Development Control Committee

Main Schedule

Schedule of Applications for Planning Permission

CARLISLE
CITY COUNCIL

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13th March 2009

Applications Entered on Development Control Committee Schedule

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Date of Committee: 13/03/2009

The Schedule of Applications

This schedule is set out in five parts:

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

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

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

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

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

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

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

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

This Schedule of Applications contains reports produced by the Department up to the 04/03/09 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 27/02/09.

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

SCHEDULE A

SCHEDULE A

SCHEDULE A

SCHEDULE A

SCHEDULE A

SCHEDULE A

Item No: 01 Date of Committee: 13/03/2009

Appn Ref No:	**Applicant:**	**Parish:**
08/1152	Mr Timothy Price	Brampton
Date of Receipt:	**Agent:**	**Ward:**
18/11/2008		Brampton
Location:		**Grid Reference:**
Land At The Barn, Park Barns, Irthington, Carlisle, CA6 4NQ		350539 559712

Proposal: Temporary Siting Of Residential Caravan (Revised Application)

Amendment:

REPORT **Case Officer:** Stephen Daniel

Reason for Determination by Committee:

Seven objections have been received to the proposal and the applicant has requested a Right to Speak at Committee.

1. Constraints and Planning Policies

Local Plan Pol DP1 - Sustainable Development Location

Local Plan Pol CP1 - Landscape Character

Local Plan Pol CP3 - Trees and Hedges on Development Sites

Local Plan Pol CP5 - Design

Local Plan Pol H1 - Location of New Housing Develop.

Local Plan Pol H7 - Agric,Forestry and Other Occup.Dwgs

2. Summary of Consultation Responses

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

Brampton Parish Council: comments awaited;

Development Services Planning & Housing Services - Local Plans: the applicant seeks permission to site a residential caravan at Park Barns, Irthington, from where his joinery business currently operates. Park Barns does not fall within any identified settlement listed in policies H1 or DP1 of the Local Plan and is therefore considered to be open countryside and as such is not a suitable location for residential development.

Guidance in PPS7 states that away from larger urban areas planning authorities should focus most new development in or near to local service centres (as defined in policies DP1 and H1) and only where the nature and demands of the work concerned make it essential for workers engaged in the enterprise to permanently live at or close to the site of their work should proposals for dwellings be considered. Policy H7 of the Local Plan states that within the remainder of the rural area outside areas covered by policies H1 and H16 permission will not be given for dwellings except where they are supported by a proven agricultural, forestry or other occupational need (where they meet the criteria in Annex A of PPS7).

The applicant states that there is a need for a dwelling on site to support his existing joinery business, and his proposed commercial pheasant shoot and rearing business. The assessment provided by the Land Agent on the functional need (annex A of PPS7) for the dwelling states that there is a need for a minimum of seven weeks per year in connection with the pheasant rearing business. In respect of the other enterprises there appears to be no justification for a dwelling. Based on the Land Agents report, the proposal does not comply with Policy H7 of the Local Plan;

County Land Agent (Capita dbs): concluded that:

1. With the establishment of the pheasant rearing enterprise, there will be a period of time each year in which there will be a functional need in relation to the care of pheasants. For a seven week period (from day-old chicks to seven-week-old poults), this will require a worker actively involved in the management of the unit to be resident on, or immediately adjacent to it.

2. The applicant has an established business at this location and has made clear his intention to further develop new enterprises.

3. At the present time, the existing static caravan at Park Barns would satisfy the requirement to house a worker involved in the management of this mixed rural business.

3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:
Stable Cottage	24/11/08	Objection
Park Barns Cottage	24/11/08	Objection

Dairy Cottage	24/11/08	Support
South House	24/11/08	Objection
Granary House	24/11/08	Objection
Hargill House	24/11/08	Support
Park Barns Cottage		Comment Only
Townfoot Farmhouse		Support

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

3.2 One letter of objection has been received, which has been signed by seven people (from four different properties) and four letters of support have been received.

3.3 The letter of objection makes the following points:

- The revised application fails to prove any agricultural or forestry need for a residential development and remains contrary to Policies DP1, H1, H6 and H7 of the Carlisle District Local Plan;

- The justification on security grounds remains inadequate - a Crime Pattern Analysis in 2007 showed no offences committed since 2004 and no security issues have occurred since the date of the previous application;

- The planned forestry work as detailed in the Management Plan is simple husbandry and cannot be considered a commercially viable forestry enterprise;

- The proposed single bank fishing cannot be considered a viable enterprise, with fish stocks low;

- Mr Price claims to have been actively involved in improving the woodlands over 20 years but the Management Plan confirms that little work has been carried out since the 1970s;

- Mr Price submitted an application to operate a Game Farm in 1991, although at that time he owned a considerable area of additional land, which has since been sold. This enterprise proved to be uneconomic and failed in the mid-1990s;

- The redundant brick pig sties are currently used to store a large number of fridges and freezers - use of these for the proposed hatching and rearing of pheasants would be of concern given their proximity to housing and the potential for increased rodent infestation;

- It is difficult to see a keepered shoot attracting guns, given the limited acreage of woodland owned and the limited shooting rights held over arable land;

- The majority of residents of Park Barns object to the proposal, with the caravan being visible from all aspects and indeed the A689;

- A caravan has not been located at the site since 1993. Since the sale by Mr Price of Park Barns Cottage, Park Barns in the mid-1990s, he has resided in a number of let properties in the area;

- Foul sewage is intended to be disposed of via a septic tank, which does give concern as to the means of sewage disposal used during occupation since August 2007.

3.4 The letters of support make the following points:

- The caravan is not visible from local residential properties, is unobtrusive and noise levels are at a minimum;

- The property is clean and tidy and presentable;

- The presence of Mr Price in his caravan is important for security and is re-assuring. All persons entering and leaving Park Barns must pass Mr Price's caravan. This gives a high degree of security in an area where this is no passing traffic. There have been problems with poaching in neighbouring fields and there was a burglary at Park Barns in 2004;

- Rural craft industries of the quality of Mr Price's business should be welcomed and encouraged, especially in this difficult economic climate - they are an important part of the local, rural economy;

- The residential caravan provides protection to the business and assists with guarding and protecting valuable tools and equipment;

- People should be allowed to protect and preserve their own business property;

- There have been several instances of livestock thefts on adjacent property, of which Mr Price has made the owners aware;

- Mr Price acts as a shepherd for an adjacent landowner (who lives 17 miles away) and is able to rescue stock that has fallen or become trapped;

- Mr Price living behind the barn has been advantageous as he has helped to repair the lane and clear a fallen tree. He has also offered to improve the signage to Park Barns and re-surface the whole lane.

- The business employs two skilled joiners;

- It would be impossible for Mr Price to continue his business if he is not able to live on site - he would find it very difficult to afford to move and continue his business;

- Living on site has many advantages - it is low cost, ensures site security and minimises the environmental costs of journeys to work.

4. Planning History

4.1 In February 1991, an outline application was refused for the development of a game farm and the erection of an associated dwelling on a 3 hectare site (which incorporates the current application site). The proposal was rejected on the grounds that applicant owned and occupied an existing dwelling at Park Barns and a further dwelling was, therefore, not justified as an exception to planning policy. Following a Public Inquiry in September 1991, at which the Council confirmed it did not object to the establishment of the game farm, the Inspector allowed the additional dwelling.

4.2 In June 1998, full planning permission was granted under application number 98/0325 for change of use of a Dutch barn and storage shed to a workshop for general joinery and cabinet making and light engineering.

4.3 In September 1999, under application reference 99/0494 permission was granted for the variation of Condition 2 attached to planning permission 98/0325 to allow the premises to be used by the applicant.

4.4 In April 2000, full planning permission was granted under application reference 00/0430 for the erection of an extension for storage and timber seasoning.

4.5 In September 2000, full planning permission was granted under application reference 00/0534 for the renewal of temporary permission for the use of a building for general joinery, cabinet making and light engineering.

4.6 In November 2007, planning permission was refused for the temporary siting of a residential caravan on the site (07/0989).

5. Details of Proposal/Officer Appraisal

Introduction

5.1 This application was deferred at the last meeting of this Committee in order to undertake a site visit. The site visit is scheduled to take place on the Wednesday 11 March.

5.2 The application seeks full planning permission for the temporary siting of a residential caravan on the land at Park Barns, Irthington, Carlisle. The caravan is already on site.

5.3 The application site is located at Park Barns, which lies 380m to the south of the A689, approximately 2.5km south-west of Brampton. Vehicular access to the site is via a single-track road with sporadic passing places. The site is located to the west of seven existing residential barn conversions, which are

located at a higher level to the application site. The residential caravan is located to the rear of a green corrugated steel Dutch Barn, which is used by the applicant as a joinery workshop, for the manufacture of bespoke furniture and fittings. A dilapidated timber storage shed and some brick built former piggeries also lie in close proximity to the caravan. The site is bound to the south, east and west by existing mature deciduous trees and foliage.

5.4 The applicant is also owner-occupier of approximately 9 hectares (22 acres) of natural woodland together with a small paddock. In addition, the property has the benefit of sporting rights over 249 acres of land together with riparian ownership of 1½ miles of single bank fishing on the River Gelt.

Background

5.5 In November 2007, planning permission was refused for the temporary siting of a residential caravan on this site, as the applicant had failed to provide any evidence to support the need for the dwelling in this location (i.e. in the open countryside).

The Proposal

5.6 The proposal is seeking full planning permission for the temporary siting of a caravan for residential use. The caravan which is already in place, is located to the rear of the existing workshop building, adjacent to some mature trees. The caravan measures 11.3m in length by 4m in width and is green in colour.

5.7 The applicant is proposing to: establish a commercial 400 - 600 bird driven pheasant shoot in the woods and land at Park Barns, with the former piggeries being used to rear the birds; rear 500 additional birds to sell to other local shoots; manage the woodland at Park Barns, which will see the planting of indigenous hardwoods and the creation of a fuel coppicing programme on a 3-year harvest rotation (which should eventually generate income from wood fuel sales); promote wildlife in the woodland; and make more use of the River Gelt fishing rights to generate further income.

5.8 The Forestry Commission supports the proposed management of the woodland, which will begin the process of restoring the valuable native woodlands back to a canopy made up of more locally native species. It considers that the work on turning the woodland back to a more native habitat coupled with some infill planting will enhance the important riparian woodland ecosystem. It also supports the linking of the woodland with the joinery business, which will be developed to make use of the renewable fuel source.

5.9 The applicant wants to live at Park Barns, so that he can manage any security/theft risks to his joinery business, manage the woodland and be on-hand at important times of the pheasant rearing cycle. He considers that a constant on-site presence is required and that the combination of rural activities fully support his proposal.

Assessment

5.10 The relevant planning policies against which the application is required to be assessed are Policies DP1, CP1, CP3, CP5, H1 and H7 of the Carlisle District Local Plan 2001-2016.

1. The Principle Of The Development

5.11 In relation to the principle of the development, Policy DP1 sets out the locations that are most sustainable for development and states that in order to ensure a sustainable strategy is pursued, development will be focused in locations which provide alternative opportunities for transport. Park Barn, Irthington is not listed in Policy DP1 as a sustainable development location as it falls outside the urban area, the key service centres of Brampton and Longtown and fails to meet the criteria for classification as a local service centre. Policy H1 deals with the Location of New Housing Development and this does not identify Park Barns as a location suitable for residential development. The application is, therefore, required to be assessed under Policy H7 (Agricultural, Forestry and Other Occupational Dwellings) The applicant has submitted some supporting information on his existing joinery business and on his proposals for the site (see Para 5.6) in order to seek to justify the residential caravan.

5.12 Policy H7 states that within the rural area planning permission will not be given for dwellings other than those essential to agriculture, forestry or any other rural based enterprise and which are supported by a proven need.

5.13 The Policy also includes paragraph 5.41, which states that when assessing if there is such a need the Council should refer to the advice contained in Annex A to PPS7.

5.14 Annex A of PPS7 identifies the criteria that Local Planning Authorities should apply and which should be met prior to granting planning consent for temporary agricultural workers dwellings. The criteria are identified in Paragraph 12, Annex A of PPS7, and are set out below:

(i) clear evidence of a firm intention and ability to develop the enterprise concerned;

(ii) functional need;

(iii) clear evidence that the proposed enterprise has been planned on a sound financial basis;

(iv) the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned; and

(v) other normal requirements, e.g. on siting and access, are satisfied.

5.15 When considering applications for agricultural workers dwellings it is

common practise for the Council to consult the County Land Agent. As part of the response the County Land Agent assesses whether the proposal meets the aforementioned criteria identified in Paragraph 12 of Annex A to PPS7.

5.16 In his response, the County Land Agent has accepted that the applicant has an established business at this location and has made clear his intention to further develop new enterprises. However, the County Land Agent only considers that there is a functional need for the applicant to be on site for 7 weeks per year. This functional need arises from the care of the pheasants from day old chicks to release into outdoor pheasant pens as 7 week old poults. From 7 weeks of age, there will be a minimum twice-daily requirement to inspect, feed and water the birds, prior to the commencement of the shooting season. The County Land Agent does not accept that a keepered shoot requires a constant on-site presence. He is aware of plenty of shoots where nobody is present on site and gamekeepers travel in on a daily basis. In addition, the management of the woodland, the use of the River Gelt for fishing and the operation of the joinery business do not require the applicant to live on the site.

5.17 It is not considered reasonable to allow a caravan to remain on the site continually if it is only needed 7 weeks per year. A caravan could be brought onto the site for the 7 week period and then removed at the end of this period. The applicant could reside in the local area, for example in Brampton, for the majority of the year and travel to the site as and when required. In light of the above, the proposed development is contrary to both the requirements of Planning Policy Statement 7 and Policies DP1, H1 and H7 of the Carlisle District Local Plan 2001-2016.

2) Impact On Local Landscape Character

5.18 The caravan is located to the rear of the existing workshop building and adjacent to a group of trees, which help to screen it from long distance views. Mature trees also screen the caravan from the adjacent residential development. If Members were minded to approve the application, contrary to the Officers recommendation, a condition requiring the existing trees, delineating the site boundaries, to be retained and managed could be imposed to ensure a sufficient landscaped buffer is maintained. It is not, therefore, considered that the proposal would have an adverse impact on the character of the area.

3) Impact Upon The Living Conditions Of Adjacent Properties.

5.19 The dwellings at Park Barns are located more than 40m away from the caravan. This distance, coupled with the change in levels and the presence of a number of trees between the dwellings and the caravan, is sufficient to ensure that the proposal does not have an adverse impact on the living conditions of neighbouring properties through loss of light, loss of privacy or over dominance.

Conclusion

5.20 In overall terms, although the proposed development does not have a detrimental impact on upon the landscape character of the area, or on the living conditions of local residents, there is insufficient justification for a residential caravan to be sited in this location. The proposal is, therefore, contrary to guidance in PPS7 and to Local Plan Policies DP1, H1 and H7 of the Carlisle District Local Plan 2001-2016.

6. Human Rights Act 1998

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

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

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

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

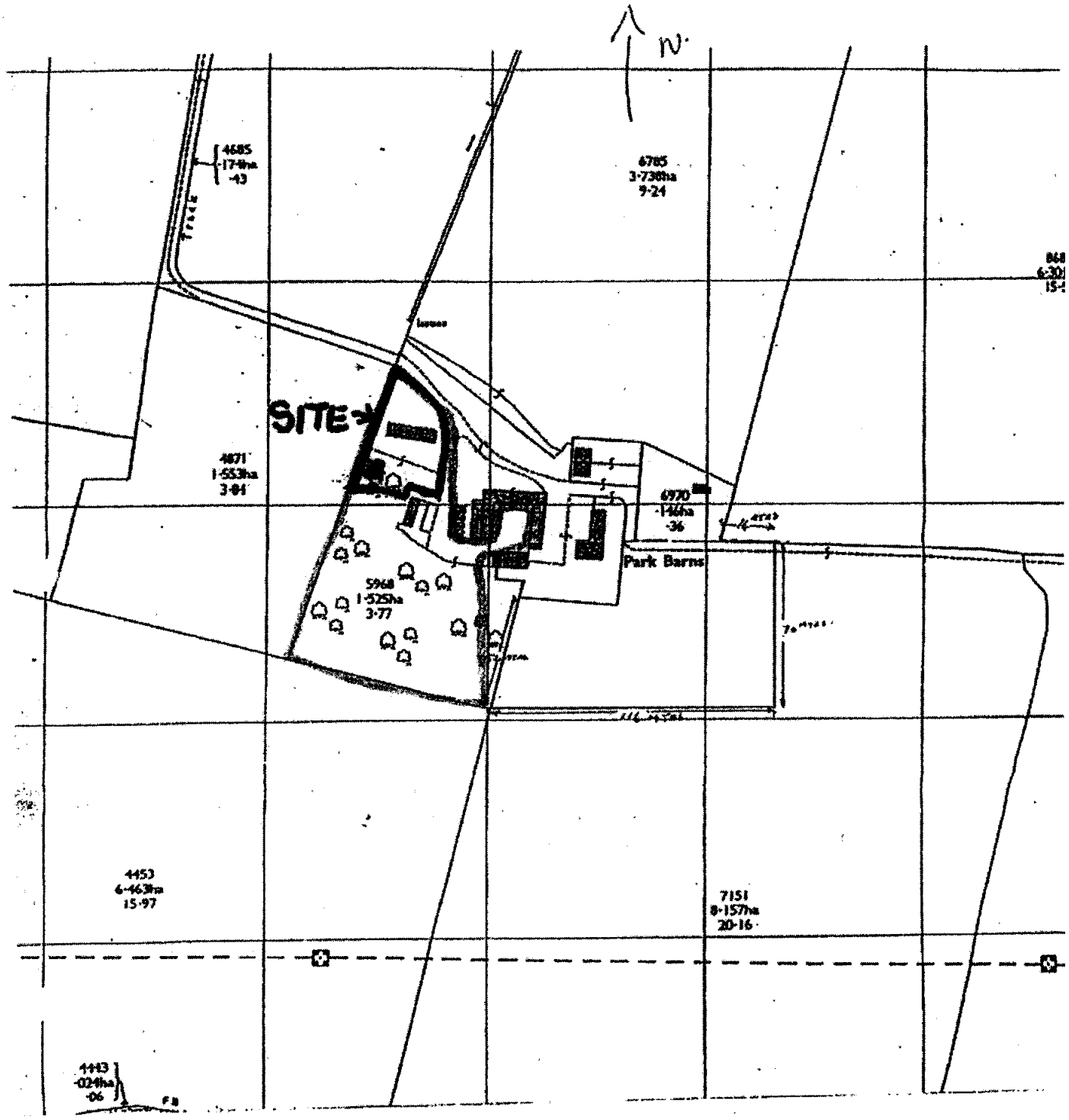
6.2 **Article 1 of Protocol 1** relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

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

7. Recommendation - Refuse Permission

1. **Reason:** Proposals for residential development outside identified settlements will only be considered acceptable where it is essential to agriculture, forestry or any other rural-based enterprise and is supported by a proven need. This application does not provide sufficient justification to support a special need for a dwelling in this location. If permitted, the proposed accommodation would therefore harm the spatial strategy of the Local Planning Authority that seeks to direct development to more sustainable settlements, which are identified in Policy H1. The proposal is, accordingly, contrary to the objectives of the advice within PPS7 and Policies H7 (Agricultural, Forestry and Other

Occupational Dwellings), H1 (Location of New Housing Development) and DP1 (Sustainable Development Locations) of the Carlisle District Local Plan 2001 - 2016.



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Park Barns

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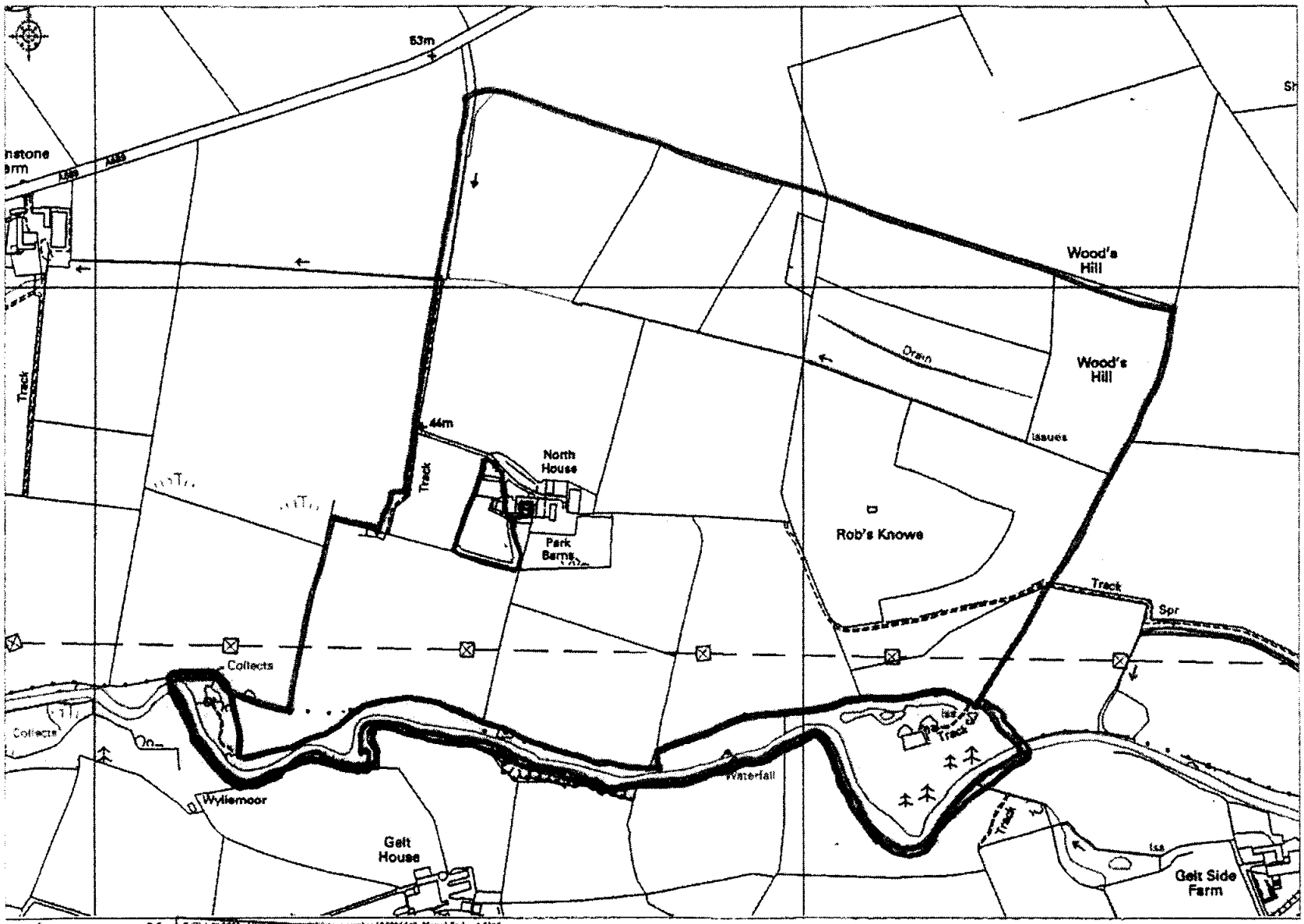

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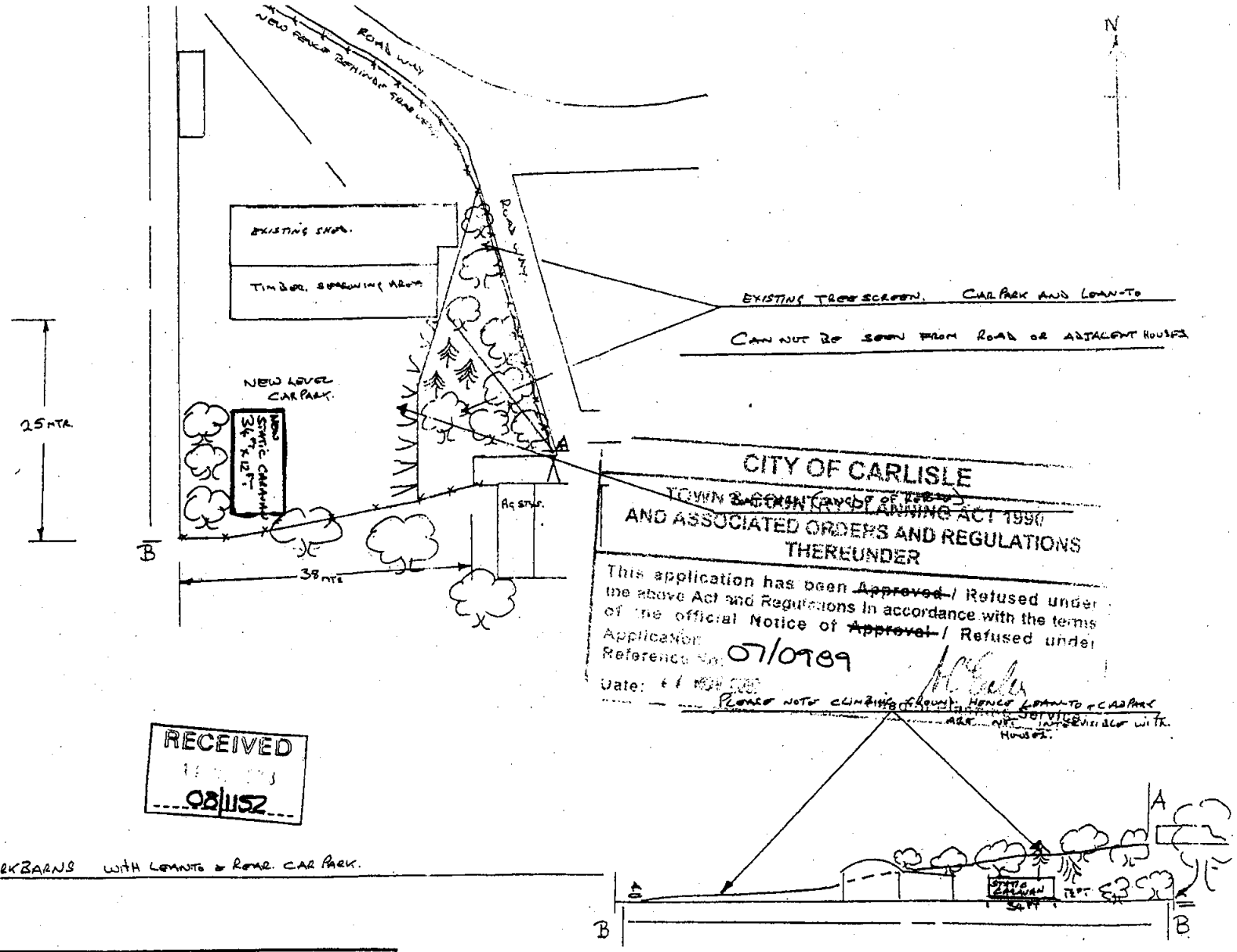


CITY OF CARLISLE

TOWN & COUNTRY PLANNING ACT 1990
AND ASSOCIATED ORDERS AND REGULATIONS THEREUNDER

This application has been ~~Approved~~ / Refused under the above Act and Regulations in accordance with the terms of the official Notice of ~~Approval~~ / Refused under Application Reference No. 07/0989

Date: 11 NOV 2008

PLEASE NOTE CLIMBING FRAME, HENCE LEAN-TO & CAR PARK ARE VIRT. INVISIBLE WITH HOUSES.

RECEIVED
08/1152

THE BARN PARK BARNS WITH LEAN-TO & REAR CAR PARK.

PFK PLANNING
Agricultural Hall, Skirsgill, Penrith, CA11 0DN
Tel. 01768 890140
Fax. 01768 890141

DEVELOPMENT AT PARK BARNS, IRTHINGTON, CARLISLE

BLOCK PLAN

SCALE 1:500

07/0989

Item No: 02 Date of Committee: 13/03/2009

Appn Ref No:	**Applicant:**	**Parish:**
08/1243	Mr Philip Moore	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
18/12/2008	Hogg & Robinson (BLD) Ltd	Upperby

Location:
6 Embleton Road, Carlisle, CA2 4JU

Grid Reference:
340867 553815

Proposal: Two Storey Side And Rear Extension To Provide Kitchen & Garage On Ground Floor With 2no Bedrooms Above, Together With Single Storey Rear Extension To Provide Extended Dining Room and Single Storey Extension To Front Elevation To Provide A Porch

Amendment:

REPORT **Case Officer:** Suzanne Edgar

Reason for Determination by Committee:

This application has been brought before Members of the Development Control Committee as the occupiers of the neighbouring property "No. 4 Embleton Road" have exercised their Right to Speak under the old system.

1. Constraints and Planning Policies

Local Plan Pol CP5 - Design

Local Plan Pol CP6 - Residential Amenity

Local Plan Pol H11 - Extns to Existing Resid. Premises

2. Summary of Consultation Responses

Cumbria County Council - (Highway Authority): It is considered that the proposed car parking facility is acceptable in connection with the proposed development. I can therefore confirm that the Highway Authority has no objection to the proposal.

3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:
4 Embleton Road	29/12/08	Objection
8 Embleton Road	29/12/08	Objection
80 Upperby Road	29/12/08	
Rose View	29/12/08	
St Margaret Mary Presbytery	29/12/08	

3.1 This application has been advertised by means of notification letters sent to five neighbouring properties. Two letters of objection have been received during the consultation period from the occupiers of "No.4 Embleton Road" and "No.8 Embleton Road" who have objected to the proposed development on the following grounds:

1. the proposed garage will not be large enough to house the applicants motor home which will mean neighbouring properties will be stuck with the motor home outside their properties;
2. the proposed two storey extension will overlook the rear garden of No.8 Embleton Road;
3. concerns raised regarding building works encroaching onto land in the ownership of No.4 Embleton Road; and
4. the size of the planned extension will cause undue disturbance to the occupiers of No.4 Embleton Road for a significant number of years.

4. Planning History

4.1 There is no relevant planning history on this site.

5. Details of Proposal/Officer Appraisal

Introduction

5.1 The existing property at No.6 Embleton Road is a two storey semi-detached house constructed from brick/rendered walls under a slate roof. The surroundings to the property are wholly residential. This application seeks approval for the erection of a two storey side and rear extension to provide a kitchen and garage on the ground floor with 2no.bedrooms above together with a single storey rear extension to provide an extended dining room and a single storey extension to the front elevation to provide a porch.

Background

5.2 The application site is situated on the north side of Embleton Road with neighbouring development to the north-east and south-west comprising

similar two storey residential properties.

5.3 The proposed two storey side extension will provide a garage on the ground floor with a bedroom above. It will have a total length of 8.05 metres, a total width of 2.8 metres and a total ridge height of 6.3 metres. Both the single storey and two storey rear extensions will project 3 metres from the rear of the dwelling and will have a total width of 5.9 metres. The proposed two storey extension to the rear will have a total ridge height of 7.05 metres and the proposed single storey rear extension will have a total ridge height of 3.9 metres. The proposed porch will have a total length of 1.6 metres, a total width of 2.3 metres and a total ridge height of 3.35 metres. All of the proposed extensions will be constructed from materials to match those of the existing dwelling.

Assessment

5.4 The relevant planning policies against which the application is required to be assessed are Policies CP5, CP6 and H11 of the Carlisle District Local Plan (2001-2016).

5.5 The proposal raises the following planning issues:

1. Whether The Proposal Is Appropriate To The Dwelling

5.6 The scale and height of the proposed extension is comparable to the existing property. The extension would be constructed from materials to match the existing dwelling, and would employ similar detailing. Accordingly, it is considered that the proposed development would complement the existing dwelling in terms of design and materials to be used.

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

5.7 There is a 1.9 metre (approx) high fence delineating the south-western boundary of the application site with No.8 Embleton Road. That property has a conservatory located adjacent to that boundary. The proposed single storey rear extension will also be located adjacent to this boundary, will project no further forward than the neighbour's conservatory and will have no windows located on the elevation facing it. The proposed two storey rear extension will be located 2.4 metres from the south- western boundary of the application site and will also have no windows located on the south-west elevation. Members should be aware that under Class A of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order, which took effect from October 2008, planning permission is not required for the single storey rear extension. Having regard to the relationship between the properties, as described above, it is considered that the proposed development will not adversely affect the occupiers of No.8 Embleton Road through over looking, loss of light or over dominance. A condition is recommended, should Members approve the application, to ensure that this situation remains in perpetuity.

5.8 The property located to the north-east of the application site (No 4 Embleton Road) has four windows located on the side elevation which would face the proposed development. One of the windows serving the ground floor is obscurely glazed and the other ground floor windows serve a hall and kitchen. A single first-floor window serves a landing. No. 4 Embleton Road's ground floor kitchen window is located towards the rear of the side elevation and is the sole window serving this room. Members should be aware that there is a 1.9 metre (approx) high fence forming the boundary between the two properties and there will be no windows located on the north-east elevation of the proposed side/rear extensions. Members should be aware that the point where the proposed side extension faces No.4 Embleton Road's kitchen window is where the side extension reduces to single storey with a pitched roof. In such circumstances it is considered that the proposed development will not adversely affect the occupiers of No.4 Embleton Road through loss of light, over looking or over dominance. A condition is again recommended, should Members approve the application, to ensure that this situation remains in perpetuity.

5.9 The windows located on the north-west elevation of the development and the windows serving the proposed porch are also located an appropriate distance from neighbouring properties. In summary, it is considered that the proposal will not adversely affect any occupiers of neighbouring properties through loss of light, over looking or over dominance.

3. Other Matters

5.10 The occupiers of No.4 Embleton Road have raised objections to the proposed development on the grounds that the building works will encroach onto their land. The application is accompanied by an ownership certificate (Certificate A) stating that the applicant owns all the land to which the application relates to. Any encroachment onto land not in the applicants ownership is therefore a civil matter between the applicant and the objector.

5.11 The occupiers of No.4 Embleton Road have also expressed concern that, if the scheme is approved, construction traffic/works would cause undue disturbance to neighbouring residents. It is normally reasoned that such disturbance is an inevitable temporary manifestation of any development project and is not the concern of the planning system unless there would be exceptional harm to amenity. Where this is the case, a planning condition restricting the construction hours could be applied. In this case such a condition is not considered necessary.

5.12 The occupiers of No.8 Embleton Road have expressed concerns that the proposed garage will not be large enough for the applicant to house his large motor home which will result in the motor home being parked outside neighbouring properties, blocking light. The agent has submitted a parking layout indicating that there are two off-street parking spaces available on the application site which corresponds with the Parking Guidelines in Cumbria for 3-4 bedroom Dwelling Houses. The Highway Authority has been consulted

on the proposed development and has raised no objections. Members are reminded that motor homes do not require planning permission as they do not constitute operational development and therefore the parking of the motorhome is not grounds for refusal of this application.

Conclusion

5.13 In overall terms it is considered that the proposal will not adversely affect the living conditions of adjacent properties sufficient to merit refusal. The scale and design of the proposed extension is considered acceptable. The proposal is therefore considered compliant with the objectives of the relevant Development Plan policies and approval is recommended.

6. Human Rights Act 1998

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

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

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

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

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

6.3 Articles 1/6/8 of the Human Rights are relevant to this application and should be considered when a decision is made. Members are advised that for the reasons identified in the report the impact of the development in these respects will be minimal and the separate rights of individuals under this legislation will not be prejudiced.

7. Recommendation - Grant Permission

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

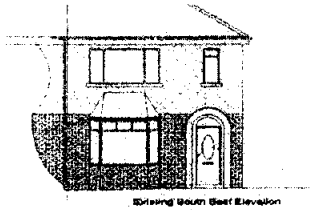
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

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

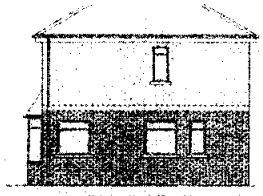
   Reason: To ensure a satisfactory external appearance for the completed development.

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

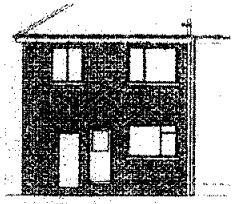
   Reason: In order to protect the privacy and amenities of residents in close proximity to the site and to ensure compliance with Policy H11 of the Carlisle District Local Plan (2001-2016).



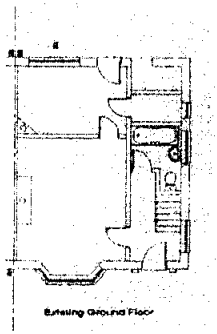
Existing South East Elevation



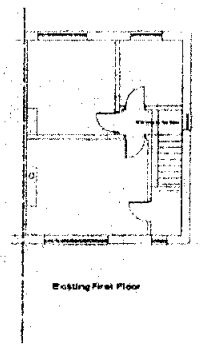
Existing North East Elevation



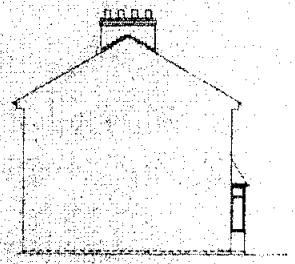
Existing North West Elevation



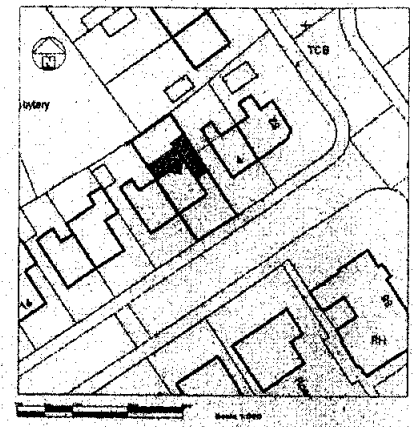
Existing Ground Floor



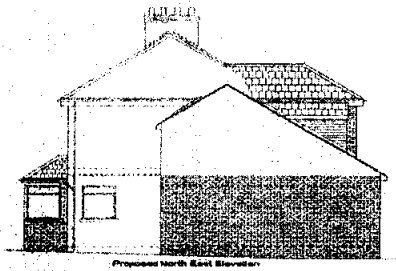
Existing First Floor



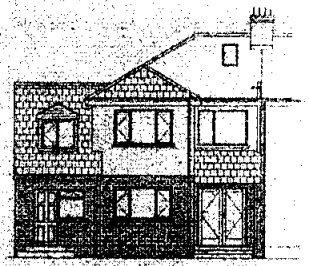
Existing South West Elevation



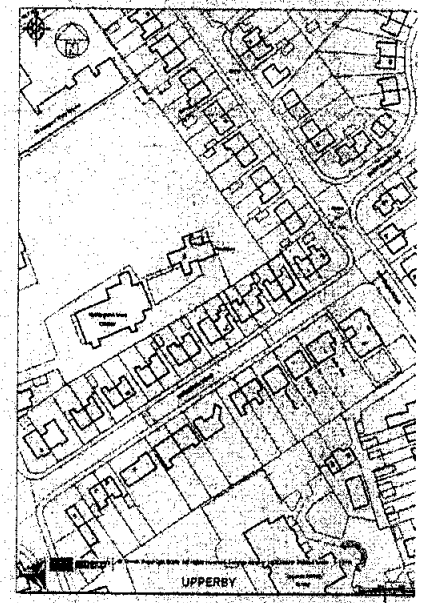
Proposed South East Elevation

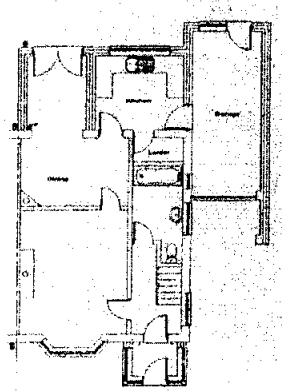


Proposed North East Elevation

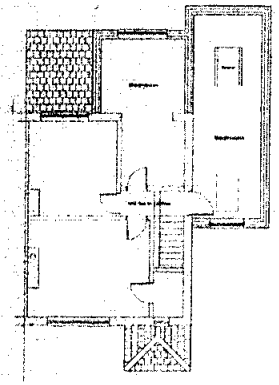


Proposed North West Elevation

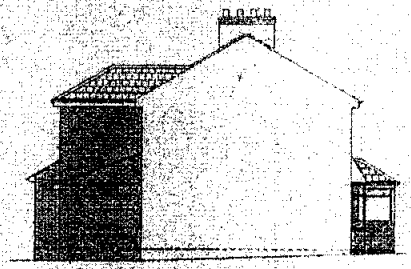




Proposed Ground Floor



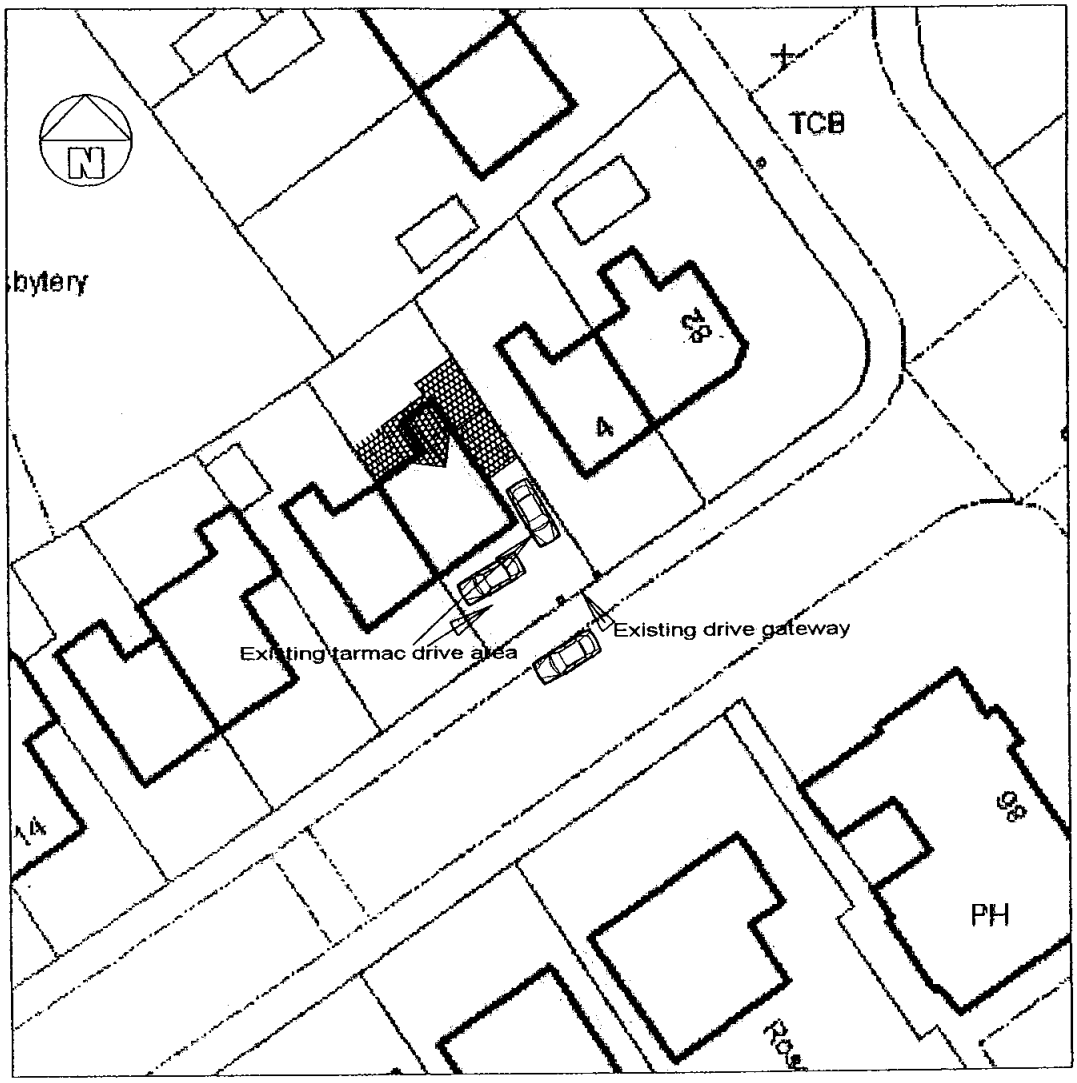
Proposed First Floor



Proposed South West Elevation

HOGG & ROBINSON BUILDERS LTD
DESIGN SERVICES

PARKING LAYOUT.



0m 5m 10m 20m 30m

Scale 1:500

Existing property has tarmac drive and parking to front of property, the proposal is for a intergrated garage to be added to the side of the property.

RECEIVED
15 JAN 2009
08/1243

HOGG & ROBINSON BUILDERS LTD.
DESIGN SERVICES

ROSE COTTAGE LAVERSDALE LANE END CARLISLE CUMBRIA CA6 4PS
Tel: Office 01228 675290 Mobile: 07766000657 Fax: 01228 675122
www.hoggandrobinson.co.uk

CONTRACT.
Mr P Moore
5 Embleton Road
Carlisle
CA2 4JU

DETAILS.
Side and Rear Extension

REVISIONS.
130109 Highways

CLIENT.
Mr P Moore

SCALE 1:500

DATE 13/01/09

DRAWING No. 06_M_ER_130109PRO

This drawing is copyright. Figured dimensions are to be used in preference to scaled and are to be checked against actual work on site.

DESIGN AND ACCESS STATEMENT

6 Embleton Road

2008/1243

This proposal has been developed to suit the current needs of the owner and his family who are mixed sex and require separate bedroom areas of a similar nature in size and accommodation.

We have maintained the off road parking facility to the front through the garage door being the relevant distance back from the highway. This allows comfortable access for vehicles and foot traffic.

The design has been linked to the existing house on the side using different eaves level heights which will reduce the impact on adjoining property windows. Also the 2-storey element has been kept to what we consider a functional width so as not to effect any shadowing of either sides rear windows.

Materials usage is bricks to match the existing to the lower areas with smooth render to the higher levels that match with the existing building and roof tiles to the roof areas and dormer. The front porch is constructed using materials that also match existing with a glazed area similar to others in the street.

Access to the rear of the site will be through the garage for refuge and general waste storage.

The design has also taken into consideration a cost feasibility that matches with the client's needs. It has also ensured that foundations are fully on the land belonging to Embleton Road.

REAR ELEVATION OF NO. 6 EMBLETON ROAD

SIDE ELEVATION OF NO. 4 EMBLETON ROAD AND NORTH-EASTERN BOUNDARY OF APPLICATION SITE

SOUTH- WESTERN BOUNDARY OF APPLICATION SITE

NORTH-WESTERN (REAR) BOUNDARY OF APPLICATION SITE

Item No: 03 Date of Committee: 13/03/2009

Appn Ref No:	**Applicant:**	**Parish:**
08/1242	Stewart Williamson Limited	Kirklinton Middle
Date of Receipt:	**Agent:**	**Ward:**
18/12/2008	Architects Plus (UK) Ltd	Lyne

Location:
Land Adjacent To The Cottage, Smithfield, Carlisle, CA6 6BP

Grid Reference:
344318 565308

Proposal: Erection Of Two 3 Bedroom Bungalows (Resubmission)

Amendment:

REPORT **Case Officer:** Colin Godfrey

Reason for Determination by Committee:

This application has been brought before the Development Control Committee due to the number of objections received and as two objectors and a supporter have requested their Right to Speak.

1. Constraints and Planning Policies

Public Footpath

The proposal relates to development which affects a public footpath.

Local Plan Pol DP1 - Sustainable Development Location

Local Plan Pol H1 - Location of New Housing Develop.

Local Plan Pol CP1 - Landscape Character

Local Plan Pol CP3 - Trees and Hedges on Development Sites

Local Plan Pol CP5 - Design

Local Plan Pol CP6 - Residential Amenity

Local Plan Pol LC8 - Rights of Way

2. Summary of Consultation Responses

Cumbria County Council - (Highway Authority): the comments made on the previous application (08/0209) still apply.

The applicant could be invited to revisit the possibility of accessing directly off the A6071. This will however only be possible if highway conditions could be met as they relate to achievable visibility splays. In my mind however this is not currently possible.

The applicant and landowner have been in regular pre-application contact with this Authority about this full planning application being submitted. During these pre application discussions the density were not as high as shown on this application, but apart from that, the applicants seems to have included all the required elements into the scheme.

The preferred option would have been to allow access directly onto the A6071. This can however not be achieved due to the limited visibility available to the application site (neighbouring hedges severely obstructing visibility).

Considering that the application will not interfere with the PROW which runs adjacent to the access track I can confirm that I have no objection. However, the applicant must ensure that no obstruction to the footpath occurs during, or after the completion of the site works.

I would however point out that Under building regulation, access for fire tenders is required to a point not further than 45 metres from the entrance to the dwelling. Any road or private drive forming part of such an access must not be less than 3.7m wide between kerbs (this may be reduced to 3.1m for a gateway or similar short narrowing) and should have a minimum centre line radius of 6.55m. The access way should be capable of carrying a 12.5 tonne vehicle.

It is also recommended that relavant conditions relating to visibility splays, footway crossings, access drive, access routes and parking of construction vehicles are attached to any permission which may be granted;

Community Services - Drainage Engineer: awaiting comments;

United Utilities (former Norweb & NWWA): a public sewer crosses this site and we will not permit building over it. We will require an access strip width of 6 metres, 3 metres either side of the centre line of the sewer which is in accordance with the minimum distances specified in the current issue of "Sewers for adoption". Providing the access strip is fully maintained United Utilities will have no objection to the proposal. Deep rooted shrubs and trees should not be planted in the vicinity of the public sewer and overflow systems.

This site must be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the

soakaway/watercourse/surface water sewer and may require the consent of the Environment Agency. If surface water is allowed to be discharged to the public surface water sewerage system we may require the flow to be attenuated to a maximum discharge rate determined by United Utilities.

Our water mains may need extending to serve any development on this site. The applicant, who may be required to pay a capital contribution, will need to sign an Agreement under Sections 41, 42 & 43 of the Water Industry Act 1991.

A separate metered supply to each unit will be required at the applicant's expense and all internal pipework must comply with current water supply (water fittings) regulations 1999. Should this planning application be approved, the applicant should contact our Service Enquiries on 0845 7462200 regarding connection to the water mains/public sewers.

United Utilities offers a fully supported mapping service at a modest cost for our electricity, water mains and sewerage assets. This is a service, which is constantly updated by our Map Services Team (Tel No: 0870 7510101) and I recommend that the applicant give early consideration in project design as it is better value than traditional methods of data gathering. It is, however, the applicant's responsibility to demonstrate the exact relationship on site between any assets that may cross the site and any proposed development;

Development Services Planning & Housing Services - Local Plans: the main part of the site lies within the settlement boundary of Smithfield, which is classified as a Local Service Centre for the purposes of Policy H1. However, the access road lies just outside the settlement boundary, within an agricultural field, and adjacent to a public footpath. Whilst the proposal meets the majority of the criteria in H1, the proposed access raises concerns under criteria 5. At 150 metres, it is considered that the access road will be visually and physically intrusive, when viewed from the open countryside or school grounds, and from the public footpath.

Paragraph 5.4 of the Local Plan states that where sites are outside the settlement boundary, they should relate well to and be contained by the existing landscape features of the area; relate well to the form, scale and character of the rest of the village; and not adversely affect the amenity of adjacent dwellings. It is not considered that the proposed access meets the first two criteria, as it is not contained within existing landscape features, and does not relate to the form, scale and character of the rest of the village, as all the other properties have direct frontage access;

Development Services Planning & Housing Services - Urban Designer: no adverse comment on the overall scale or principle of development. I would however consider PVCu windows to be inappropriate given aesthetic impact and lifecycle costs, and would recommend that double or triple glazed timber windows are used. PD rights could be withdrawn to ensure continued presence of these elements.

Rainwater goods should be mounted using drive in/rise and fall brackets removing the need for soffits and fascia.

Roofing material should be in natural slate in preference to concrete tiles as specified;

East Cumbria Countryside Project: awaiting comments;

Kirklinton Parish Council: although this application proposes to build 2no. 3 bedroom bungalows as opposed to 3no. 3 storey houses, as in the previous application, the views of the Parish Council have not materially changed.

The first point is that the proposed site is outside of proposed settlement boundary which your Council drew up as part of their Local Plan proposals 2001-2016. As such, your declared Policy should not allow any development such as the one proposed above. If this situation has changed during the recent Inquiry the Parish Council has not been advised of any changes.

As far as the proposed development itself is concerned the Parish Council wish to make the following observations:

The site and proposed bungalows on it, will be adjacent to the A6071 but the proposed access to them is from Skitby Road some distance away on the other side of the village. The proposal is viewed as very bizarre. The proposed access to the site next to a busy school where traffic is already congested, particularly at starting and finishing times. Therefore the Parish Council has some road safety concerns over the proposed entrance to the site. The proposed visibility splay seems to be very close to the school entrance and experience suggests that views will be obstructed by vehicles parked along the roadside during school hours and evenings when the school building is being used by other community groups.

The proposed road or track into the site is also regarded as anomalous. All roads within the village are constructed of macadam, so why a gravel structure in this case should be deemed more suitable for this rural location is difficult to understand. Some Councillors have already queried who would be responsible for the macadam section and the gravel section. Would the gravel section of the access road and any proposed turning areas be constructed to a standard capable of taking large refuse and emergency vehicles?

It is unclear from the information available what impact, if any, the proposed development would have on the adjacent public footpath. The Parish Council is concerned to ensure that it is not jeopordised in anyway by this development.

Finally, it is proposed that the 2 new properties would be connected to the existing sewer. There is already ample evidence to demonstrate that the existing sewer cannot cope with current demand and regularly backwaters, particularly during inclement weather. Unitied Utilities will be able to confirm this information as they have recently carried out a full survey of the existing system;

Local Plans (Tree Preservation), Development Services: I visited the site on the 28 January and have the following comments/observations to make on the above proposal.

1. Whilst the applicant has provided a tree survey and the diameter of the trees at 1.5m above ground level has been shown on the plans, the road remains on the very edge of the root protection area of the trees. There is no room for construction of the road and in its present location this will inevitably extend into the protection areas of the trees.
2. The access will require the removal of a section of hedgerow. I have surveyed this hedgerow and found that it would qualify as an important hedgerow under the 1997 Hedgerow Regulations. Species rich hedgerows such as this are national priority habitats. There is a strong presumption in favour of their retention and removal should only be allowed in exceptional circumstances.
3. Although the proposals have been reduced in scope to two bungalows as opposed to three four bed roomed homes my concerns regarding the density of the proposal and the effect that this will have on the adverse effect on the rural character of the area, the proposed site being outwith the settlement boundary;

Environmental Services - Environmental Quality: no observations;

Open Spaces Society: awaiting comments;

Ramblers Association: awaiting comments;

Cumbria Constabulary Crime Prevention Officer: I have noted comments by neighbours concerned that this proposal shall compromise their security. I would suggest that the overall security of dwellings in this locality is already compromised by the existence of the footpath which connects the A6071 with Skitby Road. In this case, easy access may be gained to the rear of any dwelling or Fir Ends School and the footpath provides a legitimate excuse to approach at any time.

Generally, (from a crime prevention perspective) restricting vehicular access into a space reduces the opportunities for crime to occur. This means that offenders must approach a building or target on foot, thereby extending the amount of time and effort required to commit the offence. From my interpretation of the drawings supplied, an unauthorised vehicle could conceivably enter and park in the proposed driveway without being observed from the proposed or existing dwellings.

However, in order to try and assess the likelihood of crime occurring here, I have carried out a search of our crime records and established that since January 2004, there have been nine offences recorded in Smithfield, which is regarded as a low-crime rate area. (4 X Criminal Damage, 1 X Theft of Motor Vehicle, 4 X Burglary Other Than a Dwelling).
Of these, Fir Ends School has been subject of damage on two occasions and most recently, a burglary in March 2007. But, I have no evidence to suggest the offenders exploited the footpath in these incidents.

3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:

The Cottage	05/01/09	Objection
Meadow View	05/01/09	
Highberry House	05/01/09	
West View	05/01/09	Objection
Fell View	05/01/09	
The Barn	05/01/09	
Fir Ends School	05/01/09	Comment Only
Kirkstone	05/01/09	Support
Maple Cottage	05/01/09	Objection
26 Ryehill Park	05/01/09	Objection
Stoneflatts	05/01/09	
Longlands	05/01/09	Comment Only
4 Alstonby Court	05/01/09	
48 Hythe End Road		Support

3.1 This application has been advertised by means of site and press notices as well as notification letters sent to 13 neighbouring properties. In response, four letters of objection have been received and are summarised below:

1. By opening up the field behind the houses along CA6 6BP the personal safety of existing residents will be put at risk, most gardens have simple low level fences aimed simply to keep sheep out which currently serve their purpose, such fences will not however ensure safety to property or children playing in gardens when an access road allows access to all;

2. The safety of pupils attending the local school will also become compromised in terms or road safety issues and the fact that any member of the public will now have access to the school grounds and surrounding area;

3. Currently this particular area is a quiet peaceful area, only local residents and the farmer walk along the field and public path adjacent to the school. The access road has the possibility to invite unwelcome attention to the community and therefore compromise its safety;

4. The houses along CA6 6BP, are individual houses in keeping with the country village in which they are located. Three story red brick modern houses are not in any way in keeping with the local area and would detract from the village's aesthetic ambience;

5. If housing was deemed necessary in this particular area of Carlisle, then surely affordable family homes should be the priority not expensive dwellings accessible to a few;

6. Over the last six months three new families have moved in to houses along CA6 6BP, all under the impression that the field was protected from building. Presumably we have all paid a premium for such a location which would be destroyed with the proposed building work and access road;

7. The proposed single track slip road designed to allow residents of the proposed build access, seems ill conceived at best and a nightmare for the Highways Agency at worst. A slip road coming off the road in front of the school will surely prove hazardous, parents will be tempted to use the slip road as a dropping off and picking up site for school, which will be very problematic and congested at already very busy times of the day. In addition, the slip road will interfere with the school bus's dropping off point. The slip road will also give additional and possibly unwanted access to the school grounds, which as previously mentioned compromises school safety with 'strangers' hidden by the planting of the tree lined border;

8. there is concern that yet more green land adjacent to the proposed slip road may be allowed to be developed into unwanted housing at a cost to the environment, local area and residents, in order for a builder to make a quick profit;

9. The access is absurd and does not relate in any way to the proposed dwellings. The proposed access does not fall within the village boundary of Smithfield and would encroach significantly into open countryside resulting in harm in visual and landscape terms;

10. The access is proposed on an extremely busy stretch of Skitby Road which is very difficult to pass along especially at school times of 9.00am, 11.30am (nursery pick up time) and 3.30pm. This proposal raises considerable highway safety issues. A visit to the site at one of these times would illustrate the safety concerns.

11. If a conventional access can be provided from the main road the site might well be acceptable in landscape and visual terms. However, it is understood that in housing supply terms the mandatory requirement of PPS3 (Housing) to identify a five year supply of deliverable housing land is not just about ensuring local authorities allow enough sites for housing it is equally that they do not permit too many houses. Paragraph 70 of PPS3 imposes a requirement on the LPA to consider the 5 year supply. In the event that there is an adequate supply of housing in the rural area of the district of Carlisle then there is no presumption in favour of this proposal even if the site is considered to be within the village boundary. This is a greenfield site, the protection of which is one of the most fundamental principles of the current planning system. Once sacrificed for development such sites can never be reclaimed. It is for this reason PPS3 obliges LPAs only to sanction the release of such sites for development where this is absolutely justified. It is understand that there is already an excess within the rural area of the five year supply. That being the case the clear requirement of PPS3 is that LPA considers whether the release of this site would undermine the achievement of your policy objectives. It is asserted that this would be the case and the proposal would be contrary to PPS3.

12. The access road would increase the risk of criminal activity for all the

properties facing onto A6071. The proposed hedging and fencing will turn the public footpath along the length of the proposed road into a secluded passageway where currently it is an open view to the fields and beyond.

13. The proposed road will create a junction at the corner of the public footpath and Fir Ends School. This area is already a safety concern for the school in view of the number of vehicles dropping off and picking up at various times during the day for school and nursery and the children entering or leaving the school. A junction at this point with the Smithfield - Hethersgill Road will increase the risk of a road traffic accident significantly to children, parents and staff;

14. The proposed road cuts through open countryside adjacent to a school playing field. The road will be over 200m long by over 3m wide, not including boundary to service a 0.25 acre plot that is inaccessible from the A6071. The requirement for widening of the road for passing places points to the fact that the development site is too small for the proposed development.

15. Whilst the development on the plot may or may not be included in the settlement boundary, the letter from Mr Chris Hardman, The Local Plans Manager (March 2008) referencing the previous application states that the access road is not within the settlement boundary and the 'required access, which I consider invasive in the open countryside conflicts with the Local Plan policies. It is believed that the construction of the access road would open the possibility to further challenges to develop along the southern edge of the field, behind the current properties on the A6071;

16. The properties will not be affordable local housing for the benefit of the community. They will be premium priced properties purely for the purpose of financial gain;

17. The traffic travelling down the proposed road at night will intrusively point headlights directly into our kitchen, bathroom and bedroom as well as The Cottage. When the proposed road covers with surface water and ices over in winter, there is concern that any vehicle caught on the sharp bend at the entrance to the property will simply slide straight on downhill into our neighbours garden and properties;

18. The land is an agricultural holding where a local young farmer and his young family rent the land and has his ewes and lambs. The proposed development site is currently used as and has been traditionally used as a nursery field for newborn lambs and their mothers. We do not see the benefit in changing this;

19. As the site is and always has been an agricultural holding, we believe development on the site is deemed opposed to government guidance in PPS3 (housing) and PPS7 (Sustainable Development in Rural Areas). We believe the development falls outside of the guidelines of the council's policy for re-generation of Longtown and the surrounding area.

The access is outside of the proposed settlement boundary which the council drew up as part of the Local Plan proposals 2001-2016. This policy should not allow any development as part of the proposal;

20. There is a problem with the dispersal of water to the southern and western edge of the field where the proposed access road is to be constructed. Surface water is generally constant through the winter but this year has been unable to drain since June 2008. The concern is that any road would act as a conduit for the water to flow into our garden and through the kitchen. This has already happened on three occasions in the last ten years as the drains have overloaded in significant prolonged spells of rainfall and led us to bank up the area under the hedge of our garden / field boundary and build an elevated area here. This construction significantly increases the risk of occurrence. Alternatively the proposed road could also direct the water volume onto the public footpath and school playing fields on the western boundary as the first available run off;

21. The proposal could adversely affect trees and hedges on the boundary of the site;

22. there is a bat colony that roosts in the summer months in the trees directly behind the proposed development on the school boundary. It is felt that construction could significantly disrupt this colony;

23. we have concerns about the removal of any waste or contamination from the site as part of the construction process, with the problems already listed in terms of surface water dispersal as well as the separation and removal of chemicals and products that environmental standards require;

24. No mention is made in the application of Maple Cottage which was formed through the subdivision of The Cottage. As such the development would have a profound negative and intrusive effect on not one family living within feet of this development but two;

25. The access road would lead to an increased risk of a traffic accident;

26. There is concern that the drive will only have macadam for the first 10m, then gravel to keep in with the rural location. There is however no other residence in the village with a gravel driveway - we suggest that this is merely a cost cutting measure which will only serve to cause, noise, mess and dust for existing residents;

27. If pedestrian access is to be provided from the A6071 then there are concerns on the basis that the application provides insufficient parking spaces to serve the application with the likely effect that cars will be parked on A6071 increasing the potential for traffic accidents;

28. A letter of support states that in 1968 the Council allowed the opening up and widening of the footpth to allow vehicular access to the school playing field, therefore the access road to this road should be approved

as it will not affect the environment. However, the comments are made from someone who no longer lives in the village and will not suffer the consequences. The building of the vehicular access into the school is completely different to the building of access to the houses - the school after all is a very important part of the community. The school access was built in 1968, it is now 2009, and it is therefore suggested that there is a significant increase in traffic in the area now to 41 years ago.

