

# **Development Control Committee Main Schedule**

Schedule of Applications for  
Planning Permission

30th January 2009



## **The Schedule of Applications**

This schedule is set out in five parts:

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

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

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

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

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

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

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

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

This Schedule of Applications contains reports produced by the Department up to the 16/01/2009 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 21/01/2009.



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

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01.	<u>08/1186</u> A	L/A Side of Rutherford House, Garlands Road, Carlisle, CA1 3SU	<u>AMT</u>	1
02.	<u>08/1195</u> A	Scalesceugh Hall, Carleton, Carlisle, CA4 0BT	<u>AMT</u>	23
03.	<u>08/1188</u> A	Lister Court, Shady Grove Road, Carlisle, Cumbria, CA2 7LH	<u>SG</u>	36
04.	<u>08/1191</u> B	The Kingswood Educational Centre, Cumdivock, Dalston, Carlisle, CA5 6JW	<u>ARH</u>	54
05.	<u>08/1148</u> A	Fauld Farm, Burgh-by-Sands, CA5 6AN	<u>RAM</u>	94
06.	<u>08/1152</u> A	Land At The Barn, Park Barns, Irthington, Carlisle, CA6 4NQ	<u>SD</u>	104
07.	<u>08/1199</u> A	23 Brunstock Close, Lowry Hill, Carlisle, Cumbria, CA3 0HL	<u>ARH</u>	115
08.	<u>08/1244</u> A	18 Abbey Street, Carlisle, Cumbria, CA3 8TX	<u>BP</u>	126
09.	<u>08/1233</u> A	Little Bobbington, The Knells, Carlisle, CA6 4JG	<u>ARH</u>	133
10.	<u>08/1108</u> A	31 Stonegarth, Morton Park, Carlisle, Cumbria, CA2 6PD	<u>CG</u>	151
11.	<u>08/1196</u> B	L/A Townhead Farm Adjoining Wayside Cottage, West Hall, Brampton, Cumbria, CA8 2EH	<u>BP</u>	160
12.	<u>08/1193</u> A	22 Beck Road, Carlisle, CA2 7QL	<u>SG</u>	186
13.	<u>08/0906</u> A	Field 8443 Spruce Grove, Penton, Carlisle, CA6 5QR	<u>RJM</u>	194
14.	<u>08/1182</u> A	Former Harraby Methodist Church, Cumwhinton Road, Carlisle, CA1 3PA	<u>SD</u>	213
15.	<u>08/9032</u> B	Richard Rose Central Academy, Lismore Place, Carlisle, CA1 1LY	<u>ARH</u>	232

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16.	<u>08/1170</u> B	John Robert Gardens, Dalston Road, Carlisle, CA2 5UG	<u>ARH</u>	267
17.	<u>04/1339</u> D	L/A United Utilites Depot, Nelson Street, Carlisle.	<u>AMT</u>	280

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## SCHEDULE A: Applications with Recommendation

08/1186

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**Item No: 01**

**Date of Committee:** 30/01/2009

**Appn Ref No:**  
08/1186

**Applicant:**  
Impact Housing  
Association Ltd

**Parish:**  
St Cuthberts Without

**Date of Receipt:**  
28/11/2008

**Agent:**  
Architects Plus (UK) Ltd

**Ward:**  
Dalston

**Location:**  
L/A Side of Rutherford House, Garlands Road,  
Carlisle, CA1 3SU

**Grid Reference:**  
342962 553837

**Proposal:** Erection Of 8no Residential Units For Supported Housing Scheme For  
Impact Housing Association and Cerebral Palsy; Erection Of Guest  
Accommodation, Communal Areas And Staff Accommodation

**Amendment:**

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### REPORT

**Case Officer:** Alan Taylor

#### **Reason for Determination by Committee:**

The application is brought before the Committee due to the number of representations made, including requests to address Committee under the "Right To Speak" Policy.

#### **1. Constraints and Planning Policies**

**RSS Pol DP 2 - Promote Sustainable Communities**

**RSS Pol RDF 1 - Spatial Priorities**

**RSS Pol L 2 - Understanding Housing Markets**

**RSS Pol L 4 - Regional Housing Provision**

**Joint Str.Plan Pol ST5: New devt & key service centres**

**Local Plan Pol DP1 - Sustainable Development Location**

**Local Plan Pol CP5 - Design**

**Local Plan CP15 - Access, Mobility and Inclusion**

**Local Plan Pol H1 - Location of New Housing Develop.**

**Local Plan Pol H13 - Special Needs Housing**

### **2. Summary of Consultation Responses**

**St Cuthberts Without Parish Council:** The Parish Council makes the undermentioned observations on application 08/1186 following a representation of some 15 residents:

- the proposed access is near a road junction
- some concern was registered that Garlands Road is too narrow for right turning traffic however there is no proposal for a designated turning lane so this should present no problem recognising that the existing roads exit quite freely on to Garlands Road
- some concern was raised about traffic volumes on Garlands Road - this is already well documented and the local Police are aware of traffic speed and are taking appropriate action to deal with this matter. The likely additional traffic from this development is minimal, as part of the whole, and it is likely to occur off peak
- some concern was raised about the position of the bus stop which is also used by school children
- On site parking is barely adequate with six bays plus two for disabled parking when viewed against the likely staff/support workers who will be on site but, no doubt, the number of spaces will be subject to regulatory provision
- Is this additional development in the rural area or seen as infill- if the former then due consideration will have to be given;

**United Utilities (former Norweb & NWWA):** no objection to the proposals. It is understood that private arrangements have been made for the foul drainage to communicate with unadopted sewers serving a nearby development;

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

**Cumbria Constabulary - Crime Prevention:** The Design and Access Statement clearly demonstrates the package of security measures that will be incorporated within this development. Although the layout of the development has changed since I was originally consulted in September 2008, I am satisfied that the basic crime prevention design principles have been carried through in this proposal.

**Perimeter Security and the Creation of 'Defensible Space'**

It is proposed to establish an extensive perimeter treatment comprising of brick walls and fencing (which may be supplemented by defensive planting), with the intention of deterring casual or unwelcome access and obliging all visitors to enter the site via the designated access point. This measure clearly defines the site as semi-private and creates the first level of 'Defensible Space'.

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I note the intention to enhance the designated access point with gate posts, promoting the perception of semi-private space beyond.

### **Natural Surveillance Opportunities**

The footprint of the building creates numerous recesses but these could not easily be exploited as hiding places due to the shrewd arrangement of corner windows. There are plenty of windows within most elevations, maximising surveillance opportunities around the site.

Unfortunately, there is a large expanse of blank wall along the northeast elevation, preventing views towards the designated access point. Surveillance opportunities from the staff office are restricted due to the prominent elevation of the bin store. However, the corner window arrangement within the main lounge area is a welcome feature.

The demarcation of space between the car park and communal garden area should be considered to permit casual supervision of the designated access point and car park from this facility. The drawings supplied depict the garden seat as a full height item, perhaps to serve as a windbreak. The seat could be redesigned to permit surveillance opportunities through it.

### **Car Parking**

The car park is positioned at the front of the building, where it benefits from activity around the building main entrance and limited natural surveillance from the communal lounge.

I am also pleased to note the position of the cycle parking facility, directly outside the main entrance, which can be overlooked from the lounge and the office.

### **Landscaping**

The impact of the proposed landscaping scheme on surveillance opportunities and deterring intruders has been considered.

### **Security Lighting**

The issue of security lighting for this development has been considered. Care must be taken that the proposed scheme does not cause annoyance, nuisance or unnecessary pollution.

### **Physical Security**

It is very encouraging to note the intention to incorporate security standard doors and windows within this development. Access controls will be applied to the main door and internal areas to prevent intrusion.

I wish to take this opportunity to thank Architects Plus for their contribution to addressing Community Safety issues in this project;

**Cumbria County Council - (Highway Authority):** no objections but asks that 5

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conditions are imposed if planning permission is granted;

**Community Services - Drainage Engineer:** comments awaited;

**Northern Gas Networks:** there are no objections to these works;

**Cumbria County Council - (Archaeological Services):** does not wish to make any recommendations or comments on these proposals;

**Environmental Services - Food, Health & Safety:** if approved, the agents will need to make contact to discuss relevant food safety requirements for communal kitchen and dining facilities.

### 3. Summary of Representations

#### Representations Received

Initial:	Consulted:	Reply Type:
Chesnut Cottage	05/12/08	Objection
1 Sycamore Lane	05/12/08	Objection
2 Sycamore Lane	05/12/08	
3 Sycamore Lane	05/12/08	Objection
4 Sycamore Lane	05/12/08	Objection
Holmelea	05/12/08	Objection
1 Dalesman Drive	05/12/08	Objection
Rutherford House	05/12/08	Objection
4 Dalesman Drive		Support
1 Rutherford Court		Objection
2 Rutherford Court		Objection
Glenavon		Objection
8 Longmans Close		Objection
3 Dalesman Drive		Objection
3 Longmans Close		Objection
2 Dalesman Drive		Objection
4 Longmans Close		Objection
39 Pennine View		Objection
3 Sycamore Lane		Objection
1 Sycamore Lane		Petition
1 Oak Lane		Objection
9 Cumwhinton Drive		Objection
17 Dalesman Drive		Objection
54 Valley Drive		Objection
14 Dalesman Drive		Objection
46 Valley Drive		Objection
12 Longmans Close		Objection
14 Dalesman Drive		Objection
15, Dalesman Drive		Objection
2 Watermans Walk		Objection
14 Longmans Close		Objection
47 Pennine View		Objection
1 Border Close		Objection
Lobanc		Objection
9 Longmans Close		Objection
15 Border Close		Objection



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1 Moorside Drive	Objection
39 Dalesman Drive	Objection
40 Dalesman Drive	Objection
Rose villa	Objection
2 Hunters Crescent	Objection
12 Cumwhinton Drive	Objection
22 Pennine View	Objection
38 Pennine View	Objection
3 Oak Lane	Objection
41 Pennine View Close	Support
38 Valley Drive	Objection
39 Watermans Walk	Comment Only
11 Dalesman Drive	Objection
Dalston	Comment Only

- 3.1 The application has been publicised using the display of a Site Notice and direct written notification to the occupiers of the immediately adjacent properties [as occurred with the previous application].
- 3.2 Arising from those measures, there has been one letter seeking clarification of part of the proposal but also objections from the occupiers of 43 properties (some writing more than once) and a petition with over sixty signatures, opposing the development. The reasons for objections identified in all correspondence comprise:
1. having chosen to spend £300k on a house in 2007 because of its situation and outlook it was not expected that anything would be built between the cricket pitch and the road. Had that been known it would have put off purchase of the property as the building is not in keeping or in character with the surrounding area;
  2. if development is completed it could lead to a "Phase 2" extending into the remainder of the frontage since access will already exist;
  3. the area is widely used by dog walkers and children alike and would be more appropriate as a play area than the proposal;
  4. if developed, it would be appropriate to plant 2-3 trees on the east elevation which would reduce the visual impact from Sycamore Lane [onto a development which is not in keeping with the surrounding area] and serve to demonstrate that there is not the intention to develop further down the open field;
  5. Garlands Road experiences significant volumes of traffic at peak times and a second junction may affect road safety and flow;
  6. lack of parking will mean visitors will park on Garlands Road and reduce visibility for residents of the road trying to get out of their driveways where difficulties are already experienced due to speeding traffic;
  7. residents already have to contend with a virtual 24 hour a day traffic

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accessing the care facilities at Carleton Clinic without adding another 24 hour a day facility;

8. based on the fact that residents already share access with established (care) units, it would be unfair to add another so close to private residential dwellings;
9. it is sometimes difficult to comment when the proposal is for unfortunate people living with disability; however if these dwellings are to be used for disabled people, the location chosen is not the best considering the speed of traffic already mentioned;
10. whilst permission to this scheme is being requested off the back of sympathy for disabled freedom of living, Impact Housing Association allegedly do not exclusively place disabled people but could also consider people from a more sinister background;
11. how much truth or risk is there that these dwellings could also house people being introduced back into society with a past that other private residents are not aware of and cannot guard against.....the risk alone would make life in this road unthinkable with guards being put up ("just in case")...Impact Housing should make its intentions clear from the outset;
12. this is an absurd proposal and it would be madness if it were to be given serious consideration;
13. the application is contrary to the Local Plan as it is on land considered to be of Local Landscape Significance and outside areas allocated for development and the original area of the Garlands Hospital development scheme;
14. the development will add to the substantial traffic associated with existing development at Garlands and the problems it causes;
15. a writer presently watches the cricket from his house and this would not be allowed because of restricted sighting;
16. the same writer works shifts and is concerned about alarms going off at all times of day and night;
17. Fred Story wasn't allowed to build there so why can anyone else;
18. this kind of development should not be built there. Why not up the road near to the hospital;
19. the site is an area of regular use by children and dog walkers and its construction would lead to a major loss to the community;
20. the site is directly opposite the T-junction leading to Barratts' estate where all cars enter and leave at usually high speeds which increase the risk of

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an accident;

21. the construction will destroy the greenery and biodiversity of the area;
22. the construction will destroy the limited privacy to a writer's house which is an expensive property bought at the full asking price. All searches were done by the solicitor but the purchasers were not informed of any proposed construction next to the house;
23. it is stated "on the grapevine" that the development of 8 could turn into 32 units, which is ridiculous as it will mean more traffic coming and going;
24. as it is Impact Housing, if all the accommodation isn't let will they be letting to addicts or people with alcohol problems or other troublesome pillars of the community;
25. there are more houses next to the Carleton Clinic that could be used for these people and they wouldn't have to be newly built;
26. the writer's home was purchased with the view being over the fields, cricket pitch and rugby pitch and it is a lovely view which, if the build goes ahead, will mean they are looking at someone's home;
27. the location is not appropriate for such a development due to the size, style and intended use of the proposal;
28. the junction serving the development would introduce significant traffic safety issues. The writer's children walk along that stretch of road every morning and evening to catch the bus to school and the bus stop is in close proximity to the proposed entrance;
29. this is not a suitable position for this type of building or housing due to the very busy road and flood pond directly behind it;
30. there is a distinct transition at the top of the Parklands Estate from expensive/ executive residential properties to hospital buildings and that area of the estate would be much more appropriate for the proposed development. The current proposal is a significant distance away from the footprint of existing Garlands Hospital/Care facilities;
31. the application intrudes into the open land on Garlands Road and whilst the development still leaves just over half the frontage open and undeveloped, objectors believe this would be transient. There would be no reason why Impact Housing/Cerebral Palsy would not seek to extend their existing development/ facility (since the access would already exist). Development further down the frontage would absolutely ruin the situation, atmosphere, and feel of Sycamore Lane, and the surrounding area;
32. while appreciating the need for such facilities, the community in this area

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- has its fair share of community rehabilitation facilities with the open wards of the Carleton Clinic just around the corner;
33. the car park seems too small and there is concern that cars will park on Garlands Road by the bus stop with increased dangers to children being picked up and dropped off from school bus services at that location;
  34. the proposal is contrary to Local Plan Policy LC5: Playing Fields;
  35. there is inadequate foul and surface water drainage in the locality of the proposed development. The existing drains cannot cope with the current drainage requirements in the vicinity of the development leading to flooding of Garlands Road and adjacent open space between Garlands Road and Hunters Crescent with foul sewage;
  36. there is no objection in principle to this development but an objection to the unnecessary haste that this proposal has been given with what appears to be limited consultation with local residents;
  37. this is a very nice and expensive place to live. We do not want hostels/rehab or whatever you plan to put there. People have paid a lot of money to live here and don't want it spoilt. The land should be left as it is. The plot is too small and it would ruin the view. We do not want a random building stuck in the middle of our estate. As residents we have the right to say what happens on our doorstep;
  38. the local cricket club, which is now part of the established community, will once again have to re-organise their facilities which have taken the last 3-4 years to establish.
- 3.3 There have also been 2 letters of support for the application where writers state that:
1. Garlands Road will be a nice residential area for people with disabilities to live and hopefully enjoy as much benefit from living there as the writers do; and
  2. Impact is a responsible social landlord that they know of.

## 4. Planning History

- 4.1 In July 2004, full Planning Permission was granted for the "Erection of Two No. Single-Storey Care Dwellings With Ancillary Staff Facilities".
- 4.2 As a "Full" approval, the above application can be implemented at any time prior to expiry of consent on 19th July 2009.

### **5. Details of Proposal/Officer Appraisal**

#### **Introduction**

- 5.1 This is one of two related applications submitted by or in partnership (with Impact Housing Association) by Cumbria Cerebral Palsy Society, the other application (which follows in the Schedule) being concerned with the future use of the Society's existing accommodation at Scalesceugh Hall (application 08/1195).

#### **Background**

- 5.2 Some Members of the Committee will recall that the Cumbria Cerebral Palsy Society secured planning approval in July 2004 for development of the land subject of this application, located off Garlands Road, as the first part of its intended "3-site" strategy to re-locate from Scalesceugh Hall. To recap, the existing accommodation at the Hall cannot meet modern care standards (other than at substantial cost and with a resultant loss of capacity) while the policy of dispersal within the urban area allows a less Institutional, more socially inclusive form of care to be provided.
- 5.3 The 2004 approval, for construction of two care bungalows, each providing accommodation for 5 residents of the Hall and also each providing an overnight bedroom for staff, is a "Full" permission and remains extant until 19th July 2009 when the 5-year "start" date expires. It can, thus, be built now without any further planning approval by the City Council.
- 5.4 Since that approval, the Society has now secured ownership of the site at Garlands Road but owns no other land at that location. In addition, after unsuccessful attempts to identify suitable sites in the intervening years, the two other locations where accommodation for the remainder of the Society's residents will be met have now been identified. These are at Lister Court and Low Meadows [both within urban Carlisle] with the former also being developed as the "skill centre" where residents can obtain training. Planning applications for those sites, submitted by Impact Housing Association and Eden Housing Association respectively, are currently awaiting determination. In addition, since the 2004 approval the Society has reviewed the form of accommodation to be provided at Garlands Road and now submits the current application for an alternative and, indeed, less intensive scheme catering for 8 residents with no overnight staff accommodation.

#### **Details of the Proposals**

- 5.5 The current application seeks "Full" planning permission and corresponds in terms of its area with exactly the same parcel of land (0.36 hectares) which possesses the extant approval. Like that previous approval, the proposal is to develop single storey specialist care accommodation for wheelchair disabled persons but in this instance proposes 8 apartments as opposed to the 10no

residents bedrooms with en-suite facilities and shared dining and recreational areas within the 2004 scheme. In every sense the revised proposals are intended to provide a much higher standard of accommodation than hitherto provided or envisaged, will encourage greater levels of independence whilst still having essential support close at hand for when it is required, and is aimed at fully integrating residents within the wider community.

- 5.6 The application is supported by a Design and Access Statement and it is copied in full as an annex to this Report. The proposed residential units would be provided within a block that is effectively rectangular in plan form arranged around a central, internal open courtyard garden. Four apartments would be located with principal elevations facing onto Garlands Road with three other apartments on the opposite flank facing towards the cricket field. The central section of the west elevation i.e. facing towards Rutherford House, the nearest neighbour, will be indented and incorporate a single residential unit while the opposite elevation, facing eastwards, will contain the entrance and staff office, plant room and bin storage area together with a communal lounge/tea kitchen/dining area.
- 5.7 The application site sits at a significantly lower level than its immediate neighbour (Rutherford House) i.e. the ground floor door threshold of Rutherford House is circa 41.64m AOD whilst the levels within the site fall from about 41m AOD at the west boundary to 36.63m AOD at the opposite flank (east) boundary. The applicants propose a finished floor level of 38m, broadly 3 metres lower than the level at the boundary with its closest neighbours. Moreover, Rutherford House is actually set back some way from the flank boundary with the application site (11m scaled from the location plan) while the closest wall of the proposed development is a further 8m from that boundary.
- 5.8 Members should note that, although the residents of Rutherford House object to the application on grounds of impairment of privacy (amongst other reasons), the current proposals provide for 2 narrow bathroom windows at each end of the nearest wall facing that property together with 2 further, larger windows serving the lounge and the bedroom of the apartment that is "indented". Hence the proposals achieve 22m window-to-window separation from Rutherford House which, coupled with having a finished floor level that is 3 metres lower, will prevent any unacceptable impact on privacy. The "approved" scheme, in comparison with what is now proposed, has windows serving 4 of the 5 residents bedrooms plus the window to the staff bedroom in the equivalent elevation although the building is sited marginally further from the boundary. In short the "revised" proposals would be less likely to be harmful to the neighbour's privacy while the revised accommodation also increases privacy for the proposed residents in relation to the downward views obtained from the curtilage of Rutherford House.
- 5.9 Each apartment would contain a lounge with an integral kitchen, a bedroom and bathroom all designed to accommodate persons using an electric wheelchair and specialised equipment. All but one of the apartments is described as "double-room" sized (the other being described as single room)

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but each will be occupied by one person. There is no overnight staff accommodation but the scheme incorporates a guest bedroom (for use when a resident may be ill and a family member needs to stay over). There is also a laundry and an assisted bathroom, wc and store, staff office, and a social area i.e. the communal lounge described in para 5.6.

- 5.10 The building will be built of red clay facing brick with black stained timber fascias, windows and doors, pre-cast stone cills, black upvc guttering and a blue/black tiled pitched roof. None of these are finishes which in any sense would bring any visual harm within the Garlands Estate area. They are also the same finishes specified in the 2004 permission.
- 5.11 A car parking area will be provided between the east wall of the development and the eastern boundary of the site, taking access off Garlands Road. It will provide space for 6 cars plus two further enlarged spaces affording wheelchair access and another space for the Society's mini-bus. This compares with the 10 car spaces included in the earlier approval for a 10-resident development plus two staff bedrooms. The parking area will be surfaced in block paving/tarmac. The site will be enclosed on most of its frontage and rear perimeter and on its eastern flank by brick walls. Cycle parking is also to be provided. One small tree will be removed adjacent to the site entrance but two more prominent trees in the verge will not be affected.
- 5.12 The Highway Authority has no objections to the development, its access or the proposed levels of parking which are above the requirements of adopted parking standards. In the latter case, the Society has indicated that there would be 4 persons plus a senior care attendant at the site in daytime with two staff members being on duty overnight i.e. from 10pm to 8am. Residents are not car-drivers. As stated earlier, most residents will be likely to attend the training centre at Lister Court during the day with transportation there and back via the Society's mini-bus. There is not a fixed visitor system, hence visits to the residents can occur at any time rather than being concentrated in a limited time frame. Consequently there is no likely heavy demand on parking spaces at any given time.

### **Assessment**

- 5.13 The application site is a committed housing site i.e. it possesses a "live" planning permission, granted as an "exception site" under the provisions of Policy H13 of the (then) Carlisle District Local Plan 2001-2016 Deposit Draft. It is not, and never has been, part of the recreational land associated with the cricket club or Creighton Rugby Club facilities. Similarly it does not form part of any general open space or play area provision to serve the Garlands Estate development, and it will not cause any disruption to the cricket club's use of its own land.
- 5.14 The Carlisle District Local Plan 2001-2016 has now been formally adopted (as of 9th September 2008). Policy H13 has been retained and is as pertinent now as it was when the previous application was considered. In summary, sites which make specific provision for special or particular housing needs,

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including the physically handicapped, will be acceptable provided the Council is satisfied that the 3 criteria identified in the text of the Policy are met.

- 5.15 There is no aspect of the current proposals that, in comparison with the extant approval, adversely impact on the area or the living conditions of adjacent occupiers, or generate unacceptable or increased impacts such as more traffic generation or excessive noise or activity, that would lead to intolerable disturbance or any other material intrusion in the area. Indeed, the revised scheme provides a better quality of accommodation for the intended residents and is of a lesser scale than the permitted scheme. It is not only capable of being developed with no breach of the Council's normal requirements to achieve acceptable "privacy" standards between the development and its closest neighbour, but is at a significantly lower level. Likewise, residents of Sycamore Lane contend that the development will adversely detract from their living conditions and the character of the locality. However, the closest part of any home at Sycamore Lane is about 90m away from the proposed building, and that is its garage and not the living accommodation.
- 5.16 There is, unfortunately, some mis-information contained within certain of the representations made against the proposal not least the inference in some correspondence that persons suffering from physical disabilities should not be located at the proposed site but alternative provision made at land or buildings within the care environment of the Carleton Clinic complex. This seems to wrongly equate physical impairment with the entirely different medical needs of persons requiring mental health care, apart from ignoring the fact that the Society doesn't actually own any land at that "alternative" location.
- 5.17 Similarly, some commentators also make reference to the involvement of Impact Housing Association in this project and allude to the possibility of persons being accommodated at the development from Impact's wider client base, notably persons recovering from drug or alcohol dependency. Objectors refer to the "risks" this would pose to the local community and to children in the locality in particular (but make no reference to the greater "risks" that this would actually cause to residents suffering from Cerebral Palsy were it a credible prospect). Likewise, it appears that there is a mis-guided and alarmist impression being circulated within the Garlands Estate area that the proposed 8 units might "grow" to 32.
- 5.18 Neither of the above is correct. Impact Housing Association will work in partnership with Cumbria Cerebral Palsy Society to provide extra care housing for people with cerebral palsy and associated disabilities. Impact will submit a bid for finance to build the scheme to the Housing Corporation and Impact's role will be as landlord only. Cumbria Cerebral Palsy will have full responsibility for care staff and is in the process of registering as a domiciliary care provider with the Commission for Social Care Inspection. New tenants to the development might bring their own carer with them but that will, as now, be a matter of personal choice for the person and will not involve Impact Housing. Similarly, the only land owned at Garlands Estate by the Society is



## SCHEDULE A: Applications with Recommendation

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this site and all surrounding land remains in totally different ownership: there is accordingly neither the desire or intention to develop more intensively at Garlands Road nor the land on which to do. The other two developments at Lister Court and Low Meadow will provide accommodation for 19 persons, which when added to the 8 residents at Garlands Road, will enable full re-location of the existing 27 residents of Scalesceugh Hall at three sites all within the much more inclusive environment of the urban area of Carlisle. That "dispersal" approach has been the Society's objective since prior to the submission of the 2004 application and it remains totally committed to that strategy.

- 5.19 The planning approval granted for the 2004 scheme as an "exception" site to meet the identified needs of the Society incorporated a planning condition restricting occupation accordingly. Cumbria Cerebral Palsy Society has confirmed that a similar condition is acceptable in relation to the present scheme and it is recommended as Condition 5 as set out in the Recommendation.

### Conclusion

- 5.20 The application is recommended for approval.

## 6. Human Rights Act 1998

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

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

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

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

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

- 6.3 Given the siting, layout, orientation of the dwellings and the limited height, it is considered that there will be no adverse impact on any other properties in the vicinity such as to be prejudicial to the rights bestowed by the Act. However, the provision of specialist purpose-designed accommodation to meet the needs of the intended occupants will ensure a socially inclusive development which will be clearly beneficial to the human rights of the

occupiers.

### 7. **Recommendation** - Grant Permission

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

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

2. The finished floor, ground and ridge height levels shall not exceed those shown on the approved plans.

**Reason:** In the interests of preserving the privacy and living conditions of the neighbouring residents and to ensure that the development respects the scale and character of building in the locality.

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

**Reason:** To ensure the works harmonise as closely as possible with the existing building and to ensure compliance with Policy 25 of the Cumbria and Lake District Structure Plan.

4. Details shall be submitted of the proposed hard surface finishes to all public and private external areas within the proposed scheme and approved by the Local Planning Authority before any site works commence, and the approved scheme shall be implemented in accordance with a phasing scheme for the conversion works hereby approved.

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

5. This permission shall enure only for the benefit of the Cumbria Cerebral Palsy Society and the accommodation hereby approved shall be used only as care accommodation for the benefit of residents receiving residential care provided by the Society together with ancillary staff facilities.

**Reason:** The Council is only prepared to grant planning permission for the development to meet the "special needs" for purpose designed accommodation for the Cumbria Cerebral Palsy Society, in accordance with Policy H13 of the Carlisle District Local Plan 2001-2016, and would not wish to see the accommodation hereby approved used for general needs housing.

## SCHEDULE A: Applications with Recommendation

08/1186

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

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

7. No development shall commence until detailed drawings showing the development and means of access thereto have been submitted to the local planning authority for approval. Any such approved means of access shall be completed in accordance with the approved details before the development is occupied.

**Reason:** To preserve sight lines in accordance with Policy (H5 - village development, H15 – New build, EM14 – Tourism, L13 – Hospital) of the Carlisle 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 and Structure Plan Policy L49.

9. No development shall commence until visibility splays providing clear visibility of 2.4m by 43m measured down the centre of the access road and the nearside channel line of the major road have been provided at the junction of the access road with the county highway. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grow within the visibility splay which obstruct the visibility splays. The visibility splays shall be constructed before general development of the site commences so that construction traffic is safeguarded.

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

10. The development shall not be commenced until the access has been formed with 6 metre radius kerbs, to give a minimum carriageway width of 4.8 metres, and that part of the access road extending 5 metres into the site from the existing highway has been constructed in accordance with details

## SCHEDULE A: Applications with Recommendation

08/1186

approved by the Local Planning Authority.

**Reason:** To ensure adequate access is available, in the interests of highway safety and to support Local Transport Plan Policies LD7 and LD8.

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

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

12. The access and parking/turning requirements shall be substantially met before any building work commences on site so that constructional traffic can park and turn clear of the highway. The vehicular access and turning provisions shall be retained and capable of use at all times thereafter and shall not be removed or altered without the prior consent of the Local Planning Authority.

**Reason:** The carrying out of this development without the provision of these facilities during the construction works is likely to lead to inconvenience and danger to road users, to ensure a minimum standard of access provision when the development is brought into use and to support Local Transport Plan Policies LD5, LD7 and LD8.

13. Particulars of height and materials of all boundary and/or retaining walls and/or 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 and to ensure compliance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

14. 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.

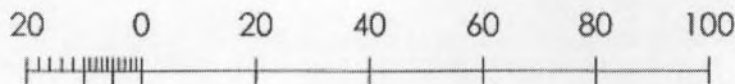
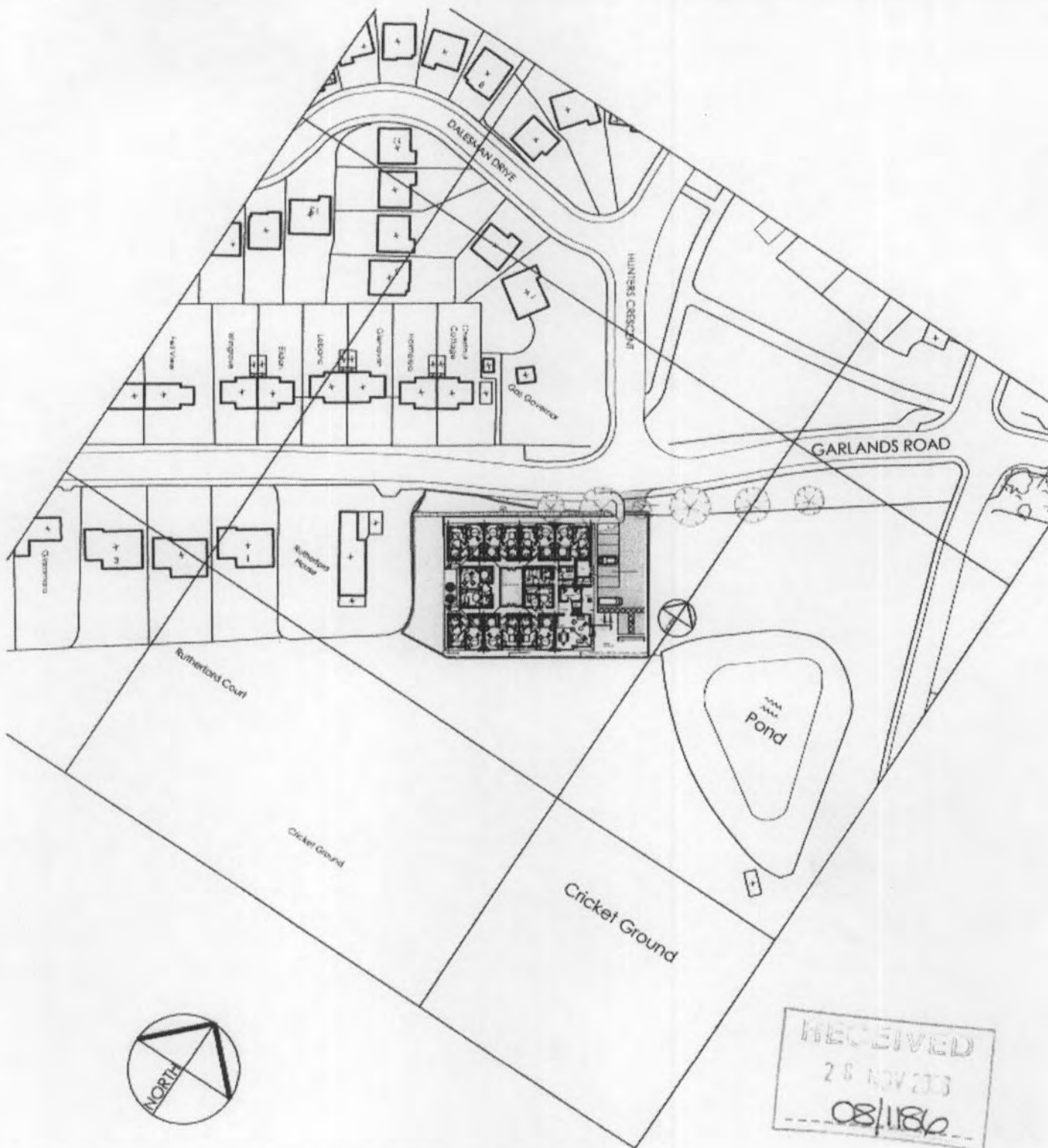
**Reason:** To ensure that a satisfactory landscaping scheme is prepared in accordance with the objectives of Policy CP5 of the Carlisle

## **SCHEDULE A: Applications with Recommendation**

08/1186

District Local Plan 2001-2016.

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Metres

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A 26.11.08 GENERAL AMENDMENTS TO AVOID CULVERT  
Revision Date Description

EWJ  
Revised by

**ARCHITECTS**  
**PLUS**

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Project

**CUMBRIA CEREBRAL PALSY / IMPACT  
EXTRA CARE SCHEME PARKLANDS VILLAGE**

Drawing

**SITE LOCATION**

Scale	Date	Drawn	Comp No	Number
1/1250	09/08	RJW	C3	04054-20A

Architects Plus [UK] Limited  
Victoria Galleries, Viaduct House, Victoria Viaduct, Carlisle, Cumbria, CA3 8AN  
tel: 01228 513144  
fax: 01228 513033

Registered in England No. 4021140  
Victoria Galleries, Viaduct House, Victoria Viaduct, Carlisle, Cumbria, CA3 8AN  
email: ap@architectplus.co.uk  
web: www.architectplus.co.uk

[illegible]

GARLANDS RO,

ERS CRESCENT

Gas Governor

Chestnut  
Cottage

Holmelea

Glenavon

Lobanc

Eildon

Rutherford  
House

ARCHITECTS *a+*  
PLUS

CUMBRIA CEREBRAL PALSY SOCIETY / IMPACT  
EXTRA CARE SCHEME PARKLANDS VILLAGE SITE

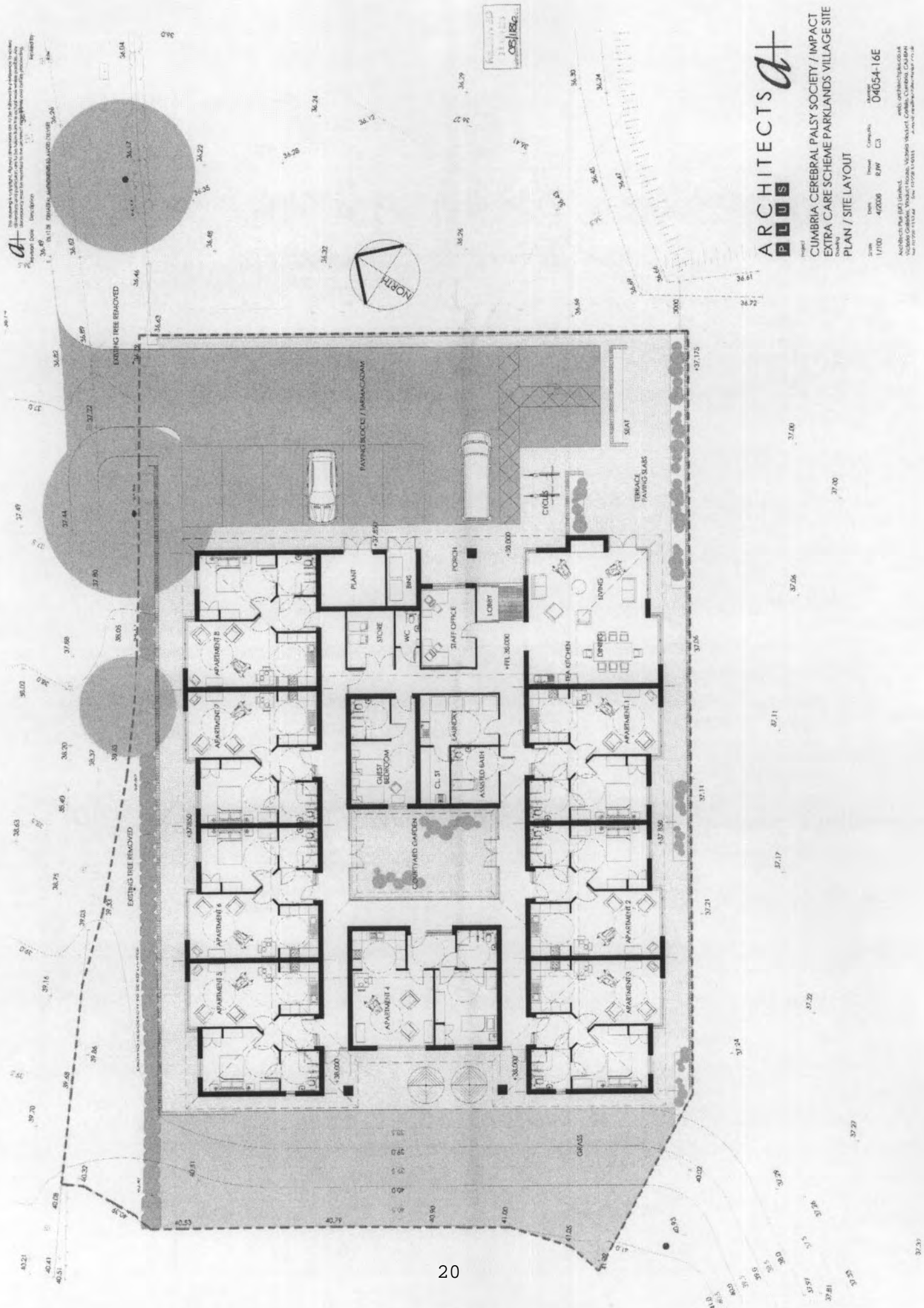
## BLOCK PLAN

Scout	Date	Quorum	Campsite No.	Signature
1720	9/20/58	R JW	C3	04054-19A

Architect: Ryan Fitz-Morris  
 www.fitz-morris.com  
 1000 West 10th Street, Suite 100, Omaha, NE 68102  
 402.441.1111

19







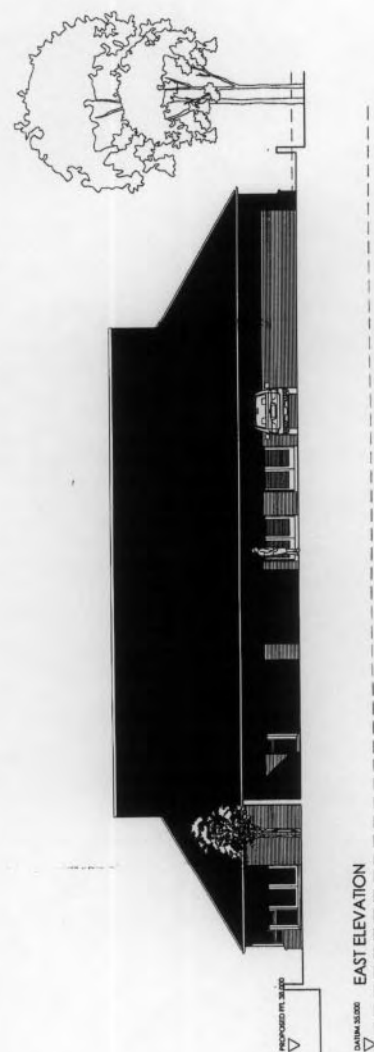
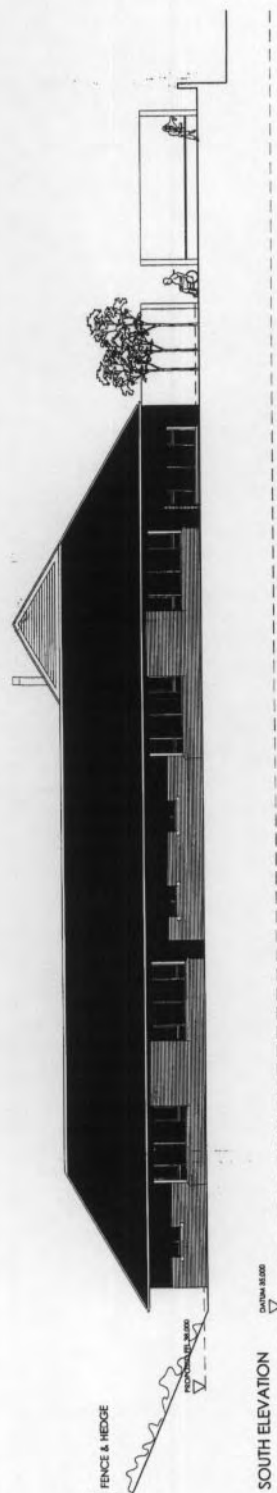
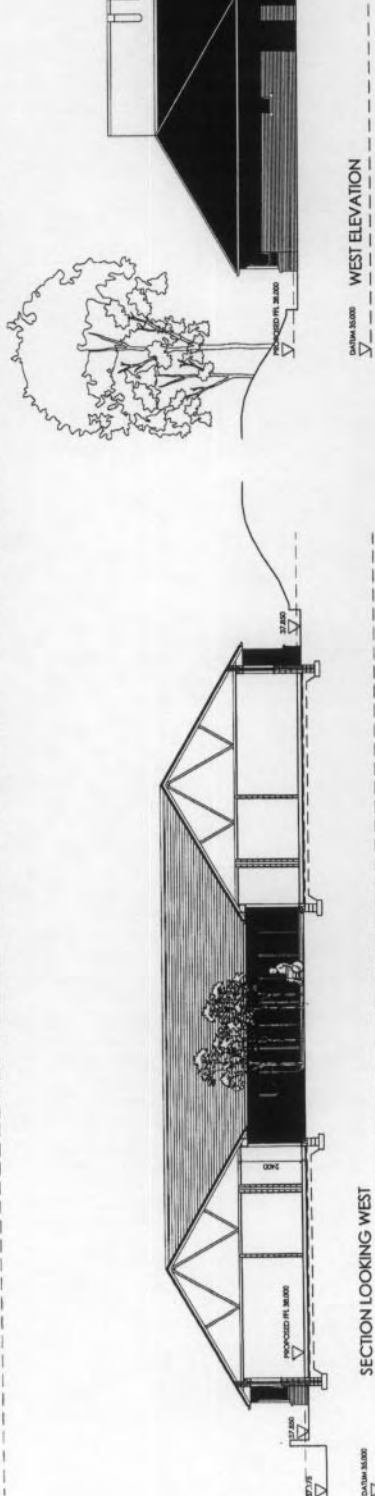
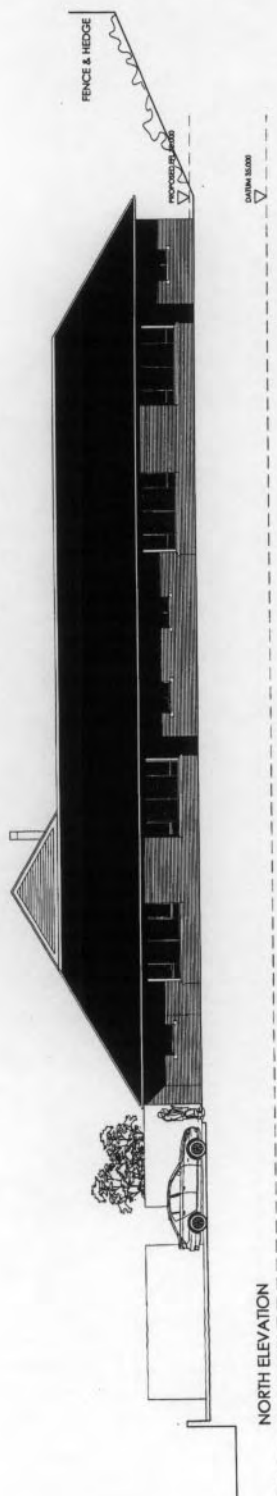
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Revision	Date	Description	Revised By
1			

08/08	GENERAL AMENDMENTS PRE PLANNING SUBMISSION
09/08	TEBACE/ENCING AMENDED
11/08	GENERAL AMENDMENTS TO AVOID CULVERT

## MATERIALS

ROOF : BLUE BLACK TILE  
WALLS : RED CLAY FACING BRICK  
WINDOWS / DOORS / FASCIAS : BLACK STAINED TIMBER  
GUTTERS / RWPS : BLACK UPVC  
CILLS : BUFF PRECAST STONE

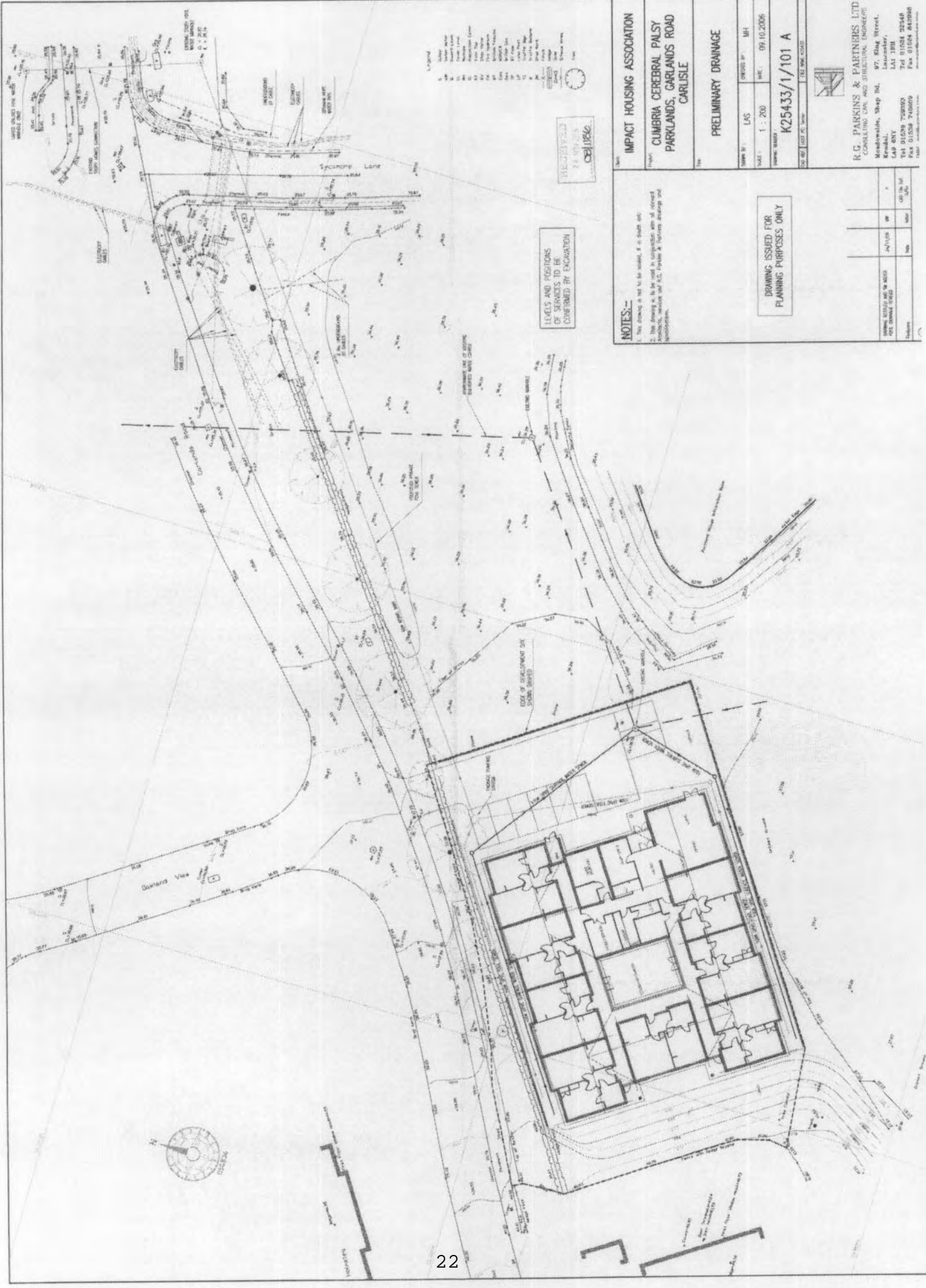


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ARCHITECTS *a+*  
P L U S

CUMBRIA CEREBRAL PALSY SOCIETY / IMPACT  
EXTRA CARE SCHEME PARKLANDS VILLAGE SITE  
ELEVATIONS / SECTIONS

Scale	Date	Drawn	Comp.No.	Number
1/100	07/08	RJW	C3	04054-18C



LEVELS AND POSITIONS  
OF SERVICES TO BE  
CONFIRMED BY EXCAVATION

**NOTES:-**

1. This drawing is not to be used, if it is used, it is to be used in conjunction with the original site plan.
2. This drawing is to be used in conjunction with all relevant documents, including all relevant drawings and specifications.

DRAWING ISSUED FOR  
PLANNING PURPOSES ONLY

<b>IMPACT HOUSING ASSOCIATION</b>	
<b>CUMBRIA CEREBRAL PALSY</b>	
<b>PARKLANDS, GARLANDS ROAD</b>	
<b>CARLISLE</b>	
<b>PRELIMINARY DRAINAGE</b>	
Scale: 1 : 250	Drawn: JAS
Check: JAS	Drawn: JAS
Date: 09/10/2006	Drawn: JAS
<b>K25433/1/101 A</b>	
<p><b>R.G. PARKINS &amp; PARTNERS LTD</b> CONSULTING CIVIL AND STRUCTURAL ENGINEERS Meadowdale, Sharp Rd, 87, King Street, Kendal, LA1 3BH Tel: 01524 750000 Fax: 01524 750001 Email: rgp@rgp.co.uk</p>	

## SCHEDULE A: Applications with Recommendation

08/1195

---

**Item No: 02**

Date of Committee: 30/01/2009

**Appn Ref No:**  
08/1195

**Applicant:**  
Cumbria Cerebral Palsy  
Society

**Parish:**  
St Cuthberts Without

**Date of Receipt:**  
08/12/2008

**Agent:**  
Architects Plus (UK) Ltd

**Ward:**  
Dalston

**Location:**  
Scalesceugh Hall, Carleton, Carlisle, CA4 0BT

**Grid Reference:**  
344775 549681

**Proposal:** Variation Of Condition 1 of Application 04/0584 (To Extend Time Limit  
By Additional 3 Years)

**Amendment:**

---

### REPORT

**Case Officer:** Alan Taylor

#### Reason for Determination by Committee:

The application is brought before Committee since it is linked to another application for development at Garlands Road (08/1186) a Report on which appears earlier in the Schedule.

#### **1. Constraints and Planning Policies**

##### **Ancient Monument**

##### **Tree Preservation Order**

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

##### **Public Footpath**

The proposal relates to development which affects a public footpath.

##### **Listed Building**

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

##### **Local Plan Pol H13 - Special Needs Housing**

**Local Plan Pol LE12 - Proposals Affecting Listed Buildings****Local Plan Pol LE13 - Alterations to Listed Buildings****Local Plan Pol LE15 - Change of Use of Listed Buildings****2. Summary of Consultation Responses**

**Cumbria County Council - (Highway Authority):** the change of use to residential units and the extension of the time limit to commence the development is not considered to have a material effect on existing highway conditions. Accordingly, the Highway Authority has no objections to the proposal;

**St Cuthberts Without Parish Council:** no observations or comments on this proposal;

**Ramblers Association:** no comments received;

**East Cumbria Countryside Project:** no comments received;

**Development Services Planning & Housing Services - Conservation Section:** great care was taken with the earlier application to ensure that the architectural and historic significance of the building was protected. There is, therefore, no objections to the renewal of the permission. The Hall was subsequently Listed and this proposal requires Listed building Consent.

**3. Summary of Representations****Representations Received**

Initial:	Consulted:	Reply Type:
Scalesceugh Lodge	08/12/08	
The Sycamores	08/12/08	
2 Scalesceugh Gardens	08/12/08	
Middle Orchard	08/12/08	
4 Scalesceugh Gardens	08/12/08	
The Orangery	08/12/08	
The Cottage	08/12/08	
Granary Cottage	08/12/08	
Stable Cottage	08/12/08	
The Barn	08/12/08	
High Scalesceugh	08/12/08	

- 3.1 As the building is "Listed" the proposals have been subject to statutory advertising through a Press Notice and a Site Notice. Occupiers of adjacent properties have also been notified writing of the receipt of the application.

## **SCHEDULE A: Applications with Recommendation**

08/1195

There have been no representations.

### **4. Planning History**

- 4.1 Parts of Scalesceugh Hall date from 1650 but the main house was built in the 1900's as a single residence and it continued to be so used until 1962 when Cumbria Cerebral Palsy Society bought it for use as a residential home.
- 4.2 There have been several applications since 1962 to undertake alterations and additions, most notably the extension of the skills centre to form a new physiotherapy room and provide a new corridor link to the main Hall coupled with the sub-division of one bedroom.
- 4.3 In July 2004, Full Planning Permission was granted for the part demolition of sections of buildings and conversion of the main Hall to provide 10 apartments. The development has not been commenced but the planning permission remains valid until 19th July 2009.

### **5. Details of Proposal/Officer Appraisal**

#### **Introduction**

- 5.1 Members will be familiar with the location of Scalesceugh Hall which stands in extensive formal gardens situated off the west side of the A6, approximately 1/2 mile south of Junction 42 of the M6.
- 5.2 The Hall has been for many years the local base for the Cumbria Cerebral Palsy Society and currently provides residential care for 27 residents and day care places for other adults under the Society's learning and training programme, together with related support staff.

#### **Background**

- 5.3 The current application is one of two linked planning proposals, the other (submitted jointly with Impact Housing Association) being an application to develop a single storey block containing 8 apartments for existing residents re-located from the Hall together with ancillary staff accommodation on land adjacent to Rutherford House at the Garlands. A Report on that proposal (application 08/1186) precedes in this Schedule.
- 5.4 These two applications arise from the obligations placed upon the Society by the provisions of the Care Standards Act 2000 which has introduced new standards for accommodation for residents of care establishments together with increased staffing requirements.

### Assessment

- 5.5 As explained in the Report on application 08/1186, the Society has to find alternative accommodation for its residents and has developed a "3-site" strategy involving dispersal of residents to separate locations. In simple terms the nature and character of Scalesceugh Hall is such that to adapt it to meet the new standards would reduce the current accommodation that it provides so that only residential care for 14 persons could be provided, just about half that available now. That would render the existing home financially unviable whilst the alterations that would be needed would, from a planning point of view, also be a concern since the building is of considerable architectural interest and has now been "Listed".
- 5.6 Consequently, when the implications of the new standards became appreciated the Society reviewed its options and identified, with some reluctance, that Scalesceugh Hall could not fulfill the demands of the new legislation and continue to meet its existing obligations to residents and their families. Thus, the provision of alternative accommodation, purpose built to meet the new standards for care premises, had to be investigated. Key objectives for that alternative accommodation were identified centred upon the objective of a more "community based" approach to care rather than the isolation, and thus semi-institutionalised image, of the existing care facilities at Scalesceugh. Hence, potential sites with the built up area of Carlisle were regarded as the optimum solution.
- 5.7 The Society's original aims were to build 3 pairs of purposed designed bungalows within the urban area of Carlisle, each pair providing 10 bedroomed accommodation for the (in 2004) 30 residents of Scalesceugh Hall together with related staff provision. That led to the identification, in 2004, of a proposed site for the intended development of two care bungalows at Garlands Road, its subsequent approval and acquisition of that site. A search for other two matching sites continued. Convenience for public transport, close availability of associated amenities and facilities, and the ability to integrate with surrounding land uses were attributes that the Society sought to secure in their site searches. Throughout that review process close liaison was maintained with residents and their families to ensure their wishes were respected and that highlighted their wish to be part of the wider community.
- 5.8 Despite obtaining the Garlands Road site, two other sites proved elusive and the Society has further reviewed how it can provide alternative accommodation for all the existing residents currently based at Scalesceugh Hall (27 persons aged above 19 years of age). That has led to the emergence of proposals for, in addition to the Garlands Road land that the Society owns, development at two other sites at Low Meadows (as part of a larger scheme being developed by Eden Housing Association) and Lister Court (in accommodation being developed by Impact Housing Association which also includes a training centre). Planning applications for both those other sites are currently before the Council (the Report on the Lister Court

## SCHEDULE A: Applications with Recommendation

08/1195

site is included in this Schedule) and the Society hopes to have all three sites operational by late 2010. That is, of course, dependent on securing planning approvals for all three sites and obtaining funding from the Housing Corporation.

- 5.9 A related and necessary consideration in pursuing its ambitions to re-locate to better facilities within the wider community concerns the future of Scalesceugh Hall, when it is eventually vacated by the Society. In that regard, planning permission exists (following approval obtained in July 2004) for its conversion to form 10 apartments but that approval will expire in July of this year unless it is "commenced". It is evident, however, that the timescale for the Society to bring forward alternative housing for its residents will preclude the implementation of the 2004 approval prior to expiry of the permission.
- 5.10 The Society consequently seeks the Council's approval to the current application which seeks to vary the condition requiring a "start" by 19th July 2009 by extending that period for 3 years (to 19th July 2012). That will allow continued occupation of the existing accommodation provided at Scalesceugh Hall until the new homes are built, the marketing of the property, when vacated, and its sale in advance of the planning permission being carried out.
- 5.11 Built in 1913-14, Scalesceugh is a good example of an Edwardian country house which has seen some interior changes but these are relatively minor and it contains many fine period features. This has led to the building being "Listed" since the 2004 planning approval (it was added to the Statutory List in August 2005). The proposed conversion scheme, prepared in 2004 with the close involvement of the City Council's Planning and Conservation Officers, paid full regard to its fine architectural qualities and is considered to bring substantial benefits. Much later additions to the original Edwardian structure are proposed to be demolished as part of the conversion scheme and this would have the effect of reinstating the south-west facade to its original form.
- 5.12 The proposals for the future use of Scalesceugh Hall assume that the three alternative sites that the Society are pursuing come into effect and the Hall is vacated. In such circumstances the alternative use that the Hall (stripped of its modern accretions) seems best suited to fulfill is through adaptation to residential apartments. The scheme that has been devised is directed at minimising disturbance to its form, character and primary features. The "core" building, together with adaptation of Dower House and conversion of the existing bungalow in its grounds would result in a total of 10 residential units being formed within these existing buildings.
- 5.13 Coupled with the demolition and conversion works it is proposed to form a new vehicular access under the archway linking Dower House with the Hall and to extend that access to the rear of the Hall to serve new parking areas for the proposed residential properties. These spaces would augment existing parking within the courtyard directly in front of the Hall's entrance facade. The scheme of adaptation, as proposed, facilitates the separation of the

## **SCHEDULE A: Applications with Recommendation**

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entrances to the apartments which are to be formed through sensible and logical internal divisions that respect room forms and features.

- 5.14 In "policy" terms, the adopted District Local Plan Policy H8 is pertinent to the proposals as it deals with circumstances where alternative uses of redundant rural buildings are being contemplated. A key consideration concerns the architectural quality of the relevant building and whether the proposals respect its features and integrity, avoid major additions to it and generally respect its character and appearance. While not "Listed" when these proposals were approved in 2004, the acknowledged worth of the building (leading to its nomination for Listing) were major determinants of the approach adopted to its proposed conversion and it is considered that the general thrust of Policy H8 is met by the proposals.
- 5.15 Criteria 7 of Policy H8 places an obligation upon applicants to demonstrate there are no other "economic development" uses by undertaking a marketing exercise of the property in question covering a minimum six month period. However, it is clearly not appropriate to "market" Scalesceugh Hall while it continues to provide essential residential accommodation for its residents. Additionally, because of its internal features, alternative "economic uses" that respect those features are likely to be limited to such as hotel/corporate offices, etc. However, in planning policy terms this is not a sequentially acceptable or sustainable location for offices while, in the present economic climate, there is unlikely to be interest in adaptation for hotel use.
- 5.16 In addition to the above issues, Members will readily appreciate that the interdependency of the Society's objectives relies upon an appropriate future use being found for the Hall. Just as the "special needs" aspect of the new accommodation proposed adjacent to Rutherford House at Garlands Road (in accord with District Plan Policy H13) has to be recognised, the means of delivering and supporting that accommodation for the Cumbria Cerebral Palsy Society i.e. through the adaptation and change of use of Scalesceugh Hall as an "enabling or funding source" is, in this instance, a legitimate "material consideration".

### **Conclusion**

- 5.17 It is recommended that the application is approved with the additional 3-year period within which the development must be commenced.

## **6. Human Rights Act 1998**

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

**Article 6** bestowing the "Right to a Fair Trial" is applicable to both applicants seeking to develop or use land or property and those



## SCHEDULE A: Applications with Recommendation

08/1195

whose interests may be affected by such proposals;

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

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

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

6.3 There is no apparent conflict with the relevant provisions of the Act.

### 7. **Recommendation** - Grant Permission

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

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

2. The proposed access road, turning facilities and car parking areas shown on drawing number 02052-01B shall be constructed in accordance with detailed plans and particulars to be submitted to, and approved in writing by the Local Planning Authority, before any works of conversion are commenced and these particulars shall indicate the proposed construction, drainage, surfacing and lighting of those facilities and any associated structures for retention of adjoining land. The approved works shall be fully completed before any unit is occupied.

**Reason:** To ensure a satisfactory form of development in the interests of amenity and in compliance with the objectives of Policy CP5 of the Carlisle District Local Plan 2001-2016.

3. This approval relates to the scheme of demolition and associated conversion of the retained buildings at Scalesceugh Hall and Dower House to provide a maximum of 10 residential apartments.

**Reason:** for the avoidance of doubt and in accord with Policies LE13 and LE15 of the Carlisle District Local Plan 2001-2016.

4. Prior to those works of conversion being implemented the proposed developer shall provide details of any works that would result in the external alteration or adaptation of any existing facade or the roof structure of the buildings. No work in respect of such alterations or adaptations shall be carried out without the prior written approval of the Local Planning Authority

## SCHEDULE A: Applications with Recommendation

08/1195

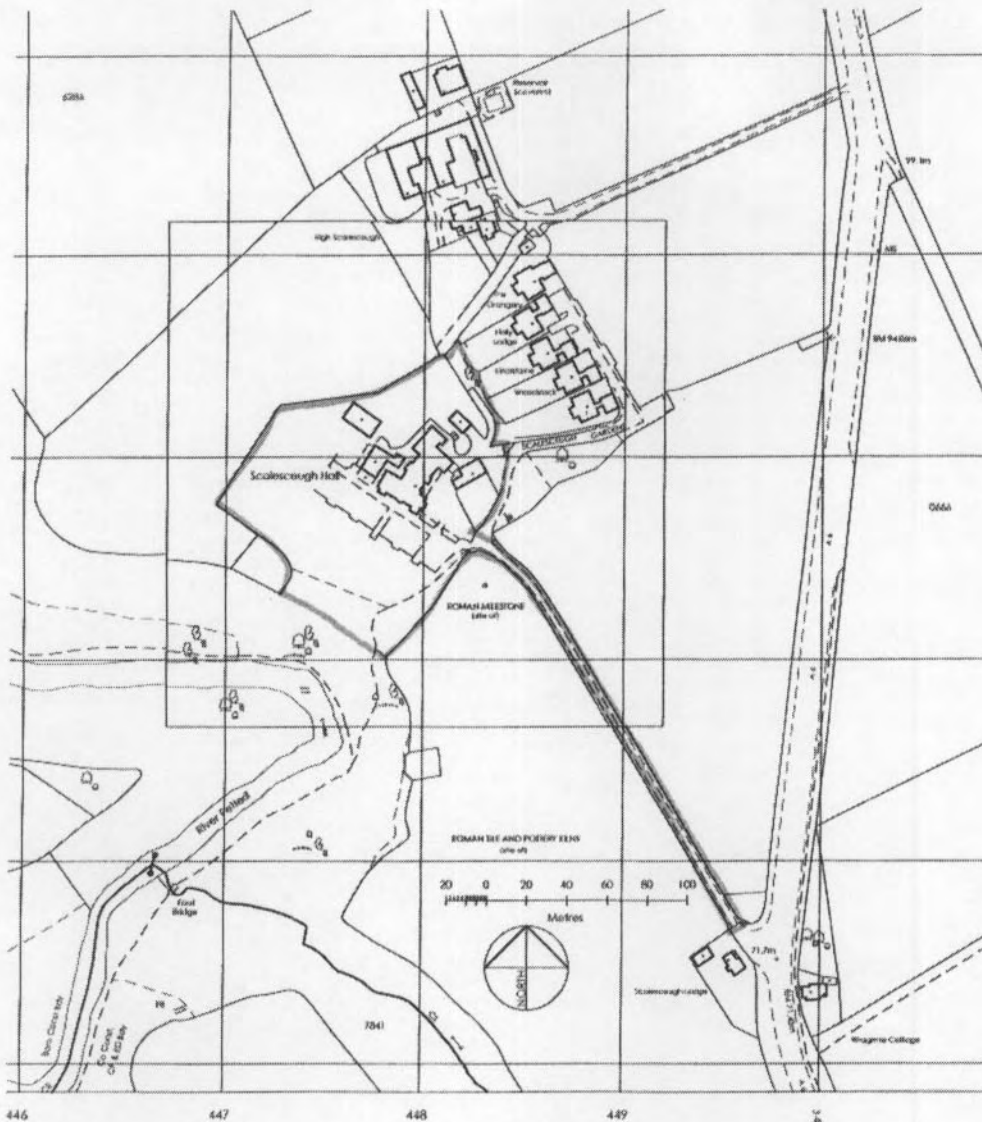
of such works.

**Reason:** For the avoidance of doubt and in accord with Policies LE13 and LE15 of the Carlisle District Local Plan 2001-2016.

5. No development pursuant to the implementation of this planning approval shall be commenced until such times as the applicants have completed the construction of, and have re-located to, the replacement care and skills training facilities currently based at Scalesceugh Hall to an alternative site or sites within the Carlisle area.

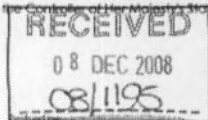
**Reason:** The need to replace the existing Care and Training Facilities at Scalesceugh Hall to meet the applicants' obligations under the Care Standards Act 2000 is a material consideration which has justified the Council's approval of residential development at this rural location contrary to the general presumption against further rural housing development at such isolated locations under the provisions of the Carlisle District Local Plan.

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Project  
**SCALESCEUGH HALL**  
CHANGE OF USE TO 10 RESIDENTIAL UNITS  
Drawing  
**SITE LOCATION**

Revision  
Revision Date Description

**ARCHITECTS**  
**PLUS** *a+*

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Scale	Date	Drawn	Checked	Number
1/2500	12/08	P.W.	C.S.	02052-07

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GROUND FLOOR

FIRST FLOOR

Revision	Date	Description	Revised By	Revised On
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ARCHITECTS

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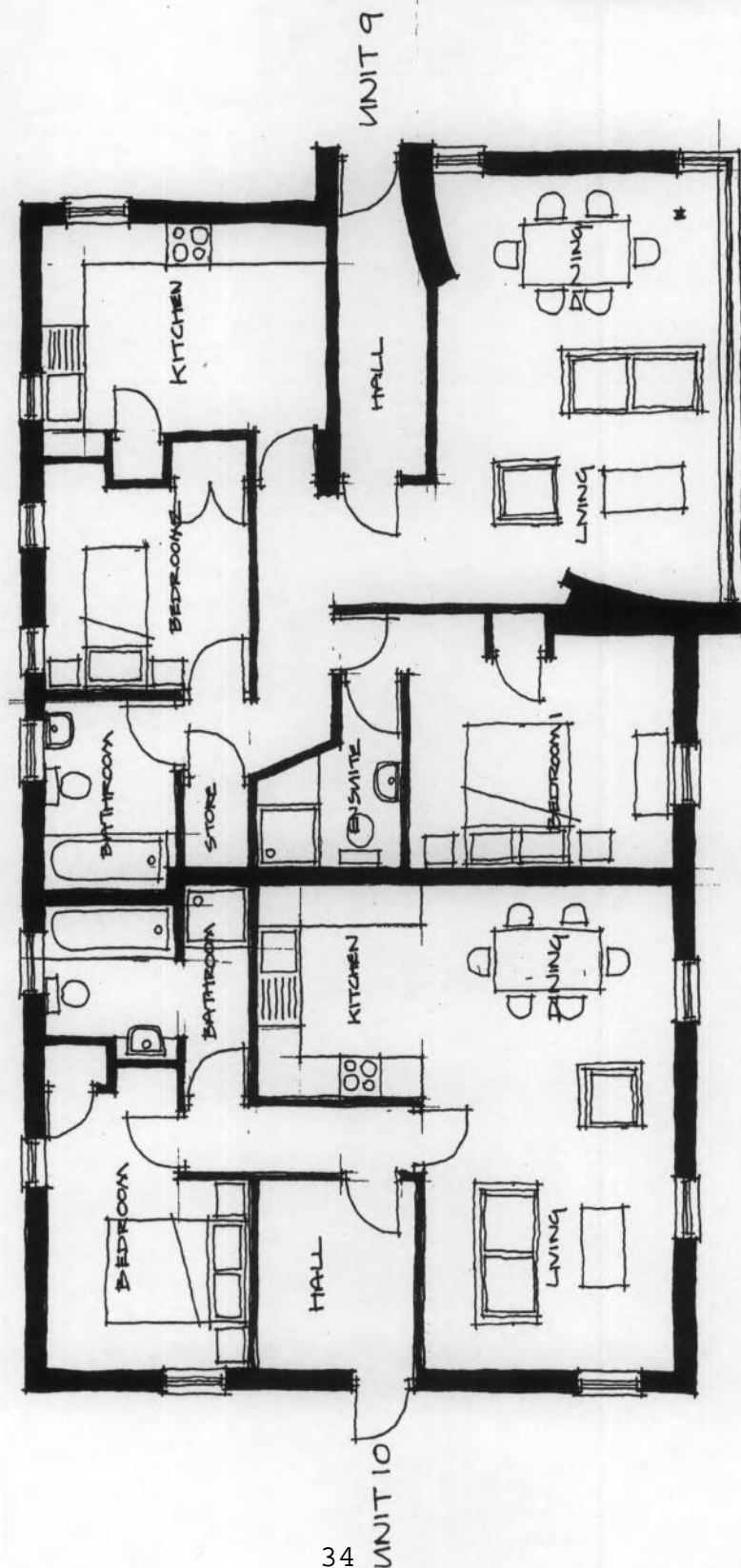
Product

CHANGE OF USE TO 10 RESIDENTIAL UNITS

Drawing  
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His research is available at <http://www.eric.ed.gov>.



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08/11/05

ARCHITECTS  
—PLUS—

ARCHITECTS DESIGNERS

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Victoria Viaduct, Carlisle CA3 8AN

Carlisle (01228) 515144 Annan (01461) 205463

Fax Number (01228) 515033

Project  
SCALE SKELETON HALL  
CHANGE OF USE TO 10 RESIDENTIAL UNITS

Drawing

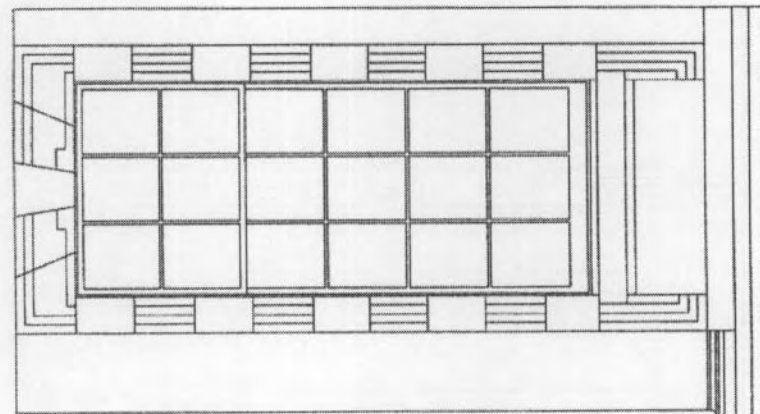
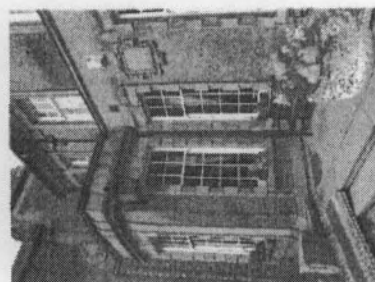
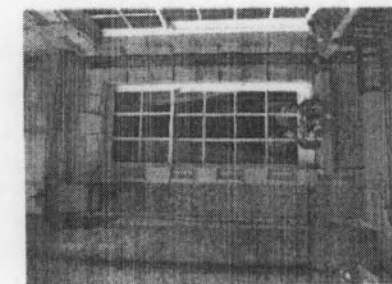
PLAN OF BUNGALOW

SPLIT INTO 2 RESIDENTIAL UNITS

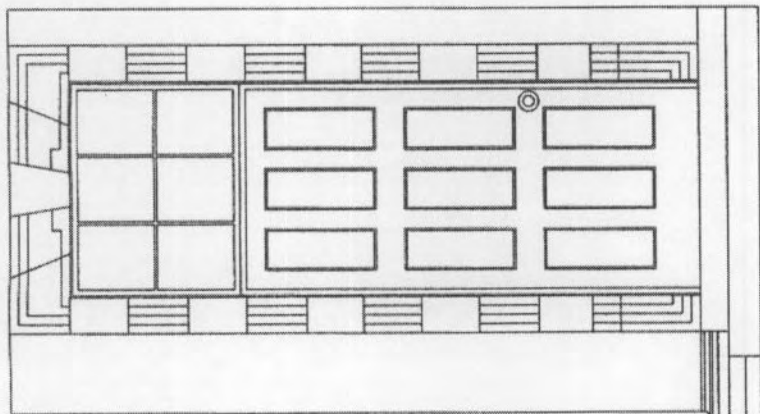
Scale Date Drawn Checked Number  
1/50 7/04 RWH 02052-05

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EXISTING WINDOW



PROPOSED DOOR


EXISTING TOP SASH RETAINED AS FANLIGHT

NEW 6 PANELLED HARDWOOD DOOR SIMILAR TO EXISTING

CELL REMOVED & PLASTER DETAIL MADE GOOD

NEW STEPS FORMED IN STONE TO MATCH

02 DEC 2008  
08/11/95

ARCHITECTS   
 P L U S

Project

SCALESCEUGH HALL

CHANGE OF USE TO 10 RESIDENTIAL UNITS

Drawing

SKETCH DETAIL OF NEW DOOR TO UNIT 1

Scale 1:25 Date 7/04 Drawn R.J.W. Checked C.J. Approved 02052-06

Architects Plus Ltd Limited  
 Victoria Quarter, Victoria Road, Victoria, Manchester, M1 4QJ  
 Tel: 01226 511144 Fax: 01226 518838 Email: ap@architectsplus.co.uk

## **SCHEDULE A: Applications with Recommendation**

08/1188

**Item No: 03**

**Date of Committee: 30/01/2009**

**Appn Ref No:**  
08/1188

**Applicant:**  
Impact Housing  
Association

**Parish:**  
Carlisle

**Date of Receipt:**  
01/12/2008

**Agent:**  
Day Cummins Architects

**Ward:**  
Belle Vue

**Location:**  
Lister Court, Shady Grove Road, Carlisle, Cumbria,  
CA2 7LH

**Grid Reference:**  
338113 555948

**Proposal:** Erection Of 12no. Residential Units For Supported Housing Scheme For Impact Housing Association And Cerebral Palsy; Erection of Guest Accomodation and Staff Facilities

**Amendment:**

---

### **REPORT**

**Case Officer:** Sam Greig

#### **Reason for Determination by Committee:**

This application is brought before the Development Control Committee for determination due to the receipt of seven letters of objection.

#### **1. Constraints and Planning Policies**

##### **Gas Pipeline Safeguarding Area**

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

##### **RSS Pol DP 2 - Promote Sustainable Communities**

##### **RSS Pol L 2 - Understanding Housing Markets**

##### **RSS Pol L 4 - Regional Housing Provision**

##### **Local Plan Pol DP1 - Sustainable Development Location**

##### **Local Plan Pol CP5 - Design**



**Local Plan CP15 - Access, Mobility and Inclusion**

**Local Plan Pol H1 - Location of New Housing Develop.**

**Local Plan Pol H2 - Primary Residential Area**

**Local Plan Pol H13 - Special Needs Housing**

## **2. Summary of Consultation Responses**

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

**Community Services - Drainage Engineer:** awaiting comments;

**United Utilities (former Norweb & NWWA):** no objection to the proposal provided that site is drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to surface water sewer and United Utilities may require the flow to be attenuated to a maximum discharge rate determined by United Utilities. Consideration should be given to the use of the installation of sustainable systems i.e. permeable paving, landscaping etc to assist with the surface water run-off;

**Development Services Planning & Housing Services - Access Officer:** no comments;

**Cumbria Constabulary - Crime Prevention:** has made several observations, which have been considered from a Community Safety and Architectural Liaison viewpoint.

The Architectural Liaison Officer (ALO) was encouraged to note that in the Design and Access Statement there is reference to a package of security measures.

### **Perimeter Security**

In November 2006, the ALO was invited by Impact Housing to carry out a security survey on the present Lister Court site, due to persistent incidents of criminal and anti-social activity occurring there. It was apparent that access controls were poor, permitting unauthorised and unwelcome intrusion and to the site via Shady Grove Road and Newtown Road. The site was frequently exploited as a short-cut by non-residents, creating a local perception that the site was semi-public space. The recommendation was to restrict vehicle and pedestrian access to the site from this direction with new gates.

It is understood that there may also be a pedestrian link with the proposed Extra Care Housing development on the adjacent site. If this option is progressed, the design and construction of an appropriate gate must be considered to ensure security of both sites.

The intention to install automatic gates via Shady Grove Road is a positive measure

to prevent unauthorised/nuisance vehicle parking on the site.

### Landscaping

Another major issue at that time of the site visit was the overgrown landscape scheme, which severely impeded surveillance opportunities. The Design and Access Statement advises that the existing mature scheme is to be retained. A strict landscaping management programme must be implemented to ensure that landscaping elements do not impede natural surveillance opportunities. Trees or shrubs should not be placed close to buildings where they may create hiding places. Consultation should take place between the landscape architect and the lighting scheme engineer to ensure shrubs or bushes do not obstruct the effects of security lighting.

### Security Lighting

The proposals to provide security lighting around the exterior of the building are beneficial. Lamps should be installed within vandal resistant fittings and placed as high as possible to prevent tampering or damage.

### CCTV

CCTV may be deployed for the purposes of crime prevention, crime detection and property management. However, it should not be relied upon as the primary defence against crime. Cameras must be capable of providing identification quality images within the area of deployment, preferably in colour. The most effective systems are 'active' i.e. an operator is employed to run several pan, tilt and zoom cameras, manage the recording system and respond to any incidents arising. 'Passive' systems utilise fixed focus, fixed view cameras and may require additional units to observe the site fully. The images from this type of system are only reviewed after an incident has occurred, which could be several days later. The preferred choice will be regulated by the Data Protection Act 1998 and should be operated in accordance with the code of practice published by the Information Commissioner's Office. A member of staff must be designated as the Data Controller and shall accept responsibility for management of the system and security of the data obtained.

### Physical Security

At the time of writing, the architect has not expressed any wish to achieve 'Secured by Design' accreditation for this development. However, if security standard doors and windows are incorporated within this development, this fact can be formally recognised under the SBD Initiative;

**Development Services Planning & Housing Services - Local Plans (Trees):** the applicant must supply a full tree survey for this site. The trees around the outside of the road will be affected by the development and so should be included in the survey. The survey must show the trees that are to be retained and those that are to be removed as part of the development. It must be a condition of any grant of consent that no trees to be retained are lopped, topped or pruned without the prior

consent of the Local Planning Authority.

Tree protection barriers will be required to protect the trees during the course of construction. These can be positioned so that the existing block paved car parking spaces can be used to stack and store materials. The location of the barriers must be agreed in writing with the Local Authority and the barriers must be erected prior to commencement of any works on site.

The barriers must be to the specification set out in BS 5837: 2005 Trees in relation to construction recommendations (Fig 2). The barrier must consist of a braced scaffold frame with the uprights driven into the ground, and either weldmesh, or Herras panels securely attached to the frame. A specification can be supplied on request. Herras fencing on rubber feet is not acceptable.

Within the tree protection area no materials must be stored or stacked, the ground levels must not be raised or lowered, no excavations shall be carried out, nor must there be any fires. The barriers must be maintained in position to the satisfaction of the Local Planning Authority and if they are damaged they must be promptly repaired.

A landscaping scheme will be required for the repair and replacement of the landscaping damaged by the development;

**Northern Gas Networks:** no objections;

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

**Environmental Services - Food, Health & Safety:** the communal kitchen and associated dining facilities must comply with the relevant food safety legislation.

