Development Control Committee

Main Schedule

Schedule of Applications for Planning Permission

9th March 2007

CARLISLE CITY COUNCIL

www.carlisle.gov.uk

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 23/02/2007 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 28/02/2007.

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.

Applications Entered on Development Control Committee Schedule

Item No.	Application Number/ Schedule	Location	Case Officer	Page No.
01.	07/0091 A	Milton Hall, Milton, Brampton, Cumbria, CA8 1JA	RJM	1
02.	07/0109 A	6 The Beeches, Great Corby, Carlisle CA4 8LP	AH	68
03.	07/0073 B	Ghyll Bank, Low Harker, CA6 4DG	DNC	85
04.	07/0044 B	103-105 Kingstown Road, Carlisle, CA3 0AL	ARH	97
05.	07/0045 B	103-105 Kingstown Road, Carlisle, CA3 0AL	ARH	110
06.	07/0005 B	L/Adj Lough Butts Wood, Scotby, Carlisle CA4 8DG	RJM	116
07.	07/0006 B	L/Adj Lough Butts Wood, Scotby, Carlisle CA4 8DG	RJM	130
08.	06/1473 B	Property along the rivers Caldew (Holmehead to Sheep Mount) and Eden (the Swifts to Spa Well)	ARH	141
09.	07/0090 B	Theakstons Carlisle Brewery, Bridge Street, Carlisle	ARH	172
10.	07/0047 A	Eastern Way Factory, Arkwright Road, Durranhill Industrial Estate, Carlisle, CA1 3NQ	AMT	186
11.	07/0059 A	Cavaghan & Gray Riverside Site, Brunel Way, Durranhill Industrial Estate, Carlisle	AMT	209
12.	07/0088 B	Land Barns at Stonehouse Farm, Hayton, Brampton, CA8 9JE	ARH	224
13.	06/1357 A	Recreation Field, The Green, Dalston, Carlisle, CA5 7QB	JT	249
14.	06/0307 A	Former Highways Depot, Station Road, Brampton	ARH	263
15.	06/1397 A	Land Adjacent to Hillcrest, Thurstonfield, Carlisle, CA5 6HG	JT	301

Date of Committee: 09/03/2007

Applications Entered on Development Control Committee Schedule

Item No.	Application Number/ Schedule	Location	Case Officer	Page No.
16.	06/1459 A	Kirby Moor Country House Hotel, Longtown Road, Brampton, CA8 2AB	NH	314
17.	07/0022 A	Whiteclosegate Garage, Brampton Old Road, Carlisle, CA3 0JN	SG	325
18.	07/0079 A	46 Knowe Park Avenue, Stanwix, Carlisle, CA3 9EL	RJM	340
19.	06/0002 A	Land adjacent to Somerfield and 102, Wigton Road, Carlisle	JT	347
20.	07/0103 B	Killoran Hotel, The Green, Wetheral, Carlisle, CA4 8ET	ARH	357
21.	07/0007 B	Barclays Bank, 23 Bridge Street, Longtown, Carlisle CA6 5UB	NH	377
22.	07/0008 B	Barclays Bank, 23 Bridge Street, Longtown, Carlisle CA6 5UB	NH	394
23.	06/0692 C	Land at Suttle House, Wigton Road, Carlisle, CA2 6QU	AJ	405
24.	06/0364 C	Land at Suttle House, Wigton Road, Carlisle, CA2 6QU	SG	407
25.	06/0323 C	Avonlea, 20 Moorhouse Road, Carlisle, CA2 7LU	RJM	408
26.	06/0830 C	Barn 2, Park Fauld Farm, Brisco, Carlisle, CA5 7LJ	SG	410
27.	04/1351 C	Barn at Park Fauld Farm, Durdar, Carlisle, CA5 7LT	SG	412
28.	06/0017 C	11 The Willows, Durdar, Carlisle, CA2 4UP	RJM	414
29.	06/0132 C	Land adjacent Orchard Gardens, Houghton, Carlisle	RJM	416
30.	06/1095 D	Part Field 6800 Amberfield, Burgh by Sands, Carlisle	JT	419

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Applications Entered on Development Control Committee Schedule

Item No.	Application Number/ Schedule	Location	Case Officer	Page No.
31.	06/1290 D	Land at Barras Close, Barras Close, Carlisle	DNC	421
32.	06/0469 D	Willowford Farm, Gilsland, Cumbria CA8 7AA	JT	425
33.	06/0470 D	Willowford Farm, Gilsland, Cumbria CA8 7AA	JT	427
34.	07/0002 D	Holly Cottage, Newtown, Carlisle, Cumbria, CA6 4ET	DNC	428
35.	07/0004 D	Cycle and Footpath adjoining Stead McAlpine, Cummersdale	ARH	429

SCHEDULE A

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SCHEDULE A: Applications with Recommendation

07/0091

Item No: 01 Date of Committee: 09/03/2007

Appn Ref No:	**Applicant:**	**Parish:**
07/0091	Northcare Developments Ltd	Brampton
Date of Receipt:	**Agent:**	**Ward:**
02/02/2007	Blue Sky Planning	Brampton
Location:		**Grid Reference:**
Milton Hall, Milton, Brampton, Cumbria, CA8 1JA		354949 560128

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

Amendment:

REPORT

Reason for Determination by Committee:

This application is brought for determination by Members of the Development Control Committee due to the proposed nature of the development.

Planning Policies:

Airport Safeguarding Area

Carlisle District Plan
Environment - Policy E4

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

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

Carlisle District Plan
Environment - Policy E19

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

Carlisle District Plan
Environment - Policy E22

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

Carlisle District Plan
Transport - Proposal T1

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

Carlisle District Plan
Transport - Proposal T7

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

1. The Parking Guidelines for Cumbria as detailed in Appendix 2;

2. The availability of public car parking in the vicinity;

3. The impact of parking provision on the environment of the surrounding area;

4. The likely impact on the surrounding road network; and

5. Accessibility by and availability of other forms of transport.

Carlisle District Plan
Housing - Proposal H17

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

1. Is for a use inappropriate for residential areas; and/or

2. Is of an unacceptable scale; and/or

3. Leads to an unacceptable increase in traffic or noise; and/or

4. Is visually intrusive; and/or

5. Leads to a loss of housing stock.

Carlisle District Plan
Employment - Proposal EM10

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

1. There is no unacceptable adverse impact on the local landscape; and

2. There is no unacceptable adverse effect on nature conservation interests; and

3. Adequate access and appropriate parking provision can be achieved; and

4. There is no unacceptable adverse affect on the amenity of any adjacent properties.

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

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

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

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

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

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

1. the location of existing trees and hedges;

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

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

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

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

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

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

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

appropriate

10 Have a layout and design which minimises the potential for crime and antisocial behaviour.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Core Development Policies - Policy CP16 - Planning Out Crime

The design of all new development must contribute to creating a safe and secure environment, integrating measures for security and crime prevention and minimising the opportunity for crime.

The following points should applied to all development proposals:

1. Security measures should be an integral part of the design
1. Developments should be laid out and buildings positioned to maximise natural

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

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

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

1. the Parking Guidelines for Cumbria as updated by additional requirements in PPG 13;
2. the availability of public car parking in the vicinity;
3. the impact of parking provision on the environment of the surrounding area;
4. the likely impact on the surrounding road network; and
5. accessibility by and availability of, other forms of transport.

Waste Disposal Site

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

Summary of Consultation Responses:

Brampton Parish Council: comments awaited;

National Care Standards Commission: unfortunately the Commission is unable to provide any comment as the Commission can only give consideration to a new facility once an application for registration has been submitted;

North Cumbria Health Authority: comments awaited;

Carlisle Airport: no objection;

Environment Agency (N Area (+ Waste Disp)): comments awaited;

Environmental Protection Services: comments awaited;

United Utilities (former Norweb & NWWA): no further comment to those contained in the previous application;

Development Services Planning & Housing Services - Local Plans: comments awaited;

Development Services Planning & Housing Services - Access Officer: comments awaited;

Development Services Planning & Housing Services - Local Plans (Trees): the following comments/ observations have been made:

1. the site is a large open area with large mature trees either side of the entrance, fringed by woodland to the south and with a group of large trees to the north;
2. the trees are not protected either by Preservation Orders or by virtue of being within a Conservation Area; however, they provide a considerable degree of amenity and consideration should be given to their care during development;
3. the site has been cleared of most of the existing buildings and the rubble from the site clearance has been dumped beneath the crowns and immediately adjacent the trunks of a number of trees along the woodland boundary. Removal of the rubble to a location that does not affect the trees should be carried out prior to the commencement of any development;
4. the developer has commissioned an arboricultural report that advises on the health and safety of the trees around the entrance and to the rear of Lindens and provides details of tree management/ works that are required in this area. A further arboricultural report should be commissioned to advise on all the woodland area and trees affected by the proposed development;
5. the area of woodland to the south-west of the site beyond the pond to the rear of Lindens is designated as Ancient Woodland in the Local Plan. This area is particularly sensitive and important. Planning Policy Statement 9 gives advice on planning proposals that affect ancient woodland, with the presumption being that the proposals do not affect the health and vitality of the wood. It is important that there is no change in ground level, loss of understory, trees other than for good woodland management, or any disturbance within the woodland itself;
6. tree protection barriers should be erected around the trees/woodland that is to be retained before commencement of works on site in accordance with BS 5837 Trees on Development Sites, Recommendations. Their location to be agreed with the Local Planning Authority, and shown clearly marked on a site plan. Considering the sensitive nature of the ancient woodland the placing of warning signs on the fence would be appropriate. Models of such signs can be supplied on request;
7. a landscaping scheme should be submitted and approved prior to the commencement of any work on site. The scheme must redress the loss of trees that will arise from the arboricultural survey and should therefore be done in conjunction with that survey;

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

Community Services - Drainage Engineer: comments awaited;

Network Rail: comments awaited;

Cumbria County Council - (Archaeological Services): comments awaited;

Cumbria Constabulary - Crime Prevention: no objection.

Summary of Representations:

Representations Received

Initial:		Consulted:	Reply Type:
[redacted]	Lone Oak	07/02/07	
	Oak View	07/02/07	
	Lindens	07/02/07	
	Ivyholme	07/02/07	
	Milton Hall Lodge	07/02/07	
	Station Sawmill	07/02/07	
[redacted] Binney Bank		07/02/07	Objection
[redacted]	1 Joseph Wilson Memorial Homes	07/02/07	
[redacted]	2 Joseph Wilson Memorial Homes	07/02/07	
[redacted]	3 Joseph Wilson Memorial Homes	07/02/07	
[redacted]	4 Joseph Wilson Memorial Homes	07/02/07	
[redacted]	5 Joseph Wilson Memorial Homes	07/02/07	
[redacted]	6 Joseph Wilson Memorial Homes	07/02/07	
[redacted]	Milton Hall Farm	07/02/07	
	1 Howgate	07/02/07	
	2 Howgate	07/02/07	
[redacted] Binney Bank			Objection
[redacted]	4 Milton Terrace		Objection
[redacted],	New Mills Trout Farm		Objection
[redacted]	4 Milton Terrace		Objection
[redacted],	Milton Mains		Objection

This application has been advertised by means of a site notice, a press notice and direct notification to the occupiers of 16 of the neighbouring properties. At the time of writing this report, four letters of objection have been received and the main issues raised are summarised as follows:

1. The initial application in 2004 related to a nursing home, not a mental health care centre;
2. There is a potential impact for the local farmer regarding sewage system required for the buildings, problems have been encountered from other owners of the site;
3. the site is set amongst established trees of outstanding beauty, having been initially planted as part of the original Milton Hall parkland;

4. the design and construction materials to be used in the erection of the mental health centre are incongruous and unsympathetic to the surrounding area;
5. the location as a centre for mentally unstable children and adolescents is wholly inappropriate, being adjacent to a railway line, having a lake in the grounds and easy access to the very busy A69;
6. there are far better locations locally, where access to emergency services, and other necessary infrastructures would be more readily available e.g. the old Garlands site and 14 MU;
7. the road leading to the site off the A698 is quiet at the moment but the size of the development will see a considerable increase in traffic. This will have a major impact on the residents who live right next to the proposed site;
8. access from the A698 to the side road is via a junction where visibility in both directions is poor; and
9. there are areas of deep water on the site together with the railway line that pose potential safety problems for future residents.

Other matters raised which the one of the objector acknoweldges are not valid reasons for objection but are of concern to the author of the letter, are as follows:

1. when the property was bounght two years ago it was on the understadning that the land which is overlooked, would be used for nursing home units and not a mental health centre; and
2. there are deep concerns regarding personal safety and security.

Details of Proposal/Officer Appraisal:

Planning History:

Planning permission was granted in 1990 for a new pitched corrugated cladding to replace flat roof.

Again in 1990, planning consent was granted to install 3no. gas tanks and alterations to form boiler room.

Later in 1990, planning permission was granted for an extension to provide bedrooms and recreational facilities.

Planning permission was granted in 1991 for the conversion of a stable block to restaurant and bar facilities.

In 1992, planning consent was granted for the formation of residents sitting room.

A revised proposal for the formation of residents sitting room was granted later in 1992.

In 1995, planning consent was granted for an additional extension to the stable block bar, provision of a gymnasium within and attached to the main building and provision of new sewage pumping station.

Planning permission was granted in 1996 for the retention of a new vehicular access.

Also in the same year, an application for advertisement consent for the erection and display of 1no. fascia sign and 1no. pole mounted sign was withdrawn.

In 1997, planning permission was granted for the change of use of part of the ground floor to a function room, W.C.s and kitchen for use by residents and general public (retrospective).

A planning application for the removal of condition 04 attached to approval no: 91/0078 to allow use of restaurant and bar by the general public was withdrawn.

Later in the same year, planning consent was granted for the removal of condition of application 97/0109 to allow permanent use of function room/ restaurant facilities.

In 1999, planning permission was granted for the erection of an entrance porch.

Planning permission was granted in 2001 for the erection of an external fire escape from first floor of nursing home to ground east wing.

In 2003, planning consent was granted for:

1. the demolition of redundant vacant care home and construction of purpose built care home to meet NCSC standards;
2. demolition of disused gymnasium and construction of eight bed unit to provide extra care facilities;
3. demolition of building and construction of unit to house staff accommodation.

An application for planning permission for the demolition of remaining building and erection of a residential mental health centre for children and adolescents including ancillary staff accommodation (within use Class c2) including access, parking and boundary treatment was withdrawn prior to determination earlier this year.

Details of Proposal:

Members will recall that this application was the subject of a Committee site visit.

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

The proposal involves the construction of two buildings to be utilised as a secure mental health facility. The principal of these is a two-storey main block which would contain the entrance/reception area, administration, recreational, educational, and

support services (including kitchen facilities) together with extensive rear wings providing 32 bedrooms with associated lounge, treatment and recreational areas. The building would be finished from a combination of materials including reconstituted slate, aluminium, aluminium louvres, render, brick plinths, red cedar boarding and sliding sash aluminium windows.

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

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

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

The proposals raise the following planning issues:

1. The Principle Of Development

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

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

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

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

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

3. The Scale And Design Of The Development

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

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

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

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

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

The buildings are proposed to be sited within the context of the site. Residential properties are located to the east, adjacent to the highway that links Brampton

Station with Milton. The proposed residential building would be 14 metres to the north-west of the nearest property whilst the main building would be 46 metres to the west of nearest property. In this respect, the proposal would not adversely affect the living conditions of the occupiers of these properties through over-dominance, loss of light or loss of privacy.

5. Other Matters

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

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

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

6. Conclusion

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

Human Rights Act 1998

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";

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;

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.

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

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

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

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

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

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

5. The premises shall not be brought into the approved use until such times as the proposed package sewage treatment plant referred to in particulars received from the applicant or any other sewage treatment system of a similar type, has obtained planning permission and is installed and operational to the full satisfaction of the Local Planning Authority.

   Reason: To ensure that adequate drainage facilities are available.

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

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

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

   Reason: For the avoidance of doubt.

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

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

9. Prior to the commencement of development hereby approved, including any site works of any description, a post and wire or chestnut pale fence shall be erected at a distance corresponding with the branch spread of the tree or hedge or half the height of the tree or hedge, whichever is the greater. Within the area so fenced off, the existing ground level shall be either raised nor lowered and no materials or temporary buildings or surplus soil of any kind shall be placed or stored thereon. If any trenches for services are required in the fenced off area, they shall be excavated and backfilled by hand and any roots encountered with a diameter of 50mm or more shall be left unsevered. The fence shall thereafter be retained at all times during construction works on the site.

   Reason: In order to ensure that adequate protection is afforded to all trees

on the site in accordance with the objectives of Policy E9 of the Carlisle District Local Plan.

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North Lane Developments Ltd

Carlisle Children & Adolescent Mental Health Centre

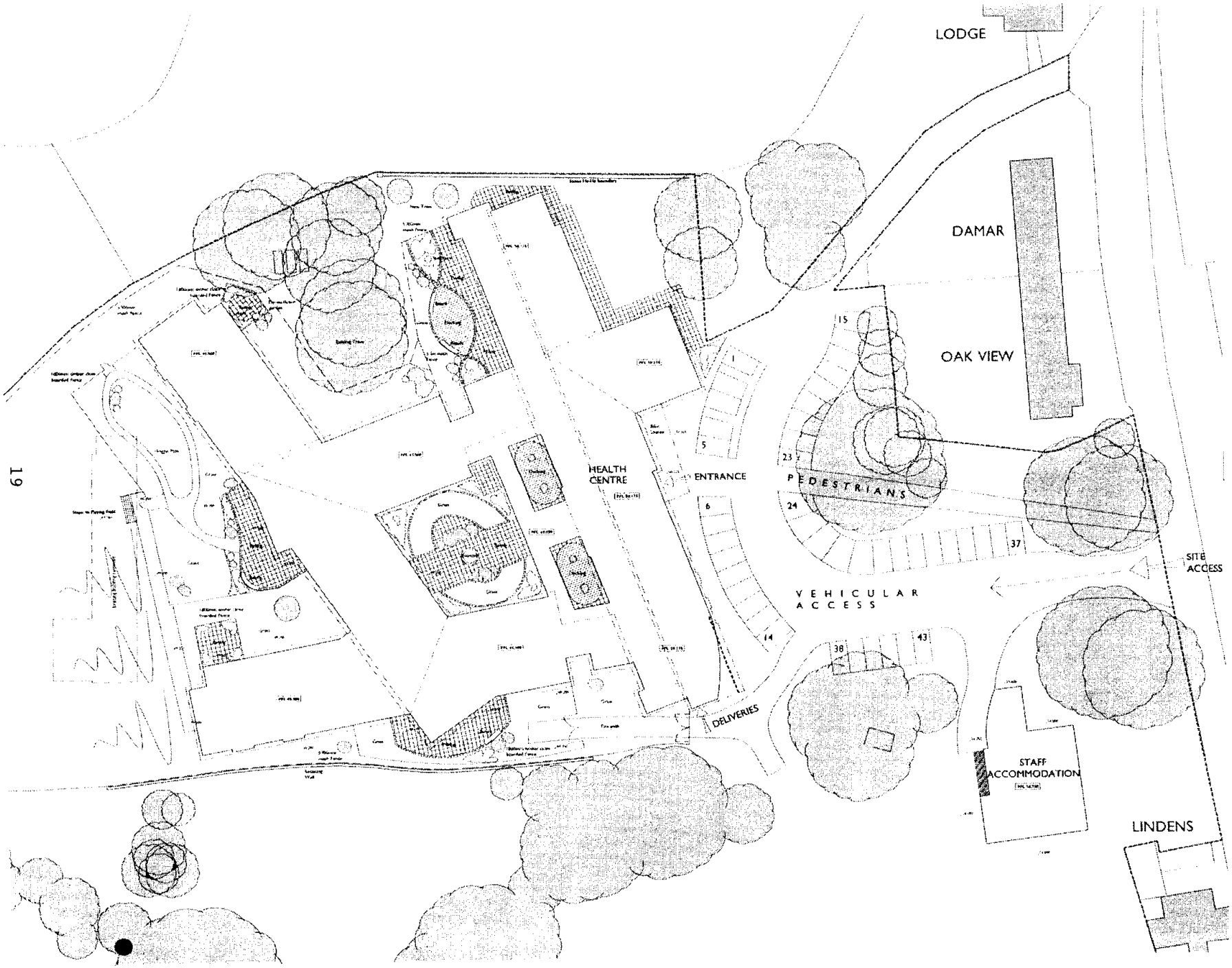
Existing Site Plan

2001/0001

1:500 | Planning

P Shaw
M Brzeska
M Carter

05112 | D



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Nordcare Developments Ltd

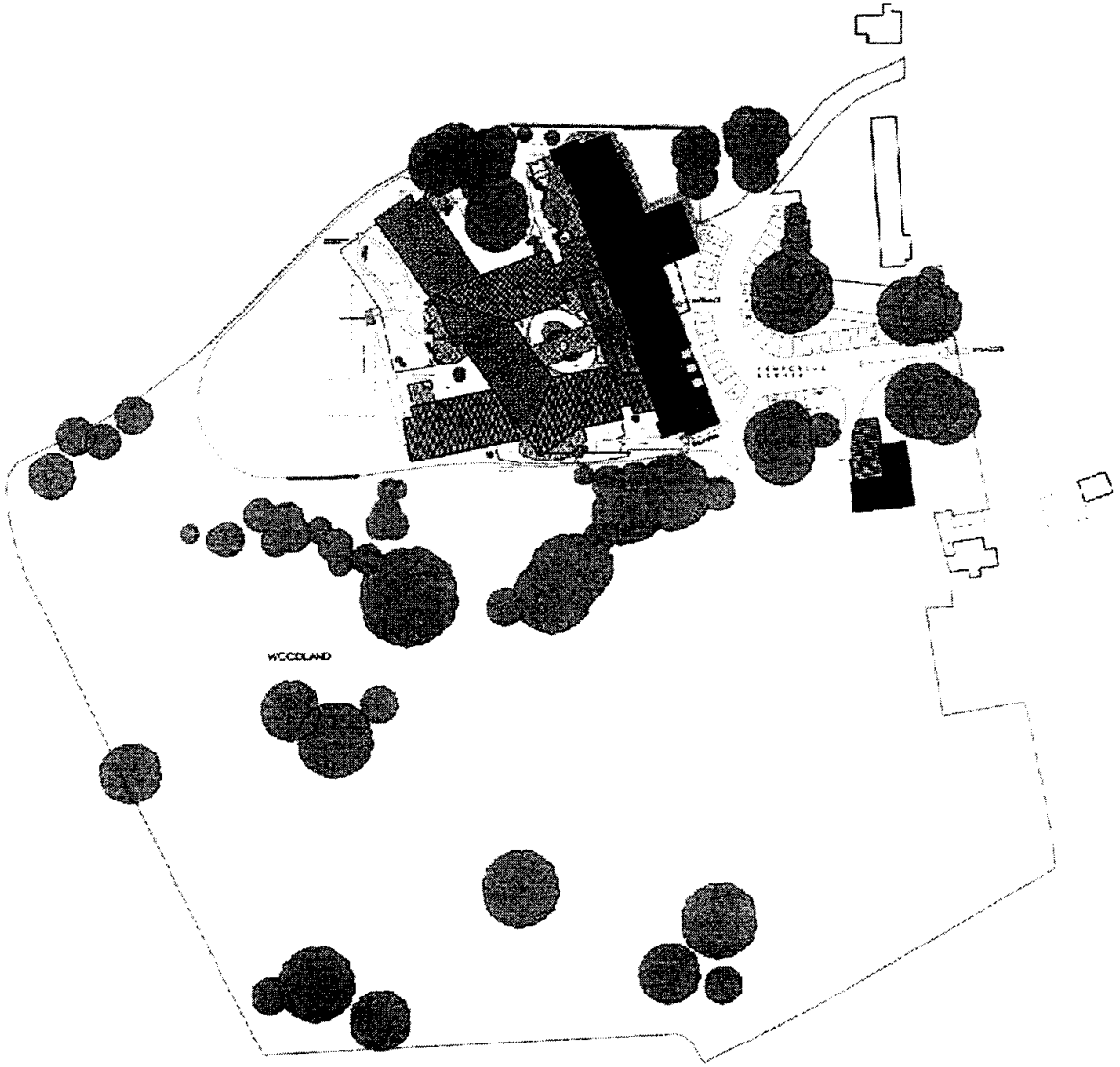
Carlisle Children & Adolescent Mental Health Centre

Proposed Site Layout

2007/0091

1:250	Planning
P Elsher	
M Baptista	
M Carter	

05112 | D | 112 | A



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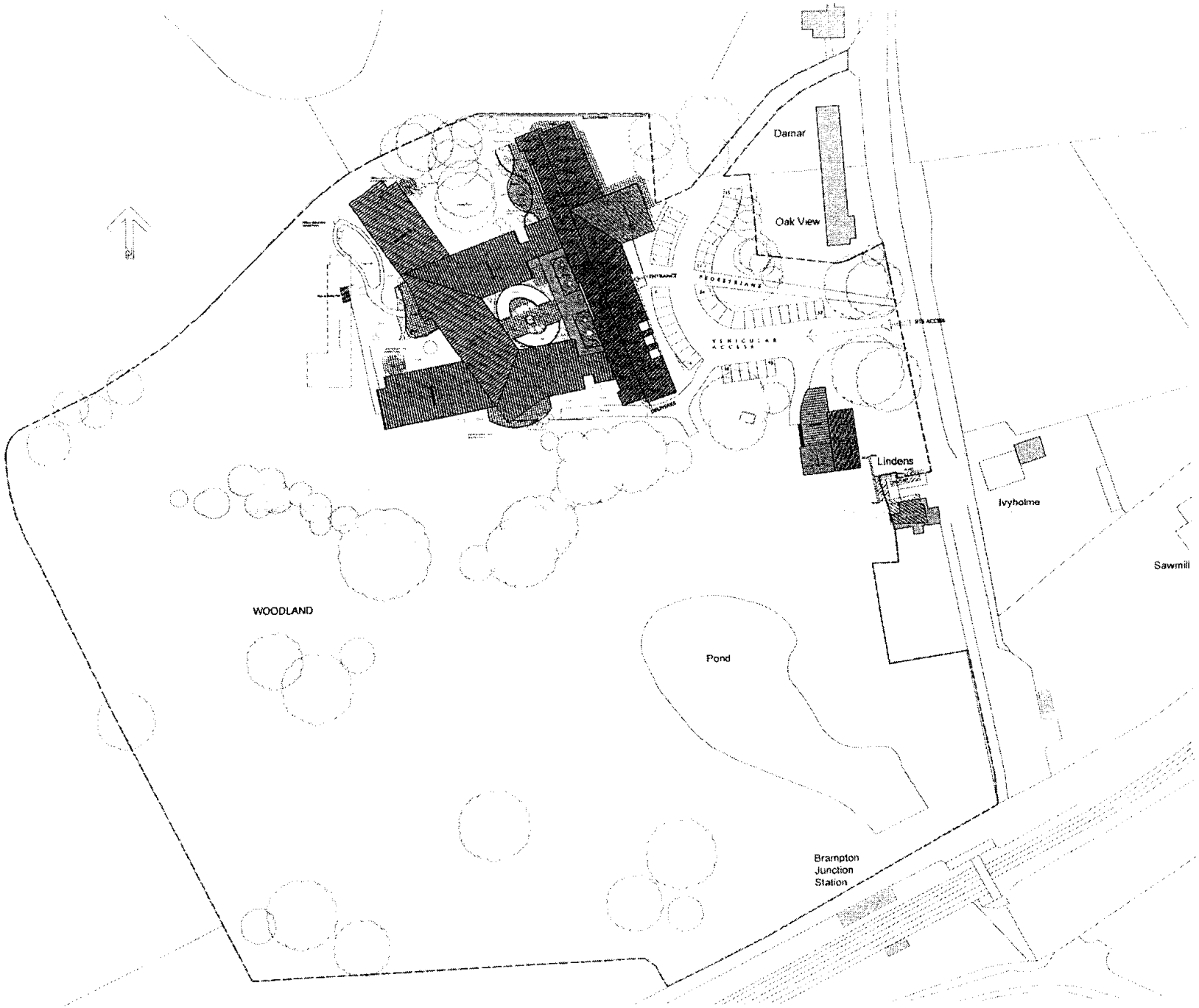
Client
Northern Developments Ltd.

Project
Carlisle Children & Adolescent Mental Health Centre

Title
Proposed Site Plan

Scale @ A3	1:1250
Status	Planning
Drawn	P Shaw
Checked	M Baptista
Authorised	M Carter
Drawing Number	05112 D
Revision	-

File Name:



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Northcott Developments Ltd

Carlisle Children & Adolescent Mental Health Centre

Proposed Site Plan

20070091

1:500	Planning
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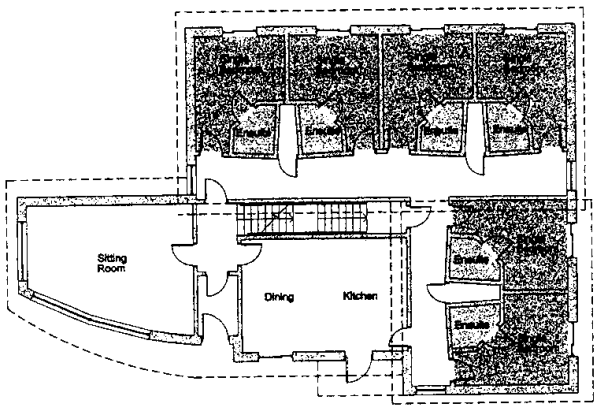
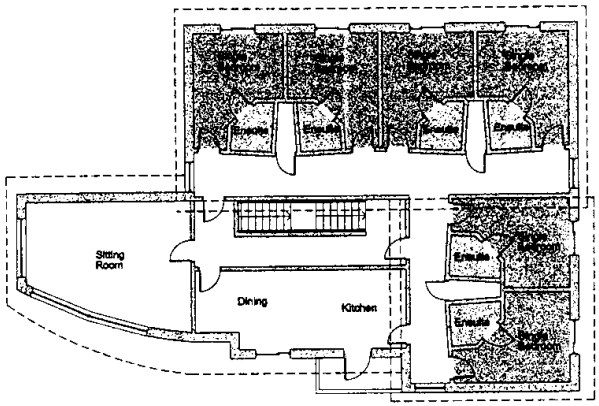
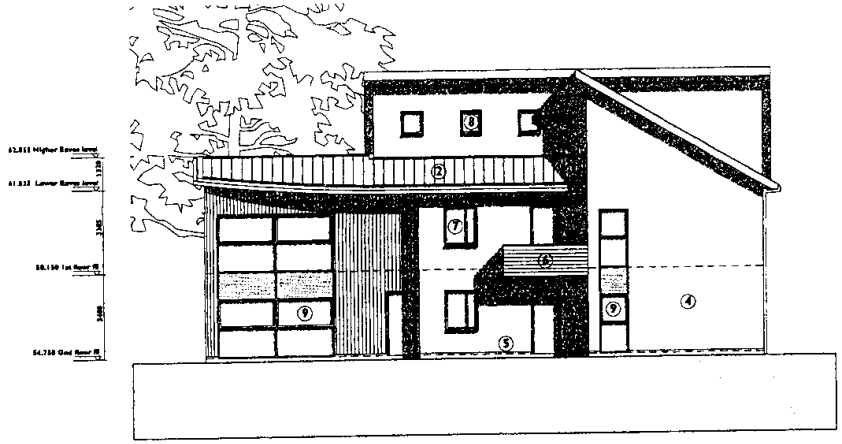
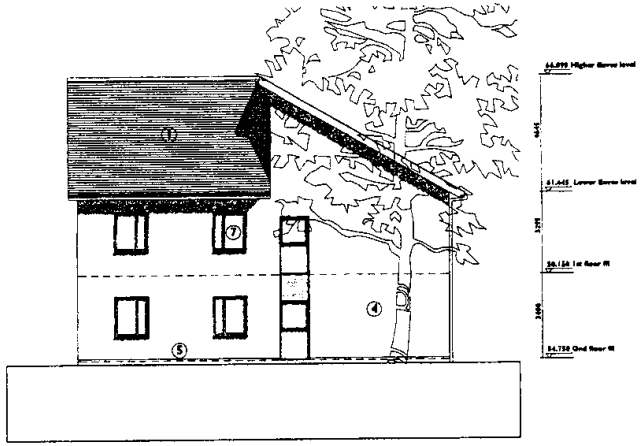
M Bapasila	
M Carter	

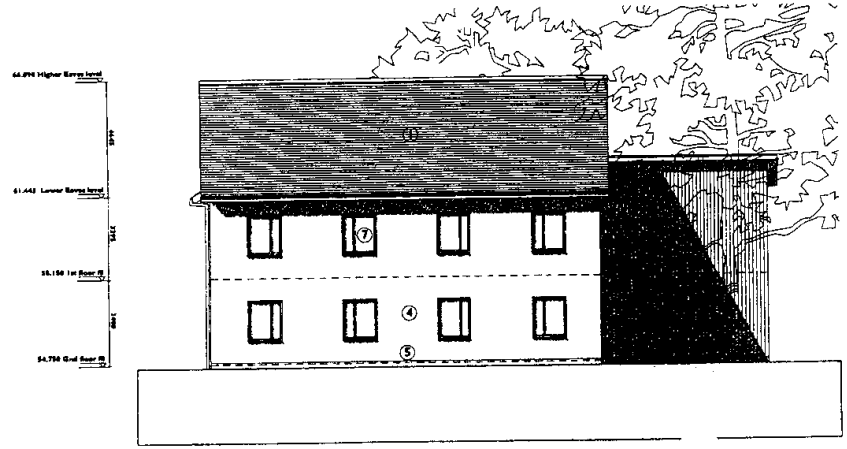
05112	D	111	A

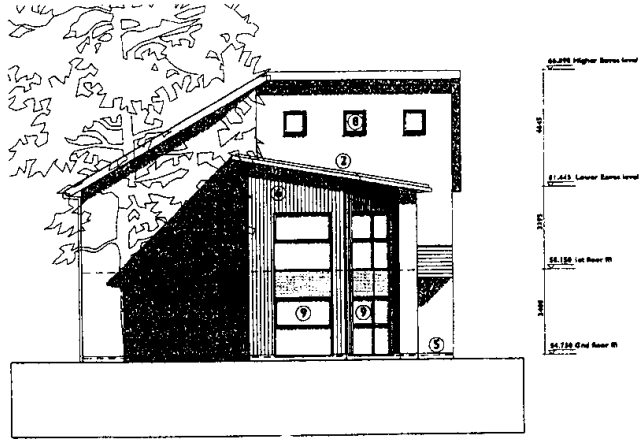












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KEY:

1. Reconstitued slate roof
2. Standing seam aluminium roof
3. Satin anodised aluminium louvres
4. Through-colour render
5. Engineering brick plinth
6. Western Red Cedar boarding
7. Horizontal sliding-sash satin anodised aluminium framed windows
8. Satin anodised aluminium framed clerestorey windows
9. Satin anodised aluminium framed curtainwall

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Northcare Developments Ltd.

2007/0091

Carlisle Children & Adolescent Mental Health Centre

Staff Accommodation Building
General Plans & Elevations

1:100	Planning
M Baptista	07/06/2006
M Baptista	07/06/2006
M Carter	07/06/2006

05112 | D | 110 | -

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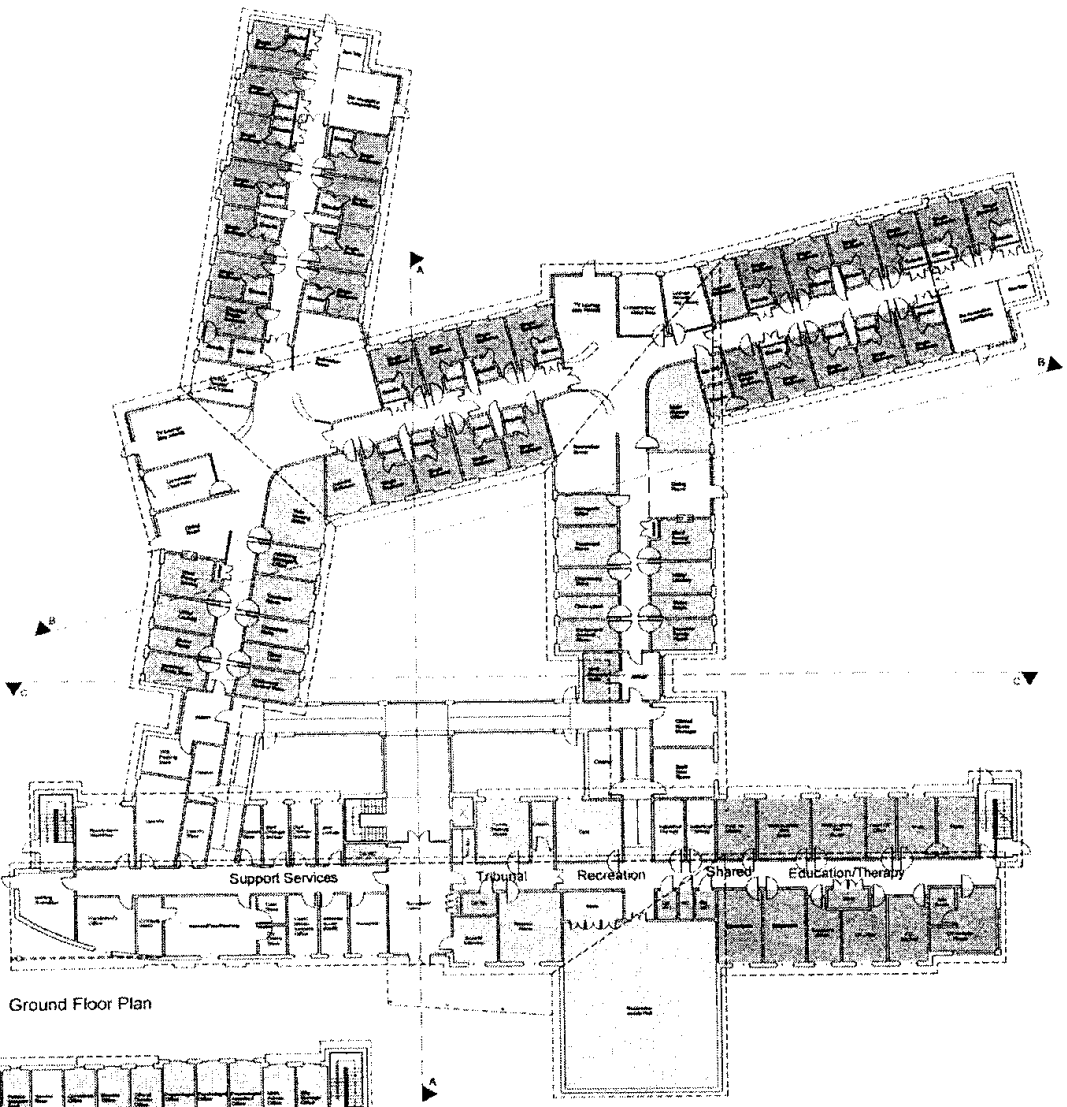
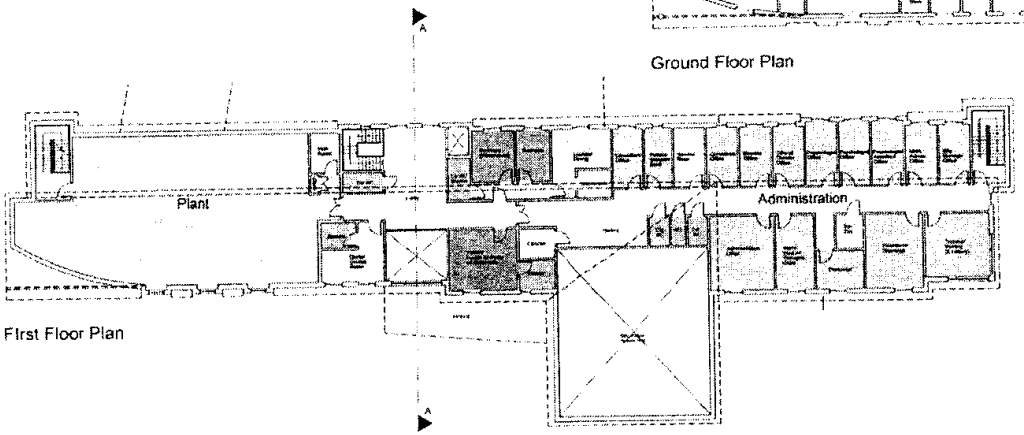


Ground Floor Plan



First Floor Plan

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Northcare Developments Ltd.

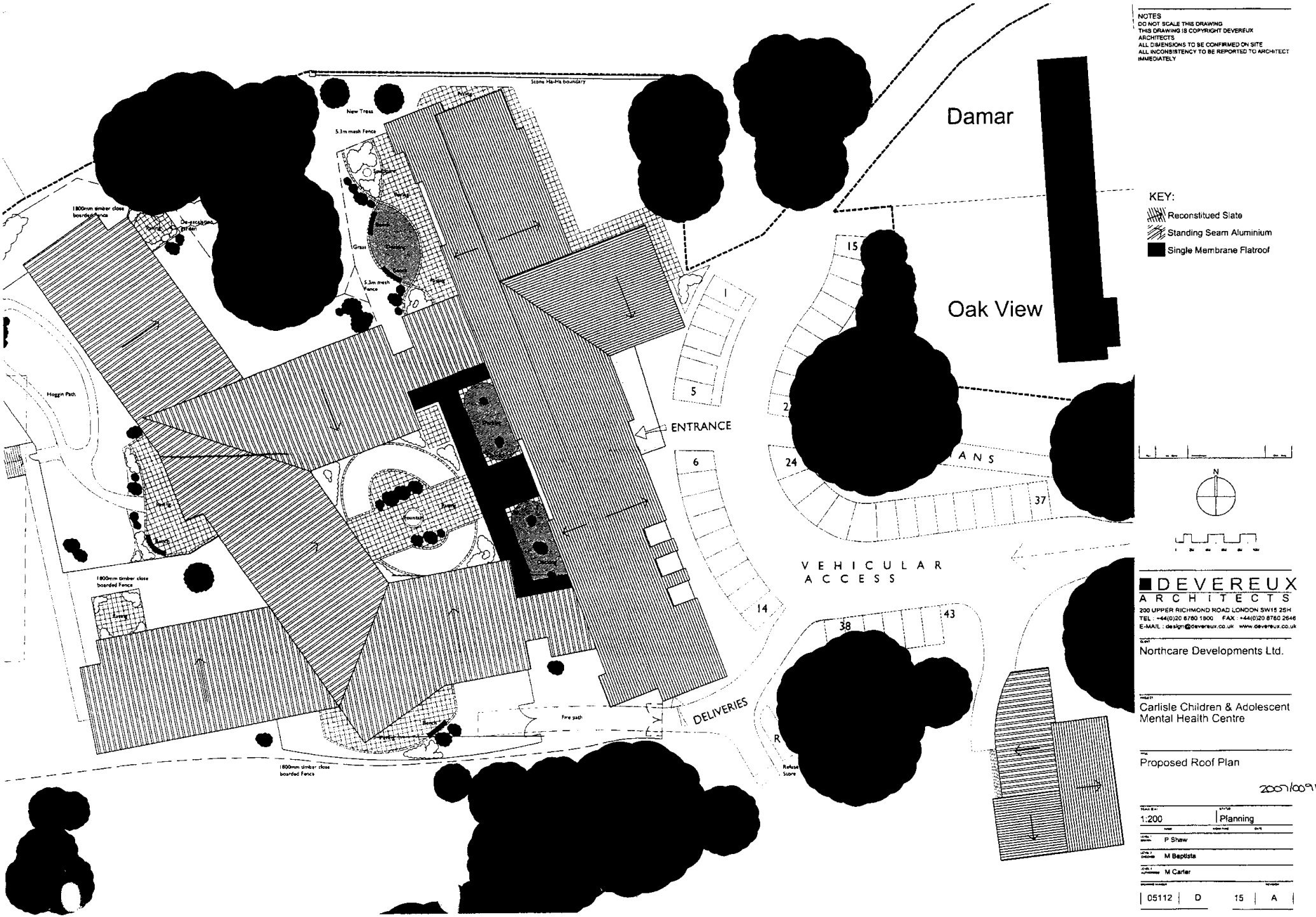
Carlisle Children & Adolescent Mental Health Centre

Health Centre
Ground & First Floor
Layout Plans

2007/0091

1:200	Planning
M Baptista	
M Baptista	
M Carter	

05112	D	113	A



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KEY:
- Reconstitued Slate
- Standing Seam Aluminium
- Single Membrane Flatroof

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Client: Northcare Developments Ltd.

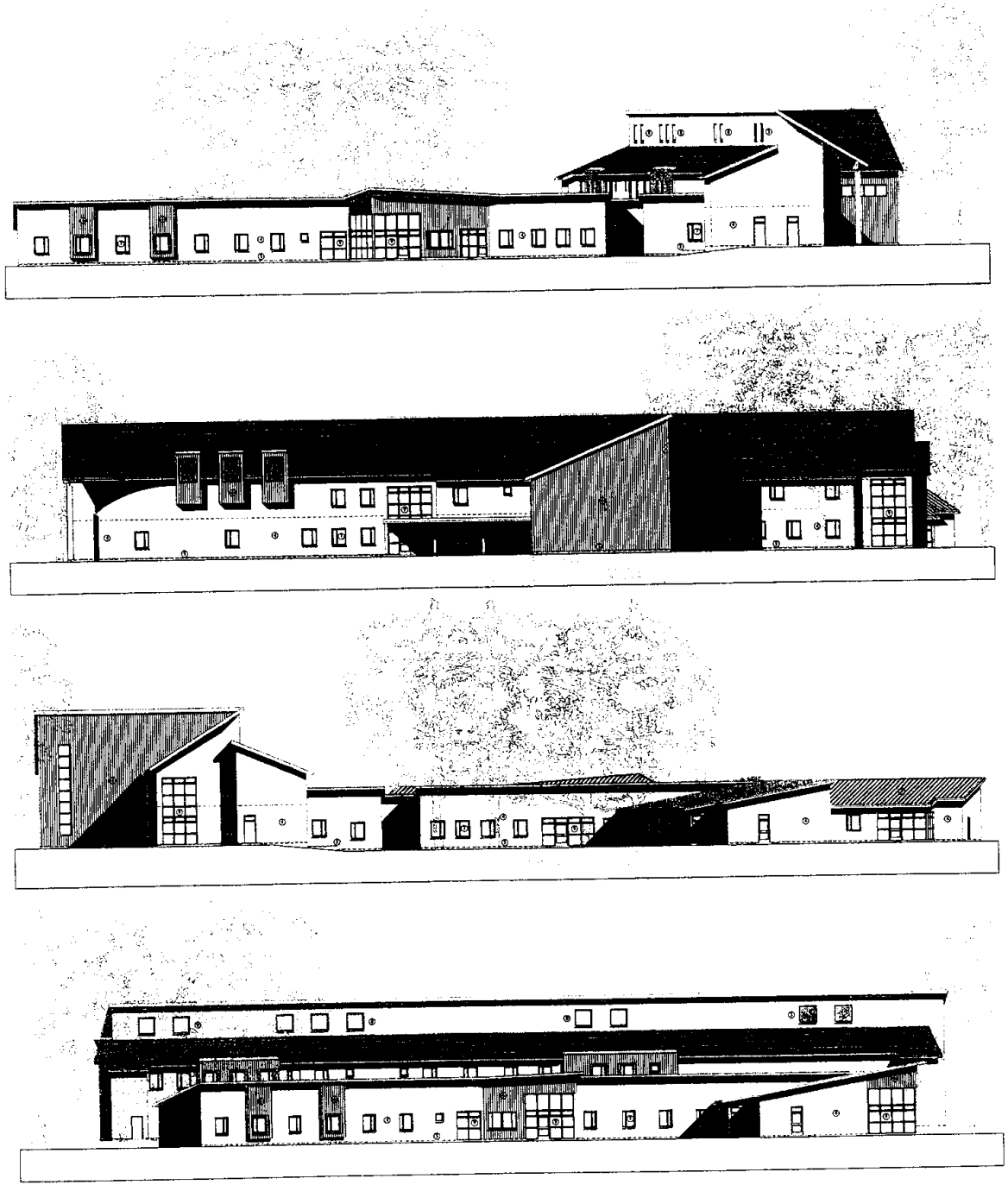
Project: Carlisle Children & Adolescent Mental Health Centre

Title: Proposed Roof Plan

2007/0091

Scale @ A1	1:200
Status	Planning
Drawn	P Shaw
Checked	M Baptista
Authorised	M Carter
Drawing number	05112 | D | 15 | A

24



KEY:

1. Reconstitued slate roof
2. Standing seam aluminium roof
3. Satin anodised aluminium louvres
4. Through-colour render
5. Engineering brick plinth
6. Western Red Cedar boarding
7. Horizontal sliding-sash satin anodised aluminium framed windows
8. Satin anodised aluminium framed clerestorey windows
9. Satin anodised aluminium framed curtainwall

DEVEREUX ARCHITECTS

Northcare Development Ltd.

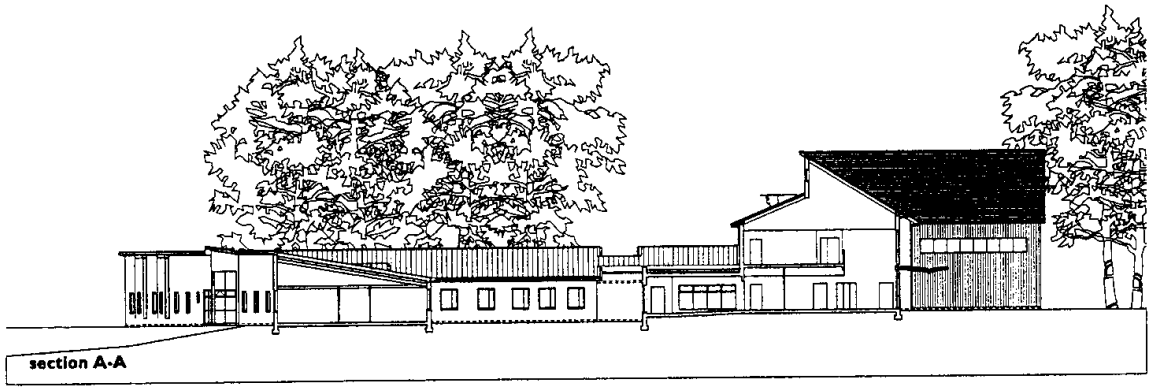
Carlisle Children & Adolescent Mental Health Centre

Health Centre
General Elevations

2007/009

1:200	Planning
M Baptista	07/06/2006
M Baptiste	07/06/2006
M Carter	07/06/2006

05112	D	116	A



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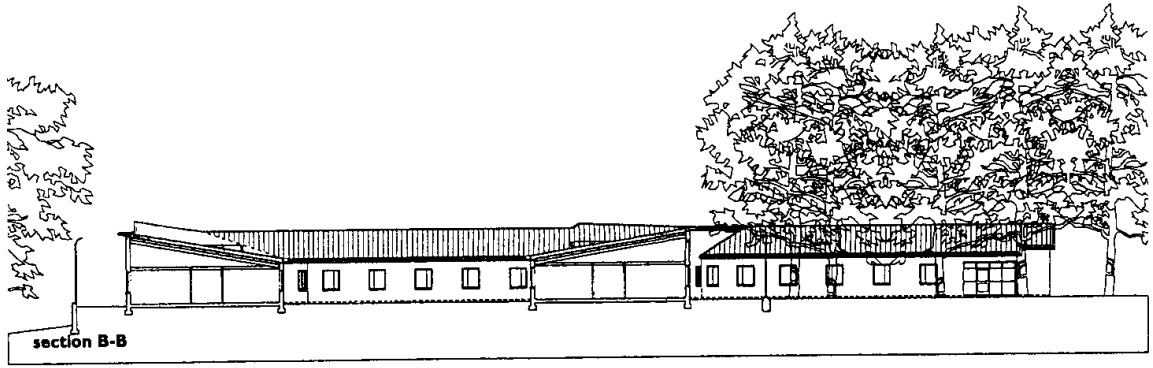

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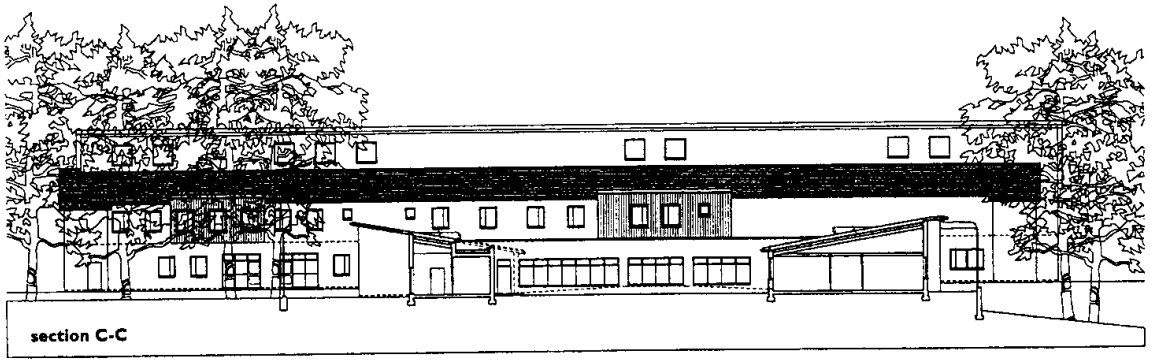

section C-C

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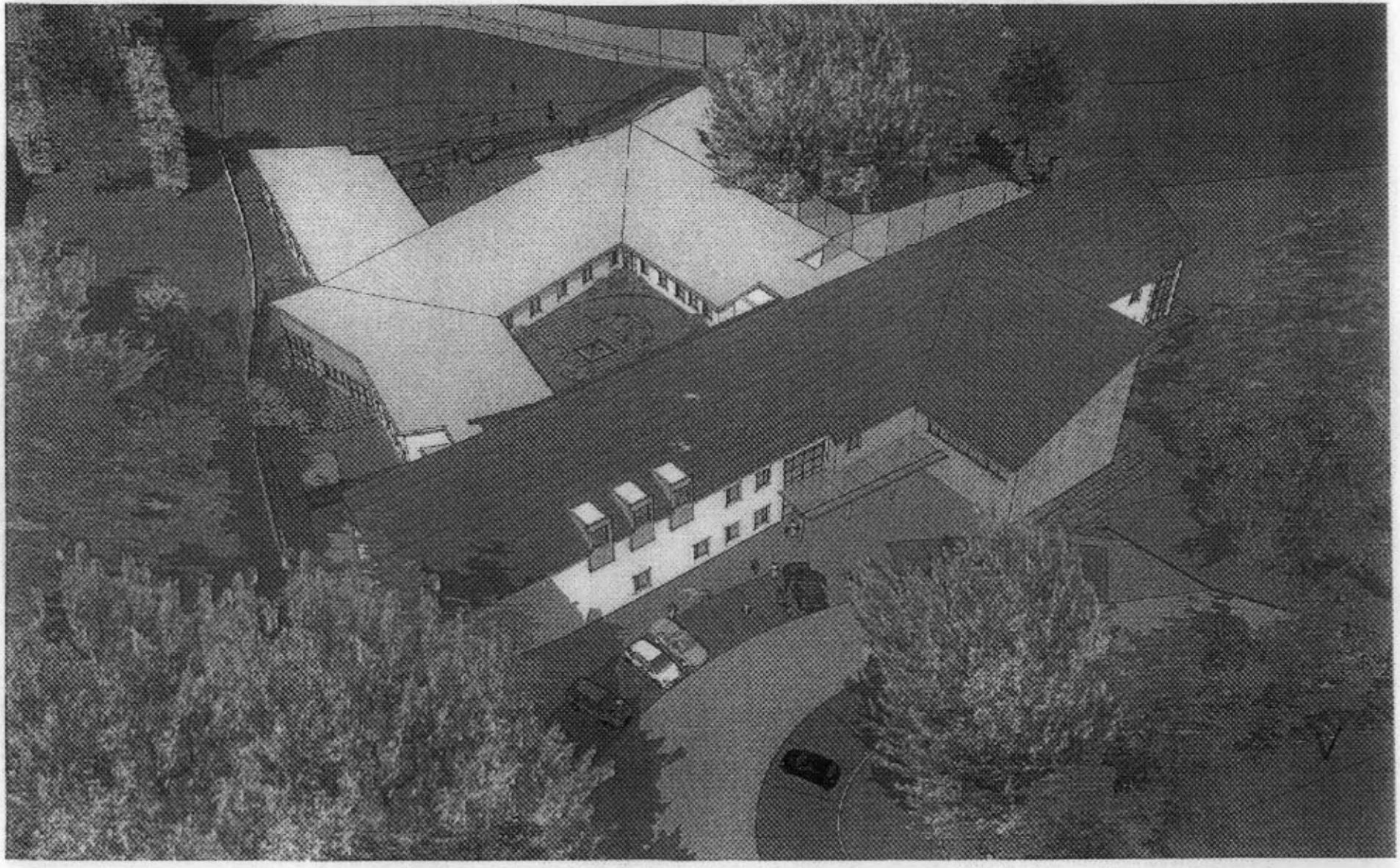
Carlisle Children & Adolescent Mental Health Centre

Health Centre
General Sections

2007/0091

1:200	Planning
M Baptista	07/06/2006
M Baptista	07/06/2006
M Carter	07/06/2006

05112 | D | A



27

05112 / D / 150 Carlisle Children & Adolescent Mental Health Centre Aerial perspective from South East

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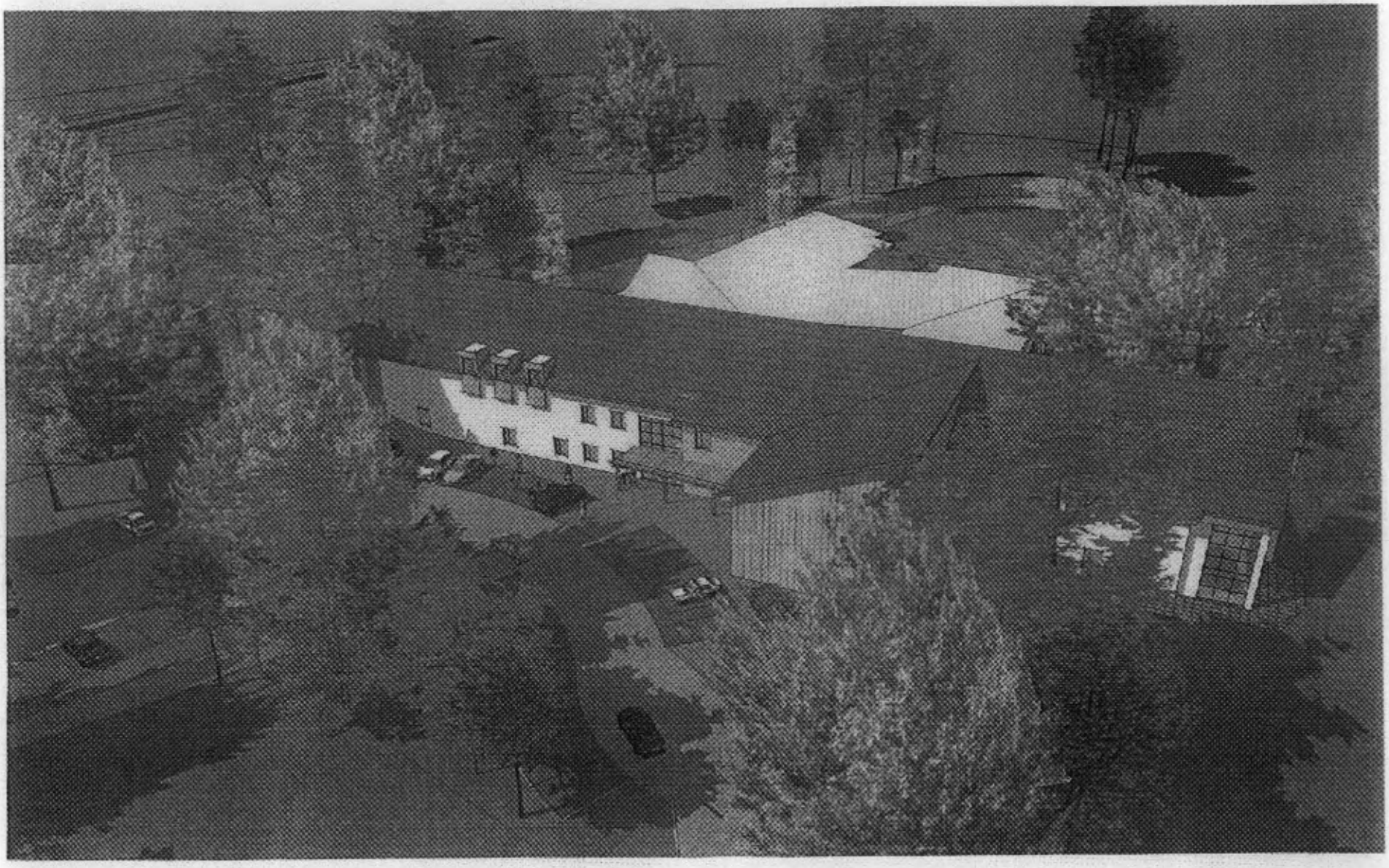
2007/0091



05112 / D / 151 Carlisle Children & Adolescent Mental Health Centre Aerial perspective from North East

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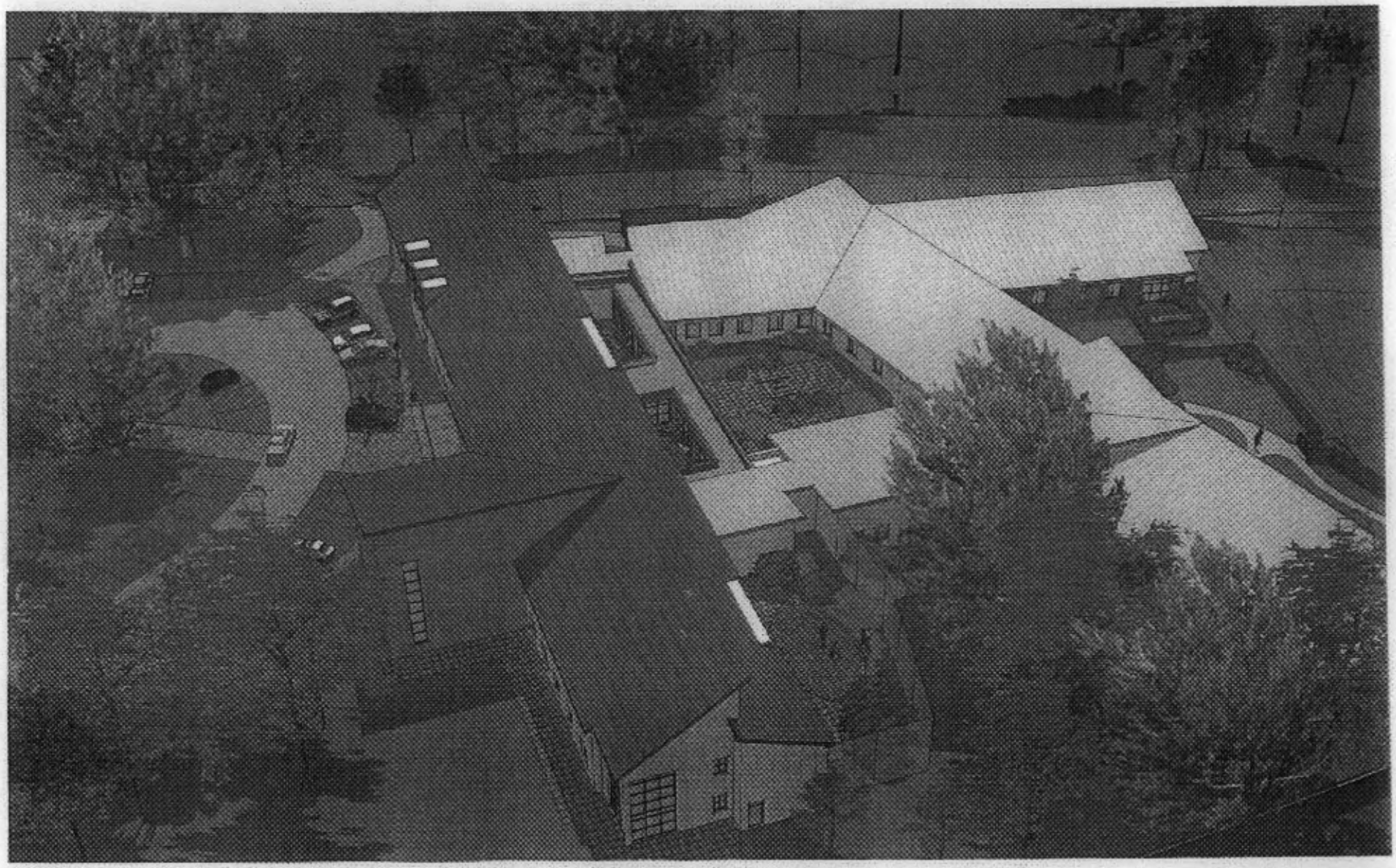
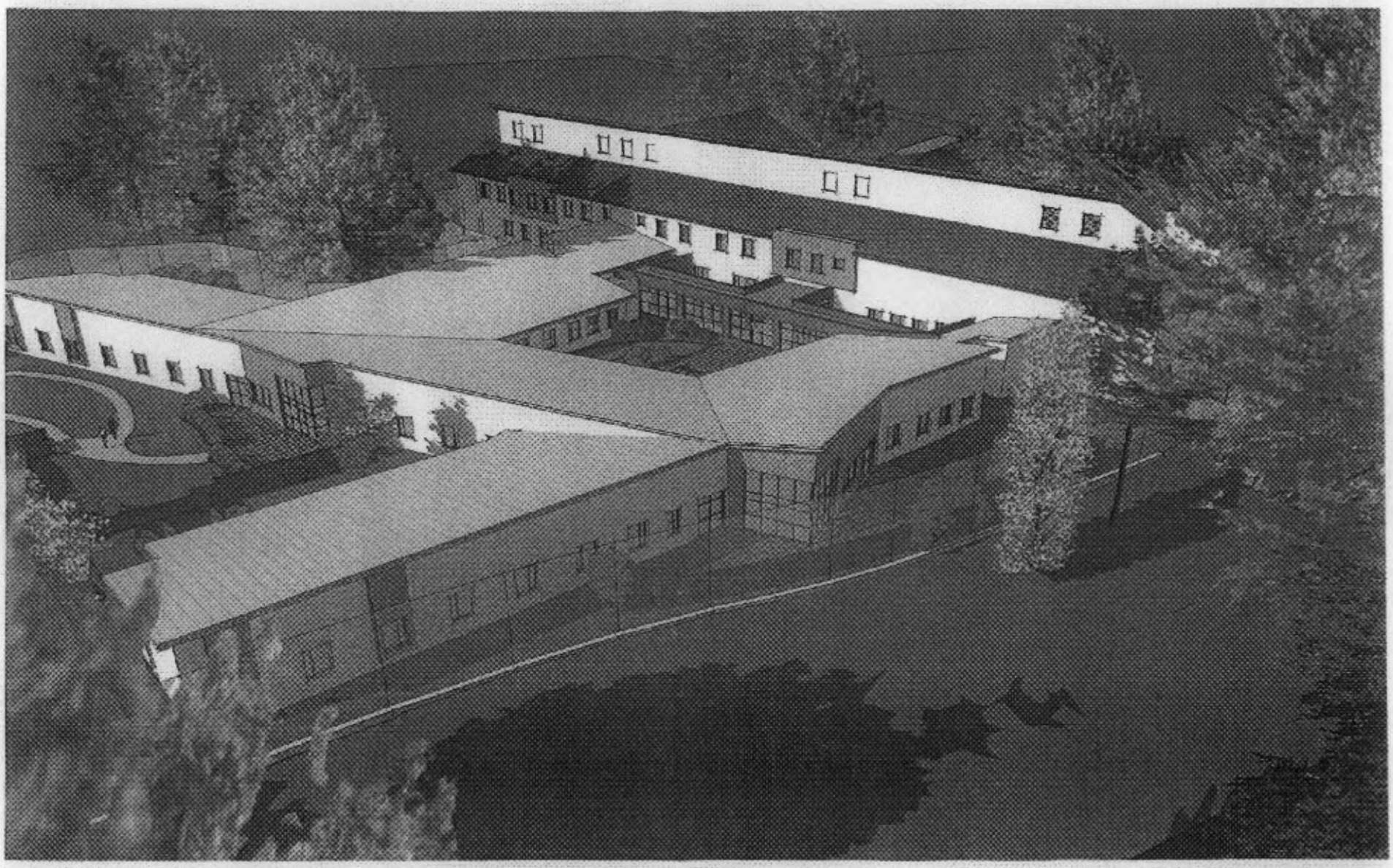
02 FEB 2007
20071009



05112 / D / 152 Carlisle Children & Adolescent Mental Health Centre Aerial perspective from North

DEVEREUX ARCHITECTS

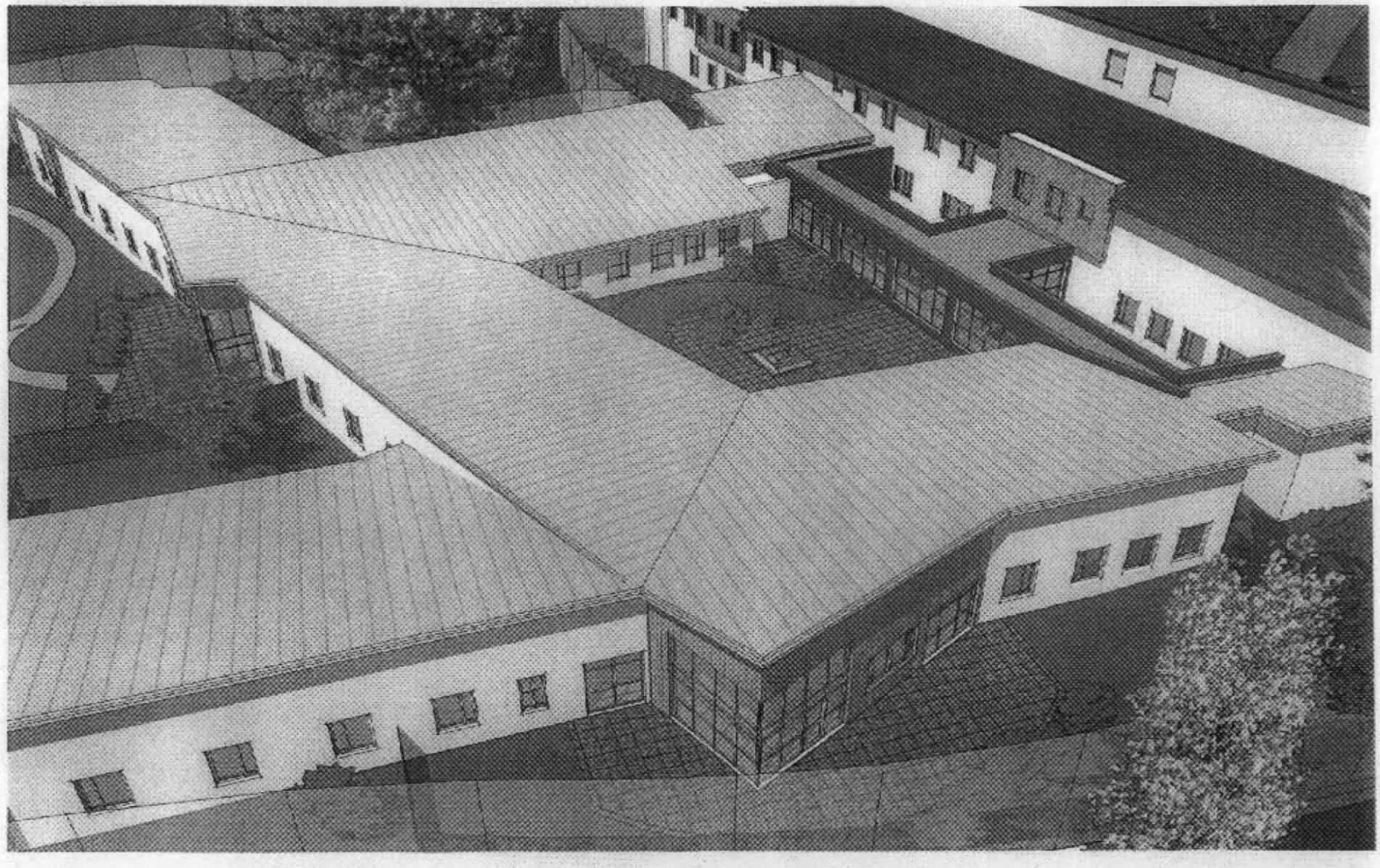
02 FEB 2007
2007/0091



05112 / D / 154 Carlisle Children & Adolescent Mental Health Centre Aerial perspective from South West

DEVEREUX ARCHITECTS

02 FEB 2007
20071/0091



05112 / D / 155 Carlisle Children & Adolescent Mental Health Centre Aerial perspective from South

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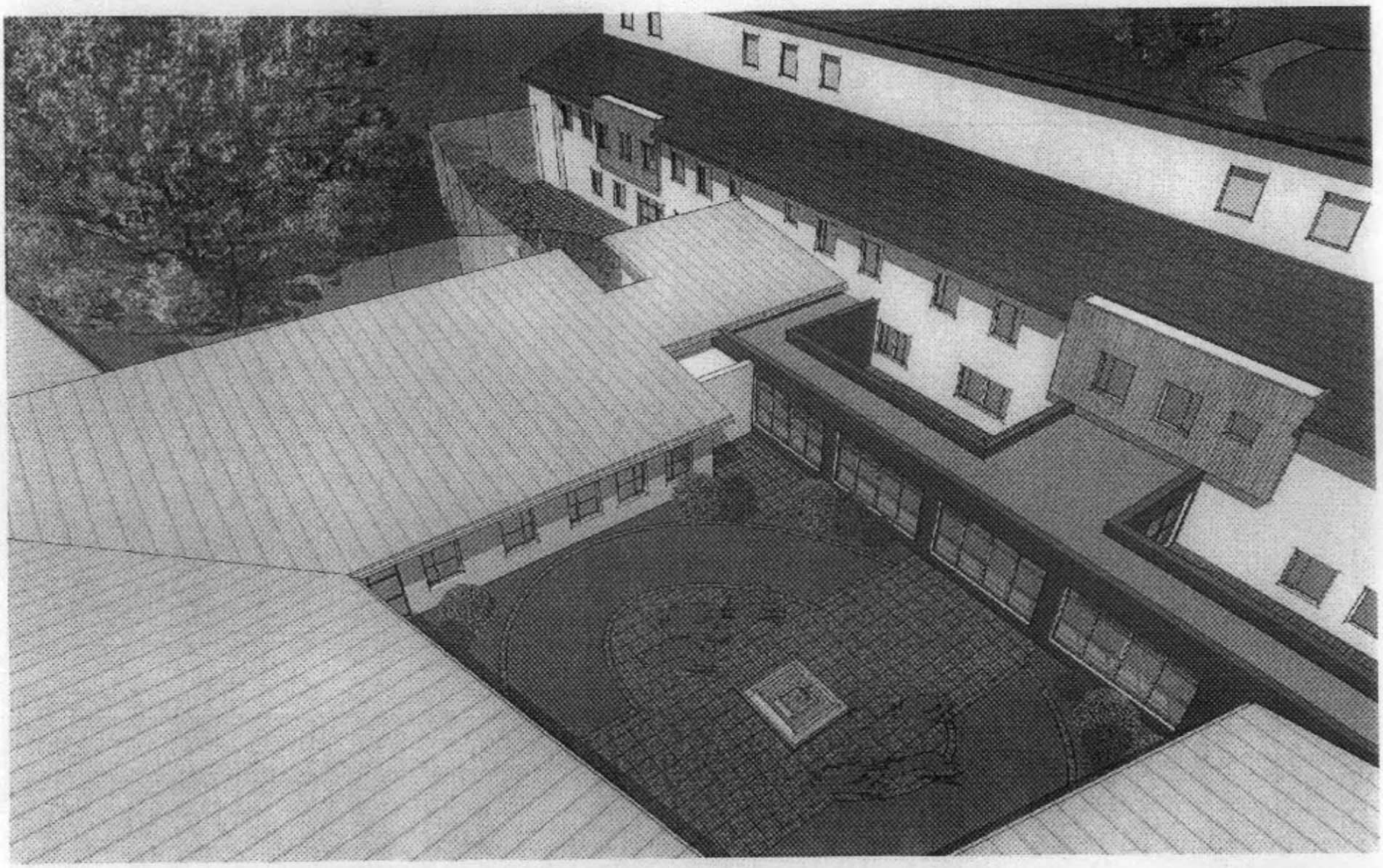
2007/0091

05112 / D / 156 Carlisle Children & Adolescent Mental Health Centre Aerial perspective (close up) from South

DEVEREUX ARCHITECTS

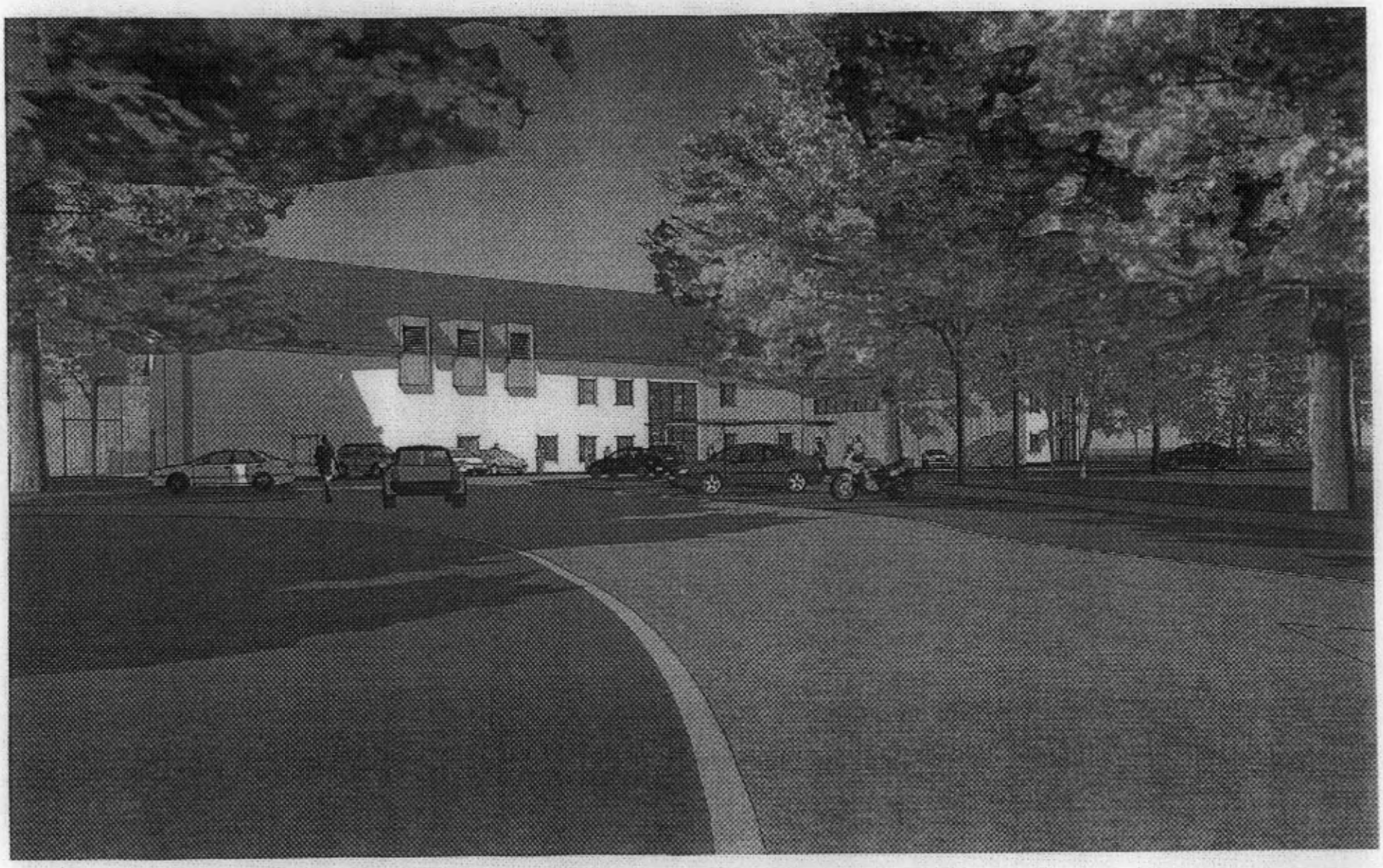
02 FEB 2007
2007/0091



05112 / D / 157 Carlisle Children & Adolescent Mental Health Centre Aerial perspective of fountain courtyard from South

DEVEREUX ARCHITECTS

02 FEB 2007
2007/0091

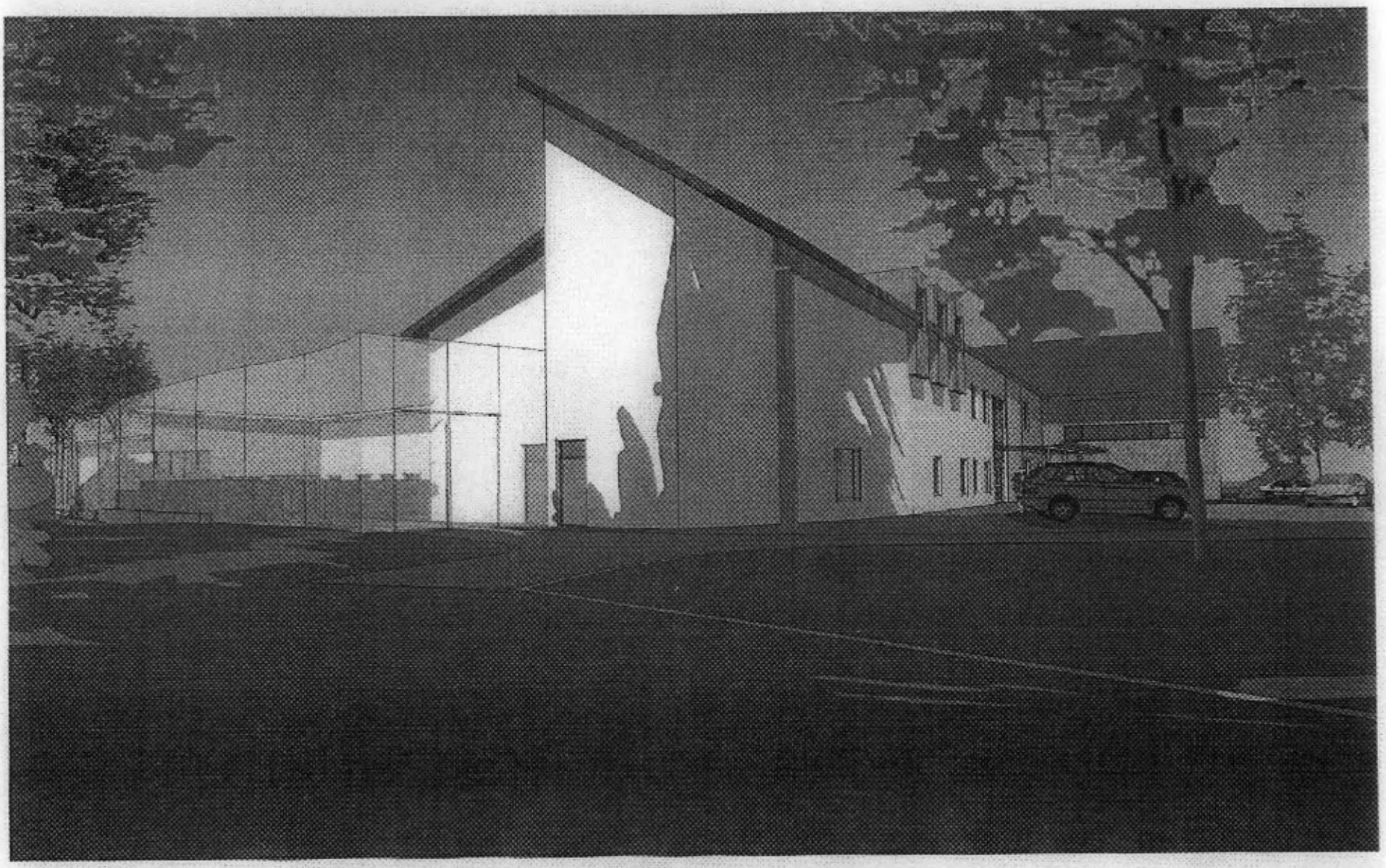


05112 / D / 158 Carlisle Children & Adolescent Mental Health Centre Site Entrance Approach at Eye Level

DEVEREUX ARCHITECTS

02 FEB 2007

2007/0091



05112 / D / 159 Carlisle Children & Adolescent Mental Health Centre Delivery Area at Eye Level from South East

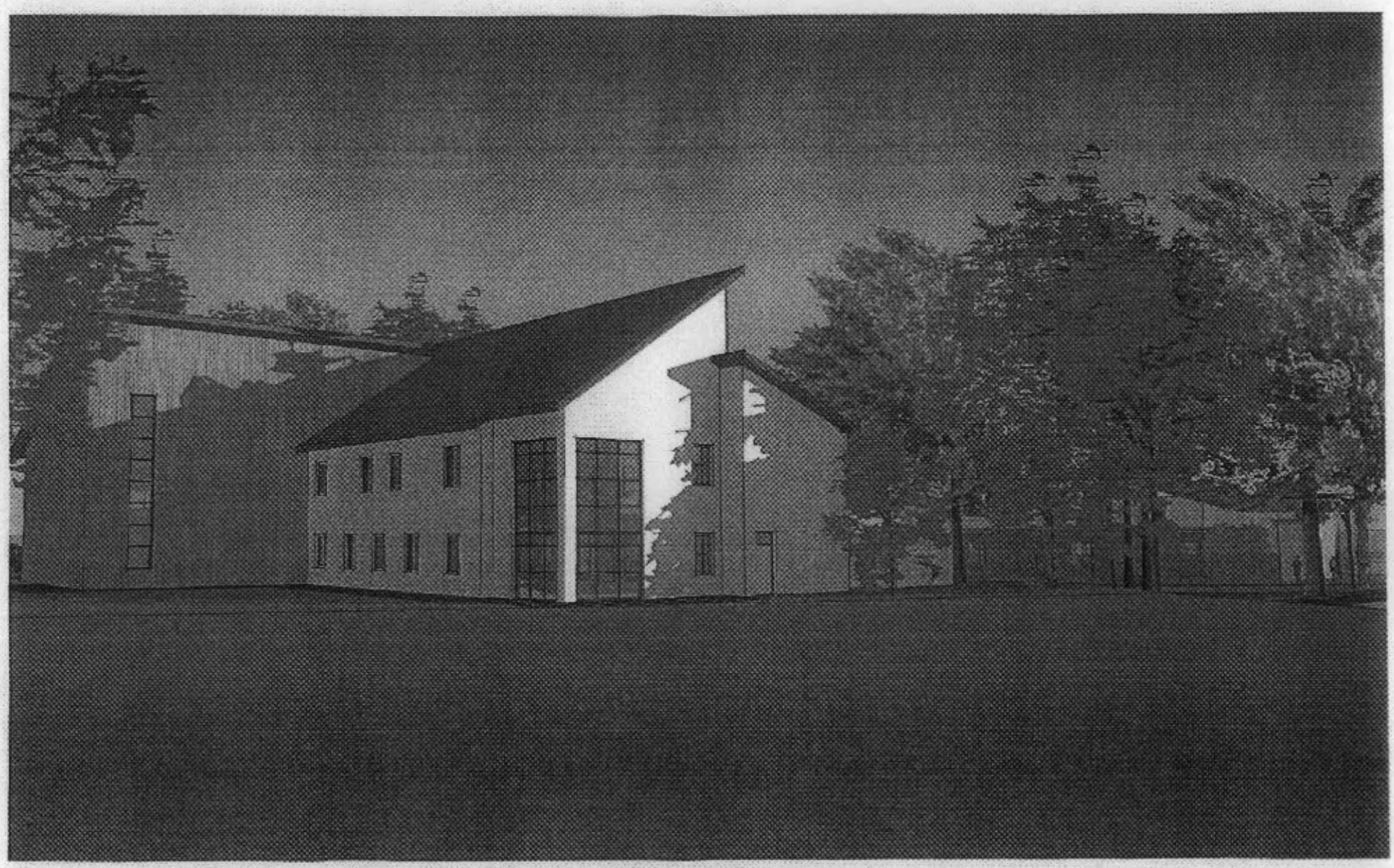
DEVEREUX ARCHITECTS

8 2 FEB 2007
2007/0091

05112 / D / 160 Carlisle Children & Adolescent Mental Health Centre Entrance Parking Area at Eye Level

DEVEREUX ARCHITECTS

2007/0091



05112 / D / 161 Carlisle Children & Adolescent Mental Health Centre Eye Level Approach from North East

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BRAMPTON – FORMER MILTON HALL SCHOOL SITE, MILTON

NORTHCARE DEVELOPMENTS LTD

2007/0091

PLANNING STATEMENT

FEBRUARY 2007

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APPENDICES

Appendix 1 - Site Survey and Section Drawings (Existing)

Appendix 2 - Design Statement

Appendix 3 - Access Statement

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1.0 INTRODUCTION

1.1 Northcare Developments Ltd is a well-established operator with over 18 years experience in the care industry. Chief Executive and owner Jennifer Houghton has built the company to around 20 high quality care facilities across the UK. The company has developed excellent working relationships with all the Local Authorities, Health Authorities and Registration Units within the areas it operates.

1.2 The application site has a long history of use by Class C2 residential institutions. Milton Hall School was a specialist secure school until its closure around 1980, after which it became used as a care home. In 2003, planning permission was granted for the demolition of the buildings on the site, and construction of a purpose built care home extra care facilities and staff accommodation. The buildings have now been demolished. The site forms part of a grouping of properties that include houses, employment functions and a railway station. The wider setting is rural.

1.3 Northcare Developments owns the site. Rather than implement the extant permission, the company wishes instead to construct a new purpose built secure mental health facility for children and adolescent's, also within Class C2, for which the site is ideally suited. This will accommodate approximately 30 children and adolescents in good quality, secure accommodation, along with a range of educational, health and welfare and leisure facilities. The centre will provide treatment and therapy in a secure environment for children and adolescents between the ages of 13-18, who are suffering from various forms of mainstream mental illness such as Psychosis, Schizophrenia, and Depression.

1.4 The buildings and boundary fencing have been designed for the site, to ensure that it is of a high quality and relates appropriately to the use and surrounding area. The facility will be an important employment generator, providing 80-100.

1.5 The application comprises drawings and perspectives of the proposed scheme, along with a transport report and this planning statement. The application is identical to the scheme subject to application 06/1136 save for the clarification of the nature of the intended use of it. In addition to the Council's Officers, we have consulted with neighbours and other interest groups on the proposals. Where possible, we have sought to incorporate into the proposals the comments made from these parties.

1.6 This statement sets out the site and surrounding area, explains the application proposals and reviews the planning policy background. It then sets out the planning justification for the proposals in terms of the principle of the use, specific benefits of the service it will provide, along with the design, transport and other issues.

2.0 SITE AND SURROUNDING AREA

2.1 Brampton is located approximately 8 miles east of Carlisle, with Milton being approximately 1¼ miles further to the south east across the A69. The site is located west of a small road, between Brampton Station and the A689 road.

2.2 Milton Hall was a specialist secure school. Its rural setting, close to Brampton, was ideal for that purpose. Most of the buildings have now been demolished, although a derelict two storey building and the access to the site remains. Immediately north and south of the access are residential properties. The station is about 40m further south, alongside which is a sawmill.

2.3 The topography of the site is one of falling levels to the south and west, although views into and out of the site from both directions are limited by the presence of large mature trees. The strongest views are to the north across a ha-ha. The presence of trees and boundary planting restrict views in and out of the site to the east, other than through the access.

2.4 Further afield, Milton is located within attractive rolling countryside, although the abovementioned tree cover screens it in most directions, except to the north.

2.5 We enclose at Appendix 1 a 1:500 site survey plan of the site with related photographs, a 1:200 scale site survey plan as well as site sections.

3.0 THE PROPSOAL

3.1 It is proposed to construct a Secure Children's & Adolescent's Mental Health Centre on the site, which is a residential Institution within Class C2 of the Use Class Order.

Function of the Centre

3.2 The Centre is a purpose built and designed facility which will provide treatment and therapy in a secure environment for children and adolescents between the ages of 13 to 18,who are suffering from various forms of mainstream mental illness such as Psychosis, Schizophrenia, and Depression.

3.3 The children will be treated under the auspices of the Mental Health Act, and the unit will not accept patients who are not subject to the various sections of the Mental Health Act.

3.4 The unit will provide treatment to young people with behavioural problems associated with serious mental illness, disturbed attachment or childhood trauma. Other factors may include family difficulties, educational problems or physical illness.

Treatment Philosophy

3.5 Key features of the treatment programme include:

- A comprehensive assessment completed within 10 weeks of admission.
- A treatment programme offering a wide range of therapeutic modalities, combining psychiatric, developmental, educational, recreational, family systems and cognitive behavioural perspectives integrated thorough regular meetings of Care Programme Approach (CPA) team with the young person.
- Recognition of individual problems and needs through careful assessment and CPA is central to the development and provision of treatment. Individual and group therapies based on psychodynamic, cognitive behavioural and creative therapy principles.
- Treatment aims begin by focusing on the management of mental illness and challenging behaviour and move through the development of appropriate coping skills towards goals expressed in terms of self-management and autonomy.

- A multi-disciplinary team approach with access to a full range of primary healthcare services.

- The multi-disciplinary team provides an empathic, safe and therapeutic response to disturbed behaviour, trauma and distress. Recognition of individual problems and needs through careful assessment and the Care Programme Approach is central to the development and provision of treatment.

3.6 The objective of treatment is to maximise the overall well being and maturation of the young people in care.

3.7 This new medium secure facility will be built to a very high standard and provide an environment that is welcoming and comfortable, yet safe and secure. The centre provides easy access to a range of sports and recreational facilities, and has therapy and educational classrooms on site.

3.8 Educational sessions are provided in response to the assessed need of each young person through individually planned programmes. The Education Department will liaise with Local Education Authorities and agencies, and aims to work within a Statement of Special Education Needs should this apply.

3.9 The following therapeutic modalities will be utilised:

- Cognitive behavioural group and individuals programmes;
- Individual therapy;
- Support groups;
- Family therapy;
- Art therapy;
- Drama therapy;
- Community meetings;
- Activities of daily living;
- Art and craft sessions;
- Sport and outdoor activities;
- Recreation, trips and holidays;
- Psychoactive medication;

- Discharge preparation work.

3.10 This centre is a treatment unit and not a long stay custodial facility .It is envisaged that length of stay will be between 6 months to two years. It is important to stress that this is not a local authority secure unit were children are sent because of offending behaviour.

3.11 The majority of referrals will be from NHS children and adolescent mental health teams, there will however be some instances were children are referred from the Youth justice system for assessment or treatment of underlying mental health conditions which contributed to there presence within the youth justice system.

Design of the Centre

3.12 The scheme will comprise a main building west of the site entrance, with access and parking in between, and a separate staff accommodation block. The internal areas of the scheme are broadly divided into three related, but separate, areas: -

- First the entrance and support areas to the main block. This will be two storeys high, accessible to all and provide facilities such as administration, recreation and educational areas.

- Second, the single storey residential areas for the children and adolescents which will have restricted access; and

- Third the separate two storey staff accommodation block, located south of the main access.

Main Block Frontage

3.13 Upon entering the site, the principle view will be of the main building which is two storey from this view, and contains the entrance and support areas. Parking and landscaping are to be in front (as shown on perspective No.158). The building will have a modern design to establish a new character for the site, but will use traditional materials to relate to the surrounding area.

3.14 This part of the building will accommodate the sole public entrance to the building and a reception area. From this entrance, there will be easy access to the support services area (e.g. laundry and workshop areas), Tribunal areas for the children and their families to meet, a recreation area including a sports hall and gym and then education areas including classrooms, library and multi purpose rooms.

3.15 There will be access from the reception to the first floor which will provide accommodation for meetings, offices, visitor accommodation and plant. Details are shown on the floor plans drawing.

3.16 The design and materials of the two storey element to the main block is highlighted on perspective drawings 150, 151, 154, 157, 158, 159, 160 and 161.

Main Block Rear

3.17 The development will accommodate up to 30 children and adolescents, each in single rooms with en suite facilities, overlooking the countryside or internal courtyard areas. This part of the development is within the main block behind the entrance area. It will also include lounge, dining and general relaxation rooms, as well as nursing treatment and other rooms.

3.18 The single storey height of the building, and single pitched roofs, ensures that the development does not appear bulky from the north, west or southern elevations. Again the design is modern, with traditional materials. This is shown on perspective drawings 150, 152-156 as well as 162-164.

3.19 There is tight control between the front and rear areas, with careful use of corridors and door locks to ensure that access between the two parts of the development are controlled.

Staff Accommodation

3.20 This is a separate building within the overall use of the site, to accommodate staff. The building will not be used separately from the rest of the development.

3.21 This annex building adopts the same design principles as the main building, is located close to the main building and will provide accommodation for 12 members of staff.

3.22 West of the main buildings, outdoor spaces is provided for use by the children and adolescents occupying the site. This comprises smaller areas of informal space and a larger area for formal recreation

3.23 The smaller informal area will be bounded by domestic scale 1.8m close boarded fences, the location of which is shown on the site layout plan.

3.24 The formal recreation provision will be to the west.

Means of Enclosure

3.25 This area and other parts of the site will be enclosed by a mesh 5.3m high fence connecting to each end of the building. This will effectively enclose the site, whilst being of a nature that will allow views through into, and out of, the site. Again the location of the fence is shown on the proposed site layout drawing.

3.26 The perspective drawings (all except 160 & 162) illustrate the relatively modest effect of the enclosure on views of the proposed development.

3.27 The location of the site is ideal for the proposed purpose. The quiet rural setting will be therapeutic for the children occupying the development, and provide considerable rural employment close to the homes and services of Brampton and Carlisle.

4.0 COMMUNITY INVOLVEMENT

4.1 Northgate have met, and explained, the proposals to the following local stakeholders: -

(a) Neighbouring properties;
(b) The Parish Council;
(c) Local medical practices; and
(d) The Police.

4.2 The scheme generally been well received in terms of it meeting a need in a suitable form. Clearly, the neighbours have expressed concerns, however, they do seem to accept that the design of the scheme addresses the safety and security needs of this type of development.

4.3 Clearly, the formal position of these parties will be confirmed during the Council's public consultation on the application.

5.0 ENVIRONMENTAL IMPACT

5.1 A formal letter has been sent to the Council under the Environmental impact Screening Opinion Regulations, seeking confirmation as to whether an EA assessment is required.

5.2 The proposed scheme comprises redevelopment of a previously developed site that is not in the flood plain and will not attract significant transport movements.

5.3 Accordingly, we do not consider that the proposed development will have any adverse effects on the environment, and therefore trust that no EA will be required.

6.0 PLANNING HISTORY

6.1 Whilst the site has a long history of Class C2 Residential Institution use, the site is now cleared based upon a planning permission 03/1004 which was granted on 21 November 2003. This provided full consent for the following:

- Demolition of redundant vacant care home and construction of purpose built care home to meet NCSC standards;
- Demolition of disused gymnasium and construction of eight bed unit to provide extra care cottages; and
- Demolition of buildings and construction of unit to house staff accommodation.

6.2 The permission, if fully implemented, would provide for a full car home development. The design of this scheme is relatively standardised and unlikely to relate well to the locational context or to significantly enhance the quality of the area.

7.0 PLANNING POLICY

Government Guidance

7.1 **PPS1, Delivering Sustainable Development**, was issued in 2005. It states that Sustainable development is the core principle underpinning planning, which is based upon the simple idea of ensuring a better quality of life for everyone (para 3). The government has four aims of sustainable development: -

- Social progress recognising the needs of everyone;
- Effective protection of the environment;
- The prudent use of natural resources; and
- The maintenance of high and stable levels of economic growth and employment (para 4).

7.2 Planning should facilitate and promote sustainable and inclusive patterns of development by:-

- Making suitable land available for development in lie with economic, social and environmental objectives to improve peoples quality of life;
- Contributing to sustainable economic development;
- Protecting and enhancing the environment including the quality and character of the countryside;
- Ensuring high quality development through good and inclusive design;
- Ensuring that development supports existing communities and contributes towards the creation of safe, sustainable, liveable and mixed communities with good access to jobs and key services for all members of the community (para 5).

7.3 **PPG3 Housing** was published in 2000. Whilst this note, and the subsequent draft PPS which will replace it, primarily concerning conventional housing within Class C3, we note that the Government intends that everyone should have the opportunity of a decent home, and that the housing needs of all in the community should be recognised (para 1). Such considerations should apply to children and adolescents in need of specialist residential accommodation, as well as conventional housing.

7.4 **PPS7 concerns Sustainable Development in Rural Areas**, and was issued in 2004. This Statement seeks to raise the quality of life and environment in rural areas, to promote sustainable patterns of development, as well as to promote the development of the English Regions to reach their potential.

7.5 The guidance addresses the re-use and replacement of buildings in the countryside. (Whilst the re-use of buildings does not strictly apply to the subject site, the approach is relevant given the recent planning permission and resultant demolition of the former buildings establishes a commitment to buildings in this location).

7.6 The Government supports the re-use of appropriately located and suitably constructed buildings in the countryside where this would meet sustainable development objectives. Re-use for economic development purposes is usually preferable, but residential conversions may be more appropriate in some locations.

7.7 The Government also supports the replacement of suitably located existing buildings of permanent design in the countryside, where this would result in a more acceptable and sustainable development, and the impact of the building on its surroundings and landscaping.

Local Plan Policies

7.8 The Carlisle Local Plan was adopted in 1997. The Plan is under review. The revised Deposit Draft 2001-2016 was published in September 2005, and is scheduled to be considered at a planning inquiry beginning January 2007.

7.9 The application site is located in the countryside. There is no designation covering the site in either the adopted or draft versions, although there is an ancient woodland designation covering the woods to the south of it.

7.10 The Local Plan Policy H19 states that

"Proposals which relate to special or particular housing needs (e.g. the elderly, mentally and physically disabled, the homeless etc) will be acceptable provided that:

1. *They are consistent with other policies of the plan,*
2. *The council is satisfied that there is a need which is not being met elsewhere; and*
3. *The site is appropriate for that need".*

7.11 The policy is retained in the revised deposit plan, under reference H13.

7.12 The Local Plan also promotes Rural Diversification. Policy EM11 states: -

"Within the rural area proposals for the reuse and adaptation of buildings of permanent construction for commercial, industrial or recreational uses will be acceptable subject to the following criteria: -

1. *The form, bulk and general design of the buildings are in keeping with the surroundings;*
2. *Adequate access and appropriate parking arrangements are made;*
3. *Any increased traffic generated by the proposal can be accommodated by the existing highway network;*
4. *There is no unacceptable adverse effect on the amenity of adjacent property or the surrounding landscape."*

7.13 The emerging policy, referenced EC11, amends the adopted plan as follows: -

"Development proposals to diversify and expand upon the range of economic activities undertaken in rural areas will be encouraged where the proposals reuses or adapts existing traditional buildings of permanent construction for commercial, industrial or recreational uses...Proposals should:-

1. *Be complementary to or compatible with the agricultural operations in the rural area; and*
2. *Be compatible with the character and scale of the operation and its landscape character; and*
3. *Not lead to any increase in traffic levels beyond the capacity of the surrounding local highway network; and*
4. *Be capable of providing adequate access and parking arrangements".*

8.0 PLANNING STATEMENT

8.1 We consider that the following represent the main planning considerations: -

- Need for the proposal and suitability of the site for the proposed use;
- Compatibility of the proposals to agriculture and the landscape character;
- Transport Issues
- Design and access Issues.

8.2 Our assessment of the proposals in terms of these three issues is set out below.

Need for the Proposal/ Site Suitability

8.3 There is a substantial need for children's and adolescent mental health centre facilities across the UK. Mental health problems affect c.1.1million children[1]. The overwhelming majority are treated appropriately within the community, but there are about 45,000 with need of in-patient care. There is an acute shortage of beds (under 150 nationally) and therefore the Government is encouraging the provision of new accommodation both within and outside the NHS.

8.4 Northcare Developments is therefore proposing a number of mental health facilities for children and adolescents in the UK. The proposed development subject to this application seeks to provide such a facility of an excellent standard to serve this area.

8.5 The proposed development will provide 30 single en suite bedrooms for the children and adolescents to be accommodated. These will be in two self contained parts at the rear of the main building. Each room will be of a size and specification to meet the highest standards.

8.6 The centre has been designed to meet the overall living requirements of those occupying it. This comprises educational facilities, medical and therapeutic rooms and leisure facilities. The building has been arranged to provide calming views over the countryside where possible, with controlled access between separate parts.

8.7 This will ensure that the development is of a high quality and meets the specific needs of the occupiers. Notwithstanding the location of the site outside the urban area, redevelopment of this previously developed site (with C2 permission) for the specific use proposed will provide decent accommodation and meet the requirements for social justice. Therefore, it accords with PPS1, PPG3 and Local Plan Policy H19.

[1] Aged under 19 years.

Development in the Countryside

8.8 The proposed development will provide 80-100 jobs of a diverse nature (managerial, professional, manual etc) which will help to meet diversify and expand the range of economic activities in this area and to meet rural employment needs in accordance with the objectives of PPG7 and Local Plan policy EC11.

8.9 Indeed, the proposed physical buildings and operation of them will be compatible with agricultural uses and the landscape character of the area, in accordance with criteria 1 and 2 of EC11, whilst the traffic levels and parking (see below) are also appropriate (criteria 3 and 4).

8.10 Whilst the proposal is not to re-use or adapt an existing rural building, the proposed development is similar in that it replaces a previous development on the site and will supersede a permitted scheme (Local Plan policy EM11).

8.11 Therefore the proposed development will meet a need for this type of facility at a location that accords with national and Local Planning Policy.

Transport

8.12 The application is accompanied by a Transport Statement. This explains the accessibility of the site by a choice of means of transport, that the application is acceptable in terms of car borne trips on the road network and provides a travel plan for the proposed development.

8.13 On the basis of this report, it is considered that the site is suitably accessible, accords with the guidance in PPG13 as well as the criteria of Local Plan Policies EM11 and EC11.

8.14 The design of the development has been undertaken to relate to the location of the development, and the intended use of it. It represents a high quality, yet functional design. The design concept is set out in the statement at Appendix 2.

8.15 The architects have considered from the outset the need for all members of the community to be able to access the development, and an Access statement is enclosed at Appendix 3.

9.0 CONCLUSIONS

9.1 The proposed development will meet a need for safe and secure accommodation for children and adolescents in an appropriate form, provide suitable employment in the rural area at a site that is accessible by a choice of means of transport in accordance with national and local planning policies.

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Executive Care Options

Carlisle Children and Adolescent Mental Health Centre

Design Concept **Devereux Architects Limited**

The new health centre is proposed as a 30 bed unit to provide residential, educational and recreational facilities for children and adolescents with mental health issues.

The location for the new unit is on the site of the demolished Milton Hall in Brampton, and is within a rural location, bounded by trees, with an approximate 2 metre drop across the site from east to west.

The site ownership extends beyond the new building proposed location to encompass further woodland and a pond. Within this ownership the site falls away steeply to the south and west. There is the shell of a small agricultural building to the west of the site, which is proposed to be demolished. Access to the site is from the east.

On entering the site, it is proposed that there is a small 2 storey staff residence for 12 staff members to the south of the main access. This building has been designed using similar form and materials to the main building. The vehicular and pedestrian approach road then lead up to the main health centre building.