29. The applicant states that the site is not in a flood risk area. We wish to bring to your attention the problems we endure in the field in inclement weather. The sewerage and drains regularly back up causing the field to be full of surface water. Indeed, outside the back gate of Maple Cottage there is a very large pool of water which has not drained away since the summer of 2008. This pool is situated where the proposed gravel drive will be, we have concerns that any disturbance of the current area could then cause the excess water to be redirected into our property and indeed of our neighbours in Maple Cottage.

30. Question the demand for extra housing in the area and feel that the development falls outside of government guidelines is PPS3 and PPS7. Smithfield is a small community with no significant facilities and poor local transport links.

31. May we also bring to your attention the current housing market situation and the fact that several properties in Smithfield and the surrounding area are on the market unsold and indeed have been for many months. This is proof that there is simply no demand for extra housing in this area, particularly not the premium priced properties that these appear to be.

32. We would also like to refer to a previous planning application for one dwelling in the area which was rejected by your department (03/0040). I quote reasons for the refusal of this application.

    'The applicant has not demonstrated that the development is required to meet a local need. This is considered to be an unsustainable form of development contrary to planning policy guidance note 3. Housing, and the local planning authorities associated interim Housing policy statement regarding policy H5.'

    'Approval of the proposal would set a precedence encouraging the submission to the local planning authority of additional applications for similar development, the approval of which would further dilute planning policies and erode the established character of the settlement'.

3.2 In addition to the letters of objection, two letter of support have also been received which are summarised below;

1. The proposed track mirrors what the Council achieved at the southern entrance of the path to permit vehicular access to the playing fields at Fir End School - the applicant is therefore following a precedent set by the

Council;

2. laying a track besides the footpath would have no detrimental effect on the environment as lanes and tracks are commonplace in rural England;

3. there are no problems in meeting the requirements of the Highways department in respect of road access;

4. Planning History

4.1 In 2008, under application reference 08/0209, an application for the erection of 3no. dwellings was withdrawn.

5. Details of Proposal/Officer Appraisal

Introduction

5.1 This application seeks approval for the erection of two bungalows in a field just within the eastern settlement boundary of Smithfield. The field is currently in an agricultural use and is bounded by post and wire fencing to the north, west and east and by wooden board fencing to the south. Trees and hedgerows are also located on the western and northern boundaries. The grounds of Fir Ends School is located immediately to the north. To the west there is a recently constructed single storey dwelling that is located within what was part of the curtilage of Highberry House. To the south are the Cottage and Maple Cottage and to the south-east, Meadow View, West View, Fell View and the Barn. The main distributor road through the village (A6071) is located between 6m and 20m to the south of the site whilst Skitby Road is located approximately 140m to the north. A public footpath runs along the length of the eastern and southern boundaries of the School.

The Proposal

5.2 The current application seeks full permission to erect two bungalows. The properties are to be a mirror image of one another and are to comprise three bedrooms (one en-suite), a bathroom, office, w.c., living room, kitchen/diner, entrance hall and integral garage. Both bungalows are to have a length of 21m and depth of 9.3m (6.3m excluding the WC / entrance and office off-shoot). The bungalows are to have pitched roofs over their main body with a maximum height of 4.8m. The w.c. / entrance / office is to have a pitched roof of a similar height at right angles to the main roof. The applicant has indicated that the bungalows are to be constructed from rendered blockwork with grey concrete roof tiles and will incorporate natural stone detailing, stone quoin sills and heads. Windows, doors and rainwater goods are to be constructed from UPVC. The applicant has indicated that foul sewage will be dealt with by means of a connection to the existing drainage system and

surface water by means of a soakaway.

5.3 The proposed bungalows are to be served by a new access drive leading south from Skitby Road. The drive would be located just to the east of the existing public footpath within an agricultural field. This element of the proposal falls outside of the settlement boundary for the Village. Given the relationship between Skitby Road and the development site the drive would need to be of a length of approximately 150m; incorporate two passing places, the initial 10m to be 4.4m wide and have a tarmac finish with the remainder being 3.5m wide and gravelled. It should be noted however that the width will increase to approximately 6.5m (incorporating passing places) and that towards the southern end of the site the road, together with the landscaped area, will have a width of up to 17m. The submitted layout plan indicates that trees would be planted to screen the access road from the field and also provide a definitive boundary between the two. It is also intended to undertake further planting towards the boundary with the Cottage and Maple Cottage together with the erection of a 1.5m timber fence to reduce the impact on the residents of these properties arising from cars using the access road. Access to the garages and areas of hard standing serving the properties would be located on the southern side of the bungalows.

Assessment

5.4 The relevant policies against which this application is required to be assessed are Policies DP1, H1, CP1, CP3, CP5, CP6 and LC8 of the Carlisle District Local Plan. As such it is considered that the main question revolves around whether the advantages, in terms of the provision of additional dwellings in an identified Local Service Centre, outweigh any harm created. Thus the following matters need to be kept in mind.

1. Whether The Principle Of Development Is Acceptable In This Location

5.5 Smithfield is identified as a Local Service Centre under Policy DP1 of the adopted Carlisle District Local Plan. Policy H1 of the Local Plan states that, in principle, small scale housing development will be acceptable within the settlement boundaries of Local Service Centres providing compliance with seven specific criteria is achievable on site. In this instance, the proposed dwellings fall within a field which is currently in an agricultural use. Whilst the field was not included within the settlement boundary for Smithfield at the Deposit Draft stage of the now adopted Local Plan, the final Inspector's Report of April 2008 recognised this as an unintentional omission. As such, the field has been included within the settlement boundary for the Village within the adopted version of the Carlisle District Local Plan 2001-2016. On this basis, the principle of residential development within the field is considered acceptable subject to compliance with the aforementioned criteria.

5.6 Paragraph 68 of Planning Policy Statement 3: Housing, relates to the determination of planning applications. It states that;

'Local Planning Authorities should take into consideration the policies set out in Regional Spatial Strategies and Development Plan Documents, as the Development Plan, as well as other material considerations....'

Paragraph 69 goes on to say that in deciding planning applications, Local Planning Authorities should have regard to, amongst others, *'the suitability of the site for housing, including its environmental sustainability'* and *'using land effectively and efficiently'*.

5.7 Paragraph 71 of PPS3 states that;

'Where local authorities cannot demonstrate an up-to date five year supply of deliverable sites...they should consider favourably planning applications for housing, having regard to the polices in this PPS including the considerations in paragraph 69.'

5.8 As at the 30th September the City Council had a housing supply of 8 years as measured against the Regional Spatial Strategy North West Of England Plan. Of this a 5.5 year supply can be demonstrated in the rural area. On this basis the Council can currently demonstrate an appropriate supply of housing in the rural area. As such, it is not considered that undue weighting needs to be given to Paragraph 71 of PPS3, a view supported by the Council's Local Plans Manager.

5.9 In addition, the current application has not been advanced on the basis of the direct provision of social / affordable housing.

2. Whether The Proposal Safeguards The Character Of The Area

5.10 Under Policy H1, new residential development within Local Service Centres will be acceptable providing that the requirements of seven specific criteria can be achieved on site. The first three criteria relate to the impact on a) local landscape character, b) existing character of the settlement and c) the relationship with existing properties in the settlement.

5.11 Whilst the proposal will result in development within an agricultural field, on the basis that the site is included within the settlement boundary for the village - and as such, the principle of development has been established - it is not considered that the erection of the bungalows per se would constitute an unacceptable 'intrusion into the open countryside' nor lead to an unacceptable impact on local landscape character. In relation to b) and c), the proposal seeks approval for the erection of two bungalows. Smithfield is not characterised by a particular style or form of residential development. Whilst there are a number of large two storey properties in the immediate vicinity of the application site, planning permission has recently been given for the erection of a modest bungalow - which is nearing completion - on land within the curtilage of Highberry House to the immediate west.

5.12 However, although the field in which the bungalows are to be located falls within the settlement boundary for the Village, the access road that would be

required to serve the development does not. The City Council Local Plans Officer has commented that at 150m, the access road would be physically and visually intrusive when viewed from the open countryside or School grounds, and from the public footpath.

5.13 Paragraph 5.4 of the explanatory text accompanying Policy H1 states that where sites are on the settlement edge, they should relate well to and be contained by the existing landscape features of the area; relate well to the form, scale and character of the rest of the village; and not adversely affect the amenity of adjacent dwellings. It is not considered that the proposed access meets the first two criteria. This is because it is not contained within existing landscape features and does not relate to the form, scale and character of the rest of the Village, as all the other properties have direct frontage access. In addition, given its length, the access road is considered disproportionate to the development which it is required to serve. It is therefore considered that the proposal is contrary to the requirements of Policy H1.

5.14 In addition, the City Council's Tree Officer has raised concerns that the proposal, as submitted, may result in root damage to trees bordering the site. The proposal would also require the loss of a section of hedgerow to the north of the site to allow the creation of the new access.

3. Whether The Proposal Would Harm Local Biodiversity

5.15 The proposal would require the loss of an approximate 10m section of hedgerow to allow the formation of the new access from Skitby Road. The Council's Tree Officer has assessed the hedgerow and advised that it qualifies as 'important' under the 1997 Hedgerow Regulations on the basis of its ecological and historical interest. As such, he has noted that there is strong presumption in favour of the retention of the section of hedgerow with the loss only warranted in exceptional circumstances. Species rich hedgerows, such as this, are identified as a priority habitat within both the Cumbria and UK Biodiversity Action Plans (BAPs). One of the key principles of Planning Policy Statement Policy 9: Biodiversity and Geological Conservation is that '*Plan policies and planning decisions should aim to maintain, and enhance, restore or add to biodiversity and geological conservation interests*'. In addition, Policy CP2 of the adopted Local Plan states that '*proposals in both the rural and urban area should not harm the integrity of the biodiversity resource.....and proposals should seek to conserve and enhance the biodiversity value of the areas which they affect*'. Paragraph 3.11 of the Local Plan identifies hedgerows as a landscape feature of major importance for biodiversity which should, wherever possible, be retained, managed and enhanced. Whilst the loss of the hedgerow would be in part mitigated by the provision of new planting, on this basis that their is no over-riding need for the proposed housing, it is considered that the presumption should be in favour of retention of the hedgerow.

4. Whether The Proposal Safeguards The Living Conditions Of Neighbouring Residents

5.16 The fourth criteria of Policy H1 requires that specific proposals are '*well related to, and do not adversely affect, the amenity of neighbouring property*'. As already noted, the playing fields of Fir Ends School are located to north of the proposed development and open fields are located to the east. To the west there is a new property located within the former curtilage of Highberry House. While this property has some windows facing towards the proposed development, given that both this and the proposed properties are single storey and given the nature and extent of existing boundaries, it is not considered that the proposal would lead to an adverse impact on the residents of this property.

5.17 The Cottage and Maple Cottage are located directly south of the most easterly of the two proposed bungalows. At the closest point, the bungalow would be at a distance of 12m from the above dwellings although the nearest window in the existing properties would be further than this. The orientation of the bungalows - with the front of the properties facing northwards - is such that no primary windows in the bungalows would face directly towards existing windows in the Cottage or Maple Cottage. The applicants have also indicated that they plan to erect a 1.5m fence along part of the boundary to further avoid inappropriate overlooking of neighbouring dwellings. The only window at the first floor level to the rear of either of the existing dwellings sits within a recess formed by the wall and roof of an existing extension which means that views of the new bungalows at the first floor level would be limited.

5.18 Although not a formal policy requirement, the Council have informally applied a minimum distance requirement of 12m between primary windows and a blank gable wall and 21m between primary facing windows. Given the orientation of the proposed bungalows and spatial relationship with The Cottage and Maple Cottage, it is considered that the above informal requirements would be achievable on site.

5.19 Concern has also been raised on the basis that the headlights of cars visiting the properties at night will shine directly into the windows of The Cottage and Maple Cottage. The applicants have attempted to address this through the provision of 1.5m timber palisade fence along the section of the boundary with the neighbouring properties which will be directly faced by cars using the access road. As such, and given that there is only one first floor window to the rear of the properties, it is again not considered that this would provide grounds to warrant refusal of the application.

5. Whether The Proposal Is Detrimental To Highway Safety

5.20 The fifth criteria of Policy H1 requires that '*appropriate access and car parking can be achieved*'. The appropriateness of the access in relation to landscape has been discussed at 5.8. However, in addition to the impact on landscape, a number of objections have been received on the basis that the proposal will lead to an adverse impact on the local highway network, primarily through an increased safety risk to both motorists and pedestrians

using Skitby Road. The main concern relates to school picking up and dropping off times when this stretch of road is already busy with a high volume of cars parking along its length. The concern is that by introducing a new junction, the safety of both motorists and pedestrians will be further compromised, particularly at the busy times already mentioned. In addition, one objector has noted that if pedestrians are able to access the properties from the A6071, this will encourage both residents of, and visitors to, the bungalows to park on this road, increasing the potential for traffic accidents.

5.21 The Cumbria Highway Authority has been consulted on the application, in response to which no objection were raised providing that five conditions, relating to amongst other things, the provision of appropriate visibility splays and highway crossings, are included within any approval which may be issued. On this basis, whilst acknowledging the points raised in objection, it is not considered that there are sufficient grounds to warrant refusal of the application on highway safety grounds.

6. Crime And Security

5.22 Concerns have been expressed that the road will provide easier access to the rear of the properties which front the A6071, increasing the potential for criminal activity. It has also been alleged that the road will compromise the safety of children attending Fir Ends School as the road will provide public access to the school grounds and surrounding area. While the concerns are acknowledged, it should be noted that a public footpath already runs immediately adjacent to the eastern and southern boundaries of the school playing fields. The access road will be located to the other side of the public footpath, away from the school boundary. As such, it is not considered that it's provision will lead to an increased security risk to children attending the school. It is also acknowledged that the access road will run closer to the rear of The Cottage and Maple Cottage than the existing Public Right of Way. However, the boundary to the east of the PROW is a relatively low post and wire fence which provides a limited barrier to anyone wishing to enter the field and subsequently approach the rear gardens of the adjoining properties.

5.23 In light of the concerns raised, the Cumbria Constabulary Architectural Liaison Officer has been consulted on the proposal for his views. He has stated that the security of dwellings is already compromised by the presence of the footpath which connects the A6071 with Skitby Road. However, he acknowledges that the presence of a vehicular access road would increase opportunities for crime to occur. However, on the basis that Smithfield is regarded as a low-crime rate area, he has raised no objection to the proposal. It is therefore not considered appropriate to refuse the application on the grounds of potential for crime.

7. Drainage

5.24 The applicants have indicated that foul sewage is to be disposed of via a connection to the existing mains sewer and that surface water will be disposed of by means of a soakaway. Concerns have been raised by

neighbouring residents as it is ascertained that surface water drainage in the field is a problem. The concern is that the construction of the access road and bungalows, with associated hard standing, will further exasperate this problem and may result in surface water being directed towards their properties or the public footpath. They have also indicated that in times of prolonged rainfall there is a problem with the drains backing up, leading to further flooding of the field.

5.25 United Utilities have been consulted. They have advised that a public sewer runs across the site but have raised no objection subject to a 6m access strip being fully maintained. They have however stated that only foul drainage should be connected into the foul sewer with surface water discharged to a soakaway, watercourse or surface water sewer. They have further advised that should surface water be allowed to discharge to a public surface water sewerage system then they may require the flow to be attenuated to a maximum rate determined by themselves.

5.26 Given the concerns raised by residents, should Members be mindful to approve the application, it is requested that consideration be given to withholding the permission subject to the applicant supplying an appropriate detailed scheme for the disposal of surface water.

Other Matters

5.27 The sixth and seventh criteria of Policy H1 relate require *'no loss of amenity space within or at the edge of the settlement'* and *'no loss of the best and most versatile agricultural land'*. In regard to amenity space, the land on which the proposed bungalows are to be located is an agricultural field with no public access (other than the Public Right of Way which borders the field and which would be retained within the current proposal). As such, it is considered that the requirements of this criteria are achievable on site.

5.28 In relation to criteria 7, it is accepted that the proposal would lead to the loss of a small area of agricultural land. The Agricultural Land Classification map for England 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

5.29 The proposal involves the provision of two additional dwellings with the application site, apart from the proposed means of access, lying within an identified Local Service Centre. There is no apparent overriding need for the development and it has not been advanced as social / affordable housing.

5.30 However, the access road and associated landscaping, at a length of approximately 150m and with a width of between 7m and 17m is considered disproportionate in relation to the development that it is required to serve.

The road neither relates well nor is contained by the existing landscape features and does not relate to the form, scale and character of the rest of the village.

5.31 In addition, the proposal would result in the loss of a section of 'important' hedgerow, which is considered to be at odds with the requirement of Policy CP2 of the Local Plan.

5.32 In such circumstances the proposal is recommended for refusal.

6. Human Rights Act 1998

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

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

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

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

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

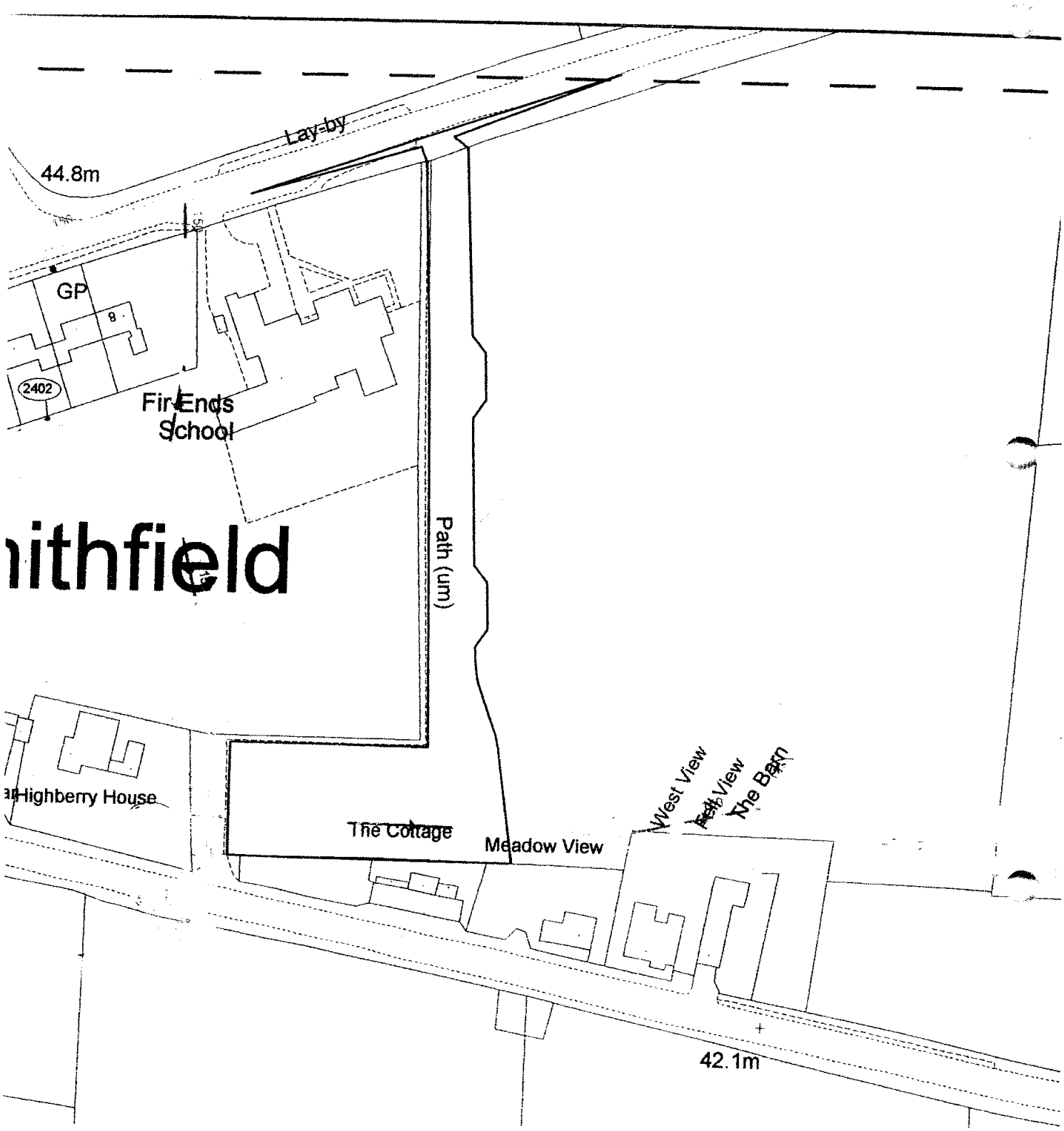
6.3 The proposal has been considered against the above. The applicant's rights are respected but based on the foregoing it is considered that any personal considerations do not out-weigh the harm created.

7. Recommendation - Refuse Permission

1. **Reason:** The proposed dwellings fall within the settlement boundary for Smithfield which is identified as a Local Service Centre within Policy H1 of the Carlisle District Local Plan 2001-2016. However, the access road which is required to serve the development falls outside of the settlement boundary and at a length of approximately 150m with a width upto 17m (inlcuding landscaping), is considered to be disproportionate to the development which it is required to serve. The access road is not well related to or contained by existing landscape features and as other properties in the immediate area have direct

access onto the A6071, does not relate to the form, scale and character of the existing village. In addition, the provision of the access road will require the removal of a 10m section of hedgerow which makes a positive contribution to local landscape character. The proposal is therefore considered to be contrary to the requirements of Policies H1, CP1 and CP3 of the Carlisle District Local Plan 2001-2106.

2. **Reason:** The provision of the access road will result in the loss of an approximate 10m section of hedgerow which has been assessed as 'important' due to its ecological interest. The proposal is therefore considered to be contrary to the guidance offered by Planning Policy Statement 9: Biodiversity and Geological Conservation and the requirements of Policy CP2 of the Carlisle District Local Plan 2001-2016.



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Project
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Drawing
Location Plan

revision
Revision Date Description Revised by

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fax: 01228 515033 web: www.architectsplus.co.uk

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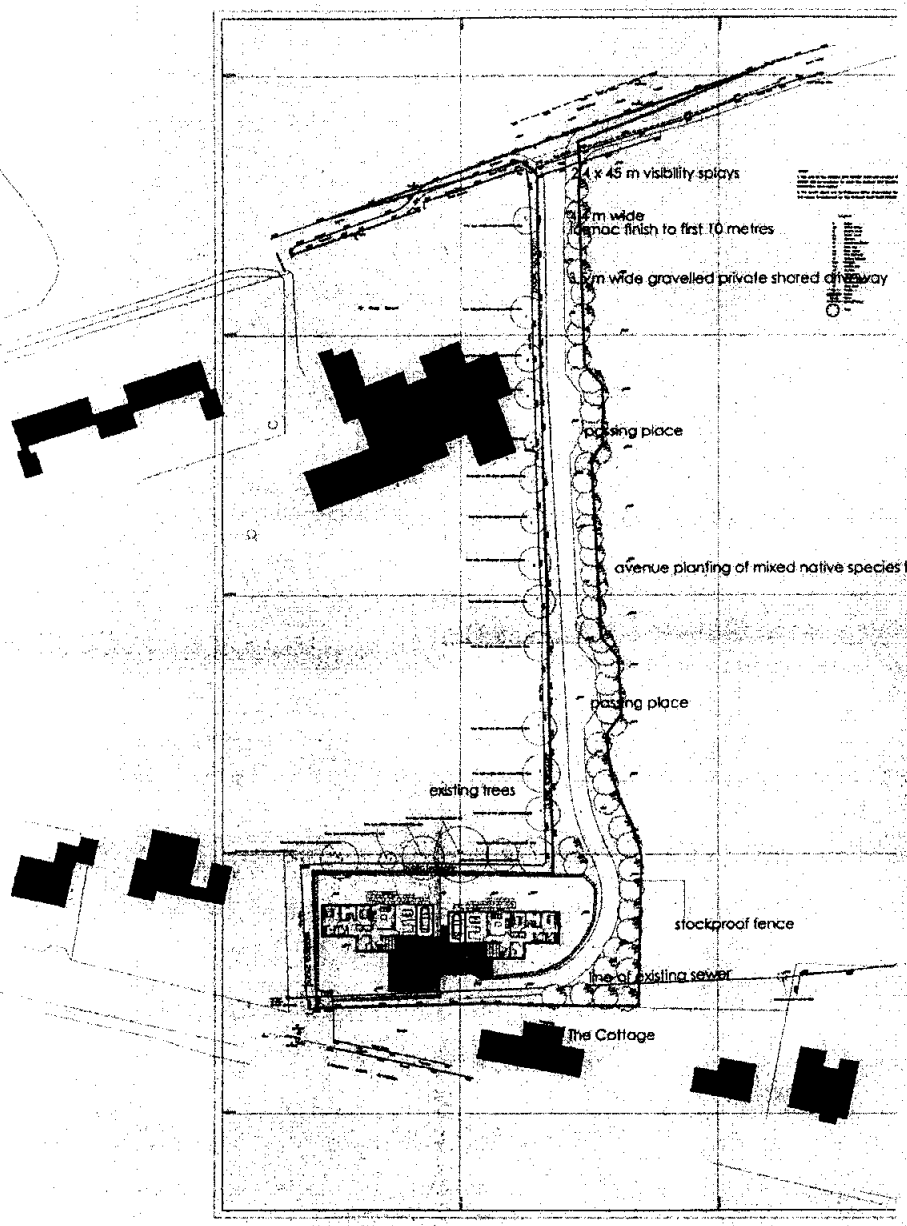
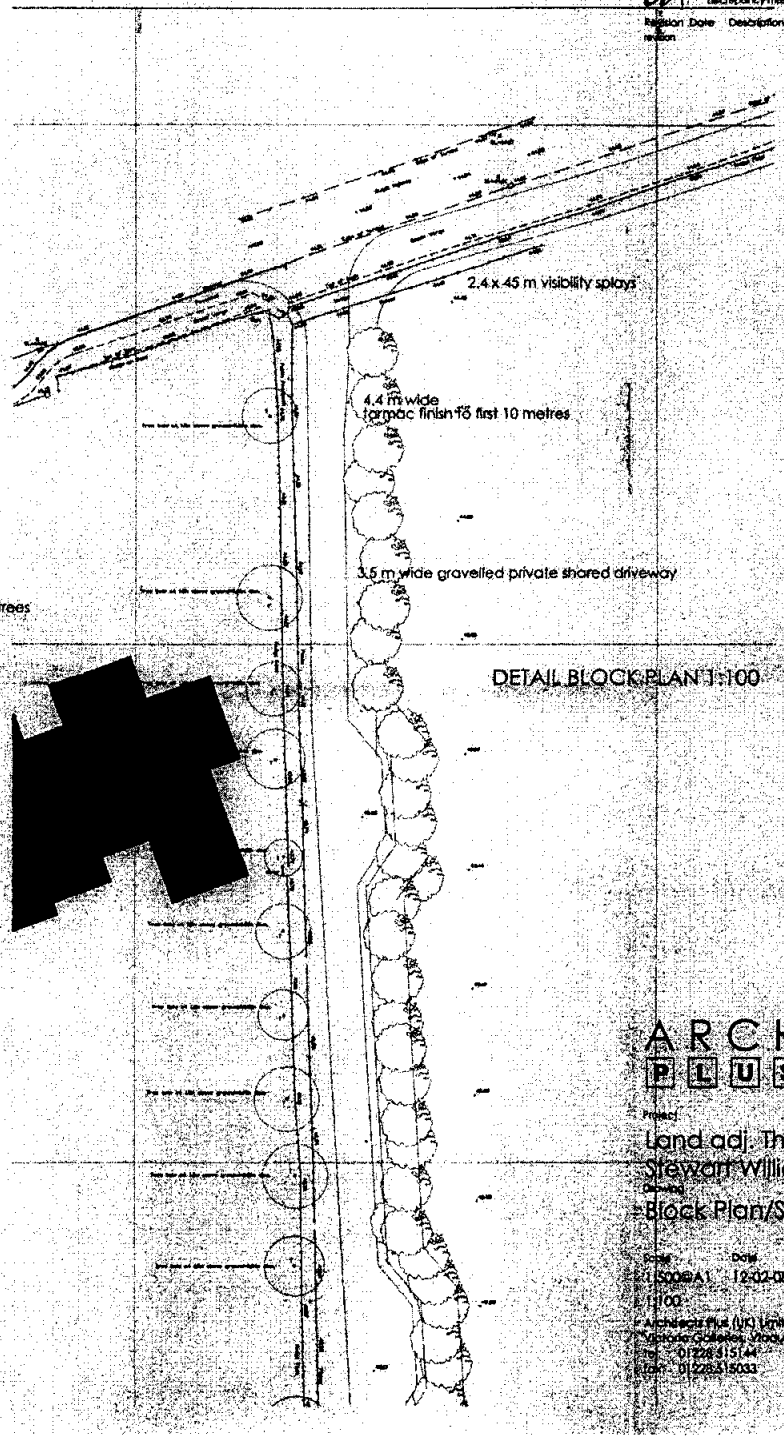


BLOCK PLAN 1:500



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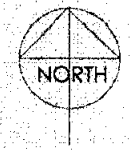

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1:500@A1 1:100	12-02-08	rj	P01	08012-06D

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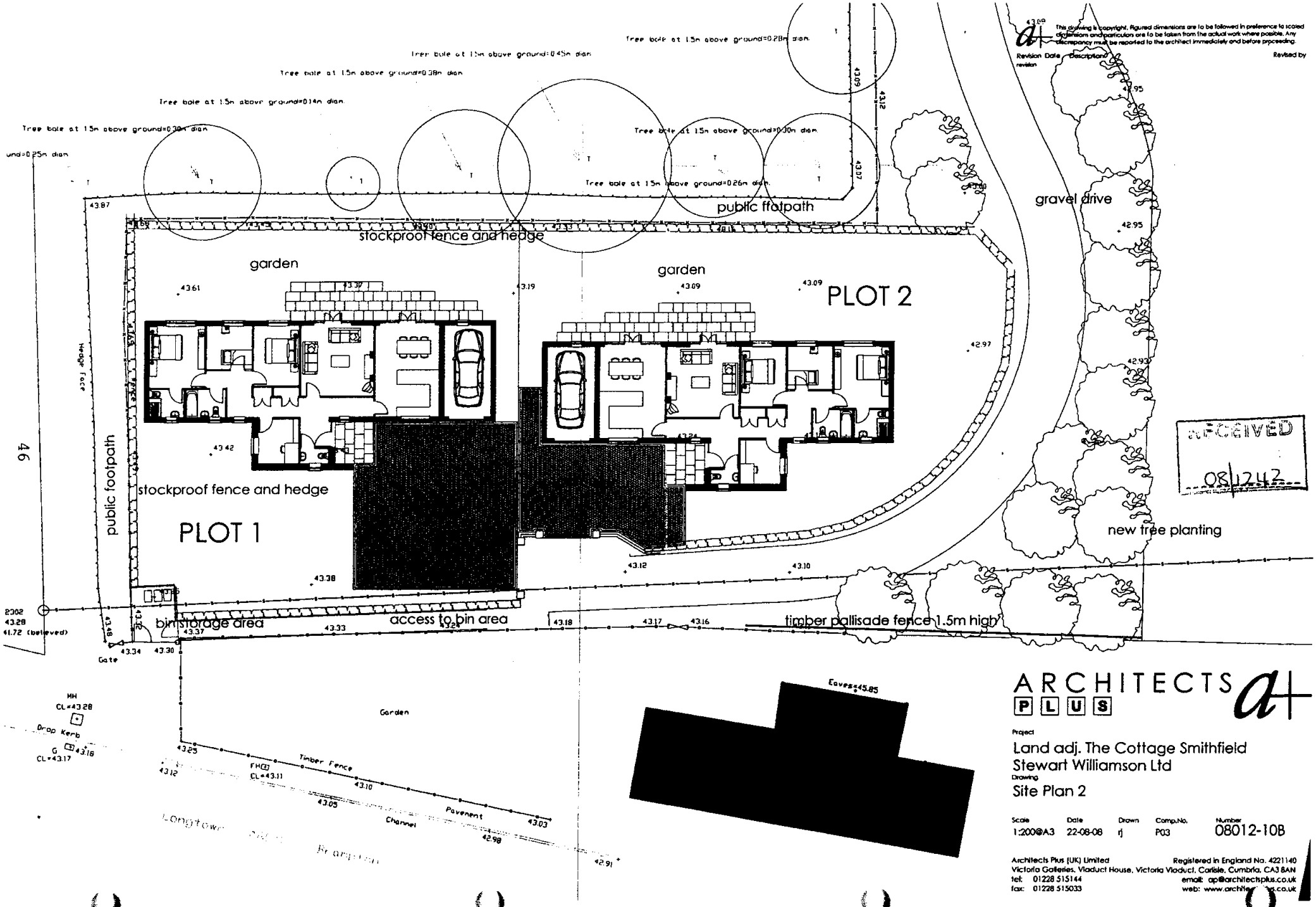
Victoria Galleries, Viaduct House, Victoria Viaduct, Carlisle, Cumbria, CA3 8AN
tel: 01228 515144
fax: 01228 515033
Registered in England No. 4221140
email: ap@architectsplus.co.uk
web: www.architectsplus.co.uk



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tel: 01228 515144
fax: 01228 515033
Registered in England No. 4221140
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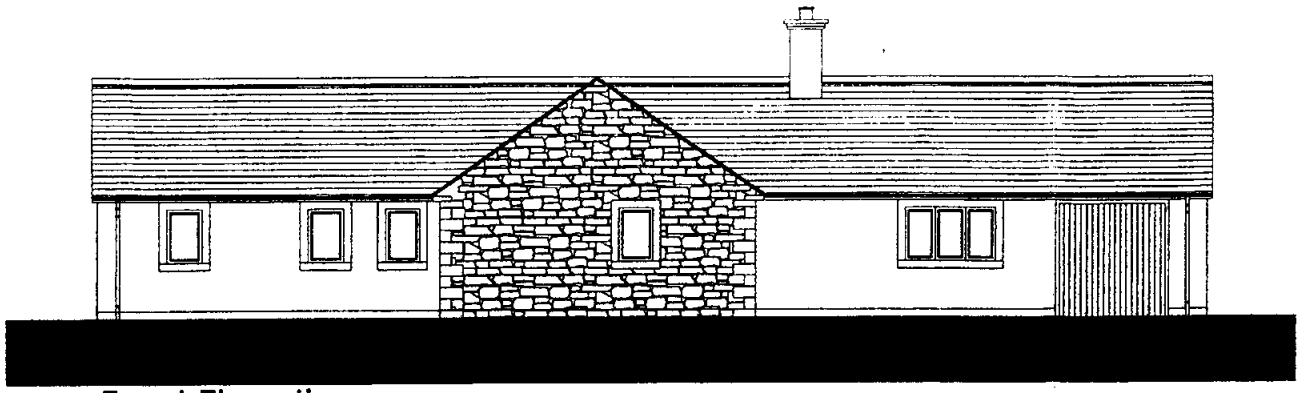
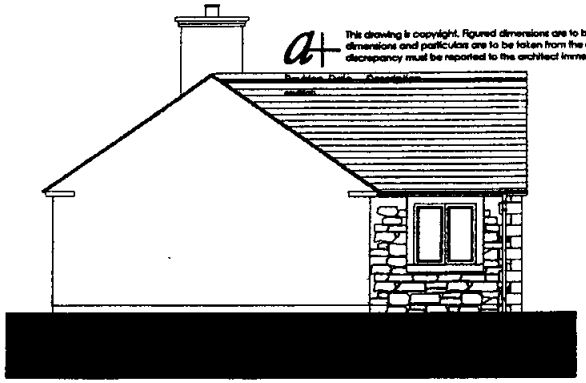
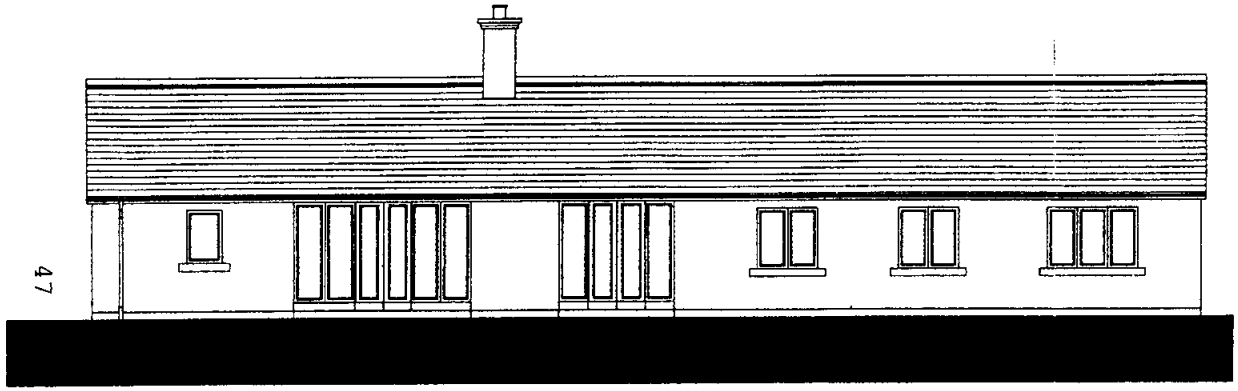
web: www.architectsplus.co.uk



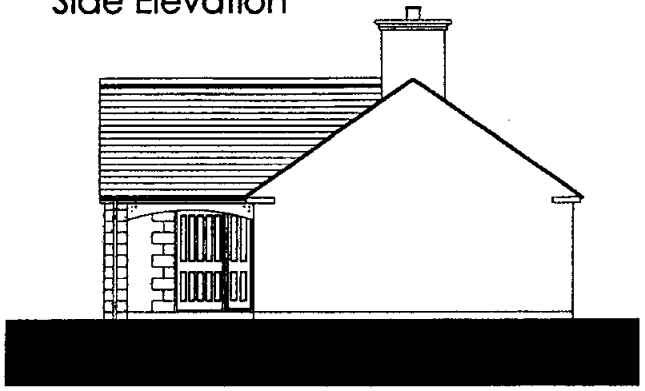
Front Elevation



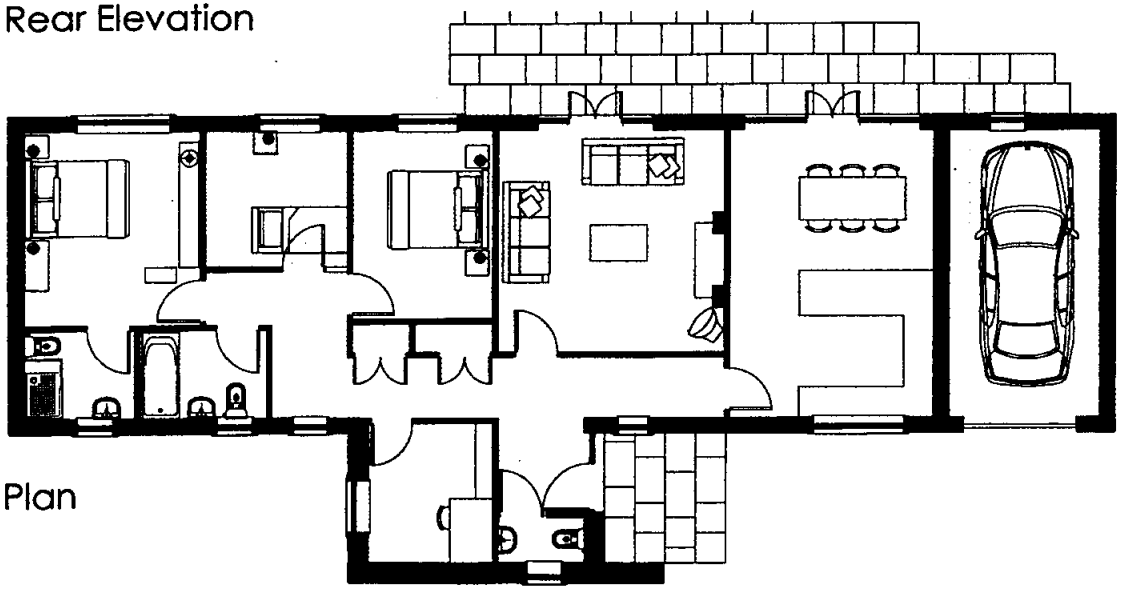
Side Elevation



Rear Elevation



Side Elevation



Plan

This drawing is copyright. Figured dimensions are to be followed in preference to scaled dimensions and particulars are to be taken from the actual work where possible. Any discrepancy must be reported to the architect immediately and before proceeding.

Revised by

Revision	Date	Description

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MATERIALS
ROOF
GREY CONCRETE TILES
UPVC FASCIAS SOFFITS AND BARGEBOARDS.
WALLS
RENDERED BLOCKWORK WITH COLOURED FINISH. CONCRETE SILLS SMOOTH RENDERED BANDS TO WINDOWS. NATURAL STONE. STONE QUOINS SILLS AND HEADS
WINDOWS
UPVC
DOORS
UPVC
RAINWATER GOODS
HALF ROUND GUTTERS CIRCULAR DOWNPIPES
BLACK UPVC

ARCHITECTS PLUS

Project
Land adj. The Cottage Smithfield
Stewart Williamson Ltd

Drawing
Bungalow
Plan, Elevations

Scale	Date	Drawn	Comp.No.	Number
1:100@A3	22-08-08	rj	P03	08012-11B

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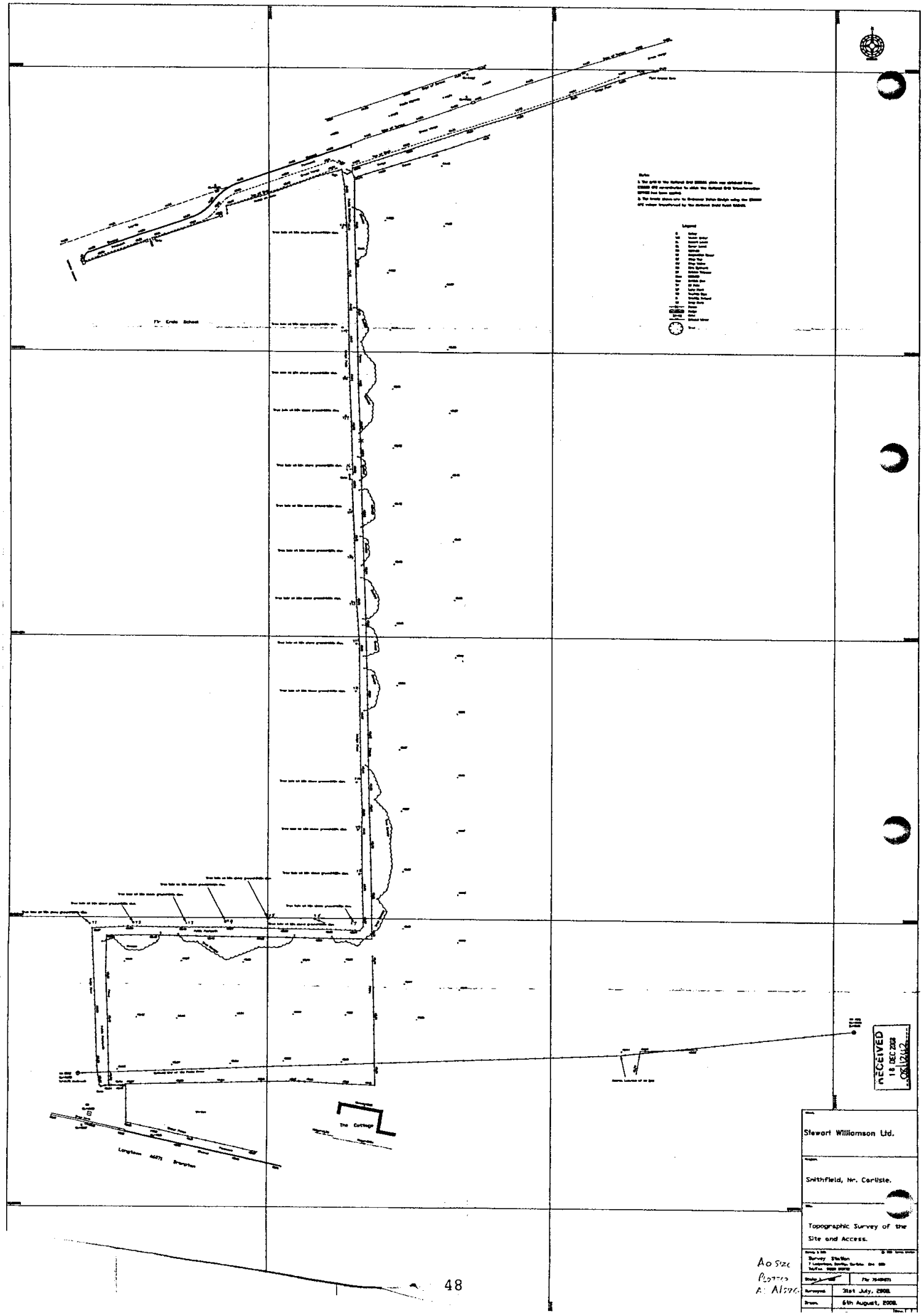
Registered in England No. 4221140
Victoria Galleries, Viaduct House, Victoria Viaduct, Carlisle, Cumbria, CA3 8AN
tel: 01228 515144
fax: 01228 515033
email: ap@architectsplus.co.uk
web: www.architectsplus.co.uk



A0 size
Plotted
At A1 size

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08012 Land adjacent to the Cottage, Smithfield

Design and Access Statement

The Site
The site is located 200 metres to the east of the village centre and is situated between the existing properties, "The Cottage" and "Highberry House". The frontage to the A6071 is limited to the existing field access. To the south of the site is the garden of "The Cottage" and to the north are the playing fields of Firs End School.

The topography of the site is generally level. The site is currently used for agriculture.
The site is bounded to the west and north by a public footpath separated from the site by a stock proof fence.

An adopted sewer runs through the site from west to east.

The Proposal
The proposal is for the provision of two 3 bedroom detached bungalows.

The junction with Skitby Road includes 2.4 x 45 metre visibility splays with the access constructed to meet the requirements of the Cumbria Design Guide Vol.1.

The private driveway will be 4.1 metres wide for the first ten metres and this section will have a macadam finish. The driveway will then be reduced in width to 3.5 metres and will have a gravel finish suitable to its rural location.

Passing places are provided along the length of the drive and a turning head suitable for a refuse vehicle is provided at the southern end.

The driveway will be screened with an avenue of mixed native species trees that will reinforce the landscape edge to the village. The driveway has been designed to allow for the screening of the rear of the Cottage with a fence and planting to maintain the privacy of the Cottage.

The proposed finishes for the bungalows are tiled roofs and rendered walls in keeping with the locality. UPVC windows have been included for ease of future maintenance.
Boundary treatments to the houses are generally beech hedging to provide a natural softness of finish.

Access for the disabled will be in accordance with Part M of the Building Regulations.

17 December 2008

Architects Plus (UK) Limited
Victoria Galleries, Victoria Viaduct, Carlisle, CA3 8AN

Northern Tree Services

Ash Tree Cottage
Cumwhinton
Carlisle
Cumbria
CA4 8DT

Phone/Fax: 01228 562817
Mobile: 07970 420299
Email: mail@northerntreeservices.com

December 2008

Tree Survey: The Cottage, Smithfield.

Introduction: The aim of this survey is to examine the health and well-being of the trees sited on the approach and to the north of the proposed development The inspection was carried out on a fine day (3.12.08) and the trees examined from the ground only.

General: For specific details on each tree please refer to the inspection sheet included. The inspection includes-

- location of each tree (please refer to topographic map enclosed).
- approximate age of the trees.
- species (lime, sycamore etc.).
- height (for future assessment of growth).
- diameter at chest height (for future assessment of growth).
- estimation of the vigour and health of the crown (note carried out in winter ie.no foliage present).
- hazards present (dead wood, broken branches etc.), and the necessary work to alleviate the problem.
- assessment of risk and priority of works to be undertaken.

Any works that are necessary should be agreed with the local planning department and carried out by a competent arborist in accordance with BS.3998: Recommendations for Tree Work (1989).

Trees are a natural feature and any survey cannot therefore be an exact science. It cannot take into account the impact of forces of nature such as storms and lightening strikes. Trees are living organisms and are vunerable to changes in their environment e.g. soil compaction, drought, high winds, fire etc.

The benefits of the presence of trees in our landscape far outweigh the costs of managing them in a public place. They soften the landscape, hide unsightly views, absorb noise and provide a screen from the wind. They are also an important habitat for animals and birds and as they grow they release oxygen and absorb carbon dioxide, which helps to reduce pollution. They give identity to an area and a community.

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Northern Tree Services: Tree Survey
Location: The Cottage, Smithfield

Date: 3.12.08

Surveyor: Neil Sidaway

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Tree No.	Species	Age	Height (m)	DBH (cm)	Vigour	Hazards	Work Required	Risk Assessment	Priority
1	Norway Spruce	J	9.5	112	G			L	0
2	Sycamo	J	9	110	G	Minor congestion	Crown thin	L	36
3	Ash	J	8.5	89	G				
4	Poplar	J	11	136	G	Minor congestion	Crown thin	L	36
5	Lime	J	12	111	G				
6	Red Oak	J	9	78	G	Co-dominant- closed fork	Remove lesser fork	L	36
7	Red Oak	J	9	95	G				
8	Beech	J	10.5	93	G	Minor congestion	Crown thin	L	36
9	Lime	J	9	94	G	Minor congestion	Crown thin	L	36
10	Sycamo	J	10.5	95	G				

NORTHERN TREE SERVICES - Tree Survey
Location: Smithfield Date: 3.12.08 Surveyor: Neil Sidaway

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Tree No.	Species	Age	Height (m)	DBH (cm)	Vigour	Hazards	Work Required	Risk Assessment	Priority
11	Oak	J	8	72	G				
12	Alder	J	8	80	G				
13	Ash	J	8	83	G				
14	White Beam	J	6	78	G				
15	Sycamr	J	8.5	76	G				
16	White Beam	J	6	66	G	Minor congestion	Crown thin	L	36
17	Oak	J	7	72	G				
18	Norway Maple	J	9	91	G				
19	Rowan	J	7	76	G	Minor congestion	Crown thin	L	36
20	Sycamr	J	10	81	G				

NORTHERN TREE SERVICES

Tree Survey Key

Hazards

DW	-	dead Wood
MDW	-	minor dead wood
DK	-	decay
SP	-	sparse Crown
EPI	-	epicormic Growth
OV	-	overhanging
L	-	lean
H	-	hanging Branch
IV	-	ivy
FFB	-	fungal Fruiting Body
CNG	-	congestion
LF	-	limb fracture
TF	-	trunk fracture
URP	-	unstable root plate
CODOM	-	codominant stem
BRLMB	-	broken Limb
CAV	-	cavity
BDK	-	basal decay
UNBAL	-	unbalanced crown

Risk Assessment
(likelihood of partial or total failure of tree)

VH	-	Very high
H	-	High
M	-	Moderate
L	-	Low

Age Class

J	-	juvenile
SM	-	semi-mature
M	-	mature
OM	-	over mature

Priority
(for hazard abatement work)
Urgent
6 months
12 months
36 months

Vigor

G	-	good
F	-	fair
P	-	poor
M	-	morbid

Recommendations

DW	-	dead Wood
CC	-	crown Clean
FR	-	fell/dismantle and Remove
CR	-	crown Raise
T	-	thin
BAL	-	balance
M	-	monitor
RKI	-	remove and kill Ivy

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18 DEC 2008
08/1242

Item No: 04 Date of Committee: 13/03/2009

Appn Ref No:	**Applicant:**	**Parish:**
08/1254	JJ Lattimer Ltd	Dalston
Date of Receipt:	**Agent:**	**Ward:**
19/12/2008	Swarbrick Associates	Dalston

Location:
Ben Hodgson Bodyworks, Dalston Service Station, The Square, Dalston, Carlisle, CA5 7QA

Grid Reference:
336861 550000

Proposal: Removal Of Existing Garage Buildings And Erection Of Convenience Store And Two Residential Units

Amendment:

REPORT **Case Officer:** Dave Cartmell

Reason for Determination by Committee:

The application is brought before the Committee for determination as there have been more than four objections and a Local Member has requested a right to speak.

1. Constraints and Planning Policies

Conservation Area

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

Local Plan Pol LE12 - Proposals Affecting Listed Buildings

Local Plan Pol LE19 - Conservation Areas

Local Plan Pol LE10 - Archaeological Field Evaluation

Local Plan Pol CP5 - Design

Local Plan Pol CP6 - Residential Amenity

Local Plan Pol CP7 - Use of Traditional Materials

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

Local Plan CP15 - Access, Mobility and Inclusion

Local Plan Pol CP17 - Planning Out Crime

Local Plan Pol H1 - Location of New Housing Develop.

Local Plan Pol DP1 - Sustainable Development Location

Local Plan Pol LE27- Developed Land in Floodplains

Local Plan Pol LE29 - Land Affected by Contamination

Local Plan Pol T1- Parking Guidelines for Development

Local Plan Pol T2 - Parking in Conservation Areas

RSS Pol DP 2 - Promote Sustainable Communities

RSS Pol EM 1- Integrated Enhancement &Prot.of Reg.Env.Assets

RSS Pol RDF 2 - Rural Areas

2. Summary of Consultation Responses

Cumbria County Council - (Highway Authority): There have been pre application discussions with the applicant and as a whole this Authority has no objection in principal to this application.

Saying that, the impact this development might have on the village centre has not been fully investigated, whilst on face value it seems as if the current building/its use would be moved across the road, therefore not impact on the traffic at all (i.e staff and customers will park as they currently do); this is not necessarily the case. Assuming the current business relocates, it would leave a vacant building with a permitted retail use that could be used by another retailer. Therefore as the application currently stands, this application is treated as if it is for a new store in addition to the exiting Co-op.

Traffic generation figures are also needed (this can be obtained by using the TRICS data base) for the new store, as well as a statement from the applicant stating the parking provision for this "additional" store.

The applicant is also required to provide a swept path analysis of the HGV movement into/ out of the site as well as a statement about their timing and frequency.

In the absence of such information, it is therefore recommended that this application

is refused for the following reasons:

1. Inadequate information has been submitted to satisfy the Local Planning Authority that the proposal is acceptable in terms of .....

(a) access
(b) off-street parking
(c) surface water drainage
(d) its effect on local traffic conditions and public safety

2. The land required to gain satisfactory access to a public highway is not included within the Application site, nor is the land within the control of the Applicant such as to ensure that satisfactory access can be achieved.

The above is true for the access to the Flats and the additional customer parking to the rear of the building. The area needed for the access is shown on the plan as being "area outside the ownership of the applicant". There is however no statement as to its ownership or the status of this area. It is also recommended that the residential parking is segregated from the store parking. This will ensure that these parking spaces are available as intended (for visitors parking for the flats) and secure. If this area is not made secure then there is a real possibility that inappropriate parking would make this access/ parking unusable.

(The Highway Officer was subsequently advised that the access in question lies within the application site and that the applicant has carried out the legal obligation to notify the County Council as owner. It was explained that unless a right of access is linked to the use of the existing site, the applicant will have to obtain permission from the owner to allow the development to proceed).

If the Planning Authority is however minded to grant permission then it is recommended that the following conditions are in included in any consent granted:

1. The development shall not commence until agreement has been reached for the funding by the developer of:–
a) The formalisation of the parking within the square (lining and possible introduction of time restricted waiting) and the installation of grass crete within the area referred to as "D" on the submitted documents.
b) The introduction of a No Waiting at Any Time Waiting restriction at the junction of Carlisle Road (The Green,) Townhead Road and Kingsway.

The details of these shall be approved by the Planning Authority in consultation with the Local Highway Authority.

2. The whole of the access are(s) bounded by the carriageway edge, entrance gates and the splays shall be constructed and drained to the specification of the Local Planning Authority in consultation with the Highway Authority.

3. The use shall not be commenced until the access and parking requirements have been constructed in accordance with the approved plan. Any such access and or

parking provision shall be retained and be capable of use when the development is completed and shall not be removed or altered without the prior consent of the Local Planning Authority.

4. Before any development takes place, a plan shall be submitted for the prior approval of the local planning authority reserving adequate land for the parking of vehicles engaged in construction operations associated with the development hereby approved, and that land, including vehicular access thereto, shall be used for or be kept available for these purposes at all times until completion of the construction works.

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

6. An annual report reviewing the effectiveness of the Travel Plan and including any necessary amendments or measures shall be prepared by the developer/occupier and submitted to the Local Planning Authority for approval for a period of at least 5 years.

Following submission of further details by the applicant, County Highways submitted an amended consultation response on 23 February advising as follows:

The applicant has now provided the additional information required. I would however wish to reiterate my original concerns raised about the private and public parking provision at the north western side of the development. I would still recommend that the residential parking is segregated from the store parking. This will ensure that these parking spaces are available as intended (for visitors parking for the flats) and secure. If this area is not made secure then there is a real possibility that inappropriate parking would make this access/ parking unusable, creating road safety issues at close proximity to the junction of Carlisle road and Townhead Road. I would therefore strongly suggest that no store customer parking is allowed here.

I can therefore now confirm that I have no objection to the application, but would recommend that the following conditions are in included in any consent you might grant:

1. The development shall not commence until agreement has been reached for the funding by the developer of –
a) The formalisation of the parking within the square (lining and possible introduction of time restricted waiting) and the installation of grass crete within the area referred to as "D" on the submitted documents.
b) The introduction of a No Waiting at Any Time Waiting restriction at the junction of Carlisle Road (The Green,) Townhead Road and Kingsway.

c) The introduction of a pedestrian refuge on Townhead Road, to accommodate pedestrian movement across this Junction with the B5299.
The details of these improvements to be approved by the Planning Authority prior to construction commencing and installed prior to occupation of any part of this development.

2. The whole of the access area(s) bounded by the carriageway edge, entrance gates and the splays shall be constructed and drained to the specification of the Local Planning Authority in consultation with the Highway Authority.

3. The use shall not be commenced until the access and parking requirements have been constructed in accordance with the approved plan. Any such access and or parking provision shall be retained and be capable of use when the development is completed and shall not be removed or altered without the prior consent of the Local Planning Authority.

4. Before any development takes place. a plan shall be submitted for the prior approval of the local planning authority reserving adequate land for the parking of vehicles engaged in construction operations associated with the development hereby approved, and that land, including vehicular access thereto, shall be used for or be kept available for these purposes at all times until completion of the construction works.

The above recommendations are however made with the proviso that there is a restrictive covenant on the use of the exiting store as stated in the letter dated 5 February 2009.

Dalston Parish Council: resolved at its meeting held on 13 January 2009 to (1) seek an extension to the consultation period for submitting comments in order to hold a public meeting regarding the application on 7 February and (2) defer the submission of a formal response until the Parish Council meeting on 10 February. The interim response summarised comments made by individual Parish Council members as follows:

1. concern expressed about the position of the waste bins. As there were already recycling bins on the other side of the development in Glave Hill car park perhaps the new bins could be more sympathetically located elsewhere

2. were there any energy efficiency measures, particularly in the residential units

3. the transport survey is flawed as it is based on a one day survey two weeks prior to Christmas

4. issues with on site parking provision especially on the road side of the building where better segregation between large delivery vehicles and customer parking is needed. The potential exists for inconsiderate parking and blocking of accesses

5. as Coop delivery vehicles currently arrive in tandem, there is concern re waiting

and room for turning on and off the site

6. the advisability of creating an access footway to the entrance of the retail area from the road junction is questioned in terms of safety

7. details required of lighting

8. assurance required of the future use of the existing Coop building

9. cross sections through the site and a computer generated model and street scene drawings would assist in visual interpretation of the proposals

10. the scale of the building relative to its site and its proximity to a neighbouring Listed Building is questioned

11. the design of the building is considered to be sympathetic but ancillary features require attention

12. proposed extended opening hours were not considered appropriate for Dalston

13. the proposed development could be an asset as a service provision to the community and preferable to a garage operation with overspill of parked vehicles off the site. There is scope for negotiation/alteration to the scheme with more reseach into the details.

Following its meeting on10th February, the Parish Council advised as follows:

Resolved, by a substantial majority, to recommend approval of planning application 08/1254 subject to the following matters and conditions being considered:

1. Consideration to be given to relocating the waste bins and plant away from the south eastern frontage of the proposed building. The revised screening wall was thought to be unsatisfactory, because of the different height levels in relation to the adjoining residential property. Clarification was required as to the type/use of the bins and plant. The Parish Council supported the request by Carlisle City Council Environmental Health for more information on the potential noise levels generated, particularly in relation to the proposed plant.
2. The lighting levels should be reduced from the glaring and intrusive 24 hour security lighting currently installed on the site. It needed to be more sympathetic to the Conservation Area location.
3. The Transport Statement was inaccurate and did not reflect the normal situation in Dalston. Dalston Parish Council endorsed Cumbria Highways concerns regarding the effect of the development on local traffic conditions and safety.
4. In the interests of pedestrian safety, it was suggested that an island refuge might be considered on Townhead Road. Either double or single yellow lines should be introduced at the junction of Townhead Road and the B5299. A change in road surface on the B5299, with a slightly raised brick section opposite the Kingsway access road might also benefit pedestrian safety.
5. Goods delivery times should be restricted to between 8am and 10.30pm.

6. Store opening hours should be as for the existing Co-op store from 8am to 10pm.
7. Dalston Parish Council objected to the inclusion of an external ATM and felt that it should be located within the building. This was on the grounds of noise and nuisance to nearby residents.
8. It was felt that two of the on-site parking spaces should be for disabled use.
9. Shopping trolleys should be for internal use only to prevent them being left outside or taken off site.
10. It was suggested that a Section 106 agreement should be included to cover a financial contribution towards Dalston Parish Council expenditure on parking provision adjacent to the Kingsway.

(A copy of the Parish Council`s Response is attached to this report)

Environment Agency (N Area (+ Waste Disp)): Advise that the site historically operated as a petroleum fuel store and dispensing facility. Petroleum Hydrocarbons which may be present in or under the ground are List 1 Substances and as such are prohibited from discharge into groundwater. As the site overlies a major acquifer, the Agency have a duty to protect the quality of this resource. The Agency objects to the proposed development as submitted because there is insufficient information to demonstrate that the risk of pollution to controlled waters is acceptable, contrary to Policy LE29 of the Carlisle District Local Plan. There are three strands to this objection:

1. the level of risk posed by this proposal is considered to be unacceptable

2. the application fails to provide assurance that the risks of pollution are understood, as a preliminary risk assessment (including a desk study, conceptual model and initial assessment of risk) has not been undertaken. PPS 23 takes a precautionary approach and requires a proper assessment whenever there might be a risk, not only when a risk is known.

3. under PPS23 the application should not be determined until information is provided to the satisfaction of the Local Planning Authority that the risk to controlled waters has been fully understood and can be addressed through appropriate measures.

The agency note that a Flood Risk Assessment has been submitted in accordance with with annex F of PPS 25 and guidance contained in FRA note 1. As the majority of the site is located in Flood Zone 1 the Agency recommend that the application is dealt with by the Council under Flood Risk Standing Advice;

Community Services - Drainage Engineer: Reply awaited;

United Utilities: there is no objection to the proposal providing the site is drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the surface water sewer and may require the consent of

the Environment Agency. If surface water is allowed to be discharged to the public surface water sewerage system UU may require the flow to be attenuated to a maximum discharge rate determined by United Utilities.

A separate metered supply to each unit will be required at the applicant's expense and all internal pipework must comply with current water supply (water fittings) regulations 1999. Should this planning application be approved, the applicant should contact UU's Service Enquiries on 0845 7462200 regarding connection to the water mains/public sewers;

Environmental Services (Contaminated land): There are no objections to the above proposal in principle; however no information has been provided regarding land contamination. From records the former building and yard area used to be the site of a petrol filling station and it is located over a major aquifer.