### 3. Summary of Representations

#### Representations Received

Initial:	Consulted:	Reply Type:
1 Lister Court	05/12/08	
2 Lister Court	05/12/08	
43 Lister Court	05/12/08	
44 Lister Court	05/12/08	
83 Shady Grove Road	05/12/08	
85 Shady Grove Road	05/12/08	
87 Shady Grove Road	05/12/08	
89 Shady Grove Road	05/12/08	
91 Shady Grove Road	05/12/08	
93 Shady Grove Road	05/12/08	
95 Shady Grove Road	05/12/08	
97 Shady Grove Road	05/12/08	
99 Shady Grove Road	05/12/08	
96 Shady Grove Road	05/12/08	
98 Shady Grove Road	05/12/08	Undelivered
100 Shady Grove Road	05/12/08	
102 Shady Grove Road	05/12/08	

104 Shady Grove Road	05/12/08	
106 Shady Grove Road	05/12/08	
108 Shady Grove Road	05/12/08	
110 Shady Grove Road	05/12/08	
112 Shady Grove Road	05/12/08	
114 Shady Grove Road	05/12/08	
Applegarth Nursing Road	05/12/08	
229 Newtown Road	05/12/08	
231 Newtown Road	05/12/08	
233 Newtown Road	05/12/08	
235 Newtown Road	05/12/08	
237 Newtown Road	05/12/08	
239 Newtown Road	05/12/08	
241 Newtown Road	05/12/08	
3 Lister Court	05/12/08	
4 Lister Court	05/12/08	
5 Lister Court	05/12/08	
6 Lister Court	05/12/08	
29 Lister Court	05/12/08	
30 Lister Court	05/12/08	
31 Lister Court	05/12/08	Objection
32 Lister Court	05/12/08	Objection
33 Lister Court	05/12/08	Objection
34 Lister Court	05/12/08	Objection
35 Lister Court	05/12/08	
36 Lister Court	05/12/08	Objection
37 Lister Court	05/12/08	
38 Lister Court	05/12/08	Objection
39 Lister Court	05/12/08	
40 Lister Court	05/12/08	
41 Lister Court	05/12/08	
42 Lister Court	05/12/08	Objection

3.1 This application has been advertised by means of site and press notices as well as notification letters sent to forty nine neighbouring properties. In response seven letters of objection have been received from residents of Lister Court, all of which are a standard reproduced letter. The grounds of objection are summarised as;

1. A three storey building will overshadow the adjacent properties on Lister Court;
2. Will there be provision for turning spaces for ambulances;
3. The residents of Lister Court have been informed that their properties are to be inspected for asbestos problems. As the building to be demolished were built at the same time will they also be checked prior to demolition; and
4. Over the last 18 months construction work has taken place at Applegarth Nursing Home. If the application is approved the residents of Lister Court will be subject to further construction works.

#### 4. Planning History

- 4.1 Lister Court consists of a development of Housing Association flats and bedsit properties, constructed in the late 1980's.
- 4.2 In 2008 Demolition Consent was granted for the removal of 7-28 (inclusive) Lister Court, which comprises bed-sit flats.

## **5. Details of Proposal/Officer Appraisal**

### **Introduction**

- 5.1 This application seeks "Full" planning permission for the erection of twelve apartments on the land currently occupied by Nos. 7-28 Lister Court, which is located two kilometres to the west of the City Centre, approximately 120 metres to the south of the junction of Shady Grove Road with Newtown Road.
- 5.2 The twenty two dwellings to be demolished to accommodate the new building are a terrace of linked properties that extends south-westwards, almost from the junction of Lister Court with Shady Grove Road. The buildings to be removed, which are constructed from facing brick with concrete tile roofs, appear to be in sound physical condition, but it is understood that the applicants are experiencing letting difficulties due to the nature of the accommodation they contain.
- 5.3 Lister Court was developed in the 1980's. It is a cul de sac development with pedestrian and vehicular access from Shadygrove Road, which forms part of a one way road system, the approach being from Newtown Road. Lister Court comprises forty two units and the site levels fall steeply from the eastern extent of the site to the west. The southern and western boundaries are planted with mature trees, the majority of which are located at the southern extent of the site.
- 5.4 The site is identified on the Urban Area Inset Map that accompanies the Carlisle District Local Plan 2001-2016, as being within a Primary Residential Area. The surroundings to the site are predominantly residential, with the exception of Applegarth Nursing Home, that abuts the western boundary of the site. The nursing home has been recently enlarged following the approval of a significant extension, which was granted in November 2007.

### **Background**

- 5.5 This application forms part of the future management and planning strategy for the withdrawal of Cumbria Cerebral Palsy Society from Scalesceugh Hall. This is, in part, being undertaken in partnership with Impact Housing Association and the proposal is linked with the applications for the provision of similar accommodation within the Garlands Estate (08/1186) and the sale and conversion to apartments of Scalesceugh Hall (08/1195), the existing premises of the Cumbria Cerebral Palsy Society. Both of these applications precede this item in the Schedule and from these reports Members should be familiar with the background and need for the Cerebral Palsy Society to

relocate from their existing premises.

## **The Proposal**

- 5.6 It is proposed to erect an apartment building, which would be part two storey and part three storey in height. In total the development comprises 9 one bedroom and 3 two bedroom units that are specifically designed for persons affected by cerebral palsy. The apartment block is to be situated on a similar footprint to those buildings to be demolished, although it is marginally larger, and extends to approximately 800 square metres.
- 5.7 On the ground floor the proposal comprises three bedrooms, along with communal facilities, which include a dining area, kitchen, resource centre, laundry room and scooter recharge area. The accommodation provides its residents the opportunity for independent living. There is no overnight accommodation for staff, although it is understood that it will be managed on a 24-hour basis. Entry to the premises will be regulated by the staff office/reception located at the entrance foyer. The resource centre is for the use of the residents extends to the other cerebral palsy centres and local community groups such as Age Concern etc.
- 5.8 At first floor are five further bedrooms and a guest bedroom (for use when a resident may be ill and a family member needs to stay over). At second floor are the remaining four bedrooms, as well as staff facilities, which comprise an office, lounge and a wc/locker room. Each apartment would contain a lounge with an integral kitchen; a bedroom and bathroom all of which are designed to accommodate persons using an electric wheelchair and specialised equipment.
- 5.9 The building will be built of multi-red clay facing brick to the ground and first floor, with vertical timber boarding to the second floor. The roof is to be finished using grey concrete tiles and all new windows are to be upvc framed, although the colour has not yet been specified. Part of the rear elevation is to be rendered to break up the physical mass of the building.
- 5.10 The existing vehicular and pedestrian access would be retained, as would the existing parking and turning facilities. Although some staff parking is required, the development involves a net reduction of ten residential units and the prospective residents of the new development are not car-drivers. There is not a fixed visitor system; hence visits to the residents can occur at any time rather than being concentrated in a limited time frame. As such, it is unlikely that there will be a heavy demand for parking spaces at any given time. Automatic gates are proposed at the entrance to the site in order to prevent unauthorised entry to the site, a measure that was suggested following consultation with Cumbria Constabulary's Architectural Liaison Officer.

## **Assessment**

- 5.11 The relevant planning policies against which the application is required to be assessed are Policies DP2 and L2 of the North West of England Plan - Regional Spatial Strategy to 2021 (RRS) and Policies DP1, CP5, CP15, H1,

H2 and H13 of the Carlisle District Local Plan 2001-2016.

5.12 The proposals raise the following planning issues:

1. The Principle Of The Development

5.13 In policy terms, Members will appreciate that the land is "Brown Field" land within the urban area (close to the city centre) and is well located in a relation to choice of modes of transport. Accordingly, the principle of its' development for housing is not an issue, subject to compliance with the criteria identified in Policy H2 and other relevant policies contained within the adopted Local Plan.

5.14 The fact that the proposal provides residential accommodation for people affected by cerebral palsy is not pertinent to the decision, however, Members should note that the aforementioned RSS policies, as supported by Policy H13 of the Local Plan, endorse the provision of accommodation for special or particular housing needs. What is evident, as outlined in the preceding reports, is that the Cumbria Cerebral Palsy Society are under significant pressure to provide alternative accommodation for their patients as the existing accommodation at the Scalesceugh Hall cannot meet modern care standards (other than at substantial cost and with a resultant loss of capacity).

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

5.15 The orientation of the apartments is on an east-west axis, which follows the "grain" of the existing terrace. All twelve units have been designed with a southerly aspect, so that each apartment receives direct sunlight at some point during the day.

5.16 The scale and detail of the three storey building is designed to be in keeping with the surrounding buildings. Although the ridge height of the proposed building is higher than the adjacent units the ridge height has been kept as low as possible in order to reduce the visual impact of the development upon the surrounding properties. The introduction of a change of materials to the elevations assists in reducing physical mass of the building.

5.17 The design of the proposed building and the selection of materials are complimentary to the remaining buildings. The hipped roofs and stepping of the ridgeline reduce the massing of the building as well as allowing a more comfortable relationship between old and new.

5.18 In terms of the appearance of the apartment building its scale, layout and external finishes are acceptable.

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

5.19 As the proposed development involves replacing the existing two storey building with a part three storey structure, which would be positioned on the

same footprint, there is potentially a greater impact upon the neighbouring residential properties as a result of overdominance/loss of light.

- 5.20 Members should give particular consideration to the impact that the development will have upon the occupiers of No.29 and 30 Lister Court, which are ground and first floor apartments, located immediately to the northwest of the proposed building. In the rear (south facing) elevation of these properties are two bay windows that serve living rooms. At present these windows face towards the rear elevation of the two storey building to be demolished, at a distance of 12 metres. Under the proposed scheme this distance will be reduced to 9.2 metres, which Members will appreciate, is approximately 25% less than Officers would normally encourage, particularly as this scheme proposes a three storey building. In assessing this impact of this development upon the occupiers of No.29 and 30 Lister Court there are two significant factors that Members must take into account.
- 5.21 First and foremost, the aforementioned distance of 12 metres between the existing terraced properties is, in fact, the distance between the principal windows serving the existing dwellings. This distance is almost half the recommended distance of 21 metres that would be encouraged for new residential development and, therefore, the current level of privacy that the existing residents enjoy falls far below current standards. Under the proposed scheme, however, there would be no principal windows in the rear elevation of the replacement building that would overlook Nos.29-36 Lister Court. Although the distance of the proposed building is less than the Council would generally encourage between a primary window and a new wall/gable, the increased level of privacy would offset the harm that the new building would have as a result of overdominance.
- 5.22 Members should also take into account that the living rooms of No.29 and 30 Lister Court are also served by secondary windows situated within the southwest gable of these properties. At present light to the gable windows is largely obscured as a result of the close proximity of a Walnut tree and light to the bay windows, located on the rear elevation, is partially obscured by a Cherry tree. Under the current proposals these trees would be removed. The fact that the living rooms of these properties are served by secondary windows, and that light to these windows will be improved through the removal of the Walnut and Cherry tree, helps mitigate that increased impact of the additional storey.
- 5.23 In respect of those residents who have raised concern regarding overshadowing, Nos. 31-42 Lister Court (albeit not inclusive), at the nearest point the proposed building would be in excess of 14 metres from the principal windows serving these properties, which is greater than the distance that is generally regarded as acceptable. Members should also note that the impact of the height of the building gradually diminishes as the site levels taper upward from the western extent of the site to the east. The impact that the new building would have upon the occupiers of these dwellings would be insufficient to warrant refusal of the application as a result of overdominance or loss of light. In the Officer's view, the living conditions of these properties would be improved through increased privacy derived from the removal of



principal windows on the rear elevation of the existing terrace that is to be demolished.

- 5.24 Members are advised that the impact of the development upon the occupiers of No.29 and 30 Lister Court is finely balanced; however, it is the Officer's firm view that any potential increase in overdominance/overshadowing is outweighed by benefits of increased privacy. In respect of the other residential properties, both within Lister Court and on Shadygrove Road, adequate separation distance would be maintained to ensure that the living conditions of the occupiers of these dwellings are unlikely to be adversely affected.

#### 4. Access And Parking Provision.

- 5.25 The Highway Authority has confirmed that the parking and access arrangements, which are unchanged from those which at present, are acceptable. Local residents have made reference to a plan previously shown to them by the applicants and have questioned whether provision has been made for ambulances. No new provision is proposed as part of this application, however, the existing turning head is adequately sized for such vehicles and it is unaffected by the development.

#### 5. Whether The Proposed Landscaping Is Acceptable.

- 5.26 When the application was originally submitted the supporting documents indicated that all of the existing trees within the site were to be retained. The applicants submitted a tree survey of the Walnut and Cherry tree that are immediately adjacent the development site and the accompanying "Arboricultural Method Statement" detailed how these trees will be protected during the construction phase. It has since been agreed, in consultation with the Council's Tree Officer, that these trees could be removed as there are clear benefits for the occupiers of No.29 and 30 Lister Court. The Cherry tree is in poor condition and the benefits derived from the removal of the Walnut tree outweigh its retention.
- 5.27 Whilst, in principle, there is no objection to the removal of the Walnut and Cherry tree, a detailed tree survey of the more significant mature trees that are clustered at the southern extent of the site is required. It is not envisaged that the outcome of this survey will preclude permission being granted for the development; however, it will enable the Council's Tree Officer to make an informed decision regarding the precise location of tree protection barriers. The applicant's agents are in the process of preparing this information and it is anticipated that it will be available for Members in advance of the meeting. If the awaited survey does not highlight any significant issues that would preclude permission being granted, a condition is recommended to safeguard the trees during the construction phase.

#### 6. Other Matters.

- 5.28 The objectors have made reference to the building works that have taken place over the last 18 months at Applegarth, commenting that, if the current application is approved, they will be subject to further disturbance. It is

normally reasoned that construction noise is an inevitable temporary manifestation of any development project and is not the concern of the planning system unless there would be exceptional harm to amenity. In this instance, however, due to the close proximity of the development site to the neighbouring dwellings there is potential for local residents to be affected. As such, it is the Officer's view that if Members were minded to approve this application, a planning condition restricting the construction hours should be applied. The applicant's agent has agreed that a condition restricting construction site activity between 8am to 6pm is acceptable to them, but in doing so, have commented that construction activity is more likely to cease around 4.30pm.

## **Conclusion**

- 5.29 In overall terms, the principle of the proposed development is acceptable. The scale, layout and design of the apartments are acceptable in relation to the site and the surrounding properties. The impact upon the living conditions of the occupiers of No.29 and 30 Lister Court through any additional overshadowing will be offset by improved privacy. In respect of the other neighbouring residential properties adequate separation distance has been maintained to ensure that their living conditions are safeguarded. Adequate parking and turning provision would be available to serve the development. In all aspects the proposals are compliant with the objectives of the relevant RRS and Local Plan policies.

## **6. Human Rights Act 1998**

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

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

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

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

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

- 6.3 Article 8 and Article 1 of Protocol 1 of the Human Rights Act are relevant to this application, and should be considered when a decision is made. Members are advised that for the reasons identified in the report the impact of the development in these respects will be minimal and the separate rights of individuals

under this legislation will not be prejudiced.

**7. Recommendation - Grant Permission**

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

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

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

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

3. Before any development is commenced on the site, including site works of any description, a protective fence shall be erected around the trees to be retained in accordance with B.S. 5837. The precise location of the protective fencing shall be agreed, in writing, with the Local Planning Authority prior to development commencing. Within the areas fenced off the existing ground level shall be neither raised nor lowered, and no materials, temporary buildings or surplus soil of any kind shall be placed or stored thereon. No works shall be carried out within the fenced off area unless a method statement, detailing how those works shall be undertaken, has been submitted to and approved, in writing, by the Local Planning Authority. The protective fencing shall thereafter be retained at all times during construction works on the site. Those trees within the fenced off area shall not, for the duration of the development works, be damaged or destroyed, uprooted, felled, lopped or topped without prior written consent of the Local Planning Authority. If any trees within the fenced off area are damaged during the construction works a landscaping scheme for their replacement shall be submitted to and approved, in writing, by the Local Planning Authority.

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

4. No development shall commence until details of the proposed bin store have been submitted to and approved, in writing, by the Local Planning Authority.

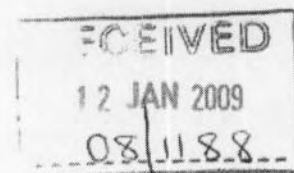
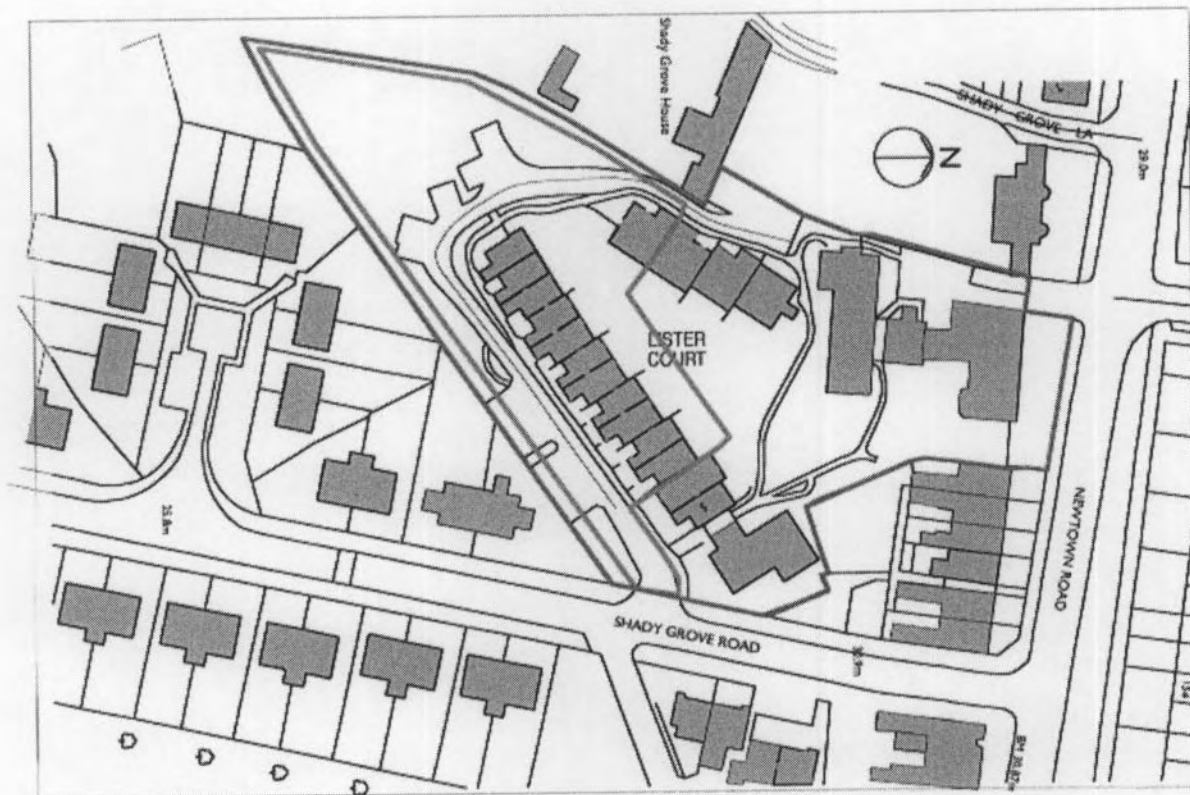
**Reason:** To ensure that the appearance of the bin store complements the proposed development in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

5. Construction site activity shall be permitted between 0800 hours and 1800 hours Mondays to Saturdays only. Deliveries to the site during construction

shall be permitted between 0800 hours and 1800 hours Mondays to Saturdays only.

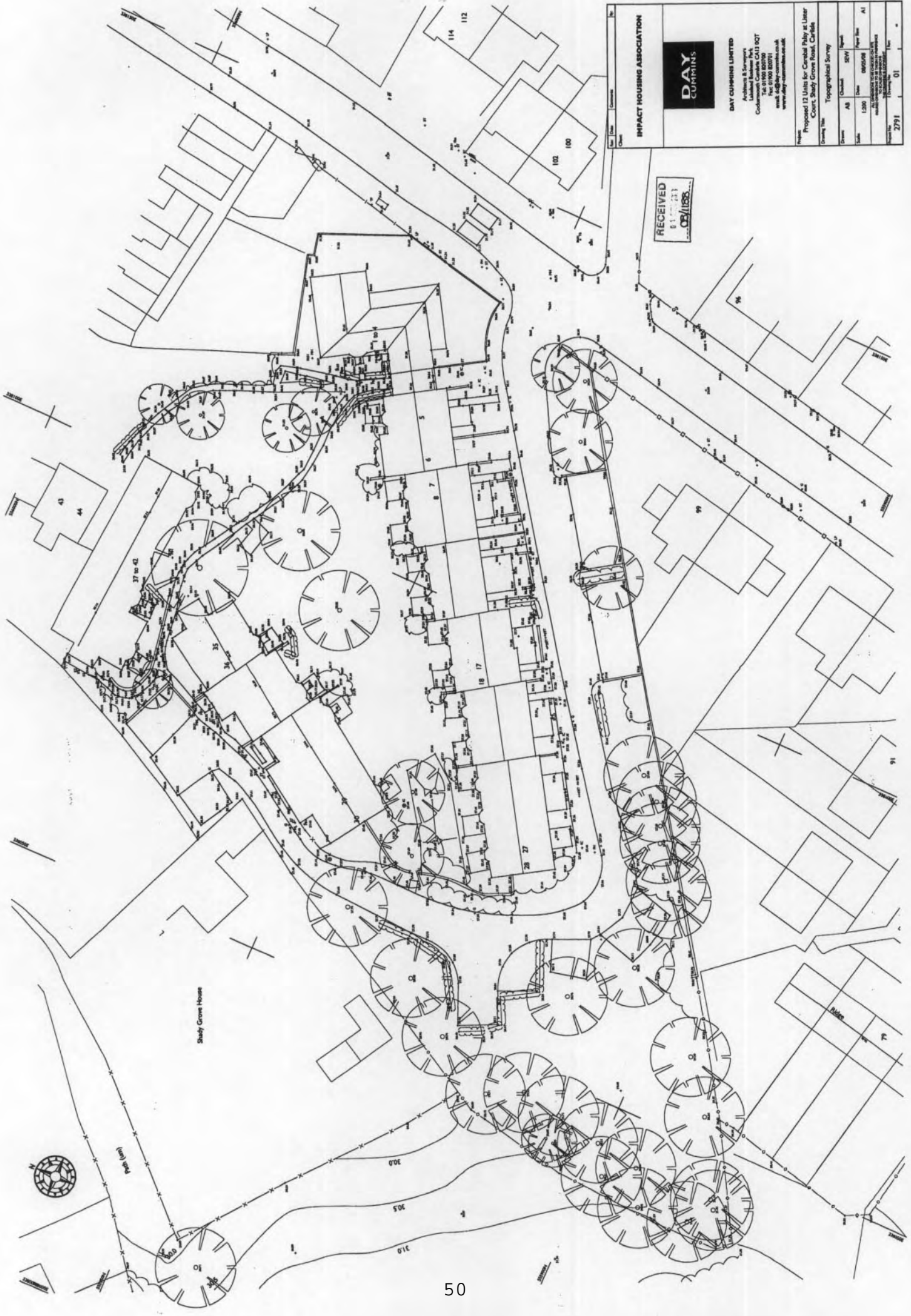
**Reason:** In order to protect the living conditions of local residents in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

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Rev: A: 09:01:09 AMENDMENT TO 'RED LINE BOUNDARY

<b>Impact</b> Nook Street Workington Cumbria CA14 4EH	<b>Proposed Erection 12 Apartments</b> <b>Impact Housing Association and</b> <b>Carlisle Cerebral Palsy</b> <b>Lister Court, Carlisle</b>	Location Plan Scale: A4 - 1:1250 Date: November 2008 DWG No. 2791 - 05 A	Day Cummins Ltd Architects & Surveyors Lakeland Business Park Cockermouth Cumbria CA13 0QT Tel: 01900 820700 Fax: 01900 820701 www.day-cummins.co.uk	<b>DAY</b> <b>CUMMINS</b>
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IMPACT HOUSING ASSOCIATION

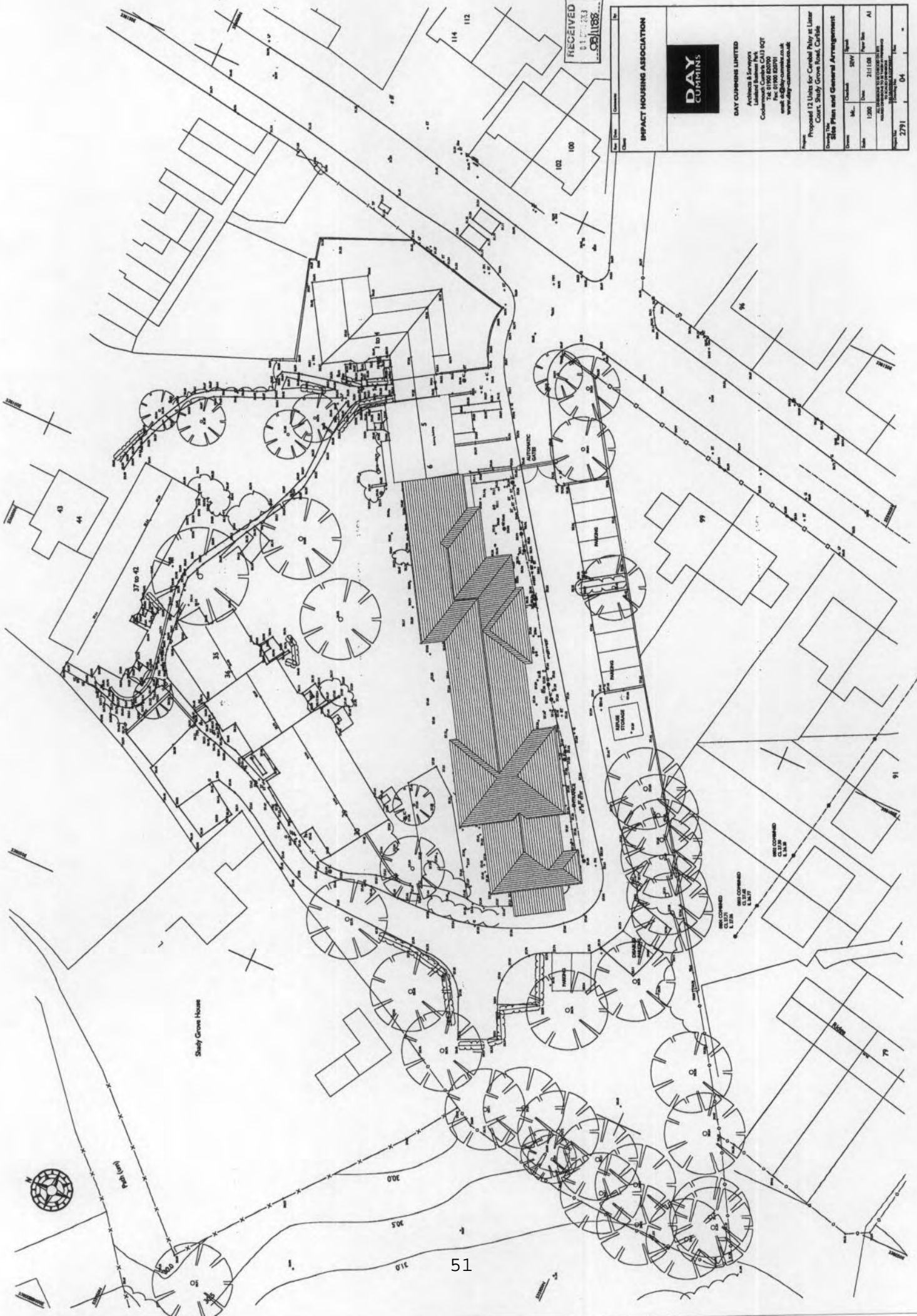


**DAY CUMMINS LIMITED**  
Architects & Surveyors  
Lakeland Business Park  
Cumbria, Lancashire LA1 1QT  
Tel: 01524 805000  
Fax: 01524 805001  
www.day-cummins.co.uk

Proposed 13 Units for Central Policy at Lister Court, Study Grove Road, Carlisle

Project Name	Proposed 13 Units for Central Policy at Lister Court, Study Grove Road, Carlisle
Client	Topographical Survey
Drawn	AB
Scale	1:500
Date	08/05/09
Page No.	AI
Sheet No.	2791
Sheet Count	01





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IMPACT HOUSING ASSOCIATION

DAY  
CUMMINS

DAY CUMMINS LIMITED

Architects & Surveyors  
Cwmwrdd Cymdeithas Cymru  
111, 113, 115, 117, 119, 121, 123, 125, 127, 129, 131, 133, 135, 137, 139, 141, 143, 145, 147, 149, 151, 153, 155, 157, 159, 161, 163, 165, 167, 169, 171, 173, 175, 177, 179, 181, 183, 185, 187, 189, 191, 193, 195, 197, 199, 201, 203, 205, 207, 209, 211, 213, 215, 217, 219, 221, 223, 225, 227, 229, 231, 233, 235, 237, 239, 241, 243, 245, 247, 249, 251, 253, 255, 257, 259, 261, 263, 265, 267, 269, 271, 273, 275, 277, 279, 281, 283, 285, 287, 289, 291, 293, 295, 297, 299, 301, 303, 305, 307, 309, 311, 313, 315, 317, 319, 321, 323, 325, 327, 329, 331, 333, 335, 337, 339, 341, 343, 345, 347, 349, 351, 353, 355, 357, 359, 361, 363, 365, 367, 369, 371, 373, 375, 377, 379, 381, 383, 385, 387, 389, 391, 393, 395, 397, 399, 401, 403, 405, 407, 409, 411, 413, 415, 417, 419, 421, 423, 425, 427, 429, 431, 433, 435, 437, 439, 441, 443, 445, 447, 449, 451, 453, 455, 457, 459, 461, 463, 465, 467, 469, 471, 473, 475, 477, 479, 481, 483, 485, 487, 489, 491, 493, 495, 497, 499, 501, 503, 505, 507, 509, 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## SCHEDULE B: Reports Requiring Further Information

08/1191

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**Item No: 04**

**Date of Committee: 30/01/2009**

**Appn Ref No:**  
08/1191

**Applicant:**  
Kingswood Learning &  
Leisure Group Limited

**Parish:**  
Dalston

**Date of Receipt:**  
01/12/2008

**Agent:**  
Geoffrey Searle Planning  
Solicitors

**Ward:**  
Dalston

**Location:**  
The Kingswood Educational Centre, Cumdivock,  
Dalston, Carlisle, CA5 6JW

**Grid Reference:**  
335369 548364

**Proposal:** Conversion Of The Existing Range Of Buildings Together With Minor Extensions To Provide 10 Live-Work Units; Erection Of Car Ports; The Alteration Of Access Ways; The Provision Of Visitors' Car Parking Spaces; Landscaping Following Removal Of Mounds Surrounding The Quad Bike Track And Removal Of Other Earthworks And Apparatus Associated With Existing Activities

**Amendment:**

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### REPORT

**Case Officer:** Angus Hutchinson

### Reason for Determination by Committee:

This is an application of local significance with interested parties wishing to exercise their Right to Speak.

### **1. Constraints and Planning Policies**

**Joint Str.Plan Pol ST5: New devt & key service centres**

**Joint St. Plan Pol E37: Landscape character**

**Joint St.Plan Pol H19: Affordable housing outside Lake Dist.**

**Local Plan Pol DP1 - Sustainable Development Location**

**Local Plan Pol CP1 - Landscape Character**

## **SCHEDULE B: Reports Requiring Further Information**

08/1191

**Local Plan Pol CP2 - Biodiversity**

**Local Plan Pol CP3 - Trees and Hedges on Development Sites**

**Local Plan Pol CP5 - Design**

**Local Plan Pol CP6 - Residential Amenity**

**Local Plan Pol CP7 - Use of Traditional Materials**

**Local Plan Pol CP8 - Renewable Energy**

**Local Plan Pol CP10 - Sustainable Drainage Systems**

**Local Plan CP15 - Access, Mobility and Inclusion**

**Local Plan Pol CP16 -Public Trans.Pedestrians & Cyclists**

**Local Plan Pol EC11 - Rural Diversification**

**Local Plan Pol EC12 - Live/Work Units**

**Local Plan Pol H1 - Location of New Housing Develop.**

**Local Plan Pol H5 - Affordable Housing**

**Local Plan Pol H6 - Rural Exception Sites**

**Local Plan Pol H8 - Conversion of Existing Premises**

## **2. Summary of Consultation Responses**

**Cumbria County Council - (Highway Authority):** this application is very similar to the application received under 08/0567. The 12 Dwelling has however now been replaced with 10 Live work units.

As stated in the previous application, the site is seen as being located in an unsustainable location. Facilities within walking distance are minimal and there is no bus service servicing the site. The lack of facilities and public transport will mean that virtually all journeys to and from the development will be car borne. As there is no alternative to the car, it is likely that car ownership will be higher than average and therefore the movements to and from the site will be significantly higher than the existing site use. The proposal is therefore contrary to the aims of promoting accessibility, as contained in Joint Structure Plan Policy ST3 (part 2) and LTP Policy LD5, LTP1 Policy LD3, LD4, LD10 and C9 and contrary to the intentions of Government Policy

As you are aware Policy LD5 states "land use changes and all proposals for new

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residential development will be required to be or be made accessible by public transport, walking and cycling." I seem to recall that the Educational Centre (current use) was seen not to be a major traffic generator given the on-site activities, pupils being coached in and staff driven in by mini bus. Even as a school, a bus was provided to reduce its impact.

I do however feel more comfortable with a live work development at this location as a purely residential development, but I do not think that this type of development would reduce the number of vehicles entering or leaving the site (increased servicing of the site, increased visitors to the dwellings and businesses).

It is therefore suggested that for the principal of this application to be accepted, there should be a requirement for a financial contribution towards the "rural wheels" or similar public transport services in Carlisle area.

Therefore recommended that the applicant be required to enter into a suitable legal agreement / make a unilateral undertaking, to provide a financial contribution to the aforementioned scheme.

The required contribution has been calculated as follows:

Yearly cost per head of rural wheels service users = £180

This is based on £36,191 paid to operators divided by 201 rural wheels users in the Carlisle area.

Therefore development contribution per year =  $30 \times £180 = £5400$

(Where 30 is the total number of bedrooms)

Normal commuted sum for infrastructure would be 30yrs; however, it is considered that this would be unreasonable. It is held that basing the contribution on 10yrs would be £54000 would be reasonable. In this case however, I am of the opinion that a contribution for 5yrs to the amount of £27000 (£2700 per dwelling) would be reasonable and in line with Circular 05/05.

The Highway Statement by Ashleyhelme associates gave a clear and concise picture of the development. Their lack to address the sustainability of the site was however noted.

The methodology and assumptions made was however easy to follow and it gave a very convincing point of view.

Considering the issues raised above, the need for the financial contribution and the Highway statement forming part of this application, I can confirm that I have no objection to this application but would recommend the imposition of nine conditions in any consent you may grant.

**Dalston Parish Council:** the above planning application was approved in general, but with a request for the following comments to be taken into consideration when it is determined.

The main concern was with regard to extra traffic generated on a highway which was already damaged by the level of vehicles travelling on that route, as well as by the previous use of the site. It was also felt that the development could add to the

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pressure of vehicles parking in the centre of Dalston to visit the services. It was questioned as to whether there was any mechanism for attracting funding for highway repairs in addition to planning gain to Rural Wheels.

Assurance was required that legal constraints would be in place to restrict new build development on the open ground of the application site. It was hoped that there would be a management agreement instigated regarding sewage treatment and waste disposal on the site;

**Community Services - Drainage Engineer:** comments awaited;

**United Utilities (former Norweb & NWWA):** no objection to the proposal;

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

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

The Electricity Distribution Network Operator for your area is now Electricity North West (Tel No 0800 195 1452 and our response is for United Utilities Water the statutory water and sewerage utility undertaker.

**Natural England:** the protection afforded certain species of animal and plant is explained in Part IV and Annex A of ODPM Circular 06/2005 Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System.

Based on the information provided, Natural England objects to the proposed development. We recommend that the local planning authority refuse planning permission on the grounds that bats are present in one building and may be present in others yet there is no assessment of the potential impact the proposed works may have on these nationally and internationally protected species. There is also no assessment of the potential impact on other protected species, such as barn owls, which are known to be present in this area.

The bat survey report by the Tyrer Partnership dated 6<sup>th</sup> July 2007, looked at nine buildings and identified thirty-five Brown Long-Eared bats roosting in the Windermere Building with the caveat that the numbers may be higher than this. In those numbers during June, this is likely to have been a maternity roost which the report does not mention.

The farmhouse was found to contain a significant accumulation of old bat droppings and the report concludes that the buildings should all be subject to further survey before works commence.

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We have several concerns about this application in relation to bats;

1. The bat survey work to date consists of a basic initial presence or absence inspection and does not meet best practice standards for a development of this size, in an area that is clearly highly suitable for bats. Future survey work should follow the guidelines set out by the Bat Conservation Trust <sup>1</sup>.
2. There is no consideration in the bat survey reports, of the type of work to be carried out on the various buildings or an assessment of the potential impacts the work may have on bats.
3. There are no recommendations made about how to carry out works in a manner that avoids a negative impact on bats, such as restricting the timing of works to months when bats are at their least vulnerable. Nor do the reports advise on whether a European Protected Species licence is required. Advice on the sort of information that should be included in future survey work and reports is given in the attached annex.
4. We would like confirmation that the assessment made in the tree inspection/bats report (Tyrer Partnership, 7<sup>th</sup> September 2007) is based on the most up to date landscape plans and takes into account all proposed tree and hedgerow works.

Further information on protected species surveys can be found on pages 48-50 of the Guide to Good Practice accompanying PPS9. Guidelines on mitigation can also be downloaded from the publications section of Natural England's website at [www.naturalengland.org.uk](http://www.naturalengland.org.uk).

An attached annex also provides guidance on survey requirements and information on how the authority should fulfil its duty on biodiversity issues under Section 40(1) of the Natural Environment & Rural Communities Act 2006, Regulation 3(4) of The Conservation (Natural Habitats &c.) Regulations 1994 and Section 74 of the Countryside & Rights of Way Act 2000 to ensure that the potential impact of development on species and habitats of principal importance is addressed.

In summary, Natural England advises that the local planning authority refuse planning permission on the grounds that the application contains insufficient information to demonstrate whether or not the development would have an adverse effect on legally protected species. Paragraph 98 of Circular 06/2005 states that "the presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat."

Natural England therefore advises the local planning authority to direct the applicant to commission further ecological survey and a more comprehensive assessment of the potential impacts of the development on protected species. This must be done prior to determination of the application so this material consideration is fully addressed in making a decision, as set out in paragraph 99 of Circular 06/2005.

The applicants should be informed that planning permission, if granted, does not absolve them from complying with the relevant law, including obtaining and complying with the terms and conditions of any licences required as described in

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Part IV B of the Circular 06/2005;

**Council for Protection of Rural England/Friends of the Lake District:**  
comments awaited;

**Development Services Planning & Housing Services - Access Officer:** the contents of the Design and Access Statement are noted based upon which there is no wish to make any comments;

**Development Services Planning & Housing Services - Housing Strategy:** as the accommodation at the proposed Kingswood Educational Centre consists of Live-Work Units, which would not be appropriate for affordable housing provision, we would require a "commuted sum" payment in lieu of providing the affordable housing on an alternative site (or sites) in the Carlisle Rural West housing market area (constituting Dalston and Burgh wards).

The most up to date version of Policy H5 of the Local Plan states that in rural areas the contribution to affordable housing will be: 20% of housing on medium sites (over 0.3 ha or 10 dwellings). In this instance, the commuted sum payment would be equivalent to the combined open market value of these 10 dwellings x 20% (affordable units requirement) x 30% (contribution required based on discounted sale). So, purely as an example, if the total OMV was £2m (average £200k per unit) this would work out as £2m x 20% = £400k x 30% = £120,000.

We would, however, require an amendment to the Third Schedule of the applicants Deed of Unilateral Planning Obligation. At point 2, the Schedule states: "The City Council shall re-pay to the Owner the amount of any part of the Affordable Housing Contribution made by the owner to the City Council under this Deed which has not been expended in accordance with the provision of this Deed within five years of the date of receipt by the City Council of such payment ...

Although this five-year repayment clause would be a fairly regular arrangement under most commuted sum agreements, these negotiations are normally made on the basis that the payments are linked to a specified alternative site in the locality, which would be better placed to deliver the affordable housing provision. Because we do not yet have an identified site where this commuted sum money would be used, we may need more time to dispose of the funding, and we would recommend that this period should be increased to ten years.

Please note that with reference to my previous response the site would actually appear to be over 0.8 ha which, based purely on the size of the site, would require a 25% affordable housing contribution - not 20% as previously stated;

**Development Services Planning & Housing Services - Urban Designer:**  
comments awaited;

**Development Services Planning & Housing Services - Local Plans (Trees):** I have no comments/observations to make on the above proposal.

1. The proposed detailed landscaping scheme is acceptable.

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2. The tree protection barriers should be erected in accordance with BS 5837: 2005 Trees in relation to construction Recommendations Fig. 2
3. Details of the materials and construction method for the no dig portion of the entrance drive to the east of the development must be supplied and agreed in writing with the local planning authority prior to commencement of work on site.
4. The tree works must be carried out in accordance with the Arboricultural Implications Assessment Ref. AIS/SW/2008(KC,S1).

### 3. Summary of Representations

#### Representations Received

Initial:	Consulted:	Reply Type:
Greensyke Cottage	02/12/08	
Hollyoaks	02/12/08	
5 Bishops Mill	02/12/08	
Rose Villa	02/12/08	
Royal House	02/12/08	
Cartner House	02/12/08	
The Gill	02/12/08	
Greenlaw	02/12/08	
Bannerdale	02/12/08	
Ashbridge	02/12/08	
- Dalston	02/12/08	
The Green Business	02/12/08	
Centre		
Clerk to Dalston Parish Council	02/12/08	
Cobbetts Manchester	02/12/08	
Bellgate House	02/12/08	Comment Only
The White House	02/12/08	Support
Tarn Rigg	02/12/08	
Poplar House	02/12/08	
Ref MEH/J/C01/140	02/12/08	
Gill House	02/12/08	
Carlisle House	02/12/08	
Fountain Head	02/12/08	
Birch Garth	02/12/08	
DEFRA, Animal Health	02/12/08	
Office		
Pin Cushion	02/12/08	
Boulder Garth	02/12/08	
Stonethwaite	02/12/08	
Primrose Hill	02/12/08	
Ladywood	02/12/08	
Lakerigg Cottage	02/12/08	
Cartner House	02/12/08	
Gambling Croft	02/12/08	
Gray Garth	02/12/08	
Cardew Lodge	02/12/08	
Broomfield Farm	02/12/08	
North Cumbria Acute	02/12/08	
Hospitals		
Lime House Estates	02/12/08	
Brackenbrae	02/12/08	
Cumdivock House	02/12/08	



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	Wannaroo	02/12/08	
	28 Glendarvon Street	02/12/08	
	Park Lodge	02/12/08	
	Nook Lane Head	02/12/08	
	Oakdale Cottage	02/12/08	
	'Sondela'	02/12/08	
	Hillside	02/12/08	
	Hollin Bush	02/12/08	
	House of Commons	02/12/08	
	122 Feckenham Road	02/12/08	
	Longthwaite	02/12/08	
	Greenhead Cottages	02/12/08	
	Nooklane Cottage	02/12/08	
	Nook	02/12/08	
	Merlin	02/12/08	
	Broomfield House	02/12/08	
	17 Barras Close	02/12/08	
	Holme Cottage	02/12/08	
	The Gill	02/12/08	
	Cumbria	02/12/08	
Constabulary	Fountain Cottage	02/12/08	
	(PNW/MBB/WI1089.09995)	02/12/08	
	Middle Farm	02/12/08	
	Cobbetts		Support

3.1 This application has been advertised by means of site and press notices as well as notification letters sent to 68 neighbouring properties. There have been 3 responses from or on behalf of neighbours in broad support of the proposal. The letter submitted on behalf of the Cumdivock Group goes on to state that, if possible, the affordable housing contribution should be used within the Parish of Dalston where there is an unsatisfied need for such housing - see attached copies.

## 4. Planning History

- 4.1 The site has an extensive planning history suffice to say that on the 9<sup>th</sup>-11<sup>th</sup> March 2004 a Public Inquiry was held concerning the following:
- a) Application ref. No 03/0843 – refusal of permission for the use of the land and buildings as an educational study centre;
  - b) Application ref. No. 03/0844 – refusal to grant a lawful development certificate for the use of the premises for the provision of short residential courses for groups of school children;
  - c) Application ref. no. 01/1013 – enforcement notice issued seeking the cessation of the use of the site as an educational activity centre;
  - d) Application ref. no. 03/0024 – enforcement notice issued requiring the removal from the land of the dining/function hall, kitchens and teachers' retreat;

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- e) Application ref. no. 03/0025 – enforcement notice issued requiring the removal from the land of the above ground caving system;
- f) Application ref. no. 03/0026 – enforcement notice requiring the removal from the land of the challenge course;
- g) Application ref.no 03/0027 – enforcement notice requiring the removal from the land of the quad bike track;
- h) Application ref. no. 03/0028 – enforcement notice requiring the removal of the "low ropes" and "nightline" challenge courses;
- i) Application ref.no. 03/0029 – enforcement notice requiring the removal of a mechanical generator;
- j) Application ref.no. 03/0030 – enforcement notice requiring the removal from the land of the climbing wall and shelter;
- k) Application ref. no. 03/0031 – enforcement notice requiring the discontinuance of use of a barn for the purposes of "laser tag";
- l) Application ref. no. 03/0032 – enforcement notice requiring the discontinuance of the use of dormitory accommodation;
- m) Application ref. no. 03/0033 – enforcement notice requiring the discontinuance of the former dining room as student accommodation.

4.2 In relation to items a), d), e), f), g), h) and j) the appeals were dismissed but the remainder allowed. In effect the use of the land and previously authorised buildings for residential courses for groups of school children was certified as lawful. The Inspector, nevertheless, dismissed those appeals relating to the various buildings and structures that had been constructed without planning permission and which enabled the site to be used in a more intensive manner than when it was a boarding school.

4.3 In October 2006, under application 04/1203, planning permission was given for operational development comprising:

- a) The retention of the dining/function hall and teachers' retreat, the underground caving system and shelter, the boundary fence, sub-station enclosure, souvenir shop, air handling plant room; and, drainage arrangements.
- b) Revise the location of a challenge course, quad bike track and shelter, and, low ropes and nightline course;
- c) The formation of an archery enclosure and shelter;
- d) Amendments to the alignment of the access road and new parking layout;

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- e) Installation of external lighting system; and,
- f) Landscaping and earth moving to create a planted soil bund.

The permission was subject to a total of 26 conditions and the completion of a Section 106 Agreement. The aforementioned Section 106 Agreement covered:

- a) The applicant agreeing to the non-implementation of the permissions for the science labs approved under 95/0879 and dormitory annexe approved under 97/0312;
- b) An annual review of the Green Travel Plan; and,
- c) Adherence to the Management Code.

4.4 On the 4th April 2007 the following applications were received from the Kingswood Learning and Leisure Group:

- Application ref. no. 07/0374 - Amendment to condition 12 of 04/1203 to allow an extension of time to three planting seasons.
- Application ref. no. 07/0375 - Extension of period for compliance from six to twelve months (Condition 16 re. the implementation of the approved Green Travel Plan).
- Application ref. no. 07/0376 - Variation of time scale from four to three weeks – Condition 26 (ensuring that no students are present during a consecutive period commencing at any time during the last week of July or the first week of August in each year).
- Application ref. no. 07/0377 - Extension of time for twelve months from 05.04.07 to 04.04.08 with regard to conditions 21 and 24 concerning noise issues (i.e. the approval of a scheme of noise mitigation measures and a system for continuous monitoring of noise emanating from the site).
- Application ref. no. 07/0378 - Variation of condition 14 to allow for an extension of time from six to twelve months (re. the relocation of the climbing wall).
- Application ref. no. 07/0379 - Variation of condition 10 from six months to twelve months for retention of access road in current position.

4.5 In addition, letters and accompanying details were also received on the 4th April 2007 seeking not only to discharge conditions 10 (access) and 11 (landscaping), but also approval to relocate archery and the “nightline”, and, to extend the area of the quad bike track pursuant to condition 7. On the 10<sup>th</sup> April the Council received application ref. no. 07/0392 for the widening of an existing service access.

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In the case of application 07/0374, Members resolved to give authority on the basis that the extension in time was restricted to a single planting season and subject to: a) the results of a bat survey; and, b) the completion of a Deed of Variation to the existing Section 106 Agreement.

In regard to applications 07/0379 and 07/0392 Members resolved to give authority to issue approval subject to no objections from the Highway Authority, results of a bat survey, and, completion of a Deed of Variation to the existing Section 106 Agreement. The decision notice concerning application 07/0392 was issued prior to the completion of the required Deed of Variation.

Condition 11 was subsequently discharged in a letter from the City Council dated the 12<sup>th</sup> July 2007.

- 4.6 The applicant subsequently lodged appeals against the failure of the City Council to determine four “applications”:

a) APP/E0915/A/07/2060181 – Amendment to condition 12 of planning permission 04/1203 to allow an extension of time to three planting seasons (App. Ref. 07/0374);

b) APP/E0915/A/07/2060185 – Relocation of existing activities from the approved siting pursuant to condition 7 of planning permission 04/1203;

c) APP/E0915/A/07/2060188 – Details as required by condition 10 of planning permission 04/1203; and,

d) APP/E0915/A/07/2060191 – Variation of condition 10 from 6 months to twelve months and retention of access road in current position (App. Ref. 07/0379).

- 4.7 A Hearing into the Appeals was held on the 22<sup>nd</sup> July 2008. Appeal d) was withdrawn at the start of the Hearing but Appeals a), b) and c) were allowed by the Inspector subject to the removal of conditions 10 and 12 previously imposed under 04/1203 and the re-imposition of the remaining conditions.

## **5. Details of Proposal/Officer Appraisal**

### **Introduction**

- 5.1 Greensyke House is a substantial Victorian property set within attractive

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grounds to the east of a farmhouse and outbuildings associated with the original steading. A cottage lies to the immediate north of Greensyke House. The property is located on the northern side of the Cumdivock Road, opposite Holly Oaks and the junction with the Broomfield Road. The White House is approximately 120 metres to the east of the driveway serving Greensyke House, whilst Bellgate is 320 metres to the north-west of the main access serving Greensyke Farmhouse and Greensyke House. A public footpath runs through field number 2874 between Bellgate and Greensyke and to the west of Holly Oaks.

5.2 The educational study use commenced in March 2002 and, as of September 2003, consisted of:

- The "farmhouse" on the ground floor has two classrooms, a staff kitchen and toilet, and, a two bed sanatorium/first aid room. The first floor has a staff common room, activity store, male and female staff toilets, Senior Instructor's office, and NVQ staff room.
- Coniston (The Barn) is used for fencing and as an evening recreational room on the first floor with a laser tag facility on the ground floor.
- The ICT Centre has 5 laboratories and a manager's office.
- The Forum comprises on the ground floor the kitchen, dining/evening recreational/entertainment's room, toilets, and, reception. The first floor has the centre manager's office and the visiting teachers staff room.
- The Cottage is the centre manager's residence adjoining which there are a drying room, linen room and laundry.
- The indoor recreational areas comprise Coniston (The Barn), the dining room of The Forum, and, part of Lakerigg, which includes karaoke.
- Teachers and children's accommodation comprise The Green, Windermere (Greensyke House), Ullswater, Lakerigg, and, Lakerigg Annexe.

5.3 The accommodation is arranged in each of the dormitories in the following manner: Ullswater: 58 students and 6 teachers; Windermere: 34 students and 5 teachers and a potential common room; Lakerigg Annexe: 20 students and 5 teachers; Lakerigg: 40 students and 5 teachers; and, The Green: 22 students and 6 teachers.

5.4 The Centre is currently closed.

### **Background**

5.5 The current application seeks full planning permission for the conversion of the existing buildings together with the construction of extensions to provide 10 Live-Work units; the erection of car ports; alteration to the access ways;

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the provision of visitors car parking spaces; landscaping following the removal of the existing mounds surrounding the quad bike track; and removal of other earthworks and apparatus associated with the authorised use.

- 5.6 The submitted plans indicate that the proposed extension to unit 1 consists of a conservatory; unit 3 to have a single storey lean-to kitchen/utility extension; unit 4 a single storey extension to provide a hall, dining/lounge, workshop and attached car port; units 5 and 10 to each have a porch. Except units 6 and 7, all the units are to be served by a series of car ports. The proposed units (1, 2, 3, 4, 5, 9 and 10) are predominantly four bed although unit 7 has a single bedroom; unit 6 three bedrooms; and unit 8 five bedrooms.
- 5.7 The intention is for vehicular access to units 1, 2, 4 and 5 to be via the existing main drive to the north-west of the former farmhouse; the access for unit 3 is to one side of the Cumdivock and Broomfield road junction; and vehicular access to the proposed remaining units is via the drive leading to Greensyke House.
- 5.8 The submitted forms and plans are accompanied by a Design and Access Statement, a Planning Statement, an Arboricultural Implication Assessment, Energy Statement, Highways Statement, and a draft Planning Obligation.

### **Assessment**

- 5.9 On the information so far available it is considered that there are seven principle issues.
1. Whether the proposal represents a sustainable form of development in terms of its location, and, if not, the consequences in the context of PPS 1: Delivering Sustainable Development inclusive of its Supplement: Planning and Climate Change, PPS 3:Housing, and, PPS 7:Delivering Sustainable in Rural Areas.
  2. Whether the application accords with the provisions of PPS 1: Delivering Sustainable Development with particular regard to its design.
  3. Whether the application accords with PPS 3:Housing with particular regard to location and provision of affordable housing in a sustainable location.
  4. Whether the proposal safeguards the character of the buildings and area.
  5. Whether the application has fully taken into consideration the requirements of PPS 9:Biodiversity and Geological Conservation.
  6. Whether the application accords with PPG 13:Transport. In particular,

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whether it promotes more sustainable transport choices and reduces the need to travel by private transport, and takes into consideration the PPG's provisions for rural areas.

7. Whether there are any material considerations which are sufficient to outweigh any conflict.

5.10 Items 1 to 6 are, in addition, tied up with an overall assessment of whether the proposed development accords with the Development Plan (in this instance the RSS for the North West, the "saved" policies of the Cumbria and Lake District Joint Structure Plan, and the Carlisle District Local Plan 2001-2016), having regard to the provisions of Section 38 (6) of the Planning and Compulsory Purchase Act 2004.

5.11 When considering 1. the relevant question revolves around sustainability in the sense of the appropriateness of the proposed use to the location. A Key Principle identified in paragraph 13 of PPS 1, and re-iterated in paragraphs 30-32, is that a spatial planning approach should be at the heart of planning for sustainable development. This is also reiterated in PPS 7 with the emphasis on good quality development within existing towns and villages. It is an approach which underpins Policies DP1, H1 and EC11 of the Carlisle District Local Plan 2001-2016 that seek to encourage development (inclusive of residential schemes) within identified sustainable locations. Policy EC12 encourages the conversion of premises to live/work units outside existing settlements providing that they maintain the character of the original building and be in the region of 60% residential to 40% employment use.

5.12 In the case of the current proposal it is not in an identified sustainable location with no immediate facilities for schooling, shopping or employment. However, in accord with Policy EC12 it does involve the conversion of existing buildings to live/work units. The submitted Design and Access Statement provides a table that explains that as a percentage of the ground floor area unit 1 has 25.5% as workspace; unit 2 40.5%; unit 3 36.4%; unit 4 34.8%; unit 5 38%; unit 6 32.4%; unit 7 13.8%; unit 8 32.1%; unit 9 36.5%; and unit 10 38.7%. It is also apparent that the proposed extension to unit 4 would increase the external floor area from 153 sq. metres to 210 sq. metres. In mitigation, the accompanying Planning Statement explains that the proposal relates to the conversion of existing buildings where the achievement of the guide figure can be difficult; the work elements are generally physically separated from the residential floor space; and the shape and layout of the work elements are intended to achieve maximum efficiency.

5.13 When looking at the issue of sustainability it is also evident that the application involves the re-use of brownfield land that would lead to the re-use of relatively substantial structures.

5.14 In effect, it is considered that the applicant has sought to comply with the underlying objectives of Policy EC12 although not necessarily achieved full compliance with the associated guidelines.

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- 5.15 The Supplement to PPS 1 on Planning and Climate Change highlights that tackling climate change is a key priority for the planning system and, as a consequence, applicants should consider how well their proposals contribute to the ambition of a low-carbon economy. The decision-making principles that need to be applied include: controls under the planning, building control and other regulatory regimes should complement each other; information sought from applicants should be proportionate to the scale of the proposed development; and, authorities should have regard to this PPS as a material consideration which may supersede the policies in the Development Plan. The aforementioned Supplement raising such matters as the use of decentralized and renewable or low carbon energy; the need for authorities to obtain from applicants the information necessary to show how their proposed development is consistent with this PPS; and, take account of layout etc to minimize energy consumption.
- 5.16 The current application is accompanied by an Energy Statement which states that this development will set a target of Level 3 within the Code for Sustainable Homes and this requires a 25% improvement in energy efficiency over the current Part L1A of the Building Regulations. The means to achieving such a target, inclusive of surface water run-off and waste, can be the subject of a relevant condition.
- 5.17 When considering the issue of affordable housing, PPS 3 explains in para. 30 that such provision should be within market towns and villages but also within small rural communities as rural exception sites. This is reflected in para. 8 of PPS 7 which states that:
- “...the focus for most additional housing in rural areas should be on existing towns and identified service centres. But it will also be necessary to provide for some new housing to meet identified local need in other villages.”
- 5.18 This situation is reflected in Policies H5 and H6 of the Carlisle District Local Plan 2001-2016. Policy H5 sets thresholds for the provision of affordable housing; whilst H6 acknowledges that residential development may be permitted in locations where such development would not usually be permitted provided that it meets certain criteria. The criteria of Policy H6 include that the proposal is for low cost affordable housing to meet an identified need; and, the proposal is well related to the settlement where the need has been identified. An accompanying paragraph of Policy H6 explains that the use of vacant rural buildings, within settlements, for affordable housing may also be considered acceptable where they can meet the aforementioned criteria.
- 5.19 The City Council's Housing Enabling Officer has explained that the proposed Live-Work units would not be appropriate for affordable housing provision. As a result he is recommending that the applicant pay a commuted sum to enable the provision of affordable housing on an alternative site(s) and potentially more sustainable location within the Dalston and Burgh wards. At the time of preparing the report, the applicant has confirmed acceptance in principle to the payment of such a sum but agreement to the specified amount has yet to be



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received. The applicant's agent has also raised concerns over the suggested "claw back" period of 10 years.

- 5.20 When assessing the proposal in terms of its impact on the character of the buildings and area, the City Council's Landscape Officer has responded by not raising any objections to the submitted landscaping scheme.
- 5.21 It is evident that the submitted layout plan primarily indicates the delineation of the proposed inner "courtyard" boundaries by dry stone walling. In order to fully complement the character of the existing buildings it is considered that the boundary of proposed units 6 and 7 and between units 8 and 9 leading to the car port serving 9 need to also be delineated by dry stone walls as opposed to timber fencing. There is also a concern over the proposed fenestration serving the workspace on the gable end of unit 4. However, these matters are not insurmountable.
- 5.22 When considering whether the application has fully taken into consideration the requirements of PPS 9: Biodiversity and Geological Conservation, Natural England has recommended that permission should be refused because the application contains insufficient information to demonstrate whether or not the development would have an adverse effect on legally protected species. In response, the applicant's ecologist is seeking to resolve matters following further discussions with Natural England.
- 5.23 The County Highways Authority has written to confirm that the proposal is considered to be contrary to the aims of promoting accessibility. The Highways Authority have, nevertheless, indicated that a possible way forward could be in the form of a financial contribution towards the "rural wheels" or similar public transport services in the area. The applicant's agreement to the proposed commuted sum is awaited.
- 5.24 Finally, with regard to any other material considerations the submitted Planning Statement highlights that a material consideration is the "fallback" position. This being that Kingswood would be entitled to continue to operate the educational study centre or dispose of the property to any operator within Use Class C2.

### **Other Matters**

- 5.25 The submitted Planning Statement refers, amongst other things, to the consultation draft of PPS 4 "Planning for Sustainable Economic Development", and Policies H17 and EM15 of the Structure Plan. In the case of draft PPS 4 Members should be aware that the policy therein has very limited material weight at this stage. In addition, Policies H17 and EM15 have not been "extended" following the adoption of the North West of England RSS to 2021.
- 5.26 The consultation response from the Parish Council has made reference to the condition of the highway and the need for parking to serve Dalston. In response to the first matter, it is evident that the application site has not been in use since December 2007. The condition of the highway is also dependent

## **SCHEDULE B: Reports Requiring Further Information**

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upon a number of factors such as maintenance and the degree and nature of usage by other road users, for example as a "rat run" when there are road works on the Carlisle/Thursby road. When assessing any highway and parking implications it is considered necessary to draw a comparison between the existing authorised use for 160 students with their associated teachers and staff, and the proposal for 10 live/work units. As such, whilst these concerns are understood, it is not considered reasonable in this instance to require the applicant to fund improvements either to the existing highway or parking provision within Dalston.

### **Conclusion**

- 5.27 In conclusion, it is considered that the applicant has sought to comply with the underlying objectives of Policy EC12 although not necessarily achieved full compliance with the associated guidelines concerning the percentage of floorspace for residential and employment purposes. The intention is for this development to also comply with a target of Level 3 within the Code for Sustainable Homes.
- 5.28 The applicant has confirmed acceptance in principle to the payment of commuted sums concerning the off-site provision of social housing and the "Rural Wheels" or similar public transport provision but agreement to the specified amounts has yet to be received. The applicant's agent has also raised concerns over the suggested "claw back" period of 10 years.
- 5.29 At the time of preparing the report, the applicant's ecologist is seeking to resolve matters following further discussions with Natural England concerning the potential effect of the proposal on legally protected species.
- 5.30 Finally, there are relatively small matters of detail concerning the design with regard to the boundary treatment and fenestration serving a unit that need to be resolved.
- 5.31 In overall terms there are no objections in principle to this proposal, however a further report will be presented to Members clarifying the situation concerning the above.

## **6. Human Rights Act 1998**

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

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

**Article 7** provides that there shall be "No Punishment Without Law" and may be applicable in respect of enforcement proceedings taken

## **SCHEDULE B: Reports Requiring Further Information**

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by the Authority to regularise any breach of planning control;

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

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

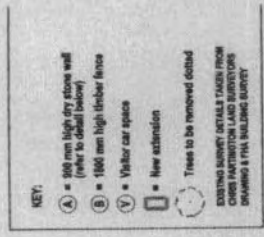
### **7. Recommendation**

#### **Reason For Including Report In Schedule B**

At the time of preparing the report revised details are awaited from the applicant.

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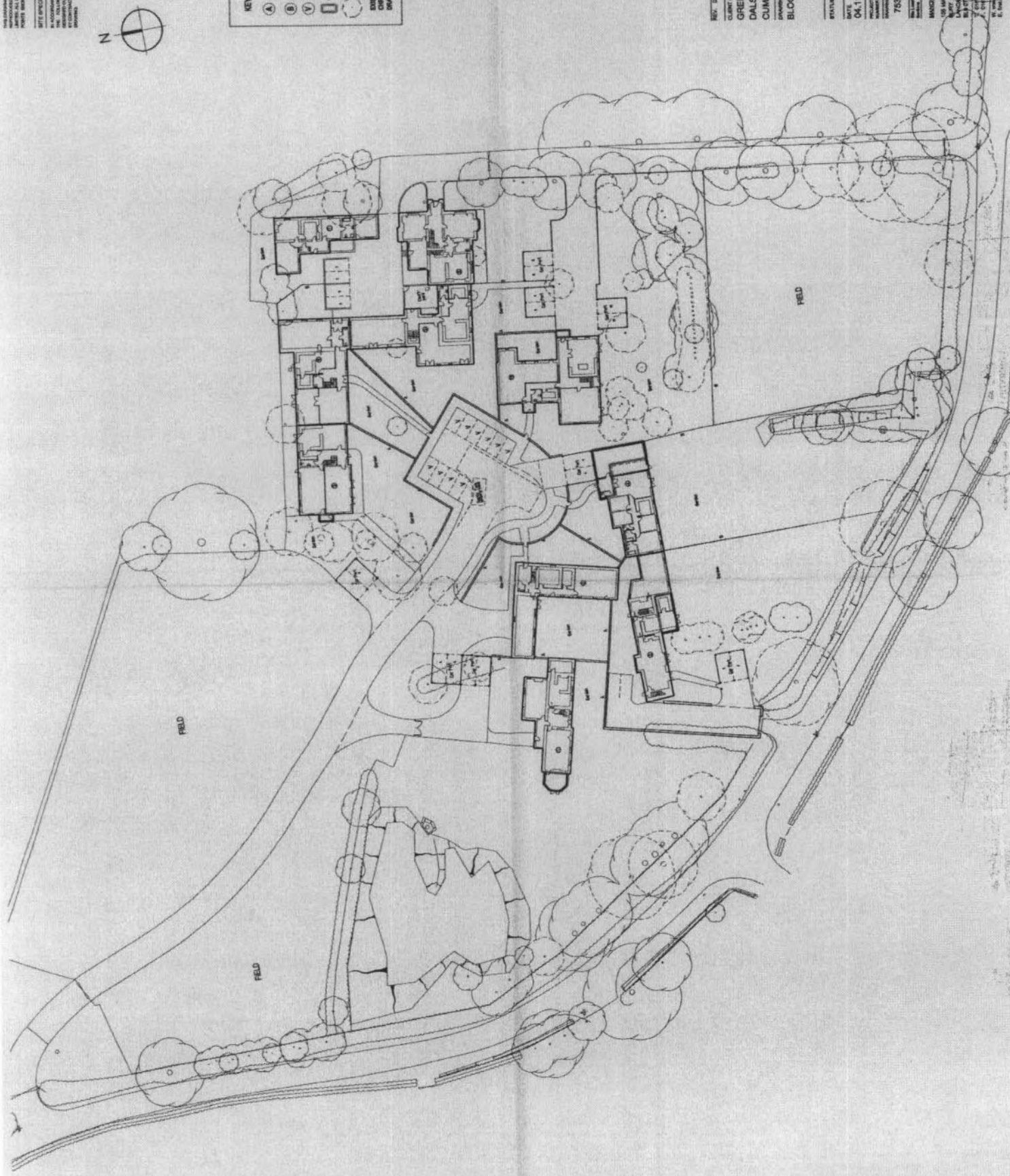


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08/1191

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DALSTON	
CUMBRIA	
DRAWING TITLE	
BLOCK PLAN	

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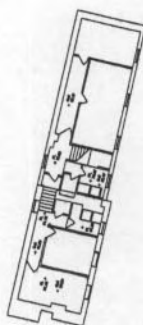
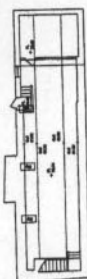
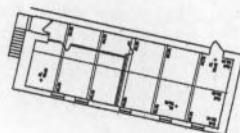
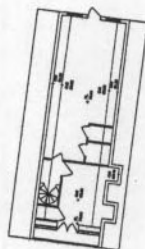
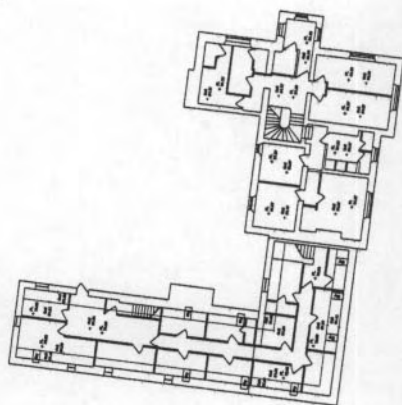


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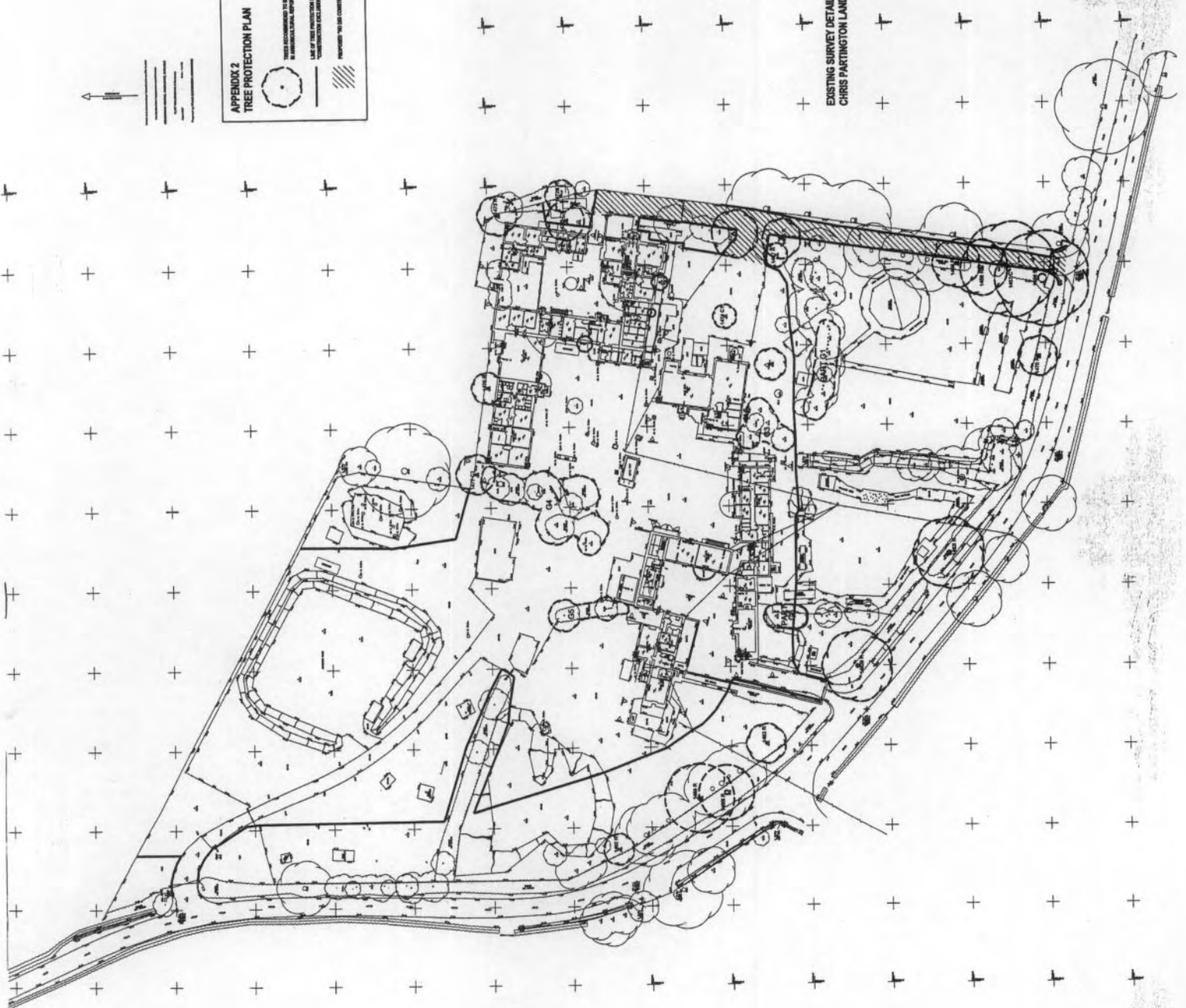
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DRAFTER: DALSTON  
CHECKED: CAMERON  
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TREE PROTECTION PLAN  
SCALE: 1:1000  
SHEET: 7033  
R.P. ARCHITECTS  
1000 WEST 10TH AVE  
VANCOUVER, BC V6H 3G5  
TEL: 604-681-1111  
WWW.RPARCHITECTS.COM

APPENDIX 2  
TREE PROTECTION PLAN  
TREES RECOMMENDED TO BE RETAINED  
AS INDICATED BY THE SURVEYOR  
LINE OF TREE PROTECTION FENCE  
CONSTRUCTION SHALL BE AS SHOWN  
PROHIBITION TO BE CONSTRUCTION

EXISTING SURVEY DETAILS TAKEN FROM  
CHRIS PAKTINGTON LAND SURVEYORS DRAWING





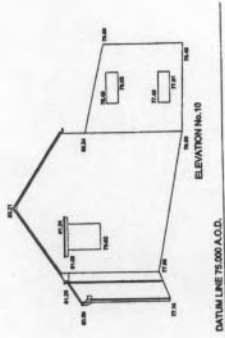




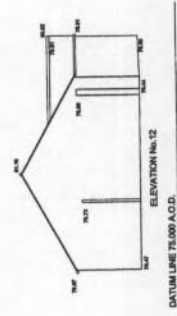




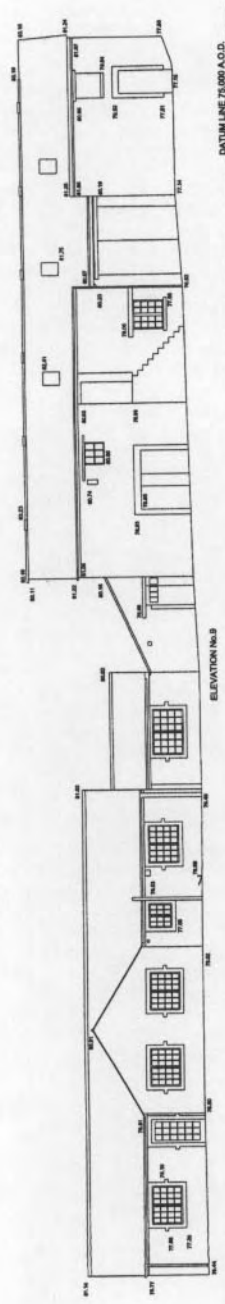
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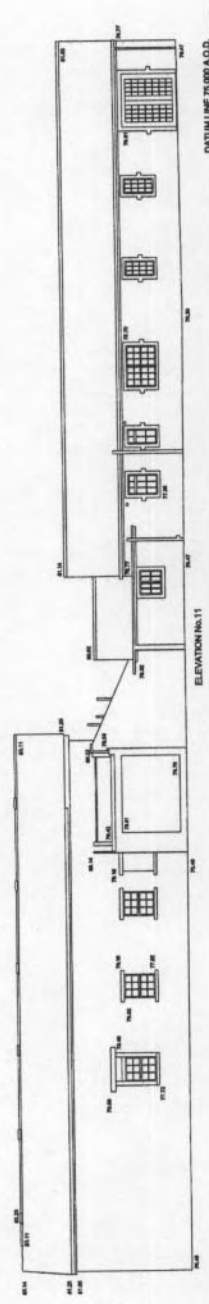
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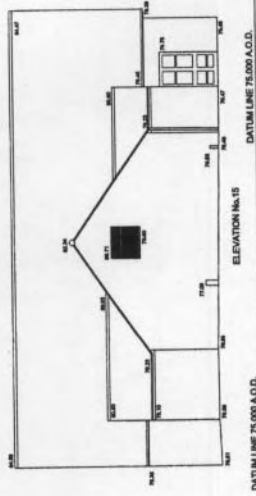
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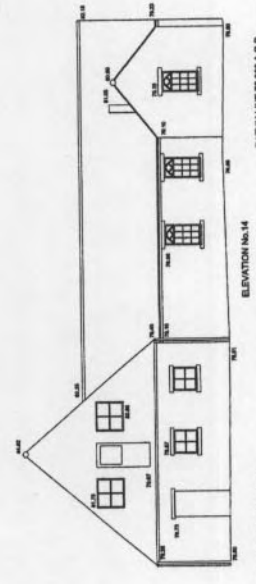
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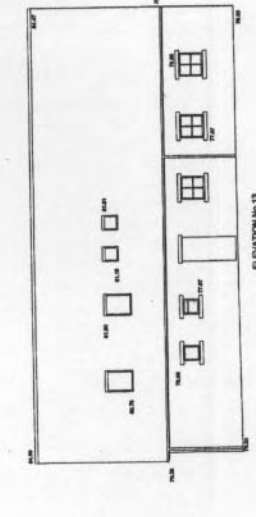
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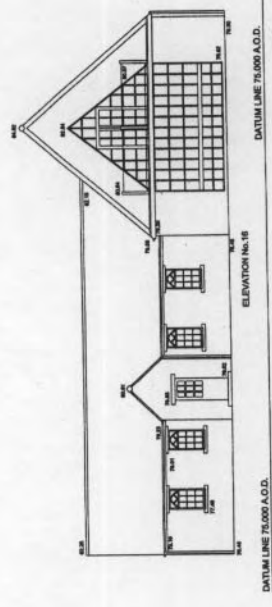
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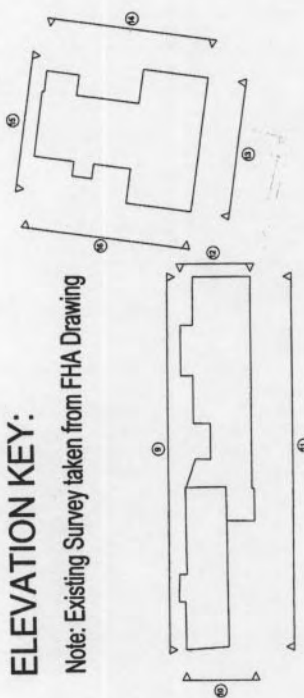
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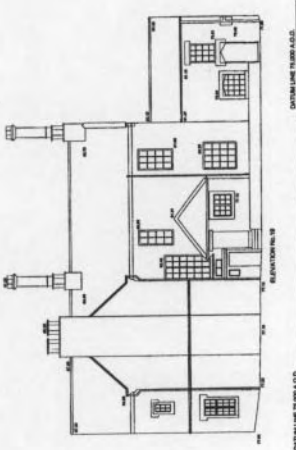
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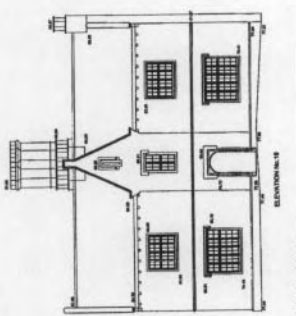
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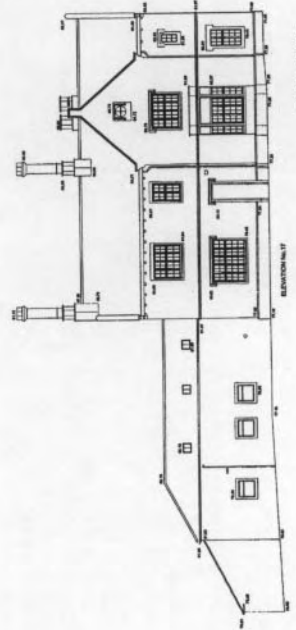
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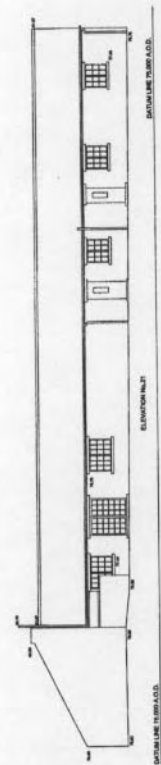
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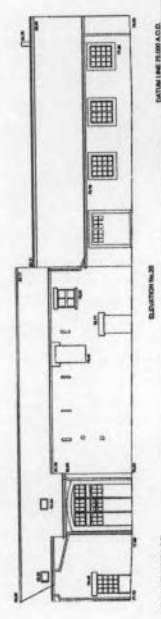
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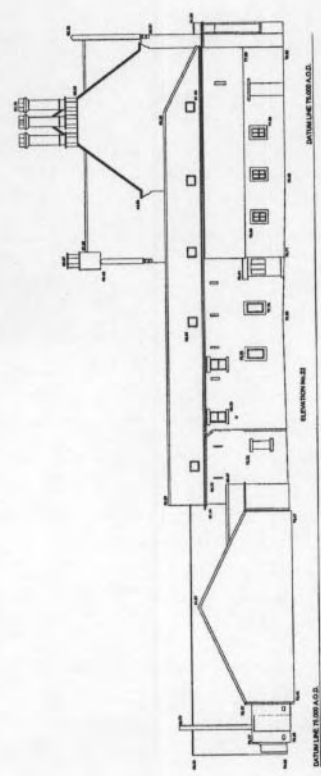
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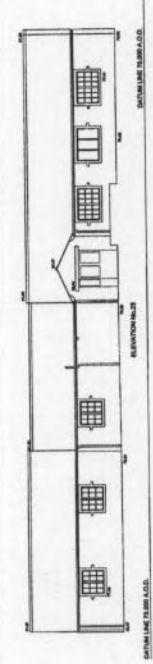
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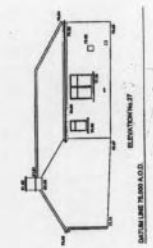
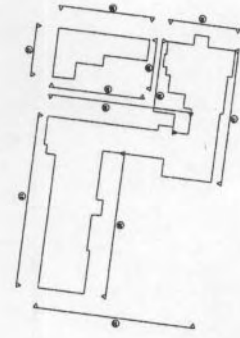


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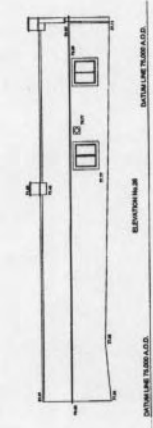


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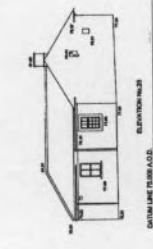
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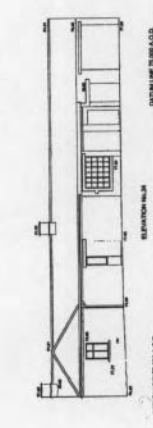
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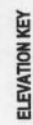
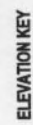
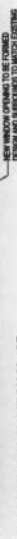
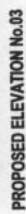


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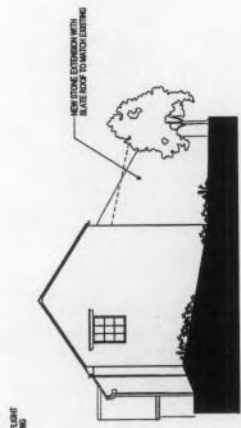


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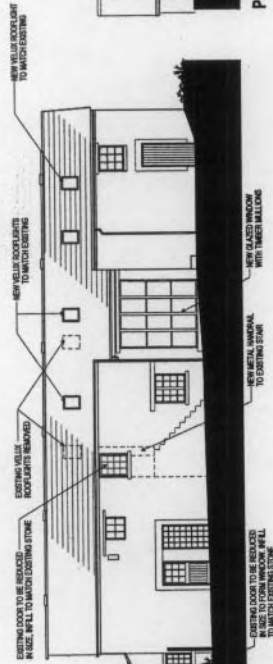
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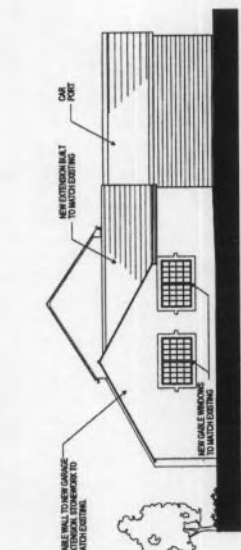
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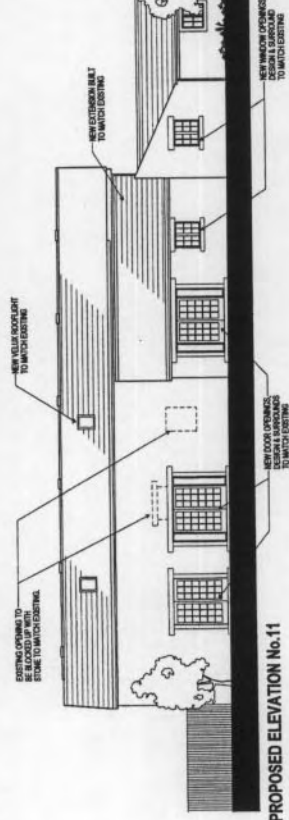
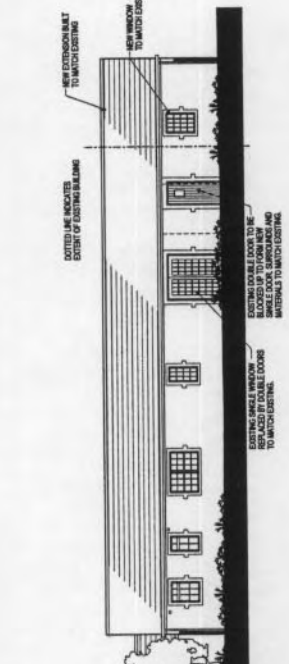
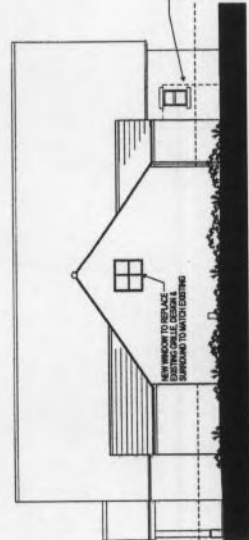
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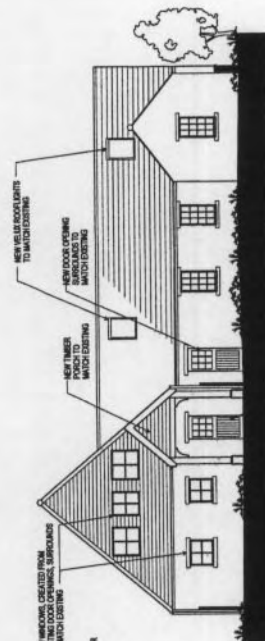
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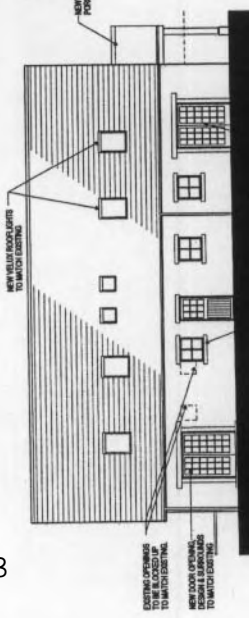
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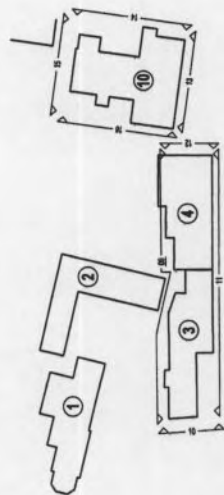
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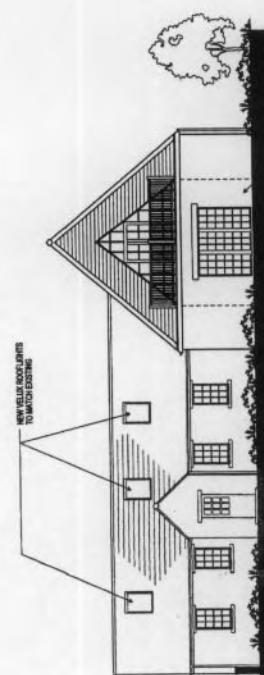
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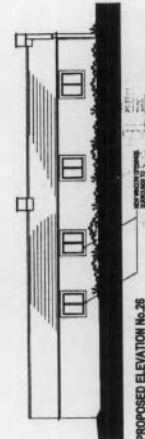
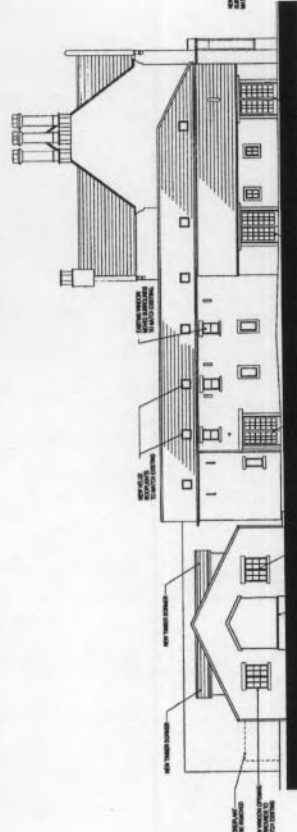
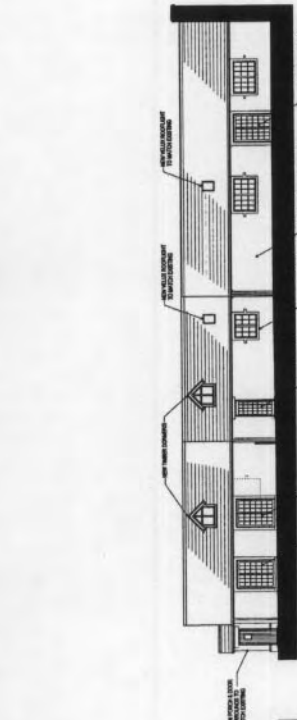
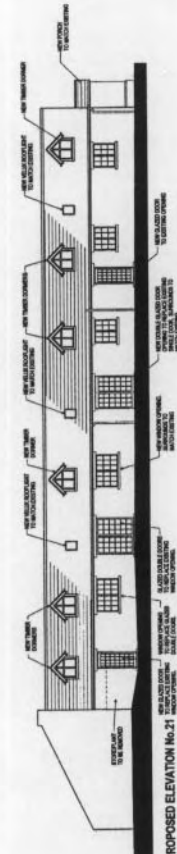
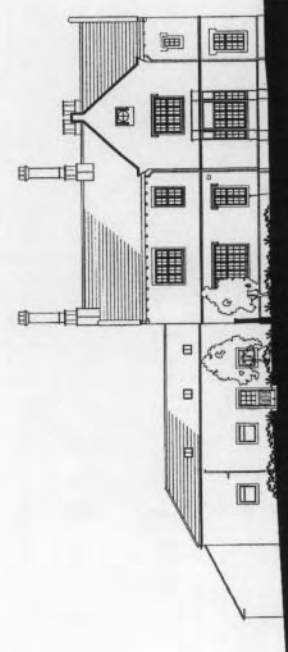
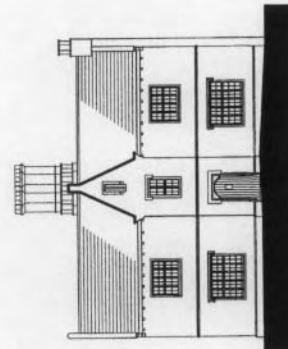
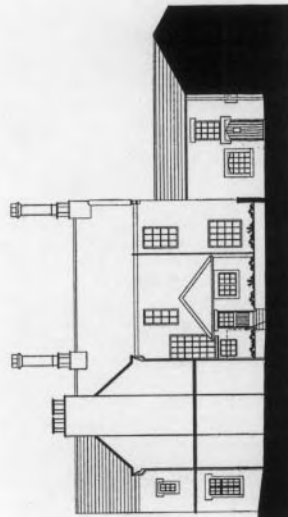
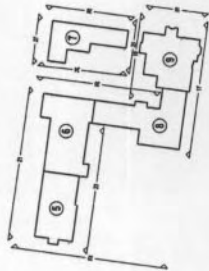


### ELEVATION KEY



PROPOSED ELEVATION No. 16 TATION 21









THESE PLANS HAVE BEEN PREPARED BY THE ARCHITECTS AND ENGINEERS IN THE FIRM OF R. J. & J. J. ARCHITECTS AND ENGINEERS, 10, RIVER STREET, DUBLIN 1, IRELAND. THESE PLANS HAVE BEEN PREPARED FOR THE CLIENT'S USE AND ARE NOT TO BE USED FOR ANY OTHER PURPOSE WITHOUT THE WRITTEN CONSENT OF THE ARCHITECTS AND ENGINEERS.

