, letters of objection and support) will be available for those attending. If you wish to know when the application is going to Committee please check online or contact the Case Officer. A list of the forthcoming Committee dates is available on the website.

The City Council enables, in certain circumstances, objectors to applications for Planning Permission, Listed Building Consent, Advertisement Consent, Conservation Area Consent and in relation to Tree Preservation Orders a "right to speak" when an application is decided at the Development Control Committee. This right to speak also entitles Applicants or Agents to respond. A copy of the leaflet "Carlisle's Scheme for Public Speaking at Development Control Committee" is available from Planning Services or you

can access it via the Planning Applications page on the City Council's website:
www.carlisle.gov.uk

If you wish to register a right to speak it must be done after the date that the Committee schedule is published (i.e. 8 days prior to Committee). The deadline for registering this is 12.00 (noon) on the Thursday before Committee. You cannot register a right to speak ahead of the Committee schedule being published. In order to register please contact either Karen Greig (tel: 01228 817112 email: karengr@carlisle.gov.uk) or Michelle Sowerby (tel: 01228 817482 email: michelles@carlisle.gov.uk). Please note that the scheme only allows 5 objectors the opportunity to speak on each application. Please check the leaflet for full details or contact the Case Officer if you require further information.

Yours sincerely

C Bennett

Landscape Architect/Tree Officer

Copy to : Mark Lambert, Director of Governance, Carlisle City Council



Economic Development

Assistant Director **J E Meek** BSc (Hons) Dip TP MRTPI

Planning Services

Civic Centre, Carlisle, CA3 8QG

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Mrs Jefferson

Please ask for:

Charles Bennett

Standards and Marketing Management
Rose Bank Sawmill
Dalston
Cumbria
CA5 7DA

Direct Line: 01228 817535
E-mail: charlesb@carlisle.gov.uk
Your ref:
Our ref: CB/TPO 267

16 September 2013

Dear Mrs Jefferson

OBJECTION TO TREE PRESERVATION ORDER 267

I refer to your further letters of objection dated 10 and 13 September 2013 to the making of Tree Preservation Order 267, Rose Bank Sawmill. In your letter of the 10 September 2013 you raise a number of questions. I have summarised these below, and respond to them in the same order.

- Taking into account the advice of the Forestry Commission why is there a need for an Environmental Impact Assessment, and the need for the consent of the Forestry Commission to undertake deforestation.
- What is the significance of the timeline 1992 to recently. What is the chronology for the woodland loss over this period.
- Which part of the site has undergone a material change of planning use.
- The frequency of use of footpath 11403

I have the following comments to make in response;

- I was not privy to the advice provided by the Forestry Commission to which you refer so am unable to comment on it. However, if you wish to undertake deforestation i.e. felling woodland to use the land for a different purpose, you must undertake an Environmental Impact Assessment and get the consent of the Forestry Commission. This is a legal requirement under the Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999. I would advise you to contact the Forestry Commissions North England office on 01434 220242 for further information on how the Regulations apply to you.
- The City Council have aerial photographs of the area from 1992 onwards which clearly shows the extent of the deforestation of the site over this time period. The deforestation has clearly been incremental but the timeline of the deforestation is irrelevant. It is the fact that it has occurred at all that is relevant. The extent of the deforestation can be measured from the aerial imagery.

- All the site that has been the subject of deforestation and changed to parking/storage etc has undergone a material change of use for which planning permission would be required.
- The guidance on making tree preservation orders says that the trees, or at least part of them, should normally be visible from a public place, such as a road or footpath. Frequency of use of the footpath is not a material consideration.

In your letter of the 13 September 2013 you raise the following issues;

- The recent planning application Ref. 13/0576 does not require the felling of trees.
- Am I privy to the future intentions of the Church Commissioners in respect of the remaining area of Rose Wood.
- Fewer than six walkers use the path annually.
- The need for an Environmental Impact Assessment and planning permission.
- Felling of a % of trees and the exemption for the need for a felling licence for felling less than 5 cubic metres of timber. There has been no change of use that requires planning permission. Car parking and storage areas.
- Loss of woodland, and the extent of that loss since 1992.
- The “all trees of all species” description and the Courts interpretation of what constitutes a tree.