Thus either the application should be re-submitted with the necessary intrusive investigations and remediation schemes or the following conditions should be applied:

1. Site Characterisation

No development shall commence until an investigation and risk assessment, (in addition to any assessment provided with the planning application), has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:
- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*'

2. Submission of Remediation Scheme

No development other than that required to be carried out as part of an approved

scheme of remediation shall be commenced until a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) has been prepared. This is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

3. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

4. Reporting of Unexpected Contamination

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 with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority.

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 in accordance with condition 3.

(Environmental Services subsequently advised (10/02/09) that no further comment could be made until the contamination survey report is submitted.)

Environmental Services (Environmental Quality): Advised that further information was being sought from the applicant with regard to noise sources.

Development Services Planning & Housing Services - Conservation Section:

At our original meeting with David Swarbrick, I recall expressing concern over the location of the storage/refuse areas along the street frontage of the proposed building, and also querying whether or not considered had been given to a more

contemporary solution. I note that neither of these observations have been taken on board. In the meantime, I have also become concerned that the proposed building is not aligned with the principle site frontage, that the size of the development dominates the site, and that parking provision is practically negligible .

Given the restricted vehicular access onto the site, I do not have an issue with service access off the main road as shown, however, I feel that the servicing and refuse arrangements and plant should be hidden at the rear of the site, where the residential element is currently shown. Merely screening this facility from the adjacent dwelling is not going to avoid the unpleasant smells, noise and clutter that is generally associated with such areas. Neither does it help to present the best possible impression to the store's principle elevations.

I feel strongly that the building should be orientated parallel to the main road to maintain the linear sight line connections between The Green and The Square. The building can be realigned and still retain the key subsidiary elements shown on the application drawings. Realignment may also provide opportunities to reconfigure the internal layout, which would also impact on the external appearance of the proposed building.

Externally, I recall, David Swarbrick was not keen to alter his proposals to accommodate a more contemporary style of architecture. That is fine, but does the proposed style suit the site? It can be argued that the existing garage buildings have no architectural merit, however, this is a prime site in the Dalston Conservation Area and if the site is to be redeveloped then we should be looking at a quality scheme that, if not contemporary, then reflects the character of the village. Unfortunately, the size of building now proposed for this site is rarely seen in a village. Thus most of the vernacular architecture is of domestic scale, which this proposal is not.

For me, the roof is too shallow, and the set back dormer arrangement to accommodate the residential element of the scheme is alien to the character of the village. I do not wish to be nit-pickey, but I assume that the plain rectangular elements on the facades are intended to represent quoins, but lack the presence of half quoins on the return walls. The actual entrance area of the North Eastern elevation presents a welcoming access point to the building, but it could be anywhere rather than in Dalston.

Apart from farmsteads and the village church, only the village or community hall would stand out as a larger non-domestic building in a typical village. A larger village may also still have its textile mill or factory buildings, but perhaps not so close to the

village centre. In this particular case, given the proximity, size and importance of the existing Village Hall, perhaps the elevations of this new Co-op building should pay greater homage to the architectural style of the hall with its much steeper roofline, and narrower gabled frontage, elements which I consider would benefit the design of the Co-op and give it a stronger character than is currently proposed.

Whether or not there should be more parking provision for this proposal on the actual garage site is debatable as the Co-op is planning to move from a site that is adjacent to the village's car park in The Square to a site which is adjacent to the privately owned village hall car park. But the fact that the proposed building takes up so much of the existing garage site means that there is not only limited scope for discreet servicing of the property, but also limited potential for any customer parking. I cannot see how the proposed residents' and store parking facilities located at the rear of the premises could be considered acceptable as it reduces the road access width to a single lane to accommodate parking on the incoming lane. Realigning the building may provide more scope for creating at least a better parking layout if not any additional space to that which is currently proposed (see sketch plan).

Development Services Planning & Housing Services - Local Plans (Trees): the site is located within the Dalston Conservation Area, and the trees present on site will be protected by virtue of their location within the Conservation Area.

Proposals for the trees on site are contained within the Pre-development Arboricultural Report, and the Interim Tree Report.

There are no objections to the removal of trees 3, 12, and 13

Groups listed as trees 1, 4 and 5 should be reduced in height to 2.5m and maintained as hedges.

Tree 2 should be coppiced and allowed to re-grow.

Trees 6 11 are to be retained and these trees will help screen and soften the new development. However, the successful retention of the trees will be dependent on careful treatment throughout the development process. The works to install the new hard-standing within the root protection area of these trees must be subject to a separate method statement based on the recommendations at 6.5 of the pre-development arboricultural report and drawing No 1384/ p/ 06, rev.0.

Tree protection barriers will be required for the duration of the development and these must be in accordance with the Pre-development Arboricultrural Report Appendix 6, and Fig. 3 Tree Protection Plan

Northern Gas Networks: Northern Gas Networks advises that there are no objections but cautions that there may be apparatus in the area that may be at risk

during construction works. Should the application be approved, NGN require the promoter of the works to contact them to discuss their requirements in detail . NGN also advise that:

1. should diversionary works be necessary they will be fully rechargable

2. the extract from the mains record of the area covered by the proposals shows only mains owned by NGN in its role as a Licensed Gas Transporter

3. privately owned networks and gas mains owned by other GT`s may also be present in this area and information with regard to such pipes should be obtained from the owners

4. service pipes, valves, siphons, stub connections,etc are not shown but their presence should be anticipated;

Cumbria County Council - (Archaeological Services): Records show that the site lies in an area of archaeological potential being located on the edge of the medieval village of Dalston with its 12th century Church of St Michael and numerous 18th century dwellings. Earthwork remains survive nearby on The Green that relate to the development of the village and the first edition map shows that Close Hall was located on the proposed development site during the mid nineteenth century. It is therefore considered likely that archaeological remains related to the development of the village survive below ground on the site and that they would be damaged or destroyed by the devlopment.
It is therefore recommended that an archaeological evaluation and, where necessary, a scheme of archaeological recording of the site is undertaken in advance of development and advise that this work should be undertake at the expense of the developer. It is considered that this programme of work can be secured through the inclusion of two model conditions in any planning consent. The first condition would secure the implementation of an archaeological evaluation and recording programme prior to development commencing and the second would where appropriate, require an archaeological post-excavation assessmentand analysis, preparation of a site archive for deposition at a store, completion of an archive report and publication of the results in suitable journal as approved beforehand by the LPA.

Cumbria Constabulary - Crime Prevention: Disappointed to note that the Design and Access Statement makes no reference of an intention to implement any crime prervention measures with this development (Paragraph 87 DCLG Circular 1/2006-Guidance to the development Control System). It is therefore difficult to establish if this proposal complies with Policy CP17 (Designing out Crime) of the Carlisle District Local Plan. In order to reduce the opportunuties for crime to occur, the following issues should be considered and I request further clarification from the applicant in respect of:

1. site perimeter treatments and access controls

2. demarcation of dwellings semi-private space

3. impact of landscaping scheme on surveillance opportunities

4. security lighting scheme

5. physical security measures for store and dwelling

6. security measures for the proposed cash ATM in main frontage

7. cash handling facilities in store

8. deployment of CCTV

9. measures to deter nuisance gathering

10. security of bin store.

(A response is awaited to a reconsultation following submission of additonal information by the applicant).

Conservation Area Advisory Committee: This is a very significant site within the Dalston Conservation Area that is visible from many viewpoints and it deserves to be treated with great care. The existing Garage buildings are modest and add little to the character of this area and in principle their replacement with a better building would be welcomed. Unfortunately the scheme as designed offers little that is different from similar Co-op schemes elsewhere. The building is very large for the site with a low pitched roof and a variety of fenestration that does not bring any harmony to the scheme.

The Committee were not happy with the siting of the proposed building and considered that its footprint in relation to the size of the site was too large. Such a cramped proposal meant that servicing and access were very limited. The building should relate more to the adjoining properties and be re-aligned so that the ridge line was parallel with the Green. This could be achieved if the residential element at the rear was dropped from the proposal. Reducing the footprint in this way would also help to alleviate the Committee's first comment. It is also considered that the details of the building, including the proposed materials, the windows and the roller shutters, did not produce an attractive or coherent proposal. Although the existing structures have little merit their scale and proportions are more appropriate for this site and the current scheme should be reconsidered so that it does not detract from the character of the Conservation Area.

3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:
1 The Green	06/01/09	Objection
10 The Square	15/01/09	

2 The Green	06/01/09	
Highbury	06/01/09	
Dalston House	06/01/09	
Old Veterinary Surgery	06/01/09	
Glave Hill House	06/01/09	Objection
Whin View	13/01/09	Objection
7 Townhead Road		Support
1 Craiktrees		Objection
The Cornmill		Objection
15 Victoria Place		Support
1 The Square		Support
- Dalston		Comment Only
Dalston Victory Hall Management Committee, Hollin Bush		Objection
29 Caldew Drive		Objection
Low Fauld		Objection
23 The Square		Objection
21 Burnsall Close		Support
Glave Hill House		Objection
28 Nook Lane Close		Comment Only
20 Station Road		Objection
Hawthorn Cottage		Objection
13 The Square		Objection
54 Glebe Close		Support
37 Carlisle Rd		Support
Yew Tree House		Comment Only

3.1 Publicity was given to the application by press and site notice and by direct notification of neighbours. Representations were received from 19 persons and
comments from a further 3. Of the representations, 13 were against the proposal
and 6 in favour of it.

3.2 The key issues raised by the objectors were as follows:

1. <u>Traffic & Parking Issues</u>

1.1 Parking was identified in the Dalston Village Plan (2005) as one of the biggest problems facing the community.

1.2 Preliminary plans showed 70 parking spaces on adjacent land.

1.3 There is insufficient parking (even for staff) for the proposal together with proposed parking restrictions in The Square, which, will exacerbate existing road safety hazards resulting from vehicles being parked on access roads/drives, close to junctions on pavements and grass verges (creating a quagmire). A particular parking and pedestrian safety problem was envisaged at the junction o Townhead Road with the B5299.

1.4 Cannot rely on using the Victory Hall car park which was provided for use by the locals (use of car park would result in lack of space for Victory Hall users, many of whom are elderly).

1.5 Conflict between delivery vehicles and customer parking.

1.6 Inadequate turning space and access for service vehicles.

1.7 Transport Survey is flawed and does not offer solutions to the parking problem.

1.8 Vehicle weight limit in village should be enforced.

2. Impact on residential amenity, character of the conservation area & the setting of the adjacent listed building

2.1 The site is a primarily residential area and, by reason of scale, un-neighbourly form, illumination, signage, siting of plant and refuse bins, the presence of delivery and customer vehicles and customers (particularly in early morning and late evening), the development would adversely affect the living conditions of nearby residents through noise and disturbance, litter, loss of privacy, anti-social behaviour and overbearing visual impact.

2.2 The scale and form of the proposal, together with additional light pollution detracts from the setting of the adjacent Grade II Listed Building and the character of Dalston Conservation Area.

2.3 Trolley management is needed to prevent trolleys being scattered around the village.

3. Other Issues

3.1 Plans are of insufficient scale, and inappropriate type, to allow proper assessment of environmental impact.

3.2 No need for another food store, particularly as a supermarket is planned for the west side of Carlisle.

3.3 Proposal should be linked to plans for the old Co-op building to ensure that it is not left vacant.

3.4 Proposal is sited outwith the 'trading area'.

3.5 Site is best suited to residential development (previous owner sold the site for residential accommodation for retired persons and first time buyers).

3.6 Impact on viability of existing small businesses in the village.

3.7 Energy efficiency measures should be included in the buildings (especially the houses).

3.8 Calling Dalston a 'town' fails to recognise its 'village' identity and the need

for development to reflect the rural nature of the village.

3.3 Those in favour of the proposal referred to (1) the inadequacy of the existing store in terms of restricted access to shelves, with no real chance of improvement, for people in wheelchairs and with pushchairs (2) the attractiveness
of a larger store with some off-road parking which would reduce congestion in The Square and (3) the fact that the new store would encourage people to shop
in the village instead of travelling to Carlisle and replace existing buildings with
something more in character.

3.4 Some of the grounds of objection were accompanied by positive suggestions of ways of resolving the issues, including (1) double yellow lines at the approach to the junction on Townhead Road and (2) restricting the residential accommodation to a single flat, thereby releasing land for additional parking and/or relocation of waste receptacles etc.

4. Planning History

4.1 The planning history of the site relates to its existing use as a garage and petrol filling station and provision of a car showroom (BA2224) with the subsequent installation of extractor ducts and flues (04/1304) and a steel framed shed for use as a commercial garage (06/878).

5. Details of Proposal/Officer Appraisal

Introduction

5.1 This is an application for Conservation Area Consent to demolish existing buildings and erect a convenience store and two residential units at Blain's Garage, Glave Hill, Dalston. The application site, which extends to 0.154 ha, lies immediately south of the Square and is bounded by an area of open space to the north, the B5299, No 1 The Green and Dalston Showfield to the east and south and the Victory Hall car park to the west.

5.2 At present the site, which slopes from west to east, contains three separate buildings. The main building is two storey and is of grey painted render, with artificial stone on the north elevation, and a corrugated roof with a single storey flat roofed brick built extension, with a large display window, to the north. This building also has a flat roofed wooden extension to the east. To the west is a utilitarian building , also of grey painted render with a corrugated roof but with large flues projecting from the roof and a large window to wall ratio. Close to the southern boundary is a mono-pitch building of block and render containing two garages and an office.

5.3 The boundary with the car park is 1 metre high mesh fencing while the boundary with No1 The Green is a wall topped by a screen fence. The curtilage of No.1 is at a lower level than the application site ranging from approximately 0.6m at the drive entrance to over 1.8m along the southern boundary. Access to the site is taken from Townhead Road and the B5299. Cars for sale are parked within the site.

5.4 There are groups of trees (coniferous and deciduous) along the northwestern boundary and on the boundary with No.1 The Green.

5.5 The application site lies within the Dalston Conservation Area and adjacent to a Grade II listed building (No1 The Green). Dalston is designated a Local Service Centre in the Carlisle District Plan

Background

5.6 The proposed development comprises a single building containing a convenience store (with 301 square metres of retail space and 101 square metres of storage space) and two residential units, the rear access to which is via a communal stairwell. The main part of the building, containing the retail and store space is L- shaped with an 8 metre high ridge, the eaves being 4 metres lower, a porch on the northeast gable and northwest and southeast facing dormers and rooflights associated with the two bedroomed residential accommodation. There are two shop windows on the southeast elevation and one on both the northeast and northwest elevations.One of the residential units is two storeys in height, has three bedrooms, a north west facing dormer and is contained in an extension to the L-shaped building with the same ridge height but offset from that of the main building. It has eaves heights of 5 metres to the southeast and 3 metres to the northwest and a floor area of 145 square metres. The other is a single storey two bedroomed unit with a floor area of 120 square metres which is contained within the roof space above the retail and storage area.There will also be an integral garage within each of the units. The entrance to the shop faces the Square and includes a porch, under which there is an ATM.

5.7 The proposed materials are stonework (natural or reconstituted) on the north elevation and coloured render to walls with feature quoins to certain external corners; roof coverings in natural slate; shop front and windows in polyester powder coated aluminium with other windows in UPVC, roof coverings in natural slate and paviours / setts to footways and entrance area and tarmac to car parks and entrance roads. To the south-east of the building is a refuse store, external plant, a delivery area and five parking spaces (including one for disabled drivers) linked by a ramp to the entrance. It is proposed to screen the refuse area, plant, parking spaces and the curtilage of the two residential units adjacent to No.1 The Green by a 0.9 metre to 2.0 metre high stone wall and timber screen fence. It is also proposed to retain the existing trees and timber fence along the boundary with No.1 and erect a new timber screen / chain link fence along the north-west boundary. Vehicular access to the residential units will be via the existing access from Glave Hill and it is

proposed to form five parallel parking spaces (two for visitors to the residential units and three for store customers). It is proposed to retain the fence on the boundary with the car park.

5.8 The application was accompanied by a Transport Statement, an Arboricultural Report, a Flood Risk Assessment and a Design and Access Statement. The Transport Statement concludes that;

1. as the convenience store will be operated by the Co-op and replace the existing Co-op convenience store within the Square, the proposals would not therefore be expected to produce any significant change in local travel patterns or increase in frequency of accidents;

2. the development would be reasonably located to promote trips by sustainable transport, including linked trips with other facilities in Dalston town centre;

3. the proposed parking arrangements, with 8 shopper's parking spaces and four residential parking spaces, are considered reasonable for the development which is adjacent to the town centre. A parking survey has also suggested that any overspill retail parking that did occur at peak times could be accommodated in existing parking areas in the vicinity of the site;

4. overall, the proposals are considered reasonable in transport terms;

5.9 The Arboricultural Report identifies the position, type and condition of trees on the site, together with their crown spread and root protection area. The report concludes that the redevelopment of the site can be carried out in accordance with BS5837 (2005) and will not cause significant harm to the trees recommended to be retained, provided that recommendations are followed with regard to the erection of protective fencing, the method of removal and replacement of existing tarmac and pruning. The report recommends the removal of only two of the thirteen trees on site.

5.10 The Flood Risk Assessment advises that the Environment Agency have confirmed that a long term 100 year design flood level of 41.60m should be adopted. The assessment concludes that (1) as the lowest point on site is 42.19m at the entrance to the staff car park, the site should lie within Flood Risk Zone 1 and (2) the floor levels (43.3m) of the new building are set considerably higher than the recommended level.

5.11 The salient points in the Design and Access Statement are as follows;

1. the store frontage is orientated towards the southern axis from the Square to present an appealing facade with strong visual and pedestrian links to the centre of the village;

2. the inclusion of the service road to the northwest will allow for any possible future development;

3. on-site parking is maximised within the constraints of the site and layout; the residential units have integral garages and there is public parking in close proximity to the site;

4. being a local convenience facility it is expected that a fair proportion of shoppers will walk to the store;

5. as there is a mixture of domestic and retail space there would be acoustic separation in accordance with the Building Regulations;

6. the scale of the building responds to its function and context in presenting an interesting frontage further defined by the open porch entrance. The roof design also provides visual interest and breaks down the building's mass;

7. the majority of trees on site would be retained and to further soften the impact of the building a scheme of shrub planting would be implemented;

8. the external materials of the building are a mix of stone and render with a natural slate roof;

9. access to the store would will be by way of a barrier free footway of concrete paviours and setts leading to level access thresholds at doors. Footways around the building will be illuminated by building mounted lighting and pedestrian and vehicular routes will be distinguished by colour and texture. All access doors, corridors and circulation areas would be at least to the minimum width stipulated in BS8300. The entrance door would be automatic opening with ironmongery visually contrasting with its surroundings;

10. fire and emergency lighting systems would be provided in compliance with Building Regulations;

11. the store is anticipated to have 4 full time and 16 part-time staff

Assessment

5.12 Section 54a of the Town and Country Planning Act 1990/Section 38(6) of the Planning and Compulsory Purchase Act 2004, require that an application for planning permission shall be determined in accordance with the provisions of the Development Plan unless material considerations (including Government Policy as expressed through Planning Policy Guidance notes, Planning Policy Statements and representations) indicate otherwise.The Development Plan comprises the Carlisle District Local Plan (2001 - 2016) (adopted 9/9/2008), extended policies of the Joint Cumbria and Lake District Structure Plan (2006) and the North West of England Plan Regional Spatial Strategy to 2021.

5.13 PPS 1 (Delivering Sustainable Development) sets out the Government`s

aims of sustainable development and includes (1) social progress which recognises the needs of everyone (2) effective protection of the environment and (3) reducing the need to travel by car. Action to achieve the first includes the need to address accessibility (both in terms of location and physical access) and to improve choice for all members of the community in relation to jobs,health, housing, education, shops, leisure and community facilities. PPS 1 also stresses the importance of good design in achieving sustainable development.

5.14 In consideration of this application Policies DP1, CP5, CP6, CP7, CP9, CP15, CP17, H1, LE10, LE12, LE19, LE27, LE29 and TO1 of the Carlisle District Local Plan and Policies DP2, RDF2 and EM1 of North West of England Plan Regional Spatial Strategy to 2021. These policies seek to ensure that:

1. that there is fair access to services for rural communities and appropriate development proposals are focussed in Key and Local Service Centres;

2. development should respect the character of Conservation Areas and the character and setting of listed buildings;

3. sites of archaeological significance or high archaeological potential are appropriately evaluated;

4. the amenity of residential areas is protected from inappropriate development where the use is inappropriate, of an unacceptable scale, leads to an unacceptable increase in traffic or noise or is visually intrusive;

5. where appropriate, locally sourced materials are used to maintain the local character of buildings and their environment;

6. proposals take account of the need for energy conservation and efficiency measures are encouraged;

7. provision is made for easy, safe and inclusive access to, into and within buildings and facilities;

8. development contributes to creating a safe and secure environment, integrating measures for security and crime prevention;

9. no adverse effect on the residential amenity of existing areas or adjacent land uses;

10. existing trees and shrubs are retained and appropriate landscaping schemes are implemented;

11. a Flood Risk Assessment is carried out where development is proposed in a floodplain;

12. a Risk Assessment is submitted clearly identifying contaminent sources,

pathways and human and environmental receptors together with measures to treat, contain and control contamination;

13. satisfactory access is available andappropriate levels of car parking provision are made;

5.15 With regard to the Development Plan objectives, the issues raised by consultees and the material planning considerations raised by representations;

1. the development of a replacement convenience store and residential accommodation of this scale is considered to be appropriate in principle in the centre of Dalston which is a Local Service Centre;

2. the required archaeological evaluation of the site which lies on the edge of the medieval village of Dalston can be the subject of a condition;

3. the applicant has advised that it is intended to include high levels of insulation in excess of Part 2A of the Building Regulations;

4. most of the existing trees are to be retained and can be safeguarded by appropriate conditions;

5. submission of details and implementation of a landscaping scheme can be required by a condition;

6. the Environmental Agency have no objection in relation to flooding;

7. County Highways have confirmed that, subject to segregation of residential and store parking spaces, there are no objections to the proposal subject to conditions being attached with regard to (1) a planning agreement for the developer to fund (a) formalisation of parking in the square (lining and possible introduction of time restricted waiting; (b) the installation of grass crete within the area referred to as 'D' in Appendix 1 attached to this report; (c) the introduction of 'No Waiting At Any Time' restriction at the junction of Carlisle Road (The Green) Townhead Road and Kingsway (the latter will facilitate access maneouvres for delivery vehicles) and (d) the introduction of a pedestrian refuge on Townhead Road to accommodate pedestrian movement across this junction with the B5299; (2) specification of the construction and drainage of the access; (3) no occupation until access and parking requirements have been constructed and (4) submission of a plan showing adequate land for the parking of vehicles associated with construction operations;

8. details of illumination can be required by condition and illuminated signage will have to be the subject of an application for Advertisement Consent

9. with regard to the need for trolley management, the applicant has advised

that it is intended to provide only baskets

10. with the exception of cross sections, the submitted plans are considered adequate to allow the environmental impact of the proposal to be assessed

11. as the old Co-op building is not in the ownership of the applicant, it is not possible to control its future use. Planning permission would however be needed for a change of use from shop

12. it is proposed to install a level of thermal insulation above the standard specified by the Building Regulations

13. the applicant has amended the store opening hours to between 7am and 10-00pm

14. surface water is to be discharged to a surface water sewer. Given that the existing site has a hard surface, it is unlikely that the proposed development will result in a greater level of runoff. An informative can be attached requiring the applicant to contact United Utilities regarding the possible need for attenuation

15. as no decision has been taken on the type of air conditioning external condenser unit to be installed, no information is available on associated noise levels. This information, together with appropriate mitigation measures, can be required by condition

16. the applicant has now submitted an Environmental Risk Assessment in relation to ground contamination associated with the previous and current uses

17. with regard to the impact of the development on the privacy of the adjacent residential property (No 1 The Green), the 1.8 metre timber screen fence on the southwest boudary should prevent overlooking from the ground floor windows. The first floor bedroom window is a potential source of overlooking which could be addressed by partial opaque glazing or alternatively installing rooflights.

5.16 Clarification is being sought from the applicant with regard delivery times and vehicle types and numbers and also further information including (1) the willingness of the applicant to enter into a planning agreement to fund the works specified by County Highways (2) cross sections through the boundary with No 1 The Green (3) the increased range of products which will be available in the new store and (4) segregation of parking spaces on the access road. Clarification is also being sought on the ownership of the proposed parking area at Kingsway. There are a outstanding consultation responses including those from(1) the Environment Agency and (2) Environmental Services regard to the recently submitted (25 February)

Environmental Risk Assessment and (3) the Architectural Liaison Officer with regard to compliance with Local Plan Policy CP17 (Designing out Crime).

5.17 The proposed development will result the Co-op relocating to a new larger unit (301 sq metres of retail space instead of 165 sq metres) on an existing commercial site to the southwest of the Square with, unlike the existing store, dedicated servicing space and parking. It is also intended to provide additional parking spaces in Kingsway. Although the new building is only 0.4 metres higher than the existing building it has a much greater mass as its footprint is over 60%greater. it occupies approximately one third of the total site area.The applicant advises that the new unit will carry 60% more stock items which will tend to reduce the need to travel to supermarkets elsewhere. It can therefore be argued that the proposal achieves some of the objectives set out in Planning Policy Statement1 (Delivering Sustainable Development) in increasing choice and reducing car travel. However protection of the environment and achieving good design are also objectives of sustainable development .

5.18 The issue to be resolved in determining this application is whether the advantage of an enhanced retail facility, the provision of additional parking, the removal of existing non-traditional buildings and the opportunity to achieve environmental improvements to the Square is outweighed by the environmental impact on the character of the conservation area, the setting of a Grade II listed building and on the living conditions of the occupiers of adjacent and nearby residential properties.

5.19 An update will be presented to the Committee together with a recommdation

6. Human Rights Act 1998

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

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

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

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

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

6.3 The application is being considered with due regard to the provisions of the above Act.

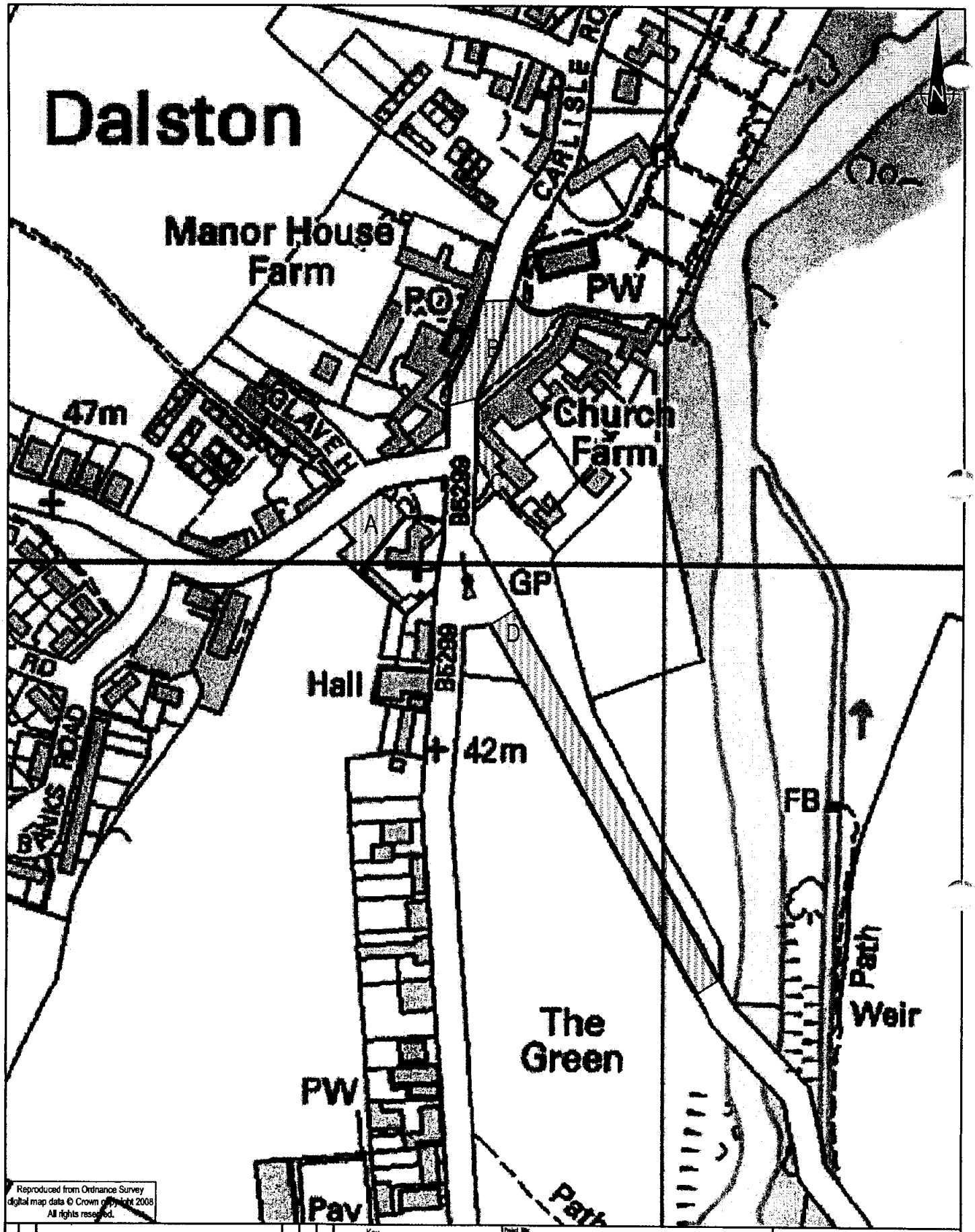
7. Recommendation

Reason For Including Report In Schedule B

At the time of preparing the report additional information was awaited from the applicant and there are outstanding responses from consultees and neighbours.

08/1254

APPENDIX 1.



Key

Proposed Site Location

Existing Parking Areas

Project title: BLAINS GARAGE REDEVELOPMENT DALSTON

Drawing title: CAR PARK SURVEY LOCATIONS

FAIRHURST
CONSULTING STRUCTURAL AND CIVIL ENGINEERS
1 Amgrove Court, Barrack Road, Newcastle-upon-Tyne NE4 6DB
T: 0191 221 0505 F: 0191 221 0949

Scale at A3	Status	CAD File Name
1:750	INFORMATION	p100002-.dwg
Drawn: AE	Checked: PAH	Approved: AES
Date: 16/12/08	Date: 16/12/08	Date: 16/12/08
Drawing No: 79363/00002		Revision: -

Rev	Date	Description	Drwn	Chkd	Appd

RECEIVED
-9 FEB 2009
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DALSTON PARISH COUNCIL

Mrs E. Auld – Clerk
Bannerdale Unthank Dalston Carlisle Cumbria CA5 7BA
Tel: 01228 712920; Fax: 01228 712920; Email: liza@carlisle-city.gov.uk

Whilst I Live I'll Crow
Dalston

11th February 2009

A M Taylor
Development Control Manager
Carlisle City Council
Development Services
6th Floor Civic Centre
Carlisle
CA3 8QG

Dear Mr Taylor

08/1254 Ben Hodgson Bodyworks, Dalston Service Station – removal of existing garage buildings and erection of convenience store and two residential units.

Dalston Parish Council at its meeting held on 10th February 2009 resolved, by a substantial majority, to recommend approval of planning application 08/1254 subject to the following matters and conditions being considered:

1. Consideration to be given to relocating the waste bins and plant away from the south eastern frontage of the proposed building. The revised screening wall was thought to be unsatisfactory, because of the different height levels in relation to the adjoining residential property. Clarification was required as to the type/use of the bins and plant. The Parish Council supported the request by Carlisle City Council Environmental Health for more information on the potential noise levels generated, particularly in relation to the proposed plant.
2. The lighting levels should be reduced from the glaring and intrusive 24 hour security lighting currently installed on the site. It needed to be more sympathetic to the Conservation Area location.
3. The Transport Statement was inaccurate and did not reflect the normal situation in Dalston. Dalston Parish Council endorsed Cumbria Highways concerns regarding the effect of the development on local traffic conditions and safety.
4. In the interests of pedestrian safety, it was suggested that an island refuge might be considered on Townhead Road. Either double or single yellow lines should be introduced at the junction of Townhead Road and the B5299. A change in road surface on the B5299, with a slightly raised brick section opposite the Kingsway access road might also benefit pedestrian safety.
5. Goods delivery times should be restricted to between 8am and 10.30pm.
6. Store opening hours should be as for the existing Co-op store from 8am to 10pm.
7. Dalston Parish Council objected to the inclusion of an external ATM and felt that it should be located within the building. This was on the grounds of noise and nuisance to nearby residents.
8. It was felt that two of the on-site parking spaces should be for disabled use.
9. Shopping trolleys should be for internal use only to prevent them being left outside or taken off site.
10. It was suggested that a Section 106 agreement should be included to cover a financial contribution towards Dalston Parish Council expenditure on parking provision adjacent to the Kingsway.

Yours sincerely

Mrs E Auld - Clerk

House

Glave Hill

ighbury

Car Park

B 5299 The Green

10

11

12

Bank

PCs

SITE AREA: 0.154 Hectares

proposed SITE PLAN - 1 - 200

1

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proposed LOCATION PLAN - 1 - 1250

EXISTING TREES TO REMAIN

Full Tree Survey curated to a separate report, however those trees indicated as to remain in place along the north western boundary are to received tree root protection as follows :

Cantilever reduces the need for excavation, this means it ideal for stabilising access roads and car parks around tree root systems. What's more it reduces compaction of sub soils above roots and promotes the migration of water and nutrients, ensuring the long term preservation of the tree itself.

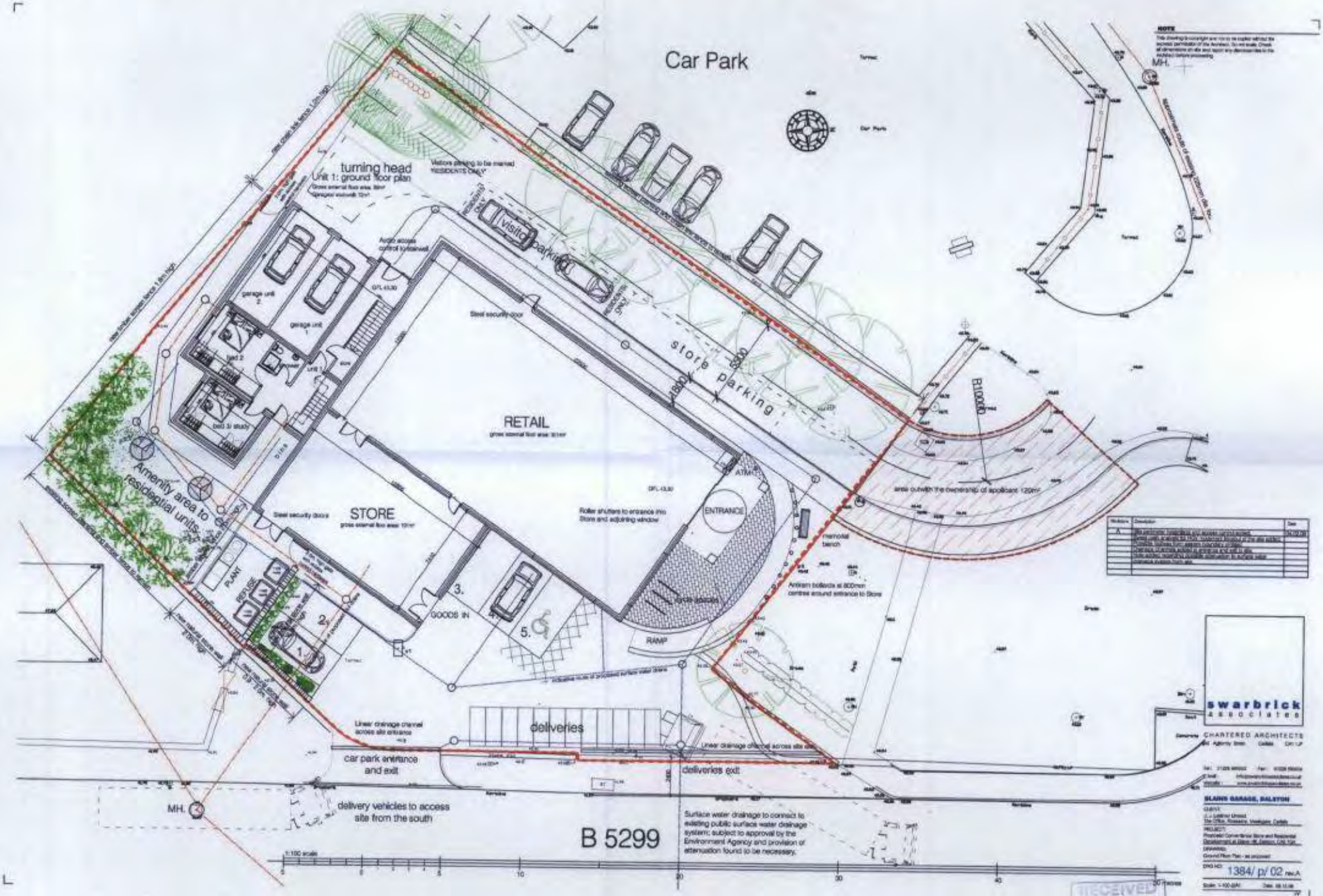
Revision	Description	Date
A	Planning Drawing. Roofs revised to hipped, off-shot	15.12.08

swarbrick associates

CHARTERED ARCHITECTS

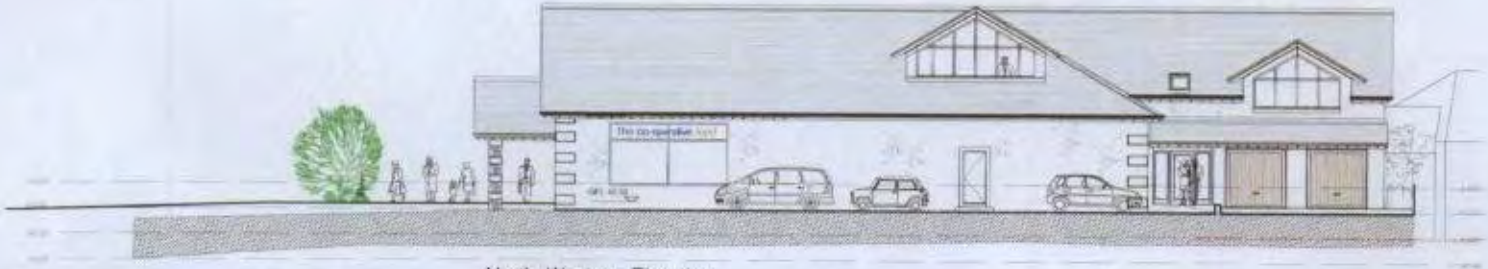
BLAINS GARAGE, DALSTON

1384/p/06 REV A


Car Park
turning head
Unit 1: ground floor plan
visitor parking
RESIDENTS ONLY
store parking
RETAIL
STORE
ENTRANCE
ATM
RAMP
GOODS IN
PLANT
REFUSE
Amenity area to the residential units
memorial bench
Arkram bollards at 800mm centres around entrance to Store
area outwith the ownership of applicant 120m²
deliveries
car park entrance and exit
deliveries exit
delivery vehicles to access site from the south
B 5299
Surface water drainage to connect to existing public surface water drainage system; subject to approval by the Environment Agency and provision of attenuation found to be necessary.
MH.
swarbrick associates
CHARTERED ARCHITECTS
BLAINS GARAGE, DALSTON
1384/ p/ 02 rev.A
RECEIVED
10 FEB 2003
08/1254

NOTE

North Eastern Elevation [front]



North Western Elevation

PROPOSED FINISHES

roofs	natural slate in blue/grey
walls	reconstituted/natural stonework; coloured render and feature quoins
shop front	polyester powder coated aluminium
windows	uPVC - finished in white
rw goods	polyester powder coated aluminium (seamless)
entrance	concrete block walls
parking and services areas	tarmac

South Western Elevation

No/Rev	Description	Date
A	[illegible]	[illegible]
B	[illegible]	[illegible]

South Eastern Elevation

swarbrick associates

CHARTERED ARCHITECTS

[illegible]

BLAINS GARAGE, DALSTON

CLIENT:

J. J. Cadman Limited

Post Office Showroom, Westgate Carlisle

PROJECT:

Proposed Convenience Store and Residential Development at Blains Garage, Dalston, Cumbria

DRAWING:

Elevations - as proposed

DRAWING NO. 1384/ p/ 04 rev B

Scale: 1:100/1:200 Date: [illegible]

NOTE
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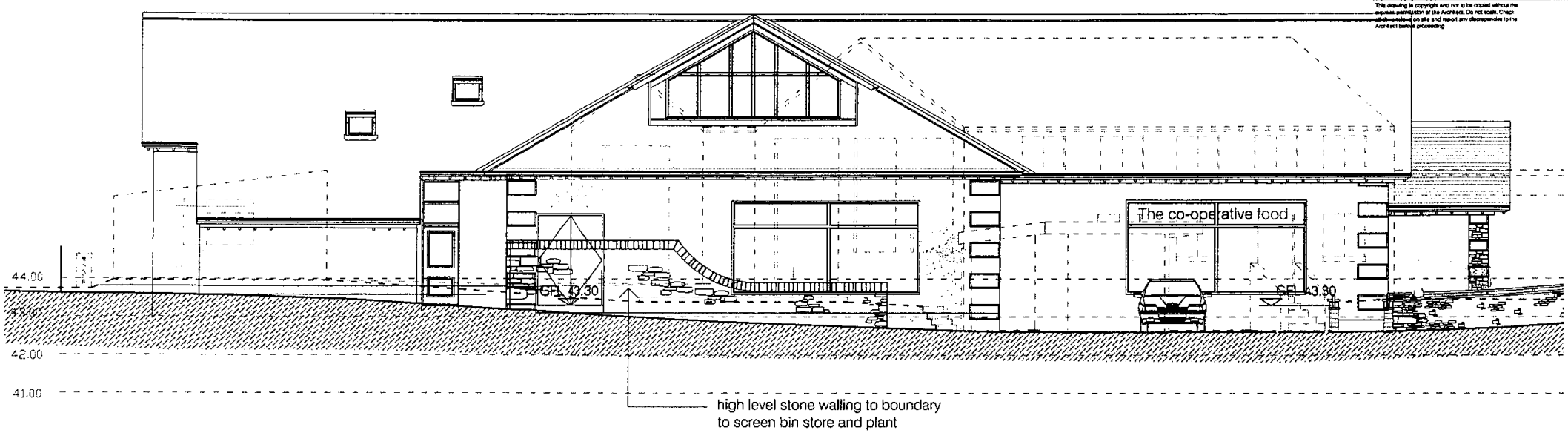
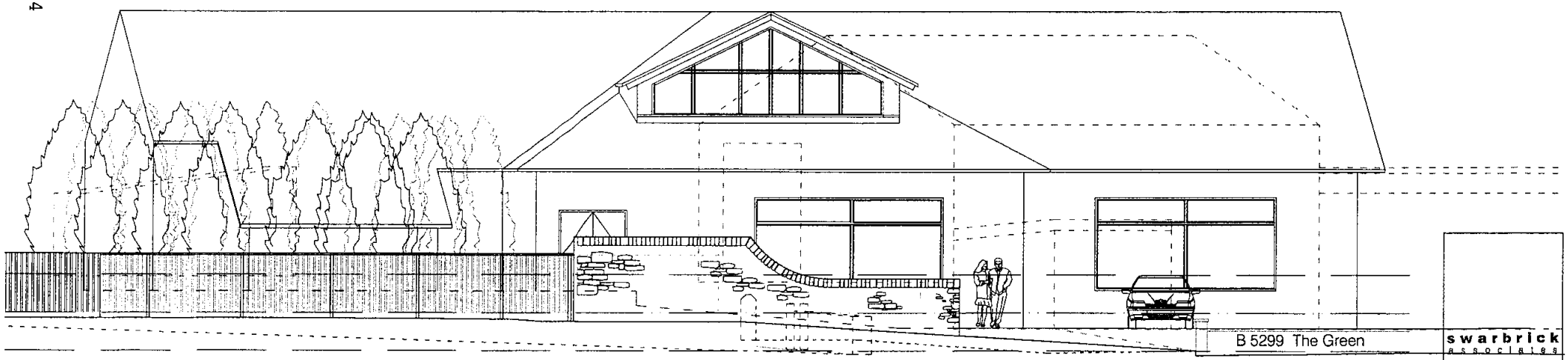




cross - section along south eastern boundary

1:50 scale

5 0 1 2 3 4 5 10 metres 20 metres

Revisions	Description	Date
A	Section along south eastern boundary added	23.02.09

swarbrick associates
CHARTERED ARCHITECTS
40 Aglionby Street Carlisle CA1 1JP
Tel: 01228 595552 Fax: 01228 595504
E Mail: info@swarbrickassociates.co.uk
Website: www.swarbrickassociates.co.uk

BLAINS GARAGE, DALSTON

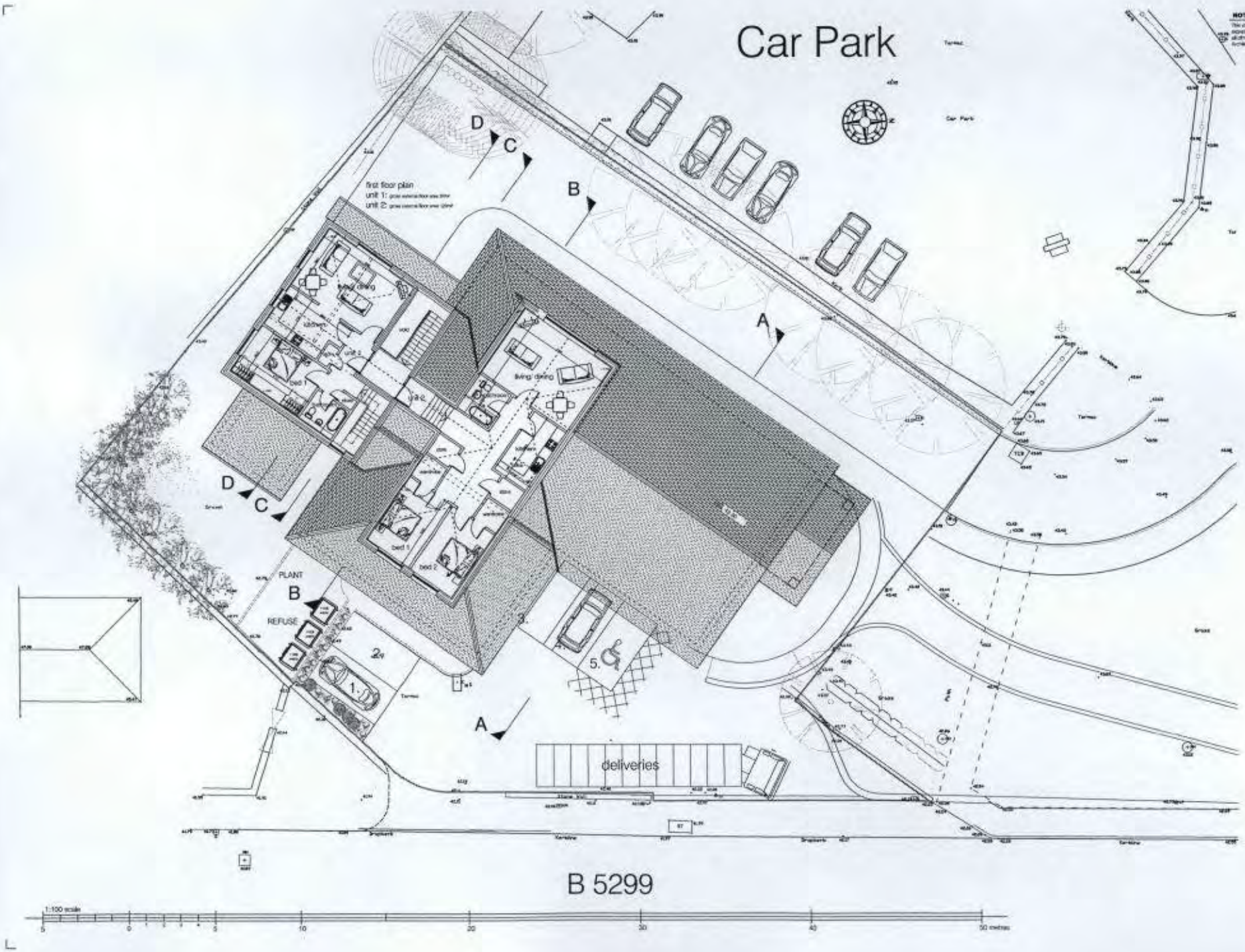
CLIENT:
J. J. Latimer Limited
The Office, Rosecrofts, Westgate, Carlisle

PROJECT:
Proposed Convenience Store and Residential Development at Glave Hill, Dalston, CA5 7QA

DRAWING:
Cross Section through Site

DRG No: 04/ p/ 07 rev.A

Scale: 1:50 @A1 Date: 05.02.09



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CHARTERED ARCHITECTS

SLAGNS GARAGE, BALSTON

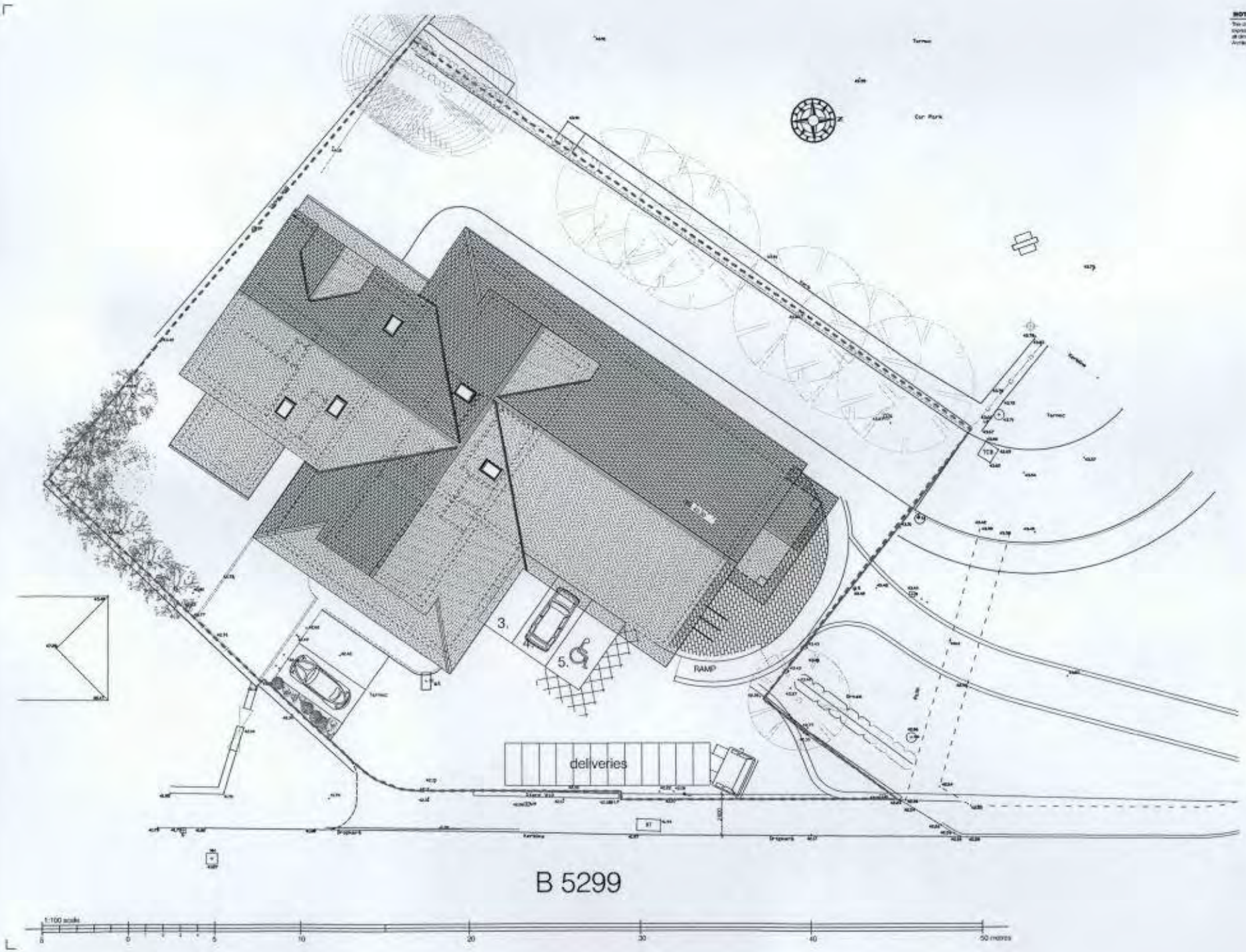
CLIENT:

PROJECT:

DRAWING:

First Floor Plan - as proposed

DRG NO. 1384/ p/ 03 rev.b



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swarbrick associates

CHARTERED ARCHITECTS

49 Aglionby Street Carlisle CA1 1JP

Tel: 01228 595602 Fax: 01228 595604

E-Mail: info@swarbrickassociates.co.uk

Website: www.swarbrickassociates.co.uk

BLAINS GARAGE, DALSTON

CLIENT:

J. J. Kellner Limited

The Office, Rosscarrick, Monaghan, Carlisle

PROJECT:

Proposed Convenience Store and Residential Development at Blain Hill, Dalston, CA5 7QA

DRAWING:

Roof Plan - as proposed

DRG NO: 1384/ p/ 05 rev.0

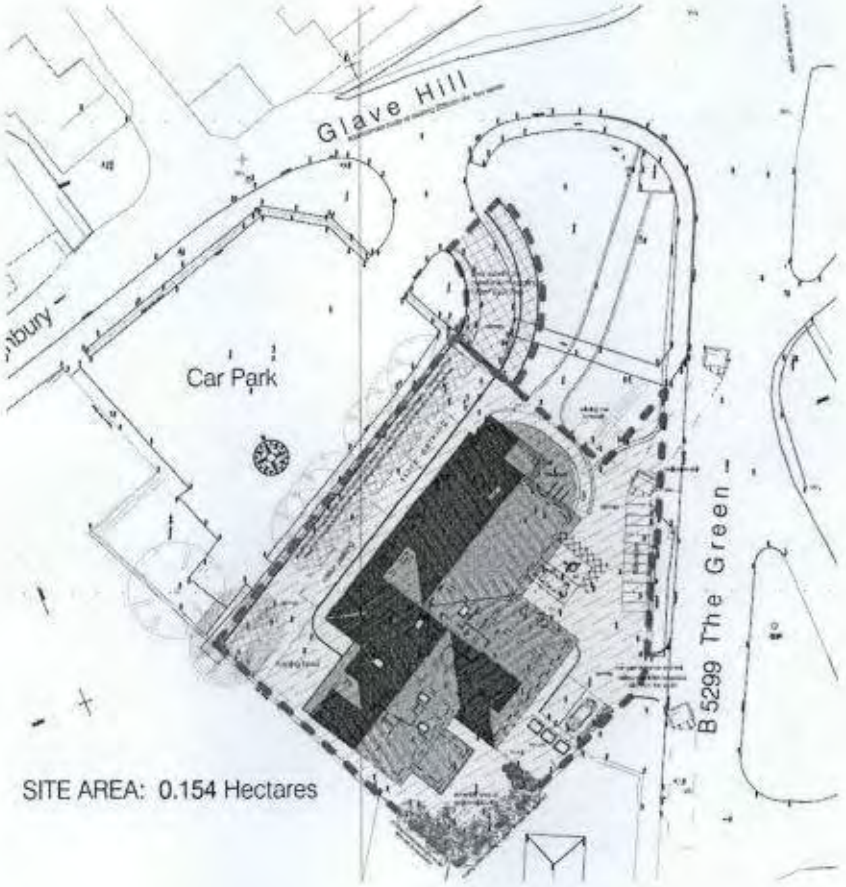
Scale: 1:100 @A1 Date: 08.12.08

Proposed Convenience Store and
Residential Development at
Glave Hill, Dalston, CA5 7QA
for J. J. Lattimer Ltd.

swarbrick
associates

DESIGN AND ACCESS STATEMENT

North Eastern Elevation [front]



Proposed Convenience Store and Residential Development at Glave Hill, Dalston, CA5 7QA for J. J. Lattimer Ltd.

INTRODUCTION

This planning application is for Full Planning Permission and Conservation Area Consent for the redevelopment of a site at the junction of The Green (B5299) and Glave Hill, Dalston which is currently used for car sales and servicing. There have been ongoing discussions with Carlisle City Council Planning Officers on the proposals and there was general support for the scheme.

1. AMOUNT

The proposals comprise the demolition of existing garage buildings currently on the site and the construction of new retail space for the Co-operative group. In addition two units of residential accommodation are proposed towards the south side of the site.

The retail space has a floor area of 301m^2, with adjoining storage space extending to 101 m^2.

The residential units will comprise a three bed unit extending to a floor area of 145m^2 and a two bed unit with floor area of 120 m^2. The space standards reflect the quality of accommodation proposed by the applicant. There will also be garage space for each residential unit and the floor area of these along with the communal stairwell extends to 72m^2. There will be one three bed and one two bed unit

The site itself extends to 0.154 hectares which includes car parking, refuse and loading areas.

2. USE

The current use of the site by Ben Hodgson Bodyworks includes bodyworks, car sales and servicing.

The proposals include A1 food retailing to provide a local convenience store along with two residential units located towards the rear of the site.

Access to the retail space is gained through the north eastern elevation (frontage to B5299). This access will accord with the requirements of Part M and BS8300 for disabled access. The store is anticipated to have four full time and 16 part-time staff.

Access to the residential units is gained though a communal stairwell located towards the rear of the site. The estimated occupancy of the units is a maximum of ten persons.

3. LAYOUT

A variety of site configurations were investigated and after consideration the layout shown on the drawings submitted was chosen for the following reasons:-

- Store frontage oriented towards the southern axis from The Square to present an appealing façade with strong visual and pedestrian links to the centre of the village.
- The inclusion of the service road to the north western boundary provides for access to any possible future development. This also allows the retention of the established attractive tree screening along this boundary. Further, the service road also provides for additional parking spaces until such time as the roadway is utilised for any future development towards the south west of the application site.
- With the restrictions on the site, deliveries to the store required a lot of consideration and on balance it was felt that the most appropriate solution would be for delivery vehicles to access site from the south on the B5299, park parallel to the road on site, unload to the adjacent storage area and exit northbound on the B5299. This solution has been discussed with Cumbria County Council Highways representatives and the ethos accepted in principle.
- On site parking is an issue and the design maximises the provision possible within the confines of the site. In addition the residential units have been designed with living accommodation on first floor level with garage spaces (7.06 x 3.00 metres) beneath. There is public car parking provision in close proximity of the site.
- There are no restrictions for on street parking within Dalston.
- Dalston Parish Council are in the process of negotiating with Cumbria County Council Highways for the provision of extra spaces on Kingsway and elsewhere within the village.
- With the store being a local convenience facility it is expected that a fair proportion of shoppers will walk to the store.

As there is a mixture of domestic and retail space there will be acoustic separation in the construction to accord with the Building Regulations.

4. SCALE

The location of the proposed building on the junction of Glave Hill and The Green (B5299) has been considered in the context of the proposed building and the scale of existing neighbouring buildings. The site forms an important fulcrum to the village, particularly where coupled with the grassed amenity space to the north east.
The proposed building responds to both its intended usage and context in presenting an inviting frontage further defined by the open porch entrance. The roof design also provides visual interest and breaks down the buildings mass.

5. LANDSCAPING

The layout proposed takes a sensitive approach to the existing tree planting present on the site. The majority of the trees will be retained, with just one fir tree requiring removal which is adjacent to the existing garage building. To further soften the impact of the building a scheme of shrub planting will be implemented to the areas indicated on drawing no. 1384/06

6. APPEARANCE

As the site is located on the edge of the Village centre it is felt that the design and materials should compliment the surroundings and to this end there has been a conscious approach to facilitate a domestic feel to the building.
The entrance to the residential units has a projecting slated canopy which extends over the garage doors to reinforce the domestic scale to the development.

Materials proposed are stonework (natural or reconstituted) and coloured render to walls with feature quoins to certain external corners.

- Shop front and windows in polyester powder coated aluminium, remaining windows in uPVC.
- Rainwater goods in polyester powder coated aluminium.
- Roof coverings in natural slate.
- Paviours/ setts to footways and entrance area and tarmac to car parks and entrance roads.

7. ACCESS

The location of the site is such that it is in easy walking distance of the centre of the Village and is less than eighty metres from the existing Co-operative store.
Pedestrian access to the store and residential units is via a footway from the junction of The Green (B5299) and Glave Hill and will be barrier free with course textured concrete paviours or setts leading to level access thresholds at doors. Footways around the building will be illuminated by building mounted lighting. Pedestrian and vehicular routes will be distinguished by colour and texture.
All access doors, corridors and circulation areas will be in at least to the minimum widths stipulated in BS8300. The entrance door into the store will be automatic opening with ironmongery visually contrasting with its surroundings.
There is a designated parking space for the disabled; laid out in accordance with BS8300 with a ramped access route to the store entrance.
Fire detection and emergency lighting systems will be provided in compliance with The Building Regulations.

Emergency vehicles can access the site around the area designated for deliveries and along the service road towards the residential units.

Item No: 05 Date of Committee: 13/03/2009

Appn Ref No:	**Applicant:**	**Parish:**
09/0017	Mr M Doherty	Beaumont
Date of Receipt:	**Agent:**	**Ward:**
14/01/2009		Burgh
Location:		**Grid Reference:**
Land At Field No 4490, Monkhill, Cumbria		334442 558905

Proposal: Change Of Use Of Agricultural Land To Holiday Accommodation Comprising Of 2no. Self-Catering Cabins, 3no. Camping Cabins, Services Cabin, 10no. Tent Pitches, Access Road, Alterations To Existing Vehicular Access And Placement Of 1no. Dwelling For Occupation By Site Manager (Revised Proposal)

Amendment:

REPORT

Case Officer: Colin Godfrey

Reason for Determination by Committee:

This application has been brought before the Development Control Committee based on the number of objections received and also as three objectors and a Ward Councillor have requested their Right to Speak.

1. Constraints and Planning Policies

Ancient Monument

Gas Pipeline Safeguarding Area

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

Local Plan Pol DP1 - Sustainable Development Location

Local Plan Pol CP1 - Landscape Character

Local Plan Pol CP4 - Agricultural Land

Local Plan Pol CP5 - Design

Local Plan Pol CP6 - Residential Amenity

Local Plan Pol EC16 - Tourism Development

Local Plan Pol H7 - Agric,Forestry and Other Occup.Dwgs

Local Plan Pol LE5 - Hadrian's Wall World Heritage Site

Local Plan Pol LE29 - Land Affected by Contamination

Area Of Outstanding Natural Beauty

Local Plan Pol DP9 - Areas of Outstanding Natural Beauty

2. Summary of Consultation Responses

Cumbria County Council - (Highway Authority): This is a revision of the scheme submitted under application number 08/1043.
The applicant has now however supplied additional information providing the actual vehicle speeds.
The views of this Authority remains the same with one change – the required visibility splay can be reduced from 2.4m by 120m to 2.4m by 70m.

I can therefore confirm that I have no objection to this application but would recommend that the following conditions are included in any consent you may grant:

The whole of the access area bounded by the carriageway edge, entrance gates and the splays shall be constructed and drained to the specification of the Local Planning Authority in consultation with the Highway Authority.

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

The development shall not commence until visibility splays providing clear visibility of 2.4metres by 70metres measured down the centre of the access road and the nearside channel line of the major road have been provided at the junction of the access road with the county highway. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grown within the visibility splay which obstruct the visibility splays. The visibility splays shall be constructed before general development of the site commences so that construction traffic is safeguarded.

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

The use of the development shall not be commenced until the access has been formed with 4.5 metre radius kerbs, to give a minimum carriageway width of 4.8 metres, and that part of the access road extending 6 metres into the site from the existing highway has been constructed in accordance with details approved by the

Local Planning Authority.