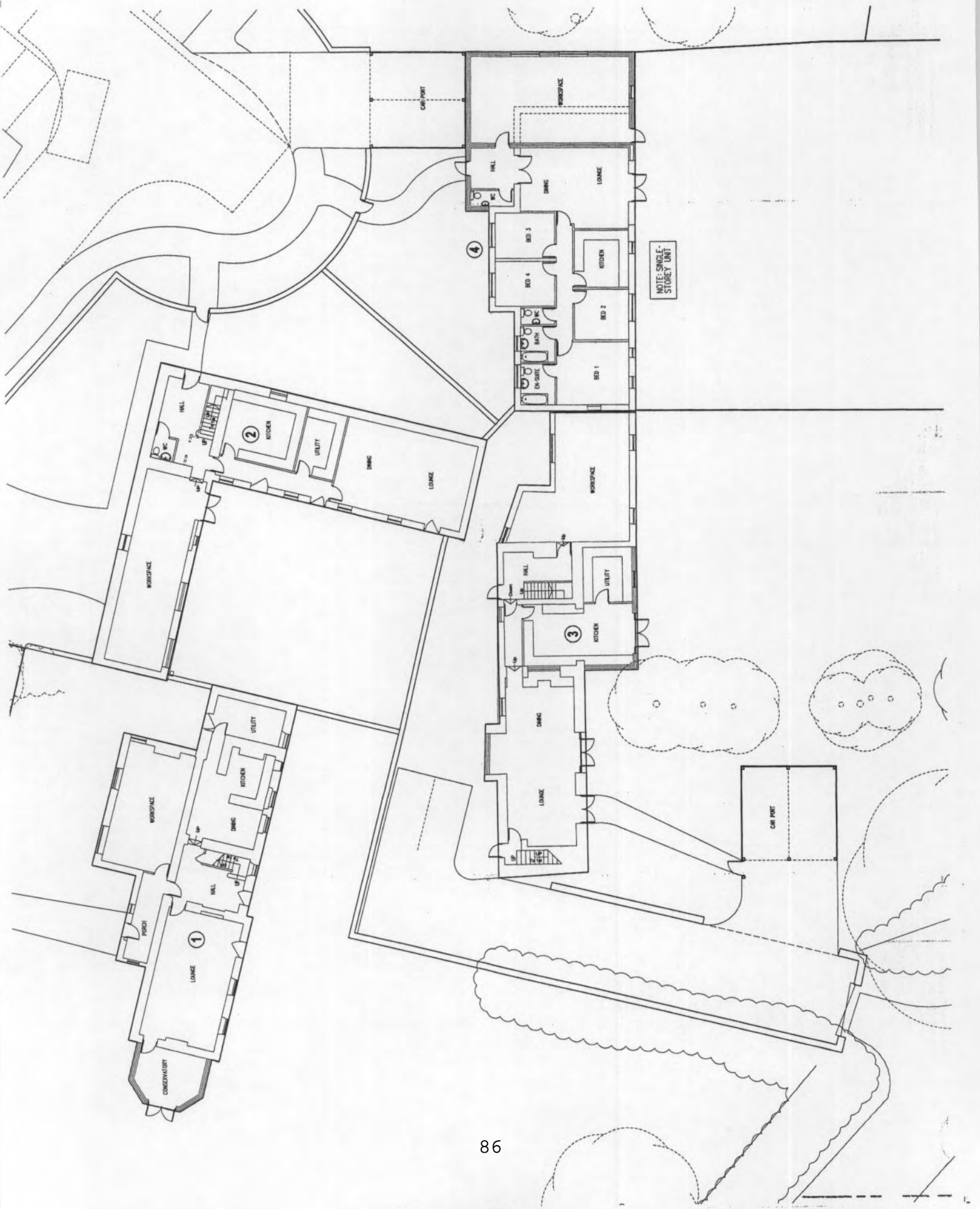
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NO.	DATE	REVISION
1	11/12/08	ISSUED FOR PERMIT
2	11/12/08	ISSUED FOR PERMIT
3	11/12/08	ISSUED FOR PERMIT
4	11/12/08	ISSUED FOR PERMIT

GREENISTYKE  
DALISTON  
CLUBHOUSE  
PROPOSED GROUND FLOOR PLANS  
1 OF 3

NO.	DATE	REVISION
1	11/12/08	ISSUED FOR PERMIT
2	11/12/08	ISSUED FOR PERMIT
3	11/12/08	ISSUED FOR PERMIT
4	11/12/08	ISSUED FOR PERMIT

ARCHITECTS  
R. J. & J. J. ARCHITECTS AND ENGINEERS  
10, RIVER STREET, DUBLIN 1, IRELAND  
TEL: 01 872 1111  
FAX: 01 872 1112  
WWW.RJAJA.COM



1. ALL WORK SHALL BE IN ACCORDANCE WITH THE BUILDING REGULATIONS 2010.  
 2. ALL WORK SHALL BE IN ACCORDANCE WITH THE PLANNING ACT 2008.  
 3. ALL WORK SHALL BE IN ACCORDANCE WITH THE ENVIRONMENTAL ACT 1996.  
 4. ALL WORK SHALL BE IN ACCORDANCE WITH THE NATURE CONSERVATION ACT 2004.  
 5. ALL WORK SHALL BE IN ACCORDANCE WITH THE WILDLIFE ACT 2002.  
 6. ALL WORK SHALL BE IN ACCORDANCE WITH THE ANTI-CORRUPTION ACT 2003.  
 7. ALL WORK SHALL BE IN ACCORDANCE WITH THE FREEDOM OF INFORMATION ACT 2000.  
 8. ALL WORK SHALL BE IN ACCORDANCE WITH THE DATA PROTECTION ACT 1998.  
 9. ALL WORK SHALL BE IN ACCORDANCE WITH THE EQUALITY ACT 2010.  
 10. ALL WORK SHALL BE IN ACCORDANCE WITH THE SAFETY ACT 2005.

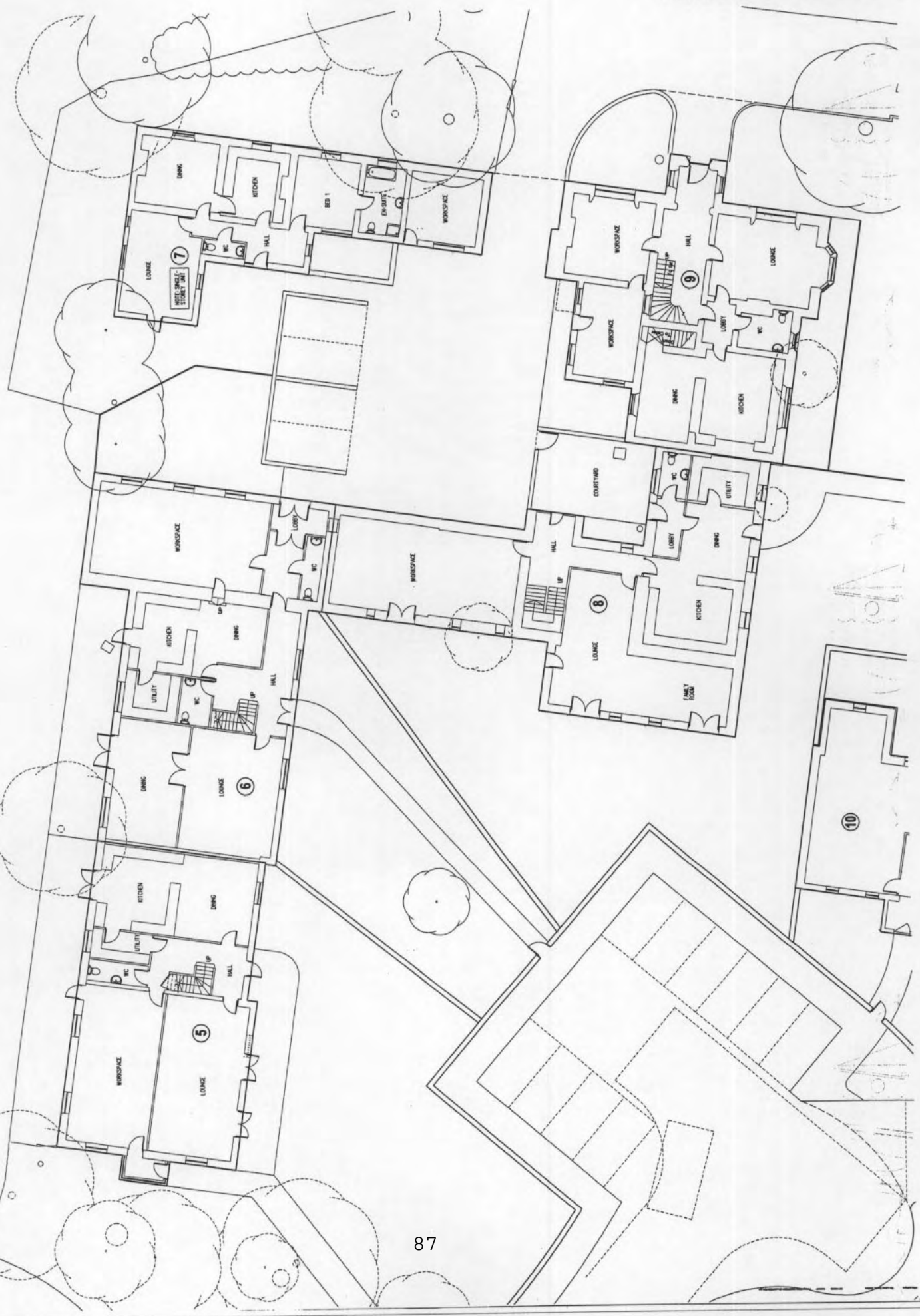
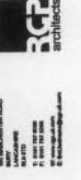
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 08/11/08

NO.	DATE	BY	REVISION
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PROJECT: GREENWYKE  
 CLIENT: CLUMBO  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]  
 DATE: 01 DEC 2008

PROPOSED GROUND FLOOR PLANS  
 2 OF 3

PLANNING		ENVIRONMENTAL		NATURE CONSERVATION		WILDLIFE		ANTI-CORRUPTION		FREEDOM OF INFORMATION		DATA PROTECTION		EQUALITY		SAFETY	
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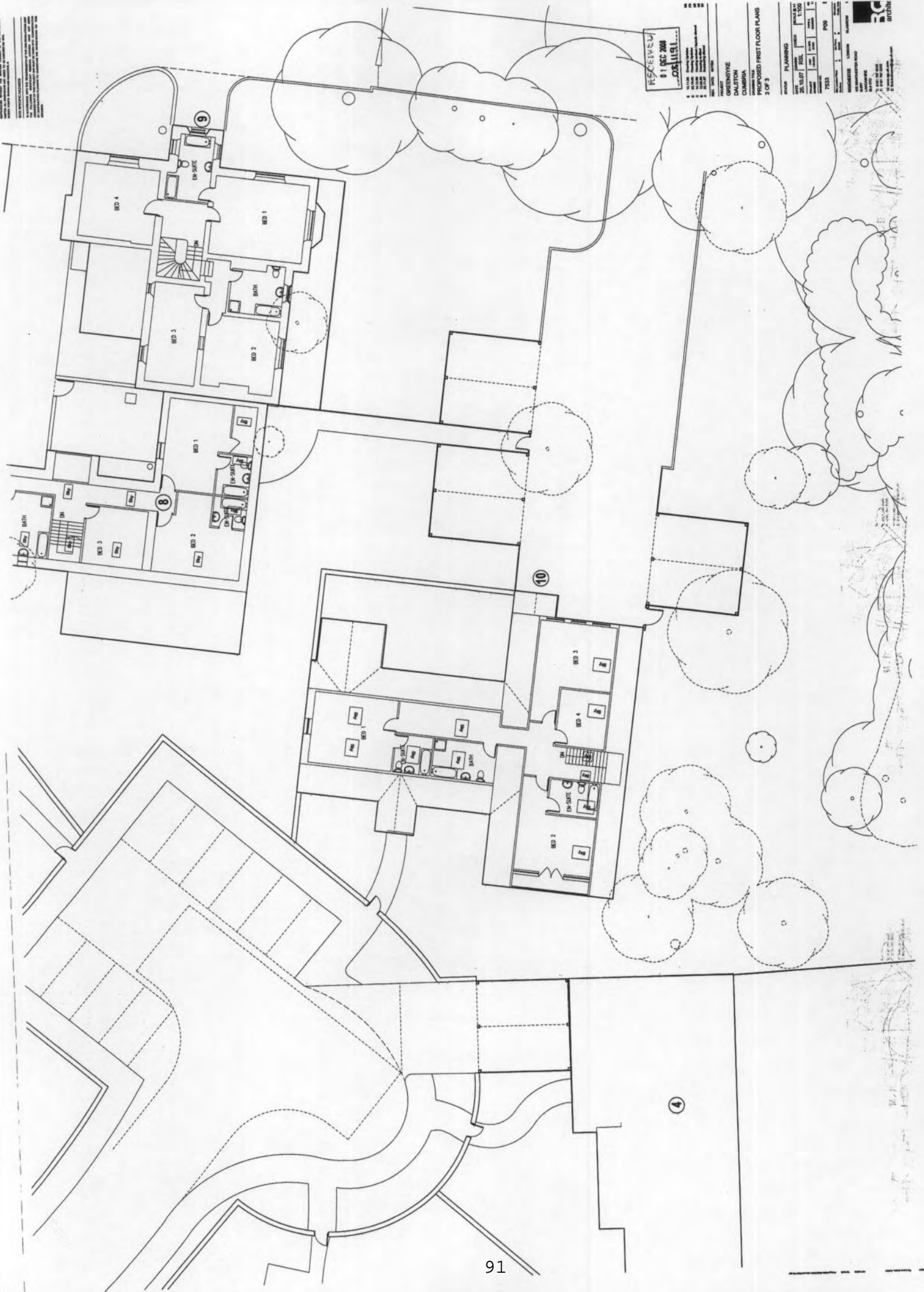
ALL DIMENSIONS ARE IN FEET AND INCHES.  
 DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.  
 ALL FINISHES ARE TO BE DETERMINED BY THE ARCHITECT.  
 ALL WORK IS TO BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES.  
 ALL MATERIALS AND METHODS OF CONSTRUCTION ARE TO BE APPROVED BY THE ARCHITECT.  
 ALL WORK IS TO BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.  
 ALL WORK IS TO BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES.  
 ALL MATERIALS AND METHODS OF CONSTRUCTION ARE TO BE APPROVED BY THE ARCHITECT.  
 ALL WORK IS TO BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.

SCANNED  
 -2 DEC 2008

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## Geoffrey Searle

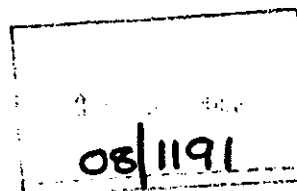
Planning Solicitors

Principal: Geoffrey Searle    Assistant Solicitor: David Evans

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Telephone: 01277 633014 Fax: 01277 623585  
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Angus Hutchinson  
Development Services  
Carlisle City Council  
Civic Centre  
Carlisle CA3 8QG

PLANNING & HOUSING SERVICES	
REF	08/1191
- 1 DEC 2008	
RECORDED	BN
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28<sup>th</sup> November 2008

Dear Mr. Hutchinson

**Proposed Live-Work development at  
Kingswood Educational Study Centre, Greensyke, Cumdivock,  
Dalston, Carlisle CA5 7JW**

I refer to correspondence in the light of our client's previous application 08/0567, and in particular your letter of 30<sup>th</sup> July 2008. In the light of this, the previous application was withdrawn. Careful consideration has been given to the points raised in your letter as a result of which the proposals have been revised. 10 Live-Work units are proposed to be created by conversion of the existing range of buildings, with some small-scale extensions. Car ports of rustic character would be erected and a landscaping scheme sympathetic to the character of the area is proposed. The quality of the existing trees has been assessed by Stephen Waterson of Coppice Landscapes and the proposed management treatment of existing low quality trees is set out in his report. Substantial tree planting is proposed. As previously advised the need for affordable housing in the local Rural West area of the Council's boundaries, an area which has suffered from serious under-provision of affordable housing, would be best served by the making of a financial contribution in an amount to be discussed. Also, as requested by Cumbria in response to the previous application, a contribution to the Rural Wheels scheme is proposed. These can be secured by way of a deed of obligation under s.106 and a first draft of such a deed is now submitted. These proposals are more fully described in the documents submitted herewith. The materials submitted comprising this application are as follows (in each case an original and 3 copies are submitted):

1. The Application Forms including Certificate A and the Agricultural Holdings Certificate
2. The location plan at 1:2500
3. The drawings of the proposal prepared by Ratcliffe Groves Partnership ("RGP"), as set out on the attached list.
4. The proposed landscaping scheme as set out in Drawing nos. S402 7 & 8 produced by Shackleton Associates



## Geoffrey Searle

Planning Solicitors

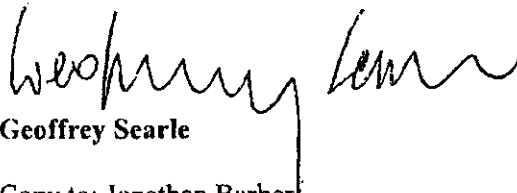
5. The Planning Statement by this firm, with input from Cliff Walsingham & Company
6. The Highways Statement prepared by Ashley Helme Associates, Transportation Consultants
7. The Design & Access Statement prepared by RGP with input from Shackleton Associates, Landscape Architects, and Cliff Walsingham, which also incorporates the statement on Secured by Design
8. The Arboricultural Survey, plans and Assessment by Stephen Waterson
9. The Energy Statement produced by CE2
10. Draft Deed of Planning Obligation under s.106 of the Act
11. This letter

Exemption from a planning fee is claimed by virtue of the previous similar residential/employment application for this site having been withdrawn less than twelve months ago.

I would welcome early confirmation that this application has been validated.

We would welcome a discussion on the application in due course. We would trust that this proposal would be welcomed as a way of securing the future of this property in a manner acceptable to all local residents and the Council. We believe it is fully compliant with local policy and with emerging regional and national policies, for the reasons set out in more detail in the Planning Statement.

Yours sincerely



Geoffrey Searle

Copy to: Jonathan Barber  
Cliff Walsingham  
Jonathan Marshall

## **SCHEDULE A: Applications with Recommendation**

08/1148

**Item No: 05**

**Date of Committee: 30/01/2009**

**Appn Ref No:**  
08/1148

**Applicant:**  
Mr Postlethwaite

**Parish:**  
Burgh-by-Sands

**Date of Receipt:**  
05/12/2008

**Agent:**  
Phoenix Architecture &  
Planning

**Ward:**  
Burgh

**Location:**  
Fauld Farm, Burgh-by-Sands, CA5 6AN

**Grid Reference:**  
332381 559089

**Proposal:** Forming Of Internal Opening To Allow Internal Rearrangement Of  
Dwelling (LBC)

**Amendment:**

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### **REPORT**

**Case Officer:** Richard Majewicz

#### **Reason for Determination by Committee:**

This application is brought before the Development Control Committee for determination as the applicant's agent wishes to exercise their right to speak in support of the application.

#### **1. Constraints and Planning Policies**

##### **Ancient Monument**

##### **Area Of Outstanding Natural Beauty**

##### **Listed Building**

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

##### **Conservation Area**

The proposal relates to land or premises situated within the Burgh-By-Sands Conservation Area.

##### **Listed Building In A Conservation Area**

The proposal relates to a building listed as being of Special Architectural or Historic Interest and which is situated within the Burgh By Sands Conservation Area.

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

### **Local Plan Pol LE13 - Alterations to Listed Buildings**

## **2. Summary of Consultation Responses**

**English Heritage - North West Region:** recommends that the application be determined in accordance with national and local policy guidance, and on the basis of the Local Planning Authority's specialist conservation advice;

**Hadrians Wall Heritage Limited:** awaiting comments;

**Solway Coast AONB Unit:** awaiting comments.

## **3. Summary of Representations**

### **Representations Received**

Initial:

Consulted:

Reply Type:

- 3.1 The application was advertised by the posting of site and press notices. In response no representations were received.

## **4. Planning History**

- 4.1 Planning history for this property goes back to 1988 when Listed Building Consent was granted for the replacement of five windows and certain internal alterations, followed by an application to re-roof the front of the building using Welsh slate.
- 4.2 Planning permission was granted in 1998 for the erection of a detached garage and store, and advertising consent was granted in 2007 for the installation of a non-illuminated sign (07/1165).

## **5. Details of Proposal/Officer Appraisal**

### **Introduction**

- 5.1 Fauld Farm is an early 18th century clay built, cruck framed farmhouse with

attached former barn and adjoining outbuildings which was registered as a Grade II Listed Building in 1984. The property is centrally located within the village of Burgh by Sands, opposite the Greyhound Inn Public House.

- 5.2 This application seeks Listed Building Consent to form an internal opening in the clay wall between the existing dwelling and the adjoining barn at ground floor level to allow for an improvement to the internal arrangement of the dwelling.

### **Background to Proposal**

- 5.3 Approvals have been granted in the past for various alterations to the property and the for the construction of a detached garage and store to the rear of the property.
- 5.4 More recently the applicant has consulted with the City Council's Conservation Officer over the possibility of forming new openings in the clay wall between the dwelling and the barn at either ground or first floor level to improve circulation.
- 5.5 The applicant had been advised that this would not be acceptable as alternative solutions existed which did not rely on the need to form new openings in the existing clay walls. These solutions were not, however, acceptable to the applicant, hence the current application.

### **Assessment**

- 5.6 The relevant Planning Policies against which this application is required to be assessed are Policy EM1 of the North West of England Plan - Regional Spatial Strategy to 2021 and Policy LE13 of the Carlisle District Local Plan 2001-2016.
- 5.7 The Solway Plain has a relatively small number of surviving clay dabbins, most of which have been so altered that much of their character is lost. Fauld Farm is one of the handful of important clay buildings that survive and which contain several significant features and most of their structural integrity intact.
- 5.8 The rarity of these clay dabbins lies first of all in the material used for their construction, namely, thin layers of clay interleaved with even thinner layers of straw, and that, in England, this method of construction is unique to the Solway Plain.
- 5.9 Despite additions and extensions, Fauld Farm retains its surviving original plan form and much of its original fabric, however, the proposed destruction of the clay wall to form a new opening will, at the same time, destroy this original plan form as well as part of its original fabric.
- 5.10 There is no objection in principle to the re-use and conversion of the former barn by improving the internal layout of the building by means other than set out in this proposal. The former barn could be accessed through the existing lean-to additions at the rear of the building by the formation of a new doorway

in the brick wall between the existing kitchen and utility rooms. The demolition of this wall would have considerably less significance than the proposed demolition of part of the original fabric of a rare example of a listed clay dabbin.

## **Conclusion**

- 5.11 The principle involved is that this application requires the demolition of a substantial element of the original clay wall and the Conservation Officer's view is that this will destroy the historic integrity of this part of the structure.
- 5.12 It will also significantly damage the internal character, plan form and appearance of the building and reduce the architectural and historical significance of Fauld Farm which is currently one of the limited number of intact examples of this rare vernacular building tradition.
- 5.13 Of additional concern is that previous discussions have suggested the formation of a similar opening at first floor level, and that approval of this application could result in a future application to undertake such work with the possibility of further destruction of the existing clay wall.
- 5.14 In conclusion, the City Council's Conservation Officer is satisfied that the proposal is not compliant with the objectives of the relevant adopted Development Plan policies and that it would have a detrimental impact on the Grade II Listed Building.

## **6. Human Rights Act 1998**

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

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

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

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

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

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

## **7. Recommendation - Refuse Permission**

1. **Reason:** This application requires the demolition of a substantial element of the original clay wall, which will destroy the historic integrity of this part of the structure. It will also significantly damage the internal character, plan form and appearance of the building and reduce the architectural and historical significance of Fauld Farm, a Grade II Listed Building, which is currently one of the limited number of intact examples of this rare vernacular building tradition. The proposal is, therefore, not compliant with the objectives of Policy EM1 (C) "Historic Environment" of the North West of England Plan - Regional Spatial Strategy to 2021 and criteria 1 and 2 of Policy LE13 "Alterations to Listed Buildings" of the Carlisle District Local Plan 2001-2016.
-

# Phoenix

28 Abbey Street, Carlisle, Cumbria, CA3 8TX

Tel: 01228 539537

Fax: 01228 531306

ARCHITECTS

- 4 DEC 2008

2008/1148

RECEIVED  
05 DEC 2008



Date: NOV 08

Job FAULD FARM

Detail No. PA08/602/03



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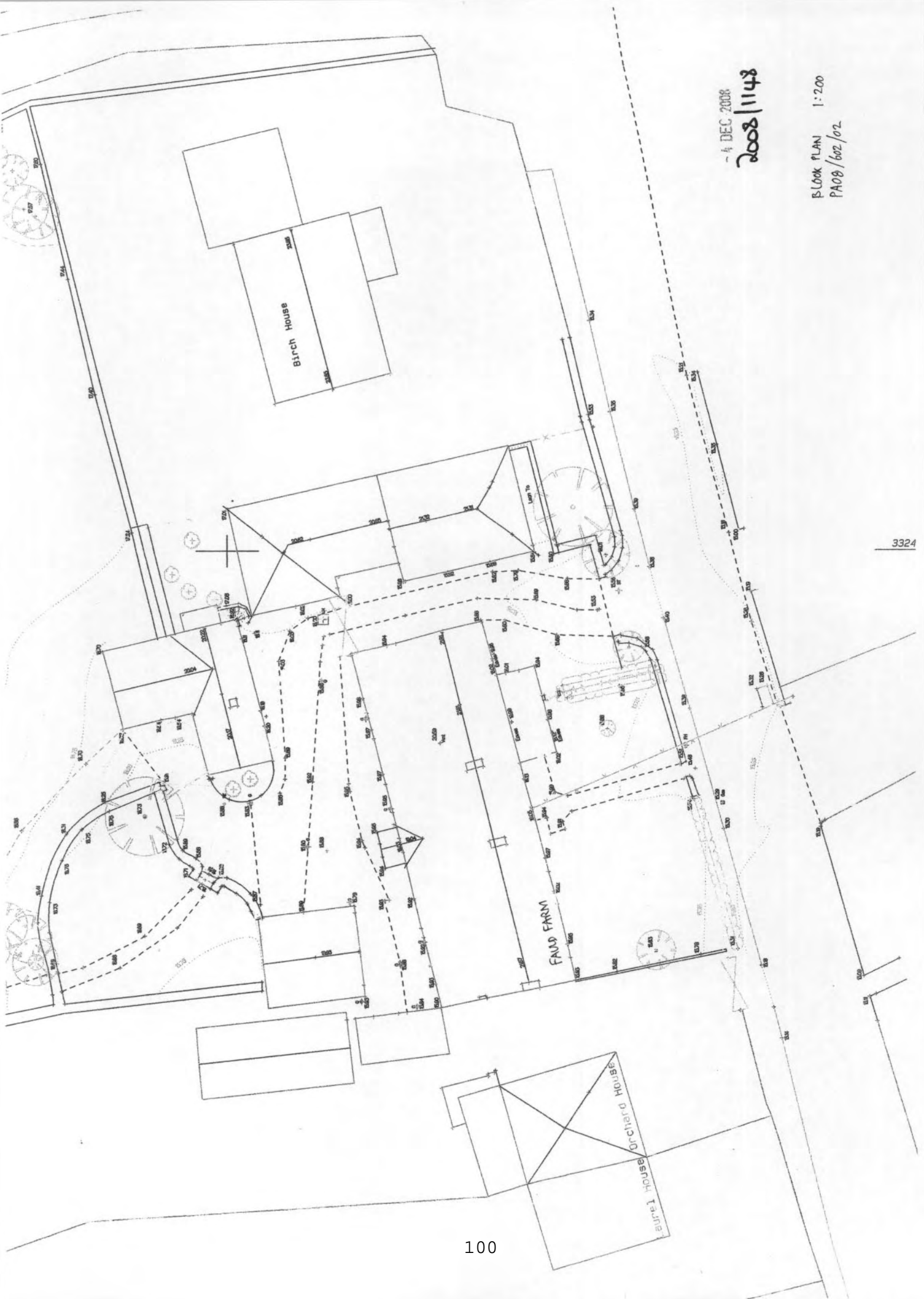
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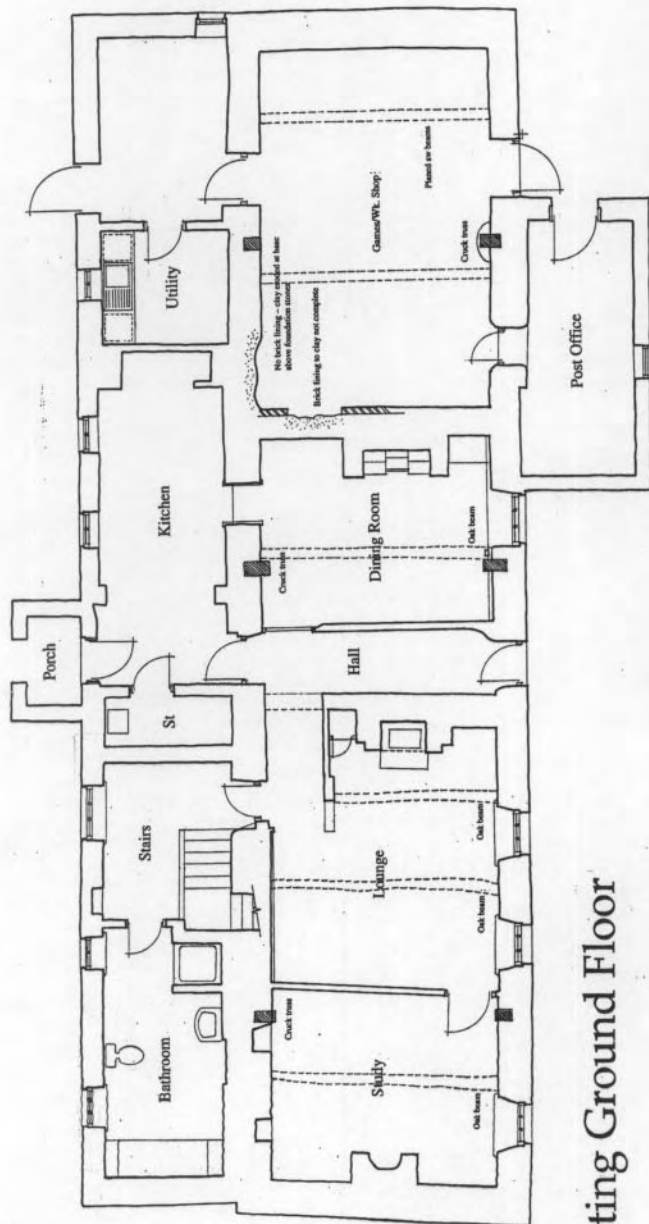


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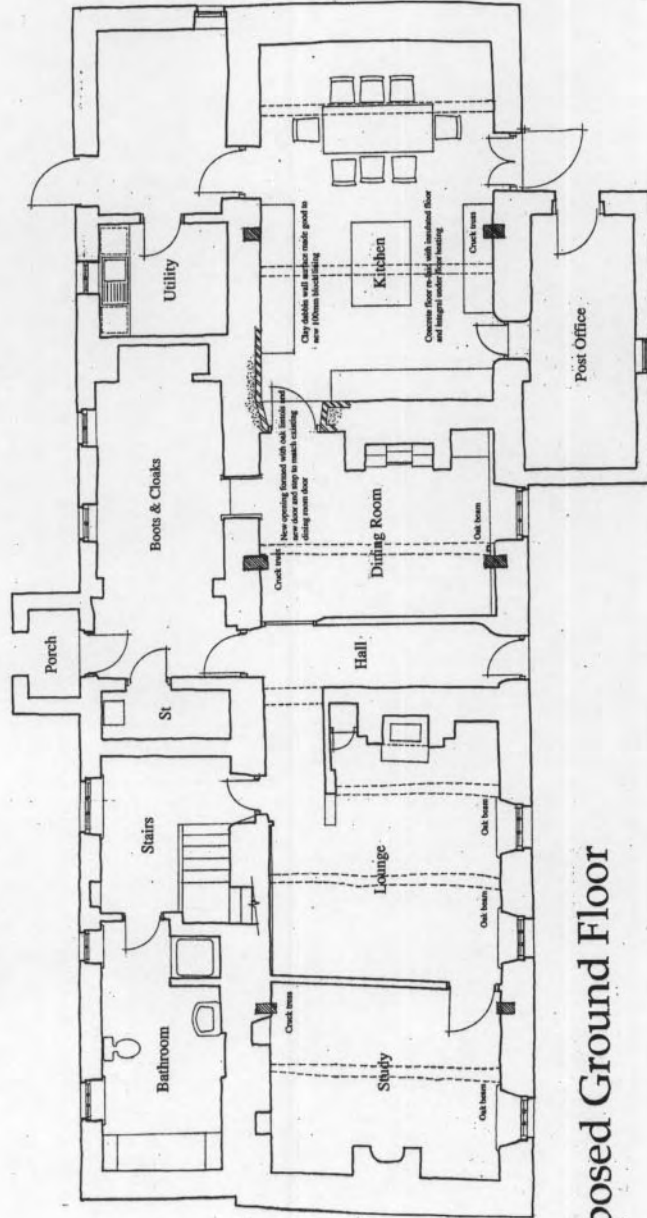
Block Plan 1:200  
PA08/602/02

3324





Existing Ground Floor



Proposed Ground Floor

-1 DEC 2008  
2008 (143)

Phoenix

ARCHITECTS  
&  
DESIGNERS

Project: Fauld Farm  
Borough by Sands  
For: Mr & Mrs Postlethwaite  
Title: Alterations to Listed Building  
Scale: 1:50  
Date: October 2008  
Dwg. No: FA/08/002/01

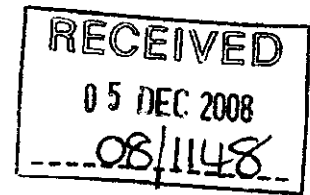
28 Ashby Street, Carlisle, Cumbria, CA1 1TX  
Tel: 01228 530527 Fax: 01228 531366



FAULD FARM, BURGH BY SANDS

STATEMENT IN SUPPORT  
OF AN  
ALTERATION TO A GRADE II LISTED BUILDING

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Fauld Farmhouse represents a good example of 18<sup>th</sup> Century vernacular construction. It retains many of the original features together with complete compartments of original walls in clay dabbin construction. This being said it is not a perfect example of what would have been constructed in the 18<sup>th</sup> Century and the adaptations are also reflected in other properties of the type and age viz:

- The walls have been extended to raise the eaves in stone/brick in the order of 600mm consistent with a change from thatch to more durable slate, giving increased headroom to the upper floor areas.
- Additional lean-to ranges of extension in brick and stone have been added to the length of the rear and, in part, to the front.
- Internal lining in brick has been added to most ground floor dabbin walls to protect the clay, control dust/vermin and ease maintenance.

In the majority of longhouse formats, domestic accommodation is either linked internally with stock accommodation at the cross passage or have been subsequently linked with the forming of openings to extend domestic quarters. As farms developed separate stock and storage buildings were built – often, as at Fauld Farm, forming a courtyard arrangement. It is unusual to find what would have probably been an added cow house (replacing the original byer now the dining room) to the east end not internally linked with the main house. This could be due to a number of factors, deemed security, heating, capital cost or lack of family need.

Although not currently internally linked the former cow house has, nevertheless, become ancillary to the dwelling and is used for storage, hobbies, internal play and as a workshop. It will have been many years since the space has seen agricultural use. Bearing the existing ancillary use in mind and analysing the current layout it becomes apparent that the existing kitchen space, particularly, is far smaller than would be usual in a dwelling of 225m<sup>2</sup> floor area, representing only 12m<sup>2</sup> (5%) of the whole. It is reasonable to investigate layout alterations to redress such an imbalance.

It is understood the applicant has scoped a number of options with City Council Conservation Officers, some more invasive than others. I have considered these and concluded that the creation of a doorway between the current dining room into the workshop/store offers considerable domestic layout improvement with the minimum of intervention.

Although forming such an opening will be through part of the clay structure it is an operation that has its roots in vernacular tradition i.e. the adaption of the existing to meet future need and will not adversely affect any principal original feature such as the inglenook, cross-passage etc. Indeed, the proposal would serve to bring the whole enclosure within a consistent heating and humidity climate and assist with maintenance as the store/workshop would become a principal room and less

secondary. It is also from the workshop/store that access is gained to the Burgh by Sands Post Office, by the applicants. The Post Office occupies the lean-to extension to the front so the alteration would enable the community service function supplied by the property to be more readily accessed by the applicant and better serviced. The only other alteration would be the introduction of a glazed inner door to the south with the existing door re-hung to perform as a shutter.

In conclusion, therefore, the proposed alteration is minor representing the removal of less than 1% of the clay structure volume (0.87%).

It does not affect any main original features. It makes de minimis changes to external appearance and it facilitates an improved family dwelling layout and the improved equity thereby underpinning the high maintenance costs of a listed building of this type of construction.

J L Kelsall, Dip Arch, MA, RIBA, MRTPI, FRSA  
Phoenix Architecture and Planning  
September 2008

## SCHEDULE A: Applications with Recommendation

08/1152

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**Item No: 06**

**Date of Committee: 30/01/2009**

**Appn Ref No:**  
08/1152

**Applicant:**  
Mr Timothy Price

**Parish:**  
Brampton

**Date of Receipt:**  
18/11/2008

**Agent:**

**Ward:**  
Brampton

**Location:**  
Land At The Barn, Park Barns, Irthington, Carlisle,  
CA6 4NA

**Grid Reference:**  
350539 559712

**Proposal:** Temporary Siting Of Residential Caravan (Revised Application)

**Amendment:**

---

### REPORT

**Case Officer:** Stephen Daniel

#### **Reason for Determination by Committee:**

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

#### **1. Constraints and Planning Policies**

**Local Plan Pol DP1 - Sustainable Development Location**

**Local Plan Pol CP1 - Landscape Character**

**Local Plan Pol CP3 - Trees and Hedges on Development Sites**

**Local Plan Pol CP5 - Design**

**Local Plan Pol H1 - Location of New Housing Develop.**

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

#### **2. Summary of Consultation Responses**

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

**Brampton Parish Council:** comments awaited;

## SCHEDULE A: Applications with Recommendation

08/1152

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

Guidance in PPS7 states that away from larger urban areas planning authorities should focus most new development in or near to local service centres (as defined in policies DP1 and H1) and only where the nature and demands of the work concerned make it essential for workers engaged in the enterprise to permanently live at or close to the site of their work should proposals for dwellings be considered.

Policy H7 of the Local Plan states that within the remainder of the rural area outside areas covered by policies H1 and H16 permission will not be given for dwellings except where they are supported by a proven agricultural, forestry or other occupational need (where they meet the criteria in Annex A of PPS7).

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

**County Land Agent (Capita dbs):** concluded that:

1. With the establishment of the pheasant rearing enterprise, there will be a period of time each year in which there will be a functional need in relation to the care of pheasants. For a seven week period (from day-old chicks to seven-week-old poults), this will require a worker actively involved in the management of the unit to be resident on, or immediately adjacent to it.
2. The applicant has an established business at this location and has made clear his intention to further develop new enterprises.
3. At the present time, the existing static caravan at Park Barns would satisfy the requirement to house a worker involved in the management of this mixed rural business.

### 3. Summary of Representations

#### Representations Received

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

## SCHEDULE A: Applications with Recommendation

08/1152

Dairy Cottage	24/11/08	Support
South House	24/11/08	Objection
Granary House	24/11/08	Objection
Hargill House	24/11/08	

- 3.1 This application has been advertised by means of a site notice and notification letters sent to seven neighbouring properties.
- 3.2 One letter of objection has been received, which has been signed by seven people (from four different properties) and this makes the following points:
- The revised application fails to prove any agricultural or forestry need for a residential development and remains contrary to Policies DP1, H1, H6 and H7 of the Carlisle District Local Plan;
  - The justification on security grounds remains inadequate - a Crime Pattern Analysis in 2007 showed no offences committed since 2004 and no security issues have occurred since the date of the previous application;
  - The planned forestry work as detailed in the Management Plan is simple husbandry and cannot be considered a commercially viable forestry enterprise;
  - The proposed single bank fishing cannot be considered a viable enterprise, with fish stocks low;
  - Mr Price claims to have been actively involved in improving the woodlands over 20 years but the Management Plan confirms that little work has been carried out since the 1970s;
  - Mr Price submitted an application to operate a Game Farm in 1991, although at that time he owned a considerable area of additional land, which has since been sold. This enterprise proved to be uneconomic and failed in the mid-1990s;
  - The redundant brick pig sties are currently used to store a large number of fridges and freezers - use of these for the proposed hatching and rearing of pheasants would be of concern given their proximity to housing and the potential for increased rodent infestation;
  - It is difficult to see a keepered shoot attracting guns, given the limited acreage of woodland owned and the limited shooting rights held over arable land;
  - The majority of residents of Park Barns object to the proposal, with the caravan being visible from all aspects and indeed the A689;
  - A caravan has not been located at the site since 1993. Since the sale by Mr Price of Park Barns Cottage, Park Barns in the mid-1990s, he has resided in a number of let properties in the area;

## **SCHEDULE A: Applications with Recommendation**

08/1152

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

### **4. Planning History**

- 4.1 In February 1991, an outline application was refused for the development of a game farm and the erection of an associated dwelling on a 3 hectare site (which incorporates the current application site). The proposal was rejected on the grounds that applicant owned and occupied an existing dwelling at Park Barns and a further dwelling was, therefore, not justified as an exception to planning policy. Following a Public Inquiry in September 1991, at which the Council confirmed it did not object to the establishment of the game farm, the Inspector allowed the additional dwelling.
- 4.2 In June 1998, full planning permission was granted under application number 98/0325 for change of use of a Dutch barn and storage shed to a workshop for general joinery and cabinet making and light engineering.
- 4.3 In September 1999, under application reference 99/0494 permission was granted for the variation of Condition 2 attached to planning permission 98/0325 to allow the premises to be used by the applicant.
- 4.4 In April 2000, full planning permission was granted under application reference 00/0430 for the erection of an extension for storage and timber seasoning.
- 4.5 In September 2000, full planning permission was granted under application reference 00/0534 for the renewal of temporary permission for the use of a building for general joinery, cabinet making and light engineering.
- 4.6 In November 2007, planning permission was refused for the temporary siting of a residential caravan on the site (07/0989).

### **5. Details of Proposal/Officer Appraisal**

#### **Introduction**

- 5.1 This application seeks full planning permission for the temporary siting of a residential caravan on the land at Park Barns, Irthington, Carlisle. The caravan is already on site.
- 5.2 The application site is located at Park Barns, which lies 380m to the south of the A689, approximately 2.5km south-west of Brampton. Vehicular access to the site is via a single-track road with sporadic passing places. The site is located to the west of seven existing residential barn conversions, which are

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

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

### **Background**

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

### **The Proposal**

- 5.5 The proposal is seeking full planning permission for the temporary siting of a caravan for residential use. The caravan which is already in place, is located to the rear of the existing workshop building, adjacent to some mature trees. The caravan measures 11.3m in length by 4m in width and is green in colour.
- 5.6 The applicant is proposing to: establish a commercial 400 - 600 bird driven pheasant shoot in the woods and land at Park Barns, with the former piggeries being used to rear the birds; rear 500 additional birds to sell to other local shoots; manage the woodland at Park Barns, which will see the planting of indigenous hardwoods and the creation of a fuel coppicing programme on a 3-year harvest rotation (which should eventually generate income from wood fuel sales); promote wildlife in the woodland; and make more use of the River Gelt fishing rights to generate further income.
- 5.7 The applicant wants to live at Park Barns, so that he can manage any security/theft risks to his joinery business and to be on-hand at important times of the pheasant rearing cycle.

### **Assessment**

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

#### **1. The Principle Of The Development**

- 5.9 In relation to the principle of the development, Policy DP1 sets out the locations that are most sustainable for development and states that in order



## SCHEDULE A: Applications with Recommendation

08/1152

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

- 5.10 Policy H7 states that within the rural area planning permission will not be given for dwellings other than those essential to agriculture, forestry or any other rural based enterprise and which are supported by a proven need.
- 5.11 The Policy also includes paragraph 5.41, which states that when assessing if there is such a need the Council should refer to the advice contained in Annex A to PPS7.
- 5.12 Annex A of PPS7 identifies the criteria that Local Planning Authorities should apply and which should be met prior to granting planning consent for temporary agricultural workers dwellings. The criteria are identified in Paragraph 12, Annex A of PPS7, and are set out below:
- (i) clear evidence of a firm intention and ability to develop the enterprise concerned;
  - (ii) functional need;
  - (iii) clear evidence that the proposed enterprise has been planned on a sound financial basis;
  - (iv) the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned; and
  - (v) other normal requirements, e.g. on siting and access, are satisfied.
- 5.13 When considering applications for agricultural workers dwellings it is common practise for the Council to consult the County Land Agent. As part of the response the County Land Agent assesses whether the proposal meets the aforementioned criteria identified in Paragraph 12 of Annex A to PPS7.
- 5.14 In his response, the County Land Agent has accepted that the applicant has an established business at this location and has made clear his intention to further develop new enterprises. However, the County Land Agent only considers that there is a functional need for the applicant to be on site for 7

weeks per year. This functional need arises from the care of the pheasants from day old chicks to release into outdoor pheasant pens as 7 week old poults. From 7 weeks of age, there will be a minimum twice-daily requirement to inspect, feed and water the birds, prior to the commencement of the shooting season. The management of the woodland, the use of the River Gelt for fishing and the operation of the joinery business do not require the applicant to live on the site.

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

### **2) Impact On Local Landscape Character**

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

### **3) Impact Upon The Living Conditions Of Adjacent Properties.**

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

### **Conclusion**

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

## **SCHEDULE A: Applications with Recommendation**

08/1152

### **6. Human Rights Act 1998**

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

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

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

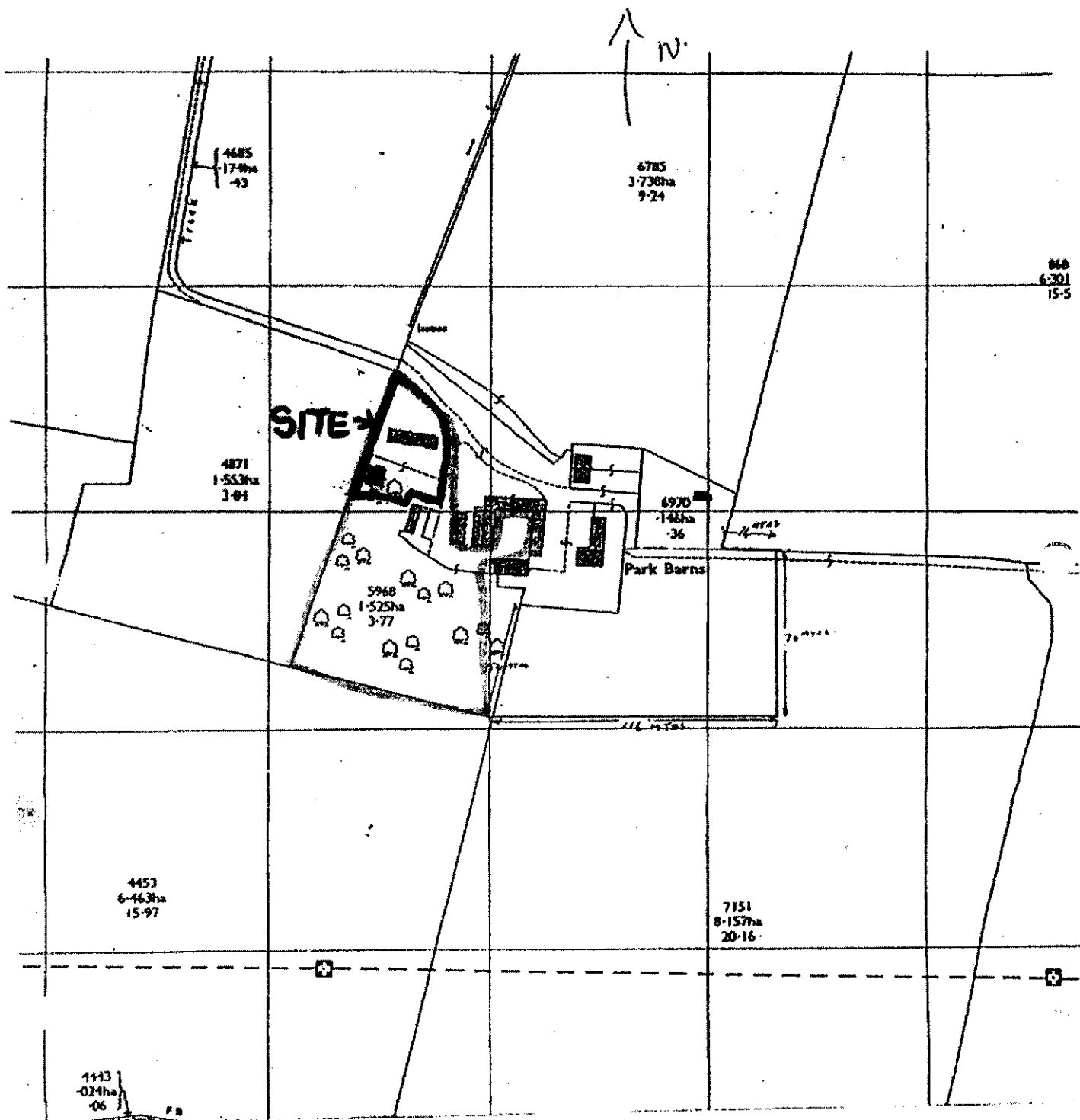
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- 6.2 **Article 1 of Protocol 1** relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

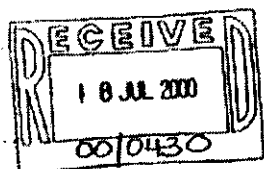
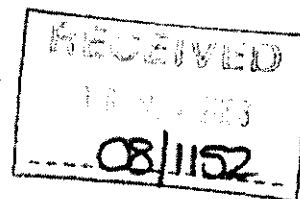
- 6.3 The proposal has been considered against the above. The applicant's rights are respected but based on the foregoing it is considered that any personal considerations do not out-weigh the harm created.

### **7. Recommendation - Refuse Permission**

1. **Reason:** Proposals for residential development outside identified settlements will only be considered acceptable where it is essential to agriculture, forestry or any other rural-based enterprise and is supported by a proven need. This application does not provide sufficient justification to support a special need for a dwelling in this location. If permitted, the proposed accommodation would therefore harm the spatial strategy of the Local Planning Authority that seeks to direct development to more sustainable settlements, which are identified in Policy H1. The proposal is, accordingly, contrary to the objectives of the advice within PPS7 and Policies H7 (Agricultural, Forestry and Other Occupational Dwellings), H1 (Location of New Housing Development) and DP1 (Sustainable Development Locations) of the Carlisle District Local Plan 2001 - 2016.
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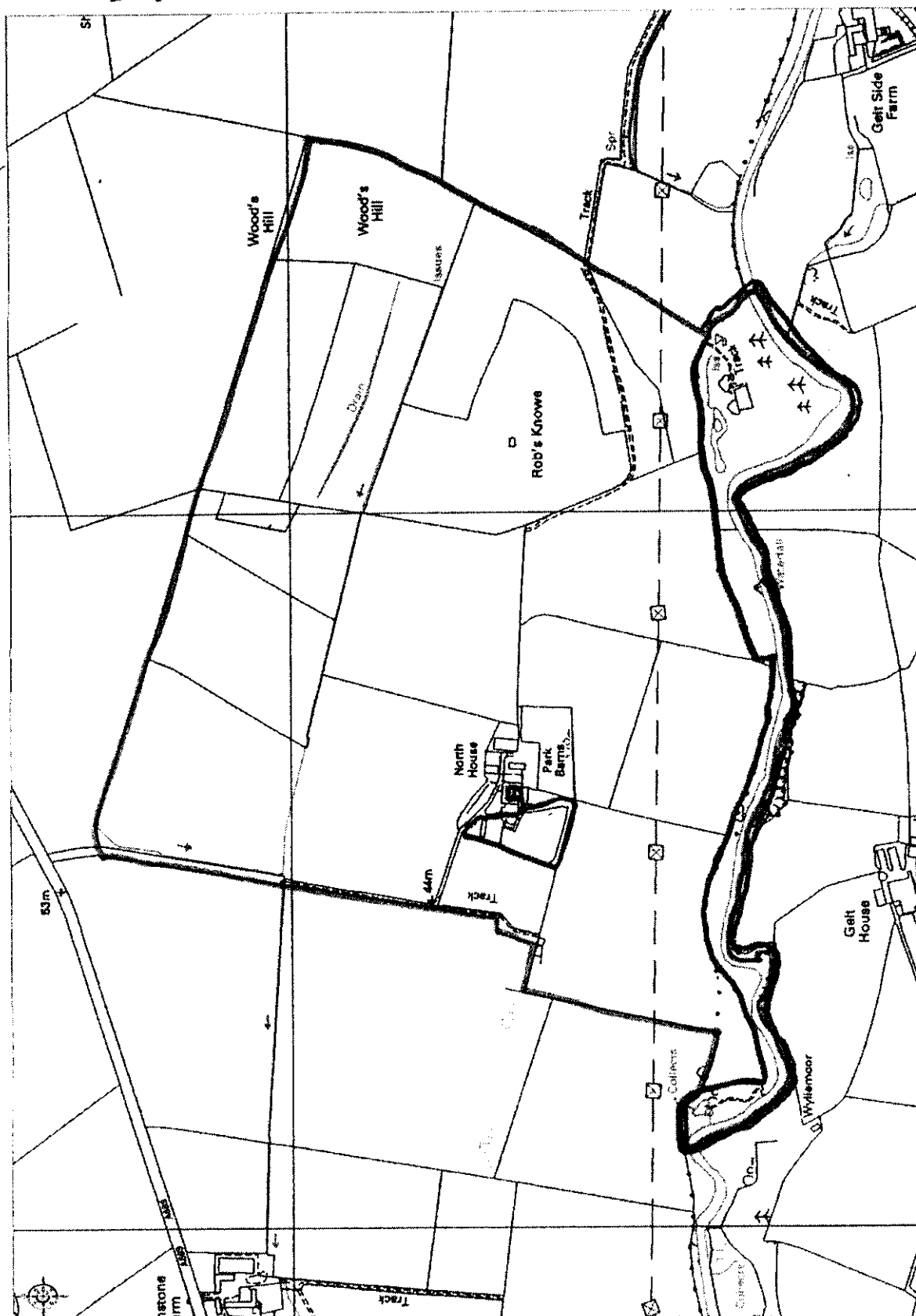


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# Park Barns



20.75 ACRES  
Landowners  
By TUFRICE  
249.03 ACRES  
Selling Rights  
Owners By  
TUFRICE

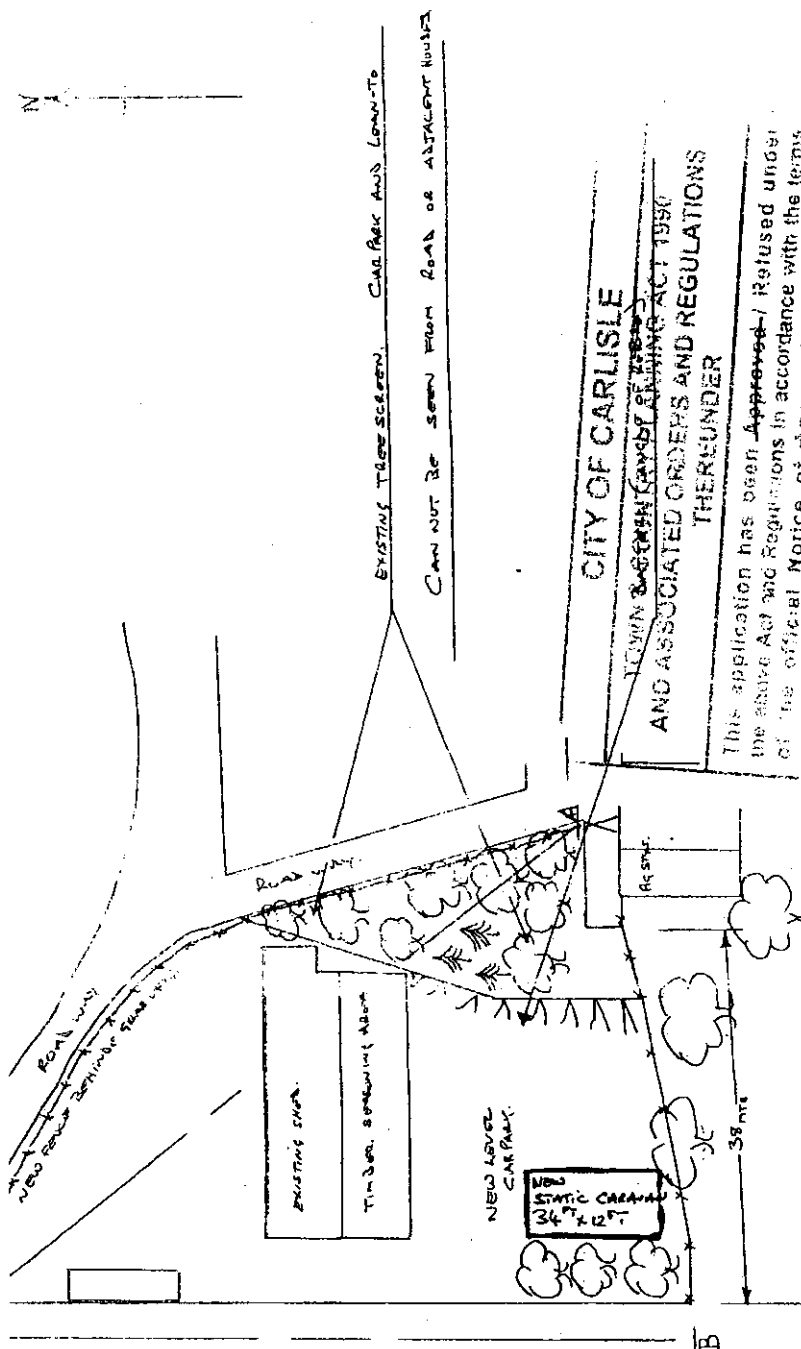


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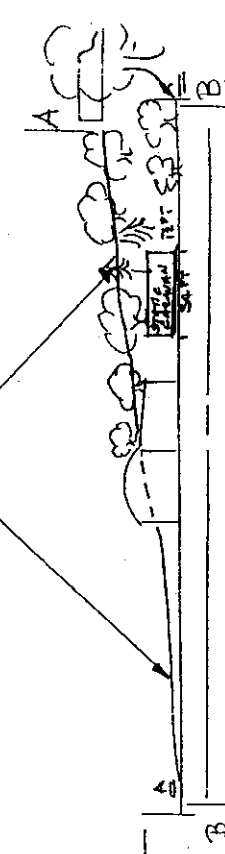
EXISTING TOWN SCREEN. CAR PARK AND LENOITS  
 CAN NOT BE SEEN FROM ROAD OR ADJACENT HOUSES

CITY OF CARLISLE  
 TOWN & COUNTRY PLANNING ACT 1990  
 AND ASSOCIATED ORDERS AND REGULATIONS  
 THEREUNDER

This application has been Approved / Refused under  
 the above Act and Regulations in accordance with the terms  
 of the official Notice of Approval / Refusal under  
 Application No. 07/0789  
 Date: 11 May 2007

REUSE NOTE: CLIMBING ROUGHLY, HENCE COME TO EXISTING  
 HEDGES NOT VISIBLY BURIED WITH  
 HOUSES.

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DEVELOPMENT AT PARK BARN, IRTHINGTON CARLISLE

BI BACK PLAN

SCALE 1:500

07/0789

## SCHEDULE A: Applications with Recommendation

08/1199

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Item No: 07

Date of Committee: 30/01/2009

**Appn Ref No:**  
08/1199

**Applicant:**  
Mr Howard Mace

**Parish:**  
Carlisle

**Date of Receipt:**  
16/12/2008

**Agent:**

**Ward:**  
Belah

**Location:**  
23 Brunstock Close, Lowry Hill, Carlisle, Cumbria,  
CA3 0HL

**Grid Reference:**  
339320 558163

**Proposal:** Erection Of Wind Turbine

**Amendment:**

1. Submitted plans revised 13/01/09 specifying supporting frame to be 3.83m and pole to be 4.27m high.

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### REPORT

**Case Officer:** Angus Hutchinson

#### **Reason for Determination by Committee:**

This application has been brought before Members of the Development Control Committee because four objections have been received during the consultation period and an objector has requested to address the Committee under the Right to Speak Policy.

#### **1. Constraints and Planning Policies**

Local Plan Pol CP5 - Design

Local Plan Pol CP6 - Residential Amenity

Local Plan Pol CP8 - Renewable Energy

Local Plan Pol H2 - Primary Residential Area

#### **2. Summary of Consultation Responses**

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



## SCHEDULE A: Applications with Recommendation

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**Environmental Services - Environmental Quality:** the proposed location of the turbine is very close, approximately 5m, from the boundary of an adjacent residential property and subsequently there is a potential for the proposal to impact on adjacent property.

Supporting information submitted with the application states that the "wind chargers are barely audible in light winds and not discernible against the increased ambient noise in high winds".

This may well be the case however, in the absence of any noise emission data, it is not possible for this division to confirm that the proposal will not affect adjacent properties;

**Carlisle Airport:** no objection to this proposal;

**National Air Traffic Services:** the proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

However, please be aware that this response applies specifically to the above consultation and only reflects the position of NERL (that is responsible for the management of en route air traffic) based on the information supplied at the time of this application. This letter does not provide any indication of the position of any other party, whether they be an airport, airspace user or otherwise. It remains your responsibility to ensure that all appropriate consultees are properly consulted. If any changes are proposed to the information supplied to NERL in regard to this application which become the basis of a revised, amended or further application for approval, then as a statutory consultee NERL requires that it be further consulted on any such changes prior to any planning permission or any consent being granted;

**Eskdalemuir Seismic Recording Station:** comments awaited.

### 3. Summary of Representations

#### Representations Received

Initial:	Consulted:	Reply Type:
21 Brunstock Close	17/12/08	
25 Brunstock Close	17/12/08	
13 Brunstock Close	17/12/08	
15 Brunstock Close	17/12/08	
17 Brunstock Close	17/12/08	
19 Brunstock Close	17/12/08	
10 Troon Close	17/12/08	Objection
12 Troon Close	17/12/08	Comment Only
23 Troon Close	17/12/08	Objection
21 Troon Close		Objection

## **SCHEDULE A: Applications with Recommendation**

08/1199

18 Brunstock Close

Objection

- 3.1 This application has resulted in four letters of objection and one comment from the general public during the consultation period.
- 3.2 The letters of objection raise the following planning issues:
1. it is unclear to what size the turbine will be;
  2. the height of the turbine will not be inkeeping with surrounding residential properties;
  3. loss of view;
  4. effect on the surrounding area;
  5. noise pollution implications;
  6. impact on safety; and
  7. the size of the turbine indicates a commercial element to the proposal.
- 3.3 The letter of comment raises the following issues:
1. if the turbine is to be 17 metres tall it will be twice the height of no.12 Troon Close and will impact on views from this property; and
  2. plans don't provide detail on the amount of noise the turbine will make.

### **4. Planning History**

- 4.1 There is no relevant planning history on this site.

### **5. Details of Proposal/Officer Appraisal**

#### **Introduction**

- 5.1 23 Brunstock Close consists of a two storey detached house located on the southern side of the turning head serving a cul-de-sac. 19 and 21 Brunstock Close are semi-detached bungalows; 25 Brunstock Close is a detached house. To the east of the application site there are detached houses in the form of 12 and 23 Troon Close. To the immediate south there is the open space at Moorville. The eastern boundary is delineated by a 2 metre high

## **SCHEDULE A: Applications with Recommendation**

08/1199

coniferous hedge; the southern boundary by a 1.8 metre high timber fence. A public footpath runs between 33 and 35 Brunstock Close leading to the open space at Moorville.

### **Background**

- 5.2 This application seeks full permission for the erection of a free-standing domestic wind turbine comprising a pyramidal green painted metal frame with a central galvanised pole upon which sit a six blade turbine with a diameter of 0.91 metres. The submitted site plan shows the proposed turbine to be sited approximately 7 metres to the west of the boundary with 21 Brunstock Close; 33 metres away from the facing wall of 12 Troon Close; and 41 metres from the facing wall of 23 Troon Close. The applicant verbally confirmed to the Case Officer during the site visit that the intention is for the turbine just to serve the house.
- 5.3 The application is accompanied by a noise statement prepared by the manufacturers of the turbine that explains: the generator used is completely silent; there is low aerodynamic noise because the blades are only some 30 cm long; with six blades, as opposed to the conventional three blades, there is less time between a blade passing a given point; and the turbine is barely audible in light winds and not discernible against the increased ambient noises in high winds.

### **Assessment**

- 5.4 The relevant planning policies to which this application is to be assessed are H2, CP5, CP6 and CP8 of the Carlisle District Local Plan (2001-2016).
- 5.5 When assessing this application it is considered that (at this stage) there are three main issues, namely:
1. the contribution of the scheme towards targets for the generation of renewable energy;
  2. the effect of the proposal on the living conditions of neighbouring residents; and
  3. the effect of the proposal on the visual character of the area.
- 5.6 In considering 1) it is noted that national policy contained in PPS1 "Delivering Sustainable Development" and PPS22 "Renewable Energy" encourage renewable energy development, as do regional and local plan policies, subject to the consideration of specific policy criteria. Members should be aware that PPS 22 specifically states that "small scale projects can provide a limited but valuable contribution to overall outputs of renewable energy and to meeting energy needs both locally and nationally. Planning Authorities should not therefore reject planning applications simply because the output is small".

## **SCHEDULE A: Applications with Recommendation**

08/1199

- 5.7 In considering 2) and 3) it is acknowledged that the amenity of residential areas should be protected from inappropriate development where that development: is for a use inappropriate for residential areas; and/is of an unacceptable scale; and/or leads to an unacceptable increase in traffic or noise; and/or is visually intrusive; and/or leads to a loss of housing stock. It is noted that there is a two metre high fence delineating the eastern boundary of the site and a 1.8 metre high fence situated along the southern (rear) boundary of the site. Given the positioning of the neighbouring properties, the height of the house at the application site, and the boundary treatment it is considered that the scale of the proposal is not out of context with any impact on neighbouring properties or on the visual character of the area limited in extent.
- 5.8 Under certain combinations of geographical position and time of day, the sun may pass behind the rotors of a wind turbine and cast a shadow over neighbouring properties. When the blades rotate, the shadow flicks on and off; the effect is known as 'shadow flicker'. It only occurs inside buildings where the flicker appears through a narrow window opening. Shadow flicker can be mitigated by siting wind turbines at sufficient distance from residences likely to be affected. Flicker effects have been proven to occur only within ten rotor diameters of a turbine. Therefore if the turbine had 80 metres diameter blades, the potential shadow flicker effect could be felt up to 800 metres from the turbine. Given the size of the turbine in relation to existing properties near the site it is considered that the detrimental shadow flicker will not occur sufficient to refuse the application on this basis.
- 5.9 Several objections have been raised in terms of impact upon noise pollution. Members should be aware that a similar application was approved in 2006 (under application 06/0303) for the erection of a larger turbine (one metre higher than what is proposed) at No.1 Stainton Road. Given the size of the turbine proposed (and on the basis of any necessary maintenance and inspection) it is considered that the noise impact of the proposal will be minimal.
- 5.10 Members should be aware that objections have been raised from surrounding residents on the basis of the proposal causing a "loss of view". However this is of limited significance as a material planning consideration.

### **Conclusion**

- 5.11 In overall terms it is considered that the size of the turbine is acceptable and the impact upon the neighbouring properties and the surrounding area will be minimal. It is therefore recommended that Members approve the application subject to no objections being received from the Eskdalemuir Seismic Recording Station.

### 6. Human Rights Act 1998

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

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

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

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

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

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

### 7. Recommendation - Grant Permission

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

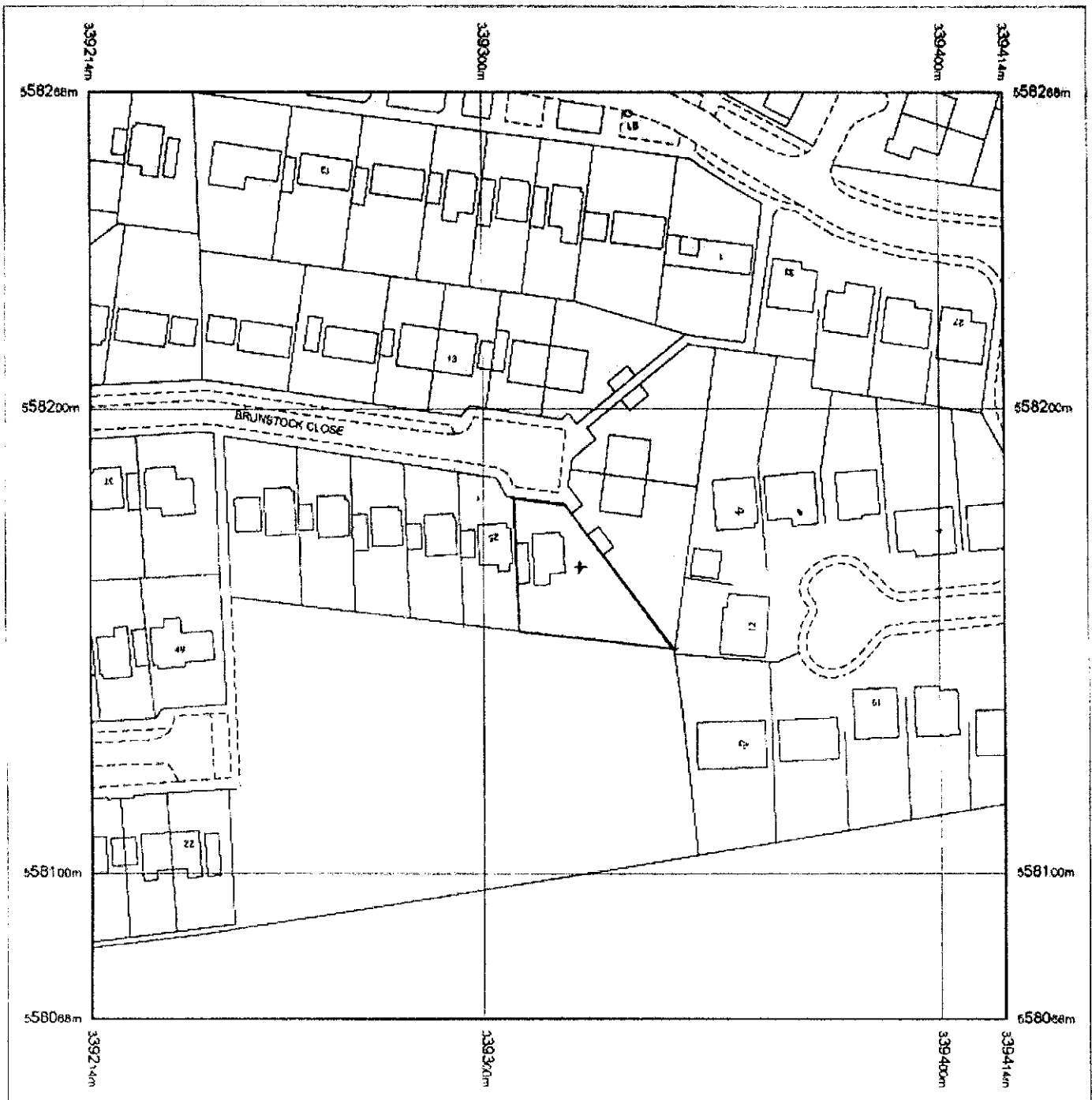
**Reason:** In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 ( as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with submitted plans as revised on the 13.01.09.