The first element of the main building that is encountered, is 2 storey and acts as a front of house public façade. Reception, tribunal, recreation, education and occupational therapy are all located at the ground floor level, with staff offices and plant located above to the first floor. The building has been designed with a contemporary feel using render and reconstituted slate with western red cedar boarding used to break up the elevation and identify the main sports hall within.

The 2 storey element is used to screen and protect the more private ward areas to the west, with the exception of some aluminium curtain walling giving views from the main reception into a landscaped courtyard behind.

The wards themselves are accessed via a ramp, taking advantage of the natural site gradient, which is contained within a glazed link. It is the intention that views out are maximised as one passes from one element to another to help orientation and way finding through the building.

The wards themselves are contained within 2 main areas and have a grading of semi public day spaces to private bedroom areas from east to west, as one progresses deeper into the site. The form of the ward buildings is determined by the function, in that the intention is to have a high level, inaccessible eaves where the residents have garden access. This restricts the potential for residents to get onto the roof areas. This has been achieved with a standing seam aluminium monopitch roof, which can be pitched at a very low angle to reduce the impact of the roofscape.

The change in roof material also helps give a distinct identity between the residential element to the building and the educational and recreational elements. Combined with good views out, this helps the resident to get a sense of travel between 'home' and 'work or recreation'.

The 2 storey element to the front of house building also screens the mesh security fence which encloses and secures the resident garden areas. Within the mesh fence there will be small individual gardens for each ward and to an area adjacent to the classrooms and activity rooms for occupational therapy. It is intended that only small, supervised groups will use the gardens for access to fresh air. The area to the west of the site, beyond the demolished agricultural building, may also be used for some sports activity, but again this is only intended to be in small supervised groups.

The building form has been created to fit the landscape and ensure that all of the mature trees are retained. The main views out from the site are to the north, over the existing stone ha-ha. It is here that the main therapy rooms and therapy gardens are located to maximise this view.

Carlisle Children and Adolescent Mental Health Centre

Access Statement **September 2006**

Devereux Architects Limited 05112/H1

The new building has been designed to be fully accessible for wheelchair users. The following points have been incorporated into the building design:

Building approach

- The approach pathways to the building will have gradients of no more than 1 in 20.

Entrance

- The main entrance doorways into the building will have a minimum 1 metre wide clear opening. The door will be glazed but framed with a central style. Manifestations will be added to the glazing if required.
- The main entrances will have a flush threshold.
- The main lobbies into the building will be deep enough to allow wheelchair manoeuvrability.

Internal Access

- All internal corridors will have a width in excess of 2 metres. The corridors open out into wider areas along their length.
- All internal doorways will have a minimum clear opening of 800mm generally, with single leaf doors.
- All doors will have a 300mm wall zone adjacent to the opening edge of the door for wheelchair access and manoeuvrability.
- An independent wheelchair user WC is provided to each department area.
- An assisted bathroom is provided to each ward area.
- All rooms will be wheelchair accessible with 1500mm clear turning circle zones.

Access to First Floor

- A lift is provided for access to first floor

Garden Access

- All access doors to external garden areas will have flush thresholds. External paths are provided to garden areas to give suitable wheelchair access.

Internal fixtures and Fittings /Ironmongery

- The fixtures and fittings and ironmongery will be set at suitable heights for wheelchair access, as long as this does not conflict with the operational policy of the unit for resident care.

Note:

This list is not exhaustive and the building will comply with Approved Document M: 2004

Your Ref
Our Ref JPB//Exec Care-feb07-2
Date 20 February 2007

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Dear Richard

BRAMPTON – FORMER MILTON HALL SCHOOL SITE, MILTON
PLANNING APPLICATION ON BEHALF OF NORTHCARE DEVELOPMENTS LTD

I understand that the occupiers of Binney Bank have objected to the planning application. Whilst I do not consider that the issues raised in their letter, addressed below, justify refusing planning permission, I do understand that the secure residential mental health centre scheme may raise fears over personal safety and security. The applicant would therefore be happy to meet the occupier of Binney Bank to explain the scheme and answer questions that it raises. I respond as follows to the planning issues: -

1. Care homes and the proposed secure residential mental health centre are both in the same Use Class – C2. This means that they share certain characteristics in planning terms. Furthermore, were the 2004 permission to be implemented for use as a care home, then the building could be re-occupied for other C2 uses without needing planning permission. The earlier permission is therefore a material consideration in support of the application.

   However, we acknowledge that there are differences between a care home and the proposed secure residential mental health centre, and we consider that we have been entirely upfront about the nature of the proposed use. Therefore, we do not consider that the earlier planning permission in anyway detracts from the case for granting planning permission for the current application.

2. Both United Utilities and the Community Services Drainage Engineer were satisfied with the proposals subject of the earlier planning application. United Utilities have confirmed that their earlier view on the proposals is unchanged. Given their expertise regarding drainage issues, we consider that you should not refuse the application on such grounds without clear and substantial evidence of drainage problems. We are unaware of any such clear and substantial evidence, and therefore see no reason to contradict the advice of United Utilities.

3. The site is set amongst established trees. A report, prepared in conjunction with the Development Services Tree Officer for the last application was considered to be acceptable to Officers, subject to condition requiring a woodland management plan. The same tree report is submitted with the current planning application, and the applicants would be happy with a similar planning condition. Your report on the earlier application stated "*The impact, therefore, on the character of the area would be minimal*". In our view, there is no material difference between the previous and current applications.

4. The design of the building was discussed with officers prior to submission of the first planning application. The objective has been to provide an attractive contemporary building well related to the local topography, using materials that are well related to the area, and that provides a safe and secure environment for those children living within it. Your report to on the previous application recognises this and stated "*Given the character of the site and the details of the proposal, the scale and design of the proposal would not be inappropriate or obtrusive*". We consider that these conclusions remain valid for the current planning application.

5. The application site is particularly suitable for a secure residential mental health centre. It provides a tranquil setting for children without distractions. The applicants have discussed the proposals with the local PCT, doctor's surgery as well as the police, none of whom have objected. Indeed, none of these organisations objected to the previous planning application. In our view, the applicant and the abovementioned consultees collectively have considerable expertise on the locational needs for a secure residential care home.

6. The same comments apply as set out in Item 5.

7. The previous planning application was accompanied by a transport statement. The Highway Authority had no objection to that application either in terms of traffic generation or visibility. The same report is submitted with the current planning application, and therefore in our view the same conclusions apply. The Highway Authority clearly has expertise on this issue, and therefore there advice should not be rejected without clear evidence of harm.

8. The same comments apply as set out in Item 7.

9. For the reasons explained above, we consider that the proposed development will be attractive scheme that will fit into the landscaped setting.

10. As set out above, the proposed development has been discussed with organisations such as the Police, who have no objection to it. The applicant is very committed to running a safe and secure residential mental health centre, and would be happy to meet with the occupier of Binney Bank to explain the scheme in more detail. If this would be of interest, perhaps the occupier could contact me on the above e-mail address?

Please feel free to pass on my contact details to the occupier of Binney Bank.

Yours sincerely

Jonathan Best MRTPI
Director
On Behalf of Blue Sky Planning Ltd

SCHEDULE A: Applications with Recommendation

07/0109

Item No: 02 Date of Committee: 09/03/2007

Appn Ref No:	**Applicant:**	**Parish:**
07/0109	Mr Neil Stuart	Wetheral
Date of Receipt:	**Agent:**	**Ward:**
05/02/2007		Great Corby & Geltsdale
Location:		**Grid Reference:**
6 The Beeches, Great Corby, Carlisle CA4 8LP		347117 554627

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

Amendment:

REPORT

Reason for Determination by Committee:

The applicant has requested the right to speak at committee.

Planning Policies:

Conservation Area

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

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

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

1. seek locations consistent with policy ST5, ST6, and ST7 which will assist in reducing the need to travel, and then in the following order of priority :

   a) the appropriate reuse of existing buildings worthy of retention, followed by
   b) the reuse of previously developed land and only then
   c) the use of previously undeveloped land,

2. seek sites that are or will be made accessible by public transport, walking or cycling,

3. reduce the risk of flooding within the development and elsewhere by a choice of location in the following order of priority:

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

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

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

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

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

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

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

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

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

Carlisle District Plan
Housing - Proposal H14

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

Carlisle District Plan
Environment - Policy E43

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

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

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

1. Have regard to surrounding buildings in the context of their form in relation to height, scale and massing and making use of appropriate materials and detailing.
2. Take into consideration any important landscape or topographical features and respect local landscape character.
3. Reinforce local architectural features where appropriate promoting and respecting local distinctiveness rather than detracting from it.
4. Be well integrated- ensuring all components of a development are well related to one another e.g. buildings, associated parking, access routes, open space, and hard and soft landscaping to ensure a successful and attractive outcome.
5. Not adversely affect the residential amenity of existing areas nor adjacent land uses, nor result in unacceptable standards for future users and occupiers of the development.
6. Ensure where possible the retention of existing trees, shrubs, hedges and other wildlife habitats and the replacement of any environmental feature lost to development
7. Recognise that landscaping schemes (both hard and soft) will be required to assist in integrating new development into existing areas and ensure that development on the edge of settlements is fully integrated into its surroundings.
8. Ensure that the necessary services and drainage infrastructure can be

incorporated without causing unacceptable harm to retained features.

9. Through layout and design, encourage the promotion of energy and water conservation by its future occupiers, the incorporation of sustainable forms of energy production within the overall design should also be explored where appropriate
10. Have a layout and design which minimises the potential for crime and antisocial behaviour.

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

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

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

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

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

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

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

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

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

1. the development should preserve or enhance all features which contribute positively to the area's character or appearance, in particular the design, massing and height of the building should closely relate to adjacent buildings and should not have an unacceptable impact on the townscape or landscape;
2. The development should not have an unacceptable impact on the historic street pattens and morphology, roofscape, skyline and setting of the conservation area, important open spaces or significant views into, out of and within the area;
3. development proposals should not result in the amalgamation or redrawing of boundaries between traditional buildings and plots, or demolition and redevelopment behind retained facades;
4. wherever practicable traditional local materials such as brick, stone and slate should be used and incongruous materials should be avoided;
5. individual features both on buildings and contributing to their setting, should be retained e.g. doorways, windows, shopfronts, garden walls, railings, cobbled or flagged forecourts, sandstone kerbs, trees and hedges, etc. Where features have deteriorated to the extent to which they have to be replaced, the replacement should match the original;
6 proposals which would generate a significant increase in traffic movements and heavy vehicles or excessive parking demands will not be permitted since these would be prejudicial to amenity;
7 proposals which would require substantial car parking and servicing areas which can not be provided without an adverse effect on the site and its surroundings will not be permitted.

Summary of Consultation Responses:

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

Wetheral Parish Council: comments awaited;

Development Services Planning & Housing Services - Conservation/ Richard Majewicz:

Despite previous concern over the size of the proposed extension and advice to reduce the scope of the proposal, the applicant has chosen instead to resubmit the same proposals for a two storey extension across the whole of the rear elevation of the building. Whilst this is unlikely to cause excessive overshadowing of its neighbours, approval of this extension will set a precedent within this development which could lead to the approval of other similar extensions which I consider would destroy the small scale character of this estate.

A more acceptable solution would be a full width ground floor extension with a smaller two storey extension located against the rear western boundary of the site which could accommodate the extra bedroom. Further internal alterations could result in an en-suite shower room and the conversion of one of the existing bedrooms into an additional bathroom, whilst at the same time providing additional living/dining and utility space at ground floor level.

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

Summary of Representations:

Representations Received

Initial:	Consulted:	Reply Type:
[redacted] 5 The Beeches	07/02/07	Support
[redacted] 7 The Beeches	07/02/07	
[redacted] 2 Corby Gates		Support

This application has been advertised by means of a site notice, a press notice and notification letters sent to three neighbouring properties. Two written representations have been made during the consultation process to express they have no objections to the proposal.

Details of Proposal/Officer Appraisal:

Planning History:

In 2006, a planning application was refused for a two storey extension, additional bedroom and en-suite, under application number 06/1179.

Details of Proposal:

The property subject to this application 'No. 6 The Beeches' is a two-storey terraced house situated within a small housing estate. The property is neighboured by No. 5 The Beeches to the east and No. 7 Beeches to the west. The dwelling is constructed from brick, painted white under a concrete tiled roof. The boundary is

delineated by a 1 metre high hedge to the east and a 1 metre high timber fence to the west with mature planting on the northern boundary. The property is one of several in a terrace, which are largely unaltered with open aspects to both the front and rear elevations due to the boundary treatment and the adjacent areas of grass, particularly to the rear. The dwelling is located within the Great Corby Conservation Area.

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

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

1. The Impact Of The Extension On The Dwelling And Character of the Area

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

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

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

that would be inappropriate to the character the housing estate.

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

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

The Conservation Officer in support of the argument has stated that:

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

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

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

2. The Impact Of The Proposal On The Neighbouring Properties

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

In view of this, the proposed two storey 'rear' extension by reason of its scale, height and disposition in relation to site boundaries would be an unneighbourly form of development that would have an overbearing and oppressive effect upon the neighbouring properties and would result in loss of light to the ground floor living room and bedroom window above on the 'rear' elevation of the neighbouring property No. 5 The Beeches.

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

3. Conclusion

In conclusion the principle of additional domestic accommodation on the site is considered to be acceptable. The scale of the alterations however are considered to be disproportionate and obtrusive to the character and appearance of the existing dwellinghouse. Furthermore, due to the scale and relationship of the extension with the adjoining properties, the extension would be unduly overdominant and have an overbearing impact on the occupiers of the neighbouring properties, contrary to current planning policies. No objections have been received following the consultation process but as the matter is considered to be contrary to current planning policies, the application is recommended for refusal.

Human Rights Act 1998

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";

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;

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.

Recommendation: Refuse Permission

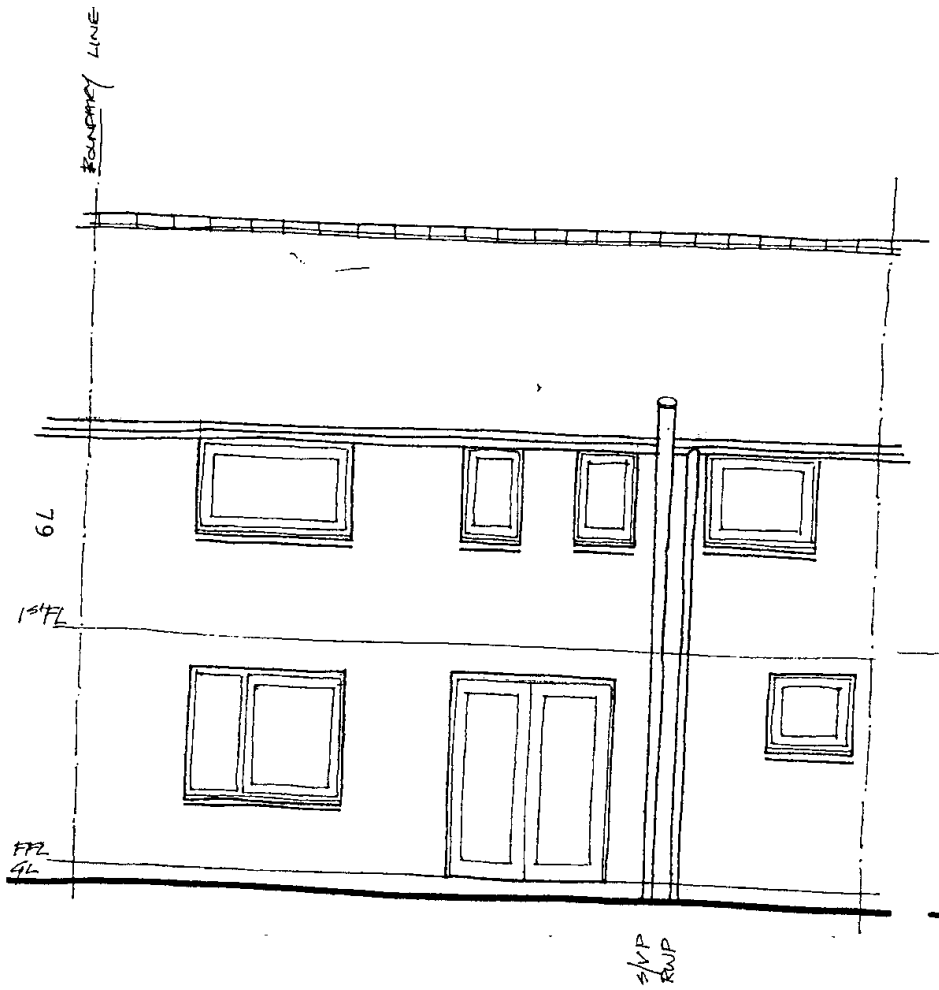
1. **Reason:** The property is within the Great Corby Conservation Area. The proposed development, by virtue of its scale, height size and disposition would occupy almost all of the curtilage land between the boundary and the gable of the existing dwellinghouse. The proposed extension, in particular the first floor element, would result in an over intensive development that would dominate the site and fail to respect or enhance the existing building. The

resulting scale, form and bulk would be detrimental to the visual amenities and the character of the streetscene and would unduly dominate the character and appearance of the original dwellinghouse. The proximity of the extension to the neighbouring properties would have an overbearing and oppressive impact upon the occupiers of these properties that would result in an unreasonable loss of light to the primary windows on the rear elevation of 5 The Beeches. The proposal is therefore contrary to criteria 7 of Policy ST3 (Principles Applying to all New Development) of the Cumbria and Lake District Joint Structure Plan; to the objectives of Policy H14 (Extensions to Dwellings) of the Carlisle District Local Plan; to the objectives of Policy H11 (Extensions to Existing Residential Dwellings) and to criteria 1 of Policy CP4 (Design) of the emerging Carlisle District Local Plan Redeposit Draft.

2. **Reason:** The proposal if given permission would set a precedent for such future applications to be made to the Local Planning Authority for approval of which would dilute panning policies intended to protect the established character of the environment.

TITLE
ALTERATIONS & EXTENSIONS — 10 THE BEECHES, GREAT CORBY, CARLISLE CA4 8LP

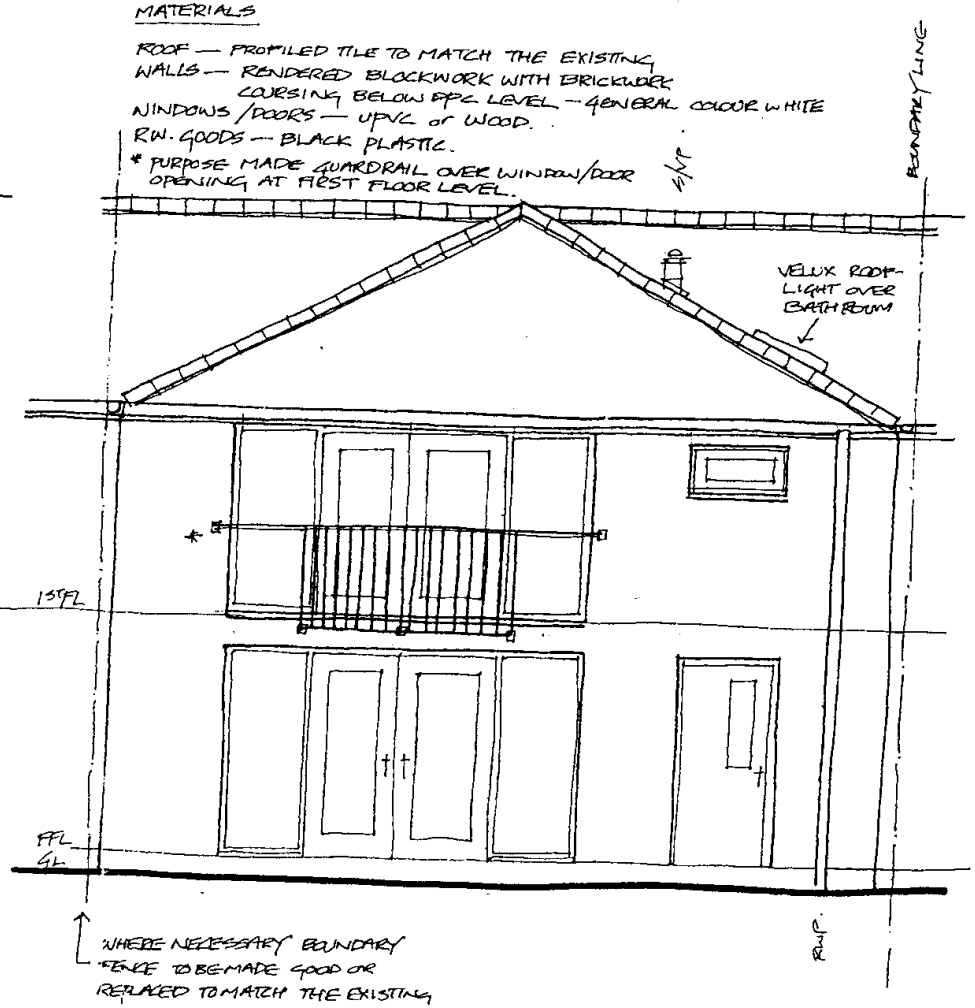
AGENT



REAR ELEVATION — AS EXISTING
SCALE 1:50

MATERIALS

ROOF — PROFILED TILE TO MATCH THE EXISTING
WALLS — RENDERED BLOCKWORK WITH BRICKWORK COURSING BELOW FFL LEVEL — GENERAL COLOUR WHITE
WINDOWS / DOORS — UPVC or WOOD.
RW. GOODS — BLACK PLASTIC.
* PURPOSE MADE GUARDRAIL OVER WINDOW/DOOR OPENING AT FIRST FLOOR LEVEL.

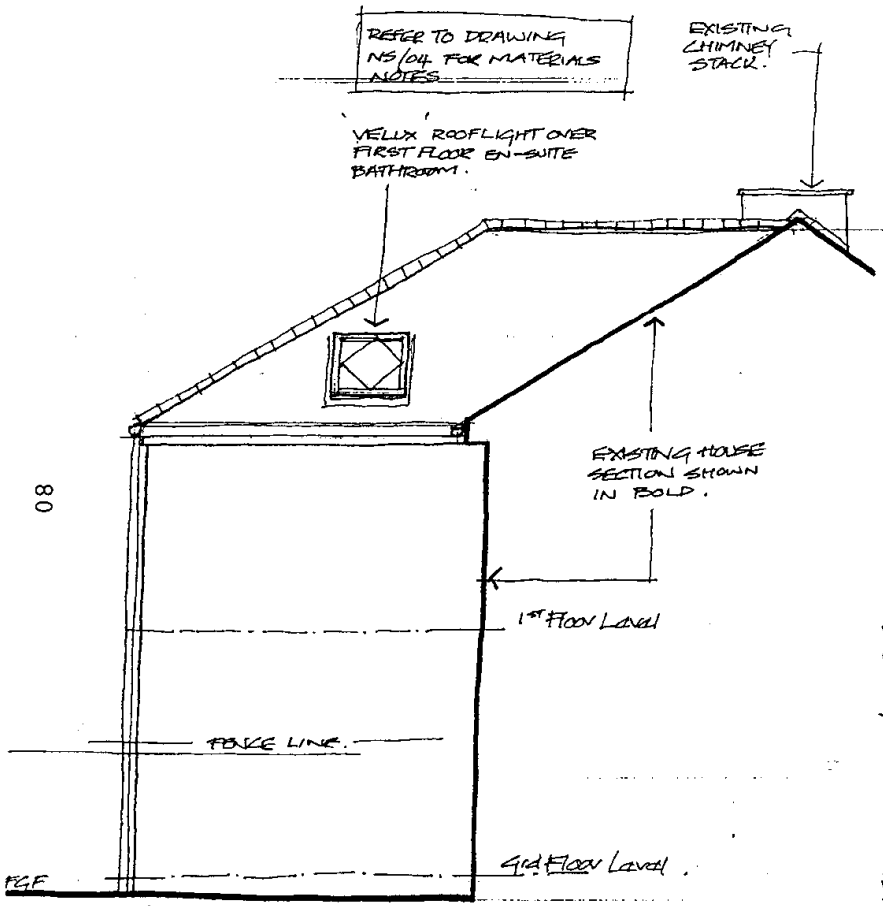


REAR ELEVATION — AS PROPOSED
SCALE 1:50

2007/0109

TITLE
ALTERATIONS & EXTENSIONS — to THE BEECHES, GREAT CORBY, CARLISLE CA4 0LP
CLIENT
MR. NEIL STOART
DRAWING
ELEVATIONS — AS EXISTING & PROPOSED
SCALE
1:50

DRAWING NUMBER
NS/04 REV A
DATE
JUNE 2007



WEST ELEVATION IS TO BE A MIRROR IMAGE OF EAST — ROOFLIGHT OMITTED.

EAST (SIDE) ELEVATION — AS PROPOSED
SCALE 1:50

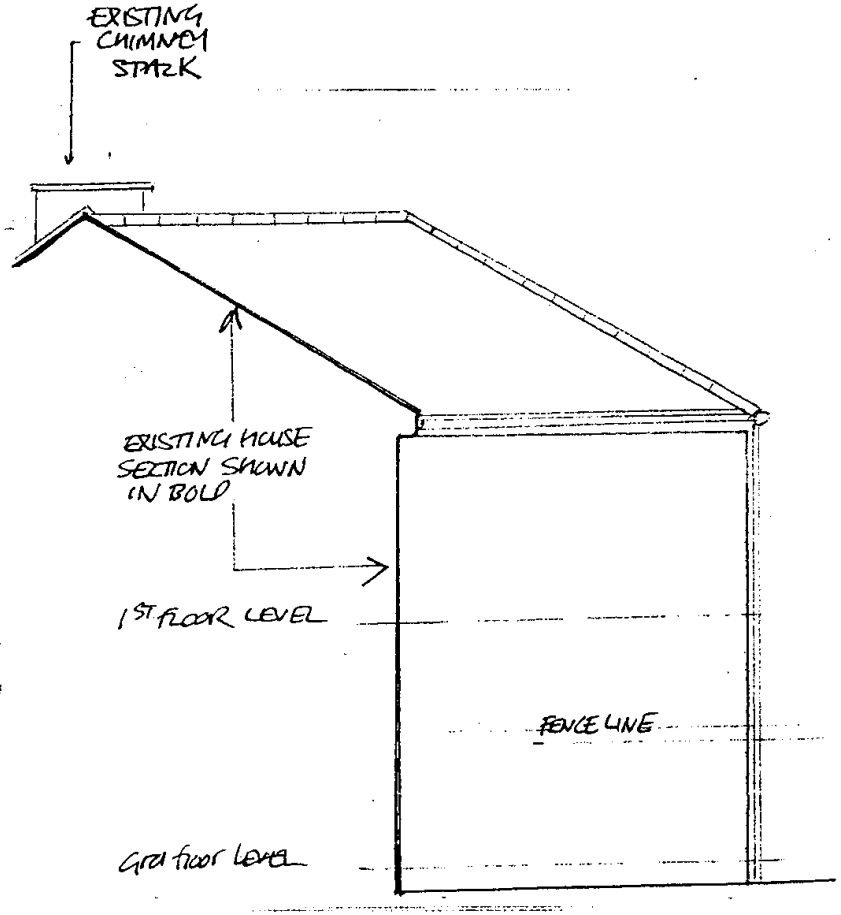
08

TITLE
ALTERATIONS & EXTENSIONS — 6 THE BEECHES, GREAT CORBY, CARLISLE CA4 0LP
CLIENT
MR. NEIL STUART
DRAWING
EAST ELEVATION (SIDE) — AS PROPOSED
SCALE
1:50

DRAWING NUMBER
NS/05 REV 'A'
DATE
JULY 2021a

ALTERATIONS & EXTENSIONS — 6 THE BEECHES, GREAT CORBY, CARLISLE CA4 0LP
CLIENT
MR. NEIL STUART
DRAWING
EAST ELEVATION (SIDE) — AS PROPOSED
SCALE
1:50

DRAWING NUMBER
NS/05 REV 'A'
DATE
JULY 2021a



WEST (SIDE) ELEVATION - AS PROPOSED
SCALE 1:50

SCHEDULE B: Reports Requiring Further Information

07/0073

Item No: 03 Date of Committee: 09/03/2007

Appn Ref No:	**Applicant:**	**Parish:**
07/0073	D V Addison	Rockcliffe
Date of Receipt:	**Agent:**	**Ward:**
29/01/2007	D V Addison	Longtown & Rockcliffe
Location:		**Grid Reference:**
Ghyll Bank, Low Harker, CA6 4DG		338457 560799

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

Amendment:

REPORT

Reason for Determination by Committee:

Theis application is brought before the Committee for determination because the applicant has requested a right to speak.

Planning Policies:

Carlisle District Plan
Employment - Proposal EM10

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

1. There is no unacceptable adverse impact on the local landscape; and

2. There is no unacceptable adverse effect on nature conservation interests; and

3. Adequate access and appropriate parking provision can be achieved; and

4. There is no unacceptable adverse affect on the amenity of any adjacent properties.

Carlisle District Plan

Employment - Proposal EM11

Within the rural area proposals for the reuse and adaptation of buildings (of permanent construction) for commercial, industrial or recreational uses will be acceptable subject to the following criteria:

1. The form, bulk and general design of the buildings are in keeping with the surroundings;

2. Adequate access and appropriate parking arrangements are made;

3. Any increased traffic generated by the proposal can be accommodated by existing highway network;

4. There is no unacceptable adverse effect on the amenity of adjacent property or the surrounding landscape.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft
Economic and Commercial Growth - Policy EC11 - Rural Diversification

Development proposals to diversify and expand upon the range of economic activities undertaken in rural areas will be encouraged where the proposal re-uses or adapts existing traditional buildings (of permanent construction) for commercial, industrial or recreational uses. Any new building required as part of a diversification scheme must be well related to an existing group of buildings to minimise its impact, blending satisfactorily into the landscape through the use of suitable materials, design and siting.

Proposals should:

1. Be complementary to or compatible with the agricultural operations in the rural area; and
2. Be compatible with the character and scale of the operation and its landscape character; and
3. Not lead to an increase in traffic levels beyond the capacity of the surrounding local highway network; and
4. Be capable of providing adequate access and parking arrangements.

Conversion of premises (of permanent construction) to live/work units will be acceptable providing that they maintain the character of the original building and be in the region of 60% residential to 40% employment use. Permission for later conversion of the employment part will not be acceptable unless replacement employment use is provided in adjacent premises.

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

The suitability of any new development or redevelopment will be assessed against

the following design principles. Proposals should:

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

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

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

1. seek locations consistent with policy ST5, ST6, and ST7 which will assist in reducing the need to travel, and then in the following order of priority :

   a) the appropriate reuse of existing buildings worthy of retention, followed by
   b) the reuse of previously developed land and only then
   c) the use of previously undeveloped land,

2. seek sites that are or will be made accessible by public transport, walking or cycling,

3. reduce the risk of flooding within the development and elsewhere by a choice of location in the following order of priority:

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

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

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

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

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

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

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): No objection.

Department for Transport (Highways Agency): Reply awaited.

Environmental Protection Services: Reply awaited.

Rockcliffe Parish Council: Verbal response 'no objections provided that the development accords with Local Plan policy'. (Written confirmation awaited)

Summary of Representations:

Representations Received

Initial:	Consulted:	Reply Type:
[redacted], Ghyllwood	01/02/07	
[redacted] Ghyll Bank Caravan Park	01/02/07	Objection
[redacted] Meadow View	01/02/07	Undelivered
[redacted] Ghyll Bank Caravan Park		Objection

Publicity was given to the development by site notice and direct notification of neighbouring properties.Two written representations have been received from adjacent occupiers and two verbal objections have also been received.

The following grounds of concern have been raised:

1. the road is too narrow and also too busy

2. there is already congestion and there have already been a number of accidents at the crossroads due to poor visibility when approaching from the humpback bridge

3.large trucks visiting the site cannot turn and have to reverse up the narrow access lane

4. the area is used by the public for walks and 'this further development will destroy this facility and will create further traffic problems on this road and the roads leading to it'

5. noise from numerous vans and lorries from 6-00am

6. danger of effluent from the site entering Crindledyke Beck

7. skips within the yard could result in a health hazard to stock in adjacent fields

Details of Proposal/Officer Appraisal:

Planning History:

Planning permission was granted for:

1. a caravan storage area (as part of planning permission for a touring caravan site) in 1995. (94/863)

2. an extension to the caravan storage area in 1998 (97/890)

3. a revised access route to the storage area in2003 (03/689)

4. a single storey office extension in 2005 (05/957)

An application for a Certificate of Existing Lawful Use for a building construction business including storage of materials and equipment was refused in 2003 as there as insufficient evidence that the site had ben so used for 10 years

Details of Proposal:

This is a retrospective application for full planning permission to operate a reactive maintenance company from a site at Ghyll Bank, Low Harker using an existing office and storage facilities. The property, which was formerly a detached dwelling with outbuildings and grazing land, is located alongside the proposed M6 extension to the south of Ghyll Bank Caravan Site approximately 5 km north of Carlisle City Centre.

Ghyll Bank, which is accessed from a tarmaced lane with a passing place, comprises a dwelling house with an extension containing an office, outbuildings and a secure caravan storage area. Planning permission was granted for an extension to the office in 2005 and for the caravan storage area in 1994 and 1997. The single storey outbuildings have a floor area of of approximately 200 square metres with the office being approximately 25 square metres. The outbuildings are currently used for storage of domestic items (including several motorbikes all owned by the applicant and his family) and materials (ladders, pipes etc.) used in the repair and maintenance business.

Two skips for recycling waste material are located in the yard to the north of the buildings and the only other external storage is a small amount of building material stocked neatly against the boundary wall.

The applicant has advised that:

1. the business, which provides an emergency maintenance service to a range of businesses including high street shops, banks and service stations, has been operating without complaint from this location for six years
2. 3 staff are employed at the premises and a further 9 are field operatives, most of whom collect their vans on a Monday (parking their cars within the site)and return them on a Friday afternoon. They are advised electronically of their jobs and go directly to them. They would only call at Ghyll Bank to collect specialised materials delivered there.
3. the largest vans are Transit trucks(3) with the remainder being smaller 'Escort' type vans
4. tith the exception of specialised goods (e.g. customised doors and locks) which are delivered approximately twice a week as part loads by 7.5 tonne lorries, all materials are delivered direct to clients premises

5. the only materials stored on site is surplus from previous jobs, most (pipes, timber, off-cuts, etc) are stored within the buildings, the remainder (a small amount of roofing materials and bricks) within the yard.
6. the site opens for business at 8.00am.

Officer Appraisal.

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 objections) indicate otherwise.

In consideration of this application Policies EM10 and EM11 of the adopted Carlisle District Local Plan, Policies DP1, EC11 and CP4 of the Redeposit Draft (2001 - 2016) and Policy ST3 of the adopted Cumbria and Lake District Joint Structure Plan 2001-2016, are relevant.

The relevant aspects of these policies seek to ensure that:

1. all proposals for development are assessed against their ability to promote sustainable development and, to assist in reducing the need to travel, development should be focussed in the Carlisle Urban Area and in the key and local service centres as identified in the Replacement Draft Local Plan(2001 - 2016) and then in the following order of priority:

a. reuse of existing buildings
b. reuse of previously developed land
c.use of previously developed land

2. proposals for development which diversify or expand the range of economic activities undertaken in rural areas are encouraged, particularly where the proposal reuses existing traditional buildings for commercial or industrial uses, provided that:

a. the proposal is compatible with the landscape setting
b. there will be no increase in traffic levels beyond the capacity of the surrounding highway network
c. there is adequate access and parking

3. there is no unacceptable adverse affect on the amenity of adjacent property

Considering the development plan objectives:

1. while the development is outwith any key and local service centres as identified in the Replacement Draft Local Plan (2001 - 2016) the Adopted Local Plan allows small scale development within the curtilage of existing employment premises. The development is within the curtilage of an authorised existing business (caravan

storage) and is utilising existing buildings and yardspace.

2. the development constitutes diversification of economic activity in the rural area and:

(a) because existing buildings are used and the site is bounded by a hedge on the roadside & a 2m block wall to the north, there is no significant impact on the landscape setting and;

(b) all parking and deliveries take place within the site, the access lane has had a passing place installed (to facilitate the passage of caravans) and the junction with the unclassified Harker to Rockcliffe road widened. Compared with the potential movement of over 100 touring caravans, the level of traffic associated with the reactive maintenance business is not considered to be significant and County Highways have no objections to the development.

As the site adjoins the M6 extension route the Highways Agency have been consulted an a reply is awaited.

3. The adjacent land uses to the development comprise a residential caravan to the north, agricultural land to the east, an area of hardcore to the south and a caravan storage site (operated by the applicant) to the west.
The main activity associated with the business use applied for appears to be concentrated around 8.00 and 17.00 with other visits spread throughout the day. No complaints were received up to the time immediately prior to the submission of the application. Given the amount of activity associated with the storage of over 100 touring caravans, it is considered that ,provided a limit is placed on the hours of operation, the development will not adversely affect the amenity of adjacent premises.

With regard to the material considerations raised by the objectors:

1. the traffic and access issues have been examined by County Highways who are satisfied that the existing road network is adequate for the level of traffic associated with the development which has been operative since at least 2003

2. information on accidents in the area has been sought from Cumbria Police

3. no public rights of way are affected by the development

4. there is no alteration to existing arrangements for disposal of surface water or sewage

5. hours of operation, and any possible change to a different use, can be controlled by planning conditions

Subject to no additional issues being raised in the responses awaited from the Highways Agency, Environmental Services, Rockcliffe Parish Council and the Police, it is considered that the development accords with the provisions of the development plan and, as there are no material considerations which indicate that it

should be determined to the contrary, it will be determined in accordance with the Development Plan.

An update will be presented to the Committee together with a recommendation.

Human Rights Act 1998

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";

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;

The proposal has been considered against the above. The rights of the objectors are respected but in this instance it is not considered that there is any conflict significant enough to warrant the refusal of permission.

Recommendation:

Reason for including report in Schedule B

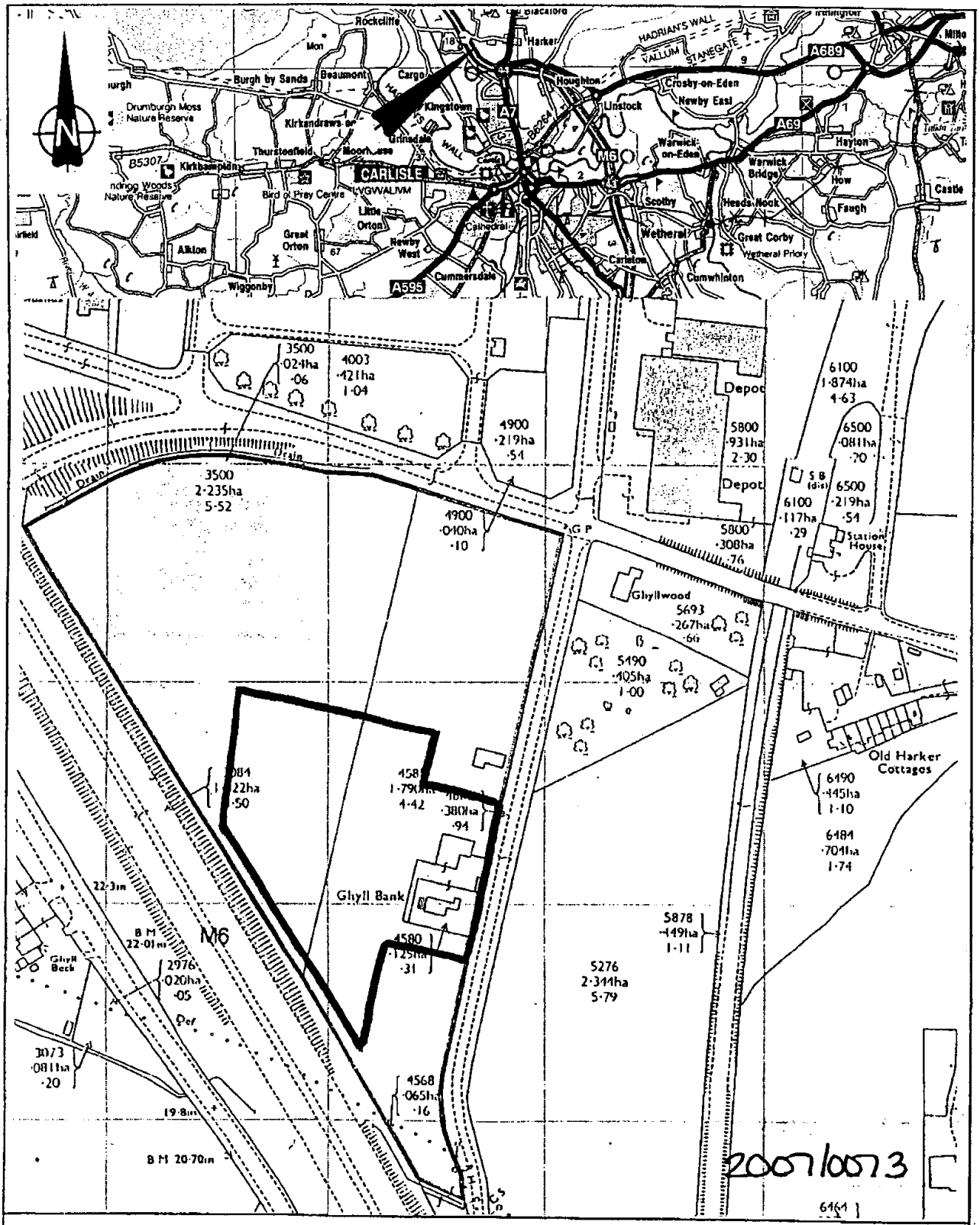
A recommendation cannot be made are there are oustanding replies from consultees.

TRUCK REVERSING
IN DRIVE
NO WEAR TO
TURN

TRUCK REVERSED
IN DRIVE
Cumbria Tile Supplies Ltd.
S247 UAO

BIG VANS
LITTLE
VANS
TRANSIT
TRUCKS
SLOW

TRUCK
UP TYE
REVERSING
NARROW
Rd



Site & Location Plan: GHYLL BANK, HARKER, CARLISLE.

Reproduced from the Ordnance Survey map with the sanction of the Controller of H M Stationery Office.
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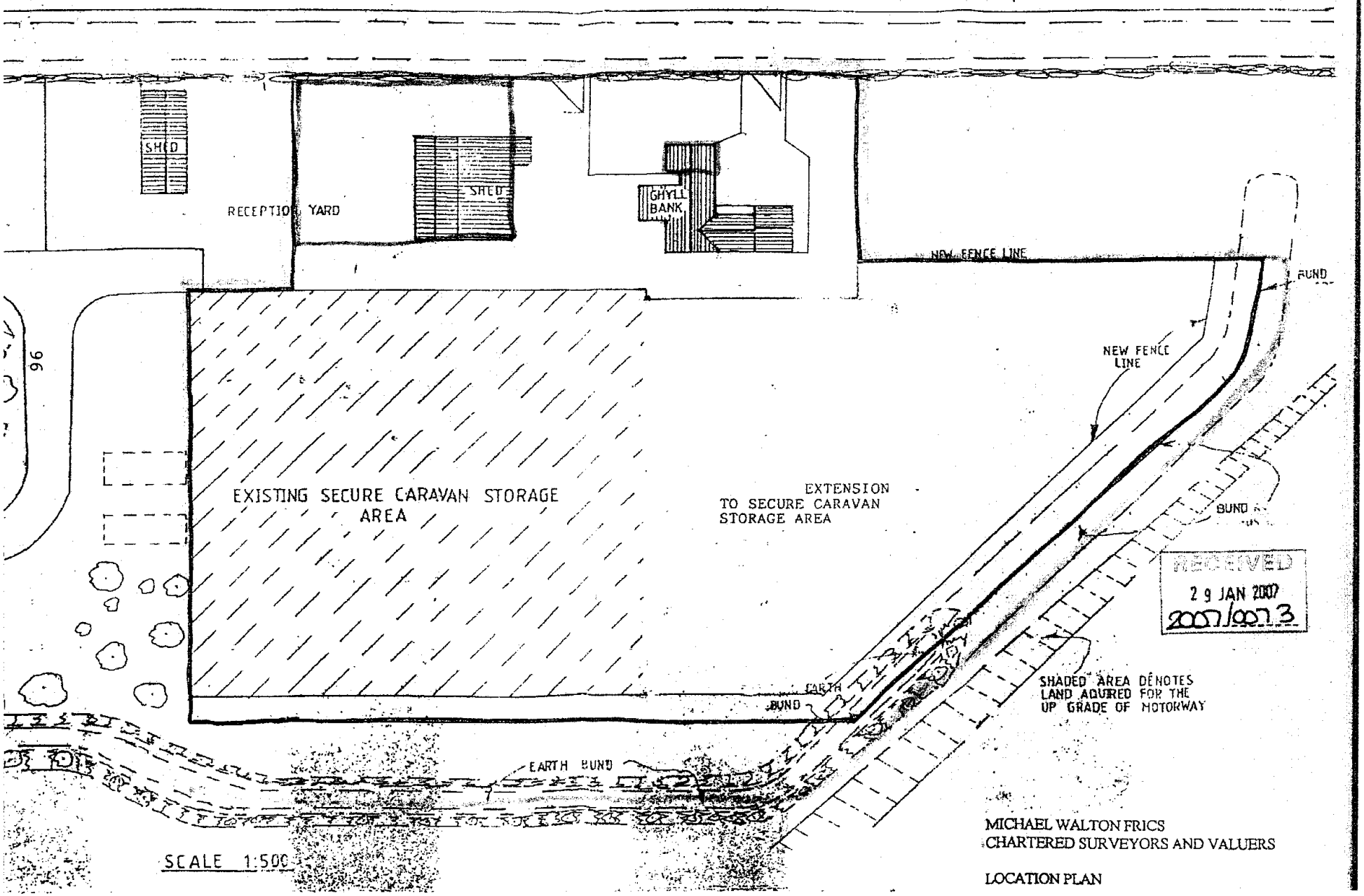
Scale 1 : 2500

This plan is published for convenience only. Although it is thought to be correct its accuracy cannot be guaranteed

GHYLL BANK CARAVAN SITE, HARKER, Nr. CARLISLE.



MICHAEL WALTON FRICS
CHARTERED SURVEYORS AND VALUERS

LOCATION PLAN

Item No: 04 Date of Committee: 09/03/2007

Appn Ref No:	**Applicant:**	**Parish:**
07/0044	The Carphone Warehouse Group PLC	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
19/01/2007	ESA Planning	Belah
Location:		**Grid Reference:**
103-105 Kingstown Road, Carlisle, CA3 0AL		339687 558277

Proposal: Installation Of New Shop Front

Amendment:

REPORT

Reason for Determination by Committee:

The applicant's agent has expressed a desire to exercise a Right to Speak.

Planning Policies:

Carlisle District Plan
Environment - Policy E45

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

Carlisle District Plan
Environment - Policy E56

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

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

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

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

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

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

Facilities for disabled people should be included in proposals for extending and altering buildings and open spaces and changes of use where they are to be used by the public, in accordance with Part M of the Building Regulations 2004 and the

Disability Discrimination Act 1995. Beyond these requirements, the City Council will seek, where applicable, to negotiate the extent of provision required for disabled people.

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

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

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft
Core Development Policies - Policy CP16 - Planning Out Crime

The design of all new development must contribute to creating a safe and secure environment, integrating measures for security and crime prevention and minimising the opportunity for crime.

The following points should applied to all development proposals:

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

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

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

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

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

Summary of Consultation Responses:

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

Development Services Planning & Housing Services - Access Officer: Comments awaited.

Summary of Representations:

Representations Received

Initial:		Consulted:	Reply Type:
[redacted]	101 Kingstown Road	24/01/07	
	107 Kingstown Road	24/01/07	
	19 Moorville Drive South	24/01/07	
	21 Moorville Drive South	24/01/07	
	29 Moorville Drive South	24/01/07	
	31 Moorville Drive South	24/01/07	
	33 Moorville Drive South	24/01/07	

This application has been advertised in the form of the direct notification of the occupiers of 7 neighbouring properties. No observations have been received at the time of preparing the report.

Details of Proposal/Officer Appraisal:

Planning History:

In 1999, under application 99/0456, planning permission was given for the redevelopment of the site comprising erection of equipment store and use for the storage, hire and sale of specialist construction, access and safety equipment.

In 2001, under application 01/0902, change of use was given to a retail shop selling mobile phones including workshop and fitting out bay.

Details of Proposal:

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

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

The property is currently subject to 2 applications.

- Application 07/0044 for the installation of a new shop front. The submitted plans also show the sub-division of the existing unit to form two shop premises, the smaller one (71 sq. metres) of which would be occupied by Carphone Warehouse, and, the larger unit (231 sq. metres) sub let to Majestic Wine.

- Application 07/0045 to amend condition 2 attached to the permission granted under 01/0902 to extend the opening times from 0800 hrs – 1800 hrs to 0900 hrs – 2000 hrs Monday to Saturday and between 1000 hrs – 1600 hrs on Sundays and Bank Holidays.

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

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

In relation to the former, it is held that the proposed alterations should not be detrimental to the character of the building although clarification is being sought on the materials and colour at the time of preparing the report.

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

On the basis that the proposed materials and colour are considered acceptable, the proposal will be recommended for approval.

Human Rights Act 1998

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;

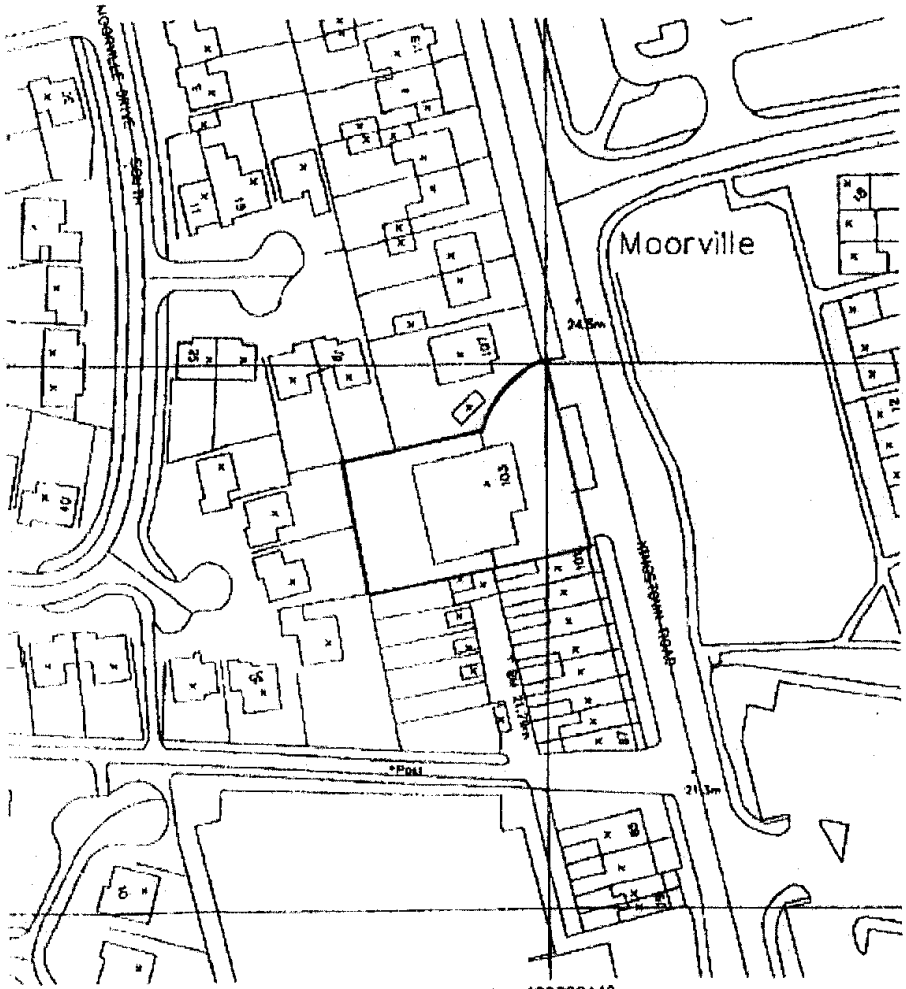
Article 8 recognises the "Right To Respect for Private and Family Life";

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;

Recommendation:

Reason for including report in Schedule B

At the time of preparing the report clarification is being sought on the materials and colour of the proposed shop front.



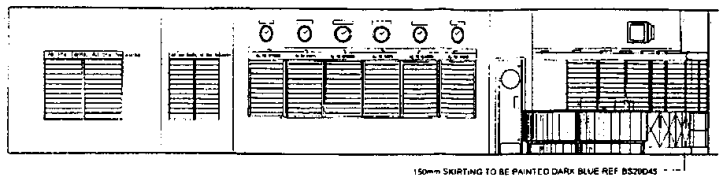
06306

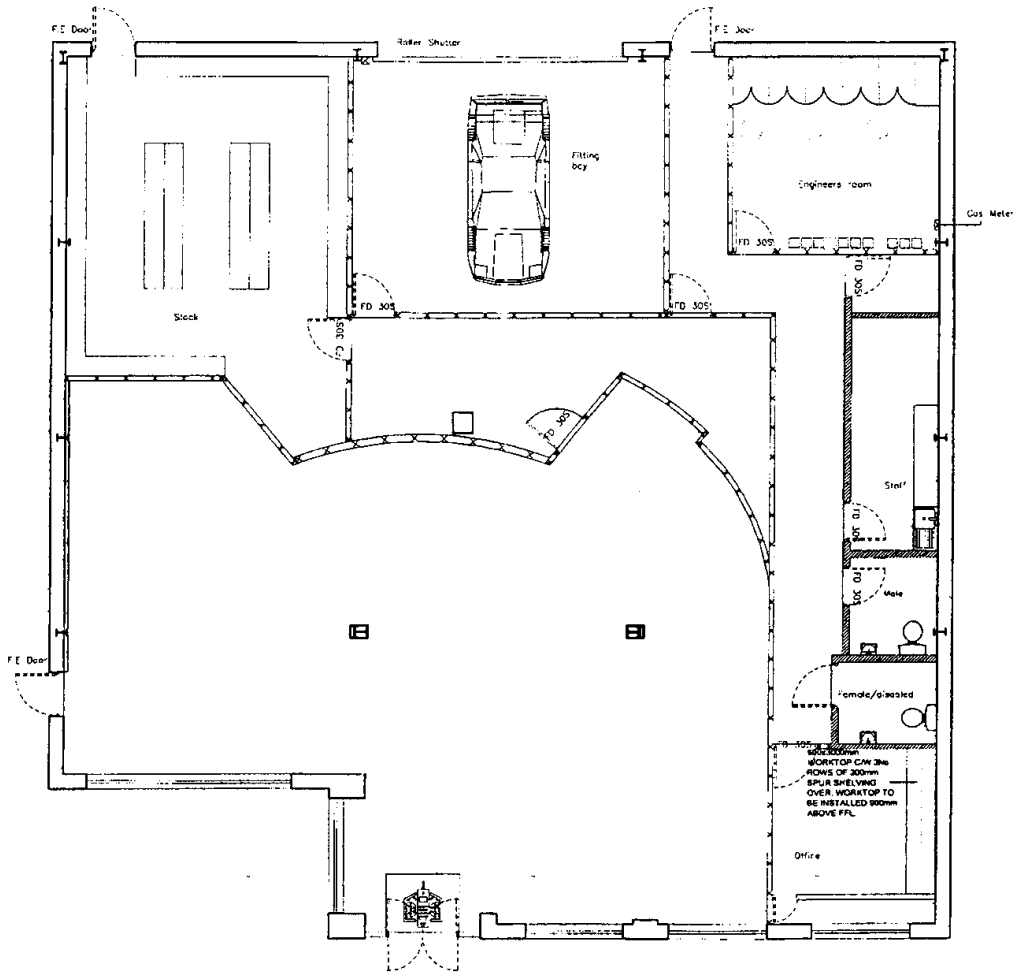
103/105 KINGSTOWN ROAD, CARLISLE

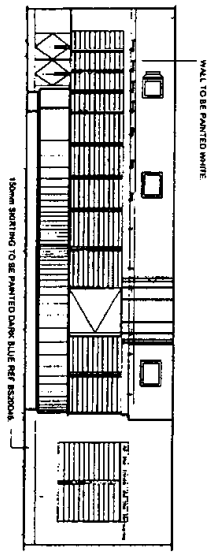
SITE LOCATION PLAN

1:1250

07/0044







07/0044

104

Do not scale from this drawing. All dimensions to be checked on site by the contractor.
This drawing is to be read in conjunction with all accompanying standard details. SGP Property Services Ltd. standard specification and SGP Property Services standard electrical specification.

Client Signoff	Tech/Sec. Signoff
Drawn By JET	Original Drawing Date

0M 1M 2M 4M

SGP Property Services

Store Development
PO Box 5424, Sunningdale Rd
Leicester, LE1 7HE UK

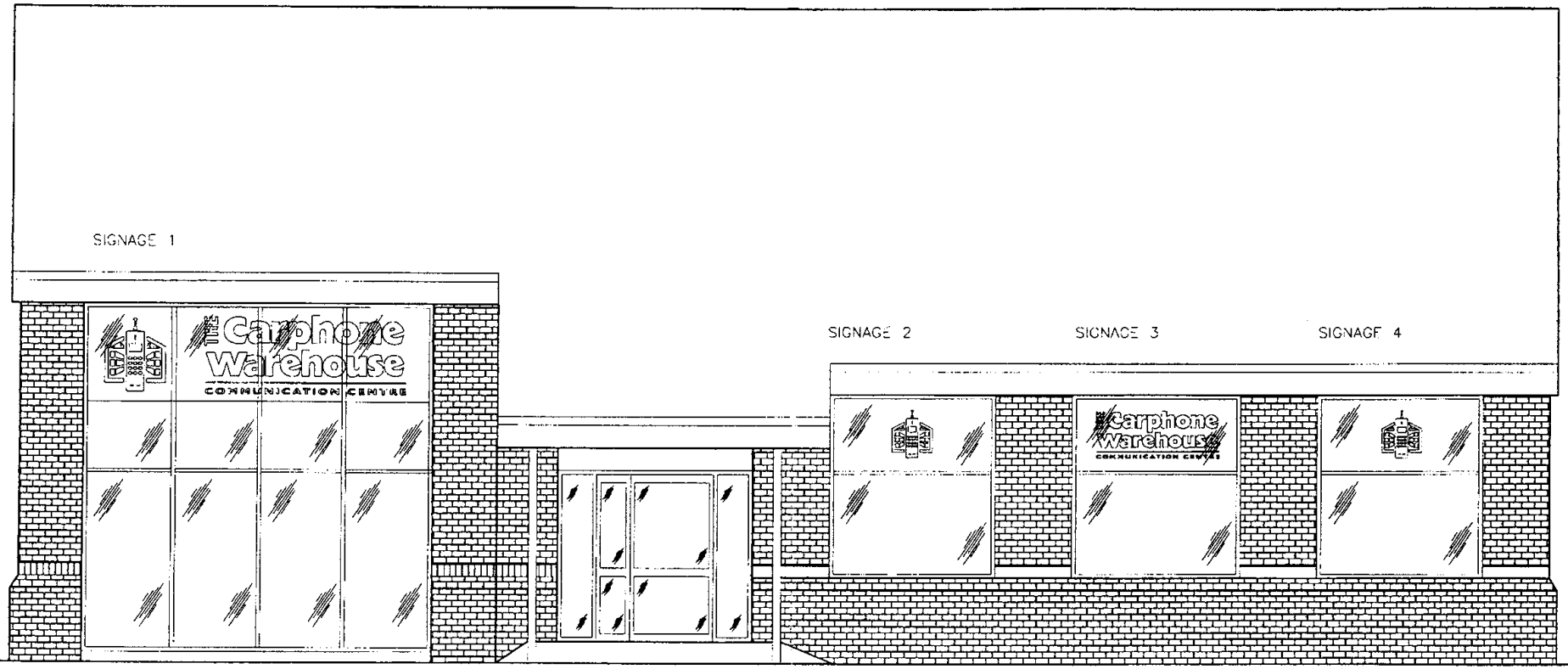
Tel. +44 (0)116 261 6000
Fax. +44 (0)116 251 6096
Email. csamile@sgp.co.uk

The Carphone Warehouse

Project Location
Kingston Rd,
Carlisle, Cumbria

Survey

Scale	Sales Area m²	G.I.
1:100		
Drawing No. 01	Project No.	



07/0044

Client Signoff	Tech/Sec. Signoff
Drawn By	Original Drawing Date

Revisions/Notes

SGP Property Services

Client: The Carphone Warehouse

Project Location: KING.STREET CARLISLE

Drawing Title: EXISTING SHOPFRONT

Scale 1:50	Sales Area	G.I.A
Drawing No. 01/S	Project No.	

KINGSTOWN ROAD
CROSSOVER
CROSSOVER
ENTRANCE
PARKING BAYS
1
2
3
4
5
6
7
8
9
ADJOINING HOUSES
BRICK WALL
RAILINGS
103-105
KINGSTOWN ROAD
METAL RAILINGS
LOADING DOOR
REAR YARD
TIMBER FENCE
TIMBER FENCE
06306/P/001 : 1-200 SCALE
EXISTING SITE LAYOUT
KINGSTOWN ROAD
CARLISLE

Spread Of Flame
All walls and ceilings to viewing and circulation areas 1 spread of flame and class 0 on exposed faces.
All partitions and lining products by British Gypsum. Wallboard to be 12.5mm where otherwise stated

Ventilation
Toilets, store and staff/main areas to comply with section F1 of building regulations, no finish or fixture up to the mechanical ventilation.
WC: min. 3 air changes per hour with 24 minutes overrun. Linked to light switch, non 10mm or door under area for air flow.

Drainage
Sanitary and kitchen soils: 38mm Osma waste connected to existing stack. Rodding eyes to be provided at each change of direction. 75mm dpvc soil line.
Toilets: Connected to Stack with 160mm dia. branch soil to 110 NS. Rodding eyes to be provided at each change of direction.

Partitions And Doors:
1/2 hr f.r. partitions to comprise 70mm timber or metal studs with single layer of 12.5mm fireline board each side. Partition to continue to underside of structural soffit where required for fire separation and be fire stopped

1 hr f.r. partitions to comprise 70mm timber or metal studs increasing to 100 or 150 depending on height with two layers of 12.5mm fireline plasterboard each side taped and stopped. Partitions to continue to underside of structural soffit where required for fire separation and be fire stopped

30 min fire resisting doorsets, to be FD30S with automatic closer (except where door is to be fitted with, integral smoke seal, intumescent strips and spyedge, both sides to meet "fire door keep shut" or an area of identical exposure "fire door keep locked". All to comply with BS476 Vision panels to comply with part M of the Building Regulations.

Doors leading to escape routes to be protected by magnetic locks with keypad operation linked to detector alarm with manual override function and "all exits to sound this on activation of fire alarm

All internal doors to have a minimum of 800mm clear opening

Signs to conform to BS 5499, pt 1 1984, and the Sign and Signals Regulations

Any new shopfront entrance doors should comply to the following Part M regulations.
- Opening force required not greater than 20N.
- Colour contrast between door and handle.
- Handles not solid to the touch

Ceilings
To comprise 60mm grid with tile ceiling tiles with intermittent panels over of recessed light fittings

Partition and fire protection key:
- 1/2 hr f.r. partition.
- 1 hr f.r. partition.
- FD30S 30 min f.r. resisting and smoke stopping doorset.
- FD30S VP As above but with vision panel.
- New blockwork wall, thickness as indicated on the drawing.

Access Statement

The building comprises a ( ) storey structure with ( ) staircases linking the ground floor. In designing the internal layout we have ensured that access to the building has not been made worse than that existing prior to occupation and service delivery maintained by the use of a Personal Shopping Service or a mail based ordering system or access into the building is fully compliant with Part M of the Building Regulations.
WC provision is no worse than that existing prior to occupancy or we have installed a new disabled toilet compliant with Part M of the Building Regulations and Approved Documents.
The Customs Warehouse have acknowledged their responsibilities under the Building Regulations, and total compliant works to carry out alteration unless should a disabled person be employed at this building.
In designing the internal layout we have followed BS8300 or ADM2004.
Our consultant advisors are Paul Smith MRICS and Ian Thompson MCIOB

Shared refreshment facility worktops to be of 850mm above the floor, with a clear space of at least 700mm above the floor below.

All wash hand basins to be fitted with lever action taps

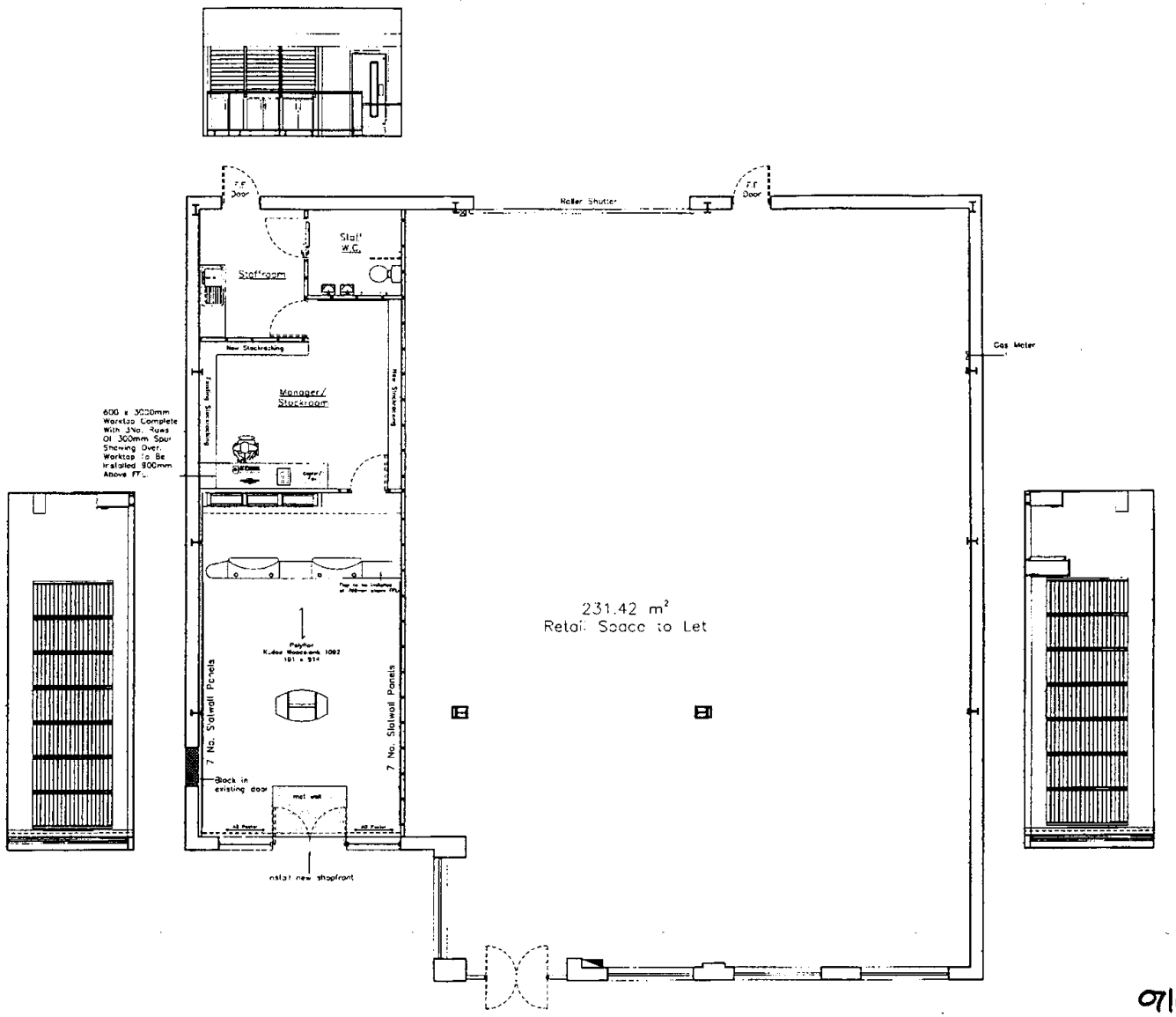
Areas counter to incorporate one section which is accessible to persons with limited mobility.

All door vision panels complaint with Part M of the Building Regulations and Approved Documents.

All doors to have an opening force of no more than 20N, and thereforeare to be in compliance with paragraph 2.16

Colour scheme to ground floor comprise
Walls - White or Turquoise 1040-B50G
Dadoed Toilet Walls - Turquoise 1040-B50G
Floors - Ashlaw sheet vinyl
Skirting - Blue to match BS3261
Doors Frame - Blue to match BS3261
Ironmongery - SAA anodised
Light switches - SAA anodised

Smoke Cloak	Y / N



9/10044

Do not scale from this drawing. All dimensions to be verified on site by the contractor.
This drawing is to be read in conjunction with all coordinating structural details, SGP Property Services Ltd. standard specification and SGP Property Services mechanical & electrical specifications.
This drawing is copyrighted and may not be reproduced without the written consent of SGP Property Services.

Client Signoff: Technical Signoff:

Drawn By: JET
Original Drawing Date: 24.07.06

0M 1M 2M 4M

Revision A: Door blocked in and new shopfront added as per D Dingwall - JET - 05.12.06

SGP Property Services
Store Development, PO Box 5645, Symondsgate Rd, Leicester, LE3 1ZE, UK.
Tel: +44 (0)116 201 6800
Fax: +44 (0)116 201 6806
Email: sedrite@sgp.co.uk

Carphone Warehouse

Project Location: Kingston Rd, Carlisle, Cumbria

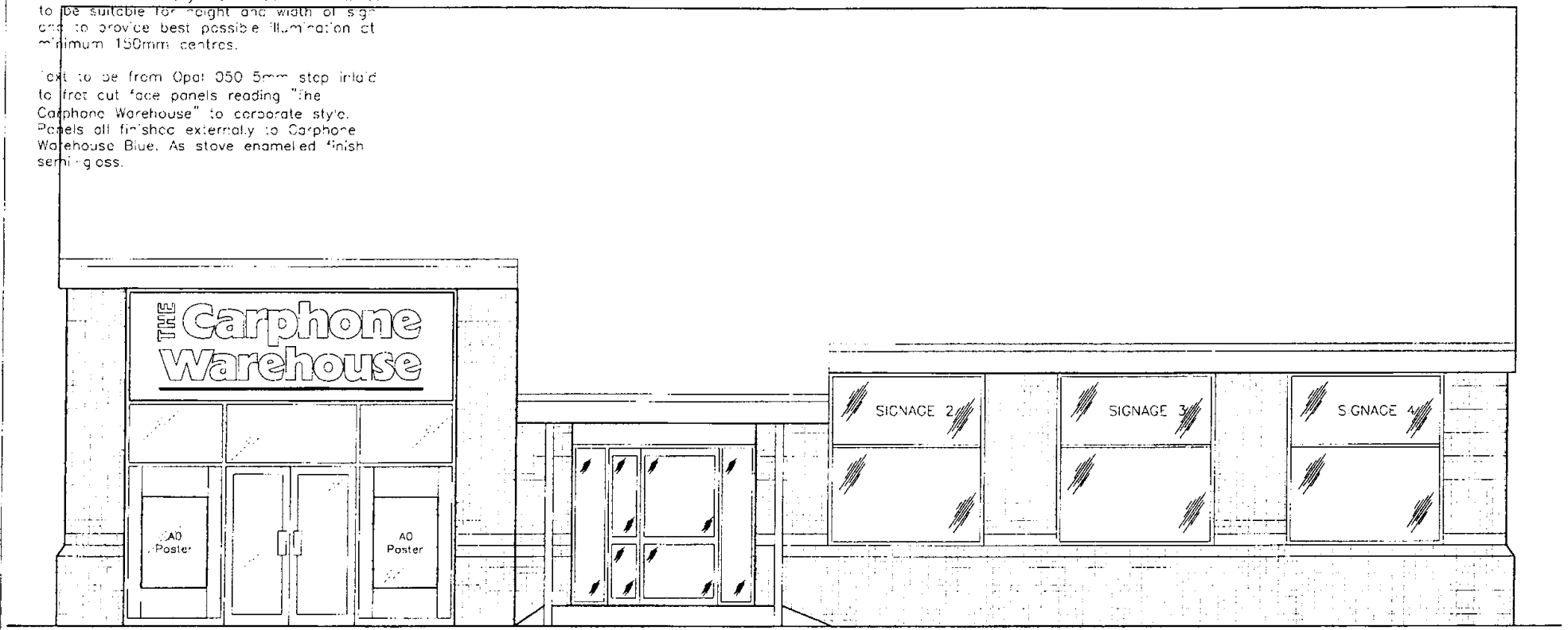
Proposed Shopfitting arrangement

Scale	Sales Area	G.L.
1:100	37.38 m²	30"
Drawing No. 01A	Project No.	

STANDARD CPW SIGNAGE

Sign to be constructed from 14g Aluminium with a full back box. The back box and face pans to be strengthened and back box to be sprayed internally white. The illumination internally from Fluorescent tubes to be suitable for height and width of sign and to provide best possible illumination at minimum 150mm centres.

Text to be from Opal 050 5mm step inlaid to fret cut face panels reading "The Carphone Warehouse" to corporate style. Panels all finished externally to Carphone Warehouse Blue. As stove enameled finish semi-gloss.



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07/0044

Client Signoff	Tech/Sec. Signoff
Drawn By JET	Original Drawing Date 12.01.07

0M 1M 2M 4M

Revision A. New shopfront added as per D Dingwall JET - 05.12.06

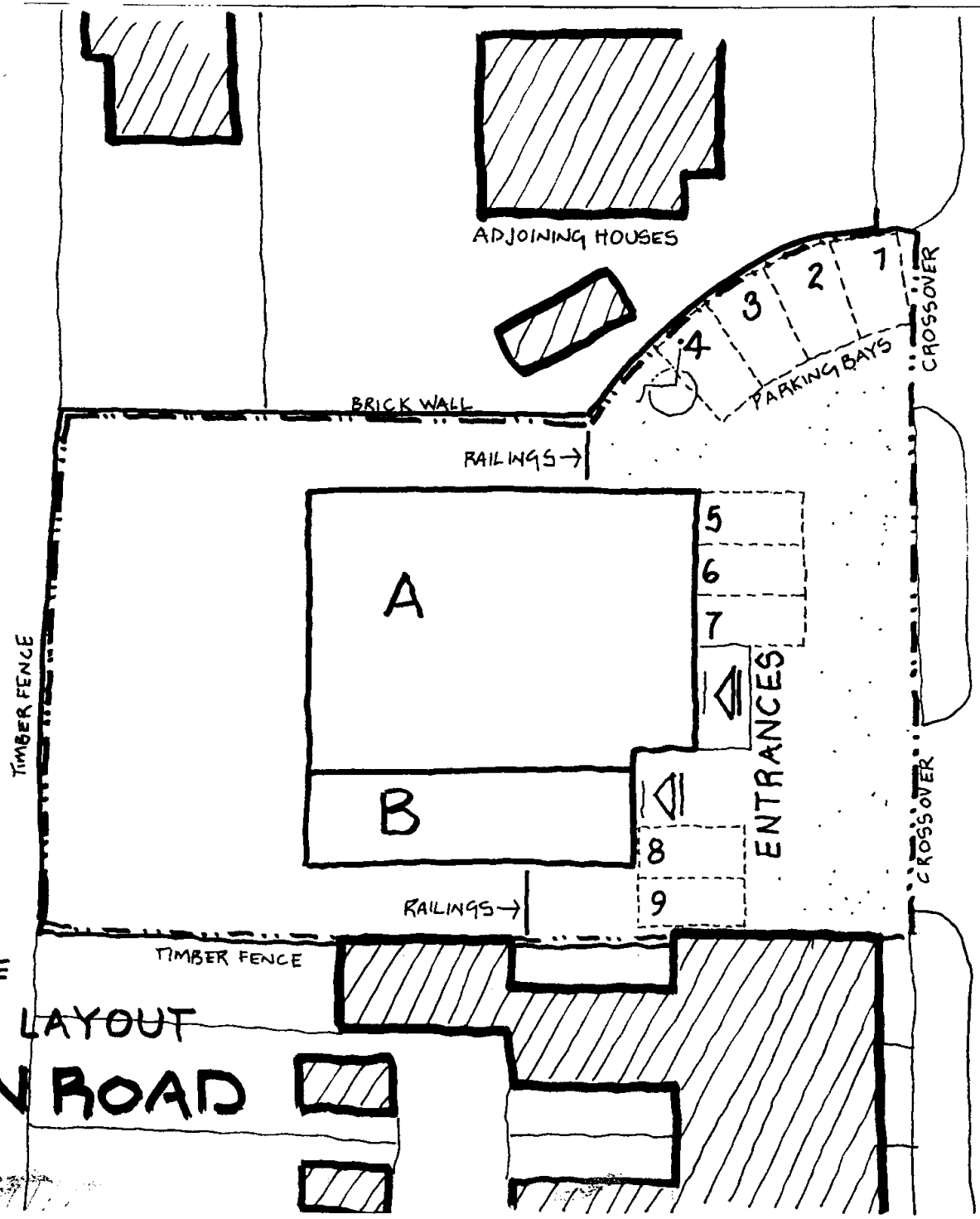
SGP Property Services

The Carphone Warehouse

Project Location
KINGSTON.RD
CARLISLE

PROPOSED SHOPFRONT

Scale	Sales Area	G.I.
1:50	37.39 m²	301
Drawing No. 03	Project No.	



07/0044

75 WELLS STREET W1
esa
ARCHITECTURE : URBAN DESIGN : TOWN PLANNING

06306/P/002 : 1-200 SCALE

PROPOSED LAYOUT
KINGSTOWN ROAD
CARLISLE

SCHEDULE B: Reports Requiring Further Information

07/0045

Item No: 05 Date of Committee: 09/03/2007

Appn Ref No:	**Applicant:**	**Parish:**
07/0045	The Carphone Warehouse Group PLC	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
19/01/2007	ESA Planning	Belah
Location:		**Grid Reference:**
103-105 Kingstown Road, Carlisle, CA3 0AL		339687 558277

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

Amendment:

REPORT

Reason for Determination by Committee:

The applicant's agent has expressed a desire to exercise a Right to Speak.

Planning Policies:

Carlisle District Plan
Housing - Proposal H17

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

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

Carlisle District Plan
Shopping - Proposal S12

Outside the defined Shopping Areas (Proposals S1, S5 and S6 and Policies S3, S4, S7, S8, S9, S10 and S11), mixed commercial areas (EM5) and large stores falling within Policy S2, further shopping provision, including changes of use, unless this constitutes replacement of existing floorspace or minor extensions to premises, will not be permitted. Modest increases in floorspace will be permitted to allow for more efficient trading conditions, provided that the proposal does not prejudice the surrounding local residential environment.

Carlisle District Plan
Shopping - Proposal S16

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

Carlisle District Plan
Transport - Proposal T7

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

1. The Parking Guidelines for Cumbria as detailed in Appendix 2;

2. The availability of public car parking in the vicinity;

3. The impact of parking provision on the environment of the surrounding area;

4. The likely impact on the surrounding road network; and

5. Accessibility by and availability of other forms of transport.

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

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

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

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

distances.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Core Development Policies - Policy CP16 - Planning Out Crime

The design of all new development must contribute to creating a safe and secure environment, integrating measures for security and crime prevention and minimising the opportunity for crime.

The following points should applied to all development proposals:

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

Summary of Consultation Responses:

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

Environmental Protection Services: Comments awaited.

Summary of Representations:

Representations Received

Initial:		Consulted:	Reply Type:
[redacted]	101 Kingstown Road	24/01/07	
	107 Kingstown Road	24/01/07	
	19 Moorville Drive South	24/01/07	
	21 Moorville Drive South	24/01/07	
	29 Moorville Drive South	24/01/07	
	31 Moorville Drive South	24/01/07	

SCHEDULE B: Reports Requiring Further Information

07/0045

[redacted] 33 Moorville Drive South 24/01/07

This application has been advertised in the form of the direct notification of the occupiers of 7 neighbouring properties. No observations have been received at the time of preparing the report.

Details of Proposal/Officer Appraisal:

Planning History:

In 1999, under application 99/0456, planning permission was given for the redevelopment of the site comprising erection of equipment store and use for the storage, hire and sale of specialist construction, access and safety equipment.

In 2001, under application 01/0902, change of use was given to a retail shop selling mobile phones including workshop and fitting out bay.

Details of Proposal:

Further to the previous report concerning application 07/0044, this item is also accompanied by a letter explaining that there is currently no restriction on delivery times but the applicant would be willing to accept such a condition restricting delivery hours as per the revised opening times. All deliveries will be from the front of the unit, and following the sub-division of the unit, the existing car fitting bay will be removed which will improve the amenity for adjoining neighbours. It is therefore proposed that condition 2 is amended as follows:

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

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

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

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

At the time of preparing the report the observations of the Head of Environmental Services are awaited. Clarification has also been sought from the agent on the anticipated number of customers/vehicle movements, and, whether the applicant would be willing for a further condition to be imposed restricting the precise nature of the retail use of both units.

SCHEDULE B: Reports Requiring Further Information

07/0045

An updated report will be presented to Members during the Meeting.

Human Rights Act 1998

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;

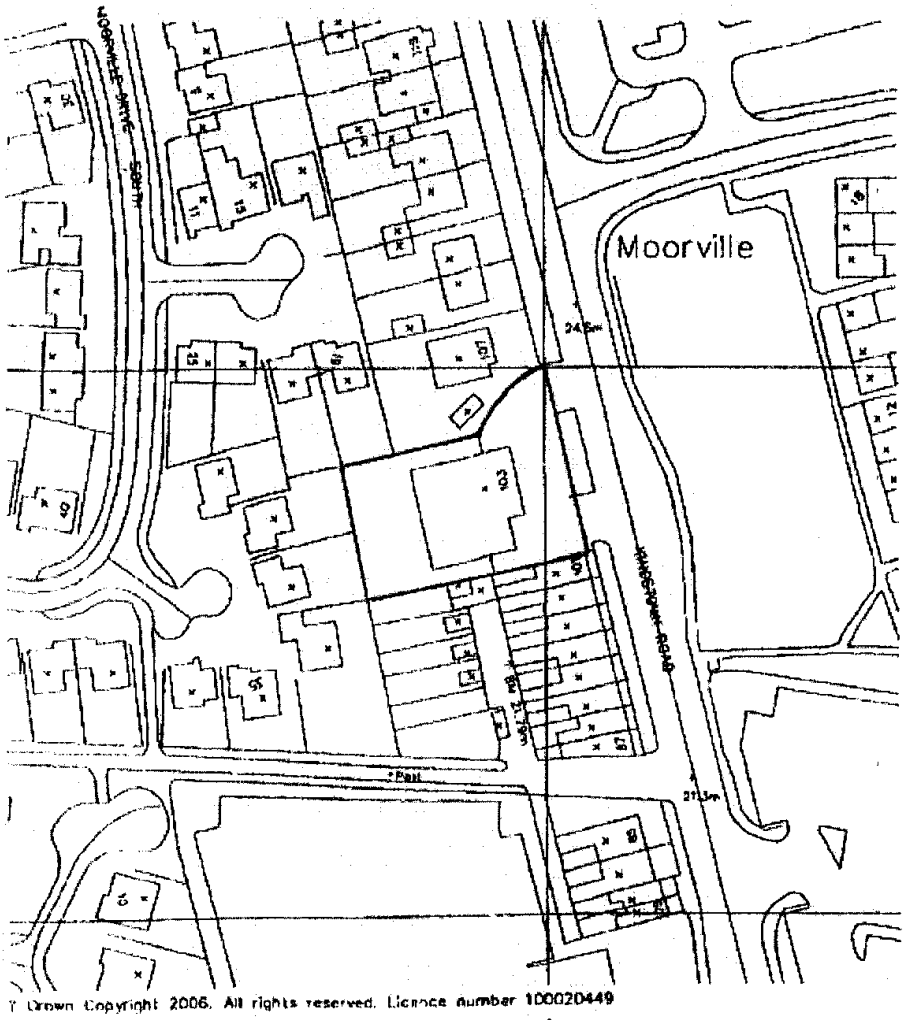
Article 8 recognises the "Right To Respect for Private and Family Life";

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;

Recommendation:

Reason for including report in Schedule B

At the time of preparing the report the observations of the Head of Environmental Services are awaited. Clarification has also been sought from the agent on the anticipated number of customers/vehicle movements, and, whether the applicant would be willing for a further condition to be imposed restricting the precise nature of the retail use of both units.



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07/0045

06306

103/105 KINGSTOWN ROAD, CARLISLE

SITE LOCATION PLAN

1:1250

Item No: 06 Date of Committee: 09/03/2007

Appn Ref No:	**Applicant:**	**Parish:**
07/0005	M Bainbridge	Wetheral
Date of Receipt:	**Agent:**	**Ward:**
03/01/2007	H & H Bowe Ltd	Wetheral
Location:		**Grid Reference:**
L/Adj Lough Butts Wood, Scotby, Carlisle CA4 8DG		343852 554021

Proposal: General Purpose Agricultural Building

Amendment:

REPORT

Reason for Determination by Committee:

The application in brought for determination by Members of the Development Control Committee by virtue of the fact that the objector wishes to exercise his right to speak at the meeting.

Planning Policies:

Public Footpath

The proposal relates to development which affects a public footpath.

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

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

1. seek locations consistent with policy ST5, ST6, and ST7 which will assist in reducing the need to travel, and then in the following order of priority :

   a) the appropriate reuse of existing buildings worthy of retention, followed by
   b) the reuse of previously developed land and only then
   c) the use of previously undeveloped land,

2. seek sites that are or will be made accessible by public transport, walking or cycling,

3. reduce the risk of flooding within the development and elsewhere by a choice of location in the following order of priority:

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

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

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

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

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

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

Cumbria and Lake District Joint Structure Plan 2001 – 2016
Policy E37: Landscape character

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

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

8. openness, remoteness and tranquillity.

Carlisle District Plan
Environment - Policy E2

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

1. The building or structure is sited where practical to integrate with existing farm buildings and/or take advantage of the contours of the land and any existing natural screening; and

2. The scale and form of the proposed building or structure relates to the existing group of farm buildings; and

3. Within AONB's and Conservation Areas, the design and materials used reflect the overall character of the area; and

4. The proposal would not have an unacceptable adverse effect on any adjacent properties.

Carlisle District Plan
Environment - Policy E8

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

1. The proposal reflects the scale and character of the existing group of buildings or settlement; and

2. There is no adverse effect upon the amenity of neighbouring property, and the character and appearance of the area; and

3. Satisfactory access and appropriate car parking can be achieved; and

4. Any exiting wildlife habitats are safeguarded.

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

Carlisle District Plan
Housing - Proposal H17

The amenity of residential areas will be protected from inappropriate development

where that development:

1. Is for a use inappropriate for residential areas; and/or

2. Is of an unacceptable scale; and/or

3. Leads to an unacceptable increase in traffic or noise; and/or

4. Is visually intrusive; and/or

5. Leads to a loss of housing stock.

Carlisle District Plan
Leisure - Proposal L5

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

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

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

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

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

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

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

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

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

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

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

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft
Leisure & Community Uses - Policy LC8 - Rights of Way

Carlisle City Council will seek to retain all existing footpaths, bridleways and other rights of way and to establish new routes wherever possible. New development will seek to maintain the existing rights of way network and where possible local improvements and extensions will be sought as part of new developments. Proposals to close or divert existing rights of way will not be permitted unless an alternative route is available which is attractive, serves the same area and is not significantly longer than the original route.

Summary of Consultation Responses:

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

Wetheral Parish Council: the Parish Council are of the opinion that in view of the concerns expressed in writing by local residents, they cannot support this application. It appears that unauthorised development may have already taken place on the land owned by the applicant without planning consent. The Parish Council feel this needs to be investigated together with the associated issues of traffic and hours of use of the site;

Ramblers Association: the Public Bridleway 138037 must be kept open at all times, during and after development;

East Cumbria Countryside Project: comments awaited.

Summary of Representations:

SCHEDULE B: Reports Requiring Further Information

07/0005

Representations Received

Initial:	Consulted:	Reply Type:
[redacted] Barras Brow		Objection

This application has been advertised by means of a site notice and a press notice. At the time of writing this report, one letter of objection has been received and the main issues raised are summarised as follows:

1. the character of the site has changed with the creation of a hard standing with various containers and caravans on the site. There is concern that the future enterprise would be inappropriate both to its surroundings and the village;
2. there is a lot of activity in the evenings and late at night when agricultural vehicles leave the site and cause disturbance to local residents. In particular, this affects the Broomfallen kennels and cattery;
3. the application site is accessed by a bridleway which is limited to pedestrians and horse riders with access granted to agricultural vehicles only to access their fields and the once attractive grassy lane is now a muddy mess; and
4. gates restricting access along the bridleway have been removed and vandalised and the bridge over the M6 and the bridleway are increasingly being used to access the Garlands estate.

Details of Proposal/Officer Appraisal:

Planning History:

An application for planning permission for the erection of a general purpose agricultural building is currently being considered under application 07/0006.

Details of Proposal:

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

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

This application is one of two for which planning consent is sought for agricultural development on the site.

Advice in relation to development in the countryside is contained within Planning Policy Statement 7 (Sustainable Development in Rural Areas). Its' paragraph 27 advises that:

> "*The Government recognises the important and varied roles of agriculture, including in the maintenance and management of the countryside and most of our valued landscapes.*
>
> *Planning policies in RSS and LDDs should recognise these roles and support development proposals that will enable farming and farmers to:*
>
> *(i) become more competitive, sustainable and environmentally friendly;*
> *(ii) adapt to new and changing markets;*
> *(iii) comply with changing legislation and associated guidance;*
> *(iv) diversify into new agricultural opportunities (e.g. renewable energy crops); or*
> *(v) broaden their operations to 'add value' to their primary produce.*"

In principle, therefore, the Government recognises the need for agriculture to diversify and alternative developments are encouraged; however, proposals still need to be assessed in context with both Structure and Local Plan policies. In consideration of this particular proposal, it is felt that there are four main planning issues:

1. Landscape Character

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

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

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

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

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

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

The issues raised by the objector refer to the frequent visits to the site, often late at night and to the light pollution emanating from the site. The applicant's agent has been asked to respond to these issues but at the time of writing this report, this information is outstanding but it is anticipated that an update will be available for Members prior to the Committee meeting.

3. Use Of The Public Bridleway

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

4. Other Matters

A question has been raised as to the ownership of some of the land which the applicant has identified as being under his control. For clarity, the applicant's agent has been asked for further comments which are again, presently awaited.

In conclusion, the agricultural buildings are of a scale and design that is appropriate. Whilst the siting is somewhat detached from the existing group of buildings, it is not considered that the character or appearance of the area would be adversely affected by the development. Whilst one of the buildings would be 350 metres from the nearest residential property, there are further details awaited from the applicant's agent that should address the outstanding issues relating to the circumstances of

the application and the land and comprehensively address these issues.

Human Rights Act 1998

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";

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;

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.

Recommendation:

Reason for including report in Schedule B

A full report and recommendation is unable to be made as further information is awaited from the applicant's agent.

M Bainbridge

Land Adjoining Lough Butts Wood, Scotby

H & H Bowe Limited
Borderway, Rosehill, Carlisle, Cumbria. CA1 2RS
Illustration only

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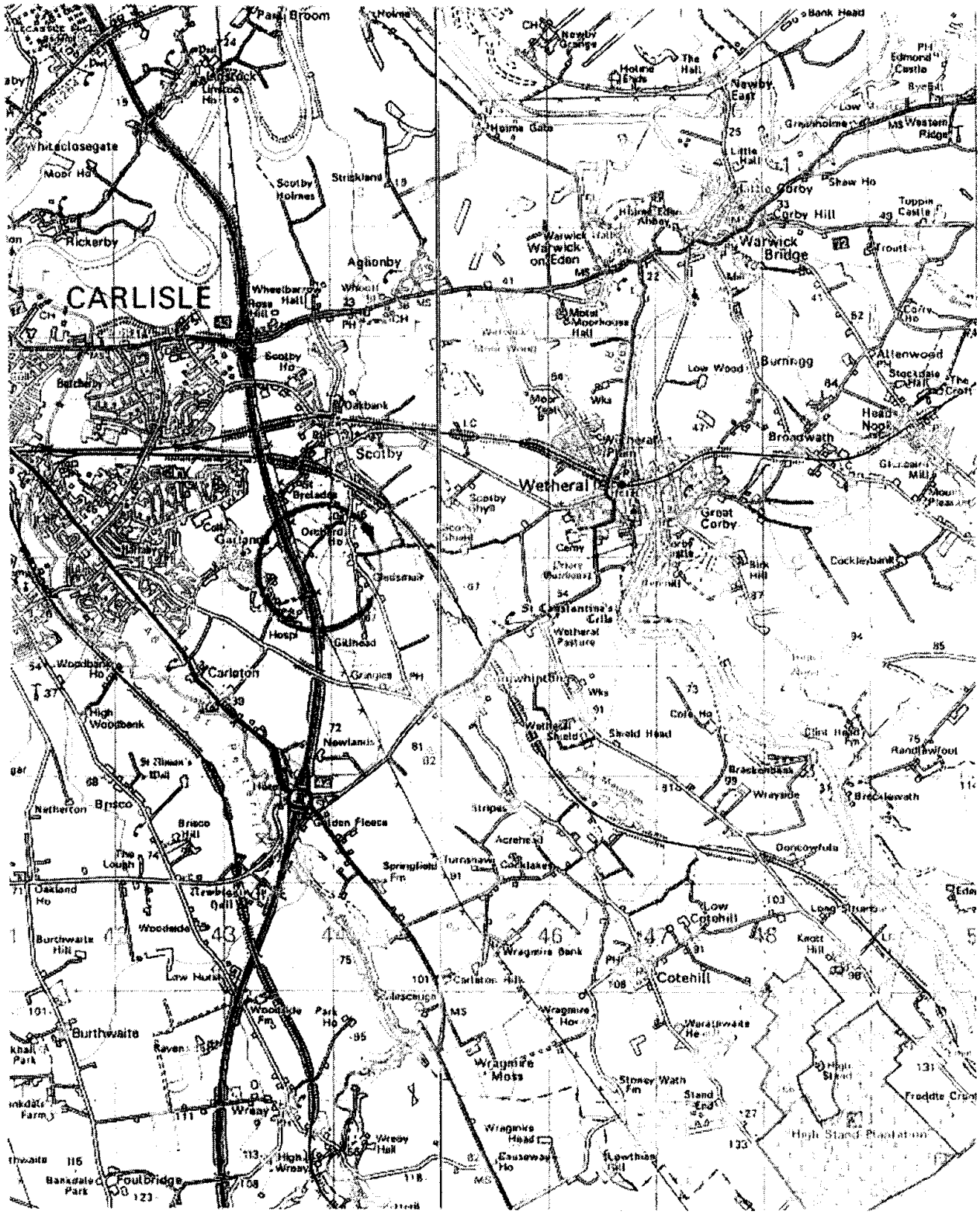

M Bainbridge

Land Adjoining Lough Butts Wood, Scotby

H & H Bowe Limited
Borderway, Rosehill, Cartisle, Cumbria. CA1 2RS

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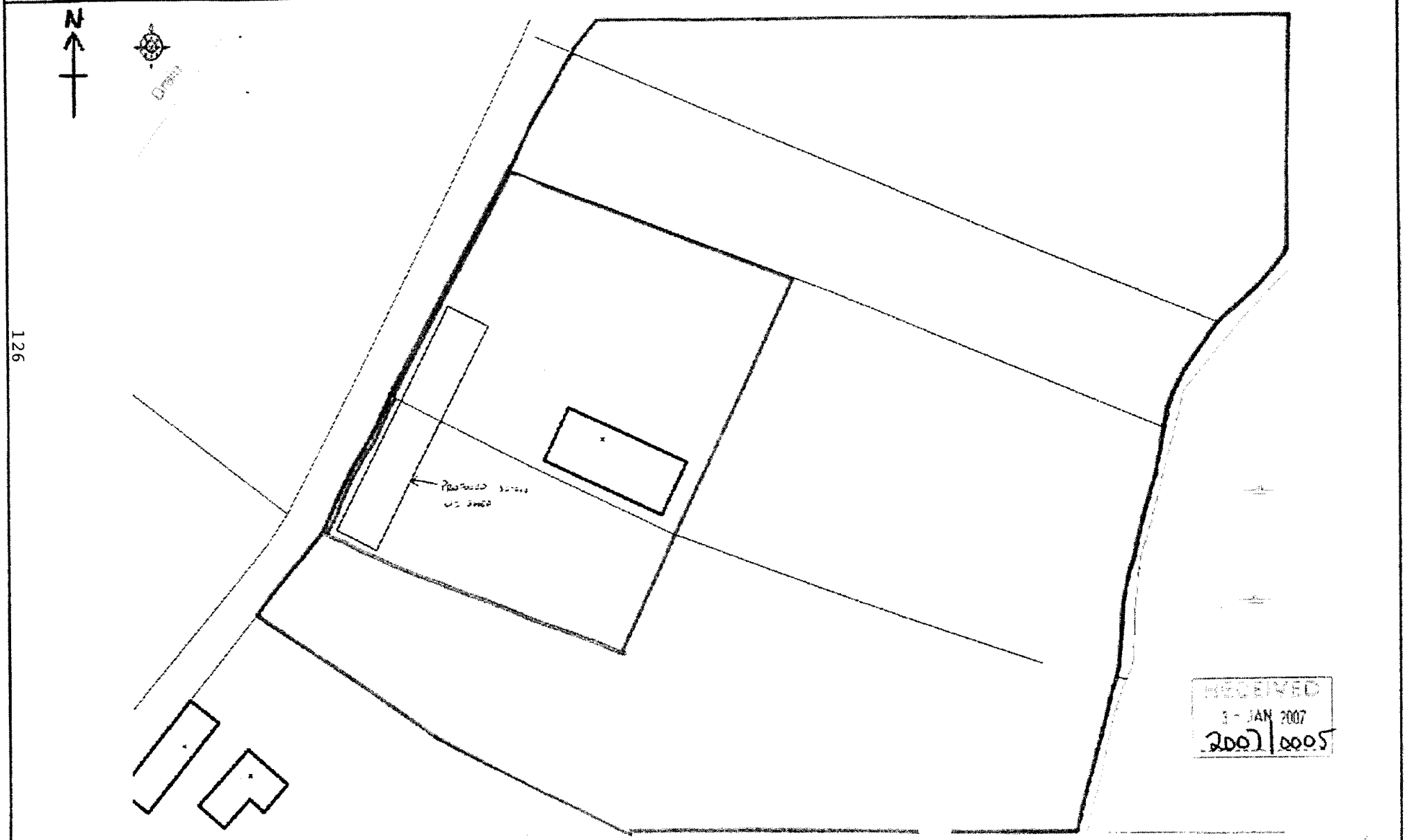

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H & H Bowe Limited
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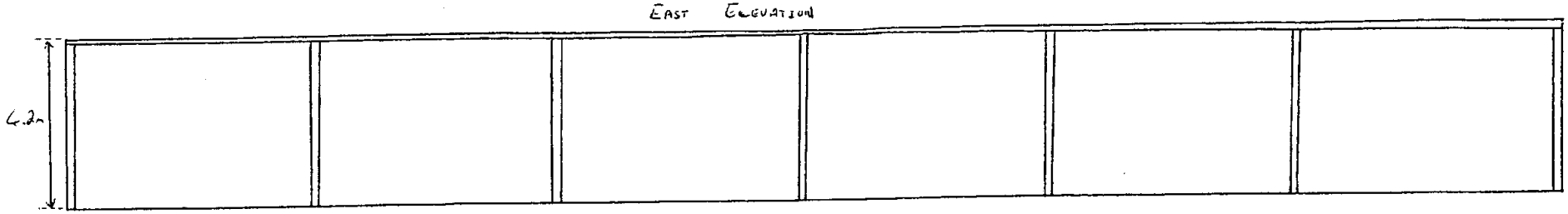
M Bainbridge

Land Adjoining Lough Butts Wood, Scotby

H & H Bowe Limited
Borderway, Rosehill, Carlisle, Cumbria. CA1 2RS

Scale: 1:100

EAST ELEVATION



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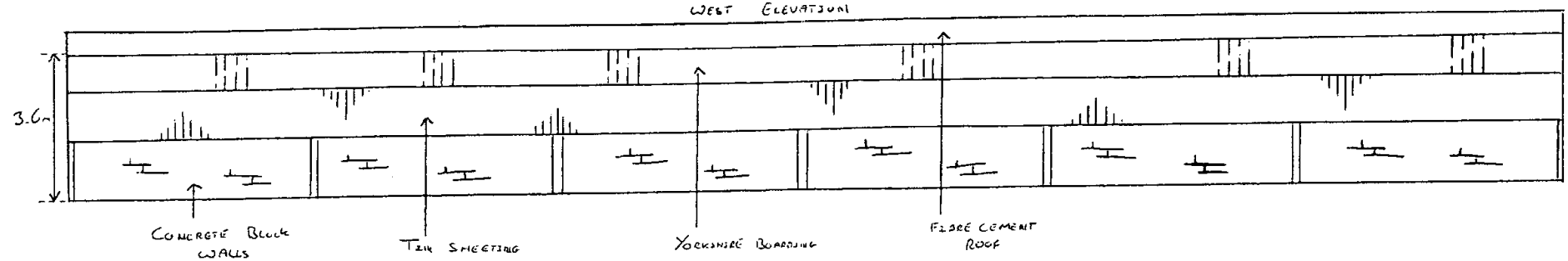
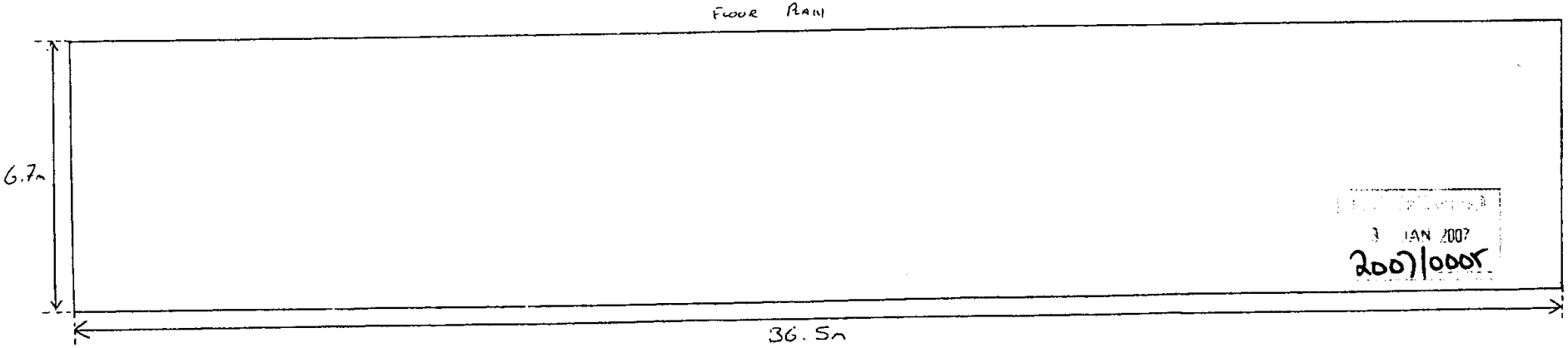


FLOOR PLAN



3 JAN 2007
2007/0005

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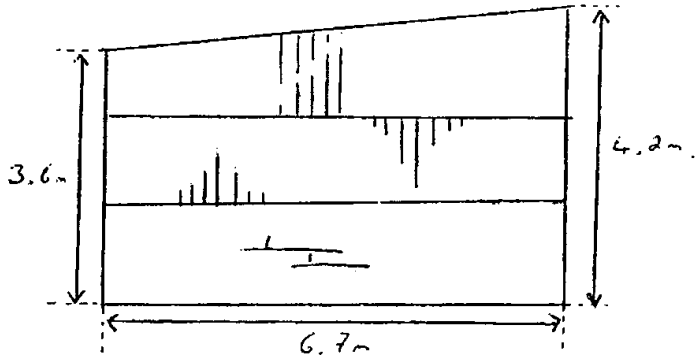
M Bainbridge

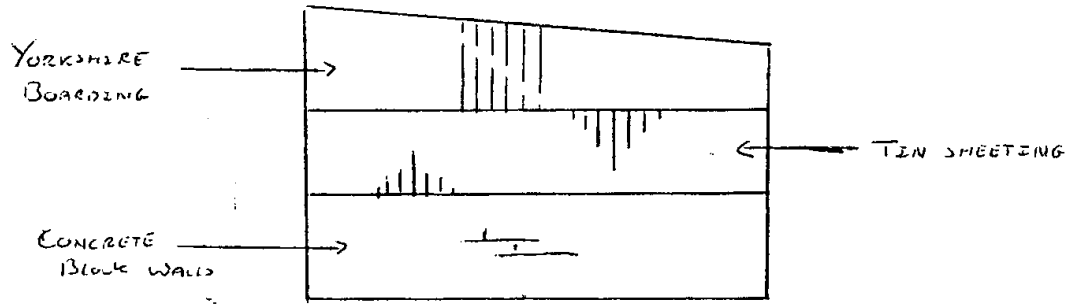
Land Adjoining Lough Butts Wood, Scotby

H & H Bowe Limited
Borderway, Rosehill, Carlisle, Cumbria. CA1 2RS

Scale: 1:100



SOUTH ELEVATION



NORTH ELEVATION

JAN 2007
2007/0001

Item No: 07 Date of Committee: 09/03/2007

Appn Ref No:	**Applicant:**	**Parish:**
07/0006	M Bainbridge	Wetheral
Date of Receipt:	**Agent:**	**Ward:**
03/01/2007	H & H Bowe Ltd	Wetheral

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

Grid Reference: 343852 554021

Proposal: General Purpose Agricultural Building

Amendment:

REPORT

Reason for Determination by Committee:

The application in brought for determination by Members of the Development Control Committee by virtue of the fact that the objector wishes to exercise his right to speak at the meeting.

Planning Policies:

Public Footpath

The proposal relates to development which affects a public footpath.

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

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

1. seek locations consistent with policy ST5, ST6, and ST7 which will assist in reducing the need to travel, and then in the following order of priority :

   a) the appropriate reuse of existing buildings worthy of retention, followed by
   b) the reuse of previously developed land and only then
   c) the use of previously undeveloped land,

2. seek sites that are or will be made accessible by public transport, walking or cycling,

3. reduce the risk of flooding within the development and elsewhere by a choice of location in the following order of priority:

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

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

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

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

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

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

Cumbria and Lake District Joint Structure Plan 2001 – 2016
Policy E37: Landscape character

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

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

8. openness, remoteness and tranquillity.

Carlisle District Plan
Environment - Policy E2

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

1. The building or structure is sited where practical to integrate with existing farm buildings and/or take advantage of the contours of the land and any existing natural screening; and

2. The scale and form of the proposed building or structure relates to the existing group of farm buildings; and

3. Within AONB's and Conservation Areas, the design and materials used reflect the overall character of the area; and

4. The proposal would not have an unacceptable adverse effect on any adjacent properties.

Carlisle District Plan
Environment - Policy E8

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

1. The proposal reflects the scale and character of the existing group of buildings or settlement; and

2. There is no adverse effect upon the amenity of neighbouring property, and the character and appearance of the area; and

3. Satisfactory access and appropriate car parking can be achieved; and

4. Any exiting wildlife habitats are safeguarded.

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

Carlisle District Plan
Housing - Proposal H17

The amenity of residential areas will be protected from inappropriate development

where that development:

1. Is for a use inappropriate for residential areas; and/or

2. Is of an unacceptable scale; and/or

3. Leads to an unacceptable increase in traffic or noise; and/or

4. Is visually intrusive; and/or

5. Leads to a loss of housing stock.

Carlisle District Plan
Leisure - Proposal L5

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

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

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

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

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

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

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

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

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

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

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

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft
Leisure & Community Uses - Policy LC8 - Rights of Way

Carlisle City Council will seek to retain all existing footpaths, bridleways and other rights of way and to establish new routes wherever possible. New development will seek to maintain the existing rights of way network and where possible local improvements and extensions will be sought as part of new developments. Proposals to close or divert existing rights of way will not be permitted unless an alternative route is available which is attractive, serves the same area and is not significantly longer than the original route.