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

Access gates, if provided, shall be hung to open inwards only away from the highway, be recessed no less than 6.5m as measured from the carriageway edge of the adjacent highway and shall incorporate 45 degree splays to each side.

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

Details of all measures to be taken by the applicant/developer to prevent surface water discharging onto or off the highway shall be submitted to the Local Planning Authority for approval prior to development being commenced. Any approved works shall be implemented prior to the development being completed and shall be maintained operational thereafter.

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

The use shall not be commenced until the access and parking requirements have been constructed in accordance with the approved plan. Any such access and or parking provision shall be retained and be capable of use when the development is completed 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 and Structure Plan Policy: T32

Community Services - Drainage Engineer: awaiting comments;

United Utilities (former Norweb & NWWA): I have no objection to the proposal.

A water supply can be made available to the proposed development.

Should this planning application be approved, the applicant should contact our Service Enquiries on 0845 7462200 regarding connection to the water mains/public sewers

Please note that a copy of these comments has NOT been forwarded to the applicant/agent as the details were not supplied.

Environmental Services - Environmental Quality: with reference to the above planning application, I have the following observations.

1. With regard to the proposed cafe/kitchen the applicant should contact Mr M Neatis in the Food Health and Safety Team at the Civic Centre or by telephone on Carlisle 01228 817302 to discuss the food safety requirements

2. It will be necessary for a site licence for tented camping sites to be issued if the planning application is approved and implemented

Cumbria County Council - (Archaeological Services): The site is archaeologically sensitive as the remains of a ditch of probable prehistoric origin were revealed in the archaeological evaluation that was carried out prior to the submission of the application.

The proposed development avoids the prehistoric ditch and the evaluation in the remainder of the site revealed no archaeological remains. I therefore have no recommendations or comments to make regarding the application. However, should the proposed development be amended in the future, I would be grateful if I was reconsulted;

Cumbria Constabulary, Northern Community Safety Unit: I have no observations or comments to offer in respect of this application

Local Plans (Tree Preservation), Development Services: Following our site visit on the 24 February 2009 I have the following comments/observations to make.

As previously discussed I have assessed the hedgerows adjacent the road and the track and they qualify as important hedgerows under the 1997 Hedgerow Regulations.

Having discussed the access on site I am satisfied that the requirements of the Highways Authority can be met by the trimming/cutting back of the hedgerow, and without the need for hedgerow removal.

The stone gate stoop should be re-used at the location of the new gate to be formed at the end of the proposed hard standing area.

Development Services Planning & Housing Services - Local Plans: There are two aspects to the proposed development: the use of the site as a campsite and the siting of a dwelling for occupation by the site manager. The proposal should be assessed against Policy EC16 of the adopted Local Plan in order to establish the suitability of the site and location for tourist accommodation. EC16 sets out six criteria against which tourism development should be assessed which relate to impact on landscape, accessibility, safeguarding of culture, heritage and environment and linkages to established tourist attractions. EC16 is also supportive of applications for tourism related development which aim to promote the enjoyment and understanding of Hadrian's Wall WHS, with the supporting text referring specifically to opportunities for the provision of new facilities close to the trail particularly refreshment facilities, toilet blocks, car parks and accommodation. The proposed scheme is for self-catering and camping style accommodation in the form of cabins and tents and associated facilities. It is intended mainly to meet the needs of walkers and cyclists following the Hadrians Wall Trail and C2C cycle route which run near to the proposed site. The principle of the proposals would therefore appear to comply with criteria 2,3, 4 and 5 of EC16.

In respect of landscape impact of the cabins and their impact on the Hadrians Wall buffer zone they are small-scale low level removable structures which could if

required be removed from the site without any significant restoration of the land. The tent pitches will also have minimal impact. The plans show there to be minimal hard surfacing to accommodate parking/barbecue areas with the intended surfacing materials being designed to enable grass to grow through. The applicant has also included details of further screening of the site and cabins in addition to the existing hedgerows that will minimise any visual impact.

The second aspect of the proposal relates to the siting of a managers dwelling. The Good Practice Guide on Planning for Tourism states that for many types of holiday parks a residential managerial presence is often essential to achieve quality service to the customer, security for the property and to meet the obligations of health and safety. In order to assess proposals for staff accommodation the Guide suggests that consideration should be given to annex A in PPS7 which requires the applicant to meet the criteria set out in paragraph 12.

Policy H7 of the Local Plan provides guidance in respect of dwellings essential to agriculture, forestry and other rural based enterprises. This policy is based on the guidance in PPS7 annex A. As this proposal is a new enterprise it would be appropriate in line with PPS7 that in addition to meeting the criteria in paragraph 12 to grant a temporary consent for the managers accommodation for the first three years in order to demonstrate the financial viability of the camp site.

In addition it is important that the use of the manager's accomodation is tied to the use of the rest of the site as a camping facility. I would therefore suggest a condition to ensure that should the camping use of the site cease, the residential use of the manager's accommodation should also cease. You may also wish to consider the long term implications if the site ceases to be used as a camp site, and include measures for the removal of the structures.

In summary I consider that the principle of this development complies with the relevant policies within the local plan by supporting the Hadrians Wall National Trail by contributing towards the provision of a choice and range of accommodation types and facilities along the route of the trail.

Beaumont Parish Council: On receipt of the revised plans, the Parish Council following meeting and discussions with parishioners, of whom a very high proportion felt that this is an inappropriate development, would make the following comments and observations. The response is split into two parts, the original comments and the subsequent feedback from the consultation session, which took place due to the level of feeling on this proposal.

- The Design and Access statement refers to future development - to what extent would this be and are there any plans available for this;
- there is an ongoing issue with a drain at the side of the road and close to northern boundary of proposed development. The drain leaks what is apparently effluent - this could pose a health risk to the site;
- the road near Lock House has a tendency to flood - will the development exacerbate this issue;
- would the planning department place a condition requiring a return to agriculture if the project were to fail;

- would planning conditions be placed to constrain the development of the facility into a more general recreational park / caravan site, specifically restricting the operation to supporting the needs of the Hadrians Wall walkers on which this approval is based;
- there is already a camp site at Grinsdale Bridge and accommodation at both Vallum House Hotel on the outskirts of Carlisle and also in villages to the west - why do we need another so close;
- there is a feeling that a wigwam does not fit in with the surroundings;
- the issues of increased traffic has been covered by reference to 'use by walkers' the sites shown on the plans display parking provision on all of the wigwams, cabins and two of the tents. It must be remembered that this junction with Carlisle to Bowness road is dangerous especially access from minor roads;
- if consent were to be granted would it be on the understanding that the key workers house remains as such and is not subsequently used as a property for rent thereby allowing the site itself to become unsupervised;

Comments post consultation session;

- the general majority view was that this area could not be more rural, the very thinh we are supposed to be protecting and the placement of this development was not appropriate;
- there was a minority view that rural areas do need investment;
- the comment on development was a question as to whether it would be constrained to the present boundaries of the field and not allowed to spread;
- the higher northern end of the site where the managers lodge will overlook Lock House due to its higher elevation;
- the site is much higer than the road at the north end which is where all the road floods. The soakaway would seem to be in receipt of all the site flow, which would normally have been slowed by natural percolation. The introduction of any hard surfaces including buildings must accelerate water flow, which can be an issue where soakaways are concerned. Whilst percolation tests have been done (were the percolation tests done in wet or dry conditions?) it is worth noting that the road has a tendency to flood already, A solution must be far from simple as our local road repair team seem unable to solve the problem; this has been subject to numerous complaints and and attention to no avail. The distance from the northern end of the soakaways concentrated wet areas, to the northern boundary, does not seem far, it is difficult to see how the site will not exacerbate the present tendency of the road to flood at this point;
- great stress has been placed on the support of Hadrians Wall Heritage Ltd, without which it is very doubtful that this proposal or any other would get consideration. However, there is no supporting information beyond the letter from Hadrian's Wall Heritage Ltd, which would indicate the actual level of requirement for this facility. It would be useful to see this as part of the application;
- there is still a view expressed by those who have an interest in walking that the Carlisle to Bowness section of the wall is seen as one leg which is not completed in two sections. This facility is somewhat distant from the starting point at Carlisle which questions its proposed location;
- if planning approval is given and the venture fails, will the planning department give a clear indication at the outset, of future obligations to return the land to its original agricultural status;

- there is still a view that the Wigwam design, which has not been seen in the area before, was not in keeping with the surroundings;
- the recent traffic survey took place in what was probably the quietest period of time of the year. During the summer month's farm traffic with its inherently large vehicles are much more in evidence. The current road is narrow and is taken up almost completely when occupied by the above mentioned vehicles, plus any busses. In addition there is very little room to walk on what are poor verges when this heavy traffic is passing. Currently there are not many if any walkers on this part of the road as the walking paths 'The Cumbria Coastal Path' which follows the river, and 'The Hadrian's Wall National Trail' which cuts across country from Beaumont to Burgh by Sands, do not use this section of the road, this would increase if walkers de-toured to the proposed site;
- Wildlife such as roe deer, foxes and partridges are seen moving through the area, the open corner area where this development is proposed could almost be seen as the only corridor to the wider countryside beyond, connecting the triangle of fields bounded by Kirkandrews-Upon-Eden, Beaumont and Monkhill. A concentrated increase in human activity at this point must have an impact on wildlife movement;
- it has been assumed that as this application is virtually the same as that which was withdrawn only a short while ago ref 08/1043. The previously personal comments posted by Parishioners to the planning department should be added to this planning request. If this cannot be done the said people will need informed as some did not realise it was necessary to write again;
- a site visit would be a necessity for this application;

Hadrians Wall Heritage Limited: [*Enter text.]

Environment Agency (N Area (+ Waste Disp)): The Agency has no objection to the proposed development provided that any approval includes the following planning condition:

CONDITION

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which has identified:
- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the

remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

REASON

The information provided with the application is inadequate and needs to be supplemented with a desk study as per the guidance in CLR11. This is required to protect the quality of Controlled Waters

AGENCY INFORMATIVE

Formal consent of the Agency will be required for the discharge of treated sewage effluent to soakaway, under the Water Resources Act of 1991.

The applicant is advised to contact the Environment Agency's Permitting Support Centre, P O Box 4209, Sheffield. S9 9BS (Tel No. 08708 506 506) to discuss the matter in detail

English Heritage - North West Region: Although this site lies within an archaeologically sensitive area, between the line of Hadrian's Wall and the Hadrian's Wall vallum, in our view its nature and carefully considered location is such that it will not have an adverse impact on the setting of the Wall in a way that impacts on the Oustanding Universal Value of the World Heritage Site.

With reference to direct impact of the proposal on archaeological remains, the applicant has undertaken an archaeological evaluation of the site and which although it did discover ditch features of probable Bronze Age date, did not reveal any archaeological remains relating to Roman frontier. As such, English Heritage is happy to defer to the County Archaeologist as to the appropriate archaeological mitigation, and provided their advice is followed we would not wish to sustain an objection to this application.

Northern Gas Networks: UU has no objections to these 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 we require the promoter of these works to contact us directly to discuss our requirements in detail. Should diversionary works be required these will be fully chargeable.

3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:
Lock House	20/01/09	
Gracelands	20/01/09	Objection
Yeavering	20/01/09	Objection
The Old Windmill	20/01/09	Objection
Mill Farmhouse	20/01/09	Objection
Beaumont House	20/01/09	
Monkhill Methodist Chapel, Monkhill	20/01/09	
Braelees Cottage	20/01/09	Objection
Harrys	20/01/09	Objection
37, Balfour Road	20/01/09	
Glenstrae	20/01/09	
Millfield	20/01/09	Objection
Linsum	20/01/09	Objection
Castle Cottage	20/01/09	
8 Longburgh Fauld	20/01/09	
Loughrigg	20/01/09	Objection
Friars Garth	20/01/09	Objection
Northview Farm	20/01/09	Objection
	20/01/09	Objection
Riverview		
Santor	20/01/09	
Bushy Bank	20/01/09	Objection
Ivy Cottage	20/01/09	Objection
Hollow Creek Farm		Objection
Greenstones		Objection
- Burgh by Sands		Comment Only
Mylen House		Objection
Ridge Lea		Objection

3.1 This application has been advertised by means of a site notice as well as notification letters sent to 22 neighbouring properties. In response, 19 letters of objection have been received and are summarised below;

1. no significant need as sites at Geltside and Grinsdale Bridge;
2. security - could be up to 60 people if campsite is full;
3. no amenities in surrounding area;
4. this will cause noise and change the appearance of an old part of Carlisle area between Monkhill and Beaumont;
5. extra traffic;
6. the small B roads around Beaumont and Monkhill are not suitable to cater for the proposed increased in road traffic. As it is when two cars pass each other one has to pull on to the verge to allow the other to pass, cutting up the verge and pulling all the mud onto the road;
7. increased traffic will increase noise in the adjoining villages;

8. the proposed wigwams and buildings will not sit in harmony with the village as they will be out of keeping with the existing houses, to the detriment of the World Heritage Site;

9. Safety is a concern both from the increase in traffic but also from the steady stream of this new transient population potentially making use of the site. Currently the beauty of Beaumont is that only people accessing Beaumont itself go there, now however a steady stream of strangers will be accessing through the village to stay at the site;

10. although the developers are saying they are aiming at folk who are wishing to walk the wall, they would be powerless to prevent people who wish to use the site to 'party' thus increasing noise in the area;

11. a campsite exists 2 miles away from Kirkandrews at the car sales bridge, thus the grounds for this development are already catered for;

12. the proposal indicates that the site could grow in the future which amplifies all the previous concerns by another factor of magnitude;

13. the proposed use of the land is so out of keeping with current use that Wigwams, buildings and a shop will change the village environment forever, for the worse;

14. a much better solution would be to site this proposal well out of the way of the local community where it could exist with good access and not detract from our village, community and wildlife;

15. this is a greenfield site and it should not be used for any other use than agriculture;

16. the proposed development would increase traffic flow at an already dangerous crossroads;

17. is the application for timber (temporary type) buildings just a way of gaining planning permission, then when they have passed their sell by date they will be replaced by permanent homes;

18. if permission were to be granted then the field either side could risk being developed as these could then be classed as in-fill plots. This would join both the villages of Monkhill and Beaumont together creating one large developed area rather than two small quiet tranquil villages;

19. there are no amenities in Monkhill, the pub has closed again having only been open for approx three months prior to this it was closed for approximately eight months. The bus service is limited;

20. it is a green field site and should not be used for new development when accommodation for walkers already exists along this section of the route and so close to Carlisle;

21. it will have a significant effect on local wildlife, especially roe deer, who use this and adjoining fields as a means of passage and pasture;

22. access in and out of the proposed site will create a safety issue to passing vehicles as the site entrance is very close to a blind bend;

23. this is a very narrow road from Monkhill to Beaumont and pedestrians and young children who walk this route have to stop and giveway and climb onto the grass verges to avoid traffic and buses. This is dangerous in itself as the verges are constantly being severely damaged by large vehicles which can't pass each other without mounting the verges;

24. the proposed development will certainly create a greater hazard than already exists in vehicles gaining access to the Monkhill / Burgh Road crossroad;

25. there is concern over the septic waste from this proposed development. The planned soakaway into land that constantly floods onto the road from this field and others so much so that it is impassible at times for pedestrians and dangerous for vehicles. It is felt that health and safety will be compromised;

26. concern over noise, litter, day and night disturbance in this peaceful area;

27. an increase in seasonal visitors raises concerns regarding increased security risk;

28. The Supporting Planning Statement refers at 4.4.6 to a preference to find local accommodation, and states "where this is not feasible the guidance does allow for the principle of provision for on - site accommodation." In this case, however, it is perfectly feasible to obtain suitable accommodation. There is at this moment a modestly priced property for sale within walking distance of the proposed site;

29. the case for lack of feasibility appears to be based upon the fact that the applicant lives in Maryport, and the scale of the proposed business would not sustain the purchase of a house. This is no doubt true, but spurious. Everyone has to live in a house of some kind, and its value is normally irrelevant to any business which the resident might undertake. There is nothing to prevent any applicant from relocating to say, Monkhill. If he were unable to afford to do so it would be unfortunate, but this would not make a case for on-site accommodation;

30. The fact that Monkhill is referred to as a sustainable development location at DP1 is irrelevant as the proposed site is outwith the village;

31. if granted, this dwelling would constitute the thin end of a wedge. If this application were to be granted it would be difficult to refuse a further application for a residence 'only 215m' away from this one, leading

ultimately to infilling the countryside between Monkhill and Beaumont;

32. The applicant seeks to quell fears by referring to the business being tied to the business, drawing attention to the fact that the occupancy would cease if the business should fail. The fear is not that it might fail, but that it might succeed beyond all expectations, leading to almost inevitable expansion;

33. In the statement at 4.1.1. 'is anticipated that the majority...will arrive by foot or bicycle'. We can only conclude that this statement was made with tongue firmly in cheek. The very strong likelihood is that they would arrive by car, no doubt with bicycle and/or climbing boots, and use the site, with its convenient parking, as a base. This would involve unacceptable increase in traffic on a very narrow road, and particularly at the Crossroads at Monkhill, which has appallingly poor visibility to the left when emerging from the direction of the site;

34. At 4.4.9, the services provided by the cabin (Cafe etc.) would be 'extended to passing walkers and cyclists'. Motorists are not mentioned but it would obviously be impossible to distinguish a motorist from a walker. If this Cafe were to prove a success, impossible congestion in the vicinity would result, no safe roadside parking being possible;

35. the width of the road serving the site is extremely narrow - two cars can't pass at the same time. It is also used by the local bus service, milk wagon's, heavy agricultural vehicles and cattle;

36. the ditches to the side of the road are badly damaged and the gulleys are blocked and the road floods badly. This proposal will only add more problem's to the Monkhill to Beaumont Road. There is also no street lighting or road markings;
37. there are no amenities in Monkhill;

38. the field is agricultural land and should be kept so;

39. the site is a bronze age site close to the Vallum. Our heritage should be protected, not developed upon;

40. a camp site would be noisy, create extra traffic and possibly invite crime. Monkhill and Beaumont consists of a lot of elderly residents;

41. there are existing tourist facilities in the local area;

42. this proposal would add extra traffic to narrow busy roads;

43. the drain that's positioned just past the proposed site leaks effluent and it has done for the past thirty years;

44. it is understood that applicant resides at Crosby near Maryport, as such, it is considered that a site in Maryport would have made more sense as

there is a lot more interest and history there, for example, a Roman museum;

45. discussions with walkers do not suggest that they require a campsite between Beaumont and Monkhill;

46. if the proposal went ahead and was not successful, would the cabins and the dwelling be removed and the field re-instated?

47. the seven additional permanent buildings, in a small rural community would represent a substantial development, and will potentially change the character of the area;

48. although there is a 30mph speed restriction in operation we have problems with speeding traffic entering the village. This development would lead to more traffic and hence make this problem even worse. Also, the single track roads around Beaumont attract walkers and cyclists and the extra traffic would potentially make conditions for these road users more hazardous;

49. the change of use would be incompatible with the existing environment, this is a rural district on the edge of an Area of Outstanding Natural Beauty and would not benefit from the kind of development proposed.

50. it is located within an isolated community with no amenities;

51. there is little or no public transport to or from Carlisle outside of daylight hours and users of the facility would therefore be tempted to make their own entertainment with all the consequent noise and light pollution for nearby residents;

52. the proposal is economically flawed and stands a good chance of failing, in which case the investors would be tempted to recoup their investment by letting the cabins on a permanent basis, with all the consequent social drawbacks;

53. it is agreed that the Solway needs more tourist accommodation, but not the low grade sort envisaged in this application. There are plenty of camp sites in the area, and in any case real campers pitch their tents in convenient fields. What is needed is more good quality bed and breakfast accommodation and restaurant facilities. The proposal does nothing to encourage this. On the contrary it would set an unwelcome precedent that could result in the Solway being surrounded by low grade developments of this sort. This would discourage tourists from visiting our area. If we are to encourage British tourists who currently holiday abroad to come here we have to offer more than a wigwam in a field. They will demand good quality accommodation, e.g. en-suite facilities as a minimum;

54. the proposed site is outside the village of Monkhill but still unfortunately

close enough to impact it. If this site were developed it would then create a possible application to in-fill between the Chapel and the campsite. And if permission has been granted for this site outside the village who knows how long it would be before Beaumont and Monkhill become one village corridor!;

55. the size of this proposed campsite which the developer continually refers to as small is not small enough. In the notes it says the septic system is designed for 25 people but if there are 3 wigwams (for 2 people) and 2 self catering cabins (may sleep more than 2) and then 10 tent sites (could be for 2 people or more) as well as a site managers house then that adds up to more than 25 people even without it being full. Considering the village of Monkhill consists of around 32 houses this would seem like a large increase of population for this area during the summer months;

56. why build a site managers house when there is a perfectly good house for sale in Monkhill currently;

57. The road network around Monkhill and Beaumont is not suitable for the type of traffic that this sort of development would bring to the area e.g. cars and caravans and the large vehicles needed to service this type of development;

58. Surely the damage to the local area and the increase from traffic will go against everything we as a County are trying to achieve;

59. Trying to save our local landscapes especially in an area like the Solway Coast must be of the up most importance because as we know from other areas around the Country once we lose these areas of outstanding natural beauty we can never get them back sadly a situation where we have only looser;

60. As we know these sites do not stay small and once started rarely stop until they become a blot on the landscape just travel to Silloth for an example of this and as the application also proposes a dwelling for a site manager it is hard to see how it can be financially viable to do this with a plane for a couple of cabins and ten tents suggesting they would look to expand the operation in the future and as previously stated it is easier to expand once the damage is done. I have no problems with someone wishing to build a family home in the area but this is just an ugly blot that I'm sure not many people would wish to view from their home;

61. There is no benefit commercial or financial to the local economy that I can see from this proposed development as we live in times where anyone staying on this development will just drive back in to Carlisle to do there shopping at one of the national chain supermarkets increasing traffic even more and damaging the environment even more;

62. Moving to this area was a decision made based on the fact that it was a quiet rural environment to bring our children up in, a development like this

will ruin this beautiful area and as stated before once gone you can never get it back. Surly with the current financial climate the world finds itself in there are enough Hotels, Bed and Breakfast, Cottagers, Lodges and Camp sites struggling to fill the space they have available and make their business financially viable and keep their heads above water. This development will just create competition for an already struggling sector of our economy;

63. the campsite location is not actually on the Hadrians Wall trail unlike the many other B&Bs, campsites and bunkbarns in close vicinity to Monkhill;

64. Monkhill is a small rural hamlet with 32 dwellings and no local amenities - the local Public House has recently closed;

65. the bus route serving the area is limited;

66. the staggered cross roads at Monkhill are difficult to negotiate at the best of times. Visibility towards Burgh-by-Sands is good. However, visibility towards Kirkandrews on Eden is exceptionally poor;

67. the proposed development intends to build on a site which is currently agricultural land. The land should remain for agricultural use. Surely Carlisle City Council should be promoting conservation of agricultural land and preservation of all animals which live and hunt on that land;

68. the development would spoil the countryside between Monkhill and Beaumont;

69. the ground is always wet even in summer on the Monkhill side of the proposed development, and on the Beaumont side the road floods on a regular basis even after moderate rain;

70. there is obviously a problem with the drains in that area and the development would compound the problem;

71. any development whatsoever in this green field would be a disaster. The small villages of Beaumont and Monkhill are separated by only four fields and this would create an in-fill situation encouraging other local developers to also destroy the farmland with more developing, causing, eventually in time, for Beaumont and Monkhill to merge into one.

72. we do not walkers trooping up and down the village looking in windows and gardens;

73. the countryside must be preserved for future generations and wild animals;

74. there is no necessity for any input into the local economy which would only consist of a few walkers visiting Monkhill pub, it has sufficient local trade, as a community to survive, only being closed at present due to

wrongly placed tenants. We do not want to be imposed upon by the tourist trade and certainly do not want a cafe on the doorstep;

75. the proposal will prevent frogs and toads using their migratory route;

76. the applicant(s) claim an average site usage of 9-15 persons, but concede that 'there will be times when the numbers are outside this range'; the site is expected to be operational outside of standard tourist seasons, 'we hope to add extra cabins once we have gained enough income' and 'we hope to add an additional WC when an information point is added'. Clearly financial necessity will drive this project to operate at maximal capacity for as long as possible each year and the safeguards for the local area are not adequate to cope with this level of usage. They claim the site is mainly for walkers and cyclists but they cannot, and will not, discriminate against customers who arrive by other modes of transport, thus affecting traffic volumes;

77. the applicant(s) answer to concerns regarding noise and crime is 'most people who walk Hadrian's Wall are over 30' - criminal and antisocial behaviour is not solely the preserve of the young;

78. I note 'the cabins are specially designed and used in remote areas of Scotland'. Whilst this may be a statement of fact, Beaumont is not remote. Furthermore, these cabins look absurd and out of keeping in Scotland, just as much as they will if allowed in to Beaumont / Monkhill. The applicant(s) claim that the 'height of the existing hedgerow will be increased by about 1m so the site will be unlikely to be visible'. However, a well managed more substantial hedge will take time to grow. In the interim, the site will be an eyesore;

79. the applicant(s) state that 'there is a pub in Burgh-by-Sands, only a 20 minute walk away'. They fail to point out that there is also accommodation in Burgh, very near to the pub. Why then would you wish to camp in Beaumont and walk 20 minutes to the pub, when you could stay in Burgh and only walk 5 minutes to the pub?;

80. this project begins the infill of the green space between two sperate hamlets - part of the beauty and character of the area. If this proposal is passed you the planners, and the Maryport applicants, will be responsible for the development of an indistinct urban dormitory, in place of green fields and open countryside;

81. it appears that the holiday accommodation will be available for use on a year round basis and must be judged in this context;

82. the siting of a dwelling in open countryside for use by the Site Manager directly conflicts with local plan policy. There is nothing in the documentation that we have seen to support an identified and proven need for a dwelling. In our view there must first be a need to justify the planning consent. To approach the issue the other way round would be

entirely wrong;

83. there will be many months during the year when the holiday facility proposed will be barely used. If the facility is under used or worse still fails completely the precedent for a residential dwelling free of ant restriction will have been established. We would be grateful if in the Planning Officer's report to the Committee it could be clearly indicated how it is intended that the residential dwelling might be linked to the remainder of the development to prevent it being sold off or occupied separately from the development;

84. while we are aware that a traffic statement has been prepared its contents do not alleviate or eliminate our client's concern regarding the additional traffic that would be generated along this minor route. Existing traffic already has a serious and damaging effect upon the road verges and gutters. Photographs are enclosed illustrating the concern;

85. the road network surrounding land in this area frequently floods and again this is clear from the photographs. It is a logical and understandable fear on our client's part that increased commercial and vehicular activity in the area can only make matters worse;

86. Part of the development site proposed is elevated some 2 metres above the road and our client's adjoining land and property. He will be overlooked which will directly impact on his privacy and amenity. A development which adversely affects the amenity of neighbouring residential property is in direct conflict with local plan policies. Our client is aware that certain landscaping / mitigating measures are proposed in the form of planting. Any planting scheme will take years to mature and will at best only be effective during the summer months. The proposal in our view represents unneighbourly development;

87. the development represents development in the open countryside. The thrust of national and local guidance is that the countryside should be protected for its own sake and where possible enhanced. The use of the site for the development proposed directly conflicts with this guidance;

88. the land floods - the proposed access is at the junction of two beck's. One is a drain at the roadside from Monkhill, the other is a drain along the nearest field to the proposed entrance. The lonning is currently liquid mud;

89. the proposed drainage system will have nowhere to empty;

4. Planning History

4.1 In 2008, under application reference 08/1043, an application for the change of use of agricultural land to holiday accommodation comprising of 2no

self-catering cabins, 3no, camping cabins, services, 10no. tent pitches, access road, alterations to existing vehicular access and placement of 1no. dwelling for occupation by site manager was withdrawn;

5. Details of Proposal/Officer Appraisal

Introduction

5.1 This application seeks full planning permission for the provision of tourist accommodation and associated facilities within a field located on the eastern side of the road leading north from Monkhill to Beaumont. The application site is approximately 500m to the south-west of the Hadrian's Wall Path National Trail (HWPNT) within the Hadrian's Wall World Heritage Site Buffer Zone and adjoins the Solway Coast Area of Outstanding Natural Beauty. The field has an approximate area of 0.44 hectares and is bounded to the south, west and east by natural hedging. The northern boundary is a post and wire fence. The field is above the level of the road that runs along its western flank. Agricultural fields are located to each other flank with the nearest residential property, Lock House, located approximately 60m north-west of the northern boundary of the site. The closest properties within Monkhill are approximately 180m from the application site; the closest properties in Beaumont are approximately 200m. Access to the site is from the south-west corner of the field.

The Proposal

5.2 This application seeks approval to provide 3 camping cabins, 2 self catering cabins, a service cabin, storage shed, info cabin, ten tent pitches and a cabin to provide accommodation for a "key worker" within the site. It is also intended to provide a gravel access road and undertake landscaping, primarily through hedge planting. The site plan indicates that the proposed tents will be located on the eastern side of the access road (away from the public highway) and the remaining timber structures located to the west of the access road. The applicants have indicated that surface water drainage will be in the form of a soakaway with foul sewerage dealt with by means of a package treatment plant.

5.3 The proposed self catering cabins are to have a length of 8.1m (including overhang), depth of 2.7m, maximum roof height of 2.95m, and are to be constructed from timber. The cabins will provide a bedroom, toilet/shower and combined living space and kitchen.

5.4 The camping cabins are 'A' shaped buildings with a floor area of 5.5m x 3.7m and a roof height of 2.8m. The cabins will again be constructed from timber and provide a single living space with no washing facilities.

5.5 The service cabin is to have a floor area of 9.2m x 6m with a maximum roof

height of 3.5m. It is to be divided into two distinct areas, one comprising a kitchen and café area; the second two toilets (including one suitable for disabled people) and two showers. A ramp is to be provided to allow access to the cabin for disabled people. The cabin is to be constructed from timber. Adjacent to the service cabin it is proposed to a erect a timber drying room with a floor area of 3.63m x 1.82m and a roof height of 2.27m.

5.6 As noted, the tent pitches are to be located to the east of the site with individual pitches screened from one another by means of willow/hazel hurdles of approximately 2m in height. A dogwood hedge is to be planted to the rear of the tent pitches to provide delineation with the soakaway that is to be located directly behind.

5.7 The key worker's accommodation, that is for the manager and his/her family, is to be located at the northern end of the site. It is to be single storey with a floor area of 10.9m x 6m (maximum 13.1m x 7m including verandah). It will provide three bedrooms, a bathroom, toilet/shower and combined kitchen and living area and is to be constructed from timber.

5.8 The application is supported by a planning statement, design and access statement, traffic assessment, hedgerow survey report, archeological evaluation, and a business plan. The intention is for the proposed accommodation to be primarily, but not exclusively, used by those walking along the HWPNT and cyclists on the Coast to Coast (C2C) route. The facility will offer tourist accommodation throughout the year. Given the nature of the anticipated users, it is likely that the length of stay will generally be short, i.e. one or two nights.

Assessment

5.9 The relevant policies against which this application is required to be assessed are Policies DP1, CP1, CP4, CP5, CP6, EC16, H7, LE5 and LE29 of the Carlisle District Local Plan.

5.10 The proposal raises two distinct issues. The first is whether the principle of providing holiday accommodation in this location is acceptable and is considered at 5.11 to 5.30. The second relates to the acceptability of providing key workers accommodation on site which is considered at 5.31 to 5.33.

1. Whether The Principle Of Tourist Accommodation Is Acceptable In This Location

5.11 The proposal falls outside of a sustainable development location as defined by Policy DP1 of the Carlisle District Local Plan. However, Policy EC16 of the Local Plan states that proposals for tourism related development will be supported where they contribute to the economic and physical regeneration of an area provided that the following criteria are achievable on site:

1. the scale and design of the development are compatible with the

surrounding area; and
2. the would be no unacceptable adverse impact on the landscape/townscape; and
3. adequate access by a choice of means of transport, including sustainable modes of travel such as cycling or long distance walking and appropriate car parking can be achieved; and
4. the level of traffic generated can be adequately accommodated within the local road network without detriment to the particular rural character of the area; and
5. If the proposal is within a rural area 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; and
6. the distinctive environment, culture and history of the area are safeguarded.

5.12 In addition, the policy stresses the importance of Hadrian's Wall as an attraction for sustainable tourism with the supporting text referring specifically to opportunities for the provision of new facilities close to the trail - particularly refreshment facilities, toilet blocks, car parks and accommodation.

2. Impact On Landscape Character

5.13 As noted, criteria 1 and 2 of Policy EC16 relate to the impact on landscape character and existing settlements. The proposal will result in the introduction of a number of timber structures on an open field within the Hadrian's Wall Buffer Zone and adjoining the Solway Coast AONB. A number of objections have been received on the basis that the proposed structures will be visually intrusive, especially in the context of their proximity to areas of recognised historic and landscape value. However, the cabins and associated buildings are small-scale low level removable structures which could, if required, be removed from the site without any significant restoration of the land. The tent pitches will also have minimal impact. The plans show there to be minimal hard surfacing to accommodate parking/barbecue areas with the intended surfacing materials designed to enable grass to grow through. The applicant has also included details of further screening of the site and cabins in addition to the existing hedgerows that will minimise any visual impact. It is therefore considered that the requirements of the aforementioned criteria are achievable on site.

3 . Accessibility

5.14 Criteria 3 of Policy EC16 requires any tourist facility to be accessible by a choice of means of transport. In this regard, the applicants are specifically marketing the site at walkers and cyclists following the HWPNT and C2C. As such, it is likely that a higher percentage of people using the facility would arrive on foot or by bike than would normally be associated with a development of this type. In addition, there is also a bus service which runs in close proximity to the site. Whilst it is inevitable that some people using the

site will arrive by car, it is considered that the proposal provides sufficient alternatives to demonstrate compliance with criterion 3.

4. Impact On The Local Highway Network

5.15 The fourth criterion seeks to ensure that the level of traffic generated can be adequately accommodated by the local highway network. As already discussed, it is considered likely that a high percentage of visitors to the site will arrive on foot or by bike. However, the proposal will also generate additional motor vehicle movements. A number of concerns have been raised by residents in relation to this aspect of the proposal. Firstly it is asserted that due to the narrowness of the road between Beaumont and Monkhill, two vehicles - especially when this involves a tractor, bus or similar - are unable to pass without driving onto the verge. Photographs have been provided by one objector to show the damage which has already been caused to local verges as a result of this. Secondly, there are highway safety concerns because the staggered cross-road in Monkhill is considered to have particularly poor visibility. Likewise, the visibility for cars leaving the site is felt to be particularly poor. There is also a general concern in relation to increasing the amount of traffic on the relatively narrow rural roads in the vicinity of the site.

5.16 In relation to the impact on the verges, as demonstrated by the photographs submitted by the local resident, this is a pre-existing issue which, given the modest nature of the tourist facility and its emphasis on attracting walkers and cyclists, is considered unlikely to be significantly exasperate the problem. In relation to safety concerns, the Highway Authority has raised no objection to the proposal subject to appropriate conditions being attached to any permission that may be granted to ensure, amongst other things, appropriate visibility splays and entrance to the site is achieved. On this basis, it is considered inappropriate to recommend refusal of the application on highway grounds.

5. Whether The Proposal Is Well Related To An Existing Tourist Attraction

5.17 Criteria 5 of Policy EC16 of the Local Plan states that proposals for tourism related development in the rural area must be '*well related to an established tourist attraction or an existing group of buildings, or would form an important element of a farm diversification scheme*'. In this instance the proposal is clearly well related to the Hadrian's Wall World Heritage Site and the associated Hadrian's Wall Path National Trail. As such, it is considered that the requirements of this criteria are met.

5.18 A number of objections have been received on the basis that there is no need for the facility as there are numerous other establishments of various kinds offering accommodation for people visiting / walking the wall in the wider area. However, Hadrian's Wall Heritage Ltd have provided a letter of support for the proposal which states that '*we are particularly interested in the development due to the fact that it will offer high quality, environmentally friendly facilities for walkers and cyclists in an area of Hadrian's Wall corridor that currently has no provision of this nature*'.

5.19 It may be asserted that granting approval for this development could potentially impact on the financial interests of nearby enterprises - listed by objectors - which also provide tourist accommodation, albeit of a different kind, in close proximity to the wall. 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. Whether The Proposal Would Safeguard The Local Environment

5.20 The final criteria of Policy EC16 requires that *'the distinctive environment, culture and history of the area are safeguarded.'* As noted, the proposal falls within the buffer zone of the Hadrian's Wall World Heritage Site and is therefore in a location of acknowledged historical significance. Concern has been raised that the proposal will have a detrimental impact on the historic and archaeological interest of the area. As such, the applicants have submitted an archaeological evaluation of the site and both the Cumbria County Archaeologist and English Heritage were consulted. However neither raised any objection to the proposal as it was not considered that any archaeological remains would be affected.

5.21 In addition to impact on the historic environment, concern has also been raised as to the potential impact on wildlife. However, it should be noted that the proposal falls within an intensively managed agricultural field which has most recently been used for grazing animals. As such, the field is likely to have low intrinsic value for wildlife. Whilst it may be used by foraging animals, the field represents a small part of an extensive resource of similar habitat and any impact on wildlife is therefore likely to be minimal.

5.22 In addition to the above, should permission be granted, the proposal would require the hedgerow around the proposed entrance to be cut back to allow the visibility splays required by the Cumbria Highway Authority to be achieved on site. It may also be necessary to remove a small amount of hedgerow (<0.50m) to allow the minimum carriageway width of 4.8m to be achieved. The Council Tree Officer has assessed this hedgerow and has advised that it would qualify as 'important' under the terms of the Hedgerow Regulations 1997. As such, he has noted that there is strong presumption in favour of it's with any loss only warranted in exceptional circumstances. However, given the minor nature of any hedgerow removal which may be required and the mitigation afforded by additional planting within the site, it is not considered that their would be sufficient grounds to warrant refusal of the application on the basis of the loss of this small section of hedgerow, if required.

5.23 In addition to the above, a number of additional concerns have been raised in relation to the tourist accommodation which are addressed below.

7. Crime and Anti-Social Behaviour

5.24 A number of residents have raised concerns that by potentially having up to

60 tourists in the area at one time, there will be an increased risk of criminal activity within Beaumont and Monkhill. As such, the Cumbria Constabulary Architectural Liaison Officer has been consulted on the proposal. Whilst officially raising no comment, he has verbally advised that there is no actual or anecdotal evidence to suggest that this type of development is associated with an increased risk of criminal activity.

5.25 Concern has also been raised over the potential for anti-social behaviour caused by 'partying' tourists. The Cumbria Constabulary Architectural Liaison Officer has verbally commented that whilst this type of anti-social behaviour was historically a problem on the large Lake District camp sites, it has now largely been 'managed out' through, for example, the adoption of policies refusing admittance to large, single sex groups of tourists. It is therefore considered that through good management of the site, anti-social behaviour could be minimised. It must also be remembered that the proposed site is largely seeking to attract walkers, cyclists and visitors to Hadrian's Wall and will offer limited services. It is therefore likely that the site would attract visitors wanting a different experience to the large Lake District sites that retail alcohol and provide on-site entertainment.

8. Impact On The Living Conditions Of Neighbouring Residents

5.26 There have been a number of general objections to the proposal on the basis that it will adversely effect the living conditions of residents of Monkhill and Beaumont through an increase in the number of people walking through both villages. There has also been a specific objection from the resident of Lock Cottage as he considers that the proposal will result in a direct loss of his privacy and amenity.

5.27 Policy CP5 of the Carlisle District Local Plan seeks to ensure that there is no adverse effect on residential amenity arising through development. Whilst acknowledging the general objections raised, it should be remembered that the proposed site is relatively small and will cater for a limited number of tourists at any given time. Members should also be aware that the HWPNT already passes through Beaumont and so - given that the site is primarily aiming to attract walkers - it is likely that a high percentage of people using the site would pass through Beaumont regardless of the presence or otherwise of the application proposal. In addition, given that Monkhill is farther from the HWPNT than the site and has little to offer in terms of tourist facilities, it is reasonable to assume that not everyone using the camp site will journey as far as Monkhill. If people require, for example, evening meals, it is more likely that they will continue along the trail to Burgh-by-Sands. It is acknowledged that if the Public House in Monkhill were to re-open, this would act as a draw to people using the site. However, it is still not considered that this would lead to people visiting Monkhill in sufficient numbers to adversely effect the living conditions of residents.

5.28 The concerns raised by the resident of Lock Cottage in relation to loss of privacy and amenity are acknowledged. However, any assessment of likely impact must be made on the basis that, at its closest point, Lock Cottage is

some 60m from the boundary of the proposed site and a hedgerow, road, agricultural field and bank and a number of trees are located between the two. In addition, as the visitor facilities are located towards the southern end of the site, they would actually be at a distance of some 100m from the house. It should also be noted that the northern end of the site is significantly elevated in relation to the southern end so views of Lock Cottage from the tourist accommodation - and vice versa - would be limited. The key workers accommodation is to be located to the northern end of the site and would be more visible. However, given the distances involved it is not considered that this would have sufficient adverse impact on the living conditions of the resident of Lock Cottage to warrant refusal of the application.

9. Flooding and Drainage

5.29 A number of objections have been received on the basis that the road which serves the site is liable to flooding. It has been suggested that this is a result of the poor condition of existing drains in the area and also as the ditches which run along the side of the road are blocked. As this is clearly an existing problem, it needs to be considered whether the development of the site will significantly exasperate the situation.

5.30 The proposal will not introduce any permanent areas of hard standing. The access drive is to be constructed from gravel and the parking places from reinforced mesh, neither of which will impede surface water drainage. Whilst the permanent structures may have some impact, given their footprint in relation to that of the overall site, it is considered that this would be minimal. In relation to foul sewerage, the applicants have indicated that use will be made of a package treatment plant rather than a connection to the existing drainage system. However, notwithstanding the above, as the proposal is likely to be exempt from Building Regulations control it is essential that percolation test reports and a drainage scheme, identifying in detail how foul sewage and surface water will be dealt with, are submitted prior to the determination of the application in order to ensure that a satisfactory solution can be achieved which will not result in additional flooding of adjacent areas. The Environment Agency have been consulted on the proposal and have not raised any concerns in relation to flooding or drainage. They have however requested that a condition be attached to any permission which may be forthcoming requiring the applicants to provide a contaminated land assessment and mitigation strategy.

10. Whether The Provision Of Key Workers Accommodation Is Acceptable

5.31 The report so far has concentrated on the acceptability of providing tourist accommodation. However, the second major aspect of the proposal relates to the provision of key workers accommodation on site. This element of the proposal has raised significant concern largely on the basis that a) the proposal is not of a sufficient size to warrant the provision of the dwelling and b) the tourist element of the proposal is merely a means for the applicants to receive permission for a dwelling in a location in which it would generally be considered unacceptable.

5.32 The Good Practice Guide on Planning for Tourism states that for many types of holiday parks a residential managerial presence is often essential to achieve quality service to the customer, security for the property and to meet the obligations of health and safety. In order to assess proposals for staff accommodation the Guide suggests that consideration should be given to annex A in PPS7 which requires the applicant to meet the criteria set out in paragraph 12.

5.33 Policy H7 of the local plan provides guidance in respect of dwellings essential to agriculture, forestry and other rural based enterprises. This policy is based on the guidance in PPS7 annex A. It is also relevant to note that the proposed accommodation is in the form of a timber cabin that can be relatively easily removed from the site should the proposed enterprise prove unsuccessful. As such, Members can consider the imposition of a condition that either gives temporary permission for the cabin or requires the cabin to be removed and the land reinstated should the proposed enterprise cease operation. Any further accommodation would require a separate application. The applicants have submitted a business plan that indicates the phased introduction of the camping and self catering cabins over a three year period. As such, it would be considered appropriate to attach a condition to any permission that may be granted to ensure the phased introduction of the holiday accommodation actually takes place alongside the provision of the proposed key workers accommodation. A condition could also be attached requiring the removal of all structures and the restoration of the land within a given time scale should the venture fail.

Conclusion

5.34 On the basis of the above assessment, the proposal will be recommended for approval subject to the receipt of an appropriate scheme for the disposal of surface water and foul sewage and the imposition of relevant conditions.

6. Human Rights Act 1998

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

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

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

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

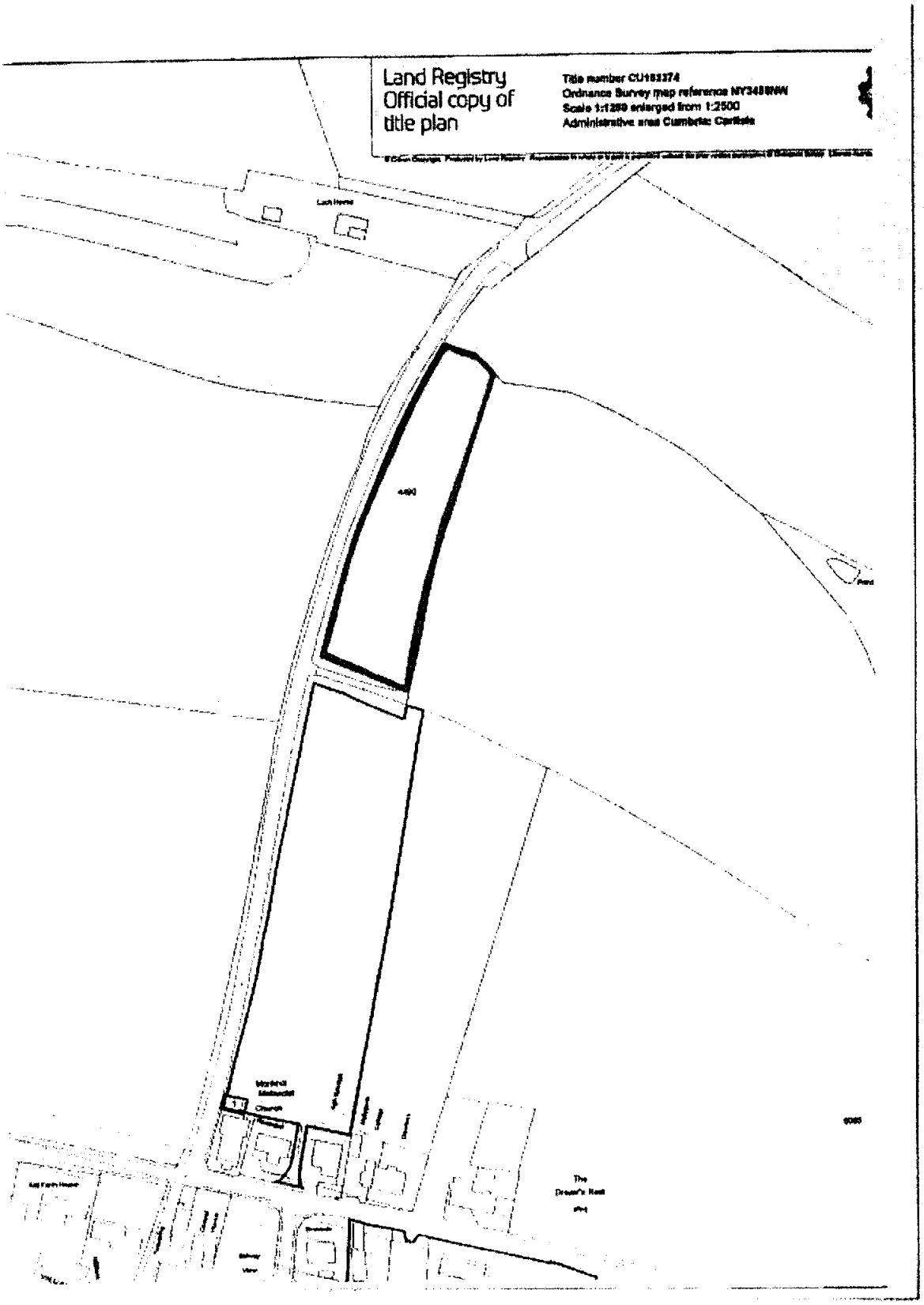
6.2 **Article 1 of Protocol 1** relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

6.3 The proposal has been considered against the above Protocol of the Act but in this instance, it is not considered that there is any conflict. If any conflict was to be alleged it is not felt to be of sufficient weight to refuse planning permission.

7. Recommendation

Reason For Including Report In Schedule B

At the time of preparing the report information relating to drainage is awaited from the applicants.



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14 JAN 2009
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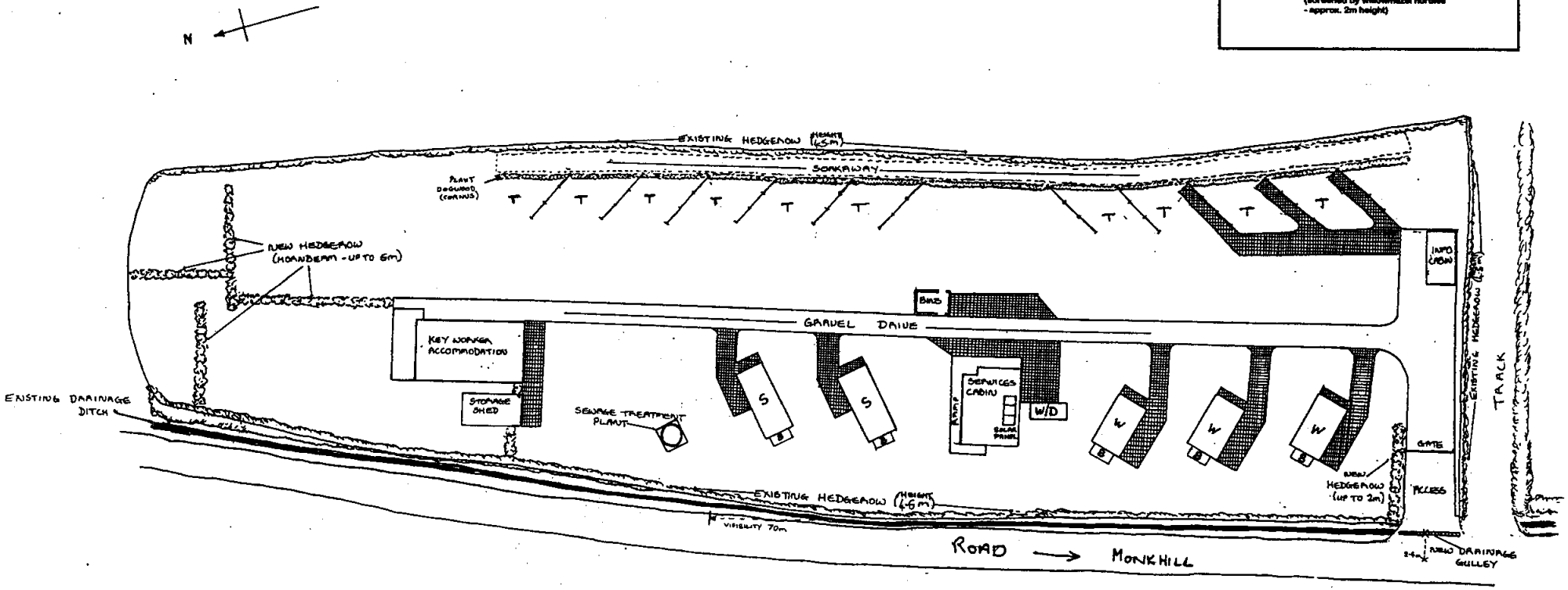
13 JAN 2008
09 00

Roman Wall Lodges - Monkhill

Key

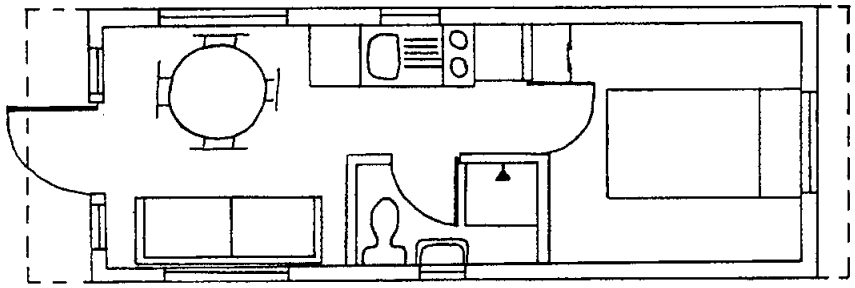
	Parking Places (ground reinforcing mesh with grass growing through)
W	Wigwam (camping cabin)
S	Shieling (self-catering cabin)
B	Secure Bike Storage (+ additional space in Storage Shed)
Services Cabin	Disabled access to Breakfast area & Lounge; WC/Shower rooms
W/D	Washing up/Drying room
T	Tent Pitches (separated by willow/hazel hurdles - approx. 2m height)
Bins	Rubbish Collection and Recycling (screened by willow/hazel hurdles - approx. 2m height)



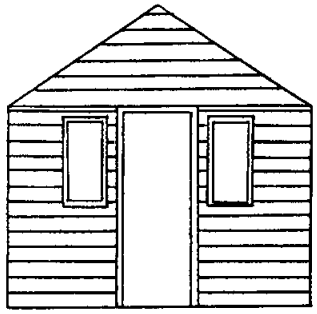
PROPOSED BLOCK PLAN OF CAMPSITE FIELD, MONKHILL FARM, BURGH-BY-SANDS CA5 6DB

SCALE: 1:200 /08

Martin Dot 13/11/08	
SHEILING	S/C CABIN
PROPOSED FLOOR PLAN/ELEVATION	
MR M. DOHERTY	
ROMAN WALL LODGES	
SCALE : 1/50	11/10/08



FLOOR PLAN



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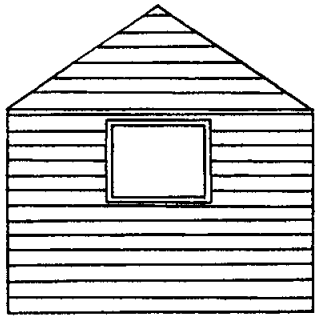

REAR ELEVATION

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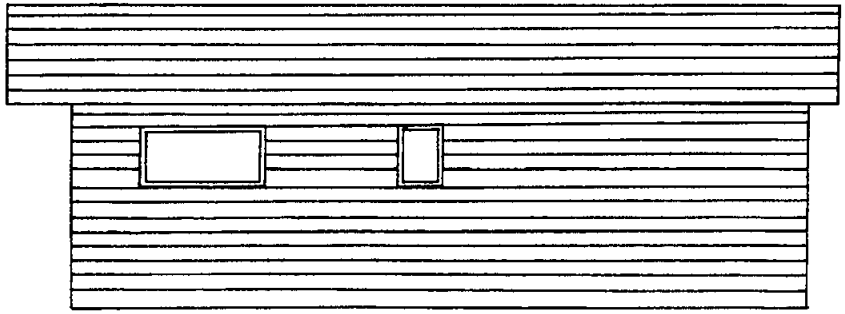

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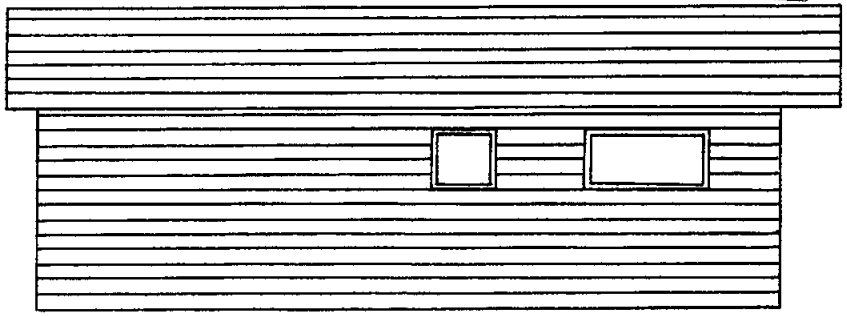

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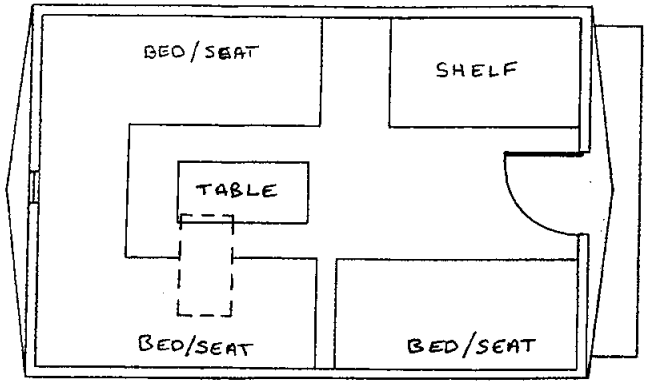

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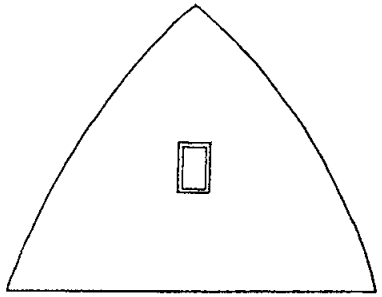

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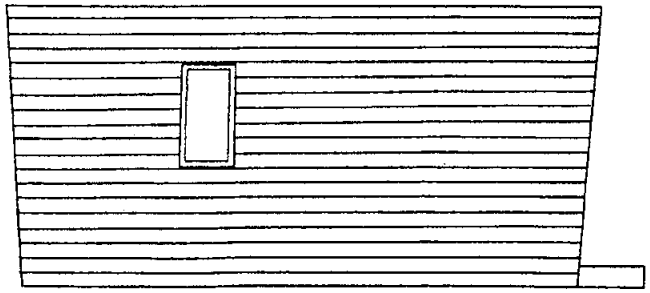

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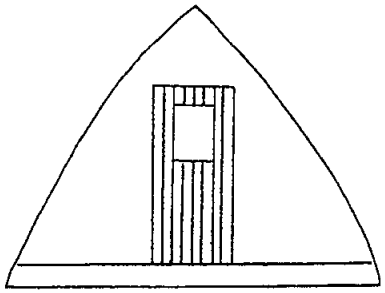

FRONT ELEVATION

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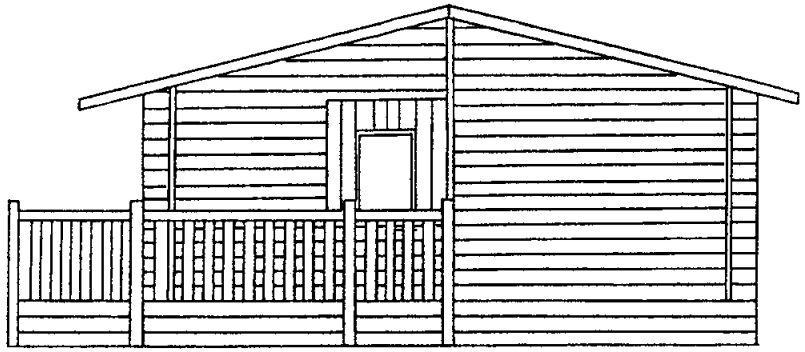
13 JAN 2009
09/0017

WIGWAM	CAMPING CABIN
PROPOSED FLOOR PLAN & ELEVATION	
MR M DOHERTY	
ROMAN WALL LODGES	
SCALE : 1/50	11/10/08
13/10/08	



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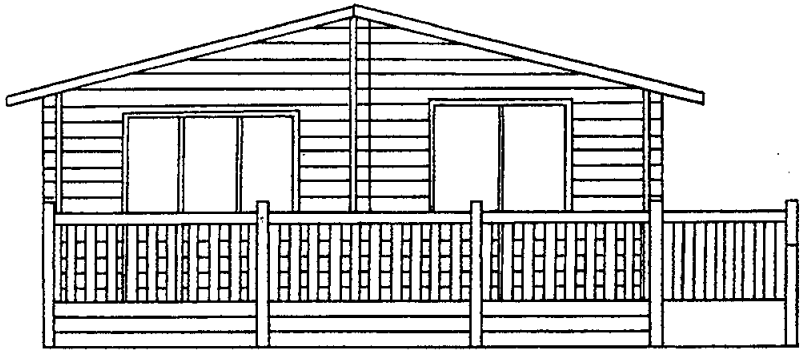

FRONT ELEVATION

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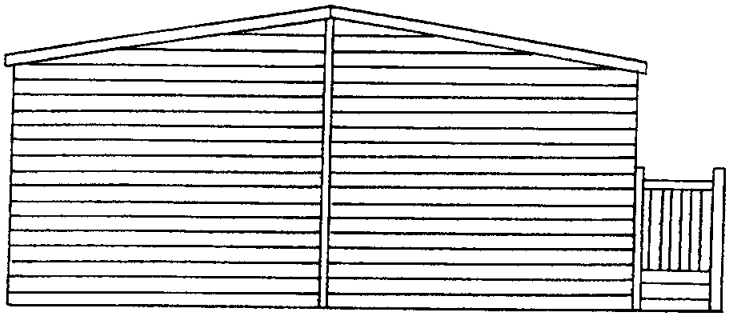
SERVICE CABIN
PROPOSED ELEVATIONS
MR M DOHERTY
ROMAN WALL LODGES
SCALE: 1/50
13/10/08



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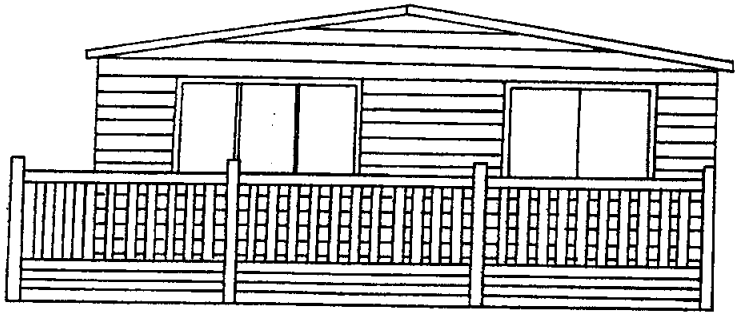

FRONT ELEVATION

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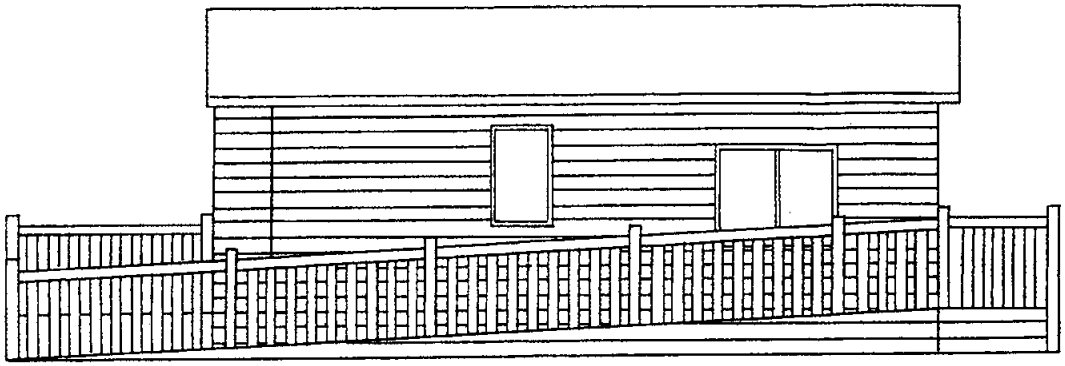
OWNERS CABIN
PROPOSED ELEVATIONS
MR M DOHERTY
ROMAN WALL LODGES
SCALE: 1/50
13/10/08



