

Development Control Committee Main Schedule

Schedule of Applications for
Planning Permission



25th April 2003

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 having regard to material planning considerations pertaining to the specific proposal and in particular to:-

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

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

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

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

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

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

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

This Schedule of Applications contains reports produced by the Department up to the 11/04/2003 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 16/04/2003.

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

Applications Entered on Development Control Committee Schedule

Item No.	Application Number/ Schedule	Location	Case Officer	Page No.
01.	02/0691 B	Field 3486, Monkhill Road, Moorhouse	KB	1
02.	02/1179 A	L/A Barns, Broadwath Farm, Broadwath, Heads Nook, Carlisle	CJH	20
03.	03/0040 A	L/ADJ Greenwoodside, Smithfield, Kirklington, Carlisle	KB	50
04.	03/0080 A	17 Glaramara Drive, The Beeches, Carlisle, CA2 6QP	SG	68
05.	03/0124 A	L/A Barn, Monkhill Hall, Monkhill	CJH	79
06.	03/0125 A	L/A Barn, Monkhill Hall, Monkhill	CJH	102
07.	03/0209 A	5 The Garth, Crosby-on-Eden, Carlisle, CA6 4QS	KB	120
08.	03/0278 B	L/A part field 7765, Newtown Farm, Newtown, Blackford, Carlisle	ARH	127
09.	03/0288 A	L/A Fenton Farm, Fenton, Carlisle, CA8 9JZ	ARH	141
10.	03/0349 A	Garden to north side of Meridale, Wetheral, Carlisle	ARH	193
11.	02/0961 A	L/Adj to, Red House, Scotby Road, Scotby, Carlisle	KB	214
12.	02/1333 A	13 Lingmoor Way, Harraby, Carlisle, CA1 3LW	ARH	223
13.	03/0004 A	Nos. 1,2 & 3 South Henry Street and nos. 149, 151 & 153, Botchergate, Carlisle	AMT	239
14.	03/0034 A	Nos. 1,2 & 3 South Henry Street and nos. 149, 151 & 153, Botchergate, Carlisle	AMT	261

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15.	02/0196 A	L/A field 3328, Castle Carrock, Cumbria,	AMT	267 ✓
16.	02/0335 A	36 Knowe Road, Stanwix, Carlisle, CA3 9EQ	SG	295
17.	02/0989 A	Ash Tree Cottage, Warwick-on-Eden, Carlisle, CA4 8PB	ARH	301
18.	02/1044 A	Saugh's Farm, Bailey	ARH	314
19.	02/1110 A	Mossgate Cottage, Great Corby, Carlisle	ARH	322
20.	02/1129 A	Low Moor House, Moorhouse, Carlisle, CA5 6EL	CJH	332
21.	02/1279 A	Croglin, Greenfield Lane, Brampton, CA8 1AU	SG	340
22.	02/1362 A	Former Highgrove Dairy, Harraby Green, Carlisle	ARH	348
23.	03/0067 A	L/Adj, Moor Cottage, Crosby-on-Eden, Carlisle, CA6 4QX	CJH	377
24.	03/0131 A	Newfield Grange Hotel, Newfield Drive, Newfield, Carlisle, CA3 0AF	RJM	397
25.	03/0136 A	Fell View, Ashgate Lane, Wetheral, Carlisle, CA4 8HN	SG	406
26.	03/0165 A	32 Hurley Road, Little Corby, Carlisle, CA4 8QY	KB	418
27.	03/0174 A	L/A 44 Crown Road, Crown Road, Belle Vue, Carlisle	ARH	424
28.	03/0176 A	L/Adj Westmoor, Low Crindledyke, Rockcliffe, Carlisle, CA6 4BH	AMT	437 ✓

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29.	03/0180 A	L/Adj to White Moss Farm, High Crosby, Crosby-on-Eden, Carlisle	CJH	445
30.	03/0185 A	35 Lund Crescent, Currock, Carlisle, CA2 4DB	ARH	463
31.	03/0194 A	Sands House Hotel, Brampton	AMT	473
32.	03/0196 A	L/A rear of Highfield, Ashgate Lane, Wetheral, Carlisle	AMT	481
33.	03/0213 A	Carrock Fell, Carlatton Middle, Heads Nook, Carlisle, CA4 9BX	CJH	491
34.	03/0214 A	Warathwaite Head Farm, Cotehill, Carlisle, CA4 9TB	CJH	503
35.	03/0225 A	L/A Field 9526, Grinsdale, Carlisle, CA5 6DS	ARH	518
36.	03/0228 A	Moat Vale, Moat, Longtown, Carlisle, CA6 5PQ	KB	531
37.	03/0232 A	L/A to west of Maryport Court & Bousteads Grassing, Maryport Court, Bousteads Grassing, Carlisle	DC	537
38.	03/0239 A	Rycroft Mercedes, Montgomery Way, Rosehill Industrial Estate, Carlisle, CA1 2RW	ARH	549
39.	03/0240 A	Daisy Cottage, Oak Bank, Scotby, Carlisle, CA3 8BE	CJH	559
40.	03/0241 A	204 Newtown Road, Carlisle, CA2 7NJ	CJH	563
41.	03/0243 A	L/Adj 87, Hillary Grove, Harraby, Carlisle	ARH	572
42.	03/0248 A	30 Moor Park Avenue, Carlisle, CA2 7LZ	SG	583

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43.	03/0253 A	4 Norfolk Terrace, Denton Holme, Carlisle, CA2 5JE	RJM	593
44.	03/0258 A	L/A Pt Fld 5521 (rear The Orchard), Etterby Road, Stanwix, Carlisle	DC	598
45.	03/0298 A	1 Wentworth Terrace, Great Corby, Carlisle, CA4 8LN	RJM	603
46.	03/0319 A	97-99 Dalston Road, Carlisle, CA2 5PL	RJM	613
47.	03/0331 A	L/A part field 4200, Littlefield, Nr Hewstown Farm, Hethersgill, Carlisle	CJH	622
48.	03/0344 A	271 Newtown Road, Carlisle, CA2 7LS	KB	641
49.	03/0392 A	The Oaks, Hawksdale, Dalston, Carlisle, CA5 7BJ	ARH	648
50.	03/0393 A	L/A Fields 6286 & 6886, adj West Acres, Fergushill, Kirklington, Carlisle, CA6 6DA	ARH	654
51.	03/0396 A	L/A Sherralea, Orton Road, Carlisle, CA2 7TP	ARH	660
52.	03/0149 A	L/A 12 - 18 Howe Street, 27-29 Edward Street, Carlisle	ARH	669
53.	02/0844 B	L/A No 4 Site, RAF Carlisle, Cargo, Carlisle	AMT	687 ✓
54.	03/0018 B	L/ADJ 491 Warwick Road, Carlisle	CJH	736
55.	03/0022 B	Fosse Way, 38 Houghton Road, Houghton, Carlisle, CA3 0LA	SG	744
56.	03/0236 B	Ivy House, Hornsby, Carlisle, CA8 9HF	CJH	757

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57.	03/0271 B	The Salmon House, Rickerby, Carlisle, CA3 9AA	RJM	770
58.	03/0357 B	Rex Bingo Hall, Denton Street, Denton Holme, Carlisle, CA2 5EN	SG	776
59.	03/0361 B	3 Wentworth Terrace, Great Corby, Carlisle, CA4 8LN	RJM	787
60.	01/0840 C	No. 3 Barrel House, Caldew Maltings, Carlisle, Cumbria	RJM	797
61.	02/9040 C	Newtown Primary School, Raffles Avenue, Raffles, Carlisle, CA2 7LW	ARH	799
62.	02/0914 D	L/A Field 3300 adjacent to Moorpark Farm, Thurstonfield, Carlisle	RJM	803
63.	02/1290 D	Birkshill, Raughton Head, Dalston, Carlisle, CA5 7DH	RJM	806
64.	02/1314 D	L/A to rear Oulton House, 66 Carlisle Road, Brampton, Cumbria	CJH	808
65.	02/1350 D	L/A Central Avenue (former Cosmo), Carlisle, Cumbria	ARH	809
66.	03/0077 D	L/A, Townhead House, Irthington, Carlisle, CA6 4NN	CJH	813
67.	03/0181 A	L/Adj Metcalfe Coaches, Barras Lane, Dalston, Carlisle	ARH	679

SCHEDULE A

SCHEDULE A

SCHEDULE A

SCHEDULE A

SCHEDULE A

SCHEDULE A

SCHEDULE B: Reports Requiring Further Information

02/0691

Item No: 01

Date of Committee: 25/04/2003

Appn Ref No:
02/0691

Applicant:
Senator Homes Limited

Parish:
Burgh-by-Sands

Date of Receipt:
15/07/2002

Agent:

Ward:
Burgh

Location:
L/A, Field 3486, Monkhill Road, Moorhouse

Grid Reference:
333331 556859

Proposal: Erection of 8no. detached dwellings and provision of open space

Amendment:

Report

Planning Policies:

Cumbria & Lake District Joint Structure Plan Policy 13

In the areas not covered by Policies 11 and 12, development will normally be permitted which in its use, siting, scale and design is well related to existing developed areas of the countryside and does not harm distinctive features of local landscape significance. In the undeveloped open countryside development will not normally be permitted except when it is required to meet local infrastructure needs which cannot be located elsewhere, and provided it is sited to minimise environmental impacts and meets high standards of design.

Cumbria & Lake District Joint Structure Plan Policy 25

The siting, appearance and landscaping of all new development and alterations should aim to enhance the quality of the existing environment. It should be in keeping with the local character of the townscape or landscape, and be well integrated with the existing pattern of surrounding land uses and, where appropriate, be in keeping with the local vernacular tradition. Normally development should make proper provision for access by disabled persons.

Cumbria & Lake District Joint Structure Plan Policy 27

Areas of public and private open space or other amenity land which contribute to the quality of the built environment will normally be protected from development.

Carlisle District Plan Environment - Policy E8

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

1. The proposal reflects the scale and character of the existing group of buildings or settlement; and
2. There is no adverse effect upon the amenity of neighbouring property, and the character and appearance of the area; and
3. Satisfactory access and appropriate car parking can be achieved; and
4. Any exiting wildlife habitats are safeguarded.

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

Carlisle District Plan Environment - Policy E9

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

Carlisle District Plan Environment - Policy E19

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

Carlisle District Plan Environment - Policy E22

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

Carlisle District Plan Housing - Proposal H5

Within the following settlements, large scale residential development will not be permitted. Proposals for small scale residential development will normally be

acceptable providing that:

1. The site is well related to the landscape of the area and does not intrude into open countryside; and
2. The scale of the proposed development is well related to the scale, form and character of the existing settlement; and
3. The layout of the site and the design of the buildings is well related to existing property in the village; and
4. The siting and design of the buildings is well related to and does not adversely affect the amenity of neighbouring property; and
5. Appropriate access and parking can be achieved; and
6. The proposal will not lead to the loss of amenity open space within or at the edge of the settlement; and
7. The proposal will not lead to the loss of the best and most versatile agricultural land.

Aglionby, Baldwinholme, Banks, Barclose, Beaumont, Blackford, Blackwell, Boltonfellend, Boustead Hill, Broadwath, Brisco, Brunstock, Burgh-by-Sands, Burnrigg, Cardewlees, Cargo, Carleton, Castle Carrock, Cotehill, Cumdivock, Cummersdale, Cumrew, Cumwhinton, Cumwhiton, Durdar, Easton, Farlam, Faugh, Fenton, Gaitsgill, Gilsland, Great Corby, Great Orton, Grinsdale, Hallbankgate, Harker, Hayton, Hayton Townhead, Heads Nook, Hornsby, Boughton, How Mill, Irthington, Kirkcambeck, Kirkandrews-on-Eden, Knells, Lanercost, Laversdale, Linstock, Little Orton, Low Crosby, Longburgh, Low Row, Lyneholme, Midgeholme, Milton, Moat, Monkhill, Moorhouse, Newby East, Newtown, Raughtonhead, Rockcliffe, Rickerby, Scaleby, Scotby, Smithfield, Stainton, Stockdalewath, Talkin, Tarraby, Thurstonfield, Tindale, Todhills, Walton, Warwick-on-Eden, Warwick Bridge (including Little Corby & Corby Hill), Westlinton, Wetheral, Wetheral Pasture.

Carlisle District Plan Housing - Proposal H16

High standards of design in new housing sites and dwellings will be required. Matters to be considered include: The layout of roads and buildings; footpaths and cycleways; the retention of existing trees and hedgerows; planning out crime; the provision of public open space; the relationship to adjacent development.

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): no objections but 6 planning conditions are recommended;

Burgh-by-Sands Parish Council: awaited;

United Utilities (former Norweb & NWW): no objections;

Environment Agency: the application should be deferred until details of the proposed surface water disposal system is provided;
amended plans and calculations 3 February 2003:-

- i) it is not within the Agency's remit to numerically validate calculations and the design has not been numerically validated;
- ii) it is assumed the design information used is the most up to date which should therefore be from the Flood Estimation Handbook 1999 which has superseded the 1975 Flood Studies Report;
- iii) notwithstanding the above, the Agency has no objections to the use of the D-Raintank system and welcomes the use of sustainable drainage systems;
- iv) the calculations submitted confirm ground conditions are suitable for soakaways and that they will be designed to BRE Digest 365 and the 1 in 100 year event which consideration is recommended by the Agency;
- v) however, a summary page would be preferred with the submitted calculations in response to our earlier letter of 30 October 2002;
- vi) in particular, details should be provided of pre and post development surface water run off rates with confirmation that the pre development run off ultimately discharges to a watercourse via the highway drain, and if so the local name of the watercourse;
- vii) further information is also required regarding the "outfall" referred to in order to determine if land drainage consent is necessary;
- viii) in view of the foregoing, a condition requiring approval of a drainage scheme is requested on any planning permission given;
- ix) the Agency has no knowledge of flooding in this vicinity but separate consultation should be carried out with the city council engineers.

Environmental Services: require to be informed when drainage proposals for the site are submitted;

Cumbria County Council - Archaeology: the site lies within an area of archaeological interest including strong evidence that the village has medieval origins. The site lies at the core of the medieval settlement and may have been occupied by buildings during the medieval period.

It is therefore recommended that further information be obtained on the archaeological site before a planning decision is taken. This should be obtained by means of an archaeological evaluation (desk based assessment and trial trenching) to determine the presence, nature and extent of surviving archaeological remains and thus the need for (and scope for) any subsequent archaeological mitigation;

Summary of Representations:

Representations Received

Initial:	Consulted:	Reply Type:
Messrs Ward & Black, The Gables	16/07/02	Objection
The Owner / Occupier, Meadow View	16/07/02	

The Occupier / Owner, 1 Monkhill Road	16/07/02	
The Occupier / Owner, 2 Monkhill Road	16/07/02	
Mr & Mrs T Howe, 3 Monkhill Road	16/07/02	Objection
Mr & Mrs N Tyson, 4 Monkhill Road	16/07/02	Objection
Mr & Mrs J Scott, 5 Monkhill Road	16/07/02	Objection
Mr & Mrs Watson, 6 Monkhill Road	16/07/02	Objection
Mr J H Norman, Low Moorhouse Farm		Objection
Mr C N Cowx, 7 The Courtyards		Objection
K M C Fulton, Fairfield		Objection
Miss F Wallace, 6 The Courtyard		Objection
M & J Lees, 10 The Courtyards		Objection

The original application was publicised by site notices and adjacent occupiers were consulted by neighbour letter, in response to which 10 letters were received objecting to the application on the grounds that:-

- insufficient details of drainage have been provided
- the development will place an increased burden on an already inadequate system of drainage compounding existing problems
- the village has a high water table and experiences flooding in the autumn and winter months
- recent flooding episodes have required the intervention of Environmental Health and the Highway Authority
- proposed 'grey water' recycling system noted but concern expressed as to where discharge will go
- the destination of surface water discharged both from the site and down the highway drain will exacerbate existing drainage problems
- there are defects in this existing drain
- any increase in water draining from Monkhill Road will be unacceptable
- mud from construction traffic will further silt up the drains
- the land over which site drainage is to be discharged is already waterlogged, even in summer
- there are concerns not only over surface water disposal, but equally the developer should not assume that wastewater can be discharged to the neighbouring ditch shown, even if it is treated
- a new package treatment plant should be provided for foul water disposal which will benefit not only the new development, but also the existing residents
- Monkhill Road is narrow and the proposed access onto it will be a danger to highway safety
- Monkhill Road is used extensively by large agricultural vehicles which are a danger to road users
- additional obstruction on the highway will result from vehicles parking outside some of the houses
- there will be a danger to children leaving the new development who will have to cross Monkhill Road twice to access the play area by footway
- the house on plot 1 is considered to be too close to the field boundary
- there are discrepancies between the layout plan and house detail plans for plots 1 and 8
- loss of this "pasture" field will completely spoil the heart of the village
- the proposal is overdevelopment which will adversely affect the appearance of the village
- loss of this greenfield site to housing development will be detrimental to the

- appearance and feel of this historic Cumbrian village
- the site should be protected as a conservation area
- the understandable needs of the developers should not be allowed to override the preservation of local heritage and the interests of existing residents

On the receipt of detailed drainage proposals from the applicants in October 2002, neighbours were reconsulted and 6 further letters were received, 2 from the same authors, objecting on the grounds that:-

- no reference was made to the survey carried out by Andidrain
- discharge from the foul water system will exacerbate existing problems experienced with the outfall into the beck course
- soakaways will be ineffective and the field drain will be surcharged
- the survey work has been carried out in fine weather and is not therefore indicative of the problems actually experienced
- concerns previously expressed have not been satisfactorily resolved
- there is still no indication of what will happen to the water once discharged from the new development
- surface water run off will clearly be increased
- the Environment Agency has issued a discharge consent without an appropriate survey of the surrounding area
- the discharge system may work well on paper, but....
- the existing ditch/drain is a health risk
- in the absence of proof that the development will not add to existing drainage problems, it should not be allowed to go ahead
- any new development should await proper mains drainage

The applicants amended their drainage proposals on 3 February 2003, deleting the 'grey water' system for surface water disposal in favour of soakaways on the individual house plots. This amendment was informed by calculations and percolation tests supplied. Surface water from the estate road was still to be discharged via the "highway drain". Neighbours were reconsulted and 4 further letters were received objecting on the grounds that:-

- the drainage problems and defects have at last been acknowledged but there is still no guarantee that Senator will not exacerbate them or repair the damaged drain
- a large proportion of the water from soakaways will still drain west and this is a retrograde step
- no studies have yet been made by the applicants of the pattern of drainage on land outwith their development site
- the stagnation of the beck course beyond the outfall of the "highway drain" is still being disregarded
- the "highway drain" has no spare capacity
- access to the site opposite 5 and 6 Monkhill Road will be a traffic hazard
- not one person amongst local residents is in favour of the development
- there is no need for large houses badly placed in the centre of the village
- this development will spoil the village forever

At the time of writing this report, further amendments to the drainage had just been submitted by the applicants, deleting the surface water connection to the "highway

drain" in favour of connection to a soakaway at the eastern end of the north eastern cul de sac. The developers' intention is that this would subsequently be adopted. Neighbours are being reconsulted and any replies received will be produced in the supplementary agenda or reported verbally at the committee meeting.

Details of Proposal/Officer Appraisal:

Planning History:

Erection of a dwellinghouse, reference BA 4199, refused 28 June 1965.

Site for residential development, reference BA 7805, refused 30 April 1973.

Details of Proposal:

The application has been the subject of several amendments but the substantive development remains the same. Full planning permission is sought for the erection of eight two storey dwellinghouses and the provision of open space on field number 3486 off Monkhill Road, Moorhouse. Foul drainage is to be provided by a Klargestor package sewage treatment system. Surface water drainage is now intended to be provided by soakaways within individual house plots, and road drainage is intended to be discharged to a soakaway system adjacent to the adoptable roadway.

The site is situated to the north of the B5307 main road through the village and to the east of Monkhill Road, from where access is intended to be taken. It is bounded to the north and east by fields and to the south eastern corner by the village play area, which the proposed development will complement. The site comprises a field, still in agricultural use, with continuous hawthorn hedges to all its boundaries. Although agricultural use continues, the field is an important open space which contributes significantly to the character of the centre of the village. The most recent layout is effectively shown on the RAB Engineering Design plan which is appended to this report.

The key determining issues in the application are planning policy, highway safety and drainage, and it will be evident that a large proportion of local opposition to the development focuses on the drainage issues.

The development has to be assessed against a number of planning policies which are listed above. The principal ones are Structure Plan Policy P27 - Open Spaces, and Local Plan Policy H5 - Village Development, as modified by the local planning authority's 'Interim Housing Policy Statement', adopted in November 2002.

Although remaining in private ownership, the site the subject of the application comprises a field which extends into the heart of the village. It is relatively flat and has no significant landscape features. However, it has the effect of defining the character of the centre of the village and makes a significant contribution to its amenity. It is acknowledged that the field has no landscape designation. It is also acknowledged that additional public open space, augmenting the play area located alongside the site, is proffered as part of the development. The proposed open space extends across the whole frontage of the site. Nonetheless, this is not

considered to outweigh the considerable detriment to the amenity of the village that the loss of this field to the comprehensive development proposed represents.

Policy H5 of the Local Plan reinforces the environmental control over village development. Taking each criteria in turn:-

1. I consider that the development intrudes into open countryside;
2. I do not consider the development is well related to the scale, form and character of this part of the village of Moorhouse;
3. I do not consider that the layout and design of the development is particularly well related to existing property in the village, although I recognise that the urban nature of the house types would be capable of modification, were other objections to the application capable of resolution;
4. I do not consider that the siting of the houses as such would adversely affect the amenities of any neighbouring property;
5. there is no issue with the access and car parking proposed;
6. I consider the development will lead to the loss of amenity space both within and at this edge of the settlement; and
7. although agricultural land would be lost to the development, the site does not comprise the best or most versatile agricultural land.

The development is considered to be at variance, therefore, with four out of the seven criteria within the policy, and to be unacceptable as a result.

Policy H5 is modified by the Interim Housing Policy Statement (IHPS). This reinforces the three principal considerations contained in Planning Policy Guidance Note 3 - Housing, namely good transport corridors, the availability of local services and local need. Moorhouse has a thrice daily return bus service to Carlisle and one public house, which do not distinguish the village as the most sustainable settlement to accommodate any additional residential development to be approved. The applicant has not identified any local need for the development, and no affordable housing has been included as part of it. Therefore, the development is not considered to be sustainable under the IHPS. More significantly, the site is a greenfield site and its development is not considered to be sustainable when assessed against the central theme of PPG 3 which affords preference to the development of brownfield sites.

Notwithstanding the highway safety concerns the residents have raised, the Highway Authority has no objections subject to the inclusion of standard planning conditions regulating visibility, provision of the road to an adoptable standard, disabled access and the provision of a footway along the length of the site frontage to Monkhill Road. This latter requirement does not appear on the applicants' layout plans, but can be appropriately regulated by planning condition, were permission to be granted.

As indicated, the applicants' drainage proposals for the site have been the subject of extensive modification. Further amended plans have just been submitted which are the subject of additional consultations, the responses to which will be given at the committee meeting. I recognise that, to date, the relevant consultees, statutory and otherwise, have had no substantive objection to the current details of both the foul and domestic surface water disposal routes submitted. Neither do I wish to pre-empt the further responses of those parties to the amended plans for the disposal of surface water from the access road. Nonetheless, I am concerned at the weight of local representations received that the area has a fundamental drainage problem, which I have witnessed first hand. I also consider that any development which increases surface water run-off and relies on disposal via soakaways can only compound those problems, given the juxtaposition of the site, and the evident high water table.

Whilst I may be exceeding my remit here, I consider that it is reasonable to expect that the planning process, which is after all discharged in the public interest, ought not to be responsible for worsening the current drainage situation. It follows, in my opinion, that if the efficacy of the drainage works proposed by the applicant is not proven, and I have yet to be convinced, the precautionary principle should be applied and no permission given until such time as it is.

I will update members on this issue at the meeting when a definitive recommendation will be made.

Human Rights Act 1998

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

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

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

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

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

Article 6 is relevant, but were the application to be refused, the applicant has recourse to an appeal.

Article 8 and Article 1 Protocol 1 are also relevant, were the application to be approved, but the related impacts of the development will be minimal and will not, in

any event, prejudice the separate rights of individuals under this legislation.

Recommendation:

Reason for including report in Schedule B

The applicant has submitted further amendments to address surface water drainage from the site. These are the subject of further consultation with both neighbours and consultees. Responses have been requested in advance of committee, and those received will be included in the supplementary agenda and/or reported verbally at the meeting.

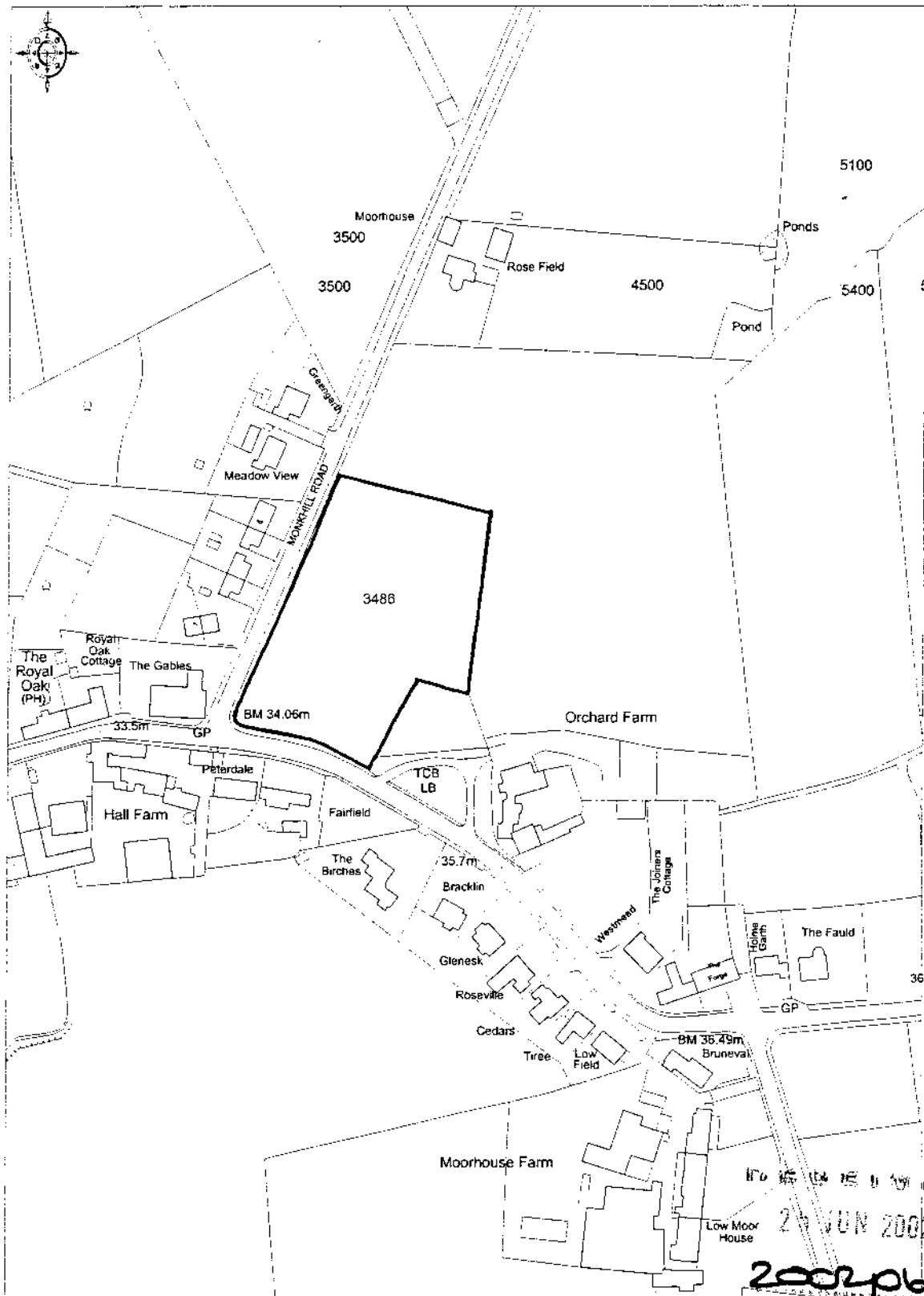
It is the applicant's prerogative to seek to overcome any remaining technical concerns arising from the development. However, even if the overall drainage issues were to be satisfactorily resolved, and there is no guarantee that they will be, there are fundamental policy concerns with the application which are not overcome and which will result in a recommendation for refusal.

Refusal: ✓

P20 →

Proposed grounds.

Sup Schedule
Pages 1-17



Ordnance Survey

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- 7 JUN 2002

20020691

SENATOR HOMES LIMITED

EXTERIOR MATERIALS SCHEDULE MOORHOUSE, NR CARLISLE

Roof:	Grey Spanish Slate with red ridge
Walls:	Main walls to be as follows: Natural, random stone to front facades where indicated. Panels of render where indicated to be painted soft white (10 B 15) Face brickwork, red / brown.
Cills:	Meadowstone – Buff (Bath)
Fascias	White UPVC
Windows/ French Doors:	White UPVC
Entrance/ Garage Doors:	Gloss finish as follows: Green – BS 14C 40G – Plots as above Blue – BS 20C 40B – Plots as above Red – BS 04D 45R – Plots as above *Front Door to be steel skin.
Rainwater Goods:	Black PVC half round gutters, circular downpipe throughout.
Paths & Drives:	Paths leading to front and rear doors to be 900 x 600 buff flags. Private Drives to be Brindle Pavior, and or Cotswald Sandstone loose chippings.
Screen Fencing:	1.8 m high Yorkshire Boarded fences, Tanalith finish Green.
Screen Walling :	Feature stone walls (Refer to plan for positions).

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25 JUN 2002

20020691

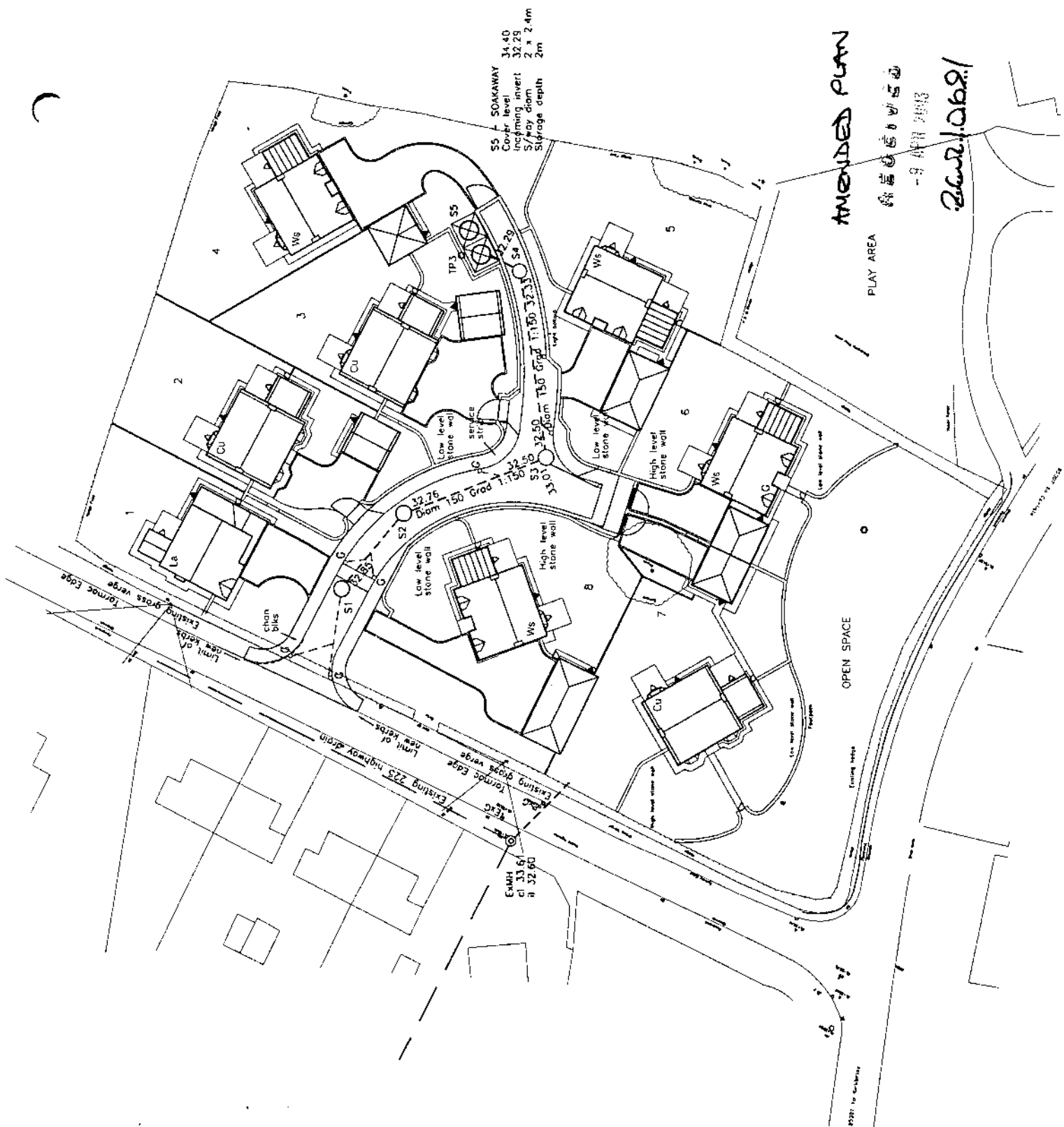
RECEIVED

- 7 JUN 2002

2002101-2

HIGHWAY DRAINAGE PRINCIPLE
 Rainfall will be collected in a traditional gully and gravity piped system S1-S4.
 S4 will incorporate a 600mm deep sump and will act as a silt trap.
 S4 will discharge to S5 which will be an adoptable soakaway as the following specification.

Return period	100 years
M5-60 mm	19
Ratio R	0.35
Highway impermeable area	556 sqm
Infiltration coefficient	0.014 m/hr
Stone surround porosity	0.3
Ring diameter	2.4m x 2No
Safety factor	1
depth below incoming invert	2m
Pit size	3.6 x 3.6m x 2No



S5 - SOAKAWAY
 Cover level 34.40
 Incoming invert 32.29
 S/way diam 2 x 2.4m
 Storage depth 2m

Amended Plan

PLAY AREA

22.06.21

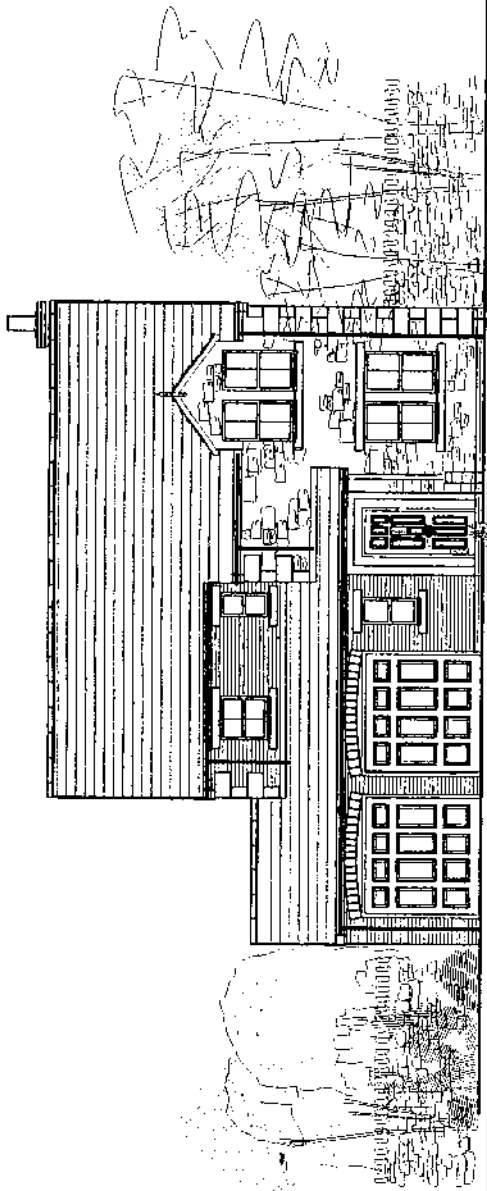
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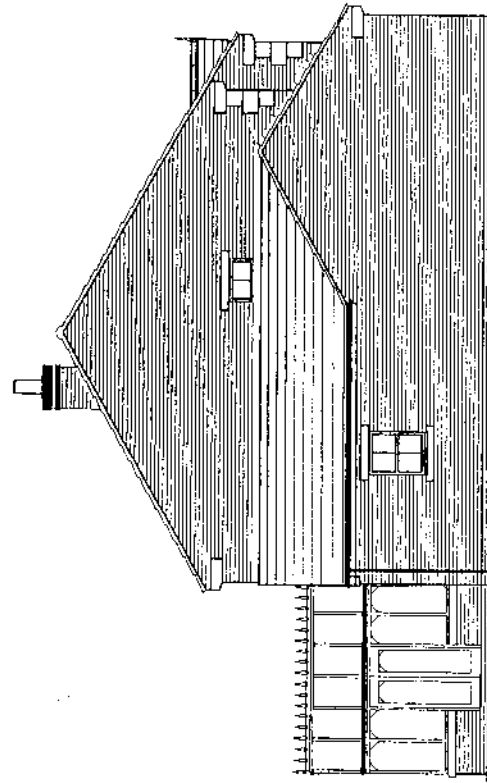
21 BURN CROSS DRIVE
 SHEFFIELD S35 1DJ
 TEL.(0114)2570576

CLIENT	Senator Homes
TITLE	Moorhouse, Carlisle Highway drainage appraisal
DRAWN BY	rob
SCALE	1:500
DATE	Jan 03
DRAWING NO	711-78
REV	

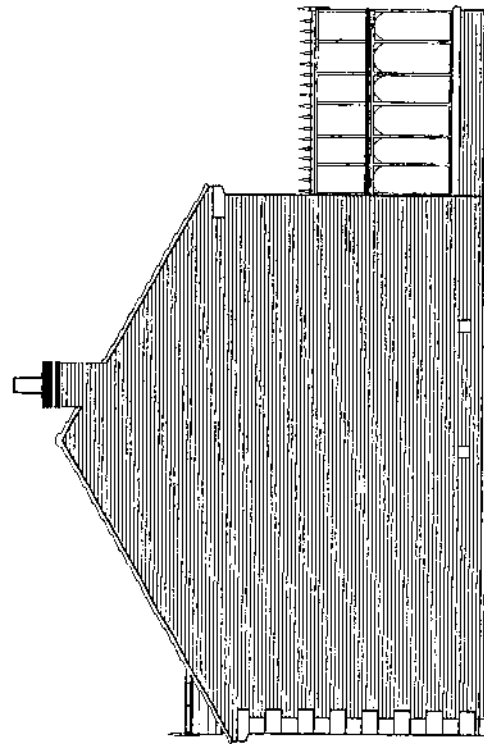
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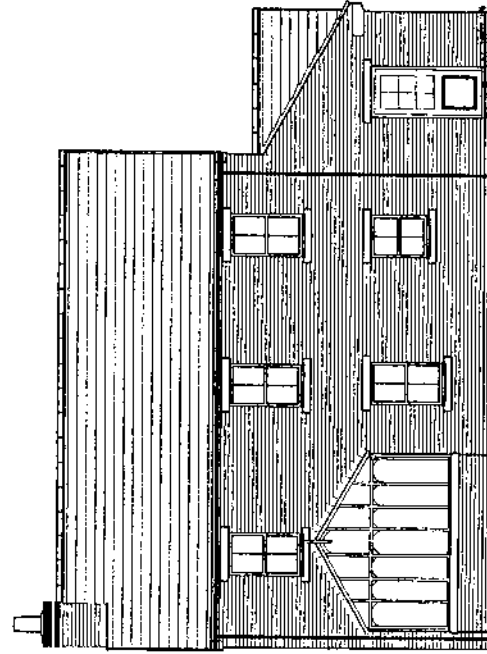
Front Elevation



Side Elevation

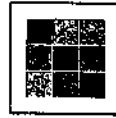


Side Elevation



Rear Elevation

2002 JUN 07
2002 JUN 07
2002 JUN 07



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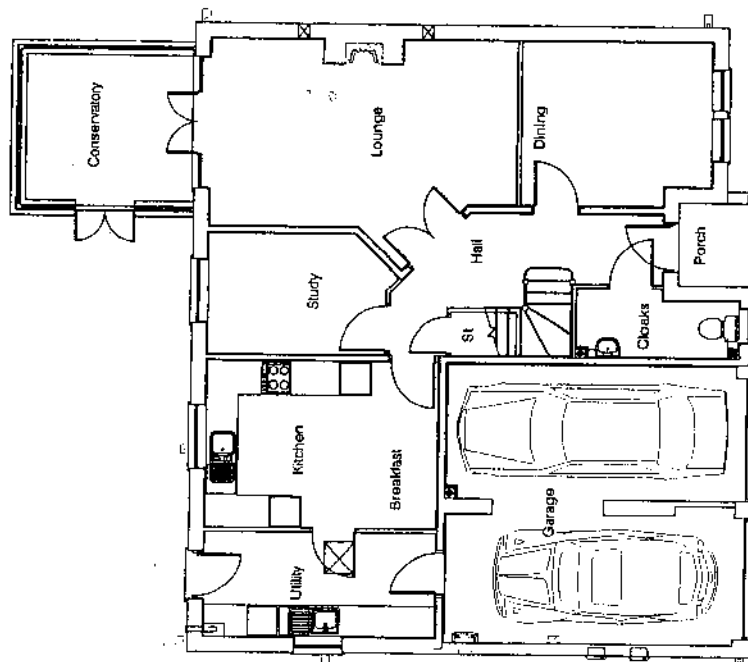
PLANNING DWG

The Laversdale
Vip
Elevations

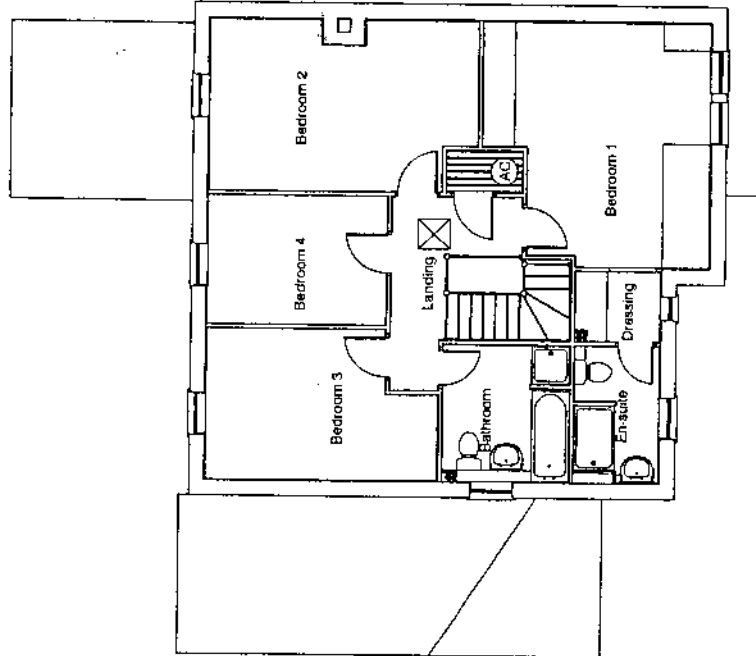
- 7 JUN 2002

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Checked by: X
Date: 29-05-02
Sheet: 100
Copyright: Senator Homes Ltd
Harcourt Avenue, Croydon, Surrey, CR9 3UJ
Tel: 01293 887111 Fax: 01293 887114



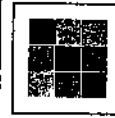


Ground Floor Plan



First Floor Plan

2002-06-07
25 JUN 2002
2002-06-07



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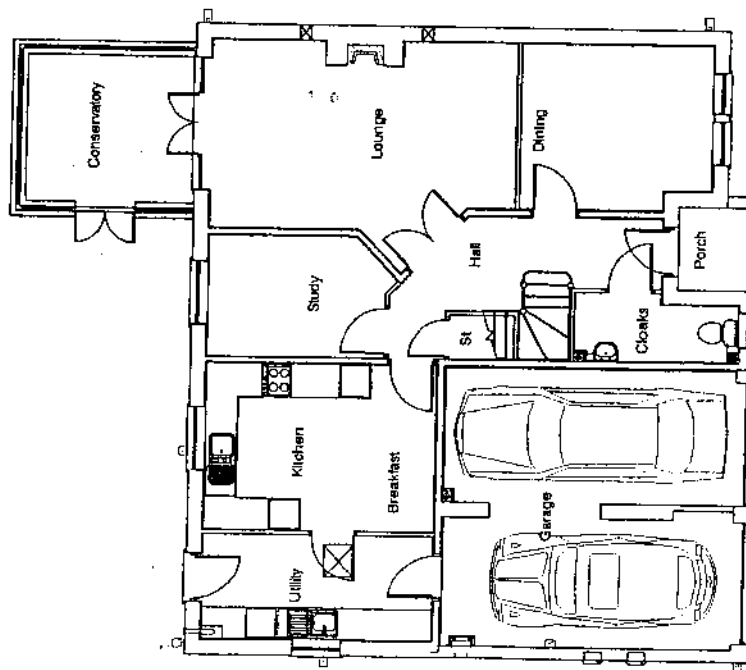
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The Laversdale
VIP
Floor Plans

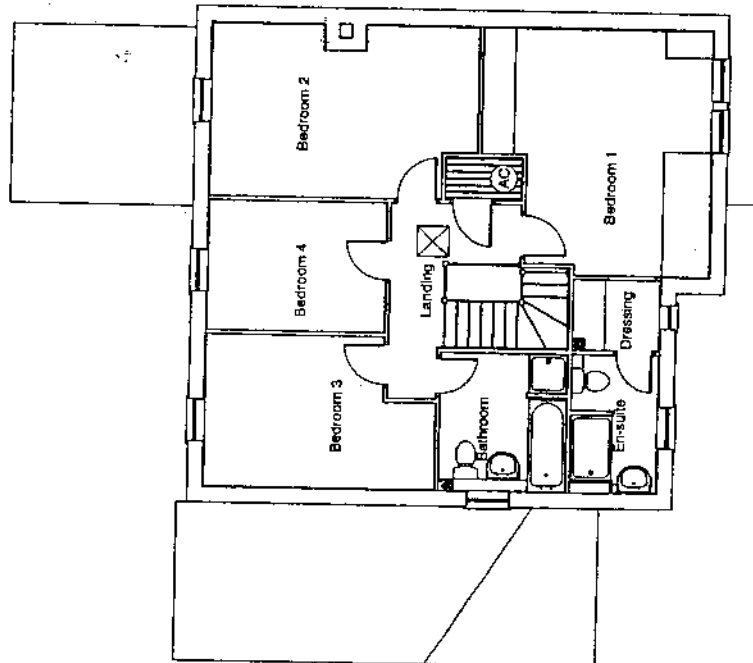
- 7 JUN 2002

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Checked by: J. J. Scale: 1:100
Copyright: Senator Homes Ltd
100, The Laversdale, Laversdale, NSW 2170
Tel: 01238 882200 Fax: 01238 882204





Ground Floor Plan



First Floor Plan

2002-06-21
25 JUN 2002



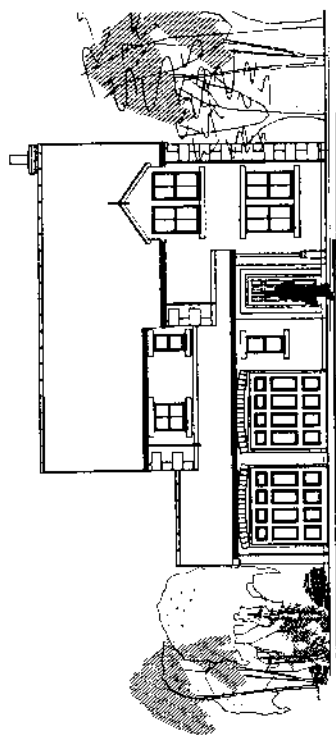
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PLANNING DWG

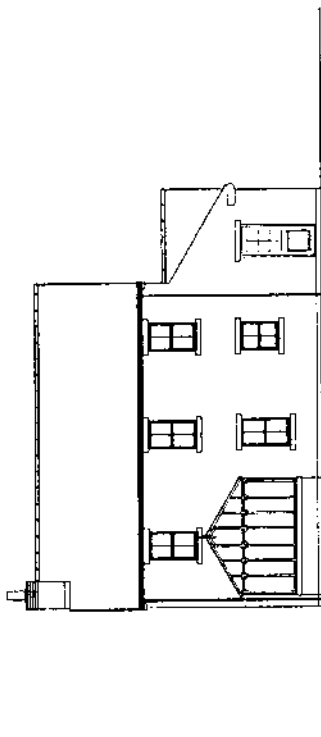
The Laversdale
VIP
Floor Plans

- 7 JUN 2002

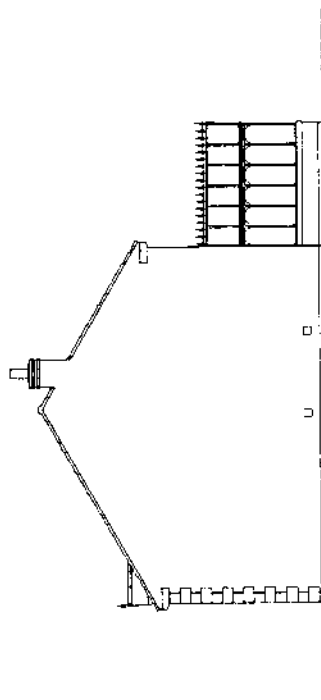
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Tel: 03 9388 8220		



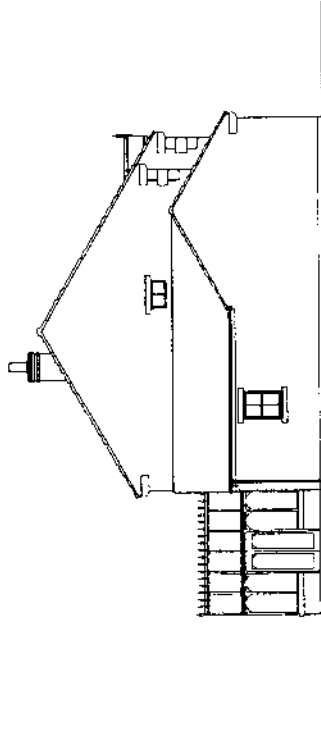
FRONT ELEVATION



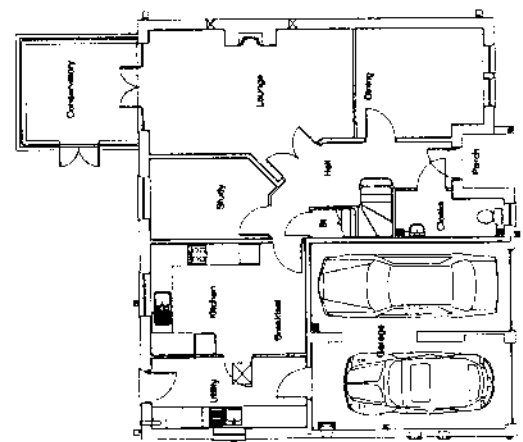
REAR ELEVATION



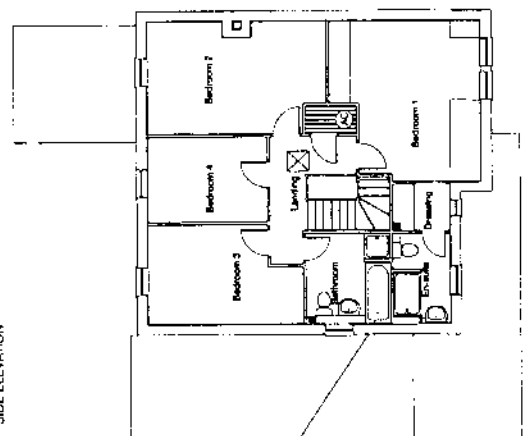
SIDE ELEVATION



SIDE ELEVATION



GROUND FLOOR PLAN



FIRST FLOOR PLAN

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6-4154
ACQUA VENTURA 1971

[illegible]

senator:homes

Moorhouse

Foul Drainage

Written by	AB	Date	21-08-02
Checked by	V	Scale	1-200
2000		Monitored - Fail	

252129

DODGE
 General Motors Ltd
 14000 Highway, Guelph, Ontario, Canada
 Tel: 519-833-1000 Fax: 519-833-1001



SCHEDULE A: Applications with Recommendation

02/1179

Item No: 02

Date of Committee: 25/04/2003

Appn Ref No:
02/1179

Applicant:
Mr Gordon Park

Parish:
Wetheral

Date of Receipt:
11/11/2002

Agent:
Green Design Group

Ward:
Great Corby & Geltsdale

Location:
L/A Barns, Broadwath Farm, Broadwath, Heads
Nook, Carlisle

Grid Reference:
348420 555280

Proposal: Conversion of redundant farm buildings into 4no. dwellings with inclusion of part of adjoining field and paddock as garden area.

Amendment:

John.

Report

Planning Policies:

Tree Preservation Order

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

Public Footpath

The proposal relates to development which affects a public footpath.

Carlisle District Plan Housing - Proposal H12

Proposals for the conversion of non residential property to provide residential accommodation in locations where planning permission for new build residential development would not be granted will not be approved unless:

1. The building is of permanent construction; and
2. The building can be converted without extensions or major alterations which would destroy its character; and
3. The details of the proposed conversion respect the building's character; and
4. Adequate access and appropriate car parking can be achieved.

SCHEDULE A: Applications with Recommendation

02/1179

Where appropriate, in order to retain the character and fabric of historic farm buildings, development rights originally permitted by Class A of Part One of Schedule Two to the Town and Country Planning General Development Order (1988 as amended) may be withdrawn by a condition attached to a planning consent.

The conversion of recently constructed or very remote rural buildings will not be permitted.

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): No objection, subject to a condition protecting the right of way.

Wetheral Parish Council: A site visit is requested to discuss the details. The revised proposals are acknowledged to be an improvement, but the parish council still has reservations about the extent of the alterations to the buildings.

Ramblers Association: No objection, subject to maintenance of right of way.

Environment Agency (N Area (+ Waste Disp)): Drainage condition required.

Design Services - Drainage Engineer: No mains drainage. A suitable drainage scheme must be agreed.

English Nature: Bat informative required.

Cumbria County Council - (Archaeological Services): No objection.

Council for Protection of Rural England: The C.P.R.E. objects to this application for the following reasons:

1. It is argued that no evidence is provided to demonstrate that the buildings are redundant.
2. In accordance with P.P.G.7, employment use should be considered as the first option for re-use, and this has not been done.
3. The details of the scheme are unsatisfactory in that there are extensions proposed of excessive size, with many additional window and door openings.

County Land Agent (Capita dbs): The barns are currently owned by a farm enterprise based at three locations, including Broadwath. Following foot and mouth disease, the business has been restructured, and the sheep breeding enterprise formally based at Broadwath has been discontinued. The buildings are therefore redundant. Due to their age and traditional construction the buildings are not suitable for modern agricultural use.

Summary of Representations:

Representations Received

SCHEDULE A: Applications with Recommendation

02/1179

Initial:	Consulted:	Reply Type:
The Occupier, Broadwath Farm	12/11/02	
Mr & Mrs Holiday, Broadwath Cottage	12/11/02	Comment Only
Dr & Mrs Burke, Broadwath House	12/11/02	Comment Only
The Occupier, Broadwath Villa	12/11/02	
The Owner / Occupier, Stone Park	19/11/02	
The Owner / Occupier, Whitegate	19/11/02	
The Occupier / Owner, 1 The Courtyard	19/11/02	
The Occupier / Owner, 2 The Courtyard	19/11/02	
The Occupier / Owner, 3 The Courtyard	19/11/02	
The Occupier / Owner, 4 The Courtyard	19/11/02	
The Occupier / Owner, 5 The Courtyard	19/11/02	
The Occupier / Owner, 6 The Courtyard	19/11/02	
Mr A T Mitchell, Broadwath Old House	27/11/02	Objection
Mr A C Little, 1 The Dell	27/11/02	Comment Only
Mr & Mrs J Prescott, Cairn House	27/11/02	Comment Only
Mr & Mrs D Foster, Millrace Cottage	27/11/02	Comment Only
The Occupier, 7 The Courtyard	27/11/02	
The Occupier, 2 The Dell	28/02/03	

This application has been advertised by means of a site notice and neighbour notification. In response, seven letters of comment/objection have been received. These raise the following issues:-

1. The proposals involve the change of use of the paddock area to the rear of the buildings and a strip of agricultural land to the side to become garden area.
2. The barns are used by bats and owls.
3. The drainage proposals are inadequate and unacceptable.
4. The increased traffic along the access track would lead to its deterioration.
5. The extensions proposed are excessive.
6. The proposals are likely to result in flooding of adjacent property, as a result of run-off surface water.

Details of Proposal/Officer Appraisal:

Planning History:

There is no planning history.

Details of Proposal:

This application was deferred at the meeting on 14th March, to enable members to visit the site. It will be recalled that permission is sought for the conversion of a range of barns at Broadwath to form four dwellings. The site is located within the settlement of Broadwath to the rear of existing dwellings on the road frontage, and down an access track that also serves six existing dwellings.

The buildings comprise one large barn, and two other smaller ones sited at right angles to it. The access from the track leads into a courtyard bounded by two of the barns, with the rear of one of the adjacent houses on the other side. The track is also a public footpath.

SCHEDULE A: Applications with Recommendation

02/1179

The proposal is to convert the buildings into four dwellings, as follows. The large barn (no.3) is stone, with a single storey brick extension at one end. This would become two three bedroom dwellings. In one case a lean to extension to the rear, providing two additional rooms is proposed, and in the other case a conservatory extension to the rear.

The adjacent barn (barn 1) is also stone, with one larger and two lean-to extensions on the frontage. It is proposed to convert this building into a three bedroom dwelling with one of the extensions on the frontage removed, and a small lean-to extension added to the rear. The barn at the rear (barn 2) is mainly brick. It differs from the others in having an open frontage, with the roof supported by piers. It is proposed to convert this into a three bedroom dwelling also, with a rear semi-circular extension. The openings on the frontage are to be filled in, with matching brickwork panels.

In considering this application members need to consider the following issues:

1. Policy H12 and related matters.

Members will be familiar with the criteria of Policy H12 which seeks to ensure that permission for conversions are approved only where the buildings are traditional in character, and can be converted where their original character can be retained. In addition, P.P.G.7 advises that the employment potential of barns should be considered as a material consideration. In this case, the barns are substantial and in good condition. The option of employment use has been investigated by the applicant, and this is not regarded as viable. Furthermore, it will be apparent that the barn complex is in close proximity to existing residential property on two sides, and significant objections to a commercial scheme would be expected on the grounds of disturbance. Finally on this point, the County Land Agent has inspected the buildings, and have reported that they are not suitable for modern agricultural use. In terms of P.P.G.3 (Housing) residential conversions are regarded as windfall sites, but in a location within a settlement, albeit a small one, as this is, and in the circumstances as described above, the conversion of the buildings is considered to be acceptable in principle. A structural survey of the buildings has been carried out. Although the conclusion that the buildings can be converted without significant rebuilding works has been received, at the time of writing, the details of the report have not been received.

2. Details of the scheme.

Policy H12 also requires the details of the conversion in terms of window openings, extensions etc. to respect the character of the buildings. In this case, examination of the proposals revealed two areas of concern. Firstly, as described above, extensions are proposed to each of the dwelling units to be created. In most cases, these were acceptable in terms of their size and character, but that proposed to barn 1 was considered excessive in that it increased the size of the building by almost half. This has now been reduced so that it is similar to the other extensions. Secondly, in respect of barn 3, to be converted to two units, it is considered that the number of window openings in the scheme as submitted was excessive. This building has relatively few existing openings. A revised scheme has now been submitted with significantly fewer openings which is considered acceptable.

3. Drainage.

SCHEDULE A: Applications with Recommendation

02/1179

The submitted proposals state that foul drainage is to be by means of a septic tank. In this location, this is unlikely to be acceptable, and this view has been conveyed to the applicant. It is expected that a revised proposal for a bio-disc with the outfall converted to a soakaway will be submitted. This will need to be supported by a percolation test. Others comments/objections have expressed fears that run-off from the site will cause flooding of adjacent property. As a conversion, the proposals should not result in increased run-off from the buildings. It is recommended that a condition requiring details of surface water drainage to be submitted however.

4. Other Matters.

As well as the conversion of the barns, the proposals involve the incorporation of a strip of the adjoining field into what would become the garden of the dwellings created. The area involved is relatively modest and does not form an incursion into open countryside. On this basis, it is considered to be acceptable, subject to the implementation of a hedge/tree planting scheme along the boundary.

As well as the above matters, the representations received also raise the issue of the access to the site, and the implications of the development proposed. As stated above, the access is along a private track which serves six other dwellings. All these, together with the application site, doubtless enjoy rights of access over the track and its maintenance will be an issue for the parties concerned. It will also be apparent that this track will have been used by farm traffic for many years. The highway authority and the Ramblers Association have no objection to the application.

In conclusion, the scheme is now considered acceptable, and authority to issue an approval is requested, when the detailed structural report is received.

Human Rights Act 1998

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

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

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

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

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

This application raises issues relevant to Article 8 of the Human Rights Act. Members should consider these in coming to a decision.

SCHEDULE A: Applications with Recommendation

02/1179

Page 50 →

Recommendation: Grant Permission

Deferral is Noted.

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.

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) there shall be no enlargement or external alterations to the dwelling units to be formed in accordance with this permission, within the meaning of Schedule 2 Part (1) of these Orders, without the written approval of the local planning authority.

Reason: To ensure that the character and attractive appearance of the building(s) is not harmed by inappropriate alterations and/or extensions.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking or re-enacting that Order), no building, garage, shed or other structure be erected within the curtilage of the dwellings hereby permitted without the prior permission of the local planning authority and the approval by them of the design, siting and external appearance of such structures.

Reason: The local planning authority wishes to retain full control over the matters referred to in order to protect the character, integrity and appearance of the building and its setting.

4. The external walling and roofing materials to be used in the building works hereby permitted shall be identical to those in the existing building. If any other material is proposed no development shall take place until such has been approved, in writing, by the local planning authority.

Reason: To ensure the works harmonise as closely as possible with the existing building.

5. All new external stonework shall be carried out in random natural stone which shall, in type and in the manner in which it is laid, match that of the existing building to the satisfaction of the local planning authority.

Reason: To ensure the works harmonise as closely as possible with the existing building.

6. No tree or hedgerow existing on the site shall be felled, lopped, uprooted or layered without the prior consent in writing of the local planning authority and the protection of all such trees and hedgerows during construction shall be

SCHEDULE A: Applications with Recommendation

02/1179

ensured by a detailed scheme to be agreed with the local planning authority.

Reason: The local planning authority wishes to see existing hedgerows/trees incorporated into the new development where possible.

7. No dwelling shall ~~not~~ be occupied until drainage works to serve the development hereby permitted have been completed in accordance with details to be submitted. The submitted details shall be based on the scheme indicated on the approved plan.

Reason: To ensure that adequate drainage facilities are available.

8. Full details of trees and hedges to be planted defining the boundaries of the site shall be submitted to and approved by the local planning authority prior to the occupation of the dwelling hereby permitted. All works comprised in the approved details of hedge planting shall be carried out in the first planting and seeding season following the occupation of the dwelling.

Reason: To ensure that the appearance of the area is enhanced by the proper landscaping of the site.

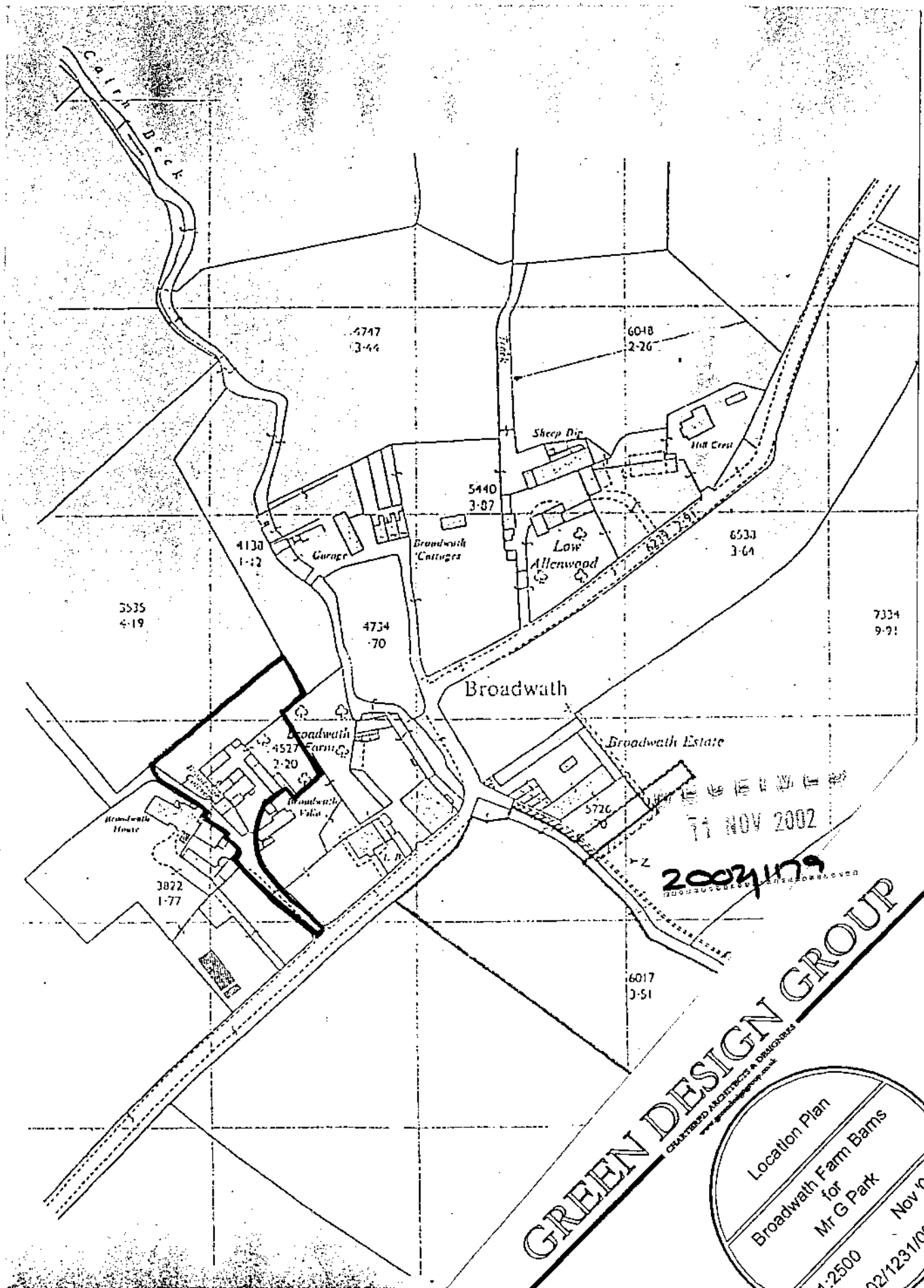
9. Surface water drainage details shall be submitted to and approved by the local planning authority before the development is commenced.

Reason: To ensure that adequate drainage facilities are available.

10. ~~This~~ permission shall be in respect of the conversion of the existing barns to form 4 no. dwellings which shall be carried out in accordance with the approved drawings together with the recommendations of the structural report prepared by A.L Daines and partners dated 17th March 2003.

Reason: For the avoidance of doubt.

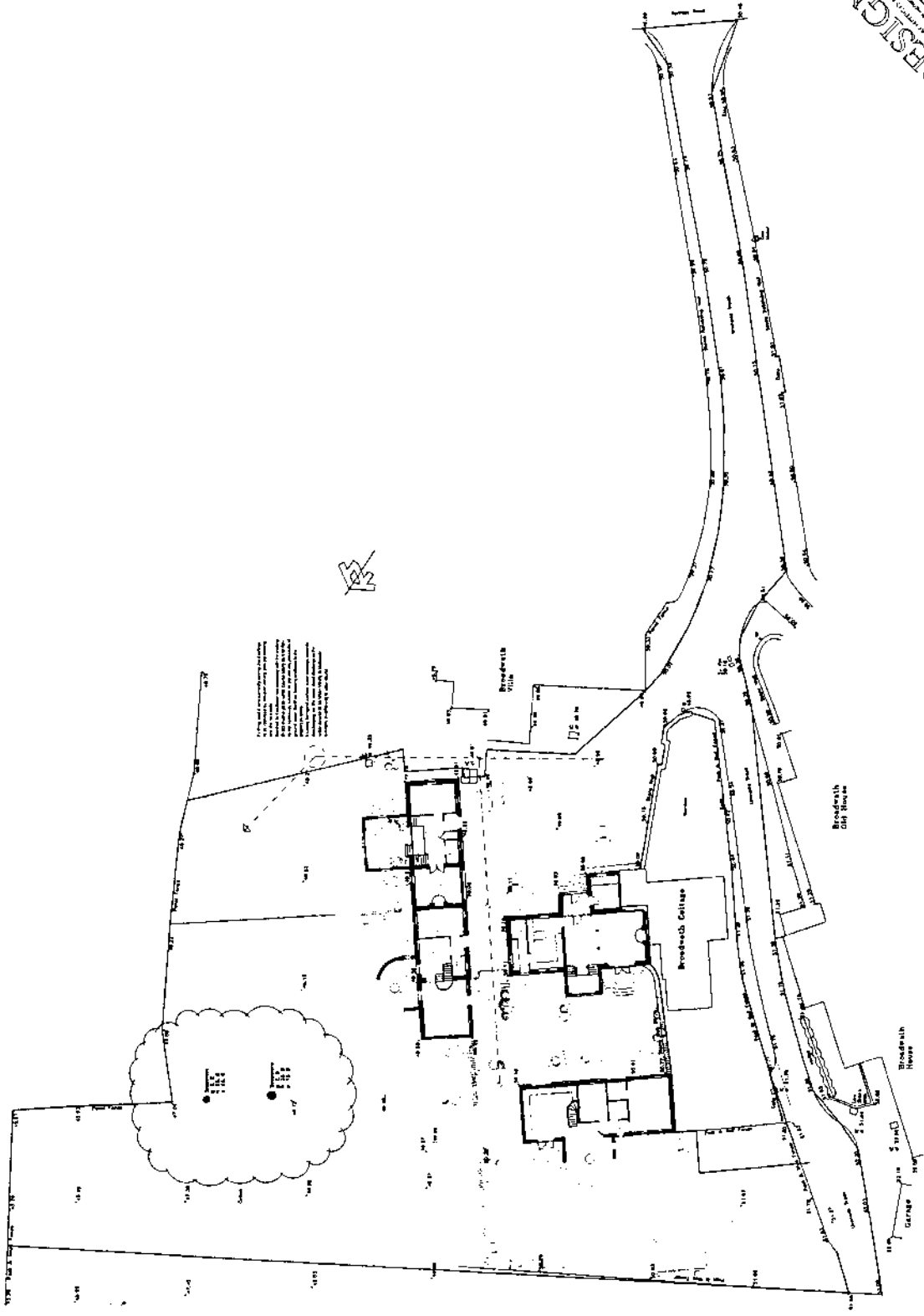
BARN DWLS

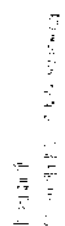
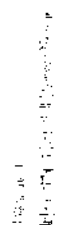


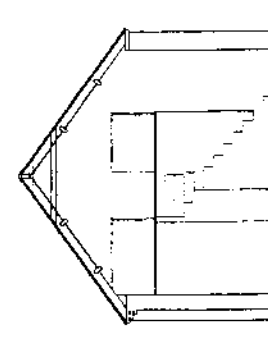
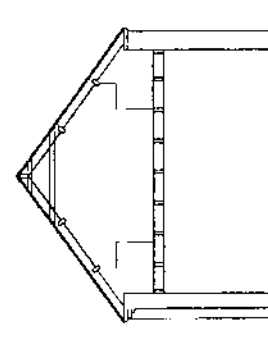
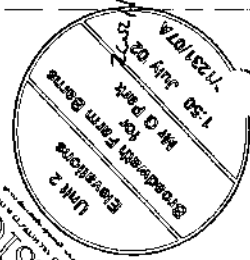
GREEN DESIGN GROUP
 CHARTERED ARCHITECTS & DRAUGHTSMEN
 www.green-design.co.uk

Location Plan
 Broadwath Farm Bams
 for
 Mr G Park
 1:2500
 02/123/100
 Nov '02

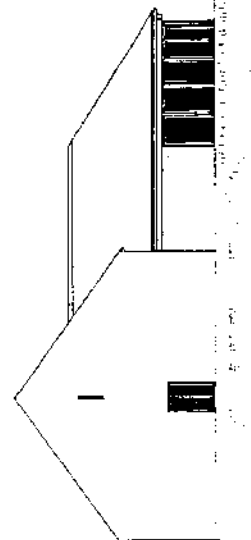
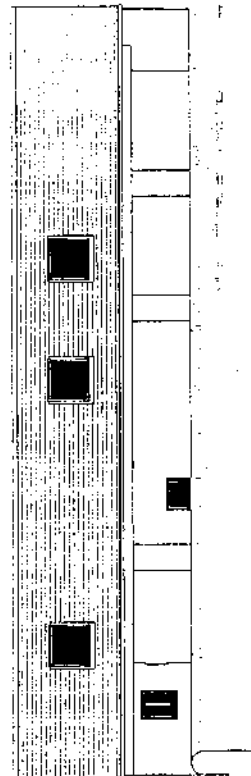
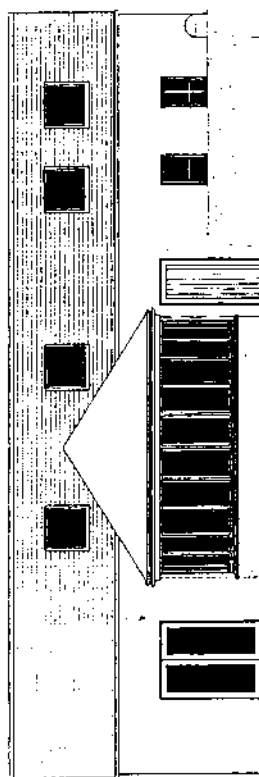
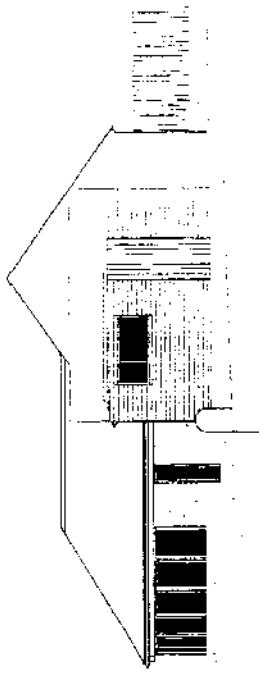
GREEN DESIGN GROUND

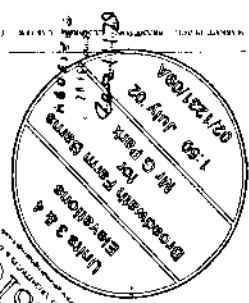




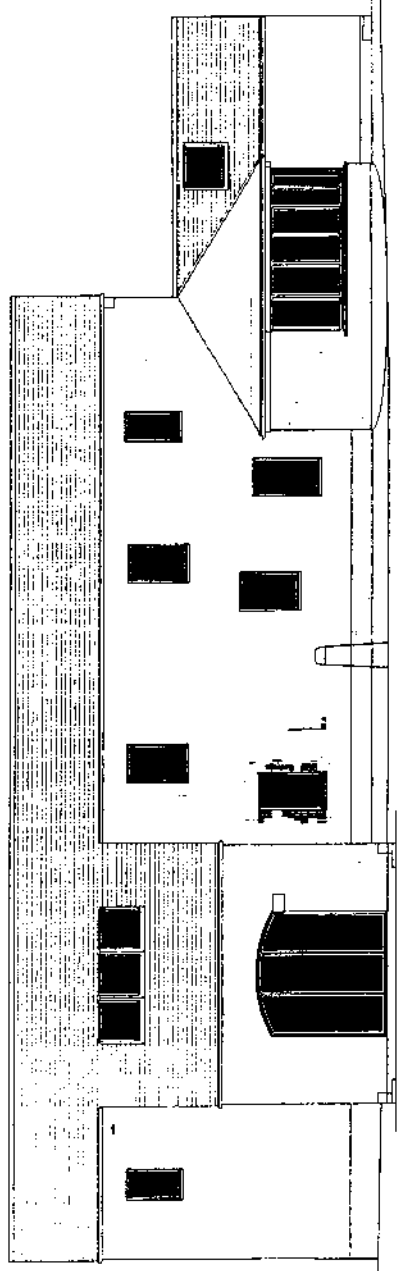


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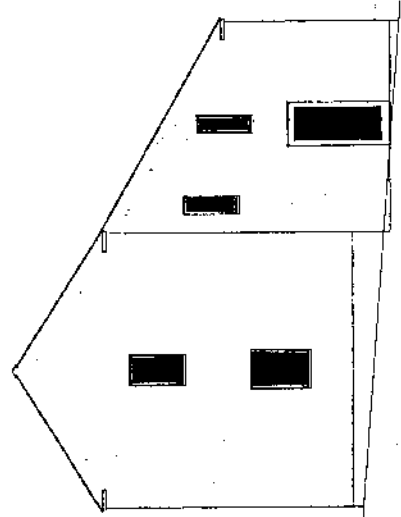
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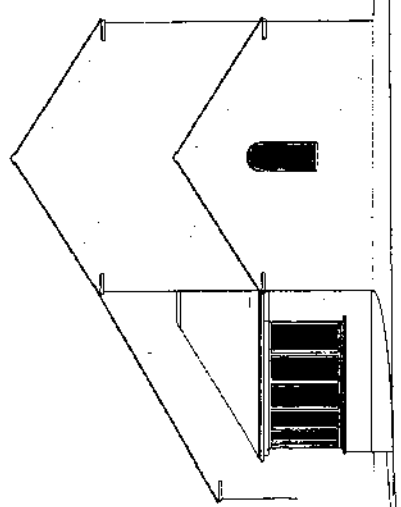
GREEN DESIGN GROUP



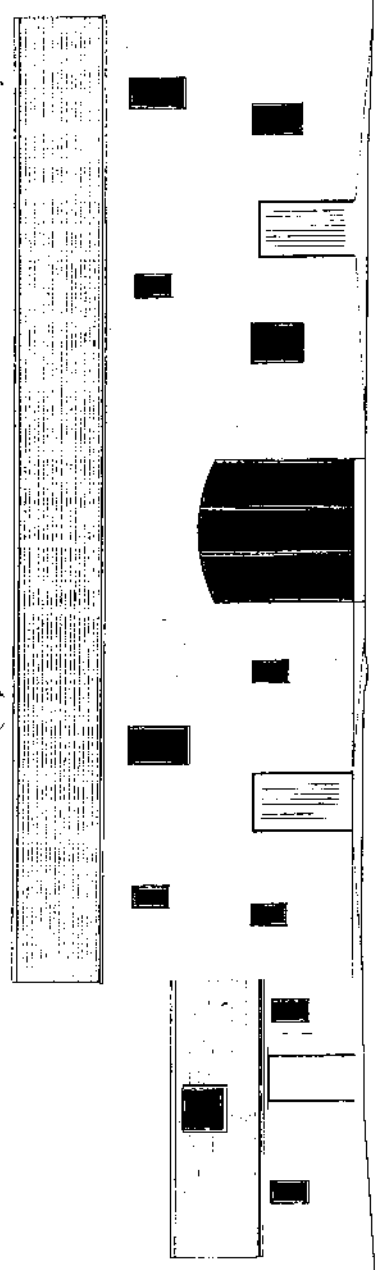
Unit 3 - West Elevation



Unit 3 - North Elevation



Unit 3 - East Elevation



Unit 4 - West Elevation

Barn at Broadwath 1 27.02.03.JPG



friends OF THE LAKE DISTRICT

Head of Planning Services
Department of Environment & Development
Carlisle City Council
The Civic Centre
Carlisle,
Cumbria
CA3 8QG

FAO Mr John Hamer

Dear Sir

26th November 2002

PLANNING SERVICES	
REF: 02/1179	
28 NOV 2002	
RECORDED	MH
SCANNED	
PASSED TO	CDH
ACTION	

Murley Moss
Oxenholme Road
KENDAL
Cumbria
LA9 7SS

Tel: 01539 720788

Fax: 01539 730355

E-mail: info@fld.org.uk
www.fld.org.uk

Town and Country Planning Act 1990.

Planning Application 02/1179.

Conversion of redundant farm buildings into 4 no. dwellings.

L/A Barns at Broadwath Farm, Broadwath, Heads Nook, Carlisle.

We refer to the above planning application, and wish to make the following points.

FLD notes the proposed changes to the implementation of the Council's Local Plan Housing policies as set out in the Interim Housing Policy Statement. As a consequence, new housing development in the rural areas will now be scrutinised more thoroughly in accordance with PPG3 (March 2000). This requires consideration of the level of 'need' for new housing in the area affected by the application proposal, and the current level of housing provision in the District as a whole set against the JSP requirement up until 2006. FLD notes therefore that this application would provide four additional dwellings in this small hamlet, where there are limited local facilities. Pages 10-12 of the Interim Housing Policy Statement are particularly relevant to the current proposal in Broadwath.

Furthermore, FLD acknowledges that Annex C in PPG3 (March 2000) excludes agricultural and forestry buildings as being defined as previously-developed, but confusingly in the second paragraph refers to the definition as excluding land and buildings that are *currently in use* for agricultural or forestry purposes. That issue would have to be resolved as to whether or not the application buildings are properly redundant to their purpose within the agricultural unit. Hence, FLD would suggest that the LPA seek the advice of the County Valuer to help determine this matter. FLD is aware of a recent appeal decision within Sunderland City Council area relating to this point, and we will pass a copy of this decision onto yourselves in due course.

President:

Sir John Johnson KCMG

Vice Presidents:

Sir Chris Bonington CBE
K S Himsforth CBE
Lord Chorley
Graham Watson MBE

Chairman:

Robin Barratt

Hon. Treasurer:

Ken Andrews

Director:

Ian Brodie

Policy Officers:

Jan Darrall
Jack Ellerby

Planning Officer:

Graham Hale

Assistant Policy Officer:

Martin Varley

CPRE



REPRESENTING
CPRE IN CUMBRIA

The above Policy references are relevant only in so far as the site lies within the village envelope, and it might be argued as an alternative to conversion, that the fall back position could be re-development of the site for housing. However, in FLD's view that cannot be the case because of the requirements imposed by PPG3 (March 2000) and the Interim Housing Policy Statement relating to Policy H5. The reason being that the present healthy supply of housing in the rural part of the District means that new housing here should be precluded altogether. The only possible other option would be re-development for affordable needs, which would then have to be justified by a local housing needs survey, where the specific needs of local people would have to be met.

Hence FLD considers that the application must then be considered under the terms of PPG7 and the Interim Housing Policy Statement regarding the implementation of Policy H12. In this case, the application proposes conversion to four additional dwellings, and the applicants have not made out any planning justification to indicate that they have sought an employment use, or marketed the buildings for that purpose in preference to residential use. Moreover, the proposal includes substantial alterations (new window and door insertions), and major extensions to the external fabric of the buildings, plus re-arrangement of the farmyard curtilage to provide gardens and car parking areas. In FLD's opinion, these external changes would harm the intrinsic integrity of these farm buildings and their traditional setting, to the detriment of their character within this part of the countryside. The development would in effect result in a modern housing development with all its' associated residential paraphernalia.

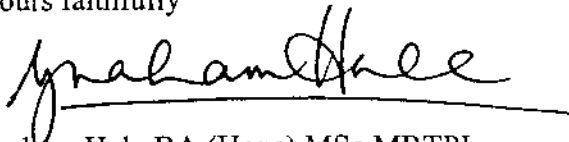
PPG7 explicitly requires that conversions should not result in major or complete reconstruction (see paragraphs 3.14-3.17 of PPG7). Paragraph 3.16 states that LPA's should examine applications for conversions in the open countryside with particular care. They should apply strict control over new housing, especially if the existing building is unsuitable for conversion without extensive alteration, rebuilding or extension, or if the creation of the residential curtilage would have a harmful effect on the character of the countryside.

Whilst FLD accepts that the application site does not lie in the open countryside, it does nevertheless lie on the edge of a small hamlet where additional new housing is not required under the terms of PPG3 (March 2000) and the Interim Housing Policy Statement. For all intensive purposes the implications of these Policy requirements does therefore require the site to be treated as if it were located in the open countryside, since the fall-back position referred to above cannot bite. Hence the above tests set out in PPG7 must be satisfied, which in this case they are not. Taking account of all the Policy requirements, and based upon the current scheme FLD considers that planning permission should *not therefore be granted* in this case.

Should the Planning Authority consider permission is however justified (aside from the housing supply argument), then the proposal must at least be amended to delete the extensions and major alterations. A more sympathetic architectural approach to the conversion of these traditional buildings should therefore be encouraged in accordance with the advice contained in PPG7.

Please record these comments as those of *CPRE (Cumbria association)*. We would be grateful to receive a copy of the decision notice.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Graham Hale', written over a horizontal line.

Graham Hale BA (Hons) MSc MRTPI
Planning Officer

**BROADWATH FARM, BROADWATH, HEADS NOOK,
CARLISLE**

**Report on the agricultural aspects of an application to convert
redundant farm buildings at Broadwath Farm into 4 No. dwellings**

CAPITA
Clint Mill
Cornmarket
PENRITH
CA11 7HP

Tel 01768 242340

December 2002



**REPORT ON THE AGRICULTURAL ASPECTS IN RELATION TO A
PLANNING APPLICATION TO CONVERT REDUNDANT FARM BUILDINGS
TO 4 NO DWELLINGS AT BROADWATH FARM, BROADWATH, HEADS
NOOK, CARLISLE**

1.0 Introduction

1.1 This report has been prepared at the request of Carlisle City Council who asked on 28 November 2002 if I would report on the agricultural aspects in relation to a proposal to convert redundant farm buildings at Broadwath Farm into 4 dwellings.

1.2 I met the owner of the premises, Mr F W Slack of Low Allenwood Farm, Broadwath, Carlisle, on 16 December and inspected the steading at Broadwath Farm. Mr Slack provided the following information:-

2.0 Land Occupied

The Slack family have farmed in the Broadwath area since the early 1960s and have run three farm units together as one holding. These units are as follows:-

2.1.1 Broadwath Farm comprising house, traditional range of buildings and 49 ha (120 acres).

2.1.2 Low Allenwood Farm comprising farmhouse, traditional and modern buildings and 26 ha (65 acres).

2.1.3. Cockley Bank Farm comprising farmhouse, traditional and modern farm buildings together with 120 ha (300 acres) of land.

- 2.2 The land for Broadwath and Low Allenwood Farms lies in and around the hamlet of Broadwath and Cockley Bank Farm is situated approximately 1 mile to the south-east of Broadwath Farm.

3.0 Livestock

- 3.1 Prior to the onset of the Foot and Mouth epidemic in the spring of 2001 the following livestock were kept on these three holdings operated as one.

3.1.1 1,000 breeding ewes producing fat/store lambs.

3.1.2 Between 150 and 180 dairy cows.

3.1.3 60 – 80 beef cattle

- 3.2 All of the sheep on this holding were culled out during the Foot and Mouth outbreak

4.0 Cropping

- 4.1 Cropping on the holding in a typical year is as follows:-

4.1.1 40 ha (100 acres) of grass mown between 2 and 3 times for silage.

4.1.2 24 ha (60 acres) of winter and spring barley for feeding to the livestock.

4.1.3 10 ha (25 acres) of turnips for feeding to sheep.

- 4.2 The remainder of the farm is in grass for grazing the livestock

5.0 Farm Buildings

5.1 The farm buildings on the unit are centred at 3 locations as follows:-

5.1.1 At Broadwath Farm there are 2 old sandstone barns and a small brick cattle shed to the rear.

5.1.2 At Low Allenwood Farm there is a range of sandstone barns together with a modern steel framed hay barn.

5.1.3 At Cockley Bank there are 4 portal steel framed cubicle sheds, 3 silage pits, a grain silo, a slurry pit, together with general purpose sheds.

6.0 Domestic Buildings

6.1 At the Broadwath steading is a 3 bedroom cottage, at Low Allenwood is a 4 bedroom farmhouse, and at Cockley Bank there is also a 4 bedroom farmhouse. In addition the business has a detached dwelling approximately 40 years old and occupied by a member of the family.

7.0 Labour & Residence

7.1 Until the onset of Foot and Mouth, Mr F W Slack, the owner of the buildings at Broadwath Farm worked full time in the business and concentrated on the sheep enterprise. He has now retired from farming. He lives at the farmhouse at Low Allenwood Farm.

7.2 Mr G R Slack, Mr F W Slack's brother, works full time in the business and lives in the farmhouse at Cockley Bank.

7.3 The dwelling at Broadwath Farm is let on an assured shorthold tenancy to someone not involved in the business.

7.4 In addition the farm business employs 3 employees living off the holding. Mr F W Slack's nephew also works full time on the holding and he resides in Carlisle.

8.0 Other Information

8.1 Mr F W Slack advised that since the onset of Foot and Mouth the family had restructured their business. As a result the sheep breeding enterprise has been discontinued and the farm buildings at both Broadwath Farm and Low Allenwood Farm are now no longer used for farming purposes ie they are redundant.

8.2 The main farm business is now run from the Cockley Bank steading where cow numbers are being increased from around the 150 mark to 300. The applicant advised that the buildings at Broadwath Farm, although some were substantial in construction terms, were of little use for modern agriculture. He felt they were redundant and because they were not used were falling into disrepair.

8.3 I believe Mr Slack has not considered any alternative use other than the possibility of conversion to residential use.

9.0 The farm buildings at Broadwath Farm

9.1 I inspected these buildings and can confirm that there are 2 substantial stone built barns with slate roofs around a traditional farmyard. The ground floor of these barns include either loose boxes for housing cattle in the winter months or byres which would originally have dairy cows tied up in stalls. They appear not to have been used for this purpose for many years. Part of the barns have loft space above, traditionally used for storing hay or straw in small bales.

- 9.2 The condition of the buildings is deteriorating, roofs need repair as do rainwater goods and joinery to doors etc.
- 9.3 There is a cattle building to the rear of the barns which is perhaps the only one useful for wintering cattle as it can be cleaned out by machines. However, it is in a poor state of repair.
- 9.4 Agriculture has advanced considerably in recent years with farm machinery becoming ever larger and livestock being housed in more modern buildings which enable easier feeding and cleaning out, often by mechanical means.
- 9.5 I can therefore confirm that these 3 buildings at Broadwath Farm are of very limited use for modern agricultural purposes, particularly the 2 stone barns which have little or no access to modern machinery.
- 9.6 It would appear that the land formally attached to Broadwath Farm is now used by the main steading at Cockley Bank for growing grass for silage for the dairy cows housed there.

10.0 Conclusion

- 10.1 I therefore conclude by advising that the traditional buildings at the Broadwath steading, although mostly of substantial construction, are considerably in need of repair and are of little functional use for modern farming.



A G Jackson BSc FRICS FAAV

CAPITA*db*s

Clint Mill

Cornmarket

PENRITH

CA11 7HP

/ 9 December 2002



COMPLIANCE WITH RICS PRACTICE STATEMENT SURVEYORS ACTING AS EXPERT WITNESSES

I hereby declare that my Report complies with the requirements of the RICS Practice Statement "Surveyors Acting as Expert Witnesses" 2nd Edition Published in 2000 and in particular

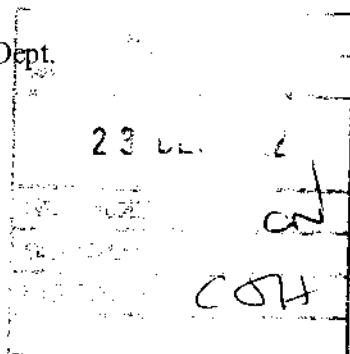
- (i) that the report includes all facts which the surveyor regards as being relevant to the opinion which he or she has expressed and that the judicial body's attention has been drawn to any matter which would affect the validity of that opinion: and
- (ii) that the report complies with the requirements of The Royal Institution of Chartered Surveyors, as set down in *Surveyors acting as Expert Witnesses: Practice Statement: and*
- (iii) that the expert understands his or her duty to the judicial body and has complied with that duty.
- (iv) 'I believe that the facts I have stated in this report are true and that the opinions I have expressed are correct'



YOUR MOVE

www.your-move.co.uk

Mr John Hamer
Civic Centre, Planning Dept.
Rickergate
Carlisle
CA3 8QG



3 High Cross Street
Brampton
Cumbria
CA8 1RP
Telephone: 01697 72999
Fax: 01697 741957

20/12/2002

Our Ref. FF1

Re : Broadwath Park Barns for Green Design on behalf of Mr. G. Park

Dear Sir,

We understand that your consideration of the planning application for the development of property at Broadwath Park Barns has to encompass their potential commercial use, prior to any residential considerations.

Having inspected the site, and spoken with the architect involved, we are of the opinion that the development costs on conversion works of this type would render the whole development pointless, as the potential value for each unit as commercial premises would be nowhere near enough to recoup investment fees. Furthermore, it is questionable as to whether a developer could in actual fact find a buyer for such units, and would then have to lease, which again we consider to be an impractical option.

Consequently, we have advised Mr. Park that it would therefore be a waste of his time and financial resources to attempt marketing the proposed development as a commercial enterprise.

Yours Sincerely

Steven Arthur
Sales Manager
For Your Move

Karen Swinney

From: Gillian Kartach [gilliank@carlisle-city.gov.uk]
Sent: 06 March 2003 10:50
To: Karen Swinney (E-mail)
Subject: Planning Application No. 02/1179 - L/a Barns, Broadwath Farm Broadwath

Conversion of redundant farm buildings into four dwellings with inclusion of part of adjoining field and paddock as garden area.

The observation of my Council on the proposal detailed above are given below:

OBSERVATION

1. The PC questions the independence of an Estate Agent opinion concerning the question of commercial use of the properties. Although the PC would not in this instance support the use of the properties for commercial use, surely an independent report supported by research would better fulfil the Government's requirements.
2. The PC has major concerns regarding the access to the properties especially during the development stage. This is a single access road leading into a courtyard fronted by existing properties. During the building phase this will cause major disruption to the present occupiers.
3. Units 1 and 2 - the design does not reflect the traditional style of Units 3 and 4.
4. Units 3 and 4 - the three Velux windows above Bedroom 3 is not in keeping and out of proportion with the barn. It is an unimaginative solution for getting light into this room.
5. The designs are not sympathetic to the age of the barns or the surrounding properties. There is a feeling there are too many Veluxes. A more traditional styling would enhance the barns and be more in keeping with this area of Broadwath and the properties in the existing courtyard.
6. The PC requests a site meeting is considered.

Gillian Kartach
Clerk

Officer: J Hamer

PLANNING SERVICES	
REF	02/1179
- 6 MAR 2003	
RECORDED	CN
SCANNED	
PASSED TO	COH
ACTION	

Karen Swinney

From: Gillian Kartach [gilliank@carlisle-city.gov.uk]
Sent: 13 March 2003 10:26
To: Karen Swinney (E-mail)
Subject: Planning Application 02/1179 - L/a Barns Broadwath Farm Broadwath

Conversion of redundant farm buildings into four dwellings with inclusion of part of adjoining field and paddock as garden area. Amended Plans.

The observations of my Council on the proposal detailed above are given below:

OBSERVATION

The Council feels the amendments are an improvement and are agreeable to the changes. Please note that the Council wishes their previously submitted observations to remain.

Gillian Kartach
Clerk

Officer: J Hamer

friends OF THE LAKE DISTRICT

Carlisle City Council
Department of Environment & Development
Planning Services Division
The Civic Centre
Carlisle
Cumbria
CA3 8QG

FAO Mr John Hamer

Dear Sir

Town and Country Planning Act 1990 Planning Application 02/1179

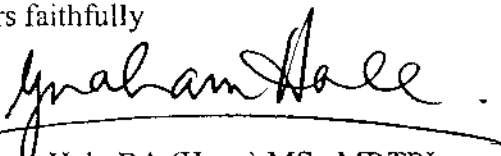
**L/A Barns, Broadwath Farm, Broadwath, Heads Nook, Carlisle, Cumbria.
Conversion of redundant farm buildings into 4 no. dwellings with inclusion of
part of adjoining field and paddock as garden area.**

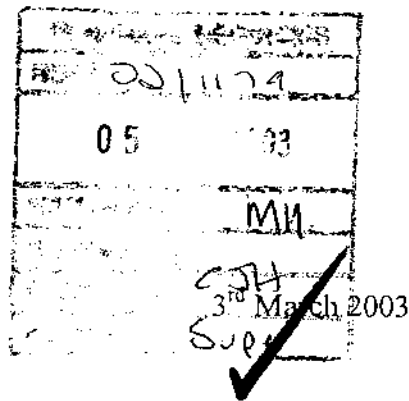
Thank-you for consulting us on the revised drawings submitted for above planning application.

FLD is still concerned about the degree of external change proposed here. If a barn cannot be adapted without significant external alteration to the fabric of the building, then it is not suitable for conversion as a matter of planning principle. That policy context is set out clearly in paragraphs 3.14-3.17 in PPG7 (February 1997). Paragraph 3.16 is particularly instructive on this point in dealing with what the Government considers to be appropriate changes to the character of rural buildings and their setting. The current proposal still fails to accord with the spirit of that guidance. Hence, FLD recommends a firmer line should be taken by the LPA to insure accordance.

Please record these comments as those of the *Council for the Protection of Rural England (Cumbria association)*. We would also be grateful to receive a copy of the decision notice.

Yours faithfully


Graham Hale BA (Hons) MSc MRTPI
Planning Officer



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Oxenholme Road
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LA9 7SS

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Sir Chris Bonington CBE
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Lord Chorley
Graham Watson MBE

Chairman:
Robin Barratt

Hon. Treasurer:
Ken Andrews

Director:
Ian Brodie

Policy Officers:
Jan Darrall
Jack Ellerby

Planning Officer:
Graham Hale

Assistant Policy Officer:
Martin Varley

CPRE



REPRESENTING
CPRE IN CUMBRIA

OF THE LAKE DISTRICT

Carlisle City Council
Department of Environment & Development
Planning Services Division
The Civic Centre
Carlisle
Cumbria
CA3 8QG

FAO Mr John Hamer

Dear Sir

Town and Country Planning Act 1990 Planning Application 02/1179

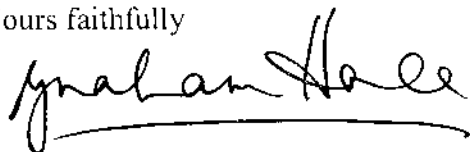
**L/A Barns, Broadwath Farm, Broadwath, Heads Nook, Carlisle, Cumbria.
Conversion of redundant farm buildings into 4 no. dwellings with inclusion of
part of adjoining field and paddock as garden area.**

Thank-you for consulting us on the revised drawings submitted for above planning application.

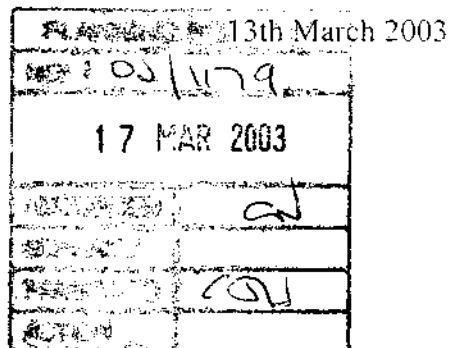
As with our comments submitted for the other building on the 3rd March for the same application, FLD is still concerned about the degree of external change proposed here. If a barn cannot be adapted without significant external alteration to the fabric of the building, then it is not suitable for conversion as a matter of planning principle. That policy context is set out clearly in paragraphs 3.14-3.17 in PPG7 (February 1997). Paragraph 3.16 is particularly instructive on this point in dealing with what the Government considers to be appropriate changes to the character of rural buildings and their setting. The current proposal still fails to accord with the spirit of that guidance. Hence, FLD recommends a firmer line should be taken by the LPA to insure accordance.

Please record these comments as those of the *Council for the Protection of Rural England (Cumbria association)*. We would also be grateful to receive a copy of the decision notice.

Yours faithfully



Graham Hale BA (Hons) MSc MRTPI
Planning Officer



Murley Moss
Oxenholme Road
KENDAL
Cumbria
LA9 7SS

Tel: 01539 720788

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E-mail: info@fld.org.uk
www.fld.org.uk

President:
Sir John Johnson KCMG

Vice Presidents:
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Chairman:
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Jack Ellerby

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Graham Hale

Assistant Policy Officer:
Martin Varley

Office Manager:
Barbara Walling

CPRE



The Ramblers' Association
Working for walkers



Lake District

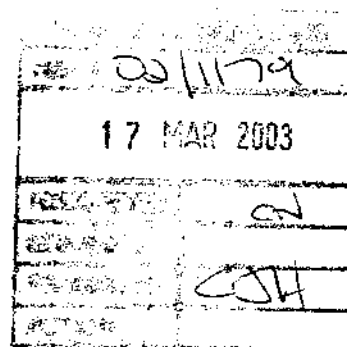
35 Broadoaks Grange
CARLISLE
CA1 2TA

14 Mar 2003

01228 526263

Mr AM Taylor
Chief Development Control Officer
Carlisle City Council
Dept of Environment & Development
Civic Centre
CARLISLE
CA3 8QG

Attention: John Hamer



Dear Mr Hamer

Consultation on submitted application – Amended details
Conversion of redundant farm buildings into 4 dwellings with inclusion of part of adjoining field and paddock as garden area -
L/A Barns, Broadwath Farm, Broadwath Heads Nook, Carlisle

Application Reference: 02/1179.

Many thanks for your letter CJH/DC/02/1179 dated 6 Mar 2003 giving us the opportunity to comment on the above proposal.

As mentioned in my letter of 30 Nov 2002, provided that the integrity of the 'Footpath to Broadgrove' (FP 138025) which gives access to the area is maintained, we can see no reason to object to the above proposal.

Yours sincerely

Alan Nash
Countryside Secretary
Carlisle & North Cumbria Group
Ramblers' Association

SCHEDULE A: Applications with Recommendation

03/0040

Item No: 03

Date of Committee: 25/04/2003

Appn Ref No:
03/0040

Applicant:
A S Farrer

Parish:
Kirklington Middle

Date of Receipt:
16/01/2003

Agent:
Ian Ward Associates

Ward:
Lyne

Location:
L/ADJ Greenwoodside, Smithfield, Kirklington,
Carlisle

Grid Reference:
344500 565500

Proposal: Erection of new bungalow and detached garage

Amendment:

Keith

Report

Planning Policies:

Cumbria & Lake District Joint Structure Plan Policy 13

In the areas not covered by Policies 11 and 12, development will normally be permitted which in its use, siting, scale and design is well related to existing developed areas of the countryside and does not harm distinctive features of local landscape significance. In the undeveloped open countryside development will not normally be permitted except when it is required to meet local infrastructure needs which cannot be located elsewhere, and provided it is sited to minimise environmental impacts and meets high standards of design.

Cumbria & Lake District Joint Structure Plan Policy 25

The siting, appearance and landscaping of all new development and alterations should aim to enhance the quality of the existing environment. It should be in keeping with the local character of the townscape or landscape, and be well integrated with the existing pattern of surrounding land uses and, where appropriate, be in keeping with the local vernacular tradition. Normally development should make proper provision for access by disabled persons.

Cumbria & Lake District Joint Structure Plan Policy 40

In rural settlements outside the National Parks and AONBs, housing development will normally be permitted, especially where it would help to sustain the existing

SCHEDULE A: Applications with Recommendation

03/0040

local community, and provided it is in sympathy with the scale and character of the existing settlement. Outside rural settlements, new dwellings will normally only be permitted for those engaged in agriculture where such a dwelling is essential for the working of the farm.

Carlisle District Plan Environment - Policy E50

The loss to built development of significant public and private open spaces within settlements will not be permitted.

Carlisle District Plan Housing - Proposal H5

Within the following settlements, large scale residential development will not be permitted. Proposals for small scale residential development will normally be acceptable providing that:

1. The site is well related to the landscape of the area and does not intrude into open countryside; and
2. The scale of the proposed development is well related to the scale, form and character of the existing settlement; and
3. The layout of the site and the design of the buildings is well related to existing property in the village; and
4. The siting and design of the buildings is well related to and does not adversely affect the amenity of neighbouring property; and
5. Appropriate access and parking can be achieved; and
6. The proposal will not lead to the loss of amenity open space within or at the edge of the settlement; and
7. The proposal will not lead to the loss of the best and most versatile agricultural land.

Aglionby, Baldwinholme, Banks, Barclose, Beaumont, Blackford, Blackwell, Boltonfellend, Boustead Hill, Broadwath, Brisco, Brunstock, Burgh-by-Sands, Burnrigg, Cardewlees, Cargo, Carleton, Castle Carrock, Cotehill, Cumdivock, Cummersdale, Cumrew, Cumwhinton, Cumwhitton, Durdar, Easton, Farlam, Faugh, Fenton, Gaitsgill, Gilsland, Great Corby, Great Orton, Grinsdale, Hallbankgate, Harker, Hayton, Hayton Townhead, Heads Nook, Hornsby, Boughton, How Mill, Irthington, Kirkcambeck, Kirkandrews-on-Eden, Knells, Lanercost, Laversdale, Linstock, Little Orton, Low Crosby, Longburgh, Low Row, Lyneholme, Midgeholme, Milton, Moat, Monkhill, Moorhouse, Newby East, Newtown, Raughtonhead, Rockcliffe, Rickerby, Scaleby, Scotby, Smithfield, Stainton,

SCHEDULE A: Applications with Recommendation

03/0040

Stockdalewath, Talkin, Tarraby, Thurstonfield, Tindale, Todhills, Walton, Warwick-on-Eden, Warwick Bridge (including Little Corby & Corby Hill), Westlinton, Wetheral, Wetheral Pasture.

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): no objections subject to conditions requiring:- inward opening access gates; surfacing of the access drive before the development is occupied; construction and retention of a turning space; specification for construction and drainage of the access areas;

Kirklington Parish Council: no representation other than to support the development;

United Utilities (former Norweb & NWWA): no objection;

Drainage Engineer - Commercial & Technical Services: the applicant should determine the levels of the public sewer before any construction work is undertaken; there is a history of foul sewage flooding in the area due to high flows in the relatively small sewer nearby and the applicant should avoid a low lying sewer connection or a developed basement; if the site is served by private drains connecting to the public sewer, these could be used subject to them being in acceptable condition; a soakaway would require a soil percolation test and surface water run off will not be allowed to be connected to the foul sewer; if a new connection to the public sewer in the road is proposed, permission of any intervening owners must be obtained.

Environment Agency (N Area (+ Waste Disp)): requests condition regarding scheme for disposal of foul and surface water drainage;

Cumbria County Council - (Archaeological Services): no archaeological work needs to be undertaken before or during the development.

Summary of Representations:

Representations Received

Initial:	Consulted:	Reply Type:
J G Braisted, Stone Lea	20/01/03	Objection
The Owner / Occupier, Blue Bell Cottage	20/01/03	
The Owner / Occupier, Greenwoodside	20/01/03	

The application has been publicised by site notice and three neighbour letters, latest expiry date 14 February 2003. One letter has been received objecting to the application on the grounds that:-

SCHEDULE A: Applications with Recommendation

03/0040

- 1 the erection of a speculative dwelling on the site (despite a previously given verbal assurance that only a single dwelling for the sole occupancy of the builder would be erected) is contrary to Policy H5 "Village Development" within the Carlisle District Local Plan and, if granted, may I suspect, lead to applications for further development on the site within the next two (2) years.
- 2 notwithstanding its having been a market garden (abandoned many years ago) I do not consider that the site can be construed as a "brown field" for the purpose of development having reverted to "green field" in the intervening years. Consequently I consider that such a development, if allowed, will constitute an intrusion into open countryside as defined within Policy H5 "Village Development";
- 3 the proposal is also removed from the settlement of Smithfield being separated from the boundary of the village by open countryside and as such fails to satisfy the criteria contained within paragraph 4.4 of the Carlisle District Local Plan. It is also my belief that if granted, the application will set a precedent for others to apply for the release of land for development purposes, with the inevitable effect of extending ribbon development beyond the boundaries of Smithfield.

Details of Proposal/Officer Appraisal:

Planning History:

Erection of new bungalow and detached garage, reference 02/1195, withdrawn 7 January 2003 prior to determination.

Adjoining site:-

demolition of existing bungalow and erection of replacement with garage, reference 99/0889, approved 13 December 1999.

Details of Proposal:

Determination of the application was deferred at the March meeting of the committee to enable members to undertake a site visit. In addition, the applicant's agent had submitted further correspondence which was included in the supplementary agenda.

Copies of the agent's letter of 6 March 2003 and its accompanying documents are now appended to this report but the historic presence of two dwellings on the neighbouring site has no bearing on the current application. There are no other changed circumstances affecting my prior report.

The application seeks full planning permission for the erection of a new bungalow and detached garage on land adjacent to Greenwoodside, Smithfield. The site is effectively the eastern half of that the subject of the planning permission for the erection of a replacement bungalow, 99/0889, approved on 13 December 1999. That development has now been implemented, although the detached garage has yet to be built and there is no record on file of a landscaping scheme having been

SCHEDULE A: Applications with Recommendation

03/0040

submitted to discharge condition 4.

The current application site extends to almost half a hectare and fronts the road to Hethersgill some 475 metres from the crossroads at the heart of the village of Smithfield. It is bordered to the east by the two storey house at Stone Lea. The proposed development comprises a stone faced three bedroom bungalow, measuring almost 18 metres long x 11.5 metres wide, with a pitched roof and the ridge aligned parallel to the road. A 7.7 metre long x 7 metre wide detached garage is proposed on the eastern flank of the bungalow served by a new central access driveway.

The development proposed is identical to that the subject of the prior application 02/1195 which was withdrawn in January this year when destined for refusal under delegated powers. Notwithstanding the additional correspondence received from the applicant's agent in connection with this reapplication, all of which is reproduced in full as an appendix to this report, I do not consider there are any changed circumstances.

The application has positive support from the Parish Council but, again, an objection from a neighbouring resident. The agent contends that all seven criteria in Policy H5, as amended, are satisfied. The key determining factor, on which we differ, is whether the development is infill either within or outwith the village.

Members will recall the definition of infill development from the last committee which reads: "Infill sites are generally defined as gaps in an otherwise built up frontage or area of development". There is no village "envelope" for Smithfield defined in the Local Plan but the old "Village Appraisal" Plan produced by the agent is a useful, albeit historic, point of reference. The village clearly has a core, centred on the cross roads, and the settlement is then typified by peripheral and sporadic development along radial routes out of the village. To argue that the current site is an infill one is to disregard the rather large field which separates Greenwoodside from the village and the school, which could itself be said to be peripheral development.

As regards Greenwoodside itself, this old plan is again indicative of the historic settlement pattern which clearly identifies small plots within large fields with large gaps in between. I cannot agree that the site is an infill one in either context, or that criteria 1 and 3 of Policy H5 are satisfied. This is the fundamental test of the application given it has to be determined in accordance with the development plan unless material considerations indicate otherwise. It should also be noted that the adjoining bungalow, although of recent origin, was only given permission as a replacement for a bungalow which had previously been on the site.

As to material considerations, the agent refers to three other principal issues. Firstly, that the site is brownfield. This is not disputed in that the site was previously part of a nursery. I am not aware of the extent of glasshouses on the site itself and perhaps the Ordnance Survey extract is an indication. Nonetheless, this factor of itself does not necessarily outweigh the principal policy position. Whatever the history, there are no significant structures currently on the site, no commercial horticultural use and thus there is no planning gain to be derived from developing it

contrary to policy.

Secondly, the Village Appraisal Plan produced contains the annotation "no natural definition to eastern boundary of village and no major physical constraints to development". The word physical is key, the current issue is policy. In any event, the plan is of some vintage and currently has no locus.

Thirdly, the Council's Interim Housing Policy Statement and Policy H5 as amended. This reinforces the tests, contained in PPG3, of transport links, availability of local services and local need. It is acknowledged that the village satisfies the first two tests but no indication of local need has been given in connection with the application. The Parish Council's support is no such indication of local need.

In this context, the agent refers to Alstonby Hall as some form of example of precedent. Whatever the circumstances of Alstonby Hall, with which I am not familiar, the key test is determination of an application on its individual merits. In my view, this speculative development of the site adjacent Greenwoodside does not accord with policy and there are no material considerations to indicate that it should be determined otherwise.

Human Rights Act 1998

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

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

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

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

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

Article 8 and Article 1 Protocol 1 are relevant but the impact of the development, if approved, will be minimal, and the rights of individuals under this legislation will not be prejudiced.

Recommendation: Refuse Permission



SCHEDULE A: Applications with Recommendation

03/0040

1. **Reason:** The application represents speculative development of a site detached from the main settlement of Smithfield where approval would result in development in the open countryside unrelated to existing property in the village contrary to Policies 13 (The Rest of the Countryside), 25 (The Quality of Development) and 40 (Housing in Rural Settlements outside The National Parks and AONBs) of the Cumbria and Lake District Joint Structure Plan 1995 and criteria 1 and 3 of Policy H5 (Village Development) of the Carlisle District Local Plan.
2. **Reason:** Approval of the proposal will perpetuate sporadic development on the periphery of the settlement and the applicant has not demonstrated that the development is required to meet a local need. This is considered to be an unsustainable form of development contrary to Planning Policy Guidance Note 3: Housing, and the local planning authority's associated Interim Housing Policy Statement regarding Policy H5.
3. **Reason:** Approval of the proposal would set a precedent encouraging the submission to the local planning authority of additional applications for similar development the approval of which would further dilute planning policies and erode the established character of this part of the settlement.

Page 68 →

4665



Greenwoodside

43.0m

4854
1.123ha
2.78

Stone-Lea

Greenwood Side

6054
0.73ha
.18

5553
.065ha
.16

Nurseries

5047
0.973ha
2.40

5848
.835ha
2.06

4836

Pach

1/1250

RECEIVED
16 JUN 2003

HM LAND REGISTRY

This is the Certificate Copy of the
filed plan

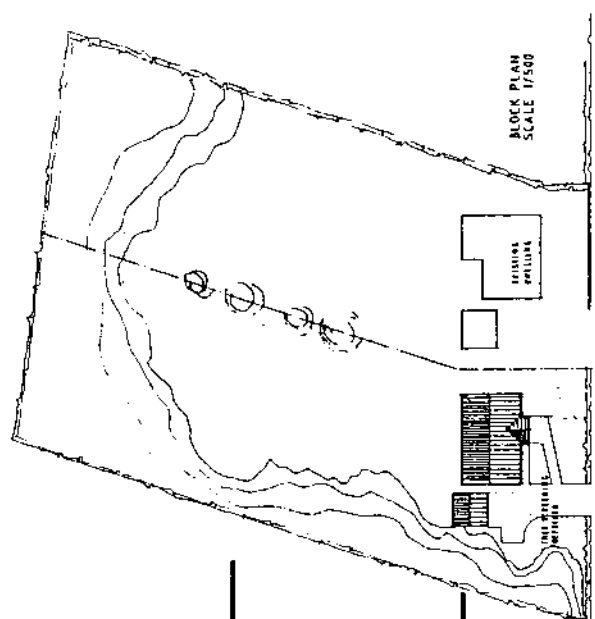
2003-10040

52



REAR ELEVATION

FRONT ELEVATION



BLOCK PLAN
SCALE 1/500

SIDE ELEVATION

1. LOUNGE
2. DINING ROOM
3. KITCHEN
4. BEDROOM 1
5. BEDROOM 2
6. BATHROOM
7. CLOAKS
8. BEDROOM 3
9. GARAGE

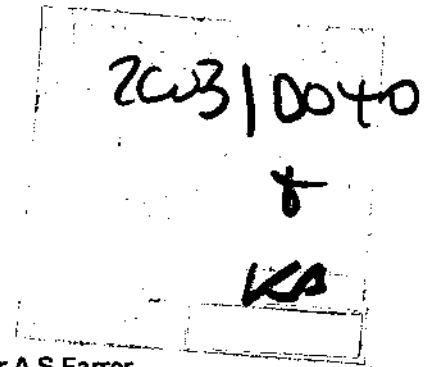
ward architects.

14a Marlborough Gardens
Carlisle
Cumbria
CA3 9NQ.

16 Jan. 03

tel/fax 01228528376.
email. wardarch@msn.com.

Department of Environment & Development
Planning Services Division
The Civic Centre
Carlisle CA3 8QG



Dear Sirs.

Re :- Revised Application Proposed New Bungalow at Smithfield for A S Farrer.

I enclose Revised Planning Application in respect of the above.

My client, the applicant, has asked me to express his concern at certain anomalies relevant to the original application. The adjoining owners quite correctly received Notification of Planning Proposal with regard to the proposed bungalow. This clearly states that the Council operates a 'Right to Speak Policy' at the Development Control Committee for objectors and supporters of applications. The fact that the planning officers for whatever reason chose to consider the application and were refusing permission under delegated authority is a presumption which ignores the Council's stated policy.

With the original application was a covering letter in support of the application and pointing out that the proposal was in accord with the Housing Policy- Amended H5 – i.e. that Smithfield is a settlement within which small scale residential development will normally be accepted. We maintain that the site is within the Smithfield settlement area. Enclosed is a copy of the above letter dated 14 Nov.02.

With regard to criteria 6 and 7 of Policy H5 and listed in the letter we would like to point out that the site was a Plant Nursery and that the sub-structure of the greenhouses and outbuildings still exist. The site if developed, as well as being in accord with criteria 6 and 7, would restore the site from what the villagers and Parish Council regard as a derelict piece of land. I enclose a copy of notes prepared by the applicant briefly stating the history and site condition. He would also be pleased if you would confirm if there was still an existing use on the site for a market garden.

I trust the application will be considered by your Planning Committee in accordance with its stated policies.

Yours sincerely

A handwritten signature in black ink, appearing to be 'JL' or similar, written over the words 'Yours sincerely'.

ward architects.

14a Marlborough Gardens
Carlisle
Cumbria
CA3 9NQ.

14 November 2002

tel/fax 01228528376.
email. wardarch@msn.com.

Department of Environment & Development
Planning Services Division
The Civic Centre
Carlisle CA3 8QG

Dear Sirs

RE :- Proposed New Bungalow at Smithfield for A S Farrer.

I enclose Planning Application in respect of the above.

In support of the application I would like to point out that the application is in accordance with the Housing Policy Statement – Amended H5.- i.e. that Smithfield is a settlement within which small scale residential development will normally be acceptable, and that it fulfils the criteria stated in Policy H5 (Amended).

1. The site is well related to the landscape of the area and does not intrude into the open countryside ; and
2. the scale of the proposed development is well related to the scale, form and character of the existing settlement ; and
3. the layout of the site and the design of the building is well related to existing property in the village ; and
4. the siting and design of the building is well related to and does not adversely affect the amenity of neighbouring property ; and
5. appropriate access and car parking can be achieved ; and
6. the proposal will not lead to the loss of amenity open space within or at the edge of the settlement ; and
7. the proposal will not lead to the loss of the best and most versatile agricultural land.

Yours faithfully

I Ward

ward architects.

14a Marlborough Gardens
Carlisle
Cumbria
CA3 9NQ.

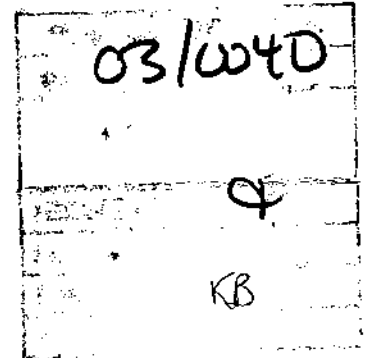
17 February 2003

tel/fax 01228528376.
email. wardarch@msn.com.

Attention of Keith Brooke
Dept of Environment & Development
Planning Services Division
Carlisle City Council
Civic Centre
Carlisle

Dear Mr Brooke

Appn Ref : 03/0040, Application, Bungalow Smithfield for A S Farrer.



Thank you for your letter dated 28 January 03.

I do understand the procedure when an application is dealt with under the Scheme of Delegation as documented in the City Council's Constitution. As you say the " Right to Speak" policy applies exclusively to applications to be determined at the development control committee. As I stated in my letter dated 16 Jan. why notify the adjoining owners of these rights if it was to be considered under delegated powers. Therein lies the anomaly, not in the Council's Constitution.

The application conforms with all 7 of the criteria laid down in the amendments to H5, all of which were listed in my letter to you dated 14 Nov (copy enclosed) and is in a village, Smithfield, that is a settlement within which small scale residential development will be accepted. The Smithfield Plan No 2. Village Appraisal produced by your department confirms ' there is no natural definition to the eastern boundary of village and no major physical constraints to development '. I enclose a copy of your dept's appraisal for your information.

That the site is a previously developed site, what might be termed a " brown field " site can hardly be disputed in that it fulfils the criteria set down in government guidance notes as previously developed land i.e ' previously developed land is land that was occupied by a permanent structure and any associated infrastructure , including the curtilage of the development , but is now vacant. These sites may require demolition or other treatment before they can be developed and they may occur within urban and rural settings'.

In asking me to address Planning Policy Guidance Notes in respect of transport corridors, availability of local services and local need I undertook a brief survey of an example of a development which received planning approval. It is being built, and obviously fulfilled the criteria which merited approval. The site is at Cliff approximately 1.5 miles from Smithfield and just west of Alstonby Hall. I chose this development for

February 17, 2003

consideration as I was told by the applicant that it had similar history to the Smithfield site. It had been a very small chicken farm, derelict and not farmed for approx. seven years with an existing dwelling on site. There are now four detached two storey houses being constructed which would not look amiss on an urban brown field site. That these comply with Planning Policy Guidelines is fine and hopefully the committee will appreciate that one bungalow on an infill brown field derelict site also fulfils the Guidance Notes and visually contributes to the village scene. The fact that the Parish Council has no objection is some indication of local need.

I have a copy of a letter of objection from an adjoining owner Mr Braisted. He suggests that if permission was granted that within two years further development would take place on the same site. I would like to make the point that if the application was approved and built there would be no means of access to the rear of the site. He also makes a point that a permission would encourage ribbon development beyond the boundaries of Smithfield. One can only reiterate that the application is for infill development on a brown field site and in compliance with Policy H5 Village Development.

I would confirm that the applicants address is as indicated on the application form.

You make the point that he resides at the adjacent bungalow, and you are correct, his business address is however as the application.

Yours sincerely



I Ward

SMITHFIELD PLAN NO. 2 VILLAGE APPRAISAL

* area surrounding village - grade 3 agricultural land

* visual centre of village at main road junction created by attractive stone cottage development but not extensive enough to create a strong identity - the visual and physical obstruction of vehicular traffic severely detracts from what village identity exists

land rises in a northerly direction from roadway forming a ridge line and constraining development there

fine group of trees create an enclosing and visually important feature

* no natural definition to eastern boundary of village and no major physical constraints to development

145 fine mature hedge

dissection of village by busy A6071 road has prevented uniform growth around the village centre and hence inhibited the creation of a strong village identity

residential development fronting main road with individual access points broken by area of undeveloped open land alienating section of housing to the east from main village core

* drainage difficulties constrain further development along the Carlisle road

* open views of village from land to the south

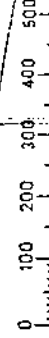
PRE WAR DEVELOPMENT
POST WAR DEVELOPMENT
IMPORTANT TREES
FOOTPATHS
ATTRACTIVE VIEWS

VILLAGE FACILITIES
a HALL
b PUBLIC HOUSE
c SHOP AND POST OFFICE
d GARAGE

e PETROL FILLING STATION
f JOINERS WORKSHOP
g POLICE HOUSE
h SCHOOL

Date: April 1975

SCALE IN FEET



ward architects.

14a Marlborough Gardens
Carlisle
Cumbria
CA3 9NQ.

6 March 2003

tel/fax 01228528376.
email. wardarch@msn.com.

Attention of Keith Brooke
Dept of Environment & Development
Planning Services Division
Carlisle City Council
Civic Centre
Carlisle

Dear Mr Brooke

PLANNING SERVICES	
REF	03/0040
10 MAR 2003	
RECORDED	Q
SEARCHED	
PAID TO	KB
ACTION	

Appn Ref : 03/0040, Application, Bungalow Smithfield for A S Farrer.

I must apologise for this belated submission in support of the above application. My client although of the opinion that there had been more than one dwelling on the site had no such evidence, until his solicitor forwarded deeds of the property. I enclose copies of the deeds and as you see it does identify both a cottage and a house as occupying the site and in view of this I would ask that grounds for approval be considered.

Again my apologies.

Yours sincerely



I Ward

4665



Greenwoodside

43.0m

4854
1.123ha
2.78

Stone-Lea

Greenwood St

6054
0.73ha
1.18

5553
0.065ha
1.16

Nurseries

5047
0.973ha
2.40

5848
0.835ha
2.06

Path

1/1250

RECEIVED

16 JAN 2003

4836

HM LAND REGISTRY

This is the Certificate Copy of the
filed plan

-65-

52

2003.10040

the Parish of Kirklington in the said County of Cumberland SIGNED
containing by admeasurement two acres one rood and twenty EVELYN
five perches more or less and numbered 144 on the Ordnance
Survey Map (1926 Edition) TOGETHER WITH the cottage house
and other buildings erected thereon TO HOLD the same unto
the Purchasers in fee simple

2. THE Purchasers hereby declare as follows:-

SIGNED

(a) The Purchasers shall hold the said property upon trust FREDER

to sell the same with power to postpone the sale thereof
and shall hold the net proceeds of sale and other money
applicable as capital and the net rents and profits thereof
until sale upon trust for themselves as joint tenants

(b) Until the expiration of Twenty one years from the death
of the last survivor of the Purchasers the trustees for the
time being of this Deed shall have power to mortgage
charge lease or otherwise dispose of all or any part of
the said property with all the powers in that behalf of an
absolute owner

3. IT is hereby certified that the transaction hereby
effected does not form part of a larger transaction or of a
series of transactions in respect of which the amount or
value or the aggregate amount or value of the consideration
exceeds the sum of Three thousand pounds

IN WITNESS whereof the parties hereto have hereunto set
their hands and seals the day and year first before written

SIGNED SEALED AND DELIVERED by the said

THOMAS WILLIAM LAMB in the presence of:-

} *L. H. Lamb.*

Thomas Lamb

William

Arthur -66-

I EVELYN HART of Greenwoodside Kirklington Carlisle DO SOLEMNLY
AND SINCERELY DECLARE as follows:-

1. On 24th May 1955 I purchased with Frederick Thomas Hart all that close or enclosure of freehold land situate at a place formerly called Hunlow but now called Greenwoodside in the Parish of Kirklington in the County of Cumberland containing by measurement two acres one rood and twenty five perches or thereabouts and numbered 144 on the O.S.Map (1926 Edition) together with the cottage, house and other buildings erected thereon.
2. In that Conveyance I was referred to as Evelyn Slater.
3. On 28th June 1955 I intermarried and became the wife of Frederick Thomas Hart my co-purchaser.
4. On my Marriage Certificate I was described as Evelyn Duckenfield, Spinster. My maiden name was Duckenfield and on my Marriage Certificate of 28th June 1955 I described myself as Evelyn Duckenfield.

I HEREBY SOLEMNLY AND SINCERELY DECLARE that Evelyn Duckenfield referred to in the said Marriage Certificate and Evelyn Slater referred to in the said Conveyance both relate to myself and that I am now Mrs. Evelyn Hart who in the Conveyance was referred to as Evelyn Slater.

AND I MAKE this solemn declaration believing the same to be true
and by virtue of the provisions of the Statutory Declarations
Act 1835.

DECLARED at Carlisle)
in the County of)
Cumbria this 12th)
day of January)
1984)

Everett Hart-

Before me

 J. T. CARR
A Commissioner for Oaths/Solicitor

SCHEDULE A: Applications with Recommendation

03/0080

Item No: 04

Date of Committee: 25/04/2003

Appn Ref No:
03/0080

Applicant:
Mr & Mrs C Fleming

Parish:
Carlisle

Date of Receipt:
28/01/2003

Agent:
Tsada Building Design
Services

Ward:
Yewdale

Location:
17 Glaramara Drive, The Beeches, Carlisle, CA2
6QP

Grid Reference:
337607 554307

Proposal: First floor bedroom extension to side elevation over garage

Amendment:

1. Repositioning of the window on the front elevation and clarification that the window in the side elevation of the extension shall be obscurely glazed.
2. Repositioning of the obscurely glazed window in the side elevation, bringing it closer towards the front elevation.

SOM

Report

Planning Policies:

Carlisle District Plan Housing - Proposal H14

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

Summary of Consultation Responses:

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

English Nature: no objection, subject to the attachment of one supplementary informative to any notice of consent.

Summary of Representations:

Representations Received

SCHEDULE A: Applications with Recommendation

03/0080

Initial:	Consulted:	Reply Type:
The Occupier / Owner, 7 Glaramara Drive	29/01/03	
Mr & Mrs Read, 15 Glaramara Drive	29/01/03	Objection
The Occupier / Owner, 19 Glaramara Drive	29/01/03	
Mr & Mrs N Holmes, 9 Glaramara Drive		Objection
Mr & Mrs Mawdsley, 5 Glaramara Drive		Objection

This application has been advertised by means of notification letters sent to three neighbouring properties. In response to the original plans submitted letters of objection have been received from the occupants of three neighbouring properties. Objections have been received on the grounds that;

1. the first floor extension would be overbearing;
2. it would result in overlooking/loss of privacy;
3. the proposal would result in vehicles being parked on the road;
4. it would result in loss of light; and
5. the extension would be out of character with other properties on the estate.

Concern has also been expressed that the foundations may not be capable of supporting the first floor extension above the garage.

Three further letters of objection have been received in response to the amended plans submitted. No new issues are raised by the additional letters received.

Details of Proposal/Officer Appraisal:

Planning History:

There is no relevant planning history relating to this site.

Details of Proposal:

This application was deferred at the last meeting of this Committee in order to undertake a site visit. The site visit took place on the 23rd April.