I have the following comments to make in response;

- The current planning application does not require the further felling of trees because those that were in the way of the proposal have already been felled and the land deforested.
- It is not possible to know the future intentions of landowners. However, over the past 20 years there has been a history of ancient woodland loss at Rosebank Sawmill, including the felling of trees on the site of the current proposal subject to planning application 13/0576.
- As mentioned above the frequency of use of the footpath is not a material consideration.
- As mentioned above where land is deforested you are required to undertake an Environmental Impact Assessment and get the consent of the Forestry Commission. Changing the use of the land from woodland to car parking and storage is a material change of planning use and requires planning permission.
- Whilst there are thresholds below which you do not need an Environmental Impact Assessment before carrying out deforestation, these are expressed as areas, e.g.; 1 hectare, 0.5 hectare, not as a percentage. None of the thresholds apply to ancient woodland sites. You can fell 5 cubic metres of

timber in any one calendar quarter without the need for a felling licence, there is no percentage of timber that can be felled without a licence. However, once you have felled the 5 cubic metres of timber the land remains woodland, and trees either re-grow as coppice from the cut stumps, from seeds, or are planted back on the land ensuring the continuity of the woodland area. If the area of land from which the trees were removed is taken out of forestry by placing hardcore over it and using it for storage and car parking then it has been deforested, which in the case of ancient woodland would require an Environmental Impact Assessment, the consent of the Forestry Commission, and a planning application for change of use.

- The loss of woodland and extent of that loss has been covered earlier in this letter.
- Using the description “all trees of all species” leaves no doubt for either party which trees are protected. Whilst the Courts have decided that a tree is a tree even when it is a seedling, common sense has to be applied. The purpose of the tree preservation order is to prevent further loss of the woodland area, not to seek the prosecution of someone for standing on a seedling.

Whilst there is a time limit for submitting objections I will always consider objections up to the time a decision is made on whether or not to make the order permanent. Therefore, please do not hesitate to comment further.

I trust I have been able to answer your questions, you are able to better understand why the Local Authority made the tree preservation, and are able to withdraw your objections.

However, if you are unable to withdraw your objection the tree preservation order will go before the Development Control Committee who will decide whether or not it should be made permanent.

If the tree preservation order is to be determined by Committee the press and public may attend the meeting. Copies of the Committee Reports and background information (including petitions, letters of objection and support) will be available for those attending. If you wish to know when the application is going to Committee please check online or contact the Case Officer. A list of the forthcoming Committee dates is available on the website.

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Speaking at Development Control Committee” is available from Planning Services or you can access it via the Planning Applications page on the City Council’s website:
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Yours sincerely

C Bennett

Landscape Architect/Tree Officer

Copy to : Mark Lambert, Director of Governance, Carlisle City Council

Report to Development Control Committee

Agenda
Item:
A.3

Meeting Date: 11th October 2013
Portfolio: Economy and Enterprise
Key Decision:
Within Policy and
Budget Framework NO
Public / Private Public

Title: APPLICATION UNDER S106A OF THE 1990 TOWN AND
COUNTRY PLANNING ACT – DISCHARGE OF A PLANNING
OBLIGATION
Report of: Director of Economic Development
Report Number: ED.30/13

Purpose / Summary:

This report sets out consideration of an application to remove the S106 obligation for a property to remain as an affordable housing unit in perpetuity.

Recommendations:

That the application for discharge of the S106 obligation relating to affordable housing is refused and that the planning obligation shall continue to have effect without modification.

Tracking

Executive:	
Overview and Scrutiny:	
Council:	

1. BACKGROUND

- 1.1 Where a five-year period has elapsed, and (currently) in relation to planning obligations entered into on or before April 6, 2010, then s.106A(3) of the 1990 Act provides that a person against whom the planning obligation is enforceable may apply to the appropriate authority for the obligation:
- to have effect subject to such modifications as may be specified in the application; or
 - to be discharged.
- 1.2 The formal procedure to be followed to determine a modification application is set out in the Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992. It is not necessary for all of the parties against whom the obligation is enforceable to join in such an application.
- 1.3 Section 106A(6) provides that the appropriate authority may determine an application in one of three ways:
- that the planning obligation shall continue to have effect without modification—i.e. the application is refused;
 - if the planning obligation no longer serves a useful purpose, that it is discharged—i.e. it ceases to have effect; or
 - if the obligation continues to serve a useful purpose, but would serve that purpose equally well if it had effect subject to the modifications specified in the application, that it shall have effect subject to those modifications.
- 1.4 In consideration of any application it is therefore pertinent to consider whether the original planning obligation still serves any useful planning purpose.

