

AGENDA

Development Control Committee

Friday, 29 August 2014 AT 10:00

In the Council Chamber, Civic Centre, Carlisle, CA3 8QG

Apologies for Absence

To receive apologies for absence and notification of substitutions.

Declarations of Interest

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

Public and Press

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

Minutes of Previous Meetings

To note the Minutes of the site visits held on 27 August 2014.

PART A

To be considered when the Public and Press are present

A.1 CONTROL OF DEVELOPMENT AND ADVERTISING

To consider applications for:

- (a) planning permission for proposed developments
- (b) approval of detailed plans
- (c) consent for display of advertisements.

<u>Front Cover</u>	5 - 8
<u>Index</u>	9 - 10
<u>Item 01 13 0866</u>	11 - 56
<u>Item 02 14 0332</u>	57 - 66
<u>Item 03 14 0360</u>	67 - 76
<u>Item 04 14 0414</u>	77 - 88
<u>Item 05 14 0594</u>	89 - 104
<u>Item 06 14 0582</u>	105 - 120

	<u>Item 07 13 0246</u>	121 - 134
	<u>Item 08 13 0584</u>	135 - 150
	<u>Item 09 13 0396</u>	151 - 166
	<u>Item 10 13 0529</u>	167 - 180
	<u>Schedule B - E</u>	181 - 268
A.2	<u>REVOCATION OF TREE PRESERVATION ORDERS 33, 86, 90 and 97</u>	269 - 272
	<p>The Director of Economic Development to submit a report that proposes the revocation of Tree Preservation Orders 33 Hallbankgate; 86 Lyndhurst, Westlinton; 90 Low Crosby; and 97 The Green, Dalston as part of the ongoing Tree Preservation Order Review (Copy Report ED.31/14 herewith)</p>	
A.3	<u>PRE-CONSULTATION ON WIND TURBINES</u>	273 - 276
	<p>The Director of Economic Development to submit a report that presents details of the level of pre-consultation on wind turbines over 15 metres in height that the City Council would expect to comply with the Town and Country Planning (Development Management Procedure and Section 62A Applications) (England) (Amendment) Order 2013. (Copy Report ED.32/14 herewith)</p>	

PART B

To be considered when the Public and Press are excluded from the meeting

-NONE-

Members of the Development Control Committee

Conservative – Bloxham, Earp, Mrs Parsons, Mrs Prest, Bowman
S (sub), Collier (sub), Nedved (sub)

Labour – Mrs Bradley, Caig, McDevitt, Ms Patrick, Scarborough
(Chairman), Mrs Warwick (Vice Chairman), Wilson, Bowditch (sub),
Cape (sub), Mrs Stevenson(sub)

Liberal Democrat - Gee, Allison (sub)

**Enquiries, requests for reports, background papers,
etc to Committee Clerk: Sheila Norton - 817557**

Development Control Committee Main Schedule

Schedule of Applications for Planning Permission

29th August 2014

The Schedule of Applications

This schedule is set out in five parts:

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

- relevant planning policy advice contained in Government Circulars, National Planning Policy Guidance Notes, Development Control Policy Notes and other Statements of Ministerial Policy;
- the adopted provisions of the North West of England and Regional Spatial Strategy to 2021 and Cumbria and Lake District Joint Structure Plan;
- the City Council's own statement of approved local planning policies including the Carlisle District Local Plan;
- established case law and the decisions on comparable planning proposals
- including relevant Planning Appeals.

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

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

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

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

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

If you are in doubt about any of the information or background material referred to in the Schedule you should contact the Development Management Team of the Planning Services section of the Economic Development Directorate.

This Schedule of Applications contains reports produced by the Department up to the 15/08/2014 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 18/08/2014.

Any relevant correspondence or further information received subsequent to the printing of this document will be incorporated in a Supplementary Schedule which will be distributed to Members of the Committee 5 working days prior to the day of the meeting.

SCHEDULE A

SCHEDULE A

Applications Entered on Development Control Committee Schedule

Item No.	Application Number/ Schedule	Location	Case Officer	Page No.
01.	<u>13</u> /0866 A	Beck Burn Peat Works, Springfield, Longtown, Cumbria, CA6 5NH	ST	11-56
02.	<u>14</u> /0332 A	Land between Four Oaks and Fell View, Burnrigg, Warwick Bridge, Cumbria	SD	57-66
03.	<u>14</u> /0360 A	Land Adj Greenacre, Burnrigg, Warwick Bridge, Cumbria	SD	67-76
04.	<u>14</u> /0414 A	Land Part Field 6259, Scotby, Carlisle	SD	77-88
05.	<u>14</u> /0594 A	Orchard Farm, Moorhouse, Carlisle, CA5 6EY	RJM	89-104
06.	<u>14</u> /0582 A	Land adjacent Woodvale, Tarn Road, Brampton	BP	105-120
07.	<u>13</u> /0246 A	Stone Barn to the north of the Manor House, Kirkandrews on Eden, Carlisle CA5 6DJ	<u>RJM</u>	121-134
08.	<u>14</u> /0584 A	Land to the north of 10 Lonning Foot, Rockcliffe, Carlisle	<u>BP</u>	135-150
09.	<u>14</u> /0396 A	Red Beeches, 24 Scotby Village, Scotby, Carlisle, CA4 8BS	<u>SD</u>	151-166
10.	<u>14</u> /0529 A	Land at Longthwaite Farm Court, Warwick Bridge, Carlisle, CA4 8RN	<u>BP</u>	167-180
11.	<u>13</u> /0521 C	Skelton House, Wetheral, CA4 8JG	<u>RJM</u>	183-193
12.	<u>14</u> /0033 C	Skelton House, Wetheral, Carlisle, CA4 8JG	<u>RJM</u>	194-204
13.	<u>13</u> /0822 C	Sand House, Burnhill, Scaleby, Carlisle, CA6 4LU	<u>SD</u>	205-209
14.	<u>14</u> /9010 C	Inglewood Infant School, School Road, Harraby, Carlisle, CA1 3LX	<u>SD</u>	210-212
15.	<u>13</u> /0973 D	Kingswood Educational Centre Greensyke, Cumdivock, Dalston, Carlisle, CA5 7JW	<u>SD</u>	214-217

Date of Committee: 29/08/2014

Applications Entered on Development Control Committee Schedule

Item	Application		Case	Page
No.	Number/ Schedule	Location	Officer	No.

Date of Committee: 29/08/2014

SCHEDULE A: Applications with Recommendation

13/0866

Item No: 01

Date of Committee: 29/08/2014

Appn Ref No:
13/0866

Applicant:
EDF Energy Renewables

Parish:
Kirkandrews

Agent:
EDF Energy Renewables

Ward:
Longtown & Rockcliffe

Location: Beck Burn Peat Works, Springfield, Longtown, Cumbria, CA6 5NH

Proposal: Erection Of 9No. 126 Metre High (To Tip) Wind Turbine Generators, Transformer Housings, Control Room, 80m High Meteorological Mast And Formation Of Associated Laydown Area, Crane Pads And Access Tracks; Associated Change Of Use To Mixed Use Comprising Operational Peat Works And Wind Farm (Resubmission Of Application 10/1102)

Date of Receipt:
08/11/2013

Statutory Expiry Date
07/02/2014

26 Week Determination

REPORT

Case Officer: Shona Taylor

1. Recommendation

- 1.1 It is recommended that authority to issue approval is given subject to the imposition of the suggested conditions and the completion of Legal Agreements relating to the goose refuge area(s), the peat restoration and the payment of the proposed community fund.

2. Main Issues

- 2.1 The contribution of the scheme towards the regional and county targets for the generation of renewable energy and any other social, environmental and economic benefits;
- 2.2 the impact of the proposed development on the landscape and visual character of the area including cumulative impact;
- 2.3 whether the noise budget for the Eskdalemuir Seismological Recording Station (Array) would be exceeded and thereby result in the generation of additional seismic noise which would compromise the capacity of the UK to detect distant nuclear tests in breach of the Agreement under the Comprehensive Nuclear Test Ban Treaty;

- 2.4 the effect of the proposed development on the living conditions of local residents (noise, sleep disturbance, health effects and shadow flicker);
- 2.5 the effect of the scheme on local ecology and nature conservation;
- 2.6 the impact of the proposal upon the restoration of the peat; and
- 2.7 the effect of the proposal on Hadrian's Wall World Heritage site and the surrounding historic environment.

3. Application Details

The Site

- 3.1 Beckburn is located approximately 2.5km northwest of Longtown and 2.5km north east of Gretna. Whilst the site is situated within the Carlisle City Council area it is close to the administrative boundary with Dumfries and Galloway.
- 3.2 The site is flat and forms part of the flood plain of the River Esk and the River Sark. Although the site itself is a peat extraction site the predominant land use in the surrounding area is agriculture, interspersed with plantations. There are also large areas to the south of the site in MOD use.
- 3.3 The predominant character of the area is low lying, flat farmland with scattered development and woodland. There are distant views of the Lake District. The site lies in Landscape Character Sub Type 2b Coastal Margins – Coastal Mosses, is located approximately 3.4km from the Solway Coast Area of Outstanding Natural Beauty (AONB), is 3km to the east of the registered battlefield of Solway Moss, and 12km from the buffer zone of the Hadrian's Wall World Heritage Site.
- 3.4 The site is bounded to the east, south and south west by coniferous and broad leaved woodland. To the west and north west the site is bounded by an earth bund which helps to screen operations within the peat extraction site. The site is enclosed from residences and roads to the east and south, with some views across fields from the minor road to the north of the site. There is no public access through or in close proximity to the site.
- 3.5 The site of the "Star of Caledonia" (Scotland's proposed gateway landmark installation at junction 45 of the M6) is located approximately 2.1km to the nearest turbine.

Background

- 3.3 In 2009 (under application 09/0983) temporary planning permission was given for a 60m high anemometry mast for measuring wind speed and direction. The approved mast was given consent to be erected for two years, within a period of three years following the date of approval.
- 3.7 In 2012 planning permission was refused by Members for the retention of the temporary 60m anemometry mast for measuring wind speed and direction (Renewal Of Application 09/0983).

- 3.8 In May 2013, application reference 10/1102, an appeal was dismissed by the Secretary of State for the erection of nine wind turbines with a tip height not exceeding 126m on the basis that the current “budget” for the Eskdalemuir Array is fully allocated and an approval would therefore compromise its operation. The Secretary of State, having considered the factors in favour of the scheme, did not find that these outweighed the overriding need to protect the operation of the Array.

The Proposal

- 3.9 The current application is effectively an updated re-submission of the scheme previously considered under application 10/1102 involving the construction of 9 wind turbines, with a maximum height of 126.25m (80m hub height and 45m blades). The rotor and nacelle would be mounted on a tapered steel tower with each turbine having three blades. The proposed turbines are a pale grey colour and will have a semi-matt surface to minimise reflection. They have foundations approximately 17m in diameter by 3m deep. There may be some micro-siting of the turbines that could result in their positions varying by up to 20 metres from the locations shown on the submitted plans. Each turbine is to have a capacity of up to 2MW providing a total maximum capacity of up to 18 MW.
- 3.10 The turbines will be laid out in a grid format, in three north west to south east lines of four, three and two turbines. The transformers for each turbine will be housed close to the base of each turbine. Connection cables will be underground and a grid connection building will be located on site. Grid connection will be to the substation to a point on Electricity North West's Carlisle to Westlinton 33kv overhead line at Rockcliffe. Whilst an indicative route for grid connection is shown on the application drawings it does not form part of this application for planning permission and the final route would be determined by Electricity North West.
- 3.11 The proposal includes the erection of a single storey control building measuring 10m by 8m with a ridge height of 5.7m located to the south-west of the site, near the site entrance, which will be via the existing road access to Scotts Peat works; the formation of access tracks to each turbine, and the erection of an 80m anemometer mast.
- 3.12 The construction period for the wind farm will be approximately 9 months. The turbines would have a life of approximately 25 years after which the development would be decommissioned, with all major equipment and above ground structures removed from the site.
- 3.13 The submitted application is accompanied by a Statement of Community Involvement, Planning Statement, Design and Access Statement, and an Environmental Statement.
- 3.14 Also of relevance, during the processing of application 10/1102 the City Council commissioned an independent Landscape and Visual Impact Assessment prepared by Eden Environment Ltd.

4. Summary of Representations

- 4.1 The submitted Statement of Community Involvement explains that the applicant undertook pre-application consultation exercises in August and September 2010 prior to the submission of the first planning application. In total 39% of respondents stated their support for the Beckburn Wind Farm proposals, with a further 27% undecided.
- 4.2 Following receipt of the application it has been advertised in the form of a press notice, the display of site notices around the perimeter of the application site, and written notification to the occupiers of 528 properties, those neighbouring the site and also any who raised comment during the previous application.
- 4.3 At the time of preparing the report 47 letters or e-mails have been received of which 41 raise objections with 1 expression of support. A single letter of comment has also been received.
- 4.4 The objections cover a number of matters and these are summarised as follows:

LANDSCAPE AND VISUAL

- 1. Impact on the surrounding landscape including setting of Hadrian's Wall World Heritage site, the Bewcastle Fells, The Scottish Borders, Historic Carlisle, The Lake District National Park and The Pennine Way;
- 2. The turbines will be out of scale with the local topography or any man-made features in the area;
- 3. Will compromise the landscape character of the adjacent Solway Coast AONB;
- 4. Already a proliferation of turbines in the area;
- 5. These should be erected off-shore;
- 6. Cumulative impact of yet another wind farm in the M74 Corridor/East Dumfriesshire area;
- 7. The development would 'open up' the area for further wind development;
- 8. There is also a proposed methane extraction site at Becklees Farm, less than a mile from this site.
- 9. These are an eyesore.

ECONOMIC

- 1. Damage to the local economy;
- 2. Damage to the tourist economy, particularly Gretna Green;
- 3. Impact on house prices;
- 4. Query the amount and cost of power the wind farm will produce - unreliability of the wind supply;
- 5. More suitable alternative green sources of energy;
- 6. Not viable, only profitable due to huge subsidies;

7. Impact upon potential plans for a sculpture on the border by the Gretna Landmark Trust.
8. This has already been dismissed by the Secretary of State.
9. Political indifference.

LIVING CONDITIONS/HEALTH

1. Noise - will be intrusive and have an adverse impact on the living conditions of neighbouring residents;
2. Increases in noise, disruption, dust and traffic during construction;
3. Flicker effect from sunlight behind the rotating blades;
4. The proximity of the turbines to residential dwellings;
5. Detrimental to highway safety;

ECOLOGY/CONSERVATION & ENVIRONMENT

1. Effects on nature conservation generally as well as protected species;
2. Impact on ornithology – particularly the pink footed geese, barnacle geese and swans which migrate over the Solway moss en-route to and from Caelaverock and The Solway Firth;
3. Effects on other species, including bats, barn owls, lapwings, curlews, oyster catchers, otters and adders;
4. Effects of thousands of tonnes of concrete and underground wires on the delicate ecosystem of the Peat Moss;
5. Beckburn is a peat moss which absorbs CO₂;
6. Detrimental impact on the historic landscape;
7. They disturb the natural wildlife.
8. Studies show erecting turbines on peat releases more CO₂ than the turbines will save.

AVIATION/MOD SAFETY

1. Potential danger related to the regular low flying aircraft in the area.
2. No evidence that they will not impact upon the ammunition depot at DLO Longtown.

- 4.5 The letters/emails of support cover a number of matters and these are summarised as follows:

1. Clean energy is the way forward, future generations will need it;
2. With the removal of the MOD objection there is no need to refuse this wind farm.

5. Summary of Consultation Responses

Cumbria County Council - Highways & Transport: - official response as part of Cumbria County Council (Strategic Planning Authority) response. However, they have raised no objections subject to the inclusion of two conditions;

Natural England: - some information with regards to the designated sites is

insufficient, however, NE previously agreed to the use of legal agreements relating to the goose refuge and the peat;

Cumbria County Council (Strategic Planning Authority) Wind Energy Consultations: - object to the proposal on the grounds that the application does not provide sufficient evidence and assurance that the site will be restored in accord with its planning consent and conditions;

Carlisle Airport: - no objections;

MOD Safeguarding: - initial objection has been satisfied, due to the release of the Scottish Governments interim guidance on Eskdalemuir;

Cumbria County Council - Highway Authority - Footpaths: - no response received;

National Air Traffic Services: - no safeguarding objection to the proposal;

Dumfries & Galloway Council: - object to the proposal on the grounds of the negative visual impact of the proposal upon Dumfries and Galloway, due to the location of the application site adjacent to the regions boundary; non-conformity with the Councils landscape character areas and the potentially detrimental impact the proposal would have on the Star of Caledonia sculpture project;

Cumbria Wildlife Trust: - no response received;

Environment Agency: - no objections subject to two conditions, however, one of these conditions relates to the restoration scheme, which will be dealt with by way of a legal agreement and as such, only one of the two conditions has been included;

English Heritage - North West Region: - no objections;

Civil Aviation Authority: - no response received;

Royal Society for the Protection of Birds (RSPB): - no response received;

Office of Communications -Wind Farm Enquiries: - no objections;

BBC: - no response received;

Network Rail: - no response received;

The Coal Authority: - no observations;

Solway Coast AONB Unit: - no response received;

Cumbria Tourism: - no response received;

Cumbria County Council - Archaeological Services: - no objections subject to the inclusion of two conditions on any approval;

United Utilities: - no response received;

BT Openreach: - no response received;

Joint Radio Co: - In the case of this proposed wind energy development, JRC does not foresee any potential problems based on known interference scenarios and the data you have provided. However, if any details of the wind farm change, particularly the disposition or scale of any turbine(s), it will be necessary to re-evaluate the proposal;

Department for Transport - Highways Agency: - no objections;

Local Environment - Environmental Protection: - no objections;

Arthuret Parish Council: - no response received;

Kirkandrews Parish Council: - object to the proposal;

Springfield & Gretna Green Community Council: - no response received;

Gretna & Rigg Community Council: - no response received;

Wildfowl and Wetland Trust: - no response received;

Forestry Commission: - no response received;

Friends of the Lake District: - object to the proposal, due to conflicts with Local Plan Policies CP1 and CP99 and NPPF Paragraphs 17 and 109;

Digital Technology: - no response received.

Initial consultations for this application were sent out on 12th November 2013, with reconsultations on the additional information sent on the 23rd April 2014. Despite this, there are a number of consultees who have not responded. These have been followed up, and any additional responses will be reported to the Committee.

6. Officer's Report

Assessment

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 6.2 In this case the development plan comprises the saved policies of the Carlisle

District Local Plan 2001-2016. The appeal decision for Beckburn confirmed that the policies of the Local Plan are consistent with the National Planning Policy Framework.

- 6.3 In terms of the Local Plan policies, Policies CP1 and DP1 require rural development proposals to conserve and enhance the special features and diversity of the different landscape character areas. Policies CP2, LE2 and LE3 seek to ensure that development conserves and enhances the biodiversity value of areas. Policy CP8 deals with renewable energy and is permissive subject to a number of criteria including that there is no unacceptable visual impact on the immediate and wider landscape; measures are taken to mitigate any impacts on the living conditions neighbouring residents; and any new structure would be sensitively incorporated into the surrounding landscape and respect the local landscape character.
- 6.4 Members will be aware that the Regional Spatial Strategy for the North West (RSS), and the saved policies of the Cumbria and Lake District Joint Structure Plan 2001-2016 (SP) have been revoked. Nevertheless, the evidence base which underpinned the RSS in relation to targets for renewable energy capacity is still of relevance.
- 6.5 The Cumbria Wind Energy Supplementary Planning Document (2007) (SPD) includes an analysis of the capacity of different landscape types and sub-types to accommodate groups of wind turbines. The SPD is an important consideration even though it is not part of the development plan for the purposes of Section 38(6). The Landscape Character Assessment on which the Cumbria Wind Energy SPD is based was updated in 2011 as the Cumbria Landscape Character Guidance and Toolkit (LCGT). The LCGT describes the baseline landscape character of the landscape types and sub-types, and remains consistent with the SPD. The Dumfries and Galloway Landscape Character Assessment also identifies a number of Landscape Character Areas some of which overlap with the LCGT.
- 6.6 In this case the site lies within landscape character sub type 2b Coastal Margin - Coastal Moss (LCGT, 2011). According to Map 8 (Landscape Capacity Assessment) of the SPD (2007) such a landscape has the capacity to accommodate schemes of 3-5 turbines, or exceptionally 6-9 turbines.
- 6.7 At a national level, other material considerations include the Planning Practice Guidance - Renewable and Low Carbon Energy (PPGRLCE) (updated April 2014); the National Planning Policy Framework, March 2012 (the Framework/NPPF); the National Policy Statements (NPS) for Energy (EN-1) and Renewable Energy (EN-3); the Community Infrastructure Levy (CIL) Regulations 2010 (as amended); Circular 8/93 "Costs in Planning and Other Proceedings"; and Circular 1/2003 "Safeguarding Aerodromes, Technical Sites and Military Explosives Storage Areas". Due account also needs to be made of the Ministerial Written Statements on renewable energy published in June 2013 by the Secretary of State for Energy and Climate Change and by the Secretary of State for Communities and Local Government although, of the three, the PPGRLCE is the most up to date amplification of national policy.

6.8 Paragraph 215 of the NPPF highlights that due weight should be given to policies in such existing development plans according to their degree of consistency with the Framework. Paragraph 6 confirms that the policies set out in paragraphs 8 to 219 of the Framework, taken as a whole, constitute the meaning of sustainable development. Paragraph 14 identifies the relevant decision-taking test by highlighting the presumption in favour of sustainable development (the “golden thread”), and that, for decision-taking, this means approving development proposals that accord with the development plan; and where the development plan is absent, silent or out of date, grant permission unless:

1. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits; or
2. specific policies in this Framework indicate development should be restricted.

6.9 Paragraph 17 of the NPPF identifies 12 core planning principles including taking account of the different roles and character of different areas; supporting the transition to a low carbon future; contribute to conserving and enhancing the natural environment and reduce pollution; and conserve heritage assets.

6.10 Policies of specific relevance in the Framework regarding renewable energy are set out in Section 10 (paragraphs 93 – 108). In particular paragraph 97 states that Local Planning Authorities should:

“design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts”.

6.11 Paragraph 98 goes on to state that:

“...approve the application [unless material considerations indicate otherwise] if its impacts are (or can be made) acceptable.”

6.12 The planning system should contribute to and enhance the natural and local environment by, for example protecting and enhancing valued landscapes; minimise impacts on biodiversity and providing net gains where possible; and preventing both new and existing development from contributing to or being put at unacceptable risk from or adversely affected by noise pollution (para. 109).

6.13 The PPGRLE amplifies national policy. However, whereas paragraph 5 of the Framework explains that all communities have a responsibility to help increase the use and supply of green energy, the PPGRLE confirms that the views of local communities likely to be affected should be listened to (para.5). The document also includes specific guidance at paragraphs 22 and 23 on the assessment of landscape and visual impacts from wind turbines. Paragraph 15 of the PPGRLE also explains that the document “The assessment and rating of noise from wind farms” (ETSU-R-97) should be used when assessing and rating noise from wind energy development.

The Department for Energy and Climate Change also endorses the “Good Practice Guide on the Application of ETSU-R-97 for the Assessment and Rating of Wind Turbine Noise” that was published by the Institute of Acoustics.

- 6.14 Paragraph 9 of Annex 3 of Circular 8/93 "Costs in Planning and Other Proceedings" highlights that planning authorities are expected to thoroughly consider relevant advice from a statutory consultee. Nevertheless, it is always the authority's sole responsibility to ensure that, if they adopt such advice, their decision is based on a complete understanding of the consultee's advice. In addition, paragraph 11 of Annex 3 of Circular 8/93 advises that planning authorities will be expected to show that they have considered the possibility of imposing relevant planning conditions on a grant of permission which would allow development to proceed.
- 6.15 The 2007 European Union Common Energy Policy includes a binding target of 20% of overall energy to be produced from renewable by 2020 and a 20-30% reduction in greenhouse gases. The Climate Change Act 2008 set a legally binding target to reduce greenhouse gas emissions by at least 80% by 2050 and reductions in CO2 emissions of some 26% by 2020 against a 1990 base. In 2009, EU Directive 2009/28/EC set out a requirement of 35% of electricity to be produced from renewable. This directive sets out the contribution from each member state with the UK set to produce 15% of all energy from renewable sources by 2020. The 2009 Renewable Energy Strategy highlights a need to radically increase our use renewable electricity and notes that the 15% binding target requires a seven fold increase in the share of renewable in less than a decade.
- 6.16 The NPs reiterate the key role that renewable electricity production has in meeting the 15% target by 2020. Of all the renewable energy sources, onshore wind is recognised as the most well established and most economically viable source of renewable electricity available for future large scale deployment in the UK.
- 6.17 There is also other guidance at a national level including: “Siting and Designing Wind-farms in the Landscape, Version 1” (Scottish Natural Heritage, 2009), and “Guidelines for Landscape and Visual Impact Assessment” (The Landscape Institute, 2013).
- 6.18 In addition to the recent appeal decision regarding this site, a similar scheme for six turbines 126.5 metres high at Hallburn Farm, Longtown was also dismissed for the same reason by the Secretary of State (application 11/0118). The developer involved in the Hallburn site also re-submitted the previously dismissed proposal (reference number 13/0865) which was given authority to issue approval at a previous meeting of this Committee.
- 6.19 Within a 10km radius of the application site three wind turbines given permission which range in height from 18.5 metres to 23.45 metres at: Broomhills, Longtown (11/1057); Bailey Town, Longtown (13/0862) and Blackdyke Farm, Blackford (12/0554). Within a 20km radius 31 turbines have been approved within the City Council's jurisdiction, the majority of which are

single turbines, ranging in height from 11m to 86.45m.

6.20 Within 20-30 km of the application site there are existing wind farms at Minsca (Waterbeck, Lockerbie), Craig (Langholm, Westkirk), Great Orton and Hesketh Newmarket; and wind farms proposed at Solwaybank and Ewe Hill.

6.21 When assessing this application it is considered that there are seven main issues, namely:

1. the contribution of the scheme towards the regional and county targets for the generation of renewable energy and any other social, environmental and economic benefits;

2. the impact of the proposed development on the landscape and visual character of the area including cumulative impact;

3. whether the noise budget for the Eskdalemuir Seismological Recording Station (Array) would be exceeded and thereby result in the generation of additional seismic noise which would compromise the capacity of the UK to detect distant nuclear tests in breach of the Agreement under the Comprehensive Nuclear Test Ban Treaty;

4. the effect of the proposed development on the living conditions of local residents (noise, sleep disturbance, health effects and shadow flicker);

5. the effect of the scheme on local ecology and nature conservation;

6. the impact of the proposal upon the restoration of the peat; and

7. the impact of the proposal upon Hadrian's Wall World Heritage site and the surrounding Historic Environment.

1. The contribution of the scheme towards the regional and county targets for the generation of renewable energy and any other social, environmental and economic benefits

6.22 The main benefits of this scheme are:

a. the contribution to regional and national renewable energy targets against legally binding international obligations;

b. helping to provide domestic security of supply;

c. the environmental benefits of renewable energy;

d. the proposed Community Fund;

e. contribution to national and local economic growth including rural diversification; and

f. habitat management.

6.23 In a recent appeal case (December 2013) regarding Steel Brow Road, Frizington (APP/Z0923/A/13/2191361) it was noted that:

- the UK Renewable Energy Strategy confirms that the UK is expected to deliver 30% of its electricity generation from renewable resources by 2020;
- at present only just over 12% of the UK's electricity comes from renewable generation;
- there is currently 406MW of onshore wind in operation, under construction or consented in the North-West region compared to the former RSS target of 720MW of onshore wind by 2020; and
- at a county level there is just under 138MW of onshore wind generation in operation, under construction or consented in Cumbria, compared to the RSS target of 247.5MW by 2020.

6.24 The current proposal would provide a total maximum 'installed capacity of up to 18 MW. According to the applicant, the total output could meet the electricity needs of around 10,000 households. It is anticipated that the proposed wind farm will generate electricity for 25 years. The proposal will therefore also make a contribution towards reducing the country's reliance on relatively expensive and unstable imported energy sources.

6.25 The applicant has agreed to implement a goose refuge and habitat management plan in terms of mitigation and enhancement which is proposed to be the subject of a Legal Agreement.

6.26 The applicant has also agreed to enter into a Legal Agreement to require them to prepare and implement a restoration scheme with regard to the peat on the site.

6.27 In addition, the applicant has agreed to establish a community fund with a guaranteed minimum of £5,000 per each MW of installed capacity i.e. £90,000 per year for the life of the scheme. This is not a valid planning consideration, however, is relevant to the scheme, and will be secured by way of an Unilateral Undertaking.

6.28 When looking at economic benefits it is also appreciated that the development will provide a source of employment during the construction period. Overall the environmental, energy and economic benefits need to be afforded significant weight.

2. Landscape and visual impacts including cumulative impact

6.29 Consideration of the effect of the development on landscape character is a requirement of Policies CP1 and CP8 of the Local Plan, and the NPPF. Section 85 of the Countryside and Rights of Way Act 2000 regard has to be made to the purpose of conserving and enhancing the natural beauty of the Solway Coast Area of Outstanding Natural Beauty. The Cumbria Landscape Character Guidance Toolkit 2011 (LCGT) describes the baseline landscape character of this landscape sub-type, and remains consistent with the Cumbria Wind Energy Supplementary Planning Document (2007) (SPD).

The SPD includes an analysis of the capacity of different landscape types and sub-types to accommodate groups of wind turbines. The LCGT and SPD are generally consistent with the approach advocated in the NPPF and the PPGRLE.

- 6.30 The Dumfries and Galloway Landscape Character Assessment also identifies a number of Landscape Character Areas some of which overlap with the LCGT including the Inner Solway Coastal Flats.
- 6.31 In undertaking this assessment a distinction is drawn between i) landscape impacts that relate to the characteristics of the landscape; and ii) visual impacts on receptor points (such as dwellings, settlements, rights of way and leisure/recreational sites etc) that relate to individual outlooks within that landscape.

i) Landscape

- 6.32 As already noted, the application site lies within landscape character sub type 2b Coastal Margins – Coastal Mosses. The site is situated within an open area of operational peat extraction on a former lowland raised bog. The peat has been extensively stripped beneath its original moss level in many places, with small areas of deeper peat remaining within the site. Small areas have been restored and moss species are colonising them.
- 6.33 The proposal broadly accords with the indicative capacity assessment of the Cumbria Wind Energy Supplementary Planning Document (SPD), 2007. This suggests that the landscape has the potential to support, exceptionally up to 6 - 9 turbines, in open flatter areas or broad ridge tops where turbine groups could relate to the medium to large scale landforms and regular field patterns without dominating wide views.
- 6.34 Paragraph 9.9.10 of the submitted Environmental Statement (ES) states that this area of Coastal Margins contains a high degree of human influences. This includes not only the peat extraction on this site, but the disused MOD facility at Smalmstown to the east, along with the MOD Longtown facility to the south. There is also the disused Oakbank Quarry to the north east, the overhead electricity transmission line with its associated pylons to the west of the site, as well as the Western Line railway and the M6 corridor. It acknowledges that the overall condition of the landscape level varies with large tracts of man modified features, and overall the Coastal Margins is of medium sensitivity.
- 6.35 When considering impact on the landscape character, paragraph 9.9.11 of the ES acknowledges that within 700m the proposed turbines would become the principal determining element of landscape character as the most prominent feature in the immediate surrounding landscape. The ES goes on to say that this change is considered to be of substantial magnitude and in the context of the medium to low sensitivity of the site it would have a major/moderate landscape effect.
- 6.36 In relation to the surrounding landscape character types, the ES considers

that within the 15km study area, that only the Coastal Margins Landscape Type (Coastal Mosses) would experience direct effects, although the wind turbines may be visible from these other areas and as such could indirectly affect the character of some of the neighbouring landscape character types (para. 9.9.8).

- 6.37 Eden Environment Ltd, when assessing the previous application on behalf of the City Council, concluded that the proposal will have a moderate to large adverse effect on the immediate landscape character type 2b, and no significant adverse effect on any adjacent landscape character types.
- 6.38 When assessing this issue, it is considered that neither the underlying objectives of the relevant policies nor the assessment of the impact have fundamentally altered. In effect, it is considered that the proposal would form a simple and coherent feature in the local landscape; and the turbines would be sited in an area dominated by a patchwork of large, regular shaped open fields of improved pasture often bounded by hedges and interspersed with shelter belts of woodland and coniferous plantations. There is agreement with the findings of the submitted ES that within 4-5km of the site, the turbines would appear as a prominent feature but would not cause unacceptable harm to the local landscape character, a broad and expansive coastal landscape that is already characterised by other large scale man made features and movement.
- 6.39 In the case of more distant views (beyond 8km) it is considered that the proposal would become an even less prominent feature, forming a smaller element of a broad expansive landscape. There is also agreement with the ES conclusion that there would be no significant effects on the landscape setting of the Solway Coast AONB due to the vertical emphasis of the turbines being reduced due to the wide expansive views over the estuary.
- 6.40 On this basis it is considered that the proposal would not cause unacceptable harm to the landscape character.

ii) Visual

- 6.41 Paragraph 9.11.5 of the submitted ES concludes that significant visual effects would generally occur within distances of approximately 2.4km from the application site where there are clear views of the wind turbines. Potentially further significant visual effects could occur from areas of Gretna Green and Longtown within 4km. The ES assesses the impact of approximately 79 properties (or groups of properties) within 2.4km of the site and concludes that: at least 54 of these would experience a significant visual effect on their views; 25 of these properties are located within 1km of the wind farm, but only 6 will experience open views towards the wind farm. These properties are Gaitle, 3 properties at Gaitle Bridge, Red Brae and Close Gap. The greatest concentration of properties are located to the south west of the wind farm at Springfield at approximately 1.2km from the site. Other clusters of properties are located around the fringes of MOD Longtown to the south and east.
- 6.42 The ES also states that the types of visibility from properties within 1km vary

considerably due to screening effects of woodland features within the site boundary, in and around dwellings and within farmland. The ES considers that whilst it is accepted that a number of properties within close proximity of the proposal would experience a significant change to a view or views, none of the proposed turbines would be sufficiently close and appear to be of such a size as to be visually overbearing (para. 9.10.8).

- 6.43 The ES notes that effects on private views are not a planning consideration. Furthermore, the ES explains that many residents in the settlements within the study area would gain very limited or no views of the scheme. It also notes that the significant effects associated with road users would only apply to parts of the A6017, M6, M74, B7076, B721 and A7 within 4km distance of the wind farm.
- 6.44 The Officer generally agrees with the conclusions in the ES highlighting that the distance, along with woodland screening the lower parts of the turbines helps to mitigate adverse effects and prevent unacceptable harm from occurring; many of the properties within this range would have oblique views of the turbines as the main living areas of the properties are orientated away from the site; several of the properties with more open views are over 1.5km from the site, and from further away the turbines would be seen as part of a wider view. As a result the turbines should not appear to be dominant or overbearing to views from isolated properties, or properties on the edges of villages or towns.
- 6.45 The applicant has submitted additional information relating to the Star of Caledonia, a substantial piece of public art comprising a landform and sculpture, which is to be located on the border immediately east of the M74 at Gretna. The additional information consists of five wireframes and photomontages. In an accompanying assessment undertaken by Stephenson Halliday (SH) on behalf of the applicant (dated 17.04.14) it is recognised that the proposed turbines would be visible against the horizon. However, in overall terms SH consider that the scheme would appear as a relatively minor element within a large-scale landscape that includes many other man-made elements. Given the intervening distance of a minimum of approximately 2km and the level of screening it is predicted that the wind farm will not significantly detract in landscape and visual terms from the presence of the 'Star of Caledonia' landmark feature and its function as a gateway into Scotland.
- 6.46 The independent assessment undertaken by Eden Environment Ltd with regard to application 10/1102 looked at the changes in views for all of the properties found within 2.4km of the outermost turbines. The assessment identified that some people living in houses in; Springfield, the eastern edge of Gretna and Gretna Green, scattered housing to the north and south of the proposal, central and western Gretna and Longtown, and scattered housing between the M6 and the England-Scotland border would experience a significant adverse impact. However, it is worth noting that for simplicity the impacts on people's views have been grouped into a series of settlements and zones, so whilst the assessment notes that some properties would experience a significant adverse impact, others in the same

settlements/areas would experience no impact or a slight to moderate adverse impact.

- 6.47 When considering the appeal, the Inspector looked at a number of properties in particular Close Gap Farm and Orchard Bank. In the case of Close Gap, the Inspector noted that existing woodland provides a good measure of screening. He also stated that the distance, at 760 metres, when combined with the narrow field of view, would ensure that the turbines were not overly dominant, even if the woodland was cleared within the lifetime of the windfarm. For Orchard Bank, and based on the known separation distance of 1.4km, the Inspector considered that there was nothing to suggest that the proposed turbines would have an overwhelming presence on the principal outlook, despite accepting that the direct views of the turbines would be experienced from rooms at the front of the house.
- 6.48 When assessing this issue based on the above, the major concern relates to those properties within 2.4km of the turbines. Members will appreciate that a distinction needs to be drawn between something that leads to a change in a view and visual impact, and also between something that is prominent as opposed to being oppressive. In the case of the current proposal there would be views of the proposed turbines from a relatively large number of residential properties. It is appreciated that the turbines would be visible to varying extents and aspects from these properties as well as those residents occupying the other properties within the vicinity. In some cases, they would be seen mainly from the associated gardens, whereas in other instances they would feature directly in views from the primary windows of main rooms. Undoubtedly the proposal, with the large rotating blades of the turbines, would have a noticeable impact on the outlook from these properties.
- 6.49 When assessing whether the proposed turbines can be considered oppressive, Members will be aware that in 2005, under application 05/0169, planning permission was given for a turbine with an overall height of 120m to serve the Pirelli factory that was to be sited so that the nearest dwellings at Cummersdale were between 390m to 490m away. More recently, in the case of the appeal regarding Newlands Farm involving the erection of three turbines (application number 08/0707) the Inspector raised concerns over the proposed turbines being located between 420 to 650 m away because the *“proximity of the turbine cluster and its spread would make it appear dominant and overpowering...and that this domineering presence would have a significant, detrimental effect on the living conditions of the occupiers”*.
- 6.50 In this case, the closest properties are Gaitle, 3 properties at Gaitle Bridge, Wood Villa and Close Gap that are respectively 826m, 794m, 733m and 766m. Gaitle consists of a two storey house located opposite MOD Longtown. There would be views of the upper turbines from the rear of the property over the woodland at Gap Wood. The three properties at Gaitle Bridge are single storey and like Gaitle would have views of the upper turbines from the rear of the properties over the woodland at Gap Wood. Wood Villa is a single storey lodge situated within dense woodland, views of the turbines would be predominantly screened by mature trees within Moss Wood, which extends approximately 25m to the north of the property. Close gap is a two storey

farmhouse which faces directly onto the turbine site, and would have views of the turbine blades above existing woodland from the front of the farmhouse. As such the circumstances concerning the current proposal are not considered to be directly comparable to the previous Newlands proposal. In overall terms it is considered that while the visual presence of the turbines would be noticeable from these properties and outlying areas, their presence would not be dominating or overbearing because of the intervening planting and buildings, the oblique relationships, and the degree of separation.

- 6.51 The additional report by SH states that the 'Star of Caledonia' will be located within an area of undulating pasture that is land locked by transport corridors including the M6, A6071, West Coast Mainline rail route and Dumfries rail route. The predicted visibility of combined views of the Star and the windfarm from these transport routes is considered negligible, due to the proximity of the star, and the oblique views of the turbines, along with the intermittent vegetation.

- 6.52 During the public inquiry for application (10/1102) the appellants proof of evidence stated:

"The site would be separated from the wind farm by the elevated mainline railway, where it passes through Gretna Junction. Furthermore, the high voltage transmission line also runs between the site and the proposed wind farm and currently forms skyline feature in views from the M74, along with extensive intervening woodland. Views are not only transitory in nature, but also comprise a diverse range of manmade and natural elements. Whilst it may be visible, I do not accept that a wind farm at 2km distance would significantly detract from the experience gained from the sculpture positioned close to the road"

This information was before the Inspector and the Secretary of state, but did not in the view of either the Inspector or the Secretary of State warrant adverse comment.

- 6.53 As such, the Case Officer agrees with the assessment of combined visibility of the Star of Caledonia with the Beckburn windfarm provided by SH with regard to the Star of Caledonia, that the views experienced by walkers/tourists accessing the sculpture from the local path network, people using the local transport network and people who live and work in the locality will not be significantly affected by the presence of the turbines.

iii) Cumulative

- 6.54 The Officer is in agreement with the ES conclusion on cumulative impacts, and that there would be no significant effects on the landscape setting of the Solway Coast AONB due to the extent of intervening elements such as topography and vegetation between the site and the AONB boundary.

3. Eskdalemuir Seismological Recording Station

- 6.55 The UK seismic monitoring site is at Eskdalemuir near Langholm. The facility

is part of the seismic network of the International Monitoring System set up to help verify compliance with the Comprehensive Test Ban Treaty which bans nuclear test explosions. The Treaty requires that States Parties shall not interfere with the verification system, of which Eskdalemuir is an element.

6.56 The original consultation response from the MoD explains that the application site is approximately 36.9km from the seismological recording station at Eskdalemuir and falls within its statutory safeguarded area. Research jointly commissioned by the DTI, BWEA and the MoD has confirmed that wind turbines of the current design generate seismic noise which can interfere with the operational functionality of the Station. In order to ensure that the UK complies with the Comprehensive Nuclear Test-Ban Treaty, a noise budget based on the findings of the research of 0.336nm rms has been allocated by the MoD for a 50km radius surrounding the Station. At present the reserved noise budget has been reached.

6.57 Latterly, on the 22nd May 2014, an interim guidance update was announced identifies that:

"Recently completed research commissioned by the EWG has confirmed that there is headroom which would allow for further wind farm consents without breaching the 0.336nm seismic ground vibration threshold."

The update went on to explain that the MoD will be withdrawing objections (in relation to the operation of the seismological monitoring station) to wind development proposals within the 50km Consultation Zone that were submitted prior to December 2013.

6.58 On the basis of this announcement, on the 11th June 2014, the MoD confirmed in writing that they were withdrawing their previous objection to the Blackburn development for the following reasons:

- the outcome of the significant scientific research which has been undertaken at the instance of the Eskdalemuir Working Group (EWG);
- the endorsement by the EWG of the Stage 1 technical report; and
- the publication by the Scottish Government of its interim guidance on Eskdalemuir dated 22nd May 2014.

6.59 As such, the MoD no longer have any objections to this proposal, subject to the inclusion of two conditions on any notice of approval, one relating to infra red lighting, and the other requiring details to be submitted to the Council, the MoD and the Scottish Ministers relating to the final position and size of each turbine.

4. Living conditions of local residents (noise and shadow flicker)

6.60 Chapter 10 of the ES considers the consequences of the proposed development by assessing and rating existing and anticipated noise levels. The chapter cites ETSU-R-97: "The Assessment and Rating of Noise from Wind Farms". The recommended absolute noise levels within ETSU-R-97

cover two time periods: i) the quiet daytime period (defined as between 18.00 and 23.00 hours during the normal working week, between 13.00 and 23.00 hours on a Saturday and all day during Sunday, 07.00 to 23.00 hours); and ii) the night-time period (defined as between 23.00 and 07.00 hours). The absolute limit within ETSU-R-97 lies between levels of 35 to 40 dB LA90, 10 min when the prevailing background noise level is below 30 dB LA90.

- 6.61 The ES concludes that at all receptor locations neighbouring the proposal, operational wind turbine noise would meet the requirements of ETSU-R-97 for Amenity Hours and Night-time operation under all wind conditions. Thus the predicted noise levels indicate that internal noise levels within dwellings due to turbine operation should not result in sleep disturbance in accordance with existing guidance.
- 6.62 On this basis it is considered that any increase in noise because of the proposal is not sufficient to warrant refusal of permission.
- 6.63 Shadow flicker is an effect that can occur when the shadow of a moving wind turbine blade passes over a small opening briefly reducing the intensity of light within the room. Shadow flicker is capable of giving rise to two potential categories of effects: health effects and amenity effects. In terms of health effects, the operating frequency of the wind turbine is relevant in determining whether or not shadow flicker can cause health effects in human beings. The proposed turbines have an operating frequency of 5-20rpm which is less than the frequency capable of giving rise to health effects. Furthermore the rate of flicker from the proposed turbines will be well below any statistically concerning level of flicker as identified in the Health and Safety Executive Circular "Disco Lights and Flicker Sensitive Epilepsy".
- 6.64 Shadow flicker only affects properties within 10 rotor diameters of a wind turbine, and only properties within 130 degrees either side of north, relative to the turbines can be affected in the UK. The submitted ES contains a shadow flicker analysis of the worst case scenario for properties within 10 rotor diameters (i.e. 925m) of the proposed turbines. The worst case scenario not accounting for trees or other obstructions that intervene between the receptor and turbine. The analysis finds that 1 property may experience at least one day with over 30 minutes of shadow flicker and could potentially experience over 51.7 hours of shadow flicker in a year. However, it is possible for the causative turbine(s) to be shut down during such conditions, and this can be secured by the imposition of a relevant condition.
- 6.65 In relation to shadow flicker, it is recognised that the use of a control system is a viable option, and therefore there is a low risk of any significant impact on residential amenity.

5. Ecology and nature conservation

- 6.66 Chapters 7 and 8 of the ES provide an assessment of the likely significant effects on ecology and nature conservation (including newts, bats, badgers and otters). For non bird issues, the ES states that operational impacts are considered not significant and mitigation measures therefore largely

unnecessary. However, as there is some uncertainty about the potential for impacts on noctule bats it is proposed that a noctule bat fatality and activity surveys, will be in place from May to September during the first year of operation, after which time the need for further monitoring will be reviewed.

- 6.67 In relation to ornithology, the survey results within Chapter 8 of the ES indicate that there are likely to be potential significant impacts on breeding, migrating, and roosting birds, for example, notable numbers of Pink-footed Geese and Barnacle Geese overfly the site during their migrations. The impact assessment concludes that the impacts on these and other species will be negligible based upon an assessment of collision risk, and on the assumption that birds will avoid the wind turbines and, for those on-site breeding and roosting species, can be simply accommodated elsewhere if they are displaced by the wind turbines.
- 6.68 Natural England have raised concerns relating to the scheme, however, during the previous application and subsequent Public Inquiry, they, along with the Cumbria Wildlife Trust, and the RSPB accepted the principle of legal agreements to deal with this issue. Whilst these legal agreements have not been submitted as part of the current application, the principle of using a legal agreement has been established to deal with the implementation of a Goose Refuge management plan for the pink footed geese and the implementation of post-construction monitoring measures for the Svalbard barnacle geese.

6. Impact of the proposal upon the restoration of the peat

- 6.69 The site is currently subject to a minerals consent for the working of the peat. This consent runs beyond the life of the wind farm proposal (circa 2042). The consent includes a condition seeking the developer to submit, by 2037, a detailed scheme and plans for restoration of the whole worked area to secure the beneficial restoration of the site for nature conservation. The restoration principle is to return the site to wet bog. There is no comprehensive restoration scheme available at present. It is still considered desirable and practicable to restore the site to wet bog following cessation of the peat operations.
- 6.70 Both Natural England and Cumbria County Council raised concerns about the restoration of the site, the objective of which is to restore nature conservation quality with a view to achieving a sustainable lowland raised mire, due to concerns that insufficient information had been provided. They consider that the turbine foundations and track construction may impact negatively on the hydrology and hydrogeology of the site, both during the years of operation of the wind energy scheme and following its decommissioning, thus impacting on the ability of the site to be restored to peat-forming condition.
- 6.71 In response to these concerns during the previous proposal, the applicants provided a further clarification report on the peat issue, which contained a detailed summary of the methodology of construction, operations and decommissioning of the turbines and associated works; an impact assessment of the proposed construction, operation and decommissioning works on the integrity of the site and on any potential restoration works, along

with mitigation to be put in place to remove or minimise any potential impacts.

- 6.72 Whilst this information has not been resubmitted as part of this application, the principle of using a legal agreement to resolve the peat issue has been established in principle through the Public Inquiry, and information, as described within paragraph 6.71 will need to be agreed prior to the issuing of any approval.

7. Impact on Hadrian's Wall World Heritage site and the Historic Environment

- 6.73 In relation to Chapter 13 of the ES on "Cultural Heritage", English Heritage concur with the conclusions that there will be limited direct impact on archaeological remains (which can be mitigated by the commissioning of an archaeological watching brief), and that there appears to be limited impact on the setting of the majority of listed buildings, archaeological sites; Hadrian's Wall, the Solway Moss historic battlefield, the Scots' Dyke scheduled monument, the setting of Kirkandrews Tower and Netherby Hall. As such it is considered that the proposal is acceptable in terms of the impact on the historic environment.

Other matters

- 6.74 Fears have been expressed that the proposal may have an adverse impact on the tourist potential of the area and lead to the devaluation of property. The planning system does not exist to protect the private interests of one person against the activities of another, although private interests may coincide with the public interest in some cases. No meaningful evidence has been submitted supporting a general correlation showing that the proposal would lead to demonstrable harm on tourism and property values.
- 6.75 When considering the impact of construction traffic on the local highways no objections have been raised from the Department of Transport/Highways Agency.
- 6.76 It is considered that the environmental information submitted as a whole meets the requirements of the Town and Country Planning (Environmental Impact Assessment) Regulations, and that sufficient information has been provided to assess the environmental impact of the proposed development.

Conclusion

- 6.77 The proposal is in accordance with the overall objectives of Government energy policy. This is in the context where Cumbria has just under 138MW of onshore wind generation in operation, under construction or consented, compared to the RSS target of 247.5MW by 2020. The benefits include effective protection of the environment through the reduction of greenhouse gas emissions; the prudent use of natural resources by reducing reliance on fossil fuels; the proposed Community Fund; the contribution to national and local economic growth including rural diversification; and habitat management/enhancement.

- 6.78 The application site falls within Landscape Character Sub Type 2b Coastal Margins - Coastal Moss. Under the Cumbria Wind Energy Supplementary Planning Document this landscape is acknowledged as having a capacity to accommodate schemes of 3-5 turbines, or exceptionally 6-9 turbines. It is considered that the proposal would not cause unacceptable harm to the landscape character, the proposed turbines would be noticeable but their presence would not be dominating or overbearing. Subject to conditions, there would be no unacceptable impact on the living conditions of local residents through noise and disturbance, or shadow flicker.
- 6.79 The MoD has withdrawn their objection concerning any impact on the operational functionality of the Eskdalemuir Seismological Recording Station/Array, the only reason for refusal of the previous application (10/1102).
- 6.80 On this basis the recommendation will be to approve the application subject to the completion of Legal Agreements relating to the Goose protection areas, the peat restoration scheme and the community fund payment.

7. Planning History

- 7.1 In 2009 permission was granted for the erection of a temporary 60m Anemometer Mast for the purpose of measuring wind speed and wind direction (application 09/0983);
- 7.2 In 2010 permission was refused for the erection of 9No. 126 metre high (to tip) wind turbine generators, transformer housings, control room, 80m high meteorological mast and formation of associated laydown area, crane pads and access tracks; and the associated change of use to mixed use comprising operational peat works and wind farm (application 10/1102); this decision was subsequently upheld at appeal;
- 7.3 In 2012 permission was refused for the retention of the temporary 60m anemometer mast for the purpose of measuring wind speed and wind direction (Renewal Of Application 09/0983).

8. Recommendation: Grant Permission

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission. Written confirmation of the commencement of development shall be provided to the Local Planning Authority no later than one week after the event

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

2. The approved documents for this Planning Permission comprise:

1. the submitted planning application form;
2. the site location plan received 8th November 2013;
3. the site layout received 8th November 2013;
4. the typical turbine elevations received 8th November 2013;
5. the typical turbine foundations received 8th November 2013;
6. the crane hardstanding detail received 8th November 2013;
7. the control building elevations received 8th November 2013;
8. the construction compound received 8th November 2013;
9. the typical road construction detail received 1st November 2013;
10. the met mast elevation received 8th November 2013;
11. the Planning Statement received 1st November 2013;
12. the Design and Access statement received 1st November 2013;
13. the Statement of Community Involvement received 1st November 2013;
14. the Non-Technical Summary received 1st November 2013;
15. the Environmental Statement (Volumes 1-4) received 1st November 2013;
16. the Response to Additional Information request received 17th April 2014;
17. the Landscape and Visual Assessment Graphics and Visuals received 17th April 2014;
18. the Notice of Decision; and
19. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

3. This permission shall endure for a period of 25 years from the date when electricity is first exported from any of the wind turbines to the electricity grid ("First Export Date"). Written notification of the First Export Date shall be given to the Local Planning Authority no later than 14 days after the event.

Reason: In recognition of the expected lifespan of the wind farm and in the interests of safety and amenity once the plant is redundant.

4. No later than 12 months prior to the end of this permission, a decommissioning and site restoration scheme shall be submitted for the written approval of the Local Planning Authority. The scheme shall make provision for the removal of the wind turbines and associated above ground works approved under this permission and details of the depth to which the wind turbine foundations will be removed. The scheme shall also include the management and timing of any works; a traffic management plan to address potential traffic impact issues during the decommissioning period; location of material laydown areas; an environmental management plan to include details of measures to be taken during the decommissioning period to protect wildlife and habitats; and details of site restoration measures. The approved scheme shall be fully implemented within 12 months of the expiry of this permission.

Reason: To ensure the development is decommissioned and the site

restored at the expiry of the permission.

5. If any wind turbine generator hereby permitted ceases to export electricity to the grid for a continuous period of 12 months, or such longer period as may be agreed in writing with the Local Planning Authority, then a scheme shall be submitted to the Local Planning Authority for its written approval within 3 months of the end of that 12 month period for the repair or removal of that turbine. The scheme shall include, as relevant, a programme of remedial works where repairs to the identified turbine are required. Where removal is necessary the scheme shall include a programme for removal of the turbine and associated above ground works approved under this permission, details of the depth to which the wind turbine foundations will be removed and for site restoration measures following the removal of the relevant turbine. The scheme shall thereafter be implemented in accordance with the approved details and timetable.

Reason: In the interests of visual amenity.

6. No development shall take place until details of the proposed construction, materials and surfacing of the site access road and its junction with the public highway have been submitted to and approved in writing by the Local Planning Authority. These details shall include proposed boundary treatments (including any gates); swept path diagrams for turbine delivery vehicles using the site entrance; and reinstatement of the land after decommissioning of the development hereby approved. The development shall then be carried out in accordance with the approved details and thereafter retained as such.

Reason: To ensure that an adequate and safe access is provided to the site.

7. Prior to the development commencing, a Dilapidation Survey shall have taken place with the Local Highways Authority and a Highways Act 1980, Section 59 (Extraordinary Traffic) Agreement shall have been entered into, so as to ensure that, on completion of the constructional works, the County Highways shall be returned to at least their general condition pertaining at the time of the Dilapidation survey. The access and parking/turning requirements, set out in the submitted documentation, shall be substantially met before any other constructional works commence on site, so that constructional traffic can access park and turn clear of the highway. There shall be no access to/from the site other than the agreed routes forming the Schedule to the Section 59 Agreement.

Reason: The execution of construction works without the provision of such measures is likely to lead to inconvenience and danger to road users and to support Local Transport Policies: LD5, 7 & 8.

8. Before any constructional works takes place, a Construction Management Plan shall be submitted for the prior approval of the local Planning Authority reserving adequate land for stores/offices, the parking of vehicles/plant, sources transport and storage of materials for the construction operations

associated with the development hereby approved, and that land, including vehicular access thereto, shall be used for or be kept available for these purposes at all times until completion of the construction works.

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

9. Construction and decommissioning works shall not take place outside the hours of 07:00 to 19:00 Monday to Friday inclusive and 07:00-13:00 on Saturday. No construction or decommissioning works shall take place on a Sunday or a Public Holiday. Exceptions for work outside these hours, including turbine erection because of weather dependence, may be carried out only with the prior written approval of the Local Planning Authority. Emergency works may be carried out at any time provided that the operator retrospectively notifies the Local Planning Authority in writing of the emergency and works undertaken within 24 hours following the event.

Reason: In the interests of amenity to restrict noise impact and the protection of the local environment.

10. The delivery of any construction materials or equipment for the construction of the development, other than turbine blades, nacelles and towers, shall not take place outside the hours of 07:00 to 19:00 on Monday to Friday inclusive, 07:00 to 13:00 on Saturday with no such deliveries on a Sunday or Public Holiday unless otherwise approved in writing by the Local Planning Authority having been given a minimum of two working days notice of the proposed delivery.

Reason: In the interests of minimising disturbance to local residents during the construction process.

11. All wind turbine generators shall be of three bladed construction. The blades of all wind turbine generators shall rotate in the same direction. The overall height of the wind turbines shall not exceed 126.5m to the tip of the blades when the turbine is in the vertical position, as measured from natural ground conditions immediately adjacent to the turbine base.

Reason: In the interests of visual amenity.

12. Prior to the erection of any wind turbine, details of the colour and finish of the towers, nacelles and blades (including measures to minimise the risk of ice throw) and any external transformer units shall be submitted to and approved in writing by the Local Planning Authority. No name, sign, or logo shall be displayed on any external surfaces of the turbines or any external transformer units other than those required to meet statutory health and safety requirements. The approved colour and finish of the wind turbines and any external transformer units shall be implemented prior to the turbines becoming operational and shall not be changed without the prior written approval of the Local Planning Authority. The development shall be carried

out in accordance with the approved details.

Reason: In the interests of visual amenity.

13. Prior to the commencement of construction of the electricity substation, details of the design and the external appearance, dimensions and materials for the building and any associated compound or parking area and details of surface and foul water drainage from the substation building shall be submitted to and approved in writing by the Local Planning Authority. The development of the substation building and any associated compound or parking area shall be carried out in accordance with the approved details.

Reason: In the interest of visual amenity.

14. All electrical cabling between (i) the individual turbines; (ii) the turbines and the on-site electricity substation; and (iii) the on-site electricity substation and the boundary of the application site shall be installed underground only.

Reason: In order to ensure a satisfactory appearance in the landscape.

15. There shall be no permanent illumination on the site other than a passive infra-red operated external door light for the substation building door to allow safe access; temporary lighting required during the construction period or during maintenance; or emergency lighting; and aviation lighting.

Reason: In the interests of visual amenity.

16. Prior to the commencement of construction of the development, the turbines hereby permitted may be micro-sited from their original position no further than 30 metres in any given direction, notification of which will be provided in writing by the Local Planning Authority.

Reason: In order to account for variations in the ground conditions on the site.

17. Prior to the commencement of development a specification for pre-construction checking surveys for bats, badgers and breeding birds shall be submitted to and approved in writing by the Local Planning Authority. The survey results, and a programme of any mitigation required as a consequence, shall be submitted to and approved in writing by the Local Planning Authority prior to any works associated with the construction of the development taking place. The programme of mitigation work shall be implemented as approved.

Reason: In the interests of nature conservation.

18. Prior to the commencement of development, a Habitat Management and Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. The Habitat Enhancement and Management Plan shall include the details of the tree and hedgerow planting necessary to offset any unavoidable removal of existing hedgerow habitat and to enhance

retained hedgerows including details of replacement planting for plants which become diseased or are destroyed or die within 5 years of the date of planting. The Habitat Enhancement Plan shall be implemented as approved.

Reason: In the interests of nature conservation and to help verify the effectiveness of current methods used in assessing the ecological impacts of wind turbine developments.

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

This written scheme of investigation will include the following components:

- i) An archaeological watching brief on the removal of peat;
- ii) An archaeological recording programme the scope of which will be dependant upon the results of the watching brief;
- iii) A programme of palaeo-environmental assessment and analysis.

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

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

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

22. Ministry of Defence accredited 25 candela omni-directional aviation lighting or infra-red aviation lighting shall be installed on the nacelles of all turbines. The turbines will be erected with this lighting installed and the lighting shall remain operational until such times as the wind turbines are decommissioned and removed from service.

Reason: In the interests of air safety.