It will be recalled that this application seeks planning permission for the erection of a first floor extension to the side elevation of 17 Glaramara Drive, The Beeches, Carlisle. The property is a detached property of modern construction, finished with a combination of red facing brick and rendered and dashed walls. The property is situated within a residential estate on the outskirts of Carlisle, just off Wigton Road. The application site is enclosed to the east, west and north by residential properties. To the south of the application site, on the opposite side of the estate road are several mature trees, beyond which there is open countryside. A plan indicating the location of the property and its relationship with the adjoining properties is reproduced following this report.

The proposal, as originally submitted, sought approval for the erection of a first floor extension to provide an additional bedroom with en-suite toilet. The extension, which shall be built above the ground floor garage and utility, projects 3.1 metres from the

SCHEDULE A: Applications with Recommendation

03/0080

side elevation of the property occupying the full depth of the first floor gable wall. The height of the proposed first floor extension and external materials to be used matches that of the existing dwelling.

An amended plan has been received repositioning of the window on the front elevation and clarifying that the window in the side elevation of the extension shall be obscurely glazed.

A further amended plan has been received which repositions the obscurely glazed window in the side elevation, bringing the window closer to the front elevation. The applicant has amended the plan to ensure that the window in the side elevation does not overlook the patio area to the rear of No.15 Glaramara Drive. A copy of the revised plan illustrating the proposed extension is reproduced following this report.

With regards to this application it is felt that the main issues to consider are the potential impact upon the amenities of neighbouring properties, in particular the property No.15 Glaramara Drive, which is adjacent to the location of the proposed extension. Two photographs illustrating the relationship between the application site and No.15 Glaramara Drive are reproduced in the Schedule.

In considering this application Policy H14 of the Carlisle District Local Plan is of relevance.

Members will note that letters of objection have been received from the occupants of three neighbouring properties. The objectors concerns are addressed in the paragraphs below.

The extension would project 2.1 metres beyond the rear of No.15 Glaramara Drive. There is also a 1.9 metre gap between No.15 and No.17 Glaramara Drive. On that basis it is not considered that the extension proposed would be overbearing to the occupants of that property. It will also be noted that a condition has been imposed requesting that the windows in the side and rear elevation shall be obscurely glazed, thereby ensuring that the extension will result in any overlooking or loss of privacy for the occupants of any neighbouring properties. It is not considered that the extension will not result in an unreasonable loss of light to neighbouring properties.

The design of the extension is in keeping with other properties on the estate. Members will note from the photograph of the property, which is reproduced in the Schedule, that No.19 Glaramara Drive is very similar in design.

The objectors concerns as to whether or not the foundations are capable of supporting the first floor extension have been investigated. Officers of the Building Control Department inform me that the foundations are capable of supporting the first floor extension.

In conclusion, it is not considered that the development adversely affects the amenities of adjacent properties by poor design, unreasonable overlooking or unreasonable loss of daylight or sunlight. The proposal is not considered to be of an unacceptable scale or visually intrusive. It is considered acceptable in terms of siting design and materials used. The proposal is in accordance with Policy H14 of the

SCHEDULE A: Applications with Recommendation

03/0080

Carlisle District Local Plan and is therefore recommended for approval.

Human Rights Act 1998

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

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

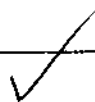
Article 7 provides that there shall be "No Punishment Without Law" and may be applicable in respect of enforcement proceedings taken by the Authority to regularise any breach of planning control;

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

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

The proposal has been considered against the above Protocol of the Act but in this instance, it is not considered that there is any conflict.

Recommendation: Grant Permission



Page 79 →

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.

2. The external walling and roofing materials to be used in the building works hereby permitted shall be identical to those in the existing building. If any other material is proposed no development shall take place until such has been approved, in writing, by the local planning authority.

Reason: To ensure the works harmonise as closely as possible with the existing building.

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

Reason: In order to protect the privacy and amenities of residents in close

SCHEDULE A: Applications with Recommendation

03/0080

proximity to the site.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that (order), the toilet window on the north elevation and the bedroom window on the west elevation shall be obscurely glazed and remain so to the satisfaction of the local planning authority.

Reason: In order to protect the privacy and amenities of residents in close proximity to the site.



Department of Environment & Development
Planning Services

Head of Planning Services: Alan Eales DE/TP MURTP Telephone: (01223) 817000
Civic Centre, Carlisle CA3 8QG Fax: (01223) 817169

17 Glaramara Drive

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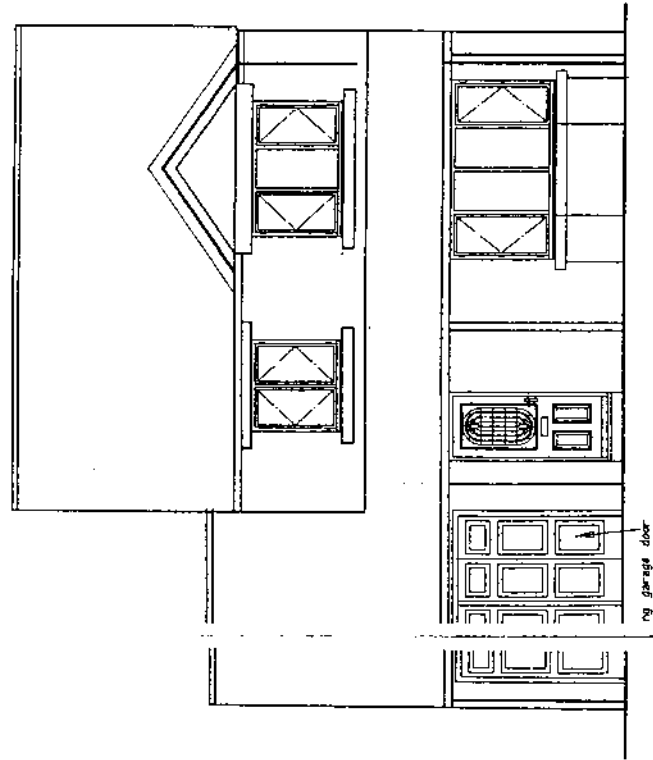
28/1/2003

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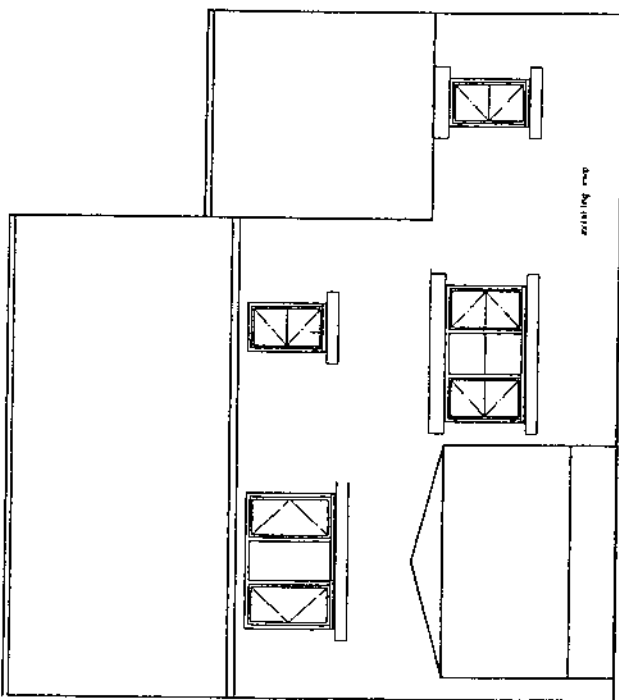
RECEIVED

28 JAN 2003

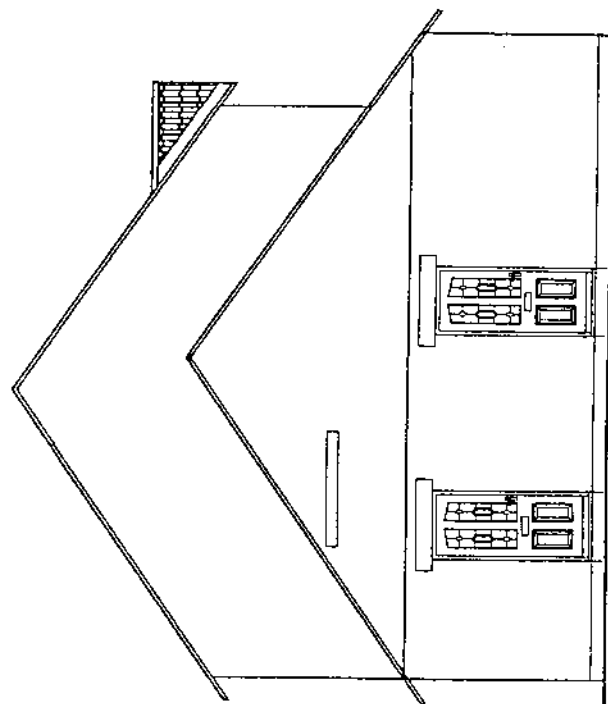
.....2003/0080



Front



Rear

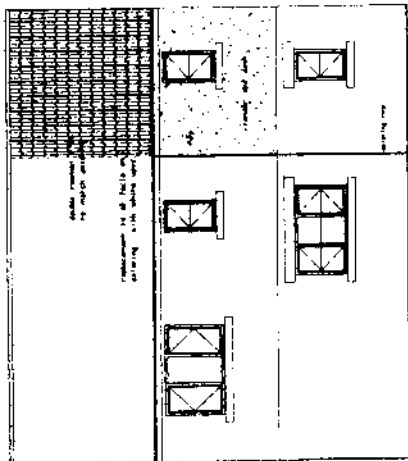


Gable

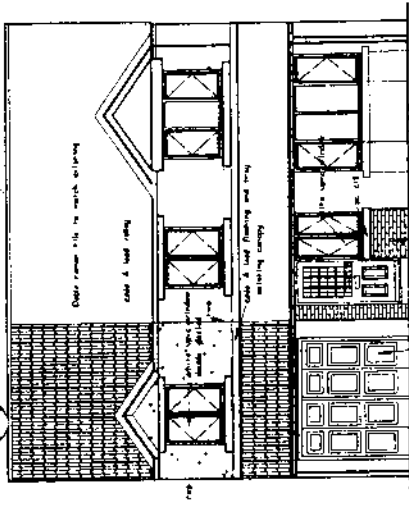
NO. 17	28 FEB 2003
DATE	28 FEB 2003
TIME	10:00 AM
BY	28 FEB 2003
FOR	28 FEB 2003

28 FEB 2003
28 FEB 2003

AS EXISTING ELEVATIONS
NO 17 Galamara Drive

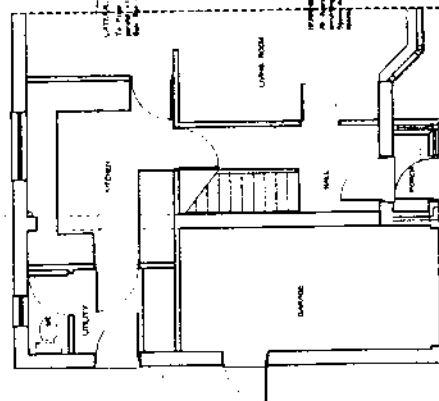


Rear
ELEVATIONS 1:50

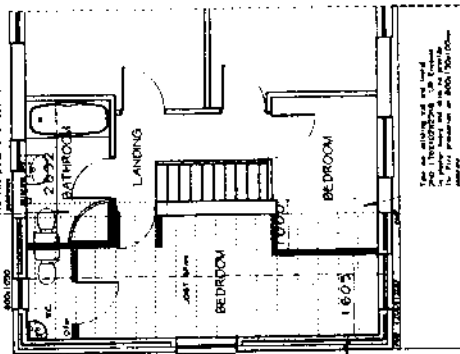


Front

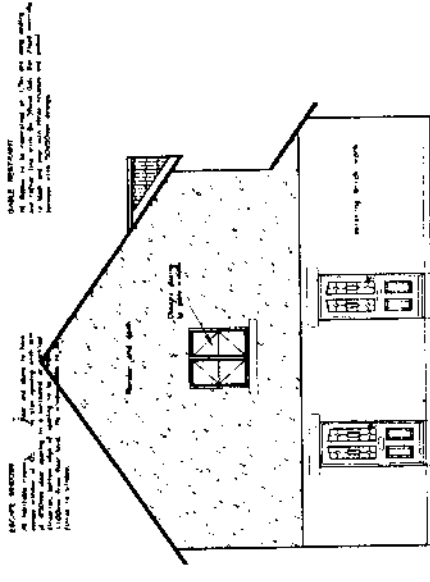
EXISTING FLOOR
LEVEL 0.000
NEW FLOOR LEVEL 0.000
NEW FLOOR LEVEL 0.000
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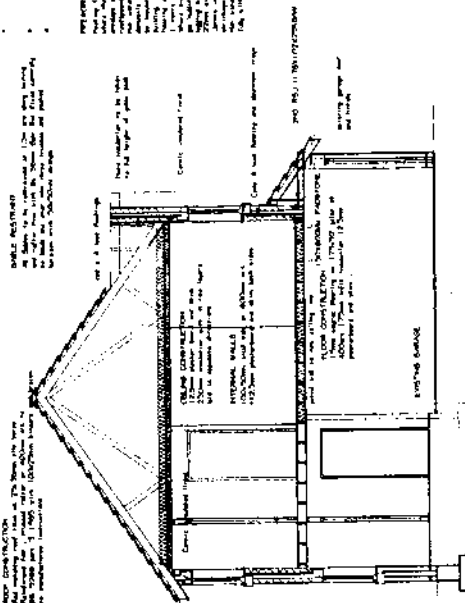
GROUND FLOOR PLAN 1:50



FIRST FLOOR PLAN 1:50



Section AA1:50



TRADA BUILDING DESIGN SERVICES

Trada Cottage, Longmore, Galloway, CA6 5PA
Telephone: (01224) 791810
Mobile: (07957) 559112

Job title
PROPOSED FIRST FLOOR BEDROOM,
EXTENSION TO NO 17 GALARAMARA
DRIVE, CARLISLE

08/01/04
18 Aug 2003

08/01/04

Dwg No 4/2003/1B	Client MR & MRS J. H. HARRIS 17 GALARAMARA DRIVE CARLISLE	Amendments 1. REVISION 2. REVISION 3. REVISION	Dwg Date 23/1/2003	Scale A5 SHOWN
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Note: Do not change any part of above specification
without consultation with BCO Officer.

Photograph 1: Photograph of the front elevation of No.17 Glaramara Drive. No.19 Glaramara Drive, which is similar in design to the extension proposed, can be seen on the right handside of the picture.



Photograph 2: Photograph of No.17 Glaramara Drive illustrating its relationship with No.15, which is the property on the left handside of the photograph.



Photograph 3: Photograph of the rear elevation of No.17 Glaramara Drive.



SCHEDULE A: Applications with Recommendation

03/0124

Item No: 05

Date of Committee: 25/04/2003

Appn Ref No:
03/0124

Applicant:
Bimson & Martin

Parish:
Beaumont

Date of Receipt:
04/02/2003

Agent:

Ward:
Burgh

Location:
L/A Barn, Monkhill Hall, Monkhill

Grid Reference:
334361 558459

Proposal: Conversion of existing barn plus extension to form 3no. dwellings

Amendment:

John

Report

Planning Policies:

Carlisle District Plan Housing - Proposal H12

Proposals for the conversion of non residential property to provide residential accommodation in locations where planning permission for new build residential development would not be granted will not be approved unless:

1. The building is of permanent construction; and
2. The building can be converted without extensions or major alterations which would destroy its character; and
3. The details of the proposed conversion respect the building's character; and
4. Adequate access and appropriate car parking can be achieved.

Where appropriate, in order to retain the character and fabric of historic farm buildings, development rights originally permitted by Class A of Part One of Schedule Two to the Town and Country Planning General Development Order (1988 as amended) may be withdrawn by a condition attached to a planning consent.

The conversion of recently constructed or very remote rural buildings will not be permitted.

Summary of Consultation Responses:

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

SCHEDULE A: Applications with Recommendation

03/0124

Beaumont Parish Council: The Parish Council is concerned about the creation of a total of four additional dwellings in this location, where there are narrow road, and no speed limits.

Environment Agency (N Area (+ Waste Disp)): Comments awaited.

Summary of Representations:

Representations Received

Initial:	Consulted:	Reply Type:
The Occupier / Owner, Monkhill Hall	06/02/03	
R A Chew, Millcroft	06/02/03	Comment Only
Mr & Mrs Rigg, Gracelands	06/02/03	Objection
Mr & Mrs N Tyson, 4 Monkhill Road		Objection

This application has been advertised by means of a site notice and neighbour notification. To date one letter of objections has been submitted, which states that the objector's septic tank is located in the adjoining field, and vehicles drive through the farmyard to gain access to it. This would not be possible if the proposals are implemented.

Details of Proposal/Officer Appraisal:

Planning History:

In 1991, permission was given for the conversion of part of the hall to form a granny flat.

Details of Proposal:

This application was deferred at the meeting on 14th March, to enable members to visit the site. It will be recalled that this and the following application 01/0125 relate to Monkhill Hall, in Monkhill village. The Hall is located on the southern margin of the village, and comprises a farmhouse, and adjacent farm buildings. Some of these have been vacant and unused for some time. Application 03/0124 proposes the conversion of a large barn into three dwellings. The building is brick built with an asbestos roof and has a largely open frontage. The building has a date stone of 1883.

It is proposed to convert the building to form three dwellings, one with two bedrooms, one with three and one with four. Two extensions are proposed. The first is on the front elevation and provides entrances to the two smaller dwellings. The other is at the northern gable, and provides entrances to the two smaller dwellings. The other is at the northern gable and provides additional

SCHEDULE A: Applications with Recommendation

03/0124

accommodation for the larger unit comprising kitchen, dining room and car port with two bedrooms above.

The application raises a number of issues, as follows: -

1 Interim Housing Policy Statement

Under the terms of P.P.G.3, barn conversions are considered as windfall sites, but this farm complex is located within a settlement, albeit a small one, and in these circumstances, the proposal is regarded as acceptable in terms of its location.

2 Suitability of the buildings for conversion.

Policy H12 and related matters. Photographs reproduced in the schedule indicate that the building is of no great merit, but it is felt that it does meet the basic criterion of Policy H12 ie, it is a building of traditional construction. In addition, members will be aware that PPG 7 advises that the employment of redundant buildings should be a material consideration. In this case, a report has been submitted which concludes the cost of a scheme to convert the buildings for employment use would be uneconomic. Taking these points into account therefore, it is considered the principle of the conversion of the building to residential use is acceptable.

3 Details of the Proposal

Policy H12 requires the details of the conversion in terms of window openings, extensions etc to respect and reflect the character of the buildings. As submitted, it was felt that the elevational details of the scheme, which necessarily involve the construction of substantial infill panels on the front elevation, which faces towards the courtyard, had a uniform and urban style appearance rather as a terrace of houses. This elevation has now been remodelled, reducing the scale of the forward projection and reducing the number of window openings. The result relates much better to the intrinsic character of the building and is considered acceptable.

4 Drainage

The application specifies that foul drainage be dealt with by means of a bio disc system with the outfall connected to a mound. Land drainage consent has now been obtained for this proposal.

The representations received regarding this application and 03/0125 which follows in the schedule raise the issue of access through the farmyard to a septic tank(s) serving adjoining dwellings on the main road frontage. It is argued that a right of access through the farmyard exists for this purpose, and that the development would conflict with this right. This is previously a private matter between the parties involved, but it should be noted that although the applicants accept that a right of access exists, this does not relate to the application site(s). A detailed letter has now been received from the applicant's solicitor which sets out their understanding of the

SCHEDULE A: Applications with Recommendation

03/0124

position. The amended scheme is regarded as acceptable, and approval is recommended.

Human Rights Act 1998

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

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

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

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

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

This application does not raise any Human Rights Act issues.

Minded to Refuse

Recommendation: Grant Permission

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.

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

Reason: To ensure the works harmonise as closely as possible with the existing building.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) there shall be no enlargement or external alterations to the dwelling units to be formed in accordance with this permission, within the meaning of Schedule 2 Part (1) of these Orders, without the written approval of the local planning authority.

SCHEDULE A: Applications with Recommendation

03/0124

Reason: To ensure that the character and attractive appearance of the building(s) is not harmed by inappropriate alterations and/or extensions.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking or re-enacting that Order), no building, garage, shed or other structure be erected within the curtilage of the dwelling hereby permitted without the prior permission of the local planning authority and the approval by them of the design, siting and external appearance of such structures.

Reason: The local planning authority wishes to retain full control over the matters referred to in order to protect the character, integrity and appearance of the building and its setting.

5. No dwelling shall be occupied until drainage works to serve the development hereby permitted have been completed in accordance with the approved details.

Reason: To ensure that adequate drainage facilities are available.

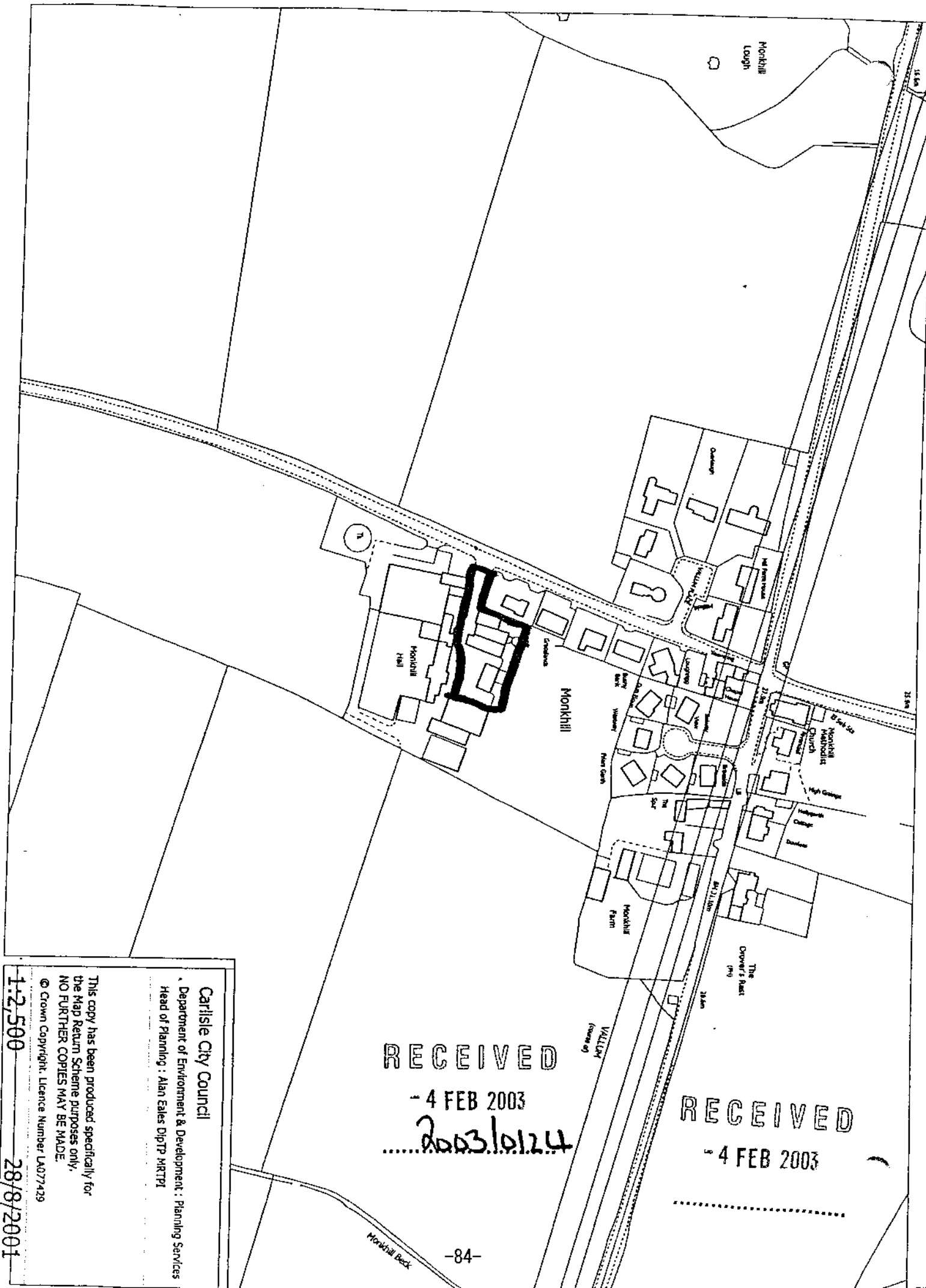
6. Details shall be submitted of the proposed hard surface finishes to all public and private external areas within the proposed scheme and approved by the local planning authority before any site works commence.

Reason: To ensure that materials to be used are acceptable.

7. Particulars of height and materials of all screen walls and boundary fences shall be submitted to and approved by the local planning authority prior to the commencement of the development hereby permitted.

Reason: To ensure that the appearance of the area is not prejudiced by lack of satisfactory screening which is not carried out in a co-ordinated manner.

Supp Schedule
Page 18



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- 4 FEB 2003

2003/01/24

RECEIVED

- 4 FEB 2003

Carlisle City Council

Department of Environment & Development : Planning Services
Head of Planning : Alan Eales DipTP MRTPI

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1:2,500

28/8/2001

PROPOSED DEVELOPMENT AT MONKILL HALL
FOR MESSRS BIMSON & MARTIN

DEWEY

4 FEB 2003

2003.01.24

NO TOO DECAYED
TO BE REMOVED

TPO.
DELAYED LIMBS
TO BE REMOVED
SUBJECT TO
CONSENT

EXISTING WALLS TO BE DEMOLISHED

PAKIZ

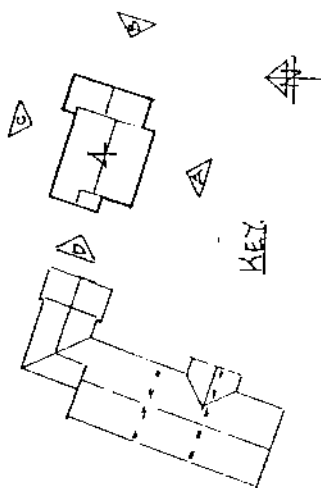
visitor parking

AGRICULTURAL BUILDINGS

~~AGRICULTURAL BUILDINGS~~

MONK HILL HALL

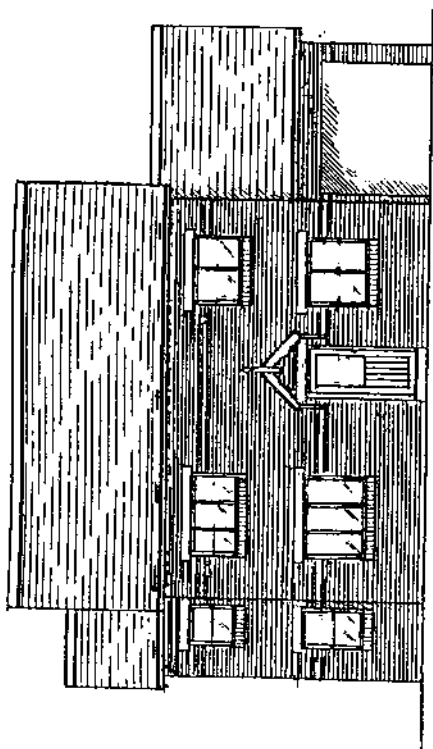
GRANNY FLAT



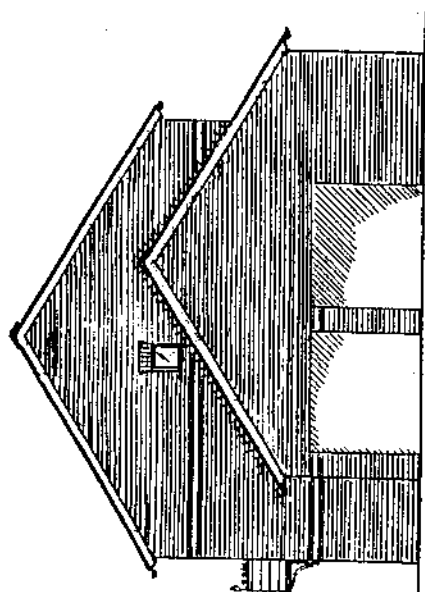
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-3 MAR 2005

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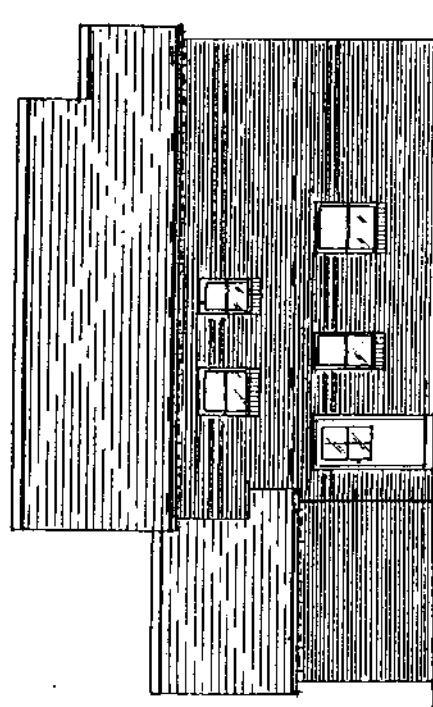
PROPOSED CREATION OF 4 NEW DWELLINGS
INCLUDING 3 INCORPORATING BARN CONVERSION
ON 1 NEWBUILT DETACHED G.W. HILL HALL,
TOUR 64 BY SANDS, CA 91516.
FOR MESSRS. BIRNSON & MARTIN.
NOVEMBER 2002.
BY SAUNDERS & CO.



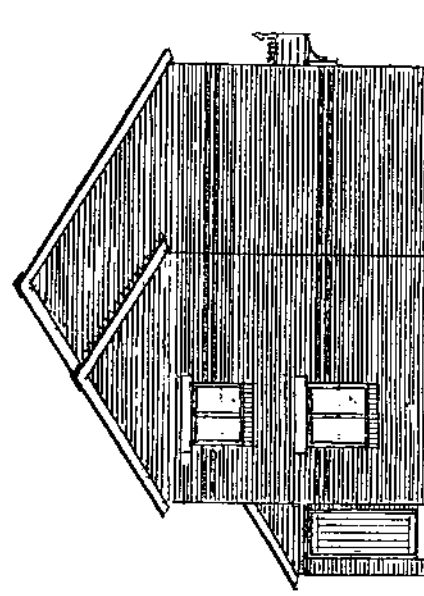
① FRONT (SOUTH) ELEVATION



⑧ EAST SIDE ELEVATION



© REAR (NORTH) ELEVATION

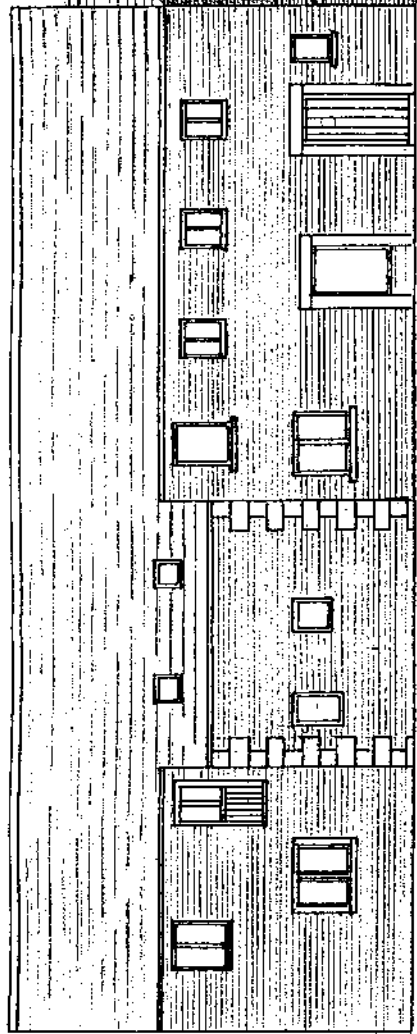


⑦ WEST SIDE ELEVATION

2003/01/17/4

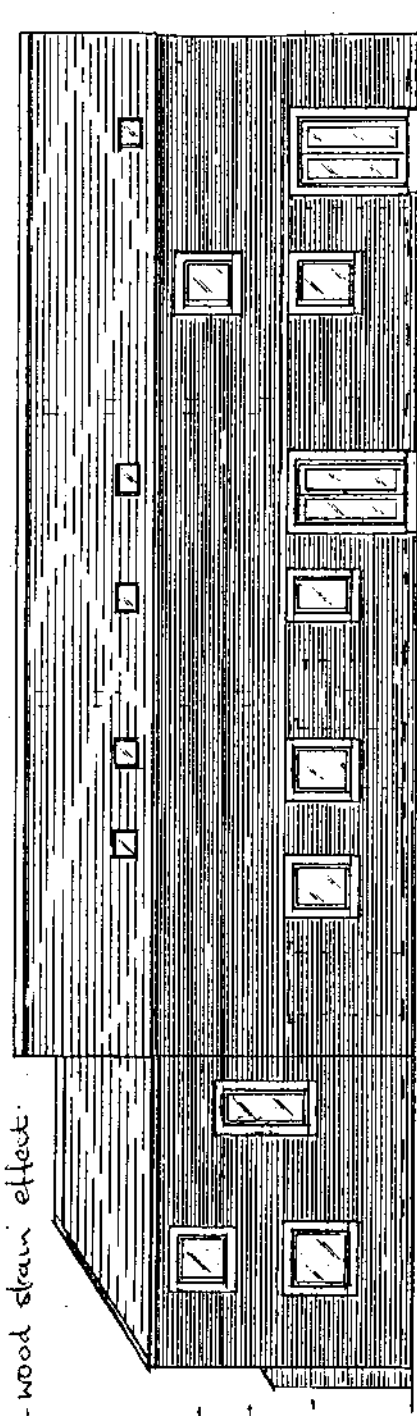
Roof grey slate

Building
Red brick



② EAST (FRONT) ELEVATION OF 1, 2 & 3

Windows
Plastic - wood stain effect



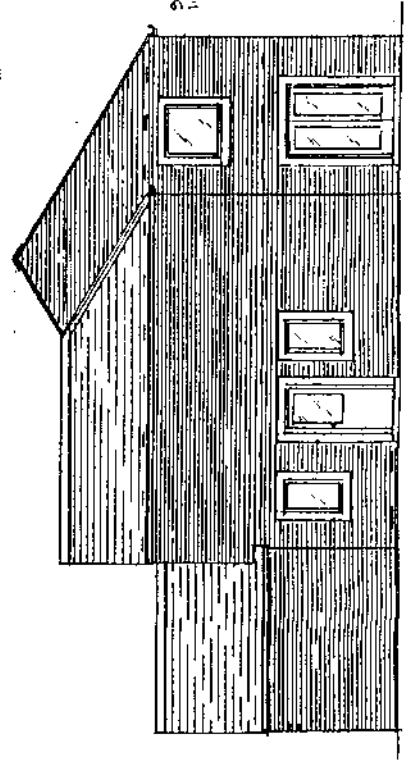
③ WEST (GARDEN) ELEVATION OF 1, 2 & 3

2003/01/17/4

05 MAR 2003

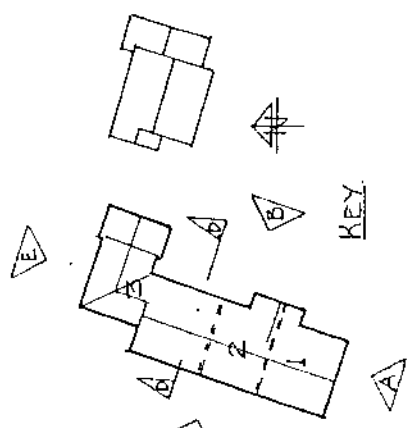
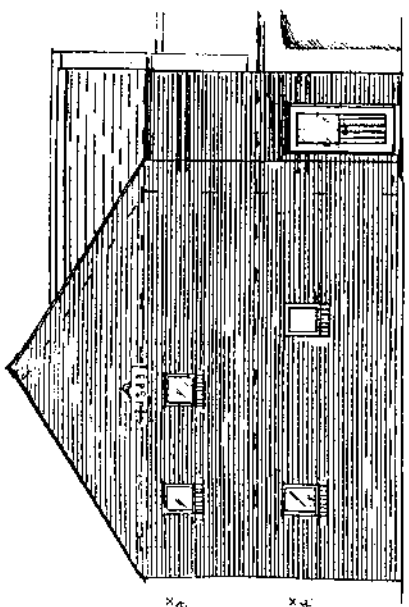
2003/01/17/4

PROPOSED CREATION OF 4 NEW DWELLINGS
INCLUDING INCORPORATING BARN CONVERSION
AT NEWBOLD DETACHED @ MONKSHILL HALL
PLUGH BY SANDS, CARMELISTE
FOR MESSRS DIMSON & MARTIN
NOVEMBER 2002
TOWNING & CO
SCALE 1:100
PROPOSED CREATION OF 4 NEW DWELLINGS

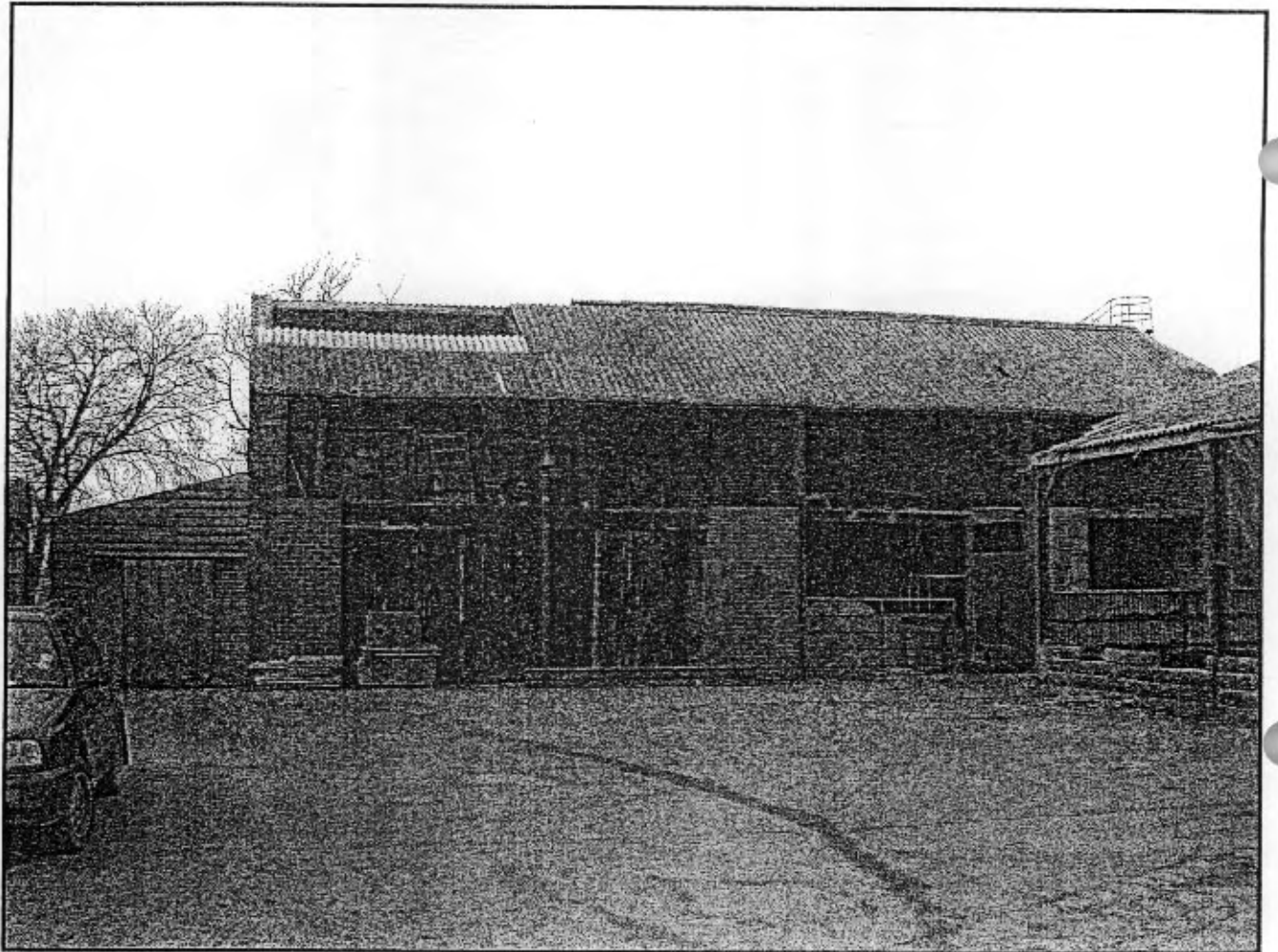


④ SOUTH ELEVATION WITH SECTION OF NO 3

① SOUTH ELEVATION OF NO 1



Barn, Monkhill Hall 2 21.02.03.JPG



CARTMELL SHEPHERD
SOLICITORS

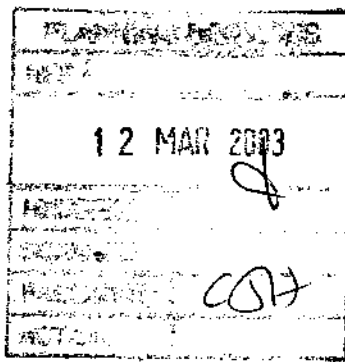
Montgomery Way Rosehill Carlisle CA1 2RW

Telephone: 01228 514077

Fax: 01228 514470. DX 63006 Carlisle. E-mail: cartmell.rosehill@dial.pipex.com

www.cartmells.co.uk

Carlisle City Council
Planning Services
Environment & Development
Civic Centre
Rickergate
CARLISLE
CA3 8QG



Your ref

Mr J Hamer

Our ref

JAN/VAF

Date

11 March 2003

Direct e-mail: jan@cartmells.co.uk

BY FAX AND POST
817199

Dear Mr Hamer

My clients: Patricia Martin & David Ian Bimson
Proposed development at Monkhill, Burgh by Sands, Carlisle

I refer to my previous letter dated 27th February 2003 and, at the request of Ms P A Martin, I enclose a copy of a letter which was sent to Mr & Mrs J Rigg of Gracelands on 4th March 2003. Also enclosed is a copy of the letter received by this firm on 16th February 2001 from the Cumberland Building Society, which is referred to in the letter to Mr & Mrs Rigg.

I have not heard from Mr & Mrs Rigg in reply to my letter dated 4th March 2003 but, again at the request of Ms P A Martin, I have today resent the letter to Mr & Mrs Rigg by registered post.

Please feel free to telephone me if there are any points you would like to discuss or if you have any queries.

Yours sincerely

J A Nicholson

Michael G. Barnes
Andrew L. Thorneley
Robert L. Good
Timothy H. Cartmell
Michael J. Kewish

A. H. Bryd Holmes
Timothy V. Sykes
Diana F. Armstrong
Julian M. R. Nelson
Michael J. Fisher

Nicholas Richards
Carol Fish
Joanna M. H. Jeeves
Matthew J. L. Bibby
Susan E. Duff

Hilary P. Holland
Rasheeda Jabbar

Associates
Catherin E. Forrester
Jonathan M. Richardson
Peter J. Stafford

COPY

Private & Confidential
Mr & Mrs J Rigg
Gracelands
Monkhill
Burgh by Sands
CARLISLE
CA5 6DB

JAN/VAF

4 March 2003

Direct e-mail: jan@cartmells.co.uk

Dear Sir and Madam

Our clients: Mr D I Bimson & Ms P A Martin
Proposed development at Monkhill Hall, Burgh by Sands

We are instructed by Mr D I Bimson & Ms P A Martin in connection with the above matter, and we understand that you wrote to Carlisle City Council on 20th February 2003 with a concern over access to the septic tank which serves your Property. The City Council have provided us with a copy of your letter dated 20th February 2003, and we note that you claim a right of access through the farm which leads to the field in which the septic tank serving your Property is situated.

So far as we are aware, you do not have a right of access over the site which our clients are proposing to develop. You may recall that we sought to obtain a copy of the original Conveyance completed in 1974 under which Gracelands was sold to a Mr & Mrs Humes, but you were not prepared to release a copy of the relevant Conveyance to this firm. We enclose a copy of a letter which we received from Cumberland Building Society dated 16th February 2001, the content of which is self-explanatory.

Are you now prepared to authorise the release of a copy of the 1974 Conveyance, so that we can consider the precise nature and extent of the rights to which your Property has the benefit?

We look forward to hearing from you.

Yours faithfully
CARTMELL SHEPHERD


CC Mr D I Bimson & Ms P A Martin

COPY

Cumberland Building Society

Chief Office
Cumberland House
Castle Street
Carlisle : CA3 8RX
Telephone (01228) 541341
DX 63025 CARLISLE
Fax (01228) 525309

16th February 2001

Dear Sirs

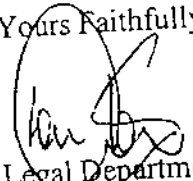
Re: Joe Rigg Gracelands Monkhill Burgh by Sands Carlisle
Your Clients: Martin and Riley of Monkhill Hall Farm

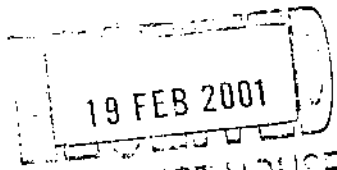
I refer to your letter of 13th February 2001 together with the enclosure which has been referred to the writer and note the comments made.

Mr Rigg has subsequently contacted the Society and withdrawn his authorisation for any information to be released to you.

I am sorry I cannot be of assistance and return your cheque for £25.00.

Yours Faithfully


Legal Department


19 FEB 2001
AT VIADUCT HOUSE

CARTMELL SHEPHERD
DX 63006
CARLISLE

CARTMELL SHEPHERD
SOLICITORS

Montgomery Way Rosehill Carlisle CA1 2RW
Telephone: 01228 514077
Fax: 01228 514470, DX 63006 Carlisle. E-mail: cartmell.roschill@dnat.pipex.com
www.cartmells.co.uk

Carlisle City Council
Planning Services
Environment & Development
Civic Centre
Rickergate
CARLISLE
CA3 8QG

Your ref Mr J Hamer
Our ref JAN/VAF
Date 11 March 2003

Direct e-mail: jan@cartmells.co.uk

BY FAX AND POST
817199

Dear Mr Hamer

My clients: Patricia Martin & David Ian Bimson
Proposed development at Monkhill, Burgh by Sands, Carlisle

I refer to my previous letter dated 27th February 2003 and, at the request of Ms P A Martin, I enclose a copy of a letter which was sent to Mr & Mrs J Rigg of Gracelands on 4th March 2003. Also enclosed is a copy of the letter received by this firm on 16th February 2001 from the Cumberland Building Society, which is referred to in the letter to Mr & Mrs Rigg.

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Yours sincerely

J A Nicholson



PLANNING SERVICES	
REF	
11 MAR 2003	
RECORDED	
SEARCHED	
INDEXED	
FILED	
CASH	

Michael G. Barnes
Andrew L. Thornley
Robert L. Good
Timothy H. Cartmell
Michael J. Kewish

A. H. Lloyd Holmes
Timothy V. Sykes
Diana F. Armstrong
Julian M. R. Nelson
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Rashida Jubben

Associates
Catherine E. Forrester
Jonathan M. Richardson
Peter J. Suggind

COPY

Private & Confidential
Mr & Mrs J Rigg
Gracelands
Monkhill
Burgh by Sands
CARLISLE
CA5 6DB

JAN/VAF

4 March 2003

Direct email: jan@cartmells.co.uk

Dear Sir and Madam

Our clients: Mr D I Bimson & Ms P A Martin
Proposed development at Monkhill Hall, Burgh by Sands

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CARTMELL SHEPHERD



CC Mr D I Bimson & Ms P A Martin

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COPY

16th February 2001

Dear Sirs

Re: Joe Rigg Gracelands Monkhill Burgh by Sands Carlisle
Your Clients: Martin and Riley of Monkhill Hall Farm

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I am sorry I cannot be of assistance and return your cheque for £25.00.

Yours Faithfully


Legal Department

19 FEB 2001
AT VIADUCT HOUSE

CARTMELL SHEPHERD
DX 63006
CARLISLE

FOR YOUR PROTECTION TELEPHONE CALLS MAY BE RE

8 Longburgh Fauld
Burgh by Sands
CARLISLE
CA5 6AE
Tel/Fax 576130

Ref: 03/0125

10 March 2003

Fao Mr John Hamer
Department of Environment & Development
Civic Centre
CARLISLE

Dear Mr Hamer

Further to my telephone call this morning, I enclose a copy of the consent to discharge as discussed and understand you have received the amended plans I delivered to the reception on Wednesday re. the above planning application.

I hope you now have everything you require and that you will be able to recommend the application for approval at the forthcoming planning committee meeting.

Yours sincerely

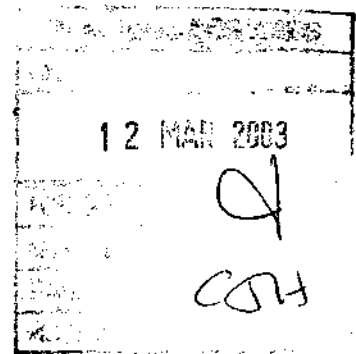
Patricia Martin

Patricia Martin

11th March.

I have spoken to Andrew Nicholson of Cartnell Shepherd who has assured me he is writing to you with copies of the letter he sent to myself & Mr & Mrs Riggs last week. Please contact me if you need any further assistance.

Patricia Martin



Consent to discharge

Water Resources Act 1991

Consent Holder: Patricia Martin & David Bimson
8 Longburgh Fold
Burgh-by-Sands
Carlisle
Cumbria
CA5 6AE

Consent to Discharge from: Monkhill Hall
Monkhill
Carlisle
Cumbria
CA5 6DD

Consent Number: 017690449

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Consent to discharge	2
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1.2 <u>Nature</u>	3
1.3 <u>Place of Discharge</u>	3
1.4 <u>Sampling Point Requirements</u>	3
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1.8 <u>Maintenance</u>	4
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2 Summary Listing of Substances to be controlled under GW Regulations	6
3 Site Plan.....	7

Consent history

Detail	Date	Comment
Consent No. 017690449	Issued Date: 7 th March 2003	

Consent to discharge

Water Resources Act 1991
Section 88, Schedule 10
(as amended by the
Environment Act 1995)
Groundwater Regulations 1998



**ENVIRONMENT
AGENCY**

Consent to discharge

Consent number
017690449

To:
**Patricia Martin & David Bimson
8 Longburgh Fold
Burgh-By-Sands
Carlisle
Cumbria
CA5 6AE**

The Environment Agency ("the Agency") in pursuance of its powers under the Water Resources Act 1991 (as amended by the Environment Act 1995) and the Groundwater Regulations 1998 hereby consents to the making of a discharge of:
biologically treated sewage effluent containing no trade effluent

From:
the sewage treatment works

At:
**Monkhill Hall
Monkhill
Carlisle
Cumbria
CA5 6DD**

To:
groundwater

Subject to the conditions set out in this notice of Consent to Discharge.

Under the provisions of Regulation 11 of the Groundwater Regulations 1998, the Agency will review this Consent at least every 4 years and may renew, amend or revoke the Consent in writing at any time.

This consent is issued on: 7th March 2003

This consent takes effect on: 7th March 2003

Signed


Simon Barron, Team Leader, Eden & Border Esk

CARTMELL SHEPHERD
SOLICITORS

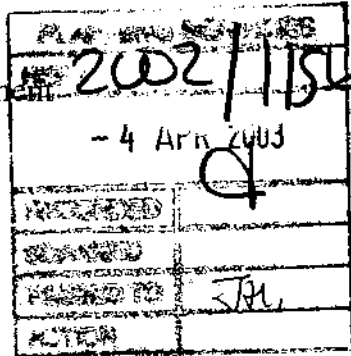
Montgomery Way Rosehill Carlisle CA1 2RW

Telephone: 01228 514077

Fax: 01228 514470. DX 63006 Carlisle. E-mail: rosehill@cartmells.co.uk

www.cartmells.co.uk

Carlisle City Council
Planning Services
Environment & Development
Civic Centre
Rickergate
CARLISLE
CA3 8QG



Your ref Mr J Hamer

Our ref JAN/VAF

Date 3 April 2003

Direct e-mail: jan@cartmells.co.uk

Dear Mr Hamer

My clients: Patricia Martin & David Ian Bimson
Proposed development at Monkhill, Burgh by Sands, Carlisle

I refer to our telephone conversation on 21st March 2003 and, as promised, write with further details of the rights which were reserved in favour of the residential dwelling now known as "Gracelands" when that Property was originally conveyed to a Mr & Mrs J Humes on 24th July 1974.

As I mentioned on the telephone, the land on which the dwelling known as Gracelands is situated was subject to a Mortgage in favour of the Agricultural Mortgage Corporation plc in 1974 when the sale of Gracelands was completed. Accordingly, it was necessary to obtain a Deed of Release from the Agricultural Mortgage Corporation contemporaneously with completion of the Conveyance of Gracelands.

Whilst I do not have a copy of the 1974 Conveyance in favour of Mr & Mrs Humes, I do have a copy of the Deed of Release which sets out the specific rights required by the purchasers of Gracelands to drain water into the septic tank which would be required to service the dwelling. Those specific rights are as follows:

"..... (b) a right to construct a septic tank in the adjoining land of the Borrowers part of Ordnance Survey number 279 in the position approximately indicated on the said plan with the right to lay pipes leading thereto and therefrom and to discharge the effluent from the said septic tank into the existing drain and finally to Monkhill Beck TOGETHER WITH the necessary rights of entry on the said adjoining land for the purpose of constructing, cleansing, maintaining, repairing and renewing such septic tank and the pipes leading thereto and therefrom and the subsequent Purchaser and his successors in title doing as little damage as necessary in exercising the said right and making good any damage done by the exercise of such rights as aforesaid".

Michael G. Barnes
Andrew L. Thorneley
Robert L. Good
Timothy H. Cartmell

Michael J. Kewish
A. H. Bowd Holmes
Timothy V. Sykes
Diana F. Armstrong

Julian M. R. Nelson
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Juanna M. H. Jeeves
Susan E. Duff
Hilary F. Holland
Rasheeda Jabbar

Associates
Catherin E. Forrester
Peter J. Stafford
J. Andrew Nicholson
Michael Dwyer

C I enclose a copy of the plan attached to the Deed of Release which shows the site for the proposed bungalow now known as Gracelands edged in red. The intended location for the septic tank is marked with the letters "S.T" and shown coloured yellow on the plan. In addition, I enclose a copy of an extract from the Ordnance Survey plan (1915 Edition) which shows the full extent of field number 279. It would certainly appear to be the case that any rights necessary to use, service and maintain the septic tank which lies to the rear of Gracelands do not require (or have the benefit of) any right of access over the site for which the above named applicants now seek planning permission.

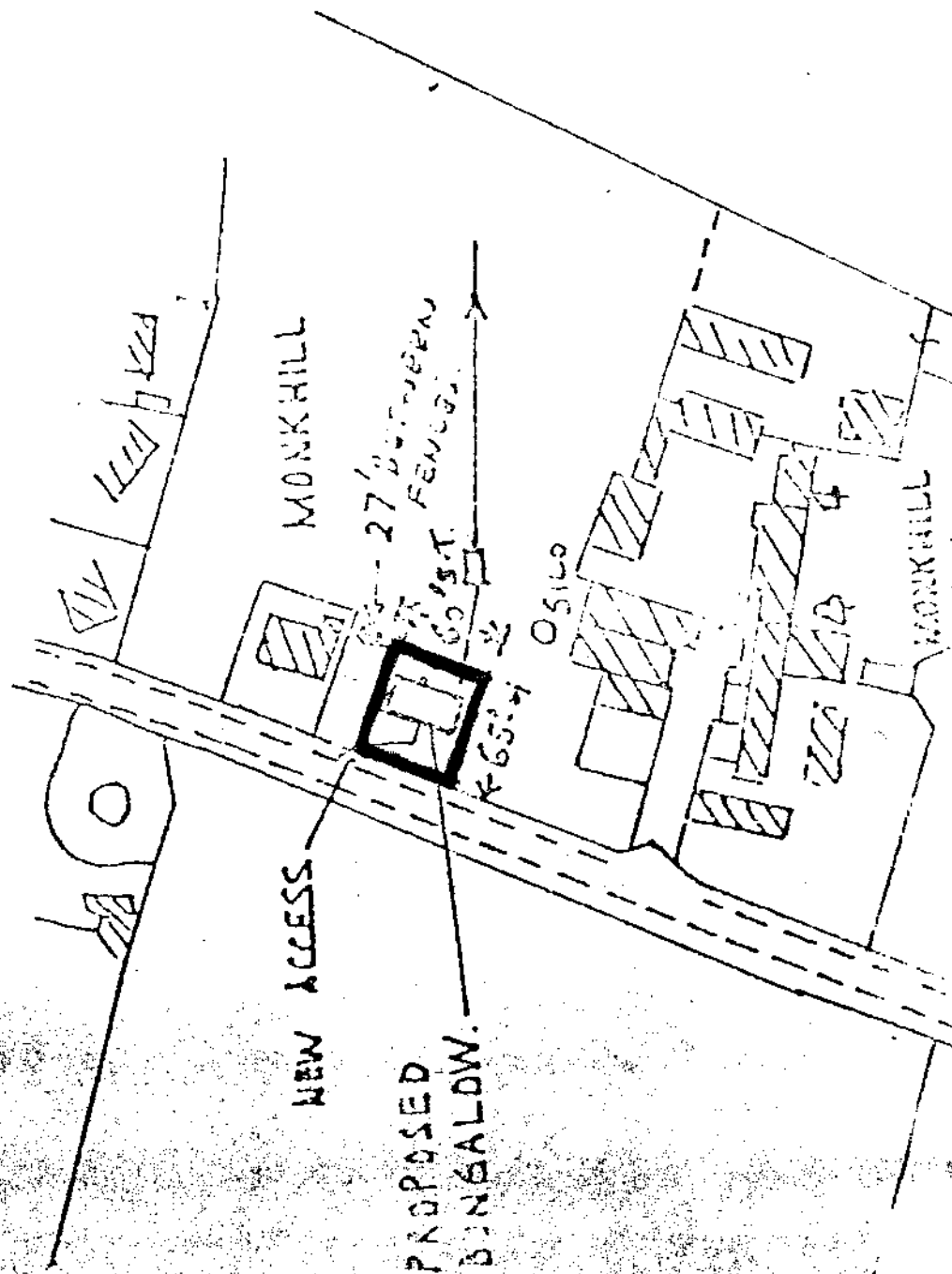
I hope that the enclosed information is of some assistance to the Committee when they next meet to consider the application for a development at Monkhill Hall Farm, but please do let me know if there is any further information which is required and I will be happy to provide it.

Yours sincerely

A handwritten signature in black ink, appearing to be 'J. A. Nicholson', with a long horizontal flourish extending to the right.

J A Nicholson

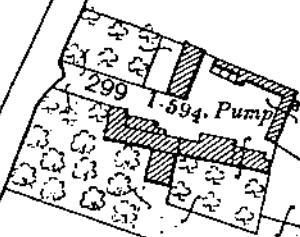
SCALE 1 : 1250



286
9-370

279
2-377

(Site of)
L 264
2-582
of)



Monkhill Hall

300
8-420

301
6-511

302
5-591

298
9-865

303
5-331

304
7-637

Def.

53
6-691

56
8-462

296
-243



305
9-96

306
2-220

SCHEDULE A: Applications with Recommendation

03/0125

Item No: 06

Date of Committee: 25/04/2003

Appn Ref No:
03/0125

Applicant:
Bimson & Martin

Parish:
Beaumont

Date of Receipt:
12/02/2003

Agent:

Ward:
Burgh

Location:
L/A Barn, Monkhill Hall, Monkhill

Grid Reference:
334361 558459

Proposal: Erection of 1no. dwelling on site of existing barn/shed

Amendment:

John

Report

Planning Policies:

Cumbria & Lake District Joint Structure Plan Policy 40

In rural settlements outside the National Parks and AONBs, housing development will normally be permitted, especially where it would help to sustain the existing local community, and provided it is in sympathy with the scale and character of the existing settlement. Outside rural settlements, new dwellings will normally only be permitted for those engaged in agriculture where such a dwelling is essential for the working of the farm.

Carlisle District Plan Housing - Proposal H5

Within the following settlements, large scale residential development will not be permitted. Proposals for small scale residential development will normally be acceptable providing that:

1. The site is well related to the landscape of the area and does not intrude into open countryside; and
2. The scale of the proposed development is well related to the scale, form and character of the existing settlement; and
3. The layout of the site and the design of the buildings is well related to existing property in the village; and
4. The siting and design of the buildings is well related to and does not adversely affect the amenity of neighbouring property; and

SCHEDULE A: Applications with Recommendation

03/0125

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

Aglionby, Baldwinholme, Banks, Barclose, Beaumont, Blackford, Blackwell, Boltonfellend, Boustead Hill, Broadwath, Brisco, Brunstock, Burgh-by-Sands, Burnrigg, Cardewlees, Cargo, Carleton, Castle Carrock, Cotehill, Cumdivock, Cummersdale, Cumrew, Cumwhinton, Cumwhitton, Durdar, Easton, Farlam, Faugh, Fenton, Gaitsgill, Gilsland, Great Corby, Great Orton, Grinsdale, Hallbankgate, Harker, Hayton, Hayton Townhead, Heads Nook, Hornsby, Boughton, How Mill, Irthington, Kirkcambeck, Kirkandrews-on-Eden, Knells, Lanercost, Laversdale, Linstock, Little Orton, Low Crosby, Longburgh, Low Row, Lyneholme, Midgeholme, Milton, Moat, Monkhill, Moorhouse, Newby East, Newtown, Raughtonhead, Rockcliffe, Rickerby, Scaleby, Scotby, Smithfield, Stainton, Stockdalewath, Talkin, Tarraby, Thurstonfield, Tindale, Todhills, Walton, Warwick-on-Eden, Warwick Bridge (including Little Corby & Corby Hill), Westlinton, Wetheral, Wetheral Pasture.

Carlisle District Plan Housing - Proposal H16

High standards of design in new housing sites and dwellings will be required. Matters to be considered include: The layout of roads and buildings; footpaths and cycleways; the retention of existing trees and hedgerows; planning out crime; the provision of public open space; the relationship to adjacent development.

Summary of Consultation Responses:

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

Beaumont Parish Council: No observations; although the Parish observations on 03/0124 should be noted.

Drainage Engineer - Commercial & Technical Services: No mains drainage; a scheme will be required.

Cumbria County Council - (Archaeological Services): No objection.

Environment Agency (N Area (+ Waste Disp)): Land drainage consent has been granted for the proposed drainage scheme.

Summary of Representations:

SCHEDULE A: Applications with Recommendation

03/0125

Representations Received

Initial:	Consulted:	Reply Type:
The Occupier / Owner, Monkhill Hall	13/02/03	
The Occupier / Owner, Millcroft	13/02/03	
Mr & Mrs J Rigg, Gracelands	13/02/03	Objection

This application has been advertised by means of a site notice and neighbour notification. In response, one letter of objection has been received, which raises the issue of a right of way to a septic tank on neighbouring land.

Details of Proposal/Officer Appraisal:

Planning History:

In 1991, permission was given for the conversion of part of the hall to form a granny flat.

Details of Proposal:

This application was deferred at the meeting of the Committee on 14th March, to enable members to visit the site. It will be recalled this application relates to a site adjacent to the building which is the subject of application 03/0124, and seeks permission for the erection of a single detached dwelling. The site is within the farmyard area and is currently occupied by a farm building, which has been vacant and unused for some years, (see photograph in schedule). It is proposed to redevelop the site with a three bedroom house, with attached garage. The style of the proposed house matches that of the proposed adjacent barn conversion.

The principal issue raised by this application is its acceptability in the light of Policy H5, P.P.G.3 and the interim Housing Policy Statement. Members will be familiar with the criteria of Policy H.5 which is now to be interpreted in the light of the guidelines of the P.P.G. and the Housing Policy Statement. These latter two documents state that in addition to the emphasis on brownfield sites as opposed to greenfield, in the interests of sustainability, there should be more stringent criteria applied to development in smaller settlements within the rural area. In the definition of previously developed land (brownfield) in Annex 3 of P.P.G.3, land and buildings currently used for agriculture or forestry are excluded. In this case, the building currently on the site was formerly used for agriculture, it has been unused for several years. Officers therefore consider that it should properly be regarded as brownfield.

In terms of its relationship with adjoining land and buildings, and the rest of the village, it will be apparent that the site is bounded by the building the subject of application 03/0124 on one side, and existing buildings currently in agricultural use and likely to remain so on the other. Although Monkhill Hall and its curtilage lie at the southern end of the village, it is considered that the site can be regarded as reasonably well related to it and therefore acceptable on the basis of the H5 criteria.

SCHEDULE A: Applications with Recommendation

03/0125

In relating the principles of P.P.G.3 to local circumstances and in particular to Policy H5, the Interim Housing Strategy states that as well as distinguishing between greenfield and brownfield sites, priority should be given to development in larger settlements where services such as schools, shops etc., are principally found, and where development would as a result be more sustainable. In applying the statement to the circumstances of the current application, it is apparent that Monkhill, although it does have a public house, is a small settlement. As an application for a single dwelling on a brownfield site where the H.5 criteria are complied with, however, this level of development is considered acceptable in terms of the Interim Housing Statement. To argue otherwise would be to indicate that no level of development in a small settlement such as Monkhill is acceptable.

As well as these issues of policy, the application also raises a number of detailed issues, principally related also to the preceding application 03/0124 for the barn conversion. In that report, it is explained that revisions have been made to the elevational details of that proposal. Similar changes have been made to the elevations of the proposed house, and these are now considered acceptable.

Also the objection raised to the barn conversion relating to a claimed right of access through the yard also relates to the application for a new dwelling. Detailed comments on this issue are included in the report on application 03/0124.

The proposals are now considered acceptable and approval is recommended.

Human Rights Act 1998

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

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

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

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

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

This application does not raise any Human Rights Act issues.

Recommendation: Grant Permission

Minded to Refuse

SCHEDULE A: Applications with Recommendation

03/0125

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.

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

Reason: To ensure the works harmonise as closely as possible with the existing building.

3. Details shall be submitted of the proposed hard surface finishes to all public and private external areas within the proposed scheme and approved by the local planning authority before any site works commence.

Reason: To ensure that materials to be used are acceptable.

4. Particulars of height and materials of all screen walls and boundary fences shall be submitted to and approved by the local planning authority prior to the commencement of the development hereby permitted.

Reason: To ensure that the appearance of the area is not prejudiced by lack of satisfactory screening which is not carried out in a co-ordinated manner.

5. The development shall be landscaped in accordance with details to be submitted to and approved by the local planning authority and shall include details of the proposed type and species of all planted material including particulars of the proposed heights and planting densities.

Reason: To ensure that a satisfactory landscaping scheme is prepared.

6. 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.



Carlisle City Council

Department of Environment & Development : Planning Services
Head of Planning : Alan Eales DipTP MRTPI

This copy has been produced specifically for the Map Return Scheme purposes only.
NO FURTHER COPIES MAY BE MADE.

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1:2,500

28/8/2001

RECEIVED

- 4 FEB 2003

2003/0125

SCALE 1-250

PROPOSED DEVELOPMENT AT MONKHILL HALL
FOR MESSRS BIMSON & MARTIN

RECEIVED

- 4 FEB 2003

.....2003/0125



NO TWO
DECAYED
LIMBS
TO BE
REMOVED

TPO.
DECAYED LIMBS
TO BE REMOVED
SUBJECT TO
CONSENT

EXISTING WALLS TO BE DEMOLISHED

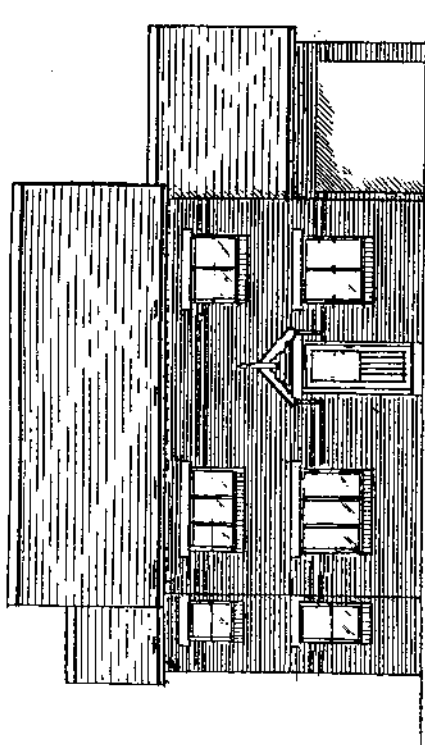
VISITOR PARKING

AGRICULTURAL BUILDINGS

MONKHILL HALL

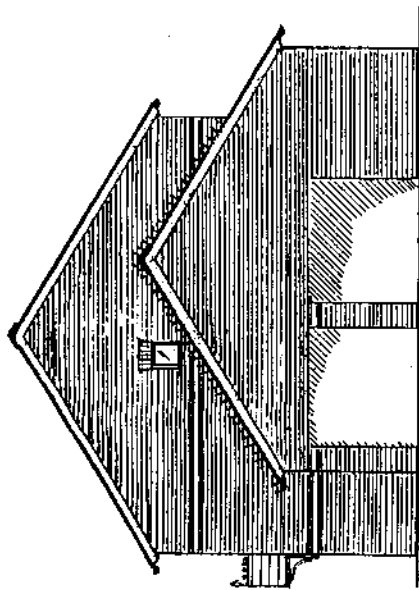
GRANNY FLAT

AGRICULTURAL BUILDINGS

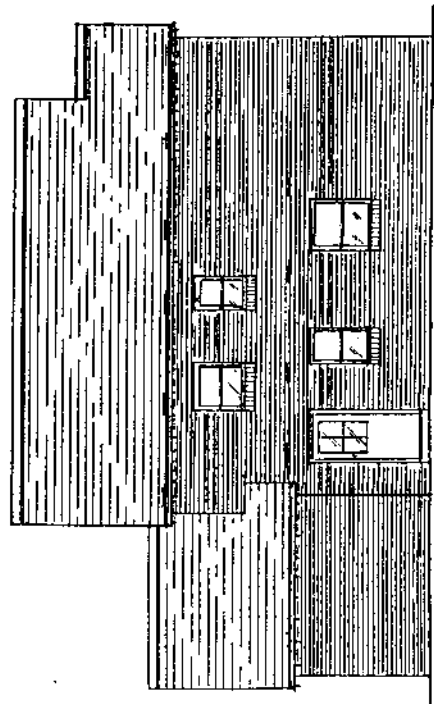


① FRONT (SOUTH) ELEVATION

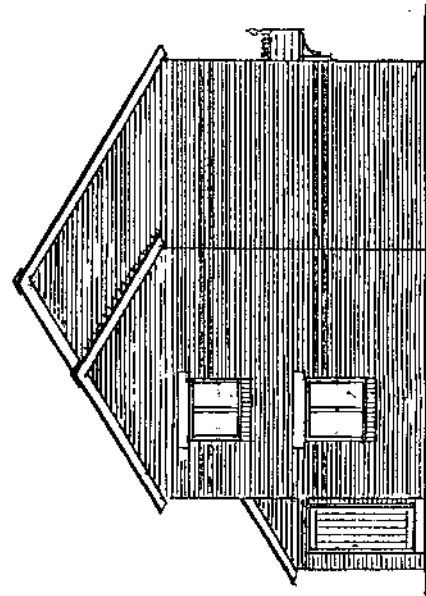
Roof Grey slates
Walls Red brick with blue/black band
finest brick to be discussed.
Windows Plastic white painted effect.



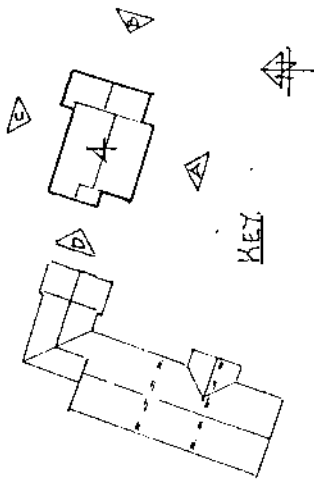
② EAST SIDE ELEVATION



③ REAR (NORTH) ELEVATION



④ WEST SIDE ELEVATION



KEY

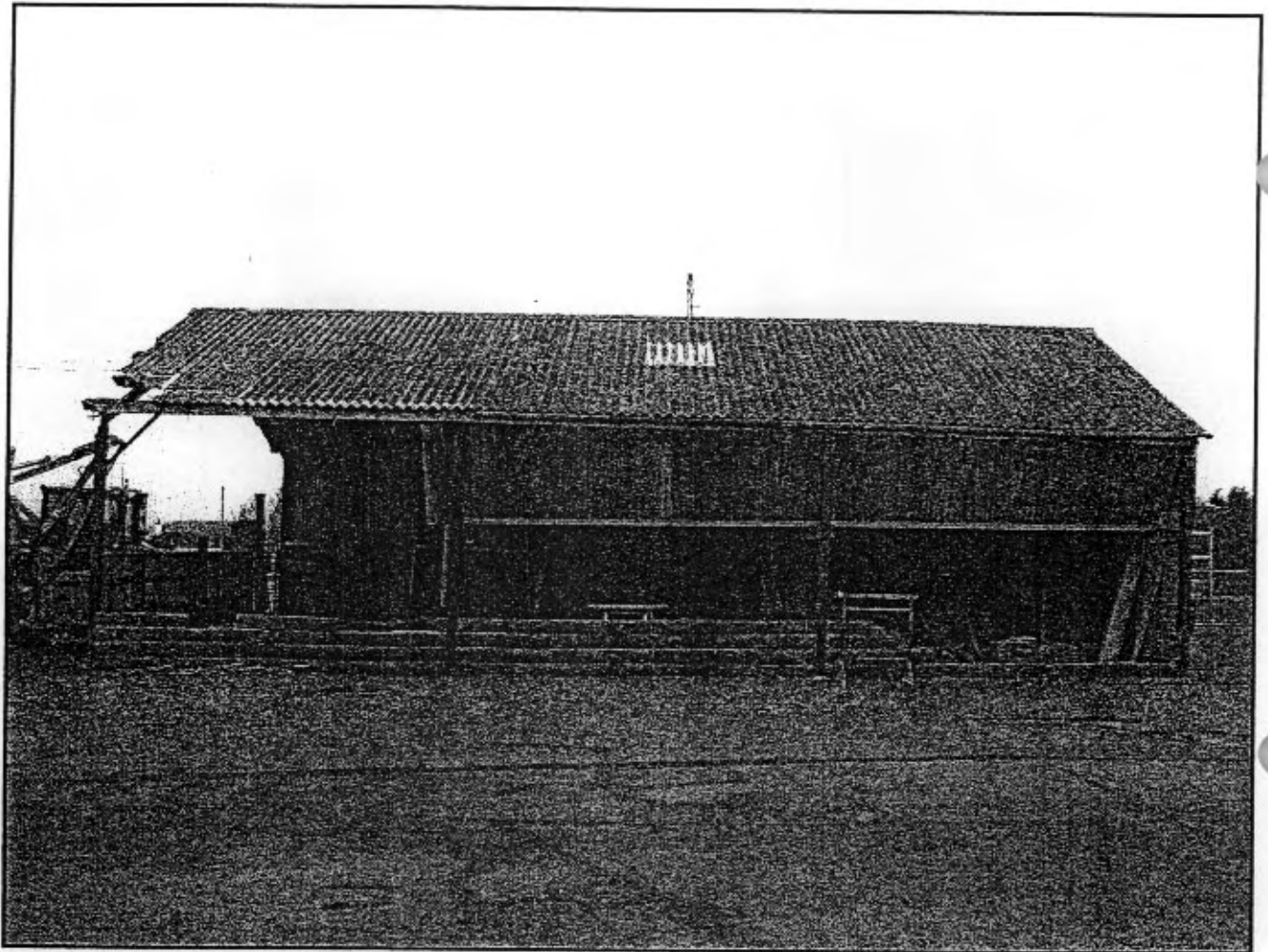
James Wood & Partners

05 MAR 2003

2003.0125

PROPOSED CREATION OF 4 NEW DWELLINGS
INCLUDING 3 INCORPORATING BARN CONVERSION
IN NEWBUILT DETACHED CLOAKHILL HALL
DURHAM BY SANDS, CARLISLE
FOR MESSRS. BIRNSON & MARTIN.
NOVEMBER 2002. SCALE 1:100
DRAWING N° ELEVATIONS N° 4.

Barn, Monkhill Hall 4 21.02.03.JPG



CARTMELL SHEPHERD
SOLICITORS

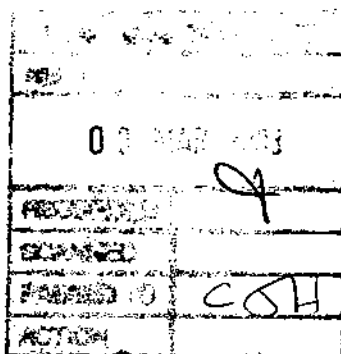
Montgomery Way Rosehill Carlisle CA1 2RW

Telephone: 01228 514077

Fax: 01228 514470. DX 63006 Carlisle. E-mail: cartmell.rosehill@dial.pipex.com

www.cartmells.co.uk

Carlisle City Council
Planning Services
Environment & Development
Civic Centre
Rickergate
CARLISLE
CA3 8QG



Your ref Mr J Hamer
Our ref JAN/VAF
Date 27 February 2003
Direct e-mail: jan@cartmells.co.uk

Dear Sirs

Our clients: Patricia Martin & David Ian Bimson
Proposed development at Monkhill, Burgh by Sands, Carlisle

We are instructed by Patricia Martin and David Bimson in relation to their legal matters, and Ms Martin has supplied us with a copy of the letter dated 20th February 2003 sent to the Council by Mr & Mrs J Rigg of Gracelands, Monkhill, Burgh by Sands.

We have examined the title deeds and documents which we hold on behalf of our clients, and we enclose a copy of a plan showing edged red the location of the land which forms the subject of our clients' planning application. On the same plan, we have marked Mr & Mrs Rigg's property in blue. The various plans in our possession indicate that the location of the septic tank which serves Mr & Mrs Rigg's property is at the point marked "S T" on the enclosed plan. You will note that the tank lies outwith the curtilage of the red edged land, and we are not aware of any rights held by Mr & Mrs Rigg to gain access over any part of the red edged land.

We trust that the Council will now be able to proceed to consider our clients' planning application at the first available opportunity, and please feel free to contact us should you require further information at this stage.

Yours faithfully
CARTMELL SHEPHERD

CC Patricia Martin

Michael G. Barnes
Andrew L. Thorpeley
Robert L. Good
Timothy H. Cartmell
Michael J. Kewish

A. H. Boyd Holmes
Timothy V. Sykes
Diana F. Armstrong
Julian M. R. Nelson
Michael J. Fisher

Nicholas Richards
Carol Fish
Joanna M. H. Jeeves
Matthew J. L. Bibble
Susan E. Duff

Hilary P. Holland
Rasheeda Jabbar

Associates
Catherin E. Forrester
Jonathan M. Richardson
Peter J. Stafford

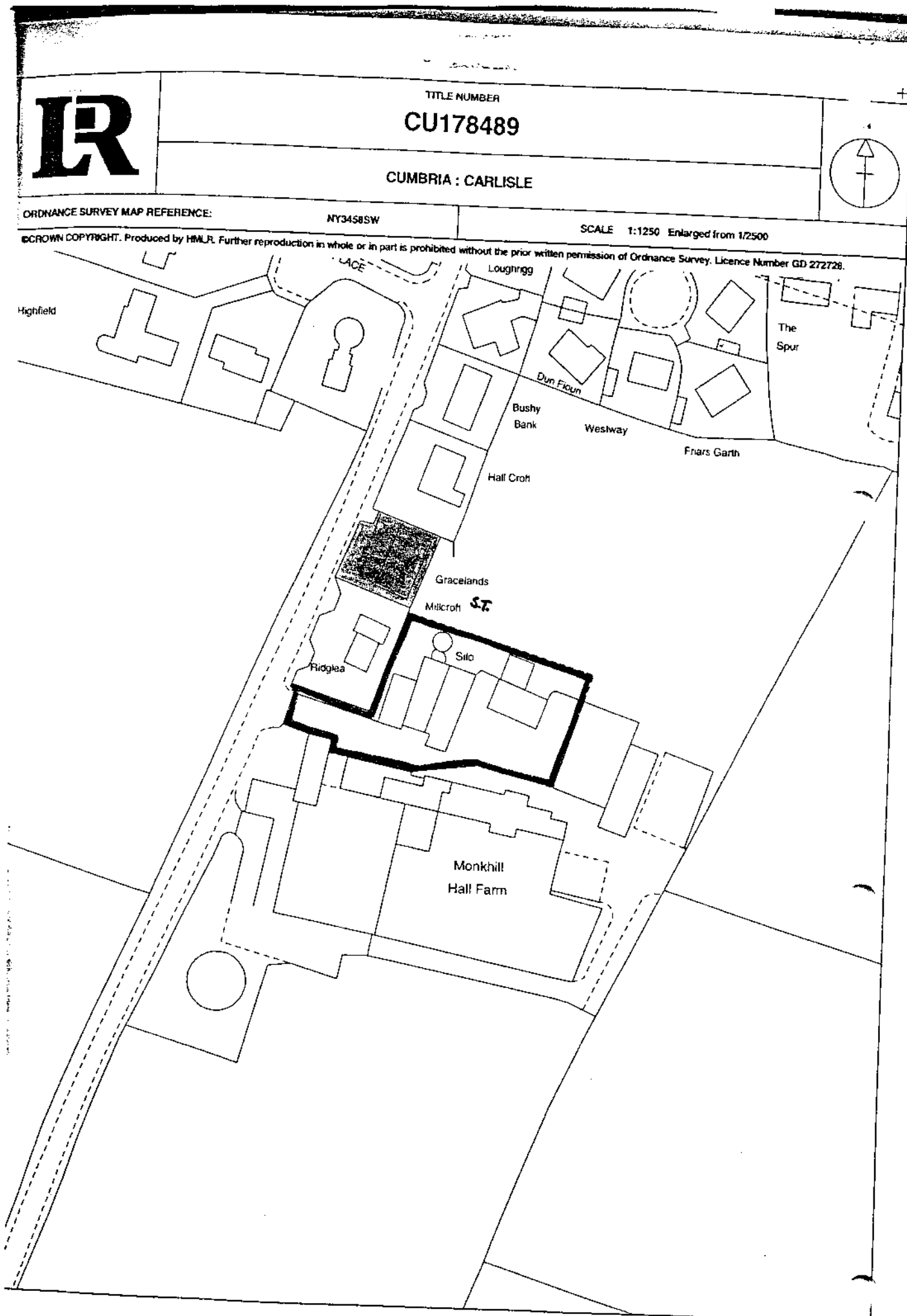
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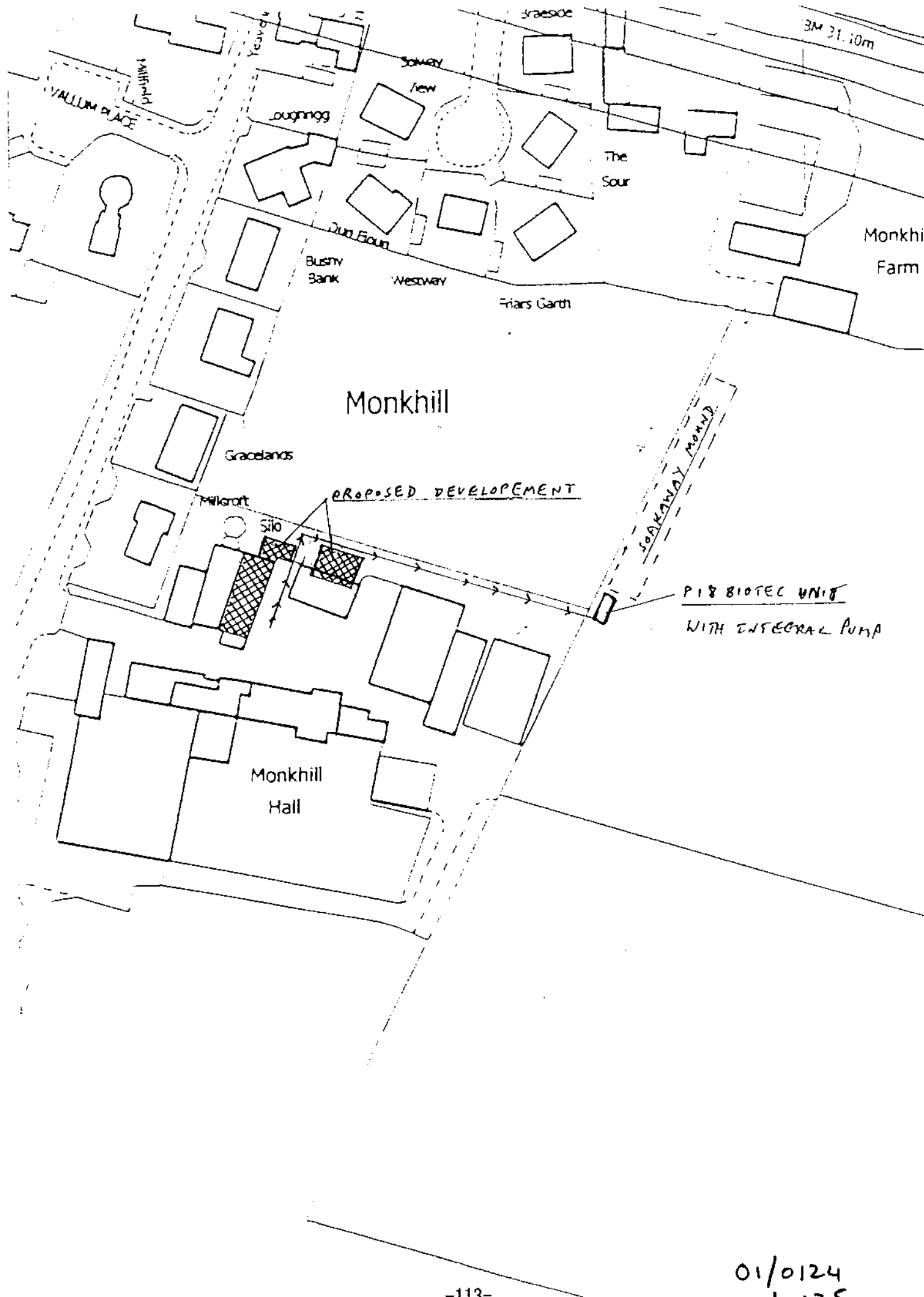
and

.cia

st
David

Register.





COPY

ENVIRONMENTAL ASSESSMENT AT MONKHILL FARM IN COMPLIANCE WITH PART II2 OF THE BUILDING REGULATIONS (ENGLAND & WALES) 2002 AND WATER RESOURCES ACT 1991.(AS AMENDED BY THE ENVIRONMENT ACT 1995)

CLIENT: PATRICIA MARTIN AND DAVID BIMSON

SITE ADDRESS: MONKHILL HALL, MONKHILL, CARLISLE, CA5 6DD

TELEPHONE NUMBER: 01228 576130

CATCHMENT: MONKHILL BECK

GEO-CODE: NY34 38 58 49

LOCAL AUTHORITY: CARLISLE CITY COUNCIL The Clients are to seek planning permission for the conversion of farm outbuildings to form a 2, 3 and 4 bedroom unit.

There is a requirement to draw up a sewage treatment and disposal scheme as part of the submission for planning permission and the scheme needs to have the capacity to accept the foul sewage from the existing 4 bedroom farmhouse at some future date.

The initial trial hole in the field adjacent to the buildings revealed the presence of low permeability sub-soil ($V_p > 140$ seconds) and would therefore be unsuitable for the piped infiltration trench system method of sub-surface irrigation of treated effluent.

Part II2 of the Building Regulations (England & Wales) 2002 recognises the use of an engineered attenuation mound as a means of the final disposal of fully treated effluent.

The area of the top surface of the mound (A_t) is calculated from a national percolation value (V_p) for washed filter sand of 15 seconds and the population (P) to be served. Using the formula

$A_t = P \times V_p \times 0.2$ (where 0.2 = factor for fully treated effluent) the surface area = $15 \times 15 \times 0.2 = 45\text{m}^2$. It is important to note that the correct grade of sand must be obtained since the presence of fines will significantly impact on the permeability.

A scaled diagram is produced for the actual construction of the mound and the "best fit" for the treatment plant is a PE18 for which the P18 Biotec unit is recommended on the basis of technical reliability and running costs. The unit must be fitted with an integral pump containing a pressure and power failure detection system incorporating a high level alarm within the pump chamber.

The treatment plant must be sited at least 7 meters away from any habitual parts of a building with good access for desludging.

The attenuation mound may be sited in or close to the adjacent field to the east of the farm steading subject to a distance of 15 meters being maintained from any buildings and 5 meters from the neighbouring boundary.

The attenuation mound must also be at least 10 meters distance from a watercourse or permeable drain and at least 50 meters away from a borehole or spring. No potable water supply pipe should be encompassed by the mound.

Under the Water Resources Act 1991 (as amended by the Environment Act 1995) there is a legal duty to obtain the formal consent from the Environment Agency for flows in excess of 2m³/day discharging onto or into the land. In view of the fact that the total development including the existing farmhouse would give rise to a daily flow of 3.0m³ a separate application has been made to the Agency.

Signed

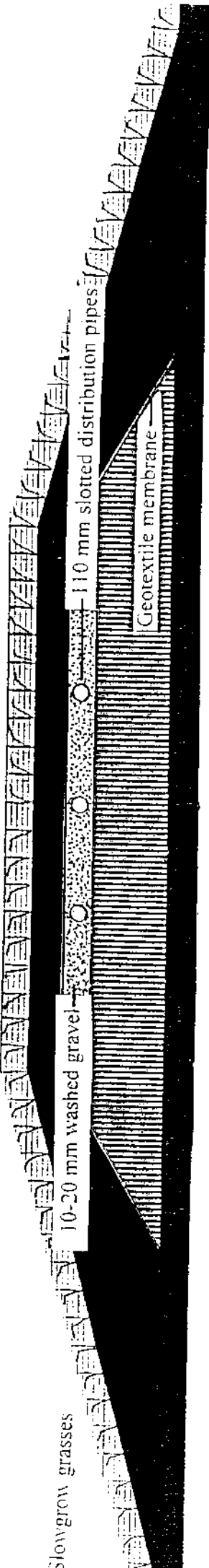


Date 24.11.02

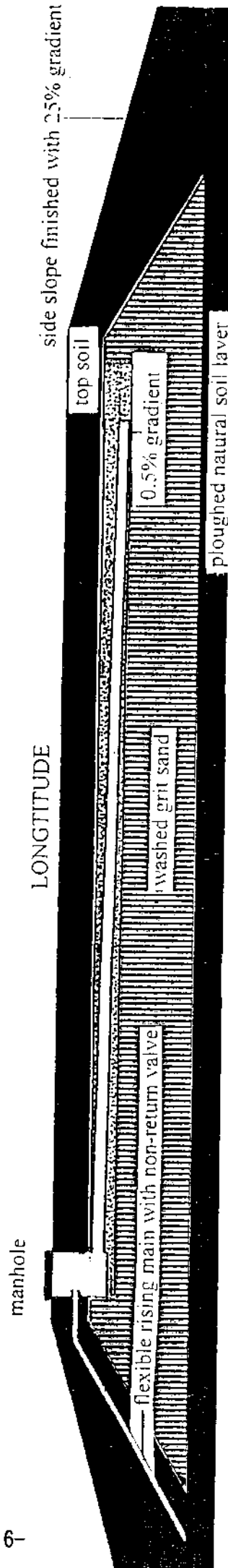
D Clayton F.C.I.W.E.M Dip. C.W.E.M
Chartered Water and Environmental Manager
Lakeland Environmental Management
Fell Cottage
Plumpton
Penrith
Cumbria
CA11 9PF

ENGINEERED ATTENUATION MOUND

SECTION



LONGITUDE



high water table or impervious ground

Mr D Clayton F.C.I.W.E.M Dip C.W.E.M
Chartered Water & Environmental Manager
Lakeland Environmental Management
Fell Cottage
Plumpton
Penrith, Cumbria
CA11 9PF

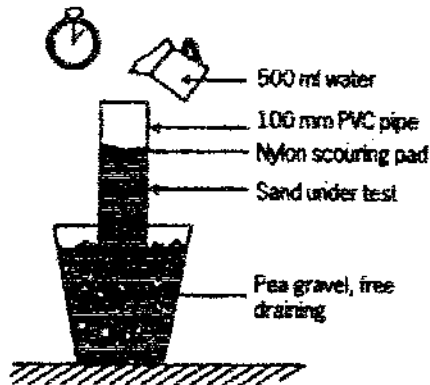
SCALE 1:50

Sand Test

This test enables quantitative comparisons to be made between available sands. The test is designed to be simple to perform without special equipment or calculations.

Method

A 300 mm long length of 110 mm PVC soil pipe (100 mm bore) is placed on a bed of pea gravel and filled to a depth of 200 mm with the sand to be tested, as shown in the Figure. It is important to



use a representative sample, rather than dirt from the bottom of the pile or clean rain-washed sand from the top. The sand should be damp, but not wet; this is to avoid the need to oven-dry the sample, which would make field test impractical. The tube is tapped gently to ensure that the sample has settled, but the sand should not be rammed. A piece of nylon pan scourer, or similar, should be placed on the sand

surface to reduce disturbance when the water is added.

Two litres of clean tap water are poured into the tube carefully, about half a litre at a time, in order to saturate the sand. As soon as the last of this water has fully drained, 0.5 litre of clean tap water is poured into the tube quickly, but with minimal disturbance to the surface of the sand. This should take about 5 seconds. The time for the water to soak away completely is measured from the start of this pouring. As soon as it has passed through, another 0.5 litre of water is added and again timed. This is repeated at least 5 times and an average time calculated.

The time obtained for a given sand sample will depend on tube diameter, sand depth and water volume. The time obtained with the specific experimental arrangement shown in the Figure (above) has been called the Grant time (t_g) (Lienard et al 2000).

Criteria

Values of (t_g) in the range 15-100 seconds are acceptable.

Sand that is too coarse may lead to poor distribution. A specification, which is too tight, may limit the possibility of using low-cost local sands, whilst a specification, which is too lax, will lead to failure and costly remediation.

Applications

Biotech package sewage treatment plants are available in a range extending from a 4 person household to a population equivalent of 150 persons

Applications for populations in excess of 150 are catered for with the installation of multiple units. For more information contact Titan Sales.

Individual houses

Small developments

Offices and commercial properties

Upgrading existing septic tanks

Features

Below ground installation

No mechanical or electrical components within the plant

Single tank unit delivered direct to site

Quiet in operation

Low running costs

Deep inverts available on request

Hydraulic surge control

Low cost after sales service

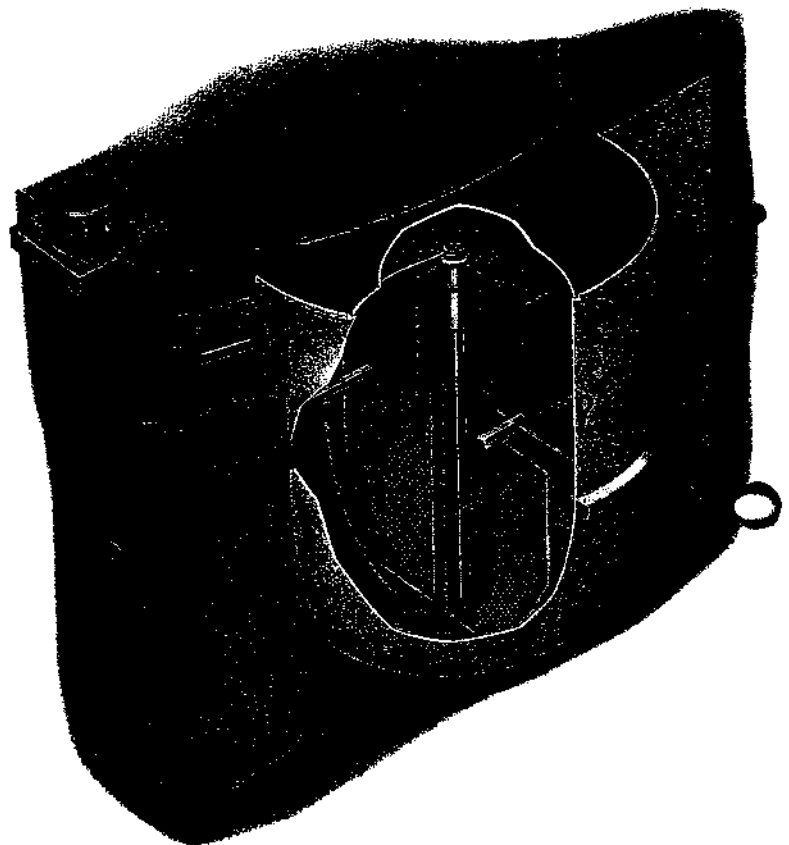
Manufactured under the quality procedures of BS EN ISO 9002

TITAN

POLLUTION CONTROL

BIOTEC BELOW GROUND

Sewage treatment plants,
Minitec, P6, P12, P18 & P25



Products for the next generation

Design

The Biotec sewage treatment plant employs the well proven aerobic biological process for the treatment of sewage 3 process stages take place within the single tank.

Course solids are screened and retained for gradual breakdown

The screened liquor is continuously distributed over plastic media by an airlift pump operated by a remotely sited blower

Final settlement of solids takes place. Under normal domestic conditions a discharge of 20mg/l BOD, 30mg/l S.S., 20mg/l Ammonia can be achieved

Minitec Specification

Max no. of full-time residents	p/day	4
Average flow	m ³ /day	0.8
B.O.D. Load	kg/day	0.24
Weight empty	kg	180
O/A diameter	m.	1.8
O/A Depth	m.	1.98
Inlet invert	m.	1.0
Inlet invert to base	m.	0.98
Outlet invert	m.	1.1
Motor rating	watts.	85
Drainage fitting	m.m.	110

Biotec Specification

Max no. of full-time residents		6	12	18	25
Model No.		P6	P12	P18	P25
Daily flow	m ³ /day	1.2	2.4	3.6	5.0
BOD Load	kg/day	0.36	0.72	1.08	1.5
Weight empty	kg	200	250	300	320
Outside diameter	m.	1.88	1.88	2.6	2.6
Depth	m.	2.2	2.7	2.6	2.6
Inlet invert	m.	1.0	1.0	1.0	1.0
Inlet invert to base	m.	1.2	1.7	1.6	1.6
Outlet invert	m.	1.1	1.1	1.15	1.15
Motor rating	watts.	60	60	145	145
Drainage fitting	m.m.	110	110	110	110

These charts are a general guide

Other Products

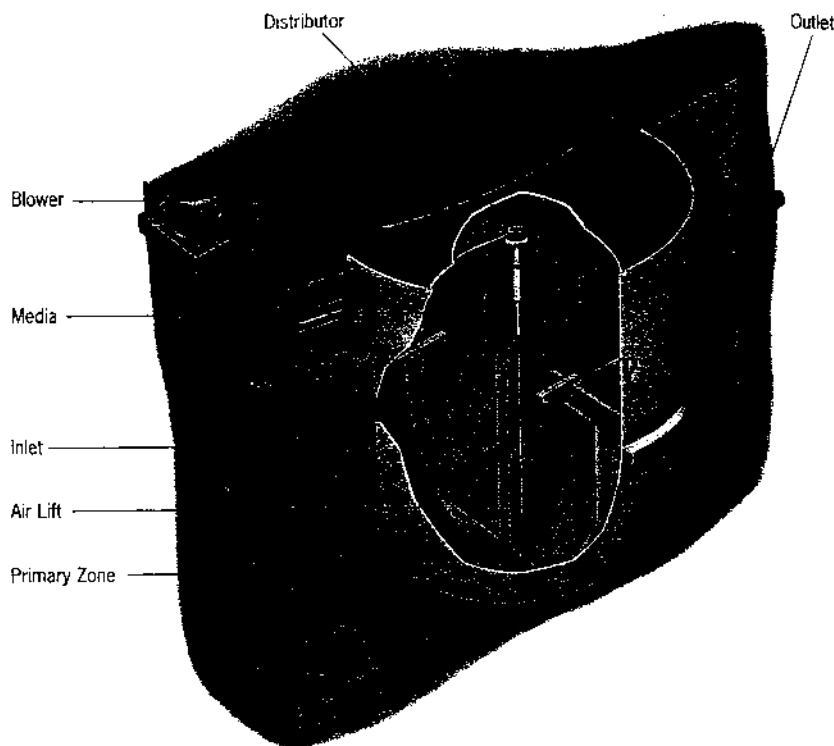
Titan manufactures a wide range of pollution control equipment including:

Biotec package sewage treatment plants up to 150 population equivalent

Septic Tanks Cesspools
Pumpsets Grease Traps
Petrol Oil Separators

BIOTEC BELOW GROUND

Sewage treatment plant Minitec, P6, P12, P18 & P25



Installation

The unit is normally installed with the cover flush, however it can protrude above ground if required by site levels. Siting should be no closer than 15m. from the nearest house.

The plant should be seated on a concrete base with a surround of pea shingle in a dry site or concrete in a wet site.

The blower housing can be located anywhere within a 15m. radius of the plant itself.

Maintenance

The Biotec sewage treatment plant is designed for minimum low cost maintenance.

Titan offers a full commissioning and after sales service.

Under normal usage the plant will require periodic emptying.

Dispersal

Subject to the relevant authorities consent, the plant discharge can be to a water course or, provided the soil percolation test is satisfactory, to a ground soakaway.

Options

- Pumpsets - for lifting treated effluent to a level where discharge cannot be by gravity
- Sample Chambers - for accurate and convenient effluent sampling, as required by the relevant authorities

Advice

The information in this sales literature is only brief. For more detailed technical literature please contact Titan. Either internal or external sales staff will be pleased to assist.

TITAN

Titan (Pollution Control) Ltd
West Portway, Andover, Hampshire, SP10 3LF

Sales: 01264 353222
Sales Fax: 01264 353122
Service: 01264 352444
General: 01264 357666
General Fax: 01264 366446

E-mail: sales@titanpc.co.uk
Website: www.titanpc.co.uk

Entec



SCHEDULE A: Applications with Recommendation

03/0209

Item No: 07

Date of Committee: 25/04/2003

Appn Ref No:
03/0209

Applicant:
Janette Wilton

Parish:
Stanwix Rural

Date of Receipt:
20/02/2003

Agent:

Ward:
Stanwix Rural

Location:
5 The Garth, Crosby-on-Eden, Carlisle, CA6 4QS

Grid Reference:
344670 559552

Proposal: Two storey rear extension to provide kitchen to ground floor and 1 no. bedroom on first floor, attached conservatory to rear elevation and entrance porch to front elevation

Amendment:

Keith

Report

Planning Policies:

Cumbria & Lake District Joint Structure Plan Policy 25

The siting, appearance and landscaping of all new development and alterations should aim to enhance the quality of the existing environment. It should be in keeping with the local character of the townscape or landscape, and be well integrated with the existing pattern of surrounding land uses and, where appropriate, be in keeping with the local vernacular tradition. Normally development should make proper provision for access by disabled persons.

Carlisle District Plan Housing - Proposal H14

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

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): no objections;
Stanwix Rural Parish Council: no representation;
English Nature: requests informative regarding bats.

SCHEDULE A: Applications with Recommendation

03/0209

Summary of Representations:

Representations Received

Initial:	Consulted:	Reply Type:
The Occupier / Owner, 4 The Garth	20/02/03	
The Occupier / Owner, Rose Cottage	20/02/03	
Mr & Mrs Little, 6 The Garth	20/02/03	Objection
The Owner / Occupier, Bellmont Cottage	20/02/03	

The application has been publicised by four neighbour letters, expiry date 13 March 2003. One letter has been received objecting to the application "very strongly" on the grounds that:-

- the two storey extension projects to the south of the building which will block sunlight and daylight from the sole window to the living room; and
- the proposed height and size of the conservatory will be monstrous and it is intended to erect it 12 centimetres from the common boundary between the properties.

Details of Proposal/Officer Appraisal:

Planning History:

None.

Details of Proposal:

The application seeks planning permission for:-

- i) a two storey rear extension to provide a kitchen on the ground floor with a bedroom over;
- ii) a rear conservatory extension attaching to the existing lounge and the proposed kitchen; and
- iii) a front entrance porch.

The proposal also incorporates alterations to bedroom three to provide an en-suite shower room to serve the bedroom extension.

The site comprises a semi detached two storey dwellinghouse situated in the south eastern corner of the Garth at Crosby on Eden. It is bounded to the south by undeveloped land, to the west by the adjoining semi number 6, to the north by a green and is gable on to the back gardens of two cottages located to the east.

SCHEDULE A: Applications with Recommendation

03/0209

The two storey rear extension will project almost 3.2 metres x 3 metres wide x 5 metres high to the eaves, with a gable roof over, the ridge of which will be 5.8 metres above ground level. The pitch of this roof will be quite shallow and the ridge will be 0.9 metres below the level of the main ridge to this pair of semis. Matching red facing bricks and grey concrete roof tiles are proposed.

The attached conservatory will also project almost 3.2 metres x 3 metres wide x 2.3 metres high to the eaves, with a lean-to roof over rising to 2.9 metres high at the back wall. The conservatory will have a blank red brick wall on its western flank, red brick dwarf walls and glazed doors and windows to the garden elevation and a polycarbonate roof. It will extend within 0.5 metres of the common boundary to number 6 which is marked by an approximately 1.5 metre high brick wall.

The front porch will project 1.5 metres x 1.8 metres wide x 2.25 metres high to the eaves, with a gable roof over rising to a height of 2.85 metres at the ridge. Red brick dwarf walls, glazed panels and a concrete tiled roof are proposed.

The single determining factor in the application is the impact of the development on the amenities of the neighbouring residents. The neighbours have made no comments regarding the front porch but are concerned that the rear extensions will result in overshadowing and loss of daylight.

The orientation of the rear wall of this pair of semi detached houses faces an odd degree south east of due south. The layout of the objectors' property is handed to that of number 5 such that the rear living room window referred to is some 1.4 metres from the common boundary which is marked by a 1.5 metre high brick wall. The conservatory will be a further 0.5 metres away and only around 0.8 metres of the brickwork to its flank will appear above the level of the boundary wall. The roof is to be glazed and is at such a shallow angle so as not to compound the impact of the conservatory which will, in my view, be minimal in any event.

As to the conservatory appearing monstrous, it is worth noting that the ground floor extensions have a total footprint of 19.2 m² and a height to the eaves of 2.3 metres, giving a volume of 44.16m³. If they were extended full width of the rear of the property onto the common boundary and built at the same single storey height, they could project a further 1.48 metres into the rear garden, a total projection of 4.68 metres, and still constitute permitted development not requiring a planning application.

Planning permission is required in this instance due to the additional first floor element of the rear extensions. This will be a further 3 metres distant from the neighbours' living room window, a total of 4.9 metres. Whilst it will undoubtedly be visible from that window, its position almost due east thereof and its angle and separation therefrom will be such that the impact on sunlight and daylight will again be minimal. I do not consider, therefore, that the grounds of objection are founded or that a refusal of planning permission could be sustained in that regard.

I consider that the development accords with policy and recommend that planning permission be granted.

Human Rights Act 1998

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

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

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

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

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

Article 8 and Article 1 Protocol 1 are relevant but the impact of the development will be minimal and the separate rights under this legislation, both the applicant's, and the objectors', will not be prejudiced.

Defect

S.J

Recommendation: Grant Permission

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.

2. The materials to be used in the building works hereby permitted shall be as indicated in the submitted application. If any other material is proposed no development shall take place until such has been approved, in writing, by the local planning authority.

Reason: To ensure the works harmonise as closely as possible with the existing building.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order), no additional windows shall be inserted in the western elevation of the proposed conservatory or in the eastern or western elevation of the proposed bedroom extension without the prior consent of the local planning authority.

SCHEDULE A: Applications with Recommendation

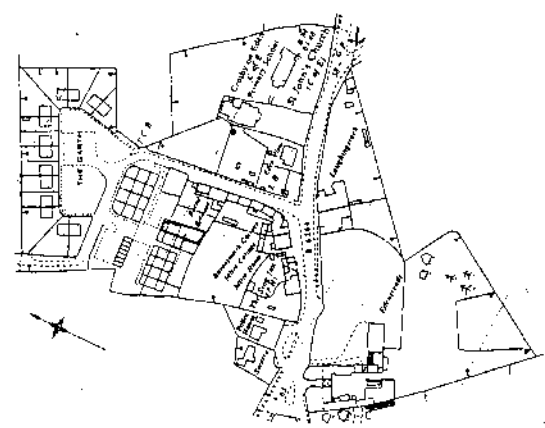
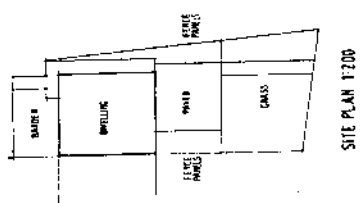
03/0209

Reason: In order to protect the privacy and amenities of residents in close proximity to the site.

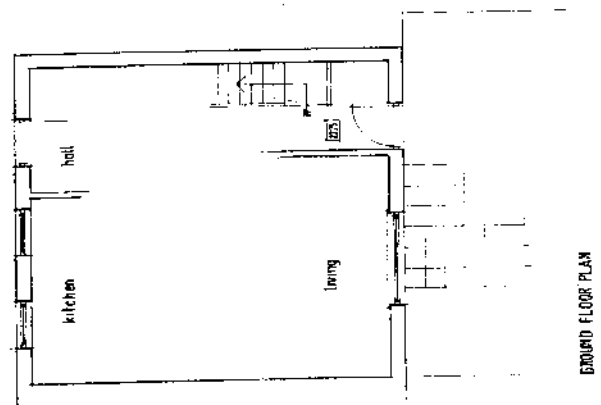
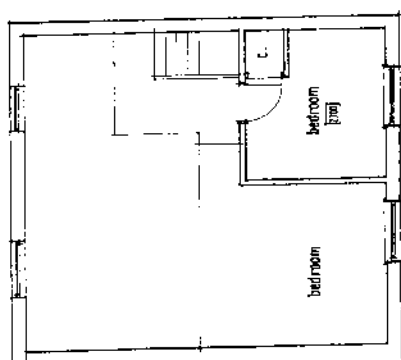
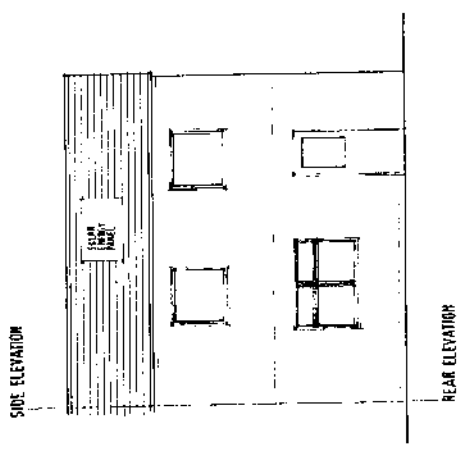
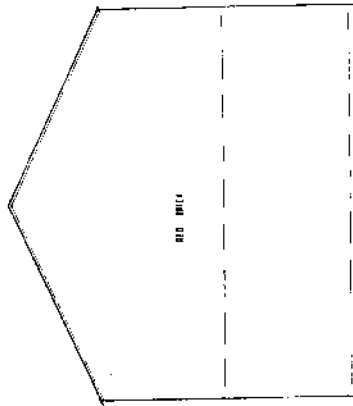
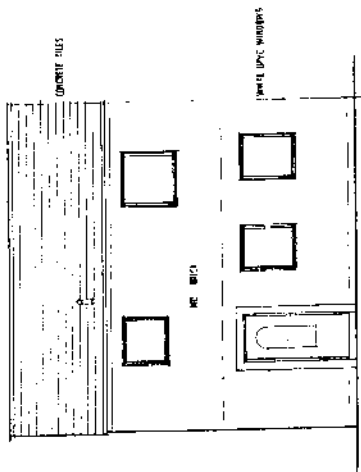
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order), the proposed landing window to the first floor of eastern elevation of the property shall be obscurely glazed, non opening, and thereafter remain so to the satisfaction of the local planning authority.

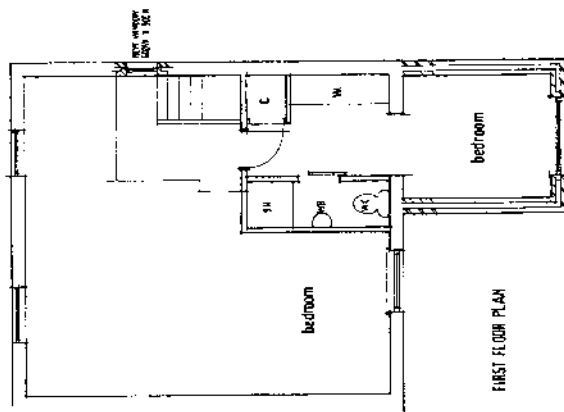
Reason: In order to protect the privacy and amenities of residents in close proximity to the site.

HERBERT
ARCHITECTS
2003/04/07

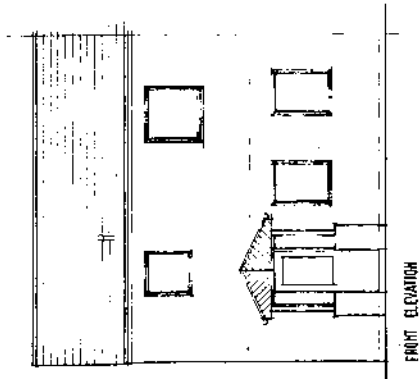


Alterations and extensions to provide new kitchen with bedroom and an suite facility over addition of conservatory to THE GARTH CROSBY ON EDEN EARLISLE
Survey 1:50 02.03

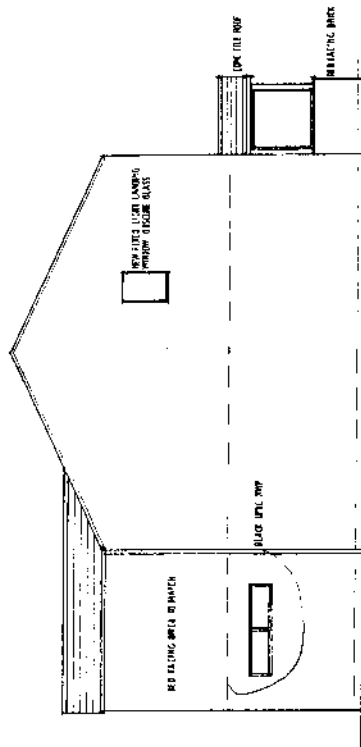




FIRST FLOOR PLAN



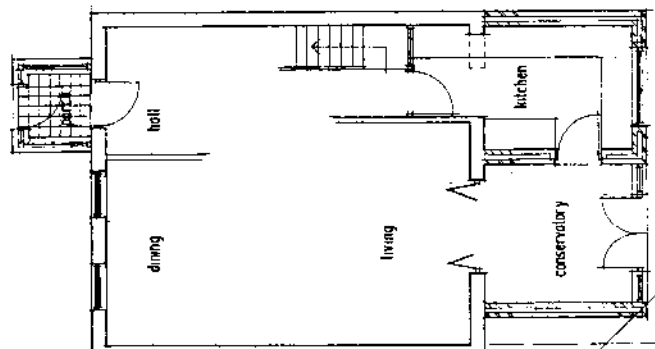
FRONT ELEVATION



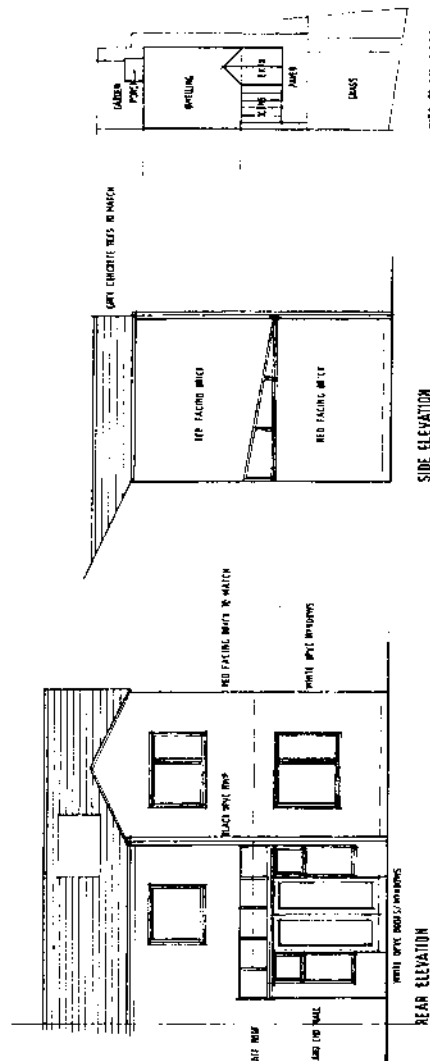
SIDE ELEVATION

EXIST. CONCRETE PILES TO MATCH

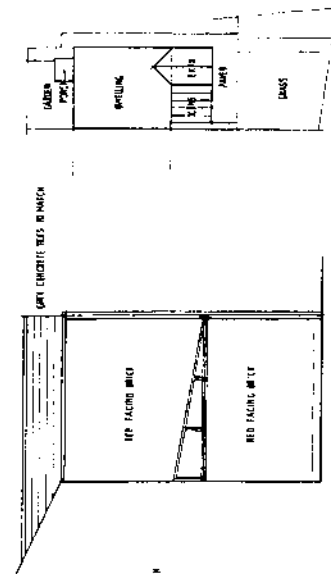
WHITE SPAC. BRICK LEVEL WINDOW



GROUND FLOOR PLAN



REAR ELEVATION



SIDE ELEVATION

SITE PLAN 1:200

RECEIVED
20 MAR 2004
2003/04/01

Alterations and extensions to provide new kitchen with bedroom and en suite facility over addition of conservatory
5 THE GARTH CROSBY ON EDEN CARLSLE
Proposals 1:50
02/03

SCHEDULE B: Reports Requiring Further Information

03/0278

Item No: 08

Date of Committee: 25/04/2003

Appn Ref No:
03/0278

Applicant:
Peter Carrigan

Parish:
Westlinton

Date of Receipt:
18/03/2003

Agent:
A Roscoe

Ward:
Longtown & Rockcliffe

Location:
L/A part field 7765, Newtown Farm, Newtown,
Blackford, Carlisle

Grid Reference:
338820 562629

Proposal: Erection of 4no. stables and tack room with enclosed paddock area

Amendment:

Angus

Report

Planning Policies:

Cumbria & Lake District Joint Structure Plan Policy 13

In the areas not covered by Policies 11 and 12, development will normally be permitted which in its use, siting, scale and design is well related to existing developed areas of the countryside and does not harm distinctive features of local landscape significance. In the undeveloped open countryside development will not normally be permitted except when it is required to meet local infrastructure needs which cannot be located elsewhere, and provided it is sited to minimise environmental impacts and meets high standards of design.

Carlisle District Plan Environment - Policy E2

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

1. The building or structure is sited where partical to integrate with existing farm buildings and/or take advatage of the contours of the land and any existing natural screening; and
2. The scale and form of the proposed building or structure relates to the existing group of farm buildings; and
3. Within AONB's and Conservation Areas, the design and materials used reflect the overall character of the area; and

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

Carlisle District Plan Environment - Policy E8

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

1. The proposal reflects the scale and character of the existing group of buildings or settlement; and
2. There is no adverse effect upon the amenity of neighbouring property, and the character and appearance of the area; and
3. Satisfactory access and appropriate car parking can be achieved; and
4. Any exiting wildlife habitats are safeguarded.

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

Carlisle District Plan Leisure - Proposal L4

Within the Plan area, outside Primary Leisure Areas, proposals for leisure development including sport and active recreation development will be acceptable provided that:

1. The proposal does not have an adverse impact on the amenity of the surrounding area; and
2. Appropriate car parking and access to the site can be achieved; and
3. The proposed use is of an appropriate scale to the locality; and
4. Where practicable, the proposal can be accessed by public transport; and
5. The proposal makes a positive contribution to the development of tourism in the district; and/or
6. If the proposal is within Carlisle, it brings a vacant or part vacant building into use or contributes to the development of a mixed use scheme.

SCHEDULE B: Reports Requiring Further Information

03/0278

Carlisle District Plan Transport - Proposal T1

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

Summary of Consultation Responses:

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

Westlinton Parish Council: After careful consideration the proposal, Westlinton Parish Council have very serious reservations regarding this and make the following observations:

1. The location given as Newtown Farm, Blackford is incorrect. Field 7765 is not part of Newtown Farm, has no connections whatsoever with it and is not an extension to it as stated.

In fact the property referred to as Newtown Farm was split up and sold off in lots some three years ago and no longer operates as a farm.

2. This is a residential area and if this application is granted approval, could lead to further future development in this area, which could have an adverse effect on adjacent residential property and the surrounding area.
3. There is no indication as to how effluent from these proposed stables will be disposed of.
4. It is also noted that the rest of the field will be used for ploughing to may hay for cattle, as there is no cattle involved this would raise a query regarding this.

In view of the above observations, it is felt that a site visit would be appropriate and ask that this be arranged.

County Land Agent (Capita dbs): Comments awaited.

Environment Agency (N Area (+ Waste Disp)): Only clean surface water from roofs and paved areas should be discharged to any soakaway.

Summary of Representations:

Representations Received

Initial:	Consulted:	Reply Type:
Mr R Bell, Rowanlea	19/03/03	Objection
The Occupier / Owner, Lownds Garden	19/03/03	

SCHEDULE B: Reports Requiring Further Information

03/0278

The Occupier / Owner, Hermitage	19/03/03	Objection
The Occupier / Owner, Avonlea	19/03/03	
The Occupier / Owner, Braemar	19/03/03	
The Occupier / Owner, Leagate	19/03/03	
PB & Mrs J Brown, Fairview	27/03/03	Objection
The Owner / Occupier, Palumic	27/03/03	
The Owner / Occupier, Holly Cottage		Objection
D Bell, Westerly		Objection
Mr R Bell, Rowanlea		Petition
Mr H Gray, Newtown Farm		Objection
Mr D Fuller, 57 Etterby Lea Crescent		Objection

This application has been advertised in the form of a site notice and the direct notification of the occupiers of six neighbouring properties. In response seven letters of objection and a petition with 13 signatures have been received. The issues raised involve:

- The access to the highway is on a blind bend with only a few metres of visibility on the right. The additional vehicular movements would be to the detriment of highway safety.
- Concerned about over-development of the area in a piecemeal fashion.
- Where are the horses at present? It seems that a four stable block is excessive for domestic use.
- There has been talk of building a bungalow in the field. Is a stable block the thin end of the wedge?
- In the adjacent field there is a stable block and agricultural building(s). Across the road there is a squalid site of caravans and vehicles. Worried that the area could develop a shantytown appearance.
- Concerned about pollution and the cumulative impact of all the recent development on the water courses.
- Proposal lead to more traffic through the village.
- Concerned that a caravan or caravans will be put in the field with or without planning permission.
- The storm water from six houses in Newtown runs off and into a drain down the lonning to the proposed stables. These drains have been damaged in the past and if the lonning continues to be used it will damage the drains further.
- The piece of land is no longer part of Newtown Farm.
- A numerous number of heavy vehicles including large skips have already dumped building bricks and various scrap on this field which has subsequently levelled. It would appear that the applicant has already

started to build without permission.

- A very large barn is already in situ, was permission sought from the Council to build this?
- The application site looks like a fledgling scrap yard with stable block storing scrap.

Members need to be aware that one of the letters of objection is from a parent of a Member of staff who, needless to say, has not had any involvement with the processing of the application.

Details of Proposal/Officer Appraisal:

Planning History:

The available records indicate that the site has not previously been subject to an application for planning permission.

In relation to neighbouring field number 7584 planning permission was refused in 2000, under application number 00/0715, for the erection of a general purpose agricultural and livestock building. In 2001, under application number 01/0202 and 01/0009/AGD, planning permission was given for the erection of stables, and, no objections raised under the prior determination procedure for a hay shed.

Last year, application 02/0002/AGD, no objections were raised under the prior determination procedure for an agricultural implement shed.

In relation to field number 6577/Black Moss a retrospective application for the siting of a residential caravan was refused permission.

Details of Proposal:

This application relates to a rectangular field 2.8ha. in area which lies to the north of the hamlet of Newtown of Rockcliffe. Vehicular access is via a road to Westlinton formed by compacted tarmac scrapings and hardcore which runs along the southern boundary of the site. In the south-eastern corner of the field there is a mono-pitched building constructed externally in corrugated metal. Intermittent Hawthorn hedging and 1 tree delineate the existing boundary.

To the east of the site, the buildings associated with Newtown Farm are evident. To the immediate north, in the adjoining field number 7584, there are some stables, constructed in blockwork and green sheeting, and, a mono-pitched building constructed externally in black corrugated sheeting. Approximately 220 metres to the north of the entrance of the application site, on the western side of Westlinton road, there is the property referred to as Black Moss.

The current proposal involves the erection of a block of four stables and a tack room measuring 4 metres by 15.5 metres with a mono-pitched roof ranging in height from 2.7 metres to 3.3 metres. The proposed building would have rendered blockwork

SCHEDULE B: Reports Requiring Further Information

03/0278

walls and corrugated sheeting on the roof. The proposal also involves the creation of a paddock area measuring 25 metres by 25 metres which would be enclosed by two block walls 1.5 metres in height.

The intention is for the applicant to stable his own horses at the premises with the rest of the field used for agricultural purposes to make hay for cattle.

In such a location detached from the settlement at Newtown it is considered that the fundamental issues to be addressed revolve around whether any personal needs of the applicant outweigh:

- i) The visual harm caused by the proposed building and the general presumption against development in the countryside; and,
- ii) Whether the proposal would lead to an undue reliance on the private car.

In relation to i) it is the Government's policy in PPG7 "The Countryside - Environmental Quality and Economic and Social Development" that the countryside should be safeguarded for its own sake and that new buildings relate well to existing patterns of development. There is an existing building within the application site, for which planning permission does not seem to have been granted, which appears isolated and poorly related to the existing pattern of development at Newtown. The existing structure and proposed stables will be clearly visible from the road to Westlinton. The proposal by its very presence, individually or cumulatively with development on neighbouring fields, would lead to a further distraction giving the impression of a cluttered landscape to the detriment of the open character and appearance of the area.

It is recognised that there are other stables nearby and there is a need for consistency in decision making. Needless to say each application needs to be considered on its own merits and the existence of the buildings on neighbouring land is not in itself a good reason for permitted harmful development. The harm created is not necessarily outweighed by the precedent of other development nearby.

The applicant could argue that there is a "fall-back" position in which horses or other livestock could be kept on the whole of the site which would generate the need for a building. The submitted plans, nevertheless, indicate that the remainder of the field would be used to make hay for cattle. The viability of such a use is likely to be doubtful and whether it would lead to the need for an additional structure questionable.

When considering ii) the applicant resides in Houghton which is 5/6km away from the application site. It is likely that all trips to the site would be by private vehicle. Paragraph 43 of PPG13 "Transport" makes some allowance where modest additional vehicle movements would be necessary to support agricultural diversification or rural business. However, that would not be the case here, where the proposal is for private use but unrelated to the applicant's dwelling. Although the proposal is modest in scale the proposal conflicts with the objectives of Policy T1 of the Local Plan and PPG13.

SCHEDULE B: Reports Requiring Further Information

03/0278

At the time of preparing the report the formal observations of the County Land Agent are awaited. Further information has also been sought from the applicant on the number of horses to be stabled, how the stables would operate, likely movements of traffic, where the horses would be exercised, and, the surfacing of the proposed paddock.

Human Rights Act 1998

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

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

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

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

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

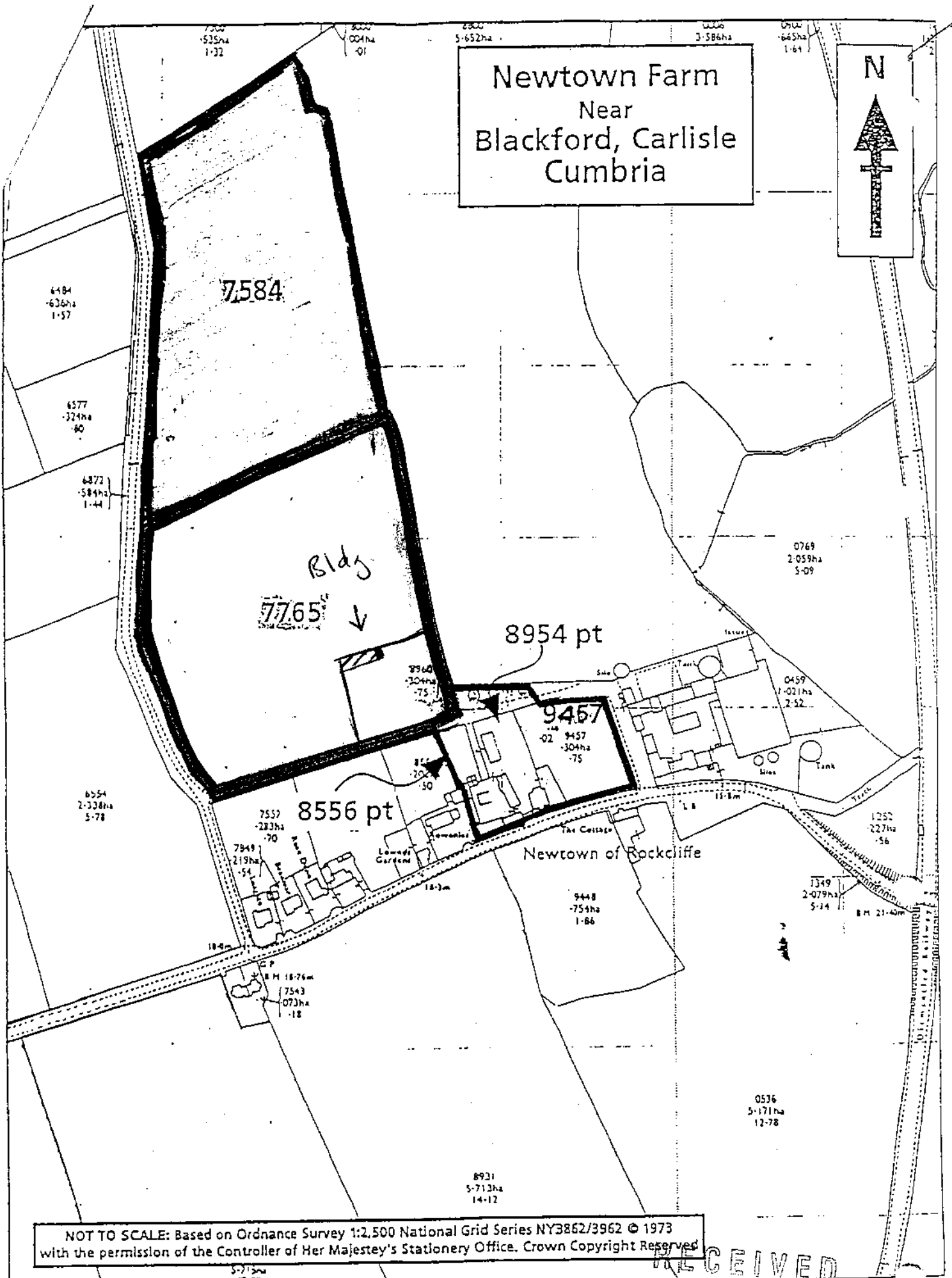
Recommendation:

Reason for including report in Schedule B

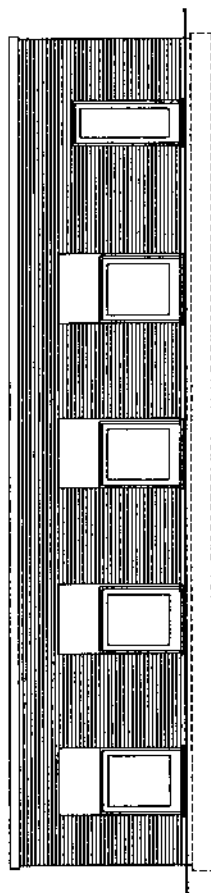
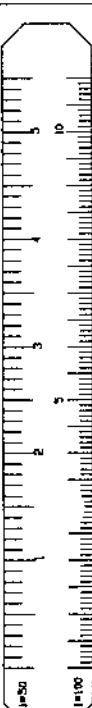
The formal observations of the County Land Agent along with further information from the applicant are awaited at the time of preparing the report.