2. PROPOSALS

- 2.1 The applicant has requested the discharge of the Section 106 Planning Obligation relating to affordable housing in perpetuity as it applies to 55 Helvellyn Rise, Carlisle. The property is on the Beeches estate which is a larger development undertaken by Merewood/Crowther Homes (now taken over by Persimmon Homes) and the S106 was put on planning permission 97/0604 granted in 20/01/99. At the time this was one of 13 properties to which the S106 applies although this is the only one requesting removal of the legal agreement.
- 2.2 The applicant has provided a number of reasons why the property should no longer be considered as an affordable house as follows:
- The Council could not refer a new buyer for this property nor this one and the neighbouring property when they were put on the market in 2009.
 - Estate agents suggest that the property would be more suited to a couple downsizing rather than the younger generation who would be seeking a S106 affordable property
 - This property is no longer affordable as the full market value is £165-

£175,000 (evidence provided). Estate agents do not class it as affordable due to the higher valuation

- The property is valued at least £30,000 above any other affordable property on the council's web site and is in the same cul-de-sac as a property on the web site for £96,000
- New incentives and properties on the adjacent Persimmon Homes development (Brackenleigh) are offering a 3-bed house for £105,696
- Potential buyers are deterred by the S106 agreement and high market value
- The property is undergoing investigations with NHBC due to recent issues not resolved and may discourage potential buyers
- The property will soon no longer be suited to the applicant's family needs and in recent months issues have caused stress
- It is not intended to directly sell the property however the removal of the S106 would assist towards longer term family needs or decline of health

2.3 The provision of affordable housing is frequently an issue raised for Members of Development Control Committee to consider. This however is the first application to discharge an obligation on a property in Carlisle. The Council undertakes housing needs surveys to establish the level of need which cannot be met by the open market. Affordable housing is then delivered whereby measures are put in place to restrict the full market value either through renting a property or a discount on open market sale prices. In this instance the S106 obligation restricts the price of the property to 20% below open market value in perpetuity.

2.4 Section 3 of this report includes the response of the Council's housing officers who deal with not only the Council's Housing Strategy but also the day-to-day operation of the low cost housing policy and affordable housing. Whilst they appreciate some of the difficulties which have arisen with this particular property, from an affordable housing point of view they would resist the request to discharge the planning obligation.

2.5 From a planning perspective it is important to consider whether the reasons for introducing the S106 in the first place are still relevant today and therefore serve a useful purpose.

2.6 At the time of consideration of the original planning application the Carlisle District Local Plan policy H8 had a requirement for affordable housing on larger housing developments. This site is part of the larger Morton urban extension development which at the time was envisaged to contribute 90 affordable houses over the whole development. The affordable housing need was reappraised in preparation of the Local Plan and this was set out in paragraph 4.61 of the 1997 adopted Local Plan. This site was the first part of that comprehensive development to be constructed as part of what is now known as the Morton Masterplan area.

- 2.7 As the first phase of a larger development there was clearly a case for affordable housing provision at the time.
- 2.8 Affordable housing need is regularly reviewed when Local Plans are updated to provide the evidence to support new policies. Members will be aware of the continuing work on the Council's new Local Plan. As part of that work the 2011 Housing Need and Demand Study examined the requirement for affordable housing (see paragraph 3.6 of this report). This was supported by an examination of the economic viability of affordable housing on allocated sites (the larger housing sites promoted through the Local Plan). Both these studies confirm that there is still a great requirement for affordable housing and that larger housing sites will play a vital role in its delivery.
- 2.9 In the context of this development, the second phase of the larger Morton Development is still under construction by Persimmon Homes and is providing much needed affordable housing as part of the overall development.
- 2.10 It is therefore apparent that the need for affordable housing which required the S106 agreement in the first place is still as relevant today as it was when first placed on this development.
- 2.11 The next section of this report considers the other issues raised by the applicant in relation to price and the operation of the Council's approach to affordable housing