23. Prior to the First Export Date a scheme providing for a baseline survey and the investigation and alleviation of any electro-magnetic interference to television caused by the operation of the turbines shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the investigation by a qualified independent television engineer of any complaint of interference with television reception at a lawfully occupied dwelling (defined for the purposes of this condition as a building

within Use Class C3 and C4 of the Town and Country Planning (Use Classes) Order 1987) which lawfully exists or had planning permission at the date of this permission, where such complaint is notified to the developer by the Local Planning Authority within 12 months of the First Export Date. Where impairment is determined by the qualified television engineer to be attributable to the wind farm, mitigation works shall be carried out in accordance with the scheme which has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of amenity for nearby residents.

24. Prior to the First Export Date a written scheme shall be submitted to and approved in writing by the Local Planning Authority setting out a shadow flicker protocol for the assessment of shadow flicker in the event of any complaint from the owner or occupier of a dwelling (defined for the purposes of this condition as a building within Use Class C3 and C4 of the Town and Country Planning (Use Classes) Order 1987) which lawfully exists or had planning permission at the date of this permission. The written scheme shall include remedial measures. Operation of the turbines shall take place in accordance with the approved protocol.

Reason: In the interests of amenity for nearby residents.

25. Prior to the commencement of development, the following components of a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved, in writing, by the Local Planning Authority:

(1) a preliminary risk assessment which has identified:

- all previous uses;
- potential contaminants associated with those uses;
- a conceptual model of the site indicating sources, pathways and receptors; and
- potentially unacceptable risks arising from contamination at the site;

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

(3) the results of the site investigation and detailed risk assessment referred to in (2) and, based on those, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken;

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

The schemes shall be implemented as approved.

Reason: To establish any contaminative uses that might impact upon human health or controlled waters as a result of the turbine construction and/or infrastructure.

26. Prior to the First Export Date the developer shall provide written confirmation to the Local Planning Authority of the following:-

- (i) the actual position of each turbine in eastings and northings (each to six figures);
- (ii) the hub height and rotor diameter of each turbine (in metres); and
- (iii) provide evidence of equivalent written confirmation of (i) and (ii) above to the Scottish Ministers and the Ministry of Defence.

Reason: To restrict the maximum permissible ground vibration to that assessed so as to safeguard the operation of the Eskdalemuir Seismological Recording Station.

27. The rating level of noise immissions from the combined effects of the wind turbines (including the application of any tonal penalty) when determined in accordance with the attached Guidance Notes, shall not exceed the values for the relevant integer wind speed set out in, or derived from, the tables attached to these conditions at any dwelling which is lawfully existing or has planning permission at the date of this permission and:

(a) The wind farm operator shall continuously log power production, wind speed and wind direction, all in accordance with Guidance Note 1(d). These data shall be retained for a period of not less than 24 months. The wind farm operator shall provide this information in the format set out in Guidance Note 1(e) to the Local Planning Authority on its request, within 14 days of receipt in writing of such a request.

(b) No electricity shall be exported until the wind farm the wind farm operator shall submit to the Local Planning Authority for written approval a list of proposed independent consultants who may undertake compliance measurements in accordance with this condition. Amendments to the list of approved consultants shall be made only with the prior written approval of the Local Planning Authority.

(c) Within 21 days from receipt of a written request from the Local Planning Authority following a complaint to it from an occupant of a dwelling alleging noise disturbance at that dwelling, the wind farm operator shall, at its expense, employ a consultant approved by the Local Planning Authority to assess the level of noise immissions from the wind farm at the complainant's property in accordance with the procedures described in the attached Guidance Notes. The written request from the Local Planning Authority shall set out at least the date, time and location that the complaint relates to and any identified atmospheric conditions, including wind direction.

(d) Prior to the submission of the independent consultant's assessment of the rating level of noise immissions, the wind farm operator shall submit to the Local Planning Authority for written approval a proposed assessment

protocol, as developed in association with the independent consultant. The protocol shall include the proposed measurement location identified in accordance with the Guidance Notes where measurements for compliance checking purposes shall be undertaken and also the range of meteorological and operational conditions (which shall include the range of wind speeds, wind directions, power generation and times of day) to determine the assessment of rating level of noise immissions. The proposed range of conditions shall be those which prevailed during times when the complainant alleges there was disturbance due to noise, having regard to the written request of the Local Planning Authority under paragraph (c), and such others as the independent consultant considers likely to result in a breach of the noise limits. The assessment of the rating level of noise immissions shall be undertaken in accordance with the assessment protocol approved in writing by the Local Planning Authority.

(e) Where a dwelling to which a complaint is related is not listed in the tables attached to these conditions, the noise limits shall be those of the physically closest location listed in the Tables. For such dwellings, the wind farm operator may submit to the Local Planning Authority for written approval proposed noise limits selected from those listed in the Tables to be adopted at the complainant's dwelling for compliance checking purposes. The rating level of noise immissions resulting from the combined effects of the wind turbines when determined in accordance with the attached Guidance Notes shall not exceed the noise limits approved in writing by the Local Planning Authority for the complainant's dwelling.

(f) The wind farm operator shall provide to the Local Planning Authority the independent consultant's assessment of the rating level of noise immissions undertaken in accordance with the Guidance Notes within 2 months of the date of the written request of the Local Planning Authority for compliance measurements to be made under paragraph (c), unless the time limit is extended in writing by the Local Planning Authority. The assessment shall include all data collected for the purposes of undertaking the compliance measurements, such data to be provided in the format set out in Guidance Note 1(e) of the Guidance Notes. The instrumentation used to undertake the measurements shall be calibrated in accordance with Guidance Note 1(a) and certificates of calibration shall be submitted to the Local Planning Authority with the independent consultant's assessment of the rating level of noise immissions.

(g) Where a further assessment of the rating level of noise immissions from the wind farm is required pursuant to Guidance Note 4(c), the wind farm operator shall submit a copy of the further assessment within 21 days of submission of the independent consultant's assessment pursuant to paragraph (d) above unless the time limit has been extended in writing by the Local Planning Authority.

Table 1a – Daytime Noise Limit Criteria (07:00hrs to 23:00hrs) - Noise limits expressed in dB LA90,10-minute as a function of the

standardised wind speed (m/s) at 10 meter height as determined within the site averaged over 10 minute periods

Locati Standardised wind speed at 10 m height, m/s

on 4 or below	5	6	7	8	9	10	11	12
Midways	44.9	45.5	46.4	47.7	49.2	51.1	51.1	51.1
Property at A6071	45.2	46.1	46.8	47.3	47.7	47.9	48.2	48.2
Closegap	38.6	39.8	41.8	44.4	47.8	51.9	51.9	51.9
Westgillsyke Farm	38.6	39.8	41.8	44.4	47.8	51.9	51.9	51.9
Springfield	47.1	47.8	48.7	49.8	51.1	52.6	52.6	52.6

Table 2a – Night-time Noise Limit Criteria (23:00hrs to 07:00hrs) - Noise limits expressed in dB LA90,10-minute as a function of the standardised wind speed (m/s) at 10 meter height as determined within the site averaged over 10 minute periods.

Locat Standardised wind speed at 10 m height, m/s

ion 4 or below	5	6	7	8	9	10	11	12
Midways	43.0	43.0	43.0	43.7	45.3	45.3	45.3	45.3
Property at A6071	43.0	43.0	43.0	44.5	49.7	50.3	50.3	50.3
Closegap	43.0	43.0	43.0	43.0	47.9	47.9	47.9	47.9
Westgillsyke Farm	43.0	43.0	43.0	43.0	47.9	47.9	47.9	47.9
Springfield	43.0	43.0	43.0	44.2	45.8	45.8	45.8	45.8

Table 3: Coordinate locations of the properties listed in Tables 1 and 2. Property Easting Northing

House Name	British National Grid Coordinates	
	X	Y
19 Greenmill Road	335844	568284
Midways	334002	567846
Braemar	332858	568145
Westgillsyke	333676	570338
Closegap	335856	569844

Note to Table 3: The geographical coordinate references are provided for the purpose of identifying the general location of dwellings to which a given set of noise limits applies.

Guidance Notes for Noise Conditions

These notes are to be read with and form part of the noise condition. They further explain the condition and specify the methods to be employed in the assessment of complaints about noise immissions from the wind farm. The rating level at each integer wind speed is the arithmetic sum of the wind farm noise level as determined from the best-fit curve described in Guidance Note

2 of these Guidance Notes and any tonal penalty applied in accordance with Guidance Note 3. Reference to ETSU-R-97 refers to the publication entitled "The Assessment and Rating of Noise from Wind Farms" (1997) published by the Energy Technology Support unit (ETSU) for the Department of Trade and Industry (DTI). Measured noise imission levels from the turbines must be referenced to measured 10 metres height wind speeds.

Guidance Note 1

(a) Values of the LA90,10-minute noise statistic should be measured at the complainant's property, using a sound level meter of EN 60651/BS EN 60804 Type 1, or BS EN 61672 Class 1 quality (or the equivalent UK adopted standard in force at the time of the measurements) set to measure using the fast time weighted response as specified in BS EN 60651/BS EN 60804 or BS EN 61672-1 (or the equivalent UK adopted standard in force at the time of the measurements). This should be calibrated in accordance with the procedure specified in BS 4142: 1997 (or the equivalent UK adopted standard in force at the time of the measurements). Measurements shall be undertaken in such a manner to enable a tonal penalty to be applied in accordance with Guidance Note 3.

(b) The microphone should be mounted at 1.2 - 1.5 metres above ground level, fitted with a two-layer windshield or suitable equivalent approved in writing by the Local Planning Authority, and placed outside the complainant's dwelling. Measurements should be made in "free field" conditions. To achieve this, the microphone should be placed at least 3.5 metres away from the building facade or any reflecting surface except the ground at the approved measurement location. In the event that the consent of the complainant for access to his or her property to undertake compliance measurements is withheld, the wind farm operator shall submit for the written approval of the Local Planning Authority details of the proposed alternative representative measurement location prior to the commencement of measurements and the measurements shall be undertaken at the approved alternative representative measurement location.

(c) The LA90,10-minute measurements should be synchronised with measurements of the 10-minute arithmetic mean wind and operational data logged in accordance with Guidance Note 1(d), including the power generation data from the turbine control systems of the wind farm.

(d) To enable compliance with the conditions to be evaluated, the wind farm operator shall continuously log arithmetic mean wind speed and wind direction at hub height for each turbine and arithmetic mean power generated by each turbine, all in successive 10-minute periods, unless otherwise agreed in writing with the Local Planning Authority. The mean wind speed data for the operating turbines shall be 'standardised' to a reference height of 10 metres as described in ETSU-R-97 at page 120 using a reference roughness length of 0.05 metres. It is this standardised 10 metre height wind speed data, averaged across all operating wind turbines, which is correlated with the noise measurements determined as valid in accordance with Guidance Note 2, such correlation to be undertaken in the manner described in Guidance Note 2. All 10-minute periods shall commence on the hour and in 10-minute increments thereafter.

(e) Data provided to the Local Planning Authority in accordance with the noise condition shall be provided in comma separated values in electronic format.

Guidance Note 2

(a) The noise measurements should be made so as to provide not less than 20 valid data points as defined in Guidance Note 2.

(b) Valid data points are those measured in the conditions specified by the Local Planning Authority in its written protocol under paragraph (d) of the noise condition, but excluding any periods of rainfall measured in the vicinity of the sound level meter. Rainfall shall be assessed by use of a rain gauge that shall log the occurrence of rainfall in each 10 minute period concurrent with the measurements periods set out in Guidance Note 1. In specifying such conditions the Local Planning Authority shall have regard to those conditions which prevailed during times when the complainant alleges there was disturbance due to noise or which are considered likely to result in a breach of the limits.

(c) For those data points considered valid in accordance with Guidance Note 2(b), values of the LA90,10-minute noise measurements and corresponding values of the 10-minute wind speed, as derived from the standardised ten metre height wind speed averaged across all operating wind turbines using the procedure specified in Guidance Note 1(d), shall be plotted on an XY chart with noise level on the Y-axis and the standardised mean wind speed on the X-axis. A least squares, “best fit” curve of an order deemed appropriate by the independent consultant (but which may not be higher than a fourth order) should be fitted to the data points and define the wind farm noise level at each integer speed.

Guidance Note 3

(a) Where, in accordance with the approved assessment protocol under paragraph (d) of the noise condition, noise immissions at the location or locations where compliance measurements are being undertaken contain or are likely to contain a tonal component, a tonal penalty is to be calculated and applied using the following rating procedure.

(b) For each 10-minute interval for which LA90,10-minute data have been determined as valid in accordance with Guidance Note 2 a tonal assessment shall be performed on noise immissions during 2 minutes of each 10-minute period. The 2-minute periods should be spaced at 10-minute intervals provided that uninterrupted uncorrupted data are available (“the standard procedure”). Where uncorrupted data are not available, the first available uninterrupted clean 2-minute period out of the affected overall 10-minute period shall be selected. Any such deviations from the standard procedure, as described in Section 2.1 on pages 104-109 of ETSU-R-97, shall be reported.

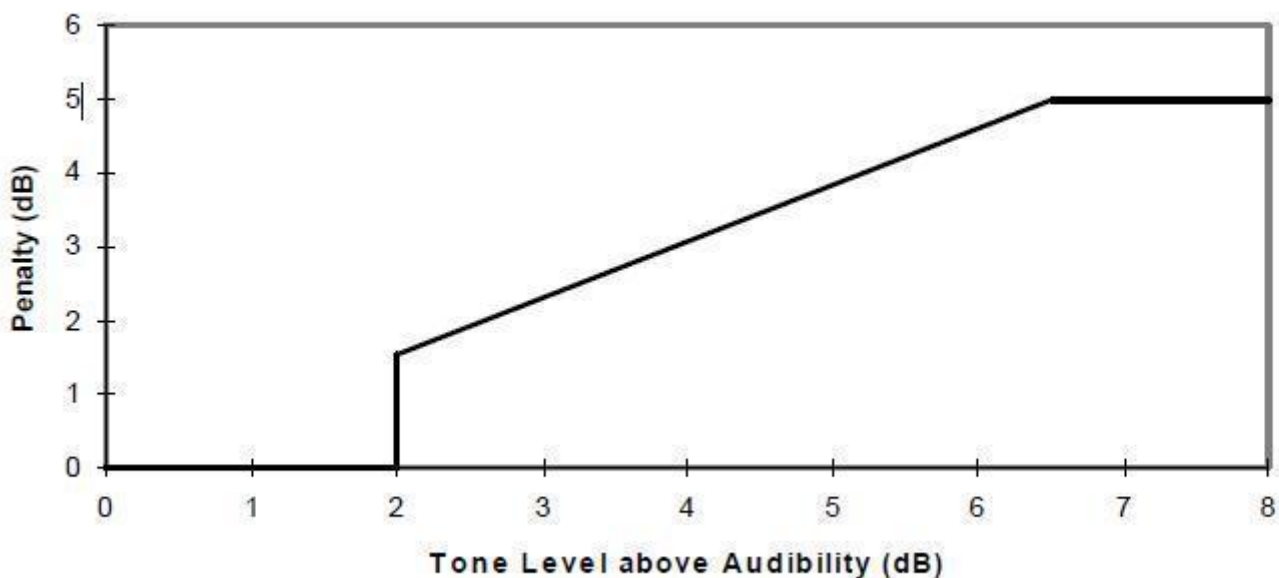
(c) For each of the 2-minute samples the tone level above or below audibility shall be calculated by comparison with the audibility criterion given in Section

2.1 on pages 104 -109 of ETSU-R-97.

(d) The tone level above audibility shall be plotted against wind speed for each of the 2-minute samples. Samples for which the tones were below the audibility criterion or no tone was identified, a value of zero audibility shall be substituted.

(e) A least squares “best fit” linear regression line shall then be performed to establish the average tone level above audibility for each integer wind speed derived from the value of the “best fit” line at each integer wind speed. If there is no apparent trend with wind speed then a simple arithmetic mean shall be used. This process shall be repeated for each integer wind speed for which there is an assessment of overall levels in Guidance Note 2.

(f) The tonal penalty is derived from the margin above audibility of the tone according to the figure below.



Guidance Note 4

(a) If a tonal penalty is to be applied in accordance with Guidance Note 3 the rating level of the turbine noise at each wind speed is the arithmetic sum of the measured noise level as determined from the best fit curve described in Note 2 and the penalty for tonal noise as derived in accordance with Guidance Note 3 at each integer wind speed within the range specified by the Local Planning Authority in its written protocol under paragraph (d) of the noise condition.

(b) If no tonal penalty is to be applied then the rating level of the turbine noise at each wind speed is equal to the measured noise level as

determined from the best fit curve described in Guidance Note 2.

(c) In the event that the rating level is above the limit(s) set out in the Tables attached to the noise conditions or the noise limits for a complainant's dwelling approved in accordance with paragraph (e) of the noise condition, the independent consultant shall undertake a further assessment of the rating level to correct for background noise so that the rating level relates to wind turbine noise immission only.

(d) The wind farm operator shall ensure that all the wind turbines in the development are turned off for such period as the independent consultant requires to undertake the further assessment. The further assessment shall be undertaken in accordance with the following steps:

- i. Repeating the steps in Guidance Note 2, with the wind farm switched off, and determining the background noise (L_3) at each integer wind speed within the range requested by the Local Planning Authority in its written request under paragraph (c) and the approved protocol under paragraph (d) of the noise condition.
- ii. The wind farm noise (L_1) at this speed shall then be calculated as follows where L_2 is the measured level with turbines running but without the addition of any tonal penalty:

$$L_1 = 10 \log \left[10^{L_2/10} - 10^{L_3/10} \right]$$

iii. The rating level shall be re-calculated by adding the tonal penalty (if any is applied in accordance with Note 3) to the derived wind farm noise L_1 at that integer wind speed.

iv. If the rating level after adjustment for background noise contribution and adjustment for tonal penalty (if required in accordance with note (iii) above) at any integer wind speed lies at or below the values set out in the Tables attached to the conditions or at or below the noise limits approved by the Local Planning Authority for a complainant's dwelling in accordance with paragraph (e) of the noise condition then no further action is necessary. If the rating level at any integer wind speed exceeds the values set out in the Tables attached to the conditions or the noise limits approved by the Local Planning Authority for a complainant's dwelling in accordance with paragraph (e) of the noise condition then the development fails to comply with the conditions.

28. No development, shall take place until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved plan shall be adhered to throughout the construction period.

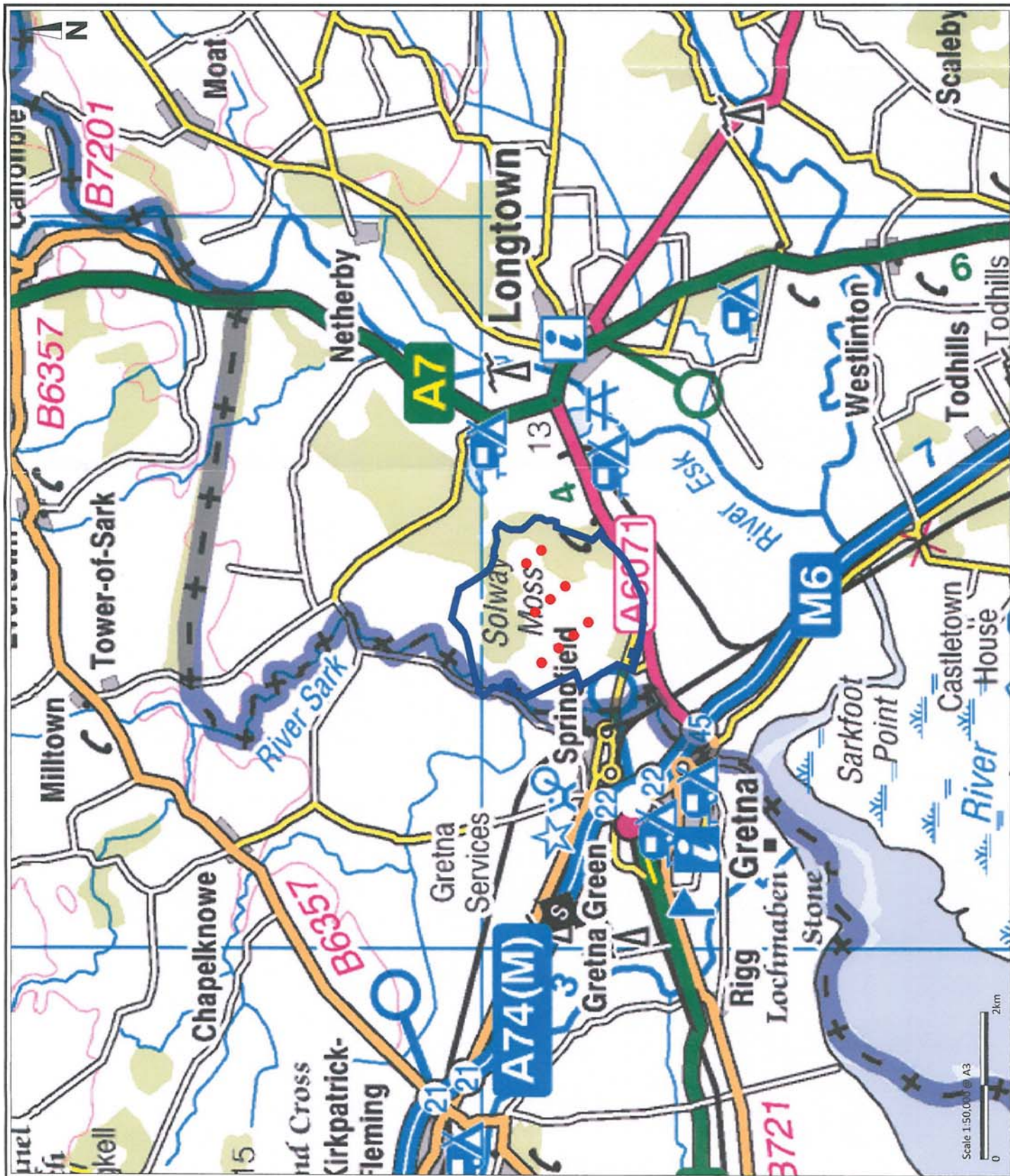
The Statement shall include:

- the means of access for demolition and construction traffic
- the loading and unloading of plant and materials;

- the storage of plant and materials used in constructing the development
- the storage of fuel and oils
- measures to prevent silt and other contaminants entering surface water drains
- a scheme for recycling/disposing of waste resulting from demolition and construction works.

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

Reason: To protect the water environment from pollution.



KEY:

- Site Boundary
- Turbine Locations

13/08/2013

REV. DESCRIPTION DATE



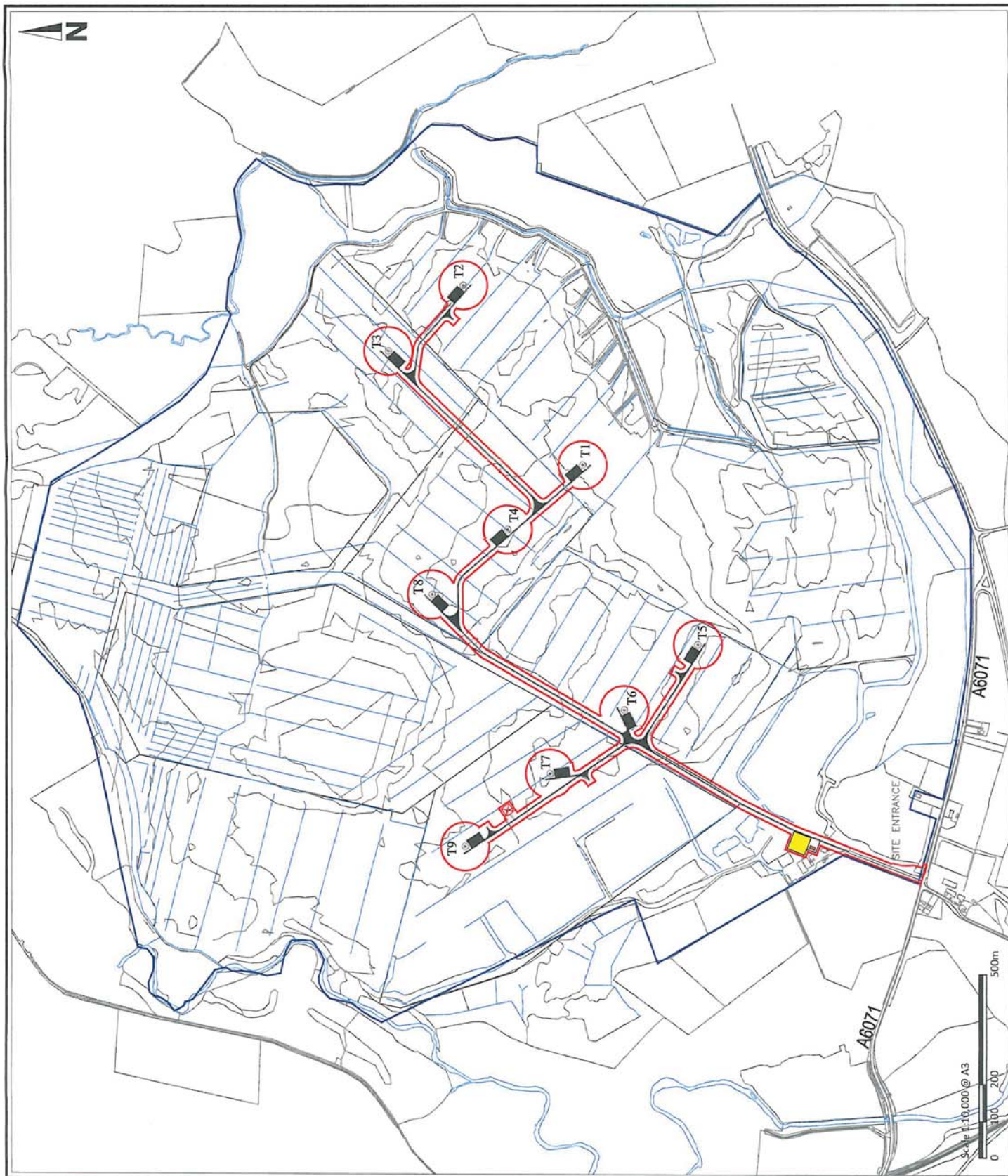
BECK BURN WIND FARM

Figure 1.1

Site Location

SCALE	1:50,000 @ A3	PROJECT NO.	JES0809
CONTENT		DRAWN	VH
CHECKED	EM	DATE	SEPTEMBER 2013

SKM ENVIROS



KEY:

	Site Boundary
	Planning Boundary
	Wind Monitoring Mast
	Access Track
	Turbine Location
	Crane Pad
	Construction Compound
	Control Building
	Drainage Channel
	A6071

RECEIVED
13/08/10
13/08/10

REV. DESCRIPTION
A A6071 SHOWN, KEY AMENDED
DATE 10.12.10

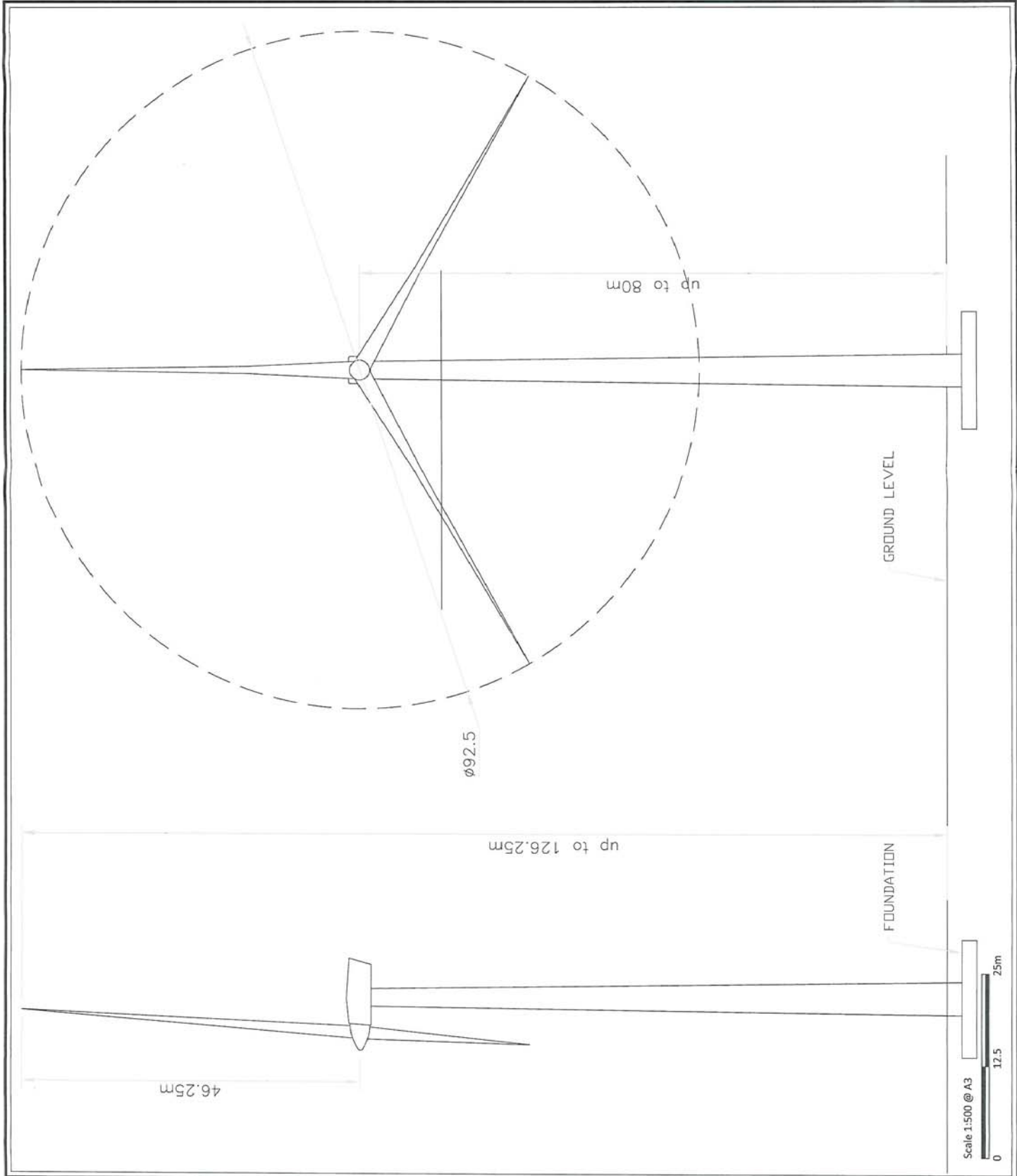


BECK BURN WIND FARM

Figure 1.3
Site Layout

SCALE	1:10,000 @ A3	PROJECT NO.	JE30809
CONTENT		DRAWN	VH
CHECKED	EM	DATE	SEPTEMBER 2013





RECEIVED
13/08/06

NB. The dimensions shown in this figure represent the maximum turbine dimensions proposed in the Beck Burn Wind Farm. The final selection of the exact type and size of wind turbine to be used for the project depends on a number of factors, including wind turbine availability at the time of construction and tendering.

REV.	DESCRIPTION	DATE
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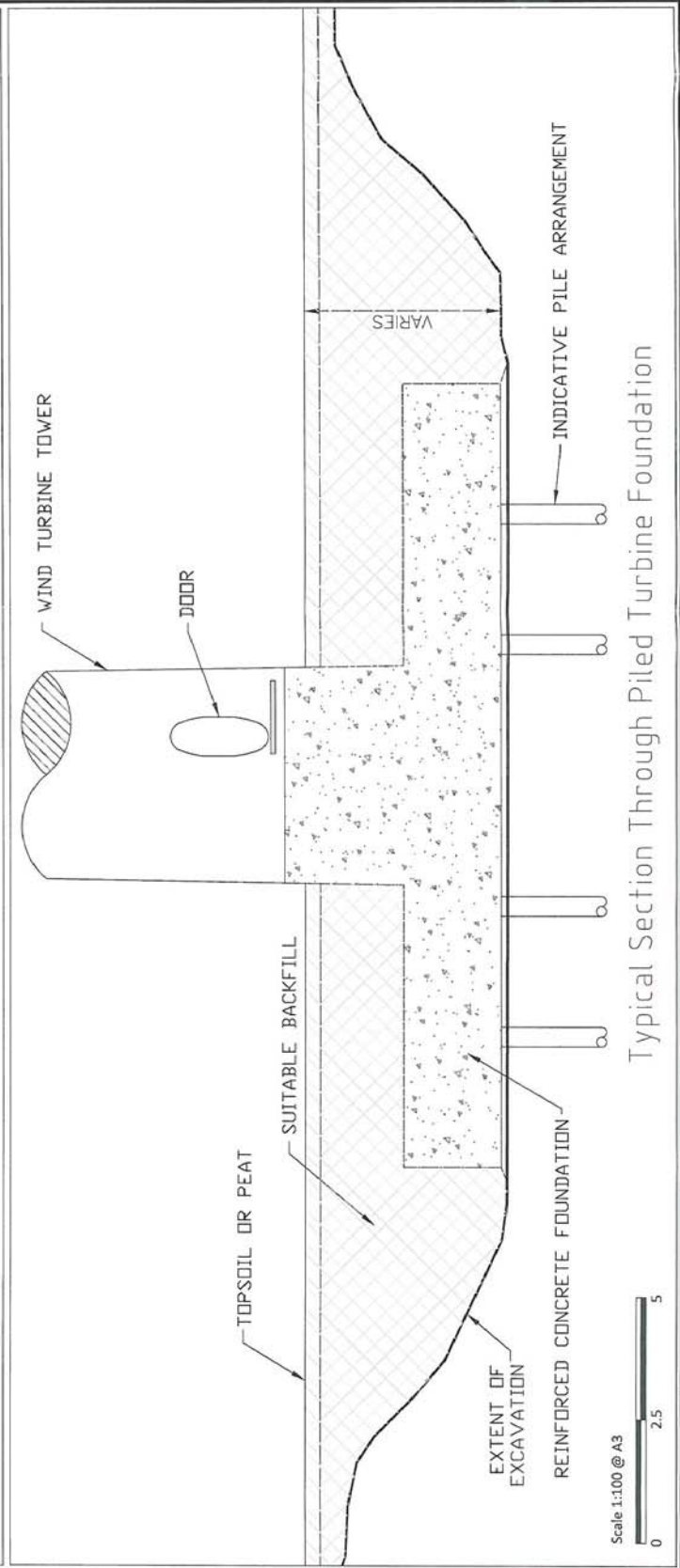
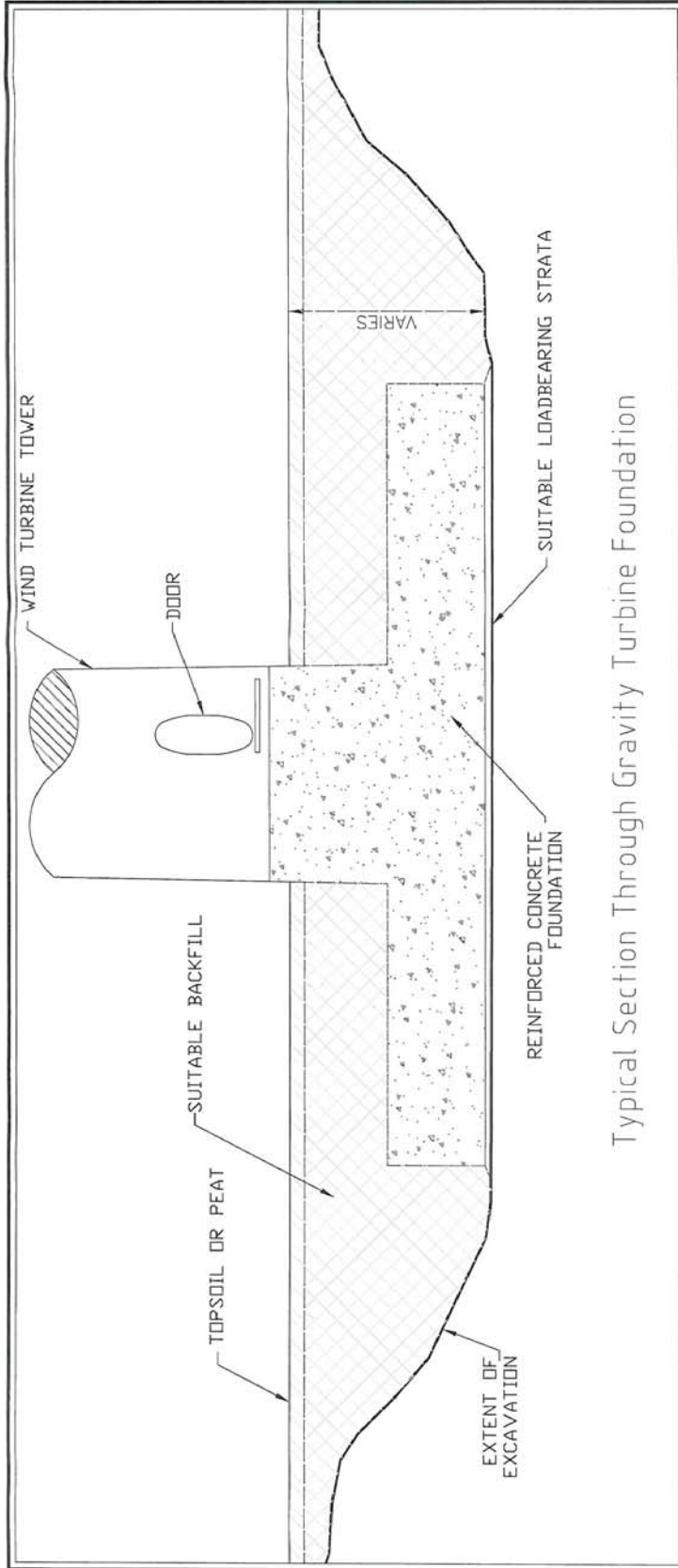
BECK BURN WIND FARM

Figure 3.3

Typical Turbine Elevations

SCALE	1:500 @ A3	PROJECT NO.	JES0809
CONTENT		DRAWN	VH
CHECKED	EM	DATE	NOVEMBER 2013





REV.	DESCRIPTION	DATE
A	DRAWING SCALE AMENDED	10.12.10



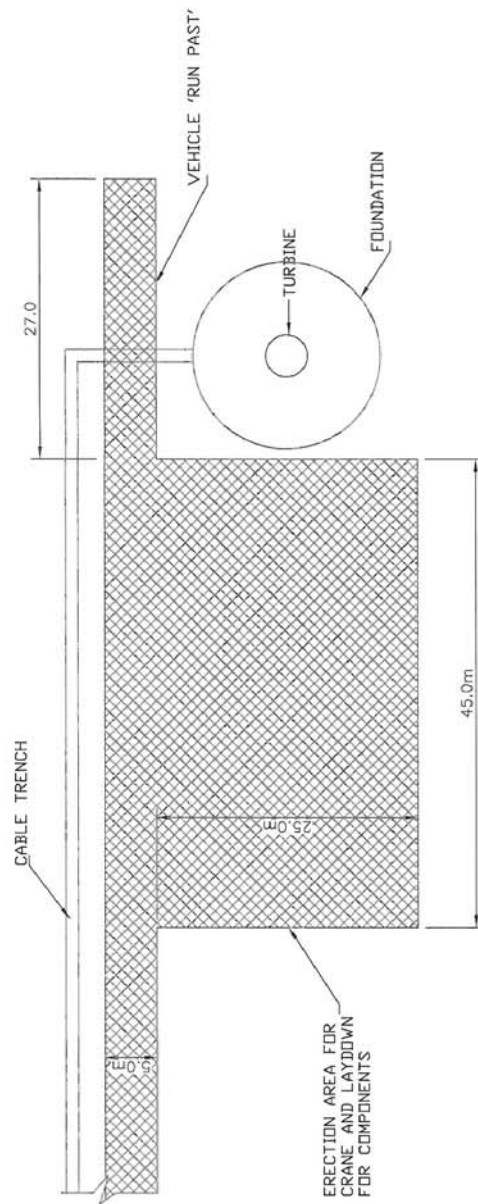
BECK BURN WIND FARM

Figure 3.9

Typical Turbine Foundations

SCALE	1:100	PROJECT NO.	JES0809
CONTENT		DRAWN	VH
CHECKED	EM	DATE	SEPTEMBER 2013





Typical Details During Turbine Erection

Scale 1:500 @ A3



(Printed at A3 scale)



REV. DESCRIPTION DATE



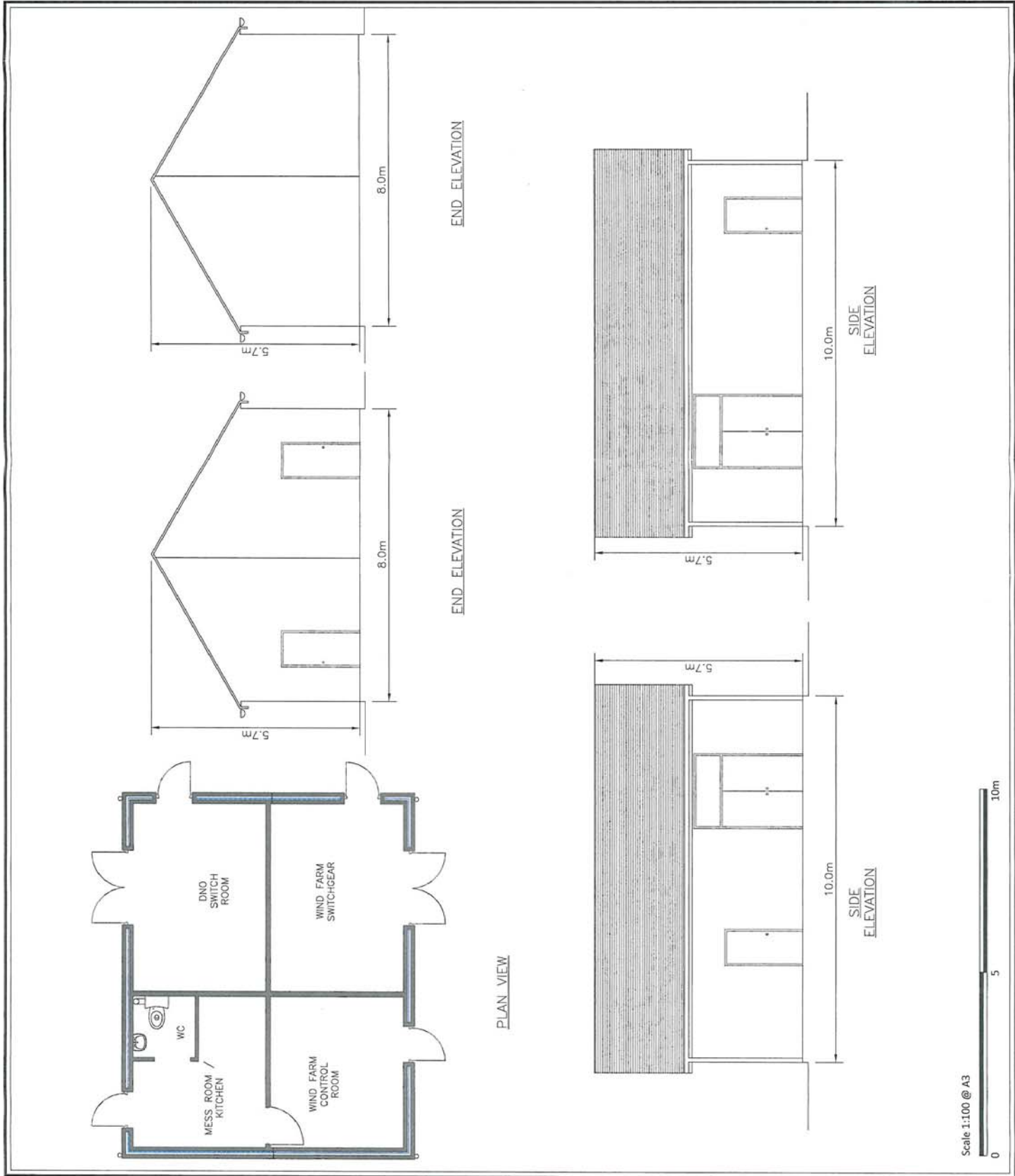
BECK BURN WIND FARM

Figure 3.4

Crane Hardstanding

SCALE	1:500 @ A3	PROJECT NO.	JES0809
CONTENT		DRAWN	VH
CHECKED	EM	DATE	SEPTEMBER 2013

SKM ENVIROS



REV. DESCRIPTION	DATE
A DRAWING SCALE AMENDED	10.12.10

BECK BURN WIND FARM

Figure 3.6

Control Building Dimensions

SCALE	1:100 @ A3	PROJECT NO.	JES0809
CONTENT		DRAWN	VH
CHECKED	EM	DATE	SEPTEMBER 2013



(Printed at A3 scale)

REV.	DESCRIPTION	DATE

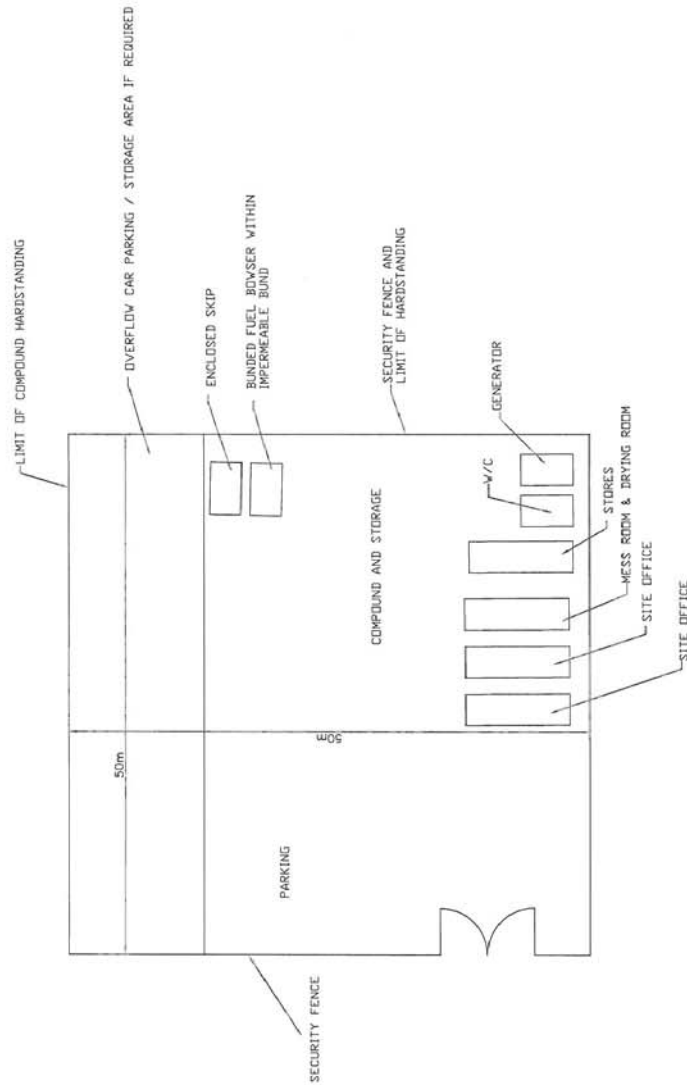


BECK BURN WIND FARM

Figure 3.8

Construction Compound

SCALE	1:500 @ A3	PROJECT NO.	JES0809
CONTENT		DRAWN	VH
CHECKED	EM	DATE	SEPTEMBER 2013



Scale 1:500 @ A3





(Printed at A3 scale)

REV. DESCRIPTION DATE

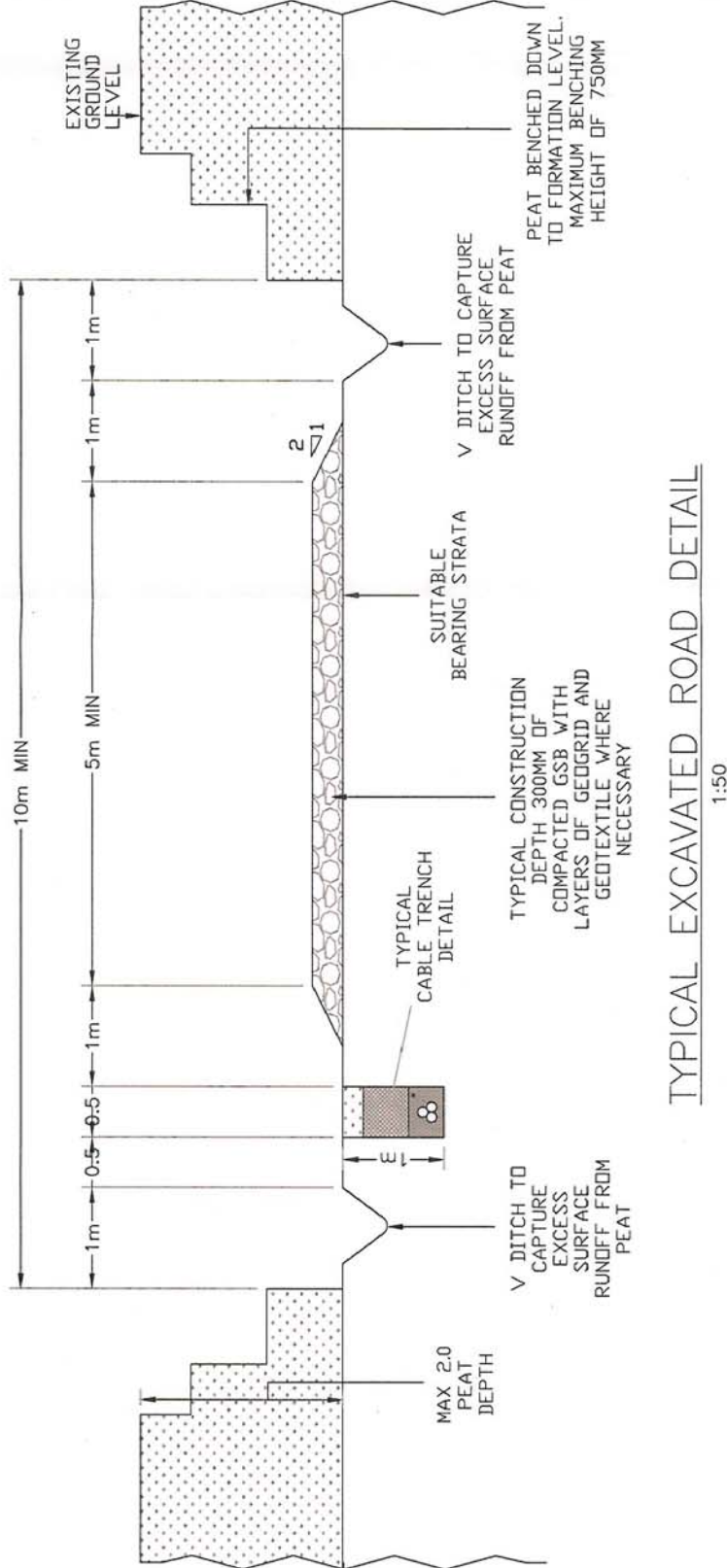


BECK BURN WIND FARM

Figure 3.5

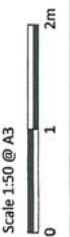
Typical Road Construction

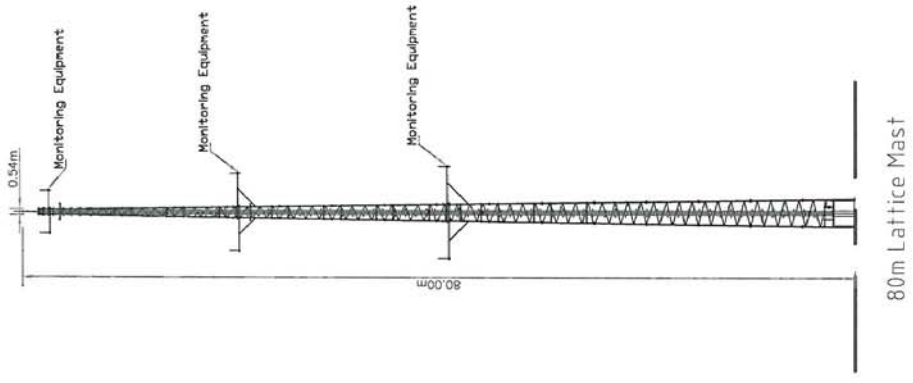
SCALE	1:50 @ A3	PROJECT NO.	JE10475
CONTENT		DRAWN	VH
CHECKED	EM	DATE	12/10/2010



TYPICAL EXCAVATED ROAD DETAIL

1:50





BECK BURN WIND FARM

Figure 3.10

Met Mast



REV.	DESCRIPTION	DATE
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SCALE	1:500 @ A3	PROJECT NO.	JES0809
CONTENT		DRAWN	VH
CHECKED	EM	DATE	SEPTEMBER 2013



SCHEDULE A: Applications with Recommendation

14/0332

Item No: 02

Date of Committee: 29/08/2014

Appn Ref No:
14/0332

Applicant:
Mr Thompson

Parish:
Wetheral

Agent:
Holt Planning Consultancy
Ltd

Ward:
Great Corby & Geltsdale

Location: Land between Four Oaks and Fell View, Burnrigg, Warwick Bridge, Cumbria

Proposal: Erection Of 1No. Affordable Dwelling (Outline Application)

Date of Receipt:
14/04/2014 23:00:13

Statutory Expiry Date
09/06/2014 23:00:13

26 Week Determination

REPORT

Case Officer: Stephen Daniel

1. Recommendation

- 1.1 It is recommended that this application is refused.

2. Main Issues

- 2.1 Whether The Proposal Is Acceptable In Principle
- 2.2 Whether The Scale & Design Would Be Acceptable
- 2.3 Impact Of The Proposal On The Living Conditions Of The Occupiers Of Neighbouring Dwellings
- 2.4 Affordable Housing
- 2.5 Highway Matters

3. Application Details

The Site

- 3.1 This application was deferred at the last meeting of the Development Control Committee in order to seek clarification from County Highways about the proposed access and in order to undertake a site visit.

- 3.2 The application site currently forms part of a field that lies on the edge of Burnrigg and approximately 600m from the edge of Warwick Bridge. A former land settlement dwelling, which sits within a large plot, adjoins the site to the south. A further former land settlement dwelling lies approximately 70m to the north of the site, with a field being located in between, which contains a large wooden shed. Fields adjoin the site to the rear.
- 3.3 The road from Warwick Bridge to Burnrigg runs to the front of the site. A hedge and a narrow verge separate the field from the road. There is an existing field gate, in the south-west corner of the site, which provides access.

The Proposal

- 3.4 The proposal is seeking outline planning permission for the erection of an affordable dwelling on this site. The indicative plan that has been submitted with the application, shows a large detached property being centrally located within the site. A double garage is shown attached to the western side of the dwelling.
- 3.5 A new access would be created from the adjacent highway, in the south-west corner of the site, with the existing access being removed and replaced by hedgerow. Part of the hedgerow along the front of the site would need to be transplanted back from the road, with part being trimmed back, in order to achieve the required visibility. The new access would provide access to the parking area/ garage to the front of the dwelling and to the retained section of field to the rear of the site.
- 3.6 The applicant has also applied for outline planning permission for the erection of two dwellings on an additional site, that lies approximately 240m to the north, towards Warwick Bridge (14/0360). The applicant has suggested that these two sites may be linked although not a prerequisite of this application. One of these dwellings would be an open market house and this would be partly fund the erection of an affordable dwelling on this site. The two sites would therefore provide 66% of the units as affordable. The two sites could be linked by a S106 Agreement.

4. Summary of Representations

- 4.1 This application has been advertised by means of a site notice as well as notification letters sent to fourteen properties. Thirteen letters of support and one letter of comment have been received. The letters of support make the following points:
- support the proposals as they will give much needed affordable housing in the Parish where house prices are at their peak in the Carlisle area;
 - more affordable housing for local people is very important to the community and is essential to retain local people in their local area;

- younger generation can't pay the house prices in rural areas and are forced to live in the city, when their core support is in the rural area;
- support this proposal as it will help to deliver affordable housing on the Greenacres site;
- it is heartening to see that the Parish Council is in support of the proposals and recognises that there is significant need for these type of proposals in order to deliver affordable housing in the parish;
- the dwellings would a few minutes walk away from a vast number of local services including supermarkets, doctors, butchers and regular bus services in Warwick Bridge;
- the proposal can only benefit the local community and keep the village flourishing;
- more development would mean more options and choice both to people looking to move within and into this area;
- the sympathetic arrangement of the proposed dwelling, coupled with the proactive approach taken in relation to providing affordable housing should carry great positive weight for this application;
- the proposal appears a well designed and considered application that in the context of the current housing situation, nationally and locally, should be viewed favourably and therefore approved;
- this application is a suitable use for the existing land;
- the new dwellings will blend in well with the local landscape and existing neighbouring dwellings which adjoin the proposed development;
- application 13/0941 at Broadwath Holdings was granted planning permission earlier this year;

- 4.2 The letter of comment has enquired if permission is granted would adjoining properties, which include Fell View, automatically be give planning permission if required?

5. Summary of Consultation Responses

Cumbria County Council - (Econ. Dir. Highways & Transportation): - no objections, subject to conditions;
 Wetheral Parish Council: - support - no observations;
 Northern Gas Networks: - no objections;
 Local Environment - Environmental Protection: - no objections, subject to conditions;
 United Utilities: - no objections. Surface water should drain in the most sustainable way. All hard standing areas should be permeable.
 Housing: - the sites are not ideally located for affordable housing (in respect

of proximity to public transport, services & amenities), as they are both in the countryside outside Warwick Bridge – although neither is particularly deeply rural. Application 14/0360 is the better located of the two sites, as it is slightly closer to Warwick Bridge, and there is a footpath adjacent to the proposed dwellings. Carlisle's Housing Need and Demand Study (November 2011) identified that 71% of the affordable housing need was for social or affordable rental accommodation. However, these sites would be unlikely to be suitable/viable to a local Housing Association. If the applicant wished to let them on an affordable rental basis themselves, the rent must be no more than 80% of a market rent (to be assessed by a RICS qualified surveyor and agreed with the Council) The applicant would need to provide the Council with a policy or proposal for allocating the properties to local people in need of affordable housing. Alternatively, there is a smaller need for low cost home ownership properties. The Council manages a discounted sale scheme with properties sold at a 30% discount from open market value, which also applies upon each successive resale. Smaller properties would be preferable, as we have had problems in the past on rural schemes where even with a 30% discount they weren't affordable. The Housing Need and Demand Study states that the largest requirement for affordable housing by property size in the Rural Carlisle East Housing Market Area is for 45.9% 2-bed properties, followed by 24.1% 3-bed.

6. Officer's Report

Assessment

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

1. Whether The Proposal Would Be Acceptable In Principle

6.2 The proposal is seeking to erect a new affordable dwelling within part of a field on the edge of Burnrigg. Whilst a dwelling adjoins the site to the south, a field is located to the south of this dwelling. The dwelling to the north is approximately 70m to the north of site boundary and is separated from it by a field, which contains a large timber shed. The area is, therefore, characterised by sporadic development, with dwellings interspersed with fields. Given that the site is not located within a settlement (it is approximately 600m to the edge of Warwick Bridge), with open fields being located to the north, east and west (on the opposite side of the road), the proposal would be contrary to Policies DP1 and H1 of the Carlisle District Local Plan 2001-2016.

6.3 Para 55 of the National Planning Policy Framework (NPPF) states that to promote sustainable development in rural areas housing should be located where it will enhance or maintain the vitality of rural communities. It also states that Local Planning Authorities should avoid new isolated homes in the countryside, unless there are special circumstances. The applicant has put forward a number of reasons why he considers that the erection of an

affordable dwelling on this site should be permitted:

- there is a dire under supply of affordable housing in the rural area and a lack of bungalows;
- there is a need to boost housing supply and greater flexibility and latitude should be given to proposals that provide additional housing;
- an affordable dwelling on this site would help to provide an affordable unit on a further site, which is the subject of a current application for two dwellings (one affordable) (14/0360). This would equate to 66% of the units across the two sites being affordable;
- the NPPF has a presumption in favour of 'sustainable development';
- dwellings on this site would be within 0.5 miles of Warwick Bridge and would support services in this settlement;
- the development would offer a 'roadside' infill opportunity near to the hamlet of Burnrigg and in landscape terms the impact would be marginal;
- a dwelling on this site would be a logical infilling with no significant harm;
- the benefits of the scheme would significantly and demonstrably outweigh the marginal adverse impacts of the proposals

6.4 Whilst the above special circumstances are noted, these are not considered to be sufficient enough to justify the erection of a new dwelling in this location. Members should note that the Council does have a five year supply of housing plus a 20% buffer and is allocating housing sites to take account of the backlog in the delivery of housing.