Rec. Refusal ✓

Supp Schedule
Page 19-27

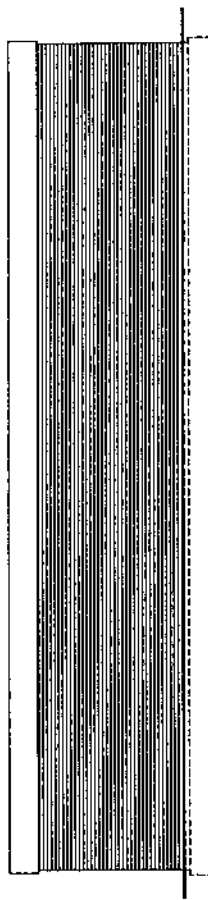


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Front Elevation.
(North Facing)

Building to be made of block
and rendered on the outside.
Roof to be made of corrugated
sheeting.



Rear Elevation.
(South Facing)



Side Elevations.

RECEIVED

10 MAR 2015

2002/0278

KEY

STUD PARTITION

BLOCKWORK

BLOCKWORK

TILED ROOF

Proposed

Extension

to

Newtown Farm

Nr Blackford

Carlisle

ca2

for

Peter Carrigan

Tel No 07979 877391

scale = 1:100

Dwg No

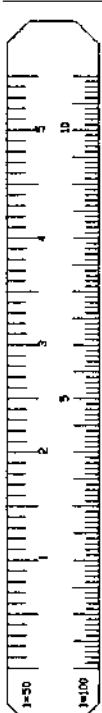
ca2/stable5

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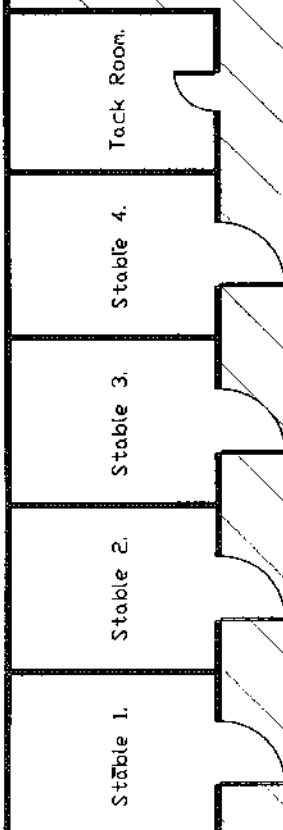
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CUMBRIA
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SERVICES

29 ANTONINE WAY,
HOUGHTON,
CARLISLE,
CA3 0LG
Tel: 01228 535361



Paddock wall to be 5 ft high.
The rest of the field will be
used for ploughing, to make hay
for cattle.



Paddock area to be created, the
two block walls are to extend to
the field boundaries, see S.L.P.'s

RECEIVED

10 MAR 2003

.....2003/02/28

KEY
FIELD PARTITION
BROOK
BROOK
TILE ROOF
Proposed
Extension

to
Newtown Farm
Nr. Blackford
Carlisle

for
Peter Carrigan
Tel No 07979 87391
scale = 1 : 100

Dwg No
ca2/stable5

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Tel: 01228 535361

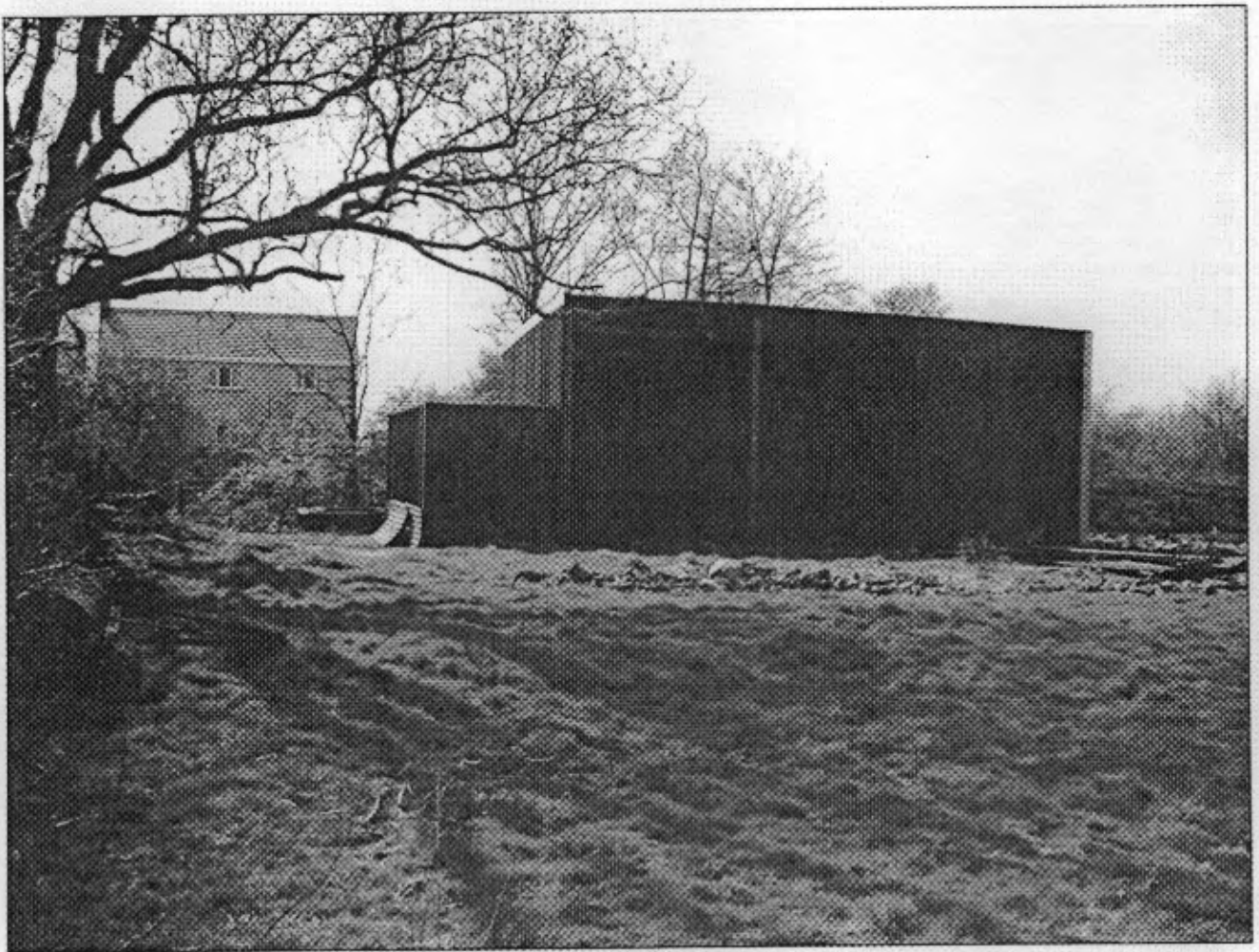
Field 7765, Newtown, Blackford 1 07.04.03.JPG



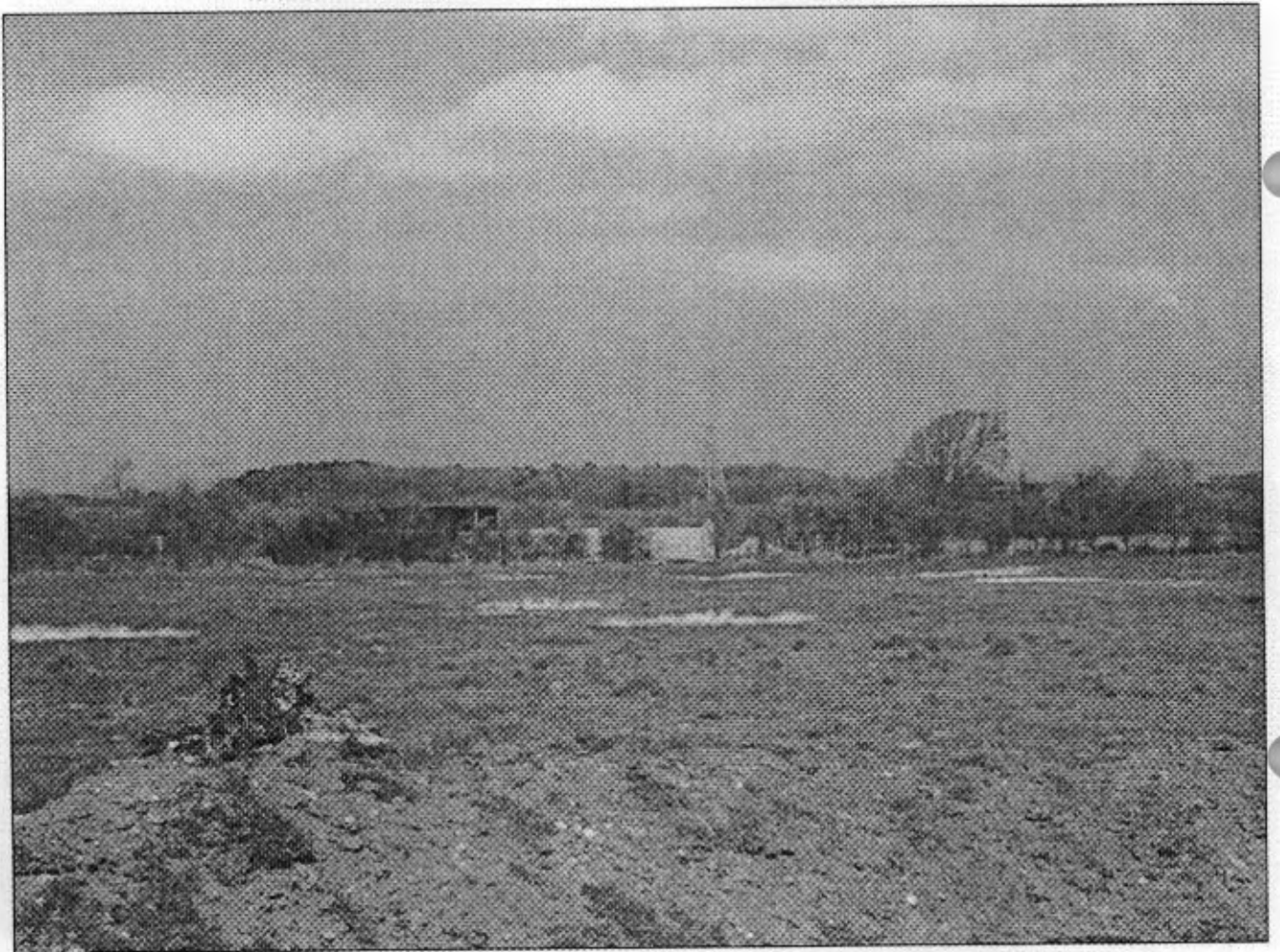
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Field 7765, Newtown, Blackford 3 07.04.03.JPG



Field 7765, Newtown, Blackford 5 07.04.03.JPG



SCHEDULE A: Applications with Recommendation

03/0288

Item No: 09

Date of Committee: 25/04/2003

Appn Ref No:
03/0288

Applicant:
Messrs H S Thompson

Parish:
Hayton

Date of Receipt:
10/03/2003

Agent:
Taylor & Hardy

Ward:
Hayton

Location:
L/A Fenton Farm, Fenton, Carlisle, CA8 9JZ

Grid Reference:
350250 556080

Proposal: Redevelopment of part of farmsteadings for 4no. residential properties together with removal of non-traditional farm buildings, related hardstandings, silage clamp, etc. (outline)

Amendment:

Angus

Report

Planning Policies:

Cumbria & Lake District Joint Structure Plan Policy 1

New development will be provided, mainly in the towns, to meet the social and economic needs of the County's population, but in a manner which, through appropriate location, scale, design or use, does not diminish the quality of the environment within the County or beyond, or for future generations.

Cumbria & Lake District Joint Structure Plan Policy 2

The County's scenic beauty, natural resources and the quality of its built environment will be protected from inappropriate development, especially those areas and features of international or national conservation importance where harmful development will not be permitted.

Cumbria & Lake District Joint Structure Plan Policy 3

The diversification of the rural economy and the maintenance of the vitality of rural life will be assisted through a favourable response to developments which provide local benefits and are sensitive to the local environment.

Cumbria & Lake District Joint Structure Plan Policy 13

In the areas not covered by Policies 11 and 12, development will normally be

permitted which in its use, siting, scale and design is well related to existing developed areas of the countryside and does not harm distinctive features of local landscape significance. In the undeveloped open countryside development will not normally be permitted except when it is required to meet local infrastructure needs which cannot be located elsewhere, and provided it is sited to minimise environmental impacts and meets high standards of design.

Cumbria & Lake District Joint Structure Plan Policy 40

In rural settlements outside the National Parks and AONBs, housing development will normally be permitted, especially where it would help to sustain the existing local community, and provided it is in sympathy with the scale and character of the existing settlement. Outside rural settlements, new dwellings will normally only be permitted for those engaged in agriculture where such a dwelling is essential for the working of the farm.

Carlisle District Plan Housing - Proposal H5

Within the following settlements, large scale residential development will not be permitted. Proposals for small scale residential development will normally be acceptable providing that:

1. The site is well related to the landscape of the area and does not intrude into open countryside; and
2. The scale of the proposed development is well related to the scale, form and character of the existing settlement; and
3. The layout of the site and the design of the buildings is well related to existing property in the village; and
4. The siting and design of the buildings is well related to and does not adversely affect the amenity of neighbouring property; and
5. Appropriate access and parking can be achieved; and
6. The proposal will not lead to the loss of amenity open space within or at the edge of the settlement; and
7. The proposal will not lead to the loss of the best and most versatile agricultural land.

Aglionby, Baldwinholme, Banks, Barclose, Beaumont, Blackford, Blackwell, Boltonfellend, Boustead Hill, Broadwath, Brisco, Brunstock, Burgh-by-Sands, Burnrigg, Cardewlees, Cargo, Carleton, Castle Carrock, Cotehill, Cumdivock, Cummersdale, Cumrew, Cumwhinton, Cumwhitton, Durdar, Easton, Farlam, Faugh, Fenton, Gaitsgill, Gilsland, Great Corby, Great Orton, Grinsdale, Hallbankgate, Harker, Hayton, Hayton Townhead, Heads Nook, Hornsby, Boughton, How Mill, Irthington, Kirkcambeck, Kirkandrews-on-Eden, Knells, Lanercost, Laversdale,

Linstock, Little Orton, Low Crosby, Longburgh, Low Row, Lyneholme, Midgeholme, Milton, Moat, Monkhill, Moorhouse, Newby East, Newtown, Raughtonhead, Rockcliffe, Rickerby, Scaleby, Scotby, Smithfield, Stainton, Stockdalewath, Talkin, Tarraby, Thurstonfield, Tindale, Todhills, Walton, Warwick-on-Eden, Warwick Bridge (including Little Corby & Corby Hill), Westlinton, Wetheral, Wetheral Pasture.

Carlisle District Plan Housing - Proposal H6

Within the remainder of the Plan area, outside areas covered by Proposal H1 and Policies H2-H5, permission will not be given for dwellings, except where applications are supported by a proven agricultural or forestry need.

Cumbria & Lake District Joint Structure Plan Policy 30

Land will be made available outside the National Parks for the following scale of housing development between 1991-2006.

	Dwellings
Allerdale	about 5000
Barrow	about 2500
Carlisle	about 6000
Copeland	about 4000
Eden	about 4000
South Lakeland	about 6000

Cumbria & Lake District Joint Structure Plan Policy 31

Sufficient housing land should be provided to ensure that, at any one time, there exists at least a five year's supply of readily available land capable of accommodating building at a rate which will keep the supply of dwellings in line with the housing requirement for each District as set out in Policy 30.

Airport Safeguarding Area

Carlisle District Plan Environment - Policy E38

Consideration will be given to the designation of new Conservation Areas and the extension and review of existing areas.

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): No objections subject to the imposition of 7 conditions.

Hayton Parish Council: In accordance with the principles expressed by the Parish

Council that the views of the residents most closely affected by such a development should be paramount, the Councillor for Fenton was of the opinion that this particular development could be looked upon favourably, as it would remove certain eyesores - such as the existing non-traditional farm buildings and silage clamp, and would introduce a limited number of new dwellings which could be both sympathetic and proportionate. Such a number of dwellings should not overwhelm the existing infrastructure, bearing in mind that Fenton itself has no village amenities.

However, should the long term plan be to build on the green field site which will be reclaimed with the demolition and removal of the old farm buildings, then there would be a great deal of opposition to any such development.

With regard to the application, the Parish Council have received several copies of letters from residents of Fenton who would seem to object strenuously to the proposed development. As a matter of principle, Hayton Parish Council has always been of the opinion that most weight should be given to the opinions of people who will be most affected by such a development, and that remains the case with this application as with any other.

It would seem that there are considerably more criteria to be met now before such a development would be permitted - and Fenton has no village amenities or infrastructure to support any large scale development.

Council for Protection of Rural England: The existing agricultural buildings cannot be determined as "previously-developed" within the terms of Annex C of PPG3 (March 2000). As a consequence, the site must be considered as a greenfield location within the terms of PPG3 (March 2000).

Unless a 'need' can be demonstrated for additional housing development in this small rural village in accordance with the principles of PPG3 (March 2000) and the Council's Interim Housing Policy Statement (November 2002), then planning permission should be refused.

We note that in the case of the recent Policy Statement, proposals for housing in settlements which have no local facilities and no public transport services will be considered to be inconsistent with the approach contained in PPG3 (March 2000).

The current proposal indicates three large detached units located in this small rural village which lacks local facilities and has limited public transport provision. CPRE considers that on this basis the current application would therefore be contrary to the above policy requirements and strategic objectives. There is no evidence submitted with the application to suggest that there is a 'need' for this size and type of dwelling in Fenton. No other exceptional local housing 'need' has been put forward in support of this application. CPRE recommends refusal accordingly.

United Utilities (former Norweb & NWWA): No objection to the proposal. A separate metered supply to each unit will be required at the applicants expense.

English Nature: The application may involve the type of buildings that may be used by bats. It is therefore advised that the relevant informative note is attached to any decision notice.

County Land Agent (Capita dbs): At the time of processing the previous application (reference number 02/0665) it was advised that:

1. the farm buildings currently located on the sites of the proposed dwellings nos. 1-4 inclusive are nearing the end of their useful life and replacement will be expensive in terms of the income that could be generated from dairying on a farm of this size.
2. Advised that changing the farming system to suckler cows is unlikely to be successful because of the need to modify the farming system, including the buildings, and the relatively low returns in that type of enterprise.
3. Serious thought should therefore be given to ceasing to operate this farm as a dairy farm in its entirety.

In relation to the current application the Land Agent has been in touch with the applicant, Messrs H S Thompson who has confirmed the following:

1. The dairy herd has been sold off the farm as has a considerable number of adult cattle leaving approximately 65 young cattle between 6 months and 1 year old.
2. Mr Thompson is in the process of selling off 120 acres from the holding which will leave approximately 30 acres of owner occupied land. It is the applicants intention to summer the remaining 65 young cattle on this remaining 30 acres which will be herded by the applicants father who live in the bungalow beyond the application site. At the end of this summer these cattle will be sold and therefore there will not be any need to provide winter accommodation for them on the farm.
3. All of the farm buildings will be redundant as from Spring of this year. It is therefore advised that Fenton Farm will no longer function as a dairy farm which follows the previous advice given.

Carlisle Airport: Comments awaited.

Environment Agency (N Area (+ Waste Disp)): Comments awaited.

Cumbria County Council - (Archaeological Services): The County Archaeologist has checked to County Sites and Monuments REcord and do not wish to recommend that any archaeological work be undertaken either in advance of, or during the course of, the development of these sites.

Cumbria Wildlife Trust: Comments awaited.

Summary of Representations:

Representations Received

Initial:	Consulted:	Reply Type:
A Bell & H Joynt, Chapel Cottage	10/03/03	Support
The Occupier / Owner, Elm Croft	10/03/03	
The Occupier / Owner, Sinks	10/03/03	
Mr R Horne, Jonathans Farmhouse	10/03/03	
The Occupier / Owner, The Paddocks	10/03/03	
R F & C A Gaddas, Holme Lea	10/03/03	Objection
I A & G C Robinson, Glenburn	10/03/03	
J & E Bancroft, Beck Cottage	10/03/03	Objection
Ms Elizabeth Evans, Sunnyside	10/03/03	Objection
Jayne E & Allan Sewell, Fenton Croft	10/03/03	Objection
Edna Sewell, Fenton Croft	10/03/03	
Mr & Mrs W H Sisson, Fenton Farm	10/03/03	
Ingo & Daphne Stubner, Hillcrest	10/03/03	Objection
Mr & Mrs J Devlin, The Orchard	10/03/03	Objection
The Owner / Occupier, Pear Tree House	10/03/03	
Mr & Mrs J Devlin, The Orchard	10/03/03	
Mr I A Robinson, Glenburn	10/03/03	
The Owner / Occupier, Sunnyside	10/03/03	
Jack Chown, 1 Sherwood Close		Objection
Mr D Neilson, The Hayloft		Objection
Mr B J Hastings, Fenton Farm Flat		Support
Mrs S Thompson, Willowdale		Support
Mr N Hastings, Fenton Farm House		Support
Mr P Cook, 44 Hillside Drive		Support

This application has been advertised in the form of a site notice and the direct notification of the occupiers of 17 properties. At the time of preparing the report eight letters of objection have been received and five letters of support.

The letters of objection are on the basis that:

- This application is only different from the previous proposal, reference number 02/0665, in that there has been a reduction in scale by 2 houses.
- Fenton is a hamlet comprising 16 houses, 2 holiday lets and a barn currently under conversion. The construction of 4 houses would increase the hamlet by almost 25% and is therefore significant in scale.
- PPG3 Annex C definition of brownfield land excludes agricultural and forestry buildings. On this basis alone the proposal would appear to be contrary to the requirements of PPG3.
- The buildings concerned are predominantly corrugated iron barns which still house a number of cows. Clearly the farm is still active but currently under utilised. This proposal encroaches into land currently available for agricultural use.
- Contrary to Policy H5 which states that in small villages large scale residential development will not be permitted.
- The proposed development should not be regarded as well related to the hamlet as it now stands.

- The two other houses already built by the applicant in Fenton do not really fit in. It would appear from the submitted drawings that the current proposal is along similar lines.
- Increase the amount of traffic in the hamlet considerably.
- Would the tidying up of the farmyard be made a condition of planning?
- The hamlet has no existing facilities in the immediate area. All new inhabitants would be dependent upon the use of the motor car to gain access to services contrary to current planning policies promoting sustainable development.
- The proposed sewage treatment plant is to be built on land owned by the farmer. It is understood that the plant will be privately owned and remain unadopted. How can the long-term maintenance requirements be enforced to prevent environmental pollution?
- Approval of this application would undoubtedly lead to a further application.
- The scheme offers no benefit to the village providing no amenities. The farm buildings are an acceptable part of the village. There is no support amongst the permanent residents of the village for replacement by residential properties on the basis of visual improvement.
- The site lies within the village envelope and involves the demolition of agricultural buildings which remain in use.
- The district has already provided sufficient housing in the rural areas for the remainder of the plan period. If permission is now granted for this application the level of oversupply would increase further, contrary to the aims of PPG3 and leave the Council vulnerable to further applications for farm building conversions in rural villages.
- Should the local planning authority approve this application an immediate appeal to the Government Office for the North West would be launched.
- The planning authority must consider if there is a "need" for the development. There is absolutely no planning justification on the grounds of need, and the application is therefore contrary to paragraphs 3 -20 of PPG3.
- If the planning authority considered there was a need then the application would have to be considered against the sequential approach giving preference to previously developed land. In doing so account must be taken of the districts Urban Housing Capacity Study and the five tests in paragraph 31 of PPG3.
- This scheme does not comply with the higher housing densities now

required by PPG3 as specified in paragraphs 57 and 58.

- The scheme does not meet the considerations relating to village expansion and infill outlined in paragraphs 69 -71 of PPG3.
- The local transport providers state they have no intention or economic justification for increasing public transport systems to the village. Nor they state would the building of further housing in Fenton change this view.
- The applicant has other barn buildings which will undoubtedly become the subject of further applications.
- The authority must remain consistent and decline this application on the previously established grounds.
- This application does not represent farm diversification, merely a speculative application by an established commercial house builder.
- The authority is asked to take notice of case law and recent appeal decisions preventing the conversion of farm buildings to houses where development would not meet the tests of "need" or "sustainable development".
- If approved a legal challenge would be launched.
- The current proposal still leaves an opening for the developer to carry out his original intended expansion at a future date.
- Fenton does not have any shops and the nearest school, which is at Hayton about 2 miles distance, has a waiting list. There is not a need for housing to meet local needs.
- The proposed housing cannot be described as affordable by any stretch of the imagination.
- The submitted plan shows a 6 metre gap between the houses to allow access to the next development he has planned.
- The narrow winding roads are unsuitable for the increased volume of traffic.
- The road is used as a play area and for frequent movements of animals, horses, dogs etc if the traffic is increased this will lead to accidents.
- The stream is inaccurately drawn on the submitted plans.
- The area around the village has a varied wildlife which will be lost if this development goes ahead.
- Proposal is contrary to Policies 1, 2, 3, 13, 31 and 40 of the Structure

Plan and Policies H5 and H6 of the District Local Plan.

- Considerable weight should be given to the opinions of residents living in Fenton.
- The proposal would change the character and demographic balance of the village.
- If granted, the applicant would be at liberty to increase the size of the farming operation on any subsequent occasion and to house the remaining livestock contrary to PPG7.
- Lead to increased concerns over safety and security.
- The proposal is the applicant's attempt to realise short-term profit by utilising land he owns rather than purchasing plots for commercial development on a commercial footing.
- The applicants has friends and relatives within the Building Control Section of the City Council.
- The nature, style and character of the village includes two working farms. The close proximity of the farms is an enrichment of the daily environment. A farming operation of similar or greater scale would remain, with the need to move cattle within the village still being present.
- This application would destroy and remove the habitat of protected species including owls and bats currently residing in the area of the farm buildings.
- The Local Plan target for houses in the rural area is likely to be exceeded even if no more permissions are granted.
- To build in Fenton is contrary to the Interim Housing Policy Statement.
- Contrary to criteria 2 and 3 of Policy H5 which is particularly important given that Policy E38 of the Local Plan considers the village a potential Conservation Area.
- The frontage to the road past the application site is strongly agricultural in character. Whilst the farm buildings are not particularly attractive they are an accepted part of the rural scene. If the site remained in farming use, they could be replaced over time with more attractive farm buildings. Their replacement by houses would however introduce a second residential frontage.
- The effect of the proposal would be to introduce a sanitised, semi-suburban character to the village.
- The proposal, if approved, would considerably weaken the case for resisting housing on the opposite side of the road on the other existing

farm in the village.

- No other material circumstances justify approving the application.
- It is recognised that unsightly buildings would be replaced but such buildings are a common feature in villages. The Council would also have to consider setting the policy aside on farm sites elsewhere thus seriously undermining the IHPS and PPG3.

An objection has also been verbally made on the basis that: the design of the proposed dwellings would be a pastiche as opposed to an "honest" copy of traditional buildings; and, there is a need for a clear definition of the boundary for development.

Five letters of support have been received on the basis that:

- The farming industry is experiencing changes meaning that smaller farms are ceasing to be viable.
- Concern over any alternative industrial/commercial use of the site.
- The proposal will provide a dramatic visual improvement to the village.
- Sad to witness the demise of Fenton Farm, but unfortunately circumstances do change and things must move on.
- The proposed redevelopment of the farm buildings will in the short-term cause obvious inconvenience due to the proximity of Chapel Cottage to the farm. However, feel that in the long term the proposed plans are a suitable alternative to the exiting farm buildings.
- The removal of the silage pit and other associated structures to return areas back to "Greenfield" will only improve the general appearance of the area.
- These plans also eliminate the possibility of the land in question being used for any future commercial or business uses. Any such commercial development would have far more serious implications.

Details of Proposal/Officer Appraisal:

Planning History:

In 1995, under application reference number 95/0143, planning permission was given to change the use of the first floor bedroom in the farmhouse to a beautician's salon.

In the year 2000, application number 00/0796, planning permission was given to convert an agricultural building to a dwelling.

Last year, under application 02/0665, outline planning permission was sought for the erection of seven detached dwellings. The application was recommended for refusal but withdrawn prior to determination.

In relation to the land adjoining the Methodist Chapel outline planning permission has been given to replace a residential caravan with a dwelling in 1992, 1995, 1998 and last year.

Details of Proposal:

The current outline application seeks permission to erect four dwellings to the north-east of the farmhouse and would involve the demolition and removal of a milking parlour, cubicle building, stock building, bull pen/calving pens, heifer shed, and, open silage pits. That part of the existing farmstead which is not to be re-developed will be reinstated and seeded to integrate with the field. All the proposed dwellings would be connected to a sewage treatment plant - see attached copies of plans.

The application is accompanied by two letters from the applicant's agent explaining amongst other things, that:

- Since the withdrawal of application 02/0665 the future of Fenton Farm, as an agricultural enterprise, has been wholly reviewed. The farm unit is in the course of being broken up. The vast majority of the farmland is in the process of being sold off. A significant number of stock have already been sold and more are to be sold in the near future. The agricultural enterprise is to cease and all existing buildings, related hardstandings and structures will all become redundant during the course of late Spring/early Summer of this year. 400,000 litres of milk quota has been sold.
- The proposed redevelopment is of a much lesser scale and limited site area than the previous proposal and relates to 4 properties only sited alongside the highway frontage.
- The proposal will, if approved, ensure the removal of all the redundant agricultural buildings and the reversion to greenfield of the part of the farmstead not proposed to be re-developed for the 4 dwellings.
- It is envisaged that 13ha. of land will be retained and used for the summer grazing of stock.
- The indicative scheme shows how the proposed dwellings will adopt a traditional form and character.
- The applicants agree to accept a planning condition which will require for all the non-traditional buildings at Fenton Farm to be removed and the land outwith the application site to be restored.
- The removal of the non-traditional farm buildings and reinstatement of a substantial area to a field will bring clear visual benefits to the village

which is a candidate for Conservation Area status.

- The amenities of the village will also be improved by the removal of the farming activities. The smell, noise, traffic and general disturbance will be removed as well as the buildings which will quickly deteriorate and decay. The risk of pollution will also be removed.
- Specific reference is made to Appeal reference numbers APP/G2713/A/01/1074527 and A/02/1097716.
- The authority have in Baldwinholme and Cumrew accepted development where there are clear overall benefits to the wider community involving improvements to visual and general amenity.
- The applicants do not consider that the approval of the current proposal would set a precedent for residential development on the agricultural land on the opposite side of the road. This is because it is open agricultural land where there are no visual/amenity improvements which would result.

There also three letters on behalf of the applicants relating to drainage and wildlife. In the case of drainage two letters explaining that they have looked into the re-alignment of an existing piped road culvert and the existing piped stream into a new combined stream or pipe. Subject to obtaining the necessary consent from the Environment Agency this is considered to be feasible. However, if the stream and culvert were to be piped, construction would not be permitted within a zone formed by a 45 degree angle from the pipe level to the ground level on either side - hence the 6 metre no build zone shown on the submitted layout plan.

In relation to wildlife, the third letter highlights that the applicants have always taken into account wildlife and conservation for example by leaving a margin of field undrained, managing hedgerows, installing bird/bat boxes and feeders, and, taken advice from the Soil Association. It also states that there are no Barn Owls nesting in Fenton. The only species in Fenton are Tawny Owls which nest in the trees near the railway lines. Tawny Owls tending to feed on field margins and in woodland and not frequent farm buildings. It is also maintained that there are no Pipistrelle Bats using the "Dutch barn" as a roosting site. There are pipestrelles in Fenton but the sites they use are sandstone outbuildings, railway bridges and deciduous trees. The aforementioned letter concludes by stating that any proposed development would have no negative consequences on wildlife.

In considering this application it is felt that the following points need to be kept in mind:

a) Ministerial advice

Paragraph 40 of PPG1 "General Policy and Principles" explains that where an adopted or approved development plan contains relevant policies, Section 54A of the 1990 Act requires that an application for planning permission shall be determined in accordance with the plan, unless material considerations indicate otherwise. Conversely, applications which are not in accordance with relevant policies in the plan should not be allowed unless material considerations justify

granted a planning permission.

As Members are already aware paragraphs 2 and 3 of PPG3 "Housing" explain the Government's aim of promoting more sustainable patterns of development with more priority given to previously developed land within urban areas. A duty is placed on local planning authorities to ensure that development can deliver accessibility by public transport to jobs, education and health facilities, shopping, leisure and local facilities; review planning policies; place the needs of people before ease of traffic movement; seek to reduce car dependence; and, promote good design in new housing developments.

PPG3 goes on to say that local planning authorities, in order to establish how much additional housing can be accommodated within urban areas (and thus how much greenfield land may be needed for development) undertake urban housing capacity studies (paragraph 24). Any local plans should identify sites for housing and buildings for conversion and re-use sufficient to meet housing requirements after making allowance for potential windfalls (paragraph 28). However, PPG3 makes it clear that in assessing the allowance which might be made for windfalls (i.e. sites which are not specifically allocated in local plans) local planning authorities should include no allowance for greenfield windfalls (paragraphs 35 and 36).

Paragraphs 69-71 of PPG3 deal with rural housing. Paragraph 69 states that most proposals for additional housing in villages will involve infill development or peripheral expansion. Villages will only be suitable locations for accommodating significant additional housing where: additional housing will support local services (such as shops and schools); additional houses are required to meet local needs, such as affordable housing; and, the development can be designed sympathetically in keeping with the character of the village using such techniques as village design statements (paragraph 70).

Annex C to PPG3 defines previously developed land as "that which is or was occupied by a permanent structure (excluding agricultural or forestry buildings), and associated fixed surface infrastructure ... The definition excludes land and buildings that are currently in use for agricultural or forestry purposes ...".

PPG7 "The Countryside - Environmental Quality and Economic and Social Development" states in paragraph 3.4A that : **"Farming continues to make a significant contribution to the economy of rural areas but increasingly diversification into non-agricultural activities is vital to the continuing viability of many farm businesses ... Local planning authorities should be supportive of well-conceived farm diversification schemes for business purposes that are consistent in their scale with their rural location"**.

Paragraph 3.4B goes on to say:

"It is usually preferable for farm diversification schemes to re-use good quality existing buildings and put them to a new business use, rather than build new buildings in the countryside. New buildings, either to replace existing buildings or to accommodate expansion of enterprises, may also be acceptable provided that they satisfy sustainable development objectives and are of a design and scale appropriate to their rural surroundings".

PPG9 "Nature Conservation" states that one of the essential tasks for local authorities to make adequate provision for development and economic growth whilst ensuring effective conservation of wildlife and natural features as an important element of a clean and healthy natural environment (paragraph 3). Paragraph 27 also explains that: **"local planning authorities should not refuse permission if development can be subject to conditions that will prevent damaging impacts on wildlife habitats or important physical features"**.

b) Interim Housing Policy Statement

Members will be aware that on the 28th October an Interim Housing Policy Statement was reported to the Executive of the Council. The accompanying report included the following table setting out the rate of housing development over the Plan period based on the position at 31st March 2002.

	Total	Urban	Rural
Structure Plan allocation 1991-2006	6000		
Local Plan Provision 1991-2006	6858	4801	2057
Completions 1991-2002	4286	2652	1634
Residual requirement 2002-6	2572	2149	423

An examination of the total of dwellings to be completed to achieve the Structure Plan allocation the development rate is only 2.6% below the anticipated rate. It is however, the location of that development which has raised concerns. Whilst PPG3 puts an emphasis on urban and brownfield locations and a look at the table above indicates a development rate that is greater than planned in the rural area.

A higher rate of development in the rural area and a lower rate of development in the urban area indicate a need to manage the supply more closely in line with the Plan Strategy and PPG3. The completion of new dwelling units indicates a 38% development rate in the rural area, which are nearly 350 units higher than the 30% rate anticipated. However, in the context of the 15-year plan period the figures above indicate that at 73% of time through the plan period, 79% of the rural supply has been completed resulting in an oversupply of 125 units throughout the rural area. In contrast the urban area has developed only 55% resulting in an under supply of over 850 units.

Planning applications already given consent will feature in the future rate and location of development. In order to achieve a complete picture of the pattern of development, the table below takes these into account.

	Total	Urban	Rural
Total with Planning permission	1928	1195	733
Completions 1991-2002	4286	2652	1634
Projected total for plan period (estimate up to 2006)	5751	3560	2191
Local Plan Provision	6858	4801	2057

Whilst not all planning consents get developed and some may take longer than the

plan period before being completed, the trend of development is clear. An increasing number of consents in the rural area and a shortage of supply in the urban area are not achieving the urban emphasis of the Local Plan strategy nor PPG3.

In order to increase the urban emphasis and reduce the amount of rural housing coming forward the Housing Policy Statement emphasises that the implementation of Policy H5 needs to be more focused. With Officers taking, in particular, the following three factors from PPG3.

- Good public transport corridors
- The availability of local services
- Local need

Paragraph 70 of PPG3 relates to significant additional housing. Housing Policy H5 provides for small-scale proposals and proposals for significant rural housing are contrary to this policy. Paragraph 4.40 of Policy H5 refers to proposals of over 20 dwellings however the preceding sentence states the **"what constitutes large and small-scale will vary considerably from settlement to settlement"**. Significant additional housing referred to in PPG3 will be considered in this context.

c) Countryside Design Summary for Carlisle

In relation to this application there is relevant Supplementary Guidance produced by the local planning authority contained in "Achieving Well Designed Housing" and a "Countryside Design Summary for Carlisle District". When looking at the submitted indicative details there are potential concerns for example the dwelling on plot 2 having a window centrally located in line with what would be a chimney stack, and, the effective sub-division of plots 3 and 4. The current application, however, is seeking an outline consent with all details reserved for subsequent approval.

In assessing the current proposal it is considered that Members have to make a judgement based upon weighing the likely harm to Ministerial advice and the authority's housing policy against any likely benefits in terms of character and appearance of Fenton which, under Policy E38, is identified as a potential future conservation area.

On the one hand it is evident that the addition of 4 dwellings in Fenton is significant. In the context of paragraph 70 of PPG3 the proposal cannot be considered necessary to support local services or argued to meet a local need. The proposal cannot, therefore, be considered a sustainable form of development. The proposal also does not involve the utilisation of previously developed land as defined in Annex C to PPG3. The proposal therefore represents a significant development which is unsustainable and contrary to the objectives of PPG3 and the implementation of the Development Plan housing policies as explained in the Council's Interim Housing Policy Statement. This being at a time when there is an excessive rate of development in the rural area of the district.

When considering any effect on the character of the area, the site is considered to be within Fenton. The settlement is pastoral in character defined by farmsteads that front onto the road. The linear form of development involves the buildings directly

abutting the road or are set back a short distance to provide a small front garden. The County Land Agent advised that the existing farm buildings are nearing the end of their useful life; new farm buildings will require expensive storage facilities to be provided for slurry/foul water with at least 4 months storage capacity to comply with Environment Agency regulations; serious thought should be given to ceasing to operate the farm as a dairy farm, and, changing the system to suckle cows is unlikely to be successful. The applicants have confirmed that their farming enterprise at Fenton Farm is to cease.

It could, nevertheless, be argued that if the existing buildings are redundant for agricultural purposes, then the owners should demolish if no alternative use is appropriate. However, there is an obvious concern that the property will become unkempt and derelict should such an option not be pursued by the applicants.

It is also likely to be the case that the existing buildings do not readily lend themselves to be converted for a commercial or industrial use without substantial alterations being carried out. The undertaking of a commercial or industrial use may also raise consequent fears over the effect on the residential amenity of neighbouring properties.

The existing farm structures are mostly modern and have a utilitarian appearance. It is considered that the modern buildings detract from both the character and appearance of Fenton. The current proposal, nevertheless, represents a potential opportunity to improve the character and appearance of the village.

When looking at the issue of precedent and any cumulative impact of allowing the current proposal, it needs to be recognised that there are other sites which include structures which could be the subject of a future application for their development. Any such proposals would, however, have to be considered on their own merits in light of the Council's Interim Housing Policy Statement.

In conclusion, Members have substantive grounds to refuse the current application. However, there are also merits to the now reduced scheme which can be attributed some weight in light of the site's location within Fenton which is identified as a candidate conservation area. On balance, the proposal is recommended for approval subject to the awaited comments of interested parties. Copies of four contrasting Appeal decisions have been attached to this report as background information.

Human Rights Act 1998

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

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

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

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

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

The objectors rights are respected but in this instance it is not considered that there is any conflict.

Recommendation: Grant Permission

Defer
Supp Schedule
Pages 28-36

1. In case of any "Reserved Matter" application for approval shall be made not later than the expiration of 3 years beginning with the date of this permission, and the development shall be begun not later than whichever is the later of the following dates:

- (i) The expiration of 5 years from the date of the grant of this permission, or
- (ii) The expiration of 2 years from the final approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: In accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.

2. Before any work is commenced, details of the siting, design and external appearance of the building(s), the means of access thereto and the landscaping of the site (hereinafter called "reserved matters") shall be submitted to and approved by the local planning authority.

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

3. The design, siting and layout of the proposed dwellings shall by the adoption of traditional architectural features and materials evident locally, reflect or be in sympathy with the character and appearance of Fenton.

Reason: To ensure that the proposed development is undertaken in a manner which safeguards the visual amenities of the area.

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

Reason: In order that the approved development overcomes any problems associated with the topography of the area.

5. Access gates, if provided, shall be erected to open inwards only away from the highway, be recessed no less than 4.5 metres as measured from the carriageway edge of the adjacent highway and shall incorporate 45 degree splays to each side.

Reason: To preserve sight lines.

6. No development shall commence until visibility splays providing clear visibility of 35 metres x 2.4 metres x 35 metres measured down the centre of the access road and the nearside channel line of the major road have been provided at the junction of the access road with the county highway. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grow within the visibility splay which obstruct the visibility splays.

Reason: In the interests of highway safety.

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

Reason: To preserve sight lines.

8. Before any dwelling hereby approved is occupied the existing access to the Fenton/How road shall be permanently closed and the highway crossing and boundary shall be reinstated in accordance with details which have been submitted to and approved beforehand by the local planning authority.

Reason: To ensure that the development is served by a vehicular access constructed to the satisfaction of the local planning authority.

9. Details shall be submitted of the proposed hard surface finishes to all public and private external areas within the proposed scheme and approved by the local planning authority before any site works commence, and the approved scheme shall be fully implemented before any of the dwellings are occupied.

Reason: To ensure that materials to be used are acceptable.

10. The whole of the access area bounded by the carriageway edge, entrance gates and the splays shall be constructed and drained to the specification of the local planning authority in consultation with the highway authority.

Reason: To ensure that the development is served by a vehicular access

constructed to the satisfaction of the local planning authority.

11. Before each dwelling is occupied, space for at least one garage and one parked car shall be provided together with vehicular access thereto and a turning area, in accordance with plans to be submitted to and approved by the local planning authority. The access, spaces for garage and parking, and, turning area shall be used for no other purpose without the prior approval of the local planning authority.

Reason: To ensure adequate access is available for each occupier.

12. Particulars of height and materials of all screen walls and boundary fences shall be submitted to and approved by the local planning authority prior to the commencement of the development hereby permitted.

Reason: To ensure that the appearance of the area is not prejudiced by lack of satisfactory screening which is not carried out in a co-ordinated manner.

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

Reason: To ensure that a satisfactory landscaping scheme is prepared.

14. All works comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following occupation of any dwelling or completion of the development, whichever is the sooner.

Reason: To ensure that a satisfactory landscaping scheme is implemented.

15. Trees, hedges and plants shown in the landscaping scheme to be retained or planted which, during the development works or a period of five years thereafter, are removed without prior written consent from the local planning authority, or die, become diseased or are damaged, shall be replaced in the first available planting season with others of such species and size as the authority may specify.

Reason: To ensure as far as possible that the landscaping scheme is fully effective.

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

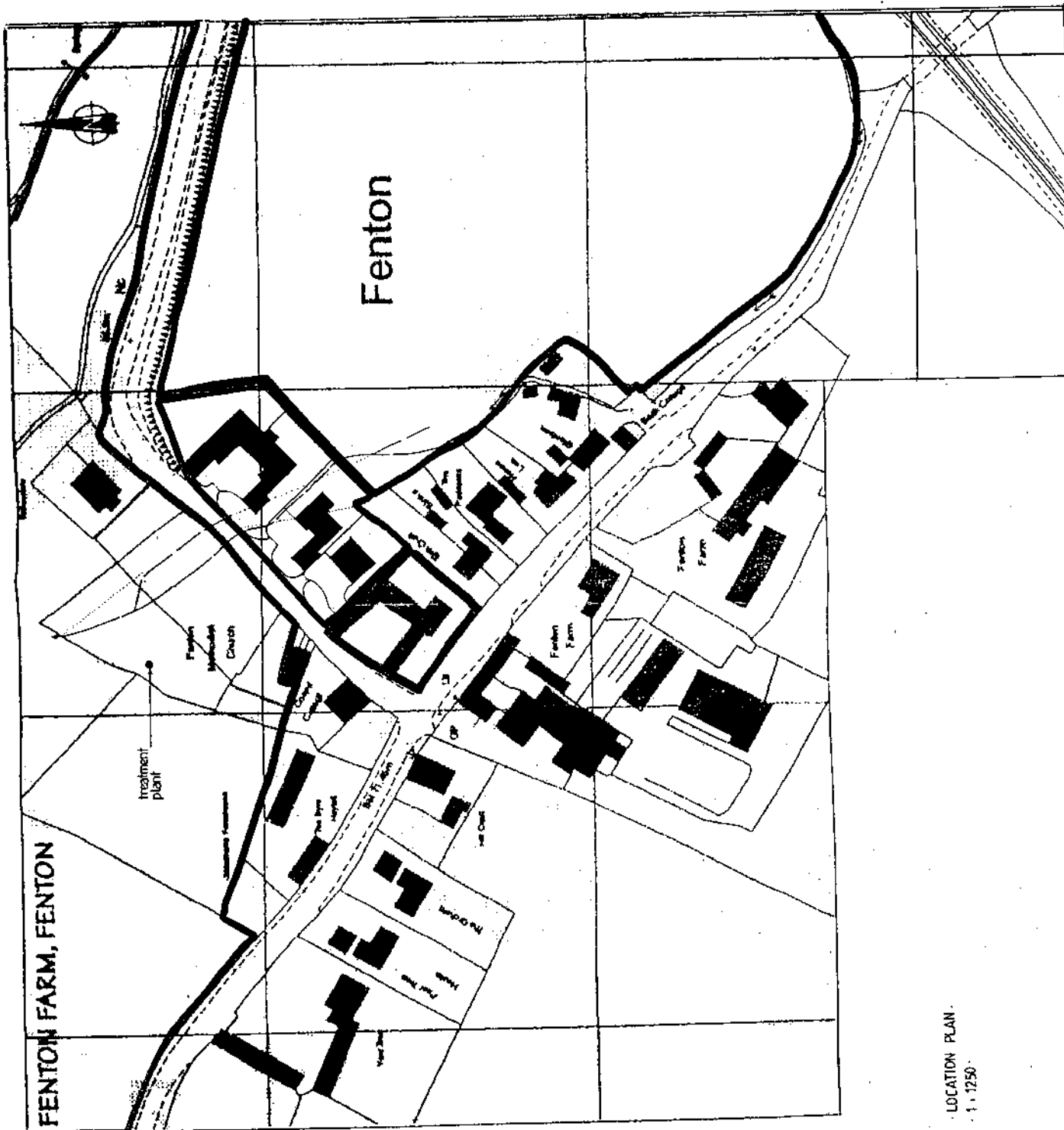
Reason: To ensure the works harmonise as closely as possible with the existing building.

17. The existing farm buildings identified in the agent's letter dated the 9th April 2003 shall be demolished and trace of their existence removed prior to the occupation of any residential unit hereby approved.

Reason: The local planning authority wish to ensure that the setting and scale of the development is not marred by the retention of the identified structure(s), and, to safeguard the character and appearance of the village.

18. No development approved by this permission shall be commenced until a scheme for the disposal of foul and surface waters 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 drainage.



LOCATION PLAN
1:1250

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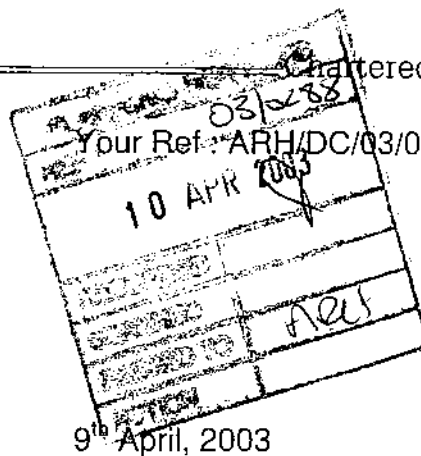
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TAYLOR & HARDY

Chartered Town Planners

Our Ref : MEH/J/C02/089

Mr. A. Hutchinson,
Principal Development Control Officer,
Planning Services Division,
Carlisle City Council,
Civic Centre,
CARLISLE.
CA3 8QG



Dear Angus,

OUTLINE PLANNING APPLICATION
PROPOSED REDEVELOPMENT OF PART OF FARMSTEADING
FOR 4 RESIDENTIAL PROPERTIES, TOGETHER WITH THE
REMOVAL OF NON-TRADITIONAL FARM BUILDINGS,
RELATED HARDSTANDINGS, SILAGE CLAMP, ETC.
AT FENTON FARM, FENTON, HOW MILL, CARLISLE
FOR MESSRS. H.S. THOMPSON

I am writing further to my submission on behalf of Messrs. H.S. Thompson of the planning application described above.

As we have discussed and as I have stated in my letter which accompanied the application it has, from the outset, been my intention to write to you and set out further relevant background to my Clients' proposal, background we have gone through at our meetings, and this I am now doing.

The aspects I wish to cover are 4 in number and these are:

1. the changed agricultural circumstances at Fenton Farm;
2. the nature of the current proposals;
3. the policy background; and
4. precedent,

and these I deal with in turn below.

1. CHANGED AGRICULTURAL CIRCUMSTANCES

As you will be aware, the future of the farming enterprise at Fenton Farm has been under review since the Foot and Mouth outbreak some 2 years or so ago. It has been during this period that the Applicants have given very serious consideration to the options of either expanding the dairy herd or changing to a suckler operation or stopping farming altogether. It has, however, been in the last 2 months or so that decisions have been taken and the agricultural circumstances at Fenton Farm have undergone fundamental change.

(A) NOVEMBER 2002

In a Report, prepared by Mr. A.G. Jackson, B Sc., FRICS., FAAV., of Capita db, dated 14th November 2002, on behalf of the Local Planning Authority the agricultural circumstances at Fenton Farm in November 2002 were recorded:

- the land farmed was a total of 82 ha. of which 63 ha. was owned and occupied by Messrs. H.S. Thompson;
- the livestock normally kept on the holding were 90 dairy cows; 180 young stock (dairy herd replacements and beef cattle) and 150 sheep were wintered;
- the farm buildings in use, as identified on the plan which is attached, were:
 - milking parlour and tower;
 - cubicle buildings for 100 cows and 80/90 young stock;
 - hay and straw storage building;
 - stock building for 70/80 cattle;
 - heifer shed for 60 cattle;
 - bull pen with calving boxes;
 - two open silage pits;
 - underground slurry store (two weeks storage capacity during the winter months).

At the time of his visit to Fenton Farm Mr. Jackson was aware that the farming enterprise had been and was under review and he made the following comments on a number of issues fundamental to its future.

In respect of the condition of the existing buildings Mr. Jackson stated that:

"1.9.3 The buildings are beginning to show their age and in common with many such farm buildings have been developed in a fairly haphazard nature."

On the storage of the farm wastes he stated :

- "10.1 The effluent from the cattle enterprises is mostly collected as slurry and stored in underground pits of very limited capacity. Two weeks' storage is extremely small and there must be a considerable danger of these storage tanks overflowing in times of very heavy rain as there is a very extensive area of open concrete drained into these tanks.**
- "10.2 Any significant development of new farm buildings, particularly for the storage of silage or buildings to house dairy cows where slurry is the foul waste product, will require storage facilities to be provided for the slurry and other foul water, with at least 4 months' storage capacity to comply with Environment Agency regulations.**
- 10.3 I believe a natural watercourse runs through the farmyard in a system of pipes so there must be a considerable danger of pollution to this watercourse. Such storage facilities will be very expensive."**

Mr. Jackson also commented on the financial viability of the Farm and stated that:

- "11.1 I have calculated the likely net income on this farm based on existing stock numbers and can advise that although it is financially viable at the present time, it is at the lower end of viability. Increasing cow numbers will increase that viability but this must be set against the very considerable capital expenditure that will be necessary to provide further facilities for housing dairy cows and storing foul wastes."**

It is of particular relevance to the application subject of this letter that it was in the context of the above that Mr. Jackson's conclusions were as follows:

- "12.1 I therefore conclude by advising first of all that the farm buildings currently located on the sites of the proposed dwellings nos. 1-4 inclusive are nearing the end of their useful life and replacement will be expensive in terms of the income that could be generated from dairying on a farm of this size.**
- 12.2 I also advise that changing the farming system to suckler cows is unlikely to be successful because of the need to modify the farming system, including the buildings, and the relatively low returns in that type of enterprise.**
- 12.3 Serious thought should therefore be given to ceasing to operate this farm as a dairy farm in its entirety."**

(B) APRIL 2003

The conclusions drawn by Mr. Jackson in his report of last November have been proven to be realistic and accurate.

Since the report was written Messrs. Thompson have made some very significant decisions in respect of their farming enterprise - they are to cease their farming enterprise at Fenton Farm. Substantive steps to this end have already been taken. The dairy herd was sold in February 2003 and a further 50 stock are to be sold during the next few months. The sheep have returned to their owner. Negotiations are underway to sell 50 ha. of the owner/occupied land and 400,000 litres of milk quota has been sold.

It is envisaged that the remaining 13 ha. of land will be retained and be grazed during the summer by 40 of the existing stock. All this stock will be sold in the Autumn. No stock will be wintered on the land.

The 13 ha. of retained land will be used for the summer grazing of stock and will maintain an interest for Mr. and Mrs. Thompson Senior whose whole life has been in farming.

All the farm buildings will be redundant by the end of Spring/early Summer this year. Once the buildings are not in use they will clearly begin to decay and deteriorate.

2. THE AMENDED PROPOSAL

At the time Mr. Jackson wrote his report on the agricultural circumstances at Fenton Farm the residential proposal comprised the erection of a total of 7 dwellings, one of which already had consent (L.P.A. Reference No. 02/0665). The units were proposed not just on a part of the farmstead but also on the land opposite, 2 of the units proposed were to be on open agricultural land.

It was anticipated, at the time application 02/0665 was submitted that the dwellings, if they had been approved, would have been erected alongside part of the retained farmyard where farming operations would have continued.

It is noted that in the report you prepared for the Development Control Committee to be held on 15th November 2002 your recommendation was that that proposal ought to be refused. Your principal concerns about the proposal were that:

- the number of additional units was considered to be significant in scale;
- the proposed development included greenfield land;

- the development was related to an ongoing agricultural operation - there were no visual and/or amenity arguments to support the proposal;
- it was not regarded as a diversification proposal.

With these objections being stated the application was withdrawn prior to any consideration by the Development Control Committee.

As explained during our meetings the current proposal, in terms of the residential development which is proposed and the relevant background, is now fundamentally different to that previous application.

The indicative scheme which accompanies the current outline application shows how part of the developed farmstead which is becoming redundant is to be redeveloped for 4 dwellings, a scale of development less than originally proposed. The site does not include any greenfield land.

The indicative scheme, which has been prepared following input from yourself shows how the proposed dwellings will adopt a traditional form and character.

In addition, as the farming operations are to cease and all the farm buildings will become redundant by late Spring/early Summer of this year my Clients agree to accept a planning condition which will require, as an integral part of the implementation of their proposal, for all the non-traditional buildings at Fenton Farm to be removed and the land outwith the application site to be restored to greenfield.

The cessation of the farming operations will bring considerable benefits.

The removal of the non-traditional farm buildings which are of a scale and visual appearance which detracts from the traditional character of Fenton and reinstatement of a substantial area of the existing farmsteading to greenfield will bring clear visual benefits to the village, a village identified in the Carlisle District Local Plan as being a candidate for 'Conservation Area' status.

The amenities of the village will also be improved by the removal of the farming activities and the redundant non-traditional buildings. The smell, noise, traffic and general disturbance of the farming activities will be removed as well as the buildings which will quickly deteriorate and decay once they become unused. The risk of pollution will also be removed.

The visual and amenity benefits as referred to above, material considerations to be considered in the determination of the application, are significant.

3. PLANNING POLICY

As we have discussed, the Local Planning Authority are currently making decisions on proposals for residential development in the rural area on the basis of Policy H5 of the Carlisle District Local Plan, guidance set out in PPG3 and relevant recent appeal decisions. In respect of appeal cases specific reference is made to Appeals with Reference No's. APP/G2713/A/01/1074527 and A/02/1097716 copies of which have been given to you.

In this regard it is understood that the recent decisions taken by the Local Planning Authority have been with the objectives of:

- 'applying the brakes slightly' to the rate of new house building in the rural area;
- where appropriate, safeguarding greenfield land and directing development towards settlements with services, i.e. making development more sustainable;
- in settlements where there are little or no service provision, granting consents where clear overall benefits to the wider community will result. These benefits being improvements to visual and general amenity which are of sufficient significance to outweigh any concerns on policy grounds. Recent examples where such an approach has been adopted are developments at Baldwinholme and Cumrew.

4. PRECEDENT

It has been suggested that approval of the current proposal would set a precedent for the granting of planning permission for residential development on the open agricultural land on the opposite side of the road, i.e. between the caravan, adjacent the Methodist Church and Willowdale. As we have discussed, both myself and my Clients do not consider that the approval of the current proposal would set such a precedent. This view is taken as the area of land referred to is, as open agricultural land, wholly different to the site subject of the current application. There are no visual/amenity improvements which would result from a proposal to counter-balance any policy concerns.

To conclude, it is considered that the submitted proposal has considerable merit:

- the proposals albeit indicative, are considered to be sympathetic to the character of the village and make efficient use of land which already has development on it;

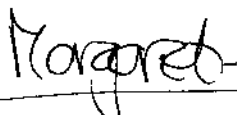
- the more modern farm buildings and related hardstandings will all be removed with substantial visual improvements to the village, a candidate for Conservation Area designation;
- the removal of the farming operations and farm buildings will bring improvements to the amenities of the village;
- the part of the farmstead, beyond the traditional range, which is not to be developed for the 4 dwellings proposed, will be reinstated back to greenfield with resultant visual and amenity benefits;
- in addition, it is noted that whilst Fenton has limited services, it does have a regular bus service which runs between Carlisle and Brampton, it is well related to settlements, e.g. Warwick Bridge, Hayton, Brampton where everyday services and facilities are located

If the residential development which is proposed is not granted then the more modern agricultural buildings will be left vacant, will deteriorate and become unkempt and derelict.

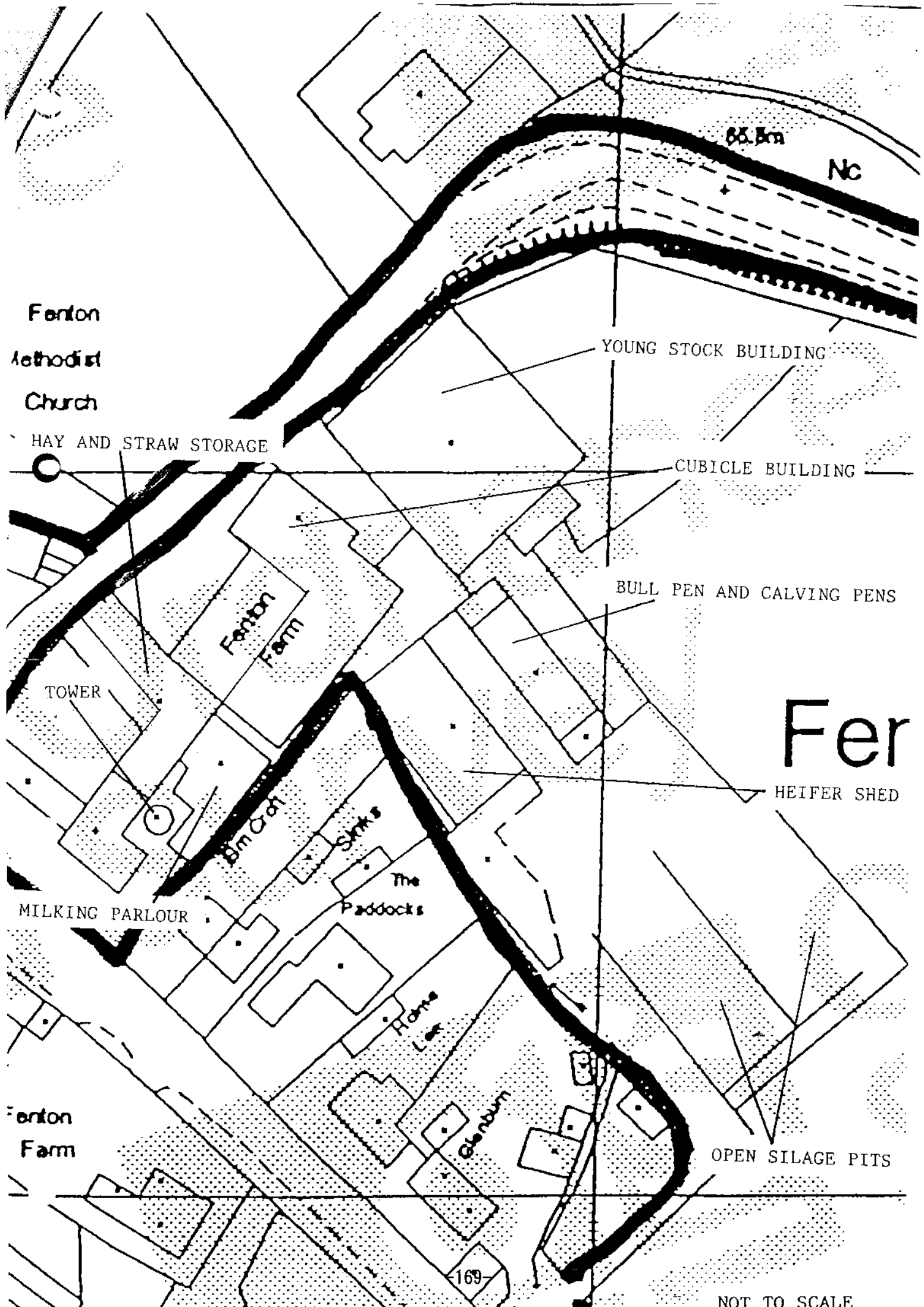
Furthermore, it is considered that approval of the proposal would be in accordance with the Council's current practice in respect of residential development in rural settlements where there is little or no service provision, e.g. Baldwinholme.

In view of all the above the Development Control Committee are urged to accept the overall merits of the scheme detailed in the current application.

Yours sincerely,



MARGARET HARDY



Fenton
Methodist
Church

HAY AND STRAW STORAGE

Fenton
Farm

TOWER

MILKING PARLOUR

Bm Cot

Sinks

The
Paddocks

Home
Lane

Glenium

YOUNG STOCK BUILDING

CUBICLE BUILDING

BULL PEN AND CALVING PENS

HEIFER SHED

OPEN SILAGE PITS

NOT TO SCALE

DEVELOPMENT CONTROL CASEBOOK

THE WEEKLY LEGAL AND APPEALS BULLETIN

Estoppel principle ruled irrelevant

The High Court has overturned an inspector's decision in respect of a telecommunications appeal, ruling that the doctrine of estoppel no longer has any place in planning law. **See p20**

Discontinuance action supported

In supporting discontinuance action on two poster sites in London, an inspector has concluded that the human rights of the appellant were not breached. **See p20**

Radio mast allowed with costs

BT has secured planning permission to install emergency services equipment at a site in Devon after an inspector concluded that there would be no harm to public health. **See p22**

Affordable contribution rejected

A financial contribution to affordable housing provision has been rejected in favour of on-site provision in relation to a retirement housing scheme in Hampshire. **DCS No: 28700455.**

Out-of-centre retailing blocked

The sale of carpets and furniture from a Lancashire wholesale warehouse has been rejected due to conflict with the local plan and national policy. **DCS No: 28309482.**

Housing goes ahead at stadium site

A proposal for 105 houses and apartments has been allowed on the site of a town centre football stadium in Cheshire. **DCS No: 28406021.**

Homes on greenfield farm land held to be premature

Plans to build 27 houses at a site in Greater Manchester have been turned down after the scheme was found to be premature in advance of preparation of a new unitary development plan (UDP) for the area.

The 0.94ha site comprised part of a former farmstead including two dwellings, farm buildings, several lock-up garages and open land. The land and buildings had not been used for agricultural purposes for many years, and the appellant claimed that the whole of the site constituted previously developed land. He asserted that because the land fell within the curtilage of existing buildings and was no longer in agricultural use, it complied with the definition of previously used land in annex C of PPG3.

The local planning authority, while agreeing that the buildings fell within the previously developed category, judged that the balance of the holding, amounting to 83 per cent of the total area, was greenfield land. It argued that although no farming took place on the land, its lawful use remained agricultural and accordingly the site did not fall within the definition of previously developed land.

The inspector noted that annex C did not suggest that buildings should be classified as being previously developed merely because they were not in active use for agriculture at the time of the appeal. The word "use" in the advice, he reasoned, referred to the use of land and buildings, and such use remained lawful even when they were derelict or vacant. Since agricultural buildings and land were excluded from the definition of previously developed land, he held that the substantial majority of the site comprised greenfield land.

With regard to prematurity, the inspector was unable to detect any significant shortfall in the availability of previously developed land to meet housing needs in the area. Although the site represented only one per cent of the total housing requirement in the



Greater Manchester: houses premature at vacant farm

emerging UDP, he judged that to release it would nonetheless prejudice the council's ability to apply the sequential approach to housing sites consistently.

DCS No: 54619376; Inspector: Philip Crookes; Inquiry.

Comment: There is some ambiguity in the advice in PPG3 relating to the brownfield or greenfield status of land occupied by former agricultural buildings (Planning, 19 July 2002, p19). This case is of interest in confirming the line likely to be taken by inspectors. The decision is also of note for the ruling that 27 homes would be premature in advance of the finalisation of a new UDP. The inspector, in accepting that a prematurity objection would not normally be sustainable, noted that the advice in PPG1 allows for exceptions and held that this was one such case.

Restaurants ruled not to be ancillary to retail park

A proposal by J Sainsbury Developments Ltd for two restaurants at a retail park in Norwich has been rejected on the grounds that they would not be ancillary to the established retail use and ought to be located within a nearby district shopping centre.

The appeal site formed part of a large car park associated with one of the retail units. The appellant company proposed to construct a free-standing restaurant and drive-through restaurant, asserting that there would be a preponderance of linked trips to the development from customers visiting the retail park and from passing motorists. As a consequence, the restaurants would be ancillary to the main retail uses, it maintained.

The inspector concurred with the local planning authority that the proposal should be considered as a leisure activity. Many people used their leisure time to visit pizza and burger bars, he observed. The development therefore needed to satisfy the sequential approach favouring locations within or on the edge of established shopping centres, he ruled. **-170-**

He agreed that the development would meet a need in the southern part of the city. However, he found that two restaurants in an easily accessible location along the inner ring road would be likely to create a significantly independent attraction rather than one that was ancillary to the main use. This would be contrary to the council's objective of directing such uses to the city and district centres, he agreed.

The inspector noted that although a Homebase store on the site embodied a café, this was very much an ancillary use and was not comparable to the appeal proposal, which in his view would have the effect of extending the range of activities on the retail park. He concluded that the restaurants would be better located in a proposed new district centre adjacent to the retail park, thus enabling linked trips to other commercial activities that were not restricted to purchasing bulky goods.

He considered that the development would be car-oriented given the drive-through proposal and the site's proximity to the inner ring road. Bus services were not regular or frequent and relatively few people would be likely to walk or cycle from residential areas given the restrictions imposed by the road system, he judged.

DCS No: 28157234; Inspector: David Hollis; Inquiry.

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Planning incorporating PlanningWeek is published

and distributed by Planning Publications Ltd,

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Appeal Decision

Hearing held on 08 January 2003

by Gyllian D Grindey MSc MRTPI Tech.Cert.Arb

an Inspector appointed by the First Secretary of State

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Date

29 JAN 2003

Appeal Ref: APP/Q0830/A/02/1092083

Pt OS 0600 & Pt OS 9400, land adjacent to Roseleigh, Hewas Water, St Austell, Cornwall

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr D N Wilson against the decision of Restormel Borough Council.
- The application (Ref.01/14/00553), dated 20 April 2001, was refused by notice dated 31 January 2002.
- The development proposed is the erection of a dwelling.

Summary of Decision: The appeal is allowed and planning permission granted subject to conditions set out in the Formal Decision below.

Procedural Matters

1. This was an outline application with all matters, save for access, reserved for later consideration. However, at the hearing it was agreed that details of the proposed access were lacking as the point of access was simply marked on a 1:2500 scale map. It was suggested that access should also be reserved for later consideration. I deal with the appeal on this basis.
2. An illustrative plan had also been submitted during the processing of the original application, (drawing no B1001-SK I) which was not included with the appeal documents. I was given a copy of this at the hearing and it gives a helpful indication of one way in which the site might be developed.

Main Issues

3. From the representations made at the hearing and in writing and from my inspection of the site and surroundings, it seems to me that the decision in this case revolves around 3 main issues. These are (a) whether the site would be appropriate for residential use in the light of national and local planning policy aims for the location of new residential development and (b) sustainability and (c) the effect of the scheme on the character and appearance of the area.

Planning Policy

4. Section 54A of the Town and Country Planning Act (as amended) requires that I decide this appeal in accordance with the development plan, unless material considerations indicate otherwise. The development plan consists of the Cornwall Structure Plan 1997 and the Restormel Local Plan, adopted October 2001.
5. The Structure Plan steers the majority of housing provision to the built up areas of towns. In rural areas provision should be mostly in the main villages. Policy H9 states that housing

development in villages should be well integrated with the existing form and framework of the settlement without adverse impact on the settling of the village or intrusion into the surrounding countryside. Most provision should be confined to those villages which have certain, specified facilities, so that residents do not need to travel for shopping, health, education or leisure needs. In rural areas apart from the provision referred to above, all new dwellings will be strictly controlled under policy H11 and will be limited to those essential for agricultural or other rural workers.

6. The Local Plan has no defined development envelope for Hewas Water under policy 3. This policy lists the larger settlements within the Borough and selected for some development. Development within the defined envelope will be considered acceptable in principle. Land outside the development envelope, as the appeal site is, is regarded as countryside for the purposes of the Plan and should be safeguard as such. Policy 76 sets out a few, limited, exceptions to this policy which may be permitted such as infill development of one or two dwellings clearly within the built up parts of settlements not listed in policy 3; housing for agricultural workers and conversions and replacement dwellings.

Reasons

7. **a) whether the site would be appropriate for residential use in the light of national and local planning policy aims for the location of new residential development.** I saw at my site inspection that the appeal site is east of Roseleigh, a traditional 2 storey cottage. The site lies to the north and behind a long, narrow parcel of land used for car-parking and storage in connection with the Hewaswater Engineering Company on the opposite side of the road. I understand that this car-park was granted a permanent planning permission in 1996. The appeal site is an undefined portion of field and is also occupied by a former milking parlour of domestic proportions.
8. The Council argues that Hewas Water is 'a small, loose collection of houses and rural buildings which at best could be described as a hamlet. A new dwelling would not constitute the infilling of a small gap in a built up frontage and accordingly, if permitted it would add to the sporadic nature of development, eroding the quality of the countryside and rural landscape.'¹.
9. I do not agree, and if this is the Council's view of the settlement, it is perhaps surprising that they granted planning permission for a new dwelling, only 250m or so further west in August last year. In answer to my question, the Council's representative said that the plot adjacent to Tybesta Tolfrue met criterion 1 of Local Plan policy 76. If this is the case then in my view this criterion must also apply to the appeal site.
10. The site lies adjacent to a small group of houses and, more importantly, is hemmed in, visually, by the car park. While it is technically true that the appeal site does not lie *within* a small group of *houses*, it does lie in immediate proximity with *developed* land. The car park and the associated storage of heavy plant and machinery in it do not have a rural appearance. Indeed, when travelling westward, from Sticker, I formed the impression that the beginning of Hewas Water is in the vicinity of this car park, with views of the development on the other side of the road and the large engineering building too. So, to my mind, the development of the site would not result in an extension, visually, of built development into the countryside.

¹ Appeal statement, paragraph 4.2

11. Good and fair administration requires consistency and perceived consistency of decision. I examined both the site adjacent to Tybesta Tolfrue and the appeal site and could find nothing significant in terms of location and characteristics between one site and the other. The Local Plan, in the explanatory text, elaborates on policy 76 and says that a proposal must not be part of a ribbon of development extending into the countryside. The appeal scheme would not do this, in fact 'ribbon of development' would more appropriately describe the permitted car park which effectively extended Hewas Water eastward and would still extend beyond the appeal site by 50 – 60m or so. Paragraph 8.60 of the explanatory text also states that development permitted under policy 76 must also 'clearly relate to the main part of an established settlement'. This is also complied within, in my view. As I have said, I consider that there is a clear 'edge' to the settlement in the vicinity of the car-park, the development opposite and the Engineering works, only 60 – 70m diagonally opposite the site. Policy H9 of the Structure Plan requires new housing to be well integrated with the existing form and framework of the settlement. The car-park and other existing development is a part of the framework of the settlement and to my mind the site would be visually integrated within it. So, to my mind, the scheme would meet the terms of the development Plan.
12. I conclude on this issue that the site is appropriate for residential use in the light of the policy requirements listed above.
13. **(b) whether the site would be appropriate for residential use in the light of national and local planning policy aims for sustainability.** Where development has to take place outside of urban areas, the Government is looking to local authorities to utilise the most sustainable option². This has been carried through at a local level in Structure Plan policies SP2 and H2 and Local Plan Strategic policy 1. Hewas Water has nothing in the way of facilities, although the Engineering Company employs 70 to 80 persons, I was told at the hearing. However, there is a paved footway all along the level route to Sticker, with a shop and Post Office and this is only 0.8km (half a mile) away.
14. At the hearing it was said that there are 13 buses daily each way to St Austell and Truro. I checked the bus timetable displayed along the road; there are buses in the morning and evening, so it would be possible to get to and from work at conventional times although probably not to work unsocial hours. At the hearing, the Council's representative stated that sustainability was a secondary issue in the determination of this application as there were 'more sustainable locations, and also less sustainable ones'. He stated that that, of itself, this would not have been a reason for refusal.
15. I agree. Clearly, if permission has been granted by the Council for a dwelling only some 250m or so away, then there can be no objection raised to the appeal scheme on this issue. Both sites must deliver the same levels of sustainability. I conclude that the objectives of development plan policy would not be harmed by the erection of a dwelling here.
16. **(c) the effect of the scheme on the character and appearance of the area.** The site would be adjacent to another dwelling, and would replace a small, pitched roof, former milking parlour of domestic scale. The immediate vicinity of the appeal site is so dominated by the car park in my view that an appropriately designed dwelling here would not intrude into the countryside, nor look out of place. Many of the comments I make in my

² PPG 3:Housing paragraph 65

paragraphs 10 and 11 above also have a bearing on this third issue. The Council argue that a new dwelling would have an urbanising effect, but to my mind the effect of the car park and open storage already has this effect. The immediate locality to the appeal site is, effectively, developed. The addition of a new dwelling would not change the situation markedly. I conclude that the proposal would not harm the character and appearance of the locality, nor be contrary to national and local development plan policy.

Other matters

17. The appellant argues that this is not a speculative proposal; he was born in Hewas Water and wishes to return there, with his family and to build a house on land gifted to him by his parents who also live in the settlement. Four generations of the family have lived here, all contributing to the community in various ways. However, these factors do not outweigh general planning considerations. As *PPG 1 - General Policy and Principles* states, at paragraph 38, works of a permanent nature, such as this house would remain long after the personal circumstances of the application are material. I give this little weight, although I have already stated why I consider that the appeal should be allowed.
18. I have considered the appellant's submissions in relation to other planning permissions granted in 1983 and 1989 for properties in Hewas Water and 2 appeal decisions drawn to my attention in the Council's statement. However, both planning permissions in Hewas Water were granted under a wholly different policy climate and hence have little bearing on the appeal now. Those put in by the Council seem to me to relate to sites with essentially different characteristics than the appeal site, such that preclude meaningful comparison between them.

Conclusions

19. For the reasons given above and having regard to all other matters raised I conclude that the appeal should be allowed.

Conditions

20. I intend to allow the appeal and at the hearing we discussed what conditions I should impose in this eventuality. The Council suggested 5 conditions, all of which I shall impose for obvious reasons. Given my comments in my paragraph 1, access should also be a reserved matter. The appellant's preference is for a 2 storey house here and I also consider that a two storey house similar to Roseleigh, adjacent, would look appropriate. I intend to condition the outline permission accordingly. Lastly, The settlement, in the main, has small, pleasant vernacular cottages and new development should, in my view reflect this local distinctiveness. Accordingly I intend to condition the maximum floor area to restrict the size of the proposed property to something of the order of that shown in the illustrative plan.

Formal Decision

21. In exercise of the powers transferred to me, I allow the appeal and grant planning permission for the erection of a dwelling on part OS 0600 and part OS 9400, adjoining Roseleigh, Hewas Water, St Austell, Cornwall in accordance with the terms of the application Ref. 01/14/00553 dated 20 April 2001, and the plans submitted therewith, subject to the following conditions:

- 1) Approval of the details of the siting, design and external appearance of the building, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced.
- 2) Plans and particulars of the reserved matters referred to in condition 1 above, relating to the siting, design and external appearance of any buildings to be erected, the means of access to the site and the landscaping of the site, shall be submitted in writing to the local planning authority and shall be carried out as approved.
- 3) Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.
- 4) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
- 5) The dwelling shall not be occupied until space has been laid out within the site for 2 cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear.
- 6) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted, any free standing walls, structures and hard standing areas have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 7) The house, porch and garage shall have a maximum nett floor area of 161m² (1733ft²). The development shall consist of a 2 storey house.

Information

22. A separate note is attached setting out the circumstances in which the validity of this decision may be challenged by making an application to the High Court.



Inspector



Appeal Decision

Hearing held on 30 October 2001

by **Simon Emerson** BSc DipTP MRTPI

an Inspector appointed by the Secretary of State for Transport,
Local Government and the Regions

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Date

- 7 NOV 2001

Appeal Ref: APP/W1850/A/01/1069635

Land adjacent Pheasant Rise, Pencraig, Herefordshire.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr N Roper against the decision of Herefordshire Council.
- The application (Ref. SE2001/0926/O), dated 12 March 2001, was refused by notice dated 1 June 2001.
- The development proposed is an outline application for 3 dwellings.

Summary of Decision: The appeal is dismissed.

Procedural Matters

1. The application was submitted in outline with all matters reserved for subsequent approval. The application was accompanied by a plan annotated *indicative layout only* showing 3 detached dwellings served by a private road leading from an existing access with Pheasant Rise. It was agreed that this was illustrative only. At the hearing, the appellant submitted an amended site location plan with adjoining land in the appellant's ownership outlined in blue. This land encompasses the group of buildings known as Home Farm.

Planning Policy

2. The development plan includes the Hereford and Worcester County Structure Plan 1993 and the South Herefordshire District Local Plan 1999. Pencraig is within the Wye Valley Area of Outstanding Natural Beauty (AONB). It is also just within the Area of Great Landscape Value (AGLV). These designations are shown on the Local Plan's Proposals Map. In the vicinity of the appeal site, the AGLV covers a narrower section of the Wye Valley than the AONB, but generally it extends over parts of Herefordshire not covered by the AONB.
3. Structure plan policy H.20 states that residential development will not normally be permitted unless it comes within one of the categories of development listed. The appellant accepted that the proposal did not come within any of these categories, but highlighted that exceptions were contemplated given that the policy prefaces its restrictive approach with the word *normally*. Any residential development in the rural area has to meet the criteria listed in policy H.16A. These include e) located with due regard to the availability of public transport and f) help to sustain the rural economy. Policy CTC.1 states that within AONBs priority will be given to the conservation and protection of the landscape and that development will normally be restricted to small scale developments which are essential to meet local community needs or recreational facilities.

4. The appellant accepts that, as defined in the local plan, Pencraig is in the countryside and not within a defined settlement (policy C.2). The nearest defined settlement is Goodrich, which is about 1.5km from the appeal site and is included in a list of larger villages in policy SH.6. The policy indicates that these are settlements best able to support new housing. Small scale housing development, subject to a number of criteria, may also be acceptable in defined smaller settlements under policy SH.10. These smaller villages are listed in paragraph 3.46. Paragraph 3.44 indicates that such new housing should have regard to the availability of employment opportunities, educational establishments and to reducing the need to travel. Policy SH.11 states that outside the larger villages and smaller settlements and within the open countryside new dwellings will only be permitted where they come within one of 3 categories (essential for agricultural workers, replacement dwellings and conversions). The appeal proposal is none of these. Policy SH.1A indicates that because of the expected over provision of new housing in the district, particularly within the rural parishes, the Council will seek to reduce further unwarranted development by various means listed in the policy, but none of these steps is relevant in this case.
5. Policy C.1 sets out a restrictive approach to new development in the countryside. The proposal is not one of the types of development referred to as acceptable. Policy C.4 states that in the Wye Valley AONB priority will be given to the protection and enhancement of the area's natural beauty. Policy C.5 indicates that development in the AONB will normally only be favourably considered where 3 criteria are met, namely: where it would have a minimal effect on the special scenic quality of the landscape; is essential to meet local community needs and help support the life of those communities; and would satisfy other relevant policies. Policy C.9 seeks the enhancement and management of landscape features, such as skylines and hill features, including prominent views of such features, and indicates that development which would adversely affect these features will not be allowed. Policy T.1A states that confirmation will be required that proposed development would be environmentally sustainable in that it would help to reduce the need to travel, particularly by car.
6. The Council also referred to the policies in the structure and local plans for the protection of the landscape of the AGLV (CTC.2 and C.8), but in this location I consider that compliance with the policies for the AONB would also ensure compliance with these other policies and it is not necessary to refer to them in detail.
7. Relevant parts of national advice in Planning Policy Guidance (PPG) 3 *Housing*, PPG 7 *The Countryside - Environmental Quality and Economic and Social Development* and PPG 13 *Transport* were referred to at the hearing. The appellant emphasised that the structure plan predated all 3 of these PPGs and that the local plan predated both PPG 2 and PPG 13. In the appellant's view the structure plan's housing policies are out of date as policy H.20 makes no reference to the sensitive infilling of small gaps or minor extensions to existing groups of dwellings in the countryside which PPG 7 (paragraph 3.21) indicates may be acceptable.
8. I accept that policy H.20 does not include the types of development highlighted by the appellant in PPG 7 and I consider later whether the proposal would be such a development. But the overall aims of the above development plan policies to restrict development in the countryside, protect the landscape of the AONB and focus housing development in the larger villages accords with the thrust of national guidance. I have particularly in mind advice to protect the countryside for its own sake (PPG 7, paragraph 2.14); to favour the conservation of natural beauty in AONBs (PPG 7, paragraph 4.8); to promote more sustainable patterns of

development by building in ways which exploit and deliver accessibility by public transport (PPG 2, paragraph 2) and, in rural areas, to locate most development in local service centres (PPG 13, paragraph 6).

Main Issues

9. From what I have read, seen and heard I consider that there are 3 main issues. These are:

- the effect on the character and appearance of the area, including the Wye Valley AONB;
- the effect on sustainability, with particular regard to access to schools, employment, shops and services other than by car;
- whether any benefits from the development outweigh any harm or conflict with development plan policy.

Reasons

Character and Appearance

10. Pencraig is a hamlet straddling the A40, which is a busy, fast flowing dual carriageway. Development consists of a variety of mainly detached dwellings, 2 groups of large farm buildings (Home Farm and Stephouse Farm on the opposite side of the A40), a small hotel and a roadside café on the site of a former filling station. There was also a Post Office, but this shut about a month ago and the property is for sale. Pencraig lies on a flat ridge with a wooded escarpment to the north-east, below which is the Wye. Pheasant Rise is a short cul-de-sac of 4 large detached houses built in the past decade. On the opposite side of the A40 there is another short cul-de-sac of 3 large, modern houses. The layout, design and materials of these 2 developments contrast noticeably with nearby older buildings and, in my view, have an inappropriate suburban character which weakens the local distinctiveness of this hamlet.
11. The appeal site is part of the farmyard of Home Farm. An existing large agricultural building, partly within the appeal site and partly beyond, would be removed if the development went ahead. A slurry pit on part of the site has recently been filled in. The appellant indicated that all the agricultural buildings at Home Farm are redundant and have not been used since the dairy operation ceased in 1999. The proposed development, as illustrated in the indicative layout, would continue the north-west/south-east alignment of 3 of the dwellings in Pheasant Rise.
12. In my view, the proposal would not be an appropriate rounding-off or small scale extension to existing development. The north-eastern and south-eastern boundaries of the appeal site do not relate to any existing natural or built features. The development would be an arbitrary incursion into the farmyard, extending what is a small-scale cluster of residential development in the countryside. A substantial utilitarian building would be removed as a consequence of the development, but agricultural buildings are an accepted part of the countryside. The impact on the character and appearance of the area would depend on the detailed design and layout, but in my view it would be likely to have a harmful suburbanising effect, eroding the rural character of Pencraig. A development along the lines illustrated would tend to reinforce the inappropriate suburban character of Pheasant Rise. The appeal site is set back from the A40 behind the substantial stone wall around Home Farm and I accept that development on the site would not be readily noticeable from

the main road, other than fleetingly when passing the entrance to Pheasant Rise. I therefore recognise that the harm I envisage would be localised to the immediate area.

13. From the appeal site there are extensive views across a section of the Wye Valley. A short length of the river can be seen, but it disappears from view at the foot of the escarpment below the site. There is a public footpath along the western river bank and it is reasonable to assume inter-visibility between the river bank and development on the appeal site. The river bank footpath was the only public viewpoint highlighted by the Council
14. Given the distance between the appeal site and likely viewpoints to the north west, such as the river bank footpath, and taking into account the significant difference in levels and the dominant visual impact of the wooded escarpment on which the appeal site is located, I consider that 3 dwellings would appear as an unexceptional, small-scale feature in the landscape. Providing appropriate consideration was given to the design, materials and landscaping of the development (including the possibility of tree planting beyond the appeal site on the appellant's land) and bearing in mind that a large utilitarian building would be removed, I consider that the development need not cause material harm to the wider landscape of the AONB. The development would not conflict with the underlying objective of policies to protect the landscape and scenic quality of the AONB and there would be no conflict with policy C.9(i) to protect skylines.

Sustainability

15. In the appellant's view the site is a sustainable location being reasonably close to the facilities in Goodrich, being on the bus route which follows the A40, and which benefits from the ease of access provided by the A40 to facilities in larger towns. The appellant also highlighted the local employment provided by the catering business based at Home Farm; the Pencraig hotel, which serves non-residents; and the possibility that the Post Office might reopen. Pedestrian accessibility to a reopened Post Office would be improved if current proposals by the Highways Agency to create a 50mph speed limit through Pencraig and other safety measures were to be implemented. The appellant could not provide any details of the bus service along the A40. The Council believed that it had been limited, but had now ceased. The Council indicated that the main bus route serving Goodrich does not pass through Pencraig.
16. I saw that there were several marked bus lay-bys alongside the A40 in the vicinity of Pencraig, but none had bus stop signs or bus information; which contrasts with the clearly marked bus stops and timetables I saw elsewhere, such as in Goodrich. The Highways Agency safety scheme includes the closing of a bus stop at the junction of the A40 with the road to Goodrich. In my view, it is reasonable to assume that the most regular bus services follow the line of settlements away from this part of the A40. On the evidence available, I consider that there is no regular bus service through Pencraig that would be of practical use to future residents.
17. Goodrich has a modern primary school, a post office/stores, a public house/hotel, a church, a community hall and a regular bus service. In the context of rural Herefordshire, I consider that this bus service (2 hourly Mondays to Saturdays) offers reasonable accessibility by public transport to the nearest main towns. In my view, Goodrich has a range of useful services and facilities which enable residents to meet some day to day needs without a car. Pencraig clearly does not. The appeal site is about 1.5km from Goodrich; most residents of Pencraig are unlikely to find the walk to Goodrich safe or convenient. Future residents of a

development on the appeal site would be reliant on the private car for getting to schools, shops, services and employment, other than those who found work at the hotel, café or the catering business at Home Farm.

18. I consider that the development would conflict with sustainability objectives in national advice and as reflected in the hierarchy of housing/settlement policies in the local plan. It would also conflict with the aim of structure plan policy H.16A e) and of policy T1.A.

Benefits

19. The appellant considers that the development would be a visual improvement, benefiting the residents of Pheasant Rise and highlights the lack of objection to the development from these residents. In addition, the appellant referred to the Council's Housing Needs Study (1999) which indicates that in the period 1999-2004, 20 households in the Parish of Goodrich are expected to need or want homes and 14 such households in the adjoining Parish of Marstow (Table TA.10 pages 93-100). Home Farm straddles the boundary between these 2 parishes.
20. I have already indicated that there would be some localised harm to the character and appearance of the area from residential development. I consider that the removal of the existing building in the context of residential development would not be a net benefit. I attach limited weight to the housing needs highlighted by the appellant from the 1999 Study. The Study states (page 92) that the figures indicated in Table TA.10 can only be used for strategic planning purposes (by indicating the distribution of housing need across the County) and cannot be considered an adequate reason for either allowing or refusing planning permission for particular parishes that have not been recently surveyed. I note that neither Goodrich nor Marstow were surveyed for the Study. The housing needs indicated are the result of a sample survey and cluster analysis being used to suggest needs for unsurveyed parishes with a similar demographic profile.
21. I accept that meeting local housing needs is important and is highlighted in national and local policies. But there is nothing to suggest that any local housing need cannot be met in accordance with the settlement policies in the local plan, which include Goodrich as a larger village. The appellant did not suggest or propose that the appeal development should be restricted to meeting affordable housing needs.

Conclusions

22. I have found only limited, localised harm to the character and appearance of the area and no harm to the wider landscape of the AONB. But the development would directly conflict with sustainability objectives because future residents would be almost wholly reliant on travel by car.
23. The development would conflict with the settlement policies in the development plan, namely H.20 of the structure plan and SH.11 and C1 of the local plan. The development would not be an appropriate minor extension to a group of dwellings mentioned in PPG 7. The development is not essential to meet local community needs and therefore does not meet all the detailed criteria for development in the AONB - policies CTC.1(a) and C.5 (ii). I see nothing in this proposal to suggest that the exceptions anticipated in some of the policies by the use of the word *normally* should apply in this case.

24. In my view, there is no benefit from, or need for, this development, sufficient to outweigh the combination of harm and conflict with development plan policies that I have identified.
25. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Formal Decision

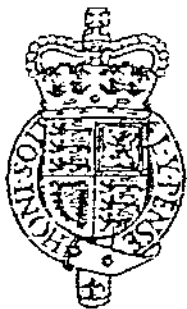
26. In exercise of the powers transferred to me, I dismiss the appeal.

Information

27. A separate note is attached setting out the circumstances in which the validity of this decision may be challenged by making an application to the High Court within 6 weeks from the date of this decision.

Simon Emerson

INSPECTOR



Appeal Decision

Inquiry and site visit held on 17 December 2002

by John L Gray DipArch MSc Registered Architect

an Inspector appointed by the First Secretary of State

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Date 24 JAN 2003

Appeal A: APP/G2713/A/01/1074527

Ainderby House Farm, Ainderby Steeple, Northallerton

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by J Charlton & Sons against the decision of Hambleton District Council.
- The application (ref. 2/01/003/0071A), dated 5 February 2001, was refused by the Council by notice, dated 30 April 2001.
- The development proposed is the demolition of farm and ancillary buildings, alterations to Ainderby House and residential development of the site, together with roadway and ancillary works.
- This decision supersedes that issued on 19 February 2002. That decision on the appeal was quashed by order of the High Court.

Summary of Decision: the appeal is allowed and planning permission granted in the terms set out in the Formal Decision below.

Appeal B: APP/G2713/A/02/1097716

Ainderby House Farm, Ainderby Steeple, Northallerton

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
- The appeal is made by J Charlton & Sons against Hambleton District Council.
- The application (ref. 2/02/003/0071B) is dated 20 May 2002.
- The development proposed is the demolition of farm and ancillary buildings, alterations to Ainderby House and re-use of the site for residential development, together with access and ancillary works.

Summary of Decision: the appeal is allowed and planning permission granted in the terms set out in the Formal Decision below.

Procedural Matters

1. The description given above of the proposed development for Appeal A is that set out in paragraph 2 of the quashed decision. The application had originally sought outline planning permission for eight houses; siting and access were not reserved. At the inquiry on 29 January 2002, the Inspector was asked to consider the proposal in a revised form – with a smaller site and with all matters reserved, including the number of houses. This he did. His decision was quashed, in effect because the terms in which he granted permission did not accurately reflect the amendments he had accepted at the inquiry. I shall redetermine the appeal on the basis of those amendments.
2. The application leading to Appeal B was submitted after the decision on Appeal A had been quashed. It was made in outline on the same site as accepted by the Inspector at the inquiry, for no specific number of houses, with access not reserved and with the design and external appearance of the proposed alterations to Ainderby House also to be determined. By letter

dated 18 October 2002, subsequent to the appeal against non-determination being lodged, drawing no. 00/175/002/B was submitted to the Council showing amended access proposals that would mean reducing the frontage of Ainderby House by a further 600mm. I shall determine Appeal B on the basis of this drawing.

3. At the inquiry an application for costs was made by J Charlton & Sons against Hambleton District Council. This application is the subject of a separate decision.

Main Issues

4. The two main issues are the same in both appeals. The first is whether this is an appropriate location for residential development bearing in mind local and national policy on housing provision. The second is the effect the proposed development would have on the character and appearance of the Ainderby Steeple Conservation Area and the setting of the Church of St Helen, a grade I listed building.

Planning Policy

5. The Development Plan for the area comprises the *North Yorkshire County Structure Plan*, adopted in 1995, and the *Hambleton District-Wide Local Plan*, adopted in 1999.
6. Structure Plan Policy H1 provides for about 4,500 houses in Hambleton District in the period 1991-2006, Policies H3 and H4 set criteria for the distribution of new housing outside the major urban areas and market towns and Policy H6 gives priority to the use of land, particularly vacant or derelict land, within the boundaries of existing settlements.
7. Local Plan Policy H1 reiterates that provision will be made for about 4,500 houses in the period up to 2006. Policy L1 seeks to restrict development within the Development Limits defined on Inset Maps. Policy H23 resists residential development outside Development Limits except in specific circumstances. Policy L10 says that development permitted within Landscape Restoration Areas will be encouraged to make a positive landscape contribution. Policy HH1 says that development within or affecting the setting of a conservation area should seek to preserve or enhance the features that contribute positively to its character or appearance and Policy HH4 sets criteria that such development should satisfy. Policy HH12 resists development that would mean the loss of historic patterns of streets, lanes and footpaths in conservation areas and encourages relaxation of normal highway standards in order to retain the special character or appearance of such areas. Policies BD1 and BD2 are general policies, together seeking high standards of design in relation to context.
8. In the emerging Alteration No. 1 to the Local Plan, which has passed the Second Deposit Stage, Policy H23 is effectively unchanged so far as these appeals are concerned. The Council has adopted for development control purposes an Interim Policy on the Release of Housing Land. Against the background of an over-supply of housing land, it seeks to restrict new permissions for residential development, save for specific exceptions, to previously developed land within Development Limits.
9. National planning policy guidance relevant to these appeals is to be found in PPG1 *General Policy and Principles*, PPG3 *Housing*, PPG7 *The Countryside - Environmental Quality and Economic and Social Development*, PPG13 *Transport* and PPG15 *Planning and the Historic Environment*. The White Paper *Our countryside: the future* was referred to by the Appellants. I must also have regard to the statutory duties in the *Planning (Listed Buildings and Conservation Areas) Act 1990* with regard to conservation areas and listed buildings.

Reasoning

The First Issue – Housing Policy

10. There is no dispute that the proposed development runs contrary to the letter of adopted Development Plan policy and national planning policy guidance. Ainderby House is within the Development Limit for Ainderby Steeple but the boundary is drawn close to its rear. The area of the site on which new houses could be built lies outside the Development Limit, leaving the proposed development in conflict with Local Plan Policy L1. Also, Structure Plan Policy H4 restricts new housing in villages such as Ainderby Steeple to conversion or infilling, which development on the appeal site would not be. Nor would the proposal meet the criteria in Policy H23 for new residential development outside Development Limits. The land and buildings are currently in use for agricultural purposes and thus do not qualify as previously developed land in terms of the definition in Annex C to PPG3. Accordingly, support for the proposal cannot be drawn from PPG3. The Council's Interim Policy applies only to land within Development Limits but takes a stricter line than Local Plan policy.
11. The Local Plan Inspector recommended against Development Limits. The Council did not accept that recommendation and the Local Plan proceeded to adoption thereafter. I can therefore give no weight to the Inspector's views, all the more so as I do not know the particular circumstances that prevail in Hambleton District as a whole and many Councils, in my experience, use a similar mechanism to control development in villages.
12. Policy L1 says that development will 'generally' be restricted within Development Limits. The supporting text leads me to treat that qualifying adverb simply as enabling the exceptions outlined in the second paragraph of the policy and, in terms of housing, defined more precisely in Policy H23. If the word is to be treated more liberally, then I think it can only be in terms of any material benefits that development might bring. In the case of these appeals, the evidence to the inquiry suggested two possible benefits. One could be to the character and appearance of the conservation area and the setting of the listed church, which I have defined as the second main issue. The other, not entirely unrelated, is to do with the future of what, if not now, very soon will be a redundant farmyard. In terms of PPG1, both may be described as 'other material considerations', which may or may not outweigh the presumption that appeals should be determined in accordance with the Development Plan.

The First Issue – Other Material Considerations

13. Planning permission has been granted for new farm buildings on land a little to the north of the village. Two buildings have been erected and permission has been granted for further development. As a result, the existing farmyard will soon become redundant. Even then, the site still would not qualify as previously developed land in the terms of PPG3. On the other hand, it is a developed site – the Council's references to it as greenfield land are understandable but, given what one sees on the ground, misleading. The existing buildings seem to be well constructed, well maintained and, even if no longer used, highly likely to remain. They may be outside the Development Limit – but the glimpsed views from the green and the open views from the east give the visual impression of the farmyard being part of the village scene.
14. So what are the options? To clear the site and restore it as open land would satisfy Local Plan policy – but the extent and permanence of the buildings seems to me to make that unlikely. Conversion for a new use might be a possibility. However, only one of the

buildings would lend itself to conversion for commercial or industrial use without substantial alteration and/or rebuilding (the others are portal frame structures with largely open or semi-open sides) and even it would need substantial alteration and upgrading. Some form of equestrian use could make greater use of the existing buildings without major change to their appearance or character – but appears wholly impractical since to make grazing land available would be bound significantly to reduce the size of the farm. I did not investigate further but there also seems to be a dearth of opportunities to ride out from the site without having to use the busy A684 road. Lastly, the amount and type of traffic generated by alternative uses (commercial, industrial or equestrian) would certainly have a greater impact on the A684, particularly access to or from it, than residential use – though the objection in these appeals is essentially to the appearance of a new junction, not to the impact of traffic.

15. The farming operations are in the process of being moved to a different and more efficient location. That move does not appear to hinge upon the outcome of these appeals. And I do not see it as justifying development on the appeal site that would run contrary to local and national policy on housing. On the other hand, the site is physically well related to the village and the A684 road and Ainderby Steeple is itself fairly well related to Northallerton and other settlements offering everyday services and facilities. The efficient use of land that already has development upon it is thus, in general terms, a commendable objective. And, while I cannot give it very much weight, the likelihood of proceeds from development of the site being invested in a hard-pressed farming industry cannot be entirely disregarded.

The First Issue – Conclusion

16. To conclude on this first issue, I see no obvious alternative use of the site. Conversion of the buildings for a new use seems impracticable and redevelopment would go against Local Plan Policy L1, not to mention Structure Plan Policy H4. The likelihood that the site and buildings might be left vacant, probably to decay, is not a reason in itself to override housing policy. That, however, plus the location of the site as historically an integral part of the village and the apparent absence of an acceptable alternative use, are all material considerations to weigh in the balance. I do not believe they are enough in themselves to outweigh the letter of Development Plan policy – but the second main issue is another material consideration that will weigh in one side or the other of that balance.

The Second Issue – Effect on the Character and Appearance of the Area

17. The farmyard may be in a traditional village location. Its layout may also be traditional. But its buildings are not. They are mostly modern and of portal frame construction, with wide spans and a distinctly utilitarian appearance. Views from within the village are limited but the character of the buildings is nevertheless apparent. They are very prominent when approaching the village from the east, standing on high ground immediately to the north of the churchyard, seemingly very close to the church but with a discordant scale and mass. And their position virtually on the boundary makes the northern part of the churchyard seem very hemmed-in. I am in no doubt that the existing farmyard buildings seriously detract from both the character and appearance of the conservation area (seen from within and without) and the setting of the listed church.
18. Equally, I am in no doubt that a small housing development, echoing the farmyard layout and a vernacular style of building, could enhance both. Much would depend on the quality of layout and design – but I do not consider that the criticisms raised by the Council need

cause any significant difficulty. Houses would be higher than the existing farm buildings - and their roofs would be visible looking north across the churchyard (the existing buildings are barely visible) - but, in principle, the scale, form and materials of domestic roofs would make a much more appropriate contribution to the scene. Similarly, views from the east towards suitably designed houses would be an improvement over what exists (I note what the Council says about housing being generally hidden in this approach but that does not make the existing view a satisfactory one). Where the existing buildings stand virtually on the churchyard boundary, houses would stand further away, giving a greater sense of space. Also, the site is around 1.5m below the level of the churchyard so that any domestic paraphernalia would be largely screened by the boundary wall, which might anyway need some modification, and the existing vegetation. Nor, in general terms, do I consider domestic noise and activity likely to affect the setting of the church - it is neither uncommon nor inappropriate to find housing around a churchyard.

19. It is true that the highway authority's requirements for access would bring a rather more engineered arrangement than presently seen around the green. I have no concerns about diverting the existing track to a junction with the proposed access - it has clear merit in highways terms, it affords the opportunity for an additional area of green that would soften the overall impact of the works and, on the evidence, I have no reason to believe that legal difficulties would block implementation. The 6.0m kerb radii seem reasonable but I am uncertain about the need for a footway on the north side of the access when no more than about eight new houses could be built. Even so, the impact of the footway would depend a great deal on the materials and details employed. (I have in mind how the access is detailed at the north-western corner of the green, which does not seem to me to detract from the character and appearance of the conservation area.) I am also unclear as to why the detail of the design, or the scale of the development, might make it necessary to install dropped kerbs and tactile paving, both on the access and on the A684. They seem to me a somewhat urban feature of dubious merit in such a small village. Lastly, the impact of the proposed access must be viewed in the context of any other new use requiring access improvements and some (industrial or equestrian for example) requiring larger kerb radii and a more extensive surfaced area.
20. Ainderby House is a prominent, attractive but unlisted building. The proposed alterations would significantly reduce the length of its façade but would not, in my opinion, lead to building of inappropriate mass or proportion. Shortening the façade would open up views into the farmyard - but would be necessary whatever uses were proposed for the site. The key to a successful scheme thus lies in the layout and design of what would lie beyond - not in the alterations to the house and garden, which I consider would themselves be acceptable.

The Second Issue - Conclusion

21. Taken overall, I conclude that there would be no harm to the character and appearance of the conservation area and that, in some respects, there would be clear enhancement. Only the proposed access might give cause for concern but, in my opinion, the impact of what is proposed will depend on the detail and need not be harmful, even if it would be a significant change. I do not believe that a detailed solution need go against the intent of Local Plan Policy HH12. Also, there seems to be scope to omit at least some of the more urbanising influences. I therefore see no breach of the principles of Local Plan Policies HH1, HH4 and HH12, though specific design proposals would still have to meet the detailed criteria of Policies HH4, BD1 and BD2.

Overall Conclusion

22. On the first issue, the proposals go against Development Plan policy but circumstances on the ground – the location of the site as historically an integral part of the village, its impending redundancy and the lack of any more appropriate use – all count in its favour. So too, on the second issue, does the enhancement that a sensitive scheme would bring to the character and appearance of the conservation area and the setting of the listed church. I find no reason do disagree with the conclusions of my colleague in February 2002 that the various material considerations, particularly the enhancement that would accrue, are more than sufficient to outweigh the breach of the letter of policy that the proposals represent.

Other Matters

23. One of the Council's reasons for objecting to the Appeal B scheme was the traffic problem that might arise if the access proposals in the application could not be achieved, in which case there would be an unsatisfactory relationship between the existing road around the green and the proposed access where they would meet the A684 road. The highway authority did not object; it merely queried whether what was proposed could be delivered. The Council says, correctly, that this would normally be dealt with by means of a negatively worded condition – but it resisted that solution because the appellants had not confirmed that there was a reasonable prospect of securing the access as proposed.
24. In my opinion, its approach was wrong. Even if the status of the existing road and the rights of its users were unknown, that did not mean there could be no reasonable prospect of securing the diversion of the road. In my opinion, having heard the Council's evidence, there is that prospect. Moreover, there was an obligation on the Council, established in the Courts, to consider whether the approach advocated in Circular 11/95 was appropriate in the circumstances of the case. The Council did not address whether any harm would arise were a planning permission subject to a negative condition subsequently to lapse because the terms of that condition could not be met. In my opinion, there would be none. If anything, failure to implement a permission would benefit the effort to restrain housing provision in the District. One may deduce from the Council's objection that it would feel unable to resist an alternative access were it not possible to secure the permitted one. That is simply wrong. It is abundantly clear that there would then be a highways objection which there is not with the application scheme.
25. The Council was also concerned at the precedent that allowing these appeals might set. It said that there were twelve villages in Hambleton with farmyards or other sites excluded from development limits but within conservation areas. I have considered these proposals on their merits, as did the previous Inspector, and found no harm that could justify dismissing the appeals. This conclusion cannot possibly justify permitting proposals elsewhere that are judged, on their individual merits, to be harmful.

Conditions

26. Planning permissions could not be granted without conditions to secure an appropriate standard of development. The Council suggests 21, largely duplicated by a further ten by the highway authority. The quashed permission had twelve. In general terms, conditions to deal with the following are reasonable and necessary – reserved matters, hard and soft landscaping, levels, drainage, site contamination, hours of construction, on-site facilities during development and the occupation of the dwellings in relation to completion of the

access. It is known that the access to the site and the existing road around the green should merge so that there is just one junction with the A684 road. This can be dealt with in Appeal A by a condition referring to the reserved matters and in Appeal B by one referring to the application plan. Landscaping should include proposals for reclamation as part of the village green of the area of the existing access road to become redundant and also planting on land immediately east of the appeal site but within the appellants' control. I shall vary the wording of some of the proposed conditions in the interests of simplicity or in line with the advice in Circular 11/95. I do not believe that restrictions to permitted development rights need be imposed at this stage – I see no compelling reason why such rights as apply to other properties within the conservation area should, in principle, be denied here; if detailed proposals were to offer good reason, then conditions could be attached to the approval of reserved matters.

Conclusion

27. For the reasons given above and having regard to all other matters raised, I conclude that both appeals should be allowed.

Formal Decisions

Appeal A

28. In exercise of the powers transferred to me, I allow the appeal and grant planning permission for the demolition of farm and ancillary buildings at Ainderby House Farm, Ainderby Steeple, Northallerton, alterations to Ainderby House and residential redevelopment of the site in accordance with the terms of the application ref. 2/01/003/0071A, dated 5 February 2001, as amended at the inquiry held on 29 January 2002 and by the plan submitted at that time, subject to the following conditions:

- 1) Approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced. Development shall be carried out in accordance with the approved details.
- 2) Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.
- 3) The development hereby permitted shall be begun before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
- 4) The details of the siting and design referred to in condition no. 1 above shall include all proposed finished ground levels and details of any changes from existing levels.
- 5) The details of the means of access referred to in condition no. 1 above shall include details of a junction of the access road to the site with the existing road around the green in such a way that only a single junction with the A684 road is required. Details shall also include any works to the A684 road necessary as a result of the development hereby permitted.
- 6) The details of the landscaping of the site referred to in condition no. 1 above shall include: (a) both hard and soft landscape works within the site – tree and shrub planting, means of enclosure within and around the site, hard surfacing materials for all

vehicle and pedestrian access and circulation areas, and lighting; (b) proposals for any areas of the green or the existing access road affected by constructing access to the site; (c) tree and shrub planting on the land immediately east of the site. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any dwelling or in accordance with a programme first agreed in writing with the local planning authority.

- 7) Development shall not begin until a scheme to deal with any contamination of the site has been submitted to and approved in writing by the local planning authority. The scheme shall include an investigation and assessment to identify the extent of any contamination and the measures to be taken to avoid risk to health and safety when the site is developed. Development shall not commence until the measures approved in the scheme have been implemented.
- 8) No dwelling shall be occupied before foul and surface water drainage have been provided on the site to serve the development hereby permitted, in accordance with details first submitted to and approved in writing by the local planning authority.
- 9) No dwelling shall be occupied until that part of the road which provides access to it has been constructed in accordance with the approved details of the means of access referred to in conditions nos. 1 and 5 above.
- 10) No works shall take place outside the hours of 0800-1700 on Mondays to Fridays or 0800-1300 on Saturdays, nor at any time on Sundays or Bank or Public Holidays.
- 11) Development shall not commence until areas for car parking, unloading, turning and plant and materials storage have been provided within the site, clear of the public highway, in accordance with details first submitted to and approved in writing by the local planning authority. Such areas shall be maintained free of obstruction until development is complete, unless the local planning authority gives written consent to any variation. No vehicles associated with the development and no storage of materials for the development shall take place outside the site.
- 12) Details of precautions to prevent the deposit of mud on the public highway during construction by vehicles leaving the site shall be submitted to and approved by the local planning authority. Such precautions shall be made available before development commences and shall be retained in full working order until its completion, unless the local planning authority gives written consent to any variation.

Appeal B

29. In exercise of the powers transferred to me, I allow the appeal and grant planning permission for the demolition of farm and ancillary buildings at Ainderby House Farm, Ainderby Steeple, Northallerton, alterations to Ainderby House and the re-use of the site for residential development, together with access and ancillary works, in accordance with the terms of the application ref. 2/02/003/0071B, dated 20 May 2002, and drawings nos. 6868.1, C027/1/22 and 00/175/002 submitted therewith, as amended by drawing no. 00/175/002/B submitted by letter dated 18 October 2002, subject to the following conditions.

- 1) Approval of the details of the siting, design and external appearance of the buildings and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is

- commenced. Development shall be carried out in accordance with the approved details.
- 2) Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.
 - 3) The development hereby permitted shall be begun before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
 - 4) The details of the siting and design referred to in condition no. 1 above shall include all proposed finished ground levels and details of any changes from existing levels.
 - 5) The details of the landscaping of the site referred to in condition no. 1 above shall include: (a) both hard and soft landscape works within the site – tree and shrub planting, means of enclosure within and around the site, hard surfacing materials for all vehicle and pedestrian access and circulation areas, and lighting; (b) proposals for the area of the existing access road left redundant after its diversion; c) tree and shrub planting on the land immediately east of the site. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any dwelling or in accordance with a programme first agreed in writing with the local planning authority.
 - 6) Development shall not begin until a scheme to deal with any contamination of the site has been submitted to and approved in writing by the local planning authority. The scheme shall include an investigation and assessment to identify the extent of any contamination and the measures to be taken to avoid risk to health and safety when the site is developed. Development shall not commence until the measures approved in the scheme have been implemented.
 - 7) No dwelling shall be occupied before foul and surface water drainage have been provided on the site to serve the development hereby permitted, in accordance with details first submitted to and approved in writing by the local planning authority.
 - 8) Development shall not begin until full details of the access shown on drawing no. 00/175/002/B, including all kerbs and surfacing materials, plus details of the access road serving the dwellings hereby permitted, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
 - 9) No dwelling shall be occupied before the junctions of the site access with the A684 road and with the existing road around the green have been constructed, nor before the length of road providing access to that dwelling has been constructed, all in accordance with the approved details referred to in condition no. 8 above.
 - 10) No works shall take place outside the hours of 0800-1700 on Mondays to Fridays or 0800-1300 on Saturdays, nor at any time on Sundays or Bank or Public Holidays.
 - 11) Development shall not commence until areas for car parking, unloading, turning and plant and materials storage have been provided within the site, clear of the public highway, in accordance with details first submitted to and approved in writing by the local planning authority. Such areas shall be maintained free of obstruction until development is complete, unless the local planning authority gives written consent to

any variation. No vehicles associated with the development and no storage of materials for the development shall take place outside the site.

- 12) Details of precautions to prevent the deposit of mud on the public highway during construction by vehicles leaving the site shall be submitted to and approved by the local planning authority. Such precautions shall be made available before development commences and shall be retained in full working order until its completion, unless the local planning authority gives written consent to any variation.

Information

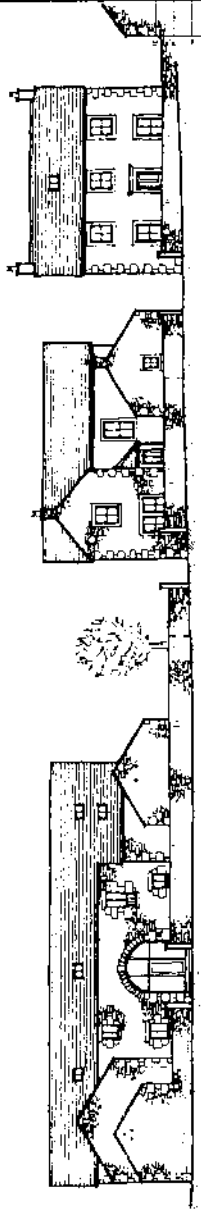
30. An applicant for any approval required by a condition attached to either of these permissions has a statutory right of appeal to the Secretary of State if that approval is refused or granted conditionally or if the authority fails to give notice of its decision within the prescribed period.
31. These decisions do not convey any approval or consent that may be required under any enactment, by-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.
32. A separate note is attached setting out the circumstances in which the validity of either of these decisions may be challenged by making an application to the High Court.
33. Attention is drawn to the requirements of section 76 of Town and Country Planning Act 1990 concerning provisions for the benefit of the disabled.

John L. Curry

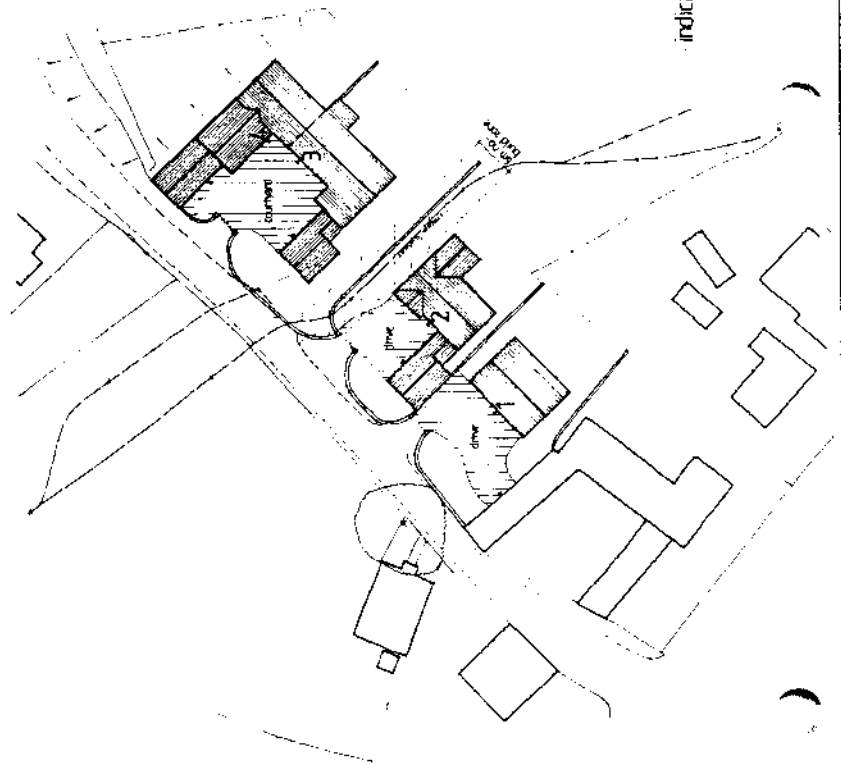
Inspector

2005/0283

PROPOSALS
MARCH 2003
1:200 - 1:200
09/01/2007 - 01
FENTON
PROPOSED RESIDENTIAL
DEVELOPMENT,
MESSRS. H. S. THOMPSON
ARCHITECTURAL SERVICES
01500 - 829 199
MEMBERS OF THE BRITISH INSTITUTE OF ARCHITECTS



indicative village scene
1:200



indicative site layout
1:500

SCHEDULE A: Applications with Recommendation

03/0349

Item No: 10

Date of Committee: 25/04/2003

Appn Ref No:
03/0349

Applicant:
Mr & Mrs M D Hodgson

Parish:
Wetheral

Date of Receipt:
20/03/2003

Agent:

Ward:
Wetheral

Location:

Garden to north side of Meridale, Wetheral, Carlisle

Grid Reference:

346880 554440

Proposal: Erection of dormer dwelling

Amendment:

W D Hodgson

Report

Planning Policies:

Cumbria & Lake District Joint Structure Plan Policy 1

New development will be provided, mainly in the towns, to meet the social and economic needs of the County's population, but in a manner which, through appropriate location, scale, design or use, does not diminish the quality of the environment within the County or beyond, or for future generations.

Cumbria & Lake District Joint Structure Plan Policy 12

Development and other land use changes detrimental to the distinctive character of designated County Landscapes, will not normally be permitted. Development required to meet local infrastructure needs which cannot be located elsewhere, will normally be permitted, provided it is sited to minimise environmental impacts and meets high standards of design.

Cumbria & Lake District Joint Structure Plan Policy 26

Development and other land use changes which fail to preserve or enhance the character or appearance of Conservation Areas or which damage, obscure or remove important archaeological sites or other historic features, or are detrimental to the character or setting of a Listed Building or Ancient Monument will not normally be permitted.

SCHEDULE A: Applications with Recommendation

03/0349

Cumbria & Lake District Joint Structure Plan Policy 27

Areas of public and private open space or other amenity land which contribute to the quality of the built environment will normally be protected from development.

Carlisle District Plan Environment - Policy E4

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

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

Carlisle District Plan Environment - Policy E18

Trees which contribute to amenity, and are under threat, will in appropriate cases, be protected by means of Tree Preservation Orders, or conditions attached to planning permissions.

Carlisle District Plan Environment - Policy E19

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

Carlisle District Plan Environment - Policy E43

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

Carlisle District Plan Environment - Policy E50

The loss to built development of significant public and private open spaces within

SCHEDULE A: Applications with Recommendation

03/0349

settlements will not be permitted.

Carlisle District Plan Housing - Proposal H5

Within the following settlements, large scale residential development will not be permitted. Proposals for small scale residential development will normally be acceptable providing that:

1. The site is well related to the landscape of the area and does not intrude into open countryside; and
2. The scale of the proposed development is well related to the scale, form and character of the existing settlement; and
3. The layout of the site and the design of the buildings is well related to existing property in the village; and
4. The siting and design of the buildings is well related to and does not adversely affect the amenity of neighbouring property; and
5. Appropriate access and parking can be achieved; and
6. The proposal will not lead to the loss of amenity open space within or at the edge of the settlement; and
7. The proposal will not lead to the loss of the best and most versatile agricultural land.

Aglionby, Baldwinholme, Banks, Barclose, Beaumont, Blackford, Blackwell, Boltonfellend, Boustead Hill, Broadwath, Brisco, Brunstock, Burgh-by-Sands, Burnrigg, Cardewlees, Cargo, Carleton, Castle Carrock, Cotehill, Cumdivock, Cummersdale, Cumrew, Cumwhinton, Cumwhitton, Durdar, Easton, Farlam, Faugh, Fenton, Gaitsgill, Gilsland, Great Corby, Great Orton, Grinsdale, Hallbankgate, Harker, Hayton, Hayton Townhead, Heads Nook, Hornsby, Boughton, How Mill, Irthington, Kirkcambeck, Kirkandrews-on-Eden, Knells, Lanercost, Laversdale, Linstock, Little Orton, Low Crosby, Longburgh, Low Row, Lyneholme, Midgeholme, Milton, Moat, Monkhill, Moorhouse, Newby East, Newtown, Raughtonhead, Rockcliffe, Rickerby, Scaleby, Scotby, Smithfield, Stainton, Stockdalewath, Talkin, Tarraby, Thurstonfield, Tindale, Todhills, Walton, Warwick-on-Eden, Warwick Bridge (including Little Corby & Corby Hill), Westlinton, Wetheral, Wetheral Pasture.

Carlisle District Plan Housing - Proposal H16

High standards of design in new housing sites and dwellings will be required. Matters to be considered include: The layout of roads and buildings; footpaths and cycleways; the retention of existing trees and hedgerows; planning out crime; the provision of public open space; the relationship to adjacent development.

Carlisle District Plan Environment - Policy E11

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

1. The reasons for the development clearly outweigh the nature conservation value of the site as part of the national series of SSSI's; or
2. The nature conservation interest of the site can be fully protected and enhanced by the appropriate use of planning conditions or obligations.

Carlisle District Plan Environment - Policy E20

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

Carlisle District Plan Environment - Policy E21

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

Cumbria & Lake District Joint Structure Plan Policy 2

The County's scenic beauty, natural resources and the quality of its built environment will be protected from inappropriate development, especially those areas and features of international or national conservation importance where harmful development will not be permitted.

Cumbria & Lake District Joint Structure Plan Policy 25

The siting, appearance and landscaping of all new development and alterations should aim to enhance the quality of the existing environment. It should be in keeping with the local character of the townscape or landscape, and be well

SCHEDULE A: Applications with Recommendation

03/0349

integrated with the existing pattern of surrounding land uses and, where appropriate, be in keeping with the local vernacular tradition. Normally development should make proper provision for access by disabled persons.

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): Comments awaited.

Wetheral Parish Council: The Council objects to the proposal on the following grounds:

1. This application is proposed to be erected on the flood plain and has been rejected in the past for just that reason. The PC policies have not changed for objecting to any construction on flood plains in the parish.
2. The proposal would result in an undesirable and intrusive development of a highly prominent and extremely sensitive site within an area of outstanding landscape importance and high visual amenity.
3. Currently this road has problems with landslide and subsidence at its northern end. Any further development on the flood plain could only exacerbate matters.

Drainage Engineer - Commercial & Technical Services: The applicant should seek approval from United Utilities in relation to the sewer connection for the pumped foul drain that is proposed within this application.

English Nature: The above proposal is adjacent to the River Eden and Tributaries Site of Special Scientific Interest (SSSI) and River Eden candidate Special Area of Conservation (cSAC).

The river SSSI contains features of interest which are of national importance and is notified under Section 28 of the Wildlife and Countryside Act 1981, as amended. The cSAC status of the River is due to the fact that the area contains features of interest that are of European importance and are defined by the Conservation (Natural Habitats and c) Regulations 1994, as amended.

You are required, as a relevant authority, to determine whether the proposal is likely to have a significant effect on the European interest features supported by the site. This 'significance' test acts as a course filter for all proposed plans and projects which are not directly connected with or necessary to the management of the site for nature conservation, thus directing attention to those plans and projects which require further assessment. The significance test must be made by the relevant authority, but exchange of advice between yourselves and English Nature is also required. If from this information it is determined that the proposal would be likely to have a significant effect on the candidate Special Area of Conservation, you are required to carry out an appropriate assessment of the proposals, under Regulation 48 of the Conservation (Natural Habitats & c) Regulations 1994.

SCHEDULE A: Applications with Recommendation

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Please note that English Nature is not happy that this development constitutes sustainable development as it is located on the flood of a nationally and internally important river.

Cumbria Wildlife Trust: The application for a new house at the side of the River Eden will affect the River Eden and Tributaries SSSI and the Eden SAC. English Nature should therefore be commenting on this application with regard to these designated sites. We hold no other records for wildlife sites or species in the development area.

Environment Agency (N Area (+ Waste Disp)): Comments awaited.

Summary of Representations:

Representations Received

Initial:	Consulted:	Reply Type:
The Owner / Occupier, Edenside House	21/03/03	
Holy Trinity Church, Wetheral	21/03/03	
Mr R Smith, Riverbank	21/03/03	Objection
The Owner / Occupier, Edenside Cottage	21/03/03	
The Owner / Occupier, Waters Edge	21/03/03	
Mr J Warmingham, River House	21/03/03	Objection
Mrs C Tierney, 124 Greenacres		Objection
Mr M F J McGrath, 2 Edenside Cottages		Objection
Ms Patricia Howe, Howard Cottage		Objection
Burnetts, (Ref JDC/SH/CLA015/3)		Objection

This application has been advertised in the form of a site notice and the direct notification of the occupiers of five neighbouring properties. At the time of preparing the report four letters of objection have been received stating that all the previous applications have been objected to on the grounds of: destruction of amenities in this Conservation Area; the logic of the objections have previously been upheld by the Council and the Planning Inspectorate; there has been no change which would alter the grounds for objection; the application is a small woodland area on a steep landscape to the River Eden; it is difficult to see how any structure could be built without clearance of many of the trees; the proposed dwelling would be very visible from the road and the path leading down from the grounds of the Church; the current wooded site is teeming with wildlife including red squirrels; the proposed structure is totally inappropriate; if allowed it will set a precedent; the site is contrary to paragraphs 2, 3 and 69 of PPG3; paragraph 1.3 of PPG7, policies 1, 2, 12, 25 and 26 of the Structure Plan, and, policies E43 and H5 of the Local Plan; there is no "need" for a dwelling in this location; there is sufficient housing land to meet requirements; and, it is difficult to find anything of merit or benefit.

Details of Proposal/Officer Appraisal:

Planning History:

SCHEDULE A: Applications with Recommendation

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In 1994, under application numbers 93/0931 and 94/0279, planning permission was refused for the erection of a single storey dwelling. In the case of application number 94/0279 the subsequent appeal was dismissed.

In 1997, application number 97/0718, a proposed scheme involving an extension to the existing dwelling to provide two lounges, study and conservatory on the ground floor with master bedroom above was withdrawn prior to determination.

Details of Proposal:

Meridale is a 3/4 bedroomed bungalow dating from the mid-1960's and represents the northern most dwelling of a group of five properties located on the western bank of the River Eden. Vehicular access is via a lane which runs along the bank of the river. To the north of the application site there are a series of traditional houses and cottages on the western side of the lane. The site is located within Wetheral Conservation Area and a designated County Landscape. Listed buildings in the form of the Holy Trinity Church, Edenside Cottage, The Cottage, River House, and, the railway viaduct are within the immediate vicinity as well as the former ferry crossing point between Wetheral and Great Corby. The River Eden and its tributaries are a Site of Special Scientific Interest.

The application site is a densely wooded area on a relatively steep bank leading to the edge of the River Eden.

The current proposal involves the erection of a three bed house cut into the bank and constructed externally with stone and rendered walls, and, slate roofing - see attached copies. The application is accompanied by an addendum stating that:

- two pine trees and a holly tree will be removed but replaced with a scheme of indigenous planting;
 - the existing cess pit serving Meridale will be removed and the foul water will be pumped with a joint system to the mains;
 - the external materials could consist of an alternative mix of sandstone and brick;
 - the existing 1.98 metre high sandstone boundary wall will be adjusted and extended; and,
 - the character of the existing entrance has been maintained with a minimal impact on the visual amenity because any views are protected by the high sandstone wall, existing housing, and, there is no public access on the opposite bank of the river.
- a) As Members will be aware an Interim Housing Policy Statement (IHPS) has been presented at a previous Meeting concerning the supply of rural housing in relation to PPG3 "Housing" and Policy H5 of the Local Plan.

SCHEDULE A: Applications with Recommendation

03/0349

The IHPS highlights that at 73% of time through the plan period, 79% of the rural supply has been completed resulting in an oversupply of 125 units throughout the rural area. In contrast the urban area has developed only 55% resulting in an under supply of over 850 units.