3. CONSULTATION

- 3.1 Housing officers of the City Council have been consulted on the proposal and have the following observations to make on the application in light of overall affordable housing provision.
- 3.2 The City Council's Low Cost Housing Register makes properties at 70-90% of the market value available to qualifying people. A qualifying person must have both a local connection and be in affordable housing need; these criteria are set out in a s106 agreement, which also secures the affordable unit in perpetuity.
- 3.3 The applicant is looking to discharge/remove the s106 attached to their property at 55 Helvellyn Rise (which has 20% discount attached to it). It is important to differentiate between the applicant's wish to remove the s106 on his property, and the temporary removal of s106 restrictions that occur when a qualifying person cannot be identified on a Low Cost property. Removing the s106 from the property means it is lost to the affordable housing sector permanently; temporarily removing

the restrictions from a Low Cost property, to enable a non-qualifying person to purchase it, means that although it may be lost to the affordable sector temporarily, upon resale it reverts back to being an affordable housing property and can, in the first instance, only be purchased by qualifying people.

- 3.4 Affordable housing is a fundamental part of a sustainable community, and the securing of affordable housing in perpetuity (through a s106 agreement) recognises the fact that there must always be housing options for those people in housing need in the long-term, regardless of circumstances in the short-term. This approach demands that the longer-term view should be taken when considering the request of the applicant.
- 3.5 Even in a buoyant housing market, affordable housing is difficult to deliver, and thus any proposal to remove any home from Carlisle's affordable housing sector should be treated with caution. Homes on the City Council's Low Cost Housing Register remain entirely within the private sector, meaning that, unlike in the affordable rented sector (which has Right to Acquire and Right to Buy), receipts from disposals cannot be recycled and reused for the delivery of other affordable homes.
- 3.6 There is a very high level of affordable housing need in the district of Carlisle, both in the short-term and the long-term, which highlights the importance of retaining homes in the affordable sector. Our Housing Need and Demand Study in 2011, carried out by GL Hearn and JG Consulting, found that 708 affordable homes need providing in the district of Carlisle per year up to 2015; the study also found that 9,998 affordable homes need delivering in Carlisle over the next 20 years. The Study also identified that 40% of new affordable housing should be two-bedroom homes. This combined with the ageing population, means that we consider that two-bed bungalows will play an increasingly important role in meeting local housing need.
- 3.7 Although Low Cost properties are evidently harder to sell than those on the open market due to the restrictions on occupancy, all s106 agreements contain clauses which, if there is no short-term demand for the Low Cost property after a set period of time, allow it to be sold free of restrictions (though always at the discounted price and providing that any re-sale is subject to the original restrictions). The set period of time for the property at 55 Helvellyn Rise is two months, which compares very favourably to other Low Cost properties (which can be up to six months for older s106s). This means that after two months anybody can purchase the property. The critical part here is that, due to the legal agreement in place, we know that the property will return to the affordable housing sector in the long-term.

- 3.8 With the above in mind, it would be inadvisable to entirely remove the s106 agreement on this property. With explicit reference to the applicant's reason for removal of the S106, it is very possible that the City Council would be unable to refer a new buyer from the City Council's waiting list at this point in time for the property. However, many purchasers of Low Cost properties are signposted to the City Council by estate agents or developers, rather than being on our waiting list. As set out above, if a qualifying person cannot be identified within two months of the property being placed on the market, then the applicant is free to sell to whoever he chooses. It should be noted that the applicant has not attempted to sell the property since 2009.
- 3.9 We do have a number of older people in Low Cost bungalows, highlighting that they are a valid option for people in affordable housing need. A person does not need to be young to be in affordable housing need.
- 3.10 The applicant is correct in saying that the property is expensive compared to other properties on the Low Cost Housing Register. Importantly, the calculation of affordability on the Low Cost Housing Register is relative, and is property-specific. Those applying for low cost housing will therefore qualify for some properties and not others. Those people looking to downsize may qualify for this property (for example if they do not have much equity in their existing accommodation). Furthermore, as set out above, if a qualifying person cannot be identified after two months, then the property effectively reverts to the open market. It is undeniable that, even on the open market, Low Cost housing units are not as attractive to those not in housing need. However, the majority of the properties on the Low Cost Housing Register that are put on the open market are sold quite quickly. If the applicant is willing, we can look to revise the existing s106 to make it more attractive to mortgage lenders (and therefore prospective purchasers), by, for example, inserting a mortgagee in possession clause, or enabling it to be rented out for a set period. As set out above, the two month period of time is favourable to the applicant and this should not be altered.
- 3.11 In conclusion, affordable housing is secured in perpetuity in order to meet the long-term affordable housing needs of local people and to contribute to a sustainable community. Any request to remove an affordable home from the affordable sector due to short-term circumstances should therefore be treated carefully and with caution.