6.5 Whilst Policy H6 (Rural Exception Sites) does allow affordable housing in locations where market housing would not usually be permitted, the sites still have to be well related to the settlement where the need is identified and respect local landscape character. This site is not considered to be well related to Warwick Bridge. Indeed, the Council's Housing Development Officer has stated that the site is not ideally located for affordable housing, in respect of proximity to public transport, services and amenities and there is no footpath to the site.

6.6 The erection of a new dwelling in this location would, therefore, be contrary to policy.

2. Whether The Scale And Design Of The Proposals Would Be Acceptable

6.7 The application is in outline, with all matters (except access) reserved for subsequent approval. The scale and design of the dwelling would, therefore, be dealt with in a Reserved Matters application. If the dwelling is to be affordable, the size of the dwelling would need to be significantly reduced from that shown on the indicative plan.

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

6.8 Given the relationship of the site to existing dwellings, any dwelling on this site would comply with the Council's standards on minimum distances between

dwellingings.

4. Affordable Housing

- 6.9 The applicant is proposing to erect an affordable dwelling on this site, which could be either for affordable rent or discounted sale. The Council's Housing Development Officer considers that this site would be unlikely to be suitable/viable as a Housing Association property. If the applicant wanted to let the dwelling on an affordable rental basis themselves, the rent must be no more than 80% of a market rent and the applicant would need to provide the Council with a policy or proposal for allocating the property to local people in need of affordable housing. If the dwelling is for discounted sale, smaller properties would be preferable as there have been problems in the past on rural schemes, where even a 30% discount does not make the scheme affordable.
- 6.10 As referred to in paragraph 3.5 of this report, the applicant has offered to link application 14/0360 which would include an affordable bungalow. If both applications were approved, this link would be undertaken through a S106 legal agreement.
- 6.11 The Council's Housing Development Officer has raised concerns about the location of the housing, which he considers is not ideally located for affordable housing, in respect of public transport, services and amenities.

5. Highway Matters

- 6.12 County Highways has no objections to the proposal, subject to the imposition of conditions. One of the conditions covers the provision of visibility splays of 2.4m by 56m and these have been agreed as acceptable by County Highways following the submission of a speed survey by the applicant.

Conclusion

- 6.13 In overall terms, the proposed dwelling would be sited on part of a field and would not lie within or adjacent to a settlement. Whilst the applicant has put forward some special circumstances these are not considered to be sufficient enough to justify the erection of a dwelling in this location. Erecting a dwelling on this site would, therefore, be contrary to Policies DP1 & H1 of the Carlisle District Local Plan 2001-2016 and Paragraph 55 of the NPPF.

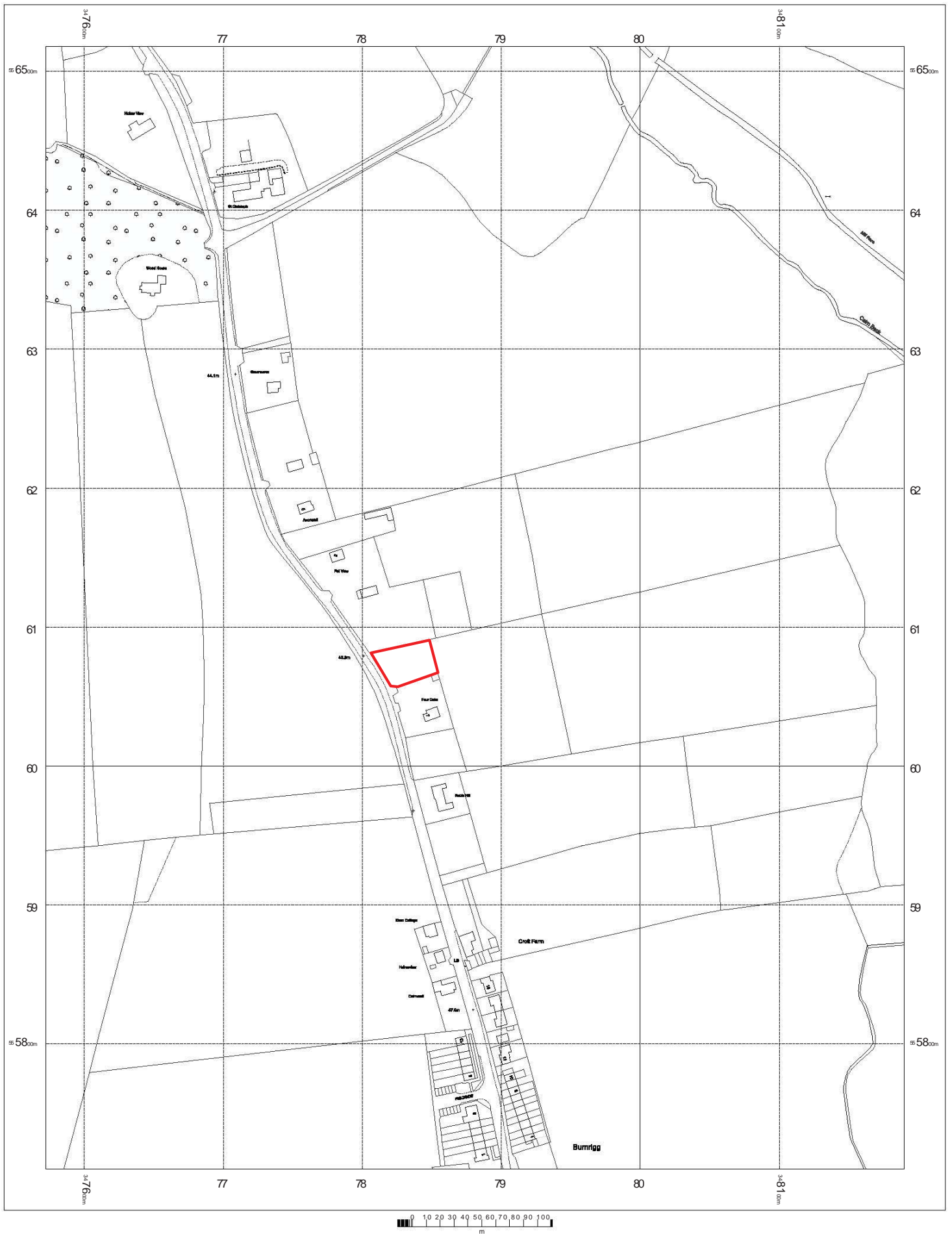
7. Planning History

- 7.1 In July 2013, an outline application for the erection of a dwelling on this site was withdrawn prior to determination (13/0397).

8. Recommendation: Refuse Permission

1. **Reason:** The application site lies outside a settlement in an unsustainable location. The National Planning Policy

Framework (NPPF) states that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances. The special circumstances put forward by the applicant are not considered to be sufficient to justify a new dwelling in this location. The proposal is, therefore, contrary to Policies DP1 & H1 of the Carlisle District Local Plan 2001-2016 and Paragraph 55 of the National Planning Policy Framework.



LOCATION PLAN

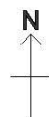
1:2500

Land btw "Four Oaks" &
"Fell View",
Burnrigg-Warwick
Bridge, Carlisle.

OS Mastermap
06 February 2013, ID: MDP-00205977
www.malcolmhughes.co.uk

1:2500 scale print at A3, Centre: 347881 E, 556114 N

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MALCOLM HUGHES
LAND SURVEYORS

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OS Ordnance
Survey

Tel: 0161 926 0650



REV	DESCRIPTION	BY	CHK	APP	DATE
A	DESIGN VISIBILITY SPLAYS TO THE SOURCE OF TRAFFIC ON THE A167	TH	NB	NB	18.06.14

Client: NIGEL THOMPSON DEVELOPMENTS

2 St. James Gate
Newcastle Upon Tyne
NE1 1AD
TEL: +44 (0)191 255 7300
Project No: A081087
e-mail: newcast@wyg.com



Project: LAND AT FOUR OAKS, BURNRIGG

Drawing Title: PROPOSED SITE ACCESS JUNCTION
VISIBILITY SPLAYS & GRADIENTS

Scale @ A1	Drawn	Checked	Date	Approved	Date
1:200	TH	NB	JUN 14	NB	JUN 14
Project No.	Office	Type	Drawing No.	Revision	
A081087	21	TP	C002	A	



REV	DESCRIPTION	BY	CHK	APP	DATE
A	DESIGN VISIBILITY SPLAYS TO THE SOURCE OF TRAFFIC ON THE ADJACENT ROAD	TH	NB	NB	18/06/14

Client: NIGEL THOMPSON DEVELOPMENTS

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Project: LAND AT FOUR OAKS, BURNRIGG

Drawing Title: PROPOSED SITE ACCESS JUNCTION
VISIBILITY SPLAYS & GRADIENTS

Scale @ A1	Drawn	Checked	Date	Approved	Date
1:200	TH	NB	JUN 14	NB	JUN 14
Project No.	Office	Type	Drawing No.	Revision	
A081087	21	TP	C002	A	

SCHEDULE A: Applications with Recommendation

14/0360

Item No: 03

Date of Committee: 29/08/2014

Appn Ref No:
14/0360

Applicant:
Mr Thompson

Parish:
Wetheral

Agent:
Holt Planning Consultancy
Ltd

Ward:
Great Corby & Geltsdale

Location: Land Adj Greenacre, Burnrigg, Warwick Bridge, Cumbria

Proposal: Erection Of 2no. Dwellings (Including 1no. Affordable Housing) (Outline Application)

Date of Receipt:
28/04/2014

Statutory Expiry Date
23/06/2014

26 Week Determination

REPORT

Case Officer: Stephen Daniel

1. Recommendation

- 1.1 It is recommended that this application is refused.

2. Main Issues

- 2.1 Whether The Proposal Is Acceptable In Principle
- 2.2 Whether The Scale & Design Would Be Acceptable
- 2.3 Impact Of The Proposal On The Living Conditions Of The Occupiers Of Neighbouring Dwellings
- 2.4 Affordable Housing
- 2.5 Highway Matters

3. Application Details

The Site

- 3.1 This application was deferred at the last meeting of the Development Control Committee in order to allow further discussions to take place between the applicant and County Highways about the proposed access and visibility splays and in order to undertake a site visit.

- 3.2 The application site forms a field that is currently used for the grazing of horses. A dwelling (Greenacres), which has some stables within the curtilage, lies to the south of the site and is separated from it by a track that provides access to fields. A track, which is a Public Right of Way and which provides access to Warwick Mill Business Centre and Warwick Bridge adjoins the site to the north, with a dwelling (St Christoph) being located beyond this. A dwelling (Wood House) and fields lie to the west of the site, with fields also adjoining the site to the east (rear).
- 3.3 The road from Warwick Bridge to Burnrigg runs to the front of the site, with Warwick Bridge being located approximately 350m to the north of the site. A hedge and a narrow verge separates the field from the road. There is an existing field gate in the centre of the hedge, which provides access to the field.

The Proposal

- 3.4 The proposal is seeking outline planning permission for the erection of two dwellings on this site, one of which would be an affordable bungalow. The indicative plan that has been submitted with the application, shows a three-bed detached bungalow on the northern part of the site, with a four bed detached dwelling shown on the southern part of the site. A detached double garage is shown to the north of the dwelling.
- 3.5 The existing access gate would be used to provide access to the site. Part of the hedgerow along the front of the site would need to be transplanted back from the road in order to improve the visibility and this would need to be maintained at 1m in height. The new access would provide access to two parking spaces for the bungalow, two visitor spaces and to the detached double garage. The indicative plan also shows a new footpath link being created to the rear of the site and this would link into the Public Right of Way that runs along the northern boundary of the site and which provides pedestrian access to Warwick Bridge.
- 3.6 The applicant has also applied for outline planning permission for the erection of one affordable dwelling on a further site that lies approximately 240m to the south, towards Burnrigg (14/0332). The two sites could be linked by a S106 Agreement.

4. Summary of Representations

- 4.1 This application has been advertised by means of a site notice as well as notification letters sent to nineteen properties. Nine letters of support and one letter of objection have been received. The letters of support make the following points:
- support the proposals as they will give much needed affordable housing in the Parish where house prices are at their peak in the Carlisle area;

- more affordable housing for local people is very important to the community and is essential to retain local people in their local area;
- younger generation can't pay the house prices in rural areas and are forced to live in the city, when their core support is in the rural area;
- it is heartening to see that the Parish Council is in support of the proposals and recognises that there is significant need for these type of proposals in order to deliver affordable housing in the parish;
- the dwellings would a few minutes walk away from a vast number of local services including supermarkets, doctors, butchers and regular bus services in Warwick Bridge;
- the proposal can only benefit the local community and keep the village flourishing;
- more development would mean more options and choice both to people looking to move within and into this area;
- the sympathetic arrangement of the proposed dwelling, coupled with the proactive approach taken in relation to providing affordable housing should carry great positive weight for this application;
- the proposal appears a well designed and considered application that in the context of the current housing situation, nationally and locally, should be viewed favourably and therefore approved;
- this application is a suitable use for the existing land;
- the new dwellings will blend in well with the local landscape and existing neighbouring dwellings which adjoin the proposed development;
- application 13/0941 at Broadwath Holdings was granted planning permission earlier this year;

4.2 The letter of objection makes the following points:

- the proposed development would be positioned in open countryside and the effect on the landscape character would still be inappropriate for (market) housing and so on balance the proposals would still cause net harm;
- concerned about drainage and the possible impact on nearby watercourses;
- vehicles drive significantly over the speed limit on this road, which has a history of accidents, particularly down the hill from the proposed development site - it would not make sense to increase the volume of traffic on this section of the road, particularly slow moving vehicles joining and departing the road just over the brow of a hill.

5. Summary of Consultation Responses

Cumbria County Council - (Econ. Dir. Highways & Transportation): - no objections subject to conditions and the applicant submitting a revised plan to show the proposed access/ visibility splays;

subs to the proposal as the required visibility splays cannot be achieved;

Wetheral Parish Council: - objects on the grounds of highway concerns - this is a busy local road and the site is situated just over the brow of a hill, with poor visibility;

Local Environment - Environmental Protection: - no objections;

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

Northern Gas Networks: - no objections;

United Utilities: - no objections. Surface water should drain in the most sustainable way. All hard standing areas should be permeable;

Housing: - the sites are not ideally located for affordable housing (in respect of proximity to public transport, services & amenities), as they are both in the countryside outside Warwick Bridge – although neither is particularly deeply rural. Application 14/0360 is the better located of the two sites, as it is slightly closer to Warwick Bridge, and there is a footpath adjacent to the proposed dwellings. Carlisle's Housing Need and Demand Study (November 2011) identified that 71% of the affordable housing need was for social or affordable rental accommodation. However, these sites would be unlikely to be suitable/viable to a local Housing Association. If the applicant wished to let them on an affordable rental basis themselves, the rent must be no more than 80% of a market rent (to be assessed by a RICS qualified surveyor and agreed with the Council) The applicant would need to provide the Council with a policy or proposal for allocating the properties to local people in need of affordable housing. Alternatively, there is a smaller need for low cost home ownership properties. The Council manages a discounted sale scheme with properties sold at a 30% discount from open market value, which also applies upon each successive resale. Smaller properties would be preferable, as we have had problems in the past on rural schemes where even with a 30% discount they weren't affordable. The Housing Need and Demand Study states that the largest requirement for affordable housing by property size in the Rural Carlisle East Housing Market Area is for 45.9% 2-bed properties, followed by 24.1% 3-bed.

6. Officer's Report

Assessment

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

1. Whether The Proposal Would Be Acceptable In Principle

6.2 The proposal is seeking to erect two new dwellings within a field that is

located approximately 350m from the edge of Warwick Bridge. Whilst dwellings adjoin the site to the north, south and west, the area is characterised by sporadic development, with dwellings interspersed with gaps. Given that the site is not located within or adjacent to a settlement (it is approximately 350m to the edge of Warwick Bridge), the proposal would be contrary to Policies DP1 and H1 of the Carlisle District Local Plan 2001-2016.

- 6.3 Para 55 of the National Planning Policy Framework (NPPF) states that to promote sustainable development in rural areas housing should be located where it will enhance or maintain the vitality of rural communities. It also states that Local Planning Authorities should avoid new isolated homes in the countryside, unless there are special circumstances. The applicant has put forward a number of reasons why he considers that the erection of a dwelling on this site should be permitted:

- one of the dwellings would be an affordable bungalow and an additional affordable dwelling would be provided on a further site (14/0332) for which there is a desperate need in the area;
- there is a dire under supply of affordable housing in the rural area and a lack of bungalows;
- there is a need to boost housing supply and greater flexibility and latitude should be given to proposals that provide additional housing;
- the NPPF has a presumption in favour of 'sustainable development';
- dwellings on this site would be within 0.3 miles of Warwick Bridge and would support services in this settlement;
- development on this site would be a logical consolidation of this characteristically developed roadside landscape;
- the scheme has been reduced from 5 dwellings to 2 dwellings in order to reflect more sympathetically the 'grain' of the surrounding housing development both along the ribbon down to Burnrigg as well as the appreciable cluster at this junction with the pedestrian access to Warwick Bridge;
- the proposed dwellings would be infill with no demonstrable significant harm;
- in landscape terms the impact would be marginal;
- the scale and layout of the houses would nestle effortlessly behind the retained mature boundary hedges;
- the benefits of the scheme would significantly and demonstrably outweigh the marginal adverse impacts of the proposals

- 6.4 Whilst the above special circumstances are noted, these are not considered to be sufficient enough to justify the erection of new dwellings in this location. Members should note that the Council does have a five year supply of housing plus a 20% buffer and is allocating housing sites to take account of the backlog in the delivery of housing.

- 6.5 Whilst Policy H6 (Rural Exception Sites) does allow affordable housing in locations where market housing would not usually be permitted, the sites still have to be well related to the settlement where the need is identified and respect local landscape character. This site is not considered to be well related to Warwick Bridge. Indeed, the Council's Housing Development

Officer has stated that the site is not ideally located for affordable housing, in respect of proximity to public transport, services and amenities.

- 6.6 The erection of new dwellings in this location would, therefore, be contrary to policy.

2. Whether The Scale And Design Of The Proposals Would Be Acceptable

- 6.7 The application is in outline, with all matters (except access) reserved for subsequent approval. The scale and design of the dwellings would, therefore, be dealt with in a Reserved Matters application.

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

- 6.8 Given the relationship of the site to existing dwellings, any dwelling on this site would comply with the Council's standards on minimum distances between dwellings.

4. Affordable Housing

- 6.9 The site covers an area of 0.28 hectares and so an affordable housing contribution of 10% would be required. In order to deal with this requirement the applicant is proposing to provide one affordable unit on this site which would equate to 50%. He is also proposing to erect an affordable dwelling on another site (14/0332). If the two sites are considered together, this would equate to a 66% contribution. The two sites could be linked by a Section 106 Agreement if this was considered appropriate.

- 6.10 This site with or without the addition of site 14/0322 provides for affordable housing with a cross subsidy to pay for that development from open market housing. The NPPF has introduced the potential for cross subsidy of market housing to assist with affordable housing delivery. Paragraph 54 states that Local Planning Authorities should consider whether allowing some market housing would facilitate the provision of significant additional affordable housing to meet local needs. This application is for only two dwellings and with application 14/0322 the total number of units is 3. This does not comply with the intention of the NPPF to assist in affordable housing delivery which is aimed at more comprehensive schemes rather than piecemeal development throughout the countryside.

- 6.11 The Council's Housing Development Officer considers that the proposed affordable dwelling would be unlikely to be suitable/ viable to a local Housing Association property. If the applicant wanted to rent the property on an affordable basis themselves, the rent must be no more than 80% of a market rent and the applicant would need to provide the council with a policy or proposal for allocating the properties to local people in need of affordable housing. The Housing Development Officer has raised concerns about the location of the housing, which he considers is not ideally located for affordable housing, in respect of public transport, services and amenities.

5. Highway Matters

- 6.12 Wetheral Parish Council has objected to the proposal on highway grounds. It notes that the access would be onto a busy road, situated just over the brow of a hill, with poor visibility.
- 6.13 County Highways, however, has no objections to the proposals subject to the imposition of conditions. This is following clarification that the roadside hedge would be set back for about 3/4 of its length to form the visibility splays and the remaining hedge fronting Burnrigg Road would be reduced in height to 1m to ensure that the two properties would be clearly visible above the line of the hedge; the access would be 4.8m wide and have a splayed tarmaced crossing of the verge which would be 10m wide at the edge of the carriageway; (the existing field gate is about 3m wide and so the proposed access would be considerably larger and would be much more distinct than existing); and to further highlight the access a black/white bollard with a red/white reflector would be installed in the verge either side of the access.

Conclusion

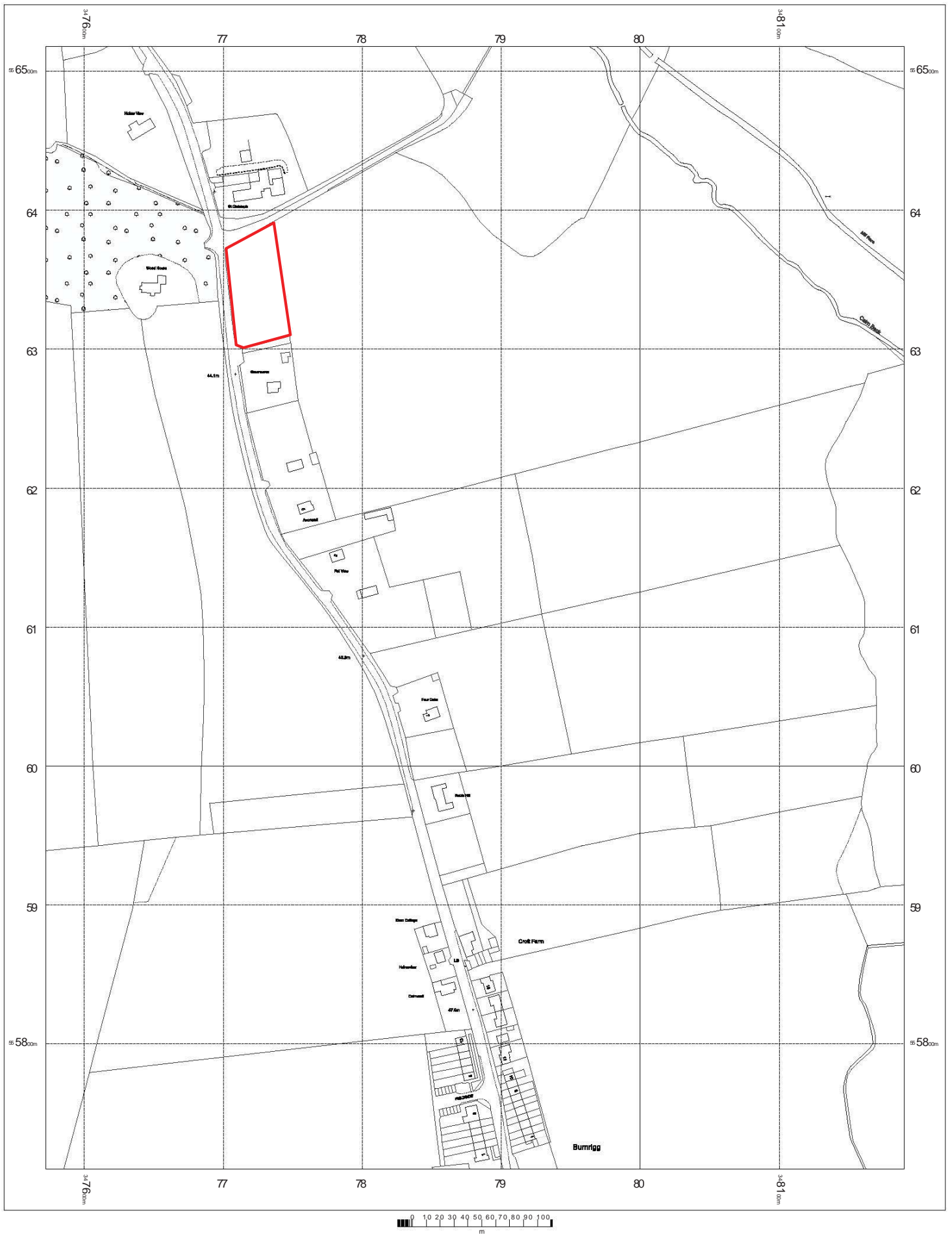
- 6.14 In overall terms, the proposed dwellings would be sited in a field that does not lie within or adjacent to a settlement. Whilst the applicant has put forward some special circumstances these are not considered to be sufficient enough to justify the erection of dwellings in this location. The erection of dwellings on this site would, therefore, be contrary to Policies DP1 and H1 of the Carlisle District Local Plan 2001-2016 and Paragraph 55 of the NPPF. In addition, County Highways has recommended that the application should be refused as the required visibility cannot be achieved.

7. Planning History

- 7.1 In July 2013, an outline application for the erection of 5no. dwellings (including 2no. affordable housing) was withdrawn prior to determination (13/0396).

8. Recommendation: Refuse Permission

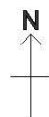
1. **Reason:** The application site lies outside a settlement in an unsustainable location. The National Planning Policy Framework (NPPF) states that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances. The special circumstances put forward by the applicant are not considered to be sufficient to justify new dwellings in this location. The proposal is, therefore, contrary to Policies DP1 & H1 of the Carlisle District Local Plan 2001-2016 and Paragraphs 54 and 55 of the National Planning Policy Framework.
-



LOCATION PLAN
1:2500

Land adj. "Greenacres"
Burnrigg-Warwick
Bridge, Carlisle.

OS Mastermap
06 February 2013, ID: MDP-00205977
www.malcolmhughes.co.uk
1:2500 scale print at A3, Centre: 347881 E, 556114 N
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Tel: 0161 926 0650



No.	Date	Revision	Initial

ALPHA DESIGN
 Architectural Services
 Member of the Chartered Institute of
 Architectural Technologists
 Tel: 01900 829199 email: go@edcumbria.co.uk

Project
 LAND ADJACENT TO 'GREENACRES',
 WARWICK BRIDGE,
 CARLISLE

Client
 NIGEL THOMPSON
 DEVELOPMENTS LTD

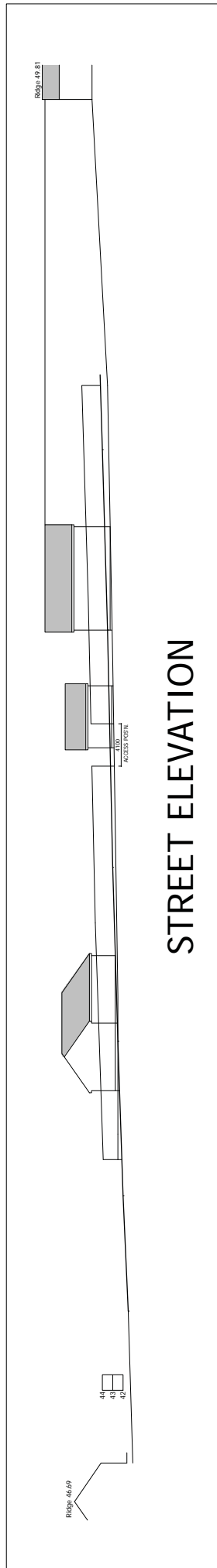
Drawing
 REVISED SITE PLAN

Scale 1:200 @ A1 Drawn GB

Checked Date FEBRUARY 2014

Drawing No.
 13/01/790 - 04

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No.	Date	Revision	Initial

ALPHA DESIGN

Architectural Services
Member of the Chartered Institute of
Architectural Technologists

Tel: 01900 829199 email: gb@adacumbria.co.uk

Project

LAND ADJACENT TO 'GREENACRES',
WARWICK BRIDGE,
CARLISLE

Client

**NIGEL THOMPSON
DEVELOPMENTS LTD**

Drawing

STREET ELEVATION

Scale	1 200 @ A1	Drawn	G8
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Checked	Date	APRIL 2014
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Drawing No.

13/01/790 - 05

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SCHEDULE A: Applications with Recommendation

14/0414

Item No: 04

Date of Committee: 29/08/2014

Appn Ref No:
14/0414

Applicant:
Mr Percival

Parish:
Wetheral

Agent:
Positive Planning Solutions

Ward:
Wetheral

Location: Land Part Field 6259, Scotby, Carlisle

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

Date of Receipt:
19/05/2014

Statutory Expiry Date
14/07/2014

26 Week Determination

REPORT

Case Officer: Stephen Daniel

1. Recommendation

- 1.1 It is recommended that this application is refused.

2. Main Issues

- 2.1 Whether The Proposal Is Acceptable In Principle
- 2.2 Whether The Scale & Design Would Be Acceptable
- 2.3 Impact Of The Proposal On The Living Conditions Of The Occupiers Of Neighbouring Dwellings

3. Application Details

The Site

- 3.1 This application was deferred at the last meeting of the Development Control Committee in order to undertake a site visit.
- 3.2 This application is seeking planning permission for the erection of a dwelling on part of OS field no.6259, Ghyll Road, Scotby. The application site lies in the south-west corner of a field at the end of Ghyll Road and would lie adjacent to an existing agricultural building. A track runs along the northern boundary of the site, with a track, which is a public bridleway, also running

along the western boundary. Both of the tracks are separated from site by hedgerows. A field gate provides access to the site from Ghyll Road. A large detached bungalow, Meadowbank, which sits on an elevated site, lies to the west of the application site, with a further bungalow (26 Ghyll Road) being located to the north-west.

Background

3.3 In May 2013, an application for the erection of a dwelling on this site was refused for the following reason:

"The application site lies outside the settlement boundary of Scotby in the corner of a field and is separated from the existing dwellings on Ghyll Road by a track. It is physically and visibly separated from the built form of the settlement and intrudes into the open countryside. The dwelling would be a large detached two-storey property and the size and scale of the dwelling would not in keeping with the surrounding properties and would have an adverse impact on the character of the area. The National Planning Policy Framework (NPPF) states that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances. No special circumstances have put been forward by the applicant that would justify a new dwelling in this location. The proposal is, therefore, contrary to Criterion 1 of Policy H1 of the Carlisle District Local Plan 2001-2016, Criterion 1 of Policy CP5 of the Carlisle District Local Plan 2001-2016 and Paragraph 55 of the National Planning Policy Framework".

3.4 A subsequent appeal was dismissed. The Inspector considered that a dwelling on this site would effectively extend the built-up area into the countryside, spreading an urban type of development beyond the intersection of Ghyll Road with the two bridleways, which is a natural boundary to the village. He also considered that the proposed house, which would be adjacent to a low, modern agricultural shed that lies within the field would appear much higher and more prominent and it would be incongruous in an essentially agricultural setting. Moreover, it would not relate well in scale to the bungalows that line both sides of Ghyll Road as its eastern end, especially the smaller bungalows on the northern side of the road. The Inspector concluded that the proposed house would represent an intrusion of urban form into the open countryside around Scotby and, by virtue of its scale and prominent position, it would not relate well to the character and appearance of either the landscape of the area or the other dwellings in the vicinity.

The Proposal

3.5 The proposal is seeking planning permission for the erection of a detached dwelling on this site. The front elevation would have the appearance of a dormer bungalow, with the rear elevation being two-storey. The proposed dwelling would face the properties on the northern side of Ghyll Road. The front elevation would contain two small pitched roof dormer windows, a small pitched roof porch and would contain an integral garage. The rear elevation would be two-storey and would contain a two-storey gable, which

would have a Juliette balcony. It would have a ridge height of 7.4m and would be constructed of red multi bricks under a grey tiled roof.

- 3.6 The dwelling would contain an open plan kitchen/ dining area, a lounge, a study, a utility and a w.c. to the ground floor, together with an integral garage, with the first floor containing four bedrooms (one en-suite) and a bathroom. A patio would be provided to the rear and side of the dwelling, with a large garden being provided to the east. A large parking and turning area would be provided to the front of the dwelling and this would be accessed
- 3.7 The existing hedgerows around the site would be retained and strengthened and new hedgerow would be planted on the southern and eastern boundaries. Foul drainage would go into the existing foul sewer on Ghyll Road, with surface water discharging via a soakaway.
- 3.8 The proposal would provide the applicants with a self build dwelling. It would be occupied by the applicant's daughter, who would be on hand to assist in the husbandry of the animals kept by the applicant.
- 3.9 The application is accompanied by a Planning Statement. This notes that the revised proposal reduces the size of the dwelling to better reflect the cul-de-sac of generally single-storey properties. The previous scheme was for a two-storey dwelling. It also notes that the revised scheme moves the dwelling within the site in order to provide a setting which relates more to providing a stop vista at the head of the existing cul-de-sac.

4. Summary of Representations

- 4.1 This application has been advertised by means of site and press notices as well as notification letters sent to five neighbouring properties. In response, three letters of support (including two from the same household) and one letter of objection have been received. The letters of support make the following points:
- the proposal provides housing for a local family;
 - it does not affect the environment of Ghyll Road or interfere with the surrounding countryside;
 - the new house is in a very logical place to build a property;
 - it is important that new houses are built to support the village and its economy;
 - the attractive design and situation will enhance the Ghyll Road mix of modern, old and converted dwellings;
 - the access to the site will be unobtrusive and will cause no interruption to traffic flow;
 - providing a family home for a local family will ensure village life continues to evolve for many years to come.
- 4.2 The letter of objection makes the following points:

- entrance to the development would be onto main turning area for residents of Ghyll Road;
- greenfield site;
- adjacent to bridle path.

5. Summary of Consultation Responses

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

Wetheral Parish Council: - support - no observations;

Cumbria County Council - (Highway Authority - Footpaths): - the development should be adjacent to Public Bridleway 138013 and must not be obstructed before or after the development has been completed;

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

Northern Gas Networks: - no objections;

United Utilities: - only foul drainage should go to the sewer, with surface water draining in the most sustainable way. Permeable paving should be used for driveways and other hard-standing areas.

6. Officer's Report

Assessment

- 6.1 The relevant planning policies against which the application is required to be assessed are Policies DP1, H1, CP3, CP5, CP12 and T1 of the Carlisle District Local Plan 2001-2016. The proposal raises the following issues.
 1. Whether The Proposal Is Acceptable In Principle
- 6.2 Whilst it is acknowledged that Scotby is a Local Service Centre, the site is physically and visibly separated from the existing dwellings on Ghyll Road by an existing track and is poorly related to the existing settlement. This view was shared by the Inspector when he dismissed an appeal in January 2014, which sought permission for a dwelling on this site. He considered that a dwelling on this site would effectively extend the built-up area into the countryside, spreading an urban type of development beyond the intersection of Ghyll Road with the two bridleways, which is a natural boundary to the village and it would be incongruous in an essentially agricultural setting. He concluded that the proposed house would represent an intrusion of urban form into the open countryside and would not relate well to the character and appearance of the landscape of the area.
- 6.3 In light of the above, it is clear that a proposed dwelling in this location would lead to an unacceptable intrusion into the countryside and would not sit well with the built form of the settlement. The proposal is, therefore, contrary to Criterion 1 of Policy H1 of the Carlisle District Local Plan 2001-2016. Whilst the National Planning Policy Framework (NPPF) states that Local Planning Authorities should apply a presumption in favour of sustainable development, the harm created by a dwelling in this location would override this.

- 6.4 Whilst it is noted that the proposal would provide the applicants with a self build dwelling and it would be occupied by the applicant's daughter, who would be on hand to assist in the husbandry of the animals kept by the applicant in the adjacent barn and field, these matters are not sufficient enough to outweigh the harm created by a dwelling in this location. Members should note that the applicant has not applied for an agricultural worker's dwelling.
- 6.5 The NPPF states that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances. No special circumstances have put been forward by the applicant that would justify a new dwelling in this location.
- 6.6 In light of the above, the proposal is contrary to Criterion 1 of Policy H1 and Paragraph 55 of the NPPF.

2. Whether The Scale & Design Would Be Acceptable

- 6.7 The front elevation of the dwelling would have the appearance of a dormer bungalow, with the rear elevation being two-storey. The dwelling would have a ridge height of 7.4m. The adjacent properties are conventional bungalows and the size and scale of the proposed dwelling would not in keeping with the surrounding properties and would have an adverse impact on the character of the area.
- 6.8 In dismissing the appeal for a dwelling on this site, the Inspector noted that the proposed house, which would be adjacent to a low, modern agricultural shed that lies within the field, would appear much higher and more prominent and it would be incongruous in an essentially agricultural setting. Whilst the height of the dwelling has been reduced from 9.1m to 7.4m it would still be higher than the agricultural building to the east and would not relate well in scale to the bungalows that line both sides of Ghyll Road as its eastern end, especially the smaller bungalows on the northern side of the road.
- 6.9 The proposal would, therefore, be contrary to Criterion 1 of Policy CP5 of the Carlisle District Local Plan 2001-2016.

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

- 6.10 The front elevation of the dwelling would face the side elevation of 26 Ghyll Road but would be a minimum of 23m away. Meadowbank, which sits at an elevated position, would be over 35m away from the proposed dwelling. The proposal would not, therefore, have an adverse impact on the living conditions of the occupiers of any neighbouring properties through loss of light, loss of privacy or over-dominance.

Conclusion

- 6.11 In overall terms, the proposed site forms part of a field and is not well related to the existing dwellings in Ghyll Road. Erecting a large two-storey dwelling on this site would, therefore, form a prominent intrusion into the open

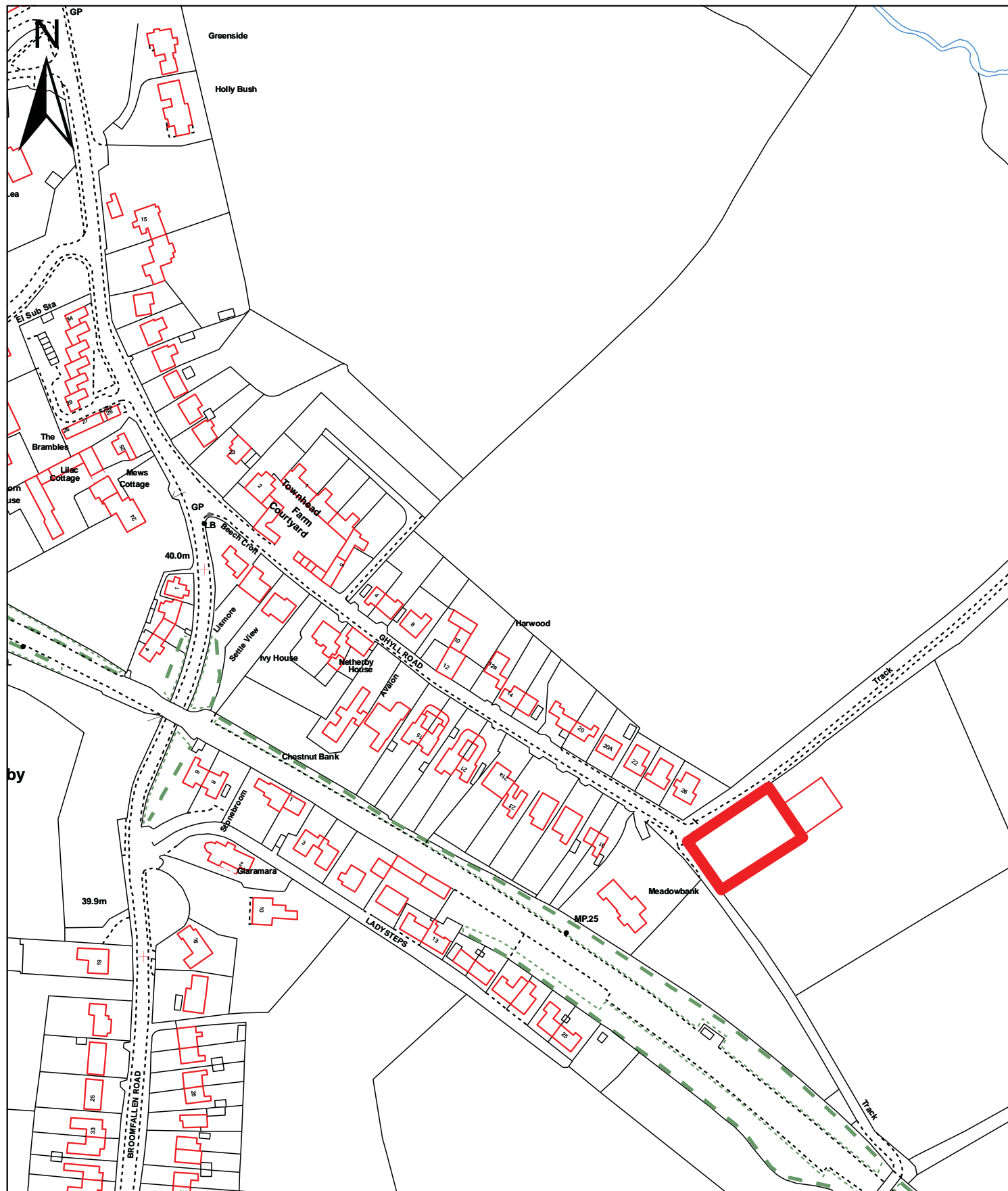
countryside and would have an adverse impact on the character of the area. The proposal is, therefore, contrary to Criterion 1 of Policy H1 and Criterion 1 of Policy CP5 of the Carlisle District Local Plan 2001-2016 and Para 55 of the NPPF.

7. Planning History

- 7.1 In May 2013, planning permission was refused for the erection of a dwelling on this site (13/0231). A subsequent appeal was dismissed.

8. Recommendation: Refuse Permission

1. **Reason:** The application site lies in the corner of a field and is separated from the existing dwellings on Ghyll Road by a track. It is physically and visibly separated from the built form of the settlement and intrudes into the open countryside. The dwelling would be a detached one-and-a-half-storey/ two-storey property and the size and scale of the dwelling would not in keeping with the surrounding properties and would have an adverse impact on the character of the area. The National Planning Policy Framework (NPPF) states that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances. No special circumstances have put been forward by the applicant that would justify a new dwelling in this location. The proposal is, therefore, contrary to Criterion 1 of Policy H1 of the Carlisle District Local Plan 2001-2016, Criterion 1 of Policy CP5 of the Carlisle District Local Plan 2001-2016 and Paragraph 55 of the National Planning Policy Framework.
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Land Part Field 6259, Scotby, Carlisle

Scale: 1:2,500 Date: 15/08/2014

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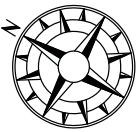
Page 83 of 276



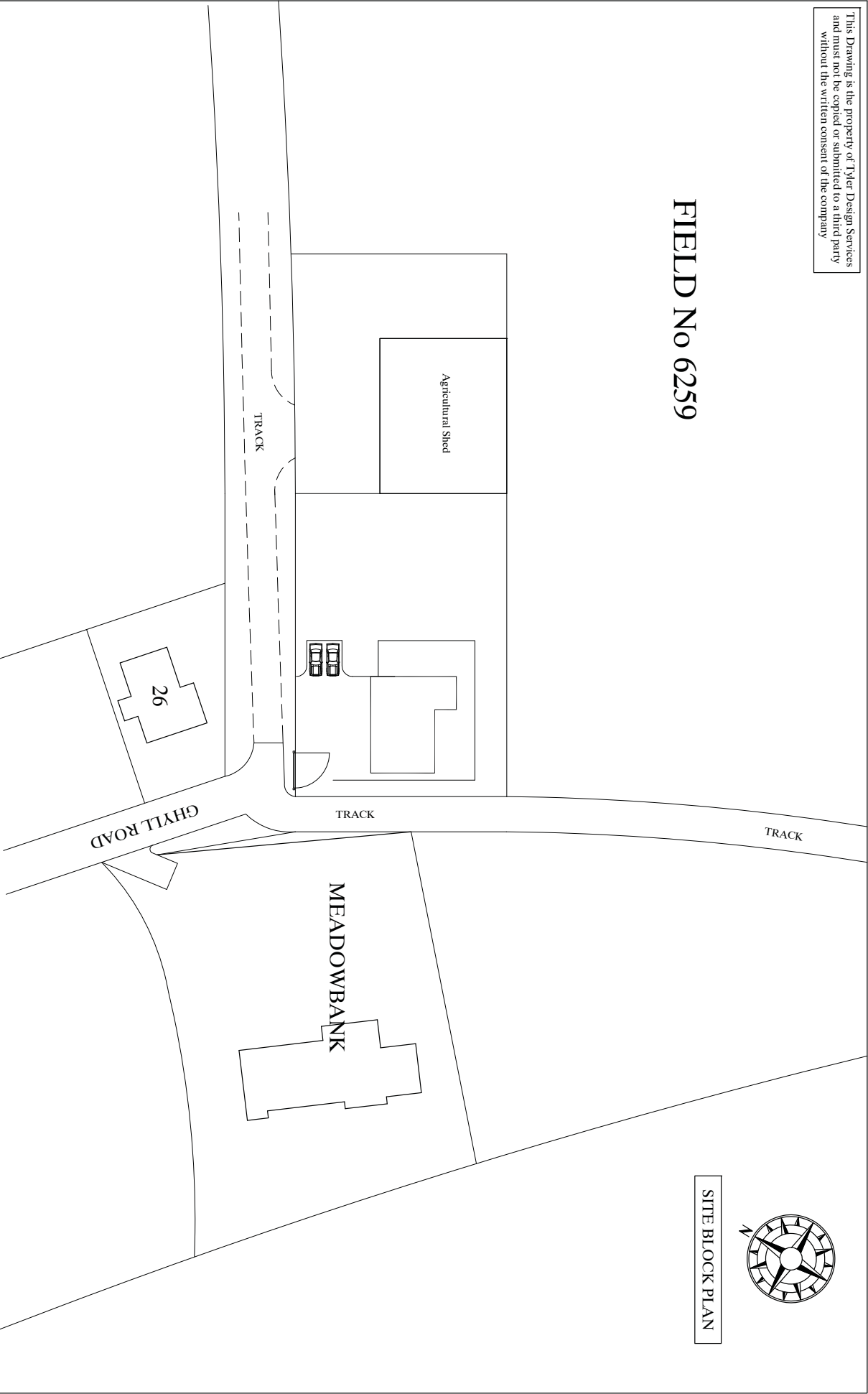
Civic Centre
Rickergate
Carlisle
CA3 8QG

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FIELD No 6259



SITE BLOCK PLAN

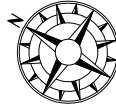


Rev.	Date	Description
A	01 / 01 / 13	Original Issue

Proposed New 4 Bedroom detached Dwelling complete with attached single Garage
Land to Part Field No 6259 - adjacent to Ghyll Road, Scooby,
Carlisle, Cumbria CA4 8BR for Mr. R. W. Percival.

Drawn By	G. Tyler
Scale	1:500
Date	1st January 2013
Drawing No	GR / DWELL / SBP1 Rev B

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Site Layout Plan

Scale - 1 : 200

New Thorn Hedge
Reasonable dense at base and growing to a height of approximately 1.2 Metres - but some reinforcement / replanting required
Hedge to be regularly trimmed and maintained

HOUSE MATERIALS
Windows & Doors - Upvc White Double Glazed
Roof - Grey Tiles
Walls - Red Clay facing brick Multi Red / Brown
Artificial Stone Clis & Heads to windows

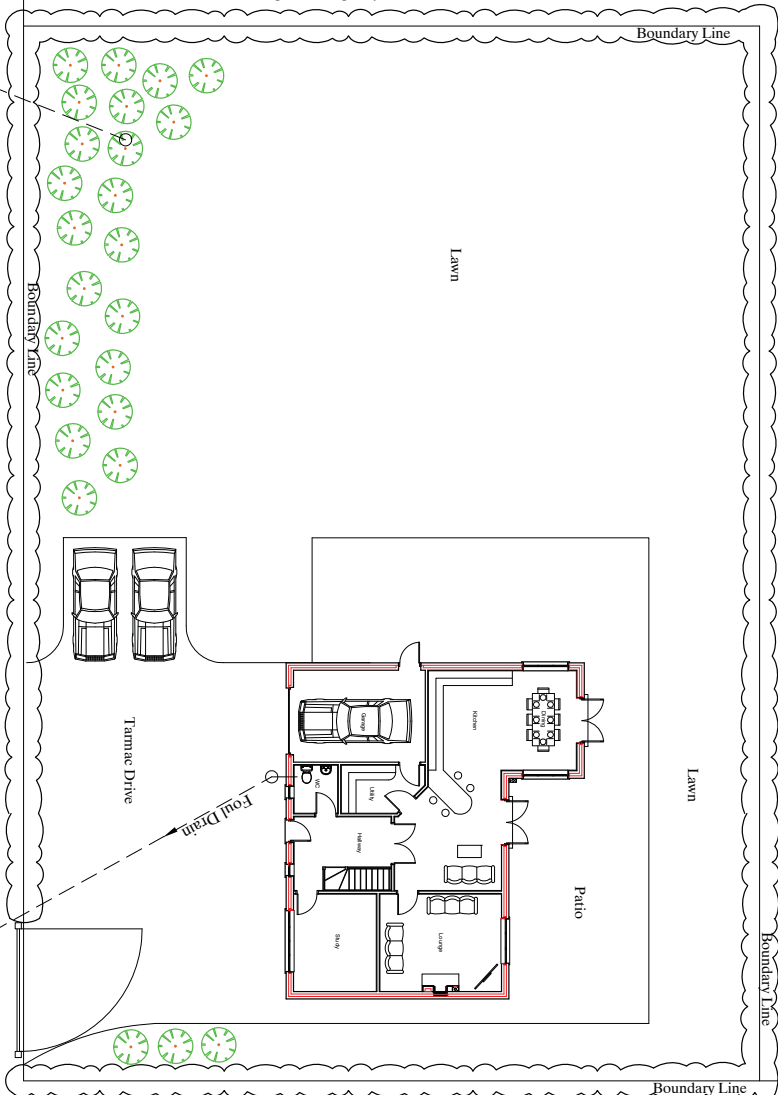
New Thorn Hedge
Reasonable dense at base and growing to a height of approximately 1.2 Metres - but some reinforcement / replanting required
Hedge to be regularly trimmed and maintained

Well maintained Thorn Hedge
Reasonable dense at base and growing to a height of approximately 1.2 Metres - but some reinforcement / replanting required
Hedge to be regularly trimmed and maintained

Surface water to Existing Ditch

Well maintained Thorn Hedge
Reasonable dense at base and growing to a height of approximately 1.2 Metres - but some reinforcement / replanting required
Hedge to be regularly trimmed and maintained

Existing Sewer in "Chyll Road"

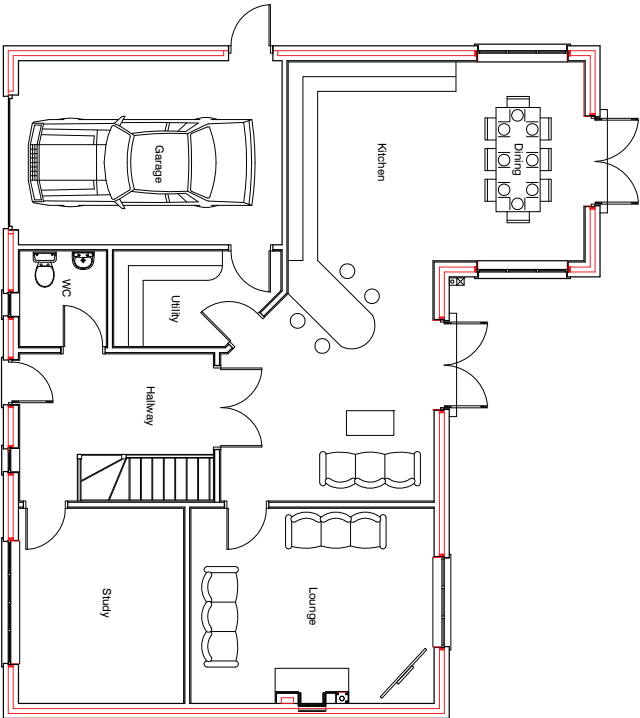


Proposed New 4 Bedroom detached Dwelling complete with attached single Garage
at Land adjacent to "The Millions" Ghyll Road, Scotby ,
Carlisle, Cumbria CA4 8BR for Mr. R.W. Percival.

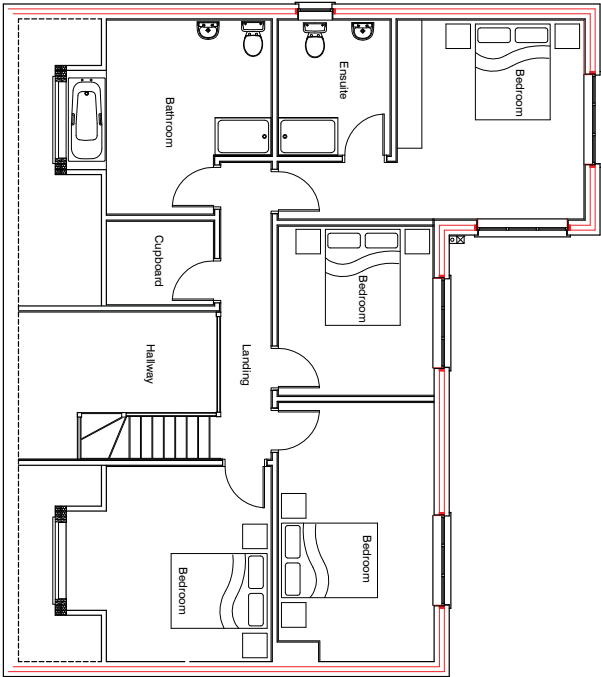
B	01 / 05 / 14	Amended
A	01 / 04 / 14	Original Issue
Rev.	Date	Description

Drawn By	G. Tyler
Scale	1:200
Date	1st April 2014
Drawing No	GR / DWELL / SL Rev B

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PROPOSED GROUND FLOOR PLAN



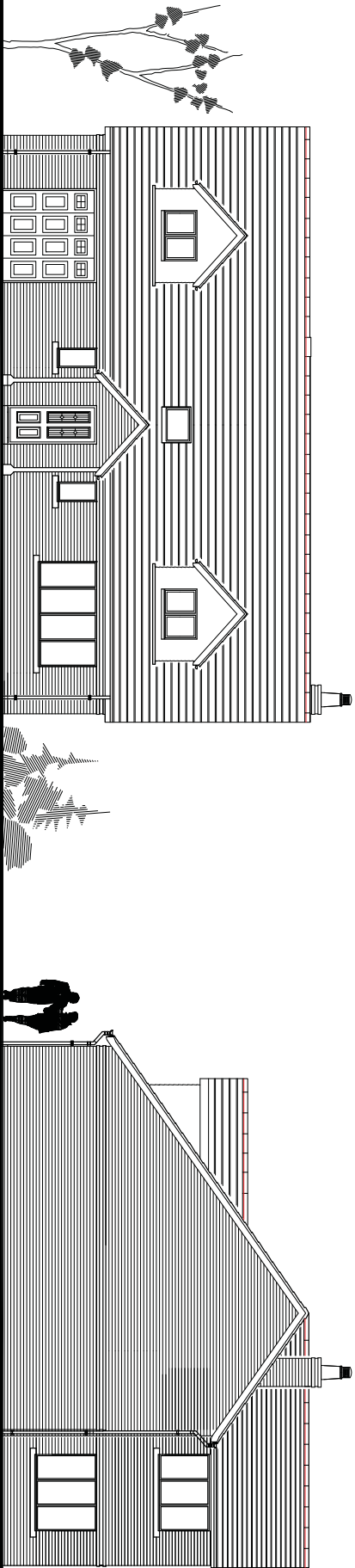
PROPOSED FIRST FLOOR PLAN

B	01 / 04 / 14	Amended Dwelling
Rev.	Date	Description

Proposed New 4 Bedroom detached Dwelling complete with attached single Garage at Land adjacent to "The Mill Holmes" Ghyll Road, Scotby , Carlisle, Cumbria CA4 8BR for Mr. R.W. Percival.	
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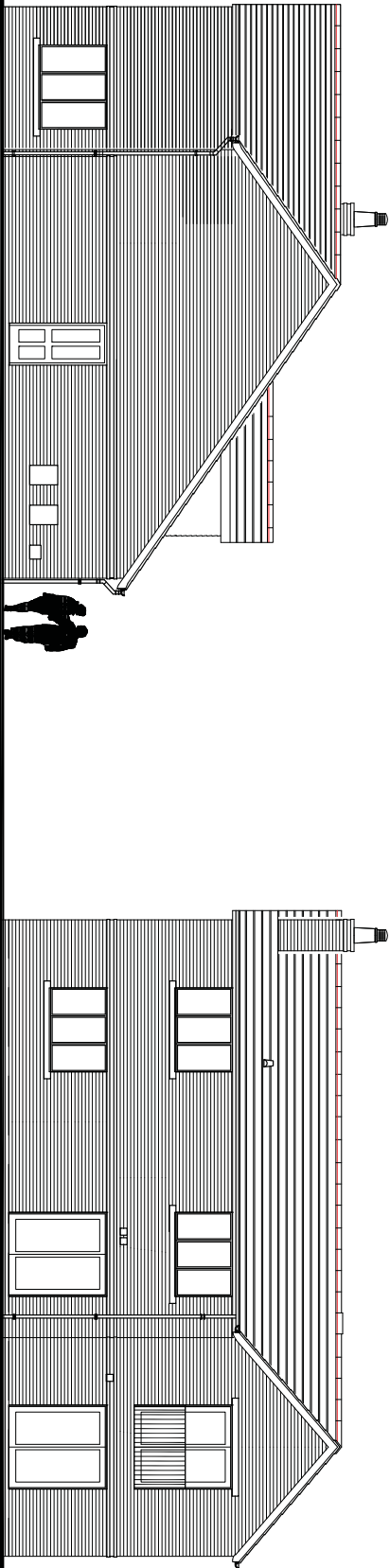
Drawn By	G.Tyler
Scale	1:100
Date	1st April 2014
Drawing No	GR / DWELL / FP1
	Rev B

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Proposed Front Elevation

Proposed Side Elevation



Proposed Side Elevation

Proposed Rear Elevation

		Proposed New 4 Bedroom detached Dwelling complete with attached single Garage at Land adjacent to "The Mill Holmes" Ghyll Road, Scotby , Carlisle, Cumbria CA4 8BR for Mr. R.W. Percival.	
		Drawn By	G:Tyler
		Scale	1:100
		Date	1st April 2014
		Drawing No	GR / DWELL / ELEV
		Rev	B
B	01 / 04 / 14	Amended Dwelling	
Rev.	Date	Description	

SCHEDULE A: Applications with Recommendation

14/0594

Item No: 05

Date of Committee: 29/08/2014

Appn Ref No:
14/0594

Applicant:
Mr M Kirkaldy

Parish:
Burgh-by-Sands

Agent:
Tyler Design Services

Ward:
Burgh

Location: Orchard Farm, Moorhouse, Carlisle, CA5 6EY

Proposal: Erection Of 1no. Dwelling With Detached Garage

Date of Receipt:
08/07/2014

Statutory Expiry Date
02/09/2014

26 Week Determination

REPORT

Case Officer: Richard Maunsell

1. Recommendation

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

2. Main Issues

- 2.1 The Principle Of Development
- 2.2 Whether The Scale And Design Of The Dwellings Are Acceptable
- 2.3 The Impact Of The Proposal On The Amenities Of Neighbouring Residents
- 2.4 Highway Issues
- 2.5 Drainage
- 2.6 The Impact On The Adjacent Listed Building
- 2.7 Biodiversity
- 2.8 Impact On Existing Trees And Hedgerows

3. Application Details

Introduction

- 3.1 This application seeks Full Planning permission for the erection of 1 detached dwelling together with a detached double garage at Orchard Farm, Moorhouse, Carlisle. The site is currently an orchard and occupies an area of approximately 0.11 hectares. The site is located within the village

between Orchard Farm House and Westmead.

Proposal

- 3.2 A single access would be formed in the south-east corner of the site which would lead into a hard standing and turning area within the site.
- 3.3 Planning permission is sought for the erection of a 2 storey detached dwelling that would be set within the site to the rear of the hard standing. The property would comprise of a sun room, lounge, hall, dining room, utility, W.C. and kitchen/ breakfast area on the ground floor with 3 bedrooms, a bathroom and an ensuite master bedroom on the first floor. The property would also include a detached double garage within the curtilage. The building would be constructed from facing brick work under a slate roof with white upvc windows and doors.