- b) Ministerial advice contained in PPG7 "The Countryside - Environmental Quality and Economic and Social Development" emphasises in paragraph 1.3 that **"new development should respect, and where possible enhance, the environment in its location, scale and design"**. PPG7 goes on to say that **"new development should be sensitively related to existing settlement patterns and to historic, wildlife and landscape resources. Building in the open countryside, away from existing settlements or from areas allocated for development in development plans, should be strictly controlled"** (paragraph 2.3).
- c) PPG9 "Nature Conservation" states that one of the essential tasks for local authorities is to make adequate provision for development and economic growth whilst ensuring effective conservation of wildlife and natural features as an important element of a clean and healthy natural environment (paragraph 3). Paragraph 27 also explains that: **"local planning authorities should not refuse permission if development can be subject to conditions that will prevent damaging impacts on wildlife habitats or important physical features"**.
- d) PPG15 "Planning and the Historic Environment" identifies that planning is an important instrument for protecting and enhancing the environment in town and country, and preserving the natural and built heritage (paragraph 1.2).

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of a conservation area. The objective of preservation can be achieved either by development which makes a positive contribution to an area's character or appearance, or by development which leaves character and appearance unharmed.
- e) PPG25 "Development and Flood Risk" highlights that:
 - the susceptibility of land to flooding is a material planning consideration;
 - planning authorities should apply the precautionary principle to the issue of flood risk, using a risk-based search sequence to avoid such risk where possible and managing elsewhere;
 - planning authorities should recognise the importance of functional flood plains, where water flows or is held at times of flood, and avoid inappropriate development on undeveloped and undefended flood plains.
- f) Supplementary planning guidance contained in "Trees on Development Sites" highlights that:

"Where the site layout accommodates mature trees either in private gardens or public spaces adjacent to dwellings in order to maintain the growth of such trees, and avoid the situation of requests being received from the occupiers of houses to fell or excessively prune these trees, any wall of the dwelling should be at least 10 metres from the edge of the crown spread of the tree. This is a general rule, and will be applied with some flexibility depending on the species, age and form of the tree".

- g) In dismissing the appeal concerning application number 94/0279 the Inspector considered that the site ***"is a significant open space contributing to the character"*** (paragraph 5). He went on to state that in his view ***"the removal of trees and undergrowth to create a residential plot would substantially harm the riverside scene ... I have therefore concluded that the proposed dwelling would not have the effect of preserving or enhancing the character or appearance of the Conservation Area"*** (paragraph 7).
- h) Despite the applicants assertions to the contrary, the proposed dwelling would be visually prominent from the lane, the churchyard footpath, and the footpath on the opposite bank leading to the former ferry crossing. Glimpses of the site are also apparent from the railway station and the public footpath along the viaduct. The nature of the site is such that even though the submitted plans indicate the proposed dwelling as causing limited damage to the surrounding mature trees/shrubs it is likely that if approved, to lead to their damage during construction and lead to pressure for their removal in the future.

In conclusion it is considered that the revised siting and design of the dwelling have not fundamentally altered the circumstances since the refusal of a similar proposal in 1994. The comments of the Environment Agency are, nevertheless, awaited along with the results of further work in response to the comments of English Nature.

Human Rights Act 1998

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

- Article 6** bestowing the "Right to a Fair Trial" is applicable to both applicants seeking to develop or use land or property and those whose interests may be affected by such proposals;
- Article 7** provides that there shall be "No Punishment Without Law" and may be applicable in respect of enforcement proceedings taken by the Authority to regularise any breach of planning control;

SCHEDULE A: Applications with Recommendation

03/0349

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

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

The applicants rights are respected, however, it is considered that their needs are outweighed by the harm created to interests of acknowledged importance.

Recommendation: Refuse Permission

1. **Reason:** Meridale is prominently located within an area of sporadic development running along the western bank of the River Eden forming part of Wetheral Conservation Area and a County Landscape. In such a sensitive site the erection of an additional dwelling would be unduly conspicuous, consolidating the existing sporadic development thereby increasing its intrusion to the detriment of the area's character. It would thus seriously detract from the objectives of Policies 1 and 12 of the Cumbria and Lake District Joint Structure Plan and Policies E4, E21, E43, E50, H5 and H16 of the Carlisle District Local Plan.
-

-203-



CONCEPT SUPPORT

SEEFELD
HOUGHTON
CARLISLE
CA5 4JF
TEL UK: 012288

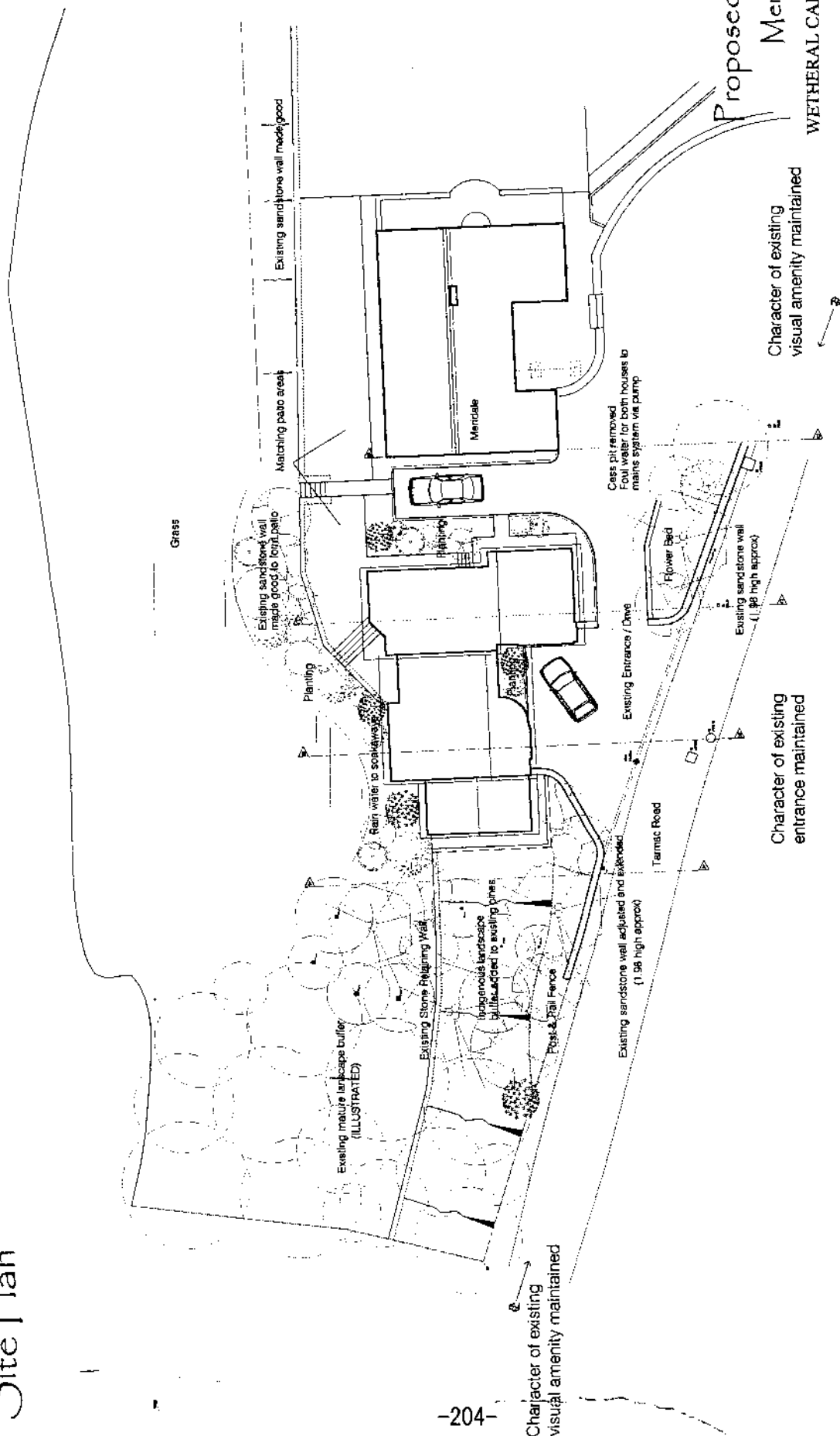
TEL UK: 01228 596927.

ORG No. 05 LOCATION PLAN

Scale 1: 2000

© Concept Support

Proposed New House Site Plan



Prelim proposal:
Materials / Sandstone / Render / Slate.

CONCEPT SUPPORT

PROJECT DEVELOPMENT

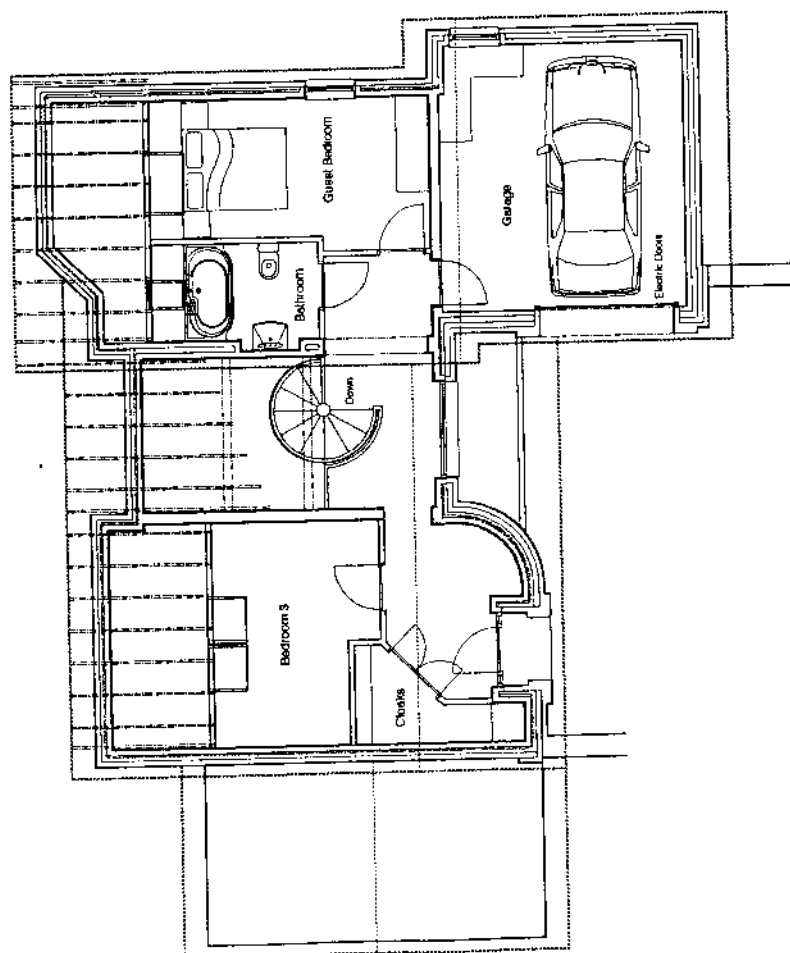
SEEFIELD
HOUGHTON
CARLISLE
CA6 4JF
TEL UK: 01228 596927
e-mail: csdwg@seefield.co.uk

DRG No 01 SITE PLAN
DIGITALLY SURVEYED

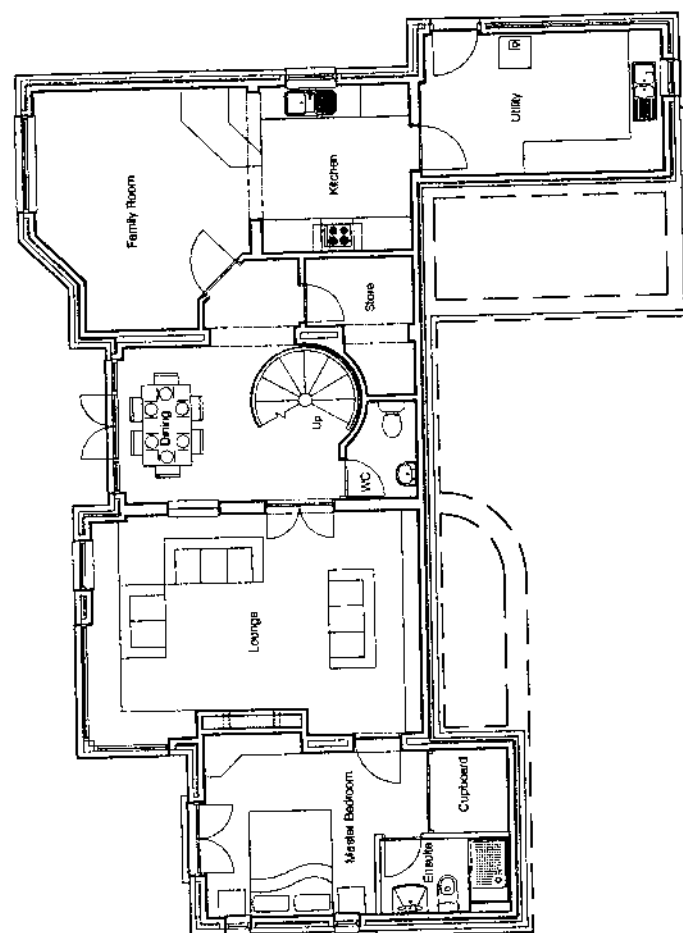
Scale 1:250

© Concept Support

Proposed New House Floor Plans



GROUND FLOOR (Road Level)



LOWER GROUND FLOOR

Proposed Dwelling Meridale

WETHERAL CARLISLE CUMBRIA

CONCEPT SUPPORT

PROJECT DEVELOPMENT

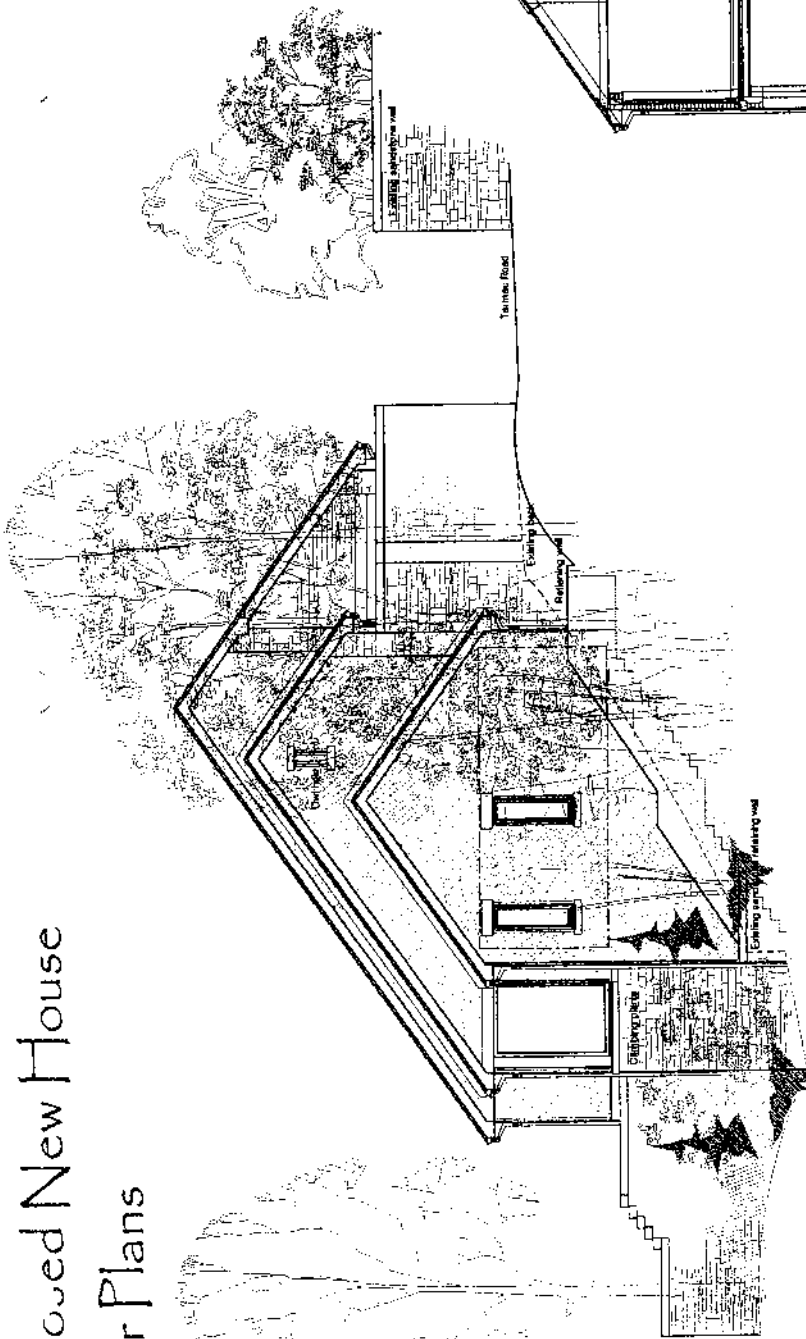
SEEFELD
HOUGHTON
CARLISLE
CA6 4JF
TEL UK: 01228 596927
e-mail: ccdw@inscall.co.uk

DRG No. 02 FLOOR PLANS

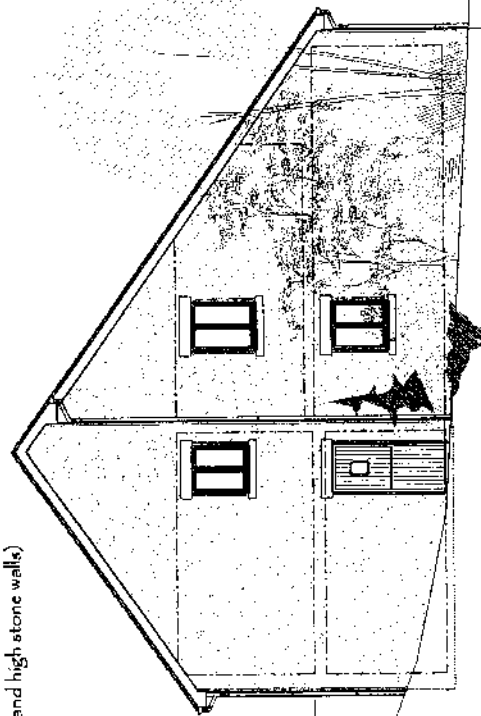
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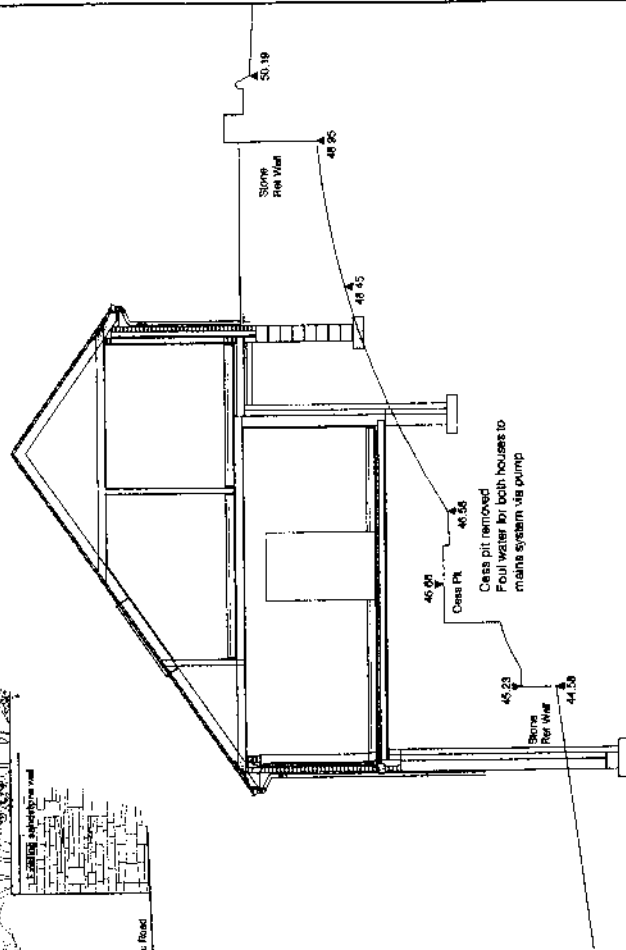
Proposed New House Floor Plans



SIDE ELEVATION (View facing viaduct)
(View obscured by existing trees and high stone walls)



SIDE ELEVATION (View facing Meridale)
(View obscured by existing housing and stone walls)



SECTION B

Proposed Dwelling Meridale WETHERAL CARLISLE CUMBRIA

CONCEPT SUPPORT

PROJECT DEVELOPMENT

SEEFELD
HOUGHTON
CARLISLE
CA6 4JF
TEL UK: 01226 596927

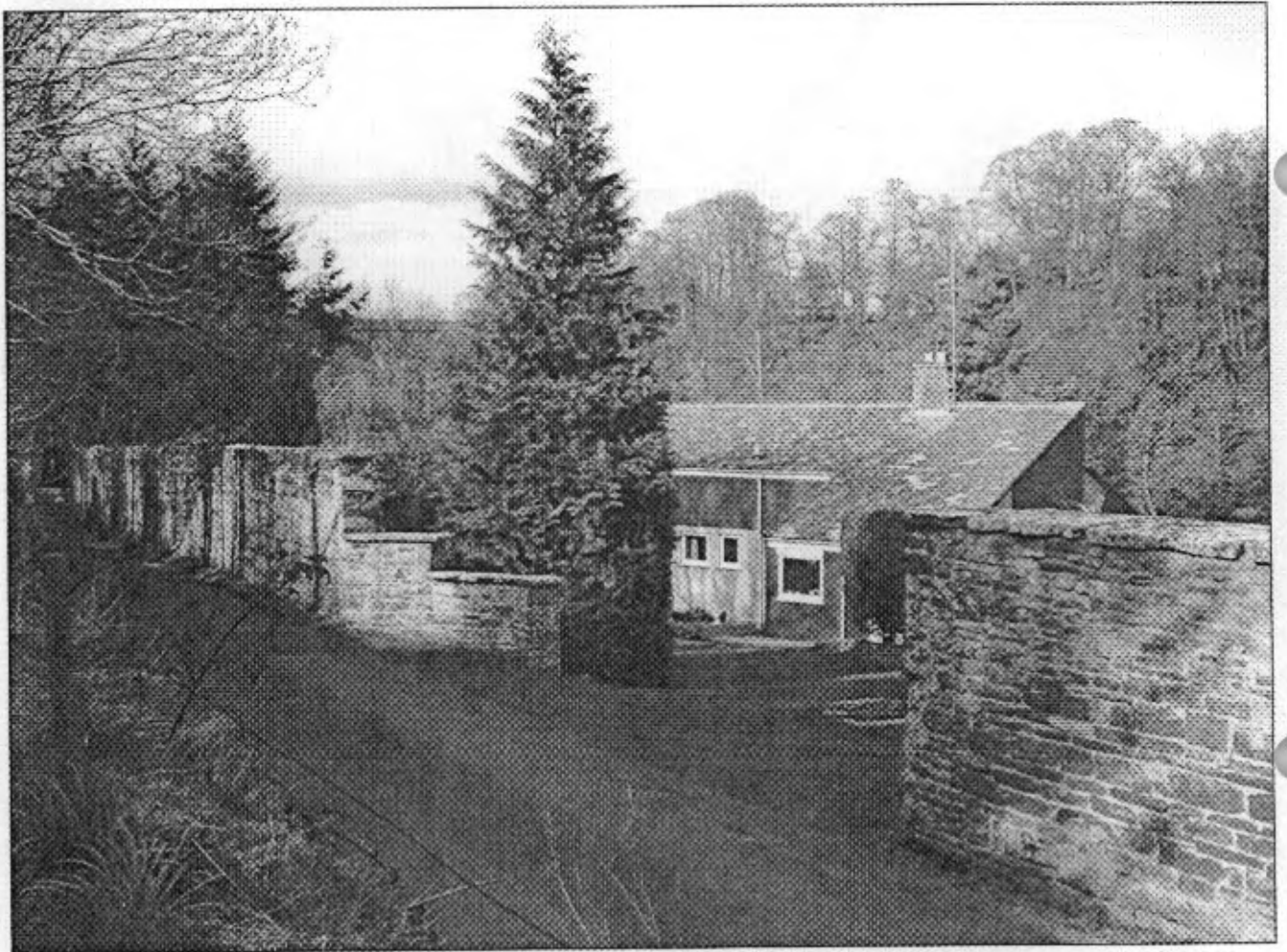
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DRG No. 04 SIDE ELEVATIONS AND SECTION
DIGITALLY SURVEYED

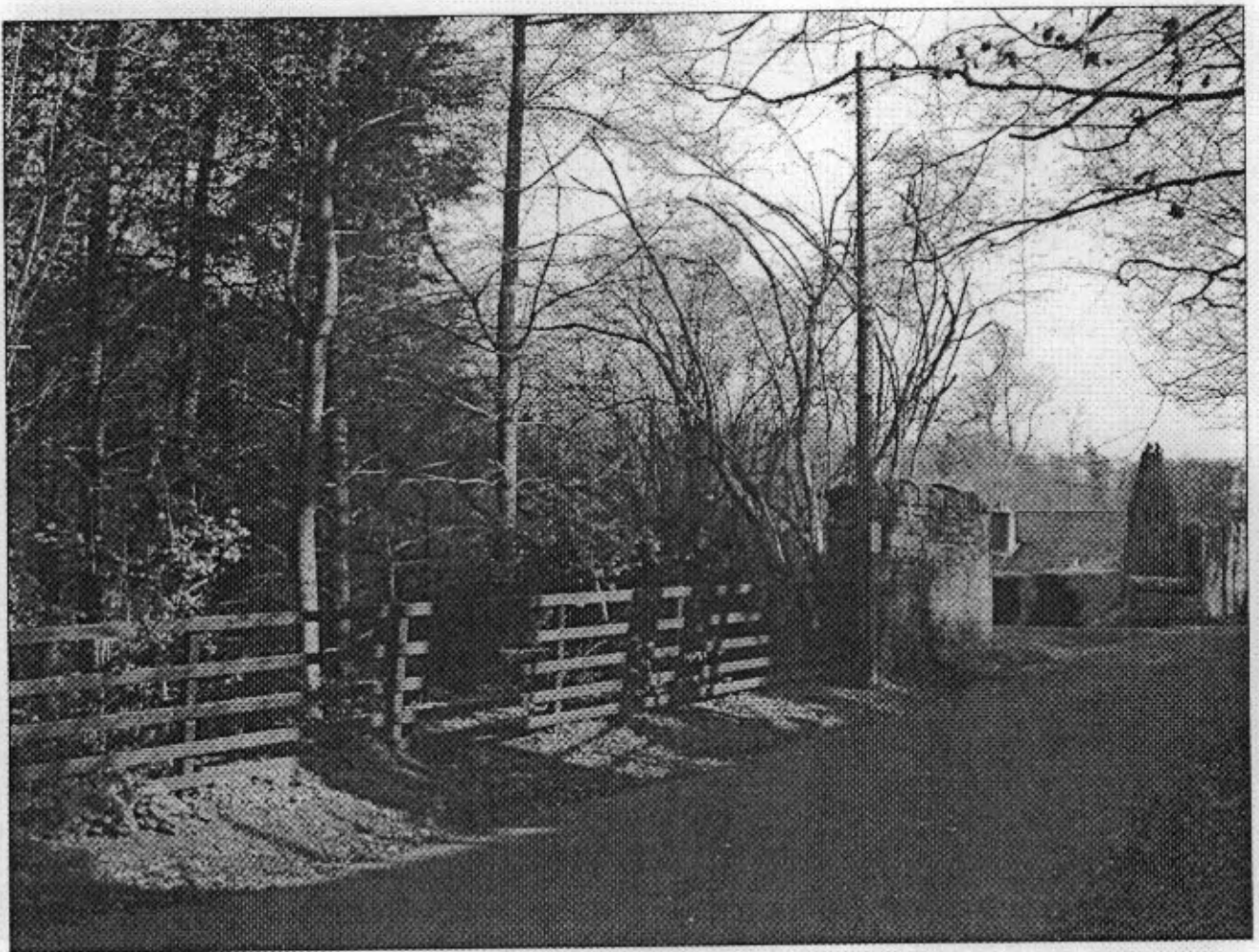
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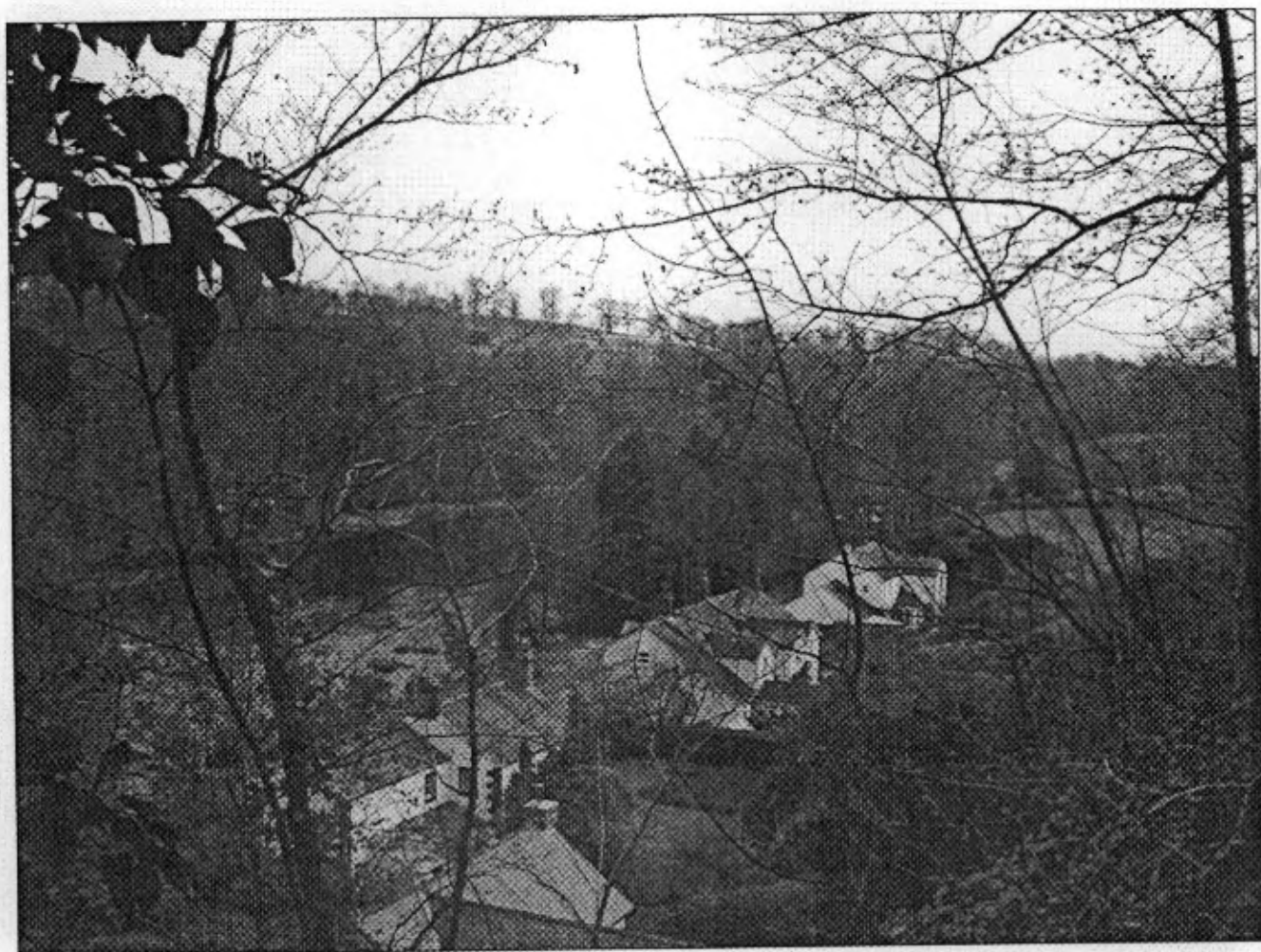
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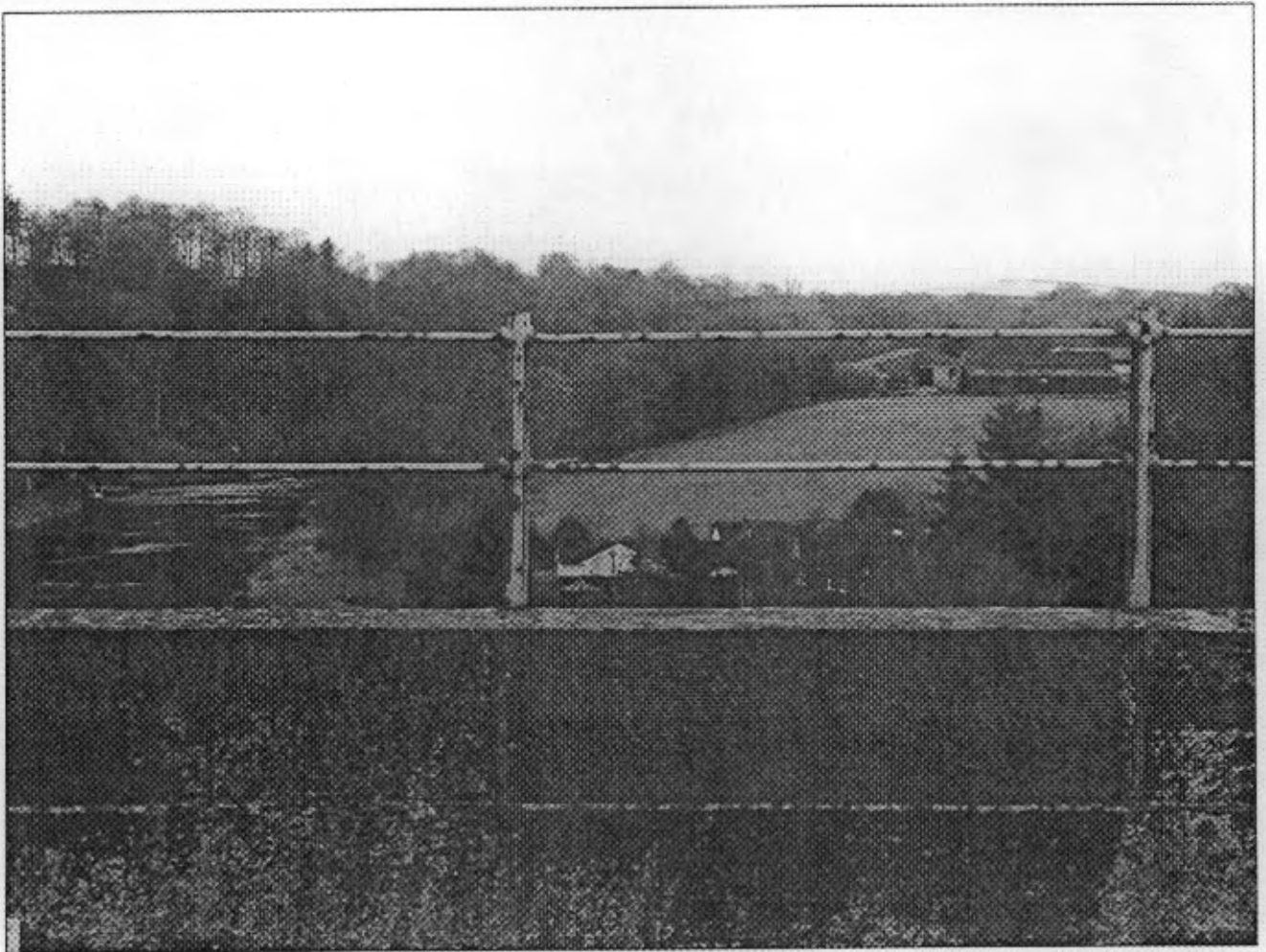
Meridale, Wetheral 8 04.04.03.JPG



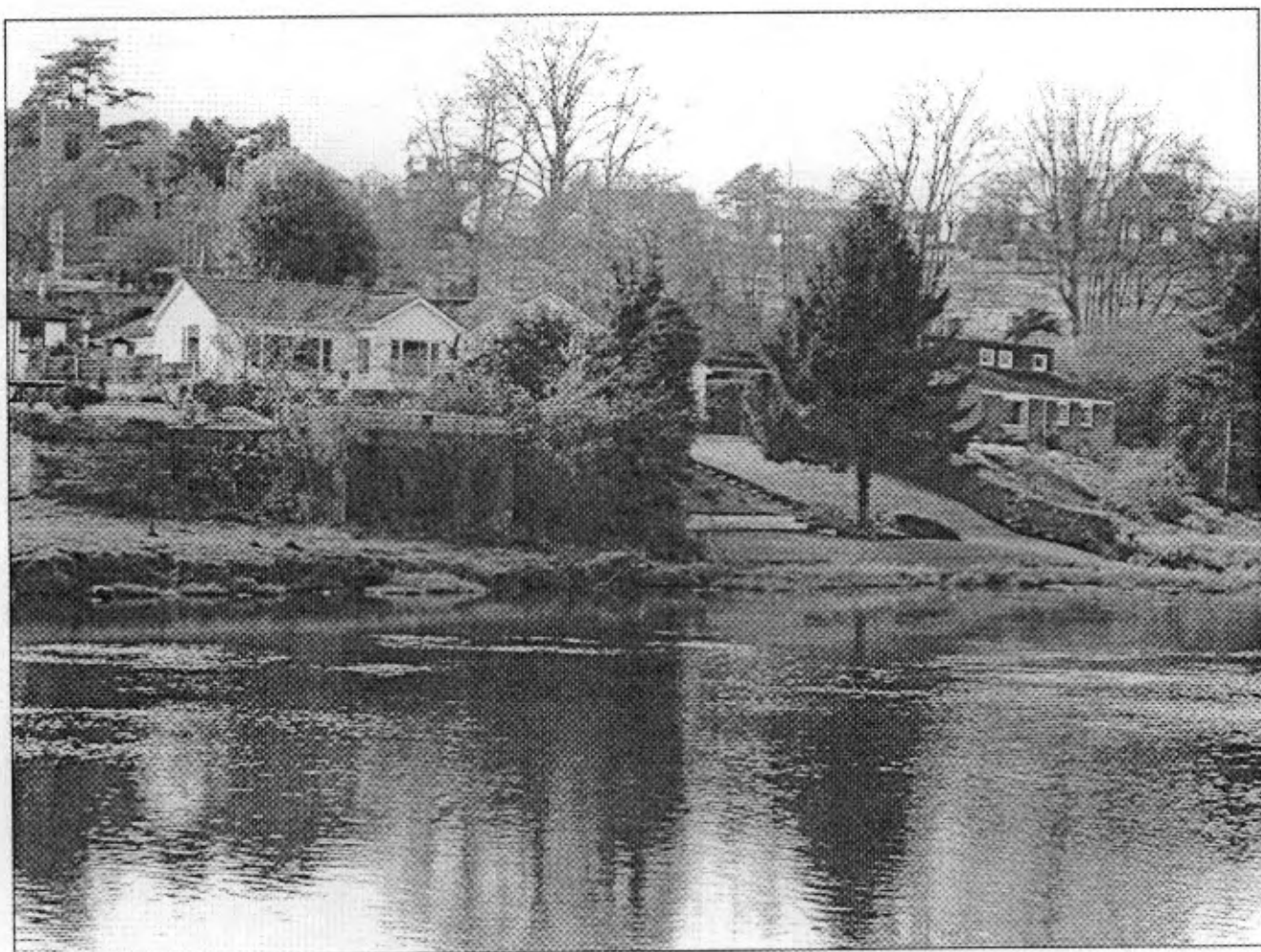
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Meridale, Wetheral 6 04.04.03.JPG



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Meridale, Wetheral 3 04.04.03.JPG



SCHEDULE A: Applications with Recommendation

02/0961

Item No: 11

Date of Committee: 25/04/2003

Appn Ref No:
02/0961

Applicant:
Mr M Hodgson

Parish:
Wetheral

Date of Receipt:
05/09/2002

Agent:

Ward:
Wetheral

Location:
L/Adj to, Red House, Scotby Road, Scotby, Carlisle

Grid Reference:
344000 555230

Proposal: Erection of bungalow and garage (outline)

Amendment:

Keith

Report

Planning Policies:

Gas Pipeline Safeguarding Area

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

Cumbria & Lake District Joint Structure Plan Policy 25

The siting, appearance and landscaping of all new development and alterations should aim to enhance the quality of the existing environment. It should be in keeping with the local character of the townscape or landscape, and be well integrated with the existing pattern of surrounding land uses and, where appropriate, be in keeping with the local vernacular tradition. Normally development should make proper provision for access by disabled persons.

Carlisle District Plan Housing - Proposal H5

Within the following settlements, large scale residential development will not be permitted. Proposals for small scale residential development will normally be acceptable providing that:

1. The site is well related to the landscape of the area and does not intrude into open countryside; and
2. The scale of the proposed development is well related to the scale, form and character of the existing settlement; and

SCHEDULE A: Applications with Recommendation

02/0961

3. The layout of the site and the design of the buildings is well related to existing property in the village; and
4. The siting and design of the buildings is well related to and does not adversely affect the amenity of neighbouring property; and
5. Appropriate access and parking can be achieved; and
6. The proposal will not lead to the loss of amenity open space within or at the edge of the settlement; and
7. The proposal will not lead to the loss of the best and most versatile agricultural land.

Aglionby, Baldwinholme, Banks, Barclose, Beaumont, Blackford, Blackwell, Boltonfellend, Boustead Hill, Broadwath, Brisco, Brunstock, Burgh-by-Sands, Burnrigg, Cardewlees, Cargo, Carleton, Castle Carrock, Cotehill, Cumdivock, Cummersdale, Cumrew, Cumwhinton, Cumwhitton, Durdar, Easton, Farlam, Faugh, Fenton, Gaitsgill, Gilsland, Great Corby, Great Orton, Grinsdale, Hallbankgate, Harker, Hayton, Hayton Townhead, Heads Nook, Hornsby, Boughton, How Mill, Irthington, Kirkcambeck, Kirkandrews-on-Eden, Knells, Lanercost, Laversdale, Linstock, Little Orton, Low Crosby, Longburgh, Low Row, Lyneholmford, Midgeholme, Milton, Moat, Monks Hill, Moorhouse, Newby East, Newtown, Raughtonhead, Rockcliffe, Rickerby, Scaleby, Scotby, Smithfield, Stainton, Stockdalewath, Talkin, Tarraby, Thurstonfield, Tindale, Todhills, Walton, Warwick-on-Eden, Warwick Bridge (including Little Corby & Corby Hill), Westlinton, Wetheral, Wetheral Pasture.

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): since the site is served by an existing access, which is used in conjunction with a garage and a large shed there is no objection to the proposal from a highway point of view subject to 4 planning conditions being attached to any approval that may be given;

Wetheral Parish Council: OBJECTION- the Parish Council has extreme concerns over the highway access at this site. The location has already been subject of a fatal accident. The bridge "pulls" vehicles into the centre of the road making the access even more hazardous;

United Utilities (former Norweb & NWW): no objections;

Design Services - Drainage Engineer: the applicant should consider a soakaway for disposing of surface water run-off as there are known problems with sewer flooding in Scotby due to excess surface water in times of storm. The applicant should arrange percolation tests;

SCHEDULE A: Applications with Recommendation

02/0961

Environment Agency (N Area (+ Waste Disp)): request that one condition be imposed if planning permission is granted.

Summary of Representations:

Representations Received

Initial:	Consulted:	Reply Type:
The Owner / Occupier, Beckfoot	09/09/02	
The Owner / Occupier, 62 Scotby Village	09/09/02	
The Owner / Occupier, Railbeck House	09/09/02	
The Vicar, All Saints Church	09/09/02	Undelivered
The Owner / Occupier, Red House	09/09/02	
Mr A Whitaker, The Mews		Objection

The application has been publicised by site notice and six neighbour letters, latest expiry date 4 October 2002. One letter has been received objecting to the application on the grounds that:-

- the site does not presently afford vehicular access and has not done so for many years
- the land is adjacent to the main road into/out of Scotby which has become increasingly busy over recent years as the village has grown
- the site is in close proximity to the railway bridge which due to its width and alignment is already dangerous
- the proposed development would exacerbate highway safety concerns presenting further risk of accidents
- the adjoining land has already been the subject of approval for a bungalow earlier this year
- if both developments proceeded, the risk of accidents would be significantly increased, not just for road users but also for pedestrians using the narrow pavement (which is used regularly by children attending Scotby school).

Neighbours have been reconsulted on the additional plans submitted on 9 December 2002 which gave an indicative siting for the bungalow. No additional representations have been received.

Details of Proposal/Officer Appraisal:

Planning History:

None for application site. However, planning permission has been variously granted for the erection of a bungalow and garage on the land between the site and Red House, the last approval reference 01/1112 on 1 February 2002.

SCHEDULE A: Applications with Recommendation

02/0961

Details of Proposal:

Determination of this application was deferred at the March meeting of the committee to enable members to undertake a site visit. There are no changed circumstances affecting my previous report.

The application seeks outline planning permission for the erection of a bungalow and garage on land to the north of Red House, Scotby. All detailed matters are reserved for subsequent approval, but the applicant has provided, at the local planning authority's request, an additional plan indicating the siting and internal layout of the bungalow as well as the use of the existing access.

The site extends to 625 m² and is located to the north of Red House at Scotby. It is bounded to the east by the main road through the village immediately south of the railway bridge, to the north by the railway line and to the west by open and low lying ground. Railbeck House, one of the new dwellings recently built at Parkett Hill, is some 60 metres further to the west. The land between the site and Red House is the subject of a planning permission granted in outline on 1 February 2002 for the erection of a bungalow and garage, reference 02/1112.

The site is currently occupied along most of its frontage by a dilapidated brick and timber building which was formerly a joiner's workshop operated by the applicant. There is a collection of old sheds, structures and a greenhouse to the rear. The existing gated access is on the southern site frontage and serves a timber garage. Contrary to the objection received, the access had been in use not long prior to my own site visit on 19 November 2002. This point is also noted in the highway authority's additional response of 21 October 2002.

Policy H5 of the Carlisle District Local Plan is relevant to the determination of the application. This indicates that small scale residential development will normally be acceptable subject to the criteria as listed above. In my view, all the criteria within the policy can be met and the only concerns which have been identified are drainage and road safety. A separate drainage report submitted has identified the need for an underground surface water attenuation system; foul water is intended to be discharged to the public sewer. As to road safety, there are no objections to the application from the highway authority, who have requested conditions.

There is an existing vehicular access to the site with dropped kerbs. This does not have a turning area. The additional plan submitted indicates how a bungalow with garage may be located on the site, which is well related to the building footprint proposed for the neighbouring plot and broadly acceptable in planning terms, except no turning area is shown. The corollary of providing a turning area is that the dwelling would need to be located further into the plot, leaving it with a limited rear garden, which may ultimately prove to be satisfactory given that the land to the rear is not developed. There is no doubt that it is desirable for a vehicle turning area to be provided, but I do not wish the local planning authority to be committed to a plan which does not show one.

On balance, I consider that there will be planning gain in the development of this site for a dwelling, and that the matter of the vehicle turning area can be regulated by

SCHEDULE A: Applications with Recommendation

02/0961

planning condition for incorporation at reserved matters stage. This is comparable to the manner in which the neighbouring plot has been dealt with. Accordingly, I recommend that outline planning permission be granted.

Human Rights Act 1998

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

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

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

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

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

Article 8 and Article 1 Protocol 1 are relevant but the impact of the development will be minimal and unlikely to prejudice such rights.

Recommendation: Grant Permission

DEFER

SU + highways

1. In case of any "Reserved Matter" application for approval shall be made not later than the expiration of 3 years beginning with the date of this permission, and the development shall be begun not later than whichever is the later of the following dates:

- (i) The expiration of 5 years from the date of the grant of this permission, or
- (ii) The expiration of 2 years from the final approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: In accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.

2. Before any work is commenced, details of the siting, design and external appearance of the building(s) and the landscaping of the site (hereinafter called "reserved matters") shall be submitted to and approved by the local planning

SCHEDULE A: Applications with Recommendation

02/0961

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. No consent is hereby conferred or conveyed for the siting (or design) of the dwelling as shown on the additional plan number 11195/02 received on 9 December 2002 which is for indicative purposes only.

Reason: To define the permission.

4. This permission relates to a single bungalow with garage only, served by the existing access to the site, and to the application as amended by the drainage report dated 17 December 2002.

Reason: To define the permission.

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

Reason: To ensure the works harmonise as closely as possible with the existing buildings.

6. Particulars of height and materials of all screen walls and boundary fences shall be submitted to and approved by the local planning authority prior to the commencement of the development hereby permitted.

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

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

Reason: To ensure that a satisfactory landscaping scheme is prepared.

8. 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.

9. The development hereby approved shall not be occupied until such time as the

SCHEDULE A: Applications with Recommendation

02/0961

proposed scheme for the attenuation of surface water disposal as indicated in the report submitted in connection with the application, or such other system of a similar type, has been installed and become operational. Once installed, the system or any replacement shall be retained at all times. Foul water shall be discharged to the public sewer.

Reason: to ensure that satisfactory drainage facilities are provided and retained for use in connection with the development approved.

10. Access gates, if provided, shall be hung to open inwards only away from the highway.

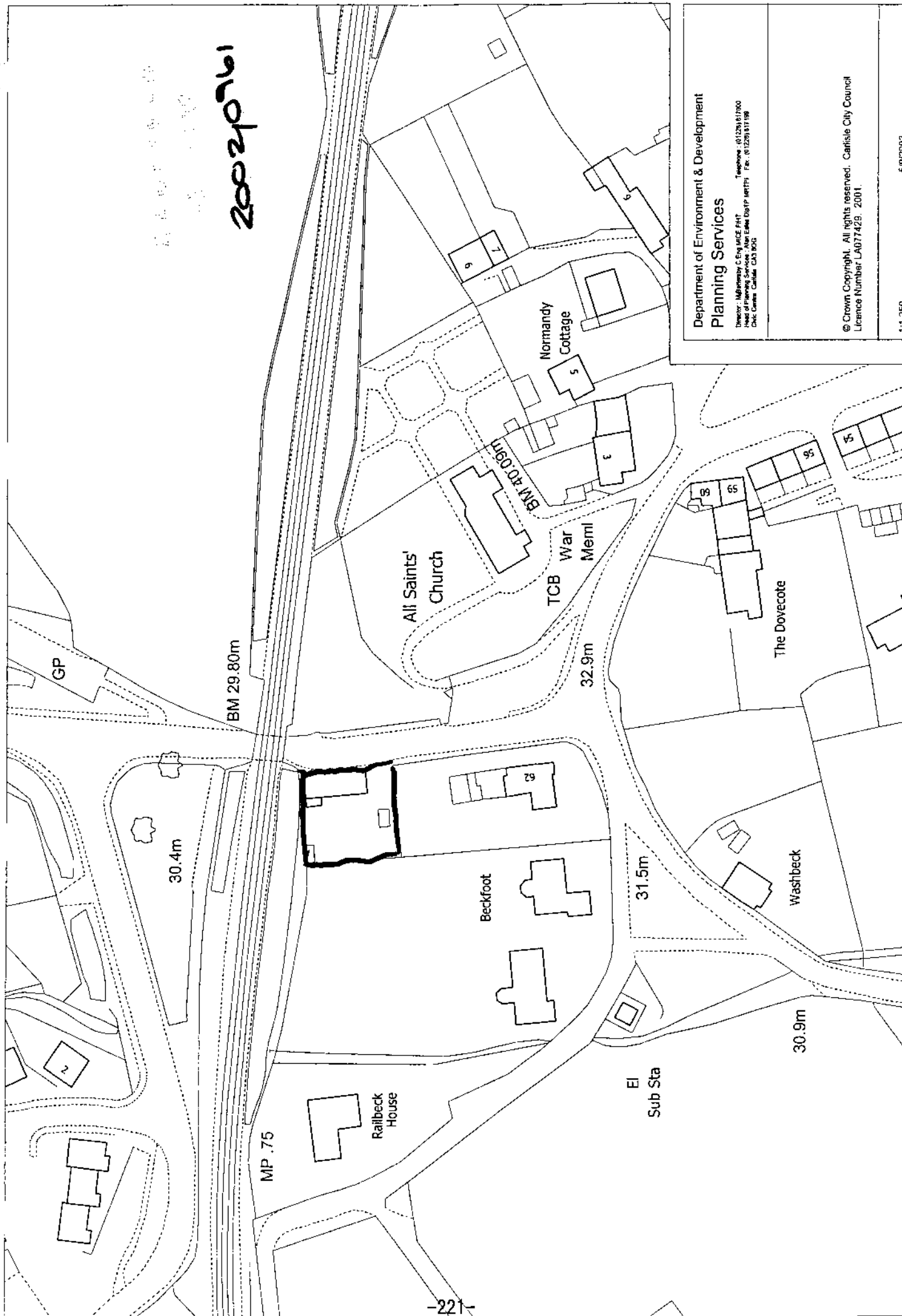
Reason: In the interests of highway safety.

11. Details showing the provision of a vehicle turning space within the site, which allows vehicles visiting the site to enter and leave the highway in a forward gear, shall be submitted to the local planning authority for approval. The dwelling hereby approved shall not be occupied until such details have been approved and the turning space constructed. The turning space shall not thereafter be used for any other purpose.

Reason: In the interests of highway safety.

12. The access drive and vehicle turning area shall be surfaced in bituminous or cement bound materials, or otherwise bound, shall be constructed and completed before the development is occupied, and thereafter retained at all times.

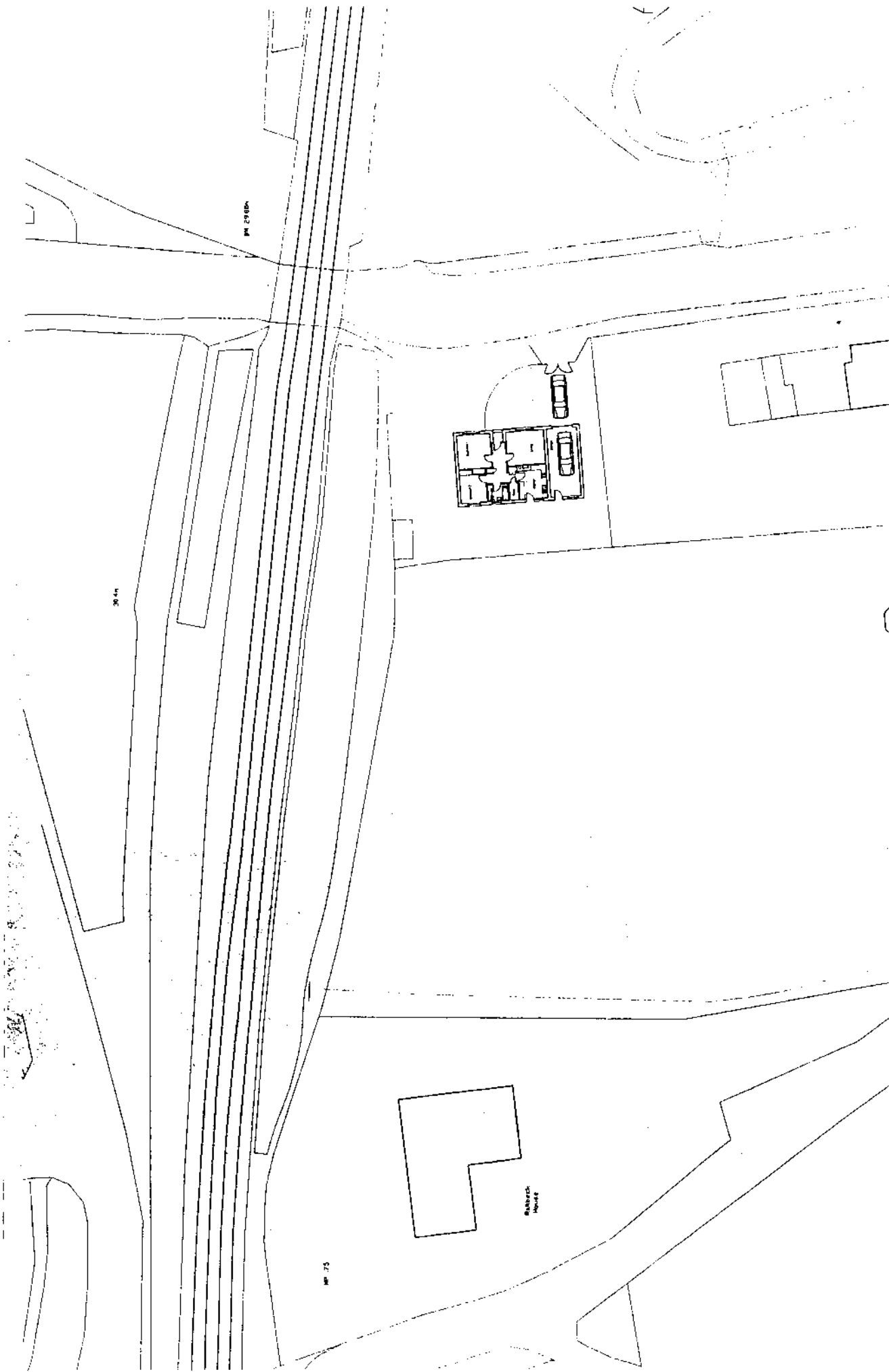
Reason: In the interests of highway safety.



Department of Environment & Development
Planning Services

Director: Mr Henry C Eng MICE FIHT
Head of Planning Services: Mr Ewan Dwyer MPTM FIHT
City Council: Carlisle City Council

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Johnston and Wright Chartered Architects
 15, Colville Street, Glasgow, G1 1JY Tel: 041 228 1271 Fax: 041 228 1272
 Project: Proposed Bungalow at Scotby Road, Scotby

Drawing:
 Scale: 1/200 Date: 12/02 Drawn: am Number: 11195 / 02
 For Mr M Hodgson

SCHEDULE A: Applications with Recommendation

02/1333

Item No: 12

Date of Committee: 25/04/2003

Appn Ref No:
02/1333

Applicant:
David de Fraine

Parish:
Carlisle

Date of Receipt:
18/12/2002

Agent:

Ward:
Harraby

Location:
13 Lingmoor Way, Harraby, Carlisle, CA1 3LW

Grid Reference:
341875 554130

Proposal: Erection of 2 HF amateur radio antenna's in rear garden (retrospective application)

Amendment:

Angus

Report

Planning Policies:

Carlisle District Plan Environment - Policy E51

Within the Plan area, to minimise the visual impact on the surrounding area, the Council will seek the most appropriate location of telecommunications apparatus. Conditions may be imposed to require the provision of adequate and suitable screening to alleviate the visual impact of the apparatus.

Carlisle District Plan Housing - Proposal H14

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

Carlisle District Plan Housing - Proposal H17

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

1. Is for a use inappropriate for residential areas; and/or
2. Is of an unacceptable scale; and/or
3. Leads to an unacceptable increase in traffic or noise; and/or

4. Is visually intrusive; and/or
5. Leads to a loss of housing stock.

Summary of Consultation Responses:

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

Environmental Services: No objections to the proposal.

Radiocommunications Agency: Amateur radio operators are required to have a licence from this Agency and their operations are governed by the conditions attached to that licence. These conditions seek to minimise the risk of interference to domestic television and radio.

Our records show in the last 18 months we have not received any complaints of interference to TV and radio in the area of CA1 3LW.

The Agency has set a procedure for handling complains of interference caused by amateurs. We ask the amateur to c-operate with neighbours and to seek a cure by, for example, fitting filters to the affected apparatus or by varying power output or operating times. You may require the amateur to give an undertaking along these lines, as a condition of planning approval.

If unacceptable interference remains the Agency has the power to vary the licence of individual amateurs to remove or reduce interference to acceptable levels.

Summary of Representations:

Representations Received

Initial:	Consulted:	Reply Type:
The Occupier / Owner, 6 Warnell Drive	23/12/02	
The Occupier / Owner, 8 Warnell Drive	23/12/02	
The Occupier / Owner, 10 Warnell Drive	23/12/02	
The Occupier / Owner, 12 Warnell Drive	23/12/02	
The Occupier / Owner, 14 Warnell Drive	23/12/02	
The Occupier / Owner, 16 Warnell Drive	23/12/02	
The Occupier / Owner, 18 Warnell Drive	23/12/02	
The Occupier / Owner, 20 Warnell Drive	23/12/02	
The Occupier / Owner, 5 Lingmoor Way	23/12/02	
The Occupier / Owner, 7 Lingmoor Way	23/12/02	
The Occupier / Owner, 9 Lingmoor Way	23/12/02	
The Occupier / Owner, 11 Lingmoor Way	23/12/02	
The Occupier / Owner, 15 Lingmoor Way	23/12/02	
The Occupier / Owner, 17 Lingmoor Way	23/12/02	
The Occupier / Owner, 19 Lingmoor Way	23/12/02	
The Occupier / Owner, 21 Lingmoor Way	23/12/02	
The Occupier / Owner, 23 Lingmoor Way	23/12/02	
The Occupier / Owner, 18 Lingmoor Way	23/12/02	
The Occupier / Owner, 20 Lingmoor Way	23/12/02	
Radiocommunications Agency, PO Box 2500	26/02/03	Comment Only

This application has been advertised in the form of a site notice and the direct notification of the occupiers of 19 properties. In response one letter of objection has been received on the basis that:

- The structure is an eye-sore with the aerals seen from all surrounding properties. The aerals are unique structures.
- The aerals can be clearly seen from all windows to the rear of 15 Lingmoor Way with the view from the garden dominated by the structure.
- The aerial does not appear to have been secured to a satisfactory standard. Due to its height, if the aerial was to fall it would cross property boundaries with the distinct possibility of causing damage.
- The aerals have been erected without planning permission and the applicant has not approached his neighbours beforehand.

Details of Proposal/Officer Appraisal:

Planning History:

The premises do not appear to have been subject to an application subsequent to the house's construction.

Details of Proposal:

This retrospective application relates to a semi-detached house located on the eastern side of Lingmoor Way approximately 45 metres to the south of Mayfield Avenue. The property already consists of a television aerial attached to the chimney and two amateur radio aerals attached to the "rear" elevation of the house. The two amateur radio aerals are considered to be permitted development under the provision of Part 1E of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995.

The application involves: a) a horizontal wire antenna (with a "ladder feeder") which runs along the boundary with 15 Lingmoor Way from a 6 metres high scaffolding pole sited in the south-eastern corner of the applicant's garden and the existing television aerial; and, b) a free standing vertical "Hustler" (five band aerial) tube antenna 7.5 metres high centrally located within the garden. Both antennas were installed in February of last year. The applicant, who is disabled, uses the antennas as his principle hobby.

Following the decision by Members to defer consideration of the application in order to undertake a site visit and to allow further negotiations to take place, the applicant asked for the proposal to be considered as submitted. This is because any revisions to the proposal could de-grade the operation of the antennas and possibly increase interference to neighbours. The applicant has also explained that there is a "public service" element to his hobby.

In relation to radio aerials Ministerial advice is contained in PPG8 "Telecommunications". Paragraph 5 of PPG8 explains that the Government's policy is to facilitate the growth of new and existing telecommunications systems whilst keeping the environmental impact to a minimum. The Government also has responsibility for protecting public health.

Paragraph 56 of PPG8 also recognises that authorities may receive representations about alleged impact of telecommunications development on property values. Reference is made to PPG1 which notes that it is not for the planning system to protect the private interests of one person against the activities of another ...

"Although in a particular case considerations of public interest may serve to protect private interests, the material question is not whether a particular development would cause financial or other loss to owners and occupiers of the neighbouring property, but whether the proposal would have a detrimental effect on the locality generally, and on amenities that ought, in the public interest, to be protected".

When considering visual intrusion paragraph 64 recognises this issue to be an important consideration but highlights that masts and antennas often require a particular operating height, which allows signals to clear urban clutter.

Paragraph 102 explains that significant and irremediable interference with other electrical equipment of any kind can be a material planning consideration. There are essentially two types of interference, namely i) electromagnetic interference; and, ii) physical interference by large structures. In the case of the former, the Radiocommunications Agency (RA) has statutory powers for dealing with this type of interference under the Wireless Telegraphy Act 1949. Only if there is clear evidence that significant electromagnetic interference will arise and that no practicable remedy is available, will there be any justification for taking it into account in determining an application. Paragraph 8 of Annex 2 to PPG8 nevertheless points out that domestic viewers and listeners can also request an interference investigation from the RA.

In considering this application, and based on the comments of interested parties, the two fundamental issues relate to visual amenity and public safety.

a) VISUAL AMENITY

In considering this issue Members are in the position of having to make a subjective judgement as to whether the visual amenity has been harmed. The nature and appearance of the specialised equipment, individually and cumulatively, can change the residential character. When viewing the antennas from the public highway at Lingmoor Way, Mayfield Avenue, Warnell Drive and Dalegarth Avenue the equipment is viewed against the background of the applicant's house and neighbouring properties. It is therefore considered that the effect of the antennas on the street scene is minimal.

The antennas are, however, noticeable when viewed from neighbouring properties. In particular, the view from 15 Lingmoor Way and the way in which the horizontal wire antenna runs along the boundary. The question that, in this instance, needs to be addressed is whether the visual annoyance of the antennas causes

demonstrable harm to the living conditions of the neighbours sufficient to warrant a refusal of permission. It is nevertheless recognised that any annoyance could be reduced if the applicant was to agree to reposition the line of the horizontal wire antenna away from the boundary.

b) PUBLIC SAFETY

The applicant has verbally indicated that the radio antennas have been installed in accordance with any associated instructions.

In conclusion, it is regrettable that the application is retrospective. Members, nevertheless, have to consider the application on its own merits as if the antennas were not already in place. When assessing the various issues it is considered that the proposal needs to be revised to take account of the amenities of the neighbouring residents. In light of the applicant's current unwillingness to make such a revision, the proposal is reluctantly recommended for refusal and authorisation sought for enforcement action concerning the removal of the horizontal antenna and associated pole.

Informative Notes to Committee:

1. **Enforcement Action authorisation**

Since the development or use to which the above application refers has been commenced without the necessary planning approval having been obtained, enforcement action may be necessary in order to remedy the breach of planning control which has occurred. Members are therefore requested to give authority for such formal legal action as may be required, to be initiated by the Town Clerk and Chief Executive in discussion with the Director of Environment and Development.

Human Rights Act 1998

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

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

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

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

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

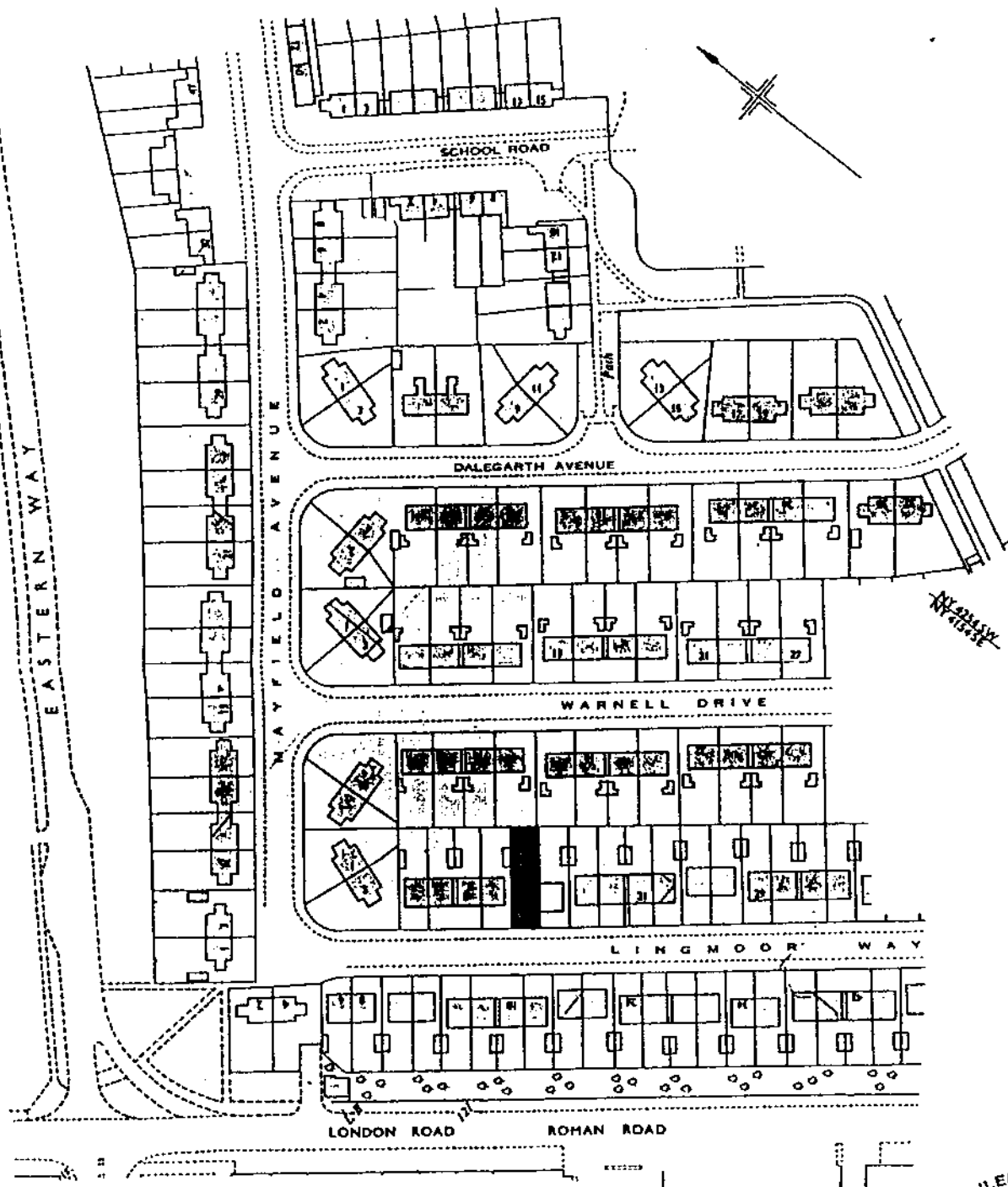
The proposal has been considered against the above. The applicants' rights are respected but based on the foregoing it is considered that the personal arguments do not out-weigh the harm created to interests of acknowledged importance.

Recommendation: Refuse Permission

1. **Reason:** The horizontal wire antenna by reason of its height and disposition in relation to the site boundary will have a harmful effect on the amenities enjoyed by the occupants of the neighbouring house contrary to the objectives of Policy H14 of the Carlisle District Local Plan.
-

Approve

H.M. LAND REGISTRY		TITLE NUMBER	
		CU60748	
ORDNANCE SURVEY PLAN REFERENCE	NY 4154	SECTION H	Scale 1/1250
COUNTY CUMBRIA	DISTRICT CARLISLE		© Crown copyright 1980



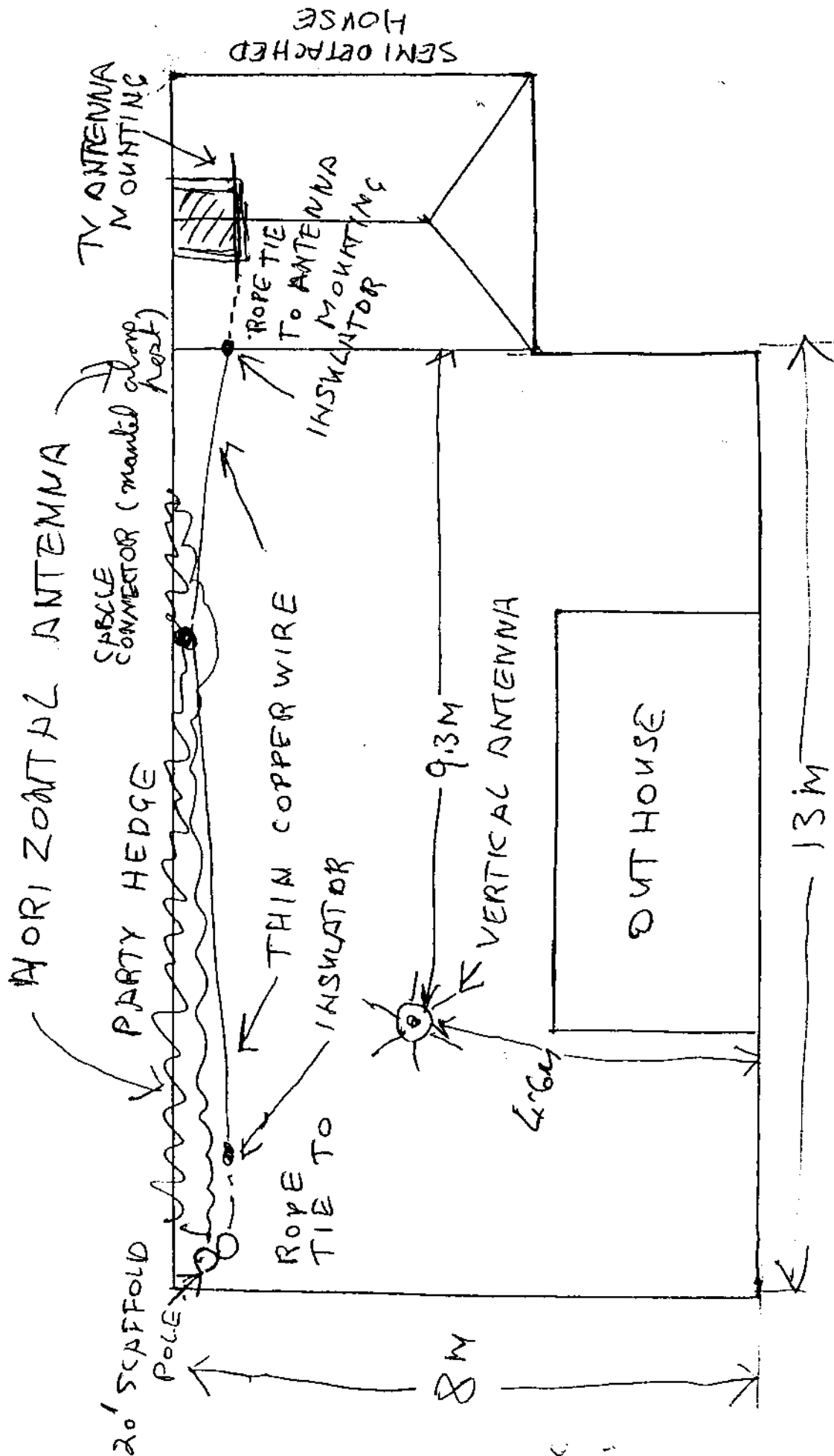
X = LOCATION OF ANTENNA'S

REGISTERED

18 DEC 2002

2002-1333.....



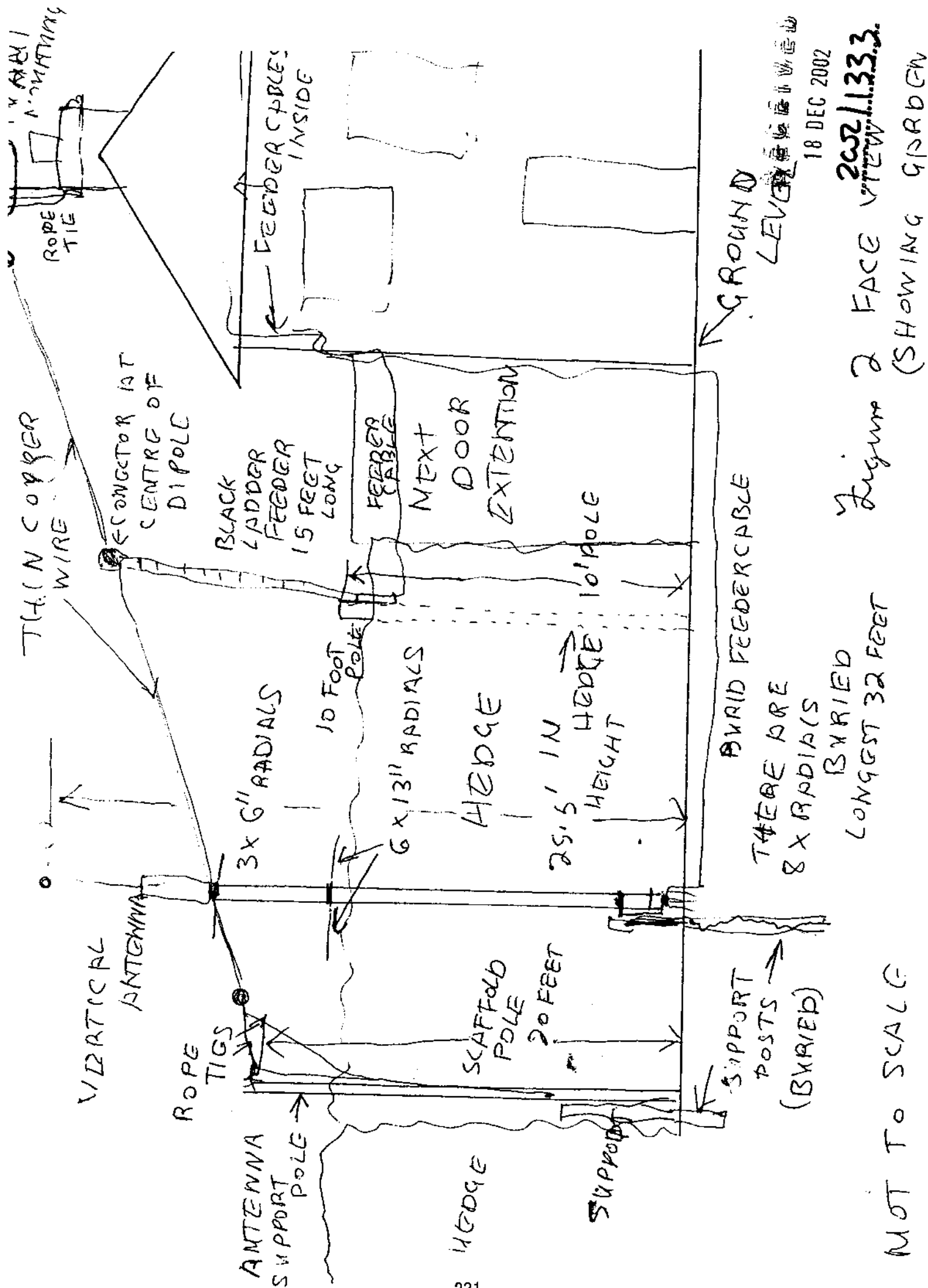


SOME DIMENSIONS
ARE IN INCHES
AND SOME IN
METRES

Figure 1 BIRD'S EYE VIEW

18 DEC 2002

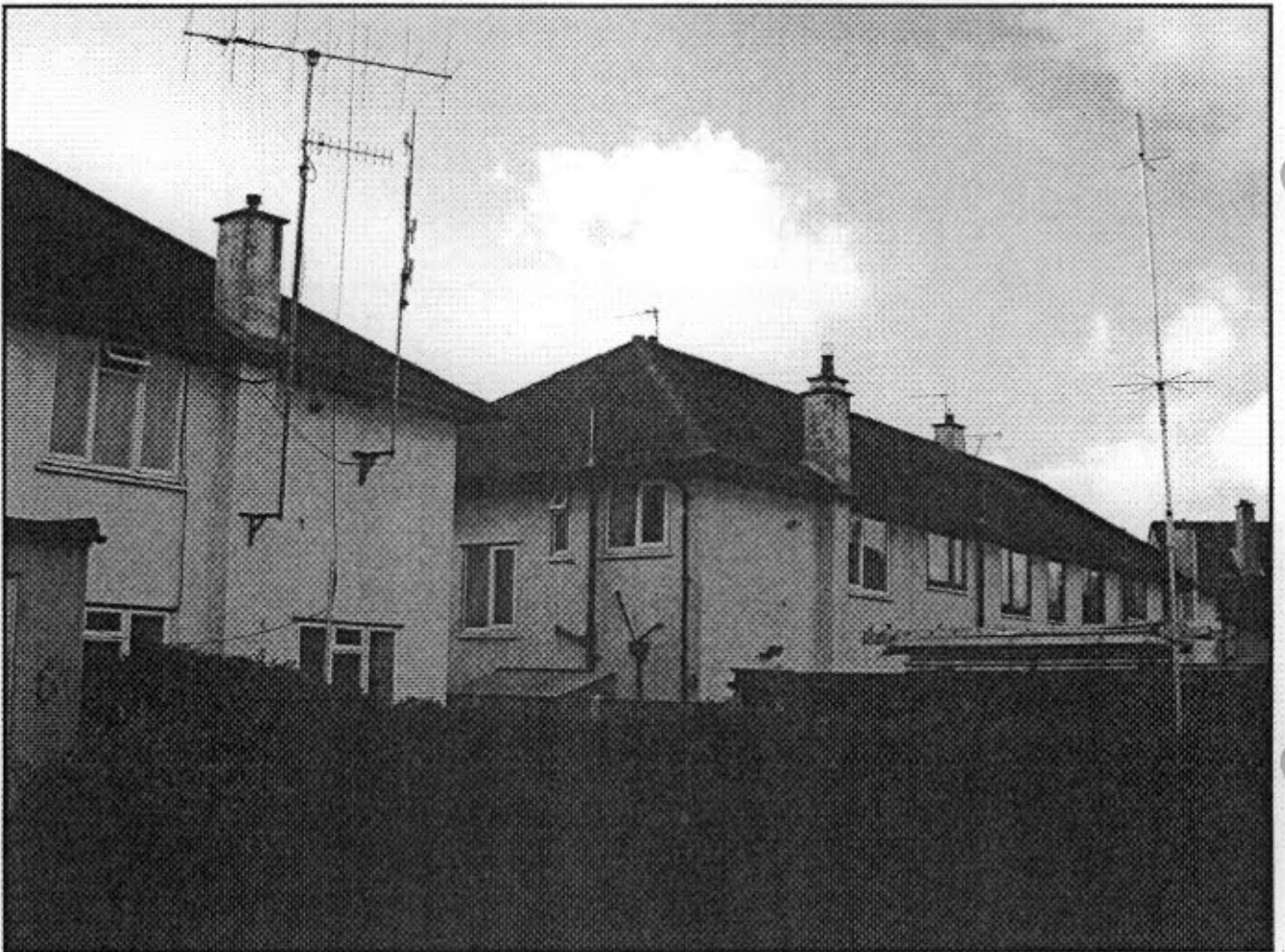
2002/1333
(NOT TO SCALE)



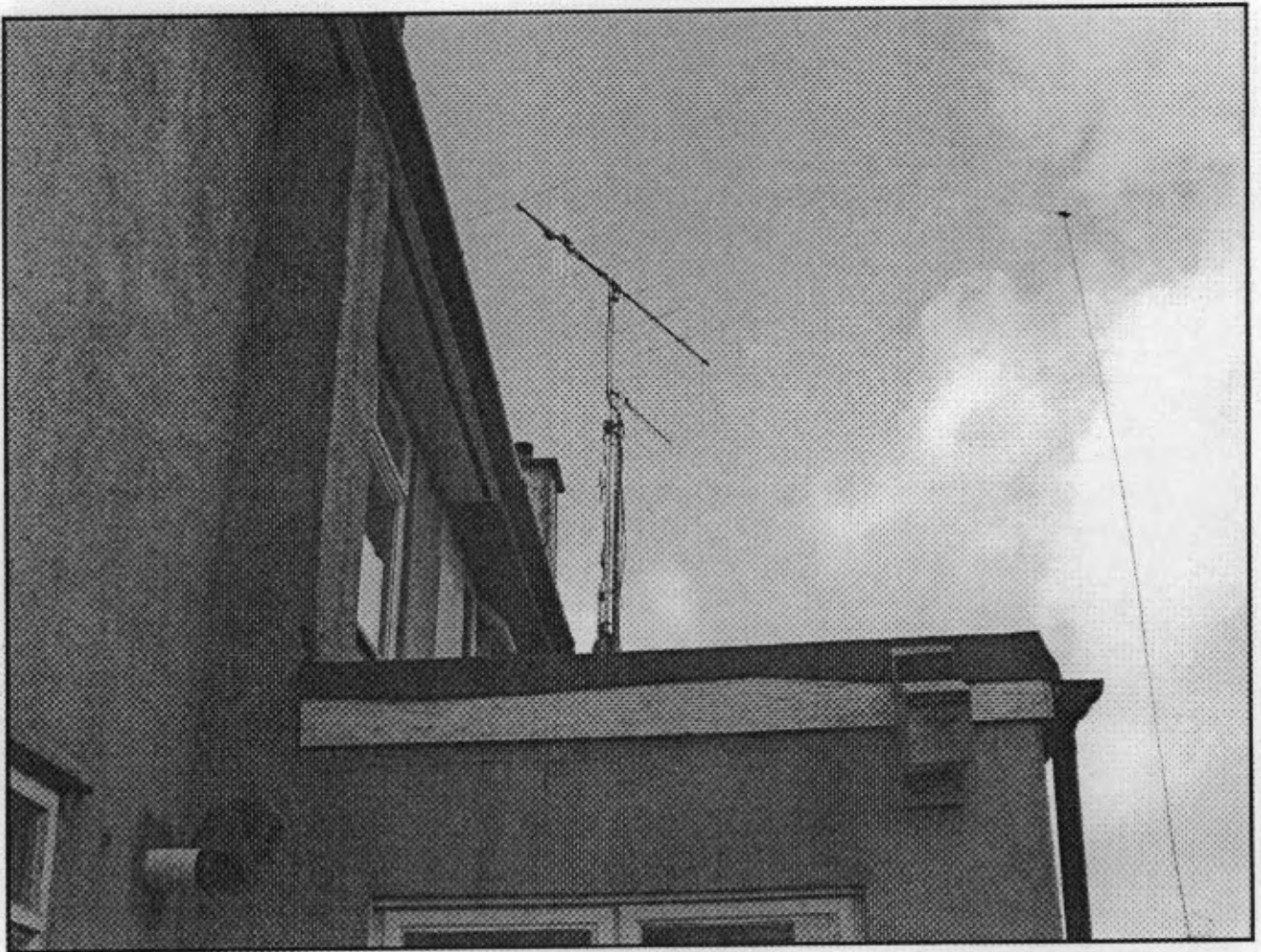
18 DEC 2002
 20211333
 Figure 2 FACE VIEW (SHOWING GRADEN)

NOT TO SCALE

13 Lingmoor Way 3 11.02.03.JPG



13 Lingmoor Way 2 11.02.03.JPG



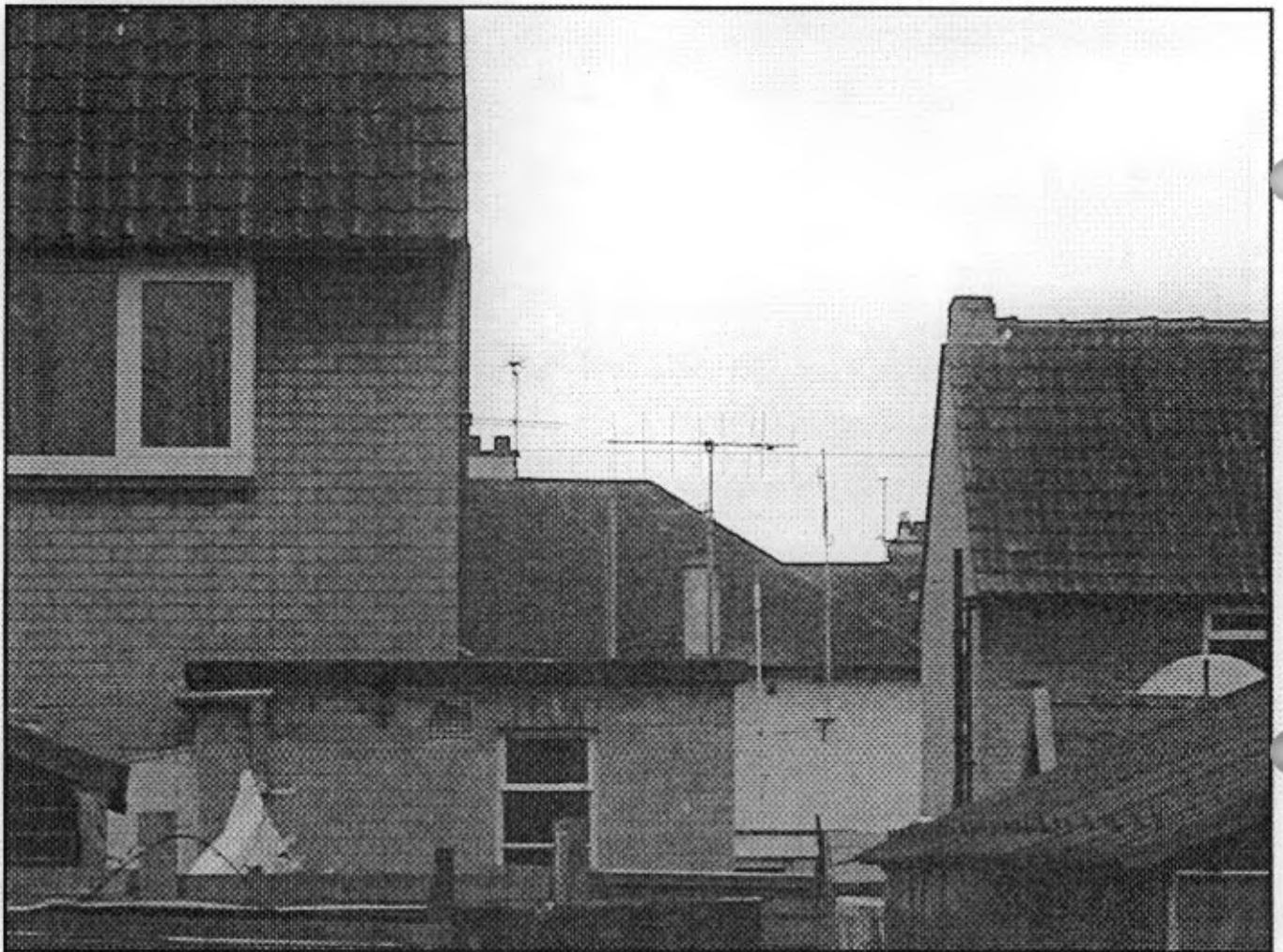
13 Lingmoor Way 1 11.02.03.JPG



13 Lingmoor Way 4 11.02.03.JPG



B LINGMOOR WAY
40-Dalegarth Avenue 5 .JPG



13 Lingmoor Way 6 07.02.03.JPG



13 Lingmoor Way 5 07.02.03.JPG



SCHEDULE A: Applications with Recommendation

03/0004

Item No: 13

Date of Committee: 25/04/2003

Appn Ref No:
03/0004

Applicant:
Lofthome Ltd

Parish:
Carlisle

Date of Receipt:
07/01/2003

Agent:
Allison Pike Partnership

Ward:
St Aidans

Location:

Nos. 1,2 & 3 South Henry Street and nos. 149, 151
& 153, Botchergate, Carlisle

Grid Reference:
340600 555380

Proposal: Erection of ¹³11 no. 1no. bedroom flats and ¹1 no. 2no. bedroom flats with
8no. ^{and 1 No 2 Bed}
^A ^{pl'house old +}

parking spaces together with a 2100sq.ft. unit for A3 use.

Amendment:

Alan.

Report

Planning Policies:

Conservation Area

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

Cumbria & Lake District Joint Structure Plan Policy 1

New development will be provided, mainly in the towns, to meet the social and economic needs of the County's population, but in a manner which, through appropriate location, scale, design or use, does not diminish the quality of the environment within the County or beyond, or for future generations.

Cumbria & Lake District Joint Structure Plan Policy 4

The quality of the environment within and around towns will be upgraded for the benefit of residents, visitors and the local economy by high standards of design for new development, by improvements to existing buildings, ground surfaces and spaces, and by measures to reduce the impact of traffic.

Cumbria & Lake District Joint Structure Plan Policy 6

The City of Carlisle's sub-regional role as a centre of business, commerce, shopping and tourism will be fostered by the modest acceleration of past rates of development.

Cumbria & Lake District Joint Structure Plan Policy 25

The siting, appearance and landscaping of all new development and alterations should aim to enhance the quality of the existing environment. It should be in keeping with the local character of the townscape or landscape, and be well integrated with the existing pattern of surrounding land uses and, where appropriate, be in keeping with the local vernacular tradition. Normally development should make proper provision for access by disabled persons.

Cumbria & Lake District Joint Structure Plan Policy 26

Development and other land use changes which fail to preserve or enhance the character or appearance of Conservation Areas or which damage, obscure or remove important archaeological sites or other historic features, or are detrimental to the character or setting of a Listed Building or Ancient Monument will not normally be permitted.

Carlisle District Plan Environment - Policy E30

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

Carlisle District Plan Environment - Policy E39

There will be a general presumption in favour of the retention of buildings which make a positive contribution to the character or appearance of a Conservation Area. Applications for Conservation Area Consent for the demolition of unlisted buildings in Conservation Areas will be critically assessed against the following criteria:

1. The Contribution of the building to the landscape/townscape; and
2. The structural condition of the building; and
3. The suitability of the building for its existing, proposed or any other use; and
4. The cost of repair; and

5. The contribution which the demolition/redevelopment would make to broader conservation objectives.

All proposals for demolition must be accompanied by details of redevelopment, which will normally be secured by means of a legal agreement.

Carlisle District Plan Environment - Policy E41

Within the City Centre, Botchergate, Brampton and Longtown Conservation Areas, the City Council will encourage the redevelopment or improvement of buildings identified as frontage improvement areas.

Carlisle District Plan Housing - Proposal H4

Within Carlisle, Brampton, Longtown and Dalston, outside the Primary Residential Areas and sites allocated under proposal H1, applications for residential development, including redevelopment and the change of use of vacant and underused buildings, will be permitted provided that:

1. Satisfactory housing conditions can be achieved; and
2. The proposal will complement the existing character of the area; and
3. The proposal will not adversely affect the amenity of the area; and
4. Satisfactory access can be provided; and
5. Appropriate parking arrangements can be made.

Carlisle District Plan Housing - Proposal H10

Proposals for the residential use of upper floors over shops will be encouraged and permitted provided that:

1. Where appropriate access and car parking provision can be achieved; and
2. The proposal does not result in the creation of substandard units; and
3. Adequate internal and external space is provided.

Carlisle District Plan Housing - Proposal H16

High standards of design in new housing sites and dwellings will be required. Matters to be considered include: The layout of roads and buildings; footpaths and cycleways; the retention of existing trees and hedgerows; planning out crime; the provision of public open space; the relationship to adjacent development.

Carlisle District Plan Shopping - Proposal S15

Within the Plan area, proposals for uses within Use Class A3 (food and drink, including restaurants, public houses, wine bars and take aways) will be approved provided that:

1. The proposal does not involve disturbance to occupiers of residential property; and
2. The proposal does not involve unacceptable intrusion into open countryside; and
3. The proposal, whether new development or conversion complements surrounding development or the character of the existing building; and
4. Appropriate access and parking can be provided; and
5. Within the City Centre Shopping Area opening hours are restricted to no later than 1.30 am. Here and elsewhere in the Plan area opening hours will be imposed having regard to the surrounding uses, the character of the area and the possibility of disturbance to residential areas.

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): awaited;

Environment Agency (N Area (+ Waste Disp)): no objections subject to the imposition of a condition relating to surface water drainage details;

Cumbria County Council - (Archaeological Services): advise of the current level of knowledge of archaeology in this part of Botchergate and the justification it affords for further information to be obtained before a planning decision is taken. This should be obtained by means of an archaeological evaluation to determine the presence, nature and extent of surviving archaeological remains within the development site;

Design Services - Drainage Engineer: advise of the presence of the nearest sewers;

Cumbria Constabulary - Crime Prevention: the relevant statistics regarding criminal activity in this area indicate that there is much property related crime and

SCHEDULE A: Applications with Recommendation

03/0004

the applicants are therefore advised to consider enhanced security measures within the development;

Conservation Area Advisory Committee: Residential use is acceptable but there is concern about the scale of the development as it is considered too high in relation to the adjoining properties. In addition it is felt that the proposal should replicate the curve of the existing building on the corner with Botchergate.

Summary of Representations:

Representations Received

Initial:	Consulted:	Reply Type:
The Occupier / Owner, 147 Botchergate	09/01/03	
The Occupier / Owner, 149 Botchergate	09/01/03	
The Occupier / Owner, 151 Botchergate	09/01/03	
The Occupier / Owner, 153 Botchergate	09/01/03	
The Occupier / Owner, 155 Botchergate	09/01/03	
The Occupier / Owner, 147a Botchergate	09/01/03	

The proposals have been advertised using the display of Site and Press Notices together with written notifications sent to adjacent occupiers. In response an objection letter has been received from the owner of the adjoining property at 155 Botchergate. The writer is opposed to what is described as "high rise" development at the southern end of Botchergate and considers that a refurbishment and restoration scheme would be more appropriate and more sustainable.

Details of Proposal/Officer Appraisal:

Planning History:

In 1967 approval was granted for the erection of a 2 storey block for use as a musical instruments showroom and music teachers' premises. An application to change the use of the existing premises to a health club was approved in June 1985.

In 1994 Conservation Area Consent was granted by the DOE in response to an application made by Cumbria CC to demolish nos 149-153 Botchergate to enable the construction of a two way road linking from Cecil Street to South Henry Street (Botchergate Relief Road).

Details of Proposal:

The above application seeks Full Planning Permission for the re-development of the former City Council owned buildings at the corner of Botchergate/South Henry Street (opposite the Stanley Buildings). The site lies within the Botchergate Conservation Area and a related application for Conservation Area Consent follows in the

schedule.

The existing buildings have been vacant for some time and are currently boarded up. They are two-storeyed in height on the Botchergate frontage and turning the corner but step up in height on the South Henry Street facade. The site was identified as one for disposal in the Council's Property Review carried out circa 1999/2000 and in line with Council policy when disposing of land/ buildings was subject of a Site Appraisal produced in June 2000. Following a marketing exercise conducted by Agents appointed by the Head of Property Services the site has been sold to the current applicants.

The pre-disposal Appraisal follows this Report in the Schedule. It identified that the site was suitable for mixed use development reflecting its inclusion within a Mixed Commercial Area and also its proximity to residential areas at Rydal Street. It supports the principle of a ground floor commercial use with upper floor residential uses.

Members will also wish to note that although the corner building is suspected as being quite old, it is un-listed and is in a generally poor and dilapidated condition. It is the view of the City Council's Conservation Officers that it does not merit retention but it should be recorded prior to demolition.

The details before Members relate to a re-development scheme of a proposed A3 use on most of the ground floor with residential flats on 3 further floors centred on the corner but reducing to 3 storeys overall at the flanks. This results in the provision of the following residential elements:

- 1 no. 2-bed flats on the first floor corner and extending along the Botchergate facade with 3 no. 1 bed flats and 2 no. studio flats on the remainder of that floor;
- 4 no. 1 bed flats and 2 no. studio flats, one with a mezzanine sleeping area, on the second and third floors; and
- 1 no. extended "penthouse" flats on the fourth floor including a rooftop terrace.

The flats are accessed via a controlled lobby entrance from the southern end of the Botchergate facade and incorporate a lift access to all of the upper floors. The A3 use is accessed via a recessed entrance positioned at the corner with a separate service entrance from South Henry Street. Car parking is provided in the form of an 8 space ground floor internal parking area at the eastern end of the South Henry Street facade, surmounted by the upper floors of flats. That area is for the use of residents.

The design of the scheme is contemporary but seeks to reflect the form and character of its immediate neighbours. Just as the Stanley Buildings have a strongly defined presence at the corner and comprise a high 3 storey building form, the approach adopted by the architect in the current submission is to articulate the corner by the use of a cut back to the facade that leads out onto small areas of external terracing enclosed by steel balustrading. That relationship to the Stanley Buildings is further emphasised by the proposed use of banded brickwork to the whole of the ground floor areas which steps up to the full 4 storey height at the bays on either side of, and thus helping to "articulate", the corner of the building at the

SCHEDULE A: Applications with Recommendation

03/0004

junction of the two streets. The building is otherwise proposed to be finished in painted smooth render which links with the finishes on the buildings to the immediate south. The upper floor "penthouse" flat is set back off the street line and it is proposed to be faced in cedar cladding.

When initially received the proposals showed the whole of the Botchergate facade constructed as a 4 storey block. However, that would have had the effect of obscuring a high level gable window in the adjacent property at 155 Botchergate and was of concern to the owner of that building. Equally, The Conservation Area Advisory Committee expressed concern about the scale of the building and its height in relation to adjoining properties and observed that it might have been better if the the submission had mirrored the curved corner facade of the existing two storey buildings on the corner.

The response of the applicants and their architects to these matters is apparent from the details described above and Conservation Officers and Planning Officers consider that the proposals represent an attractive and appropriate addition to the street scene. members will also note from the Schedule that the adjoining property owner has now confirmed in writing that the amendments "seem to resolve the problem with the gable window".

Human Rights Act 1998

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

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

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

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

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

Members will wish to have regard to the objections made by the adjoining land owner with regard to a high level window in the gable of 155 Botchergate which, it is understood, gives light to an artist's studio.

Recommendation: Grant Permission ✓

Supp Schedule
DN p 37-41
-245-

SCHEDULE A: Applications with Recommendation

03/0004

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.

2. Notwithstanding any description of materials in the application no development shall be commenced until samples or full details of materials to be used externally on the building(s) have been submitted to and approved 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.

3. The proposed development shall be painted in accordance with a detailed painting scheme which shall be approved by the local planning authority before any of the development is occupied.

Reason: To ensure the works harmonise as closely as possible with the existing building.

4. Notwithstanding the provisions of the Town and Country Planning (Control of Advertisements) Regulations 1992 no advertisement shall be displayed on the external elevations of the proposed building without prior consent in writing of the local planning authority.

Reason: To ensure that the proposed development is undertaken in a manner which safeguards the visual amenities of the Botchergate Conservation Area.

5. That part of the premises which shall be used for purposes falling within Class A3 (Food & Drink) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 shall not be open for trading except between 0800 hours and 2330 hours on Mondays to Saturdays and not before 0800 hours or remain open after 2230 on Sundays.

Reason: To prevent disturbance: nearby occupants.

6. No development shall take place within the area indicated until the applicant, or their agents or successors in title, 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.

The written scheme will include the following components, which each upon completion will trigger the phased discharging of the condition:

- i) archaeological desk-based assessment to be undertaken in advance of demolition in accordance with the agreed written scheme of investigation;

SCHEDULE A: Applications with Recommendation

03/0004

- ii) archaeological evaluation the design of which will be influenced by the results of the assessment in accordance with the agreed written scheme of investigation;
- iii) archaeological recording the scope of which will be dependent upon the results of the evaluation and will be in accordance with the agreed written scheme of investigation;
- iv) post-excavation assessment and analysis, preparation of a site archive ready for deposition at a store approved by the Planning Authority, completion of an archive report, and submission of a publication report.

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

CARLISLE CITY COUNCIL

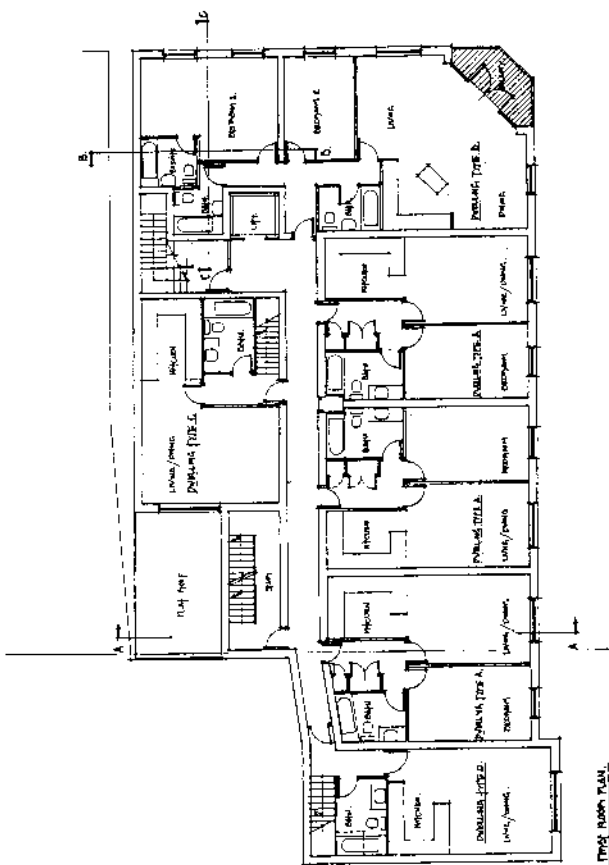
Department of Environment & Development
Planning Services Division
Civic Centre, Carlisle, CA3 8QG
Tel: (01228) 817000 Fax: (01228) 817199

Director: M Battersby C.Eng MICE FIHT
Head of Planning: A Eales DipTP MRTP1

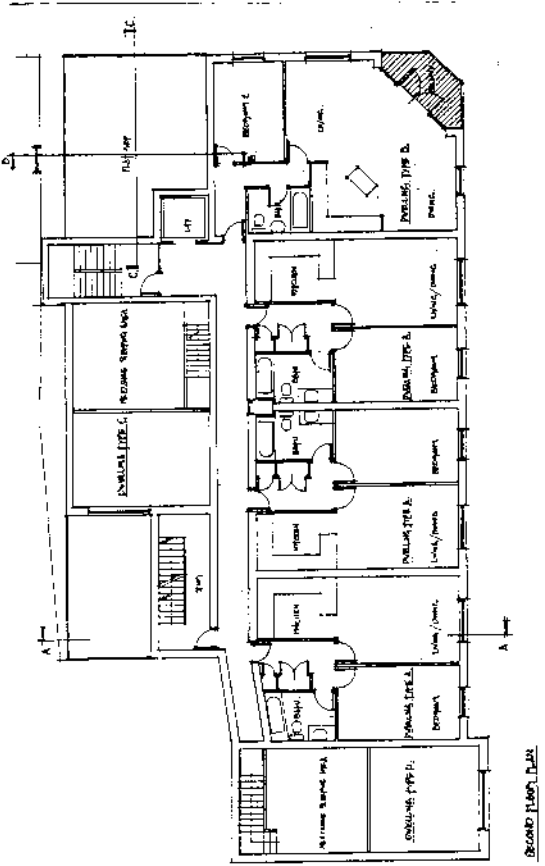
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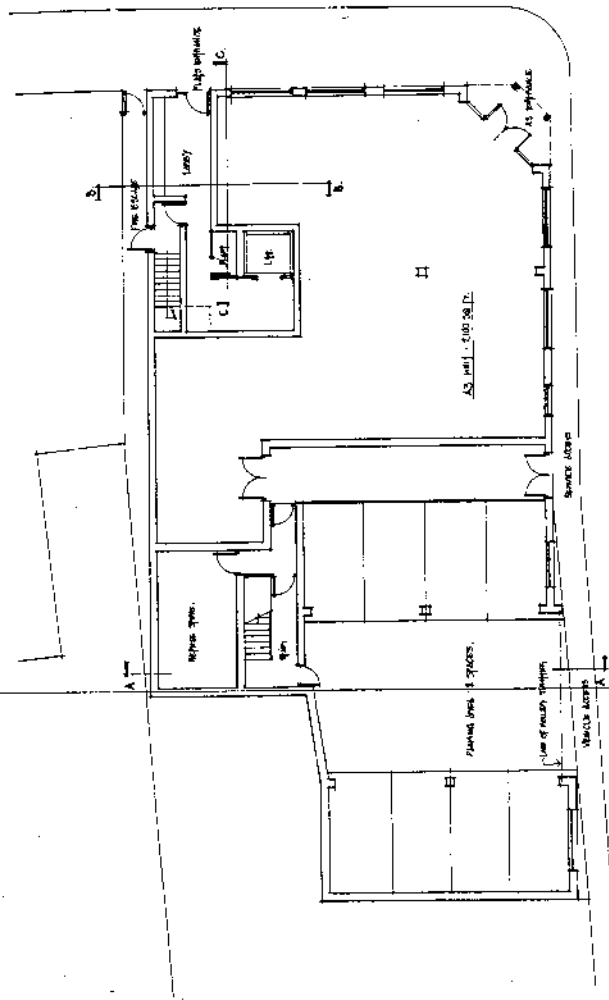




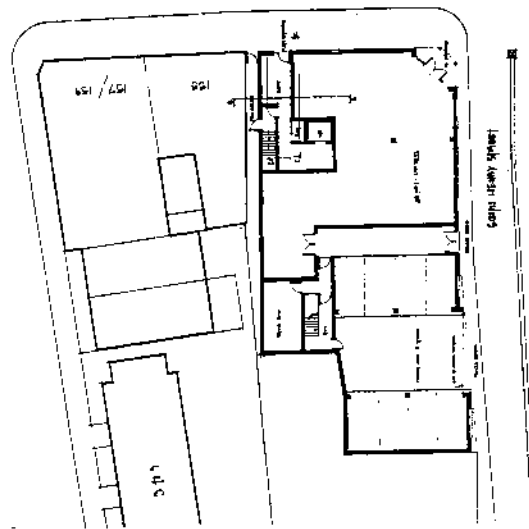
FIRST FLOOR PLAN



SECOND FLOOR PLAN



Site Plan



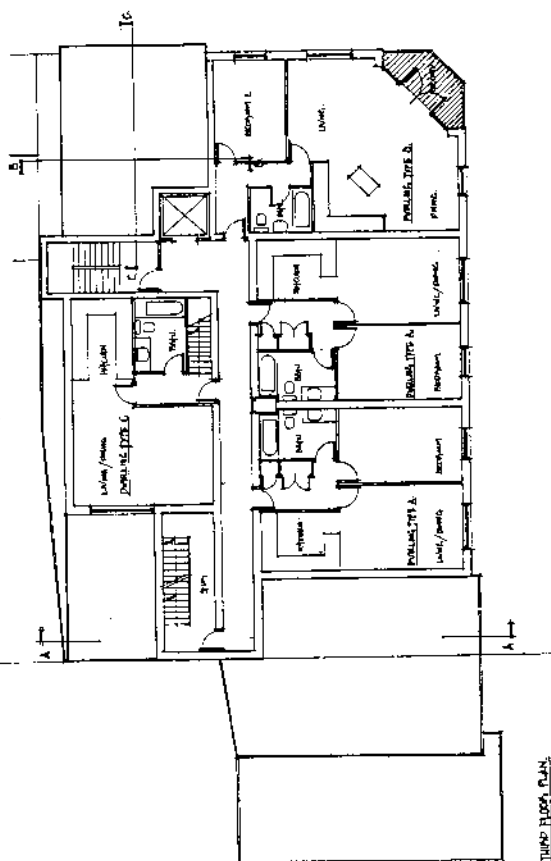
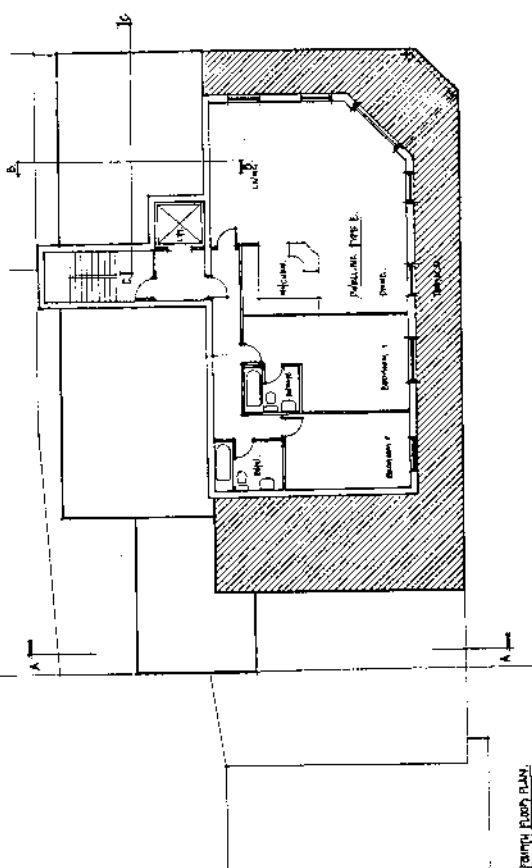
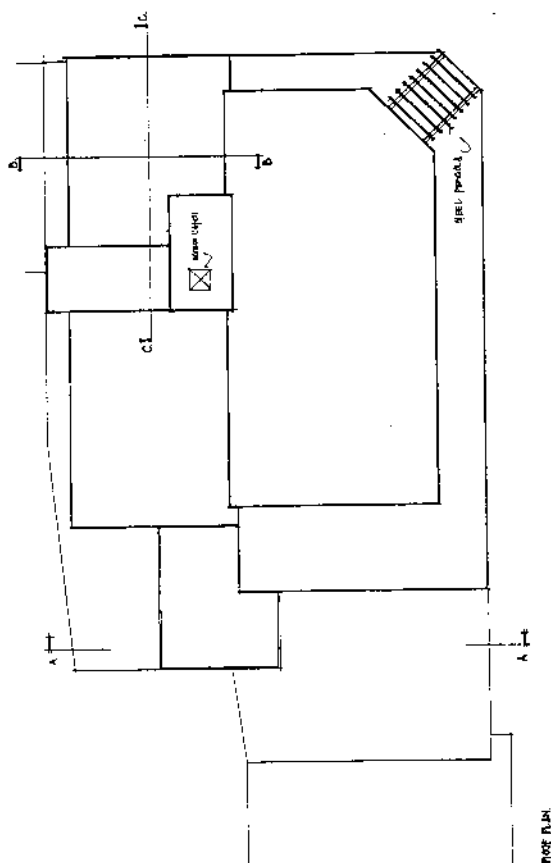
Section View

AP
Architects and Designers
Allison Pike

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Fax: 415.398.1001
www.allisonpike.com

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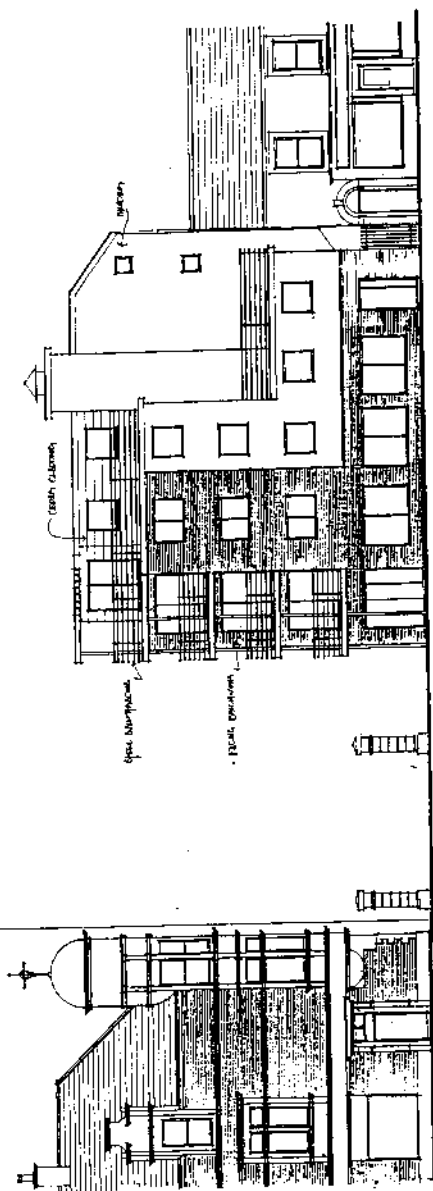
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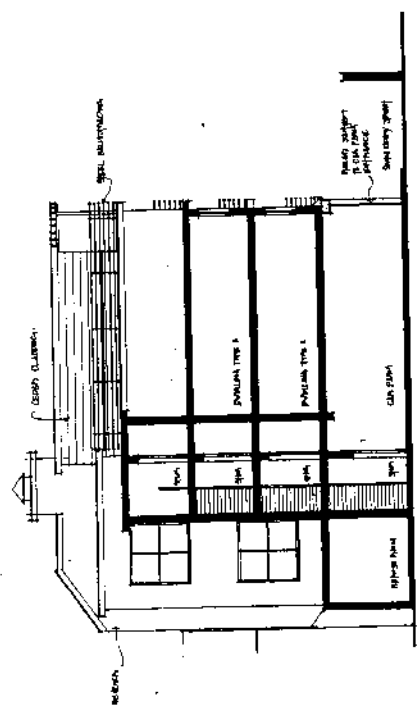
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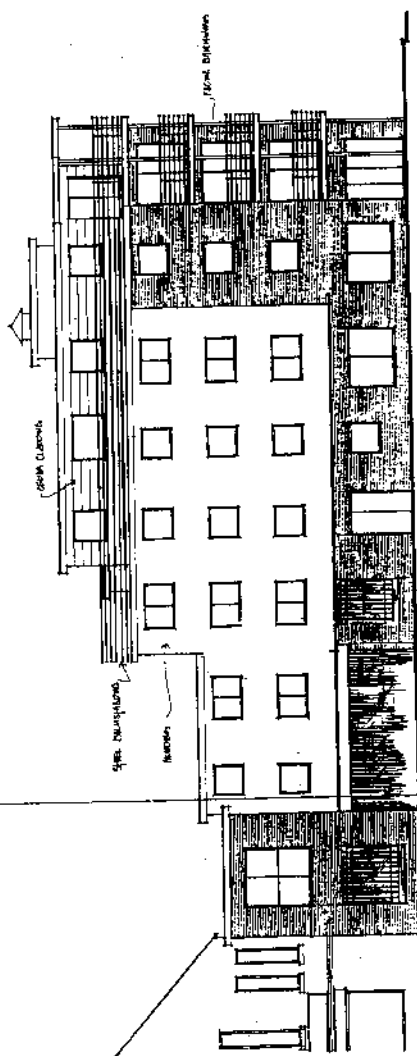


ELEVATION TO BOWDOCK ST.

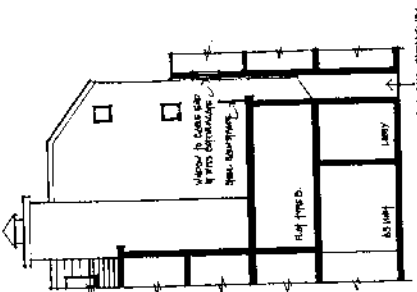


SECTION A-B

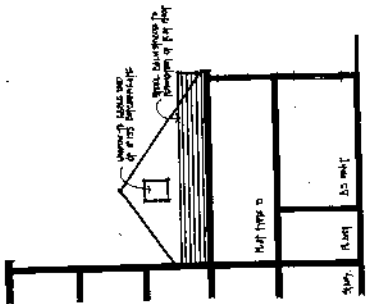
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ELEVATION TO SOUTH HENRY STREET



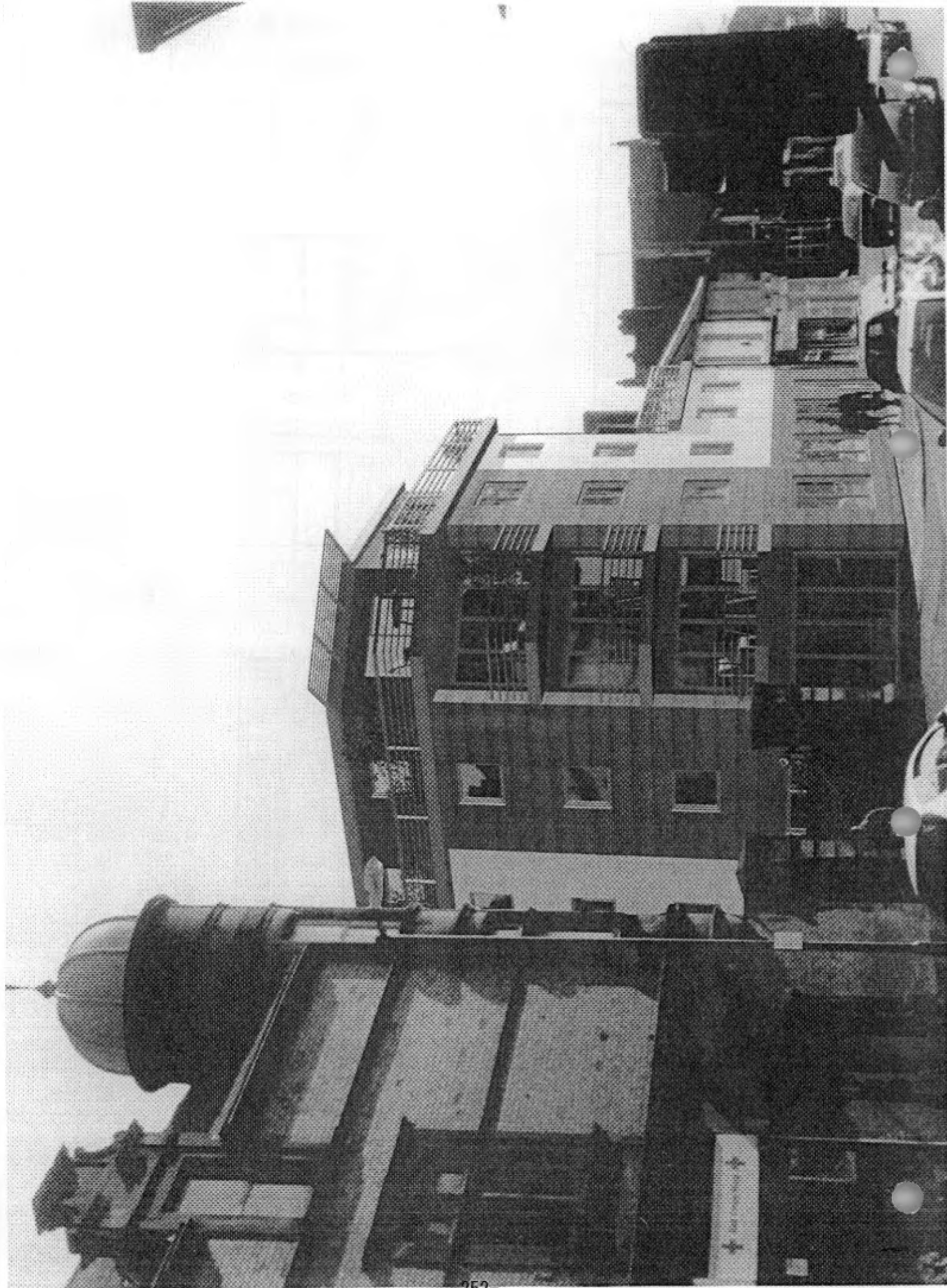
PART SECTION B-B



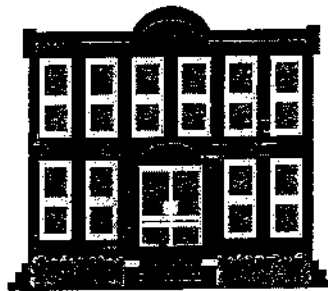
PART SECTION C-C

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Site Appraisal
Relating to Land at 149 - 153 Botchergate &
1 - 3 South Henry Street,
Carlisle



Produced by Carlisle City Council
Planning Services

June 2000



LAND AT 149 / 153 BOTCHERGATE & 1 / 3 SOUTH HENRY STREET, CARLISLE

The attached plan outlines a site identified in the City Council's Property Review. The following site appraisal has been prepared under the City Council's code of conduct in relation to planning matters. The appraisal sets out relevant development plan policies, together with other relevant guidance such as that set out in circulars and supplementary planning guidance.

Site and Surroundings:

The site extends to 0.05 hectares. The site is bounded by South Henry Street to the west, and has a frontage on to Botchergate. Existing on the site are a number of two storey brick and render properties, which are understood to have been formerly used as shops/storage. To the north of the site, along South Henry Street, the main land uses are mixed commercial, with car repairs and a printer's etc, with residential use beyond. Residential use also predominates on Rydal Street, which bounds part of the site to the east. The appended plan shows the site boundary.

Planning Policy:

Acceptable Uses

A mixture of uses would be acceptable on this site. The northern portion of the site is identified on the Local Plan City Centre Inset Proposals Map as being within a Mixed Commercial Area (MCA); no one land use predominates.

Local Plan Policy EM5: applies and advises that there will be a presumption in favour of new industrial, commercial and retail development and changes of use within Mixed Commercial Areas. It is the intention of Policy EM5 to Safeguard Mixed Commercial Areas against inappropriate developments in terms of scale, nature of activity, effect on amenity of adjacent uses and traffic considerations. Development/redevelopment proposals will be judged on their own merits and assessed against a number of policy criteria including:

- The relationship of the site to the highway network is satisfactory; and
- Access to the site is satisfactory; and
- Appropriate car parking provision can be provided; and
- The scale of development is appropriate in relation to the site, and the amenity of adjacent uses is not prejudiced.

Proposals will need to take account of the residential properties to the rear of the site, on Rydal Street, to ensure that their privacy/amenity is not adversely affected by any new development, for example, overlooking windows etc.

Planning policies referred to in this appraisal are appended.

Local Plan Policy S4 - applies as the front portion of the site that is identified on the City Centre Local Plan Proposals Map as part of the City Centre Shopping area. As such, Policy S4 advises that "the area has potential for additional retail development". Proposals for the redevelopment, refurbishment or adaptation of existing premises will be permitted, provided that certain policy criteria are met: These criteria are: -

- Proposals within the Botchergate Conservation Area are complementary to, enhance or do not adversely affect the townscape of the area; and
- Where appropriate, opportunities for residential use and environmental improvements are linked to the scheme; and
- Satisfactory access for service vehicles can be provided, should the scale of the proposal require such provision; and

- Any additional parking provision is provided for shoppers rather than commuters, and is not within the Botchergate Conservation Area.

Local Plan Policy S15 - Food and Drink - will apply to any proposal for uses within Use Class A3 (food and drink including restaurants, public houses, wine bars and take aways). Such uses will be acceptable in principle, subject to certain policy criteria being met. These criteria are:

- The proposal does not involve disturbance to occupiers of residential property; and
- The proposal whether, new development or conversion complements surrounding development or the character of the existing building; and
- Appropriate access and car parking can be provided; and
- Within the City Centre Shopping Area, opening hours are restricted to no later than 1.30 a.m. Opening hours will be imposed having regard to the surrounding uses, the character of the area and the possibility of disturbance to residential areas.

Conservation Area/Design Considerations

Local Plan Policy E39: The whole of the site is located within the designated Botchergate Conservation Area and as such Local Plan Policy E39 - Demolition of unlisted buildings applies. Policy E39 advises that there will be a general presumption in favour of the retention of buildings that make a positive contribution to the character or appearance of a conservation area. Applications for conservation area consent for the demolition of unlisted buildings will be assessed against a number of criteria including the contribution of the building to the landscape/townscape, the structural condition of the building, the suitability of the building for its existing, proposed or any other use, the cost of repair and the contribution which the demolition/redevelopment would make to broader conservation objectives.

Further advice is given in the adopted Botchergate Area Development Brief (June 1994) and the revised development brief (Consultation Draft - September 1999) that identifies buildings on the site as category 4, - buildings that may be demolished and the sites redeveloped. The buildings contained in category 4 are those, which in the opinion of the City Council have no architectural merit, or are in poor condition, or are under-utilising the site on which they stand. As such, they have been identified as those parts of the Botchergate area where redevelopment will be acceptable in principle.

All proposals for demolition (applications for conservation area consent) must be accompanied by details of redevelopment, which will normally be secured by means of a legal agreement.

Local Plan Policy E41: Properties fronting on to Botchergate are shown on the Local Plan City Centre Proposals Map as Frontage Improvement Area (FIA's). Policy 41 provides that the City Council will encourage the redevelopment or improvement of buildings identified as Frontage Improvement Areas. The policy reasons/explanations advise that buildings within FIA's 'can seriously detract from the quality of other buildings within the conservation area. In some instances the most appropriate solution will be the demolition and redevelopment of the building if the opportunity arises.

Improvement and Enhancement of Conservation Areas. Any development/redevelopment of the site will be subject to policy E43. Policy E43 advises that the City Council will encourage, and planning permission will be granted for development within and adjoining conservation areas, which preserves or enhances their character. The City Council will seek to ensure that any new development or alterations to existing buildings are in sympathy with the setting, scale, density and physical characteristics of conservation areas and protect important views in to or out of such areas. Planning applications for outline planning permission will not be accepted for proposals within conservation areas.

Both the adopted and the consultation draft of the revised Botchergate Area Development Brief, advise that the general principles for development proposals within the Botchergate area reflected in paragraph 2.180 of the Local Plan, are that new buildings should take account of the properties surrounding the site, in particular the scale, massing and detailing of

adjacent buildings. These may then be acceptable as 'facsimile' developments that reproduce the nature of existing buildings.

Policies contained in the Local Plan exist to protect the character of conservation areas within the district, yet they do not preclude new buildings that are modern in character and appearance. The Council will consider each application on its merits and will not reject buildings of modern design and materials merely because of conservation area status.

Well-designed modern buildings often sit well within a row of older properties with the old complementing the new. The Council is not interested in rigidly restoring all of the original features of the street, although where evidence remains of these features they should be included in schemes. Conservation in the context of Botchergate is about achieving a good mix of old and new.

Proposals that include well - designed buildings are appropriate within all parts of the area. In addition, the emphasis on any regeneration/redevelopment proposals should be that they:

- reflect a human scale
- provide high quality public spaces
- create frontages that connect with the existing street patterns to create a lively street scene
- give precedence to pedestrians over motor vehicles
- are highly accessible by public transport and for those people with a disability
- are designed to accommodate a mix of uses, so minimising conflicts due to noise or other emissions.

Disabled Access Provision

Local Plan Policy EM17: provides that when considering proposals for new employment related development, including extensions where the public are to have access, the provisions of Part M of the Building Regulations will apply. Beyond this requirement, the City Council will seek to negotiate the extent of provision for disabled people to and from within buildings.

Similarly, Local Plan Policy S16 - Access, will apply to any development proposals for, or including retail use. Such proposals shall take account of the needs of the disabled, the elderly and those with pushchairs in the provision of parking, access to and from the building and adequate circulation within the building.

Vehicular Access and Parking Provision

Local Plan Policies T7 - Parking Guidelines, and Policy T9 - Parking in Conservation Areas apply. The City Council's Design Division (Highways) has advised that there is currently no parking provision for this site, because of the proximity of William Street Car Park. It is reasonable that this situation should remain and no on site car parking need be provided. The site is well served by public transport along Botchergate.

With regard to vehicular access, South Henry Street is in poor condition and is currently used for both commercial and residential access. The road is narrow and a requirement of any further usage would be that the vehicular movements should be limited. There is no opportunity to turn without travelling to the end of the street and then only for small (7.5t) lorries, vans and cars. No long-term parking on South Henry Street would be permitted.

Conclusion

In principle, the site is considered suitable for redevelopment for a mixed use, including elements of retail (A1), financial & professional (A2), business (B1), and A3 (food and drink), subject to the provisions of the above planning policies and relevant supplementary planning guidance being met. An element of residential use on upper floors of any proposed development will be acceptable, providing that the other proposed uses on the other floors and elsewhere on the site are compatible with residential use.