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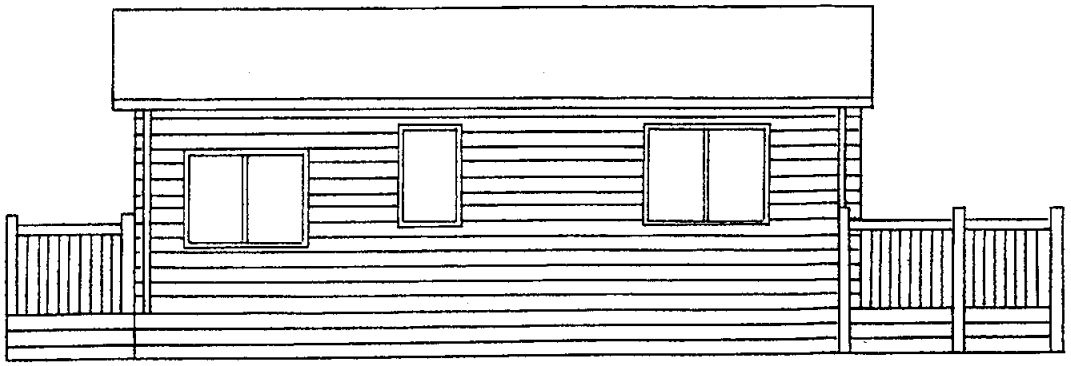

SIDE ELEVATION

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SERVICE CABIN
PROPOSED ELEVATIONS
MR M DOHERTY
ROMAN WALL LODGES
SCALE: 1/50
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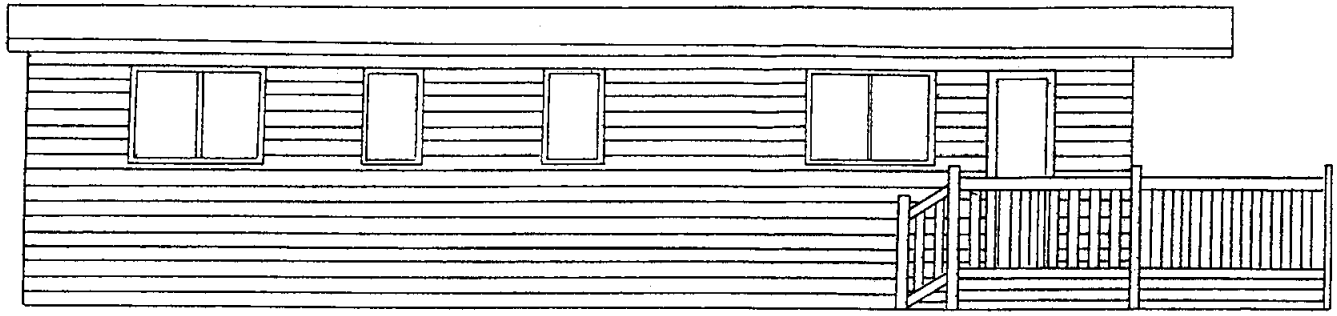

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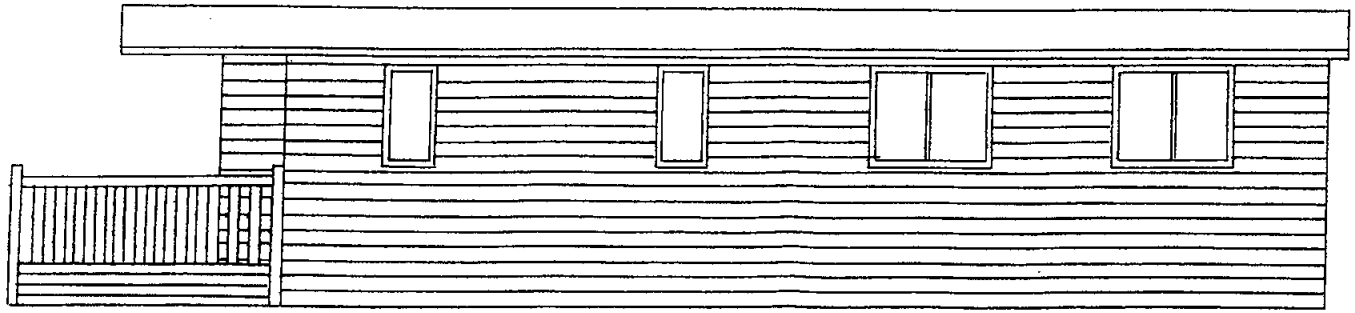

SIDE ELEVATION

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OWNERS CABIN
PROPOSED ELEVATION
MR M DOHERTY
ROMAN WALL LODGES
SCALE 1/50
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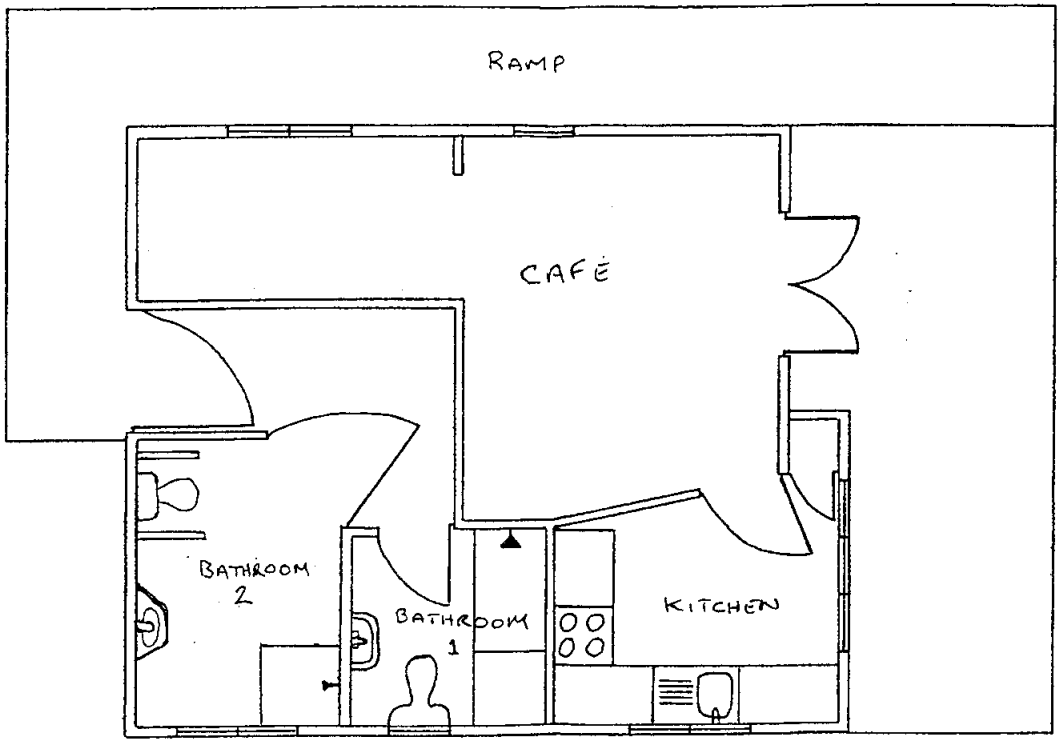

FLOOR PLAN

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SERVICE CABIN
PROPOSED ELEVATION
MR M DOHERTY
ROMAN WALL LODGES
SCALE: 1/50
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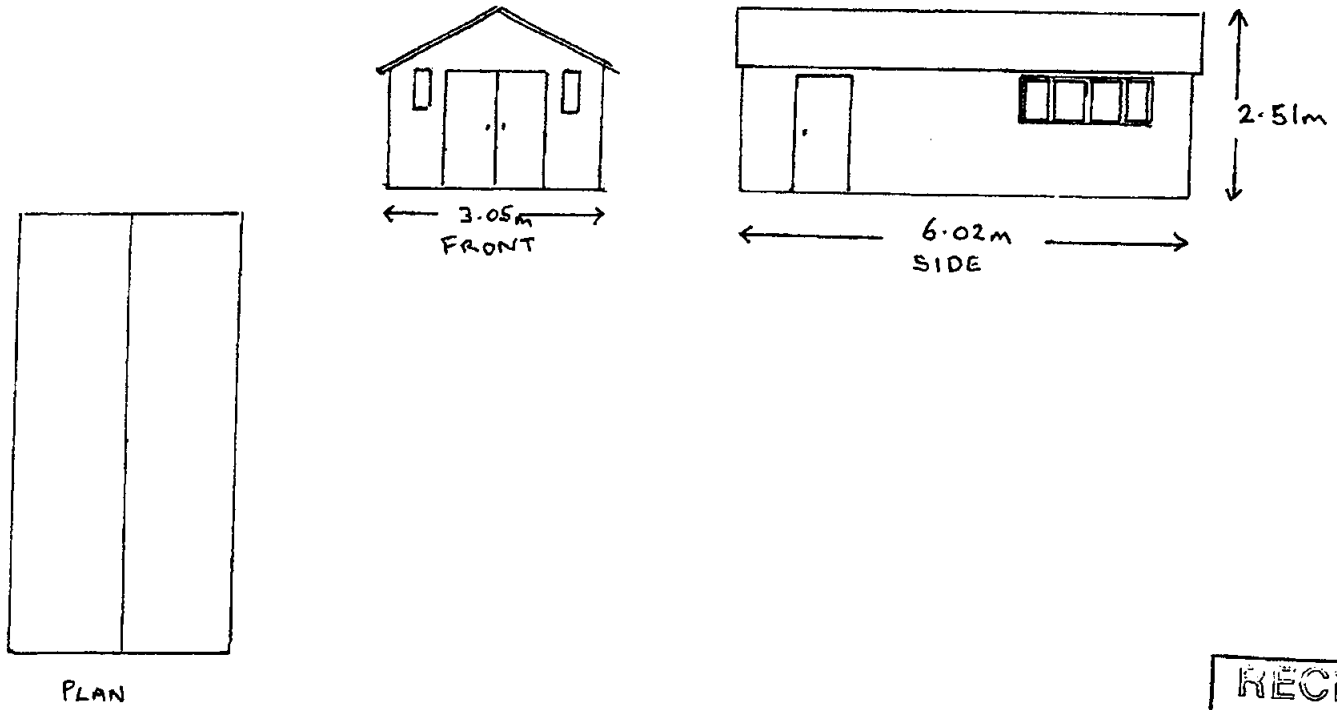

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13 JAN 2009
09/0017

TITLE	MAINTENANCE SHED/ BIKE STOREGE FOR TENT USERS	
SCALE	1 : 100	ROMAN WALL LODGES

P1

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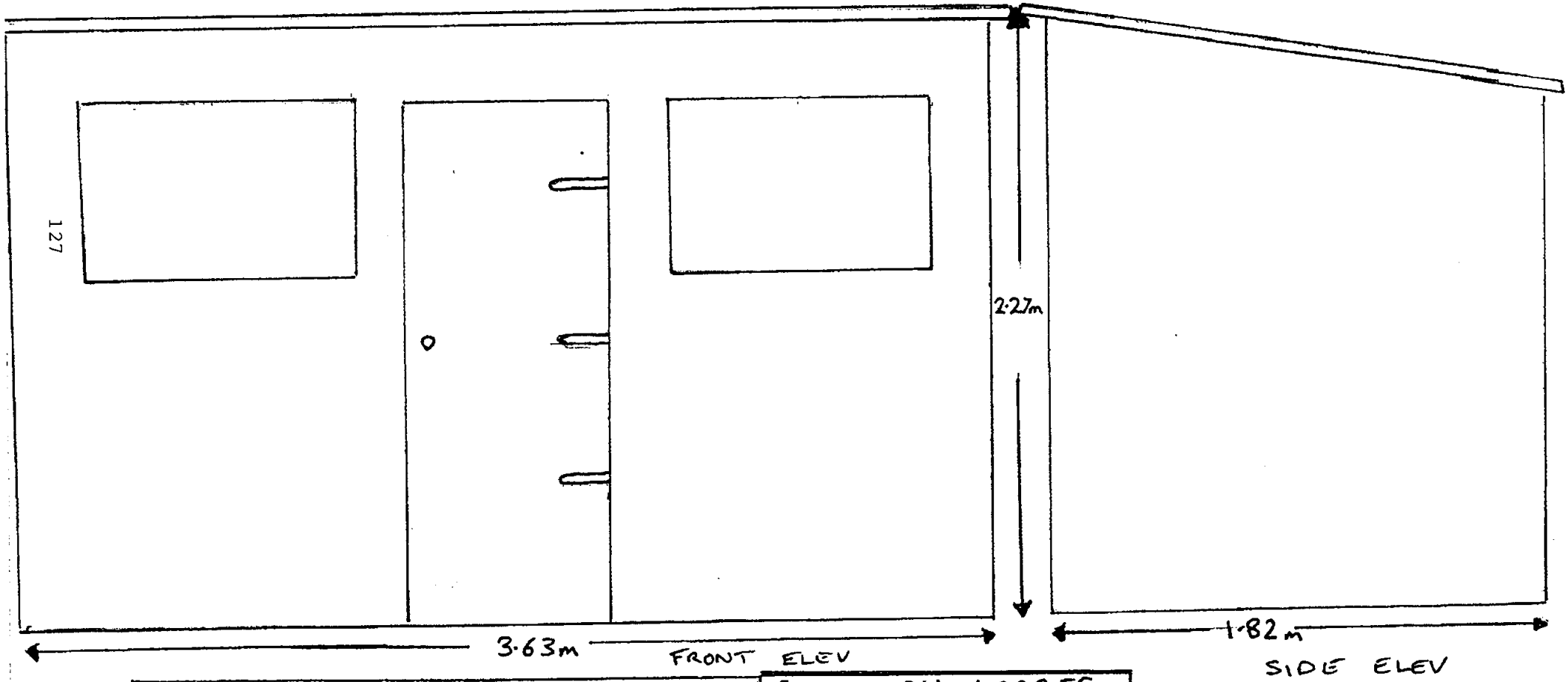
09/0017

PENT SHED, SEE ATTACHED DOCUMENTS FOR DETAILS



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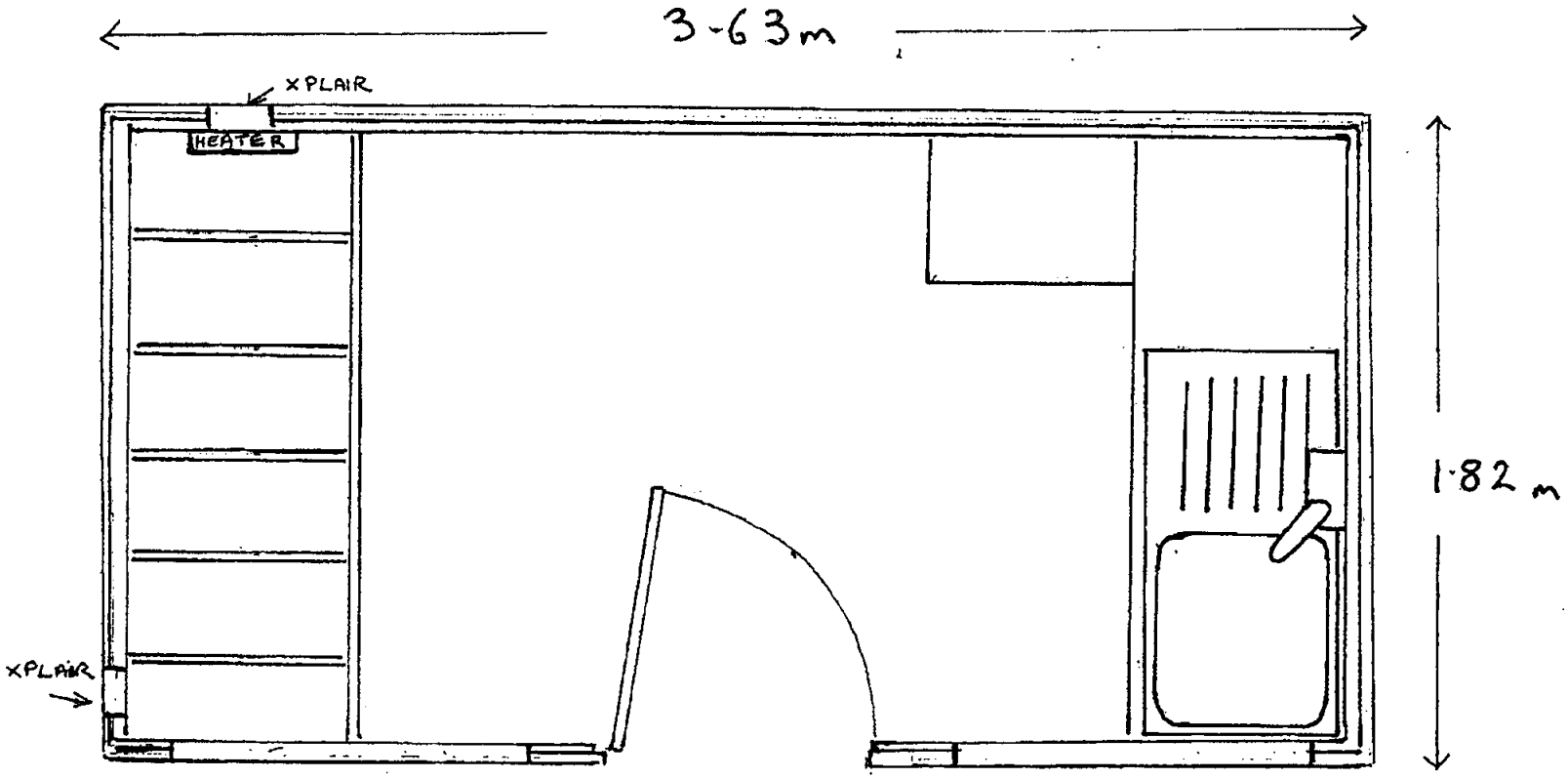
SCALE	1 : 20	

P2

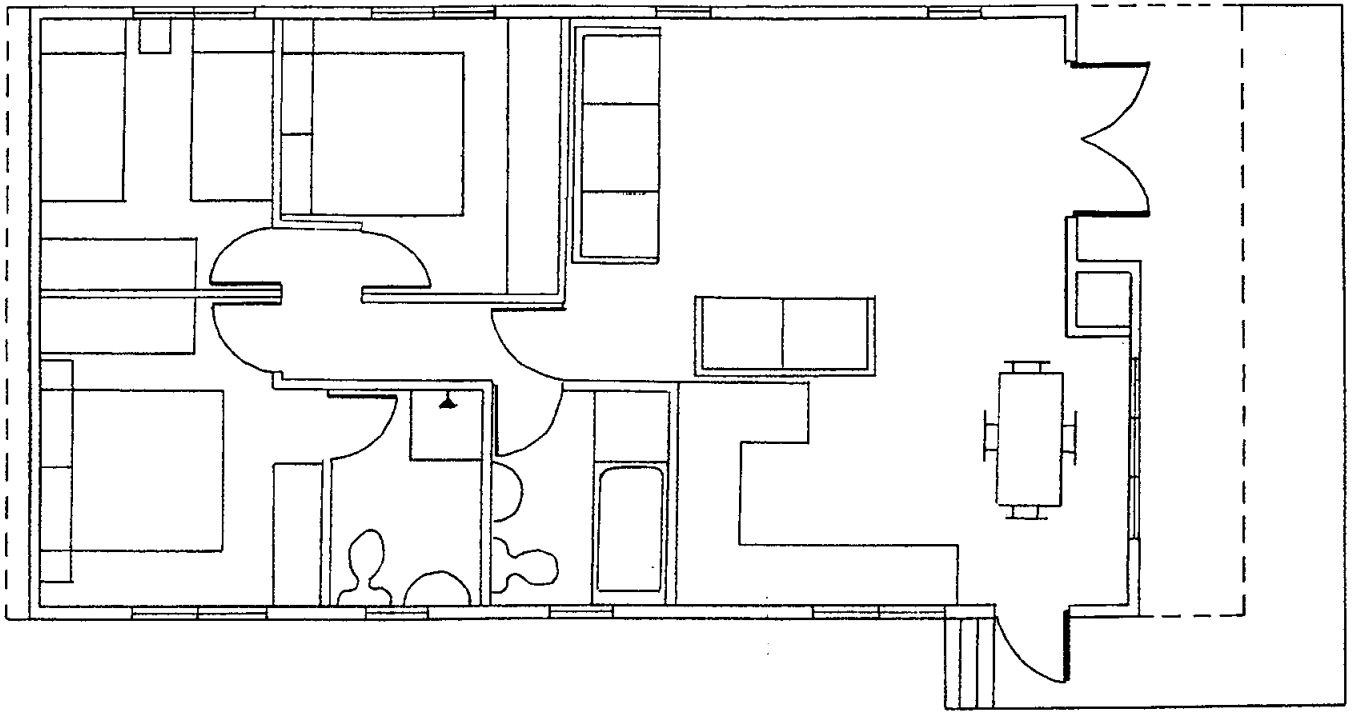


PLAN

RECEIVED
13 JAN 2009
09/0017

TITLE	WASHING UP / DRYING ROOM	
SCALE	1:20	ROMWALL LODGES

PLANNING & HOUSING SERVICES
REF 09/0017
27 JAN 2009
RECORDED: AN
SCANNED
PASSED TO:
ACTION



FLOOR PLAN

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09/0017

OWNERS CABIN
PROPOSED FLOOR PLAN
MR M DOHERTY
ROMAN WALL LODGES
SCALE:1/50 11/10/08
13/10/08

Roman wall Lodges

Artist impression of site

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Office / cafe

Camping cabin / Wigwam

Self catering cabin / Sheiling

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09/0017

Design And Access Statement

Proposal : Change of use of agricultural land to holiday accommodation comprising of 3no. self-catering units, 10no. tent pitches, access road, alterations to existing vehicular access and construction of 1no. dwelling for occupation by site manager

Location: Land at Field No 4490, Monkhill, Carlisle

Applicant: Mr M Doherty

1.0 Assessment

1.1 The proposal seeks to change the use of this agricultural land by providing a short-term holiday chalet complex, comprising of 2no. timber cabins, provision for 10no. tent pitches and a service building providing catering facilities and wash facilities. The application also seeks consent for the siting of a timber cabin for occupation by the applicant. Access will be via the existing Monkhill to Beaumont road. It is expected that the Local Planning Authority will attach suitable conditions to any approval, specifying the terms of occupancy and prohibiting the use of the holiday cabins for permanent occupation as 'dwellings'.

1.2 An existing vehicular access exists in the south-west corner of the site. This access serves the existing agricultural use of the land and it is proposed that this access be widened and upgraded as part of the development.

1.3 The site layout, as described in detail on the submitted drawings, would occupy relatively flat land, that rises towards the northern boundary. The land is framed by existing established and mature hedgerows that is bounded by open countryside. The layout of cabins, tent pitches and parking takes account of the physical constraints of the site together with the archaeological restrictions imposed on the site. Additional landscaping is proposed along the northern boundary of the site.

1.4 The relevance of planning policies are discussed at length in the Supporting Planning Statement.

2.0 Involvement

2.1 Prior to submission, the applicant undertook preliminary discussions and sought advice through the Cumbria Rural Enterprise Agency's 'Rural Planning Facilitation' service and with Mr Colin Godfrey, Assistant Development Control Officer, Carlisle City Council. The response was positive to pursue an application for the development of the site for tourist accommodation.

2.2 Discussions have also been held with:

Mr Charles Bennett, Landscape Officer, Carlisle City Council
Mr Pieter Barnard, Development Control Engineer, Cumbria Highways
Mr Jeremy Parsons, County Archaeologist, Cumbria County Council
Mr Gerry Martin,
Percolation Tests
United Utilities

2.3 As described below, encouragement has been given from the aforementioned agencies/ persons, which has fortified the our resolve

and commitment to providing a high quality, sensitive development, as well as our motivation to develop, strengthen and enhance the proposed rural facility.

3.0 Evaluation

3.1 Development on the site has been constrained following consultation with the aforementioned consultees. The site layout, as described in detail on the submitted drawings, would occupy relatively flat land, that rises towards the northern boundary. The land is framed by existing established and mature hedgerows that is bounded by open countryside. The layout of cabins, tent pitches and parking takes account of the physical constraints of the site together with the archaeological restrictions imposed on the site. Furthermore, a United Utilities water pip exits close to the western boundary and development has been eased to the east to allow for any possible future access or maintenance that may be required. Additional landscaping is proposed along the northern boundary of the site.

4.0 Design

4.1 The buildings are single storey and are of timber construction. The use of natural materials in the construction process will ensure that the development respects the rural characteristics of the site and

4.2 The design, layout and fenestration of the buildings is minimalist to ensure a rustic and practical development that will provide an attractive development but will provide quality accommodation. This is preferable to more visually intrusive forms of tourism development such as static caravans which can be incongruous within the landscape.

4.3 The use of natural resources balances other features found within the development such as the use of solar panels, energy efficient light bulbs and the use of grey water.

5.0 Use

5.1 The development will provide tourist accommodation on a greenfield site located in open countryside. In this location, planning policies are generally restrictive of development unless material considerations indicate otherwise.

5.2 It is further stated that there will be occasions where tourism related development is sought in a location that will be difficult to achieve the objectives of accessibility to sustainable modes of transport. The choice of location, for example, having been chosen for functional need. Fundamentally, however, planners have to weigh up the benefits

Hadrian's Wall
Heritage Ltd

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13 JAN 2009
09/0017

9 January 2009

Martin Doherty
2 Crosby Moor
Crosby
Maryport
CA15 6RS

Dear Martin and Julie

Site visit to proposed Camp Site Development at Monkhill

Further to the recent site visit at Monkhill, I write to confirm that Hadrian's Wall Heritage fully support your proposal in principle, and are keen that the development goes ahead in the near future.

We are particularly interested in the development due to the fact that it will offer high quality, environmentally friendly facilities for walkers and cyclists in an area of Hadrian's Wall corridor that currently has no provision of this nature.

Our organisation is responsible for the management and development of the Hadrian's Wall National Trail and we constantly receive correspondence from visitors asking for more facilities of this nature in the area to the west of Carlisle.

David McGlade, Hadrian's Wall National Trail Manager will write to you separately to support the project with a profile of the types of visitor the National Trail attracts.

We are very keen to work with you all the way through the development of the project, and please use Marie Whitehead as your primary point of contact.

If I can be of any further assistance please do not hesitate to contact me.

Yours sincerely

Martin Walker

Martin Walker
Director of Sustainable Development

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09/0017

Supporting Planning Information – A response to queries and objections raised in response to previous planning application

As keen walkers and ramblers ourselves we are keen to open a facility by the Hadrian's Wall Trail to accommodate fellow walkers and cyclists. Because of our own experiences we feel that we have an understanding of what walkers and cyclists require and also, we understand the need to have accommodation available which is "inkeeping" with the local character and "feel" of a place, rather than accommodation which is alien to the local environment and lacking in character.
We can understand why local people may have concerns about our venture and we can also understand that it is difficult for people to "trust" us given that we are not known in the local area. However, this report is an attempt to try to allay some concerns and queries people raised when we recently submitted for planning permission, but which then needed to be temporarily withdrawn in order to deal with a query regarding the design of access to the site.

Obj.1: Such a development will lead to lots of noise and anti-social behaviour. It threatens to alter the rural character of the area and affect local wildlife and will be of no benefit to the local economy
Reply: Character As we were required to follow advice from Highways and other agencies to comply with current planning requirements, we have had to incorporate "adequate" parking and other features in our plans. This means that, on paper, the site appears to be more developed and built up than actually is the case. The site will be as unobtrusive as possible and inkeeping with the local character of the area. The small scale and size of the development mean that we can provide a service to visitors without ruining the character of the local area. In fact, the success of our site will largely depend on this being the case as most walkers and cyclists are keen to visit "unspoilt" areas where local character, wildlife, flora and fauna is undisturbed.
Type of Accommodation All of the accommodation on site will be single storey timber cabins. These are specially designed cabins which have been used in remote areas of Scotland and have proved popular because of the way that they are able to blend into natural surroundings. A "wigwam" is simply a term for a type of wooden cabin.
Visual impact The height of the existing hedgerow will be increased by approximately 1m round most of the site meaning that it is highly unlikely that any of the site will be visible from outside. There will be new indigenous hedgerow along the north side where there is currently no hedge/cover. We have made every effort to ensure that the visual appearance of the site is totally inkeeping with the rural nature of the area. All vehicle areas will be made using mesh allowing grass to grow through, thereby keeping the ground as natural looking as possible. We aim to have a site with as little visual impact as possible – in fact this is one of the areas we discussed with English Heritage in the initial stages.
Respect for local area We have the utmost respect for the local area and will make every effort to ensure that there is minimum disruption to local habitat. As environmentalists ourselves we are very keen to ensure that we work alongside existing people and wildlife. The site is not devised out of greed and commercialism but to enable others to enjoy an aspect to rural life that we ourselves treasure.
Wildlife We have consulted with Cumbria Wildlife and the feedback from them is that our site will have very little impact on the local environment, due to location and past use of the site, and surrounding area, as grazing for cattle and horses and other agricultural

purposes. The vast majority of the site will have no ground disturbance at all and the wooden cabins are all located on one side – causing as little disturbance as possible. We are aware of roe deer in the vicinity and we will continue to liaise with Cumbria Wildlife about how best to preserve and promote opportunities for wildlife, flora and fauna. It is hoped that the new planting and layout of the site will enhance, rather than destroy the wildlife potential of the site.

Anti-social behaviour (crime, litter and noise) Most people walking Hadrian's Wall Trail are among the 30+ age group and tend to walk either alone or as a couple. We do not anticipate large groups using our site. Most people walking a long-distance trail are keen to find somewhere to rest at the end of the day, where they can enjoy a change of clothes, a warm shower, something to eat and a good night's sleep! As most people will be spending the day after their stay on our site continuing with their walk we are sure that noise will not be a concern. Increased crime and anti-social behaviour (such as noise, litter etc.) are not concerns that have been raised in any other area of the Trail and it is highly unlikely that these would present any problems. Again, we would like to stress out intention to work alongside local people and address any concerns raised with us. We understand the importance of good "neighbourliness" in small communities and will be keen to make sure we work to gain the support of our neighbours.

Contribution to local economy Visitors to our site already walk, or cycle, through the villages but have no opportunity to put anything into the local economy – our site creates an opportunity for local people to get some benefit from attracting visitors to use facilities, but on a scale which will not compromise the local character.

Marstons Brewery (owners of the Drovers Rest) have acknowledged the positive impact our site will have on the future viability of the pub/restaurant. Indeed, the development is key to the survival of a local pub, which is evidently unlikely to succeed without increased trade from visitors to the area. As well as using the services of local farmers and trades people, we also hope to employ local people at some point, to service the local pubs/restaurants, to offer a "selling point" in terms of local crafts, to promote the local history of the area and to engage in, and support local community events in the area.

Number of visitors Our viability is based on catering for between 9 -15 people on most days during the high season (April – October). There will be times when numbers vary outside this range but it will not vary dramatically as we are limited in terms of facilities. It is important to us that visitors to our site do not feel "crowded" with scarce facilities – a complaint we have ourselves about some accommodation. Although some accommodation can cater for up to 4 people we anticipate (as borne out by official statistics) that in most cases it will be shared by two people. The sewage system is based on a maximum of 25 people "living" on site in normal circumstances and therefore, we have been assured will be able to cope with the fluctuating numbers as stated above. Most people will be on site for a relatively short time i.e. overnight. Numbers of visitors during the "low" season would be substantially less but we do aim to continue to offer a facility for people wishing to visit the area at these times for cycling, bird-watching etc.

Obj.2: There are no amenities for such a development and we are unsure as to what facilities will be provided on site

Reply: Bus service There is a good, "award-winning" bus service running from Carlisle and servicing the Hadrian's Wall Trail – the AD122, plus other local buses. Buses pass directly outside of the site with a stop literally metres away. This fact, plus the physical

location of the site, (3 miles from Carlisle, and approximately 8 miles from Bowness (the end of the Trail) makes it an ideal location for walkers.
Local pubs/restaurants It is hoped that the local pub (The Drovers Rest) will re-open. However, in the absence of a pub "just up the road", there is also another local pub in Burgh-by-Sands which is only a 20 minute walk for people staying on site. We anticipate that most visitors would be eating evening meals (and possibly lunch) in local pubs.
Local Services As much as possible, our preference is to direct people to local services and where this is not possible, to make any necessary arrangements. We would hope that visitors to our site would play a role in supporting local facilities and services and thereby contribute to the local economy in terms of viability and sustainability.
On site facilities The shielings are furnished with shower, WC and wash hand basin, plus an equipped kitchen and have access to water and electricity. The wigwams are equipped with a microwave/grill, kettle and toaster. They have electricity but no water. Water will be available at a water point – shared by tent users. Wigwam and tent users will have access to two bathrooms comprising of WC, wash hand basin and shower. It is hoped to add an additional WC when an Information Point is added. All site users will be able to use the Services Cabin to eat meals – with the option to book breakfasts and packed lunches. The Services Cabin has electricity and water. There is also a "washing up/drying room" available for people to use to wash and dry dishes or clothes and boots. Bins will be provided on site for waste and we will also provide recycling facilities.

Obj.3: The development will impact on our local heritage
Reply. English Heritage were among the first people we spoke to for advice as how best to approach such a development. We then commissioned a full archaeological survey of the site prior to seeking planning permission. This survey revealed the existence of a bronze-age ditch. We have consulted closely with both English Heritage and the County Archaeologist to ensure that the development does not risk any damage to potentially sensitive land. The site layout and design have been drawn up to ensure that ground disturbance is kept to a minimum and that any environmental impact is reduced. We are also keen to promote the local history of the area and we have been talking to various organisations about how best to promote local history. We are hoping to place an "Information kiosk" on site to show the local history of the area and how Hadrian's Wall was developed in this part of the country.

Obj.4: We do not need such a development – there is lots of accommodation nearby
Reply: There is a very limited range, and number, of accommodation available in the area west of Carlisle. This is borne out by current information available from the Hadrian's Wall Partnership and also other local tourism information (see Business Plan and Supporting Planning Statement). In line with local policies, we will be enhancing the offer to visitors. We are both very keen walkers ourselves and have designed this site to offer everything we feel is important when walking or cycling on long-distance routes. The proposed site is only minutes away from the Trail making it an ideal location for those either starting, or ending the walk.

Obj.5: The access road to the site is not suitable and may cause safety issues in terms of volume and size of extra traffic
Reply: The site is mainly for cyclists and walkers and therefore, the amount of traffic visiting the site is anticipated as being minimal. We are not offering any services to

caravans and they will not be able to stay at the proposed site. We have made every effort to consult with local experts about access and we are following recommendations made by Cumbrian Highways, who have agreed in principle to our proposal. Every effort has been made to base plans on current up-to-date information and we have recently paid for a traffic survey to be carried out on the access road providing reliable information to enable the access to and from the site to be designed as safely as possible. It is especially important for us to ensure the safety of site users, and local people, as most will be walking to and from the site. We have complied with planning requirements and ensured that adequate space is available on site to accommodate any vehicles visiting the site and also that vehicles are able to enter and leave the site without the need to reverse onto the road. This will ensure that any traffic does not cause any unnecessary problems for existing road users.

Obj.6: The road is prone to flooding and such a site will only make matters worse
Reply: One of the reasons the road seems to flood is because the drainage ditches and gulleys are blocked. Our intention would be to ensure that these ditches are kept clear at all times, thereby hopefully easing the problem of any potential road flooding. The "soakaway" area is over to the west of the field and is not located near the road and therefore, will not contribute additional surface water onto the road. There will be no concreting on site and so current soakaway will not be affected. The access drive will be upgraded and will incorporate a new drainage gulley.

Obj.7: We think this may be a "back-door" way of developing a larger business and/or eventually using the land for housing. What happens if the business fails?
Reply: The plans we have submitted include plans for future development. We will be starting out with fewer cabins than on the plan but hope to add the extra cabins once we have gained enough income. Our aim is to provide a friendly site offering a good service and we can only achieve this on a small scale.
We have been very clear from the outset that this development is not about gaining permission for residential use. Because of the status of the land i.e. World Heritage, it is very unlikely that planning permission for housing would ever be given. We feel that it is important to have people on site to cope with the needs of site users and offer a level of security. However, we ourselves have suggested that a clause be added to permission which clearly states that permission for the keyworkers to stay on site is linked solely to the development.
In the event of the business failing, permission to live on site would automatically be withdrawn.
It has always been out intention to set up a site with minimal disturbance as possible. All of the cabins sit on concrete blocks and do not require any foundations. The cabins and all facilities can easily be removed off site should the business not prove viable. Once services have been disconnected then it will be relatively easy to return the site for agricultural use. The only visual change will be the new hardened drive access which we are required to provide for reasons of safety of access to and from the site.

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Supporting Planning Statement

Proposal : Change of use of agricultural land to holiday accommodation comprising of 3no. self-catering units, 10no. tent pitches, access road, alterations to existing vehicular access and construction of 1no. dwelling for occupation by site manager

Location: Land at Field No 4490, Monkhill, Carlisle

Applicant: Mr M Doherty

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Appendices

Photographs

1.0 Introduction and Background

1.1 This statement is submitted in support of a planning application for the grant of full planning permission for the use of a discrete 1.1 acre piece of enclosed agricultural land as holiday development at Field No 4490, Monkhill, Carlisle, as submitted by Mr M Doherty.

1.2 The purpose of this statement is to present the land use planning circumstances, acknowledge relevant planning policy and guidance, describe the impetus and justification for the proposal as a rural economic enterprise and provide an assessment of acceptability against a range of relevant material planning considerations.

1.3 Prior to submission, the applicant undertook preliminary discussions and sought advice through the Cumbria Rural Enterprise Agency's 'Rural Planning Facilitation' service and with Mr Colin Godfrey, Assistant Development Control Officer, Carlisle City Council. The response was positive to pursue an application for the development of the site for tourist accommodation.

1.4 Discussions have also been held with:

Mr Charles Bennett, Landscape Officer, Carlisle City Council
Mr Pieter Barnard, Development Control Engineer, Cumbria Highways
Mr Jeremy Parsons, County Archaeologist, Cumbria County Council
Mr Gerry Martin,
Percolation Tests
United Utilities

1.5 As described below, encouragement has been given from the aforementioned agencies/ persons, which has fortified the our resolve and commitment to providing a high quality, sensitive development, as well as our motivation to develop, strengthen and enhance the proposed rural facility.

2.0 The Site and Its Surroundings

2.1 The proposal seeks to change the use of this agricultural land by providing a short-term holiday chalet complex, comprising of 2no. timber cabins, provision for 10no. tent pitches and a service building providing catering facilities and wash facilities. The application also seeks consent for the siting of a timber cabin for occupation by the applicant. Access will be via the existing Monkhill to Beaumont road. It is expected that the Local Planning Authority will attach suitable conditions to any approval, specifying the terms of occupancy and prohibiting the use of the holiday cabins for permanent occupation as 'dwellings'.

2.2 An existing vehicular access exists in the south-west corner of the site. This access serves the existing agricultural use of the land and it is proposed that this access be widened and upgraded as part of the development.

2.3 The site layout, as described in detail on the submitted drawings, would occupy relatively flat land, that rises towards the northern boundary. The land is framed by existing established and mature hedgerows that is bounded by open countryside. The layout of cabins, tent pitches and parking takes account of the physical constraints of the site together with the archaeological restrictions imposed on the site. Additional landscaping is proposed along the northern boundary of the site.

2.4 The site layout plan includes a landscape schedule prepared following advice received from Mr Charles Bennett together with a landscape impact summary statement.

2.5 In addition to the site proper, further planting is to be provided along the northern boundary in order to further enhance this natural wildlife setting as well as to soften (glimpsed) views of the site from the north.

3.0 Planning Policy

3.1 Ministerial Advice

3.1.1 PPS7

3.1.2 Most relevant advice on rural development and diversification, including tourism development, is provided within PPS7 "Sustainable Development in Rural Areas". Particular attention is given to paragraph

3.1.3 Later, under Tourism accommodation, Local Planning Authorities are advised to consider the issues of landscape and environmental impact and flood risk, as well as seek to ensure that new sites are not prominent in the landscape and that any visual intrusion is minimised by effective, high quality screening.

3.2 Good Practice Guide On Planning For Tourism

3.2.1 In consideration of this proposal it is recognised that a balance has to be struck between the various planning issues, a valid point that is amplified in the Government's guidance. In essence, three main aspects are related to tourism development, namely: where the development is located; how it is designed; and how the development fits into its surrounds. It is stated in paragraph 5.2 that:

"*In order to be commercially competitive and thus successful, tourism developers will choose sites that are accessible to visitors and design their developments in such a way that visitors can readily and conveniently enjoy the attraction or facility.*"

3.2.2 It is further stated that there will be occasions where tourism related development is sought in a location that will be difficult to achieve the objectives of accessibility to sustainable modes of transport. The choice of location, for example, having been chosen for functional need. Fundamentally, however, planners have to weigh up the benefits from the tourism development against any disadvantages arising from its location.

3.3 Cumbria and Lake District Joint Structure Plan 2001-2016

3.3.1 **Policy ST1:** The promotion of sustainable development, whereby rural communities should be sustained though measure that further the aims and objectives of sustainability, and achieve, inter alia, a flourishing and diverse local economy, quality built, natural and historic environments and vibrant, harmonious and inclusive communities;

3.3.2 **Policy ST3:** The promotion of sustainability principles in all new development through the application of the sequential test on a range of issues and then achieving high standards of design whilst seeking to minimise environmental cost;

3.3.3 **Policy ST7:** Support for small scale development in local service centres to help sustain local services, meet local needs or support rural businesses. Outside of local service settlements, exceptions may be allowed where, inter alia, it is needed to sustain existing businesses;

3.3.4 **Policy ST9:** Offer priority issues facing North Cumbria, including the need to sustain rural communities by promoting local service centres as a focus for new development of an appropriate scale. Paragraph 2.27 states that whilst development opportunities will be focused in Carlisle, "...it is important that the surrounding rural area is sustained through measures that support and diversify the rural economy";

3.3.5 Under "Supporting the Economy" it states in Paragraph 3.4; "The future emphasis will be placed on developing ...sustaining the county's traditional economic activities and promoting opportunities for diversifying in rural areas." Later, under Paragraphs 3.17-3.19 (The Economy in Rural Area), encouragement is given to supporting the rural economy. It states under 3.19; "Whilst Key and Local Service Centres will be the preferred locations for new development, there is a need to strengthen the economy in rural area and provide diversity in the local economic base";

3.3.6 Under "Tourism", the importance of such to the Cumbrian economy is re-enforced. Tourism should be developed in a sustainable manner. Reference is made to Policy EM16 (Tourism), with particular reference to supporting text under paragraph 3.25, where it states; "*In rural areas, tourism uses can assist in the diversification of existing businesses and encourage rural regeneration. They will be supported where their scale can be accommodated without adverse effects on the character and amenity of the local area.*"

3.3.7 **Policy EM16:** Support is given to tourism facilities that enable the economic benefit to the area and for proposals that promote Cumbria's distinctive environmental, cultural and historic character and visitors enjoyment and understanding of it.

3.3.8 **Policy E37:** Assesses proposals in respect of their impact in relation to key landscape values in terms of, inter alia, appearance, character, ambience and biodiversity features.

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

3.4.1 **Policy DP1:** Monkhill is listed as sustainable development location;

3.4.2 **Policy CP1:** This affords protection to landscape character and the biodiversity resource against key principles;

3.4.3 **Policy CP4:** Considers the likely impact of new development against design principles in the interests of furthering the aims and objectives of sustainability;

3.4.4 **Policy CP8:** Encouragement is given to the consideration and use of energy conservation and efficiency in the design of proposals;

3.4.5 **Policy CP10:** Affords consideration of the impact of new development upon groundwater and surface water quality conditions;

3.4.6 **Policy CP16:** Considers the potential for crime and requires that development contributes to creating a safe and secure environment and minimising the opportunity for crime'

3.4.7 **Policy EC11:** Encouragement to proposals to diversify and expand upon the range of economic activities in rural areas;

3.4.8 **Policy EC12:** Encouragement to proposals which may assist in the retention of village services;

3.4.9 **Policy EC15:** Considers tourism development generally and adds a preference for focusing such upon established settlements or groups of buildings whilst safeguarding the distinctive environment, culture and history of the area;

3.4.10 **Policy LE7:** Requires that development within the Hadrian's Wall Buffer Zone do not have an adverse impact on the character or setting of the World Heritage Site;

3.4.11 **Policy LE30:** Encourages the reuse of land subject to the satisfactory identification and where appropriate remediation of any contamination of the land.

3.4.12 On the Proposals Map as part of the Carlisle District Local Revised Redeposit Draft 2001-2016, the site is not coincident with any specific land use designation or policy. Rather it is confirmed as being within open countryside, beyond the identified/ appreciable boundary of any recognised settlement.

4.0 The Proposal

4.1 Location – Sustainability

4.1.1 The site, as a rural tourism initiative, close to the line of Hadrian's Wall lies within open countryside. Nonetheless, its evidential closeness to the local service centre of Monkhill, renders the site relatively sustainable and indeed, represents the best location option for the proposal. It is anticipated that the majority of visitors to the site will arrive on foot or bicycle. Furthermore, the Hadrian's Wall public bus passes immediately adjacent to the site.

4.1.2 The development is wholly geared for catering for walkers, cyclists and visitors to the Wall and its proximity to the Wall is therefore key. The site is well related to the world renounded visitor attraction that is Hadrian's Wall whose visitor attraction contributes to the tourism economy of Cumbria. Likewise, a balance has been struck between a site that is well-related to the Wall but is not wholly detached from the village of Monkhill which is identified in the Local Plan Revised Redeposit Draft 2001-2016 as being a sustainable settlement.

4.1.3 Again, development in the open countryside should not be visually intrusive and the topography and screening on the site ensure that this will not be the case. Accordingly, a balance is struck between these issues which renders the scheme appropriate to the character and economic prosperity of the District.

4.2 The Tourism Industry – Rural Diversification and Economic Development

4.2.1 Central Government has made clear its support for regarding the diversification of the rural economy as a national imperative. Specifically, with regard to Hadrian's Wall, this is borne out through work being undertaken by Hadrian's Wall Heritage Ltd

4.2.2 HWHL is funded by four agencies: One North East, North West Development Agency, English Heritage and Natural England, with differing requirements to fulfil parts of the role outlined above. It is recognised that it is the development of the sum of these parts which will create a compelling leading destination for Britain offering inspirational heritage and spiritually uplifting outdoor educational and tourism based visits creating the twin benefits of jobs and spend for local communities.

4.2.3 Recently, the local public house in Monkhill, The Drovers Rest, was representative of a national trend affecting rural pubs and was closed for some time due to lack of trade and a downturn in the economy. The development of the site, in close proximity to the public house, is one way in which development of the site will contribute to the vitality of the area.

4.3 Hadrian's Wall As A Visitor Attraction

4.3.1 Hadrian's Wall is the most important monument built by the Romans in Britain. It stretches seventy-three miles from Wallsend near Newcastle, across the neck of England to Bowness-on-Solway in North West Cumbria, and stands today as a reminder of the past glories of one of the world's greatest empires. It has long been recognised that Hadrian's Wall attracts many visitors to the area and in turn, contributes to the economy of the District.

4.3.2 The Hadrian's Wall Economic Impact Study, Final Report, March 2004 identifies that the 585,000 visitors to Hadrian's Wall in 2003 is expected to rise to 1,218,000 by 2011, a rise of approximately 208.2% over a period of eight years. The promotion of the feature by English Heritage, Visit Cumbria, Local Authorities and a host of other agencies represents the importance of this regional asset.

4.4 The Siting Of The Manager's Dwelling

4.4.1 The site lies out with any settlement boundary. In accordance with national planning guidance, the planning policies in the Carlisle District Local Plan Revised Redeposit Draft 2001-2016 state that development in the undeveloped open countryside will only be permitted where they can be adequately justified for occupation by an agricultural or forestry worker.

4.4.2 Policy H7 (Agricultural and Forestry Need) of the Carlisle District Local Plan Revised Redeposit Draft 2001-2016 states that:

"Within the remainder of the Plan area, outside areas covered by Policy H1 and Proposal H156, permission will not be given for dwellings, except where applications are supported by a proven agricultural or forestry need. The size of dwelling should be commensurate with the scale of the business to which it relates.

Section 106 agreements will be used to ensure that such dwellings are only occupied by those working in agriculture or forestry."

4.4.3 However, this Policy is superseded by the Planning Inspector's decision letter dated 7th April 2008 following the Local Plan Inquiry where he recommends that the Policy title should be expanded to read "Agricultural, Forestry and Other Occupational Dwellings".

4.4.4 Furthermore, the text of the Policy has also been amended to read:

"Outside of those areas covered by Policy H1 and Proposal H16, permission will not be given for dwellings other than those essential to

agriculture, forestry or any other rural-based enterprise and supported by a proven need."

4.4.5 Finally, the third sentence of the Policy has been amended to read:

"Occupancy conditions will be used to ensure that such dwellings are only occupied by those working in agriculture, forestry or any other rural-based enterprise".

4.4.6 The application seeks planning consent for the siting of a dwelling that will be occupied by the site manager. Annex A of 'Good Practice Guide For Tourism' discusses this issue at length in paragraph 24. Here it is made clear that a residential managerial presence is often essential, to achieve quality service to the customer, security for the site, and to meet the obligations of health and safety regulations. Clearly it is preferable to find existing accommodation locally but where this is not feasible, the guidance does allow for the principle of provision of on-site accommodation.

4.4.7 It is key to the facilitation of the services on the site to provide and maintain the facilities for visitors to the site. The applicant currently resides in Maryport and not only would it be unsustainable but it would be unreasonable to travel to and from the site each day to enable the site to operate during the proposed hours.

4.4.8 The sale of the dwelling in Maryport is critical to the funding of the scheme. It is therefore unrealistic to purchase a property closer to the site given the market value of such properties. Notwithstanding this, living away from the site would not enable to the continued maintenance and service which will be provided.

4.4.9 The service cabin includes a refreshment area where food and drink will be served to residents on site. It is anticipated that this facility can also be extended to passing walkers and cyclists. Information will be available in the form of leaflets and brochures on other attractions and facilities associated with the Wall.

4.4.10 The applicant is willing to accept that a dwelling in this location is contrary to current planning policies; however, there is growing support for development proposals that support the rural economy and this is borne out by the Planning Inspector's amendments to the wording of policies. The site is not totally unrelated to the village of Monkhill, being approximately 215 metres to the north, a village that is identified as being a sustainable location in the Local Plan Revised Redeposit Draft 2001-2016. The nature of the application is unique and it would be wholly appropriate and accepted that in order to safeguard the undeveloped open countryside, am occupancy condition be attached to the dwelling in order that it remains as part of the business.

4.5 Landscape Impact

4.5.1 Reference is made on the submitted block plan and Tree Survey also accompanies the application. Broadly, the site nestles excellently within the topography of the site and the attendant landscaping that surround and structure the site to the extent that only glimpses are afforded from the public highway. In view of this, together with the additional landscaping proposed along the northern boundary, the proposal will not adversely affect the character or appearance of the area.

4.6 Highway Safety and Accessibility

4.6.1 The site is located to the east of the Monkhill to Beaumont Road, approximately 215 metres north of Monkhill. A vehicular access exists in the south-west corner of the site. It is proposed to upgrade this existing access to allow for the safe passage vehicles into and out of the site. The improved access and the maintenance of the boundary hedge will further improve highway safety for users of the highway and those using the site. This is a view shared by Mr Pieter Barnard of Cumbria Highways through preliminary discussions prior to the submission of the application. The anticipated level of vehicular traffic will be relatively low due to the fact that the development is intended to primarily attract walkers and cyclists travelling along Hadrian's Wall.

4.7 Biodiversity and Drainage

4.7.1 The site is remote from the sewerage network and the site will be drained using a package treatment plant and a soakaway as shown on the submitted block plan.

4.7.2 Solar panels will be incorporated on the buildings to supplement the electricity required on site. Furthermore, the scheme will also include provision for the retention of grey water for reuse on site. The road will be constructed from recycled plastic mesh and in filled with gravel. Over time, it is anticipated that grass will grow through the road, further minimising the visual impact, but will be maintained to distinguish this from other areas of the site. Additional planting along the northern boundary of the site will further contribute to the wildlife habitat in the area.

4.7.3 Consequently, the proposal is not likely to have a demonstrable harmful impact upon the local environment and its wildlife. A satisfactory balance is struck between sustaining biodiversity and realising the reasonable expectations of this rural business.

4.7.4 A main water pipe belonging to United Utilities crosses the site in a north-south direction, approximately 5 metres from the western boundary in the southern corner to 0 metres at the northern end. The site layout has been designed to take this into account and following

discussions with United Utilities, who require an easement of x metres, there is no objection in this regard.

4.8 Archaeology

4.8.1 The site lies within the buffer zone of Hadrian's Wall World Heritage Site. In recognition of this designation, preliminary discussions have been held with both Mr Jeremy Parsons and Mr Gerry Martin. Mr Martin undertook a archaeological desk-based assessment and archaeological evaluation of the site and complied a subsequent report dated 30th May 2008.

4.8.2 The summary of the report identifies a probable mid to late Bronze Age field system comprising a single course of northeast-southwest aligned segmented ditches. It is further stated that no other significant cultural deposits were encountered apart from the deposition of spoil arising from the construction of the Carlisle Canal circa 1830 at the northern end of the site.

4.8.3 The layout of the proposed development has taken into account the archaeological constraints of the site. A single service trench will be located within the site, approximately 5 metres from the western boundary. The soakaway will be sited adjacent to the eastern flank.

5.0 Conclusion

5.1 The proposal represents a well-founded important rural tourism initiative that is in keeping with, is sensitive to, and otherwise would not cause undue demonstrable harm to interests of acknowledged importance.

Item No: 06 Date of Committee: 13/03/2009

Appn Ref No:	**Applicant:**	**Parish:**
08/1261	Goodson Developments	Burgh-by-Sands
Date of Receipt:	**Agent:**	**Ward:**
16/01/2009		Burgh
Location:		**Grid Reference:**
L/A Croft House, Thurstonfield, CARLISLE		331458 556683

Proposal: Erection Of A 4no. Bedroom Barn With Integral Garage

Amendment:

1. Revised block plan, site plan, floor plans and elevations received 10.02.08 showing the accurate details of the proposal.

REPORT **Case Officer:** Shona Taylor

Reason for Determination by Committee:

This application is brought before the Development Control Committee for determination due to the receipt of eight letters of objection from neighbouring properties and two letters of objection from the Parish Council.

1. Constraints and Planning Policies

Local Plan Pol CP5 - Design

Local Plan Pol CP10 - Sustainable Drainage Systems

Local Plan Pol CP11-Prot.Groundwaters &Surface Waters

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

Local Plan Pol H1 - Location of New Housing Develop.

Local Plan Pol T1- Parking Guidelines for Development

2. Summary of Consultation Responses

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

imposition of those conditions recommended in respect of the previous outline application for a dwelling (application 08/0867);

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

Burgh-by-Sands Parish Council: object to the proposal on the basis that:

- the building line is forward of adjacent properties;
- the height of the building is not in scale with the adjacent properties; and
- the design is inappropriate to the architecture of the area;

Carlisle City Council - (Landscape Architect And Tree Officer): no objections; however tree survey schedule is required along with confirmation of front boundary treatment before any permission is issued.

3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:
Linden Lea	20/01/09	Objection
Rosemount	20/01/09	
Meadow View	20/01/09	Objection
Glenrae	20/01/09	Objection
Croft House	20/01/09	
Thrusson House		Objection
Oaklea		Objection

3.1 This application has been advertised by means of a site notice and notification letters sent to seven neighbouring properties. In response eight letters of objection have been received from the occupiers of five properties. The grounds of objection are summarised as being;

1. The plans are inaccurate; however this was rectified by drawings sent in on 10th February;

2. The proposed building extends forward of the building line;

3. The height of the building is out of scale with the neighbouring properties, which is enhanced by the level of the site;

4. The style of the development is not in keeping with neighbouring properties;

5. The property would stand out rather than blend in with neighbourhood;

6. The difference in levels between the plot and the road would result in a dangerously steep driveway;

7. The hedge is to be replaced by a wall, which will narrow the single vehicle section of road, making it dangerous for pedestrians as it eliminates the grass refuge area;

8. The previous approved "Outline" application (08/0867) was for a bungalow;

9. The proposal will affect the light to the property opposite, known as "Meadow View"; and

10. The hedgerow should be retained.

4. Planning History

4.1 An "Outline" application was approved in 2006 for the erection of a bungalow (application 06/1232).

4.2 A second "Outline" application was approved for the erection of a bungalow in 2008, as the original consent had expired (application 08/0867).

5. Details of Proposal/Officer Appraisal

Introduction

5.1 This application is seeking "Full" planning permission for the erection of a two storey, four bedroom dwelling on land adjacent to Croft House, Thurstonfield. The site has an area of approximately 525 square metres and is located adjacent to a distributor road, which runs through the north of the village.

5.2 The site is situated between two existing residential properties located to the east and west. The ground level of the site lies approximately 0.85 metres higher than the road level. The site is bound to the south by a 2.5 metres high mixed hedge, which abuts the road. To the east is a 1.7 metres high larch lap panel fence belonging to the neighbouring property "Linden Lea" and to the west is a 0.5 metres high post and rail wooden fence. To the north is a 0.5 metres high stone wall on top of which is a 1.5 metres high beech hedge.

Background

5.3 There have been two previous applications to redevelop this site for residential development (applications 06/1232 & 08/0867). Both applications, which were approved, sought "Outline" permission for the erection of a detached dwelling, which would complement the design and appearance of the modern bungalows located to the east of the site.

Proposal

5.4 The layout plan illustrates a detached two storey dwelling with a footprint of approximately 129 square metres. The dwelling would be positioned centrally within the site and it would be located approximately 9 metres from the southern boundary which adjoins the road. The accommodation to be provided on the ground floor comprises a garage, study, utility, hall, dining room/kitchen and a lounge with four bedrooms (one of which would have ensuite facilities) and a bathroom to the first floor.

5.5 The main two storey element of the dwelling measures 14 metres in width and 6 metres in depth, with an overall ridge height of 6.8 metres. There are also two single storey elements to the front and rear of the property, which occupy approximately half of the width of the dwelling. The roof of the main two storey element extends down over these single storey projections to the front and rear elevation, thereby making the dwelling appear to be one and a half storeys in height.

5.6 The dwelling has been designed to give the appearance of a converted barn. To assist Members in appreciating the design of the dwelling the applicant has provided three photographs of a similarly designed scheme, which he has recently constructed in the North East. These photographs have been reproduced in the Schedule following this report. Members should note that the two schemes are not identical, but that they share common design themes. Externally the property would be constructed from a facing brick with oak framed windows, doors and a slate roof. The boundaries would be delineated by a mixture of walls, fencing and hedges, the height and design of which have yet to be clarified.

5.7 Access to the property is proposed to be to the front of the property onto to road, which would involve the creation of a new vehicular access. Excluding the garage, parking would be provided for three vehicles. It is proposed to discharge the foul drainage and surface water to the mains sewer.

Assessment

5.8 The relevant planning polices against which the application is required to be assessed are Policies CP5, CP10, CP11, CP12, H1 and T1 of the Carlisle District Local Plan 2001-2016.

5.9 The proposals raise the following planning issues:

1. Whether The Principle Of The Proposed Development Is Acceptable

5.10 Thurstonfield is identified as a Local Service Centre within the Carlisle District Local Plan 2001-2016. The site lies within the defined settlement boundary and, therefore, the principle of residential development on the site is acceptable.

2. Whether The Scale, Layout And Appearance Of The Development Is

Acceptable

5.11 The layout plan submitted illustrates that the footprint of the proposed dwelling and the plot in which it is situated are comparable to the surrounding properties. To the east the three neighbouring properties are single storey bungalows; however, "Croft House" to the west, and the property directly opposite the site, "Meadow View", are two storey, which are of a similar height and scale to the proposal, albeit that they are located approximately 0.85 metres lower down on the same level as the road. As such, the erection of a two storey dwelling would not appear out of place.

5.12 The surrounding properties do not have a predominant style or use of materials, with a mixture of single storey, one and a half and two storey dwellings, constructed from stone, brick and render; some with tiled and some with slate roofs. As such, the use of the materials proposed, i.e. facing brick, oak framed windows and slate, would not appear obtrusive within the area.

5.13 Several neighbours have objected to the proposal on the grounds that the dwelling is located forward of the building line. They are referring to the building line of the three bungalows to the east of the proposal site and it is true that the forward most part of the dwelling would be located approximately 5m further towards the highway than these properties. Members should note, however, that the neighbouring property to the west, "Croft House", is located directly adjacent to the road, as are several other properties in the vicinity and, therefore, there is not a clearly defined building line within this area. In considering the position of the dwelling Members should also note that the single storey projection to the front of the proposed dwelling extends outwards by 3 metres, leaving the main two storey part of the dwelling only 2 metres forward of the bungalows. On balance, given the layout of the other properties in the village, the concerns of local residents regarding the dwellings position would be insufficient reason to warrant refusal of the application.

5.14 Members are advised that the proposed boundary treatment has not been clarified; however, if Members were minded to approve the application this is something that can be dealt with through a condition.

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

5.15 Taking into consideration the scale and position of the proposed dwelling in relation to the residential properties located to the east and west of the site, there would be no adverse impact upon the living conditions of the occupiers through overlooking, over dominance or loss of light. Whilst there is one window in the ground floor of the east facing gable this serves a utility room, which is not classed as a habitable room.

5.16 To the front elevation the windows only serve a hall and a study. There is a distance of approximately 15 metres from this study window to the windows in

the front elevation of the dwelling located opposite the site, "Meadow View". Although this is less that the minimum distance that the authority would normally encourage, Members should take into account that a greater degree of overlooking of "Meadow View" would occur as a result of pedestrians or vehicles using the public highway which passes directly in front of the property. In light of the above, it is the Officers firm view that there would be insufficient justification to refuse the application on the basis of loss of privacy to the occupants of "Meadow View".

4. Access and Parking Provision

5.17 The occupiers of a neighbouring property have raised concern with regard to the gradient of the driveway that would be required due to the difference in levels between the road and the site. Whilst the objectors concerns are noted, it is the Highway Authority's view that the indicative access details shown on the plan are acceptable and they have raised no objections to the proposal.

5. Impact Of The Proposal On Trees

5.18 The Council's Landscape Architect has sought clarification regarding the removal of the hedge to provide the access point. This additional information was not available at the time of writing this report, but will be presented to Members should it become available prior to the Committee meeting. Members should note that the information requested is to provide clarification only. The Landscape Architect has originally expressed concern that the entire section of the hedgerow that abuts the road frontage was to be removed; however, this is not the case. It is the applicant's intention to remove only a short section of the hedgerow, adjacent to the access, in order to achieve the required visibility splays. Whilst this is broadly acceptable to the Landscape Architect it is still necessary to clarify exactly how much hedge is to be removed for the avoidance of any doubt.

5.19 If the outstanding information, which is being prepared by the applicant, is not made available in advance of the meeting Members are advised that it should not prejudice the outcome application. If Members were minded to approve the application it would, however, be necessary to grant "authority to issue" approval subject to the receipt of the requested information, which would have to be agreed as acceptable by Landscape Architect.

Conclusion

5.20 In overall terms, the principle of the proposed development is acceptable. The dwelling can be accommodated on the site without detriment to the living conditions of the neighbouring properties through loss of light, privacy or over dominance. Adequate amenity space and incurtilage parking provision would be provided. The proposed access to the site is acceptable and the anticipated level of traffic generated by the proposal would not prejudice highway safety. In all aspects the proposals are compliant with the objectives of the relevant Local Plan Policies.

6. Human Rights Act 1998

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

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

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

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

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

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

7. Recommendation - Grant Permission

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

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

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

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

3. Details shall be submitted of the proposed hard surface finishes to all public and private external areas within the proposed scheme and approved, in

writing, by the Local Planning Authority before any site works commence.

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

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

Reason: In order that the approved development overcomes any problems associated with the topography of the area and safeguards the amenity of neighbouring residents in accordance with Policy H1 of the Carlisle District Local Plan 2001-2016.