Summary of Consultation Responses:

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

Wetheral Parish Council: the Parish Council are of the opinion that in view of the concerns expressed in writing by local residents, they cannot support this application. It appears that unauthorised development may have already taken place on the land owned by the applicant without planning consent. The Parish Council feel this needs to be investigated together with the associated issues of traffic and hours of use of the site;

Ramblers Association: comments awaited;

East Cumbria Countryside Project: comments awaited.

Summary of Representations:

Representations Received

SCHEDULE B: Reports Requiring Further Information

07/0006

Initial:	Consulted:	Reply Type:
[redacted] Barras Brow		Objection

This application has been advertised by means of a site notice and a press notice. At the time of writing this report, one letter of objection has been received and the main issues raised are summarised as follows:

1. the character of the site has changed with the creation of a hard standing with various containers and caravans on the site. There is concern that the future enterprise would be inappropriate both to its surroundings and the village;
2. there is a lot of activity in the evenings and late at night when agricultural vehicles leave the site and cause disturbance to local residents. In particular, this affects the Broomfallen kennels and cattery;
3. the application site is accessed by a bridleway which is limited to pedestrians and horse riders with access granted to agricultural vehicles only to access their fields and the once attractive grassy lane is now a muddy mess; and
4. gates restricting access along the bridleway have been removed and vandalised and the bridge over the M6 and the bridleway are increasingly being used to access the Garlands estate.

Details of Proposal/Officer Appraisal:

Planning History:

An application for planning permission for the erection of a general purpose agricultural building is currently being considered under application 07/0005.

Details of Proposal:

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

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

For commentary on the planning merits of this application, see report under

application 07/0006 found elsewhere in this report.

Human Rights Act 1998

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";

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;

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.

Recommendation:

Reason for including report in Schedule B

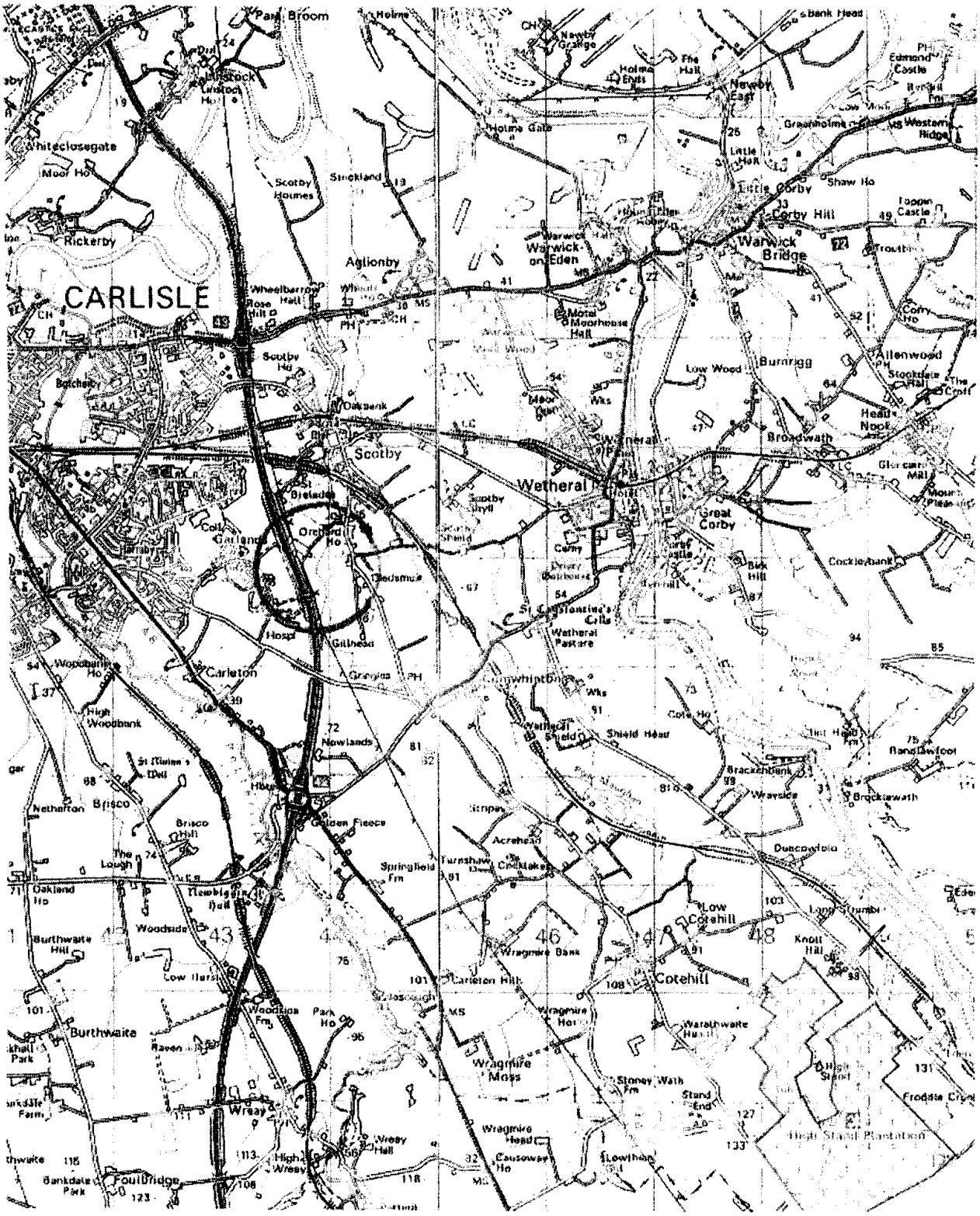
A full report and recommendation is unable to be made as further information is awaited from the applicant's agent.

M Bainbridge

Land Adjoining Lough Butts Wood, Scotby

H & H Bowe Limited
Borderway, Rosehill, Carlisle, Cumbria. CA1 2RS
Illustration only

RECEIVED
3 - JAN 2007
2007/0006



M Bainbridge

Land Adjoining Lough Butts Wood Scotby

H & H Bowe Limited
Borderway, Rosehill, Carlisle, Cumbria. CA1 2RS

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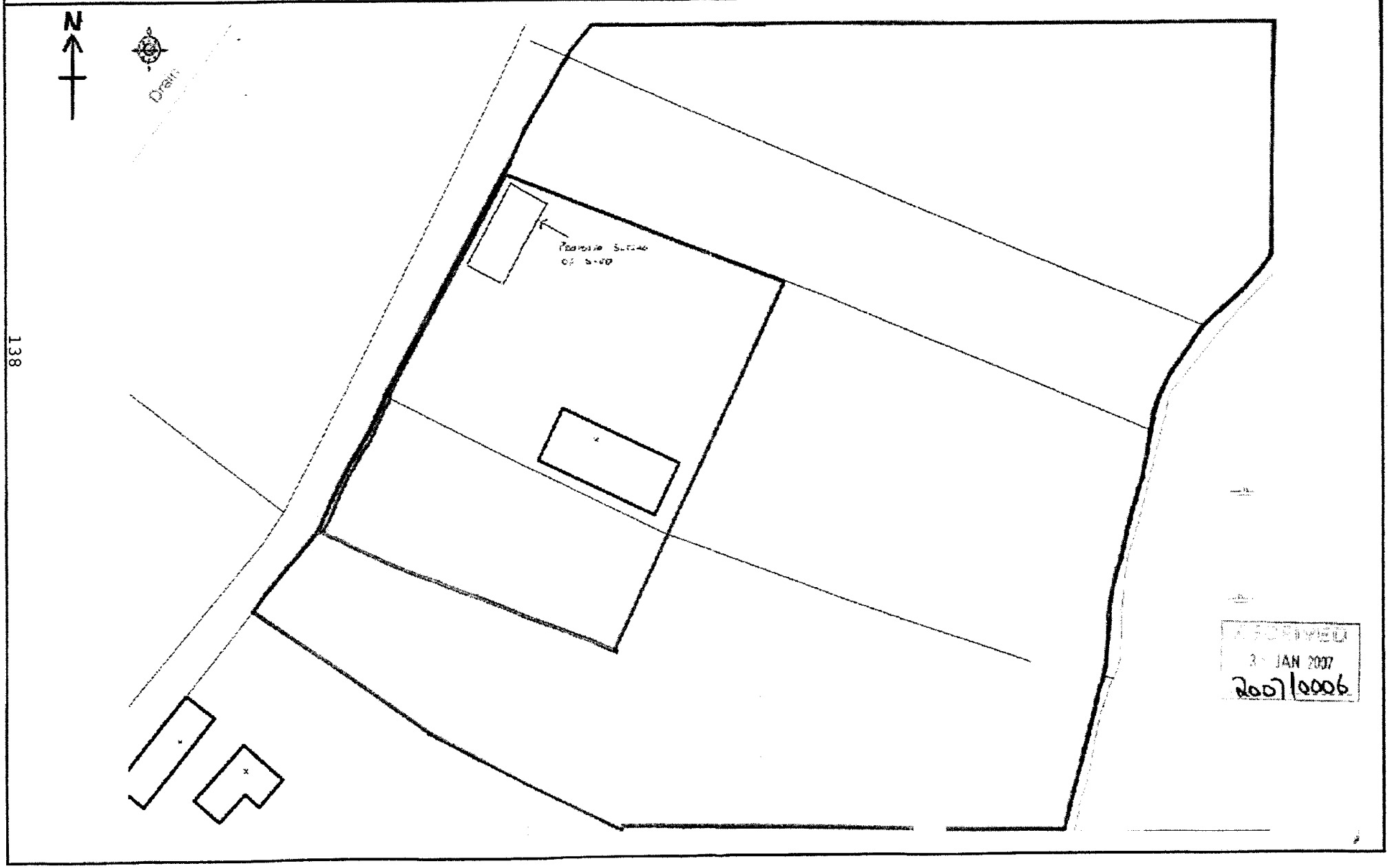

M Bainbridge
Land Adjoining Lough Butts Wood, Scaby
H & E Bowe Limited
Borderway, Rosehill, Carlisle, Cumbria, CA1 2RS
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3 JAN 2007
2007 0006
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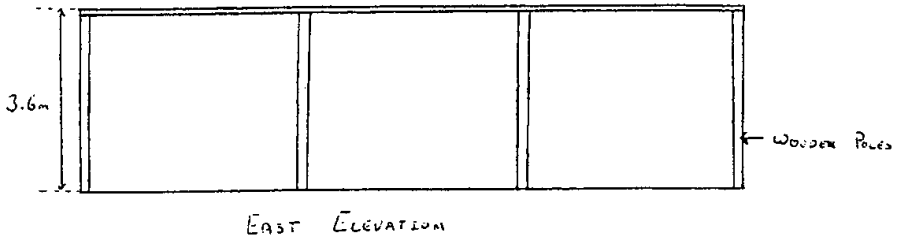
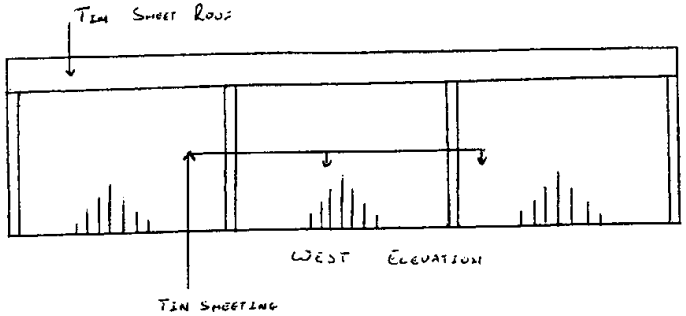
M Bainbridge

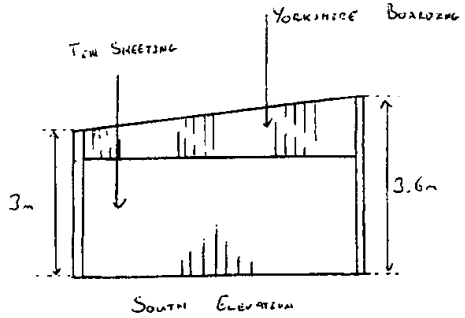
Land Adjoining Lough Butts Wood, Scotby

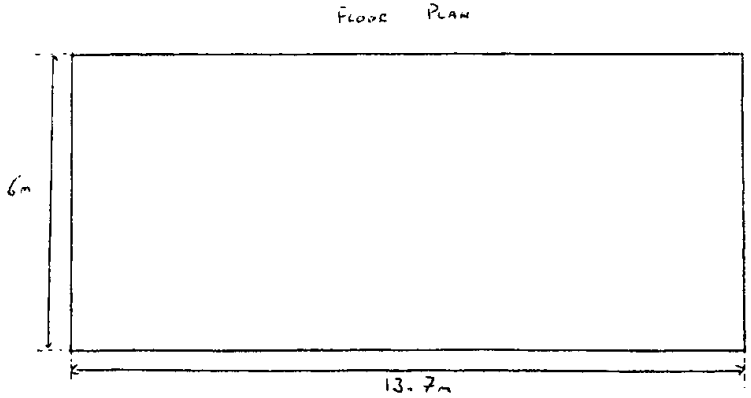
H & H Bowe Limited
Borderway, Rosehill, Carlisle, Cumbria. CA1 2RS

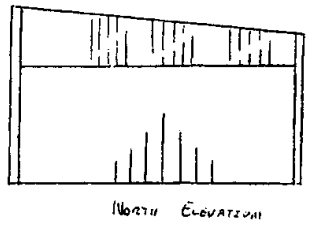
Scale: 1:100











9 JAN 2007
2007/0006

Item No: 08 Date of Committee: 09/03/2007

Appn Ref No:	**Applicant:**	**Parish:**
06/1473	Environment Agency	Multiple Parishes
Date of Receipt:	**Agent:**	**Ward:**
22/12/2006	Axis	Multiple Wards

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

Grid Reference:
339774 555697

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

Amendment:

REPORT

Reason for Determination by Committee:

This is a major application of significance to the future development of the City.

Planning Policies:

Ancient Monument

Site of Special Scientific Interest

The proposal relates to land or premises situated within or adjacent to a Site of Special Scientific Interest.

Site of Nature Conservation Significance

Gas Pipeline Safeguarding Area

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

Flood Risk Zone

Waste Disposal Site

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

Conservation Area

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

Health & Safety Executive Consultation

The proposal relates to development involving or affected by hazardous substances or noise.

Carlisle District Plan
Environment - Policy E1

Permission will not be given for development where it would lead to the loss of the best and most versatile agricultural land, unless;

1. There is a overriding need for the development; and

2. There is insufficient land of a lower grade available; or

3. Available lower grade land has a statutory landscape, wildlife, historic or archaeological designation.

Carlisle District Plan
Environment - Policy E5

Within Areas of Local Landscape Significance, permission will not be given for development which adversely affects the open character of the areas. Development of open space recreational uses such as golf courses and playing fields which retain the essential open nature will be acceptable. In addition, small scale development within or adjacent to established farmsteads and other groups of buildings, together with buildings associated with and required for the use of the area for open recreational areas will be acceptable providing that:

1. The proposal reflects the scale and character of the existing group of buildings; and

2. There is no unacceptable adverse effect on the amenity of neighbouring property; and

3. There is no unacceptable adverse effect on the character and appearance of

the surrounding area; and

4. Where appropriate satisfactory access and car parking can be achieved.

Carlisle District Plan
Environment - Policy E6

Within Areas of Landscape Improvement, the City Council will encourage landscape improvement schemes. Permission will not be given for development which adversely affects the open character of the areas. Development of open space recreational uses such as golf courses and playing fields which retain their essential open nature will be acceptable. In addition small scale development within or adjacent to established farmsteads and other groups of buildings, together with buildings associated with and required for the use of the area for open recreational uses will be acceptable providing that:

1. The proposal reflects the scale and character of the existing group of buildings; and

2. There is no unacceptable adverse effect on the amenity of neighbouring property; and

3. There is no unacceptable adverse effect on the character and appearance of the surrounding area; and

4. Where appropriate satisfactory access and car parking can be achieved.

Carlisle District Plan
Environment - Policy E9

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

Carlisle District Plan
Environment - Policy E10

Development which would affect an existing or proposed Special Protection Area (SPA), Special Area of Conservation (SAC) or Ramsar Site will be subject to the most rigorous examination. Development or land use change not directly connected with or necessary to the management of the site and which is likely to adversely affect the integrity of the site will not be permitted unless:

1. There is no alternative solution; and

2. There are imperative reasons of overriding public interest for the development;

Where the site concerned hosts a priority natural habitat type and/or a priority

species, development will not be permitted unless the Authority is satisfied that it is necessary for reasons of human health or public safety or for beneficial consequences of primary importance for nature conservation.

Carlisle District Plan
Environment - Policy E11

Development which would adversely affect the nature conservation (including the geological) interest of Sites of Specific Scientific Interest will be subject to special scrutiny and will not be permitted unless:

1. The reasons for the development clearly outweigh the nature conservation value of the site as part of the national series of SSSI's; or

2. The nature conservation interest of the site can be fully protected and enhanced by the appropriate use of planning conditions or obligations.

Carlisle District Plan
Environment - Policy E12

Development which would adversely affect the nature conservation interests of wild life sites and other sites of nature conservation significance will not be permitted unless:

1. The harm caused to the value of those interests is clearly outwieghed by the need for the development; and

2. Where practical any environmental feature lost is replaced with an equivalent feature.

Carlisle District Plan
Environment - Policy E14

Proposals for development including re-use and adaptation of existing buildings, which will directly or indirectly affect species listed in Schedules 1, 5 and 8 of the Wildlife and Countryside Act 1981 (as amended) will not be permitted unless satisfactory safeguards for these species can be agreed in consultation with English Nature.

Carlisle District Plan
Environment - Policy E19

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

Carlisle District Plan
Environment - Policy E20

Development which would result in the raising of the floor of the floodplain, or which would have an adverse impact on the water environment due to additional surface water run off, or adversely affect river defences will not be permitted unless appropriate alleviation or mitigation measures are included. This applies to the floodplains of the River Eden, Caldew, Petteril, Esk, Irthing and Lyne and their tributaries which are all subject to periodic flooding.

Carlisle District Plan
Environment - Policy E21

The City Council, in conjunction with the Environment Agency, will seek to promote the concept of river corridors as important areas of open space. It will promote, where appropriate, initiatives to conserve the quality and value of rivers, particularly for nature conservation purposes, and will identify appropriate locations for public access and water-related sport and recreation.

Carlisle District Plan
Environment - Policy E23

Development which enables water and sewerage undertakers to improve their treatment works will be permitted provided the development does not have a detrimental impact on the landscape quality of the area and there is no loss of amenity to nearby residents.

Carlisle District Plan
Environment - Policy E25

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

Carlisle District Plan
Environment - Policy E26

Within the buffer zone of Hadrian's Wall Military Zone World Heritage Site, as defined on the Proposals Map, proposals for development which would have an unacceptable adverse impact on the character and/or setting of the World Heritage Site will not be permitted. Development within or adjacent to existing settlements, established farmsteads and other groups of buildings will be permitted providing that:

1. The proposal reflects the scale and character of the existing group of buildings; and

2. There is no unacceptable adverse effect on the character and/or appearance of the Hadrian's Wall Military Zone World Heritage Site.

Carlisle District Plan
Environment - Policy E27

Within the outer visual envelope, beyond the Hadrian's Wall Military Zone World Heritage Site, proposals for major development which would have an adverse effect on the character of the World Heritage Site will not be permitted unless the need for the development outweighs the environmental costs.

Carlisle District Plan
Environment - Policy E28

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

Carlisle District Plan
Environment - Policy E29

Elsewhere in the Plan area, on other known sites and monuments of archaeological significance, permission for development will be granted, provided the applicant can demonstrate that the site will be either satisfactorily preserved or appropriate arrangements for excavation and recording have been made. These cases will be judged against the following:

1. The importance of the archaeological features;

2. The effects of the proposal on the archaeological features;

3. The need to retain and where possible enhance the features which have a particular archaeological and/or landscape significance;

4. The applicant's arrangements for in situ preservation of the features.

Carlisle District Plan
Environment - Policy E30

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

Carlisle District Plan
Environment - Policy E31

On land for which there is no archaeological information, but where there are reasonable grounds for believing remains to be present, the City Council will ensure that the archaeological aspects of development proposals are examined and

evaluated before planning applications are determined. Planning permission will not be granted without adequate assessment of the archaeological implications.

Carlisle District Plan
Environment - Policy E35

Proposals for new development which adversely affect a listed building or its setting will not be permitted. The City Council will seek to encourage any new development to be sympathetic in scale, character and materials.

Carlisle District Plan
Environment - Policy E43

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

Carlisle District Plan
Environment - Policy E56

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

Carlisle District Plan
Transport - Proposal T15

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

Carlisle District Plan
Housing - Proposal H17

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

1. Is for a use inappropriate for residential areas; and/or

2. Is of an unacceptable scale; and/or

3. Leads to an unacceptable increase in traffic or noise; and/or

4. Is visually intrusive; and/or

5. Leads to a loss of housing stock.

Carlisle District Plan
Leisure - Proposal L2

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

Carlisle District Plan
Leisure - Proposal L5

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

Carlisle District Plan
Leisure - Proposal L6

The development of regional long distance footpaths, bridleways and other rights of way within the Plan area will be encouraged.

Carlisle District Plan
Leisure - Proposal L7

Within the Plan area, the lines of disused railways which have potential for future recreation use will be safeguarded from development which would prejudice that future use.

Carlisle District Plan
Leisure - Proposal L8

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

Carlisle District Plan
Leisure - Proposal L10

Development which will result in the loss or encroachment upon school or private playing fields or playspace will not be permitted unless:

1. Adequate provision is made elsewhere; or

2. An oversupply of provision can be demonstrated.

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): The most vehicular intense operation, with sixty 16t lorry loads per day, would seem to be embankment construction. This is concentrated at the edge of the playing fields close to Robert FergusonSchool, with access from the southern end of Denton Holme. It will entail the transport of construction material through one of the busier areas on the fringe of the City Centre, but there is no viable alternative.

The Highways Authority has no objections to the proposal.

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

All works should be subject to ongoing consultation and liaison between the Environemnt Agency,their Agents ,Consultants,contractors and United Utilities to ensure protection of our assets.

English Heritage - (Archaeology) NW Region: Comments awaited.

English Nature: The Key Issues for Natural England in relation to the flood alleviation scheme are as follows:

Site Designation and Interest Features: In view of the status of the River Eden and tributaries a both a nationally deignated Site of Special Scientific Interest (SSSI) and internationally designated Special Area of Conservation (SAC), Natural England advises that, before granting planning permission for the proposals, Carlisle City Council must ensure that the scheme is assesed under both the Wildlife and Countryside Act 1981, as incorporated by the CROW Act 2000 and the Conservation (Natural Habitats &c) Regulations 1994. In assessing the proposals, potential impacts on the interest feature of the River Eden and Tributaries SSSI and SAC should be identified.

Assessment under Regulation 48 of the Conservation (Natural Habitats &c) Regulations 1994: In Natural England's view the EA has given high priority to minimising potential effects on the river and associated habitats and species in designing the FAS proposals. However, Natural England advises Carlisle City

Council that the Caldew and Carlisle City FAS is likely to have a significant effect on the European Site. Therefore, as a competent authority, Carlisle City Council is required to carry out an Appropriate Assessment of the proposals under Regulation 48 of the Conservation (Natural Habitats &c) Regulations 1994. The Habitat Regulations require competent authorities to carry out an Appropriate Assessment of any plan or project which is likely to have a significant effect on a European Site, either alone or in combination with other plans or projects not directly connected with or necessary to the management of the site for nature conservation.

Guidance on Habitat Regulations assessment procedures is provided in Natural England's Habitat Regulations Guidance Notes 1-6, copies of which have been provided to the City Council. The guidance states that whilst the Appropriate Assessment is not the same as the Environmental Assessment Process as derived through the various Environmental Assessment Regulations, it would be appropriate to use the information assembled for the Environmental Assessment when carrying out the appropriate assessment. Following discussions with the Environment Agency and Carlisle City Council at a meeting on 6th November 2006, it was agreed that, in addition to the Environmental Statement, the Environment Agency would supply information towards an Appropriate Assessment. This document has been provided at Appendix G to the Environmental Statement which accompanied the planning application. This information should be used by Carlisle City Council in carrying out an Appropriate Assessment of the scheme in terms of its effects on the intentionally designated site and its component habitats and species.

Conservation Objectives: The assessment of the scheme will need to assess the implications of the proposals in relation to the Conservation Objectives for the River Eden and Tributaries SSSI/SAC which Natural England has been revising following the issue of new guidance by JNCC in 2005. Whilst subject to ongoing review, the current draft objectives now represent the most up to date guidance for assessment purposes, both in terms of assessing potential impact on the SAC and SSSI. I enclose a copy of the current Conservation Objectives for the River Eden and Tributaries SSSI/River Eden SAC.

The Conservation Objectives seek to maintain the notified habitats, species and geological features in favourable condition or restore them to favourable condition where they are currently unfavourable. Natural England is currently working with the EA, local authorities and other partner organisations to meet the Government's Public Service Agreement (PSA) target to bring 95% of SSSIs, by area, into favourable (or unfavourable recovering) condition by 2010.

Identifying and assessing effects on the SAC: To meet the requirements of the Habitat Regulations for Appropriate Assessment of the proposals, the guidance states that the effects considered should be those of the plan or project, either alone or in combination with other plans or projects, on the habitats and species of international importance and how these effects are likely to affect the integrity of the site in the light of its conservation objectives. This will involve considering:

- the nature, scale, geographic extent, timing, duration and magnitude of all direct and indirect effects;
- the degree of certainty in the prediction of effects

- all mitigating measures already contained in the proposal and the extent to which these measures are likely to avoid, reduce or ameliorate adverse effects on the international nature conservation interests

The Regulations imply that a precautionary approach should be taken and the proposal may only proceed if the competent authority has ascertained that it will not adversely affect the integrity of the European site.

Natural England provides advice in relation to the scope and content of the Appropriate Assessment and I enclose a document setting this out in more detail for the Caldew and Carlisle City FAS and will be pleased to discuss the this with you in more detail in due course.

In summary, an appropriate assessment should address the following aspects of the scheme:

- Temporary construction period impacts
- Long-term permanent impacts of structures in place
- Occassional impacts while in use during flood events or during periodic future maintenance
- Alone and in combination effects of the scheme as a whole

Indentifying and assessing effects on the SSSI

The additional features specifically included within the SSSI but not SAC designation and relevant to the scheme area include 'Invertebrate asemblage of exposed river sediments' and 'breeding birds associated with the river and adjacent habitats'. The potential impacts on these features should also be assessed as required under the Wildlife & Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000).

Additional protected species issues

In view of the types of structures involved in the works area (existing walls, bridges, trees etc), Natural England advises that the City Council must consider the potential impact on bats when determining the planning application. All our species of bat are of international importance and are protected by UK, European and international law. Bats are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and under Schedule 2 of the Conservation (Natural Habitats, etc) Regulation 1994. According to PPS9, protected species are a material consideration when determining planning applications.

It is Natural England's view that the Environmental Statement indicates that the EA proposes measures to ensure that there is sufficient information to determine whether the proposed works will impact on any protected species including bats. Natural England is in discussion with Argus Ecology regarding the bat survey methodology, ensuring it complies with current best practice. It bats are found to be present and the proposed development is likely to have an adverse affect on them, A European Protected Species licence from Natural England will be required.

As stated earlier, Natural England has been pleased to work with the Environment Agency during development of the FAS proposals, to ensure that the interests of the SSSI and SAC have been considered in scheme design. We also welcome the elements of the FAS which seek to develop potential opportunities for enhancement of features of nature conservation interest and biodiversity value along the river corridor and flood plain.

Property Services: Comments awaited.

Cumbria Wildlife Trust: Comments awaited.

Ramblers Association: We accept the need for the temporary closure of rights of way in this huge project but hope that any permanent extinguishments will be replaced by at least as good as the ones they replace.

Carlisle Angling Association: Comments awaited.

River & District Fisheries Association: Comments awaited.

Environmental Protection Services: Further to your memo dated 11th January 2007, I can confirm that the information provided in the the Caldew and Carlisle City Flood Alleviation Scheme and Environmental Statement Planning Application dated December 2006 does not provide any information on contamination. However, I have seen a copy of the EIA Scoping Report and can confirm that I have looked at the summary of impacts and am concerned to note that there is no environmental issues noted in relation to potential leaching of contaminants from the earth embankment. I have been led to believe that the embankment contains old Victorian waste and therefore, unless the waste is fully contained, there is leaching potential.

Confirmation on action taken in this matter and why it is not included in the impacts table of the EIA scoping report would be appreciated.

It should be noted that if this matter is not addressed and future problems arise with contaminants entering the river the area may need to be determined as contaminated land and the Environment Agency would be considered as the appropriate body to remediate the land.

(Parks & Countryside - Landscape Services) Community Services - Greenspace Team: Comments awaited.

Community Services - Drainage Engineer: Comments awaited.

Network Rail: Network Rail object to the proposals in their current form.

The objection is based on the lack of sufficient information to enable us to conclude that there will be no adverse effect on our existing infrastructure. In addition we have a long term aspiration to re-open the Carlisle avoiding lines. Although we accept that the Council's position on this has altered we have placed a valid objection to the alteration to the Carlisle Local Plan and expect to contest the change in policy at a subsequent inquiry. Pending such a result we consider it reasonable to ensure that

the works would not prejudice the re-opening of the railway.

It is considered that the provision of flood defences as proposed by the Agency will create an increase in both flood levels and the velocity of water downstream. This may have an effect on the structure WCM/1/3 & 3a, carrying the west coast main line over the River Caldew. We wish to see evidence that the increased flow of water will not cause scour problems at the base of the bridge abutments or, if it will do so, what protective measures the Agency will provide to protect our structure. Similarly the increase in flood levels has presumably been modelled so a prediction can be made as to the increased frequency of flooding of the railway. As it seems to happen on a fairly regular basis (at least upto rail level every two or three years in recent times) we wish to know what changes the flood prevention measures will have on this, both in terms of levels and frequency. Again, appropriate mitigation should be made accordingly. This also applies to earthworks adjacent to the bridge. One particular concern is the effect of floodwater on the toe of the embankment just north of the bridge (opposite The Sauceries). At present the flood water runs along a drainage ditch at the toe of the embankment. If this flow is likely to increase because of the flood defences upstream a reinforced revetment may be required to protect the embankment from being washed out.

Further downstream we would wish for additional information to be provided in relation to the Eden Viaduct (Bridge No.5), which suffers from similar problems.

In relation to the avoiding lines, although it would appear at first glance that the proposals would not prevent the re-instatement of the route, there are a number of details which need clarification. Firstly it is noted that demolition of the skew bridge near Lamplugh Street is proposed, including removal of the piers in the middle of the river. However it is unclear whether there would be any problem with the re-instatement of a new bridge, including new piers, in relation to the floodworks proposed. We would wish to receive an assurance that there would be no objection to the re-instatement of such piers in any new scheme. Secondly it is assumed that the existing parapets of the old bridge are to remain as a principal flood defence. A section and elevation of this area would help to clarify matters.

We would also assume that the Agency would not object to the re-instatement of the railway provided preventative flood measures commensurate with the loss of those parts of the proposed works are provided as part of the re-opened railway.

It may be that our fears can be allayed through the provision of more information in the form of a presentation, by the applicant, to relevant personnel of Network Rail. Alternatively if the additional information we seek can be provided in some other format we would be pleased to examine them in detail as soon as possible.

It is a matter of course that any works adjacent to the railway will require the approval and implementation of a method statement.

Cumbria County Council - (Archaeological Services): There have been some archaeological evaluation trenches excavated along the route of the proposed scheme in the areas of highest archaeological potential. Baring any last minute shock discoveries I would consider that the effects of

the scheme, outside the areas protected as Scheduled Monuments, could be mitigated through archaeological recording as a condition on any planning consent. However, the scheme also affects the Castle Scheduled Monument and the evaluation here revealed significant archaeological remains surviving below ground and I do not know what English Heritage's response will be to this.

Council for Protection of Rural England: Comments awaited.

Development Services Planning & Housing Services - Local Plans (Trees): The proposed flood alleviation scheme will require the removal of a significant number of mature trees and shrubs, as well as other vegetation. Some of the trees and vegetation is owned and managed by Carlisle City Council.

Also, the proposed works in a number of ways will adversely affect the remaining trees and shrubs. Excavations , trenching, compaction of the soil, driving vehicles and plant over the rooting area of the trees, and contamination are several of the ways damage occurs. Following such damage the trees are likely to decline and their eventual removal will further add to the change in the landscape character of the river corridors.

A scheme of this size that will affect such a significant number of trees should follow the guidance set out in British Standard 5837:2005 Trees in relation to construction – Recommendations. This should include a tree survey to identify all the trees within influencing distance of the proposals. A tree constraints plan that will help inform the decision on the location of the flood defence works. An arboricultural implications assessment and an arboricultural method statement to include tree protection measures.

None of the above has been carried out. Also it is worth noting that the location of the trees as shown on the plans is only indicative as a proper survey has not been carried out. It would therefore be impossible to ascertain with certainty which trees are likely to remain or need to be removed.

The above mentioned tree assessments should be carried out and an accurate plan of the tree/vegetation removals produced. Where practical the engineering works should be located in such a place to reduce the impact on the trees.

To protect the trees to be retained during the construction a robust tree/landscape protection barriers must be erected, and to mitigate the loss of the existing trees a landscaping scheme should be provided and implemented.

Development Services Planning & Housing Services - Urban Designer: This substantial application is likely to have one of the most significant visual effects on the city of any recent development, and its visual impact, for good or ill will be with the city indefinitely. As such it is critically important that the structures proposed are as visually acceptable as is possible, and that a high design standard is achieved. This requirement should run across the proposal, from parapets, walkways and revetments on all sites, to the proposed bridges which have the potential, if well designed and executed, to contribute positively to the quality of the city. There are some significant areas for concern:

Proposed finishes to flood defence walls.

1) Holme head Weir to South Vale Bridge: These appear to be predominantly brick faced with sandstone copings. At Holme Head adjacent to Denton Mill there is a short section of stone faced wall. The material used in historic engineering structures in this area is predominantly stone, with brick used for typically domestic building. The proposed solution may be visually acceptable but early provision of sample panels, mortars, and bonding patterns should be requested.

2) South Vale Bridge to Nelson Bridge: Again, brick faced defence walls predominate with a section of sandstone facing to the enterprise centre.

Cumbria Constabulary - Crime Prevention: Comments awaited.

East Cumbria Countryside Project: Comments awaited.

Northern Gas Networks: Comments awaited.

Kingmoor Parish Council: We would wish to make comments as follows:

1. The Applicant to investigate the provision of a protective bond on the south and west sides of Stainton, contiguous with the flood level attained in the flood of January 2005. This level was higher than that shown on the flood map of volume 2 figure 2. Details and photographs are available from this Council.

2. With the removal of the disused railway embankment the view of Willowholme Industrial Estate will be seen from Stainton. The provision of trees to act a screen is therefore required.

3. The provision of a bund around the sewer pumping station south of Stainton will be an unnecessary eye-sore in the open location. Given its size and loss of more agricultural land. A cheaper and simpler option is available. The bund is only required to stop flood water entering the below ground sewage chamber as lids at ground level are not sealed. Why not make the lids seal and provide a sealable control kiosk to replace the existing kiosk that is in place next to the

flood bank.

4. When the natural flood plain is flooded once every 5 years as quoted in the Environmental Statement the loss will not be of grazing fields but the crops that are required for winter i.e. barley, straw, hay, kale, maize and grass for conservation (silage). The loss of these crops and any damage to fences will have unsustainable financial implications to the farming community. A financial reimbursement through a fast track system set up prior to being required must be in place to reassure those that will be affected by regular flooding. Th unspoilt setting of Stainton enjoyed by all residents and visitors alike will be lost if the long term effects of this scheme on the area are not given the due consideration required.

5. The proposed wetland area shall be made accessible to pedestrians only. With the strict exclusion of cycles or motor driven machines suitable control gates to be installed.

6. Substantial fencing to be erected on the re-modelled railway embankments to prevent illegal use or access.

7. With deliveries to the works passing through Stainton there will be a requirement for a mechanical road sweeper on a daily basis.

8. Prior to start of works the contractor to arrange a point of contact with Stainton residents so that they may be able to raise points of concern that may arise.

9. With removal of the two lower sections of the existing floodbank this may allow flooding. With normal high waters every year. The Applicant should investigate the installation of flap valves as an alternative to floodbank removal.

English Heritage - (Hist Bldg & Monuments): Comments awaited.

Summary of Representations:

Representations Received

Initial:	Consulted:	Reply Type:
[redacted], Blackwell Hall Farm	11/01/07	
[redacted] The Mills Management Co. c/o Leasecare Ltd	11/01/07	
[redacted] Shoregate House	11/01/07	
[redacted], 17 The Maltings	11/01/07	
[redacted], 37 Mallyclose Drive	11/01/07	
[redacted], Awelfryn	11/01/07	
[redacted] 20 The Maltings	11/01/07	
[redacted] High House	11/01/07	Undelivered
[redacted], Aden Bahr	11/01/07	
[redacted], 23 The Maltings	11/01/07	
[redacted] 24 The Maltings	11/01/07	
[redacted] 25 The Maltings	11/01/07	

SCHEDULE B: Reports Requiring Further Information

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[redacted] 6 Church Street	11/01/07	
[redacted] The Beeches	11/01/07	
[redacted], 28 The Maltings	11/01/07	
[redacted] The Old Rectory	11/01/07	
[redacted], 30 The Maltings	11/01/07	
[redacted], 31 The Maltings	11/01/07	
[redacted] 32 The Maltings	11/01/07	
[redacted], 33 The Maltings	11/01/07	
[redacted] 34 Caldew Maltings	11/01/07	Objection
[redacted] Treetops	11/01/07	
[redacted] 36 The Maltings	11/01/07	
[redacted] 37 Caldew Maltings	11/01/07	Objection
[redacted] 12 Marlborough Gardens	11/01/07	
[redacted], 39 Caldew Maltings	11/01/07	
[redacted], c/o Mrs A Leach	11/01/07	
[redacted], 41 The Maltings	11/01/07	
[redacted] High Blaithwaite	11/01/07	
[redacted] 44 The Maltings	11/01/07	
[redacted] 23 Corporation Road	11/01/07	
[redacted] 2 Old Close	11/01/07	
[redacted] 47 The Maltings	11/01/07	
[redacted] The Beeches	11/01/07	
[redacted] 103 Castlerigg Drive	11/01/07	
[redacted], 50 The Maltings	11/01/07	
[redacted], 51 The Maltings	11/01/07	
[redacted] 52 The Maltings	11/01/07	
[redacted] Shoregate House	11/01/07	
[redacted], 54 The Maltings	11/01/07	
[redacted] Holly House	11/01/07	
[redacted] 15/10 Rothesay Terrace	11/01/07	
[redacted] Troutbeck Cottage	11/01/07	
[redacted], 58 The Maltings	11/01/07	
[redacted] 59 The Maltings	11/01/07	
[redacted] 60 The Maltings	11/01/07	
[redacted], 61 The Maltings	11/01/07	
[redacted] 19 Arnhem Wharf	11/01/07	
[redacted] 62 The Maltings	11/01/07	
[redacted], 64 The Maltings	11/01/07	
[redacted] Longhirst	11/01/07	
[redacted] C/O The Sands Centre	18/01/07	
[redacted] Scottish & Newcastle Pub Enterprises	11/01/07	
[redacted], c/o The Bay	11/01/07	
[redacted], Property Services Manager	11/01/07	
[redacted], Robert Ferguson Primary School	11/01/07	
Cumbria County Council Headquarters, The Courts	11/01/07	
[redacted] Burgh Road Industrial Estate	11/01/07	
[redacted], Andersons Ltd	11/01/07	
[redacted] 14 Talbot Road	11/01/07	
[redacted], c/o Denton Tyre Centre Ltd	11/01/07	
[redacted], c/o 111 Denton Street	11/01/07	
[redacted] Cumbria Waste Management	11/01/07	
[redacted] United Utilities	11/01/07	
[redacted] c/o Scott Self Storage	11/01/07	
[redacted] A-Z Vehicle Dismantlers	11/01/07	
[redacted] Property Department	11/01/07	

SCHEDULE B: Reports Requiring Further Information

06/1473

[redacted] Dunelm Soft Furnishings Ltd	11/01/07	
[redacted] Storey Carpets	11/01/07	
[redacted] Aberdeen City Council Pension Fund	11/01/07	
[redacted], c/o APex Electrical	11/01/07	
[redacted], c/o Northern Electrical Ltd	11/01/07	
[redacted]JP McDougall & Co Ltd	11/01/07	
[redacted] c/o Finesse PVCu Ltd	11/01/07	
[redacted], c/o S & G Sealed Units	11/01/07	
[redacted] UPS	11/01/07	
[redacted], c/o 1 Tower Court	11/01/07	
[redacted], Border Travel Services Ltd	11/01/07	
[redacted] University of Central Lancashire	11/01/07	
[redacted] Tesco	11/01/07	
[redacted], c/o Cumbria Indoor Bowls	11/01/07	
[redacted] Eden Bridge Club	11/01/07	Comment Only
[redacted] Earsdon Properties LLP	11/01/07	
[redacted] Saint Gonain Distribution Ltd	11/01/07	
[redacted] Impact Housing Assoc. Ltd	11/01/07	
[redacted] Smiths Gore	11/01/07	Comment Only
[redacted] Arlesville Estates Ltd	11/01/07	
[redacted], PP1A North Street	11/01/07	
[redacted], Autumnwindow Ltd	11/01/07	
[redacted], Showmans Quarters	11/01/07	
[redacted], Showmans Quarters	11/01/07	
[redacted], Brow Top	11/01/07	
[redacted] Carlisle Trade Centre	11/01/07	
[redacted], Brown Brothers	11/01/07	
[redacted] Ashtead Plant Hire Co. Ltd	11/01/07	
[redacted] c/o Osbourne & Earl	11/01/07	
[redacted] Vodafone Ltd	11/01/07	
[redacted] Elba Securities c/o Able UK Ltd	11/01/07	
[redacted] Wallace Oils Division	11/01/07	
[redacted] Carlisle Leisure Ltd	11/01/07	
[redacted] Eden View Farm	11/01/07	
[redacted] Stainton Farm	11/01/07	
[redacted], 7 Castle Crescent	11/01/07	Comment Only
[redacted] National Grid Gas Plc	11/01/07	
[redacted] Network Rail	11/01/07	
[redacted] DFS Trading Ltd	11/01/07	
[redacted], Trinity School	11/01/07	
[redacted] Waste Recycling Ltd	11/01/07	
[redacted] 1 The Barrel House	11/01/07	
[redacted], 2 The Barrel House	11/01/07	
[redacted] 3 The Barrel House	11/01/07	
[redacted] 4 The Barrel House	11/01/07	
[redacted] 5 The Barrel House	11/01/07	
[redacted] 6 The Barrel House	11/01/07	
[redacted] 7 The Maltings	11/01/07	
[redacted], Goodlands & Watson	11/01/07	
[redacted], c/o Rose Cottage	11/01/07	
[redacted] 10 The Maltings	11/01/07	
[redacted] Carlisle & Borders Estate Agents	11/01/07	
[redacted], 12 The Maltings	11/01/07	
[redacted], 13 The Maltings	11/01/07	
[redacted] 14 The Maltings	11/01/07	
[redacted] The Rectory	11/01/07	
[redacted] c/o PFK Planning		Objection
[redacted], H & H Bowe Ltd		Objection
[redacted] McVities		Support

SCHEDULE B: Reports Requiring Further Information

06/1473

[redacted], 1 Stainton Road — Comment Only

The application has been advertised in the form of press and site notices and the direct notification of the occupiers of 127 neighbouring properties. The applicant has also arranged for public displays of the proposal to take place at Robert Ferguson School on the 15th-17th January, and, The Old Brewery from the 18th to 20th January 2007. In response, a total of 9 representations have been made and are summarised below.

- In my view the scheme will work well when the flooding is classified as being 'minor' but not a great deal of use when the flooding is classified as being 'major'. To avoid Carlisle City flooding the River Eden has to be as deep and fast flowing as possible. Any impediment to free-flow of current will aid flooding up-river. I suggest that the falls near Etterby Bridge be dismantled. Up river from the falls there is a great deal of sand and other material clogging on top of the river bedrock. Has the EA even surveyed the River Eden from Etterby Bridge to the next bridge up river? Is there a small boat or launch that is adapted to river derdging available at a reasonable cost? It may be that if the River Eden between the bridges is kept fast flowing and the river bedrock kept clear of clogging materials, the flooding problems of Carlisle City may be solved. If it is found necessary to maintain the hieght of the River Eden, a 'flood gate' could be sited at the Etterby Bridge. It could open up as the river volume rises.

- We write in our capacity as managing agents acting on behalf of Arlesville Estates Limited who are the freeholders of the property known as Caldew Maltings in Carlisle. Whilst we are broadly in support of the principle of flood protection works following the disastrous floods of 2005, we must point out that this application has, in our view, been submitted without proper consultation with the residents affected by the works. In view of the fact that in some areas the work will involve (presumably under compulsory powers) the construction of structures adjacent ot attached to dwellings, we feel that a more robust consultation processshould have been undertaken prior to the submission of the planning application. We do not wish to frustrate the process, whilst we recognise that many residents will be supportive of the work, there are also others who are directly affected by the works who will have had little time to fully consider the implications, particularly bearing in mind that the application was submitted over the Christmas period. In the circumstances we urge you to conduct a full and robust consultation directly with all residents at Caldew Maltings, and elsewhere to ensure that the design and location of the works is properly and sensitively considered.

- On behalf of our clients we wish to object at this stage to the above planning application, for the following reasons:

1. Detail of the full effects of our clients land has not been fully explained to them by the Environment Agency, so that the impact of the proposals on their farming systems, businesses and land can not at this stage be fully understood. There has been no consultation on the scheme proposals.
2. Based on the information provided to date our clients have concerns over the

rational behind the proposals in so far as they affect the land around Stainton.

3. The proposals to fllod extensive areas of agricultural land to the south and west of Stainton are contrary to the historic situation where the areas have been protected by flood defences, which have resulted in the creation of highly productive agricultural land which will be significantly affected by the proposals to remove large sections of the flood banking. This development would seem to be contrary to Policy CP8 of the Local Plan, which seeks to protect 'the best and most versatile agricultural land'. We consider that these proposals actually harm what is extremely productive and versatile agricultural land that is of great importance to the businesses that rely on it for their farming income. The land to be affected is all Grade 3, and as such should be protected unless there is an overriding need for development. In respect of this part of the scheme it is not considered that the overriding need has been demonstrated.
4. The proposals will further add to the difficulty of farming in this area already created by the proposals for the Northern Development Route, which directly affects land owned by my clients. This will inevitably impose greater financial pressure on their businesses.
5. It is not considered that the proposals demonstrate any proper form of protection for the properties to the south of Stainton Village, being most particularly Waverley View and Eden View Farms. There seems to be no guarantee that these properties would be protected from flooding in the future, as they are now by the existing flood banking.
6. The full implications of the scheme have not been properly explained in relation to the impact of tidal pressure on the proposed flood route over the subject land. It is considered that the proposals to remove approximately 800m of the existing flood bank to the north-west of the village opposite Grinsdale will result in more frequent flooding than is suggested. Further explanation and assurances on this aspect of the scheme.
7. The proposals appear to include the provision of a footpath from the old viaduct over the River Eden, into a new wetland area to be created between the River and the old railway east of Stainton. This concerns our clients particularly in that already their is significant illegal public access over the viaduct, which causes nuisance and crime. The proposals for removing a section of old railway will only allow greater access onto private land, and additional nuisance and crime, contrary to Local Plan Policy CP34.
8. We also have concerns over any scheme that appears to encourage access over the old viaduct from a health and safety perspective. The viaduct has no proper provision for such public access, and as such it does not seem sensible to produce a 'circular route' that may result in greater use of the old viaduct.
9. It is considered that the proposals may affect the current characteristics of the River Eden and thus possibly impacting on the nature conservation interests of it as a SSSI, contrary to policy CP6 of the local plan, and we enquire what views Natural England have on the proposals, within the vicinity of Stainton.

- My client has instructed me to lodge a formal Objection to the 'scheme' and specifically that aspect affecting my clients land at the rear of Lime Street, Dentol Holme; being land subject of an extant planning permission for housing development (LPA references 04/0785 Outline Permission &06/0452 Reserved Matters Approval).
- Material impact/prejudice to the implementability of an extant planning

permission is a material consideration, regardless of land ownership.

- Despite my client instigating dialogue with the EA as early as Autumn 2005 with a view to fiming a mutually agreeable way forward, no agreement has been reached.
- Moreover, my client has had somewhat belated discussions with the City Council regarding procurement of a riverside cycleway, however, these stalled and it appears to my client highly unlikely any agreement will be reached.
- In the cirumstances, the evidential conflict and uncertainty, my client objects to the application, and request the LPA seek the withdrawl of the relevant aspect of the 'scheme' forthwith.

I have a number of objections to the proposed works. When we purchased the properties 37 & 59 it was in part for their architectural features and communal amenities that other properties in Carlisle viewed did not have following a prolonged search for a suitable property.

- wall adjacent to the property detracts from the architectural design and features of the property
- Wall adjacent to the property will have a detrimental affect on the value of the property
- Not cost effective, involves possibly 10 floodgates and a set of steps. Structural alterations to possibly 3 properties (bricking up feature windows). If the wall followed the boundary of the property along the existing river wall there would be no need to these
- Inefficiency of flood gate seals due to constant use and abuse. Are they permanent or temporary? If temporary who is responsible for storing and fitting them?
- Flooding the communal gardens of these properties will have no significant benefit in the overall scheme of things.
- The removal/levelling off of the existing flood bank/garden adjacent to parking spaces. Why not utilise
- Legal implications, I seriously question the legality of altering someone's property with out there approval and permission.

We object to the proposed plans to build a wall at the rear of Caldew Maltings properties for the following reasons

- we will no longer be able to enjoy the rear gardens of our property, which were part of the reason for purchase
- the proposed wall will be ineffective as when we flooded the water came up through the floor before it came in the back door
- The proposed wall will be ugly and limit my usage of the space immediately in front of the back door, and thus lower property value
- The maintenance and ownership responsibilities of the proposed flood gates is not clearly defined
- The proposed wall will restrict our exit in an emergency should we need to leave by the rear of the property
- In addition, the proposed wall for which planning permission is eing sought bears no resemblance to that which was discussed during the public consultation. In the interests of fairness, we only received these new plans on 16th December 2006. Therefore, we have had very little time to digest the full implications of the plans or to discuss them with the other residents who are affected, as many have

been away over the Christmas period visiting family and friends.

- Whilst we have no objections to the EA building up the existing river wall, and supporting it with a small flood bank; we believe that the current proposal is ill thought out and inappropriate to the long term prevention of flooding in our immediate area.

We welcome the news that flood prevention work is to take place and support the application. We note and understand that access via our car park will be required whilst work is carried out and we would seek re-assurance that inconvenience to our members will be minimised. The car park is fully required several evenings a week and as some of our members are elderly and unable to walk far, access for their cars is therefore crucial to them. We would also seek assurance that our car parking area will not be permanently reduced upon completion of the work.

Details of Proposal/Officer Appraisal:

Planning History:

In December 2005, under planning application 05/1024, planning permission was given for a scheme of flood defence improvement works associated with the east of the City along sections of the Rivers Eden and Petteril.

Details of Proposal:

1) Background Information

Members will appreciate that Carlisle has experienced floods in 1963, 1968, 1979, 1980, 1984, and, most recently in January 2005. The January 2005 flood resulted in the death of two people, the flooding of approximately 1,844 properties in Carlisle as well as distress and disruption to residents and businesses. The Environment Agency has presently identified that approximately 3,000 properties have a 1% chance of flooding annually throughout Carlisle.

It appears that the January 2005 flood was caused by a combination of localised sewer and road drainage flooding and floodwater from the Rivers Eden, Petteril, Caldew, and, minor watercourses such as the Little Caldew.

In December 2005, under planning application 05/1024, planning permission was given for a scheme of flood defence improvement works associated with the east of the City along sections of the Rivers Eden and Petteril. Application 05/1024 was Phase 1 of a two-phase project comprising the Carlisle Flood Alleviation Scheme. The stated intention is for Phase 1 to be completed during 2007.

The current applications for planning permission and Listed Building Consent (reference numbers 06/1473 and 07/0090), which relate to the proposed flood defence improvements associated with the west of the City along the River Caldew and the River Eden downstream from Eden Bridge, represent Phase 2 of the Carlisle Alleviation Scheme.

Prior to the submission of applications 06/1473 and 07/0090, the Environment Agency explored alternative options including upstream storage near Dalston. The extra cost of such an option, which would have still involved the raising of defences in Carlisle, has been considered unjustifiable. As a result the option of solely having raised defences through the City became the preferred choice.

This application should also be viewed in the context of United Utilities having agreed to implement an upgrade of the sewer network in Warwick Road and Willowholme.

2) Current Proposal

At present the estimated cost of Phase 2 is approximately £20 million with the intended timetable for implementation, subject to detailed funding and approval under the relevant planning legislation, set to commence in April 2008 and be completed in 2010. As per Phase 1, the scheme is designed to give protection against a 1 in 200 year return flood event. The applicant has explained that the proposal has been determined through detailed computer modelling taking into account a range of different flows. The outputs from this modelling exercise have determined the locations and necessary height of the proposed flood defence structures. Based on experience, an allowance has also been included for 'freeboard' thus allowing for minor unexpected variations in the height of water caused by such things as wave action, turbulence and approximations in the computer model.

Application 06/1473 is accompanied by a Design and Access Statement, Environmental Statement, and, Archaeological Report. The submitted details show raised defences between Holme Head Weir along both banks of the Caldew to its confluence with the River Eden; defences between the Turf Tavern and Carlisle Castle; and, various defences along the banks of the River Eden. The proposal also consists of the removal of an existing disused railway bridge south of Nelson Bridge; the replacement of two bridges in Denton Holme; improvements to the existing footpaths/cycle ways along the Caldew Riverside Trail, Stainton and north of the River Eden; the construction of a pumping station near The Maltings; the removal of selected lengths of embankment near Stainton and Etterby to maximise use of the natural floodplain; and, the creation of wildlife enhancement areas.

The applicant has confirmed a willingness to make a contribution of £50,000 to help finance the provision of public art in addition to the proposed landscape and habitat improvements associated with Phase 2 of the Carlisle Alleviation Scheme.

In order to provide a more detailed description, the proposed work associated with Phase 2 has been split into seven sections.

a) Holme Head Weir to South Vale Bridge

- Proposed new walls or raised walls between Holme Head Weir and Denton Street are along the line of the existing walls or along the edge of the existing carriageway. The proposed walls will rise in height so

that opposite the houses at Bousteads Grassing the indicative levels are 0.28 metres to 1.0 metre. At the Bousteads Grassing Car Park the proposed wall is shown to be 1.9 metres. The replacement of two bridges at Denton Street and South Vale.

- A new embankment along the edge of Robert Ferguson School playing fields which will accommodate a new 2.5 metres wide footpath rising towards South Vale Court/ South Vale Bridge where it will be 1.72 metres higher than existing levels.

- An existing series of trees around the boundary of the Robert Ferguson School playing field and around the Denton Street Bridge will be felled but the intention is to plant replacements.

- The proposed replacement South Vale Bridge will be approximately 2 metres higher than the existing structure.

- The proposed defence wall along Boustead's Grassing will utilise a relatively small strip of existing amenity grassland at the upstream end and lead to the loss of parking spaces at the City Council car park near South Vale.

- The creation of a wildlife enhancement area to the south of Maryport Court.

b) South Vale to Nelson Bridge

- The proposed wall along the edge of the Graham Street development will be a piled wall along the riverside edge of the new road. The flood defence wall is shown to be 2.1 metres high at Graham Street.

- The proposed walls between Metcalf Street and Lime Street are for construction within the existing buildings, anticipating that in the short to medium term there will be pressure to redevelop this site.

- Between Lime Street and Nelson Bridge the proposed defence wall is set back by a minimum 4 metres to allow for the construction of a new foot and cycleway to link into the Caldew Riverside Trail. At the end of Lime Street, it is proposed to install a flood defence gate.

- The footpath link between the car park at Lamplugh Street and Carlisle Enterprise Centre will be maintained though there will be changes to allow future Environment Agency access via a new ramp.

c) Nelson Bridge to Caldew Bridge

- It is proposed to replace the existing chain link boundary between the Lidl and Dunelm premises and the riverside path by a new flood defence wall 2.1 metres high. The proposed flood defence wall varies in height from 0.6 metres to 2.59 metres along the Viaduct Estate

Road.

- A new pedestrian access is proposed from the road adjacent to Lidl onto the riverside footpath that will double up as an Environment Agency vehicular access for maintenance purposes providing the route to a new access ramp to the riverbed.

- The proposed foot and cycle path along the line of the disused railway would include ramps at the corner to the rear of the Carlisle Tile Centre.

- Adjacent to Caldew Bridge, the proposed flood defence is maintained by providing ramps at the access road under the bridge.

- The proposed new defence wall along the eastern edge of Viaduct Estate Road, which has been designed to ensure that floodwater is unable to travel along the West Coast Main Line through the track bed and compromise defences provided elsewhere, ranges in height from 2.0 to 2.55 metres.

- Existing self-seeded trees will be removed and replaced by a series of clear-stemmed trees along the path. The area adjoining the University Library will be regarded and subject to a landscaping scheme.

d) Caldew Bridge to West Coast Main Line

- Proposed new walling and the utilisation and reinforcement of existing walls at The Maltings. The proposed new defence walls will vary in height from 1.26 metres to 1.83 metres.

- The proposed scheme shows the provision of a new flood defence embankment 3.06 metres above the adjacent ground level around the back of the Showman's Guild site wrapping around to the back of the Carlisle Trade Centre.

- New tree planting is proposed along the diverted path.

e) The Swifts to Carlisle Castle

- A proposed embankment will be 4.69 metres above the adjacent ground level and occupy part of the Swifts Golf Course and Driving Range, and, the "rear" of the Turf Inn.

- The current proposal shows the raising of land to the immediate north of the Sands Centre and north-east of the Turf Inn. The line of the proposed defences is relatively close to the "rear" of the Sands Centre but because of the suggested position and provision of a floodgate, the desire is to adequately take account of the access needs of visitors to the Centre, and, the needs of the canoeists to access the River using car drawn trailers.

- The proposed defence wall along Castle Way will replace an existing low wall and be 1.3 metres above the adjacent pavement level. The proposed works will result in the loss of a strip of dense ornamental shrubs but the retention of the existing mature trees.

- A new defence wall is proposed around the edge of the Dacre Road Car Park tying into the high ground at Bitts Park and the Castle embankment on the west side of Dacre Road.

- The need to maintain defence heights across Dacre Road requires localised raising of the road level using ramps to the point of a proposed floodgate 1 metre above road level.

- A relatively large number of trees will be affected to construct the embankment at The Swifts and around the edge of The Sands Centre Car Park. The intention is, however, to replace the trees lost with an equivalent extent of new planting.

f) Sheepmount Viaduct to Waverley Viaduct

- On the "left" bank of the Eden, there is a proposed embankment 2.2 metres in height at the downstream end of Parham Beck.

- On the "right" bank, the proposals make provision for the continuous riverside footpath and the informal path network across the floodplain to the "rear" of the embankment.

- The proposal involves lowering a section of the existing railway embankment by approximately 3 metres in height on the north side of the Waverley Viaduct.

- The intention is for the proposed reductions on ground levels on the "right" bank, upstream of Waverley Viaduct, will allow improved nature conservation potential to be realised. It is proposed to raise ground levels on parts of the floodplain that are not required for the floodwater route and make these more usable for agricultural purposes.

- Self-seeded trees will have to be felled along the "right" bank of Parham Beck adjacent to Willowholme Road.

g) Waverley Viaduct to Spa Well

- It is intended that the small United Utilities sub station downstream of Waverley Viaduct will have an embankment constructed around its perimeter to provide protection against flooding.

- The existing low embankment running along the length of the right bank from Waverley Viaduct to Spa Well will be removed in places to allow floodwaters to return to the river post-flood. Existing paths along

the embankment top will be maintained.

- The area upstream of Waverley Viaduct will be subject to an environmental enhancement scheme although trees will have to be removed as a consequence of the proposed alterations to the embankments.

The proposed flood defence structures are to be constructed as either clay-core earth embankments, concrete walls, and/or, steel sheet pile walls. The aim is for the clay embankments to be generally covered with a layer of soil and then seeded with grass seed. Brick cladding is to be typically applied to the concrete or sheet pile walls, for example in the Denton Holme area adjoining Holme Head, Denton Street and Boustead's Grassing. Sandstone is proposed at Castle Way and Dacre Road in the vicinity of the Castle. The proposed coping for the walls is either a sandstone or composite concrete look-alike.

The applicants have explained that where the proposed flood defence structure is hidden from view by the general public, there may be opportunities for using a more economical surface finish to the concrete walls, incorporating a textured concrete finish or with exposed aggregate.

The submitted details also show the creation of a main compound on the Viaduct Estate Road and eight satellite compounds at Denton Street, Rome Street, Lamplugh Street, Willowholme Road, Newark Terrace/Turf Tavern, Bitts Park Car Park, adjoining the River Eden from Willowholme Road, and, to the south-east of Etterby. In order to undertake the proposed work it will necessitate the temporary closure of existing footpaths/cycle tracks.

3) Assessment

When considering this application it is held that the relevant policies are E1, E5, E6, E9, E10, E11, E12, E14, E18, E19, E20, E21, E23, E25, E26, E27, E28, E29, E30, E31, E35, E43, E44, E56, T15, H17, L2, L5, L6, L7, L8, and, L10 of the Carlisle District Local Plan. The application can also be assessed based upon Policies DP2, DP6, CP1, CP2, CP3, CP4, CP5, CP6, CP10, CP11, CP12, CP14, CP15, CP16, LE1, LE2, LE3, LE4, LE5, LE6, LE7, LE8, LE9, LE10, LE12, LE13, LE20, LE27, LE28, LE30, T5, LC2, LC3, LC5, LC8, LC9 and LC9 of the Carlisle District Local Plan (2001-2016) (Redeposit Draft). In addition, the proposal should be viewed in the context of the underlying objectives of Carlisle Renaissance, the Three Rivers Strategy, and, the Sustrans cycle route.

When assessing the proposal it is readily apparent that substantial social and economic benefits arise to the City as a whole and to the individual residents and businesses previously affected by the January 2005 flood. On this basis, and in the light of the comments received from interested parties, it is considered that the determining issues relate to whether the advantages outweigh any disadvantages associated with:

a) the loss of agricultural land;

b) the visual and historic character of areas including designated conservation areas (the City Centre, Stanwix, and, Holme Head) and Hadrian's Wall World Heritage Site;

c) the flora and fauna re. SAC and SSSI designation and protected species;

d) archaeology;

e) the protection of the setting, architectural and historic importance of any Listed Buildings;

f) access for people with mobility problems;

g) provision for cyclists and pedestrians;

h) the living conditions of neighbouring residents;

i) the provision of open space and protection of playing fields;

j) existing rail infrastructure, the freight/rail avoidance line, and, whether determination is premature ahead of consideration at the forthcoming Inquiry into the Local Plan (2001-2016) (redeposit Draft);

k) the potential future use of the Caldew Riverside area of the City;

l) an extant planning permission for housing on land at Lime Street; and,

m) security.

In the case of a) the loss of agricultural land at Stainton is likely to only occur during periods of high flows within the River Eden estimated to be at a 20% annual risk of flooding. This has been mitigated to a certain degree by the raising of grazing land at Etterby above the 20% annual flood risk.

It is evident that the proposed works in the forms of either the embankments or walls will have a noticeable impact on the character of the City. The submitted scheme largely shows the retention of existing open areas, the tidying up of existing sections, the planting of replacement trees, the removal of a derelict bridge, and, has been submitted on the basis of utilising sympathetic materials. The design of the two new bridges can be considered to be functional but represent a visual improvement to the existing structures. At this stage, discussions are on going with the applicant to evaluate what materials are to be used in which locations, the provision of additional photomontages at key sections of the proposal, the „missing link" of walling at Bitts Park Car Park, and, whether landscaping can be improved at Parham Beck and along the bank of the Eden leading upstream from Parham Beck to the bridge serving the West Coast Main Line.

In regard to the flora and fauna, there will be a relatively minor impact in the short-term from the clearance of vegetation. The proposal has, however, been

based on minimising any in-channel works. The application was accompanied by an Assessment that concluded that there were no significant effects from the proposal. Natural England has not raised any objections although the results of a bat survey are awaited at the time of preparing the report. It may, nevertheless, be necessary to impose a condition(s) controlling when specific work/operations can be undertaken to minimise any impact, for example to avoid the bird nesting season and when any migratory Salmon are likely to be present.

When considering d), the applicant has recently submitted an archaeological report the formal observations on which are awaited from the County Archaeologist and English Heritage. Mitigating measures including a photographic record of the Denton Street Bridge, watching brief of works, a measured survey of the former Bone Mill at Parham Beck, and, photographic records of the works at Etterby and Stainton have been provisionally agreed with the County Archaeologist.

The proposed works directly affect the Old Brewery/Maltings and are in the immediate vicinity of over 20 listed buildings including Holme Head Mill, Waverley Viaduct, Carlisle Castle, Eden Bridge, the Sands Centre railings, and, the Turf Inn. The proposed works to the Old Brewery/Maltings are necessary to provide an improved standard of protection and, as with the remaining listed buildings, the intention is to minimise any alterations using complementary materials.

In the case of access and the provision for cyclists/pedestrians, there will be the short-term closure and/or diversion of routes during construction. The applicant has, nevertheless, confirmed that the gradient of any ramps will be suitable for wheelchair users, the new paths will be 2.5 metres wide or as existing, the replacement bridges will be approximately 2 metres wide, and, taken on board the desire to improve the Caldew Cycle track.

When looking at the living conditions of the occupiers of neighbouring properties, the proposal has the potential to lead to short-term problems during construction with regard to noise/disturbance, vibration, and, general inconvenience particularly at Maryport Cottages, Bousteads Grassing, Denton Street, North Street, South Vale Court, East Dale Street, Robert Ferguson School, Metcalf Street, Graham Street, Elm Street, Lime Street, the Old Brewery, The Barrel House and The Maltings. Once constructed, the proposed flood defences may also hamper any outlook for example at South Vale Court. There are, however, substantive benefits through the improved accessibility along the Caldew and with regard to the reduction in flood risk to the housing stock, commercial and leisure facilities. The opportunity exists for any short-term problems to be controlled by restricting when construction would take place during the day. The applicant has also acknowledged that the effective management of the work (for example by the routeing of construction traffic, and, the undertaking of any work near to the Robert Ferguson School outside of term times) has a part to play. The applicant is also exploring whether the proposed compound at Robert Ferguson School can be re-sited further away from the neighbouring houses.

The proposal will involve the take up of part of an existing playing field utilised by Robert Ferguson School contrary to Policy L10 of the Local Plan. It is considered that the extent of land involved should not harm the effective use of the remaining

area as a playing field.

In relation to the aforementioned issues j), k) and l) discussions are on going with the respective parties to resolve matters.

Finally, following a meeting with the Architectural Liaison Officer for Cumbria Constabulary the applicant agreed that the design of the scheme would be in accord with the Secure by Design principles. In addition, the applicant is looking into the provision of CCTV cameras in strategic locations and has agreed to amend the proposal by having a floodgate instead of steps at The Old Brewery.

4) Other Matters

It is appreciated that other issues exist relating to such matters as the future ownership and maintenance of the proposed wildlife enhancement areas and new paths/cycle track; the emergency procedures to be established for the occupiers of Bitts Park Lodge; the displacement of the current occupiers of the Showman's Guild site and Denton Trade Centre at Willowholme; and, any separate agreement the applicant enters with the City Council as a landowner re. the proposed compounds and undertaking of ancillary works. These matters are, however, either not held to be of sufficient weight to determine the application and/or not directly relevant to the consideration of the proposal.

5) Conclusion

Based on the foregoing it is considered that the proposal complies with the majority of the policies of the Local Plan. In those instances where there is potential conflict such as impact on the landscape and the loss of part of Robert Ferguson School playing field there are either mitigation measures or more weight can be attributable to the provision of the proposed flood defences.

This aside, an updated report will be presented to Members with regard to the awaited observations of interested parties, proposed materials, the provision of additional photomontages, walling at Bitts Park, additional landscaping at Parham Beck, a Bat Survey, responses to the submitted archaeological report, the position of a compound at Robert Ferguson School, impact on the railway avoidance line and existing infrastructure, Caldew Riverside area, an extant permission at Lime Street, and, CCTV cameras.

Human Rights Act 1998

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";

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;

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.

Recommendation:

Reason for including report in Schedule B

An updated report will be presented to Members with regard to the awaited observations of interested parties, proposed materials, the provision of additional photomontages, walling at Bitts Park, additional landscaping at Parham Beck, a Bat Survey, responses to the submitted archaeological report, the position of a compound at Robert Ferguson School, impact on the railway avoidance line and existing infrastructure, Caldew Riverside area, an extant permission at Lime Street, and, CCTV cameras.

Item No: 09 Date of Committee: 09/03/2007

Appn Ref No:	**Applicant:**	**Parish:**
07/0090	Environment Agency	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
02/02/2007	Axis	Castle
Location:		**Grid Reference:**
Theakstons Carlisle Brewery, Bridge Street, Carlisle		339525 556055

Proposal: Modifications To The Riverside Frontage Comprising:

32m Length Of New Flood Defence Wall

Permanent Frame To Inside Of Ground Floor Windows

Fitting Of Ductile Iron Flap Valve

Filling In Of Cellar Windows With Brickwork

17m Length Of New Flood Defence Wall

Repointing The Existing Wall Using Polymer Modified Mortar (LBC)

Amendment:

REPORT

Reason for Determination by Committee:

This application is in association with the proposed works submitted under application 06/1473.

Planning Policies:

Carlisle District Plan
Environment - Policy E34

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

Carlisle District Plan
Environment - Policy E35

Proposals for new development which adversely affect a listed building or its setting will not be permitted. The City Council will seek to encourage any new development to be sympathetic in scale, character and materials.

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

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

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

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

Applications will be assessed against the following criteria:

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

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): No objections to the proposed development.

Development Services Planning & Housing Services - Conservation/Peter Messenger: Comments awaited.

Summary of Representations:

Representations Received

Initial: Consulted: Reply Type:

SCHEDULE B: Reports Requiring Further Information

07/0090

[redacted]	1 Brewmasters House	07/02/07
	2 Brewmasters House	07/02/07
	3 Brewmasters House	07/02/07
	4 Brewmasters House	07/02/07
	1 Barrel House	07/02/07
	2 Barrel House	07/02/07
	3 Barrel House	07/02/07
	4 Barrel House	07/02/07
	5 Barrel House	07/02/07
	6 Barrel House	07/02/07

No informal or formal observations have been received at the time of preparing the report.

Details of Proposal/Officer Appraisal:

Planning History:

This proposal needs to be viewed in the context of application 06/1473.

Details of Proposal:

Further to the report accompanying application 06/1473 seeking planning permission, this submission seeks Listed Building Consent for the proposed flood defence works which directly affect The Old Brewery. The proposed work involves;

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

The application is accompanied by a Design and Access Statement that explains, amongst other things, that the intention is to use sympathetic brickwork laid using an English Garden Bond pattern. The proposed barriers for the windows would consist

of permanently mounted frames. A removable steel or aluminium barrier would then be secured using wing bolts when a flood warning is forecast. This is on the basis that the proposed system would be less obtrusive than any other method.

In line with the recommendation concerning application 06/1473, an updated report will be presented to Members following receipt of the awaited observations from interested parties.

Human Rights Act 1998

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;

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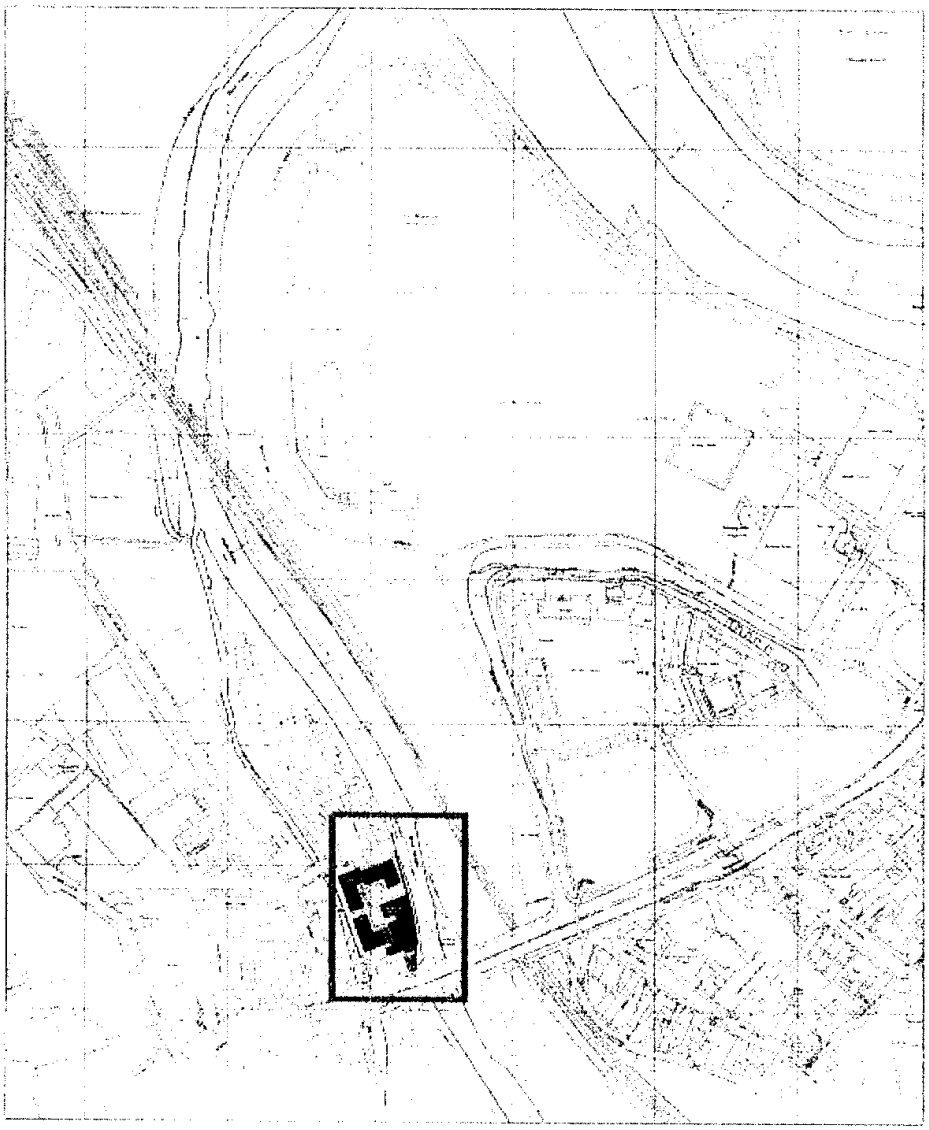
This application has been considered against the above but in this instance it is not considered that there is any conflict. If it was to be alleged that there was conflict it is considered not to be significant enough to warrant the refusal of consent.

Recommendation:

Reason for including report in Schedule B

an updated report will be presented to Members following receipt of the awaited observations from interested parties.



LOCATION PLAN
SCALE 1:5000

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NOTES

1. ALL DIMENSIONS ARE MILLIMETRES UNLESS STATED OTHERWISE
2. ALL LEVELS ARE METRES AoD UNLESS STATED OTHERWISE
3. STEEL REINFORCEMENT CONTENT IN RC WALL TO BE T12 HIGH YIELD BARS AT 200mm C/C EACH FACE, EACH DIRECTION

SAFETY HEALTH AND ENVIRONMENTAL INFORMATION

IN ADDITION TO THE HAZARDS/RISKS NORMALLY ASSOCIATED WITH THE TYPES OF WORK DETAILED ON THIS DRAWING, NOTE THE FOLLOWING SIGNIFICANT RESIDUAL RISKS: –

CONSTRUCTION

- RISK OF FALLS FROM HEIGHT ALONG EXISTING RIVER WALL TOP HEIGHT IN EXCESS OF 4m
- ACCESS FROM LANDSIDE FOR CONSTRUCTION OF WALLS SEVERELY RESTRICTED.
- NO WORKS TO TAKE PLACE DURING TIMES OF SPATE. RISK OF DROWNING.

MAINTENANCE / CLEANING / OPERATION

- RIVERSIDE ACCESS REQUIRED FOR REPAIRS TO WALL CLADDING

DECOMMISSIONING / DEMOLITION

- ACCESS SEVERELY RESTRICTED
- RIVERSIDE WORK. RISK OF DROWNING.

RECEIVED
02 FEB 2007
2007/0090

Extent of Listed Building shown in formal listing

Client

The Environment Agency
North West Region

Project

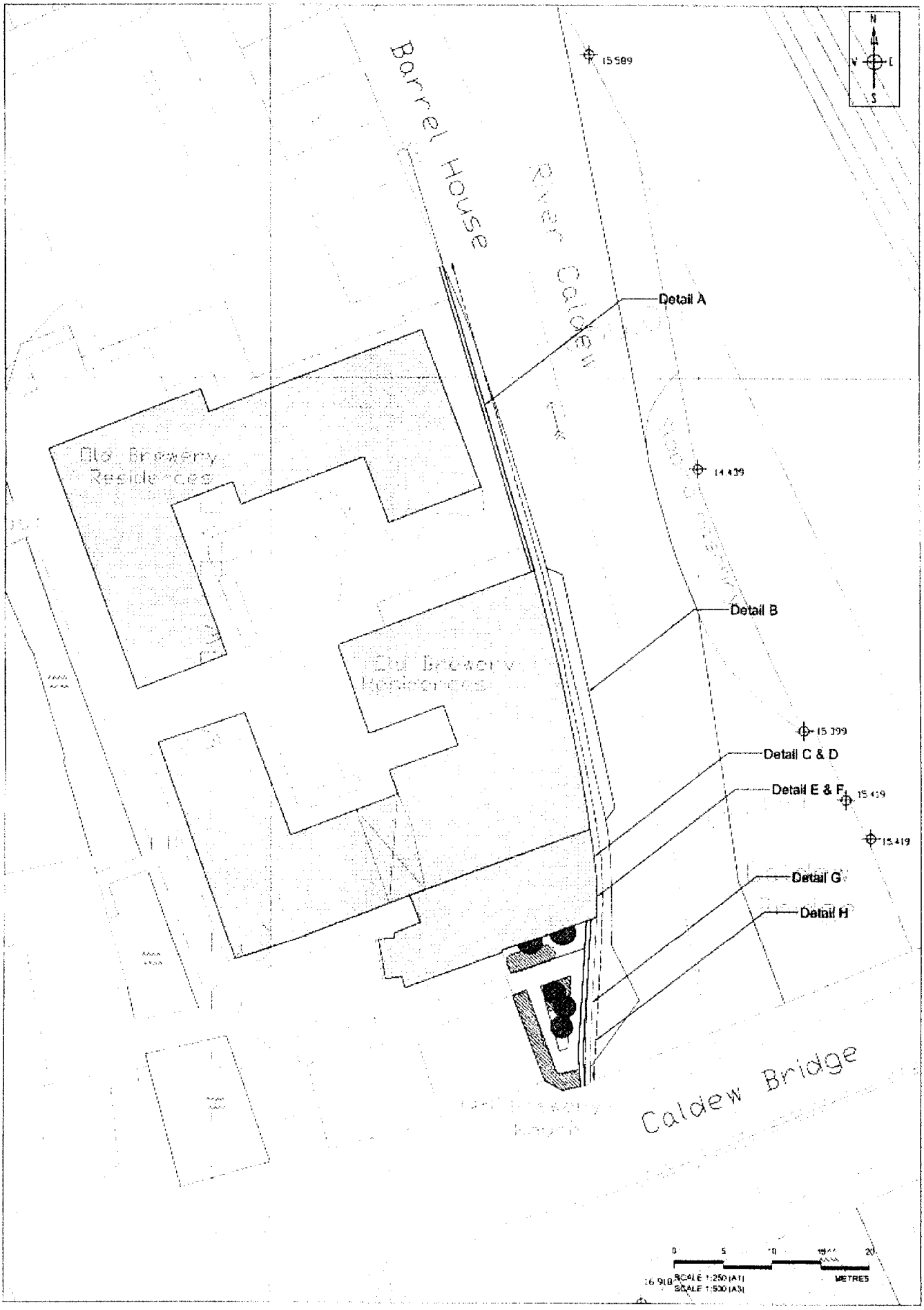
CALDEW AND CARLISLE CITY CENTRE FLOOD ALLEVIATION SCHEME

Drawing

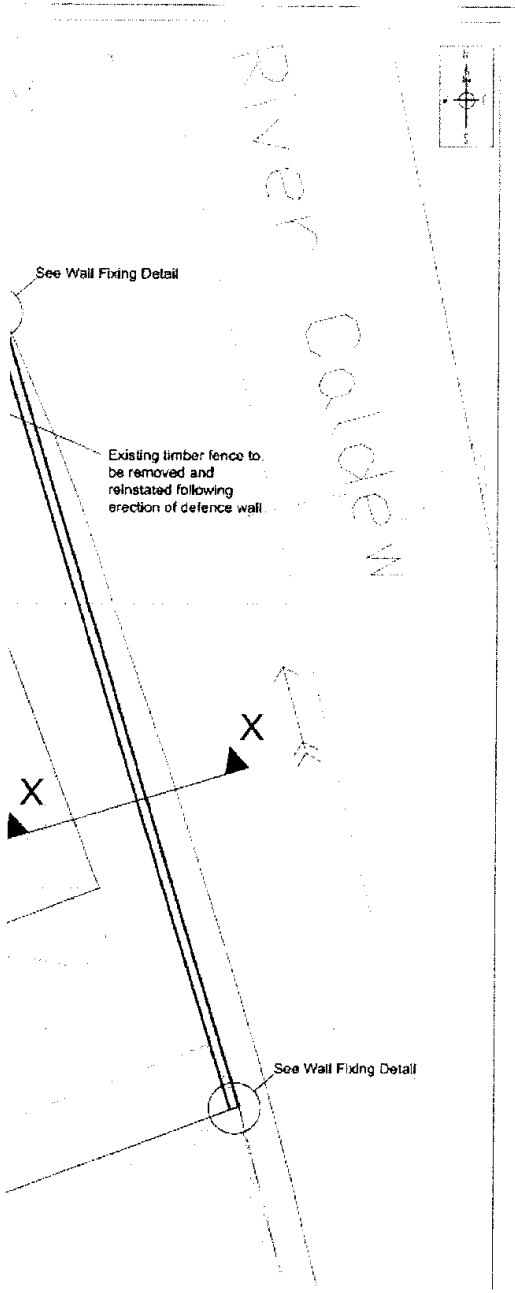
LISTED BUILDING APPLICATION - THE OLD BREWERY BUILDING ALTERATIONS LOCATION AND GENERAL ARRANGEMENT

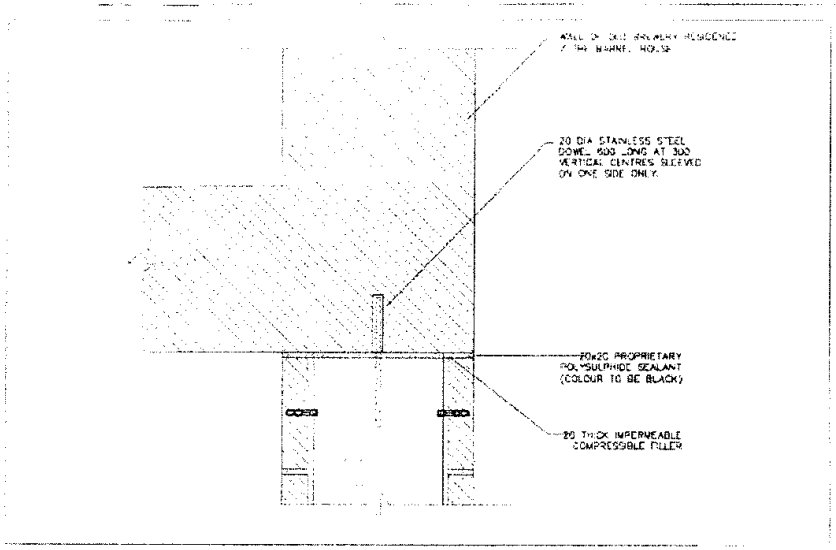
Drawn by: SM	Date: 29-01-07
Checked by: DC	Date: 30-01-07
Approved by: DC	Date: 30-01-07
Drawing No. AX_460_LBC 1	Revision -

Drawing Scale: AS SHOWN @ A3

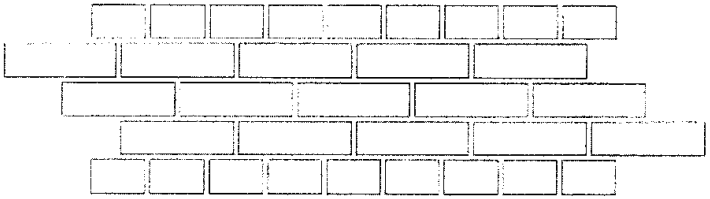


GENERAL ARRANGEMENT

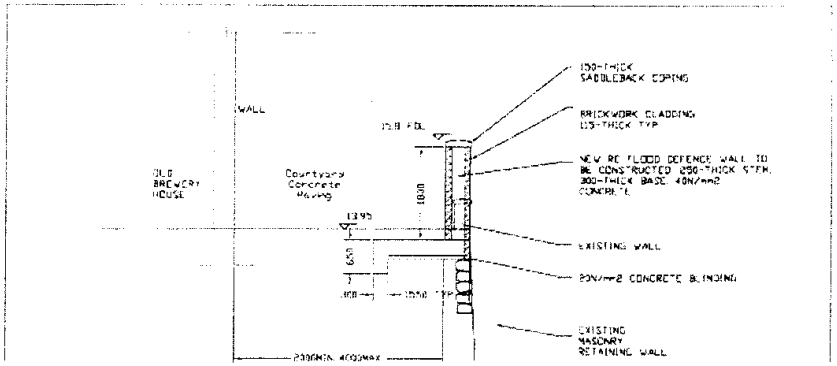




WALL FIXING DETAIL
TYPICAL 4C MOVEMENT JOINT
SCALE 1:20



WALL COURSING DETAIL
TYPICAL ELEVATION SHOWING BRICK PATTERN
SCALE 1:10



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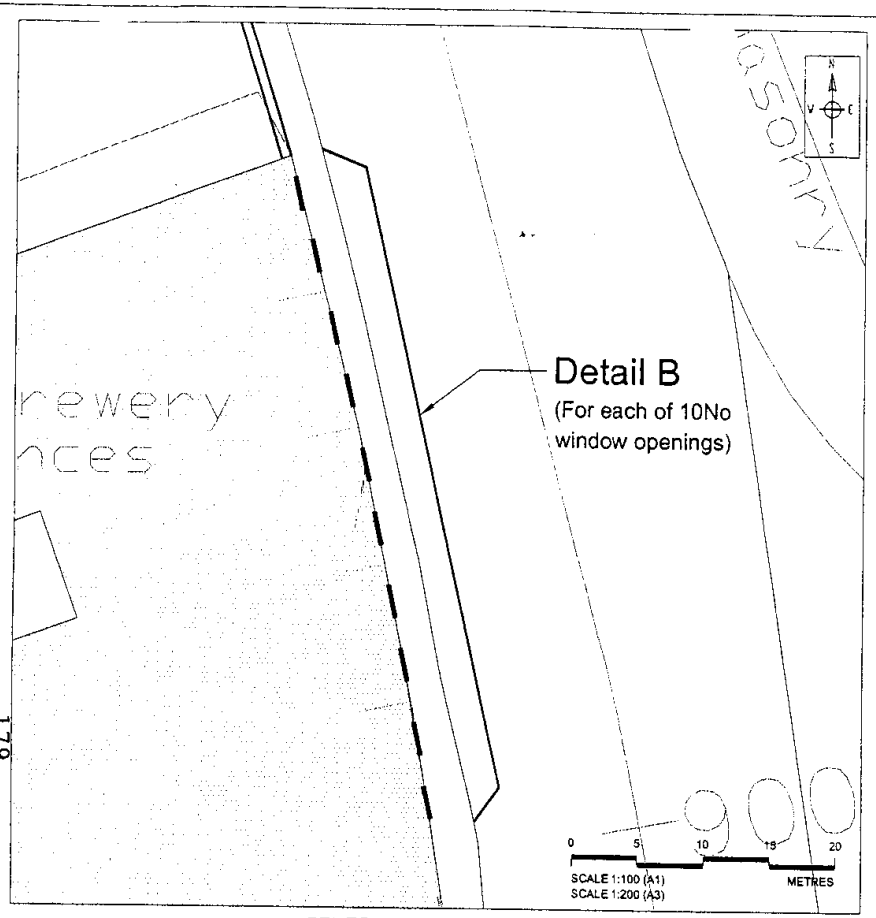
- ACCESS SEVERELY RESTRICTED
- RIVERSIDE WORK. RISK OF DROWNING

02 FEB 2007
200710090

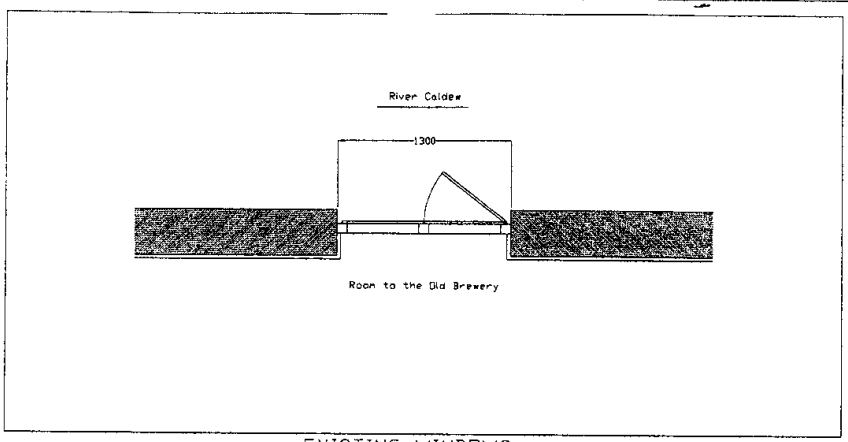
Client
The Environment Agency North West Region

Project
CALDEW AND CARLISLE CITY CENTRE FLOOD ALLEVIATION SCHEME

Drawing
LISTED BUILDING APPLICATION - THE OLD BREWERY



GENERAL ARRANGEMENT
SCALE: 1:200



EXISTING WINDOWS
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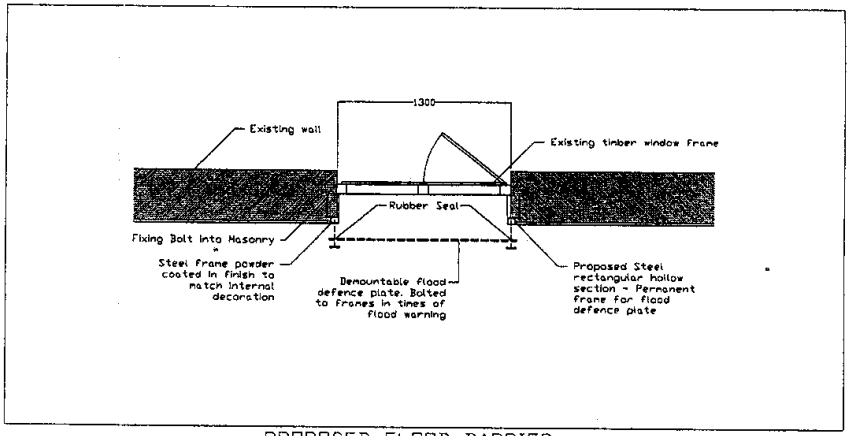
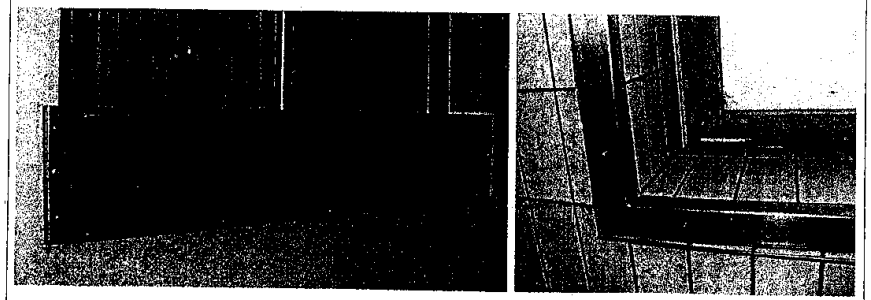
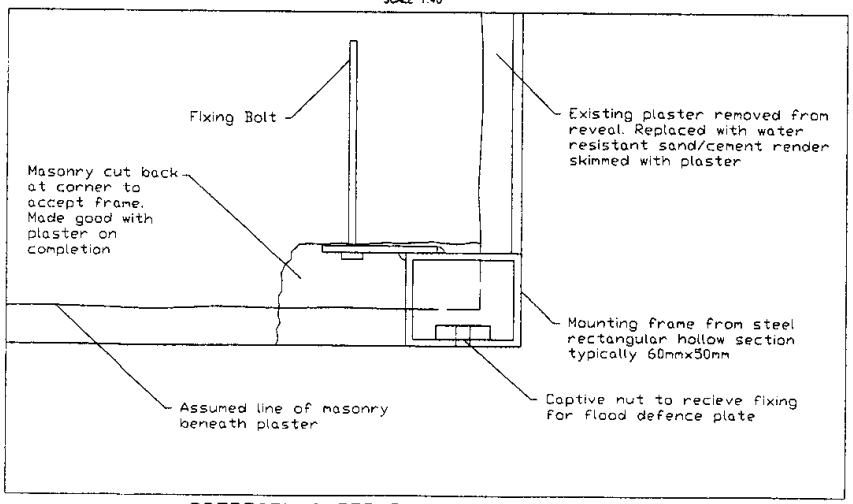


PROPOSED FLOOD BARRIER
SCALE 1:40



TRADE LITERATURE



PROPOSED FLOOD BARRIER FIXING DETAIL
NTS

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- NO WORKS TO TAKE PLACE DURING TIMES OF SPATE. RISK OF DROWNING.

MAINTENANCE / CLEANING / OPERATION

- RIVERSIDE ACCESS REQUIRED FOR REPAIRS TO WALL CLADDING

DECOMMISSIONING / DEMOLITION

- ACCESS SEVERELY RESTRICTED
- RIVERSIDE WORK. RISK OF DROWNING.

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02 FEB 2007
2007/00090

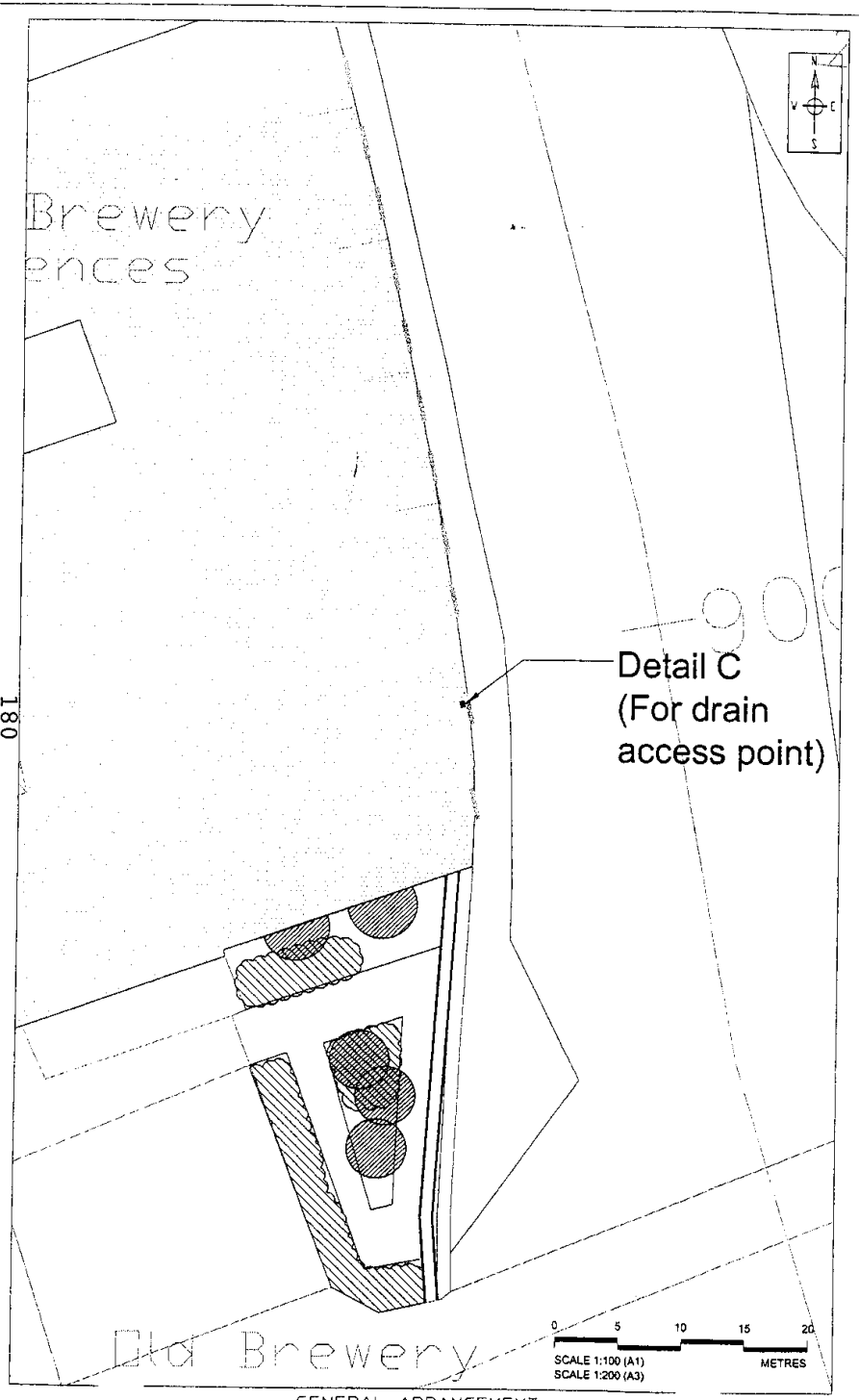
Client: The Environment Agency North West Region

Project: CALDEW AND CARLISLE CITY CENTRE FLOOD ALLEVIATION SCHEME

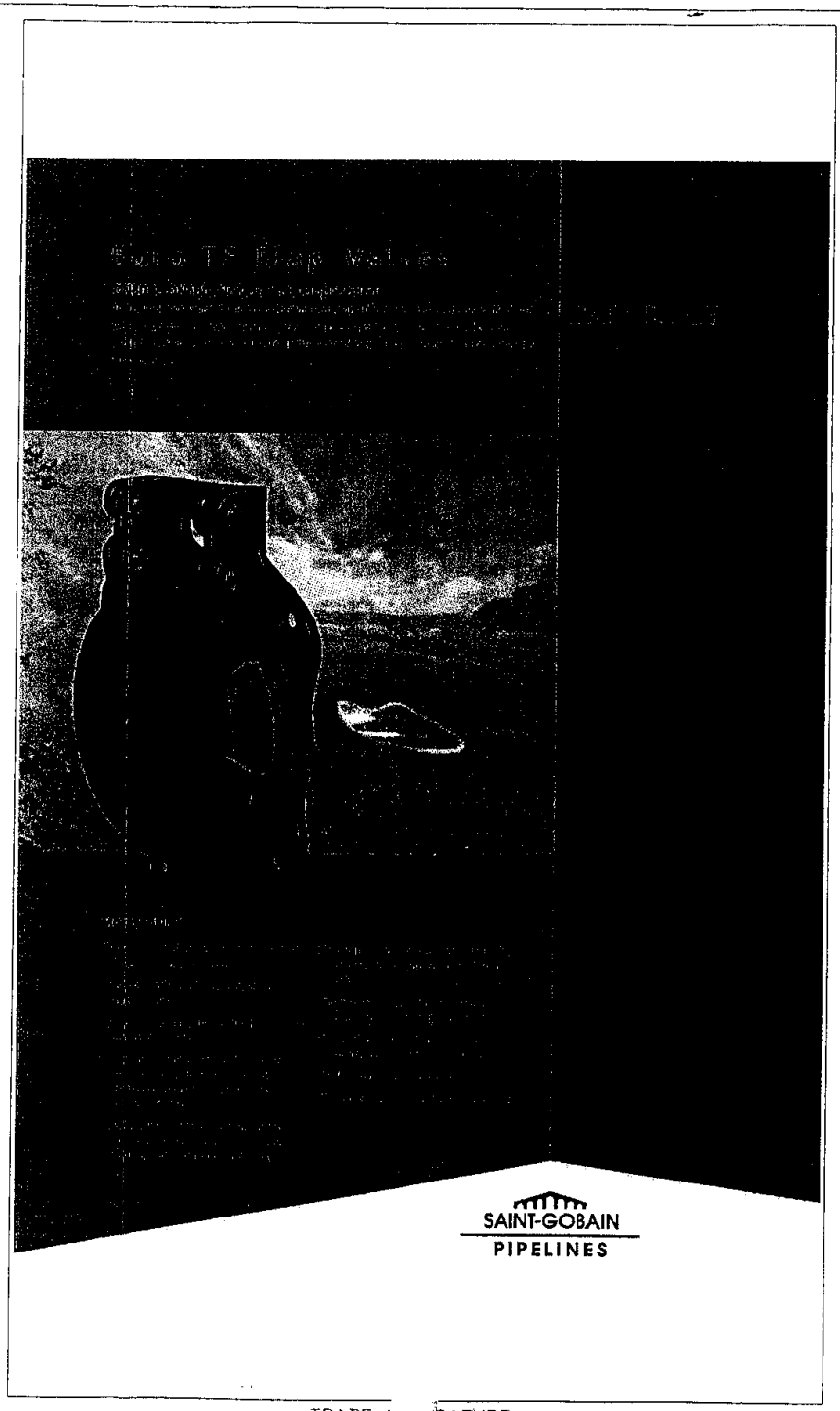
Drawing: LISTED BUILDING APPLICATION - THE OLD BREWERY BUILDING ALTERATIONS DETAIL B

Drawn by: SM	Date: 29-01-07
Checked by: DC	Date: 30-01-07
Approved by: DC	Date: 30-01-07
Drawing No. AX_460_LBC 3	Revision -

179



GENERAL ARRANGEMENT
SCALE: 1:200



TRADE LITERATURE
Information regarding proposed Flap Valve

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NOTES:

1. ALL DIMENSIONS ARE MILLIMETRES UNLESS STATED OTHERWISE
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SAFETY HEALTH AND ENVIRONMENTAL INFORMATION

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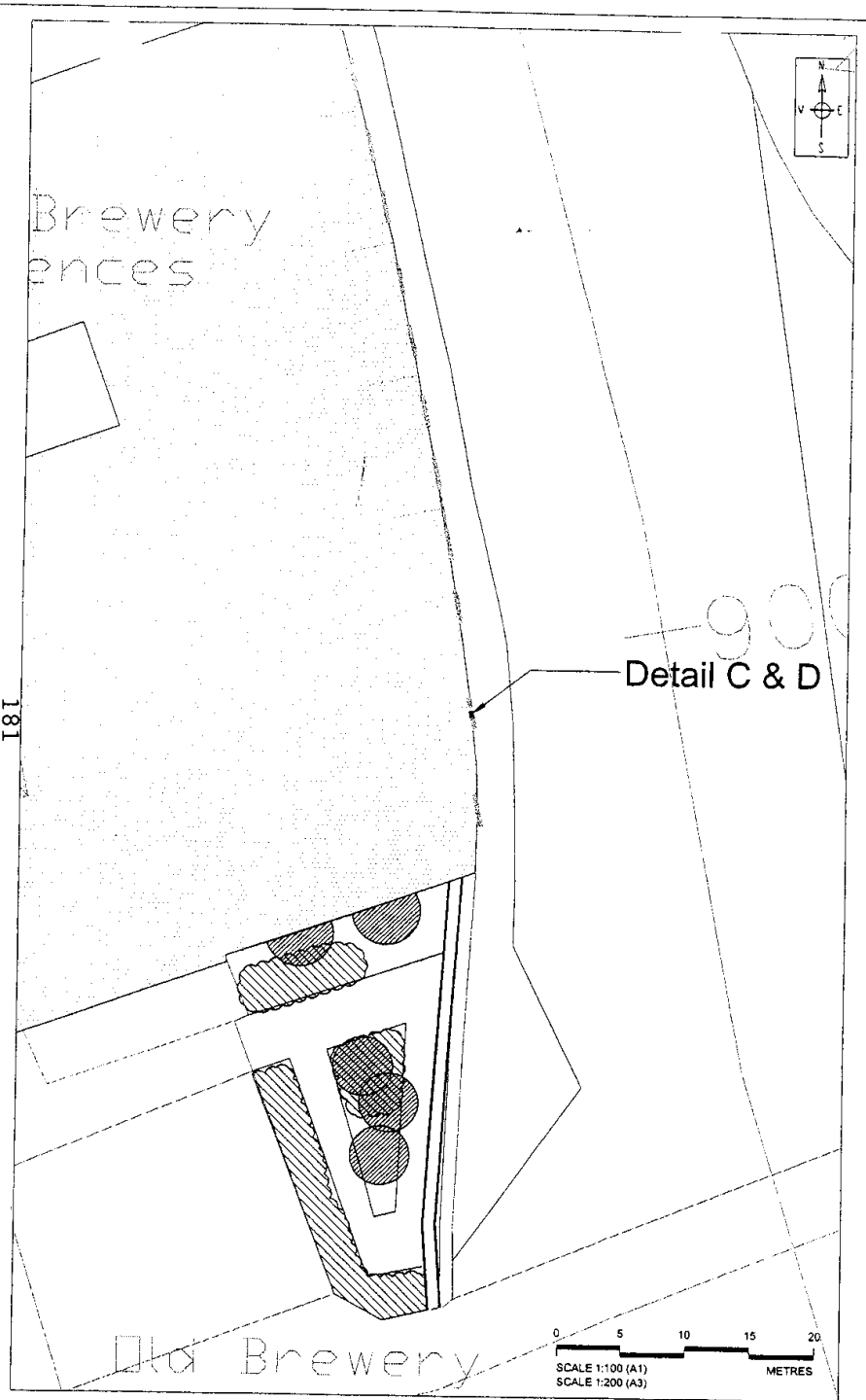
Project: CALDEW AND CARLISLE CITY CENTRE FLOOD ALLEVIATION SCHEME

Drawing: LISTED BUILDING APPLICATION - THE OLD BREWERY BUILDING ALTERATIONS DETAIL C

Drawn by: SM	Date: 29-01-07
Checked by: DC	Date: 30-01-07
Approved by: DC	Date: 30-01-07
Drawing No: AX_460_ _4	Revision: -

Drawing Scale: AS SHOWN at A3



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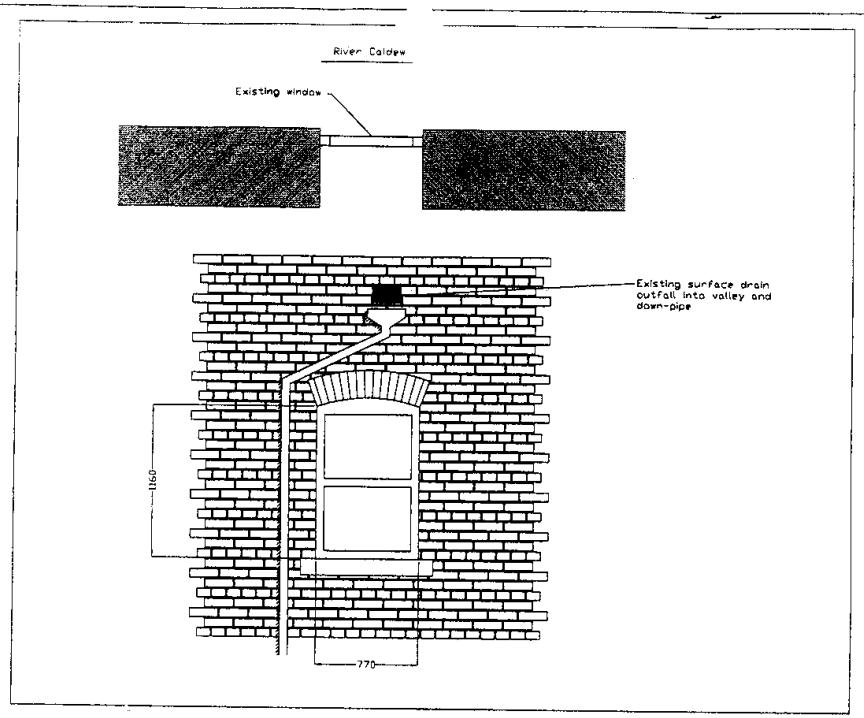
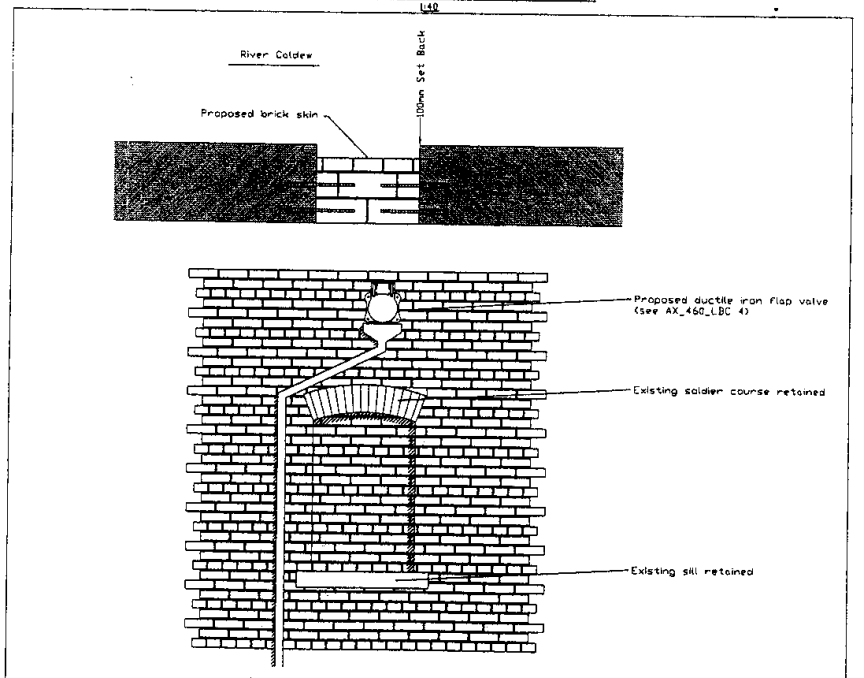


EXISTING WINDOW TO CELLAR
1:40



PROPOSED OPENING BRICKED UP
1:40

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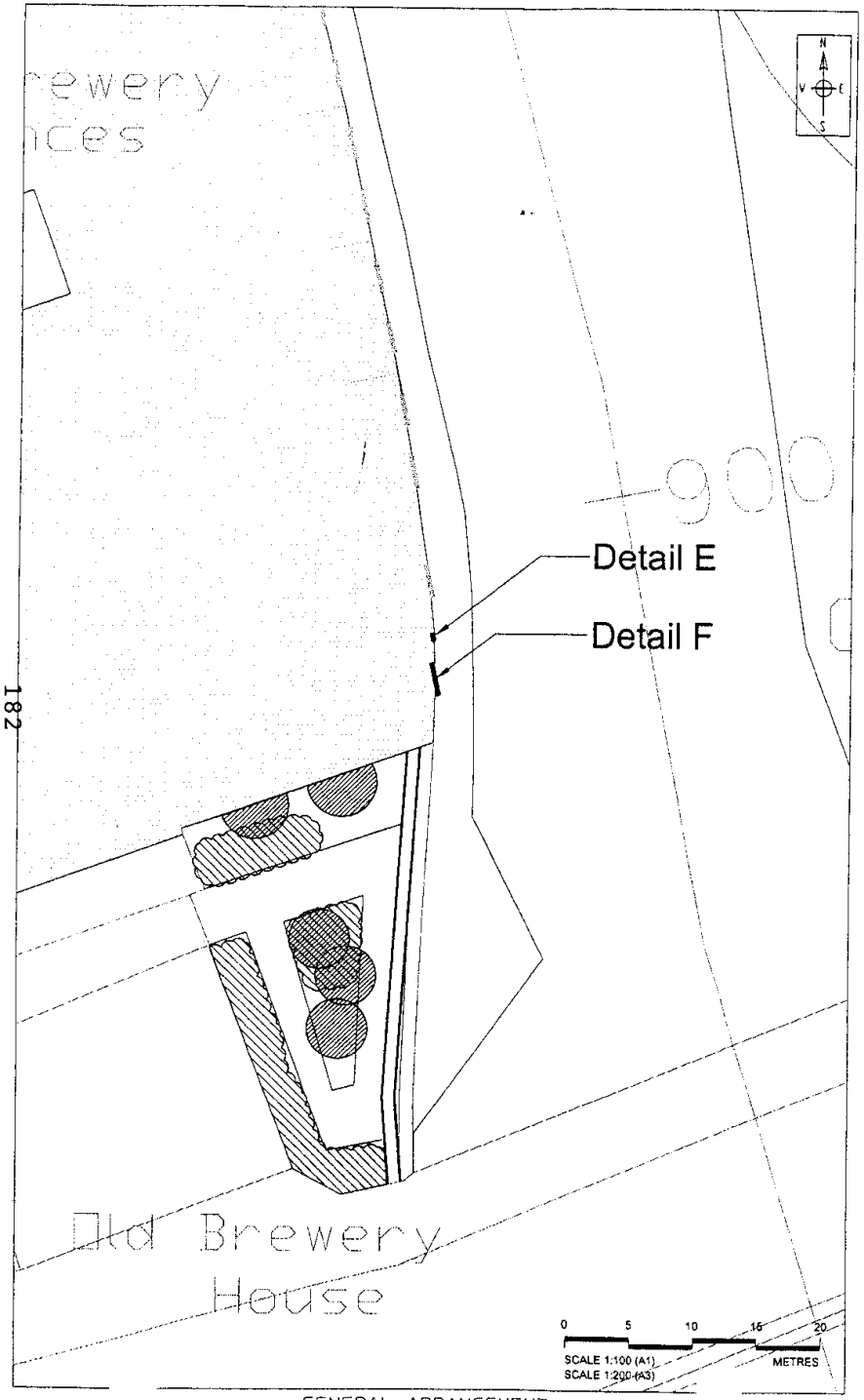
2007/0090

Client: The Environment Agency North West Region

Project: CALDEW AND CARLISLE CITY CENTRE FLOOD ALLEVIATION SCHEME

Drawing: LISTED BUILDING APPLICATION - THE OLD BREWERY BUILDING ALTERATIONS DETAIL C & D

Drawn by: SM	Date: 29-01-07
Checked by: DC	Date: 30-01-07
Approved by: DC	Date: 30-01-07
Drawing No.: AX_460_LBC 5	Revision: -



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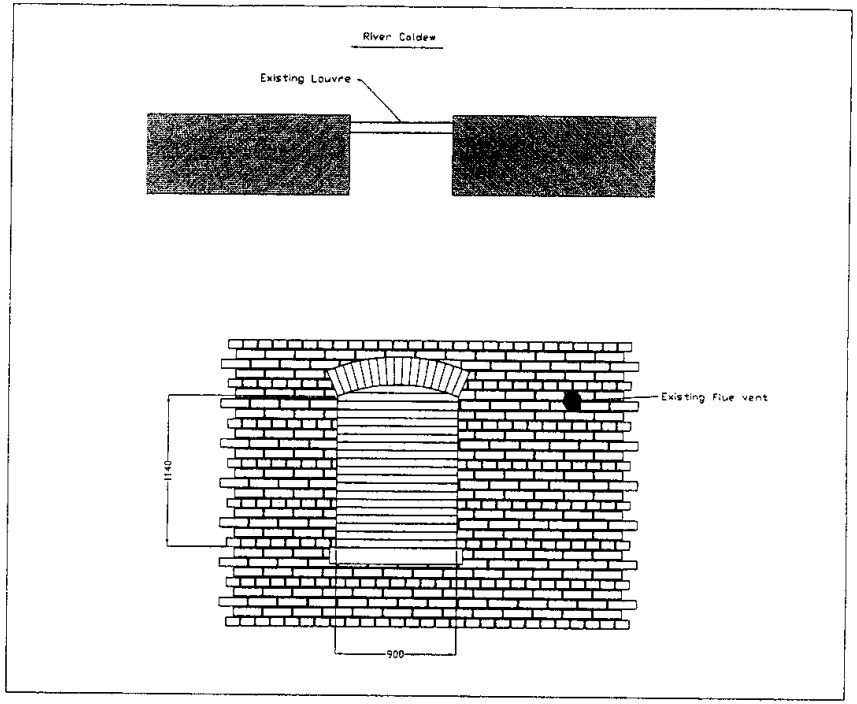

EXISTING WINDOW
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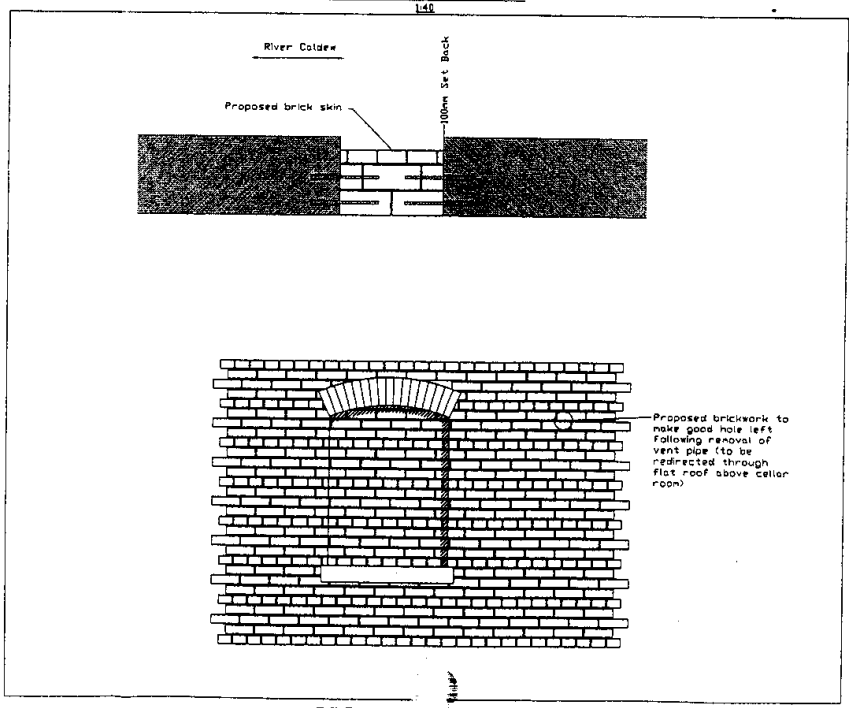

PROPOSED WINDOW
1:40

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DECOMMISSIONING / DEMOLITION

* ACCESS SEVERELY RESTRICTED
* RIVERSIDE WORK, RISK OF DROWNING.