Planning Permission

The Council will not accept applications for outline planning permission in a conservation area. Any planning application for full or reserved matters should include detailed plans and drawings of the proposed new development, including elevations and perspective drawings and show the new development in its setting.

This appraisal is based on the Council's adopted planning policies and is offered as guidance for potential developers. Any development will require a formal planning permission and applications will be duly considered by Members of the Council's Planning and Land Use Sub-Committee. Advice on Building Regulations can be obtained by contacting Walter Davidson (Chief Building Control Officer) on Carlisle (01228) 817189.

Relevant Local Plan Policies

Policy EM5 - Mixed Commercial Areas

Within Mixed Commercial Areas, proposals for B1 (Business), B2 (General Industrial), B8 (Warehousing), A2 (Financial & Professional) and A1 (Retail) uses will be acceptable provided that:

1. the relationship of the site to the highway network is satisfactory; and
2. access to the site is satisfactory; and
3. appropriate parking provision can be provided; and
4. the scale of development is appropriate in relation to the site, and the amenity of adjacent uses is not prejudiced

Policy S4 - Botchergate

The northern part of Botchergate, within the City Centre Shopping Area, has potential for additional retail development. Proposals for the redevelopment, refurbishment or adaptation of existing premises, will be permitted provided that:

1. proposals within the Botchergate Conservation Area are complementary to, enhance or do not adversely affect the townscape of the area; and
2. where appropriate, opportunities for residential use and environmental improvements are linked to the scheme; and
3. satisfactory access for service vehicles can be provided, should the scale of the proposal require such provision; and
4. any additional parking provision is provided for shoppers rather than commuters, and is not within the Botchergate Conservation Area.

Policy S15 - Food and Drink

Within the plan area, proposals for uses within use class A3 (food and drink, including restaurants, public houses, wine bars and take aways) will be approved provided that:

1. The proposal does not involve disturbance to occupiers of residential property; and
2. The proposal does not involve unacceptable intrusion into open countryside; and
3. The proposal, whether new development or conversion complements surrounding development or the character of the existing building; and
4. Appropriate access and parking can be provided; and
5. Within the City Centre Shopping Area opening hours are restricted to no later than 1.30 am. Here and elsewhere in the Plan area opening hours will be imposed having regard to the surrounding uses, the character of the area and the possibility of disturbance to residential areas.

Policy E39 - Demolition of Unlisted Buildings in Conservation Areas

There will be a general presumption in favour of the retention of buildings which make a positive contribution to the character or appearance of a conservation area. Applications for conservation area consent for the demolition of unlisted buildings in conservation areas will be critically assessed against the following criteria:

1. the contribution of the building to the landscape/townscape; and
2. the structural condition of the building; and
3. the suitability of the building for its existing, proposed or any other use; and
4. the cost of repair; and
5. the contribution which the demolition/redevelopment would make to broader conservation objectives.

All proposals for demolition must be accompanied by details of redevelopment, which will normally be secured by means of a legal agreement.

Policy E41 - Frontage Improvement Areas

Within the City Centre, Botchergate, Brampton and Longtown Conservation Areas, the City Council will encourage the redevelopment or improvement of buildings identified as frontage improvement areas.

Policy E43 - Improvement and Enhancement of Conservation Areas

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

Policy EM.17 - Access

When considering proposals for new employment related development, including extensions, where the public are to have access, the provisions of Part M of the Building Regulations will apply. Beyond this requirement, the City Council will seek to negotiate the extent of provision for disabled people to, from and within buildings.

Policy S16 - Access

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

Policy T7 - Parking Guidelines

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

1. the Parking Guidelines for Cumbria as detailed in Appendix 2;
2. the availability of public car parking in the vicinity;
3. the impact of parking provision on the environment of the surrounding area;
4. the likely impact on the surrounding road network; and
5. Accessibility by, and availability of, other forms of transport.

Policy T9 - Parking in Conservation Areas

Within conservation areas, off - street vehicle parks will not be permitted, unless they:

1. are small in scale; and
2. have no adverse impact on the street frontage or character; and
3. have no detrimental effect on neighbouring properties; and
4. have satisfactory access.

JOHN TAYLOR & Co

J.R. TAYLOR
BSc (EST MAN) FRICS

CHARTERED SURVEYORS
RESIDENTIAL, COMMERCIAL
& AGRICULTURAL ESTATE AGENTS
AUCTIONEERS & VALUERS
RATING SURVEYORS
LICENSED TRADE VALUERS

File X1144

Our Ref: JRT/KT
Your Ref: GMP/CAB/X1144

Mr G Pike
Allison Pike
Architects & Designers
7 Buxton Road West
Disley
Stockport
Cheshire
SK12 2AE

RECEIVED 18 MAR 2003

X1144

14 March 2003

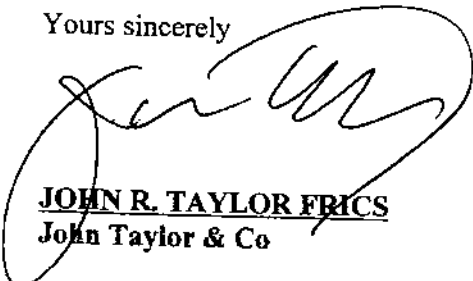
Dear Mr Pike

Proposed Residential Development, Botchergate, Carlisle

I thank you very much for your letter and plans of the 7 March 2003.

The proposed alterations seem to solve the problem with the gable window.

Yours sincerely


JOHN R. TAYLOR FRICS
John Taylor & Co

SCHEDULE A: Applications with Recommendation

03/0034

Item No: 14

Date of Committee: 25/04/2003

Appn Ref No:
03/0034

Applicant:
Lofthome Ltd

Parish:
Carlisle

Date of Receipt:
29/01/2003

Agent:
Allison Pike Partnership

Ward:
St Aidans

Location:
Nos. 1,2 & 3 South Henry Street and nos. 149, 151
& 153, Botchergate, Carlisle

Grid Reference:
340600 555380

Proposal: Demolition of existing buildings prior to re-development of the site
(Conservation Area Consent)

Amendment:

Report

Planning Policies:

Conservation Area

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

Cumbria & Lake District Joint Structure Plan Policy 26

Development and other land use changes which fail to preserve or enhance the character or appearance of Conservation Areas or which damage, obscure or remove important archaeological sites or other historic features, or are detrimental to the character or setting of a Listed Building or Ancient Monument will not normally be permitted.

Carlisle District Plan Environment - Policy E30

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

Carlisle District Plan Environment - Policy E39

SCHEDULE A: Applications with Recommendation

03/0034

There will be a general presumption in favour of the retention of buildings which make a positive contribution to the character or appearance of a Conservation Area.

Applications for Conservation Area Consent for the demolition of unlisted buildings in Conservation Areas will be critically assessed against the following criteria:

1. The Contribution of the building to the landscape/townscape; and
2. The structural condition of the building; and
3. The suitability of the building for its existing, proposed or any other use; and
4. The cost of repair; and
5. The contribution which the demolition/redevelopment would make to broader conservation objectives.

All proposals for demolition must be accompanied by details of redevelopment, which will normally be secured by means of a legal agreement.

Carlisle District Plan Environment - Policy E41

Within the City Centre, Botchergate, Brampton and Longtown Conservation Areas, the City Council will encourage the redevelopment or improvement of buildings identified as frontage improvement areas.

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): awaited;

Cumbria County Council - (Archaeological Services): advise of the current level of knowledge of archaeology in this part of Botchergate and the justification it affords for further information to be obtained before a planning decision is taken. This should be obtained by means of an archaeological evaluation to determine the presence, nature and extent of surviving archaeological remains within the development site;

Drainage Engineer - Commercial & Technical Services: advise of the presence of the nearest sewers;

Cumbria Constabulary - Crime Prevention: the relevant statistics regarding criminal activity in this area indicate that there is much property related crime and the applicants are therefore advised to consider enhanced security measures within the development;

English Nature: advise of the possible presence of bats;

SCHEDULE A: Applications with Recommendation

03/0034

Conservation Area Advisory Committee: consider that the application lacks necessary supporting information. There are no details of the buildings to be demolished and a structural survey should be obtained to assess the condition of the buildings and their potential for refurbishment. Members should note that the CAAC seem not to have been aware of the previous history of demolition consent or that the Site Appraisal was carried out in 2000.

Summary of Representations:

Representations Received

Initial:	Consulted:	Reply Type:
The Occupier / Owner, 147 Botchergate	29/01/03	
The Occupier / Owner, 149 Botchergate	29/01/03	Undelivered
The Occupier / Owner, 151 Botchergate	29/01/03	Undelivered
The Occupier / Owner, 153 Botchergate	29/01/03	Undelivered
The Occupier / Owner, 155 Botchergate	29/01/03	
The Occupier / Owner, 147a Botchergate	29/01/03	

The proposals have been advertised using the display of Site and Press Notices together with written notifications sent to adjacent occupiers. In response an objection letter has been received from the owner of the adjoining property at 155 Botchergate. The writer is opposed to what is described as "high rise" development at the southern end of Botchergate and considers that a refurbishment and restoration scheme would be more appropriate and more sustainable.

Details of Proposal/Officer Appraisal:

Planning History:

In 1967 approval was granted for the erection of a 2 storey block for use as a musical instruments showroom and music teachers' premises. An application to change the use of the existing premises to a health club was approved in June 1985.

In 1994 Conservation Area Consent was granted by the DOE in response to an application made by Cumbria CC to demolish nos 149-153 Botchergate to enable the construction of a two way road linking from Cecil Street to South Henry Street (Botchergate Relief Road).

Details of Proposal:

This is the related application for Conservation Area Consent which is needed to demolish the unlisted buildings that stand on the site which is situated within the Botchergate Conservation Area.

SCHEDULE A: Applications with Recommendation

03/0034

Members may be aware that the land has been owned by the City Council for some years but that it was identified following a Property Review in 2000 as surplus to the Council's needs and has subsequently been marketed. The current applicants acquired the site as a result of that action.

In keeping with the Code of Conduct, a Site Appraisal was prepared by Planning Services in June 2000 to assist in the formulation of future development proposals. It supports the principle of re-development of the site with a preference for a mixed use scheme.

Additionally, the Council's Conservation Officers have been involved in the consideration of development options and are satisfied that while the existing buildings should be "recorded" they are not of sufficient merit as to warrant retention.

Members should note that there is a considerable and increasing knowledge of the archaeology of Botchergate and that as a part of that continued process the site warrants archaeological investigation.

Human Rights Act 1998

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

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

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

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

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

The proposed demolition of these buildings would not give rise to any conflict with provisions of the Act.

Recommendation: Grant Permission



1. The buildings to which this application relates shall not be demolished before a contract for the carrying out of works of redevelopment of the site has been made and planning permission has been granted for the redevelopment for which the contract provides.

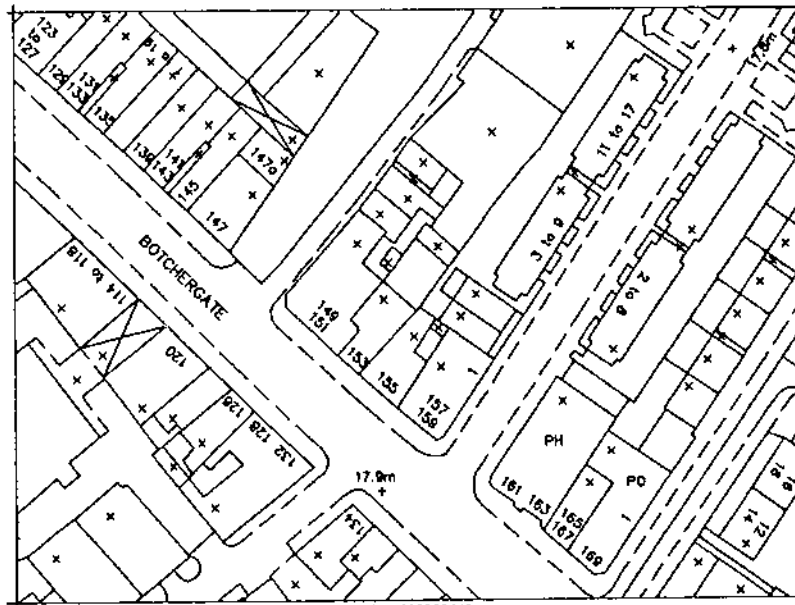
SCHEDULE A: Applications with Recommendation

03/0034

Reason: To safeguard against premature demolition.

2. No development shall take place within the area indicated until the applicant, or their agents or successors in title, 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.

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



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SITE LOCATION PLAN : SCALE 1:1250.

SCHEDULE A: Applications with Recommendation

02/0196

Item No: 15

Date of Committee: 25/04/2003

Appn Ref No:

02/0196

Applicant:

Montgomery Housing

Parish:

Castle Carrock

Date of Receipt:

22/02/2002

Agent:

Green Design Group

Ward:

Great Corby & Geltsdale

Location:

L/A field 3328, Castle Carrock, Cumbria,

Grid Reference:

354350 555270

Proposal: Erection of 12 No. Detached Dwellings and 4 No Linked 2 Bed Houses
For Rent For Local Occupancy (Revised proposals)

Amendment:

Alan

Report

Planning Policies:

Cumbria & Lake District Joint Structure Plan Policy 1

New development will be provided, mainly in the towns, to meet the social and economic needs of the County's population, but in a manner which, through appropriate location, scale, design or use, does not diminish the quality of the environment within the County or beyond, or for future generations.

Cumbria & Lake District Joint Structure Plan Policy 2

The County's scenic beauty, natural resources and the quality of its built environment will be protected from inappropriate development, especially those areas and features of international or national conservation importance where harmful development will not be permitted.

Cumbria & Lake District Joint Structure Plan Policy 11

Development and other land use changes detrimental to the present characteristics and qualities of the landscape of the National Parks, AONBs and the Heritage Coast will not normally be permitted. Particular regard will be paid to the protection and enhancement of undeveloped open countryside and coast, the lakes and other sensitive locations, and in addition in National Parks the character of land identified on Section 3 Conservation Maps. Development required to meet local infrastructure needs which cannot be located elsewhere, will normally be permitted provided it is sited to minimise environmental impacts and meets high standards of design.

Cumbria & Lake District Joint Structure Plan Policy 25

The siting, appearance and landscaping of all new development and alterations should aim to enhance the quality of the existing environment. It should be in keeping with the local character of the townscape or landscape, and be well integrated with the existing pattern of surrounding land uses and, where appropriate, be in keeping with the local vernacular tradition. Normally development should make proper provision for access by disabled persons.

Cumbria & Lake District Joint Structure Plan Policy 41

Housing and employment development within AONBs will normally be permitted provided it is:

- i. small in scale and compatible with the needs of local communities, and
- ii. within or immediately adjacent to existing settlements, except where essential for the working of a farm or involving a conversion of a traditional building for employment uses,
- iii. in sympathy with the character of the settlement and maintains the natural beauty of the landscape.

Carlisle District Plan Environment - Policy E3

Within and adjacent to the North Pennines and Solway Coast Areas of Outstanding Natural Beauty, permission will not be given for development which would be unacceptably detrimental to the present character and quality of the landscape. Development proposals should seek to conserve or enhance the present character and quality of the landscape through appropriate siting, design, materials and landscaping. Large scale development will only be permitted where there is proven national need and lack of an alternative site.

Carlisle District Plan Environment - Policy E50

The loss to built development of significant public and private open spaces within settlements will not be permitted.

Carlisle District Plan Housing - Proposal H5

Within the following settlements, large scale residential development will not be permitted. Proposals for small scale residential development will normally be acceptable providing that:

1. The site is well related to the landscape of the area and does not intrude into

open countryside; and

2. The scale of the proposed development is well related to the scale, form and character of the existing settlement; and
3. The layout of the site and the design of the buildings is well related to existing property in the village; and
4. The siting and design of the buildings is well related to and does not adversely affect the amenity of neighbouring property; and
5. Appropriate access and parking can be achieved; and
6. The proposal will not lead to the loss of amenity open space within or at the edge of the settlement; and
7. The proposal will not lead to the loss of the best and most versatile agricultural land.

Aglionby, Baldwinholme, Banks, Barclose, Beaumont, Blackford, Blackwell, Boltonfellend, Boustead Hill, Broadwath, Brisco, Brunstock, Burgh-by-Sands, Burnrigg, Cardewlees, Cargo, Carleton, Castle Carrock, Cotehill, Cumdivock, Cummersdale, Cumrew, Cumwhinton, Cumwhitton, Durdar, Easton, Farlam, Faugh, Fenton, Gaitsgill, Gilsland, Great Corby, Great Orton, Grinsdale, Hallbankgate, Harker, Hayton, Hayton Townhead, Heads Nook, Hornsby, Boughton, How Mill, Irthington, Kirkcambeck, Kirkandrews-on-Eden, Knells, Lanercost, Laversdale, Linstock, Little Orton, Low Crosby, Longburgh, Low Row, Lyneholme, Midgeholme, Milton, Moat, Monkhill, Moorhouse, Newby East, Newtown, Raughtonhead, Rockcliffe, Rickerby, Scaleby, Scotby, Smithfield, Stainton, Stockdalewath, Talkin, Tarraby, Thurstonfield, Tindale, Todhills, Walton, Warwick-on-Eden, Warwick Bridge (including Little Corby & Corby Hill), Westlinton, Wetheral, Wetheral Pasture.

Public Footpath

The proposal relates to development which affects a public footpath.

Summary of Consultation Responses:

Castle Carrock Parish Council: an open Parish meeting was held in the village on 13th March and 70 parishioners attended. After prolonged debate the proposals was put to the vote and "the proposed development was overwhelmingly turned down".

The Parish Council separately carried out a questionnaire survey distributed to 126 households in the Parish of Castle Carrock. It sought the considered opinion on the application. The Parish Council received 66 replies with opinions expressed as follows:

11% were in favour of the proposal for 11 dwellings;
35% were in favour of no development; and

54% were in favour of 4-8 houses, but some respondents commented that some should be suitable for first time buyers .

Following the receipt of the revised application, including the strip of land previously omitted, and changing one dwelling plot to a terrace of low cost homes for rent, the Parish Council has been re-consulted on these amendments. Their response, dated 14th December 2002, is printed in full following this Report. The salient points of that reply are:

- the Chairman of the Parish Council convened an Extraordinary Meeting of the Parish Council to discuss the modified submission
- a further open forum was organised at the Village Hall at which the revised plans were displayed and all residents were invited to view them
- following both that Extraordinary Meeting and the open forum the Parish Council vigorously opposes the application in every respect
- the Parish Council further resolved to seek to buy the field at agricultural land value and has now written to the Chief Executive of Cumbria County Council expressing that wish
- in the event that approach is not successful and the land is sold for development, the Parish Council would continue to oppose the current submission but consider a development of not more than 4 houses constructed in local stone, roofed with slate and designed to blend with the surrounding Listed Buildings would be more appropriate
- extracts from the visitors book on the day of the open forum are provided;

Cumbria County Council (as Strategic Planning Authority): as initially submitted the application was not considered to raise any issues of material importance to the Structure Plan and was therefore not reported to the County Committee. Officer advice was that the City Council should take into account PPG3 when assessing whether to grant planning permission.

Subsequent to the recent modification of the application, resulting in the proposals increasing to a development of 16 units, the revised submission was forwarded to the County Council which took the view that the application should be considered as a "strategic" application upon which the County Council would wish to comment. The amended proposals were initially expected to be considered at their Committee meeting on 19th December. However, the Committee resolved to defer the application to await a Landscape Assessment and to carry out an unaccompanied site visit.

The application was duly considered on 29th January and Members resolved to raise a strategic objection on the grounds that the scale and character of this development would be out of keeping with surrounding land uses and harm the character of the village. It was thus concluded that the proposal conflicts with Structure Plan Policies 11, 27 and 41. Members will note that a complete copy of the County Council's Committee Report including the Landscape Impact Assessment follows in the Schedule;

Highway Authority: as Members will recall from previous reports, the Highway Authority have set out requirements in relation to the design and layout, lighting, etc. in accordance with their normal criteria when dealing with housing developments. Some of the measures that were sought are not, however, conducive to the

attainment of a sensitive or suitable small housing scheme in a village like Castle Carrock e.g. footway along the site frontage, street lighting, increased radius at the access, reduction in the height of the proposed dry stone boundary walls, etc. and were thus subject to further discussions with the Highway Authority. The initial response was to continue to insist on the imposition of design standards that would have resulted in a layout dominated by its road system but more recent discussions have been more sympathetic and indicate that the Highway Authority would be prepared to acknowledge the local circumstances agree a more sensitive approach. That has now been confirmed in correspondence from the Highway Authority;

The Ramblers: provided the development does not interfere with the adjacent Public Footpath, the Ramblers Association has no objection to the proposal;

The Countryside Agency: the Countryside Agency does not have any comment. We would stress that the absence of comment or direct involvement in individual proposals is simply an expression of our priorities. It should not be taken as implying a lack of interest or indicating either support for, or objection to, any proposal;

Cumbria County Council (Archaeological Services): the site is within an area of archaeological interest. A moated site survives as an earthwork a little to the east of the Church at Castle Carrock. This is likely to represent the remains of a medieval manor house. Elsewhere in Castle Carrock further remains have been recorded that appear to relate to medieval occupation. Similar earthworks have been observed within the development site during a site appraisal. There is, therefore, good reason to believe that this site has archaeological interest.

Subsequently, an archaeological evaluation involving fieldwork carried out in mid-April has been undertaken by the North Pennines Heritage Trust in accord with a brief prepared by the County Archaeologist. The results of the desk-based assessment and fieldwork demonstrate that the earthworks observed were the result of 19th century agricultural practice and do not represent the remains of a shrunken medieval settlement. These features are of limited archaeological interest and the evaluation provides an adequate record of them. Consequently there are no further archaeological requirements to be met;

Environment Agency: the Agency has no objections but recommends that the development should incorporate some form of Sustainable Urban Drainage System to mitigate the impact that the creation of a large impermeable area would have on the local surface water drainage system. Alternatively, the Agency requests that the run-off of surface water to the existing surface water infrastructure is maintained at the existing rates in order that the development does not contribute to an increased risk of flooding. It is recommended that 2 planning conditions are attached to any consent that may be granted;

Head Of Design (Drainage Services): there are foul sewers to the north and west of the site with sufficient spare capacity to accept foul flows though the sewer to the north may not be connectable by gravity. The applicant will need to show by means of satisfactory porosity tests that the proposed soakaway system for dealing with surface water is a viable option. If they are shown to be unsuitable it should be noted that there are no surface water sewers in the vicinity of the development;

Council For The Preservation Of Rural England: contends that the proposal would be contrary to the terms of PPG3 as it would result in the development of an unallocated, greenfield site and would add to the over- provision of housing supply in the District up until the end of the Plan period 2006. There is no evidence of housing "need" over and above the existing housing supply for the District as required by the Local Plan. The scale and layout of the development would also cause harm to the visual amenities, setting and character of Castle Carrock. It is recommended that planning permission be refused. A full copy of the 13 page response from CPRE is reproduced.

In common with other consultees, the CPRE has been re-consulted on the revised proposals and their response was received on 12th December. It is a lengthy reply and is printed in full, together with its' Appendix (Copy of the Housing Need Survey carried out by Cumbria Rural Housing Trust). In summary, the CPRE comments on the application proposals maintain their opposition to the development of the field on the grounds that:

- approval of the amended proposal for 16 units in total would exacerbate the over provision of rural housing in the District
- the development would not maximise the re-use of previously developed land and the conversion and re-use of existing buildings
- it would not focus development on the higher order settlements of Carlisle, Brampton, Longtown or Dalston
- there is no assessment of the application against the urban housing capacity study
- the sequential test has not been applied
- the site does not accord with advice in PPG3 regarding windfall sites
- there is no attempt to assess the environmental capacity of Castle Carrock
- despite lack of need it is suggested that the site could be phased but there is no detail as to how much and when
- there is no attempt to provide the higher level density of development now sought by Central Government.

Two days prior to the last Committee meeting a further 6 page letter, and related copy of the County Council Report/Landscape Assessment, was submitted by FLD. It is reproduced in full;

Head of Environmental Protection Services- Housing Strategy Services

Officer: comments on the "local need" element of the revised proposals were requested on 6th December but have only just been received (16 January). However, having regard to the research commissioned through the Cumbria Rural Housing Trust it is not considered that sufficient current need for social housing in the village has been identified. Although there are issues about the need to take a long term view, it is advised that it is not practical to pursue social housing in Castle Carrock at this point in time.

Summary of Representations:

Representations Received

Initial:

Consulted:

Reply Type:

Peter Miles, Briar Cottage	Objection
The Occupier, Fairfield House,	
The Occupier, Garth House Farm	
The Occupier, West View	
The Occupier, Shepherds View	Objection
Helen Hutchinson, Ralph Cottage	Objection
Mr Richard Johnstone, Town Foot Farm	Objection
Mr M Richards, Low Hynam	Objection
Mr S Fisher, 5 Cleveleys Ave	Objection
Mr J Lewis, Cornerstones	Objection
Ms S Hammond, 1 Coach Flats	Objection
Ms F Kemp, 3 Rectory Road	Objection
Miss E Spratley, Garth Marr	Objection
Jan Miles, Briar Cottage	Objection
J W Lamb, 1 Burnside Terrace	Objection
Dr M H W & Mrs D M Roberts, The Swifts	Objection
Ms Irene Moan, 'Geltsgarth'	Objection
Mrs F C Rawsthorn, Moor House	Objection
Mr & Mrs Hollings, Bag End	Objection
Mr F Moran, Shireburn House	Objection
Ms C Barnfather, Lonning Foot	Petition
Mrs A Moran, Shireburn House	Objection
Mrs D M Roberts, The Swifts	Objection
Mr & Mrs Leary, Holly Cottage	Objection
Ms Lindsay Willis, Fell View	Objection
Mrs L A Chapman, Garth House	Objection
Mr Chapman, Garth House	Objection
Mr B Edmundson, Raysdale	Objection
Ms H Titterington, 14 Fairview Gardens	Objection
Dr R Wagstaff, Croftlands	Objection
Mr I D Parteous, Shepherds View	Objection
Mr W H D Summers, Hallsteads	Objection
G B & U M Widdowson, 10 Rectory Road	Objection
Sheila Hassall, Forresters House	Objection
Mr D Hassall, Forresters House	Objection
Mr & Mrs Fordham, White Garth	Objection
Mr J Chapman, Garth House	Objection
H M Barnes, Ralph Cottage	Objection
Miss Helen Willis, Fell view	Objection
Ms Helen Richards, Low Hynam	Objection
Ms W Willis, Fell View	Objection
Mr & Mrs Potts, Cumberland Cottage	Objection
Mr & Mrs Thomson, 8 Rectory Road	Objection
G D Low, Virginia Cottage	Objection
Mr J March, Forresters House	Objection
Mrs K M Robinson, 5 Rectory Road	Objection
Mr P Chapman, Lonning Foot	Objection
Woollerton Dodwell Associates, 5 Sands Avenue	Objection
Castle Carrock Pound, Mr David Hassall	Objection
Mr & Mrs Clark, Garthfoot Cottage	Support
Mr & Mrs J Lytollis, Garth Hill	Objection
V Clough, Fell View	Objection
Friends of the Lake District, Murley Moss	Objection
G E Armstrong, Castlegate Cottage	Objection
R W Coward, Lindeth	Objection
G D Low, Virginia Cottage	Objection
Mr & Mrs Chapman, Garth Farm	Objection
The Owner / Occupiers, Jakeyshield	Objection
Mr C E Barnfather, Lonning Foot	Objection
S Rushton, Russets	Objection
Mr & Mrs Brown, Gelt Hall	Objection

The Owner / Occupier, Stone House	Objection
Mr & Mrs Howard, Roxboro	Objection
S E Atkinson, Nook Farm	Objection
Ms J Allen, 5 Phoenix Park	Objection
Mr & Mrs Boon, Hynam Shield	Objection
Ms E Kirk, Jockey Shield Cottage	Objection
R E Lytollis, Garth Hill	Objection
Mrs C A Nicholson-Walker, The Lawn	Objection
Ms A Wilkinson, 5 The Glebe	Objection
W Stewart, 5 The Glebe	Objection
Mr & Mrs T J Sessford, 3 The Glebe	Objection
The Owner / Occupier, Alderbeck	Objection
The Owner / Occupiers, Victoria Cottage	Objection
The Owner / Occupiers, Gelt Hall Farm	Objection
Mr & Mrs Hollins, Bag End	Objection
Mr & Mrs Bland, Carrock House	Objection
Mr & Mrs Fordham, White Garth	Objection
The Owner / Occupiers, 12 Rectory Road	Objection
The Owner / Occupiers, 6 Rectory Road	Objection
Mr & Mrs Willis, Fell View	Objection
Mr & Mrs Wardle, Garth Marr	Objection
Mr & Mrs Edmundson, Raysdale	Objection
Mr & Mrs Lindsley, The Barn	Objection
Miss C Dickinson, 1 Rectory Road	Objection
Mrs C Dickinson, 1 Rectory Road	Objection
Ms A Robinson, Gelt Hall Farm	Objection
Mr A Mason, Stone House	Objection
Mr J R Lytollis, Garth Hill	Objection
Ms R Wagstaff, Croftlands	Objection
S E Ward, The Heights	Objection
Mr & Mrs Postlethwaite, The Birches	Objection
The Owner / Occupier, Lancaster Cottage	Objection
The Owner / Occupier, Geltsdale Farm Cottage	Objection
M Rushton, Russets	Objection
Mr D D'Esposito, Townfoot Farm	Objection
Mrs J M Stewart, Fairfield	Objection

Initial Publicity Measures:

A Site Notice was displayed and Press Notices inserted in the Cumberland News. Additionally, written notification of the receipt of the application was sent to the occupiers of 7 properties which have a boundary with or are in the immediate vicinity of the site. In addition, the Parish Council organised an open parish meeting to discuss the application.

Subsequent to these measures a total of 55 letters were received. That total included instances where households wrote more than once (e.g. two households sent in 4 letters, two other households sent in 3 letters and 4 households wrote twice). It also included two letters where writers did not give addresses and a letter enclosing a petition organised in 2000 to oppose "any building development" on field 3328 known locally as "Sid's Field".

All of the letter writers opposed the development although a minority indicated that they considered a smaller scale scheme on part of the field would be more appropriate to the village. The overwhelming majority of those who commented on the application live within the village or at isolated properties within the Parish but 3 letters were received from addresses outside the District.

With the exception of the latter, the locations of objectors' properties are shown on plans included within the Schedule. These show, not surprisingly, that the greatest concentration of objections come from households living close to the site itself.

The plan of the village also indicates that from the northern limit of the village (Rowanburn) to 14 Rectory Road in the west and Hallsteads in the east the occupiers of 23 households oppose the application but at least 63 households within that same area have expressed no view at all about the planning application.

In addition to the letters received from individual properties, a letter was sent in by "Castle Carrock Pound" a group of villagers who believe the field subject of the application should remain undeveloped and should be sold to the village for £1 by the County Council. That group further commissioned a landscape appraisal of the application site from a firm of Landscape Architects to support their objection and it is reproduced in full within the Schedule.

One letter was been received in which the writers support the proposed development.

Copies of all of those representations are included in full within the folder placed in

the Group rooms.

Publicity for the Revised Proposals:

The amended proposals for 16 dwellings were received at lunchtime on 29th November and that afternoon letters of notification of those amendments were sent to consultees and local residents seeking views within 14 days. Following contact from some village residents who were concerned that they had not received notification, all residents were re-consulted on 9th December.

In response, a total of 102 letters or e-mail responses have been received, all but 3 opposing the development outright. Many writers (70) have responded by signing and returning a pro forma letter that has been compiled and posted through villagers doors, although one is returned from a Penrith address. Some respondents (8) have also returned that pro forma letter but have written additional comments while the other correspondents have written individual letters instead of, and in some cases in addition to, the pro forma letter. A number of those letters refer to their original objection letters to the initial submission and reiterate those objections.

In total, the comments received emanate from 54 addresses in the Castle Carrock area (one not precisely identified but stated to be opposite the site), two are from addresses in Penrith and one is from an address in Heads Nook. It follows that some households have written more than once: 31 households have written 2 letters, 5 households have written 3 times and 3 households have written 4 times. Members should note that 14 households have commented on the revisions but did not make any observations on the original proposals.

Whilst it is now the Committee's normal practice to have all correspondence within the separate "letters" file, in view of the sensitivity of the application and certain remarks within some of the e-mails/letters that have been received, a copy of the "pro forma objection letter" together with all other individual letters or e-mails that have been received in response to consultation on the amendments are printed after this report. Previously received letters and all other copies of the standard objection will be in the usual letters folders.

Members will note that strong objections have been made and these are almost universally felt by respondents. Only 3 writers, from 2 separate households in the village, support development of the field but would wish a more restricted amount of dwellings.

Prior to the last meeting, and subsequent to the printing of the last Committee Report, one further letter was received from local residents in which the writers refer to the County Council's stance on this application.

Additionally, Burnetts prepared and sent to Members of the relevant County and City Council Development Control Committees a 10 page submission entitled "Legal Representations on Behalf of Castle Carrock Pound". However, that was only made available to Officers by Burnetts (by e-mail) on the early afternoon of the day prior to Committee. Those submissions appear in full within the Schedule.

In line with the Portfolio Holder's request that Members be provided with a schedule

of representors names/addresses so that they can identify any potential conflict that may thus warrant a Declaration of Interest, the following list identifies the relevant consultees/respondents on this application:

Details of Proposal/Officer Appraisal:

Planning History

There have been no previous planning applications for development of the application site.

Details of Proposal:

DETAILS OF THE PROPOSALS

Introduction:

Members will recall that this application was subject of Reports presented at the Committee meetings on 15th March and, after a Site Visit two days previously, on 19th April. At that latter meeting:

"Members resolved to defer consideration of the proposal in order to await the response to consultation from Cumbria County Council (as Strategic Planning Authority), the completion of an archaeological evaluation of the site and related response from the County Archaeological Service, and further advice from Officers in relation to the issue of housing land requirements and the relationship to guidance within PPG3 and for these matters to be incorporated within a further report on the application at a future meeting of the Committee".

The application was subject of a further Report to the Development Control Committee on 14th June. At that meeting a separate Agenda Report was programmed to be discussed relating to the need to Review Housing Policy in the Rural Area in the light of PPG3 and Members were recommended that it would be inappropriate to determine the proposals since that review was central to any consideration of the application. Moreover, Members attention was directed to correspondence received by Fax that morning from the Government Office North West which directed the Council (under Article 14 of the Town and Country Planning (General Development Procedure) Order 1995) not to grant planning permission for the proposed development without special authorisation. Members accepted Officer advice and recommendation and resolved:

"That, bearing in mind the direction issued by Government Office North West and the need to reach a policy decision on the Review of Rural Housing in Relation to PPG3, consideration of this application be deferred".

A Report was included in the Schedule of Applications at the meeting held on 20th December but the determination was deferred in accordance with the following Minute:

"Members resolved to accept the recommendation from Officers that consideration of the proposal be deferred for the following reasons:

- To allow the opportunity for residents to comment on the revised application proposals;*
- To allow those residents who wished to register a "Right to Speak" the opportunity to do so;*
- To await the County Council's response as "strategic" planning authority and give consideration to issues that may arise from the Landscape Assessment that Authority was undertaking; and*
- To enable the joint Site Visit that Cumbria County Council wished to undertake to be carried out*

and to await a further report on the application at a future meeting of the Committee."

NB When reported at the last meeting Officers had understood that the County Site Visit would include an invitation for City Councillors to attend; however, it was later clarified that the County Council's policy for Site Visits excludes all other representation unless it is in respect of an application made by the County Council as applicant.

The application was included within the Committee Schedule and was expected to be discussed and determined at the last meeting held on 31st January. However, Members will recall that detailed legal submissions made by Burnetts, Solicitors on behalf of Castle Carrock Pound, had been sent directly to Members of the Committee in advance of that meeting but had not been made available by the objectors or their solicitors to Officers of the City Council until the day prior to the meeting. Following advice from the City Solicitor it was resolved that:

"The Solicitor advising the Development Control Committee referred to a letter and detailed legal submissions made by Burnetts on behalf of Castle Carrock Pound. These had been attached with a letter dated 23rd January which Burnetts had sent directly to some or all of the Members of the Committee but which they had not sent to Officers until the afternoon of 30th January (the day prior to the Committee meeting).

Members were advised that due to the aforementioned late submissions, inadequate time had been available for Officers to consider the points raised and be able to advise the Committee accordingly. In accord with the Council's "Right to Speak" Policy such written submissions should have been provided 14 days prior to the meeting so that the applicants and their advisors had the opportunity to address them in their presentation to the Committee.

In the light of these facts Members resolved to defer consideration of the proposal in order to allow a detailed appraisal of that additional material to be undertaken and for that to inform a further report on the application at a future meeting of the Committee."

The Site's Location and Features:

When lodged, and previously reported to Members, the application related to the bulk (0.66 hectares) of a 0.76 hectare field situated within the centre of Castle Carrock and sought full planning permission for a development thereon of 11 dwellings in the form of 7 houses and 4 bungalows. It was identified that the applicant had indicated the excluded area of the field would be subject of an application for a further single dwelling for his own family's occupation in due course.

However, the applicant has acquired another property in the Castle Carrock area which he is renovating as his family home. He has, therefore, amended the application so that it now relates to the entire field i.e. 0.76 hectares. The way in which that modifies the original proposals is described later in this Report.

Those Members who attended the Site Visit will recall that the field is bounded by a drystone wall along its road frontage, by the garden of Fairfield House to the north-west, a public footpath along the south-east boundary and by the field fence and related trees and hedging along its western boundary up to which the site generally rises from the roadside. The site is, therefore, very well contained and the substantial screen of trees which fringe the Castle Carrock reservoir beyond the site to the south-east further reinforce that sense of enclosure and containment such that it is difficult to imagine where any significant views into the site can be secured other than from immediate neighbouring land.

With the exception of a small range of breeze block, space boarding and metal sheet clad modern farm buildings adjacent to the north-western boundary (see photographs), the site is otherwise a fairly unprepossessing field used for grazing.

Background to the Application:

It will be recalled from previous Reports that the field was originally part of the County Council owned Garth Farm which was sub-divided and sold off within the last 3 years. It is understood that most of the farm land was acquired by other local farmers whilst the former farm house and related traditional range of farm buildings situated opposite the field was marketed and acquired by a purchaser as a family home. That has been subject of a scheme of restoration/renovation.

Field 3328 field was retained by the County Council but the principles of its suitability as a housing site have been discussed with Officers and an informal planning brief to identify the broad principles that any development of the site should follow was prepared by the Planning Services Division. It is printed within the Schedule for information together with the property sale particulars.

Members should note that this is not a formal Site Development Brief prepared following consultation with the Parish Council or public consultation but was prepared to ensure that any future development proposals that might arise as a consequence of the land's sale took proper account of the form, character and setting of the site and its position within the village.

The field was marketed by the County Council in late 2001 and the current

applicants have an agreement to purchase. Prior to submitting their offer to buy they, like other developers who submitted offers for the purchase of the field, liaised with Officers to establish what planning policy issues and considerations would need to be addressed. It is, perhaps, pertinent that the current applicants' proposals were significantly less intensive, and designed with greater regard for the character of the village, than the other layout plans and related proposals that competing purchasers had prepared and sought planning comments upon.

It is, nonetheless, apparent that any development scheme submitted for this site will, inevitably, in a village like Castle Carrock (where there has been very little development in recent years) require careful thought and sensitivity. It is, moreover, clear that there is significant local concern about the potential scale and impact of development proposals given the village's attractive form, character and location within the North Pennines AONB. Indeed, it is notable that two years ago, even before anyone had prepared any proposals for the site, some villagers organised a petition opposing any development.

Details of the Revised Proposals:

As indicated earlier, the application has been modified since it was last reported to Committee. At that time is sought a full planning permission for a development comprising 2 no. 5 bed houses, 5 no. 4 bed houses, 2 no. 4 bed bungalows and 2 no. 3 bed bungalows. These were proposed to be accessed via a single vehicle access from the site frontage, punctuating the stone boundary wall to the roadside only once, and was proposed to take the form of three distinctive residential clusters, two entered by narrowing of the internal access road between plots to achieve a more informal, and thus less "estate layout" format.

The addition of the strip of land adjacent to the north west boundary, so that the application relates to the field as a whole, has resulted in the layout being modified so that the large single plot on which the applicant wanted to build a dwelling for himself is sub-divided to form 2 dwelling plots. One of these would be accessed via an extension of the courtyard previously enclosed by plots 7-11 inclusive with the other plot, facing onto the public highway, having access via a re-siting and improvement to the existing field gate. The applicant proposes that the "roadside" unit would be a 2 storey 4 bed house with double garaging with the rear plot being a single storey 3 bed unit.

As well as the modifications brought about by incorporating that area of the field, the applicant has also had regard to a criticism levelled at the original proposals that they provided only for large, and therefore expensive, properties that would be afforded by the affluent and hence would simply be commuter housing that did nothing for the village or its needs. Recognising these criticisms and aware of the feelings expressed by parishioners who responded to the Parish Council questionnaire, the applicant has substituted the 4 bed 2 storey house that had been positioned immediately adjacent to the site entrance and proposes, in its place, a small terrace of 4 no. 2 bed houses. It is proposed that they would be built and managed as rented properties linked to a local occupancy agreement that Montgomery Homes would be willing to enter into under S106 of the Town and Country Planning Act 1990. Members will recall that similar arrangements have

occurred in other rural settlements, usually with larger house builders where the dwellings were wholly for sale, but that a small scheme with a local builder retaining some units for rent has been successfully undertaken at Newtown, Irthington. That scheme is linked to a S106 Agreement that covers the definition of the rent to be charged, and has a clause specifying a tiered approach to local occupancy qualification.

In total, the revisions that the present proposals embrace increases the site area (by 0.1 hectare) and the dwelling numbers overall to 16 units from the 11 covered by the original application. The density of the development likewise rises from the 17 per hectare of the original scheme to 21 per hectare in the revised proposals but as Members will observe this is still lower than the current District Plan average of 25/hectare and is significantly below the 30/hectare that PPG3 advocates.

In common with the original submission, the finishes to the proposed dwellings comprise mixtures of stone walling to certain facades e.g. the gable of plots 1 and 11 which face onto the public highway and gables of garages and parts of the bungalows which face onto the road system, but would predominantly be finished in painted render with stone quoins and stone window and door surrounds under natural slate roofs. Similarly the proposed dwellings would have drystone boundary walling to all roadside or other "public" elevations. That palette of finishes is, as Members will remember from the Site Visit, represented within the settlement as a whole.

Planning Policy Considerations:

Objections to the proposals can be assessed under the following broad headings:

Visual and Landscape Impact

Objections have been made to the proposals citing the effect on the North Pennines Area of Outstanding Natural Beauty. It may thus be helpful for Members to know that Castle Carrock lies on the extreme north-western edge of the AONB (see plan in the Schedule) although paradoxically not all of the village lies within that area. Indeed some one walking or driving through the village might be puzzled by the fact that whatever side they chose to face they were either looking at development in the AONB or were not (the boundary follows the main road). Members should also be aware that although much emphasis is made within representations implying presumptions against development within such areas, that is not the case. If it were, effectively no development would ever be permitted and such areas and settlements within them would become effectively museums. That is not and never has been the objective of planning policies relating to the protection of sensitive landscapes (and that includes the National Parks). Indeed, in its document *"Planning Tomorrow's Countryside"* the Countryside Agency's policy statement observes that in advocating a more sustainable approach to the rural environs *"this does not mean that the countryside and its rural communities will be preserved in aspic and change is resisted."*

Notwithstanding the presumption in favour of development within settlements in AONB's, subject to the criteria set out in Policy 41 of the Structure Plan, or the

presumption in favour of residential development that satisfies criteria set out under Policy H5 of the District Plan, a number of objectors, the CPRE and Woollerton Dodswell acting on behalf of Castle Carrock Pound contend that the site is so significant in visual and landscape terms that proposals for development should be refused.

In particular, the CPRE contend that the site is poorly related to the village form and is detrimental to the character and quality of the landscape as it is *"relatively prominent"* from a visual point of view and provides a *"green space (i.e. a lung)"* between dwellings and buildings. No explanation of the term *"relatively prominent"* is provided but the CPRE recognise that the site is at *"the southern edge of the village envelope"* and *"could be described as infilling between existing residential properties and agricultural buildings"*. It is also noted that *"the landform rises upwards to the south west...with dense hedging forming the boundary to the south west"*. Whilst contending that *"it is pertinent to the consideration of the application that it lies within the AONB"* their analysis of visual impact on the AONB goes on to identify that *"the cul-de-sac layout would be seen from public vantage points (i.e. the road) and would be visually intrusive"*. In short, the only impact they identify the proposals having on the landscape of the AONB is from the street in front of the site.

Nonetheless, the CPRE maintain that the development would be sufficiently intrusive as to warrant rejection under Structure and District Plan policies relating to the AONB. However, whilst Members should carefully evaluate that element of the objections to the proposals it should be noted that the Countryside Agency, who have a national role in helping to conserve and manage the most sensitive landscapes in England and have been specifically consulted on this application, have not expressed any objections to the proposals nor do they wish to offer any assessment or comments upon them or their impact upon a nationally designated area.

The issue of landscape impact has also been raised by the primary objectors and Castle Carrock Pound. That group has appointed landscape consultants (Woollerton Dodswell) to support their objections. Their Report is printed in the Schedule. It is notable that their submission does not identify any landscape intrusion upon the AONB and/or conflict with adopted planning policies that specifically seek to protect the AONB. Instead, their analysis focuses only on the localised impact of the loss of the field as an open space within the settlement and the proposals are assessed solely in relation to the provisions of Structure Plan Policy 27 and the related District Local Plan Policy E50. Both of these policies establish a presumption against the development of significant public or private open spaces that contribute to the quality of the built environment and/or form a valuable local amenity or contribute to the form and character of the settlement, such as providing important views within the settlement or from the settlement to the surrounding open countryside.

In response to that submission the applicants have themselves commissioned a Chartered Landscape Architect to comment upon the objectors' submission. That document is also printed in full within the Schedule. It concludes that the the major elements which give Castle Carrock its charm and character would not be compromised by the development.

Members will, with these conflicting views, need to make their own judgement of visual/landscape impact of development of the site with the benefit of their

recollections of the site visit. That assessment is clearly vital to establishing whether the site is suitable for development or otherwise (regardless of the type or scale of development). This is also a matter which the Strategic Planning Authority, which has commissioned landscape assessments of development proposals for sites that were considered to be sensitively located, has subsequently decided to consider that aspect as part of their "strategic" perspective. That assessment forms part of the County Council's Officer Report that appears in its entirety in the Schedule and has clearly influenced that Authority's strategic objections. It is, however, advised that Members read that element of the Structure Plan Authority's response fully and carefully not least because much weight is placed on parts of it by the CPRE and the Burnetts submission.

In particular Members will need to reconcile the assessment's view that "*in terms of the broader landscape the site is generally well contained by its boundary features and topography.....that the lower part of the site could accept some small-scale development provided that the higher parts remained open.....that when viewed from properties to the south-east the extent of the development is more contained thus the visual impact is less pronounced...and that..viewed from most properties towards the centre of the village the impact will be small*" with the ultimate conclusions reached in paragraph 13 of that Assessment. In that regard, on reading the Landscape Impact Assessment's final paragraph it is somewhat confusing in that it does not mention the requirement to comply with Policy 41 (i), acknowledges that it meets Policy 41(ii) but only concludes that it does not satisfy Policy 41 (iii). Similarly, from the discussion of landscape impact within that Report it is fair to say that the site is not regarded as entirely unsuitable or inappropriate for development because it would be wholly prejudicial to either a Landscape of National Importance (Policy 11) or a site of precious local amenity value (Policy 27).

Design and Detailing

The proposals relate to a field situated within the centre of Castle Carrock, an attractive fellside village situated within the North Pennines Area of Outstanding Natural Beauty. Whilst many objections regard this as amounting to a strong presumption against development, Members will observe that Structure Plan and District Plan policies do not preclude development within settlements in sensitive landscapes such as AONB's, even when they may be smaller and have less developed facilities than Castle Carrock, but the scale of that development is important and higher standards of design, layout and finishes are, clearly, expected.

Guidance on design issues for countryside development has been produced by the City Council to help achieve the highest possible standard of new development within the rural parts of the District as a whole. That is clearly a paramount objective in a sensitive location like this.

That advice in relation to Design in the Countryside is contained within the Countryside Design Summary, the text of which follows this Report, and has been adopted as Supplementary Planning Guidance. It identifies the importance of ensuring that the pattern of new development reflects the relationship of a settlement to its wider landscape setting. The importance of topography, natural features such as trees and hedges, man made features such as stone walls and the

significance of short and long distance views of the settlement from surrounding areas and how well a development integrates with village form are all emphasised.

The Design Summary advocates design approaches that minimise an unnecessarily urban form that has little in common with traditional housing layouts and notes the importance of public and private spaces within villages and views to and from these spaces. Care in the siting and design of dwellings and the layout in general, including ground levels, are key issues as is the form, colour and materials of surrounding roofscape. Selection of suitable materials for buildings and the surfaces of spaces around them and use of design elements that have roots in the character of the area are advocated as is the employment of boundary finishes that mirror the pattern in the locality.

Whilst it is readily apparent that most of the writers who object to this application regard the proposals as unsuitable and out of character with the village, objective examination of the proposals clearly illustrates that the architects have had regard to the advice within the Design Summary and have thought carefully about measures to avoid the development appearing like an urban estate. The building forms are simple and unfussy, detailing is neat and consistent, the range of finishes are reflected within the village, roof forms follow traditional pitches and employ natural slate, and buildings are grouped together and in close proximity to the circulation system rather than set back and "strung out" as is typical of suburban estates. Buildings are linked and plots defined by stone walling, reflecting the strong vernacular pattern of drystone boundaries in this area. Indeed, the only potential discomfiting aspect of the submission has been the risk of the Highway Authority imposing more obviously "urban" design requirements in relation to the vehicle access and movement routes within the development. In that regard, it has been helpful in that the Highway Authority has now formally indicated it would be prepared to waive certain design elements in view of the location.

In addition to the City Council's design advice, Members attention is also drawn to the design guidance specifically for the North Pennines AONB (*Good Practice in the Design, Adaptation and Maintenance of Buildings*) published in May 2000 by the Built Heritage Working Group of the North Pennines Partnership . The Partnership comprises the County and District Councils within whose areas parts of the AONB lie together with the Countryside Agency and English Heritage. It's chapter entitled "*Accommodating New Development*" clearly acknowledges that new development has a place but seeks to assist in the production of high standards of design in the designated area. Its' pertinent sections are reproduced.

The issue of the impact of the development on the character of the village is also referred to in the County Council's strategic objection but in its discussion, the Officer Report (para 3.8) does not oppose any aspect of the design of the dwellings but focusses solely on the layout of buildings which it regards would contrast with the existing village form. The Report observes that this is the product, to a large extent, of the number of units and goes onto discuss in more detail that Authority's objections on that aspect.

Scale of Development and Local Housing Policy

Structure Plan policy guidance identifies the strategic requirements for housing land

within the county, dis-aggregated to each District which must identify, within their Local Plans, the overall disposition of housing within their areas and the detailed policy criteria against which applications will be assessed. This "plan-led" approach also includes a requirement within the Structure Plan that there must be *"at least a 5 year supply of readily available land capable of accommodating building at a rate which will keep the supply of dwellings in line with the requirement for each District"*.

Within this Council's area, the Carlisle District Local Plan sets out the adopted plans and policies which the Council will observe in considering proposals for development. Its Housing policies place major emphasis upon the bulk of new housing being provided in the urban area, primarily the allocation at Morton, but with additional development allocations directed to the District's next largest settlements of Brampton, Longtown and Dalston. Outside these settlements, proposals for new residential development require to be assessed against Policies H5-H7.

Policy H5 deals with village development and lists the criteria against which development proposals in the specific settlements to which its provisions relate should be evaluated. Castle Carrock is included within those settlements grouped under Policy H5 of the District Plan and, when compared with other villages included in the villages listed within that policy overall, it is apparent that Castle Carrock, due to its size and relatively highly developed level of social and community facilities e.g. primary school, shop/post office, church, village hall and two public houses (one currently not trading), is amongst the higher order.

Indeed, it is notable that the former Carlisle Settlement Policy, which guided planning policy for new residential development in the District from 1978 until the present local plan regime was adopted, included the village within its Category III villages defined as *"smaller villages with a significant service role where the extent of new development will depend on village character, size and suitability. There is a presumption against large scale estate development"*. Similar villages among those included in that village classification were Burgh by Sands, Cotehill, Cumwhinton, Gilsland, Great Corby, Hayton, Rockcliffe and Smithfield. Members will need no prompting to recall that in a number of these settlements there has been residential development of a scale comparable to that now before the Committee in relation to Castle Carrock.

Policy H5 seeks to resist development which is of a scale greater than 20 units within any of the villages that are listed. Both the Structure Plan (para 4.10) and the Reasons/Explanations of Policy H5 define "large scale" as being developments of 20 or more dwellings. It is evident, therefore, that even the increase from 11 to 16 dwellings (as now proposed) is not to be generally considered as "large scale". Moreover, the number of dwellings that are proposed is comparable to, and in some instances less, than permitted at housing developments that have been built in recent years in villages e.g. Burgh by Sands, Cumwhinton, Cotehill, and Hayton with a similar service role and is less than has been built recently in other villages with less highly developed services such as Durdar or Linstock.

Members will be aware that both the Structure Plan (Policy 32) and the District Local Plan (Policy H8) contain policies that seek to secure affordable housing although that is generally expected to be achieved through the setting aside of land or construction of specific units within *"large sites"* or *"larger housing developments"*.

The District Plan also includes a policy that allows for Rural Exception Sites (Policy H9), where presumptions against development contained in other policies may be set aside where defined circumstances (including low-cost housing to meet an identified need) so permit.

Whilst there is no strict requirement for the applicants to make provision for an element of affordable housing, since the development is of a smaller scale than the thresholds identified in relation to Policy 32 and Policy H8 and it is not an exception site to which Policy H9 applies, the applicants are prepared to make provision for smaller homes, for rent, and with a local occupancy obligation.

That is clearly a factor that must be taken into account in terms of assessing the overall merits of these proposals. Indeed, the CPRE's objections to the initial proposals are highly critical of that submission (pages 11/12 of their letter of 12th March 2002) because the development as proposed was for *"large, detached three to five bedrooomed units with associated car parking....to satisfy general market demand rather than the affordable needs of local people"* rather than, as PPG3 advocates *"villages will only be suitable locations for accommodating significant additional housing where...additional housing will support local services such as schools or shops...particularly where the village has been identified as a local service centre in the development plan...additional houses are to meet local needs such as affordable housing..... will help secure a mixed and balanced community and can be designed sympathetically in character with the village using such techniques as village design statements"*

Prior to the last Committee meeting the Director of Housing (as was), was asked to comment on the application from the perspective of local housing need. Due to staff absence and hospitalisation that reply was not received until mid-January. It is referred to under the Summary of Consultation Responses but Members will wish to note that the conclusion reached is twofold: first, no *current* need for social housing has been identified in the Village Need Survey; and secondly, that although there may be issues that require a long term view, *the pursuit of social housing is not practical at this point in time.*

Members need to consider the Castle Carrock Housing Needs Survey in its entirety, including the responses received and levels and timescales of need that emerged from it. In essence of the 127 households to whom the initial Survey was sent, 69 responses were received. Of those, 8 households identified requirements, (Part 2 of the Survey) or 11.5% of those who returned forms, for local housing either now or in the near future. Those needs were evaluated and identified one immediate need for ground floor accommodation due to problems with stairs and two households identified a need within 3 years to set up a first independent home or have a home with more space. The remaining 5 households' re-housing needs were over a 5 year period and reasons cited were difficulties in managing an existing home through old age; two households were living in tied agricultural dwellings and need more security; one household has left the area and wishes to return; and one needs a more easily managable home.

Notwithstanding the above, *for the purposes of the Survey* the conclusion reached is that there is only one current household to be in housing need.

Members should be aware that the remit of the Housing Need survey is to accurately assess housing need matched to availability. The Cumbria Rural Housing Trust are, however, currently completing some research that looks at the effect of social housing on rural communities and Castle Carrock has been included in that work. That work looks at issues concerned with the overall sustainability of settlements and evaluates issues such as population change and structure; social amenities; transport; inward and outward migration; and employment opportunities. It is anticipated that further particulars of that research will be available for the Committee meeting.

Relationship to National Policy

Notwithstanding the changes to the application site, the related changes in numbers, mix and tenure of dwellings that are proposed, and the issue of landscape intrusion/impact, Members should also have particular regard, when considering the application, to the provisions of the *Interim Housing Policy Statement* (Report EN. 120/02) that the Executive approved on 28th October and this Committee adopted at the meeting held on 15th November.

It will be recalled that the *Interim Statement* was prepared as a policy tool to guide the Committee when dealing with applications for housing development, particularly in respect of rural sites, and sought to integrate the adopted provisions of the District Local Plan with the more recent advice contained within PPG3: Housing which, it will be recalled, advocates greater concentration in urban centres including a higher dependence on re-cycled land i.e. brownfield sites.

That issue, in general, was referred to extensively in the observations made by the CPRE in response to consultation on the application when first received. In essence, CPRE contend that the applicants have not demonstrated a "need" for the development such as to warrant the release of an unallocated greenfield site given the urban emphasis within the PPG and current housing land supply within the District. They believe that sites for development need to be justified under the local plan regime and that windfall sites should be on previously developed (brownfield) land with no allowance for greenfield windfall sites. Their assessment of housing land requirements and supply lead them to conclude that the development should not be permitted and they maintain that there is an over-supply of housing land within the rural area.

That initial response also drew attention to the need for LPA's, as required by PPG3, to review their land allocations within adopted Local Plans in the light of the PPG note. This had, hitherto, not been done in respect of the District Local Plan and its provisions.

The CPRE pointed out that such reviews should facilitate the attainment of higher density development (to make better use of land) than the District Plan currently expects. Thus, there would be, in the CPRE view, even greater use able to be made of allocated sites with much less justification being able to be made for release of greenfield sites. The CPRE refer to support from Appeal decisions in relation to housing applications elsewhere in the country where issues of local plan review (having regard to PPG3) were material factors in dismissing the proposals.

It will be recalled that the assessment carried out as part of the statement is a response to that need as identified in PPG3: Housing for LPA's to review their adopted policy provision in the light of advice within the Guidance Note. Moreover, it has allowed a thorough evaluation of the criticisms levelled in respect of housing proposals for sites in the Council's rural areas that there is no need for other consents to be issued since there is both a surplus of approved sites and a development rate in the rural area that is greater than planned.

The review has confirmed that the latter factors, combined with the uncertainty of the major urban housing allocation at Morton due to the "call-in" of planning applications for that area, has led to an imbalance between the amount of "urban" housing completions and those in the "rural" area, contrary to the urban emphasis of PPG3 and the District Plan itself. In summary new dwelling units in the rural area represents 38% of the total number of housing completions, whereas the District Plan target is 30%. Measured over the 15 year lifetime of the District Plan, of which 73% has lapsed, 79% of the rural target for the lifetime of the Plan has already been met but only 55% has been provided of the urban target for the equivalent period. In practical terms this translates, at this point in the plan period, to an over-supply of 125 units in the rural area and an under supply in the urban area of 850 units. Similarly, the aggregate of outstanding units with planning permission and the number of completions that have taken place in the rural area since 1991 (the start of the plan period) would suggest that by 2006 there is a potential over supply in the rural area of circa 130 units compared to the District Plan requirement.

Historical trends indicate, however, that not all outstanding consents are likely to be implemented while other units which do come to be built will, in some instances, happen beyond the end of the plan period (2006). Some currently outstanding consents will come forward for renewal as they "expire" and those will need to be re-assessed against adopted planning policy as it applies at that time. That will necessitate the Council being more circumspect when considering such applications to ensure that they meet the "thrust" of PPG3 (as a material consideration) and would suggest that not all sites will be renewed.

The *Interim Housing Policy Statement* recognises, in accord with advice in PPG3, that it is important to maintain a supply of housing in the District. This should obviously include some element of rural provision. Nonetheless, in order to properly guide such development, and again in line with the "sustainable" emphasis of the District Plan and PPG, it is imperative that a policy mechanism is adopted to more closely control the supply of housing not merely in quantitative terms but also in locational terms.

With regard to the latter objective, it has become increasingly apparent that the criteria based approach within Policy H5 of the District Plan, whilst still having merit in the larger villages that have a significant service role, is no longer a relevant or appropriate tool in many of the other rural settlements to which H5 has hitherto applied. In simple terms, a great many of the District's rural settlements lack any form of community or social facilities upon which to focus new development opportunities in a "sustainable" way while their overall rurality would mean increased vehicle movements and related travel patterns to even most basic amenities or facilities e.g. children to primary school, trips to the Post Office, church etc.

It is clear, therefore, that new development opportunities in the rural area should be focussed on those settlements that display the greatest range of facilities and amenities and thus fulfill a rural service centre role. Attributes that such settlements would possess would range from a village shop and/or post office, public house, school, village hall, church, garage/filling station, perhaps a local employment centre together with public transport connections. Clearly, in an essentially rural District like Carlisle not all settlements will possess the full range. Nonetheless, those villages that display a significant number of such facilities would logically be in the higher order of settlements where future development of appropriate scale should, ideally, be directed. While it is unlikely that these villages would contain a significant element of brownfield land, their service level would over-ride the need for all sites to be brownfield. The corollary to that, of course, is that if *only* brownfield land was to be utilised, there would be very little housing land in the rural area.

That approach is advocated within the revised PPG3. The GONW response to consultation on the *Interim Housing Policy Statement* supports the principle of identifying "*settlements where development is considered to be more sustainable*" in the interests of clarity and certainty but observes that it will be increasingly necessary to monitor how the policy is implemented and what might be done if the level of demand becomes problematic.

There is, of course, also a fundamental proviso to that strategy and that is the availability of suitable sites. Some settlements that possess a school or church or village hall may possess little else and may simply not have a site that could be developed without extending into open countryside or areas of landscape significance or would fail to knit within the structure or form of the settlement.

With regard to the current application, Members will recognise that the site is within the village centre and is contained by established and well defined boundaries such that there is no opportunity for its extension beyond those boundaries. There is no question that Castle Carrock continues to fulfill the service role the Carlisle Settlement Policy identified almost 25 years ago since it possesses a school, church, village shop/post office, two public houses, a village hall and has a bus service.

Development within Castle Carrock is thus consistent with the objective of the *Interim Housing Policy Statement* that any additional new residential development should be provided within the larger rural villages that perform a service centre role. Nonetheless, Members will recognise that given the overall housing land provision, where in District terms the Council is achieving Structure Plan targets but in rural area terms has a current over supply, the scale and pace of release of additional housing sites in the rural area must be controlled, even where it is proposed in the rural service centre villages.

The adopted Interim Housing Policy Statement with regard to Policy H5 advocates:

"In implementing this policy, Officers will take into account the principles of PPG3 and references to rural housing in paragraphs 69-71. In order to reduce the rate of rural development and provide the urban emphasis of PPG3 proposals for small scale housing will be considered in settlements that have public transport and local facilities. Proposals for housing in settlements that have no public transport services

will be considered to be inconsistent with the approach contained in PPG3. Proposals for significant rural housing development are not consistent with this policy. Renewal of outline planning permission will be considered against paragraph 40 of PPG3 in light of the implementation of this policy".

To assist Members in making a judgement on this particular proposal, the pertinent sections of PPG3 referred to above are reproduced in the Schedule. Para 69 identifies that in overall i.e national housing terms only a limited amount of housing can be accommodated in expanded villages. While there may be a case in exceptional circumstances for a new settlement based on an existing village, most proposals for housing in villages will involve infill or peripheral expansion. The proposed site is clearly the first and not the second of those.

Specific guidance on assessing the suitability of villages for *significant* additional housing is set out in para 70 and 3 "key" requirements are expected to be satisfied:

- it will support local services which could otherwise become unviable, particularly where the village fulfils a local service centre role;
- additional housing is required to meet local needs such as affordable housing and help secure a mixed and balanced community; and
- the development can be designed sympathetically and laid out in keeping with the character of the village using techniques such as village design statements

The word **significant** is emphasised above because that is a judgement that Members will have to make about the proposals before they should be assessing them against the above criteria. Regretably, the PPG offers no guidance on what is or is not *significant*. As Members know, both the Structure Plan and the District Local Plan make it clear that generally, in the context of housing proposals, "*20 dwellings or more will be considered large scale*". The Reasons/Explanations to Policy H5 nonetheless recognises that what constitutes large and small scale will vary from settlement to settlement and there is, consequently, an issue of subjective judgement to be applied.

In their letter of 27th January, criticising the Report expected to be considered on 31st January, FLD draw attention to the reference in that Report to the use of the number **129 households** being used to assess impact. Both they and Burnetts rely on a figure of 80 dwellings provided by village residents. As a matter of record, the previous Report contained a typographical error and should have said 126 *households* since the comparison that was being made was in relation to the number of households that the Parish Council had identified in its own survey of local opinion would be affected by, and thus had a right to comment upon, the proposals. In that regard, it should also be pointed out that both FLD and Burnetts are happy to cite the conclusions of the Village Housing Needs Survey to support their objections yet Cumbria Rural Housing Trust use a figure of 127 households for the purposes of their research.

The reality is that in terms of a *social impact* i.e. schools, services, amenity, choice, size, tenure and availability of housing on the community as a whole the larger figure is appropriate; however, in terms of *physical impact* upon only the village, including

its size and setting, the comparison should be made with the actual number of dwellings within what would be agreed as the village envelope.

The judgement that Officers have made is that in terms of the overall community 16 dwellings delivered in a phased manner over a period of time is not excessive. Similarly, even in physical terms the execution of a phased development within a site *that lies within the historic envelope of the village and is generally well contained by its boundary features and by topography* (Cumbria County Council Report) is acceptable given the village's level of service role. That is, nonetheless, a matter of judgement that others may not share.

Clearly if Members take the view that the proposals are "large scale" in the context of the village, the application must be regarded as one of *significant additional housing* (PPG3 para 70) and then the 3 tests above are applied. In that different context it is apparent that whatever the value judgement that individuals make of merits of the design, layout, finishes, landscape impact, etc. (criterion 3) the other two criteria must also be met.

Criterion 1 expects proposals to demonstrate that additional housing will support local services, such as schools or shops, which could become unviable without some modest growth. That is clearly not the case: indeed, on the basis of information supplied on behalf of the Education Authority there is no issue of failing school rolls:

"Currently Castle Carrock Primary School is full with 91 pupils on roll (plus 11 part time nursery age pupils) and an assessed capacity of 91. The school is popular and likely to remain so. Even without taking in children from outside its catchment area, the pupil numbers (excluding the nursery) are likely to stay above 85 in the next few years. That prediction is based on detailed knowledge of pupils living in the area under school age and I would be highly surprised if it is too far from the actual in due course with the probability of it being higher rather than lower. The next nearest primary schools are at Brampton, Hayton and Hallbankgate all some distance (all over 3 miles) from Castle Carrock School.

The area is served by William Howard Secondary School which is currently full but recent building work means there are available places for those living in the school's catchment area including Castle Carrock".

There is no information to suggest that any other local services are under threat although the reasons for current closure of one village pub are unknown.

In conclusion, Criterion 1 of para 70 cannot support the proposals.

In the light of the response of the Council's Strategic Housing unit to the issue of the proposed social housing, however, it is evident that a case is not able to be made for the development on the basis of meeting a *current need* as none is supported although detailed evaluation of the survey indicates that a need over a longer period is likely. Thus, although criterion 2 is not presently satisfied, that is not an enduring position.

Even if Members support the view that the proposals are not *significant* and

judgement falls back on the criteria set out in Policy H5, there is clearly an issue of assessing the 7 relevant criteria under that policy. Some of those require a subjective assessment to be made and it is inevitable that a difference of view may be taken concerning compliance or non-compliance with those criteria e.g. 2, 3 and 6 (and related Policy E50).

In conclusion, Officers have made a recommendation that the proposals currently before the Committee could be approved (subject to the attainment of an Agreement under S106) on the grounds that H5, as modified by the Interim Policy Statement, continues to place emphasis on small scale new rural housing in suitable villages with a service role. That is indisputable. The policy does not place an embargo on rural housing per se whether others think it should or shouldn't. No definition of *significant* has been provided to help LPA's so all that we have to help us is the definition in the District Plan and Structure Plan. Despite a search carried out by a national firm of planning specialists who monitor and produce particulars of planning appeals, Officers endeavours to provide Members a tangible, documented and authoritative definition of what is to be regarded as *significant* yielded only the observation from the Research Officer who conducted that search (140 Appeal decisions since PPG3 was issued) that the reference in the PPG was "*somewhat fluffy!*"

Even locally, experience of the most recent sizeable housing Appeal, conducted under the current PPG3 regime, gives no assistance other to confirm that in dealing with the appeal at Scotby House the Inspector did not dismiss the appeal for new housing because of PPG3's 3 criteria under para 70: she did not even consider the application against them. That was for a development of 30 housing units in a village with a school under great pressure where specific objections were placed before the Inquiry on the grounds (amongst others) of the effect on the school. Had the Inspector thought that paras 69-71 were applicable, she could have dismissed the Appeal on the grounds of criteria 1 of para 70 of the PPG (as well as other grounds) but her failure to even address that advice suggests that even though it was in relation to a larger village **that** level of development was not regarded in PPG3 terms as *significant*.

Similarly, Officers do not regard the field as constituting such an important amenity space as to warrant conservation from development e.g. it is not a *village green, orchard or mature garden which make a significant contribution to the character of the settlement*" as referred to in para 4.43 of the District Plan or any of the other examples referred to under the Reasons/Explanations to Policy E50. Moreover, it is apparent from reading all of the County Landscape Assessment (including the paragraphs omitted in commentary on that Report submitted since it was made available to the public) there is no absolute objection to development of the application site but there is a concern about development of the highest section of it.

It is, therefore, recommended that if Members concur with this view the application is approved but that prior to the release of planning permission the applicant is required to enter into a S106 Agreement that would cover the following matters:

1. The provision of the 4 no. 2 bed houses as *local need, low cost units*
2. The basis on which an *affordable* rent would be established and protected

3. The definition of *qualification as occupants to ensure these units met local need*. In that regard Members will recall that this would initially be residents or dependents of residents of the Parish; the next tranche (if not all units were let) would extend to the adjacent Parishes; and finally (if still not all let) the whole of the Council's administrative area
- 4 The *phasing of the development of the site* over a period of time so that it did not result in the whole of the site being developed at the outset but progressively released it in stages consistent with rural housing land targets.

The Article 14 Direction

Members will recall that when the application was reported to Committee in June, Officers advised that the GONW had issued an Article 14 Direction. The effect of such a Direction is that the Local Planning Authority is precluded from granting planning permission for a development to which the Direction relates *without special authorisation*.

Consequently, if the City Council accepts the above recommendation it is necessary for the application to be referred to GONW with the indication that *the Council is minded to grant planning permission*. GONW will then consider the basis on which the Council wishes to take that action and may either decide to return the application to the Council for determination or may *call-in* the application for consideration at a Public Inquiry.

Supplementary Report

Members will recall that the above Report was considered at the last meeting held on 14th March and was discussed at some length. At the conclusion of those discussions it was resolved that:

"Members indicated that they were "Minded to Refuse" planning permission for the proposed development. However, in line with the Council's practice it was agreed that detailed consideration of the proposal be deferred in order to await the advice of Officers in relation to the reason(s) of refusal. These will be included in a further report on the application at a future meeting of the Committee".

In line with that action Officers have given consideration to the issues raised during the discussions and the following text sets out what are considered to represent the Council's objections.

Human Rights Act 1998

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

Article 6 bestowing the "Right to a Fair Trial" is applicable to both applicants

seeking to develop or use land or property and those whose interests may be affected by such proposals;

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

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

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

It is not considered that the proposals would result in an adverse impact such as to seriously prejudice any individual or family's rights under the provisions of the Act.

Recommendation: Refuse Permission

1. **Reason:** The proposed development of 16 dwellings is considered to be "large-scale" in the context of the village of Castle Carrock. Such a significant level of additional housing on greenfield land within the village (as defined in Planning Policy Guidance Note 3) would detract from the scale and character of the settlement and be contrary to the provisions of Policy 40 of the Cumbria and Lake District Joint Structure Plan and criterion 2 of Policy H5 of the Carlisle District Local Plan.
2. **Reason:** The proposed layout incorporates development of the higher areas of land at the southern and south-western end of Field 3328 and in that elevated position it is considered would encroach into the attractive landscape setting of the village, views of that area from surrounding countryside and from views within the village across the site.

Inkwin Having Bury Statement

SCHEDULE A: Applications with Recommendation

02/0335

Item No: 16

Date of Committee: 25/04/2003

Appn Ref No:
02/0335

Applicant:
Mr M Walshe

Parish:
Carlisle

Date of Receipt:
28/02/2003

Agent:

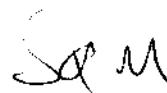
Ward:
Stanwix Urban

Location:
36 Knowe Road, Stanwix, Carlisle, CA3 9EQ

Grid Reference:
340080 557380

Proposal: Erection of single storey extension to side and rear elevation to provide kitchen & lounge extension, WC & utility. (Retrospective application.)

Amendment:



Report

Planning Policies:

Carlisle District Plan Housing - Proposal H14

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

Summary of Consultation Responses:

Cumbria County Council - (Highways Authority): no objections.

Summary of Representations:

Representations Received

Initial:

Consulted:

Reply Type:

The Occupier, 34 Knowe Road
The Occupier, 38 Knowe Road
The Occupier, 18 Knowe Park Avenue
The Occupier, 20 Knowe Park Avenue
The Occupier, 22 Knowe Park Avenue

03/03/03
03/03/03
03/03/03
03/03/03
03/03/03

SCHEDULE A: Applications with Recommendation

02/0335

This application has been advertised by means of notification letters sent to five neighbouring properties. No letters of objection have been received.

Details of Proposal/Officer Appraisal:

Planning History:

There is no planning history relating to this site.

Details of Proposal:

This application seeks full planning permission, retrospectively, for the erection of a ground floor extension to the side and rear elevation of 36 Knowe Road, Stanwix, Carlisle. The property is a two storey semi-detached property, finished in a combination of painted render and facing brick. There are residential properties situated to either side and the rear of the property. A location plan indicating the position of the property and its relationship with neighbouring properties is reproduced following this report

The proposal, as submitted, would provide a utility, extended kitchen/dining room and a lounge extension. The proposed extension, which wraps around the side and rear of the property, projects outwards by 2.7 metres from the side elevation and extends 3.15 metres beyond the rear of the property. The extension reaches 2.6 metres at the eaves and has an overall height of 3.75 metres. The extension shall be finished with a combination of facing brick and cement render, with a concrete tile roof, to match that of the existing property. Whilst the extension has been constructed the external finishes have yet to be applied. A plan illustrating the proposed extension is reproduced following this report.

With regards to this application it is felt that the main issue to consider is the potential impact of the proposed extension upon the amenities of neighbouring properties.

Members should note the only reason that this application has been brought before the Development Control Committee is because the applicant is an employee of Carlisle City Council. No letters of objection have been received to the proposed development.

In consideration of this application Policy H14 of the Carlisle District Local Plan is of relevance.

It is the Officers view that this development does not adversely affect the amenities of adjacent properties by poor design, unreasonable overlooking or unreasonable loss of daylight or sunlight. The proposal is considered to be appropriate to the dwelling, its design and its setting. It is not considered to be of an unacceptable scale or visually intrusive. The proposal is in accordance with Policy H14 and is therefore recommended for approval.

Human Rights Act 1998

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

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

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

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

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

The proposal has been considered against the above Protocol of the Act but in this instance, it is not considered that there is any conflict.

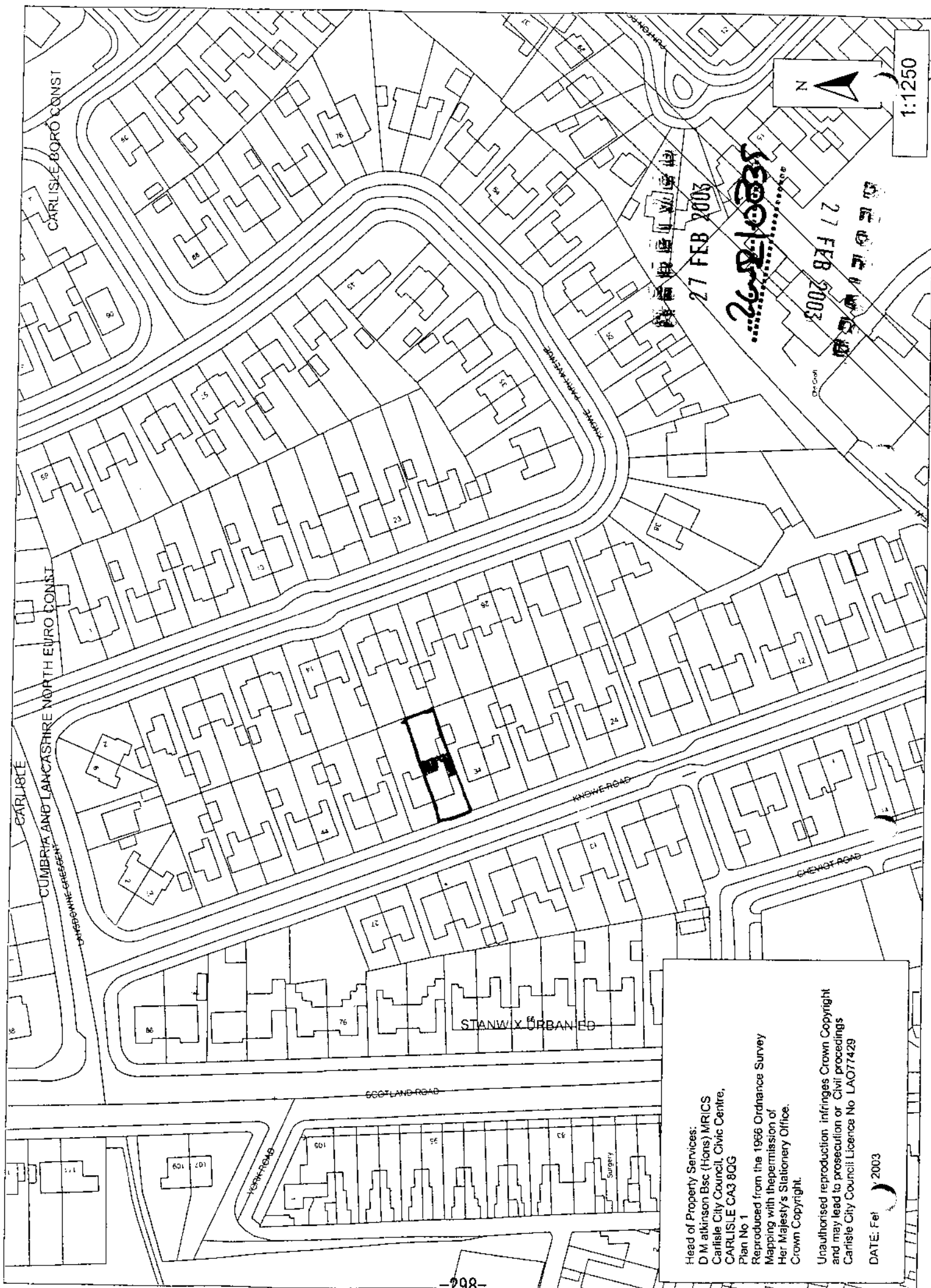
Recommendation: Grant Permission

1. The external walling materials to be used in the building works hereby permitted shall be identical to those in the existing building. If any other material is proposed no development shall take place until such has been approved, in writing, by the local planning authority.

Reason: To ensure the works harmonise as closely as possible with the existing building.

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order), no additional windows shall be inserted in the southern and northern elevations of the extension without the prior consent of the local planning authority.

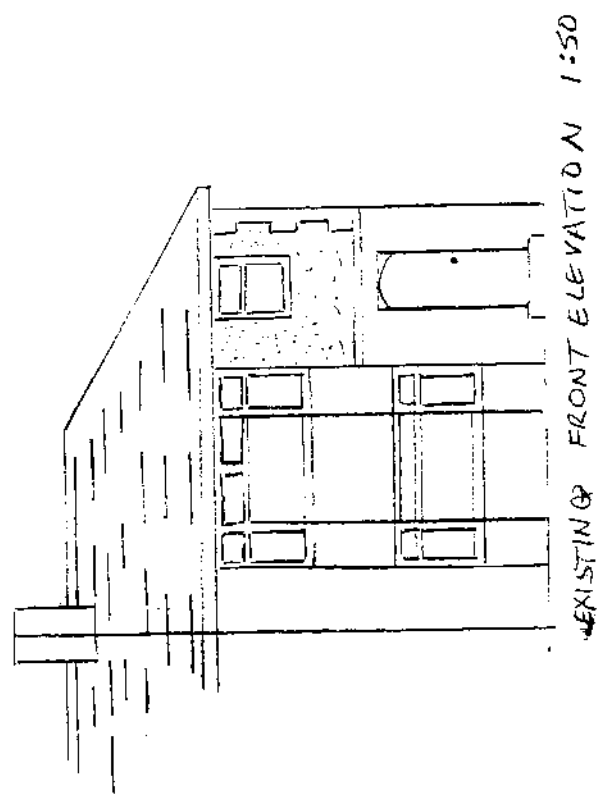
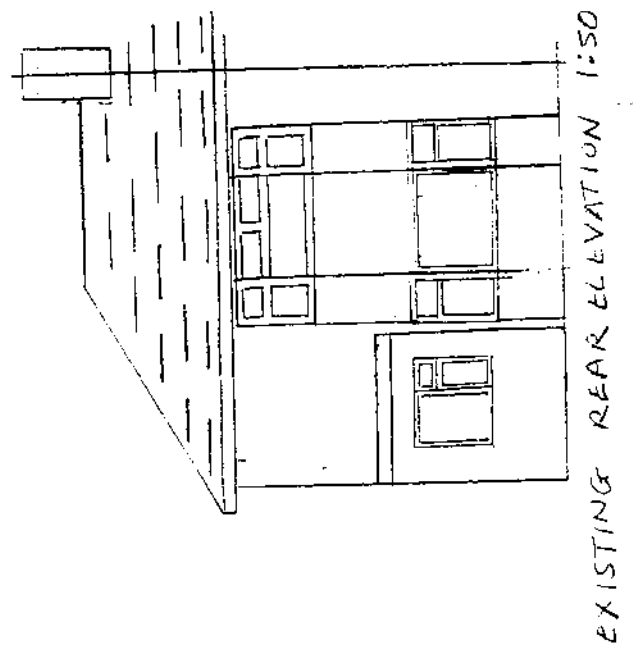
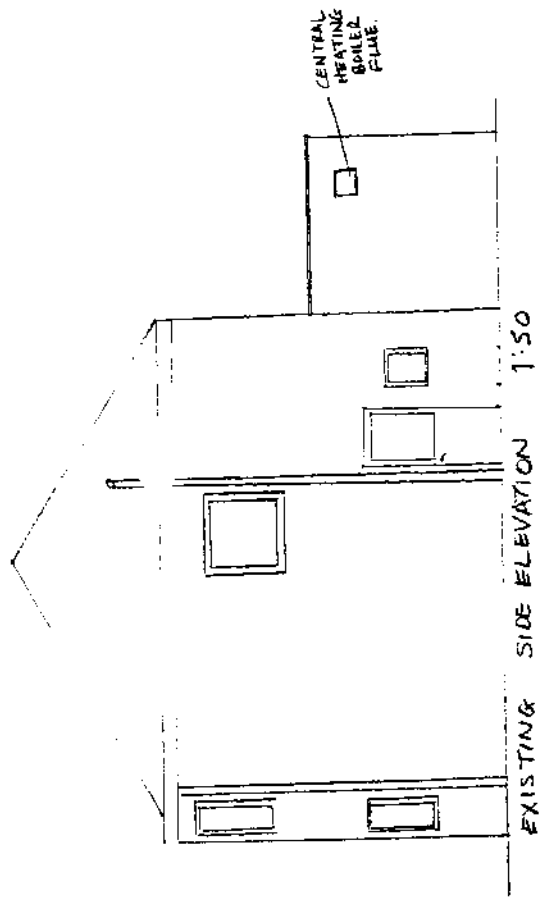
Reason: In order to protect the privacy and amenities of residents in close proximity to the site.



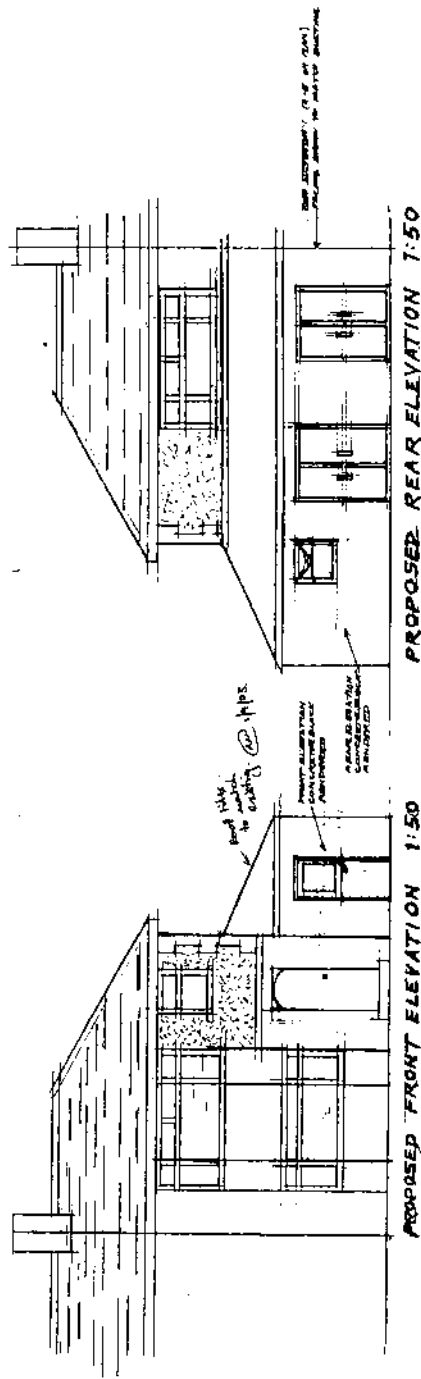
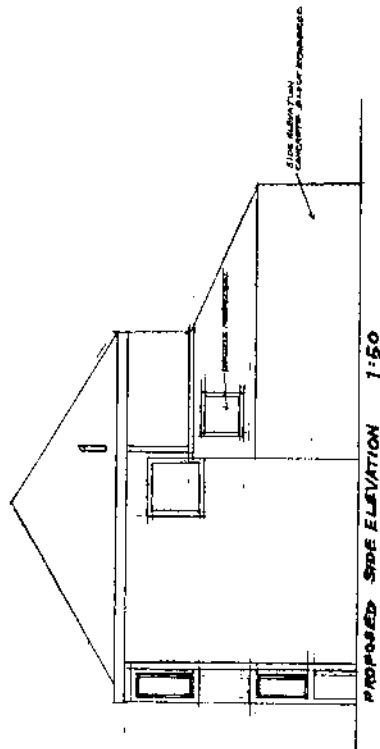
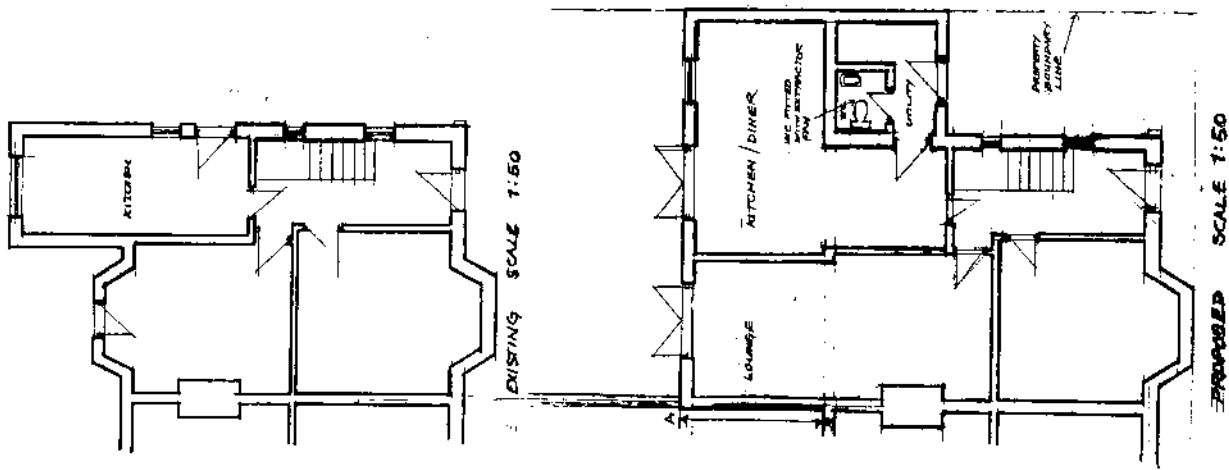
Head of Property Services:
D M atkinson Bsc (Hons) MRICS
Carlisle City Council, Civic Centre,
CARLISLE CA3 8QG
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DATE: Feb 2003



PROPOSED EXTENSION TO 36 KNOWE ROAD CARLISLE - FOR MR M. WALSH - JANUARY 2003



SCHEDULE A: Applications with Recommendation

02/0989

Item No: 17

Date of Committee: 25/04/2003

Appn Ref No:
02/0989

Applicant:
A Liddell

Parish:
Wetheral

Date of Receipt:
19/09/2002

Agent:
George Stephen

Ward:
Wetheral

Location:
Ash Tree Cottage, Warwick-on-Eden, Carlisle, CA4
8PB

Grid Reference:
346458 556394

Proposal: Extension to form garage and flat

Amendment:

Angus

Report

Planning Policies:

Carlisle District Plan Housing - Proposal H14

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

Carlisle District Plan Housing - Proposal H17

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

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

Carlisle District Plan Housing - Proposal H5

Within the following settlements, large scale residential development will not be permitted. Proposals for small scale residential development will normally be acceptable providing that:

1. The site is well related to the landscape of the area and does not intrude into open countryside; and
2. The scale of the proposed development is well related to the scale, form and character of the existing settlement; and
3. The layout of the site and the design of the buildings is well related to existing property in the village; and
4. The siting and design of the buildings is well related to and does not adversely affect the amenity of neighbouring property; and
5. Appropriate access and parking can be achieved; and
6. The proposal will not lead to the loss of amenity open space within or at the edge of the settlement; and
7. The proposal will not lead to the loss of the best and most versatile agricultural land.

Aglionby, Baldwinholme, Banks, Barclose, Beaumont, Blackford, Blackwell, Boltonfellend, Boustead Hill, Broadwath, Brisco, Brunstock, Burgh-by-Sands, Burnrigg, Cardewlees, Cargo, Carleton, Castle Carrock, Cotehill, Cumdivock, Cummersdale, Cumrew, Cumwhinton, Cumwhitton, Durdar, Easton, Farlam, Faugh, Fenton, Gaitsgill, Gilsland, Great Corby, Great Orton, Grinsdale, Hallbankgate, Harker, Hayton, Hayton Townhead, Heads Nook, Hornsby, Boughton, How Mill, Irthington, Kirkcambeck, Kirkandrews-on-Eden, Knells, Lanercost, Laversdale, Linstock, Little Orton, Low Crosby, Longburgh, Low Row, Lyneholmeford, Midgeholme, Milton, Moat, Monkhill, Moorhouse, Newby East, Newtown, Raughtonhead, Rockcliffe, Rickerby, Scaleby, Scotby, Smithfield, Stainton, Stockdalewath, Talkin, Tarraby, Thurstonfield, Tindale, Todhills, Walton, Warwick-on-Eden, Warwick Bridge (including Little Corby & Corby Hill), Westlinton, Wetheral, Wetheral Pasture.

Carlisle District Plan
Environment - Policy E43

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

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): No objections from a highway point of view, subject to the inclusion of four conditions in any Notice of Consent.

Wetheral Parish Council: The proposed rear elevation (noted as the rear gable) should be stone to match the remainder of the building.

Environment Agency (N Area (+ Waste Disp)): No comment.

English Nature: Recommends an advisory note re. the protection of bats.

Conservation Area Committee: The arch detail does not look right and the double dormer is an ugly feature. The garage doors should look more traditional e.g. boarded and side hung.

Summary of Representations:

Representations Received

Initial:	Consulted:	Reply Type:
The Occupier / Owner, Ash Tree House	23/09/02	
The Occupier / Owner, Pear Tree Cottage	23/09/02	
The Occupier / Owner, Grey House	23/09/02	
Mr D McLean, Carrock House	26/09/02	
The Occupier, 6 Buffs Croft	27/11/02	
A & CRH Baker, Daisy Hill		Comment Only
Mr D Maclean, Carrock View		Objection
Mr T M Poole, Four Trees		Objection

This application has been advertised in the form of a site notice and press notice and the direct notification of the occupiers of four neighbouring properties. In response two letters of objection and one letter of comment has been received. The basic issues raised being:

- The proposed flat/extension to include a conservatory is rather large and would detract from the character from the original building and have a considerable impact on the conservation area.
- The extension should be built of matching stone as the proposal and sandstone cladding would not be allowed.
- The existing opening to remain where it is and not to allow any of the existing wall to be removed, as the walls contributed to the village being made a conservation area.
- Any windows to be wood as this appears to be a feature of the conservation area fronting the road.
- The building of this proposal will significantly reduce natural light to the south facing aspect of Carrock View. This will directly impact on natural light to the kitchen and upstairs bedroom. The gable wall proposed will

be 2m from the boundary and approximately 3m from the houses windows, and, being in such close proximity, will deprive those rooms of light all year round.

- The proposals appears to convert the existing gardens of Ash Tree Cottage into hard standing area for car parking at both front and rear of the extension. The inclusion, in the proposal, of a 'drive through' garage would indicate that the rear yard will be used as a car park with capacity for approximately 4 cars. A further 6 cars could be accommodated in the front yard. This is over and above the capacity of the extensive (8.5m x 7.5m) garage.
- The proposal suggests that the application for an extension to Ash Tree Cottage. However, closer inspection reveals that the application in fact amounts to a self contained flat independent to the original dwelling.
- The double fronted garage facing the main street in Warwick-On-Eden does not appear to be in keeping with the rest of the village. The conditions laid down in the village's Conservation Area status will require to be taken into account.
- The upper rear windows of the proposed extension will overlook the back garden of Carrock View and therefore significantly erode the privacy enjoyed therein.
- The main concerns are over the loss of light into Carrock View and the change to the use of the land from a garden to a car park.
- The plans would appear to show that the existing gardens be replaced by large expanses of hard standing with access to a rear car park/yard via an internal garage door. As the owner of the property is well known as a motor dealer it is difficult not to believe that his intention is to store as many cars as possible on his property. With the entrance to this property being in close proximity to a blind bend any increase in the number of cars parking alongside or entering and leaving the property would greatly increase the risk of accidents.
- The extension will effectively 'fill in' the only area of open garden between Ash Tree Cottage and the entrance to Buffs Croft and the fact that it will almost abut to Carrock View, the property next door, will be detrimental to the front aspect of this part of a village which is purported to be a conservation area.

Details of Proposal/Officer Appraisal:

Planning History:

In 1983, under application reference number 83/0321, planning permission was given for the erection of a garage and a new vehicular access.

In relation to the neighbouring property at Ash Tree House planning permission was given in 1993, under application reference number 93/0133, for a two storey side extension. In 1994 and 1997, application numbers 94/0792 and 97/0892, planning permission has been given for the erection of a detached garage.

Details of Proposal:

The current application involves the erection of a two storey extension comprising a double garage on the ground floor and a self-contained one bed flat on the first floor.

The extension would externally consist of matching stonework on the "front" and "side" elevation with render on the "rear" and a slate roof. It is also intended to erect a conservatory, access to which is from the existing house - see attached copies of plans. The application is accompanied by a letter from the applicant's agent explaining that:

- i) It is not the applicant's intention to deal in or repair as a commercial basis his collection of vintage cars. The garage is strictly for his own use; and
- ii) The proposed flat is to be used as either an annexe to the main house or perhaps let out to a caretaker who would look after the property while the applicant is away from home.

In considering this application it is felt that the two fundamental issues are:

- a) whether the proposal can be considered detrimental to the amenity of neighbouring residents; and
- b) whether the proposal is detrimental to the character of the Warwick-on-Eden Conservation Area.

a) WHETHER DETRIMENTAL TO THE AMENITY OF NEIGHBOURS

At a general level, paragraph 64 of PPG1 identifies that 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. PPG1 continues "it can be difficult to distinguish between public and private interests, but this may be necessary on occasion. The basic question is not whether owners and occupiers of neighbouring properties would experience financial or other loss from a particular development, but whether the proposal would unacceptably affect amenities and the existing use of land and building which ought to be protected in the public interest. Good neighbourliness and fairness are among the yardsticks against which development proposals can be measured, for example, it might be material to consider the question of 'overlooking' or loss of privacy experienced by a particular resident".

In effect, there is no reason why the loss of amenity suffered by occupiers of a single dwelling (which may be a step in the degradation of a residential area) cannot be considered as a material planning consideration. For example, it is for this reason that it is normally accepted that there is no private right to a view that the planning

system should protect. However, the loss of a view from a public vantage point is a material consideration.

In regard to the current application it is evident that the proposal involves erecting a two storey extension nearly two metres from the boundary of Carrock View which is itself only 1.5 metres from the boundary. Carrock View having a total of two south facing windows which serve a kitchen on the ground floor and a bedroom on the first floor. The kitchen is, nevertheless, served by a second window which faces the garden. The agent has indicated that on grounds of "fairness" his client's proposal is acceptable because it is the same distance from the boundary as the house at Carrock View which is at a lower level. In response it is considered that the proposal has to be assessed based on the current circumstances, as is the case with other applications. Although the house at Carrock View is at a slightly higher level the proposal would still impinge on the outlook from the first floor bedroom window.

b) WHETHER DETRIMENTAL TO THE CHARACTER OF THE
WARWICK-ON-EDEN CONSERVATION AREA

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of a conservation area. The objective of preservation can be achieved either by development which makes a positive contribution to an area's character or appearance, or by development which leaves character and appearance unharmed. This situation is re-iterated in PPG15 "Planning and the Historic Environment" which identifies that planning is an important instrument for protecting and enhancing the environment in town and country, and preserving the natural and built heritage (paragraph 1.2).

In comparison to the existing house the proposed extension is relatively extensive albeit it would be constructed in matching materials. The Conservation Area Advisory Committee has, nevertheless, raised concerns over the details of the submitted design.

In conclusion, the principal judgement that Members have to make is whether, bearing in mind all the relevant factors relating to light and design, the proposal will lead to either a significant reduction in the level of amenity that any occupier of an adjoining property could reasonably expect to enjoy, or, be detrimental to the character of a designated conservation area.

In relation to the first issue it is considered that the proposed two storey extension, by reason of its scale and disposition in relation to the site boundaries, would have a harmful effect on the light and amenities adjoining residential property.

When considering the second matter there are detailed concerns over the design which could be resolved if the applicant was to revise the amount of accommodation he wishes to achieve.

Objections and concerns have been expressed on the basis that the applicant should be installing timber window frames and because of the applicants hobby of collecting vintage cars. In response to these points it should be noted that the

existing house already has UPVC windows and the applicant's hobby could generally be undertaken from the premises without the need for planning permission.

Members will recall that consideration of this application was deferred at their Meeting in December of last year at the request of the applicant in order to submit revised plans. Despite discussions with the applicant's architect in Mid-March the receipt of revised plans are still awaited.

On the basis that satisfactory revised plans are not received in the intervening period, the proposal is recommended for refusal.

Human Rights Act 1998

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

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

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

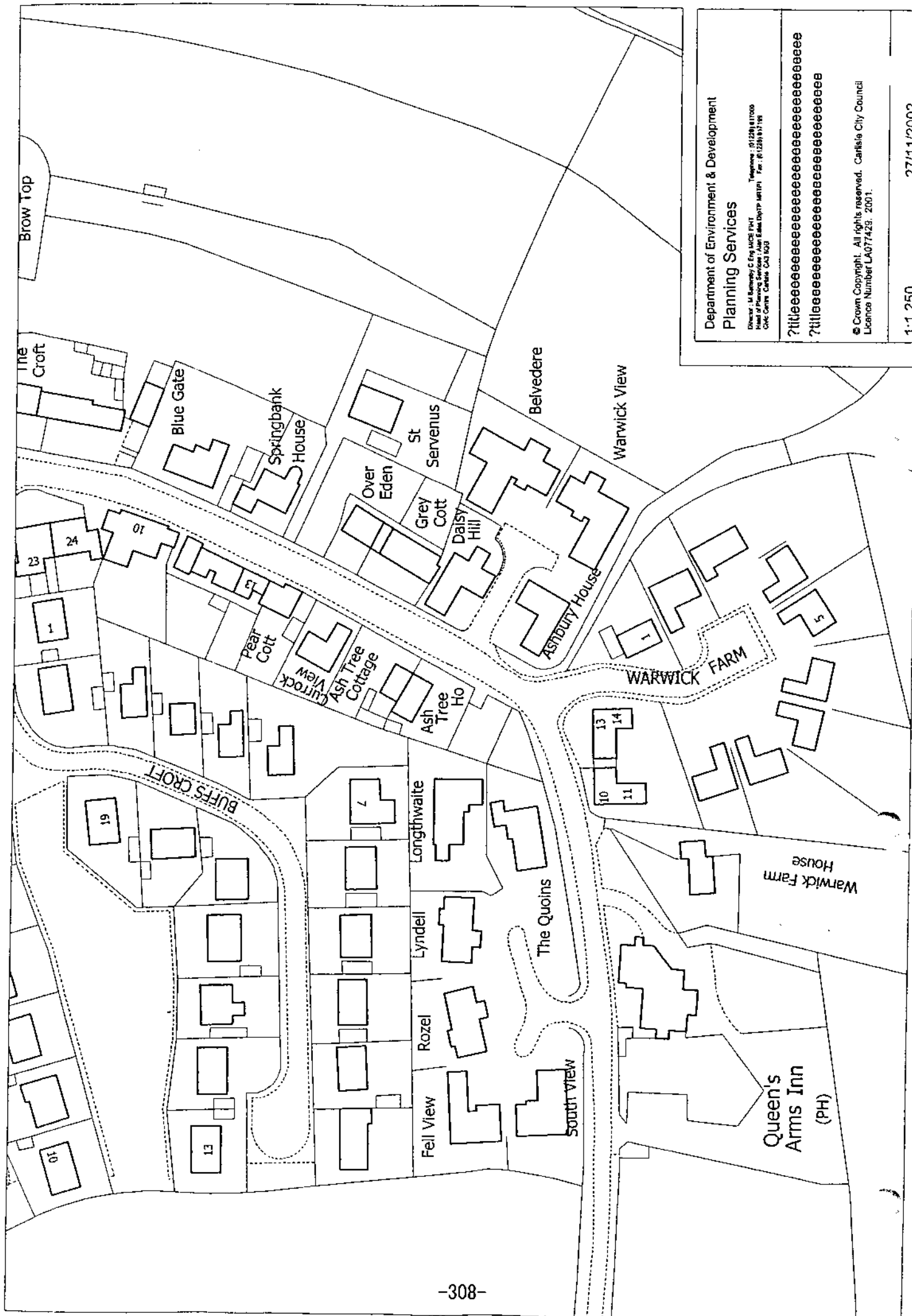
Article 8 recognises the "Right To Respect for Private and Family Life";

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

The applicants rights are respected, however, the proposal is felt to be contrary to acknowledged interests of importance.

Recommendation: Refuse Permission ✓

1. **Reason:** The proposed two storey extension, which includes the creation of a self-contained flat on the first floor, will by reason of its scale and disposition in relation to the site boundaries, create an oppressive feature and have a harmful effect on the light and amenities enjoyed by the occupants of the adjoining residential property contrary to Criterion 4 of Policy H5 and the objectives of Policy H14 of the Carlisle District Local Plan.
-



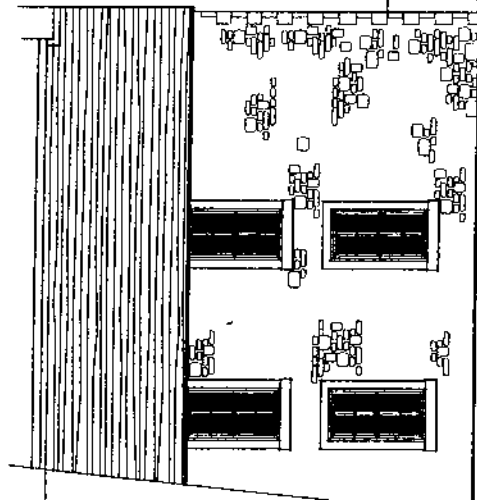
Department of Environment & Development
Planning Services

Planning & Development Services Unit
1st Floor, 11 Railway Terrace, Carlisle, Cumbria, CA1 1RN
Tel: 01223 417000 Fax: 01223 417100

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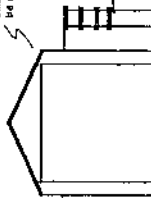
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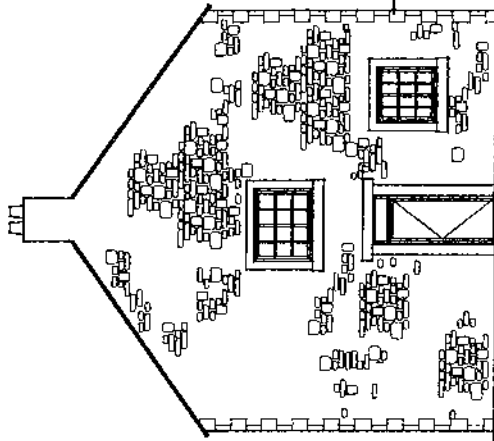


Existing Front Elevation

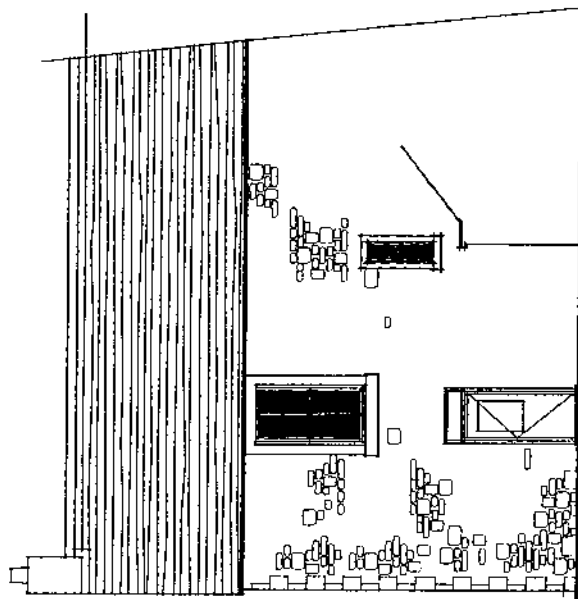
existing garage to be removed



Existing Rear Elevation



Existing Gable Elevation



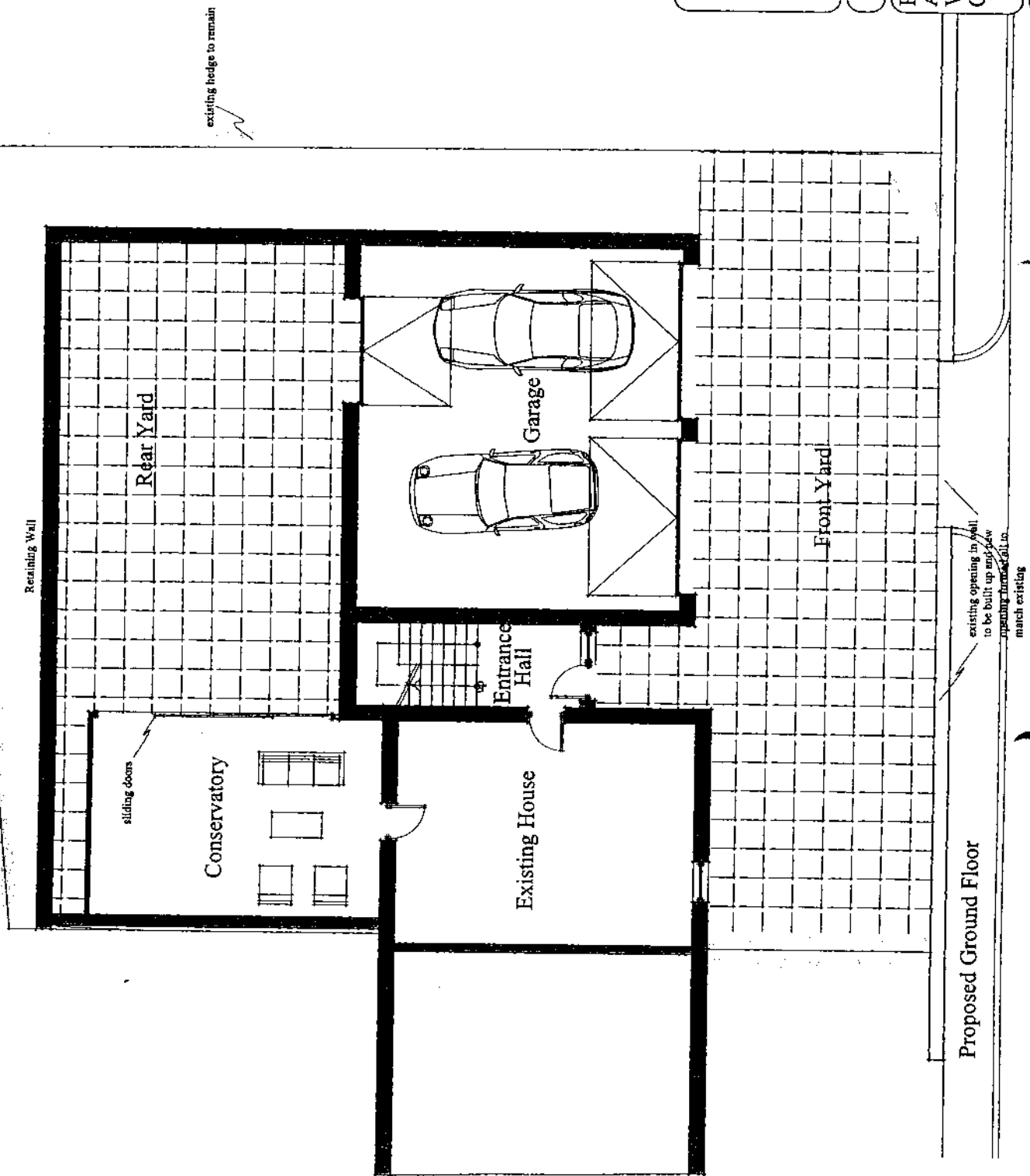
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Job : 02/030 Scale : 1 : 100
Date : Aug. 2002 Revision :

Proposed Alterations at
Ash Tree Cottage
Warwick on Eden
Carlisle, Cumbria

Existing Elevations

03



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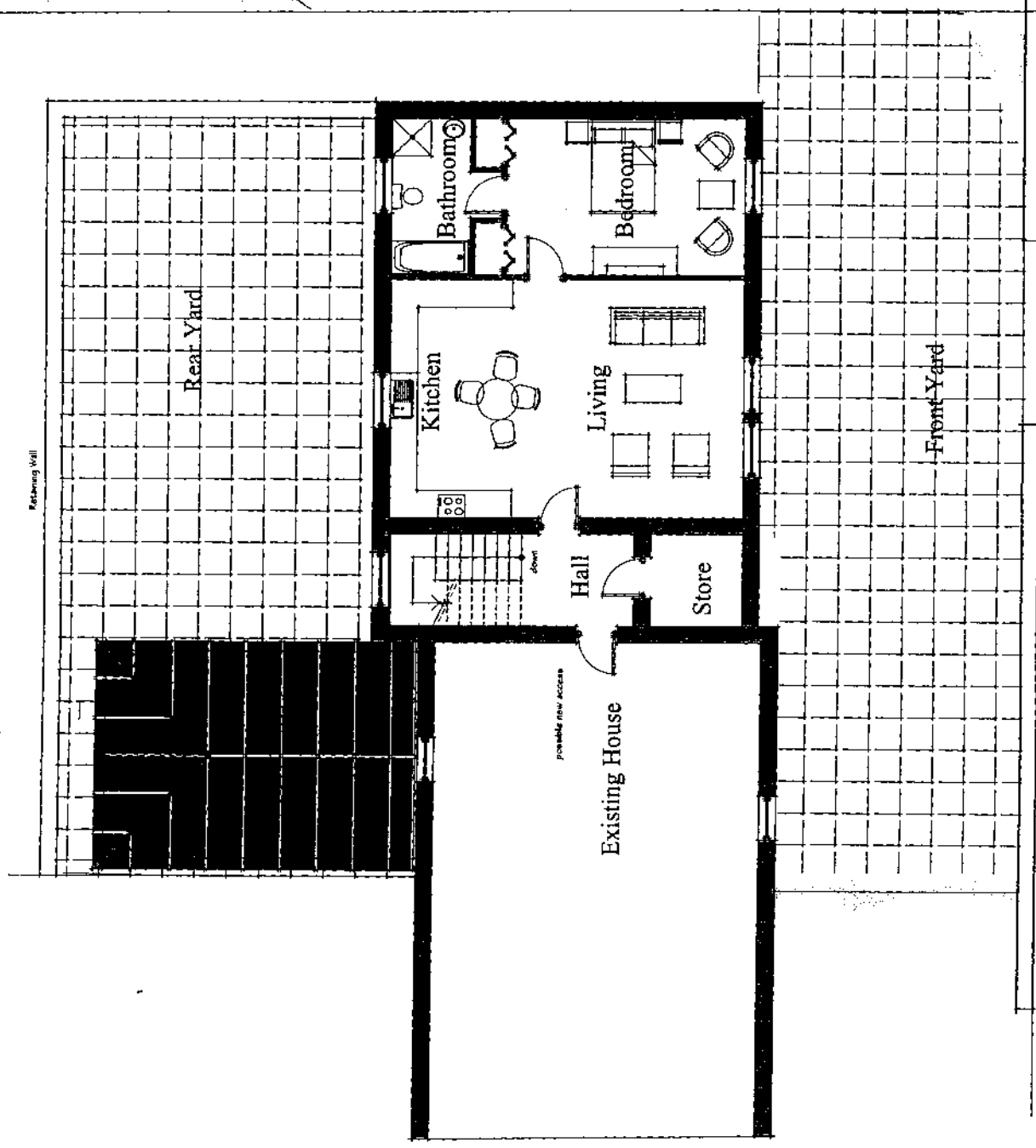
2002/0989

Job : 02/030
Date : Aug. 2002
Scale : 1 : 100
Revision :

Proposed Alterations at
Ash Tree Cottage
Warwick on Eden
Carlisle, Cumbria

Proposed Ground Floor

04



existing hedge to remain

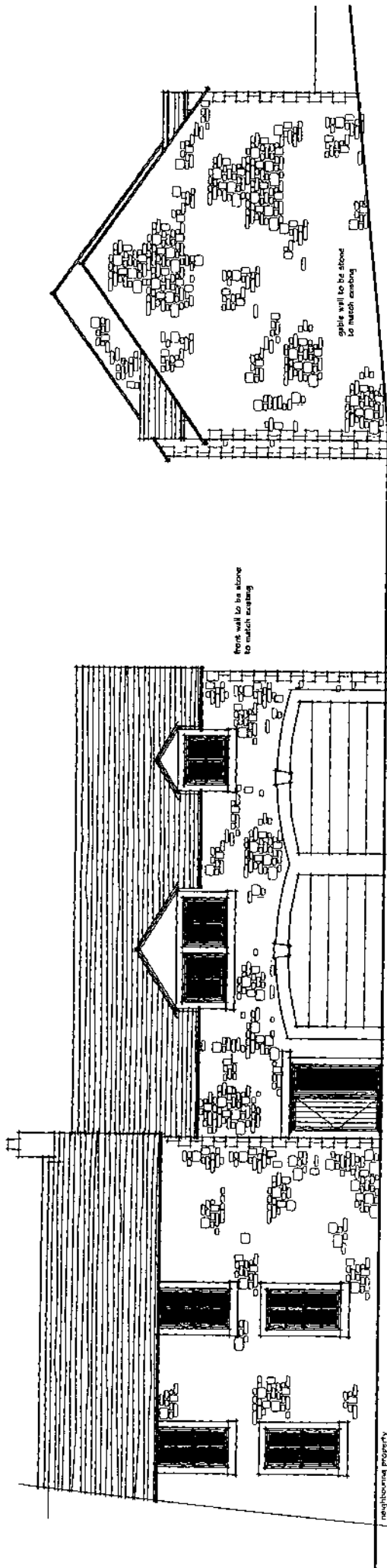
road to be site
to match existing

17 SEP 2002
2002/0929

Job : 02030 Scale : 1:100
Date : Aug. 2002 Revision :

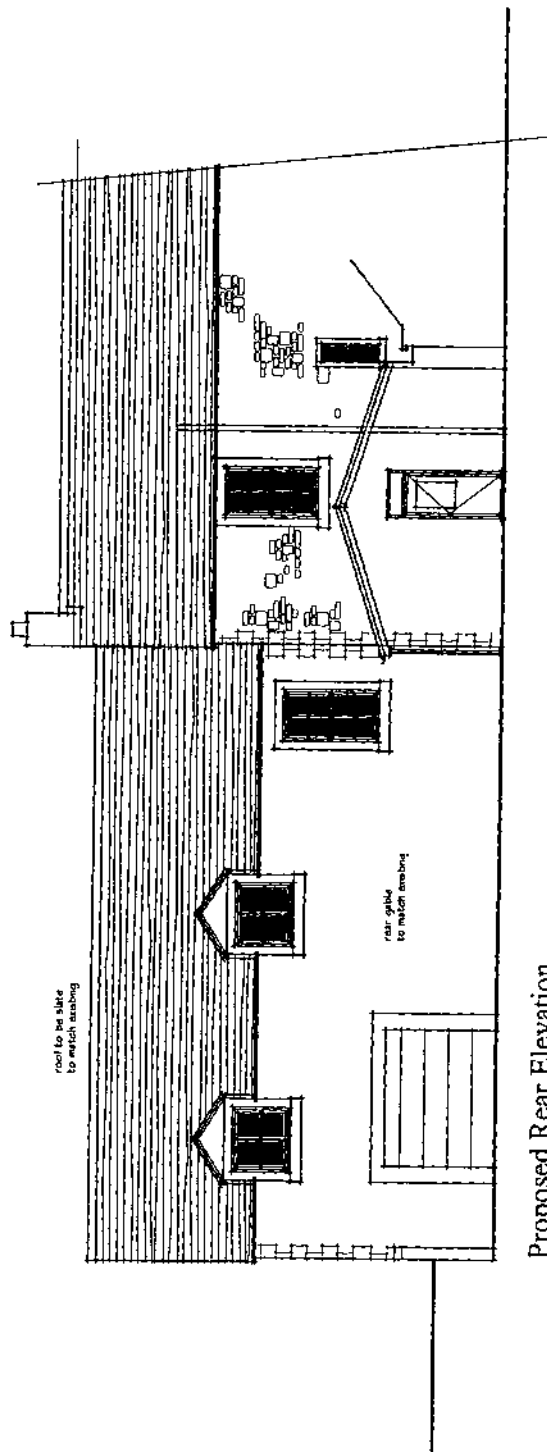
Proposed Alterations at
Ash Tree Cottage
Warwick on Eden
Carlisle, Cumbria

Proposed First Floor Plan



Proposed Front Elevation

Proposed Gable Elevation



Proposed Rear Elevation

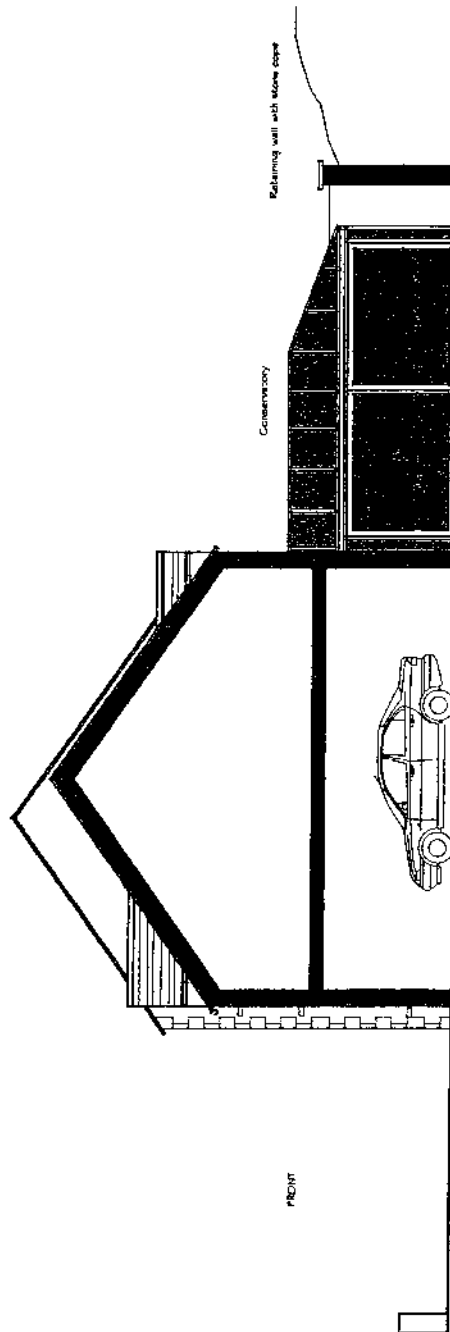
17 SEP 2002
2002/0989

Job : 02/030 Scale : 1 : 100
Date : Aug. 2002 Revision :

Proposed Alterations at
Ash Tree Cottage
Warwick on Eden
Carlisle, Cumbria

Proposed Elevations

07



Proposed Gable Elevation
Through Building on Conservatory

ASH TREE COTTAGE
14 NOV 2002
2002/0789

Job : 02/030 Scale : 1 : 100
Date : Aug. 2002 Revision :

Proposed Alterations at
Ash Tree Cottage
Warwick on Eden
Carlisle, Cumbria

Conservatory Elevation

08

SCHEDULE A: Applications with Recommendation

02/1044

Item No: 18

Date of Committee: 25/04/2003

Appn Ref No:
02/1044

Applicant:
Mr & Mrs Gray

Parish:
Bewcastle

Date of Receipt:
01/10/2002

Agent:
A Roscoe

Ward:
Lyne

Location:
Saughs Farm, Bailey

Grid Reference:
351130 579620

Proposal: Two storey extension to provide enlarged lounge and study with en-suite bedroom above incorporating first floor balcony

Amendment:

1. Revised floor and elevational plans received showing the setting back of the extension from the "front" wall of the existing house by 0.5 metres and alteration to design of balcony .

Angus

Report

Planning Policies:

Public Footpath

The proposal relates to development which affects a public footpath.

Cumbria & Lake District Joint Structure Plan Policy 13

In the areas not covered by Policies 11 and 12, development will normally be permitted which in its use, siting, scale and design is well related to existing developed areas of the countryside and does not harm distinctive features of local landscape significance. In the undeveloped open countryside development will not normally be permitted except when it is required to meet local infrastructure needs which cannot be located elsewhere, and provided it is sited to minimise environmental impacts and meets high standards of design.

Carlisle District Plan Environment - Policy E8

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

SCHEDULE A: Applications with Recommendation

02/1044

1. The proposal reflects the scale and character of the existing group of buildings or settlement; and
2. There is no adverse effect upon the amenity of neighbouring property, and the character and appearance of the area; and
3. Satisfactory access and appropriate car parking can be achieved; and
4. Any exiting wildlife habitats are safeguarded.

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

Carlisle District Plan Housing - Proposal H6

Within the remainder of the Plan area, outside areas covered by Proposal H1 and Policies H2-H5, permission will not be given for dwellings, except where applications are supported by a proven agricultural or forestry need.

Carlisle District Plan Housing - Proposal H7

Within the Remote Rural Area (as defined on the Proposals Map), large scale development will not be permitted. Proposals for small scale development within existing hamlets or groups of houses will be acceptable in principle provided that:

1. The proposal is well related to existing local landscape features and is sited in such a way as to make maximum use of such features for screening and does not adversely affect the landscape; and
2. The proposal complements the character and size of the hamlet or group of dwellings; and
3. Appropriate access and parking can be obtained.

In addition proposals will be acceptable for additional accommodation on farm complexes which contain an existing occupied dwelling. However, in these cases clear evidence of the need for such development must be given. Such consents will be limited to one additional dwelling per farm.

Carlisle District Plan Housing - Proposal H14

Applications for extensions to existing dwellings will be approved provided the City Council is satisfied that the proposals are appropriate to the dwelling, its design and

SCHEDULE A: Applications with Recommendation

02/1044

setting. Inappropriate extensions which adversely affect the amenities of adjacent properties by poor design, unreasonable overlooking and/or unreasonable loss of daylight and sunlight will not be permitted.

Carlisle District Plan Transport - Proposal T15

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

Summary of Consultation Responses:

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

Bewcastle Parish Council: No wish to make any representations.

English Nature: The application involves the type of building that may be used by bats. It is therefore advised that the relevant information note is attached to any planning permission.

Summary of Representations:

Representations Received

Initial:

Consulted:

Reply Type:

This application has been advertised in the form of a site notice. No observations have been received at the time of preparing the report.

Details of Proposal/Officer Appraisal:

Planning History:

In 1999, under application reference number 99/0691, planning permission was given for the conversion of redundant farm buildings to form five units of self catering holiday accommodation.

In 2000, under application numbers 00/0326 and 00/0886, planning permission was given for the erection of a cattle shed, stable block and tack room.

In 2001, application numbers 01/0006 and 01/0156, planning permission and

SCHEDULE A: Applications with Recommendation

02/1044

advertisement consent were granted for the erection of an agricultural storage building, and, a non-illuminated sign.

In August 2001, application number 01/0353, planning permission was refused for the conversion of a barn and erection of a link building to the existing house. The stated reason being:

"The site of the proposed development is located within an isolated farmstead associated with the open countryside. The proposal because of its scale and design, which is tantamount to the erection of a new dwelling, would result in an unsympathetic consolidation of residential development in the open countryside to the detriment of the rural character of the area. It would thus seriously detract from the objectives of Policies H5, H6, H7, H12 and H14 of the Carlisle District Local Plan."

In August of last year, application 02/0323, planning permission was given for the construction of an all weather equestrian riding area with associated 1.2m high post and rail fencing.

Details of Proposal:

Saugh's Farm is located within the designated Remote Rural Area to the south of Kershope Forest. It is an isolated farmstead consisting of a four bed roomed farmhouse, a series of one and two storey stone walled outbuildings, and a metal corrugated sheeted barn. The applicants have to date formed some, but not all, of the holiday units from the stone walled outbuildings as approved under application number 99/0691.

To the north-east of the farmhouse and holiday units the new agricultural building, stable block and tack room have been erected. A public footpath runs through the site.

The applicants agent has indicated that the current proposal has arisen because of a need for an office at home from which Mrs Gray could organise the letting of the holiday cottages on site and Mr Gray can run his construction business; the existing lounge would become a play room and the proposed lounge for the family as a whole to relax within; and, the recently established horse riding facility may require a stable hand who could be accommodated in the house as well as any guests wishing to stay.

The application, as originally submitted, involved erecting a two storey extension measuring, on the ground floor, 6.3m by 13.5m and constructed externally in matching stonework/render on the walls and tiled roofing. The accommodation consisting of a lounge and study with a new bedroom above.

The following reservations were, however, expressed in relation to the proposal as submitted:

- a) the proposed elevational treatment is considered alien to the existing

SCHEDULE A: Applications with Recommendation

02/1044

building and, in itself, to have insufficient character as a contrasting extension;

- b) the proposed extension is extremely large and, in floor area, is equivalent to two 4 person houses based on Parker Morris standards;
- c) there appears to be the duplication of existing facilities, for example the lounge; and
- d) altering the roof pitch over the flat roofed dormer window may be an unnecessary expense.

Members will recall that at their Meeting on the 20th December 2002 consideration of the proposal was deferred in order to allow further negotiations to take place over the design of the proposed extension.

The then City Architect, as a basis for further discussion and negotiation, raised a series of ideas ranging from the modern to the more traditional. In the case of the more traditional form and layout, a total of four options have been suggested to the applicants as the basis for revising the current proposal. The applicants agent has, nevertheless, indicated that his clients wish to retain the basic design as submitted based on the revised plans showing the setting back of the "front" wall by 0.5m and alterations to a proposed balcony - see attached copies of plans.

The applicants have also forwarded a copy of a letter from the Chairman of Bewcastle Heritage Society on behalf of his Committee which expresses support for the current proposal because: the design is considered to be in keeping with the vernacular architecture of this part of north Cumbria; the external proportions of the present house will not be materially changed and the extension will return the farmyard to a defensive courtyard style; and, previous unsympathetic alterations are to be removed and replaced by features more in keeping with such an old farm.

The aforementioned letter goes on to criticise, what appears to be two of the alternative options suggested, because: the suggested design is considered not to be valid from a local architectural point of view; the proposals will materially spoil the external proportions of the farmhouse and outbuildings; the application of building standards that apply to urban housing developments are not relevant in a rural environment; and, if applicants want larger rooms and it does not affect the external aspects and proportions of the building, then it should be of no concern to anyone but themselves.

Following the previous Committee Meeting on the 14th March further discussion have taken place with the applicants based upon which revised plans are anticipated showing a gabled extension with the existing flat roofed box dormer replaced by a series of traditional dormers.

On the basis that satisfactory revised plans are received based on the foregoing, the proposal will be recommended for approval.

SCHEDULE A: Applications with Recommendation

02/1044

Human Rights Act 1998:

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

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

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

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

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

Supp Schedule
Page 42 - elss

Recommendation: Grant Permission ✓

1. The development shall be begun not later than the expiration of 5 years beginning with the date of the grant of this permission.