**Reason:** To ensure that the development accords with the scheme approved by the Local Planning Authority.

3. If the turbine ceases to be operational for a continue period of 12 months it shall, unless otherwise agreed in writing with the Local Planning Authority, be dismantled and removed from the site within a period of 6 months after the end of the said period of 12 months, and that part of the site shall be restored to a condition at least equivalent to its condition at the commencement of the development.

**Reason:** To safeguard the character of the area.



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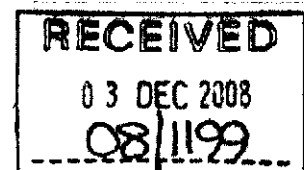
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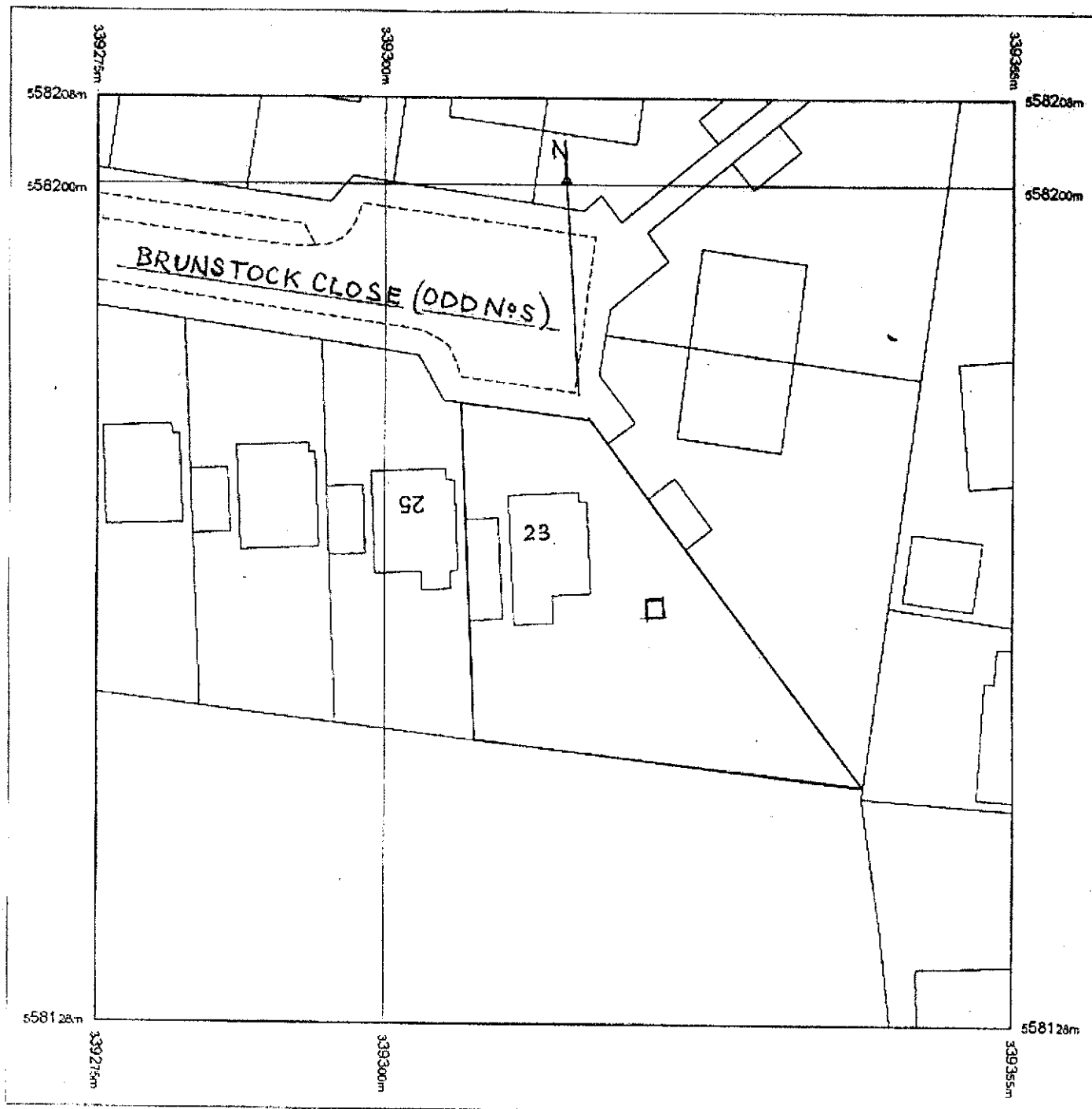


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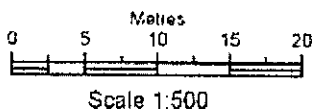
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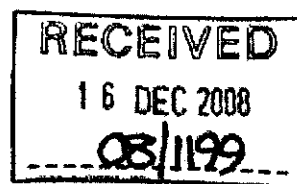
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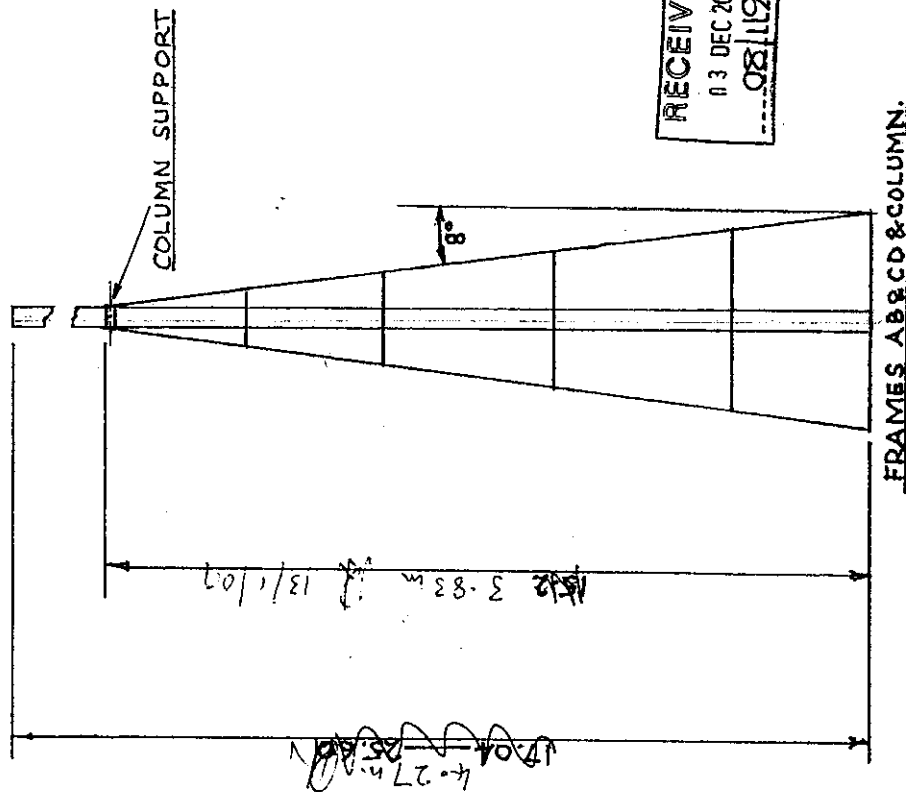
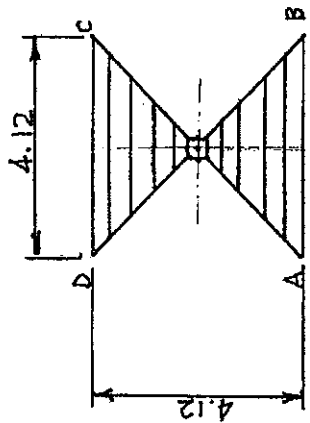
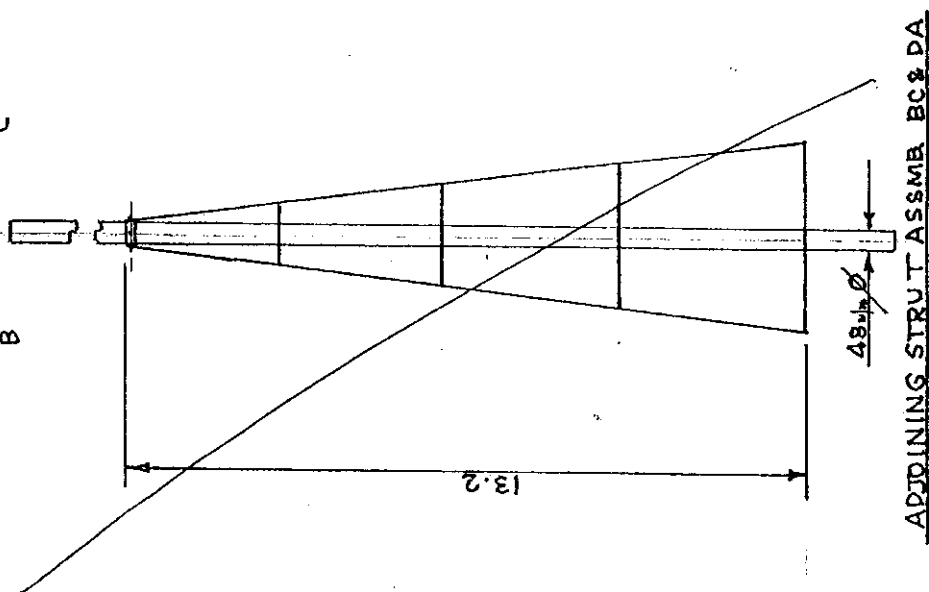
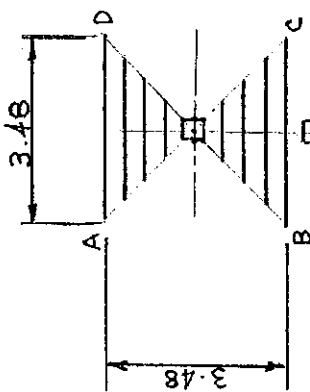
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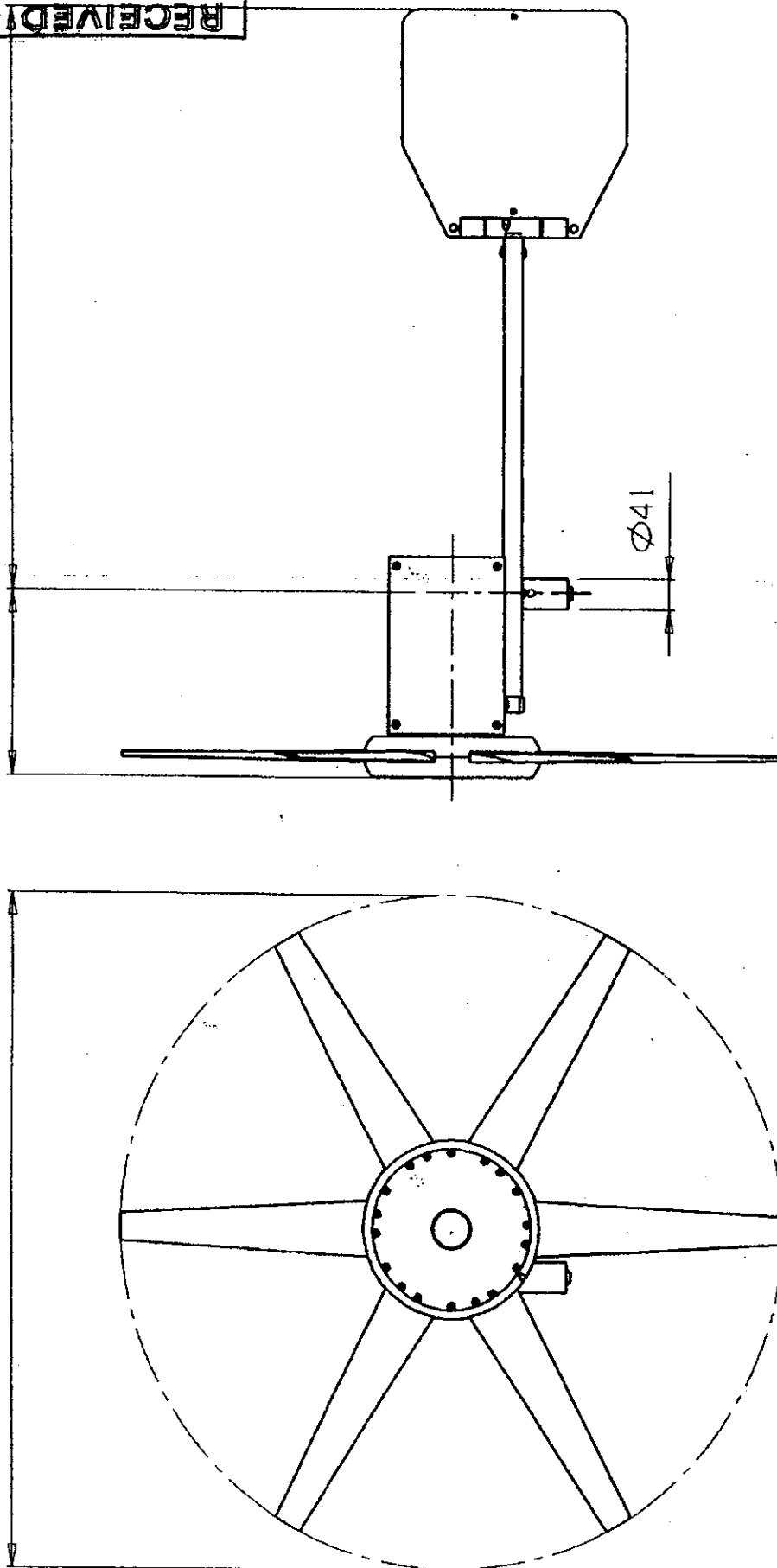
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ALL PARTS TO BE FREE FROM BURRS, SHARP EDGES AND CORROSION. DRAWN IN ACCORDANCE WITH BS308		© MARLEC ENGINEERING CO LTD		DD NOT SCALE		MATERIAL	
UNLESS OTHERWISE SPECIFIED DIMENSIONS IN MILLIMETRES TOLERANCES: LINEAR $\pm 0.25$ ANGULAR $\pm 0.50^\circ$		DRAWN P. FITCHES		WEIGHT 16kg		FINISH	
CHECKED		THIRD ANGLE PROJECTION		SCALE 1:1		TITLE FM910-3 OUTLINE (ROUND TAIL BOOM)	
APPROVED		MARLEC Engineering Co Ltd		A3		DWG No GA-123	
MACHINE WHERE MARKED ✓							

A	06-03-02	P. F.	
ISSUE	DATE	DRAWN	MODIFICATION

## **Rutland Windchargers Turbine Noise**

We are quite regularly asked about noise from our micro wind turbines and this is certainly a reasonable request since they are rotating machines.

It is however difficult to give measured figures since any potential noise generated by the windchargers is influenced by the following factors:

- Application – how the unit is connected electrically
- Installation – proximity to point of noise measurement, type of pole used and method of securing and height eg on a boat is might only be 2M off the deck whereas on land it might be 6M up.
- Location – eg in a park, a school play area, on boats by a river or in a marina, caravan site by the sea, etc
- Environmental noise – the wind itself, traffic, people, machinery, etc.
- Operational characteristics – the turbine operates over a wide spread of windspeeds of therefore rpms (usually no more than 2000rpm)

The variety of rpms coupled with all the other factors and their variations means that almost every installation is individual so measurements for noise need to taken on a local basis relative to the product and distance in question.

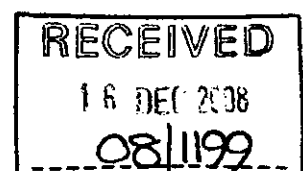
We have looked into producing noise figures for our customers but putting aside the above issues the windchargers are barely audible in light winds and not discernible against the increased ambient noises in high winds. Wind turbines vary considerably from one manufacturer to the next. Our case is assisted by the fact that unlike other manufacturers we do not use a conventional type of alternator but a purpose designed “ironless core” that induces less “magnetic cogging” which contributes to generator noise. In our case the generator itself is completely silent.

The reason for very low aerodynamic noise from our turbines is that the tip speed ratios that cause the “swishing” noises on large-scale turbines are not such an issue. To clarify: the difference in speed between the tip of the blade and its root is very little as the blades are only some 30cm long whereas on a grid-connect turbine blades can be 15m long. In addition the number of blades affects this since the space in time between a blade passing a given point is less with 6 blades than with 3 and that helps to reduce noise.

Finally there may well be mechanical reasons for a wind turbine to be making noise. Imbalance of the blades / hub or worn / rough bearings will generate noise. These issues may develop over time depending on the wear that the product experiences and on the whole can be avoided through regular maintenance and inspection or rectified.

We hope you find the above information useful and if you have any queries please do not hesitate to contact us.

**Marlec Engineering Co Ltd**  
Tel: +44 (0)1536 201588 Fax: +44 (0)1536 400211  
[sales@marlec.co.uk](mailto:sales@marlec.co.uk) [www.marlec.co.uk](http://www.marlec.co.uk)



## SCHEDULE A: Applications with Recommendation

08/1244

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**Item No: 08**

**Date of Committee: 30/01/2009**

**Appn Ref No:**  
08/1244

**Applicant:**  
Foxes

**Parish:**  
Carlisle

**Date of Receipt:**  
22/12/2008

**Agent:**

**Ward:**  
Castle

**Location:**  
18 Abbey Street, Carlisle, Cumbria, CA3 8TX

**Grid Reference:**  
339706 556007

**Proposal:** Variation Of Condition 3 Attached To Planning Approval 02/0675 To Vary The Opening Hours From 0845 Hours To 1730 Hours To Open Between The Hours Of 0830 Hours To 2330 Hours Including Sundays And Bank Holidays

**Amendment:**

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### REPORT

**Case Officer:** Barbara Percival

#### Reason for Determination by Committee:

This application has been brought before Members as a neighbouring resident has requested their Right to Speak at Committee.

#### 1. Constraints and Planning Policies

##### **Listed Building**

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

##### **Conservation Area**

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

##### **Listed Building In A Conservation Area**

The proposal relates to a building listed as being of Special Architectural or Historic Interest and which is situated within the City Centre Conservation Area.

##### **Local Plan Pol CP6 - Residential Amenity**

## SCHEDULE A: Applications with Recommendation

08/1244

Local Plan Pol CP17 - Planning Out Crime

Local Plan Pol EC10 - Food and Drink

Local Plan Pol LE12 - Proposals Affecting Listed Buildings

Local Plan Pol LE16 - Historic Structures and Local Listings

Local Plan Pol LE19 - Conservation Areas

### 2. Summary of Consultation Responses

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

**Environmental Services - Environmental Quality:** no objections to the application;

**Cumbria Constabulary - Crime Prevention:** comments awaited;

**Environmental Services - Food, Health & Safety:** comments awaited;

**Conservation Officer, Development Services:** no comments to make as the application does not affect the character or architectural features of the building.

### 3. Summary of Representations

#### Representations Received

Initial:	Consulted:	Reply Type:
16 Abbey Street	06/01/09	Undelivered
20 Abbey Street	06/01/09	
1 Abbey Walk	08/01/09	Undelivered
2 Abbey Walk	08/01/09	Undelivered
3 Abbey Walk	08/01/09	Undelivered
4 Abbey Walk	08/01/09	Undelivered
5 Abbey Walk	08/01/09	Undelivered
6 Abbey Walk	08/01/09	Undelivered
7 Abbey Walk	08/01/09	
18a Abbey Street	08/01/09	
24 Abbey Street	08/01/09	
12a Abbey Walk	12/01/09	
Flat 1	12/01/09	
Flat 2	12/01/09	
1 Abbey Walk	12/01/09	
2 Abbey Walk	12/01/09	
3 Abbey Walk	12/01/09	
4 Abbey Walk	12/01/09	
5 Abbey Walk	12/01/09	
6 Abbey Walk	12/01/09	
7 Abbey Walk	12/01/09	

## SCHEDULE A: Applications with Recommendation

08/1244

Salvation Army	06/01/09	
29 West Walls	06/01/09	
30 West Walls	06/01/09	Undelivered
31 West Walls	06/01/09	Undelivered
32 West Walls	06/01/09	Undelivered
33 West Walls	06/01/09	
24 Abbey Street		Objection

3.1 This application has been advertised by the direct notification of eighteen neighbouring properties. In response, one e-mail of objection has been received.

3.2 The e-mail identifies the following issues:

1. the nature of the application for late opening is inappropriate to the residential nature of the area e.g. the late exit of customers, noise and the use of the front of the property for smoking;
2. the very enclosed environment at the rear of the property (a very small yard shared by 7 properties) will cause severe distress via noise and rubbish/bottle storage to the adjoining properties;
3. sleep will be disturbed as all of the properties surrounding and adjacent to the "cafe" have bedrooms within 2 to 15 feet of the "cafe" front;
4. also believed, after conversations with the owners, that they may be applying for a drinks licence in the near future.

3.3 A neighbouring occupier also visited the Customer Contact Centre. The neighbour verbally identified the following issues:

1. increase in noise resulting from the change of opening hours;
2. litter from smokers;
3. access arrangements for recycling bins.

## 4. Planning History

4.1 In 1995, under planning reference 95/0386, Listed Building Consent was granted for internal alterations to create a w.c. on the ground floor.

4.2 Also in 1995, under planning reference 95/0387, Full Planning Permission was granted for the change of use of ground floor to cafe.

4.3 In 2001, under planning reference 01/0351, Full Planning Permission was granted for the change of use from furniture shop to Youth Advice Centre with ancillary accommodation.

## **SCHEDULE A: Applications with Recommendation**

08/1244

- 4.4 Again in 2001, under planning reference 01/0427, Listed Building Consent was granted for alterations to shop front comprising of hand painted signage.
- 4.5 In 2002, under planning reference 02/0675, Full Planning Permission was granted for the change of use to cafe/takeaway.

### **5. Details of Proposal/Officer Appraisal**

#### **Introduction**

- 5.1 The application seeks to extend the opening hours of premises at 18 Abbey Street. The premises, which has planning permission to operate as a cafe, is located within a historic part of the city. The building is Grade II Listed located within the City Centre Conservation Area.

#### **Background**

- 5.2 In 2002, under planning reference 02/0275, Full Planning Permission was granted for the change of use of 18 Abbey Street to a cafe. The application site is situated in an area that comprises a mixture of commercial and residential properties that are located on Abbey Street, West Walls, Castle Street and within the grounds of the Cathedral. Within the immediate vicinity of the site are several residential properties, the nearest of which are located directly above, to the rear and to the east of the property.
- 5.3 When planning permission was granted in 2002, several conditions were attached to the consent and in particular, condition 3 that reads:  
  
*"The premises shall not be open for trading except between the hours of 0845 hours and 1730 hours on Mondays to Saturdays and shall not trade at any time on Sundays or Statutory Holidays".*
- 5.4 When the current application was received, the applicant originally sought to vary the permitted trading hours to enable opening between 0830 hours and 0100 hours seven days per week. These hours have now been revised to allow trading from between 0830 hours and 2330 hours seven days per week. This would bring the opening hours in line with the other licensed premises on Abbey Street, 'Fats'.

#### **Assessment**

- 5.5 The relevant planning policies against which the application is required to be assessed are Policies CP6, CP17, EC10, LE12, LE16 and LE19 of the Carlisle District Local Plan 2001-2016.
- 5.6 The proposals raise the following planning issue:

1. The Impact Of The Proposal On The Living Conditions Of Neighbouring Residents
- 5.7 Policies CP6 and EC10 of the Local Plan seek to protect the living conditions of neighbouring residents from development which would create an unacceptable disturbance to occupiers, recognising that uses could have the potential to create disturbance through anti-social behaviour and noise. Criterion 5 of Policy EC10 reiterates this by stating that opening hours will be imposed on development having regard to the surrounding uses, the character of the area and the possibility of disturbance to residential areas.
- 5.8 Within the immediate vicinity there is a licensed premises ('Fats') which has planning permission to operate between the hours of 1100 hours and 2330 hours. In 2006, an application was refused to extend these hours from:  
  
Sundays - 11.00am to 12.30am;  
Monday to Thursday - 11.00am to 12.50am;  
Friday to Saturday - 11.00am to 1.50am;  
Christmas Eve, Easter Sunday and Public Holidays - 11.00am to 2.00am; and  
New Years Eve - 11.00am to 5.00am.
- 5.9 The decision was subsequently upheld at appeal, the Inspector outlining in his letter that the revised hours proposed would harm the living conditions of the occupiers of nearby houses contrary to the objectives of the adopted and emerging Development Plan.
- 5.10 Following discussions with Officers the current applicants has revised the application so that the closing hours of operation correspond with those imposed on 'Fats' i.e. 2330 hours.
- 5.11 Following normal practice and in order to ascertain the possible impact of these opening hours on the potential for noise and disturbance, the City Council's Environmental Health Division and Cumbria Constabulary's Crime Prevention Officer have been consulted. Their comments are currently awaited; however, the Crime Prevention Officer has verbally intimated that there would be no objections to the premises operating until 2330 hours.

### **Conclusion**

- 5.12 In overall terms, given that there are existing licensed premises within the immediate vicinity, thereby setting a precedent. it is considered that the proposed opening hours are not unreasonable. In all aspects the proposal is considered to be compliant with the objectives of the relevant adopted Development Plan policies.

## **6. Human Rights Act 1998**

## SCHEDULE A: Applications with Recommendation

08/1244

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

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

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

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

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

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

### 7. **Recommendation** - 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.

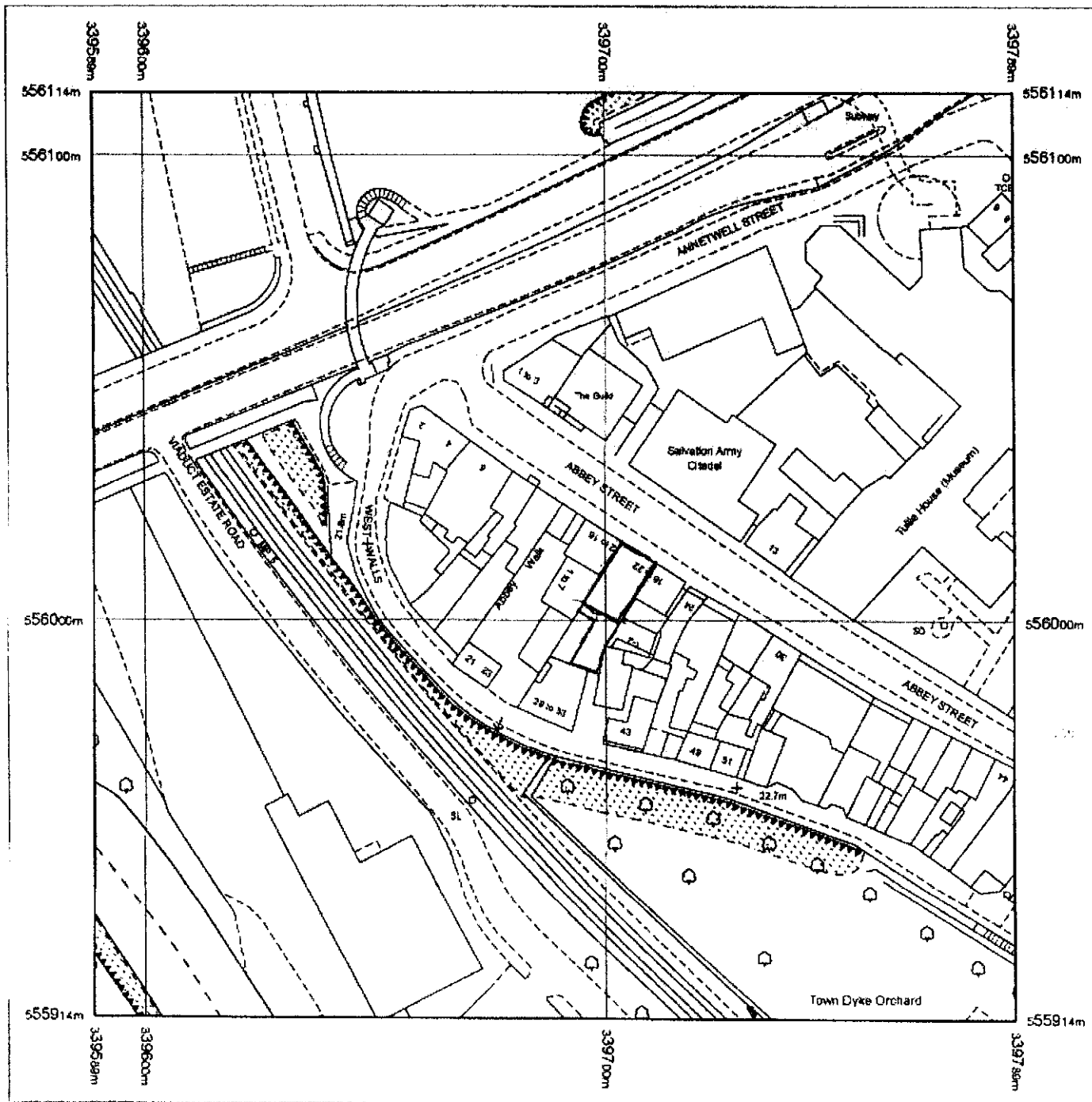
**Reason:** In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 ( as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The premises shall not be open for trading except between the hours of 0830 hours and 2330 hours.

**Reason:** To prevent disturbance to nearby occupants in accordance with the objectives of Policies CP6 and EC10 of the Carlisle District Local Plan 2001-2016.

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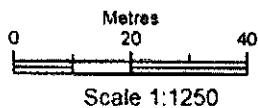
Produced 19.12.2008 from the Ordnance Survey National Geographic Database and incorporating surveyed revision available at this date. © Crown Copyright 2008.

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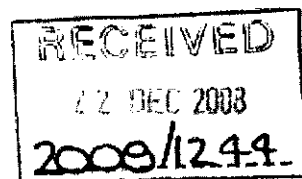
The representation of a road, track or path is no evidence of a right of way.

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



Supplied by: **Carlisle Library**  
Serial number: 00035000  
Centre coordinates: 339689 556013.5

Further information can be found on the OS Sitemap Information leaflet or the Ordnance Survey web site:  
[www.ordnancesurvey.co.uk](http://www.ordnancesurvey.co.uk)



## SCHEDULE A: Applications with Recommendation

08/1233

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**Item No: 09**

**Date of Committee: 30/01/2009**

**Appn Ref No:**  
08/1233

**Applicant:**  
Mr A Nicholson

**Parish:**  
Stanwix Rural

**Date of Receipt:**  
15/12/2008

**Agent:**  
Ian Carrick (Designs)

**Ward:**  
Stanwix Rural

**Location:**  
Little Bobbington, The Knells, Carlisle, CA6 4JG

**Grid Reference:**  
341122 560307

**Proposal:** First Floor Extension Above Existing Garages To Provide A Study Room  
(Resubmission)

**Amendment:**

---

### REPORT

**Case Officer:** Angus Hutchinson

#### **Reason for Determination by Committee:**

A neighbouring resident wishes to exercise his Right to Speak.

#### **1. Constraints and Planning Policies**

Local Plan Pol CP5 - Design

Local Plan Pol H11 - Extns to Existing Resid. Premises

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

#### **2. Summary of Consultation Responses**

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

**Stanwix Rural Parish Council:** resolved to object to the above planning application under the grounds that by reason of its scale, the proposal, if permitted, would:

- a) be intrusive and over-dominant in respect of neighbouring property Parkside';
- b) be destructive of that property's character and setting and;

## SCHEDULE A: Applications with Recommendation

08/1233

- c) would thus have an adverse impact upon the residential amenity of 'Parkside';
- d) the proportions and aspect of the proposed southern elevation may be sufficient to affect the horticultural conditions in the immediately adjacent garden of 'Parkside';
- e) present a highly visible and over-dominant intrusion into the local rural landscape.

The Parish Council therefore considers the proposal to be contrary to policies CP5 Design; CP6 Residential Amenity; H11 Extensions to Existing Residential Premises; of the Carlisle District Local Plan 2001 – 2016, (adopted September 2008).

The Parish Council has also observed that the proposed extension is to be built over 4 garages that it would assume to contain petrol and perhaps petrol vapour, or other volatile products. Concerns are raised that the only apparent means of fire escape is via an internal stairway descending into the garages;

**Hadrians Wall Heritage Limited:** comments awaited;

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

### 3. Summary of Representations

#### Representations Received

Initial:	Consulted:	Reply Type:
San Giorgi	17/12/08	
Knells Lodge	17/12/08	
Parkside	17/12/08	Objection

3.1 This application has been advertised by means of a site notice as well as notification letters sent to 3 neighbouring properties. There have been 2 responses from 1 neighbour. This same neighbour has requested the Right To Speak. The issues raised include:

1. the array of garages built exceed the front building line by 2.6 m and the rear building line by 6 m approximately;
2. they dominate the side garden, be intrusive, unsightly, dominate and overshadow the bungalow and its associated garden;
3. harm bird life;
4. the development would be visibly intrusive and totally out of character;
5. Little Bobbington has been extended to the limits of its boundaries;

## **SCHEDULE A: Applications with Recommendation**

08/1233

6. the proposed extension would dominate the original property;
7. do not consider it valid to make a comparison between development at the Knells and the linear development at the beginning of the Scaleby road - they are two distinctly separate street scenes separated from one another by 0.5 miles of rough pasture land.

### **4. Planning History**

- 4.1 In 2001, under application 01/0635, full planning permission was granted for the erection of a two storey extension and roof dormer.
- 4.2 In 2003, under applications 03/1160 and 03/1418, planning permission was granted for the formation of new access to a paddock at Land adjacent to Little Bobbington.
- 4.3 In 2006, under application 06/1422, full planning permission was granted for erection of single storey extension to front elevation.
- 4.4 In May 2007, under application 07/0347, full planning permission was granted for a first storey extension providing additional living accommodation and detached garages.
- 4.5 In December 2007, under application 07/1227, full planning permission was granted for a proposed entrance porch to front elevation and additional garage adjoining existing.
- 4.6 In April 2008, under application 08/0146, full planning permission was granted for a revision to approved garages.
- 4.7 In September 2008, application 08/0923, permission was sought and then withdrawn for the erection of a first floor extension above the existing garages.

### **5. Details of Proposal/Officer Appraisal**

#### **Introduction**

- 5.1 Little Bobbington is a two storey detached house located on the eastern side of the Houghton and Barclose/Scaleby road. The application site forms part of an isolated ribbon of development that is separated from Houghton by the M6 and A689. To the immediate south there is a bungalow at Parklands and the properties known as Parkfoot and Seefeld. To the north there are two single storey dwellings in the form of San Giorgi and Knells Lodge (a grade II Listed Building). Approximately 210 metres to the north of Knells Lodge there

## **SCHEDULE A: Applications with Recommendation**

08/1233

is further scattered development based around Knells House also a grade II Listed Building.

- 5.2 The road frontage of Little Bobbington is 24 metres in length with the "front" garden containing two mature trees, a lawn and the respective vehicular access and driveway. A 1.8 metre high timber fence delineates the western, northern and southern boundaries.
- 5.3 The application site falls within the Hadrian's Wall Military Zone World Heritage Site Buffer Zone. A public footpath with direct access from the Barclose/Scaleby road lies approximately 240 metres to the north of Knells Lodge.

### **Background**

- 5.4 In May 2007, under application 07/0347 planning permission was given for a first storey extension providing additional living accommodation above the existing dwelling, together with the erection of 2 no. garages adjacent to the southern boundary with "Parkside". In December 2007, application 07/1227, permission was given for an entrance porch and the erection of an additional garage as a continuation of the block approved under 07/0347. Furthermore, in April 2008, under application 08/0146, permission was granted to increase the length of the garage block from 13.85 metres to 14.27 metres and install a total of four garage doors. The width of the aforementioned block tapers from 7.45 metres to 4.6 metres.
- 5.5 In September last year, application 08/0923, permission was sought and then withdrawn for the erection of a first floor extension above the existing garages.
- 5.6 The current application represents a re-submission of application 08/0923 and seeks permission to erect a first floor above the garages to create a study, music and games room. The eaves height of the proposed first floor is 5 metres; the ridge height of the "flat topped" hipped roof is 6 metres. The submitted plans also show the insertion of four, 4 pane windows - see attached copies of plans.
- 5.6 During the Case Officer's site visit for application 08/0923, the applicant explained that the existing house (with the extension approved as part of 07/0347) has a total of four bedrooms and a box room; he and his wife and son currently reside at the premises; the intention with the application is to create an ancillary recreational space; and, externally the proposal would have a wet dash render finish with light oak upvc window frames and green Brazillian slates on the roof.
- 5.7 In response to the objections raised by the occupant of Parkside dated 27<sup>th</sup> December 2008 and 6<sup>th</sup> January 2009, the applicant has stated, amongst other things, that:
  - 1) the garages referred to have received planning approval therefore are not

## **SCHEDULE A: Applications with Recommendation**

08/1233

relevant to this application;

2) doubt as to the measurements quoted in the objection as they differ from the actual measurements as per the block plan submitted;

3) the alleged dominance of the garages has been referred to in previous approved applications therefore is not relevant to this application;

4) the objector's reference to 'Intrusive' has been referred to in previous approved application therefore is not relevant to this application;

5) the reference to the 'blank brick wall' and its size is misleading as the proposed finish is not of brick and the measurements used are incorrect;

6) the approved application 02/0456 sets a precedent in this matter;

7) the sun rises in the east and sets in the west - please refer to the block plan as to the position of the objector's property which makes his comments in relation to the property being overshadowed as wrong and misleading;

8) the reference to wildlife and destruction of trees and a hedge is misleading as the objector has failed to provide evidence of this;

9) the objector's reference to 'projection and unsightly' is unfounded, the proposed building will not shadow the objector's property for reasons highlighted earlier;

10) the objector's reference to 'cut out the sky', 'unsightly to road users' and 'not within the street scene' has been addressed earlier referring to the properties position;

11) the objector's reference to how the application property once looked and to the overlooking bedroom window are not relevant to this application;

12) the properties boundaries have not been extended to there limits - see submitted block plan;

13) the properties present living space is not at issue within this application; and

14) the objectors references to the proposal and the Knells hamlet are confusing.

### **Assessment**

5.8 When assessing this application the relevant planning policies are considered to be CP5, H11 and LE7 of the Carlisle District Local Plan 2001-2016. In such a context the two main issues are:

1) the effect of the proposal on the living conditions of the neighbouring

residents at Parkside with regard to daylight and visual intrusion; and

2) whether the proposal safeguards the character of the area.

- 5.9 In the case of living conditions, Policy H11 of the Local Plan says that extensions should not adversely affect the amenities of adjacent properties by poor design, unreasonable overlooking and/or unreasonable loss of daylight and sunlight. Criterion 5 of Policy CP5 also states that all new development should ensure that there is no adverse effect on the residential amenity of existing areas or adjacent land uses.
- 5.10 It is evident that the proposed first floor relates to a structure built up to the boundary with Parkside. The proposal would lead to the construction of a blank wall 5 metres high and 14.27 metres in length. The resultant structure projecting approximately 2.5 metres beyond the "front" wall of Parkside. It is acknowledged that there are no windows in the northern elevation of Parkside facing the proposed development. In addition, there is existing planting within the side garden of Parkside although this would provide only a limited screening effect. This aside, the proposal will result in a relatively large built feature that is considered to be unacceptably dominating and highly intrusive.
- 5.11 Criteria 1 and 4 of Policy CP5 explain that all new development should respond to the local context and the form of surrounding buildings in relation to height, scale and massing, and by making use of appropriate materials and detailing (criterion 1); and ensure all components are well related to one another to ensure a well integrated and attractive development (criterion 4).
- 5.12 The proposal because of the resultant size of the structure, projection forward, limited frontage and prominent location (in the context of the existing single storey dwellings neighbouring the site) is considered to be a discordant feature detrimental to the character of the area.
- 5.13 The applicant has alleged that a precedent has been set with regard to the development at Cavalaire approved under application 02/0456 - see attached photographs and plans. However, it is considered that a number of distinctions can be made between 02/0456 and the current proposal in that: the proposals are different; there is a different relationship to the neighbouring properties at Knells Croft and Casita; the outlook from the respective properties is different; and, Cavalaire is viewed in the context of the existing form of development at Knells Farm/Knells Farm Cottages. In effect it is considered that the permission given under 02/0456 does not set a direct precedent for development at Little Bobbington beyond the fact that the Council has allowed development to take place forward of the main wall fronting a highway but that, in the form of the garages at Little Bobbington, has already taken place. The development at Cavalaire does, however, illustrate the concerns over the current proposal - as a point of reference, the eaves height of the development at Cavalaire, when measured from Knells Croft is 2.7 metres.

## SCHEDULE A: Applications with Recommendation

08/1233

### Conclusion

- 5.14 The proposal is considered to be contrary to policy and therefore recommended for refusal.

### 6. Human Rights Act 1998

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

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

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

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

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

- 6.3 The proposal has been considered against the above. The applicants rights are respected but based on the foregoing it is considered that any personal considerations do not in this instance out-weigh the harmful effect on the character of the area and living conditions of neighbouring residents.

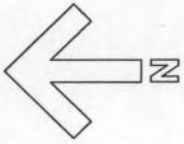
### 7. Recommendation - Refuse Permission

1. **Reason:** Little Bobbington is a detached two storey house forming part of an isolated ribbon of development immediately neighboured by single storey dwellings within the designated Hadrian's Wall Military Zone World Heritage Site Buffer Zone. The proposed first floor, because of the resultant size of the structure, detailing and the highly visible way it projects forward, is considered to be a discordant feature detrimental to the character of the area. The proposal is therefore considered to be contrary to Policies H11, LE7 and criteria 1 and 4 of Policy CP5 of the Carlisle District Local Plan 2001-2016.
2. **Reason:** Little Bobbington is a two storey detached house immediately neighboured by single storey dwellings. The proposed first

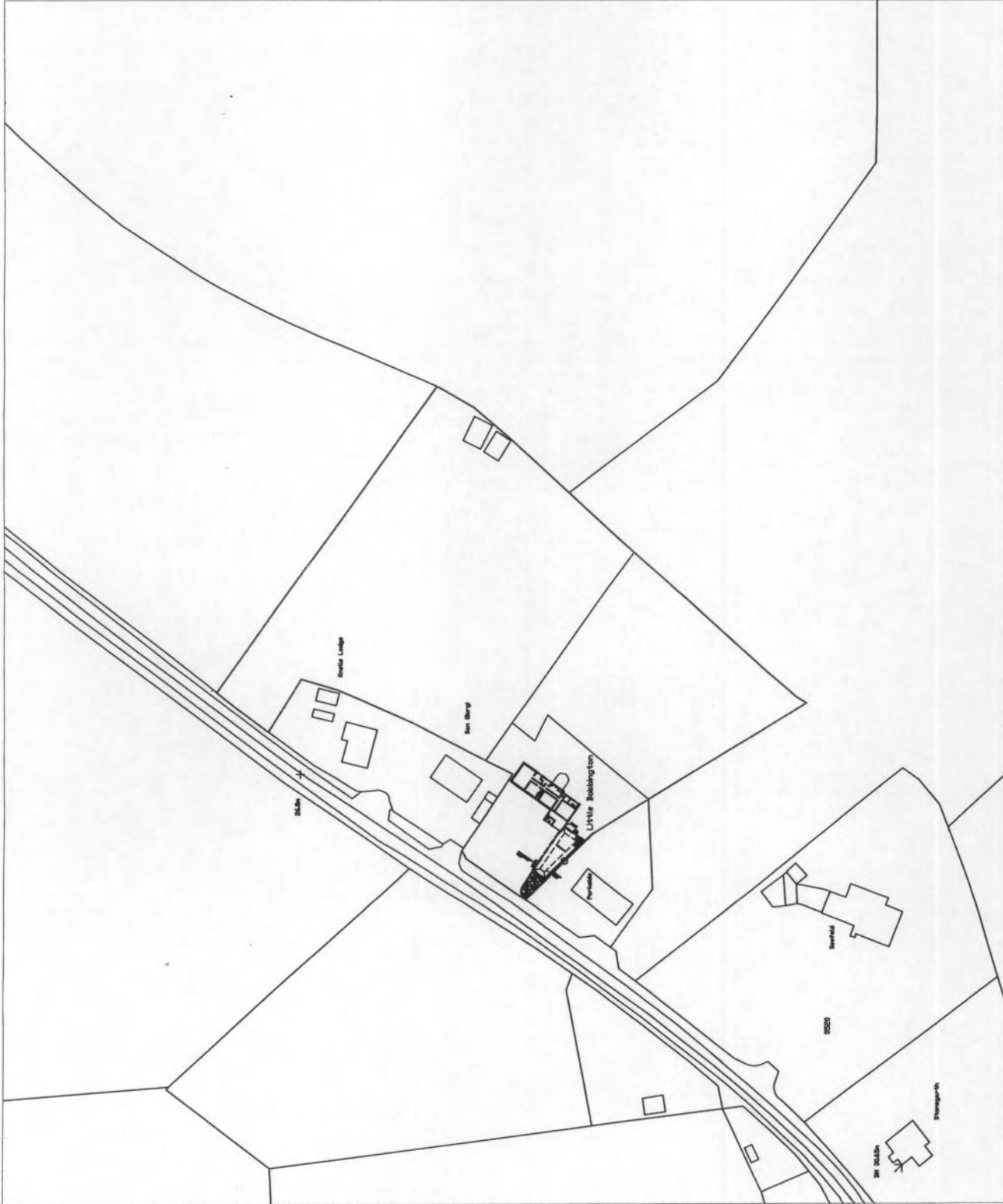


floor, with its associated blank wall 5 metres in height and 14.27 metres in length running along the southern boundary, will result in a relatively large built feature that is considered to be unacceptably dominating to the detriment of the living conditions of the occupiers of the bungalow known as Parkside. The proposal is therefore considered to be contrary to criterion 5 of Policy CP5 and Policy H11 of the Carlisle District Local Plan 2001-2016.

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Location plan  
Scale 1:1250



It is the responsibility of the client to thoroughly check all drawings. Any amendments must be brought to the attention of Ian Carrick(Designs). Ian Carrick(Designs) accepts no responsibility or liability for loss or damage arising from mistakes within the drawing.

Information contained within this drawing relates to the visual & spatial impact only. All works must be carried out in full compliance with the current regulations & standards. Dimensions to be measured & checked on site. All drainage to be of Local Authority approval.

Client Mr Anthony Nicholson Scale 1:1250  
Ref Little Bobbington Date 7/9/08  
The Knells, Carlisle CA6 4JG  
Title Study/gamesroom  
Drwg No 1 Rev  
Sheet 1 Of 6

Ian Carrick  
(Designs)©2008  
Barn Cottage 3 Howgate  
Newbiggin Penrith CA11 0HT  
017684 83175

0.8 | 1233



Knells Lodge

San Glorzi

Little Bobbington,

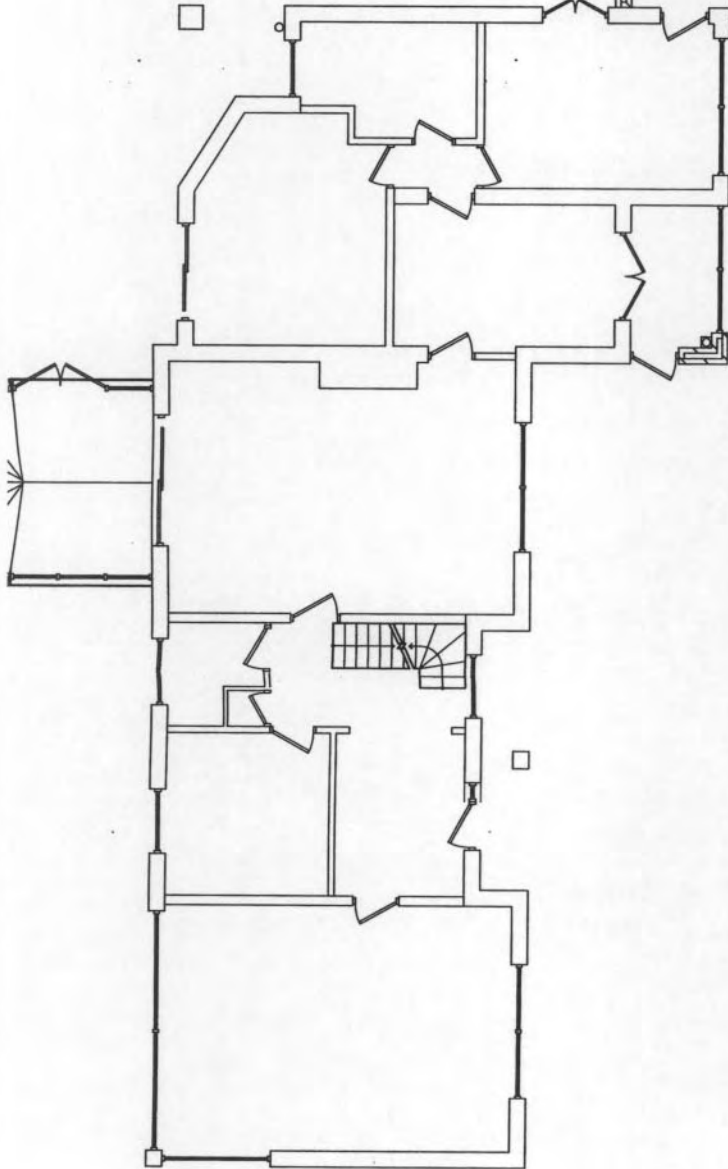
Parkside

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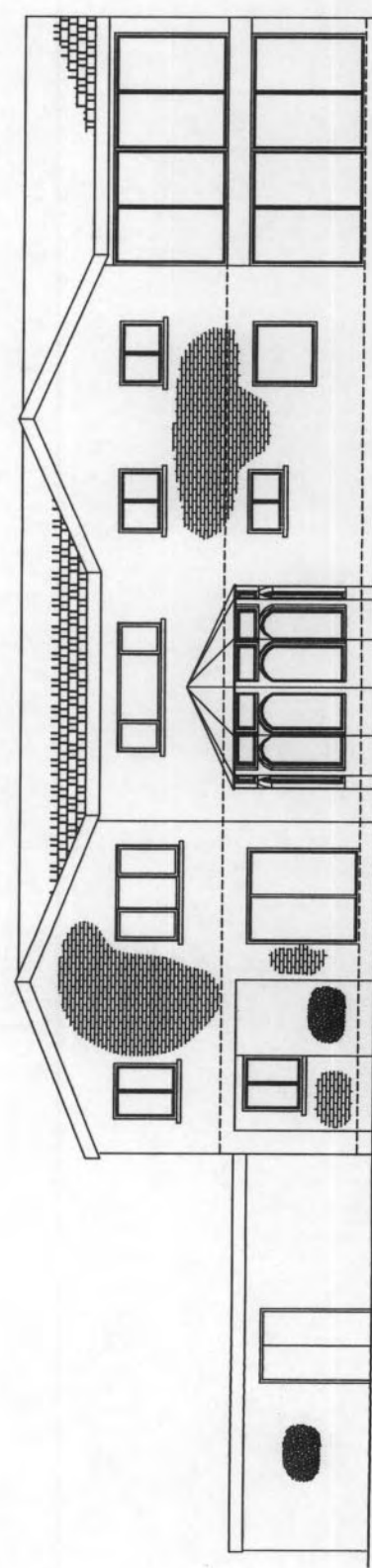
Client Mr Anthony Nicholson  
Ref Little Bobbington  
The Knells, Carlisle CA6 4JG  
Title Study/gamesroom  
Drwg No 1 Rev  
Sheet 2 Of 6

Ian Carrick  
(Designs)©2008  
Barn Cottage 3 Howgate  
Newbiggin Penrith CA11 0HT  
017684 83175



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08/1233

Existing plan  
Scale 1:100



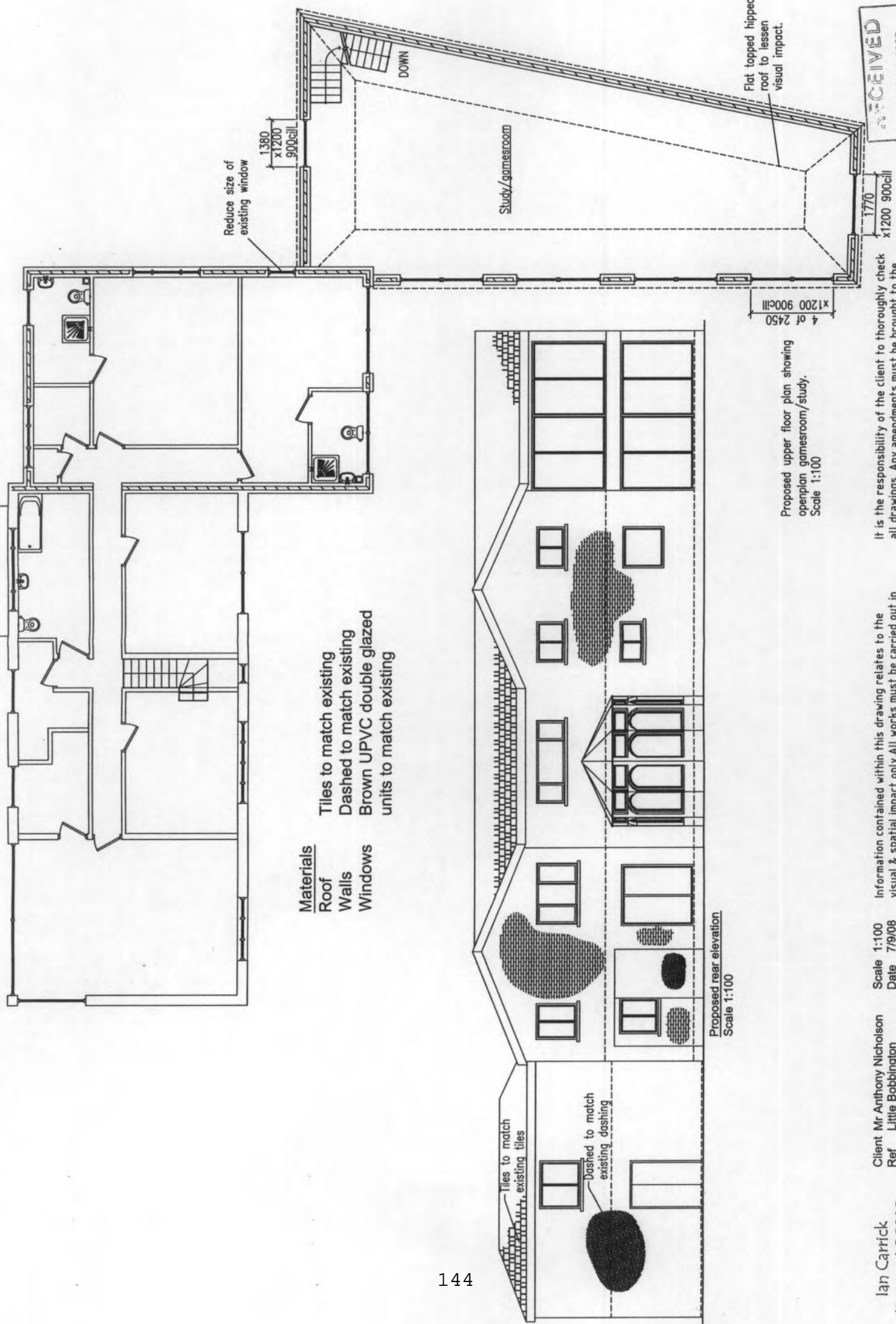
Existing rear elevation  
Scale 1:100

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Client Mr Anthony Nicholson  
Ref Little Bobbington  
The Knells, Carlisle CA6 4JG  
Title Study/gamesroom  
Drwg No 1 Rev A  
Sheet 3 Of 6

Ian Carrick  
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Barn Cottage 3 Howgate  
Newbiggin Penrith CA11 0HT  
017684 83175



Proposed upper floor plan showing openplan gamesroom/study.  
Scale 1:100

Proposed rear elevation  
Scale 1:100

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15 DEC 2003  
08/1233

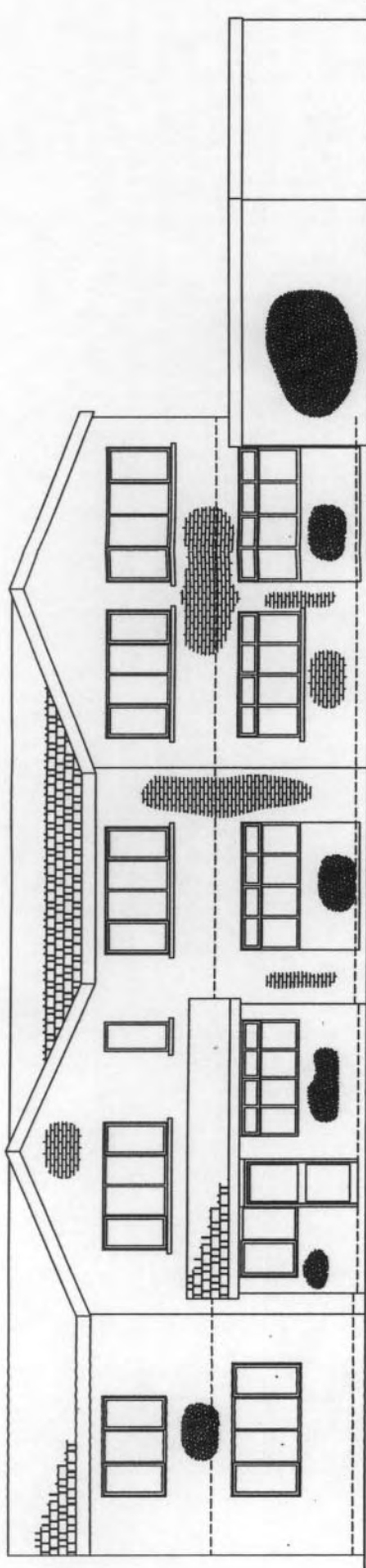
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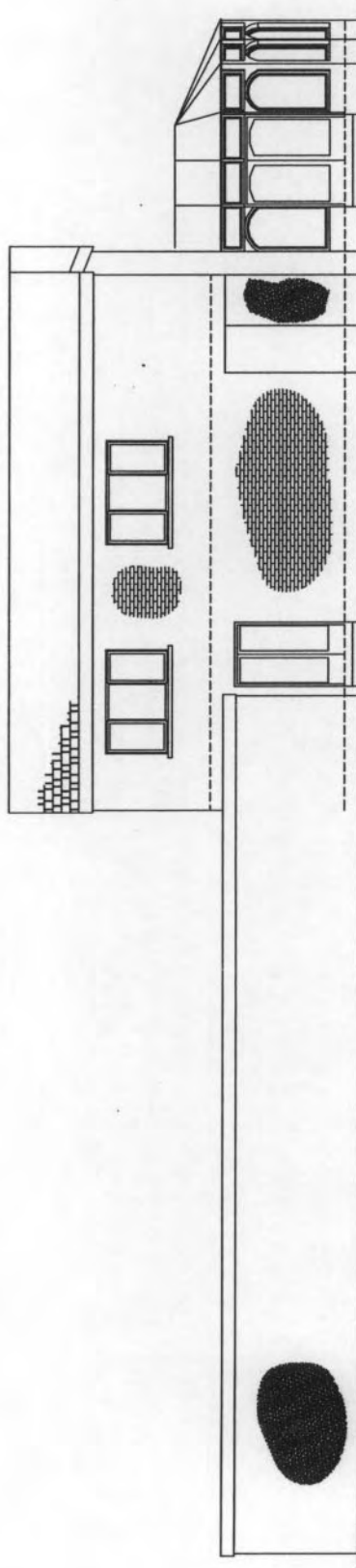
Client Mr Anthony Nicholson  
Ref Little Bobbington  
The Knells, Carlisle CA6 4JG  
Title Study/gamesroom  
Drwg No 1 Rev A  
Sheet 5 Of 6

Scale 1:100  
Date 7/9/08  
Date 7/9/08  
Date 7/9/08

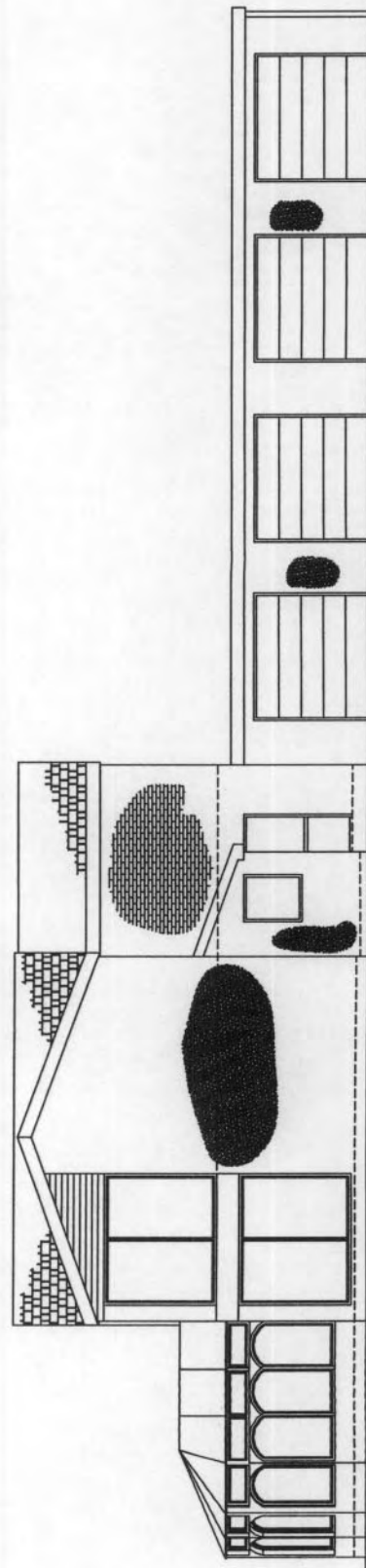




Existing front elevation  
Scale 1:100



Existing right elevation  
Scale 1:100



Existing left elevation  
Scale 1:100

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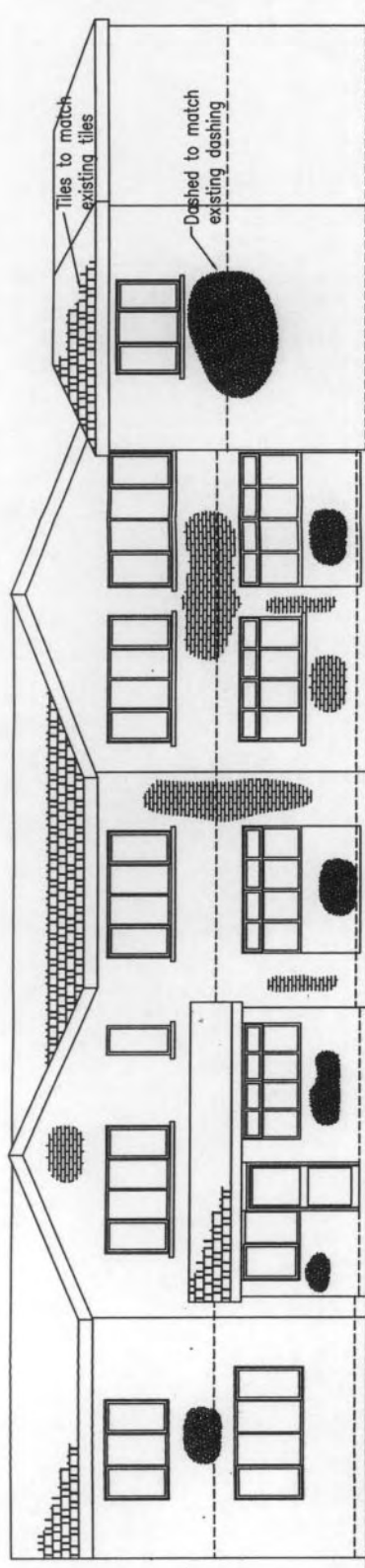
Client Mr Anthony Nicholson  
Ref Little Bobbington  
The Knells, Carlisle CA6 4JG  
Date 7/9/08  
Title Study/gamesroom  
Drwg No 1 Rev A  
Sheet 4 Of 6

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(Designs) ©2008  
Barn Cottage 3 Howgate  
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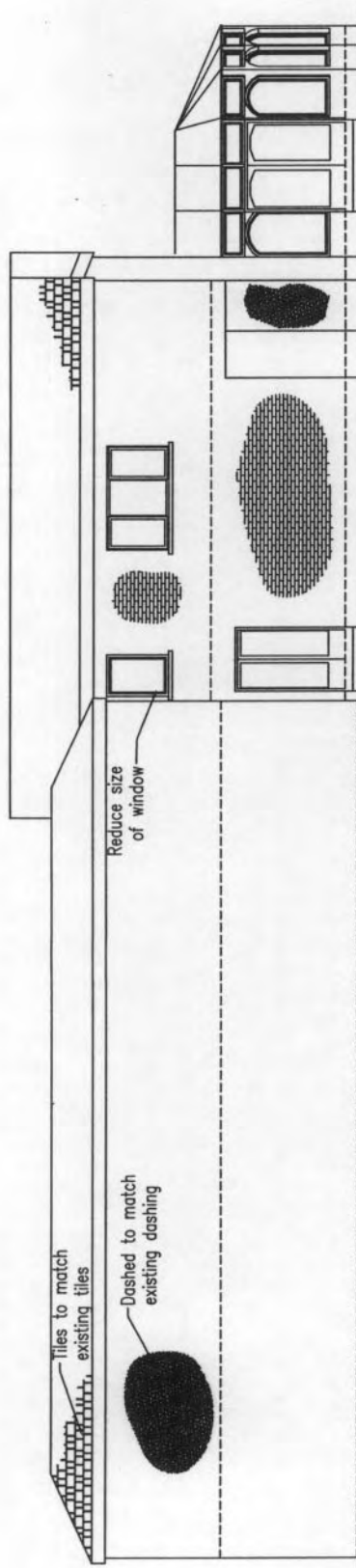
It is the responsibility of the client to thoroughly check all drawings. Any amendments must be brought to the attention of Ian Carrick (Designs). Ian Carrick (Designs) accepts no responsibility or liability for loss or damage arising from mistakes within the drawing.

**Materials**  
**Roof**  
**Walls**  
**Windows**

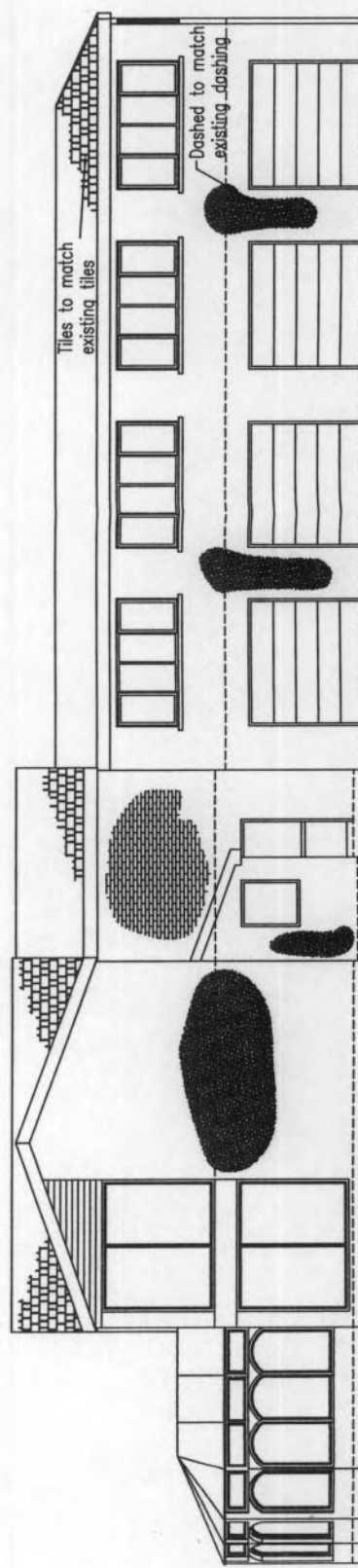
Tiles to match existing  
 Dashed to match existing  
 Brown UPVC double glazed  
 units to match existing



Proposed front elevation  
 Scale 1:100



Proposed right elevation  
 Scale 1:100



Proposed left elevation  
 Scale 1:100

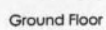
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Client Mr Anthony Nicholson  
 Ref Little Bobbington  
 The Knells, Carlisle CA6 4JG  
 Title Study/gamesroom  
 Drwg No 1 Rev A  
 Sheet 6 Of 6


Client Mr Anthony Nicholson  
 Ref Little Bobbington  
 The Knells, Carlisle CA6 4JG  
 Title Study/gamesroom  
 Drwg No 1 Rev A  
 Sheet 6 Of 6

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**CITY OF CARLSLE**  
**TOWN & COUNTY PLANNING ACT 1990**  
**ARTICLE 10(1) ORDERS AND REGULATIONS**  
**THEREUNDER**  
 The application has been Approved & Granted under  
 the Town & Country Planning Act 1990 and the terms  
 of the Conditions of Approval & Granted under  
 the said Act.  
 Date: 10 OCT 1992 Head of Planning, Services

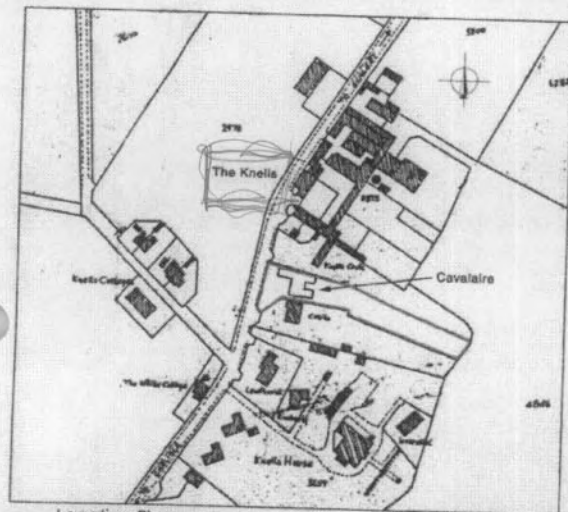
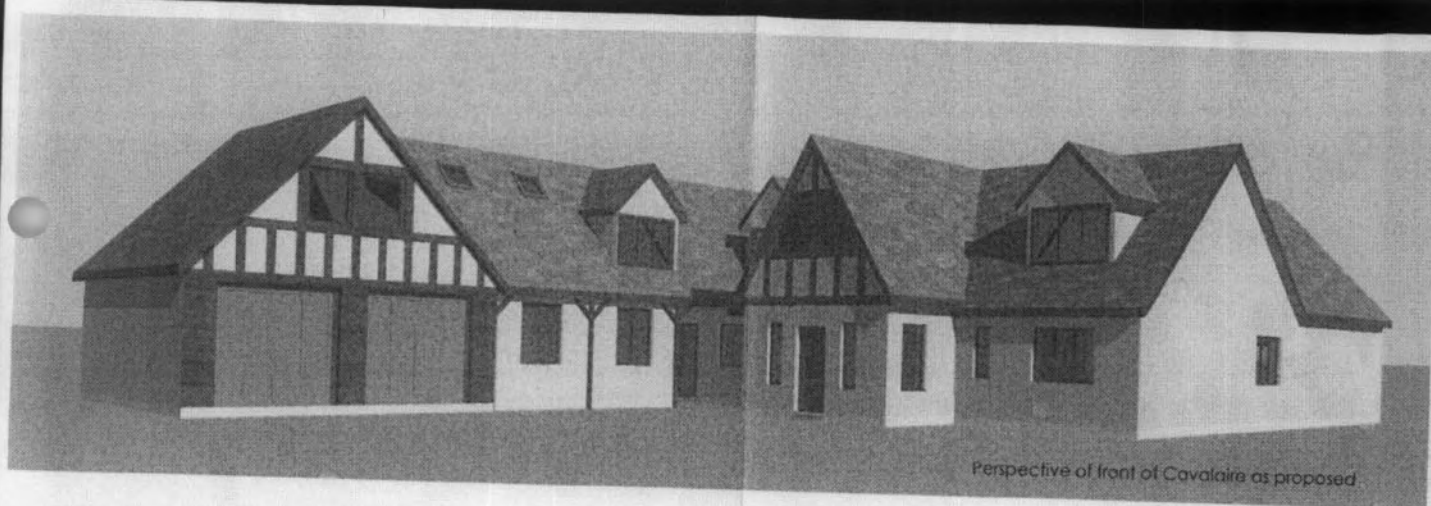
client	Mr & Mrs P Rheinbach	date submitted	01/01/02
project	Alterations and Extensions to Cavalotte, The Ennals, Carlisle	drawn by	0121/02
site	Ground & first floor plans not prepared	room	area A



Planning Phase - Homely Green Business Park - Carlisle - CA1 2SS - 01202 959999







Scale 1:2500

RECEIVED  
21 APR 2002  
2002/0456

CITY OF CARLISLE  
TOWN & COUNTRY PLANNING ACT 1990  
AND ASSOCIATED ORDERS AND REGULATIONS  
THEREUNDER

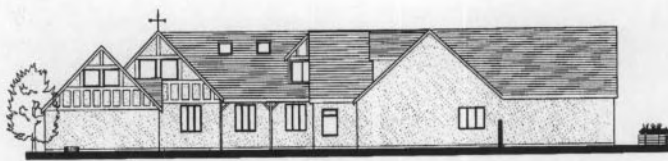
This application has been Approved / ~~Refused~~ under  
the above Act and Regulations in accordance with the terms  
of the official Notice of Approval / ~~Refusal~~ under  
Application  
Reference No: 2002/0456  
Date: 04 OCT 2002

Head of Planning Services

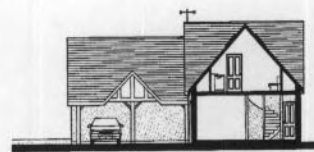
Mr & Mrs P Rheinbach  
Alterations and Extensions to  
Cavalra, The Knells, Houghton, Carlisle

Perspective and Location Plan

ROL  
DESIGN  
ARCHITECTURE  
INTERIORS  
GRAPHICS



Side (South) Elevation



East Elevation to Car Port

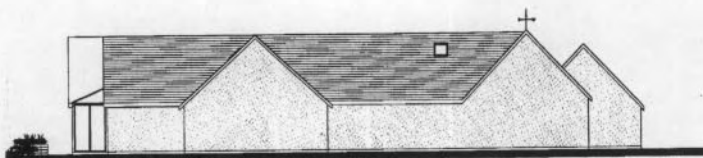


Section

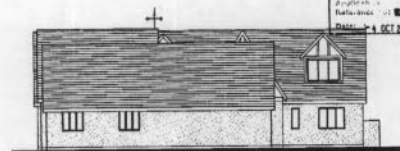


Rear (East) Elevation

NOTES  
1. ALL WORK TO BE DONE IN ACCORDANCE WITH THE BUILDING REGULATIONS 2006.  
2. THE CLIENT HAS AGREED TO THE PROPOSED WORK.  
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Side (North) Elevation



Elevation towards road

drawn	Mr & Mrs P. Thompson	scale	1:100
project	Alterations and Extensions to Cambridge, The Grange, Carleke	sheet	PS
date	01/21/03	sheet	A
title	Alterations/Extensions as proposed	sheet	A
<small>           Temporary House - Riverside Green Business Park, Carleke - G11 2BQ - 01223 399999            No liability is accepted for any loss or damage caused by the use of the drawings without the written consent of the architect.         </small>			



## SCHEDULE A: Applications with Recommendation

08/1108

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**Item No: 10**

**Date of Committee: 30/01/2009**

**Appn Ref No:**

08/1108

**Applicant:**

Carlisle Diocesan Charity  
Shop Network

**Parish:**

Carlisle

**Date of Receipt:**

19/11/2008

**Agent:**

**Ward:**

Morton

**Location:**

31 Stonegarth, Morton Park, Carlisle, Cumbria, CA2  
6PD

**Grid Reference:**

338190 554644

**Proposal:** Change Of Use From D1 To A1 (No Change To Exterior)

**Amendment:**

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### REPORT

**Case Officer:** Colin Godfrey

#### **Reason for Determination by Committee:**

This application is brought before the Development Control Committee because an objector wishes to exercise his Right to Speak.

#### **1. Constraints and Planning Policies**

**Local Plan Pol CP6 - Residential Amenity**

**Local Plan Pol EC7 - Neighbourhood Facilities**

**Local Plan CP15 - Access, Mobility and Inclusion**

#### **2. Summary of Consultation Responses**

**Cumbria County Council - (Highway Authority):** Taking into account the existing/previous use of the property, it is considered that the proposal will be unlikely to have a material affect on existing highway conditions. I can therefore confirm that the Highway Authority has no objection to the proposal.

**Development Services Planning & Housing Services - Access Officer:** The pictures of this property identify a step at the front entrance. Under the Disability Discrimination Act, service providers have a duty to make reasonable adjustments to ensure access for disabled people.

## SCHEDULE A: Applications with Recommendation

08/1108

It is recommended that level access be achieved at the entrance to this property for the benefit of future service users. Advice should be sought on various solutions. It is beneficial to address this problem now as if it is deemed at a later date that you have failed to make reasonable adjustments, it could mean that you are acting unlawfully. This could result in a court case, a fine and negative publicity for your business.

The door of the disabled toilet currently shows opening outwards towards the door of the female toilets causing an obstruction. It is recommended to have the door open outwards towards the wall of the gents toilet.

Policy CP15 of the Carlisle District Local Plan 2001-2016 should be complied with as well as Approved Document M. Applicants should be aware of their duties within the DDA.

**Environmental Services - Environmental Quality:** No observations.

### 3. Summary of Representations

#### Representations Received

Initial:	Consulted:	Reply Type:
	44 Stonegarth	21/11/08
	46 Stonegarth	21/11/08
	29 Stonegarth	21/11/08
	27 Lowther Browns	21/11/08
Lonning		
Stonegarth		
	48 Stonegarth	21/11/08
	Stonegarth	21/11/08
Stonegarth		
	23A Stonegarth	21/11/08
	25A Stonegarth	21/11/08
	Newsagents	21/11/08
	27a Stonegarth	21/11/08
	29A Stonegarth	21/11/08
	42 Stonegarth	21/11/08
	Saint Luke's Vicarage	
	Saint Lukes Church	Objection Petition

3.1 This application has been advertised by means of a site notice as well as notification letters sent to 14 neighbouring properties. One written objection has been received during the notification period on the basis that the legal process which the Church of England is obliged to follow has not been properly followed.

3.2 A petition from the congregation of Saint Lukes Church objecting to the proposal and containing seventeen signatures has also been received. The reasons for objection are as follows:

## **SCHEDULE A: Applications with Recommendation**

08/1108

1. The elected P.C.C. Members have not been consulted by the diocese;
2. We fear it will become a satellite church of a neighbouring Parish;
3. They will offer worship, whilst we already offer the same;
4. They will be organising coffee mornings whilst we will offer the same;
5. They will be offering membership to various church based organisations, whilst we offer the same;
6. We fear it will be run and organised by a numerically superior and more financially robust House of God;
7. Our own priest has not been consulted by the Diocese;
8. Serious traffic congestion would ensue, with safety factors being compromised;
9. The subsequent loss of finance and potential Members to Saint Lukes would precipitate both the financial and spiritual demise of our church.

### **4. Planning History**

- 4.1 In 2003, under application reference 03/0550, planning permission was given for change of use from retail to place of worship and ministry to the community.
- 4.2 In 2004, under application reference 04/0939, amendment to planning permission 03/0550 to alter position of entrance door and install a roller shutter blind.

### **5. Details of Proposal/Officer Appraisal**

#### **Introduction**

- 5.1 This application seeks approval for the change of use of a mid-terraced property located on the eastern side of Stonegarth, south of the intersection with Langrigg Road. The property is constructed from facing brick with a tiled roof and is open to the road. The property falls within a District Centre as defined by Policy EC7 of the Local Plan and is flanked on each side by shops.
- 5.2 The applicant seeks approval to change the use of the property from a community church (use Class D1) to a charity shop (use Class A1). It is not

## **SCHEDULE A: Applications with Recommendation**

08/1108

intended to undertake any external changes to the property. The applicants have indicated that the hours of opening will be between 9.00 to 18.00 Monday to Saturday with no Sunday opening.

- 5.3 The relevant policies against which this application is required to be assessed are Policies CP6, CP15 and EC7 of the Carlisle District Local Plan

- 5.4 The proposal raises the following planning issues:

1. Whether The Principle Of Conversion Is Acceptable

- 5.5 The proposal falls within a parade of shops within an existing District Centre. While the current use is as a place of worship, the property was used as a shop prior to receiving permission for change of use in 2003. On this basis it is considered that change of use to a charity shop would be acceptable in this location. A letter of objection has however been received stating that the application should be refused as the applicant has not followed the proper legal procedure required by the Church of England. A petition containing 17 signatures has also been received which objects to the proposal on the basis that it may have a detrimental impact on the viability of St Lukes Church. These are not however material planning considerations and cannot be given any weight in determining the application.

2. Impact On The Living Conditions Of Neighbouring Residents

- 5.6 The property falls within an existing parade of shops. As such, and given that the applicants are not requesting unsociable opening hours, it is considered that any additional impact on the living conditions of the occupants of the closest residential properties over and above those associated with the existing uses in the area would be insufficient to warrant refusal of the application.

3. Other Issues

- 5.7 The Council's Access Officer has advised that a level access should be provided to ensure that the shop will be readily accessible to disabled people. In response, an informative note advising the applicant of their duty in relation to Policy CP15 of the Local Plan, Approved Document M and the Disability Discrimination Act can be attached to any permission.
- 5.8 In overall terms it is considered that the principle of conversion in this area is acceptable and there will be no adverse impact on the living conditions of neighbouring residents. In all aspects the proposal is considered to be compliant with the objectives of the relevant Development Plan policies. As such, the application is recommended for approval.