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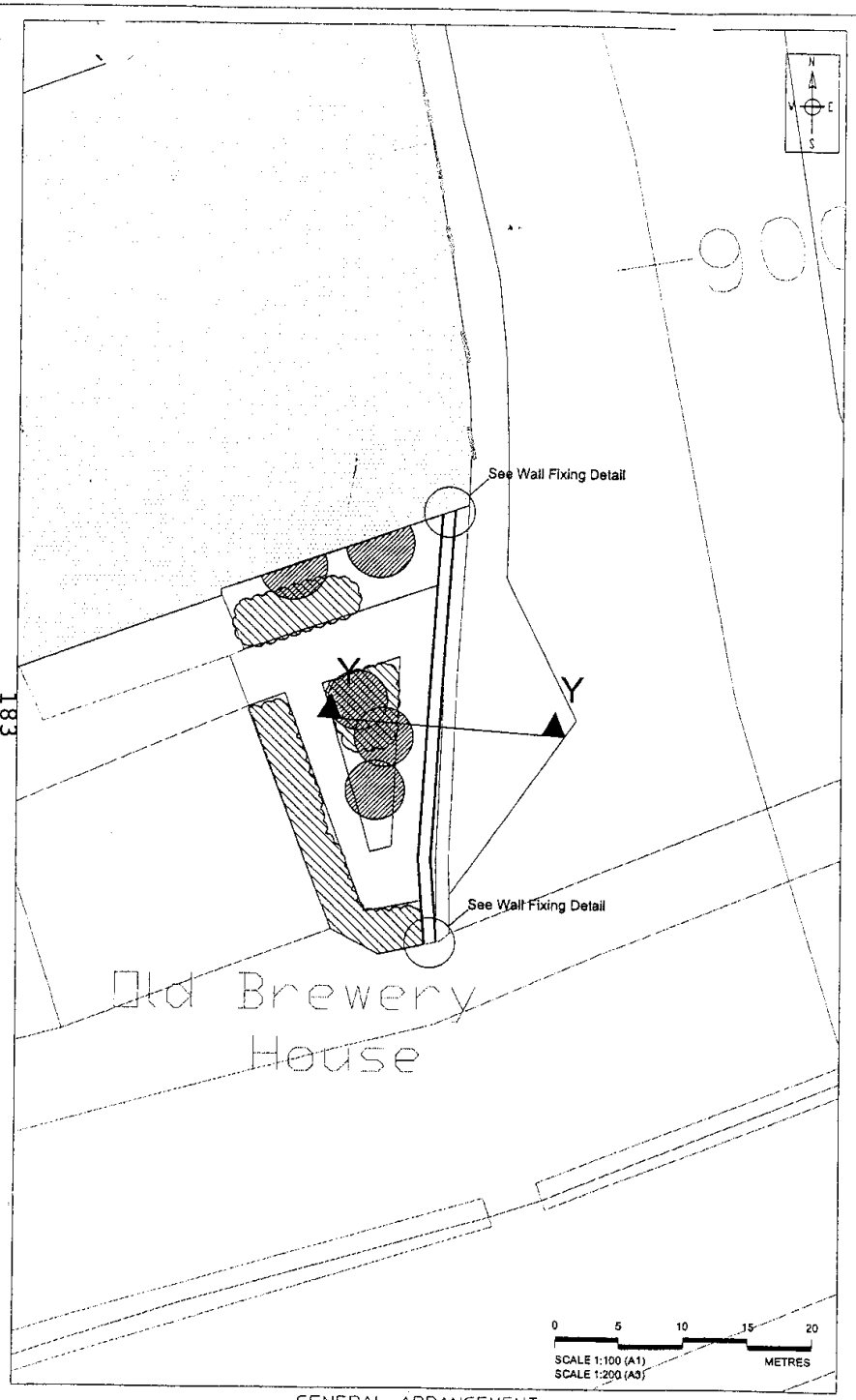
02 FEB 2007
2007/0090

Client: The Environment Agency North West Region

Project: CALDEW AND CARLISLE CITY CENTRE FLOOD ALLEVIATION SCHEME

Drawing: LISTED BUILDING APPLICATION - THE OLD BREWERY BUILDING ALTERATIONS DETAIL E & F

Drawn by: SM	Date: 29-01-07
Checked by: DC	Date: 30-01-07
Approved by: DC	Date: 30-01-07
Drawing No. AX_460_LBC 6	Revision -



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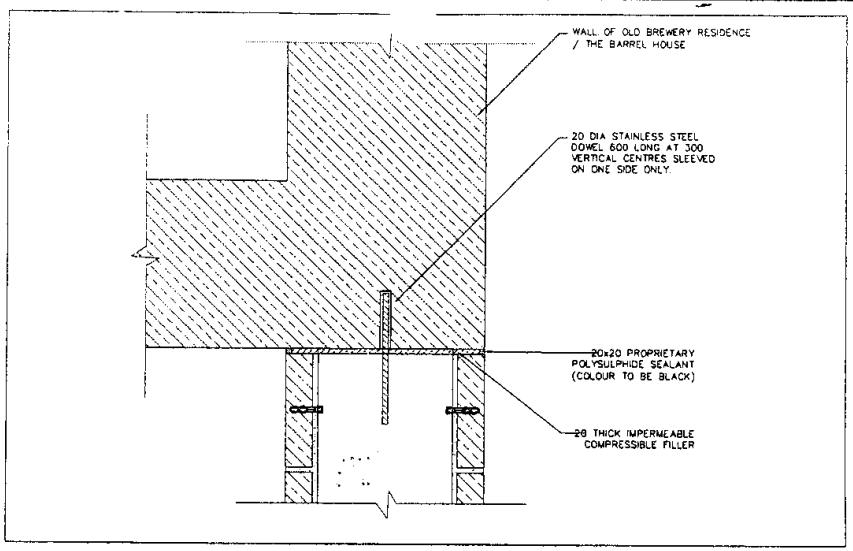
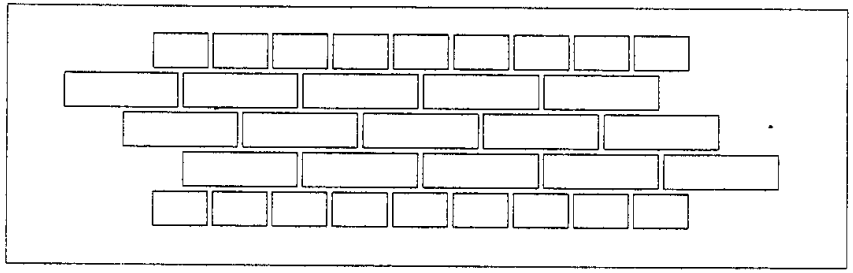
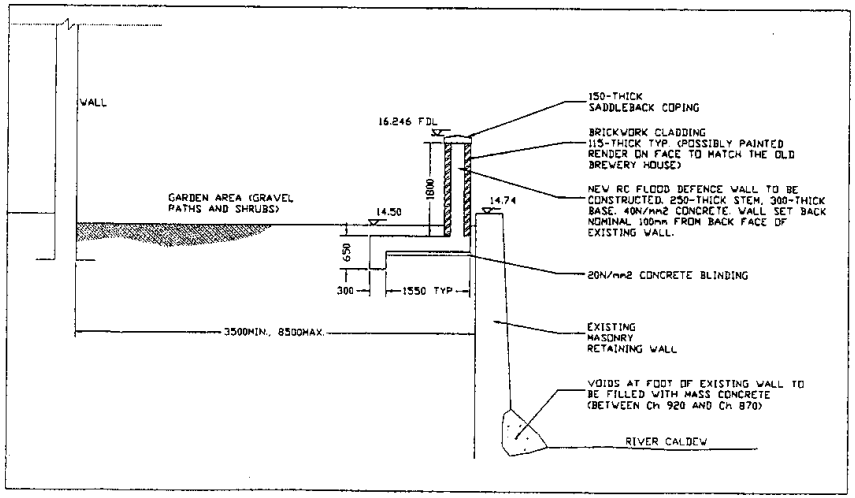


WALL FIXING DETAIL
TYPICAL RC MOVEMENT JOINT
SCALE 1:20



WALL COURSING DETAIL
TYPICAL ELEVATION SHOWING BRICK PATTERN
SCALE 1:10



SECTION Y-Y
TYPICAL SECTION SHOWING NEW FLOOD DEFENCE WALL
SCALE 1:100

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2007/0090

Client: The Environment Agency North West Region
Orchard Hall, Gillan Way, Penrith 40 Business Park, Penrith, CA11 9BP

Project: CALDEW AND CARLISLE CITY CENTRE FLOOD ALLEVIATION SCHEME

Drawing: LISTED BUILDING APPLICATION - THE OLD BREWERY BUILDING ALTERATIONS DETAIL G

Drawn by: SM	Date: 29-01-07
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Drawing No. AX_460_LBC 7	Revision -

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Rev	Description	Date

Client

The Environment Agency
Severn Trent Region

Project

CALDEW AND CARLISLE CITY
FLOOD ALLEVIATION SCHEME

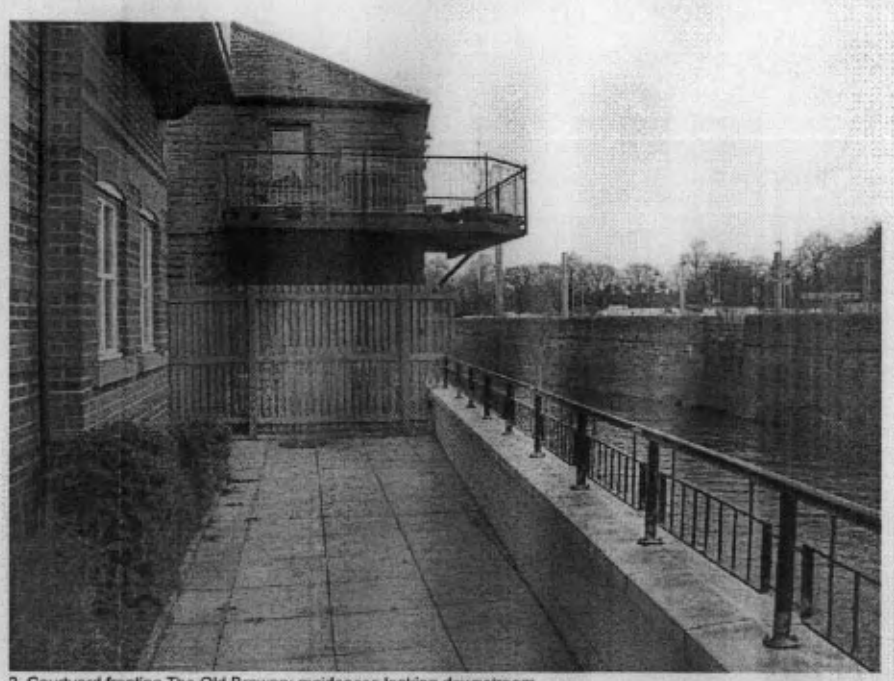
Drawing

LISTED BUILDING
APPLICATION - THE OLD BREWERY
BUILDING ALTERATIONS
PHOTO SHEET 1

Drawn by: MW	Date: 29-01-07
Checked by: DC	Date: 30-01-07
Approved by: DC	Date: 30-01-07
Drawing No: AX_460_LBC 8	Revision: -

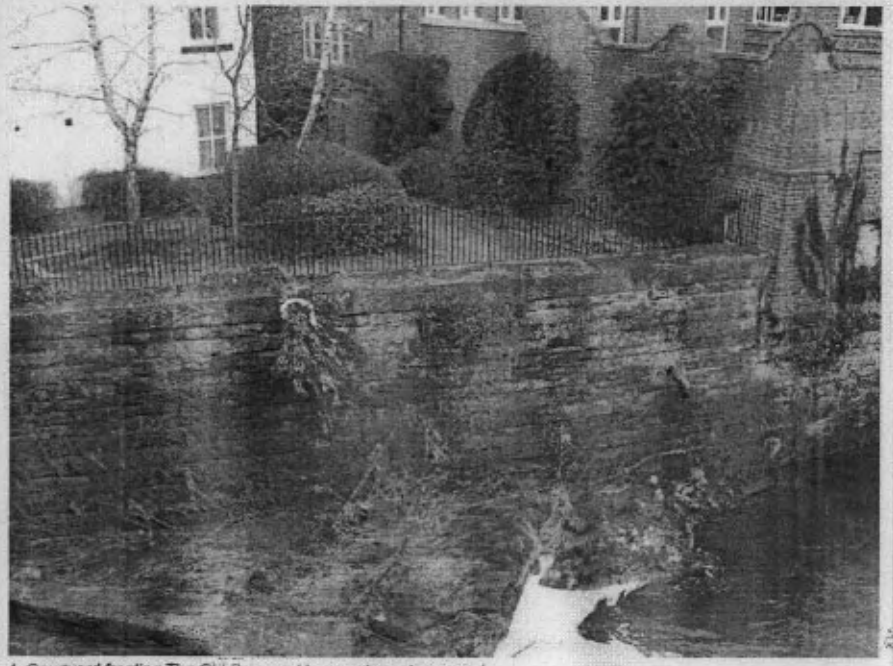
Drawing Scale: NA

nting The Old Brewery residences looking upstream



2. Courtyard fronting The Old Brewery residences looking downstream

nting The Old Brewery House - upstream adjacent to Caldew Bridge



4. Courtyard fronting The Old Brewery House - downstream end

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02 FEB 2007
2007/0090

No.	Description	Date

The Environment Agency
North West Region

CALDEW AND CARLISLE CITY
FLOOD ALLEVIATION SCHEME

LISTED BUILDING
APPLICATION - THE OLD BREWERY
BUILDING ALTERATIONS
PHOTO SHEET 2

Drawn by: DM	Date: 29-01-07
Checked by: DC	Date: 30-01-07
Approved by: DC	Date: 30-01-07

Drawing No.	Revision
AX_460_LBC 9	-

SCHEDULE A: Applications with Recommendation

07/0047

Item No: 10 Date of Committee: 09/03/2007

Appn Ref No:	**Applicant:**	**Parish:**
07/0047	Cavaghan & Gray	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
23/01/2007	Day Cummins Architects	Harraby

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

Grid Reference:
341867 554352

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

Amendment:

REPORT

Reason for Determination by Committee:

The application is brought before the Committee in view of the significant economic aspects of the development and the additional employment that will be generated by these proposals.

Planning Policies:

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

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

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

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

- places to live in a safe and healthy manner
- vibrant, harmonious and inclusive communities

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

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

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

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

1. seek locations consistent with policy ST5, ST6, and ST7 which will assist in reducing the need to travel, and then in the following order of priority :

   a) the appropriate reuse of existing buildings worthy of retention, followed by
   b) the reuse of previously developed land and only then
   c) the use of previously undeveloped land,

2. seek sites that are or will be made accessible by public transport, walking or cycling,

3. reduce the risk of flooding within the development and elsewhere by a choice of location in the following order of priority:

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

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

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

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

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

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

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

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

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

---

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

1. a supply of new housing over the whole plan period,

2. an appropriate supply of readily available land in the Local Employment Site market sector,

3. a high level of transport accessibility, and

4. the ability to connect to high speed communications technology.

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

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

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

Carlisle District Plan
Employment - Proposal EM2

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

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

2. The proposed alternative use is essential for the redevelopment of the majority of the site for employment purposes; and

3. The alternative development would be appropriate in terms of scale and design to the surrounding area, and the amenity of adjacent properties would not be prejudiced.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft
Development Principles - Policy DP1 - Sustainable Development Locations

All proposals for development will be assessed against their ability to promote sustainable development. Proposals will be considered favourably in the following locations, provided they are in scale with their location and consistent with other Policies of this Local Plan.

Urban Area	City of Carlisle	
Key Service Centres	Brampton Longtown	
Local Service Centres	Burgh by Sands	Heads Nook
	Castle Carrock	Houghton
	Cummersdale	Irthington
	Cumwhinton	Raughton Head
	Dalston	Rockcliffe
	Gilsland	Scotby
	Great Corby	Smithfield
	Great Orton	Thurstonfield
	Hallbankgate	Warwick Bridge
	Hayton	Wetheral

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

Settlement Boundaries have been established on the Proposals Map to recognise the extent of built development or where planning permission already exists to judge proposals for development and are not indicative of land ownership

Outside these locations development will be assessed against the needs to be in the location specified.

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

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

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

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

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

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

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

Exceptions may be permitted where:

1. the existing use of the site adversely affects or could adversely affect adjacent residential properties or the local environment; or
2. the proposed alternative use provides for needed community building or public amenity space; or
3. the proposed alternative use is essential for the redevelopment of the majority of the site for employment purposes; and
4. the alternative development would be appropriate in terms of scale and design to the surrounding area and the amenity of adjacent properties would not be prejudiced.

Proposals for public sales floorspace within employment units will be restricted to no more than 5% of the available floorspace. Restrictions will be placed on the hours of operation in order to ensure that the use remains ancillary to the prime use of the unit.

Employment uses have now become established at the former RAF14MU outlying sites at Harker, Heathlands and Rockcliffe. The sites are designated as Primary Employment Areas.

In the Sandysike/Whitesyke areas proposals for the redevelopment and extension to existing industrial and warehousing premises will be acceptable provided:

1. the proposal does not have an adverse impact on the landscape; and
2. the proposal does not involve the loss of existing tree cover; and
3. where appropriate, opportunities are taken to reinforce existing landscaping; and
4. adequate access and appropriate parking are provided.

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): awaited;

Environmental Protection Services: please note that the Environment Agency, via an IPPC permit, have responsibility for the relevant matters covered by this application. Contact has been made with the Agency and they are aware of the application and shall be commenting accordingly.

Summary of Representations:

Representations Received

Initial:		Consulted:	Reply Type:
[redacted]	The Harraby Inn 279 London Road	30/01/07 30/01/07	

SCHEDULE A: Applications with Recommendation

07/0047

[redacted]	281 London Road	30/01/07
	283 London Road	30/01/07
	285 London Road	30/01/07
	287 London Road	30/01/07
	289 London Road	30/01/07
	291 London Road	30/01/07
	293 London Road	30/01/07
[redacted]	1 Eastern Way	30/01/07

The proposals have been publicised using the display of Site and Press Notices and direct notification to local residents. The period for response to those measures closes on 20th February and any representations will be reported.

Details of Proposal/Officer Appraisal:

Planning History:

The site has an extensive history which commenced in 1985 when the current occupiers obtained planning permission for the change of use of the former West Cumberland Farmers premises from warehousing and offices to premises for the manufacture of food products.

In 1986, under application 86/0414, planning permission was given for an extension to provide a new boiler house, plant rooms, utensil washes and dispatch dock.

In 1987, application 89/0988, permission was given for the erection of a water storage tank for the sprinkler system.

In 1989 (application nos. 89/0176, 89/0857 and 89/0941) planning permission was given for a new production facility, construction of a new storage and amenity building and car park extension; the installation of equipment for food processing; and the construction of a blast chill and wrapping material store.

In 1990 (application nos. 89/1216, 90/0364, 90/0494 and 90/0724) permissions were granted for a first floor plant room; a new gatehouse; the installation of effluent treatment plant; and car park lighting.

In 1994, application 94/0020, permission was given for the installation of an effluent treatment plant, sludge tank, fresh water storage tank with associated pump house and bore hole for water extraction.

In 1995, application 95/0282 and 95/0687, permission was granted for an extension to the existing building for installation of freezer and associated plant rooms, tray store and extension to loading block; and the temporary re-siting of a cold storage unit.

In 1996 (application nos. 96/0478, 96/0596 and 96/0601) permission was given for alterations and extensions to provide plant room and cooling tower and addition of a seasoning store; installation of a water cvhiller; and the formation of a new doorway.

In 1997 and 1998, application 97/0309 and 98/0351, permission was given for an evaporative condenser and a lean to store.

In 2001 and 2002 (application nos 01/0860, 01/0883, 01/994, 01/0995, 02/0032, 02/264, 02/265 and 02/1002) permission was given for two water chiller tanks and "buffer" tank; an extension to the existing dispatch dock; a lean-to tray store; cooling tower and vacuum pump; formation of a lay-by; alteration and extension to the food factory; conversion of building to staff shop; and extension including new loading docks chilled dispatch and tray store areas.

In 2005 (application nos. 04/1534, 04/1659, 04/1660 and 05/0352) permission was granted for an extension to house an oven from the London Road site; refurbish existing stores; provide an extension to the existing factory; and for the installation of a roof mounted water chiller.

In June 2006, approval was granted for the installation of new plant and equipment to upgrade the existing waste treatment system.

Details of Proposal:

Members will be very familiar with the location of the applicants' manufacturing facilities at the Durranhill site, extending over 2.9 hectares, and situated at the junction of Brunel Way with Eastern Way onto which the site possesses an extensive frontage.

The current application seeks approval for additional plant and equipment to be sited adjacent to the north-west and south-west external walls and on the roof. This is required to enable the internal installation of new equipment associated with the proposed manufacture of a new product range transferred to Carlisle from existing manufacturing premises in Nottingham. This represents a major investment (£10m) that both enhances Cavaghan and Gray's reputation as a major food producer and will lead to the creation of circa 90-100 new jobs.

The principal aspects of the proposals are:

1. A proposed extension to the rear (north-west) that will contain a new spiral freezer, plant room and access/maintenance route and will be associated with a new production line being installed alongside the existing production lines in the factory. The new line will manufacture casserole/sauces and increase production of potato topped products already produced at Eastern Way. The extension will provide about 48 sq. m. floorspace and will project 4m from the existing rear wall, aligning with the extension to accommodate the arcadian oven, which was approved in 2006. The extension would be clad in a composite sheet cladding (5m in height) which will also be continued to re-clad an existing single storey section of building at the rear. A new water cooler, measuring approx 2.5m by 1.5m and 2.6 m high, will also be located on an existing plant deck sitting 5m above ground floor level to replace an existing redundant tower and will sit alongside other existing air conditoning and cooling towers. None are visible from ground level due to the adjacent pitched roof areas of the buildings

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

2. The extension of an existing concrete base serving a plant and equipment compound situated at the south-western end of the building (adjacent to the allotments between the Eastern Way factory and the doctor's surgery at the junction with London Road) to accommodate 2 no 2.5m high vacuum pumps and a new 1.9m high water cooling tower. In addition, to both visually screen that area and provide acoustic insulation and attenuation, it is proposed to erect a 4m high section of composite cladding running for a distance of 13m alongside the boundary with the allotments and wrapping around the ends of the concrete base. Whilst unroofed, by virtue of its increased height (above existing and proposed plant) and incorporation of sound absorbing material in the cladding specification, the applicants believe that a substantial noise reduction from existing conditions will be achieved.

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

The application is supported by a Design and Access Statement and a schedule of the Noise Reduction measures, including physical alterations and changes in house keeping practices, that the applicants have implemented within the site as a whole over the last 5 years, together with copies of "liaison" corrrespondence with adjacent residents. Prior to the application being lodged, the applicants also invited local residents and Ward Councillors to a briefing at the premises to outline, and clarify any concerns arising from, the current proposals. These actions may have contributed to the absence, at the time this Report was prepared, of any representations in response to the application.

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

The views of the Environment Agency, who administer the regulatory regime governing the operation of the site (PPC) have not been received but have been sought. In the meantime, the planning condition relating to noise limits that has been imposed with other recent consents for works at the factory is reiterated. Should any revision of that be recommended by the EA, the details will be reported to Members

indue course.

Human Rights Act 1998

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";

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;

Members are obliged, under the above provisions, to have regard to the potential for development to adversely affect the rights bestowed by the Act when considering development proposals. In this instance it is considered by the adoption of specific measures within the proposals that there would be no resulting impacts that would be prejudical to the objectives of the Act.

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).

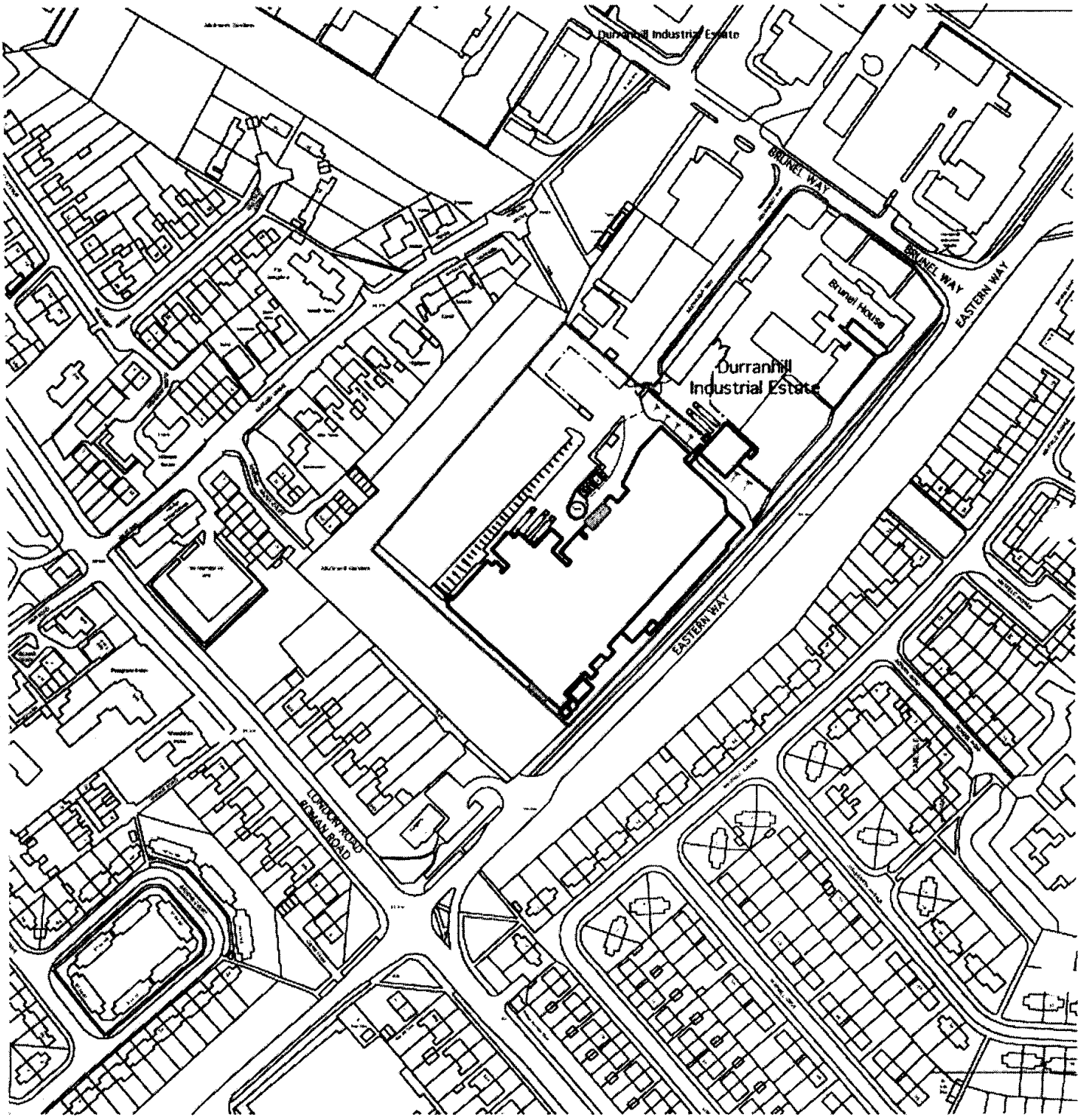
2. Samples of the materials to be used in the construction of the external walls shall be submitted to and approved in writing by the local planning authority before any work is commenced.

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

3. The plant and equipment associated with the hereby approved upgrade of the waste water treatment system shall be designed and installed in such a manner that the level of noise emitted from the site shall not exceed 45dB(A) as

measured at the nearest noise sensitive dwellings on Mayfield Avenue and 39dB(A) measured at the nearest noise sensitive dwelling on Harraby Grove during the hours of 2300 hours to 0700 hours. The noise level shall be expressed as LAeqT where "T" shall be 5 minutes during the period 2300 hours to 0700 hours. The noise emitted from the hereby approved plant and equipment shall not contain any distinguishable, discrete, continuous note (e.g. whine, hiss, screech or hum), any distinct pulses (e.g. bangs, clicks, clatters or thumps) and shall not be so irregular as to attract attention.

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



Rev	Date	Comments	By

Client.

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Project:
Proposed Alterations & Extension
For New Plant & Machinery,
Cavaghan & Gray, Eastern Way

Drawing Title:
Location Plan

Drawn:	Checked:	Signed:
MJ		

Scale:	Date:	Paper Size:
1:2500	12/01/07	A4

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FIGURED DIMENSIONS TO BE TAKEN IN PREFERENCE
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Project No:	Drawing No:	Rev:
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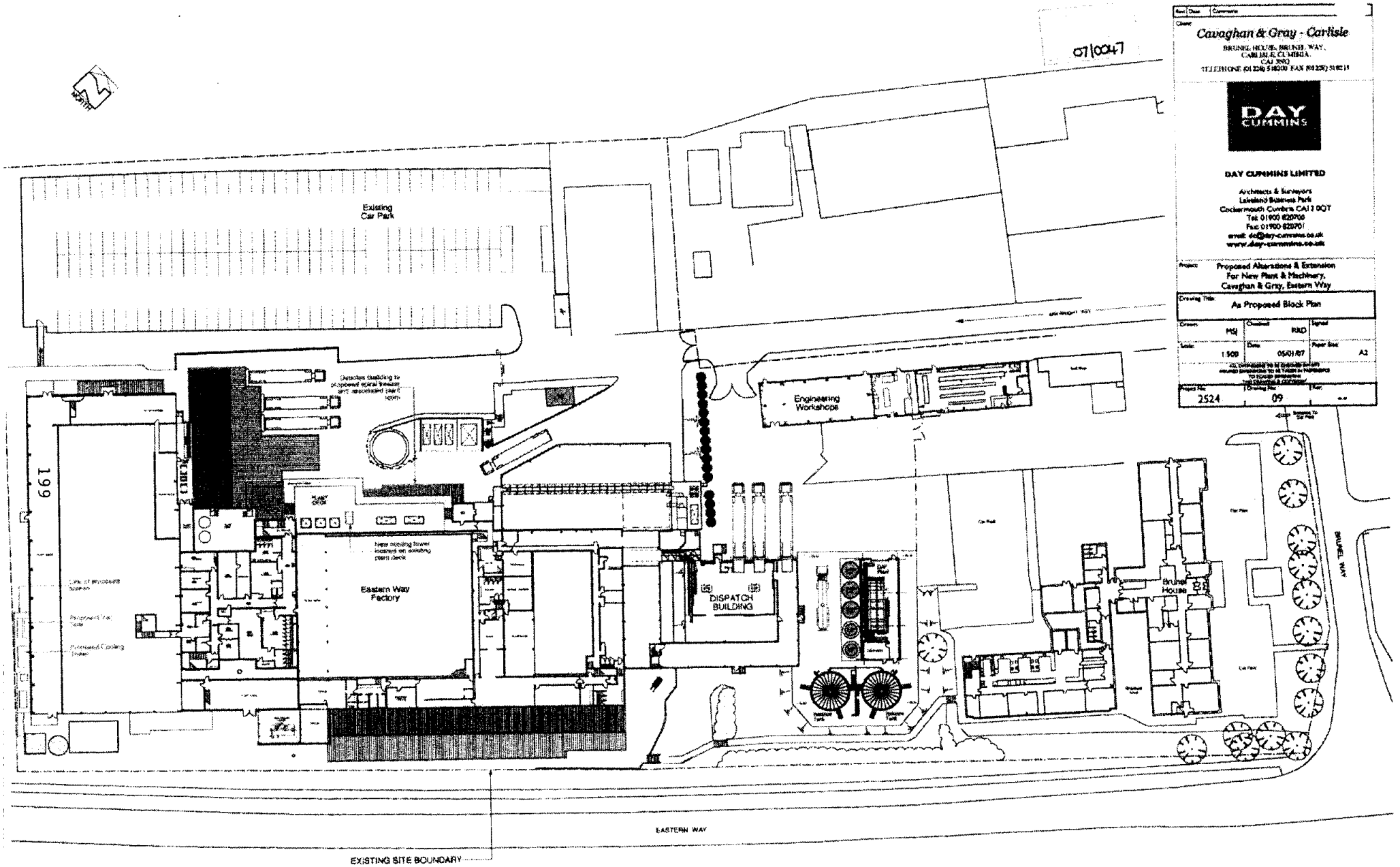

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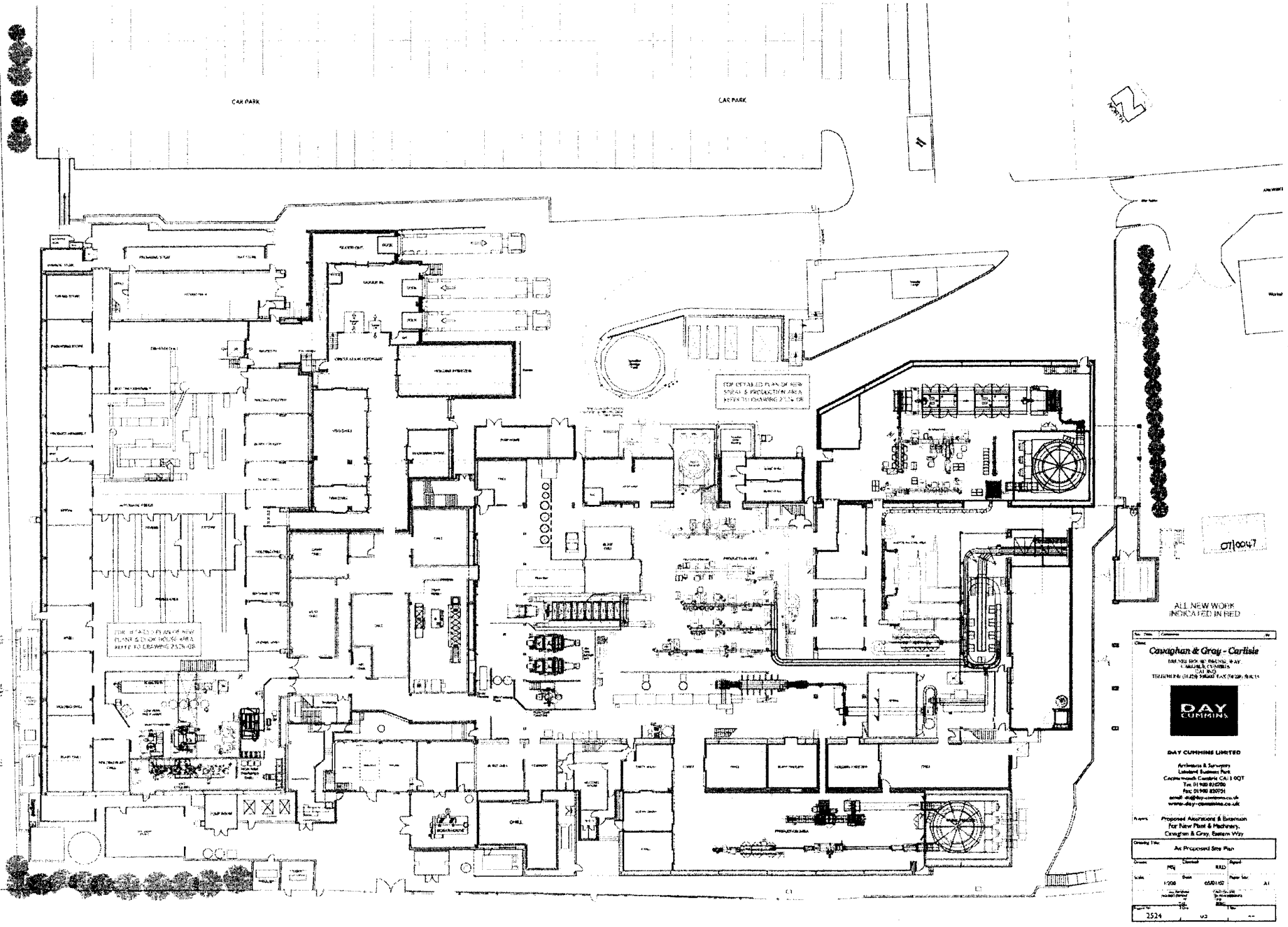
Project: Proposed Alterations & Extension
For New Plant & Machinery,
Cavaghan & Gray, Eastern Way

Drawing Title: As Proposed Block Plan

Drawn	Checked	Signed
MSJ	RKD	

Scale	Date	Paper Size
1:500	05/01/07	A2

Project No.	Drawing No.	Rev.
2524	09	--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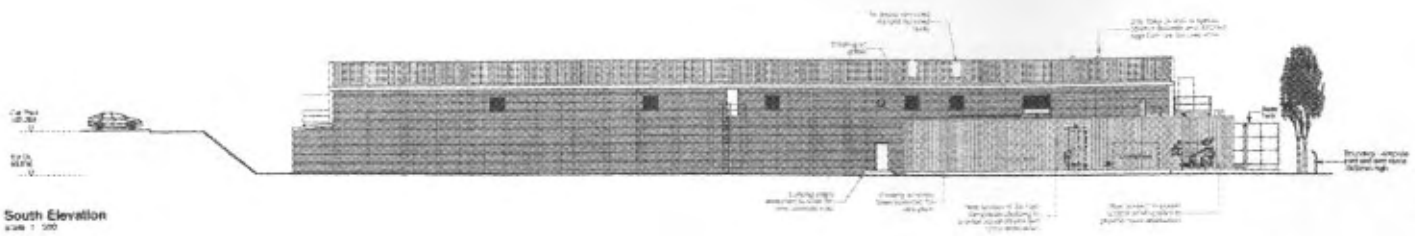
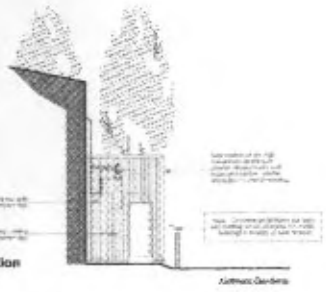
ALL NEW WORK INDICATED IN RED
Cavaghan & Gray - Carlisle
DAY CUMMINS
DAY CUMMINS LIMITED
Proposed Alterations & Extension for New Plant & Machinery, Cavaghan & Gray, Eastern Way
As Proposed Site Plan
2524



South Elevation



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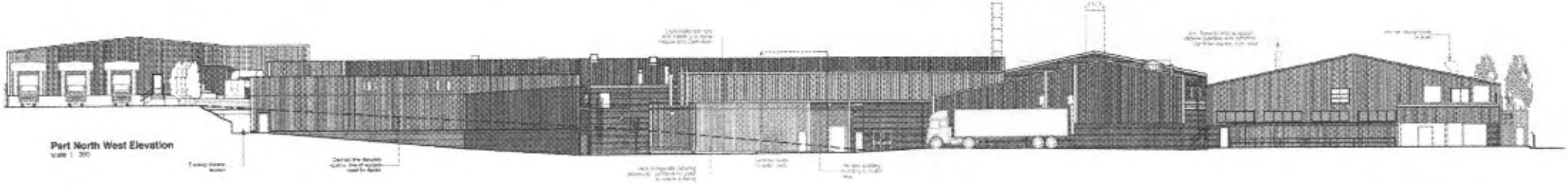

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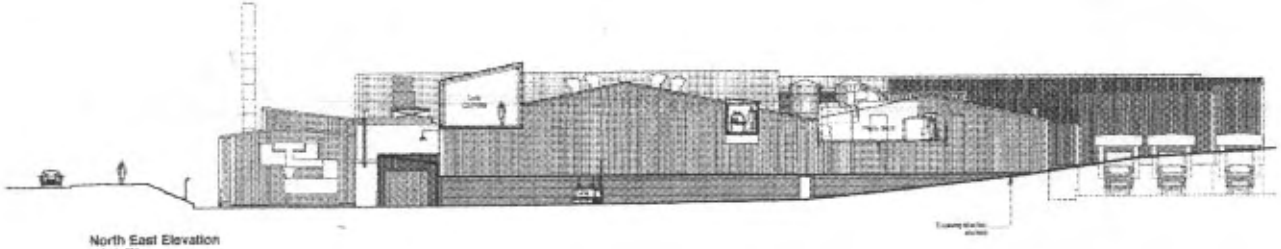

North East Elevation

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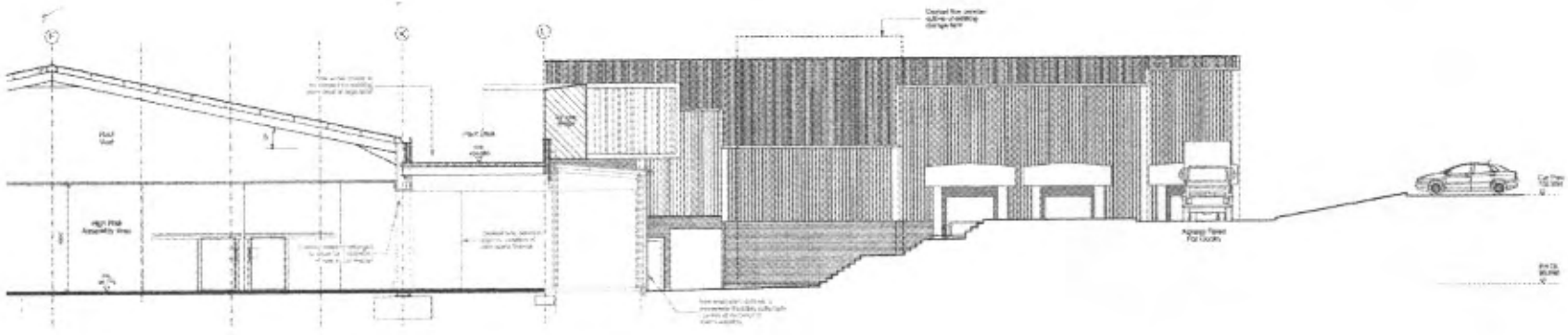

Part North East Elevation / Section

Cavaghan & Gray - Carlisle

DAY CUMMINS

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Proposed Alterations & Extension
For New Plant & Machinery,
Cavaghan & Gray, Kingmoor Way

As Proposed Elevations

2524 07

2524

07/0047

CAVAGHAN & GRAY CARLISLE LTD
PROPOSED EXTERNAL PLANT ENCLOSURES AND ROOFTOP EQUIPMENT ASSOCIATED WITH NEW CHILLING, COOLING AND EXTRACTION OPERATIONS TO MEET INCREASED PRODUCTION REQUIREMENTS AT EASTERN WAY, CARLISLE

ARCHITECTS DESIGN AND ACCESS STATEMENT

DESIGN

1. Introduction

Cavaghan & Gray have been successful in acquiring in the order of £10m pounds of new business for the increased production of casseroles/sauces and potato topped products.

The additional production space has to be achieved within the Eastern Way factory, being an extension of existing food processing operations.

2. Assessment

2.1 PHYSICAL

The existing Cavaghan & Gray site comprises of the Head Office, Brunel House and the Eastern Way Factory having a total area of 2.9 hectares, all located on the Durranhill Industrial Estate.

The site is located at the junction of Eastern Way and Brunel Way, which form the south east and north east boundaries. The boundary to the south west is to allotment gardens with housing beyond and the north west boundary is again allotments with housing beyond in part, but also onto Archwright Way with further industrial development beyond.

The factory unit has been extended in recent years to provide new production areas and loading / unloading docks to meet the demands of a successful business in the very competitive prepared foods market. It is proposed that the enhanced production lines to meet the business demand will be accommodated within the factory envelope, however it will be necessary to locate associated chilling and cooling equipment immediately outside the external wall of the factory. This will take the form of plant enclosures constructed of steel cladding to hide the equipment, there being one such enclosure on the allotment side of the factory to the south west and one on the north west side of the factory within the present service yard area.

The vicinity of housing in the area has been taken into account with properties being 85 metres away from the south west boundary and 112 metres away from the north west boundary. Noise attenuation measures will therefore be included within the plant enclosures to minimise any impact this may have on the local residents.

2.2 SOCIAL

Cavaghan & Gray are very much aware of their social responsibilities and appreciate that there will inevitably be a certain amount of noise and odour from their food production operations, which they are committed to reducing to level which area acceptable to the local community.

Included with the application is a copy of Cavaghan & Gray's letters produced by their Environmental Manager, Mr W Allison, dated 24 December 2006 to Mr R Ross, Mr G Grierson and Mrs McIntosh being representatives of local residents.
NB: These letters highlight Cavaghan & Gray's commitment in dealing with noise attenuation matters relating to the food production plant including openness regarding the costs involved.

It is the Company's policy to invite representatives of local residents onto site to explain noise and odour reduction actions, which have been and are currently in the process of being implemented.

At the same time residents adjacent to the site are made aware of any proposed development works before a planning application is made. In this instance a meeting was held at the Brunel House Head Office on Monday 15 January 2007 when the full extent of the proposals which form this planning application were fully explained to three local residents, being Mr R Ross, Mr G Grierson and Mrs McIntosh along with Mr D Weedall, a Carlisle City Councillor.

This presentation covered the reasons for the proposed works, the actual food production operations, the associated external plant and the methods being introduced to present a more acceptable appearance with the formation of plant enclosures, which are to include noise and odour attenuation.

Cavaghan & Gray's Environmental Manager will continue liaising with residents on a regular basis as ongoing improvement works take place, which it is expected will very much satisfy the Company's neighbours.

2.3 ECONOMIC

The benefit to the Carlisle area economy will be significant as the proposal to increase the output of Casserole / Sauce and Potato Topped products of the Eastern Way Factory will bring an additional 90-100 production jobs to the area. At the same time the increased production of the Company's proven quality products supplied to national retailers will undoubtedly help to ensure the long term viability of Cavaghan & Gray operations at Carlisle.

2..4 PLANNING POLICY

The factory is naturally designated as an employment area bearing in mind the existing use and it is expected that this will continue.

3.0 **Involvement**

A Pre-Consultation Meeting was held on site on Monday 8 January 2007 when the reasons for the development and the proposed works were fully explained to Mr Alan Taylor and Mr Don Taylor of Carlisle City Council. This was followed by a visit to the respective areas of the site where the plant enclosures are proposed were shown to ensure that the Officers fully appreciated the objectives.

It was also confirmed that it was the intention to hold a meeting with the residents on 15 January 2007 as part of the Company's openness in respect of its operations and its objectives.

At this meeting Factory Management was able to confirm that they would be allocating additional car parking space within their Brunel House car park for any overspill from the existing factory car park to cater for any future demand. Also that there would not be any significant increase in HGV's as it was felt that the additional food production could be generally accommodated within existing transport arrangements.

4.0 **Evaluation**

When looking at the need to introduce additional food production equipment the initial objective is always to establish if a satisfactory production line can be reconfigured within the existing factory space. It is only when this cannot be achieved that extensions to form new production areas are proposed.

Within this present proposal there are two areas that have to accommodate additional production equipment plant:-

4.1 CASSEROLE / SAUCE PRODUCTION

The intention is to introduce a further two sauce cooking vessels in addition to which the following vacuum cooling stage will increase its capacity with a further two pans. These additions will necessitate some reorganisation of the High Care and Low Risk areas.

There will be necessary extraction from the production space via ductwork and flues through the roof immediately above the area of operations. Associated with this will be the need to locate additional water and vacuum cooling plant immediately outside the building.

4.2 POTATO TOPPED PRODUCTION

The existing production lines are being upgraded to meet the new product requirements and there is a further necessity for a spiral chiller to increase the capacity of the product cooling. There will also be the need for additional water cooling and this is to be achieved by the location of a cooling tower to be located on an adjacent flat roof.

5. **Design**

a) GENERAL

The Cavaghan & Gray Plant Production Team have confirmed that it will be possible to accommodate the new food production equipment within the two existing areas in the factory, which are already involved in casserole/sauce and potato topped production.

b) USE

The vacuum pumps and water cooling needs to be located near to the internal operations as possible as follows:-

CASSEROLE / SAUCE PRODUCTION

In this instance the only free space to accommodate the associated plant is within the narrow strip of land between the factory gable and the allotments in the south west elevation. This, it is proposed, can be achieved by extending the existing raised concrete base already supporting similar equipment, to also include the proposed equipment and the whole will be completely enclosed on all sides with profile steel cladding coloured Moorland green to match the existing factory cladding.

It is not the intention to roof this enclosure, however, the new clad walls have been taken higher than the plant contained therein and the existing factory wall and the new enclosure cladded walls will include sound absorbing material that will reduce noise levels by in the order of 40 db.

It may also be possible to include some further noise attenuation panelling above the vacuum pumps if required, but not the water tower above and around there must be satisfactory air flow above and around this. Details of all the external plant will be provided within due course including their noise outputs, but it must be borne in mind that they will not be visible due to the enclosure walls.

There will not be any odour from the external plant associated with this operation however, the extract flues through the main roof of the factory, directly over the production area, will include carbon filtration to minimise localised odours.

POTATO TOPPED PRODUCTION

The spiral chiller is to be located to the adjacent upgraded production line operation being on the rear service yard wall of the factory and with its adjacent equipment it is to be contained within a new partly roofed enclosure of profile steel cladding, coloured Mooreland green to match the existing factory.

It has not been possible to accommodate the required water cooling tower at ground level and it is proposed that this be sited on the existing flat roof above this operation. This roof space already contains a number of cooling towers, one of which in now redundant and is likely to be replaced by the new proposed tower. The plant equipment, both existing and proposed towers, is not visible from ground level due to adjacent pitched roofs of the factory, being at higher level than the flat roof.

It is, however, the intention again to introduce sound attenuating cladding around the new tower in this roof top location.

ACCESS

In the Cavaghan & Gray Eastern Way Factory it is important, as in all such premises involved in food production, that strict hygiene standards at all times are implemented.

Everyone involved in the proposed Production Areas have to be able to gain access from Changing Rooms (where they don clean white coat, shoes, hairnet and hat) direct into Production Areas, on reaching which they hand wash.

This is achieved by locating the Changing Rooms at first floor level with the access to the Production Areas being via a staircase to the ground floor.

In addition there are separate Changing Rooms and access stairs for both Low Risk and High Care Production Areas, with no movement of staff between these areas being allowed.

All staff employed in food production have therefore to be in good health and able to gain access to and from their place of work via these staircases.

Day Cummins Limited
RRD/AW 18 January 2007

07/0047

NOISE REDUCTION OVER THE YEARS

Below is a list of noise sources, which have been removed during the past five years from the Eastern Way site.

1. Compound

This is situated at the entrance to the factory and is close to the residents houses.

There was a portable cold store in this area all year round and at certain times there were also one or two trailers running on electric being used as additional freezers.

These were being accessed 24 hours a day with a forklift.

The building of the new incoming dock extension has removed these portable cold stores/trailers from the compound

2. Bailer

This was located in the yard area just below security and is now located at the bottom of the steps from Brunel House and is screened by plant and buildings.

3. Main Yard

There was a trailer running on electric parked just before the entrance way to the engineering workshop, which was used as a chill for the preparation area. This was accessed on a 24 hour basis with a forklift.

The building of the new incoming dock extension has removed this trailer from the yard.

4. Main Yard

All the raw material for the preparation area, which included everything for the entire site apart from batter, crumb and packaging, was unloaded with a forklift.

This is now being handled by the new incoming dock extension and product is pulled off the trailer using a jack barrow directly into the factory.

5. Main Yard/Eastern Way 1 packaging store

The packaging store was located on the security side of the building and all the material was unloaded with a forklift.

This is now being handled by the new dock extension as part of the last planning application and product is pulled off the trailer using a jack barrow directly into the factory.

6. Transport of chemicals

Hygiene would transport the chemicals from the current engineering store to the factory over a 24 hour period using a tumble barrow.

The chemical is now brought to the factory from the store in the compound using a forklift before 10pm and enough is brought down to cover the night shift.

7. Emptying of waste bins from the factory in the main yard

Hygiene used to empty the waste barrows from the factory on a 24 hour basis; this has now been restricted to between 7am and 10pm.

8. Forklifts

These would operate on a 24 hour basis around the site.

Forklift's are now restricted to moving between 7am and 10pm.

9. Trailers for transporting finished goods off site

These were operating until recently on either diesel or electric. They now operate on electric only which means that they are running much quieter.

9. Attenuation May 2005/06

The following areas were attenuated:

Cooling towers 10, 11, 21 and 15 (15 was with limited success, but this has recently been improved on, see letter dated 24/12/06 to residents)

Boiler House doors

Plant room for the vac sets for the Coolers

10. Attenuation May 2006/07

See letter dated 24/12/2006 to residents,

11. Speed control on fans

The following fans have had speed control devices fitted, which will reduce the speed of the fan according to the temperature of the steam being extracted, this ensures that the fans do not run at full speed all the time.

Eastern Way 2 prep extract
Eastern Way 2 prep blancher
Both Cook, Quench, Cools
BCH Kettle
Extract for the two boiling pans

Warren Allison
Environmental Manager
12/01/2007

SCHEDULE A: Applications with Recommendation

07/0059

Item No: 11 Date of Committee: 09/03/2007

Appn Ref No:	**Applicant:**	**Parish:**
07/0059	Cavaghan & Gray	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
25/01/2007	Day Cummins Architects	Harraby

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

Grid Reference:
342023 554462

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

Amendment:

REPORT

Reason for Determination by Committee:

The application is brought before Members as it is linked to another major development that the applicants propose to undertake at the Eastern Way factory which has a knock-on effect on operations at the Riverbank site.

Planning Policies:

Health & Safety Executive Consultation

The proposal relates to development involving or affected by hazardous substances or noise.

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

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

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

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

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

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

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

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

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

1. seek locations consistent with policy ST5, ST6, and ST7 which will assist in reducing the need to travel, and then in the following order of priority :

   a) the appropriate reuse of existing buildings worthy of retention, followed by
   b) the reuse of previously developed land and only then
   c) the use of previously undeveloped land,

2. seek sites that are or will be made accessible by public transport, walking or cycling,

3. reduce the risk of flooding within the development and elsewhere by a choice of location in the following order of priority:

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

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

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

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

6. avoid the loss of or damage to, and wherever possible enhance important or

distinctive conservation features including landscapes, buildings, archaeological sites, historic parks and gardens and visually important public and private open spaces,

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

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

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

	Development emphasis	Major development of regional towns and cities	Sustained development of large towns	Moderate development appropriate to scale of town
City of Carlisle	Fostering regional role see Policy ST8	Carlisle		
North Cumbria	Sustaining rural services see Policy ST9			Brampton, Longtown, Wigton
Furness and West Cumbria	Securing regeneration see Policy ST10	Barrow In Furness	Maryport, Ulverston, Whitehaven, Workington	Aspatria Cleator Moor, Cockermouth, Dalton in Furness, Egremont, Silloth, Millom

South and East Cumbria	Meeting local needs, see Policy ST11	Kendal Penrith	Alston, Appleby, Grange over Sands, Kirkby Lonsdale, Kirkby Stephen, Milnthorpe

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

1. a supply of new housing over the whole plan period,

2. an appropriate supply of readily available land in the Local Employment Site market sector,

3. a high level of transport accessibility, and

4. the ability to connect to high speed communications technology.

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

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

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

Carlisle District Plan
Employment - Proposal EM2

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

within such areas for other purposes. Exceptions may be permitted where:

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

2. The proposed alternative use is essential for the redevelopment of the majority of the site for employment purposes; and

3. The alternative development would be appropriate in terms of scale and design to the surrounding area, and the amenity of adjacent properties would not be prejudiced.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Development Principles - Policy DP1 - Sustainable Development Locations

All proposals for development will be assessed against their ability to promote sustainable development. Proposals will be considered favourably in the following locations, provided they are in scale with their location and consistent with other Policies of this Local Plan.

Urban Area	City of Carlisle	
Key Service Centres	Brampton Longtown	
Local Service Centres	Burgh by Sands Castle Carrock Cummersdale Cumwhinton Dalston Gilsland Great Corby Great Orton Hallbankgate Hayton	Heads Nook Houghton Irthington Raughton Head Rockcliffe Scotby Smithfield Thurstonfield Warwick Bridge Wetheral

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

Settlement Boundaries have been established on the Proposals Map to recognise the extent of built development or where planning permission already exists to judge proposals for development and are not indicative of land ownership

Outside these locations development will be assessed against the needs to be in the location specified.

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

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

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

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

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

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

Within Primary Employment Areas proposals for B1, B2 and B8 uses will be

acceptable. Permission will not be given for redevelopment or changes of use within such areas for other purposes.

Exceptions may be permitted where:

1. the existing use of the site adversely affects or could adversely affect adjacent residential properties or the local environment; or
2. the proposed alternative use provides for needed community building or public amenity space; or
3. the proposed alternative use is essential for the redevelopment of the majority of the site for employment purposes; and
4. the alternative development would be appropriate in terms of scale and design to the surrounding area and the amenity of adjacent properties would not be prejudiced.

Proposals for public sales floorspace within employment units will be restricted to no more than 5% of the available floorspace. Restrictions will be placed on the hours of operation in order to ensure that the use remains ancillary to the prime use of the unit.

Employment uses have now become established at the former RAF14MU outlying sites at Harker, Heathlands and Rockcliffe. The sites are designated as Primary Employment Areas.

In the Sandysike/Whitesyke areas proposals for the redevelopment and extension to existing industrial and warehousing premises will be acceptable provided:

1. the proposal does not have an adverse impact on the landscape; and
2. the proposal does not involve the loss of existing tree cover; and
3. where appropriate, opportunities are taken to reinforce existing landscaping; and
4. adequate access and appropriate parking are provided.

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): no objections as these proposals do not affect the highway;

Environmental Protection Services: the fixtures, fittings and finishes in all food areas must comply with the requirements of Regulation EC 852/2004. in addition, the design, positioning and operation of the extract flues should not cause nuisance from odour, noise or vibration to neighbouring premises.

Summary of Representations:

Representations Received

SCHEDULE A: Applications with Recommendation

07/0059

Initial:		Consulted:	Reply Type:
[redacted]	1 Petteril Terrace	29/01/07	
	2 Petteril Terrace	29/01/07	
	27 Petteril Terrace	29/01/07	
	28 Petteril Terrace	29/01/07	
	29 Petteril Terrace	29/01/07	
	30 Petteril Terrace	29/01/07	
	31 Petteril Terrace	29/01/07	
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	24 Petteril Terrace	29/01/07	
	25 Petteril Terrace	29/01/07	
	26 Petteril Terrace	29/01/07	

These proposals have been publicised through the use of Site Notice, Press Notice and direct notification of the occupiers of 36 properties on Petteril Terrace. No representations had been received when this Report was prepared but the consultation period still had one week to its close. Any comments that are made will be reported.

Details of Proposal/Officer Appraisal:

Planning History:

The Riverbank site is being developed on what was the former Durranhill Sidings. After being declared surplus to British Rail's requirements in the early 1980's it was the subject of a scheme of reclamation under the (then) regime of Derelict Land Grant. The award of that Grant was reflected in a planning approval obtained in May 1985 for *"Development of land for light & general*

industrial use & warehousing with associated car & lorry parking, landscaping & service roads & the construction of a link road to Brunel Way". It was always intended that the land would be developed for the future growth/upgrading of Cavaghan & Gray.

The implementation of the above approval in 1985/86 to prepare the land for development and the detailed approval (secured in December 1985) and implementation of the access road was followed by the grant of planning permission in June 1986 for the first stage of development of the site to provide a Central Distribution Centre for all of the Company's distribution activities hitherto undertaken in a fragmented way from each of the various production plants.

There were subsequent additions comprising extensions to the distribution centre and stores in 1989 and 1990 and an extension to the vegetable production unit in 1993.

A detailed application to more than double the existing floorspace at the site, by re-locating substantial elements of production, storage and despatch facilities currently located at the London Road site to this location, was approved in August 2000 (revisions approved in 2001) and further alterations and extensions to provide a new potato topping facility were approved in February 2002.

Details of Proposal:

The Riverbank site, which extends to about 6.5 hectares, forms the northern end of Durranhill Industrial Estate. It generally sits at a much lower level than the remainder of the Estate, bounded to the north by the trackbed of operational railway land (Newcastle and Carlisle-Settle lines), to the east by Eastern Way and, broadly, by the River Petteril to the west. Much of the eastern side of the site remains to be developed but it relies upon the extension of the access road which runs from Brunel Way and enters the Riverbank site at the western end via a quite steeply graded road.

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

In order to accommodate that new work- which brings a £10m investment to the city- it is necessary to transfer some of the existing production space from Eastern Way to the Riverbank site. That will entail a new Dumpling Production line being installed within the existing Hot Roast Production area which, although entirely contained internally, necessitates the installation of 4 new flues that extract through the roof above the new production space. Those flues will project 2 metres above the roofline but since they will be sited on the distant slope of the pitched roof, furthest from the nearest public viewpoint at Petteril Terrace (some105 metres to the south) perception of them will be negligible over the expanisve roof area of the factory. The flues will be fitted with carbon filters to minimise odour emissions and there will be no noise associated with them.

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

Human Rights Act 1998

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";

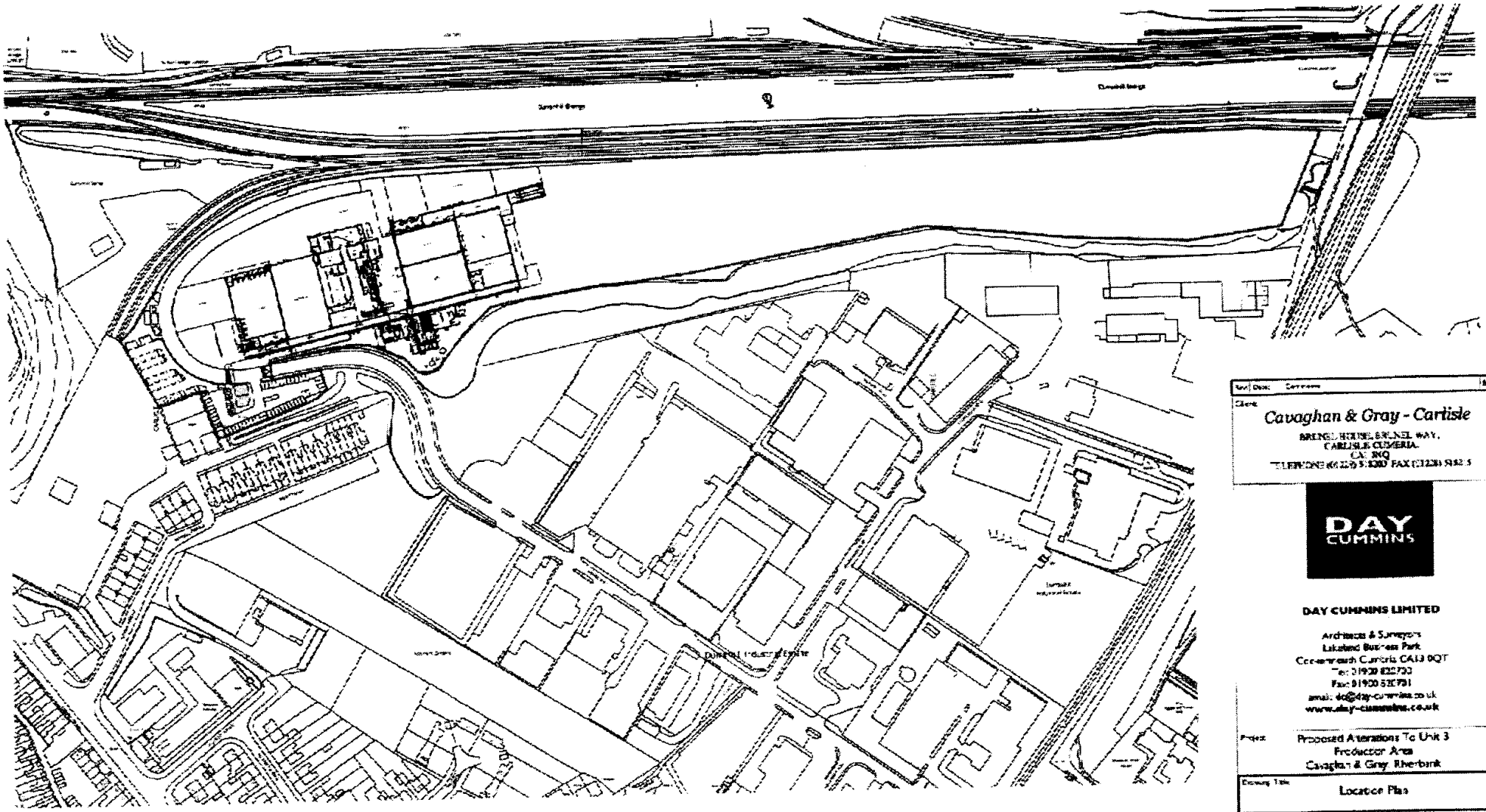
Article 1 of Protocol 1 relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

The relevant provisions of the HRA have been considered but are not regarded as prejudiced by these proposals.

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).



NORTH

Location Plan

SCALE 1 : 2500

24 JAN 2007

2007/0059

Client: Cavaghan & Gray - Carlisle

BRUNEL HOUSE, BRUNEL WAY,
CARLISLE, CUMBRIA.
CA1 2NQ
TELEPHONE (01228) 515000 FAX (01228) 518215

DAY CUMMINS

DAY CUMMINS LIMITED

Architects & Surveyors
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Cockermouth Cumbria CA13 0QT
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email: dc@day-cummins.co.uk
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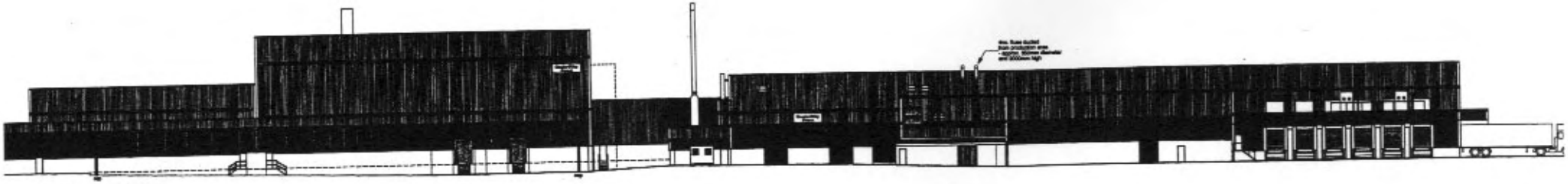
Project: Proposed Alterations To Unit 3
Producer Area
Cavaghan & Gray Riverbank

Drawing Title: Location Plan

Drawn	Checked	Signed
MSJ	RRD	

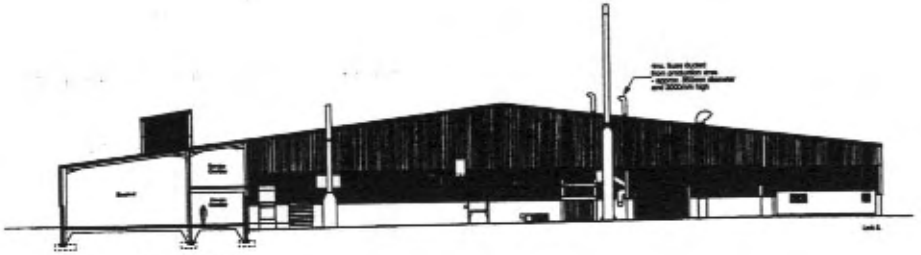
Scale	Date	Paper Size
1:2500	23/01/07	A3

Project No: 2525
Drawing No: 01
Rev: --



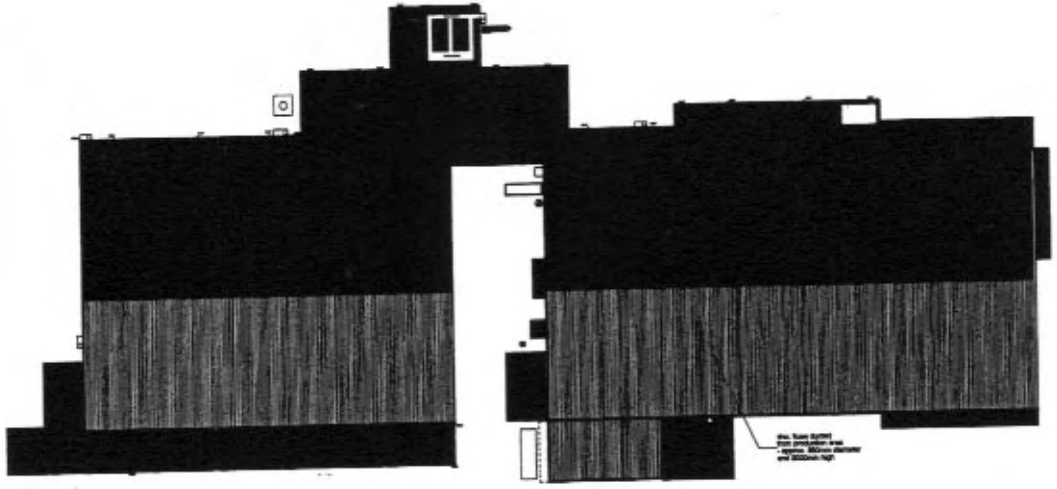
As Proposed North Elevation.

As Proposed South West Elevation.



As Proposed North East Elevation.

220



As Proposed Roof Plan.

25 JAN 2007
0800/0059

Caughan & Gray - Carlisle

DAY CUMMINS

DAY CUMMINS LIMITED

Architects & Surveyors
Lakeland Business Park
Cockermouth Cumbria CA13 0QT

Proposed Alterations To Unit 3
Production Area
Caughan & Gray, Riverbank

As Proposed Roof Plan & Elevations

Drawn: PJ	Checked: RJC	Signed:
Date: As Shown	Date: 23/01/07	Paper Size: A1

Project No: 2525 | Drawing No: 05 | Rev: -

2525

CAVAGHAN & GRAY CARLISLE LTD
PROPOSED FOUR NEW EXTRACT FLUES FROM NEW OVEN IN PRODUCTION AREA AT RIVERBANK SITE, CARLISLE

ARCHITECTS DESIGN AND ACCESS STATEMENT

DESIGN

1. Introduction

2007/0059

Cavaghan & Gray have been successful in acquiring in the order of £10 million of new business for the increased production of casseroles/sauces and potato topped products.

While the main areas of additional production space are to be achieved within the Eastern Way factory, being an extension of existing food processing operations, there is also the need to reallocate production space at the Company's Riverbank site.

2. Assessment

2.1 PHYSICAL

The existing Cavaghan & Gray Riverbank site, having a total area of approximately 6.5 hectares is located on the northern edge of the Durranhill Industrial Estate.

It is also bound by the Durranhill sidings to the north, Eastern Way to the east and the River Petteril to the west.

The access is via Brunel Way, which runs through the Durranhill Industrial Estate entering the site at the western end.

The factory unit at Riverbank has been extended in recent years to provide new production areas and loading / unloading docks to meet the demands of a successful business in the very competitive prepared foods market. It is proposed that the new production line will be accommodated within the factory envelope, within the existing Hot Roast Production Area. However it will be necessary to locate 4 No. flues through the roof immediately above the production space and it is these we are seeking planning permission for.

The location of housing in the area has been taken into account with the Petteril Terrace (No. 36) properties being some 105 metres away from the south west boundary. The proposed flues, which will not generate any noise, are however also on the far side of the pitched factory roof so will hardly be seen form the housing.

2.2 SOCIAL

Cavaghan & Gray are very much aware of their social responsibilities and are committed to ensuring that any noise or odour resulting from the food production operations is kept to a level found acceptable to the local community.

There will not be any additional vehicle movement arising out of the proposal as dumplings will be transported from site by the same Company vehicles making deliveries to Riverbank.

There will not be any additional vehicle movement arising out of the proposal as dumplings will be transported from site by the same Company vehicles making deliveries to Riverbank.

Cavaghan & Gray's Environmental Manager will however be quite happy to liaise with local residents regarding the proposed works.

2.3 ECONOMIC

The overall benefit to the Carlisle area economy will be significant as this proposal for forming a Dumplings Production Area at the Riverbank site will bring about a further 5 No. jobs in addition to the proposal to increase the output of Casserole / Sauce and Potato Topped products of the Eastern Way Factory bringing 90-100 production jobs to the area. At the same time the increased production of the Company's proven quality products supplied to national retailers will undoubtedly help to ensure the long term viability of Cavaghan & Gray operations at Carlisle.

2..4 PLANNING POLICY

The factory site is naturally designated as an employment area bearing in mind the existing use and it is expected that this will continue.

3.0 **Involvement**

A Pre-Consultation discussion was held on Monday 15 January 2007 when the reasons for the development and the proposed works were explained to Mr Alan Taylor of Carlisle City Council.

4.0 **Evaluation**

When looking at the need to introduce additional food production equipment the initial objective is always to establish if a satisfactory production line can be reconfigured within the existing factory space. It is only when this cannot be achieved that extensions to form new production areas are proposed.

Within this present proposal there are Low Risk and High Care areas being formed for the production of dumplings in an existing production space previously allocated for a Nut Roast operation.

5. **Design**

a) GENERAL

The Cavaghan & Gray Plant Production Team have confirmed that it will be possible to accommodate the new food production equipment in the factory, within previously allocated production area.

b) USE

The proposed 4 No. stainless steel flues, each approximately 2 metres high x 450 mm diameter, are to be located directly above the oven required within the new Dumpling Production space. There will not be any noise from these flues which will contain carbon filters to reduce odour emissions.

ACCESS

In the Cavaghan & Gray Riverbank Factory it is important, as in all such premises involved in food production, that strict hygiene standards at all times are implemented.

Everyone involved in the proposed Dumpling Production Areas have to be able to gain access from Changing Rooms (where they don clean white coat, shoes, hairnet and hat) direct into Production Areas, on reaching which they hand wash.

This is achieved by locating the Changing Rooms at first floor level with the access to the Production Areas being via a staircase to the ground floor.

In addition there are separate Changing Rooms and access stairs for both Low Risk and High Care Production Areas, with no movement of staff between these areas being allowed.

All staff employed in food production have therefore to be in good health and able to gain access to and from their place of work via these staircases.

Item No: 12 Date of Committee: 09/03/2007

Appn Ref No:	**Applicant:**	**Parish:**
07/0088	Mr & Mrs R Watson	Hayton
Date of Receipt:	**Agent:**	**Ward:**
07/02/2007	Unwin Jones Partnership	Hayton

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

Grid Reference:
351212 557891

Proposal: Revised Proposal For The Conversion Of Farm Buildings To Create Ten Dwellings and Two Apartments With Nine Additional Garages

Amendment:

REPORT

Reason for Determination by Committee:

In the light of the history of the site and the local interest such a proposal would generate.

Planning Policies:

Airport Safeguarding Area

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

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

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

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

- vibrant, harmonious and inclusive communities

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

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

1. seek locations consistent with policy ST5, ST6, and ST7 which will assist in reducing the need to travel, and then in the following order of priority :

   a) the appropriate reuse of existing buildings worthy of retention, followed by
   b) the reuse of previously developed land and only then
   c) the use of previously undeveloped land,

2. seek sites that are or will be made accessible by public transport, walking or cycling,

3. reduce the risk of flooding within the development and elsewhere by a choice of location in the following order of priority:

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

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

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

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

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

7. ensure high standards of design including siting, scale, use of materials and landscaping which respect and, where possible, enhance the distinctive character of townscape and landscape, promote a safe and secure environment that designs out crime and makes proper provision for people with restricted mobility and people with special needs, promote energy and water efficient design and the use of recycled materials and renewable energy technology, avoid reductions in air quality and the quality and quantity of groundwater and surface waters, ensure development makes efficient use of and is within infrastructure, community and service constraints, or that these can be satisfactorily overcome through planned improvements or at the

developers expense without an adverse effect on the environment, Ensure minimal levels of light pollution and noise.

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

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

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

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

Carlisle District Plan
Environment - Policy E22

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

Carlisle District Plan
Transport - Proposal T7

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

1. The Parking Guidelines for Cumbria as detailed in Appendix 2;

2. The availability of public car parking in the vicinity;

3. The impact of parking provision on the environment of the surrounding area;

4. The likely impact on the surrounding road network; and

5. Accessibility by and availability of other forms of transport.

Carlisle District Plan
Housing - Proposal H5

Within the following settlements, large scale residential development will not be

permitted. Proposals for small scale residential development will normally be acceptable providing that:

1. The site is well related to the landscape of the area and does not intrude into open countryside; and

2. The scale of the proposed development is well related to the scale, form and character of the existing settlement; and

3. The layout of the site and the design of the buildings is well related to existing property in the village; and

4. The siting and design of the buildings is well related to and does not adversely affect the amenity of neighbouring property; and

5. Appropriate access and parking can be achieved; and

6. The proposal will not lead to the loss of amenity open space within or at the edge of the settlement; and

7. The proposal will not lead to the loss of the best and most versatile agricultural land.

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

Carlisle District Plan
Housing - Proposal H8

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

Carlisle District Plan
Housing - Proposal H12

Proposals for the conversion of non residential property to provide residential accommodation in locations where planning permission for new build residential

development would not be granted will not be approved unless:

1. The building is of permanent construction; and

2. The building can be converted without extensions or major alterations which would destroy its character; and

3. The details of the proposed conversion respect the building's character; and

4 Adequate access and appropriate car parking can be achieved.

Where appropriate, in order to retain the character and fabric of historic farm buildings, development rights originally permitted by Class A of Part One of Schedule Two to the Town and Country Planning General Development Order (1988 as amended) may be withdrawn by a condition attached to a planning consent.

The conversion of recently constructed or very remote rural buildings will not be permitted.

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

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

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

energy production within the overall design should also be explored where appropriate

10 Have a layout and design which minimises the potential for crime and antisocial behaviour.

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

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

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

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

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Core Development Policies - Policy CP6 - Use of Traditional Materials

In order to sustain the local environment consideration will be given to locally sourced traditional materials to maintain the local character of buildings and their environment.

Within conservation areas the City Council will seek to ensure that existing traditional materials are reinstated following repairs to roads, pavements, kerbs and underground services.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Core Development Policies - Policy CP8 Development Energy Conservation and Efficiency

Development proposals should take into account the need for energy conservation and efficiency in their design, layout and choice of materials. The principles should be introduced in the early stages of the design process in order to consider the orientation of buildings to maximise solar gain coupled with high levels of insulation to reduce heating costs. The efficient and effective use of land, including the reuse of existing buildings and the use of environmentally sustainable materials should also be encouraged. Landscaping schemes also may be used to shelter buildings in exposed positions to reduce heat loss.

These elements will contribute to the energy efficiency of a new development. Developers should also consider the possible incorporation of photovoltaic cells, active solar panels and other small-scale sources of renewable energy. Consideration should be given to recycled materials, waste minimisation and recycling measures within the design.

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

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

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

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

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

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

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

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft
Development Principles - Policy DP1 - Sustainable Development Locations

All proposals for development will be assessed against their ability to promote sustainable development. Proposals will be considered favourably in the following locations, provided they are in scale with their location and consistent with other Policies of this Local Plan.

Urban Area	City of Carlisle	
Key Service Centres	Brampton Longtown	
Local Service Centres	Burgh by Sands Castle Carrock	Heads Nook Houghton

Cummersdale	Irthington
Cumwhinton	Raughton Head
Dalston	Rockcliffe
Gilsland	Scotby
Great Corby	Smithfield
Great Orton	Thurstonfield
Hallbankgate	Warwick Bridge
Hayton	Wetheral

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

Settlement Boundaries have been established on the Proposals Map to recognise the extent of built development or where planning permission already exists to judge proposals for development and are not indicative of land ownership

Outside these locations development will be assessed against the needs to be in the location specified.

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

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

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

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

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

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

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

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

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft
Housing - Policy H5 - Affordable Housing

The City Council will negotiate with developers for an element of affordable housing to be included in the majority of housing developments.

All allocated housing sites are expected to make a contribution towards affordable housing. In the urban area a contribution will be sought on all other sites over 10 dwellings. In the rural area the contribution to affordable housing will be:

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

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

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft
Housing - Policy H8 - Conversion of Existing Premises

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

1. the building is of sufficient historic or architectural interest or which makes a contribution to local character to warrant retention and alternative use is not viable; and
2. an appreciation of the historic, architectural, or archaeological significance of the building is submitted with the application against which the proposed development can be assessed, together with the need for further archaeological recording
3. the building can be converted without extensions or major alterations which would destroy its character; and
4. the details of the proposed conversion respect the building's character; and
5. adequate access and appropriate car parking can be achieved whilst respecting the character of the landscape
6. the design and appearance of the building should be in keeping with its surroundings.

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

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

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): Comments awaited.

United Utilities (former Norweb & NWWA): Comments awaited.

Community Services - Drainage Engineer: Comments awaited.

Environment Agency (N Area (+ Waste Disp)): No objection subject to the imposition of a condition.

Environmental Protection Services: Comments awaited.

Hayton Parish Council: Comments awaited.

Carlisle Airport: Comments awaited.

Summary of Representations:

Representations Received

SCHEDULE B: Reports Requiring Further Information

07/0088

Initial:		Consulted:	Reply Type:
[redacted]	1 The Woodlands	13/02/07	
	2 The Woodlands	13/02/07	
	3 The Woodlands	13/02/07	
	4 The Woodlands	13/02/07	
	Stonethwaite	13/02/07	
	5 The Woodlands	13/02/07	
	6 The Woodlands	13/02/07	
	7 The Woodlands	13/02/07	
	8 The Woodlands	13/02/07	
	9 The Woodlands	13/02/07	
	10 The Woodlands	13/02/07	
	11 The Woodlands	13/02/07	
	2 Stonehouse Cottages	13/02/07	
	Bothy Cottage	13/02/07	
	Hayton Gardens	13/02/07	
	White House	13/02/07	
	The lodge	13/02/07	

This application has been advertised in the form of a site notice and the direct notification of the occupiers of 17 neighbouring properties. No observations have been received at the time of preparing the report.

Details of Proposal/Officer Appraisal:

Planning History:

In 1974, and 1975 under application reference numbers 74/0012 and 74/01286, outline planning permission was refused for the erection of six and four dwelling respectively on the open field lying to the immediate east of the current proposal.

In 1981, under application number 81/0367, outline permission was refused for the erection of four dwellings.

In 1991, application reference number 90/1246, permission was given for the conversion of the range of outbuildings into thirteen residential units. A variation of condition number 04 was upheld at appeal allowing access to the development from the western end of the site. This permission has subsequently been renewed in 1996 under application reference number 96/0031.

In November 2000 an application (number B/00/0805) was submitted to satisfy the Building Regulations to convert the shooter's lodge to a dwelling given planning permission under application numbers 90/1246 and 96/0031.

In January 2005, application number 04/1605, planning permission was given for design revisions to the conversion of the hunting/shooting lodge.

In September 2005, application 05/0835, permission was given for a revised scheme relating to the conversion of the former shooting lodge.

In relation to neighbouring land, in August 2002, under application 00/0846, outline planning permission was given for the erection of five dwellings. Under application 02/1359 full permission was given for the erection of five dwellings subject to the aforementioned consent.

Under application number 01/0573 outline approval was given for residential development on land adjoining Hayton Gardens. The approval of reserved matters was granted under 04/0639.

Details of Proposal:

The steading at Stone House Farm was originally built as the "Home Farm" to the Hayton House Estate. Hayton House was demolished in the early 1950's leaving the farmhouse, farmstead, shooting lodge, stables and carriage houses serving the former parkland. The complex is mid to late nineteenth century and is predominantly built of red sandstone with slate roofs comprising a T-shaped range and an L-shaped range with a yard. The T-shaped range consists of stables, tack rooms, carriage houses with a dovecote tower. The late nineteenth century farmhouse has been altered and extended.

To the immediate east of Stone House farmhouse there are a pair of semi-detached houses (1 and 2 Stone House Cottages) and countryside consisting of open fields or woods that provide the approach to the settlement of Townhead. The development of the woodlands, approved under application 02/1359, to the west of the current application site has effectively been completed.

The current application consists of revisions to the conversion of the former farm buildings originally approved as part of application numbers 90/1246 and 96/0031. In 2005, under application numbers 04/1605 and 05/0835 planning permission was given to revise the scheme for the conversion of the former shooting lodge to a dwelling. The current proposal is as described – see attached copies of plans. A Design and Access Statement accompany the application.

It is considered that the five main issues, to greater or lesser degrees, in the case of this application are:

i) whether the proposal needs to include the provision of an element of affordable housing (Policy H19 of the Structure Plan, Policy H8 of the Carlisle District Local Plan (CDLP), and, Policy H5 of the Carlisle District Local Plan 2001-2016, Redeposit Draft);

ii) whether the proposal would harm the character of the buildings/area (Policies H5 and H12 of the CDLP, and Policies CP4, H1 and H8 of the CDLP 2001-2016);

iii) whether the proposal would be detrimental to the amenities of neighbouring residents (criterion 4 of Policy H5 of the CDLP, and, Policies CP5 and H1 of the CDLP 2001-2016);

iv) whether the proposal has taken account of the need for energy conservation and efficiency (Policy CP8 of the CDLP 2001-2016); and,

v) whether the submitted foul and surface water drainage details are considered adequate (Policy E22 of the CDLP and Policies CP9 and CP11 of the CDLP 2001-2016).

When considering i) it is apparent that Hayton is identified as a Local Service Centre under Policies DP1 and H1 of the CDLP (2001-2016). Policy H5 of the CDLP (2001-2016) states that in rural areas a 20% contribution would be required on sites involving 10 dwellings. The submitted background information does not indicate the intended provision of any affordable units as part of the current proposal.

A material consideration could, however, be whether the applicants have an extant permission to carry out a similar proposal without the need to provide any affordable housing. It is evident that the applicants have previously been given permission to convert the structures subject of the current application in 1990 and 1996 under reference numbers 90/1246 and 96/0031. In the case of the former shooting lodge an application to satisfy the relevant Building Regulations (ref. 00/0805) was submitted in 2000. In 2005, under application numbers 04/1605 and 05/0835 planning permission was given to revise the scheme for the conversion of the former shooting lodge to a dwelling.

On the basis of the currently available information it appears that the only element implemented has been the conversion of the former shooting lodge based on a revised scheme approved under application 05/0835. If this were to be the case, the applicants would not have a "fall back" position and therefore the current proposal could be considered in the light of the updated policies of the Development Plan. At the time of preparing the report further clarification is being sought on the extent of the work undertaken as part of the Building Regulations application 00/0805.

In relation to ii), the contents of the submitted Design and Access Statement are acknowledged. This aside, there are concerns over the nature and extent of the proposed openings, and, the dispersed locations of the proposed garages that do not reinforce the existing layout. In addition, the submitted details do not appear to include any details of the proposed garages. This aside, it is considered that the proposed works are not sympathetic to the character of the existing buildings.

When considering iii) the submitted layout plan shows the main walls of the proposed dwellings to vary in distance from 19.4 to 20.6 metres when measured with those of the existing dwellings at The Nurseries. Although unclear whether an existing hedge is to be retained, it is considered that such distances comply with the underlying objectives of the relevant polices.

Finally, in regard to iv) and v), no information has been provided to indicate what measures are proposed with regard to energy efficiency/conservation. The applicants' agent has merely stated "Local Authority" when asked on how the surface water would be disposed of, and, indicated the "possible septic tank required after inspection" in response to the question on how foul sewage would be dealt

with. In a letter accompanying the application, the agent has also written to say that the "treatment of foul sewage assessment will only be carried out once we have started work on site". The comments of the Environment Agency are acknowledged, but this application is in a context where flooding has been previously experienced downstream in Hayton, and, was subject of great deal of attention with regard to the neighbouring developments at The Woodlands and The Nursery.

At the time of preparing the report further discussions are to take place with the applicants in order to try and resolve the aforementioned matters.

Human Rights Act 1998

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;

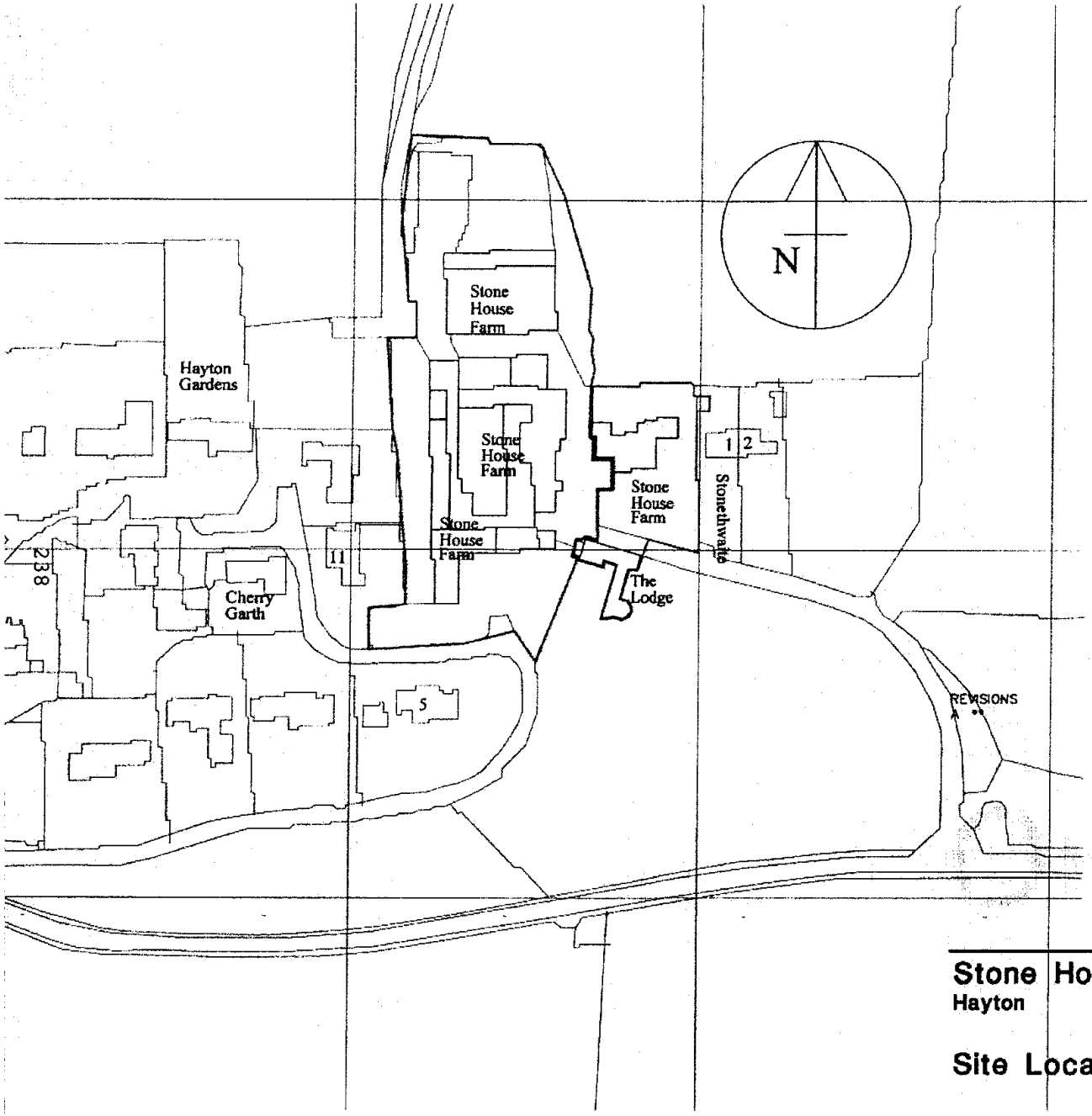
Article 8 recognises the "Right To Respect for Private and Family Life";

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;

Recommendation:

Reason for including report in Schedule B

Observations are awaited from interested parties and further discussions need to take place with the applicants over the submitted proposal.