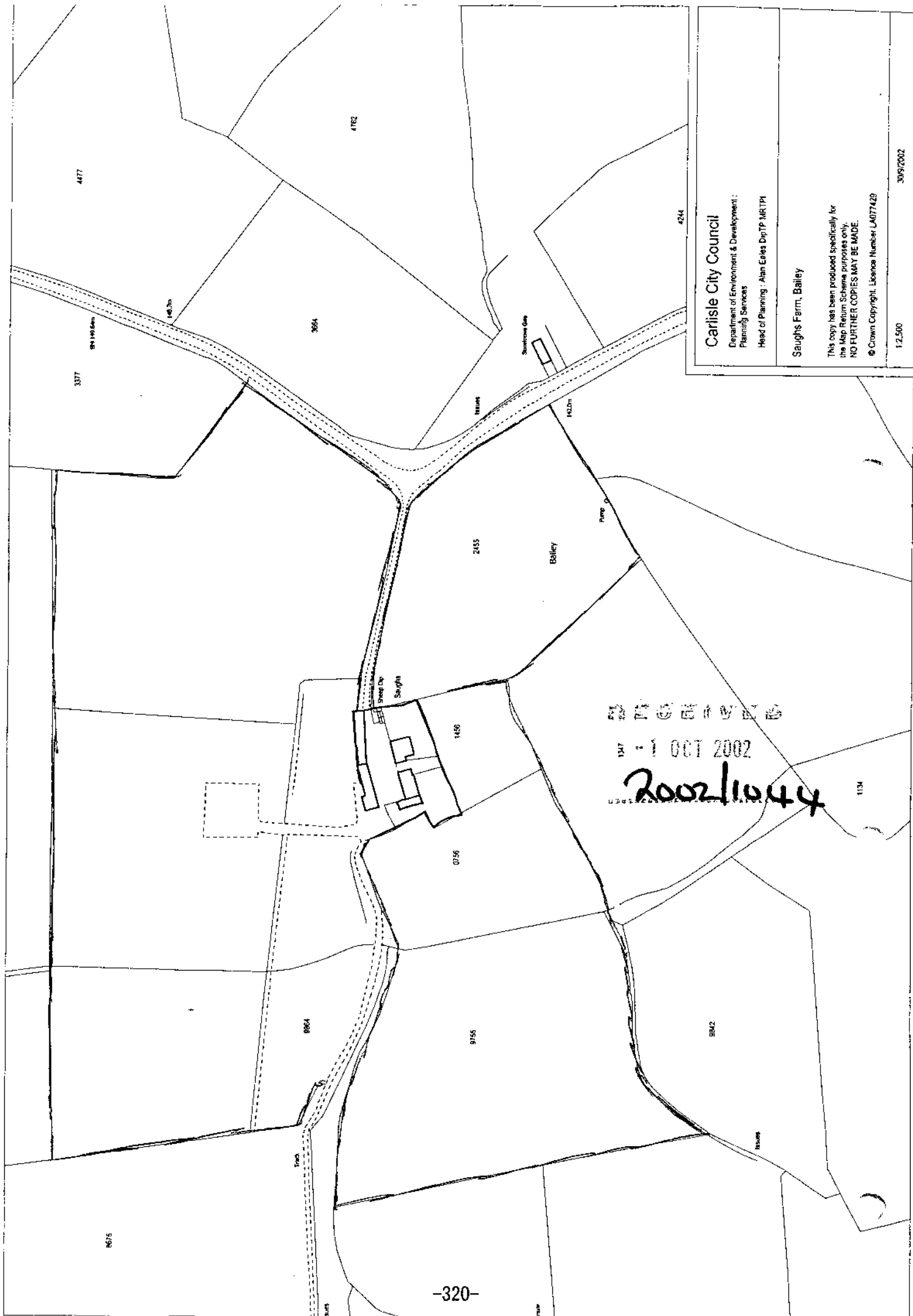
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.

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

Reason: To ensure the works harmonise as closely as possible with the existing building.

3. This permission relates to the addition of supplementary domestic accommodation to, and related internal re-arrangements of, the existing family accommodation at the premises, all of which shall be occupied as one planning unit by members of the applicants family or those of their successors in title. Under no circumstances shall the applicants or their successors in title subsequently sell, let or in any way dispose of or use or permit to be used any part of the accommodation hereby approved, independently of the remainder of the overall property.

Reason: The local planning authority are not prepared to permit the establishment of a separate unit of accommodation on this site.



Carlisle City Council
 Department of Environment & Development
 Planning Services
 Head of Planning: Alan Eales DTP MRTPI

Saugh's Farm, Bailey

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SCHEDULE A: Applications with Recommendation

02/1110

Item No: 19

Date of Committee: 25/04/2003

Appn Ref No:
02/1110

Applicant:
Mr & Mrs A Colton

Parish:
Wetheral

Date of Receipt:
18/10/2002

Agent:
Tsada Building Design
Services

Ward:
Great Corby & Geltsdale

Location:
Mossgate Cottage, Great Corby, Carlisle

Grid Reference:
348370 554250

Proposal: Extensions and alterations including the formation of dormer windows

Amendment:

Angus

Report

Planning Policies:

Cumbria & Lake District Joint Structure Plan Policy 13

In the areas not covered by Policies 11 and 12, development will normally be permitted which in its use, siting, scale and design is well related to existing developed areas of the countryside and does not harm distinctive features of local landscape significance. In the undeveloped open countryside development will not normally be permitted except when it is required to meet local infrastructure needs which cannot be located elsewhere, and provided it is sited to minimise environmental impacts and meets high standards of design.

Carlisle District Plan Environment - Policy E8

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

1. The proposal reflects the scale and character of the existing group of buildings or settlement; and
2. There is no adverse effect upon the amenity of neighbouring property, and the character and appearance of the area; and
3. Satisfactory access and appropriate car parking can be achieved; and

SCHEDULE A: Applications with Recommendation

02/1110

4. Any exiting wildlife habitats are safeguarded.

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

Carlisle District Plan Housing - Proposal H14

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

Summary of Consultation Responses:

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

Wetheral Parish Council: The Council does not wish to make any comment concerning the application.

English Nature: The application involves the type of building that may be used by bats. It is therefore advised that a relevant informative note is attached to any decision notice.

Summary of Representations:

Representations Received

Initial:

Consulted:

Reply Type:

This application has been advertised in the form of a site notice. In response no observations have been received at the time of preparing the report.

Details of Proposal/Officer Appraisal:

Planning History:

The available records indicate that the property has not previously been subject to an application for planning permission.

Details of Proposal:

SCHEDULE A: Applications with Recommendation

02/1110

Mossgate Cottage consists of three main elements with varying ridge heights, slate roofing and painted rendered walls. The "rear" elevation consists of a flat roofed extension which goes across the majority of the length of the cottage. The property also consists of a detached garage and a stable block.

The current proposal involves enlarging the building from a three bed dwelling to one that has the potential to have seven bedrooms - see attached copies of plans.

In considering this application it is felt that the following issues need to be kept in mind:

- i) Ministerial advice contained within PPG7 ("The Countryside - Environmental Quality and Economic and Social Development") emphasises in paragraph 2.14 that the "countryside should be safeguarded for its own sake ... The priority now is to find new ways of enriching the quality of the whole countryside whilst accommodating appropriate development, in order to complement the protection which designation offer".
- ii) Supplementary planning guidance contained in "Countryside Design Summary for Carlisle District" highlights that:

"Today, there is a huge range of building materials and styles readily available for use. This is resulting in the gradual erosion of local identity, as standardised building styles are repeated across the whole country.

Direct reproduction of older building styles is not necessary. However, an evolutionary approach to design with its roots in the character of the area will yield positive benefits. Appropriate scale and massing can often be established by reference to existing buildings, as can the proportions and positioning of window and door openings" (page 8).
- iii) The dwelling has been altered by the flat roofed extension which is considered alien to the building's appearance. The available records do not show that the flat roofed extension was subject to an application for planning permission.
- iv) The current proposal represents a significant extension which will increase the visual impact of the cottage. The treatment of the roof and overall design is, nevertheless, considered to be incongruous.
- v) The property is in a remote location, however, it can be seen from the access lane which is also a bridleway.
- vi) Since the end of January the applicants agent has indicated that revised plans would be submitted. The aforementioned plans have to be received.

In conclusion, it is considered that the current proposal contains serious failings in

SCHEDULE A: Applications with Recommendation

02/1110

terms of its scale, roof treatment and overall design which taken together harm the individual character of the cottage and thereby diminish an attractive rural landscape. In the continued absence of any revised plans the proposal is recommended for refusal.

Human Rights Act 1998

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

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

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

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

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

The applicants rights are respected, however, it is considered that their needs are outweighed by the harm created to interests of acknowledged importance.

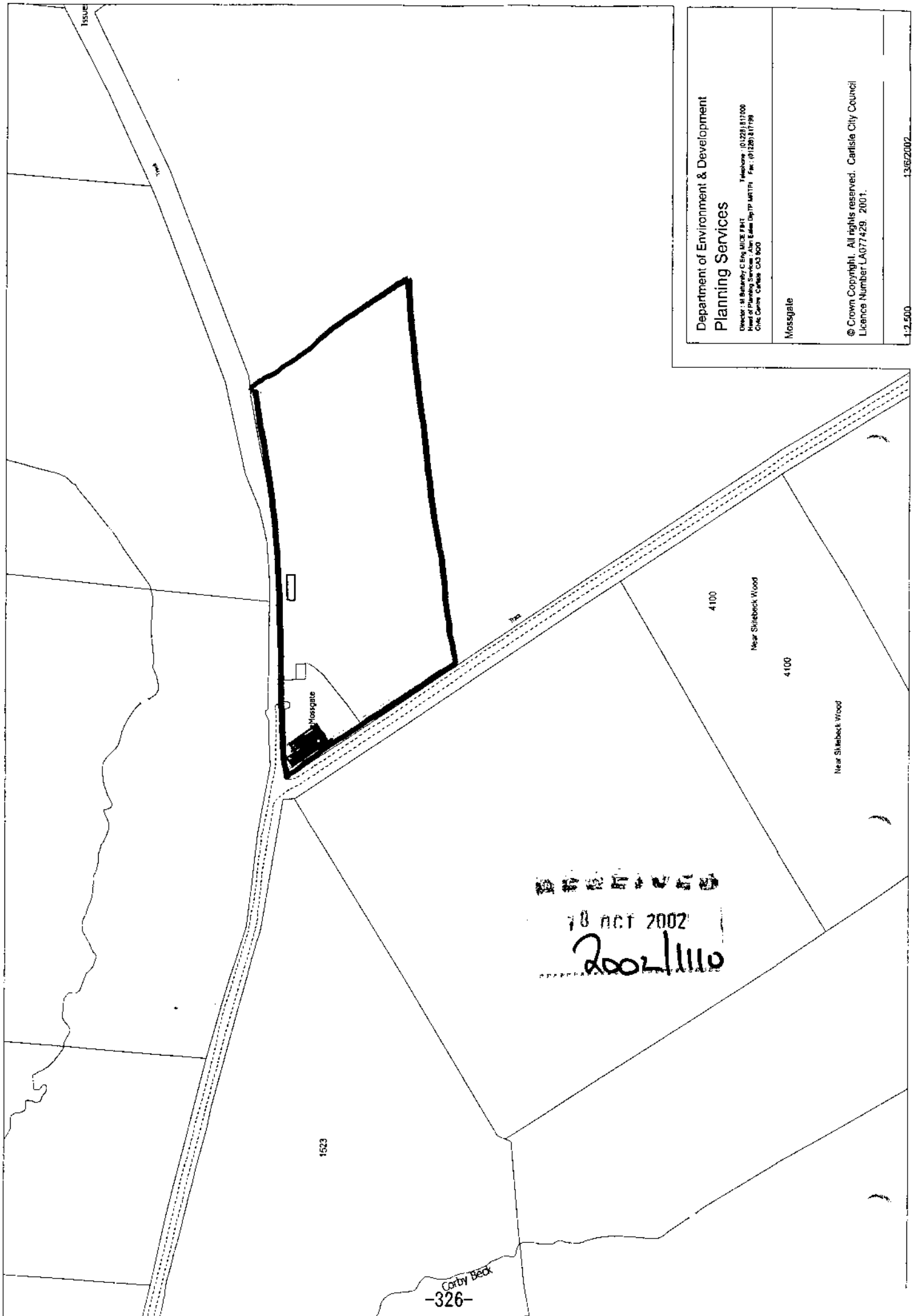
Recommendation: Refuse Permission



1. **Reason:** The proposal by reason of its scale, roof treatment and design would not only increase the visual impact of the farmhouse but also incorporates features which are considered incongruous and spoil its character. It is therefore considered that the proposal harms the character of the house and will thereby diminish the rural landscape contrary to the objectives of Policy 13 of the Cumbria and Lake District Joint Structure Plan and Policies E8 and H14 of the Carlisle District Local Plan.

Revised plans - post now OK?

Supp Schedule
Pages 43-44



Department of Environment & Development
Planning Services

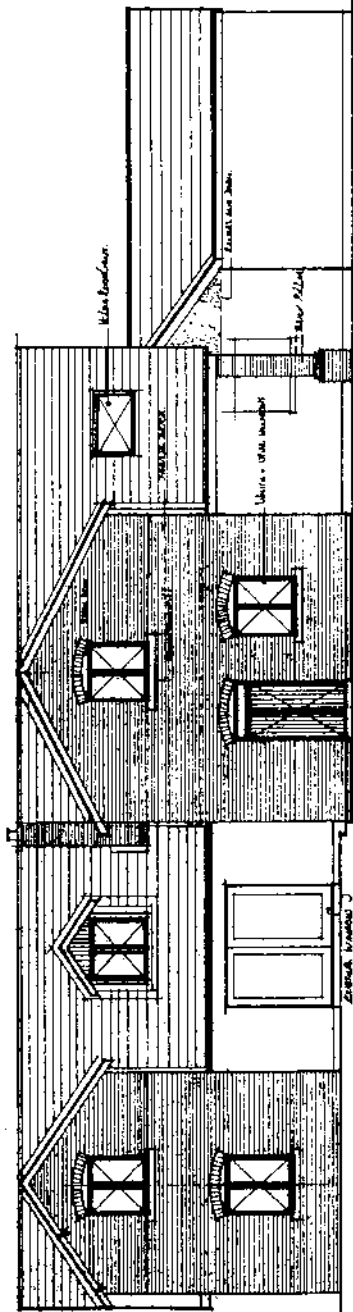
Director: 40 Balaclava, G.P.O. Box 1000
Townsville, QLD 4810
Head of Planning Services: Alan Egan, Deputy M.P.
City Centre, Carleton, QLD 4000

Mossgate

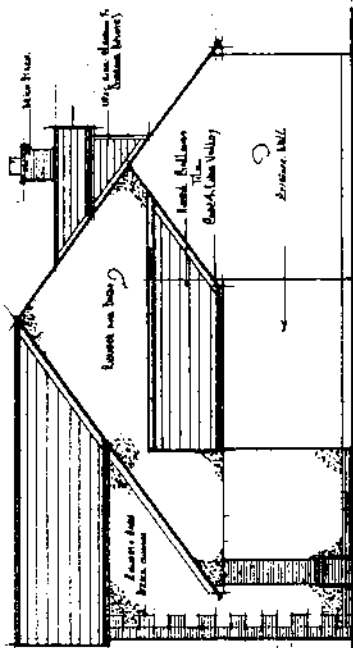
© Crown Copyright. All rights reserved. Carleton City Council
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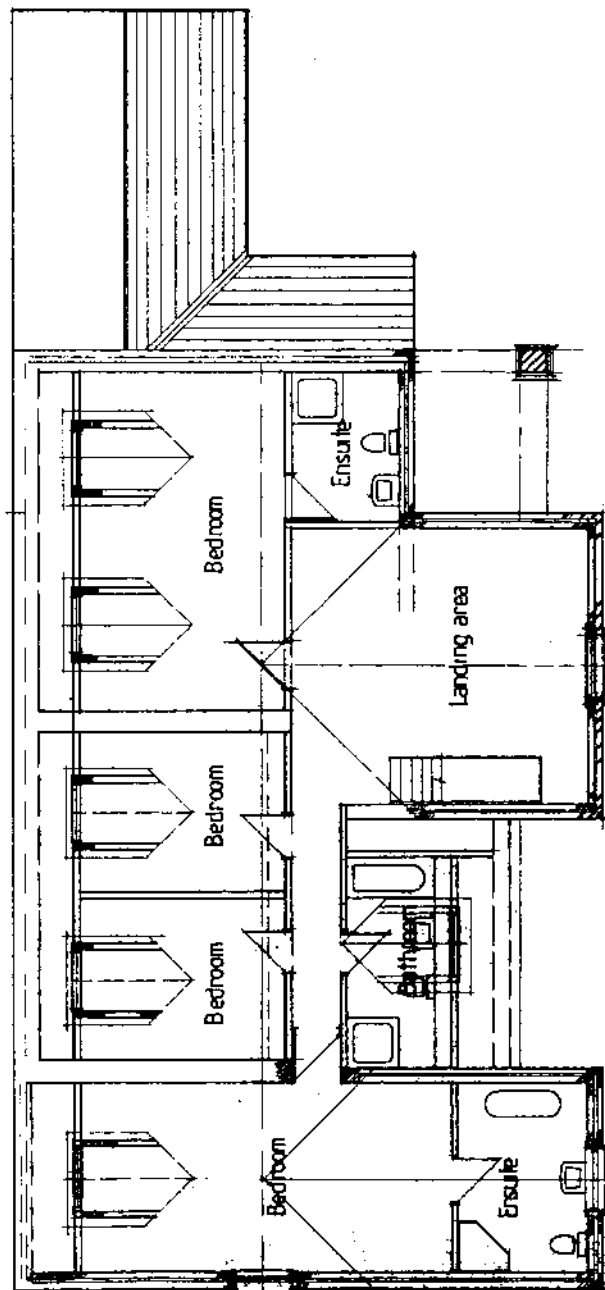
13/6/2002



North-east elevations 1:50



North-west elevations 1:50



FIRST FLOOR PLAN 1:50

RECEIVED
15 OCT 2002
R. J. J. J.

TSADA BUILDING DESIGN SERVICES

10000 100th Avenue, Suite 100
Edmonton, Alberta T6E 1K1
Canada
Phone: (780) 441-1111
Fax: (780) 441-1112

Job title
Proposed alterations and extensions
to Mossdale

Drawn by W.R. Faulder	Approved by (Signature)	Client Mr & Mrs. A. Colton Mossdale Great Corby	Day No. 93 / 2002 / 2
Date 15 / 10 / 2002			Scale 1:50 + 1:2500

Mossgate Cottage, Great Corby 2 07.04.03.JPG



Mossgate Cottage, Great Corby 1 07.04.03.JPG



Mossgate Cottage, Great Corby 3 07.04.03.JPG



SCHEDULE A: Applications with Recommendation

02/1129

Item No: 20

Date of Committee: 25/04/03

Appn Ref No:

02/1129

Applicant:

Mr R Palmer

Parish:

Burgh-by-Sands

Date of Receipt:

23/10/02

Agent:

Architects Plus

Ward:

Burgh

Location:

Low Moor House, Moorhouse, Carlisle, CA5 6EL

Grid Reference:

333500 556600

Proposal: Erection of dwelling

Amendment:

John

Report

Planning Policies:

Carlisle District Plan

Housing - Proposal H5

Within the following settlements, large scale residential development will not be permitted. Proposals for small scale residential development will normally be acceptable providing that:

1. The site is well related to the landscape of the area and does not intrude into open countryside; and
2. The scale of the proposed development is well related to the scale, form and character of the existing settlement; and
3. The layout of the site and the design of the buildings is well related to existing property in the village; and
4. The siting and design of the buildings is well related to and does not adversely affect the amenity of neighbouring property; and
5. Appropriate access and parking can be achieved; and
6. The proposal will not lead to the loss of amenity open space within or at the edge of the settlement; and
7. The proposal will not lead to the loss of the best and most versatile agricultural land.

Aglionby, Baldwinholme, Banks, Barclose, Beaumont, Blackford, Blackwell, Boltonfellend, Boustead Hill, Broadwath, Brisco, Brunstock, Burgh-by-Sands,

Burnrigg, Cardewlees, Cargo, Carleton, Castle Carrock, Cotehill, Cumdivock, Cummersdale, Cumrew, Cumwhinton, Cumwhitton, Durdar, Easton, Farlam, Faugh, Fenton, Gaitsgill, Gilsland, Great Corby, Great Orton, Grinsdale, Hallbankgate, Harker, Hayton, Hayton Townhead, Heads Nook, Hornsby, Boughton, How Mill, Irthington, Kirkcambeck, Kirkandrews-on-Eden, Knells, Lanercost, Laversdale, Linstock, Little Orton, Low Crosby, Longburgh, Low Row, Lyneholme, Midgeholme, Milton, Moat, Monkhill, Moorhouse, Newby East, Newtown, Raughtonhead, Rockcliffe, Rickerby, Scaleby, Scotby, Smithfield, Stainton, Stockdalewath, Talkin, Tarraby, Thurstonfield, Tindale, Todhills, Walton, Warwick-on-Eden, Warwick Bridge (including Little Corby & Corby Hill), Westlinton, Wetheral, Wetheral Pasture.

Carlisle District Plan

Housing - Proposal H16

High standards of design in new housing sites and dwellings will be required. Matters to be considered include: The layout of roads and buildings; footpaths and cycleways; the retention of existing trees and hedgerows; planning out crime; the provision of public open space; the relationship to adjacent development.

Cumbria & Lake District Joint Structure Plan Policy 40

In rural settlements outside the National Parks and AONBs, housing development will normally be permitted, especially where it would help to sustain the existing local community, and provided it is in sympathy with the scale and character of the existing settlement. Outside rural settlements, new dwellings will normally only be permitted for those engaged in agriculture where such a dwelling is essential for the working of the farm.

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): No objection, subject to conditions.

Burgh-by-Sands Parish Council: The Parish Council has expressed concern about the drainage arrangements.

Design Services - Drainage Engineer: Comments awaited.

Environment Agency (N Area (+ Waste Disp)): Comments awaited.

Summary of Representations:

Representations Received

Initial:

Consulted:

Reply Type:

The Occupier / Owner, Inchfad

25/10/02

The application has been advertised by means of a site notice and neighbour notification. No responses have been received.

Details of Proposal/Officer Appraisal:

Planning History:

In May 1994, permission was given for the extension of the existing garage, to incorporate a conservatory, including a new roof.

Details of Proposal:

Permission is sought for the erection of a single dwelling at Low Moor House, Moorhouse. The site is part of the garden area of Low Moor House, which is a listed building. This house is towards the southern margin of Moorhouse on the road towards Great Orton, and is set back from the road. The site of the proposed dwelling is to the south of the existing house and adjoining outbuildings and is adjoined by the site boundary with open countryside to the west. To the east is a garage/conservatory, with two separate detached bungalows on the road frontage.

The proposal is to erect a detached three bedroom dwelling with a lean-to roof to the frontage. Proposed materials are rendered walls and slate roof. The principal issue raised by this application is its acceptability in relation to policy H5 of the District Local Plan and the Interim Housing Policy Statement. Members will be aware that the Statement requires the principles of P.P.G.3 to be followed, whereby in the rural area, as well as encouraging development on brownfield sites and discouraging greenfield sites, emphasis is placed on development in larger settlements where services such as schools and shops are likely to be available. Development in smaller settlements must therefore be subject to greater scrutiny, and it is clear that for any proposal to be acceptable, it must not only satisfy the criteria of policy H5, but also be of limited size. What is acceptable in any given instance must be assessed in each case, but in the current case, the proposal is for a single dwelling on a site which of sufficient size but will not permit any further development and is well contained by existing buildings and natural features. In principle therefore the proposal is considered acceptable.

In terms of the details also, the proposal relates well to the surrounding buildings in terms of scale and materials, and this also is considered acceptable. The site is to the side of the listed building where it does not adversely affect its setting. The other principal issue is that of drainage, which has been raised by the Parish Council. It has now been proposed that both the existing and the new dwelling served by a bio-disc treatment plant, with a soakaway in the adjacent field. A percolation test has been carried out.

The proposal is regarded as acceptable, and approval is recommended.

Human Rights Act 1998

Several provisions of the above Act can have implications in relation to the

consideration of planning proposals, the most notable being:

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

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

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

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

This application does not raise any Human Rights implications.

Recommendation: Grant Permission ✓

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.

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

Reason: To ensure the works harmonise as closely as possible with the existing building.

3. Details shall be submitted of the proposed hard surface finishes to all public and private external areas within the proposed scheme and approved by the local planning authority before any site works commence, and the approved scheme shall be fully implemented before any of the dwellings are occupied.

Reason: To ensure that materials to be used are acceptable.

4. Particulars of height and materials of all screen walls and boundary fences shall be submitted to and approved by the local planning authority prior to the commencement of the development hereby permitted.

Reason: To ensure that the appearance of the area is not prejudiced by lack of satisfactory screening which is not carried out in a co-ordinated manner.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting

that Order), no extensions to the dwelling shall be carried out without the permission of the local planning authority.

Reason: The local planning authority wishes to retain full control over the matters referred to in order to protect the character, integrity and appearance of the building and its setting.

6. No tree or hedgerow existing on the site shall be felled, lopped, uprooted or layered without the prior consent in writing of the local planning authority and the protection of all such trees and hedgerows during construction shall be ensured by a detailed scheme to be agreed with the local planning authority.

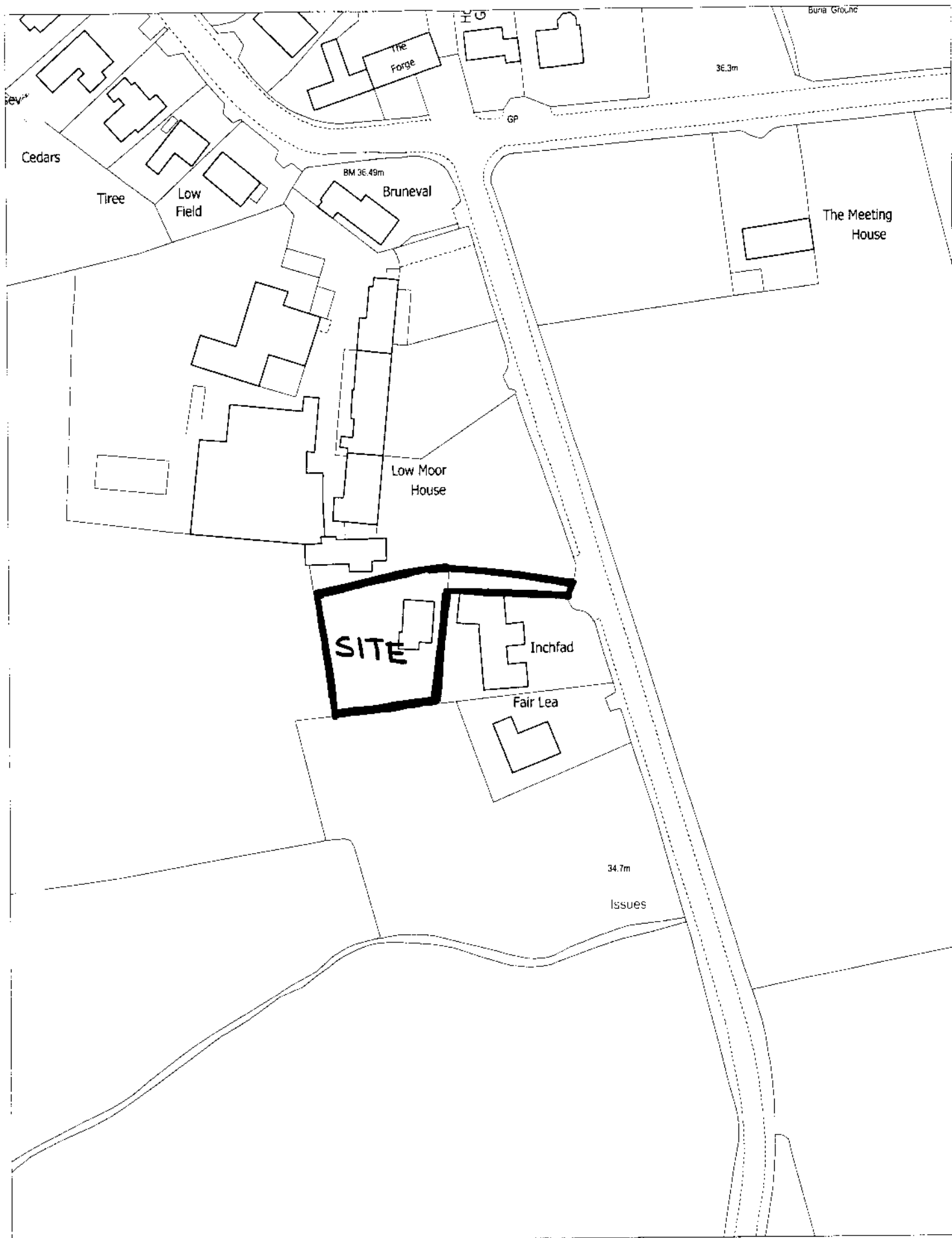
Reason: The local planning authority wishes to see existing hedgerows/trees incorporated into the new development where possible.

7. The access drive shall be surfaced in bituminous or cement bound materials, or otherwise bound and shall be constructed and completed before the development is occupied.

Reason: In the interests of the disabled.

8. The portion of the access lying within highway limits shall be constructed and drained to the satisfaction of the local planning authority.

Reason: In the interests of highway safety.



Carlisle City Council

Department of Environment & Development

Planning Services Division

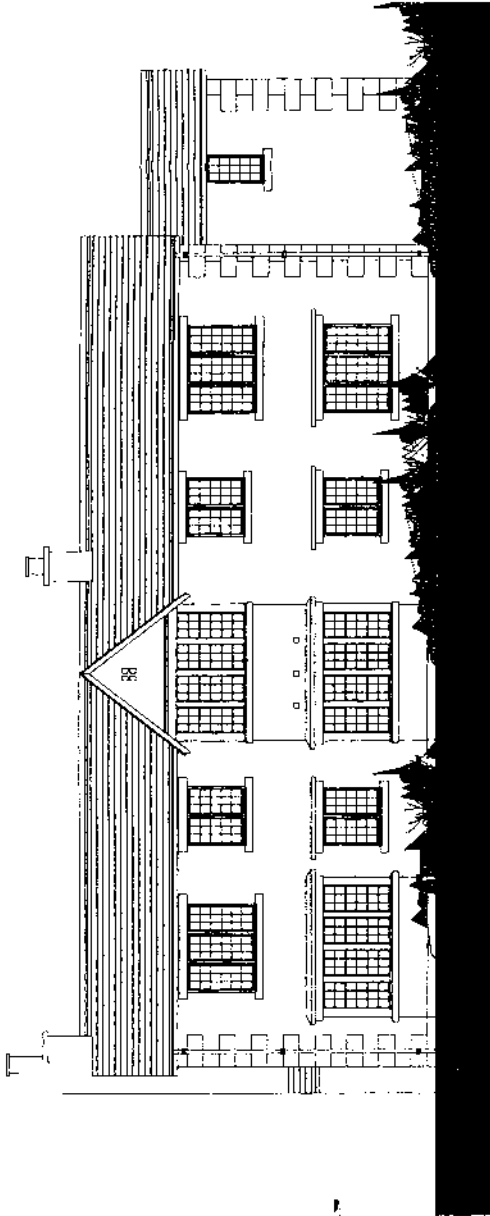
Head of Planning Alan Eeles (01228) 417191

Tel: 01228 417190 Fax: 01228 417199

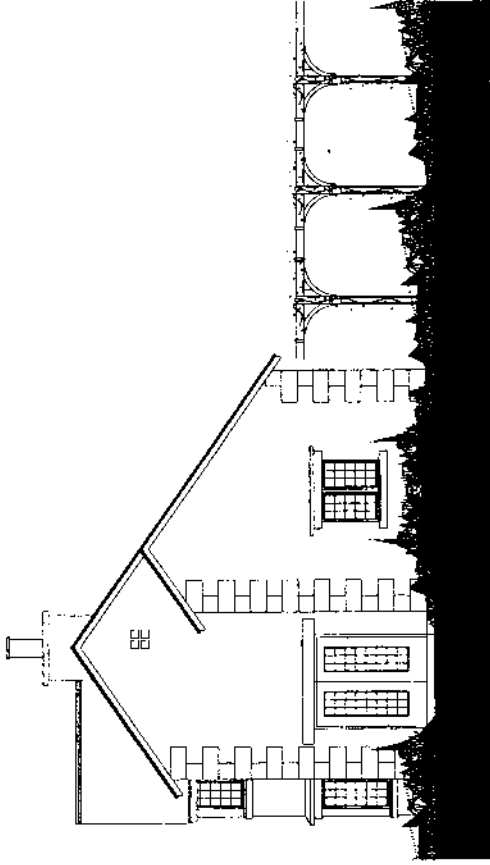
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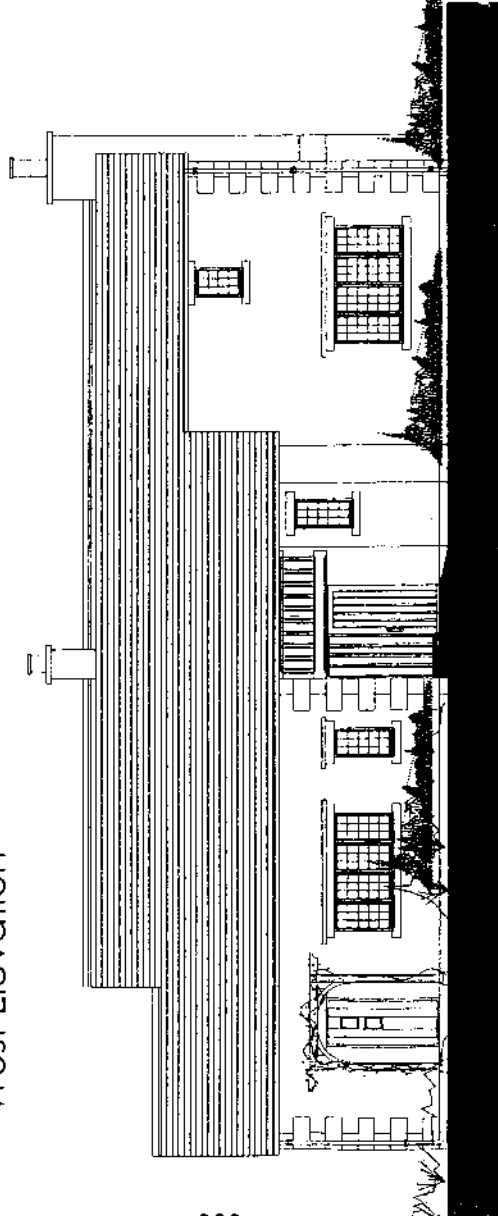
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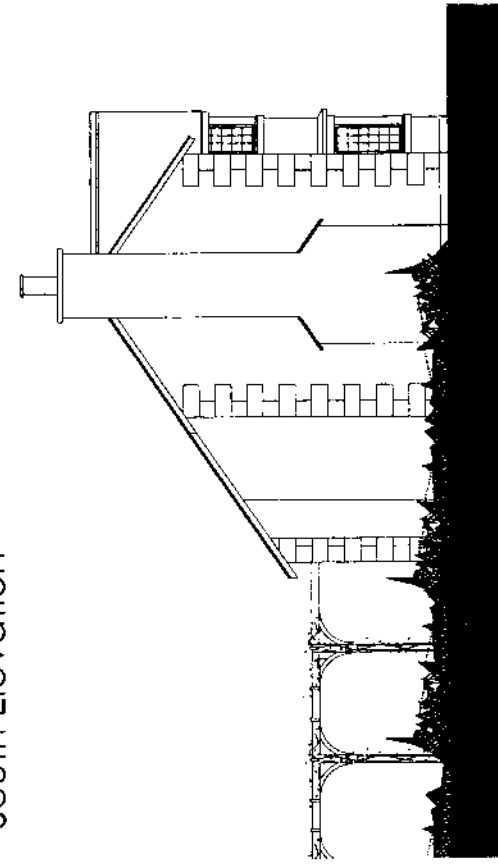
West Elevation



South Elevation



East Elevation



North Elevation

MATERIALS
ROOF
NATURAL SLATE
WALLS
SELF COLOURED RENDER WITH ARTSTONE QUOINS SILLS HEADS ETC.
WINDOWS
TIMBER
DOORS
TIMBER
RAINWATER GOODS
BLACK UPVC.

Revision Date Description Drawn By Checked By

ARCHITECTS

Windsor Gardens, Colchester, Essex, CO1 2JH
Tel: 01206 513141 Fax: 01206 513142
e mail: info@architects.co.uk

1:100

06-02

11

11.11.22

99046-03C

3 MAR 2003

LOW MOORHOUSE
PROPOSED NEW DWELLING
Elevations

3 MAR 2003

99046-03C

SCHEDULE A: Applications with Recommendation

02/1279

Item No: 21

Date of Committee: 25/04/2003

Appn Ref No:
02/1279

Applicant:
Mr M Calvert

Parish:
Brampton

Date of Receipt:
13/12/2002

Agent:

Ward:
Brampton

Location:
Croglin, Greenfield Lane, Brampton, CA8 1AU

Grid Reference:
352630 561400

Proposal: Two storey extension to side elevation to provide garage, kitchen extension on the ground floor & 2no bedrooms above

Amendment:

1. The extent to which the ground floor element of the proposal projects beyond the front of the property has been reduced from 1.55 metres to 0.89 metres. In addition to this the extent to which the ground floor extension projects beyond the rear of the property has increased from 1.65 metres to 2.35 metres.

Sam

Report

Planning Policies:

**Carlisle District Plan
Housing - Proposal H14**

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

Summary of Consultation Responses:

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

Brampton Parish Council: no objections;

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

English Nature: no objection, subject to the attachment of one supplementary informative to any notice of consent.

SCHEDULE A: Applications with Recommendation

02/1279

Summary of Representations:

Representations Received

Initial:	Consulted:	Reply Type:
The Owner / Occupier, 2 Greencroft	16/12/02	
J W Welton, Kintro	16/12/02	Objection
The Owner / Occupier, Langstrath	16/12/02	

This application has been advertised by means of notification letters sent to three neighbouring properties. One letter of objection has been received in response to the original plans submitted. The objector has raised concerns that the single storey element of the extension, which projects 1.55 metres beyond the front of the property, would result in a loss of light, but also make it difficult for the objector to open their car door and would require them to park further down the driveway, closer to the road. The objector has also expressed concern that the proposed extension could result in structural damage to his property.

No representations have been received in response to the amended plans submitted.

Details of Proposal/Officer Appraisal:

Planning History:

There is no planning history relating to this site.

Details of Proposal:

This application was deferred at the last meeting of this Committee in order to allow the applicant to submit amended plans.

This follows an earlier meeting of the Committee where Members expressed concern with regards to the extent to which ground floor extension to the front elevation projected beyond the front of the property. The applicant has submitted amended plans to address Members concerns.

The revised proposal seeks planning permission for the erection of a two storey extension to the east facing side elevation of Croglin, Greenfield Lane, Brampton. The extent to which the proposed extension projects beyond the front of the property has been reduced. The property is a semi-detached property of modern construction, finished with a combination of yellow/pink facing brick with a tiled roof. The property is situated within a residential area. The application site is enclosed to the east, west and south by residential properties. To the north of the application site, on the opposite side of Greenfield Lane are the grounds of the property known as Garth House. A plan indicating the location of the property and its relationship with the adjoining properties is reproduced following this report.

SCHEDULE A: Applications with Recommendation

02/1279

It will be recalled that the application, as originally submitted, sought approval for the erection of a two storey extension to the east facing side elevation to provide a garage and kitchen extension on the ground floor and two bedrooms above. The extension would replace an existing flat roof garage and store. The extension, which is 3.7 metres wide, would be built up to the boundary with the neighbouring property. The two storey extension extends the full depth of the dwelling occupying all of the gable wall area. The ground floor element of the proposed extension projected outwards by 1.55 metres beyond the front of the existing property and by 1.65 metres at the rear. Both the extensions that project beyond the front and rear of the property at ground floor level are lean to extensions. The height of the proposed extension matched that of the original dwelling. The external materials used would match those of the existing property.

The amended plan submitted reduces the extent to which the ground floor element of the proposal projects beyond the front of the property from 1.55 metres to 0.89 metres. In addition to this the extent to which the ground floor extension projected beyond the rear of the property has increased from 1.65 metres to 2.35 metres. A plan illustrating the revised proposal is reproduced following this report.

With regards to this application it is felt that the main issues to consider are the potential impact upon the amenities of neighbouring properties, in particular the property known as Kintra, which is adjacent to the location of the proposed extension.

In considering this application Policy H14 of the Carlisle District Local Plan is of relevance.

Members will note that one letter of objection has been received in response to the original plans submitted. The objector raised concerns that the single storey element of the extension which projects 1.5 metre beyond the front of the property would result in a loss of light, but also make it difficult for the objector to open their car door and would require them to park further down the driveway, closer to the road. The objector also expressed concern that the proposed extension could result in structural damage to his property. In considering the objections raised Members should note that loss of view is not a material planning consideration. It is not considered that the extension hereby proposed would result in any structural damage to the neighbouring property provided that the work is carried out in a proper manner. The other concerns raised are covered in the paragraph below.

Members will note that the property is north facing and that the proposed extension is to be sited on the east facing gable of the dwelling. On that basis it is not considered that the proposed extension would not result in any loss of light to the neighbouring property. It is not considered that the development adversely affects the amenities of adjacent properties by poor design, unreasonable overlooking or unreasonable loss of daylight or sunlight.

It is the Officers view that the amended plan submitted addresses the concerns expressed by Members. It is not considered that the extent to which the ground floor extension projects beyond the front of the property would adversely affect the

SCHEDULE A: Applications with Recommendation

02/1279

appearance of the street scene, nor is it considered that it will adversely affect the amenity of any neighbouring properties.

In conclusion, the amended application is considered acceptable in terms of siting design and materials used. Officers are satisfied that the proposed extension would not result in any adverse impact upon the amenities of any neighbouring properties. The proposal is in accordance with Policy H14 of the Carlisle District Local Plan and is therefore recommended for approval.

Human Rights Act 1998:

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

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

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

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

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

The proposal has been considered against the above Protocol of the Act but in this instance, it is not considered that there is any conflict.

Recommendation: Grant Permission

✓

defer - more negotiation

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.

2. The external walling and roofing materials to be used in the building works hereby permitted shall be identical to those in the existing building. If any other material is proposed no development shall take place until such has been approved, in writing, by the local planning authority.

Reason: To ensure the works harmonise as closely as possible with the

SCHEDULE A: Applications with Recommendation

02/1279

existing building.

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

Reason: In order to protect the privacy and amenities of residents in close proximity to the site.



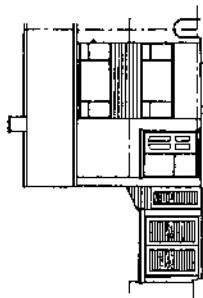
Brompton

2632/1279

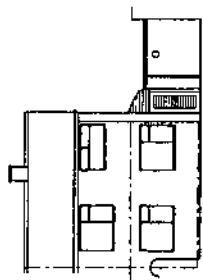
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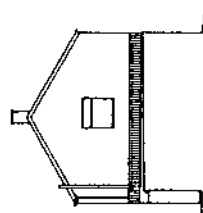
Proposed Extension



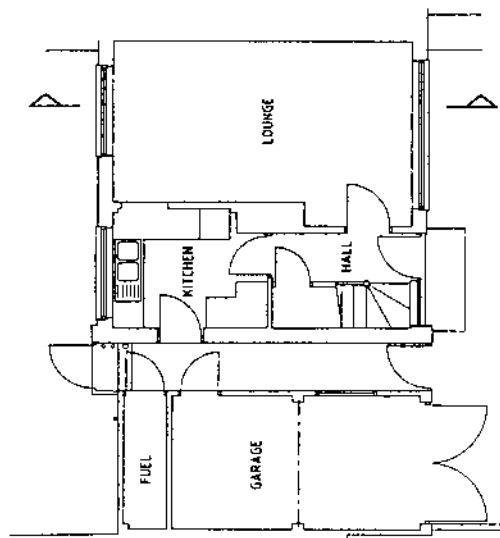
FRONT ELEVATION



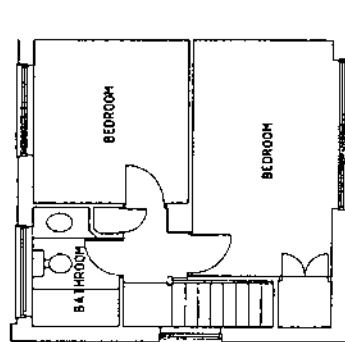
REAR ELEVATION



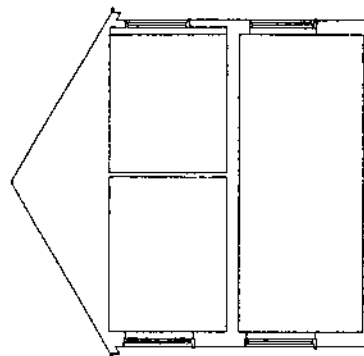
END ELEVATION



GROUND FLOOR PLAN



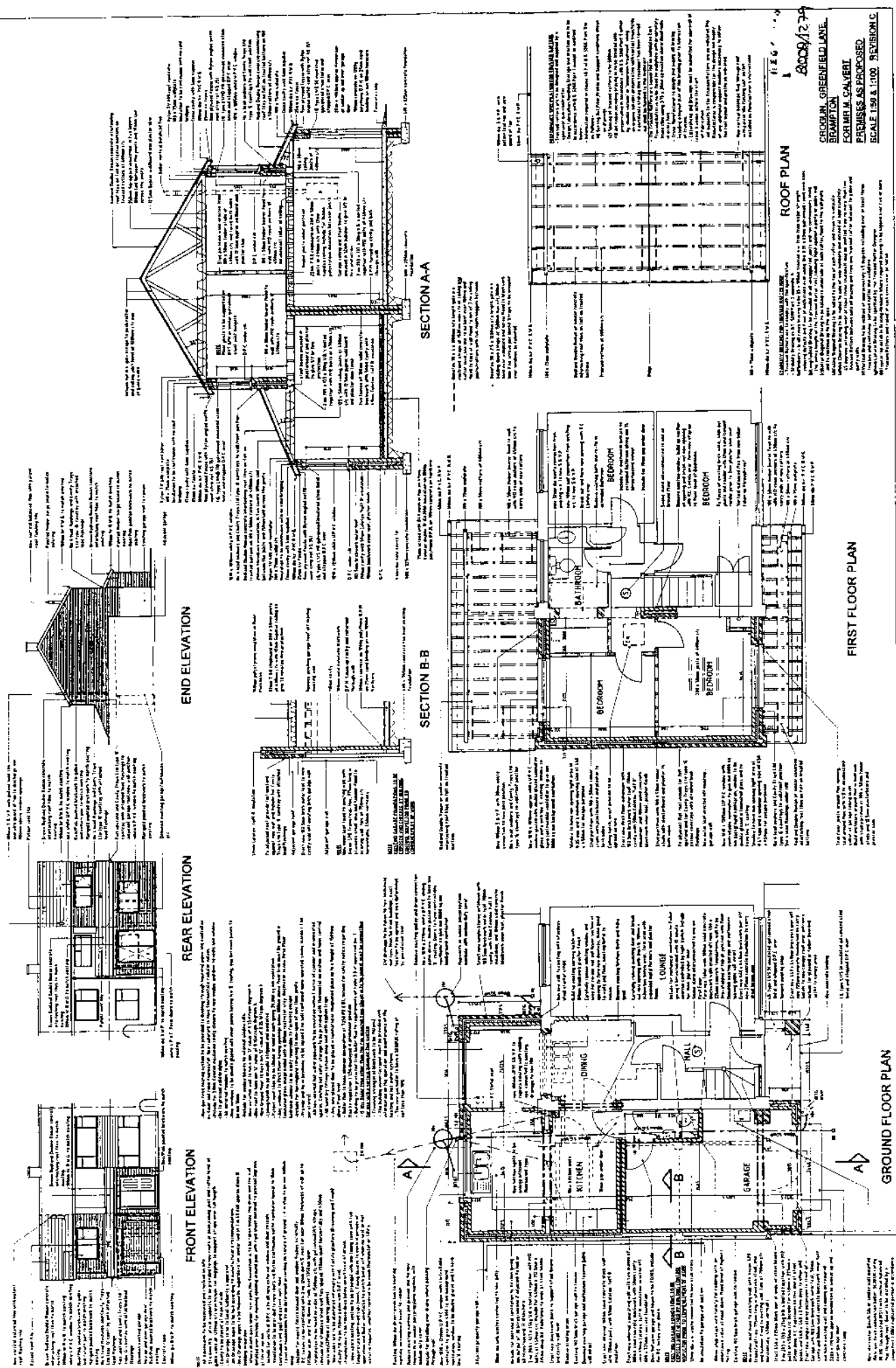
FIRST FLOOR PLAN



SECTION

2002/12/29

ORSON, GREENFIELD LANE
RECAPTION
FOR MR. GAYNE
PREMISES AS EXISTING
SCALE 1/50 & 1/100



SCHEDULE A: Applications with Recommendation

02/1362

Item No: 22

Date of Committee: 25/04/2003

Appn Ref No:
02/1362

Applicant:
Harrison Homes (Cumbria) Carlisle
Ltd

Parish:

Date of Receipt:
30/12/2002

Agent:

Ward:
Harraby

Location:
Former Highgrove Dairy, Harraby Green, Carlisle

Grid Reference:
341330 554457

Proposal: Residential development comprising of 2no. 2 bed dwellings, 29no. 3 bed dwellings, 14no. 4 bed dwellings, 44no. 2 bed apartments and 6no. 3 bed penthouses incorporating public open space consisting of kick about area and play equipment together with increasing the width of Harrison Way to 6 metres to allow for two-way movement of traffic and add a 1.8 metre wide pavement

Amendment:

1. Revised plans received showing increase in dwelling numbers, new dwelling types and the provision of a kick-about area and playground in the public open space.

Angus

Report

Planning Policies:

Cumbria & Lake District Joint Structure Plan Policy 1

New development will be provided, mainly in the towns, to meet the social and economic needs of the County's population, but in a manner which, through appropriate location, scale, design or use, does not diminish the quality of the environment within the County or beyond, or for future generations.

Cumbria & Lake District Joint Plan Policy 24

The erection of buildings or the raising of land, will not normally be permitted where there would be a direct risk from erosion or flooding, or be likely to increase the risk of flooding elsewhere.

Cumbria & Lake District Joint Structure Plan Policy 25

The siting, appearance and landscaping of all new development and alterations

should aim to enhance the quality of the existing environment. It should be in keeping with the local character of the townscape or landscape, and be well integrated with the existing pattern of surrounding land uses and, where appropriate, be in keeping with the local vernacular tradition. Normally development should make proper provision for access by disabled persons.

Cumbria & Lake District Joint Structure Plan Policy 32

On large housing developments some provision should normally be made through negotiation for affordable housing to meet proven local needs.

Cumbria & Lake District Joint Structure Plan Policy 53

Recreation land and facilities will normally be:

- i provided to an appropriate standard in new residential development and in areas where shortfalls exist;
- ii protected from development in areas where a shortfall can be demonstrated

Carlisle District Plan Housing - Proposal H4

Within Carlisle, Brampton, Longtown and Dalston, outside the Primary Residential Areas and sites allocated under proposal H1, applications for residential development, including redevelopment and the change of use of vacant and underused buildings, will be permitted provided that:

1. Satisfactory housing conditions can be achieved; and
2. The proposal will complement the existing character of the area; and
3. The proposal will not adversely affect the amenity of the area; and
4. Satisfactory access can be provided; and
5. Appropriate parking arrangements can be made.

Carlisle District Plan Housing - Proposal H8

The City council will, where appropriate, negotiate with developers for an element of affordable housing to be included in the larger housing developments.

Carlisle District Plan Housing - Proposal H17

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

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

**Carlisle District Plan
Leisure - Proposal L8**

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

**Carlisle District Plan
Leisure - Proposal L9**

New family housing developments of 40 or more dwellings will be required to include, pro rata, the following standards of playspace provision:

	Per Hectare
Outdoor Playgrounds	150 square metres
Informal Playspace	270 square metres

In addition to the above, within developments of 5 hectares or over, 0.1 ha of sports ground development per hectare will be required.

In most large developments play provision will be able to be provided within the housing site. However, if no suitable location can be provided the requirement may be met by the provision of a new off site facility (if an appropriate site is available) or by the provision of additional play facilities on a nearby existing play area or one which is in the course of being provided, such improved play provision being secured by a legal agreement between the developers and the Council.

Where a housing development is over 40 dwellings but is partially developed by different developers or as separate phases by the same housing developer, provision will be required for each constituent part of the site.

On smaller housing sites the developer will be required to make commuted payments towards the provision of playspace in the locality if there is a deficiency of playspace in the local area judged against National Playing Fields Association standards.

Small areas of playspace provided by the developer which are principally of benefit

to the development itself shall be dedicated to the City Council for maintenance purposes and a commuted payment equivalent to ten years maintenance costs will be required.

Carlisle District Plan Employment - Proposal EM2

Within Primary Employment Areas proposals for B1, B2 and B8 uses will be acceptable. Permission will not be given for redevelopment or changes of use within such areas for other purposes. Exceptions may be permitted where:

1. The existing use of the site adversely affects or could adversely affect adjacent residential properties; or
2. The proposed alternative use is essential for the redevelopment of the majority of the site for employment purposes; and
3. The alternative development would be appropriate in terms of scale and design to the surrounding area, and the amenity of adjacent properties would not be prejudiced.

Carlisle District Plan Transport - Proposal T3

Proposals for development which materially increase the traffic movement on the road network will need to be accompanied by a Traffic Impact Assessment. The City Council will usually require any road improvements or new highways, identified as being necessary by the assessment, to be funded by the developer. Such work should be consistent with the role and function of the highway. In the case of trunk roads all the costs will be borne by the developer and the scheme should be designed to be consistent with the Development of Environment, Transport and Regions' design horizon.

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): Whilst the Transport Assessment is generally acceptable with regards to the highway network being able to accommodate the traffic generated by the proposals, no measures are suggested to encourage the use of sustainable transport alternatives and thereby aiding in the delivery of sustainable transport objectives in accordance with the objectives with Local Transport Plan.

The applicant should therefore consider providing a contribution for the provision and maintenance of a new bus shelter on London Road and providing a bus pass for at least one person per dwelling to encourage public transport patronage.

Harrison Way should be a minimum 6 metres wide in order to safely accommodate two-way vehicular movement to the development and the business park. In addition traffic calming should be provided along Harrison Way in the interests of highway safety.

In accordance with the Cumbria Design Guide Volume 1, no vehicular access should be located within 15 metres of the proposed junctions with Harrison Way/Harraby Green Road.

Subject to the above, consideration should be given to the imposition of 9 conditions.

Leisure & Comm Dev - Landscape Services: In relation to the originally submitted plans the following comments were made:

1. The play area, access path and (if required under local plan policies) the kick-about park which were shown on previous applications, have been omitted. They must be shown on plans as they will be required to be provided.
2. Details can be agreed later, but a facility costing in the region of £50,000 will be required, the provision based on the City Council's specification.
3. The open space shown on the plan on the eastern boundary of the site, next to Harrison Way, will not be adopted by the City Council.
4. No amenity areas will be adopted on the new development apart from the large public open space, incorporating the relevant facilities, located between the development and the River Petteril.

Comments on the revised plans are awaited.

United Utilities (former Norweb & NWW): Comments awaited.

Environmental Services: No observations.

Drainage Engineer - Commercial & Technical Services: The comments on drainage issues are as follows:

Foul drainage - There is an existing public sewer, which runs along the eastern boundary of the site. There must be no building within 3 metres of the centreline of this sewer. Any proposals for the diversion of this sewer to facilitate development must first be approved by the Drainage Section. The existing combined sewer is capable of accepting foul drainage from the proposed development.

Surface Water - The free discharge of surface water run-off from the proposed development to the existing combined sewer will not be desirable. Since the site is bounded by the River Petteril, the developer should investigate the possibility of discharging surface water run-off to the river. Any discharge to the watercourse will require approval and formal consent from the Environment Agency. In order to reduce the impact of surface water run off from the development it is likely that the developer will be required to provide storage within the development to attenuate surface water run off from roofs and paved areas. Calculations supporting this will be required before the development commences.

Furthermore, the developer may wish to investigate the use of sustainable urban drainage techniques in order to reduce the impact of surface water run-off.

If the developer is proposing any of the on site sewers for adoption as public sewers then a submission in accordance with 'Sewers for Adoption', fifth edition, should be made.

Cumbria Constabulary - Crime Prevention: Comments awaited.

Carlisle Housing Association: No wish to make any comments.

Environment Agency (N Area (+ Waste Disp)): Comments awaited.

Cumbria County Council - (Archaeological Services): Based on the contents of an archaeological investigation carried out it is recommended that a condition is imposed concerning the implementation of a programme of archaeological work.

Summary of Representations:

Representations Received

Initial:	Consulted:	Reply Type:
The Occupier / Owner, 1 Harraby Green Hall	03/01/03	
The Occupier / Owner, 2 Harraby Green Hall	03/01/03	
The Occupier / Owner, 3 Harraby Green Hall	03/01/03	
The Occupier / Owner, 4 Harraby Green Hall	03/01/03	
The Occupier / Owner, 5 Harraby Green Hall	03/01/03	
The Occupier / Owner, 6 Harraby Green Hall	03/01/03	
The Occupier / Owner, 7 Harraby Green Hall	03/01/03	
The Occupier / Owner, 8 Harraby Green Hall	03/01/03	
The Occupier / Owner, 9 Harraby Green Hall	03/01/03	
The Occupier / Owner, 10 Harraby Green Hall	03/01/03	
The Occupier / Owner, 11 Harraby Green Hall	03/01/03	
The Occupier / Owner, 12 Harraby Green Hall	03/01/03	
The Occupier / Owner, 13 Harraby Green Hall	03/01/03	
The Occupier / Owner, 14 Harraby Green Hall	03/01/03	
The Occupier / Owner, 15 Harraby Green Hall	03/01/03	
The Occupier / Owner, 16 Harraby Green Hall	03/01/03	
The Occupier / Owner, 17 Harraby Green Hall	03/01/03	
The Occupier / Owner, 1 Harraby Green Road	03/01/03	
The Occupier / Owner, 2 Harraby Green Road	03/01/03	
The Occupier / Owner, 3 Harraby Green Road	03/01/03	
The Occupier / Owner, 4 Harraby Green Road	03/01/03	
The Occupier / Owner, 5 Harraby Green Road	03/01/03	
The Occupier / Owner, 6 Harraby Green Road	03/01/03	
The Occupier / Owner, 7 Harraby Green Road	03/01/03	
The Occupier / Owner, 8 Harraby Green Road	03/01/03	
The Occupier / Owner, 9 Harraby Green Road	03/01/03	
The Occupier / Owner, 10 Harraby Green Road	03/01/03	
The Occupier / Owner, 11 Harraby Green Road	03/01/03	
The Occupier / Owner, 12 Harraby Green Road	03/01/03	
The Occupier / Owner, 13 Harraby Green Road	03/01/03	
The Occupier / Owner, 14 Harraby Green Road	03/01/03	
The Occupier / Owner, 15 Harraby Green Road	03/01/03	
The Occupier / Owner, 17 Harraby Green Road	03/01/03	
The Occupier / Owner, 19 Harraby Green Road	03/01/03	

The Occupier / Owner, 21 Harraby Green Road	03/01/03
The Occupier / Owner, 23 Harraby Green Road	03/01/03
The Occupier / Owner, 25 Harraby Green Road	03/01/03
The Occupier / Owner, 27 Harraby Green Road	03/01/03
The Occupier / Owner, 29 Harraby Green Road	03/01/03
The Occupier / Owner, 2 Herbert Street	03/01/03
The Occupier / Owner, 4 Herbert Street	03/01/03
The Occupier / Owner, 6 Herbert Street	03/01/03
The Occupier / Owner, 8 Herbert Street	03/01/03
The Occupier / Owner, 10 Herbert Street	03/01/03
The Occupier / Owner, 12 Herbert Street	03/01/03
The Occupier / Owner, 14 Herbert Street	03/01/03
The Occupier / Owner, 16 Herbert Street	03/01/03
The Occupier / Owner, 18 Herbert Street	03/01/03
The Occupier / Owner, 20 Herbert Street	03/01/03
The Occupier / Owner, 22 Herbert Street	03/01/03
The Occupier / Owner, 24 Herbert Street	03/01/03
The Occupier / Owner, 26 Herbert Street	03/01/03
The Occupier / Owner, 28 Herbert Street	03/01/03
The Occupier / Owner, 30 Herbert Street	03/01/03
The Occupier / Owner, 32 Herbert Street	03/01/03

This application has been advertised in the form of a press notice, site notice and the direct notification of the occupiers of 55 neighbouring properties. The neighbouring properties were re-notified following receipt of the revised plans. At the time of preparing the report no formal observations have been received although a neighbouring resident did raise a concern over the increase in traffic when processing the previous application number 02/0803.

Details of Proposal/Officer Appraisal:

Planning History:

In 1950, under application reference number 19754, planning permission was given for the erection of an egg packing station. New buildings, extensions and the formation of a private road were subsequently approved in 1953, 1955, 1957, 1959, 1967, 1968, 1969, 1970, 1972 and 1975.

In 1984, application numbers 84/0015 and 84/0744, permission was given for the installation of ice making plant and a liquid nitrogen storage vessel.

In 1992, application numbers 92/0251 and 92/0826, permission for extensions to provide a packing store and process treatment plant, and, milk storage tanks.

In 1993, application number 93/0092, planning permission was granted to vary a condition attached to decision notice 92/0251 to allow deliveries of milk on Sundays and Public Holidays. The aforementioned permission was subject to the completion of a Section 106 Agreement.

In 1994 (reference number 94/0008) temporary planning consent was granted for the use of existing buildings for the production of dairy based dessert products and storage of materials associated with the process.

In 1997, (reference number 97/0009 and in 2000 (00/0095) permission was

renewed for the production of dairy based products.

Last year, under application number 02/0803, planning permission was sought for residential development but the proposal was subsequently withdrawn prior to determination.

Details of Proposal:

This application relates to the former Highgrove Dairy premises located at the southern end of Harraby Green Road and to the immediate north of Harraby Green Business Park. The site is bounded to the east and west by the access and egress roads serving the Business Park. To the west there is also an existing embankment and open field leading to the River Petteril.

The revised plans show the provision of a total of 95 residential units ranging from detached bungalows and two/three storey houses to apartment blocks with 4/5 floors. Externally the buildings would consist of grey concrete tiles on the roof, Artstone detailing with a render and brick finish to the walls.

Vehicular access to serve the proposed bungalows and houses would be at the end of Harraby Green Road. Access to the three apartment blocks would be gained off Harrison Way. Under the current proposal access and egress from Harraby Green Business Park would be via Harrison Way. The intention is for the majority of the existing open field to become public open space with playground facilities and a kick-about area - see attached copies of plans.

The submitted forms and plans are accompanied by a Statement, a Transport Assessment Report, a Revised Transport Assessment, and, two Flood Risk Assessments. The Statement explains, amongst other things, that:

- Between 1987 and 1997 Harraby Green Business Park has been successfully transformed into a well balanced mixture of light industrial, commercial and office units together with residential properties to let.
- The former RAFA Club, on the east side of the access road, has been re-named Harraby Green Hall, developed to form 17 lettable apartments. Planning permission (application reference 02/0479) for extending the Hall with a further 8 apartments has just been granted.
- In the case of Harraby Green Business Park there is an outstanding permission (application reference 97/0978) for a further phase of development which includes 750 square metres office/workshops, a large swimming pool with gymnasium and 16 residential apartments. If permission was granted for the current proposal, the intention would be not to implement the permission granted under 97/0978.
- The Highgrove Dairy site falls within a designated Primary Employment Area. Since the purchase was agreed in May last year the applicants have made determined efforts to attract industrial users to the site. All interested parties have, however, withdrawn because of the relative

narrowness of Harraby Green Road, and, the existing operating restrictions on the site concerning traffic, hours of use, and, the extent of the site to be developed. The applicants explored the idea of providing a new access road to the whole of Harraby Green by extending Eastern Way. This, however, proved to be financially untenable.

- The site is thus considered not to be viable for modern industrial/commercial purposes but yet fulfils the criteria as a "Brownfield" site suitable for residential re-development.
- The proposed residential use will retain the tranquility experienced over the past year by the residents of Harraby Green Road due to the cessation of HGV traffic. The disappearance of the unsightly industrial complex will greatly improve the appearance of the area and with the new residential backdrop transform the character of Harraby Green Road.

The original Transport Assessment Report, highlights:

- Harraby Green is well served by public transport on London Road where access to the City Centre is provided by a bus lane and bus priority measures. Travelling north towards the City Centre cyclists share the bus lane and in the reverse direction a segregated shared facility is provided on the footway.
- It is estimated that the total number of vehicle flows associated with the development approved in 1998, under 97/0978 would have been 163 in the morning peak and 136 in the evening peak.
- When comparing the likely traffic generated by the development given permission under 97/0978 and the current proposal (02/0803) it is concluded that application 02/0803 will generate 11 more vehicle movements during the morning peak period and 9 additional vehicle movements in the evening peak period.
- The total inflow volumes at the junction of London Road and Eastern Way were 3718 and 3762 in the morning and evening peak periods in April 2002. The current proposal will add 26 and 24 vehicles in the morning and evening periods. This represents only an additional 0.5% and 0.7% in the morning and evening peak periods.

The Flood Risk Assessment recommends:

- The development scheme should include provisions to increase the Floodplain area where practicable to provide as much storage as possible. Flood alleviation measures, however, will not be necessary as part of the scheme development.
- The applicants should consider whether occasional flooding of the proposed sports field and playground of the development site is acceptable.

- The maintenance regime to remove debris in the river section under the bridge may be necessary to ensure adequate flow capacity.
- Sustainable drainage design principles should be applied with respect to surface water runoff from the site development proposal in order to minimise flows into the River Petteril catchment area.
- Although the vast majority of the site is elevated well above the highest predicted flood level, there is a small area of land to the west of Highgrove Dairy which could easily theoretically be susceptible to localised flooding, even though it is located to the east of the Floodplain. It would be prudent to raise this to a minimum elevation of approximately 21.6 metres AOD and/or to design the site landscaping to exclude the ingress of 1:100 year floodwaters.

In considering this application, with regard to the adopted policies and the comments of interested parties, it is felt that the following issues need to be kept in mind:

- a) Designated Primary Employment Area - Under Policy EM2 of the CDLP the site is identified as being within a Primary Employment Area. There is therefore a general presumption against redevelopment for purposes which do not fall within Use Classes B1, B2 and B8. Policy EM2, however, acknowledges that exceptions may be made in certain circumstances. Policy EM2 is also accompanied by a series of explanatory paragraphs one of which, 5.37 states:

"Another exception to this Policy may be development permitted under H4, which makes provision for residential development, including redevelopment and changes of use of vacant and under-used buildings outside Primary Residential Areas, subject to certain criteria. The apparent conflict that may arise between Policy EM2 and H4 will be reconciled by looking at the facts and merits of individual cases, and in particular the material considerations which may lead to a decision other than that led by the Development Plan".

In this instance Members will be aware of the problems previously experienced by the residents of Harraby Green Road. The applicants have also highlighted difficulties they have experienced in seeking to let the property for commercial purposes.

- b) Potential conflict of uses with HGBP - The existing commercial units at Harraby Green Business Park (HGBP), which border the current application site, consist of a cold store for Calders (units 16-18 and 20), Workware (unit 21), a marketing company (unit 22), and, Lakesway who specialise in products for disabled people (unit 23). The majority of the proposed units closest to HGBP are the apartments. To minimise any impact on the amenities of the proposed units the applicants intend to provide a combination of planting and a wall along the boundary. The car park to serve the apartments has also been located parallel to the boundary.

- c) Traffic - Under application number 97/0978 planning permission was granted for the erection of offices/workshops (Use Class B1), swimming pool and gymnasium (Use Class D2) on the ground floor, and, 16 apartments above at HGBP. The aforementioned permission does not expire until after the 24th April 2003. The applicants, nevertheless, intend to supersede the proposal approved under 97/0978 with a revised scheme which will be submitted to the Council for consideration later this year.

- d) Existing Legal Constraints concerning current application site - Members need to be aware that when planning permission was given originally under 90/0582 to develop Harraby Green Business Park the permission was subject to a Section 106 Agreement under which land was to be retained as a field or open space. The current proposal incorporates some HGBP land subject to the aforementioned constraint.

In addition, the former Highgrove Dairy site was subject to a planning permission granted in 1995, application number 93/0092, which also included a Section 106 Agreement. Under the aforementioned Agreement the then owners agreed to the cessation of the use of the part of the site so that it currently has a nil planning use. The schedule then went on to stipulate that the area involved could thereafter only be use pursuant to a subsequent planning permission judged against the criteria set out in Policies EM3, E4, E22, E23, E26, L5 and L6 of the Carlisle Urban Area Local Plan.

It is therefore likely that both Agreements will need to be modified to take account of the current proposal.

- e) Design and density of development - PPG3 "Housing" (2000) emphasises in paragraph 1 and 10 that local planning authorities should ensure that new housing development help to secure a better social mix by avoiding the creation of large areas of housing of similar characteristics. Paragraph 58 goes on to say that housing development which makes more efficient use of land (i.e. between 30 and 50 dwellings per hectare) should be encouraged.

The current application site involves a total area of 3.5 hectares of which approximately 2.5 hectares relate to the residential development i.e. at a density of 37 dwellings per hectare.

- f) Public open space - The submitted layout plan shows the provision, at the applicants expense, of public open space including a kick-about area pitch and playground which would be adopted by the Council. The Flood Risk Assessment highlights that this land could be subject to flooding. The formal observations of the Head of Leisure Services are awaited at the time of preparing the report. This aside, the dedication to and future maintenance of the public open space by the Council would need to be subject to a Section 106 Agreement.

- g) Security - The applicants have set out to ensure that the public open

space is overlooked and lit with a single path leading to and from the playground.

- h) Social housing - Policy H8 of the Local Plan and Policy 32 of the Structure Plan set out to ensure that on large housing developments some provision is made for affordable housing to meet a proven local need. Carlisle Housing Association have nonetheless verbally indicated that the provision of any social housing in this location is not necessary.
- i) Visual impact - The application site is generally at a lower level to the neighbouring residential properties along Harraby Green Road and Herbert Street. Within the application site the form of the development has been designed so that the buildings would graduate from the bungalows and two storey houses, to the three storey houses and then the apartment blocks. From outside the site the development would be viewed against the backdrop of the existing development at Harraby Green Road/Herbert Street, and, the existing buildings within the Business Park. The existing aspect of the floodplain is retained through its proposed use as public open space.
- j) Flood and contamination risk - Copies of the two Flood Risk Assessments have been forwarded, along with further information on the previous use of the site, to the Environment Agency. A revised formal response from the Environment Agency is currently awaited.
- k) Archaeology - Following the undertaking of an evaluation the County Archaeologist has no wish to raise any objections.
- l) Foul and surface water drainage - The applicants intend that only the foul drainage would be connected into the existing foul sewer. The surface water would be discharged to the River Petteril via a suitably designed storage system. The Environment Agency and United Utilities have, however, yet to confirm their agreement to such an arrangement.

In overall terms this application needs to be seen in the context of the Government's objectives of utilising brownfield land and that everyone should have the opportunity of a decent home based on a greater choice of housing which does not reinforce any social distinctions.

At the time of preparing the report the formal observations of the Environment Agency are awaited; and, agreement over issues associated with flood and contamination risks, highways and drainage have yet to be reached. On the basis that all the matters are successfully resolved the proposal authority to issue an approval will be sought subject to the satisfactory completion of a Deed of Variation to the Section 106 Agreements.

Human Rights Act 1998

Several provisions of the above Act can have implications in relation to the

consideration of planning proposals, the most notable being:

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

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

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

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

The rights of the neighbouring residents are respected but in this instance it is considered that there is no conflict with the above Articles.

A to I

Recommendation: Grant Permission

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.

2. The carriageway, footways and footpaths shall be designed, constructed, drained and lit to a standard suitable for adoption and in this respect further details, including longitudinal/cross sections, shall be submitted to the local planning authority for approval before any work commences on site. No work shall be commenced until a full specification has been approved. These details shall be in accordance with the standards laid down in the current Cumbria Design Guide. Any works so approved shall be constructed before the development is completed.

Reason: To ensure that the matters specified are designed to the satisfaction of the local planning authority.

3. No development shall commence until visibility splays providing clear visibility of 4.5 metres x 60 metres measured down the centre of the access road and the nearside channel line of the major road have been provided at the junction of the access road with the county highway. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grow within the visibility splay which obstruct the visibility splays.

Reason: In the interests of highway safety.

4. No dwellings shall be commenced until the access roads, as approved, are defined by kerbs and sub-base construction.

Reason: To ensure adequate access is available for each occupier.

5. No dwellings shall be occupied until the estate road to serve such dwellings has been constructed in all respects to base course level and street lighting has been provided and brought into full operational use.

Reason: In the interests of highway safety.

6. Details of all measures to be taken by the applicant/developer to prevent surface water discharging onto the highway shall be submitted to the local planning authority for approval prior to the development being completed and shall be maintained operational thereafter.

Reason: In the interests of highway safety and to minimise potential hazards.

7. A visibility splay of 2.4 metres x 2.4 metres shall be provided and maintained where a driveway meets the back edge of a footway, with no obstruction higher than 600 mm above carriageway level. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be permitted to grow within the visibility splay which obstruct the visibility splays.

Reason: In the interests of pedestrian safety.

8. Ramps shall be provided on each side of every road junction to enable wheelchairs, prams and invalid carriages to be safely manoeuvred at kerb lines. Details of all such ramps shall be submitted to the local planning authority for approval before development commences. Any details so approved shall be constructed as part of the development.

Reason: To ensure that pedestrians can negotiate road junctions in relative safety.

9. Efficient means shall be installed for cleaning all vehicles ^{Construction} leaving the site (with the exception of public cars), maintained for the life of operations and used to ensure that no slurry, mud or other material from the site is deposited upon the public highway. Adequate drains shall be installed to ensure that water from any wheel wash does not flow onto the public highway.

Reason: To avoid danger and inconvenience to road users.

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

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

11. The proposed childrens play area shall be laid out and provided with items of equipment at the expense of the developer in accordance with a scheme to be submitted to and approved by the local planning authority before the commencement of any work on the erection of the dwelling and shall be completed in accordance with an agreed programme for implementation.

Reason: In order to secure a satisfactory standard of development and to make proper provision for the recreational needs of the area.

12. The play area to be incorporated in the development shall be fully equipped to the satisfaction of the local planning authority and be operational before the 30th residential unit is occupied.

Reason: In order to secure a satisfactory standard of development and to make proper provision for the recreational needs of the area.

13. Particulars of height and materials of all screen walls and boundary fences shall be submitted to and approved by the local planning authority prior to the commencement of the development hereby permitted.

Reason: To ensure that the appearance of the area is not prejudiced by lack of satisfactory screening which is not carried out in a co-ordinated manner.

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

Reason: To ensure that a satisfactory landscaping scheme is prepared.

15. All works comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following occupation of any residential unit or completion of the development, whichever is the sooner.

Reason: To ensure that a satisfactory landscaping scheme is implemented.

16. Trees, hedges and plants shown in the landscaping scheme to be retained or planted which, during the development works or a period of five years thereafter, are removed without prior written consent from the local planning authority, or die, become diseased or are damaged, shall be replaced in the first available planting season with others of such species and size as the authority may specify.

Reason: To ensure as far as possible that the landscaping scheme is fully effective.

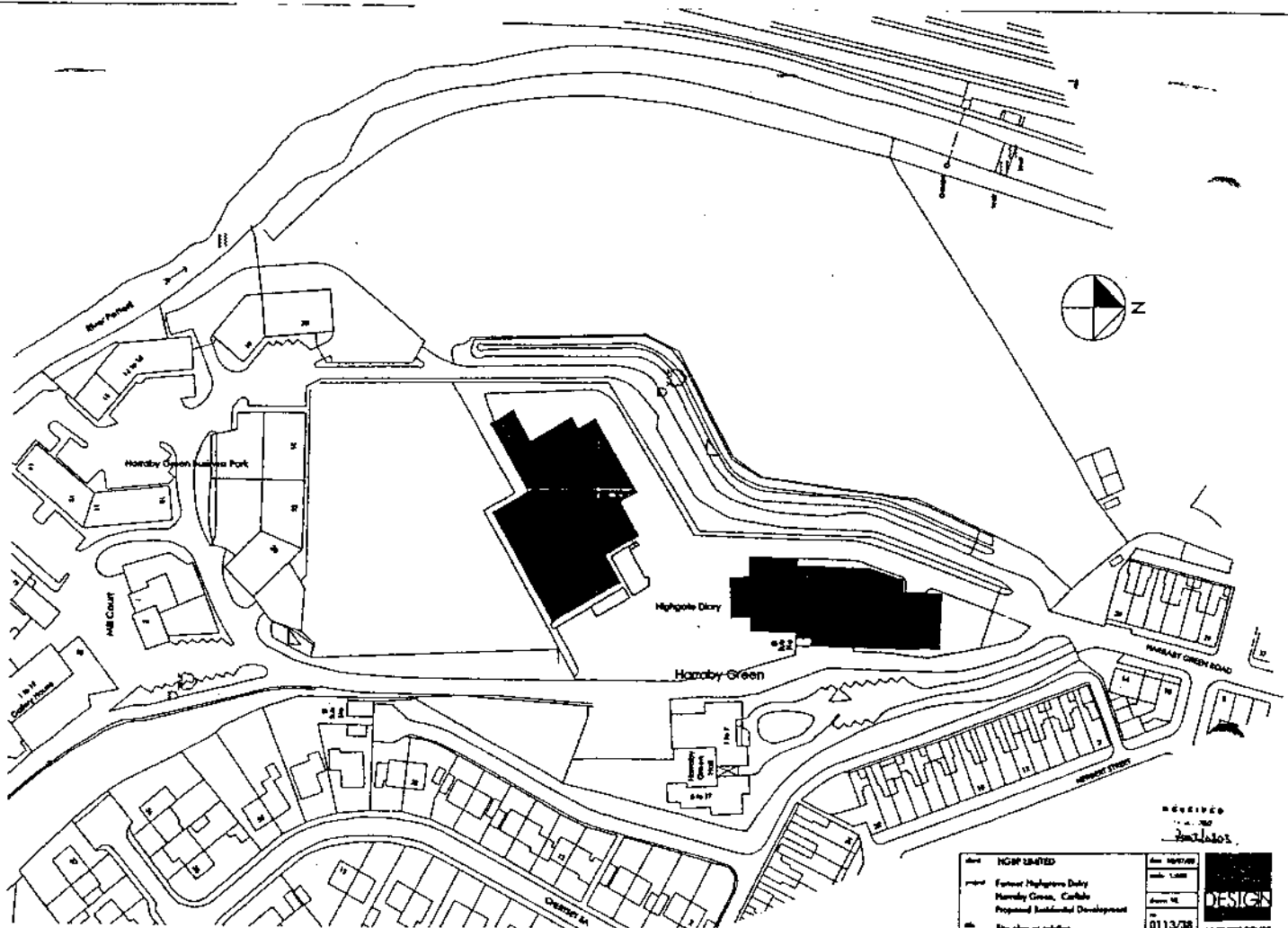
17. Samples or full details of all materials to be used on the exterior shall be submitted to and approved in writing by the local planning authority before any

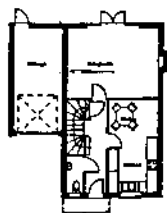
work is commenced.

Reason: To ensure the works harmonise as closely as possible with the existing building.

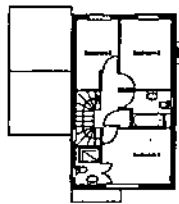
18. Details shall be submitted of the proposed hard surface finishes to all public and private external areas within the proposed scheme and approved by the local planning authority before any site works commence, and the approved scheme shall be fully implemented before any of the dwellings are occupied.

Reason: To ensure that materials to be used are acceptable.





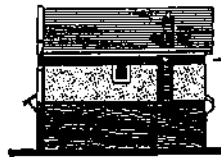
Ground Floor



First Floor



Front Elevation



Side Elevation 1

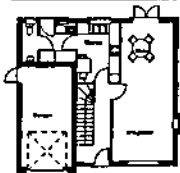


Rear Elevation



Side Elevation 2

Type A



Ground Floor



First Floor



Front Elevation



Side Elevation 1

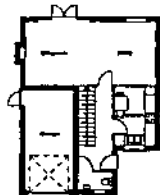


Rear Elevation

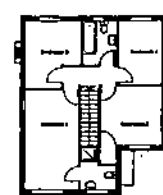


Side Elevation 2

Type B



Ground Floor



First Floor



Front Elevation



Side Elevation 1



Rear Elevation

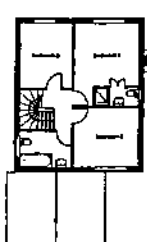


Side Elevation 2

Type C



Ground Floor



First Floor



Front Elevation



Side Elevation 1



Rear Elevation



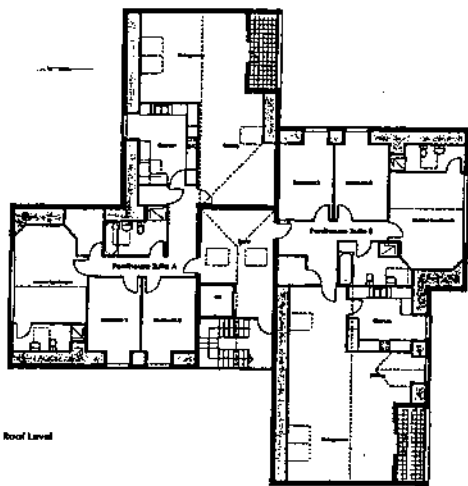
Side Elevation 2

Type D

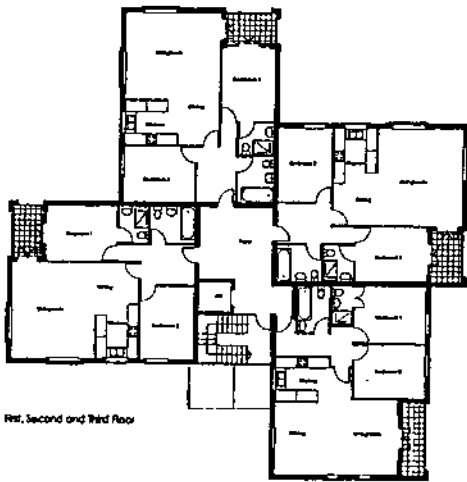
NOTES:
1. All plans are to be constructed in accordance with the Building Regulations and the Building Control Authority's requirements.
2. All plans are to be constructed in accordance with the Building Regulations and the Building Control Authority's requirements.
3. All plans are to be constructed in accordance with the Building Regulations and the Building Control Authority's requirements.

H&B LIMITED		Date: 01/11/00	
Project: Forest Highways Dairy		Scale: 1:100	
Location: Marnley Green, Cardiff		Drawn by: JH	
Proposed Residential Development		Date: 01/13/00	
Site: Plans & Elevations Building types A, B, C and D		Check: JH	
Project Name: Marnley Green Dairy Farm, Cardiff, GSA 200 00000 00000			

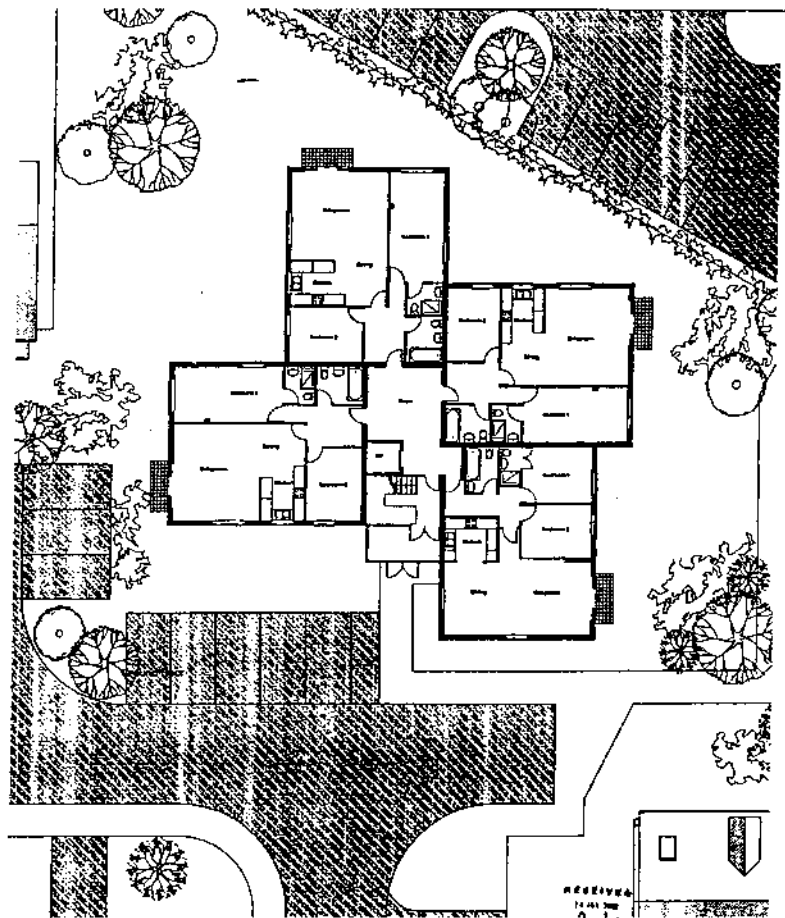
RECEIVED
11/11/00
DESIGN
ARCHITECTURE
INTERIORS
GRAPHICS



Roof Level



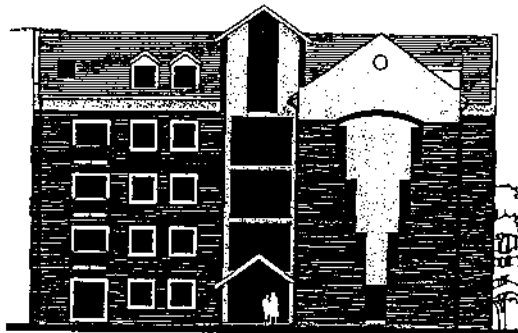
First, Second and Third Floor



Notes:
1. Dark grey indicates steel.
2. Light grey indicates concrete.
3. White indicates ground plane.
4. All dimensions are in feet and inches.
5. All dimensions are to the center of the wall unless otherwise noted.

Arch: HCB LIMITED
Project: Future Highways Dairy
Hendry Grove, Cumbria
Proposed Residential Development
Site: Apartment Block 1
Phase:
Scale: 1/4" = 1'-0"

Arch: HCB LIMITED
Scale: 1/4" = 1'-0"
Date: 11/13/02
By: [Signature]
Check: [Signature]
ARCHITECTURE
INTERIORS
GRAPHICS



North West Elevation



South West Elevation



South East Elevation



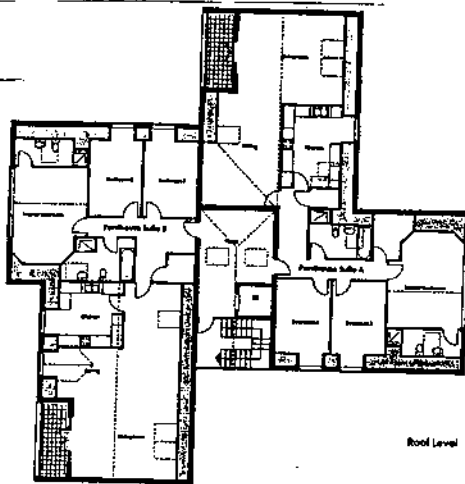
North East Elevation

Notes:
 Finish - Dark grey concrete block
 Siding - White horizontal siding
 Windows - White vinyl
 Doors - White vinyl

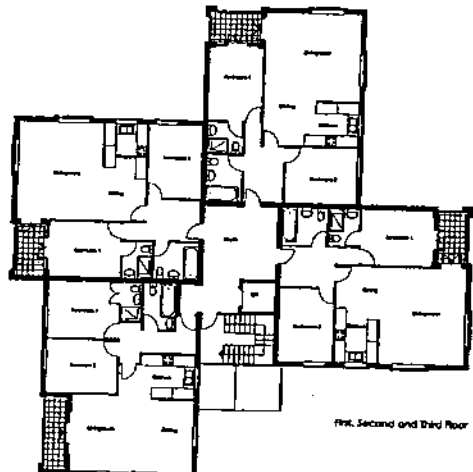
received
 10-11-13
 [Signature]

Client	MCOR LIMITED	Date	10/11/13
Project	Former Highways Dairy Horsley Green, Louth Proposed Residential Development	Drawn By	
File	Apartment Block 1 Elevations	Date	01/13/13

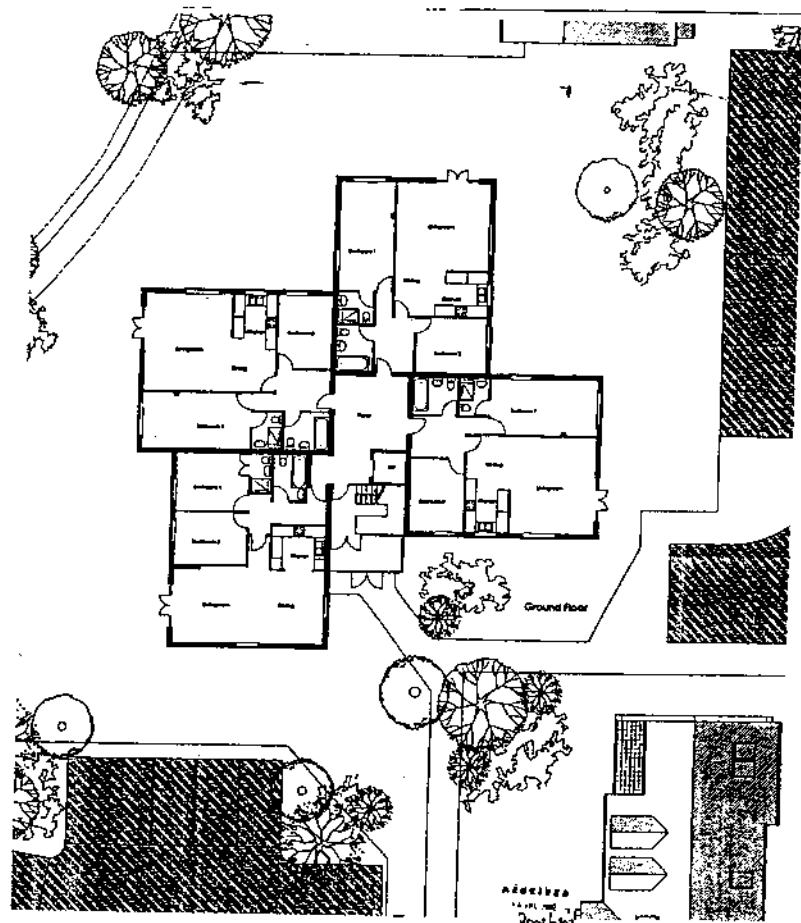
DESIGN
 ARCHITECTURE
 INTERIORS
 GRAPHICS



Roof Level



First, Second and Third Floor



Ground Floor

Notes:
1. All doors are composite. See
2. Double doors to ground floor with
3. Double doors to ground floor with
4. Double doors to ground floor with
5. Double doors to ground floor with

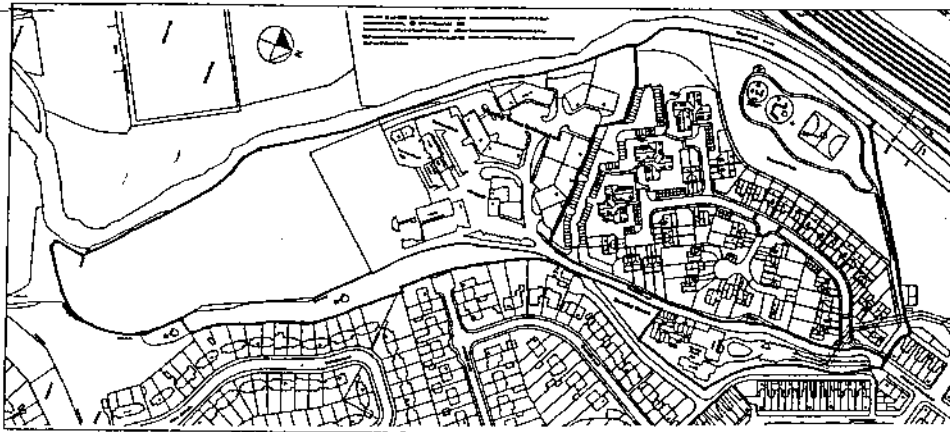
PROJECT Former Highgrove Dairy Formerly Green, Corfield Proposed Residential Development No. Apartment Block 2 Plans		DATE 01/13/04 SCALE 1/8" = 1'-0"	DESIGN ARCHITECTURE INTERIORS GRAPHICS
--	--	---	--



alt:	NGSP LIMITED	date:	10/07/02
proj:	Former Highways Dairy Murray Green, Cuthbert	note:	1:100
	Proposed Residential Development	drawn by:	
site:	Apartment Block 2 Cuthbert	no:	0113/35
		rev:	

Surveyors: Murray Green Business Park, Cuthbert, NSW 2355. 01228 895094

DESIGN
ARCHITECTURE
INTERIORS
GRAPHICS



Location plan



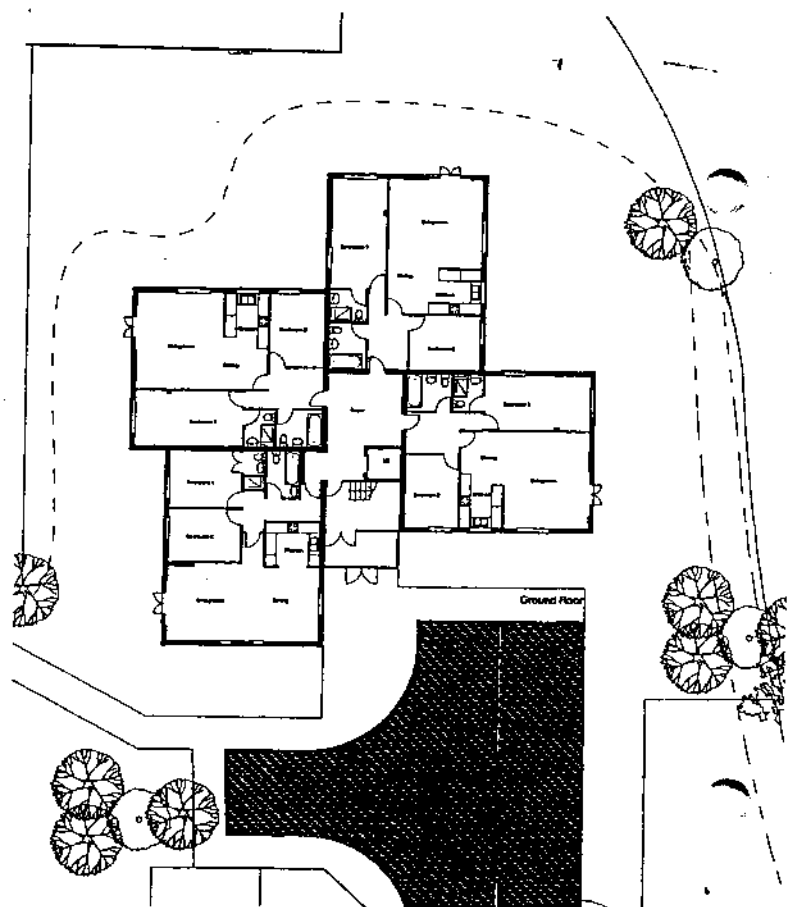
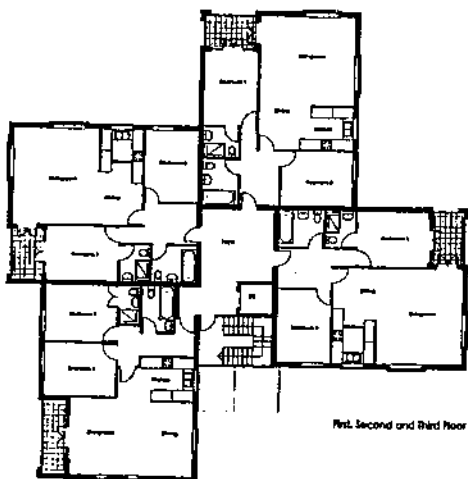
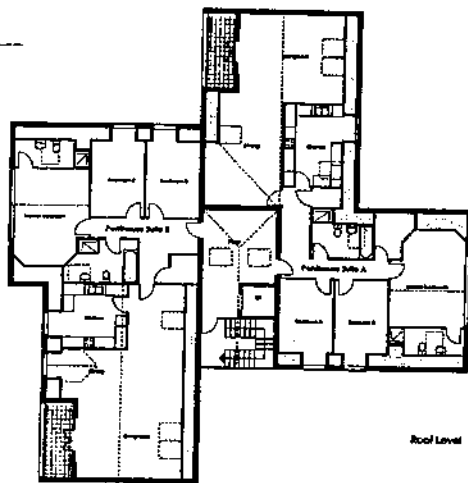
Land use designation plan

Rev A 04/09/98 Apartment Block 2 added

Client	HQBP LIMITED	Date	26/02/98
Project	Former Highgrove Dairy Horsley Green, Crowthorne	Scale	1:1250
Project Description	Proposed Residential Development	Drawn By	
File	Location Plan & Land Use Designation Plan	Ref	0113/37
Rev	A	Author	

Project Name: Horsley Green Dairy, Crowthorne, Glos. OS Ref: 91230 93000

DESIGN
ARCHITECTURE
INTERIORS
GRAPHICS



Finish:
 Walls: Dark gray concrete block
 Walls: Built-in to ground floor with
 white limestone with powder gray
 columns columns and other structural
 elements - white LVT

client: HCBF LIMITED project: Former Highgrove Estate location: Hamley Grove, Cardiff proposed: Residential Development site: Apartment Block 3 phase: Phase 1	date: 06/07/03 scale: 1:100 sheet: 01 date: 01/13/09 sheet: 01
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DESIGN
 ARCHITECTURE
 INTERIORS
 GRAPHICS



North East Devotion



North West Devotion



South West Devotion



South East Devotion

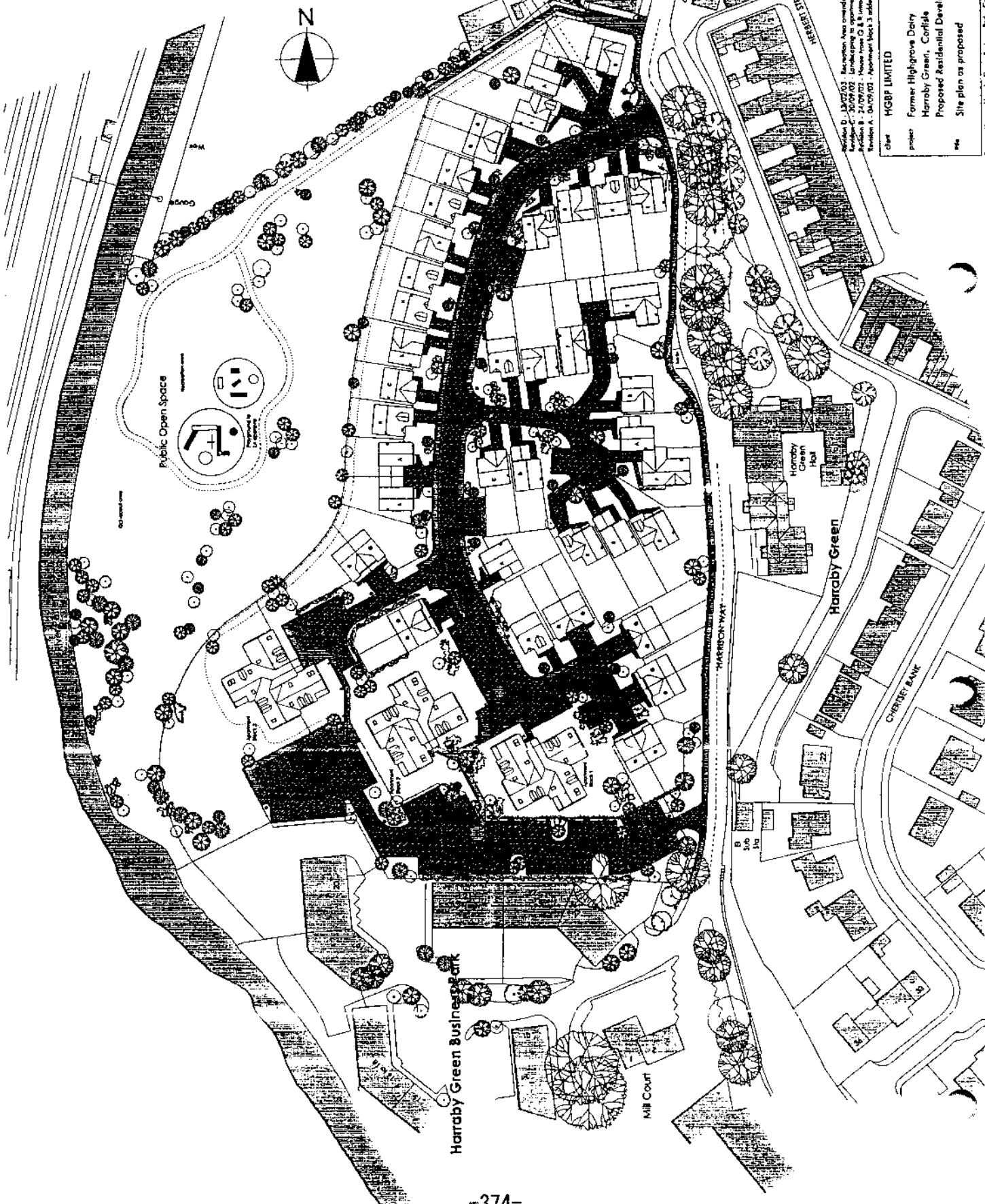
FINISHES
 Walls - Dark grey concrete tile
 Bulk - Back to ground floor with
 white painted bulk head over
 entrance and door surround
 Windows - White uPVC

client: HGB LIMITED project: Farnham Highways Entry Farnham Green, Cambs Proposed Residential Development no: Apartment Block 3 elevations	date: 04/08/08 scale: 1:100 sheet: 01/13/40 rev: -
---	---

DESIGN
 ARCHITECTURE
 INTERIORS
 GRAPHICS

PROP.	DESCRIPTION	DATE	BY	APP.
A	1. Initial	11.1	1	1
B	2. Revised	11.1	1	1
C	3. Revised	11.1	1	1
D	4. Revised	11.1	1	1
E	5. Revised	11.1	1	1
F	6. Revised	11.1	1	1
G	7. Revised	11.1	1	1
H	8. Revised	11.1	1	1
I	9. Revised	11.1	1	1
J	10. Revised	11.1	1	1
K	11. Revised	11.1	1	1
L	12. Revised	11.1	1	1
M	13. Revised	11.1	1	1
N	14. Revised	11.1	1	1
O	15. Revised	11.1	1	1
P	16. Revised	11.1	1	1
Q	17. Revised	11.1	1	1
R	18. Revised	11.1	1	1
S	19. Revised	11.1	1	1
T	20. Revised	11.1	1	1

The land is located in the 11.1



ROL DESIGN ARCHITECTURE

DATE: 07/07/02
SCALE: 1:500
DRAWN: PS
NO: 0113/36
REV: D

Client: HGBB LIMITED
Project: Former Highgrove Dairy
Haraby Green, Corfale
Proposed Residential Development
Site plan as proposed

Revision History: Haraby Green Business Park, Corfale, CAI 35, 01228 95886

Our ref: CJH/CW/0155

11 APR 2003

9th April 2003

For the attention of:
Mr Angus Hutchinson
Principal Development Control Officer
Carlisle City Council
Dept of Environment and Development
Civic Centre,
CARLISLE, CA3 8QG

Dear Mr Hutchinson,

Re: Development of Former Highgrove Dairy, Harraby Green, Carlisle

I refer to your fax to Mr Priddle of Burnetts Solicitors, which gave the formal observation of the Highway Authority.

This letter is in response to the comment in these observations that "the applicant should therefore consider providing a contribution for the provision and maintenance of a new bus shelter on London Road and providing a bus pass for at least one person per dwelling to encourage public transport patronage".

This is considered to be an unreasonable request for the reasons given below:

The development is on a brown field site close to the city centre. This close proximity will influence the mode of transport used for trips to and from the city centre. Residents will find the alternative modes of walking, cycling and public transport attractive for these short trips. The location of the development is therefore considered to have an influence on the public transport usage and the provision of a bus pass for the residents is therefore unwanted.

The bus stops that will be used by residents of this development are existing bus stops and already serve the surrounding residential area. If new bus stops were being provided solely for the new development, then it could be a reasonable request for the developer to contribute to the provision and maintenance of a bus shelter. As this is not the case, it is considered that this request is unreasonable.

I should like to point out that the area would benefit from this development by upgrading the Business Park access road and providing two acres of parkland. The access road will be widened and a new footway provided together with street lighting. The parkland (with a budget of £50,000) will benefit the whole community.

The request from the Highway Authority has been considered but it is thought unreasonable to provide either a bus shelter or bus passes.

I hope you understand that we feel we have already offered substantial improvements to the environment at Harraby Green, and have always got the community's well being at heart.

If you have any questions or queries relating to this matter, please do not hesitate to contact the office.

Regards,

Yours sincerely

A handwritten signature in black ink, appearing to read 'C. Harrison', with a long horizontal flourish extending to the right.

Christopher J Harrison

cc Mr Mark Goodwill -- Development Control Engineer (Carlisle & Eden)

SCHEDULE A: Applications with Recommendation

03/0067

Item No: 23

Date of Committee: 25/04/03

Appn Ref No:
03/0067

Applicant:
Mr G Wynne

Parish:
Stanwix Rural

Date of Receipt:
20/02/03

Agent:

Ward:
Stanwix Rural

Location:
L/Adj, Moor Cottage, Crosby-on-Eden, Carlisle, CA6
4QX

Grid Reference:
346069 559897

Proposal: Erection of agricultural building

Amendment:

John

Report

Planning Policies:

Airport Safeguarding Area

Carlisle District Plan Environment - Policy E8

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

1. The proposal reflects the scale and character of the existing group of buildings or settlement; and
2. There is no adverse effect upon the amenity of neighbouring property, and the character and appearance of the area; and
3. Satisfactory access and appropriate car parking can be achieved; and
4. Any exiting wildlife habitats are safeguarded.

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

Carlisle District Plan Environment - Policy E26

Within the buffer zone of Hadrian's Wall Military Zone World Heritage Site, as

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

1. The proposal reflects the scale and character of the existing group of buildings; and
2. There is no unacceptable adverse effect on the character and/or appearance of the Hadrian's Wall Military Zone World Heritage Site.

Carlisle District Plan Environment - Policy E2

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

1. The building or structure is sited where partial to integrate with existing farm buildings and/or take advantage of the contours of the land and any existing natural screening; and
2. The scale and form of the proposed building or structure relates to the existing group of farm buildings; and
3. Within AONB's and Conservation Areas, the design and materials used reflect the overall character of the area; and
4. The proposal would not have an unacceptable adverse effect on any adjacent properties.

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): No objection, subject to conditions.

Drainage Engineer - Commercial & Technical Services: Awaiting comments.

Stanwix Rural Parish Council: The Parish Council objects to this application on the grounds that there is no established need for the building and that it is therefore contrary to Policy E8 of the Carlisle District Plan. If permission is granted it should be only for a building clearly for agricultural purposes of an appropriate size. Other issues raised are the lack of a water supply, the inclusion of a road and a yard area and that the area is of archaeological significance.

County Land Agent (Capita dbs): The Land Agent's report appears in full in the schedule. Its conclusions are that the size of the building is excessive for the amount of livestock that can be carried on the land, and that the design needs to be improved to more accurately effect livestock housing needs.

Civil Aviation Authority: No objection.

Environment Agency (N Area (+ Waste Disp)): Awaiting comments.

Cumbria County Council - (Archaeological Services): No objection, subject to conditions.

Summary of Representations:

Representations Received

Initial:	Consulted:	Reply Type:
Mr & Mrs K Hampson, South View	20/02/03	Objection
Mr & Mrs Salkeld, Fell View	20/02/03	Objection
Mr & Mrs Connolly, Cherry Cottage	20/02/03	
Mr W Clark, Kirkham	20/02/03	

This application has been advertised by means of a site notice and neighbour notification. Three letters of objection have been received. These refer to the issues raised by the Parish Council, and in particular, question the purpose for which the building is intended.

Details of Proposal/Officer Appraisal:

Planning History:

At the meeting of the Committee on 15th November 2002, planning permission was refused for the erection of a dwelling in the corner of the field which is the location of the current proposal.

At the meeting on 31st January, permission was refused for a dwelling adjacent to the existing house, but with access through the field.

Details of Proposal:

Permission is sought for the erection of an agricultural building on land to the rear of the applicant's house, Crosby Moor Cottage. The land in question is a single field of 1 hectare, and the proposal is to erect a building 19.5m x 3.5m, with an overall height of 3m. The building would be of blockwork/boarding, with a box profile roof.

Planning permission is required for this building because the area of agricultural land held by the applicant is less than the 5ha. which confers permitted development rights for the erections of buildings. In such cases, the planning authority has to make a judgement as to the need for the building as well as its visual impact and any other particular issues relating to the site.

In relation to need, it follows from the from status of the land as open countryside that there is a presumption against development unless a need can be demonstrated. Whilst it can be agreed that there is a need for a building for even

small parcels of agricultural land for storage of machinery, fodder and housing of small numbers of livestock, this must be based on a reasonable assessment of need.

To assess this need, the advice of the County Land Agent is requested, and in this case his conclusion, based on the area of land, and the applicant's stated intentions, is that a building of either 29m² or 21m² would be required, depending on the nature of the enterprise. In either case, this is less than half the proposed area.

The applicant has contested these conclusions in a letter which is reproduced in the schedule. The Land Agent's comments on this letter have been requested, but on the basis of the available evidence, it seems unlikely that a building of the size proposed would be justified.

A further relevant consideration in this case is the location of the site within the Hadrian's Wall Buffer Zone, where policy E26 applies. Although this is a comparatively small building, its location in open countryside means that there is a conflict with policy E26.

It will be noted that the representations regarding the application raises issues regarding other potential uses of this building. This is speculative and the judgement must be made on the application as it stands.

Human Rights Act 1998

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

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

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

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

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

This application does not raise any Human Rights Act issues.

Recommendation: Refuse Permission

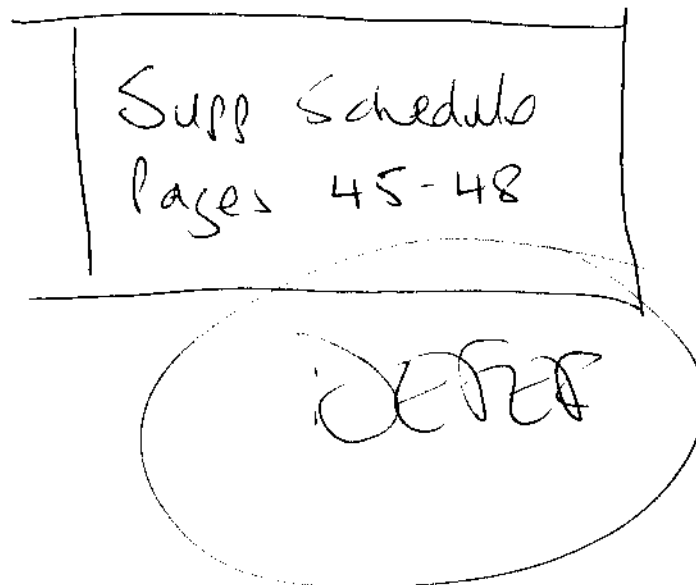
- Reason:** The application proposes the erection of an agricultural building on an area of agricultural land existing to 1ha. The land is open

countryside where there is clear presumption against development in the absence of an established need. It is considered that the applicant has failed to demonstrate a need for a building of the size and type proposed, and that the proposal is therefore contrary to policy E8 of the Carlisle District Local Plan.

2. **Reason:** The location of the proposed building is in open countryside, within the Hadrian's Wall Buffer Zone. As such the building would be a significant intrusion in this sensitive area, and would be contrary to Policy E26 of the Carlisle District Plan.

Probable deferment —

Appn isn't aware of recommendation.



CAPITA

INFRASTRUCTURE

09 April 2003
Your reference:
Our reference:
Enquiries to:

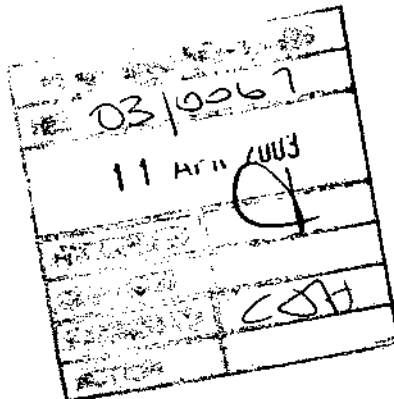
CGH/DC/03/0067
P3/3A/AGJ/ALR/19422
Alan Jackson

Please reply to Penrith Local Practice
Clint Mill, Cornmarket, Penrith CA11 7HP

Tel: 01768 242322 Fax: 01768 242321
e-mail enquiries penrith@capitadbs.co.uk

Carlisle City Council
Planning Services
Civic Centre
CARLISLE
CA3 8QG

FAO John Hamer



Dear Mr Hamer

PROPOSED AGRICULTURAL BUILDINGS, LAND ADJACENT MOOR COTTAGE, CROSBY ON EDEN, CARLISLE

I have received a letter dated 2 April from Mr G Wynne of Moor Cottage, Crosby Moor, Carlisle. I believe you have a copy of that letter and that you require my comments on its contents.

I note from Mr Wynne's letter that he can amend the design of the building but does not agree with the assessment in my report to you dated 11 March 2003 that the proposed building is excessive in size for the extent of his land holding.

The assessment of space requirements I set out in my report was based on the proposed livestock numbers supplied by Mr Wynne. These numbers are reasonable for the type and extent of his landholding. I have checked my calculations and confirm they are reasonable for the types of livestock that can be kept and the storage requirements for their winter feed.

I take Mr Wynne's point that calving cows and lambing ewes will produce offspring which require extra space. I have allowed for this with the suckler cows. In relation to the sheep enterprise, I have based my calculations on housing the sheep for 12 weeks. In practice, most lambing ewes are housed for only a few days at lambing time, with ewes and young lambs turned out to grass as soon as possible after lambing to minimise disease risks. In addition, as the winter progresses, stores of hay and straw will be used up, freeing more space.

The proposal to grow some horticultural crops is noted which will require space of housing machinery. Whereas this may be so, by using some of the land for horticultural crops, the ability to carry the suggested livestock numbers will be reduced.

Capita Property Consultancy Ltd

The Capita Building • Kingmoor Business Park • Carlisle • CA6 4SJ • Tel: 01228 673000 • Fax: 01228 673111

www.capitaproperty.co.uk

Capita Property Consultancy Ltd, 22 Bedford Square, London, WC1B 3PH, Tel: 020 7107 5555, Fax: 020 7107 5000

Registered office as follows: **382** - Ltd in England No: 2018542

Part of the Capita Group Plc, 71 Victoria Street, Westminster, London, SW1 0XA • www.capita.co.uk

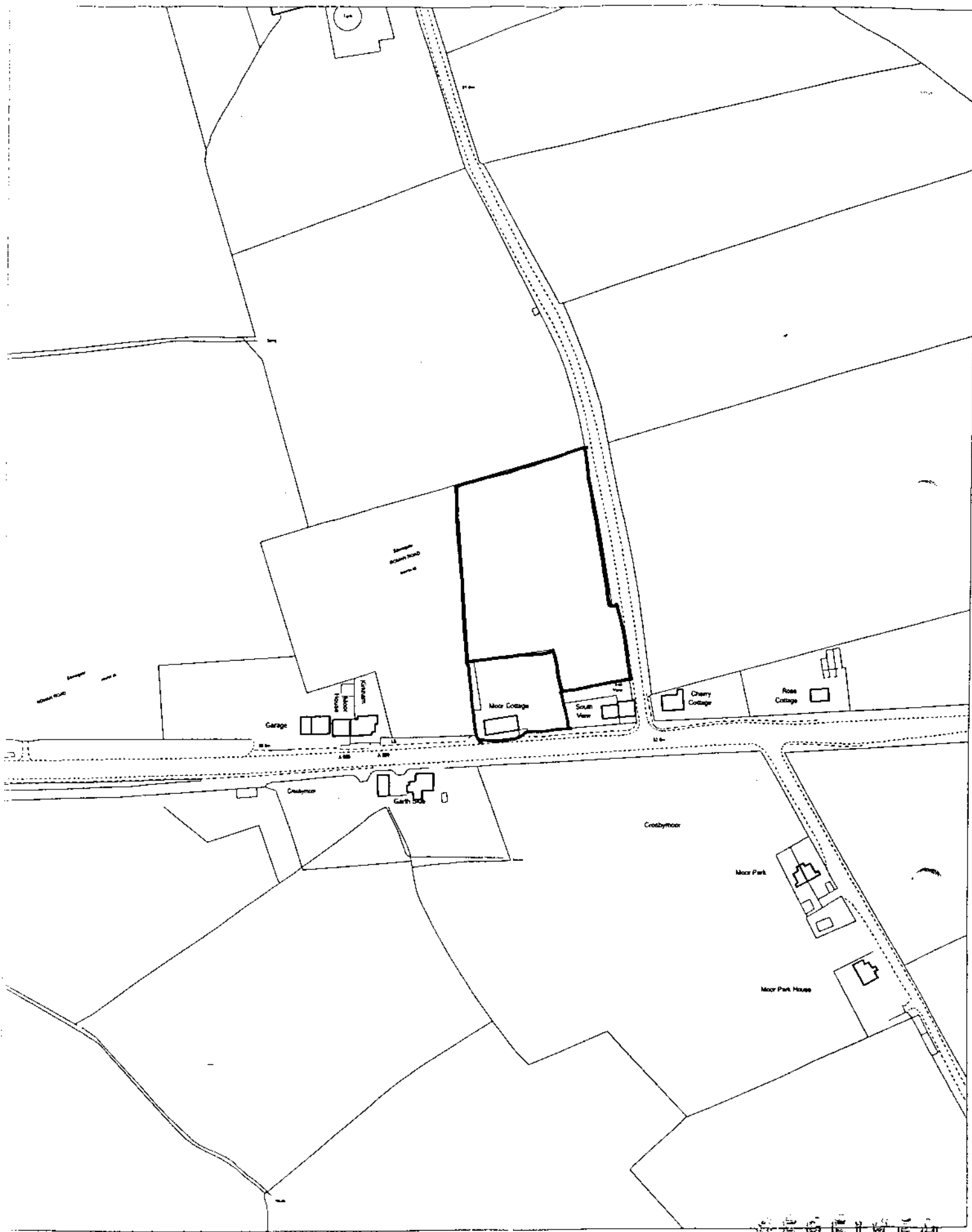
I therefore conclude by again advising that a building around 30m² of floor area is reasonable for this holding.

I have not responded to Mr Wynne on this issue as my original instructions originated from yourself.

Yours sincerely

A handwritten signature in black ink, appearing to read 'AJ Jackson', followed by a long horizontal flourish.

Alan Jackson
Senior Associate



CARLISLE CITY COUNCIL

Department of Environment & Development : Planning Services
Head of Planning : Alan Eales DipTP MRTPI

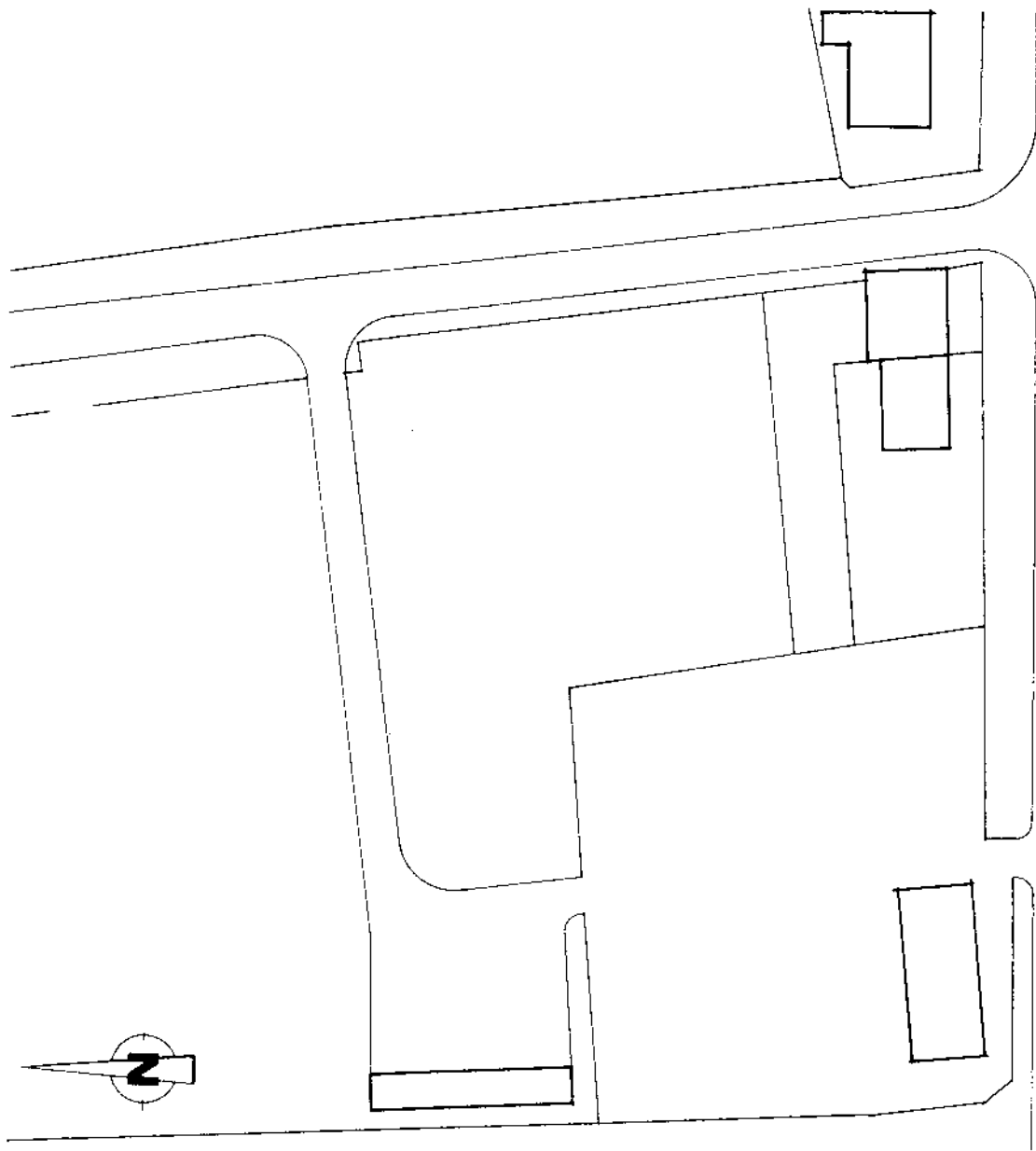
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1:2,500

24/6/2002

2003/0667



SITE PLAN

Scale: 1"=500

2633+0067

24 JAN 2000

PROPOSED AGRICULTURAL BUILDING

Moor Cottage
Crosby Moor
Carlisle
CA6 4QX
01228 573228

2nd April 03

Dear Mr Jackson

Report on agricultural building application 03/067

I have received, today, a copy of your report and can meet any approved agricultural building design but may I ask you to look again at your recommendations relating to the building size as you may not have fully appreciated the agricultural need required.

I enclose a copy of my application for a holding number. Cows have calves and sheep have lambs and that a mix of the two is also a probability. It also refers to 2 pigs and 10 poultry. At any one time the mix of species and their requirements would, exceed the space you have allowed in your calculations for good husbandry and welfare practice.

The land classification and type is also relevant when considering stocking numbers. One cow per acre or 6 sheep is the Less Favoured Area stocking levels but this allows for extra young stock numbers and land for conservation of feed. This land is better than "less favoured" and stocking levels may be higher if feed is purchased and stored.

I also refer you to "The Welfare of Farmed Animals Regulations 2000", which the Animal Health Office kindly provided and its requirement areas for isolation, regard for species, areas of shelter and access to feed and water.

I did not mean to imply that I would only keep one species of livestock at one time but suggested stocking levels based on what the land would support on a Small holding. Larger stocking levels would be possible with purchased fodder.

I planned for horticulture including soft fruit, vegetables and a small amount of cereals in the tradition of a smallholding and this is included for, on the holding number application. For this and the field management I will be keeping some machinery for which I need a store.

Considering the size of the building, I took into account the above needs and pens for different species, 2 areas of 12 sq metres each, which could be subdivided and one 8.75sqm. section for dry feed and livestock and horticultural equipment. The building height to 3metres was to keep the building as unobtrusive as possible, but could be raised if required.

The "store area" of 30 sq metres would enable different crops to be stored separately and hold a tractor and implements as I shall use some machinery of my own, for field management, recognising that the area does not warrant all types.

As the overall building size is not excessive for the field or in anyway near the 465m2 application limit for an agricultural building, I would ask you to review your comments in the light of my remarks and respond.

Yours sincerely

Giles Wynne

A.G.Jackson

Capita

CC John Hamer ✓

Planning

Carlisle City Council

Application for the allocation of an Agricultural Holding Number

- Please quote your full name or trading title (if any) when corresponding with the Department.
- Please complete the form in **BLOCK LETTERS** and return it to the address given opposite.

Please return the completed form to:

DEFRA
EDEN BRIDGE HOUSE
LONG STREET
CARDIFF CF98 1DX

REF

1. (a) Title (e.g. Mr/
Mrs/Miss/Ms)

MR

Initials

GM

Surname

WYNNE

(b) Business name
(if appropriate)

2. Full postal address
for correspondence

Moor Cottage
Crosby Moor
Crosby on Eden
CARLISLE

Postcode

CA6 4QX

Telephone No. (incl.
national dialling code)

01228

Fax No. (incl.
national dialling code)

01228

Mobile Telephone No.

573228

Email address

573228

3. (a) Address of
acquired land
(if different
to 2 above)

Postcode

(b) Name and current
address of previous
owner/occupier of
the acquired land*

Not known

Postcode

Telephone No. (incl. national dialling code)

*If unknown, please provide the name and address of the estate agent or solicitor involved in the transfer.

Details of the acquired land:

Part(s) in which land lies and map reference or field number(s) if known	Date you took over the land	Land taken over	
		Hectares	Acres
Crosby on Eden Field No 296 PT 302			2.4

(b) Is the land entered at
question 4(a) to be used for:

• Cereals?

YES

☒ NO ☐

• Livestock?

YES

☒ NO ☐

• Other?

YES

☒ NO ☐

Specify

Horticulture

If livestock please give the numbers of:

Dairy cattle

Beef cattle
2

Sheep
12

Goats

Pigs
2

Poultry
10

Mr G M Wynne
Moor Cottage
Crosby Moor
Crosby on Eden
Carlisle
CA6 4QX

Direct Line 01228 640424
Direct Fax 01228 640230
Email
Ref
Please reply Ann Carruthers
Your ref 08/067/0198

Date 4th December 2002

Dear Mr Wynne

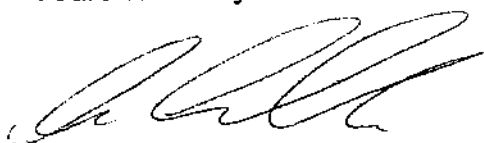
ALLOCATION OF AGRICULTURAL HOLDING REFERENCE NUMBER

I am now able to let you know that the Rural Payments Agency has allocated the Agricultural Holding Reference Number **08/067/0198** in respect of the land which you occupy at Crosby on Eden. You will be required to send Agricultural Returns to the Census Branch at least once a year.

Please quote this reference number on all communications about this land you may have with the RPA. If you wish to alter any details relating to this number, ie trading title, address or hectareage, please contact me or any member of the Registry Section at the above address.

The issue of a holding number is for statistical and administrative purposes only and does not imply recognition of the holding or unit for any other purpose.

Yours sincerely



ANN CARRUTHERS
REGISTRY

CAPITA

LOCAL PRACTICES

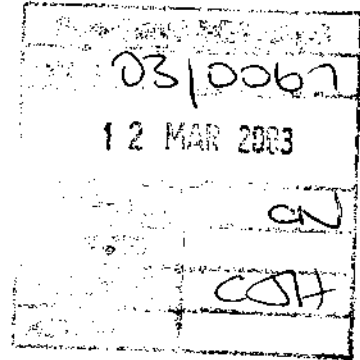
11 March 2003
Your reference:
Our reference:
Enquiries to:

CGH/DC/03/0067
P3/3A/AGJ/ALR/19065
Alan Jackson

Clint Mill Commarket Penrith CA11 7HP
tel 01768 242322 fax 01768 242321
e-mail enquiries penrith@capita.co.uk

Carlisle City Council
Planning Services
Civic Centre
CARLISLE
CA3 3QG

FAO John Hamer



Dear Mr Hamer

**PROPOSED AGRICULTURAL BUILDING LAND ADJACENT MOOR COTTAGE,
CROSBY ON EDEN, CARLISLE, CA6 4QX**

I refer to your letters and enclosures 20 and 24 February 2003 and now enclose my report.

Yours sincerely

Alan Jackson
Senior Associate

Enc

**LAND ADJACENT MOOR COTTAGE,
CROSBY ON EDEN,
CARLISLE
CA6 4QX**

Report on the agricultural need for a proposed agricultural building

CAPITA
Clint Mill
Cornmarket
PENRITH
CA11 7HP
Tel: 01768 242340

CAPITA
LOCAL PRACTICES

March 2003

Proposed agricultural building, Moor Cottage, Crosby on Eden

1.0 Introduction

- 1.1 This report has been prepared at the request of Carlisle City Council who asked on the 24 February 2003 if I would advise on the agricultural need for a proposed building on land adjacent to Moor Cottage, Crosby on Eden, Carlisle.
- 1.2 I met the applicant, Mr G Wynne at Moor Cottage, Crosby on Eden, Carlisle and inspected the application site on the 6 March 2003. The following information was provided by Mr Wynne.

2.0 Land Occupied

- 2.1 The agricultural land to the rear of Moor Cottage is shown edged on the application plan and comprises one enclosure extending to 2.4 acres or thereabouts. It is owner occupied by the applicant. This field is currently in grass.