## **6. Human Rights Act 1998**

## SCHEDULE A: Applications with Recommendation

08/1108

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

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

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

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

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

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

### 7. Recommendation - 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.

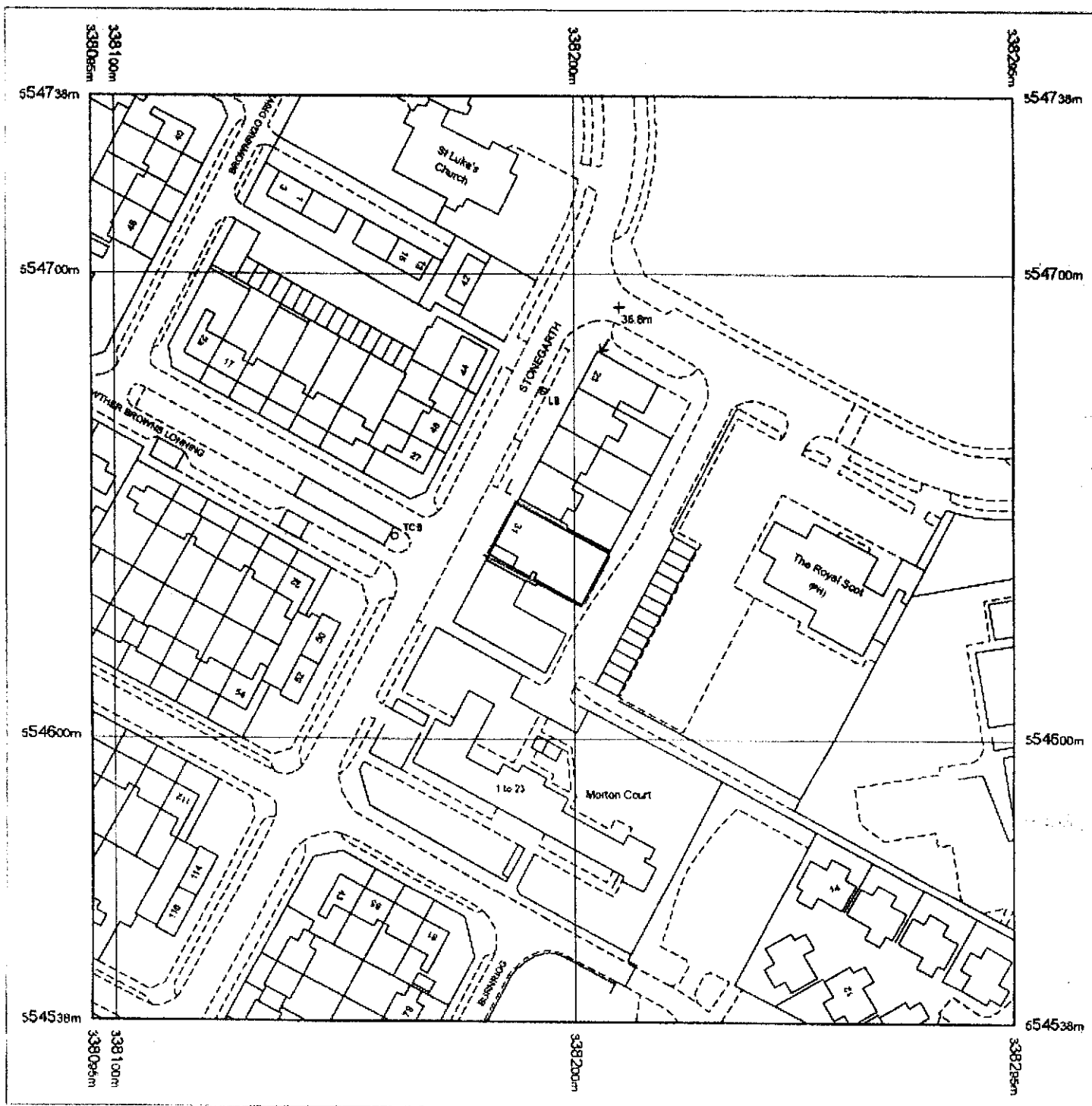
**Reason:** In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 ( as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The proposed retail unit shall not be open for trading except between 0900 hours and 18.00 hours on Mondays-Saturdays.

**Reason:** To prevent disturbance to nearby residential occupiers and in accord with Policy CP6 of the Carlisle District Local Plan.

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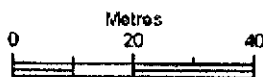
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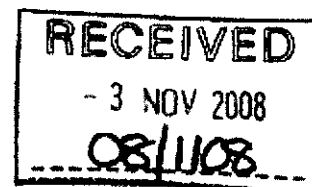
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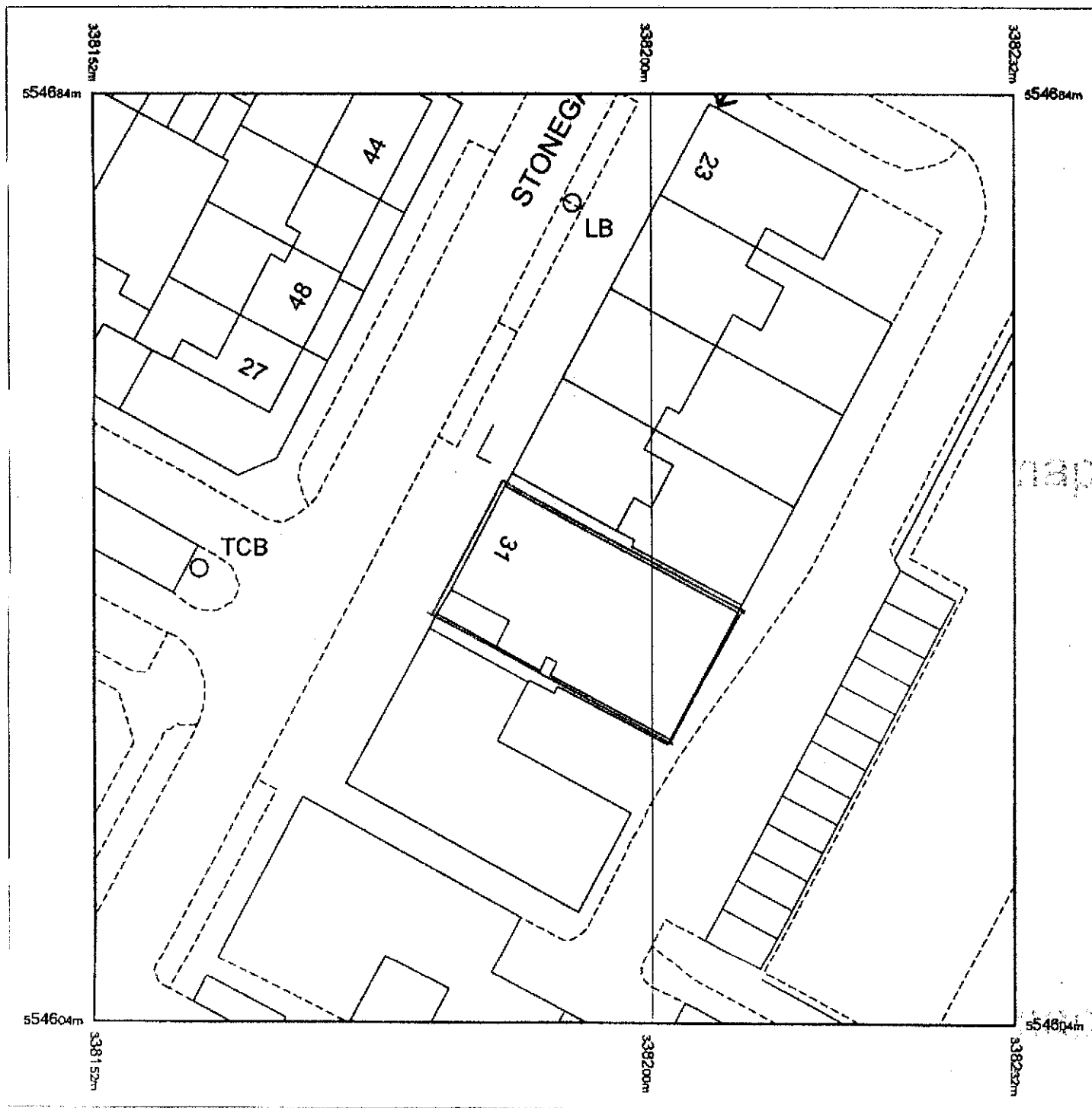


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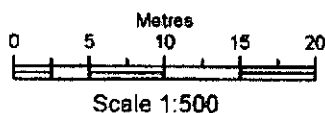
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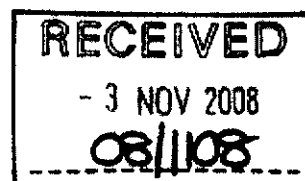
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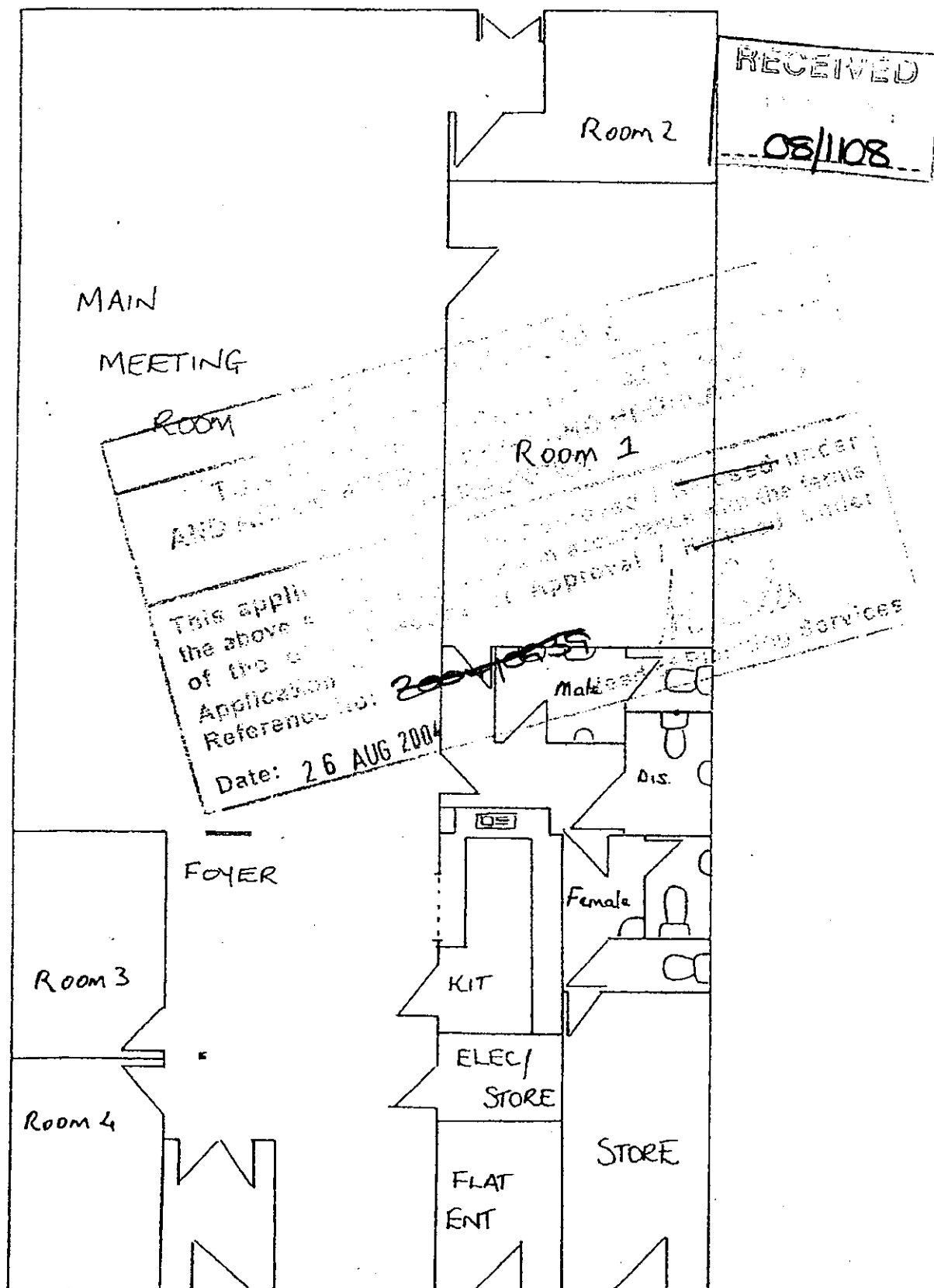


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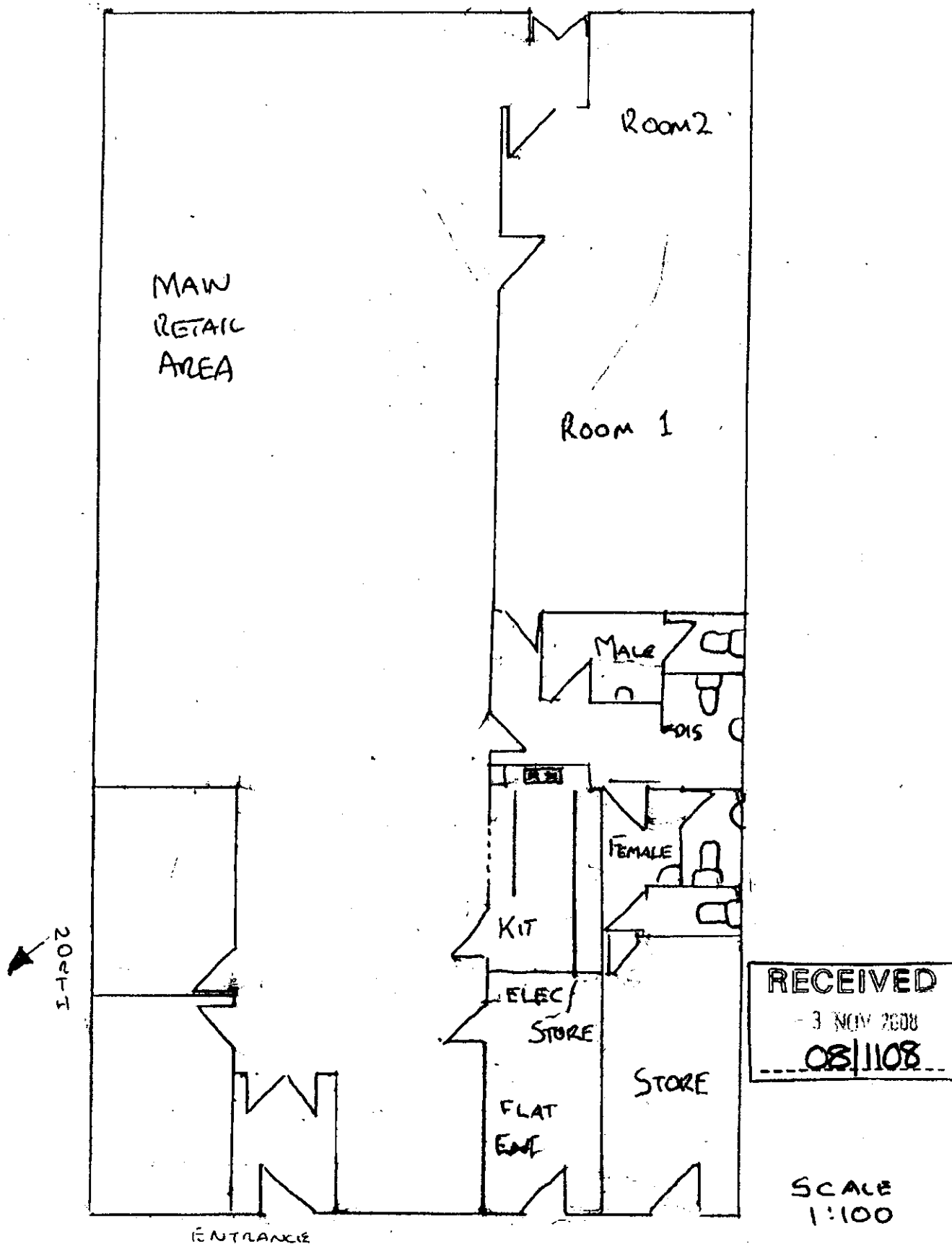
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[www.ordnancesurvey.co.uk](http://www.ordnancesurvey.co.uk)



MORTON COMMUNITY CHURCH  
Plan of approved alterations



31 STONEGATE, CA26PD  
FLOOR PLAN



## SCHEDULE B: Reports Requiring Further Information

08/1196

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**Item No: 11**

**Date of Committee:** 30/01/2009

**Appn Ref No:**  
08/1196

**Applicant:**  
Mr A Blair

**Parish:**  
Kingwater

**Date of Receipt:**  
09/12/2008

**Agent:**  
TSF Developments Ltd

**Ward:**  
Irthing

**Location:**  
L/A Townhead Farm Adjoining Wayside Cottage,  
West Hall, Brampton, Cumbria, CA8 2EH

**Grid Reference:**  
356675 567700

**Proposal:** Erection Of Agricultural Workers Dwelling  
**Amendment:**

---

### REPORT

**Case Officer:** Barbara Percival

#### **Reason for Determination by Committee:**

This application is brought before Members of the Development Control Committee as the applicant's Agent has requested his Right to Speak.

#### **1. Constraints and Planning Policies**

##### **Gas Pipeline Safeguarding Area**

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

##### **RSS Pol DP 1 - Spatial Principles**

##### **District E8 - Remainder of Rural Area**

##### **District E19 - Landscaping New Dev.**

##### **District E22 - Sewers & Sew. Treat. Work**

##### **District H6 - Ag. & Forestry Need**

##### **District H16 - Design Considerations**

##### **District T7 - Parking Guidelines**

## **SCHEDULE B: Reports Requiring Further Information**

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**Local Plan Pol DP1 - Sustainable Development Location**

**Local Plan Pol CP1 - Landscape Character**

**Local Plan Pol CP3 - Trees and Hedges on Development Sites**

**Local Plan Pol CP4 - Agricultural Land**

**Local Plan Pol CP5 - Design**

**Local Plan Pol CP6 - Residential Amenity**

**Local Plan Pol CP11-Prot.Groundwaters &Surface Waters**

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

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

**Local Plan Pol T1- Parking Guidelines for Development**

### **2. Summary of Consultation Responses**

**Cumbria County Council - (Highway Authority):** considering the recommendation from this office on a similar application in 2003 (03/1392) there are no objections to the application subject to the imposition of four conditions;

**Community Services - Drainage Engineer:** comments awaited;

**United Utilities (former Norweb & NWWA):** no objections to the proposal in principle;

**Kingwater Parish Council:** comments awaited;

**National Grid UK Transmission:** based on the information provided and the proximity and sensitivity of these networks to the proposals National Grid have concluded that the risk is negligible;

**Cumbria County Council - (Archaeology):** local knowledge indicates that this site incorporates a feature of archaeological interest. A well is located on the site and it is likely to be damaged or destroyed by the proposed development.

Therefore, in line with comments made by this office on earlier applications on the site, it is recommended that any ground works associated with the development should be subject to a programme of archaeological recording, to be carried out during the course of the development. This should be commissioned and undertaken at the expense of the developer and can be secured through the inclusion of a negative condition (PPG16, para. 30) in any planning consent. The

## SCHEDULE B: Reports Requiring Further Information

08/1196

applicant should be advised that such archaeological investigations are liable to involve some financial outlay.

### 3. Summary of Representations

#### Representations Received

Initial:	Consulted:	Reply Type:
Town Foot	10/12/08	
Meadow Bank	10/12/08	Objection
, Wayside Cottage	10/12/08	
The Cottage	10/12/08	Objection
Tin Castle	10/12/08	
1 The Cottage	10/12/08	
1 West Hall Cottage	10/12/08	
Joiners Shop	10/12/08	

- 3.1 This application has been advertised by the direct notification of eight neighbouring properties and the posting of a site notice. In response, one e-mail and two letters of objection have been received.
- 3.2 The e-mail and letter identify the following issues:
1. the writers request the submission of an Ordnance Survey extract as they feel the submitted site location plan does not accurately indicate the location of the dwelling and its proposed size;
  2. the submitted site location plan does not illustrate the narrowness of the road, the position and size of properties and the position of various vehicle openings/drives of the 8 houses between Wayside Cottage and Townend Farm, two of which have no garages, face onto the road and need to park in the verge;
  3. the writers object to this proposal in its present position, stressing the unsuitability of the road width, slope, bend, number of entrances along this section and the likely additional farm traffic;
  4. during heavy rain fall there is a tendency for strong running water to sweep down the field towards the dip in the bottom corner near the road;
  5. the need for and the location of the dwelling is questioned as the applicant has other land within the village closer to his farm and that there have been and still are small and medium size properties for sale near to or adjoining his land. The applicant purchased extra land and a farmhouse recently and has subsequently sold the farmhouse;
  6. why do the plans detail suitability for wheelchair use? The writer assumes that the house is to be used to house the applicant's windowed

## **SCHEDULE B: Reports Requiring Further Information**

08/1196

mother, who resides with the applicant and his family and helps with milking duties;

7. separate writers have raised concerns that the proposed dwelling would have a negative impact on the character and amenity of the surrounding area. Specifically, the disproportionate size of the proposed development for its intended purpose, which they consider does not seem commensurate with the scale of the business to which it relates;
8. they also have concerns with the design and appearance of the development, explaining that the vast majority of houses are of a traditional design and constructed of stone. Going to state that they consider a largely cement rendered and modern tiled property out of keeping with its surroundings;
9. they refer to Policy H7 of the Local Plan which supports the protection of areas of open countryside questioning whether a new dwelling agricultural land is contrary to this policy. Furthermore, West Hall has not been identified as a 'sustainable location' in the Local Plan, citing another local planning application for the conversion of existing buildings to accommodate an agricultural worker being refused several times;
10. they believe their privacy would be affected by the proposed development due to its double-storey height particularly the dormer windows on the first floor which would look directly into the master bedroom and gardens of our property;
11. the applicant has to be able to demonstrate that there is no alternative or buildings capable of conversion exist. It is the objectors belief that for a number of years a mobile home was located on the main farm. A dwelling located on the main property would better serve the needs of the business in order the meet the requirements for managing emergency situations and increased security. To their knowledge alternative buildings or sites on the main farm have not been demonstrated;
12. from their own observations and other local information they believe that a number of additional local casual and contract works are employed quite regularly by the applicant including a relief milker. Bearing in mind the urgent need for extra resources,increasing their hours would seem more appropriate (in promoting employment in the area) and would be more cost effective than building a new house;
13. the writers continue that records show that there is a public footpath across the site of the proposed development and there appears to be no documentary evidence supporting the rerouting of this footpath at any time. They therefore express concerns that the development would obstruct a public footpath;
14. there is evidence that a public village well is situated on the proposed site, both in documentary evidence and in the fact that a spring with stone



## **SCHEDULE B: Reports Requiring Further Information**

08/1196

surrounds still exists. It is the writers understanding, based on local knowledge, that the well and surrounding land was/is owned and maintained by the Parish of Kingwater. The objectors have not had sight of any documentation relating to a legitimate transfer for the well and surrounding Parish to the applicant and are therefore very concerned that part of the site may in fact still belong to the Parish;

15. the writers have noticed, particularly in recent months, that the site has repeatedly flooded, which is largely due to run-off water from the surrounding fields collecting in a depression on the site. Together with the overflowing spring this contributed to flood damage at Wayside Cottage. They question the suitability of the site based on events in Carlisle, Morpeth and further afield and changing weather patterns with increasing rain fall predicted in the future;
16. They are dismayed at an apparent disparity in planning regulations. If a private individual owned land adjacent to Wayside Cottage and submitted an application the application would be rejected out of hand. Yet this application is being considered simply on the basis that it will be an agricultural works dwelling;
17. they assume that as the proposal is for an agricultural worker the Council will impose certain permanent requirements on the development. If granted, for instance that the property may only be occupied by those directly engaged in agriculture and that these restrictions should not be lifted at any point in the future or for any reason;
18. the writers of the e-mail have subsequently submitted a further letter, as they had not received an accurate Ordnance Survey extract, prior to the deadline. The letter confirms their continued opposition to the proposal;
19. the writers have also submitted photographs which they explain illustrate that adjoining the narrow, winding and uphill stretch of road to the bungalow (which would have two entrances in addition to the field access) between Wayside Cottage and Townend Farm there are 10 properties which need vehicular access. They go on to explain that in several cases there is roadside parking where there is no drive;
20. due to the restricted width of the road it is difficult to reverse without going onto the narrow verge opposite and the hill itself is very hazardous in icy weather;
21. all residents appreciate the need to keep the carriageway clear for Mr Blair's necessary but constant use of farm vehicles and daily milk tankers. The school bus, oil delivery vehicles, waste collection etc but the addition of extra vehicles on this stretch, plus possibly extra farm vehicles left temporarily outside a farm workers house could only make matters worse;
22. the writers are surprised that a building is proposed on such an awkward

## **SCHEDULE B: Reports Requiring Further Information**

08/1196

site - a sloping dipping field with a water channel flowing through it in heavy rain and inconvenient access. In conclusion they had provided photographs suggesting alternative sites for the dwelling with unrestricted road access, pleasant views and level surfaces nearer the main farm. They question if the bungalow could be relocated.

### **4. Planning History**

#### **Planning History:**

In 1997, under planning reference 97/0338, Outline Planning Permission was granted for the erection of an agricultural workers dwelling.

Again in 1997, under planning reference 97/0817, Full Planning Permission was granted for the erection of an agricultural workers dwelling. This has now lapsed.

In January 2003 an outline planning application was made for the erection of a dwelling under application number 03/0047, the application was subsequently withdrawn.

In December 2003 under application number 03/1392 outline planning permission was granted for the erection of an agricultural workers dwelling. This has now lapsed.

In 2007, under planning reference 07/0686, an application for an agricultural workers dwelling was withdrawn.

### **5. Details of Proposal/Officer Appraisal**

#### **Introduction**

- 5.1 This application seeks permission for the erection of an agricultural workers' dwelling at Townhead Farm, West Hall. West Hall is a small hamlet located just north of the B6318 road between Lees Hill and Birdoswald. West Hall Farm is located at the northern end of the settlement, on the east side of the minor road which runs through it. The proposed site is located on the opposite side of the road, in the corner of a field adjacent to the detached garage of Wayside Cottage.
- 5.2 The submitted drawings illustrate a dormer bungalow with the ground floor comprising of a kitchen, living room, hall, dining room/study, bathroom, utility room, shower room, w.c. and garage. The first floor level would have 2no. ensuite bedrooms and 1no. bedroom.
- 5.3 The dwelling is to have a maximum length of 17.3 metres, a maximum depth of 10.6 metres with a maximum ridge height of 6.4 metres. The property is to be finished in sandstone and render with feature sandstone quoins under a

## **SCHEDULE B: Reports Requiring Further Information**

08/1196

slate roof. The surface water and foul sewage are to be disposed via the existing mains drainage.

### **Background**

5.4 The Agent has requested that all supporting documentation, submitted as part of 07/0686, is considered with the current application. A report compiled by the NFU on the applicants behalf dated October 2006 states that:

1. Business Structure - the business is a partnership consisting of the applicant, his wife and mother;
2. Agricultural Holding - extends to 60.93 hectare of owner/occupied land plus a further 10 hectares adjoining the farm and rented on a 364 day tenancy. The aforementioned land has been rented for the past 2 years and there is every prospect of it continuing. The whole of the farm is in grass with all fields being re-seeded on a rotational basis. The area also includes 1.2 hectares of woodland. The partners are investigating the potential for entry level stewardship for the whole of the farm;
3. Accommodation - presently there is only the main farmhouse which accommodates the whole family including Mr & Mrs Blair's 3 children;
4. Needs And Requirements Of The Business - due to family commitments, the bulk of the farm work is currently undertaken by Mr Alan Blair. The report states that there is a strong need for an additional farm worker at the farm to carry out tractor and machinery work, assist with the milking duties and provide general assistance on a day to day basis. The partners have very specific expansion plans for the farm which are required to ensure its continued viability in these ever increasingly difficult times for dairy farmers and particularly those in the less favoured areas. It is the opinion of the NFU that these expansion plans will create an impossible workload upon the shoulders of the applicant.
5. Labour Requirement - it is the opinion of the author of the report that an additional full time worker is required at the farm due to current work loads and also to meet the expansion plans for the business. It is also essential that the additional worker should live on or close to the farm in order to take responsibility for calving and welfare of sick animals as well as general animal welfare and farm security. It goes on to state that it is essential that the additional worker is on hand to deal with any emergency situation and particularly should the applicant be absent from the farm for any reason. With additional bio-security and animal welfare considerations with modern day farming it is even more essential that the additional worker be housed close to the farm premises.
6. The report concludes that it in their view there is a need for an additional agricultural worker to be employed and housed at Townhead Farm, explaining that the Partners had explored the availability of dwellings within the locality and concluding that the only available dwelling for

## **SCHEDULE B: Reports Requiring Further Information**

08/1196

purchase was too expensive for the business to afford. It was therefore considered that the identified site would allow an appropriate development to take place at a more reasonable cost to the business.

5.5 The application was also accompanied by a Design and Access Statement that, amongst other things states that:

1. The site was granted planning permission in 1997, for a stone-faced, single storey dwelling. The applicant has re-designed the dwelling, keeping broadly within the original footprint, to provide additional accommodation in the roof space;
2. The design of the building has taken into account the adjacent and other buildings in the village to create a stone-faced, single storey building, sympathetically designed;
3. The proposed dwelling is necessary for the current and future needs of the farm business, as set out in the report by the NFU;
4. The road is on an incline: however, the dwelling has been designed so that the main entrance provides level access over a tarmaced area to the front door. There is ample parking and turning area within the site for up to four cars;
5. Access into the dwelling is level with the car parking area, thereby affording wheelchair access to all of the ground floor.

### **Assessment**

5.6 The relevant planning policy guidance and adopted Policies against which the application is required to be assessed are Planning Policy Statement 1: Delivering Sustainable Development (PPS1); Planning Policy Statement 7: Sustainable Development in Rural Areas (PPS7); Policy DP1 of North West of England Plan Regional Spatial Strategy to 2021; Policies E8, E19, E22, H6, H16 and T7 of the Carlisle District Local Plan (September 1997); and Policies DP1, CP1, CP3, CP4, CP5, CP11, H7 and T1 of the Carlisle District Local Plan 2001-2016.

5.7 The proposals raise the following planning issues:

1. The Principle of Development

5.8 Planning Policy Statement 7: Sustainable Development in Rural Areas (PPS7) sets out the Government's planning policies for rural areas that should be taken into consideration when making planning decisions. The Government's overall aim to protect the countryside for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and so it may be enjoyed by all. Key Principle Four summaries that new building development in the open countryside away from existing settlements, outside areas allocated for development in

## SCHEDULE B: Reports Requiring Further Information

08/1196

development plans, should be strictly controlled

- 5.9 This advice reiterates in paragraph 10 that new houses in the countryside will require special justification for planning permission to be granted. Where the special justification relates to the essential need for a worker to live permanently at or near their place of work in the countryside, PPS7 advises that Planning Authorities should follow the advice provided in Annex A of PPS7.
- 5.10 Identified within paragraph 3 of Annex A are five criteria which Local Planning Authorities should apply when determining applications for new permanent agricultural workers dwellings. These are:
- (i) there is a clearly established existing functional need;
  - (ii) the need relates to a full-time worker, or one who is primarily employed in agriculture and does not relate to a part-time requirement;
  - (iii) the unit and the agricultural activity concerned have been established for at least three years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so;
  - (iv) the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned; and
  - (v) other planning requirements, e.g. in relation to access, or impact on the countryside, are satisfied".
- 5.11 Paragraph 5 advises that, in situations where the Planning Authority are concerned regarding the potential abuse of the planning system the authority should investigate the history of the holding and, amongst other things, identify whether any dwellings, or buildings suitable for conversion have been sold separately to the farmland, concluding that such a sale could constitute a lack of agricultural need.
- 5.12 Advice contained within the Structure and Local Plan policies is reflective of this guidance. Policy H7 of the adopted Local Plan states that permission will not be granted for dwellings other than those essential to agriculture, forestry or other rural-based enterprise and is supported by a proven need, reflecting the advice contained in Annex A to PPS7.
- 5.13 During consideration of the previous application for an agricultural worker's dwelling (but subsequent to the NFU report), it was brought to Officers attention that the applicant had purchased an additional agricultural holding known as Lees Hill Farm, Lees Hill. That holding includes a dwelling as well as a large range of buildings and approximately 60 acres of adjoining land.
- 5.14 At that time Officers subsequently requested additional information in order to assess the need for the erection of a new agricultural workers' dwelling. In

## **SCHEDULE B: Reports Requiring Further Information**

08/1196

response letters were received from C & D Property Services and the NFU but the application made in June 2007 was withdrawn in February 2008.

5.15 The applicant's agent has since requested that the report and subsequent letters submitted with the previous application (07/0686) be assessed against this current application (08/1196). The NFU letter dated 26th October 2007 details the circumstances surrounding the purchase of Lees Hill Farm. The letter summarised the points to be:

- the land purchased from Lees Hill Farm had been previously rented by the applicant and without such would have made the business totally unviable. Had the applicant not purchased the land he would have been unlikely to purchase or rent in close proximity to the farm as there was no land available;
- the farm had been offered in two lots for sale by public auction. The vendor was not prepared to arrange a private sale for the land which comprised the main block of land which was rented by the applicant;
- in order to secure the future of his business, the applicant, was forced to purchase the whole farm but it was only his intention to retain the land. The applicant instructed the Land Agents to re-sell the large farm house on economic grounds and also that they served no useful purpose to the applicant's dairy business;
- this was because the dairy unit is entirely based at Town Head Farm, West Hall and there was no need for any outlying buildings. In addition the farmhouse was not situated in a position where occupation by a farm worker would provide important coverage of the business. The proposed agricultural workers dwelling in West Hall is at a suitable location for an additional worker to be on hand for animal welfare and livestock management purposes. It is their opinion that the house at Lees Hill Farm is too far away to serve this purpose;
- in addition to the above the amount of capital which would have been tied up in the farmhouse at Lees Hill is far too great for an agricultural workers dwelling and would jeopardise the viability of the business.

5.16 In addition the applicant's agent to support the current application has also submitted additional information in which he outlines that:

- prior to November 2007, his client rented 60 acres of land from the owner of Lees Hill Farm. Then farm was subsequently offered for sale. To maintain his business, the applicant wished to only purchase the land, but that offer was not acceptable to the vendor;
- the applicant subsequently arranged with a third party that they would jointly purchase the house and land so that the applicant would have control of the land and the third party the house;

## SCHEDULE B: Reports Requiring Further Information

08/1196

- this arrangement fell through and the applicant had no option but to purchase the farm in its entirety (19th November 2007). The house was immediately offered for sale and the open market as it was not financially viable for a farm to support a capital outlay on a property that size. The sale of the dwelling was completed in April 2008;
  - he disputes the argument made for his client to house an agricultural worker in a large farmhouse which is at the farthest point from the existing farm steading and now at a cost that would be unviable;
  - paragraph 9 of PPS7 states stipulates that agricultural dwellings should be of a size commensurate with the established functional requirement, and clearly the large farmhouse (Lees Hill Farmhouse) would not have met that requirement;
  - paragraph 11 states that an agricultural dwelling should be well related to existing farm buildings, or other dwellings. It is his belief that the proposal satisfies the requirement;
  - the purpose of the land ensures the growth of the applicant's business and reconfirms his need for an agricultural workers dwelling;
  - in agent concludes that:
    - the site has had Outline Planning Permission:
    - the purchase of Lees Hill Farm to secure the land the applicant was renting is not an abuse under paragraph 5 Annex A of PPS7:
    - all reports and letters confirm the need for an agricultural dwelling:
    - the position and size of the dwelling in the village has been approved by the Outline Permission:
    - there are no reasons given in planning policy why the application should not be granted.
- 5.17 When considering applications for agricultural worker's dwellings it is common practise for the Council to consult the County Land Agent. As part of the response the County Land Agent assesses whether the proposal meets the aforementioned criteria identified in Paragraph 3 of Annex A to PPS7. At the time of preparing the report a response is awaited from the County Land Agent.
- 5.18 Although each application is dealt with on its own merits, the County Land Agent had previously commented on the 2007 application (application reference 07/0686) which was subsequently withdrawn. In his response the County Land Agent outlined that there was a requirement for two full-time workers to be resident on or immediately adjacent to the holding. At that time, the farmhouse at Town Head Farm met the requirement to house one of the full-time workers. The farmhouse at Lees Hill could be considered to be suitable for occupation by the second full-time worker. It concludes that the Local Planning Authority may wish to give consideration to the circumstances of the unusual situation in light of the applicant's wish to site an agricultural worker elsewhere on the holding.

## **SCHEDULE B: Reports Requiring Further Information**

08/1196

- 5.19 Without the formal response from the County Land Agent on this current application but based on the assumption that his previous comments are still applicable to the current application, there is clearly an established functional need in relation to the holding for two full time workers actively involved in the management of this unit, to be resident on or immediately adjacent to this holding.
- 5.20 The Council does not dispute the above issues; however, the Land Agent's first report states that the dwelling at Lees Hill Farm could have been considered suitable for occupation by the other full-time worker.
- 5.21 Given the foregoing and advice contained in Annexe A of PPS7 consideration has to be given to the events surrounding the purchase of the agricultural steading at Lees Hill Farm i.e. whether the subsequent disposal of the dwelling at Lees Hill constitutes a possible abuse of the planning system or whether it was necessary in order to ensure the ongoing economic viability of an existing agricultural business, thereby, constituting exceptional circumstances.
- 5.22 An update will be presented to the Committee when the formal response from the County Land Agent has been received.

### **2. Whether The Location And Design Are Acceptable**

- 5.23 Representations have been received regarding the proposed location of the dwelling. Amongst the issues raised highlight that the site was formerly the site of the village well and as such, should not be developed, others have suggested possible alternative locations. Given that the application has already been the subject of an Outline Application, although now lapsed. It is considered that there has been no substantial change in circumstances to warrant refusal. In order to further protect any features of archaeological interest, the County Archaeologist has recommended the imposition of a condition ensuring that any groundworks be subject of an archaeological recording should planning permission be forthcoming.
- 5.24 With regard to the design and scale of the dwelling to be built it is considered a bungalow is appropriate. The dwelling would incorporate traditional materials such as stone and slate and is considered to be acceptable. It is considered that the appearance of the dwelling is not out of keeping with the surrounding dwellings. In terms of the scale of the development the size of the dwelling not unusually large or disproportionate to the size of the holding.

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

- 5.25 Concerns have been raised over loss of privacy; however given that the nearest dwelling would be over 21 metres any possible impact would be negligible. It is therefore considered that the proposed dwelling would not have a detrimental impact on the living conditions of neighbouring residents



## **SCHEDULE B: Reports Requiring Further Information**

08/1196

through unreasonable overlooking or overdominance.

### **4. The Impact Of The Proposal On Highway Safety**

- 5.26 Several residents have expressed concerns regarding highway safety. The County Highways has been consulted and have no objections to the proposal subject to the imposition of four conditions. It is therefore considered that this proposal would have not an adverse impact on highway safety.

### **Conclusion**

- 5.27 At the time of preparing the report the formal comments of the County Land Agent has awaited, the results of which will be reported to Committee.

## **6. Human Rights Act 1998**

### **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";

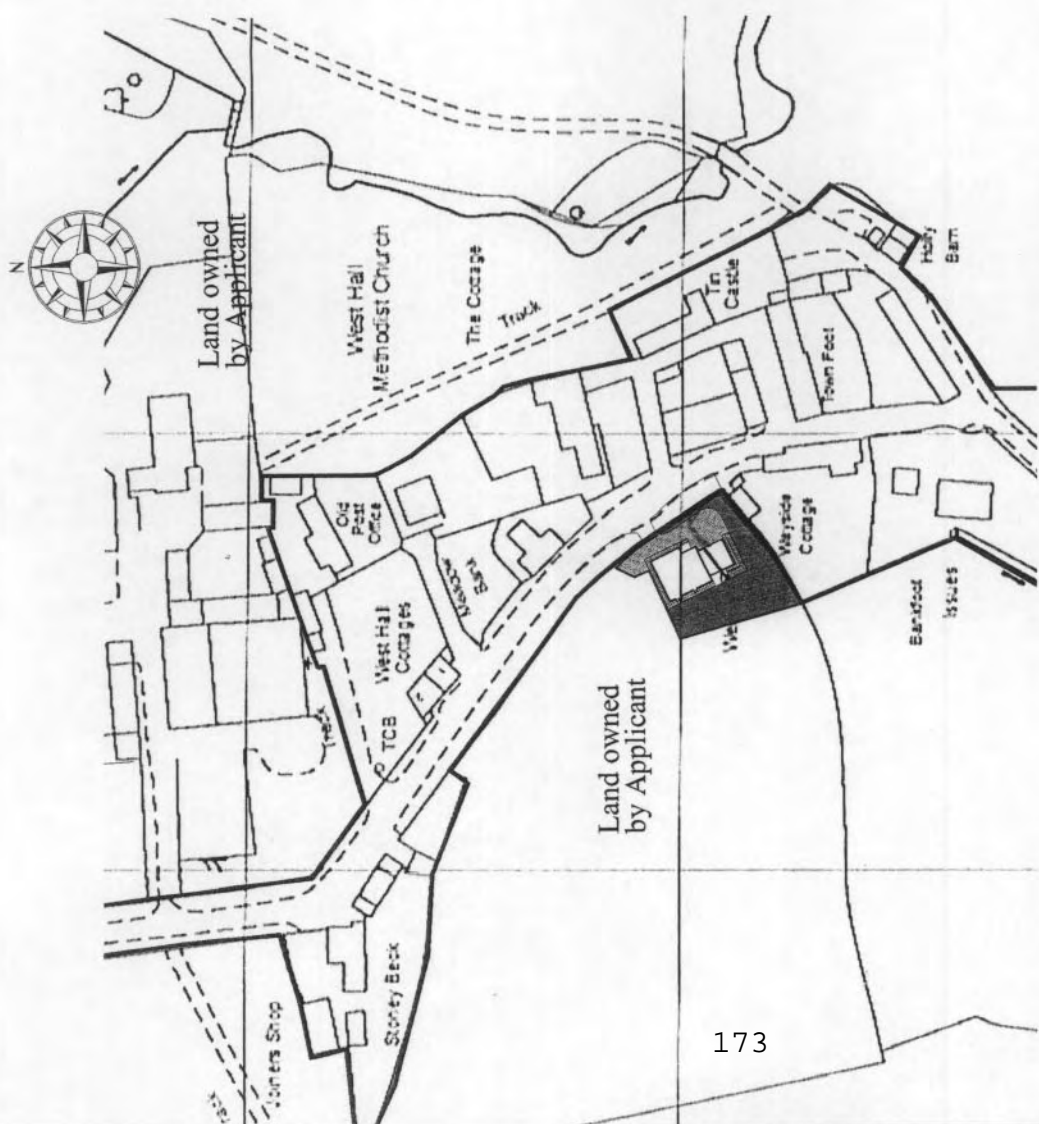
**Article 1 of Protocol 1** relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

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.

## **7. Recommendation**

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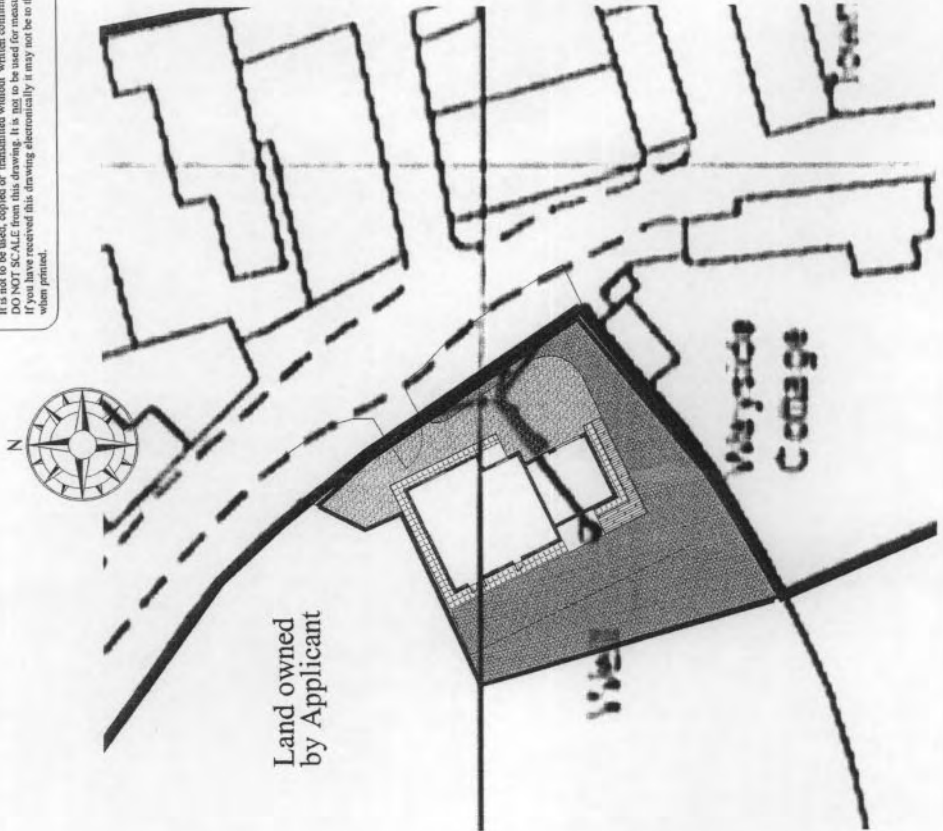


173

Location Plan

extract from ordnance survey

1 : 1250



Site Plan

1 : 500

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Job : 06/149  
Date : Oct 2006  
Scale : Various  
Revision : A

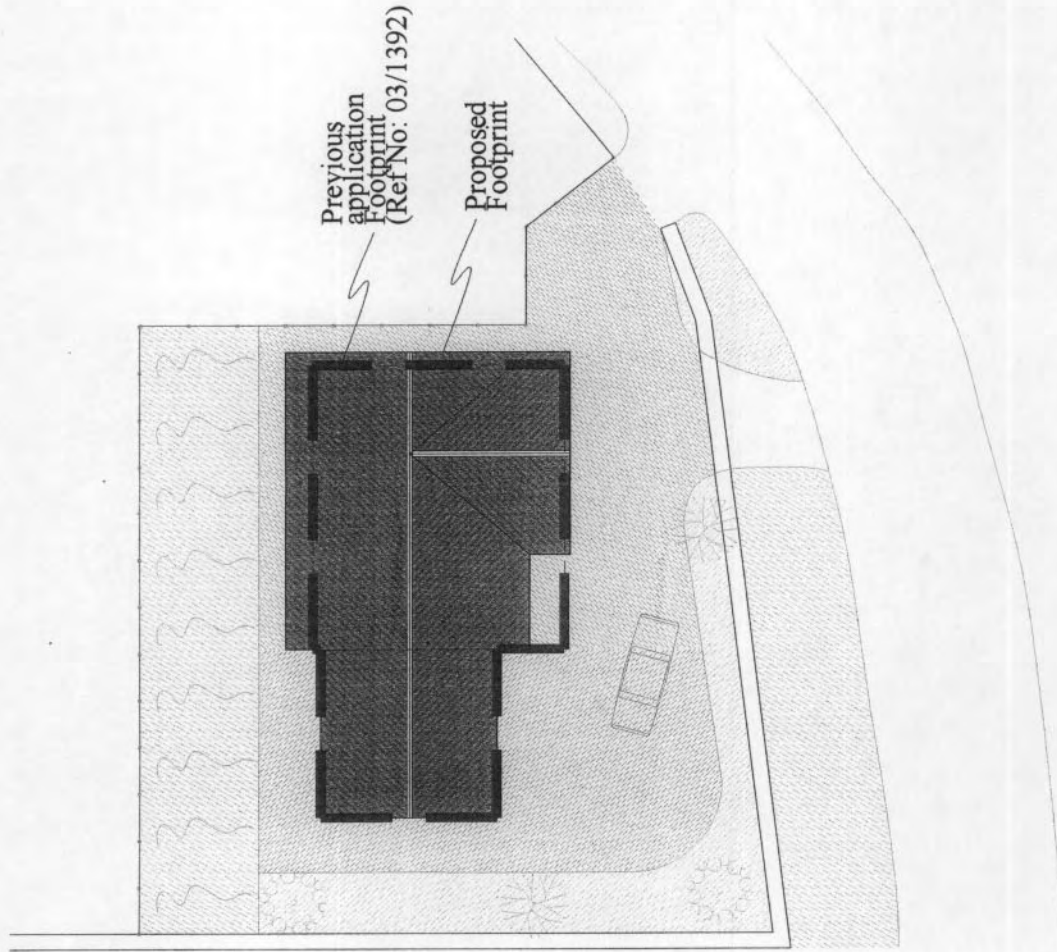
**Proposed New Dwelling At  
Land Adjoining Wayside Cottage  
Townhead, West Hall  
Brampton, Cumbria  
For Mr & Mrs Blair, Townhead**

Location Plans

001A

SUN 2009  
08/11/06

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Job : 06/149 Scale : 1 : 200  
Date : Oct 2006 Revision :

**Proposed New Dwelling At  
Land Adjoining Wayside Cottage  
Townhead, West Hall  
Brampton, Cumbria  
For Mr & Mrs Blair**


**Proposed Site Plan**

003

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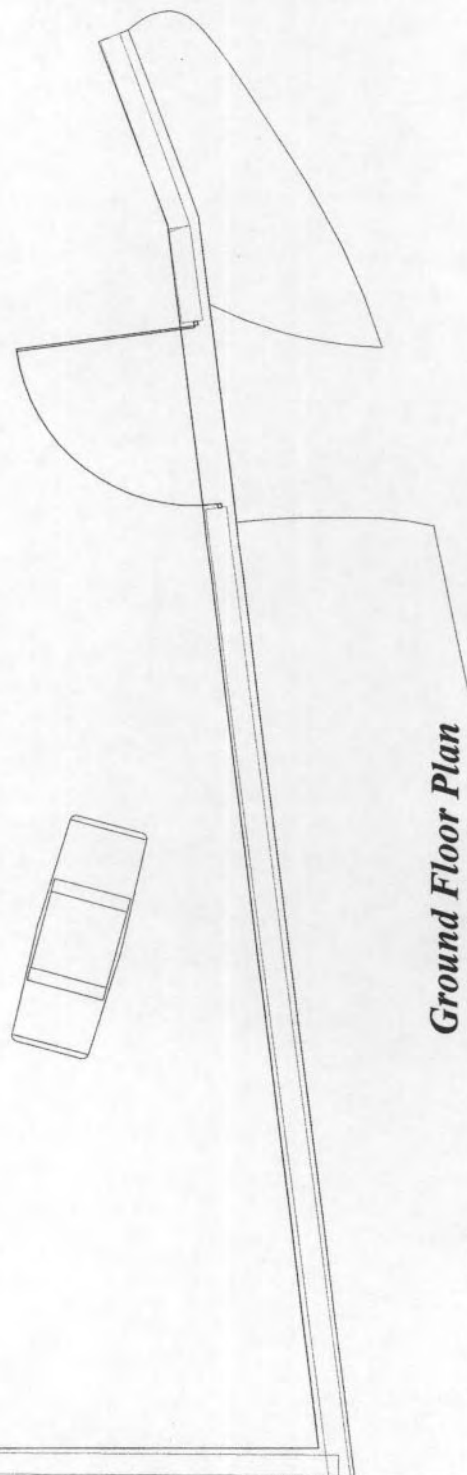
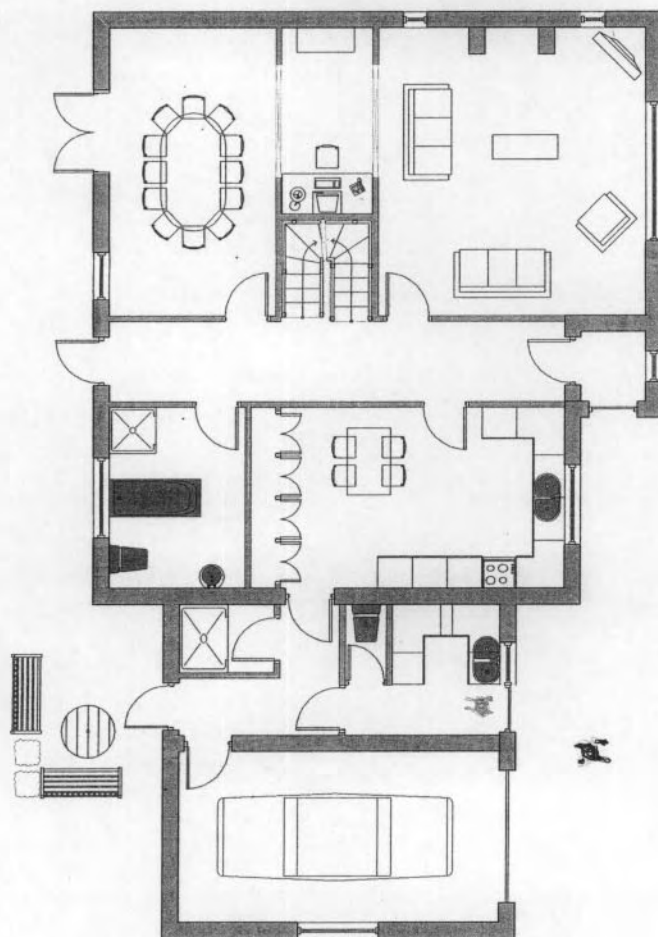
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Job : 07/159 Scale : 1 : 100  
Date : Jan 2007 Revision : A

**Proposed New Dwelling At  
Land Adjoining Wayside Cottage  
Townhead, West Hall  
Brampton, Cumbria  
For Mr & Mrs Blair, Townhead**

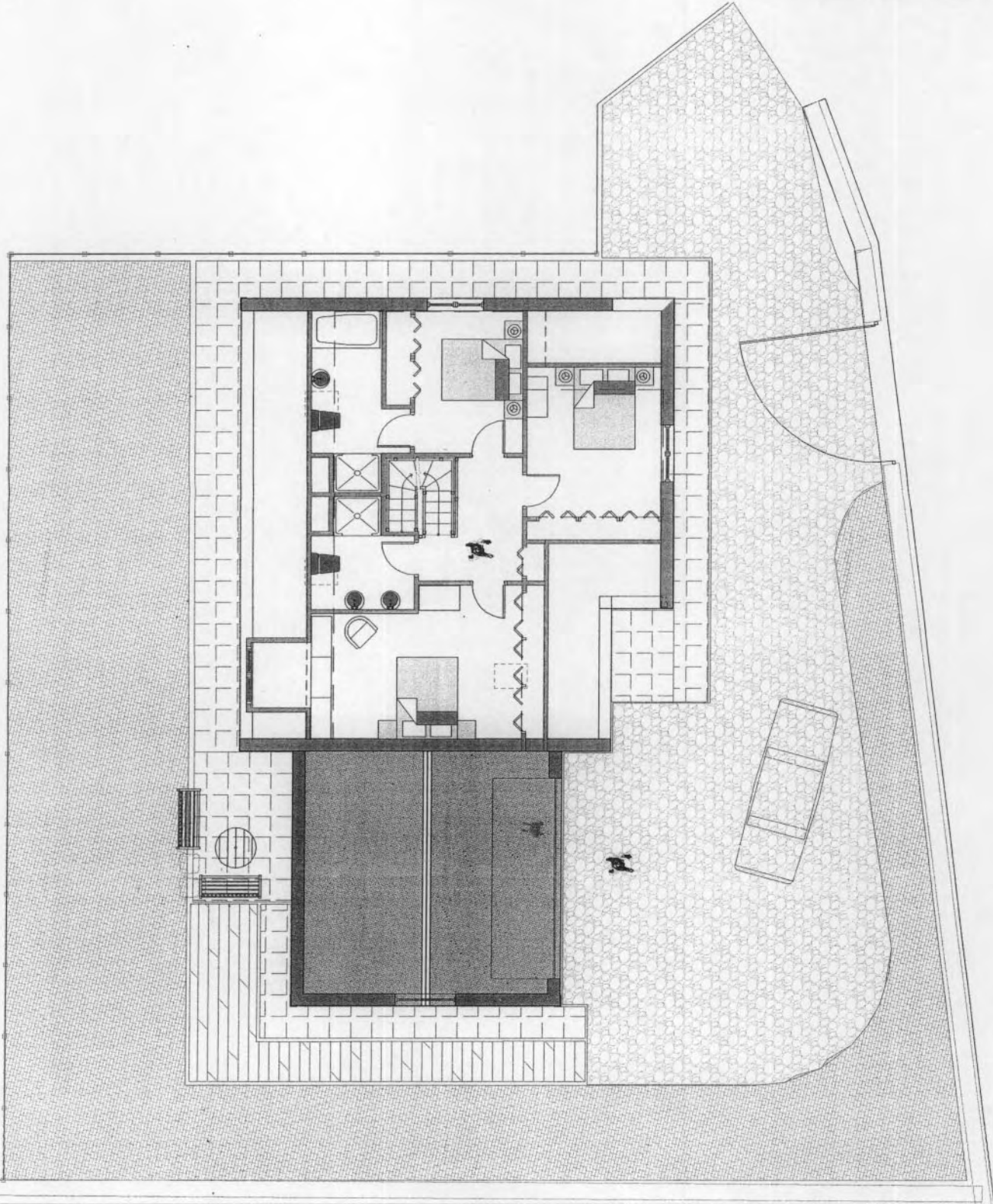
**Proposed Ground Floor Plans 040**



**Ground Floor Plan**



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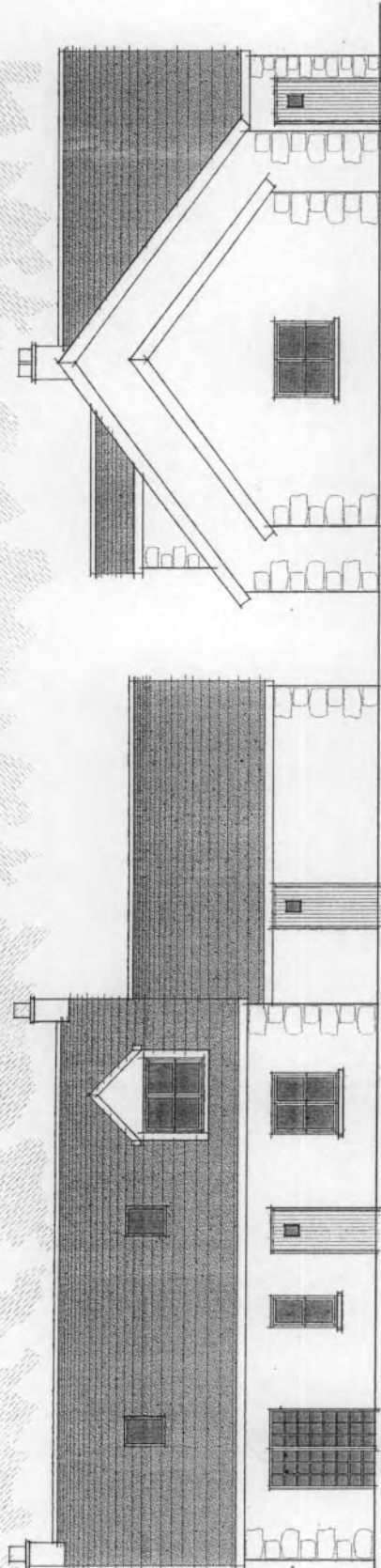
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**Proposed New Dwelling At**  
**Land Adjoining Wayside Cottage**  
**Townhead, West Hall**  
**Brampton, Cumbria**  
**For Mr & Mrs Blair**

**Proposed First Floor Plans** 048

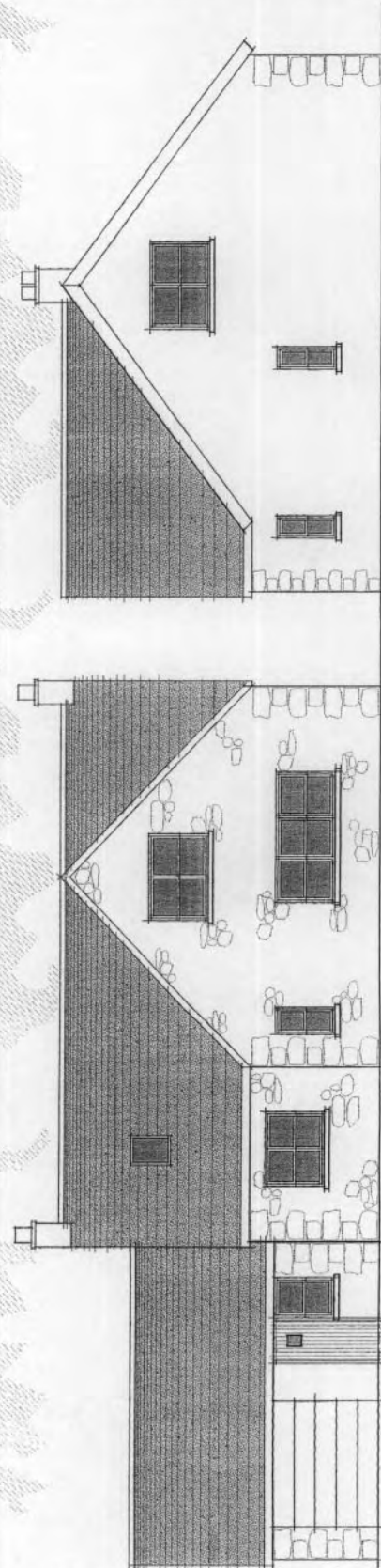
**First Floor Plan**

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North Elevation

West Gable Elevation



South Elevation

East Gable Elevation

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Job : 06/149  
Date : Oct 2006  
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Revision : A

Proposed New Dwelling At  
Land Adjoining Wayside Cottage  
Townhead, West Hall  
Brampton, Cumbria  
For Mr & Mrs Blair

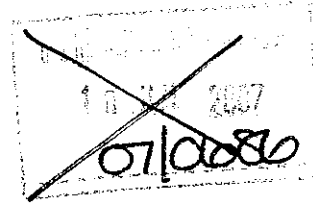
Proposed Elevations

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08/1196

MESSRS BLAIR  
TOWNHEAD FARM  
WESTHALL  
BRAMPTON  
CUMBRIA



APPLICATION FOR PLANNING PERMISSION TO CONSTRUCT AN  
AGRICULTURAL WORKERS DWELLING

OCTOBER 2006

## **MESSRS BLAIR, TOWN HEAD, WESTHALL, BRAMPTON.**

### Business Structure

The business is a partnership consisting of Mr Alan Blair, Mrs Heather Blair and Mrs Eileen Blair.

### Farm Details

Town Head Farm extends to 60.93 hectares of owner/occupied land plus a further 10 hectares adjoining the farm and rented on a 364 day tenancy. This land has been rented for the past 2 years and there is every prospect of it continuing.

The whole of the farm is in grass with all fields being re-seeded on a rotation basis. The area also includes 1.2 hectares of woodland.

The partners are currently looking into the possibility of applying to the entry level stewardship scheme for the whole of the farm.

### Livestock

There are currently some 133 dairy cows and at any time an additional 30 Limousin cross calves which are sold out of the herd at approximately 2 months of age. All dairy replacement animals are purchased in and culled out from the herd when necessary. Calving takes place all the year round.

The partners currently hold 820,000 litres of milk quota but milk production at the farm is in excess of 1.1 million litres. There are plans for further expansion of the dairy herd in the near future.

In addition to the above, approximately 300 sheep are wintered at the farm and full management is provided.

### Buildings

There is an extensive range of traditional and modern farm buildings including cubicles for 121 cattle, loose housing for 15 cattle and further calf housing for 51 animals. There are two silage pits with a 10/10 abreast milking parlour and 9,000 litre bulk milk tank.

The partners have plans to expand the buildings with a further cubicle requirement for 20 to 30 cattle and expansion of the parlour in line with their intention to keep further dairy cattle and expand their milk production.



### Business Responsibilities

In the main, the outside work is the responsibility of Mr Alan Blair with some responsibilities for younger stock falling to Mrs Heather Blair and Mrs Eileen Blair.

Currently, Mr Alan Blair carries out all the milking, calving and livestock management and welfare work including the wintered sheep and also the farm records, stock keeping and accountancy with some assistance from Mrs Eileen Blair who deals with any bills.

In addition to the above, Mr Alan Blair carries out all environmental management works on the farm including repairs of stone walls and the relatively small amount of woodland management. He intends to also carry out any work which may be necessary if their application to entry level stewardship scheme is successful. In addition, he provides part time support to a local agricultural contractor at busy times.

Contractors are employed at the farm for the harvesting of silage and occasionally for disposal of slurry particularly when an umbilical system is required. There is also the occasional employment of a relief milker.

### Accommodation

At the present time there is only the main farmhouse which accommodates the whole family and including Mr & Mrs Blair's 3 children with ages ranging from 1 to 9 years.

### Needs & Requirements of the Business

Due to family commitments, the bulk of the farm work is currently being carried out by Mr Alan Blair. There is a strong need for an additional farm worker at the farm to carry out tractor and machinery work, assist with the milking duties and provide general assistance on a day to day basis. The partners have very specific expansion plans for the farm which are required to ensure it's continued viability in these ever increasingly difficult times for dairy farmers and particularly those in the less favoured area. These expansion plans will create an impossible workload upon the shoulders of Mr Alan Blair.

It is also essential that Mr & Mrs Blair create extra time to spend with their young family both on a regular basis and also with allowance for holidays and days away.

### Labour Requirement

It is our view that an additional full time farm worker is required at the farm due to current work loads and also to meet the expansion plans for the business. It is also essential that the additional worker should live on or close to the farm in order to take responsibility for calving and welfare of sick animals as well as general animal welfare and farm security. It is essential that the additional worker is on hand to deal with any emergency situation and particularly should Mr Alan Blair be absent from the farm for any reason. With additional bio-security and animal welfare considerations with modern day farming it is even more essential that the additional worker be housed close to the farm premises.

### Conclusion

It is our view that there is a need for an additional agricultural worker to be employed and housed at Townhead Farm.

In considering this requirement the partners have also taken account of available dwellings in the locality which could potentially be occupied by an additional worker. There are currently no suitable dwellings available which meet the required criteria. Indeed, the only dwelling available for purchase in the village at the current time is too expensive for the business to afford. Furthermore, a suitable site has been identified which would allow an appropriate development to take place at a more reasonable cost to the business.

Despite the increasing pressures upon the dairy industry at the present time, the business has remained profitable for a number of years and is financially capable of development on a site which is currently owned and also of financial support to an additional worker and his/her family.

For all the reasons given in this report we support the application for the construction of an additional agricultural workers dwelling at the farm to meet both the current and future needs of this business.

Keith Twentyman  
NFU Group Secretary

# C & D Property Services

**Land and Estate Agents, Valuers and Surveyors**

*(part of Cumberland & Dumfriesshire Farmers Mart plc  
and incorporating Thomson, Roddick & Laurie, land agency and valuations)*

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17<sup>th</sup> October 2007

Your Ref:

Development Services,  
Planning and Housing Services,  
Carlisle City Council,  
Civic Centre,  
Carlisle,  
CA3 8QG

Our Ref:

Dear Sirs,

**Messrs Blair, Townhead Farm, West Hall**  
**Agricultural Workers Dwelling at West Hall**

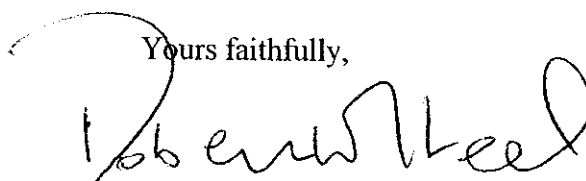
We have been asked to write to you by Messrs Blair of Townhead Farm, West Hall in connection with their application for planning permission for an agricultural workers dwelling adjoining Wayside Cottage at Townhead, West Hall. We understand that this application will be considered by the planning committee in early November. We also understand that one or two objectors have stated that there is no need for this dwelling as Messrs Blair have agreed to purchase another agricultural holding known as Lees Hill Farm, Lees Hill, which includes another house as well as a large range of buildings and about 60 acres of adjoining land.

We are acting as selling agents for Mr. & Mrs Bates, the owners of Lees Hill Farm, and we were proposing to offer the property for sale by public auction in Two Lots and as a Whole on Friday 12<sup>th</sup> October 2007. Lot 1 comprised the farmhouse, a large range of buildings and about 8 acres of adjoining land and Lot 2 comprised the remaining 52 acres of land. Messrs Blair already farm much of the land at Lees Hill Farm and they were keen to purchase Lot 2 but were concerned that if it was put up for sale by public auction then there would be a good chance that it would be sold as a Whole and they would not have an opportunity to purchase Lot 2 and would no longer have the use of the land. They tried to purchase the 52 acres of land forming Lot 2 prior to the auction but our clients would only consider withdrawing the farm from auction if they purchased both Lots 1 and 2.

Messrs Blair therefore agreed to purchase the whole of the farm so as they could purchase the 52 acres of land on Lot 2 with the intention of immediately re-marketing Lot 1 which includes a substantial four bedroomed house with a large number of both traditional and modern farm buildings and about 8 acres of adjoining land. The value of this part of the property is about £500,000 whereas the price of building the agricultural workers dwelling at West Hall will be about £100,000 to £110,000. As Messrs Blair have no use for a large farmhouse or additional buildings at Lees Hill it does not make financial sense to tie up around £500,000 of capital in this part of the property when another agricultural workers dwelling can be built for a fraction of this cost.

We can therefore confirm that it is Messrs Blair's intention to re-market the house, buildings and about 8 acres of land at Lees Hill Farm upon completion of this sale. We can also confirm that we have instructions to re-market this part of the property for Messrs Blair and we are now in the process of preparing sale particulars so as it can be quickly marketed upon completion of the sale.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'R.W. Steel', written over the typed name.

R.W. Steel MRICS FAAV  
For C & D Property Services



## NORTH WEST REGION

CARLISLE GROUP OFFICE

Bute House, Montgomery Way, Rosehill Estate,  
Carlisle, Cumbria CA1 2UU

Telephone: (01228) 523034

Fax: (01228) 528732

Development Services Planning Department  
Carlisle City Council  
Civic Centre  
Carlisle  
CA3 8QG

PLANNING & HOUSING SERVICES	
REF	07/0686
29 OCT 2007	
RECORDED	KL
SCANNED	
PASSED TO	BP
ACTION	1-1

Our Ref: KWT/JW

26<sup>th</sup> October 2007

Dear Sirs,

**Messrs. Blair, Town Head Farm, West Hall**  
**Application for Agricultural Workers' Dwelling**

My above named Members have requested that I write to you in connection with their application for an agricultural workers' dwelling close to their farm at West Hall near Brampton. I understand that there is a proven agricultural need for this dwelling but approval of the application is now in doubt due to our Members' purchase of an adjoining farm. I confirm that I have spoken at length with Mr. Blair regarding the application and the circumstances surrounding the purchase of the farm and I have also had sight of the letter of confirmation from C & D Property Services Limited of Longtown who are Mr. Blair's land agents.

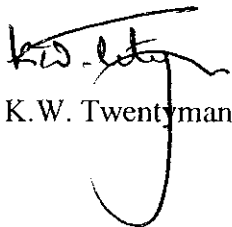
First and foremost, it is vital to understand the importance to the viability of Mr. Blair's business provided by the area of land which he has rented from Lees Hill Farm in recent years. Without this land Mr. Blair's dairy farming business would become totally unviable. Had he lost the use of this land he would be unlikely to be able to replace it as there is currently no more land available for renting or purchase in close proximity to the farm. The land in question is immediately adjoining Mr. Blair's owner/occupied land which makes it possible for him to properly manage his dairy cows. My Member would probably have been happy to continue renting the land but following the current owner's decision to sell the farm, Mr. Blair has been forced to make his move. As indicated by C & D Property Services, the farm was to be offered in two lots and for sale by public auction. The vendor was not prepared to arrange a private sale for lot 2 which comprised of the main block of land currently rented by Mr. Blair and had this lot, or indeed the whole of the farm, been sold to a new owner it is extremely unlikely that Mr. Blair could have continued renting the land.



In order to secure the future of his business our Member has been forced to purchase the whole farm but it is his intention only to retain the land. C & D Property Services Limited have confirmed that they have instructions from Mr. Blair to re-sell the large farm house and additional buildings at Lees Hill both on economic grounds and also for the fact that they serve no useful purpose to Mr. Blair's dairy farming business. Firstly, being a dairy only farm, the dairy unit is entirely based at Town Head Farm and Mr. Blair has no need for any outlying buildings as he does not retain any young stock or beef cattle, etc. In addition, the farm house at Lees Hill is not situated in a position where occupation by a farm worker would provide important coverage of the business. Whilst the proposed agricultural workers' dwelling in West Hall is at a suitable location for an additional worker to be on hand for animal welfare and livestock management purposes, the house at Lees Hill Farm is too far away from the main steading to serve this purpose. This is in addition to the fact that the amount of capital which would be tied up in the farm house at Lees Hill is far too great for an agricultural workers' dwelling and would jeopardise the viability of the business.

In conclusion, the timing of the purchase of Lees Hill Farm is perhaps unfortunate from Mr. Blair's point of view but this is a matter over which he had no control. You have confirmation that it is Mr. Blair's intentions only to retain the land from Lees Hill Farm which will continue to secure the viability of his farm. The farm house and buildings at Lees Hill are not required and neither will enhance the viability or development of Mr. Blair's dairy farming business. There is however a proven need for an agricultural workers' dwelling close to the farm at Town Head and this need very much remains. For these reasons, we hope that Carlisle City Council will approve the application for an agricultural workers' dwelling at West Hall along the lines of the application submitted.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'K.W. Twentymen', with a large, stylized loop at the bottom.

K.W. Twentymen

## SCHEDULE A: Applications with Recommendation

08/1193

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**Item No: 12**

**Date of Committee: 30/01/2009**

**Appn Ref No:**  
08/1193

**Applicant:**  
Mrs Vicky Russell

**Parish:**  
Carlisle

**Date of Receipt:**  
01/12/2008

**Agent:**  
Hogg & Robinson Design  
Services

**Ward:**  
Belle Vue

**Location:**  
22 Beck Road, Carlisle, CA2 7QL

**Grid Reference:**  
337117 555967

**Proposal:** Erection Of Garage To Side Elevation And Two Storey Rear Extension  
To Provide An Extended Kitchen/Dining Area To The Ground Floor With  
An Extended Bathroom And Ensuite Above. (Revised Application)

**Amendment:**

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### REPORT

**Case Officer:** Sam Greig

#### **Reason for Determination by Committee:**

This application has been brought before the Development Control Committee due to the receipt of a single letter of objection from a neighbouring resident who wishes to exercise their 'right to speak' against the proposal.

#### **1. Constraints and Planning Policies**

Local Plan Pol CP5 - Design

Local Plan Pol H11 - Extns to Existing Resid. Premises

#### **2. Summary of Consultation Responses**

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

#### **3. Summary of Representations**

**Representations Received**

**Initial:**

**Consulted:**

**Reply Type:**

## SCHEDULE A: Applications with Recommendation

08/1193

23 Birchdale Road	04/12/08	Objection
24 Beck Road	04/12/08	
27 Beck Road	04/12/08	
25 Criffel Road	04/12/08	
27 Criffel Road	04/12/08	

- 3.1 This application has been advertised by means of notification letters sent to four neighbouring properties. A single letter of objection has been received. The issues raised are indicated below:
1. The proposed development will obstruct natural light and heat to the neighbouring property, No.20 Beck Road;
  2. The extension is out of proportion with the property;
  3. The approval of the application will contravene the Human Rights of the occupiers of No.20 Beck Road; and
  4. The objector has raised concern regarding the way in which the Development Control Committee reached its decision in respect of the recently approved application for a similar proposal, although no specific details have been provided.
- 3.2 In respect of the latter point Members are advised that this is not a material consideration to be taken into account when determining this current application. If the objector has concerns regarding the way in which the Committee determined the application the appropriate route for a complaint would be Judicial Review, which is a matter to be addressed through the Courts.

### 4. Planning History

- 4.1 In 2006 an application was submitted for the erection of a two storey extension to the side elevation and a single storey extension to the rear elevation (Application 06/0982). The application was withdrawn prior to determination.
- 4.2 In 2007 planning permission was refused for a revised application which sought approval to erect a two storey extension to the side elevation and a single storey extension to the rear elevation (Application 06/1477). An appeal against the refusal of the application was dismissed by the Planning Inspectorate in December 2007.
- 4.3 In 2008 planning permission was granted by the Development Control Committee for the erection of a garage to the side elevation and a two storey extension to the rear elevation to provide an extended kitchen and dining room on the ground floor with an extended bathroom and ensuite to the first



floor.

### **5. Details of Proposal/Officer Appraisal**

#### **Introduction**

- 5.1 This application seeks full planning permission for the erection of side and rear extensions to No.22 Beck Road, Carlisle. The property is a two storey semi-detached dwelling located 180 metres south of the junction of Beck Road with Moorhouse Road.
- 5.2 The external walling of the dwelling is finished using red facing brick with a concrete tiled hipped roof. The property is located centrally within a row of dwellings that are of a similar scale and design. The site is identified on the Urban Area Inset Map that accompanies the Carlisle District Local Plan 2001-2016, as being within a Primary Residential Area.

#### **Background**

- 5.3 This application is the fourth in a series of planning applications seeking consent to extend 22 Beck Road to provide additional living accommodation. The first application was received in August 2006, but was withdrawn prior to determination, due to Officers concern regarding the proximity of the side extension in relation to the adjacent property, No.24 Beck Road.
- 5.4 A revised scheme was resubmitted in December 2006 (Application 06/1477). Although the applicant's reduced the scale of the two storey aspect of the scheme, the impact of the extension upon the occupiers of No.24 Beck Road was unacceptable and the application was refused under the Council's delegated powers procedure. The applicant's appealed against this decision, but the Planning Inspectorate shared the Council's concerns and the appeal was dismissed.
- 5.5 Following negotiation with Officers a third application was submitted. Members may recall the application, which was approved by the Development Control Committee in October 2008 following a site visit. This current application seeks to modify the approved scheme by omitting the roof light that serves the dining room and incorporating a roof light to serve the ensuite bathroom. Under the approved scheme natural light to the ensuite was provided by a sun pipe. Permission is required for this modest alteration as the installation goes beyond what the Council considers to be a 'de minimis' alteration, i.e. the amendment materially changes the appearance of what has been approved.

#### **Proposal**

- 5.6 The development comprises three constituent elements. It is proposed to erect an attached single storey garage to the south elevation of the dwelling,

## **SCHEDULE A: Applications with Recommendation**

08/1193

which measures 8.2 metres in length and 2.85 metres in width, incorporating eaves and ridge heights of 2.45 metres and 3.3 metres respectively. The proposed extension to the rear elevation of the dwelling, which is part single storey and part two storey in height measures 7.5 metres in width and projects 3 metres from the west elevation of the dwelling at ground floor level, incorporating eaves and ridge heights of 2.7 metres and 3.9 metres respectively. The first floor element is located directly above the existing off-shot kitchen, which is to be demolished to accommodate the new extension. It measures 3 metres in width and projects 3 metres from the west elevation, incorporating eaves and ridge heights of 5.6 metres and 6.7 metres respectively.

- 5.7 The scale and design of the extension is identical to the scheme that was approved by the Development Control Committee in October last year, with the exception of the additional roof light that would serve the ensuite and the omission of the roof light serving the dining room. Work on site has commenced on the basis of the approved scheme and the extensions are now largely complete. At the time of writing this report the applicant's agent advised that the garage was constructed and that the builders were in the process of installing the roof timbers on the rear extension.

### **Assessment**

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

The proposals raise the following planning issues:

#### **1. Whether The Proposal Is Appropriate To The Dwelling.**

- 5.9 The scale and height of the proposed alterations, which have previously been agreed as acceptable, are comparable and proportionate to the existing property. The extensions complement the existing dwelling in terms of their design and an appropriate condition is recommended to ensure that the external materials used complement the original dwelling.

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

- 5.10 In assessing the impact of the extension upon the living conditions of the occupiers of the adjacent dwellings, Members are reminded that, with the exception of the insertion and removal of the roof lights to the ensuite and dining room, the scheme is identical to that previous approved by this Committee. Members have, therefore, already established that the impact of the extension upon the adjacent dwellings is within tolerable limits. The inclusion of the roof light to the ensuite or the omission of the roof light to the dining room does not change this situation.
- 5.11 Members should note that there are no windows in the side elevations of the

extensions, which would look towards either No.20 or No.24 Beck Road. In order to safeguard the future privacy of the occupants of these properties a condition is recommended, which would remove the applicants permitted development rights to insert a window in these elevations at a later date.

### 3. Whether The Proposal Would Infringe The Human Rights Of The Occupiers Of No.20 Beck Road.

5.12 Members may recall that the person who spoke on behalf of the objectors at the previous meeting raised two issues in respect of the Human Rights Act and loss of light. In respect of the latter the speaker explained that the objectors required more time to contest the Officer's opinion that the rear extension would not result in a significant loss of light to the occupiers of No.20 Beck Road; however, at the time the application was determined no further information regarding this matter was forthcoming. Members are advised that no additional information has been provided to support their current objection to this proposal.

5.13 In respect of the Human Rights Act, whilst a breach of these rights is referred to in the letter of objection, no specific information has been provided to explain how the proposal infringes the objectors Human Rights. With regard to this matter Members are advised that Article 8 and Article 1 of Protocol 1 of the Human Rights Act are relevant to this application; however, for the reasons stated in paragraphs 5.10 to 5.11 of the report, the impact of the development in these respects will be minimal and the separate rights of individuals under this legislation will not be prejudiced.