- 7 FEB 2007
2007/0688

Name Date

Stone House Farm
Hayton

Site Location Plan

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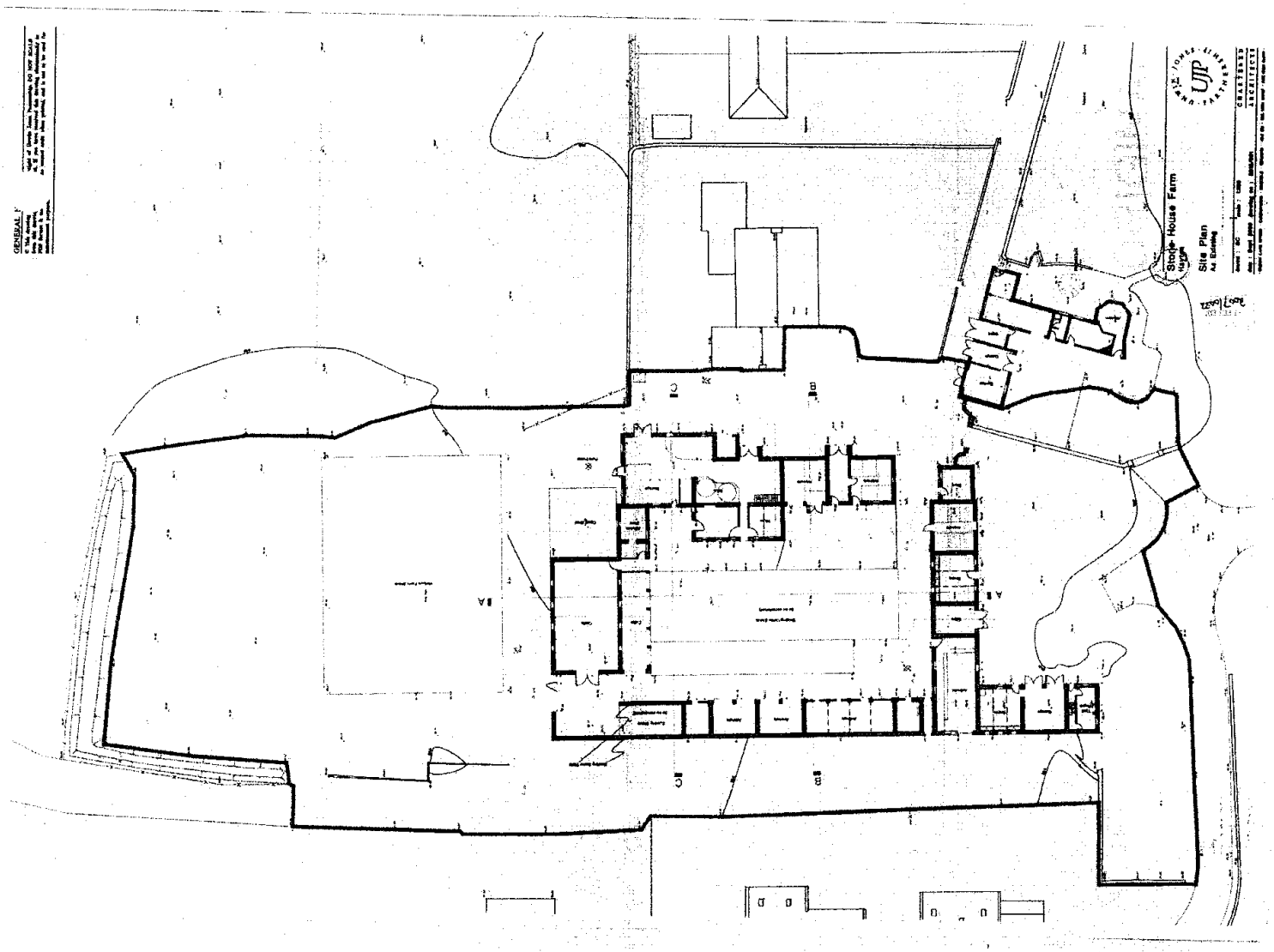
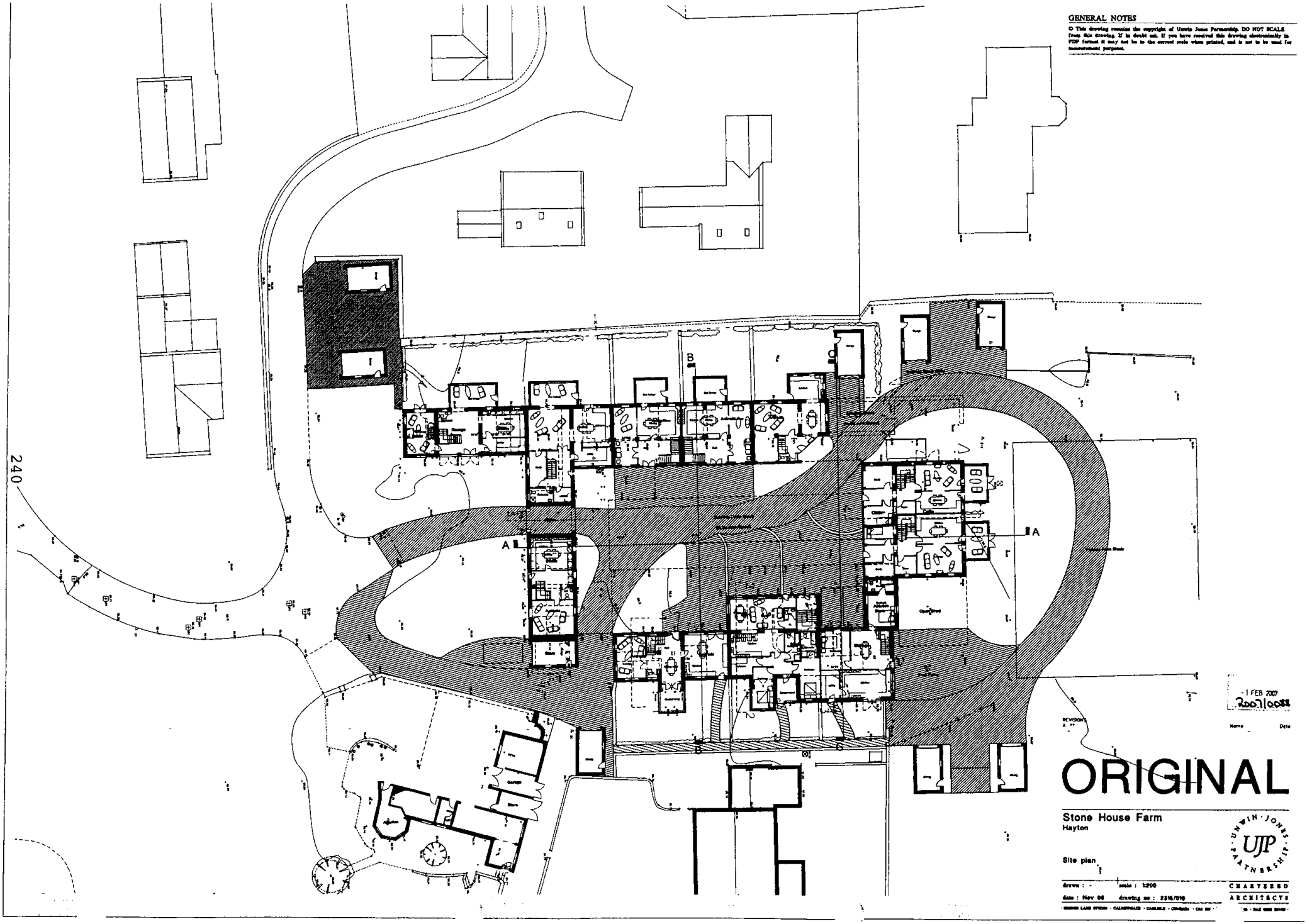
drawn : - scale 1:1250

date : Jan 07 drawing no : 2315/SLP/001


Site Plan
As Existing



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Name Date

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Stone House Farm

Hayton

Site plan

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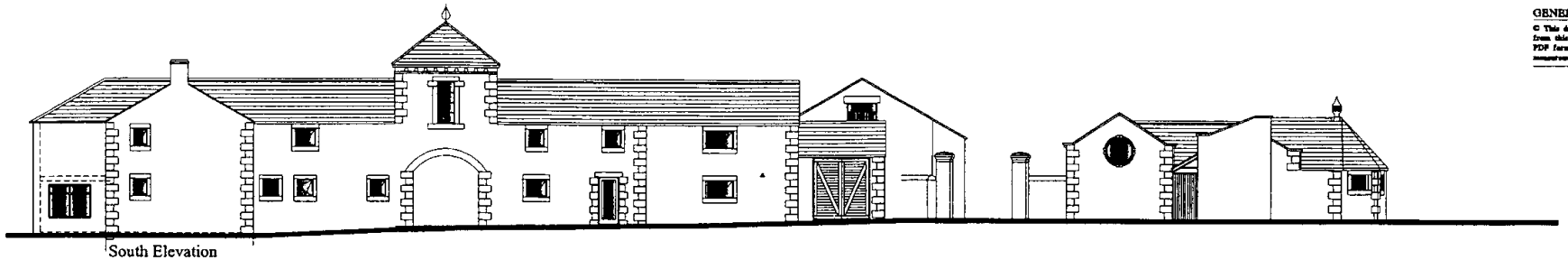
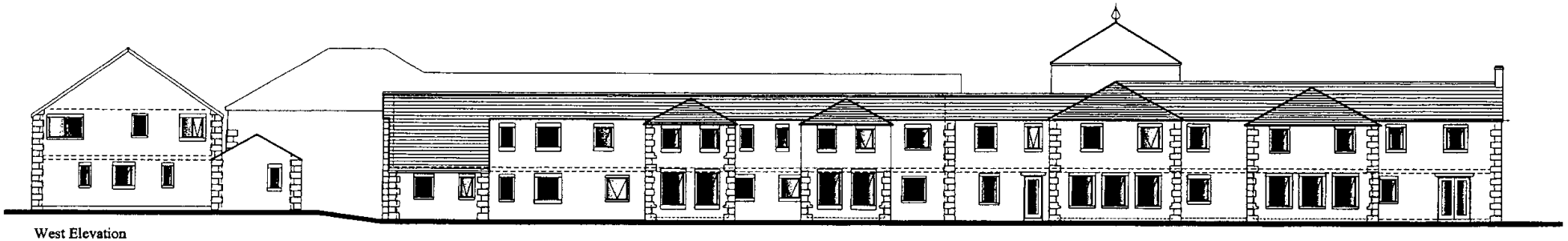
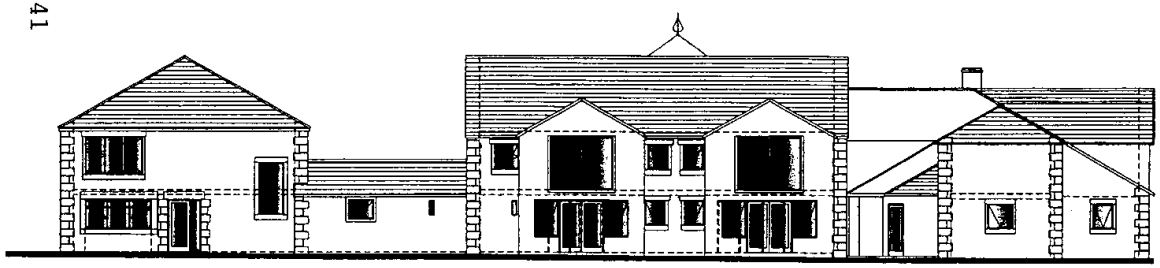


South Elevation



West Elevation



North Elevation

- 1 FEB 2007
2007/0082

East Elevation

REVISIONS
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Name Date

Stone House Farm
Hayton

Proposed Elevations
Courtyard

drawn : - scale : 1:100
date : Jan 07 drawing no : 2315/014

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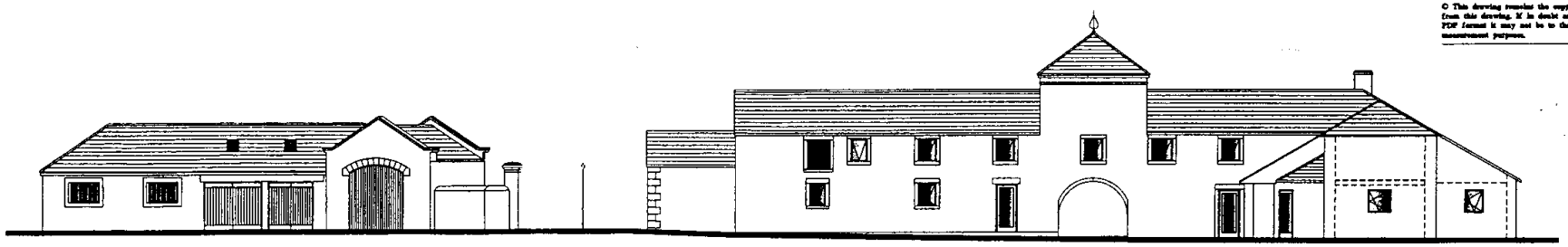
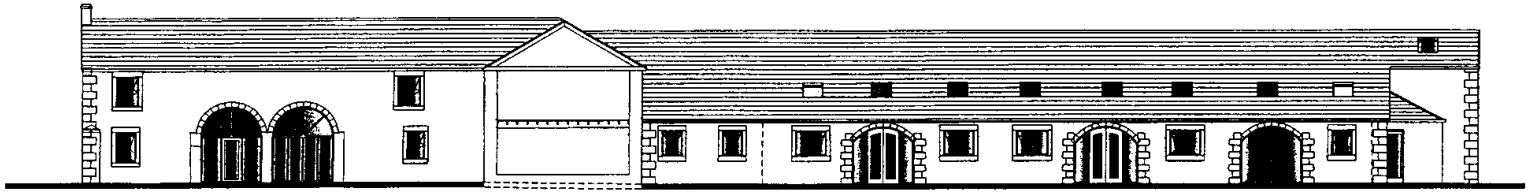
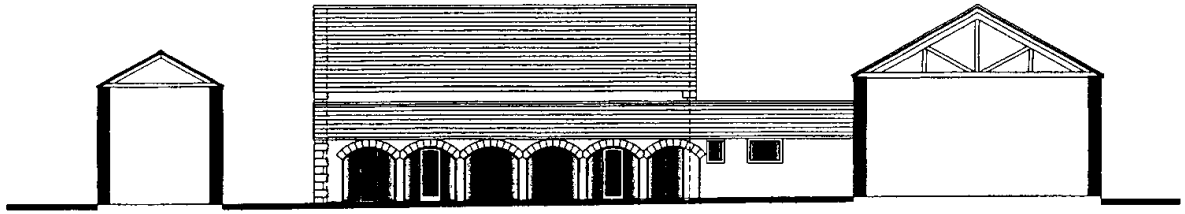


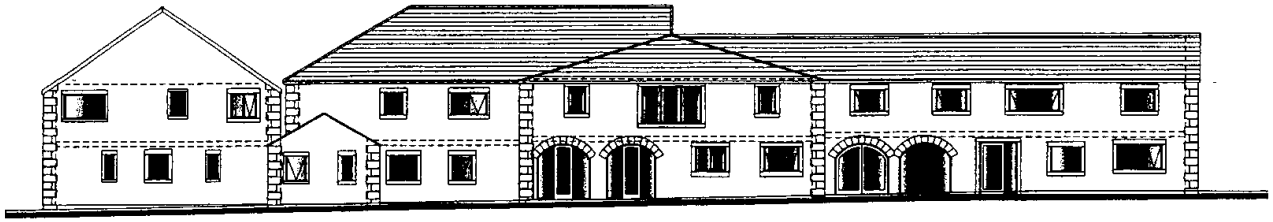
North Elevation to Courtyard



East Elevation to Courtyard



South Elevation to Courtyard



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2007/0088

REVISIONS

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Stone House Farm

Hayton

Proposed Elevations

External Elevations

drawn : - scale : 1:100

date : Jan 07 drawing no : 2516/010

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Proposed First Floor plans

- 1 FEB 2007
2007/0088

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Stone House Farm
Hayton

Proposed First Floor plan

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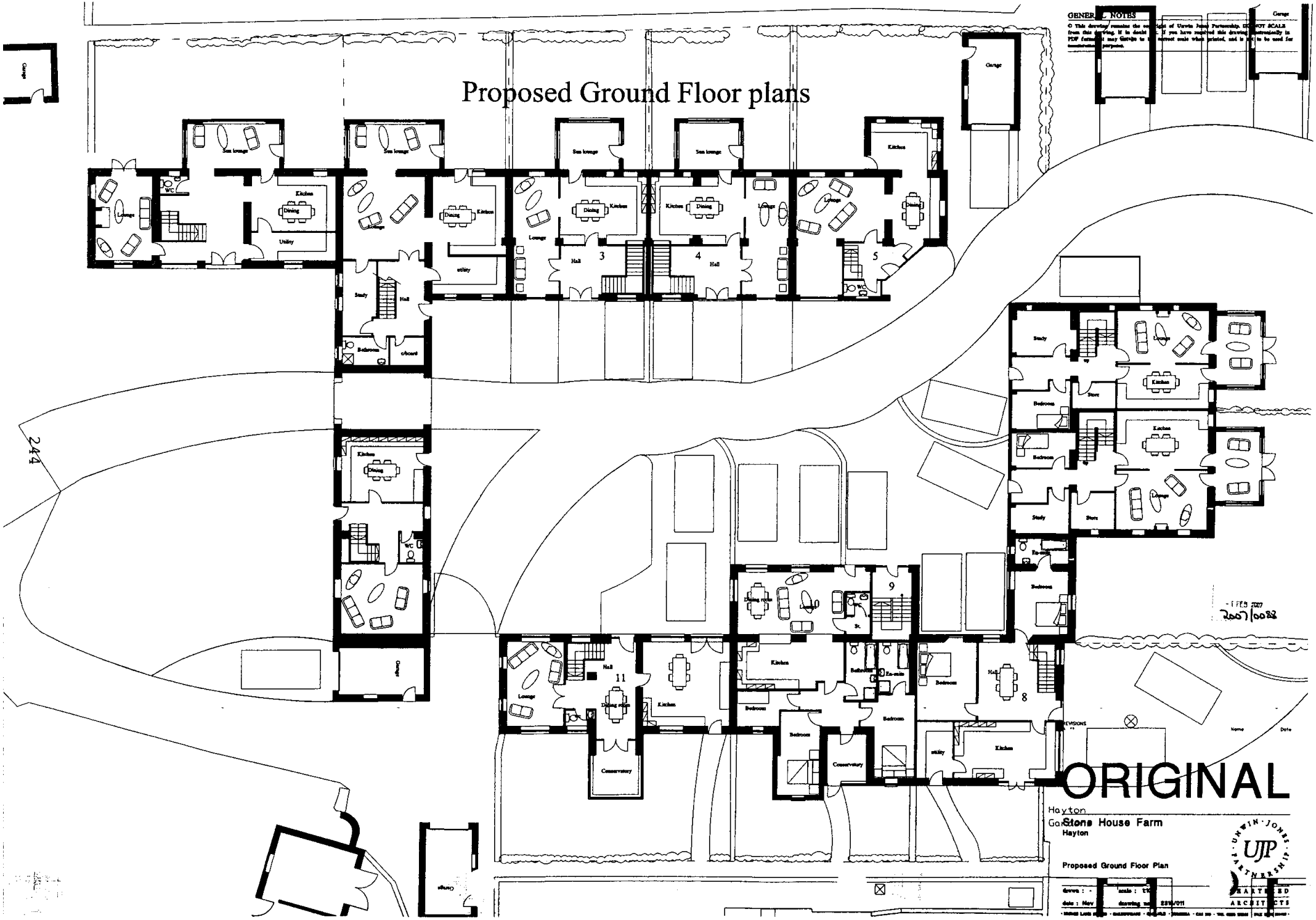
date : Nov 06 drawing no : 2215/012

Proposed Ground Floor plans



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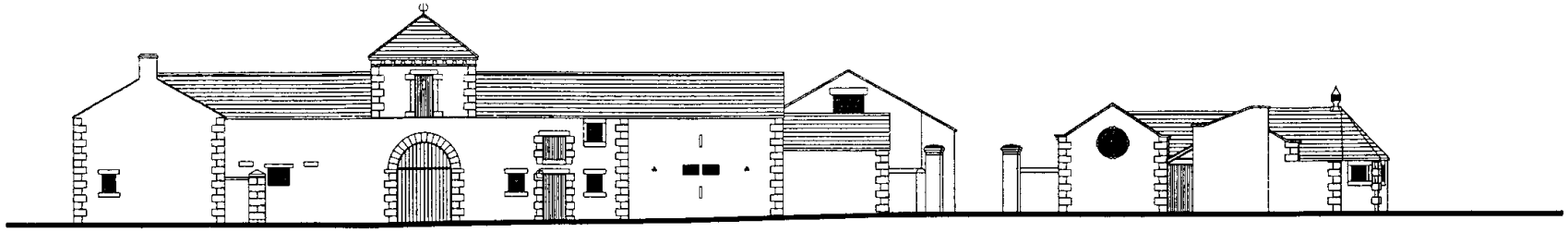
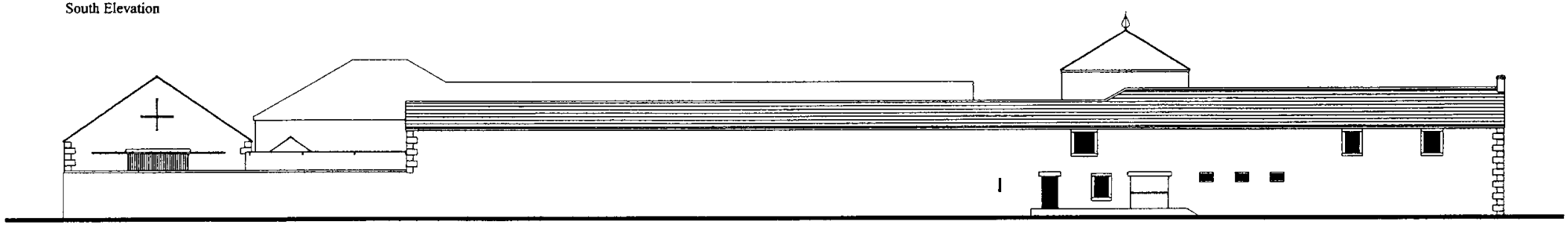
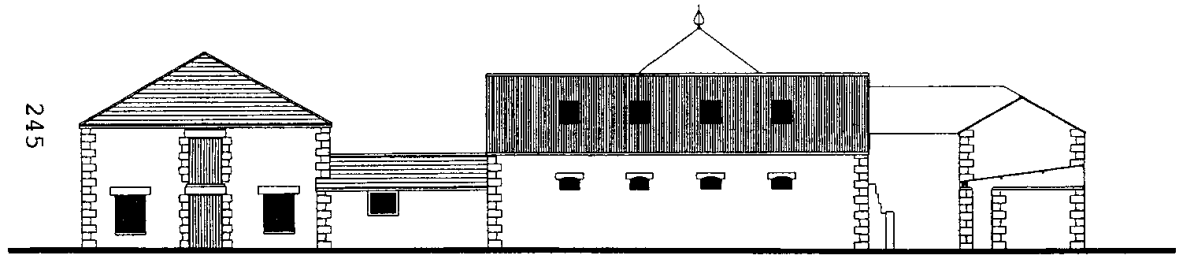


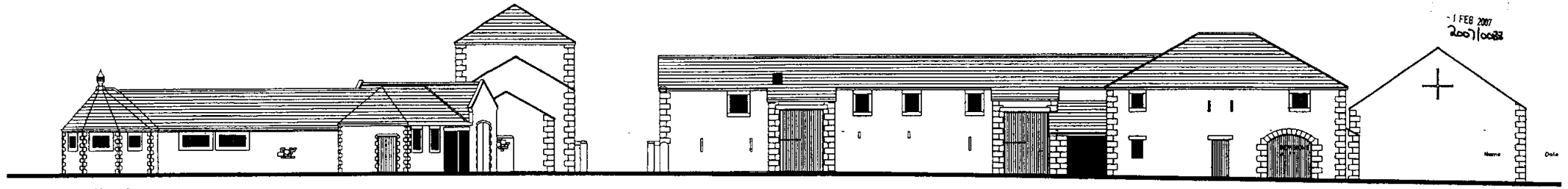
South Elevation



West Elevation



North Elevation



East Elevation

1 FEB 2007
2007/0083

ORIGINAL

Stone House Farm
Hayton

External Courtyard Elevations
As Existing

drawn : GC/JPE scale : 1:100

date : Sept. 2006 drawing no : 2315/005

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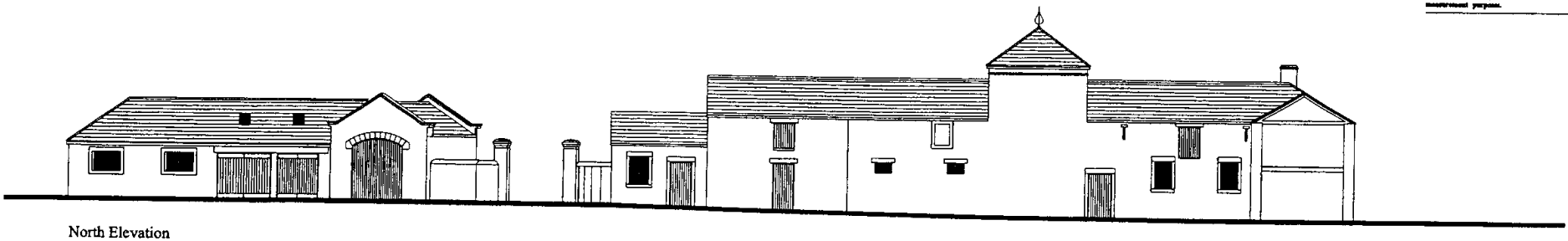
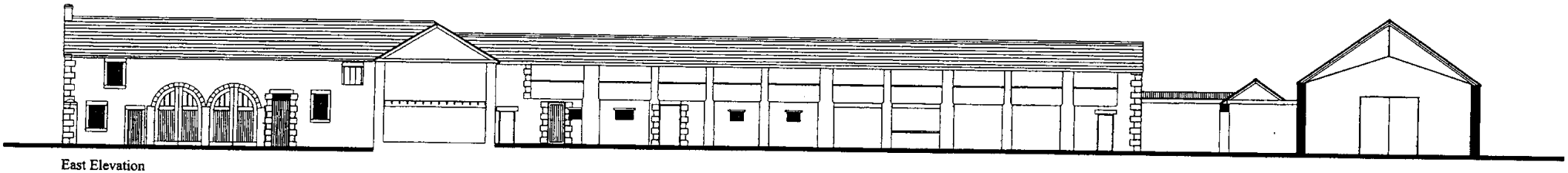
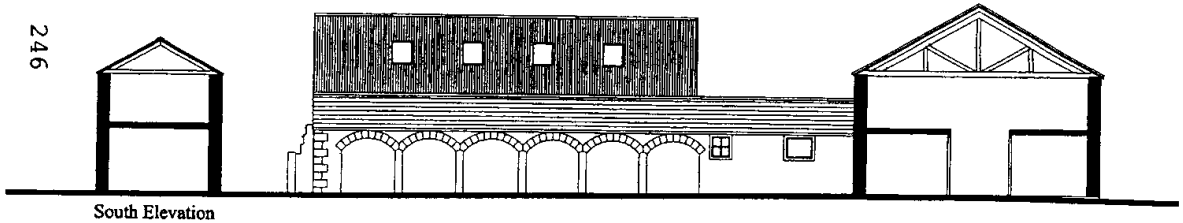


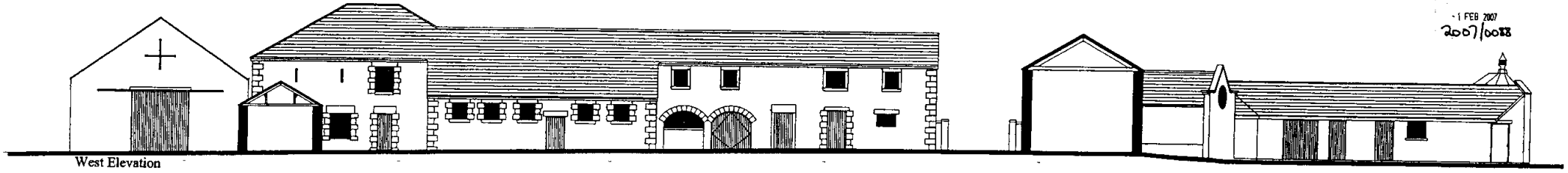
North Elevation



East Elevation



South Elevation



West Elevation

- 1 FEB 2007
2007/0088

REVISIONS
A ** Name Date

ORIGINAL

Stone House Farm
Hayton

Internal Courtyard Elevations
As Existing

drawn : GC/JPE scale : 1:100
date : Sept. 2006 drawing no : 2216/006

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CHARTERED ARCHITECTS

GENERAL NOTES
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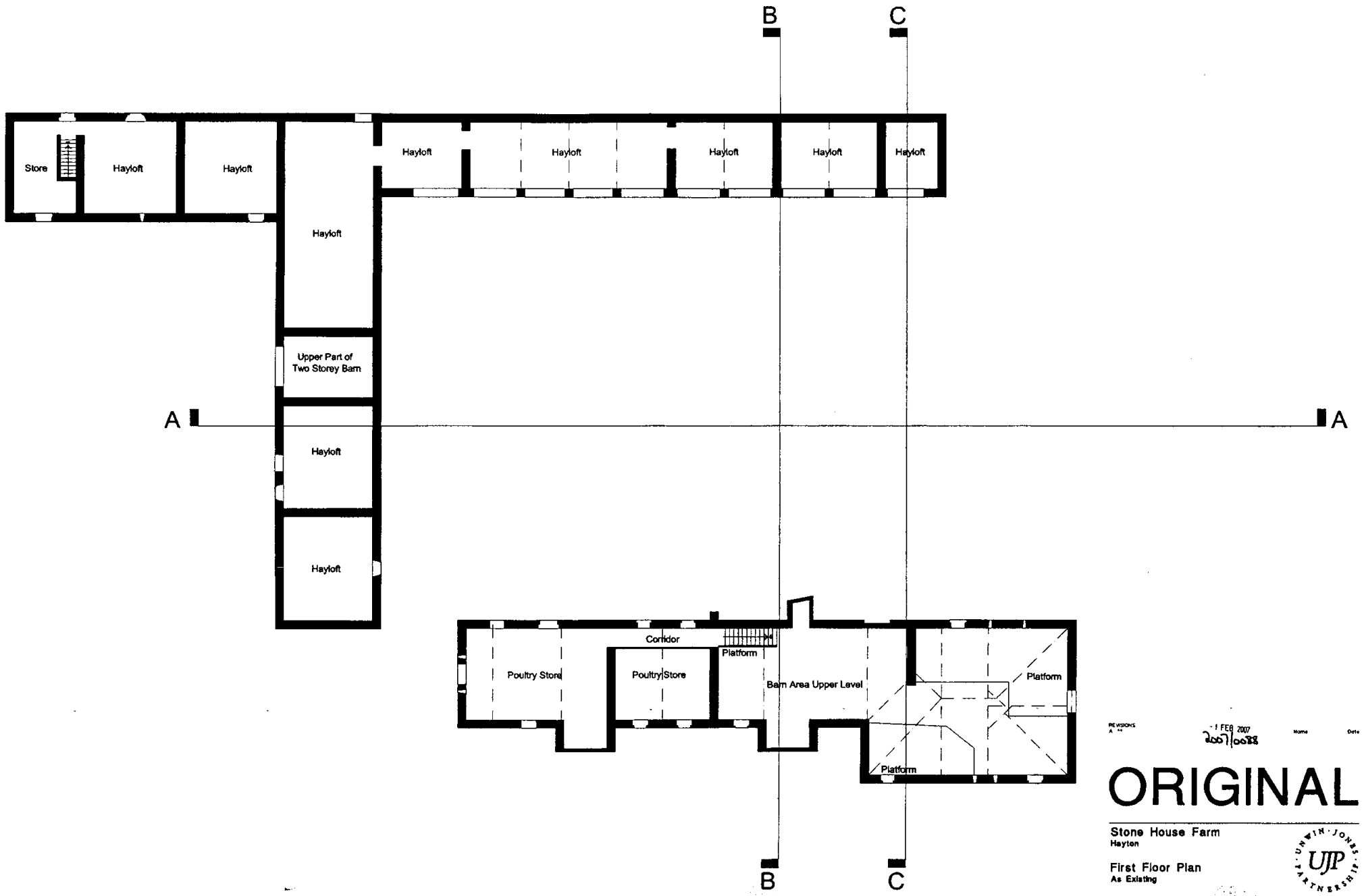

REVISIONS
A ..

- 1 FEB 2007

Name Date

ORIGINAL

Stone House Farm
Hayton

First Floor Plan
As Existing

UNWIN JONES PARTNERSHIP UJP

drawn : GC scale : 1:100 CHARTERED
date : Sept 2006 drawing no : 2316/002 ARCHITECTS

GENERAL NOTES
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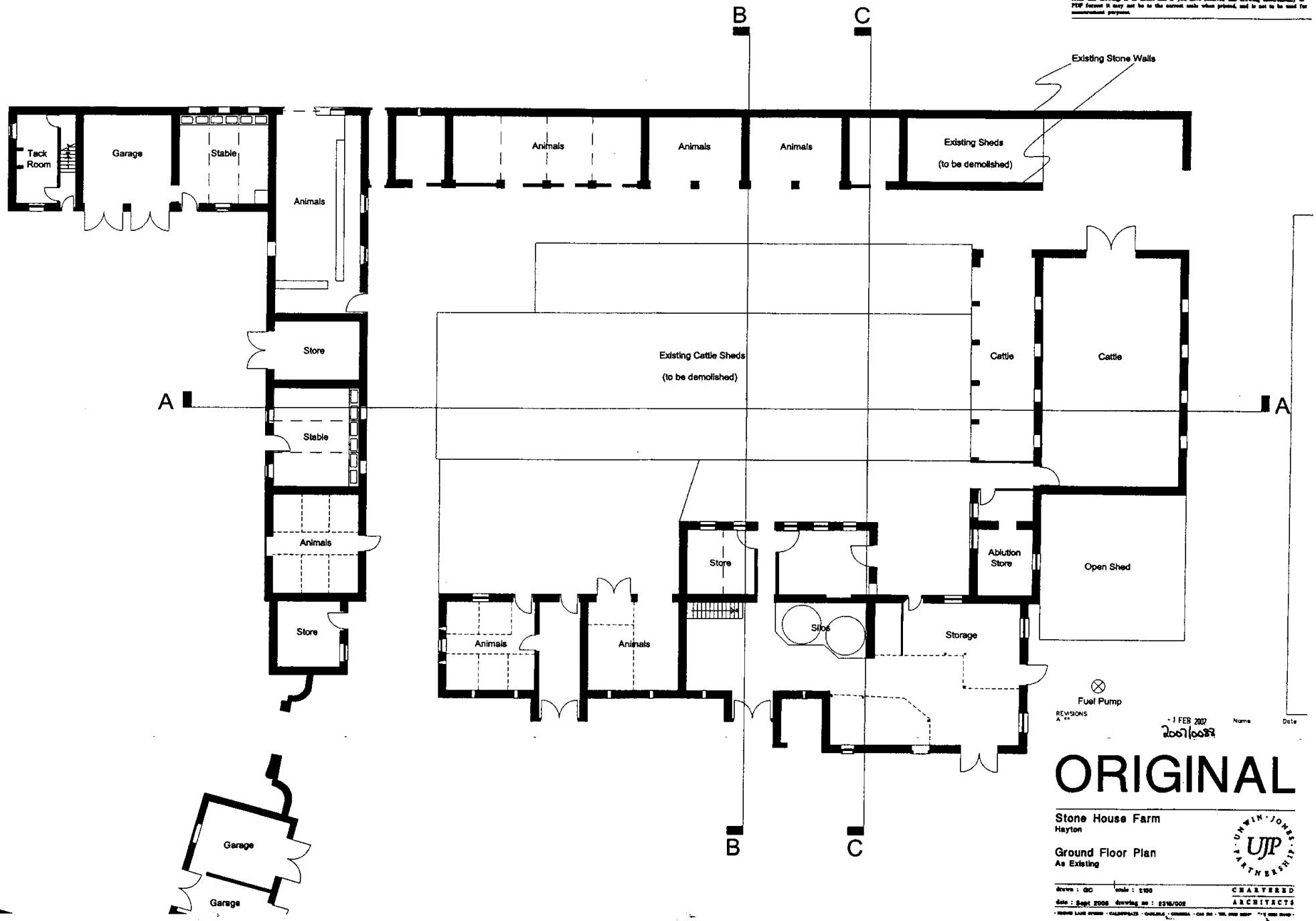


REVISIONS
A **

- 1 FEB 2007 Name Date

2007/0082

ORIGINAL

Stone House Farm
Hayton

Ground Floor Plan
As Existing

UJP UNWIN · JONES · PARTNERSHIP

drawn : GC scale : 1:100 CHARTERED
date : Sept 2006 drawing no : 2316/002 ARCHITECTS

SCHEDULE A: Applications with Recommendation

06/1357

Item No: 13 Date of Committee: 09/03/2007

Appn Ref No:	**Applicant:**	**Parish:**
06/1357	Dalston Tennis Club	Dalston
Date of Receipt:	**Agent:**	**Ward:**
13/12/2006	Gray Associates	Dalston

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

Grid Reference: 336757 549579

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

Amendment:

REPORT

Reason for Determination by Committee:

This application is brought for determination by Members of the Development Control Committee due to the application being deferred at the previous Committee to seek further information regarding the lux level of the proposed floodlights and to establish whether the scheme would result in an increase in the use of the courts if the application was approved

Planning Policies:

Carlisle District Plan
Leisure - Proposal L2

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

Carlisle District Plan
Housing - Proposal H17

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

1. Is for a use inappropriate for residential areas; and/or

2. Is of an unacceptable scale; and/or

3. Leads to an unacceptable increase in traffic or noise; and/or

4. Is visually intrusive; and/or

5. Leads to a loss of housing stock.

Carlisle District Plan
Environment - Policy E43

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

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft
Leisure & Community Uses - Policy LC1- Leisure Development

Proposals for leisure development will be acceptable provided that:

1. there is a need for the development; and
2. the development is of an appropriate scale for the locality;
3. if the proposal is not for a central site, all options for sites in the centre have been thoroughly assessed; and
4. there will be no unacceptable impact on existing centres; and
5. the site is accessible by public transport, walking and cycling; and
6. appropriate car parking and satisfactory access to the site can be achieved; and
7. The proposal does not have an adverse impact on the amenity of the surrounding area and land uses.

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

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

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

In order to ensure residential amenity is not compromised a minimum distance of 21 metres should be allowed between primary facing windows between dwellings (12

metres gable end to primary facing window). A minimum of 4 metres should be allowed between gable ends to allow for maintenance of property. Changes in levels of land and height of development will be taken into account in applying these distances.

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

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

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

1. the development should preserve or enhance all features which contribute positively to the area's character or appearance, in particular the design, massing and height of the building should closely relate to adjacent buildings and should not have an unacceptable impact on the townscape or landscape;
2. The development should not have an unacceptable impact on the historic street pattens and morphology, roofscape, skyline and setting of the conservation area, important open spaces or significant views into, out of and within the area;
3. development proposals should not result in the amalgamation or redrawing of boundaries between traditional buildings and plots, or demolition and redevelopment behind retained facades;
4. wherever practicable traditional local materials such as brick, stone and slate should be used and incongruous materials should be avoided;
5. individual features both on buildings and contributing to their setting, should be retained e.g. doorways, windows, shopfronts, garden walls, railings, cobbled or flagged forecourts, sandstone kerbs, trees and hedges, etc. Where features have deteriorated to the extent to which they have to be replaced, the replacement should match the original;
6 proposals which would generate a significant increase in traffic movements and heavy vehicles or excessive parking demands will not be permitted since these would be prejudicial to amenity;
7 proposals which would require substantial car parking and servicing areas which can not be provided without an adverse effect on the site and its surroundings will not be permitted.

Summary of Consultation Responses:

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

English Nature: in the previous responses to this application (06/0820) dated 4 October 2006 and 27 November 2006, Natural England raised the issue of potential impact on National and European Protected Species. The protection afforded these species is explained in Part IV and Annex A of *ODPM Circular 06/2005* to *PPS9 Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System*

English Nature's initial concerns were mainly related to bats which may use both the hedgerow to the east and the tree/hedge line to the south of the site. The revised scheme appears to have further reduced 'lightspill' onto the surrounding areas. Particular attention should be given to ensuring that any mature trees with hollows or crevices that bats may use for roosting, are not illuminated as a result of this application. As long as light over-spill levels are at an absolute minimum and no lights are angled to shine directly on either of these two areas, then it is our opinion that the risk to protected species is acceptably low.

However, if any other information such as representations from other parties highlights the confirmed presence of a protected or Biodiversity Action Plan species, the LPA should request further survey information from the applicant before determining the application in line with paragraph 99 of *Circular 06/2005*.

Environmental Protection Services: verbal confirmation stating that there is no objection to this proposal providing that there is no resulting light pollution affecting any residential property so as to constitute a statutory nuisance. The avoidance of nuisance from light spill has been addressed in this application and providing that the design criteria for this type and location of the light fittings to be installed are such as to avoid nuisance occurring then the proposal would be considered satisfactory;

Development Services Planning & Housing Services - Conservation/Peter Messenger: the proposed scheme has been examined and consider that this is an improvement on the earlier proposal which had 8m high floodlights. These lights will still be visible but they will be less intrusive than the previous scheme;

Dalston Parish Council: no objection;

Council for Protection of Rural England: comments awaited;

Sport England: the site forms part of grounds that include land used as a playing field within the last five years and has at least one playing pitch of 0.4 ha or more. As such the whole of the site comes within the definition of playing field, as per Statutory Instrument No 1817 (1996).

Sport England has therefore considered the application in the light of its playing field policy:

"Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of, all or any part of the playing field, or land last used as a playing field in an adopted or draft deposit local

plan, unless, in the judgement of Sport England, on of the Specific circumstances applies."

The proposal is considered ancillary to the use of the playing field. Extending the opportunity for increased use of the two tennis courts will also provide a direct benefit to sport.

Given the above, Sport England is satisfied that the proposal meets on the exceptions (E2) of the above policy that:

"The proposed development is ancillary to the principal use of the site as a playing field or playing fields, and does not affect the quantity or quality of pitches or adversely affect their use."

This being the case, Sport England does not raise objection to the proposal.

After discussions regarding the concerns raised by Members relating to the lux levels, the following response was received:

Sport England are in the process of producing a new 'Artificial Lighting' guidance note which will be released later on this year (the existing guidance note, produced in 1994 is out of date). An update to the Chartered Institute of Building Services Engineers (CIBSE) guide 'Lighting Guide 4: Sports Lighting' is also due in 2007.

In the absence of the above, Sport England refers the Council to BS EN 12193:1999 'Light and Lighting: Sports Lighting' and the guidance of the relevant National Governing Body - in this case the Lawn Tennis Association.

It is understood that both of the above recommend a minimum level of 400 lux to a minimum uniformity of 0.7 across the playing surface. This is the minimum level of lighting needed for a class II or 'club' level of competition. Please note that a higher lux illuminance and uniformity is needed for national/international competition if this is intended.

Please note, there are less stringent minimums for the run-off areas around the court (i.e. the safety margin needed outside of the baseline and sidelines of the court). The minimums for this area are 300 lux, with a minimum uniformity of 0.6.

Summary of Representations:

Representations Received

Initial:	Consulted:	Reply Type:
[redacted], 29 The Green	19/12/06	
[redacted], 30 The Green	19/12/06	
[redacted] Boulder Garth	19/12/06	Objection
[redacted] Highwalls	19/12/06	Objection
[redacted] 33 The Green	19/12/06	
[redacted] 34 The Green	19/12/06	

SCHEDULE A: Applications with Recommendation

06/1357

[redacted] Skyreholme	19/12/06	
[redacted] 36 The Green	19/12/06	
[redacted] 35 The Green	19/12/06	Objection
[redacted] 17 Gilbert Road	19/12/06	
[redacted] 37 The Green	19/12/06	Objection
[redacted] 26 The Green		Objection

This application has been advertised in the form of a site notice and direct notification of 12 neighbouring properties. Five letters of objection have been received which highlight the following concerns:

1. The proposed columns are to high in the context of the area.
2. The proposal will affect the surrounding wildlife
3. The development is in open countryside
4. The proposal will have a negative impact on the Conservation Area
5. The proposal will introduce an urban element to a rural area.
6. The high level of light pollution produced

Since the previous committee two further letters of objections have been received; no new concerns have been raised.

Details of Proposal/Officer Appraisal:

Planning History:

The site has been subject to several planning application; in 1996 permission was granted for the erection of nine 6.7 high floodlights. Members will remember an application was brought before Committee in 2006 for six eight metre columns; this application was withdrawn.

Details of Proposal:

This application was deferred at the previous meeting of this Committee in order to seek further information regarding the lux level of the proposed floodlights and to establish whether the scheme would result in an increase in the use of the courts if the application was approved. Since the previous meeting of this Committee two further letters of objection have been received, which raise no new concerns.

The application seeks approval to install flood lighting on the existing tennis courts at Dalston Recreational Field, The Green, Dalston. The site which is situated to the west of a row of detached properties, is accessed via an existing vehicular access situated between 28 and 29 The Green. The overall site consists of a bowling green to the north and 2no. tennis courts to the south. In the middle, the site is subdivided by a pavilion. The site lies on the periphery of the Dalston Conservation Area. Along the boundary of the site with 31 and 32 The Green, there is a 3 metre high hedge. The site is surrounded by open countryside on three sides, on the east boundary are residential detached properties.

The portion of the site that is subject of this application, comprises of 2no. tennis

courts and it is proposed to erect 9no. 6.7 metre high lighting columns. The columns will be positioned at each corner of the tennis courts together with one centrally at either side and one column will be positioned in the centre of the court; the columns will be permanently fixed and coloured green. The proposed lighting will be a box fitting which allows very close control of the spillage and will result in low light glare.

The relevant planning policies against which this application is required to be assessed are policies L2, H17 and E43 of the Carlisle District Local Plan and Policies LC1, CP5 and LE26 of the Carlisle District Local Plan Redeposit Draft.

The proposal raises the following planning issues.

1. Character Of The Area

Planning policies contained within the adopted and emerging Local Plan require that development proposals do not adversely affect the character or amenity of the area. In this instance, these objectives are re-enforced by policies that seek to ensure that development proposals are in sympathetic with the setting and physical characteristics of the adjoining Conservation Area.

Members will note concerns have been raised by the objectors regarding the height of the columns. The lighting columns will be visible both during the day and at night when the lights are in use; however, the proposed height of the columns is significantly less intrusive than the previously proposed 8 metre columns. This view is reflected in the Conservation Officer's comments. Whilst the columns will be visible on the sky line, their visual impact will not be sufficiently detrimental or harmful to the character of the area to warrant refusal, a view reinforced by the Council's Conservation Officer.

The area is designated a Primary Leisure Area in the Local Plan, which aims to support the provision and expansion of leisure facilities within such designated areas, subject to the relevant policy criteria. In order for the facilities to be sustained and the potential of the site maximised, planning policies recognise the need for continuing development, again, subject to consideration against the relevant policy criteria. This proposal aims to enhance an already existing facility to make full use in accordance with the guidance in Policy LC2 of the Carlisle District Local Plan Redeposit Draft.

Members will be aware from the planning history that precedes the main body of this report, that planning consent was granted in 1996 for the erection of 9no. 6.7 metre high lighting columns. In 2006, permission was granted for the erection of a recreational hall, the construction is partially complete and will measure 7.7 metres in height and arguably this structure is more intrusive than the current proposal. This application is a revision from the application submitted and subsequently withdrawn in 2006 for the erection of 6no 8 metre high lighting columns.

An indicative plan of the lighting has been submitted with the plan; however, due to advancements in the design of the lighting scheme, a condition has been attached requiring details of the lighting to be submitted before the commencement of the development.

The use of telescopic systems to raise and lower the flood lights was suggested by the objectors. The applicant has investigated this option which was found to be unfeasible, as this type of system is currently not available for 6.7 metre high columns. Telescopic lighting columns are available at 8 metres in height; however such columns would raise concerns regarding the light spillage and increase the impact upon the setting of the Conservation Area. Furthermore, there are cost implications for the applicant, as the cost of the scheme would increase from approximately £20 000 to £50 000, thereby making it unviable.

2. Residential Living Conditions

The site does have residential properties adjacent to the eastern boundary and the living conditions of the occupiers of these properties should be protected from light pollution. The diagram that is reproduced following this report, illustrates the lux levels that will emanate from various points around the site. On the basis of this information, the diagram clearly shows the light spillage will be minimal at the boundary of any residential property. Should Members be minded to grant approval of this application, it would be appropriate to attach a condition that the lights to be switched off by 9pm to safeguard the living conditions of immediate neighbours. The applicant wishes this time to be extended to 10pm; however it is considered this would have an intrusive effect on the neighbouring residential properties through noise and light and would set an undesirable precedent for future flood lighting schemes as previous applications for existing facilities within the District have been restricted to 9pm.

Environmental Protection Services have confirmed that the information submitted in the application is sufficient to address the issue of light spillage onto neighbouring properties.

Concerns were raised at the previous Committee meeting that the scheme will increase the number of potential members using the facilities which in turn would have implications for noise disturbance. The applicant has confirmed the scheme is not a recruitment tool as current membership levels are at the maximum in accordance with guidelines set down by the Lawn Tennis Association. The scheme will, however, allow the club to sustain the current membership levels as the proposed lighting will allow maximum use of the existing courts throughout the year.

3. Proposed Luminance Level

Members raised concerns regarding the proposed lux levels of the floodlights and requested more information regarding this issue. Sport England have been consulted on the application and have no objection to the proposal. They have also confirmed that they would consider 400 lux's appropriate level for this type of sport. Although not a determining factor in the consideration of this application the Lawn Tennis Association have a minimum standard of 400 lux for all flood lighting systems and in order to received funding for the scheme from the Lawn Tennis Association these standards must be met.

At Members request, other flood lighting schemes have been investigated to

establish the lux levels present in other similar developments within the District. Due to a number of these scheme been approved some years ago there were no details of the luminance levels. Most recently the lighting scheme at St Aidans School was given approval to increase its luminance level in 1998 to 300 lux. Members are reminded that the consultation process has been carried out on the understanding that the lighting levels are 400 lux and that all the consultees have no objection to the proposal.

4. Impact Upon Wildlife

Concerns have been raised regarding wildlife in the surrounding area an, as such Natural England have been consulted. It is their view that the revised scheme has further reduced the amount of light spillage and that the potential effect on the wildlife is minimal.

5. Other Matters

Amongst the other issues previously addressed in this report, the objectors have raised the point that there is no proven need for the floodlights; however, there is no guidance which states that evidence is required to justify such an application and, as previously stated in the report, proposals to improve facilities within existing Primary Leisure Areas are encouraged.

In conclusion, the additional information provided for the Committee supports the original recommendation, it is not considered to increase the number of members of the public who visit the site but allow the club to maximise its potential using the existing courts. The applicant has explored the option of retractable columns and found them to be unfeasible. Other schemes within the District have been approved and are not known to have a negative effect on the area or the living conditions of neighbouring properties.

The proposal is supporting an existing leisure use in order to maximise the facilities. The columns, together with the resulting haze, will be visible on the skyline but the overall visual intrusion is considered to be minimal. Furthermore, this would be outweighed by reason of planning guidance strongly supporting and encouraging the improvement of leisure facilities. Members are reminded that the principle of the proposal has already been accepted with the granting of permission for floodlights in 1996, therefore, the application is recommended for approval.

Human Rights Act 1998

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";

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;

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 warrent the refusal of permission.

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 lighting scheme hearby approved, consisting of lights with a luminance level of 400 luxs and in accordance with the approved plan 3.8 Overspill: graphical table and shall not be modified or intensified in any form without the prior written approval of the Local Planning Authority.

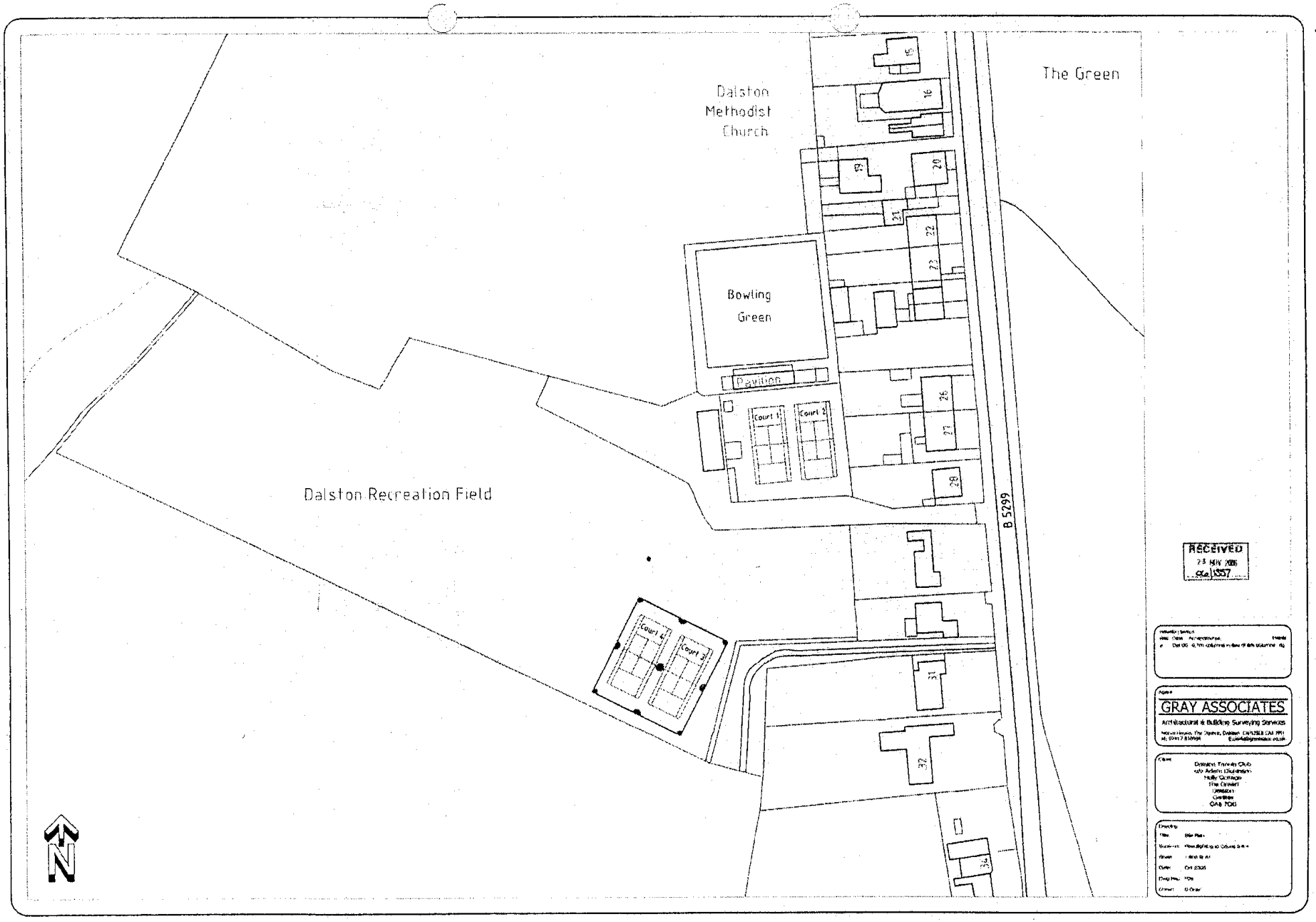
   Reason: To ensure the amenity of the neighbouring properties are protected in accordance with Policy H17 of the Carlisle District Local Plan.

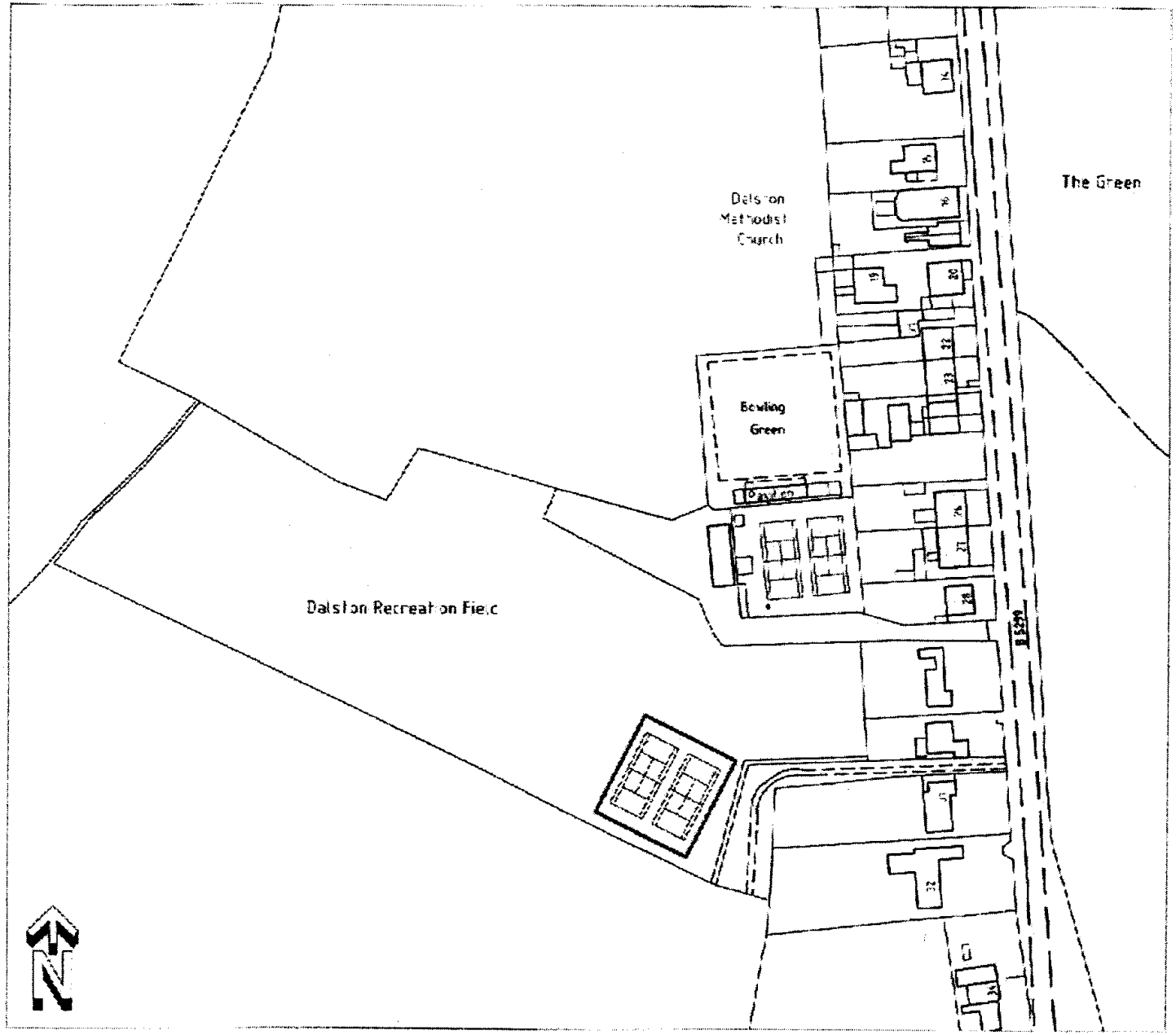
3. Prior to the lighting system hereby approved being brought into use, the luminaries/columns shall be connected to an appropriate time switch which shall be maintained to ensure that the luminaries are automatically switched off between the hours of 9pm and 9am everyday throughout the year.

   Reason: To ensure the amenity of the neighbouring properties are protected in accordance with Policy H17 of the Carlisle District Local Plan.

4. Notwithstanding any description of the lighting in the application no development shall be commenced until details of the lighting have been submitted to and approved by the Local Planning Authority.

   Reason: To ensure the amenity of the neighbouring properties are protected in accordance with Policy H17 of the Carlisle District


Dalston
Methodist
Church
The Green
Bowling
Green
Pavilion
Court 1
Court 2
Court 3
Court 4
Dalston Recreation Field
B 5299
RECEIVED
GRAY ASSOCIATES
Architectural & Building Surveying Services



NOTES
Proposed 6.7m lighting columns as shown to be colour coated green.
Supporting technical data to follow.

Revision Status

Rev	Date	Amendments	Initials
a	Oct 06	6.7m columns in lieu of 8m columns	dg

Agent:

GRAY ASSOCIATES

Architectural & Building Surveying Services

Mayn House, The Square, Dalston, CARLISLE CA5 7PH
M: 07917 810096 E:david@grayassoc.co.uk

Client:

Holly Cottage
The Green
Dalston
Carlisle
CA5 7QB

Drawing

Title:	Location Plan
Scheme:	Floodlighting to Courts 3 & 4
Scale:	1:1 250 @ A3
Date:	Oct 2006
Dwg No.	P1a
Drawn:	D Gray

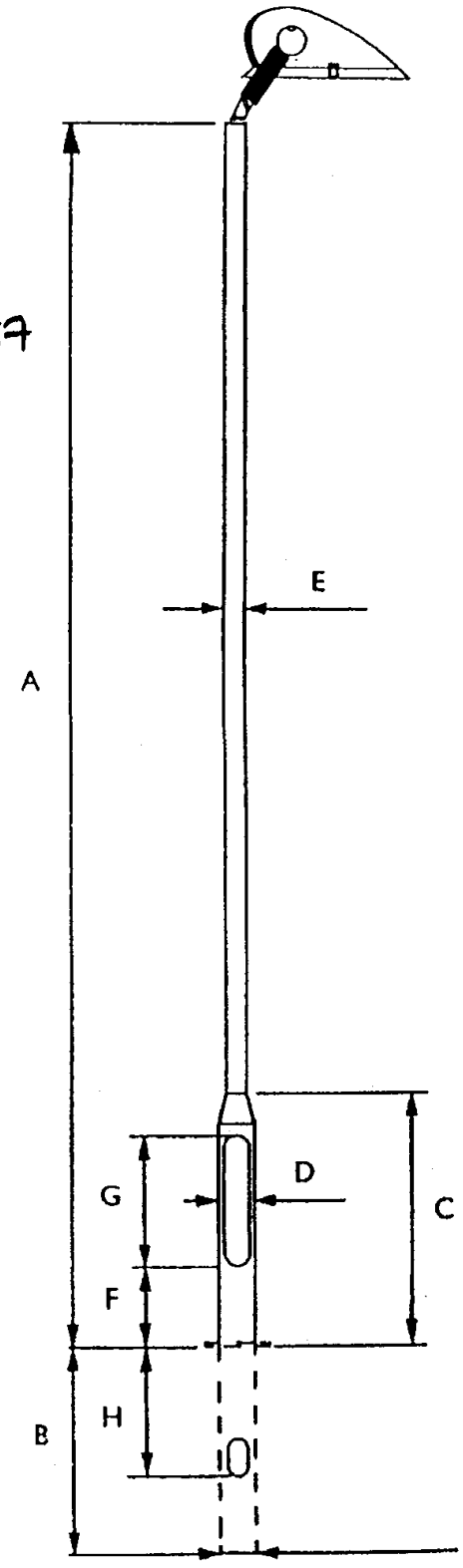
RECEIVED
23 NOV 2006
2006/1357

260

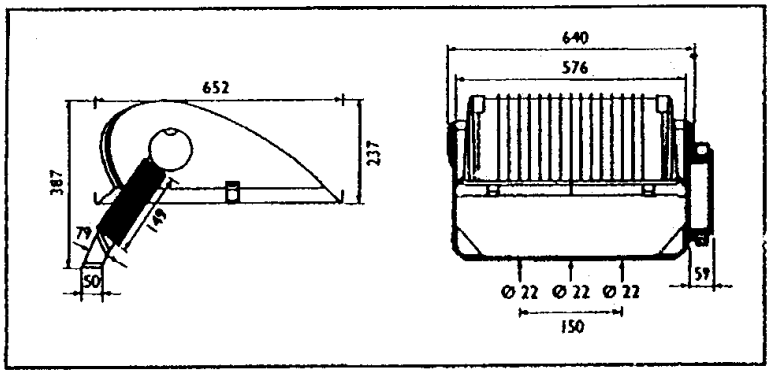
Columns & Floodlight elevations

- Parallel sided tubular steel with a single reduction in the tube size above the base compartment
- Manufactured from steel tube
- Designed and manufactured to BS5649/EN40/94
- Hot dip galvanised to BS EN ISO 1461
- Base compartment doors and door openings with semi-circular ends to avoid possible stress concentrations at the corners of the opening.

2006/1357



Floodlight dimensions



Column dimensions

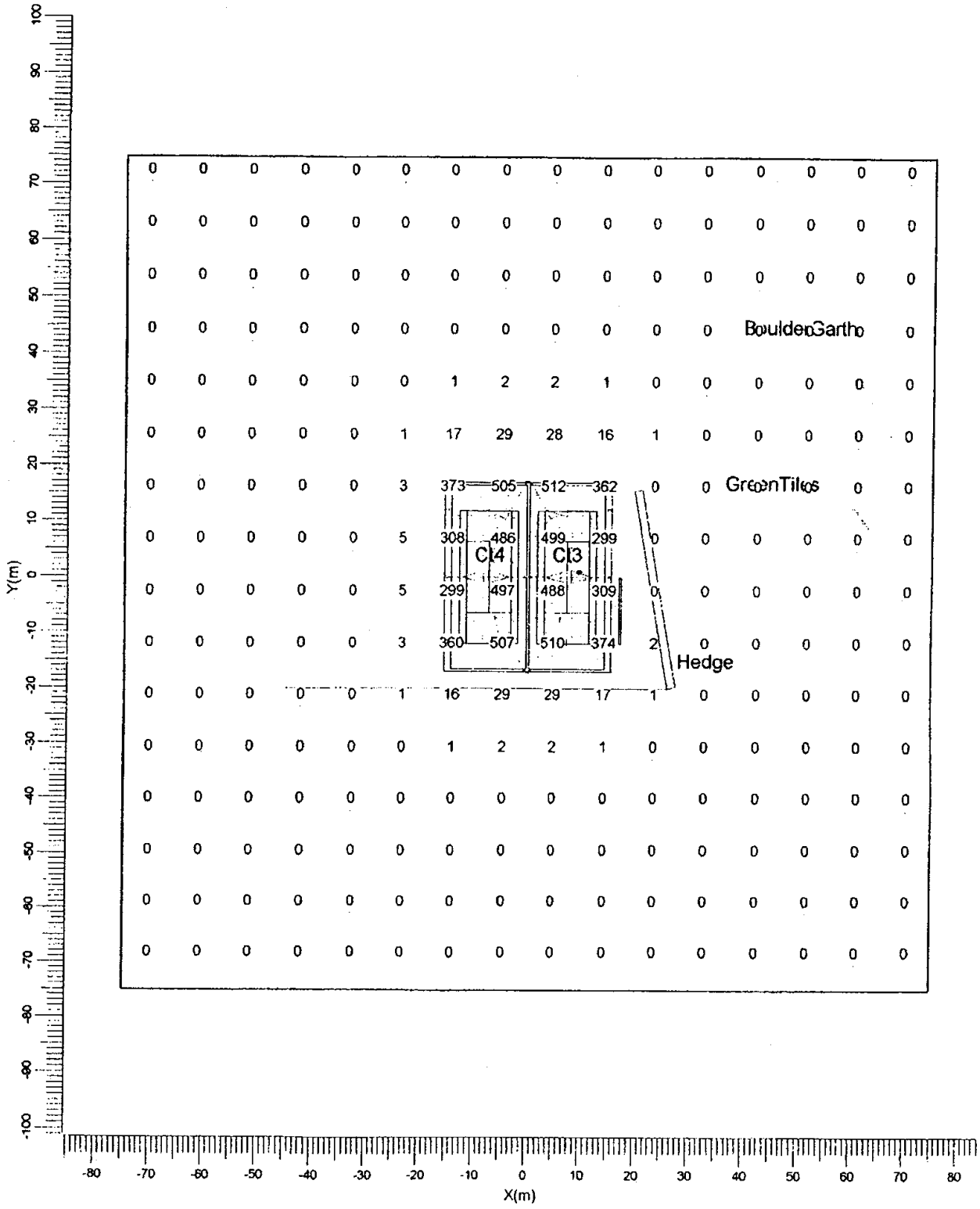
A	B	C	D	E	F	G	H	door width
5m	800	980	140	76	300	500	500	100
6m	1000	1030	140	89	300	600	500	115
8m	1200	1250	168	89	300	600	500	115
10m	1500	1250	168	114	425	600	500	115

Galvanised Tubular steel columns to BS5649
Quality assured to BS5750

3.8 OVERSPILL: Graphical Table

ALL LIGHTS ON

Grid : OVERSPILL at Z = 0.00 m
Calculation : Surface Illuminance (lux)



Average	Minimum	Min/Ave	Project maintenance factor	Scale
27.0	0.0	0.00	0.80	1:1000

SCHEDULE A: Applications with Recommendation

06/0307

Item No: 14 Date of Committee: 09/03/2007

Appn Ref No:	**Applicant:**	**Parish:**
06/0307	Cumbria County Council	Brampton
Date of Receipt:	**Agent:**	**Ward:**
08/03/2006	Taylor & Hardy	Brampton
Location:		**Grid Reference:**
Former Highways Depot, Station Road, Brampton		353795 561036

Proposal: Erection of 23no. dwellings

Amendment:

1. Revised layout and house type plans received on the 21st April 2006 showing the erection of 23 dwellings.

2. Revised layout plans received on the 30th May 2006.

3. Revised layout plan showing the provision of six low cost units.
4. Revised layout plan received on the 28th November 2006 showing the erection of 24 dwellings.
5. Revised layout plan received 29th November 2006 showing the erection of 24 dwellings involving changes to proposed plots 9, 10, 11, and, 12-15.

6. Revised layout plan received on the 8th January 2007 showing the deletion of two parking spaces adjoining turning head by proposed plots 17 and 18.

REPORT

Reason for Determination by Committee:

This is a major application which raises and number of sensitive issues of local significance.

Planning Policies:

Carlisle District Plan
Environment - Policy E19

In considering proposals for new development the City Council will where appropriate require the retention of existing trees, shrubs, hedges and other wildlife habitats, and the replacement of any environmental feature lost to development.

Landscaping schemes to be implemented by the applicant will be required as part of most planning applications.
Carlisle District Plan
Environment - Policy E20

Development which would result in the raising of the floor of the floodplain, or which would have an adverse impact on the water environment due to additional surface water run off, or adversely affect river defences will not be permitted unless appropriate alleviation or mitigation measures are included. This applies to the floodplains of the River Eden, Caldew, Petteril, Esk, Irthing and Lyne and their tributaries which are all subject to periodic flooding.
Carlisle District Plan
Environment - Policy E43

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

Carlisle District Plan
Environment - Policy E55

Proposals for the reclamation of derelict, redundant and vacant land and buildings will be permitted provided that the use is appropriate to the location and the development and landscaping are in keeping with the surroundings.
Carlisle District Plan
Transport - Proposal T1

In considering applications for development, account will be taken of the availability of a choice of means of travel to and from the site.
Carlisle District Plan
Transport - Proposal T7

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

1. The Parking Guidelines for Cumbria as detailed in Appendix 2;

2. The availability of public car parking in the vicinity;

3. The impact of parking provision on the environment of the surrounding area;

4. The likely impact on the surrounding road network; and

5. Accessibility by and availability of other forms of transport.

Carlisle District Plan
Housing - Proposal H1

To provide for housing needs, an additional 4,664 dwellings are required between April 1st 1994 and April 1st 2006. Making allowances for sites with planning permission and windfall sites provision, land for a further 2,146 dwellings is allocated for primary residential purposes, providing for a variety of housing needs. These additional sites, are:

Dwellings			**Site**	**Ha.**
i.	Morton Carlisle		41.00	1.025*
ii.	Garlands Carlisle		17.80	445*
iii.	Warwick Road, Carlisle		5.10	128*
iv.	Brisco Road, Carlisle		3.30	83*
v.	RAF 14MU Site No. 4		3.50	90*
vi.	Windsor Way, Carlisle		8.04	200*
vii.	Scotby, Carlisle	2.30	58*	
viii	William Howard Lower School, Brampton		1.00	25*
ix.	Barras Lane, Dalston		2.99	50
x.	Nook Lane, Dalston		1.47	20
xi	Ladyseat, Longtown		0.87	22*
Total		**87.37**	**2,146**	

*Site capacity for these sites is based on 25 dwellings per hectare.

Proposals for residential developemnt not included in the above allocations will be assessed according to Policies H2-H7.

All housing developments will be closely monitored to ensure that the scale of residential development relates to the Structure Plan requirement.

Carlisle District Plan
Housing - Proposal H2

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

1. Existing areas of open space and other amenity areas are safeguarded; and

2. The proposed development does not adversely affect the amenity of adjacent residential property; and

3. The proposed development complements or enhances existing adjacent residential areas and their amenity; and

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

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

Carlisle District Plan
Housing - Proposal H3

Within the Capon Tree Road area of Brampton, shown in the Brampton Inset Proposals Map residential development will be permitted, provided:

1. The proposed development is of high quality, sympathetic to the character of the area;

2. The proposal is of low density with no more than five dwellings per hectare;

3. The proposed development does not involve the loss of existing mature trees.

Carlisle District Plan
Housing - Proposal H4

Within Carlisle, Brampton, Longtown and Dalston, outside the Primary Residential Areas and sites allocated under proposal H1, applications for residential development, including redevelopment and the change of use of vacant and underused buildings, will be permitted provided that:

1. Satisfactory housing conditions can be achieved; and

2. The proposal will complement the existing character of the area; and

3. The proposal will not adversely affect the amenity of the area; and

4. Satisfactory access can be provided; and

5. Appropriate parking arrangements can be made.

Carlisle District Plan
Housing - Proposal H8

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

Carlisle District Plan

Housing - Proposal H9

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

1. The proposal is for low-cost housing to meet an identified need; and

2. The proposal is supported by a detailed agreement which will satisfy the requirement that once built the residential units are retained for the benefit of successive as well as initial occupiers; and

3. The proposal is well related to the settlement where the need has been identified and does not involve a significant impact on the local landscape.

Carlisle District Plan
Housing - Proposal H15

Within the Plan area, where there is evidence of need, developers will be encouraged to meet the needs of disabled people. In these instances dwellings should be readily accessible for disabled people and be capable of adaptation to meet the needs of any future disabled resident.

Carlisle District Plan
Housing - Proposal H16

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

Carlisle District Plan
Employment - Proposal EM2

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

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

2. The proposed alternative use is essential for the redevelopment of the majority of the site for employment purposes; and

3. The alternative development would be appropriate in terms of scale and design to the surrounding area, and the amenity of adjacent properties would not be prejudiced.

Carlisle District Plan
Environment - Policy E31

On land for which there is no archaeological information, but where there are

reasonable grounds for believing remains to be present, the City Council will ensure that the archaeological aspects of development proposals are examined and evaluated before planning applications are determined. Planning permission will not be granted without adequate assessment of the archaeological implications.

Policy ST1: A Sustainable Vision for Cumbria

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

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

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

Policy ST2: Assessing impact on sustainability

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

Policy ST3: - Principles applying to all new development

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

1. seek locations consistent with policy ST5, ST6, and ST7 which will assist in reducing the need to travel, and then in the following order of priority :

   a) the appropriate reuse of existing buildings worthy of retention, followed by
   b) the reuse of previously developed land and only then
   c) the use of previously undeveloped land,

2. seek sites that are or will be made accessible by public transport, walking or cycling,

3. reduce the risk of flooding within the development and elsewhere by a choice of location in the following order of priority:

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

   Design proposals should minimise or mitigate any flood risk and where

practicable include sustainable drainage systems

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

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

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

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

Policy E38: Historic environment

Measures will be taken to identify, record, protect, conserve or enhance areas, sites, buildings and settings of archaeological, historic and architectural importance. Proposals which fail to preserve or enhance the character or appearance of Conservation Areas or which damage, obscure, or remove important archaeological sites or other historic features or are detrimental to the character or setting of a listed building will not be permitted unless the harm caused to their importance and intrinsic interest is clearly outweighed by the need for the development. Development and land use change should be compatible with the distinctive characteristics and features of 'Cumbria's Historic Landscape Characterisation Programme'.

Carlisle District Local Plan 2001 - 2016 Redeposit draft
Policy CP4 (CP15) Design

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

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

respect local landscape character.

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

Carlisle District Local Plan 2001 - 2016 Redeposit draft
Policy CP5 (CP16) Residential Amenity

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

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

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

Carlisle District Local Plan 2001 - 2016 Redeposit draft
Policy CP6 (CP17) Use of Traditional Materials

In order to sustain the local environment consideration will be given to locally sourced traditional materials to maintain the local character of buildings and their environment. Within conservation areas the City Council will seek to ensure that existing traditional materials are reinstated following repairs to roads, pavements, kerbs and underground services.

Carlisle District Local Plan 2001 - 2016 Redeposit draft
Policy CP9 (CP22) Sustainable Drainage Systems

When the following conditions apply, sustainable drainage systems (SuDS) should be incorporated into a development proposal:
1. The development will generate an increase in surface water run-off; and
2. The rate of surface water run-off is likely to create or exacerbate flooding problems; and
3. Sufficient land is available, or can be made available to incorporate any form of SuDS.

Where SuDS are to be incorporated the following details shall be provided:
1. The type of SuDS; and
2. Hydraulic design details/ calculations; and
3. Operation, maintenance and, where appropriate, adoption details.

Carlisle District Local Plan 2001 - 2016 Redeposit draft
Policy CP10 (CP23) Protection of Groundwaters and Surface waters

Proposals for development which would cause demonstrable harm to the quality, quantity and associated ecological features of groundwater and surface waters will not be permitted.

Carlisle District Local Plan 2001 - 2016 Redeposit draft
Policy CP11 (CP24) Foul and Surface Water Sewerage and Sewage Treatment

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

Carlisle District Local Plan 2001 - 2016 Redeposit draft
Policy CP14 (CP29) Accessibility, Mobility and Inclusion

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

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

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

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

Carlisle District Local Plan 2001 - 2016 Redeposit draft
Policy CP16 (CP34) Planning Out Crime

The design of all new development must contribute to creating a safe and secure environment, integrating measures for security and crime prevention and minimising the opportunity for crime.

The following points should be applied to all development proposals:

1. Security measures should be an integral part of the design
2. Developments should be laid out and buildings positioned to maximise natural surveillance with the intention of creating a sense of neighbourhood and deterring criminal and anti-social activity
3. Public and private spaces should have clearly defined boundaries.
4. Footpaths and cycleways should be designed to maximise their use and prevent opportunities for concealment, unauthorised access or provide a choice of escape routes.
5. Landscaping schemes should be designed to ensure that they do not create secluded areas, opportunities for climbing or reduce natural surveillance.
6. Lighting should deter criminal and antisocial activity whilst minimising light pollution.
7. CCTV may be considered necessary in certain circumstances.

Developers should, at the earliest stage possible, consult the Architectural Liaison Officer to advise on measures to be incorporated for designing out crime.

Carlisle District Local Plan 2001 - 2016 Redeposit draft
Policy H3 Residential Density

On new residential development the City Council will seek to achieve an average density of between 30 and 50 dwellings per hectare in accordance with PPG 3. The level of density will be required to reflect the opportunity to provide the best use of land as well as taking into account site conditions and the nature of the surrounding development. Developments proposing a residential density of below 30 dwellings per hectare will have to justify an exception to PPG3 criteria. Developments close to the City Centre will, where appropriate, be expected to be a higher density

achieving over 50 dwellings per hectare.

Carlisle District Local Plan 2001 - 2016 Redeposit draft
POLICY H4 Residential Development on Previously Developed Land and Phasing of development

The City Council will achieve the Structure Plan permission targets of 65% brownfield in the urban area and 40% brownfield in the rural area during the Plan period. In order to achieve the higher target in the urban area greenfield permissions will not be granted in addition to any allocations in Proposal H16. In order to achieve these targets permission will be phased on sites over 20 dwellings in the urban area and over 10 dwellings in the rural area.

These targets will be achieved through a sequential approach to site development where brownfield sites are available in the sustainable locations consistent with DP1 and not developed solely because they are brownfield sites.

Carlisle District Local Plan 2001 - 2016 Redeposit draft
Policy H5 Affordable Housing

The City Council will negotiate with developers for an element of affordable housing to be included in the majority of housing developments.

All allocated housing sites are expected to make a contribution towards affordable housing. In the urban area a contribution will be sought on all other sites over 10 dwellings. In the rural area the contribution to affordable housing will be:

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

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

Carlisle District Local Plan 2001 - 2016 Redeposit draft
Policy LE20 (LE18) Conservation Areas

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

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

1. the development should preserve or enhance all features which contribute positively to the area's character or appearance, in particular the design, massing and height of the building should closely relate to adjacent buildings and should not have an unacceptable impact adversely impinge on the townscape or landscape;
2. the development should not have an unacceptable impact on the historic street patterns and morphology, roofscape, skyline and setting of the conservation area, important open spaces or significant views into, out of and within the area;
3. development proposals should not result in the amalgamation or redrawing of boundaries between traditional buildings and plots, or demolition and redevelopment behind retained facades;
4. wherever practicable traditional local materials such as brick, stone and slate should be used and incongruous materials should be avoided;
5. individual features both on buildings and contributing to their setting, should be retained e.g. doorways, windows, shopfronts, garden walls, railings, cobbled or flagged forecourts, sandstone kerbs, trees and hedges, etc. Where features have deteriorated to the extent to which they have to be replaced, the replacement should match the original;
6. proposals which would generate a significant increase in increased traffic movements and heavy vehicles or excessive parking demands will not be permitted since these would be prejudicial to amenity;
7. proposals which would require substantial car parking and servicing areas which can not be provided without an adverse effect on the site and its surroundings will not be permitted.

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): The originally submitted layout details are not satisfactory for the following reasons:

1 The carriageway width of the estate road at the junction with Station Road should be 5.5m and incorporate 10.5m radius kerbs to each side.

2 The required visibility splay of 70m x 2.4m x 70m should be indicated on the plan to ensure that this can be achieved.

3 The required footway connection from the estate road to Tree Road should be indicated.

4 As part of the development proposals it will be necessary for disabled access ramp crossings to be provided at the estate road junction and at the Tree Road junction.

5 Access drives should be a minimum length of 6m as measured from the rear of the footway.

6 Single width access drives should be provided (rather than double width), and these should be a minimum length of 12m for two vehicle parking within each plot.

7 A multiplicity of accesses at the turning head will lead to a conflict in traffic

movements and this is not acceptable in terms of highway safety.

The turning head should be extended to the southern boundary of the site to prevent the formation of a 'ransom strip' and possibly allow for an extension of the estate road into the adjacent field (The north point on Capita Symonds proposed layout drawing is incorrect).

A stage one safety audit should also be carried out as part of the detailed planning stage.

In relation to the revised plans comments are awaited.

Brampton Parish Council: The Parish Council wishes a roadside pavement of an appropriate width on the Station Road boundary, and, appropriate road markings at the junction. House designs should complement the vernacular of the area.

Commercial &Technical Services - Drainage Engineer: Comments awaited.

United Utilities (former Norweb & NWWA): No further comment to add to those contained in letter of 26th April 2005 relating to application number 05/0264.

Cumbria Constabulary - Crime Prevention: Comments awaited.

Carlisle Airport: Regret that have to object to the proposal. This is a large development and it is located close to the airport in an area clearly designated on the Airport official Safeguarding Map as being one within which all development ought to be objected to.

Carlisle Airport plans to grow its flying operation and there will, in future, be an undoubted increase in movements including jet and turboprop aircraft. This will entail an increase in operating hours and engine noise, thus raising the spectre of public protest. It must be a matter of public record that the Airport objected to this development on the statedgrounds and amplified its reasoning on the issue of noise and increased operating hours.

No doubt purchasers of these properties, should the development go ahead, will be informed by their legal advisors of the existence of this objection.

Environmental Protection Services - Housing Strategy: . The Station Road site is well located within a key service centre, and as such its proximity to services, amenities and employment makes it an ideal location for the provision of an element of affordable housing.

A Brampton Housing Need Survey (2005) was commissioned through Cumbria Rural Housing Trust (CRHT). The report identifies 42 households in need of affordable housing within Brampton parish.

Unfortunately, the CRHT report details only the no. of bedrooms required, rather than the actual property type requirements for those households identified as being

in housing need, which obviously restricts our ability to make more specific recommendations on any development in Brampton in relation to dwelling types.

The majority of need is for 2 and 3 bedroom properties – the most popular being 2-beds (20: almost half of households in need), followed by 3-beds (14 – a third), dropping to 7 households requiring 1-beds, and only 1 needing 4 or more bedrooms. Although there are no 2-bedroom properties included in the Station Road planning application, the development would only be expected to meet an element of the need identified in the CRHT survey, and the affordable 3-bed units would still be meeting part of the significant need for affordable 3-bedroom accommodation identified by CRHT.

CRHT have recommended renting as the most suitable tenure in the case of 38 of the 42 households in need of affordable housing (with regard to the 4 households where shared equity is the recommended option, 2 needed 2-bedroom accommodation & 2 needed 3-beds).

The affordable housing (as recommended by CRHT) would be best provided in partnership with a RSL (or other affordable housing provider) partner. In relation to RSLs working locally who provide general needs housing, the developers agent is probably familiar with Impact & Two Castles, who have a good recent development record in the Carlisle area, and both already manage properties in Brampton. Home North West also manage properties in Brampton, and Carlisle Housing Association is the largest RSL in the area, although they have not developed any new schemes for some time.

Two other organisations who may be interested in this particular development are Penrith-based Eden Housing Association, which has built up a portfolio of properties in Carlisle's rural areas over recent years, and Brampton Rural Housing Society. Brampton Rural (although not actually a RSL) owns and manages over 150 rented properties in the Brampton area, and has an office in the town. They are currently interested in increasing their stock in Brampton itself, using the proceeds from selling off more deeply rural properties as vacancies arise.

In relation to the design of the scheme, we are impressed with the way the affordable housing units are mixed in with the market housing on the plans, rather than clustered together. In conclusion, our main concern is in relation to the actual number of affordable units. Priority 3.1 of the Housing Strategy Action Plan sets a target of 25-30% of developments to be affordable, based on need. The current planning application for Station Road allows for 6 affordable units (25% of the 24 properties in the development). We feel that in a case such as this, where an

independent consultant has carried out a very recent housing need survey (sent to 100% of households in Brampton), which has identified a significant level of need for affordable housing, that around 30% affordable housing on the scheme would be justifiable. In the light of such robust evidence of housing need in Brampton, it was originally recommended that 7 affordable units (just over 29%) should be provided.

In relation to the revised plans, the Housing Strategy Officer has acknowledged that the provision of 6 affordable units complies with Policy H5 of the Carlisle District Local Plan (2001-2016) (Revised Redeposit).

Environment Agency (N Area (+ Waste Disp)): In the Introduction of the above report reference is made to a Phase I Land Quality Assessment (Desk Study Report) which the Agency are not in receipt of. The Agency are aware that contamination of the ground was caused by diesel spillage when the site was managed by David Graham. Is there any reference to this in the Desk Study or does it contain a conceptual model of pollutant linkages from which the ground investigation was based?

The 4 leachate samples analysed to determine risk to Controlled Waters are not representative of porewater concentrations on the site and all samples exceed the criteria. A justification for sample spacing, depth and number is required for this limited number of samples.

The intrusive investigation was shallow and unlikely to have been sampled at appropriate depths i.e.below the invert level of the Underground Storage Tanks (UST). The capacity and dimensions of the USTs should be submitted and a comparison made between the depth of investigations. The samples taken may be representative of contamination in the surface layers for harm to human health, but they may only represent the smear zone of a contaminant plume from a hydrogeological perspective. If glacial till is present, there may be further contamination perched over this material as a sink for the original source term. The information produced to date is insufficient to reflect this scenario

The limit of detection for sulphide is too high and therefore data for this substance cannot be used to qualitatively assess the impact to Controlled Waters.

The elevated concentrations of carbon dioxide adjacent to the existing diesel UST are likely to represent the by-products from natural bio-remediation of diesel lost in the ground. The high concentrations represent falling barometric conditions which suggest there is an area of hydrocarbon contamination which was not discovered during the investigation.

Gas protection measures within the buildings are recommended despite the removal of hydrocarbon hotspots since the contamination may be deeper than the limit of excavations.

Borehole logs and details of borehole construction are missing from the report.

The hydrogeological assessment is poor as there are insufficient water samples to triangulate the hydraulic gradient within the superficial deposits. There is no information to prove the lateral extent of glacial till underlying the sand and gravels.

This work should form the first part of an intrusive ground investigation and a second phase is required to intercept groundwater within the major aquifer and intercept further groundwater data from the aquifer in the sands and gravels.

Details of surface water drainage should be supplied as soakway discharges to ground are not acceptable unless the point source discharge is down gradient of any contamination on site.

In line with environmental good practice and source control of quantity and quality of surface water run-off we would strongly advocate the use of sustainable drainage techniques. For residential developments if practical we would encourage the use of porous paving systems and roofwater recycling.

Development that increases impermeable area and discharges surface water directly to positive drainage systems and thence to receiving watercourses without attenuation or treatment is detrimental to ecology and flood risk management.

Council for Protection of Rural England: The site is designated a Primary Employment Area by Policy EM2 of the Local Plan. As such, redevelopment for alternative uses should only be considered if continuing employment use is determined to be unviable through an up to date assessment.

An assessment of your current housing land supply figures would indicate that sufficient land exists either with planning permission, under construction or built, in order to meet Carlisle's Structure Plan requirement to 2011. A strict application of PPG3 would indicate no further approvals are necessary at this time.

How far the development goes to address local housing needs should therefore be assessed via an up to date local housing needs survey.

Pending compliance with the above points, the CPRE have no objections to this proposal. Failure to examine these issues would result in objection however.

Cumbria County Council - (Archaeological Services): No wish to make any recommendations or comments.

Planning Services - Local Plans (Trees): The proposal is acceptable in relation to the trees so long as the distances of the trees to the nearest walls of the properties and roads are as shown.

The developer should, prior to commencement, provide a written method statement for the demolition of the existing buildings adjacent the trees, and removal of the tarmac surface beneath the trees. This should not only include how they intend to carry out these operations but also how the trees are to be protected during these operations. The method statement should be agreed with the Council prior to

commencement of any operations.

A number of trees will have to be felled to allow this proposal to proceed. Including new trees in a landscaping scheme will mitigate the loss of a number of trees from the site, although no landscaping scheme has yet been submitted at this time.

Environmental Protection Services: No part of the development hereby permitted shall commence until:

(a) there has been submitted to and approved by the Local Planning Authority ("the LPA") a remediation scheme ("the Remediation Scheme"), which shall:

(i) include an implementation timetable ("the Implementation Timetable"), monitoring proposals and a remediation verification methodology, comprising a sampling and analysis programme to confirm the adequacy of decontamination; and

(ii) provide that an appropriately qualified person shall oversee the implementation of all remediation; and

(b) all measures which are identified in the Remediation Scheme provided for in paragraph (a) above have been undertaken in accordance with the Implementation Timetable ("the Remediation Measures") and any Remediation Measures at variance with the Remediation Scheme shall have been submitted to and agreed in writing with the LPA in advance of such Remediation Measures being undertaken; and

(c) upon completion of the Remediation Measures there has been submitted to and approved by the LPA a report which shall include:

(i) results of the verification programme of post remediation sampling and monitoring in order to demonstrate that the required remediation has been fully met,

(ii) confirmation that all remediation measures have been carried out fully in accordance with the Remediation Scheme; and

(iii) future monitoring proposals and reporting. To protect the environment and prevent harm to human health awaited.

Urban Design Officer: The former depot site lies within the Brampton Conservation

Area, fronting the prominent Station Road and bounded to the north by a well-used footpath. As such a high quality design solution is called for.

In relation to the originally submitted plans it was considered that the application lacked key information with regard to: any indication of boundary treatments around or within the site; there is no Design Statement explaining the design philosophy behind the scheme, how and why this particular layout was arrived at, and why the proposed building forms and elevations are as they are. Brampton has a readily apparent typical building form and a palate of locally distinctive design elements and materials. While the application form identifies brick, render and stone the elevations provided are unclear in how these elements are to be deployed. Elements such as strongly articulated door and window surrounds, use of local red triassic sandstone, natural slate, render and articulation of roofscape through substantial chimneys are typical of Brampton and should be employed in any 'traditionally inspired' development proposal. House type B suggests some of these qualities but types A, C and D do not. This lack of clarity is exacerbated by the small scale of the submitted elevations, marked as 1:100 but in fact 1:200. Plot numbers are absent. For purposes of comment I am numbering the units 1-24 anti-clockwise from the south west.

House Type A
Lacking in annotation and drawn at 1:200 the proposed house type does not have sufficient detail or clarity to enable a full judgement on its design to be made. Overly glazed front doors; absence of any evident window hierarchy in the front elevation; lack of articulation in the roofscape due to omission of chimney stacks; and unrelieved blank gables suggest a very poor quality proposal. As such, I would recommend a substantial rethink of plots 5, 6, 9, 10, 17 and 18. The frontage parking as proposed is likely to result in an extremely poor quality streetscape and an alternative format should be investigated.

House Type B
Though lacking in annotation the overall form is acceptable. Adequately scaled chimney stacks, garages pulled back from the main face of the building, stone or artstone window surrounds and natural slate roofs as proposed are commended. However, the main facing material is ambiguous, the lintel details on the rear elevation unclear, and the glazed front doors inappropriate. Elevations are absent for the detached garage relating to plot numbers 1 and 2, type B. Plots 7 and 8 Type B units are inexplicably shown as stepping back rather than paired. No elevations are present for this variation. Units 15 and 16 Type B propose single garages for which elevations are absent. On plots 3, 4, 7,19, 20, 21 and 22, garages are pulled to the fore of the façade, contradicting and weakening the design indicated in the

coloured elevations and plans.

House Type C
Comment relating to House Type A apply equally to Type C. The prominent garage link, pushed forward from the main face of the buildings is particularly weak, especially as this house type is proposed as the termination of the main view into the site from Station Road.

House Type D
Comment relating to House Type A and C apply equally to Type D. The prominent garage and under-articulated roofscape are weak. Unit 11 proposes a gap between the unit and its boundary fence that has clearly been given no thought.

General Comment & Layout.
The lack of competent design input into the composition of this scheme is readily apparent. Units are placed arbitrarily, making a vague attempt to avoid the root areas of retained trees, but are poorly related to one another, with no apparent logic to separation distances and position. Units 1 and 2 at least address the main road. The remaining units show little attempt to create a place framed by buildings, but are rather a turning head with units dotted around. The position of the units in their plots lacks coherency, especially in the parking-dominated type A units and in the garden layouts of plots 17 to 24, which deflect sharply for no apparent reason to the north west. Detail is absent on how the existing hedges to the front of the site are integrated into the scheme, or what the boundary treatments to the north might be. No indication is given as to the nature of surfaces within the site, and as to how these relate to its Conservation Area setting.

I would have no hesitation in recommending refusal of the scheme as it stands, on grounds of the adverse impact of its design on the Conservation Area.

In relation to the revised plans, considered that the proposal represents an improvement which has sought to address the previous comments.

Conservation Area Advisory Committee: In relation to the revised plans the proposal was considered to be an improvement on the earlier details although there are still weaknesses. The siting of the first units on the north side of the road could be positioned to make better use of the site and its trees. The design of these first units on the north and south side of the entrance to the development should be improved to make a more positive statement and enhance the quality of the scheme. The mixture of materials with a predominance of render should be rectified and stonework used throughout on the main elevations with artstone for the rear elevations.

Summary of Representations:

Representations Received

Initial:	Consulted:	Reply Type:
[redacted] How Glen	14/03/06	
[redacted] Edgewood	14/03/06	
[redacted] S & S Railhead Garage	14/03/06	
[redacted] Lyndene	14/03/06	
[redacted] Elm Cottage	14/03/06	
[redacted] Willow Tye	14/03/06	Objection
[redacted] Dandy Croft	14/03/06	
[redacted] Franleigh House	14/03/06	
[redacted] Clover Hill	14/03/06	
[redacted] Hill Crest	14/03/06	Objection
[redacted] Lyndholme	14/03/06	
[redacted] Linden Lea	14/03/06	
[redacted] 1 Tree Gardens	14/03/06	Objection
[redacted] - Brampton		Comment Only

This application has been advertised in the form of press and site notices, and, the direct notification of the occupiers of 13 neighbouring properties.

One written representation has been received during the consultation period. The following observations have been received:

On viewing revised planning application for the Council Yard note that you require the pavement to run round into tree road. There are three surface water drains situated on this corner which from time to time have been overcone by water deluge from Tree Road and Station Road resulting in flooding at the corner mentioned.

Details of Proposal/Officer Appraisal:

Planning History:

In 1951, under application BA 750, approval was given for the erection of an open shed.

In 1966, application BA 4363, approval was given for canteen accommodation.

In 1971, BA 6454, approval was given for new office accommodation.

In 1981, 80/1014, on objections were raised to the provision of an underground 2000 gallon petrol tank.

In 1983, 83/0586, approval was given for a salt storage barn.

In 1985, application number 85/0750 and 85/0811, approval was given respectively for an extension to provide shower/drying rooms, and, erection of a salt storage barn.

In 2005, under application 05/0264, outline planning permission was refused for residential development. The two stated reasons for refusal being:

1) The proposal will result in a significant amount of additional housing that would compound the existing oversupply of "market led" houses within the rural area of Carlisle District contrary to Ministerial advice contained in PPG3 "Housing", Policy UR7 of RPG13 and Policy H17 of the Cumbria and Lake District Joint Structure Plan 2001-2016 Proposed Changes, June 2004. The proposed scheme has not been advanced on the basis of meeting a local need which could have provided an exceptional justification contrary to the moratorium adopted by the Council's Development Control Committee on the 16th July 2004, and, Policy H19 of the Cumbria and Lake District Joint Structure Plan 2001-2016 Proposed Changes, June 2004.

2) In the light of the current restrictions on the supply of housing in the rural area of Carlisle District, the proposal represents a siginificant addition of dwellings the determination of which in advance of the Carlisle District Local Plan (Deposit Draft) (2001-2016) Inquiry in December 2005 would prejudice its results contrary to Ministerial advice contained in PPS1 "Delivering Sustainable Development".

This refusal of permission is currently the subject of an outstanding appeal.

Details of Proposal:

Members will recollect that at their Meeting on the 2nd June 2006 they resolved to give authority to the Head of Planning and Housing Services to issue approval for the erection of 23 dwellings subject to:

i) no objections being received with regard to the revised plans prior to the expiry of the publicity period; and,

ii) the satisfactory completion of a Section 106 Agreement covering the provision of seven affordable units.

Subsequent discussions have led to parties representing the applicant to query certain conditions and the need to provide the seven affordable units. The applicant has also submitted a series of revised plans increasing the number of dwellings to 24.

Following consideration of the revised plans during the Meeting on the 26th January 2007 the applicant has submitted revised plans which show a reduction in the number of proposed dwellings to 23, of which 6 are intended to be affordable units.

At the time of preparing this report the formal comments of the Highways Authority and Housing Services are awaited on the revised plans. In such circumstances an updated report will be presented to Members but what follows is a resume of the current proposal.

1. SITE DESCRIPTION

The application site is approximately 0.8ha in extent, located to the immediate west of the now dismantled railway track/spur, and, approximately 50 metres to the east of the Tree Road/Station Road junction. To the south of the site there is agricultural land with a barn located adjacent to the boundary. To the west and south-west of the site there are residential properties at Tree Road and Tree Gardens. There is an electricity sub-station sited on the eastern boundary of the site.

The site, was formerly used as a depot for the County Council's highways maintenance teams consisted of storage areas for road grit/salt, road signs, top dressing, and, maintenance/refueling for the associated vehicles. In the southern part of the site there is a relatively large open fronted salt/grit store, and, a vehicle maintenance workshop. The northern section has three main buildings consisting of an office, joiners workshop, and, a tin shed. In addition, there are two above ground fuel tanks, and, two underground storage tanks. The site primarily has a tarmac surface with some areas of concrete hardstanding and grass. Mature trees also cross the site.

Vehicular access to the site is via Station Road. A public footpath runs along the eastern boundary following the line of the dismantled railway track.

The site lies within the recently extended Brampton Conservation Area.

2. BACKGROUND INFORMATION ON THE APPLICATION

The application, which seeks full permission, involves the demolition of the existing structures and the re-development of the site. The scheme Members considered at their Meeting on the 2nd June 2006 detailed a modified access; the provision of a pavement; the erection of a total of 23 semi-detached dwellings based around a single access road with a turning head ie at a density of 30 dwellings per hectare. The proposed dwellings were, apart from a terrace of three houses, all semi-detached units.

The application was originally accompanied by a letter from the agent, a Land Quality Assessment Site Investigation Report, and, an Arboricultural Report. The aforementioned letter explains, amongst other things, that:

- It is clearly a previously developed site well within the urban area of Brampton and relatively close to the Town Centre.

- Brampton is identified in the Cumbria and Lake District Joint Structure Plan as a Key Service Centre where new development will be focussed.

- The site is shown as a Primary Employment Area under the terms of Policy EM2 of the Carlisle District Local Plan. Whilst that policy presumes in favour of retaining the existing use, it notes that exceptions may be permitted. One of those exceptions is where the existing use adversely affects adjacent residential properties. It is understood that there have been complaints in the past because of the activities of the Depot in respect of vehicles and the use particularly during the winter months.

- The Redeposit version of the Carlisle District Local Plan allocates the site for residential purposes under the terms of Policy H16. No objection to that allocation has been made. Consequently considerable weight can be attached to the policy.

- The intention is to modify the existing highway and, as such, it would seem to be appropriate to impose a Grampian style planning condition in order to achieve these highway works.

- It is understood that up to 55 people could have worked from the site in the past and the level of trip generation was greater than will be the case with the residential development. As such there will be a net reduction in vehicle movements. The level of development is clearly below the threshold where a Transport Assessment is required.

- The layout plan shows that satisfactory distances can be maintained between existing properties such there will be no privacy issues.

The Land Quality Assessment Site Investigation Report recommends: the removal and off-site disposal of the localised areas of hydrocarbon "contamination"; the existing tanks and any associated infrastructure/hydrocarbon contamination removed; the removal of decommissioned services; dust suppression during earthworks; construction workers should adopt appropriate health and safety measures; adoption of surface water control measures during construction; further gas monitoring should be undertaken following removal of the diesel USTs ; soil gas protection measures, if required, should be designed in accordance with BRE Report 414 and CIRIA Report 149 should be incorporated into buildings in the western area of the site; appropriate mitigation measures within the built development; removal of buried structures; and, appropriate foundations are designed.

The Arboricultural Report concludes that the Beech tree T1 and Silver Birch trees T8, T9 and T10 are important features within the local landscape and the loss of these would be detrimental to the local environment. The remaining trees on the proposed development area do not contribute to the conservation value of the site. The Report recommends the carrying out of a programme of tree works prior to the commencement of development following which substantial protective fencing should be erected.

3. ASSESSMENT OF THE PROPOSAL

At the time of previously considering application 06/0307 the main planning issues were held to be whether the advantages outweigh the disadvantages with regard to:

i) Whether the site would be appropriate for residential use in the light of current national, regional and local planning policies in respect of new housing;

ii) Whether the application is premature in advance of the inquiry into the carlisle district local plan (redeposit draft)(2001-2016);

iii) Whether the proposal would be detrimental to the character of this part of Brampton Conservation Area;

iv) Whether the proposal would be detrimental to the amenities of neighbouring residents and/or appropriate in the light of its relationship to neighbouring uses;

v) Whether the proposal meets the Council's objectives with regard to the provision of affordable/social housing; and,

vi) Whether the proposal, by the potential creation of a "ransom strip" would prejudice the development of neighbouring land.

It is appreciated that these issues inter-relate to a certain degree but in order to clarify matters they will be separately assessed.

i) **Whether The Site Would Be Appropriate For Residential Use In The Light Of Current National, Regional And Local Planning Policies In Respect Of New Housing.**

Policy H4 of the CDLP states that within Brampton, outside designated Primary Residential Areas, applications for residential development will be permitted subject to the satisfaction of a number of criteria. Policy EM2 also highlights that within Primary Employment Areas exceptions may be permitted for other uses outside of Classes B1, B2 and B8 providing that it is judged acceptable in relation to a series of criteria including that the existing use of the site adversely affects or could adversely affect adjacent residential properties. In the case of this application anecdotal evidence has indicated that the current use of the site has adversely affected the amenity of the existing adjacent residential properties.

This aside, Policies H4 and EM2 pre-date the guidance on housing development in what was PPG3 (now replaced by PPS3), and, RPG13.

In relation to this issue it was appreciated that the scheme relates to brownfield land within an identified Key Service Centre. In such a context it is considered that the proposal would not undermine the aims of up to date national, regional and Structure Plan policies in respect of new housing development.

ii) **Whether The Application Is Premature In Advance Of The Preparation Of The Carlisle District Local Plan (deposit Draft)**

When considering this issue it is felt that the following points need to be kept in mind:

a) Ministerial advice contained in the attachment to PPS1, "The Planning System: General Principles", identifies in paragraph 17 that in some circumstances, it may be justifiable to refuse planning permission on grounds of prematurity where a Development Plan (DP) is being prepared or is under review, but it has not yet been adopted. This may be appropriate where a proposed development is so substantial, or where

the cumulative effect would be so significant, that granting permission could prejudice the DP by predetermining decisions about the scale, location or phasing of new development which are being addressed in the policy in the DP.

b) Based on the lifting of the previously imposed Moratorium and no objections having been made concerning its allocation for residential purposes under Policy H16 of the CDLP Redeposit Draft (2001-2016) it is considered that the bringing forward in advance of the Inquiry commencing on the 3rd July of this year would not prejudice its results.

iii) Whether The Proposal Would Be Detrimental To The Character Of This Part Of Brampton Conservation Area.

PPG15 "Planning and the Historic Environment" identifies that planning is an important instrument for protecting and enhancing the environment in town and country, and preserving the natural and built heritage (paragraph 1.2).

PPG15 advises in paragraph 4.17 that many conservation areas include gap sites that make no positive contribution to the area. Their redevelopment should be a stimulus to imaginative, high quality design. **"What is important is not that new buildings should directly imitate earlier styles, but that they should be designed with respect for their context, as part of a larger whole which has a well-established character and appearance of its own"**. PPG15 goes on to advise that special regard should be had to matters such as scale, height, form, massing and respect for the traditional pattern of frontages.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of a conservation area. The objective of preservation can be achieved either by development which makes a positive contribution to an area's character or appearance, or by development which leaves character and appearance unharmed.

In such a context it is considered that the design of the proposed dwellings is acceptable and not fundamentally different to those already "agreed" at the previous Committee Meeting.

iv) Whether The Proposal Would Be Detrimental To The Amenities Of Neighbouring Residents And/or Appropriate In The Light Of Its Relationship To Neighbouring Uses

In the case of the revised plan, the proposed dwellings backing onto Tree Road are shown to be 75 metres to 65 metres from their counterparts facing wall. In relation to 1 Tree Gardens, the main end wall is 13.4 metres and 14 metres respectively from the nearest main walls of the proposed dwellings on plots 10 and 11. The proposed dwellings on plots 10 and 11 are also at an oblique angle to 1 Tree Gardens.

In the case of the proposed dwellings on plots 15 and 16 they are sited in relatively close proximity to an agricultural building(s). In mitigation this land is, however,

designated as a Primary Residential Area under the Proposals Map of the Carlisle District Local Plan, and, any prospective purchaser should become apparent of the situation.

v) Whether The Proposal Meets The Council's Objectives With Regard To The Provision Of Affordable/social Housing

In the case of affordable/social housing PPG3 establishes that a community's need for low cost/subsidised housing is a material planning consideration. The Government's advice recognises that it may be desirable in planning terms for new housing on sites which are large enough to incorporate a reasonable mix and balance of house types and sizes to cater for a range of housing needs.

Policy H19 of the SP (2001-2016) sets the provision of affordable housing on sites of more than 0.4 ha or in developments of 10 or more dwellings.

The revised plans now show the provision of six low cost units which has been verbally agreed by the Council's Housing Strategy Officer.

vi) Whether The Proposal, By The Potential Creation Of A "ransom Strip" Would Prejudice The Development Of Neighbouring Land

Under the Proposals Map of the Carlisle District Local Plan the neighbouring land to the east is designated a Primary Residential Area. The submitted layout plan indicates a cul-de-sac with a turning head at the eastern most section. The proposed turning head, however, falls short of the boundary. In so doing it creates a potential ransom strip for vehicular access from this site to the neighbouring land. Case Law has, however, established that it is not for the Council, acting as the local planning authority, to niterfere in the commercial interests of businesses. It is, however, possible for the Council to impose a condition requiring the extension of the roadway up to the boundary of a site provided that:

a) It fairly and reasonably related to the provisions of the development plan;

b) It fairly and reasonably related to the permitted development; and,

c) It must be such as a reasonalbe planning authority could properly impose.

As such, the suggested way forward would be to impose a condition which safeguards land within a development site for future access to adjoining land without the construction of the linking section.

4. CONCLUSION

It is recognised that the scheme relates to designated brownfield land within an identified Key Service Centre. On the basis that no objections are raised by interested parties with regard to the revised plans, the proposal will be recommended for approval.

Human Rights Act 1998

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";

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;

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

   Reason: In order that the approved development overcomes any problems associated with the topography of the area, in accordance with Policies H4 and E43 of the Carlisle District Local Plan.

3. The carriageway and footways shall be designed, constructed, drained and lit to a standard suitable for adoption and in this respect further details, including longitudinal/cross sections, shall be submitted to the local planning authority for approval before any work commences on site. No work shall be commenced until a full specification has been approved. These details shall be in accordance with the standards laid down in the current Cumbria Design Guide. Any works so approved shall be constructed before the development is completed.

   Reason: To ensure that the matters specified are designed to the

satisfaction of the Local Planning Authority and to support Local Transport Plan Policies S3, LD11 and LD7

4. No dwellings shall be occupied until the estate road to serve such dwellings has been constructed in all respects to base course level and street lighting has been provided and brought into full operational use.

   Reason: To ensure that the matters specified are designed to the satisfaction of the Local Planning Authority and in accordance with the objectives of Policy 25 of the Cumbria and Lake District Structure Plan.

5. No dwelling shall be occupied until a new access has been constructed onto Station Road with 10.5 metre radius kerbs to give a minimum carriageway width of 5.5 metres in accordance with details submitted to and approved before hand in writing by the local planning authority.

   Reason: To ensure adequate access is available for each occupier in accordance with Policy H4 of the Carlisle District Local Plan.

6. No development shall commence until visibility splays providing clear visibility of 70 metres x 2.4 metres x 70 metres measured down the centre of the exit road and the nearside channel line of the trunk road have been provided at the junction of the access road with the county highway. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grow within the visibility splay which obstruct the visibility splays.

   Reason: In the interests of highway safety, to ensure compliance with Policy H4 of the Carlisle District Local Plan.

7. No dwelling shall be occupied until a footway connection from the estate road along Station Road to Tree Road has been provided in accordance with details approved beforehand by the local planning authority.

   Reason: In the interests of highway safety in accordance with Policy H4 of the Carlilse District Local Plan.

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

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

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

   Reason: To ensure that each dwelling is provided with parking and thus comply with policy H4 and T7 of the Carlisle District Local Plan.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order revoking and re-enacting that order with or without modification) no fences, gates, walls or other development, impediment or obstruction shall be erected or created on the land shown hatched on the approved drawing no.xy33.

    Reason: To safeguard land within the development site for future access to adjoining land identified in the Carlisle Desitict Local Plan as a Primary Residential Area.

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

    Reason: To ensure that materials to be used are acceptable and in compliance with the objectives of Policies E43 and H4 of the Carlisle District Local Plan.