4. Summary of Representations

- 4.1 This application has been advertised by means of a site notice and direct notification to the occupiers of 4 of the neighbouring properties. In response, 1 letter of objection has been received and the main issues raised are summarised as follows:
1. on the application form the applicant has forgotten to fill in the trees and hedge section;
 2. this plot is an orchard with many fruit trees and has been for many years, hence the name Orchard Farm;
 3. the boundary is a solid 7 foot hedge robust in its rooting;
 4. there isn't much information about the entrance, where would it be? What will happen to the hedge?
 5. the map doesn't show the bends in the road;
 6. it isn't a good road it's very busy with wagons, also school time is very busy;
 7. it would help if the Highway Authority visited the site to look at the road instead of just looking at the map;
 8. the house looks very big for the size of the plot;
 9. the plan looks so much bigger than the plot and the site should be visited;
 10. it's sad that another old house with orchard garden will be gone.

5. Summary of Consultation Responses

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

Burgh-by-Sands Parish Council: - the objections of the Parish Council are given as follows:

1. access to the site is dangerous – this is a corner site;
2. the Orchard is over 100 years old;
3. the setting of a listed building is affected by this proposed new house and

- garage;
- 4. the fate of the trees and the hedge is not explained in the application (section 15);
- 5. the Plan MK/Moor SBP is inaccurate as the bend in the road is not as shown;
- 6. the site is not earmarked for future development.

6. Officer's Report

Assessment

- 6.1 The relevant planning policies against which the application is required to be assessed are the National Planning Policy Framework (NPPF) together with Policies DP1, CP2, CP3, CP5, CP12, H1, T1, LE12 and LE29 of the Carlisle District Local Plan 2001-2016. The proposal raises the following planning issues.

1. The Principle Of Development

- 6.2 Since the adoption of the Local Plan, the NPPF has been published by the Government and is a material consideration in the determination of this application. Paragraph 215 of the NPPF highlights that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given). Accordingly, in respect of this application whilst the development should be considered against Local Plan policies, in respect of the issue of housing, the Local Plan cannot be considered up to date under the NPPF.
- 6.3 When assessing the application site against the foregoing policies, it is acknowledged that this is within the village of Moorhouse where the principle of infill residential development is supported by national and local plan policies.

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

- 6.4 Policies seek to ensure the development is appropriate in terms of quality to that of the surrounding area and that development proposals incorporate high standards of design including siting, scale, use of materials and landscaping which respect and, where possible, enhance the distinctive character of townscape and landscape. This theme is identified in Policy CP5 of the Local Plan which requires that development proposals should also harmonise with the surrounding buildings respecting their form in relation to height, scale and massing and make use of appropriate materials and detailing. Development of this frontage site within the village will have a significant impact on the character of the area unless it is sympathetically designed.
- 6.5 The submitted drawings illustrate that the proposed dwelling would be 2 storey in scale. Orchard Farm House to the north-west is 2 storey in height and whose gable faces the road and adjacent to the south-east is a single storey detached bungalow. On the opposite side of the road are a number of

single storey and one and a half storey detached properties. All these properties, perhaps with the exception of Orchard Farm House, have a significant degree of established boundary treatment along the roadside frontage.

- 6.6 To this end, the proposed dwelling would be set within the site and would retain the existing hedgerow along the frontage, albeit at a reduced height in compliance with the requirements of the Highway Authority.
- 6.7 The Design and Access Statement also indicates that the proposed materials would complement the existing dwellings. Furthermore, the proposal would achieve adequate amenity space and off-street parking. On balance, the character and appearance of the dwellings would not be disproportionate or obtrusive within the streetscene.

3. The Impact Of The Proposal On The Amenities Of Neighbouring Residents

- 6.8 Planning policies require that development proposals should not adversely affect the living conditions of occupiers of residential properties by virtue of inappropriate development, scale or visually intrusiveness.
- 6.9 The development has been designed to take account of the requirements in the Council's Supplementary Planning Documents "Achieving Well Design Housing" and is compliant with the requirement to maintain 21 metres distance between primary facing windows and 12 metres between a primary window and a blank gable.
- 6.10 The property would be of sufficient distance from the existing properties along the main road. Given the orientation of the application site and the proposed buildings within it, future occupiers of the proposed properties would not suffer from an unreasonable loss of daylight or sunlight and due to the siting, scale and design of the property the development would not be over-dominant.

4. Highway Issues

- 6.11 The proposal involves the formation of a new access onto the County highway and would be within the restricted 30 mph speed limit. The Parish Council has raised concerns that this is a corner site and access to the site is dangerous. It is further stated that the plans are inaccurate insofar as they don't sufficiently show the curvature of the road.
- 6.12 The Highway Authority has assessed the proposal and subject to the imposition of highway related conditions, including the reduction of the hedgerow, has raised no objection.

5. Drainage

- 6.13 The applicant intends to connect into the existing foul mains drains which is an acceptable means of disposal. Surface water would be dealt with by

means of a soakaway. Although there are no details submitted with the application of the soakaway or any percolation test results, these are the subject of a condition within the decision notice.

6. The Impact On The Adjacent Listed Building

- 6.14 Orchard Farm is Grade II listed and the description reads as follows:

“Farmhouse. Late C17 with early C19 alterations and additions. Painted stucco, partly over clay; graduated greenslate roof, end brick chimney stacks. 2 storeys, 2 bays; 3-bay extension to right, of lower roof line. Top-glazed 6-panel door in plain painted stone surround; ogee-headed metal lattice porch. Sash windows with glazing bars in painted stone architraves. Extension has 2-pane and 3-pane sash windows. Lower part of side wall and exterior wall, now internal, is of clay. Brick extension to left, and further extension to right and outbuildings are of no interest.”

- 6.15 The proposed dwelling is sufficiently detached from the building and is of an appropriate scale, design and use of materials that the development would not adversely impact on the character or appearance of the listed building or its setting. The development of the orchard and the loss of some trees likewise would not adversely affect the setting of the listed building.

7. Biodiversity

- 6.16 The Council's GIS Layer has identified that there are potentially protected species on or adjacent to the site. Using the guidance issued by Natural England, the development would not harm protected species or their habitat; however, an Informative has been included within the decision notice ensuring that if a protected species is found all work must cease immediately and the Local Planning Authority informed. It would also be appropriate to impose a condition prohibiting the removal of the hedgerow during the bird breeding season unless an appropriate assessment has been undertaken.

8. Impact On Existing Trees And Hedgerows

- 6.17 There are a number of trees and a mature hedgerow within the site, none of which however are protected by a Tree Preservation Order. As part of their objection, the Parish Council has raised concerns about the loss of the established orchard. The Council's Tree Officer has visited the site and assessed the application. No objection has been raised to the principle of development but additional information is required to survey the trees on the site. It is further recommended that the scheme should retain and protect as many existing trees as possible and where trees are to be removed, a landscaping scheme should include replacement trees to mitigate their loss. Members will be updated at the meeting.

9. The Impact On Human Rights

- 6.18 The human rights of the occupiers of the neighbouring properties have been properly considered and taken into account as part of the determination of the

application. Several provisions of the Human Rights Act 1998 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".

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

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

Conclusion

6.21 In overall terms, the principle of development of the site is acceptable under the provisions of the NPPF. 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 siting, scale and design of the proposal is considered acceptable and would be well related to the existing built form of the village. The development would not create a precedent for further applications in the area which, in any case, would have to be considered on their own merits. In all aspects the proposal is considered to be compliant with the objectives of the relevant Local Plan policies.

7. Planning History

7.1 In 1993, planning permission and listed building consent were granted for the renovation of the existing farmhouse, conversion of barns to 2 dwellings and erection of 2 dwellings and 4 garages.

7.2 Listed building consent was granted in 1996 for the minor alterations and improvements, including new bathrooms and staircase.

7.3 In 2007, listed building consent was granted for demolition of farm outbuildings, alteration and conversion of retained barn to a single dwelling.

7.4 Also in 2007, planning permission was granted for the demolition of farm outbuildings, alteration and conversion of retained barn to a single dwelling and the erection of two new semi-detached dwellings.

8. Recommendation: Grant Permission

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

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

2. The approved documents for this Planning Permission comprise:

1. the Planning Application Form received 8th July 2014;
2. the Site Location Plan received 8th July 2014 (Drawing no. MK/MOOR/SLP);
3. the Site Block Plan received 8th July 2014 (Drawing no. MK/MOOR/SBP1 Rev A);
4. the Site Block Plan received 8th July 2014 (Drawing no. MK/MOOR/SBP1 Rev A);
5. the Proposed Ground and First Floors received 8th July 2014 (Drawing no. MK/MOOR/FP1 Rev A);
6. the Proposed Elevations received 8th July 2014 (Drawing no. MK/MOOR/ELEV Rev A);
7. the Proposed Garage received 8th July 2014 (Drawing no. MK/GARAGE/ELEV Rev A);
8. the Desk Top Study Fro Contamination received 8th July 2014;
9. the Notice of Decision;
10. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

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

Reason: To ensure a satisfactory means of surface water disposal in accord with Policy CP11 of the Carlisle District Local Plan 2001-2016.

4. Particulars of height and materials of all screen walls and boundary fences shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted. The development shall then be undertaken in accordance with the approved details.

Reason: To ensure that the appearance of the area is not prejudiced by inappropriate boundary treatment in compliance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

5. 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. The development shall then be undertaken in accordance with the approved details.

Reason: To ensure the materials used are appropriate to the character and appearance of the buildings in the locality and to ensure compliance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

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

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

7. Any existing highway boundary (hedge) shall be reduced to a height not exceeding 1.0m above the carriageway level of the adjacent highway in accordance with details submitted to the Local Planning Authority and which have subsequently been approved before development commence and shall be maintained to a height not exceeding 1.0m thereafter.

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

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

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

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

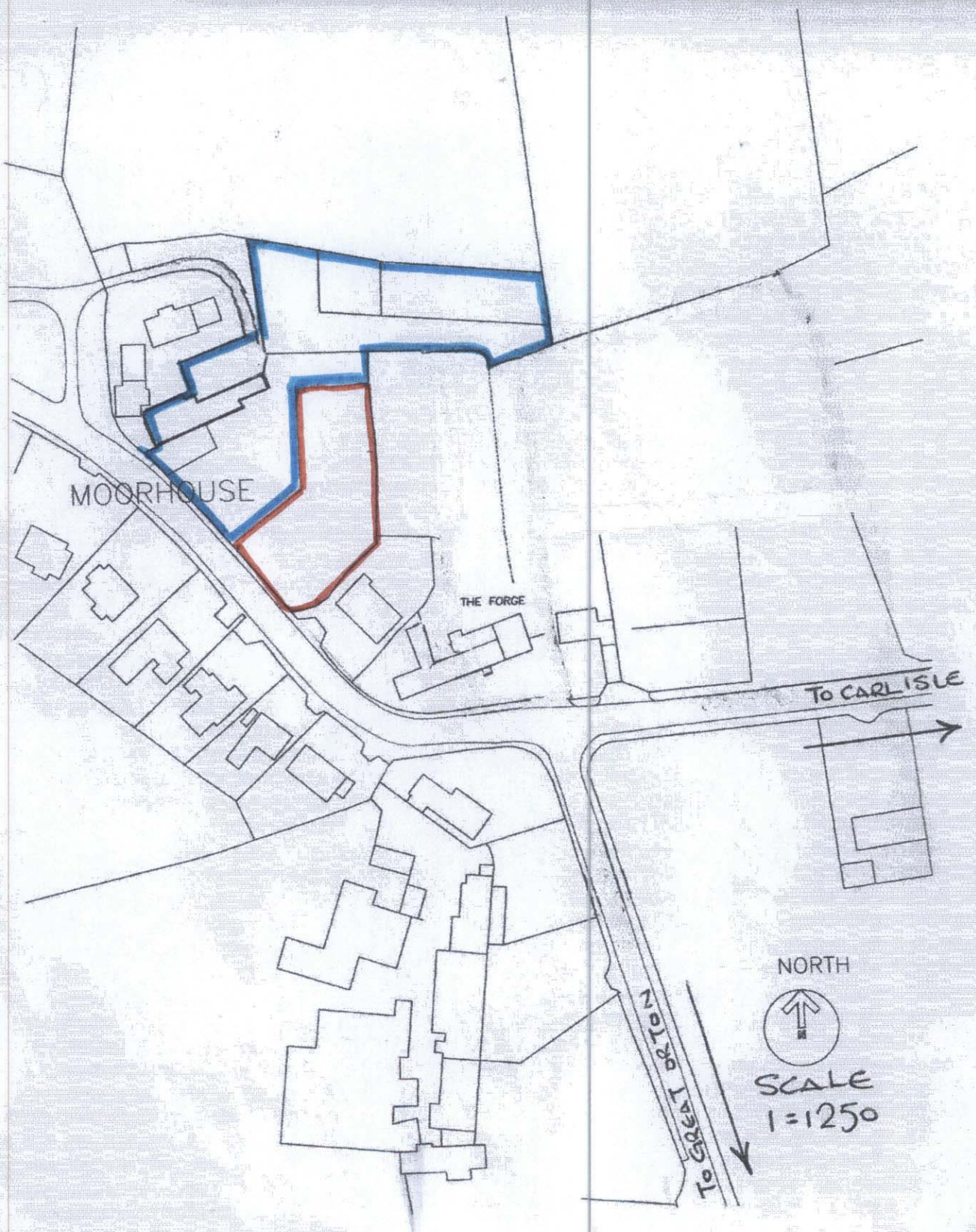
10. No development shall take place until details of a landscaping scheme have been submitted to and approved in writing by the local planning authority.

Reason: To ensure that a satisfactory landscaping scheme is prepared in accord with Policy CP3 of the Carlisle District Local Plan

2001-2016.

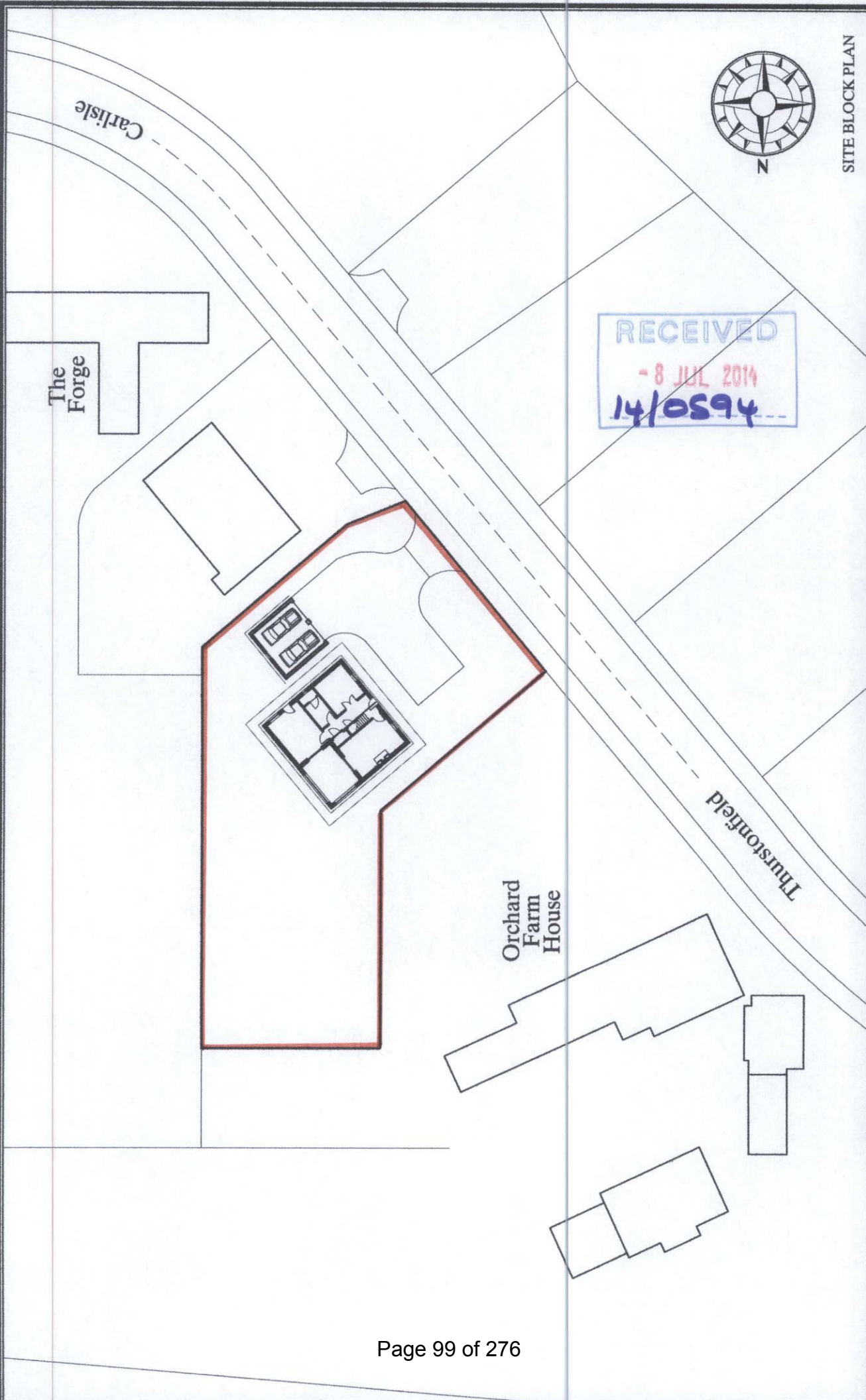
11. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner, and maintained thereafter to the satisfaction of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

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



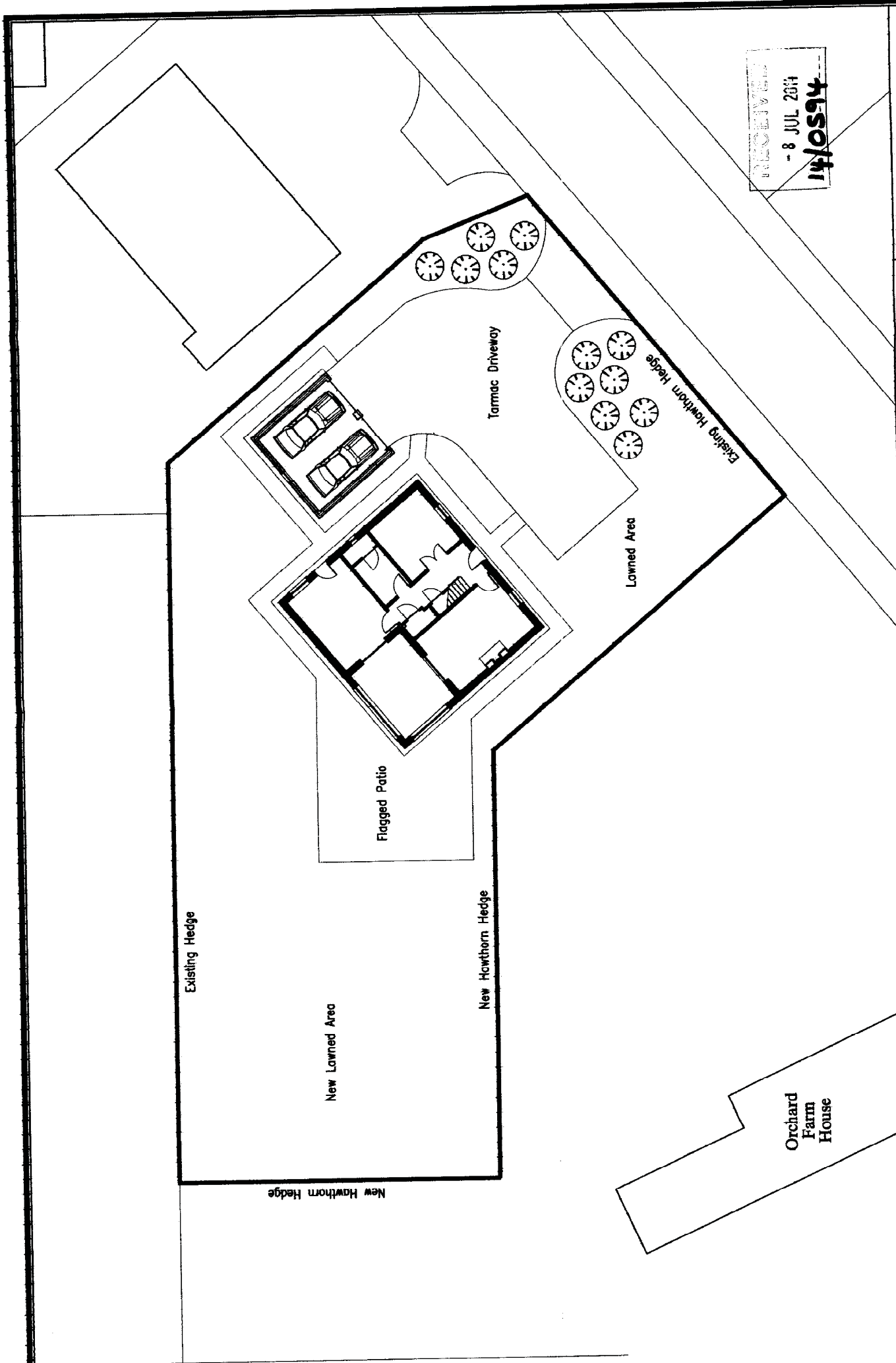
"ORCHARD FARM"
SITE LOCATION PLAN
MK/MOOR/SLP





SITE BLOCK PLAN

<p>Proposed New Detached 4 Bedroom House complete with Detached Double Garage</p>		Drawn By	G.Tyler	Rev A
		Scale	1:500	
		Date	3rd August 2014	
		Drawing No	MK / MOOR / SBP1	
Rev.	Date	Original Issue Description		
A	03/08/14			

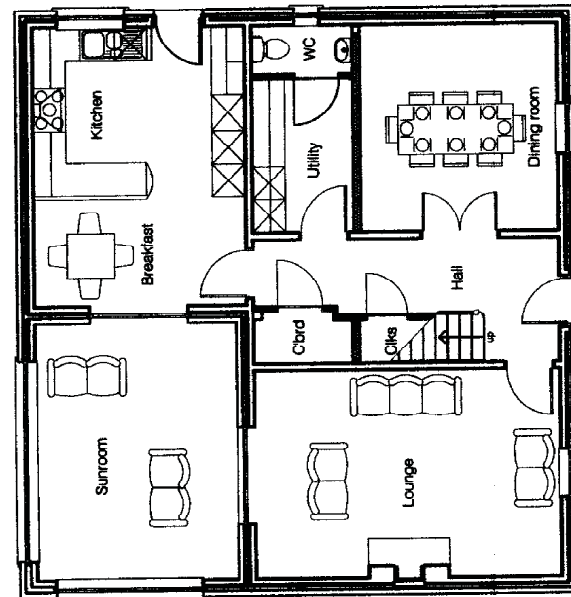


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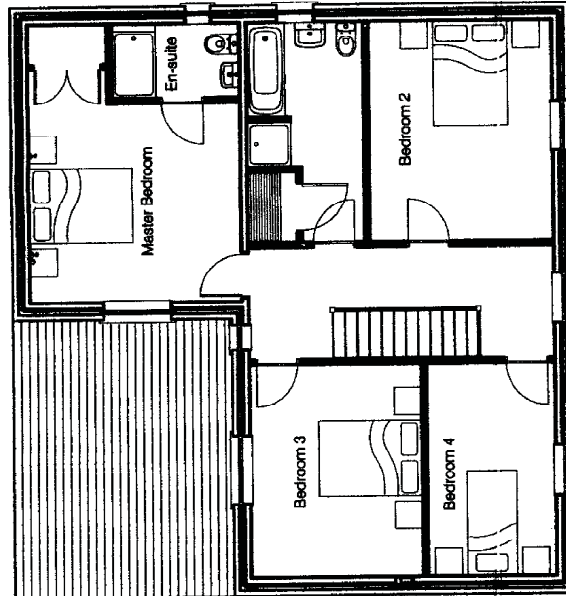
Drawn By	G. Tyler
Scale	1:200
Date	12th June 2014
Drawing No	MK / MOOR / SP1
Rev A	

Proposed New Detached 4 Bedroom House complete with Detached Double Garage
to Land Adjacent to "Orchard Farm House", Moorhouse, Carlisle for Mr M. Kirkaldy

Rev.	Date	Description
A	12/06/14	Original Issue



Proposed Ground Floor Plan



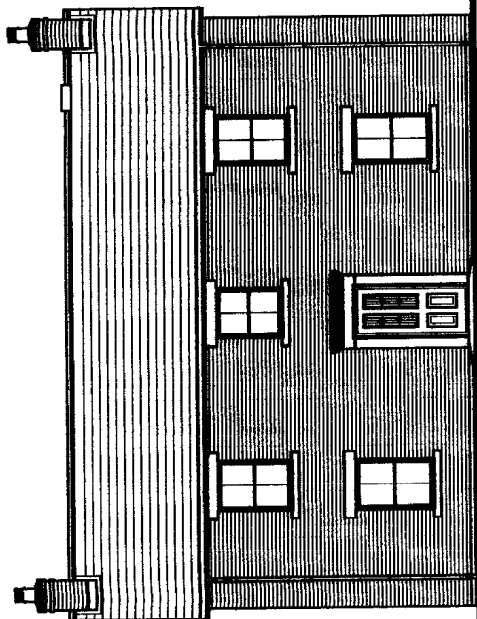
Proposed First Floor Plan

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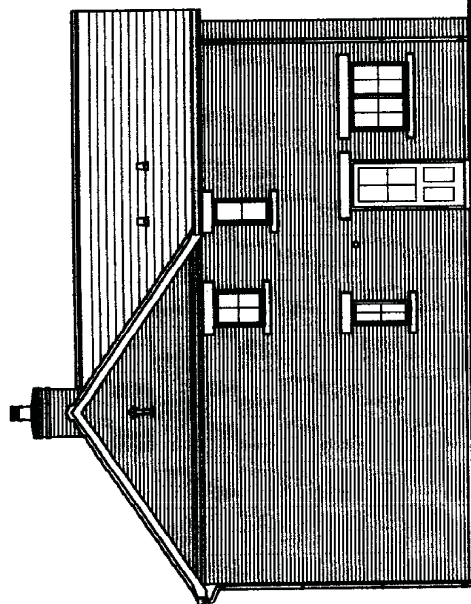
		Proposed New Detached 4 Bedroom House complete with Detached Double Garage to Land Adjacent to "Orchard Farm House", Moorhouse, Carlisle for Mr M. Kirkaldy	
Rev.	Date	Original Issue	Description
A	03/08/14		
Drawn By		G. Tyler	
Scale		1:100	
Date		3rd August 2014	
Drawing No		MK / MOOR / FP1	Rev A

WALLS
 Brickwork (Red / Brown)
ROOF
 Slates (Grey)
DOORS & WINDOWS
 Upvc Double Glazed (White)

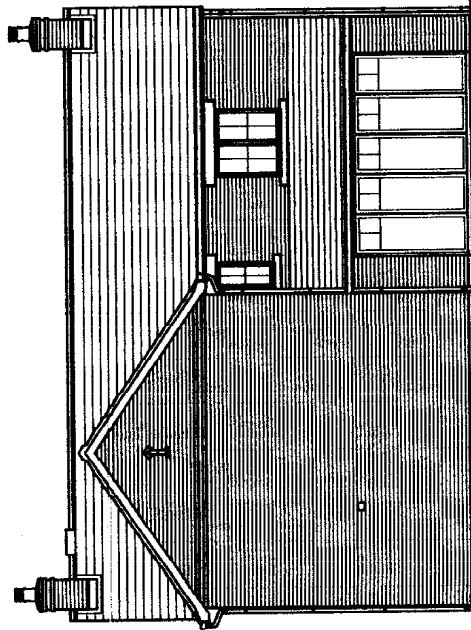
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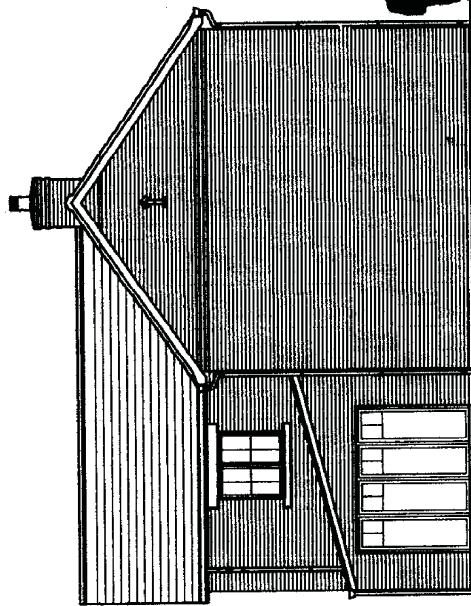
Proposed Front Elevation



Proposed Side Elevation



Proposed Rear Elevation

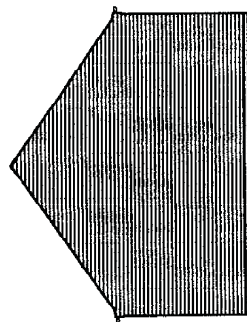


Proposed Side Elevation

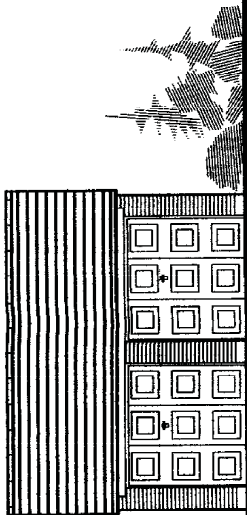
Drawn By	G. Tyler
Scale	1:100
Date	12th June 2014
Drawing No	MK / MOOR / ELEV
Rev	Rev A

Proposed New Detached 4 Bedroom House complete with Detached Double Garage
 to Land Adjacent to "Orchard Farm House", Moorhouse, Carlisle for Mr M. Kirkaldy

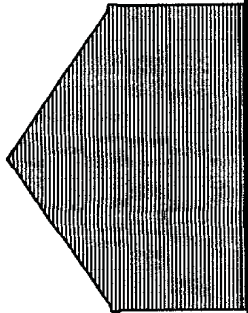
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A	12/06/14	Original Issue



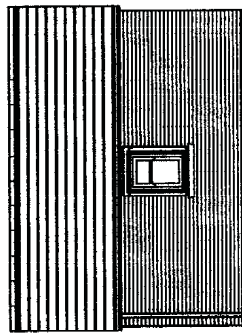
Proposed Side Elevation



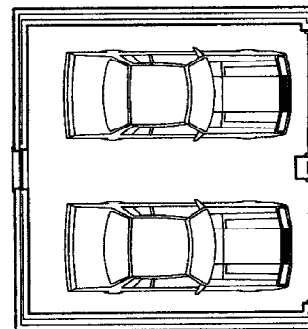
Proposed Front Elevation



Proposed Side Elevation



Proposed Rear Elevation



Proposed Floorplan

RECEIVED
- 8 JUL 2014
14/0594

WALLS
Brickwork (Red / Brown)
ROOF
Slates (Grey)
DOORS & WINDOWS
Upvc Double Glazed (White)
GARAGE DOOR
Proprietary Door (White)

Proposed New Detached 4 Bedroom House complete with Detached Double Garage
to Land Adjacent to "Orchard Farm House", Moorhouse, Carlisle for Mr M. Kirkaldy

Drawn By	G.Tyler
Scale	1:100
Date	3rd August 2014
Drawing No	MK / GARAGE / ELEV
Rev	Rev A

Rev.	Date	Description
A	03/08/14	Original Issue

SCHEDULE A: Applications with Recommendation

14/0582

Item No: 06

Date of Committee: 29/08/2014

Appn Ref No:
14/0582

Applicant:
Mr Cathers

Parish:
Brampton

Agent:
Positive Planning Solutions

Ward:
Brampton

Location: Land adjacent Woodvale, Tarn Road, Brampton

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

Date of Receipt:
07/07/2014

Statutory Expiry Date
01/09/2014

26 Week Determination

REPORT

Case Officer: Barbara Percival

1. Recommendation

- 1.1 It is recommended that this application is refused.

2. Main Issues

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

3. Application Details

The Site

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

The land is currently in agricultural use.

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

Background

- 3.4 In 2013, an application for the erection of a dwelling (application reference 13/0612) was refused by Members of the Development Control Committee at its meeting on the 11th October 2013. The three reasons for the refusal being:

"The application site is physically and visibly separated from Brampton within an area of sporadic development, thereby, intruding into open countryside. The National Planning Policy Framework (NPPF) states that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances. No special circumstances as detailed in the NPPF have put been forward by the applicant that would justify a new dwelling in this location. The proposal is, therefore, contrary to Criterion 1 of Policy H1 of the Carlisle District Local Plan 2001-2016 and Paragraph 55 of the National Planning Policy Framework.

The Cumbria Landscape Strategy (CLS) outlines that the area is characterised by sandy knolls and ridges. The perceptual character of the area is of a pleasant farmed landscape. The landscape is generally small to medium scale and enclosed which opens out on the edges. The combination of knolls and ridges with mature woodland and pasture creates an enclosed parkland like appearance. Most views are framed by woodland or topography. The CLS seeks to ensure that the varied and well-composed landscape will be conserved and enhanced with residential development carefully controlled. The topography of the site is such that any dwelling would be highly visible within this open and rural setting, therefore, the erection of a dwelling on this site would have a significant detrimental impact on the landscape character of the area. The proposal is, therefore, contrary to Policy CP1 and criterion 2 of Policy CP5 of the Carlisle District Local Plan 2001-2016.

The proposal relates to substantial two storey dwelling with detached double garage set within an extensive curtilage in open countryside. The scale and massing of which on the eastern side of Tarn Road would be further exacerbated by the topography of the site where sporadic single storey or dormer style bungalows predominate. The dwelling does not relate to the local vernacular scale or appearance of the dwellings on the elevated

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

- 3.5 An appeal was subsequently lodged with the Planning Inspectorate against the Council's decision on the 8th November 2013. On the 29th January 2014, following a site visit, the Inspector dismissed the appeal. The findings of the Inspector will be discussed in more detail below; however, the Inspector concluded that:

"the proposed dwelling would be significantly detrimental to the character and appearance of the countryside around Brampton. It was therefore contrary to Policies CP1, CP5 and H1 of the Carlisle District Local Plan, which require development to conserve the special features of landscape character areas; to respond to local context; to be well related to the landscape of the area; and not to intrude into open countryside".

- 3.6 Earlier this year, a further application for the erection of a dwelling was refused by Members of the Development Control Committee at its Meeting on the 20th June. The revised application did not overcome the previous reasons for refusal for development of this site i.e. principle of development, impact on the character of the area and the scale and massing of the proposed dwelling.

The Proposal

- 3.7 The revised application seeks Full Planning Permission for the erection of a dwelling. The submitted drawings illustrate a one and a half storey property. The proposed dwelling would have an overall length of 19.1 metres with the width ranging from between 7.9 metres and 11.5 metres with a maximum ridge height would range between 6.2 metres.
- 3.8 The accommodation would comprise of a dining room, kitchen, hallway, sitting room, lounge, bathroom with 3no. bedrooms with en-suite master bedroom, land, study area, and bedroom above. Access would be via an existing field access in the north western corner of the site.
- 3.9 The proposed materials would be facing brickwork and sandstone with a tiled roof.

4. Summary of Representations

- 4.1 This application has been advertised by the direct notification of thirty neighbouring properties and the posting of a Site Notice. In response, thirty one representations of support have been received and one representation of comment.
- 4.2 The representations of support identifies the following issues:

1. would be an asset to Brampton in keeping with surrounding landscape and existing properties.
2. believe the proposal to be sustainable and sympathetic.
3. does not cause any issues relating to housing density, access or overall size.
4. development is within Brampton Town Boundary and will blend in with surrounding properties.
5. economic benefits for the local construction industry.
6. as the previous owner of the land, feel the plans are in keeping with the surrounding landscape.
7. due to all the other developments in the area can see no reason as to why this application has previously been refused.
8. applicant has taken on role of main carer and need to be close to dependent residing on Tree Road.
9. the proposed dwelling would provide accommodation for dependent parent.
10. applicant has long standing links with the local area and are active members of the Brampton community.
11. priority should be given to long term local people over new comers.
12. current plans more in keeping with the size and scale of other properties within the area.

4.3 The representation of comment identifies that:

1. the application will encourage further development on this currently predominantly rural part of Tarn Road outside the Town boundary.

5. Summary of Consultation Responses

Cumbria County Council - (Econ. Dir. Highways & Transportation): - no objection subject to the imposition of three conditions and an informative;
 Clerk to Brampton PC: - support the application;
 Carlisle Airport: - no objection to this proposal.

6. Officer's Report

Assessment

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
- 6.2 The Development Plan for the purposes of the determination of this application is the Carlisle District Local Plan 2001-2016 from which Policies DP1, CP1, CP2, CP3, CP4, CP5, CP12, H1 and T1 of the Carlisle District Local Plan 2001-2016 are of particular relevance.
- 6.3 The National Planning Policy Framework (NPPF) and the Planning Practice Guidance (March, 2014) are also material planning considerations in the

determination of this application.

- 6.4 A further material planning consideration, specific to the application site, is an earlier Planning Inspectorate's appeal decision which dismissed an appeal for a detached dwelling on this site.
- 6.5 In the context of the foregoing it is considered that the proposal raises the following main planning issues regarding: the principle of development; the scale and design of the proposed dwelling; impact on the living conditions of neighbours; highway safety; biodiversity; trees and hedgerows; disposal of foul and surface water; and loss of agricultural land.

1. Whether The Principle Of Development Is Acceptable

- 6.6 The main issue for Members to establish in the consideration of this application is the principle of development. Since the adoption of the Local Plan, the NPPF has been published by the Government and is a material consideration in the determination of this application.
- 6.7 Paragraph 14 of the NPPF outlines that *"at the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking"*. For decision-taking the NPPF highlights that this means: *"approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted"*.
- 6.8 This is further reiterated in paragraph 215 of the NPPF which highlights that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given). Accordingly, in respect of this application whilst the development should be considered against Local Plan policies, the Council's Local Plan (in respect of the issue of housing) cannot be considered up to date under the NPPF.
- 6.9 The Planning Statement submitted as part of the application outlines that *"... the site is well contained by other development and would not result in a prominent intrusion into the countryside, nor would it detract from the landscape character of the area"*. The Report goes on to highlight that *"the site is sustainably located in relation to available services and well contained so as not to intrude into the countryside or give rise to concerns over ribbon development"*.
- 6.10 When assessing the application site against the foregoing, the NPPF does not advocate the use of settlement boundaries but rather promotes locations of new housing relative to existing development. With regard to this issue, limited weight can, therefore, be given to the fact that the site is outwith the settlement boundary for Brampton as identified in the Proposals Map of the

Local Plan.

- 6.11 Although the area has no statutory landscape designation, the Cumbria Landscape Strategy (CLS) outlines that the area is characterised by sandy knolls and ridges. The perceptual character of the area is of a pleasant farmed landscape. The landscape is generally small to medium in scale and enclosed which then opens out on the edges. The combination of knolls and ridges with mature woodland and pasture creates an enclosed parkland like appearance. Most views are framed by woodland or topography. There are some longer vistas northwards from the ridges near Brampton. The CLS seeks to ensure that the varied and well-composed landscape will be conserved and enhanced with residential development carefully controlled.
- 6.12 It is not disputed that the application site is located in close proximity to other residential properties along Tarn Road including the Hemblesgate Court Development to the north west of the application site and is within walking distance of the centre of Brampton. However, the character of the eastern side of Tarn Road remains very much open and rural in character with only limited housing along its route. The perception at this point is of having left the built form of Brampton into an area of sporadic development characterised by significant gaps between the sporadic dwellings, borne out by the CLS designation of sandy knolls and ridges. Indeed, the topography of the site is such that the site rises sharply away from the public highway. In light of the foregoing landscape character assessment, the proposed can not be considered well related to Brampton.
- 6.13 The Planning Inspector, in dismissing the recent appeal on the site, supported the foregoing assessment and found that: *"there is a significant gap between the last bungalow to the north of the site (Bayhills) and that to the south (Woodvale) ... Bayhills effectively marks the end of the main continuous built-up area to the south of Brampton. Furthermore, the small new estate at Hemblesgate Court would appear to have been built on a previously developed site and the dwellings in that estate lie to the north of the appeal site. There is largely open countryside to the south of Hemblesgate Court ... and ... the proposed dwelling would effectively be an isolated house in the open countryside around Tarn Road to the South of Brampton".*
- 6.14 The Inspector went on to interpret and expand upon the transition from urban to rural by outlining again that *"the main urban area effectively ends with the bungalow Bayhills and Hemblesgate Court. Beyond these buildings, the area is open countryside with significant gaps between the sporadic dwellings further south along Tarn Road. Moreover, whilst every proposal must be assessed on its own merits, to allow this development could encourage the submission of further similar proposals which would be progressively more difficult for the Council to resist and which could cause cumulative harm to the open character of the area. This adds weight to my conclusion that the proposal would be harmful to the character and appearance of the countryside to the south of Brampton".*
- 6.15 Furthermore, in respect of the landscape character of the area, the Inspector

found that: *"the Cumbria Landscape Strategy (CLS) indicates that the area around the appeal site is characterised by sandy knolls and ridges. The Council contends that this character, when combined with mature woodland in the area, creates a parkland-like appearance. I concur with that view and find that the proposed dwelling, which would occupy a prominent position in the landscape, would be an urban type of development that would be harmful to its appearance"*.

- 6.16 The Planning Statement submitted as part of the application draws comparisons to a further appeal decision in Castle Carrock which was allowed by the Planning Inspectorate (APP/E0915/A/13/220611) which has been reproduced following this report. The Statement draws particular reference to the Inspector finding that: *"the proposal would not be a isolated house in the countryside as it was opposite other housing and within the street lit area of the village and would assist in the Government's requirements to significantly boost the supply of housing"*.
- 6.17 In respect of the aforementioned appeal the Inspector also characterised the application site as being: *"... enclosed along the roadside by a well trimmed but mature field hedge on a slight bank (with a stone roadside wall further along). The land falls away from the road and the whole field is framed by the pine trees to the west and the deciduous wooded hillside to the east, with another pinewood to the south of these which is alongside the reservoir. To the south there are utilitarian buildings associated with the waterworks and the high grassed reservoir embankment behind them which forms the backdrop to them. Visually, therefore, it does not lie within wholly undeveloped countryside"*.
- 6.18 The contents of the Planning Statement are noted; however, the landscape character of the application site and that of the cited appeal site are significantly different. The proposed dwelling, subject of this application, would be located in a highly visible and prominent position within the landscape. Whilst the dwelling subject of the cited appeal decision is to be located within a slight hollow with dwellings or buildings directly opposite to the northern and southern boundaries of the appeal site. The Inspector goes onto describe the character of the appeal site as: *"... cupped at a low point within the hilly landscape ..."*.
- 6.19 Consequently, the NPPF is clear in its guidance that the proposal is required to be assessed against those policies for isolated new homes in the countryside. Although not exhaustive, paragraph 55 of the NPPF outlines that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances such as: the essential need for a rural worker to live permanently at or near their place of work in the countryside; or where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or the exceptional quality or innovative nature of the design of the dwelling.

- 6.20 Although the application has the support of Third Parties, the application fails the policy tests that underpin the assessment of this application insofar as no essential need is claimed within the submitted documents; the proposal does not involve the development of a heritage asset or redundant or disused building, and the design of the building is not of exceptional quality. Furthermore, although the site may be within walking distance of Brampton and its services, the application site is not well-related to Brampton as it is both physically and visibility separated from Brampton within an essentially rural landscape characterised by significant gaps between sporadic dwellings.
- 6.21 This assessment is further borne out by the Planning Inspectorate in its recent appeal decision on the site for the erection of a detached dwelling. The decision letter concluded that: *"the proposed dwelling would be significantly detrimental to the character and appearance of the countryside around Brampton. It would, on this basis, conflict with Policies CP1, CP5 and H1 of the Carlisle District Local Plan, which require development to conserve the special features of landscape character areas; to respond to local context; to be well related to the landscape of the area; and not to intrude into open countryside"*.
- 6.22 In light of the foregoing, the application site is not well-related to Brampton in a rural area with sporadic housing and development would intrude into open countryside. The National Planning Policy Framework (NPPF) states that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances. No special circumstances as detailed in the NPPF have put forward by the applicant that would justify a new dwelling in this location. The proposal is, therefore, contrary to Policy CP1, Criteria 2 of Policy CP5, Criterion 1 of Policy H1 of the Carlisle District Local Plan 2001-2016 and Paragraph 55 of the National Planning Policy Framework.
- 6.23 The CLS seeks to ensure that the varied and well-composed landscape will be conserved and enhanced with residential development carefully controlled. The topography of the site is such that any dwelling would be unacceptably prominent within an open and rural setting and the erection of a dwelling on this site would have a significant detrimental impact on the landscape character of the area. The proposal is, therefore, contrary to Policy CP1 and Criterion 2 of Policy CP5 of the Carlisle District Local Plan 2001-2016.

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

- 6.24 Policies seek to ensure the development is appropriate in terms of quality to that of the surrounding area and that development proposals incorporate high standards of design including siting, scale, use of materials and landscaping which respect and, where possible, enhance the distinctive character of town scape and landscape. This theme is identified in Policy CP5 of the Local Plan which requires that development proposals should also harmonise with the surrounding buildings respecting their form in relation to height, scale and massing and make use of appropriate materials and detailing.

- 6.25 The revised proposal illustrates a detached dormer bungalow. Although the principle of development of the site remains unacceptable, the scale and vernacular of the revised proposal reflects other dwellings on the eastern side of Tarn Road.

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

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

4. Impact Of The Proposal On Highway Safety

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

5. Impact Of The Proposal On Biodiversity

- 6.30 The Council's GIS Layer has identified that the site has the potential for protected species to be present on or in the vicinity of the site. As the proposed development is within agricultural land, using the guidance issued by Natural England, the development is unlikely to harm a protected species or their habitat.

6. Impact Of The Proposal On Existing Trees and Hedgerows

- 6.31 The application site is bounded by hedgerows with sporadic trees along the northern and western boundary with a post and wire fence and hedgerows along the southern boundary. The eastern boundary is delineated by a post and wire fence beyond which lies a small copse. The applicant has submitted an Arboricultural Report which assesses the impact of the proposal

on trees and hedgerows within the development site. The Report outlines that the hedgerows are to be retained with the copse along the eastern boundary unaffected.

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

7. Method Of Disposal Of Foul And Surface Water

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

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

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

Conclusion

- 6.35 In overall terms, the proposed site is located in a rural location characterised by significant gaps between sporadic dwellings and the erection of a dwelling on this elevated site would form an unacceptable prominent intrusion into the open countryside contrary to both local and national planning policies. Members will be aware that material considerations can be taken into account and allow determination contrary to planning policies; however, this report has clearly demonstrated that no exceptional need or particular justification has been submitted to allow the Council to approve this application contrary to the presumption against development in this location. This assessment is further supported by the dismissal of a recent appeal on the site for the erection of a detached dwelling. The proposal is, therefore, remains contrary to planning policies and is recommended for refusal.

7. Planning History

- 7.1 In 2013, Full Planning Permission was refused for the erection of a dwelling (application 13/0612). An appeal against the decision to the Planning Inspectorate was lodged on the 20th December 2013 and following a site visit by the Inspector was subsequently dismissed in January 2014 (PI Ref: APP/E0915/A/13/2208145).
- 7.2 Earlier this year, Full Planning Permission was refused for the erection of 1no. dwelling (Revised Application)(application reference 14/0385).

8. Recommendation: Refuse Permission

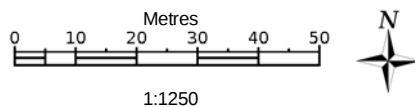
- 1. Reason:** The application site is physically and visibly separated from the built form of Brampton within an area of sporadic development characterised by significant gaps between sporadic dwellings, thereby, intruding into open countryside. The National Planning Policy Framework (NPPF) states that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances. No special circumstances as detailed in the NPPF have put been forward by the applicant that would justify a new dwelling in this location. The proposal is, therefore, contrary to Criterion 1 of Policy H1 of the Carlisle District Local Plan 2001-2016 and Paragraph 55 of the National Planning Policy Framework.
 - 2. Reason:** The Cumbria Landscape Strategy (CLS) outlines that the area is characterised by sandy knolls and ridges. The perceptual character of the area is of a pleasant farmed landscape. The landscape is generally small to medium scale and enclosed which opens out on the edges. The combination of knolls and ridges with mature woodland and pasture creates an enclosed parkland like appearance. Most views are framed by woodland or topography. The CLS seeks to ensure that the varied and well-composed landscape will be conserved and enhanced with residential development carefully controlled. The topography of the site is such that any dwelling would be highly visible within this open and rural setting, therefore, the erection of a dwelling on this site would have a significant detrimental impact on the landscape character of the area. The proposal is, therefore, contrary to Policy CP1 and criterion 2 of Policy CP5 of the Carlisle District Local Plan 2001-2016.
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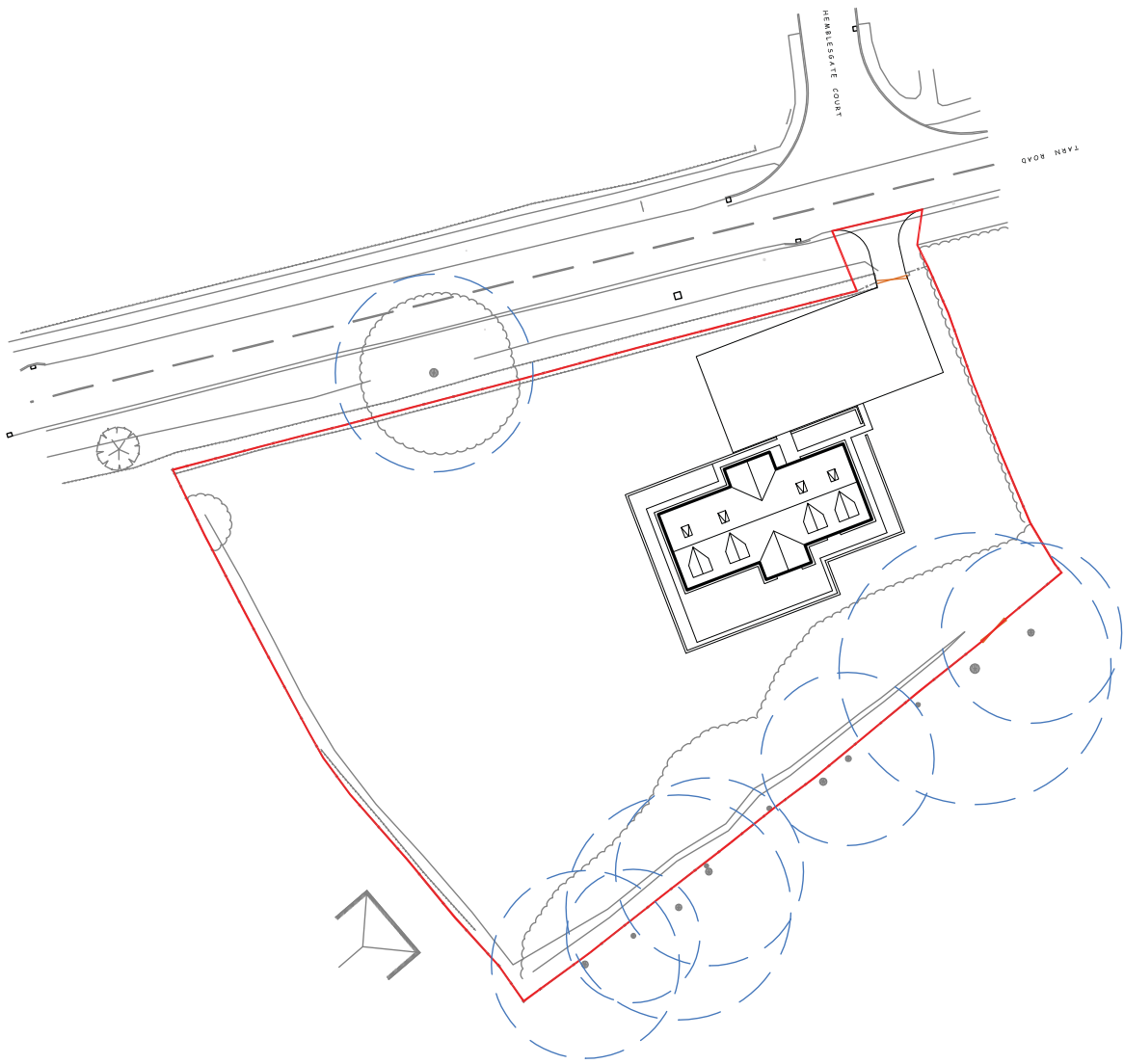
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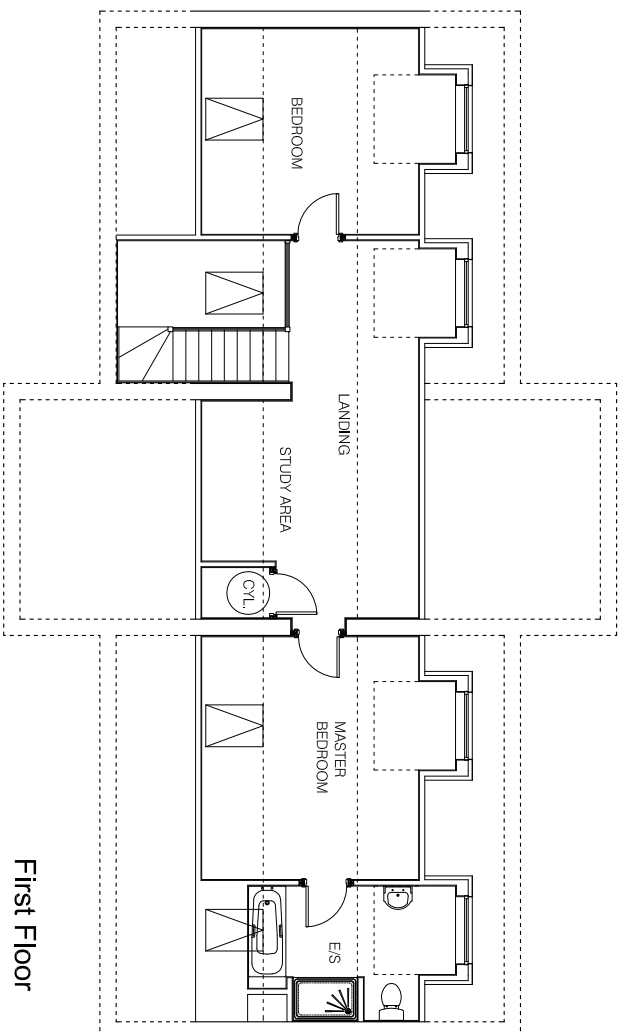
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The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

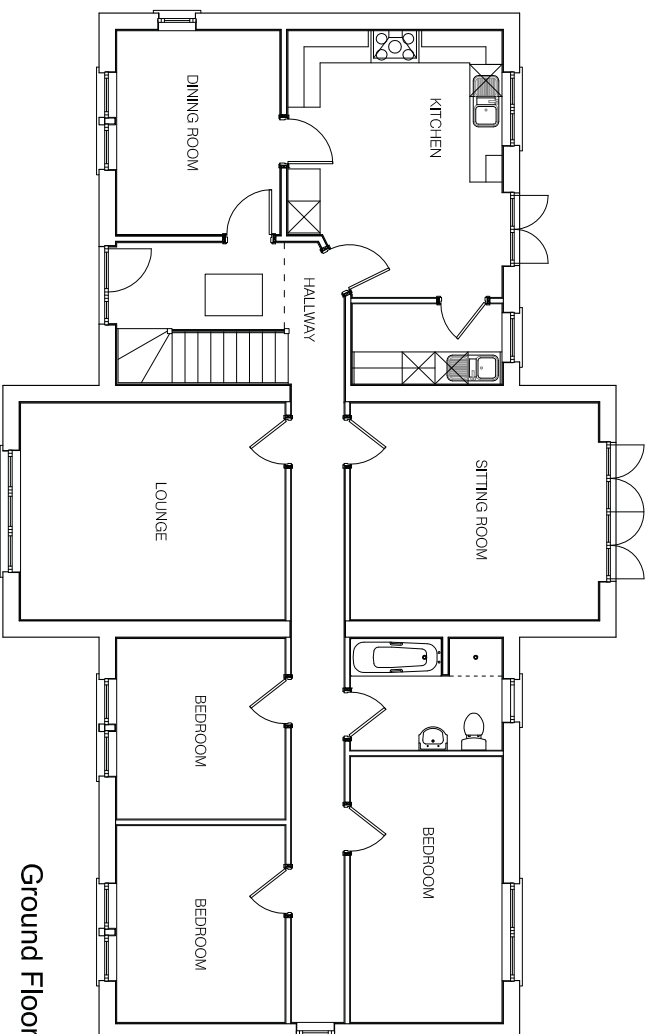


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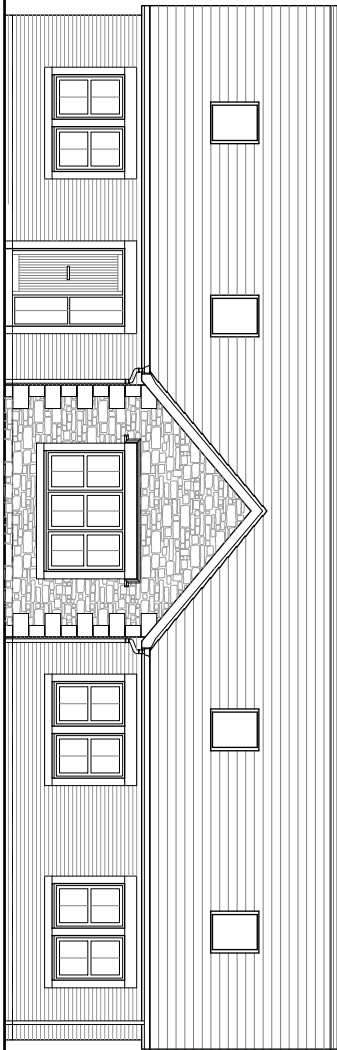




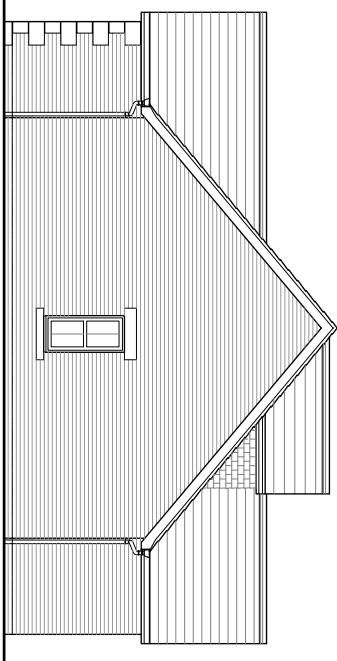
First Floor



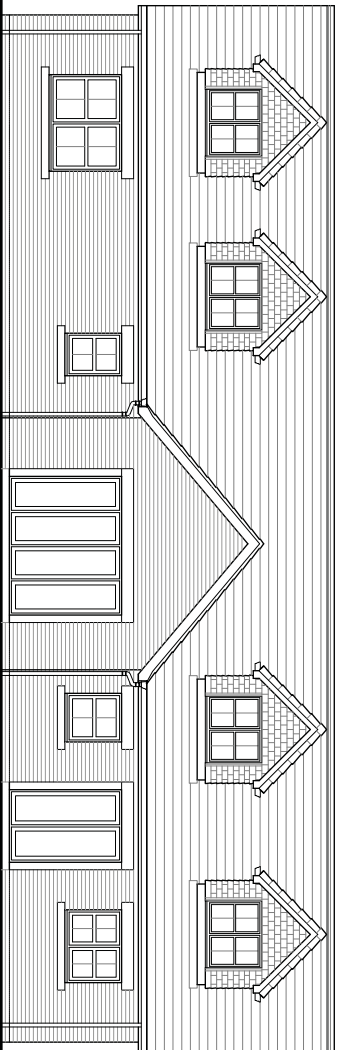
Ground Floor



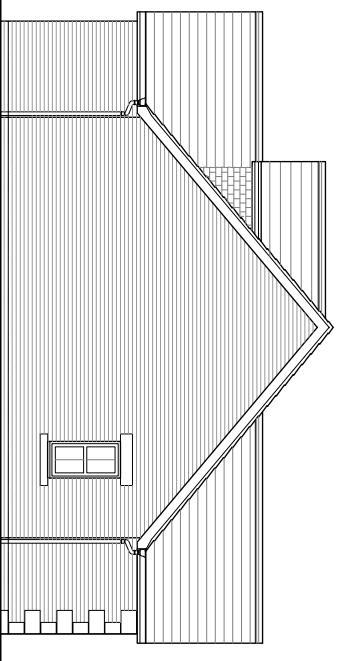
Front Elevation



Side Elevation



Rear Elevation



Side Elevation

SCHEDULE A: Applications with Recommendation

13/0246

Item No: 07

Date of Committee: 29/08/2014

Appn Ref No:
13/0246

Applicant:
Executors of the Late Mr & Beaumont
Mrs D Burnett

Parish:

Agent:
Taylor & Hardy

Ward:
Burgh

Location: Stone Barn to the north of the Manor House, Kirkandrews on Eden,
Carlisle CA5 6DJ

Proposal: Demolition Of Stone Outbuilding (LBC)

Date of Receipt:
26/03/2013

Statutory Expiry Date
21/05/2013

26 Week Determination

REPORT

Case Officer: Richard Maunsell

1. Recommendation

- 1.1 It is recommended that Authority to Issue approval is granted with the imposition of conditions subject to notification and approval by the Secretary of State.