4. CONCLUSION AND REASONS FOR RECOMMENDATIONS

- 4.1 Following consideration of the original intention of the Section 106 and the current housing needs the existing S106 still has a useful planning purpose. Given the

nature of the S106 obligation there is no realistic way that it can be modified to achieve the same aim and therefore the recommendation is that the application to discharge the S106 should be refused and the S106 obligation remain in place.

5. CONTRIBUTION TO THE CARLISLE PLAN PRIORITIES

- 5.1 The refusal of this application will ensure that the Council continues to address existing and future housing needs.

Contact Officer: Chris Hardman

Ext: 7502

**Appendices
attached to report:**

Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers:

- None

CORPORATE IMPLICATIONS/RISKS:

Chief Executive's -

Community Engagement – The implications with regard to affordable housing provision and the Council's Housing Strategy area contained in this report.

Economic Development – As set out in the report

Governance – The test for whether or not the obligation should be discharged or modified is contained within the body of the report and it is for members to determine whether or not the affordable housing requirement continues to serve a useful purpose.

Local Environment –

Resources -

Report to Development Control Committee

Agenda
Item:
A.4

Meeting Date: 11th October 2013
Portfolio: Economy and Enterprise
Key Decision:
Within Policy and
Budget Framework NO
Public / Private Public

Title: DCLG CONSULTATION - GREATER FLEXIBILITIES FOR
CHANGE OF USE

Report of: Director of Economic Development

Report Number: ED.28/13

Purpose / Summary:

This report summarises the Government's consultation on a number of changes to the current planning system regarding permitted development rights. The report sets out the proposed responses to the questions raised in the consultation.

Recommendations:

That the proposed responses as set out in section 3 of this report (paragraphs 3.5-3.9, 3.11-3.13, 3.16, 3.19-3.20 and 3.24-3.25) are sent to Communities and Local Government as the Council's local planning authority response.

Tracking

Executive:	
Overview and Scrutiny:	
Council:	

1. BACKGROUND

- 1.1 The coalition Government considers that planning is at the forefront of delays to economic investment and has embarked on a series of measures to reduce the legislative burdens created by the existing planning system. This is the latest consultation on a series of changes to existing planning legislation.

2. PROPOSALS

- 2.1 The Town and Country Planning (Use Classes) Order 1987 (as amended) and the Town and Country Planning (General Permitted Development) Order 1995 (as amended) are significant deregulatory tools. They allow change of use between land uses that have similar impacts, without the need to apply for planning permission
- 2.2 It is clear that the dynamics of the market will influence what are likely to be the use of a property and site, and it is important to ensure that the planning system can respond effectively. The Government want decisions to be taken at the right level and consider that this can be allowing an owner to decide on the most appropriate future use of a commercial property where the current use is no longer economically viable. The Government consider it important to focus on bringing empty and redundant buildings back into use and support brownfield regeneration. Increasing the resident population around and near town centres will support the existing shops by increasing footfall.
- 2.3 The Government is proposing action in five areas:
- To create a permitted development right to assist change of use and the associated physical works from an existing building used as a small shop or provider of professional/financial services (A1 and A2 uses) to residential use (C3);
 - To create a permitted development right to enable retail use (A1) to change to a bank or a building society;
 - To create a permitted development right to assist change of use and the associated physical works from existing buildings used for agricultural purposes to change to residential use (C3);
 - To extend the permitted development rights for premises used as offices (B1), hotels (C1), residential (C2 and C2A), non-residential institutions (D1), and leisure and assembly (D2) to change use to a state funded school, to also be able to change to nurseries providing childcare; and
 - To create a permitted development right to allow a building used for agricultural purposes of up to 500mm to be used as a new state funded school or nursery providing childcare.

- 2.4 The changes proposed in the consultation document are intended to make better use of existing buildings, support rural communities and high streets, provide new housing and contribute to the provision of child care for working families.