12. 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 Policies E43 and H4 of the Carlisle District Local Plan.

13. Particulars of height and materials of all screen walls and boundary fences shall be submitted to and approved by the local planning authority prior to the commencement of the development hereby permitted.

    Reason: To ensure that the appearance of the area is not prejudiced by lack of satisfactory screening which is not carried out in a co-ordinated manner and to ensure compliance with Policies E43 and H4 of the Carlisle District Local Plan.

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

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

15. All works comprised in the approved details of landscaping shall be carried out

either contemporaneously with the completion of individual plots or, in the alternative, by not later than the end of the planting and seeding season following completion of the development.

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

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

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

17. No development shall commence until a written method statement for the demolition of the existing buildings and removal of the tarmac adjacent to and beneath the trees to be retained has been submitted to and approved in writing by the local planning authority. The aforementioned statement shall not only include how the developer intends to carry out these operations but also how the trees are to be protected during these operations. The development shall be carried out in accordance with the aproved method statement.

Reason: To protect the trees during development works in accordance with Policies E19 of the Carlisle District Local Plan.

18. No part of the development hereby permitted shall commence until:

(a) there has been submitted to and approved by the Local Planning Authority ("the LPA") a remediation scheme ("the Remediation Scheme"), which shall:

(i) include an implementation timetable ("the Implementation Timetable"), monitoring proposals and a remediation verification methodology, comprising a sampling and analysis programme to confirm the adequacy of decontamination; and

(ii) provide that an appropriately qualified person shall oversee the implementation of all remediation; and

(b) all measures which are identified in the Remediation Scheme provided for in paragraph (a) above have been undertaken in accordance with the Implementation Timetable ("the Remediation Measures") and any

Remediation Measures at variance with the Remediation Scheme shall have been submitted to and agreed in writing with the LPA in advance of such Remediation Measures being undertaken; and

(c) upon completion of the Remediation Measures there has been submitted to and approved by the LPA a report which shall include:

(i) results of the verification programme of post remediation sampling and monitoring in order to demonstrate that the required remediation has been fully met,

(ii) confirmation that all remediation measures have been carried out fully in accordance with the Remediation Scheme; and

(iii) future monitoring proposals and reporting. To protect the environment and prevent harm to human health awaited.

Reason: To protect the environment and prevent harm to human health.

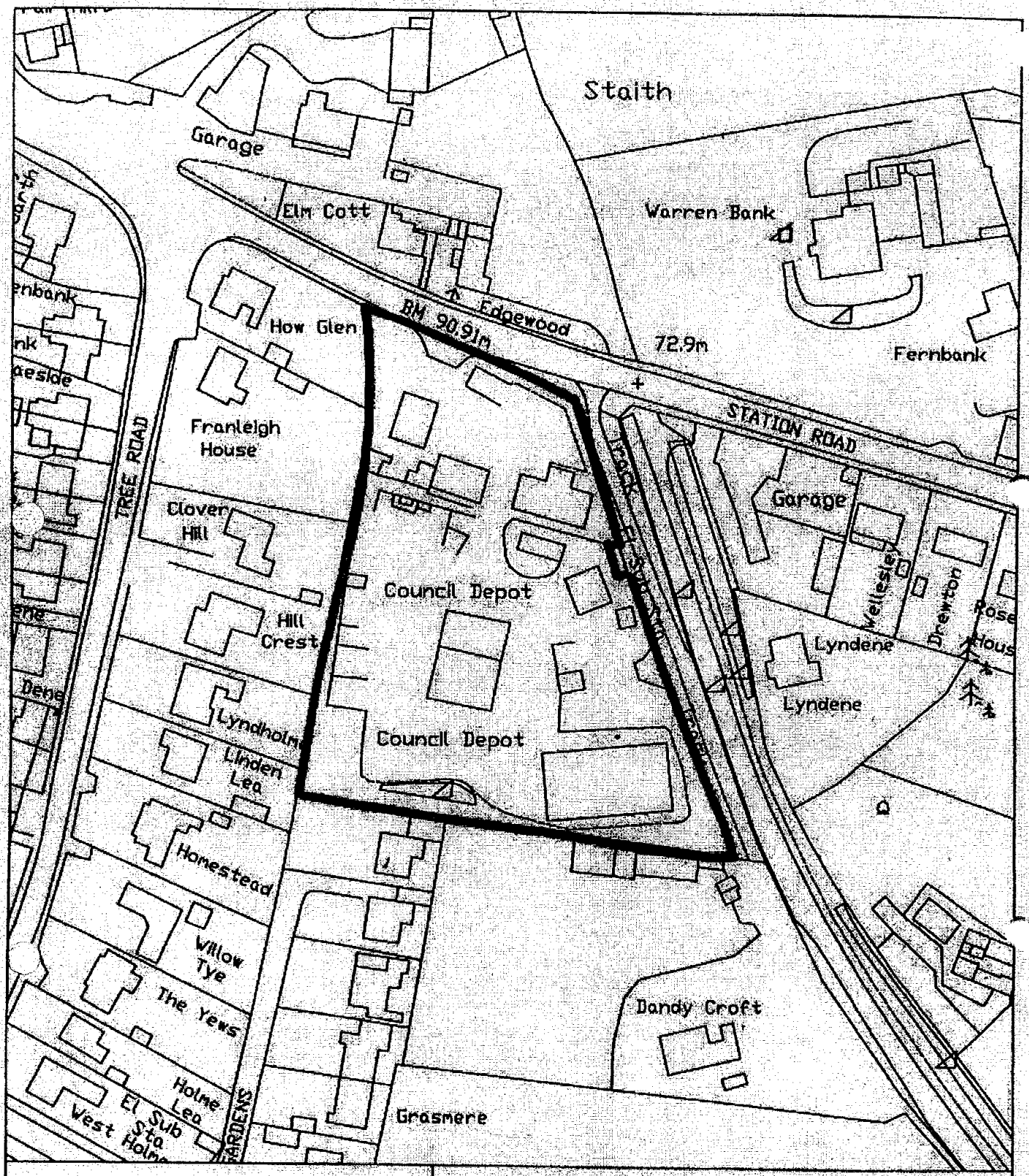
19. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works associated with each dwelling has been approved in writing by the Local Planning Authority. Such a scheme shall be constructed and completed in accordance with the approved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

Reason: To ensure a satisfactory means of surface water disposal and in accord with Policy E22 of the Carlisle District Local Plan.

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

Reason: To maintain the special visual character of the locality in accordance with Policy E43 of the Carlisle District Local Plan.

21. The access covers to the underground ducts to be installed pursuant to the above condition shall be carefully located in relation to the surface finishes and



Cumbria County Council	Scale: 1:1250 O.S: NY5360
C/O Capita Symonds The Capita Building Kingmoor Business Park Carlisle CA6 4SJ	Highways Depot Station Road Brampton

RECEIVED
8 MAR 2006
2006/0307

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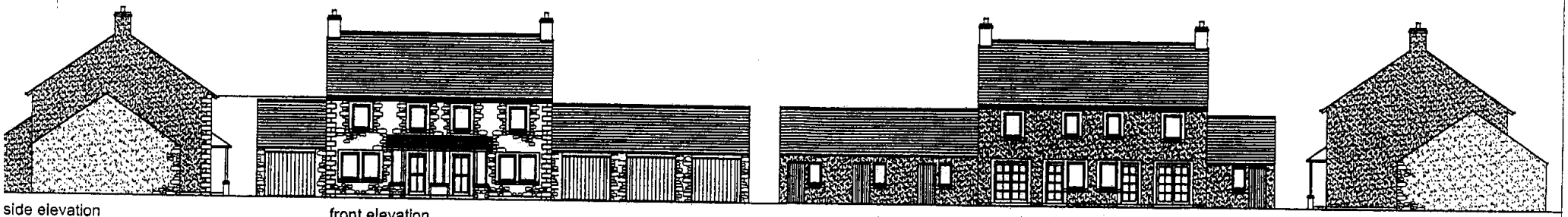
CAPITA
SYMONDS
PLOT 1
PLOT 2
PLOT 3
PLOT 4
PLOT 5
PLOT 6
PLOT 7
PLOT 8
PLOT 9
PLOT 10
PLOT 11
PLOT 12
PLOT 13
PLOT 14
PLOT 15
PLOT 16
PLOT 17
PLOT 18
PLOT 19
PLOT 20
PLOT 21
PLOT 22
PLOT 23
Turning Head
N

All dimensions to be checked on site
Do not scale drawing

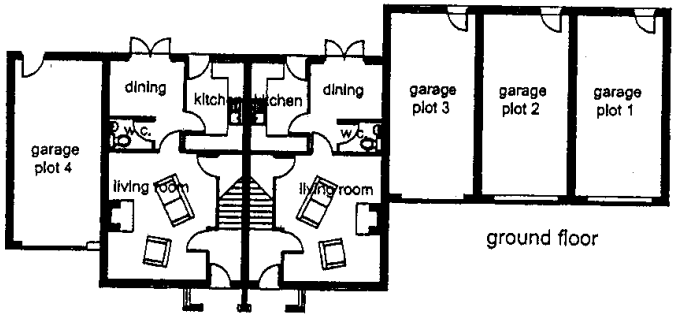


side elevation
plot numbers 3 & 4

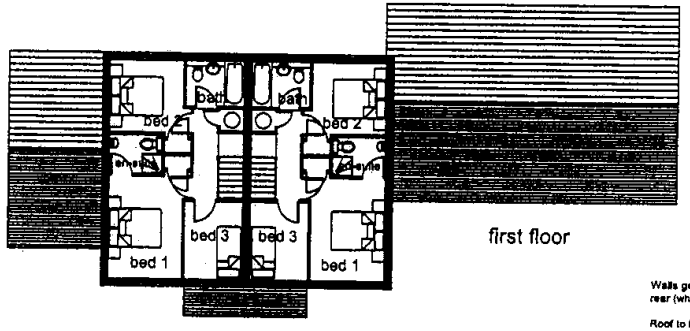
front elevation

rear elevation

side elevation



ground floor



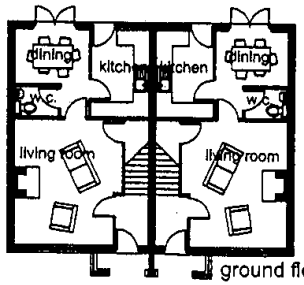
first floor

side elevation
plot numbers 1 & 2

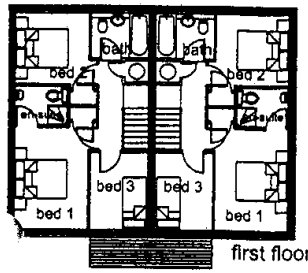
front elevation

rear elevation

side elevation



ground floor



first floor

Walls generally natural stone with render to gables and rear (where indicated) quoin blocks at corners

Roof to be natural slate

Windows and Doors to be in timber
Natural stone surrounds to window and doors

Revision Number	Revision Date	Amendments	Initials
A	15/05/06	low roof elevations amended	EA
B	01/11/06	elevations amended to new layouts	EA
C	10/12/06	elevations amended to new layouts	EA

The Capita Building
Kingmoor Business Park, Carlisle CA6 4SJ
Tel: 01228 673000 Fax: 01228 673111
Email: [illegible]

Client:

Project:
Brampton House Development

Title:
house types
(sheet 1 of 5)

Scale
1:100

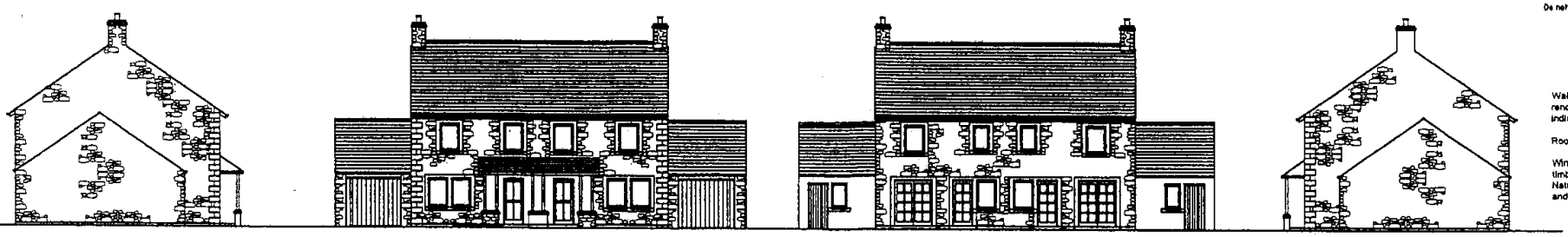
Date
April 2006

Drawing No.
4064204/P/01

Drawn
Checked

Rev C

CAPITA SYMONDS



side elevation
plot numbers 23 & 24

front elevation

rear elevation

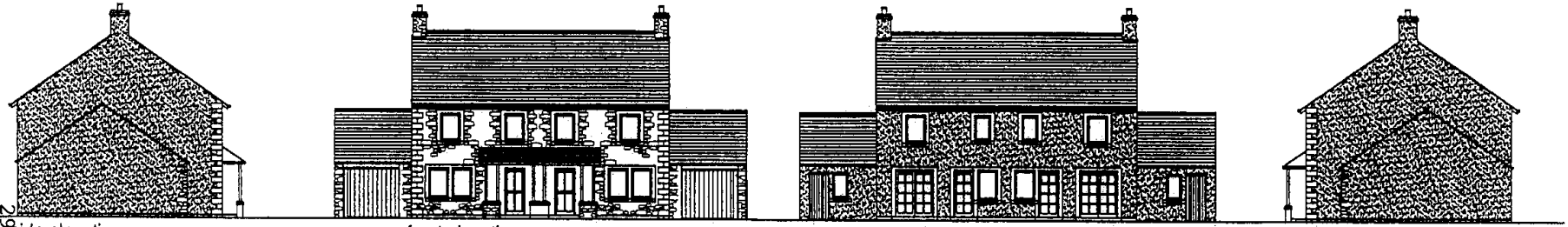
side elevation

All dimensions to be checked on site
Do not scale drawing

Walls generally natural stone with render to gables and rear (where indicated) quoin blocks at corners

Roof to be natural slate

Windows and Doors to be in timber
Natural stone surrounds to window and doors

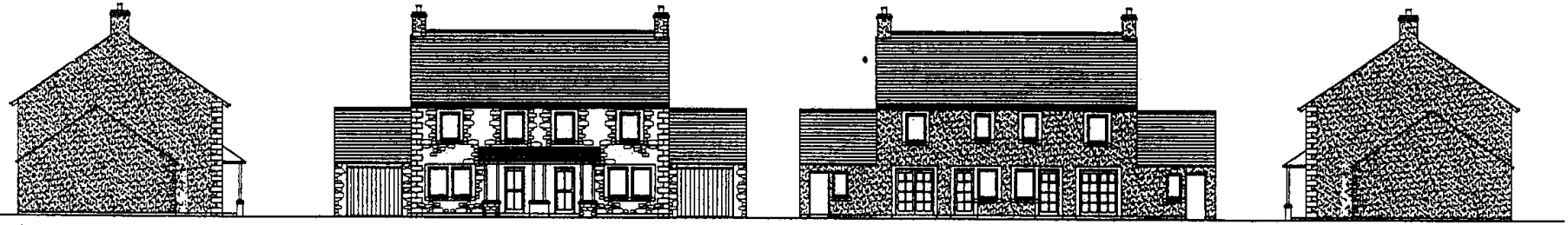


side elevation
plot numbers 21 & 22

front elevation

rear elevation

side elevation

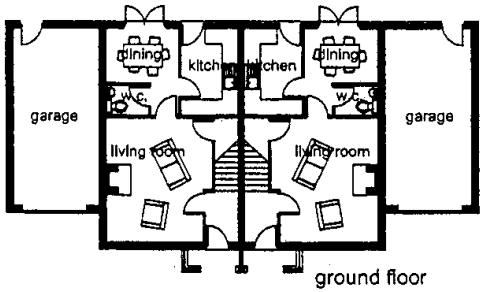


side elevation
plot number 7 & 8, 16 & 17

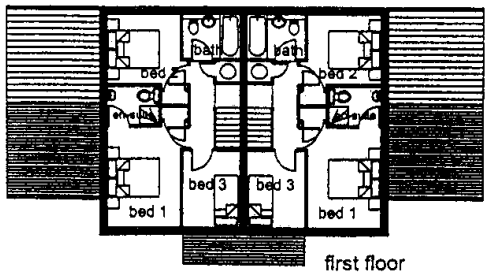
front elevation

rear elevation

side elevation



ground floor



first floor

Revision Number	Revision Date	Amendment	Initials
A	18/02/06	low cost elevations amended	EA
B	06/04/06	elevations amended to new layouts	EA
C	19/05/06	elevations amended to new layouts	EA

The Capita Building
Kingmoor Business Park, Carlisle CA6 4SJ
Tel: 01228 673000 Fax: 01228 673111
Email: enquiries.kingmoor@capitasymonds.co.uk

Client

Project:
Brampton House Development

Title:
house types
(sheet 2 of 5)

Scale:
1:100

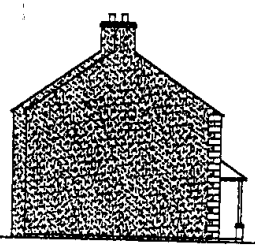
Date:
April 2006

Drawing No.
4064204/P/02

Drawn

Rev C

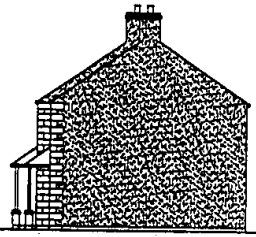
CAPITA SYMONDS



side elevation
plot numbers 12,13, 14 & 15

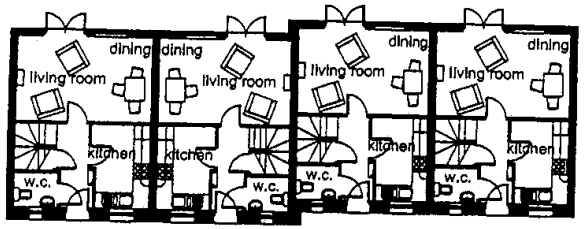
front elevation

rear elevation

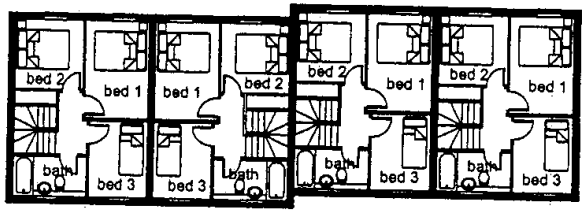


side elevation

All dimensions to be checked on site
Do not scale drawing



ground floor



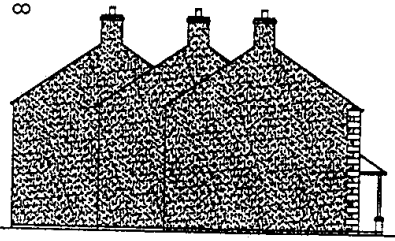
first floor

Walls generally natural stone with render to gables and rear (where indicated) quoin blocks at corners

Roof to be natural slate

Windows and Doors to be in timber
Natural stone surrounds to window and doors

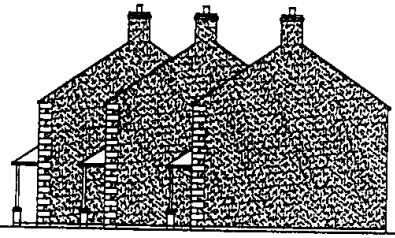
298



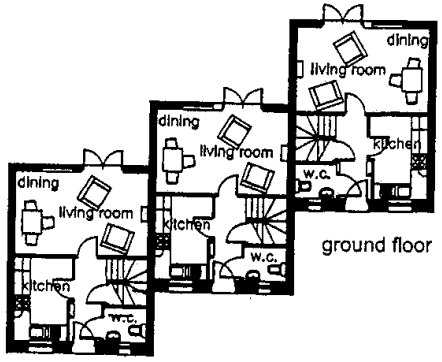
side elevation
plot numbers 18, 19 & 20

front elevation

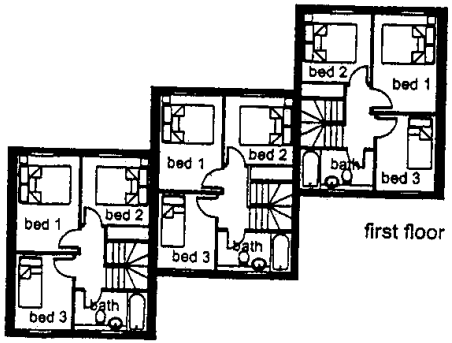
rear elevation



side elevation



ground floor



first floor

Revision Number	Revision Date	Amendments	Initials
A	15/12/05	low roof elevations amended	EA
B	31/1/06	elevations amended to new layouts	EA
C	10/2/06	elevations amended to new layouts	EA

The Castle Building
Kingmoor Business Park, Carlisle CA6 4SJ
Tel: 01228 673000 Fax: 01228 673111
Email: enquiries.kingmoor@capitalsymonds.co.uk

Client:

Project:
Brampton House Development

Title:
house types
(sheet 3 of 5)

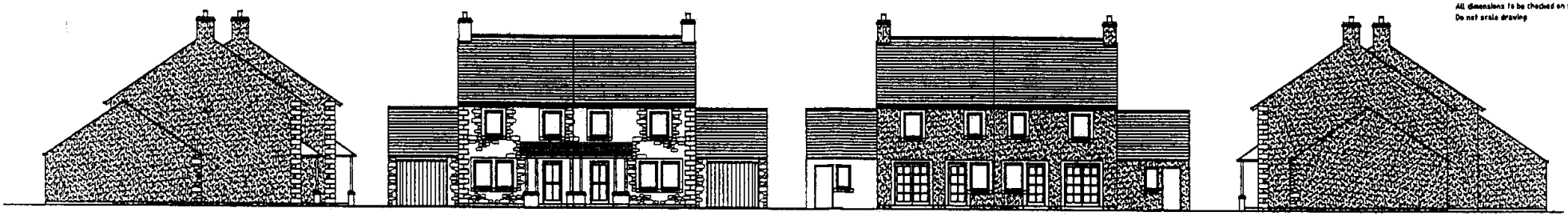
Scale
1:100

Date
April 2006

Drawing No.
4064204/P/03

CAPITA SYMONDS

All dimensions to be checked on site
Do not scale drawing

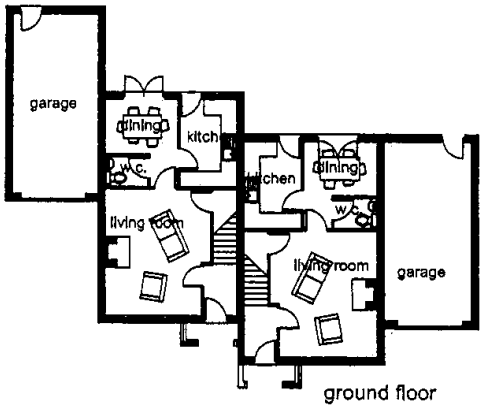


side elevation
plot numbers 5 & 6

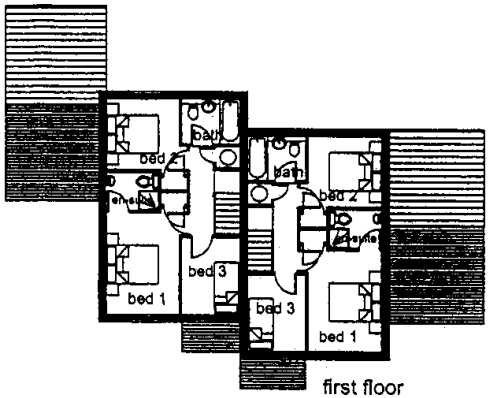
front elevation

rear elevation

side elevation



ground floor



first floor

side elevation
plot number 9

front elevation

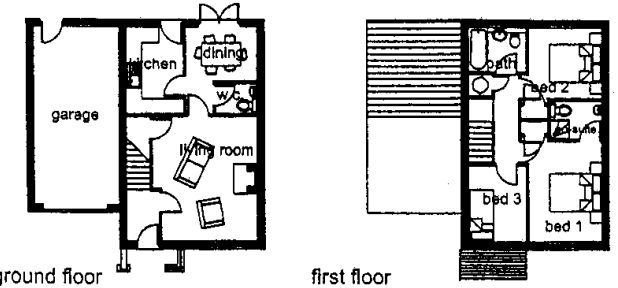
rear elevation

side elevation

Walls generally natural stone with render to gables and rear (where indicated) quoin blocks at corners

Roof to be natural slate

Windows and Doors to be in timber
Natural stone surrounds to window and doors



ground floor

first floor

Revision Number	Revision Date	Amendments	Initials
A	16/05/06	Low cost elevations amended	CS
B	19/05/06	elevations amended to new layouts	CS

The Capita Building
Kingmoor Business Park, Carlisle CA6 4SJ
Tel: 01228 673000 Fax: 01228 673111
Email: enquiries.kingmoor@capita-symonds.co.uk

Client

Project:
Brampton House Development

Title:
house types
[sheet 4 of 5]

Scale
1:100

Date
April 2006

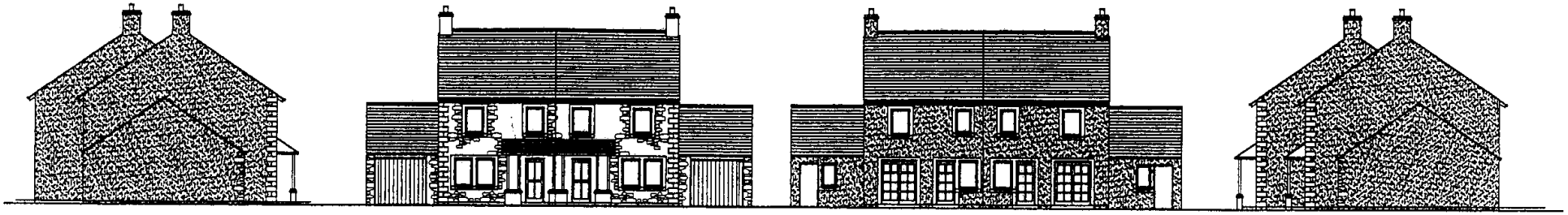
Drawing No.
4064204/P/04

Drawn

Rev B

CAPITA SYMONDS

All dimensions to be checked on site
Do not scale drawing

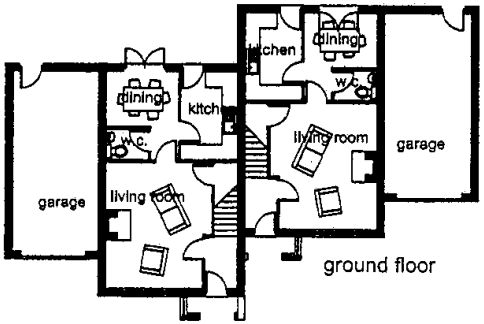


side elevation
plot numbers 10 & 11

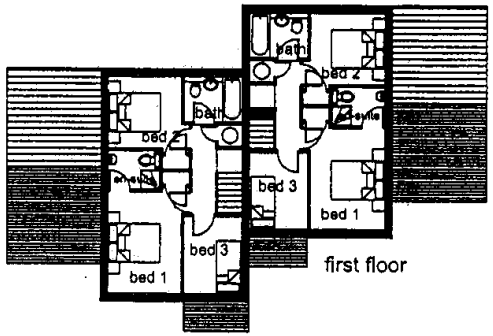
front elevation

rear elevation

side elevation



ground floor



first floor

Walls generally natural stone with render to gables and rear (where indicated) quoin blocks at corners

Roof to be natural slate

Windows and Doors to be in timber
Natural stone surrounds to window and doors

Revision Number | Revision Date | Amendments | Initials

The Capita Building
Kingmoor Business Park, Carlisle CA6 4SJ
Tel: 01228 673000 Fax: 01228 673111
Email: enquiries.kingmoor@capitasymonds.co.uk

Client:

Project:
Brampton House Development

Title:
house types
(sheet 4 of 5)

Scale:
1:100

Date:
April 2006

Drawing No.
4064204/P/05

Drawn:
Checked:

Rev 0

CAPITA SYMONDS

300

SCHEDULE A: Applications with Recommendation

06/1397

Item No: 15 Date of Committee: 09/03/2007

Appn Ref No:	**Applicant:**	**Parish:**
06/1397	Messrs Stoddart	Burgh-by-Sands
Date of Receipt:	**Agent:**	**Ward:**
04/12/2006	Smiths Gore	Burgh

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

Grid Reference:
331350 556720

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

Amendment:

REPORT

Reason for Determination by Committee:

This application is brought for determination by Members of the Development Control Committee due to the receipt of an objection from the Parish Council.

Planning Policies:

Carlisle District Plan
Housing - Proposal H5

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

1. The site is well related to the landscape of the area and does not intrude into open countryside; and

2. The scale of the proposed development is well related to the scale, form and character of the existing settlement; and

3. The layout of the site and the design of the buildings is well related to existing property in the village; and

4. The siting and design of the buildings is well related to and does not adversely affect the amenity of neighbouring property; and

5. Appropriate access and parking can be achieved; and

6. The proposal will not lead to the loss of amenity open space within or at the edge of the settlement; and

7. The proposal will not lead to the loss of the best and most versatile agricultural land.

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

Carlisle District Plan
Housing - Proposal H16

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

Carlisle District Plan
Environment - Policy E22

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

Carlisle District Plan
Transport - Proposal T7

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

1. The Parking Guidelines for Cumbria as detailed in Appendix 2;

2. The availability of public car parking in the vicinity;

3. The impact of parking provision on the environment of the surrounding area;

4. The likely impact on the surrounding road network; and

5. Accessibility by and availability of other forms of transport.

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

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

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

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

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

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

In the following settlements small-scale infilling (development between an otherwise continuous frontage) will be allowed where this does not conflict with the criteria

above and is evidenced by local need to be in that location. S106 agreements may be used to ensure local occupancy to provide for the identified need.

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

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

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

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

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

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

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

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

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

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

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

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

1. the Parking Guidelines for Cumbria as updated by additional requirements in PPG 13;
2. the availability of public car parking in the vicinity;
3. the impact of parking provision on the environment of the surrounding area;
4. the likely impact on the surrounding road network; and
5. accessibility by and availability of, other forms of transport.

Summary of Consultation Responses:

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

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

The applicant indicates disposal of surface water to an existing system, this was not clarified in the application. However in the first instance the applicant should investigate the use of soakaways for surface water disposal, as this is the most

sustainable method.

I have no knowledge of flooding issues at this site;

Environment Agency (N Area (+ Waste Disp)): no objection subject to one condition;

Burgh-by-Sands Parish Council: the Parish Council object to the proposed removal of the original condition 3. What has changed since the planning department made its ruling in 2003? The adjacent and opposite houses and buildings are of single storey construction.

The Parish Council have no objection in the renewal of the original decisions made by the planning department in application 03/1123 without change.

Summary of Representations:

Representations Received

Initial:		Consulted:	Reply Type:
[redacted]	Naworth	12/12/06	
	The Cobbles	12/12/06	
	1 Hill Top Cottage	12/12/06	
	2 Hill Top	12/12/06	
	The Lilacs	12/12/06	
	Ashbury House	12/12/06	
	Hessle Rise	12/12/06	
	Criffel Mount	12/12/06	
	West View	12/12/06	

This application has been advertised in the form of a site notice and direct notification of nine neighbouring properties. No observations have been received.

Details of Proposal/Officer Appraisal:

Planning History:

The site has been subject to several applications relating to the operation of the farm. An outline application was approved in 2003 for the erection of a dwelling.

Details of Proposal:

The application seeks outline approval for the erection of a dwelling at land adjacent to Hillcrest, Thurstonfield. The site is currently houses a static caravan and workshops that are in a poor state of repair. The site is enclosed by the residential property known as 'Hillcrest' to the south and modern agricultural buildings to the northern boundary belonging to the applicants farm. On the eastern boundary with the road is a traditional stone wall, the northern and western boundaries lead directly

onto outbuildings. There is no boundary treatment on the southern boundary with 'Hillcrest' and the site is within the proposed settlement boundary.

In 2003 outline permission was granted for the erection of a dwelling on the site and a condition was imposed restricting the dwelling to single storey only; however, this permission has now lapsed. The current application seeks to resurrect the earlier approval but without the imposition of a condition restricting the proposed dwelling to being single storey in height and allowing for the erection of a two storey property.

An indicative plan of the proposed dwelling has been provided with all of the 5 standard "Reserved Matters" i.e. layout, scale, appearance, access and landscaping, are to be provided at a later date, should outline approval be granted.

The relevant planning policies against which the application is required to be assessed are Policies H5, H16, E22 and T7 of the Carlisle District Local Plan and Policies H1, CP4, CP5, CP11 and T1 of the Carlisle District Local Plan Redeposit Draft. The proposal has been considered against the Burgh by Sands Design Statement.

The proposals raise the following planning issues:

a) Whether The Principle Of The Proposed Development Is Acceptable.

The application site lies within the settlement boundary of Thurstonfield, which is identified as a Local Service Centre by Policy H1 of the Redeposit Draft Local Plan. As such the principle of residential development is acceptable, subject to compliance with the criteria identified in Policy H1 and other relevant Local Plan policies. This view is strengthened by the approval of the previous application in 2003 for the erection of a dwelling and therefore the principle issue for Members to resolve is whether a two storey dwelling would be appropriate in this location, a matter which the Parish Council object to.

b) Whether The Erection Of A Two Storey Dwelling Is Acceptable.

On approach to the application site from the south the proposed dwelling will be set against the back drop of large modern agricultural buildings, which in terms of their overall scale are out of context presently with the properties surrounding them. The village as a whole has no particular style and contains a mixture of modern and traditional residential properties, which vary between one and two storey in height. The properties surrounding the application site reflect the trend of the village. Directly opposite the site across the main road is 'Greenacre' a one and half story property which sits alongside 'Hill House', a two storey property. The closest neighbouring residential property to the south of the site is a bungalow; however, to the south of this application a row of modern two storey detached dwellings.

The Parish Council have questioned what has changed since the approval of the 2003 application to justify the removal of the condition. The Policies against which this proposal would be considered have not changed; however, the approval of a two storey dwelling in this location still meets the planning policy objectives of protecting residential amenity and privacy set out in the condition relating to a single

storey dwelling attached to the previous planning consent.

c) Scale And Layout Of The Development And The Impact Of The Proposal On The Living Conditions Of Neighbouring Residents

The indicative layout plan that accompanied the application illustrates that the proposed dwelling can be accommodated within the site with adequate space retained for car parking and curtilage space. Due to the size of the site a dwelling can be positioned on the site without effecting the living conditions of neighbouring properties and will comply with the minimum distance outlined by Policy CP5 of the Carlisle District Local Plan Redeposit Draft. The position of the dwelling centrally within the plot means the proposed property will not be directly in front of any one neighbouring property and would fall between the properties of 'Greenacre' and 'Hill House'. Although indicative, the submitted plan demonstrates that the property can be positioned so that windows on the front elevation look onto the garages of the neighbouring properties or down the road. There are some concerns regarding the positioning of the dwelling; however, these issues can be resolved during the consideration of a reserved matters application is submitted. For the reasons already identified the erection of a two storey dwelling on the site would not be out of keeping with the surrounding properties.

d) Conclusion

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

Comments are awaited from United Utilities and subject to them having no objection to the proposal the application is recommended for approval.

Human Rights Act 1998

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";

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;

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 warrent the refusal of permission.

Recommendation: Grant Permission

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

   (i) The expiration of 5 years from the date of the grant of this permission, or

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

   Reason: In accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.

2. Notwithstanding the details given in the application form at part 3(a), before any work is commenced, details of the siting, design and external appearance of the building and the landscaping of the site (hereinafter called "reserved matters") shall be submitted to and approved by the local planning authority.

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

3. The submitted block plan drawing no 4198 is an indicate plan for illustrative purposes only.

   Reason: For the avoidance of doubt.

4. Notwithstanding the details indicated on the submiited drawings, no consent is hereby conferred or conveyed for the existing or proposed residential caravan shown on the site which needs to be the subject of a separate application for planning permission.

   Reason: To define the permission.

5. No development approved by this permission shall be commenced until a

scheme for the disposal of foul and surface waters has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall be constructed and completed in accordance with the approved plans.

Reason: To ensure a satisfactory means of drainage in accordance with policy E22 of the CDLP.

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

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

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

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

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

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

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

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

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

details before the development is occupied.

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

11. The access and parking/turning requirements shall be constructed to base course before any building work commences on site so that construction traffic can park and turn clear of the highway.

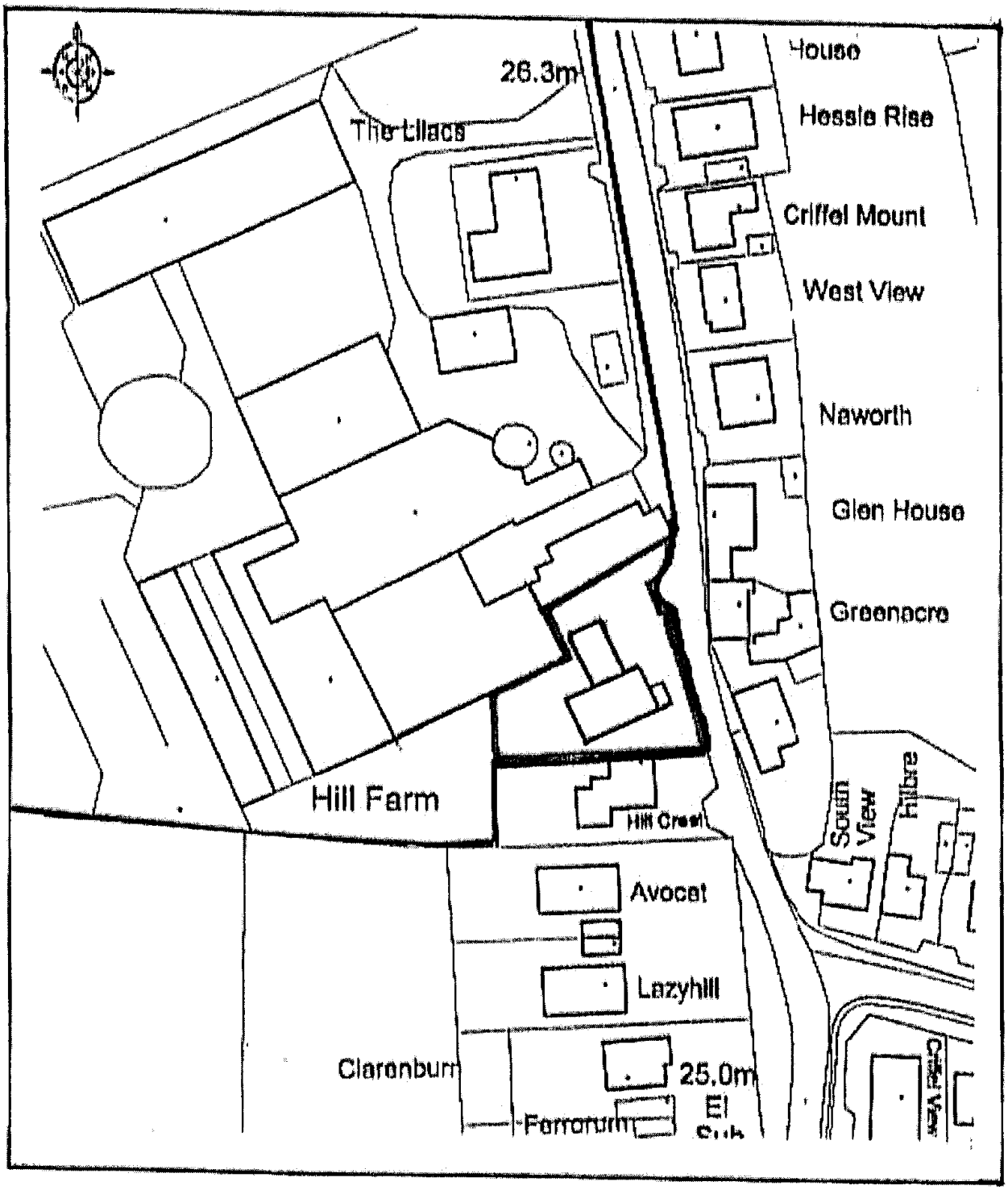
Reason: The carrying out of this development without the provision of these facilities during the construction work is likely to lead to inconvenience and danger to road users and to support Local Transport Plan Policies S3 and LD9.

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

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

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

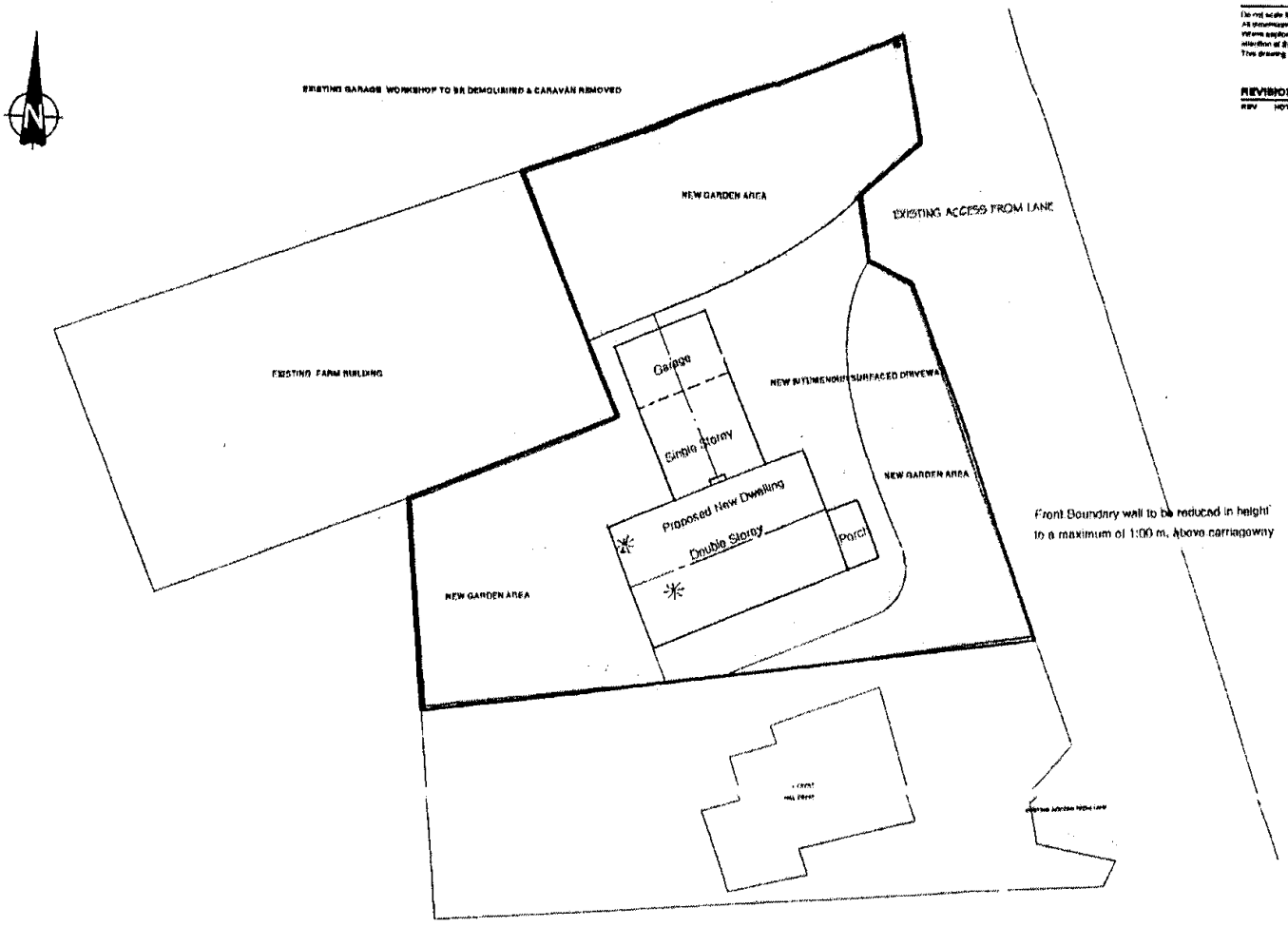
Reason: To ensure a safe form of development that poses no unacceptable risk of pollution and to comply with the following Development Plan Policies: Policy E24- Carlisle District Local Plan.



GR NY301360/556730

LOCATION PLAN.

SCALE 1:1250



NOTES

REVISIONS

ALL FOUL & SURFACE WATER DRAINS TO BE CONNECTED TO EXISTING MAINS

SITE PLAN.

SCALE 1:200

DENOTES APPROX POSITION OF APPLE/PLUM TREES TO BE REMOVED

DRAWING TITLE S P

SCALE 1:1250

DRAWN P L

64 WARWICK ROAD

SCHEDULE A: Applications with Recommendation

06/1459

Item No: 16 Date of Committee: 09/03/2007

Appn Ref No:	**Applicant:**	**Parish:**
06/1459	North Lakes Childrens Services	Brampton
Date of Receipt:	**Agent:**	**Ward:**
03/01/2007	Architectural Design Limited	Brampton

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

Grid Reference: 352366 561479

Proposal: Erection of temporary single storey classroom accommodation

Amendment:

REPORT

Reason for Determination by Committee:

This application is brought for determination by Members of the Development Control Committee as an objection has been received from the Parish Council.

Planning Policies:

Airport Safeguarding Area

Carlisle District Plan
Environment - Policy E6

Within Areas of Landscape Improvement, the City Council will encourage landscape improvement schemes. Permission will not be given for development which adversely affects the open character of the areas. Development of open space recreational uses such as golf courses and playing fields which retain their essential open nature will be acceptable. In addition small scale development within or adjacent to established farmsteads and other groups of buildings, together with buildings associated with and required for the use of the area for open recreational uses will be acceptable providing that:

1. The proposal reflects the scale and character of the existing group of buildings; and

2. There is no unacceptable adverse effect on the amenity of neighbouring property; and

3. There is no unacceptable adverse effect on the character and appearance of the surrounding area; and

4. Where appropriate satisfactory access and car parking can be achieved.

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

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

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

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

Within Urban Fringe areas, permission will not be given for development which adversely affects the open character of the areas. Development of open space recreational uses such as golf courses and playing fields which retain the essential

open nature will be acceptable. In addition, small scale development within or adjacent to established farmsteads and other groups of buildings, together with buildings associated with and required for the use of the area for open recreational areas will be acceptable providing that:

1. the proposal reflects the scale and character of the existing group of buildings; and
2. there is no unacceptable adverse effect on the amenity of neighbouring property; and
3. there is no unacceptable adverse effect on the character and appearance of the surrounding area; and
4. where appropriate satisfactory access and car parking can be achieved.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft
Leisure & Community Uses - Policy LC11 - Educational Needs

Proposals for the development of education facilities should be provided within the existing educational sites as indicated on the Proposals Map. On existing sites, proposals for new buildings should be in close proximity to existing buildings to minimise the visual impact of additional development. Where proposed educational facilities are outside existing sites the location should be close to the intended catchment in order to minimise travel in conjunction with centres listed in policy DP1. Other policies of this Plan will apply dependent upon the proposal and land to be utilised.

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): the Highway Authority has no objection to the proposal;

Environmental Protection Services: no comments to make in respect of this application;

Development Services Planning & Housing Services - Access Officer: comments awaited;

Cumbria Constabulary - Crime Prevention: no comments or observations to make in respect of this application;

Carlisle Airport: no objection;

Brampton Parish Council: the Parish Council does not agree with the project at all and do not believe that this facility should be sited here.

Summary of Representations:

Representations Received

SCHEDULE A: Applications with Recommendation

06/1459

Initial:	Consulted:	Reply Type:
[redacted] Longtown Road	05/01/07	
[redacted] Naworth Castle	05/01/07	
[redacted] 20 Beck Riggs	05/01/07	
[redacted] Ashcroft	05/01/07	
[redacted] Irthing Vale Caravan Park	05/01/07	
[redacted] - Brampton	05/01/07	
[redacted] Florence's House	05/01/07	
[redacted] 10 Townfoot Park	05/01/07	
[redacted] Oakbank Nurseries	05/01/07	
[redacted] Kirkhill	05/01/07	

The application has been advertised by means of a site notice and notification letters sent to ten neighbouring properties. No verbal or written representations have been received during the consultation period.

Details of Proposal/Officer Appraisal:

Planning History:

The site has the following previous planning applications associated with it:

- 06/0309 Change of use to provide residential care home with on-site educational facilities, extensions to front elevation to provide reception, medical room and escape staircase. Conversion of loft to provide 5 additional bedrooms along with office/storage space. Provision of level access to entrance, adjacent to disabled parking space. Internal alterations to provide disabled sanitary facilities. Extension and internal alterations to annexe to provide educational facilities. Extension to existing front gravelled area and rear tarmac area to form parking spaces.
- 90/1038 Erection of a conservatory to form extension to dining room.
- 89/0403 Upgrading of existing guest house including small restaurant open to non-residents and construction of car park.
- 89/0404 Conversion of existing coach house into residential dwelling.

Details of Proposal:

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

The site is set back from the road into Brampton by an access way lined with trees on the southern side. The site is surrounded by open fields, with those to the south

east being used as playing fields. Further to the south on the other side of the playing fields is a school. To the north of the site is a nursery. There are no dwellings within adjacent to the site.

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

1. Design

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

2. Effect On The Open Character Of The Area

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

3. Educational Needs

Although the site is not identified within existing educational sites as indicated on the Proposals Map it does have planning permission for the operation of a residential care home with on site educational facilities. Policy LC11 states that proposals for new buildings should be in close proximity to existing buildings to minimise the visual impact. The proposed classrooms will be located to the rear of the existing building which will screen them from the road. A row of trees runs along the southern

boundary which will screen the buildings when viewed from this side and there are no buildings to the north. The proposed classrooms will not create a visual distraction and will not result in an additional educational site within the district.

4. Other Matters

Brampton Parish Council have objected to the project as do not believe a residential care home with educational facilities for children should be sited in this location; however the site already has consent to be used in this manner. This application for an additional temporary building on the site for use while construction is occurring. Refusal of this application will not prevent the use of the site for residential care purposes.

5. Conclusion

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

Human Rights Act 1998

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";

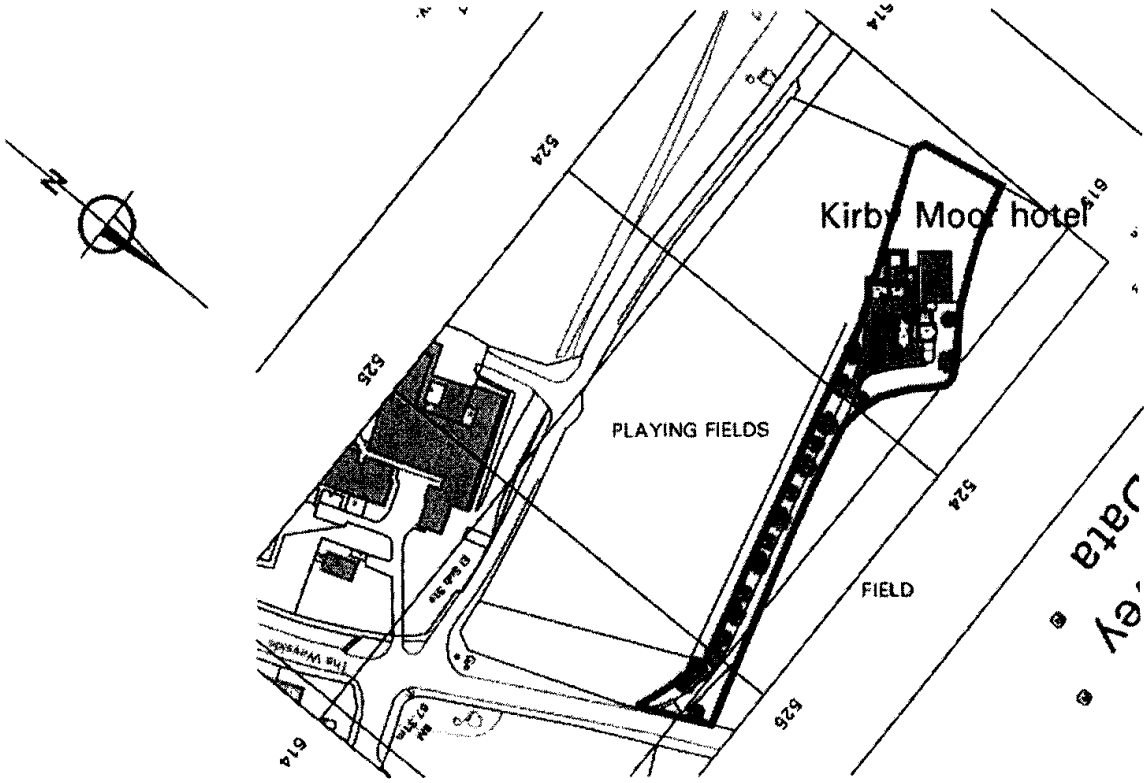
Article 1 of Protocol 1 relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

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.

Recommendation: Grant Permission

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

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



Location Plan 1:-2500

2006/1459

ADL architects

Client

NORTH LAKES CHILDREN'S SERVICES Ltd

Job

Proposed 3no Temporary Classrooms for Educational Facility Kirby Moor Hotel Brampton

Title

Location Plan

Drawn DJF Approved AF Date Aug 06

Scale 1:2500

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Drawing No RO3 0643-01 Rev

Chartered Architects
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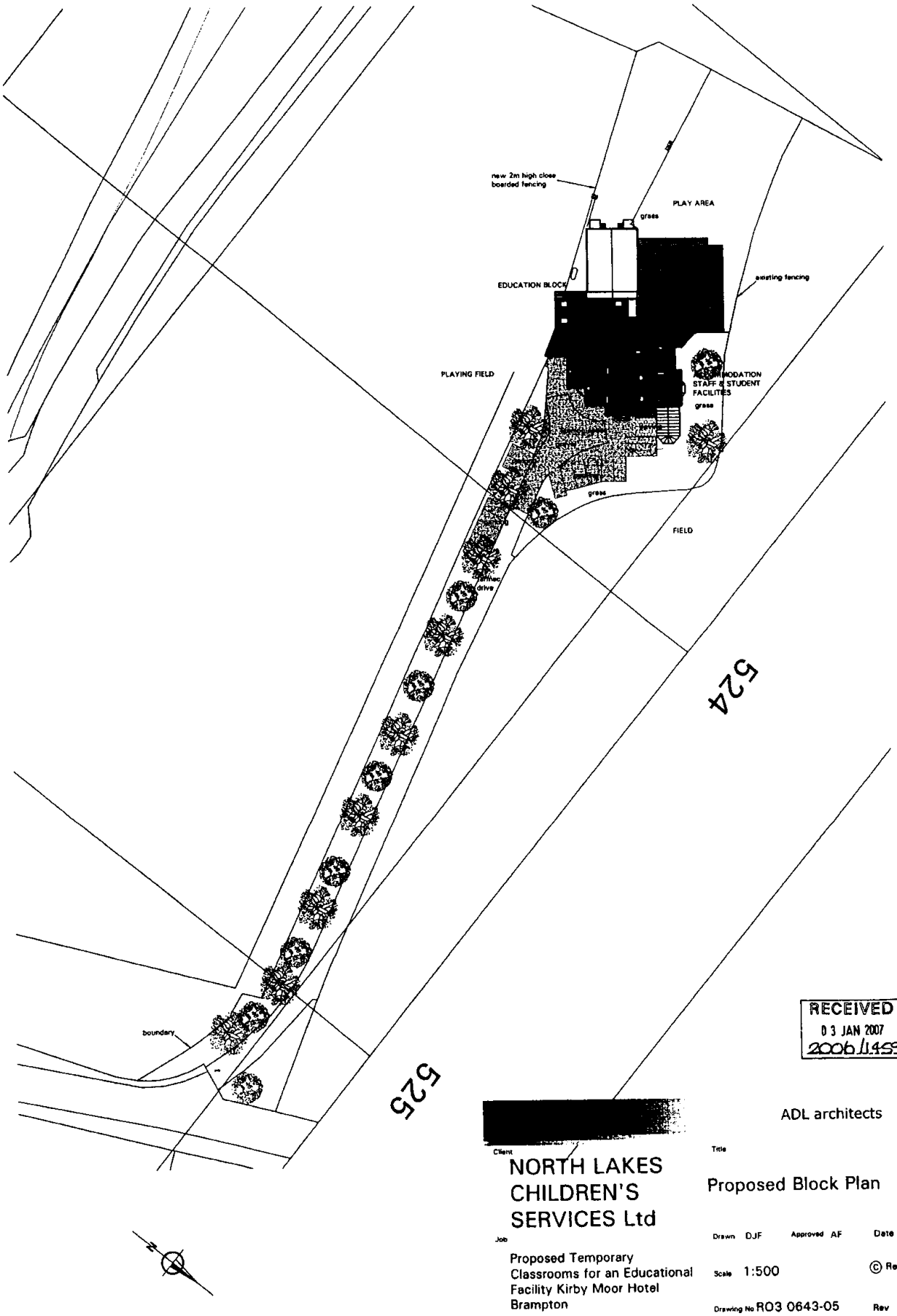
RIBA

Revisions	notes



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03 JAN 2007
2006/1459

ADL architects

Client

NORTH LAKES CHILDREN'S SERVICES Ltd

Job

Proposed Temporary Classrooms for an Educational Facility Kirby Moor Hotel Brampton

Title

Proposed Block Plan

Drawn DJF Approved AF Date feb 06

Scale 1:500

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Drawing No R03 0643-05 Rev

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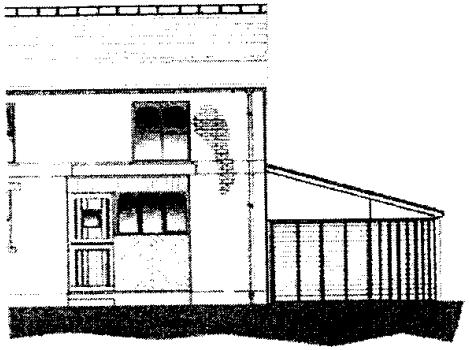
www..adlarchitects.co.uk

RIBA

ARCHITECTURAL DESIGN LIMITED

Revisions	Notes



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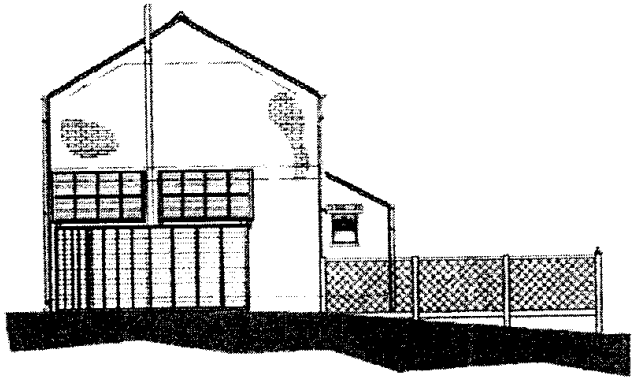

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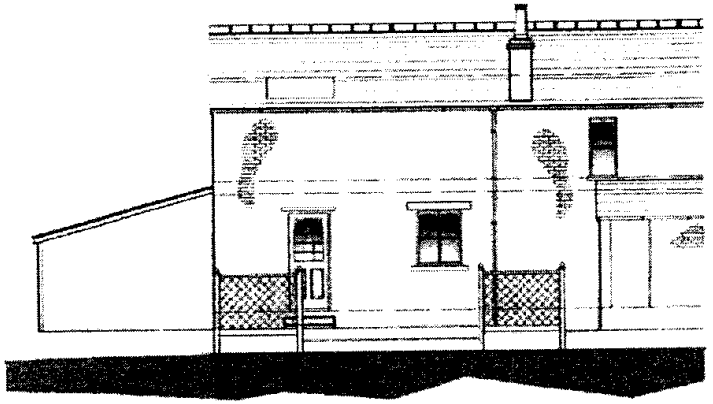

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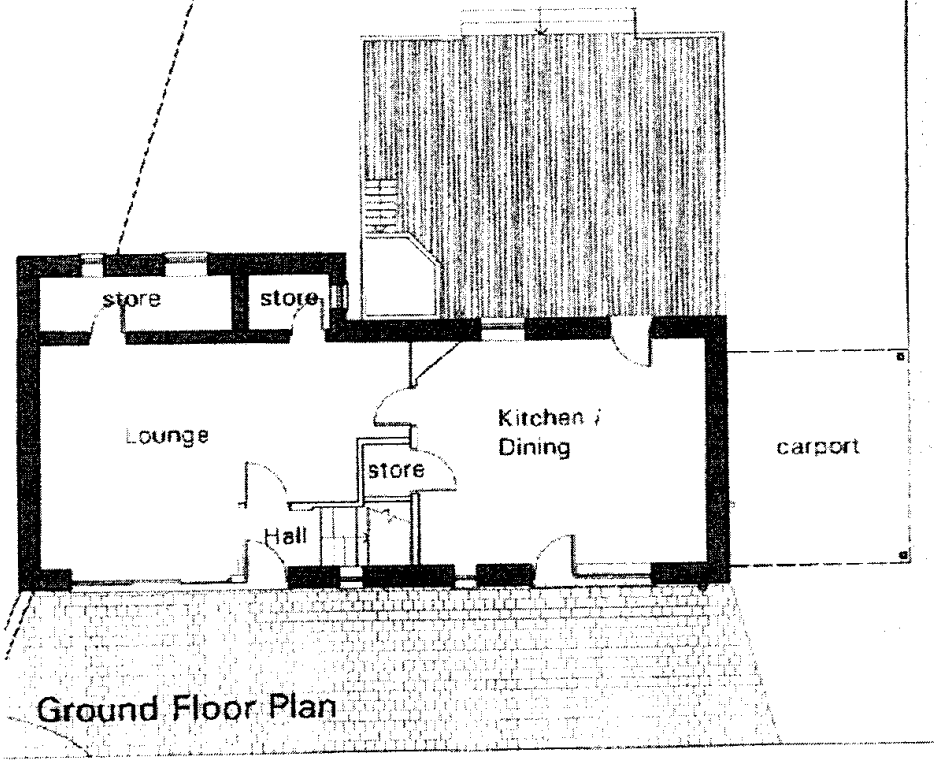

Ground Floor Plan

2006/1459

ADL architects

Client
NORTH LAKES CHILDREN'S SERVICES Ltd

Job
Proposed 3no Temporary Classrooms for an Educational Facility Kirby Moor Hotel Brampton

Title
Existing Education Block Plans & Elevations

Drawn D.F Approved A.F Date Aug 06

Scale 1:100

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Drawing no HC3 0843-02 Rev

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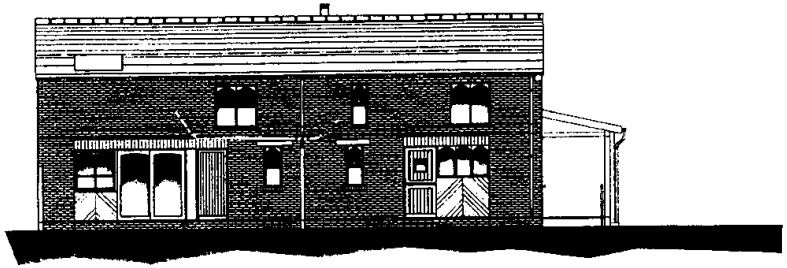
RIBA

Revisions
REV A: NOV 06 CLIENT REQUIREMENTS
REV B: NOV 06 CLIENT REQUIREMENTS

notes



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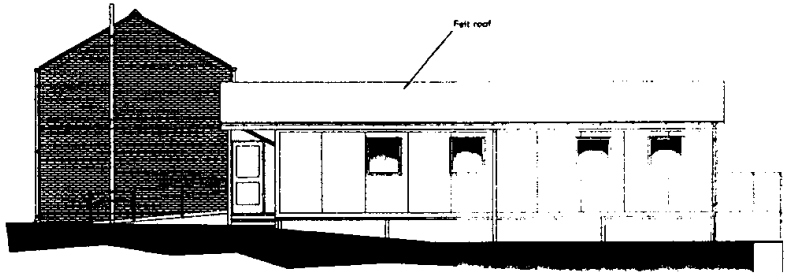

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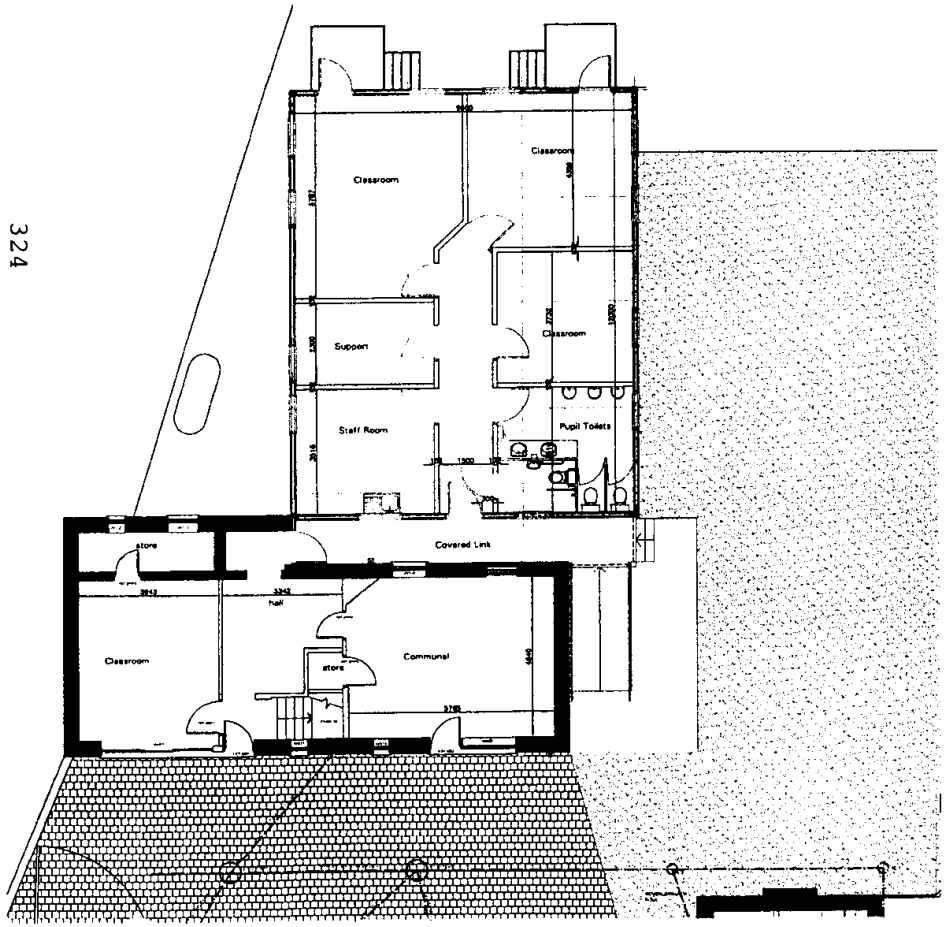
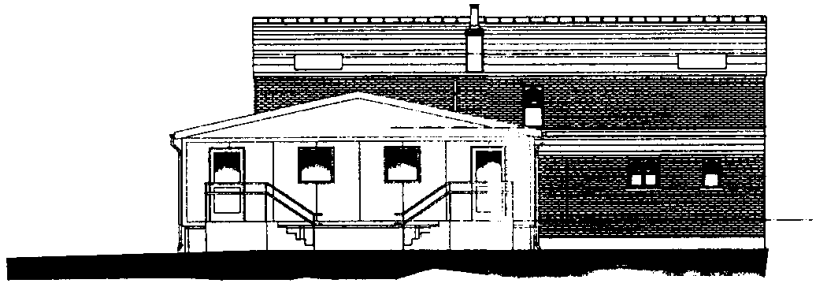
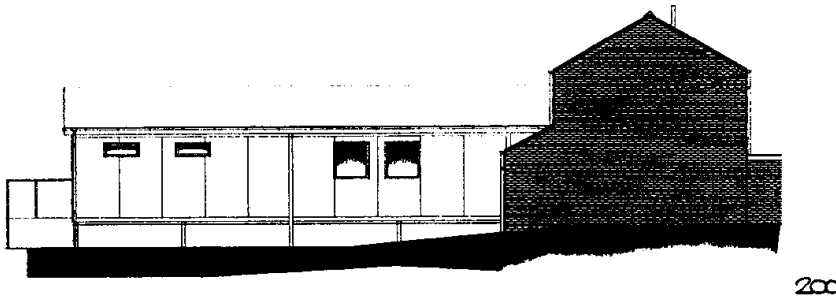


Grou Floor Plan



South West Elevation



South East Elevation

2006/1459

[redacted]

ADL architects

Client
NORTH LAKES CHILDREN'S SERVICES Ltd

Job
Proposed Temporary Classrooms for an Educational Facility Kirby Moor Hotel Brampton

Title
Proposed Education Block Plans & Elevations

Drawn ADF Approved DJF Date NOV 06

Scale 1:100

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Drawing No R03 0643-04 Rev B

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ARCHITECTURAL DESIGN

SCHEDULE A: Applications with Recommendation

07/0022

Item No: 17 Date of Committee: 09/03/2007

Appn Ref No:	**Applicant:**	**Parish:**
07/0022	Midas Vehicle Management	Stanwix Rural
Date of Receipt:	**Agent:**	**Ward:**
29/01/2007		Stanwix Rural
Location:		**Grid Reference:**
Whiteclosegate Garage, Brampton Old Road, Carlisle, CA3 0JN		341205 558050

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

Amendment:

1. Proposed signs reduced in height by 0.42 metres and made double sided.

REPORT

Reason for Determination by Committee:

This application is brought before the Development Control Committee for determination due to the receipt of four letters of objection.

Planning Policies:

Ancient Monument

Carlisle District Plan
Environment - Policy E8

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

1. The proposal reflects the scale and character of the existing group of buildings or settlement; and

2. There is no adverse effect upon the amenity of neighbouring property, and the character and appearance of the area; and

3. Satisfactory access and appropriate car parking can be achieved; and

4. Any exiting wildlife habitats are safeguarded.

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

Carlisle District Plan
Employment - Proposal EM10

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

1. There is no unacceptable adverse impact on the local landscape; and

2. There is no unacceptable adverse effect on nature conservation interests; and

3. Adequate access and appropriate parking provision can be achieved; and

4. There is no unacceptable adverse affect on the amenity of any adjacent properties.

Carlisle District Plan
Environment - Policy E48

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

1. They comply with Regulation 19 of the Advertisement Regulations; and

2. They respect the high environmental value of the Plan area; and

3 Where appropriate they complement and enhance significant areas of townscape importance.

Carlisle District Plan
Environment - Policy E25

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

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

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

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

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

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

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

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

Development will not be permitted where there is an unacceptable impact on the

Hadrian's Wall Military Zone World Heritage Site.

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

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

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

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

Summary of Consultation Responses:

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

Development Services Planning & Housing Services - Conservation/Peter Messenger: although the garage is located outwith the Tarraby Conservation Area, it is sufficiently close to require some scrutiny of any applications for alterations or additions to the garage area.

The two signs are located sufficiently distant from the boundary so as not to cause a major impact on the setting of the Conservation Area. However, the actual signs should be lowered to so that their bottom edge aligns approximately with car bonnet level to reduce the visual impact of the less attractive rear façade of these signs and their posts, which are visible above the line of the boundary hedge. The signs would then be at drivers' eye level and appropriate for the purpose without being a distraction;

Stanwix Rural Parish Council: the Parish council is aware that the applicant is agreeable to lowering the signs between 30-35cm and backing the signs with similar signs. The Parish Council accepts this approach given compliance with regulations applying to signs of this nature;

English Heritage: awaiting comments.

Summary of Representations:

Representations Received

SCHEDULE A: Applications with Recommendation

07/0022

Initial:	Consulted:	Reply Type:
[redacted] Oaklands	30/01/07	Objection
[redacted] 4 Houghton Road	30/01/07	Objection
[redacted] The Near Boot Inn	30/01/07	
[redacted] 40 Whiteclosegate	30/01/07	Objection
[redacted] Glen Eden	30/01/07	Objection

This application has been advertised by means of a site notice and notification letters sent to five neighbouring properties. In response four letters of objection have been received in response to the original plans submitted. The grounds of objection are summarised as being;

1. The proposed signage is unnecessarily large and obtrusive; and
2. Their height and prominence detract from the character of the surrounding area.

Details of Proposal/Officer Appraisal:

Planning History:

In 2006 retrospective planning permission was refused, under application 06/1122, for the change of use of the land to increase the number of vehicles allowed for sale from 10 to 40.

In 1996 planning permission was granted, under application 96/0837, for the erection of a new car sales office and implement store.

In 1995 a renewal of a temporary planning permission was granted, under application 95/0519, for the retention of a car sales office.

In 1994 planning permission was granted, under application 94/0504, for the provision of a temporary car sales offices and increase in the number of cars for sale from 6 to 10.

In 1993 planning permission was granted, under application 93/0807, for the use of the land for the sale of six cars, together with a secure night storage compound.

In 1987 advert consent was granted, under application 87/0280, for the erection of an identification and price display sign and four pump lighting units.

Details of Proposal:

The application seeks advertisement consent for the erection of two double sided pole mounted signs at Whiteclosegate Garage to advertise the sale of vehicles from the site. The petrol filling station, which is located at the junction of Houghton Road and Whiteclosegate to the north east of the city, is identified by the proposals maps that accompany the emerging Local Plan as lying outwith the settlement boundary of Carlisle. The site is also identified as lying within Hadrian's Wall World Heritage Site.

To the immediate north of the site and to the south of the site, across the main road, are residential properties. To the east and west of the site beyond the main roads is open countryside.

The proposal, as amended since first received by the signs being made double sided and reduced in height by 0.42 metres, involves the erection of two non-illuminated pole mounted signs that would be sited adjacent to either of the two vehicular entrances to the garage site, off the road that links Brampton Road with Houghton. The proposed signs would measure 2.13 metres in width by 0.91 metres and be positioned 1.18 metres above the ground. The signs, which would display the name of the business selling cars from the site, would be double sided, displaying identical information on both sides.

The relevant planning policies against which the application is required to be assessed are Policies E8, EM10, E25 and E48 of the Carlisle District Local Plan and Policies CP1, CP4, LE6 and EC17 of the Carlisle District Local Plan Redeposit Draft.

The proposals raise the following planning issues:

1. Whether The Proposed Signage Detracts From The Character Of The Area.

The proprietor has erected two unauthorised pole mounted signs at the premises and initially sought advertisement consent to regularise the existing situation. Following concerns raised by Officers regarding the potential visual impact upon the surrounding area the applicant has amended the application by reducing the height of the signs by 0.42 metres and also proposing to make the signs double sided. The purpose of making the signs double sided is so that irrespective of where the signs are viewed from their unattractive rear facade would not be visible.

In considering this application Members are reminded that the proposed signs are situated within the grounds of the petrol filling station and would not be viewed in isolation, but amongst the existing visual clutter of the filling station. The bottom edge of the proposed signs would be approximately level with the hedgerow that aligns the roadside and would, therefore, not be unduly prominent as a result of their height. The design, size and appearance of the signs are acceptable and would not detract from the appearance of the surrounding area. Members should note that the Officers principal concern regarding the unattractive rear façade of the signs has been addressed by making the signs double sided, thereby ensuring that whatever angle they are viewed from they are aesthetically acceptable. The erection of these two signs will not exacerbate the existing level of visual clutter associated with the filling station or the sale of cars from the premises.

2. The Impact Of The Proposal On The Living Conditions Of Neighbouring Residents And The Setting Of Hadrian's Wall World Heritage Site.

Whilst the proposed signage will be visible from within some of the neighbouring properties, given the distance at which these signs would be viewed and the information contained within the above paragraphs regarding their visual impact, the

signage will not detract from the living conditions of any neighbouring property by virtue of excessive scale or overdominance.

Similarly, given the location of the signage within grounds of the filling station and the associated visual clutter it cannot reasonably be argued that the signage would detract from the setting of the Hadrian's Wall World Heritage Site

In overall terms it is considered that the signage it acceptable in terms of it's siting and design. The living conditions of any neighbouring property or the setting of the World Heritage Site would not be adversely affected and, therefore, in all aspects the proposal is considered to be compliant with the objectives of the relevant adopted and emerging Development Plan policies.

Human Rights Act 1998

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";

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;

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.

Recommendation: Grant Permission

1. The consent now granted is limited to a period of five years from the date hereof.

   Reason: To accord with Regulation 13(5) of the Town and Country Planning (Control of Advertisements) Regulations 1992.

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.

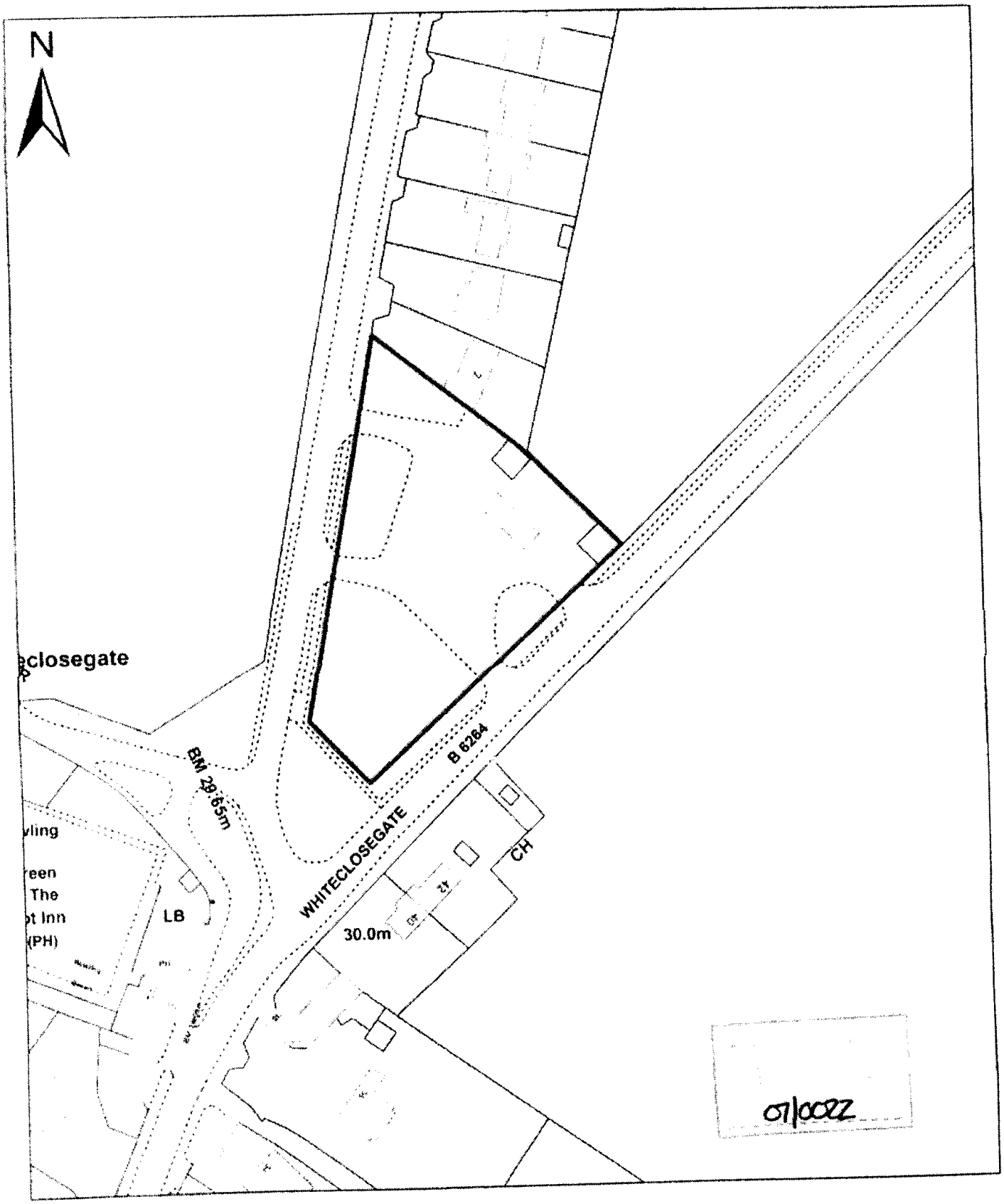
Reason: To accord with Schedule 1 of the Town and Country Planning (Control of Advertisements) Regulations 1992.

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.



Whiteclosegate Garage

Scale: 1:1,250 Date: 18/01/2007

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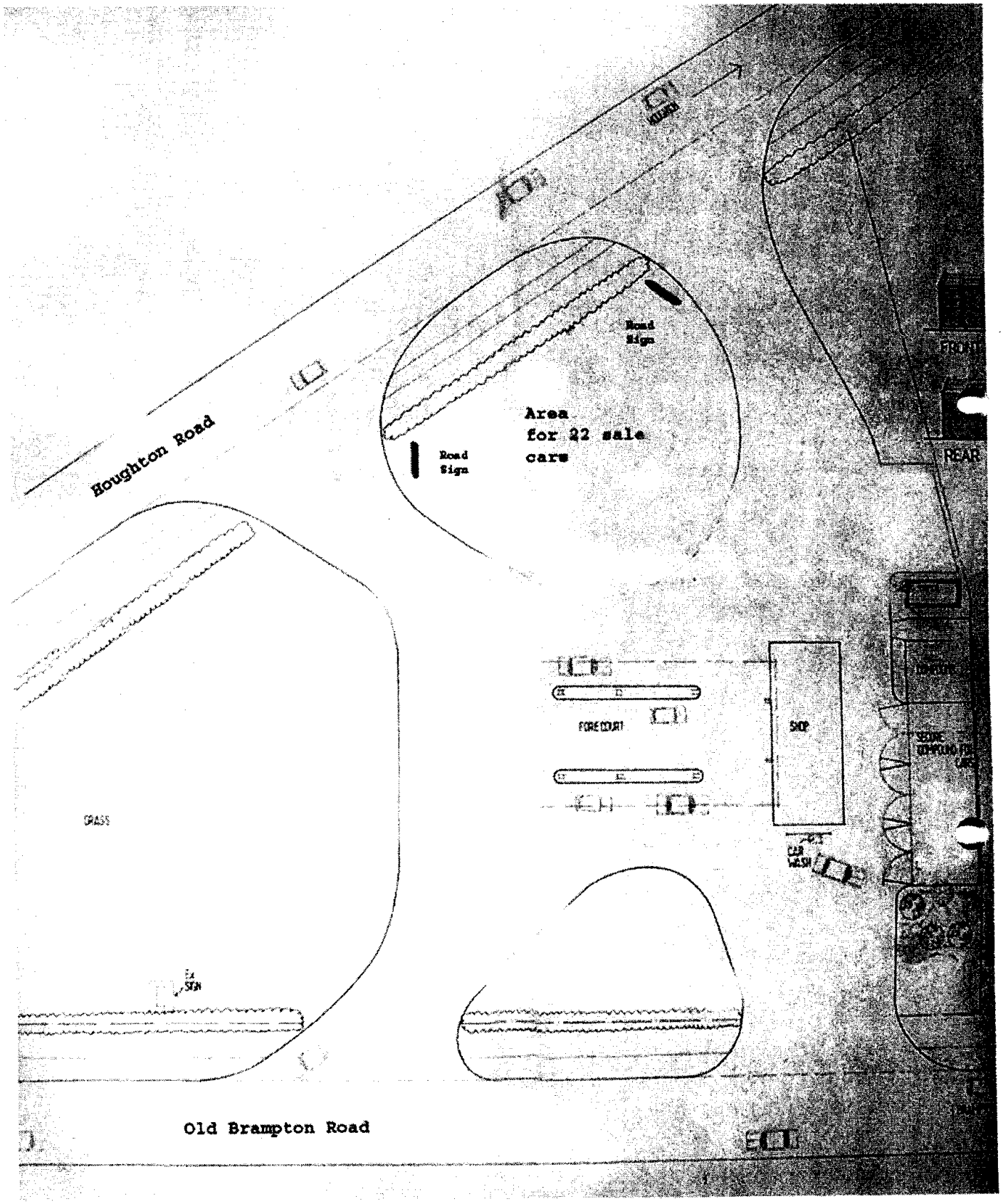
CARLISLE CITY COUNCIL
www.carlisle.gov.uk

Civic Centre
Rickergate
Carlisle
CA3 8QG



SCALE 1:500

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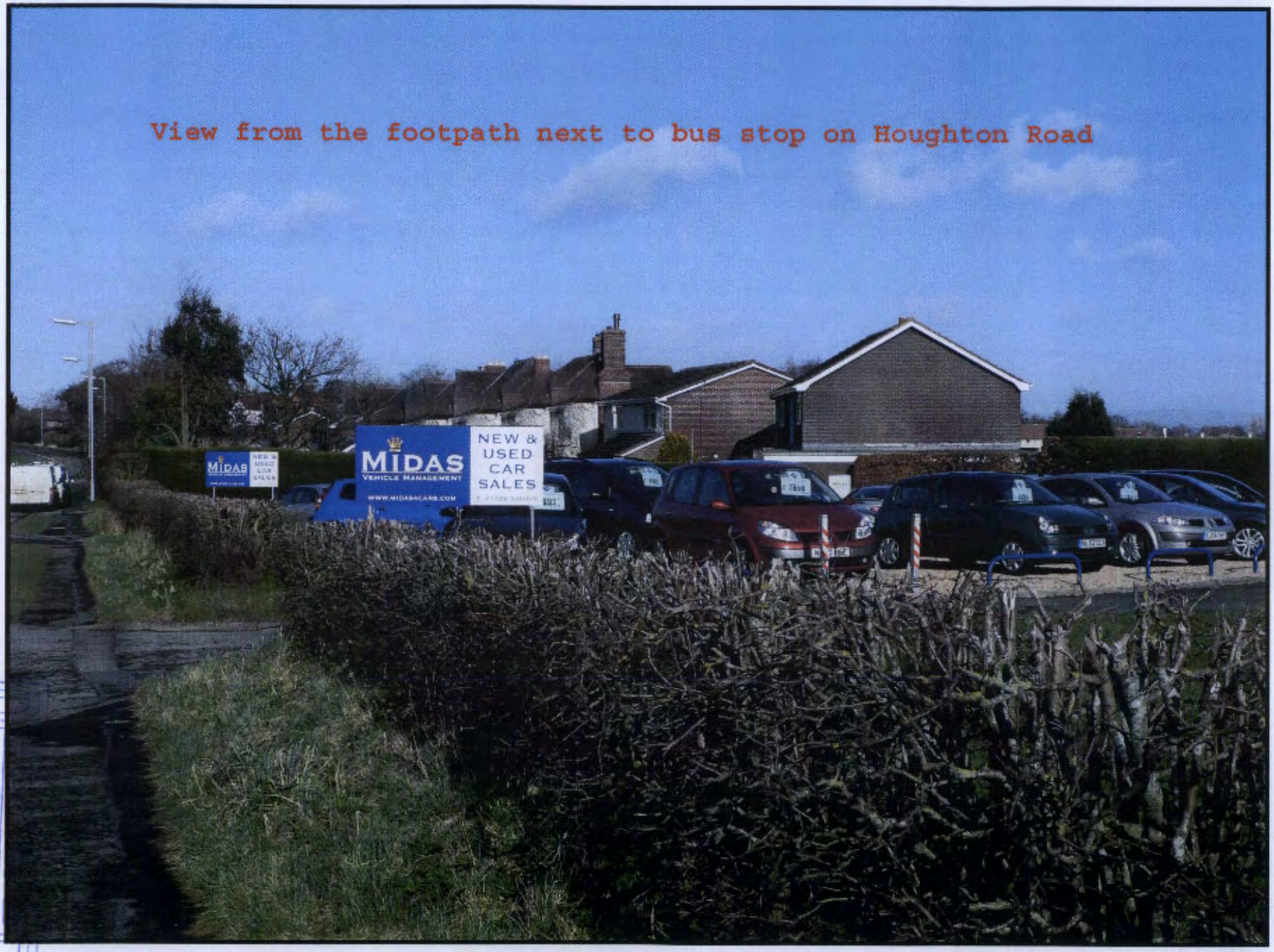

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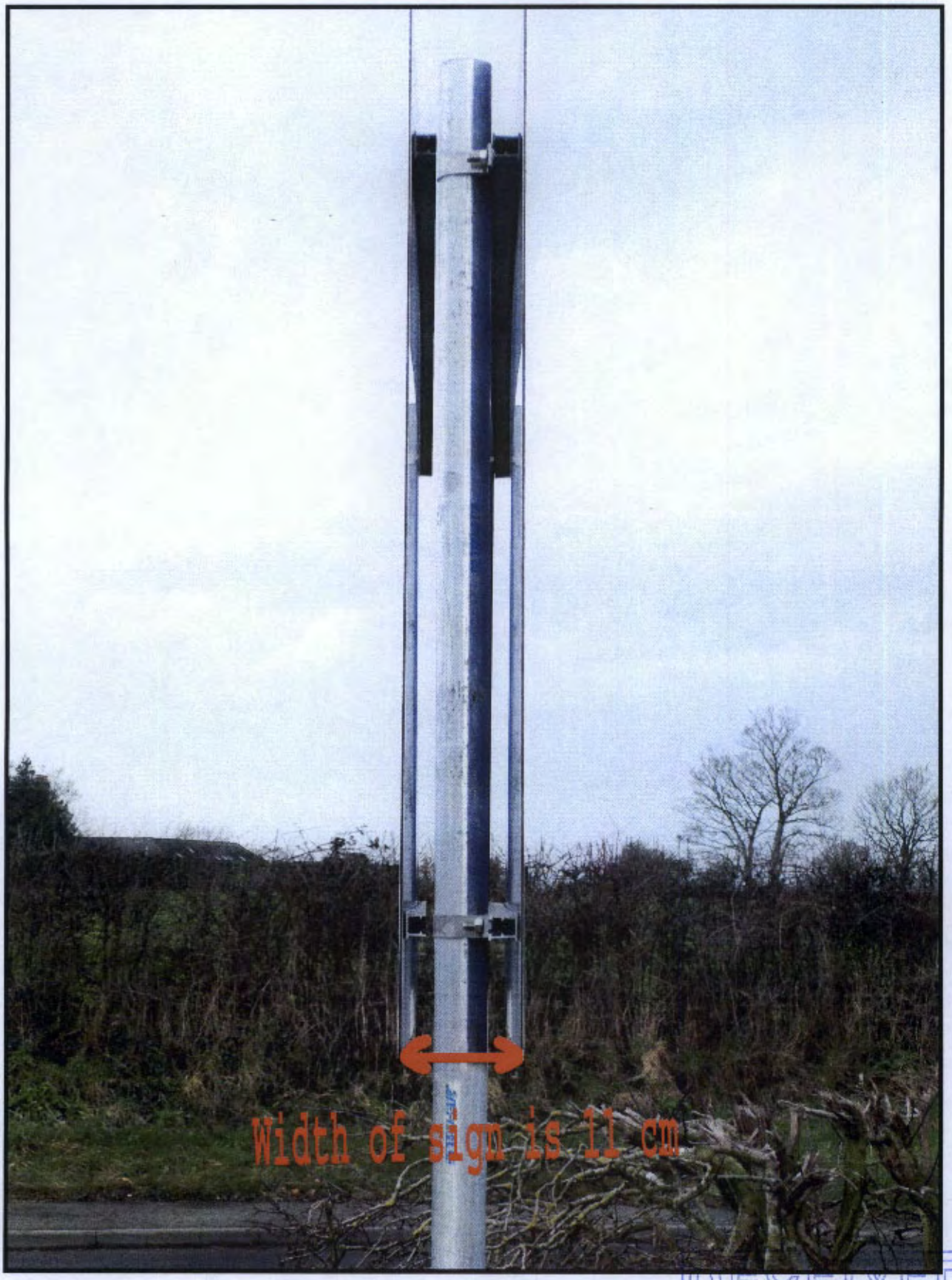
07/0022

PLEASE NOTE, BOTH SIGNS ARE IDENTICAL
IN DIMENSIONS AND DESIGN

338

16 FEB 2007
07/0022



RECEIVED
16 FEB 2007
07/0022

SCHEDULE A: Applications with Recommendation

07/0079

Item No: 18 Date of Committee: 09/03/2007

Appn Ref No:	**Applicant:**	**Parish:**
07/0079	Mr & Mrs Baty	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
05/02/2007		Stanwix Urban
Location:		**Grid Reference:**
46 Knowe Park Avenue, Stanwix, Carlisle, CA3 9EL		340181 557320

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

Amendment:

REPORT

Reason for Determination by Committee:

The application in brought for determination by Members of the Development Control Committee by virtue of the fact that the applicant is an employee of the City Council.

Planning Policies:

Carlisle District Plan
Housing - Proposal H14

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

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

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

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

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

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

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

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): no objection.

Summary of Representations:

Representations Received

Initial:		Consulted:	Reply Type:
[redacted]	44 Knowe Park Avenue	06/02/07	
	48 Knowe Park Avenue	06/02/07	
	29 Knowe Park Avenue	06/02/07	
	31 Knowe Park Avenue	06/02/07	

This application has been advertised by means of direct notification to the occupiers of 4 of the neighbouring properties. At the time of writing this report, no representations have been received.

Details of Proposal/Officer Appraisal:

Planning History:

There is no planning history associated with this property.

Details of Proposal:

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

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

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

The proposals raise the following planning issues:

1. Whether The Proposal Is Appropriate To The Dwelling

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

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

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

3. Conclusion

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

Human Rights Act 1998

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";

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;

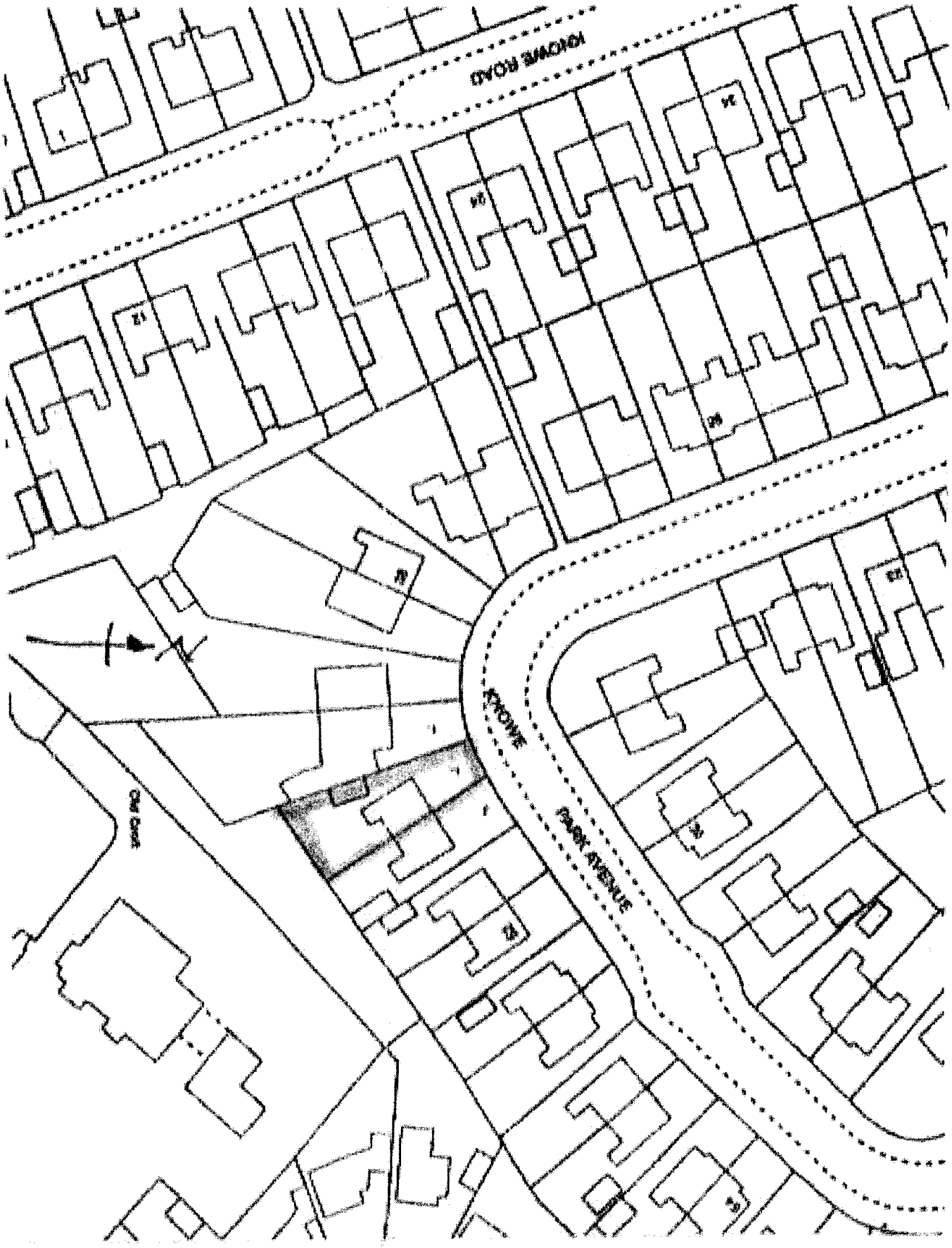
The proposal has been considered against the above but in this instance it is not considered that there is any conflict. If it was to be alleged that there was conflict it is considered not to be significant enough to warrant the refusal of permission.

Recommendation: Grant Permission

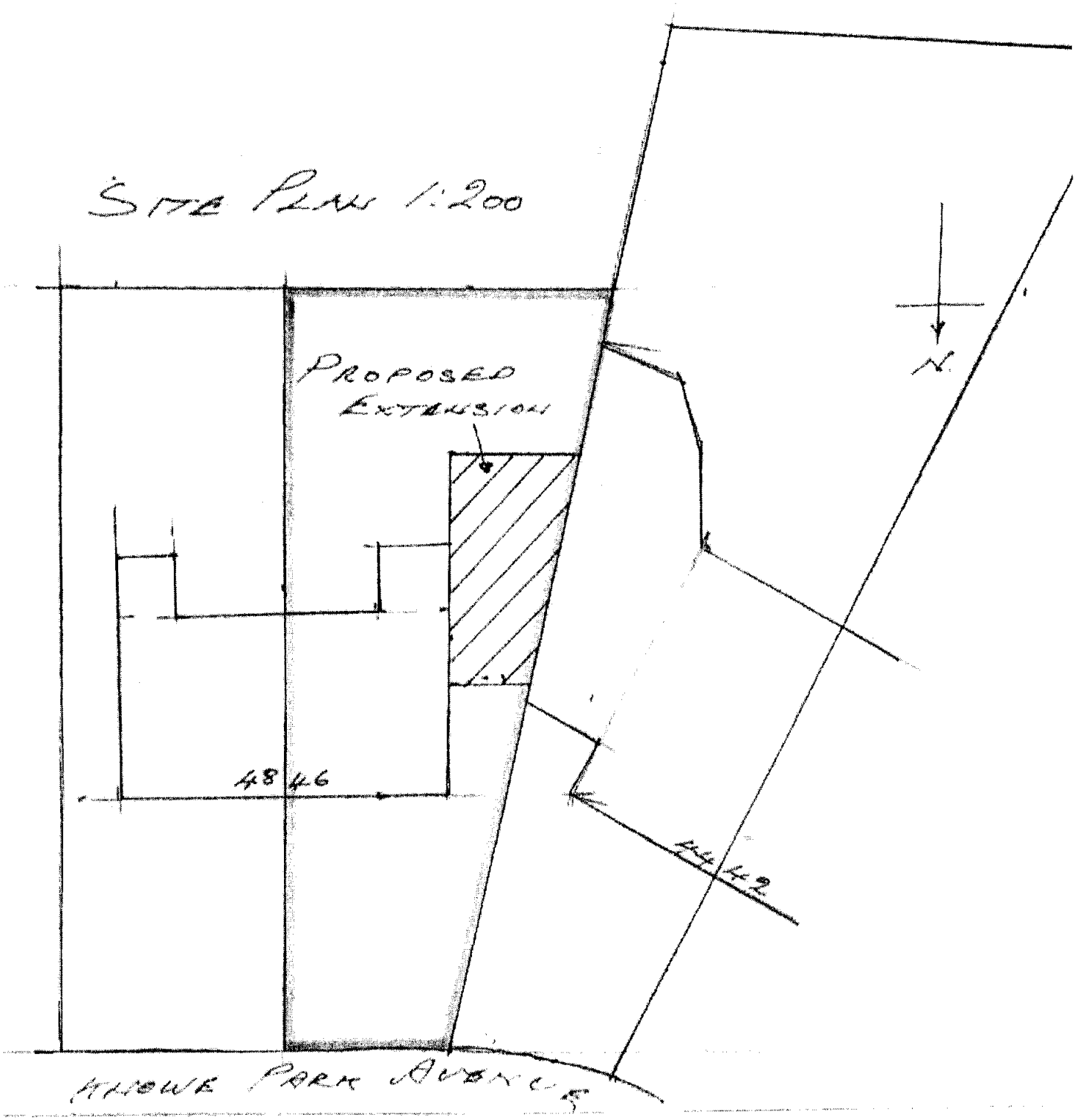
1. The development shall be begun not later than the expiration of 3 years beginning with the date of the grant of this permission.

   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).

SECTION



LOCATION PLAN 1:1250


SITE PLAN 1:200
PROPOSED EXTENSION
N.
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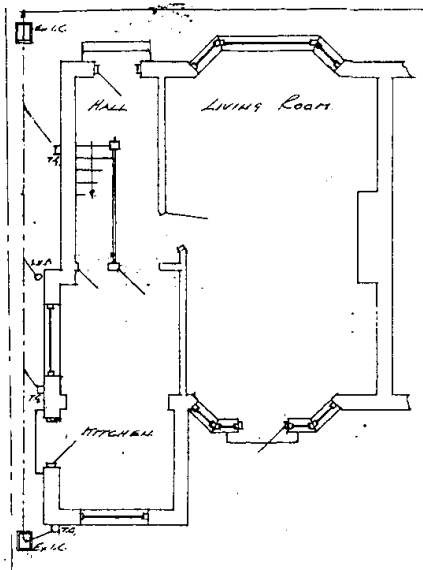
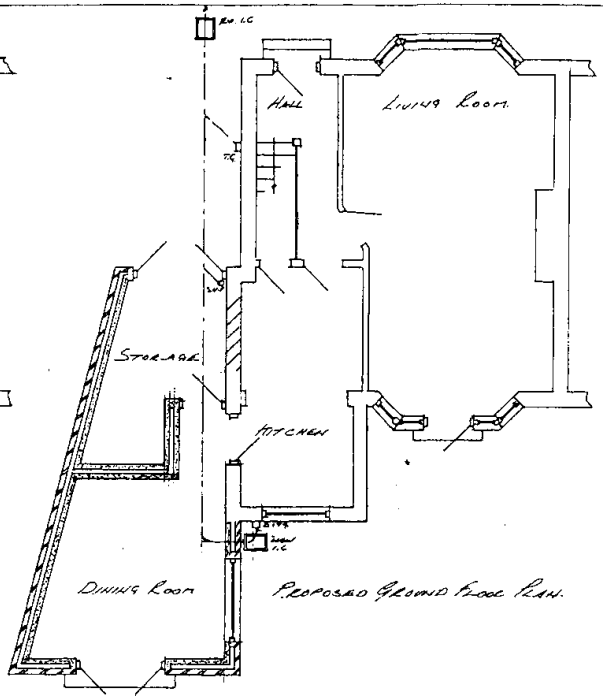
HILLSIDE PARK AVENUE



EXISTING GROUND FLOOR PLAN



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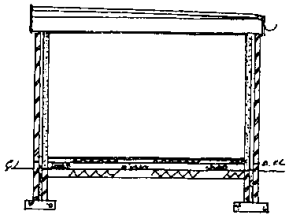

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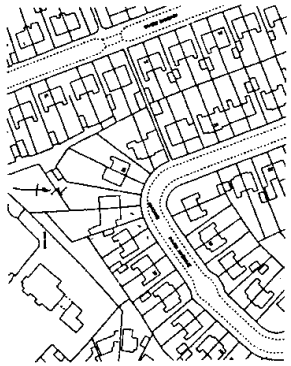

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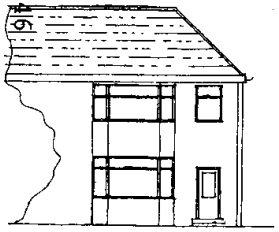

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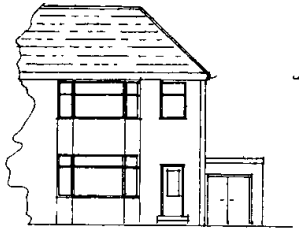

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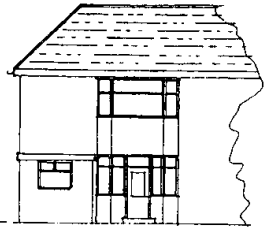

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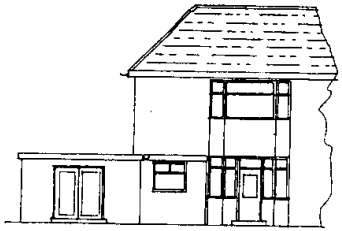
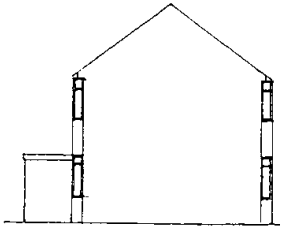


PROPOSED SOUTH ELEVATION



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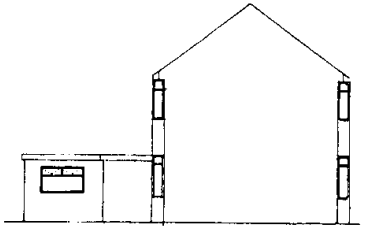

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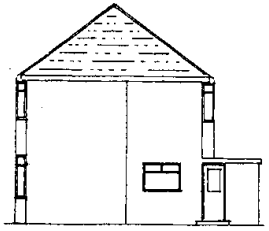

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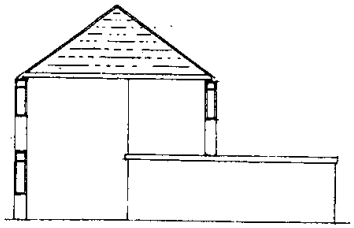

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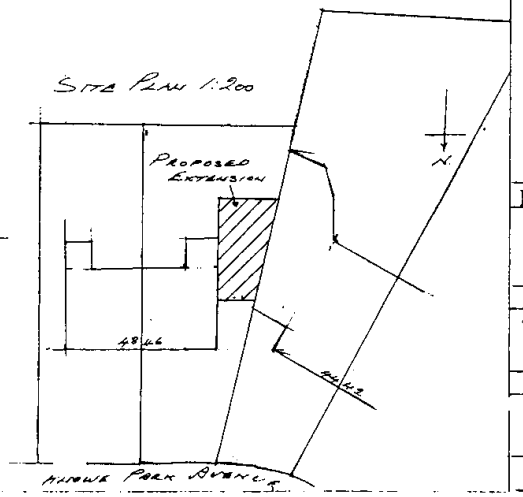


GENERAL SPECIFICATION

REPOSITION EXISTING GARDEN RETAINING WALL 2.0 MTS FROM REAR OF NEW EXTENSION

PROVIDE AND INSTALL CODE 4 LEAD FLASHING WHERE ROOF OVER NEW EXTENSION ADJOINS EXISTING BUILDINGS

ROOF CONSTRUCT NEW FLAT ROOF WITH 3 LAYER BUILT UP FELT ROFING ON 90 MM KINGSPAN THERMAROOF TR 21 ON 18 MM EXTERIOR QUALITY PLYWOOD DECKING ON TIMBERS FIRRING PIECES ON 170 MM X 44MM TIMBER JOISTS AT 400 MM CENTRES WITH PLASTERBOARD AND SKIM TO CEILING

GROUND FLOOR TO NEW EXTENSION 18MM FLOORING GRADE (MOISTURE RESISTANT)WEYROCK ON 80MM KINGSPAN INSULATION ON VAPOUR BARRIER ON 100MM CONCRETE ON 1200 GUAGE VISQUEEN DAMP PROOF MEMBRANE LINKED WITH DPC IN MAIN WALLS ON 25MM SAND BLINDING ON 100MM CONSOLIDATED HARDCORE

WALLS; EXTERNAL LEAF 100 MM FACING BRICK TO MATCH EXISTING 100MM CAVITY WITH 50MM KINGSPAN INSULATION EXTENDED 150MM BELOW DPC AND 100MM CONCRETE BLOCK INNER LEAF WITH 12.5MM PLASTERBOARD AND SKIM FINISH ,AND 205 MM TWISTED STAINLESS STEEL WALL TIES AT 400MM HORIZONTALLY AND 350MM VERTICALLY AND 225MM CENTRES TO ALL REVEALS ALL CAVITIES TO BE SEALED AT HEAD WITH CALCIUM SILICATE BOARD AND CAVITY FROM FOUNDATION TO GROUND LEVEL TO BE FILLED WITH LEAN MIXED CONCRETE TO WITHIN 250 MM OF D.P.C. WALL INSULATION TO CARRIED BELOW FLOOR INSULATION

NEW EXTENSION TIED TO EXISTING BUILDING WITH STAINLESS STEEL WALL STARTERS AND VERTICAL D.P.C LINKED WITH EXISTING AND NEW D.P.C.