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

Reason: To ensure that a satisfactory landscaping scheme is prepared and to ensure compliance with Policy 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 shall be erected around the trees and hedges to be retained in accordance with B.S. 5837, at a distance corresponding with the branch spread of the tree or hedge, or half the height of the tree or hedge, whichever is greater, unless otherwise agreed in writing by the Local Planning Authority. Within the areas fenced off the existing ground level shall be neither raised nor lowered, and no materials, temporary buildings or surplus soil of any kind shall be placed or stored thereon without the written prior agreement of the Local Planning Authority. If any trenches for services are required in the fenced off area, they shall be excavated or back filled by hand and any roots encountered with a diameter of 50mm or more shall be left unsevered. The fence shall thereafter be retained at all times during construction works on the site.

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

7. The development shall not commence until visibility splays providing clear visibility of 2.4 metres by 23 metres measured down the centre of the road

have been provided at the junction of the access with the county highway. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle, or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grow within the visibility splay which obstruct the visibility splays. The visibility splays shall be constructed before general development of the site commences to that construction traffic is safeguarded.

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

8. Any existing highway fence/wall boundary shall be reduced to a height not exceeding 1.0m above the carriage way level of the adjacent highway in accordance with the details submitted to the Local Planning Authority and which have subsequently been approved before development commences and shall not be raised to a height exceeding 1.0m thereafter.

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

9. Details of all measures to be taken by the applicant/developer to prevent surface water discharging onto of off the highway shall be submitted to the Local Planning Authority for approval prior to development being commenced. Any approved works shall be implemented prior to the development being completed and shall be maintained operational thereafter.

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

10. Before any development takes place, a plan shall be submitted for the prior approval of the Local Planning Authority reserving adequate land for the parking of vehicles engaged in construction operations associated with the development hereby approved, and that land, 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 in order to support Local Transport Policy LD8.

11. Details showing the provision within the site for the parking of vehicles 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 parking, loading, unloading and maneuvering areas shall be kept available for those purposes at all times 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 to support Local Transport Plan Policies LD7 and LD8.

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

Reason: To ensure that the means of disposal is acceptable and to ensure compliance with Policy CP10 of the Carlisle District Local Plan 2001-2016.

13. Details shall be submitted of all the proposed boundary treatments and approved, in writing, by the Local Planning Authority before any work is commenced.

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

Land Registry
Current title plan

Title number **CU233143**
Ordnance Survey map reference **NY3156NW**
Scale **1:1250**
Administrative area **CUMBRIA : CARLISLE**

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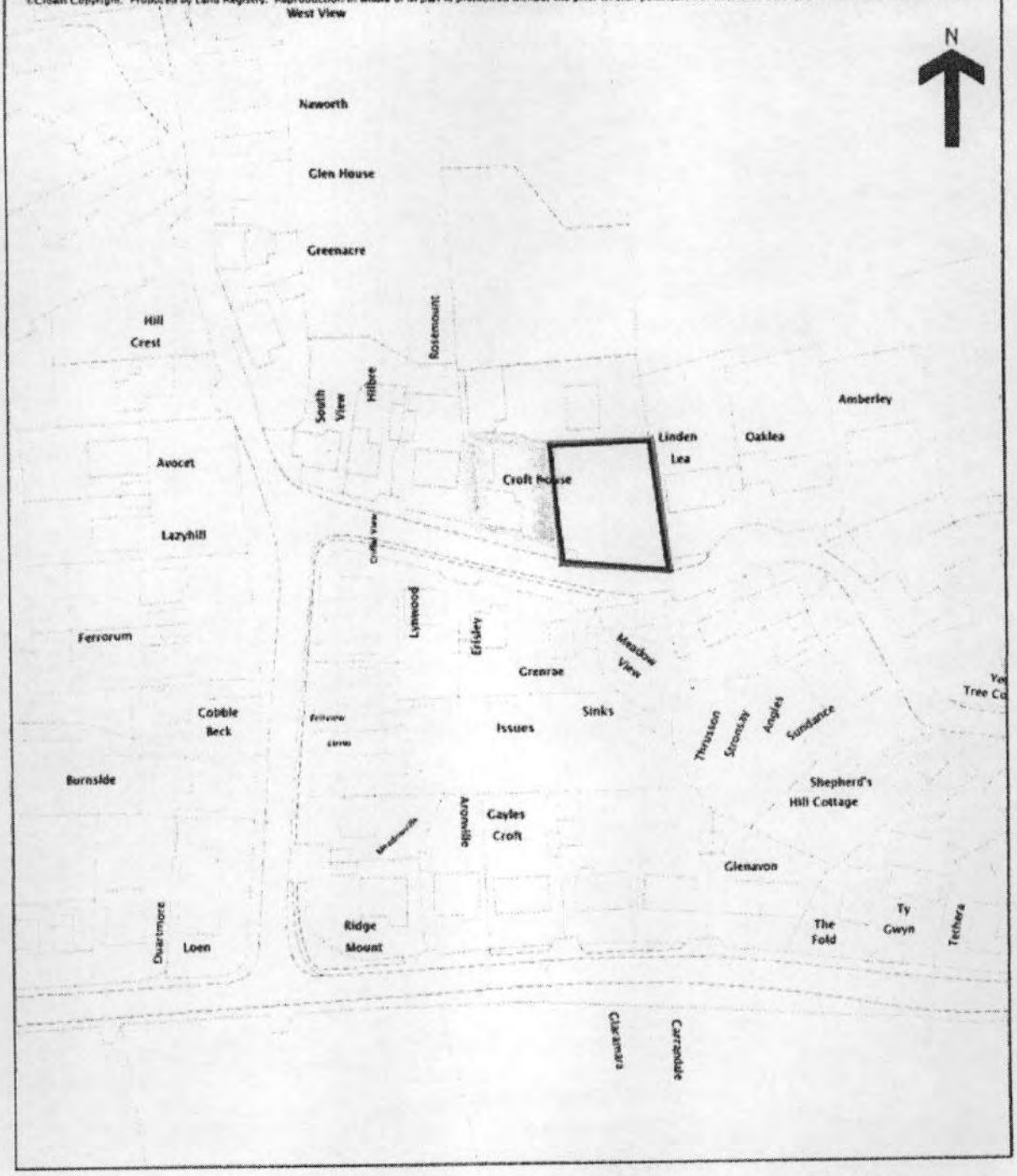

29 DEC 2008
2008/1261

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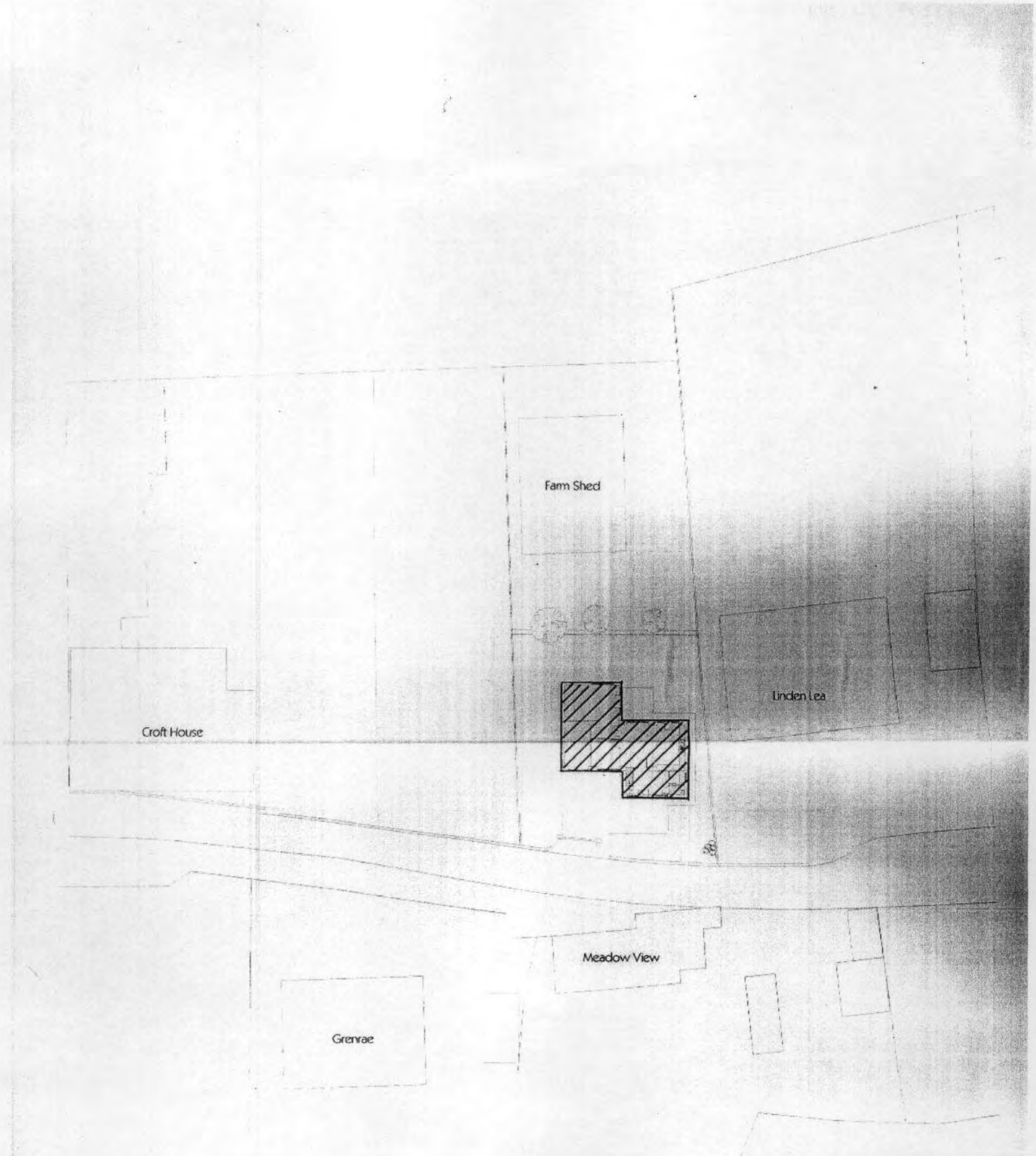
This title is dealt with by Land Registry, Durham Office.



RECEIVED
16 JAN 2009
08/1261

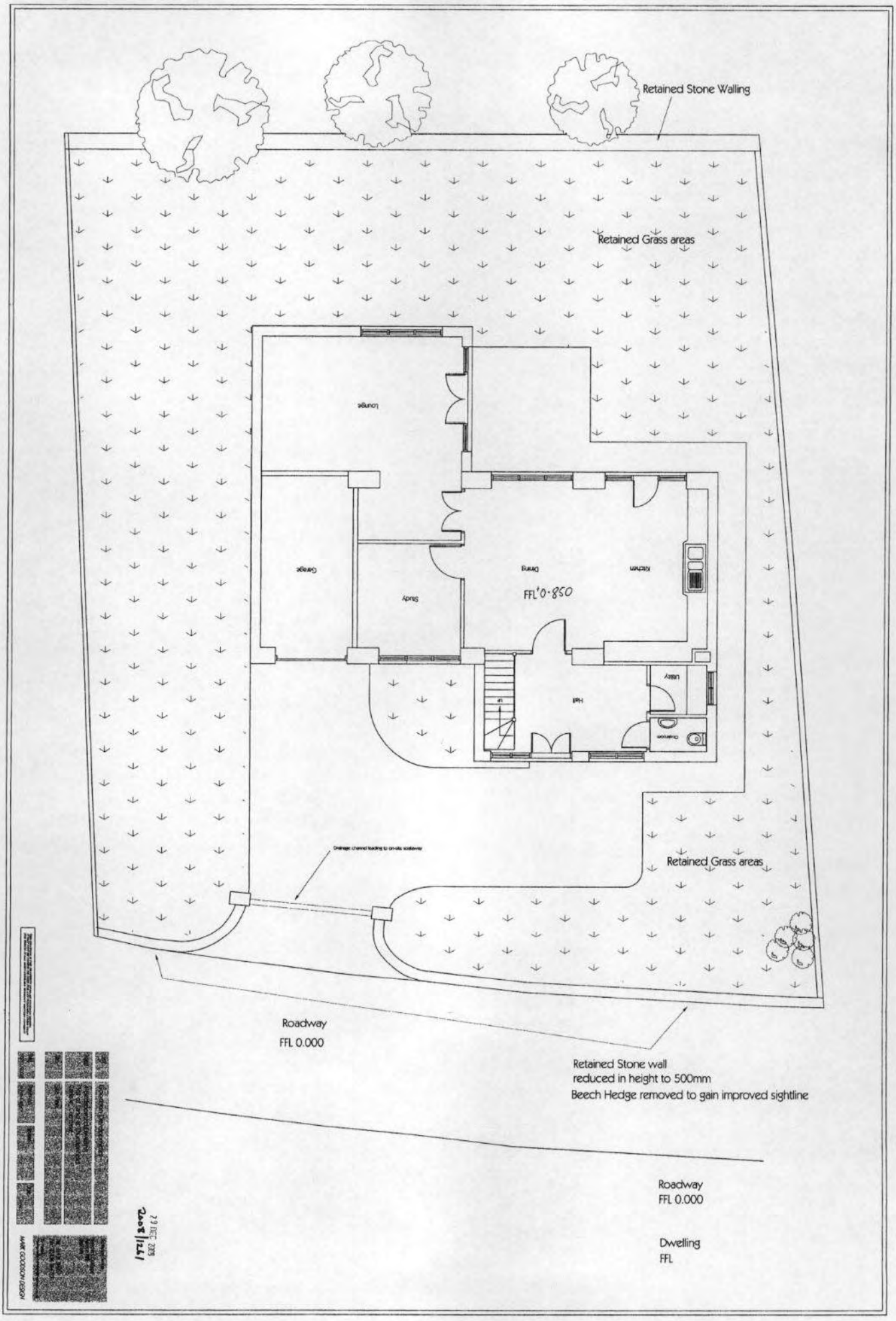
Client	Goodson Developments
Project	4-Bedroomed Dwelling Plot of Land at Thurstonfield Carlisle, Cumbria
Title	Block Plan

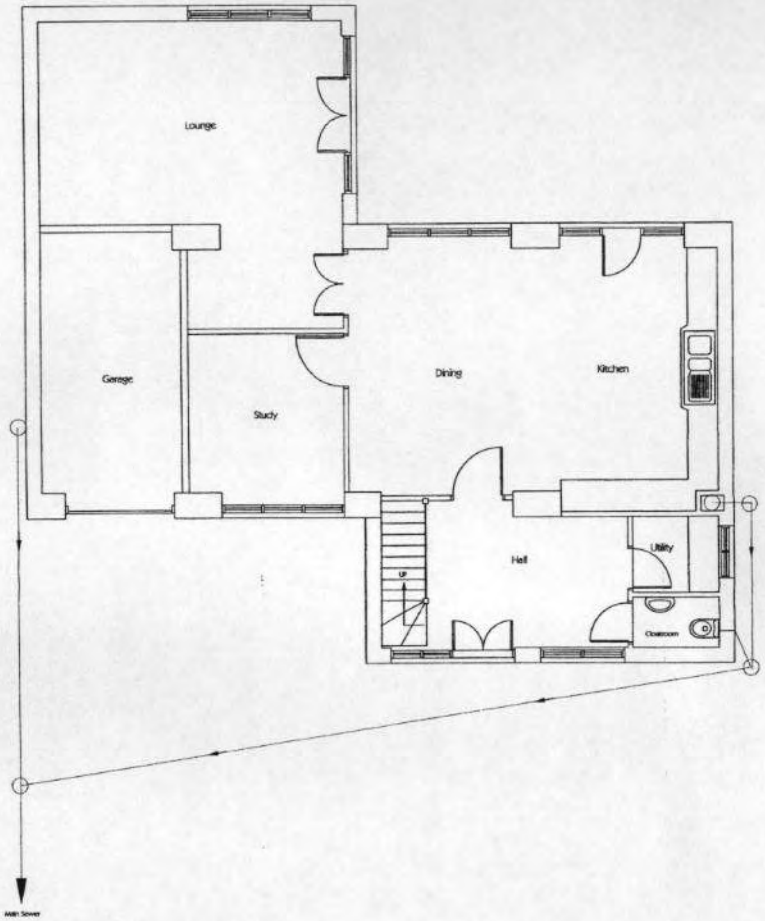
Date	Drawing no.	Revision	Scale
[illegible]	[illegible]		1:500

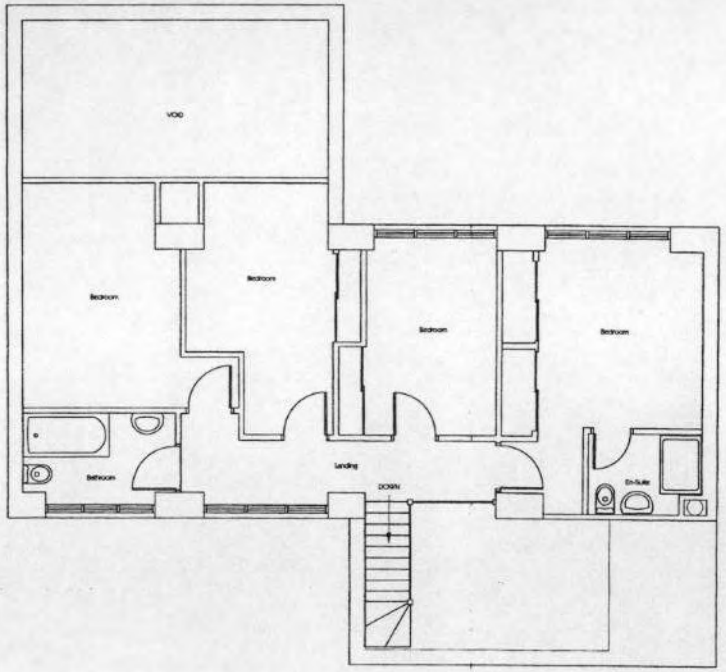
Keepers Cottage
Burgh Rd
Wigton

Tel: [illegible]
Fax: [illegible]
E-mail: [illegible]

MARK GOODSON DESIGN


Retained Stone Walling
Retained Grass areas
Lounge
Garage
Study
Dining
Kitchen
FFL 0.850
Hall
Utility
Cloakroom
Up
Drainage channel leading to on-site soakaway
Retained Grass areas
Roadway
FFL 0.000
Retained Stone wall
reduced in height to 500mm
Beech Hedge removed to gain improved sightline
Roadway
FFL 0.000
Dwelling
FFL
MARK GOODSON DESIGN
19 DEC 2005
Rec'd



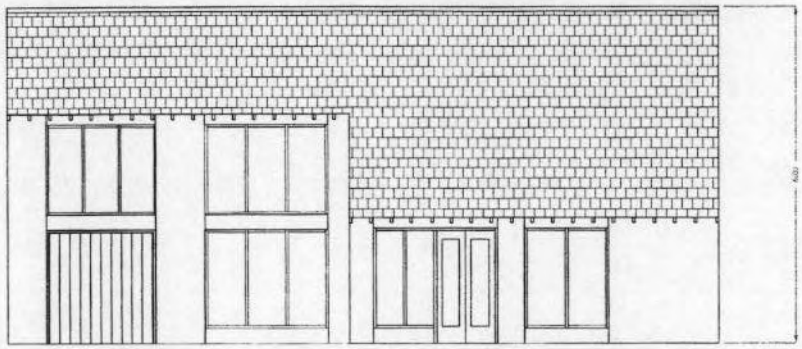


Materials

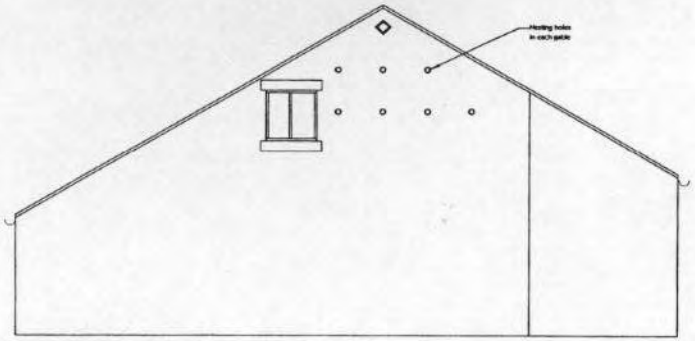
Walls:	Tumbled old English red bricks with mortar raked out Stone heads and cills, where appropriate Stone beams between upper and lower windows, where appropriate
Roof:	Sandtoft Calder dale roof tiles (or similar)
Windows / Doors:	Clear coated oak window and door frames throughout, fixed a minimum of 75mm back from outer face of the brickwork Roof windows to be Velux pine finish
Driveway:	Block paviors, stone coloured Tarmac to be laid on site entrance spley, between highway and drainage channel

29 DEC 2003
2003/1261

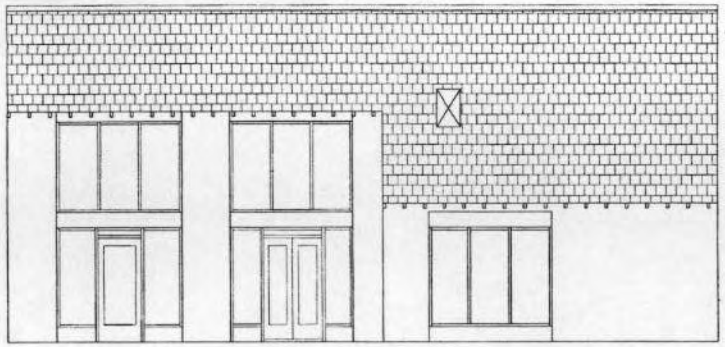
MARK GOODSON DESIGN



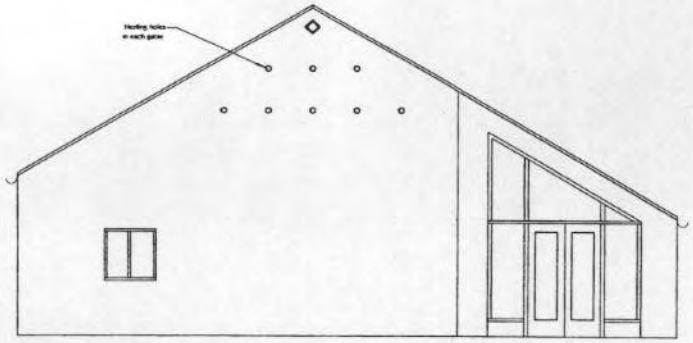
North Elevation



West Elevation



South Elevation

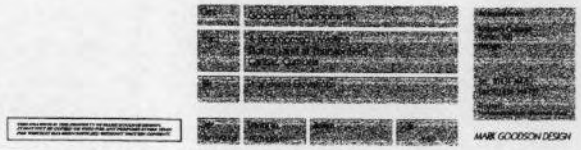


East Elevation

Materials

Walls:	Tumbled old English red bricks with mortar raked out Stone heads and cills, where appropriate Stone beams between upper and lower windows, where appropriate
Roof:	Sandtoft Calder dale roof tiles (or similar)
Windows / Doors:	Clear coated oak window and door frames throughout, fixed a minimum of 75mm back from outer face of the brickwork Roof windows to be Velux pine finish
Driveway:	Block paviors, stone coloured Tarmac to be laid on site entrance splay, between highway and drainage channel

29 DEC
2008/1261



MARK GOODSON DESIGN

RECEIVED
10 FEB 2009
08/1261

Item No: 07 Date of Committee: 13/03/2009

Appn Ref No:	**Applicant:**	**Parish:**
09/0073	Mr A Harid	St Cuthberts Without
Date of Receipt:	**Agent:**	**Ward:**
03/02/2009	Jock Gordon	Dalston

Location:
Dhaka Restaurant, London Road, Carleton, Carlisle, CA1 3DS

Grid Reference:
342750 552939

Proposal: Display of Wall Mounted Externally Illuminated Sign (Retrospective)

Amendment:

REPORT **Case Officer:** Sam Greig

Reason for Determination by Committee:

This application is brought before the Development Control Committee for determination as the applicant is a City Councillor.

1. Constraints and Planning Policies

Local Plan Pol CP6 - Residential Amenity

Local Plan Pol EC17 - Advertisements

2. Summary of Consultation Responses

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

St Cuthberts Without Parish Council: do not wish to make any comments.

3. Summary of Representations

Representations Received

Initial: Consulted: Reply Type:

Fell View	09/02/09	
1 Carleton Farm	09/02/09	
2 Carleton Farm	09/02/09	
3 Carleton Farm	09/02/09	
4 Carleton Farm	09/02/09	
The Green Bank Public House, Carleton	09/02/09	
Carleton Motor Body Repairs, Carleton	09/02/09	
Contract Scaffolding, Carleton	09/02/09	
Carlisle Demolition Ltd., Carleton	09/02/09	
6 Carleton Farm Mews	09/02/09	Objection
, Carleton Farm House	09/02/09	
5 Carleton Farm	09/02/09	
6 Carleton Farm	09/02/09	

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

3.2 At the time of preparing this report one letter of objection has been received, which raises concern regarding light pollution and its potential impact upon the living conditions of local residents.

4. Planning History

4.1 In 2006 advertisement consent was granted by the Development Control Committee for an identical sign; however, the consent was restricted to a two year period, which expired on the 9th October 2008 (application 06/0719).

4.2 There are a number of other applications relating to the development of the restaurant, none of which are specifically relevant to this current application.

5. Details of Proposal/Officer Appraisal

Introduction

5.1 The application seeks retrospective approval for the erection of illuminated signage at the Dhaka Restaurant, Carleton. The premises currently trades as an Indian restaurant and is located on the A6, which is the main thoroughfare into the city from the southeast. Whilst the surroundings to the application site are predominantly residential the site is adjacent to a cluster of commercial properties, which comprise Carleton Motor Body Repairs, Contract Scaffolding, Carlisle Demolition Ltd and The Green Bank Public House.

5.2 The proposed signage, which is located below the name of the premises on the front elevation of the property, advertises that the restaurant was the winner of the "Chef of the year competition 2000 & 2001". The aluminium fascia is painted yellow and the lettering is red and black. The sign, which is positioned 3 metres above ground level, measures 3.3 metres in width, 1

metre in height with a depth of 25 mm. The sign is illuminated by three down lighters located above the sign.

Background

5.3 In 2006 advertisement consent was granted by the Development Control Committee for an identical sign; however, the consent was restricted to a two year period, which expired on the 9th October 2008. The purpose of restricting the consent was to reflect the fact that the sign is of a temporary nature in that it provides an acknowledgement of an award obtained by the premises for specific period of time and to prevent a permanent display of advertisement clutter on the primary facade of the premises.

Assessment

5.4 The relevant planning policies against which the application is required to be assessed are Policies CP6 and EC17 of the Carlisle District Local Plan 2001-2016.

5.5 The proposals raise the following planning issues:

1. Whether The Signage Is Appropriate To The Premises And Its Locality.

5.6 The size and siting of the fascia sign does not dominate the front elevation of the building and is appropriate to the premises. Furthermore, the signage is seen in conjunction with the existing signage on the premises and against the backdrop of this small cluster of commercial properties. As such the signage is appropriate to the premises and its locality.

5.7 Whilst the sign is not inappropriate to the building, if displayed on a temporary basis, Officers would not wish it to be advertised on a permanent basis. This is partly as it is of a temporary nature, as it refers to an award obtained in 2001, which is the choice of the applicant, but also as Officers wish to prevent unnecessary advertisement clutter on the building's principal elevation.

5.8 Although the previous consent was restricted to a two year period given the time that has lapsed since the sign was first erected and as the sign is of a temporary nature it is the Officer's view that the consent should be restricted to one year only.

2. Whether The Signage Adversely Affects The Living Conditions Of Any Neighbouring Properties.

5.9 On the opposite side of the road to the application site is a residential property that has windows which face towards the Dhaka Restaurant. The resident has expressed concern that the sign causes light pollution thereby affecting their living conditions.

5.10 With regard to this point Members should note that the lights illuminating the sign shine downwards over the sign thereby minimising the effect of light

spillage. Members should also note that by having approved the previous application they have accepted that the impact of the illumination, in terms of light pollution, is within tolerable limits. This judgement was made on the proviso that a condition was imposed that prevented the sign from being illuminated after 10.30 pm. In order to safeguard the living conditions of local residents Members are advised that the same condition is recommended.

3. Highway Matters.

5.11 The Highway Authority has raised no objections to the application, subject to the imposition of a planning condition that would prevent direct rays of light from the source of illumination being visible to drivers using the highway.

Conclusion

5.12 In overall terms the scale, design and illumination of the signage is appropriate to the premises and it does not compromise the visual amenity of the area. Subject to the imposition of an appropriate condition requiring the lighting to be turned off at 10.30 pm neither the sign nor its illumination will detract from the living conditions of any neighbouring property. In all aspects the proposals are compliant with the objectives of the relevant Local Plan policies.

6. Human Rights Act 1998

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

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

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

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

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

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

7. Recommendation - Grant Permission

1. The consent now granted is limited to a period of one year from the date hereof.

   Reason: To reflect the fact that the sign is of a temporary nature and provides an acknowledgement of an award obtained by the premises for specific period of time and to prevent a permanent display of advertisement clutter on the primary facade of the premises in accordance with Policy EC17 of the Carlisle District Local Plan 2001-2016.

2. Any advertisements displayed, and any site used for the display of advertisements shall be maintained in a clean and tidy condition to the reasonable satisfaction of the local planning authority.

   Reason: To accord with Schedule 1 of the Town and Country Planning (Control of Advertisements) Regulations 1992.

3. Any advertisements or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.

   Reason: To accord with Schedule 1 of the Town and Country Planning (Control of Advertisements) Regulations 1992.

4. Where an advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the local planning authority.

   Reason: To accord with Schedule 1 of the Town and Country Planning (Control of Advertisements) Regulations 1992.

5. 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 1 of the Town and Country Planning (Control of Advertisements) Regulations 1992.

6. No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway (including any coastal waters) or aerodrome (civil or military).

   Reason: To accord with Schedule 1 of the Town and Country Planning (Control of Advertisements) Regulations 1992.

7. The sign hereby approved shall not be illuminated between 2230 hours and

0900 hours on any day throughout the year.

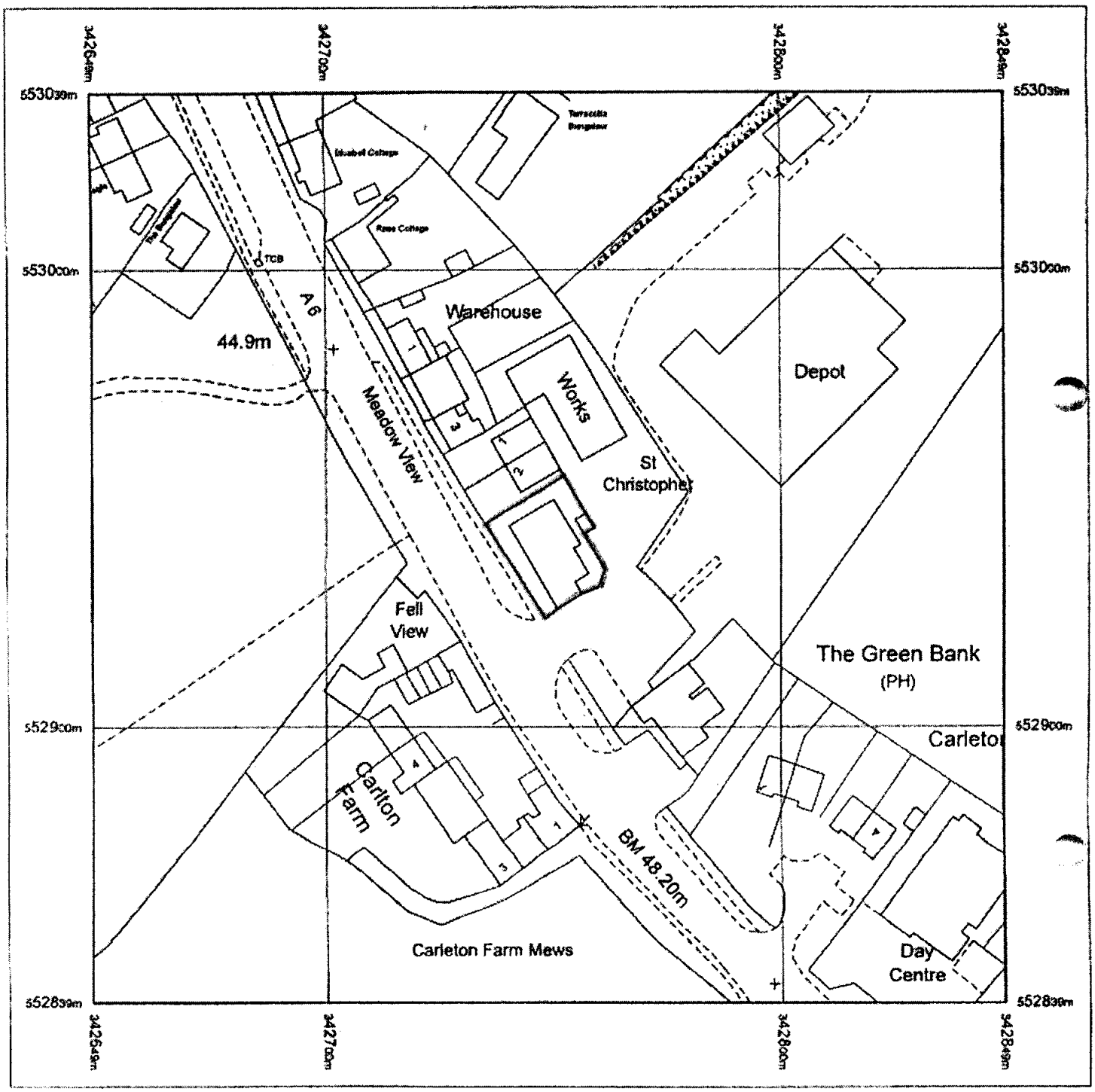
Reason: To ensure the living conditions of the neighbouring properties are protected in accordance with Policy CP6 of the Carlisle District Local Plan 2001-2016.

8. The lighting units shall be erected so that no direct rays of light from the source of illumination shall be visible to the drivers of vehicles using the highway and the lighting units shall be maintained in that respect thereafter.

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

Ordnance Survey®

OS Sitemap™



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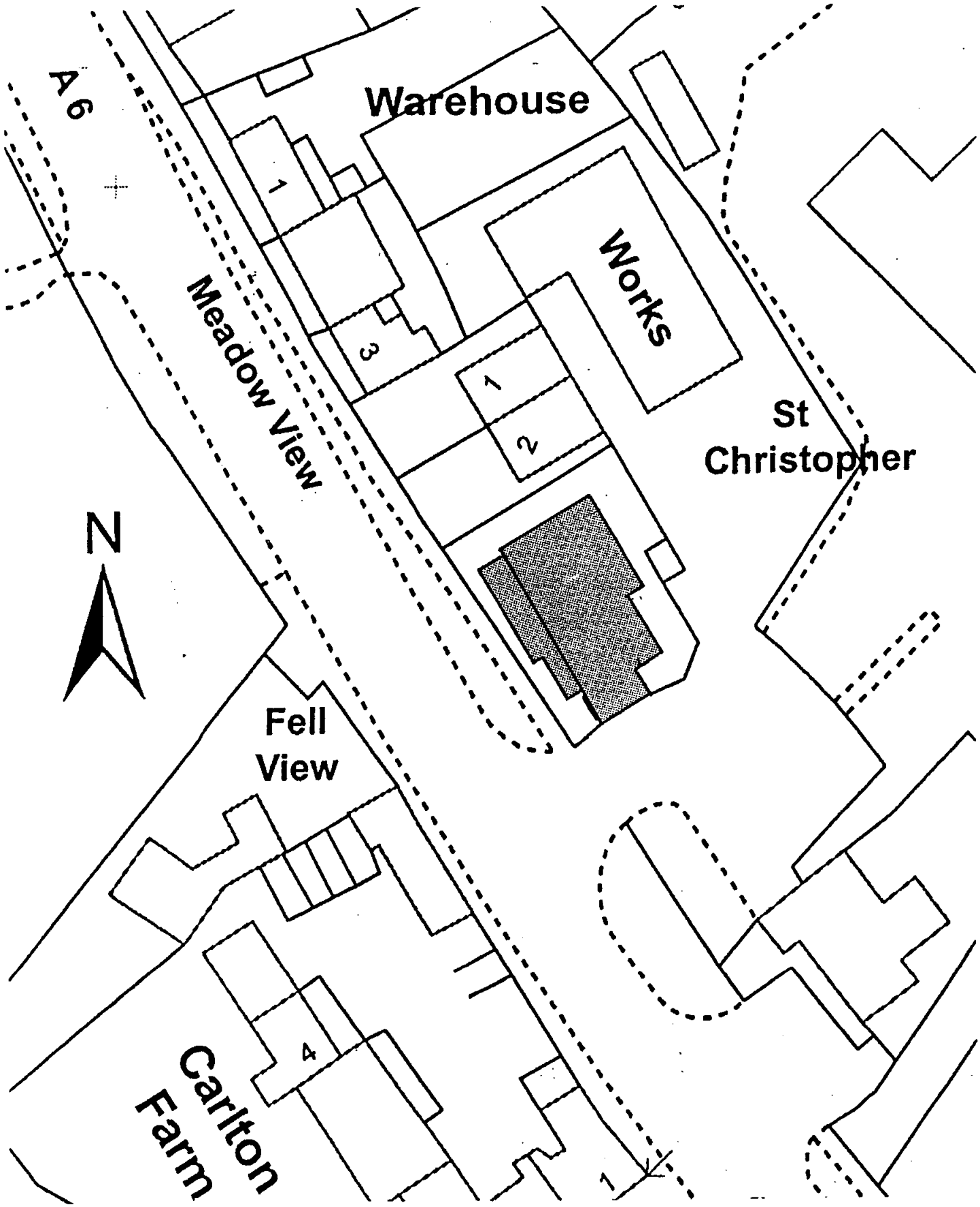
- 3 FEB 2009
2009/0073

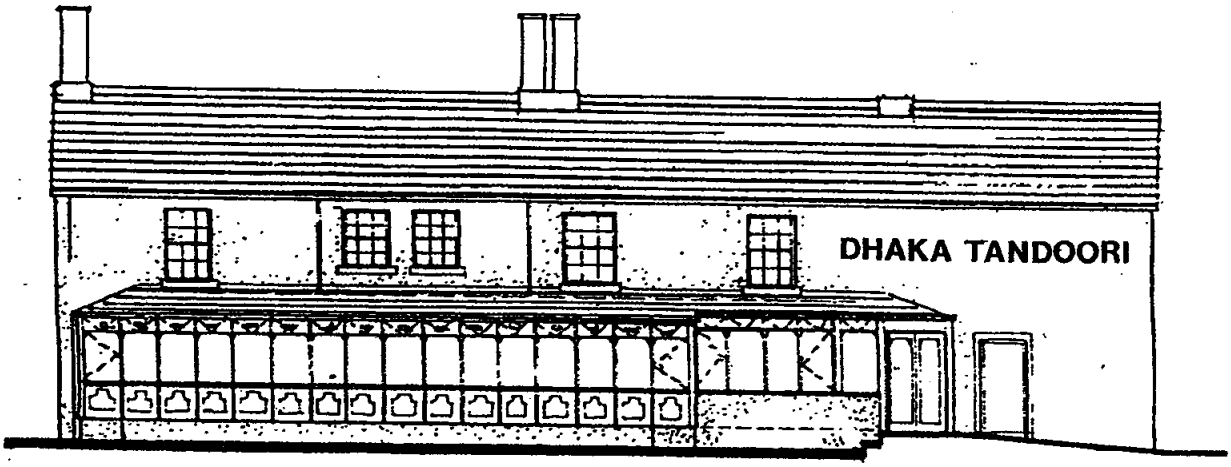
PROPOSED ILLUMINATED SIGNAGE LOCATION PLAN

DHAKA RESTAURANT - CARLISLE SCALE : 1-1250

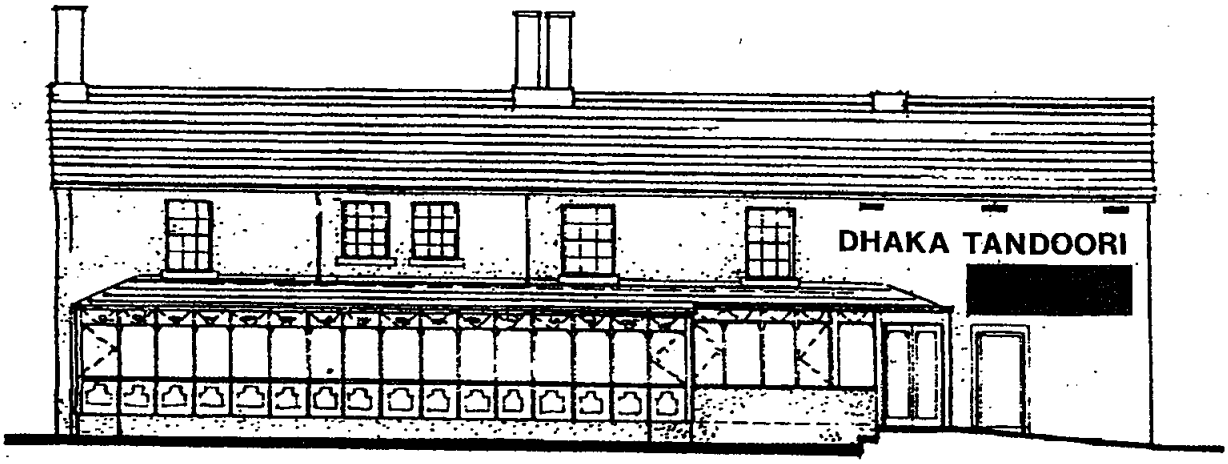


PROPOSED ILLUMINATED SIGNAGE 2009/0073 **SITE PLAN**

DHAKA RESTAURANT - CARLETON - CARLISLE **Scale : 1-500**



WEST ELEVATION AS EXISTING



WEST ELEVATION AS PROPOSED

DETAILS OF SIGN :
Size - 3300mm long x 1000mm high x 25mm deep
Materials - Aluminium background / acrylic lettering
Colours - Yellow background / red & black lettering
Illumination - Flood lighting directed onto sign from above
by 3 NLSL2X26 lamps, 360mm x 90mm x 100mm, as shown on the plans

PROPOSED ILLUMINATED SIGNAGE

DHAKA RESTAURANT - CARLETON - CARLISLE

DRG. NO. 1586/2

-3 FEB 2006
2009/0073

Scale : 1-100

Winner of the prestigious curry

"Chef of the Year

Competition 2000 & 2001"

Held by the Chartered Institute of Environmental Health

PROPOSED ILLUMINATED SIGNAGE

DHAKA TANDOORI RESTAURANT - CARLETON

DETAILS OF SIGN

3 FEB 2009
2009/0572

These floodlights use energy efficient compact fluorescent lamps.

Weatherproof to IP65 and vandal resistant construction.

Class I.

Supply voltage - 240V 50Hz AC

Compact design with flexible mounting options suitable for a wide range of applications including shopfronts and security lighting.

Long trouble-free operation reducing costly maintenance.

Manufactured to BS 4533.

CE marked

NL MODEL No.	LAMP TYPE	WEIGHTS (excluding arm)	Max Area exposed to wind ft²	PRICE 1 off	PRICE 10 off
NLSL1X26	1 x 26W TC-D	1.0	0.05	£28.00	£18.50
NLSL1X36	1 x 36W TC-L	1.0	0.06	£26.50	£25.00
NLSL2X26	2 x 26W TC-D	2.1	0.06	£34.50	£32.50
NLSL2X26PC	2 x 26W	2.1	0.06	£43.00	£42.00

NB NLSL2X26PC complete with integral photocell.

ENERGY SAVING

CITY OF CARLISLE

TOWN & COUNTRY PLANNING ACT 1990

AND ASSOCIATED ORDERS AND REGULATIONS THEREUNDER

This application has been Approved / ~~Refused~~ under the above Act and Regulations in accordance with the terms of the official Notice of Approval / ~~Refused~~ under Application Reference No. 06/0719

Date 28 OCT 2006

Head of Planning Services

RECEIVED

21 AUG 2006

06/0719

2009/0073

178

Item No: 08 Date of Committee: 13/03/2009

Appn Ref No:	**Applicant:**	**Parish:**
08/0906	Mr John Waters	Nicholforest
Date of Receipt:	**Agent:**	**Ward:**
05/09/2008	Mr Bruce Armstrong-Payne	Lyne

Location:
Field 8443 Spruce Grove, Penton, Carlisle, CA6 5QR

Grid Reference:
345853 576400

Proposal: Revised Layout Of Caravan Site For The Provision Of 30no. Static Caravans

Amendment:

REPORT **Case Officer:** Richard Maunsell

Reason for Determination by Committee:

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

1. Constraints and Planning Policies

Local Plan Pol DP1 - Sustainable Development Location

Local Plan Pol CP1 - Landscape Character

Local Plan Pol CP3 - Trees and Hedges on Development Sites

Local Plan Pol CP5 - Design

Local Plan Pol CP6 - Residential Amenity

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

Local Plan Pol EC15 - Tourism Caravan Sites

Local Plan Pol T1- Parking Guidelines for Development

Local Plan Pol LC8 - Rights of Way

2. Summary of Consultation Responses

Cumbria County Council - (Highway Authority): considering the previous application reference 07/1093, there is no objection to the application shown on drawing SG.010808.

The applicant will need to contact CAPITA for a Section 184 licence in order to constructed the lay-by. The lay-by will have to be at least 15m in length with 15m tapers. The carriageway should be at least 6m in width (inclusive of the lay-by width) for the length of the lay-by.

Further comments received on 10th February 2009 read as follows:

The Highway Authority begin with their overview of the history of this file.

In December 1984 the Highway Authority replied to the original planning application (COU to caravan site). There were no objections raised but a recommendation for 2 conditions was sought, being

1. the layout , design and construction of the access and passing place shall be in accordance with the requirements of the highway Authority; and
2. there shall be no interference with the PROW over which Public Footpath 126020.

Permission was granted for the application in March 1985.

In 2007 a further application was submitted for a certificated of lawfulness on the original application. This received approval as well.

The application in hand is for a change on the original application. This application would be for no touring caravans to use the site but instead to have static caravans for holiday purposes. The recommendation from this office was once again that there is no objection to the application that the applicant should obtain a section 184 license form CAPITA. This will enable the Lay-by and the access to be built to acceptable standards.

It is the Highway Authority's view that the use of the site by cars only, therefore not now having cars towing caravans is a highway gain. Considering the width and alignment of the road fronting the site it is still the Highway Authority's view that the original recommendation from this office was correct.

During my site visit it was however clear that there is a need for some work on the access. The application for the section 184 license is therefore awaited from the applicant;

Community Services - Drainage Engineer: comments awaited;

Local Plans (Tree Preservation), Development Services:

The initial comments were submitted prior to the Tree Officer being aware of the planning history of the site and read as follows:

The site of the proposal is a small woodland the most interesting feature of which is the overgrown Beech Hedge that is evolving into individual trees atop a kest along the south western boundary.

Whilst there is no objection to the proposal in general the applicant has not supplied sufficient information to enable the application to be determined. The applicant must supply a tree survey in accordance with British Standard BS 5837: 2005 'Trees in relation to construction Recommendations' as required by virtue of their answer at section 16 of the Planning Application form.

This will help with providing sufficient information to determine the location of the pitches and infrastructure.

The Applicant will also need to supply a landscaping scheme that should pay particular attention to the boundary screening.

Details of the location of the service runs to the pitches and to the proposed sewage treatment plant must also be supplied.

Further comments received on 24th November 2008 read as follows:

Whilst the proposed species choice and size is acceptable the landscaping scheme needs to be detailed and not indicative. The areas to be planted up should be shown on the plans so as to avoid any doubt as to where those areas are.

Please do not hesitate to contact me if you require clarification on any of the above. whilst the proposed species choice and size is acceptable the landscaping scheme needs to be detailed and not indicative. The areas to be planted up should be shown on the plans so as to avoid any doubt as to where those areas are.

Further comments received verbally on 12th January 2008 confirm there is no objection to the proposal subject to the imposition of a condition requiring the submission of a landscaping scheme prior to the commencement of development;

Nicholforest Parish Council: the Parish Council raise a number of concerns regarding the application including:

- there are Section 106 agreements relating to the site;
- has the licensing officer visited this area before considering the application as quite a number of issues within the Acts governing the requirements for the system of licensing of caravans seem not to have been adequately considered and these will be discussed below;
- the Parish Council also realise that as long as planning permission or a Lawful Development Certificate has been issued, a site licence must be issued, however we have some concerns about the validity of the planning permission already given as our documented minutes states that permission was sought in September 1983 and no evidence exist that a second

application was ever presented and the issue was left dormant for seven years. The application states that work started on the site on 14th March 1990 and since then, the site has never been utilised as a caravan site;

- both planning permission and site licence are subject to conditions to preserve the safety and living standards of the occupants, the amenity of the area and the environment. To start implementing a project for which Planning Permission was granted in the 1980's almost thirty years later, the conditions referred to have changed considerable and therefore what was considered in the 80's aren't valid and no longer apply;
- there is a relationship between the Caravan Sites and Control of Development Act 1960 and the Health and Safety at Work etc. Act 1974. Under Section 3 of the Act it is the duty of site operators to conduct their undertaking in such a way as to ensure, so far as is reasonably practicable, that both residents and the public at large are not exposed to risks to their health and safety. There are many risks that can be linked to a caravan site with 12 month residence which cannot be reasonably controlled in an area that lacks adequate health/fire service as again is discussed below.

The Parish Council would like these matters further looked into because of the following concerns, all related to the above issues and Legislations:

- allowing 30 static caravans on a 12 month residence licence would change the whole characteristic of the area and quadruple the population;
- a 12 month residency licence is uncommon for a caravan site and is therefore likely to attract people who intend to dwell in their caravan all year round. As well as the increase in population being likely to cause massive changes to this environment we are concerned for the safety and living standards of the occupants;
- caravan sites for residence 12 months of the year are usually only granted in specific circumstances i.e. where the land is designated for residential use and there is a good infrastructure such as bus service, shops, health services, schools etc. nearby;
- there are no facilities on the site and there is no infrastructure locally to support such a large development. For instance there is no school (nearest ones are now twenty miles away), no health service (nearest ten miles away) no public bus services, no shops (nearest ten miles away) and no post office. When planning permission was granted, there was a minimal infrastructure in place such as one shop/ post office nearby and schools ten miles away but we don't even have these any more now;
- by law, Holiday Caravans need only be sited five metres from adjoining caravans whilst residential caravans must be six metres apart for better environmental and fire protection. Those who are apt to use the site all year round will not be benefiting from laws that would otherwise protect, had this actually been a site to be officially used for residential purposes;
- the original application (1983) was to promote tourism in the area. These holiday caravans aren't designed for all year round use. The insulation standards are likely to be inadequate leading to condensation and more rapid deterioration of the unit. As well as this occupants using the caravans in the winter may be tempted to block ventilation grills leading to carbon monoxide poisoning. Seemingly several cases of this have occurred within caravans

over the past few years;

- this area is damp and extremely cold in the winter. Local inhabitants find it difficult to keep their houses warm and free from damp. It is totally impractical (and a huge health and safety risk) to consider anyone being able to inhabit a caravan in Nicholforest over the winter months;
- caravans are likely to be inadequate in size for 12 month residency whereas purpose designed residential caravans is usually more spacious;
- should a disaster such as flooding or fire occur, those occupants who have opted to make use of the 12 month residence licence by occupying the site all year round would not be re-housed as they would be classed as being 'on holiday'. Also, cover provided by holiday caravan insurance is not as comprehensive as that issued for 'residential' use;
- even if the 12 month residence licence has stipulations such as caravans should only by used by holiday makers, it is highly likely the licence will be abused by those who intend to reside at the site all year round;
- the gradual appearance of 'residents' 'on holiday' will undermine the character of the site and the area. It will convey to other holiday makers that the site is more of a residential one and will attract those who are more likely to want to stay at the site all year round;
- those 'holiday makers' setting up residence at the site are likely to undermine the general appearance of this beautiful area with such as car repairs etc being carried out at the site or collections of building materials, tools etc. outside the caravans as there is insufficient space inside to house these;
- once people start using the site for all year residence, this will be difficult to control. A shorter residency licence and fewer caravans would keep the site neater and more manageable;
- the site is in a prominent position and the scrub spruce around the perimeter will not screen the caravans. Has a risk assessment been carried out with regards to the suitability of the "over mature" spruce;
- the Parish Council are concerned about the noise nuisance, the increased traffic on very narrow roads, the safety hazards to residents and public and the lack of nearby health services or fire services should anything untoward occur;
- the Parish Council would like to see evidence that the original application was in 1983 as dates quoted are subject to some confusion. What conditions apply to the original planning permission that was issued? Normally planning permission is valid for five years. It was over seven years before any work was allegedly done to this site and even longer for its change to a caravan site has been executed. Conditions relating to area, environment and public amenities relating original planning permission no longer apply;
- the site, with 30 caravans will be so densely populated that overspill onto open farm land will occur; and
- has the Environment Agency been consulted with regards to the overflow from the sewage treatment plant and the nearby small water course?

Further comments received on 18th November 2008 are summarised as follows:

- despite valid arguments there seems to be little to support the objections other than that the location of this site would not be supported under current policy guidelines;

- it would seem that there was a gross oversight when planning permission was granted in 1984 without restrictions on the occupancy of the static caravans;
- it would not be unreasonable to impose occupancy conditions which would be compliant with the advice in Circular 11/95; and
- it cannot be unreasonable to impose occupancy restrictions if when the whole site is occupied, the local population may be doubled or even quadrupled;

Additional comments received on 26th February 2009 are summarised as follows:

- because of the new evidence presented to the Planning Department on 22nd January 2009, it is reasonable for the original permission to be revisited in relation to the sworn affidavits and the breach of these conditions;
- it is unreasonable for the Planning Department to dismiss this evidence on the grounds of time-scale bearing in mind that it was not known that the affidavits existed before 29th December 2008;
- when there is rain the site floods the junction between the B6318 and the U 1018 causing a hazard and this problem needs to be addressed;
- with the present ditch/drainage system, water "explodes" onto the road between Spruce Grove and the new bungalow at Moss Hill. This is a major contributor to the existing flooding at the Haglin Burn culvert (sited between Moss Hill and Beyond the Moss Farm). A planning condition must guarantee that the present culvert will be reconstructed to accommodate the increase of fast water run off and alleviate the present ongoing flooding problem. A second culvert at the Haglin cottage (C1007) would also need to be modified to accommodate this increase.
- a full explanation is needed of how the surface water would be disposed of before the application can be considered - any run off could affect public footpath FP12020;
- it is necessary for the Highways Department to draw up a suitable plan to accommodate the increase of traffic (possibly in excess of 60 extra cars) on the single lane public road other than through the present inadequate proposal of a lay by and also to include an extra facility for standing traffic on the B6318 turning right which is hidden because of the dip in the highway south of this junction. This already causes problems for traffic emerging from the U1018 onto the B6318;
- facilities should be provided for children, who will undoubtedly visit or stay at the site - these should be sited away from the parking areas;
- older retired residents of Catlowdy tend to move into Longtown or Canonbie because of the lack of local amenities (which has been well-documented) especially public transport.

Ramblers Association: comments awaited; and

East Cumbria Countryside Project: comments awaited.

3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:
Beyond The Moss	09/09/08	Support
Bridge Inn	09/09/08	
Pleaknowes	09/09/08	Objection
Ashybank	09/09/08	Support
Moss Hill		Support
Fairfield		Objection
Bessiestown Farm		Objection
Simon's Onsett		Objection
The Roan		Objection
The Firs		Objection
Low Field Head Cottage		Objection
Redgatehead		Objection
Holywell Manse		Objection
The Beeches		Objection
Chapel Hill		Objection
Woodlea		Objection
Mosshead		Objection
Woodlands		Objection
2 Railway Cottages		Objection
Kingfield		Objection
Lads Lodge		Objection
Rye Close Barn		Comment Only

3.1 This application has been advertised by means of site notice, a press notice and direct notification to the occupiers of four of the neighbouring properties. There have been three letters of support.

3.2 Seventeen letters of objection have been received from the occupiers of properties in the area and the main issues raised are summarised as follows:

1. The development will result in the creation of 30 dwellings in the area which will have a major impact in such a rural community;

2. The development will result in increased traffic and demands on local services and infrastructure;

3. Planning policies in rural areas generally presume against development and this application is no different;

4. Further consideration should be given to the history of the site and when the proposed work was undertaken that kept the application valid;

5. The development will result in an increase in traffic on the 'C' class road posing a safety threat to small children on this single track road;

6. The existing drainage is insufficient to cope with storm drainage and the development will compound this problem and possible contaminate the water table in the area;

7. Will household waste be collected or will there be an increase in fly

tipping?;

8. There would be insufficient places in local parish schools;

9. The original application focussed on holiday development not dwellings to be occupied on a permanent basis;

10. There has been a significant increase in local house prices since the original application in 1984 and local people are unable to purchase their first homes. The development is likely to be occupied by people wanting a permanent residence rather than as a holiday use as originally intended;

11. Since the original application there are dwindling resources with no local shop or post office meaning people have to travel for these facilities;

12. The site will not be used for holiday use but as a traveller site;

13. The site is in a prominent position and the siting of 30 caravans will adversely affect the rural environment;

14. The omission of the occupancy restriction in 1984 was a mistake and should not be repeated on the current application, particularly with a 50% increase in static caravans;

15. There are sufficient holiday facilities in the area and extra availability is unnecessary;

16. Neighbouring properties look onto the application site;

17. The development will devalue properties in the area; and

18. There had been inadequate consultation locally on the proposal and there has therefore been inappropriate opportunity to consider the application.

4. Planning History

4.1 Planning permission was granted in 1984 for the change of use to a caravan site.

4.2 In 2007, an application for a Certificate of Lawfulness for the formation of a caravan park was approved.

5. Details of Proposal/Officer Appraisal

Introduction

5.1 This application seeks Full Planning permission for the formation of a caravan park at Spruce Grove, Penton Carlisle. The site is located approximately 10.5 kilometres north-east of Longtown and approximately 0.5 kilometres south of Catlowdy and is within open countryside.

5.2 The site comprises a wooded area that measures approximately 2.86 acres (1.1 hectares) and is an angular piece of land immediately adjacent to the Catlowdy to Haggbeck Road. The topography of the land is relatively level is well screened on all sides by the existing trees and vegetation.

Background

5.3 Planning permission was granted in 1984 for the formation of a caravan site comprising of twenty static units, including one for occupation by the site warden, provision for ten touring caravan pitches, a toilet block and recreational area.

5.4 A subsequent application for a Certificate of Lawfulness was submitted in 2007 for an existing use as a caravan park. The applicant submitted evidence, including a sworn affidavit, and the City Council accepted that the development had been commenced within the prescribed time period and the planning permission dating back to 1984 had been commenced lawfully.

Proposal

5.5 The current proposal seeks planning consent to vary the layout of the development approved in 1984 and to substitute the twenty static caravans and ten touring caravan pitches to provide a total of thirty static caravans. The vehicular access would be taken from the Haggbeck road, approximately eighty metres from the junction with the Catlowdy Road with a layby provided half way between the two points.

5.6 The static caravans would be sited around the perimeter of the site, separated from the boundaries by retained landscaping. The application details also illustrate an extensive landscaping scheme that seeks to retain much of the existing landscaping and proposes to replace existing gaps in hedgerows and provide additional planting within the site. The development will also include the formation of parking places including visitor parking provision and the installation of a treatment plant.

5.7 The relevant planning policies against which the application is required to be assessed are Policies DP1, CP1, CP3, CP5, CP6, CP12, EC15, T1 and LC8 of the Carlisle District Local Plan 2001-2016. The proposal raises the following planning issues.

Assessment

1. The Principle Of Development And Sustainability Of Location

5.8 A key principle of operative planning policies is that development of all kinds should be sustainable. That principle is equally pertinent to developments of caravan sites as it is to forms of built development. In this regard, the guidance in Planning Policy Statement 7 - Sustainable Development in Rural Areas (paragraph 3) is helpful in advising that:

"*Away from larger urban areas, planning authorities should focus most new development in or near to local service centres where employment, housing (including affordable housing), services and other facilities can be provided close together. This should help to ensure these facilities are served by public transport and provide improved opportunities for access by walking and cycling. These centres (which might be a country town, a single large village or a group of villages) should be identified in the development plan as the preferred location for such development.*"

5.9 Planning Policy Guidance 21 (Tourism) has been replaced by a document issued by the Department for Communities and Local Government entitled "Good Practice Guide on Planning for Tourism". It is unusual for a PPG to be withdrawn and not be replaced directly but nevertheless, the Good Practice Guide is a material consideration that should be taken into account when considering this application.

5.10 Paragraph 22 states that:

"*New sites that are close to existing settlements and other services will generally be more sustainable as some local services may be accessed by means other than by car.*"

5.11 The objectives of national planning policy are reflected in Policy DP1 of the Carlisle District Local Plan. They require that the overall quality of life within Cumbria should be enhanced through the promotion of sustainable development that seeks to protect the environment, ensure prudent use of resources and maintains social progress and economic growth.

5.12 Although sustainability is an important underlying principle of planning policy and applies to tourism, it should be recognised that tourism in Cumbria is closely linked to the important landscape designations of the Lake District, North Pennines, the Solway Coast, and Hadrian's Wall, as well as Carlisle. It is therefore inevitable that not all these locations are easily accessible by public transport and, therefore, there will be a high dependency on private transport.

5.13 Policies are, thus, in place to ensure a continued but strategic economic growth within the District but at the same time, have to be balanced against the issue of sustainability. The proposed development is in an unsuitable location which is not supported by national or local planning policy; however, Members are reminded of the historical context of development on this site. Planning permission was granted in 1984 for the use of the land as a caravan site. In 2007, a Certificate of Lawfulness was applied for where evidence was submitted that the foundations for the toilet block had been laid within the

required timescale. Such applications are not determined on planning merit but on the strength of the evidence submitted and in this instance, the City Council accepted that the development was "lawful". Consequently, if no previous planning history existed for the site, it would be appropriate to determine the application against adopted Local Plan policies and (for the aforementioned reasons) the development would be contrary to these policies; however, given the background of the site and the fact that a previous consent has been "started" and is lawful, the principle of development on the site is already acceptable as a matter of fact.

5.14 The application site area is unaltered and the issue relating to this current proposal relates to visual impact of the ten static caravans as opposed to ten touring caravans.

2. Landscape Impact

5.15 In relation to the site's rural location, Policy CP1 of the Local Plan requires that development proposals in the rural area seek to conserve and enhance the special features and diversity of the different landscape character areas. There is no particular landscape designation applicable to this site but, nonetheless, the supporting text of the Policy states that development should not unacceptably damage local character and where possible (should) enhance the distinctive character of the local area.

5.16 Development proposals will be acceptable subject to consideration against 4 criteria. The Policy adds that permission will not be granted for development in the undeveloped open countryside unless it is required to meet local infrastructure needs, or for dwellings supported by a proven agricultural or forestry need. In effect, proposals should be compatible with the distinctive characteristics and features of Cumbria's landscape types and sub types and proposals need to be assessed in relation visual intrusion or impact; their scale in relation to the landscape and features; and the openness, remoteness and tranquillity of the location.

5.17 In considering these proposals, Members should note that the site is located within a densely wooded area. The principle of development on the site has already been discussed in the preceding paragraphs and has been established through the extant consent; therefore, the issue in relation to this matter is the difference between the scheme that benefits from planning permission and the current proposal. In that regard, the vehicular access into the site remains in approximately the same position; the layout that is subject to this application is somewhat simplified from the approved scheme insofar as the road extends into the site and then splits left and right to provide two branch roads whereas the approved scheme has far more branches extending from the main access road; and the static caravans will extend further south into the site allowing more circulation space around the development.

5.18 Fundamentally, the development is well contained within the site and although the caravans will extend over a greater area, they will be screened

by the existing trees and vegetation which are, clearly, of greater maturity than when the site was originally approved. Coupled with the proposed landscaping scheme, the visual appearance of the development within the context of the character of the area will be minimal and will not conflict with policy objectives.