3. CONSULTATION

- 3.1 The current consultation by Communities and Local Government ends on the 15th October 2013

Creating New Homes from Old Shops

- 3.2 It is proposed to introduce a national permitted development right for change of use and physical works. This recognises the Portas Review support for more flexibility for change of use on the high street. The scope of the permitted development will be sufficient to provide for the conversion such as new frontage, windows and doors. Prior approval will be required in respect of design, the potential impact of the loss of the retail unit on the economic health of the town centre, the need to maintain an adequate provision of essential local services such as post offices, and the potential impact of the change of use on the character of the local area. This will allow the local authority a period of time to consider whether an application is required in view of the local plan policies for the area. Those local authorities, such as Carlisle, who are still developing and consulting on plans will need to set out in their plan the primary retail areas and wider retail hierarchy, as required by the National Planning Policy Framework. This will inform an authority's decision making when subsequently considering a prior-approval application.
- 3.3 It is the Government's objective that the prior approval criteria should provide local authorities with some discretion, and give a sufficiently robust protection for the main town centre, it should also allow for change of use to proceed in the more marginal locations. However the consultation also states that as with all prior approvals it will be subject to appeal and can be tested if local authorities are found to be using it unreasonably to prevent change of use.
- 3.4 Specifically in framing a new permitted development right for a retail building to change to residential use (C3), with the associated physical development to allow conversion, it is proposed that the right would:
- apply to A1 (shops) and A2 (financial and professional services);
 - have an upper threshold of 150m²;
 - allow conversion to a single dwelling house or a maximum of four flats, but not a small HMO;
 - enable the external modifications sufficient to allow for the conversion to residential use;

- not apply in article 1(5) land asset out in the General Permitted Development Order (i.e. conservation areas, National Parks, Areas of Outstanding Natural Beauty, the Broads and World Heritage sites);
- be subject to a prior approval for design to ensure that physical development complies with local plan policies on design, material types and outlook;
- be subject to a prior approval allowing account to be taken of the potential impact of its loss on the economic health of the town centre, the need to maintain an adequate provision of essential local services such as post offices, and the potential impact of the change of use on the local character of the area. In order to ensure the policy delivers maximum benefits, we wish this to be a tightly defined prior approval, and would welcome suggestions about specific wording which would achieve that.

Question 1

Do you agree there should be permitted development rights, as proposed, for shops (A1) and financial and professional services (A2) to change use to a dwelling house (C3) and to carry out building work connected with the change of use?

How do you think the prior approval requirement should be worded, in order to ensure that it is tightly defined and delivers maximum benefits?

3.5 Proposed Response: It is recognised that around the fringes of shopping areas there may be some changes of use which will contract the spread of retail functions and in certain circumstances a change of use may be appropriate. It is welcomed that these proposed changes would not apply in conservation areas as this covers the main historic retail centres in Carlisle, Brampton, Longtown and Dalston. Ensuring that the permitted development rights do not apply in conservation areas will help to protect the City Centre.

3.6 It would however apply to smaller centres which are at the heart of local communities. These smaller centres rely on small independent businesses and owners of these properties may find conversion to residential a more lucrative return especially when linked to other government policies encouraging home ownership. As a consequence smaller centres may find that change of use to residential will break up the shopping areas having a further effect on footfall and directly affecting the health of those smaller centres.

3.7 It is therefore essential that there is a prior approval system in place but the system needs to consider the health of individual shopping centres and not just the town centre. For example conversions to residential use in smaller centres such as Denton Holme in Carlisle would not impact on the main retail centre in Carlisle but would have an impact on the local centre and the prior approval needs to ensure the local impact where the shop is located is taken into account and not just a reflection of the NPPF sequential approach on the main centre.

- 3.8 **Some property owners may see this as an opportunity not to renew leases on properties and close down small independent operators. It would therefore be more practical to introduce an element of vacancy of premises so that there is no direct consequence on small operational businesses for example, the premises needs to have been vacant for 6 months. This would act as a deterrent to those seeking not to renew leases.**
- 3.9 **In addition some late night uses may have been given planning permission due to existing neighbouring property uses, e.g. bars, clubs, take-aways. The mix of uses needs to be taken into account in prior approval as putting residential use adjacent to late night uses may not create satisfactory living conditions and may result in nuisance complaints for other statutory functions to deal with. This will have further impacts on local businesses.**

The Place of Banks on our High Street

- 3.10 It is proposed to recognise the changing nature of banks and building societies by providing a tightly prescribed permitted development right that would allow A1 uses to change use to banks and building societies only. There would be no change permitted to other A2 uses subsequently. The Government will consider whether there would be merit in setting an upper size threshold, given the intention is that this will apply to banks where services are provided principally to visiting members of the public.