The applicant advised that he occupied no other land in the locality.

3.0 Livestock

The applicant advised that he did not have any livestock at the present time but intended to keep either two suckler cows or 12 breeding ewes. Mr Wynne does not have any quota for either of these types of livestock. He does not intend to seek quota in the future.

4.0 Cropping

Mr Wynne acquired this property in June 2002 and at that time took a crop of hay from the agricultural land to the rear of his property. This hay is currently stored at a neighbours farm. He used his neighbour's machinery to harvest the crop of hay.

5.0 Farm Buildings

There are no existing farm buildings on the holding at the present time.

6.0 Domestic Buildings

Mr Wynne occupies Moor Cottage which lies immediately south and adjacent to the agricultural land described above.

7.0 Labour

Mr Wynne is a retired farmer and intends to do the agricultural work on this smallholding.

Mr Wynne advised that prior to his retirement he had farmed 250 acres in Ayrshire where he kept 75 sucker cows and 530 breeding ewes. Prior to that he farmed in Somerset.

8.0 The proposed building

Drawing No. 1043/3A attached to the application is fairly vague on what is intended. Mr Wynne advised that the building was to be blockwork to approximately 1.2m high with Yorkshire boarding above on the gables and east elevation but either fully clad or with a full height block wall on the western elevation which faces the prevailing wind.

If that is the case the building may have to be of a steel frame construction.

Again the plan shows the roof to be corrugated sheeting but there is no indication as to the type. This would normally be box profile sheeting and plastic coated to a suitable colour.

Doors are timber half heck doors with the remaining part of the east elevation being open.

The livestock are to be bedded on straw with any foul run off to a land tile. Any foul drainage needs to be to a collecting tank to comply with Environment Agency requirements.

9.0 Building Size

There are no dimensions on the plan but from the scale it would appear to measure approximately 19.5m x 3.5m giving a total internal floor area of around 66m². It scales 2.9m to the eaves.

I can confirm that 2.4 acres of land will carry either 2 suckler cows or 12 breeding ewes but not both.

In order to ascertain if the building is of an appropriate size I have calculated the space required for each of these livestock types. The details are as follows:

a) Suckler cows

	<u>Space requirement m²</u>
Winter housing space requirement – 2 cows @ 8m ² each	16
Fodder and bedding requirements –	
Hay: 2 cows @ 1.25 tonnes/each = 2.5 tonnes @ 6m ³ /tonne = 15m ³ ÷ 2.9 =	5
Straw: 2 cows @ 1.25 tonnes/each = 2.5 tonnes @ 9m ³ /tonne = 23m ³ ÷ 2.9 =	8
Total space requirement	<u>29m²</u>

b) Sheep enterprise

	<u>Space requirement m²</u>
Winter housing requirement for 12 sheep @ 1.2m ² each =	15
Fodder and bedding requirements –	
Hay: 12 sheep @ 126kg per head = 1512kg = 1.5 tonnes @ 6m ³ /tonne = 9m ³ ÷ 2.9 =	3
Bedding Straw: @ 0.8kg per day for 12 weeks = 67kg/ewe x 12 = 804kg = 0.8tonne @ 9m ³ /tonne = 7m ³ ÷ 2.9 =	3
Total space requirement	<u>21m²</u>

You will therefore see that the size of the proposed building at approximately 66m² is considerably in excess of the requirements to support the amount of livestock that can be carried on the 2.4 acres.

Although the applicant wishes to store some machinery to use on the land I am of the view that the area is so small that it would be unnecessary to keep such machinery.

10.0 Conclusion

I therefore conclude by advising as follows:

- 10.1 The design of the building needs to be improved to more accurately reflect livestock housing needs, particularly in relation to ventilation, natural lighting and foul drainage. The method of construction needs to be clarified.
- 10.2 The size of the building is excessive for the amount of livestock that can be carried on the land occupied by the applicant.



A G Jackson BSc FRICS FAAV
CAPITA
Clint Mill
Cornmarket
PENRITH

// March 2003

**COMPLIANCE WITH RICS PRACTICE STATEMENT
SURVEYORS ACTING AS EXPERT WITNESSES**

I hereby declare that my Report complies with the requirements of the RICS Practice Statement "Surveyors Acting as Expert Witnesses" 2nd Edition Published in 2000 and in particular

- (i) that the report includes all facts which the surveyor regards as being relevant to the opinion which he or she has expressed and that the judicial body's attention has been drawn to any matter which would affect the validity of that opinion: and
- (ii) that the report complies with the requirements of The Royal Institution of Chartered Surveyors, as set down in *Surveyors acting as Expert Witnesses: Practice Statement: and*
- (iii) that the expert understands his or her duty to the judicial body and has complied with that duty.
- (iv) 'I believe that the facts I have stated in this report are true and that the opinions I have expressed are correct'

SCHEDULE A: Applications with Recommendation

03/0131

Item No: 24

Date of Committee: 25/04/2003

Appn Ref No:
03/0131

Applicant:
Newfield Grange Hotel

Parish:
Carlisle

Date of Receipt:
06/02/2003

Agent:
Tsada Building Design
Services

Ward:
Belah

Location:
Newfield Grange Hotel, Newfield Drive, Newfield,
Carlisle, CA3 0AF

Grid Reference:
339830 558909

Proposal: Extension to provide additional dining & function room facilities (revised proposal)

Amendment:

Richard

Report

Planning Policies:

Carlisle District Plan Employment - Proposal EM10

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

1. There is no unacceptable adverse impact on the local landscape; and
2. There is no unacceptable adverse effect on nature conservation interests; and
3. Adequate access and appropriate parking provision can be achieved; and
4. There is no unacceptable adverse affect on the amenity of any adjacent properties.

Carlisle District Plan Housing - Proposal H17

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

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

SCHEDULE A: Applications with Recommendation

03/0131

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

Carlisle District Plan Transport - Proposal T7

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

1. The Parking Guidelines for Cumbria as detailed in Appendix 2;
2. The availability of public car parking in the vicinity;
3. The impact of parking provision on the environment of the surrounding area;
4. The likely impact on the surrounding road network; and
5. Accessibility by and availability of other forms of transport.

Summary of Consultation Responses:

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

Cumbria Constabulary - Crime Prevention: I have researched our crime and disorder statistics for these premises and found no record of any occurrences that may cause concern.

I understand that the applicant wishes to improve the facilities for private functions and occasional dedicated events.

I have no adverse comment to make on this matter and from the information supplied, I am satisfied there is no additional risk to community safety or public order from these proposals.

Environmental Protection Services: No objection.

Environment Agency (N Area (+ Waste Disp)): No comment.

Summary of Representations:

SCHEDULE A: Applications with Recommendation

03/0131

Representations Received

Initial:	Consulted:	Reply Type:
The Occupier, 100 Newfield Drive	10/02/03	
The Occupier, 104 Newfield Drive	10/02/03	
The Occupier, 108 Newfield Drive	10/02/03	
The Owner / Occupier, 110 Newfield Drive	10/02/03	
The Occupier, 112 Newfield Drive	10/02/03	
The Occupier, The Bungalow	10/02/03	
The Occupier, Newfield Head	10/02/03	Undelivered
Mr & Mrs Vickery, 19 Newfield Drive	10/02/03	
S & E McKean, 65 Newfield	10/02/03	
Mr & Mrs Routledge, 41 Newfield Drive	10/02/03	Objection
The Owner / Occupier, 114 Newfield Drive	10/02/03	
Mr & Mrs Ryding, 23 Newfield Drive	10/02/03	
Ms N Randall, 90 Newfield Drive	10/02/03	
Mr & Mrs Griffiths, 92 Newfield Drive	10/02/03	
The Owner / Occupier, 43 Newfield Drive	10/02/03	
A M Simpson, 45 Newfield Drive	10/02/03	
The Owner / Occupier, 116 Newfield Drive	10/02/03	
Mr & Mrs Emerson, 31 Newfield Drive	10/02/03	
Mr & Mrs Mainwaring, 55 Newfield Drive	10/02/03	
E I Watson, 47 Newfield Drive	10/02/03	Objection
B J Beattie, 53 Newfield Drive	10/02/03	
Ms E Woof, 74 Newfield Drive	10/02/03	
Mr & Mrs Harris, 82 Newfield Drive	10/02/03	
Mr T Lowry, 72 Newfield Drive	10/02/03	
Mr R Gray, 61 Newfield Drive	10/02/03	
M Eckersley, 106 Newfield Drive	10/02/03	
Mr D J Eckersley, 106 Newfield Drive	10/02/03	
Mr & Mrs A Taylor, 62 Newfield Drive	10/02/03	
The Owner / Occupier, 2 Newfield Park	10/02/03	
T Reed, 39 Newfield Drive	10/02/03	
Mr & Mrs M Zobair, 49 Newfield Drive	10/02/03	
Mr & Mrs Harrison, 29 Newfield Drive	10/02/03	
Mr & Mrs Jones, 98 Newfield Drive	10/02/03	
The Owner / Occupier, 37 Newfield Drive	10/02/03	
The Owner / Occupier, 17 Newfield Drive	10/02/03	
E Robson, 102 Newfield Drive	10/02/03	
Mr M Robinson, 94 Newfield Drive	10/02/03	
The Owner / Occupier, 51 Newfield Drive	10/02/03	
The Owner / Occupier, 33 Newfield Drive	10/02/03	
The Owner / Occupier, 88 Newfield Drive	10/02/03	

This application has been advertised by means of direct notification to the occupiers of forty of the neighbouring properties. At the time of writing this report two letters of objection have been received and the main planning issues raised are summarised as follows:

1. The area is primarily residential and an extension to the hours would undoubtedly cause anxiety and frustration and reduce the quality of life;
2. Due to the no smoking policy of the hotel, people stand outside to smoke and create noise amongst themselves through talking, laughing etc. Furthermore, noise from people leaving events can be heard late at night and this will be exacerbated if the hours are extended;

SCHEDULE A: Applications with Recommendation

03/0131

3. Complaints have already been made with regard to noise issues which interferes with our comfort and enjoyment;
4. A fire door will not provide sufficient attenuation against noise pollution which circumvents all previous noise limiting measures; and
5. The fire door does not include a porch, as on the north elevation, and there is the potential for noise emission if the door is left open.

Details of Proposal/Officer Appraisal:

Planning History:

Planning permission was granted throughout the 1960s and 1970s for the retention of the use of the site as a bed and breakfast establishment.

Planning permission was granted for the change of use from bed and breakfast accommodation to a hotel and restaurant in June 1985. An extension to provide a new function room and bar area was approved in April 1993.

A 10no. bedroom accommodation block was approved to the rear of the hotel, in August 1997. Planning permission was later granted for an extension to the existing dining room to form new bar area in April 2000.

Planning permission was granted for the conversion of an existing stable block to 3no. self catering units for use in conjunction with existing hotel in June 2000. A change of use was granted for the adjacent bungalow to create 4no. en-suite bedrooms for hotel use in April 2002.

Details of Proposal:

This application seeks full planning permission for the erection of an extension to the bar area at Newfield Grange, Newfield Drive, Carlisle. The premises is an existing hotel use located in a residential area and accessed from Kingstown Road, approximately 1.5 miles north of Carlisle City Centre.

The proposed extension would measure 7.6 metres in width and to a total of 9.3 metres in length and would be located on the western elevation of the building which is the front of the property. The height to the eaves would measure 2.8 metres and 5.45 metres to the ridge. The structure would be constructed of a dwarf brick wall, of a material to match the existing building, with white upvc window frames above.

The roof could be constructed from blue Welsh slate to match the existing building. The design would include the formation of a pitch roof with a hip on the western elevation.

The revised proposal includes the extension of the footprint measuring 1.2 metres in width by 2.7 metres in depth (3.24 square metres) on the south elevation of the building. Both the approved drawing and the current proposal are reproduced following this report and this amendment is clear from these drawings.

SCHEDULE A: Applications with Recommendation

03/0131

Under the Building Regulations, an alternative means of escape is required and this was originally shown on the drawings as a fire door on the south elevation. However, Officers expressed concern that this may lead to the door being left open and undermining the noise attenuation measures.

Amended drawings were requested and Members granted Officers authority to issue the decision subject to the receipt of these drawings and the completion of the consultation process. The revised drawings were received and no further representations were submitted from any of the neighbouring occupiers.

Since this time, however, further amendments are sought by the applicants. Due to the relationship of the floor levels between the existing and the proposed buildings, the manufacturer providing the roof trusses was unable to complete the roof as detailed on the drawings. The angle of the roof trusses differs on each side of the building, one side being 42 degrees and the other being 43 degrees. The implications of this are that the ridge line of the extension will now exceed the ridge height of the single storey element of the hotel by 150mm. There is no planning objection to this amendment and no further representations have been received following the reconsultation process.

The hotel as existing, is approximately 13.5 metres from the boundary of the site. In relation to the surrounding residential properties, the proposed extension would be sited 17 metres from number 47 Newfield Drive, directly opposite the hotel; approximately 27 metres from number 106 Newfield Drive to the south of the hotel; and 22 metres from number 108 Newfield Drive, directly to the north.

In consideration of this application Policies EM10 and H17 are relevant. Policy EM10 of the Local Plan requires that extensions are of good design and are of an acceptable scale. The scale and design of the proposed extensions are considered to be appropriate to this property which is situated within a substantial garden area.

These Policies also seek to protect the amenity of adjacent properties from proposals which adversely affect them, through inappropriate scale or loss of residential amenity to the occupiers of adjacent properties. Although the proposals which is being presented are for consideration are substantial, the scale and design and would not be disproportionate or obtrusive.

It is not considered that the development adversely affects the amenities of adjacent properties by poor design, unreasonable overlooking or unreasonable loss of daylight or sunlight. The proposal is not considered to be of an unacceptable scale or visually intrusive.

The issue of noise and disturbance from the proposed were considered and resolved under the previous planning application, reference 02/0682. Further comments in respect of this current application have been submitted by this Council's Environmental Protection Services. Their comments are reproduced earlier in this Report.

PPG24 (Planning and Noise) advises that it is not the purpose of the planning

SCHEDULE A: Applications with Recommendation

03/0131

system to tackle existing noise problems. Other means are available for this, and should be seen as complementing the planning system. Paragraph 10 of PPG24 goes on to state:

"The planning system should not place unjustifiable obstacles in the way of such development. Nevertheless, local planning authorities must ensure that development does not cause an unacceptable degree of disturbance."

This echoed in paragraph 11 which states:

"The impact of noise from sport, recreation and entertainment will depend to a large extent on frequency of use and design of facilities."

The noise attenuation measures which were included as part of the previously approved scheme are still applicable and include:

1. Non openable windows within the elevations;
2. A ceiling will be provided in the proposed extension which will be adequately noise insulated;
3. The erection of an internal glazed wall, 100mm from the inside of the wall, to provide an attenuation void;
4. An attenuated ventilation system;
5. The erection of a porch to entrance doors which will prevent noise emanating from the site when customers enter/ leave the premises.

In conclusion, Members are being asked to consider a revised scheme to the extension, which involves an increase of 3.24 square metres. On balance, however, the scale and design of the extension is appropriate and would not have such an adverse impact on the character of the area. The previous concerns regarding the noise issues have now been overcome and the scheme is considered to be acceptable.

Human Rights Act 1998

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

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

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

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

SCHEDULE A: Applications with Recommendation

03/0131

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

The proposal has been considered against the above Protocol of the Act but in this instance, it is not considered that there is any conflict.

Recommendation: Grant Permission



1. The development shall be begun not later than the expiration of 5 years beginning with the date of the grant of this permission.

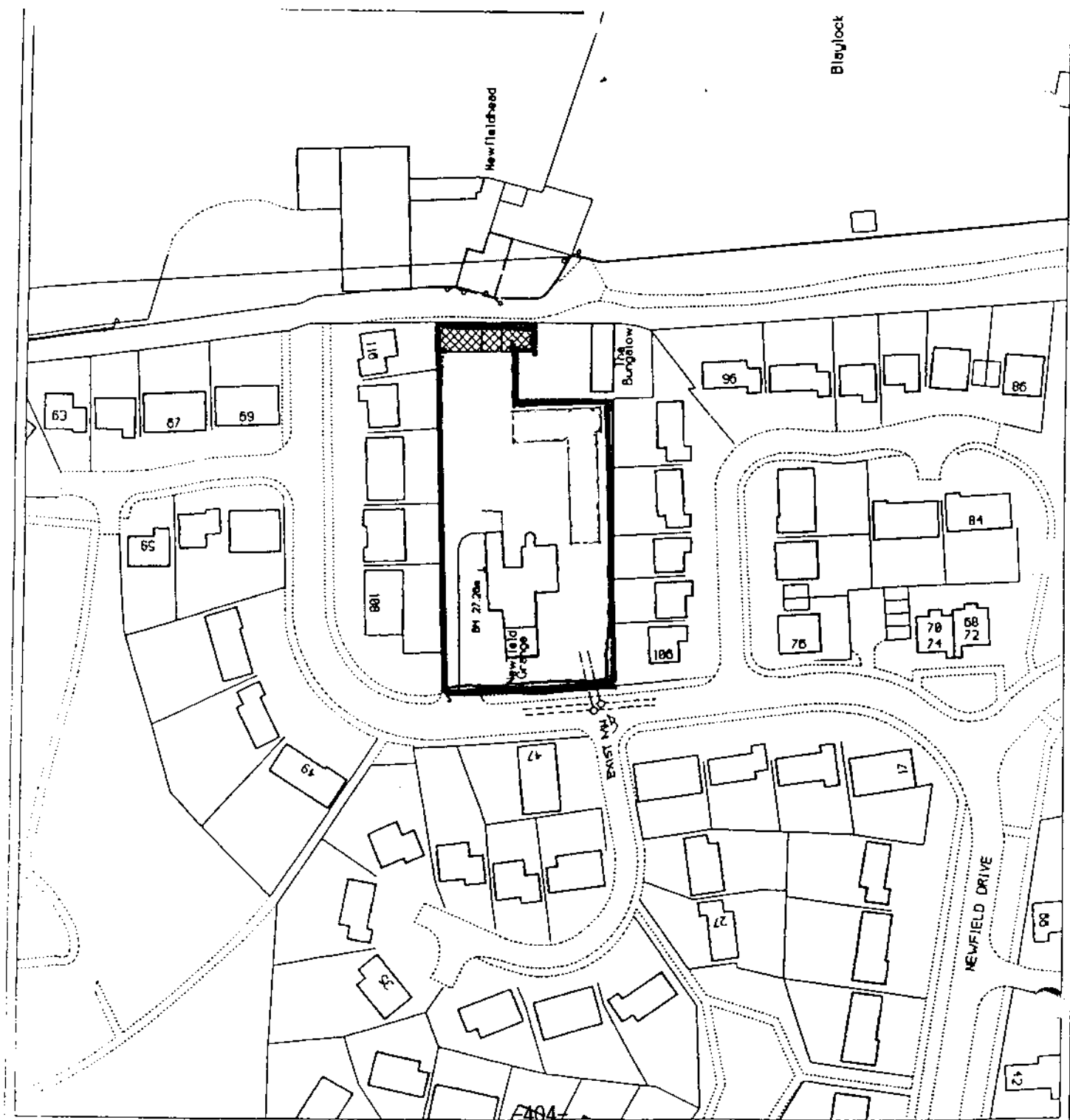
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.

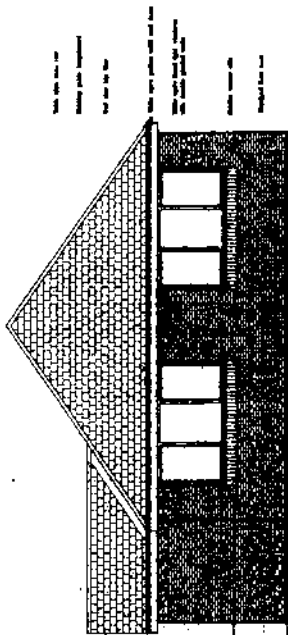
2. No live or amplified music shall be played within any part of the premises used by private parties or by the general public before 0900 hours or after 2300 hours on any day.

Reason: To ensure that noise which may emanate from the premises is minimised in order to prevent nuisance and disturbance to the adjacent properties.

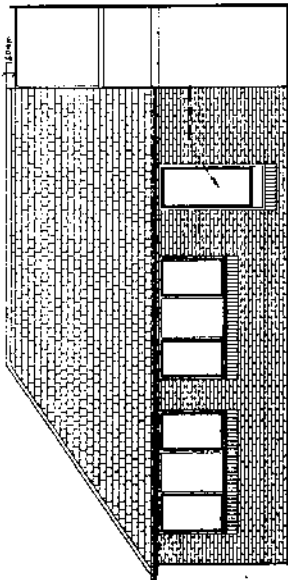
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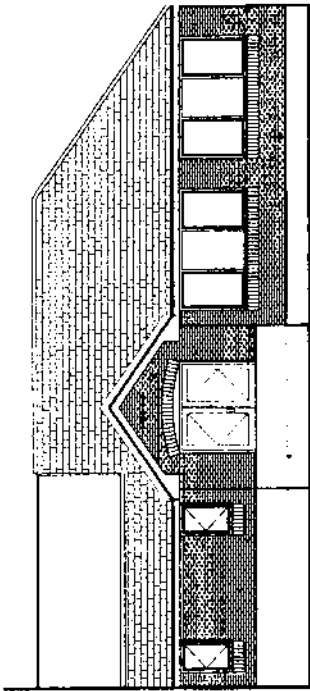




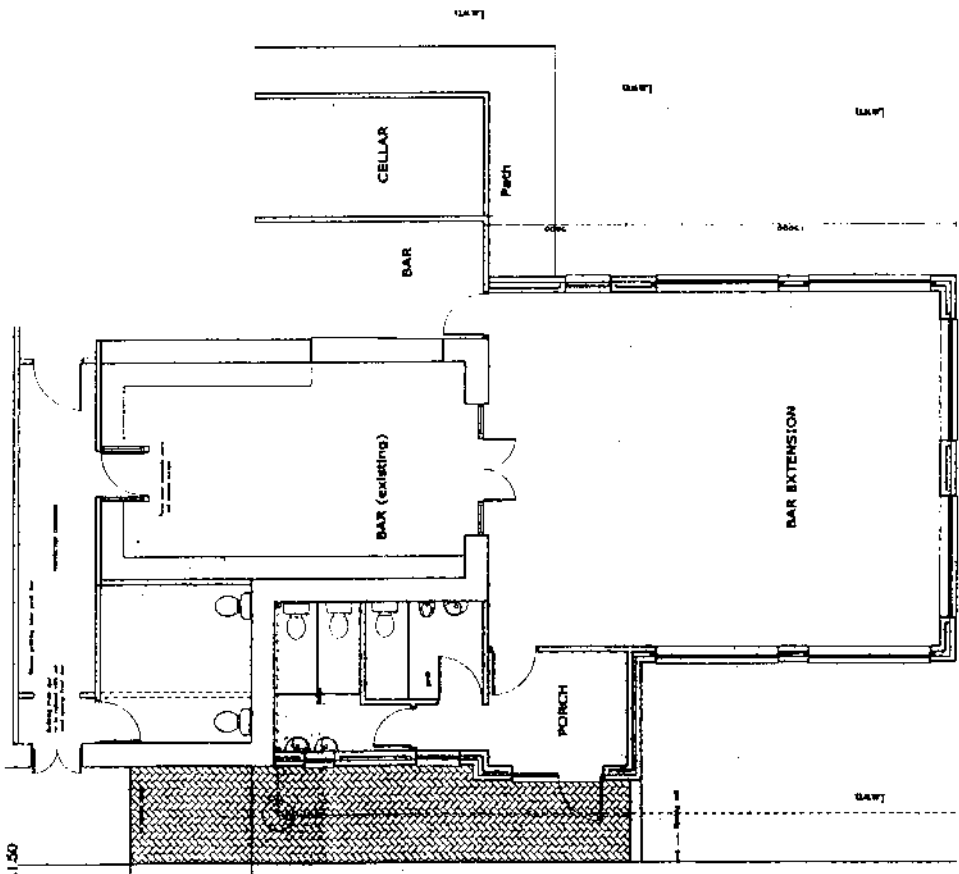
EXIST.
ELEVATIONS 1:50



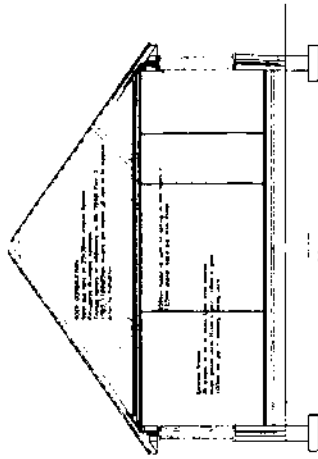
South



North



LAYOUT PLAN 1:50



SECTION A-A 1:50

NOTE
All bar extension to be ventilated via input/ extract fan system
with noise attenuators to fans to be agreed with LPA and
Acoustic engineers

TSADA BUILDING DESIGN SERVICES

Trade Cottage, Longhorn, Carlsbad, California 92008
Telephone: (619) 591-8077
Mobile: (619) 591-8112

Job title
NEWFIELD GRANGE HOTEL
Bar Extension & Toilets

4/26/2002
1:35 PM

Drawing by W.R.Faulder Date 31/10/2002	Amendments 1. Revised 2. Revised 3. Revised 4. Revised 5. Revised	Client Newfield Grange Hotel Newfield Carlisle	Dwg No. 44/2002/1F Scale as shown

SCHEDULE A: Applications with Recommendation

03/0136

Item No: 25

Date of Committee: 25/04/2003

Appn Ref No:
03/0136

Applicant:
Mr A Martin

Parish:
Wetheral

Date of Receipt:
06/02/2003

Agent:
Rodney Jeremiah

Ward:
Wetheral

Location:
Fell View, Ashgate Lane, Wetheral, Carlisle, CA4
8HN

Grid Reference:
346380 554261

Proposal: Alterations & extensions to bungalow and construction of new garage

Amendment:

1. Reduction in the size and height of the garage/workshop and omission of the caravan port.

SRM

Report

Planning Policies:

**Carlisle District Plan
Housing - Proposal H14**

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

Summary of Consultation Responses:

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

Wetheral Parish Council: object to the proposal on the following grounds;

1. The PC object most strongly to the removal of the Beech hedge. This is a mature hedge in a healthy condition and is a rural feature in keeping with the surroundings;
2. The PC has received several objections from nearby residents to the size and scale of the proposed garage. Having looked at the plans and visited the site the PC is of the same opinion. The PC requests a garage of smaller proportions as the proposed building, the members consider to be more on commercial proportions than residential;
3. The PC and residents are concerned about the access on Ashgate Lane. This is an unadopted road with a very rough surface apart from a small area

at the entrance where the two residents have paid for tarmac. It is suggested that part of the conditions would be to improve the surface;
 4. If the application is approved the resident must be made aware that this is an access road not only for properties further on but for the Cemetery also, therefore parking outwith the curtilage could not be supported;

English Nature: no objection, subject to the attachment of one supplementary informative to any notice of consent.

Summary of Representations:

Representations Received

Initial:	Consulted:	Reply Type:
Mr W H Heaviside, Elan	10/02/03	Comment Only
The Owner / Occupier, Ashcroft	10/02/03	
The Occupier / Owner, Woodlands	10/02/03	
The Occupier / Owner, Highfield	10/02/03	
The Occupier / Owner, Green Garth	10/02/03	
The Occupier / Owner, Ashgate	10/02/03	Objection
The Occupier, 22 Goosegarth	10/02/03	
The Occupier / Owner, 23 Goosegarth	10/02/03	Objection
Mrs M Hewson, 24 Goosegarth	10/02/03	
Mr & Mrs Fisher, 25 Goosegarth	10/02/03	Objection
Mrs H E Stevens, 26 Goosegarth	10/02/03	
Mr & Mrs Byers, 27 Goosegarth	10/02/03	Objection
Mr B Betterton, Forge House		Objection

This application has been advertised by means of a site notice and notification letters sent to fourteen neighbouring properties. In response to the original plans submitted letters of objection have been received from the occupants of five neighbouring properties, the grounds for objection being;

1. the height and position of the garage/workshop/caravan port would result in overshadowing and loss of view;
2. the size of the garage/workshop/caravan port is out of character and proportion with a building associated with domestic use;
3. the size of the garage/workshop/caravan port suggests that a commercial use will take place from the premises, which would be inappropriate in this location;
4. the narrow access lane would be unable to accommodate the vehicular movements associated with a commercial premises;
5. concern with regards to the use of the lane for vehicular access and the effects of both construction traffic and, later, occupants' traffic on its condition;
6. the removal of the beech hedge.

At the time of writing this report no letters of objection have been received to the amended plans submitted.

Details of Proposal/Officer Appraisal:

Planning History:

There is no planning history relating to this site.

Details of Proposal:

This application seeks full planning permission for the erection of a detached garage/workshop/caravan port and extensions to Fell View, Ashgate Lane, Wetheral, Carlisle. The property is a detached bungalow finished in a combination of white painted render and facing brick with a concrete tile roof. Access to the application site is via a narrow lane, off the B6263, which leads to Wetheral Cemetery. There is a residential property to the west of the application site. A high leylandi hedge delineates the boundary between the two properties. To the east of the application site is a vacant plot that is subject to a current application (03/0196) for the erection of a dwelling, which is being considered at this meeting of the Committee. The eastern boundary of the site is delineated by a post and wire fence. To the north of the application site, opposite the access lane, are residential flats. To the south of the site is open countryside. A location plan indicating the position of the property and its relationship with neighbouring properties is reproduced following this report.

The proposal, as originally submitted, sought permission to extend the bungalow to provide a conservatory, dining room, ensuite bathroom, 2no. ensuite bedrooms and a sitting room. All of the extensions are single storey and will be finished using materials to match the existing dwelling.

The conservatory/dining room extension is sited to the rear of the property, on the south elevation. The proposed conservatory projects 5.5 metres from the rear of the property, measuring 5.7 metres in width, with a ridge height of 4.2 metres. The dining room is created by infilling a small gap between the existing bedroom and the proposed conservatory. The ensuite bathroom to be erected is sited on the eastern elevation, towards the rear of the property. The ensuite bathroom measures 2.15 metres in width, 4.2 metres in length, with an overall height of 3.95 metres. The 2no. ensuite bedrooms are sited on the northern elevation of the property. The bedroom extensions project outwards by 5.65 metres from the front of the property, occupying the full width of the gable wall. The ridge height matches that of the property. The sitting room extension projects outwards from the western elevation by 4.75 metres, measuring 4.15 metres in width, with an overall height of 3.95 metres. The existing beech hedge that fronts the access road is to be replaced with a two metres high boundary wall constructed from blockwork and timber panels situated between concrete posts. Plans illustrating the extensions to the bungalow are reproduced following this report.

The proposal also included the erection of a detached building to serve as a garage/workshop and caravan port, with storage space above. Officers expressed concern regarding the size of this building, which measured 6.95 metres in width, 15 metres in length, and 5.45 metres, at the peak of the pitched roof. Following negotiation with the applicant amended plans have been submitted reducing the size and height of the detached garage.

The amended application omits the caravan port and the first floor of the detached building thereby significantly reducing the height and size of the building. The garage/workshop now measures 10.5 metres in length, 6.95 metre in width and would reach 2.4 metres in height at the eaves and 4.35 metres at the height of the pitched roof. The garage/workshop shall be finished using smooth render, with a concrete tile roof, to match that of the existing property. It will be noted that the proposed extensions to the dwelling have not been altered. Details of the amended plans are reproduced following this report.

With regards to this application it is felt that the main issue to consider is the potential impact of the proposed extensions upon the amenities of neighbouring properties and whether or not the proposed extensions are appropriate to the dwelling.

In consideration of this application Policies H14 of the Carlisle District Local Plan is of relevance.

Members will note that letters of objection have been received, in response to the original plans submitted, from the occupants of five neighbouring properties. The objections received primarily relate to the size of the detached garage and its potential use as commercial premises. Concerns have also been expressed with regards to the removal of the beech hedge and the impact that the proposed development will have on the condition of the access lane, as a result of the traffic generated. It should be noted that with regards to the latter point the proposed development would not necessarily generate any increase in traffic.

It is the Officers view that the concerns expressed by local residents with regards to the size and height of the garage/workshop have been addressed by the amended plans received. The applicant has clarified that the garage will not be used for a commercial use and the applicant no objections to the imposition of a condition restricting the use of the garage/workshop to domestic use only. It is not considered that the proposed garage would adversely affect the amenity of adjacent properties by poor design, unreasonable overlooking and/or unreasonable loss of daylight and sunlight.

The proposed extensions to the dwelling are of a scale and design that is appropriate to the property and it is not considered that the occupiers of the neighbouring properties would be adversely affected by the proposed extensions.

Members will note that the removal of the beech hedge does not require planning consent. Planning consent is required the erection of a two metre high boundary wall, adjacent to the highway. It is not considered that the erection of the boundary wall would have an adverse impact upon the appearance of the area or the amenities of any neighbouring properties.

In conclusion, it is not considered that this development will adversely affect the amenities of adjacent properties by poor design, unreasonable overlooking or unreasonable loss of daylight or sunlight. The proposal is considered to be appropriate to the dwelling, its design and its setting. It is not considered to be of an unacceptable scale or visually intrusive. The proposal is in accordance with Policy H14 and is therefore recommended for approval.

Human Rights Act 1998

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

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

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

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

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

The proposal has been considered against the above Protocol of the Act but in this instance, it is not considered that there is any conflict.

Recommendation: Grant Permission ✓

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.

2. The external walling and roofing materials to be used in the building works hereby permitted shall be identical to those in the existing building. If any other material is proposed no development shall take place until such has been approved, in writing, by the local planning authority.

Reason: To ensure the works harmonise as closely as possible with the existing building.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that (order), the bathroom windows on the south and north elevations and the shall be obscurely glazed and remain so to the satisfaction of the local planning authority.

Reason: In order to protect the privacy and amenities of residents in close proximity to the site.

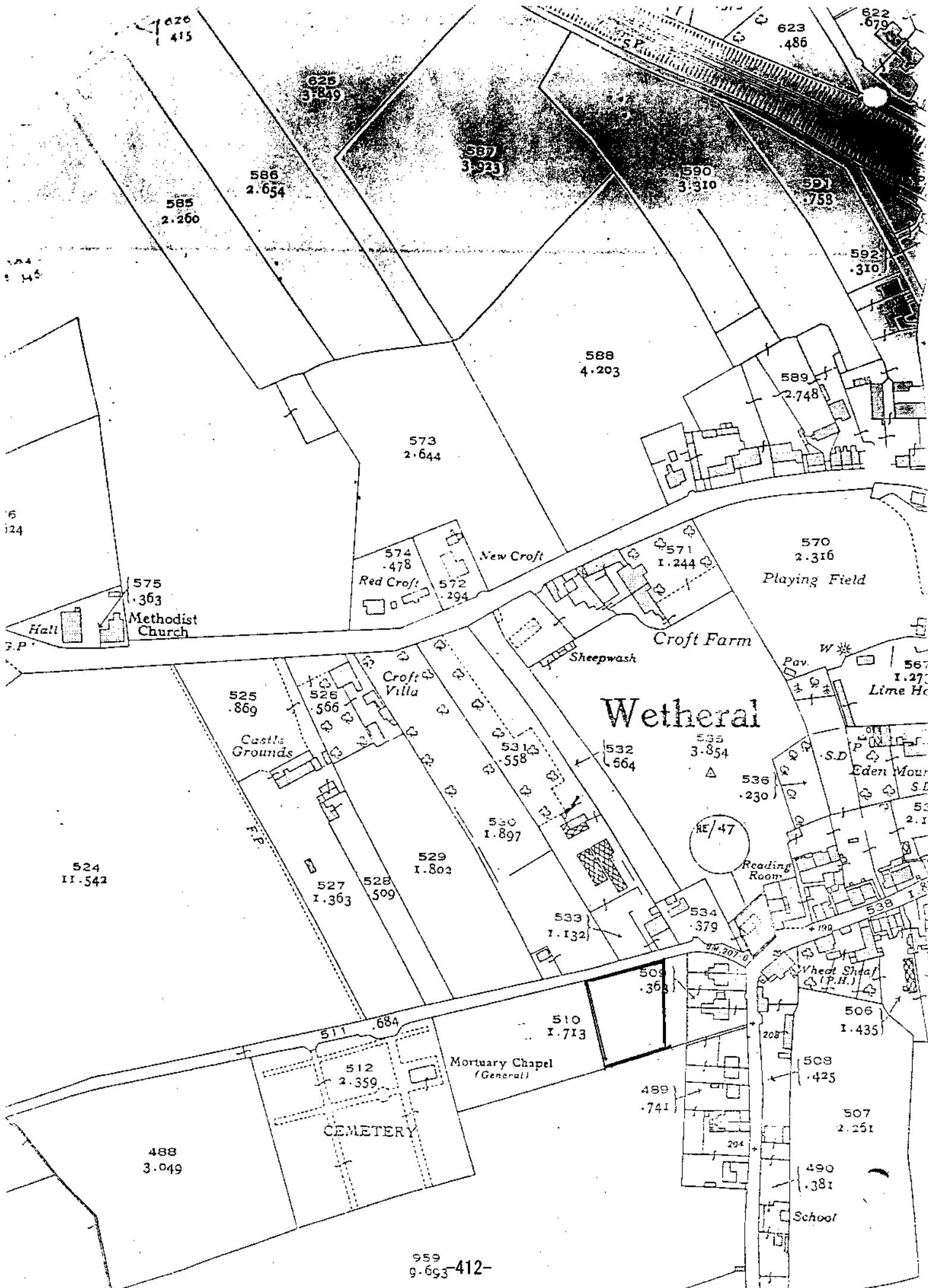
4. The garage hereby permitted shall not be used except for private and domestic purposes and shall at no time be used for any commercial or business purposes whatsoever.

Reason: To preclude the possibility of the use of the premises for purposes inappropriate in the locality.

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

Reason: To ensure the materials to be used are acceptable.

Supp Schedule
Page 4a -
e-mail & access





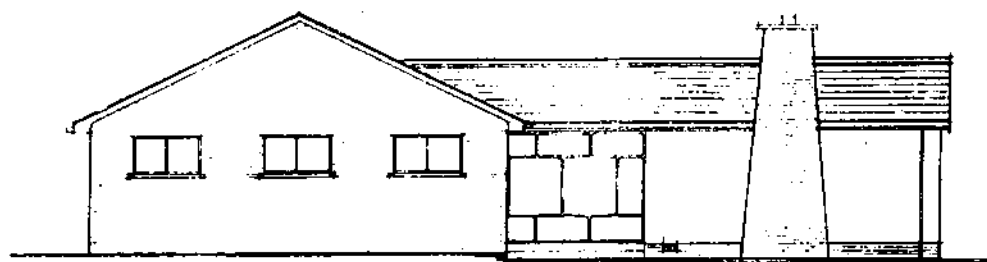
Planning Services

Head of Planning Services: Alan Eames DTP MRP
 Civic Centre, Cardiff, CF10 1UG
 Telephone: (01222) 811000
 Fax: (01222) 811195

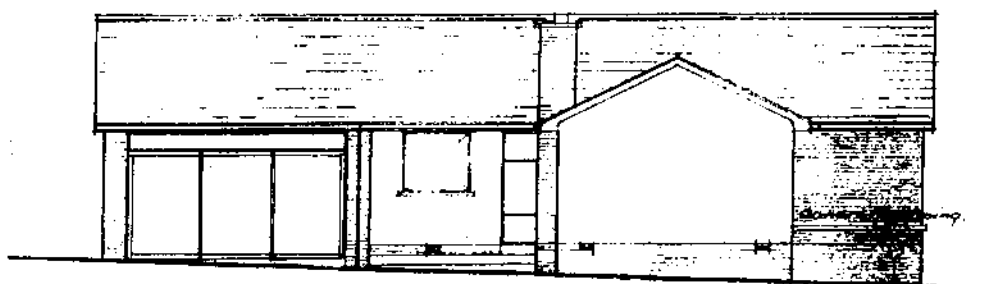
© Crown Copyright. All rights reserved. Cardiff City Council
 Licence Number LA07426, 2003.

4/4/2003

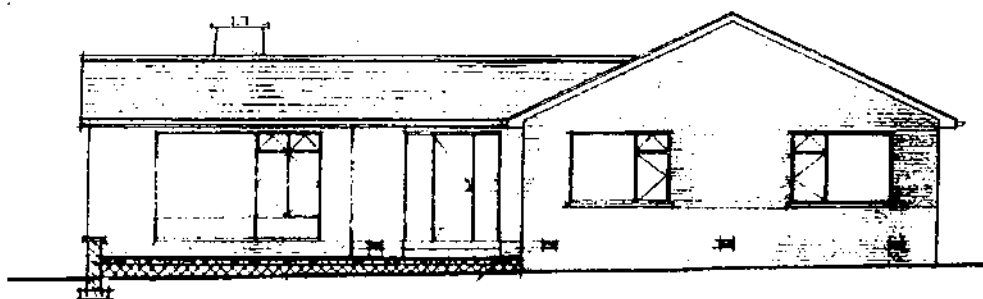
1:1,250



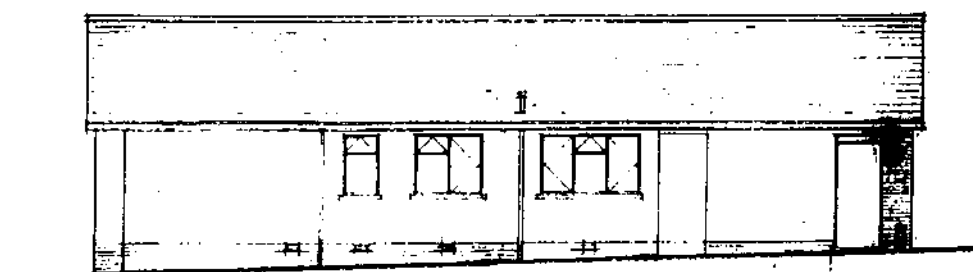
NORTH ELEVATION



WEST ELEVATION



SOUTH ELEVATION

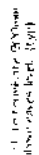


EAST ELEVATION

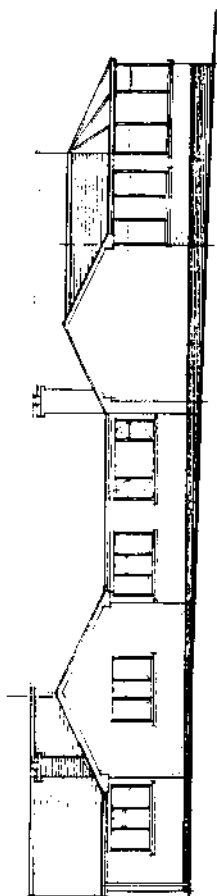
FELL VIEW

Proposed Extensions to the
Existing Bungalow and
Construction of New Garage

Elevations as Existing



North Elevation



West Elevation

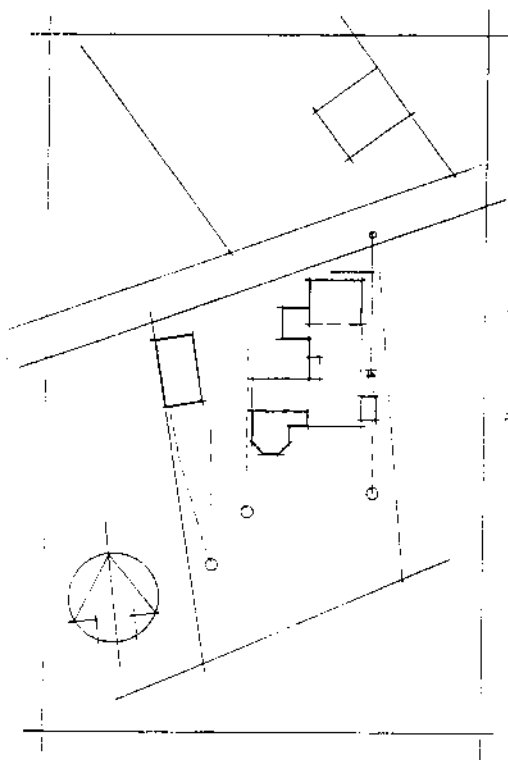


South Elevation



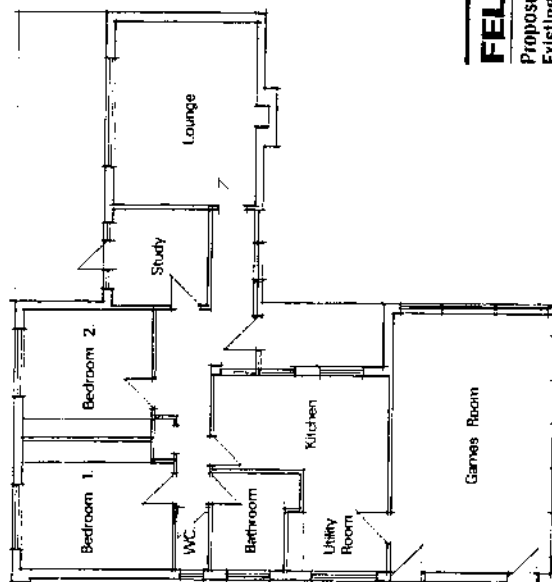
East Elevation 1,100

† For a complete bibliography of the literature on this subject, see the review by J. H. Plesch, *Chem. Rev.* **41**, 1 (1958).



The caravan part deleted and garage reduced in height. See diag. 920 3.

Site Plan. 1.500



Plan as Existing	1.100
1.100	1.100

MEIN FELD VIEW

Proposed Extensions to the Existing Bungalow and Construction of New Garage

Elevations and Site Plan

Org. amended 1.4.2003.

Org. No. 920 - 2	Date. 1.4.03.
------------------	---------------

Scale. As shown	Prq. 2 of 3
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[illegible]

[illegible][illegible]

CONSERVATORY
To be all as above
Dates of visit
to be entered in

Section AA

Section BB

Section CC

Proposed Extensions to the Existing Bungalow and Construction of New Garage

Plan and actions.

Drg. No. 920 - 1	Date. 24.1.03.
Scale. 1:50	Drg. 1 of 3

Drs.
 Academy for Growth
 Harwood Road Cottage
 Tel: 01273 431388
 Northern, Cumbria

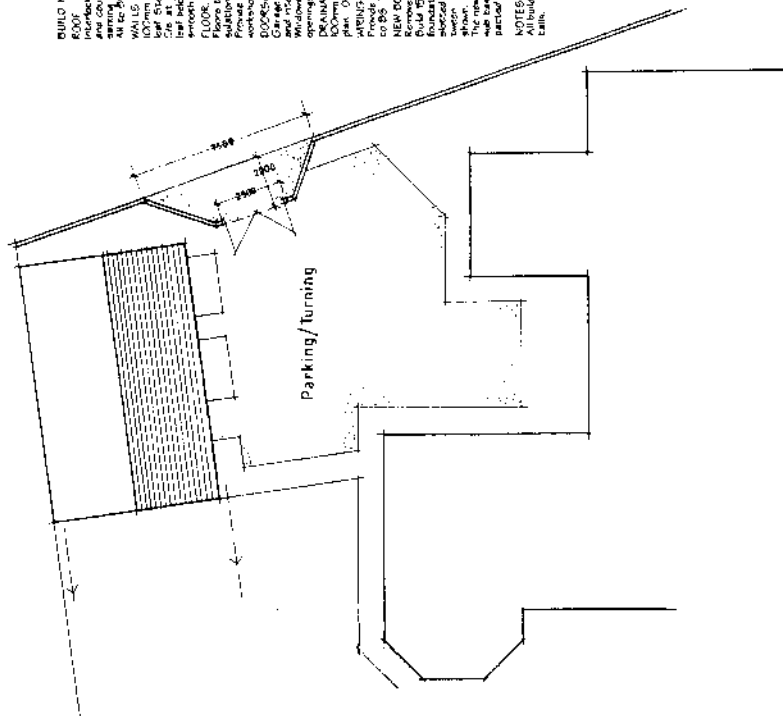
Plan View

[illegible]

South Elevation:

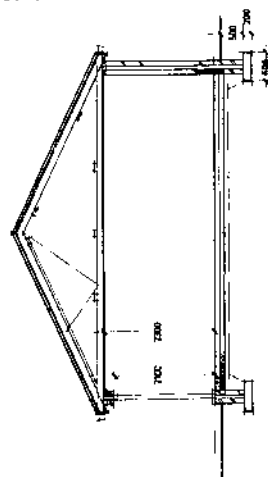


North Elevation:

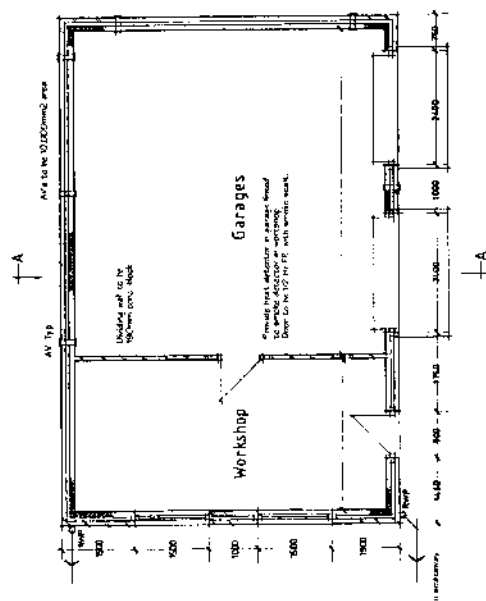


Parking/Turning

e.g. manufacturing consent, 144g; 145g; 146g; 147g; 148g; 149g; 150g; 151g; 152g; 153g; 154g; 155g; 156g; 157g; 158g; 159g; 160g; 161g; 162g; 163g; 164g; 165g; 166g; 167g; 168g; 169g; 170g; 171g; 172g; 173g; 174g; 175g; 176g; 177g; 178g; 179g; 180g; 181g; 182g; 183g; 184g; 185g; 186g; 187g; 188g; 189g; 190g; 191g; 192g; 193g; 194g; 195g; 196g; 197g; 198g; 199g; 200g; 201g; 202g; 203g; 204g; 205g; 206g; 207g; 208g; 209g; 210g; 211g; 212g; 213g; 214g; 215g; 216g; 217g; 218g; 219g; 220g; 221g; 222g; 223g; 224g; 225g; 226g; 227g; 228g; 229g; 230g; 231g; 232g; 233g; 234g; 235g; 236g; 237g; 238g; 239g; 240g; 241g; 242g; 243g; 244g; 245g; 246g; 247g; 248g; 249g; 250g; 251g; 252g; 253g; 254g; 255g; 256g; 257g; 258g; 259g; 260g; 261g; 262g; 263g; 264g; 265g; 266g; 267g; 268g; 269g; 270g; 271g; 272g; 273g; 274g; 275g; 276g; 277g; 278g; 279g; 280g; 281g; 282g; 283g; 284g; 285g; 286g; 287g; 288g; 289g; 290g; 291g; 292g; 293g; 294g; 295g; 296g; 297g; 298g; 299g; 300g; 301g; 302g; 303g; 304g; 305g; 306g; 307g; 308g; 309g; 310g; 311g; 312g; 313g; 314g; 315g; 316g; 317g; 318g; 319g; 320g; 321g; 322g; 323g; 324g; 325g; 326g; 327g; 328g; 329g; 330g; 331g; 332g; 333g; 334g; 335g; 336g; 337g; 338g; 339g; 340g; 341g; 342g; 343g; 344g; 345g; 346g; 347g; 348g; 349g; 350g; 351g; 352g; 353g; 354g; 355g; 356g; 357g; 358g; 359g; 360g; 361g; 362g; 363g; 364g; 365g; 366g; 367g; 368g; 369g; 370g; 371g; 372g; 373g; 374g; 375g; 376g; 377g; 378g; 379g; 380g; 381g; 382g; 383g; 384g; 385g; 386g; 387g; 388g; 389g; 390g; 391g; 392g; 393g; 394g; 395g; 396g; 397g; 398g; 399g; 400g; 401g; 402g; 403g; 404g; 405g; 406g; 407g; 408g; 409g; 410g; 411g; 412g; 413g; 414g; 415g; 416g; 417g; 418g; 419g; 420g; 421g; 422g; 423g; 424g; 425g; 426g; 427g; 428g; 429g; 430g; 431g; 432g; 433g; 434g; 435g; 436g; 437g; 438g; 439g; 440g; 441g; 442g; 443g; 444g; 445g; 446g; 447g; 448g; 449g; 450g; 451g; 452g; 453g; 454g; 455g; 456g; 457g; 458g; 459g; 460g; 461g; 462g; 463g; 464g; 465g; 466g; 467g; 468g; 469g; 470g; 471g; 472g; 473g; 474g; 475g; 476g; 477g; 478g; 479g; 480g; 481g; 482g; 483g; 484g; 485g; 486g; 487g; 488g; 489g; 490g; 491g; 492g; 493g; 494g; 495g; 496g; 497g; 498g; 499g; 500g; 501g; 502g; 503g; 504g; 505g; 506g; 507g; 508g; 509g; 510g; 511g; 512g; 513g; 514g; 515g; 516g; 517g; 518g; 519g; 520g; 521g; 522g; 523g; 524g; 525g; 526g; 527g; 528g; 529g; 530g; 531g; 532g; 533g; 534g; 535g; 536g; 537g; 538g; 539g; 540g; 541g; 542g; 543g; 544g; 545g; 546g; 547g; 548g; 549g; 550g; 551g; 552g; 553g; 554g; 555g; 556g; 557g; 558g; 559g; 560g; 561g; 562g; 563g; 564g; 565g; 566g; 567g; 568g; 569g; 570g; 571g; 572g; 573g; 574g; 575g; 576g; 577g; 578g; 579g; 580g; 581g; 582g; 583g; 584g; 585g; 586g; 587g; 588g; 589g; 590g; 591g; 592g; 593g; 594g; 595g; 596g; 597g; 598g; 599g; 600g; 601g; 602g; 603g; 604g; 605g; 606g; 607g; 608g; 609g; 610g; 611g; 612g; 613g; 614g; 615g; 616g; 617g; 618g; 619g; 620g; 621g; 622g; 623g; 624g; 625g; 626g; 627g; 628g; 629g; 630g; 631g; 632g; 633g; 634g; 635g; 636g; 637g; 638g; 639g; 640g; 641g; 642g; 643g; 644g; 645g; 646g; 647g; 648g; 649g; 650g; 651g; 652g; 653g; 654g; 655g; 656g; 657g; 658g; 659g; 660g; 661g; 662g; 663g; 664g; 665g; 666g; 667g; 668g; 669g; 670g; 671g; 672g; 673g; 674g; 675g; 676g; 677g; 678g; 679g; 680g; 681g; 682g; 683g; 684g; 685g; 686g; 687g; 688g; 689g; 690g; 691g; 692g; 693g; 694g; 695g; 696g; 697g; 698g; 699g; 700g; 701g; 702g; 703g; 704g; 705g; 706g; 707g; 708g; 709g; 710g; 711g; 712g; 713g; 714g; 715g; 716g; 717g; 718g; 719g; 720g; 721g; 722g; 723g; 724g; 725g; 726g; 727g; 728g; 729g; 730g; 731g; 732g; 733g; 734g; 735g; 736g; 737g; 738g; 739g; 740g; 741g; 742g; 743g; 744g; 745g; 746g; 747g; 748g; 749g; 750g; 751g; 752g; 753g; 754g; 755g; 756g; 757g; 758g; 759g; 760g; 761g; 762g; 763g; 764g; 765g; 766g; 767g; 768g; 769g; 770g; 771g; 772g; 773g; 774g; 775g; 776g; 777g; 778g; 779g; 780g; 781g; 782g; 783g; 784g; 785g; 786g; 787g; 788g; 789g; 790g; 791g; 792g; 793g; 794g; 795g; 796g; 797g; 798g; 799g; 800g; 801g; 802g; 803g; 804g; 805g; 806g; 807g; 808g; 809g; 810g; 811g; 812g; 813g; 814g; 815g; 816g; 817g; 818g; 819g; 820g; 821g; 822g; 823g; 824g; 82



Section AA



Plan View

Proposed Extensions to the Existing Bungalow and Construction of New Garage. Plan, Section & Elevations.

Due Authorized: 24.3.2006.

Drg. No. 920 - 3	Date, 26.3.03.
Scale, As shown	Drg. 3 of 3

Dr.
Rodney Ardenall
supervising Counselor
IN 01228 577388
Paragon, Carleton, Oak 900 100
260/0136

SCHEDULE A: Applications with Recommendation

03/0165

Item No: 26

Date of Committee: 25/04/2003

Appn Ref No:
03/0165

Applicant:
Dorothy Askew

Parish:
Hayton

Date of Receipt:
12/02/2003

Agent:

Ward:
Hayton

Location:
32 Hurley Road, Little Corby, Carlisle, CA4 8QY

Grid Reference:
347730 557337

Proposal: Formation of dormer window in loft conversion to front elevation

Amendment:

Keith.

Report

Planning Policies:

Cumbria & Lake District Joint Structure Plan Policy 25

The siting, appearance and landscaping of all new development and alterations should aim to enhance the quality of the existing environment. It should be in keeping with the local character of the townscape or landscape, and be well integrated with the existing pattern of surrounding land uses and, where appropriate, be in keeping with the local vernacular tradition. Normally development should make proper provision for access by disabled persons.

Carlisle District Plan Housing - Proposal H14

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

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): no objections;
Hayton Parish Council: no representation;
English Nature: requests informative regarding bats.

SCHEDULE A: Applications with Recommendation

03/0165

Summary of Representations:

Representations Received

Initial:	Consulted:	Reply Type:
The Occupier / Owner, 30 Hurley Road	17/02/03	
The Occupier / Owner, 34 Hurley Road	17/02/03	
The Occupier / Owner, 17 Hurley Road	17/02/03	
The Occupier / Owner, 19 Hurley Road	17/02/03	
The Occupier / Owner, 21 Hurley Road	17/02/03	
The Occupier / Owner, 23 Hurley Road	17/02/03	
The Occupier / Owner, 25 Hurley Road	17/02/03	

The application has been publicised by four neighbour letters, expiry date 10 March 2003. No representations have been received.

Details of Proposal/Officer Appraisal:

Planning History:

None.

Details of Proposal:

The application seeks planning permission for the formation of a dormer roof extension, associated with a loft conversion, to the front elevation of this single storey terraced dwellinghouse at 32 Hurley Road, Little Corby. The terrace comprises four such properties, which have a north westerly aspect and are set back some 14.5 metres from the road. Land levels fall across the terrace to the north east. None of the properties currently has a dormer extension.

The proposed dormer will have a width of 3 metres in a 7 metre frontage with a pitched roof 1.5 metres high to the ridge. This ridge is shown to align with the existing ridge of the main roof of the property. The dormer will have a tiled roof to match the existing, a rendered frontage, timber cheeks and a three pane uPVC window lighting a room which the applicant wishes to use as a "studio type room". The design is sensitive to the character of the existing property.

Planning permission is only required for the dormer extension. The conversion of the loft itself is not development requiring planning permission. Additionally, the applicant has been advised that either a similar dormer or rooflights on the rear elevation would be permitted development, and that the local planning authority would not request an application for rooflights to the front elevation. The applicant has indicated that she hopes to benefit from the view afforded to the front of the property and therefore wishes the application to be determined as submitted. She also indicates that her neighbours at 34 think it a good idea and "may wish to do the same".

SCHEDULE A: Applications with Recommendation

03/0165

Notwithstanding the lack of any neighbour representations, I am concerned that a single dormer on the front elevation of a terrace of four properties will imbalance the whole terrace, contrary to Policy H14 of the Carlisle District Local Plan, and detract from the visual amenities within the street scene. I do not consider that such harm can be mitigated by any modification to the dormer itself. In addition, unless a composite application were to be submitted for dormers to the frontage of all four terraced properties, I would be concerned that the approval of one in isolation would set an undesirable precedent.

Accordingly I recommend that the application be refused.

Human Rights Act 1998

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

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

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

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

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

Article 8 and Article 1 Protocol 1 are relevant but:-

- i) if refused, the applicant's rights will not be prejudiced; and
- ii) if ultimately approved, the impact of the development will be minimal and the separate rights of individuals under this legislation will not be prejudiced.

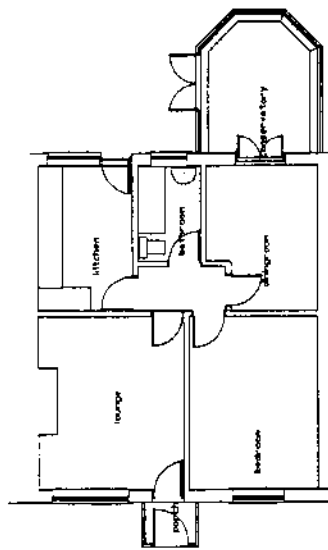
Recommendation: Refuse Permission ✓

1. **Reason:** Approval of the proposal would result in a visual imbalance to this terrace of four single storey properties, would detract from visual amenity within the street scene and would be thereby contrary to Policy H14 of the Carlisle District Local Plan.
2. **Reason:** Approval of the proposal would set a precedent encouraging the submission to the local planning authority of similar applications, which would prove more difficult to resist, thereby further diluting

SCHEDULE A: Applications with Recommendation

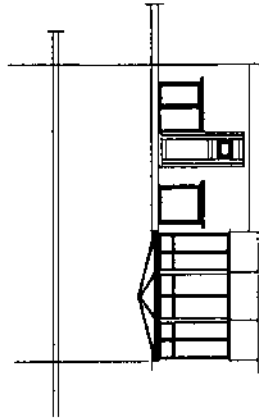
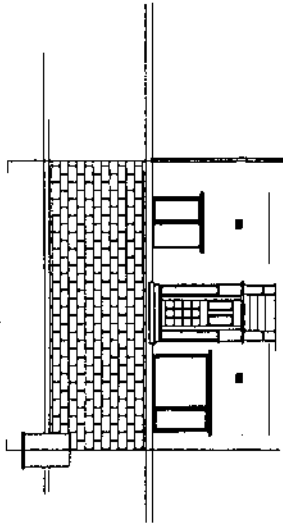
03/0165

planning policies and eroding the character and quality of the built environment.

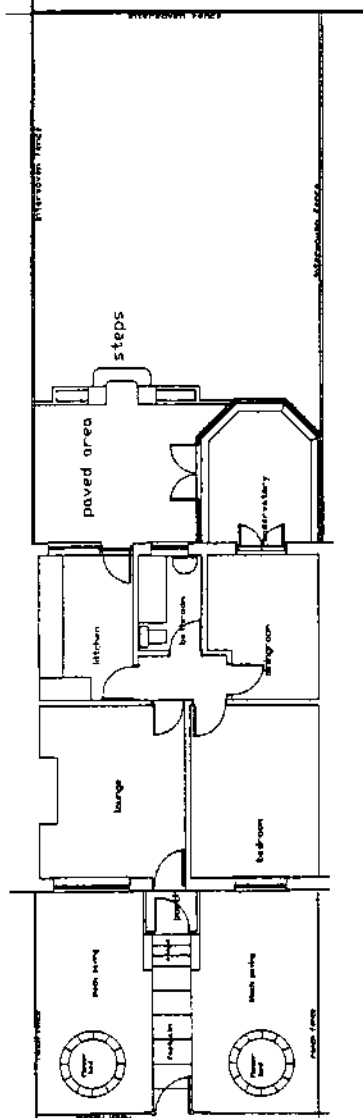


Existing Front Elevation

Notes: 1. The above plan is based on the information provided by the client and is not to be used for any other purpose.



Existing Rear Elevation



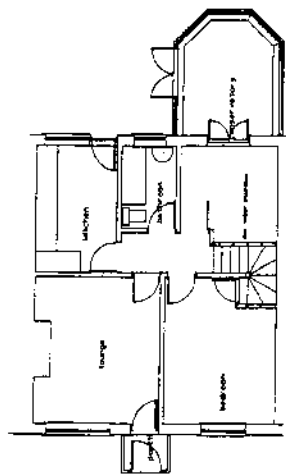
Loft Floor Plan

Drawing Title:
Existing Detail

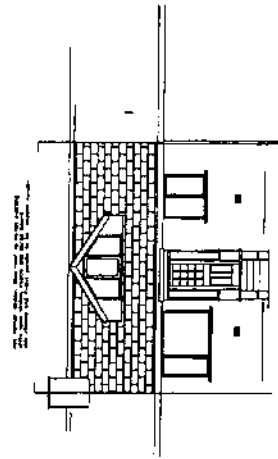
Project Title:
Proposed Loft Conversion.
Mrs D. Askew, 32 Hurley Rd,
Worwick On Eden

Approved

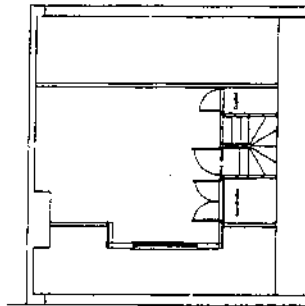
Project No. Drawing No. Revision
PI



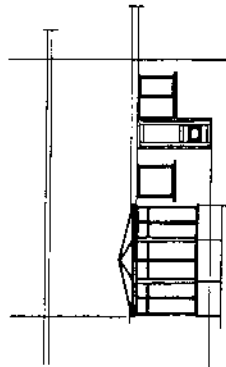
Proposed Ground Floor Plan



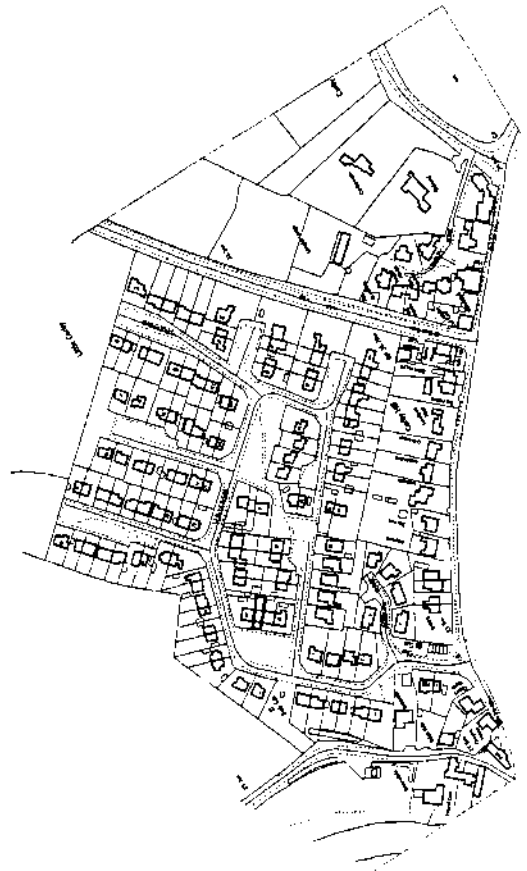
Proposed Front Elevation



Proposed First Floor Plan



Side Elevation



Drawing Title	Proposed Detail
Project Title	Proposed Loft Conversion Mrs. D. Adams, 32 Hurley Rd. Warwick, CV34 6EN
Scale	1/100
Date	7.2.03
Drawn	SL
Approved	
Project No.	Drawing No.
	Revision
	E1

SCHEDULE A: Applications with Recommendation

03/0174

Item No: 27

Date of Committee: 25/04/2003

Appn Ref No:
03/0174

Applicant:
A P & J Brown Ltd

Parish:
Carlisle

Date of Receipt:
14/02/2003

Agent:
Johnston & Wright

Ward:
Belle Vue

Location:
L/A 44 Crown Road, Crown Road, Belle Vue,
Carlisle

Grid Reference:
337227 555960

Proposal: Erection of 7no. detached dwellings

Amendment:

Angus

Report

Planning Policies:

Cumbria & Lake District Joint Structure Plan Policy 25

The siting, appearance and landscaping of all new development and alterations should aim to enhance the quality of the existing environment. It should be in keeping with the local character of the townscape or landscape, and be well integrated with the existing pattern of surrounding land uses and, where appropriate, be in keeping with the local vernacular tradition. Normally development should make proper provision for access by disabled persons.

Carlisle District Plan Environment - Policy E18

Trees which contribute to amenity, and are under threat, will in appropriate cases, be protected by means of Tree Preservation Orders, or conditions attached to planning permissions.

Carlisle District Plan Environment - Policy E19

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

Carlisle District Plan

SCHEDULE A: Applications with Recommendation

03/0174

Housing - Proposal H2

Within the Primary Residential Areas defined on the inset maps for Carlisle, Brampton, Longtown and Dalston, proposals for new residential development will be acceptable provided that:

1. Existing areas of open space and other amenity areas are safeguarded; and
2. The proposed development does not adversely affect the amenity of adjacent residential property; and
3. The proposed development complements or enhances existing adjacent residential areas and their amenity; and
4. Satisfactory access and appropriate parking arrangements can be achieved.

Proposals for uses other than residential will not be permitted in Primary Residential Areas other than where they do not adversely affect residential amenity. Development that would create unacceptable noise, smell, safety and health impacts or excessive traffic generation will not be acceptable. Such schemes falling within the scope of this Policy will be considered against the above criteria as well as other Policies of the Plan appropriate for the proposed use.

Carlisle District Plan Housing - Proposal H11

Proposals for housing development in large back gardens or behind existing housing developments will be acceptable providing that:

1. The scale, design and siting of the proposal is appropriate for the site and is in keeping with the character and quality of the local environment; and
2. There is no loss of amenity to surrounding properties; and
3. Existing landscape features are retained and additional planting is included as an integral part of the scheme; and
4. Appropriate access and car parking can be achieved.

Carlisle District Plan Housing - Proposal H16

High standards of design in new housing sites and dwellings will be required. Matters to be considered include: The layout of roads and buildings; footpaths and cycleways; the retention of existing trees and hedgerows; planning out crime; the provision of public open space; the relationship to adjacent development.

SCHEDULE A: Applications with Recommendation

03/0174

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): Comments awaited.

United Utilities (former Norweb & NWWA): No objection to the proposal. The water mains will, however, need extending to serve any development on this site. The development is shown to be adjacent to/include an electricity sub-station and therefore it is essential that the applicants check that they are within their own land ownership and that United Utilities maintenance and/or access rights are maintained.

Drainage Engineer - Commercial & Technical Services: There is no dedicated surface water sewer in the road, and the foul public sewer is of a limited size. Surface water must therefore be disposed of via a soakaway system.

Cumbria County Council - (Archaeological Services): I do not wish to recommend that any archaeological work be undertaken either in advance of, or during the course of, the development of this site.

Environment Agency (N Area (+ Waste Disp)): Comments awaited.

Cumbria Constabulary - Crime Prevention: The dwellings are laid out in such a way that promote their independence and do not overlook and protect each other. With a private defensible space is reduced. Similarly, I perceive that the entrance to the development has not been treated in such a way that portrays a gateway into a private area.

Consequently, if protection to the development is reduced because of environmental layout, the physical measures should be more robust in an effort to compensate.

The drawings supplied did not detail any proposals relating to lighting, landscaping or boundary treatments. I would welcome the opportunity to provide guidance/advice in this regard.

Summary of Representations:

Representations Received

Initial:	Consulted:	Reply Type:
The Occupier, 60 Crown Road	18/02/03	Undelivered
Mrs L Irving, 38 Crown Road	18/02/03	Objection
The Occupier, 40 Crown Road	18/02/03	
The Occupier, 42 Crown Road	18/02/03	
The Occupier, 19 Beck Road	18/02/03	
The Occupier, 21 Beck Road	18/02/03	
The Occupier, 23 Beck Road	18/02/03	
The Occupier, 25 Beck Road	18/02/03	
The Occupier, 27 Beck Road	18/02/03	
The Occupier, 29 Beck Road	18/02/03	
The Occupier, 31 Beck Road	18/02/03	

SCHEDULE A: Applications with Recommendation

03/0174

Ms J Davidson, 27 Gardenia Street	18/02/03	
Mr Graham, 66 Crown Road	18/02/03	
The Occupier, 37 Crown Road	25/02/03	Comment Only
The Owner / Occupier, Sunny Croft	25/02/03	
The Owner / Occupier, 44 Crown Road	25/02/03	
The Owner / Occupier, 18 Crown Road	25/02/03	
The Owner / Occupier, 20 Crown Road	25/02/03	

This application has been advertised in the form of a site notice and the direct notification of the occupiers of 13 properties. In response one letter of objection has been received on the basis that: a neighbour lives in a bungalow whilst the proposal will lead to losses in light and privacy; two storey dwellings are not consistent with the character of the area; and, the houses will attract families.

A neighbour has also verbally indicated a need to protect a Beech tree subject to a Tree Preservation Order.

Details of Proposal/Officer Appraisal:

Planning History:

In 1981, under application reference number 81/0443, outline planning permission was approved for residential development.

In 1994, application number 94/0475, outline planning permission was refused for the erection of 2 bungalows and 7 houses on the basis that it represented an over development of the site.

Details of Proposal:

This application relates to approximately 0.2ha. of relatively flat land lying on the western side between 42 and 66 Crown Street. The site has a road frontage of 40 metres with an existing access serving 44 Crown Road. 44 and 66 Crown Road are houses whilst 18, 20 and 40 Crown Road are bungalows. A mature Beech tree, subject to a Tree Preservation Order (TPO), is located in the south-western corner of the site.

The current application seeks full permission for the erection of a total of seven dwellings of which five are two storey houses with the proposed plots 6 and 7 consisting of "chalet bungalows". The dwellings would externally be constructed with brick walls and grey tiled roofs - see attached copies of submitted plans.

In considering this application, and with specific regard to Ministerial advice contained in PPG3 "Housing", the policies of the Development Plan, and, supplementary planning guidance in the form of "Trees on Development Sites", the three main issues are felt to be: a) effect on the Beech tree subject of the TPO; b) the effect on the amenities of neighbouring residents; and, c) the density of the proposed development.

SCHEDULE A: Applications with Recommendation

03/0174

In relation to a) it is considered that the proximity of the proposed house on plot 5 is too close to the Beech tree and, as such, if approved in this position would lead to annual applications for the removal of branches nearest the building on the grounds of a loss of light and overshadowing. This would result in a lop-sided tree. The tree may also have superficial roots which could be damaged where building foundations are dug.

When considering b) it should be noted that the proposed dwellings backing onto the bungalows at 18, 20, 22 and 42 Crown Road are the two bungalows. The submitted plans indicate that the bungalows have rooflights on the rear elevation serving two bedrooms and a bathroom on the first floor. The bungalows are, however, approximately 18.5 metres from the back wall of 18/20 Crown Road whilst the angle and position of the rooflights should mitigate against any direct overlooking of the aforementioned properties.

The end wall of the bungalow on plot 7 is also shown to be 6.9 metres from the closest part of 42 Crown Road although the fact that the proposed dwelling on plot 7 is to be a bungalow should safeguard the amenities of the neighbours. Of concern, however, is that the distance between the proposed dwellings on plots 2 and 4 which is less than 6 metres. It would also help the amenity of the occupiers of 66 Crown Road if the design of the proposed house on plot 1 was "handed".

The density of development of the current proposal is 35 units per hectare which is in accordance with the advice in PPG3 although regard has to be made to the constraints of the site with particular regard to the form of development neighbouring the site and the need to safeguard the Beech tree.

At the time of preparing the report revised plans are anticipated from the applicants which show the re-positioning of the proposed dwellings on plots 1, 4 and 5; the consistent annotation of plans, the correct elevational appearance and section of the proposed dwelling type "A"; and, taking account of the formal comments from Cumbria Constabulary.

On the basis that satisfactory revised plans are received and the awaited comments from Consultees the proposal is recommended for approval.

Human Rights Act 1998

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

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

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

SCHEDULE A: Applications with Recommendation

03/0174

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

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

The objectors rights are respected but in this instance there is not considered to be any conflict with the above.

Recommendation: Grant Permission



See Schedule
Pages 50-53

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.

2. Particulars of height and materials of all screen walls and boundary fences shall be submitted to and approved by the local planning authority prior to the commencement of the development hereby permitted.

Reason: To ensure that the appearance of the area is not prejudiced by lack of satisfactory screening which is not carried out in a co-ordinated manner.

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

Reason: To ensure that a satisfactory landscaping scheme is prepared.

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

Reason: To ensure that a satisfactory landscaping scheme is implemented.

5. In the event of trenches or excavations exposing tree roots of 50mm/2 inches diameter or more, these should be carefully retained and protected by suitable measures including (where otherwise unavoidable) bridging trenches. No severance of tree roots 50mm/2 inches or more in diameter shall be undertaken without prior notification to, and the subsequent approval of the local planning authority and where such approval is given, the roots shall be cut back to a

SCHEDULE A: Applications with Recommendation

03/0174

smooth surface. Prior to the commencement of development, protective fencing shall be erected around the canopy area of the Beech tree subject to Tree Preservation Order No. 51, and no machinery or vehicles shall be parked within, or materials stored, dumped or spilled within that area.

Reason: To protect the Beech tree during development works.

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

Reason: To ensure the works harmonise as closely as possible with the existing building.

7. Details shall be submitted of the proposed hard surface finishes to all public and private external areas within the proposed scheme and approved by the local planning authority before any site works commence, and the approved scheme shall be fully implemented before any of the dwellings are occupied.

Reason: To ensure that materials to be used are acceptable.

8. Drainage details including land drainage shall be submitted to and approved by the local planning authority before the development is commenced. The scheme shall be completed in accordance with the approved details.

Reason: To ensure that adequate drainage facilities are available.

9. No development approved by this permission shall be commenced until a desk study has been undertaken and agreed in writing by the Local Planning Authority to investigate and produce an assessment of the risk of the potential for on-site contamination. If the desk study identifies potential contamination a detailed site investigation shall be carried out to establish the degree and nature of contamination and its potential to pollute the environment or cause harm to human health. If remediation measures are necessary they will be implemented in accordance with the assessment and to the satisfaction of the Local Planning Authority.

Reason: To ensure a safe form of development that poses no unacceptable risk of pollution.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order), no additional windows, skylights or dormers shall be inserted above the ground floor on the northern and eastern elevations of the dwellings on plots 6 and 7 as identified on the approved plans without the prior consent of the local planning authority.

Reason: In order to protect the privacy and amenities of residents in close proximity to the site.

SCHEDULE A: Applications with Recommendation

03/0174



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14 FEB 2003

200310174

Chartered Architects

Johnston and Wright

15 Castle Street Carlisle Cumbria CA3 8TD

tel +44 (0) 1228 525161

fax +44 (0) 1228 515559

e-mail jw@jwarchitects.co.uk

Project Proposed Housing Development, Crown Road, Belle Vue, Carlisle

Scale 1/1250

Date 08:02:03

Drawn bfc.-432-

Number 11194-00

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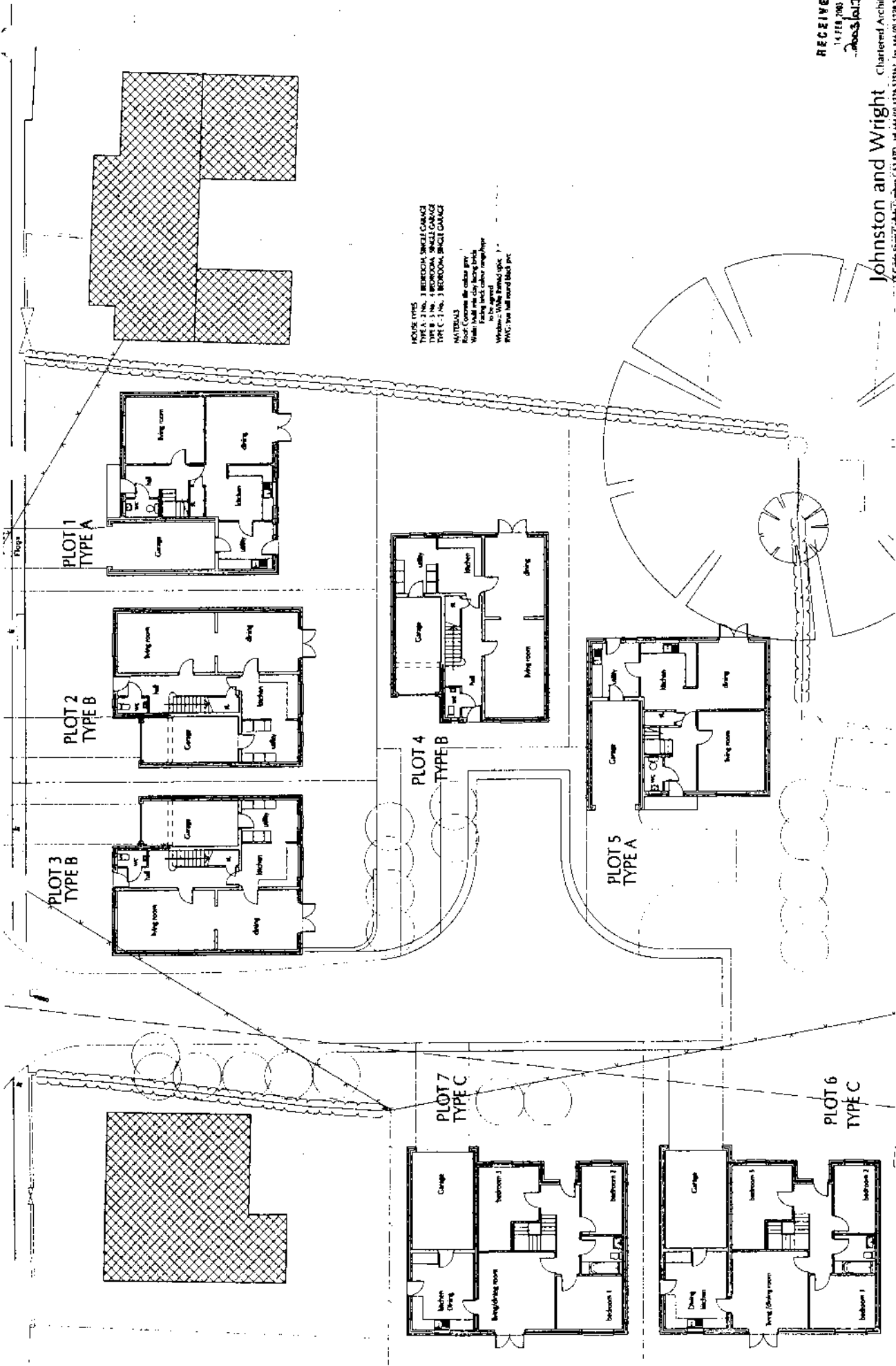
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2003 Feb 24

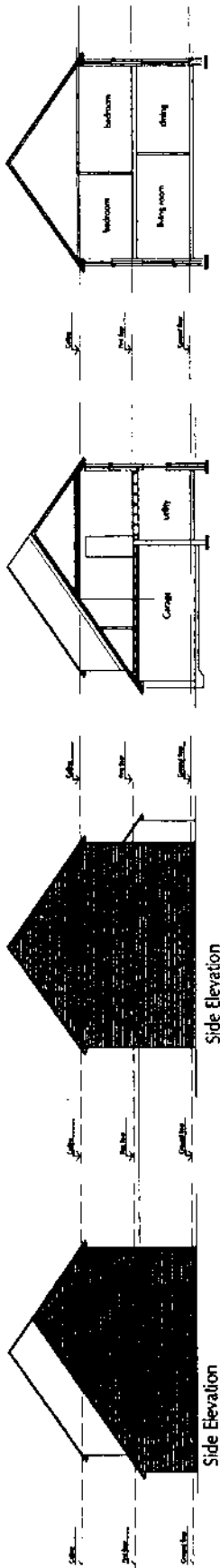
Johnston and Wright Chartered Architects
15 Gable Street, Dublin 7, Ireland Tel: 44 (0) 1226 525647 Fax: 44 (0) 1226 515559
Email: jrw@jrwarchitects.com

Project: Crown Road, Carlsile
A. P. Brown Ltd
Drawing: Site Layout

Scale: 1:100 Date: 31.01.03 Drawn: JN Number: J1194_02B
This drawing is a preliminary design and is not to be used for construction without the written consent of the architect.
The architect is not responsible for any errors or omissions in this drawing.

HOUSE TYPES
TYPE A: 2 No. 3 BEDROOM SINGLE GARAGE
TYPE B: 2 No. 4 BEDROOM SINGLE GARAGE
TYPE C: 2 No. 3 BEDROOM SINGLE GARAGE
NAUTICALS
Roof: Concrete tile colour grey
Walls: Half brick on clay facing brick
Flooring: Hardwood laminate
Windows: White framed triple glazing
PVC: Two half round black gutters





Section B-B

Section A-A



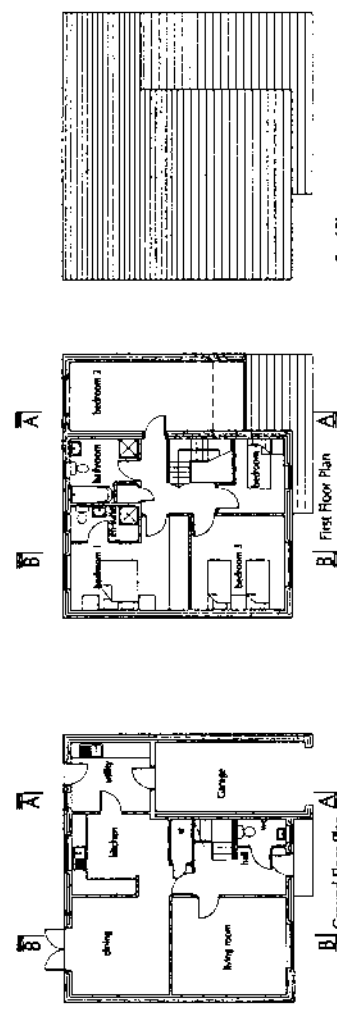
Entrance Elevation

Rear Elevation

A

1 BEDROOM
SINGLE GARAGE
AREA
HOUSE - 144.5 SQM
GARAGE - 15.5 SQM

MATERIALS
Roof: Concrete de-colour grey
Walls: Multi pine grey honey locust
Flooring: Black colour laminate
Windows: White framed upvc
PVC: two half round black per



Roof Plan

First Floor Plan

Ground Floor Plan

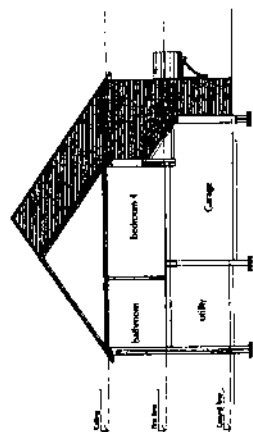
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14 FEB 2003
2003/02/14

Johnston and Wright Chartered Architects
15 Castle Street Cardiff, Cardiff, CF1 1AT Tel: 01446 1228 3273161 Fax: 01446 011723 345559
email: jrw@johnstonwright.co.uk

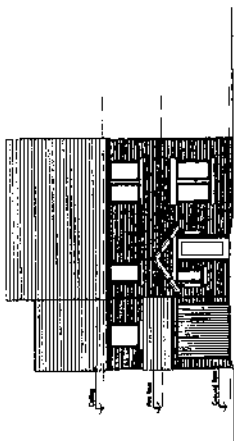
Project: Crown Road, Cardiff
A. P. Brown Ltd
House Type A, Plots 1 and 5

Scale: 1:100 Date: 3-01-03 Drawn: JWC Number: 11119 438

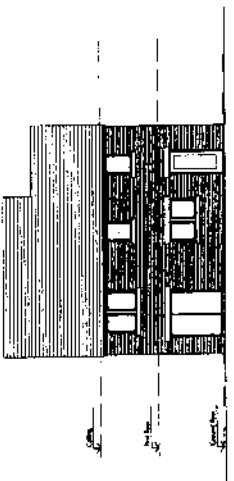
Revisions:
1. 08/01/03
2. 13/01/03



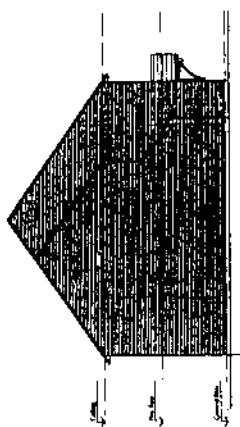
Section A-A



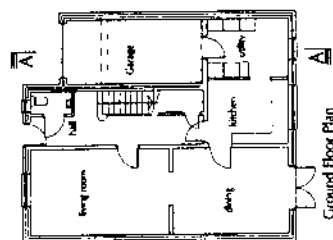
Front Elevation



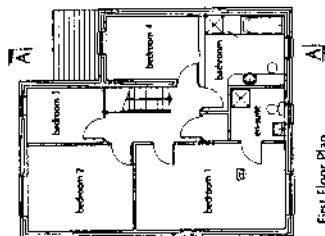
Rear Elevation



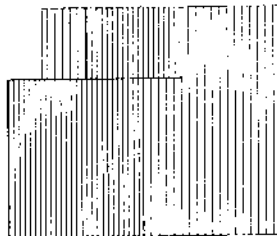
Side Elevation



Ground Floor Plan



First Floor Plan



Roof Plan

B

4 BEDROOM
2 BATHS
GARAGE
AREA
HOUSE: 144 SQM
GARAGE: 14 SQM

MATERIALS
Roof: Concrete de couleur gris
Walls: Multi mix clay facing block
Facing block: color sample type
Floor: concrete
Windows: White framed UPVC
SWC: iron half round black pvc

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14/10/2008
2003/10/24

Johnston and Wright Chartered Architects
15 Castle Street, Cambridge CB3 0RT Tel: 044 (0) 1223 535167 Fax: 044 (0) 1223 535350
email: johnstonwright.co.uk

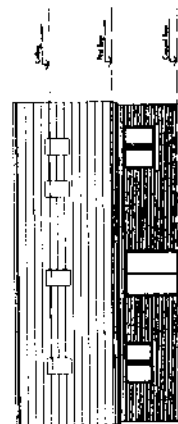
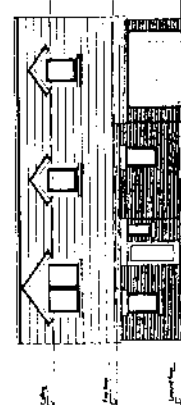
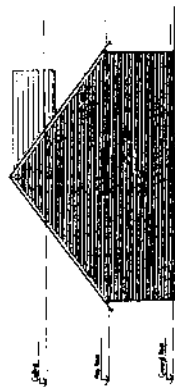
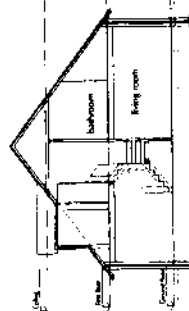
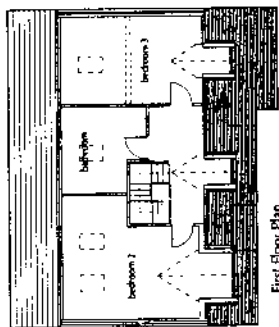
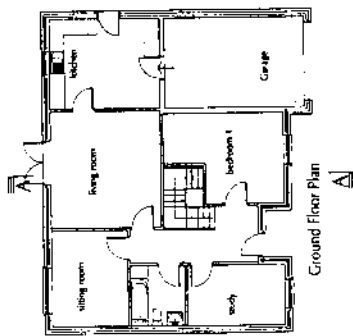
Project: Crown Road, Conisle
A. P. Brown Ltd

Drawing: House Type B, Plots 2, 3 and 4

Scale: 1:100 Date: 31/03/08 Drawing Number: 11194-04B

Revisions:

- 08/03/08 400 SQM 445 SQM 445 SQM
- 13/03/08 445 SQM 445 SQM 445 SQM



CONSTRUCTION
 BRICK GARAGE
 HOUSE 157 SQM
 GARAGE 45 SQM
MATERIALS
 Roof: Concrete tile colour grey
 Walls: White masonry facing brick
 Facing brick colour sample type
 to be agreed
 Windows: White painted steel
 PVC and half round black pvc

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 14 FEB 2002
 005134

Johnston and Wright Chartered Architects
 15 Castle Street, Cambridge CB3 0BQ Tel: +44 (0) 1223 527516 Fax: +44 (0) 1223 515559
 Email: johnstonwright.co.uk

Project: Crown Road, Corbridge
 A. P. Brown Ltd
 Drawing: House Type C, Plots 6 and 7

Scale: 1:100 Date: 31.03.03 Drawn by: Number: 1115 JB
 1:1000 Date: 31.03.03 Drawn by: Number: 1115 JB
 1:1000 Date: 31.03.03 Drawn by: Number: 1115 JB

SCHEDULE A: Applications with Recommendation

03/0176

Item No: 28

Date of Committee: 25/04/2003

Appn Ref No:
03/0176

Applicant:
Ken Hope Ltd

Parish:
Kingmoor

Date of Receipt:
18/02/2003

Agent:
Taylor & Hardy

Ward:
Stanwix Rural

Location:
L/Adj Westmoor, Low Crindledyke, Rockcliffe,
Carlisle, CA6 4BH

Grid Reference:
337312 560547

Proposal: Temporary siting of a cabin to be used for archive storage

Amendment:

Alan

Report

Planning Policies:

Carlisle District Plan Employment - Proposal EM10

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

1. There is no unacceptable adverse impact on the local landscape; and
2. There is no unacceptable adverse effect on nature conservation interests; and
3. Adequate access and appropriate parking provision can be achieved; and
4. There is no unacceptable adverse affect on the amenity of any adjacent properties.

Carlisle District Plan Employment - Proposal EM11

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

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

SCHEDULE A: Applications with Recommendation

03/0176

2. Adequate access and appropriate parking arrangements are made;
3. Any increased traffic generated by the proposal can be accommodated by existing highway network;
4. There is no unacceptable adverse effect on the amenity of adjacent property or the surrounding landscape.

Summary of Consultation Responses:

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

Kingmoor Parish Council: formally register an objection based upon their comments on application 02/1205 relating to the scale of operations at Low Crindledyke. The PC are also concerned that the cabin is already in position and regard this as another example of a retrospective approval being sought which is viewed with extreme concern. The comments made on application 02/1205 were as follows:

"The Parish Council registers a formal objection and ask for a Site Visit. The objection is based upon the increasing scale of operations from the site including a 24 hour service";

Summary of Representations:

Representations Received

Initial:

Consulted:

Reply Type:

A Site Notice has been displayed but there have been no representations.

Details of Proposal/Officer Appraisal:

Planning History:

The applicants commenced the operation of a Plant Hire and Contractors' Yard from land adjacent to their home at Westmoor in 1978. The business expanded and in 1982 planning permission was obtained for the erection of a tractor shed and workshop, the latter being through the adaptation of former railway cottages.

During the 1980's and 1990's the business grew though no further planning approvals were sought to authorise expansion beyond the limitations imposed as planning conditions attached to the 1982 consent. However, throughout that period of growth the business did not generate any complaints to Planning or Environmental Services nor, as far as can be ascertained, was

SCHEDULE A: Applications with Recommendation

03/0176

the Highway Authority or Parish Council aware of, or concerned about, the situation to the extent that it was brought to the notice of the City Council.

In 1996 the applicants contacted Taylor & Hardy (Planning Consultants) to provide advice since it was thought appropriate to both regularise the situation and seek formal approval to further develop the site to reflect the increased business the firm were experiencing.

In June 1996, a planning application was made for the use of the land as a "Plant Hire and Contractors' Yard Together With the Erection of Offices and a Workshop". The application was advertised and neighbours notified but these measures generated no representations against the development.

It follows that as the use of the land had operated at an intensive scale, without complaint, for a lengthy period of time and had become a significant provider of jobs (40), planning policy guidance and Government advice generally did not support rejection of the proposals. Consequently planning permission was granted in July 1996.

In May 1997 planning permission was granted for the addition of a small extension to the proposed office building. Further consent for the siting of a temporary portacabin and the erection of lighting columns was approved in April 1998, as was an application to extend the plant hire and civil engineering yard, both after a Site Visit by Members. Consent for the temporary portacabin was renewed in September 1998 authorising its use as a training centre providing classroom instruction linked to practical instruction in operating plant hire equipment, in accord with requirements of the Construction Industries Training Board.

In April 2000 planning permission was granted for improvements to the existing access and the erection of a vehicle shed. In August of the same year permission was granted for the demolition of the original workshop building, the removal of the portacabin office and the erection of a new building for workshop/training use plus an extension to the office building. A revised application for the same development was subsequently approved in June 2001 and that development has now completed and is in use.

At the last meeting of the Committee, and after a Site Visit by Members, planning permission was granted for a "Proposed Extension To, and In Part Change of Use and Over-Cladding Of, An Existing Storage Building To Provide A Roof Over The Loading Bay and A Workshop With Toilets and Locker Room".

Details of Proposal:

Approval is sought for the retention of a steel storage cabin which has been positioned adjacent to the gable of the applicants' office premises adjacent to the hedge forming the site boundary.

The cabin, which is used for the archive storage of files, measures 2.5 metres by 6.0 metres and is 2.5 metres high. It was supplied with existing yellow paint finish but,

SCHEDULE A: Applications with Recommendation

03/0176

subject to planning consent being given, the applicants intention is to paint it dark green. It is further anticipated that it will be required for two years to have ready access to paper records that are in regular use. In that respect members may wish to note that the applicants have another current application to develop a new Training Centre at Parkhouse although that application cannot be brought before this meeting since a number of consultations remain outstanding.

The nature of the application is such, and the presence of the cabin so innocuous, that in most circumstances it would have been determined under the Scheme of Delegation. However, the receipt of the Parish Council's objections, which seem to be based on the entire principle of the business being at this location rather than directed at the merits or otherwise of this specific application, require that it be put before the meeting.

From a planning policy point of view the grant of a temporary 2 year consent and a condition requiring re-painting would cause no offense to policy and approval is thus recommended.

Human Rights Act 1998

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

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

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

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

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

There are no issues raised by this proposal.

Recommendation: Grant Permission ✓

1. The storage cabin shall be removed and there shall be carried out such works as may be required for the reinstatement of the land by not later than the 30th day of April, 2005.

Reason: The Local Planning Authority wish to review the matter at the end of

SCHEDULE A: Applications with Recommendation

03/0176

- the limited period specified.
2. Within 6 weeks of the date of this approval the proposed development shall be painted in accordance with a detailed painting scheme which shall be approved in writing by the Local Planning Authority

Reason: To minimise the visual impact of the structure.

2003/0176

SCALE 1:200

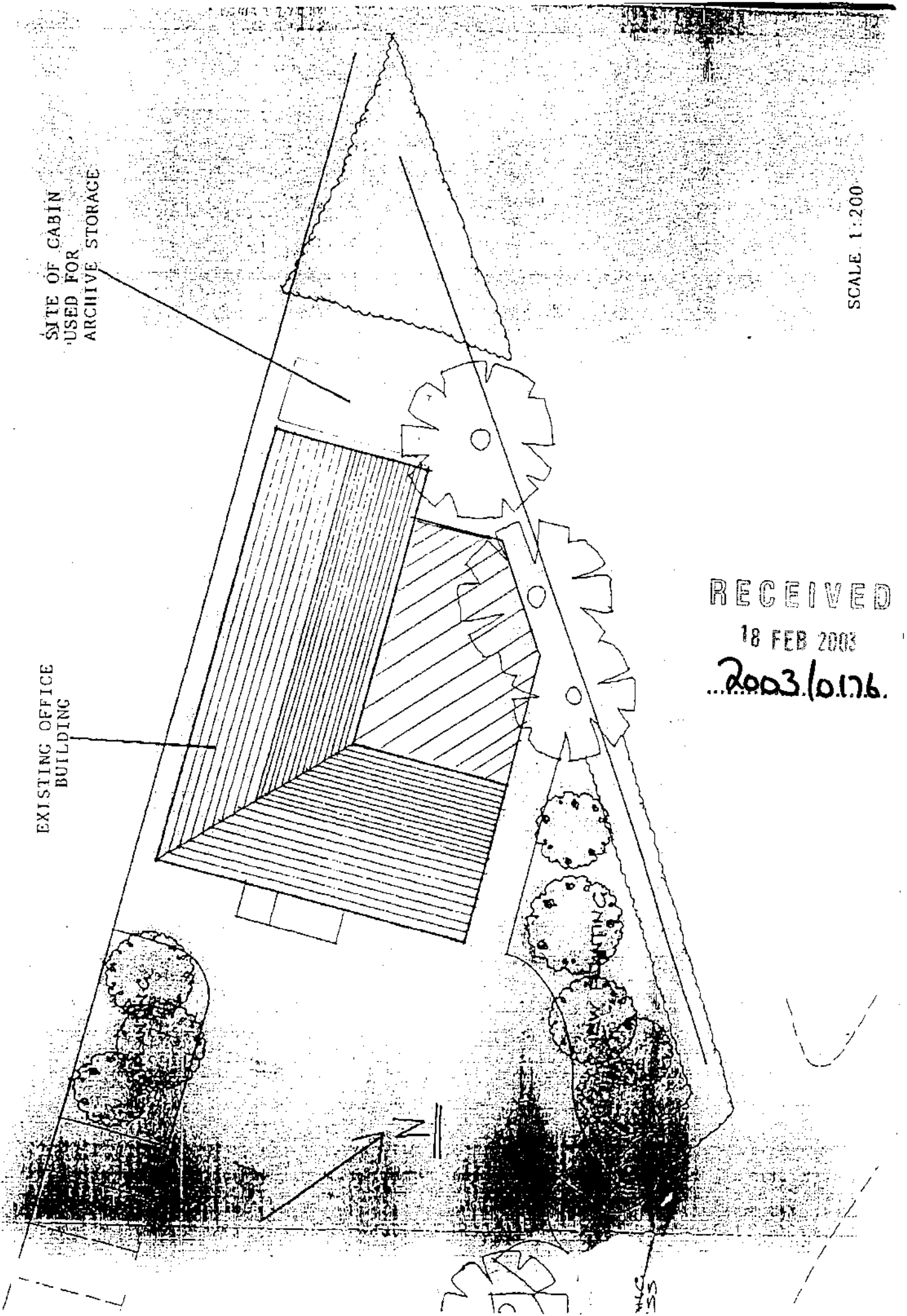
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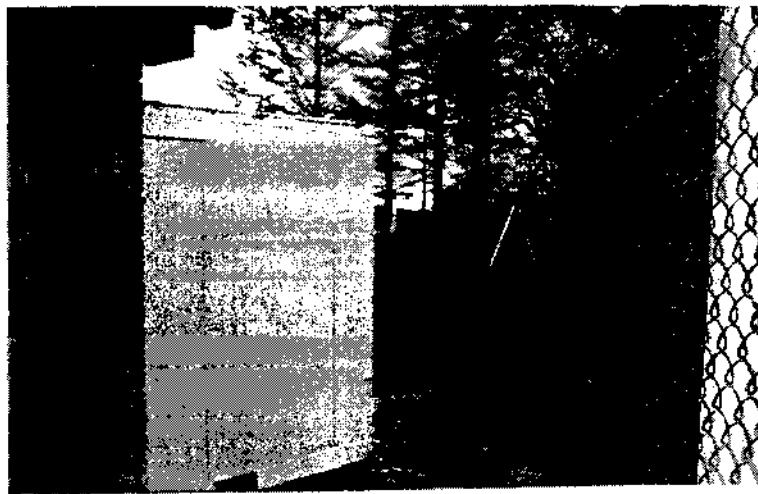
18 FEB 2003

2003/0176

SITE OF CABIN
USED FOR
ARCHIVE STORAGE

EXISTING OFFICE
BUILDING





Elevation incorporating the pedestrian doorway

PHOTOGRAPHS OF THE CABIN USED FOR ARCHIVE STORAGE

FEBRUARY 2003

2003/01/17
2003/01/17

SCHEDULE A: Applications with Recommendation

03/0180

Item No: 29

Date of Committee: 25/04/03

Appn Ref No:
03/0180

Applicant:
Messrs T A & M J Graham

Parish:
Stanwix Rural

Date of Receipt:
18/02/03

Agent:
Tsada Building Design
Services

Ward:
Stanwix Rural

Location:
L/Adj to White Moss Farm, High Crosby,
Crosby-on-Eden, Carlisle

Grid Reference:
345864 560445

Proposal: Erection of agricultural workers dwelling (outline)

Amendment:

John.

Report

Planning Policies:

Carlisle District Plan Housing - Proposal H6

Within the remainder of the Plan area, outside areas covered by Proposal H1 and Policies H2-H5, permission will not be given for dwellings, except where applications are supported by a proven agricultural or forestry need.

Carlisle District Plan Environment - Policy E26

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

1. The proposal reflects the scale and character of the existing group of buildings; and
2. There is no unacceptable adverse effect on the character and/or appearance of the Hadrian's Wall Military Zone World Heritage Site.

Cumbria & Lake District Joint Structure Plan Policy 40

In rural settlements outside the National Parks and AONBs, housing development will normally be permitted, especially where it would help to sustain the existing

local community, and provided it is in sympathy with the scale and character of the existing settlement. Outside rural settlements, new dwellings will normally only be permitted for those engaged in agriculture where such a dwelling is essential for the working of the farm.

Summary of Consultation Responses:

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

Stanwix Rural Parish Council: No objections.

County Land Agent (Capita dba): The County Land Agent's report is reproduced in full in the schedule. The conclusions of the report are:-

- i. there is a functional need to have a full time worker resident on this holding.
- ii. the labour requirement on the holding equates to approximately 3 full time workers including significant use of contractors.
- iii. the existing business is financially viable.
- iv. the existing farmhouse meets the requirement to house the one worker who needs to be resident on the holding.

Environment Agency (N Area (+ Waste Disp)): Awaiting comments.

Summary of Representations:

Representations Received

Initial:	Consulted:	Reply Type:
The Occupier / Owner, Norfels	20/02/03	
The Occupier, White Moss	21/02/03	

This application has been advertised by means of a site notice and neighbour notification. No responses have been received.

Details of Proposal/Officer Appraisal:

Planning History:

The relevant history of the application site itself relates to the existing bungalow next to the application site. Planning permission was refused for this on two occasions in 1977 and 1978. An outline application was subsequently approved in 1979 with reserved matters approval being granted in 1980. This bungalow was bought by the applicants along with the land and buildings at White Moss ten years ago.

It should also be noted that an outline application at Wallhead was refused in 1990, with a subsequent appeal being dismissed in 1991.

Details of Proposal:

Outline permission is sought for the erection of an agricultural worker's dwelling on land adjacent to White Moss Farm, High Crosby. The site is located adjacent to an existing farm complex, and a bungalow approximately 0.6km north of the A689 primary route. Members will be aware that the principal issue in cases such as this is whether an essential need can be established for the proposed dwelling. In this case, the circumstances are quite complex, and are set in full in the County Land Agent's report, which is reproduced in the schedule. The situation may be summarised as follows:-

The applicants farm a total of 101 ha. based at Wallhead Farm, some 600m north of the application site, and at White Moss itself, where there is a range of modern agricultural buildings in addition to those at Wallhead. There is a farmhouse at Wallhead with four bedrooms, occupied by the applicant, wife and son, who works on the holding. The farm business is viable and has a labour requirement of 3 full time workers including contractors. Bearing in mind the scale of the operation, there is a need for one person to be resident on the holding.

There are a number of other factors which have a bearing on the case. Firstly, the existing bungalow at White Moss adjacent to the application site was bought, together with the land and buildings at White Moss some ten years ago. At that time, the ownership of the bungalow was transferred to the applicant's other son; who, although employed locally in agriculture, does not work on the applicant's holding.

Secondly, in 1989 an application for an agricultural workers dwelling at Wallhead was refused, and an appeal against that decision was dismissed. A copy of the Inspectors report is included in the schedule. Amongst other conclusions, the inspector accepted the evidence of the then County Land Agent that a herd of 120 cattle would be required, before a second worker resident on the holding would be justified.

In the light of the above, the following considerations are felt to be relevant in determining this application:-

1. For the proposal to be considered acceptable, it would need to be established that there is an essential need for an additional worker to be resident on the holding. The evidence of the County Land Agent related to this case, and that of his predecessor and the inspector's report in relation to the earlier appeal do not support this conclusion.
2. The fact that the applicant passed the ownership of the bungalow at White Moss to his son after it had been purchased, whilst not conclusive, does little to support the current proposal for an additional dwelling now.
3. The complex of buildings at White Moss is only 600 metres from the other centre of operation at Wallhead. It is not considered therefore that there is a significant argument in favour of the proposal arising from the geographical separation of the two centres of operation. It would be reasonable to expect the applicant to organise the operation so that intensive care of animals will only be required at Wallhead where the existing dwelling is located.

In conclusion therefore it is considered that this application should be refused because it has not been established that an essential agricultural need exists.

Human Rights Act 1998

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

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

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

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

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

This application does not raise any Human Rights Act implications.

Recommendation: Refuse Permission ✓

1. **Reason:** The proposal to erect an agricultural worker's dwelling in this location unrelated to any recognised settlements requires particular justification to establish that an essential need exists in this instance. It is considered that an essential need has not been established for an additional dwelling related to the holding. The proposal is therefore contrary to Policy 40 of the Cumbria and Lake District Structure Plan and Policy H6 of the Carlisle District Plan.
-

White Moss

White Moss

Track

Carlisle City Council

Department of Transport & Development
Planning Services

Need of Planning - Not Given (N/OP 10/11/11)

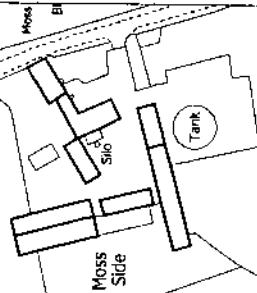
This map has been produced for the
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1:2,500

18/2/2003

31.5m



Moss Side

412

BM 32.48m
Pillar

32.4m

White Moss Farm

31.0m

BM 31.89m

Woods

ROMAN CAMP
(site of)

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[illegible]

Received 10 January 1990; revised 12 April 1990; accepted 12 April 1990

$$L_{\text{H}\alpha} = 10^{36} \text{ erg s}^{-1} \quad \text{for } \lambda_{\text{H}\alpha} = 6563 \text{ \AA}$$

1:2,500

**LAND ADJACENT WHITE MOSS FARM,
HIGH CROSBY,
CROSBY ON EDEN
CARLISLE**

**Report on the agricultural need for a proposed agricultural workers
dwelling**

CAPITA
Clint Mill
Cornmarket
PENRITH
CA11 7HP
Tel: 01768 242340

CAPITA
LOCAL PRACTICES

March 2003

Proposed agricultural workers dwelling land adjacent to White Moss Farm, High Crosby, Crosby on Eden, Carlisle

1.0 Introduction

- 1.1 This report has been prepared at the request of Carlisle City Council who asked on the 21 February 2003 if I will report on the agricultural need for a proposed agricultural workers dwelling at land adjacent to White Moss Farm, High Crosby, Crosby on Eden, Carlisle.
- 1.2 I met Mr T A Graham on behalf of the applicants, Messrs T A & M J Graham of Wallhead Farm, High Crosby, Carlisle on the 6 March 2003 and inspected the steadings at both Wallhead Farm and the application site. Also present was Mrs Graham and Mr William Faulder, the applicant's agent. The following information was provided by Mr Graham.

2.0 Land Occupied

- 2.1 The area of land farmed by Messrs T A & M J Graham of Wallhead Farm extends in total to approximately 101 hectares (249 acres) and is made up of the following blocks of land:
 - 2.1.1 71 hectares (175 acres) at Wallhead Farm, High Crosby. This land is in a ring fence and is owner occupied.
 - 2.1.2 Approximately 30 hectares (75 acres) of land in the locality is taken each year on a seasonal grazing basis.

3.0 Livestock

- 3.1 The following livestock are currently kept on the holding.
 - 3.1.1 90 Dairy cows, mostly Friesians producing in total around 490,000litres of milk per year. The cows calves all year round with the offspring being reared on the farm until they are sold at around 14 months of age.
 - 3.1.2 Between 120 and 130 young stock of various ages up to around 14 months of age.

Until the onset of Foot & Mouth, approximately 110 breeding ewes producing early lambs were kept on the holding. To date these sheep have not yet been replaced.

4.0 Cropping

4.1 The normal cropping on the farm is as follows:

- 4.1.1 Approximately 35 hectares of silage is taken as a first cut reducing to 20 hectares for a second cut. The silage is either stored in open pits at the Wallhead farm steading or adjacent to the buildings at the application site.
- 4.1.2 10 Hectares of spring barley for feeding to the livestock.
- 4.1.3 1.2 Hectares of potatoes for sale.

5.0 Farm Buildings

- 5.1 At Wallhead farm there is a cubicle shed for the dairy cows, milking parlour, above ground slurry store, and an array of modern Dutch barns together with a range of traditional brick built buildings under slate roofs around the original farmyard.

At the White Moss steading is a range of modern steel-framed buildings which accommodate up to around 90 head of cattle in the winter months. There is also an open silage pit and underground slurry storage tanks.

6.0 Domestic Buildings

- 6.1 The only dwelling available to the business is the existing farmhouse at Wallhead Farm which is brick built under a slate roof and has 4 bedrooms, sitting room, living room, kitchen and bathroom.

The applicant advised that they had purchased the land, extending to around 10 hectares, buildings and a bungalow adjacent to the application site approximately 10 years ago. At that point the ownership of the bungalow was transferred to one of their sons who although works in agriculture in the locality, does not work on the applicants holding.

7.0 Labour & Residence

- 7.1 Mr T A Graham works full time on the holding as does his son, Nigel who is 32 years old. Mr and Mrs Graham and Nigel live in the farmhouse at Wallhead Farm.

They use contractors for silage, harvesting the grain and spreading the slurry.

8.0 Other Information

Mr T A Graham advised that he was approaching retirement age and was finding some work difficult. He also wanted a worker resident at the White Moss steading to look after the livestock there in particular, and to deal with calving cows outside normal working hours.

9.0 PPG7 and the need for agricultural workers dwellings

- 9.1 The need for agricultural workers dwellings is covered in Planning Policy Guidance note PPG7 "The Countryside-Environmental Quality and Economic and Social Development (revised in February 1997)" and in particular Annex I of that publication.

Guidance is given on the criteria to be met for agricultural dwellings and in relation to a permanent agricultural workers dwelling, these criteria are set out in paragraph I.5 of Annex I PPG7. These criteria are

- a. There is a clearly established *existing* functional need

There is an established existing functional need for a worker to be resident on this farm to deal with the care of the existing livestock. This will particularly be the case in relation to calving cows outside normal working hours and for the general care of the livestock and security of the premises.

- b. The need relates to a full-time worker or one who is primarily employed in agriculture and does not relate to a part-time requirement

I have calculated the labour requirement of the existing stocking and cropping on this farm and can advise that it has a labour requirement equivalent to at least 3 full-time workers. This includes the use of contractors.

- c. The unit and the agricultural activity concerned have been established for at least 3 years, have been profitable for at least one of them, are currently financially sound and have a clear prospect of remaining so.

This is a long established family business with the applicants farming at Wallhead farm in excess of 30 years and around 10 years on the block of land at the application site.

Viability can be defined as offering a competent person the prospect of a sufficient livelihood. In practise this can mean a net farm income after all expenses such as feed, fertilizer and property maintenance at least equivalent to an agricultural workers minimum wage which is currently in the region of £9,700 per annum. I have calculated the likely net farm income from the livestock normally kept on this holding and I am able to advise that it is financially viable.

- d. The functional need could not be fulfilled by another dwelling on the unit or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned.

These days it is only really necessary for specialist workers to live on or immediately adjacent to agricultural holdings. This is to be available at most times to attend to emergencies and the overall need to protect property. In the present case I am of the opinion that in the interests and the well-being of the livestock particularly during calving, the efficient running of the holding and overall security, it is essential for one person actively involved in the management of this unit to be present on or immediately adjacent to it.

The availability of the existing farmhouse at Wallhead farm therefore meets this requirement.

In addition I refer you to paragraph 17 of Annexe I PPG7 which refers to the sale of the property constituting evidence of lack of agricultural need in relation to the existing bungalow adjacent to the steading at the application site.

I also refer you to an appeal to application number 89/1117 dated 13 August 1991 copy enclosed, which relates to Wallhead Farm.

- e. Other normal planning requirements, for example siting and access are satisfied

These are beyond my instructions.

10.0 Conclusion

10.1 In-conclusion, I therefore advise

- 10.1.1 there is a functional need to have a full-time worker resident on this holding

- 10.1.2 the labour requirement on the holding equates to a approximately 3 full time workers including the significant use of contractors.
- 10.1.3 the existing business is financially viable
- 10.1.4 the existing farmhouse meets the requirement to house the one worker that needs to be resident on this holding.



A G Jackson BSc FRICS FAAV
CAPITA
Clint Mill
Commarket
PENRITH

// March 2003

**COMPLIANCE WITH RICS PRACTICE STATEMENT
SURVEYORS ACTING AS EXPERT WITNESSES**

I hereby declare that my Report complies with the requirements of the RICS Practice Statement "Surveyors Acting as Expert Witnesses" 2nd Edition Published in 2000 and in particular

- (i) that the report includes all facts which the surveyor regards as being relevant to the opinion which he or she has expressed and that the judicial body's attention has been drawn to any matter which would affect the validity of that opinion: and
- (ii) that the report complies with the requirements of The Royal Institution of Chartered Surveyors, as set down in *Surveyors acting as Expert Witnesses: Practice Statement: and*
- (iii) that the expert understands his or her duty to the judicial body and has complied with that duty.
- (iv) 'I believe that the facts I have stated in this report are true and that the opinions I have expressed are correct'



Planning Inspectorate
Department of the Environment

Room 1404 Tollgate House Houlton Street Bristol BS2 9DJ

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Switchboard 0272-218811

GTN 1374

B/4X/JEB/P

Burnetts
Solicitors
6 Victoria Place
CARLISLE
Cumbria
CA1 1ES

Your reference	
JDC/G2688	
Our reference	
T/APP/E0915/A/90/166563/P8	
Date	13 AUG 1991
12 AUG 1991	
De	
ACTION	

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPEAL BY MR A GRAHAM
APPLICATION NO: 89/1117

1. I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal. This is against the decision of Carlisle City Council to refuse outline planning permission for the erection of an agricultural worker's dwelling on land adjoining Wallhead Farm, Crosby-on-Eden, Cumbria. I held a local inquiry into the appeal on 11 June 1991.
2. From my consideration of the evidence, and my inspection of the site and its surroundings, I have come to the view that the main issues in this case are, firstly, whether there is an agricultural need for the proposed dwelling which would justify an exception to the generally restrictive local and national planning policies on new housing in the countryside and, secondly, whether it would cause material harm to the character and appearance of the landscape.
3. The appeal site lies in open countryside well away from any settlement and it was agreed at the inquiry that, under both local and national planning policies, isolated new houses in such areas require special justification. Policy H8 of the approved Cumbria and Lake District Joint Structure Plan states that outside rural settlements new dwellings will normally only be permitted to meet the essential needs of agriculture or forestry. This same approach is echoed in the Council's non statutory Carlisle Settlement Policy and in the emerging Carlisle Rural Area Local Plan. It also accords with central government advice on conserving the character and appearance of the countryside and it is clear that, in the absence of an agricultural need in the terms set out in the annex to Circular 24/73, the appeal proposal would be contrary to the aims of well established rural planning policies.
4. Your client's farm includes dairy, beef and sheep enterprises with the dairy herd making the greatest contribution to overall income. Labour is provided by your client and his son, Mr S Graham, the latter being responsible for day to day management of the dairy herd. Mr S Graham moved from the farmhouse on his marriage in May 1990 and the proposed dwelling is intended for him and his wife. On the basis of evidence from both the Ministry of Agriculture, Fisheries and Food and Cumbria County Council, you and the Council agreed that the holding is fully viable, that it has a labour requirement of 2 full time workers and that suitable accommodation could not be provided for a further household on the farm within the existing farmhouse or by conversion of existing buildings. Three of the 4 tests to establish the need for a new dwelling, as set out in the annex to Circular 24/73,



could thus be satisfied and the essential difference between the 2 parties at the inquiry was whether or not both workers must live on the farm.

5. For your client it was argued that both he and his son are in different ways specialist workers as defined in the annex to Circular 24/73 and that, as the person with day to day charge of the dairy herd, Mr S Graham should live within sight and sound of the farm buildings so that he could attend to breeding stock and sick animals and deal with emergencies. My attention was particularly drawn to the importance of timely heat detection in breeding cattle in order to maintain calving productivity. The existing vacant dwelling at White Moss was considered to be too far away to enable proper supervision and the availability of accommodation in nearby villages, as suggested by the Council, was considered irrelevant given the arguments on Mr S Graham's role as a specialist worker.

6. With evidence from the County Council the Council argued that there was only a need for one worker to live on the holding and that this need could be met in the existing farmhouse. Wallhead Farm was considered similar to many other holdings in the County which require the services of 2 or 3 workers but only one of whom would normally live on the farm. Calculations on the likelihood of calvings taking place at night indicated that, with your client's size of herd, a sufficient level of care could be provided outside normal working hours by the resident farmer with the second worker normally only attending during the day. Under these circumstances it was felt that there was no reason why the latter should not live in a nearby village.

7. Paragraph 8 of the annex to Circular 24/73 gives examples of specialist workers who may need to live on the farm, including the farmer himself, and it is clearly necessary to carefully assess the amount of round the clock attention which your client's livestock require. The bulk of the evidence was concerned with the particular needs of the dairy herd and of breeding stock and I have therefore concentrated on these aspects of the holding. I do not attach great significance to the Council's detailed arguments on the interpretation of the words "large unit" in the annex as there will clearly have been significant changes in what constitutes a large unit since the Circular was published and wide differences must remain across the country as a whole; it is clearly fundamental that each case should be dealt with on its merits. I do accord weight, however, to the evidence of the County Council's representative, which was not convincingly challenged, that a considerably larger herd than your client's would be required, probably in the order of 120 head, before the frequency of calving outside normal working hours would justify having a second worker resident on the farm. Although there has been some increase in the number of stock kept following acquisition of further land last year, the size of the dairy herd remains well below this figure.

8. No conclusive evidence was advanced that the care of stock has regularly required the presence of 2 workers or that the level of care or the overall viability of the farm has suffered in any way in the year that your client's son has been living elsewhere. Although both sides attached much importance to the question of heat detection in cattle I heard nothing to suggest that this would be an onerous task for a resident worker or that it would require the presence of a specialist stockman outside normal hours. I have paid careful regard to the current division of responsibilities between your client and his son and to the advantages in sharing certain tasks such as security but, in accordance with Government advice, I must have regard to the needs of the enterprise rather than those of the owner. I heard no convincing reasons why your client could not satisfactorily supervise a livestock enterprise of this size outside normal hours, with his son attending during the day, or that there were any particular security problems on Wallhead Farm which necessitate an above average level of surveillance. I have therefore concluded that the needs of the holding can be satisfactorily met with only one worker resident.

9. Considerable evidence was advanced by the Council on availability of existing housing accommodation in nearby villages. You argued that the Council had placed undue reliance on this and I do consider that they interpreted the advice in paragraph 8 of the annex to the Circular somewhat onerously. At the same time it is clear that there have been significant numbers of properties available in nearby villages, of varying types and prices, some as close as 2-3 km away and that the property known as White Moss, some 600 m away from Wallhead Farm, has been available for purchase for some considerable time. Whilst I accept that your client's case has been based on the need for a specialist worker to live on the farm, I would expect to have heard some evidence that these other properties had at least been investigated with reasons given as to their unsuitability. The absence of such evidence adds weight to my conclusion that, at the present time, an agricultural need for the appeal proposal has not been established which would justify an exception to the generally restrictive local and national planning policies on new housing in the countryside.

10. Turning to the issue of the impact of the proposed dwelling on the landscape, the Council stated that they would not object to its siting if an agricultural need was established and I do not disagree with this view. The site adjoins the farmstead and is effectively screened from the highway by roadside hedges and buildings. Although a dwelling there would be seen from 2 bridleways which run north to Scaleby, such views would be distant ones and any building would appear relatively inconspicuous against the backcloth of the steading. I therefore consider that the appeal proposal would not in itself cause material harm to the character and appearance of the landscape. However, Development Control Policy Note No 4 makes clear that development in the countryside cannot be justified simply because it is inconspicuous as this argument can be repeated to the cumulative detriment of the landscape. I believe that this is a serious concern in the present case, where the planning context for control of new housing in the countryside is clear. To permit the appeal proposal in the absence of proven agricultural need would, in my view, make it more difficult for the Council to resist similar applications in the future which would progressively erode the character and appearance of the landscape. For these reasons the absence of material harm to the landscape in this particular case cannot outweigh my conclusions on the first issue.

11. I have considered all the other matters raised in the representations including the appeal decisions quoted and the views expressed on the status of agricultural advice from both the Ministry of Agriculture and the County Council. On the first matter I must consider your client's case on its merits, and on the second I see no reason to question the status of the advice obtained by either side. Government guidance that the Ministry may advise on cases of agricultural need does not preclude such advice being obtained from other sources and, as all such appraisals require the exercise of considerable judgement, it is not unreasonable that different agencies should reach different conclusions on common facts as in this case. Neither this, nor any other matter, is of sufficient weight to alter the balance of my conclusions.

12. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss this appeal.

I am Gentlemen
Your obedient Servant



R P BROOKS BA(Hons) MRTPI
Inspector

DOCUMENTS Cont'd

- Document 7 - List of suggested conditions, submitted by Council and agreed by appellant.
- " 8 - Decision letters on appeals refs A/86/043157 and A/90/148636, submitted by Council.
- " 9 - Report on court case, Page v S of S, JPEL 1988, submitted by Council.
- " 10 - Extract from "Choice of Milking Parlour", ADAS 1983, submitted by Council.
- " 11 - Draft Carlisle Rural Area Local Plan, submitted by Council.
- " 12 - Proposed timetable for consultations on Carlisle Rural Area Local Plan, submitted by Council.

PLANS

- Plan A - Submitted application plan.
- " B - Plan of farm holding, attached to Mr Baldwin's proof of evidence.
- " C - Plan of Hadrians Wall and Vallum in relation to appeal site attached to Miss Cornish's proof of evidence.

APPEARANCES

FOR THE APPELLANTS

Mr J D Claxton

- Solicitor, Burnetts,
6 Victoria Place,
Carlisle CA1 1ES.

He called:

Mr R Baldwin NDip Ag

- Land Management Advisor;
Agricultural Development
and Advisory Service,
MAFF, Cumbria.

Mr R Taylor DipTP MRTPI

- Partner; Taylor and
Hardy, Chartered Town
Planners, 9 Finkle
Street, Carlisle
CA3 8UU.

FOR THE PLANNING AUTHORITY

Mr B Devlin

- Solicitor; Carlisle City
Council.

He called:

Miss A Cornish BA(Hons) MRTPI

- Assistant Planning
Officer (Development
Control); Carlisle City
Council.

Mr P D W Timms MRAC ARICS FAAV

- Department of Property
Services, Cumbria County
Council.

DOCUMENTS

- Document 1 - List of persons present at the inquiry.
- " 2 - Letter of notification of inquiry and circulation list.
- " 3 - Appendices to Mr Baldwin's proof of evidence.
- " 4 - Copy of committee report on appeal proposal, submitted by appellant.
- " 5 - Copy of report on appeal ref A/89/124555, submitted by appellant.
- " 6 - Appendices to Miss Cornish's proof of evidence.

SCHEDULE A: Applications with Recommendation

03/0185

Item No: 30

Date of Committee: 25/04/2003

Appn Ref No:
03/0185

Applicant:
Mr & Mrs Kilgour

Parish:
Carlisle

Date of Receipt:
18/02/2003

Agent:
Jock Gordon

Ward:
Currock

Location:
35 Lund Crescent, Currock, Carlisle, CA2 4DB

Grid Reference:
339960 554160

Proposal: First floor extension above existing living room and utility to provide 2no. bedrooms

Amendment:

Angus

Report

Planning Policies:

Carlisle District Plan Housing - Proposal H14

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

Carlisle District Plan Housing - Proposal H17

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

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

SCHEDULE A: Applications with Recommendation

03/0185

Summary of Consultation Responses:

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

English Nature: No objection subject to the inclusion of a Supplementary Informative regarding bats.

Summary of Representations:

Representations Received

Initial:	Consulted:	Reply Type:
The Occupier / Owner, 32 Lund Crescent	19/02/03	
The Occupier / Owner, 33 Lund Crescent	19/02/03	
The Occupier / Owner, 34 Lund Crescent	19/02/03	
Ms C Nugent, 37 Lund Crescent	19/02/03	Objection

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

1. I am intending to construct a conservatory to the rear of my property and the extension will obscure the light and my view; and
2. I was not consulted when the ground floor extension was constructed.

Details of Proposal/Officer Appraisal:

Planning History:

There is no planning history relating to this site.

Details of Proposal:

This application seeks full planning permission for the erection of a first floor extension to number 35 Lund Crescent, Carlisle. The property is a two storey semi detached dwelling house constructed from facing brick and render under a tiled roof.

The application seeks planning permission for a first floor extension to the rear of the dwelling to provide an additional two bedrooms and would be constructed over an existing ground floor extension, extending approximately 3.1 metres from the existing rear elevation. The proposed extension would be constructed from materials to match the existing property and the roof would be hipped away from the boundaries of each of the adjacent properties.

In consideration of this application Policies H14 and H17 are relevant. Policy H14 of

SCHEDULE A: Applications with Recommendation

03/0185

the Local Plan requires that extensions are of good design and are of an acceptable scale. The scale and design of the proposed extensions are considered to be appropriate to this semi detached dwelling which is situated within a reasonable garden area.

This Policy also seeks to protect the amenity of adjacent properties from proposals which adversely affect them, through inappropriate scale, design or unreasonable overlooking. The proposals which are being presented for consideration are modest in scale and design and would not be disproportionate or obtrusive. No windows are proposed in the side elevations and there would be no issue of overlooking resulting from this development.

The objection received from the occupier of the neighbouring property, number 37 Lund Crescent, raises several issues. The loss of a view is not a material planning consideration. Number 37 is at a slightly higher level than that of the application site. Due to the orientation of the application site and the relationship with number 37, combined with the fact that the proposed extension will be constructed on the western elevation, it is not considered that the development adversely affects the amenities of adjacent properties by poor design, unreasonable overlooking or unreasonable loss of daylight or sunlight. The proposal is not considered to be of an unacceptable scale or visually intrusive.

The lack of consultation with regard to the ground floor extension was due to the fact that the structure was within the occupier's permitted development rights and did not, therefore, require planning permission.

Members should also be aware that the submitted plan indicates the possibility of the eaves/guttering overhanging the neighbouring property at 33 Lund Crescent. The consent of the owner of this property would therefore be required, although this is not a planning consideration in itself.