3. The Effect On The Living Conditions Of Occupiers Of Nearby Properties

5.19 Policy CP6 of the Local Plan requires that development proposals do not adversely affect the amenity of residential areas by virtue of inappropriate development, scale or being visually intrusive. In relation to these objectives, which are actually intended to protect the living conditions of residential neighbourhoods from inappropriate land uses or developments, Members should note that the nearest property is known as Moss Hill and is located approximately 80 metres to the south of the application site. The curtilage of this property is approximately 65 metres from the proposed caravan site and is separated by the applicant's property and curtilage. It should be noted that the nearest caravan would be approximately 160 metres to the north of the neighbouring property.

5.20 In respect of these issues, there will undoubtedly be an increase in use of the surrounding highway network but it is not considered that the proposal that is being presented for consideration would be either obtrusive or adversely affect the living conditions of the occupier of this property.

4. Impact On Trees

5.21 The supporting landscape statement identifies that the woodland within the site is typical of the area, being a small spruce plantation which is now over mature and has suffered from windblow over a number of years with the overblown trees still lying on the ground. Where gaps in the canopy have occurred, some different species have become established, many of which are semi-mature.

5.22 The trees on the site form a vital role in providing established screening for the development; furthermore, it is proposed to incorporate a landscaping scheme. The Council's Tree Officer initially raised concerns about the proposal given the absence of a Tree Survey. This was duly submitted but comments received requested further information from the applicant and required the landscaping scheme to be detailed and not indicative. The areas to be planted should be shown on the plans so as to avoid any doubt as to where those areas are. Through further discussions with the Tree Officer, he is satisfied with the proposal subject to the imposition of a planning condition, should Members be minded to approve the application, requiring the submission of a landscaping scheme prior to the commencement of development .

5. Occupancy Restriction

5.23 One of the issues raised in the consideration of this application and one

expressed by the Parish Council is that of occupancy of the caravans. With planning consents that are granted under the current policy climate, a raft of conditions are imposed restricting the occupancy of the caravans and requiring a register of guests to be kept by the manager, to avoid permanent occupancy.

5.24 When planning consent was originally granted in 1984, which is the permission that has been implemented on the site and remains valid in perpetuity, no occupancy restrictions were imposed. Circular 11/95 provides advice with regard to the use of conditions attached to planning consents and in particular, paragraph 14 states that conditions should not be imposed unless they are both necessary and effective, and do not place unjustifiable burdens on applicants. The Circular provides six tests that a planning condition should meet, namely:

i. necessary;
ii. relevant to planning;
iii. relevant to the development to be permitted;
iv. enforceable;
v. precise; and
vi. reasonable in all other respects.

5.25 With regard to this proposal, the issue of 'reasonableness' is key. The Planning Officer has considered this matter and taken advice from the Council's Head of Legal Services . The previous consent from 1984, which is extant, did not impose any occupancy restriction. The applicant is at liberty to continue to develop the site in accordance with this consent and it would, therefore, be more than likely viewed as unreasonable to impose a restrictive occupancy condition on any revised planning permission on the basis that the existing permission does not have such a restriction. Since the current application is, in essence, a variation in layout albeit with a move from ten touring caravans to ten static, the total number of caravans will remain constant at thirty.

6. Foul Drainage

5.26 The applicant proposes to deal with foul sewage from the site by way of the installation of a treatment plant with associated soakaway. Policy CP12 of the Local Plan requires that new development will only be permitted if foul sewers and sewage treatment works of adequate capacity and design are available or will be provided in time to serve the development. The Environment Agency has raised no objection to the proposal subject to the imposition of appropriate conditions.

7. Highway Issues

5.27 The application was previously deferred by Members of the Development Control Committee who requested that the Highway Authority visit the site and submit a comprehensive consultation response. Members will note from the additional information in the consultation section of this report, that this

response has now been received and supports the comments previously submitted.

8. Other Matters

5.28 There is a right of way to the north of the application site but the proposed development will not interfere with the public's use of this footpath.

5.29 Members will note that a number of objections have been received from residents living in the area. The majority of issues have been addressed in the preceding paragraphs of this report. There is concern locally that the development may be used as a travellers site. Officers have held discussions with the applicant's agent where it has been confirmed that this will not be the case and that the development will be used as second homes for people visiting the area.

Conclusion

5.30 In summary, although not a sustainable location, the principle of caravan development on the site has been established. The issues relate to the revised layout and the occupancy of the caravans. The topography of the land together with the existing trees and proposed landscape means that the development will not adversely affect the character or appearance of the area. It would be more than likely viewed as unreasonable to impose occupancy restrictions on the caravans in view of the fact that the site benefits from an extant planning permission where no such occupancy restrictions exist.

5.31 There are no residential properties immediately adjacent to the application site. Whilst the development of the site will increase the overall population in the area, the living conditions of residents in the locality will not directly be adversely affected by the development.

5.32 The imposition of the suggested conditions will allow the Local Planning Authority a greater degree of control to address some of the local concerns and obtain, for example a suitable drainage scheme as opposed to the applicant reverting to the extant consent. On balance, the proposal is acceptable subject to the attached planning conditions.

6. Human Rights Act 1998

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

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

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

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

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

6.3 The proposal has been considered against the above but in this instance it is not considered that there is any conflict. If it was to be alleged that there was conflict it is considered not to be significant enough to warrant the refusal of permission.

7. Recommendation - Grant 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. No development approved by this permission shall be commenced until a scheme for the planting of trees and shrubs has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a detailed survey of existing trees and shrubs to be retained on the site and shall indicate plant species, planting densities and growing heights.

   Reason: To ensure that a satisfactory landscaping scheme is implemented and that if fulfils the objectives of Policy CP1 of the Carlisle District Local Plan 2001-2016.

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

   Reason: To ensure that a satisfactory landscaping scheme is implemented and that if fulfils the objectives of Policy CP1 of the Carlisle District Local Plan 2001-2016.

4. Prior to the commencement of development hereby approved, full details of the colour scheme for each caravan, and any subsequent replacement caravan to be sited shall be submitted and agreed in writing by the Local Planning Authority prior to the caravan being placed on the site.

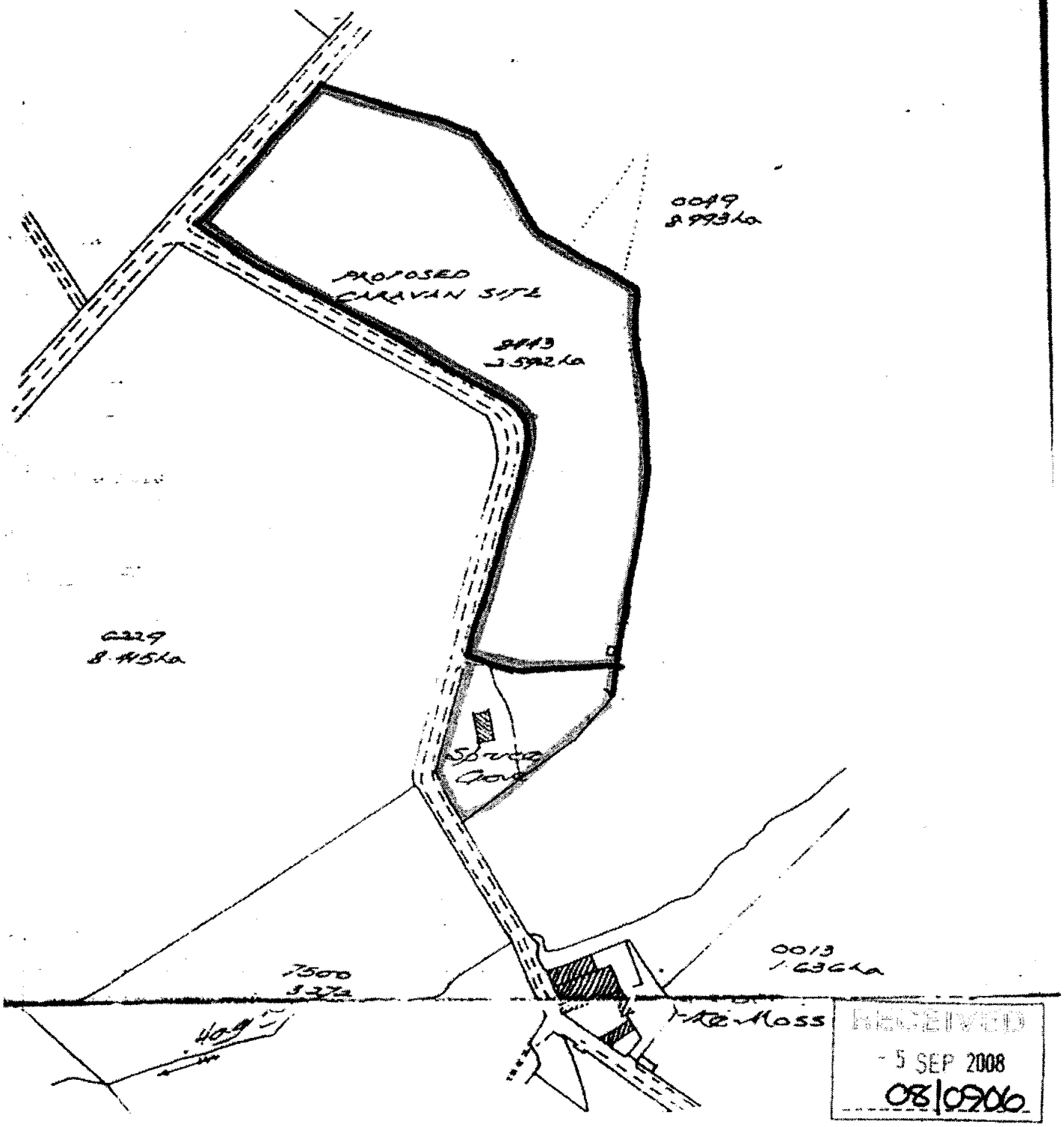
   Reason: In order to ensure a satisfactory for of development in accordance with the objectives of Policy CP1 of the Carlisle District Local Plan 2001-2016.

5. No development approved by this permission shall be commenced until a scheme for the conveyance of foul drainage to a private treatment plant 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.

   Reason: To ensure a satisfactory means of foul drainage disposal in accordance with the objectives of Policy CP12 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 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.

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



RECEIVED
- 5 SEP 2008
08/0906

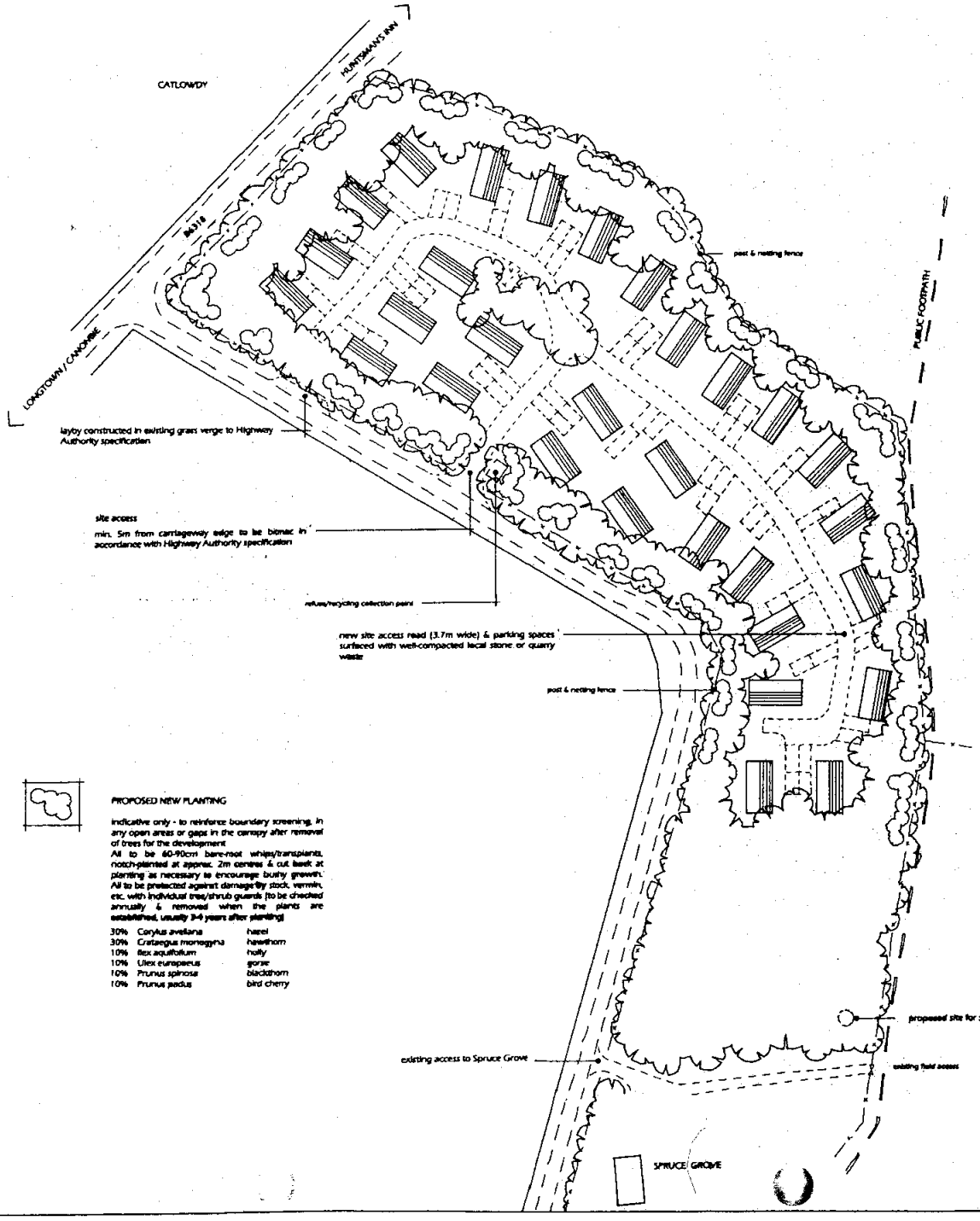
B. Armstrong-Payne Dip TP MRTPI
Planning Consultant

Revised layout
Spruce Grove Caravan Site Penton

Location Plan **Scale 1:2500**

PLANTS, PLANTING & MAINTENANCE

- All new plant material to comply with BS 3936 & be planted in accordance with BS 4428
- All new plant material shall be of local provenance where possible.
- All new plants to have a 1m diameter circle maintained weed-free for a period of at least 3 years after planting.
- Any plants which fail in the first 5 years after planting will be replaced with those of a similar size & species unless agreed otherwise with the LPA.



CONSERVATION MEASURES

1. to convert the woodland to a mixed wood, retaining stable spruce for shelter & to maintain woodland conditions until new broadleaved planting is established
2. to manage the spruce wood, selectively thinning out dead, dying & suppressed trees, creating clearings to improve habitats & convert the woodland to mixed wood
3. new planting of native broadleaved trees & shrubs (of local provenence if available) to improve & enhance the visual & wildlife interest of the woodland
4. fallen & rotten trees left as habitats away from paths
5. protect young trees & woodland vegetation from damage by deer, grey squirrels, rabbits, etc.
6. protect badgers, red squirrels, bats & any other special wildlife which are characteristic of the woodland
7. install feeding/nesting boxes for squirrels, owls, bats, insects
8. provide a recycling collection point
9. provide a conservation & interpretation notice board
10. local contractors, suppliers & products to be used
11. water run-off minimized by use of unbound surfaces for the road, parking spaces & bases
12. no chemical fertilizer or herbicide to be used

EXISTING TREES TO BE RETAINED

indicative only, not surveyed - see woodland management notes

NORTH

EXISTING WOODLAND

Originally a small spruce plantation (typical of the area), now over-mature, with some larch, beech, oak, rowan, willow, hawthorn, holly & alder, many self-seeded & now semi-mature & mature, filling the gaps in the canopy where spruce have been removed or been uprooted. Many of these blown / uprooted trees are still lying & have put up new vertical trunks, themselves now mature. The ground is wet and there will be a risk of further wind damage in this location if conventional thinning is carried out.

The aim is to retain as many healthy, windfirm trees as possible on the boundaries, removing any dead, dying or dangerous trees and underplanting (as above) to reinforce the boundary screening as well as introducing a shrub layer which will help diversify wildlife habitats.

Within the site, all dead, dying, leaning, dangerous trees will be removed & the static units positioned in the gaps created by this management. Healthy, stable trees, particularly the broadleaves, will be retained where possible.

It is recommended that a suitably-qualified Tree Surgeon is employed to advise on the stability of the trees & the management of the woodland.

PROPOSED NEW PLANTING

indicative only - to reinforce boundary screening, in any open areas or gaps in the canopy after removal of trees for the development

All to be 60-90cm bare-root whips/transplants, notch-planted at approx. 2m centres & cut back at planting as necessary to encourage bushy growth. All to be protected against damage by stock, vermin, etc. with individual tree/shrub guards (to be checked annually & removed when the plants are established, usually 3-4 years after planting)

30%	Corylus avellana	hazel
30%	Crataegus monogyna	hawthorn
10%	Ilex aquifolium	holly
10%	Ulex europaeus	gorse
10%	Prunus spinosa	blackthorn
10%	Prunus padus	bird cherry

RECEIVED 28 JAN 2009 2008/0906

SPRUCE GROVE

PENTON, CARLISLE

for Mr & Mrs Waters

job

SITE FOR 30 STATIC UNITS

drawing

scale 1 : 500	revision A : 27-01-09
drawing no SG . 010808	
date August 2008	9C

GILLIAN CAPSTICK Dip LA., MLI
Chartered Landscape Architect
Townhead . Johnby . Penrith . Cumbria
CA11 0JU
Telephone [illegible] 83423
e-mail: [illegible]gmail.com

PROPOSED SITE FOR 30 STATIC UNITS

SPRUCE GROVE, PENTON, CARLISLE

LANDSCAPE STATEMENT

2008
08/0906

1.0 Site Location

Spruce Grove is situated just south of the hamlet of Catlowdy off a minor road which leaves the B6318 secondary road in the village and heads in a southerly direction. Catlowdy lies in the rolling countryside between Kershope Forest to the north and the Liddel valley to the west.

The site for the proposed development is within an existing area of conifer woodland which extends eastwards from the junction of the minor road with the B6318.

2.0 Site Description

The site lies on sloping ground between the road junction and the house at Spruce Grove, the land continuing to slope eastwards to a small stream which drains westwards eventually to the river Esk. The adjoining field to the east is within the same ownership.

The woodland within which the site is situated is typical of the area being a small spruce plantation probably established as a shelter belt and now over mature. Where gaps in the canopy have occurred some larch, beech, oak, rowan, willow, hawthorn holly and alder have become established, many of which are semi mature.

The woodland has suffered from windblow over a number of years with many of the blown trees still lying on the ground. The ground conditions are generally wet and there is a risk of further wind damage if a conventional thinning were to be carried out.

The boundaries to the woodland are post and netting fencing and the existing dwelling is sited at the south end of the plantation with an existing access from the highway which also gives access to the field to the east. A public footpath follows the part of the eastern boundary of the plantation to join the minor road south of Spruce Grove.

There is an existing planning consent within the north western half of the woodland for caravan development comprising 20 static and 10 touring units. The present proposal is to site 30 static units utilising this area of the woodland together with a small additional area within the same woodland extending slightly

further southwards. This will allow more satisfactory layout to meet modern standards including more space between the units, retention of more boundary screening within the woodland and the retention of broadleaved regeneration between the units where possible.

No ancillary buildings are proposed on the site and a new package sewage treatment plant will be sited towards the south end of the woodland as shown on the plan.

3.0 Landscape Impact of the Proposed Development

The site lies within landscape type 6, Intermediate Land in the Cumbria County Council Landscape Classification, 1995. The key characteristics of this type highlight its position between lowland and more rolling upland types. Further east it is dissected by the deeply incised wooded valleys of the White and Black Lyne but here it is more open. Most of the landscape is described as fairly bland in character with few strong features This landscape type is not considered of sufficient quality as to be included within the Landscapes of County Importance category.

The development proposals will seek to maintain the framework of the existing woodland and management will retain stable trees, remove unsafe and blown trees and introduce new native trees and shrub planting to enhance diversity, screening and habitats. The overall density of development will be reduced and this will allow opportunities to ensure that the screening will be improved, a more attractive site created and the future of the woodland placed on a better footing.

Full details of the existing woodland, proposed new planting and comprehensive conservation measures are set out on the plan.

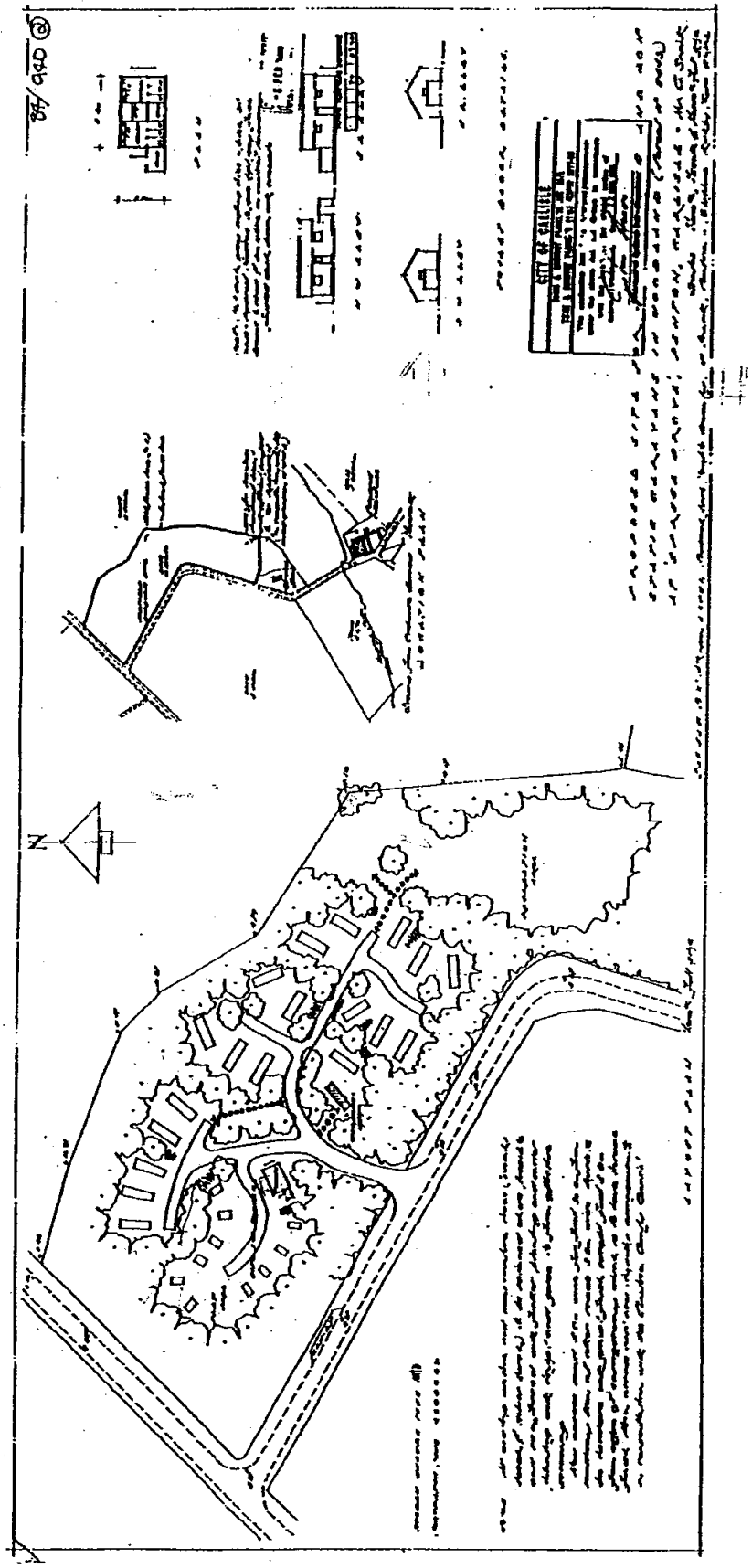
The combination of existing landscape features, better management of the whole of the woodland area, enhanced screening and new planting will enhance the structure, future sustainability and nature conservation value of the woodland and will allow the assimilation of the site onto the local landscape with minimal visual impact. Those elements of the existing landscape which are considered significant have been respected and, where possible, enhanced.

Gillian Capstick Dip LA, MLI

Chartered Landscape Architect

September 2008

Drawing showing the approved layout from application 84/0940



NICHOLFOREST PARISH COUNCIL
Secretary Ms C. Graham
14 Buccleuch Terrace
Newcastleton
Roxburghshire
Td9 0qh

Richard Maunsell,
Planning Officer,
Carlisle City,
Civic Centre,
Carlisle.
26th February 2009 Re: Application Number 08 / 0906

Dear Richard,

Because of the new evidence presented to your department on 22nd January the community feel it reasonable to again ask your department to revisit the original permission in relation to the sworn affidavits and the breach of these conditions. The community also say that they consider it unreasonable for the department to dismiss this evidence on the grounds of time-scale bearing in mind that it was not known that the affidavits existed before 29th December 2008. A copy was requested by and posted to the Parish Council on 9th January 2009 (due to the department's Christmas holidays). This was seen by the PC on 15th January 2009 and by the community on 18th January 2009. The new evidence, which took 2-3 days to collate, was presented to your department at a meeting between department and representatives of the Parish Council on 22nd January 2009.

It is also requested that a written guarantee is given to cover the following matters.

1. Because the present site is effectively a "sump" with the water table being normally zero, when there is rain the site floods the junction between the B6318 and the U 1018 causing a hazard. This problem needs to be addressed. In addition, with the present ditch/drainage system, water "explodes" onto the road between Spruce Grove and the new bungalow at Moss Hill. This is a major contributor to the existing flooding at the Haglin Burn culvert (sited between Moss Hill and Beyond the Moss Farm). A planning condition must guarantee that the present culvert will be reconstructed to accommodate the increase of fast water run off and alleviate the present ongoing flooding problem.
   A second culvert at the Haglin cottage (C1007) would also need to be modified to accommodate this increase.
   This development is land locked and other than this extra fast run off using the existing (farmers ditch) system as explained above, **any alternative will affect public foot path (FP 12020).** A full explanation is needed of how this water is to be disposed of before the application can be considered.

2. It is necessary for the Highways department to draw up a suitable plan to accommodate the increase of traffic (possibly in excess of 60 extra cars) on the single lane public road other than through the present inadequate proposal of a lay by and also to include an extra facility for standing traffic on the B6318 turning right which is hidden because of the dip in the highway south of this junction. This already causes problems for traffic emerging from the U 1018 onto the B6318.

Furthermore the applicants' explanation that it would not be necessary to provide child facilities on site because they intend to target the senior/retired age group is untenable. Targeting the senior/retired age group does not preclude children from visiting or staying at the site particularly since grandparents are renowned as good carers of children. A facility should be required to be provided for children to play away from the parking areas.

It is also a known fact that older retired residents of Catlowdy tend to move into Longtown or Canonbie because of the lack of local amenities (which has been well-documented) especially public transport.

Yours Sincerely,

John Sisson Nicholforest Parish Council

Item No: 09 Date of Committee: 13/03/2009

Appn Ref No:	**Applicant:**	**Parish:**
08/1204	Mr Stewart	Rockcliffe
Date of Receipt:	**Agent:**	**Ward:**
13/01/2009 15:40:15	Black Box Architects Limited	Longtown & Rockcliffe

Location:
Ghyll Bank House, Low Harker, CA6 4DG

Grid Reference:
338425 560849

Proposal: Permanent Private Residential Caravan Park Of 12 Pitches With Individual Amenity Blocks And Ancillary Car Parking.

Amendment:

REPORT **Case Officer:** Angus Hutchinson

Reason for Determination by Committee:

This is an application that has significant implications concerning the Council's ability to fulfil its obligation under the Housing Act 2004, to provide sufficient designated Gypsy and Traveller sites in the District and to develop a strategy to address their needs.

1. Constraints and Planning Policies

Trunk Road/Motorway Affected

The proposal relates to development which may affect the A74, M6 or A69.

Local Plan Pol CP1 - Landscape Character

Local Plan Pol CP3 - Trees and Hedges on Development Sites

Local Plan Pol CP5 - Design

Local Plan Pol CP6 - Residential Amenity

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

Local Plan Pol CP10 - Sustainable Drainage Systems

Local Plan Pol CP11-Prot.Groundwaters &Surface Waters

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

Local Plan CP15 - Access, Mobility and Inclusion

Local Plan Pol CP17 - Planning Out Crime

Local Plan Pol H14 - Gypsies and Travellers

2. Summary of Consultation Responses

Cumbria County Council - (Highway Authority): the layout details shown on the submitted plan are considered satisfactory from a highway perspective. I can therefore confirm that the Highway Authority has no objection to the proposed development.

For the avoidance of doubt the Applicant must not commence works on the vehicular access until in receipt of the Section 184 permit from our consultants CAPITA Symonds;

Department for Transport (Highways Agency): I note that there are no alterations to the boundary with the A74/M6 nor direct access proposed onto this strategic route being upgraded to motorway. It is understood that any drainage system or disposal of effluent would not connect to any existing or proposed drainage system for the A74 /M6 highway improvement scheme

Subject to the above therefore, I confirm that the Agency has no objections to both of these proposals;

Environment Agency (N Area (+ Waste Disp)): this proposal falls outside the scope of referrals we would wish to receive;

Rockcliffe Parish Council: comments awaited;

Kingmoor Parish Council: comments awaited;

Community Services - Drainage Engineer: comments awaited;

United Utilities (former Norweb & NWWA): no objection to the proposal.

Should this planning application be approved, the applicant should contact our Service Enquiries on 0845 7462200 regarding connection to the water mains/public sewers.

Currently, United Utilities policy is not to adopt SUDS (Sustainable Urban Drainage System) structures. This stance has been taken as SUDS structures, typically ponds, do not align with United Utilities asset base and would represent a

substantial maintenance liability.

Development Services Planning & Housing Services - Housing Strategy: I note that the planning application does not specify that this site is for the sole use of the Gypsy and Traveller community. I am assuming this is an oversight and I have based my response on this basis, and would suggest that the site is restricted to the use of the Gypsy Traveller Community.

Recent legislation and guidance from Government is aimed at identifying and addressing the shortfall in Gypsy and Traveller Accommodation across the country. Governments overarching aim is to ensure that members of the Gypsy and Traveller community have equal access to decent and appropriate accommodation and services akin to each and every other member of society.

A Gypsy and Traveller Accommodation Assessment (GTAA) was commissioned by the Cumbria Housing Group (which comprises of the six Cumbrian district councils, Lake District National Park Authority and Cumbria County Council) in order to establish the need for Gypsy and Traveller Accommodation in each district. The results of this research were published in May 2008 and it a need for an additional 35 residential pitches in Carlisle between 2007 and 2016 above that which is already provided was identified.

Carlisle City Council has recently learnt that it has secured Gypsy and Travellers Site Grant to develop 15 residential pitches at Ghyll Bank, Harker from Communities and Local Government. Assuming that this development goes ahead, there would still be an unmet need in the Carlisle district based on the results of the GTAA.

We would hope that any newly developed sites in Carlisle are developed and managed in line with Governments recommended standards and all that this encompasses.

It is also imperative that the landlord of the site and the residents understand their rights and responsibilities under the Mobile Homes Act 1983 which applies to privately owned and licensed Gypsy and Traveller sites.

This development is adjacent to the proposed Local Authority site at Ghyll Bank and if Planning Permission is granted it is important that all parties work together to ensure that both sites are successful.

Environmental Services - Environmental Quality: I have the following observations:

1. To avoid the ponding of surface water on the set, all roads and hard standing shall be laid to such falls as necessary to secure adequate run off from water and for this purpose a suitable surface water drainage shall be provided.

2. Every caravan shall be stationed not less than 6 metres from every other caravan, this would include caravans on adjacent land not owned by the applicant, i.e. where caravans are positioned close to the boundary of the site. This is to ensure adequate separation with regards to the spread of fire.

3. Due to the increase in the proposed usage of the existing septic tank, it is essential that the septic tank is suitable and sufficient in size to cater for the proposal. There have been instances where there has been evidence of septic tank surcharge from septic tanks located in the vicinity of this development.

It will be necessary for a site licence to be issued if the planning application is approved and implemented.

3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:
Ghyll Bank Stables	09/12/08	
Ghylll Cottage	09/12/08	
Ghyll Bank House	09/12/08	
Ghyll Bank Caravan Park	09/12/08	
2 Old Harker	09/12/08	Objection
10 Whitehall Drive	09/12/08	
Kingmoor Parish Council	09/12/08	
- Stanwix Rural	09/12/08	
Ash Bridge	09/12/08	Objection
1 Old Harker	09/12/08	
3 Old Harker	09/12/08	
4 Old Harker	09/12/08	
5 Old Harker	09/12/08	
6 Old Harker	09/12/08	
7 Old Harker	09/12/08	
8 Old Harker	09/12/08	Comment Only
Ghyll Wood	09/12/08	
Station House	09/12/08	
Green Garth		Objection

3.1 This application was advertised in the form of the direct notification of the occupiers of 21 neighbouring properties and a press notice. In response, the Council has received correspondence from four parties raising the following eleven objections and concerns about the proposal.

1) all recent planning applications in the Low Harker area concerning facilities for travellers/gypsies: 05/0263 (29th March 2005); 06/0651 (8th June 2006) retrospective; 07/0522 (6th May 2007) retrospective; 08/0350 (16th April 2008); 08/0754 (15th August 2008) partly retrospective; 08/0976 (30th September 2008); 08/1203 (9th December 2008); and 08/1204 (4th December 2008). It is little wonder that some of us living in this small community feel overwhelmed. Even without the new application (08/1204), the number of pitches available for travellers is more than the total number of houses at Low Harker (15, from Green Garth to Ghyll Bank House). Application 08/1204 will in effect mean that there will be twice as many traveller caravans as non-traveller houses in this small area. Such a

potential alteration to the character of the area was not envisaged in the Carlisle Development Plan published earlier this year.

2) The only routes to accessible public transport are either east to the A7 at Harker Park, or west over the motorway, turning left onto the road from Rockcliffe towards Crindledyke. Neither of these roads has a pavement (except over the M6 bridge). An extra 12 pitches in this area will increase the traffic flows and make journeys, particularly by wheelchair users, in either direction even more hazardous than they currently are.

3) As an example of how to engage with your local community, the process the Council has adopted has shown little short of contempt for existing residents.

4) It is considered that the submitted form is not correct in the following paragraphs:

paragraph15 - Existing use: No mention of changing the existing use from that of Caravan Storage to residential accommodation, Land is currently designated as Light Industrial or Agricultural under the current Local Plan. Note: There is a Moratorium on any new build Residential accommodation in this Parish.

paragraph 16 - Trees: Applicant has answered no to there being any trees adjacent, there are trees on the road side, on the field between the site and the motorway and on the boundary of the application and the proposed Council site.

paragraph 18 - Residential Units: Applicant has answered no The application is for 12 sites for Permanent Occupancy, these are in effect Permanent Homes.

paragraph 20 - Employment: Applicant has answered yes to an additional Part Time Employee, in the Design and Access statement has said that work will be carried out by the owner. This extra employment opportunity should be treated with caution.

4) There is no provision for noise protection measures from the Motorway. St Neots Council has stated that it will not allow Gypsy encampments next to Motorways due to Health and Safety issues from noise and accident. There are other Health and Safety issues nearby, such as the National Grid Depot, a haulage company, a 20' high Motorway bridge, and the drainage pond for the Motorway extension.

5) Drainage is becoming a concern. This application, the Main site application, and the other three applications, all rely on septic tanks for effluent disposal that all disperse into Cridledyke Beck. In the event of heavy rain this beck becomes regularly flooded and backs up into a field running to the south of the complex, my concern is that even with a well maintained system, effluent could also be found in that field. This beck eventually

disperses in the River Eden.

6) Circular 01/2006 and Policy H14 Carlisle Local Plan: Criteria used to asses suitability for provision of Gypsy encampments.

i) Character of the area: The area is designated under the local plan as being of Agricultural or light Industrial use only, there is a Moratorium on any new building of residences in this area, an outline application being turned down for change of use from industrial to residential by Kingmoor properties only recently.

A Planning Inspector restricted development on the Ghyll Bank complex to 15 pitches to safeguard the character of the area, since then the Council has granted Temporary Planning for 3 years in respect of 6 pitches and has an application in the pipe line for a further pitch along with the 12 in this proposal this now makes 34. The GTAA assumes 3.3 person per pitch on authorised sites which means an influx of around 112 people. This was never envisaged by the Inspector and will totally change the character of the area. Whilst this is a separate application from others for this complex the applications should be lumped together and the complex treated as a whole. It is considered that "we" can absorb the already granted applications for the Ghyll Bank Main site but any increase will be detrimental to the already established community and this application for change of use from industrial to residential should be denied.

ii) Impact on the Local Landscape: Whilst much of the site is screened, with the reduction of established planting during the construction of the Motorway, this site is now highly visible from Crindledyke and the Motorway itself, to safeguard any further deteriation in the Character of the Landscape this application should be denied.

Appropriate access and Parking: Parking is envisaged to be kept on site therefore can not be argued against. Access is by an unclassified road which leads to a dangerous crossroad on another unclassified road which runs between the All purpose Relief road and the A7 Trunk road at Harker. This road is unlit, has a 7 ton weight limit which is constantly ignored; has no footpaths and used as a rat run by people working on the Kingmoor Estate and Asda. The crossroad in question is only a hundred yards from a blind summit on the old Waverley line bridge and has seen several serious accidents one as recently as last September. Unless other access to the site can be arranged this application should be denied.

iii) Access to Community Services: As a leading council for the GTAA, Huntingdon states that adequate existing facilities should be available within reasonable travelling distance and can be reached on foot, cycle or public transport. As far as the Ghyll Bank site is concerned the nearest: schools are Rockliffe or Blackford, both over 2 miles away - most Gypsy children use Houghton school which is used to their needs; doctor Stanwix 3 miles or Longtown 6 miles; dentist (unknown) - nearest found is Central Carlisle; shop Asda 1.5 miles; nearest Public Transport Crindledyke 1 mile or Harker 1 mile

- both of these require walking along either the all purpose road or the previously mentioned unclassified road, both of these are unlit and alleged to be dangerous; Police and Fire both covered by Longtown 6 miles or fifteen minutes away. All the above services can only realistically be accessed by car, which in the interests of the environment should be discouraged. For these reasons the application should be declined.

iv) Adverse effect on neighbours: Human Rights obligations Article 8: Right to respect for Private and Family Life Article 1 Protocol 1: Protection of Property, The right to Peaceful enjoyment of Possessions. By granting this application it is believed that if it is not possible to sell my property for a fair and reasonable sum, the Council would be in contravention of either of the above conditions. The resulting influx of people no matter how well behaved, can only increase noise and light pollution, an increase of Traffic on what is a very poor road. The probable increase in business activities from the complex as a whole. Because of these the application should be declined.

v) Accuracy of Data used to assess need: the figures given in the Cumbria GTAA regarding assessment of provision need to be interpreted with care, particularily in respect of need from 2012-2016 these are based on assumption only. The estimated need for pitches in the years 2006-2011 are 12 + 16 for Travelling Showmen information was taken from a study of 46 people in the Carlisle area 14 of those already living in housing, not on campsites, Other dubious information from the GTAA survey showing the extra need for pitches taken from "Use of Unauthorised Encampments" assumes 80% of these will be by new families, also assumes only 30% of these would want permanent pitches, but includes pitch requirements for the full 80%. It is alleged that one family both housing and lives in unauthorised encampments in both Allerdale and Carlisle areas, how many times have they been counted. Information given is qualified several times by the phrase, "extra provision should be based on as and when the need arises". GTAA also says that by supplying more provision than need the extra placing will be taken up by people being displaced from other areas rather than Travellers associated with the area. South Lanarkshire Council has a policy of moving on Travellers early in order to discourage them stopping. This displacement means that Travellers will move to this area and the excess places that has been created will quickly be filled up resulting in the need for more. Currently only 55% have connections with family in the area and only 23% were born here.

vi) Alternative options: would contest that at this moment in time there is current outstanding need for extra provision, any extra could be taken up by Hadrian's Park, at the time of the GTAA survey 24 pitches were empty. Or by the supply of Temporary stopping places for Travellers. In the time I have lived at Low Harker Ghyll Bank main site has never been full. Two of the three applications for peripheral sites to Ghyll Bank are from people displaced from Hadrian's Park, (for reasons other than lack of space) because of this true lack of need the application should be declined.

7) Felt that as this application for a caravan site is back to back to the gypsy

camp at Harker it will only end up being an extension to the gypsy camp in the long run and as we already have a caravan site at Blackford alleged that there is no need for another so close.

8) At present an outflow from a septic drain is polluting the lane. Nothing appears to have been done other than a statement it has been there for years. This is nonsence. There are continual complaints regarding pollution of Cryndledyke Beck. Drainage is the most important matter and has to be addressed.

9) There are horse drawn caravans as well as motorised caravans. Where will the horses have stables and pasture? in the past these caravans were regularly parked in the lanes adjacent to Durdar Cross Roads and also Moorhouse to the west of the city. They stayed sometimes for months rather than weeks. There can be no parking in the lane because it must be kept free all the year round for stock movements etc. Will "No Parking" be enforced in the lane?

10) Will there be a limit to the extent of "Stay"? i.e. No permanant occupancy. It must be limited to days rather than weeks.

11) Who will supervise the site? Will there be a City Council Officer (In Residence) i.e. settle differences should they occur. Supervision is paramount. Who is taking on this responsibility.? i.e. 24 Hour "call out".

4. Planning History

4.1 The site is subject of a separate application, ref. no. 08/1204, for the creation of a private residential caravan park of 12 pitches.

5. Details of Proposal/Officer Appraisal

Introduction

5.1 Ghyll Bank House is to the immediate south of Ghyll Bank Caravan Park at Ghyll Bank, Low Harker. The site currently comprises a detached house with an ancillary annexe (referred to as Ghyll Bank Cottage) and an office, a portacabin, and a brick and corrugated sheeted building.

5.2 The site is located to the east of the A74 with access achieved via an unclassified lane to the west of Ghyllwood, opposite the Harker electricity sub-station and buildings occupied by FPL and Haulage Express Ltd. There is a mature hedge approximately 2.5 metres high along part of the frontage with the access lane. The northern boundary adjoins Ghyll Bank Caravan Park; the western boundary adjoining the caravan storage compound (i.e. "Carlisle Caravan Storage") based from Ghyll Bank House. The brick and

corrugated sheeted building was formerly used as a builder's yard by Lled Construction.

5.3 This application seeks full permission for a twelve pitch residential caravan park to provide accommodation for Gypsies and Travellers on part of the site currently used for the commercial storage of caravans and mobile homes. The submitted layout plan shows each proposed pitch to be served by an amenity block with sufficient space to accommodate two vehicles and a tourer. Each pitch is delineated by kerb edging. Vehicular access is via controlled entrance gates with associated provision for visitor parking. The proposed amenity blocks have rendered walls with tiled roofs - see attached copies of plans.

5.4 The application is accompanied by a Design and Access Statement and a . The submitted Design and Access Statement explaining, amongst other things, that: the entrance will be splayed with temporary 1.8 metre high concrete fencing panels and gate pillars until the site is fully operational which will eventually be replaced with natural stone walling/ pillars and planting; the removable bollards are for added security; and the refuse removal will be by independent wheel bins to each pitch stored alongside the amenity block.

5.5 The Sewage Treatment and Disposal System Report explains that the site contains a private treatment and disposal system that serves the adjoining travellers site. It is proposed that the adjoining site will be served by a new sewage treatment and disposal system thus allowing the existing system to become available for the current proposal. The existing system comprising a septic tank is a cylindrical unit measuring 4850 mm by 2750 mm with an inlet invert of 1000 mm that provides an effectivew capacity of 18,000 litres. This equates to a population equivalent of 80 people which is adequate for the proposed 12 no. residential caravans (circa 60 people). The septic tank has insufficient capacity for both sites. The final receptor of the septic tank effluent is into or onto land within the bunded area on the western boundary of the site which measures 1800 sq. metres. This is a significant area of ground for the long term acceptance rate of septic tank effluent. In terms of surface water disposal, the existing caravan storage area has been provided with a deep storm water drain which has connectivity with Harker Beck to the east of the site.

Background Information

5.6 Prior to May 2007 there was provision for at least 100 caravans for use by the Gypsy community comprising two "private" gypsy sites within the District, namely Hadrians Park and Ghyll Bank (Caravan) Park.

5.7 In the case of Hadrians Park there is planning permission for 30 permanent pitches and 30 transit pitches for one caravan each. The relevant site licence conditions allow for a total of 70 caravans on the site. Of these, 16 of the pitches are not restricted to occupation by Gypsies and thus there is capacity for 54 exclusively Gypsy caravans at Hadrians Park.

5.8 In relation to Ghyll Bank there is permission for 15 permanent pitches and 15 pitches that allow occupation for up to 28 days. Although having been used by Gypsy families, there are, however, no conditions that restrict occupation of any pitch to Gypsies or Travellers.

5.9 In the intervening period there have, however, been a series of changes in the provision for Gypsies and Travellers with regard to both Hadrians Park and Ghyll Bank. In addition, the University of Salford published in May 2008 a final report of the Cumbria Gypsy and Traveller Accommodation Needs Assessment (GTAA).

5.10 On the 1st May 2007 the transit site at Hadrians Park was closed and the caravans removed. On the 20th November 2007 during a Special Neighbourhood Forum meeting held at Houghton School, the proprietor allegedly explained that he wanted the freehold of Hadrian's Park; he would be willing to spend his own money to carry out all necessary upgrades; and, he was intending to re-open the transit site. At the time of preparing this report, the transit site has yet to be upgraded at Hadrian's Park although there is anecdotal evidence of a limited and restrictive re-use.

5.11 Following a visit on the 24th October 2007, it became apparent that Ghyll Bank Caravan Park was being referred to as Ghyll Bank Park and marketed on the basis of "creating a relaxed lifestyle for the over 50's" with one park home in situ. On the 15th May 2008, the owner's son verbally confirmed that, apart from members of the family there were no other individuals residing at the premises.

5.12 The Report of the Panel into the North West Draft Regional Spatial Strategy (RSS) Examination in Public was concerned that the Strategy is deficient in a number of respects, including the failure to deal with gypsies and travellers. The Panel recommended in paragraph R2.1 that a partial review of the RSS is carried out as soon as possible, with a view to publication of the revised RSS not later than 2009 and that this should include Accommodation for Gypsies and Travellers.

5.13 In May 2008 the University of Salford published a final report of the Cumbria GTAA. The aforementioned report of the Cumbria GTAA has concluded that between 2007-2016 there is an additional need within Carlisle District for 35 residential pitches; and 5 transit pitches by 2012.

5.14 The "closure" of the transit site at Hadrians Park and the apparent change in circumstances with regard to the use of Ghyll Bank Park, has naturally raised concerns over provision within the District.

5.15 In such a context Members will be aware that under application reference numbers 07/0522, 07/1083 and 08/0350 temporary planning permission has been given for private Gypsy-Traveller sites at Ghyll Bank Stables, Parkfield Stables (Newtown) and Ghyll Bank Yard. In addition, permission has been granted for operational development (reference number 08/0976) that, if

implemented, would lead to the potential reinstatement of use of Ghyll Bank Caravan Park as a Gypsy and Traveller site with 15 pitches but managed either by or on behalf of the City Council.

Assessment

5.16 At a general level, government advice is contained in Circular 8/93 "Award of Costs incurred in Planning and other Proceedings" and Circular 11/95. Consideration also needs to be made with regard to the Human Rights Act 1998 and the Race Relations (Amendment) Act 2000.

5.17 Specific advice is contained in Circular 01/2006 "Planning for Gypsy and Traveller Caravan Sites". Circular 01/2006 seeks, amongst other things, to create sustainable communities where gypsies have fair access to suitable accommodation, education, health and welfare provision. It advises that Development Plan Documents must allocate sufficient sites for gypsies and travellers, and that sites must be demonstrably suitable, and likely to be made available.

5.18 Circular 01/2006 also highlights that material considerations will include the existing and planned provision of, and need for, sites in the area, the accuracy of the data used to assess need, information on pitch availability on public and private sites, personal circumstances and alternative accommodation options.

5.19 The North West of England Plan Regional Spatial Strategy to 2021 does not contain any policy on Gypsies and Travellers. Policy H14 of the Carlisle District local Plan 2001 –2016 does provide guidance. The aforementioned Policy requires that where there is an identified need the City Council will consider the provision of Gypsy and Traveller sites and that they will be acceptable providing that they meet five criteria. Namely, the proposal will not compromise the objectives of the designation of an Area of Outstanding Natural Beauty or Landscape of County Significance; there would be no adverse impact on the local landscape; appropriate access and parking can be achieved; the proposed site is reasonably accessible to community services; and, the proposal would not adversely affect the amenities of adjacent occupiers by way of noise, vehicular or other activities on site.

5.20 On this basis it is considered that the main issues with regard to this application are:

1) the effect of the proposal on the character/appearance of the surrounding area;
2) any adverse impact on the upgrading of the A74;
3) the suitability of the site for such purposes adjoining the A74 and with regard to any means of drainage;
4) the impact on the living conditions of neighbouring residents;and,
5) whether there are any other considerations sufficient to clearly outweigh any harm with specific regard to the need for and availability of sites generally, the specific needs of the applicant and his family, and the matter

of their Human Rights.

5.21 When considering the impact of the proposal on the character and appearance of the area, the site is read as being within an area of scattered development associated with the countryside. It could therefore be argued that the development would have the effect of interrupting the rural character of the area. In mitigation, the site is neighboured by development in the form of Ghyll Bank Caravan Park and the remaining caravan/mobile home storage compound at Ghyll Bank House. The site is also screened by the existing bund along the western boundary.

5.22 In regard to the upgrade of the A74, the Highways Agency have not raised any objections providing that any drainage system or disposal of effluent does not connect to the existing or proposed drainage system for the A74 /M6 highway improvement scheme.

5.23 The application site is located approximately 60 metres to the north of the A74/M6 with mitigation in the form of the existing earth bund and a proposed concrete panel fence 2.4 metres high along the southern boundary with the remaining element of the caravan/mobile home compound.

5.24 When considering the issue of drainage, the accompanying Sewage Treatment and Disposal System Report highlights that the existing septic tank has insufficient capacity for both sites. In effect, a way forward could be the imposition of a Grampian type condition that ensures the current proposal does not take place until the proposed new drainage system to serve Ghyll Bank Caravan Park has been fully installed and is operational.

5.25 When considering the living conditions of neighbouring residents, it is evident that the site will be enclosed and made secure as far as possible. There is likely to be an increase in the movement of traffic but it is not considered to be significant enough in itself to refuse permission.

5.26 In regard to the question of need, it is not contested that there is a national, regional and county need for gypsy site provision. In the case of the Carlisle area, the re-opening of the transit site at Hadrians Park and the approved operational development at Ghyll Bank Caravan Park will not address the identified need for permanent pitches.

Other Matters

5.27 Other matters have been raised (with particular regard to the sustainability of the location and highway safety) but in the context of the authorised use for Gypsy and Traveller accommodation on the neighbouring properties and the comments of the Highway Authority, these are not considered sufficient in themselves to refuse permission.

6.0 Conclusion

6.1 On the basis of the foregoing, and with regard to on-going efforts to address

and satisfactorily resolve matters associated with the identified need, the recommendation is to grant permission subject to the expiration of the advertisement period concerning the Press Notice and the awaited comments from interested parties.

6. Human Rights Act 1998

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

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

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

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

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

6.3 Article 8 of the Right to respect for private and family life. Article 1 of Protocol 1 relates to the Protection of Property and bestows the Right for the Peaceful enjoyment of possessions. If a neighbouring resident becomes unable either to sell their home/business or to experience the Right for Peaceful enjoyment of possessions then it could be alleged that the Council will have contravened the above Human Rights.

6.4 In response, it is evident that the application relates to part of an existing caravan storage compound with the associated movement of vehicles and people not considered to be significant enough to merit the refusal of permission.

6.5 Conversely, if there is no suitable alternative accommodation, eviction from any other unauthorised site would undoubtedly force members of the Gypsy and Traveller comunity to lose their homes. This would represent an interference with their home and family life, respect for which is incorporated in Article 8 of the European Convention on Human Rights.

7. Recommendation - Grant Permission

2. 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).

3. This permission does not authorise use of the land as a caravan site by any persons other than Gypsies and Travellers, as defined in paragraph 15 of ODPM Circular 01/2006.

   Reason: The local planning authority wish to control the precise use of the site in order to ensure that the accommodation needs of Gypsies and Travellers are met within the District.

4. There shall be no more than 12 pitches on the site and on each of the pitches hereby approved no more than two caravans (as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968) shall be stationed at any time, unless otherwise agreed in writing by the local planning authority.

   Reason: In order to safeguard the character of the area in accordance with Policy H14 of the Carlisle District Local Plan 2001-2016.

5. No commercial activities shall take place on the land, including the storage of materials.

   Reason: In order to safeguard the character of the area in accordance with Policy H14 of the Carlisle District Local Plan 2001-2016.

6. No more than one commercial vehicle per plot shall be kept on the land for use by the occupiers of the caravans hereby permitted, and they shall not exceed 3.5 tonnes in weight.

   Reason: In order to safeguard the character of the area in accordance with Policy H14 of the Carlisle District Local Plan 2001-2016.

8. The erection of any amenity block hereby approved shall not take place until samples of the materials to be used in the construction of the external surfaces of the building(s) have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

   Reason: In order to safeguard the character of the area in accordance with Policy H14 of the Carlisle District Local Plan 2001-2016.

9. No external lighting shall be installed or erected within the site until details have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To minimise light pollution and safeguard the character of the area in accordance with Policy H14 of the Carlisle District Local Plan 2001-2016.

12. No development hereby permitted shall be commenced until the proposed foul and surface water drainage scheme subject of the permission granted under 08/0976 to serve Ghyll Bank Caravan Park has been fully installed.

Reason: To prevent pollution of the water environment and thus comply with Policies CP10, CP11 and CP12 of the Carlisle District Local Plan 2001-2016.

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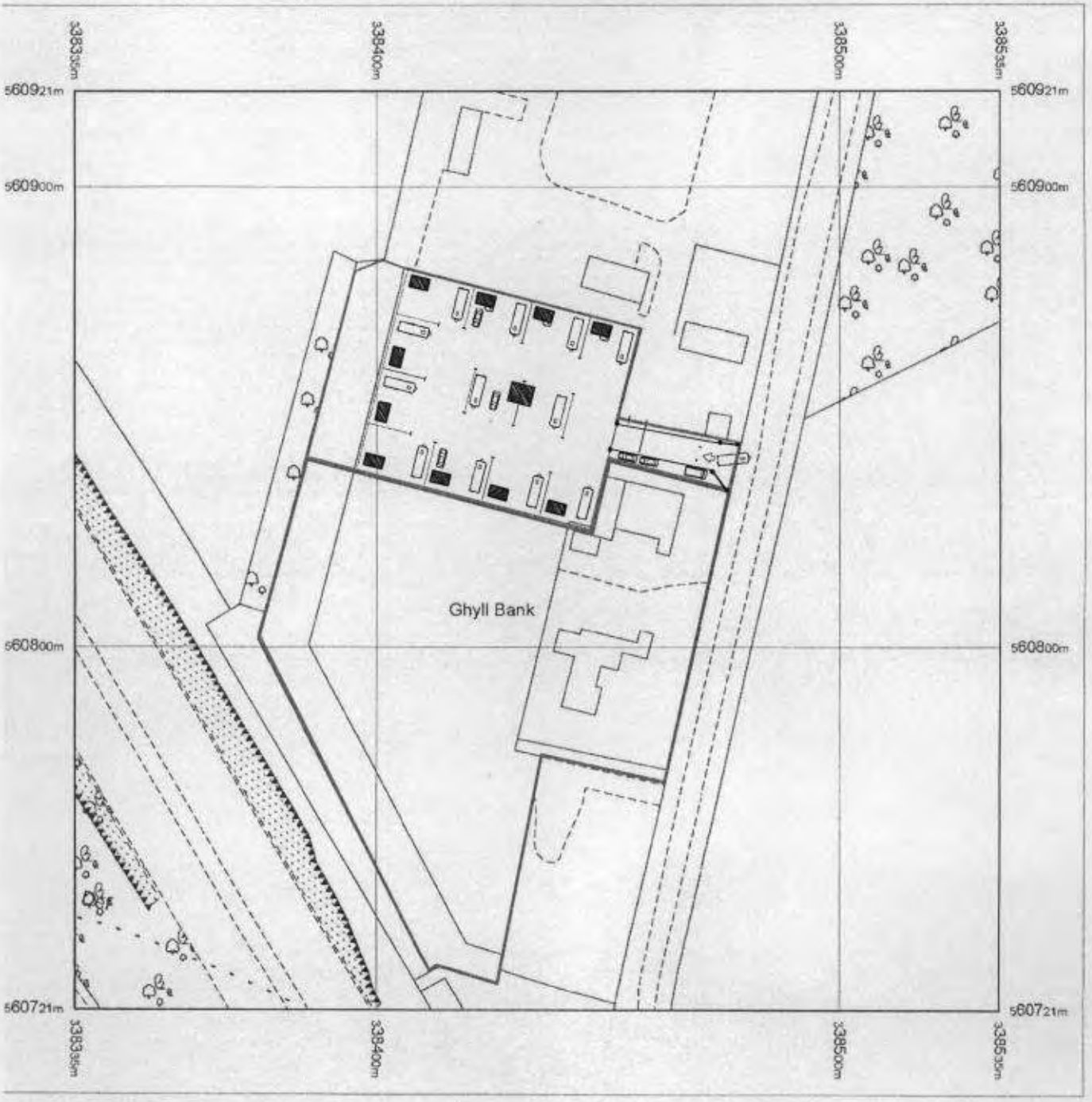

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Project	Private Residential Caravan Park. Low Harker					Black Box Architects Limited. Rickerby Buildings, Currock Carlisle. Cumbria. CA2 4AU Tel: 01228 402 200
Drawing	Site Location Plan	Revision		Scale	1:1250	
Detail	Ownership	Job no.	08-127-02	Date	nov-08	

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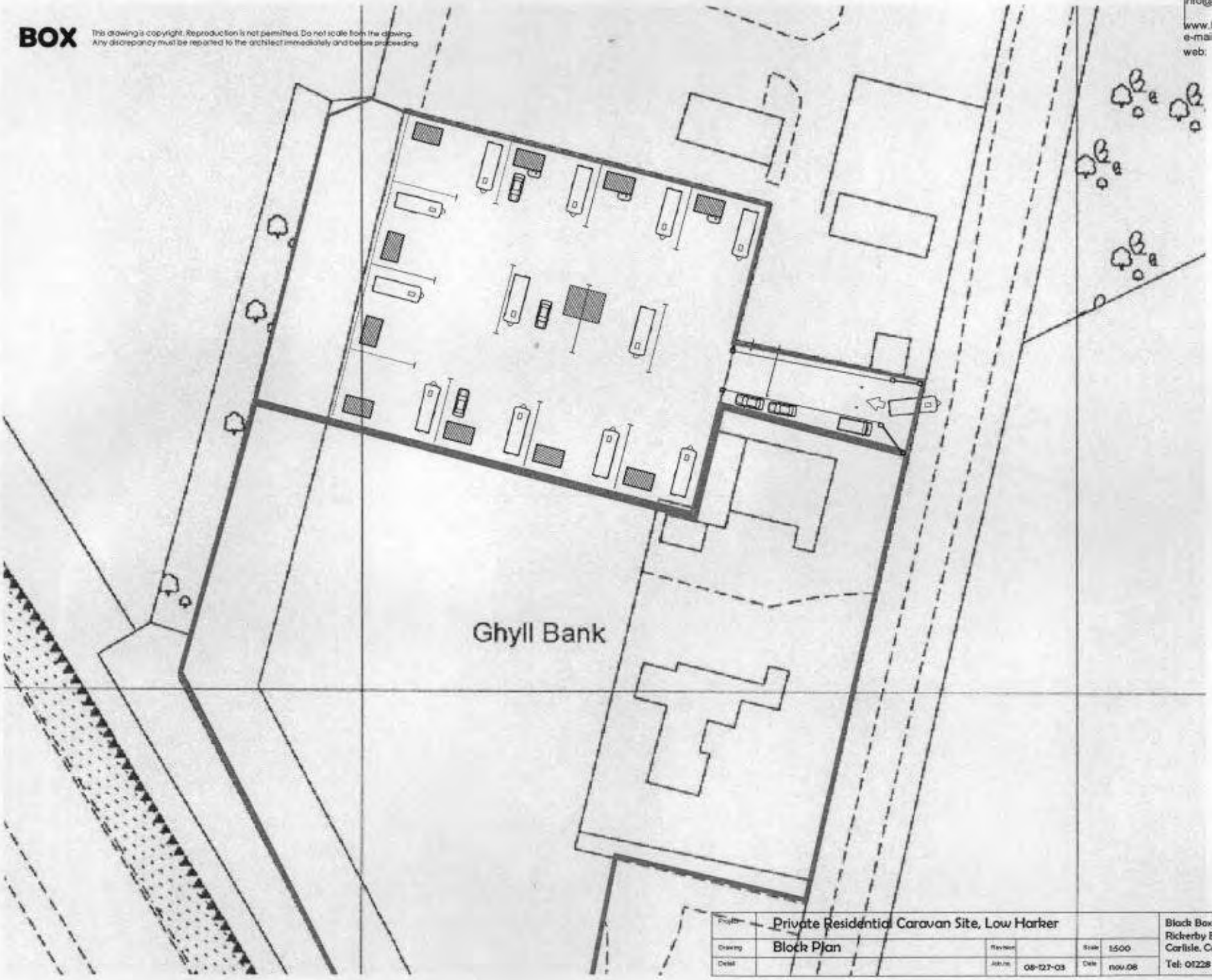

Project	Private Residential Caravan Site, Low Harker				Black Box Architects Limited. Rickerby Buildings. Currock Carlisle. Cumbria. CA2 4AU Tel: 01228 402 200
Drawing	Block Plan	Revision		Scale 1:500	
Detail		Job no. 08-127-03		Date nov.08	

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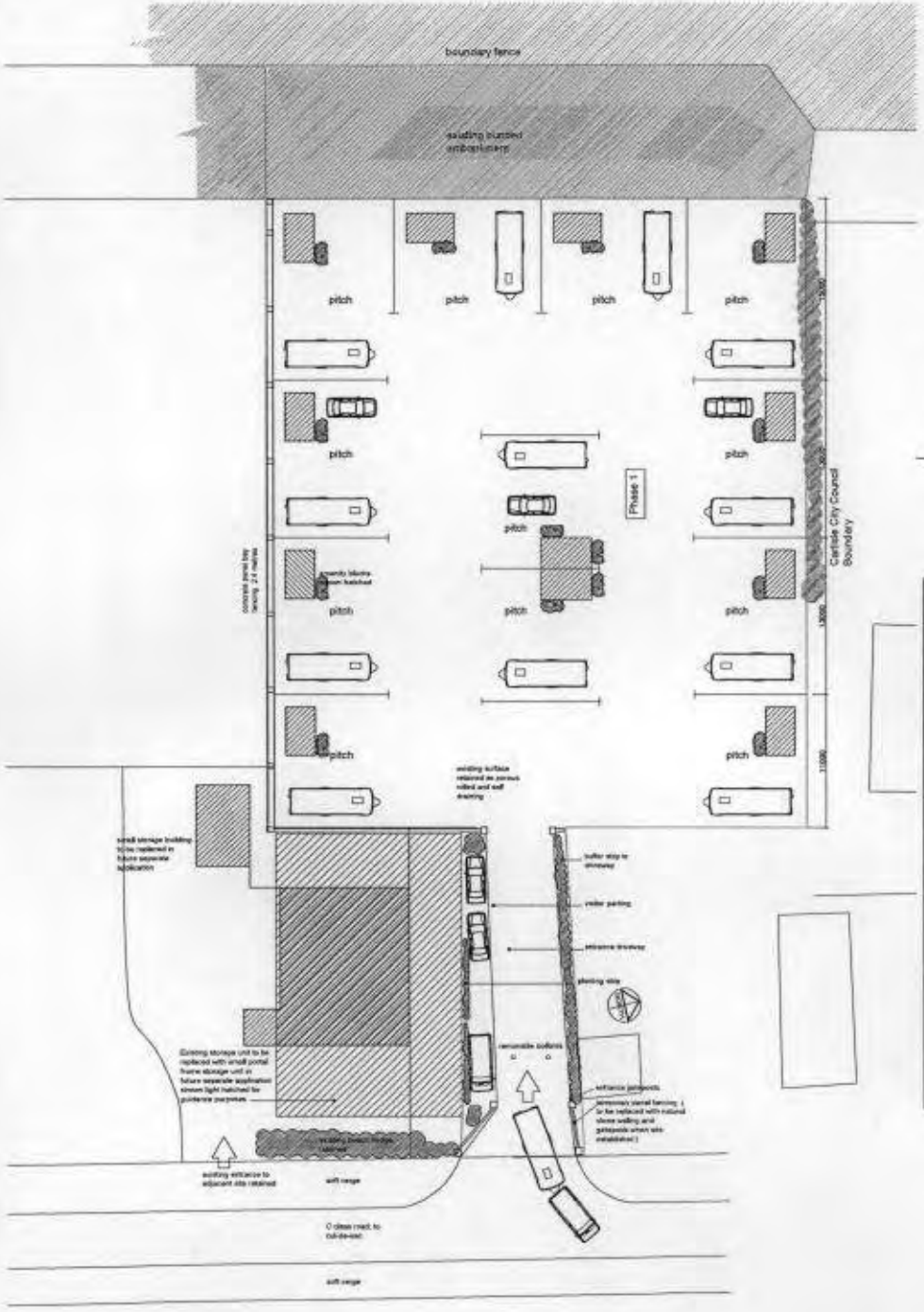
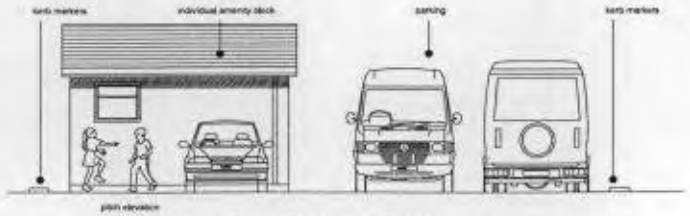
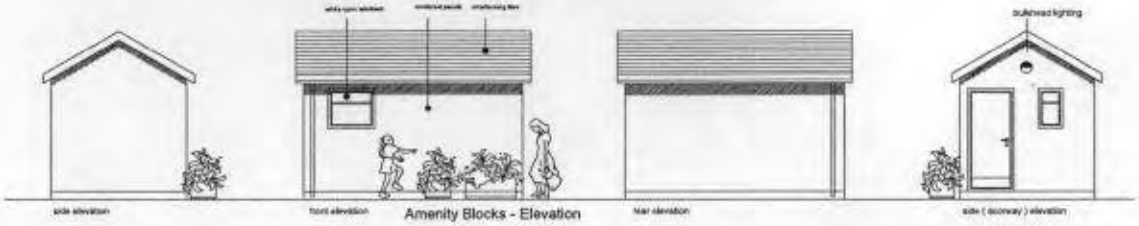


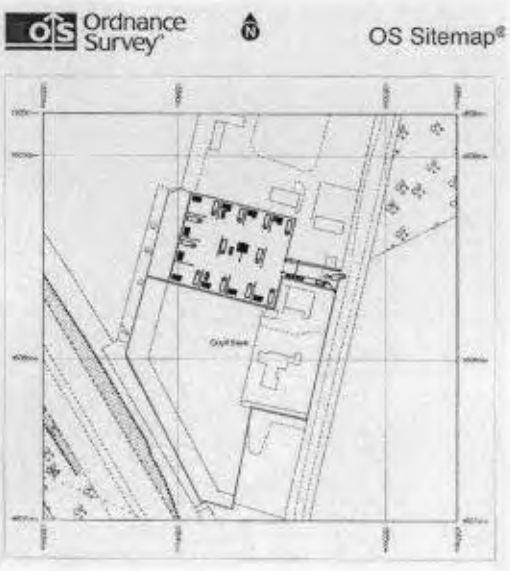
Layout Plan 1:200

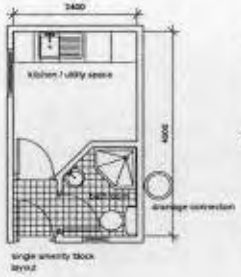


General Pitch Layout - Elevation

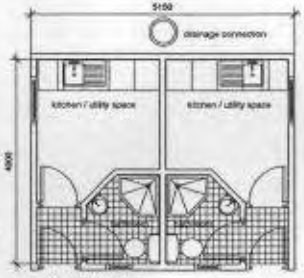


Amenity Blocks - Elevation





single amenity block layout



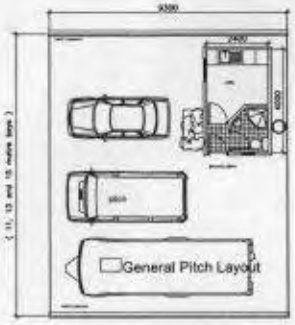
twin amenity block layout

The application is for full planning approval for a private caravan park with individual amenity blocks and parking. The site is currently used for secure storage of private caravans and mobile homes.