Question 2

Do you agree there should be permitted development rights for retail units (A1) to change use to banks and building societies?

- 3.11 **Proposed Response: Whilst it is recognised that the nature of banks and building societies is changing in relation to their appearance there may be unintended consequences for the high street if permitted development rights are changed. Some banks operate from traditionally constructed (often listed) buildings which require higher maintenance. Making it easier for them to relocate into former A1 premises may inadvertently create moves within the retail centre creating empty properties (i.e. former banks) which are difficult to re-use. An upper size threshold may help to prevent this from happening.**
- 3.12 **There is also the concern that if the basis upon which this change to permitted development rights is due to the nature of the appearance of banks and building societies then it follows that betting shops and other A2 uses would soon follow on the same argument and consequently undermine the retail centre. The rationale for this change of use appears weak.**

- 3.13 **These unintended consequences will have a negative impact and therefore we object to the proposed change.**

Re-use of redundant agricultural buildings for a dwelling house

- 3.14 In framing a new permitted development right for an agricultural building to change to residential use (C3), with the associated physical development to allow conversion, it is proposed that the right would:
- allow up to 3 additional dwelling houses (which includes flats) to be converted on an agricultural unit which existed at the time that the intention to consult was announced in the Budget Statement of 20 March 2013.
 - have an upper threshold of 150m² for a single dwelling house;
 - enable the physical development necessary to allow for the conversion, and where appropriate the demolition and rebuild, of the property on the same footprint;
 - include prior approval for siting and design to ensure physical development complies with local plan policies on design, materials and outlook;
 - include prior approval for transport and highways impact, noise impact, contamination and flooding risks to ensure that change of use takes place only in sustainable locations;
 - apply to agricultural buildings constructed prior to announcement of the proposal to consult in the Budget Statement of 20 March 2013;
 - apply in article 1(5) land as set out in the General Permitted Development Order (i.e. conservation areas, National Parks, Areas of Outstanding Natural Beauty, the Broads and World Heritage sites).
- 3.15 At the point of these changes coming into force they would not apply to new buildings. In addition the reference to 3 dwellings is irrespective of the size of holding and number of buildings on the holding. Three would be the permitted limit over which permission would be required.

Question 3

Do you agree there should be permitted development rights, as proposed, for existing buildings used for agricultural purposes to change use to a dwelling house (C3) and to carry out building work connected with the change of use?

- 3.16 **Proposed Response: Protecting the character of the countryside has long been a principal aim of our planning system. Agricultural buildings have been built to ensure we have a viable agricultural industry but their location and scale may be unsuitable for residential development especially in large rural areas. Scattered residential properties will detrimentally affect the character of the countryside and this cannot be adequately mitigated by the prior approval system proposed. All conversion of agricultural buildings to residential use should continue to require full planning permission and local**

planning authorities should be able to consider a full range of planning considerations in deciding their suitability.

Supporting working families to find childcare

- 3.17 The consultation proposes to relax planning rules so that non-domestic early-years childcare providers can deliver additional and high quality places to meet increasing demand
- 3.18 The proposed changes would allow offices (B1), hotels (C1); residential institutions (C2); secure residential institutions (C2A) and assembly and leisure (D2) to change use to nurseries providing childcare and carry out limited building works, as allowed for schools under Part 32 of the General Permitted Development Order, connected with the change of use. The school permitted development rights were restricted to state funded schools. This reflected the policy importance attached to ensuring there were sufficient state school places available for all children whose parents wished to use the state sector. It is proposed that the permitted development right is applied only to registered early years childcare providers in non-domestic premises. The prior approval requirements in respect of transport and highways impact, noise and contamination risks that are in place for state-funded schools would also be replicated here.

Question 4

Do you agree that there should be permitted development rights, as proposed, to allow offices (B1), hotels (C1); residential institutions (C2); secure residential institutions (C2A) and assembly and leisure (D2) to change use to nurseries providing childcare and to carry out building work connected with the change of use?