2. Main Issues

- 2.1 Whether The Demolition Of The Listed building Is Acceptable
2.2 The Impact On Ecology And Nature Conservation

3. Application Details

The Site

- 3.1 The Manor House is located adjacent to the main road through the village close to the south-eastern fringe of the settlement. The 2 storey detached property is elevated and visibly prominent above the adjacent highway.
- 3.2 Adjacent to the site to the west and east are residential properties. The property sits within a large curtilage that extends northwards. As well as the

Manor House, there are outbuildings to the west and north which are listed in their own right. The Manor House was listed in 1952 and the description reads:

“House. Mid C18. Flemish bond brickwork. Welsh slate roof with end brick chimney stacks. 2 storeys, 3 bays. Lower 2-storey, 1-bay left extension, and 2-storey range to rear forming L-shape. C20 French window in original doorway; stone architrave, moulded and dentilled cornice. Shallow segmental arches with keystones and stone sills to sash windows with glazing bars. C19 left extension has raised quoins; stone sills and lintels to sash windows with glazing bars. Back extension has ground floor of split river cobbles, brick upper floor.”

3.3 The barn to the west was listed in 1984 and the description reads:

“Barn probably early or mid C18. Clay walls repaired with brick and cobbles (covered by thick ivy), sandstone slab roof. single storey. Plank doors in projecting cart entrance, no other doors or windows. Listed partly for G.V with The Manor House.”

3.4 The barn to the north, subject to this application, was also listed in 1984 and the description reads as follows:

“Barn and stables. late C18. Split river cobbles and red sandstone quoins, sandstone slate roof. 2 storeys, 2 bays, with 2-bay extension under common roof. Plank door in quoined surround, loft above with similar surround, now partly blocked with brick. Extension to left has garage door in flattened segmental arch, casement window in partly-blocked opening above. Listed partly for G.V with The Manor House.”

Background

3.5 The Manor House, together with the adjacent barns and curtilage, was advertised for sale in 2006. In 2009, the asking price was reduced and the property continued to be marketed until 2012. In this year, following the death of the owner and due the lack of interest from the market, the property was withdrawn from sale.

3.6 The application details state that although there were viewers to the property during the advertisement period, potential purchasers were dissuaded due to proximity of the stone building to the house and the dangerous condition of the outbuilding.

The Proposal

3.7 This application seeks listed building consent for the demolition of a stone outbuilding at The Manor House, Kirkandrews-on-Eden, Carlisle. The building is rectangular in shape and measures approximately 16 metres by 5.85 metres in width. The building had a wall height of 4.2 metres with the ridge of the remnant roof structure being 6 metres above ground. Very little remains of the roof structure.

- 3.8 The building is constructed of randomly course rubble stone which is filled with rubble core in a lime mortar. The building is in a poor state of repair and is structurally unstable.

4. Summary of Representations

- 4.1 This application has been advertised by means of a site notice, a press notice and direct notification to the occupiers of 2 of the neighbouring properties. No representations have been received.

5. Summary of Consultation Responses

Cumbria County Council - (Econ. Dir. Highways & Transportation): - no objection;

Beaumont Parish Council: - no comment;

English Heritage - North West Region: - this application proposes the total demolition of a grade II listed building. The justification for demolition is based upon current condition and the difficulty in selling it as part of the Manor House, Kirkandrews-on-Eden, which is also a Grade II building, and a second Grade II outbuilding which is part of the same estate. There have been two previous listed building consents granted for residential conversion of the barn which would have brought the building back into beneficial use. These have not been enacted and the property has been allowed to deteriorate. The National Planning Policy Framework is unambiguous in its guidance that demolition "should be exceptional" and only granted after stringent tests have been passed. As yet English Heritage do not consider these tests have been satisfied and would recommend refusal of this application as contrary to Policy. The Council is also advised that consideration is given to serving an Urgent Works Notice on this property;

Hadrians Wall Heritage Limited: - no comment received.

6. Officer's Report

Assessment

- 6.1 The relevant planning policies against which the application is required to be assessed are the National Planning Policy Framework (NPPF) together with Policies CP2 and LE14 of the Carlisle District Local Plan 2001-2016. The proposal raises the following planning issues.

1. Whether The Demolition Of The Listed Building Is Acceptable

- 6.2 The main issue to consider in determining this application is the impact of the demolition of the listed structure. Consideration needs to be given to the following issues:

- what is the significance of the building?
- how is it best to sustain and enhance the significance of the buildings?
How is best to reveal the significance of the group of listed buildings?
- is there sufficient justification for any perceived harm to the building and the setting of the adjacent listed building? If the answer is no, any resulting harm should be balanced against the public benefits of the proposal.

- 6.3 Each issue must be considered in the context of, and having regard to Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.

Assessment of the Significance of the Heritage Asset

- 6.4 The starting point for Members in the consideration of this application is the assessment of the significance of the heritage asset. Paragraph 128 of the NPPF requires that in determining applications, “local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting.”
- 6.5 Paragraph 129 of the NPPF elaborates on this issue:
- “Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.”
- 6.6 In order to address the requirements of the NPPF, and in particular paragraphs 128 and 129, a Statement in Support together with a Building Survey (Level III) report have been submitted in support of the application.
- 6.7 The building has historical reference insofar as a building on the site of the stone barn is recorded on the Tithe map of 1831 and the First Edition Ordnance Survey map of 1868. The Building Survey identifies that the ground floor was probably a store with the upper storey used as a hayloft. The originally constructed stone building was extended on its western gable with a cart shed.
- 6.8 English Heritage hasn't made any comment in respect of the significance of the building but has detailed their uncompromising opposition to the demolition of the building and the conflict of the proposal, in their view, with the NPPF.
- 6.9 The Council's Heritage Officer has objected to the application and with reference to the significance of the building, he has commented that:
- “As a building predating 1831 the structure represents one of a very small

proportion of the national building stock of this early vintage. As a vernacular building it is not altogether surprising that it lacks architectural pretension. This in itself is not justification for the loss of the building.”

- 6.10 The statement submitted by the applicant concludes, that having regard to the barn in the context of the site:

“...the demolition of the stone barn would change the setting of the Manor House; however, it could reveal the significance of the Manor House and the public's perception of it through its potential reoccupation and restoration.”

- 6.11 The Building Survey is comprehensive in terms of the historic development and context of the building together with lengthy commentary on the architectural features. The report concludes that:

“The stone barn had little architectural embellishment and was designed purely for an agricultural purpose serving as a barn with a hayloft. During the course of its use it was extended before 1868 with the addition of a cart shed.”

- 6.12 In the context of the wider public views of the site these are, at best, limited; however, there is no doubt that the building forms part of a cohesive group together with the Manor House and the clay dabbin building and is therefore of historic value. The Manor House is prominently sited on an elevated position above the County highway and the clay dabbin building stands adjacent to it. These buildings are visibly dominant within the site and therefore have a greater degree of significance in terms of their importance. In its current structural condition and poor state of repair, the building subject to this application detracts from the immediate setting of the Manor House and does not form a significant part of its overall interest.

Sustaining and Enhancing the Heritage Asset _

- 6.13 Paragraph 131 of the NPPF, sets out 3 issues that Local Planning Authorities (LPAs) should take into account when determining applications relating to heritage assets. These issues relate to:
- sustaining and enhancing the significance of heritage assets;
 - the positive contribution that the conservation of heritage assets can make to sustainable communities; and
 - the desirability of developments making a positive contribution to the local character and distinctiveness.
- 6.14 Linked to the requirement to enhance the significance of heritage assets, paragraph 137 supports proposals that better reveal the significance of a heritage asset.
- 6.15 The significance of the heritage asset has been summarised above. In summary it is the building itself (in its original condition) together with the group value with the 2 adjacent buildings. In terms of the wider public setting, the significance of the building is minimal due to its position within the site and the intervening buildings.

6.16 The Heritage Officer has responded:

“As stated above, the deterioration of the building has been highlighted to the owners for several years. I concur that a large portion of the southern elevation should be dismantled as its structural failure is quite evident. I would argue however that the cart house portion of the building is capable of retention as it stands (with some partial reconstruction to the southern elevation) if prompt efforts were made. The recording and careful dismantling of remaining unsound portions could be followed by the re-erection of the structure to the same substantial detail, conserving the material and detailing of the original construction.”

6.17 The proposed demolition of part of the building would retain some of the relevance and significance of the building; however, this would be radically different from the building in its original and ultimately extended form.

6.18 In terms of enhancing the asset, this is likely to be relatively difficult due to the condition of the building. The building can't be stabilised in its current form and would have to be taken down and rebuilt; however, this requires the estate to be sold and financial investment by the future owner. The emphasis relating to the preservation of heritage assets on the site should focus on the Manor House and clay building which have greater significance.

Contribution towards creating a sustainable community and local character and distinctiveness -

6.19 The NPPF requires LPAs to consider how the conservation of a heritage asset can make a positive contribution towards sustainable communities, including their economic viability. In this regard, English Heritage argues that the proposal is contrary to the NPPF as the demolition of the barn does not support the government's overarching objective of sustainable development insofar as it conflicts with the three interlinked roles of economic, social and environmental objectives.

6.20 The NPPF defines these roles as:

“an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and

an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve

biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.”

- 6.21 In this context, it is difficult to argue that the building contributes to either the economic or social objectives of the government. The relevance of the building in its environmental contribution is appropriate due to the historic context and contribution of the building to the group value of the listed buildings. This, however, is off-set against the continued deterioration of the building together with, and in some ways more importantly due to their greater visual prominence, the adjacent listed buildings.
- 6.22 The Manor House and associated outbuildings are now the responsibility of the executors of the estate following the death of the previous owner. During his custodianship of the property, planning permission and listed building consent were granted for the conversion of the building to 2 dwellings in the late 1986 and then again in 1999 but these weren't implemented. Since then little expenditure has been made with regard to repairs and maintenance required on the building.
- 6.23 In light of the current policy context, it is difficult to see how a proposed scheme for the conversion of the building would be acceptable given its structure condition, the restricted access and limited amenity space, together with the potential conflict with policies requiring minimum distances between primary windows.
- 6.24 The Heritage Officer has commented on the historical 'neglect' of the building:
- “Evident neglect over the past 30 years has however resulted in them now being in a significant state of disrepair. Again, this neglect was the responsibility of the former owners, and now passes to the executors or present owners of the site. My understanding is that the previous conservation officer took a number of queries regarding the site and visited it with prospective purchasers. It may be that the asking price failed to reflect the maintenance and restoration costs of the buildings on site.”
- 6.25 This point is also identified by English Heritage who opine that the property has been marketed at an unrealistic price due to the condition of the barn. They continue:
- “The current application has not demonstrated an adequate marketing exercise at a realistic market valuation of the building in question. Neither has it demonstrated that it is beyond economic repair and subsequent re-use.”
- 6.26 This is even to the extent that to adequately test the market, the asking price may need to be low or zero (section 96 Planning Policy Statement 5 – Practice Guide).
- 6.27 Despite being marketed at what appears to be a reasonable market price, the

property remained unsold before being taken off the market. The applicant advises that this is partially due to the condition of the barn. It would be fair to say that the property could be marketed at a lesser value but this would only be applicable if the building needed financial investment for maintenance and repair with a view to its retention. As previously discussed in this report, the building as a whole is structurally inadequate. Whilst a lesser price may allow a potential purchaser some capital to demolish the building, it seems unreasonable to lower the price or even zero the value for a building that is not worthy of retention.

- 6.28 The Manor House itself is increasingly in need of some increasingly urgent maintenance and repairs. The option of retaining the barn in its current condition makes it progressively more unattractive to a prospective custodian and therefore prolongs the deterioration of all the buildings. As such, in this context, the option to retain demolish the building and thereby attract a new custodian to the Manor House would meet the objectives of paragraph 131 (i) of the NPPF than the retention of the building and the uncertain future of the buildings if left vacant.
- 6.29 It is unreasonable to place any emphasis on the historical context of the site insofar the unimplemented planning permission for the conversion and the lack of maintenance by the previous occupier, particularly as the Council's Principal Conservation Officer had visited the site numerous times to provide advice. Despite the continued deterioration the owner was never served an Urgent Works or Repair Notice.
- 6.30 The proposed demolition of the barn may help facilitate the sale of the estate, occupation of the Manor House and subsequent maintenance and repair, and therefore, would help to sustain the positive contribution that the Manor House makes, in historic terms, to the character and distinctiveness of area.

Harm v Public Benefits of the Proposal .

- 6.31 Paragraphs 133 and 134 of the NPPF require the applicant to evaluate whether the proposed development would result in substantial harm to, or the total loss of significance of, a heritage asset.
- 6.32 Paragraph 133 states:

“Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and

- the harm or loss is outweighed by the benefit of bringing the site back into use.
- 6.33 The Manor House was listed in 1952 with the 2 outbuildings listed separately some 32 years later. Planning policies are clear in terms of presumption in favour of the retention of heritage assets and the consideration of the loss of any such designated asset should not be taken lightly. In this case, there will be harm to the individual asset of the barn through the demolition. The issue for Members in this case is the weight that should be attached to the contribution of the barn to the group value of the listed buildings and wider area against the potential sale of the estate and preservation of the Manor House and clay dabbin barn and thereby enhancement of the greater heritage asset.
- 6.34 Paragraph 134 of the NPPF states that: “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use”.
- 6.35 The demolition of the listed building therefore needs to be balanced against the following benefits of the listed building consent:
- the demolition of the building will promote the sale of the estate;
 - the future occupation of the Manor House will secure its upkeep and therefore the functional and heritage significance of the clay dabbin barn and the Manor House, the latter which is a more significant heritage asset;
 - the future maintenance of Manor House will ensure the continued public enhancement of the building within its setting and the wider character of the area on this prominent approach to the village.
- 6.36 It is therefore considered that any harm caused by the listed building proposals will be outweighed by the benefits to be gained by the remaining heritage assets. The proposal is therefore considered to be in accordance with Paragraph 134 of the NPPF.

2. The Impact On Ecology And Nature Conservation

- 6.37 Planning Authorities in exercising their planning and other functions must have regard to the requirements of the EC Habitats Directive (92/43/EEC) when determining a planning application as prescribed by regulation 3 (4) of the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended). Such due regard means that Planning Authorities must determine whether the proposed development meets the requirements of Article 16 of the Habitats Directive before planning permission is granted. Article 16 of the Directive indicates that if there is reasonable likelihood of a European protected species being present then derogation may be sought when there is no satisfactory alternative and that the proposal will not harm the favourable conservation of the protected species and their habitat.
- 6.38 The Councils GIS Layer has identified that the site has the potential for breeding birds and otters to be present on or in the vicinity of the site. As the proposed development involved the demolition of a barn this is a pertinent

issue; however, the building has no roof structure and there are adjacent buildings which are likely to provide a better habitat.

- 6.39 Using the guidance issued by Natural England, the development would not harm protected species or their habitat; however, an Informative has been included within the decision notice ensuring that if a protected species is found all work must cease immediately and the Local Planning Authority informed. It would also be appropriate to impose a condition prohibiting the removal of the hedgerow during the bird breeding season unless an appropriate assessment has been undertaken.

Conclusion

- 6.40 Listed building consent is sought to demolish the Grade II listed barn at the Manor House and consideration needs to be given to whether the proposal is in accordance with national and local plan policies, particularly when compared with the option of retaining it in its current location.
- 6.41 The protection of heritage assets is a theme that runs through both the NPPF and local plan policies and appropriately there is a strong presumption in favour of their retention unless the appropriate policy criteria have been robustly assessed and there are material considerations which allow for their demolition. It is the exception rather than the norm to consider applications for the demolition of listed buildings. Wherever possible, such heritage assets are repaired.
- 6.42 In accordance with Paragraph 128 of the NPPF, the significance of the barn has been assessed. It can be concluded that the significance of the building in its architectural, historic and artistic value has diminished since the time of the listing. The condition of the building has deteriorated over time; however this was due to the lack of maintenance of the previous owner. Whilst this situation should not be condoned, the Council was aware of the situation due to the meetings and site visits undertaken by the Principal Conservation Officer. The appropriate action to require repairs to be undertaken should have been taken at that time. It would be perverse to initiate such retrograde steps now.
- 6.43 Consideration has been given to how best to sustain and enhance the heritage assets within the overall context of the site, comparing the option of the retention of the building against its demolition and the potential benefits to the adjoining buildings. It has been concluded that the significance of the heritage assets are best sustained, enhanced and preserved by demolition of the barn. The continued retention of the building is likely to result to prejudice the sale of the estate and therefore continue the deterioration of the Manor House and clay dabbin barn. The proposed development is therefore considered to be in accordance with Paragraphs 131 and 137 of the NPPF and Policy LE14 of the Local Plan.
- 6.44 The demolition of the building would not result in an adverse impact on the ecology or natural habitats in the locality.

- 6.45 However, section 13 of the Planning (Listed Building and Conservation Areas) Act 1990 requires that certain descriptions of application for listed building consent, which includes demolition, are referred to the Secretary of State. In this case, the application involves the demolition of the principal building and therefore should Members be minded to grant consent, Authority to Issue approval is sought subject the referral of the application to the Secretary of State for approval.

7. Planning History

- 7.1 Planning permission and listed building consent were granted in 1986 for the conversion of a barn to a dwelling.
- 7.2 In 1999, planning permission and listed building consent were granted for the conversion of a barn to a dwelling.

8. Recommendation: Grant Permission

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

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

2. The approved documents for this Listed Building Consent comprise:

1. the Listed Building Consent application form received 26th March 2013;
2. the Location Plan received 26th March 2013 (Drawing no. 11/129/1);
3. the Block Plan received 26th March 2013 (Drawing no. 11/129/2);
4. the Statement in Support received 26th March 2013;
5. the Building Survey (Level III) received 26th March 2013;
6. the Notice of Decision

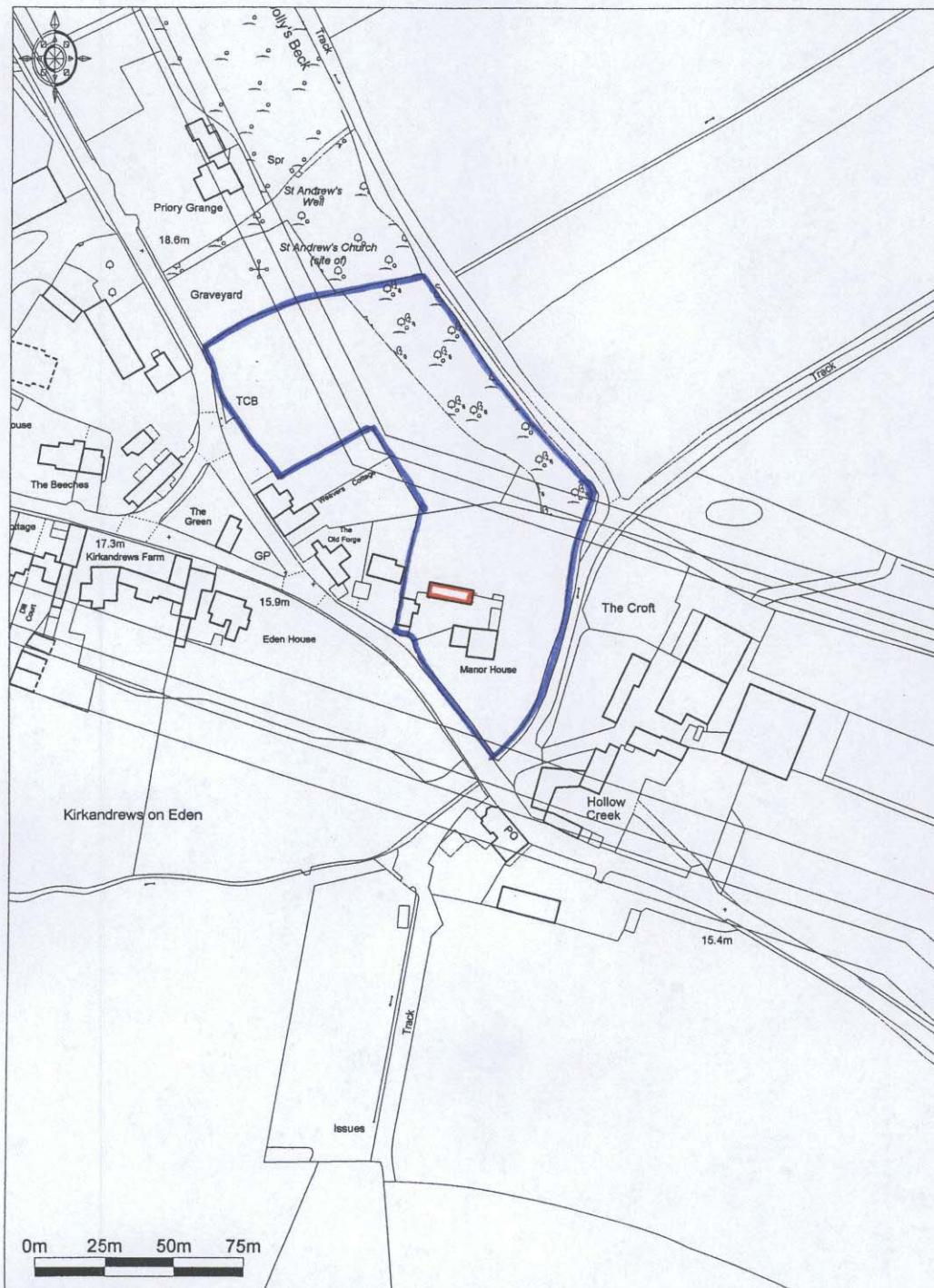
Reason: To define the permission.

3. No demolition hereby approved by this permission shall commence until a detailed management plan for the demolition works has been submitted to and agreed in writing by the Local Planning Authority. The management plan should include:

1. method of demolition;
2. site management arrangements including site office, developer contact number in event of any construction/demolition related problems, and site security information;
3. construction traffic routes, timing of lorry movements, hours of deliveries, numbers and types of vehicles, construction traffic parking;
4. hours of site operation, dust suppression measures, noise limitation measures.

The demolition must then be undertaken in accordance with the approved details.

Reason: To ensure that the demolition is undertaken in an appropriate manner and to safeguard the adjacent listed buildings in accordance with Policy LE14 of the Carlisle District Local Plan 2001-2016.



Promap

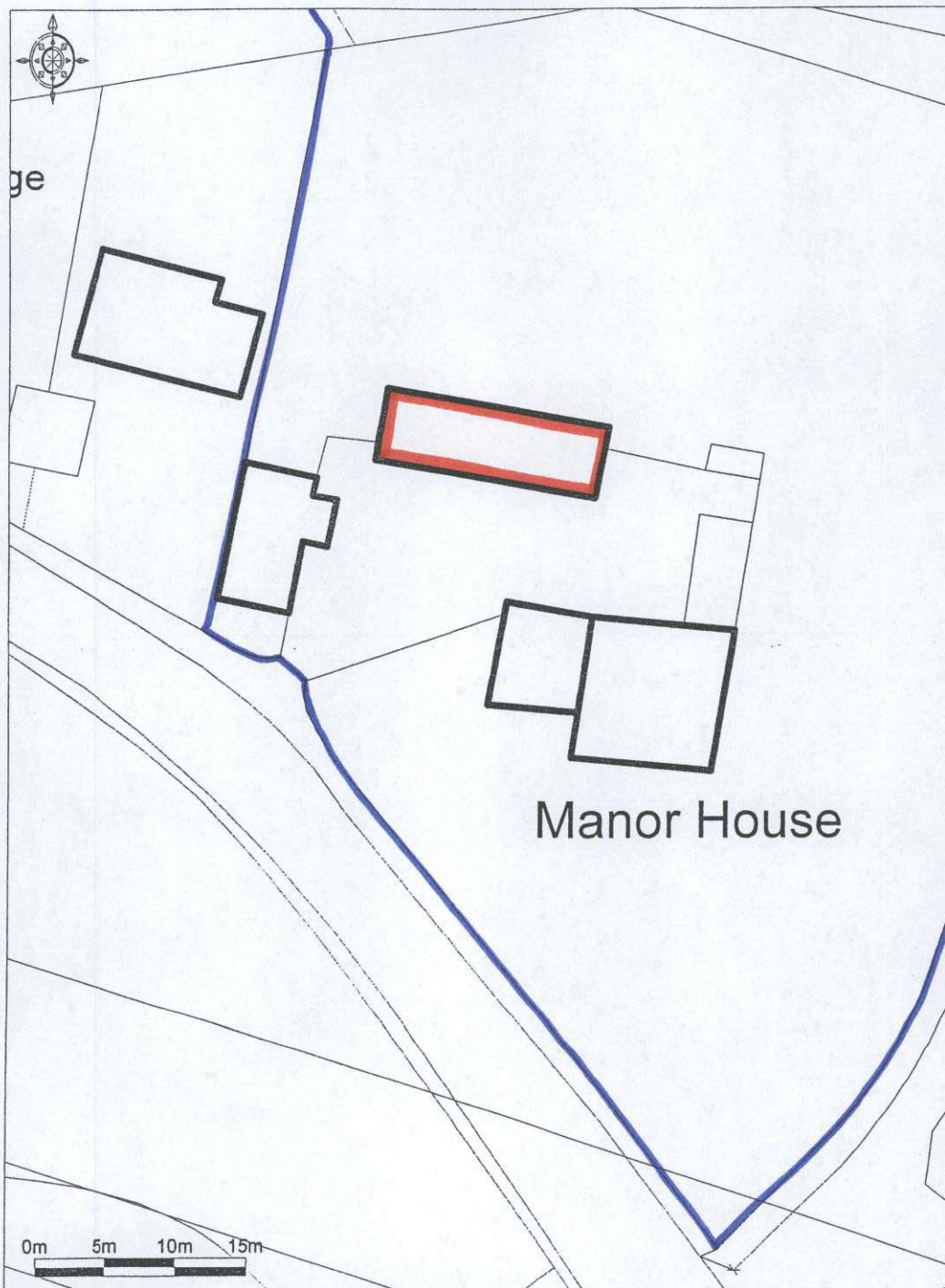
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Licence number 100020449. Plotted Scale - 1:2500

LOCATION PLAN

Drawing No. 11/129/1

Scale 1:2500





Promap

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BLOCK PLAN

Drawing No. 11/129/2

Scale 1:500



SCHEDULE A: Applications with Recommendation

14/0584

Item No: 08

Date of Committee: 29/08/2014

Appn Ref No:
14/0584

Applicant:
Armeria (UK) LLP

Parish:
Rockcliffe

Agent:
Taylor & Hardy

Ward:
Longtown & Rockcliffe

Location: Land to the north of 10 Lonning Foot, Rockcliffe, Carlisle

Proposal: Erection Of 4no. Dwellings (Outline Application)

Date of Receipt:
07/07/2014

Statutory Expiry Date
01/09/2014

26 Week Determination

REPORT

Case Officer: Barbara Percival

1. Recommendation

- 1.1 It is recommended that this application is approved subject to completion of a Legal Agreement in respect of affordable housing provision.

2. Main Issues

- 2.1 Principle of development
- 2.2 Whether the scale and design of the dwellings are acceptable
- 2.3 Provision of a commuted sum towards off-site affordable housing provision
- 2.4 Impact of the proposal on the living conditions of neighbouring residents
- 2.5 Impact of the proposal on highway safety
- 2.6 Impact of the proposal on trees and hedgerows
- 2.7 Impact of the proposal on biodiversity
- 2.8 Impact of the proposal on the Buffer Zone on the World Heritage Site
- 2.9 Method for the disposal of foul and surface water
- 2.10 Loss of agricultural land
- 2.11 Other Matters

3. Application Details

The Site

- 3.1 The application site is located on the eastern side of the Rockcliffe to Todhills county highway on the north-eastern periphery of Rockcliffe. Immediately to the north and east lies agricultural land with an access track serving the agricultural land running along its southern boundary with number 10 Lonning Foot, a two storey semi-detached dwelling, located beyond the track. To the west of the application site, on the opposite side of the road, are three detached single storey dwellings, Croft Cottage, Hamethwaite and The Saltings together with Treyarnon, a two storey detached dwelling.
- 3.2 The boundaries of the proposed site are delineated by mature hedgerows with sporadic trees.

The Proposal

- 3.3 The proposal seeks Outline Planning Permission with Some Matters Reserved for the erection of 4 dwellings. The submitted application form and documents detailing that approval is sought in respect of scale only, access, appearance, landscaping and layout would be subject of a further application should Members approve the application.

4. Summary of Representations

- 4.1 This application has been advertised by the direct notification of seven neighbouring properties and the posting of a Site Notice. In response, three representations have been received.
- 4.2 The representations identifies the following issues:
1. adequacy of highway for construction traffic and pedestrians.
 2. adequacy of existing sewers to accommodate additional proposed dwellings.
 3. existing surface water flooding within the vicinity.
 4. potential removal of hedgerows.
 5. loss of agricultural land.
 6. unsustainable location.
 7. services from Hamethwaite and Croft Cottage run along the edge and under the surface of the existing hedge line.
 8. the proposed development is outwith the village boundaries.

5. Summary of Consultation Responses

Cumbria County Council - (Econ. Dir. Highways & Transportation): - the proposal as shown on Drawing 13062-06A is acceptable to the Highway

Authority. As it is an Outline application with only scale for which approval is being sought recommend the imposition of conditions;

Rockcliffe Parish Council: - have the following comments/observations a) concern over the proposed surface water arrangements. The adjacent watercourse (Blencarn Beck) is not considered capable of accepting any additional capacity; b) concerns in respect of the visibility splay on the four points of entry and exit onto the public highway as the road is narrow and near a blind corner; and c) no on-road parking is available in the area, so adequate on-site parking provision needs to be included;

English Heritage - North West Region: - do not believe that this proposal would impact directly on any archaeological remains from the Hadrian's Wall World Heritage Site. In addition, although potentially visible from the World Heritage Site, do not believe that it would harm the ability to appreciate and understand Roman military planning and land use. In light of this, do not believe the proposal would harm the setting of the World Heritage Site;

Hadrians Wall Heritage Limited: - no response received;

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

United Utilities - (for water & wastewater comment): - in accordance with the National Planning Policy Framework and Building Regulations, the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way. Building Regulations H3 clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy. UU would ask the developer to consider the following drainage options in the following order of priority: a) an adequate soak away or some other adequate infiltration system, (approval must be obtained from local authority/building control/Environment Agency); or, where that is not reasonably practical; b) a watercourse (approval must be obtained from the riparian owner/land drainage authority/Environment Agency); or, where that is not reasonably practicable; and c) a sewer (approval must be obtained from United Utilities). To reduce the volume of surface water draining from the site UU would promote the use of permeable paving on all driveways and other hard-standing areas including footpaths and parking areas. In respect of drainage UU have no objections to the proposal, therefore, require no conditions to be attached to any approval;

Local Environment - Waste Services: - if approved the applicant would be responsible for paying for the provision of refuse/cycling containers for each property.

6. Officer's Report

Assessment

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
- 6.2 The Development Plan for the purposes of the determination of this application is the Carlisle District Local Plan 2001-2016 from which Policies DP1, CP1, CP2, CP3, CP4, CP5, CP12, H1, H5, LE7 and T1 of the Carlisle District Local Plan 2001-2016 are of particular relevance.
- 6.3 The National Planning Policy Framework (NPPF) and the Planning Practice Guidance (March, 2014) are also material planning considerations in the determination of this application.
- 6.4 The proposals raise the following planning issues:

1. Whether The Principle of Development Is Acceptable

- 6.5 The main issue for Members to establish in the consideration of this application is the principle of development. As previously outlined, since the adoption of the Local Plan, the National Planning Policy Framework (NPPF) and the Planning Practice Guidance have been published by the Government and are material considerations in the determination of this application.
- 6.6 Paragraph 14 of the NPPF outlines that *"at the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking"*. For decision-taking the NPPF highlights that this means: *approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted"*.
- 6.7 This is further reiterated in paragraph 215 of the NPPF which highlights that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given). Accordingly, in respect of this application whilst the development should be considered against Local Plan policies, the Council's Local Plan (in respect of the issue of housing) cannot be considered up to date under the NPPF.
- 6.8 When assessing the application site against the foregoing policies, the site lies outwith the settlement boundary of Rockcliffe as identified in the Proposals Map of the Local Plan; however, Policy H1 is not consistent with the NPPF, and as such greater weight should be given to those policies within the NPPF. Whilst Policy H1 restricts housing development to sites within the settlement boundary, the NPPF is aimed at significantly boosting the supply of housing, and does not refer to settlement boundaries. Paragraph 55 of the

NPPF outlines that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

- 6.9 The application site is well contained within existing field boundaries and is adjacent to and directly opposite other residential properties within Rockcliffe. Rockcliffe has a high level of services which consist of a public house, village hall, school and church. Accordingly, Rockcliffe is considered to be a sustainable location, therefore, the principle for the development of the site for housing is consistent with the objectives of the NPPF.

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

- 6.10 The application seeks Outline Planning Permission with All Matters Reserved except for scale. Access, appearance, landscaping and layout, therefore, would be subject of a further application should the application be approved. The submitted drawings illustrate four detached bungalows of a similar scale to other bungalows directly opposite the site; however, given the topography of the land conditions are recommended which would require the submission of finished ground/floor levels and that the dwellings are no more than 1.5 storey in height.

3. Provision Of A Commuted Sum Towards Off-Site Affordable Housing Provision

- 6.11 The community's needs for affordable housing provision is a material planning consideration. Policy H5 of the Local Plan recognises this need and sets the thresholds for the provision of affordable housing. In respect of this application, although the proposal is for four dwellings within the rural area, the site extends to over 0.3 hectares, therefore, Policy H5 requires an affordable housing contribution of 20%. The Agent has subsequently confirmed that the Applicant agrees to the financial contribution. Accordingly, subject to the completion of a Section 106 Agreement there is no policy conflict.

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

- 6.12 Both the NPPF and the Local Plan seek to ensure that proposals for new development should be appropriate in terms of quality to that of the surrounding area and that development proposals incorporate high standards of design including siting, scale, use of materials and landscaping which respect and, where possible, enhance the distinctive character of townscape and landscape. Development should also seek to ensure that the living conditions of the occupiers of adjacent residential properties are not adversely affected by proposed developments.
- 6.13 As previously outlined, the application seeks Outline Planning Permission with All Matters reserved excluding scale. Although the siting of the dwellings on the layout plan is indicative only it demonstrates that adequate separation distance can be maintained between the existing and proposed dwellings,

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

5. Impact Of The Proposal On Highway Safety

- 6.14 The application site has a frontage along the Rockcliffe to Todhills county highway. The indicative drawings and submitted documents illustrate the removal, replanting and setting back of the western (roadside) boundary hedge into the application site, thereby, providing additional land for the formation of a 1.8 metre pavement together with the formation of four new vehicular accesses to serve the proposed dwellings. The Parish Council and third parties have raised concerns in respect of the ability to achieve adequate visibility splays and in-curtilage parking provision to serve the proposed development, intensification of use and pedestrian safety given the existing width of the highway and the proximity of a 'blind' corner.
- 6.15 Cumbria County Council, as Highways Authority, has been consulted and outlines that the site has been the subject of extensive pre-submission discussions between the Highways Authority and the Agents. The consultation response goes on to confirm that the proposals illustrated on the submitted drawings are acceptable to the Highways Authority subject to the imposition of conditions. These conditions would require the submission of further details in respect of: achieving adequate visibility splays to serve the dwellings; means of access and site frontage improvement works; measures to prevent surface water discharging onto the highway; access with in-curtilage parking provision; and facilities for construction traffic.
- 6.16 The concerns of the Parish Council and third parties are noted; however, in light of the comments received from the Highways Authority it would be difficult to substantiate a refusal of the application on highway safety grounds.

6. Impact Of The Proposal On Trees And Hedgerows

- 6.17 Policy CP3 of the Local Plan seeks to ensure that proposals for new development should provide for the protection and integration of existing trees and hedges. In respect of new development, the City Council will resist proposals which cause unacceptable tree loss, and which do not allow for the successful integration of existing trees. This aim is further reiterated in Policy CP5 which requires all developments to take into account important landscape features and ensure the enhancement and retention of existing hedges.
- 6.18 Furthermore, the City Council's Supplementary Planning Document (SPD) 'Trees and Development' outlines that native large growing species are intrinsic elements in the landscape character of both rural and urban areas alike and acquire increasing environmental value as they mature. Large trees need space in which to grow to maturity without the need for repeated human intervention. Not only should the design of the development seek to retain existing tree and hedgerow features, but sufficient space should be allocated within the schemes to ensure integration of existing features and space for

new planting it is important that these issues are considered at the very start of the planning process.

- 6.19 The Tree Survey, submitted as part of the application, outlines that the development would involve the removal and replanting of the western (roadside) boundary hedgerow. The Report goes on to highlight that the proposed development would also require the removal of Two Beech trees from within the western boundary and that a further Ash tree, had recently been felled in the southern corner of the site. The remainder of the hedgerows along the northern, southern and eastern boundaries would be unaffected by the development. The report concludes that at least four native trees (or wildlife ornamental species) in appropriate locations should be planted to mitigate for those lost due to the development. In respect of the western boundary hedgerow the mitigation measures should involve the replanting of new native species-rich hedge or new native tree planting.
- 6.20 The City Council's Landscape Architect/Tree Officer has been consulted and has no objections to the removal of the trees and hedgerow subject to the imposition of conditions which would ensure the protection of the retained hedgerows within the site together with the submission of a landscaping scheme and its subsequent implementation.

7. Impact Of The Proposal On Biodiversity

- 6.21 The Council's GIS Layer has identified that there is the potential for several key species to be present within the vicinity. Using the guidance issued by Natural England, the development would not harm protected species or their habitat; however, an Informative is recommended to be included within the decision notice ensuring that if a protected species is found all work must cease immediately and the Local Planning Authority informed. Furthermore, the proposed re-planting of a new native species-rich hedge along the western boundary could also afford an opportunity to enhance local biodiversity within the site.

8. Impact Of The Proposal On The Buffer Zone On The World Heritage Site

- 6.22 The site lies within the Buffer Zone on Hadrian's Wall World Heritage Site. English Heritage has been consulted and do not believe that the proposal would impact directly on any archaeological remains from the Hadrian's Wall World Heritage Site. In addition, although potentially visible from the World Heritage Site, do not believe that it would harm the ability to appreciate and understand Roman military planning and land use. Accordingly, English Heritage do not believe the proposal would harm the setting of the World Heritage Site.

9. Method For The Disposal Of Foul And Surface Water

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

would be to the mains sewer whilst surface water drainage would be to an existing watercourse. A Statement on Drainage Aspects was also submitted as part of the application which outlines that surface water drainage, illustrated on the submitted drawing, would be to a 150mm diameter surface water drain which would connect to an existing watercourse via a headwall designed to the Environment Agency's requirements.

- 6.24 In respect of surface water drainage, the Parish Council have raised concerns in respect of the capacity of an adjacent watercourse (Blencarn Beck) to accommodate any additional capacity. Whilst third parties also raise issues with surface water flooding and cite problems in respect of another development for housing north of Rockcliffe School. Third parties have also raised concerns in respect of foul drainage and the condition of the existing sewer system.
- 6.25 In respect of surface water drainage, additional information has been obtained from the Agent which further outlines the proposed methods for the disposal of surface water drainage and clarifies that surface water drainage would be to Rockcliffe Beck as opposed to Blencarn Beck. United Utilities have also been consulted and raise no objections to the proposal whilst the discharge of surface water into Rockcliffe Beck would require permission under Environment Agency Legislation.
- 6.26 The application seeks Outline Planning Permission, in light of the concerns raised by the Parish Council and third parties, the method of disposal of both foul and surface water would be subject to a further application should the application be approved.

10. Loss Of Agricultural Land

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

11. Other Matters

- 6.28 A third party has raised concerns about the impact on services which run along and adjacent to the western boundary of the site. This matter is subject to Civil Legislation and is not a material planning consideration.

Conclusion

- 6.29 In overall terms, the proposal is considered to be compliant under the provisions of the NPPF and the objectives of the relevant Local Plan policies. Accordingly, the application is recommended for approval subject to the completion of a Section 106 Legal Agreement in respect of the provision of a commuted sum towards off-site affordable housing provision.

7. Planning History

- 7.1 Earlier this year, an application was withdrawn for erection of 1no. dwelling (Outline) (application reference 14/0164).

8. Recommendation: Grant Permission

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

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

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

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

3. The approved documents for this Planning Permission comprise:

1. the submitted planning application form received 7th July 2014;
2. the Planning Statement received 7th July 2014;
3. the Design and Access Statement received 7th July 2014;
4. the Statement on Land Contamination received 7th July 2014;
5. the Tree and Hedge Survey Report compiled by OpenSpace received 7th July 2014;
6. the proposals received 7th July 2014 (Drawing No. 13062-06A);
7. the Notice of Decision; and
8. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

4. No development shall commence until visibility splays providing clear visibility of 2.4 metres by 43 metres measured down the centre of each

access and the nearside channel line of the major road have been provided at the junction of each 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. To support Local Transport Plan Policies: LD7 and LD8.

5. No development shall commence until detailed drawings showing the development and means of access thereto, including improvement works to the site frontage, 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: In the interests of highway safety. To support Local Transport Plan Policies: LD7 and LD8.

6. 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. To support Local Transport Plan Policies: LD7 and LD8.

7. No dwelling hereby permitted shall be occupied until a means of vehicular access and parking has been constructed in accordance with plans to be approved by the Local Planning Authority.

Reason: To ensure a suitable standard of vehicular access in the interests of highway safety. 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.

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

9. Prior to the occupation of the first property suitable receptacles shall be provided for the collection of waste and recycling for each unit in line with the schemes available in the Carlisle district.

Reason: In accordance with Policy CP14 of the Carlisle District Local Plan 2001-2016.

10. Prior to commencement of development a detailed scheme of tree and hedge protection shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in its agreed form prior to the commencement of any development works on the site.

Within the fenced off area;

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

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

11. Prior to commencement of development, a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be at a scale of 1:200 and shall include:

- i) The exact location and species of all existing trees and other planting to be retained;
- ii) An outline specification for ground preparation for landscaped areas;
- iii) All proposals for new planting and turfing, indicating the location, arrangement, species, size, specifications, numbers and planting densities;
- iv) All proposed hard landscaping elements and paving, including layout, materials and colours;
- v) The proposed arrangements and specifications for initial establishment maintenance and long term maintenance of all

planted and/or turfed areas.

The approved scheme shall be implemented in its agreed form prior to the end of the first planting season following substantial completion of the development to which it is associated. 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 approval to any variation.

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

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

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

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

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

14. Details shall be submitted of the proposed hard surface finishes to all public and private external areas within the proposed scheme and approved, in writing, by the Local Planning Authority.

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

15. Before development commences, particulars of height and materials of all proposed boundary treatments to be used within the development shall be submitted to and approved in writing by the Local Planning Authority and the development thereafter carried out in accordance therewith.

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

16. The dwellings, subject of this approval, shall be no higher than 1.5 storeys.

Reason: In the interests of preserving the privacy and amenity of the neighbouring residents, to ensure that the development

respects the scale and character of buildings in the locality and to ensure compliance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

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

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

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

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

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

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

20. No work associated with the construction of the residential units hereby approved shall be carried out before 07.30 hours on weekdays and Saturdays nor after 18.00 hours on weekdays and 16.00 hours on Saturdays (nor at any times on Sundays or statutory holidays).

Reason: To prevent disturbance to nearby occupants in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

21. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the

approval in writing of the Local Planning Authority.

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



scale 1:200



Location Plan
Scale 1:1250

PLANNING
ARCHITECTS
PLUS

ARMERIA(UK) LTD
PROPOSALS

Access	Date	Drawn	Comp.No	Number
1:500	06.14	D8	P02	13062-06A
1:200	1:1000			



- Individual assessments to each catchment to assess SMI 2.4.2
- CSIW visibility studies to assess SMI 2.4.2
- Cost paid to have SMI 2.4.2 on planning authorities' agenda
- Existing boundary study to help catch to be removed to allow new CSW (communities) to be formed with related work to other villages
- Replacement surface options leading to the planned to road
- Findings linked new highway and visibility signs
- Existing layout to South and East boundaries to be carefully reviewed
- New surface options leading to the planned between plots
- Surface water drainage from each plot to discharge to surface watercourse

Lonning Foot

SCHEDULE A: Applications with Recommendation

14/0396

Item No: 09

Date of Committee: 29/08/2014

Appn Ref No:
14/0396

Applicant:
Mr & Mrs Julian Coulthard

Parish:
Wetheral

Agent:
AJ & D Chapelhow Limited

Ward:
Wetheral

Location: Red Beeches, 24 Scotby Village, Scotby, Carlisle, CA4 8BS

Proposal: Replacement Of Timber Sliding Sash Windows To Rear Elevation With Double Glazing Units (LBC)

Date of Receipt:
20/05/2014

Statutory Expiry Date
15/07/2014

26 Week Determination

REPORT

Case Officer: Stephen Daniel

1. Recommendation

1.1 It is recommended that this application is refused.

2. Main Issues

2.1 Impact Of The Proposal On The Listed Building

3. Application Details

The Site

3.1 Red Beeches is a Grade II Listed dwelling (it was listed on 1st April 1957), which lies within the Settle-Carlisle Conservation Area. The front elevation of the dwelling is brick with the rear elevation being constructed of natural sandstone, with moulded stone window surrounds under a slate roof. The rear elevation contains five windows of varying sizes and some French doors, with two dormer windows also being located within the rear roofslope. The five windows are single glazed multi pane timber sliding sash windows which are painted white, which operate on weights and pulleys. The French doors are double glazed units and these replaced some modern French doors in 2013. The City Council's Conservation Officer considered that the

double glazing of these twentieth century doors did not affect the character of the listed building and that this change could be undertaken without the need for Listed Building Consent.

- 3.2 The applicant wishes to replace the windows to the rear elevation. It is argued by the applicant that they are difficult to operate and have apparently caused the owner of the dwelling to incur a strain to her shoulder a number of times. It is argued that the proposed double glazed units would lead to a saving in heating costs to this large dwelling, which it is maintained would lead to 'much improved living conditions and a saving to the carbon footprint'.

The Proposal

3.3 The proposal is seeking to replace the five windows in the rear elevation of the property with double glazed units. The design of the proposed windows approximates the existing units. They are proposed to be timber sliding sash windows with the same number of panes as the existing. The windows would operate on the existing weights and pulleys.

4. Summary of Representations

- 4.1 This application has been advertised by means of site and press notices as well as notification letters sent to five neighbouring properties. In response, one letter of support has been received which makes the following points:

- the property owners have spent a lot of money upgrading this listed building into a family home and would like to continue with their endeavours by replacing rotten windows which allow all the heat out and the rain in;
- in the present climate of trying to save energy it is an excellent solution especially when it is to be done in a sympathetic way so as not to spoil the building.

5. Summary of Consultation Responses

Wetheral Parish Council: - support - no observations.

6. Officer's Report

Assessment

- 6.1 The relevant planning policy against which the application is required to be assessed is Policy LE12 of the Carlisle District Local Plan 2001-2016. The proposal raises the following planning issues:

1. Impact Of The Proposal On The Listed Building

- 6.2 The Council's Conservation Officer has been consulted on the application. Prior to the submission of the application he advised the applicants that the replacement of single glazed sashes with double glazed sashes would be unacceptable because of the loss of historic fabric that the replacement would imply. The Council's adopted guidance note on 'Windows and Doors

in Historic Buildings - a guide for owners and occupiers for listed buildings and conservation areas' (adopted September 2013) requires traditional windows and doors to be repaired and retained wherever possible as they represent a finite resource of historic material that when lost cannot be replaced. Reflecting national conservation guidance, it states that total replacement should always be a last resort and that in instances of listed buildings, replacement should be on a like-for-like basis. In many cases window replacement is sought to increase insulation and reduce heat loss. The guidance note states that in these instances it is often more cost effective to fit weather strips to combat draughts and increase noise insulation, ease rattling and improve the operation of the windows. In instances when this is not sufficient, the guidance note states that secondary double glazing in a removable inner frame may be appropriate and usually no Listed Building Consent would be required for this. The guidance note reflects national policy, that original joinery should be maintained and that where components have reached the end of their natural life they should be replaced on a minimal and like-for-like basis.

- 6.3 The granting of Listed Building Consent for the proposed change would set a significant precedent which could be prejudicial to the survival of large amounts of historic material within the Districts stock of listed buildings, with a consequent impact on their character. Citing difficulties of operation (which can usually be resolved by adjusting the sash weights or refurbishing the sashes) or thermal performance (improvable through draft stripping or other measures) would therefore be apparent justification for the loss of any surviving original windows. Similarly, decay is not usually considered to be adequate justification for replacement of historic windows with new double glazed windows, as this would invite deliberate neglect and the possibility of replacement.
- 6.4 If original fenestration is not properly maintained within a decade or so all Listed Buildings would have windows in such a deteriorated state that their owners could seek to replace the original windows with double glazed replacements. This would lead to a wholesale loss of original craftsmanship, finite historic material including joinery and historic glass, and also inevitable detrimental harm to the appearance of buildings as double glazed units differ visually from single glazed fenestration e.g. in the appearance of the glass, the delicacy of the joinery and the appearance of mouldings, putty details and the accumulation of historic interest accrued in aged components.
- 6.5 No detail of the existing windows (e.g. cross sections of glazing bars) have been provided by the applicant to illustrate the supposed match between the existing windows and the proposed units. However, the proposed double glazed units appear to be at least 20mm thick in contrast to existing glazing at around 3mm thick. This implies that the supporting joinery cannot be a close match to the existing woodwork if it is to support such an increase in depth and weight.
- 6.6 The Council's Conservation Officer, therefore, has a strong objection to this proposal, which would have an adverse impact on the Listed Building and on the wider stock of 1,500 Listed Buildings within the District. In pre-application

discussions, the Conservation Officer advised the applicant should consider secondary glazing options, and/or draft stripping of components such as parting beads and staff beads to improve the efficiency of the present fenestration. Both of these elements and general like-for-like replacement of decayed components can usually be carried out without the need for Listed Building Consent and reflect national conservation guidance produced by English Heritage. If the windows are difficult to open this could indicate an imbalance between the weight of the windows and the accompanying sash weights and/or excessive painting or distortion of the components. This can usually be rectified without wholesale replace of the fenestration.

- 6.7 Whilst the French doors in the rear elevation were recently double glazed, these replaced modern single glazed timber doors and in this instance the conservation officer advised the applicant that Listed Building Consent was not required for this change. This present proposal is seeking to replace original windows with double glazed units, which would not be acceptable.

Conclusion

- 6.8 The proposal to replace original single glazed timber sliding sash windows with the double glazed windows would have an adverse impact on the Listed Building. The proposal is, therefore, contrary to Policy LE12 of the Carlisle District Local Plan 2001-2016.

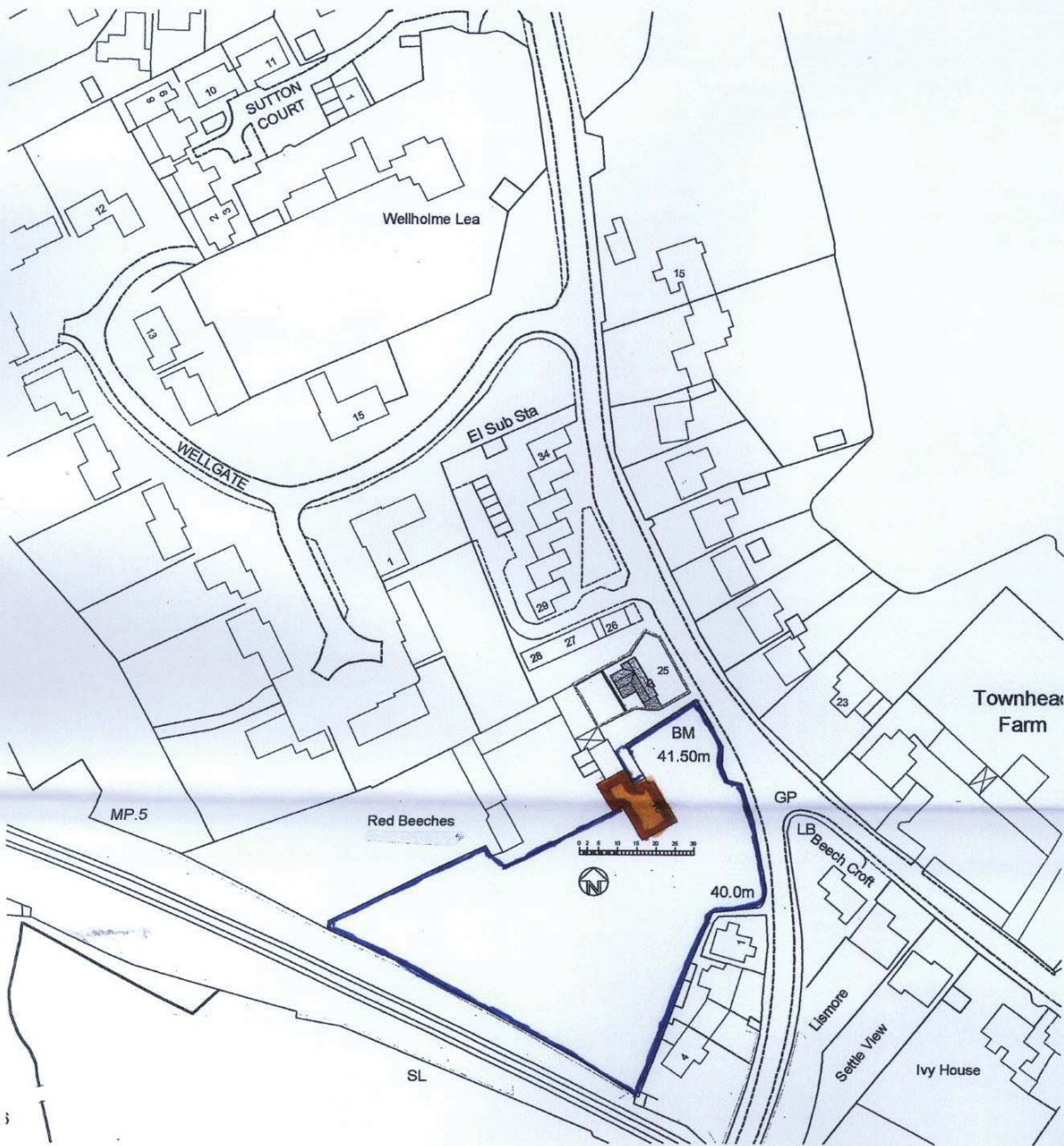
7. Planning History

- 7.1 In December 2005, planning permission and Listed Building Consent were granted for internal alterations and extensions to redundant outbuildings, formation of gateway into existing brick wall and formation of additional parking to front (05/1110 & 05/1116).
- 7.2 In September 2012, an application for erection of detached car port and formation of new access was withdrawn prior to determination (12/0619).
- 7.3 In September 2012, an application for Listed Building Consent for alteration to boundary wall for formation of new access was withdrawn prior to determination (12/0620).

8. Recommendation: Refuse Permission

1. **Reason:** Red Beeches is a Grade II Listed Building, the rear elevation of which contains five original windows which are single glazed multi pane timber sliding sash windows. The application is seeking to replace these windows with double glazed units. The replacement of original fenestration with double glazed units would have an adverse impact on the Listed Building, through the loss of historic fabric. The proposal is, therefore, contrary to Policy LE12 of the Carlisle District Local Plan 2001-2016.

9620 H/1
MAY 2014 - 8



AS EXISTING
LOCATION PLAN
1:1250 @ A2

20 MAY 2014
2014/0396

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Location and Block Plan
Mr. & Mrs. J. Coulthard
Scales at A2
March 2011
11/2035/00

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AS EXISTING
SITE PLAN
1:500 @

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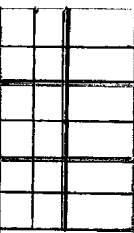
Mrs & Mrs Bartholomew 24 Red Breckles

Section in plan

Scale 1-50

Elevation as exists & Proposed

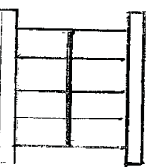
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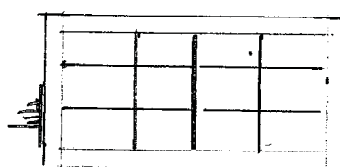
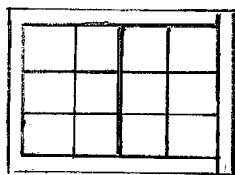
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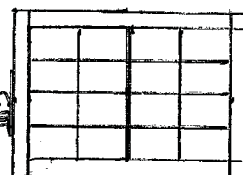
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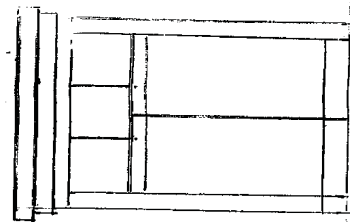
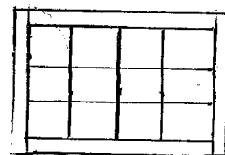
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W3



W4



NOT PART
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APPLICATION

19-05-14

Mrs & Mrs Bartholomew 24 Red Breckles

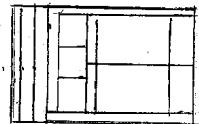
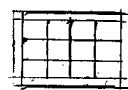
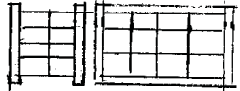
Section in plan

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Elevation as exists & Proposed

2014/03/16

NOT PART
OF
APPLICATION



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APPLICATION

19-05-14

Helen Coulthard
Seotby.

See: Elevation.

5 no drawing
Jask. Below.