FOUNDS; CONCRETE STRIP FOUNDATIONS 600MM WIDE X 150MM THICK AT MINIMUM 750 MM DEEP AND BELOW INVERT LEVEL OF ANY ADJACENT DRAINS OR PUBLIC SEWERS

DRAINS; EXISTING REDUNDANT DRAINS TO BE GRUBBED UP AND ENDS SEALED OFF WITH SLATE AND SAND AND CEMENT ALL NEW DRAINS 100MM UPVC SET ON AND SURROUNDED WITH PEA GRAVEL AND WHERE PASSING UNDER NEW EXTENSIONTO BE SUITABLY PROTECTED AGAINST DIFFERENTIAL MOVEMENT

R.W.GUTTERS TO SINGLE STORY EXTENSION TO MATCH EXISTING AND BE CONNECTED TO EXISTING R.W.P

ALL NEW EXTERNAL DOORS AND WINDOWS TO BE DOUBLE GLAZED U.P.V.C. WITH 16 MM VOID BETWEEN GLASS AND 6000 MM 2 TRICKLE VENTILATION TO NEW WINDOWS ALL GLAZED WITH ,K; QUALITY GLASS

ALL NEW DOOR AND WINDOW OPENINGS TO HAVE INSULATED CATNIC LINTOLS OVER AND HORIZONTAL AND VERTICAL D.P.C. TO SAME AND ALL REVEALS TO BE INSULATED

REMOVE EXISTINGWINDOWS WHERE INDICATED
BUILD UP OPENINGS AS SHOWN AND MAKE GOOD TO ALL SURFACES TO MATCH EXISTING

NOTES

ALL WORK TO BE CARRIED OUT IN ACCORDANCE WITH THE BUILDING REGULATIONS AND TO THE SATISFACTION OF THE LOCAL AUTHORITY.
ALL ELECTRICAL WORK REQUIRED TO MEET THE REQUIREMENTS OF PART P (ELECTRICAL SAFETY) WILL BE DESIGNED , INSTALLED, INSPECTED AND TESTED BY A PERSON COMPETENT TO DO SO. PRIOR TO THE COMPLETION OF WORKS ,THE COUNCIL WILL NEED TO BE SATISFIED THAT PART P HAS BEEN COMPLIED WITH WORKS , AND WILL REQUIRE A COPY OF AN APPROPRIATE B S 7671 ELECTRICAL INSTALLATION CERTIFICATE ISSUED BY A PERSON COMPETENT TO DO SO.ALL LIGHTING AND SOCKET OUTLET POINTS TO CLIENTS REQUEST. ALL NEW LIGHTING OUTLET POINTS TO BE ENERGY EFFICIENT FITTINGS ONLY. DESIGN AND CHOICE ,ANY NEW GLAZING LESS THAN 800 MM ABOVE FLOOR LEVEL, AND ANY GLAZING TO DOORS AND WINDOWS ADJACENT TO SAME ALL TO BE TOUGHENED SAFETY GLASS ANY NEW OR REPOSITIONED WINDOWS TO BE "K" QUALITY GLASS. EXTEND EXISTING CONVENTIONAL FLUED GAS FIRED CENTRAL HEATING SYSTEM TO NEW EXTENSION WITH ALL PIPES ADEQUATELY INSULATED AND T.R.V.S.TO ALL NEW RADIATORS

AMENDMENTS

2007/0059

DEVELOPMENT

PROPOSED STORAGE AND DINING ROOM EXTENSION

LOCATION

46 KNOWE PARK AVENUE
CARLISLE

APPLICANT

46 KNOWE PARK AVENUE
CARLISLE

SCALE 1:100 & 1:50

SCHEDULE A: Applications with Recommendation

06/0002 TEL

Item No: 19 Date of Committee: 09/03/2007

Appn Ref No:	**Applicant:**	**Parish:**
06/0002 TEL	Hutchison 3G UK Ltd	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
12/01/2007	Mono Consultants Ltd	Belle Vue

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

Grid Reference:
338797 555468

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

Amendment:

REPORT

Reason for Determination by Committee:

This application is brought for determination by Members of the Development Control Committee due to the receipt of a petition from the occupiers of neighbouring properties.

Planning Policies:

Carlisle District Plan
Environment - Policy E52

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

Carlisle District Plan
Housing - Proposal H17

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

1. Is for a use inappropriate for residential areas; and/or

2. Is of an unacceptable scale; and/or

3. Leads to an unacceptable increase in traffic or noise; and/or

4. Is visually intrusive; and/or

5. Leads to a loss of housing stock.

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

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

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

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

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

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

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

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

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

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

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

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

Summary of Consultation Responses:

SCHEDULE A: Applications with Recommendation

06/0002 TEL

Cumbria County Council - (Highway Authority): no objection.

Summary of Representations:

Representations Received

Initial:		Consulted:	Reply Type:
[redacted]	85 Wigton Road	18/01/07	
	87 Wigton Road	18/01/07	
	8 Fairfield Gardens	06/02/07	
	89 Wigton Road	18/01/07	
	91 Wigton Road	18/01/07	
	93 Wigton Road	18/01/07	
	95 Wigton Road	18/01/07	
	97 Wigton Road	18/01/07	
	102 Wigton Road	18/01/07	
	8 Wheatlands	18/01/07	
	9 Wheatlands	18/01/07	
	10 Wheatlands	18/01/07	
	1 Fairfield Gardens		
	1 Fairfield Gardens	06/02/07	
	2 Fairfield Gardens		
	2 Fairfield Gardens	06/02/07	
	3 Fairfield Gardens		
	3 Fairfield Gardens	06/02/07	
	4 Fairfield Gardens		
	4 Fairfield Gardens	06/02/07	
	5 Fairfield Gardens		
	5 Fairfield Gardens	06/02/07	
	6 Fairfield Gardens		
	6 Fairfield Gardens	06/02/07	
	7 Fairfield Gardens		
	7 Fairfield Gardens	06/02/07	
	8 Fairfield Gardens		
[redacted]	35 Mardale Road		Petition
	1 Kirkstead Close		Objection

This application has been advertised in the form of a site notice and direct notification of nineteen neighbouring properties. A petition has been received with 129 signatures however the petition does not state the reasons for objecting to the proposal. A letter has been received from the Ward Councillor supporting the petition.

Details of Proposal/Officer Appraisal:

Planning History:

The site has not previously been subject to a planning application.

Details of Proposal:

06/0002 TEL

This application seeks prior approval of the authority for the erection of a 12.5 metre high telecommunication mast and associated equipment compound at land adjacent to Somerfield and 102 Wigton Road, Carlisle. The proposed mast is located to the west of the entrance to the supermarket car park on the pavement approximately 2.5 metres from an existing lamp post. The proposed mast will be against the back drop of the supermarket car park with residential properties on the opposite side of Wigton Road, however these are on an angle to the proposed mast.

The proposal by Hutchison 3G, is for a mobile phone mast comprising a 12.5 metre high streetworks column styled 0.28 metre wide slim line monopole, accommodating 3no. antennas at the head of the mast within a glass reinforced plastic shroud. The mast would be coloured in accordance with a scheme to be agreed with the Local Planning Authority. Sited adjacent to the base of the mast would be two equipment cabinets with a cumulative cubic volume of 5.14 cubic metres. The proposed mast is designed to provide 3G mobile telephone services.

In considering this particular location it should be noted that, in accordance with PPG8, the agent acting on behalf of Hutchison 3G has submitted evidence to show that they have investigated whether there are any other feasible options instead of the proposed site. In total the agents have considered nine alternative sites, all of which have proven unsuitable for different reasons ranging from technical, operational and structural matters to their potential visual impact.

In consideration of this application Policies E52 and H17 of the Carlisle District Local Plan and Policies CP4, CP5 and EC18 of the Carlisle District Local Plan Redeposit Draft are of relevance.

Under current government guidelines and legislation in Planning Policy Guidance Note 8 (Telecommunication) (PPG8) and in Part 24 of The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2001, the principle of masts under 15 metres is acceptable and it is outlined that Local Planning Authorities must assess prior notification applications, and can only refuse such applications, in respect of its siting and appearance.

It is considered that this site is the most appropriate for the proposal given the limited availability of sites in the location and the characteristics of the chosen site in reducing its visual impact. In this particular location there are a number of street lighting columns situated along the street. It is acknowledged that the mast will visible, to some extent, from within some of the nearby residential properties. However, whilst the mast proposed by this application may be visible from within some private properties, on balance, it is not considered to be intrusive to residents because of its design and, to a lesser extent, the position of the mast in relation to these properties.

Whilst there will undoubtedly be some visible impact on neighbouring properties, as a result of its presence, and upon the appearance of the street scene it is not considered that the mast would have such an impact to warrant refusal of the application on the grounds of its siting and appearance. Therefore, on balance, for the reasons already identified it is considered that the proposed siting of this mast is considered to be the best possible option available.

Verbal concerns have been raised regarding the perceived health risks. However, it should be noted that Paragraph 30 of PPG8 states that "*it is the Government's firm view that the planning system is not the place for determining health safeguards. It remains central Government's responsibility to decide what measures are necessary to protect public health. In the Government's view, if a proposed mobile phone base station meets the International Commission on Non-Ionizing Radiation Protection (ICNIRP) guidelines for public exposure it should not be necessary for a Local Planning Authority, in processing an application or prior approval, to consider further health aspects and concerns about them*". Hutchison 3G have submitted a declaration stating that the proposal is in full compliance with the ICNIRP public exposure guidelines and, therefore, it will be noted that in accordance with the advice of paragraph 30 of PPG8 it should not be necessary to consider further the health effects of the proposal and concerns about them.

In conclusion, it is considered that the mast in the proposed location is necessary for coverage in this area and the applicants have provided satisfactory evidence, which demonstrates that there is not a more suitable alternative available. In accordance with PPG8 it would be unreasonable to refuse the application on the basis of the perceived health risks. The siting of the mast is deemed to be acceptable in terms of its position and the proposed design. It is not considered that the mast will have a significant adverse impact upon the amenity of local residents or the visual amenities of the surrounding area and is similar to other similar developments that have been approved elsewhere within the District. In all aspects the proposals are considered to be compliant with the objectives of the relevant adopted and emerging Development Plan policies.

Human Rights Act 1998

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";

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;

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.

Recommendation: Determination - Approved + add. conds.

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

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

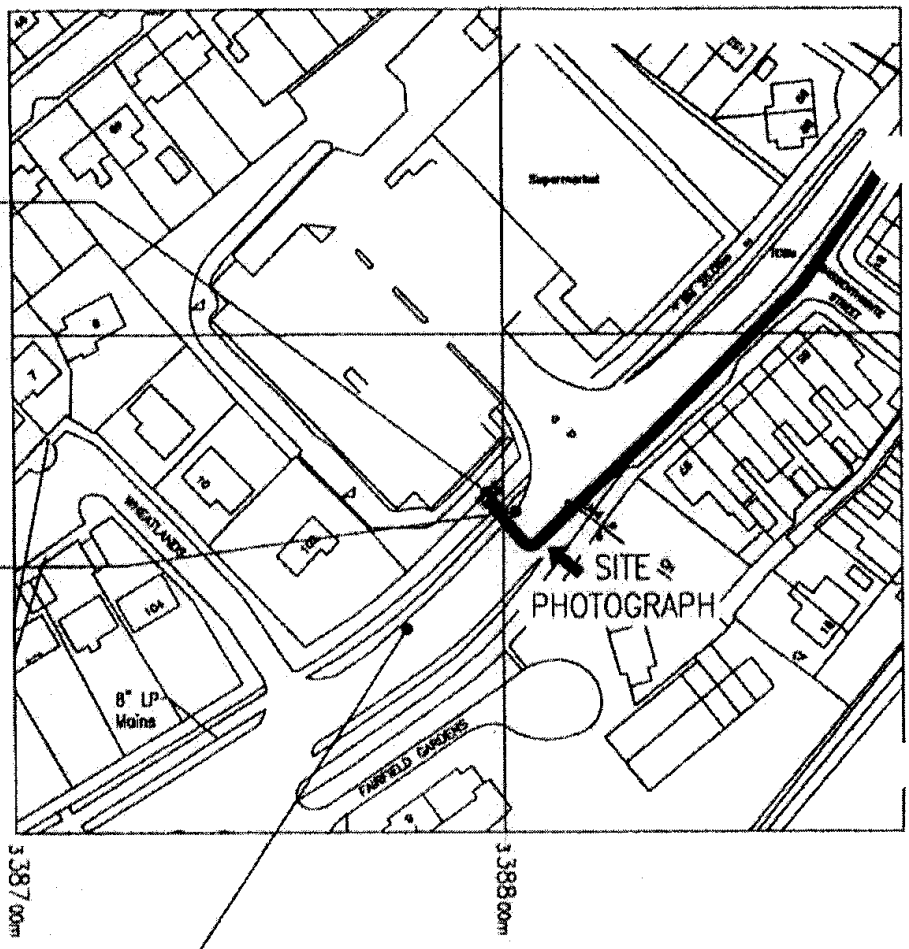
2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2001, (or any Order revoking and re-enacting that Order), no additional dishes or antennas shall be installed on the telecommunications mast hereby approved without the prior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

   Reason: To prevent the proliferation of antennas/dishes whose external appearance or siting may be detrimental to the visual amenities of the surrounding area in accordance with Policy E52 of the Carlisle District Local Plan and Policy EC18 Carlisle District Local Plan 2001-2016 Redeposit Draft.

SITE LOCATION

PROPOSED POWER ROUTE

H3G CONTRACTORS ACCESS & MAINTENANCE



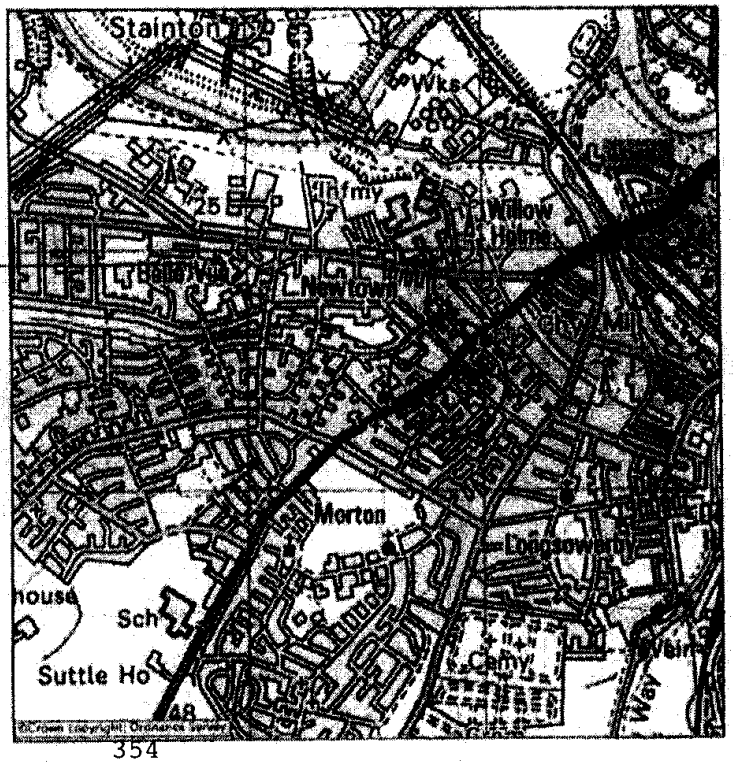
SITE LOCATION

Ordnance Survey map extract

O.S. co-ordinates E338799,N555470

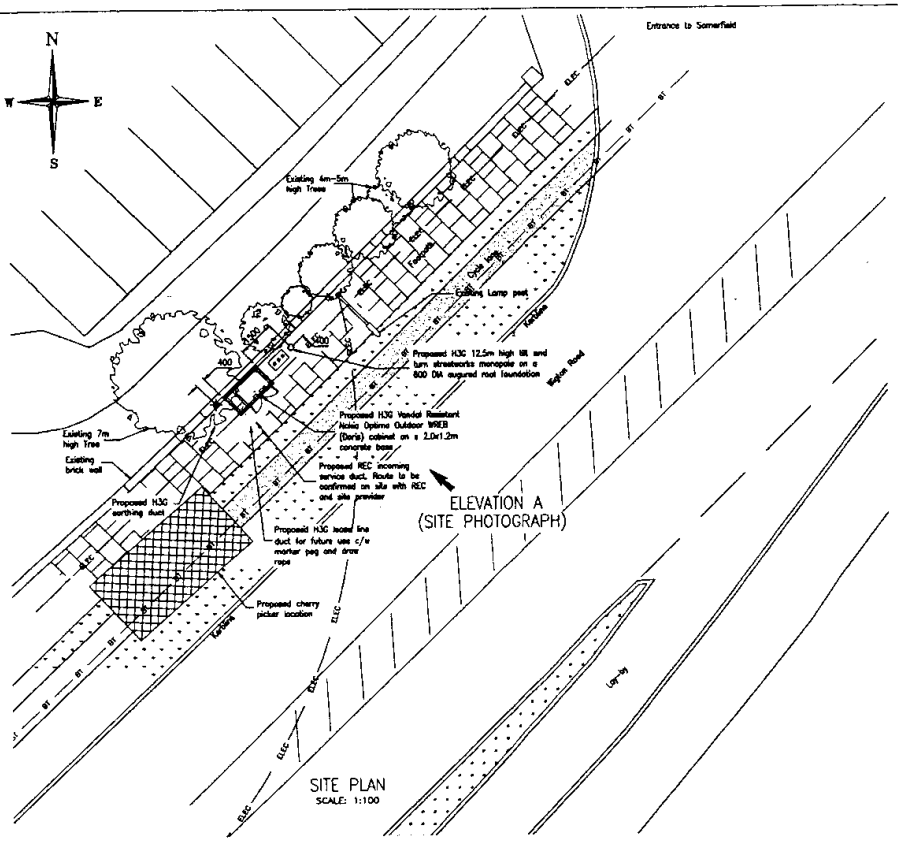
Based upon Ordnance Survey at 1:1250 with the permission of the Controller of Her Majesty's Stationery Office. Crown copyright. Licence No. 100020449

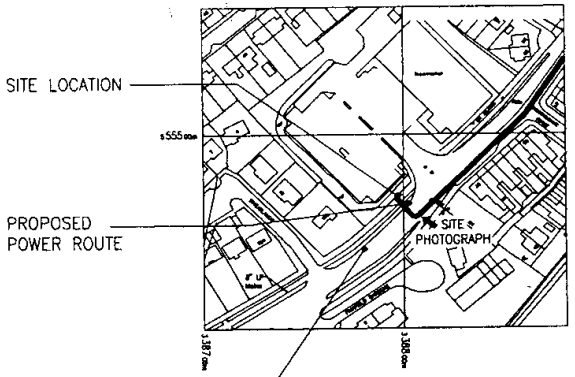
SITE LOCATION

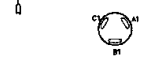


AN

GENERAL LOCATION PLAN

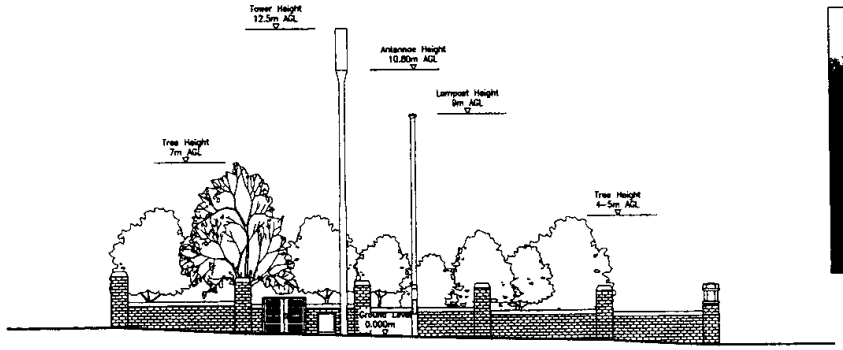






TOWER DETAIL PLAN
SCALE: 1:20

GENERAL LOCATION PLAN



PROPOSED ELEVATION A
SCALE 1:100

SITE PHOTOGRAPH – ELEVATION A

This site is designed to be in full compliance with the requirements of the radio frequency (RF) public exposure guidelines of the International Commission on Non-Ionising Radiation Protection (ICNIRP), as expressed in EU Council recommendation of 12 July 1999 "on the limitation of exposure of the general public to electromagnetic fields (0 Hz to 300 GHz)".

NOTE:
THE USE OF COLOURED LINES ON THIS DRAWING REPRESENTS PROPOSED WORKS AND NOT THE COLOURS OF H3G'S EQUIPMENT.

	APPROVED	REJECTED	DATE	KPI SCORE
CAD				
PLANNING				
ACQUISITION				
IMPLEMENTATION				
NETWORK				

LEGEND

- MH
- Safety Sign
- Proposed External Light
- Proposed Earth Pit
- Proposed Power Route
- Existing Power
- Existing Water
- Existing BT
- Existing Overhead Cables
- Existing Wooden Fence
- Proposed Access Track
- Proposed Gravel Area
- Proposed Cable Tray
- Proposed Cherry Picker Location
- Contractor and Maintenance access to site

NOTES
1.1 Do not scale.
1.2 All dimensions are in mm unless otherwise specified.
1.3 Assume all site details are existing unless otherwise specified.

PROPOSED HUTCHISON 3G EQUIPMENT

Proposed Cabin/Cabinet Details
Hutchison Ref:- Vandal Resistant Nokia Optimo Compact Outdoor WREB Node B (Doris) Cabinet
Dimensions:-1750x1500x950mm
Colour:- Grey

Proposed Site Access /Route
From Glasgow city centre head east on the M8 towards Edinburgh and at Junction 8 head south on the M73. Turn left at Junction 1 heading south on the M74 and follow onto A74(M). At Junction 44 turn right at the roundabout onto the A7 towards Carlisle. At the roundabout turn right onto the A595 (Carlisle Way) where the road changes to Bridge Street, continue over the bridge (railway & river). The road changes to Wigton Road and the site is located on the right hand side adjacent to Somerfield Car Park

Proposed Tower Details
Height:-12.5m
Type:-TIR & Turn Streetworks Monopole
Hutchison Ref:-H/A
Colour:-Galvanised

Proposed Transmission Details

No.	Size	Hgt	Type	Orientation	Feeder lgth
DRL 1	LEASED LINE				
DRL 2					
DRL 3					
DRL 4					
DRL 5					
DRL 6					
DRL 7					
DRL 8					

(Height is measured to centre of dish)

Proposed Antenna Details

No.	Size	Hgt	Type	Orientation	Feeder lgth	Type
A1	1700	10800	PCTEL	60°	15m	AWA 5-50
B1	1700	10800	PCTEL	180°	15m	AWA 5-50
C1	1700	10800	PCTEL	320°	15m	AWA 5-50

(Antenna height is measured to base of antenna)
(Feeder lengths from Cabin/Cabinet to each antenna)
T after Antenna Type denotes Top fed reqd.
If no letter, then Bottom fed as standard.

REV	DATE	DESCRIPTION	DRN	CHK	APP
D	25.06.07	DRL removed	KD	RM	MNH
C	23.11.06	Antennae type changed	KD	AJ	MNH

Hutchison 3G UK Limited
Hutchison House, 5 Hester Road, Battersea, London, SW11 4AN
Tel: 0870 700 070
Fax: 0870 700 071
HSE Base Station Information Line: 0845 456 0000
Available 8am-6pm Monday to Friday

CLARKE TELECOM
Head Office: Power House, Bowdon Road, Trade Boundary Road, Newton Aycliffe Park, Liverpool, L27 9QD
Tel: 0151 486 6666 Fax: 0151 487 1000
Site Installation Department

Shireconsulting
The Depot, Brewery Hill Road, Trowbridge, Wiltshire, BA14 8RZ
Tel: 01225 760833 Fax: 01225 760834
Site Installation Division

Site: WIGTON ROAD STREETWORKS
CARLISLE
CA2 7ER

Title: PLANNING DRAWING

Purpose of Issue: PLANNING

Drawing no: 00227617-101

Site id: 00227617

Hardhat No: CA0091

Issued: D | Scale: AS SHOWN | Checked: AJ | Date: 23.11.06 | Drawn: MNH | Approved: NMH | Date: 23.11.06

Consultant ref no:

ORIGINAL SIZE = A1

THIS DRAWING IS THE PROPERTY OF HUTCHISON 3G & MUST NOT BE COPIED, TRACED OR REPRODUCED WITHOUT THEIR WRITTEN CONSENT.

SCHEDULE B

SCHEDULE B

SCHEDULE B

SCHEDULE B

SCHEDULE B

SCHEDULE B

SCHEDULE B

Item No: 20 Date of Committee: 09/03/2007

Appn Ref No:	**Applicant:**	**Parish:**
07/0103	A P & J Brown	Wetheral
Date of Receipt:	**Agent:**	**Ward:**
12/02/2007	Johnston & Wright	Wetheral
Location:		**Grid Reference:**
Killoran Hotel, The Green, Wetheral, Carlisle, CA4 8ET		346700 554400

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

Amendment:

REPORT

Reason for Determination by Committee:

In the light of the history of the site and in anticipation of the receipt of observations from interested parties.

Planning Policies:

Carlisle District Plan
Environment - Policy E18

Trees which contribute to amenity, and are under threat, will in appropriate cases, be protected by means of Tree Preservation Orders, or conditions attached to planning permissions.

Carlisle District Plan
Environment - Policy E22

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

an adequate subsoil drainage system.

Carlisle District Plan
Environment - Policy E43

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

Carlisle District Plan
Transport - Proposal T7

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

1. The Parking Guidelines for Cumbria as detailed in Appendix 2;

2. The availability of public car parking in the vicinity;

3. The impact of parking provision on the environment of the surrounding area;

4. The likely impact on the surrounding road network; and

5. Accessibility by and availability of other forms of transport.

Carlisle District Plan
Housing - Proposal H5

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

1. The site is well related to the landscape of the area and does not intrude into open countryside; and

2. The scale of the proposed development is well related to the scale, form and character of the existing settlement; and

3. The layout of the site and the design of the buildings is well related to existing property in the village; and

4. The siting and design of the buildings is well related to and does not adversely affect the amenity of neighbouring property; and

5. Appropriate access and parking can be achieved; and

6. The proposal will not lead to the loss of amenity open space within or at the edge of the settlement; and

7. The proposal will not lead to the loss of the best and most versatile agricultural land.

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

Carlisle District Plan
Housing - Proposal H16

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

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

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

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

uses, nor result in unacceptable standards for future users and occupiers of the development.

6. Ensure where possible the retention of existing trees, shrubs, hedges and other wildlife habitats and the replacement of any environmental feature lost to development
7. Recognise that landscaping schemes (both hard and soft) will be required to assist in integrating new development into existing areas and ensure that development on the edge of settlements is fully integrated into its surroundings.
8. Ensure that the necessary services and drainage infrastructure can be incorporated without causing unacceptable harm to retained features.
9. Through layout and design, encourage the promotion of energy and water conservation by its future occupiers, the incorporation of sustainable forms of energy production within the overall design should also be explored where appropriate
10. Have a layout and design which minimises the potential for crime and antisocial behaviour.

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

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

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

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

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft
Core Development Policies - Policy CP6 - Use of Traditional Materials

In order to sustain the local environment consideration will be given to locally sourced traditional materials to maintain the local character of buildings and their environment.

Within conservation areas the City Council will seek to ensure that existing traditional materials are reinstated following repairs to roads, pavements, kerbs and underground services.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft

Core Development Policies - Policy CP8 Development Energy Conservation and Efficiency

Development proposals should take into account the need for energy conservation and efficiency in their design, layout and choice of materials. The principles should be introduced in the early stages of the design process in order to consider the orientation of buildings to maximise solar gain coupled with high levels of insulation to reduce heating costs. The efficient and effective use of land, including the reuse of existing buildings and the use of environmentally sustainable materials should also be encouraged. Landscaping schemes also may be used to shelter buildings in exposed positions to reduce heat loss.

These elements will contribute to the energy efficiency of a new development. Developers should also consider the possible incorporation of photovoltaic cells, active solar panels and other small-scale sources of renewable energy. Consideration should be given to recycled materials, waste minimisation and recycling measures within the design.

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

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

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

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

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

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft
Development Principles - Policy DP1 - Sustainable Development Locations

All proposals for development will be assessed against their ability to promote sustainable development. Proposals will be considered favourably in the following locations, provided they are in scale with their location and consistent with other Policies of this Local Plan.

Urban Area	City of Carlisle
Key Service Centres	Brampton Longtown

Local Service Centres	Burgh by Sands	Heads Nook
	Castle Carrock	Houghton
	Cummersdale	Irthington
	Cumwhinton	Raughton Head
	Dalston	Rockcliffe
	Gilsland	Scotby
	Great Corby	Smithfield
	Great Orton	Thurstonfield
	Hallbankgate	Warwick Bridge
	Hayton	Wetheral

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

Settlement Boundaries have been established on the Proposals Map to recognise the extent of built development or where planning permission already exists to judge proposals for development and are not indicative of land ownership

Outside these locations development will be assessed against the needs to be in the location specified.

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

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

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

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

of the settlement; and
7. the proposal will not lead to the loss of the best and most versatile agricultural land.

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

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

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

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

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Local Environment - Policy LE18 - Demolition of Unlisted Buildings in Conservation Areas

There will be a general presumption in favour of the retention of buildings which make a positive contribution to the character or appearance of a conservation area. Applications for conservation area consent for the total demolition of unlisted buildings in conservation areas will be assessed against the following criteria:

1. the contribution of the building to the landscape/townscape; and
2. the structural condition of the building; and
3. the suitability of the building for its existing, proposed or any other use; and
4. the cost of repair; and
5. the contribution which the demolition/ redevelopment would make to broader conservation objectives.
6 the inclusion of any building on a local list as defined in policy LE17

All proposals for demolition must be accompanied by details of redevelopment, which will normally be secured by means of a legal agreement.

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

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

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

1. the development should preserve or enhance all features which contribute positively to the area's character or appearance, in particular the design, massing and height of the building should closely relate to adjacent buildings and should not have an unacceptable impact on the townscape or landscape;
2. The development should not have an unacceptable impact on the historic street pattens and morphology, roofscape, skyline and setting of the conservation area, important open spaces or significant views into, out of and within the area;
3. development proposals should not result in the amalgamation or redrawing of boundaries between traditional buildings and plots, or demolition and redevelopment behind retained facades;
4. wherever practicable traditional local materials such as brick, stone and slate should be used and incongruous materials should be avoided;
5. individual features both on buildings and contributing to their setting, should be retained e.g. doorways, windows, shopfronts, garden walls, railings, cobbled or flagged forecourts, sandstone kerbs, trees and hedges, etc. Where features have deteriorated to the extent to which they have to be replaced, the replacement should match the original;
6 proposals which would generate a significant increase in traffic movements and heavy vehicles or excessive parking demands will not be permitted since these would be prejudicial to amenity;
7 proposals which would require substantial car parking and servicing areas which can not be provided without an adverse effect on the site and its surroundings will not be permitted.

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): Comments awaited.

Cumbria Constabulary - Crime Prevention: Comments awaited.

Planning & Housing Services - Conservation/Richard Majewicz: Comments awaited.

Wetheral Parish Council: Comments awaited.

Summary of Representations:

Representations Received

Initial:		Consulted:	Reply Type:
[redacted]	Rivermead Cottage	15/02/07	
	Eden Heights	15/02/07	
	Oak Bank	15/02/07	
	Eden Mount	15/02/07	
	Stable Corner	15/02/07	
	Croft Villa	15/02/07	
	Orchard Cottage	15/02/07	
	Over Eden Wood	15/02/07	
	Eden Grange	15/02/07	
	1 The Gables	15/02/07	
	2 The Gables	15/02/07	
	3 The Gables	15/02/07	
	4 The Gables	15/02/07	

Details of Proposal/Officer Appraisal:

Planning History:

The Killoran (originally known as Oak Bank) was built in 1869 as the family residence of John Scott JP who also created the garden.

In 1974, under application reference number 74/0659, planning permission was given for the change of use from a dwelling to a hotel. The building itself has subsequently been subject to relatively minor applications involving such matters as the installation of signage, an entrance hall and the creation of a basement function room.

In relation to the curtilage of the Killoran there have been a number of applications which have culminated in the erection of two dwellings and four flats referred to as Eden Heights, Oak Bank and The Gables respectively, approved under application ref nos. 87/0313, 87/0876 and 90/0866.

In June 1997 application ref no. 96/0970 planning permission was refused for the erection of four holiday units. The subsequent appeal was, however, upheld following a public inquiry.

In 1999, application 99/0357, planning permission was given for a revised proposal relating to the erection of four holiday units.

In 2004, application 04/0636, planning permission was given for alterations to form 7no. apartments, together with amendments to proposed holiday flats to form 4 no. apartments.

Details of Proposal:

The Killoran Hotel is a substantial building with red sandstone walls and a slate roof lying on the eastern side of The Green within the heart of the Wetheral Conservation Area.

In 2004, under application 04/0636, permission was given for a scheme which involved: a) revising the scheme originally upheld at appeal under application ref no 96/0970 and subsequently amended under 99/0357 by altering the design and nature of occupation of the holiday flats to form four apartments; and, b) converting the hotel to form seven apartments. The new build comprising the four apartments were subsequently constructed with Furness Newbury blend bricks, second hand natural slate roofs, and, sliding sash timber windows with a paint finish.

The layout plan approved under application 04/0636 showed the felling of a single tree within the grounds and the provision of a total of 20 parking spaces based around three main blocks.

The current application seeks permission to revise the scheme approved under 04/0636 by enlarging the accommodation associated with units 4 and 5; the demolition of a conservatory and its replacement by a two storey extension to serve units 3 and 6; and, to form a roof terrace to serve unit 7. The submitted plans also show alterations to an existing bay window serving unit 7, alterations to the access including recessed metal gates, and, the reinstatement of railings along the road frontage. A Design and Access Statement and a Tree Report accompany the application. The applicant has also submitted a letter confirming that the intention is to construct the proposed two-storey extension using St Bees red ashlars sandstone.

In the context of the extant permission granted under 04/0636 it is considered that the main issues relate to: a) the impact on the character of Wetheral Conservation Area; b) impact on existing trees within the grounds; c) the living conditions of neighbouring residents; and, d) highway safety.

In relation to a) it is considered that the proposed external alterations are sympathetic to the character of the existing building. The proposed internal works also seek to retain any features of note. The reinstatement of the railings should also represent an enhancement to the Conservation Area. Members should be aware that English Heritage are presently assessing whether the property should become a Listed Building.

When considering the living conditions of the neighbouring residents, the main impact is with regard to the proposed two-storey extension and its relationship to the existing apartments at The Gables. The submitted plans show that the gable end of the proposed extension and the end wall of The Gables to be 11.7 metres apart. This is in the context where The Gables is at a lower level to The Killoran albeit that the distance apart is as the current situation. It is, nevertheless, considered that the proposal (in terms of outlook, overshadowing and any sense of enclosure) should not exacerbate the existing situation sufficient to merit the refusal of permission. In regard to any losses in privacy, the end wall of The Gables has an entrance door and three sets of windows including what appears to be a first floor window serving a bedroom. The first floor kitchen window of unit 6 in the proposed extension is offset to The Gables with any line of sight to the nearest window at a 30-degree angle approximately 14.4 metres away. The submitted plans also show the provision of the kitchen sink and work top in front of the window thus physically restricting any ability to peer out. It is, nonetheless, recognised that the internal layout of unit 6 may alter in the future depending on the desires of any future occupiers.

At the time of preparing the report the comments of the City Council's Landscape Officer and the Highways Authority are awaited.

On the basis that no objections are received in the intervening period the proposal will be recommended for approval.

OTHER MATTERS

The occupiers of Eden Heights appear to have a "right of access" which the submitted layout plan, as already implemented, does not appear to be harmed.

Human Rights Act 1998

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";

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;

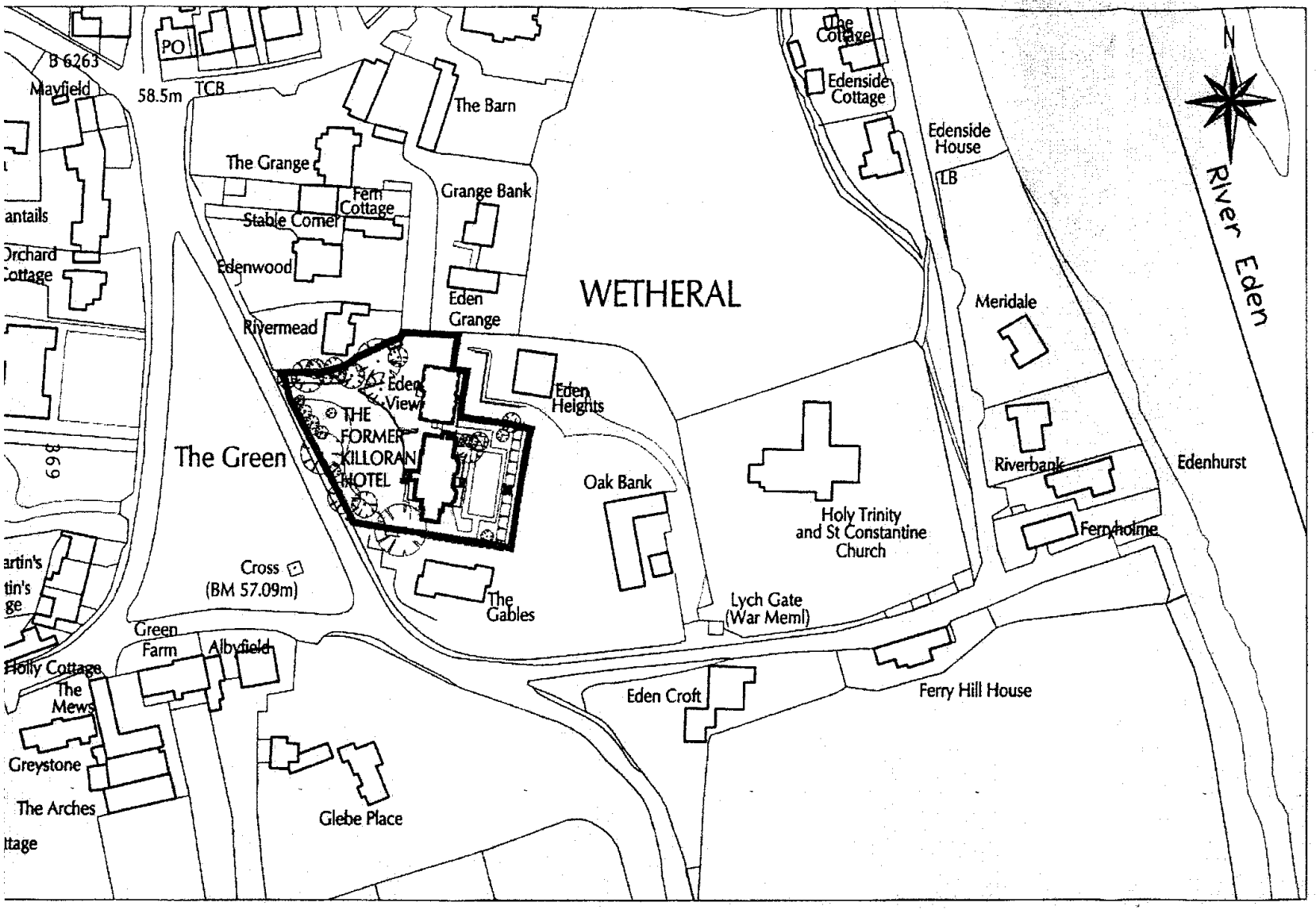
SCHEDULE B: Reports Requiring Further Information

07/0103

Recommendation:

Reason for including report in Schedule B

The observations of interested parties are awaited.



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2007/0103

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31.01.07 PLANNING APPLICATION DRAWING

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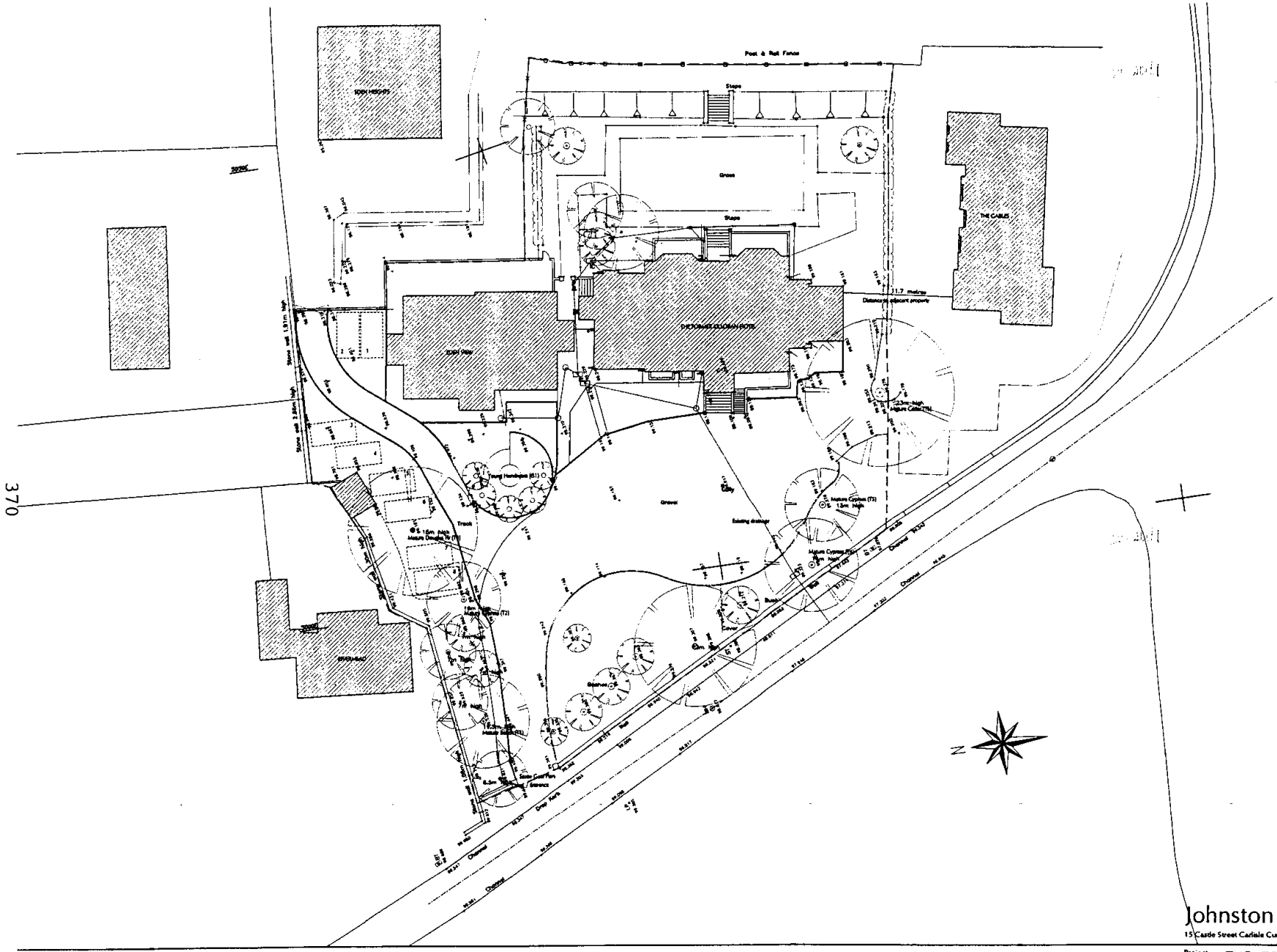
e-mail jw@jwarchitects.co.uk

Project The Former Killoran Hotel, Wetheral: Revised Proposals: Location Plan

Scale 1:1250 Date nf Drawn 10.12.06 Number 11250-01-018



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Project THE FORMER KILLORAN HOTEL
WETHERAL; for A.P. & J. BROWN Ltd

Drawing CONVERSION TO FLATS PHASE 2:
Site Plan: As Existing

Scale 1:200 Date 08.12.06 Drawn nf Number 0-01-02A

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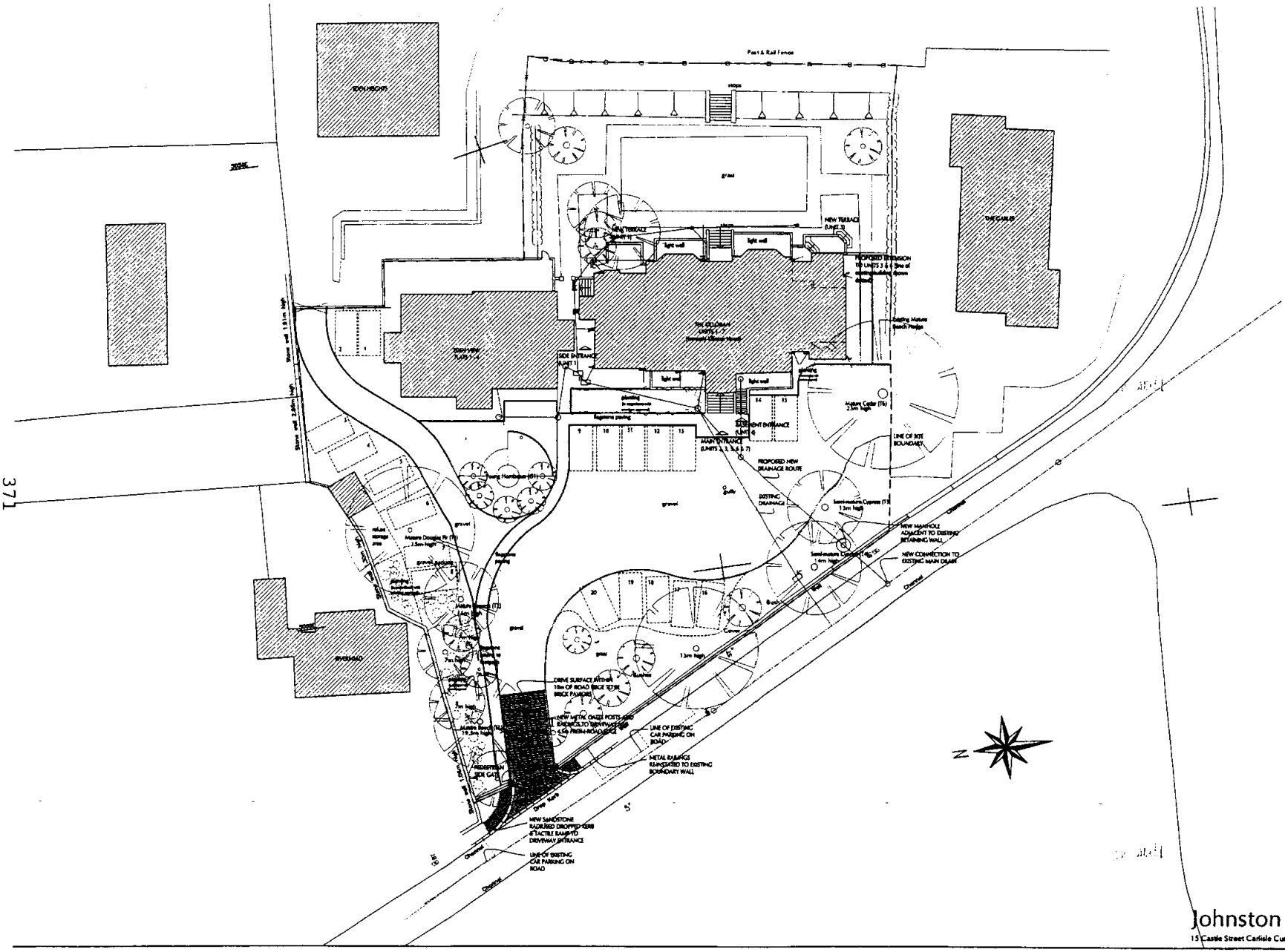

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NOTES TO ACCOMPANY PLANNING APPLICATION

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Project THE FORMER KILLORAN HOTEL WETHERAL; for A.P. & J. BROWN Ltd

Drawing CONVERSION TO FLATS: PHASE 2 Site Plan: Revised Proposals

Scale 1:200 Date 08.12.06 Drawn nf Number 11250-01-22A

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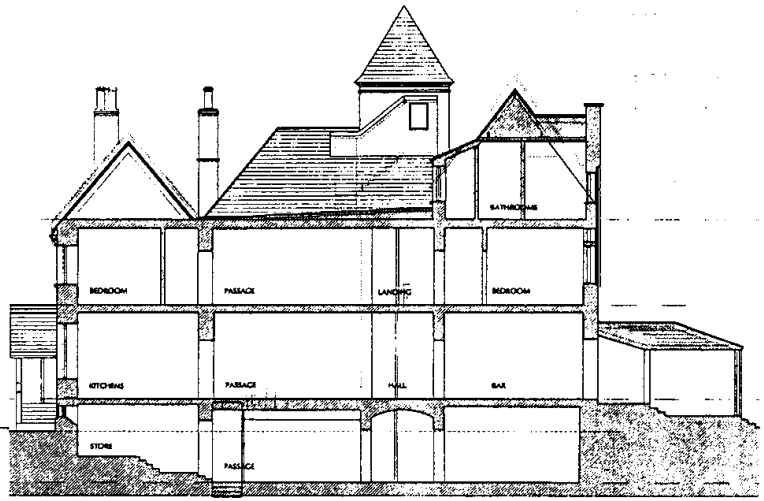
WEST ELEVATION

SOUTH ELEVATION



SECTION A

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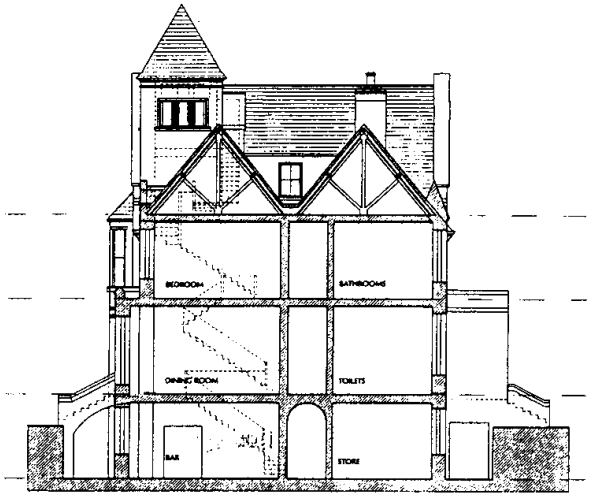
EAST ELEVATION

NORTH ELEVATION



SECTION B

2007/0103

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Project THE FORMER KILLORAN HOTEL, WETHERAL: for A.P. & J. BROWN Ltd

Drawing CONVERSION TO FLATS PHASE 2: Elevations & Sections: As E

Scale 1:100 Date 08.12.06 Drawn mf Number 1120 /01A/04A

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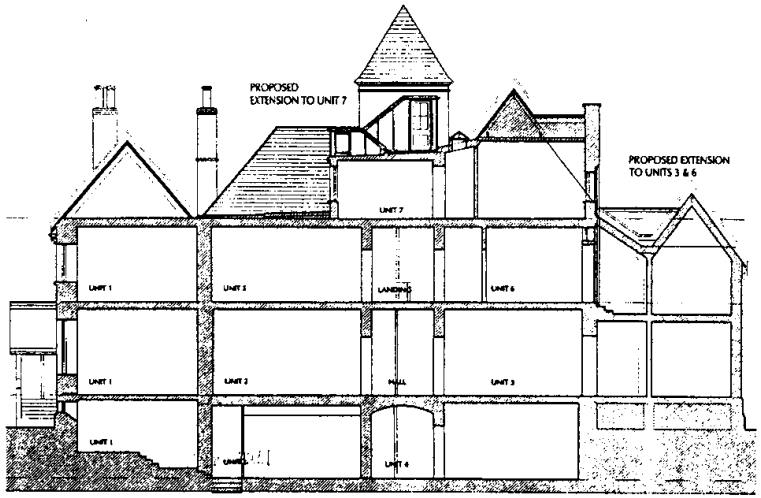
WEST ELEVATION

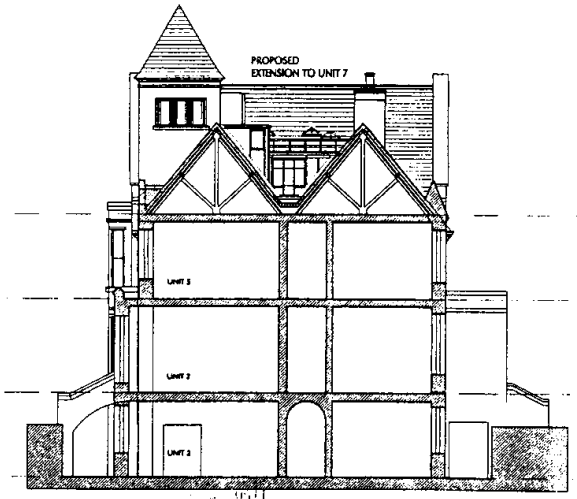


SECTION A

373

EAST ELEVATION

NORTH ELEVATION



SECTION B

MATERIALS AND EXTERNAL FINISHES

ROOFS AND RAINWATER GOODS:
Pitched roofs to be natural green slate, with lead ridges, all to match existing. Flat roofs to be lead, with wooden coved rolls and extended eaves detail or parapet gutter. Flashings and soakers to be lead. Rainwater goods to be painted cast metal, ogee pattern and square downpipes, on driven brackets, all to match existing.

WALLS: External leaf of insulated cavity walls to be stonework. Natural red sandstone ashlar to match existing, built in lime mortar to match existing adjacent. Parapet and gable copings, kneelers all to match existing adjacent. Openings to have dressed stone quoins, mullions, hooded labels, lintels and cills, all to match existing adjacent.

DOORS AND WINDOWS:
New glazed and panelled doors, vertical sliding sash windows all to be in painted timber, with glazing bars and details to match existing. All glazing to be double-glazed. Pyramid rooflights to flat roof to be Conservation-type, dark metal finish.

SITE BOUNDARIES AND HARD SURFACES:
New railings and gates to existing stone boundary wall to be painted metal, with decorative posts and railheads. Hard surface to drive, parking areas, path and highway access to be in brick paviors, with natural sandstone radiused dropped kerb to pavement and tactile strips all in accordance with Highways specification. Paved areas to be in stone flags, random courses and lengths to match existing. New low walls to Terrace to be in natural stone ashlar walling to match existing adjacent.

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Project THE FORMER KILLORAN HOTEL, WETHERAL : for A.P & J. BROWN Ltd

Drawing CONVERSION TO FLATS: PHASE 2 Elevations/Sections: Revised Proposals

Scale 1:100 Date 08.12.06 Drawn nl Number 11250--01--24A

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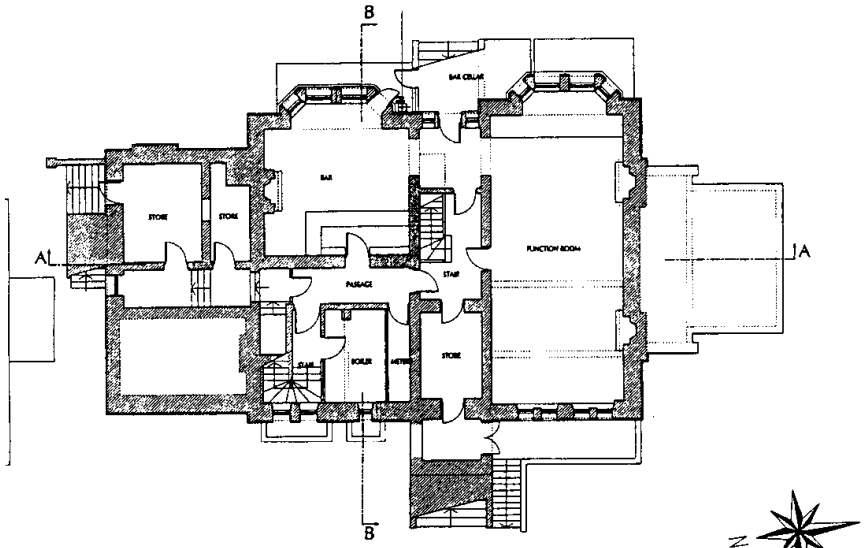
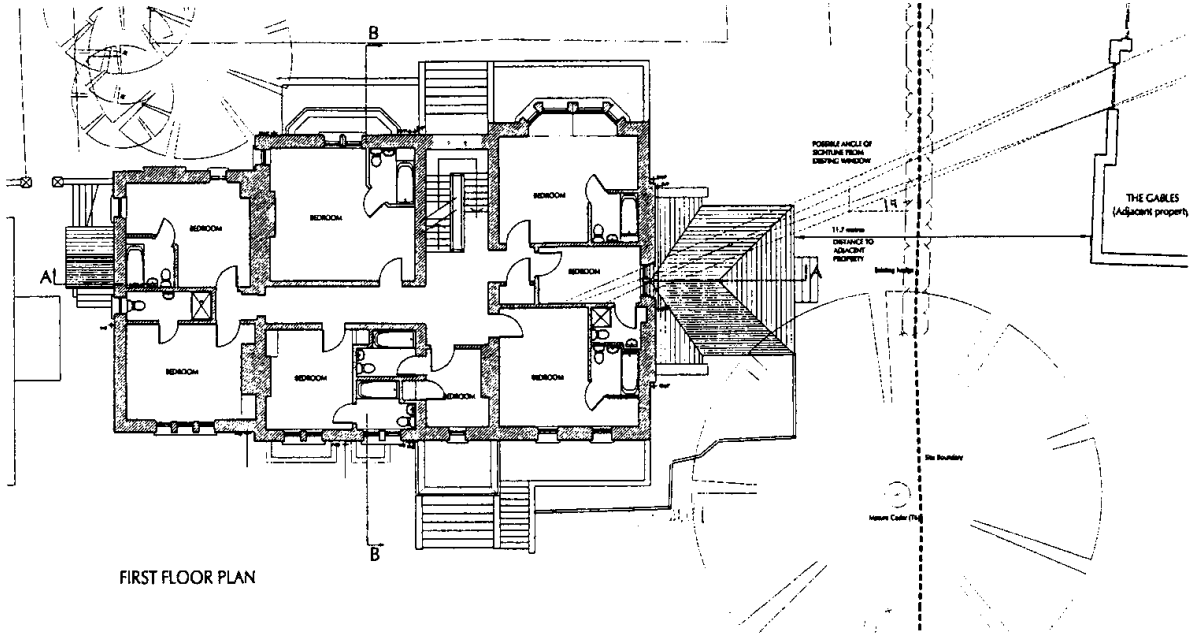
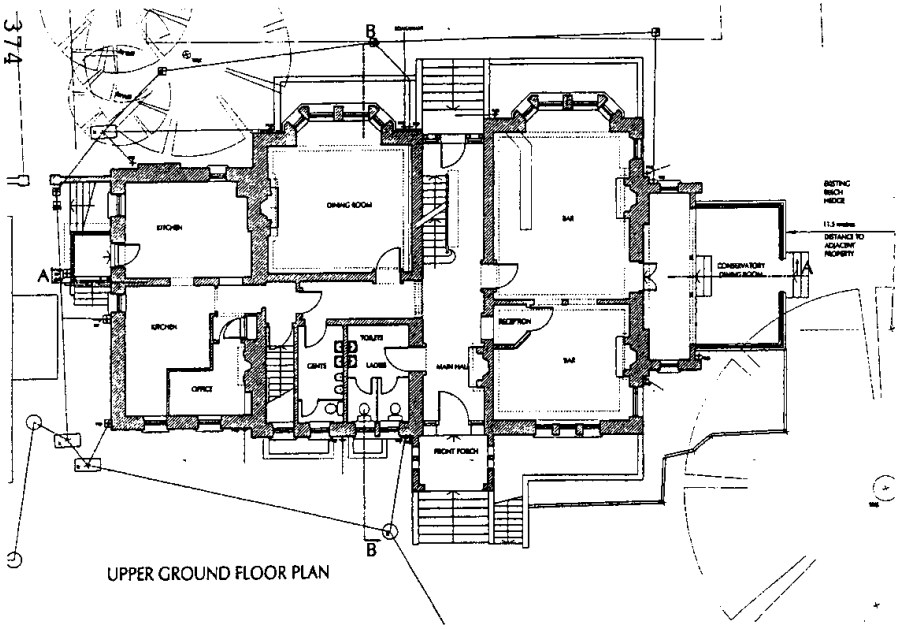


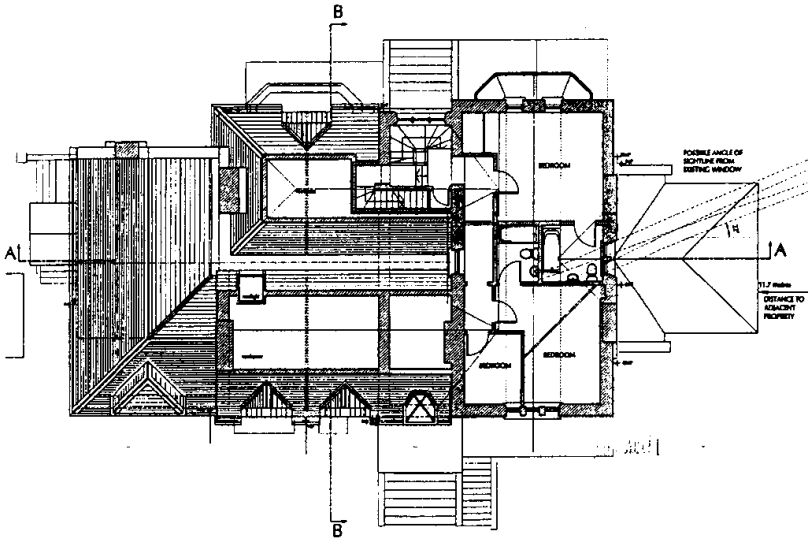
LOWER GROUND FLOOR PLAN



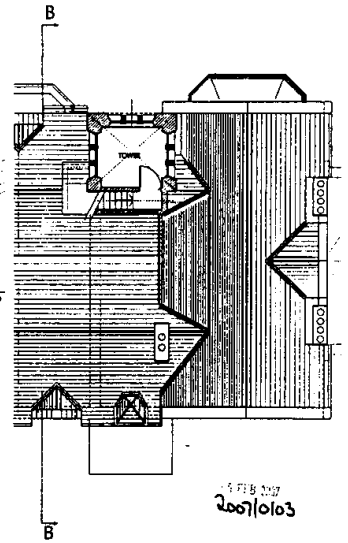
FIRST FLOOR PLAN



UPPER GROUND FLOOR PLAN



SECOND FLOOR PLAN



THIRD FLOOR PLAN

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Project THE FORMER KILLORAN HOTEL
WETHERAL: FOR A.P & J BROWN Ltd

Drawing CONVERSION TO FLATS PHASE 2:
Plans: As Existing

Scale 1:100 Date 08.12.06 Drawn JW Number 11400-01-03A

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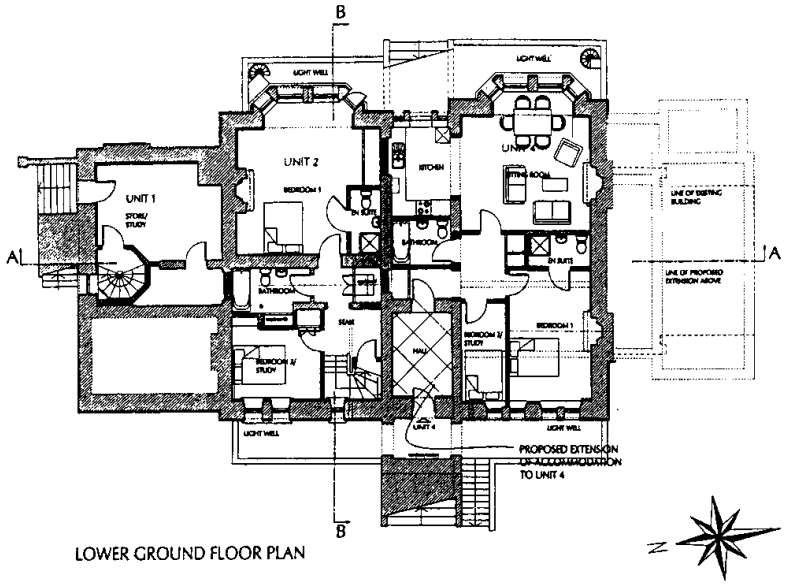
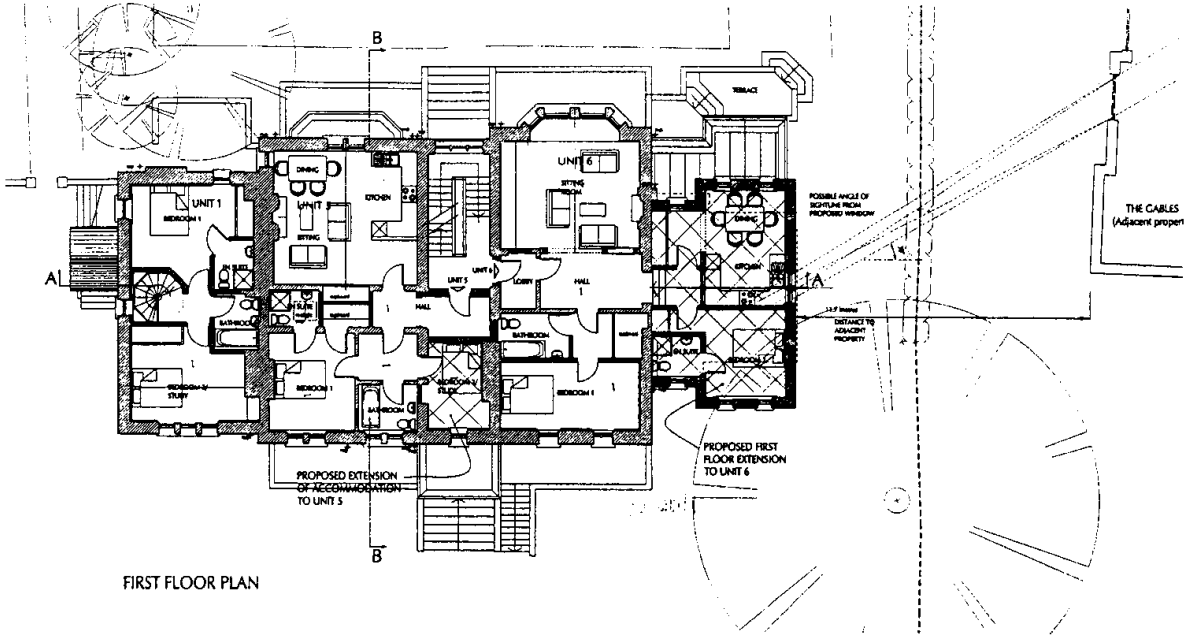
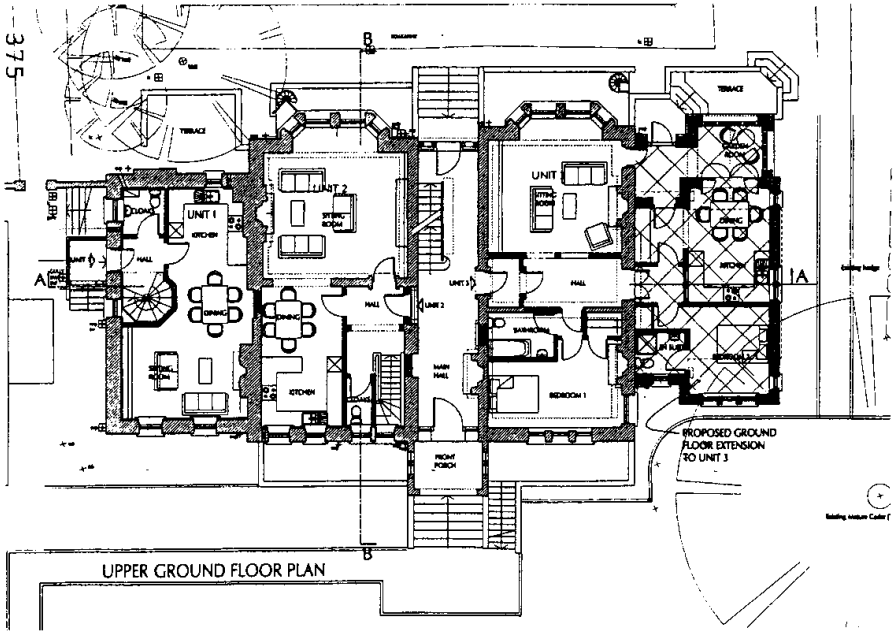


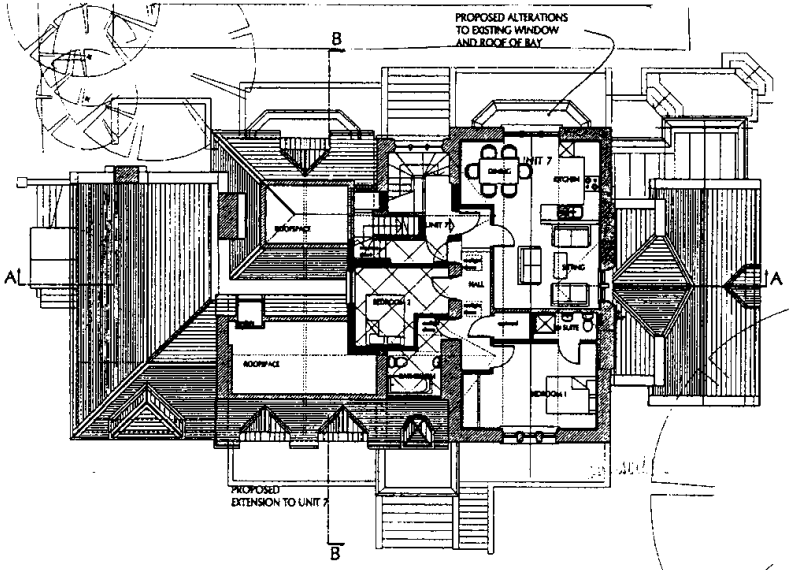
LOWER GROUND FLOOR PLAN



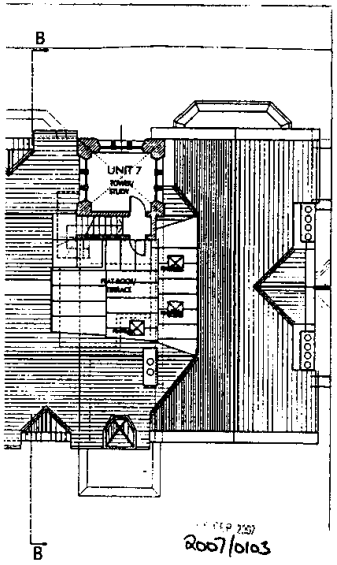
FIRST FLOOR PLAN



UPPER GROUND FLOOR PLAN



SECOND FLOOR PLAN



THIRD FLOOR PLAN

2007/0103

Revisions:
A 31.01.07 PLANNING APPLICATION DRAWING

NOTES TO ACCOMPANY PLANNING APPLICATION

UNLESS REVISED PROPOSALS ARE SHOWN OR OTHERWISE NOTED, ALL DETAILS ARE TO BE CARRIED OUT IN ACCORDANCE WITH THE PREVIOUS PLANNING APPROVALS REFERENCES: 04/0636 (CONVERSION TO FLATS) AND 06/0011 (LANDSCAPING SCHEME);

Johnston and Wright Chartered Architects
15 Castle Street Carlisle Cumbria CA3 8TD tel +44 (0) 1228 525161 fax +44 (0) 1228 515559
e-mail jw@jwarchitects.co.uk

Project THE FORMER KILLORAN HOTEL, WETHERAL : for A.P & J BROWN Ltd

Drawing CONVERSION TO FLATS : PHASE 2 Plans: Revised Proposals

Scale 1:100 Date 08.12.06 Drawn mf Number 11250-01-23A

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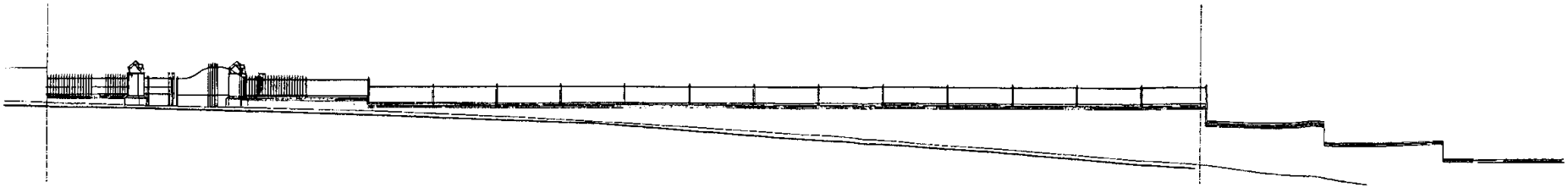
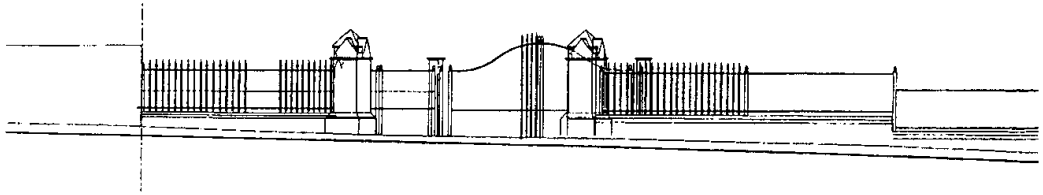
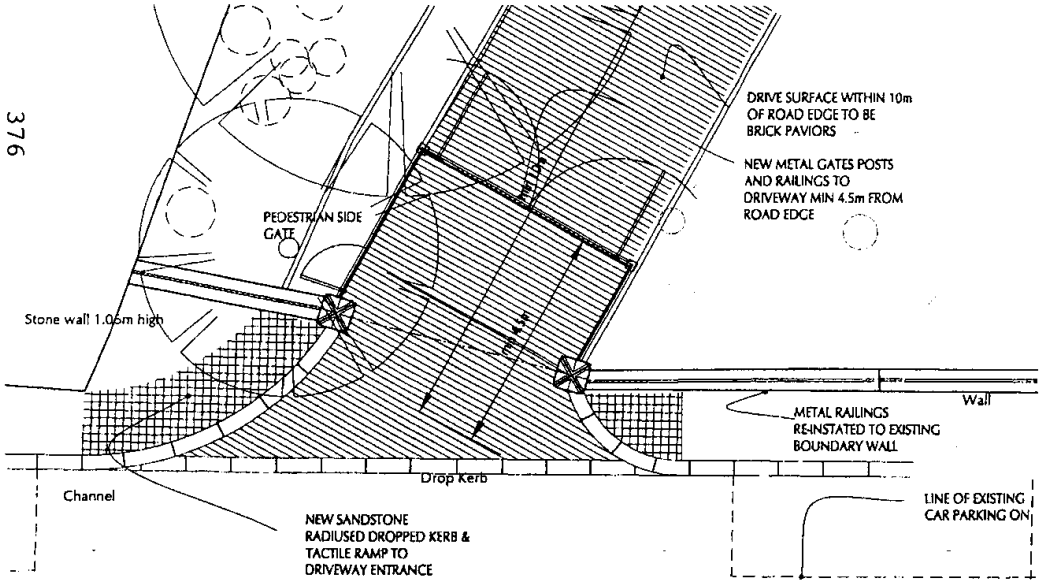


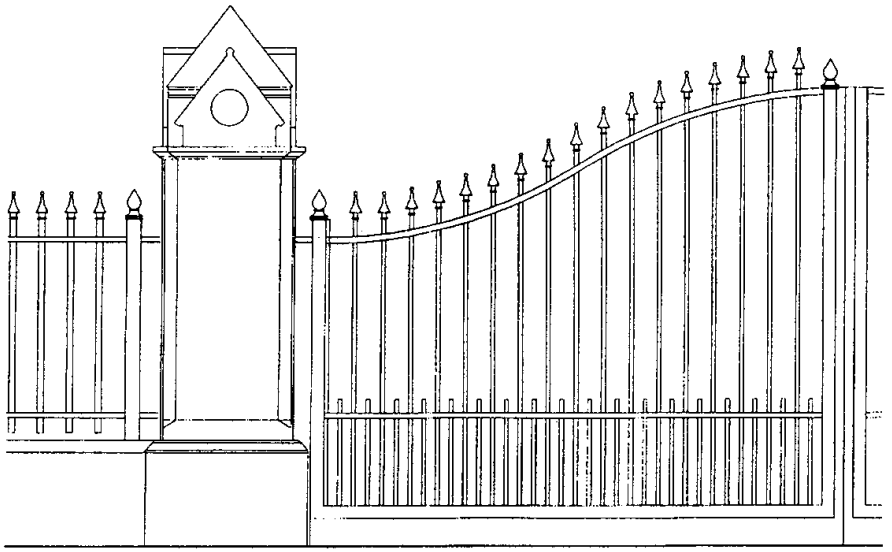
ELEVATION TO ROAD SHOWING PROPOSED RAILINGS 1:200



ELEVATION OF GATEWAY 1:100



DETAILED PLAN OF GATEWAY 1:100



DETAILED ELEVATION OF GATE 1:50

2007/0103

A 31.01.07 PLANNING APPLICATION DRAWING

Johnston and Wright Chartered Architects

15 Castle Street Carlisle Cumbria CA3 8TD tel +44 (0) 1228 525161 fax +44 (0) 1228 515559

e-mail jw@jwarchitects.co.uk

Project KILLORAN HOTEL, WETHERAL, CARLISLE : PROPOSED RAILINGS

Scale 1: 200//1:100/@A1 28.11.06 Drawn nf Number 11250-01-11A

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Item No: 21 Date of Committee: 09/03/2007

Appn Ref No:	**Applicant:**	**Parish:**
07/0007	Barclays Bank PLC	Arthuret
Date of Receipt:	**Agent:**	**Ward:**
04/01/2007	Stride Treglown Ltd	Longtown & Rockcliffe

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

Grid Reference:
337881 568803

Proposal: Installation of ATM to front elevation

Amendment:

REPORT

Reason for Determination by Committee:

This application is brought for determination by Members of the Development Control Committee as four letters of objection have been received.

Planning Policies:

Ancient Monument

Conservation Area

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

Carlisle District Plan
Environment - Policy E43

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

Carlisle District Plan
Environment - Policy E28

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

Carlisle District Plan
Employment - Proposal EM2

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

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

2. The proposed alternative use is essential for the redevelopment of the majority of the site for employment purposes; and

3. The alternative development would be appropriate in terms of scale and design to the surrounding area, and the amenity of adjacent properties would not be prejudiced.

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

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

1. Have regard to surrounding buildings in the context of their form in relation to height, scale and massing and making use of appropriate materials and detailing.
2. Take into consideration any important landscape or topographical features and respect local landscape character.
3. Reinforce local architectural features where appropriate promoting and respecting local distinctiveness rather than detracting from it.
4. Be well integrated- ensuring all components of a development are well related to one another e.g. buildings, associated parking, access routes, open space, and hard and soft landscaping to ensure a successful and attractive outcome.
5. Not adversely affect the residential amenity of existing areas nor adjacent land uses, nor result in unacceptable standards for future users and occupiers of the development.
6. Ensure where possible the retention of existing trees, shrubs, hedges and other wildlife habitats and the replacement of any environmental feature lost to development
7. Recognise that landscaping schemes (both hard and soft) will be required to assist in integrating new development into existing areas and ensure that

development on the edge of settlements is fully integrated into its surroundings.
8. Ensure that the necessary services and drainage infrastructure can be incorporated without causing unacceptable harm to retained features.
9. Through layout and design, encourage the promotion of energy and water conservation by its future occupiers, the incorporation of sustainable forms of energy production within the overall design should also be explored where appropriate
10 Have a layout and design which minimises the potential for crime and antisocial behaviour.

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

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

Exceptions may be permitted where:

1. the existing use of the site adversely affects or could adversely affect adjacent residential properties or the local environment; or
2. the proposed alternative use provides for needed community building or public amenity space; or
3. the proposed alternative use is essential for the redevelopment of the majority of the site for employment purposes; and
4. the alternative development would be appropriate in terms of scale and design to the surrounding area and the amenity of adjacent properties would not be prejudiced.

Proposals for public sales floorspace within employment units will be restricted to no more than 5% of the available floorspace. Restrictions will be placed on the hours of operation in order to ensure that the use remains ancillary to the prime use of the unit.

Employment uses have now become established at the former RAF14MU outlying sites at Harker, Heathlands and Rockcliffe. The sites are designated as Primary Employment Areas.

In the Sandysike/Whitesyke areas proposals for the redevelopment and extension to existing industrial and warehousing premises will be acceptable provided:

1. the proposal does not have an adverse impact on the landscape; and
2. the proposal does not involve the loss of existing tree cover; and
3. where appropriate, opportunities are taken to reinforce existing landscaping; and
4. adequate access and appropriate parking are provided.

**Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft
Local Environment - Policy LE12 - Scheduled/ Nationally Important Ancient Monuments**

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

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

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

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

1. the development should preserve or enhance all features which contribute positively to the area's character or appearance, in particular the design, massing and height of the building should closely relate to adjacent buildings and should not have an unacceptable impact on the townscape or landscape;
2. The development should not have an unacceptable impact on the historic street pattens and morphology, roofscape, skyline and setting of the conservation area, important open spaces or significant views into, out of and within the area;
3. development proposals should not result in the amalgamation or redrawing of boundaries between traditional buildings and plots, or demolition and redevelopment behind retained facades;
4. wherever practicable traditional local materials such as brick, stone and slate should be used and incongruous materials should be avoided;
5. individual features both on buildings and contributing to their setting, should be retained e.g. doorways, windows, shopfronts, garden walls, railings, cobbled or flagged forecourts, sandstone kerbs, trees and hedges, etc. Where features have deteriorated to the extent to which they have to be replaced, the replacement should match the original;
6 proposals which would generate a significant increase in traffic movements and heavy vehicles or excessive parking demands will not be permitted since these would be prejudicial to amenity;
7 proposals which would require substantial car parking and servicing areas which can not be provided without an adverse effect on the site and its surroundings will not be permitted.

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): it is noted from the details supplied that the proposal will not lead to an increase in vehicular traffic to and from the site. I can therefore confirm that the Highway Authority has no objection to the proposal;

Development Services Planning & Housing Services - Access Officer: comments awaited;

Cumbria Constabulary - Crime Prevention: Cumbria Constabulary has referred to the latest published guidelines of the ATM Security Working Group (September 2004). ATM's should be located to ensure the safety and security of legitimate customers, the resistance of the machine to various forms of attack and the safety of 'Cash-in-Transit' (CIT) crew who shall be required to replenish it. Cumbria Constabulary was disappointed to note that the submitted Design and Access Statement did not include any reference to crime prevention measures. (S87 DCLG Circular 01/2006 'Guidance on Changes to the Development Control System').

"Location

The ATM should be sited in a highly visible, busy and well-lit area that allows maximum surveillance. This promotes a safer environment for customers and reduces the opportunity for vandalism. It should be positioned away from potential hiding places such as recesses, doorways or hoardings. Similarly, it should be positioned away from features that narrow the footway, which have the effect of funnelling pedestrians towards ATM customers. It should not be positioned near bus stops, public telephones, pedestrian crossings or other features where the public has a legitimate reason to gather or loiter."

Barclays Bank is situated in Bridge Street, part of the main thoroughfare (A7) through Longtown. Cumbria Constabulary is satisfied that the ATM shall be sited in a reasonably active location, to benefit from natural srveillance from passing vehicular and pedestrian traffic. There are no potential hiding places in the near vicinity. The view from the road (travelling south) is partially obscured by landscaping forming the boundary of the adjoining dwelling, but it is appreciated that the applicant has no influence over the maintenance of this vegetation. The location is under observation from a CCTV camera positioned in High Street, yet will not be under constant surveillance. The proposed site is set back from the road, behind a low wall and railing, which shall give reasonable defence against ram-raid type attack, but also defines a defensible space, in which a legitimate customer shall be made aware of the approach of another person.

Over the past two years, Cumbria Police has recorded five offences involving direct attacks against ATM's. Similar offences have occurred regionally. Cumbria Constabulary therefore recommends the inclusion of the following security measures, which could be formalised as part of the Supplementary Informative of this application, if successful:

- **Anchorage**

The ATM should be securely fixed to a specifically designed anchoring system or concrete base through its security container by a minimum of four high tensile M16 bolts with appropriate washers of 6mm minimum thickness. When fixing into a concrete base it is recommended that these bolts should be to a minimum depth of 150mm and that either resin anchor bolts or expanding anchor bolts are used to adequately anchor into the concrete.

- **Banknote Degradation System**

A banknote degradation system should be deployed to protect each ATM cassette that holds banknotes contained in the ATM and provide a deterrent to theft of or from the ATM. The banknote degradation system should be designed to activate immediately the ATM is moved or attacked by any means. Where a banknote degradation system is deployed notices to this effect should be displayed prominently and on the ATM itself. Notices displayed where no banknote degradation system is deployed is crime reduction bad practice.

- **ATM Alarm System**

The ATM should be installed with an alarm system with its own unique reference number (URN). The system should be monitored using remote signalling to an Alarm Receiving Centre and should qualify for Level 1 police response. If it is a 'confirmable' alarm system, a dual signalling facility should be provided. The design should ensure that the system is alarmed at all times other than for replenishment and servicing. Furthermore, it should give the earliest possible warning of attack on the ATM.

The ATM Security Working Group comprises of representatives of financial institutions, the Association of British Insurers, LINK Interchange, APACS, the British Bankers Association and the police. Barclays is a member of the BBA and by implication is expected to comply with all the ATMSWG recommendations and guidelines;

Arthuret Parish Council: the Parish Council is in support of the application however have raised possible road safety issues with parking to use the facility.

Summary of Representations:

Representations Received

Initial:	Consulted:	Reply Type:
[redacted] The Bank House	10/01/07	Objection
[redacted] 25 Bridge Street	10/01/07	
[redacted] 26 Bridge Street	10/01/07	
[redacted] 19 Bridge Street		Objection
[redacted] 25a Bridge Street		Objection
[redacted] Cobbinshaw House		Objection

SCHEDULE B: Reports Requiring Further Information

07/0007

This application has been advertised by means site and press notices as well as notification letters sent to six neighbouring properties. Four written representations have been made during the consultation period. The representation received was in objection to the application with and the following comments were made:

- I am strongly against the installation of this ATM particularly as it is in such close proximity to the other ATM terminals in Longtown, I do not feel we need a third. Quality of life will diminish and litter levels will rise dramatically. This is a highly residential area and the installation of the terminal can only be to the detriment of the lives of the residents, particularly during the hours of darkness with the noise from traffic stopping, people at the machine, noise from the machine itself. You only have to look at the existing two terminals to see the litter making the area look very shabby. Longtown already has two ATM machines within extremely close proximity of this further proposed ATM, it certainly does not need a third, this is also a conservation area. The use of a third terminal in a highly residential area will almost certainly be to the detriment of the local residences. As previously stated, I am strongly opposed to the installation of this machine, it is unnecessary.
- As a resident next to the Bank we feel that positioning an ATM between two houses will be a disturbance in a residential area from customers of the Bank, either on foot or vehicles pulling up outside on the road or on the footpath which is what happens now during the day. We have to suffer the inconvenience during the opening hours from the Banks customers, it is unfair to expect residents to suffer extra disturbance during the hours of relaxation. With the constant irritation of Bank customers parking in front of our entrance during Banking hours this will only increase during the hours of rest and relaxation. We already have double yellow lines in front of the bank and our entrance, these seem to be totally ignored. The step in the footpath in front of our house was removed and a ramp installed to help push chairs, wheelchairs etc, this has only encouraged drivers to use the ramp to park on the footpath while visiting the bank, this hinders people using the footpath and makes it dangerous to cross the road. This decision by the Bank to install an ATM has only been decided after the decision was made to change the opening from 5 to 3 days. In approximately 200 hundred metres from the bank there are 2 ATM's, neither of these are next to a house and both have parking facilities. In a town which is starting to lose facilities, schools etc, it seems ridiculous that a town of this size requires three ATM's. All these problems and the increased amount of litter people will have to clear from their gardens from discarded slips from the ATM.
- By installing this machine, our quality of life is decreased. These machines are not quiet operating machines and indeed, tend to make rather loud clangs and bumps from within the machine. Our property is directly adjacent and we already hear noise from the bank during the working day which is acceptable, however, the same kind of noise at night and indeed 24 hours a day is not acceptable. There is a further erosion of our quality of life not only to the noise levels increasing, but with higher incidence's of litter, cars parking directly outside the bank (where it is double yellow lines). This particular area is a predominantly residential area and the introduction of a further terminal will again be to the detriment of the lives of residents, particularly during the hours of darkness with the noise from traffic stopping, people at the machine, noise from the machine itself. People tend to want convenience, and as there is no lay-by directly

outside the bank to park, they will not park and walk from somewhere else, they will tend to park on the double yellow lines thus causing an obstruction of traffic on a busy road. You only have to look at the existing two terminals to see the litter making the area look very shabby. Longtown already has two ATM machines within extremely close proximity of this further proposed ATM. We do not need a third, this is also a conservation area. The use of a third terminal in a highly residential area will almost certainly be to the detriment of the local residences. We have only just been made aware that the Barclay's Bank at Longtown is only opening three days a week - namely Monday, Tuesday and Thursdays yet it does not state this reduced opening on its application and even goes so far to state that it wishes to offer better service as they realise not everyone can get to the bank. The better service would be to open five days a week instead of three. Secondly, we have seen the comments from Cumbria Highways in that they state there would appear to be no problem in vehicular traffic assessing the site. How on earth would they know? They do not live here and we would suggest they come and stay here for 24 hours to see the lines of traffic that totally ignore the double yellow lines and pull up on the kerb, particularly during opening hours - note that these vehicles are not delivery vehicles but people from cars, tractors and trailers (we kid you not) not to mention lorries that pull up onto the kerb because no one will park and walk. It is already difficult to pass when cars and lorries are parked up on the kerb - goodness knows how anyone with a pushchair gets through. We strongly object to this proposal, there are two further ATM's in Longtown which are not next to residential properties and can boast parking facilities directly outside. Judging by the sometimes long line of traffic parking on the kerb directly outside our property, it is proof that no-one will park up and walk to visit Barclay's Bank and in particular, will not park up and walk to visit an ATM. We suffer disturbance and noise during the day but should not have to suffer and endure anything after the hours of darkness and in particular, during the hours of rest and sleep. We strongly oppose this application.

- We already have two machines in Longtown and within extremely close proximity of this proposed one. Longtown does not need a third. Barclays have recently changed their opening hours to three days per week and yet on their statement to their application they speak of wanting to offer better services to customers. A three day week and a machine is not a better service. Traffic tends to park up on the kerb making it difficult for anyone trying to walk past Barclays. The parked traffic takes up most of the pavement making pedestrians forced to move into the road. There have been no end of vehicles parking on the double yellow lines that are outside Barclays as people want to park immediately outside instead of parking more safely, without endangering pedestrians lives. Bridge Street is a predominantly residential area and the other two ATM's are situated with parking immediately outside, but not situated next to private residences. Litter levels will increase ten fold - evidence can be seen at any ATM in the county. The area in question is in the conservation area of Longtown - an ATM does not fall into any kind of conservation act.

Details of Proposal/Officer Appraisal:

Planning History:

The site has the following previous planning applications:

- 04/0207 External alterations to front elevation to allow disabled access
- 01/0098 Erection of non-illuminated fascia sign and internally illuminated projecting sign

Details of Proposal:

The applicant is proposing to install an ATM machine into their branch office at Longtown. The branch is located at 23 Bridge Street and is within a predominantly residential area. Along Bridge Street there is a small cluster of Primary Employment Areas on both the east and west side. The bank is on the edge of the primary employment area to the east of Bridge Street. The bank building is within a row of terraced properties with the frontage of the bank slightly forward of the building line. The site is within the Longtown Conservation Area.

The frontage of the bank includes the entrance to the right and two large multi pane windows, the one closest to the door being slightly larger. Planning permission is sought for the installation of an Automatic Teller Machine (ATM) and the proposal will involve the removal of the existing night safe and the raising of the window sill of the large central window. The ATM will have a dimension of 1002mm in height and a width of 634mm and will be placed under the larger window. The area surrounding the ATM will be filled in with materials to match. To the front of the bank is a paved entrance and a fenced gravel area. It is intended to extend the paving area to include the ground in front of the ATM.

The relevant planning policies against which the proposal is required to be assessed against include Policies E43, E28 and EM2 of the Carlisle District Local Plan and Policies CP5, EC01, LE12 and LE20 of the Carlisle District Local Plan Redeposit Draft. The application raises the following planning issues:

1. The Principle Of Development

Development within Primary Employment Areas is restricted to business uses, general industry and storage or distribution. Exceptions may be permitted where the development does not adversely affect adjacent residential properties; the proposed alternative use is essential for the redevelopment of the majority of the site for employment purposes; and the alternative development would be appropriate in terms of scale and design to the surrounding area. The policy objectives allow for the expansion or alteration of business premises subject to consideration against the relevant policy criteria. The current use as a bank does not fall within the use class categories identified in the employment policy but the use is existing and consideration must then be given to the impact of the installation of an ATM machine on the site.

With regards to scale, it is considered the addition of an ATM machine will not alter the scale of the bank operation to an extent that would be inconsistent with the

current use. A number of residents have raised concerns with regards to the noise, rubbish and parking effects the ATM machine will have on the adjoining residential properties; however, with regards to parking and traffic issues the Highway Authority has no objection to the proposal and has stated it will not lead to an increase in vehicular traffic. The noise from the ATM machine will consist of beeps from the buttons and from the mechanism within the machine following the dispensation of money and printing of receipts. The level of noise is considered to be minimal and will not be heard from the surrounding residential dwellings. Overall the proposal is consistent with the policies for development within Primary Employment Areas.

2. Impact On The Character Of The Conservation Area And The Ancient Monument

The site is located adjacent to the ancient monument of Solway Moss and is within the Longtown Conservation Area. Therefore any development should preserve the unique features of the area and should not have an unacceptable impact on the townscape or landscape. Attention must be given to the design, siting and illumination of any sign to ensure the preservation and enhancement of the special character and appearance of the area. It is considered the scale and nature of the development is relatively minor and will retain the individual features of the building; however, comments are still forthcoming from Council's Conservation Officer, in particular, as to whether illumination of the information sign is appropriate.

3. Design

With regards to design the proposal will not compromise the existing unique features of the building and given the nature of the development will not require additional building area, parking or access routes. Policy CP4 (Design) of the Carlisle District Local Plan Redeposit Draft also states that any development should follow a design and layout that minimises the potential for crime. The Crime Prevention/Architectural Liaison Officer for the North Area Community Safety Unit has stated that the location of the ATM on part of the main thoroughfare through Longtown is a reasonably active location and will benefit from natural surveillance from passing vehicular and pedestrian traffic. It is considered the design of the proposal is appropriate and consistent with Policy CP4.

4. Other Matters

Objectors have also raised concerns with regards to the need for a third terminal in Longtown, the proposed future reduction in the opening hours of the bank and the litter created from the ATM receipts. The need for another terminal and the reduction in opening hours for the bank are not planning related issues. An ATM is not considered a precedent for an increase in street litter. Customers have the option for obtaining a receipt or not and there are public litter bins within Longtown to dispose of receipts if required.

The site is within the main thoroughfare through Longtown where there is currently both pedestrian and vehicular traffic. It is not considered that the installation of the ATM will result in a significant increase level of noise or anti-social behaviour at unreasonable hours over and above that which may already be experienced.

5. Conclusion

In overall terms it is considered that the proposed installation of the ATM is consistent with the current development of the site and will not adversely affect the living conditions of the occupiers of neighbouring properties as any noise effects will be minor; furthermore, the Highway Authority do not consider there to be any detrimental traffic effects emanating from the development. The location of the ATM is such that it will not create any criminal behaviour as is highly visible; however, the site is within a Conservation Area and the comments from Council's Conservation Officer are critical. It is anticipated that these comments will be available for Members prior to the date of the Committee meeting and will be presented accordingly.

Human Rights Act 1998

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";

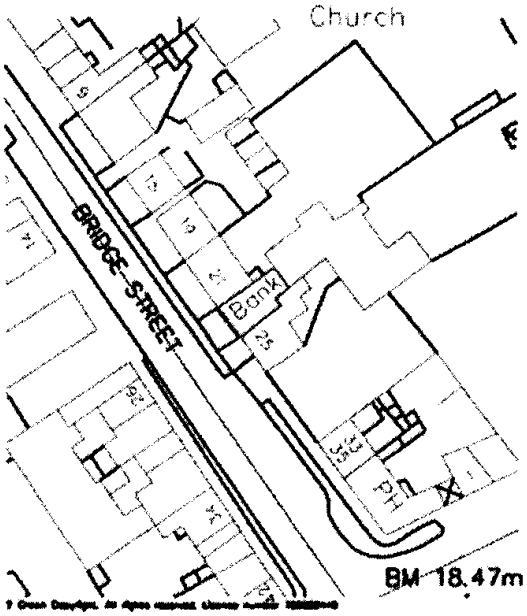
Article 1 of Protocol 1 relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

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.

Recommendation:

Reason for including report in Schedule B

A full report and recommendation is unable to be made at this time as comments from Council's Conservation Officer are still forthcoming.



4 JAN 2007
2007/0007

Responsibility is not accepted for errors made by others in scaling from this drawing. All construction information should be taken from figured dimensions only.

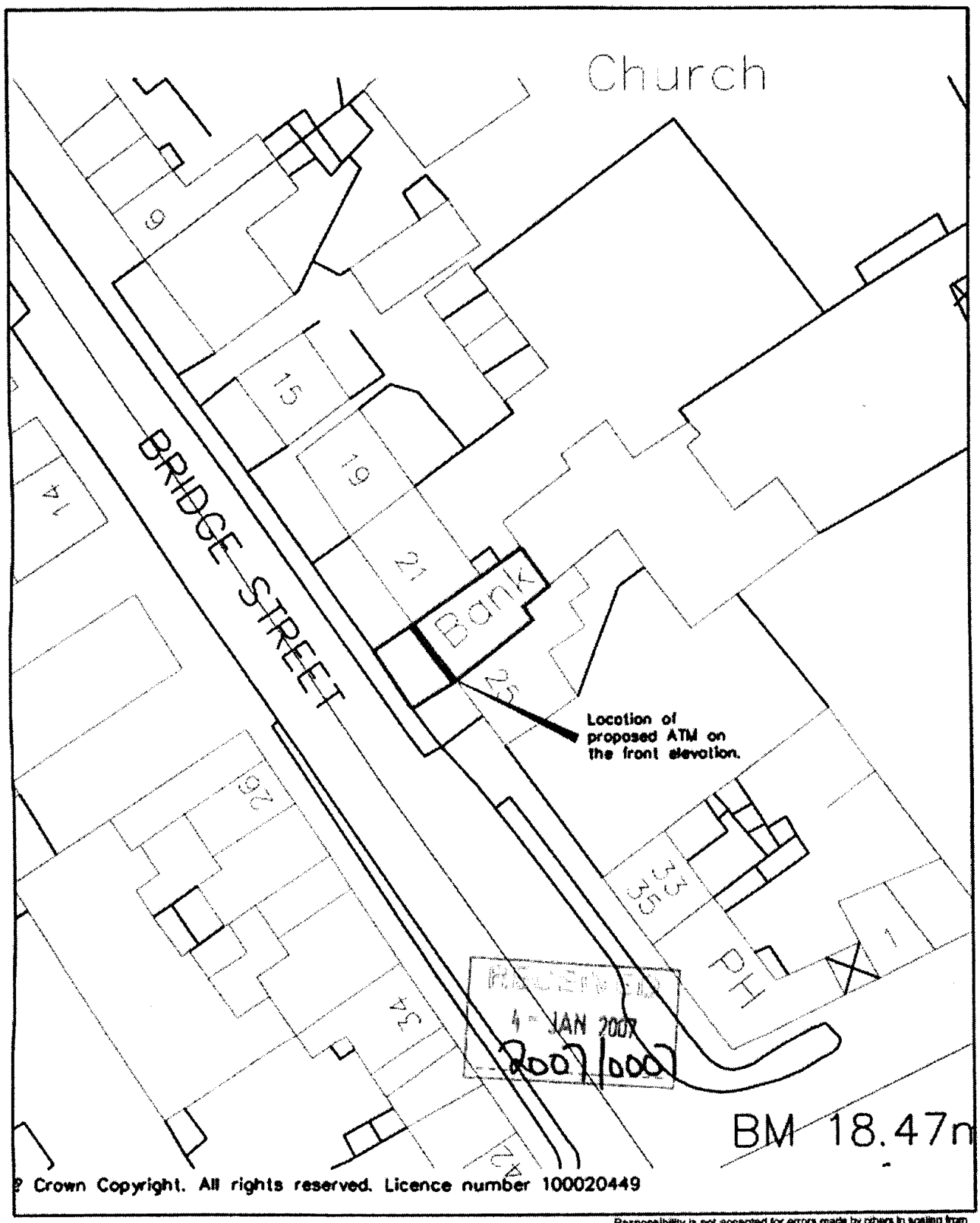
XXXX	X	XXX	XXX	XXXX
date	rev	name	chk	note

Stride Treglown
Promenade House, The Promenade, Clifton Down, Bristol BS8 3NE
T 0117 974 3271 F 0117 974 5207 www.stridetreglown.co.uk

PROJECT
BARCLAYS, 23 BRIDGE STREET, LONGTOWN, CARLISLE, CUMBRIA CA6 5BU

DRAWING TITLE
BARCLAYS ATM PHASE III - LONGTOWN

SCALE	DATE	DRAWN	CHK	DRAWING NUMBER	REV.
1:1250	DEC '06	CDC	PT	LP1	-



Responsibility is not accepted for errors made by others in scaling from this drawing. All construction information should be taken from figured dimensions only.

xxxx	x	xxx	xxx	xxxx
date	rev	name	chk	note

Stride Treglown

Promenade House, The Promenade, Clifton Down, Bristol BS8 3NE
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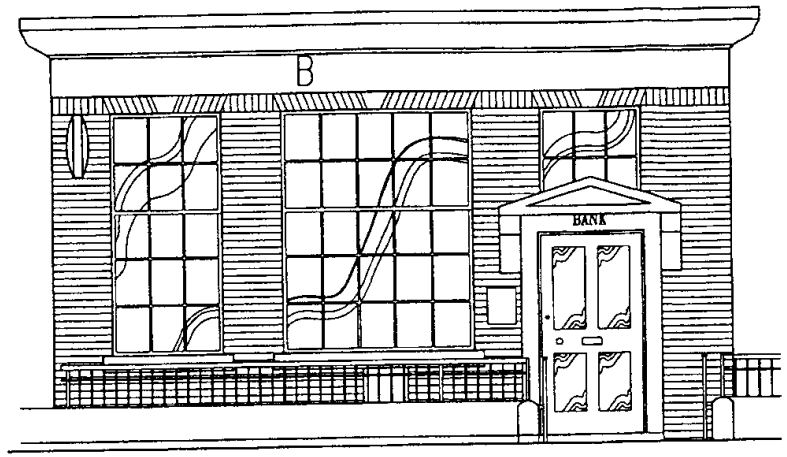
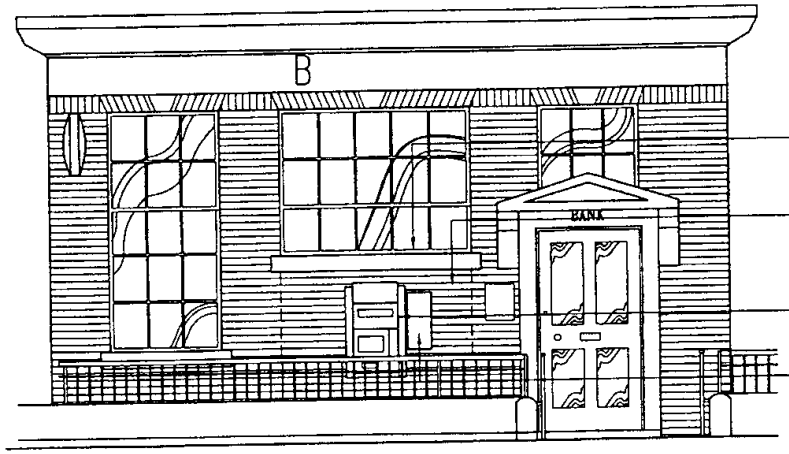
PROJECT
BARCLAYS, 23 BRIDGE STREET, LONGTOWN, CARLISLE, CUMBRIA CA6 5UB

DRAWING TITLE
BARCLAYS ATM PHASE III - LONGTOWN

SCALE	DATE	DRAWN	CHK	DRAWING NUMBER	REV.
1:500	DEC '06	CDC	PT	LP2	-



Existing Elevation



Proposed Elevation

Raise existing window cill approximately 1080mm to provide 3No equally sized glazed panes to match those to the adjacent window.

Infill void surrouding ATM in materials and finish to match existing.

Remove existing Night Safe and install new 2050 ATM with lightbox on 50mm high plinth to provide approximately 808mm between ground level and key pad No.5

Install new illuminated BA12 signage to R.H.S of ATM.

Make good all effected surfaces in materials and finsih to match existing.

SCALE
0 1m 5m

JAN 2007
2007/0001

Stride Treglown
Architecture Town Planning Interior Design Building Surveying Landscape Architecture Graphic Design
Promenade House, The Promenade, Clifton Down, Bristol BS8 3NE
T 0117 974 8271 F 0117 974 8207 www.stridetreglown.co.uk

Project
LONGTOWN
23 Bridge Street
Longtown
Carlisle
PIM No.12894

BARCLAYS

Drawing Title
ELEVATION
EXISTING & PROPOSED
ATM TTW

Branch Sort Code	Branch ID	Supplier Project No
20-18-47	01	93007-L127

Scale	Drawn	Checked	Date
1: 50	LM	TJ	18.12.06

Drg.No L02 Revision

Barclays FM Project No. PS01997

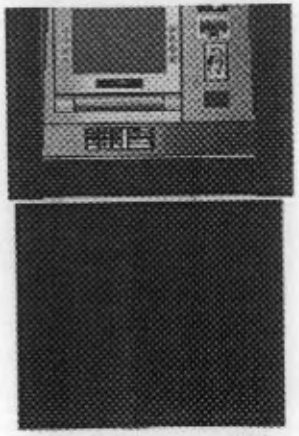
BA10 - Top panel - 585 x 529mm

BA14 - Top panel - with Barclays wordmarque

This version should only be used in instances where there is no integral lightbox on the ATM machine, if visibility or branding is poor, or in cases where stand-out against competitors needs reinforcement.