Layout
The proposed layout is for marked pitches with individually serviced amenity blocks, sealed to the existing working septic tank and soakaways. The blocks are to have kitchen utility and toilet facilities, central heating and waste storage. Entrance to the site is via the C class lane with visitor parking and controlled entrance gates.

The amenity blocks are thermally efficient insulated panel assemblies, prefabricated off site and installed on prepared bases / connected via a new drainage link to the septic tank.

Refuse disposal is by individual wheel bins with collections on a regular basis, in co-ordinate with the Local Authority collection dates.



Project	Private Residential Caravan Park Low Harker				Black Box Architects Limited, Roberts Buildings, Curzon Road
Drawing	Full Planning Application	Purpose		Scale 1:200 / 50	
Sheet	Pitch Layouts and Description	Job no. 08-127-016		Date NOV-08	

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SCHEDULE B

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SCHEDULE B

Schedule C

Schedule C

Schedule C

Schedule C

Schedule C

Schedule C

Schedule C

SCHEDULE C: Applications Determined by Other Authorities

07/0409

Item No: 10 Between 17/01/2009 and 27/02/2009

Appn Ref No:	**Applicant:**	**Parish:**
07/0409	David Bimson	Beaumont
Date of Receipt:	**Agent:**	**Ward:**
02/05/2007	Taylor & Hardy	Burgh

Location:
Land At Monkhill Hall Farm, Monkhill, Burgh by Sands, CA5 6DD

Grid Reference:
334397 558420

Proposal: Mobile Home For Accommodation For Agricultural Related Purposes

Amendment:

REPORT

Case Officer: Stephen Daniel

Decision on Appeals:

Appeal Against: Appeal against refusal of planning perm.

Type of Appeal: Informal Hearing

Report: The Inspector considered that the main issue was whether there is an agricultural need for the mobile home to be used as a residence for an agricultural worker, sufficient to outweigh the aims of local and national planning policies that seek to restrict new development in the countryside.

Whilst the Inspector attached some weight to the issues of bio-security and inter visibility he was not persuaded that these arguments sufficiently outweighed both local and national policies to protect the open countryside, particularly as the appellant, albeit through another company, had developed and sold five dwellings on the holding within recent years and other dwellings are currently available in the immediate vicinity of the site.

The Inspector concluded that the use of the mobile home as an agricultural worker's dwelling would not satisfy the criteria set out in PPS7 and would not comply with Policy H7 of the Carlisle District Local Plan 2001-2016.

Appeal Decision: Appeal Dismissed **Date:** 20/01/2009

Item No: 11 Between 17/01/2009 and 27/02/2009

Appn Ref No:	**Applicant:**	**Parish:**
08/0254	Mr G Robertson	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
12/03/2008		Stanwix Urban
Location:		**Grid Reference:**
39 Croft Road, Carlisle, CA3 9AG		340915 557514

Proposal: Two Storey Side Extension To Provide Garage, WC & Dining Room On Ground Floor With 2No. Bedrooms Above

Amendment:

1. Amended plans illustrating on-site parking arrangements
2. Change of materials on gable from facing brick to render

REPORT

Case Officer: Suzanne Edgar

Decision on Appeals:

Appeal Against: Appeal against refusal of planning perm.

Type of Appeal: Written Representations

Report: The appeal site relates to 39 Croft Road, which is a residential property situated to the north of the city, approximately 2 km from the city centre. Permission was sought for the erection of a two-storey extension to the side elevation to provide a garage, w.c and dining room on the ground floor, with 2no. bedrooms above. The application was determined by Planning Services Development Control Planning Committee on 25th April 2008, when it was refused on the following grounds:

"The proposed two storey side extension would be located 2.7 metres from a ground floor kitchen window on the side elevation of No.41 Croft Road. As a result the proposed two storey extension, by reason of its height and scale in relation to the sole kitchen window serving No.41 Croft Road, would have a harmful affect on the living conditions of the occupants of 41 Croft Road through loss of light and overdominance. The proposal is therefore contrary to the objectives of Policy H14 (Extensions to Dwellings) of the Carlisle District Local Plan, as well as the objectives of Policy H11 (Extensions to Existing Residential Premises) and Policy CP5 (Residential Amenity) of the Carlisle District Local Plan 2001-2016 Revised Redeposit Draft."

08/0254

The Inspector concurred with the councils view, stating that the proposed extension, by reason of its height, mass and proximity, would have a materially harmful impact on the living conditions of the neighbour at 41 Croft Road and would be contrary to Policies CP5 and CP6 of the Carlisle District Local Plan (2001-2016).

The Planning Inspector concluded that the proposal is contrary to current planning policies. As such, the appeal was dismissed.

Appeal Decision: Appeal Dismissed **Date:** 19/01/2009

SCHEDULE C: Applications Determined by Other Authorities

Item No: 12 Between 17/01/2009 and 27/02/2009

Appn Ref No:	**Applicant:**	**Parish:**
08/9034	United Utilities	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
17/12/2008	Cumbria County Council	Castle

Location:
Land Off Catholic Lane, Catholic Lane, Carlisle, Cumbria

Grid Reference:
340684 556255

Proposal: Change To Ground Levels Of Old Flood Defence Embarkment On Land Off Catholic Lane, Carlisle

Amendment:

REPORT **Case Officer:** Angus Hutchinson

City Council Observations on the Proposal:

Decision: City Council Observation - Observations **Date:** 31/12/2008

Decision of: Cumbria County Council

Decision Type: Grant Permission **Date:** 29/01/2009

A copy of the Notice of the decision of the Determining Authority is printed following the report.

TCP.1 REFERENCE No. **1/08/9034**

CUMBRIA COUNTY COUNCIL

TOWN AND COUNTRY PLANNING ACT, 1990
TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER, 1995

NOTICE OF PLANNING CONSENT

To: United Utilities
1st Floor Clearwater 4
Lingley Mere Business Park
Lingley Mere Avenue
Great Sankey
Warrington
WA5 3LP

In pursuance of the powers under the above Act and Order the Cumbria County Council as local planning authority hereby **permit** the development described in your application and on the plans and drawings attached thereto received on 12 December 2008.

viz: Change to ground levels of old flood defence embankment.
Land off Catholic Lane, Strand Road, Carlisle, Cumbria, CA1 1NB

subject to due compliance with the following conditions:

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

2 The development shall be carried out in accordance with the approved scheme. Any variations to the approved scheme shall be submitted to and approved by the Local Planning Authority prior to being carried out.

Reason: To ensure the development is carried out to an approved appropriate standard.

Dated the 29th day of January 2009

Shaun Gorman

.....

Signed: Shaun Gorman
The Head of Environment,
Directorate of Economy Culture & Environment,
on behalf of the Council.

NOTE

- Where the permission is granted subject to conditions, attention is directed to the attached Appendix/Notes.

- The conditions attached to this permission may override details shown on the application form, accompanying statements and plans.

- Any approval to be given by the Director of Community, Economy and Environment or any other officer of Cumbria County Council, shall be in writing.

CUMBRIA COUNTY COUNCIL

TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER 1995 (AS AMENDED)

SUMMARY OF REASONS FOR GRANT OF PLANNING PERMISSION

1 This application has been determined in accordance with the Town and Country Planning Acts, in the context of national and regional planning policy guidance and advice and the relevant development plan policies.

2. The key development plan policies taken into account by the County Council before granting permission were as follows:

Minerals and Waste Local Plan (1996 – 2006)

Policy 60

Planning permission will be granted for wastewater treatment facilities. Proposals which are likely to have significant adverse effects on the environment or communities will only be permitted where they represent the best practicable environmental option.

Policy 7

Proposals for minerals and waste development will only be permitted where any visual impact can be reduced to an acceptable level through sensitive siting and design including phasing of operations, progressive restoration, screening or other measures.

3. In summary, the reasons for granting permission are that the County Council is of the opinion that the proposed development enables improvements to waste water facilities and has no adverse visual impact. It is therefore in accordance with the development plan policies quoted above and there are no material considerations that indicate the decision should be made otherwise. Furthermore, any potential harm to interests of acknowledged importance is likely to be negligible and would be outweighed by the benefits of the development.

Dated the 29th day of January 2009

.....

Signed: Shaun Gorman
The Head of Environment,
Directorate of Economy Culture & Environment,
on behalf of the Council.

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, 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 21 of the Town and Country Planning (General Permitted Development) Order 1995 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.

6. There is a right of appeal against the failure to determine applications within the specified period and against the refusal of any consent, agreement or approval for which application is made (see enclosed "Notes in respect of Appeals to The Secretary of State").

NOTES IN RESPECT OF APPEALS TO THE SECRETARY OF STATE

- If you are aggrieved by the decision of your local planning authority to refuse planning permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State for Communities & Local Government under Section 78 of the Town and Country Planning Act 1990.

- If you want to appeal, then you must do so within six months of the date of the notice of decision, using a form which you can get from the Planning Inspectorate, Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, BRISTOL, BS1 6PN (Telephone: 0117 372 6372).

- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use his power unless there are special circumstances which excuse the delay in giving notice of appeal.

- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without conditions it imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

Purchase Notices

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

- In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of part VI of the Town and Country Planning Act 1990.

SCHEDULE C: Applications Determined by Other Authorities

Item No: 13 Between 17/01/2009 and 27/02/2009

Appn Ref No:	**Applicant:**	**Parish:**
08/9033	Mr Andrew Mason	St Cuthberts Without
Date of Receipt:	**Agent:**	**Ward:**
17/12/2008	Cumbria County Council	Dalston

Location:
Stoneraise School, Stoneraise, Carlisle, CA5 7AT

Grid Reference:
340249 550004

Proposal: Installation Of A 5KW Iskra AT5-1 Turbine, Mounted In A Free-Standing 15m Galvanised Steel Mast On A 2.5sqm Concrete Foundation; Turbine Is A Three-Bladed Horizontal-Axis Propeller Design, With A Rotor Diameter Of 5.4m

Amendment:

REPORT **Case Officer:** Stephen Daniel

City Council Observations on the Proposal:

Decision: City Council Observation - Raise No Objection **Date:** 19/01/2009

Decision of: Cumbria County Council

Decision Type: Grant Permission **Date:** 18/02/2009

A copy of the Notice of the decision of the Determining Authority is printed following the report.

TCP.1 REFERENCE No. 1/08/9033

CUMBRIA COUNTY COUNCIL

TOWN AND COUNTRY PLANNING ACT, 1990
TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER, 1995

NOTICE OF PLANNING CONSENT

To: Mr Mason - Stoneraise School
Stoneraise Primary School
Durdar
Carlisle
Cumbria
CA5 7AT

In pursuance of the powers under the above Act and Order the Cumbria County Council as local planning authority hereby **permit** the development described in your application and on the plans and drawings attached thereto received on 20 January 2009.

viz: **Installation of a 5KW Iskra AT5-1 turbine, mounted on a free-standing 15m galvanised steel mast on a 2.5sqm concrete foundation. Turbine is a 3-bladed horizontal-axis propeller design, with a rotor diameter of 5.4m. Stoneraise School, Stoneraise, Durdar, Carlisle, Cumbria, CA5 7AT**

subject to due compliance with the following conditions:

1 The development hereby permitted shall not be commenced after the expiry of three years from the date of this permission.

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

2 The development shall not be carried out other than in accordance with the terms of and plans accompanying the application and stamped approved with this decision notice.

Reason: In order to define the terms of the permission and to ensure that the wind turbine is only constructed according to the details for which the noise assessment have been carried out to ensure that any potential adverse environmental impacts are minimised.

3 The development hereby permitted shall not be commenced prior to the submission to and approval in writing by the Local Planning Authority of details of the means of access and contractors compound used for implementation of the development, the means of access to the construction position and the means of reinstatement and restoration of any disturbed ground and plants including trees and hedges, on completion of construction. The development shall thereafter only be implemented in accordance with these approved details.

Reason: In order to minimise any potential for damage to the school grounds and playing fields and any other environmental disturbance arising from the implementation of the development in accordance with Policy R44 of the Cumbria and Lake District Joint Structure Plan 2001 ¿ 2016 (Saved Policies).

4 The development hereby permitted shall not be operated at any time so as to give rise to noise levels exceeding 45dBLA90,10mins as measured at any noise sensitive property including the school buildings.

Reason: In order to ensure that there is no adverse impact arising from noise generated in accordance with Policy CP7.4 of the Carlisle District Local Plan 2001 ¿ 2016 Revised Redeposit Draft.

5 The development hereby permitted shall not be operated for a period exceeding twelve months from commencement of operation, with the date of the twelve month period being taken as the first active school day following completion of construction, except in conjunction with a scheme of noise monitoring that is being carried out in accordance with a noise monitoring scheme that has been given prior approval in writing by the Local Planning Authority. The monitoring shall only be carried out by the operator of the wind turbine, to monitor compliance with the noise limits specified in Condition 4 with this permission. The noise monitoring shall be carried out for a period of not less than twelve months and the results deposited with the Local Planning Authority.

Reason: To ensure that there is no adverse impact from noise arising from the development in accordance with Policy CP7.4 of the Carlisle District Local Plan 2001 ¿ 2016 Revised Redeposit Draft.

6 In the event that the noise monitoring carried out demonstrates failure to comply with the noise limits specified by Condition 4 with this permission over the required monitoring period, then not later than twelve months from the commencement of noise monitoring the operator of the wind turbine shall submit for the approval in writing by the Local Planning Authority, a scheme of mitigation and remediation of operation to secure compliance with the noise limits specified in Condition 4 with this permission and the approved scheme shall thereafter implemented within three months of approval being given. The operator shall thereafter continue with the scheme of noise monitoring for a period of not less than twelve months from implementation of any mitigation or remediation scheme and the results deposited with the Local Planning Authority.

Reason: To ensure that there is no adverse impact arising from noise on any sensitive properties arising from operation of the development in accordance with Policy CP7.4 of the Carlisle District Local Plan 2001 ¿ 2016 Revised Redeposit Draft.

7 If after the expiry of any additional twelve month scheme of noise monitoring after implementation of any mitigation and remediation scheme the operation of the wind turbine is demonstrably shown not to comply with the noise limits specified in Condition 4 with this permission then the turbine shall be switched off and all operation permanently discontinued.

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, 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.

1. 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.

2. 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.

3. 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.

4. 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 21 of the Town and Country Planning (General Permitted Development) Order 1995 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.

CUMBRIA COUNTY COUNCIL

TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER 1995 (AS AMENDED)

SUMMARY OF REASONS FOR GRANT OF PLANNING PERMISSION

1. This application has been determined in accordance with the Town and Country Planning Acts, in the context of national and regional planning policy guidance and advice. It accords with the development plan as far as this is relevant and material considerations indicate that planning permission should be granted.

Relevant development plan policy taken into account:

PPS22: Renewable Energy

Paragraph 18 (Summary): Small scale renewable energy schemes including wind turbines to be encouraged.

Cumbria and Lake District Joint Structure Plan 2001 – 2016 (Saved Policies)

Policy R44 (Summary): Favourable consideration to be given to renewable energy schemes outside of the Lake District and AONBs subject to considerations of landscape character biodiversity and built heritage along with effects on community and economy. Environmental and economic benefits to be given considerable weight.

Carlisle District Local Plan 2001 – 2016 Revised Redeposit Draft

Policy CP7.4 (Summary): Proposals for renewable energy development to ensure that any foreseen noise impacts are mitigated.

Dated the 18th day of February 2009

Shaun Gorman

.....

Signed: Shaun Gorman
The Head of Environment,
Directorate of Economy Culture & Environment,
on behalf of the Council.

Reason: *In order to secure the prevention of any impacts from noise continuing, and also the restoration of the site on cessation of operation of the turbine in accordance with Policy R44.4 of the Cumbria and Lake District Joint Structure Plan 2001 ¿ 2016 (Saved Policies).*

8 If the wind turbine ceases to operate permanently for any reason including pursuant to the requirements of Condition 7 with this permission, with the time period considered as comprising permanent cessation being taken as the period of two years from the date of last operation, then the operator shall ensure that all parts of the turbine shall be demolished including any bases and foundations and the remains shall be removed from the school property and the ground reinstated and restored to a condition required by the Local Planning Authority within a timescale required by the Local Planning Authority.

Reason: *In order to secure the restoration of the site in the event of permanent cessation in accordance with Policy R44.4 of the Cumbria and Lake District Joint Structure Plan 2001 ¿ 2016 (Saved Policies).*

Dated the 18th day of February 2009

.....

Signed: Shaun Gorman
The Head of Environment,
Directorate of Economy Culture & Environment,
on behalf of the Council.

NOTE

- Where the permission is granted subject to conditions, attention is directed to the attached Appendix/Notes.

- The conditions attached to this permission may override details shown on the application form, accompanying statements and plans.

- Any approval to be given by the Director of Community, Economy and Environment or any other officer of Cumbria County Council, shall be in writing.

SCHEDULE D

SCHEDULE D

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SCHEDULE D: Reports on Previously Deferred Decisions

Item No: 14 Between 17/01/2009 and 27/02/2009

Appn Ref No:	**Applicant:**	**Parish:**
08/0689	Childrens Services	Dalston
Date of Receipt:	**Agent:**	**Ward:**
18/07/2008	Capita Symonds Limited	Dalston

Location:
Caldew High School, Carlisle Road, Dalston, Carlisle

Grid Reference:
337209 550567

Proposal: Single Storey Extension To Front Elevation To Provide An Enlarged Dining Area, Music Class Band Practice And New Entrance To Music/drama Area. Extension To Existing Bus Lane. Formation Of New Vehicular Access To Caretakers House And Kitchen Areas. Alterations To Window Openings To Courtyard Elevation Together With Provision Of 1 No. Storage Container For Sports Equipment To Replace The Existing Timber Shed Removed

Amendment:

REPORT **Case Officer:** Suzanne Edgar

Details of Deferral:

Members will recall at Committee meeting held on 3rd October 2008 that authority was given to the Head of Planning and Housing Services to issue approval subject to the attainment of a section 106 agreement for costs towards the Traffic Implementation Order. The section 106 agreement has been completed and approval was issued on 10th February 2009.

Decision: Granted Subject to Legal Agreement **Date:** 10/02/2009

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

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

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

3. The use of the music rooms hereby permitted for the playing of musical instruments and/or amplified music shall not take place except between 08:00 hours and 18:00 hours.

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

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

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

5. The whole of the access area bounded by the carriageway edge, entrance gates and the splays shall be constructed and drained to the specification of the local planning authority.

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

6. The 6 boarding bays in the area to the north of the school shown on plan number 4180506/004 shall be brought into use prior to the existing bus turning facilities being rendered inoperable (by extension of the bus lay-by) and these bays shall be retained capable of use between the hours of 8 and 10am and 2 and 4pm at all times thereafter, unless otherwise approved by the Local Planning Authority.

Reason: To ensure a minimum provision for school buses that need to turn and load within the site, in the interests of road safety. To support Local Transport Plan Policies LD7 & 8.

SCHEDULE D: Reports on Previously Deferred Decisions

Item No: 15 Between 17/01/2009 and 27/02/2009

Appn Ref No:	**Applicant:**	**Parish:**
08/1170	McKnight & Son Builders	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
26/11/2008	Green Design Group	Castle

Location:
John Robert Gardens, Dalston Road, Carlisle, CA2 5UG

Grid Reference:
339345 555600

Proposal: Relocation Of Bins/Recycling Store Serving Flats Development (Retrospective)

Amendment:

REPORT **Case Officer:** Angus Hutchinson

Details of Deferral:

Members will recall at Committee meeting held on 30th January 2009 that authority was given to the Head of Planning and Housing Services to issue approval subject to the receipt of satisfactory revised plans that show the construction of solid brick panels in lieu of the existing railings along the road frontage immediately in front of the bin store, and imposition of relevant conditions. The satisfactory details have been received and approval was issued on 9th February 2009.

Decision: Grant Permission **Date:** 09/02/2009

1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the revised drawing, number 02/1293/31A, received on the 4th February 2009.

   Reason: To ensure that the development accords with the scheme approved by the local planning authority.

2. The bin store hereby permitted shall be removed and all materials resulting from

the demolition removed within six months of the date of this permission unless, in the intervening period, the existing railings are replaced by two brick infill panels fully in accordance with drawing number 02/1293/31A.

Reason: To safeguard the character of the area and living conditions of the neighbouring residents in accordance with Policies CP5 and CP6 of the Carlisle District Local Plan 2001-2016.

3. The external walling materials to be used in the construction of the infill panels hereby permitted shall be identical to those in the existing wall. If any other material is proposed no development shall take place until such has been approved, in writing, by the Local Planning Authority.

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

SCHEDULE E

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SCHEDULE E: Decisions Issued Under Delegated Powers

Between 17/01/2009 and 27/02/2009

Appn Ref No:
04/0013

Applicant:
Carlisle City Council

Parish:
Carlisle

Date of Receipt:
08/01/2004

Agent:
Commercial & Technical Services

Ward:
Belah

Location:
L/A North East footway at junction of Kingstown Broadway &, Parkhill Road, Kingstown Industrial Estate, Carlisle

Grid Reference:
339048 559365

Proposal: Erection of 9m high camera mast and CCTV camera

Amendment:

Decision: Withdrawn by Applicant/or by default
Date: 10/02/2009

Between 17/01/2009 and 27/02/2009

Appn Ref No:
08/0882

Applicant:
Mr G. Wilson

Parish:
St Cuthberts Without

Date of Receipt:
29/08/2008

Agent:
H & H Bowe Ltd

Ward:
Dalston

Location:
Bankdale Farm, Wreay, Carlisle, Cumbria, CA4 0RS

Grid Reference:
341494 548942

Proposal: Construction Of Steel Portal Frame Building For Use As Store/Warehouse For Preparation And Distribution Of Cut Flowers.

Amendment:

Decision: Grant Permission **Date:** 20/02/2009

Between 17/01/2009 and 27/02/2009

Appn Ref No:
08/0964

Applicant:
Tesco Stores Ltd

Parish:
Carlisle

SCHEDULE E: Decisions Issued Under Delegated Powers

Date of Receipt:
18/09/2008

Agent:
Development Planning Partnership

Ward:
Castle

Location:
L/A bounded by Upper Viaduct Car Park-River Caldew, Harper & Hebson & Viaduct Estate Road, Carlisle

Grid Reference:
339950 555600

Proposal: Discharge Of Condition 10 (Programme Of Archaelogical Works) Of Application 04/1653

Amendment:

Decision: Grant Permission **Date:** 23/01/2009

Between 17/01/2009 and 27/02/2009

Appn Ref No:
08/1105

Applicant:
Eden Housing Association Ltd

Parish:
Carlisle

Date of Receipt:
02/12/2008

Agent:
Day Cummins Limited

Ward:
Belle Vue

Location:
Land adjacent to Low Meadow / Brookside, Belle Vue, Carlisle

Grid Reference:
337949 555856

Proposal: Proposed Extra Care Housing Development of 60 Dwellings, consisting of an Extra Care Scheme of 40 apartments with Communal Facilities; 20 Dwellings; associated access road, footways, parking areas and gardens. (Reserved Matters Application pursuant to Outline Application 07/1372)

Amendment:

Decision: Grant Permission **Date:** 23/02/2009

Between 17/01/2009 and 27/02/2009

Appn Ref No:
08/1124

Applicant:
Mr Neil Swainson

Parish:
Hayton

Date of Receipt:

Agent:

Ward:

SCHEDULE E: Decisions Issued Under Delegated Powers

02/12/2008 Hayton

Location:
Troutbeck Cottage/The Nook, The How, How Mill, Brampton, Cumbria, CA8 9JY

Grid Reference:
350549 556295

Proposal: Conversion Of Two Houses Into One Including The Erection Of A Two Storey Rear Extension To Provide Entrance Hall, Corridor And Enlarged Kitchen With Corridor And Bathroom Above. Formation Of Pitched Roof Over Existing Flat Roof

Amendment:

Decision: Grant Permission **Date:** 26/01/2009

Between 17/01/2009 and 27/02/2009

Appn Ref No:
08/1155

Applicant:
Persimmon Homes Lancashire

Parish:
Carlisle

Date of Receipt:
18/11/2008 13:30:08

Agent:

Ward:
St Aidans

Location:
Watts Storage Depot, London Road, Carlisle, CA1 2NN

Grid Reference:
341200 555100

Proposal: 1. Underground Drainage Survey And Report By Clearway Drainage Systems Dated Jan 08. (re Condition 31) 2. Integra Consulting SurfaceWater Drainage Layout 1512/100 T1. (re Condition 31) 3. Package Of Correspondence Between Integra, Carlisle City Council Environmental Health And Persimmon Homes. (re Conditions 6 And 7) 4. Drawings 1512-003-T3 And 1512-004-T4 (re Condition 30) 5. Archaeological Evaluation (re Condition 8).

Amendment:

1. Updated plan received 17.02. 09, drawing number 1512 004 C4, clarifying details of proposed land drain.

Decision: Partial Discharge of Conditions **Date:** 17/02/2009

Between 17/01/2009 and 27/02/2009

SCHEDULE E: Decisions Issued Under Delegated Powers

Appn Ref No:
08/1156

Applicant:
Mr Joe Wilkinson

Parish:
Burgh-by-Sands

Date of Receipt:
26/11/2008

Agent:

Ward:
Burgh

Location:
Brookside House, Thurstonfield, Carlisle, CA5 6HQ

Grid Reference:
331839 556596

Proposal: Change of Use of Land from Domestic Curtilage to Formation of Builders Yard; Installation of Parking Area and Material Storage Area; Erection of Garage/ Office Block and Machinery/ Plant Store (Part Retrospective)

Amendment:

Decision: Grant Permission **Date:** 03/02/2009

Between 17/01/2009 and 27/02/2009

Appn Ref No:
08/1158

Applicant:
Drivers Direct (Cumbria) Ltd

Parish:
Carlisle

Date of Receipt:
25/11/2008

Agent:

Ward:
St Aidans

Location:
22 Brook Street, Carlisle, CA1 2HY

Grid Reference:
340927 555146

Proposal: Change Of Use From Residential To Commercial (Office Space)

Amendment:

Decision: Refuse Permission **Date:** 20/01/2009

Between 17/01/2009 and 27/02/2009

Appn Ref No:
08/1166

Applicant:
Mr P Hopper

Parish:
Stanwix Rural

Date of Receipt:
26/11/2008

Agent:
HTGL Architects Ltd

Ward:
Stanwix Rural

Location:

Grid Reference:

SCHEDULE E: Decisions Issued Under Delegated Powers

24 Houghton Road, Houghton, Carlisle, CA3 0LA 341280 558308

Proposal: Single Storey Extension To Front Elevation To Provide Garage. Two Storey Side Extension To Provide Extended Kitchen, WC And Utility To Ground Floor With En-Suite Bedroom Above. Single Storey Rear Extension To Provide Extended Living Room And Exercise Room (Revised Application)

Amendment:

Decision: Grant Permission **Date:** 20/01/2009

Between 17/01/2009 and 27/02/2009

Appn Ref No:	**Applicant:**	**Parish:**
08/1167	Mrs Jennifer Workman	St Cuthberts Without
Date of Receipt:	**Agent:**	**Ward:**
02/12/2008	Mr P Graham	Dalston

Location:
Land to the rear of The Orchards, Carleton, Cumbria, CA1 3DP

Grid Reference:
342902 552652

Proposal: Erection Of Agricultural Workers Dwelling (Reserved Matters Application Pursuant to Outline Approval 07/0527)

Amendment:

1. Revised Block Plan Illustrating Additional Landscaping

1. Revised Elevations To Include A Steel Flue

Decision: Grant Permission **Date:** 27/01/2009

Between 17/01/2009 and 27/02/2009

Appn Ref No:	**Applicant:**	**Parish:**
08/1171	Mrs Karen Brown	Scaleby
Date of Receipt:	**Agent:**	**Ward:**
09/12/2008		Stanwix Rural

Location:
Moss Side House, Scaleby Hill, Carlisle, Cumbria,

Grid Reference:
343737 563745

SCHEDULE E: Decisions Issued Under Delegated Powers

CA6 4LY

Proposal: Demolition Of Existing Greenhouse And Erection Of Sunroom On Ground Floor. Raising Of Roof To Provide A Second Floor To The Dwelling To Provide Additional Living Space (Revised Application to Include Addition of Roof Lights, Veranda and Porch) (Retrospective Application)

Amendment:

Decision: Grant Permission **Date:** 21/01/2009

Between 17/01/2009 and 27/02/2009

Appn Ref No:	**Applicant:**	**Parish:**
08/1181	Janet Harpley	Kingwater
Date of Receipt:	**Agent:**	**Ward:**
04/12/2008	R H Turnbull	Irthing

Location:
Crossings Cottage, West Hall, Nr Brampton, Cumbria, CA8 2EL

Grid Reference:
356515 568510

Proposal: Single Storey Extensions To Front Elevation To Provide Sunroom; Side And Rear Elevations To Provide Living Room, 1no. En-Suite Bedroom, Entrance Hall, Utility Room, Garage And Carport

Amendment:

Decision: Grant Permission **Date:** 29/01/2009

Between 17/01/2009 and 27/02/2009

Appn Ref No:	**Applicant:**	**Parish:**
08/1183	Miss Donna Murray	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
12/01/2009		Currock

Location:
79 Beaumont Road, Currock, Carlisle CA2 4RJ

Grid Reference:
340213 553610

Proposal: Single Storey Rear Extension To Provide Kitchen (Retrospective)

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission **Date:** 11/02/2009

Between 17/01/2009 and 27/02/2009

Appn Ref No: 08/1185
Applicant: Mr A Reid
Parish: Brampton

Date of Receipt: 03/12/2008
Agent: TSF Developments Ltd
Ward: Brampton

Location: 19 Moat Street, Moat Side, Brampton, Cumbria, CA8 1UJ
Grid Reference: 353130 561259

Proposal: Single Storey Extension To Rear To Provide Lounge/Sunroom

Amendment:

Decision: Grant Permission **Date:** 23/01/2009

Between 17/01/2009 and 27/02/2009

Appn Ref No: 08/1187
Applicant: Golden Fern Properties Limites
Parish: Carlisle

Date of Receipt: 09/12/2008
Agent: John Rose Associates
Ward: Castle

Location: Central Plaza Hotel, Victoria Viaduct, Carlisle, CA3 8AL
Grid Reference: 340064 555702

Proposal: Renewal Of Existing Boilers And Associated Services, Suspended Ceilings, Internal And External Doors, Blocking Up Of Redundant Doors And Alteration to Existing Layout of Room 122 All As Detailed On The Enclosed Drawings. Installation Of Conservation Rooflights And Air Bricks Externally (LBC).

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission **Date:** 03/02/2009

Between 17/01/2009 and 27/02/2009

Appn Ref No: 08/1188

Applicant: Impact Housing Association

Parish: Carlisle

Date of Receipt: 01/12/2008

Agent: Day Cummins Architects

Ward: Belle Vue

Location: Lister Court, Shady Grove Road, Carlisle, Cumbria, CA2 7LH

Grid Reference: 338113 555948

Proposal: Erection Of 12no. Residential Units For Supported Housing Scheme For Impact Housing Association And Cerebral Palsy; Erection of Guest Accomodation and Staff Facilities

Amendment:

Decision: Grant Permission **Date:** 05/02/2009

Between 17/01/2009 and 27/02/2009

Appn Ref No: 08/1190

Applicant: Mrs Hughes

Parish: Carlisle

Date of Receipt: 01/12/2008

Agent: Jock Gordon

Ward: Castle

Location: 34 Abbey Street, Carlisle, Cumbria, CA3 8TX

Grid Reference: 339756 555971

Proposal: Removal Of 3 Ground Floor Fireplaces & Replacement Of 2 Fireplaces. Opening Up Of Mock Doorway Between Living & Dining Rooms. Removal Of Partition Wall To Incorporate Wc Into Bathroom On First Floor. Roof To Be Reslated (LBC)

Amendment:

Decision: Grant Permission **Date:** 26/01/2009

Between 17/01/2009 and 27/02/2009

SCHEDULE E: Decisions Issued Under Delegated Powers

Appn Ref No: 08/1193
Applicant: Mrs Vicky Russell
Parish: Carlisle

Date of Receipt: 01/12/2008
Agent: Hogg & Robinson Design Services
Ward: Belle Vue

Location: 22 Beck Road, Carlisle, CA2 7QL
Grid Reference: 337117 555967

Proposal: Erection Of Garage To Side Elevation And Two Storey Rear Extension To Provide An Extended Kitchen/Dining Area To The Ground Floor With An Extended Bathroom And Ensuite Above. (Revised Application)

Amendment:

Decision: Grant Permission **Date:** 05/02/2009

Between 17/01/2009 and 27/02/2009

Appn Ref No: 08/1194
Applicant: Mr & Mrs Kenyon
Parish: Carlisle

Date of Receipt: 11/12/2008
Agent: Abound
Ward: Belah

Location: 4 Burnfoot Grove, Carlisle, Cumbria, CA3 9RU
Grid Reference: 338917 557791

Proposal: Erection Of Conservatory To Rear Elevation

Amendment:

Decision: Grant Permission **Date:** 30/01/2009

Between 17/01/2009 and 27/02/2009

Appn Ref No: 08/1203
Applicant: Mr Isaac Stewart
Parish: Rockcliffe

Date of Receipt: 09/12/2008
Agent: Black Box Architects Limited
Ward: Longtown & Rockcliffe

SCHEDULE E: Decisions Issued Under Delegated Powers

Location:
Ghyll Bank House, Low Harker, Carlisle, CA6 4DG

Grid Reference:
338425 560849

Proposal: Replacement Building For Secure On Site Storage Of Horse Carriages

Amendment:

Decision: Grant Permission

Date: 02/02/2009

Between 17/01/2009 and 27/02/2009

Appn Ref No:
08/1206

Applicant:
Mr Marrs

Parish:
Beaumont

Date of Receipt:
16/12/2008

Agent:
Gray Associates Limited

Ward:
Burgh

Location:
Braeside, Monkhill, CA5 6DB

Grid Reference:
334404 558612

Proposal: Single Storey Extension To North Elevation Of Property

Amendment:

Decision: Grant Permission

Date: 10/02/2009

Between 17/01/2009 and 27/02/2009

Appn Ref No:
08/1210

Applicant:
Carlisle College

Parish:
Carlisle

Date of Receipt:
09/12/2008

Agent:

Ward:
Castle

Location:
3 & 5 Victoria Place, Carlisle, Cumbria CA1 1EJ

Grid Reference:
340280 555981

Proposal: Change Of Use From Offices And Storage To Educational And Associated Offices

Amendment:

Decision: Grant Permission

Date: 02/02/2009

SCHEDULE E: Decisions Issued Under Delegated Powers

Between 17/01/2009 and 27/02/2009

Appn Ref No: 08/1211
Applicant: Animal Refuge & Hospital
Parish: Wetheral

Date of Receipt: 12/12/2008
Agent: HTGL Architects Ltd
Ward: Wetheral

Location: Animal Refuge & Hospital, Oak Tree Farm, Wetheral Shields, Carlisle, CA4 8JA
Grid Reference: 346179 552490

Proposal: Erection Of New Hay Barn And Tractor Store; Alterations & Extension To Existing 2no. Hay Barns To Convert To Small Animals Room And Dog Run

Amendment:

Decision: Grant Permission **Date:** 13/02/2009

Between 17/01/2009 and 27/02/2009

Appn Ref No: 08/1212
Applicant: Mr J Hetherington
Parish: Carlisle

Date of Receipt: 11/12/2008
Agent:
Ward: Harraby

Location: 28 Hopeshill Drive, Carlisle, Cumbria, CA1 3LD
Grid Reference: 342409 553711

Proposal: Erection Of Conservatory To Rear Elevation

Amendment:

Decision: Grant Permission **Date:** 11/02/2009

Between 17/01/2009 and 27/02/2009

Appn Ref No: 08/1214
Applicant: Mr Trevor Wallace
Parish: St Cuthberts Without

Date of Receipt: 10/12/2008
Agent: Gray Associates Limited
Ward: Dalston

SCHEDULE E: Decisions Issued Under Delegated Powers

Location:
233 Durdar Road, Carlisle CA2 4TJ

Grid Reference:
340474 552350

Proposal: Two Storey Side And Rear Extension To Provide Extended 3no Bedrooms And Bathroom

Amendment:

Decision: Grant Permission

Date: 04/02/2009

Between 17/01/2009 and 27/02/2009

Appn Ref No:
08/1215

Applicant:
Story Homes

Parish:
Carlisle

Date of Receipt:
08/12/2008

Agent:

Ward:
Belle Vue

Location:
Land Between 75 to 87 Burgh Road, Burgh Road, Carlisle

Grid Reference:
337442 556225

Proposal: Erection Of 2no Dwellings

Amendment:

1. Landscape proposals plan, drawing number M483-01 Rev. C, received 17th February 2009.

2. Drawing No. SL027.90.9.SL.EF Rev. F received 18th February 2009 detailing proposed boundary treatment.

Decision: Grant Permission

Date: 19/02/2009

Between 17/01/2009 and 27/02/2009

Appn Ref No:
08/1216

Applicant:
Mr Barry Lamb

Parish:
Brampton

Date of Receipt:
18/12/2008

Agent:

Ward:
Brampton

Location:
Barn adjacent Breconside Farm, Milton, Brampton,

Grid Reference:
356182 560801

SCHEDULE E: Decisions Issued Under Delegated Powers

Cumbria, CA8 2QX

Proposal: Conversion Of Redundant Barn Into Holiday Let

Amendment:

Decision: Withdrawn by Applicant/or by default
Date: 16/02/2009

Between 17/01/2009 and 27/02/2009

Appn Ref No:	**Applicant:**	**Parish:**
08/1217	Mr Trevor Musson	Arthuret
Date of Receipt:	**Agent:**	**Ward:**
16/12/2008	Green Design Group	Longtown & Rockcliffe
Location:		**Grid Reference:**
Carwinley Mill House, Netherby, Longtown, CA6 5PE		340393 572931

Proposal: The Construction Of Glazed Extension And Arched Entrance From The Kitchen And The Retrospective Installation Of An En-Suite Facility And Sleeping Gallery To Bedroom 2 (LBC).

Amendment:

Decision: Grant Permission **Date:** 10/02/2009

Between 17/01/2009 and 27/02/2009

Appn Ref No:	**Applicant:**	**Parish:**
08/1220	Cumbria County Council	Brampton
Date of Receipt:	**Agent:**	**Ward:**
11/12/2008	Capita Symonds Limited	Brampton
Location:		**Grid Reference:**
Brampton Library, 1 Market Place, Brampton, Cumbria, CA8 1NN		353067 561110

Proposal: Extension To Existing Entrance Ramp To Give 1:20 Gradient; Extension Of Handrail To Accomodate Extra Length In Ramp

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission **Date:** 13/02/2009

Between 17/01/2009 and 27/02/2009

Appn Ref No: 08/1222
Applicant: Mr Kevin Edgar
Parish: Dalston

Date of Receipt: 12/12/2008
Agent: Philip Turner Associates
Ward: Dalston

Location: Top Cottage, Nether Welton, Dalston, Carlisle, Cumbria, CA5 7EN
Grid Reference: 335770 545435

Proposal: First Floor Extension Over Existing Garage To Provide Bedroom, Sitting Room And Bathroom

Amendment:

Decision: Grant Permission **Date:** 13/02/2009

Between 17/01/2009 and 27/02/2009

Appn Ref No: 08/1225
Applicant: Mr Duncan Carter
Parish: Carlisle

Date of Receipt: 18/12/2008
Agent: Viner Associates
Ward: Stanwix Urban

Location: 60 Larch Drive, Stanwix, Carlisle, CA3 9FL
Grid Reference: 340542 557680

Proposal: Erection Of First Floor Extension Above Existing Garage To Provide Additional Bedroom & Dressing Room

Amendment:

Decision: Grant Permission **Date:** 05/02/2009

Between 17/01/2009 and 27/02/2009

Appn Ref No: **Applicant:** **Parish:**

SCHEDULE E: Decisions Issued Under Delegated Powers

08/1229 | Mr Mike Cole | Bewcastle

Date of Receipt: 15/12/2008
Agent: Andrew Nash Associates
Ward: Lyne

Location: Horse And Farrier (formerly), Oakshaw Ford, Roadhead, Cumbria, CA6 6NT
Grid Reference: 351345 576152

Proposal: Renovation Of North And South Buildings, Restoration Of Stable And Extension And Construction Of A Gig House (LBC)

Amendment:

Decision: Grant Permission **Date:** 09/02/2009

Between 17/01/2009 and 27/02/2009

Appn Ref No: 08/1232
Applicant: Mr & Mrs G Martin
Parish: Wetheral

Date of Receipt: 18/12/2008
Agent: S Buttler Chartered Architects
Ward: Wetheral

Location: Windhover Barn, Low Cotehill, Cotehill, Cumbria, CA4 0EL
Grid Reference: 347113 550570

Proposal: Demolition Of Existing Single Storey Building And Erection Of Replacement Two Storey Extension To Provide An Entrance Hall, Ensuite Bedroom And Ensuite Sunroom/ Guest Room With 1no. Bedroom And Office/ Study Above

Amendment:

Decision: Grant Permission **Date:** 06/02/2009

Between 17/01/2009 and 27/02/2009

Appn Ref No: 08/1234
Applicant: Mr Malcolm Beattie
Parish: Dalston

Date of Receipt: 16/12/2008
Agent: Gray Associates Limited
Ward: Dalston

SCHEDULE E: Decisions Issued Under Delegated Powers

Location:
34 Caldew Drive, Dalston, Carlisle, CA5 7NS

Grid Reference:
337039 550667

Proposal: Replacing Existing Flat Roof On Two Storey Extension To Side Of Dwelling With Pitched Roof

Amendment:

Decision: Grant Permission **Date:** 13/02/2009

Between 17/01/2009 and 27/02/2009

Appn Ref No:
08/1235

Applicant:
Mr Timothy Hatt

Parish:
Brampton

Date of Receipt:
29/12/2008

Agent:

Ward:
Brampton

Location:
Abbey Bridge, Lanercost, Brampton, Cumbria, CA8 2HG

Grid Reference:
355321 563206

Proposal: Removal Of Partition Walls To Create Family Bathroom And Master Bedroom. Re-Opening Of Former Doorway Between Rooms (LBC)

Amendment:

Decision: Grant Permission **Date:** 19/02/2009

Between 17/01/2009 and 27/02/2009

Appn Ref No:
08/1236

Applicant:
Mr & Mrs J Chessum

Parish:
Kirklinton Middle

Date of Receipt:
16/12/2008

Agent:

Ward:
Lyne

Location:
Bluebell Cottage, Smithfield, Carlisle, CA6 6DL

Grid Reference:
344609 565550

Proposal: Erection Of A Single Storey Extension To Rear Elevation To Provide Lounge

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission **Date:** 05/02/2009

Between 17/01/2009 and 27/02/2009

Appn Ref No:
08/1237

Applicant:
Mr M Duckworth

Parish:
Carlisle

Date of Receipt:
17/12/2008

Agent:
Gray Associates Limited

Ward:
St Aidans

Location:
1 Furze Street & 7a Greystone Road, Carlisle, CA1 2DL

Grid Reference:
341094 555432

Proposal: Amend Low Level Flat Roofs To The Rear Of Property. Provision Of Three Cooler Units To Serve Ground Floor Shop

Amendment:

Decision: Grant Permission **Date:** 05/02/2009

Between 17/01/2009 and 27/02/2009

Appn Ref No:
08/1239

Applicant:
Mr & Mrs Bell

Parish:
Westlinton

Date of Receipt:
17/12/2008

Agent:
Jock Gordon

Ward:
Longtown & Rockcliffe

Location:
Westerly, Newtown, Blackford, Carlisle, Cumbria, CA6 4ET

Grid Reference:
338742 562433

Proposal: Erection Of Two Storey Side Extension With Living Room On Ground Floor And En-Suite Bedroom & Bathroom Above

Amendment:

Decision: Grant Permission **Date:** 04/02/2009

Between 17/01/2009 and 27/02/2009

SCHEDULE E: Decisions Issued Under Delegated Powers

Appn Ref No: 08/1240
Applicant: Story Homes
Parish: Carlisle

Date of Receipt: 19/12/2008
Agent:
Ward: Belle Vue

Location: L/Adj plots 48, 50, 52 Turnstone Park, Carlisle
Grid Reference: 338084 556031

Proposal: Erection Of Bin Store

Amendment:

Decision: Grant Permission **Date:** 02/02/2009

Between 17/01/2009 and 27/02/2009

Appn Ref No: 08/1241
Applicant: Barton Park Homes
Parish: Dalston

Date of Receipt: 18/12/2008
Agent: Mr Colin Holmes
Ward: Dalston

Location: 12 Orton Grange Park, Orton Grange, Carlisle, CA5 6LA
Grid Reference: 335392 551982

Proposal: Erection Of Detached Garage

Amendment:

Decision: Grant Permission **Date:** 10/02/2009

Between 17/01/2009 and 27/02/2009

Appn Ref No: 08/1246
Applicant: Mrs Barbara Smith
Parish: Rockcliffe

Date of Receipt: 19/12/2008
Agent: Mrs Wendy Jepices
Ward: Longtown & Rockcliffe

Location: The Spinney, 9 Meadowfield, Harker Road Ends, Harker, Carlisle, CA6 4HE
Grid Reference: 337457 561044

SCHEDULE E: Decisions Issued Under Delegated Powers

Proposal: Single Storey Side Extension To Provide A Lounge and Bedroom For A Disabled Person

Amendment:

Decision: Grant Permission **Date:** 05/02/2009

Between 17/01/2009 and 27/02/2009

Appn Ref No:	**Applicant:**	**Parish:**
08/1247	Cumbria Partnership NHS Foundation Trust	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
06/01/2009	Johnston & Wright	Castle

Location:
14 Portland Square, Carlisle, Cumbria, CA1 1PT

Grid Reference:
340624 555713

Proposal: Re-Instatement Of Boundary Wall (LBC)

Amendment:

Decision: Grant Permission **Date:** 12/02/2009

Between 17/01/2009 and 27/02/2009

Appn Ref No:	**Applicant:**	**Parish:**
08/1248	Mr & Mrs Blenkinsop	Brampton
Date of Receipt:	**Agent:**	**Ward:**
22/12/2008	Jock Gordon	Brampton

Location:
17 Parkhead Road, Brampton, Cumbria, CA8 1DF

Grid Reference:
352925 561482

Proposal: Erection Of Two Storey Side Extension To Provide Kitchen & Study On Ground Floor With En-Suite Bedroom And Bathroom Above, Together With Single Storey Front Extension To Provide WC And Porch

Amendment:

Decision: Grant Permission **Date:** 12/02/2009

SCHEDULE E: Decisions Issued Under Delegated Powers

Between 17/01/2009 and 27/02/2009

Appn Ref No: 08/1249
Applicant: Dr Nightingale
Parish: Brampton

Date of Receipt: 22/12/2008
Agent: HTGL Architects Ltd
Ward: Brampton

Location: Westways, Capon Tree Road, Brampton, Cumbria, CA8 1QL
Grid Reference: 352874 560115

Proposal: Extensions To Provide Ground Floor Breakfast Room And First Floor Bedroom

Amendment:

Decision: Grant Permission **Date:** 10/02/2009

Between 17/01/2009 and 27/02/2009

Appn Ref No: 08/1250
Applicant: Boots Group PLC
Parish: Arthuret

Date of Receipt: 07/01/2009
Agent: Sign Specialists Ltd
Ward: Longtown & Rockcliffe

Location: 16 English Street, Longtown, Carlisle, CA6 5SD
Grid Reference: 337935 568607

Proposal: Display Of 1no. Internally Illuminated Fascia Sign, 1no. Internally Illuminated Hanging Sign & 1no. Digital Print

Amendment:

Decision: Grant Permission **Date:** 17/02/2009

Between 17/01/2009 and 27/02/2009

Appn Ref No: 08/1251
Applicant: Mr Thomas Potts
Parish: Arthuret

Date of Receipt: 22/12/2008
Agent:
Ward: Longtown & Rockcliffe

SCHEDULE E: Decisions Issued Under Delegated Powers

Location:
Scaurbank House, Longtown, CA6 5NX

Grid Reference:
338044 569315

Proposal: Discharge Of Condition 10 (Gas Migration) Of Application 04/0128

Amendment:

Decision: Grant Permission

Date: 20/01/2009

Between 17/01/2009 and 27/02/2009

Appn Ref No:
08/1253

Applicant:
Mrs Caroline Richardson

Parish:
Kirklinton Middle

Date of Receipt:
20/12/2008

Agent:
Red Raven Design Ltd

Ward:
Lyne

Location:
Fergus Hill, Kirklinton, Carlisle, CA6 6DA

Grid Reference:
342539 566188

Proposal: Insertion Of 2no Velux Windows To The West Elevation, Replacement Of 2no Rooflights To The East Courtyard Elevation, Lining Out Of Former Stables And Insertion Of 2no New Internal Openings To The Ground Floor Kitchen And First Floor Hall (Retrospective) (LBC)

Amendment:

Decision: Grant Permission

Date: 12/02/2009

Between 17/01/2009 and 27/02/2009

Appn Ref No:
08/1255

Applicant:
Mrs Susan Aglionby

Parish:
Stanwix Rural

Date of Receipt:
23/12/2008

Agent:

Ward:
Stanwix Rural

Location:
The Croft, Houghton, Carlisle CA3 OLD

Grid Reference:
340894 559071

Proposal: Erection Of A Modular, Two Room Temporary Building To Provide Educational Facilities And Temporary Office Accommodation For Cumbria Wildlife Trust

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

1. Amended plans have been received which move the car parking area away from the rear of 163 Houghton Road to the rear of The Croft's vegetable garden/orchard.

Decision: Grant Permission **Date:** 11/02/2009

Between 17/01/2009 and 27/02/2009

Appn Ref No:
08/1256

Applicant:
Greenlands Equestrian Centre

Parish:
St Cuthberts Without

Date of Receipt:
23/12/2008

Agent:
Taylor & Hardy

Ward:
Dalston

Location:
Greenlands, Wreay, Carlisle, Cumbria, CA4 0RR

Grid Reference:
342044 548164

Proposal: Conversion Of And Alterations To A Traditional Building To Form 1no. Holiday Cottage

Amendment:

Decision: Grant Permission **Date:** 10/02/2009

Between 17/01/2009 and 27/02/2009

Appn Ref No:
08/1259

Applicant:
Environment Agency Regional Office

Parish:
Carlisle

Date of Receipt:
23/12/2008

Agent:
Axis P.E.D. Ltd

Ward:
Denton Holme

Location:
L/Adj to River Caldew between Metcalfe Street and Thomas Street, Carlisle

Grid Reference:
339956 555166

Proposal: Flood Defences Along The River Caldew Incorporating A Cyclepath (Revised Scheme)

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission **Date:** 09/02/2009

Between 17/01/2009 and 27/02/2009

Appn Ref No:
08/9036

Applicant:
Cumbria County Council

Parish:
Carlisle

Date of Receipt:
29/12/2008

Agent:
Cumbria County Council

Ward:
Denton Holme

Location:
Former Gas Board Site, opposite Bousteads Grassing Civic Amenity Site, Rome Street, CARLISLE CA2 5LX

Grid Reference:
340066 554959

Proposal: Temporary Relocation Of Recycling Containers Whilst Flood Defence Works Are Carried Out

Amendment:

Decision: City Council Observation - Raise No Objection
Date: 21/01/2009

Between 17/01/2009 and 27/02/2009

Appn Ref No:
09/0004

Applicant:
Mr L Bell

Parish:
Carlisle

Date of Receipt:
07/01/2009

Agent:
McKnight & Son Builders

Ward:
Castle

Location:
Land adjacent 37 Bedford Road, Carlisle,

Grid Reference:
338998 555358

Proposal: Discharge Of Conditions 2 (Details Of Roof Materials) Of Application 06/0006

Amendment:

Decision: Grant Permission **Date:** 21/01/2009

Between 17/01/2009 and 27/02/2009

SCHEDULE E: Decisions Issued Under Delegated Powers

Appn Ref No: 09/0007
Applicant: Building Contractors Ltd
Parish: Arthuret

Date of Receipt: 09/01/2009
Agent: Jock Gordon
Ward: Longtown & Rockcliffe

Location: 35 Swan Street, Longtown, Cumbria, CA6 5 UZ
Grid Reference: 338073 568737

Proposal: Conversion Of Existing Building Into Dwelling (Revised Application)

Amendment:

Decision: Grant Permission **Date:** 17/02/2009

Between 17/01/2009 and 27/02/2009

Appn Ref No: 09/0008
Applicant: Mr R Peart
Parish: Irthington

Date of Receipt: 09/01/2009
Agent: Architects Plus (UK) Ltd
Ward: Stanwix Rural

Location: Woodside, Newby East, Carlisle, Cumbria, CA4 8RA
Grid Reference: 348439 559329

Proposal: Alterations And Extensions To Provide Dining Room, Utility, Cloak Room, Office, Hall, Living Room, Garden Room And Garage With 2no En-Suite Bedrooms And 1no Bedroom Above (Revised Proposal Incorporating Amendments To Garage)

Amendment:

Decision: Grant Permission **Date:** 11/02/2009

Between 17/01/2009 and 27/02/2009

Appn Ref No: 09/0020
Applicant: Mr & Mrs Le Brocq
Parish: Stanwix Rural

Date of Receipt: 14/01/2009
Agent: Architects Plus (UK) Ltd
Ward: Stanwix Rural

Location:
Grid Reference:

SCHEDULE E: Decisions Issued Under Delegated Powers

Moor House, Rickerby, Carlisle, CA3 9AA 341799 557562

Proposal: Conversion And Extension Of Existing Single Storey Building And Garage To Two Storeys To Provide Additional Bedrooms, Studio And Enlarged Utility (Revised Proposal)

Amendment:

Decision: Grant Permission **Date:** 17/02/2009

Between 17/01/2009 and 27/02/2009

Appn Ref No:	**Applicant:**	**Parish:**
09/0021	Mr & Mrs Le Brocq	Stanwix Rural
Date of Receipt:	**Agent:**	**Ward:**
16/01/2009	Architects Plus (UK) Ltd	Stanwix Rural

Location:
Moor House, Rickerby, Carlisle, CA3 9AA

Grid Reference:
341801 557580

Proposal: Conversion And Extension Of Existing Single Storey Building And Garage To Two Storeys To Provide Additional Bedrooms, Studio And Enlarged Utility (Revised Application) (LBC)

Amendment:

Decision: Grant Permission **Date:** 17/02/2009

Between 17/01/2009 and 27/02/2009

Appn Ref No:	**Applicant:**	**Parish:**
09/0026	Mr Collier	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
20/01/2009	Gray Associates Limited	Belah

Location:
172 Lowry Hill Road, Carlisle, CA3 0EZ

Grid Reference:
338928 558192

Proposal: Two Storey Rear Extension To Provide Extended Kitchen And Utility Room On Ground Floor With En-Suite Bedroom Above Together With Pitched Roof Above Existing Garage

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission **Date:** 24/02/2009

Between 17/01/2009 and 27/02/2009

Appn Ref No:
09/0027

Applicant:
Geopost UK Ltd

Parish:
Kingmoor

Date of Receipt:
21/01/2009

Agent:
Enhance Associates Ltd

Ward:
Stanwix Rural

Location:
Unit D, Kings Drive, Kingmoor Park, Carlisle, CA6 4RD

Grid Reference:
338311 558845

Proposal: Display Of 6no. Non Illuminated Box Signs And 1no. Post Mounted Entrance Sign

Amendment:

Decision: Grant Permission **Date:** 24/02/2009

Between 17/01/2009 and 27/02/2009

Appn Ref No:
09/0094

Applicant:
Mrs Valerie Stephens

Parish:
Brampton

Date of Receipt:
10/02/2009

Agent:
Mr Andrew Willison-Holt

Ward:
Brampton

Location:
Land Adjacent Highfield, Capon Tree Road, Brampton, Carlisle, Cumbria, CA8 1QL

Grid Reference:
352845 559948

Proposal: Discharge Of Conditions 2 (Materials); 3 (Hard Surface Finishes); 4 (Hard And Soft Landscaping); 5 (Rooflights) And 9 (Surface Water Discharge) Of Application 05/1398.

Amendment:

Decision: Grant Permission **Date:** 26/02/2009

Between 17/01/2009 and 27/02/2009

SCHEDULE E: Decisions Issued Under Delegated Powers

Appn Ref No: 09/9002
Applicant: North West Recycling Ltd
Parish: Rockcliffe

Date of Receipt: 15/01/2009
Agent: Cumbria County Council
Ward: Longtown & Rockcliffe

Location: Unit A, Rockcliffe Estate, Kingmoor Park, Carlisle, CA6 4RW
Grid Reference: 336412 560783

Proposal: Change Of Use From An Industrial Building (for B8 Use) To The Development And Operation Of Materials Recycling Facility To Enable The Sorting And Recycling Of Waste Materials

Amendment:

Decision: City Council Observation - Observations
Date: 03/02/2009

Between 17/01/2009 and 27/02/2009

Appn Ref No: 09/9003
Applicant: Cumbria County Council
Parish: Carlisle

Date of Receipt: 15/01/2009
Agent: Cumbria County Council
Ward: Castle

Location: Trinity School, Strand Road, Carlisle, CA1 1JB
Grid Reference: 340556 556254

Proposal: Proposed Redevelopment At Trinity School To Include Partial Demolition, New 2 Storey Extensions And Associated Access, Parking And Landscaping

Amendment:

Decision: City Council Observation - Observations
Date: 12/02/2009

Between 17/01/2009 and 27/02/2009

Appn Ref No: 09/9004
Applicant: Greenpark Energy Ltd
Parish: Kirkandrews

SCHEDULE E: Decisions Issued Under Delegated Powers

Date of Receipt:	**Agent:**	**Ward:**
16/01/2009	Cumbria County Council	Longtown & Rockcliffe

Location:
Becklees Farm, Beckside, Longtown CA6 5NQ

Grid Reference:
335143 571590

Proposal: Section 73 Application to Amend Condition 1 of 08/9007 to Extend Test Drilling with Associated Works for a Further 12 Months

Amendment:

Decision: City Council Observation - Raise No Objection
Date: 03/02/2009