Note included

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DETAILS w1 - w2 - w3 - w4 - w5

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STONE

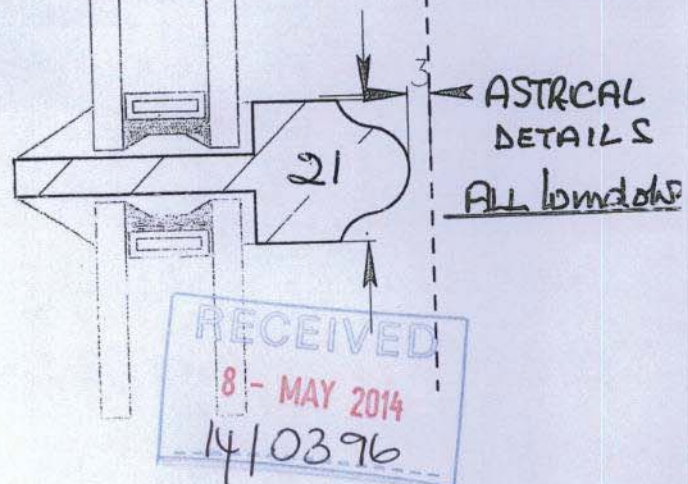
ROLL

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Scale 1:1

Typical Glazing Bar

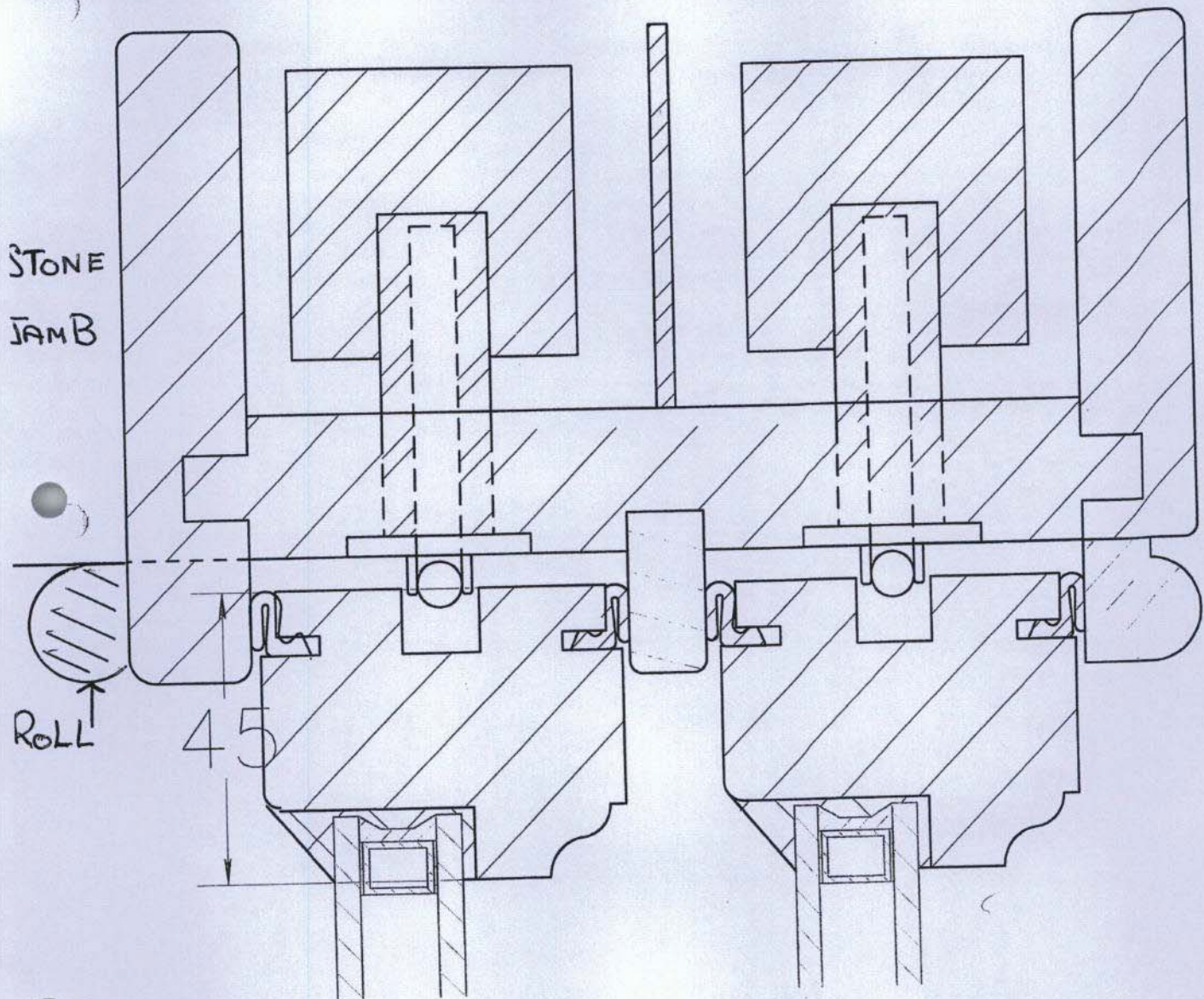
Ovolo Mould,
Lambs tongue moulds drawn
Our Standard Mould



The Spacer bar colour choice can be White, Black.
Silver or Bronze

Scale 1:1

DETAILS W1-W2-W3-W4-W5



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Scale 1:1

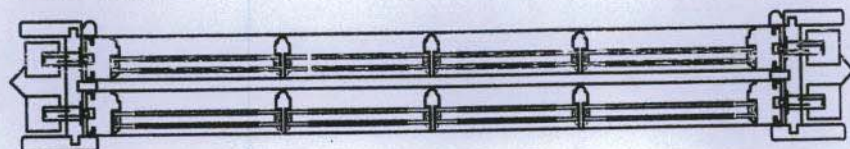
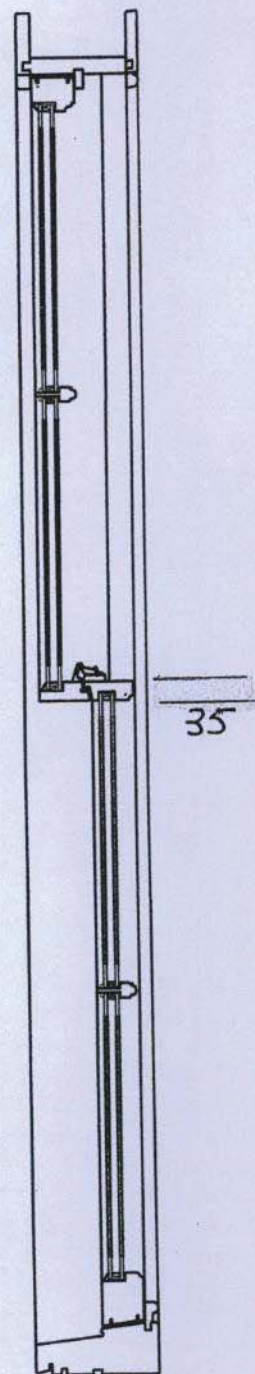
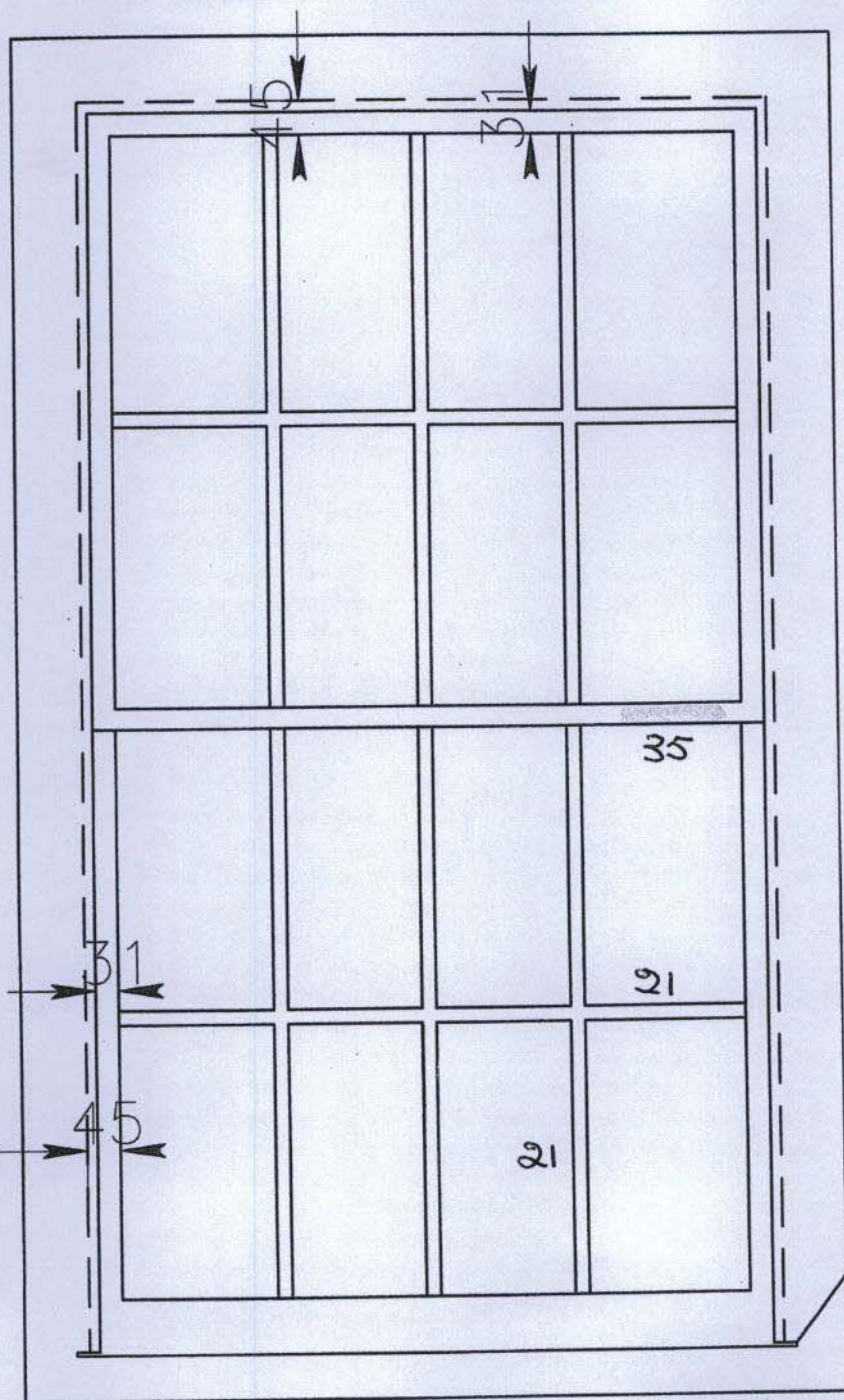
Reference 23-013

Traditional Sliding Sash Stile
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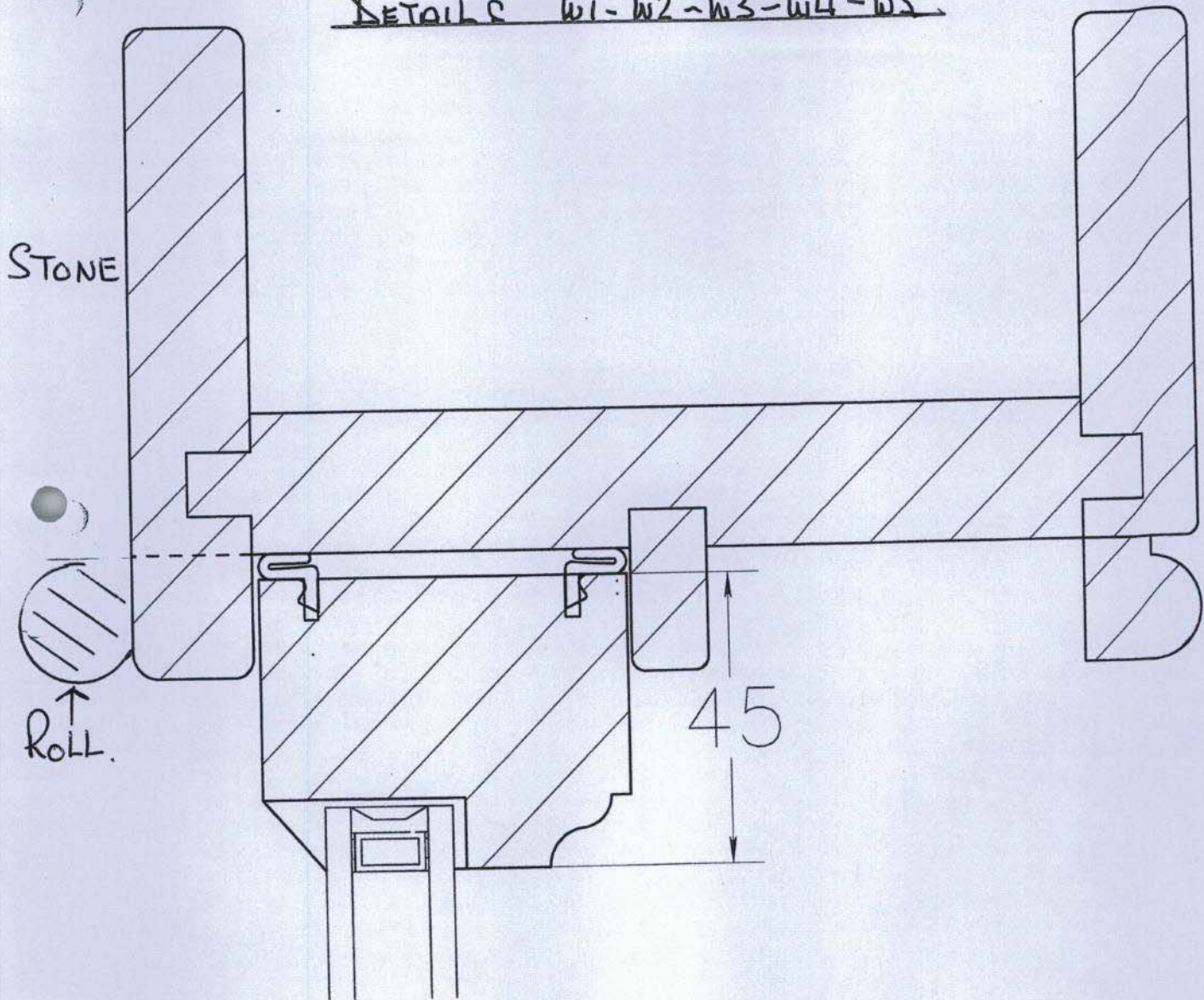


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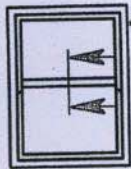
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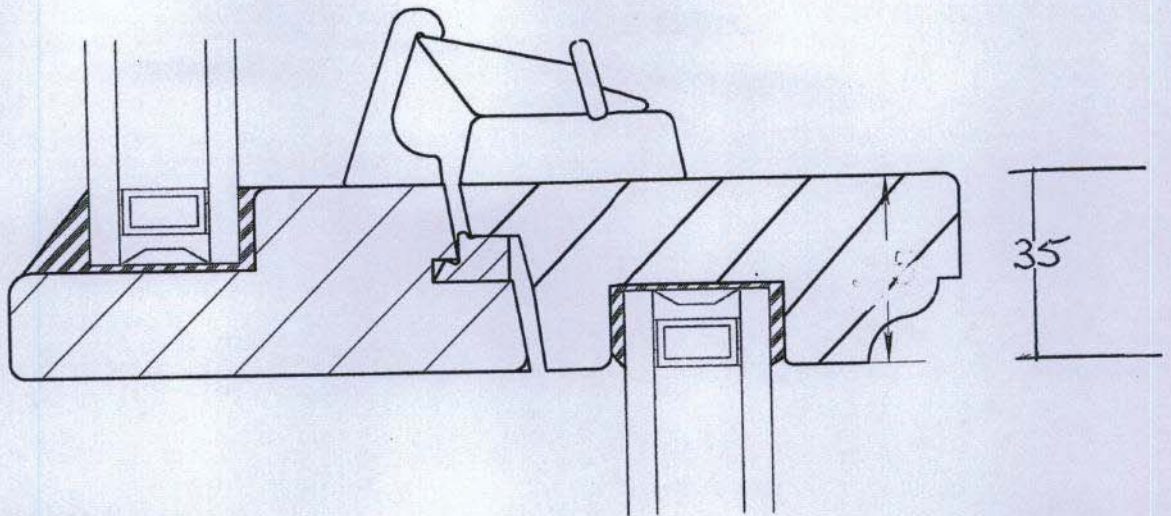


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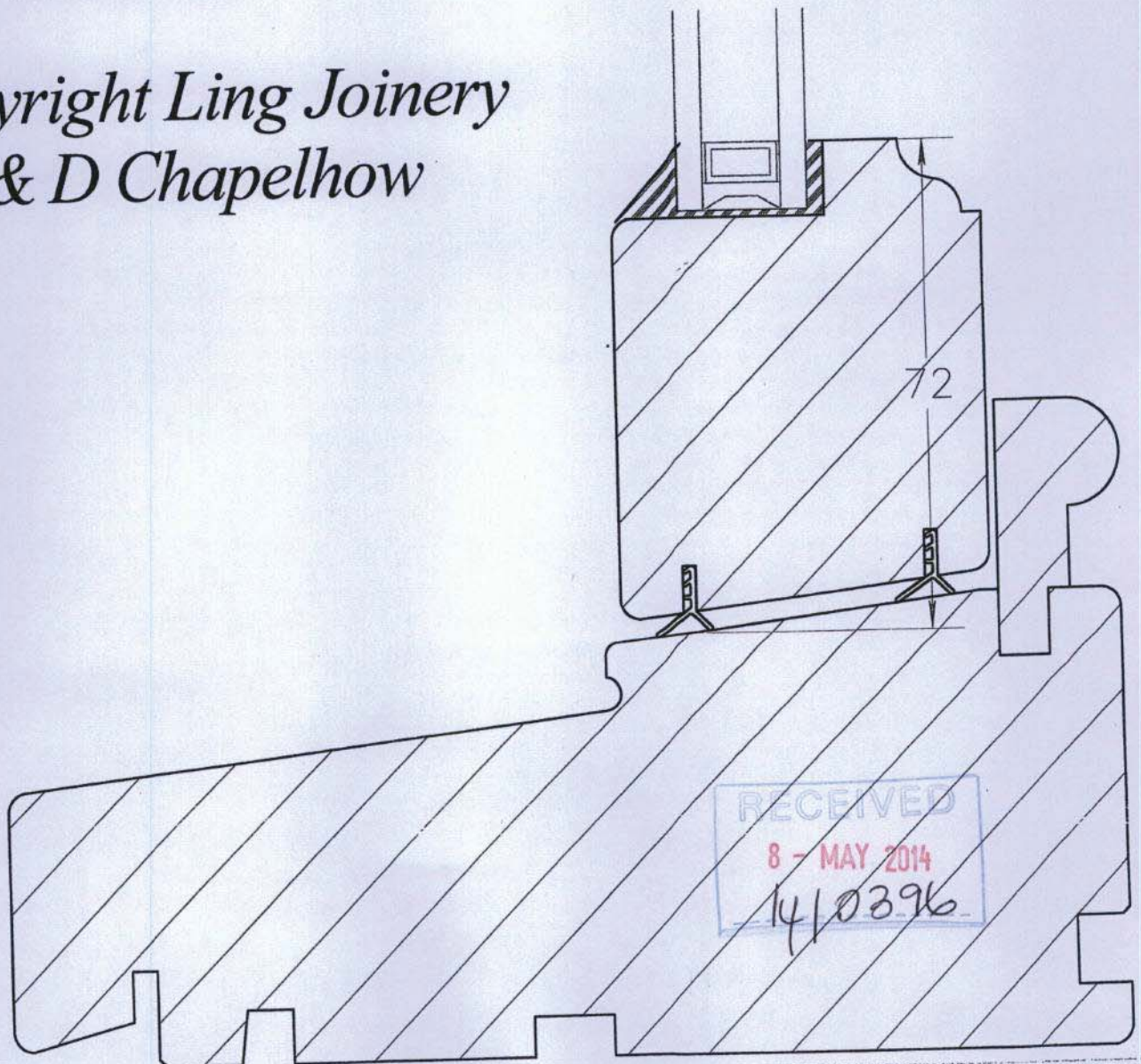


DETAILS - W1 - W2 - W3 - W4 - W5



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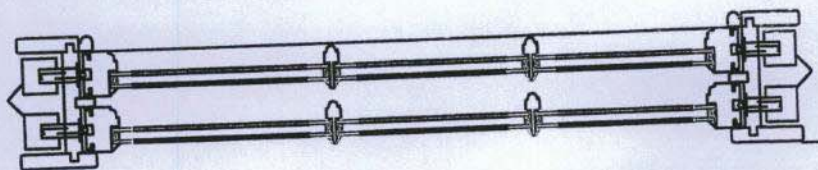
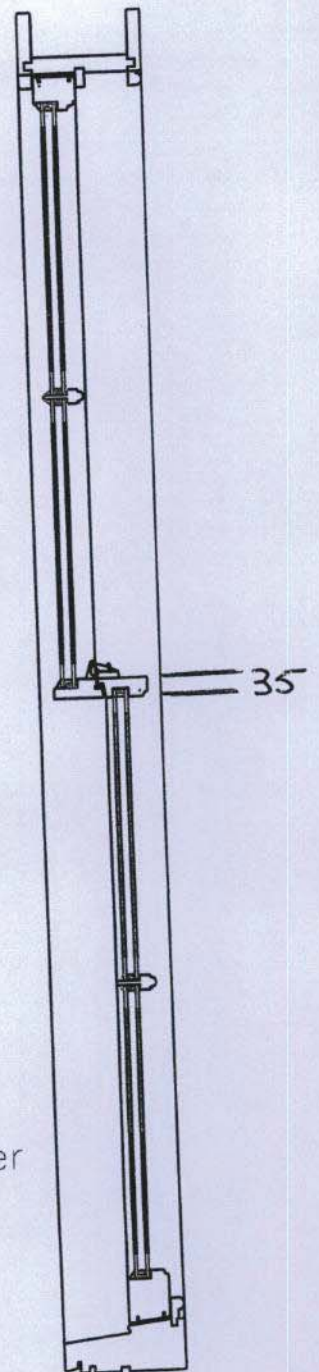
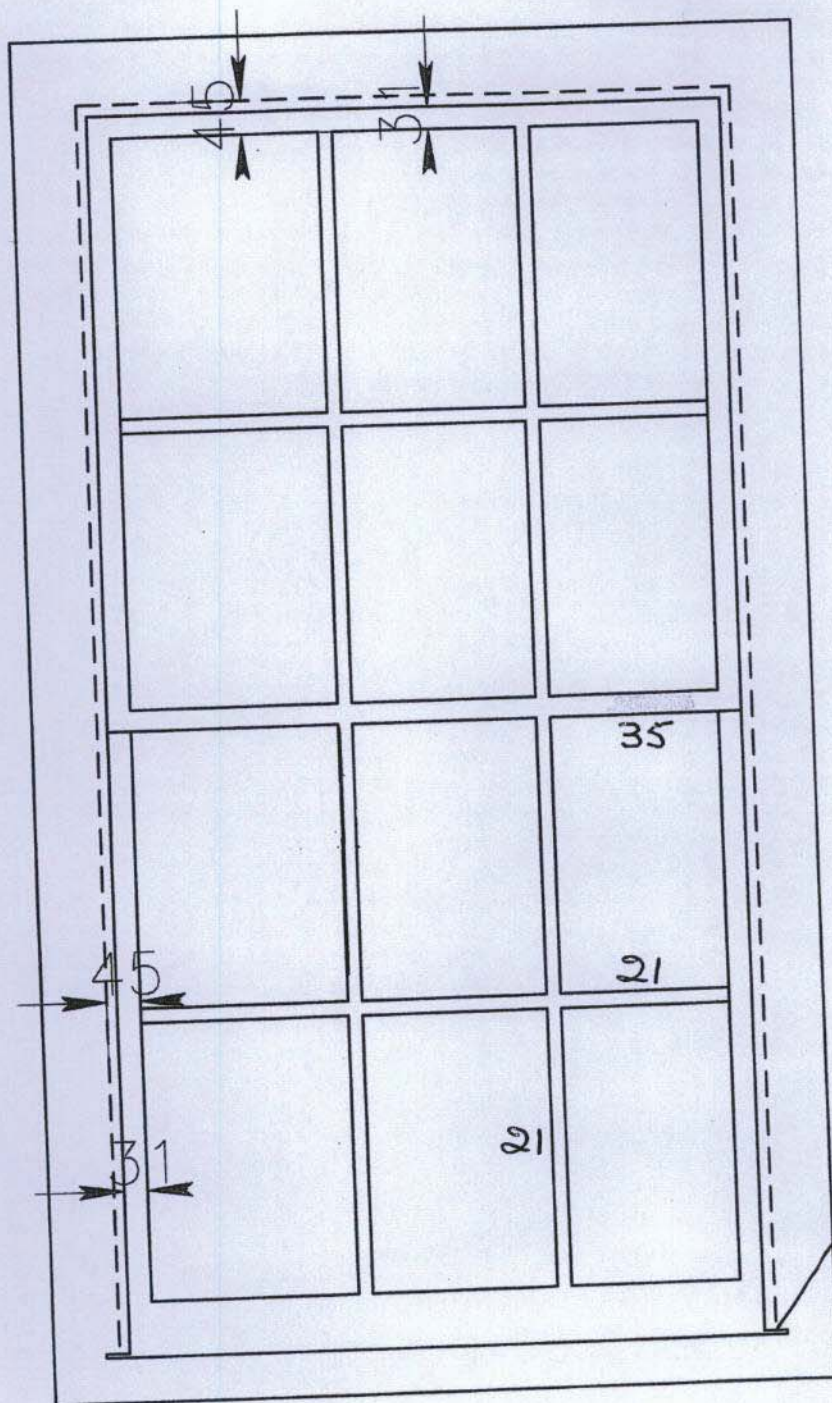
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Traditional Sliding Sash Mid/Cill
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DETAILS W1-W2-W4



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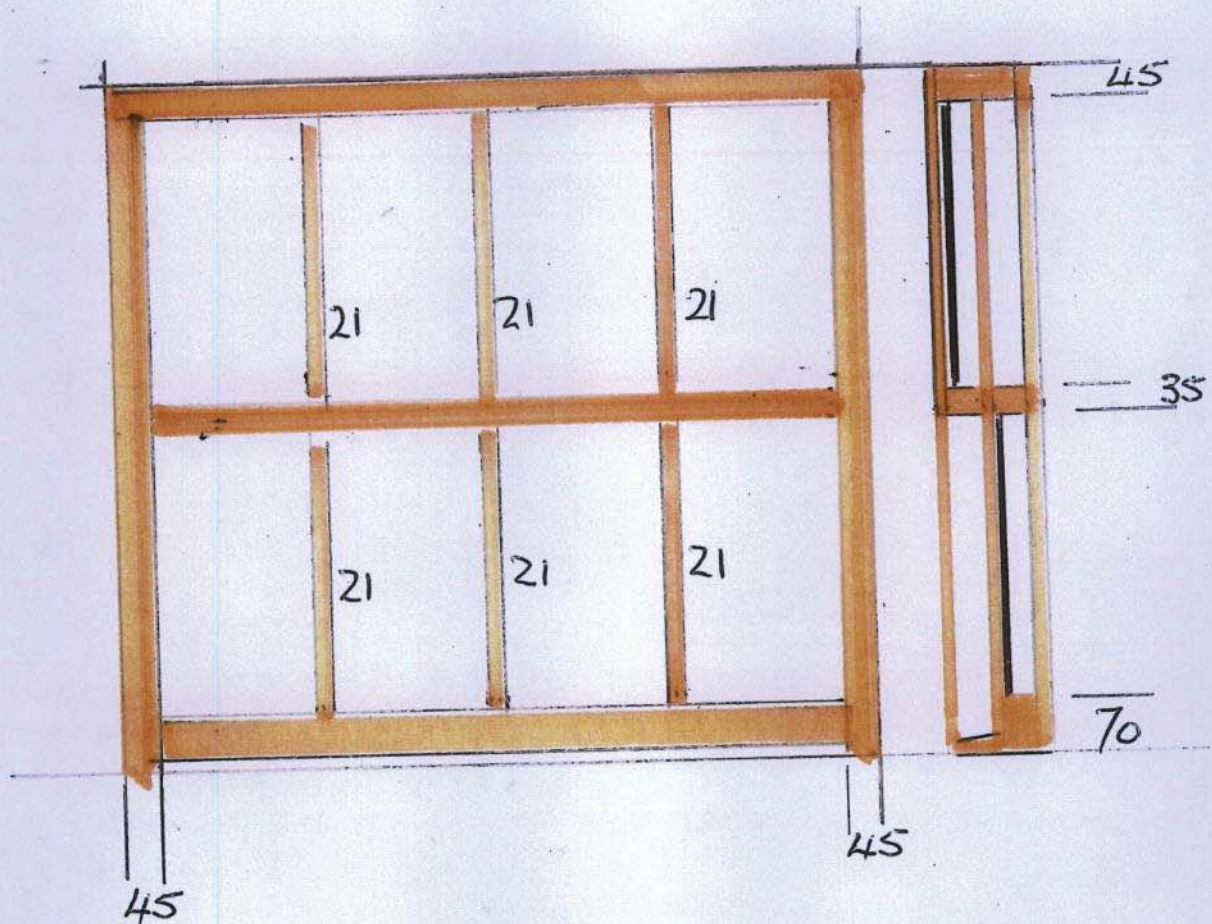
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The Spacer bar colour choice can be White, Black, Silver or Bronze

J & H Coulthard - 24 Red Beeches

SeotBY VILLAGE

W 5



SCHEDULE A: Applications with Recommendation

14/0529

Item No: 10

Date of Committee: 29/08/2014

Appn Ref No:
14/0529

Applicant:
North Homes

Parish:
Wetheral

Agent:
Taylor & Hardy

Ward:
Great Corby & Geltsdale

Location: Land at Longhwaite Farm Court, Warwick Bridge, Carlisle, CA4 8RN

Proposal: Erection Of 2No. Dwellings (Outline)

Date of Receipt:
26/06/2014

Statutory Expiry Date
21/08/2014

26 Week Determination

REPORT

Case Officer: Barbara Percival

1. Recommendation

- 1.1 It is recommended that this application is approved subject to the completion of a Legal Agreement in respect of a commuted sum towards off-site affordable housing provision.

2. Main Issues

- 2.1 Principle of development
- 2.2 Whether the scale and design of the dwellings are acceptable
- 2.3 Provision of a commuted sum towards off-site affordable housing provision
- 2.4 Impact of the proposal on the living conditions of neighbouring residents
- 2.5 Impact of the proposal on highway safety
- 2.6 Impact of the proposal on the adjacent public footpath
- 2.7 Impact of the proposal on biodiversity
- 2.8 Impact of the proposal on the floodplain
- 2.9 Method for the disposal of foul and surface water
- 2.10 Potential ground contamination
- 2.11 Other Matters

3. Application Details

The Site

- 3.1 The application site is located approximately 430 metres south east of Warwick Bridge within a development of six dwellings known as Longthwaite Farm Court. Immediately adjacent to Longthwaite Farm Court is Warwick Mill Business Park together with other residential properties, 1-12 High Buildings. Access to Longthwaite Farm Court, Warwick Mill Business Park, 1-12 High Buildings and other residential properties at 1-4 Low Building is via an existing unadopted access road, along which Public Footpath 138022 also runs.
- 3.2 Located at the junction of the access road with the adjacent A69 Carlisle to Newcastle Trunk road are a number of commercial properties consisting of a cafe, hairdressers, bed and breakfast together with the mixed development of the recently completed Co-Op with the residential flats of King George Court above. There is also an extant permission for a further eighteen houses as part of the mixed development.
- 3.3 Access to the application site is via an existing vehicular access between numbers 3 and 4 Longthwaite Farm, both of which are located at an oblique angle to the application site.
- 3.4 The boundaries of the proposed site are delineated by: a dwarf brick wall with an opening along its northern boundary; a post and rails fence along its western boundary; open aspects to the south; and the domestic curtilage and large outbuilding of 4 Longthwaite Court along its western boundary.

The Proposal

- 3.5 This application seeks Outline Permission for the erection of two dwellings with all Matters Reserved. This application, therefore, is to establish the principle of development of the site for residential development.

4. Summary of Representations

- 4.1 This application has been advertised by the direct notification of seven neighbouring properties and the posting of a Site Notice. In response, three representations of objection has been received.
- 4.2 The representations identifies the following issues:
 1. the application form states incorrectly that there is no watercourse within 20 metres.
 2. proposal does not reflect character and form of Longthwaite Farm Court.
 3. loss of privacy.
 4. the land is used by children from neighbouring properties as a place to play.

5. Accuracy of submitted documents and drawings.
6. intensification of use.
7. impact of the proposal on public health from the adjacent mobile phone masts.
8. impact of the proposal on existing drainage systems and the nearby SSSI.
9. possible land contamination issues.
10. questions the finished floor levels as the land is higher than surrounding land.
11. questions method of publicity for application.

5. Summary of Consultation Responses

Department of Transport (DOT): - offers no objection;

Cumbria County Council - (Econ. Dir. Highways & Transportation): - this Authority has on a few occasions stated discontentment with further development off this Public Right of Way; however, as the Highways Authority (DOT) do not raise any issues with the intensification of the access onto the A69, Cumbria County Council raises no objection;

Clerk to Wetheral PC: - objection to the proposal. As previous stated Members still wish to object to any further expansion /increase in traffic in this area on the grounds that the access road to the properties is a private single track road, already heavily used, with further expansion expected from the proposed development of the site to the rear of the new Co-Op building.

6. Officer's Report

Assessment

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
- 6.2 The Development Plan for the purposes of the determination of this application is the Carlisle District Local Plan 2001-2016 from which Policies DP1, CP1, CP2, CP3, CP4, CP5, CP12, H1, H5 and T1 of the Carlisle District Local Plan 2001-2016 are of particular relevance.
- 6.3 The National Planning Policy Framework (NPPF) and the Planning Practice Guidance (March, 2014) are also material planning considerations in the determination of this application.

6.4 The proposals raise the following planning issues:

1. Whether The Principle of Development Is Acceptable

- 6.5 The main issue for Members to establish in the consideration of this application is the principle of development. As previously outlined, since the adoption of the Local Plan, the National Planning Policy Framework (NPPF) and the Planning Practice Guidance have been published by the Government and are material considerations in the determination of this application. A further material consideration is an extant permission for Outline Planning Permission for the erection of one dwelling on part of the application site (application reference 13/0182).
- 6.6 Paragraph 14 of the NPPF outlines that *"at the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking"*. For decision-taking the NPPF highlights that this means: *approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted"*.
- 6.7 This is further reiterated in paragraph 215 of the NPPF which highlights that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given). Accordingly, in respect of this application whilst the development should be considered against Local Plan policies, the Council's Local Plan (in respect of the issue of housing) cannot be considered up to date under the NPPF.
- 6.8 When assessing the application site against the foregoing policies, the site lies some distance outside the settlement boundary for Warwick Bridge, as identified in the Proposals Map of the Local Plan; however, Policy H1 is not consistent with the NPPF, and as such greater weight should be given to those policies within the NPPF. Whilst Policy H1 restricts housing development to sites within the settlement boundary, the NPPF is aimed at significantly boosting the supply of housing, and does not refer to settlement boundaries. Paragraph 55 of the NPPF outlines that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.
- 6.9 The application site is adjacent to other residential properties within the Longthwaite Farm Court development together with employment opportunities within Warwick Mill Business Park. Other service provision i.e. the Co-Op, cafe and hairdressers are also located approximately 430 metres to the north west. Furthermore, the principle of residential development on the site has previously been established, albeit for one dwelling, by the granting of Outline Planning Permission in 2013.

- 6.10 In the context of the foregoing assessment, the use of the site for residential development is consistent with the policies in the NPPF, therefore, the principle of development is acceptable.

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

- 6.11 The application seeks Outline Planning Permission with All Matters Reserved for the erection of two dwellings with detached garages arranged around a private courtyard area. The drawings; however, are indicative only, with the scale and design reserved for subsequent approval, should the application be approved. Nevertheless, the indicative drawings illustrate that the proposed dwellings could achieve similar footprints and curtilages of other properties within Longthwaite Farm Court, a former farmsteading of six dwellings made up of the former farmhouse, three traditional converted farm buildings together with two new build dwellings.

3. Provision Of A Commuted Sum Towards Off-Site Affordable Housing Provision

- 6.12 The community's needs for affordable housing provision is a material planning consideration. Policy H5 of the Local Plan recognises this need and sets the thresholds for the provision of affordable housing. In respect of this application, although the proposal is for two dwellings within the rural area on a site that extends to over 0.1 hectares, therefore, Policy H5 requires an affordable housing contribution of 10%. The Design and Access Statement submitted as part of the application acknowledges this policy requirement and agrees to the financial contribution. Accordingly, subject to the completion of a Section 106 Agreement there is no policy conflict.

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

- 6.13 Both the NPPF and the Local Plan seek to ensure that proposals for new development should be appropriate in terms of quality to that of the surrounding area and that development proposals incorporate high standards of design including siting, scale, use of materials and landscaping which respect and, where possible, enhance the distinctive character of townscape and landscape. Development should also seek to ensure that the living conditions of the occupiers of adjacent residential properties are not adversely affected by proposed developments.
- 6.14 Objections have been received from the occupiers of neighbouring properties citing, amongst other issues, potential loss of privacy and overdominance. These objections have been noted; however, the application seeks to establish the principle of development only, therefore, these issues would be addressed by the submission of a further application in respect of the scale and layout of the dwellings taking into account existing boundary treatments and existing and finished ground levels.

5. Impact Of The Proposal On Highway Safety

- 6.15 Access to the site and Longthwaite Farm Court would be via an existing unadopted road which has a junction with the main A69 Carlisle to Newcastle trunk road. The unadopted road has traffic calming measures along its length together with an advisory speed restriction of 10 m.p.h. As previously outlined, this access road also serves other residential properties at 1-4 Low Buildings and 1-12 High Buildings together with Warwick Mill Business Park. The access road also serves the commercial properties at its entrance together with the new flats above the Co-Op (King George Court) and the as yet unimplemented residential development of 18 houses to the rear of the Co-Op store.
- 6.16 Members will note that Wetheral Parish Council and the occupiers of adjacent properties have raised objection to the proposal, citing intensification of use of the single track road serving existing and proposed developments.
- 6.17 The access to the proposed development is taken directly off the A69 Carlisle to Newcastle Trunk road, therefore, the Highways Authority in respect of this application is the Department of Transport (DOT). Cumbria County Council's Highways and Transportation Division has also been consulted on the application. The DOT offers no objection to the proposal whilst Cumbria County Council highlights previous discontentment with further development off access road along which Public Footpath 138022 runs; however, outlines that given that the DOT has not raised any issues with the intensification of the access onto the A69, confirms that Cumbria County Council can raise no objection.
- 6.18 In light of the response from the Highways Authority together with the extant permission on the site for a dwelling, it would be difficult to substantiate a refusal of the application on highway safety grounds.

6. Impact Of The Proposal On The Adjacent Public Footpath

- 6.19 Public Footpath 138022 runs along the unadopted road serving the application site, passes adjacent to the eastern gable elevation of 3 Longthwaite Farm Court then along a track to the south of the domestic curtilage of 3 Longthwaite Farm Court. Given that the application is outwith the route of the public footpath it is unlikely that there would be any interference with the public footpath; however, should Members approve the application a condition will be included within the Decision Notice ensuring that there is no obstruction of the footpath during or after development.

7. Impact Of The Proposal On Biodiversity

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

- 6.21 Neighbours raised concerns about the impact of the development on the Site of Special Scientific Interest (SSSI). Cairn Beck and the Millrace run to the south of the application site, both of which enter the River Eden (identified as a SSSI) located over 700 metres to the north east of the site. Given the topography of the site in relation to the adjacent watercourses and that the southern boundary of the application site would be between 6 to 7 metres from the watercourses, the proposal is unlikely to have a detrimental impact on the SSSI. Furthermore, there are other residential properties located immediately adjacent to the watercourses.

8. Impact Of The Proposal On The Floodplain

- 6.22 The originally submitted application form in respect of the assessment of flood risk stated that the application site was not within 20 metres of a watercourse. This error has subsequently been corrected by the submission of revised application form. Nevertheless, the application site lies adjacent to but outwith Flood Risk Zones 2 and 3 as identified in the Environment Agency's Strategic Flood Risk Assessment Maps. In such a context, the proposal is unlikely to have a detrimental impact on the floodplain.

9. Method of Disposal of Foul And Surface Water

- 6.23 These issues will be addressed by the submission of a further application should the application be approved.

10. Potential Ground Contamination

- 6.24 Concerns have been raised in respect of possible ground contamination from its alleged former use as a scrap yard. The City Council's Environmental Services Section has been consulted and based on their records raise no objections to the proposal subject to the imposition of a condition.

11. Other Matters

- 6.25 Third Parties have also raised concerns about inconsistency of the submitted documents as the site was referred to as both 'Longthwaite Court' and 'Longthwaite Farm Court'. Further concerns were also made as to the accuracy of the submitted drawings. These errors have now subsequently been resolved by the submission of revised documents correctly referred to the application site as Longthwaite Farm Court and accurately reproduced scaled drawings.
- 6.26 As previously outlined within the report, the application was advertised by the posting of notification letters to the occupiers of seven neighbouring residential properties and the posting of a site notice and subsequent removal of same at the entrance to Longthwaite Farm Court. Accordingly, the appropriate publicity procedures have been correctly undertaken.
- 6.27 A third party has commented on the use of the land as an informal play area enjoyed by the children of Longthwaite Farm Court. This issue is subject to Civil Law and is not a material planning consideration.

- 6.28 The occupiers of neighbouring residents have raised objections in respect of the proximity of the development to the telecommunication masts located to the west of the site and the perceived impact on public health. These concerns are noted; however, again this issue is not a material planning consideration. Furthermore, there are other residential dwellings and their domestic curtilages together with business premises closer to the masts than the application site.

Conclusion

- 6.29 In overall terms, the proposal is considered to be compliant under the provisions of the NPPF and the objectives of the relevant Local Plan policies. Accordingly, the application is recommended for approval subject to the completion of a Section 106 Legal Agreement in respect of the provision of a commuted sum towards off-site affordable housing provision.

7. Planning History

- 7.1 In 2013, Outline Planning Permission was granted for erection of dwelling (application reference 13/0182).

8. Recommendation: Grant Permission

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

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

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

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

1995.

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

1. the submitted planning application form received 14th August 2014;
2. the Planning Statement received 14th August 2014;
3. the Desk Top Contamination Report received 14th August 2014;
4. the site location plan received 14th August 2014 (Drawing No. 14 10 01e);
5. the block plan received 14th August 2014 (Drawing No. 14 10 02e);
6. the indicative layout received 14th August 2014 (Drawing No. 14 10 03c);
7. the Notice of Decision; and
8. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

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

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

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

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

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

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

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

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

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

Reason: In order that the approved development overcomes any problems associated with the topography of the area in accordance with Policies H2 of the Carlisle District Local Plan 2001-2016.

9. There shall be no interference with the public's right of way over Public Footpath No.138022.

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

10. No work associated with the construction of the residential units hereby approved shall be carried out before 07.30 hours on weekdays and Saturdays nor after 18.00 hours on weekdays and 16.00 hours on Saturdays (nor at any times on Sundays or statutory holidays).

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

11. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

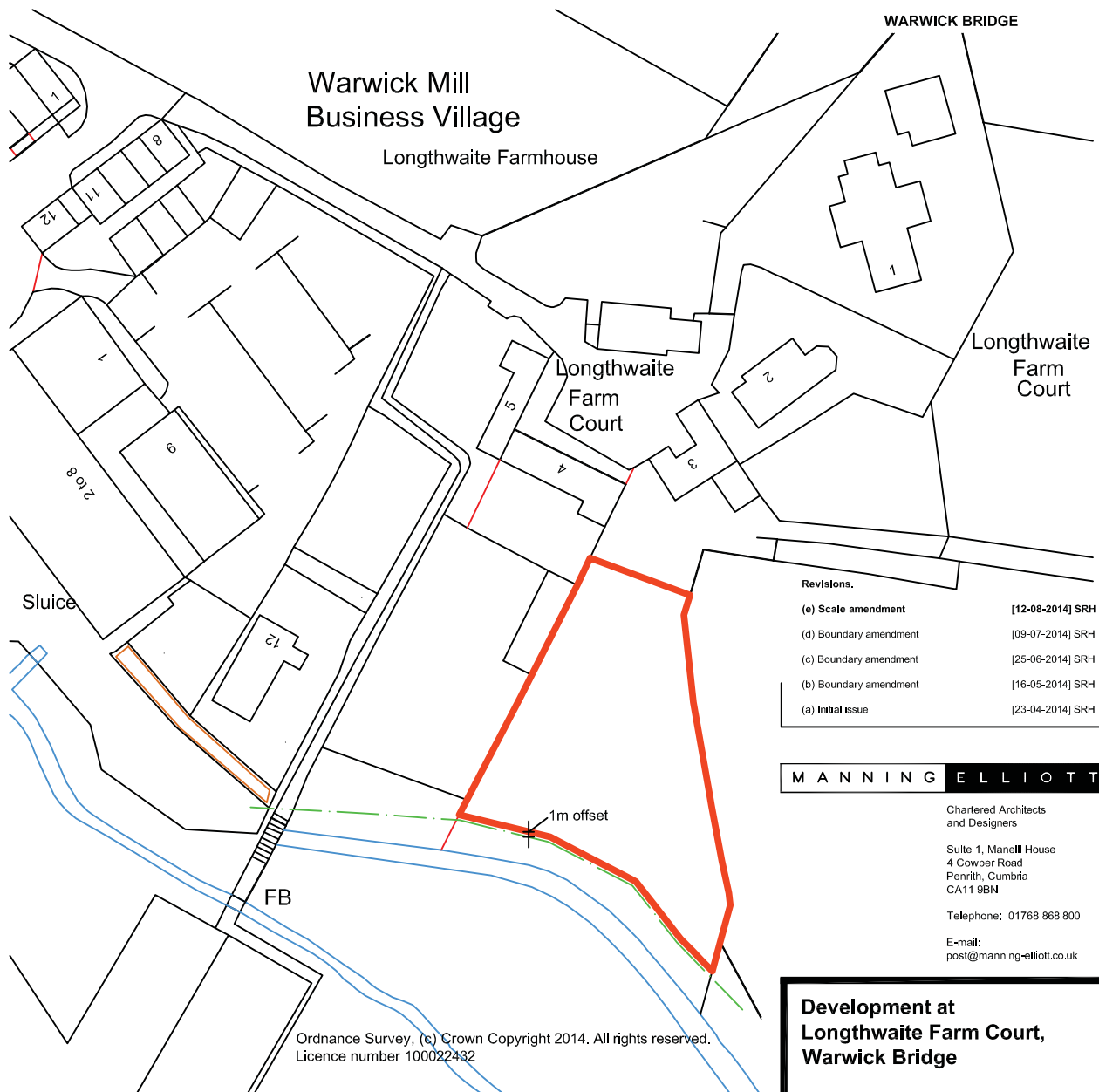
Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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

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Development at Longthwaite Farm Court, Warwick Bridge

Site Location Plan

SCALE: 1:1250 (A4)	DATE: Apr 2014	DRAWN BY: SRH
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North Homes Ltd.

14	10	01e
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Warwick Mill Business Village

Longhwaite Farmhouse

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Longhwaite
Farm
Court

Revisions.	
(e) Scale amendment	[12-08-2014] SRH
(d) Boundary amendment	[09-07-2014] SRH
(c) Boundary amendment	[25-06-2014] SRH
(b) Boundary amendment	[16-05-2014] SRH
(a) Initial issue	[23-04-2014] SRH

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E-mail:
post@manning-elliott.co.uk

**Development at
Longhwaite Farm Court,
Warwick Bridge**

Block Plan

SCALE: 1:500 (A3)	DATE: Apr 2014	DRAWN BY: SRH
----------------------	-------------------	------------------

North Homes Ltd.

14 10 02e

FB

Key:

--- Flood Zone 3

1m offset

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Warwick Bridge

Longthwaite Farmhouse

Longthwaite Farm Court

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Mast

Revisions.

(c) Boundary and layout amendmnet	[13-08-2014] SRH
(b) Layout update	[18-06-2014] MDH
(a) Initial Issue	[16-05-2014] SRH

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**Residential Development
Longthwaite Farm Court,
Warwick Bridge, Carlisle**

Proposed Site Plan

Outline planning drawing

SCALE: 1:500 (A3)	DATE: May 2014	DRAWN BY:
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North Homes Limited

14 10 03c

Metres

0 5 10 20 30 40 50

Key:

--- Flood Zone 3

1m offset

Hedgerow

SCHEDULE B

SCHEDULE B

SCHEDULE C

SCHEDULE C

Item No: 11 Between 12/07/2014 and 15/08/2014

Appn Ref No:
13/0521

Applicant:
Citadel Estates Ltd

Parish:
Wetheral

Date of Receipt:
11/07/2013

Agent:
Holt Planning Consultancy
Ltd

Ward:
Wetheral

Location:
Skelton House, Wetheral, CA4 8JG

Grid Reference:
346434 554574

Proposal: Variation Of Condition 2 (Approved Documents) Of Previously Approved
Permission 10/1066

Amendment:

REPORT

Case Officer: Richard Maunsell

Decision on Appeals:

Appeal Against: Appeal against refusal of planning perm.

Type of Appeal: Informal Hearing

Report: This appeals related to applications for the variation of a planning condition at Skelton House, Wetheral. The condition related to the listed of approved drawings and consent was sought to alter the layout of the site and revise the fenestration of the building.

The first application (reference 13/0521) was refused for the following reasons:

“The proposal, by virtue of its scale, massing and position within the site, does not respond to the local context and form of surrounding building in relation to height, scale and massing. The siting of the proposed building would differ from the approved scheme and would not be located on or close to the site of the original dwelling. The building is inappropriate to its prominent location in the Wetheral Conservation Area contrary to criteria 1 of Policy CP5 (Design), criterion 1 and 3 of Policy H10 (Replacement Dwellings in the Rural Area) and criterion 1 and 2 of Policy LE19 (Conservation Areas) of the Carlisle District Local Plan 2001-2016.

The proposed building would be located adjacent to neighbouring residential properties. In this instance, by virtue of the number of proposed windows serving habitable rooms on the east and west elevations of the

building, the development would result in overlooking and a significant loss of privacy to the occupiers of the neighbouring properties. The proposed windows would also conflict with the Council's required minimum distances.

The proposal is therefore contrary to criteria 5 of Policy CP5 (Design) of the Carlisle District Local Plan 2001-2016 and the objectives of the Supplementary Planning Document "Achieving Well Designed Housing" "

The second application (reference 14/0033) was refused for the following reasons:

"The proposal, by virtue of its scale, massing and position within the site, does not respond to the local context and form of surrounding building in relation to height, scale and massing. The siting of the proposed building would differ from the approved scheme and would be inappropriate to its prominent location in the Wetheral Conservation Area. The proposal is therefore contrary to criteria 1 of Policy CP5 (Design), criterion 2, 3 and 4 of Policy H1 (Location of New Housing Development) and criterion 1 and 2 of Policy LE19 (Conservation Areas) of the Carlisle District Local Plan 2001-2016.

The proposed building would be located adjacent to neighbouring residential properties. In this instance, by virtue of the number of proposed windows serving habitable rooms on the east and west elevations of the building, the development would result in overlooking and a significant loss of privacy to the occupiers of the neighbouring properties. The proposed windows would also conflict with the Council's required minimum distances. The proposal is therefore contrary to criteria 5 of Policy CP5 (Design) of the Carlisle District Local Plan 2001-2016 and the objectives of the Supplementary Planning Document "Achieving Well Designed Housing".

To the east of the application site is Acorn Bank which is a 2 storey Grade II listed building. Due to the proximity of the proposed building, together with its scale and mass, the development would fail to preserve the character or setting of the adjacent listed building. The proposal would be unsympathetic in scale and character and would adversely affect the appearance and setting of Acorn Bank, contrary to the Policy LE12 (Proposals Affecting Listed Buildings) of the Carlisle District Local Plan 2001-2016."

The appellant lodged a appeals to the Planning Inspectorate and the two appeals were conjoined and considered at the same time.

During the consideration of the applications, the proposals attracted a significant number of local objections and the number of issues raised totalled 42. The Inspector acknowledged that the applications subject to the appeals were made under Section 73 of the Planning Act for minor material amendments with revised designs to the development approved under planning permission 10/1066 but with the same number of units and not a substantially different footprint area. He confirmed that this type of application is possible as a condition was imposed on the original

permission specifying the approved plans.

The Inspector highlighted that the main issues in both appeals were whether the proposed development, as amended, would preserve or enhance the character or appearance of the Wetheral Conservation Area and preserve the setting of the Grade II listed building known as Acorn Bank; and the effect of the proposed development, as amended, on the living conditions of the occupiers of Acorn Bank and Caerluel in respect of privacy.

It was noted that the main front elevation and bays would be closer to the road, although the bays relating to the second appeal would be single storey as opposed to the full three storey height for the first appeal. The former would have shallow depth, full height, gable features, the central one being slightly deeper than the two either side.

Both appeal schemes would be narrower at the front, but with the front block extending further back than for the approved scheme, and the overall length of the buildings would be increased. With regard to paragraphs 132 and 134 of the National Planning Policy Framework, harm to the significance of the listed building and the character and appearance of the conservation area would be less than substantial, due to the fact that the listed building itself remains unaltered and given the relatively small, but nevertheless significant amendments to the approved scheme. However, the Inspector did not consider there to be any public benefits sufficient to outweigh that harm.

In respect of the second issue, the Inspector acknowledged the presence of the properties either side of the site. Whilst there would be additional upper floor windows compared to the approved scheme, those that would be obscure glazed or of oriel design would prevent undue overlooking to the side windows of Caerluel. In relation to the other proposed additional conventional windows, he opined that there would not be a significantly greater level of overlooking of the side bedroom window of Caerluel than would be the case from the previously approved side living room windows of the front flats and there would not be undue additional loss of privacy to the residents of Caerluel in this respect. In the context of the overall amount of outdoor space of Caerluel, any additional overlooking would not amount to unacceptable loss of privacy to its residents.

The windows in the east side elevation would match those on the west side. Acorn Bank has no side windows and so the only potential additional overlooking of this property compared to the approved scheme would be of its rear garden. In terms of ground floor windows, the boundary wall and hedge would prevent overlooking and details of measures to augment this treatment could be secured by condition. The first floor side oriel window would be angled towards the rear garden but as it would be set back from the rear building line of Acorn Bank's rear extension, the angle of view to the garden would be oblique. Therefore, any additional overlooking would not amount to an unacceptable loss of privacy to the residents of Acorn

Bank.

The Inspector concluded that with regard to the impact on the conservation area and the listed building, the proposed development relating to both appeals, would neither preserve the character and appearance of the conservation area nor preserve the setting of the listed building.

With regard to the second issue, the proposed development, as amended, relating to both appeals would not cause unacceptable harm to the living conditions of the occupiers of Acorn Bank and Caerluel in respect of privacy.

For this reason, the appeals were dismissed.

Appeal Decision: Appeal Dismissed

Date: 06/08/2014

Appeal Decisions

Hearing held on 1 July 2014

Site visit made on 1 July 2014

by Andrew Dawe BSc(Hons) MSc MPhil MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 6 August 2014

Appeal A: APP/E0915/A/14/2214847

Former I/a Skelton House, Wetheral, Carlisle, Cumbria CA4 8JG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Citadel Estates Ltd against the decision of Carlisle City Council.
 - The application Ref 13/0521, dated 1 July 2013, was refused by notice dated 24 December 2013.
 - The application sought planning permission for demolition of house, adjoining barn and outbuildings; redevelopment of site for the erection of single block comprising 15No. two-bed apartments with dedicated access, off-street parking and private amenity spaces without complying with a condition attached to planning permission Ref 10/1066, dated 24 May 2012.
 - The condition in dispute is No 2 which states the approved documents of the planning consent.
 - The reason given for the condition is: to define the permission.
-

Appeal B: APP/E0915/A/14/2216562

L/a former Skelton House, Wetheral, Carlisle, Cumbria CA4 8JG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Citadel Estates Ltd against the decision of Carlisle City Council.
 - The application Ref 14/0033, dated 17 January 2014, was refused by notice dated 7 March 2014.
 - The application sought planning permission for demolition of house, adjoining barn and outbuildings; redevelopment of site for the erection of single block comprising 15No. two-bed apartments with dedicated access, off-street parking and private amenity spaces without complying with a condition attached to planning permission Ref 10/1066, dated 24 May 2012.
 - The condition in dispute is No 2 which states the approved documents of the planning consent.
 - The reason given for the condition is: to define the permission.
-

Decision

1. Appeal A is dismissed and Appeal B is dismissed.

Application for costs

2. At the Hearing an application for costs was made by Mr Dean Thomas Montgomery against Carlisle City Council. This application is the subject of a separate Decision.

Procedural matters

3. I have taken into account the Government's Planning Practice Guidance (PPG), issued on 6 March 2014, in reaching my decision but in light of the facts of the case this has not altered my conclusions.
4. The applications subject to these appeals are made under Section 73 of the Planning Act for minor material amendments¹. They seek revised designs to the development approved under planning permission 10/1066 but with the same number of units and not a substantially different footprint area. This type of application is possible as a condition was imposed on the original permission specifying the approved plans. The appeals seek removal of the condition and replacement with a condition specifying the plans that reflect the amended designs.
5. Planning permission 10/1066 remains extant and is a material consideration of considerable weight in determining these appeals.
6. For ease of reference I refer to the different cases as Appeals A and B in this decision letter as set out in the headers. I have dealt with each appeal on its individual merits but to avoid duplication I have considered the proposals together in this document. Although there are two appeals, I have used singular terms in places for ease of reading.
7. I saw on my site visit that development had commenced on the site principally relating to the laying of the foundations which appeared to reflect the footprint of the two appeal proposals.

Main Issues

8. The main issues in both appeals are:
 - (i) whether the proposed development, as amended, would preserve or enhance the character or appearance of the Wetheral Conservation Area (CA) and preserve the setting of the Grade II listed building (LB) known as Acorn Bank;
 - (ii) the effect of the proposed development, as amended, on the living conditions of the occupiers of Acorn Bank and Caerluel in respect of privacy.

Reasons

Character and appearance of CA and setting of LB

9. The appeal site lies within the CA and adjacent to the LB on land previously occupied by Skelton House which has now been demolished along with all other associated buildings. Therefore, special attention has to be paid to the

¹ See Greater flexibility for planning permission: Guidance, October 2010 (Department of Communities and Local Government)

desirability of preserving or enhancing the character or appearance of the CA and preserving the setting of the listed building.

10. I note that the decision notice for Appeal B included a third reason for refusal, which was not on that for Appeal A, referring specifically to the impact of the development on the setting of the LB. Notwithstanding the lack of such a reason in relation to Appeal A, the Council said at the hearing that this did not reflect any greater impact of Appeal B. In any case, regardless of whether such a reason was given or not, there is a statutory duty to have regard to the effects on the special interest of the LB, and this is how I have approached both appeals.
11. The key design changes to the scheme approved under application 10/1066, other than positioning and design of fenestration, which, in relation to living conditions, I have dealt with separately under 'living conditions' below, would be as follows. For both appeals, the main front elevation and bays would be closer to the road, although the bays relating to Appeal B would be single storey as opposed to the full three storey height for Appeal A. The former would have shallow depth, full height, gable features, the central one being slightly deeper than the two either side.
12. Both appeal schemes would be narrower at the front, but with the front block extending further back than for the approved scheme, and the overall length of the buildings would be increased. The front elevation in both case would also be symmetrical either side of the central gable feature, which would not be the case with the approved scheme which, amongst other things would have a lower roof height on the side nearest Acorn Bank. The walls of the entire western section of the front elevation for Appeal B would be stone clad. The rear section of the building in both cases would have a reduced ridge height.
13. Appeal A would introduce glazed balconies. Both schemes would have the main entrance on the western side of the building with a false door in the front elevation. Appeal A would have a fourth storey within the roof space, created with a significant flat roof element hidden behind outward facing pitched roofs, although this additional level would be evidenced by velux windows. Both schemes would include alterations to the car parking and landscaping layout.
14. The CA, in the vicinity of the site, comprises a range of designs and sizes of properties. Whilst there are some examples of three storey buildings, these are in the minority. In the case of one such property in Pleasant View, a short distance to the east of the site, and a three storey element to Caerluel with the third storey being partially within the roof space, these are narrow and do not dominate the street scene. Acorn Bank is a two storey detached building of fairly modest height with a slightly higher semi-circular front bay to the east side of its front elevation. This is an attractive LB which, despite being set back from properties to its east, retains a strong presence. This is by virtue of its clear visibility when approaching from the west, particularly as the road starts to bend round more towards the east in front of the appeal site, and also given the modest height of the immediately neighbouring property to the east.
15. The proposed development, in the case of both appeals, would result in the main front elevation projecting noticeably beyond the line of the main front elevation of Acorn Bank, where the approved scheme showed it aligned with it. That scheme would have three storey bays projecting forward to the approximate alignment of the main elevation of the appeal schemes, but they

- would be three, separated, and relatively narrow, features as opposed to a continuous mass along that particular alignment. The proposed bays whether single storey or three storey would project further still which, as I saw on site, would be just beyond the line of the front of the circular bay of Acorn Bank.
16. Therefore, although the building would be narrower than that approved, the front elevation would still present a wide frontage whose massing would be much more to the fore. Whilst the overall impact of Appeal B, with only the single storey front bays, would be less than Appeal A, both proposals would create a structure that would have an adverse visual impact compared with the approved scheme and dominate the adjoining LB and the street generally, making it an obtrusive and jarring feature. Despite the varying use of stone finish on the front elevation of both proposals, the symmetrical lines would further emphasise the singular massing of the building.
 17. The introduction of glazed balconies in Appeal A, whilst intended not to screen the features of the main building and to provide amenity space for the apartments, would nevertheless introduce alien features into the street scene that would further draw the eye disproportionately towards the development. This would be all the more so with the inevitable household paraphernalia that would be visible on the balconies. Furthermore, the attempt to portray a frontage onto the street with a false front door would portray a disingenuous appearance particularly as it would not be read as such without an associated entrance pathway and general evidence of activity. Whilst it was explained at the hearing that this was partly done to reduce the likelihood of vehicles being parked on the road in the vicinity of the adjacent bus stop, it has been agreed that clear way markings would be implemented to prevent such parking.
 18. With regard to paragraphs 132 and 134 of the Framework, harm to the significance of the LB and the character and appearance of the CA would be less than substantial, due to the fact that the LB itself remains unaltered and given the relatively small, but nevertheless significant amendments to the approved scheme. However, I do not consider there to be any public benefits sufficient to outweigh that harm.
 19. I have had regard to the appellant's submissions relating to inconsistent comments made by the Conservation Officer and the Conservation Area Advisory Committee. However, I have determined these appeals on their merits taking account of all the evidence and observations on my site visit.
 20. For the above reasons, I conclude on this issue that the proposed development, as amended, relating to both Appeals A and B, would neither preserve the character and appearance of the CA nor preserve the setting of the LB. As such it would be contrary to Policies CP5, H1, LE12 and LE19 of the Carlisle District Local Plan (the Local Plan). These policies together, in respect of this issue, require, amongst other things, development to respond to local context and the form and character of the existing settlement and surrounding buildings, to preserve or enhance the CA and to preserve the character and setting of listed buildings.
 21. The Council also refers to Policy H10 of the Local Plan in its decision notice. However, the Council confirmed at the hearing that this policy is not relevant to this appeal, which relates to amendments to a development already approved and is extant, and I agree with that position.