### 4. Access And Parking.

5.14 The Highway Authority has raised no objections to the proposed development.

## Conclusion

5.15 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 extension is acceptable in relation to the dwelling. In all aspects the proposals are compliant with the objectives of the relevant Local Plan policies.

## 6. Human Rights Act 1998

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

**Article 6** bestowing the "Right to a Fair Trial" is applicable to both applicants seeking to develop or use land or property and those

## SCHEDULE A: Applications with Recommendation

08/1193

whose interests may be affected by such proposals;

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

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

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

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

### 7. **Recommendation** - Grant Permission

1. The 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.

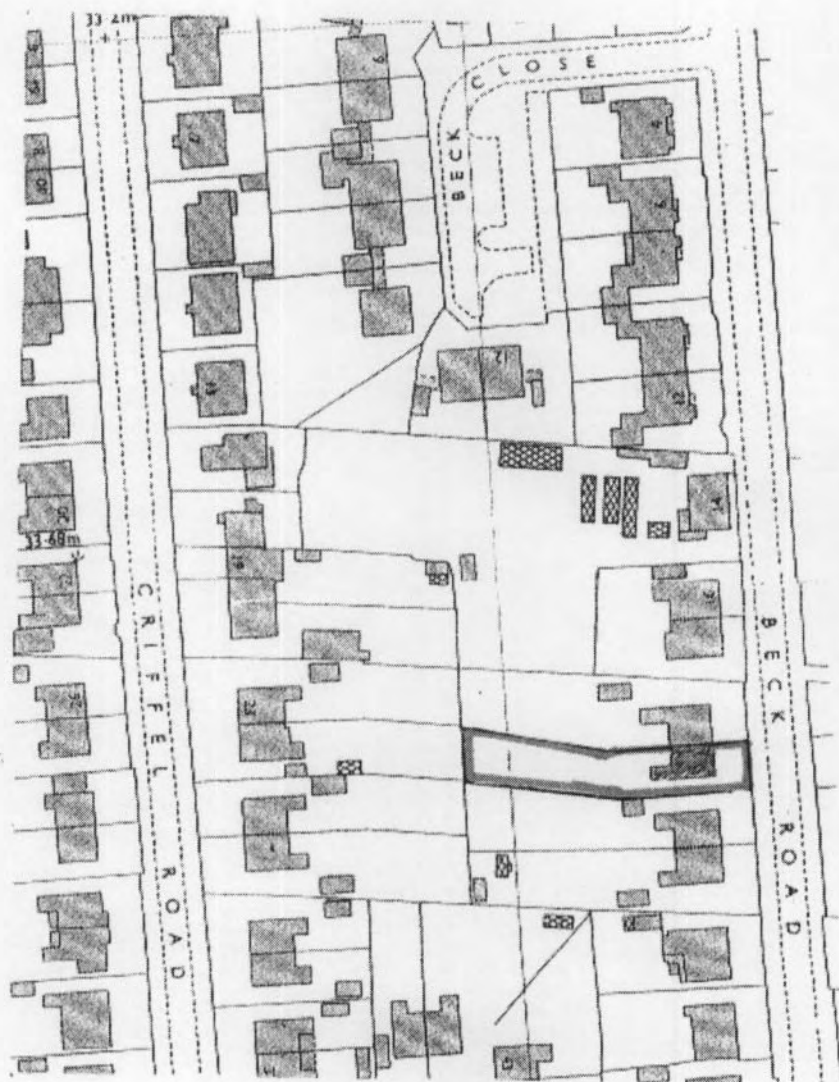
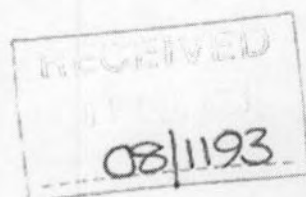
**Reason:** To ensure an acceptable external appearance for the completed development and accordance with Policy H11 of the Carlisle District Local Plan 2001-2016.

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order), no additional windows shall be inserted in either the north or south elevations of the extensions hereby permitted without the prior written approval of the Local Planning Authority.

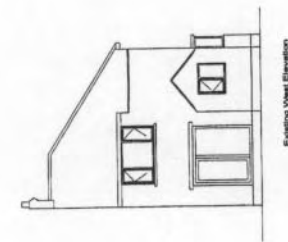
**Reason:** In order to protect the living conditions of residents in close proximity to the site and to ensure compliance with Policy H11 of the Carlisle District Local Plan 2001-2016.

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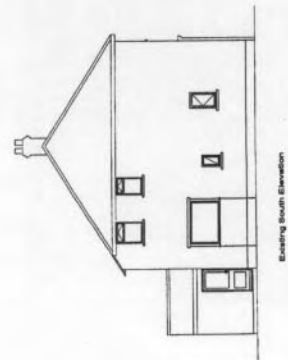
22 BECK ROAD  
CARLISLE



02\_R-BR-200608.SP  
Scale 1:1250



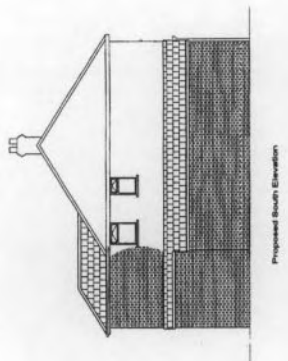
Existing West Elevation



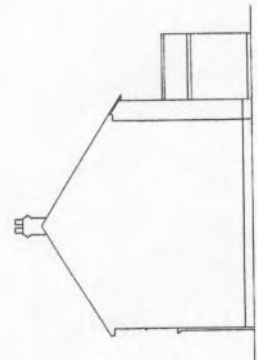
Existing South Elevation



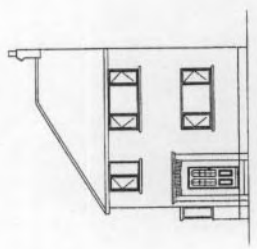
Proposed West Elevation



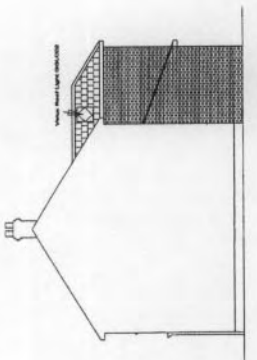
Proposed South Elevation



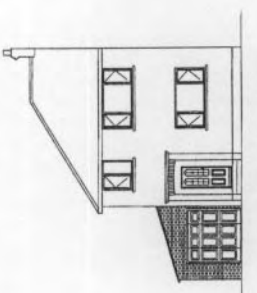
Existing North Elevation



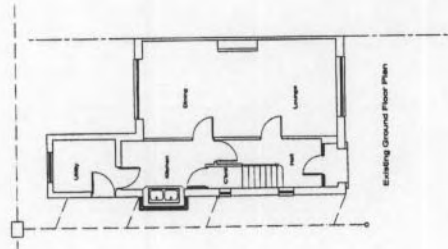
Existing East Elevation



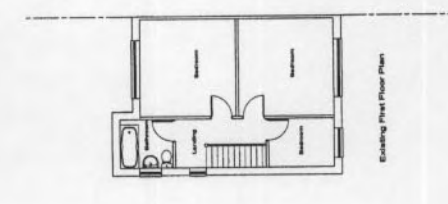
Proposed North Elevation



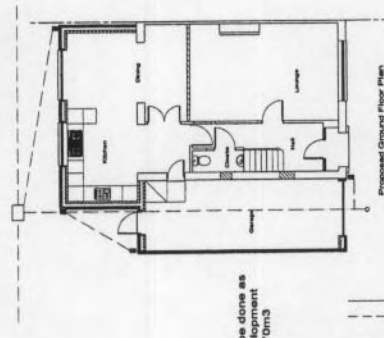
Proposed East Elevation



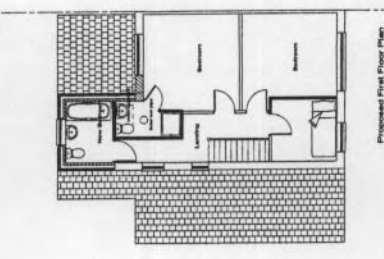
Existing Ground Floor Plan



Existing First Floor Plan

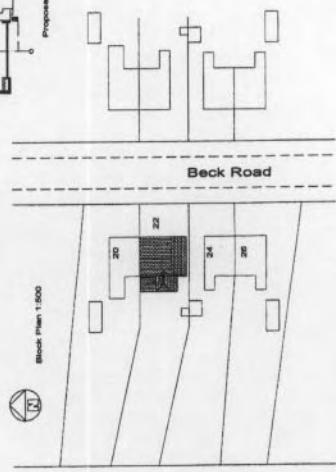


Proposed Ground Floor Plan



Proposed First Floor Plan

Garage could be done as permitted development with a max of 70m3



Scale 1:500

Scale 1:500

RECEIVED  
09/11/23

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www.hoggsandrobinson.co.uk

CLIENT: Mr & Mrs [Name]  
22 Beck Road  
Cambridge  
CB24 4PS

DATE: 21/11/23 SCALE: 1:500 (SPP)

DISCUSS: 15/11/23  
DRAWN: 21/11/23

PROJECT NO: 22 Beck Road  
DRAWING NO: 22 Beck Road  
DATE: 21/11/23

The drawing is copyright. If you are not the owner, you must not use it for anything other than the work for which it was prepared.

## SCHEDULE A: Applications with Recommendation

08/0906

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**Item No: 13**

Date of Committee: 30/01/2009

**Appn Ref No:**  
08/0906

**Applicant:**  
Mr John Waters

**Parish:**  
Nicholforest

**Date of Receipt:**  
05/09/2008

**Agent:**  
Mr Bruce Armstrong-Payne

**Ward:**  
Lyne

**Location:**  
Field 8443 Spruce Grove, Penton, Carlisle, CA6  
5QR

**Grid Reference:**  
345853 576400

**Proposal:** Revised Layout Of Caravan Site For The Provision Of 30no. Static  
Caravans

**Amendment:**

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### REPORT

**Case Officer:** Richard Maunsell

#### **Reason for Determination by Committee:**

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

#### **1. Constraints and Planning Policies**

**Local Plan Pol DP1 - Sustainable Development Location**

**Local Plan Pol CP1 - Landscape Character**

**Local Plan Pol CP3 - Trees and Hedges on Development Sites**

**Local Plan Pol CP5 - Design**

**Local Plan Pol CP6 - Residential Amenity**

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

**Local Plan Pol EC15 - Tourism Caravan Sites**

**Local Plan Pol T1- Parking Guidelines for Development**

**Local Plan Pol LC8 - Rights of Way**

## **SCHEDULE A: Applications with Recommendation**

08/0906

### **2. Summary of Consultation Responses**

**Cumbria County Council - (Highway Authority):** considering the previous application reference 07/1093, there is no objection to the application shown on drawing SG.010808.

The applicant will need to contact CAPITA for a Section 184 licence in order to constructed the lay-by. The lay-by will have to be at least 15m in length with 15m tapers. The carriageway should be at least 6m in width (inclusive of the lay-by width) for the length of the lay-by;

**Community Services - Drainage Engineer:** comments awaited;

#### **Local Plans (Tree Preservation), Development Services:**

The initial comments were submitted prior to the Tree Officer being aware of the planning history of the site and read as follows:

The site of the proposal is a small woodland the most interesting feature of which is the overgrown Beech Hedge that is evolving into individual trees atop a kest along the south western boundary.

Whilst there is no objection to the proposal in general the applicant has not supplied sufficient information to enable the application to be determined. The applicant must supply a tree survey in accordance with British Standard BS 5837: 2005 'Trees in relation to construction Recommendations' as required by virtue of their answer at section 16 of the Planning Application form.

This will help with providing sufficient information to determine the location of the pitches and infrastructure.

The Applicant will also need to supply a landscaping scheme that should pay particular attention to the boundary screening.

Details of the location of the service runs to the pitches and to the proposed sewage treatment plant must also be supplied.

Further comments received on 24th November 2008 read as follows:

Whilst the proposed species choice and size is acceptable the landscaping scheme needs to be detailed and not indicative. The areas to be planted up should be shown on the plans so as to avoid any doubt as to where those areas are.

Please do not hesitate to contact me if you require clarification on any of the above. whilst the proposed species choice and size is acceptable the landscaping scheme needs to be detailed and not indicative. The areas to be planted up should be shown on the plans so as to avoid any doubt as to where those areas are.



## SCHEDULE A: Applications with Recommendation

08/0906

Further comments received verbally on 12th January 2008 confirm there is no objection to the proposal subject to the imposition of a condition requiring the submission of a landscaping scheme prior to the commencement of development;

**Nicholforest Parish Council:** the Parish Council raise a number of concerns regarding the application including:

- there are Section 106 agreements relating to the site;
- has the licensing officer visited this area before considering the application as quite a number of issues within the Acts governing the requirements for the system of licensing of caravans seem not to have been adequately considered and these will be discussed below;
- the Parish Council also realise that as long as planning permission or a Lawful Development Certificate has been issued, a site licence must be issued, however we have some concerns about the validity of the planning permission already given as our documented minutes states that permission was sought in September 1983 and no evidence exist that a second application was ever presented and the issue was left dormant for seven years. The application states that work started on the site on 14th March 1990 and since then, the site has never been utilised as a caravan site;
- both planning permission and site licence are subject to conditions to preserve the safety and living standards of the occupants, the amenity of the area and the environment. To start implementing a project for which Planning Permission was granted in the 1980's almost thirty years later, the conditions referred to have changed considerable and therefore what was considered in the 80's aren't valid and no longer apply;
- there is a relationship between the Caravan Sites and Control of Development Act 1960 and the Health and Safety at Work etc. Act 1974. Under Section 3 of the Act it is the duty of site operators to conduct their undertaking in such a way as to ensure, so far as is reasonably practicable, that both residents and the public at large are not exposed to risks to their health and safety. There are many risks that can be linked to a caravan site with 12 month residence which cannot be reasonably controlled in an area that lacks adequate health/fire service as again is discussed below.

The Parish Council would like these matters further looked into because of the following concerns, all related to the above issues and Legislations:

- allowing 30 static caravans on a 12 month residence licence would change the whole characteristic of the area and quadruple the population;
- a 12 month residency licence is uncommon for a caravan site and is therefore likely to attract people who intend to dwell in their caravan all year round. As well as the increase in population being likely to cause massive changes to this environment we are concerned for the safety and living standards of the occupants;
- caravan sites for residence 12 months of the year are usually only granted in specific circumstances i.e. where the land is designated for residential use and there is a good infrastructure such as bus service, shops, health services, schools etc. nearby;
- there are no facilities on the site and there is no infrastructure locally to

## SCHEDULE A: Applications with Recommendation

08/0906

support such a large development. For instance there is no school (nearest ones are now twenty miles away), no health service (nearest ten miles away) no public bus services, no shops (nearest ten miles away) and no post office. When planning permission was granted, there was a minimal infrastructure in place such as one shop/ post office nearby and schools ten miles away but we don't even have these any more now;

- by law, Holiday Caravans need only be sited five metres from adjoining caravans whilst residential caravans must be six metres apart for better environmental and fire protection. Those who are apt to use the site all year round will not be benefiting from laws that would otherwise protect, had this actually been a site to be officially used for residential purposes;
- the original application (1983) was to promote tourism in the area. These holiday caravans aren't designed for all year round use. The insulation standards are likely to be inadequate leading to condensation and more rapid deterioration of the unit. As well as this occupants using the caravans in the winter may be tempted to block ventilation grills leading to carbon monoxide poisoning. Seemingly several cases of this have occurred within caravans over the past few years;
- this area is damp and extremely cold in the winter. Local inhabitants find it difficult to keep their houses warm and free from damp. It is totally impractical (and a huge health and safety risk) to consider anyone being able to inhabit a caravan in Nicholforest over the winter months;
- caravans are likely to be inadequate in size for 12 month residency whereas purpose designed residential caravans is usually more spacious;
- should a disaster such as flooding or fire occur, those occupants who have opted to make use of the 12 month residence licence by occupying the site all year round would not be re-housed as they would be classed as being 'on holiday'. Also, cover provided by holiday caravan insurance is not as comprehensive as that issued for 'residential' use;
- even if the 12 month residence licence has stipulations such as caravans should only be used by holiday makers, it is highly likely the licence will be abused by those who intend to reside at the site all year round;
- the gradual appearance of 'residents' 'on holiday' will undermine the character of the site and the area. It will convey to other holiday makers that the site is more of a residential one and will attract those who are more likely to want to stay at the site all year round;
- those 'holiday makers' setting up residence at the site are likely to undermine the general appearance of this beautiful area with such as car repairs etc being carried out at the site or collections of building materials, tools etc. outside the caravans as there is insufficient space inside to house these;
- once people start using the site for all year residence, this will be difficult to control. A shorter residency licence and fewer caravans would keep the site neater and more manageable;
- the site is in a prominent position and the scrub spruce around the perimeter will not screen the caravans. Has a risk assessment been carried out with regards to the suitability of the "over mature" spruce;
- the Parish Council are concerned about the noise nuisance, the increased traffic on very narrow roads, the safety hazards to residents and public and the lack of nearby health services or fire services should anything untoward occur;

## SCHEDULE A: Applications with Recommendation

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- the Parish Council would like to see evidence that the original application was in 1983 as dates quoted are subject to some confusion. What conditions apply to the original planning permission that was issued? Normally planning permission is valid for five years. It was over seven years before any work was allegedly done to this site and even longer for its change to a caravan site has been executed. Conditions relating to area, environment and public amenities relating original planning permission no longer apply;
- the site, with 30 caravans will be so densely populated that overspill onto open farm land will occur; and
- has the Environment Agency been consulted with regards to the overflow from the sewage treatment plant and the nearby small water course?

Further comments received on 18th November 2008 are summarised as follows:

- despite valid arguments there seems to be little to support the objections other than that the location of this site would not be supported under current policy guidelines;
- it would seem that there was a gross oversight when planning permission was granted in 1984 without restrictions on the occupancy of the static caravans;
- it would not be unreasonable to impose occupancy conditions which would be compliant with the advice in Circular 11/95; and
- it cannot be unreasonable to impose occupancy restrictions if when the whole site is occupied, the local population may be doubled or even quadrupled;

**Ramblers Association:** comments awaited; and

**East Cumbria Countryside Project:** comments awaited.

### 3. Summary of Representations

#### Representations Received

Initial:	Consulted:	Reply Type:
Beyond The Moss	09/09/08	Support
Bridge Inn	09/09/08	
Pleaknowes	09/09/08	Objection
Ashybank	09/09/08	Support
Moss Hill		Support
Fairfield		Objection
Bessiestown Farm		Objection
Simon's Onsett		Objection
The Roan		Objection
The Firs		Objection
Low Field Head Cottage		Objection
Redgatehead		Objection
Holywell Manse		Objection
The Beeches		Objection
Chapel Hill		Objection
Woodlea		Objection
Mosshead		Objection
Woodlands		Objection

## **SCHEDULE A: Applications with Recommendation**

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- 3.1 This application has been advertised by means of site notice, a press notice and direct notification to the occupiers of four of the neighbouring properties. There have been three letters of support.
- 3.2 Thirteen letters of objection have been received from the occupiers of properties in the area and the main issues raised are summarised as follows:
1. The development will result in the creation of 30 dwellings in the area which will have a major impact in such a rural community;
  2. The development will result in increased traffic and demands on local services and infrastructure;
  3. Planning policies in rural areas generally presume against development and this application is no different;
  4. Further consideration should be given to the history of the site and when the proposed work was undertaken that kept the application valid;
  5. The development will result in an increase in traffic on the 'C' class road posing a safety threat to small children on this single track road;
  6. The existing drainage is insufficient to cope with storm drainage and the development will compound this problem and possible contaminate the water table in the area;
  7. Will household waste be collected or will there be an increase in fly tipping?;
  8. There would be insufficient places in local parish schools;
  9. The original application focussed on holiday development not dwellings to be occupied on a permanent basis;
  10. There has been a significant increase in local house prices since the original application in 1984 and local people are unable to purchase their first homes. The development is likely to be occupied by people wanting a permanent residence rather than as a holiday use as originally intended;
  11. Since the original application there are dwindling resources with no local shop or post office meaning people have to travel for these facilities;
  12. The site will not be used for holiday use but as a traveller site;
  13. The site is in a prominent position and the siting of 30 caravans will adversely affect the rural environment;

14. The omission of the occupancy restriction in 1984 was a mistake and should not be repeated on the current application, particularly with a 50% increase in static caravans;
15. There are sufficient holiday facilities in the area and extra availability is unnecessary;
16. Neighbouring properties look onto the application site;
17. The development will devalue properties in the area; and
18. There had been inadequate consultation locally on the proposal and there has therefore been inappropriate opportunity to consider the application.

#### **4. Planning History**

- 4.1 Planning permission was granted in 1984 for the change of use to a caravan site.
- 4.2 In 2007, an application for a Certificate of Lawfulness for the formation of a caravan park was approved.

#### **5. Details of Proposal/Officer Appraisal**

##### **Introduction**

- 5.1 This application seeks Full Planning permission for the formation of a caravan park at Spruce Grove, Penton Carlisle. The site is located approximately 10.5 kilometres north-east of Longtown and approximately 0.5 kilometres south of Catlowdy and is within open countryside.
- 5.2 The site comprises a wooded area that measures approximately 2.86 acres (1.1 hectares) and is an angular piece of land immediately adjacent to the Catlowdy to Haggbeck Road. The topography of the land is relatively level is well screened on all sides by the existing trees and vegetation.

##### **Background**

- 5.3 Planning permission was granted in 1984 for the formation of a caravan site comprising of twenty static units, including one for occupation by the site warden, provision for ten touring caravan pitches, a toilet block and recreational area.
- 5.4 A subsequent application for a Certificate of Lawfulness was submitted in 2007 for an existing use as a caravan park. The applicant submitted evidence, including a sworn affidavit, and the City Council accepted that the

## SCHEDULE A: Applications with Recommendation

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development had been commenced within the prescribed time period and the planning permission dating back to 1984 had been commenced lawfully.

### Proposal

- 5.5 The current proposal seeks planning consent to vary the layout of the development approved in 1984 and to substitute the twenty static caravans and ten touring caravan pitches to provide a total of thirty static caravans. The vehicular access would be taken from the Haggbeck road, approximately eighty metres from the junction with the Catlowdy Road with a layby provided half way between the two points.
- 5.6 The static caravans would be sited around the perimeter of the site, separated from the boundaries by retained landscaping. The application details also illustrate an extensive landscaping scheme that seeks to retain much of the existing landscaping and proposes to replace existing gaps in hedgerows and provide additional planting within the site. The development will also include the formation of parking places including visitor parking provision and the installation of a treatment plant.
- 5.7 The relevant planning policies against which the application is required to be assessed are Policies DP1, CP1, CP3, CP5, CP6, CP12, EC15, T1 and LC8 of the Carlisle District Local Plan 2001-2016. The proposal raises the following planning issues.

### Assessment

1. The Principle Of Development And Sustainability Of Location
- 5.8 A key principle of operative planning policies is that development of all kinds should be sustainable. That principle is equally pertinent to developments of caravan sites as it is to forms of built development. In this regard, the guidance in Planning Policy Statement 7 - Sustainable Development in Rural Areas (paragraph 3) is helpful in advising that:
- "Away from larger urban areas, planning authorities should focus most new development in or near to local service centres where employment, housing (including affordable housing), services and other facilities can be provided close together. This should help to ensure these facilities are served by public transport and provide improved opportunities for access by walking and cycling. These centres (which might be a country town, a single large village or a group of villages) should be identified in the development plan as the preferred location for such development."*
- 5.9 Planning Policy Guidance 21 (Tourism) has been replaced by a document issued by the Department for Communities and Local Government entitled "Good Practice Guide on Planning for Tourism". It is unusual for a PPG to be withdrawn and not be replaced directly but nevertheless, the Good Practice Guide is a material consideration that should be taken into account when considering this application.

5.10 Paragraph 22 states that:

*"New sites that are close to existing settlements and other services will generally be more sustainable as some local services may be accessed by means other than by car."*

- 5.11 The objectives of national planning policy are reflected in Policy DP1 of the Carlisle District Local Plan. They require that the overall quality of life within Cumbria should be enhanced through the promotion of sustainable development that seeks to protect the environment, ensure prudent use of resources and maintains social progress and economic growth.
- 5.12 Although sustainability is an important underlying principle of planning policy and applies to tourism, it should be recognised that tourism in Cumbria is closely linked to the important landscape designations of the Lake District, North Pennines, the Solway Coast, and Hadrian's Wall, as well as Carlisle. It is therefore inevitable that not all these locations are easily accessible by public transport and, therefore, there will be a high dependency on private transport.
- 5.13 Policies are, thus, in place to ensure a continued but strategic economic growth within the District but at the same time, have to be balanced against the issue of sustainability. The proposed development is in an unsuitable location which is not supported by national or local planning policy; however, Members are reminded of the historical context of development on this site. Planning permission was granted in 1984 for the use of the land as a caravan site. In 2007, a Certificate of Lawfulness was applied for where evidence was submitted that the foundations for the toilet block had been laid within the required timescale. Such applications are not determined on planning merit but on the strength of the evidence submitted and in this instance, the City Council accepted that the development was "lawful". Consequently, if no previous planning history existed for the site, it would be appropriate to determine the application against adopted Local Plan policies and (for the aforementioned reasons) the development would be contrary to these policies; however, given the background of the site and the fact that a previous consent has been "started" and is lawful, the principle of development on the site is already acceptable as a matter of fact.
- 5.14 The application site area is unaltered and the issue relating to this current proposal relates to visual impact of the ten static caravans as opposed to ten touring caravans.

## 2. Landscape Impact

- 5.15 In relation to the site's rural location, Policy CP1 of the Local Plan requires that development proposals in the rural area seek to conserve and enhance the special features and diversity of the different landscape character areas. There is no particular landscape designation applicable to this site but, nonetheless, the supporting text of the Policy states that development should

## **SCHEDULE A: Applications with Recommendation**

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not unacceptably damage local character and where possible (should) enhance the distinctive character of the local area.

- 5.16 Development proposals will be acceptable subject to consideration against 4 criteria. The Policy adds that permission will not be granted for development in the undeveloped open countryside unless it is required to meet local infrastructure needs, or for dwellings supported by a proven agricultural or forestry need. In effect, proposals should be compatible with the distinctive characteristics and features of Cumbria's landscape types and sub types and proposals need to be assessed in relation visual intrusion or impact; their scale in relation to the landscape and features; and the openness, remoteness and tranquillity of the location.
- 5.17 In considering these proposals, Members should note that the site is located within a densely wooded area. The principle of development on the site has already been discussed in the preceding paragraphs and has been established through the extant consent; therefore, the issue in relation to this matter is the difference between the scheme that benefits from planning permission and the current proposal. In that regard, the vehicular access into the site remains in approximately the same position; the layout that is subject to this application is somewhat simplified from the approved scheme insofar as the road extends into the site and then splits left and right to provide two branch roads whereas the approved scheme has far more branches extending from the main access road; and the static caravans will extend further south into the site allowing more circulation space around the development.
- 5.18 Fundamentally, the development is well contained within the site and although the caravans will extend over a greater area, they will be screened by the existing trees and vegetation which are, clearly, of greater maturity than when the site was originally approved. Coupled with the proposed landscaping scheme, the visual appearance of the development within the context of the character of the area will be minimal and will not conflict with policy objectives.
3. The Effect On The Living Conditions Of Occupiers Of Nearby Properties
- 5.19 Policy CP6 of the Local Plan requires that development proposals do not adversely affect the amenity of residential areas by virtue of inappropriate development, scale or being visually intrusive. In relation to these objectives, which are actually intended to protect the living conditions of residential neighbourhoods from inappropriate land uses or developments, Members should note that the nearest property is known as Moss Hill and is located approximately 80 metres to the south of the application site. The curtilage of this property is approximately 65 metres from the proposed caravan site and is separated by the applicant's property and curtilage. It should be noted that the nearest caravan would be approximately 160 metres to the north of the neighbouring property.
- 5.20 In respect of these issues, there will undoubtedly be an increase in use of the



## SCHEDULE A: Applications with Recommendation

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surrounding highway network but it is not considered that the proposal that is being presented for consideration would be either obtrusive or adversely affect the living conditions of the occupier of this property.

### 4. Impact On Trees

5.21 The supporting landscape statement identifies that the woodland within the site is typical of the area, being a small spruce plantation which is now over mature and has suffered from windblow over a number of years with the overblown trees still lying on the ground. Where gaps in the canopy have occurred, some different species have become established, many of which are semi-mature.

5.22 The trees on the site form a vital role in providing established screening for the development; furthermore, it is proposed to incorporate a landscaping scheme. The Council's Tree Officer initially raised concerns about the proposal given the absence of a Tree Survey. This was duly submitted but comments received requested further information from the applicant and required the landscaping scheme to be detailed and not indicative. The areas to be planted should be shown on the plans so as to avoid any doubt as to where those areas are. Through further discussions with the Tree Officer, he is satisfied with the proposal subject to the imposition of a planning condition, should Members be minded to approve the application, requiring the submission of a landscaping scheme prior to the commencement of development .

### 5. Occupancy Restriction

5.23 One of the issues raised in the consideration of this application and one expressed by the Parish Council is that of occupancy of the caravans. With planning consents that are granted under the current policy climate, a raft of conditions are imposed restricting the occupancy of the caravans and requiring a register of guests to be kept by the manager, to avoid permanent occupancy.

5.24 When planning consent was originally granted in 1984, which is the permission that has been implemented on the site and remains valid in perpetuity, no occupancy restrictions were imposed. Circular 11/95 provides advice with regard to the use of conditions attached to planning consents and in particular, paragraph 14 states that conditions should not be imposed unless they are both necessary and effective, and do not place unjustifiable burdens on applicants. The Circular provides six tests that a planning condition should meet, namely:

- i. necessary;
- ii. relevant to planning;
- iii. relevant to the development to be permitted;
- iv. enforceable;
- v. precise; and
- vi. reasonable in all other respects.

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5.25 With regard to this proposal, the issue of 'reasonableness' is key. The Planning Officer has considered this matter and taken advice from the Council's Head of Legal Services. The previous consent from 1984, which is extant, did not impose any occupancy restriction. The applicant is at liberty to continue to develop the site in accordance with this consent and it would, therefore, be more than likely viewed as unreasonable to impose a restrictive occupancy condition on any revised planning permission on the basis that the existing permission does not have such a restriction. Since the current application is, in essence, a variation in layout albeit with a move from ten touring caravans to ten static, the total number of caravans will remain constant at thirty.

### **6. Foul Drainage**

5.26 The applicant proposes to deal with foul sewage from the site by way of the installation of a treatment plant with associated soakaway. Policy CP12 of the Local Plan requires that new development will only be permitted if foul sewers and sewage treatment works of adequate capacity and design are available or will be provided in time to serve the development. The Environment Agency has raised no objection to the proposal subject to the imposition of appropriate conditions.

### **7. Other Matters**

5.27 There is a right of way to the north of the application site but the proposed development will not interfere with the public's use of this footpath.

5.28 Members will note that a number of objections have been received from residents living in the area. The majority of issues have been addressed in the preceding paragraphs of this report. There is concern locally that the development may be used as a travellers site. Officers have held discussions with the applicant's agent where it has been confirmed that this will not be the case and that the development will be used as second homes for people visiting the area.

## **Conclusion**

5.28 In summary, although not a sustainable location, the principle of caravan development on the site has been established. The issues relate to the revised layout and the occupancy of the caravans. The topography of the land together with the existing trees and proposed landscape means that the development will not adversely affect the character or appearance of the area. It would be more than likely viewed as unreasonable to impose occupancy restrictions on the caravans in view of the fact that the site benefits from an extant planning permission where no such occupancy restrictions exist.

5.29 There are no residential properties immediately adjacent to the application site. Whilst the development of the site will increase the overall population in

## SCHEDULE A: Applications with Recommendation

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the area, the living conditions of residents in the locality will not directly be adversely affected by the development.

- 5.30 On balance, it is considered that the proposal is considered acceptable subject to the attached planning conditions.

### 6. Human Rights Act 1998

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

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

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

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

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

- 6.3 The proposal has been considered against the above but in this instance it is not considered that there is any conflict. If it was to be alleged that there was conflict it is considered not to be significant enough to warrant the refusal of permission.

### 7. Recommendation - Grant Permission

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

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

2. No development approved by this permission shall be commenced until a scheme for the planting of trees and shrubs has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a detailed survey of existing trees and shrubs to be retained on the site and shall indicate plant species, planting densities and growing heights.

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**Reason:** To ensure that a satisfactory landscaping scheme is implemented and that it fulfils the objectives of Policy CP1 of the Carlisle District Local Plan 2001-2016.

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

**Reason:** To ensure that a satisfactory landscaping scheme is implemented and that it fulfils the objectives of Policy CP1 of the Carlisle District Local Plan 2001-2016.

4. Prior to the commencement of development hereby approved, full details of the colour scheme for each caravan, and any subsequent replacement caravan to be sited shall be submitted and agreed in writing by the Local Planning Authority prior to the caravan being placed on the site.

**Reason:** In order to ensure a satisfactory form of development in accordance with the objectives of Policy CP1 of the Carlisle District Local Plan 2001-2016.

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

**Reason:** To ensure a satisfactory means of foul drainage disposal in accordance with the objectives of Policy CP12 of the Carlisle District Local Plan 2001-2016.

6. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use until such treatment plant has been constructed and completed in accordance with the approved plans.

**Reason:** To ensure a satisfactory means of foul drainage disposal in accordance with the objectives of Policy CP12 of the Carlisle District Local Plan 2001-2016.

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# PLANTS, PLANTING & MAINTENANCE

- All new plant material to comply with BS 3936 6.
- be planted in accordance with BS 4428
- All new plant material shall be of local provenance.
- All new plants to have a 1m diameter circle maintained weed-free for a period of at least 3 years after planting
- Any plants which fail in the first 5 years after planting shall be replaced at the same size & species unless agreed otherwise with the LPA

## EXISTING WOODLAND

Originally a small spruce plantation typical of the 1950s, with some mature trees, but many are now old, low, leaning, bare & some are self-seeded & now semi-mature & mature, filling the gaps in the canopy where spruce have been removed or been uprooted. Many of these blown / uprooted trees are now leaning & some are in vertical stumps, threatening new mature trees. The ground is wet and there will be a risk of further wind damage in this location if conventional thinning is carried out. The aim is to retain as many healthy, windfirm trees as possible on the boundaries, removing any dead, dying or dangerous trees and underplanting (as needed) to reinforce the boundary screening as well as to provide a more open canopy which will help diversity wildlife habitat.

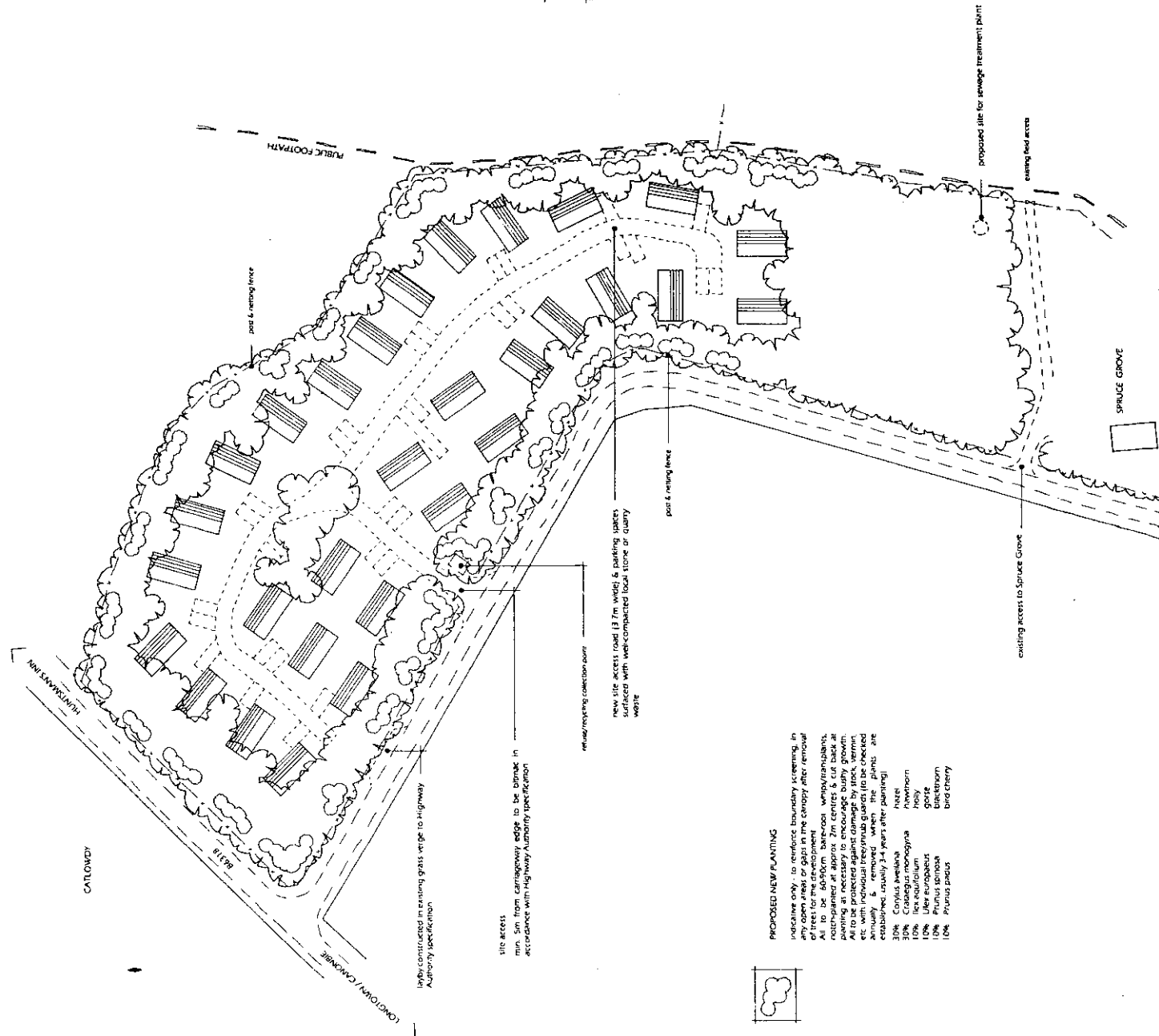
Within the site, all dead, dying, leaning, dangerous trees will be removed & the stumps positioned in such a way as to provide a more open canopy. Remaining trees, particularly the broadleaved, will be retained where possible.

It is recommended that a suitably-qualified Tree Surgeon is employed to advise on the stability of the trees & the management of the woodland.

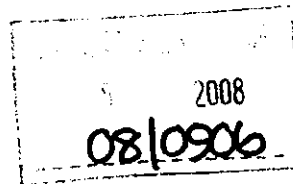
## PROPOSED NEW PLANTING

indicative only - to reinforce boundary screening, in any open areas or gaps in the canopy after removal of trees. All to be 3000mm bare-root, whip/standard, root-planted at approx 2m centres & cut back at planting to encourage bushy growth. All to be protected against damage by stock, termed annually & removed when the plants are established, usually 3-4 years after planting.

30%	Corylus avellana
30%	Colinus monogyna
10%	Ulex europaeus
10%	Prunus spinosa
10%	Prunus padus
	Hazel
	Rowan
	Goat
	Blackthorn
	Bird cherry



**PROPOSED SITE FOR 30 STATIC UNITS**  
**SPRUCE GROVE, PENTON, CARLISLE**  
**LANDSCAPE STATEMENT**



**1.0 Site Location**

Spruce Grove is situated just south of the hamlet of Catlowdy off a minor road which leaves the B6318 secondary road in the village and heads in a southerly direction. Catlowdy lies in the rolling countryside between Kershope Forest to the north and the Liddel valley to the west.

The site for the proposed development is within an existing area of conifer woodland which extends eastwards from the junction of the minor road with the B6318.

**2.0 Site Description**

The site lies on sloping ground between the road junction and the house at Spruce Grove, the land continuing to slope eastwards to a small stream which drains westwards eventually to the river Esk. The adjoining field to the east is within the same ownership.

The woodland within which the site is situated is typical of the area being a small spruce plantation probably established as a shelter belt and now over mature. Where gaps in the canopy have occurred some larch, beech, oak, rowan, willow, hawthorn holly and alder have become established, many of which are semi mature.

The woodland has suffered from windblow over a number of years with many of the blown trees still lying on the ground. The ground conditions are generally wet and there is a risk of further wind damage if a conventional thinning were to be carried out.

The boundaries to the woodland are post and netting fencing and the existing dwelling is sited at the south end of the plantation with an existing access from the highway which also gives access to the field to the east. A public footpath follows the part of the eastern boundary of the plantation to join the minor road south of Spruce Grove.

There is an existing planning consent within the north western half of the woodland for caravan development comprising 20 static and 10 touring units. The present proposal is to site 30 static units utilising this area of the woodland together with a small additional area within the same woodland extending slightly

further southwards. This will allow more satisfactory layout to meet modern standards including more space between the units, retention of more boundary screening within the woodland and the retention of broadleaved regeneration between the units where possible.

No ancillary buildings are proposed on the site and a new package sewage treatment plant will be sited towards the south end of the woodland as shown on the plan.

### **3.0 Landscape Impact of the Proposed Development**

The site lies within landscape type 6, Intermediate Land in the Cumbria County Council Landscape Classification, 1995. The key characteristics of this type highlight its position between lowland and more rolling upland types. Further east it is dissected by the deeply incised wooded valleys of the White and Black Lyne but here it is more open. Most of the landscape is described as fairly bland in character with few strong features. This landscape type is not considered of sufficient quality as to be included within the Landscapes of County Importance category.

The development proposals will seek to maintain the framework of the existing woodland and management will retain stable trees, remove unsafe and blown trees and introduce new native trees and shrub planting to enhance diversity, screening and habitats. The overall density of development will be reduced and this will allow opportunities to ensure that the screening will be improved, a more attractive site created and the future of the woodland placed on a better footing.

Full details of the existing woodland, proposed new planting and comprehensive conservation measures are set out on the plan.

The combination of existing landscape features, better management of the whole of the woodland area, enhanced screening and new planting will enhance the structure, future sustainability and nature conservation value of the woodland and will allow the assimilation of the site onto the local landscape with minimal visual impact. Those elements of the existing landscape which are considered significant have been respected and, where possible, enhanced.

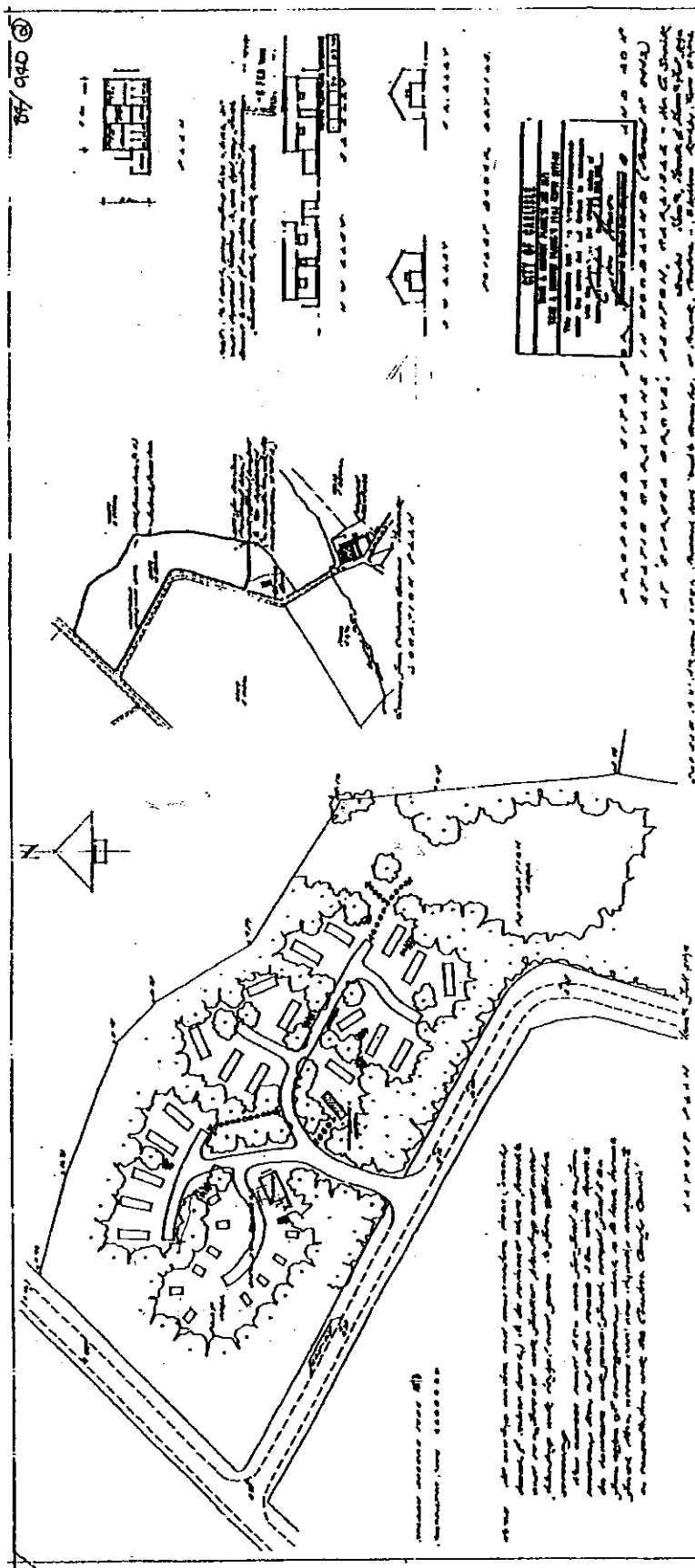
Gillian Capstick Dip LA, MLI

Chartered Landscape Architect

September 2008



Drawing showing the approved layout from application 84/0940



## SCHEDULE A: Applications with Recommendation

08/1182

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**Item No: 14**

**Date of Committee: 30/01/2009**

**Appn Ref No:**

08/1182

**Applicant:**

Knightbridge  
Developments Ltd

**Parish:**

Carlisle

**Date of Receipt:**

26/11/2008

**Agent:**

Architects Plus (UK) Ltd

**Ward:**

Harraby

**Location:**

Former Harraby Methodist Church, Cumwhinton  
Road, Carlisle, CA1 3PA

**Grid Reference:**

342156 553962

**Proposal:** Demolition Of Former Methodist Church And Associated Church Hall  
And Redevelopment Of Site To Provide 8no Two Storey 3 Bedroom  
Houses With Associated Car Parking

**Amendment:**

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### REPORT

**Case Officer:** Stephen Daniel

#### Reason for Determination by Committee:

Five letters of objection have been received.

#### 1. Constraints and Planning Policies

##### **Gas Pipeline Safeguarding Area**

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

##### **Local Plan Pol DP1 - Sustainable Development Location**

Local Plan Pol H1 - Location of New Housing Develop.

Local Plan Pol H2 - Primary Residential Area

Local Plan Pol H3 - Residential Density

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

Local Plan Pol CP5 - Design

## **SCHEDULE A: Applications with Recommendation**

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**Local Plan Pol CP6 - Residential Amenity**

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

**Local Plan Pol CP16 -Public Trans.Pedestrians & Cyclists**

**Local Plan Pol CP17 - Planning Out Crime**

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

### **2. Summary of Consultation Responses**

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

**Community Services - Drainage Engineer:** comments awaited;

**United Utilities (former Norweb & NWWA):** no objections provided the applicant adheres to the protective measures laid out in United Building Consent Schedule A, for plots 6 & 8;

**Cumbria Constabulary - Crime Prevention:** encouraged to note the comments in the Design & Access Statement which outlines how crime prevention measures have been incorporated into the design. Suggests various measures to improve security at the site;

**Development Services Planning & Housing Services - Local Plans (Trees):** no comments;

**Development Services Planning & Housing Services - Local Plans:** there is no policy objection to the redevelopment of this site for housing. The site is in a highly sustainable location and its redevelopment for housing will make a contribution to the Council's brownfield target;

**Northern Gas Networks:** no objections;

**Carlisle City Council (Green Spaces):** seeking a contribution towards off-site provision/maintenance of public open space in the region of £5,700.

### **3. Summary of Representations**

#### **Representations Received**

**Initial:**

**Consulted:**

**Reply Type:**

1 Hedley Court  
93 Lingmoor Way  
95 Lingmoor Way

04/12/08  
04/12/08  
04/12/08

Objection

## SCHEDULE A: Applications with Recommendation

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97 Lingmoor Way	04/12/08	
99 Lingmoor Way	04/12/08	
101 Lingmoor Way	04/12/08	
103 Lingmoor Way	04/12/08	
2 Hedley Court	04/12/08	
3 Hedley Court	04/12/08	
4 Hedley Court	04/12/08	Objection
5 Hedley Court	04/12/08	
6 Hedley Court	04/12/08	Objection
21 Cumwhinton Road	04/12/08	
31 Cumwhinton Road	04/12/08	
33 Cumwhinton Road	04/12/08	
20 Cumwhinton Road	04/12/08	
22 Cumwhinton Road	04/12/08	
24 Cumwhinton Road	04/12/08	Objection
26 Cumwhinton Road	04/12/08	
28 Cumwhinton Road	04/12/08	
30 Cumwhinton Road	04/12/08	
32 Cumwhinton Road	04/12/08	
34 Cumwhinton Road	04/12/08	
126 Lingmoor Way	04/12/08	
128 Lingmoor Way	04/12/08	
130 Lingmoor Way	04/12/08	
132 Lingmoor Way	04/12/08	
91 Lingmoor Way	04/12/08	
78 Warwick Road		Objection

- 3.1 The application has been advertised by means of a Site Notice and notification letters sent to 28 neighbouring properties.
- 3.2 Five letters of objection have been received which make the following points:
- The outlook from 1 and 4 Hedley Court will be a complete blank brick wall and this will lead to loss of light and devalue the properties;
  - Concerned about the tight access to the parking spaces for Hedley Court, which will make parking extremely difficult - on the plans the proposed boundary actually encroaches over the access road and even the slightest loss will make parking extremely difficult. A professional measurement should be undertaken before any work commences;
  - The existing road is single carriageway (3.1m wide) and is too narrow to support the intensification of development proposed. There is no passing place or pavement for pedestrians; no proper turning head; the road is not constructed to adoptable standards; if it is not adopted the residents of Hedley Court will have no right to turn on the turning area; there will be maintenance and repair implications from the increased use of the road;
  - There is potential conflict with car movements and larger third party users such as delivery vehicles to the properties, emergency vehicles and refuse collection. This will lead to vehicles having to back up the estate road or having to wait on Cumwhinton Road for vehicles to leave the site;

- There is not sufficient turning or circulation space within the development site;
- If the development is approved, this should be on the basis that the existing road is widened, the frontage development reduced to a single dwelling and a proper turning head constructed;
- Concerned about the access and disruption to the shared access road during construction;
- There is not enough parking with the development and this will lead to cars parking on Cumwhinton Road - this will make it difficult and dangerous for pedestrians and car users exiting the site and dangerous for pedestrians on Cumwhinton Road;
- The dwellings facing Cumwhinton Road would lead to a loss of privacy to the occupiers of the dwellings on the opposite side of Cumwhinton Road;
- Flat 6 will look out onto a brick wall which will block light coming into the property and onto refuse bins for the proposed houses;
- The spaces in the courtyard will be the main spaces used by the properties on Lingmoor Way, which will mean extra traffic using the existing access in the courtyard;
- The development will bring more noise, adjacent to Hedley Court, which is predominantly occupied by elderly residents.

#### **4. Planning History**

- 4.1 There is no planning history relating to the application site.
- 4.2 In June 1990, planning permission was granted for the erection of 6 flats (Hedley Court) on land immediately adjacent to the application site.

#### **5. Details of Proposal/Officer Appraisal**

##### **Introduction**

- 5.1 The proposal is seeking planning permission for the demolition of the former Harraby Methodist Church and associated church hall on Cumwhinton Road, Harraby and the redevelopment of the site to provide eight two-storey dwellings with associated parking.
- 5.2 The application site, which has frontages on Cumwhinton Road and Lingmoor Way is presently occupied by the former Harraby Methodist Church, an adjoining church hall, a hard surfaced car park and a small landscaped area

## **SCHEDULE A: Applications with Recommendation**

08/1182

to the front of the church and hall. The site slopes downhill from east to west.

- 5.3 The rear elevation of the church and the side elevation of the hall front Lingmoor Way. The buildings are constructed of brick, with concrete tiled roofs, and are separated from Lingmoor Way by a 2m high metal palisade fence, which is topped with barbed wire. Semi-detached dwellings lie adjacent to, and opposite the site, on Lingmoor Way.
- 5.4 A vehicular access is provided into the site from Cumwhinton Road, with a hard surfaced car park also being located on the Cumwhinton Road frontage. Semi-detached dwellings are located to the east of the site and opposite the site on Cumwhinton Road.
- 5.5 Hedley Court, a residential development of six flats, lies immediately adjacent to the site and shares the same access as the church. It is understood that the Hedley Court was built on land that was formerly part of the church. The northern end of Hedley Court lies within 3.7m of the church building and Flats 3 & 6 have principal windows in this elevation. The front elevation of Hedley Court currently faces the southern end of the hall and the car park. The car parking spaces for Hedley Court are between the building and the access road.

### **The Proposal**

- 5.6 The proposal is seeking to demolish the church and hall and to redevelop the site with eight dwellings. Six of the dwellings would be located in a terrace fronting Lingmoor Way, with the other two dwellings fronting Cumwhinton Road. The units on Lingmoor Way would be set back from the highway with car parking bays, separated by landscaping, being located to the front of the dwellings. Each dwelling would consist of a living room, kitchen/dining room and toilet to the ground floor with three bedrooms and a bathroom to the first floor. Each would have a private garden to the rear. The two dwellings that would be located to the north of Hedley Court have been stepped forward, to increase the separation distance between the dwellings and Hedley Court. The dwellings would be constructed of clay facing brick and concrete tiles and would have projecting bay windows to match the properties in the locality.
- 5.7 The two dwellings fronting Cumwhinton Road, would lie adjacent to the existing access road and would have a gable end facing Hedley Court. The dwellings, which would have gardens to the front and back and dedicated car parking spaces to the rear, would contain the same accommodation as the properties on Lingmoor Way.
- 5.8 Some additional car parking spaces would be located within the site and the existing landscape area would be largely retained.

### **Assessment**

- 5.9 The relevant planning policies against which the application is required to be assessed are Policies DP1, H1, H2, H3, H4, CP5, CP6, CP12, CP16, CP17

and LC4 of the Carlisle District Local Plan 2001-2016.

### 1. The Principle Of The Development

- 5.10 The application site is designated as a Primary Residential Area in the Carlisle District Local Plan 2001-2016 and the use of the site for residential development is, therefore, acceptable in principle.

### 2. The Impact Of The Proposals On The Living Conditions Of The Occupiers Of Neighbouring Properties

- 5.11 Part of the church building currently lies within 3.7m of a living room window of the ground floor flat (Flat 3) that is located in the north elevation of Hedley Court. It should be noted this room is also served by another window, which faces east. The upper floor flat (Flat 6) in the north elevation currently looks out onto the roof of the church, the ridge of which is 8m tall and approximately 12m away. The two new dwellings which would back onto this elevation have been stepped forward from the other four dwellings, and would be approximately 7.6m away from this elevation of Hedley Court. There would be no windows in the rear elevation of Unit 1 and only a ground floor kitchen window in the rear elevation of Unit 2, which would not directly face Hedley Court. The floor levels of these dwellings have been stepped down and the roof height kept to a minimum (1.5 storey), to ensure that the ridge height of these dwellings is lower than that the existing church (it would vary from 6.7m to 7.3m). Furthermore, the ridge line of these dwellings would be further away from Hedley Court than the ridge line of the church. In light of the above, the occupiers of Flats 3 & 6 would benefit from increased light and would have a less imposing building further away from their windows than the existing church buildings. As such, it is the officers view that their living conditions should be improved. It is acknowledged that the rear gardens of the new dwellings would come within 1.4m of the north elevation of Hedley Court, but suitable boundary treatment would ensure that there is no loss of privacy to the occupiers Flat 3.
- 5.12 The occupiers of Flats 1 & 4 Hedley Court would have the gable wall of the properties on Cumwhinton Road opposite part of their premises. This wall would be over 12m away from the front elevation of Hedley Court and would only have one window at ground floor, which would serve a toilet, and one window at first floor level, which would serve a landing. This distance, coupled with the fact that Flats 1 & 4 also have windows in the south elevation of Hedley Court, which would be unaffected by the development, would ensure that there is no significant adverse impact on the living conditions of the occupiers of these dwellings.
- 5.13 The east elevations of the dwellings (Plots 6 & 8) would only have landing and bathroom windows at first floor level and this would ensure that there is no loss of privacy to the occupiers of 130 Lingmoor Way and 31 Cumwhinton Road, which adjoin the site to the east. These properties are located at a higher level than the proposed dwellings and this would ensure that the living conditions of their occupiers would not be adversely affected by loss of light

or over-dominance.

- 5.14 The west elevation of the new dwellings on Lingmoor Way (Plot 1) would have windows at ground floor and first floor level. Suitable boundary treatment would ensure that the windows at ground floor level would not have an adverse impact on the privacy of the occupiers of 128 Lingmoor Way, which adjoins the site to the west. In relation to the windows at first floor level, one would serve a bathroom and whilst it is acknowledged that one would serve a bedroom, this would not directly face the dwelling. In relation to loss of light and over dominance, the dwellings would have less impact on the occupiers of 128 Lingmoor Way, than the existing church building.
- 5.15 The existing dwellings on Lingmoor Way and Cumwhinton Road, which would lie opposite the new dwellings, would be a minimum of 25m away and this would ensure that there is no adverse impact on the living conditions of the occupiers of these properties.
- 5.16 In light of the above, the proposal would not have a significant adverse impact on the living conditions of the occupiers of neighbouring properties. Indeed, the removal of the church and hall and their replacement by residential development should have a positive impact on some of the neighbouring properties.

### 3. Design Issues

- 5.17 The dwellings would be constructed of facing brick and concrete tiles and would have projecting bay windows to match the properties in the locality. The dwellings facing Lingmoor Way would be set back and would have parking areas and landscaping to the front. The ridge line of the terrace varies, and units 1 & 2 are stepped forward, and these measures reduce its impact. The dwellings facing Cumwhinton Road have gardens to the front and have bay windows and dormer windows on the front elevation. The design of the scheme is considered to be acceptable and in keeping with the dwellings in the locality.

### 4. Access And Parking

- 5.18 A number of the residents of Hedley Court have expressed concerns about the impact that the development would have on the access road and on their existing parking spaces. They are concerned that the new dwellings, which would face Cumwhinton Road, would make it very difficult to access their car parking spaces (they currently reverse out of their spaces onto the existing church car park).
- 5.19 County Highways has been consulted on the proposals and it has raised no objections to the scheme, subject to the imposition of conditions. It should be noted that the residents are currently reversing onto private land and the landowner could stop them from doing this, if he so wished. Furthermore, whilst the church and hall are currently unused and do not generate any



## **SCHEDULE A: Applications with Recommendation**

08/1182

traffic, these buildings could be re-used and this could lead to a number of vehicles using the existing access to Hedley Court on a regular basis.

- 5.20 Members might be interested to know that the applicant has offered to pay for the realignment of the car parking spaces to the front of Hedley Court to make it easier for the residents to access them. He has also offered to give the residents a 'right of way' over the new turning head that he is creating. These measures should assist the residents of Hedley Court. However, they are solely a good will gesture on the part of the applicant and are not a prerequisite of gaining planning approval.

### **5. Other Matters**

- 5.21 The Green Spaces Team has requested that the applicant should make a financial contribution of £5,670 towards the maintenance of public open space in the locality. This would need to be secured through a Section 106 Agreement. If Members were minded to approve the application, it would be necessary to grant authority to issue approval to enable this agreement to be completed.

### **Conclusion**

- 5.22 In overall terms, the proposal is acceptable in principle and would not have an adverse impact on the living conditions of the occupiers of neighbouring properties due to loss of light, loss of privacy or over dominance. The design of the dwellings is acceptable. In all aspects, the proposal is compliant with the relevant policies within the Carlisle District Local Plan 2001-2016.

### **Informative Notes to Committee:**

#### **1. Section 106 Agreement with Authority to Issue**

In view of the nature of the proposal and the planning issues associated with it, it is recommended that the applicant(s) be invited to enter into a legal agreement under the provisions of Section 106 of the Town and Country Planning Act 1990 and that subject to a satisfactory agreement being concluded, Officers be authorised to issue planning approval.

#### **6. Human Rights Act 1998**

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

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

**Article 7** provides that there shall be "No Punishment Without Law" and

## SCHEDULE A: Applications with Recommendation

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may be applicable in respect of enforcement proceedings taken by the Authority to regularise any breach of planning control;

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

- 6.2 **Article 1 of Protocol 1** relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;
- 6.3 The proposal has been considered against the above but in this instance it is not considered that there is any conflict. If it was to be alleged that there was conflict it is considered not to be significant enough to warrant the refusal of permission.

### 7. **Recommendation** - Grant Subject to S106 Agreement

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

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

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

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

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

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

4. The boundary treatment shall be in accordance with the approved plans, and retained thereafter, unless otherwise agreed in writing by the Local Planning Authority.

## SCHEDULE A: Applications with Recommendation

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**Reason:** To ensure the privacy and amenity of the occupiers of Hedley Court and the proposed dwelling, in accordance with Policies H2 and CP5 of the Carlisle District Local Plan 2001-2016.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order), no additional windows shall be inserted above the ground floor on the east or west elevations of the dwellings on Lingmoor Way and Cumwhinton Road without the prior consent of the Local Planning Authority.

**Reason:** In order to protect the privacy and amenities of residents in close proximity to the site and to ensure compliance with Policies H2 and CP5 of the Carlisle District Local Plan 2001-2016.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order), the first floor bathroom windows in the east and west elevations of the dwellings fronting Lingmoor Way and Cumwhinton Road shall be obscure glazed and thereafter retained as such.

**Reason:** In order to protect the privacy and amenities of residents in close proximity to the site in accordance with Policies H2 and CP5 of the Carlisle District Local Plan 2001-2016.

7. Ramps shall be provided on each side of the junction to enable wheelchairs, pushchairs etc. 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 LD5, LD7 and LD8.

8. The access and parking/turning requirements shall be substantially met before any building work commences on site so that constructional traffic can park and turn clear of the highway. The development shall not be brought into use until any such details have been approved and the parking, loading, unloading and manoeuvring areas shall be kept available for those purposes at all times and shall not be used for any other purpose.

**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 Policies LD8.

9. The whole of each of the access areas bounded by the carriageway edge, entrance gates and the splays shall be constructed and drained to the

## SCHEDULE A: Applications with Recommendation

08/1182

specification of the Local Planning Authority in consultation with the Highway Authority.

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

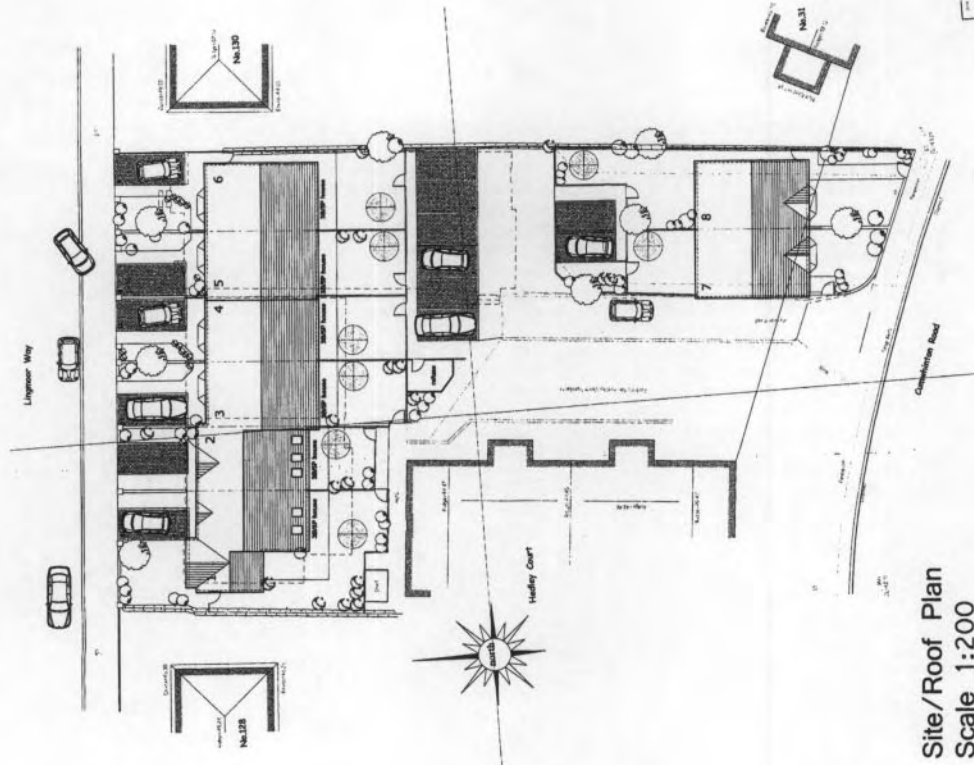
10. Construction site activity shall be permitted between 08.00-18.00 Mondays to Saturdays only. Deliveries to the site during construction shall be permitted between 08.00-18.00 Mondays to Saturdays only.

**Reason:** In order to protect the amenity of local residents, in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order), no extensions to Plots 1 & 2 shall be carried out without the permission of the Local Planning Authority.

**Reason:** The Local Planning Authority wishes to retain full control over the matters referred to, in order to protect the living conditions of the occupiers of Hedley Court, in accordance with Policies H2 and CP5 of the Carlisle District Local Plan 2001-2016.

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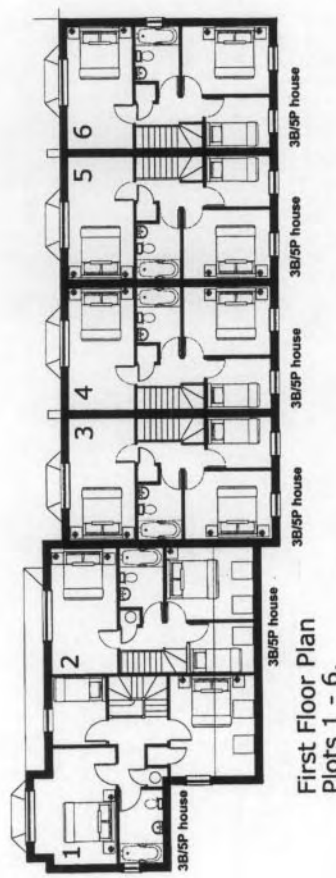


Site/Roof Plan  
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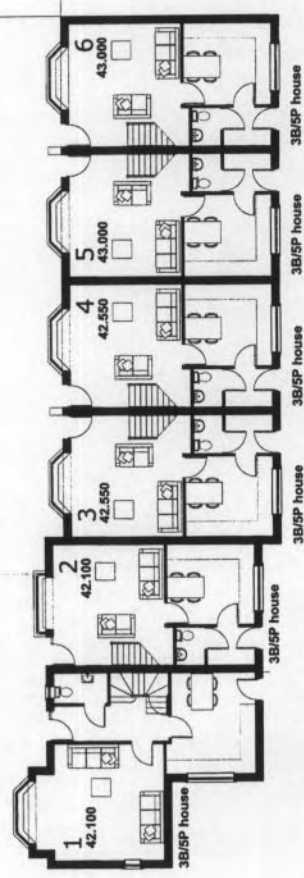
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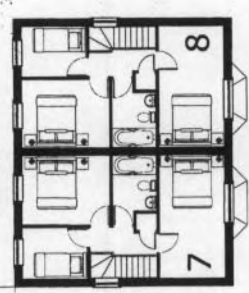
Project  
 Former Haraby Methodist Church,  
 Cumwhinton Road, Carlisle  
 Drawing  
 PROPOSED PLANS  
 SITE & LOCATION PLANS  
 Scale  
 1:100  
 Date  
 Nov 08  
 Drawn  
 DB  
 Checked  
 PDA  
 Project  
 08054-15  
 Registered in England No. 429114  
 Architects Plus (UK) Limited  
 1200, 1:1250  
 Victoria Gardens, Victoria House, Victoria  
 1:100, 1:1250  
 08054-15



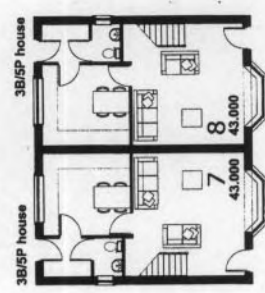
First Floor Plan  
 Plots 1 - 6.



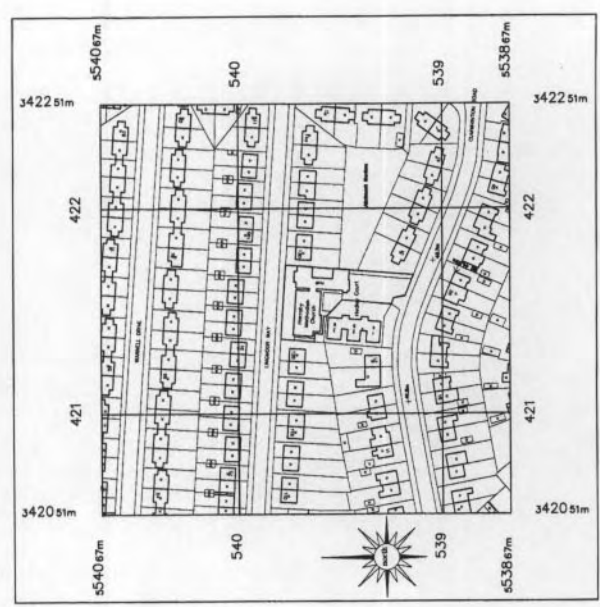
Ground Floor Plan  
 Plots 1 - 6.



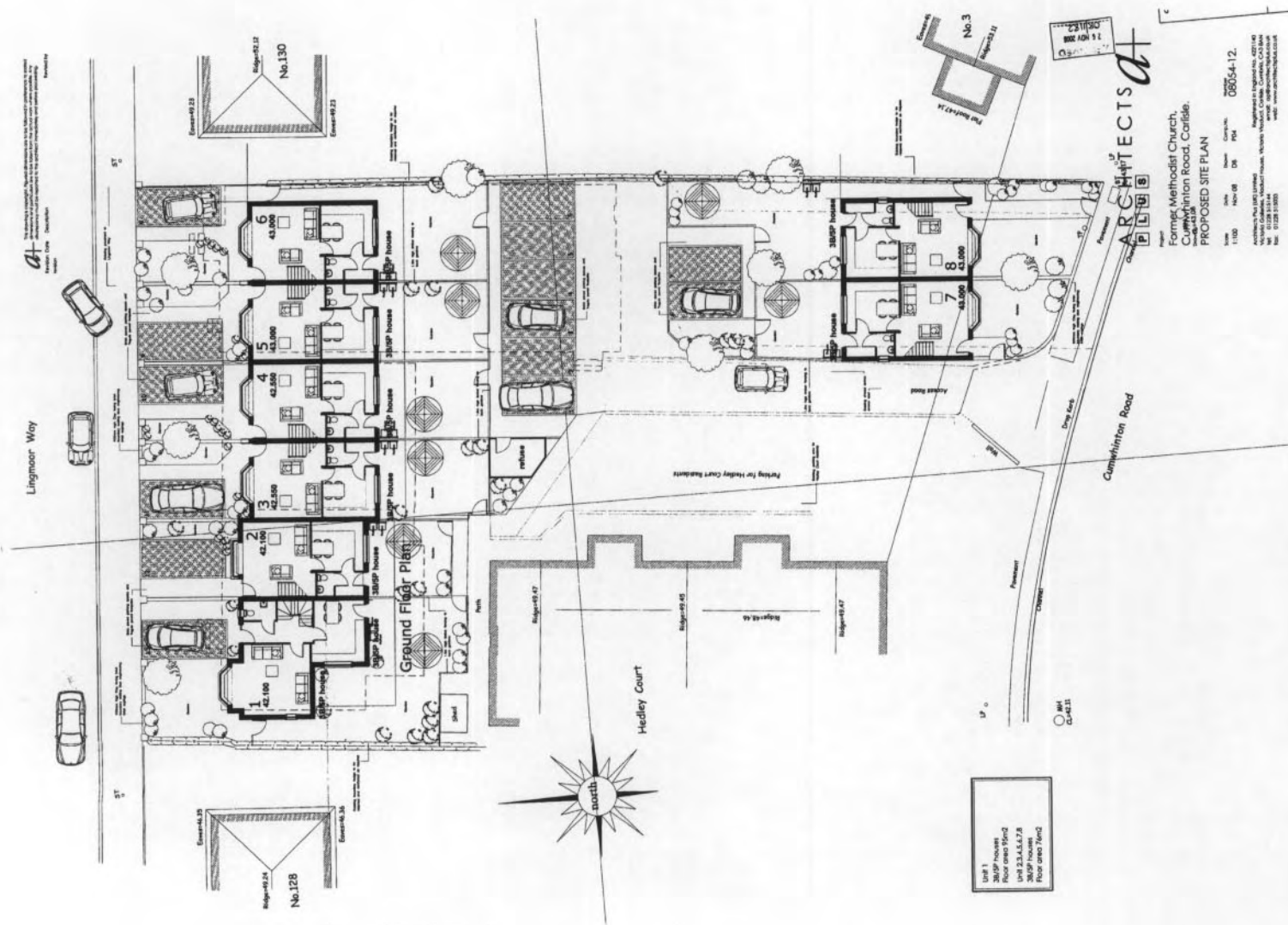
First Floor Plan



Ground Floor Plan  
 Plots 7 & 8.

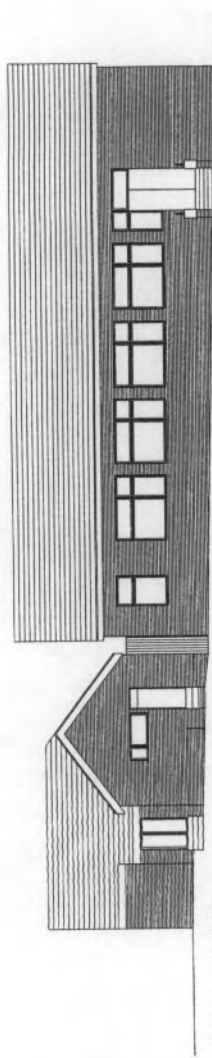


Location Plan  
 Scale 1:1250

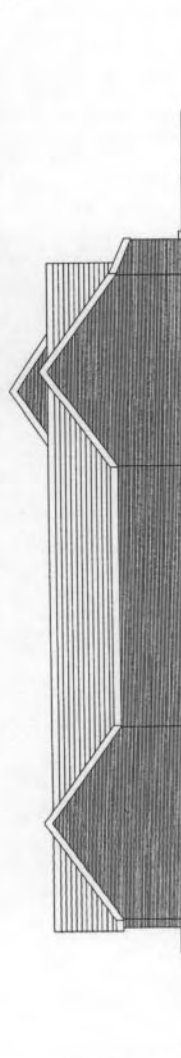


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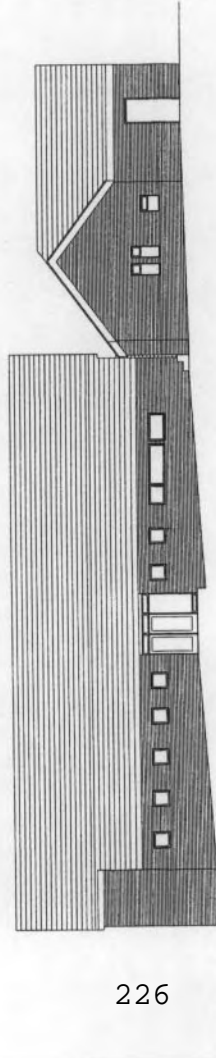
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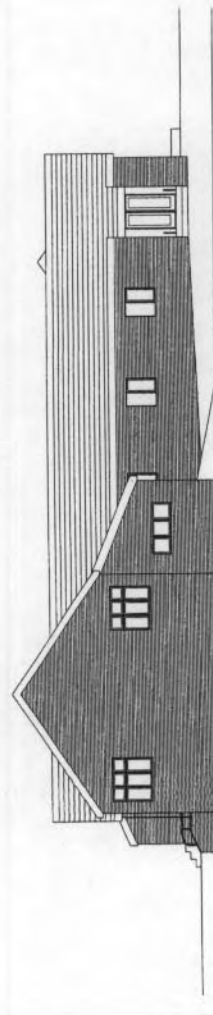
NORTH ELEVATION



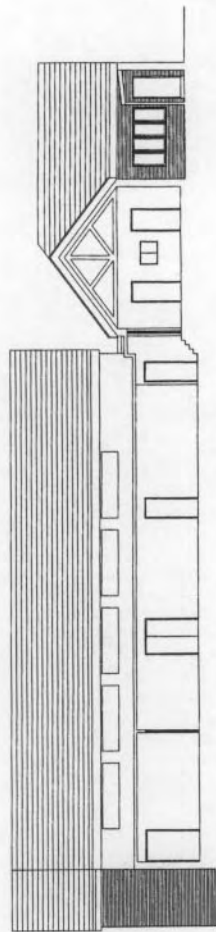
EAST ELEVATION



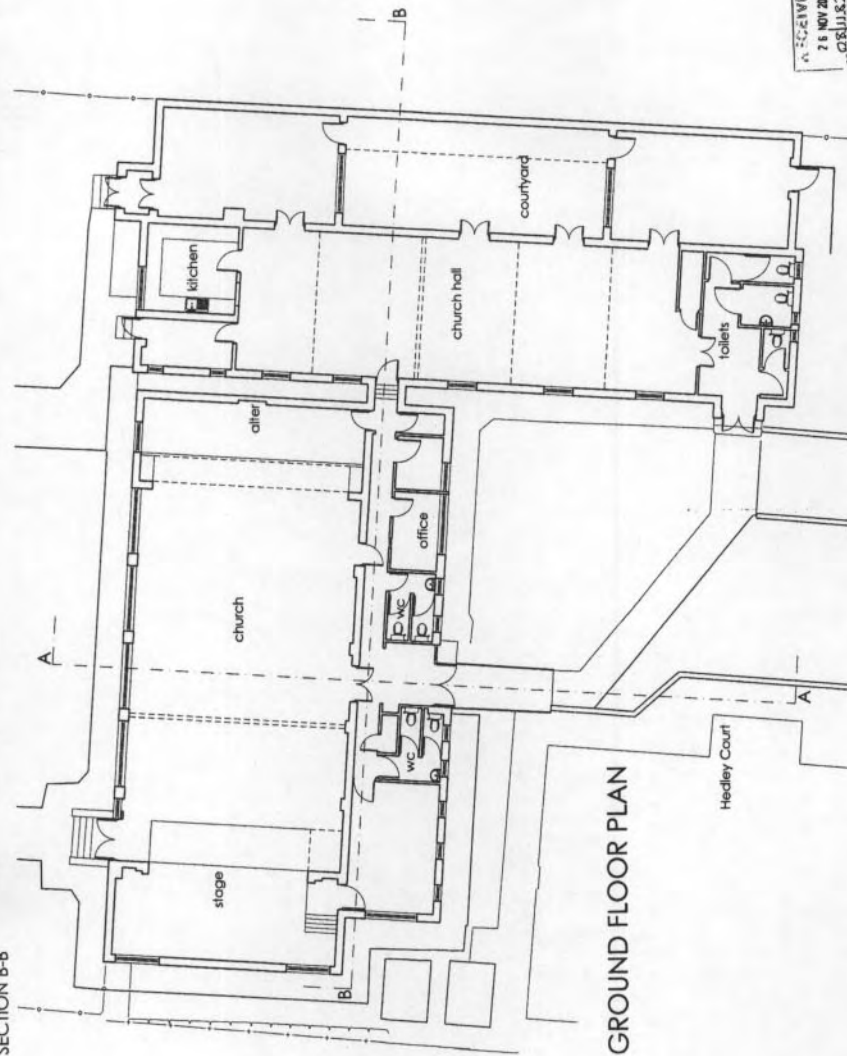
SOUTH ELEVATION



WEST ELEVATION



SECTION B-B



GROUND FLOOR PLAN

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Project  
 Haraby Methodist Church  
 Carlisle

Drawing  
 Existing Floor Plan, Sections & Elevations

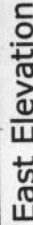
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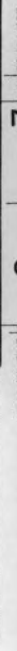
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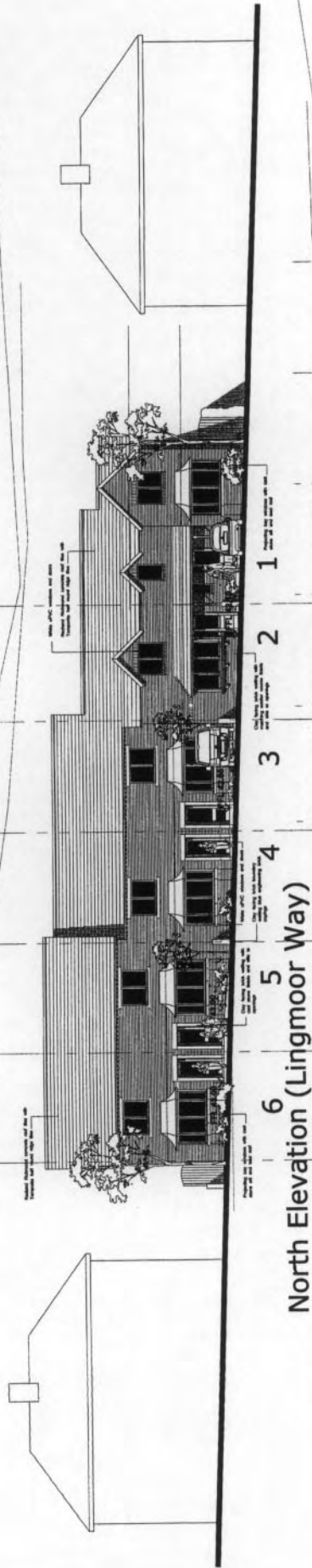


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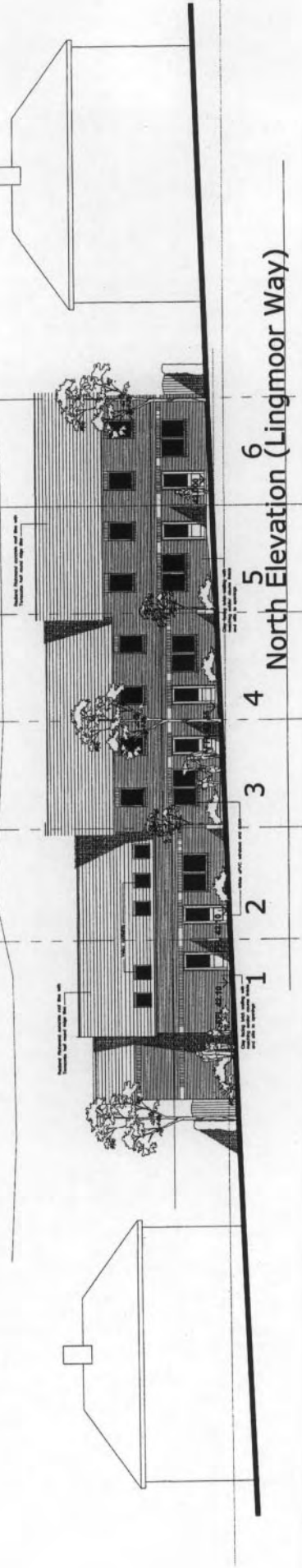
Former Harraby Methodist Church







North Elevation (Lingmoor Way)



North Elevation (Lingmoor Way)

**PROPOSED MATERIALS**

**ROOF**  
 Redland Richmond concrete roof tiles, colour "Slate Grey" with Redland Half Round Dry Ridge  
 Colour: Terracotta

**WALLS**  
 Red/Orange Clay facing brickwork Colour: Furnace Brick and Tile Co. Ltd "Antique orange clamp" (or similar - to approval)  
 Cast Stone lintels, sills and surrounds, colour: Buff

**WINDOWS AND EXTERNAL DOORS**  
 UPVC - white  
 Colour: White

**LANDSCAPING AND BOUNDARIES**  
 1.8m high timber fencing to back garden.  
 Existing hedges to East and West boundaries to be carefully retained and reinforced as required.