- 3.19 **Proposed Response: It is recognised that access to childcare and nurseries is important to satisfy the requirements of working parents. Utilising existing buildings and making it easier for them to change use on the surface would be reasonable. School trips are however one of the most intensive uses which impact on travel to work patterns and impacts on the local highway network. It is important that transport and highways impacts are retained for prior approval.**
- 3.20 **It is noted that the intention is to create high quality places and whilst the changes should be focussed on registered providers there is no control over the quality of buildings to be converted. Older hotels and office buildings may have suitable internal space to be converted but the external space and safe environment around the premises may be lacking. Some consideration needs to be given to the neighbouring uses especially for the conversion of office buildings on industrial estates and the safety of children.**

Provision for children in rural areas

- 3.21 It is proposed to build on the approach adopted for the agricultural permitted development rights to bring forward provisions for allowing change of use to state-funded schools as well as nurseries providing childcare.
- 3.22 The permitted development will allow for change of use with prior approval where the gross floorspace of the building is less than 500m². This upper threshold would be the same as for the existing permitted development right for agricultural buildings to change to various commercial uses, and will ensure that a number of farm buildings would be able to change their use under these new permitted development rights. The prior approval will cover noise, transport, flooding and contamination. This combines the existing permitted development prior approval requirements for agricultural buildings and schools. It is proposed that operational development should be permitted to the same extent as for agricultural buildings changing use under existing permitted development rights, i.e. a modified form of the operational development rights available under Class B of Part 41 of Schedule 2 to the General Permitted Development Order.
- 3.23 The permitted development right will be available in respect of more than one building on an agricultural unit, provided that the overall size limits are not breached. In recognition of cumulative impact, any proposed changes which take the cumulative size above the 500m² limit would trigger the need for a planning application.

Question 5

Do you agree there should be permitted development rights, as proposed, for buildings used for agricultural purposes to change use to new state funded schools or nurseries providing childcare and to carry out building work connected with the change of use?

- 3.24 **Proposed Response: For a district with a large rural area the opportunity for any agricultural buildings to convert to a school or nursery raises questions about how sustainable this development would be. It is already recognised that re-use of assets such as agricultural buildings would be sustainable in the context of residential use but to encourage changes to travel patterns to access a school would have greater sustainability impacts.**
- 3.25 **Once a school or nursery was established it would be difficult to resist its extension especially as pupil to teacher ratios are increasing. This would have implications with further changes to travel patterns to new locations unless there was some relationship to the geographical context over which permitted development rights were restricted e.g. only permitted within a certain distance of the local population being served, to ensure sustainable schemes are brought forward.**

Benefits and Impacts of the Proposals

- 3.26 Government considers that there will be benefits in the removal of a requirement to submit a planning application whilst retaining some element of assessment by utilising prior approval mechanisms. This allows local authorities to focus on larger developments.

Question 6

Do you have any comments and further evidence on the benefits and impact of our proposals set out in the consultation?

- 3.27 No further comments to add

4. CONCLUSION AND REASONS FOR RECOMMENDATIONS

- 4.1 The proposed changes whilst having good intentions could have a number of implications within Carlisle District. Whilst it is recognised that there is an intention to speed up the process of change of use, the consequences of allowing these changes could make the situation worse. Some retail areas may be contracting however by allowing permitted development changes would not necessarily target those units on the fringes where change of use may be acceptable and have less impact. Other changes of use in the rural area may have significant impact by increasing the amount of sporadic development throughout the countryside away from other service provision and conflicting with the principle of sustainable development. As a consequence of these overall concerns the responses in paragraphs 3.5-3.9, 3.11-3.13, 3.16, 3.19-3.20 and 3.24-3.25 should be sent to Communities and Local Government as a response to this consultation

5. CONTRIBUTION TO THE CARLISLE PLAN PRIORITIES

- 5.1 The proposals seek to encourage investment and therefore economic growth however there are concerns that there may be unintended consequences which would be detrimental to the district. The proposed response would protect against those consequences.

Contact Officer: Chris Hardman

Ext: 7502

Appendices

attached to report:

Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers:

- None

CORPORATE IMPLICATIONS/RISKS:

Chief Executive's -

Community Engagement –

Economic Development –

Governance –

Local Environment –

Resources -