Living conditions

22. Caerluel has some windows on its side elevation, most of which appeared to be related to non-habitable rooms although I understand that one of them serves a bedroom. There is an existing wall along the side boundary and I understand that it would be intended to raise this further in order to provide adequate screening from any potential overlooking from ground floor rooms and the entrance door of the proposed development. I saw that this would be the case.
23. In terms of any overlooking from upper floor rooms with windows facing the side of Caerluel, the main differences with the approved scheme Ref 10/1066 would be as follows. Above the entrance door there would be a second floor study window for Appeal A or obscure glazed kitchen window for Appeal B, as opposed to roof veluxes to a bedroom, and a first floor bedroom window for appeal A and obscure glazed kitchen window for Appeal B, as opposed to an oblique view oriel window. Appeal B would also include a first floor oblique view oriel kitchen window alongside the obscure glazed window. Towards the rear of the building on the side elevation, there would be high level veluxes serving first floor rooms for both schemes and Appeal B would include two first floor conventional bedroom windows.
24. Whilst there would be additional upper floor windows compared to the approved scheme, those that would be obscure glazed or of oriel design would prevent undue overlooking to the side windows of Caerluel. As agreed at the hearing, further details of the obscured windows, to ensure this, could be secured by condition were the appeal allowed. In relation to the other proposed additional conventional windows, there would not be a significantly greater level of overlooking of the side bedroom window of Caerluel than would be the case from the previously approved side living room windows of the front flats. The angle of any viewing would also be slightly oblique. Together with the degree of distance there would be between the windows of the two properties, and the fact that they would be slightly further apart than for the approved scheme, I consider that there would not be undue additional loss of privacy to the residents of Caerluel in this respect.
25. In terms of any potential overlooking of the rear garden of Caerluel, the additional windows that would directly face that space would be set a significant distance from the boundary. Furthermore, the rear facing windows would only afford oblique angle viewing of the garden. Caerluel also has quite a wide rear garden such that in the context of the overall amount of outdoor space of that property, any additional overlooking would not amount to unacceptable loss of privacy to its residents.
26. The windows in the east side elevation would match those on the west side. Acorn Bank has no side windows and so the only potential additional overlooking of this property compared to the approved scheme would be of its rear garden. In terms of ground floor windows, the boundary wall and hedge would prevent overlooking and, were the appeal allowed, details of measures to augment this treatment could be secured by condition as agreed at the hearing. The first floor side oriel window would be angled towards the rear garden but as it would be set back from the rear building line of Acorn Bank's rear extension, the angle of view to the garden would be oblique.
27. The proposed first floor side bedroom windows towards the rear would have the potential to result in direct overlooking of part of Acorn Bank's garden, but

whilst closer to the boundary than those on the western side, the degree of separation would still mitigate this to a significant degree. Again, the rear facing windows would only afford oblique angle views of the garden. Furthermore, it is a large garden, such that the majority of it would not be directly overlooked. Therefore, any additional overlooking would not amount to an unacceptable loss of privacy to the residents of Acorn Bank.

28. For the above reasons, I conclude on this issue that the proposed development, as amended, relating to both Appeals A and B would not cause unacceptable harm to the living conditions of the occupiers of Acorn Bank and Caerluel in respect of privacy. As such, in respect of this issue, it would accord with Policy CP5 of the Local Plan and would not be at odds with the principles of the Council's Supplementary Planning Document: Achieving Well Designed Housing (the SPD) to which I have applied considerable weight due to its fairly recent adoption in 2011. This policy and SPD, in respect of this issue, requires, amongst other things, development not to have any adverse effect on the residential amenity of existing areas or adjacent land uses.
29. Some discussion was had at the hearing as to whether the second reason for refusal in each case related also to the privacy of prospective residents in respect of any overlooking from side windows in Caerluel. Although the reason does not refer to this, I am nevertheless satisfied that, in light of the above reasoning, the prospective occupiers of the proposed flats would not be overlooked from rooms of Caerluel to the extent that this would cause unacceptable levels of privacy.

Other matter

30. The appellant submits that the amendments would make the apartments more marketable and thereby improve deliverability to the benefit of housing supply. However, I have no substantive evidence before me as to why this would be the case or the extent to which the approved and appeal schemes differ in respect of marketability. I have therefore applied little weight to this factor in coming to my decision.

Conclusion

31. I have found that the proposed development, as amended, relating to both Appeals A and B would not cause unacceptable harm to the living conditions of the occupiers of Acorn Bank and Caerluel in respect of privacy. However, this does not outweigh the harm that would be caused in respect of the character and appearance of the CA and the setting of the LB.
32. Therefore, for the above reasons, and having regard to all other matters raised, I conclude that the appeals should be dismissed.

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Sandy Johnston	Architect
Andrew Willison-Holt	Agent

FOR THE LOCAL PLANNING AUTHORITY:

Cllr Barry Ogilvie Earp	Councillor
Rachel Lightfoot	Planning Agent
Karen Greig	Appeals Officer
Michelle Sowerby	Appeals Officer

INTERESTED PERSONS:

Isabel Ferguson	Local Resident
Geoff Ferguson	Local Resident
David Notman	Local Resident (representing the Save Wetheral Village Group)
Maureen Lofthouse	Local Resident
Michael Norman	Local Resident
Alun Porter	Local Resident
Lis Price	Local Resident
Andrew Hall	Local Resident
Andrew Lomax	Local Resident

DOCUMENTS AND PLANS SUBMITTED AT THE HEARING:

- 1 Plan Ref 03/2010/100 Proposed Block Plan revision A (Appeal A).
- 2 Plan Ref 03/2010/205B Site Plan showing proposed bin store location (Appeal B).
- 3 Copy of internal memorandum from Urban Design and Conservation Officer dated 14 August 2013.
- 4 Annotated drawings produced by appellant to show comparisons between the appeal schemes and that approved under application Ref 10/1066.
- 5 Deed of Variation of Agreement under Section 106 and 106A of the Town and Country Planning Act 1990 (one submitted for each of the two appeals).

Item No: 12 Between 12/07/2014 and 15/08/2014

Appn Ref No:
14/0033

Applicant:
Citadel Estates Ltd

Parish:
Wetheral

Date of Receipt:
21/01/2014

Agent:
Holt Planning Consultancy
Ltd

Ward:
Wetheral

Location:
Skelton House, Wetheral, Carlisle, CA4 8JG

Grid Reference:
346434 554574

Proposal: Variation Of Condition 2 (Approved Documents) Of Previously Approved
Permission 10/1066 (Revised Application)

Amendment:

REPORT

Case Officer: Richard Maunsell

Decision on Appeals:

Appeal Against: Appeal against refusal of planning perm.

Type of Appeal: Informal Hearing

Report: This appeals related to applications for the variation of a planning condition at Skelton House, Wetheral. The condition related to the listed of approved drawings and consent was sought to alter the layout of the site and revise the fenestration of the building.

The first application (reference 13/0521) was refused for the following reasons:

“The proposal, by virtue of its scale, massing and position within the site, does not respond to the local context and form of surrounding building in relation to height, scale and massing. The siting of the proposed building would differ from the approved scheme and would not be located on or close to the site of the original dwelling. The building is inappropriate to its prominent location in the Wetheral Conservation Area contrary to criteria 1 of Policy CP5 (Design), criterion 1 and 3 of Policy H10 (Replacement Dwellings in the Rural Area) and criterion 1 and 2 of Policy LE19 (Conservation Areas) of the Carlisle District Local Plan 2001-2016.

The proposed building would be located adjacent to neighbouring residential properties. In this instance, by virtue of the number of proposed windows serving habitable rooms on the east and west elevations of the

SCHEDULE C: Applications Determined by Other Authorities

building, the development would result in overlooking and a significant loss of privacy to the occupiers of the neighbouring properties. The proposed windows would also conflict with the Council's required minimum distances.

The proposal is therefore contrary to criteria 5 of Policy CP5 (Design) of the Carlisle District Local Plan 2001-2016 and the objectives of the Supplementary Planning Document "Achieving Well Designed Housing" "

The second application (reference 14/0033) was refused for the following reasons:

"The proposal, by virtue of its scale, massing and position within the site, does not respond to the local context and form of surrounding building in relation to height, scale and massing. The siting of the proposed building would differ from the approved scheme and would be inappropriate to its prominent location in the Wetheral Conservation Area. The proposal is therefore contrary to criteria 1 of Policy CP5 (Design), criterion 2, 3 and 4 of Policy H1 (Location of New Housing Development) and criterion 1 and 2 of Policy LE19 (Conservation Areas) of the Carlisle District Local Plan 2001-2016.

The proposed building would be located adjacent to neighbouring residential properties. In this instance, by virtue of the number of proposed windows serving habitable rooms on the east and west elevations of the building, the development would result in overlooking and a significant loss of privacy to the occupiers of the neighbouring properties. The proposed windows would also conflict with the Council's required minimum distances.

The proposal is therefore contrary to criteria 5 of Policy CP5 (Design) of the Carlisle District Local Plan 2001-2016 and the objectives of the Supplementary Planning Document "Achieving Well Designed Housing".

To the east of the application site is Acorn Bank which is a 2 storey Grade II listed building. Due to the proximity of the proposed building, together with its scale and mass, the development would fail to preserve the character or setting of the adjacent listed building. The proposal would be unsympathetic in scale and character and would adversely affect the appearance and setting of Acorn Bank, contrary to the Policy LE12 (Proposals Affecting Listed Buildings) of the Carlisle District Local Plan 2001-2016."

The appellant lodged a appeals to the Planning Inspectorate and the two appeals were conjoined and considered at the same time.

During the consideration of the applications, the proposals attracted a significant number of local objections and the number of issues raised totalled 42. The Inspector acknowledged that the applications subject to the appeals were made under Section 73 of the Planning Act for minor material amendments with revised designs to the development approved under planning permission 10/1066 but with the same number of units and not a substantially different footprint area. He confirmed that this type of application is possible as a condition was imposed on the original

SCHEDULE C: Applications Determined by Other Authorities

permission specifying the approved plans.

The Inspector highlighted that the main issues in both appeals were whether the proposed development, as amended, would preserve or enhance the character or appearance of the Wetheral Conservation Area and preserve the setting of the Grade II listed building known as Acorn Bank; and the effect of the proposed development, as amended, on the living conditions of the occupiers of Acorn Bank and Caerluel in respect of privacy.

It was noted that the main front elevation and bays would be closer to the road, although the bays relating to the second appeal would be single storey as opposed to the full three storey height for the first appeal. The former would have shallow depth, full height, gable features, the central one being slightly deeper than the two either side.

Both appeal schemes would be narrower at the front, but with the front block extending further back than for the approved scheme, and the overall length of the buildings would be increased. With regard to paragraphs 132 and 134 of the National Planning Policy Framework, harm to the significance of the listed building and the character and appearance of the conservation area would be less than substantial, due to the fact that the listed building itself remains unaltered and given the relatively small, but nevertheless significant amendments to the approved scheme. However, the Inspector did not consider there to be any public benefits sufficient to outweigh that harm.

In respect of the second issue, the Inspector acknowledged the presence of the properties either side of the site. Whilst there would be additional upper floor windows compared to the approved scheme, those that would be obscure glazed or of oriel design would prevent undue overlooking to the side windows of Caerluel. In relation to the other proposed additional conventional windows, he opined that there would not be a significantly greater level of overlooking of the side bedroom window of Caerluel than would be the case from the previously approved side living room windows of the front flats and there would not be undue additional loss of privacy to the residents of Caerluel in this respect. In the context of the overall amount of outdoor space of Caerluel, any additional overlooking would not amount to unacceptable loss of privacy to its residents.

The windows in the east side elevation would match those on the west side. Acorn Bank has no side windows and so the only potential additional overlooking of this property compared to the approved scheme would be of its rear garden. In terms of ground floor windows, the boundary wall and hedge would prevent overlooking and details of measures to augment this treatment could be secured by condition. The first floor side oriel window would be angled towards the rear garden but as it would be set back from the rear building line of Acorn Bank's rear extension, the angle of view to the garden would be oblique. Therefore, any additional overlooking would not amount to an unacceptable loss of privacy to the residents of Acorn

SCHEDULE C: Applications Determined by Other Authorities

Bank.

The Inspector concluded that with regard to the impact on the conservation area and the listed building, the proposed development relating to both appeals, would neither preserve the character and appearance of the conservation area nor preserve the setting of the listed building.

With regard to the second issue, the proposed development, as amended, relating to both appeals would not cause unacceptable harm to the living conditions of the occupiers of Acorn Bank and Caerluel in respect of privacy.

For this reason, the appeals were dismissed.

Appeal Decision: Appeal Dismissed

Date: 06/08/2014

Appeal Decisions

Hearing held on 1 July 2014

Site visit made on 1 July 2014

by Andrew Dawe BSc(Hons) MSc MPhil MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 6 August 2014

Appeal A: APP/E0915/A/14/2214847

Former I/a Skelton House, Wetheral, Carlisle, Cumbria CA4 8JG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Citadel Estates Ltd against the decision of Carlisle City Council.
 - The application Ref 13/0521, dated 1 July 2013, was refused by notice dated 24 December 2013.
 - The application sought planning permission for demolition of house, adjoining barn and outbuildings; redevelopment of site for the erection of single block comprising 15No. two-bed apartments with dedicated access, off-street parking and private amenity spaces without complying with a condition attached to planning permission Ref 10/1066, dated 24 May 2012.
 - The condition in dispute is No 2 which states the approved documents of the planning consent.
 - The reason given for the condition is: to define the permission.
-

Appeal B: APP/E0915/A/14/2216562

L/a former Skelton House, Wetheral, Carlisle, Cumbria CA4 8JG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Citadel Estates Ltd against the decision of Carlisle City Council.
 - The application Ref 14/0033, dated 17 January 2014, was refused by notice dated 7 March 2014.
 - The application sought planning permission for demolition of house, adjoining barn and outbuildings; redevelopment of site for the erection of single block comprising 15No. two-bed apartments with dedicated access, off-street parking and private amenity spaces without complying with a condition attached to planning permission Ref 10/1066, dated 24 May 2012.
 - The condition in dispute is No 2 which states the approved documents of the planning consent.
 - The reason given for the condition is: to define the permission.
-

Decision

1. Appeal A is dismissed and Appeal B is dismissed.

Application for costs

2. At the Hearing an application for costs was made by Mr Dean Thomas Montgomery against Carlisle City Council. This application is the subject of a separate Decision.

Procedural matters

3. I have taken into account the Government's Planning Practice Guidance (PPG), issued on 6 March 2014, in reaching my decision but in light of the facts of the case this has not altered my conclusions.
4. The applications subject to these appeals are made under Section 73 of the Planning Act for minor material amendments¹. They seek revised designs to the development approved under planning permission 10/1066 but with the same number of units and not a substantially different footprint area. This type of application is possible as a condition was imposed on the original permission specifying the approved plans. The appeals seek removal of the condition and replacement with a condition specifying the plans that reflect the amended designs.
5. Planning permission 10/1066 remains extant and is a material consideration of considerable weight in determining these appeals.
6. For ease of reference I refer to the different cases as Appeals A and B in this decision letter as set out in the headers. I have dealt with each appeal on its individual merits but to avoid duplication I have considered the proposals together in this document. Although there are two appeals, I have used singular terms in places for ease of reading.
7. I saw on my site visit that development had commenced on the site principally relating to the laying of the foundations which appeared to reflect the footprint of the two appeal proposals.

Main Issues

8. The main issues in both appeals are:
 - (i) whether the proposed development, as amended, would preserve or enhance the character or appearance of the Wetheral Conservation Area (CA) and preserve the setting of the Grade II listed building (LB) known as Acorn Bank;
 - (ii) the effect of the proposed development, as amended, on the living conditions of the occupiers of Acorn Bank and Caerluel in respect of privacy.

Reasons

Character and appearance of CA and setting of LB

9. The appeal site lies within the CA and adjacent to the LB on land previously occupied by Skelton House which has now been demolished along with all other associated buildings. Therefore, special attention has to be paid to the

¹ See Greater flexibility for planning permission: Guidance, October 2010 (Department of Communities and Local Government)

desirability of preserving or enhancing the character or appearance of the CA and preserving the setting of the listed building.

10. I note that the decision notice for Appeal B included a third reason for refusal, which was not on that for Appeal A, referring specifically to the impact of the development on the setting of the LB. Notwithstanding the lack of such a reason in relation to Appeal A, the Council said at the hearing that this did not reflect any greater impact of Appeal B. In any case, regardless of whether such a reason was given or not, there is a statutory duty to have regard to the effects on the special interest of the LB, and this is how I have approached both appeals.
11. The key design changes to the scheme approved under application 10/1066, other than positioning and design of fenestration, which, in relation to living conditions, I have dealt with separately under 'living conditions' below, would be as follows. For both appeals, the main front elevation and bays would be closer to the road, although the bays relating to Appeal B would be single storey as opposed to the full three storey height for Appeal A. The former would have shallow depth, full height, gable features, the central one being slightly deeper than the two either side.
12. Both appeal schemes would be narrower at the front, but with the front block extending further back than for the approved scheme, and the overall length of the buildings would be increased. The front elevation in both case would also be symmetrical either side of the central gable feature, which would not be the case with the approved scheme which, amongst other things would have a lower roof height on the side nearest Acorn Bank. The walls of the entire western section of the front elevation for Appeal B would be stone clad. The rear section of the building in both cases would have a reduced ridge height.
13. Appeal A would introduce glazed balconies. Both schemes would have the main entrance on the western side of the building with a false door in the front elevation. Appeal A would have a fourth storey within the roof space, created with a significant flat roof element hidden behind outward facing pitched roofs, although this additional level would be evidenced by velux windows. Both schemes would include alterations to the car parking and landscaping layout.
14. The CA, in the vicinity of the site, comprises a range of designs and sizes of properties. Whilst there are some examples of three storey buildings, these are in the minority. In the case of one such property in Pleasant View, a short distance to the east of the site, and a three storey element to Caerluel with the third storey being partially within the roof space, these are narrow and do not dominate the street scene. Acorn Bank is a two storey detached building of fairly modest height with a slightly higher semi-circular front bay to the east side of its front elevation. This is an attractive LB which, despite being set back from properties to its east, retains a strong presence. This is by virtue of its clear visibility when approaching from the west, particularly as the road starts to bend round more towards the east in front of the appeal site, and also given the modest height of the immediately neighbouring property to the east.
15. The proposed development, in the case of both appeals, would result in the main front elevation projecting noticeably beyond the line of the main front elevation of Acorn Bank, where the approved scheme showed it aligned with it. That scheme would have three storey bays projecting forward to the approximate alignment of the main elevation of the appeal schemes, but they

- would be three, separated, and relatively narrow, features as opposed to a continuous mass along that particular alignment. The proposed bays whether single storey or three storey would project further still which, as I saw on site, would be just beyond the line of the front of the circular bay of Acorn Bank.
16. Therefore, although the building would be narrower than that approved, the front elevation would still present a wide frontage whose massing would be much more to the fore. Whilst the overall impact of Appeal B, with only the single storey front bays, would be less than Appeal A, both proposals would create a structure that would have an adverse visual impact compared with the approved scheme and dominate the adjoining LB and the street generally, making it an obtrusive and jarring feature. Despite the varying use of stone finish on the front elevation of both proposals, the symmetrical lines would further emphasise the singular massing of the building.
 17. The introduction of glazed balconies in Appeal A, whilst intended not to screen the features of the main building and to provide amenity space for the apartments, would nevertheless introduce alien features into the street scene that would further draw the eye disproportionately towards the development. This would be all the more so with the inevitable household paraphernalia that would be visible on the balconies. Furthermore, the attempt to portray a frontage onto the street with a false front door would portray a disingenuous appearance particularly as it would not be read as such without an associated entrance pathway and general evidence of activity. Whilst it was explained at the hearing that this was partly done to reduce the likelihood of vehicles being parked on the road in the vicinity of the adjacent bus stop, it has been agreed that clear way markings would be implemented to prevent such parking.
 18. With regard to paragraphs 132 and 134 of the Framework, harm to the significance of the LB and the character and appearance of the CA would be less than substantial, due to the fact that the LB itself remains unaltered and given the relatively small, but nevertheless significant amendments to the approved scheme. However, I do not consider there to be any public benefits sufficient to outweigh that harm.
 19. I have had regard to the appellant's submissions relating to inconsistent comments made by the Conservation Officer and the Conservation Area Advisory Committee. However, I have determined these appeals on their merits taking account of all the evidence and observations on my site visit.
 20. For the above reasons, I conclude on this issue that the proposed development, as amended, relating to both Appeals A and B, would neither preserve the character and appearance of the CA nor preserve the setting of the LB. As such it would be contrary to Policies CP5, H1, LE12 and LE19 of the Carlisle District Local Plan (the Local Plan). These policies together, in respect of this issue, require, amongst other things, development to respond to local context and the form and character of the existing settlement and surrounding buildings, to preserve or enhance the CA and to preserve the character and setting of listed buildings.
 21. The Council also refers to Policy H10 of the Local Plan in its decision notice. However, the Council confirmed at the hearing that this policy is not relevant to this appeal, which relates to amendments to a development already approved and is extant, and I agree with that position.

Living conditions

22. Caerluel has some windows on its side elevation, most of which appeared to be related to non-habitable rooms although I understand that one of them serves a bedroom. There is an existing wall along the side boundary and I understand that it would be intended to raise this further in order to provide adequate screening from any potential overlooking from ground floor rooms and the entrance door of the proposed development. I saw that this would be the case.
23. In terms of any overlooking from upper floor rooms with windows facing the side of Caerluel, the main differences with the approved scheme Ref 10/1066 would be as follows. Above the entrance door there would be a second floor study window for Appeal A or obscure glazed kitchen window for Appeal B, as opposed to roof veluxes to a bedroom, and a first floor bedroom window for appeal A and obscure glazed kitchen window for Appeal B, as opposed to an oblique view oriel window. Appeal B would also include a first floor oblique view oriel kitchen window alongside the obscure glazed window. Towards the rear of the building on the side elevation, there would be high level veluxes serving first floor rooms for both schemes and Appeal B would include two first floor conventional bedroom windows.
24. Whilst there would be additional upper floor windows compared to the approved scheme, those that would be obscure glazed or of oriel design would prevent undue overlooking to the side windows of Caerluel. As agreed at the hearing, further details of the obscured windows, to ensure this, could be secured by condition were the appeal allowed. In relation to the other proposed additional conventional windows, there would not be a significantly greater level of overlooking of the side bedroom window of Caerluel than would be the case from the previously approved side living room windows of the front flats. The angle of any viewing would also be slightly oblique. Together with the degree of distance there would be between the windows of the two properties, and the fact that they would be slightly further apart than for the approved scheme, I consider that there would not be undue additional loss of privacy to the residents of Caerluel in this respect.
25. In terms of any potential overlooking of the rear garden of Caerluel, the additional windows that would directly face that space would be set a significant distance from the boundary. Furthermore, the rear facing windows would only afford oblique angle viewing of the garden. Caerluel also has quite a wide rear garden such that in the context of the overall amount of outdoor space of that property, any additional overlooking would not amount to unacceptable loss of privacy to its residents.
26. The windows in the east side elevation would match those on the west side. Acorn Bank has no side windows and so the only potential additional overlooking of this property compared to the approved scheme would be of its rear garden. In terms of ground floor windows, the boundary wall and hedge would prevent overlooking and, were the appeal allowed, details of measures to augment this treatment could be secured by condition as agreed at the hearing. The first floor side oriel window would be angled towards the rear garden but as it would be set back from the rear building line of Acorn Bank's rear extension, the angle of view to the garden would be oblique.
27. The proposed first floor side bedroom windows towards the rear would have the potential to result in direct overlooking of part of Acorn Bank's garden, but

whilst closer to the boundary than those on the western side, the degree of separation would still mitigate this to a significant degree. Again, the rear facing windows would only afford oblique angle views of the garden. Furthermore, it is a large garden, such that the majority of it would not be directly overlooked. Therefore, any additional overlooking would not amount to an unacceptable loss of privacy to the residents of Acorn Bank.

28. For the above reasons, I conclude on this issue that the proposed development, as amended, relating to both Appeals A and B would not cause unacceptable harm to the living conditions of the occupiers of Acorn Bank and Caerluel in respect of privacy. As such, in respect of this issue, it would accord with Policy CP5 of the Local Plan and would not be at odds with the principles of the Council's Supplementary Planning Document: Achieving Well Designed Housing (the SPD) to which I have applied considerable weight due to its fairly recent adoption in 2011. This policy and SPD, in respect of this issue, requires, amongst other things, development not to have any adverse effect on the residential amenity of existing areas or adjacent land uses.
29. Some discussion was had at the hearing as to whether the second reason for refusal in each case related also to the privacy of prospective residents in respect of any overlooking from side windows in Caerluel. Although the reason does not refer to this, I am nevertheless satisfied that, in light of the above reasoning, the prospective occupiers of the proposed flats would not be overlooked from rooms of Caerluel to the extent that this would cause unacceptable levels of privacy.

Other matter

30. The appellant submits that the amendments would make the apartments more marketable and thereby improve deliverability to the benefit of housing supply. However, I have no substantive evidence before me as to why this would be the case or the extent to which the approved and appeal schemes differ in respect of marketability. I have therefore applied little weight to this factor in coming to my decision.

Conclusion

31. I have found that the proposed development, as amended, relating to both Appeals A and B would not cause unacceptable harm to the living conditions of the occupiers of Acorn Bank and Caerluel in respect of privacy. However, this does not outweigh the harm that would be caused in respect of the character and appearance of the CA and the setting of the LB.
32. Therefore, for the above reasons, and having regard to all other matters raised, I conclude that the appeals should be dismissed.

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Sandy Johnston	Architect
Andrew Willison-Holt	Agent

FOR THE LOCAL PLANNING AUTHORITY:

Cllr Barry Ogilvie Earp	Councillor
Rachel Lightfoot	Planning Agent
Karen Greig	Appeals Officer
Michelle Sowerby	Appeals Officer

INTERESTED PERSONS:

Isabel Ferguson	Local Resident
Geoff Ferguson	Local Resident
David Notman	Local Resident (representing the Save Wetheral Village Group)
Maureen Lofthouse	Local Resident
Michael Norman	Local Resident
Alun Porter	Local Resident
Lis Price	Local Resident
Andrew Hall	Local Resident
Andrew Lomax	Local Resident

DOCUMENTS AND PLANS SUBMITTED AT THE HEARING:

- 1 Plan Ref 03/2010/100 Proposed Block Plan revision A (Appeal A).
- 2 Plan Ref 03/2010/205B Site Plan showing proposed bin store location (Appeal B).
- 3 Copy of internal memorandum from Urban Design and Conservation Officer dated 14 August 2013.
- 4 Annotated drawings produced by appellant to show comparisons between the appeal schemes and that approved under application Ref 10/1066.
- 5 Deed of Variation of Agreement under Section 106 and 106A of the Town and Country Planning Act 1990 (one submitted for each of the two appeals).

Item No: 13 Between 12/07/2014 and 15/08/2014

Appn Ref No:
13/0822

Applicant:
Mr J Peart

Parish:
Scaleby

Date of Receipt:
30/10/2013

Agent:
South Bank Architects

Ward:
Stanwix Rural

Location:
Sand House, Burnhill, Scaleby, Carlisle, CA6 4LU

Grid Reference:
343597 563182

Proposal: Demolition Of Existing Extension To Original Cottage And Erection Of Two Storey Extension; Modification Of Existing Gatehouse; Erection Of 2no. Dwellings With Associated Outbuildings, Gardens And Landscaping

Amendment:

REPORT

Case Officer: Stephen Daniel

Decision on Appeals:

Appeal Against: Appeal against refusal of planning perm.

Type of Appeal: Written Representations

Report: The appeal relates to the demolition of an existing extension to the original cottage and the erection of a two storey extension; modification of the existing gatehouse; the erection of 2no. dwellings with associated outbuildings, gardens and landscaping at Sand House, Burnhill, Scaleby, Carlisle, CA6 4LU.

The application was refused under delegated powers in December 2013 for the following reasons:

1. *The application site lies outside a settlement in an unsustainable location. The National Planning Policy Framework (NPPF) states that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances. No special circumstances have put been forward by the applicant that would justify a new dwelling in this location. The proposal is, therefore, contrary to Policy DP1 of the Carlisle District Local Plan 2001-2016 and Paragraph 55 of the National Planning Policy Framework.*
2. *Sandhouse is a single-storey stone longhouse with a slate roof. The proposed two-storey extension would dominate the original dwelling, being totally out of scale and character and would have a significant*

adverse impact on the property. The proposed extension would, therefore, be contrary to Criterion 1 of Policy CP5 of the Carlisle District Local Plan 2001-2016, which seeks to ensure that proposals respond to the local context and the form of surrounding buildings in relation to height, scale and massing.

Saved Policy DP1 of the Carlisle District Local Plan 2001-2106 (the Local Plan) seeks to resist residential development outside of defined settlement boundaries, unless there is a demonstrable need for it in a specified location. The appellant had raised concern over the restrictive nature of saved Policy DP1 and the references to settlement boundaries, and whether this would be in accordance with the National Planning Policy Framework (the Framework) and in particular paragraph 55. In this respect, whilst the reliance on settlement boundaries would set the Local Plan policy at odds with the promotion of sustainable development in rural areas as advocated in the Framework, there is consistency between the local plan and the Framework in the assertion that all development proposals will be assessed against their ability to promote sustainable development. Furthermore, the policy referred to the need to give priority to previously developed land in considering residential proposals, and referred to the desirability of development sustaining existing rural facilities and services, which are again broadly consistent with the Framework. On this basis, the Inspector was satisfied that it remained appropriate to attach significant weight to the development plan policy.

The Inspector considered that the appeal site is set within a small cluster of dwellings in the open countryside, with the proposed development located in an isolated position with comparatively poor access to services, facilities and public transport, which given the distances to surrounding settlements would consequently foster a reliance on the private car. This reliance would be exacerbated by the lack of a safe pedestrian environment on the roads and lanes between the appeal site and nearby settlements. He acknowledged that paragraph 55 of the Framework advocates that where there are groups of smaller settlements that development in one village may support services in a village nearby, but this would not result in an automatic presumption in favour of the development of additional dwellings in the countryside, and given the distance to nearby settlements with available services and facilities, would not be applicable in this case.

The appellant had not advanced any special circumstances which would support the case for development in this specific location, and the proposals would not qualify as an exception as described at paragraph 55 of the Framework as, most pertinently, the dwellings have not been highlighted as meeting an essential need for a rural worker to live permanently at or near their place of work in the countryside. Furthermore, the appellant had not promoted the development as meeting a specific housing need in response to local circumstances, and particularly in respect of affordable housing. Whilst the Inspector took into account the geographical relationship between the appeal site and Carlisle, the strategic road network, and rail and air links, the proposal would amount to

an unsustainable form of development resulting in isolated new dwellings in the open countryside for which there was no demonstrable exception.

The appellant had challenged the use of 'isolated' in respect of the reason for refusal, and contended that the Council had erroneously applied it in reaching its decision. The appellant had also applied the natural meaning of 'isolated' to mean that the proposed dwelling would have to be located on its own away from other development. In the context of the underlying objective of achieving sustainable development as set out in the Framework, the Inspector could not agree with the appellant's application of 'isolated' in this case, or that it has only a single application in terms of definition. The existing group of dwellings around the appeal site are isolated as a group by virtue of their distance, geography and linkages to existing services and facilities within other nearby settlements, and any additions to the group would also be treated thus. In seeking to promote economic growth in rural areas, the Framework requires sustainable development to strike a balance between the enhancement and maintenance of existing rural communities, and the protection of the countryside from the proliferation of unsustainable development. This would seem to encapsulate the underlying purpose of requiring special circumstances to justify allowing new isolated homes in the countryside, whilst continuing to ensure that the majority of new development is guided to existing settlements capable of supporting the needs of the rural community.

The Inspector also considered that the appellant and the Council had referred to Policy S1 of Carlisle's emerging Local Plan which has reached the Preferred Options Stage. However, he noted from the submissions that the document has been recently out to public consultation and has not yet been through examination. However, whilst he noted the consistency in the approach towards assessing the sustainability of development within the countryside, given the documents limited progress through the process towards adoption and publication, he would attach only very limited weight at this stage to the policy.

The Inspector concluded that the proposed development would result in an unjustified and unsustainable form of development within the countryside, with limited access to services and facilities. The proposal would thus conflict with the objective of saved Policy DP1 of the Local Plan which seeks to promote sustainable development. Furthermore, the proposed development would also conflict with paragraph 55 of the Framework, which sets out the special circumstances which would justify new residential development in the countryside. The dwellings in the immediate vicinity of the appeal site are a mix of singlestorey and two-storey properties, which have been constructed in a variety of different styles and from different materials. In this respect, the proposed two new dwellings would not be uncharacteristic of the design and detailing of other existing dwellings in the area, and would not therefore appear incongruous in this context. However, in assessing the impact of the proposed two-storey extension to the rear of the existing single storey longhouse, the Inspector

considered that it would represent an uncharacteristic and overly-dominant form of development in the context of the existing dwelling. The different scales and orientation of the existing and proposed elements would create an awkward juxtaposition between the traditional scale and appearance of the existing single-storey dwelling, and that of the large two-storey modern addition to the rear. He acknowledged that the incorporation of a two-storey gable end facing towards the road would not be an uncharacteristic design feature within the area, this would not mitigate the adverse visual impact that the proposed development would have in the context of the existing dwelling and the character and appearance of the area.

The appellant had drawn the Inspector's attention to the benefit of removing the current large single-storey extensions to the rear of the existing dwelling. However, whilst he agreed that the extensions did not have any particular merit in design terms in the context of either the existing dwelling or the area, they were nevertheless relatively well screened from the public realm and have very limited visual impact. He also took into account that the resultant dwellings would be set back from the road, that it would not prove necessary to remove any of the existing large boundary trees as a result of the development, and that the proposed landscaping of the plots would assist with the assimilation of the development with the existing landscape. The Inspector considered that whilst these factors would weigh in support of the proposals, they would not be sufficient to outweigh the visual impact of the proposed extensions. Whilst the two proposed dwellings would not appear as uncharacteristic development in the context of the area, the proposed two-storey extension would be an incongruous and overly-dominant addition to the existing dwelling, and would have an adverse impact on the character and appearance of the area. The proposal would therefore not accord with saved Policy CP5 of the Local Plan, which seeks to ensure that development responds to the local context and form of surrounding buildings in relation to their height, scale and massing. Furthermore, the proposals would also conflict with the Framework which states in the core planning principles at paragraph 17 that planning should always seek high quality design.

The appellant had highlighted that there has been a persistent shortfall in the Council's five-year supply of deliverable housing land. However, the Council had indicated that it is now able to identify a five-year supply of deliverable housing land and an additional 20% buffer. In response, the appellant had indicated that the two new dwellings proposed in these circumstances would contribute towards meeting the five-year supply and the indicated reliance on windfall sites to achieve this. The Inspector considered that the contribution that this development would make towards the five-year supply of deliverable housing land would not outweigh the harm which the scheme would cause through the introduction of unjustified development within an isolated countryside location, and the harmful impact of the development on the character and appearance of the area. In this respect, the proposals would conflict with relevant development plan

policies and the Framework and would not therefore amount to sustainable development for which there is a presumption in favour.

The appeal was therefore dismissed.

Appeal Decision: Appeal Dismissed

Date: 21/07/2014

SCHEDULE C: Applications Determined by Other Authorities

Item No: 14

Between 12/07/2014 and 15/08/2014

Appn Ref No:
14/9010

Applicant:
The Governors

Parish:

Date of Receipt:
14/07/2014

Agent:
Cumbria County Council -
Economy & Planning

Ward:
Harraby

Location:
Inglewood Infant School, School Road, Harraby,
Carlisle, CA1 3LX

Grid Reference:
342079 554232

Proposal: Extension To Dining Hall

Amendment:

REPORT

Case Officer: Stephen Daniel

City Council Observations on the Proposal:

Decision: City Council Observation - Raise No Objection **Date:** 29/07/2014

Decision of: Cumbria County Council

Decision Type: Grant Permission

Date: 11/08/2014

A copy of the Notice of the decision of the Determining Authority is printed following the report.

CUMBRIA COUNTY COUNCIL

TOWN AND COUNTRY PLANNING ACT, 1990
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2010

NOTICE OF PLANNING CONSENT

To: Inglewood Infants School
School Road
Harraby
Carlisle

In pursuance of the powers under the above Act and Order the Cumbria County Council as local planning authority hereby **permit** the development described in your application and on the plans/drawings attached thereto received on 10 July 2014.

viz: Extension to Dining Hall.

Inglewood Infant School, School Road, Harraby, Carlisle, CA1 3LX

Subject to due compliance with the following conditions:

Time Limit for Implementation

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990

Approved Scheme

2. The development shall be carried out strictly in accordance with the approved documents, hereinafter referred to as the approved scheme. The approved scheme shall comprise the following:
 - a. The submitted Application Form - dated 9 July 2014
 - b. Plans numbered and named:
 - i) 11078-05D - As Proposed Plan and Elevations
 - ii) 11078-06A - Site Location
 - c. This Decision Notice

Reason: To avoid confusion as to what comprises the approved scheme and ensure the development is carried out to an approved appropriate standard.

Dated the 11 August 2014

Signed: Angela Jones
Assistant Director of Environment & Regulatory Services
on behalf of Cumbria County Council.

NOTES

- The local planning authority has worked with the applicant/agent in a positive and proactive manner to seek solutions to any problems which have arisen in relation to dealing with the planning application and has implemented the requirements of the National Planning Policy Framework.
- The policies and reasons for the approval of this planning application are set out within the planning officers' report on the application which can be viewed online via: Onlineplanning.cumbria.gov.uk/ePlanningOPS/searchPageLoad.do
- Where the permission is granted subject to conditions, attention is directed to the attached Appendix/Notes.
- The conditions attached to this permission may override details shown on the application form, accompanying statements and plans.
- Submissions to discharge conditions may require a fee (*see point 5 of Appendix*)
- Any approval to be given by the Assistant Director of Environment & Regulatory Services or any other officer of Cumbria County Council shall be in writing.

APPENDIX TO NOTIFICATION OF PLANNING DECISION

This Appendix does not form part of any consent. However, you should take careful notice of the advice given below as it may affect your proposal.

1. Unless specifically exempt by the Waste Management Licensing Regulations 1994, all operations involving "controlled waste", which includes most wastes excluding mine and radioactive waste, requires a Waste Management Licence or Pollution Prevention and Control Permit issued by the Environment Agency. Where your proposal includes the disposal, storage, transfer or treatment of any waste material on the permission site, you should contact the Environment Agency, Ghyll Mount, Gillan Way, Penrith 40 Business Park, Penrith, CA11 9BP (Tel. 03708 506506), regarding applying for a licence, if you have not already done so. It is a criminal offence to deposit controlled waste and in certain circumstances to store, transfer or treat waste without a licence.
2. Obtaining any planning permission does not imply that any consents or licences required to be obtained from United Utilities Plc or the Environment Agency would be granted. You are advised to consult the appropriate body to determine if any such consent or licence may be required.
3. Any grant of planning permission does not entitle developers to obstruct a public right of way. Development, insofar as it affects a right of way, should not be started, and the right of way should be kept open for public use, until the necessary order under Section 247 or 257 of the Town and Country Planning Act 1990, or other appropriate legislation, for the diversion or extinguishment of right of way has been made and confirmed.
4. The attention of the person to whom any permission has been granted is drawn to Sections 7 and 8A of the Chronically Sick and Disabled Persons Act 1970 and to the Code of Practice for Access of the Disabled to Buildings or any prescribed document replacing that code.
5. Any application made to the Local Planning Authority for any consent, agreement or approval required by a condition or limitation attached to a grant of planning permission will be treated as an application under Article 30 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 and must be made in writing. Applications will be acknowledged and the Local Planning Authority is required to determine them within 8 weeks of receipt unless otherwise agreed in writing. A fee of £97 is payable for each submission (except for mining and landfill sites where fees are chargeable for site visits). A single submission may relate to more than one condition. If the County Council does not make a decision within 12 weeks of the date of submission the fee will be returned.

SCHEDULE D

SCHEDULE D

SCHEDULE D: Reports on Previously Deferred Decisions

Item No: 15

Between 11/07/2014 and 15/08/2014

Appn Ref No:

13/0973

Applicant:

Greensyke Properties Ltd

Parish:

Dalston

Date of Receipt:

11/12/2013 13:03:05

Agent:

Swarbrick Associates

Ward:

Dalston

Location:

Kingswood Educational Centre Greensyke,
Cumdivock, Dalston, Carlisle, CA5 7JW

Grid Reference:

335463 548364

Proposal: Amended Siting/Design For Unit 7; Amended Curtilage For Unit 10; 2No. Additional Dwellings; Amendments To Previously Approved Permissions 12/0185 And 12/0818

Amendment:

REPORT

Case Officer: Stephen Daniel

Details of Deferral:

Members will recall at Committee meeting held on 7th March 2014 that authority was given to the Director (Economic Development) to issue approval subject to the completion of a revised S106 Agreement to deal with the provision of affordable housing.

This has been completed and approval was issued on 11th July 2014.

Decision: Granted Subject to Legal Agreement

Date: 11/07/2014

1. The development shall be begun not later than the expiration of 5 years beginning with the date of the grant of this permission.

Reason:

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

2. The approved documents for this Planning Permission comprise:

1. the submitted planning application form, received 11th December 2013;
2. Design & Access Statement, received 12th December 2013;

SCHEDULE D: Reports on Previously Deferred Decisions

3. the Site Plan as existing (drawing reference 1514-p-01) received 11th December 2013;
4. the Site Plan as proposed (drawing reference 1514-p-02 Rev C) received 26th February 2014;
5. the Plans and Elevations Plot 7 as proposed (drawing reference 1514-p-09A) received 14th February 2014;
6. the Plans and Elevations Plots 11 and 12 as proposed (drawing reference 1514-p-11A) received 14th February 2014;
7. the Landscape Masterplan (drawing reference 001-R00) received 11th December 2013;
8. the Planting Plan (drawing reference 002-R00) received 11th December 2013;
9. the Tree Report received 12th December 2013;
10. the Plant Schedules received 11th December 2013;
11. the Bat Survey for Unit 10 received 11th December 2013;
12. the Bat Survey received 11th December 2013;
13. the Notice of Decision; and
14. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: For the avoidance of doubt.

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

Reason: To ensure the objectives of Policy CP5 of the Carlisle District Local Plan 2001-2106 are met and to ensure a satisfactory external appearance for the completed development.

4. The proposed hard and soft landscape works shall be carried out in strict accordance with the details contained on the Site Plan as Proposed (Drawing 1514-p-02 Rev A, received on 23 December 2013), the Planting Plan (Drawing 002-R00, received 11 December 2013) and the Plant Schedules & Establishment Regime (received 11 December 2013), unless otherwise agreed in writing with the Local Planning Authority. These works shall be carried out in the first planting season following the occupation of the first dwelling. Any trees or other plants which die or are removed within the first five years following the implementation of the landscaping scheme shall be replaced during the next planting season.

SCHEDULE D: Reports on Previously Deferred Decisions

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

5. The boundary treatment shall be implemented in strict accordance with the details contained on the Site Plan as Proposed (Drawing 1514-p-02 Rev A, received 23 December 2013), unless otherwise agreed in writing with the Local Planning Authority. These works shall be carried out as approved prior to the occupation of any part of the development.

Reason: To ensure the rural character of the site is retained in accordance with Policy CP5 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 foul and surface water drainage works has been approved in writing by the Local Planning Authority. Such a scheme shall be constructed and completed in accordance with the approved plans.

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

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) there shall be no enlargement or external alterations to the dwellings hereby approved, within the meaning of Schedule 2 Part 1 of these Orders, without the written approval of the Local Planning Authority.

Reason: To ensure that the character and attractive appearance of the buildings is not harmed by inappropriate alterations and/or extensions and that any additions which may subsequently be proposed satisfy the objectives of Policy CP5 of the Carlisle District Local Plan 2001-2016.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any other Order revoking and re-enacting that Order), no wall, fence or other means of enclosure shall be erected within any part of the site (other than those shown in any plans which form part of this application), without the written approval of the Local Planning Authority.

Reason: To ensure that any form of enclosure is carried out in a co-ordinated manner that safeguards the character of the area in accord with Policy CP5 of the Carlisle District Local Plan 2001-2016.

SCHEDULE D: Reports on Previously Deferred Decisions

9. Any external lighting installed within the application site shall be in accordance with the details contained on the Site Plan as Proposed (Drawing 1514-p-02 Rev A, received 23 December 2013), unless otherwise agreed in writing with the Local Planning Authority.

Reason: In order to ensure no adverse impact on a European Protected Species in accordance with Policy CP2 of the Carlisle District Local Plan 2001-2016.

10. Notwithstanding the provisions of Article 3(1) and the Schedule 2 Part 17 Class G (B) of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), no distribution poles or overhead lines (to connect telephone, electricity and (if necessary) communal television services), shall be erected within the site without the prior written approval of the Local Planning Authority.

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

11. For the duration of the development works, existing trees and hedgerows to be retained shall be protected by suitable barriers erected and maintained in accordance with the details shown on the Site Plan as Proposed (Dwg No. 1514-p-02 rev C, received on 26 February 2014). 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, washing or mixing of any associated construction materials and equipment, tipping or stacking, nor compaction of the ground by any other means.

Reason: To protect trees and hedges during development works in accordance with Policies CP3 and CP5 of the Carlisle District Local Plan 2001-2016.

12. Trees or hedges to be retained 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 in accordance with Policies CP3 and CP5 of the Carlisle District Local Plan 2001-2016.

13. The development shall be carried out in accordance with the remaining conditions attached to the application 12/0185 & 12/0818.

Reason: For the avoidance of doubt.

SCHEDULE E

SCHEDULE E

SCHEDULE E: Decisions Issued Under Delegated Powers

Between 12/07/2014 and 15/08/2014

Appn Ref No:
13/0808

Applicant:
Mrs A Williamson

Parish:
Carlisle

Date of Receipt:
28/05/2014

Agent:

Ward:
Belah

Location:
Dreamsday Spa, 238 Kingstown Road, Carlisle,
CA3 0DE

Grid Reference:
339556 559144

Proposal: Display Of 3no. Non Illuminated Fascia Signs To Front And Side
Elevation

Amendment:

Decision: Grant Permission

Date: 22/07/2014

Between 12/07/2014 and 15/08/2014

Appn Ref No:
13/0858

Applicant:
Mr Montgomery

Parish:
Hayton

Date of Receipt:
18/11/2013

Agent:
Holt Planning Consultancy
Ltd

Ward:
Great Corby & Geltsdale

Location:
Springwell Farm, Talkin, Brampton

Grid Reference:
355086 557791

Proposal: Removal Of Condition 7 (Demolition Of Springwell Farm House) Of
Previously Approved Application 11/0714

Amendment:

Decision: Grant Permission

Date: 15/08/2014

Between 12/07/2014 and 15/08/2014

Appn Ref No:
13/0898

Applicant:
Mr Stephen Threlkeld

Parish:
Stanwix Rural

Date of Receipt:
06/01/2014

Agent:
Space Designed Solutions

Ward:
Stanwix Rural

SCHEDULE E: Decisions Issued Under Delegated Powers

Limited

Location:
Holme Park, Crosby on Eden, Carlisle, CA6 4RA

Grid Reference:
346856 558256

Proposal: Erection Of Agricultural Dwelling (Outline)

Amendment:

Decision: Grant Permission

Date: 18/07/2014

Between 12/07/2014 and 15/08/2014

Appn Ref No:
14/0002

Applicant:
DGT Consultants Limited

Parish:
Arthuret

Date of Receipt:
31/01/2014

Agent:

Ward:
Longtown & Rockcliffe

Location:
15 High Street, Longtown, Carlisle, CA6 5UA

Grid Reference:
337938 568713

Proposal: Change Of Use From Tattoo Parlour To Marine And Tropical Fish Shop
With Coffee Bar Trading Until 2300 Hours

Amendment:

Decision: Grant Permission

Date: 07/08/2014

Between 12/07/2014 and 15/08/2014

Appn Ref No:
14/0023

Applicant:
Mr Little

Parish:
Cummersdale

Date of Receipt:
17/06/2014

Agent:

Ward:
Dalston

Location:
Old Post Office, 5 The Square, Cummersdale, CA2
6BG

Grid Reference:
339001 553280

Proposal: Conversion Of 2no. Flats Into 2no. Dwellings

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 31/07/2014

Between 12/07/2014 and 15/08/2014

Appn Ref No:
14/0189

Applicant:
ESH Developments

Parish:
Brampton

Date of Receipt:
01/04/2014

Agent:

Ward:
Brampton

Location:
Land adjacent Garth House, Greenfield Lane,
Brampton, CA8 1AY

Grid Reference:
352589 561482

Proposal: Substitution Of House Types Of Previously Approved Application
12/0811

Amendment:

Decision: Granted Subject to Legal Agreement

Date: 28/07/2014

Between 12/07/2014 and 15/08/2014

Appn Ref No:
14/0204

Applicant:
Gatehouse Cafe

Parish:

Date of Receipt:
10/06/2014

Agent:
Mrs Dianne Lynch

Ward:
Denton Holme

Location:
Former Cemetery Building, Richardson Street,
Carlisle, CA2 7AL

Grid Reference:
339112 554497

Proposal: Display Of 1no. Fascia Sign (LBC)

Amendment:

Decision: Grant Permission

Date: 05/08/2014

Between 12/07/2014 and 15/08/2014

Appn Ref No:

Applicant:

Parish:

SCHEDULE E: Decisions Issued Under Delegated Powers

14/0236 Mr Philip Carlisle

Date of Receipt: **Agent:** **Ward:**
19/06/2014 Botcherby

Location: **Grid Reference:**
2 Botcherby Avenue, Carlisle, CA1 2TX 342170 555611

Proposal: Change Of Use From Community House To 1no. Dwelling
Amendment:

Decision: Grant Permission **Date:** 14/08/2014

Between 12/07/2014 and 15/08/2014

Appn Ref No: **Applicant:** **Parish:**
14/0244 Mr Reay Carlisle

Date of Receipt: **Agent:** **Ward:**
24/03/2014 Mr Gray Belah

Location: **Grid Reference:**
47 Pinecroft, Carlisle, CA3 0DB 339592 558970

Proposal: Erection Of Detached Garage
Amendment:

Decision: Grant Permission **Date:** 16/07/2014

Between 12/07/2014 and 15/08/2014

Appn Ref No: **Applicant:** **Parish:**
14/0276 Dawson and Sanderson Carlisle
 Ltd

Date of Receipt: **Agent:** **Ward:**
12/06/2014 Castle

Location: **Grid Reference:**
Dawson & Sanderson Ltd, 31 Lowther Street, 340227 555793
Carlisle, CA3 8EJ

Proposal: Replacement Of Existing Shop Front

SCHEDULE E: Decisions Issued Under Delegated Powers

Amendment:

Decision: Grant Permission

Date: 31/07/2014

Between 12/07/2014 and 15/08/2014

Appn Ref No:
14/0285

Applicant:
Mr J T Wigham

Parish:
Irthington

Date of Receipt:
06/06/2014

Agent:
Abacus Building Design

Ward:
Stanwix Rural

Location:
Riggshield Farm, Irthington, Carlisle, Cumbria, CA6
4PS

Grid Reference:
347078 563517

Proposal: Erection Of Agricultural Steel Framed Shed

Amendment:

Decision: Grant Permission

Date: 31/07/2014

Between 12/07/2014 and 15/08/2014

Appn Ref No:
14/0310

Applicant:
Mr & Mrs Robley

Parish:
Cumwhitton

Date of Receipt:
22/05/2014

Agent:
NWAD

Ward:
Great Corby & Geltsdale

Location:
Morley Hill, Heads Nook, Brampton, CA8 9EP

Grid Reference:
350835 553041

Proposal: Discharge Of Conditions 4 (Hard And Soft Landscaping Works); 5 (Walls/Gates/Fences/Boundary Treatments); 6 (Foul Drainage Works); 8 (Bat And Barn Owl Mitigation And Monitoring Strategy); 9 (Level 2 Survey) Of Previously Approved Permission 13/0831

Amendment:

Decision: Grant Permission

Date: 16/07/2014

SCHEDULE E: Decisions Issued Under Delegated Powers

Between 12/07/2014 and 15/08/2014

Appn Ref No:
14/0331

Applicant:
Mr Paci

Parish:

Date of Receipt:
02/06/2014

Agent:
Powrie-Smith Architects

Ward:
Botcherby

Location:
407 Warwick Road, Carlisle, CA1 2RZ

Grid Reference:
342072 555951

Proposal: Display Of Various Illuminated And Non-Illuminated Signage
(Retrospective)

Amendment:

Decision: Grant Permission

Date: 28/07/2014

Between 12/07/2014 and 15/08/2014

Appn Ref No:
14/0352

Applicant:
Defence Infrastructure
Organisation

Parish:
Kingwater

Date of Receipt:
29/04/2014

Agent:
Frank Shaw Associates

Ward:
Irthing

Location:
Kingwater House RAF Spadeadam, Gilsland,
Brampton

Grid Reference:
361485 570391

Proposal: Variation Of Condition 2 (Approved Documents) Of Previously Approved
Permission 13/0317

Amendment:

Decision: Grant Permission

Date: 29/07/2014

Between 12/07/2014 and 15/08/2014

Appn Ref No:
14/0388

Applicant:
Mr S Salkeld

Parish:

Date of Receipt:
19/05/2014

Agent:
Broadway Malyan

Ward:
Castle

SCHEDULE E: Decisions Issued Under Delegated Powers

Location:

Swift Mews, Strand Road, Carlisle, Cumbria, CA1
1HS

Grid Reference:

340398 556091

Proposal: Discharge Of Conditions 4 (Landscape Works) And 9 (Parking Area/Hard Landscaping) Of Previously Approved Application 13/0802

Amendment:

Decision: Grant Permission

Date: 06/08/2014

Between 12/07/2014 and 15/08/2014

Appn Ref No:

14/0391

Applicant:

Tesco Stores Limited

Parish:

Carlisle

Date of Receipt:

02/05/2014 23:00:10

Agent:

Edgeplan

Ward:

Yewdale

Location:

Bowling Green Adjacent to Horse & Farrier Public House, Wigton Road, Carlisle

Grid Reference:

338324 555194

Proposal: Discharge Of Conditions 6 (Planted Green Roof); 8 (Hard Surface Finishes); 10 (Perimeter Fencing); 11 (Materials For Disabled Access Ramp); 12 (Railings); 13 (Fixed Mechanical & Refrigeration Plant); 21 (External Lighting); 22 (CCTV); 23 (Telescopic Bollards); 24 (Landscaping Scheme); 25 (Root Protection Areas); 26 (Disabled Access Ramp); 27 (Highway Works) And 29 (Surface Water Drainage System) Of Previously Approved Permission 09/1082

Amendment:

Decision: Grant Permission

Date: 04/08/2014

Between 12/07/2014 and 15/08/2014

Appn Ref No:

14/0392

Applicant:

Mr Ayres

Parish:

Brampton

Date of Receipt:

18/06/2014

Agent:

Underwood Associates

Ward:

Brampton

Location:**Grid Reference:**

SCHEDULE E: Decisions Issued Under Delegated Powers

Land adjacent Beech Mount, Capon Tree Road,
Brampton, CA8 1QL

352770 559926

Proposal: Erection Of 1no. Dwelling (Outline)

Amendment:

Decision: Grant Permission

Date: 08/08/2014

Between 12/07/2014 and 15/08/2014

Appn Ref No:
14/0408

Applicant:
CeX Ltd

Parish:
Carlisle

Date of Receipt:
28/05/2014

Agent:
DMU Designs Ltd

Ward:
Castle

Location:
Mountain Warehouse, 42 Scotch Street, Carlisle,
CA3 8PU

Grid Reference:
340070 556063

Proposal: Display Of Non Illuminated Fascia And Projecting Signage

Amendment:

Decision: Grant Permission

Date: 23/07/2014

Between 12/07/2014 and 15/08/2014

Appn Ref No:
14/0410

Applicant:
Thomas Graham & Sons
Ltd

Parish:

Date of Receipt:
19/05/2014

Agent:
Walton Goodland Ltd

Ward:
Denton Holme

Location:
Thomas Graham & Sons Ltd, Unit 4, Shaddongate,
Carlisle, CA2 5TU

Grid Reference:
339517 555833

Proposal: Certificate Of Existing Lawfulness For Area Used As Showroom And For
Retail Sales

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 13/08/2014

Between 12/07/2014 and 15/08/2014

Appn Ref No:
14/0420

Applicant:
Carlisle Shopping Centre
Ltd

Parish:

Date of Receipt:
11/06/2014

Agent:
Architects Plus (UK) Ltd

Ward:
Castle

Location:
First Floor Opposite Library, The Lanes Shopping
Centre, Carlisle, CA3 8NX

Grid Reference:
340183 556036

Proposal: Change Of Use Of Office Accommodation To Provide WC Provision

Amendment:

Decision: Grant Permission

Date: 14/07/2014

Between 12/07/2014 and 15/08/2014

Appn Ref No:
14/0425

Applicant:
Mr James Bell

Parish:
Scaleby

Date of Receipt:
21/05/2014

Agent:
Mr Rodney Jeremiah

Ward:
Stanwix Rural

Location:
L/A West Brighten Flatt, Scaleby, Carlisle, CA6 4LA

Grid Reference:
345741 564052

Proposal: Erection Of 1No. Replacement Dwelling With Integral Garages And
Associated Landscaping (Revised Application)

Amendment:

Decision: Grant Permission

Date: 16/07/2014

Between 12/07/2014 and 15/08/2014

Appn Ref No:
14/0426

Applicant:
Mr A Kennell

Parish:
Kingmoor

SCHEDULE E: Decisions Issued Under Delegated Powers

Date of Receipt:
27/05/2014

Agent:

Ward:
Stanwix Rural

Location:
Field No. 1800 Cargo, Carlisle,

Grid Reference:
336196 559012

Proposal: Erection of New Stable Block & Hay Store

Amendment:

Decision: Grant Permission

Date: 18/07/2014

Between 12/07/2014 and 15/08/2014

Appn Ref No:
14/0428

Applicant:
Dr Peter Lefley

Parish:
Hayton

Date of Receipt:
27/05/2014

Agent:
F J Elliott - Architect

Ward:
Hayton

Location:
Townfoot Barn, Hayton, Carlisle, CA8 9HR

Grid Reference:
350657 557712

Proposal: Erection Of Two Storey Side Extension To Provide Store On Ground Floor With Additional Accommodation Above

Amendment:

Decision: Grant Permission

Date: 22/07/2014

Between 12/07/2014 and 15/08/2014

Appn Ref No:
14/0430

Applicant:
Mr & Mrs Geary

Parish:
Nether Denton

Date of Receipt:
22/05/2014

Agent:
AA Design Services

Ward:
Irthing

Location:
3 Chapelburn Cottages, Low Row, Brampton, CA8 2LZ

Grid Reference:
359787 564593

Proposal: Erection Of Two Storey Rear Extension To Provide Extended Kitchen On Ground Floor With Extended Bedroom And Bathroom Above

SCHEDULE E: Decisions Issued Under Delegated Powers

Amendment:

Decision: Grant Permission

Date: 16/07/2014

Between 12/07/2014 and 15/08/2014

Appn Ref No:
14/0436

Applicant:
Wilko

Parish:

Date of Receipt:
28/05/2014

Agent:
Butterfield Signs Limited

Ward:
Castle

Location:
Wilkinsons, 34-36 Scotch Street, Carlisle, CA3 8PU

Grid Reference:
340085 556085

Proposal: Installation Of Replacement Internally And Externally Illuminated
Signage To Front Elevation (Retrospective)

Amendment:

Decision: Grant Permission

Date: 15/07/2014

Between 12/07/2014 and 15/08/2014

Appn Ref No:
14/0438

Applicant:
Mr Norman

Parish:

Date of Receipt:
28/05/2014

Agent:
Black Box Architects
Limited

Ward:
Castle

Location:
3 Carlyles Court, Carlisle, CA3 8RY

Grid Reference:
339967 556039

Proposal: Change Of Use Of Unit 3 From A1 (Retail) To A3 (Restaurant/Cafe);
Internal Alterations

Amendment:

Decision: Grant Permission

Date: 21/07/2014

Between 12/07/2014 and 15/08/2014

SCHEDULE E: Decisions Issued Under Delegated Powers

Appn Ref No:
14/0441

Applicant:
Mrs Jordan

Parish:

Date of Receipt:
29/05/2014

Agent:

Ward:
Castle

Location:
14 Howard Place, Carlisle, CA1 1HR

Grid Reference:
340725 556000

Proposal: Change Of Use From Bed And Breakfast To Dwellinghouse
Amendment:

Decision: Grant Permission

Date: 17/07/2014

Between 12/07/2014 and 15/08/2014

Appn Ref No:
14/0445

Applicant:
Mr & Mrs Cooper

Parish:
Irthington

Date of Receipt:
23/05/2014 13:00:18

Agent:
Countryside Consultants

Ward:
Stanwix Rural

Location:
The Croft, Irthington, Carlisle, CA6 4NJ

Grid Reference:
349788 561621

Proposal: Works To Enable Roof Void Ventilation; Modifications To Roof Drainage;
Erection of Satellite Dish and Works To Improve Parapet And Roof
Weather Proofing (LBC)

Amendment:

Decision: Grant Permission

Date: 18/07/2014

Between 12/07/2014 and 15/08/2014

Appn Ref No:
14/0446

Applicant:
Watt Power Limited.