**FOOTPATHS AND PAVING**  
 Existing shared tarmac access road to remain.  
 Proposed new car park area to be of block paving parking bays.  
 Proposed new car park area to be formed with concrete paving to be formed with concrete paving.  
 Footpaths to be Marshall's Tergite block pavers. Individual parking bays to each house to be of block paving with header block surrounds.

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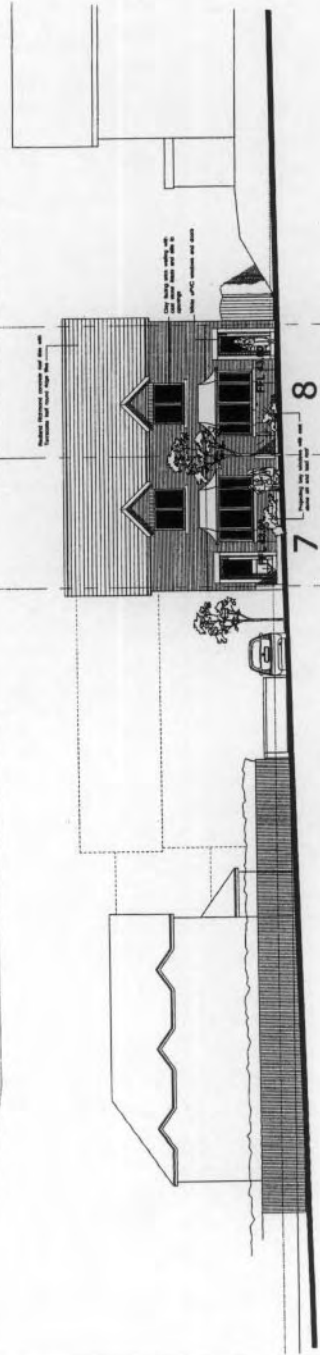
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**P L U S**

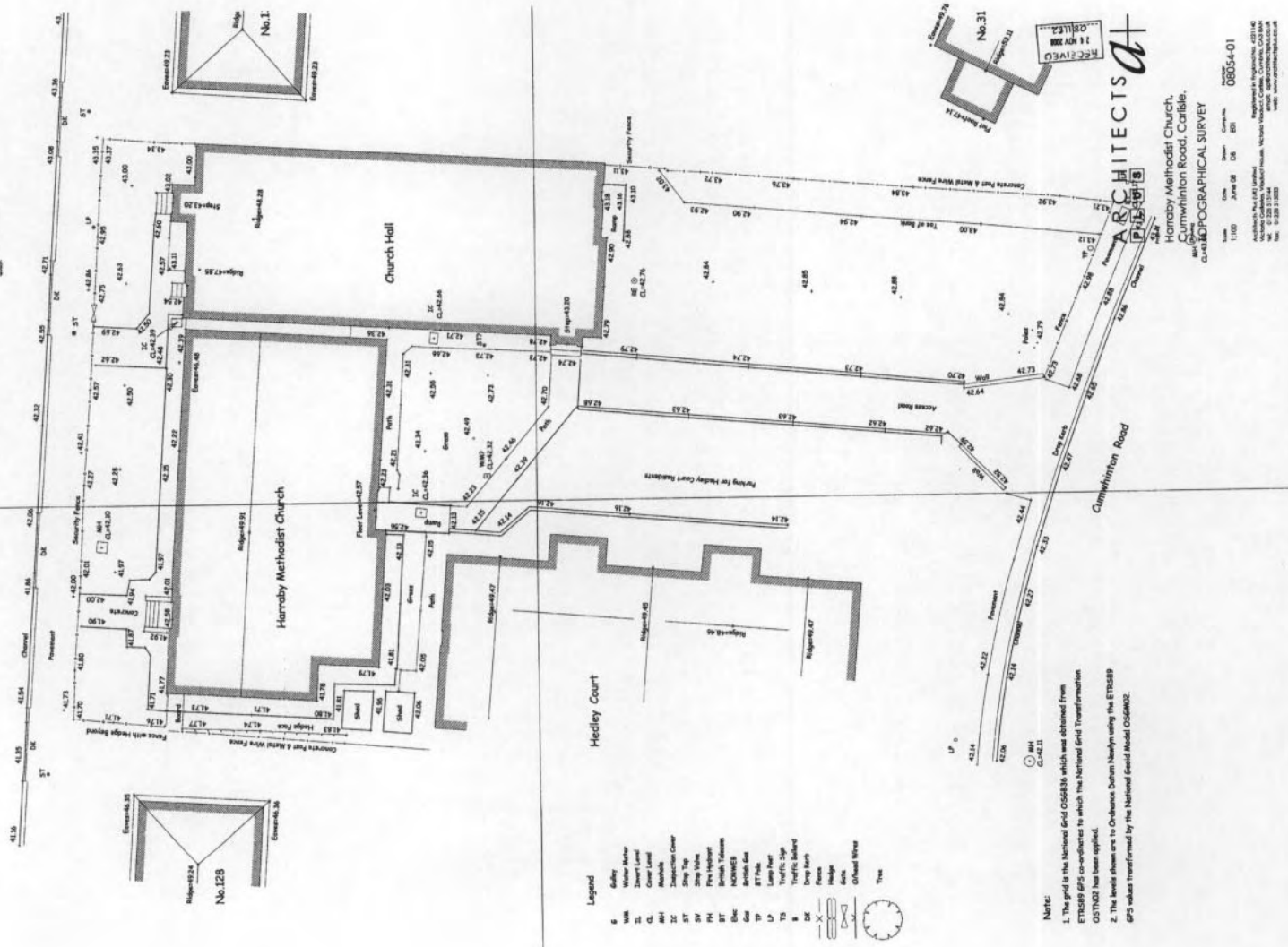
Former Harraby Methodist Church,  
 Cumwhinton Road, Carlisle  
**PROPOSED ELEVATIONS**  
**SHEET 1 of 2**

Project: Former Harraby Methodist Church,  
 Cumwhinton Road, Carlisle  
 Scale: 1:100  
 Date: Nov 08  
 Drawn: DB  
 Comp No: 08054-13  
 P04

Architects Plus Ltd (Limited)  
 Registered in England No. 0291149  
 Registered Office: 100, Victoria Road, Carlisle, Cumbria, CA3 9AN  
 NE 01228 515144  
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 Web: www.architectsplus.co.uk

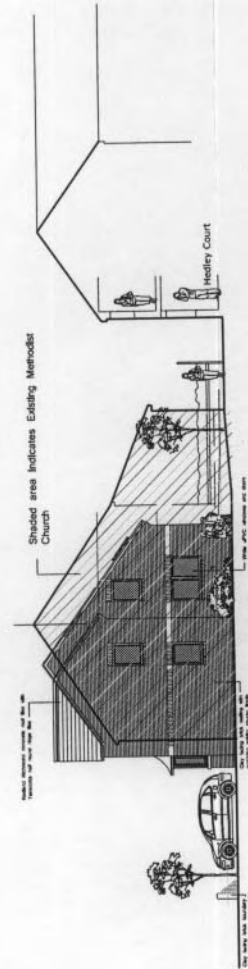
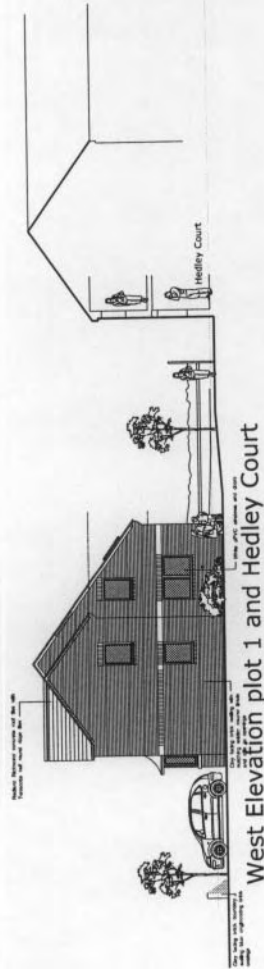
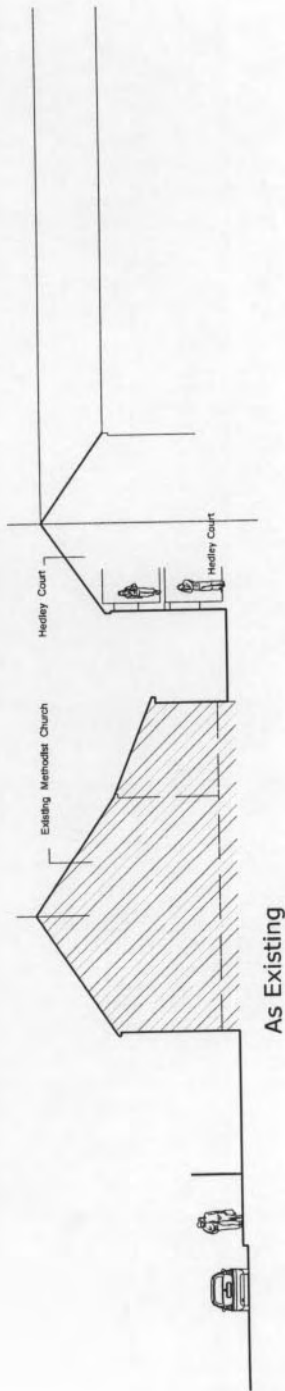
South Elevation (Cumwhinton Road)





Notes:  
1. The grid is the National Grid OSGB36 which was obtained from  
ETRS89 GPS co-ordinates to which the National Grid Transformation  
OSN03 has been applied.  
2. The levels shown are to Ordnance Datum Mean by the ETR89  
GPS values transformed by the National Grid Model OSN02.

ARCHITECTS  
Harroby Methodist Church  
Camthorpe Road, Camthorpe,  
CL43 3DP  
08054-01



**ARCHITECTS**  
**PLUS**

Former Harraby Methodist Church,  
 Cumwhinton Road, Carlisle

PROPOSED SECTION BETWEEN  
 PLOT 1 AND HEDLEY COURT

Scale: 1:100 Date: Jan 09 DB  
 Project: 08054-17A

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 Web: www.architectsplus.co.uk

SCHEDULE B

SCHEDULE B

SCHEDULE B

SCHEDULE B

SCHEDULE B

SCHEDULE B

## **SCHEDULE B: Reports Requiring Further Information**

08/9032

**Item No: 15**

**Date of Committee 30/01/2009**

**Appn Ref No:**  
08/9032

**Applicant:**  
Cumbria County Council

**Parish:**  
Carlisle

**Date of Receipt:**  
16/12/2008

**Agent:**  
Mrs Maggie Mason

**Ward:**  
St Aidans

**Location:**  
Richard Rose Central Academy, Lismore Place,  
Carlisle, CA1 1LY

**Grid Reference:**  
340896 556020

**Proposal:** Erection Of New 11,500sqm, 3 Storey Academy Building For 1,500  
Students With New Vehicular And Pedestrian Access And Service Area  
With Associated Landscaping

**Amendment:**

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### **REPORT**

**Case Officer:** Angus Hutchinson

### **Reason for Determination by Committee:**

Although the County Council are the determining Authority this is an application of local significance.

#### **1. Constraints and Planning Policies**

**Flood Risk Zone**

**RSS Pol DP 2 - Promote Sustainable Communities**

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

**RSS Pol DP 7 - Promote Environmental Quality**

**RSS Pol RT 3 - Public Transport Framework**

**Local Plan Pol DP1 - Sustainable Development Location**

**Local Plan Pol CP5 - Design**

**Local Plan Pol CP6 - Residential Amenity**

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

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

**Local Plan CP15 - Access, Mobility and Inclusion**

**Local Plan Pol CP16 -Public Trans.Pedestrians & Cyclists**

**Local Plan Pol CP17 - Planning Out Crime**

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

**Local Plan Pol LE10 - Archaeological Field Evaluation**

**Local Plan Pol LE19 - Conservation Areas**

**Local Plan Pol LE27- Developed Land in Floodplains**

**Local Plan Pol LC11- Educational Needs**

**Local Plan Pol T1- Parking Guidelines for Development**

**Local Plan Pol CP2 - Biodiversity**

**Local Plan Pol CP3 - Trees and Hedges on Development Sites**

## **2. Summary of Consultation Responses**

**SAVE (Britains Heritage):** we are very concerned by the proposals which involve the loss of the excellent Victorian/ Edwardian school building which, in our view, is clearly capable of successful re-use and integration within a new scheme.

St Aidan's School was opened in 1909 by the Duke of Devonshire and was the first secondary school in Cumbria to include girls of all backgrounds and abilities. The building was designed by the Liverpool firm of Grayson and Ould who designed a number of other public and institutional buildings now listed. St Aidan's is an attractive and well conceived design which blends vernacular and the more common Georgian revival features so common in school design of this period. The building, with its flanking pavilions, retains its original layout as well as good interior decoration and features. Of particular note is the central hall - a double height space divided by a wrought-iron balcony held upon cast-iron columns. The insensitive placement of 1960s extensions has resulted in only minor losses. The removal of these additions could restore the building to its original design and create the opportunity for more sensitive new-build.

St Aidan's is a much-loved institution and the school building is a treasured asset to many people in the area. English Heritage published advice for councils on the role

between local heritage assets (which includes listed and unlisted buildings amongst other structures) and the community in 2003, titled *Managing Local Authority Heritage Assets*. It writes:

'Heritage' is about the *values that people attach to places*. Our rich inheritance of local authority-owned historic buildings and other heritage assets reflects the history of communities and public services. These buildings make a crucial contribution to *local identity* and *distinctiveness*. They help to enhance the *quality of our lives* through their use for cultural, educational, leisure and operational purposes and service provision. As an expression of *local pride*, often over several centuries, they matter to people – who must be *consulted* about their future.

In addition to the social cost, SAVE is also concerned about the environmental implications of demolition. As well as wasting the energy embodied in this solidly constructed and well designed building, and disposing of the waste material (demolition and construction material accounts for approximately a quarter of our overall landfill waste), the construction of its replacement will require substantial quantities of energy. New build also accounts for sizeable CO<sub>2</sub> emissions - in fact the building industry is one of the largest CO<sub>2</sub> polluters. This is surely not a good example to set students hoping to understand and appreciate the importance of sustainability and energy efficiency in combating climate change. We note that, in proposing the demolition of St Aidan's, Cumbria County Council will be acting contrary to their own *Sustainability Strategy* which states that it is committed to taking action to protect the environment and to encourage others to do so.

We remain unconvinced that all options for land use have been explored on the St Aidan's site and urge you to look at alternative designs which would consolidate and heighten the attractiveness of the Victorian block, before making an application. There is undoubtedly scope to site new facilities within the grounds of the existing school. Examining the plans and area requires some flexibility and imagination.

St Aidan's is a fine historic asset, entirely capable of re-use and certainly capable of re-housing some of the facilities associated with the school. The building provides a vital link to the history of Carlisle and is a significant contribution to their heritage. Although not situated within a conservation area the building certainly contributes to the 'familiar and cherished local scene'. We urge you, therefore, to reconsider your plans and propose a scheme which involves the retention and reuse of the existing school building;

**The Victorian Society:** the Society has been made aware of proposals to demolish the above building in order to erect the new Richard Rose Central Academy. We fully support the comments made by SAVE and wish to add our own very strong objection to the proposals.

St Aidan's County School is a good quality building of intrinsic architectural and historic interest and undoubtedly of local significance. The school was designed by prominent and well-respected Liverpool architects, Grayson and Ould. Many of their buildings are recognised by statutory listing and so the Victorian Society was disappointed to hear that, despite the high quality of the architecture, the intactness

of the original design and the recommendations of the Architectural History Practice, the building was turned down for listing by English Heritage.

As with many public buildings of this period, the school was built to last and is well-constructed from fine quality materials. The historic school building forms an important part of Carlisle's built heritage - particularly because it was the first secondary school in Cumbria to be built for girls - and makes a positive contribution to the character and appearance of the area. Furthermore, there is strong local attachment to this building which has played an important role in the community for many years; the social value of the building is irreplaceable. Local and national planning policies set out a strong presumption in favour of retaining such buildings. It therefore comes as a great surprise that proposals have been put forward to demolish this valuable historic asset.

The demolition of St Aidan's County School would be an appalling waste of a structurally sound historic building. The fact that it has, until very recently, been used for teaching would suggest that continued educational use is a very viable option. Buildings of this type lend themselves well to adaptation and extension and should not be regarded as limited in their potential to serve modern needs. In fact, Victorian and Edwardian schools can provide incredibly good working environments; the large, airy rooms were designed with children's health in mind; allowing fresh air and natural light to create a pleasant and healthy environment in which education could take place. Some of our most successful schools are housed in buildings very similar to this one, and are proof that the historic character of the building can contribute, rather than stand in the way of success.

The proposal for the new school offers wholly inadequate justification for the demolition of existing buildings on the site. At a time when sustainability is on the agenda for all new development it should be a priority to utilise the resources already existing. Replacing attractive, well-loved and well-built buildings with bland modern structures that have a relatively short design life is unimaginative, insensitive and unsustainable. Surely the historic building could be incorporated into the scheme for the new academy?

In order to clarify these points I would like to draw your attention to the landmark conference that The Victorian Society ran in 2006 on the role of historic schools in the future called 'Learning from the Past' (I enclose a copy of its report). The conclusion from the discussions was that a school building like St Aidan's County School can be successfully used and adapted to provide for the needs of modern education.

In summary, the Society believes that the demolition of this building is unnecessary and would be contrary to local and national planning policy as well as government guidance on sustainability and good conservation practice. We would like to see proposals that retain the historic buildings on site. Conversion, renovation and extension are all very viable alternatives to demolition. In fact, recent research has proved that refurbishing existing buildings is much more energy efficient than the construction of new ones. We therefore urge your Council to refuse permission for this application.

**Urban Design Officer:** the proposal site lies south of Victoria Place, and abuts



Lismore Place to the west. The site is currently occupied by the Edwardian St Aidan's School, supplemented by a number of post-war additions to this original building. It abuts, but lies just outside of the Chatsworth Square/Portland Square Conservation Area. The proposal is to retain elements of the post war buildings and to demolish the 1909 building and some post war accretions, providing for the construction of the new Richard Rose Central Academy.

Regarding this proposal, I consider that the original 1909 building is of considerable townscape merit. As such, it is regrettable that the site falls outside of the Conservation Area and lacks the additional statutory protection that this would bring. While not deemed of sufficient distinction to be listed, it is nonetheless an attractive building which has made a positive contribution to the urban fabric of Carlisle for many years. The post war accretions and recent sports hall buildings which are to be retained in the current proposal are of no townscape interest.

While the proposed new building will no doubt provide adequate accommodation for future users, it lacks the detail, local distinctiveness and charm of the building it replaces. As such, it is regrettable that the opportunity has not been taken to retain and refurbish the existing 1909 building and to use this as the core on which to develop additional facilities, removing the less attractive parts of the St Aidan's development as part of this.

I would not wish to offer my support to this application and believe that the demolition and replacement of the Edwardian school will be a loss to the townscape of Carlisle;

**Conservation Area Advisory Committee:** the Committee objected strongly to this proposal on two counts. The first was that the surviving Edwardian part of the Old High School was to be cleared with little thought as to the valuable part it could play in giving character and focus to the new school. Secondly it was considered that design of the proposed scheme was a disaster, lacking any character, creating cavernous spaces (according to the illustrative material) that appeared completely impractical in terms of heating, noise, etc. A dreadful waste of space internally and lacking in any design flair externally, the result is a clumsy mess;

**Access Officer:** the plans and the design and access statement for this application has been noted. Please note the following:

- Concerns have been expressed regarding the acoustics within this proposed building. It is understood that there has been a request for further reports on this matter – It is recommended that further discussions be facilitated regarding this.
- I have expressed concern regarding reflections/shadows from the windows. The fly through showed shadows and despite this being simulated this possible problem needs to be discussed.
- Disabled car parking. Although there is a plan of existing and site parking, it does not qualify how many disabled parking bays are to be made available. It is noted that disabled parking, due to the short distance to the plaza, is to be located on Victoria place. The plan shows six cars on road parking and 4 cars on site parking. This needs to be clarified. Transport that is arranged for SEN

students can use the main car park if preferred to drop off students.

- The atrium is showing a “well” area, which is surrounded by steps. There is no ramped provision for wheelchair users. This needs to be addressed.

Policy CP15 of the Carlisle District Local Plan 2001-2016 should be complied with as well as Approved Document M. The applicants should be aware of their duties within the DDA.

**Highway Authority:** considering the Town centre location and Central and Local Government drive to promote more sustainable modes of transport, it is considered that the parking provision “on site” is adequate; and the implementation of measures within the Travel Plan and the enforcement of amended waiting restrictions on surrounding streets promote ‘non motorised’ access to the site.

There has been growing local concern over the past decade about the level of parking in adjacent residential streets by staff and students at the various educational establishments within the Castle (East) and St Aidans area. Indeed, when the Fusehill Street campus of the (now) University was expanded a developer contributions was obtained for extending the Controlled Parking Zone H (waiting time limited to 2 hours 08:30 - 18:30 Mon-Sat with Resident Exemption by Permit) and a year ago these concerns resurfaced at St Aidans and Castle Neighbourhood Forum Meetings; these have resurged, most particularly at a meeting held by the Academy for interested locals on 17 December.

As Local Highways Authority, the Carlisle Local Committee has already indicated that it would look to similarly extend Zone C subject to obtaining Developer contributions from the College and Academy developments - essentially these proposals would entail extending Zone C up to the Rivers Eden and Petteril so as to include Lismore Place, Victoria Place, Strand Road, Newark Street, St Aidans Road as 2 hour time restricted; and the various ‘back lanes’ with a more onerous restriction to only permit parking by permit holders. Clearly, any such Traffic Regulation Order can only be Conditioned in a Grampian manner as the planning process is different statutorily to the TRO process. However, at the meeting on 17 December 2008, the Academy recognised residents’ concerns (including during the constructional phases) and agreed in principle to contributing towards such measures. I am satisfied, given such measures are in place that the 2 hour time restricted parking in surrounding streets can cope with the visitor parking, as proposed in the Applicants TA. Clearly such restriction will preclude on-street parking by staff and students, so it is essential adequate provisions are made in the developments Travel Plan.

Of particular importance to this Authority is the creation of the new accesses onto Lismore Place, the closure of the existing 2 accesses and the delineation/ detail of the piazza area of this development. The applicant should be required to provide a detail drawing of their proposals.

For the vehicular access onto Lismore Place there would be a requirement for a visibility spay of 2.4m by 43m, 6m radius kerbs and a throat width of at least 5 metres.

Having considered the Traffic Assessment and Travel Plan framework submitted

with this application there are no objections to the proposal but would recommend the imposition of eight conditions.

### 3. Summary of Representations

#### Representations Received

Initial:	Consulted:	Reply Type:
	5 Devonshire Terrace	Objection
	Gambling Croft	Objection
	98 Warwick Road	Objection
	90 Eden Street	Objection
	16 Carlton Gardens	Objection
	Hollin Bush	Objection
	18 Edmond Castle	Objection
	Surtees House	Objection
	163 Warwick Road	Objection
	Back Green	Objection
House	29 Howard Place	Objection
	48 St Aidans Road	Objection
	Surtees House	Objection
	20 Hartington Place	Objection
	Flat 6	Objection
	104 Warwick Rd	Objection
	22 Chatsworth Square	Objection
	22 St Aidans Road	Objection
	98 Warwick Road	Objection
	5 Whinnie House Park	Objection
	Newman Catholic School	Comment Only
	Apartment 5	Comment Only
	4 Howard Place	Objection
	46 St Aidans Road	Objection
	121 Warwick Road	Objection
	121 Warwick Road	Objection
	27 Chiswick Street	Objection
	Bed & Breakfast	Objection
	1 Howard Place	Objection
	41 Chiswick Street	Objection
	21 Howard Place	Objection
	2 Wastwater Close	Objection
	127 Warwick Rd,	Objection
	256 Warwick Road	Objection
	Residents	Objection
Association,	24 Chiswick Street	
	24 Chiswick Street	Objection
	21 Howard Place	Objection
	21 Greystone Road	Objection
SAVE Britain's Heritage		Objection

3.1 This application has resulted in 21 letters of objection and two letters of comment from the general public.

3.2 The letters of objection raise the following issues:

1. the building is 100 years old and has high architectural merit;
2. there is insufficient parking;
3. the building has many associations and traditions linked with Carlisle and the County Council;
4. not preserving the buildings history;
5. the Governors of Trinity School are maintaining significant proportions of their architectural heritage;
6. the Victorian Society and SAVE, two renowned national heritage organisations object to the plans;
7. the plans do not conform with Policies DP2, DP4, DP7 and RDF3 of the North-West Plan Regional Spatial Strategy;
8. increasing anti-social behaviour and noise pollution;
9. increase in light pollution;and
10. the plans should include alley gates to prevent anti-social behaviour.
11. 7 day week activities.
12. adverse affect on families quality of life.
13. has anyone considered underground parking.
14. concern for the impact this will have on surrounding streets.
15. there are already two schools, the college and university in this area - there is no room for another large school and this should be built where people live - not so many pupils having to come into the centre of a small city.
16. for the additional traffic it will generate in the area

### 3.3 The letters of comment raise the following issues:

1. there is limited parking;
2. problems of anti-social behaviour in back lanes;
3. impact of the Youth Zone operating seven days a week; and
4. the Memorandum of Agreement notes that all three schools have the right of use of the Central Playing Fields as whole, including the area of land outlined on the Richard Rose Central Academy as a proposed car park.

#### **4. Planning History**

- 4.1 Planning permission was granted in 1994 for the provision of pitched roofs to the library and science block.
- 4.2 Later in the same year, planning consent was granted for the provision of new metal over-roofing to the existing flat roofed areas of 6th form, science block and changing accommodation.
- 4.3 In 1995, planning permission was granted for the provision of flood lighting for the existing hockey pitch.
- 4.4 Later in the same year, planning permission was granted for the provision of a 3.75 metre high mesh fencing to the existing hockey pitch.
- 4.5 In 1996, planning consent was granted for the formation of a new entrance and reception area.
- 4.6 Planning permission was granted in 1997 for extension and alterations to the existing changing accommodation, alteration to vehicular access, new pedestrian access and new hard play area/ car park.
- 4.7 In 1998, advertisement consent was granted for the erection of a sign on the gable of the sports hall.
- 4.8 Later in the same year, planning permission was refused for the variation of a condition of approval 95/0053 to allow increased illumination levels and extended hours of operation until 6.00pm on Saturdays and Sundays. The decision was allowed on appeal with the hours being until 5.00pm on Saturday but retained a closure time of 3.00pm on Sundays.
- 4.9 In 1999, planning consent was granted for the renewal of planning permission for perimeter fencing to the rear lane of dwellings on Warwick Road with 2.4m high galvanised palisade fencing.
- 4.10 Planning permission was granted in 2000 for a new pitched roof to the CDT block.
- 4.11 Later in the same year planning consent, was granted for an extension to the single storey CDT block for proposed new store/ preparation area.
- 4.12 In 2001, planning permission was granted for a three storey extension to form 6no. classrooms, science laboratory and IT laboratory.
- 4.13 Later in the same year, planning consent was granted for the erection of an external fire escape. Again, in the same year, planning permission was granted for the erection of a pitched roof over the existing flat roof of the science block.

- 4.14 Planning permission was granted in 2002 for the erection of a single storey lean-to extension to provide a sports development centre and associated changing facilities.
- 4.15 Later in the same year, advertisement consent was granted for the erection of 1no. 8 metre high flag pole.
- 4.16 Again, later in the same year, planning permission was granted for the erection of a 3no. storey library and class base extension.
- 4.17 In 2003, advertisement consent was granted for non-illuminated signage.
- 4.18 Later in the same year, planning permission was granted for a new drama and music hall with associated store and practice rooms.
- 4.19 Again in the same year, planning consent was granted for the provision of a new electrical substation.
- 4.20 In 2007, temporary planning permission was granted for the siting of a temporary classroom unit.
- 4.21 Planning permission was granted for the removal of existing temporary building and replace with larger temporary building for day nursery and drop off zone with short term parking in 2008.
- 4.22 Consent was granted last year for the demolition of the caretaker's dwelling.
- 4.23 An application, reference number 08/9028/CTY, for a Youth Zone comprising a new building to accommodate leisure, education and sporting facilities for children has yet to be determined at the time of preparing this report.

## **5. Details of Proposal/Officer Appraisal**

### **Introduction**

- 5.1 The Richard Rose Central Academy, formerly St Aidan's School, is bounded to the north and east by Victoria Place, to the west by Lismore Place, and to the south by the primarily residential properties fronting Warwick Road. The overall site is approximately 2.69 ha in area and currently comprises five distinct elements, namely: the original Edwardian building fronting Lismore Place dating from 1909 that has subsequently been extended by a series of functional blocks; the Sports Complex fronting Victoria Place; the centrally located and floodlit all weather sports pitch; the music block; and a childrens nursery. The application site covers a total of 1.72 ha and is limited in extent by not including the aforementioned Sports Complex, all weather pitch and nursery. The site drops in level from Lismore Place by up to 1.5 metres.
- 5.2 The Academy is currently served by three car parks: 1) to the east of the sports complex inclusive of a lay-by via Victoria Place; 2) to the south of the Edwardian building via Lismore Place; and 3) a 45 space car park on the site

of what were tennis courts to the immediate north of 62 and 62a Victoria Place. Nevertheless, Members should be aware that under application 08/9028/CTY permission has been sought to erect a three storey building to the east of the sports complex to form a "Youth Zone". A decision by the County Council on application 08/9028/CTY is anticipated on the 20th January 2009.

- 5.3 The boundary of the Chatsworth Square/Portland Square Conservation Area lies approximately 50 metres to the west of the Academy. The site falls within Flood Zones 2 and 3 and was subject to flooding in January 2005.

## **Background**

- 5.4 This application seeks permission to demolish the existing buildings (approximately 10,900 sq. metres), with the exception of the music block; and erect a three storey building of 11,126 sq. metres to accommodate 1500 students. Including the retained estate, the overall gross internal area would be 12,519 sq. metres representing a net increase of 280 sq. metres. The submitted plans show that:

1. the proposed building consists of two large blocks connected and enclosed by a three storey atrium. The atrium, including a sunken seating area, providing a multi-functional arena with dining space;
2. the southern block is "boomerang" shaped and contains non-specialised teaching classroom clusters, the northern block (linked to the Sports Complex) is mainly for specialist teaching such as technology and science. The building will be predominantly constructed from bricks with "ribbon" windows, and red and green spandrel panels. The wall to the "right" of the main entrance will be lined in sandstone;
3. the main entrance is via a piazza off Victoria Place with a secondary southern approach for students, and a new servicing route off Lismore Place. The piazza will be delineated by sandstone setts and have raised planters/seating as well as presenting an opportunity to introduce some sculptures;
4. parking for people with disabilities will be in front of the Sports Complex with an additional car park off Lismore Place with 28 car spaces and 3 spaces for mini buses as well as the retention of the existing car park adjoining 62 Victoria Place. The total proposed provision is 100 car spaces leading to an overall increase of 8 spaces with additional parking for a total of 4 goods vehicles, 6 disability spaces, and 150 cycle spaces;

- 5.5 The submitted Outline Specification and Design and Access Statement explain, amongst other things, that:

1. the finished floor level of the existing sports hall is 15.5m, the level of the proposed building is 16.35m AOD to take account of any flood risk - the intention is for the majority of the excavated material to be re-used within the site to create landscape features;

2. the existing premises generally provide low quality educational facilities;
  3. the intention is to retain as many trees as possible especially since the tree cover provides bat nesting, habitat and migration paths;
  4. St Aidans School applied for Listed status but this application was rejected. Capita Symonds has also confirmed that the proposal does not require an archaeological survey;
  5. the proposed building will have a ground floor footprint of 4,520 sq. metres that will lead to a reduction in the footprint of building(s) on the site from 11,500 sq. metres to 7,220 sq. metres with a subsequent increase in "hard/soft" recreational space from 15,600 sq. metres to 19,880 sq. metres;
  6. the building has been designed to take on board the principles of Secured by Design for Schools and to be DDA compliant;
  7. the proposed Academy will achieve BREEAM "very good" status.
- 5.6 The application is also accompanied by a Traffic Impact Assessment, School Travel Plan, Ecology Report, Flood Risk Assessment, and Acoustic Report.

### **Assessment**

- 5.7 In considering this application based upon the policies of the Development Plan the main issues are:
- i) Whether the proposal either preserves or enhances the setting/character of the Chatsworth Square Conservation Area and character of the area within the immediate vicinity;
  - ii) Whether the proposal would be detrimental to the living conditions of neighbouring residents including secure by design;
  - iii) Whether the proposal, during and following construction, will lead to congestion and/or exacerbate the situation to the detriment of highway safety and the flow of traffic;
  - iv) Whether the proposal complies with the underlying objectives of Policy CP16 of the Local Plan;
  - v) Whether the application has fully taken into consideration the requirements of PPS 9: Biodiversity and Geological Conservation;
  - vi) Whether the proposal has satisfactorily accounted for access by all sections of society; and
  - vii) Whether the application adequately takes account of any issues associated with archaeology and flooding.



- 5.8 In relation to i) the relevant Government guidance is contained in PPS1 "Delivering Sustainable Development" (2005) and PPG15 "Planning and the Historic Environment" (1994).
- 5.9 Paragraphs 33 to 39 of PPS1 set out national guidance on design matters. Paragraph 33 states, unequivocally; Good design is indivisible from good planning with the corollary being that bad design is bad planning." Subsequently, paragraph 34 states planning authorities should plan positively for the achievement of high quality and inclusive design. Further it sets out that Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions should not be accepted. High quality and inclusive design is defined as ensuring a place will function well and add to the overall character and quality of the area, not just for the short term but over the lifetime of the development (paragraph 35). Planning authorities are advised to prepare robust policies on design but, as a check, these should not avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, massing, height, landscape, layout and access of new development in relation to neighbouring buildings and the local area more generally, (paragraph 36). Local planning authorities are urged not to impose architectural styles or particular tastes or stifle innovation through unsubstantiated requirements to conform to certain development forms or styles. Lastly, it sets out the government's position on local distinctiveness stating it is proper to seek to promote or reinforce locally distinctiveness where this is supported by clear policies or supplementary documents on design, (paragraph 38).
- 5.10 Under PPG15 design proposals that involve listed buildings, their settings or are to take place within conservation areas will be subject to a greater degree of scrutiny than in most other circumstances. Very careful consideration is needed in the design of new buildings that are to stand alongside historic buildings, (paragraph 2.14), but this can be done without slavishly copying the historic buildings. Of greater importance is that the fundamental architectural principles of scale, height, massing and alignment and the use of appropriate materials are followed. It notes that some of the most interesting streets have many varieties of building and materials but, together, form a harmonious group. Reference is made to the statutory tests to be applied to development relating to listed buildings and their settings as set out in sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. These require planning authorities to have regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Similar statutory tests relating to conservation areas, that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area, set out in section 72 of the Act, are referred to in the PPG.
- 5.11 SAVE, The Victorian Society, the Conservation Area Advisory Committee, and the Council's Urban Design Officer have all strongly argued against the demolition of the existing Edwardian building. It appears that an attempt to get the building Listed was not successful. In effect the building is neither a

Listed Building nor within a designated Conservation Area. In the absence of these two prerequisite conditions, the ability for an Authority to resist demolition is severely prescribed. A judgement on the merits or otherwise of the proposal therefore has to be made in the reality of this context.

- 5.12 The extent of the site to be redeveloped, whilst relatively extensive, is 50 metres to the east of the Chatsworth Square Conservation Area and does not directly impinge upon the setting of a Listed Building. On this basis it is considered that the proposal will not have a damaging effect either on the setting of any Listed Building or the Chatsworth Square Conservation Area.
- 5.13 When looking at the design of the proposal and how it sits in relation to and affects its surroundings (as opposed to specific details), it is considered that the height, bulk and massing are similar to the existing buildings. In effect, it is considered that a building of the height and massing proposed will not be incongruous or out of keeping in this context. There are concerns over the limited verticality of the windows along each elevation and the need for a stronger parapet detail in the context of neighbouring structures. In addition, there is a concern over the piazza as proposed to provide an effective entrance, and the relationship of the piazza and building to the existing street scene.
- 5.14 When assessing the impact of the proposal on the living conditions of neighbouring residents, this has to be made in the light of the existing level and nature of use of the Academy. As such, the principle issues are considered to relate to whether the proposal is overbearing, leads to additional problems associated with losses in light or privacy, would lead to additional noise and disturbance, and would create an insecure environment.
- 5.15 The current proposal is considered to be comparable to the existing buildings in terms of its height, massing and relationship to neighbouring properties. In addition, the nature and position of windows on the proposed building are such that the proposal should not lead to a material loss in privacy for any neighbouring residents.
- 5.16 This aside, in order to fully assess the impact on the living conditions of neighbouring residents it is considered necessary for the submitted information to indicate the intended out of school hours and likely nature/level of use. The views of the Architectural Liaison Officer of Cumbria Constabulary are awaited at the time of preparing this report. This is irrespective of the separate consideration of the proposed Youth Zone.
- 5.17 In the case of issues iii) and iv), the Highway Authority has not raised any objection. The Chair of Governors of Newman Catholic School has pointed out that a car park on land known as the Central Playing Field is the subject of a Memorandum of Agreement between the County Council on behalf of Newman School, the Governors of Trinity School and the Governors of St Aidan's County High School. The aforementioned Agreement states that no party shall dispose of, or create any right of interest in, the whole or any part of the Central Playing Field without the prior written approval of the other parties to this agreement. Whilst Newman School do not object to the area in

question being used as a car park, it is expected that this would be available as a joint facility and not solely for the use of the Central Academy. In response, it is considered that this issue is fundamentally a civil matter that needs to be resolved because, if it was to be used as a joint facility, potential concerns arise over the adequacy of the proposed parking to serve the Academy. In the context of clarification also being necessary over the precise nature and level of out of school hours use, it is considered that the adequacy of the proposed means of off-street parking needs to be further explored.

- 5.18 It is noted that bats are present within the building as recognised in the submitted Ecology Report. The County Council will, nevertheless, be aware of the need to consult Natural England on this issue.
- 5.19 For item vi) the observations of the City Council's Access Officer need to be positively addressed.
- 5.20 Finally, with regard to archaeology and flooding it appears that there are no fundamental objections with, in the case of the latter, the scheme being based on proposed finished floor levels modelled on actual flood levels and providing 600mm freeboard in accordance with a precautionary approach.

## **Conclusion**

- 5.21 When considering this proposal it is necessary to weigh any harm created against the benefits. The advantages of the development lie in the replacement of what are alleged to be outdated educational facilities with a new fit for purpose building that will lead to wider social, educational and economic benefits. The proposal can also be viewed within the background of the re-development of Carlisle College and anticipated improvements to Trinity School.
- 5.22 Whilst it is appreciated that strong views have been expressed seeking the retention of the existing Georgian building, it is neither a Listed Building nor within a Conservation Area. It also appears that an attempt to get the building Listed was not successful. When assessing the proposal in the reality of this context it is considered that there are no objections to the principle but concerns, that are not insurmountable, still exist over:
  - 1) the limited verticality of the windows along each elevation, the need for a stronger parapet detail, and the likely effectiveness and compatibility of the piazza and building to the existing street scene;
  - 2) the need for additional information to be submitted clarifying the intended out of school hours and likely nature/level of use;
  - 3) the need to assess the adequacy of the proposed off-street parking; and
  - 4) the need to address the comments of the City Council's Access Officer with regard to the acoustics within this proposed building; reflections/shadows from the expanses of glass; the clear identification of disabled parking bays; and the lack of any ramped access for wheelchair users to the sunken

seating area in the proposed atrium.

- 5.23 These observations are also in the context that no objections are subsequently received from either the Architectural Liaison Officer of Cumbria Constabulary or Natural England.

## **6. Human Rights Act 1998**

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

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

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

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

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

## **7. Recommendation**

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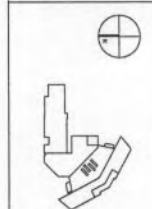




Cumbria Academies Richard Rose Central Academy	
P2003056	1:500@A1
PROPOSED SITE PLAN	03.12.08
RRCA (0-JA002)	

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L35 5JA  
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F: +44 (0)151 427 225  
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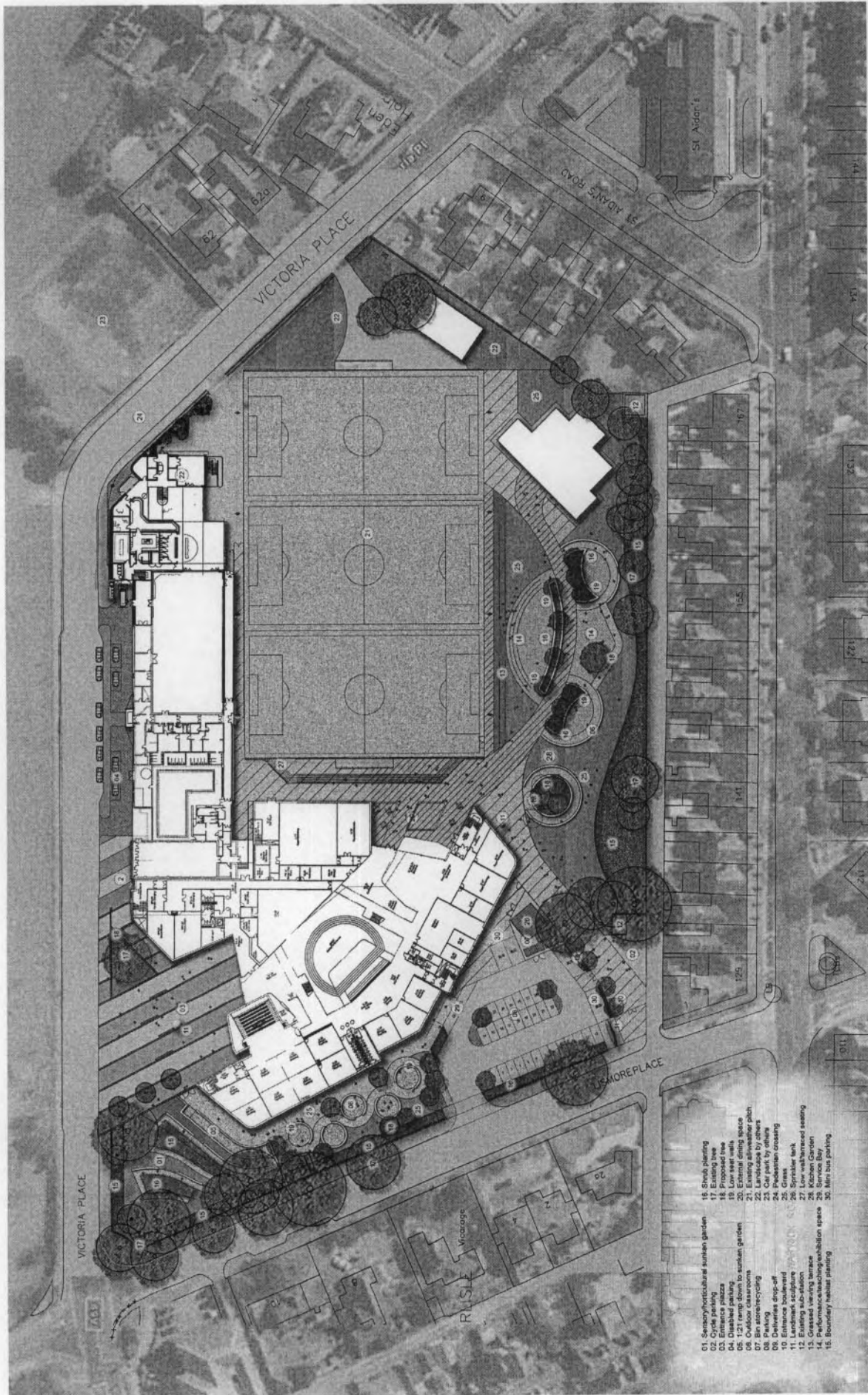
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- 01. Sensory/perforated sunken garden
- 02. Entrance plaza
- 03. Entrance plaza
- 04. Disabled parking
- 05. External dining space
- 06. Car ramp down to sunken garden
- 07. Bin storage/cycling
- 08. Parking
- 09. Disabled drop-off
- 10. Landmark sculpture
- 11. Landmark sculpture
- 12. Existing sub-station
- 13. Pressed seating
- 14. Pressed seating
- 15. Boundary wall/seat planting
- 16. Street parking
- 17. Proposed tree
- 18. Proposed tree
- 19. Low seat walls
- 20. External dining space
- 21. External dining space
- 22. Landscaping by others
- 23. Car park by others
- 24. Pedestrian crossing
- 25. Pedestrian crossing
- 26. Sprinkler tank
- 27. Low wall/raised seating
- 28. Low wall/raised seating
- 29. Mini bus parking
- 30. Mini bus parking

**B.P.D.**

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1:500 (A1)

09/12/08

RRCA (03/001)

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F1 - Existing brick wall and plant  
F2 - Existing Palisade fencing  
F3 - 1.8m High steel railings and gates  
F4 - Sandstone clad wall  
Secure Zone



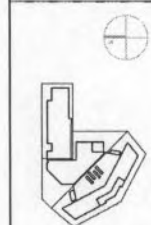
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056

### SITE BOUNDARY TREATMENT

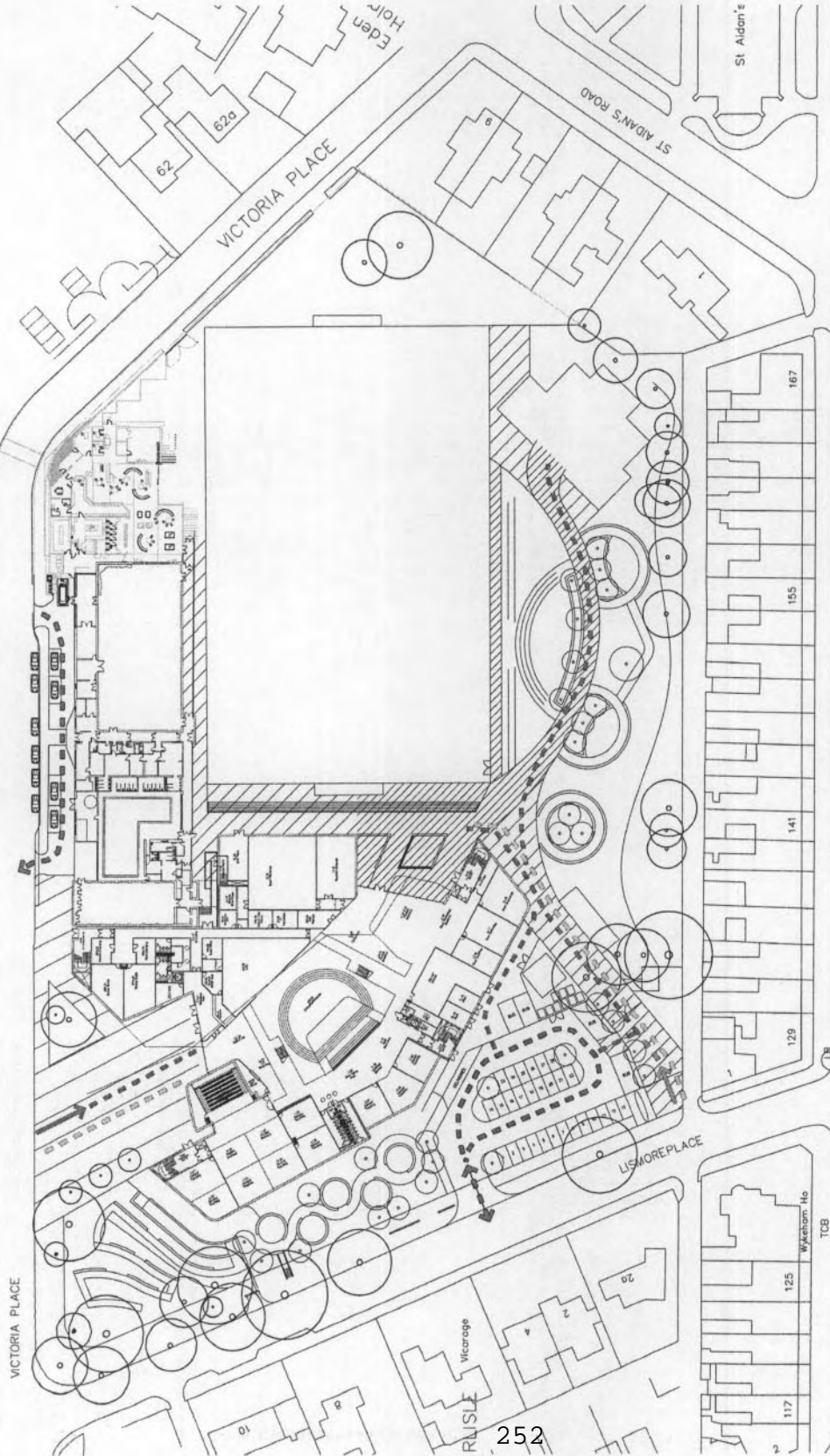
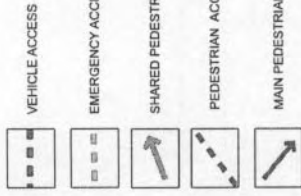
10 / 12/08

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RBCA (D-1) L002



KEY

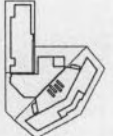


252

Cumtula Academics Richard Rose Central Academy	
PROJECT NO	PR0003098
DATE	15/05/2011
SCALE	1:500 (A1)
DATE	09/12/2008
ACCESS AND MOVEMENT	
RRCA (P)-1005	

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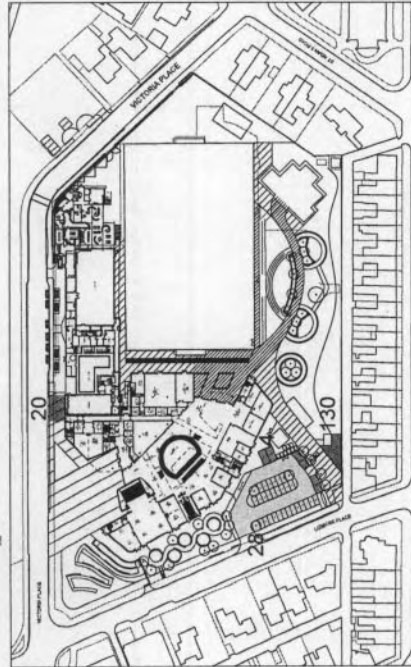
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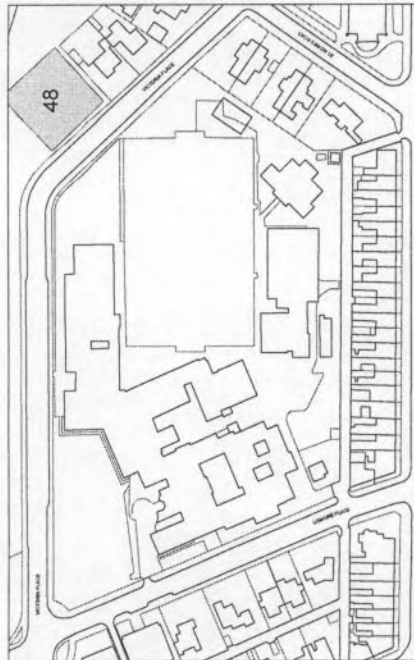


St Aidans car parking previously, emitted by Youth Zone Planning Application

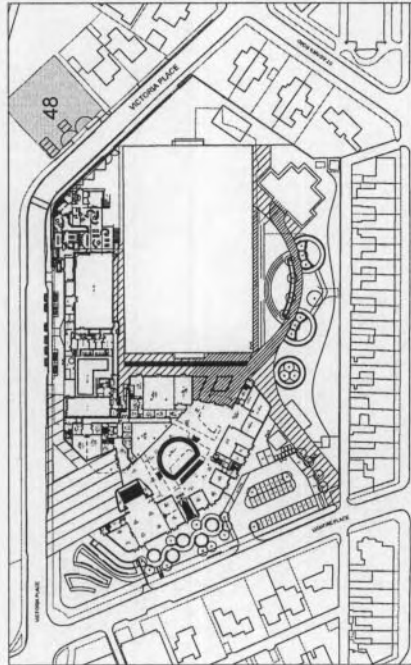
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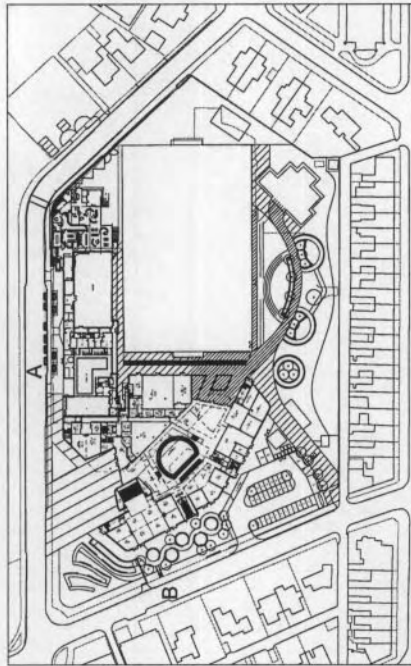
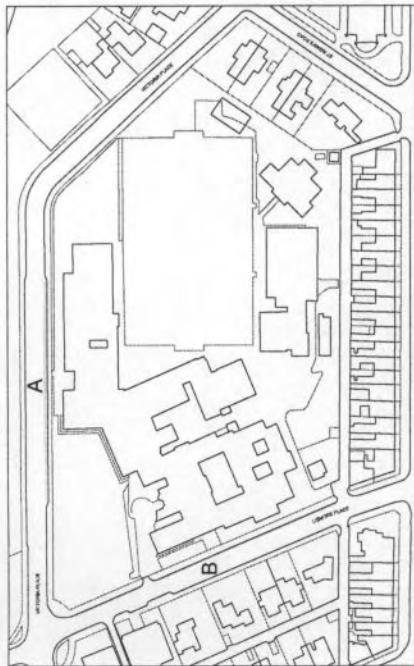
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Existing Car Park - 48 Spaces



: Mill Works - 48 Spaces



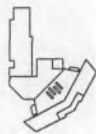




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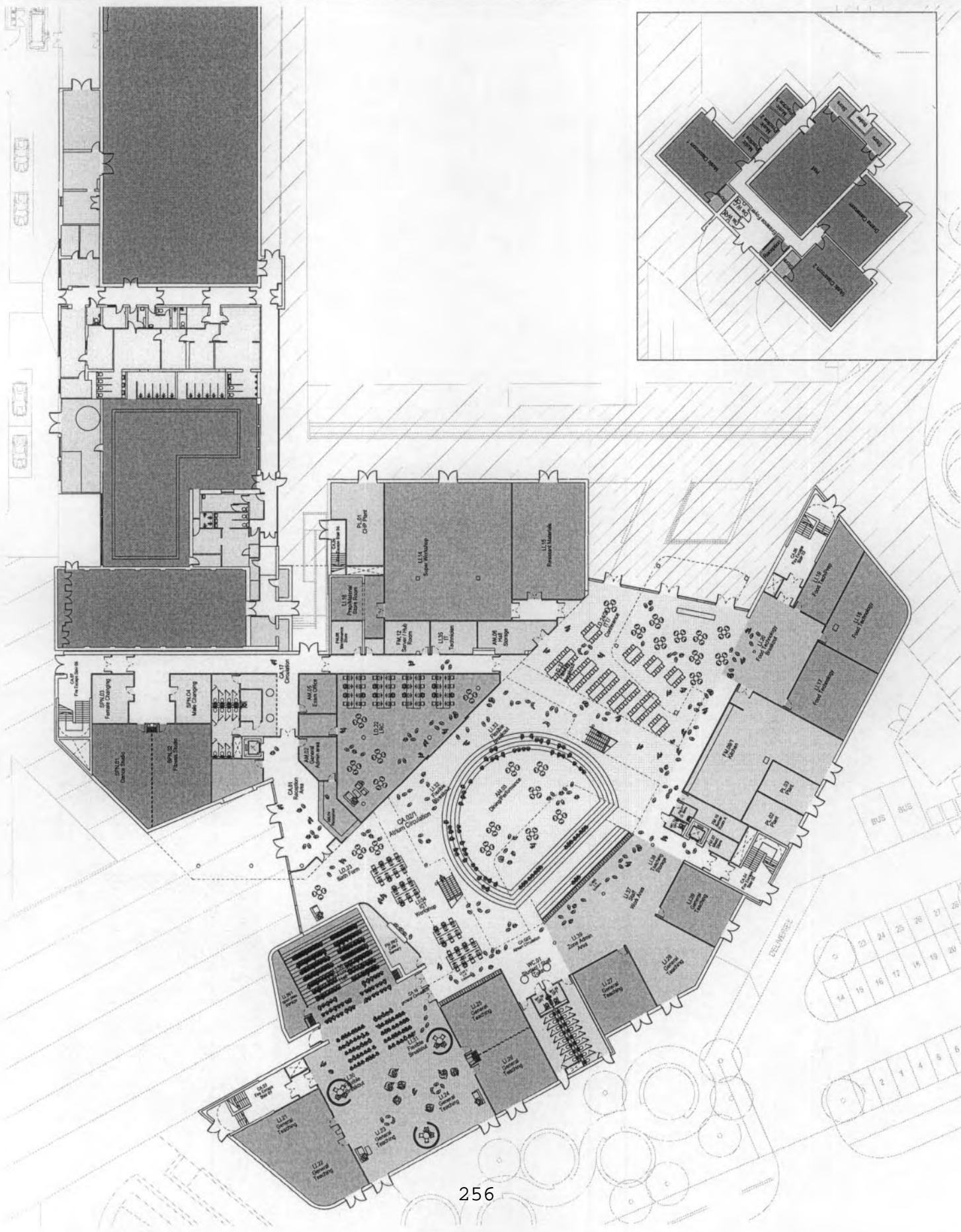
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P2003096

GROUND FLOOR PLAN

RRCA (0-JA004)



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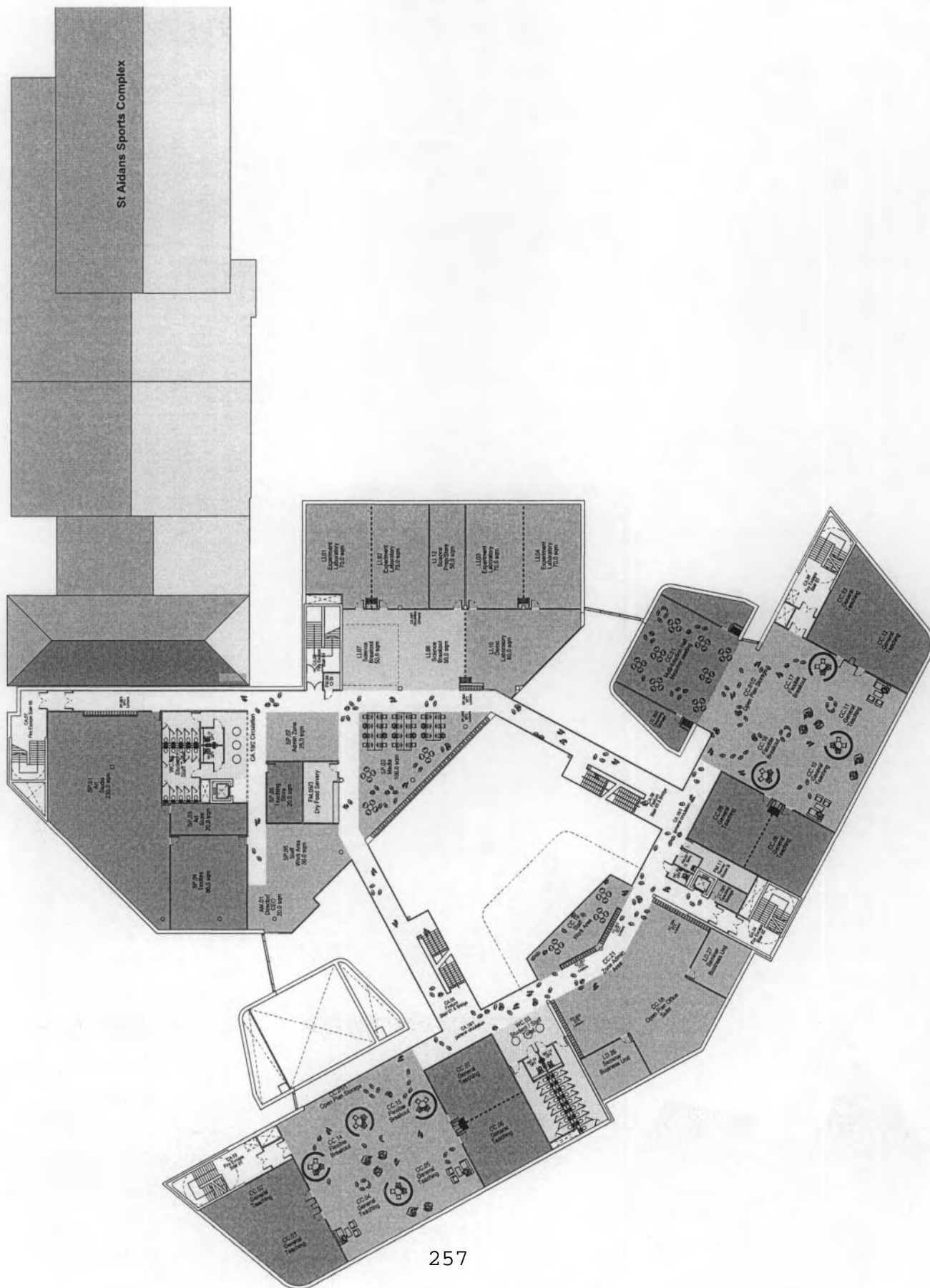
P2003056

Scale: 1/8" = 1'-0"

**FIRST FLOOR PLAN**

	8
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RRCA (0-)A005





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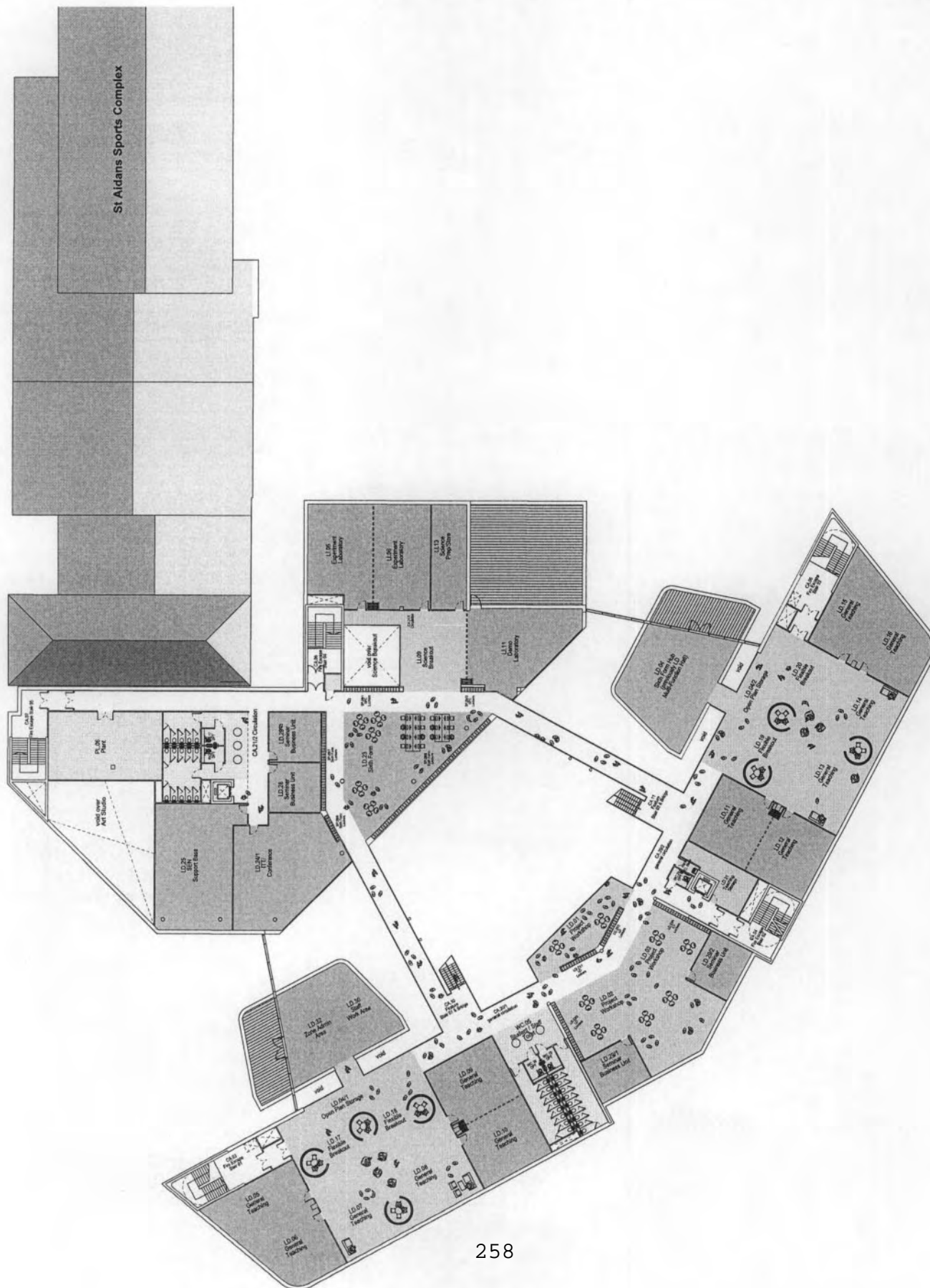
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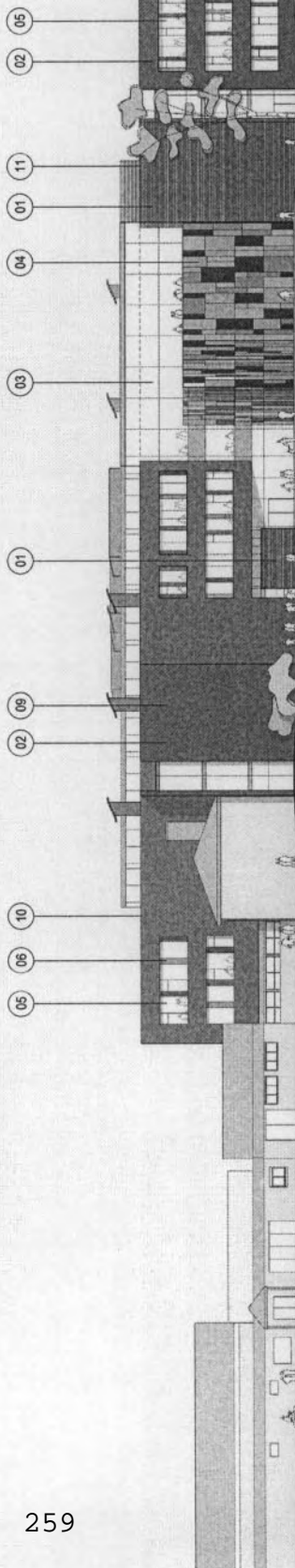
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 SECOND FLOOR PLAN

RRCA (0-JA006





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	VICTORIA PLACE ELEVATION	DATE 1-2008@A1
Cumbria Academies Richard Rose Central Academy	P20030656	DRAWN BY 03.12.08
		REVISIONS -
		RCCA (0-JA)10

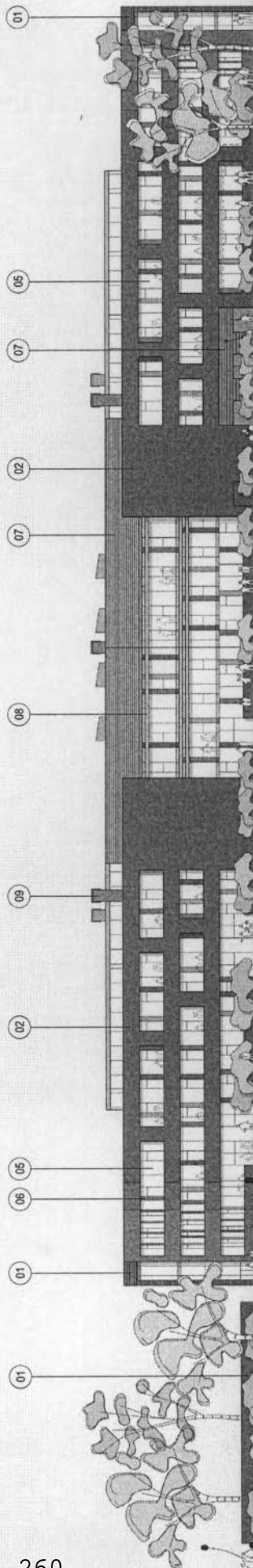
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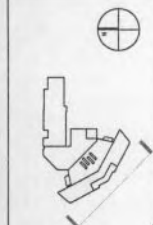




MATERIALITY LEGEND	
01 SANDSTONE	06 SPANDREL PANELS
02 BRICKWORK	07 METAL LOUPES
03 CLUSTAL WALLING	08 BRASS SCULPTURE
04 CLADDING PANELS	09 METAL LOUPES
05 STEEL HANDRAILS	10 METAL CLIPPING
	11 SANDSTONE CLIPPING

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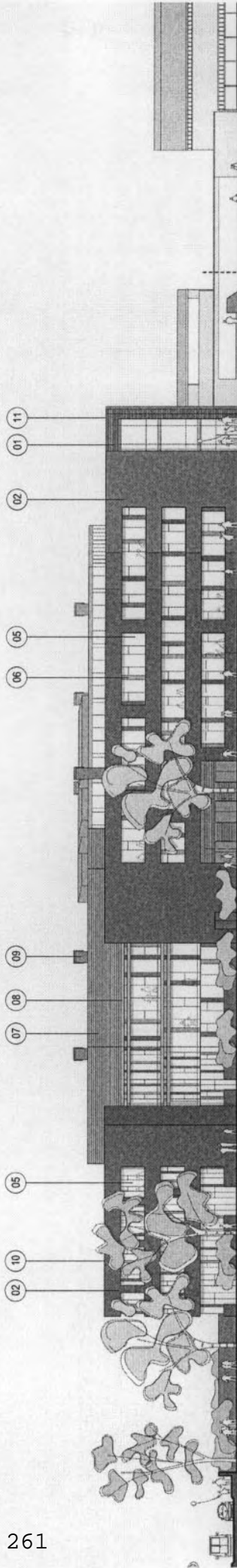


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20030956	1:2000A1
USMORE PLACE ELEVATION	03.12.08
RRCA (0-JA011	



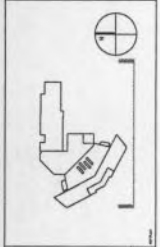
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03	CURTAIN WALLING
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05	STEEL WINDOWS
06	SPANDREL PANELS
07	METAL LOUVERES
08	BIGGEST SCALE
09	METAL CHIMNEYS
10	METAL CLIFFING
11	SPANDREL LOUVERES

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<p><b>FIRST ISSUE</b></p>	<p>Number 1-6-01</p>	<p>Vol 1</p>
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	DATE	TIME	TEST

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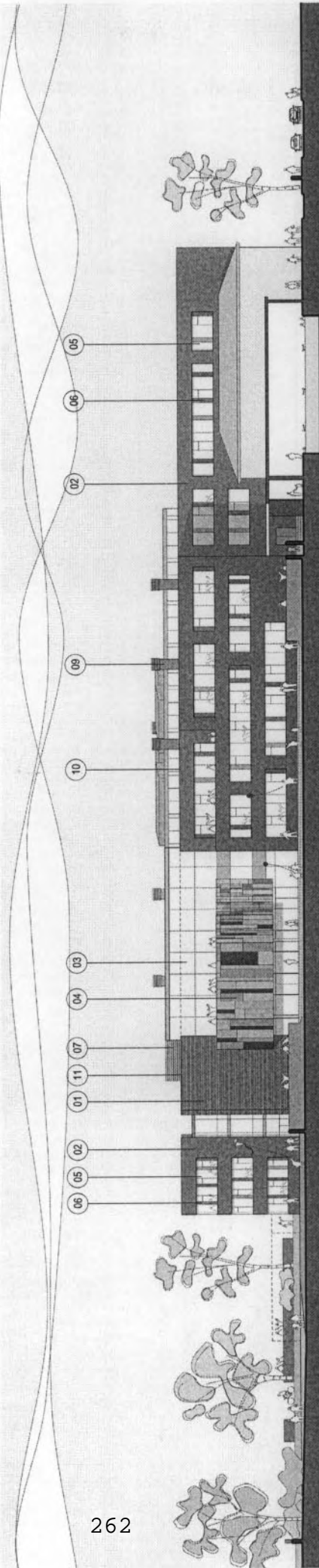
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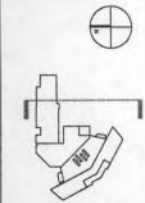
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MATERIALITY LEGEND	
01 SANDSTONE	06 SPANDEK PANELS
02 BRICKWORK	07 METALLOPPRES
03 CURTAIN WALLING	08 WHITE STONE
04 CLADDING PANELS	09 METAL CLADDING
05 STRIP SLABS	10 METAL CLADDING
	11 SANDSTONE CLADDING

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Cummins Academics Richard Rose Central Academy	
P2003056	1:2000@A1
VICTORIA PLACE ELEVATION FROM THE ALL WEATHER PITCH	
DATE	03.12.08
BY	03.12.08
REVISION	03.12.08
RRCA (0-JA013)	







Cumbria Academies Richard Rose Central Academy		
Project No.	PP000006	
Client	NTS	
Design Stage	CGI APPROACH TO MAIN ENTRANCE	
Date	03.12.09	
Drawn By	RRCA (0-JA021)	

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FIRST ISSUE		DATE	BY	REVISION	DATE	BY	REVISION	DATE	BY	REVISION	DATE	BY	REVISION	DATE	BY	REVISION	DATE	BY	REVISION

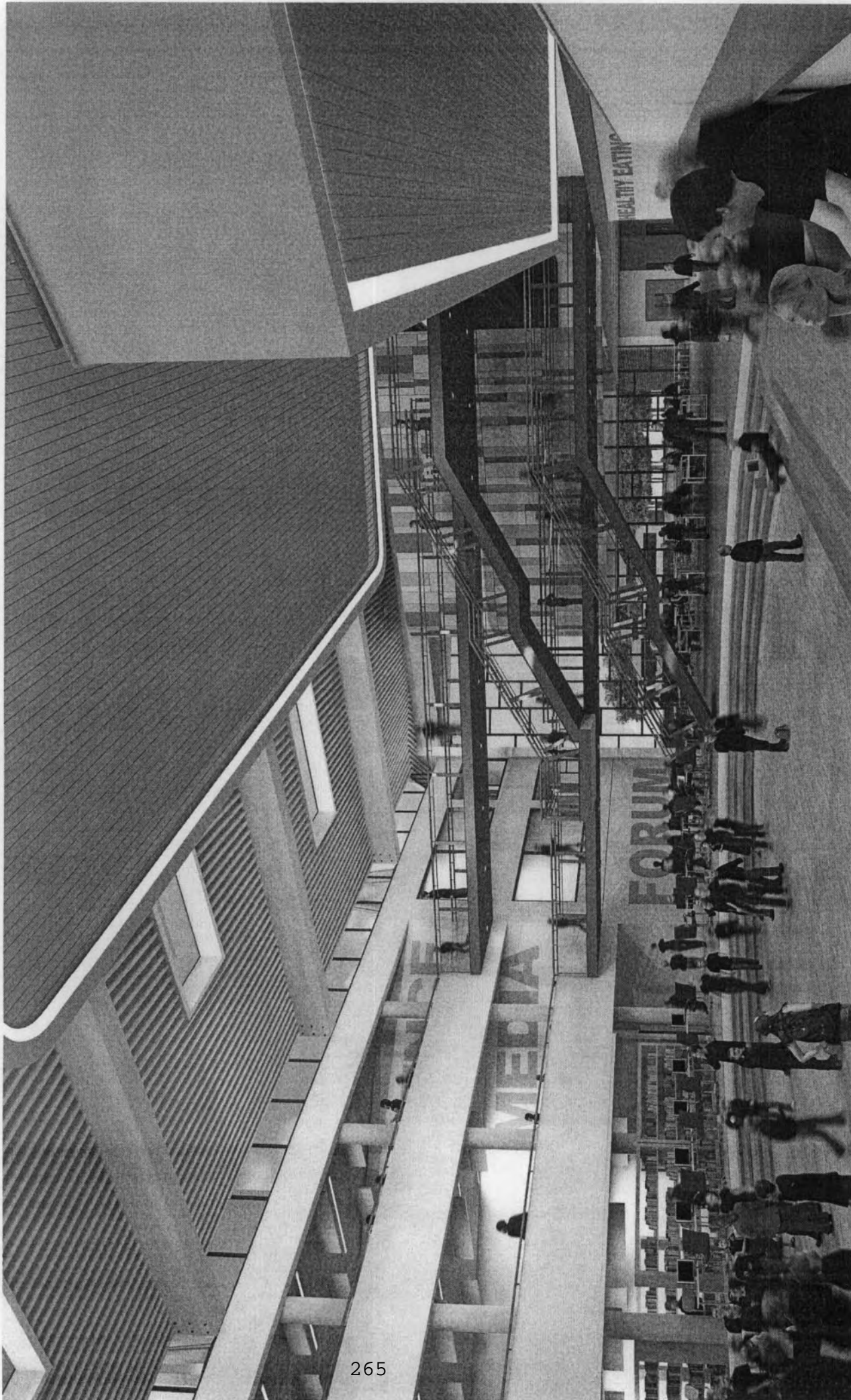
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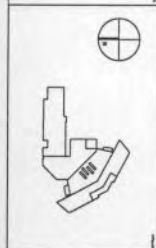




Cumtata Academies Richard Rose Central Academy		Project No.	123000056
CGI THE ATRIUM VIEW LOW LEVEL		NTS	05.12.08
RRCA (0-JA022)		Scale	1:100

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Project Name	Project No.	Project Date	Project Stage
Richard Rose Central Academy	123000056	05.12.08	1:100

Project Name	Project No.	Project Date	Project Stage
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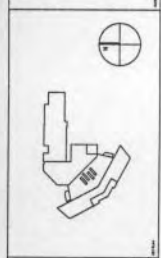
PROJECT	Cambridge Academies Richard Rose Central Academy
PROJECT NO.	P2000096
DATE	03.12.08
BY	BDP
FOR	CGI THEATRUM VIEW HIGH LEVEL
REVISION	RRCA 00-JA023

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**RICHARD ROSE  
CENTRAL ACADEMY**

**KIER  
EDUCATION**



NO.	DATE	DESCRIPTION	BY	CHECKED	APPROVED
1	03.12.08	ISSUED FOR TENDER	BDP		
2	03.12.08	REVISED	BDP		
3	03.12.08	REVISED	BDP		
4	03.12.08	REVISED	BDP		
5	03.12.08	REVISED	BDP		
6	03.12.08	REVISED	BDP		
7	03.12.08	REVISED	BDP		
8	03.12.08	REVISED	BDP		
9	03.12.08	REVISED	BDP		
10	03.12.08	REVISED	BDP		

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## **SCHEDULE B: Reports Requiring Further Information**

08/1170

**Item No: 16**

**Date of Committee** 30/01/2009

**Appn Ref No:**  
08/1170

**Applicant:**  
McKnight & Son Builders

**Parish:**  
Carlisle

**Date of Receipt:**  
26/11/2008

**Agent:**  
Green Design Group

**Ward:**  
Castle

**Location:**

John Robert Gardens, Dalston Road, Carlisle, CA2  
5UG

**Grid Reference:**  
339345 555600

**Proposal:** Relocation Of Bins/Recycling Store Serving Flats Development  
(Retrospective)

**Amendment:**

---

### **REPORT**

**Case Officer:** Angus Hutchinson

#### **Reason for Determination by Committee:**

This application has been brought before Members of the Development Control Committee because even although the planning application is relatively minor the application site is located in a prominent position along Shaddongate.