BA11 - Top panel - 585 x 295mm

BA12 - Side panel - 250 x 600mm



BA8 - Bottom panel - 650 x 600mm

NOTE

very illuminated signage approximately 20mm thick

non illuminated versions are available for each menu box

Where the installation of the ATM is through glass a non illuminated menu box will be required.

STRIDE TREGLOWN

Project
BRANCH OPTIMISATION

Group Property Services
CAPITAL PROJECTS

BARCLAYS

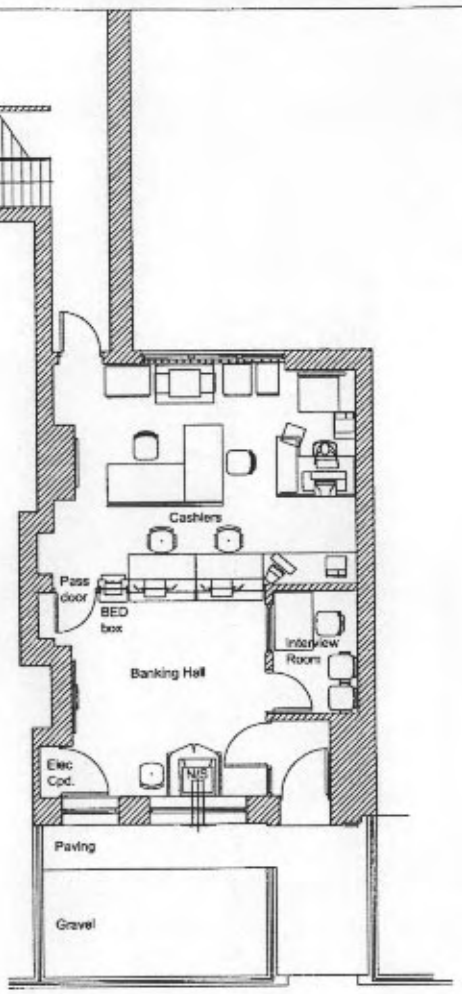
Drawing Title
ATM STANDARD DETAIL
SIGNAGE OPTIONS DETAILS

CF Project No		Supplier Project No SGSS	
Scale N.T.S	Drawn LM	Checked RP	Date SEPT '04
Dwg No L55			Revision

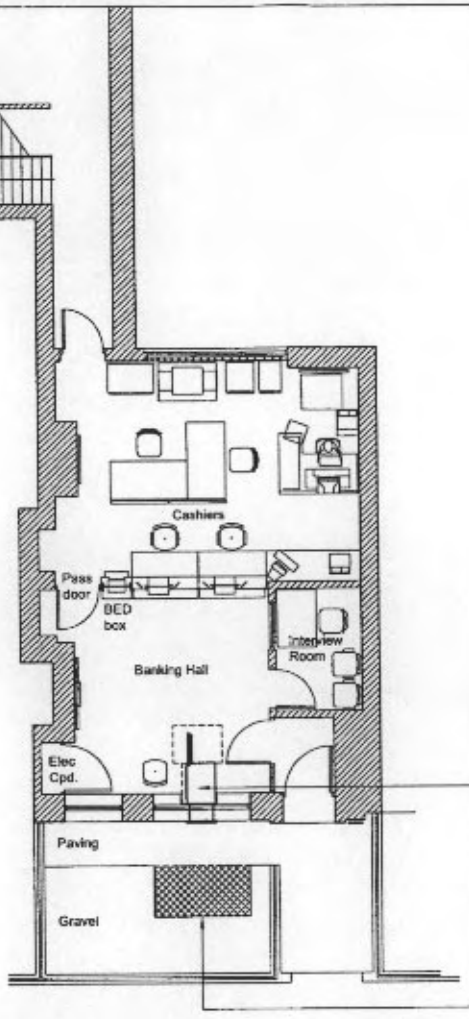
Information\Comments P31
Construction Record Information

RECEIVED
4 JAN 2007
2007/0007

392



Existing Plan



Proposed Plan

Remove existing Night Safe and housing.

Cut out back face of wall to suit depth of ATM throat.

Install new 2050ATM (with lightbox) on new 50mm high plinth to provide maximum 808mm between ground level and keypad No.5

Extend existing paving to provide 2.0 x 2.0m level circulation area to front of new ATM. Materials to match existing.

Make good all surfaces in materials and finish to match existing.

SCALE
0 1m 5m 10m

5 JAN 2007
2007/0007

Stride Treglown

Architecture Town Planning Interior Design Building Surveying Landscape Architecture Graphic Design
Promenade House, The Promenade, Clifton Down, Bristol BS8 3NB
T 0117 974 3271 F 0117 974 1307 www.stridetreglown.co.uk

Project
LONGTOWN
23 Bridge Street
Longtown
Carlisle
PIM No.12894

BARCLAYS

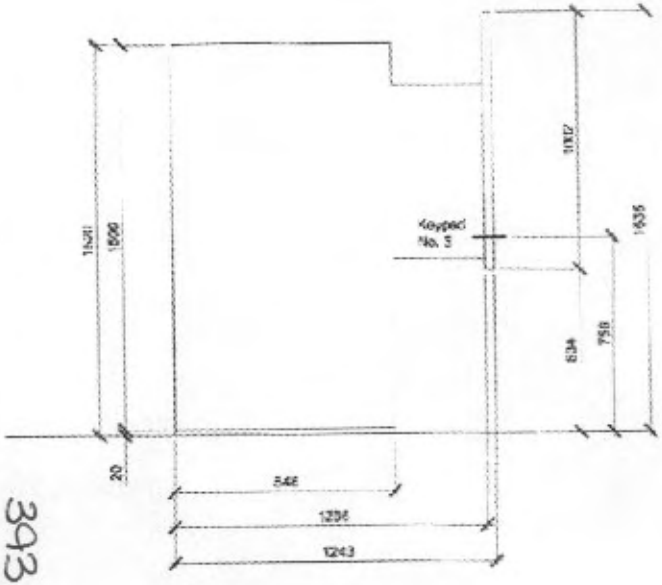
Drawing Title
GROUND
EXISTING & PROPOSED
ATM TTW

Branch Sort Code	Branch ID	Supplier Project No
20-16-47	01	93007-L127

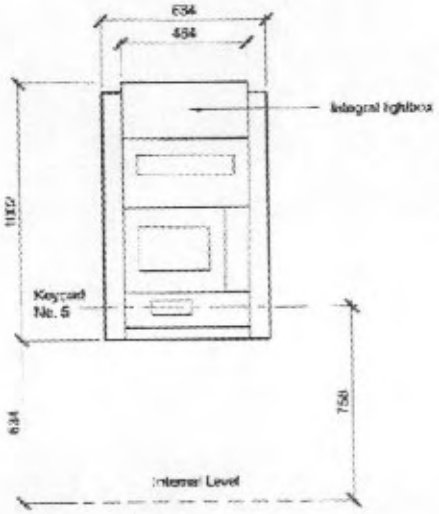
Scale	Drawn	Checked	Date
1: 100	LM	TJ	18.12.06

Drg.No L01 Revision

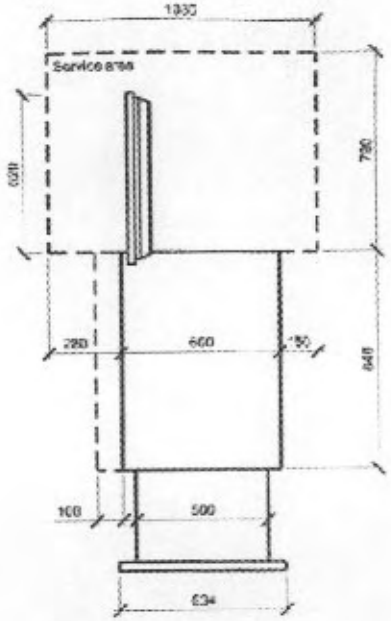
Barclays FM Project No. PS01997



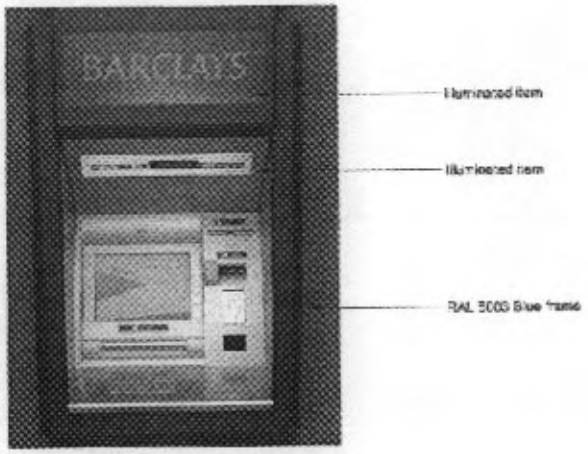
Section.



Front elevation.



Plan.



Typical Installation

Illustration of Integrated Lightbox

NOTE

This drawing has been prepared from historical information that cannot be guaranteed accurate.

All dimensions should be checked on site prior to the manufacture of any components.

STRIDE TREGLOWN

Project
BRANCH OPTIMISATION

Group Property Services
CAPITAL PROJECTS

BARCLAYS

Drawing title
ATM STANDARD DETAIL
TYPE: 2050
(WITH LIGHTBOX)

SP Project No		Supplier Project No 9098	
Scale 1:20@A3	Drawn LM	Checked RP	Date SEPT '04
Drg No L61			Revision

Information\Comments PR1
Construction Record Information

RECEIVED
17 JAN 2007
2007/1000

Item No: 22 Date of Committee: 09/03/2007

Appn Ref No:	**Applicant:**	**Parish:**
07/0008	Barclays Bank PLC	Arthuret
Date of Receipt:	**Agent:**	**Ward:**
04/01/2007	Stride Treglown Ltd	Longtown & Rockcliffe

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

Grid Reference:
337881 568803

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

Amendment:

REPORT

Reason for Determination by Committee:

This application is brought for determination by Members of the Development Control Committee as four letters of objection have been received.

Planning Policies:

Ancient Monument

Conservation Area

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

Carlisle District Plan
Environment - Policy E43

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

Carlisle District Plan
Environment - Policy E47

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

1. It is an appropriate location for advertising given the character and appearance of the surrounding area; and

2. The general siting, size and dominance of the advertisement will not have an adverse impact on the amenity of adjacent property; and

3. Any relevant road safety issues are taken into consideration; and

4. Within Conservation Areas particular attention must be given to the design, siting and illumination of the adverisements to ensure the preservation and enhancement of the special character and appearance of the area.

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

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

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

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

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

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

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

1. the development should preserve or enhance all features which contribute positively to the area's character or appearance, in particular the design, massing and height of the building should closely relate to adjacent buildings and should not have an unacceptable impact on the townscape or landscape;
2. The development should not have an unacceptable impact on the historic street pattens and morphology, roofscape, skyline and setting of the conservation area, important open spaces or significant views into, out of and within the area;
3. development proposals should not result in the amalgamation or redrawing of boundaries between traditional buildings and plots, or demolition and redevelopment behind retained facades;
4. wherever practicable traditional local materials such as brick, stone and slate should be used and incongruous materials should be avoided;
5. individual features both on buildings and contributing to their setting, should be retained e.g. doorways, windows, shopfronts, garden walls, railings, cobbled or flagged forecourts, sandstone kerbs, trees and hedges, etc. Where features have deteriorated to the extent to which they have to be replaced, the replacement should match the original;
6 proposals which would generate a significant increase in traffic movements and heavy vehicles or excessive parking demands will not be permitted since these would be prejudicial to amenity;
7 proposals which would require substantial car parking and servicing areas which can not be provided without an adverse effect on the site and its surroundings will not be permitted.

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): it is noted from the details supplied that the proposal will not lead to an increase in vehicular traffic to and from the site. I can therefore confirm that the Highway Authority has no objection to the proposal;

Cumbria Constabulary - Crime Prevention: Cumbria Constabulary has referred to the latest published guidelines of the ATM Security Working Group (September 2004). ATM's should be located to ensure the safety and security of legitimate customers, the resistance of the machine to various forms of attack and the safety of 'Cash-in-Transit' (CIT) crew who shall be required to replenish it. It was disappointing to note that the submitted Design and Access Statement did not include any reference to crime prevention measures. (S87 DCLG Circular 01/2006 'Guidance on Changes to the Development Control System').

"Location

The ATM should be sited in a highly visible, busy and well-lit area that allows maximum surveillance. This promotes a safer environment for customers and reduces the opportunity for vandalism. It should be positioned away from

potential hiding places such as recesses, doorways or hoardings. Similarly, it should be positioned away from features that narrow the footway, which have the effect of funnelling pedestrians towards ATM customers. It should not be positioned near bus stops, public telephones, pedestrian crossings or other features where the public has a legitimate reason to gather or loiter."

Barclays Bank is situated in Bridge Street, part of the main thoroughfare (A7) through Longtown. Cumbria Constabulary is satisfied that the ATM shall be sited in a reasonably active location, to benefit from natural surveillance from passing vehicular and pedestrian traffic. There are no potential hiding places in the near vicinity. The view from the road (travelling south) is partially obscured by landscaping forming the boundary of the adjoining dwelling, but it is appreciated that the applicant has no influence over the maintenance of this vegetation. The location is under observation from a CCTV camera positioned in High Street, yet will not be under constant surveillance. The proposed site is set back from the road, behind a low wall and railing, which shall give reasonable defence against ram-raid type attack, but also defines a defensible space, in which a legitimate customer shall be made aware of the approach of another person.

Over the past two years, Cumbria Police has recorded five offences involving direct attacks against ATM's. Similar offences have occurred regionally. Cumbria Constabulary therefore recommends inclusion of the following security measures, which could be formalised as part of the Supplementary Informative of this application, if successful:

- **Anchorage**

The ATM should be securely fixed to a specifically designed anchoring system or concrete base through its security container by a minimum of four high tensile M16 bolts with appropriate washers of 6mm minimum thickness. When fixing into a concrete base it is recommended that these bolts should be to a minimum depth of 150mm and that either resin anchor bolts or expanding anchor bolts are used to adequately anchor into the concrete.

- **Banknote Degradation System**

A banknote degradation system should be deployed to protect each ATM cassette that holds banknotes contained in the ATM and provide a deterrent to theft of or from the ATM. The banknote degradation system should be designed to activate immediately the ATM is moved or attacked by any means. Where a banknote degradation system is deployed notices to this effect should be displayed prominently and on the ATM itself. Notices displayed where no banknote degradation system is deployed is crime reduction bad practice.

- **ATM Alarm System**

The ATM should be installed with an alarm system with its own unique reference number (URN). The system should be monitored using remote signalling to an Alarm Receiving Centre and should qualify for Level 1 police response. If it is a 'confirmable' alarm system, a dual signalling facility should be provided. The design

should ensure that the system is alarmed at all times other than for replenishment and servicing. Furthermore, it should give the earliest possible warning of attack on the ATM.

The ATM Security Working Group comprises of representatives of financial institutions, the Association of British Insurers, LINK Interchange, APACS, the British Bankers Association and the police. Barclays is a member of the BBA and by implication is expected to comply with all the ATMSWG recommendations and guidelines;

Arthuret Parish Council: the Parish Council is in support of the application however have raised possible road safety issues with parking to use the facility.

Summary of Representations:

Representations Received

Initial:	Consulted:	Reply Type:
[redacted] The Bank House	10/01/07	Objection
[redacted], 25 Bridge Street	10/01/07	
[redacted], 26 Bridge Street	10/01/07	
[redacted] 19 Bridge Street		Objection
[redacted] Cobbinshaw House		Objection

This application has been advertised by means of a site and press notice as well as notification letters sent to six neighbouring properties. Four written representations have been made during the consultation period. The representation received was in objection to the application with and the following comments were made:

- I am strongly against the installation of this ATM particularly as it is in such close proximity to the other ATM terminals in Longtown, I do not feel we need a third. Quality of life will diminish and litter levels will rise dramatically. This is a highly residential area and the installation of the terminal can only be to the detriment of the lives of the residents, particularly during the hours of darkness with the noise from traffic stopping, people at the machine, noise from the machine itself. You only have to look at the existing two terminals to see the litter making the area look very shabby. Longtown already has two ATM machines within extremely close proximity of this further proposed ATM, it certainly does not need a third, this is also a conservation area. The use of a third terminal in a highly residential area will almost certainly be to the detriment of the local residences. As previously stated, I am strongly opposed to the installation of this machine, it is unnecessary.
- As a resident next to the Bank we feel that positioning an ATM between two houses will be a disturbance in a residential area from customers of the Bank, either on foot or vehicles pulling up outside on the road or on the footpath which is what happens now during the day. We have to suffer the inconvenience during the opening hours from the Banks customers, it is unfair to expect residents to suffer extra disturbance during the hours of relaxation. With the

constant irritation of Bank customers parking in front of our entrance during Banking hours this will only increase during the hours of rest and relaxation. We already have double yellow lines in front of the bank and our entrance, these seem to be totally ignored. The step in the footpath in front of our house was removed and a ramp installed to help push chairs, wheelchairs etc, this has only encouraged drivers to use the ramp to park on the footpath while visiting the bank, this hinders people using the footpath and makes it dangerous to cross the road. This decision by the Bank to install an ATM has only been decided after the decision was made to change the opening from 5 to 3 days. In approximately 200 hundred metres from the bank there are 2 ATM's, neither of these are next to a house and both have parking facilities. In a town which is starting to lose facilities, schools etc, it seems ridiculous that a town of this size requires three ATM's. All these problems and the increased amount of litter people will have to clear from their gardens from discarded slips from the ATM.

- By installing this machine, our quality of life is decreased. These machines are not quiet operating machines and indeed, tend to make rather loud clangs and bumps from within the machine. Our property is directly adjacent and we already hear noise from the bank during the working day which is acceptable, however, the same kind of noise at night and indeed 24 hours a day is not acceptable. There is a further erosion of our quality of life not only to the noise levels increasing, but with higher incidence's of litter, cars parking directly outside the bank (where it is double yellow lines). This particular area is a predominantly residential area and the introduction of a further terminal will again be to the detriment of the lives of residents, particularly during the hours of darkness with the noise from traffic stopping, people at the machine, noise from the machine itself. People tend to want convenience, and as there is no lay-by directly outside the bank to park, they will not park and walk from somewhere else, they will tend to park on the double yellow lines thus causing an obstruction of traffic on a busy road. You only have to look at the existing two terminals to see the litter making the area look very shabby. Longtown already has two ATM machines within extremely close proximity of this further proposed ATM. We do not need a third, this is also a conservation area. The use of a third terminal in a highly residential area will almost certainly be to the detriment of the local residences. We have only just been made aware that the Barclay's Bank at Longtown is only opening three days a week - namely Monday, Tuesday and Thursdays yet it does not state this reduced opening on its application and even goes so far to state that it wishes to offer better service as they realise not everyone can get to the bank. The better service would be to open five days a week instead of three. Secondly, we have seen the comments from Cumbria Highways in that they state there would appear to be no problem in vehicular traffic assessing the site. How on earth would they know? They do not live here and we would suggest they come and stay here for 24 hours to see the lines of traffic that totally ignore the double yellow lines and pull up on the kerb, particularly during opening hours - note that these vehicles are not delivery vehicles but people from cars, tractors and trailers (we kid you not) not to mention lorries that pull up onto the kerb because no one will park and walk. It is already difficult to pass when cars and lorries are parked up on the kerb - goodness knows how anyone with a pushchair gets through. We strongly object to this proposal, there are two further ATM's in Longtown which are not next to residential properties and can boast parking facilities directly outside. Judging by

the sometimes long line of traffic parking on the kerb directly outside our property, it is proof that no-one will park up and walk to visit Barclay's Bank and in particular, will not park up and walk to visit an ATM. We suffer disturbance and noise during the day but should not have to suffer and endure anything after the hours of darkness and in particular, during the hours of rest and sleep. We strongly oppose this application.

- We already have two machines in Longtown and within extremely close proximity of this proposed one. Longtown does not need a third. Barclays have recently changed their opening hours to three days per week and yet on their statement to their application they speak of wanting to offer better services to customers. A three day week and a machine is not a better service. Traffic tends to park up on the kerb making it difficult for anyone trying to walk past Barclays. The parked traffic takes up most of the pavement making pedestrians forced to move into the road. There have been no end of vehicles parking on the double yellow lines that are outside Barclays as people want to park immediately outside instead of parking more safely, without endangering pedestrians lives. Bridge Street is a predominantly residential area and the other two ATM's are situated with parking immediately outside, but not situated next to private residences. Litter levels will increase ten fold - evidence can be seen at any ATM in the county. The area in question is in the conservation area of Longtown - an ATM does not fall into any kind of conservation act.

Details of Proposal/Officer Appraisal:

Planning History:

The site has the following previous planning applications:

- 04/0207 External alterations to front elevation to allow disabled access
- 01/0098 Erection of non-illuminated fascia sign and internally illuminated projecting sign

Details of Proposal:

The applicant is proposing to install an Automatic Teller Machine (ATM) into their branch office at Longtown. The branch is located at 23 Bridge Street and is within a predominantly residential area. Along Bridge Street there is a small cluster of primary employment areas on both the east and west side. The bank is on the edge of the Primary Employment Area to the east of Bridge Street. The bank is one of a row of terraced houses with the frontage of the bank slightly protruding. The site is within the Longtown Conservation Area.

The frontage of the bank includes the entrance to the right and two large multi pane windows, the one closest to the door being slightly larger. The proposal will involve the removal of the existing night safe and the raising of the window sill of the large central window. The ATM will have a dimension of 1002mm in height and a width of 634mm and will be placed under the larger window. The area surrounding the ATM will be filled in with materials to match. To the front of the bank is a paved entrance

and a fenced gravel area. It is intended to extend the paving area to include the ground in front of the ATM.

Advertisement consent is sought for the installation of an integrated light box above the proposed ATM displaying the word 'Barclays'. The sign would measure 484 mm in width. Adjacent to the ATM would be further sign measuring 600mm in height by 250mm in width. This sign would also be illuminated and would inform customers from other banks as to whether they are eligible to use the facility.

The relevant planning policies against which the proposal is required to be assessed against include Policies E43 and E47 of the Carlisle District Local Plan and Policies EC17 and LE20 of the Carlisle District Local Plan Redeposit Draft. The application raises the following planning issues:

1. Amenity And Public Safety

The proposal will result in new illuminated signage to the right hand side of the ATM measuring 250 x 600 mm and two illuminated signs above the screen and card slot advertising Barclays and the various cards able to use the machine.

Applications for advertisement consent can only be controlled in the interests of 'amenity' and 'public safety'. No objection has been received from the Highway Authority and the signs would not be so prominently sited as to be sufficient to cause a distraction and therefore pose a threat to users of the highway.

The merits of the application must therefore be assessed under 'amenity' grounds. Advertisement proposals should have regard to the environment and the visual amenity of the area, as defined in Planning Policy Guidance Note 19 (Outdoor Advertisement Control). A material consideration of advertisement applications is the effect on the character of the area.

Given the size of the signs, being relatively insignificant against the street frontage of the bank the signs will not detract from the character of the area and the number of signs together with the siting and design are considered to be proportionate to this building within the character of this commercial area. As the building is located within a Primary Employment Area signs are expected advertising the businesses in operation. Adjoining the site is residential development, however the signs are not of a size that would adversely affect their living conditions through creating lighting issues, in particular at night. Overall it is considered the signs will not detract from the visual amenity values of the area or create public safety issues.

2. Impact On The Character And Appearance Of The Conservation Area

Although the site is within a Primary Employment Area and signs can be expected consideration also needs to be given to the Longtown Conservation Area in which it is located. Attention must be given to the design, siting and illumination of any sign to ensure the preservation and enhancement of the special character and appearance of the area. As aforementioned it is considered the signs are not of a major scale; however, comments are still required from Council's Conservation Officer, in particular, as to whether illumination of the information sign is appropriate.

3. Other Matters

Members will note that four letters of objection have been received to this application; however, the contents of these letters relate to the principle of the installation of the ATM rather than the associated advertisements. The merits of the installation of the machine is addressed as part of the relevant planning application found elsewhere in this schedule.

4. Conclusion

The signs are not considered to create adverse effects in relation to public safety or be detrimental to the amenity values of the area; however, the site is within a designated Conservation Area and the comments from Council's Conservation Officer are currently awaited. It is anticipated that these comments will be available for Members prior to the date of the Committee meeting and will be presented accordingly.

Human Rights Act 1998

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";

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;

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.

Recommendation:

Reason for including report in Schedule B

SCHEDULE B: Reports Requiring Further Information

07/0008

A full report and recommendation is unable to be made at this time as comments from Council's Conservation Officer are still forthcoming.

SCHEDULE C

SCHEDULE C

SCHEDULE C

SCHEDULE C

SCHEDULE C

SCHEDULE C

SCHEDULE C

SCHEDULE C: Applications Determined by Other Authorities

Item No: 23 Between 13/01/2007 and 23/02/2007

Appn Ref No:	**Applicant:**	**Parish:**
06/0692	Border Construction Ltd	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
08/06/2006	Taylor & Hardy	Yewdale

Location: Land at Suttle House, Wigton Road, Carlisle, CA2 6QU

Grid Reference: 337640 554280

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

Amendment:

Report

Decision on Appeals:

Appeal Against: Appeal against refusal of planning perm.

Type of Appeal: Written Representations

Report: This appeal refers to an application for residential development to provide 27 houses and 14 flats within the grounds of Suttle House, which is situated approximately 2.31 miles to the south west of the City Centre just off Wigton Road. The Development Control Committee refused the application against the Officers recommendation on 18 August 2006 for the following reason;

1. *"It is considered that the proposed development by reason of its scale and design would be out of character with the existing development in the area which is typically two storey in nature contrary to Policies CP4, CP5 of the Carlisle District Local Plan Redeposit Draft and Policy H16 of the adopted Carlisle District Local Plan".*

The Inspector identified that the principle of residential development on the vacant land around the existing house is not in dispute, but rather the layout, form and appearance of the design. It was the Inspectors view that the site lends itself to a self contained and locally distinctive design which, in its varying heights, will sit comfortably alongside and not compete with or dominate its more uniform suburban neighbours beyond.

In allowing the appeal the Inspector concluded that the chosen urban design concept and resultant architectural form, sympathetic materials and landscaping is locally appropriate; and will both preserve the setting of

Suttle House and be compatible with the character of the adjacent residential areas. As such the proposal was felt to comply with the relevant policies of the adopted and emerging Local Plan.

Several conditions were attached to ensure that the details of the scheme are implemented in respect of phasing, provision of affordable housing, levels, drainage, access and parking, boundary treatment, landscaping, materials and protection of bats.

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

SCHEDULE C: Applications Determined by Other Authorities

06/0364

Item No: 24 Between 13/01/2007 and 23/02/2007

Appn Ref No:	**Applicant:**	**Parish:**
06/0364	Border Construction Ltd	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
17/03/2006	Taylor & Hardy	Yewdale

Location: Land at Suttle House, Wigton Road, Carlisle, CA2 6QU

Grid Reference: 337640 554280

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

Amendment:

Report

Decision on Appeals:

Appeal Against: Against Non Determination

Type of Appeal: Written Representations

Report: This appeal refers to the non-determination of an application for listed building consent for the demolition of outbuildings within the grounds of Suttle House, which is situated approximately 2.31 miles to the south west of the City Centre just off Wigton Road. The removal of the outbuildings was sought in conjunction with an application to erect 27 houses and 14 flats within the grounds of the property, which was refused by the Development Control Committee on the 18 August 2006, also subject to an appeal.

The Inspector allowed the appeal to redevelop the site for residential purposes and in doing so also allowed this appeal. The Inspector concluded that the retention of the outbuildings, which are beyond sensible redemption, would serve no useful purpose historically or architecturally, given the benefits of a comprehensive scheme for the site that retains the essence of the listed Suttle House and its setting. The buildings themselves have been recorded and, therefore, subject to a condition linking the demolition of the buildings to the redevelopment of the site the appeal was allowed.

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

SCHEDULE C: Applications Determined by Other Authorities

06/0323

Item No: 25 Between 13/01/2007 and 23/02/2007

Appn Ref No:	**Applicant:**	**Parish:**
06/0323	Mrs V Ratcliffe	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
19/05/2006	J Cameron Blackhall Associates	Belle Vue

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

Grid Reference: 337619 556141

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

Amendment:

Report

Decision on Appeals:

Appeal Against: Against Enforcement Action

Type of Appeal: Written Representations

Report: This appeal related to retrospective planning permission for the siting of a mobile home whilst a new dwelling is under construction at Avonlea, 20 Moorhouse Road, Carlisle.

The application was refused for the following reason:

> "*The mobile home, although single storey, is sited along the boundary and at a much higher level than the adjacent property, 18 Moorhouse Road. By virtue of its scale, siting and position on the boundary, the mobile home forms an oppressive and obtrusive feature on the boundary and the amenity of the occupier of the adjacent property is unduly prejudiced by the development, contrary to criteria 2 of Policy H2 (Primary Residential Areas) and criterion 2 and 4 and the objectives of Policy H17 (Residential Amenity) of the Carlisle District Local Plan and criteria 2 of Policy H2 (Primary Residential Areas) and criterion 2 and 4 and the objectives of Policy CP5 (Residential Amenity) of the Carlisle District Local Plan Redeposit Draft.*"

An appeal against the Enforcement Notice was conjoined as part of the appeal against the refusal of planning permission. The Inspector considered the main issue in the case of the planning appeal was the siting of the mobile home on the residential living conditions of the occupants of 18 Moorhouse Road. The Inspector considered the relationship of the

mobile home with the adjacent property together with the difference in levels of the land. Although single storey, the mobile home was considered to be over-dominant and over-bearing. The temporary nature of the permission sought did not affect the Inspector's judgement of the acceptability of the intrusion and loss of amenity being caused to the occupiers of the neighbouring property. The Inspector suggested that should retention of the mobile home be required during the construction process, it could be positioned elsewhere within the site. Although this would impose restrictions on the building process for the remaining dwelling, the Inspector was not satisfied that a siting less damaging to amenity could not be achieved. The appeal against the refusal of planning permission was dismissed.

Due to the effect of the mobile home on the amenity of the occupiers of the neighbouring property, the Inspector did not consider that the period for compliance of the Enforcement Notice should be extended until 30 November 2007. Accordingly, the Enforcement Notice was upheld, with some technical alterations, with the period for compliance being three months.

Appeal Decision: Appeal Dismissed **Date:** 14/02/2007

SCHEDULE C: Applications Determined by Other Authorities

06/0830

Item No: 26 Between 13/01/2007 and 23/02/2007

Appn Ref No:	**Applicant:**	**Parish:**
06/0830	Mr & Mrs Wilkinson	St Cuthberts Without
Date of Receipt:	**Agent:**	**Ward:**
06/07/2006	Phoenix Architects	Dalston

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

Grid Reference:
339455 551200

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

Amendment:

Report

Decision on Appeals:

Appeal Against: Against Non Determination

Type of Appeal: Informal Hearing

Report: This appeal refers to the non-determination of an application for the alteration of a brick built barn, including the installation of a first floor, at Park Fauld Farm, Durdar, to provide additional living accommodation to serve the main residence. The site is situated in open countryside approximately 1km west of Durdar, just off the Class C road that links Durdar to Bridge End, Dalston.

In brief, the Council's concerns were that the proposed ancillary accommodation was capable of independent use and therefore tantamount to a self contained dwelling in a location where such a proposal would be contrary to current planning policy. Neither the use of a Section 106 Agreement or a condition would make the use of the premises to provide ancillary accommodation acceptable. Furthermore, if a S.106 Agreement or condition was imposed to regulate the use of the ancillary accommodation the Council maintained that it would be unenforceable, as there would be no means of determining whether the occupants of the ancillary accommodation were co-existing with the occupants of the main dwelling due to the independent nature of the accommodation. The Council had no concerns regarding the physical alterations to the building or the potential impact the development would have upon the living conditions of the neighbouring property.

The Inspector raised no concerns regarding alterations to the building, arguing that the barns traditional appearance would be retained, as would

the contribution that the barn makes to the character of the surrounding buildings. The Inspector also acknowledged that the formation of a dwelling in this location would be contrary to planning policy and that the accommodation to be provided would be capable of independent use.

Irrespective of this, the Inspector took the view that the Council's concerns were unfounded and allowed the appeal on the basis that the imposition of a condition restricting the use of the barn to ancillary use was enforceable.

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

SCHEDULE C: Applications Determined by Other Authorities

04/1351

Item No: 27 Between 13/01/2007 and 23/02/2007

Appn Ref No:	**Applicant:**	**Parish:**
04/1351	Mr & Mrs Wilkinson	St Cuthberts Without
Date of Receipt:	**Agent:**	**Ward:**
14/10/2004	Phoenix Architects	Dalston

Location:
Barn at Park Fauld Farm, Durdar, Carlisle, CA5 7LT

Grid Reference:
339455 551200

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

Amendment:

1. Alterations to the position and size of window openings and the design of the two storey projection on the southwest elevation of the building, together with the omission of the canopy (Drawing No.PA04/502/6A).

2. Alteration to the 'red line' site location plan omitting the 'brick built barn' from the application site and alterations to the proposed layout (Drawing No. PA04/502/3A).

3. Alterations to proposed layout, (Drawing No. PA04/502/3B), to correspond with amendments to proposed elevations, together with alterations to Drawing No. PA04/502/6B, to include proposed floor plans.

Report

Decision on Appeals:

Appeal Against: Appeal against refusal of planning perm.

Type of Appeal: Informal Hearing

Report: This appeal refers to an application for the repair and conversion of a redundant stone barn at Park Fauld Farm, Durdar, to provide additional family accommodation and holiday accommodation. The site is situated in open countryside approximately 1km west of Durdar, just off the Class C road that links Durdar to Bridge End, Dalston. The Development Control Committee refused the application on 11 November 2005 for the following reasons;

1. *"The proposed accommodation to be formed would result in the creation of a separate planning unit, as the unit is self-contained and is capable of fully independent use. As such the proposal would fail the severability test that is used to determine if one use is ancillary to*

another. Due to the independent nature of the accommodation the proposal is tantamount to a self-contained dwelling in a location where such a proposal would be unacceptable. Neither the use of planning conditions or a Section 106 Agreement would make the dual use of the premises, to provide both holiday and ancillary accommodation, acceptable. The proposal is, therefore, contrary to the objectives of Policies E8, H12 and H6 of the Carlisle District Local Plan, the objectives of Policies H7 and H8 of the Carlisle District Local Plan 2001-2016 Deposit Draft and would conflict with the objectives of the Local Planning Authority's Residential Planning Permission Moratorium in the Rural Area

2. *The development would set a precedent that would make it difficult to resist applications of a similar nature in the future„.*

In brief, the Council's concerns were that the proposed accommodation, which would provide both ancillary and holiday accommodation, was capable of independent use and therefore tantamount to a self contained dwelling in a location where such a proposal would be contrary to current planning policy. The Council did not have an issue with the proposed holiday accommodation, in principle, but had concerns regarding the dual use of the premises, principally due to the independent nature of the ancillary accommodation. Neither the use of a Section 106 Agreement or a condition would make the dual use of the unit to provide ancillary and holiday accommodation acceptable. Furthermore, if a S.106 Agreement or condition was imposed to regulate the use of the ancillary accommodation the Council maintained that it would be unenforceable as there would be no means of determining whether the occupants of the ancillary accommodation, when it was being used for that purpose, were co-existing with the occupants of the main dwelling due to the independent nature of the accommodation. The Council had no concerns regarding the physical alterations to the building or the potential impact the development would have upon the living conditions of the neighbouring property.

The Inspector raised no concerns regarding alterations to the building, arguing that the barns traditional appearance would be retained, as would the contribution that the barn makes to the character of the surrounding buildings. The Inspector also acknowledged that the formation of a dwelling in this location would be contrary to planning policy and that the accommodation to be provided would be capable of independent use.

Irrespective of this, the Inspector took the view that the Council's concerns were unfounded and allowed the appeal on the basis that the imposition of a condition restricting the use of the barn to either ancillary or holiday use was enforceable.

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

SCHEDULE C: Applications Determined by Other Authorities

06/0017

Item No: 28 Between 13/01/2007 and 23/02/2007

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

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

Amendment:

Report

Decision on Appeals:

Appeal Against: Appeal against refusal of planning perm.

Type of Appeal: Written Representations

Report: This appeal concerned the conversion of the existing garage together with a first floor extension together with the erection of a detached double garage at 11 The Willows, Durdar, Carlisle.

The application was refused for the following reasons:

> "*The proposed development, by virtue of its scale and design would occupy almost all of the curtilage land between the boundary and the gable of the existing dwellinghouse. The proposed first floor extension would result in an over intensive development within the site that fails to respect or enhance the existing building. The resulting scale, form and bulk would be detrimental to the visual amenities and the character of the streetscene and would unduly dominate the character and appearance of the original dwellinghouse, contrary to the objectives of Policy H14 (Extensions to Dwellings) of the Carlisle District Local Plan; Policy H11 (Extensions to Existing Residential Dwellings) of the Carlisle District Local Plan Redeposit Draft; and criteria 7 of Policy ST3 (Principles Applying to all New Development) of the Cumbria and Lake District Joint Structure Plan 2001-2016 Proposed Modifications.*
>
> *The proposal involves the insertion of a first floor bedroom window in the east elevation of the extension. This would cause an issue of unreasonable overlooking and loss and privacy and amenity for the*

occupier of the adjacent property, contrary to the objectives of Policy H14 (Extensions to Dwellings) of the Carlisle District Local Plan Policy H11 (Extensions to Existing Residential Dwellings) of the Carlisle District Local Plan Redeposit Draft."

The Inspector considered the appeal in two parts. Firstly, it was noted that the detached domestic garage would be similar in design to other detached garages in the vicinity and would be visible from the roadside, it would be set well back to the north of the house. Furthermore, the materials used in its external surfaces would match those of the dwelling and concluded that the effect of the proposed garage on the character and appearance of the street scene would be acceptable.

With regards to the second issue, the Inspector made reference to the proposed conversion of the garage and the first floor extension. It was considered that in the context of the site, due to its bulk and orientation, the extended garage would have a disjointed and awkward appearance in relation to the main dwelling that would give an impression of poor design and would be an obtrusive addition to the street scene. The needs of the appellants to provide additional accommodation was recognised but the proposal involves works of a permanent nature, which would remain long after their personal circumstances have ceased to be material.

The appeal was allowed in part in respect of the detached double garage and part dismissed in respect of the first floor extension.

Appeal Decision: Appeal Part Allowed **Date:** 17/01/2007

SCHEDULE C: Applications Determined by Other Authorities

06/0132

Item No: 29 Between 13/01/2007 and 23/02/2007

Appn Ref No:	**Applicant:**	**Parish:**
06/0132	Jock Gordon	Stanwix Rural
Date of Receipt:	**Agent:**	**Ward:**
02/02/2006	Taylor & Hardy	Stanwix Rural
Location:		**Grid Reference:**
Land adjacent Orchard Gardens, Houghton, Carlisle		340560 559178

Proposal: Proposed residential development (outline application)

Amendment:

Report

Decision on Appeals:

Appeal Against: Appeal against refusal of planning perm.

Type of Appeal: Written Representations

Report: This appeal related to outline planning consent for residential development on land adjacent to Orchard Gardens, Houghton.

The application was refused for the following reasons:

"*The site of the proposed development is located outwith the settlement boundary of Houghton. Proposals for residential development outside identified settlements will only be considered acceptable where the application is supported by a proven agricultural or forestry need or only in exceptional circumstances. This application does not provide any evidence to support a special need for residential development in this location and the proposed development is also not put forward as the basis of meeting a local need. It would therefore harm the spatial strategy of the Local Planning Authority that seeks to direct development to more sustainable settlements. The proposal is contrary to the objectives of the advice within PPG3 (Housing); Regional Planning Guidance 13; Policy H6 (Agricultural and Forestry Need) of the Carlisle District Local Plan; Policy H7 (Agricultural and Forestry Need) of the Carlisle District Local Plan Redeposit Draft; and Policy H1 (Location of New Housing Development) of the Carlisle District Local Plan Redeposit Draft.*

The proposal is located outwith the settlement boundary and is within an area of open countryside. In this location the proposed

development would be conspicuous and thereby increasing its intrusion into the countryside to the detriment of the rural character of the area. The proposal would establish an undesirable precedent which would make it difficult to resist further such applications, that would be detrimental and erode the character and amenity of the open countryside contrary to the objectives of Policy E37 (Landscape Character) of the Cumbria and Lake District Joint Structure Plan Proposed Modifications, Policy E8 (Remainder of the Rural Area) of the Carlisle District Local Plan and Policy CP1 (Landscape Character/ Biodiversity) of the Carlisle District Local Plan Redeposit Draft."

The Inspector considered that the main issue in the determination of the appeal was the development of the greenfield site on the edge of the village. It was accepted that housing on the site could have an acceptable visual and/ or practical relationship with the existing housing in Orchard Gardens; however, the Inspector was less persuaded that from the south the proposed development would not in its prominence unacceptably intrude into the open countryside that presently defines the village along the private lane.

The Inspector considered the current position in respect of the emerging Local Plan and identified that limited weight could be attached to the emerging policies due to the representations received and the forthcoming public inquiry. The Inspector further recognised that Policy H5 contains many policy objectives as Policy H1 of the emerging Local Plan and that the proposal fails those emerging tests as well. For these reasons, the appeal was dismissed.

Appeal Decision: Appeal Dismissed **Date:** 29/01/2007

SCHEDULE D

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SCHEDULE D: Reports on Previously Deferred Decisions

Item No: 30 Between 13/01/2007 and 23/02/2007

Appn Ref No:	**Applicant:**	**Parish:**
06/1095	Two Castles Housing Association Ltd	Burgh-by-Sands
Date of Receipt:	**Agent:**	**Ward:**
11/09/2006	Day Cummins Architects	Burgh

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

Grid Reference:
332676 558981

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

Amendment:

Report

Details of Deferral:

Members will recall at Committee meeting held on 29th September 2006 that authority was given to the Head of Planning and Housing Services to issue approval subject to no new issues/objections being received prior to the expiration of the consultation period and the variation of the S106 Agreement to include the new application reference number.
This has been done and the approval was issued on 15th February 2007.

Decision: Granted Subject to Legal Agreement **Date:** 15/02/2007

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

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

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

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

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

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

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

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

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

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

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

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

7. The dwellings hereby approved shall not be occupied until visibility splays providing clear visibility of 45m x 2.4m x 45metres measured down the centre of the exit road and the nearside channel line of the trunk road have been provided at the junction of the access road with the county highway. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grow within the visibility splay which obstruct the visibility splays.

Reason: In the interests of highway safety and to support Local Transport Policies S3 and LD7.

8. Within 3 months of this approval detail for the provision of surface water drainage works shall be submitted and approved, in writing, by the Local Planning Authority. Such a scheme shall be constructed and completed in accordance with the approved plans.

Reason: To ensure a satisfactory means of surface water disposal and to ensure compliance with Policy CP9 of the Carlisle District Local Plan Redeposit Draft 2001-2016.

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

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

Item No: 31 Between 13/01/2007 and 23/02/2007

Appn Ref No:	**Applicant:**	**Parish:**
06/1290	Lovell Partnerships Limited	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
07/11/2006	Ainsley Gommon Architects	Morton

Location: Land at Barras Close, Barras Close, Carlisle

Grid Reference: 338386 554235

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

Amendment:

1. Revision D to Plan PL02 showing houses on plot numbers 22 and 23 resited

to achieve minimum separation fron existing houses.

Report

Details of Deferral:

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

Decision: Grant Permission **Date:** 06/02/2007

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

   a) a desktop study has been carried out which shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information and a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors has been produced.

   b) a site investigation has been designed for the site using the information obtained from the desktop study and any diagrammatical representation (Conceptual Model). This should be submitted to, and approved in writing by, the Local Planning Authority prior to that investigation being carried out on the site. The investigation must be comprehensive enough to enable a risk assessment to be undertaken relating to groundwater and surface waters associated on and off the site that may be affected, refinement of the Conceptual Model and the development of a Method Statement detailing the remediation requirements.

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

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

   Reason

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

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

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

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

   Reason: To ensure that a satisfactory landscaping scheme is implemented and that if fulfils the objectives of Policy E19 of the Carlisle District Local Plan and Policy CP4 of the Redeposit Draft (2001 - 2016)

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

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

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

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

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

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

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

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

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

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

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

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

   (b) a report containing the methodology and findings of the bat survey and, if bats are found to be present, detailed mitigation proposals, has been submitted to, and approved by the Local Planning Authority and;

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

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

Item No: 32 Between 13/01/2007 and 23/02/2007

SCHEDULE D: Reports on Previously Deferred Decisions

Appn Ref No:	Applicant:	Parish:
06/0469	Liam McNulty	Upper Denton
Date of Receipt:	**Agent:**	**Ward:**
27/04/2006		Irthing
Location:		**Grid Reference:**
Willowford Farm, Gilsland, Cumbria CA8 7AA		362500 566500

Proposal: Conversion of farm building into bed and breakfast accommodation

Amendment:

- Accurate drawings to illustrate the proposed south elevation.

Details of the excavation required for the heating system.

Report

Details of Deferral:

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

Decision: Grant Permission **Date:** 06/02/2007

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 whole of the access area bounded by the carriageway edge, entrance gates and 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: S3. LD7, LD11, LD5 (draft)

3. Prior to the commencement of the development hereby approved details of the position, number and construction of the passing places along the private

access road leading from the B6318 to the site shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the commencement of the use of the development.

Reason: In the interests of highway safety.

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

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

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

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

5. Trees and shrubs shall be planted in accordance with a scheme to be agreed with the local planning authority before building work commences and the trees and shrubs shall be retained and maintained to the satisfaction of the local planning authority. The scheme shall include the use of native species and shall also include a detailed survey of any existing trees and shrubs on the site and shall indicate plant species and those trees and shrubs to be retained.

   Reason: To ensure that a landscaping scheme is submitted which takes into account the recommendations given in E3 of the Bat and Barn Owl Report by Sally Phillips submitted with the application in accordance with PPS9.

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

   This written scheme will include the following components:

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

by the Planning Authority, completion of an archive report, and publication of the results in a suitable journal.

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

Item No: 33 Between 13/01/2007 and 23/02/2007

Appn Ref No:	**Applicant:**	**Parish:**
06/0470	Liam McNulty	Upper Denton
Date of Receipt:	**Agent:**	**Ward:**
27/04/2006		Irthing
Location:		**Grid Reference:**
Willowford Farm, Gilsland, Cumbria CA8 7AA		362500 566500

Proposal: Conversion of farm building into bed and breakfast accommodation (LBC)

Amendment:

Report

Details of Deferral:

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

Decision: Grant Permission **Date:** 06/02/2007

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

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

2. Prior to the commencement of the development hereby approved details of the size, materials and position of the proposed bat boxes shall be submitted to and approved in writing by the Local Planning Authority.

   Reason: In order to ensure the existing wildlife is safeguarded and the character and structure of the listed building is safeguarded.

Item No: 34 Between 13/01/2007 and 23/02/2007

Appn Ref No:	**Applicant:**	**Parish:**
07/0002	Mr & Mrs Greig	Westlinton
Date of Receipt:	**Agent:**	**Ward:**
02/01/2007	Jock Gordon	Longtown & Rockcliffe

Location: Holly Cottage, Newtown, Carlisle, Cumbria, CA6 4ET

Grid Reference: 338752 562435

Proposal: Two Storey Side Extension To Provide Garage, WC And Bedroom With En-Suite

Amendment:

Report

Details of Deferral:

Members will recall at Committee meeting held on 26th January 2007 that authority was given to the Head of Planning and Housing Services to issue approval subject to no material representations being received from neighbours within the notification period which expires on 26th January. No material representations were received by the end of this deadline so the approval was issued on 31st January 2007.

Decision: Grant Permission **Date:** 31/01/2007

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

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

2. The external walling and roofing materials to be used in the building works hereby permitted shall be identical to those in the existing building. If any other material is proposed no development shall take place until such has been approved, in writing, by the Local Planning Authority.

   Reason: To ensure the works harmonise as closely as possible with the existing building and to ensure compliance with Policy H14 of the Carlisle District Local Plan and Policy H11 of the Redeposit draft (2001 - 2016).

Item No: 35 Between 13/01/2007 and 23/02/2007

Appn Ref No:	**Applicant:**	**Parish:**
07/0004	Carlisle City Council	Cummersdale
Date of Receipt:	**Agent:**	**Ward:**
03/01/2007	Culture & Community	Dalston

Location: Cycle and Footpath adjoining Stead McAlpine, Cummersdale

Grid Reference: 339350 553294

Proposal: New Ramp Linking Low And High Level Cycleways At Millstream, Cummersdale

Amendment:

Report

Details of Deferral:

Members will recall at Committee meeting held on 26th January 200 that authority was given to the Head of Planning and Housing Services to issue approval subject to no material objections being received prior to the expiry of the consultation/notification period (29/01/07) and the imposition of the recommended conditions.

The notification period has expired and the recommended conditions have been imposed. The approval was issued on 13th February 2007.

Decision: Grant Permission **Date:** 13/02/2007

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

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

2. Before the completion of the ramp by the laying of the macadam wearing course the existing stile at the Mill Stream, as identified on drawing number 04-C-10000/100/A, shall be removed and reinstated (with any necessary means of enclosure) in an alternative location, and, the footpath/cycle track reinstated in accordance with plans to be submitted to and approved in writing beforehand by the local planning authority.

   Reason: In order to enable the effective use of the cycle track.

3. For the duration of the development works a suitable barrier shall be erected adjacent to the River Caldew/ Mill Stream capable of preventing soil, debris or construction material entering the Caldew River in accordance with details submitted to and approved in writing beforehand by the local planning authority.

   Reason: To avoid pollution and siltation of the river/mill stream and subsequently reduce the water quality and spawning ground quality for a variety of freshwater species such as Atlantic Salmon, Lamprey and native White-Clawed Crayfish.

4. For the duration of the development works there shall be no tipping, stacking, nor compaction of the ground by any other means along the riverside of the Caldew.

   Reason: To maintain riverside habitat and water quality.

5. Prior to the expiry of one week following completion of the development all equipment, (excess) materials, fuel and waste arising from the work shall be removed from the site.

   Reason: To prevent materials entering the watercourse and reduce the risk of habitat damage from any such materials.

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

   Reason: To protect trees and hedges during development works.

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

   Reason: To ensure that a satisfactory landscaping scheme is prepared in accord with Policy E9 an E19 of the Carlisle District Local Plan.

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

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

9. No tree (as part of the development hereby approved) shall be felled, lopped, uprooted or layered from the 1st March to 31st July of any calendar year during the main bird breeding season.

   Reason: In order not to disturb or deter the nesting of any birds to ensure compliance with Policies E11 and E12 of the Carlisle District Local Plan.

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SCHEDULE E: Decisions Issued Under Delegated Powers

Between 13/01/2007 and 23/02/2007

Appn Ref No: 06/0505
Applicant: Mr & Mrs P Dobson
Parish: Wetheral

Date of Receipt: 06/06/2006
Agent: Architects Plus (UK) Ltd
Ward: Wetheral

Location: Land Adjacent The Limes, Plains Road, Wetheral, Carlisle, CA4 8LE
Grid Reference: 346202 555436

Proposal: New Dwelling With Integral Garage

Amendment:

Decision: Refuse Permission **Date:** 26/01/2007

Between 13/01/2007 and 23/02/2007

Appn Ref No: 06/0626
Applicant: Story Homes
Parish: Beaumont

Date of Receipt: 24/11/2006
Agent:
Ward: Burgh

Location: Millbeck, Kirkandrews on Eden, Carlisle, CA5 6DP
Grid Reference: 336046 557895

Proposal: Demolition Of Existing House, Outbuildings And Farm Buildings, Erection Of New Two Storey Dwelling House, Garage/Stable, New Entrance Walls and Gate Piers Together With Formation Of New Ponds On The Line Of An Existing Stream and Garden Around House

Amendment:

Decision: Grant Permission **Date:** 18/01/2007

Between 13/01/2007 and 23/02/2007

Appn Ref No: 06/1102
Applicant: Miss K Sansom
Parish: Stanwix Rural

Date of Receipt: 08/01/2007
Agent:
Ward: Stanwix Rural

Location:
Grid Reference:

SCHEDULE E: Decisions Issued Under Delegated Powers

Study Quiet. Rickerby, Carlisle CA3 9AA 341300 557140

Proposal: Extension To Dwelling To Provide Kitchen, Utility, Bathroom And Lounge (Revised Application) (Retrospective)

Amendment:

Decision: Grant Permission **Date:** 15/02/2007

Between 13/01/2007 and 23/02/2007

Appn Ref No: 06/1103

Applicant: Miss K Sansom

Parish: Stanwix Rural

Date of Receipt: 05/01/2007

Agent:

Ward: Stanwix Rural

Location: Study Quiet, Rickerby, Carlisle, CA3 9AA

Grid Reference: 341300 557140

Proposal: Demolition Of Existing Single Storey Kitchen/Bathroom Extension To Be Replaced By Larger Extension (Revised Application) (LBC) (Retrospective)

Amendment:

Decision: Grant Permission **Date:** 15/02/2007

Between 13/01/2007 and 23/02/2007

Appn Ref No: 06/1147

Applicant: David Wigham

Parish: Hethersgill

Date of Receipt: 20/11/2006

Agent:

Ward: Lyne

Location: Uppertown Cottage, Kirklinton, Carlisle, CA6 6BD

Grid Reference: 344167 567187

Proposal: Small Free Standing Shed To Store Agricultural Machinery

Amendment:

Decision: Grant Permission **Date:** 15/01/2007

Between 13/01/2007 and 23/02/2007

SCHEDULE E: Decisions Issued Under Delegated Powers

Appn Ref No: 06/1175

Applicant: Health Management Carlisle Plc

Parish: Carlisle

Date of Receipt: 09/10/2006

Agent: Mr Paul Cartner

Ward: Castle

Location: Cumberland Infirmary, Newtown Road, Carlisle, Cumbria, CA2 7HY

Grid Reference: 338794 555993

Proposal: Removal of redundant steel external fire escape to front elevation of Henry Barnes Wing. Making good of disturbed works and removal of soil vent pipes at rear (LBC)

Amendment:

Decision: Grant Permission **Date:** 13/02/2007

Between 13/01/2007 and 23/02/2007

Appn Ref No: 06/1181

Applicant: Miss S R Turnbull

Parish: Kirkandrews

Date of Receipt: 07/12/2006

Agent:

Ward: Longtown & Rockcliffe

Location: Riddings Cottage, Moat, Longtown, Carlisle, Cumbria

Grid Reference: 341140 574910

Proposal: Retention Of Existing Stables, Exercise Arena And Pond (Retrospective Application)

Amendment:

Decision: Grant Permission **Date:** 01/02/2007

Between 13/01/2007 and 23/02/2007

Appn Ref No: 06/1230

Applicant: Mr P Rowley

Parish: Brampton

Date of Receipt: 23/10/2006

Agent:

Ward: Brampton

SCHEDULE E: Decisions Issued Under Delegated Powers

Location:
Hillcrest, Station Road, Brampton, CA8 1EX

Grid Reference:
354022 560987

Proposal: Demolition of existing attached garage and replacement new attached garage and store with en-suite bedroom and first floor balcony above

Amendment:

Decision: Grant Permission

Date: 19/01/2007

Between 13/01/2007 and 23/02/2007

Appn Ref No:
06/1243

Applicant:
Mr D Bainbridge

Parish:
Wetheral

Date of Receipt:
28/11/2006

Agent:
Mr L Rickerby

Ward:
Wetheral

Location:
Dalegarth, Cumwhinton, Carlisle, CA4 8DH

Grid Reference:
344880 552660

Proposal: Erection Of Single Dwelling (Outline Application)

Amendment:

Decision: Withdrawn by Applicant/or by default
Date: 23/01/2007

Between 13/01/2007 and 23/02/2007

Appn Ref No:
06/1247

Applicant:
Pauline L Butler

Parish:
Carlisle

Date of Receipt:
26/10/2006

Agent:

Ward:
Castle

Location:
14 Lowther Street, Carlisle, CA3 8DA

Grid Reference:
340288 555794

Proposal: Enlarge existing sign and bracket, enlarge mount for plaque and hand rails either side of main entrance (LBC)

Amendment:

Decision: Grant Permission

Date: 15/01/2007

SCHEDULE E: Decisions Issued Under Delegated Powers

Between 13/01/2007 and 23/02/2007

Appn Ref No: 06/1254
Applicant: Mr Kenneth Mackay
Parish: Hayton

Date of Receipt: 27/11/2006
Agent: IVORYBULL
Ward: Hayton

Location: 51 Cairnwood, Heads Nook, Brampton, CA8 9AH
Grid Reference: 349630 555049

Proposal: Single Storey Conservatory To Rear

Amendment:

Decision: Grant Permission **Date:** 15/01/2007

Between 13/01/2007 and 23/02/2007

Appn Ref No: 06/1262
Applicant: Mr J D Steel
Parish: Carlisle

Date of Receipt: 13/11/2006
Agent:
Ward: Castle

Location: 37 Lonsdale Street, Carlisle, CA1 1BJ
Grid Reference: 340395 555915

Proposal: Change Of Use From Part Single Residential Dwelling To 5 One Bedroom Apartments

Amendment:

Decision: Grant Permission **Date:** 31/01/2007

Between 13/01/2007 and 23/02/2007

Appn Ref No: 06/1277
Applicant: Mr J Goddard
Parish: Hayton

Date of Receipt: 06/11/2006
Agent: Jock Gordon
Ward: Great Corby & Geltsdale

Location: Land between Cherry Garth and Graham Cottages, Talkin, Brampton
Grid Reference: 354920 557430

SCHEDULE E: Decisions Issued Under Delegated Powers

Proposal: Erection of Detached Dwelling
Amendment:

Decision: Refuse Permission **Date:** 23/01/2007

Between 13/01/2007 and 23/02/2007

Appn Ref No:	**Applicant:**	**Parish:**
06/1284	Mrs C Dymond	Wetheral
Date of Receipt:	**Agent:**	**Ward:**
29/11/2006		Great Corby & Geltsdale
Location:		**Grid Reference:**
Yew Tree House, Great Corby, Carlisle, CA4 8NE		347492 554668

Proposal: Conversion Of Covered Passage To Rear Of The House Into An Extra Cloakroom-With Shower, Wc And Basin. Conversion Of Existing Garage Into Study (LBC)

Amendment:

Decision: Grant Permission **Date:** 24/01/2007

Between 13/01/2007 and 23/02/2007

Appn Ref No:	**Applicant:**	**Parish:**
06/1287	Ms F McCrum	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
07/11/2006	Mr & Mrs DS McCrum	Stanwix Urban
Location:		**Grid Reference:**
28 Etterby Street, Stanwix, Carlisle, CA3 9JB		339894 557153

Proposal: Retention of uPVC Windows in the Rear Elevation

Amendment:

Decision: Grant Permission **Date:** 23/01/2007

Between 13/01/2007 and 23/02/2007

Appn Ref No:	**Applicant:**	**Parish:**
06/1300	The Body Shop	Carlisle

SCHEDULE E: Decisions Issued Under Delegated Powers

International PLC

Date of Receipt: 10/11/2006

Agent: Gleeds Building Surveying Ltd

Ward: Castle

Location: The Body Shop, 70 Scotch Street, Carlisle CA3 8PN

Grid Reference: 340091 555980

Proposal: Internal Refurbishment to Retail Unit (LBC)

Amendment:

Decision: Grant Permission **Date:** 23/01/2007

Between 13/01/2007 and 23/02/2007

Appn Ref No: 06/1307

Applicant: Mr JP Atkinson

Parish: Carlisle

Date of Receipt: 28/11/2006

Agent: Mrs M Atkinson

Ward: Castle

Location: 21 Chiswick Street, Carlisle, CA1 1HQ

Grid Reference: 340513 555922

Proposal: Installation Of Sky TV Dish To Chimney Stack - North Elevation

Amendment:

Decision: Grant Permission **Date:** 23/01/2007

Between 13/01/2007 and 23/02/2007

Appn Ref No: 06/1308

Applicant: Jonathan P Atkinson

Parish: Carlisle

Date of Receipt: 28/11/2006

Agent: Mrs M Atkinson

Ward: Castle

Location: 21 Chiswick Street, Carlisle, CA1 1HQ

Grid Reference: 340513 555922

Proposal: Fitting Of Sky TV Dish To Chimney Stack - North Elevation (LBC)

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission **Date:** 23/01/2007

Between 13/01/2007 and 23/02/2007

Appn Ref No: 06/1312
Applicant: David & Lorna I Pigg
Parish: Dalston

Date of Receipt: 02/01/2007
Agent:
Ward: Dalston

Location: 18 The Square, Dalston, Carlisle, CA5 7PT
Grid Reference: 336867 550097

Proposal: Display Of Non-Illuminated Fascia Sign

Amendment:
1. Omission of canopy from scheme.

Decision: Grant Permission **Date:** 22/02/2007

Between 13/01/2007 and 23/02/2007

Appn Ref No: 06/1326
Applicant: Aah Plc
Parish: Carlisle

Date of Receipt: 16/11/2006
Agent: Sign Specialists Ltd
Ward: Castle

Location: Lloyds Pharmacy, 46-50 Warwick Road, Carlisle, CA1 1DN
Grid Reference: 340376 555737

Proposal: Erection Of 2no Illuminated Fascia Signs Along With 2no Illuminated Projecting Signs

Amendment:

Decision: Grant Permission **Date:** 23/01/2007

Between 13/01/2007 and 23/02/2007

Appn Ref No: 06/1327
Applicant: Mr & Mrs M Loxley
Parish: Wetheral

Date of Receipt:
Agent:
Ward:

SCHEDULE E: Decisions Issued Under Delegated Powers

16/11/2006 Architects Plus (UK) Ltd Wetheral

Location:
Witsend, 4 Eden Mount, Wetheral, Carlisle, CA4 8EX

Grid Reference:
346472 554369

Proposal: Demolition Of Existing Garage And Flat Roofed Extension, Erection Of New Garage, Garden Room And Extension To Living Room, Along With Raising Roof To Create First Floor Providing 2no Bedrooms & Bathroom

Amendment:

Decision: Grant Permission **Date:** 22/01/2007

Between 13/01/2007 and 23/02/2007

Appn Ref No:
06/1331

Applicant:
Rand Properties Ltd

Parish:
Dalston

Date of Receipt:
21/11/2006

Agent:
Alan Fox Design

Ward:
Dalston

Location:
The Farm House, Moss End Farm, Dalston, Carlisle, CA5 7EL

Grid Reference:
336099 545970

Proposal: Demolition Of Redundant Barn And Erection Of A Replacement Two Storey Extension To Provide An Kitchen/dining Room On The Ground Floor With An En-Suite Bedroom Above, Together With The Demolition Of The Existing Garage And Erection Of A Replacement Garage.

Amendment:

1. Demolition of two storey barn, as opposed to conversion, and erection of replacement to storey extension to the dwelling to provide a kitchen on the ground floor with a bedroom with en-suite facilities above.

Decision: Grant Permission **Date:** 16/01/2007

Between 13/01/2007 and 23/02/2007

Appn Ref No:
06/1332

Applicant:
Dr & Mr D Hurd

Parish:
Brampton

Date of Receipt:
30/11/2006

Agent:

Ward:
Brampton

SCHEDULE E: Decisions Issued Under Delegated Powers

Location:
Lakestone, 11 Tree Gardens, Brampton, CA8 1TZ

Grid Reference:
353659 560766

Proposal: Installation Of Domestic Wind Turbine

Amendment:

Decision: Refuse Permission **Date:** 25/01/2007

Between 13/01/2007 and 23/02/2007

Appn Ref No:
06/1337

Applicant:
Harrison Northern

Parish:
Carlisle

Date of Receipt:
30/11/2006

Agent:
RoI Design Limited

Ward:
Harraby

Location:
Capital Buildings, Hilltop Heights, London Road, Carlisle, CA1 2NS

Grid Reference:
341125 554657

Proposal: Reconfiguration Of Parking To Rear And Associated Vehicular And Pedestrian Access, Relocation Of Electricity Sub-Station And Formation Of New Refuse/recycling Compound

Amendment:

Decision: Grant Permission **Date:** 16/01/2007

Between 13/01/2007 and 23/02/2007

Appn Ref No:
06/1341

Applicant:
Mr & Mrs I Porter

Parish:
Carlisle

Date of Receipt:
27/11/2006

Agent:

Ward:
Yewdale

Location:
55 Chesterholm, Carlisle, CA2 7XH

Grid Reference:
337007 555489

Proposal: Kitchen Extension To Existing Dwelling

Amendment:

Decision: Grant Permission **Date:** 15/01/2007

SCHEDULE E: Decisions Issued Under Delegated Powers

Between 13/01/2007 and 23/02/2007

Appn Ref No: 06/1342
Applicant: Cheryl Clarke
Parish: Solport

Date of Receipt: 24/11/2006
Agent: C & D Property Services
Ward: Lyne

Location: Land at Thorneyland, Easton, Longtown.
Grid Reference: 345761 574007

Proposal: Stabling, car parking area and all weather riding arena

Amendment:

Decision: Refuse Permission **Date:** 19/01/2007

Between 13/01/2007 and 23/02/2007

Appn Ref No: 06/1346
Applicant: Mr & Mrs Slater
Parish: Carlisle

Date of Receipt: 21/11/2006
Agent: Jock Gordon
Ward: Belah

Location: 59 Kingstown Road, Carlisle, CA3 0AJ
Grid Reference: 339700 558089

Proposal: Temporary siting of residential caravan in garden of dwelling

Amendment:

Decision: Grant Permission **Date:** 16/01/2007

Between 13/01/2007 and 23/02/2007

Appn Ref No: 06/1348
Applicant: Mr G R Graham
Parish: Burgh-by-Sands

Date of Receipt: 21/11/2006
Agent: Jock Gordon
Ward: Burgh

Location: Sechelt, Longburgh, Burgh By Sands, Carlisle, CA5 6BJ
Grid Reference: 330838 558608

Proposal: Domestic Garage & Store To House Vintage Tractors

SCHEDULE E: Decisions Issued Under Delegated Powers

Amendment:

Decision: Grant Permission **Date:** 05/02/2007

Between 13/01/2007 and 23/02/2007

Appn Ref No:	**Applicant:**	**Parish:**
06/1350	M A Reid	Brampton
Date of Receipt:	**Agent:**	**Ward:**
21/11/2006	John Lyon Associates	Brampton
Location:		**Grid Reference:**
27 Parkhead Road, Brampton, CA8 1DG		352868 561529

Proposal: Two Storey Domestic Extension And Conservatory

Amendment:

Decision: Grant Permission **Date:** 15/01/2007

Between 13/01/2007 and 23/02/2007

Appn Ref No:	**Applicant:**	**Parish:**
06/1356	Finesse Blinds	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
28/11/2006		Denton Holme
Location:		**Grid Reference:**
12 Randall Street, Denton Holme, Carlisle, CA2 5DW		339842 555437

Proposal: Alterations To Shop Front

Amendment:

Decision: Grant Permission **Date:** 15/01/2007

Between 13/01/2007 and 23/02/2007

Appn Ref No:	**Applicant:**	**Parish:**
06/1361	Trespass, Jacobs & Turner LTD	Carlisle

SCHEDULE E: Decisions Issued Under Delegated Powers

Date of Receipt:
01/12/2006

Agent:
Briggs Hillier design

Ward:
Castle

Location:
27 English Street, Carlisle, CA3 8JW

Grid Reference:
340137 555872

Proposal: Illuminated And Non-Illuminated Shop Signage (Retrospective)

Amendment:

Decision: Refuse Permission

Date: 26/01/2007

Between 13/01/2007 and 23/02/2007

Appn Ref No:
06/1364

Applicant:
Vitapoint Properties Ltd

Parish:
Carlisle

Date of Receipt:
24/11/2006

Agent:
Ashwood Design Associates

Ward:
Currock

Location:
The Railway Inn, 104 London Road, Carlisle, CA1 2PE

Grid Reference:
341001 554982

Proposal: Demolition Of Redundant WC Accommodation, Erection Of Extension To Rear And Internal Alterations To Form One Retail Unit And Four Residential Apartments, General Repairs To Sliding Sash Windows, Stonework And Roof Coverings

Amendment:

Decision: Grant Permission

Date: 18/01/2007

Between 13/01/2007 and 23/02/2007

Appn Ref No:
06/1365

Applicant:
Mrs J Marshall

Parish:
Westlinton

Date of Receipt:
01/12/2006

Agent:
C & D Property Services

Ward:
Longtown & Rockcliffe

Location:
Land adjacent Rockcliffe Moss, Blackford, Carlisle

Grid Reference:
337926 562930

Proposal: Erection Of General Purpose Agricultural Building (Revised Application)

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Refuse Permission **Date:** 26/01/2007

Between 13/01/2007 and 23/02/2007

Appn Ref No:	**Applicant:**	**Parish:**
06/1369	Mr David Branch	Hayton
Date of Receipt:	**Agent:**	**Ward:**
27/11/2006		Hayton
Location:		**Grid Reference:**
12 Edmond Castle, Corby Hill, Carlisle, CA4 8QD		349674 558620

Proposal: Creation of permanent hardstanding, finished with setts, for parking of two cars with direct access to the road

Amendment:

Decision: Grant Permission **Date:** 19/01/2007

Between 13/01/2007 and 23/02/2007

Appn Ref No:	**Applicant:**	**Parish:**
06/1370	Mr Ledwick	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
01/12/2006	CFM Consultants LTD	Castle
Location:		**Grid Reference:**
56-58 Lowther Street, Carlisle, CA3 8DP		340235 555980

Proposal: Installation Of Fascia Sign And Projecting Sign.

Amendment:

Decision: Grant Permission **Date:** 19/01/2007

Between 13/01/2007 and 23/02/2007

Appn Ref No:	**Applicant:**	**Parish:**
06/1371	Mr & Mrs Berti	Brampton
Date of Receipt:	**Agent:**	**Ward:**
13/12/2006	Green Design Group	Brampton

SCHEDULE E: Decisions Issued Under Delegated Powers

Location:
3 & 4 Lorne Terrace, Front Street, Brampton, Cumbria, CA8 1NS

Grid Reference:
352923 561038

Proposal: New Double Garage

Amendment:

Decision: Grant Permission **Date:** 02/02/2007

Between 13/01/2007 and 23/02/2007

Appn Ref No:
06/1373

Applicant:
Etman Enterprises Ltd

Parish:
Dalston

Date of Receipt:
28/11/2006

Agent:

Ward:
Dalston

Location:
Dalston Hall Holiday Park, Dalston, Carlisle, CA5 7JX

Grid Reference:
337522 551745

Proposal: Change of use from agricultural field to childrens recreational play area

Amendment:

Decision: Grant Permission **Date:** 23/01/2007

Between 13/01/2007 and 23/02/2007

Appn Ref No:
06/1376

Applicant:
Mr C Wright

Parish:
Carlisle

Date of Receipt:
28/11/2006

Agent:

Ward:
Harraby

Location:
14 Cumwhinton Road, Harraby, Carlisle, CA1 3LA

Grid Reference:
342098 553894

Proposal: Two Storey Side And Rear Extension To Provide Garage, Kitchen/Utility And Dining Area To Ground Floor With 1no. En-Suite Bedroom Above

Amendment:

Decision: Grant Permission **Date:** 22/01/2007

SCHEDULE E: Decisions Issued Under Delegated Powers

Between 13/01/2007 and 23/02/2007

Appn Ref No: 06/1378
Applicant: Mr Michael Pryde
Parish: Hayton

Date of Receipt: 30/11/2006
Agent:
Ward: Hayton

Location: 115 Hurley Road, Little Corby, Carlisle, CA4 8QY
Grid Reference: 348003 557285

Proposal: Proposed Ground Floor Kitchen Extension With First Floor En-Suite Bedroom Extension

Amendment:

Decision: Grant Permission **Date:** 19/01/2007

Between 13/01/2007 and 23/02/2007

Appn Ref No: 06/1383
Applicant: CNS Retail Financial Services
Parish: Carlisle

Date of Receipt: 07/12/2006
Agent: Futurama Ltd
Ward: Currock

Location: Co-Op Foodstore, 28 Blackwell Road, Carlisle, CA2 4EQ
Grid Reference: 340519 554542

Proposal: Display Of Internally Illuminated Signage

Amendment:

Decision: Grant Permission **Date:** 31/01/2007

Between 13/01/2007 and 23/02/2007

Appn Ref No: 06/1385
Applicant: Spirit Group
Parish: Carlisle

Date of Receipt: 29/11/2006
Agent: Ashleigh Signs
Ward: Belah

Location:
Grid Reference:

SCHEDULE E: Decisions Issued Under Delegated Powers

Gosling Bridge Inn, Kingstown Road, Carlisle, CA3 0AT — 339732 558437

Proposal: Display Of Illuminated And Non-Illuminated Signage (retrospective)

Amendment:

Decision: Grant Permission — **Date:** 24/01/2007

Between 13/01/2007 and 23/02/2007

Appn Ref No:	**Applicant:**	**Parish:**
06/1387	Mr Irving	Dalston
Date of Receipt:	**Agent:**	**Ward:**
04/12/2006	Gray Associates	Dalston

Location:
Smithy, Shawkfoot, Cumdivock, Dalston, Carlisle, CA5 7JH

Grid Reference:
333900 548600

Proposal: Erection of Detached Garage Adjacent The Smithy

Amendment:

Decision: Grant Permission — **Date:** 26/01/2007

Between 13/01/2007 and 23/02/2007

Appn Ref No:	**Applicant:**	**Parish:**
06/1389	Finesse Blinds	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
22/12/2006		Denton Holme

Location:
12 Randall Street, Denton Holme, Carlisle, CA2 5DW

Grid Reference:
339842 555437

Proposal: Display Of Illuminated Signage And Installation Of Canopy

Amendment:

Decision: Grant Permission — **Date:** 31/01/2007

Between 13/01/2007 and 23/02/2007

SCHEDULE E: Decisions Issued Under Delegated Powers

Appn Ref No: 06/1390

Applicant: Mr Martin Wallis

Parish: Carlisle

Date of Receipt: 12/12/2006

Agent: David Price Property Services

Ward: St Aidans

Location: 68 Broad Street, Carlisle, CA1 2AQ

Grid Reference: 341008 555878

Proposal: Rebuilding And Extension Of Outhouses To Provide Dining Room And Utility

Amendment:

Decision: Grant Permission **Date:** 19/01/2007

Between 13/01/2007 and 23/02/2007

Appn Ref No: 06/1391

Applicant: B Telecommunications

Parish: Carlisle

Date of Receipt: 07/12/2006

Agent: Interserve Project Services Ltd

Ward: Castle

Location: Carlisle TE, Portland House, Cecil Street, Carlisle, CA1 1QR

Grid Reference: 340444 555642

Proposal: Installation Of Louvre Panels To Existing Window Openings To Suit Internal Air Cooling Equipment

Amendment:

Decision: Grant Permission **Date:** 23/01/2007

Between 13/01/2007 and 23/02/2007

Appn Ref No: 06/1392

Applicant: Mr & Mrs Marsh

Parish: Arthuret

Date of Receipt: 11/12/2006

Agent: Hogg & Robinson (Builders) Limited

Ward: Longtown & Rockcliffe

SCHEDULE E: Decisions Issued Under Delegated Powers

Location:
Bush On Lyne Cottage, Brampton Road, Longtown, Cumbria, CA6 5TR

Grid Reference:
340670 566871

Proposal: Two storey extension, detached garage, 2.4m high fence, temporary positioning of a static caravan

Amendment:

Decision: Grant Permission **Date:** 02/02/2007

Between 13/01/2007 and 23/02/2007

Appn Ref No:
06/1394

Applicant:
Mr & Mrs Oliver

Parish:
Wetheral

Date of Receipt:
04/12/2006

Agent:
Taylor & Hardy

Ward:
Wetheral

Location:
Land adjacent Foxdale, Plains Road, Wetheral, Carlisle, CA4 8LE

Grid Reference:
346218 555370

Proposal: Erection Of A Single Dwelling And Double Garage, Together With The Formation Of A New Length Of Footway Adjacent The Public Highway

Amendment:

Decision: Grant Permission **Date:** 29/01/2007

Between 13/01/2007 and 23/02/2007

Appn Ref No:
06/1395

Applicant:
Mr & Mrs Oliver

Parish:
Wetheral

Date of Receipt:
04/12/2006

Agent:
Taylor & Hardy

Ward:
Wetheral

Location:
Foxdale, Plains Road, Wetheral, Carlisle, CA4 8LE

Grid Reference:
346229 555358

Proposal: Two storey side extension to provide kitchen/dining room, utility and wc, and conservatory on the ground floor, with en-suite master bedroom above, together with the erection of detached double garage.

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission **Date:** 29/01/2007

Between 13/01/2007 and 23/02/2007

Appn Ref No: 06/1396
Applicant: Mr David Brooks
Parish: Hayton

Date of Receipt: 04/12/2006
Agent:
Ward: Hayton

Location: Eden Grange House, Little Corby Road, Little Corby, Carlisle, CA4 8QQ
Grid Reference: 347581 557170

Proposal: Erection Of Wooden Fence Onto Existing Stone Wall. Minimum Height 1.73 Metres Maximum Height 2 Metres (Retrospective Application)

Amendment:

Decision: Grant Permission **Date:** 18/01/2007

Between 13/01/2007 and 23/02/2007

Appn Ref No: 06/1398
Applicant: Mr D Cushing
Parish: Orton

Date of Receipt: 15/12/2006
Agent: Michael Haymes Partnership Limited
Ward: Burgh

Location: Broadgreen, Orton Rigg, Great Orton, Carlisle, CA5 6LL
Grid Reference: 333018 552435

Proposal: Conservatory Extension And Alterations To Internal Arrangements To Existing Residential Premises

Amendment:

Decision: Grant Permission **Date:** 08/02/2007

Between 13/01/2007 and 23/02/2007

Appn Ref No: 06/1399
Applicant: Fat Fingers (2006) Ltd
Parish: Carlisle

SCHEDULE E: Decisions Issued Under Delegated Powers

Date of Receipt: 05/12/2006
Agent: Jock Gordon
Ward: Castle

Location: 48 Abbey Street, Carlisle, CA3 8TX
Grid Reference: 339788 555955

Proposal: Erection Of Rear Porch Canopy And Installation Of 2no Coolant Units

Amendment:

Decision: Grant Permission **Date:** 30/01/2007

Between 13/01/2007 and 23/02/2007

Appn Ref No: 06/1400
Applicant: Fat Fingers (2006) Ltd
Parish: Carlisle

Date of Receipt: 08/12/2006
Agent: Jock Gordon
Ward: Castle

Location: 48 Abbey Street, Carlisle, CA3 8TX
Grid Reference: 339788 555955

Proposal: Erection Of Canopy To Rear Of Premises And Installation Of Air Conditioning Unit And Beer Cellar Cooler (LBC)

Amendment:

Decision: Grant Permission **Date:** 30/01/2007

Between 13/01/2007 and 23/02/2007

Appn Ref No: 06/1401
Applicant: Mr P Eite
Parish: Westlinton

Date of Receipt: 05/12/2006
Agent: Tsada Building Design Services
Ward: Longtown & Rockcliffe

Location: Riggmoor Cottage, Blackford, Carlisle, CA6 4EQ
Grid Reference: 340283 563512

Proposal: Demolish Existing Garage And Formation Of Replacement Garage

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission **Date:** 29/01/2007

Between 13/01/2007 and 23/02/2007

Appn Ref No: 06/1402

Applicant: Mr A Potts

Parish: Arthuret

Date of Receipt: 05/12/2006

Agent: Tsada Building Design Services

Ward: Longtown & Rockcliffe

Location: 12 Netherby Road, Longtown, CA6 5NS

Grid Reference: 338056 568996

Proposal: Erection Of Double Garage And Store (Revised Proposal)

Amendment:

Decision: Grant Permission **Date:** 18/01/2007

Between 13/01/2007 and 23/02/2007

Appn Ref No: 06/1403

Applicant: Mr J Ivinson

Parish: Hayton

Date of Receipt: 05/12/2006

Agent: Jock Gordon

Ward: Hayton

Location: Aikrigg, Hayton Lane End, Hayton, Carlisle, CA8 9JB

Grid Reference: 351314 558803

Proposal: Use Of Existing Yard Area For Private Car Sales

Amendment:

Decision: Refuse Permission **Date:** 30/01/2007

Between 13/01/2007 and 23/02/2007

Appn Ref No: 06/1406

Applicant: Mrs Seward

Parish: Farlam

Date of Receipt: 11/12/2006

Agent: Swarbrick Associates

Ward: Irthing

SCHEDULE E: Decisions Issued Under Delegated Powers

Location:
Hallbankgate Village School, Hallbankgate, Brampton, CA8 2NJ

Grid Reference:
357956 559669

Proposal: Proposed Toilet Extension And Open Play Area.

Amendment:

Decision: Grant Permission **Date:** 16/01/2007

Between 13/01/2007 and 23/02/2007

Appn Ref No:
06/1407

Applicant:
Mrs D Mallinson-Colley

Parish:
Dalston

Date of Receipt:
07/12/2006

Agent:
Finesse Windows Ltd

Ward:
Dalston

Location:
Oaklea, Townhead Road, Dalston, Carlisle, CA5 7QX

Grid Reference:
336546 550060

Proposal: Erection Of Replacement Conservatory

Amendment:

Decision: Grant Permission **Date:** 17/01/2007

Between 13/01/2007 and 23/02/2007

Appn Ref No:
06/1408

Applicant:
Mr Craig Postlethwaite

Parish:
Wetheral

Date of Receipt:
07/12/2006

Agent:

Ward:
Wetheral

Location:
140 Scotby Road, Scotby, CA4 8BJ

Grid Reference:
343907 556093

Proposal: Formation Of Dressing Room, Bedroom And Ensuite Bathroom In Roof Space Together With Front Dormer And Rear Balcony

Amendment:

Decision: Grant Permission **Date:** 29/01/2007

SCHEDULE E: Decisions Issued Under Delegated Powers

Between 13/01/2007 and 23/02/2007

Appn Ref No: 06/1410
Applicant: Streamline
Parish: Brampton

Date of Receipt: 22/12/2006
Agent:
Ward: Brampton

Location: Fairhaven, Longtown Road, Brampton, CA8 1AN
Grid Reference: 352653 561238

Proposal: Demolition Of Existing Bungalow And Erection Of 2no. Dormer Bungalows

Amendment:

Decision: Grant Permission **Date:** 06/02/2007

Between 13/01/2007 and 23/02/2007

Appn Ref No: 06/1412
Applicant: Mr I Titterington
Parish: Carlisle

Date of Receipt: 08/12/2006
Agent: BF Child
Ward: Harraby

Location: 418 London Road, Carlisle, CA1 3EP
Grid Reference: 342225 553576

Proposal: Two Storey Extension To Provide Hall, Kitchen And W.c. With Bedroom And Bathroom Above Together With Detached Garage And Boundary Wall (revised Proposal) (retrospective)

Amendment:

Decision: Refuse Permission **Date:** 02/02/2007

Between 13/01/2007 and 23/02/2007

Appn Ref No: 06/1415
Applicant: Miss Vanessa Luckley
Parish: Arthuret

Date of Receipt: 15/12/2006
Agent: Mr R Luckley
Ward: Longtown & Rockcliffe

Location: 6 The Scaur, Longtown, CA6 5NU
Grid Reference: 337972 569023

SCHEDULE E: Decisions Issued Under Delegated Powers

Proposal: Rear Extension, Tiled Pitched Roof Over Existing Double Garage And Over Proposed Extension

Amendment:

Decision: Grant Permission **Date:** 01/02/2007

Between 13/01/2007 and 23/02/2007

Appn Ref No:	**Applicant:**	**Parish:**
06/1417	Messrs Beattie & Bell	Burgh-by-Sands
Date of Receipt:	**Agent:**	**Ward:**
18/12/2006	R H Turnbull	Burgh
Location:		**Grid Reference:**
The Garage, Burgh by Sands, Carlisle, CA5 6AP		332733 559097

Proposal: Proposed Change Of Use Of Garage Into 2no. Domestic Dwellings

Amendment:

Decision: Refuse Permission **Date:** 06/02/2007

Between 13/01/2007 and 23/02/2007

Appn Ref No:	**Applicant:**	**Parish:**
06/1418	M & L Richardson & Sons	Nether Denton
Date of Receipt:	**Agent:**	**Ward:**
11/12/2006	Architects Plus (UK) Ltd	Irthing
Location:		**Grid Reference:**
Low Row Service Station, Low Row, Brampton, CA8 2JE		359114 562991

Proposal: Recladding Of Existing Building And Enclosure Of Bulk Diesel Storage Tank, Single Bay Extension To Workshop. Reorganisation Of Sales Area To Form Coffee Shop, Rearrangement Of Existing Parking Area And Formation Of External Terrace

Amendment:

Decision: Grant Permission **Date:** 22/02/2007

SCHEDULE E: Decisions Issued Under Delegated Powers

Between 13/01/2007 and 23/02/2007

Appn Ref No: 06/1420
Applicant: M Duckworth
Parish: Carlisle

Date of Receipt: 21/12/2006
Agent: Hyde Harrington
Ward: St Aidans

Location: 1 Furze Street, Carlisle, CA1 2DL
Grid Reference: 341094 555432

Proposal: Variation Of Condition 2 of Planning Application 06/0834 To Allow 7 Day Opening With Closing At 10.00pm.

Amendment:

Decision: Refuse Permission **Date:** 14/02/2007

Between 13/01/2007 and 23/02/2007

Appn Ref No: 06/1422
Applicant: Mr Anthony Nicholson
Parish: Stanwix Rural

Date of Receipt: 23/01/2007
Agent:
Ward: Stanwix Rural

Location: Little Bobbington, The Knells, Houghton, Carlisle, CA6 4JG
Grid Reference: 341123 560303

Proposal: Erection Of Single Storey Extension To Front Elevation

Amendment:

Decision: Grant Permission **Date:** 19/02/2007

Between 13/01/2007 and 23/02/2007

Appn Ref No: 06/1423
Applicant: Mrs V Marriner
Parish: Wetheral

Date of Receipt: 20/12/2006
Agent: Andrew Nash Associates
Ward: Wetheral

Location: The Stables, Warwick Hall, Warwick Bridge, Carlisle
Grid Reference: 346657 556957

SCHEDULE E: Decisions Issued Under Delegated Powers

Proposal: Creation Of 3no. Residential Units And Change Of Use Of Ground Floor To Physio, Tailors And Yoga Studio (LBC)

Amendment:

Decision: Grant Permission **Date:** 07/02/2007

Between 13/01/2007 and 23/02/2007

Appn Ref No:	**Applicant:**	**Parish:**
06/1425	Mr John Johnston	Stanwix Rural
Date of Receipt:	**Agent:**	**Ward:**
20/12/2006	John Lyon Associates	Stanwix Rural
Location:		**Grid Reference:**
44 Tribune Drive, Houghton, Carlisle, CA3 0LE		341111 559091

Proposal: Two Storey Side Extension And Single Storey Rear Extension

Amendment:

Decision: Grant Permission **Date:** 13/02/2007

Between 13/01/2007 and 23/02/2007

Appn Ref No:	**Applicant:**	**Parish:**
06/1426	Mr R A Hodler	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
13/12/2006	Tsada Building Design Services	Belah
Location:		**Grid Reference:**
166 Lowry Hill Road, Lowry Hill, Carlisle, CA3 0EZ		338924 558246

Proposal: Rear Two Storey Extension To Provide Enlarged Kitchen/dining Room With Enlarged Bedroom Above. Enlarged Garage And Formation Of Hipped Roof Over Existing Flat Roof To Garage, Utility Roof And Front Elevation (revised Proposal)

Amendment:

Decision: Grant Permission **Date:** 29/01/2007

SCHEDULE E: Decisions Issued Under Delegated Powers

Between 13/01/2007 and 23/02/2007

Appn Ref No: 06/1427

Applicant: Alastair Grice

Parish: Cummersdale

Date of Receipt: 13/12/2006

Agent:

Ward: Dalston

Location: 51 Peter Lane, Carlisle, Cumbria, CA2 6BZ

Grid Reference: 337857 553235

Proposal: Extend Existing Caravan Storage Site

Amendment:

Decision: Grant Permission **Date:** 25/01/2007

Between 13/01/2007 and 23/02/2007

Appn Ref No: 06/1428

Applicant: Mr Metcalfe

Parish: Carlisle

Date of Receipt: 13/12/2006

Agent: Swarbrick Associates

Ward: Stanwix Urban

Location: Ceramics Workshops, Cumbria Institute of the Arts, Brampton Road, Carlisle, CA3 9AY

Grid Reference: 340400 557200

Proposal: Provision Of 3mm Clear Acrylic Panels To South And West Elevation

Amendment:

Decision: Grant Permission **Date:** 17/01/2007

Between 13/01/2007 and 23/02/2007

Appn Ref No: 06/1432

Applicant: Mr G Bowman

Parish: Wetheral

Date of Receipt: 15/12/2006

Agent: Michael Haymes Partnership Limited

Ward: Wetheral

Location: The Bothy, Eden Brows, Armathwaite, Carlisle, CA4 9SY

Grid Reference: 349678 549557

SCHEDULE E: Decisions Issued Under Delegated Powers

Proposal: Demolition Of Conservatory, Construction Of Lounge For Residential Use

Amendment:

Decision: Grant Permission **Date:** 15/02/2007

Between 13/01/2007 and 23/02/2007

Appn Ref No:	**Applicant:**	**Parish:**
06/1434	Elim Community Church	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
15/12/2006	Rol Design Limited	Castle

Location:
St Pauls's Church, Lonsdale Street, Carlisle, CA1 1DF

Grid Reference:
340411 555870

Proposal: Creation Of First Floor To Part Of Church With Glazed Dividing Screen; Formation Of 2no. New Door Openings To West Elevation; Provisions Of Insulation To Roof; Fixing Of Polycarbonate Protective Sheeting To All Low Level Glass-In-Lead Windows.

Amendment:

Decision: Grant Permission **Date:** 09/02/2007

Between 13/01/2007 and 23/02/2007

Appn Ref No:	**Applicant:**	**Parish:**
06/1435	Elim Community Church	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
15/12/2006	Rol Design Limited	Castle

Location:
St Paul's Church, Lonsdale Street, Carlisle, CA1 1DF

Grid Reference:
340411 555870

Proposal: Creation Of First Floor To Part Of Church; Formation Of 2no. New Door Openings To West Elevation; Provision Of Insulation To Roof; Fixing Of Polycarbonate Protective Sheeting To All Low Level Glass-In-Lead Windows (LBC)

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission **Date:** 09/02/2007

Between 13/01/2007 and 23/02/2007

Appn Ref No:	**Applicant:**	**Parish:**
06/1436	Mr Sawyer	Stanwix Rural
Date of Receipt:	**Agent:**	**Ward:**
22/12/2006	Edenholme Building & Architectural Surveyors	Stanwix Rural

Location: 2 Antonine Way, Houghton, Carlisle, CA3 0LG

Grid Reference: 341095 558956

Proposal: Two Storey Side Extension To Provide 1no. Living Room On The Ground Floor With 1no. Ensuite Bedroom And Bathroom Above

Amendment:

Decision: Grant Permission **Date:** 09/02/2007

Between 13/01/2007 and 23/02/2007

Appn Ref No:	**Applicant:**	**Parish:**
06/1437	Mr Barnett	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
18/12/2006		Currock

Location: Crown Speciality Packaging, James Street, Carlisle, CA2 5AY

Grid Reference: 340108 555362

Proposal: Signs With Company Name And Logo Mounted Above The Main Entrance Door And At The Side Of The Building

Amendment:

Decision: Grant Permission **Date:** 12/02/2007

Between 13/01/2007 and 23/02/2007

Appn Ref No:	**Applicant:**	**Parish:**
06/1438	John Sanderson	Dalston

SCHEDULE E: Decisions Issued Under Delegated Powers

Date of Receipt: 18/12/2006 | **Agent:** | **Ward:** Dalston

Location: Bluebell House, Green Lane, Dalston, Carlisle, Cumbria, CA5 7AF | **Grid Reference:** 338520 549971

Proposal: Retrospective application for demolition of garden wall and consruction of new wall along edge of property boundary (LBC)

Amendment:

Decision: Grant Permission | **Date:** 02/02/2007

Between 13/01/2007 and 23/02/2007

Appn Ref No: 06/1443 | **Applicant:** A R Haynes | **Parish:** Brampton

Date of Receipt: 22/12/2006 | **Agent:** | **Ward:** Brampton

Location: Denton Mill Farm, Scarrow Hill, Brampton, CA8 2QU | **Grid Reference:** 357180 562250

Proposal: Provision Of Elevated Patio Area At Rear Of Building With Access Door From First Floor Level

Amendment:

Decision: Grant Permission | **Date:** 29/01/2007

Between 13/01/2007 and 23/02/2007

Appn Ref No: 06/1444 | **Applicant:** NWRFCA (Estates Dept) | **Parish:** Arthuret

Date of Receipt: 04/01/2007 | **Agent:** | **Ward:** Longtown & Rockcliffe

Location: Land at Site 3, Longtown Industrial Estate, Longtown, Carlisle, CA6 5TJ | **Grid Reference:** 338238 568414

Proposal: Proposed Army Cadet Force Training Centre And Associated Site Works

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission **Date:** 02/02/2007

Between 13/01/2007 and 23/02/2007

Appn Ref No: 06/1445
Applicant: John Sanderson
Parish: Dalston

Date of Receipt: 18/12/2006
Agent:
Ward: Dalston

Location: Bluebell House, Green Lane, Dalston, Carlisle, Cumbria, CA5 7AF
Grid Reference: 338520 549971

Proposal: Internal and external alterations to cottage (LBC)

Amendment:

Decision: Grant Permission **Date:** 06/02/2007

Between 13/01/2007 and 23/02/2007

Appn Ref No: 06/1447
Applicant: Mr & Mrs Helps
Parish: St Cuthberts Without

Date of Receipt: 19/12/2006
Agent: Jock Gordon
Ward: Dalston

Location: 249 Durdar Road, Carlisle, CA2 4TJ
Grid Reference: 340485 552266

Proposal: Revised Application For Two Storey Side Extension To Provide Kitchen, Utility, Wc, Study And Bedroom

Amendment:

Decision: Grant Permission **Date:** 09/02/2007

Between 13/01/2007 and 23/02/2007

Appn Ref No: 06/1450
Applicant: Mr & Mrs M Boyko
Parish: Carlisle

Date of Receipt:
Agent:
Ward:

SCHEDULE E: Decisions Issued Under Delegated Powers

19/12/2006	Hogg & Robinson Design Services	Botcherby

Location:
410 Warwick Road, Carlisle, CA1 2RU

Grid Reference:
342268 555906

Proposal: First Floor Extension To Side Elevation To Provide 1no Bedroom And Bathroom Above Garage

Amendment:

Decision: Grant Permission **Date:** 31/01/2007

Between 13/01/2007 and 23/02/2007

Appn Ref No:	**Applicant:**	**Parish:**
06/1451	Postlethwaite Construction Ltd	Arthuret
Date of Receipt:	**Agent:**	**Ward:**
04/01/2007	Architects Plus (UK) Ltd	Longtown & Rockcliffe

Location:
Unit 24A Brampton Road, Longtown, CA6 5TR

Grid Reference:
340893 566749

Proposal: Erection Of Non-Illuminated Signage

Amendment:

Decision: Grant Permission **Date:** 15/02/2007

Between 13/01/2007 and 23/02/2007

Appn Ref No:	**Applicant:**	**Parish:**
06/1452	Postlethwaite Construction Ltd	Arthuret
Date of Receipt:	**Agent:**	**Ward:**
04/01/2007	Architects Plus (UK) Ltd	Longtown & Rockcliffe

Location:
Unit 24A Brampton Road, Longtown, CA6 5TR

Grid Reference:
340893 566749

Proposal: Increase In Office Area Of Existing Industrial Unit, The Whole To Operate As A Joinery Workshop And Construction Company

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission **Date:** 15/02/2007

Between 13/01/2007 and 23/02/2007

Appn Ref No:	**Applicant:**	**Parish:**
06/1453	Mr & Mrs Tony Clarke	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
02/01/2007	Alan Gosling Chartered Designer	Stanwix Urban

Location: 60 Lansdowne Crescent, Carlisle, CA3 9EW

Grid Reference: 340071 557697

Proposal: Two Storey Side And Rear Extension To Provide Integral Garage, Dining Room And Kitchen On Ground Floor, With En-Suite Bedroom Above

Amendment:

Decision: Refuse Permission **Date:** 09/02/2007

Between 13/01/2007 and 23/02/2007

Appn Ref No:	**Applicant:**	**Parish:**
06/1454	Lisa Ann Anderson	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
02/01/2007		Stanwix Urban

Location: 105 Scotland Road, Carlisle, CA3 9HL

Grid Reference: 339975 557411

Proposal: Change of use to interior design studio

Amendment:

Decision: Grant Permission **Date:** 19/02/2007

Between 13/01/2007 and 23/02/2007

Appn Ref No:	**Applicant:**	**Parish:**
06/1455	Mr & Mrs McGraw	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
20/12/2006	Jock Gordon	Stanwix Urban

SCHEDULE E: Decisions Issued Under Delegated Powers

Location:
163 Scotland Road, Carlisle, CA3 9HE

Grid Reference:
339934 557702

Proposal: Extension To Provide A Conservatory To The Ground Floor Together With An Enlarged Bedroom Above The Existing Kitchen

Amendment:

Decision: Grant Permission **Date:** 09/02/2007

Between 13/01/2007 and 23/02/2007

Appn Ref No:
06/1456

Applicant:
Mr & Mrs Roberts

Parish:
Cummersdale

Date of Receipt:
20/12/2006

Agent:
Jock Gordon

Ward:
Dalston

Location:
29 Helvellyn Rise, Carlisle, CA2 6QL

Grid Reference:
337440 554378

Proposal: First Floor Extension Over Existing Garage To Provide Bedroom With En-Suite

Amendment:

Decision: Grant Permission **Date:** 02/02/2007

Between 13/01/2007 and 23/02/2007

Appn Ref No:
06/1457

Applicant:
Phones 4 U Ltd

Parish:
Carlisle

Date of Receipt:
04/01/2007

Agent:
Paul Upfield & Associates Ltd

Ward:
Castle

Location:
21a English Street, Carlisle, CA3 8JW

Grid Reference:
340103 555908

Proposal: Replacement Shop Signage And Formation Of Internal Disabled WC

Amendment:

Decision: Grant Permission **Date:** 29/01/2007

SCHEDULE E: Decisions Issued Under Delegated Powers

Between 13/01/2007 and 23/02/2007

Appn Ref No: 06/1460
Applicant: Mr Raymond MacDowall
Parish: Stanwix Rural

Date of Receipt: 21/12/2006
Agent: HTGL Architects Ltd
Ward: Stanwix Rural

Location: Old Clydesdale Stud, Tarraby Lane, Tarraby, Carlisle, CA3 0JS
Grid Reference: 340959 558102

Proposal: Extension To Existing House To Create Enlarged Bedroom And Dining Room, Extension To Existing Single Storey Garage Block To Create Two Storey Building With Garages On Ground Floor And 2no Ensuite Bedrooms On First Floor

Amendment:
1. Revised site and block plan received 12th February 2007 showing extent of domestic curtilage.

Decision: Grant Permission **Date:** 13/02/2007

Between 13/01/2007 and 23/02/2007

Appn Ref No: 06/1463
Applicant: Austin Friars St Monica's School
Parish: Carlisle

Date of Receipt: 21/12/2006
Agent: Squires & Brown
Ward: Belah

Location: Austin Friars St Monica's, Etterby Scaur, Carlisle CA3 9PB
Grid Reference: 339186 557398

Proposal: Removal Of Condition 12 Of Application 06/0479 Relating To Access Restrictions

Amendment:

Decision: Grant Permission **Date:** 25/01/2007

Between 13/01/2007 and 23/02/2007

SCHEDULE E: Decisions Issued Under Delegated Powers

Appn Ref No: 06/1464
Applicant: Mrs Moran
Parish: Wetheral

Date of Receipt: 21/12/2006
Agent: Tsada Building Design Services
Ward: Wetheral

Location: Hilltop, Back Street, Cotehill, CA4 0DR
Grid Reference: 346692 550343

Proposal: Extension To Provide Enlarged Ground Floor Living Room, Kitchen, Verandah And Front Porch With Ensuite Bedroom Together With Formation Of Dormer And Balcony

Amendment:

Decision: Grant Permission **Date:** 05/02/2007

Between 13/01/2007 and 23/02/2007

Appn Ref No: 06/1465
Applicant: East Cumbria Countryside Project
Parish: Multiple Parishes

Date of Receipt: 21/12/2006
Agent:
Ward: Great Corby & Geltsdale

Location: New Water, Upper Geltsdale, Brampton
Grid Reference: 357872 551560

Proposal: Construction Of Bridle Bridge Plus Approach Tracks

Amendment:

Decision: Grant Permission **Date:** 14/02/2007

Between 13/01/2007 and 23/02/2007

Appn Ref No: 06/1469
Applicant: Mr K L Chung
Parish: Carlisle

Date of Receipt: 03/01/2007
Agent: Mrs R Feghali
Ward: Botcherby

Location: 4 Mount Florida, Victoria Road, Carlisle, CA1 2SL
Grid Reference: 342190 555645

SCHEDULE E: Decisions Issued Under Delegated Powers

Proposal: Change Of Use Of Takeaway Shop To Ground Floor Studio Flat
Amendment:

Decision: Grant Permission **Date:** 15/02/2007

Between 13/01/2007 and 23/02/2007

Appn Ref No:	**Applicant:**	**Parish:**
06/1470	Carlisle Hearing Centre	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
02/01/2007	Jock Gordon	Castle
Location:		**Grid Reference:**
75 Newtown Road, Carlisle, CA2 7JB		338724 555910

Proposal: Change Of Use From Residential To Consulting Rooms (D1)

Amendment:

Decision: Grant Permission **Date:** 22/02/2007

Between 13/01/2007 and 23/02/2007

Appn Ref No:	**Applicant:**	**Parish:**
06/1472	Trafalgar Leisure	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
22/12/2006	Big Blue Interior Design Ltd	Currock
Location:		**Grid Reference:**
36-38 Botchergate, Carlisle, CA1 1QS		340380 555514

Proposal: Erection Of Signage (Revised, Retrospective Application)

Amendment:

Decision: Refuse Permission **Date:** 13/02/2007

Between 13/01/2007 and 23/02/2007

Appn Ref No:	**Applicant:**	**Parish:**
06/1474	Mrs Margaret Bird	St Cuthberts Without
Date of Receipt:	**Agent:**	**Ward:**

SCHEDULE E: Decisions Issued Under Delegated Powers

10/01/2007 Tyler Design Services Dalston

Location:
Ghyll House Farm, Wreay, Carlisle, CA4 0SA

Grid Reference:
343848 548398

Proposal: Proposed Barn Conversion At Ghyll House Farm To Provide A Gym, Treatment Room, Hot Tub Room And Shower And Wc With 1no Unit Above Providing Holiday Accomodation.

Amendment:

Decision: Grant Permission **Date:** 13/02/2007

Between 13/01/2007 and 23/02/2007

Appn Ref No:
06/1475

Applicant:
Mr B Glaister

Parish:
Carlisle

Date of Receipt:
27/12/2006

Agent:
Gary Tyler

Ward:
Morton

Location:
15 Mossrigg, Carlisle, CA2 6PN

Grid Reference:
338207 554345

Proposal: First Floor Extension To The Side Elevation To Provide Additional Bedroom

Amendment:

Decision: Grant Permission **Date:** 02/02/2007

Between 13/01/2007 and 23/02/2007

Appn Ref No:
06/1478

Applicant:
Miss S R Turnbull

Parish:
Kirkandrews

Date of Receipt:
27/12/2006

Agent:

Ward:
Longtown & Rockcliffe

Location:
Riddings Cottage, Moat, Longtown, Carlisle, Cumbria

Grid Reference:
341140 574910

Proposal: Variation Of Condition 9 Of Planning Consent 01/0607 To Allow Retention Of Building As Use As Workshop

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Refuse Permission **Date:** 07/02/2007

Between 13/01/2007 and 23/02/2007

Appn Ref No: 06/1479
Applicant: Mr K Hogg
Parish: Wetheral

Date of Receipt: 28/12/2006
Agent: Jock Gordon
Ward: Wetheral

Location: Holly Cottage, Wetheral, Carlisle, CA4 8HD
Grid Reference: 346576 554346

Proposal: Rear Extension To Provide Kitchen/Diner And En-Suite Bedroom In Roof Space

Amendment:

Decision: Grant Permission **Date:** 31/01/2007

Between 13/01/2007 and 23/02/2007

Appn Ref No: 07/0012
Applicant: Mr John Dodd
Parish: Bewcastle

Date of Receipt: 05/01/2007
Agent: Rodney Jeremiah
Ward: Lyne

Location: 8 Cannonfield, Roadhead, Carlisle, CA6 6NB
Grid Reference: 351913 575135

Proposal: Two storey extension to provide utility room/wc, sitting room and 2 bedrooms

Amendment:

Decision: Grant Permission **Date:** 20/02/2007

Between 13/01/2007 and 23/02/2007

Appn Ref No: 07/0019
Applicant: Mr William Stobart
Parish: Stanwix Rural

Date of Receipt: 17/01/2007
Agent: Anthony Wright &
Ward: Stanwix Rural

SCHEDULE E: Decisions Issued Under Delegated Powers

Associates

Location:
Newby Grange, Crosby-on-Eden, Carlisle, CA6 4RA

Grid Reference:
346038 558614

Proposal: Extension To North Wing to provide Sun Room and Balcony (Revised Proposal)

Amendment:

Decision: Grant Permission **Date:** 19/02/2007

Between 13/01/2007 and 23/02/2007

Appn Ref No:
07/0025

Applicant:
Mr Neil Johnson

Parish:
Carlisle

Date of Receipt:
12/01/2007

Agent:

Ward:
Stanwix Urban

Location:
102 Lansdowne Crescent, Stanwix, Carlisle, CA3 9EP

Grid Reference:
340009 557932

Proposal: Erection Of A Single Storey Extension To Existing Dining Room, To Provide New Kitchen/Dining Room

Amendment:

Decision: Grant Permission **Date:** 13/02/2007

Between 13/01/2007 and 23/02/2007

Appn Ref No:
07/0031

Applicant:
Mr Barry Faulder

Parish:
Dalston

Date of Receipt:
19/01/2007

Agent:

Ward:
Dalston

Location:
Midtown Barn, Unthank, Dalston, Carlisle, Cumbria, CA5 7BA

Grid Reference:
339148 548836

Proposal: Single Storey Extension To Garage

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission **Date:** 16/02/2007

Between 13/01/2007 and 23/02/2007

Appn Ref No: 07/0041
Applicant: Shirley Wilson
Parish: Nether Denton

Date of Receipt: 19/01/2007
Agent: Green Design Group
Ward: Irthing

Location: Eastwood, Low Row, Brampton, Cumbria, CA8 2LQ
Grid Reference: 358383 562483

Proposal: Single Storey Extension to Rear Elevation to Provide Garden Room and Enlarged Kitchen.

Amendment:

Decision: Grant Permission **Date:** 20/02/2007

Between 13/01/2007 and 23/02/2007

Appn Ref No: 07/0052
Applicant: Mr Tebbutt
Parish: Carlisle

Date of Receipt: 26/01/2007
Agent: Mr John White
Ward: Belle Vue

Location: 46 Crown Road, Carlisle, CA2 7QQ
Grid Reference: 337277 555931

Proposal: Erection Of A Patio Room

Amendment:

Decision: Grant Permission **Date:** 21/02/2007