Parish:
Brampton

Date of Receipt:
29/05/2014

Agent:
PBA

Ward:
Brampton

Location:
Land adj Capon Tree Electricity Sub Station (to the

Grid Reference:
352972 559670

SCHEDULE E: Decisions Issued Under Delegated Powers

South of A69), Capon Hill, Brampton, Carlisle

Proposal: Proposed Installation And Operation Of A 6MWe Diesel Fired Peaking Plant To Supply The Regional Grid With 'Back Up' Electricity At Times Of Peak Demand

Amendment:

Decision: Grant Permission

Date: 15/08/2014

Between 12/07/2014 and 15/08/2014

Appn Ref No:
14/0449

Applicant:
Mr David Knight

Parish:
Hayton

Date of Receipt:
16/06/2014

Agent:

Ward:
Hayton

Location:
Land adj Lea Croft, Fenton Lane End, How Mill,
Carlisle

Grid Reference:
351037 555570

Proposal: Erection Of 1No. Dwelling (Outline)

Amendment:

Decision: Refuse Permission

Date: 08/08/2014

Between 12/07/2014 and 15/08/2014

Appn Ref No:
14/0451

Applicant:
The Governors & Head
Teacher of

Parish:
Hayton

Date of Receipt:
28/05/2014

Agent:
TSF Developments Ltd

Ward:
Hayton

Location:
Hayton C of E Primary School, Brampton, CA8 9HR

Grid Reference:
350753 557682

Proposal: Removal Of Existing Canopy And Erection Of New
Classroom/Multi-Purpose Room

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 23/07/2014

Between 12/07/2014 and 15/08/2014

Appn Ref No:
14/0452

Applicant:
Head Teacher &
Governors, Hayton C of E
Primary School

Parish:
Hayton

Date of Receipt:
28/05/2014

Agent:
TSF Developments Ltd

Ward:
Hayton

Location:
Hayton C of E Primary School, Brampton, Cumbria,
CA8 9HR

Grid Reference:
350753 557682

Proposal: Removal Of Existing Canopy And Erection Of New
Classroom/Multi-Purpose Room (LBC)

Amendment:

Decision: Grant Permission

Date: 23/07/2014

Between 12/07/2014 and 15/08/2014

Appn Ref No:
14/0453

Applicant:
The Tranquil Otter Ltd

Parish:
Burgh-by-Sands

Date of Receipt:
16/06/2014

Agent:
Ashton Design

Ward:
Burgh

Location:
The Tranquil Otter Ltd, The Lough, Thurstonfield,
Carlisle, CA5 6HB

Grid Reference:
332115 556371

Proposal: Erection Of 2no. Log Cabins For Holiday Lets

Amendment:

Decision: Grant Permission

Date: 05/08/2014

Between 12/07/2014 and 15/08/2014

SCHEDULE E: Decisions Issued Under Delegated Powers

Appn Ref No:
14/0454

Applicant:
Solway Sun Club

Parish:
Stanwix Rural

Date of Receipt:
12/06/2014

Agent:

Ward:
Stanwix Rural

Location:
Solway Sun Club, Mampus Woods, The Knells,
Houghton, Carlisle, CA6 4JH

Grid Reference:
341375 561965

Proposal: Use Of Two Existing Hardstandings For Siting Of Two Motor Homes In
Lieu Of Two Static Caravans Together With Use Of Grassed Areas For
The Pitching Of Upto Ten Tents

Amendment:

Decision: Grant Permission

Date: 25/07/2014

Between 12/07/2014 and 15/08/2014

Appn Ref No:
14/0457

Applicant:
Mr Blunt

Parish:
Dalston

Date of Receipt:
29/05/2014 11:02:00

Agent:
John Lyon Associates Ltd

Ward:
Dalston

Location:
Low Mill Barn, Low Mill, Dalston, Carlisle, CA5 7JU

Grid Reference:
337773 551099

Proposal: Removal Of Conditions 2, 3, 4, 5 And 6 And Variation Of Condition 7
Relating To A Live/Work Unit Of Previously Approved Application
09/0050 To Enable The Barn To Be Used As Domestic Accommodation
Only

Amendment:

Decision: Grant Permission

Date: 14/07/2014

Between 12/07/2014 and 15/08/2014

Appn Ref No:
14/0459

Applicant:
Mr & Mrs McKenna

Parish:
Dalston

Date of Receipt:
29/05/2014

Agent:
Hyde Harrington

Ward:
Dalston

SCHEDULE E: Decisions Issued Under Delegated Powers

Location:

Holly Oaks, The Gill, Dalston, Carlisle, CA5 7JP

Grid Reference:

335278 548363

Proposal: Change Of Use Of Redundant Coach Garage To 1no. Dwelling Together With Extensions And Alterations To Provide Additional Ground And First Floor Accommodation (Revised Application)

Amendment:

Decision: Grant Permission

Date: 17/07/2014

Between 12/07/2014 and 15/08/2014

Appn Ref No:

14/0465

Applicant:

HTE Limited

Parish:

Carlisle

Date of Receipt:

04/06/2014

Agent:

Mr Les Armstrong

Ward:

Castle

Location:

4 Hartington Place, Carlisle, CA1 1HL

Grid Reference:

340675 555911

Proposal: Insertion Of 2no. Dormers To Front Elevation Together With Internal Alterations To Create All En-Suite Bedrooms And 1no. Additional Bedroom Within The Roof Space

Amendment:

Decision: Grant Permission

Date: 17/07/2014

Between 12/07/2014 and 15/08/2014

Appn Ref No:

14/0466

Applicant:

HTE Limited

Parish:

Carlisle

Date of Receipt:

04/06/2014

Agent:

Mr Les Armstrong

Ward:

Castle

Location:

4 Hartington Place, Carlisle, CA1 1HL

Grid Reference:

340675 555911

Proposal: Insertion Of 2no. Dormers To Front Elevation Together With Internal Alterations To Create All En-Suite Bedrooms And 1no. Additional Bedroom Within The Roof Space (LBC)

SCHEDULE E: Decisions Issued Under Delegated Powers

Amendment:

Decision: Grant Permission

Date: 17/07/2014

Between 12/07/2014 and 15/08/2014

Appn Ref No:
14/0467

Applicant:
Mr Gibson

Parish:

Date of Receipt:
30/05/2014 11:02:21

Agent:
PlanB Building Drawing

Ward:
Harraby

Location:
25 Mallyclose Drive, Carlisle, CA1 3HH

Grid Reference:
342539 553398

Proposal: Demolition Of Existing Attached Garage; Erection Of Single Storey Side Extension To Kitchen And Living Room And Single Storey Rear Extension To Replace Sun Room; Erection Of Detached Garage With Utility And W.C.; Repositioning Of Double Gate Vehicular Access And Provision Of New Hard Standing

Amendment:

Decision: Grant Permission

Date: 25/07/2014

Between 12/07/2014 and 15/08/2014

Appn Ref No:
14/0470

Applicant:
Mr Kevin Irving

Parish:

Date of Receipt:
18/06/2014

Agent:

Ward:
Harraby

Location:
3 High Green Croft, Carlisle, CA1 3HP

Grid Reference:
342535 553440

Proposal: Removal Of Detached Garage And Erection Of Single Storey Side Extension To Provide Extended Kitchen, Utility And WC

Amendment:

Decision: Grant Permission

Date: 25/07/2014

SCHEDULE E: Decisions Issued Under Delegated Powers

Between 12/07/2014 and 15/08/2014

Appn Ref No:
14/0474

Applicant:
Mr Couzens

Parish:
Stanwix Rural

Date of Receipt:
03/06/2014

Agent:
JPR Building Design Ltd

Ward:
Stanwix Rural

Location:
Crosby Lodge, Crosby on Eden, Carlisle, CA6 4QZ

Grid Reference:
345464 559575

Proposal: Erection Of Single Storey Infill Extension To Provide Ancillary Accommodation; Internal Alterations And Additional Window Openings Together With Re-Roofing Of Main Building. Erection Of Detached Double Garage, Workshop And Storage Area (LBC)

Amendment:

Decision: Grant Permission

Date: 04/08/2014

Between 12/07/2014 and 15/08/2014

Appn Ref No:
14/0476

Applicant:
Mr & Mrs Smith

Parish:
Wetheral

Date of Receipt:
04/06/2014

Agent:
IGB Architectural Design

Ward:
Wetheral

Location:
2 Prospect Terrace, Back Street, Cotehill, Carlisle,
CA4 0DJ

Grid Reference:
346750 550297

Proposal: Erection Of Two Storey Side Extension To Provide Extended Kitchen On Ground Floor With 1no. Bedroom And Bathroom Above Together With Detached Summer House (Part Retrospective)

Amendment:

Decision: Grant Permission

Date: 15/07/2014

Between 12/07/2014 and 15/08/2014

Appn Ref No:
14/0477

Applicant:
EWM Propco

Parish:
Hayton

SCHEDULE E: Decisions Issued Under Delegated Powers

Date of Receipt:
25/06/2014

Agent:
SPACE Designed
Solutions Ltd

Ward:
Hayton

Location:
The Bothey, Hayton High Estate, Hayton, Carlisle

Grid Reference:
352665 557887

Proposal: Discharge Of Condition 3 (Mitigation Measures For Bats & Owls) Of
Previously Approved Application 11/0981

Amendment:

Decision: Grant Permission

Date: 04/08/2014

Between 12/07/2014 and 15/08/2014

Appn Ref No:
14/0478

Applicant:
Mr Campbell

Parish:
Arthuret

Date of Receipt:
09/06/2014

Agent:
Tsada Building Design
Services

Ward:
Longtown & Rockcliffe

Location:
Land to the rear of 52-54 English Street, Longtown,
Carlisle, CA6 5SD

Grid Reference:
337985 568483

Proposal: Conversion Of Storage Building And Garage To 1no. Dwelling

Amendment:

Decision: Grant Permission

Date: 31/07/2014

Between 12/07/2014 and 15/08/2014

Appn Ref No:
14/0479

Applicant:
Woodland Shavings Ltd

Parish:
Brampton

Date of Receipt:
12/06/2014

Agent:
Tsada Building Design
Services

Ward:
Brampton

Location:
Plot 6, Townfoot Industrial Estate, Brampton

Grid Reference:
351886 561209

SCHEDULE E: Decisions Issued Under Delegated Powers

Proposal: Erection Of Timber Processing Building And Storage Yard For Raw Wood & Wood Product

Amendment:

Decision: Grant Permission

Date: 08/08/2014

Between 12/07/2014 and 15/08/2014

Appn Ref No:
14/0481

Applicant:
The Entertainer
(Amersham) Limited

Parish:
Carlisle

Date of Receipt:
05/06/2014

Agent:
Cube Property Services

Ward:
Castle

Location:
6-12 English Street, Carlisle, CA3 8HX

Grid Reference:
340013 555916

Proposal: Replacement Of Existing Shopfronts And Internal Alterations (Revised Application)

Amendment:

Decision: Grant Permission

Date: 23/07/2014

Between 12/07/2014 and 15/08/2014

Appn Ref No:
14/0482

Applicant:
The Entertainer
(Amersham) Limited

Parish:
Carlisle

Date of Receipt:
09/06/2014

Agent:
Cube Property Services

Ward:
Castle

Location:
6-12 English Street, Carlisle, CA3 8HX

Grid Reference:
340013 555916

Proposal: Replacement Of Existing Shopfronts And Internal Alterations Together With Display Of Internally Illuminated Fascia Signs And Projecting Signs (LBC)

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 23/07/2014

Between 12/07/2014 and 15/08/2014

Appn Ref No:
14/0483

Applicant:
Mr & Mrs Littleton

Parish:
Stanwix Rural

Date of Receipt:
05/06/2014

Agent:
Phoenix Architects

Ward:
Stanwix Rural

Location:
Tarraby Farm, Tarraby, Carlisle, CA3 0JS

Grid Reference:
340947 558207

Proposal: Erection Of 1no. Dwelling

Amendment:

Decision: Grant Permission

Date: 31/07/2014

Between 12/07/2014 and 15/08/2014

Appn Ref No:
14/0484

Applicant:
Mrs Cheryl Grainger

Parish:
Carlisle

Date of Receipt:
12/06/2014

Agent:

Ward:
Belah

Location:
11 Moorville Drive South, Carlisle, CA3 0AW

Grid Reference:
339636 558331

Proposal: Change Of Use Of Land To Garden

Amendment:

Decision: Grant Permission

Date: 30/07/2014

Between 12/07/2014 and 15/08/2014

Appn Ref No:
14/0485

Applicant:
Mr E J Marshall

Parish:
Dalston

Date of Receipt:
19/06/2014

Agent:

Ward:
Dalston

SCHEDULE E: Decisions Issued Under Delegated Powers

Location:

Craiktrees Cottage, Townhead Road, Dalston,
Carlisle, CA5 7QX

Grid Reference:

336594 550038

Proposal: Change Of Use Of Land To Garden And Erection Of 1m High Boundary
Fence (Retrospective)

Amendment:

Decision: Grant Permission

Date: 14/08/2014

Between 12/07/2014 and 15/08/2014

Appn Ref No:
14/0486

Applicant:
Mrs R Field

Parish:

Date of Receipt:
09/06/2014

Agent:

Ward:
Morton

Location:

15 Westrigg Road, Carlisle, CA2 6LE

Grid Reference:

337934 554331

Proposal: Erection Of Two Storey Rear Extension To Provide Kitchen And Dining
Room On Ground Floor With Additional Bedroom Above

Amendment:

Decision: Grant Permission

Date: 24/07/2014

Between 12/07/2014 and 15/08/2014

Appn Ref No:
14/0491

Applicant:
National Grid

Parish:
Stanwix Rural

Date of Receipt:
16/06/2014

Agent:
Hyder Consulting (UK) Ltd

Ward:
Stanwix Rural

Location:

Land adjacent A689 between West House and East
Lodge, Crosby on Eden, Carlisle, Cumbria

Grid Reference:

343696 559490

Proposal: Discharge Of Condition 3 (Landscaping Scheme) Of Previously
Approved Application 14/0239

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 22/07/2014

Between 12/07/2014 and 15/08/2014

Appn Ref No:
14/0492

Applicant:
Mr Thomson

Parish:
Brampton

Date of Receipt:
30/06/2014

Agent:
IGB Architectural Design

Ward:
Brampton

Location:
Thorongil, Capon Tree Road, Brampton, CA8 1QL

Grid Reference:
352805 560021

Proposal: Change Of Use Of Land To Garden And Erection Of Single Storey
Garden Room

Amendment:

Decision: Grant Permission

Date: 11/08/2014

Between 12/07/2014 and 15/08/2014

Appn Ref No:
14/0493

Applicant:
Mr Mason

Parish:
Castle Carrock

Date of Receipt:
09/06/2014

Agent:
Architects Plus (UK) Ltd

Ward:
Great Corby & Geltsdale

Location:
Land opposite Hallsteads, Castle Carrock, Cumbria,
CA8 9NE

Grid Reference:
354623 555245

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

Amendment:

Decision: Grant Permission

Date: 22/07/2014

Between 12/07/2014 and 15/08/2014

Appn Ref No:

Applicant:

Parish:

SCHEDULE E: Decisions Issued Under Delegated Powers

14/0494 Parkstone Limited Carlisle

Date of Receipt: 09/06/2014
Agent: Architects Plus (UK) Ltd
Ward: Castle

Location: 41-51 Castle Street, Carlisle, CA3 8SR
Grid Reference: 339954 556012

Proposal: Change Of Use Of Ground Floor From A1 (Retail) To A3 (Restaurants & Cafes) To Provide 3no. Units Together With Alterations To Existing Shopfront

Amendment:

Decision: Grant Permission

Date: 04/08/2014

Between 12/07/2014 and 15/08/2014

Appn Ref No: 14/0495
Applicant: The Entertainer (Amersham) Limited
Parish: Carlisle

Date of Receipt: 09/06/2014 23:00:09
Agent: Cube Property Services
Ward: Castle

Location: 6-12 English Street, Carlisle, CA3 8HX
Grid Reference: 340013 555916

Proposal: Display Of Internally Illuminated Fascia Signs And Projecting Signs

Amendment:

Decision: Grant Permission

Date: 23/07/2014

Between 12/07/2014 and 15/08/2014

Appn Ref No: 14/0497
Applicant: Mr M Butler
Parish:

Date of Receipt: 26/06/2014
Agent: Higgins Design Services
Ward: Belah

Location: 200 Kingstown Road, Carlisle, CA3 0BG
Grid Reference: 339597 558942

SCHEDULE E: Decisions Issued Under Delegated Powers

Proposal: Extension To Existing Garage To Provide Workshop (Plot 1)

Amendment:

Decision: Grant Permission

Date: 06/08/2014

Between 12/07/2014 and 15/08/2014

Appn Ref No:
14/0498

Applicant:
Iceland Foods Limited

Parish:

Date of Receipt:
10/06/2014

Agent:
RRDS Limited

Ward:
Currock

Location:
Unit 3A, St Nicholas Gate Retail Park, London
Road, Carlisle, CA1 2EA

Grid Reference:
340850 555011

Proposal: Display Of 1no. Internally Illuminated Fascia Sign And 3no. Non
Illuminated Fascia Panels (Retrospective/Revised Application)

Amendment:

Decision: Grant Permission

Date: 14/07/2014

Between 12/07/2014 and 15/08/2014

Appn Ref No:
14/0499

Applicant:
Mrs Molloy

Parish:
Carlisle

Date of Receipt:
11/06/2014

Agent:
Black Box Architects
Limited

Ward:
Yewdale

Location:
91 Chesterholm, Carlisle, CA2 7XH

Grid Reference:
337187 555572

Proposal: Two Storey Side Extension

Amendment:

Decision: Grant Permission

Date: 23/07/2014

SCHEDULE E: Decisions Issued Under Delegated Powers

Between 12/07/2014 and 15/08/2014

Appn Ref No:
14/0500

Applicant:
Pizza Express

Parish:
Carlisle

Date of Receipt:
13/06/2014

Agent:
Technical Signs

Ward:
Castle

Location:
21 Lowther Street, Carlisle, CA3 8ES

Grid Reference:
340232 555748

Proposal: Display Of Various Illuminated Signage & Erection Of 4no. Awnings
Amendment:

Decision: Grant Permission

Date: 07/08/2014

Between 12/07/2014 and 15/08/2014

Appn Ref No:
14/0501

Applicant:
Pizza Express

Parish:
Carlisle

Date of Receipt:
13/06/2014

Agent:
Technical Signs

Ward:
Castle

Location:
21 Lowther Street, Carlisle, CA3 8ES

Grid Reference:
340232 555748

Proposal: Display Of Various Illuminated Signage & Erection Of 4no. Awnings
(LBC)

Amendment:

Decision: Grant Permission

Date: 07/08/2014

Between 12/07/2014 and 15/08/2014

Appn Ref No:
14/0503

Applicant:
Mrs Kassi Martin

Parish:
Carlisle

Date of Receipt:
19/06/2014

Agent:

Ward:
Castle

Location:
40 Abbey Street, Carlisle, CA3 8TX

Grid Reference:
339774 555968

SCHEDULE E: Decisions Issued Under Delegated Powers

Proposal: Use Of Ground Floor For Retail And Change Of Use Of First Floor To Therapy Rooms For Counselling, Reiki And Massage

Amendment:

Decision: Grant Permission

Date: 06/08/2014

Between 12/07/2014 and 15/08/2014

Appn Ref No:
14/0504

Applicant:
C/O Agent

Parish:
Carlisle

Date of Receipt:
12/06/2014 23:00:06

Agent:
Daly International

Ward:
Castle

Location:
Civic Centre, Rickergate, Carlisle, CA3 8QG

Grid Reference:
340157 556265

Proposal: Installation Of 3no. Pole Mounted Antenna On The Roof; Internal Equipment Rack To Be Located Within The Plant Room

Amendment:

Decision: Grant Permission

Date: 07/08/2014

Between 12/07/2014 and 15/08/2014

Appn Ref No:
14/0506

Applicant:
Mr Stephen Briggs

Parish:

Date of Receipt:
12/06/2014

Agent:
Neil Withington
Architectural Design

Ward:

Location:
Land behind Townfoot Farm, Castle Carrock,
Brampton, CA8 9LT

Grid Reference:
354168 555639

Proposal: Discharge Of Conditions 3 (Materials); 4 (Hard & Soft Landscape Works); 5 (Boundary Treatments); 6 (Surface Water Drainage) And 9 (Parking During Construction) Of Previously Approved Application 13/0841

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 18/07/2014

Between 12/07/2014 and 15/08/2014

Appn Ref No:
14/0508

Applicant:
G Howe Fencing Ltd

Parish:

Date of Receipt:
18/06/2014

Agent:
S & H Construction

Ward:
Belle Vue

Location:
Graeme Howe Fencing, Unit 2, Marconi Road,
Burgh Road Industrial Estate, Carlisle, CA2 7NA

Grid Reference:
337638 556369

Proposal: Siting And Operation Of Additional Aggregate Silo For Concrete
Production

Amendment:

Decision: Grant Permission

Date: 31/07/2014

Between 12/07/2014 and 15/08/2014

Appn Ref No:
14/0509

Applicant:
Mr Briggs

Parish:
Castle Carrock

Date of Receipt:
16/06/2014

Agent:
NWAD

Ward:
Great Corby & Geltsdale

Location:
Land behind Townfoot Farm, Castle Carrock,
Brampton, CA8 9LT

Grid Reference:
354168 555639

Proposal: Variation Of Condition 2 (Approved Documents) Of Previously Approved
Application 13/0841

Amendment:

Decision: Grant Permission

Date: 06/08/2014

Between 12/07/2014 and 15/08/2014

SCHEDULE E: Decisions Issued Under Delegated Powers

Appn Ref No:
14/0510

Applicant:
Mr & Mrs Milbourn

Parish:
Stanwix Rural

Date of Receipt:
13/06/2014 16:00:11

Agent:
GR Architects

Ward:
Stanwix Rural

Location:
Walby Cottage, Birky Lane, Walby, Carlisle, CA6
4QL

Grid Reference:
343788 560668

Proposal: Discharge Of Conditions 4 (Landscaping) And 6 (Surface Water Disposal) Of Previously Approved Permission 14/0065

Amendment:

Decision: Grant Permission

Date: 04/08/2014

Between 12/07/2014 and 15/08/2014

Appn Ref No:
14/0511

Applicant:
Mr Harrington

Parish:

Date of Receipt:
16/06/2014 08:00:12

Agent:
JPR Building Design Ltd

Ward:
Stanwix Urban

Location:
217 Brampton Road, Carlisle, CA3 9AX

Grid Reference:
340935 557693

Proposal: Erection Of Single & Two Storey Rear Extension To Provide Kitchen & Family Room On Ground Floor With 1no. Bedroom & Enlarged Bathroom Above Together With Single Storey Side Extension To Provide Utility Room

Amendment:

Decision: Grant Permission

Date: 05/08/2014

Between 12/07/2014 and 15/08/2014

Appn Ref No:
14/0513

Applicant:
Cumbria Partnership NHS Foundation Trust

Parish:
Carlisle

Date of Receipt:
18/06/2014

Agent:
Johnston & Wright

Ward:
Castle

SCHEDULE E: Decisions Issued Under Delegated Powers

Location:
11 Portland Square, Carlisle, CA1 1PT

Grid Reference:
340611 555731

Proposal: Internal Alterations To Form New Store Within Existing Offices Together
With Building Up Of Existing Openings Into Adjacent Property (No.12)
(LBC) (Part Retrospective)

Amendment:

Decision: Grant Permission

Date: 12/08/2014

Between 12/07/2014 and 15/08/2014

Appn Ref No:
14/0516

Applicant:
Mr A Hunter

Parish:
Irthington

Date of Receipt:
17/06/2014

Agent:
Jock Gordon Architectural
SVS Ltd

Ward:
Stanwix Rural

Location:
Land adjoining The Village Shop, Irthington, CA6
4NN

Grid Reference:
349940 561757

Proposal: Erection Of Detached Dwelling (Revised Application)

Amendment:

Decision: Grant Permission

Date: 31/07/2014

Between 12/07/2014 and 15/08/2014

Appn Ref No:
14/0517

Applicant:
Maris Properties Ltd

Parish:
Burgh-by-Sands

Date of Receipt:
17/06/2014 11:00:42

Agent:

Ward:
Burgh

Location:
Hill Farm (The Lilacs), Thurstonfield, Carlisle, CA5
6HG

Grid Reference:
331265 556719

Proposal: Erection Of 2no. Dwellings And Associated Landscaping

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 29/07/2014

Between 12/07/2014 and 15/08/2014

Appn Ref No:
14/0518

Applicant:
Mr D Hetherington

Parish:
Irthington

Date of Receipt:
17/06/2014 11:00:56

Agent:
JPR Building Design Ltd

Ward:
Stanwix Rural

Location:
Greenwood, Irthington, Carlisle, CA6 4NJ

Grid Reference:
349651 561407

Proposal: Single Storey Rear Extension To Provide Additional Kitchen/Dining And Family Space

Amendment:

Decision: Grant Permission

Date: 04/08/2014

Between 12/07/2014 and 15/08/2014

Appn Ref No:
14/0519

Applicant:
Mrs S J Towers

Parish:

Date of Receipt:
30/06/2014

Agent:

Ward:
Belle Vue

Location:
4 Crown Road, Carlisle, CA2 7QQ

Grid Reference:
337243 556084

Proposal: Erection Of Rear Conservatory

Amendment:

Decision: Grant Permission

Date: 29/07/2014

Between 12/07/2014 and 15/08/2014

Appn Ref No:
14/0520

Applicant:
Mr & Mrs Notman

Parish:
Dalston

SCHEDULE E: Decisions Issued Under Delegated Powers

Date of Receipt:
18/06/2014

Agent:
Mr D Andrew

Ward:
Dalston

Location:
Sunny View, High Bridge, Dalston, Carlisle,
Cumbria

Grid Reference:
339507 544205

Proposal: Demolition Of Existing Kitchen And Sun Room Extensions; Erection Of Replacement Larger Extensions To Provide Kitchen/Dining Room To Front And Sun Room To Rear; Internal Alterations And Replacement Windows/Doors Including Enlargement Of Openings

Amendment:

Decision: Grant Permission

Date: 04/08/2014

Between 12/07/2014 and 15/08/2014

Appn Ref No:
14/0521

Applicant:
Mrs Susan James

Parish:

Date of Receipt:
20/06/2014

Agent:
Plan B Building Drawing

Ward:
Morton

Location:
66 Skiddaw Road, Carlisle, CA2 5QS

Grid Reference:
338793 555056

Proposal: Demolition Of Existing Garage; Erection Of Single Storey Extensions To Provide Extended Kitchen/Dining Room, W.C. And Store To Side And Sun Room To Rear

Amendment:

Decision: Grant Permission

Date: 05/08/2014

Between 12/07/2014 and 15/08/2014

Appn Ref No:
14/0522

Applicant:
Mr Lancaster

Parish:

Date of Receipt:
17/06/2014 23:00:11

Agent:
CONCEPT

Ward:
Castle

Location:

Grid Reference:

SCHEDULE E: Decisions Issued Under Delegated Powers

25 Tait Street, Carlisle, CA1 1RU

340525 555544

Proposal: Proposed Basement Conversion; Replacement Sliding Sash Windows;
Formation Of 2No. Shower Rooms At First Floor Level Together With
Various Internal Alterations (LBC)

Amendment:

Decision: Grant Permission

Date: 28/07/2014

Between 12/07/2014 and 15/08/2014

Appn Ref No:
14/0523

Applicant:
Buckabank Farm Ltd

Parish:
Dalston

Date of Receipt:
20/06/2014

Agent:
H&H Land and Property

Ward:
Dalston

Location:
Buckabank Farm, Buckabank, Dalston, Carlisle,
CA5 7AB

Grid Reference:
338079 549459

Proposal: Steel Portal Frame Building For Housing Milking Facilities

Amendment:

Decision: Grant Permission

Date: 31/07/2014

Between 12/07/2014 and 15/08/2014

Appn Ref No:
14/0524

Applicant:
Mr Graham

Parish:
St Cuthberts Without

Date of Receipt:
10/07/2014

Agent:

Ward:
Dalston

Location:
Land Adjacent to 97 Durdar Road, Carlisle, CA2
4SU

Grid Reference:
340266 552958

Proposal: Variation Of Condition 2 (Approved Documents To Allow The Use Of
Lagan Tile In Lieu Of Riven Tile) Of Previously Approved Application
13/0147

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 05/08/2014

Between 12/07/2014 and 15/08/2014

Appn Ref No:
14/0525

Applicant:
Buckabank Farm Ltd

Parish:
Dalston

Date of Receipt:
20/06/2014

Agent:
H&H Land and Property

Ward:
Dalston

Location:
Buckabank Farm, Buckabank, Dalston, Carlisle,
CA5 7AB

Grid Reference:
338034 594439

Proposal: Steel Portal Frame Cubicle Shed For Housing Dairy Cows

Amendment:

Decision: Grant Permission

Date: 31/07/2014

Between 12/07/2014 and 15/08/2014

Appn Ref No:
14/0526

Applicant:
Buckabank Farm Ltd

Parish:
Dalston

Date of Receipt:
20/06/2014

Agent:
H&H Land and Property

Ward:
Dalston

Location:
Buckabank Farm, Buckabank, Dalston, Carlisle,
CA5 7AB

Grid Reference:
337949 549429

Proposal: Steel Portal Frame Feeding Area

Amendment:

Decision: Grant Permission

Date: 31/07/2014

Between 12/07/2014 and 15/08/2014

Appn Ref No:
14/0528

Applicant:
Hearthstone Homes Ltd

Parish:
Wetheral

SCHEDULE E: Decisions Issued Under Delegated Powers

Date of Receipt:
19/06/2014 16:00:57

Agent:
Alpha Design

Ward:
Wetheral

Location:
Land adjacent Quentin Gardens, Peter Gate,
Cumwhinton, Carlisle, CA4 8DX

Grid Reference:
345275 552677

Proposal: Revised House Type (Plot 4) Relating To Previously Approved
Application 13/0702

Amendment:

Decision: Grant Permission

Date: 31/07/2014

Between 12/07/2014 and 15/08/2014

Appn Ref No:
14/0530

Applicant:
Dawson & Sanderson Ltd

Parish:
Carlisle

Date of Receipt:
27/06/2014

Agent:
Escott Signs Ltd

Ward:
Castle

Location:
Dawson & Sanderson Ltd, 31 Lowther Street,
Carlisle, CA3 8EJ

Grid Reference:
340227 555793

Proposal: Display Of 2No. Internally Illuminated Fascia Signs And 1No. Non
Illuminated Projecting Sign

Amendment:

Decision: Grant Permission

Date: 06/08/2014

Between 12/07/2014 and 15/08/2014

Appn Ref No:
14/0532

Applicant:
DNV GL

Parish:
Kingwater

Date of Receipt:
24/06/2014

Agent:

Ward:
Irthing

Location:
MOD Range 5 RAF Spadeadam, Gilsland

Grid Reference:
361582 572567

SCHEDULE E: Decisions Issued Under Delegated Powers

Proposal: Erection Of Conference Centre (Revised Application)

Amendment:

Decision: Grant Permission

Date: 08/08/2014

Between 12/07/2014 and 15/08/2014

Appn Ref No:
14/0537

Applicant:
Story Homes

Parish:
Kingmoor

Date of Receipt:
26/06/2014

Agent:

Ward:
Stanwix Rural

Location:
HQ, Building A, Lords Way, Kingmoor Park North,
Carlisle

Grid Reference:
338351 560314

Proposal: Refurbishment Of Former Ministry Of Defence Office Including
Alterations To Front Elevation And Extensions To Both Wings

Amendment:

Decision: Grant Permission

Date: 11/08/2014

Between 12/07/2014 and 15/08/2014

Appn Ref No:
14/0541

Applicant:
Mr Ferguson

Parish:
Dalston

Date of Receipt:
02/07/2014

Agent:
A-Tech Design & Build Ltd

Ward:
Dalston

Location:
18 Brow Nelson, Dalston, Carlisle, CA5 7LE

Grid Reference:
337755 552569

Proposal: Single Storey Extension To Existing Outbuilding To Provide Dog
Grooming Parlour, Store, Office And W.C. (Retrospective)

Amendment:

Decision: Grant Permission

Date: 11/08/2014

SCHEDULE E: Decisions Issued Under Delegated Powers

Between 12/07/2014 and 15/08/2014

Appn Ref No:
14/0545

Applicant:
Mr & Mrs Harris

Parish:
Wetheral

Date of Receipt:
25/06/2014

Agent:
Neil Withington
Architectural Design

Ward:
Wetheral

Location:
Edenhurst, Waterside Road, Wetheral, Carlisle,
CA4 8HA

Grid Reference:
346896 554396

Proposal: Non Material Amendment Of Previously Approved Planning Permission
13/0409

Amendment:

Decision: Amendment Accepted
21/07/2014

Date:

Between 12/07/2014 and 15/08/2014

Appn Ref No:
14/0548

Applicant:
Mr R Adamiec

Parish:
Carlisle

Date of Receipt:
26/06/2014

Agent:
Jock Gordon Architectural
SVS Ltd

Ward:
Currock

Location:
16 Jubilee Road, Carlisle, CA2 4DF

Grid Reference:
340180 554044

Proposal: Erection Of Porch To Front Elevation (Part Retrospective)

Amendment:

Decision: Grant Permission

Date: 25/07/2014

Between 12/07/2014 and 15/08/2014

Appn Ref No:
14/0549

Applicant:
Messrs Baxter

Parish:
Nicholforest

Date of Receipt:

Agent:

Ward:

SCHEDULE E: Decisions Issued Under Delegated Powers

26/06/2014

Abacus Building Design

Lyne

Location:

Sunnythwaite, Penton, Longtown, Cumbria, CA6 5RZ

Grid Reference:

345685 574513

Proposal: Erection Of Slurry Tank To Serve Park House Herd Farm

Amendment:

Decision: Grant Permission

Date: 04/08/2014

Between 12/07/2014 and 15/08/2014

Appn Ref No:

14/0556

Applicant:

S & K Properties

Parish:

Carlisle

Date of Receipt:

30/06/2014 08:00:19

Agent:

Concept A & D Services

Ward:

Belle Vue

Location:

Rear of St Barnabas Church Hall, Newton Road, Carlisle, CA2 7NJ

Grid Reference:

338078 556087

Proposal: Erection Of 4no. 3 Bedroom Terraced Townhouses (Revised Application)

Amendment:

Decision: Grant Permission

Date: 15/08/2014

Between 12/07/2014 and 15/08/2014

Appn Ref No:

14/0558

Applicant:

Mr Paul Maxwell

Parish:

Carlisle

Date of Receipt:

07/07/2014

Agent:

Ward:

Belah

Location:

10 Sanderson Close, Carlisle, CA3 0QA

Grid Reference:

339436 558571

Proposal: Enlargement Of Existing Porch Including Pitched Roof (Revised Application)

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 04/08/2014

Between 12/07/2014 and 15/08/2014

Appn Ref No:
14/0560

Applicant:
Mr T Bell

Parish:

Date of Receipt:
09/07/2014

Agent:
Jock Gordon

Ward:
Belah

Location:
Greymoor Farm, Greymoor Hill, Kingstown, Carlisle,
CA3 0HS

Grid Reference:
339489 559695

Proposal: Roofing Over Of The Open Yard

Amendment:

Decision: Withdrawn by Applicant/or by default

Date: 25/07/2014

Between 12/07/2014 and 15/08/2014

Appn Ref No:
14/0561

Applicant:
Mr & Mrs Root

Parish:
Carlisle

Date of Receipt:
07/07/2014

Agent:
IGB Architectural Design

Ward:
Stanwix Urban

Location:
Kilmuir, 14 Etterby Scaur, Carlisle, CA3 9NX

Grid Reference:
339345 557311

Proposal: Erection Of Single Storey Extension To Form Garden Room And
Covered Patios Together With Widening Of Existing Driveway

Amendment:

Decision: Grant Permission

Date: 11/08/2014

Between 12/07/2014 and 15/08/2014

SCHEDULE E: Decisions Issued Under Delegated Powers

Appn Ref No:
14/0564

Applicant:
Mr Parr

Parish:
Wetheral

Date of Receipt:
30/06/2014 16:00:22

Agent:
John Lyon Associates Ltd

Ward:
Wetheral

Location:
Land adjacent Orchard House, Broomfallen Road,
Scotby, Carlisle, CA4 8DF

Grid Reference:
344208 554141

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

Amendment:

Decision: Grant Permission

Date: 12/08/2014

Between 12/07/2014 and 15/08/2014

Appn Ref No:
14/0567

Applicant:
H2Energy Ltd

Parish:
Carlisle

Date of Receipt:
08/07/2014

Agent:
H2Energy

Ward:
Harraby

Location:
Cavaghan & Gray (Riverbank Site), Brunel Way,
Durranshill Industrial Estate, Carlisle, Cumbria

Grid Reference:
341746 554859

Proposal: Installation Of Bio-Refinery Unit (Multi-Stage Anaerobic Digestion
Facility) Connected To A CHP Unit (Combined Heat And Power Unit)

Amendment:

Decision: Grant Permission

Date: 12/08/2014

Between 12/07/2014 and 15/08/2014

Appn Ref No:
14/0568

Applicant:
Mr Bowers

Parish:
Wetheral

Date of Receipt:
01/07/2014 23:00:05

Agent:
Black Box Architects
Limited

Ward:
Wetheral

Location:

Grid Reference:

SCHEDULE E: Decisions Issued Under Delegated Powers

Tynedale, Plains Road, Wetheral, Carlisle, CA4 8LA 346334 555057

Proposal: Demolition Of Previous Rear Extension; Erection Of Two Storey Side Extension To Provide Garage And Utility On Ground Floor With 1No. En Suite Bedroom Above; Erection Of Single Storey Rear Extension To Provide Living/Dining/Kitchen Area (Revised Application)

Amendment:

Decision: Grant Permission

Date: 08/08/2014

Between 12/07/2014 and 15/08/2014

Appn Ref No:
14/0570

Applicant:
Mr Briggs

Parish:
Wetheral

Date of Receipt:
02/07/2014 11:01:05

Agent:

Ward:
Wetheral

Location:
Kerrera, Garth Park, Cotehill, Carlisle, CA4 0EB

Grid Reference:
346765 550330

Proposal: Erection Of First Floor Side Extension To Provide Bathroom And Bedroom

Amendment:

Decision: Grant Permission

Date: 14/08/2014

Between 12/07/2014 and 15/08/2014

Appn Ref No:
14/0571

Applicant:
Mr Shaw

Parish:
Stanwix Rural

Date of Receipt:
04/07/2014

Agent:
Co-ordinate (Cumbria)
Limited

Ward:
Stanwix Rural

Location:
165 Tribune Drive, Houghton, Carlisle, CA3 0LF

Grid Reference:
341324 559117

Proposal: Demolition Of Existing Conservatory And Erection Of Single Storey Sun Room And Chimney For Wood Burning Stove

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 14/08/2014

Between 12/07/2014 and 15/08/2014

Appn Ref No:
14/0572

Applicant:
Mr David Allison

Parish:

Date of Receipt:
08/07/2014

Agent:
Alan Wood & Partners

Ward:
Castle

Location:
McVities Group, 54 Church Street, Carlisle, CA2
5TG

Grid Reference:
339245 555916

Proposal: Re-roofing Of Bakehouse Roof With Liquid Plastic Finish To Existing
Profile Metal

Amendment:

Decision: Grant Permission

Date: 11/08/2014

Between 12/07/2014 and 15/08/2014

Appn Ref No:
14/0577

Applicant:
Mr D Mossop

Parish:
Carlisle

Date of Receipt:
11/07/2014

Agent:

Ward:
Harraby

Location:
Ashbourne, 11 Lazonby Terrace, London Road,
Carlisle, CA1 2PZ

Grid Reference:
341415 554566

Proposal: Change Of Use From Bed & Breakfast To Residential (Retrospective)

Amendment:

Decision: Grant Permission

Date: 08/08/2014

Between 12/07/2014 and 15/08/2014

Appn Ref No:

Applicant:

Parish:

SCHEDULE E: Decisions Issued Under Delegated Powers

14/0578 Mr Alan Sharpley St Cuthberts Without

Date of Receipt: **Agent:** **Ward:**
04/07/2014 Dalston

Location: **Grid Reference:**
26 Cawflands, Durdar, Carlisle, CA2 4UH 340557 551101

Proposal: Non Material Amendment Of Previously Approved Permission 11/0466
Amendment:

Decision: Amendment Accepted **Date:**
15/07/2014

Between 12/07/2014 and 15/08/2014

Appn Ref No: **Applicant:** **Parish:**
14/0581 HB Villages Developments
 Limited

Date of Receipt: **Agent:** **Ward:**
09/07/2014 Peter Brett Associates Upperby

Location: **Grid Reference:**
Land at Patteril Bank Road, Carlisle, CA1 3AG 341857 553871

Proposal: Erection Of Two Storey Residential Block Comprising 14no. Supported
Living Apartments Together With Associated Landscaping And Car
Parking

Amendment:

Decision: Grant Permission **Date:** 15/08/2014

Between 12/07/2014 and 15/08/2014

Appn Ref No: **Applicant:** **Parish:**
14/0591 Mr Michael Brown

Date of Receipt: **Agent:** **Ward:**
08/07/2014 Stanwix Urban

Location: **Grid Reference:**
Carmoni, Cavendish Terrace, Carlisle, CA3 9NF 339718 557031

SCHEDULE E: Decisions Issued Under Delegated Powers

Proposal: Non Material Amendment Of Previously Approved Planning Application
13/0667

Amendment:

Decision: Amendment Accepted
16/07/2014

Date:

Between 12/07/2014 and 15/08/2014

Appn Ref No:
14/0592

Applicant:
Mr Gordon Brown

Parish:
Irthington

Date of Receipt:
08/07/2014

Agent:

Ward:
Stanwix Rural

Location:
Lane End Farm, Irthington, Carlisle, Cumbria, CA6
4NE

Grid Reference:
348323 559830

Proposal: Extension To Livestock Building And Widening Of Vehicular Access

Amendment:

Decision: Grant Permission

Date: 11/08/2014

Between 12/07/2014 and 15/08/2014

Appn Ref No:
14/0595

Applicant:
James Allan Builders
(Carlisle) Limited

Parish:

Date of Receipt:
09/07/2014

Agent:
Architects Plus (UK) Ltd

Ward:
Castle

Location:
3 Compton Street, Carlisle, CA1 1HT

Grid Reference:
340431 556080

Proposal: Non Material Amendment Of Previously Approved Application 14/0081

Amendment:

Decision: Amendment Accepted

Date:

SCHEDULE E: Decisions Issued Under Delegated Powers

04/08/2014

Between 12/07/2014 and 15/08/2014

Appn Ref No:
14/0601

Applicant:
c/o The Governors of St.
Margaret Marys Catholic
Primary School

Parish:
Carlisle

Date of Receipt:
09/07/2014 16:00:08

Agent:
Swarbrick Associates

Ward:
Upperby

Location:
St Margaret Mary RC Primary School, Kirklands
Road, Carlisle, CA2 4JD

Grid Reference:
340750 553895

Proposal: Discharge Of Condition 3 (Construction Traffic Management Plan) Of
Previously Approved Permission 14/0338

Amendment:

Decision: Grant Permission

Date: 23/07/2014

Between 12/07/2014 and 15/08/2014

Appn Ref No:
14/0602

Applicant:
Mr Anderson

Parish:
Hayton

Date of Receipt:
11/07/2014

Agent:
Black Box Architects
Limited

Ward:
Hayton

Location:
Land adjacent Bothy Cottage, Hayton, Brampton,
CA8 9HT

Grid Reference:
351069 557887

Proposal: Erection Of Detached House (Revised Application)

Amendment:

Decision: Grant Permission

Date: 06/08/2014

Between 12/07/2014 and 15/08/2014

SCHEDULE E: Decisions Issued Under Delegated Powers

Appn Ref No:
14/0607

Applicant:
c/o The Governors of St
Margaret Mary's Catholic
Primary School

Parish:
Carlisle

Date of Receipt:
09/07/2014

Agent:
Swarbrick Associates

Ward:
Upperby

Location:
St Margaret Mary RC Primary School, Kirklands
Road, Carlisle, CA2 4JD

Grid Reference:
340750 553895

Proposal: Non Material Amendment Of Previously Approved Planning Application
14/0338

Amendment:

Decision: Amendment Accepted
23/07/2014

Date:

Between 12/07/2014 and 15/08/2014

Appn Ref No:
14/0620

Applicant:
Mrs Tomlinson

Parish:
Carlisle

Date of Receipt:
17/07/2014

Agent:
NWAD

Ward:
Stanwix Urban

Location:
3 The Nook, Belah Crescent, Carlisle, CA3 9TY

Grid Reference:
339876 557727

Proposal: Replacement Of Existing Porch

Amendment:

Decision: Grant Permission

Date: 15/08/2014

Between 12/07/2014 and 15/08/2014

Appn Ref No:
14/0624

Applicant:
Dr O N Umez-Eronini

Parish:
Brampton

Date of Receipt:
17/07/2014

Agent:
EAPS

Ward:
Brampton

SCHEDULE E: Decisions Issued Under Delegated Powers

Location:

48-50 Front Street, Brampton, CA8 1NT

Grid Reference:

352879 561051

Proposal: Discharge Of Condition 3 (Details Of Windows & Doors) Of Previously Approved Application 14/0092

Amendment:

Decision: Grant Permission

Date: 11/08/2014

Between 12/07/2014 and 15/08/2014

Appn Ref No:

14/0650

Applicant:

Platinum Homes Ltd

Parish:

Brampton

Date of Receipt:

24/07/2014

Agent:

John Lyon Associates

Ward:

Brampton

Location:

Warren Bank, Station Road, Brampton, CA8 1EX

Grid Reference:

353865 561097

Proposal: Non Material Amendment of Previously Approved Permission 06/0225

Amendment:

Decision: Amendment Accepted
08/08/2014

Date:

Between 12/07/2014 and 15/08/2014

Appn Ref No:

14/0674

Applicant:

Mr Dave Brown

Parish:

Kingmoor

Date of Receipt:**Agent:****Ward:**

Stanwix Rural

Location:

3 Crindledyke Estate, Kingstown, Carlisle, CA6 4BZ

Grid Reference:

338338 560466

Proposal: Demolition Of Existing Conservatory And Erection Of Single Storey Extension To Provide Dining Room

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Wdn - Permitted Dev./Appn. not required

Date: 04/08/2014

Between 12/07/2014 and 15/08/2014

Appn Ref No:
14/9011

Applicant:
Cumbria County Council

Parish:
Carlisle

Date of Receipt:
24/07/2014

Agent:
Cumbria County Council -
Economy & Planning

Ward:
Castle

Location:
1-5 Alfred Street North, Carlisle, CA1 1PX

Grid Reference:
340583 555794

Proposal: Erection Of 2no. Timber Fences And Gates And Timber Bin Store

Amendment:

Decision: City Council Observation - Observations

Date: 12/08/2014

Between 12/07/2014 and 15/08/2014

Appn Ref No:
14/9012

Applicant:
Cumbria County Council

Parish:
Carlisle

Date of Receipt:
24/07/2014

Agent:
Cumbria County Council -
Economy & Planning

Ward:
Castle

Location:
1 - 5 Alfred Street North, Carlisle, CA1 1PX

Grid Reference:
340583 555794

Proposal: Internal Alterations To Include The Creation Of 2no. New Door Openings, Blocking Up Of 3no. Doorways, Erection Of Timber Framed Glazed Panels Around 2no. Staircases, Erection Of Partition Walling; And External Alterations To Include The Erection Of Security Lighting And CCTV, The Installation Of A Concrete Disabled Access Ramp, And The Erection Of 2no. Timber Fences And Gates And Timber Bin Store

Amendment:

Decision: City Council Observation - Observations

SCHEDULE E: Decisions Issued Under Delegated Powers

Date: 12/08/2014

Report to Development Control Committee

Agenda
Item:
A.2

Meeting Date: 29 August 2014
Portfolio: Economy, Enterprise and Housing
Key Decision: Not Applicable:
Within Policy and
Budget Framework YES
Public / Private Public

Title: REVOCATION OF TREE PRESERVATION ORDERS 33
HALLBANKGATE, 86 LYNDURST, 90 LOW CROSBY, & 97 THE
GREEN.
Report of: Director of Economic Development
Report Number: ED. 31/14

Purpose / Summary:

This report proposes the revocation of Tree Preservation Orders 33 Hallbankgate; 86 Lyndurst, Westlinton; 90 Low Crosby; and 97 The Green, Dalston as part of the ongoing Tree Preservation Order Review

Recommendations:

Tree preservation Orders 33 Hallbankgate; 86 Lyndurst, Westlinton; 90 Low Crosby; and 97 The Green, Dalston be revoked.

Tracking

Executive:	
Overview and Scrutiny:	
Council:	

1. BACKGROUND

- 1.1** Planning Practice Guidance “Tree Preservation Orders and trees in conservation areas” advises Local Authorities to keep their Tree Preservation Orders under review, and where appropriate vary or revoke the Order.
- 1.2** Examples of reasons to vary or revoke Tree Preservation Orders include:
- (i) Land has been developed;
 - (ii) Trees, for whatever reason, no longer merit protection by an Order;
 - (iii) Trees standing when the Order was made have been removed; or
 - (iv) Errors within the Tree Preservation Order may come to light. When an error comes to light the Local Planning Authority should consider using its variation and revocation powers set out in the Town and Country Planning Act 1990 SCHEDULE 1 Section 13 to put it right.
- 1.3** Trees should be protected where it is expedient in the interests of amenity (s198 Town and Country Planning Act 1990). Neither expedient nor amenity is defined in the Act. However, expedient is considered to mean a threat to the tree such as loss or inappropriate pruning. Amenity is largely considered to be visual amenity meaning the trees should be visible from a public place.
- 1.4** Tree Preservation Order 33 Hallbankgate was made in 1979 in response to the possible development of the area. However, no development took place. It is unlikely that proposals to develop the site would be considered appropriate. Only one application to prune the trees, to clear a heating oil tank, has been made since 1979. When making tree preservation orders consideration of the threat to the trees is an important factor. The trees are not considered at risk of inappropriate management. The site is agricultural therefore the trees are protected by the Forestry Act, and should not be removed without a felling licence from the Forestry Commission. Therefore the continuation of the tree preservation order is considered unnecessary.
- 1.5** Tree Preservation Order 86 Lyndhurst was made to protect trees during development at Westlinton. The Order protected two trees, one of which has since died. The other tree is screened by the new dwellings, and as a result has very limited public visibility. Public visibility is one of the prime criteria for protecting trees. Due to the lack of public visibility the tree does not make a significant

contribution to the amenity of the area and the Tree Preservation order is now considered inappropriate.

1.6 Tree Preservation Order 90 Low Crosby protected two trees. Neither tree remains. Tree 2 was removed with consent. It is not known what happened to Tree 1. No evidence of the tree was visible during the tree preservation order review site visit. As none of the trees that the Tree Preservation Order protected remains it is inappropriate to retain the Order.

1.7 Tree Preservation Order 97 The Green, Dalston protects a beech tree. The tree is also protected by its location within the Dalston Conservation Area. Having a Tree Preservation Order on trees in a conservation area, unless circumstances dictate otherwise, duplicates the regulatory system relating to trees and represents an unnecessary level of bureaucracy and management.

2. PROPOSALS

2.1 Tree preservation Orders 33 Hallbankgate; 86 Lyndurst, Westlinton; 90 Low Crosby; and 97 The Green, Dalston; and be revoked.

3. CONSULTATION

3.1 Consultation was carried out with the property and land owners affected by the Tree Preservation Orders.

3.2 One response in respect of Tree Preservation Order 90 Low Crosby was received. This was to draw to Officers attention to the fact that Tree 2 had been removed with consent.

4. CONCLUSION AND REASONS FOR RECOMMENDATIONS

4.1 Government guidance requires local planning authorities to review their tree preservation orders ensuring they are accurate, up-to-date and enforceable.

4.2 The trees within Tree Preservation Order 33 Hallbankgate are not considered under threat as there have been no applications to fell or inappropriately prune the trees. The trees are protected by the Forestry Act and a felling licence would be required if the landowner intended to remove them.

4.3 Only one tree protected by Tree Preservation Order 86 Lyndhurst, Westlinton remains. Views of this tree are severely restricted and it does not therefore make a significant contribution to the visual amenity of the area.

4.4 None of the trees protected by Tree Preservation Order 90 Low Crosby remain.

4.5 The tree protected by Tree Preservation Order 97 The Green, Dalston continues to benefit from the protection afforded by the conservation area.

5. CONTRIBUTION TO THE CARLISLE PLAN PRIORITIES

5.1 Helps create a pleasant environment in which to live and work and engendering a pride in place.

Contact Officer: Charles Bennett Ext: 7535

Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers:

- **Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers: Planning Practice Guidance: Tree Preservation Orders and trees in conservation areas.**

CORPORATE IMPLICATIONS/RISKS:

Chief Executive's – None

Community Engagement – None

Economic Development – None

Governance – None

Local Environment – None

Resources - Financial penalties could be incurred if a maladministration complaint regarding the management of Tree Preservation Orders is upheld.

Development Control Committee

Agenda
Item:
A.3

Meeting Date: 29th August 2014

Portfolio:

Key Decision: No

Within Policy and

Budget Framework No

Public / Private Public

Title: PRE- CONSULTATION ON WIND TURBINES

Report of: Director of Economic Development

Report Number: **ED32/14**

Purpose / Summary:

This report presents details of the level of pre-consultation on wind turbines over 15 metres in height that the City Council would expect to comply with the Town and Country Planning (Development Management Procedure and Section 62A Applications) (England) (Amendment) Order 2013.

Recommendations:

It is recommended that Members note the contents of this report and approve the recommended pre-consultation requirements as set out in section 2 of this report.

Tracking

Executive:	
Overview and Scrutiny:	
Council:	

1. BACKGROUND

- 1.1** The Town and Country Planning (Development Management Procedure and Section 62A Applications) (England) (Amendment) Order 2013 which came into force on the 17th December 2013 introduced pre-application consultation requirements for onshore wind development of more than two turbines or where the hub height of any turbine exceeds 15 metres in height.
- 1.2** The legislation states that where pre-application is required any such application for planning permission should be accompanied by particulars of:
- how the applicant has complied with Section 61 W (1) of the 1990 Act;
 - any responses to the consultation received by the applicant; and
 - the account taken of those responses.
- 1.3** The pre-application consultation requirements in Section 61W states “the person must publicise the proposed application in such manner as the person reasonably considers is likely to bring the proposed application to the attention of a majority of the persons who live at, or otherwise occupy, premises in the vicinity of the land.”

2. PROPOSALS

- 2.1** Since the pre-consultation requirements for turbines has come into force the City Council has received a number of planning applications which have undertaken different levels of pre-application consultation. In such circumstances the City Council wishes to introduce a standard requirement for pre-consultation which all applicants will have to meet.
- 2.2** The City Council therefore suggests the following minimum standards of pre-consultation:
- A site notice displayed for at least 21 days at the proposed application site
 - Notification letters to all properties within 600 metre radius of the turbine to comply with the current practice of the City Council on neighbour consultations (reduced to 300 metres where a turbine is less than 30 metres in height due to the diminished impact as a result of the decreased scale)
 - Notification letters to the relevant Parish Council and Ward Councillors

2.3 In order to comply with the regulations applicants will need to provide details of the proposed development and set out how they can be contacted together with the proposed timetable for consultation.

2.4 The City Council recommends that all pre-consultation should be for a minimum of 21 days and any subsequent planning application should be accompanied by a statement of what pre application has taken place including:

- a copy of the site notice displayed;
- a copy of the letter and details sent to neighbouring properties together with information on which properties have been consulted; and
- a copy of the letter sent to Ward Councillors and the Parish Council

2.5 The responses to the consultation that has been undertaken together with the account taken of those responses should also be included within the consultation statement.

3. CONCLUSION AND REASONS FOR RECOMMENDATIONS

3.1 It is considered that the above proposals would standardise the Councils requirements for pre-application consultation for wind turbines.

3.2 Currently applicants have their own interpretation of these regulations, resulting in different levels of pre-application consultation, which has a potential to adversely affect the validation process.

3.3 By introducing set criteria that applicants are required to adhere to, prior to the submission of an application for a turbine over 15m in height, any ambiguity regarding the regulations is removed.

3.4 It is therefore recommended that Members note the contents of this report and approve the recommended pre-consultation requirements as set out in section 2 of this report.

4. CONTRIBUTION TO THE CARLISLE PLAN PRIORITIES

4.1 Not applicable

Contact Officer: **Suzanne Osborne & Shona Taylor** **Ext:** **7480 and 7119**

Appendices **None**
attached to report:

Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers:

- **None**

CORPORATE IMPLICATIONS/RISKS:

Chief Executive's - None

Community Engagement – None

Economic Development – None

Governance – None

Local Environment – None

Resources - None