#### **1. Constraints and Planning Policies**

Local Plan Pol CP5 - Design

Local Plan Pol CP6 - Residential Amenity

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

Local Plan Pol H11 - Extns to Existing Resid. Premises

#### **2. Summary of Consultation Responses**

**Cumbria County Council - (Highway Authority):** the layout details shown on the submitted plan are considered satisfactory from a highway perspective. I can therefore confirm that the Highway Authority has no objection to the proposed development;



**Environmental Services - Environmental Quality:** no observations on the above application;

**Community Services:** this area currently being used is an ideal site for the Refuse and Recycling vehicles.

### 3. Summary of Representations

#### Representations Received

Initial:	Consulted:	Reply Type:
5 Newcastle Street	02/12/08	
76 Dalston Road	02/12/08	
35 Newtown Road		Objection
32, John Robert Gardens		Support
Flat 13 John Robert Gardens		Support
Flat 21 John Robert		Support
Gardens		
Flat 11 John Robert		Support
Gardens		
Flat 7 John Robert Gardens		Support
Flat 22 John Robert		Support
Gardens		
Flat 12 John Robert Gardens		Support
Flat 10 John Robert Gardens		Support
Flat 16 John Robert Gardens		Support
Flat 2 John Robert Gardens		Support
Flat 25 John Robert		Support
Gardens		
Flat 17 John Robert Gardens		Support
Flat 14 John Robert Gardens		Support
Flat 27a John Robert Gardens		Support
Flat 8 John Robert Gardens		Support
Flat 18 John Robert Gardens		Support
Flat 27b John Robert		Support
Gardens		
31 John Robert Gardens		Support
30 John Robert Gardens		Support
Flat 3 John Robert		Support
Gardens		
Flat 15 John Robert		Support
Gardens		
Flat 1 John Robert		Support
Gardens		
Flat 6 John Robert Gardens		Support
Flat 20 John Robert		Support
Gardens		
Flat 4 John Robert Gardens		Support
Flat 28a John Robert		Support
Gardens		
Flat 26 John Robert Gardens		Support

3.1 This application has resulted in one letter of objection from the Ward Councillor and twenty seven letters of support from occupiers of John Robert

Gardens during the consultation period.

3.2 The Ward Councillor has raised objections to the application on the following planning grounds:

1. the bin store has been moved from its original location and is now touching a neighbouring property;
2. the bin store is of timber construction and is a fire risk;
3. there has already been fire damage during construction at the site;
4. the noise as people dispose rubbish will be very disruptive
5. smell and possibility of vermin;and
6. the application is retrospective.

3.3 The residents of John Robert Gardens have raised support for the application on the following grounds:

1. the present location affords easy access for the large bin lorries with minimum disruption to residents;
2. the original site proposed is situated at the end of a cul de sac, too near properties and access for the bin lorries would involve reversing avoiding parked cars and pedestrians;
3. it has been agreed by the Council to commence weekly collections;
4. a secure cycle store is envisaged for the original site;
5. the bins are fenced off with decorative panelling and planting around the fence;and
6. the bins are fully screened off from the main road so there will be no smell going on to the footpath or neighbouring properties.

#### **4. Planning History**

- 4.1 In November 1990, an outline planning application was granted for a residential development under application number 90/1216.
- 4.2 In December 1992, full planning permission was granted for the erection of 8no. houses and 23no. flats under application number 92/0990.
- 4.3 In January 1997 full planning permission was granted for the use of land as a temporary car park under application 09/0060, this application was renewed in July of 1997 under application number 97/0840.

- 4.4 Again in 1997 advertisement permission was granted for the erection of an advertisement hoarding under application 97/0987.
- 4.5 In July 1998 full planning permission was granted for the renewal of permission to erect 8no. houses and 23no. flats under application number 98/0521. This application was again renewed in August 2003 under planning application number 03/0872.
- 4.6 In December 2004, full planning permission was granted for the erection of 37no. flats and houses (in substitution for application 03/0872), under application number 04/1590.
- 4.7 In 2006, under application 06/0649, full planning permission was granted for the erection of 37no.flats and houses (revised proposal incorporating minor amendments involving the design of the adoptable road areas, adjustments to the garages between plots 36 & 37, internal alterations to the houses, removal of bay window to plot 37 and the introduction of velux roof lights to the top storey of the flats).
- 4.8 In 2007, under application 07/0095, full planning permission was refused for the erection of 3no. 2 bedroom flats and associated parking.
- 4.9 In 2008, application 08/0109, permission was given for a revised scheme involving the erection of 3no. two bed flats.

## **5. Details of Proposal/Officer Appraisal**

### **Introduction**

- 1 The residential development at John Robert Gardens extends in area to 0.45ha and was formerly the Caldewgate School Canteen located on the western side of Dalston Road approximately 30 metres to the south of the junction with Newcastle Street. The neighbouring properties to the north consist of terraced houses at 72, 74 and 76 Shaddongate; and commercial units in the form of a fishing tackle shop and television repairs unit at 70 and 70a Shaddongate.
- 5.2 In 2005, under application 04/1590, planning permission was given for the erection of 28no. flats and 9no. houses. The approved scheme showed the houses to be erected in a series of small cul-de-sacs and the proposed apartments within a four storey block, located on the eastern side of the

development site adjacent to Shaddongate. In comparison to the scheme approved under 04/1590 the proposal revised under 06/0649 involved the incorporation of minor amendments consisting of alterations to the design of the adoptable road areas; adjustments to the garages between plots 36&37; internal alterations to the houses; the removal of bay windows to plot 37; and, the introduction of velux roof lights to the top storey of the flats. The approved layout plan showed the provision of a bin store to serve the apartments at the head of the cul-de-sac serving the houses at 29-32 Robert Chance Gardens. The permission given under 06/0649 was also subject to a condition, number 16, requiring the prior approval of the design of the bin store.

## **Background**

- 5.3 This application seeks retrospective consent for the relocation of the bin/recycling store serving the flats to the north-eastern corner of the application site directly adjacent to the house at 76 Shaddongate and the eastern boundary of the site. The bin store is constructed from 2.2 metre high close boarded timber with a framed "pergola" style of roof and has a total ground area of approximately 23.94 square metres.
- 5.4 A covering letter submitted with this application indicates that the main reason for moving the bin store from its original location is because of the increased demands and requirements associated with the recycling and disposal of refuse since the development was originally given permission. The original location of the bin store, approved under application 06/0649, was in front of the house (29 Robert Chance Gardens) located to the "rear" of the flats. The agent has confirmed that the relocation will also make available space for the construction of a bicycle store and additional car parking spaces in the original position.
- 5.5 During the site visit, the developer explained to the Case Officer that: the intention, if the development was to be approved, is to connect a surface road gully to an existing manhole; the bin store would have a concrete surface; there is a weekly collection of refuse; the bin store serves 30 flats; and, overall maintenance of the site falls on to a management company owned by the developer.

## **Assessment**

- 5.6 When assessing this application the relevant planning policies are CP5, CP6 and H11 of the Carlisle District Local Plan (2001-2016) as a result of which it is considered that there are two main issues, namely:
1. the effect of the proposal on the living conditions of neighbouring residents; and
  2. the effect of the proposal on the visual character of the area.

- 6 When assessing 1) it is noted that the front door of the immediately adjoining property at 76 Shaddongate is approximately 0.6 of a metre to the north. In addition, the boundary of the application site fronting Shaddongate is constructed from brick walls with metal railings 1.8 metres above ground level. The proposed bin/recycling store protrudes above the brick wall/railings by 0.4 of a metre. This is in the context where an objection has been raised from the Ward Councillor with regards to noise and odour. In mitigation, there is close boarded fencing along the road frontage elevation; there are no windows located on the gable end elevation of 76 Shaddongate facing the proposed development. The noise generated by such a use is likely to be intermittent and more associated with the disposal and collection of glass as opposed to plastic, cardboard, paper and general household rubbish. The collection time is also of a limited period. At the time of the visit, it was apparent that the bins in use have lids and were not overflowing with waste. In effect, the potential for odour is largely dependent upon the management of the site tied in with the frequency of collection.
- 7 In the case of the impact on the character of the area, the proposed timber structure is considered to be preferable to an open, unenclosed area for the storage of the bins. Planting beds have also been established on the south and west elevations of the bin store to soften the impact from both street level and eventually from above as climbing plants mature.
- 8 This aside, at the time of preparing the report discussions are on-going with the applicant to try to establish what options exist for the screening of the elevation directly facing Shaddongate to further minimise the impact of the store on the living conditions and appearance of the area.

## **Conclusion**

- 9 An updated report will be presented to Members following further discussions with the applicant.

## **6. Human Rights Act 1998**

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

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

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

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

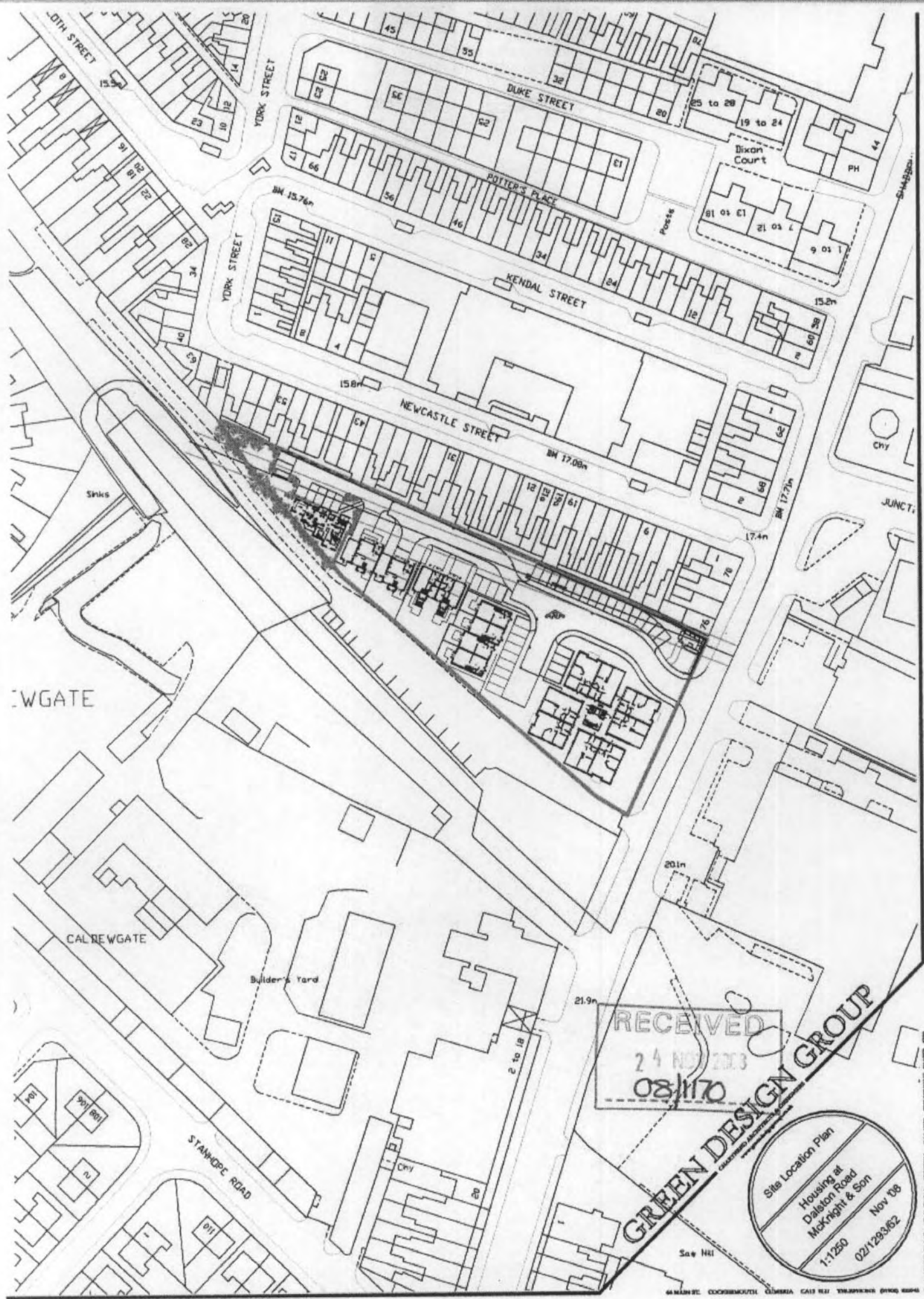
- 6.2 **Article 1 of Protocol 1** relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

## **7. Recommendation**

### **Reason For Including Report In Schedule B**

Further discussions with the applicant are on going over the potential means to achieve effective screening.

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24 NOV 2003  
08/1170

**GREEN DESIGN GROUP**  
GREEN DESIGN GROUP  
1170/08/03

Site Location Plan  
Housing at  
Dalston Road  
McKnight & Son  
Nov 08  
1:1250 02/1293/02





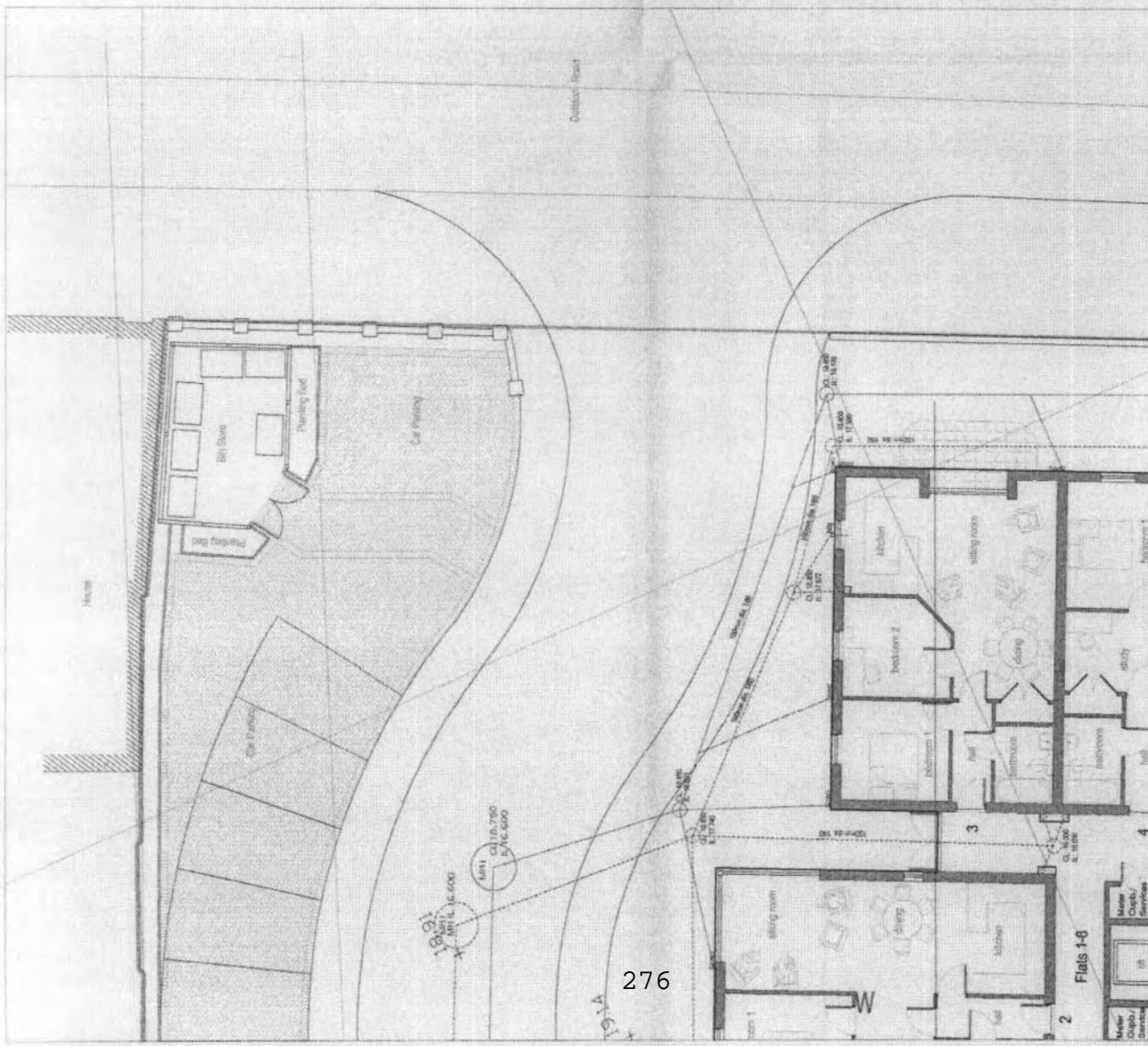
RECEIVED

21 Nov 08

Block Plan  
Housing at  
Micknight & Son  
Dartford Road  
1:500  
Nov 08  
P21283/83

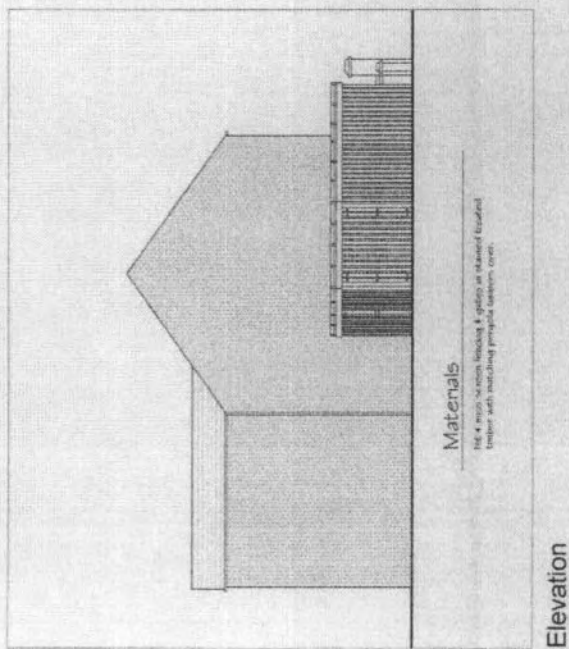
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Plan

276



Elevation

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08/11/13

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SCHEDULE D

## SCHEDULE D: Reports on Previously Deferred Decisions

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**Item No: 17**

Between 06/12/2008 and 16/01/2009

**Appn Ref No:**  
04/1339

**Applicant:**  
United Utilities Facilities  
and Property

**Parish:**  
Carlisle

**Date of Receipt:**  
05/10/2004

**Agent:**  
How Planning

**Ward:**  
Denton Holme

**Location:**  
L/A United Utilities Depot, Nelson Street, Carlisle.

**Grid Reference:**  
339600 555400

**Proposal:** Residential development and retention/reconfiguration of office  
accommodation (outline)

**Amendment:**

### REPORT

**Case Officer:** Alan Taylor

#### Details of Deferral:

Members will recall at Committee meeting held on 3th June 2005 that authority was given to the Head of Planning and Housing Services to issue approval subject to:

1. referral of the application to GONW as a "Departure" from the Development Plan and clearance by GONW for the application to be decided by the City Council; and following such clearance
2. the attainment of a satisfactory agreement under the provisions of S106 of the Town and Country Planning Act 1990 to ensure the provision of affordable housing and, in lieu of open space/play facilities within the site, for the payment of a commuted sum to enable the improvement and upgrading in the existing open space and play facilities at St James Park.

The application has been cleared by GONW, and the S106 has been agreed. Approval was granted on 12th January 2009.

**Decision:** Granted Subject to Legal Agreement

**Date:** 12/01/2009

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



## **SCHEDULE D: Reports on Previously Deferred Decisions**

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

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

- 4. Trees or hedges chosen for retention in the landscaping scheme shall not for the duration of the development works be damaged or destroyed, uprooted, felled, lopped or topped without prior written consent of the local planning authority.

**Reason:** To protect trees and hedges during development works.

- 5. 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.

## **SCHEDULE D: Reports on Previously Deferred Decisions**

6. The detailed plans required by the aforementioned conditions shall incorporate full details of the proposed locations of all services and service trenches and these shall be designed and sited to avoid or minimise the damage to the roots of the existing established trees.

**Reason:** To protect trees and hedges during development works.

7. In the event of trenches or excavations exposing tree roots of 50mm/2 inches diameter or more, these should be carefully retained and protected by suitable measures including (where otherwise unavoidable) bridging trenches. No severance of tree roots 50mm/2 inches or more in diameter shall be undertaken without prior notification to, and the subsequent approval of the local planning authority and where such approval is given, the roots shall be cut back to a smooth surface. Prior to the commencement of development, protective fencing shall be erected around the canopy areas of the major trees identified to be retained [on drawing number ( )], and no machinery or vehicles shall be parked within, or materials stored, dumped or spilled within that area.

**Reason:** To protect trees and hedges during development works.

8. Following completion of construction works and removal of site machinery and materials, protective fencing may be dismantled to permit ground preparation and cultivation works, if required, adjacent to the trees. Any such ground preparation and cultivation works shall be carried out by hand, taking care not to damage any roots encountered.

**Reason:** To protect trees and hedges during development works.

9. 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. 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

10. 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

## **SCHEDULE D: Reports on Previously Deferred Decisions**

satisfaction of the Local Planning Authority, in accordance with the objectives of Policy 25 of the Cumbria and Lake District Structure Plan and to support Local Transport Plan Policies S3, S4 and LD9.

11. Dropped kerbs with tactile paving 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 LD7, LD12 and Structure Plan Policy L49.

12. All Finished Floor Levels (FFL's) of dwellings shall be set at +15.53m AOD.

**Reason:** To reduce the dangers to intended occupants of the buildings from potential flooding and in accord with Policy 24 of the Cumbria and Lake District Joint Structure Plan and Policy E22 of the Carlisle District Local Plan.

13. Vehicular access to the areas of proposed housing within the site shall be from Nelson Street where existing ground levels are approximately 16.00m AOD.

**Reason:** to ensure that safe emergency access and egress will not be affected by flooding and in accord with Policy 24 of the Cumbria and Lake District Joint Structure Plan and Policy E22 of the Carlisle District Local Plan.

14. The buildings hereby permitted shall be constructed in materials which would be resistant to damage from ingress of flood water and with services located at an appropriate level in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

**Reason:** The Environment Agency Flood Zone mapping shows that the proposed development is within an area at risk of flooding and in accord with Policy 24 of the Cumbria and Lake District Joint Structure Plan and Policy E22 of the Carlisle District Local Plan.

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



## **SCHEDULE D: Reports on Previously Deferred Decisions**

**Reason:** To reduce the risk of flooding as a result of inadequate means of surface water disposal and in accord with Policy 24 of the Cumbria and Lake District Joint Structure Plan and Policy E22 of the Carlisle District Local Plan.

16. No development shall be commenced within the site until such times as the developer has submitted for approval (such approval to be in writing) a Phasing Scheme, the provisions of which shall ensure that the dwelling units hereby permitted are constructed over not less than three financial years (each year being regarded as the period between 1st April and 31st March the following year). The development shall, thereafter, only be carried out in strict accord with that Phasing Scheme.

**Reason:** in compliance with the "Plan, Monitor and Manage" objectives of PPG3: Housing, RPG 13 Regional Planning Guidance for the North West, to enable the Council to regulate the pace of new housing development in accord with the strategic objectives of the Cumbria and Lake District Joint Structure Plan and in compliance with the resolution of 19th November 2004 by the Council's Development Control Committee to introduce phasing of new urban housing development to control the supply of available units with planning permission.

17. Particulars of height and materials of all screen walls (including those existing sections of wall that are to be retained) 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 Policy H16 of the Carlisle District Local Plan.

18. This permission relates to a development of approximately 103 dwelling units in 2 and 3 storey form of which 30% of that accommodation shall be provided as "affordable housing" the size, type, location and management of which shall be identified in the subsequent "Reserved Matters" application.

**Reason:** In accord with the objectives of PPG3: Housing, Circular 06/98, Policy H8 of the Carlisle District Local Plan and Policy H5 of the Carlisle District Local Plan Deposit Draft.

19. No part of the development hereby permitted shall commence until:

(a) there has been submitted to and approved by the Local Planning

## **SCHEDULE D: Reports on Previously Deferred Decisions**

Authority ("the LPA") in writing a methodology for site investigations and assessments,

- (b) following approval of the methodology by the LPA as provided for in paragraph (a) above such site investigations and assessments as are referred to therein have:
  - (i) been carried out in accordance with British Standard 10175:2001 "Investigation of potentially contaminated sites – code of practice" and current Government and Environment Agency guidance, and by appropriately qualified personnel; and
  - (ii) identified the types, nature and extent of contamination present, risks to receptors and potential for migration within and beyond the site boundary and the laboratories used for analysis of samples shall be registered to the ISO 17025:2000 quality standard,
- (c) following the carrying out of such site investigations and assessments as provided for in paragraph (b) above there has been submitted to and approved in writing by the LPA a remediation scheme ("the Remediation Scheme"), which shall:
  - (i) include an implementation timetable ("the Implementation Timetable"), monitoring proposals,
  - (ii) include a remediation and verification methodology comprising a sampling and analysis programme to confirm the adequacy of decontamination; and
  - (iii) provide for an appropriately qualified person to oversee the implementation of all remediation ("the Remediation Scheme").
- (d) all measures as are identified in the Remediation Scheme have been undertaken in accordance with the Implementation Timetable and any measures at variance with the Remediation Scheme have been submitted to and agreed in writing with the LPA in advance of such Remediation Measures being undertaken; and ,
- (e) there has been submitted to and approved by the LPA a report which shall include details of the following:
  - i) results of the verification programme of post remediation sampling and monitoring in order to demonstrate that the required remediation has been fully met,

## **SCHEDULE D: Reports on Previously Deferred Decisions**

- (ii) confirmation that all remediation measures have been carried out fully in accordance with the Remediation Scheme; and
- (iii) future monitoring proposals and reporting

**Reason:** To protect the environment and prevent harm to human health.

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SCHEDULE E

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SCHEDULE E

## SCHEDULE E: Decisions Issued Under Delegated Powers

Between 06/12/2008 and 16/01/2009

**Appn Ref No:**  
08/0845

**Applicant:**  
Mr Littleton

**Parish:**  
Carlisle

**Date of Receipt:**  
14/11/2008

**Agent:**  
Tsada Building Design  
Services

**Ward:**  
Stanwix Urban

**Location:**  
25 Eden Street, Carlisle, CA3 9LS

**Grid Reference:**  
339506 557411

**Proposal:** Reconstruction Of Boundary Wall And Utility Room/Porch And Erection  
Of Dayroom/Bedroom With Shower Room And Porch

**Amendment:**

1. Access deleted from proposed scheme.

**Decision:** Grant Permission

**Date:** 08/01/2009

---

Between 06/12/2008 and 16/01/2009

**Appn Ref No:**  
08/0873

**Applicant:**  
Mr Armstrong

**Parish:**  
Castle Carrock

**Date of Receipt:**  
22/08/2008 17:30:08

**Agent:**  
Rol Design Limited

**Ward:**  
Great Corby & Geltsdale

**Location:**  
Land adjacent to, Castlegate Cottage, Castle  
Carrock, CA8 9LT

**Grid Reference:**  
354200 555680

**Proposal:** Erection Of 4 Bedroomed Dwelling House With 'Granny Annexe'.

**Amendment:**

**Decision:** Grant Permission

**Date:** 05/01/2009

---

Between 06/12/2008 and 16/01/2009

**Appn Ref No:**  
08/0953

**Applicant:**  
Home Retail Group

**Parish:**  
Carlisle

**Date of Receipt:**  
13/10/2008

**Agent:**  
Styles and Wood

**Ward:**  
Belah

## **SCHEDULE E: Decisions Issued Under Delegated Powers**

**Location:**

Allied Carpets, Unit B2, Greymoorhill Retail Park,  
Parkhouse Road, Carlisle, CA3 0JR

**Grid Reference:**

339365 559595

**Proposal:** Installation Of External Air Conditioning Plant And Installation Of Grilles  
In Facade Of Rear Elevation

**Amendment:**

**Decision:** Grant Permission

**Date:** 08/12/2008

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Between 06/12/2008 and 16/01/2009

**Appn Ref No:**

08/0960

**Applicant:**

Mr Stephen Tyler

**Parish:**

Farlam

**Date of Receipt:**

21/10/2008

**Agent:**

Green Design Group

**Ward:**

Irthing

**Location:**

High Cleugh Head, Hallbankgate, Brampton, CA8  
1LY

**Grid Reference:**

357630 559142

**Proposal:** Replacement Of Existing Farmhouse With New Farmhouse, Conversion  
Of Existing Barn To Holiday Cottage, Replacement Of Existing Barn  
With Holiday Cottage And Replacement Of Outbuilding With Garage  
(Revised Application)

**Amendment:**

**Decision:** Grant Permission

**Date:** 16/12/2008

---

Between 06/12/2008 and 16/01/2009

**Appn Ref No:**

08/0974

**Applicant:**

Ms Kirk

**Parish:**

Beaumont

**Date of Receipt:**

03/11/2008

**Agent:**

Gray Associates Limited

**Ward:**

Burgh

**Location:**

Hollow Creek Farm, Kirkandrews-on-Eden, CA5  
6DJ

**Grid Reference:**

335528 558311

## **SCHEDULE E: Decisions Issued Under Delegated Powers**

**Proposal:** Change Of Use And Subdivision Of Property Together With Internal And External Alterations To Provide One Residential Unit And One Holiday Let

**Amendment:**

**Decision:** Grant Permission

**Date:** 29/12/2008

---

Between 06/12/2008 and 16/01/2009

**Appn Ref No:**  
08/0989

**Applicant:**  
Mr S Tyler

**Parish:**  
Wetheral

**Date of Receipt:**  
26/09/2008

**Agent:**

**Ward:**  
Wetheral

**Location:**  
Field No 5073, Cumwhinton, Carlisle, Cumbria

**Grid Reference:**  
345450 552700

**Proposal:** Proposed Agricultural Implement Shed (Retrospective)

**Amendment:**

**Decision:** Grant Permission

**Date:** 18/12/2008

---

Between 06/12/2008 and 16/01/2009

**Appn Ref No:**  
08/1009

**Applicant:**  
Mr James Nicholson

**Parish:**  
Westlinton

**Date of Receipt:**  
13/10/2008

**Agent:**  
Green Design Group

**Ward:**  
Longtown & Rockcliffe

**Location:**  
Elm Bank, Blackford, Carlisle, Cumbria, CA6 4EA

**Grid Reference:**  
339442 562019

**Proposal:** Change Of Use From Employment (B1) To Live/Work Unit Involving Conversion Of Store & Offices With Extension Added, Demolition Of Garage; And Improvement Works To Existing Buildings

**Amendment:**

**Decision:** Refuse Permission

**Date:** 08/12/2008

---

## SCHEDULE E: Decisions Issued Under Delegated Powers

Between 06/12/2008 and 16/01/2009

**Appn Ref No:**  
08/1017

**Applicant:**  
Mr G Godber

**Parish:**  
Carlisle

**Date of Receipt:**  
05/11/2008

**Agent:**

**Ward:**  
Belle Vue

**Location:**  
166 Orton Road, Carlisle, Cumbria, CA2 7ET

**Grid Reference:**  
337802 555317

**Proposal:** Erection Of Detached Store (Revised Application)

**Amendment:**

**Decision:** Grant Permission

**Date:** 16/12/2008

---

Between 06/12/2008 and 16/01/2009

**Appn Ref No:**  
08/1021

**Applicant:**  
Mr S J Macfarlane

**Parish:**  
Carlisle

**Date of Receipt:**  
04/11/2008

**Agent:**

**Ward:**  
Belle Vue

**Location:**  
176 Newtown Road, Carlisle, Cumbria, CA2 7LT

**Grid Reference:**  
338097 556053

**Proposal:** Incorporation Of Waste Ground Into Domestic Curtilage And Erection Of  
1.8m High Concrete Post And Wood Fence

**Amendment:**

**Decision:** Refuse Permission

**Date:** 18/12/2008

---

Between 06/12/2008 and 16/01/2009

**Appn Ref No:**  
08/1029

**Applicant:**  
Mr M Simpson

**Parish:**  
Stapleton

**Date of Receipt:**  
20/10/2008

**Agent:**

**Ward:**  
Lyne

**Location:**

**Grid Reference:**



## **SCHEDULE E: Decisions Issued Under Delegated Powers**

Mole Field, Low Luckens, Roweltown, Cumbria,  
CA6 6LJ

349345 572636

**Proposal:** Erection Of A Polytunnel For Production Of Organic Vegetables

**Amendment:**

**Decision:** Grant Permission

**Date:** 15/12/2008

---

Between 06/12/2008 and 16/01/2009

**Appn Ref No:**  
08/1036

**Applicant:**  
Philip Howard

**Parish:**  
Burtholme

**Date of Receipt:**  
10/10/2008 15:30:17

**Agent:**  
Countryside Consultants

**Ward:**  
Irthing

**Location:**  
Abbey Farm, Lanercost, Brampton, CA8 2HQ

**Grid Reference:**  
355500 563674

**Proposal:** Change Of Use To Visitor Facilities For Lanercost To Include Catering  
And Retail Sales With Associated Car-Parking

**Amendment:**

**Decision:** Grant Permission

**Date:** 17/12/2008

---

Between 06/12/2008 and 16/01/2009

**Appn Ref No:**  
08/1040

**Applicant:**  
Mr D Smith

**Parish:**  
Wetheral

**Date of Receipt:**  
13/10/2008

**Agent:**  
Coniston Consultants Ltd

**Ward:**  
Wetheral

**Location:**  
Gable Cottage, Aglionby, Carlisle, Cumbria, CA4  
8AQ

**Grid Reference:**  
344798 556571

**Proposal:** Alterations And Extensions To Provide Increased Kitchen Area And  
Sunroom With Bedrooms Over And Detached Garage

**Amendment:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Decision:** Grant Permission

**Date:** 08/12/2008

---

Between 06/12/2008 and 16/01/2009

**Appn Ref No:**  
08/1041

**Applicant:**  
Mr Barry Bailey

**Parish:**  
Carlton

**Date of Receipt:**  
17/10/2008

**Agent:**  
Architects Plus (UK) Ltd

**Ward:**  
Great Corby & Geltsdale

**Location:**  
Saughtree Gate, Cumrew, Heads Nook, Brampton  
CA8 9DN

**Grid Reference:**  
353840 551320

**Proposal:** Conversion Of Redundant Barn Into Single Family Dwelling  
(Revised/Retropective Application)

**Amendment:**

**Decision:** Grant Permission

**Date:** 12/12/2008

---

Between 06/12/2008 and 16/01/2009

**Appn Ref No:**  
08/1044

**Applicant:**  
Mr A Hunter

**Parish:**  
Carlisle

**Date of Receipt:**  
24/10/2008

**Agent:**  
Jock Gordon

**Ward:**  
Stanwix Urban

**Location:**  
20A Brampton Road, Carlisle, CA3 9HS

**Grid Reference:**  
340551 557174

**Proposal:** Erection Of Single Storey Rear Extension And Conservatory To Rear On  
Ground Floor Together With Raising Height Of Boundary Wall On South  
West Elevation

**Amendment:**

1. Deletion Of First Floor Enclosure To Rear Balcony

**Decision:** Grant Permission

**Date:** 09/01/2009

---

Between 06/12/2008 and 16/01/2009

## **SCHEDULE E: Decisions Issued Under Delegated Powers**

**Appn Ref No:**  
08/1046

**Applicant:**  
Lady A.E. Burgess

**Parish:**  
Carlisle

**Date of Receipt:**  
14/10/2008

**Agent:**  
Johnston & Wright

**Ward:**  
Stanwix Urban

**Location:**  
The Limes, Cavendish Terrace, Stanwix, Carlisle,  
CA3 9ND

**Grid Reference:**  
339828 556829

**Proposal:** Extension To Existing Dwelling To Create Bathroom With A Pitched Roof  
(Revised Application)

**Amendment:**

**Decision:** Grant Permission

**Date:** 09/12/2008

---

Between 06/12/2008 and 16/01/2009

**Appn Ref No:**  
08/1048

**Applicant:**  
Mr R Sutcliffe

**Parish:**  
Walton

**Date of Receipt:**  
21/10/2008

**Agent:**

**Ward:**  
Irthing

**Location:**  
Sandysike Farm, Walton, Brampton, CA8 2DU

**Grid Reference:**  
351584 564049

**Proposal:** Erection Of Cattle Shed (Retrospective)

**Amendment:**

**Decision:** Grant Permission

**Date:** 24/12/2008

---

Between 06/12/2008 and 16/01/2009

**Appn Ref No:**  
08/1051

**Applicant:**  
Animal Refuge & Hospital

**Parish:**  
Wetheral

**Date of Receipt:**  
14/10/2008

**Agent:**  
HTGL Architects Ltd

**Ward:**  
Wetheral

**Location:**  
Animal Refuge & Hospital, Oak Tree Farm,  
Wetheral Shields, Carlisle, CA4 8JA

**Grid Reference:**  
346179 552490

## **SCHEDULE E: Decisions Issued Under Delegated Powers**

**Proposal:** Alterations To Main Entrance, Reception, Shop, Offices And Replace Conservatory Roof

**Amendment:**

**Decision:** Grant Permission

**Date:** 24/12/2008

---

Between 06/12/2008 and 16/01/2009

**Appn Ref No:**  
08/1053

**Applicant:**  
Mr R Butcher

**Parish:**  
Westlinton

**Date of Receipt:**  
15/10/2008

**Agent:**  
Johnston & Wright

**Ward:**  
Longtown & Rockcliffe

**Location:**  
Pineglen, Westlinton, Carlisle, CA6 6AL

**Grid Reference:**  
337929 563725

**Proposal:** Demolition Of Existing Cottage And Erection Of Detached Two Storey Dwelling With Double Garage (Revised Application)

**Amendment:**

**Decision:** Grant Permission

**Date:** 10/12/2008

---

Between 06/12/2008 and 16/01/2009

**Appn Ref No:**  
08/1054

**Applicant:**  
Mr Whitfield

**Parish:**  
Orton

**Date of Receipt:**  
15/10/2008 13:31:10

**Agent:**  
Edwin Thompson LLP

**Ward:**  
Burgh

**Location:**  
Woodhouses Farm, Woodhouses, CA5 6LN

**Grid Reference:**  
332373 552319

**Proposal:** Erection of Stock Shed

**Amendment:**

**Decision:** Grant Permission

**Date:** 24/12/2008

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## **SCHEDULE E: Decisions Issued Under Delegated Powers**

Between 06/12/2008 and 16/01/2009

**Appn Ref No:**  
08/1057

**Applicant:**  
Mr Richard Berry

**Parish:**

**Date of Receipt:**  
27/10/2008

**Agent:**  
Aitken Turnbull

**Ward:**  
Belah

**Location:**  
20b Millbrook Road, Kingstown Industrial Estate,  
Carlisle, CA3 0EU

**Grid Reference:**  
339331 559315

**Proposal:** Extension To Existing Truck Showroom To Create Single Storey  
Showroom

**Amendment:**

**Decision:** Grant Permission

**Date:** 22/12/2008

---

Between 06/12/2008 and 16/01/2009

**Appn Ref No:**  
08/1060

**Applicant:**  
Mr Juan Latour

**Parish:**  
Carlisle

**Date of Receipt:**  
09/01/2009

**Agent:**  
S Bond Associates

**Ward:**  
Stanwix Urban

**Location:**  
Belah Cottage, Waverley Road, Stanwix, Carlisle,  
CA3 9JY

**Grid Reference:**  
339735 557765

**Proposal:** Two Storey Extension To Provide Ground Floor Kitchen With 3no  
Bedrooms And 1no Bathroom Above

**Amendment:**

**Decision:** Grant Permission

**Date:** 13/01/2009

---

Between 06/12/2008 and 16/01/2009

**Appn Ref No:**  
08/1061

**Applicant:**  
Carlisle City Council

**Parish:**  
Carlisle

**Date of Receipt:**  
17/10/2008

**Agent:**  
Johnston & Wright

**Ward:**  
Morton

## **SCHEDULE E: Decisions Issued Under Delegated Powers**

**Location:**

Chances Park, Morton, Carlisle, Cumbria

**Grid Reference:**

338267 554997

**Proposal:** Installation Of Railings And Pedestrian/Vehicular Access Gates To The Existing Accesses Off Wigton Road And Dunmail Drive Respectively

**Amendment:**

**Decision:** Grant Permission

**Date:** 09/12/2008

---

Between 06/12/2008 and 16/01/2009

**Appn Ref No:**

08/1062

**Applicant:**

Carlisle City Council

**Parish:**

Carlisle

**Date of Receipt:**

17/10/2008

**Agent:**

Johnston & Wright

**Ward:**

Morton

**Location:**

Chances Park, Morton, Carlisle, Cumbria

**Grid Reference:**

338267 554997

**Proposal:** Installation Of Railings And Pedestrian/Vehicular Access Gates To The Existing Accesses Off Wigton Road And Dunmail Drive Respectively; Restoration Work To Ha-Ha (LBC)

**Amendment:**

**Decision:** Grant Permission

**Date:** 09/12/2008

---

Between 06/12/2008 and 16/01/2009

**Appn Ref No:**

08/1063

**Applicant:**

Simtor Limited

**Parish:**

Wetheral

**Date of Receipt:**

17/10/2008

**Agent:**

Architects Plus (UK) Ltd

**Ward:**

Great Corby & Geltsdale

**Location:**

Warwick Mill Business Village, Warwick Mill,  
Warwick Bridge, Carlisle, CA4 8RR

**Grid Reference:**

347844 556537

**Proposal:** Redevelopment Of Former Scrapyard For Mixed Workshop Use, Including B1, B2 And B8 Uses.

**Amendment:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Decision:** Withdrawn by Applicant/or by default

**Date:** 07/01/2009

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Between 06/12/2008 and 16/01/2009

**Appn Ref No:**

08/1066

**Applicant:**

Parkfield Nursery

**Parish:**

Carlisle

**Date of Receipt:**

24/10/2008

**Agent:**

**Ward:**

Morton

**Location:**

Parkfield Nursery, 143 Dalston Road, Carlisle, CA2 5PG

**Grid Reference:**

339070 554911

**Proposal:** Erection Of Metal Railings And Gates To Enclose The Front Garden,  
Alteration Of Rear Windows To Patio Doors And Access Ramp

**Amendment:**

**Decision:** Grant Permission

**Date:** 10/12/2008

---

Between 06/12/2008 and 16/01/2009

**Appn Ref No:**

08/1069

**Applicant:**

Mrs Anne Lywood  
Montagu

**Parish:**

Wetheral

**Date of Receipt:**

24/11/2008

**Agent:**

**Ward:**

Wetheral

**Location:**

Wrayside, Wetheral Shield, Carlisle, CA4 8HZ

**Grid Reference:**

347788 551907

**Proposal:** Change Of Use Of Domestic House From 2no. Bedrooms For Bed And  
Breakfast To 5no. Bedrooms For Bed And Breakfast, Change Property  
From Agricultural To Domestic And Landscaping Of Front Field To  
Create A Natural Wild Lake

**Amendment:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Decision:** Grant Permission

**Date:** 15/01/2009

---

Between 06/12/2008 and 16/01/2009

**Appn Ref No:**  
08/1070

**Applicant:**  
St Elisabeth's Church

**Parish:**  
Carlisle

**Date of Receipt:**  
22/10/2008

**Agent:**  
Architects Plus (UK) Ltd

**Ward:**  
Harraby

**Location:**  
St Elisabeths Parish Church Hall, Mayfield Avenue,  
Harraby, Carlisle

**Grid Reference:**  
342103 554382

**Proposal:** Variation Of Condition 1 To Extend Period Of "Reserved Matters"  
Application To Allow Sale Of Site To Developer

**Amendment:**

**Decision:** Grant Permission

**Date:** 05/01/2009

---

Between 06/12/2008 and 16/01/2009

**Appn Ref No:**  
08/1071

**Applicant:**  
Kingmoor Park Properties  
Ltd

**Parish:**  
Kingmoor

**Date of Receipt:**  
27/10/2008

**Agent:**  
Architects Plus (UK) Ltd

**Ward:**  
Stanwix Rural

**Location:**  
Unit P, Kingmoor Park Road, Kingmoor Park  
Central, Carlisle

**Grid Reference:**  
337924 559524

**Proposal:** Discharge Of Conditions 1, 3-6, 9-10 & Application Ref: 06/0258

**Amendment:**

**Decision:** Partial Discharge of Conditions  
15/12/2008

**Date:**

---

Between 06/12/2008 and 16/01/2009

**Appn Ref No:**

**Applicant:**

**Parish:**



## SCHEDULE E: Decisions Issued Under Delegated Powers

08/1072

Mr Paul Holder

Dalston

**Date of Receipt:**  
24/10/2008

**Agent:**

**Ward:**  
Dalston

**Location:**  
Lynwood Lodge, Dalston Hall Caravan Park,  
Dalston Hall, Dalston, Carlisle, CA5 7JX

**Grid Reference:**  
337712 551738

**Proposal:** Proposed Formation Of 6 Additional Static Holiday Pitches

**Amendment:**

**Decision:** Grant Permission

**Date:** 19/12/2008

---

Between 06/12/2008 and 16/01/2009

**Appn Ref No:**  
08/1074

**Applicant:**  
Mr Martyn Palliser

**Parish:**  
Dalston

**Date of Receipt:**  
22/10/2008

**Agent:**

**Ward:**  
Dalston

**Location:**  
Carrowdore, 29 Carlisle Road, Dalston, Carlisle,  
CA5 7NF

**Grid Reference:**  
337019 550421

**Proposal:** Erection Of A Single Storey Rear Extension To Provide A Utility And  
Cloak Room

**Amendment:**

**Decision:** Grant Permission

**Date:** 17/12/2008

---

Between 06/12/2008 and 16/01/2009

**Appn Ref No:**  
08/1077

**Applicant:**  
Mr Blain

**Parish:**  
Wetheral

**Date of Receipt:**  
23/10/2008 11:30:21

**Agent:**  
Black Box Architects  
Limited

**Ward:**  
Wetheral

**Location:**  
Ivy House, Ghyll Road, Scotby, Carlisle, CA4 8BT

**Grid Reference:**  
344268 554678

## **SCHEDULE E: Decisions Issued Under Delegated Powers**

**Proposal:** Demolition Of Existing Detached Garage Within Site And Construction Of New Attached Garage To Gable Of Ivy House, With Associated New Driveway Off Ghyll Road. Demolition Of Existing Timber Sunroom To Rear Elevation. Separation Of Existing Annexe From Ivy House To Form Detached 2 Storey 1 Bedroomed Dwelling With Private Parking.

**Amendment:**

**Decision:** Grant Permission

**Date:** 16/12/2008

---

Between 06/12/2008 and 16/01/2009

**Appn Ref No:**  
08/1078

**Applicant:**  
Mr Blain

**Parish:**  
Wetheral

**Date of Receipt:**  
23/10/2008 11:30:21

**Agent:**  
Black Box Architects  
Limited

**Ward:**  
Wetheral

**Location:**  
Ivy House, Ghyll Road, Scotby, Carlisle, CA4 8BT

**Grid Reference:**  
344268 554678

**Proposal:** Demolition Of Existing Detached Garage Within Site And Construction Of New Attached Garage To Gable Of Ivy House, With Associated New Driveway Off Ghyll Road. Demolition Of Existing Timber Sunroom To Rear Elevation. Separation Of Existing Annexe From Ivy House To Form Detached 2 Storey 1 Bedroomed Dwelling With Private Parking. (LBC)

**Amendment:**

**Decision:** Grant Permission

**Date:** 16/12/2008

---

Between 06/12/2008 and 16/01/2009

**Appn Ref No:**  
08/1079

**Applicant:**  
Maris Properties

**Parish:**  
Carlisle

**Date of Receipt:**  
29/10/2008

**Agent:**  
Gray Associates Limited

**Ward:**  
Denton Holme

**Location:**  
Old Church, Graham Street, Carlisle, CA2 5HA

**Grid Reference:**  
339783 555003

**Proposal:** Demolition Of Existing Church And Erection Of Four Flats

## **SCHEDULE E: Decisions Issued Under Delegated Powers**

(Revised/Retropective Application)

### **Amendment:**

**Decision:** Grant Permission

**Date:** 24/12/2008

---

Between 06/12/2008 and 16/01/2009

**Appn Ref No:**

08/1080

**Applicant:**

Mr Duckworth

**Parish:**

**Date of Receipt:**

10/11/2008

**Agent:**

Gray Associates Limited

**Ward:**

**Location:**

1 Furze Street, Carlisle, CA1 2DL

**Grid Reference:**

341094 555432

**Proposal:** Display Of 2no Illuminated Fascia Signs

**Amendment:**

**Decision:** Grant Permission

**Date:** 29/12/2008

---

Between 06/12/2008 and 16/01/2009

**Appn Ref No:**

08/1081

**Applicant:**

Environment Agency

**Parish:**

Carlisle

**Date of Receipt:**

24/10/2008 15:30:12

**Agent:**

AXIS P.E.D. Ltd

**Ward:**

Denton Holme

**Location:**

Land adjacent to The Sands Centre, Carlisle

**Grid Reference:**

340191 556559

**Proposal:** Proposed Flood Defences Adjacent To The Sands Centre (Revised Scheme)

**Amendment:**

**Decision:** Grant Permission

**Date:** 08/12/2008

---

Between 06/12/2008 and 16/01/2009

## **SCHEDULE E: Decisions Issued Under Delegated Powers**

**Appn Ref No:**  
08/1084

**Applicant:**  
Hethersgill Parish Hall  
Committee

**Parish:**  
Hethersgill

**Date of Receipt:**  
28/10/2008

**Agent:**  
Co-ordinate (Cumbria)  
Limited

**Ward:**  
Lyne

**Location:**  
Hethersgill Parish Hall, Hethersgill, CA6 6ES

**Grid Reference:**  
347931 567171

**Proposal:** Single Storey Extension To The Existing Hall To Form Enlarged Meeting/  
Multi Purpose Room

**Amendment:**

**Decision:** Grant Permission

**Date:** 10/12/2008

---

Between 06/12/2008 and 16/01/2009

**Appn Ref No:**  
08/1085

**Applicant:**  
Mr & Mrs Feghali

**Parish:**  
Carlisle

**Date of Receipt:**  
24/10/2008

**Agent:**  
Jock Gordon

**Ward:**  
Botcherby

**Location:**  
1 Eden Park Crescent, Carlisle, Cumbria, CA1 2UG

**Grid Reference:**  
342238 555764

**Proposal:** Erection Of First Floor Extension Over Existing Garage To Provide  
En-Suite Bedroom Plus Frontage Porch (Revised Application)

**Amendment:**

**Decision:** Grant Permission

**Date:** 10/12/2008

---

Between 06/12/2008 and 16/01/2009

**Appn Ref No:**  
08/1086

**Applicant:**  
Crosby Nursery

**Parish:**  
Stanwix Rural

**Date of Receipt:**  
24/10/2008

**Agent:**  
Jock Gordon

**Ward:**  
Stanwix Rural

**Location:**

**Grid Reference:**

## **SCHEDULE E: Decisions Issued Under Delegated Powers**

Laughingstock House, Crosby On Eden, Carlisle,  
Cumbria, CA6 4QP

344779 559528

**Proposal:** Erection Of 3 External Features; Door Awning, Freestanding Gazebo,  
And Playhouse

**Amendment:**

**Decision:** Grant Permission

**Date:** 18/12/2008

---

Between 06/12/2008 and 16/01/2009

**Appn Ref No:**  
08/1090

**Applicant:**  
Mr & Mrs Wigham

**Parish:**  
Kirklington Middle

**Date of Receipt:**  
27/10/2008

**Agent:**

**Ward:**  
Lyne

**Location:**  
Dykeside, Kirklington, Carlisle, CA6 6AZ

**Grid Reference:**  
343803 565911

**Proposal:** Discharge of Conditions 7 Samples Of Materials); 8 (Boundary  
Treatment); 9 (Foul Drainage) Of Application 07/0422

**Amendment:**

**Decision:** Grant Permission

**Date:** 09/12/2008

---

Between 06/12/2008 and 16/01/2009

**Appn Ref No:**  
08/1095

**Applicant:**  
Instant Cash Loans Ltd

**Parish:**  
Carlisle

**Date of Receipt:**  
05/11/2008

**Agent:**  
Freeth Cartwright  
(searchflow)

**Ward:**  
Castle

**Location:**  
10 Devonshire Street, Carlisle, CA3 8LP

**Grid Reference:**  
340200 555734

**Proposal:** Change Of Use From Use Class A1 (Retail) To A2 (Financial And  
Professional Services)

**Amendment:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Decision:** Grant Permission

**Date:** 15/12/2008

---

Between 06/12/2008 and 16/01/2009

**Appn Ref No:**  
08/1096

**Applicant:**  
Mr William Dotchin

**Parish:**  
Brampton

**Date of Receipt:**  
04/11/2008

**Agent:**  
JABA Architect Ltd

**Ward:**  
Brampton

**Location:**  
Cumcatch Farm, Brampton, Carlisle, Cumbria, CA8  
2QR

**Grid Reference:**  
354751 561153

**Proposal:** Change Of Use Of Redundant Attached Barn Into Annex For Farmhouse  
**Amendment:**

**Decision:** Grant Permission

**Date:** 30/12/2008

---

Between 06/12/2008 and 16/01/2009

**Appn Ref No:**  
08/1097

**Applicant:**  
Mr William Dotchin

**Parish:**  
Brampton

**Date of Receipt:**  
04/11/2008

**Agent:**  
JABA Architect Ltd

**Ward:**  
Brampton

**Location:**  
Cumcatch Farm, Brampton, Carlisle, Cumbria, CA8  
2QR

**Grid Reference:**  
354751 561153

**Proposal:** Change Of Use Of Redundant Attached Barn Into Annex For  
Farmhouse, Demolition And Rebuilding Of East Wall & Roof, Formation  
Of Door In Existing Opening To West (LBC)

**Amendment:**

**Decision:** Grant Permission

**Date:** 30/12/2008

---

Between 06/12/2008 and 16/01/2009

**Appn Ref No:**

**Applicant:**

**Parish:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

08/1099

Mr Bob McKnight

Stanwix Rural

**Date of Receipt:**  
29/10/2008

**Agent:**  
Green Design Group

**Ward:**  
Stanwix Rural

**Location:**  
Ivy Cottage, Rickerby, Carlisle CA3 9AA

**Grid Reference:**  
341448 557088

**Proposal:** Single Storey Extension To Rear Of Dwelling To House A Utility Room  
And Ground Floor Shower/cloakroom (LBC)

**Amendment:**

**Decision:** Grant Permission

**Date:** 24/12/2008

---

Between 06/12/2008 and 16/01/2009

**Appn Ref No:**  
08/1100

**Applicant:**  
Mr Cook

**Parish:**  
Carlisle

**Date of Receipt:**  
29/10/2008 13:30:08

**Agent:**  
Tsada Building Design  
Services

**Ward:**  
Botcherby

**Location:**  
355 Warwick Road, Carlisle, CA1 2BS

**Grid Reference:**  
341824 555923

**Proposal:** Revised Proposal App/08/0082 Demolition Of Existing Kitchen And Out  
Buildings And Erection Of Single Storey Kitchen ,utility And Shower  
Room , With Internal Alterations To Existing Dwelling (part  
Retrospective)

**Amendment:**

**Decision:** Grant Permission

**Date:** 15/12/2008

---

Between 06/12/2008 and 16/01/2009

**Appn Ref No:**  
08/1102

**Applicant:**  
Mr & Mrs Ho

**Parish:**

**Date of Receipt:**  
30/10/2008

**Agent:**  
Jock Gordon

**Ward:**  
Castle

**Location:**

**Grid Reference:**

## **SCHEDULE E: Decisions Issued Under Delegated Powers**

16 Crosby Street, Carlisle, Cumbria, CA1 1DQ

340307 555788

**Proposal:** Change Of Use To Provide Hot Food Takeaway On The Ground Floor  
With External Flue Pipe For The Extraction System And Residential Flat  
On The First Floor Related To The Takeaway

**Amendment:**

**Decision:** Grant Permission

**Date:** 24/12/2008

---

Between 06/12/2008 and 16/01/2009

**Appn Ref No:**  
08/1103

**Applicant:**  
Mr Proudfoot

**Parish:**  
Carlisle

**Date of Receipt:**  
04/11/2008

**Agent:**  
Shanks Design & Build Ltd

**Ward:**  
Stanwix Urban

**Location:**  
10 Longlands Road, Carlisle, CA3 9AD

**Grid Reference:**  
340729 557236

**Proposal:** Single Storey Extension To Provide Extended Kitchen And Utility

**Amendment:**

**Decision:** Grant Permission

**Date:** 29/12/2008

---

Between 06/12/2008 and 16/01/2009

**Appn Ref No:**  
08/1106

**Applicant:**  
Mr Nigel Robson

**Parish:**  
Hayton

**Date of Receipt:**  
03/11/2008

**Agent:**  
Architectural Design And  
Planning Limited

**Ward:**  
Hayton

**Location:**  
The Farm Shop, Gelt House Farm, Hayton, Carlisle,  
Cumbria, CA8 9JD

**Grid Reference:**  
350486 559127

**Proposal:** Proposed Improvements And Extension To The Existing Farm Shop

**Amendment:**



## **SCHEDULE E: Decisions Issued Under Delegated Powers**

**Decision:** Grant Permission

**Date:** 24/12/2008

---

Between 06/12/2008 and 16/01/2009

**Appn Ref No:**  
08/1110

**Applicant:**  
Mr G Forster

**Parish:**  
Westlinton

**Date of Receipt:**  
17/11/2008

**Agent:**

**Ward:**  
Longtown & Rockcliffe

**Location:**  
Oak Tree Stables, Field No 6484, Newtown,  
Blackford, Carlisle

**Grid Reference:**  
338639 562838

**Proposal:** (1) Formation Of A Sand Exercise Area.

(2) Upgrading And Formation Of Hardstanding To Provide Access And  
Parking.

(3) Replacement And Culverting Of Land Drain.

(4) Removal Of 20no Thornbushes From Hedgerow And Replanting Of  
Thorn Hedge

**Amendment:**

**Decision:** Grant Permission

**Date:** 08/01/2009

---

Between 06/12/2008 and 16/01/2009

**Appn Ref No:**  
08/1113

**Applicant:**  
Mr Brown

**Parish:**  
Carlisle

**Date of Receipt:**  
10/11/2008

**Agent:**  
John Lyon Associates Ltd

**Ward:**  
Stanwix Urban

**Location:**  
22 Mulcaster Crescent, Carlisle, CA3 9EA

**Grid Reference:**  
340126 557182

**Proposal:** Demolition Of Wall And Outbuildings And Formation Of Secure Car  
Parking Area

**Amendment:**

**Decision:** Grant Permission

**Date:** 18/12/2008

---

## SCHEDULE E: Decisions Issued Under Delegated Powers

Between 06/12/2008 and 16/01/2009

**Appn Ref No:**  
08/1114

**Applicant:**  
Town & Country Estate  
Agents

**Parish:**  
Carlisle

**Date of Receipt:**  
06/11/2008

**Agent:**  
Gray Associates Limited

**Ward:**  
Castle

**Location:**  
Bell Park and Kerridge Solicitors, 27 Portland  
Square, Carlisle, CA1 1PE

**Grid Reference:**  
340469 555720

**Proposal:** Discharge Of Condition 4 Of Previously Approved Appn Ref 08/0674  
**Amendment:**

**Decision:** Grant Permission

**Date:** 11/12/2008

---

Between 06/12/2008 and 16/01/2009

**Appn Ref No:**  
08/1117

**Applicant:**  
Mr Williamson

**Parish:**  
Nicholforest

**Date of Receipt:**  
04/11/2008 15:30:09

**Agent:**  
Tsada Building Design  
Services

**Ward:**  
Lyne

**Location:**  
Dykehead Farmhouse, Penton, CA6 5QB

**Grid Reference:**  
342900 575750

**Proposal:** Erection Of Agricultural Worker's Dwelling (Reserved Matters Application  
Pursuant To Outline Application 07/1271)

**Amendment:**

**Decision:** Grant Permission

**Date:** 16/12/2008

---

Between 06/12/2008 and 16/01/2009

**Appn Ref No:**  
08/1123

**Applicant:**  
Mr David Swindlehurst

**Parish:**  
Westlinton

**Date of Receipt:**  
06/11/2008

**Agent:**

**Ward:**  
Longtown & Rockcliffe

## **SCHEDULE E: Decisions Issued Under Delegated Powers**

**Location:**

Lynefoot Farm, Westlinton, Carlisle, Cumbria, CA6  
6AJ

**Grid Reference:**

336380 565060

**Proposal:** Erection Of 10 Boarding Kennels With A Feed/Store

**Amendment:**

**Decision:** Grant Permission

**Date:** 31/12/2008

---

Between 06/12/2008 and 16/01/2009

**Appn Ref No:**

08/1125

**Applicant:**

Mrs S Rudd

**Parish:**

Burgh-by-Sands

**Date of Receipt:**

17/11/2008

**Agent:**

**Ward:**

Burgh

**Location:**

Hillside Farm Camping Barn, Boustead Hill,  
Burgh-By-Sands, Carlisle, Cumbria, CA5 6AA

**Grid Reference:**

329420 559150

**Proposal:** Relocate Internal Stairs In Camping Barn (LBC)

**Amendment:**

**Decision:** Grant Permission

**Date:** 07/01/2009

---

Between 06/12/2008 and 16/01/2009

**Appn Ref No:**

08/1126

**Applicant:**

Mr & Mrs Blair

**Parish:**

Kingwater

**Date of Receipt:**

13/11/2008

**Agent:**

**Ward:**

Irthing

**Location:**

Tin Castle, West Hall, Brampton, CA8 2EH

**Grid Reference:**

356732 567698

**Proposal:** Amendment To East Elevation To Allow Stone Arch Over Dining Room  
Window As Opposed To Oak Frame (Revised Application)

**Amendment:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Decision:** Grant Permission

**Date:** 30/12/2008

---

Between 06/12/2008 and 16/01/2009

**Appn Ref No:**  
08/1129

**Applicant:**  
Mr Kiarash Navidi

**Parish:**  
Carlisle

**Date of Receipt:**  
21/11/2008

**Agent:**

**Ward:**  
Stanwix Urban

**Location:**  
11 Scotland Road, Carlisle, CA3 9HR

**Grid Reference:**  
339992 557007

**Proposal:** Variation Of Condition 3 Attached To Application 07/0195 To Allow The Premises To Operate Between 12.00 hours and 00.00 hours

**Amendment:**

1. Amend proposed opening hours between the hours of 1200 hours to 00.00 hours.

**Decision:** Grant Permission

**Date:** 09/01/2009

---

Between 06/12/2008 and 16/01/2009

**Appn Ref No:**  
08/1131

**Applicant:**  
Mr & Mrs Barclay

**Parish:**  
Hethersgill

**Date of Receipt:**  
10/11/2008

**Agent:**  
TSF Developments Ltd

**Ward:**  
Lyne

**Location:**  
Longcleughside, Kirkclinton, Carlisle, CA6 6BE

**Grid Reference:**  
344526 568168

**Proposal:** Demolition Of Existing Utility Room & Front Porch & Erection Of New Utility Room & Front Porch

**Amendment:**

**Decision:** Grant Permission

**Date:** 29/12/2008

---

Between 06/12/2008 and 16/01/2009

**Appn Ref No:**

**Applicant:**

**Parish:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

08/1132

Mr & Mrs D Pringle

**Date of Receipt:**  
13/11/2008

**Agent:**  
Johnston & Wright

**Ward:**  
Stanwix Urban

**Location:**  
31 St George's Crescent, Stanwix, Carlisle,  
Cumbria, CA3 9NJ

**Grid Reference:**  
339767 557076

**Proposal:** Proposed Extension To Include En-Suite Bedroom, Porch, Enlarged Kitchen And Replacement Of Sun Lounge. Demolition Of Existing Garage.

**Amendment:**

**Decision:** Grant Permission

**Date:** 30/12/2008

---

Between 06/12/2008 and 16/01/2009

**Appn Ref No:**  
08/1133

**Applicant:**  
Story Homes

**Parish:**  
Carlisle

**Date of Receipt:**  
12/11/2008

**Agent:**  
Story Homes

**Ward:**  
Belle Vue

**Location:**  
Land between 75 To 87 Burgh Road, Burgh Road,  
Carlisle

**Grid Reference:**  
337421 556223

**Proposal:** Change Of House Type From Carlisle To Ascot On Plot 21

**Amendment:**

**Decision:** Grant Permission

**Date:** 30/12/2008

---

Between 06/12/2008 and 16/01/2009

**Appn Ref No:**  
08/1134

**Applicant:**  
TL & VM Armstrong

**Parish:**  
Arthuret

**Date of Receipt:**  
14/11/2008

**Agent:**  
Hopes Auction Co Ltd

**Ward:**  
Longtown & Rockcliffe

**Location:**  
Bush on Lyne, Longtown, Carlisle, CA6 5TR

**Grid Reference:**  
340946 566431

## **SCHEDULE E: Decisions Issued Under Delegated Powers**

**Proposal:** Proposed Livestock And General Purpose Building

**Amendment:**

1. Revised Block Plan And Elevations Realigning The Proposed Building To Preserve The Existing Visibility Splay.

**Decision:** Grant Permission

**Date:** 09/01/2009

---

Between 06/12/2008 and 16/01/2009

**Appn Ref No:**  
08/1135

**Applicant:**  
Crosby on Eden C of E  
School

**Parish:**  
Stanwix Rural

**Date of Receipt:**  
11/11/2008 15:30:08

**Agent:**  
Gray Associates Limited

**Ward:**  
Stanwix Rural

**Location:**  
Crosby-on-Eden C of E School, Crosby-on-Eden,  
CA6 4QN

**Grid Reference:**  
344770 559600

**Proposal:** Formation Of Wc Provision Within A Classroom (LBC)

**Amendment:**

**Decision:** Grant Permission

**Date:** 29/12/2008

---

Between 06/12/2008 and 16/01/2009

**Appn Ref No:**  
08/1136

**Applicant:**  
J S Bainbridge & Sons

**Parish:**  
Wetheral

**Date of Receipt:**  
18/11/2008

**Agent:**

**Ward:**  
Wetheral

**Location:**  
Murray House Farm, Cumwhinton, Carlisle, CA4  
8DH

**Grid Reference:**  
345016 552611

**Proposal:** Discharge Of Conditions 6 (Hard & Soft Landscaping Works), 7 (Closure Of Access To B6263) & 8 (Parking & Turning Facilities) Of Previously Approved Appn (07/1011)

**Amendment:**

## **SCHEDULE E: Decisions Issued Under Delegated Powers**

**Decision:** Grant Permission

**Date:** 30/12/2008

---

Between 06/12/2008 and 16/01/2009

**Appn Ref No:**  
08/1137

**Applicant:**  
Mr Clarry Smith

**Parish:**  
Cumrew

**Date of Receipt:**  
17/11/2008

**Agent:**  
Q.S. Dimensions Ltd

**Ward:**  
Great Corby & Geltsdale

**Location:**  
Cumrew Farm, Cumrew, Carlisle CA8 9DD

**Grid Reference:**  
355090 550370

**Proposal:** Conversion Of Barn 4 And Outhouses To A Domestic Dwelling  
**Amendment:**

**Decision:** Grant Permission

**Date:** 08/01/2009

---

Between 06/12/2008 and 16/01/2009

**Appn Ref No:**  
08/1140

**Applicant:**  
Nestle UK Limited

**Parish:**  
Dalston

**Date of Receipt:**  
12/11/2008

**Agent:**  
Asher Associated Limited

**Ward:**  
Dalston

**Location:**  
Nestle UK Limited, Carlisle Road, Dalston, CA5  
7NH

**Grid Reference:**  
337387 550743

**Proposal:** Erection Of New C.I.P. Tanks With Bunded Enclosure And Associated  
Plant Room (Replaces Existing C.I.P. Plant Which Becomes Redundant)  
**Amendment:**

**Decision:** Grant Permission

**Date:** 18/12/2008

---

Between 06/12/2008 and 16/01/2009

**Appn Ref No:**

**Applicant:**

**Parish:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

08/1141                      Mr Clarry Smith                      Cumrew

**Date of Receipt:**                      **Agent:**                      **Ward:**  
17/11/2008                      Q.S. Dimensions Ltd                      Great Corby & Geltsdale

**Location:**                      **Grid Reference:**  
Cumrew Farm, Cumrew, Carlisle, CA8 9DD                      355090 550370

**Proposal:** Conversion Of Barn 4 And Outhouses To A Domestic Dwelling (LBC)  
**Amendment:**

**Decision:** Grant Permission                      **Date:** 08/01/2009

---

Between 06/12/2008 and 16/01/2009

**Appn Ref No:**                      **Applicant:**                      **Parish:**  
08/1143                      Creighton Rugby Club                      St Cuthberts Without

**Date of Receipt:**                      **Agent:**                      **Ward:**  
13/11/2008 15:30:08                      Finesse PVCu Limited                      Dalston

**Location:**                      **Grid Reference:**  
The Clubhouse, Sycamore Lane, Carlisle, CA1 3SR                      343136 553746

**Proposal:** Erection Of Conservatory  
**Amendment:**

**Decision:** Grant Permission                      **Date:** 18/12/2008

---

Between 06/12/2008 and 16/01/2009

**Appn Ref No:**                      **Applicant:**                      **Parish:**  
08/1144                      Mr Adam Turnbull                      Burgh-by-Sands

**Date of Receipt:**                      **Agent:**                      **Ward:**  
21/11/2008                      Taylor & Hardy                      Burgh

**Location:**                      **Grid Reference:**  
Land at O.S Field No. 0916, between Burgh by Sands & Thurstonfield, Carlisle                      332084 558171

**Proposal:** Discharge Of Conditions 2 And 6 Of Previously Approved Appn 06/0620  
**Amendment:**



## **SCHEDULE E: Decisions Issued Under Delegated Powers**

**Decision:** Grant Permission

**Date:** 15/01/2009

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Between 06/12/2008 and 16/01/2009

**Appn Ref No:**  
08/1146

**Applicant:**  
Mr Noble

**Parish:**  
Brampton

**Date of Receipt:**  
18/11/2008

**Agent:**  
Tsada Building Design  
Services

**Ward:**  
Brampton

**Location:**  
Land at former Shipleys Garage, Longtown Road,  
Brampton

**Grid Reference:**  
352702 561107

**Proposal:** Erection of 1no. Dwelling (Revised & Retrospective Application)

**Amendment:**

**Decision:** Grant Permission

**Date:** 13/01/2009

---

Between 06/12/2008 and 16/01/2009

**Appn Ref No:**  
08/1147

**Applicant:**  
Mrs Karen Evans

**Parish:**  
Dalston

**Date of Receipt:**  
17/11/2008

**Agent:**

**Ward:**  
Dalston

**Location:**  
3 Nine Rigg, Dalston, Carlisle, CA5 7NP

**Grid Reference:**  
336966 550412

**Proposal:** Two Storey Side Extension To Provide Garage And Enlarged Kitchen On  
Ground Floor With 1no. En-Suite Bedroom & 1no. Bedroom Above.  
Erection Of Entrance Hall To Front Elevation

**Amendment:**

**Decision:** Grant Permission

**Date:** 07/01/2009

---

Between 06/12/2008 and 16/01/2009

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Appn Ref No:**  
08/1153

**Applicant:**  
Mr Kenneth Davis

**Parish:**  
Midgeholme

**Date of Receipt:**  
18/11/2008

**Agent:**

**Ward:**  
Irthing

**Location:**  
3 Howgill, Hallbankgate, Brampton, Cumbria, CA8  
2PN

**Grid Reference:**  
359163 557361

**Proposal:** Erection Of Detached Concrete Garage And Detached Wooden  
Summerhouse (Retrospective Application)

**Amendment:**

**Decision:** Grant Permission

**Date:** 06/01/2009

---

Between 06/12/2008 and 16/01/2009

**Appn Ref No:**  
08/1157

**Applicant:**  
Mr Richard Booth

**Parish:**  
Irthington

**Date of Receipt:**  
20/11/2008

**Agent:**

**Ward:**  
Stanwix Rural

**Location:**  
Croft House, Newby East, Wetheral, Carlisle, CA4  
8QX

**Grid Reference:**  
347520 558380

**Proposal:** Discharge Of Conditions 2 (External Materials); 3 (Roof Lights); 8  
(Construction Parking/Access Plan); And 9 (Desktop Study) Of  
Application 08/0442

**Amendment:**

**Decision:** Grant Permission

**Date:** 30/12/2008

---

Between 06/12/2008 and 16/01/2009

**Appn Ref No:**  
08/1161

**Applicant:**  
Mr Kenneth Mowbray

**Parish:**  
Nether Denton

**Date of Receipt:**  
21/11/2008

**Agent:**  
Abacus Building Design

**Ward:**  
Irthing

## **SCHEDULE E: Decisions Issued Under Delegated Powers**

**Location:**

School House, Low Row, Nr Brampton, Cumbria  
CA8 2LN

**Grid Reference:**

358339 563166

**Proposal:** First Floor Extension to Existing Ground Floor Side Elevation of Main House to Form 2no. Bedrooms and Erection of Conservatory, New Outbuilding in Garden

**Amendment:**

**Decision:** Grant Permission

**Date:** 07/01/2009

---

Between 06/12/2008 and 16/01/2009

**Appn Ref No:**

08/1164

**Applicant:**

Mr George Bowman

**Parish:**

Wetheral

**Date of Receipt:**

21/11/2008

**Agent:****Ward:**

Wetheral

**Location:**

Eden Brows Bungalow, Eden Brows, Armathwaite,  
Carlisle

**Grid Reference:**

349603 549588

**Proposal:** Construction Of Ground And First Floor Extensions To Form Lounge With 2no Bedrooms And 1no Bathroom Above (Revised Application)

**Amendment:**

**Decision:** Grant Permission

**Date:** 09/01/2009

---

Between 06/12/2008 and 16/01/2009

**Appn Ref No:**

08/1173

**Applicant:**

Lismore House Dental  
Care

**Parish:**

Carlisle

**Date of Receipt:**

25/11/2008

**Agent:****Ward:**

St Aidans

**Location:**

Lismore House, Lismore Street, Carlisle, Cumbria,  
CA1 2AH

**Grid Reference:**

340854 555879

## **SCHEDULE E: Decisions Issued Under Delegated Powers**

**Proposal:** Change Of Use Of Vacant 1st Floor Flat To Dental Surgery

**Amendment:**

**Decision:** Grant Permission

**Date:** 05/01/2009

---

Between 06/12/2008 and 16/01/2009

**Appn Ref No:**  
08/1174

**Applicant:**  
Environment Agency

**Parish:**  
Carlisle

**Date of Receipt:**  
25/11/2008

**Agent:**  
Axis

**Ward:**  
Denton Holme

**Location:**  
Property along the Rivers Caldew and Eden,  
Carlisle

**Grid Reference:**  
340004 554904

**Proposal:** Discharge Of Conditions 3 (Appn Ref 06/1473) & 4 (Appn Ref 08/0112) -  
Provision Of Public Art. Discharge Of Conditons 13 (Appn Ref 06/1473)  
& 14 (Appn Ref 08/0112) & 6 (Appn Ref 07/1389) - Materials

**Amendment:**

1. Agent, during telephone conversation 07.01.09, agreed to the current application being revised so that it included the proposed bricks for the flood wall at the Old Brewery, and for the originally proposed brick formliner to be deleted and replaced by the stone effect formliner.

**Decision:** Partial Discharge of Conditions  
09/01/2009

**Date:**

---

Between 06/12/2008 and 16/01/2009

**Appn Ref No:**  
08/1179

**Applicant:**  
Mr D McViety

**Parish:**

**Date of Receipt:**  
26/11/2008

**Agent:**  
Ashwood Design  
Associates

**Ward:**  
Wetheral

**Location:**  
Longlands Cottage, Wetheral, Carlisle CA4 8HA

**Grid Reference:**  
346421 554217

**Proposal:** Single Storey Side And Rear Extension To Provide Store, WC, Utility,

## **SCHEDULE E: Decisions Issued Under Delegated Powers**

Sitting Room & Dining Room (Revised Application)

**Amendment:**

**Decision:** Grant Permission

**Date:** 15/01/2009

---

Between 06/12/2008 and 16/01/2009

**Appn Ref No:**  
08/1180

**Applicant:**  
Messrs J T & E M Marrs & Son

**Parish:**  
Cummersdale

**Date of Receipt:**  
26/11/2008

**Agent:**  
F J Elliott

**Ward:**  
Dalston

**Location:**  
Broomhills Farm House, Broomhills Farm, Orton  
Road, CARLISLE CA5 6JR

**Grid Reference:**  
336123 554255

**Proposal:** Two Storey Rear Extension to Provide Nursery on Ground Floor with  
1no. bedroom Above

**Amendment:**

**Decision:** Grant Permission

**Date:** 05/01/2009

---

Between 06/12/2008 and 16/01/2009

**Appn Ref No:**  
08/1189

**Applicant:**  
Cumbria Partnership NHS Foundation Trust

**Parish:**  
St Cuthberts Without

**Date of Receipt:**  
18/12/2008

**Agent:**  
P+HS Architects

**Ward:**  
Dalston

**Location:**  
Carleton Clinic, Cumwhinton Road, Carlisle, CA1  
3SX

**Grid Reference:**  
343711 553477

**Proposal:** Discharge Of Conditions 3 and 6 Of Application 08/0592

**Amendment:**

**Decision:** Partial Discharge of Conditions

**Date:**

## **SCHEDULE E: Decisions Issued Under Delegated Powers**

09/01/2009

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Between 06/12/2008 and 16/01/2009

**Appn Ref No:**  
08/1200

**Applicant:**  
Mr P Dollard

**Parish:**

**Date of Receipt:**  
04/12/2008

**Agent:**

**Ward:**

**Location:**  
66 Oulton House, Carlisle Road, Brampton,  
Cumbria, CA8 1SR

**Grid Reference:**  
352595 561043

**Proposal:** Discharge Of Condition 3 Of Application 08/0936

**Amendment:**

**Decision:** Grant Permission

**Date:** 29/12/2008

---

Between 06/12/2008 and 16/01/2009

**Appn Ref No:**  
08/1201

**Applicant:**  
Top Notch Contractors Ltd

**Parish:**  
Carlisle

**Date of Receipt:**  
04/12/2008

**Agent:**  
Hyde Harrington

**Ward:**  
Botcherby

**Location:**  
99a Borland Avenue, Carlisle, CA1 2TF

**Grid Reference:**  
342035 555207

**Proposal:** Erection Of A Concrete Ramp To Front Elevation. Replacement Of Flat Roof On Garage With A Hipped Roof Together With Internal & External Alterations Including Removal Of Chimney, Installation Of New Doors & Windows And Erection Of Porch To Front Elevation (Revised Application)

**Amendment:**

**Decision:** Grant Permission

**Date:** 08/01/2009

---

Between 06/12/2008 and 16/01/2009

**Appn Ref No:**

**Applicant:**

**Parish:**

## **SCHEDULE E: Decisions Issued Under Delegated Powers**

08/1209 Nestle UK Limited Dalston

**Date of Receipt:** 05/12/2008  
**Agent:** Asher Associates Limited  
**Ward:** Dalston

**Location:** Nestle UK Limited, Dalston, Carlisle, CA5 7NH  
**Grid Reference:** 337375 550840

**Proposal:** Erection Of New Loading Dock Building  
**Amendment:**

**Decision:** Grant Permission **Date:** 15/01/2009

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Between 06/12/2008 and 16/01/2009

**Appn Ref No:** 08/1226  
**Applicant:** Mr Scales  
**Parish:** Hayton

**Date of Receipt:** 12/12/2008  
**Agent:** Paramount Windows & Conservatories  
**Ward:** Hayton

**Location:** Curlew Cottage, Brier Lonning, Hayton, Brampton, CA8 9HN  
**Grid Reference:** 350651 557796

**Proposal:** Erection of a Conservatory  
**Amendment:**

**Decision:** Grant Permission **Date:** 15/01/2009

---

Between 06/12/2008 and 16/01/2009

**Appn Ref No:** 08/9034  
**Applicant:** United Utilities  
**Parish:** Carlisle

**Date of Receipt:** 17/12/2008  
**Agent:** Cumbria County Council  
**Ward:** Castle

**Location:** Land Off Catholic Lane, Catholic Lane, Carlisle, Cumbria  
**Grid Reference:** 340684 556255

## **SCHEDULE E: Decisions Issued Under Delegated Powers**

**Proposal:** Change To Ground Levels Of Old Flood Defence Embankment On Land  
Off Catholic Lane, Carlisle

**Amendment:**

**Decision:** City Council Observation - Observations

**Date:** 31/12/2008

---

Between 06/12/2008 and 16/01/2009

**Appn Ref No:**  
08/9035

**Applicant:**  
United Utilities

**Parish:**  
Carlisle

**Date of Receipt:**  
19/12/2008

**Agent:**  
Cumbria County Council

**Ward:**  
Castle

**Location:**  
Land Off Catholic Lane, Catholic Lane, Carlisle,  
Cumbria

**Grid Reference:**  
340684 556255

**Proposal:** Proposed New Outfall

**Amendment:**

**Decision:** City Council Observation - Observations

**Date:** 31/12/2008

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