In conclusion, the proposed extension is of a scale and design that is appropriate to the dwelling and it is not considered that the occupier of the neighbouring properties would be adversely affected by the development, in accordance with the relevant Local Plan policies.

Human Rights Act 1998

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

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

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

SCHEDULE A: Applications with Recommendation

03/0185

to regularise any breach of planning control;

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

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

The proposal has been considered against the above Protocol of the Act but in this instance, it is not considered that there is any conflict.

Recommendation: Grant Permission ✓

1. The development shall be begun not later than the expiration of 5 years beginning with the date of the grant of this permission.

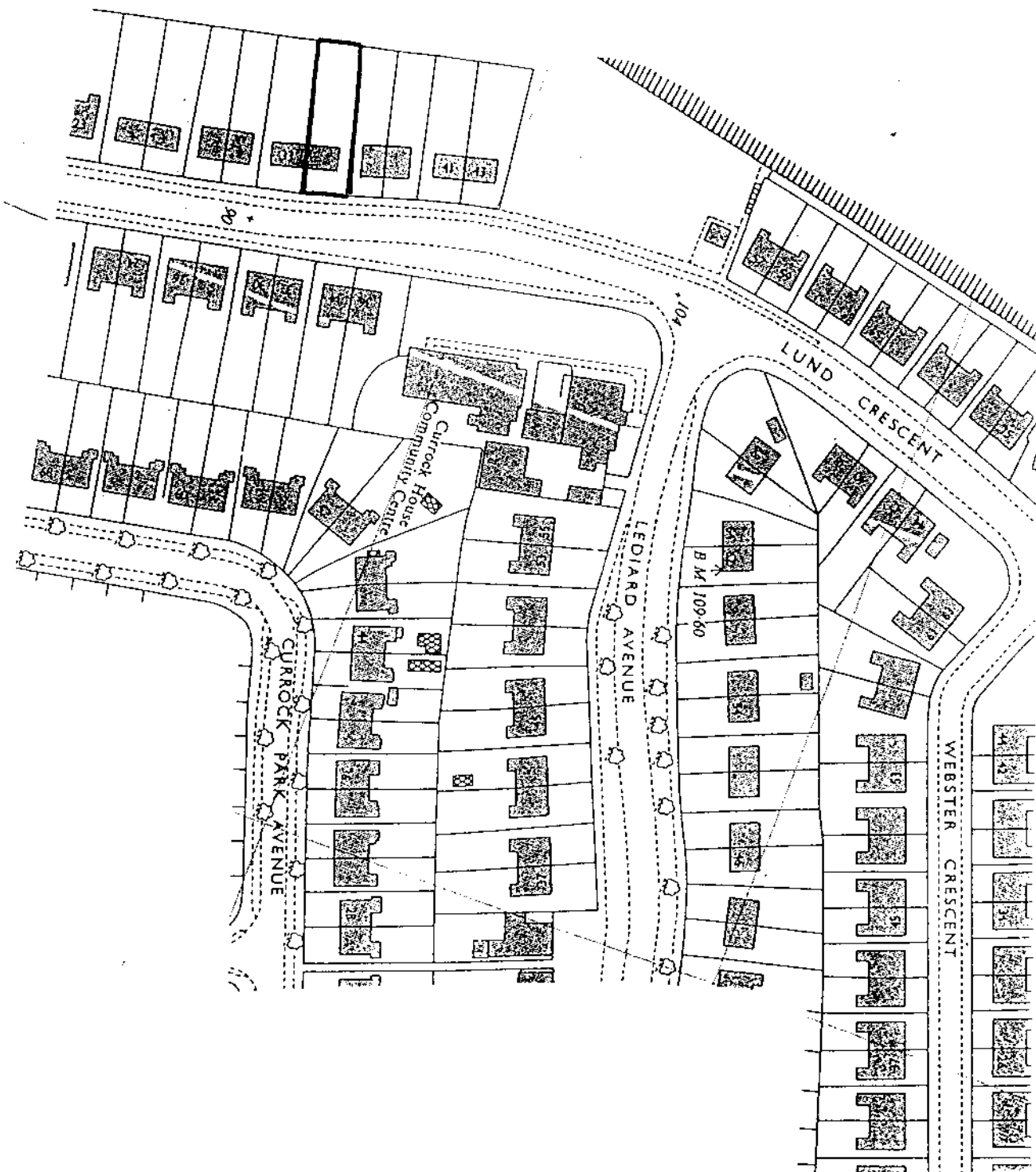
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.

2. The external walling and roofing materials to be used in the building works hereby permitted shall be identical to those in the existing building. If any other material is proposed no development shall take place until such has been approved, in writing, by the local planning authority.

Reason: To ensure the works harmonise as closely as possible with the existing building.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order), no windows, skylights or dormers shall be inserted on the southern and northern elevations of the extension hereby approved without the prior consent of the local planning authority.

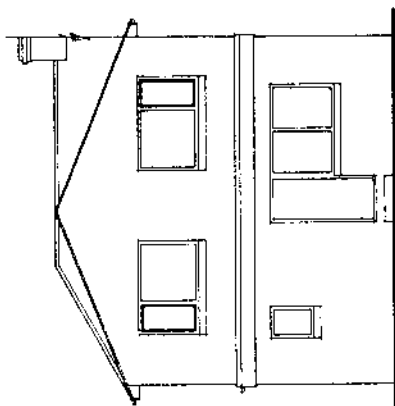
Reason: In order to protect the privacy and amenities of residents in close proximity to the site.



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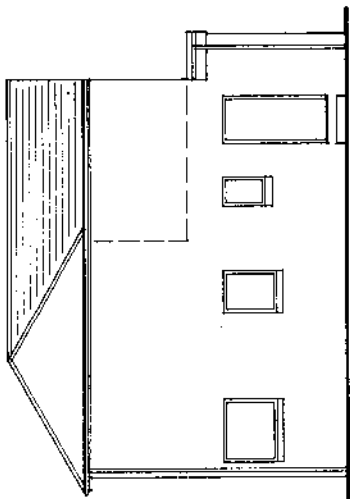
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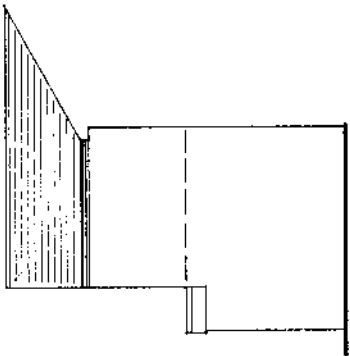


WEST ELEVATION

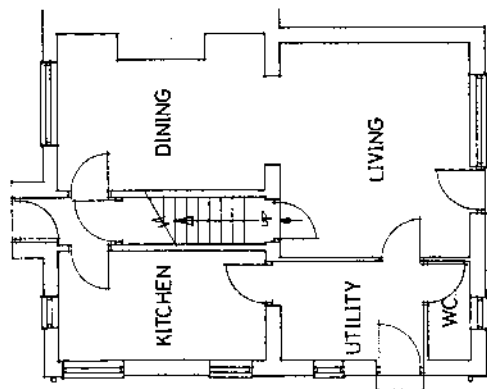
ALL NEW MATERIALS TO MATCH EXISTING.



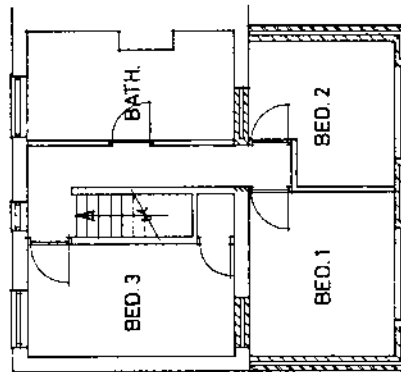
NORTH ELEVATION



SOUTH ELEVATION



GROUND FLOOR PLAN



FIRST FLOOR PLAN

RECEIVED
16 FEB 2003
2003/01/15

PROPOSED EXTENSION
35 LUND CRESCENT - CARLISLE

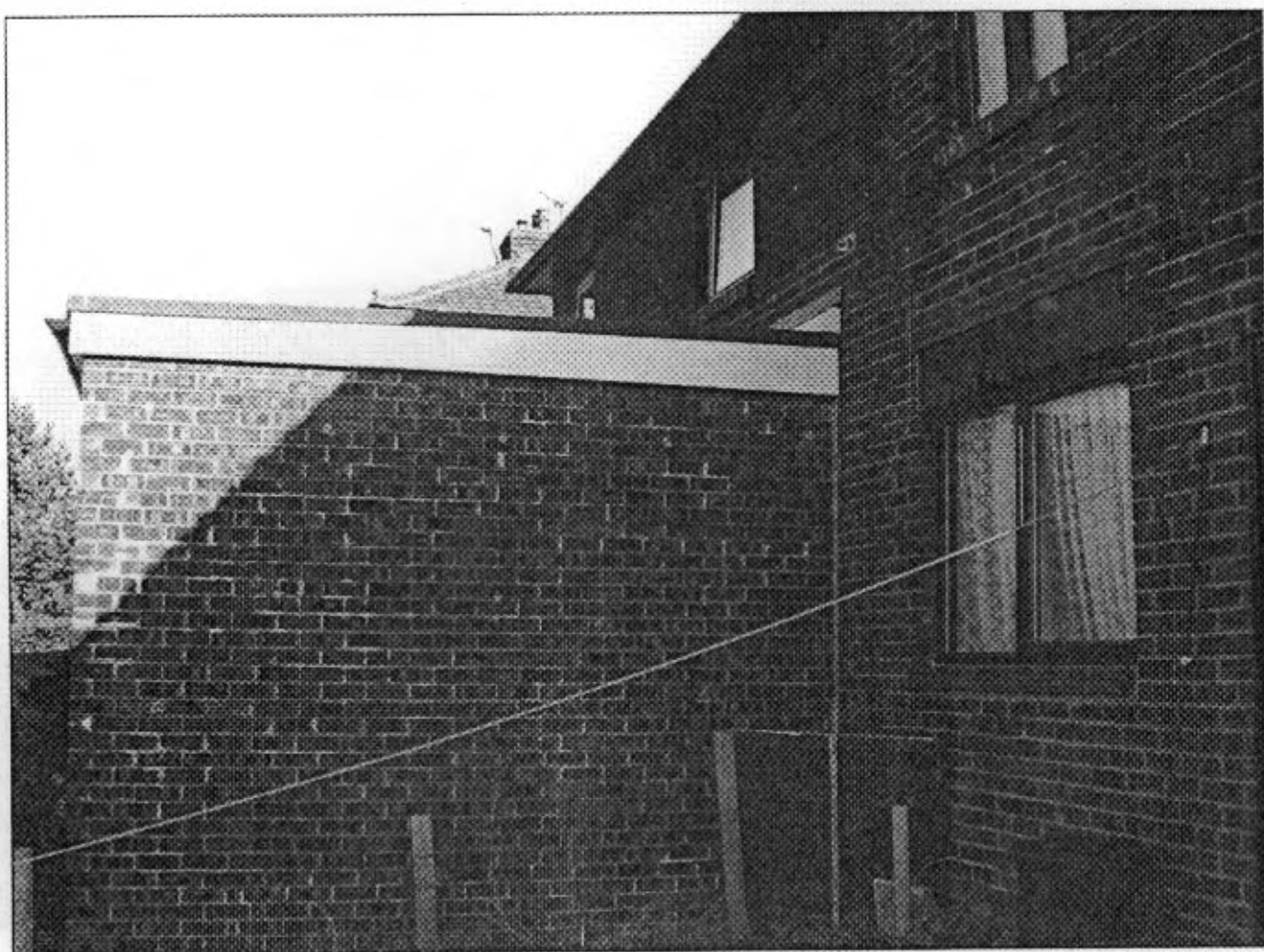
DWG. No. 1106
SCALE: 1:50
DATE: FEB 2003



35 Lund Crescent 1 07.04.03.JPG



35 Lund Crescent 4 07.04.03.JPG



35 Lund Crescent 3 07.04.03.JPG



35 Lund Crescent 2 07.04.03.JPG



SCHEDULE A: Applications with Recommendation

03/0194

Item No: 31

Date of Committee: 25/04/2003

Appn Ref No:
03/0194

Applicant:
G Cashmore

Parish:
Brampton

Date of Receipt:
20/02/2003

Agent:
Brian Halliburton

Ward:
Brampton

Location:
Sands House Hotel, Brampton

Grid Reference:
353485 561151

Proposal: Change of use of part of hotel to 1no. single dwelling.

Amendment:

Alan

Report

Planning Policies:

Airport Safeguarding Area

Affecting the Setting of a Conservation Area

Cumbria & Lake District Joint Structure Plan Policy 25

The siting, appearance and landscaping of all new development and alterations should aim to enhance the quality of the existing environment. It should be in keeping with the local character of the townscape or landscape, and be well integrated with the existing pattern of surrounding land uses and, where appropriate, be in keeping with the local vernacular tradition. Normally development should make proper provision for access by disabled persons.

Cumbria & Lake District Joint Structure Plan Policy 40

In rural settlements outside the National Parks and AONBs, housing development will normally be permitted, especially where it would help to sustain the existing local community, and provided it is in sympathy with the scale and character of the existing settlement. Outside rural settlements, new dwellings will normally only be permitted for those engaged in agriculture where such a dwelling is essential for the working of the farm.

Carlisle District Plan

SCHEDULE A: Applications with Recommendation

03/0194

Housing - Proposal H2

Within the Primary Residential Areas defined on the inset maps for Carlisle, Brampton, Longtown and Dalston, proposals for new residential development will be acceptable provided that:

1. Existing areas of open space and other amenity areas are safeguarded; and
2. The proposed development does not adversely affect the amenity of adjacent residential property; and
3. The proposed development complements or enhances existing adjacent residential areas and their amenity; and
4. Satisfactory access and appropriate parking arrangements can be achieved.

Proposals for uses other than residential will not be permitted in Primary Residential Areas other than where they do not adversely affect residential amenity. Development that would create unacceptable noise, smell, safety and health impacts or excessive traffic generation will not be acceptable. Such schemes falling within the scope of this Policy will be considered against the above criteria as well as other Policies of the Plan appropriate for the proposed use.

Carlisle District Plan Housing - Proposal H16

High standards of design in new housing sites and dwellings will be required. Matters to be considered include: The layout of roads and buildings; footpaths and cycleways; the retention of existing trees and hedgerows; planning out crime; the provision of public open space; the relationship to adjacent development.

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): no objections but one condition is advised;

Brampton Parish Council: no objections;

Civil Aviation Authority: [*Enter text.]

Carlisle Airport: no objections.

Summary of Representations:

Representations Received

Initial:

Consulted:

Reply Type:

SCHEDULE A: Applications with Recommendation

03/0194

The Occupier, 4 The Sands	20/02/03	
The Occupier, 6 The Sands	20/02/03	
The Occupier, 8 The Sands	20/02/03	
The Occupier, 10 The Sands	20/02/03	Undelivered
The Occupier, 12 The Sands	20/02/03	
The Occupier, 14 The Sands	20/02/03	
The Occupier, 1 Wilson Memorial Homes	20/02/03	
The Occupier, 18 Wilson Memorial Homes	20/02/03	
The Occupier, 19 Wilson Memorial Homes	20/02/03	
The Occupier, 21 Wilson Memorial Homes	20/02/03	
The Occupier, 1 Kilmarry Cottages	20/02/03	
The Occupier, 2 Kilmarry Cottages	20/02/03	
The Owner / Occupier, 16 The Sands	25/02/03	
The Owner / Occupier, 26 The Sands	25/02/03	

Site and Press Notices have been displayed and neighbours informed by letter: there are no representations.

Details of Proposal/Officer Appraisal:

Planning History:

There have been a number of planning applications submitted and considered relating to these premises and adjoining buildings since the mid-1970's. The most significant of these concerns a proposal to convert existing outbuildings to form motel accommodation (approved in August 1981); the proposed conversion of outbuildings to form five bedroom units, three self-catering units and a re-positioned dining area with related car park (approved November 1982); an extension to the function room and internal alterations (approved March 1989); and further alterations and extensions to provide a porch extension, rear conservatory/games room, store room and laundry, extend the bar (approvals in 1991, 1994, 1995 and 2000).

In January 2001 planning permission was granted to convert part of the hotel annex to form a single dwelling. A separate application to erect two dwellings within part of the car park area was refused at the same time.

Two further applications were submitted in the Autumn of 2000, one to convert the hotel to form 4 dwellings and one for the erection of 2 dwellings within the car park to the rear. Both were acceptable subject to the attainment of a S106 Agreement linking the two consents to secure the cessation of use of the hotel. Approval was issued in November 2001 following the completion of the S106 Agreement.

Details of Proposal:

Implementation of the above two consents is in place but the applicant has been approached by a prospective purchaser who wishes to convert part of the original hotel to a single dwelling (and not the two units that conversion of that section would provide in accord with the extant planning permission).

From a planning point of view there is no significance in terms of the details of the

SCHEDULE A: Applications with Recommendation

03/0194

proposed conversion. Indeed, there are no changes to the existing street elevation of this section of the property while, clearly, there is a lesser parking requirement for the reduced number of dwellings being formed.

In the normal course of events this application could have been decided under the Scheme of Delegation; however, as the proposal (if acceptable to Members) entails a deviation from the approved scheme and the related S106 Agreement, a Deed of Variation to that Agreement is required and Members specific authorisation for Officers to negotiate and attain that Deed is necessary.

Informative Notes to Committee:

1. Section 106 Agreement with Authority to Issue

In view of the nature of the proposal and the planning issues associated with it, it is recommended that the applicant(s) be invited to enter into a legal agreement under the provisions of Section 106 of the Town and Country Planning Act 1990 and that subject to a satisfactory agreement being concluded, Officers be authorised to issue planning approval.

Human Rights Act 1998

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

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

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

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

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

There are no issues raised by these proposals.

A + I

Recommendation: Grant Permission

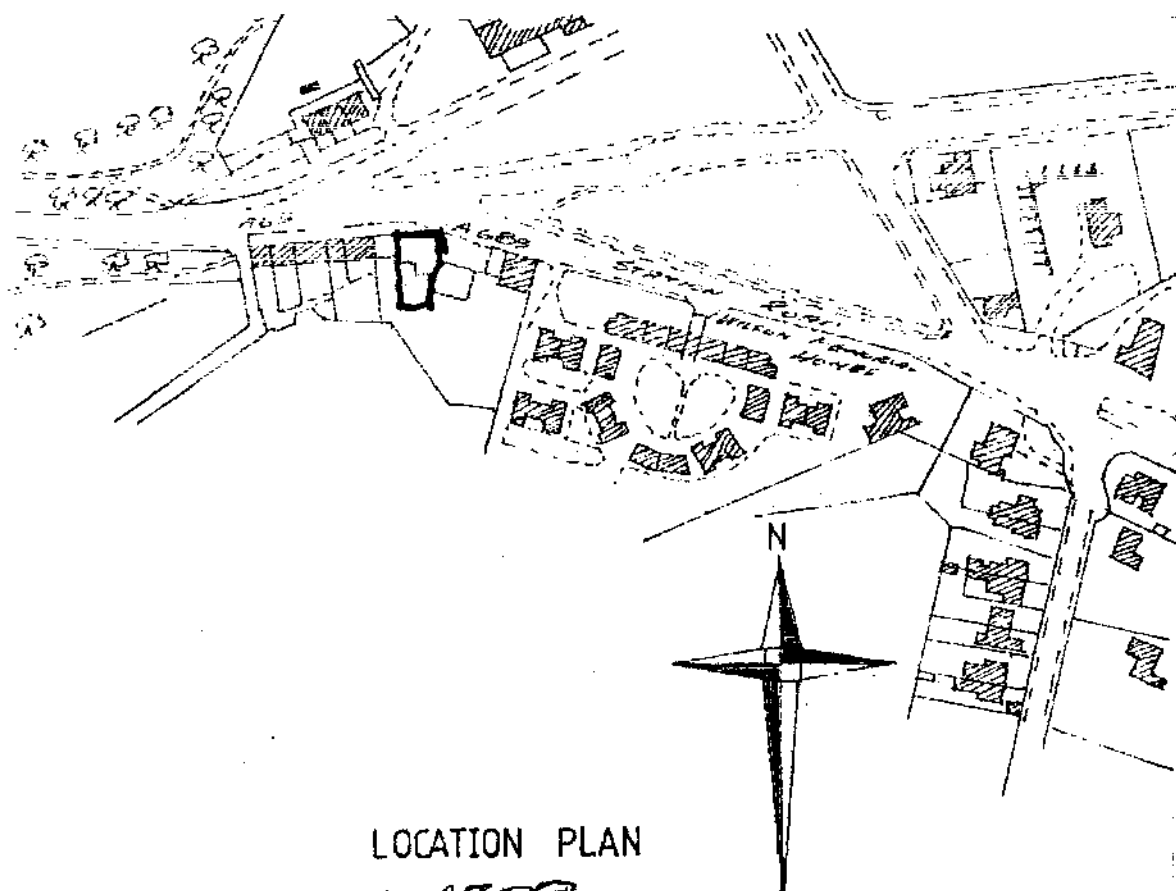
1. The development shall be begun not later than the expiration of 5 years beginning with the date of the grant of this permission.

Reason: In accordance with the provisions of Section 91 of the Town and

SCHEDULE A: Applications with Recommendation

03/0194

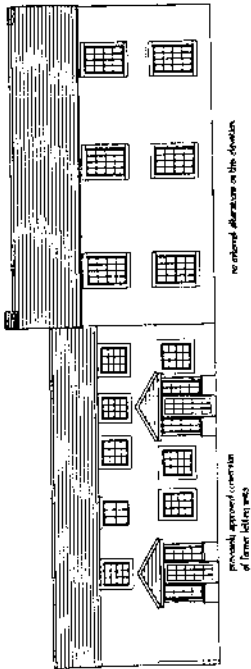
Country Planning Act 1990.



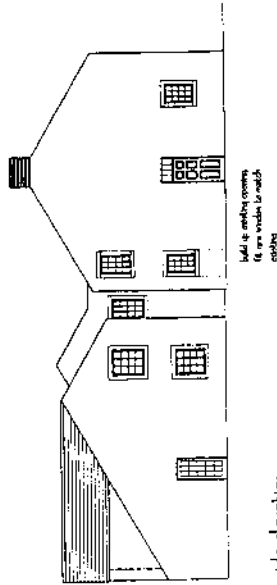
BUILDING
 UNDER
 OVER
 R.C. CONL

LOCATION PLAN
 1:2500

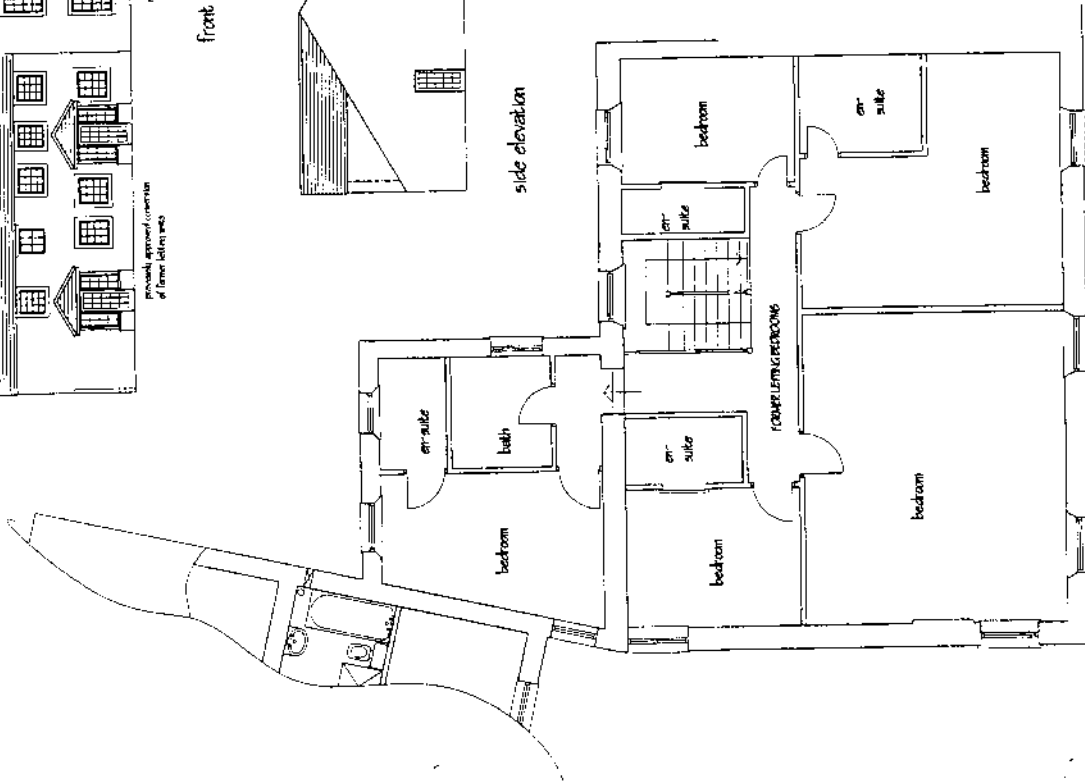
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 17 FEB 2003
 2003/0194



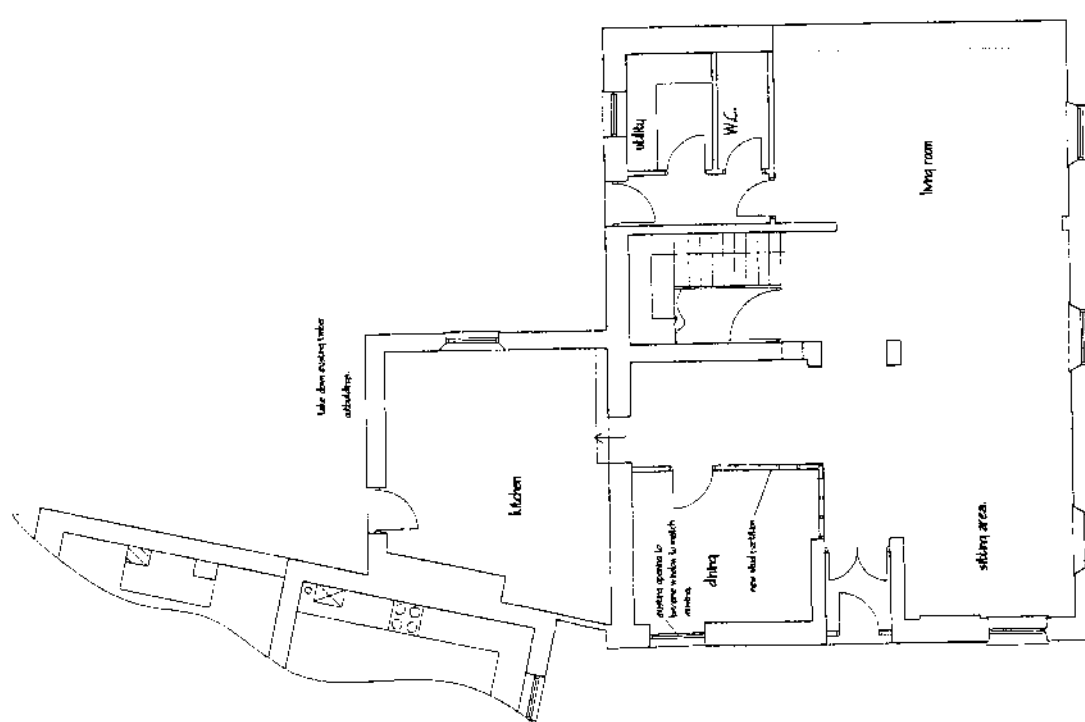
front elevation



side elevation



first floor plan



ground floor plan

unit 3

PROPOSED CHANGE OF USE,
TO SINGLE DWELLING.

SANES HOUSE HOTEL, BRAMPTON

scale 1:50 / 1:100

drawn by: NAWZ/1047/S

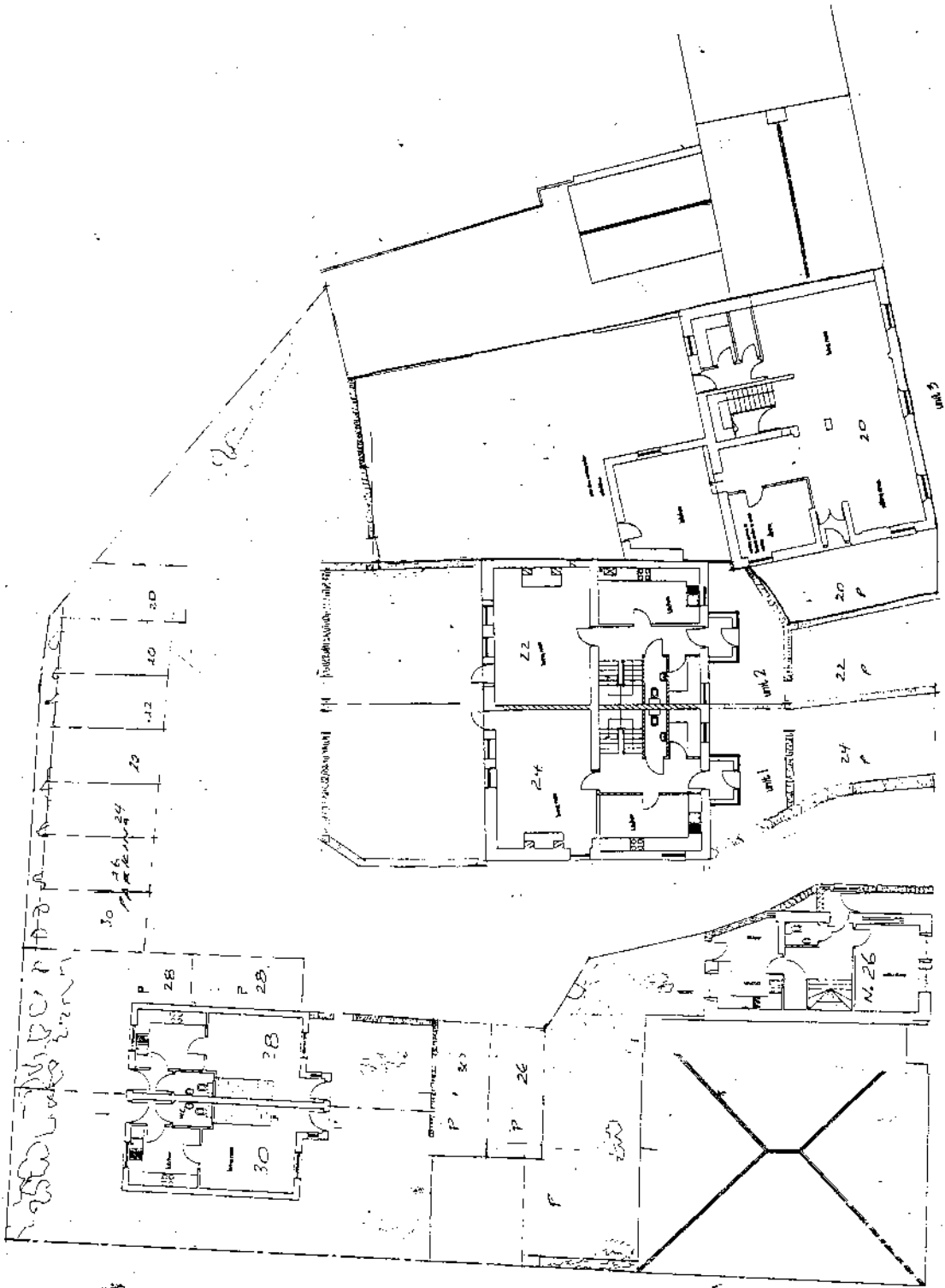
Feb 2005

RECEIVED

17 FEB 2005

Consolidity

Brian
Halliburton,
Dunrobert,
Pleasanton,
Pleasanton,
Lumber Co. call 9124
Tel. 01763-894307



RECEIVED
11/11/55
2003/11/14

THE SANDS HOTEL
THE SANDS, BRANSON,
MO.
SHE LAYOU
scale 1/4" = 1'-0"
sheet No. MM/744/55
J. 7000

Project	Sheet	Drawn by	Check by
Title		Date	
Scale		North Arrow	

SCHEDULE A: Applications with Recommendation

03/0196

Item No: 32

Date of Committee: 25/04/2003

Appn Ref No:

03/0196

Applicant:

Mr & Mrs Milburn

Parish:

Wetheral

Date of Receipt:

20/02/2003

Agent:

Taylor & Hardy

Ward:

Wetheral

Location:

L/A rear of Highfield, Ashgate Lane, Wetheral,
Carlisle

Grid Reference:

346395 554270

Proposal: Erection of a single storey dwelling

Amendment:

Alan

Report

Planning Policies:

Public Footpath

The proposal relates to development which affects a public footpath.

Carlisle District Plan Housing - Proposal H5

Within the following settlements, large scale residential development will not be permitted. Proposals for small scale residential development will normally be acceptable providing that:

1. The site is well related to the landscape of the area and does not intrude into open countryside; and
2. The scale of the proposed development is well related to the scale, form and character of the existing settlement; and
3. The layout of the site and the design of the buildings is well related to existing property in the village; and
4. The siting and design of the buildings is well related to and does not adversely affect the amenity of neighbouring property; and
5. Appropriate access and parking can be achieved; and
6. The proposal will not lead to the loss of amenity open space within or at the edge of the settlement; and

SCHEDULE A: Applications with Recommendation

03/0196

7. The proposal will not lead to the loss of the best and most versatile agricultural land.

Aglionby, Baldwinholme, Banks, Barclose, Beaumont, Blackford, Blackwell, Boltonfellend, Boustead Hill, Broadwath, Brisco, Brunstock, Burgh-by-Sands, Burnrigg, Cardewlees, Cargo, Carleton, Castle Carrock, Cotehill, Cumdivock, Cummersdale, Cumrew, Cumwhinton, Cumwhitton, Durdar, Easton, Farlam, Faugh, Fenton, Gaitsgill, Gilsland, Great Corby, Great Orton, Grinsdale, Hallbankgate, Harker, Hayton, Hayton Townhead, Heads Nook, Hornsby, Boughton, How Mill, Irthington, Kirkcambeck, Kirkandrews-on-Eden, Knells, Lanercost, Laversdale, Linstock, Little Orton, Low Crosby, Longburgh, Low Row, Lyneholmfed, Midgeholme, Milton, Moat, Monkhill, Moorhouse, Newby East, Newtown, Raughtonhead, Rockcliffe, Rickerby, Scaleby, Scotby, Smithfield, Stainton, Stockdalewath, Talkin, Tarraby, Thurstonfield, Tindale, Todhills, Walton, Warwick-on-Eden, Warwick Bridge (including Little Corby & Corby Hill), Westlinton, Wetheral, Wetheral Pasture.

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): the layout details shown are satisfactory from a highway point of view;

Wetheral Parish Council: Comment on several aspects-

- the garage is higher than the dwelling and should be lowered as there are objections from nearby residents
- this is "backland" development shoe-horned in where further development is not essential
- there are concerns regarding parking outwith the curtilage
- there are concerns regarding the access;

Ramblers Association: provided there is no interference with the public right of way over the Public Footpath(FP 138007) there is no objection;

Environment Agency (N Area (+ Waste Disp)): does not wish to comment on this proposal.

Summary of Representations:

Representations Received

Initial:	Consulted:	Reply Type:
Mr A Martin, Fell View	20/02/03	Objection
The Occupier / Owner, Ashgate	20/02/03	
The Occupier / Owner, Green Garth	20/02/03	
G W Leadbetter, Woodlands	20/02/03	Objection
The Occupier / Owner, Ashcroft	20/02/03	Objection
Mr B Betterton, Forge House	20/02/03	

SCHEDULE A: Applications with Recommendation

03/0196

The Owner / Occupier, Longlands House	25/02/03	
The Owner / Occupier, Highfield	25/02/03	
The Owner / Occupier, Longlands	25/02/03	
T & E Bone, Green Garth		Objection

The proposal has been advertised using Site and press Notices and notification letters sent to the occupiers of 6 adjacent properties. Four letters of objection have been received. One writer's concern relates to the use of the lane for vehicular access and to the effects of both construction traffic and, later, occupants' traffic on its condition.

The second writer objects to the principle of development and argues that the use of the land as a building plot would lead to a loss of privacy due to pedestrian access alongside the boundary. That writer also comments on the access and states that additional traffic would create an unacceptable increased risk to vehicular access to and from his own property. A further letter from the occupier of a neighbouring property in the same group considers that the proposed dwelling is too near the boundary. The same writers state that they have enjoyed the site as a garden for the last 32 years and would it to remain as that.

The third objection is from the immediate neighbour who expresses concern at the proximity of the proposed dwelling and objects to being overlooked. he asks that the Committee should require a high wall or fence (2 metres) to be erected along the boundary. He also comments on the traffic already using the lane.

Details of Proposal/Officer Appraisal:

Planning History:

There is no previous planning history of development proposals for the site.

Details of Proposal:

The application before the Committee seeks detailed planning consent for the erection of a 3 bedroomed bungalow with a detached double garage on a plot of land situated on the southern side of Ashagate lane within the centre of Wetheral.

The proposed site, shown on the plan following, forms a detached part of the garden to "Highfield" but runs along the rear boundary of 4 properties from "Ashcroft" to "Green Garth. It has a 17 metre wide frontage to the lane and extends to 850 sq metres in area which makes the proposed plot significantly larger than any of plots occupied by the aforementioned dwellings and most other plots in the general vicinity.

The site possesses an existing vehicle access off the lane and apart from being overgrown displays the remnants of glasshouse/workshop buildings that have evidently been dilapidated for some time.

The proposed dwelling has been designed with a u-shaped plan form that allows

SCHEDULE A: Applications with Recommendation

03/0196

primary windows to be positioned to the northern and southern facades including those facades that face the inner courtyard created by the plan form. The dwelling stands between 2-3 metres off the flank boundaries with openings in the eastern flank being limited to the entrance door under a porch, a secondary kitchen window and a window to the hall. There are no windows in the flank walls abutting the western site boundary although the more distant inner western facade has full-length bedroom, hall and study windows. However, the applicants have been asked to construct a screen wall alongside the western boundary to enclose the courtyard and thus avoid any issue of loss of privacy to the neighbouring bungalow to the west.

The bungalow is proposed to be built of Furness clay facing bricks with stone sills, lintels, window surrounds and kneelers under a natural slate roof with clay ridge tiles and finials. The porch and related verandah to the inner courtyard would have oak post supports. Doors and windows would be timber including oak doors.

The proposed detached garage is proposed to be sited in the north-west corner of the site and is, likewise, proposed to be constructed of facing brick under a slate roof. It is designed with a steeply pitched roof that is, paradoxically, higher than the roof of the proposed dwelling. Given its foreground location on the lane and relationship to the dwelling on the opposite side of the lane, its impact is considered severe and the applicants have been requested to lower that roof-line. That has been agreed verbally and revised drawings are awaited. Subject to the receipt of those revised drawings the design and layout is considered acceptable.

Members should, in policy terms, recognise that the site lies within the village centre and that the application should be assessed against the general provisions of Policy H5 of the District Local Plan together with the Interim Housing Policy Statement approved by the Executive in October 2002. In that respect it will be recalled that the Interim Statement seeks to guide new rural housing proposals in a more sustainable way to those villages that perform a rural service role and have good transportation links. Clearly, despite the absence of a village school, Wetheral possesses a wide range of facilities including shop/post office, hairdresser, public house, hotel/restaurants, village hall and playing fields and has good public transport links including bus services and a rail link to the city. In conclusion a single building plot on an infill site within its village centre is in line with planning policy.

Human Rights Act 1998

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

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

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

SCHEDULE A: Applications with Recommendation

03/0196

to regularise any breach of planning control;

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

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

Members should have regard to the above provisions in considering this application but there is no apparent issue of conflict that would warrant rejection of the proposals.

Recommendation: Grant Permission ✓

Supp Schedule
Page 54-55

e-mail to council
+ ped. route

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.

2. Notwithstanding any description of materials in the application no development shall be commenced until samples or full details of materials to be used externally on the building(s) have been submitted to and approved 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.

3. Details shall be submitted of the proposed hard surface finishes to all public and private external areas within the proposed scheme and approved by the local planning authority before any site works commence, and the approved scheme shall be fully implemented before any of the dwellings are occupied.

Reason: To ensure that materials to be used are acceptable.

4. Particulars of height and materials of all screen walls and boundary fences shall be submitted to and approved by the local planning authority prior to the commencement of the development hereby permitted. Those details shall incorporate the erection of a section of 2 metre high screen walling adjacent to the western site boundary to enclose the courtyard over-viewed by the proposed principle bedroom/bedroom 3/hall/study and lounge and that wall shall be faced on both sides with bricks to match the dwelling itself. The wall shall be erected and completed prior to the occupation of the dwelling.

Reason: To ensure that the appearance of the area is not prejudiced by lack of satisfactory screening which is not carried out in a co-ordinated manner.

5. The development shall be landscaped in accordance with details to be

SCHEDULE A: Applications with Recommendation

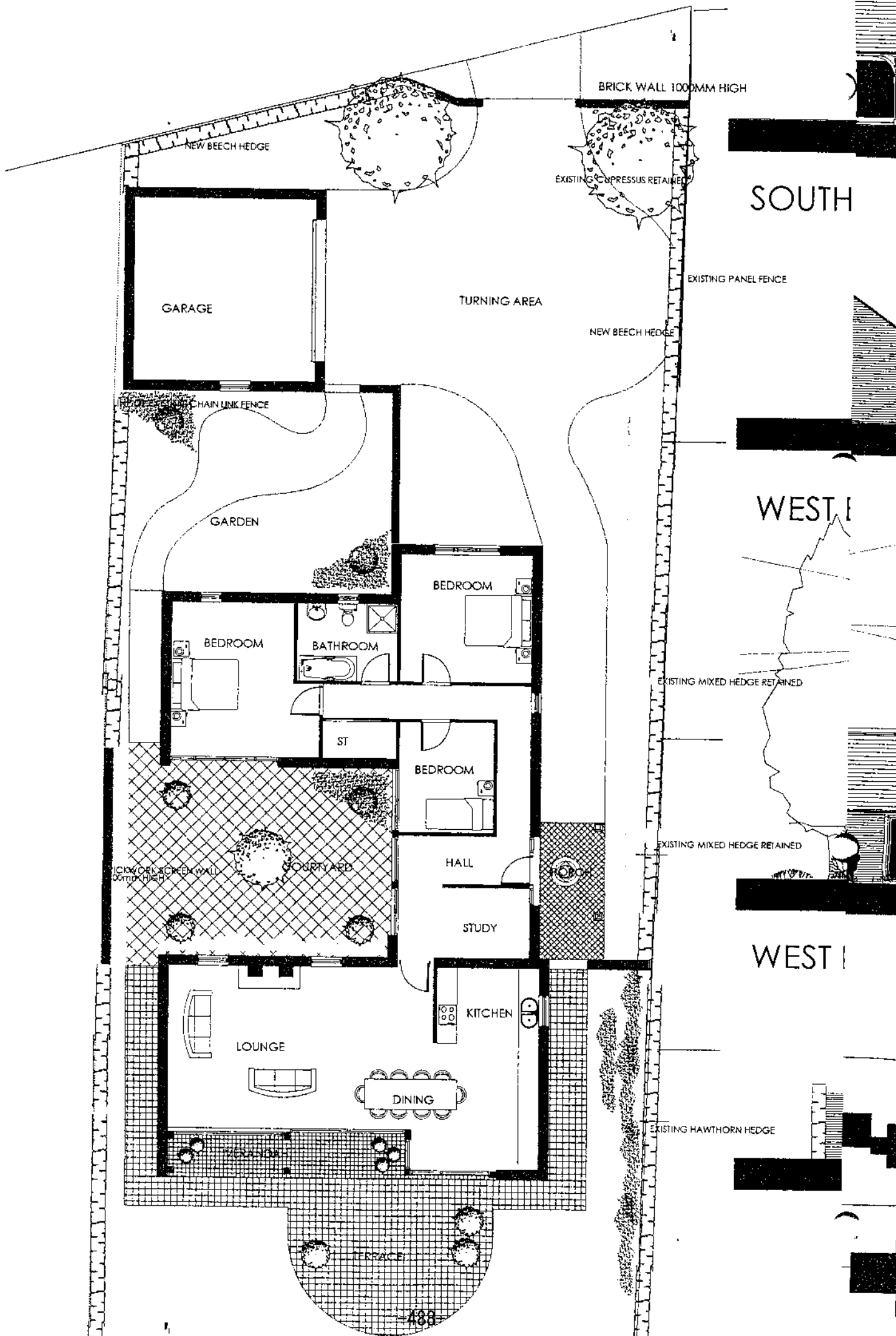
03/0196

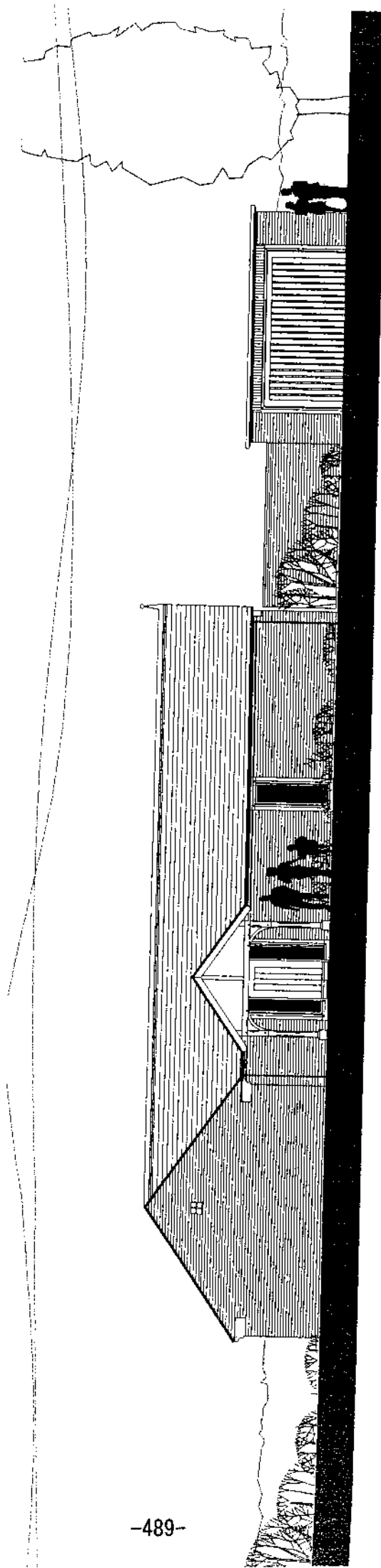
submitted to and approved by the local planning authority and shall include details of the proposed type and species of all planted material including particulars of the proposed heights and planting densities.

Reason: To ensure that a satisfactory landscaping scheme is prepared.

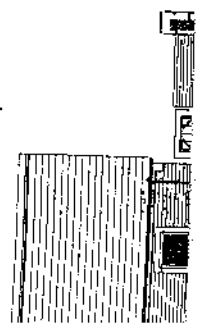
6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner, and maintained thereafter to the satisfaction of 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.

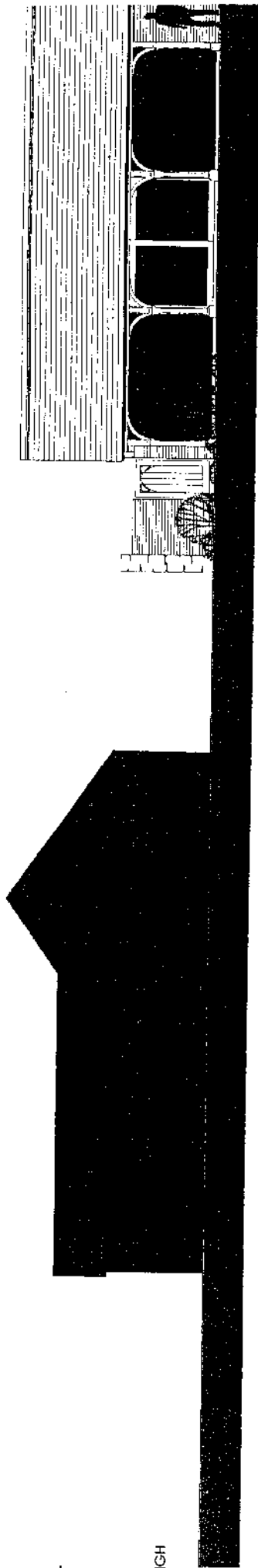
Reason: To ensure that a satisfactory landscaping scheme is implemented.



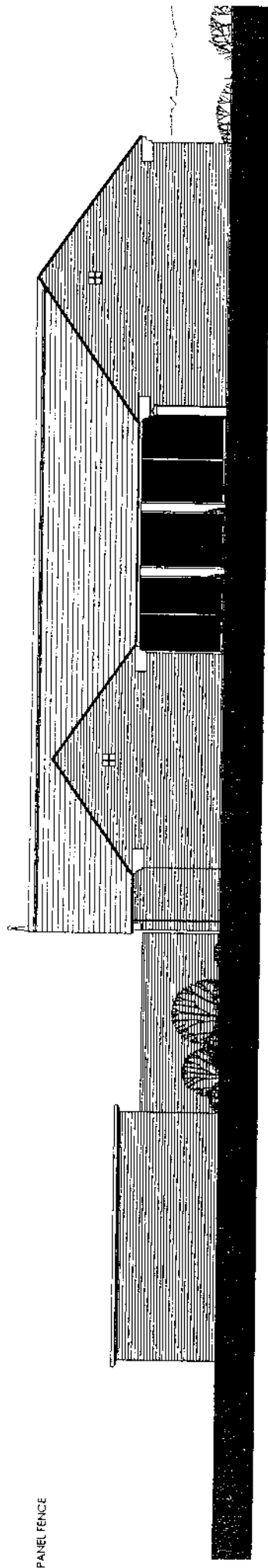


MATERIALS
 ROOF
 NATURAL SLATE WITH CLAY RIDGE TILES AND FINIALS.





SOUTH ELEVATION



WEST ELEVATION

100MM HIGH

EXISTING RETAINING

EXISTING PANEL FENCE

-490

OT HEDGE

SCHEDULE A: Applications with Recommendation

03/0213

Item No: 33

Date of Committee: 25/04/03

Appn Ref No:
03/0213

Applicant:
The Cares Group

Parish:
Carlatton

Date of Receipt:
25/02/03

Agent:

Ward:
Great Corby & Geltsdale

Location:
Carrock Fell, Carlatton Middle, Heads Nook,
Carlisle, CA4 9BX

Grid Reference:
352515 553616

Proposal: Variation of condition 5 and 6 of planning permission 89/1308 to allow: 1. The permission to be exercised by the Cares Group (condition 5) 2.The premises to be occupied by children under 17 years (condition 6)

Amendment:

John

Report

Planning Policies:

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): no objection

Carlatton Parish Council: Comments awaited.

Social Services Inspectorate: Comments awaited.

Cumbria Police: The use of the premises has given rise to a pattern of recorded crime, and requests for police assistance. Insufficient resources have been made available to deal with these. The applicants should provide details of measures to improve the situation.

Summary of Representations:

Representations Received

Initial:

Consulted:

Reply Type:

The Owner / Occupier, Moorhouse
Mrs J Lyall, Beechcrest

26/03/03

Objection

Initial:

Consulted
26/03/03

Reply Due
16/04/03

Reconsulted
26/03/03

Reply Type

Contact Status
INIT

Moorhouse

This application has been advertised by means of a site notice and neighbour notification to the nearest property. One letter of objection has been received, which complains of children from the centre roaming around the area without supervision.

Details of Proposal/Officer Appraisal:

Planning History:

In March 1990, application 89/1130 for the change of use of a dwelling to a residential institution for recovery programmes for abused and neglected children was approved. Since then, permission has been granted for a timber chalet, and three greenhouses in the garden area (1992), and conversion of a barn to form holiday accommodation for the disabled and their carers (2001). This latter approval has not been implemented.

Details of Proposal:

This application seeks permission for a variation in the conditions relating to the premises known as either the Cherry Tree Resource Centre or the Carrock Fell Centre. This is a former farm located (in an isolated location) some 2km south of Castle Carrock. Since 1989, it has been used as a residential institution for abused and neglected children. Two of the conditions attached to the original approval restricted the permission to the original operators, and to children up to 16 years of age.

The current owners now wish to sell it to the current applicants, who have therefore requested that the personal condition be amended, and that the condition which specifies the use to be amended to refer to children up to 17 years old.

It will be noted that there has been an objection to the application arising from the consultation process. This complains about children from the centre "roaming around" and being sought by the police etc.

The response from the police highlights the problems which have arisen from the operation of the centre under the existing management. The current applicants have responded by setting out an outline of their management proposals. There would seem to be every prospect therefore that the detailed measures as set out in the Police response will be undertaken. It should be noted however that most of the issues raised do not relate directly to planning or land use matters. There is no suggestion that the premises are unsuitable for the use, and there seems every prospect that the new management will result in an improvement. It is therefore a condition that the amendment of the conditions is reasonable and the application is recommended for approval.

Human Rights Act 1998

Several provisions of the above Act can have implications in relation to the

consideration of planning proposals, the most notable being:

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

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

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

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

This implication does not raise any Human Rights Act issues.

Recommendation: Grant Permission ✓

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.

2. The development shall be carried out in accordance with the approved documents, hereinafter referred to as the approved scheme or any such variation to the approved scheme as may subsequently be approved in writing by the local planning authority prior to the work being carried out.

Reason: To ensure that the development accords with the scheme approved by the local planning authority.

3. This permission relates solely to the use of the premises and should not be construed as granting planning permission for any subsequent extension to the existing accommodation or alterations affecting the external appearance of the building which must form the basis of a later submission which would be judged on its merits in due course.

Reason: For the avoidance of doubt

4. ☒ No development shall commence on site until the formal approval of drainage details has been obtained from Carlisle City Council and North West Authority.

Reason: To ensure that adequate drainage facilities are available.

5. This permission shall not be exercised by any person or body other than the Cares group.

Reason: But for the special circumstances of the applicant permission would not be forthcoming.

- X 6. The premises shall be used as residential institution for the recovery programme for abused, neglected children under 17 years of age referred by local authority social services departments or other child protection agencies and for no other purpose including any other purpose in Class C2 of the Schedule to the Town and County Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order.

Reason: To preclude the possibility of the use of the premises for purposes inappropriate in the locality.



CARES (Human Services) LTD

Residential Services for Children

The Old Hall, Byers Green,
County Durham DL16 7PS.

Telephone: (01388) 458888

Fax: (01388) 458844

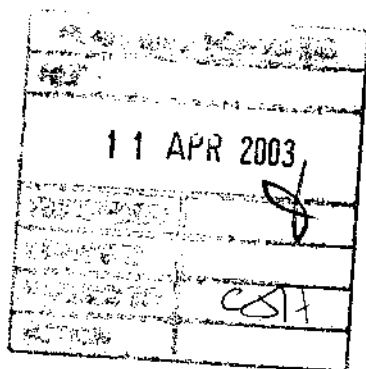
EMail: SocialWork@Cares.co.uk

Web: cares.co.uk

Faxed Letter to 01228 817199 and then posted First Class

5 pages

John Hamer,
Planning Services,
Carlisle City Council,
Civic Centre,
CARLISLE CA3 8QG



10th April 2003

Dear Mr. Hamer,

Planning Application regarding change of business owner at Carrock Fell

Following our telephone discussions with regard to concerns raised around our application, I have spoken at length with Andy Hunton, the Community Safety Officer at Cumbria Police and we have agreed to meet on the 22nd April, confident that we can more than meet his requirements.

Yesterday, Barbara Thompson our Director of Residential Services and myself met Penny Wilkinson, Locality Manager and Greta Harris, Children's Inspector at the National Care Standards Commission in Penrith, when we were able to confirm our credentials as a Company which operates professionally throughout the U.K. and will bring those same very high standards to Cumbria at Carrock Fell.

The CARES Group has been providing Children's Services to Local Authorities throughout Britain since 1989 and currently is working with 170 Social Services Departments, the Home Office, the Youth Justice Board and a number of Probation Departments. As well as Registered Children's Homes, the Group has a Fostering Company and the largest Social Work Escort Service in the U.K. providing 24 hour nationwide cover including Respite Care and the provision of additional skilled staff to Local Authorities to care for children and young people.

The Group are executive members of the Custody Care National Training Organisation, shortly to become the Justice Sector Skills Council, where we will be joined by the Police, Crown Prosecution Service and other front line





Government bodies, in a drive to bring the very best standards into the care of children and young people.

We have already presented the Commission with a staff structure, including in addition to the present Carrock Fell staff, a Trainee Manager, 3 Senior Residential Social Workers and more front line Residential Social Workers. Our staff will join the Company Training programme and be given a structure to work within which is vastly superior to that currently operating.

I can say without risk of contradiction that in the hands of The CARES Group the police would never have received as many calls as they experienced and have been listed since 1997. Our staff are trained and supported to manage the young people and I enclose one very small part of our Children's Homes Procedures (3 pages) which is about Managing Challenging Behaviour and which indicates the techniques we continually reinforce to staff.

The five most senior Directors in The CARES Group have a combined 116 years of working in Local Authority Child Care, both Fieldwork and Residential, since the 1960's.

We are confident of our ability to manage this facility in Cumbria, with the least possible interference to the local community. Indeed we will be looking for ways to engage the local community positively and will be seeking to recruit workers from the rural area in well paid jobs with good conditions

The Group has already invested an enormous amount in preparing for the acquisition of Carrock Fell and clearly current staff, who will all be retained are anxious to know that our application will be approved and that their futures are secure – we trust that the Planning Committee will see fit to approve our application.

Yours sincerely,

J.D. Cassie
Managing Director

CARES CHILDREN'S HOMES PROCEDURES			
TITLE	MANAGING CHALLENGING BEHAVIOUR	APPROVED BY	J.D. CASSIDY
PREPARED BY	BARBARA THOMPSON	STATUS	FINAL

Even in a well structured children's home there will be times when young people will present challenging or aggressive behaviour. Staff need to appreciate and understand that young people can often feel anxious and distressed and need to feel accepted, although their behaviour may often disguise this fact. Anxiety can produce anger and aggressive behaviour and staff need to be aware of these reactions and respond appropriately to the needs of a distressed and unhappy young person.

Staff teams should aim to limit the need for crisis intervention by anticipating and managing challenging behaviour, wherever possible, by planning and co-ordinating responses in a cohesive and consistent manner.

When a young person presents changes in behaviour which are concerning this must be addressed immediately by the staff team and social worker.

Co-ordinated methods of managing the behaviour should be decided and/or changes made to their Care Plan to meet the needs of the young person more effectively.

In these situations, the staff team need to understand the underlying causes of the behaviour and be clear on the approach which it has been decided upon to manage this.

The young person's parents and social worker must be kept up to date with any problem behaviour and the responses of the staff involved.

Seriously disruptive behaviour from a young person may cause the staffing ratios to be temporarily re-assessed.

When a member of staff has a particular problem relating to a young person, because of their behaviour, this should not be viewed as failure on their behalf and ways of managing this must be considered in supervision sessions.

Practice Checklist

This checklist provides a brief outline of action which staff may wish to take when facing challenging behaviour. However, this is not intended to replace either training or the development of a consistent team approach. It may be a basis for discussion amongst team members or supervision.

- Challenging behaviour is invariably a symptom of underlying problems which need to be addressed.
- It is normal for young people to challenge adults.
- Do not label any young person as a problem – the label itself can become the problem.
- Base practice on mutual respect.
- Use rewards for good behaviour because when these are offered regularly, disapproval has more impact.

CARPS CHILDREN'S HOMES PROCEDURES

TITLE:	MANAGING CHALLENGING BEHAVIOUR	APPROVED BY:	JED CASSIDY
PREPARED BY:	BARBARA THOMPSON	STATUS:	FINAL

Practice Checklist (*cont'd*)

- Regularly involve young people in discussing their placement and plans so issues can be resolved before they develop into a crisis.
- Ensure young people understand what behaviour is acceptable and what is not and what their rights and responsibilities are.
- Know what works best for each individual young person.
- Know what works best for you.
- Be aware of the warning signals.
- Make sure any criticism/discussion focuses on the young person's behaviour and does not insult them personally.
- Do not insult or humiliate the young person.
- Do not patronise or talk down to the young person.
- Use humour but take care not to humiliate.
- Address the young person by name.
- Make your expectations clear, use clear simple language – no jargon.
- Check that the young person has understood what you have said.
- Lower your voice.
- Keep calm.
- Do not engage in any angry argument.
- Be aware of your own feelings.
- Allow the young person some space.
- Allow the young person some thinking time.
- Do not be afraid to step back when appropriate.
- Do not be afraid to admit you are not the best person to deal with the situation, be prepared to ask someone else to step in if appropriate.
- If necessary divert attention from the problem until you are better able or equipped to deal with the behaviour.
- When a group is proving difficult, identify individuals, separate the individual from the group or the group from the individual.

If a situation escalates:

- Remain calm.
- Appear relaxed, in control.
- Do not adopt a confrontational stance.
- Do not cower or appear threatened.
- Do not make threats.
- Remember challenging behaviour is sometimes best confronted when events have calmed down.
- Do not allow yourself to be drawn into a confrontation.
- Sometimes turning away or sitting down during face-to-face confrontation can diffuse a situation.

CARES CHILDREN'S HOMES PROCEDURES			
TITLE	MANAGING CHALLENGING BEHAVIOUR	APPROVED BY	J.D. CASSIDY
PREPARED BY	BARBARA THOMPSON	STATUS	FINAL

After an incident of challenging behaviour:

- Remember these incidents are stressful for everyone involved.
- After an outburst, it is unrealistic to expect a young person to return to "normal" immediately.
- Once the situation calms, the member of staff involved should be replaced so that the young person can talk through what happened.
- Staff involved should talk through what happened with a colleague or line manager.
- Appropriate detailed recording of the incident should be completed as soon as possible by the member of staff and the young person.
- Staff and young person should be given the opportunity to discuss the events when appropriate.

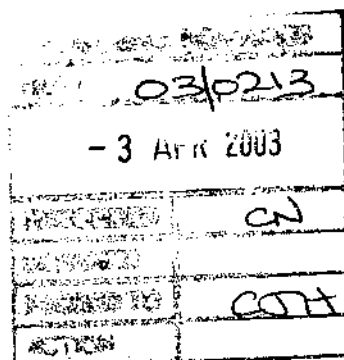
CUMBRIA CONSTABULARY

J U Facsimile: 01768 218400
 Telephone: 01228 528191
 Please ask for: Andy Hunton
 My Reference: C/43/03 ASH
 Your Reference: CJH/DC/03/0213

Area Commander
 North Cumbria Area
 Superintendent B Horn
 County Police Station
 Rickergate
 Carlisle
 Cumbria CA3 8QW



Mr J Hamer
 Planning Services
 Civic Centre
 Carlisle
 CA3 8QG



1 April, 2003

Dear Mr Hamer,

Proposal: Variation of condition 5 & 6 of planning permission 89/1308
Location: Carrock Fell, Carlattan Middle, Heads Nook, Carlisle
Appn Ref: 03/0213

Many thanks for your letter dated 26th March 2003, with enclosures. I wish to make the following observations based on records relating to the calls for police service to these premises. I have considered this application from an Architectural Liaison and Community Safety viewpoint.

The premises specialise in providing accommodation and training to the most problematical youngsters, who have been placed into the care of Social Services. They are usually not local to Cumbria. Some youngsters have exhibited disruptive or violent behaviour and frequently abscond. I detail below a summary of recorded crime since 1997.

Affray/Unlawful Violence	1
Assault Occasion ABH	30
Burglary Dwelling	1
Burglary other than Dwelling	1
Common Assault	27
Criminal Damage (value £20-£5000)	1
Indecent Assault	2
Interfere with Motor Vehicle	1
Criminal Damage to Vehicle	1
Criminal Damage (other)	3
Theft from Machine or Meter	1
Theft other	1

The tendency towards violence is significant.

These statistics demonstrate that the staffing team has not been provided with sufficient resources to deal effectively with any aggressive incident arising, even though there are only one or two youngsters accommodated at any one time. In my opinion, it is only a matter of time before a serious threat to life occurs.

Presently, the staff is entirely female – a feature that has been exploited by male residents in the past. During a visit to the premises, I was informed of instances when residents had kicked open doors to staff bedrooms and the ground floor office. On another occasion, the hatch between the dining room and kitchen was forced open as staff members tried to withdraw from an escalating confrontation. Precautions are taken to lock away kitchen utensils and other items to prevent them being used as weapons.

The figures below highlight the disproportionate volume of calls for police assistance.

Over the past twelve months, there have been 44 requests for police attendance to quell disorder, record crime (mainly assaults) seize controlled drugs and record missing person details. The majority of

these calls attributable to two male residents, aged approximately 14 years. (Over the past two years there have been 30 incidents relating to residents absconding or failing to return to the premises).

I strongly recommend that this application should not be considered, until the applicants provide details of the measures they intend putting in place when they take over responsibility for the premises.

I understand that the Cares Group already manage premises of this nature and I have little doubt will have a business plan awaiting implementation.

However, the highest priority should be given to safety, incorporating physical and technological measures to protect staff and residents. Similarly, managerial procedures and staffing levels must be amended to achieve this.

Consideration should be given to the provision of

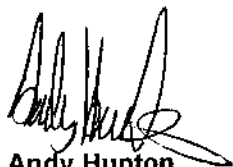
- A safe and secure retreat for staff (on the ground floor)
- An effective communications system between staff members
- Personnel attack measures
- Internal target hardening as necessary
- Exterior lighting around the site.
- Additional fire safety equipment
- Any other safety concerns raised by staff

These issues will become more serious if the number of residents is increased.

Copies of this report have been forwarded to the Manager of Carrock Fell and the Cares Group. I shall be happy to become involved in any consultation relating to security and personal safety measures and look forward to further contact in early course.

Architectural liaison and crime prevention advice is given free without the intention of creating a contract. Neither the Home Office, nor the Police Service takes any legal responsibility for the advice given. However, if the advice is implemented it will reduce the opportunity for crimes to be committed and will assist all authorities to comply with Section 17 of the Crime and Disorder Act 1998

Yours sincerely,



Andy Hunton
Community Safety/Architectural Liaison Officer
North Cumbria Area
(Direct tel. 01768 218291)

SCHEDULE A: Applications with Recommendation

03/0214

Item No: 34

Date of Committee: 25/04/03

Appn Ref No:
03/0214

Applicant:
Mr J Briggs

Parish:
Wetheral

Date of Receipt:
21/02/03

Agent:
Taylor & Hardy

Ward:
Wetheral

Location:
Warathwaite Head Farm, Cotehill, Carlisle, CA4
9TB

Grid Reference:
347143 549666

Proposal: Renovation of former dwelling and the conversion of an attached barn to form a single unit for holiday use together with the removal of a former agricultural building

Amendment:

John

Report

Planning Policies:

Carlisle District Plan Environment - Policy E8

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

1. The proposal reflects the scale and character of the existing group of buildings or settlement; and
2. There is no adverse effect upon the amenity of neighbouring property, and the character and appearance of the area; and
3. Satisfactory access and appropriate car parking can be achieved; and
4. Any exiting wildlife habitats are safeguarded.

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

Carlisle District Plan Employment - Proposal EM15

Proposals for small scale tourism related development will be acceptable providing

that:

1. There is no unacceptable adverse impact on the landscape; and
2. Adequate access and appropriate car parking can be achieved; and
3. If the proposal is within the rural area it is well related to an established settlement or group of buildings or involves the conversion of an existing building, or would form an important element of a farm diversification scheme.

Summary of Consultation Responses:

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

Wetheral Parish Council: No objection.

County Land Agent (Capita db): The applicant has sold the 16 ha. which was formerly the agricultural holding to which the farmhouse was attached. The farm buildings comprise a barn adjacent to the farmhouse, a building which is in a poor state of repair and which is to be demolished, and a steel portal frame building is still a serviceable building.

Environment Agency (N Area (+ Waste Disp)): Awaiting comments.

English Nature: Awaiting comments.

Summary of Representations:

Representations Received

Initial:	Consulted:	Reply Type:
The Occupier, Warathwaite Head	11/03/03	

The application has been advertised by means of a site notice and neighbour notification. No responses have been received.

Details of Proposal/Officer Appraisal:

Planning History:

In June 1981, outline planning permission was granted for the erection of a replacement dwelling with a condition that the original be used only for storage, with reserved matters approval being granted in September 1981. In November 1984, permission was refused for the removal of this condition, with a similar application refused in December 1985. An appeal against this decision was dismissed in October 1986.

Details of Proposal:

Permission is sought for the conversion of a former dwelling at Warathwaite Head, Cotehill to form holiday accommodation, together with the removal of a former agricultural building. The site is located about 1/2 km south of Cotehill on the C1040 Armathwaite road. The building to be renovated for use as holiday accommodation is set back from the road, it comprises the former farmhouse together with an adjacent store barn. The agricultural building to be demolished is located to the rear. Another more modern agricultural building is not affected by the proposals. On the road frontage there are two modern bungalows, one of which is occupied by the applicant.

In considering this application, members need to bear in mind the following considerations:-

1. From the history, it will be noted that in 1981 permission was granted for a new bungalow as a replacement farmhouse, subject to a condition restricting the use of the original farmhouse, which is the subject of the current application, to storage. The applicant applied in 1985 to convert the building back to a dwelling, and appealed when this application was refused. In dismissing this appeal, the Inspector concluded that the condition was properly imposed and that it would not be appropriate to allow the appeal and thereby permit an additional dwelling in the open countryside unrelated to any settlement.
2. The circumstances related to the site have not changed materially since this decision, other than that the applicant has now sold the land that formerly made up the agricultural holding, and now owns only the bungalow, the farmhouse and adjoining agricultural buildings, and 0.6 ha of land.
3. The policies relevant to the application include Policy EM15 of the Carlisle District Plan, but it is felt that the site history and in particular the appeal are also relevant. Policy EM15 includes a presumption in favour of small scale tourism projects where the conversion of existing buildings is involved. The proposal to refurbish the building for holiday accommodation complies with this policy, but on the other hand, as the inspector pointed out in 1986, this is a rural location where the additional dwelling permitted in 1981 would not have been allowed but for the fact that the original was being taken out of active use. Use as holiday accommodation would result in its occupation with consequent activity and traffic in just the same way as if it were a permanent dwelling.

Whilst this case is finely balanced, it is considered that the arguments arising from the history of the site carry more weight, and the application should be refused.

Human Rights Act 1998

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

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

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

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

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

This application does not raise any Human Rights Act implications.

Recommendation: Refuse Permission ✓

1. **Reason:** Notwithstanding the provisions of Policy EM15 of the Carlisle District Plan, the proposal to bring back into use the former farmhouse as holiday accommodation would result in the creation of a further unit of accommodation in this rural location, with a consequent increased level of activity and traffic. The proposal is therefore detrimental to the rural character of the area and contrary to Policy E8 of the Carlisle District Plan.
-

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Track

BUILDING PROPOSED
TO BE REMOVED

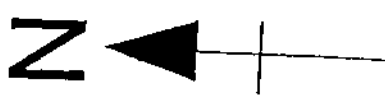
Warathwalthe Head
Farm

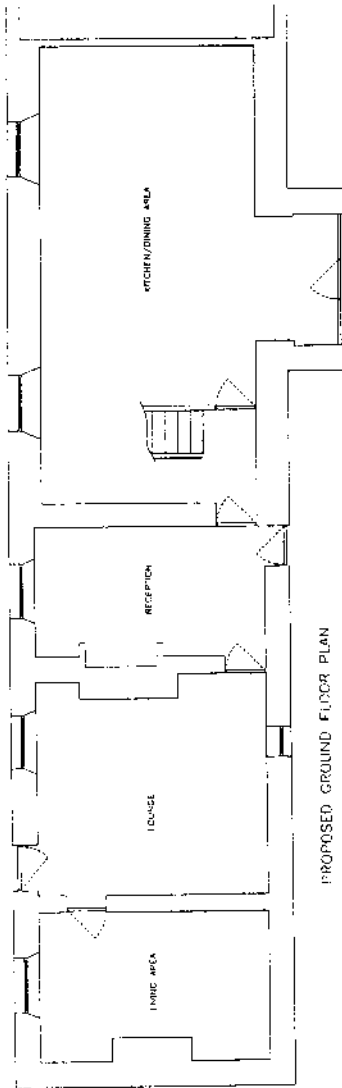
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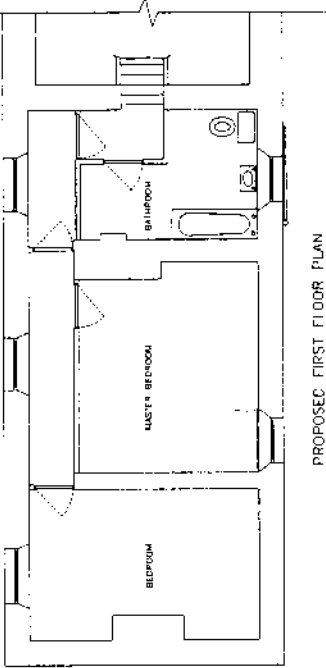
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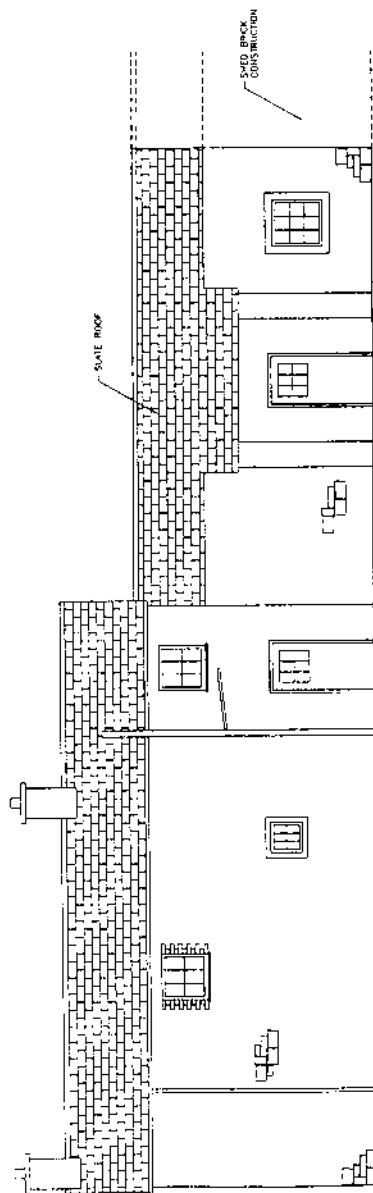




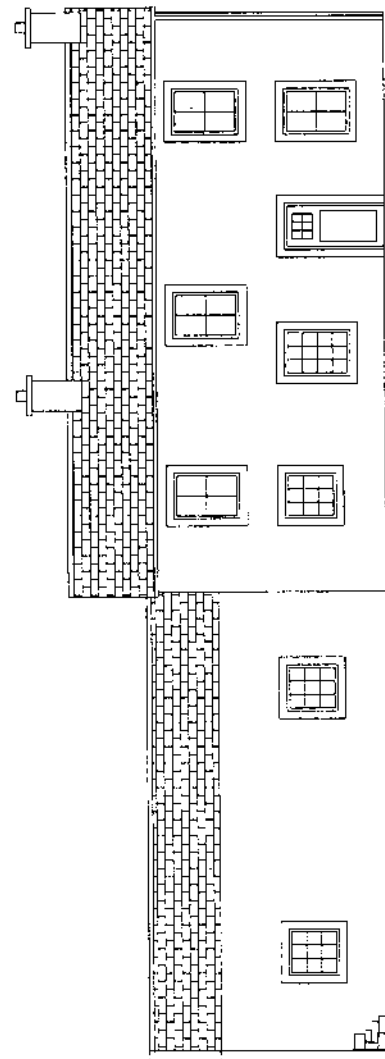
PROPOSED GROUND FLOOR PLAN



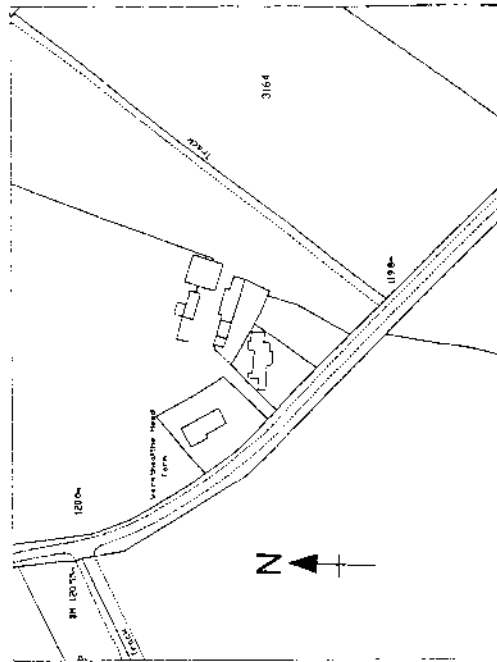
PROPOSED FIRST FLOOR PLAN



PROPOSED REAR ELEVATION (NORTH EAST)
SCALE 1:50



PROPOSED FRONT ELEVATION (SOUTH WEST)
SCALE 1:50



LOCATION PLAN
SCALE 1:250

NOTES

1. ALL NEW DRAINAGE TO BE UPVC 100mm OSMA OR SIMILAR APPROVED DRAINAGE LAID IN ACCORDANCE WITH THE MANUFACTURERS INSTRUCTIONS AND THE BUILDING CONTROL OFFICER. RAINWATER TO RUN TO SOUTHWAY.
2. ROOF SLATES TO MATCH EXISTING DWELLING ON 36.25mm TREATED BATTENS ON ROOFING UNDERVELT (BS 247 TYPE 17). ROOF PITCH APPROX 30 DEGREES

2003/02/14

Scale	1:50	Date	AUG 2002
Author	Worshipful Head Architect		
Client	Proposed Planning Permission		
Drawn By	J. Briggs		
Checked By	JB/JSR/08/02		
Sheet	2 OF 2		

CAPITA

INFRASTRUCTURE

21 March 2003
Your reference:
Our reference:
Enquiries to:

CJH/DC/03/0214
P3/3a/AGJ/ALR/19194
Alan Jackson

Clint Mill Commarket Penrith CA11 7HP
tel 01768 242322 fax 01768 242321
e-mail enquiries penrith@capita.co.uk

Carlisle City Council
Planning Services
Civic Centre
CARLISLE
CA3 8QG

FAO John Hamer

03/0214	
24 MAR 2003	
APPROVED	<i>[initials]</i>
STANDARD	
PLANNED TO	<i>[initials]</i>
ACTION	

Dear Mr Hamer

RENOVATION OF FORMER DWELLING AND THE CONVERSION OF THE ATTACHED BARN TO FORM A SINGLE UNIT FOR HOLIDAY USE TOGETHER WITH THE REMOVAL OF FORMER AGRICULTURAL BUILDING WARATHWAITE HEAD FARM, COTE HILL, CARLISLE

Thank you for your letter and enclosures of 26 February 2003.

Please find enclosed a copy of my report.

Yours sincerely



Alan Jackson
Senior Associate

Enc.

Capita Property Consultancy Ltd

The Capita Building • Kingmoor Business Park • Carlisle • CA6 4SJ • Tel: 01228 673000 • Fax: 01228 673111

www.capitaproperty.co.uk

Capita Property Consultancy Ltd, 21 Bedford Square, London, WC1B 3HH, Tel: 020 7307 5555, Fax: 020 7307 5500

Registered office as below • Reg. Office in England No: 2618542

Part of the Capita Group Plc, 71 Victoria Street, Westminster, London, SW1A 0NA • www.capita.co.uk

WARATHWAITE HEAD FARM, COTEHILL, CARLISLE

Report on the agricultural aspects of a proposal to convert a former dwelling into a single unit for holiday use together with the removal of a former agricultural building

CAPITA
Clint Mill
Cornmarket
PENRITH
CA11 7HP
Tel: 01768 242340

CAPITA
LOCAL PRACTICES

March 2003

Renovation of former dwelling and the conversion of an attached barn to form a single unit for holiday use together with the removal of a former agricultural building at Warathwaite Head Farm, Cotehill, Carlisle

1.0 Introduction

- 1.1 This report has been prepared at the request of Carlisle City Council who asked on 26 February 2003 if I would advise on the agricultural aspects of a proposal to renovate a former dwelling and convert an attached barn to form a single unit for holiday use together with the removal of a former agricultural building at Warathwaite Head Farm, Cotehill, Carlisle.
- 1.2 I met the applicant, Mr J Briggs and inspected the steading at Warathwaite Head Farm, Cotehill on 13 March 2003. The following information was provided by the applicant:-

2.0 Land Occupied

- 2.1 At the present time Mr Briggs occupies only the land edged red and edged blue on the plan attached to the application. This extends in total to approximately 0.6 ha (1.5 acres).
- 2.2 Originally Mr Briggs farmed Warathwaite Head extending in total to 16 ha (40 acres). This was made up of the following blocks of land
- 2.2.1 13 ha (33 acres) of owner occupied land adjacent to the farm steading at Warathwaite Head.
- 2.2.2 3 ha (7 acres) of land rented on a seasonal basis in the locality.
- 2.3 Mr Briggs sold the agricultural land off the holding approximately 6 years ago having ceased farming about 13 years ago and letting out the land on a seasonal basis in the interim period. The land is now farmed by a farmer from Southwaite.
- 2.4 As a result Mr Briggs does not carry any livestock on his retained land nor does he take any crops off that land.

3.0 Farm Buildings

- 3.1 Adjacent to the existing stone built farm house (which is in a derelict condition and uninhabited) there is a stone barn under a slate roof. This is currently used for

storage purposes in connection with Mr Briggs business operating an elderly persons home.

- 3.2 To the rear of the former farmhouse is a steel portal framed building which has block walls with Yorkshire boarding above. It has a central feeding passage with loose housing areas down both sides. Although in need of some repair it is still a serviceable building and is currently used for storing old farm machinery.
- 3.3 Also to the rear of the former farmhouse is a building shown on the plan as to be demolished. This is a zinc-clad building and is in a poor state of repair. -

4.0 Domestic Buildings

- 4.1 Mr Briggs lives in the brick built bungalow to the west of the former farmhouse. He advised that the other bungalow to the south of the former farmhouse was sold off this holding by the previous owner approximately 6 months before he purchased the 13 ha (33 acre) farm.

5.0 Labour

- 5.1 The land shown edged blue on the application plan is either garden to the bungalow or grassed areas which Mr Briggs keeps tidy by regularly mowing.

6.0 The proposals

- 6.1 In relation to the proposed demolition of the former agricultural building, this building is nearing the end of its useful life and is of little use for agricultural purposes.
- 6.2 With regard to the stone barn adjacent to the former dwelling house the proposals show this barn to be part of the conversion to the proposed holiday let, i.e. it will form the proposed kitchen/dining area.
- 6.3 As an agricultural building it is still a sound building and could continue to be used in connection with agricultural or storage purposes.
- 6.4 The modern portal steel framed building is not shown as part of the proposals and although divorced from the adjoining agricultural land for which it was probably initially erected, it is still a usable building with access to the public highway and could continue to be used for agricultural purposes. The use of these two buildings for agricultural purposes would have to be balanced against the use of the two bungalows as residences.

- 6.5 I note from the copy appeal decision dated 7 October 1986 which you sent to me that the former dwelling house should be used in connection with agriculture for storage purposes. Other than the barn it does not appear as though the former dwelling has been so used.

7.0 Conclusion

I therefore conclude by advising as follows:

- 7.1 the zinc-clad building that is proposed to be demolished is of little or no use for future agricultural purposes.
- 7.2 the stone barn adjacent to the former dwelling is still a substantial building and could continue to be used for agricultural storage purposes.
- 7.3 the more modern portal steel framed building is still a usable building for agricultural purposes.



A G Jackson BSc FRICS FAAV
CAPITA
Clint Mill
Cornmarket
PENRITH

21 March 2003

**COMPLIANCE WITH RICS PRACTICE STATEMENT
SURVEYORS ACTING AS EXPERT WITNESSES**

I hereby declare that my Report complies with the requirements of the RICS Practice Statement "Surveyors Acting as Expert Witnesses" 2nd Edition Published in 2000 and in particular

- (i) that the report includes all facts which the surveyor regards as being relevant to the opinion which he or she has expressed and that the judicial body's attention has been drawn to any matter which would affect the validity of that opinion: and
- (ii) that the report complies with the requirements of The Royal Institution of Chartered Surveyors, as set down in *Surveyors acting as Expert Witnesses: Practice Statement: and*
- (iii) that the expert understands his or her duty to the judicial body and has complied with that duty.
- (iv) 'I believe that the facts I have stated in this report are true and that the opinions I have expressed are correct'



**Department of the Environment and
Department of Transport**

Common Services

Room 417 Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

Direct line 0272-218927

Switchboard 0272-218811

GTN 2074

CHIEF EXECUTIVE'S DEPT.	
FILE	
- 9 OCT 1986	
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ANSWERED	

Messrs Cartmell Mawson & Main
Solicitors
Viaduct House
CARLISLE
CA3 8EZ

DEPARTMENT OF PLANNING

DE

14 OCT 1986

Your reference

14/MJ

Our reference

T/APP/EO915/A/86/049818/P5

Date

27 OCT 86

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY MR JOHN BRIGGS
APPLICATION NO:- 85/0916

1. I have been appointed by the Secretary of State for the Environment to determine the above-mentioned appeal. This appeal is against the decision of the Carlisle City Council to refuse planning permission for variation of condition to enable barn to be used as a dwelling on land at Warathwaite Head Farm, Cotehill, Carlisle. I have considered the written representations made by you and by the council and also those made by the Wetheral Parish Council and other interested persons. I inspected the site on Wednesday 13 August 1986.
2. The condition in dispute was one of seven conditions imposed upon grant of planning permission reference 81/0341 on 12 June 1981 for erection of a replacement farmhouse at Warathwaite Head. This condition, No 7, provided that "the existing dwelling on the site shall be retained for use only as an agricultural barn immediately upon occupation of the dwelling hereby permitted". From my inspection of the appeal site and the surrounding area and the written representations before me I consider the principal issue is whether continued application of the condition in dispute is necessary to the preservation of the rural character of the locality.
3. The appeal is concerned with the old, 2-storey farmhouse at Warathwaite Head Farm, an agricultural holding of about 13 ha or 33 acres (excluding rented land) situated about 1/4 km (0.3 mile) south of the village of Cotehill and on the north-eastern side of the C1040 road to Armathwaite in the Cumbria countryside near Carlisle. The house is set back about 60 m (200 ft) from the road adjoined by a group of low agricultural buildings which appear to be mostly much more recent. Nearer the road, on either side of the access from the agricultural buildings, are 2 detached bungalows of modern appearance, the southern being that owned and occupied by the appellant, the northern being, as I understand it, in separate ownership and occupation. All these buildings are in view from the road, although the old house and agricultural buildings are partly screened by the bungalows and, at least in summer, by deciduous trees and hedges. The main fields of the farm nearest the road are crossed by an overhead electricity line serving the buildings and at the time of inspection bore a standing crop of grain. Although at the nearest house, The Vicarage (about 150 m or 500 ft nearer the village) there is a small touring caravan site by the road, in the surrounding countryside of the Eden Valley development is generally thinly scattered, mostly of hamlets, farmsteads and isolated dwellings set amongst fields and plantations. In the Cotehill locality I also inspected 3 other development sites referred to in the

written representations; at Low Cotehill Farm and at Chapel House about $\frac{1}{2}$ km to the east of the village and at Wragmire House about $\frac{1}{2}$ km to the south-west.

4. The main points put forward for the parties appeared to me to be as follows. For your client, that he accepted the condition which is now in dispute because of his understanding of local planning policies to restrict development in the rural area around Cotehill. However in view of cited permissions granted subsequently for residential development in the locality the council appear to have relaxed its policy restrictions and therefore there is no reason not to vary the condition as proposed. The appellant still lives in the bungalow permitted in 1981 but has let the farmland at Warathwaite Head and gone into business elsewhere. The old house could not have been modernised to suit the appellant's requirements at reasonable cost but could be modernised to acceptable standards at acceptable cost to provide the agricultural dwelling which prospective purchasers of the farm would need. Thus the old house and adjoining agricultural buildings would be saved from unsightly dereliction and planning policies would be complied with. As the building already exists its re-use as a dwelling need have no material impact on its surroundings. For the council it is represented that local planning policies quoted as particularly relevant are Nos 6.4 and 6.5 of the Cumbria and Lake District Structure Plan and the non-statutory Carlisle Settlement Policy adopted by the City Council in 1978. These policy documents place particular restrictions on residential development in local rural areas and settlements within the context of restrictive national planning policies for the countryside in general. Personal circumstances were a factor in the grant of permission in 1981 for the replacement farmhouse. The council had not required the old house to be demolished when its replacement was built (as is their usual policy) because your client had stated that it would provide useful agricultural storage. In the event he had failed to use the old house for storage and had erected new agricultural buildings. Because he has other premises with living accommodation, he could readily vacate the replacement bungalow for purchasers of the farm. Permissions for the other developments cited in the locality were justified within policy by the particular circumstances of each case; at Low Cotehill to maintain the integrity of a group associated with a Grade II listed building; at Wragmire House as an acceptable re-use of a fine group of redundant farm buildings.

5. I note that there is no suggestion in the written representations before me that the council have formally retreated from the policies which they cite. In my opinion the other developments around Cotehill on which representations have been made on this appeal represent exceptions to the local planning policies of not generally allowing residential development in the countryside. However I see no reason to disagree with the view taken by the council that permission was justified in each case by particular circumstances. I do not regard these permissions as constituting, severally or jointly, any material change of policy by the council. The permission originally granted in 1981 for the appellant's bungalow dwellinghouse as a replacement for the old farmhouse would clearly have been contrary to both local and national planning policy restrictions on general development in the open countryside if it had resulted in an additional dwelling becoming available. I consider that the condition No 7 was appropriately and reasonably imposed upon the permission of 12 June 1981 which ought not otherwise to have been granted. I accept that active use of this existing building as a dwelling need result in only limited physical changes of little direct impact on its appearance. However, this use would result in another household living in a relatively isolated part of the countryside and in accompanying small but not insignificant increases in domestic activity and traffic detrimental to the rural character of the area. The fact that such a development would not be very noticeable is not by itself a good argument for permission. Such an argument could be repeated too often in spurious justification for a proliferation of residential developments leading to more

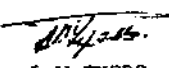
widespread and damaging losses of rural amenity. Thus the appeal proposal is open to material planning objections.

6. Although no agricultural occupancy condition was imposed on the 1981 permission the bungalow remains physically close enough to the holding to serve its originally intended function as the replacement farmhouse for that holding. In assessing agricultural (or other) need it is important to avoid counting the same need twice. I am not convinced that the extent of agricultural need which now arises from the holding justifies overriding the planning objections referred to above. The prospect that the appearance of the old house and adjoining farm buildings would be improved does not appear to me to weigh substantially in favour of the proposal, because none of these buildings is, in my view, of any special architectural merit and their present air of neglect could be remedied either by their use for agriculture or, if they are not needed, by their demolition.

7. I conclude that the condition in dispute is still appropriate and necessary and therefore the requested permission should be refused. I have taken into account all the other matters referred to in all the written representations before me but find in all these matters nothing to alter materially the balance of considerations that led me to my decision.

8. In exercise of the powers transferred to me and for the reasons given above I hereby dismiss this appeal.

I am Gentlemen
Your obedient Servant


L W TYERS ARICS
Inspector

SCHEDULE A: Applications with Recommendation

03/0225

Item No: 35

Date of Committee: 25/04/2003

Appn Ref No:
03/0225

Applicant:
Mr Roy Young

Parish:
Beaumont

Date of Receipt:
24/02/2003

Agent:
F J Elliott

Ward:
Burgh

Location:
L/A Field 9526, Grinsdale, Carlisle, CA5 6DS

Grid Reference:
337038 558180

Proposal: Erection of a stable block (revised application)

Amendment:

Angus

Report

Planning Policies:

Cumbria & Lake District Joint Structure Plan Policy 13

In the areas not covered by Policies 11 and 12, development will normally be permitted which in its use, siting, scale and design is well related to existing developed areas of the countryside and does not harm distinctive features of local landscape significance. In the undeveloped open countryside development will not normally be permitted except when it is required to meet local infrastructure needs which cannot be located elsewhere, and provided it is sited to minimise environmental impacts and meets high standards of design.

Carlisle District Plan Environment - Policy E2

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

1. The building or structure is sited where partial to integrate with existing farm buildings and/or take advantage of the contours of the land and any existing natural screening; and
2. The scale and form of the proposed building or structure relates to the existing group of farm buildings; and
3. Within AONB's and Conservation Areas, the design and materials used reflect the overall character of the area; and
4. The proposal would not have an unacceptable adverse effect on any adjacent

properties.

Carlisle District Plan Environment - Policy E8

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

1. The proposal reflects the scale and character of the existing group of buildings or settlement; and
2. There is no adverse effect upon the amenity of neighbouring property, and the character and appearance of the area; and
3. Satisfactory access and appropriate car parking can be achieved; and
4. Any exiting wildlife habitats are safeguarded.

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

Carlisle District Plan Employment - Proposal EM11

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

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

Carlisle District Plan Employment - Proposal EM15

Proposals for small scale tourism related development will be acceptable providing that:

SCHEDULE A: Applications with Recommendation

03/0225

1. There is no unacceptable adverse impact on the landscape; and
2. Adequate access and appropriate car parking can be achieved; and
3. If the proposal is within the rural area it is well related to an established settlement or group of buildings or involves the conversion of an existing building, or would form an important element of a farm diversification scheme.

Carlisle District Plan Leisure - Proposal L4

Within the Plan area, outside Primary Leisure Areas, proposals for leisure development including sport and active recreation development will be acceptable provided that:

1. The proposal does not have an adverse impact on the amenity of the surrounding area; and
2. Appropriate car parking and access to the site can be achieved; and
3. The proposed use is of an appropriate scale to the locality; and
4. Where practicable, the proposal can be accessed by public transport; and
5. The proposal makes a positive contribution to the development of tourism in the district; and/or
6. If the proposal is within Carlisle, it brings a vacant or part vacant building into use or contributes to the development of a mixed use scheme.

Carlisle District Plan Transport - Proposal T1

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

Summary of Consultation Responses:

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

Beaumont Parish Council: The Council has the following objections:

1. The entrance to field 9526 is not suitable for heavy vehicles to enter or exit on this narrow lane which is used by farmers and fishermen.
2. The entrance to the adjacent field 0628 and the field on the right hand side of the lane will be severely restricted.
3. The land on which this field is situated is accessed by the last stretch of

SCHEDULE A: Applications with Recommendation

03/0225

road in the village which is only 4 metres wide, caused parking problems for residents without the added number of vehicles this application will generate.

4. The applicant lives at least 12 miles from this field and we are concerned that a further application to develop this land may be sought in the future as that position of the proposed stables is well away from the entrance to the field.

County Land Agent (Capita db): It is noted that the applicant has now redesigned the building to bring it much more in line with a traditional timber stable building.

The only reservation is that the proposed building is located approximately 12 miles from the applicants residence and there may well be problems in the supervision and security of the livestock housed therein

Such buildings would normally be erected in reasonable close proximity to a dwelling under the control of the person supervising the livestock within the building to ensure adequate supervision and security.

Environment Agency (N Area (+ Waste Disp)): Only clean surface water from roof and paved areas should be discharged to any soakaway.

Summary of Representations:

Representations Received

Initial:	Consulted:	Reply Type:
Mrs Anne Whitfield, Sunny Bank	25/02/03	Petition

This application has been advertised in the form of a site notice and the direct notification of the occupiers of neighbouring property. In response a petition with eight signatures objecting to the proposal has been received on the following grounds:

- The village is on a no through road with residents forced to park on the pavement. Parking is already restricted without having more vehicles to contend with.
- The gate entrance to the field is inadequate for heavy vehicles to enter or exit. Concerned as to where the applicants are going to park their vehicles when using the stables as no hardstanding or track leading to the stables are shown.
- Any parking at the entrance to the field will block the lane and entrance to an adjoining field.

SCHEDULE A: Applications with Recommendation

03/0225

- The applicant is a builder by trade who resides approximately 12 miles from the proposed stables. The positioning of the proposed stables which is 50 metres from the lane suggest that a further application to develop the land may be sought in the future, for e.g. a dwelling.

Details of Proposal/Officer Appraisal:

Planning History:

In January of this year, under application number 02/1109, planning permission was refused for the erection of stables with storage for the following reason:

"The site of the proposed development is in a prominent and attractive open area of countryside detached from the settlement of Grinsdale and located approximately 19 kilometres from the applicant's residence. In such a location the proposed stables and storage building would be a visually discordant feature; is considered excessive in size for the proposed use; and, is of a construction inappropriate for the stabling of horses. The proposal is therefore considered to be contrary to the objectives of Policy 13 of the Cumbria and Lake District Joint Structure Plan and Policies E2 and E8 of the Carlisle District Local Plan".

Details of Proposal:

This application relates to an open field 1.72ha. in area located on the northern side of Coop House Lane approximately 90 metres to the east of the property known at Town End. To the immediate west of the site, the track forks into a public footpath leading to St Kentigern's Church and the "Coop Stream" of the River Eden.

The proposed building measures 14.4 metres by 4.5 metres with a ridge height of 3.3 metres. Externally the walls would have stained boarding with the roof consisting of black onduline sheeting. The submitted floor plans show the provision of three stables and a hay store - see attached copies of plans.

The application is accompanied by a letter from the agent explaining that:

- The applicant feels that the field would sustain 4 horses but has settled for a stable block accommodating 3 horses plus storage for hay.
- The applicant has had several enquires from persons wishing to rent stabling in the Carlisle area.
- Although the proposed stables are a little way from Grinsdale village there are more outlying groups of grazing horses on land serviced from Coophouse Lane. There is a horse shelter behind the Church which does not appear to be overlooked at all.
- Coophouse Lane serves as an access lane to the fields to the north and

SCHEDULE A: Applications with Recommendation

03/0225

east of the village and there is daily passage of traffic past the site. The view of the site from the Lane is good.

In relation to this revised application it is considered that the main issues are whether the needs of the enterprise outweigh the effect of the building upon the character and appearance of the area, and, whether the proposal would lead to an undue reliance on the private car as such it is felt that the following points need to be kept in mind:

- a) Ministerial advice contained in PPG7 "The Countryside - Environmental Quality and Economic and Social Development" points out in paragraph 2.1 that the aim of the planning system is to reconcile the needs of development and conservation, and secure economy, efficiency and amenity in the use of land. Paragraph 2.3 of PPG7 goes on to say that the guiding principle in the countryside is that development should both benefit economic activity and maintain or enhance the environment. "New Development should be sensitively related to existing settlement patterns and to historic, wildlife and landscape sources. Building in the open countryside, away from existing settlements or from areas allocated for development in development plans, should be strictly controlled".

Paragraph 2.8 of PPG7 also states that local planning authorities should weigh the need to: encourage rural enterprise; protect landscape, wildlife and historic features; safeguard best agricultural land; have regard to the quality and versatility of land for forestry and other rural enterprises; protect non-renewable resources; strengthen rural communities; achieve good quality development which respects the character of the countryside; and, secure safe development by taking account of the stability of the land.

The Government's policy is "that the countryside should be safeguarded for its own sake and non-renewable and natural resources should be afforded protection" (paragraph 2.14).

In addition, paragraph 3.4B states that it "is usually preferable for farm diversification schemes to re-use good quality existing buildings and put them to a new business use, rather than build new buildings in the countryside. New buildings, either to replace existing buildings or to accommodate expansion of enterprises, may also be acceptable provided that they satisfy sustainable development objectives and are of a design and scale appropriate to their rural surroundings".

Government advice contained in paragraph 43 of PPG13 "Transport" states:

"PPG7 indicates that for development related to agriculture and for farm diversification, appropriate new buildings may also be acceptable. In plan policies and development control decisions, local authorities should encourage farm diversification proposals particularly, but not excessively, where this enables access by

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03/0225

public transport, walking and cycling. They should be realistic about the availability, or likely availability, of alternatives to access by car. Similarly, they should not reject proposals where small-scale business development or its expansion would give rise to only modest additional daily vehicle movements, in comparison to other uses that are permitted on site, and the impact on minor roads would not be significant".

- b) The development plan comprises the Cumbria and Lake District Joint Structure Plan (SP) and the Carlisle District Local Plan (CDLP). SP Policy 13 and CDLP Policy E8 establish that in the undeveloped open countryside, development will not normally be permitted. Members should note that there is a mistake in the text, which is corrected in the accompanying explanatory notes, and is held to be relevant to the current proposal. CDLP Policy E2 relates to agricultural buildings, and makes it clear that they will be permitted, but only if certain criteria are met.

Policy T1 of the CDLP also highlights that in considering applications account needs to be taken of the availability of a choice of means of travel.

- c) The proposed stable block is detached from Grinsdale and there are no other buildings on the application site and hence it will have the appearance of an isolated building poorly related to the existing pattern of development. The structure will be clearly visible from the access lane and, by its very presence, will materially harm the open character and appearance of the area.
- d) Reference has been made to other stable-like structures nearby but their existence is not in itself considered to be a good reason for permitted harmful development.
- e) The applicant could argue that the proposed stables, which are sought as a speculative form of development, would differ little from the "fall-back" position in which horses or other livestock could be kept on the site for agricultural purposes. The limited extent of the field, however, seems capable of only very limited use for agricultural purposes the viability of which would remain in doubt.
- f) The applicant lives some 19km away from the site. Reference has also been made to prospective tenants living in Carlisle the outskirts of which are located approximately 2.5km to the south-east. In either case it seems extremely unlikely that access to the site would be by cycle foot or bus. It is probably that all trips would be by private vehicle. Paragraph 43 of PPG13 makes some allowance where modest additional vehicle movements would be necessary to support agricultural diversification or rural business. However, that would not be the case here, where the proposal is for private use. Although the proposal is modest in scale, it appears to conflict with the underlying objectives of Policy T1 of the CDLP and PPG13.

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03/0225

At the time of writing the report further information has been sought from the applicant. On the basis that this information does not fundamentally alter the circumstances it is considered that the proposal should be refused for the above reasons.

Human Rights Act 1998

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

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

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

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

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

The applicant's rights are respected, however, it is considered that these needs are outweighed by the harm created to interests of acknowledged importance.

Recommendation: Refuse Permission

1. **Reason:** The site of the proposed development is in a prominent and attractive open area of countryside detached from the settlement of Grinsdale. In such a location the proposed stables and haystore will be clearly visible from the access lane and, by its very presence, materially harm the open character and appearance of the area. The proposal is therefore considered to be contrary to the objectives of Policy 13 of the Cumbria and Lake District Joint Structure Plan and Policies E2 and E8 of the Carlisle District Local Plan.
2. **Reason:** The site of the proposed speculative development is in an open area of countryside detached from the settlement of Grinsdale and located approximately 2.5km from Carlisle and 19km from the applicant's residence. In such a location the proposed stables and haystore for private use would lead to an undue reliance on the private car contrary to the underlying objectives of Policy T1 of the

SCHEDULE A: Applications with Recommendation

03/0225

Carlisle District Local Plan and advice contained in PPG13
"Transport".

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Gringlake

**Park
Farm**

Town End

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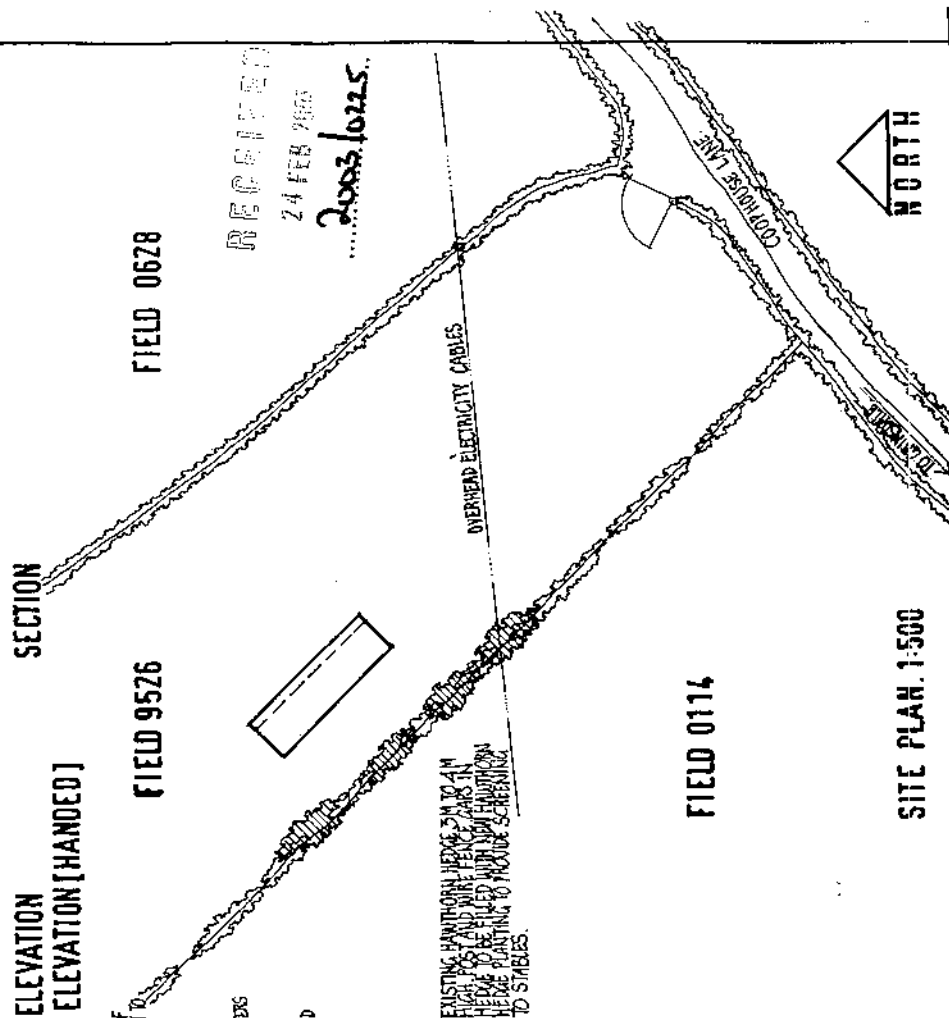
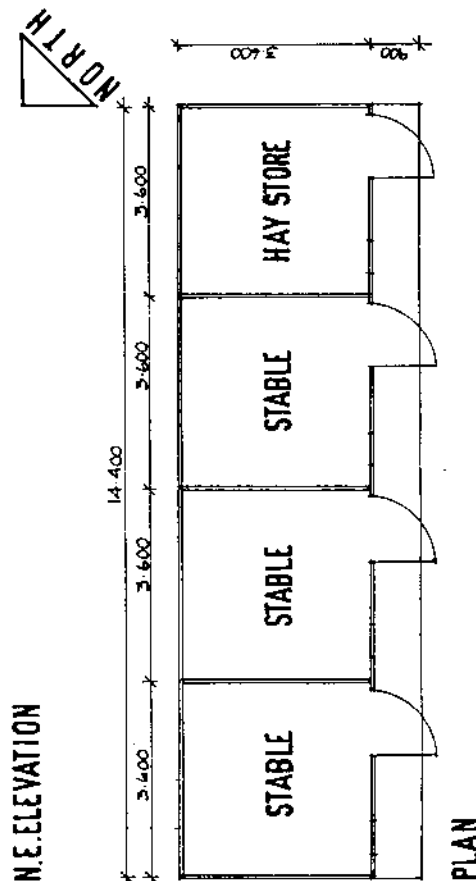
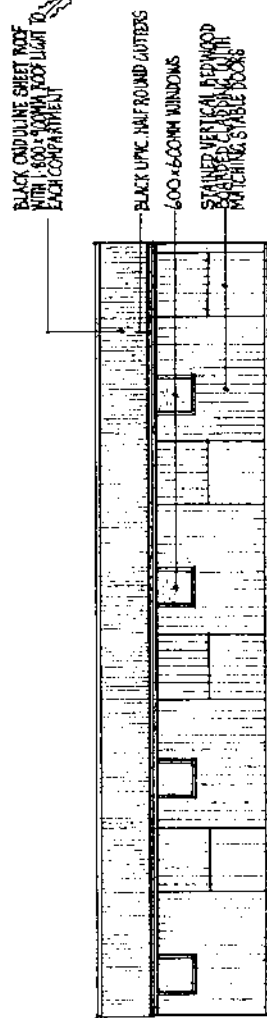
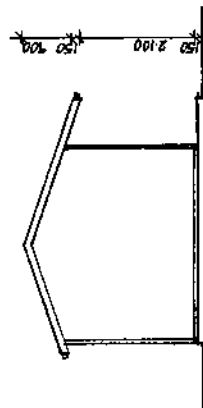
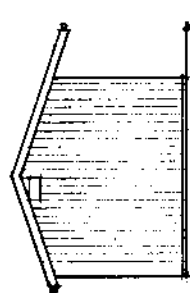
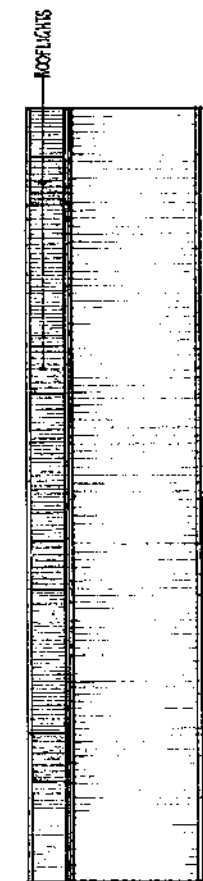
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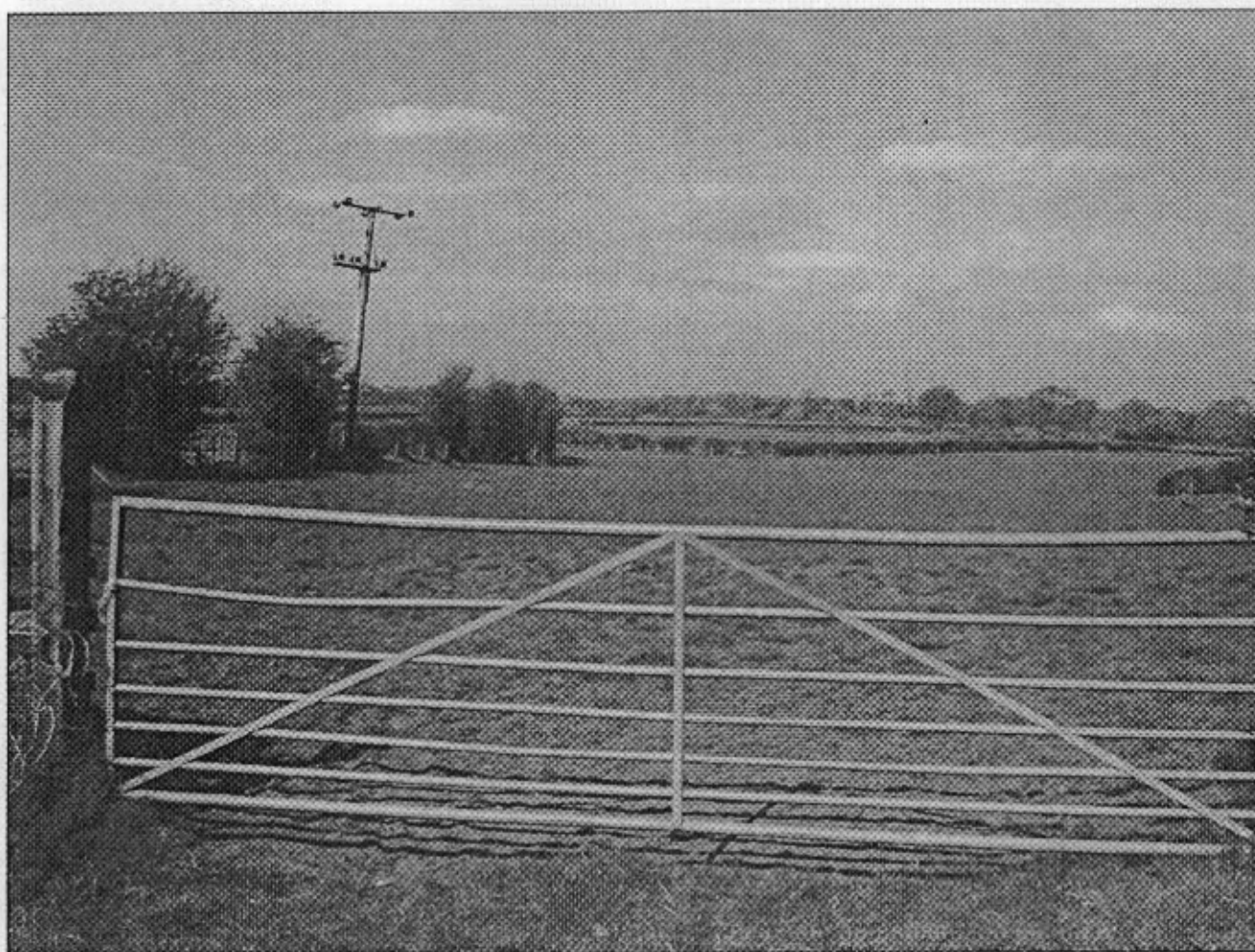
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LOCATION PLAN 1:2500

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Field 9526, Grinsdale 1 07.04.03.JPG



Field 9526, Grinsdale 2 07.04.03.JPG



SCHEDULE A: Applications with Recommendation

03/0228

Item No: 36

Date of Committee: 25/04/2003

Appn Ref No:
03/0228

Applicant:
Ewan Nugent

Parish:
Kirkandrews

Date of Receipt:
25/02/2003

Agent:

Ward:
Longtown & Rockcliffe

Location:
Moat Vale, Moat, Longtown, Carlisle, CA6 5PQ

Grid Reference:
340948 573635

Proposal: Erection of a polytunnel

Amendment:

Keith

Report

Planning Policies:

Cumbria & Lake District Joint Structure Plan Policy 3

The diversification of the rural economy and the maintenance of the vitality of rural life will be assisted through a favourable response to developments which provide local benefits and are sensitive to the local environment.

Cumbria & Lake District Joint Structure Plan Policy 12

Development and other land use changes detrimental to the distinctive character of designated County Landscapes, will not normally be permitted. Development required to meet local infrastructure needs which cannot be located elsewhere, will normally be permitted, provided it is sited to minimise environmental impacts and meets high standards of design.

Cumbria & Lake District Joint Structure Plan Policy 25

The siting, appearance and landscaping of all new development and alterations should aim to enhance the quality of the existing environment. It should be in keeping with the local character of the townscape or landscape, and be well integrated with the existing pattern of surrounding land uses and, where appropriate, be in keeping with the local vernacular tradition. Normally development should make proper provision for access by disabled persons.

SCHEDULE A: Applications with Recommendation

03/0228

Cumbria & Lake District Joint Structure Plan Policy 38

In rural areas, the development or conversion of premises for small scale employment uses will normally be permitted, except where there is a damaging impact on the local environment or in the case of new development where the proposal is in the undeveloped open countryside.

Carlisle District Plan Environment - Policy E4

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

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

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): no objections;
Kirkandrews Parish Council: no objections provided the polytunnel is located away from the road with appropriate screening; council does not agree that a hawthorn hedge will screen the area for approximately 25 years;

Summary of Representations:

Representations Received

Initial:

Consulted:

Reply Type:

The application has been publicised by site notice, expiry date 28 March 2003. No representations have been received.

Details of Proposal/Officer Appraisal:

Planning History:

Alterations to form bedroom and store, reference BA 6516, approved 17 May 1971.

Details of Proposal:

SCHEDULE A: Applications with Recommendation

03/0228

The application seeks planning permission for the erection of an 18.3 metre long x 9.14 metre wide x 3.5 metre high polytunnel on land immediately to the north east of the dwellinghouse at Moat Vale, Moat. The site is situated on the north west side of the public highway from which it is separated by a 1.2 metre high hawthorn hedge. The polytunnel will occupy part of one of two small enclosures on the frontage of a grass field comprising agricultural grazing land. The neighbouring enclosure houses sheep pens. The overall land holding extends to twelve acres.

The proposal forms part of the applicant's plans to diversify from agriculture and to establish a native tree project on the site. He hopes to produce around 45,000 trees annually which are to be sold at whip size, i.e. 40 to 60 cm high. The polytunnel is to be used as the initial propagation and growing-on site for the first twelve months of growth. The trees will then be transplanted outside for hardening off over the next twelve months prior to be sold at 24 to 30 months old. The polytunnel will promote the stock by up to twelve months which is key to the economic viability of the project.

The applicant advises that there is a current shortfall in sourcing Cumbrian provenance trees in any quantity which his project is intended to assist. He also indicates that the supply will go some way towards meeting the latent demand from sectors such as the DEFRA Countryside Stewardship and Lake District Environmentally Sensitive Area schemes. His proposal is the subject of grant applications to both the North West Development Agency and Cumbria Broadleaves for help with set up and running costs over the first two years.

The application is only reported to committee because of the comments received from Kirkandrews Parish Council who are concerned that the roadside hedge will not afford appropriate screening and therefore recommend relocation away from the road. I do not share their concerns.

There is no dispute over the principle of diversification which is generically supported by both government guidance and development plan policies. As to the location of the polytunnel, I consider it will be well related to the neighbouring dwellinghouse, reasonably screened by the roadside hedge and will be less conspicuous here than in open fields. In addition, there will be additional benefits to be derived from proximity and the 'sterilisation' of less land than if it needed to be accessed elsewhere. There is no distinction in designations on the holding, all of which is located within the County Landscape, and there are no immediate neighbours.

I do not consider that the development is contrary to policy, or that there will be any demonstrable harm to interests of acknowledged importance, and recommend that planning permission be granted.

Human Rights Act 1998

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

SCHEDULE A: Applications with Recommendation

03/0228

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

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

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

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

Article 8 and Article 1 Protocol 1 are relevant but the impact of the development will be minimal and the separate rights under this legislation will not be prejudiced.

Recommendation: Grant Permission ✓

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.

2. The materials to be used in the construction of the proposed polytunnel shall be as indicated in the submitted application. If any other material is proposed no development shall take place until such has been approved, in writing, by the local planning authority.

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

3. The polytunnel shall only be used for the purposes indicated in the submitted application and for no other purpose without the prior permission of the local planning authority.

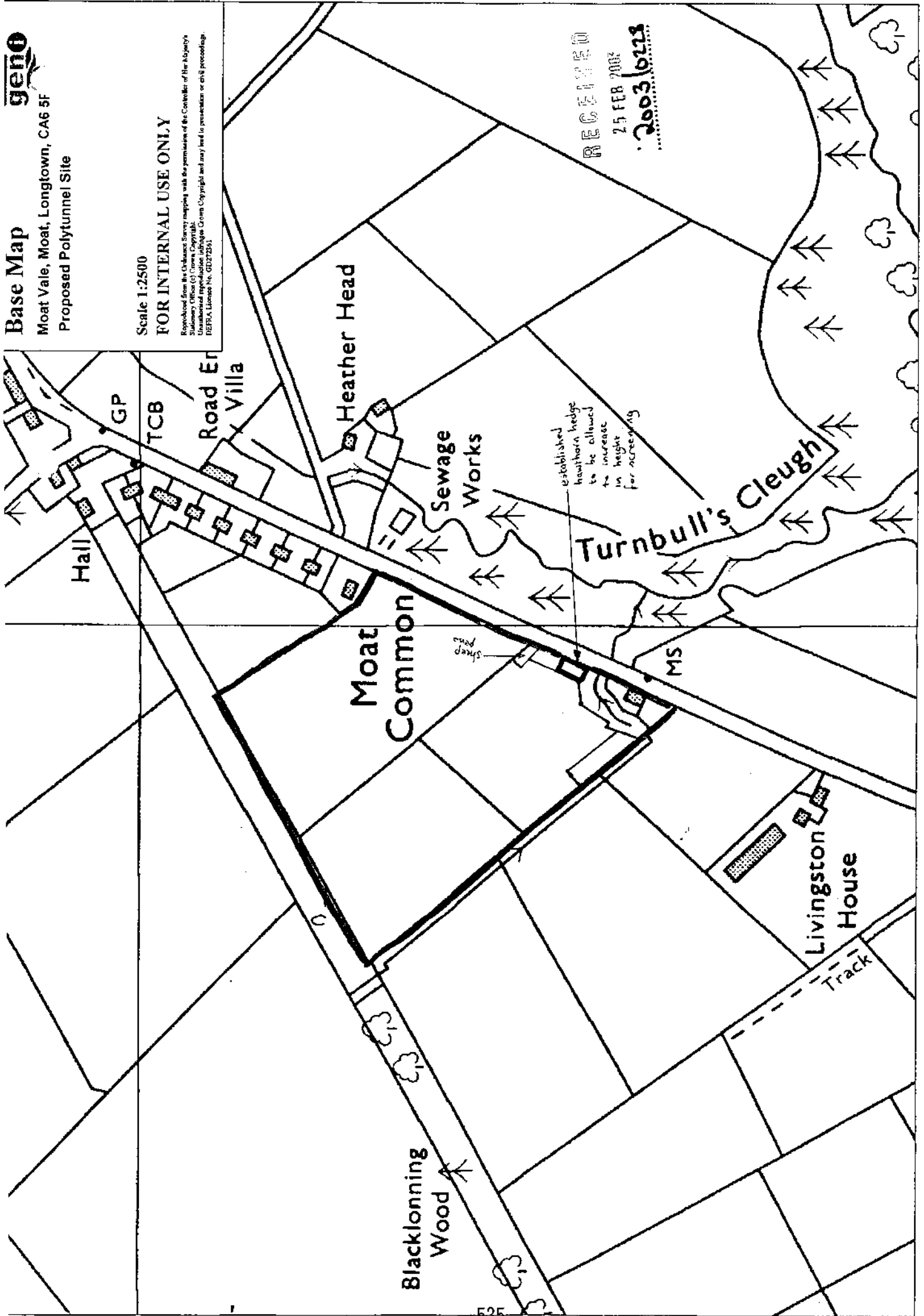
Reason: To maintain planning control in ensuring that the impact of any alternative uses can first be assessed.

Scale 1:2500

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2003/0223



PROPOSED POLYTUNNEL
MONT VALE, MONT,
LONGTOWN.

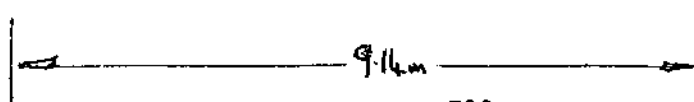
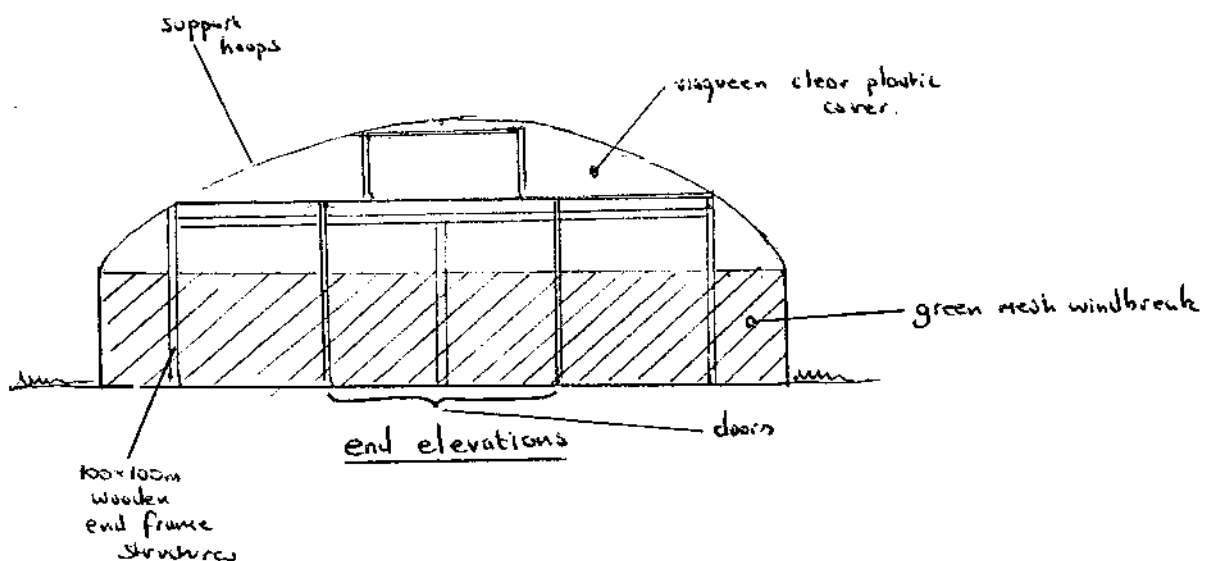
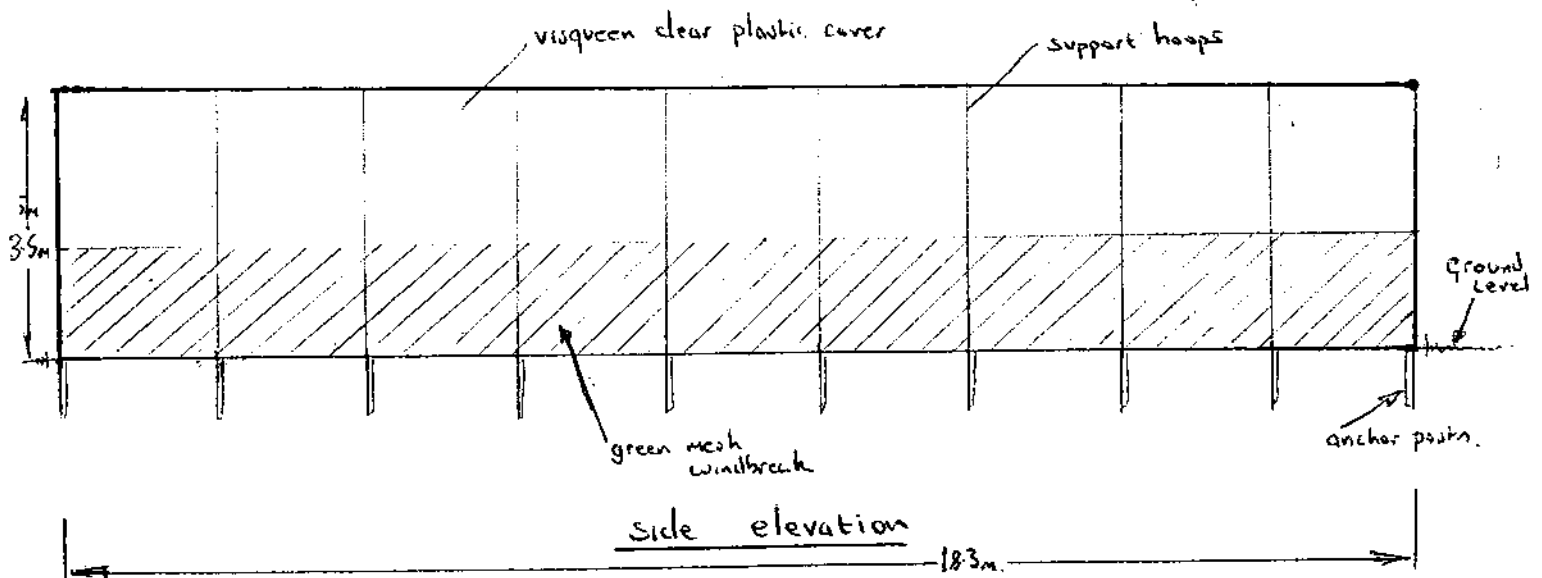
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ELEVATIONS

RECEIVED

25 FEB 2003

2003/0228



SCHEDULE A: Applications with Recommendation

03/0232

Item No: 37

Date of Committee: 25/04/2003

Appn Ref No:
03/0232

Applicant:
London & North Eastern
Investments Ltd

Parish:
Carlisle

Date of Receipt:
11/03/2003

Agent:
Terra Firma Estates Ltd

Ward:
Denton Holme

Location: ~~west~~ *east*
L/A to ~~west~~ of Maryport Court & Bousteads
Grassing, Maryport Court, Bousteads Grassing,
Carlisle

Grid Reference:
339960 554515

Proposal: Renewal of outline application for residential development (13no.
dwellings)

Amendment:

David

Report

Planning Policies:

Carlisle District Plan Housing - Proposal H4

Within Carlisle, Brampton, Longtown and Dalston, outside the Primary Residential Areas and sites allocated under proposal H1, applications for residential development, including redevelopment and the change of use of vacant and underused buildings, will be permitted provided that:

1. Satisfactory housing conditions can be achieved; and
2. The proposal will complement the existing character of the area; and
3. The proposal will not adversely affect the amenity of the area; and
4. Satisfactory access can be provided; and
5. Appropriate parking arrangements can be made.

Gas Pipeline Safeguarding Area

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

Summary of Consultation Responses:

Network Rail - Property North East: Applicant to be advised of Network Rails

Standard Planning/Engineering recommendations.

Transco: No objections. Applicant to be advised of precautions to be taken when carrying out work in the vicinity of underground gas pipes.

Planning Services - Access Officer: Comments awaited.

Drainage Engineer - Commercial & Technical Services: No comment provided surface water is discharged to the nearby water course or disposed of via a soakaway or SUDS scheme.

Cumbria County Council - (Highway Cumbria County Council (Highway Authority): Comments awaited.

Cumbria Constabulary - Crime Prevention: Comments awaited.

Cumbria County Council - (Archaeological Services): Recommend that further information of any archaeological remains is required before a planning decision is taken. This information should be obtained by means of an archaeological evaluation as outlined in PPG16 section 20-22.

Environment Agency (N Area (+ Waste Disp)): No objections subject to a condition requiring a site investigation to be carried out to establish if the site is contaminated.

Summary of Representations:

Representations Received

Initial:	Consulted:	Reply Type:
The Occupier, 1 Maryport Court	12/03/03	
The Occupier, 2 Maryport Court	12/03/03	
The Occupier, 3 Maryport Court	12/03/03	
The Occupier, 4 Maryport Court	12/03/03	
The Occupier, 5 Maryport Court	12/03/03	
The Occupier, 6 Maryport Court	12/03/03	
The Occupier, 7 Maryport Court	12/03/03	
The Occupier, 8 Maryport Court	12/03/03	
The Occupier, 9 Maryport Court	12/03/03	
The Occupier, 10 Maryport Court	12/03/03	
The Occupier, 11 Maryport Court	12/03/03	
The Occupier, 12 Maryport Court	12/03/03	
The Occupier, 13 Maryport Court	12/03/03	
The Occupier, 14 Maryport Court	12/03/03	
Mr Ward, 15 Maryport Court	12/03/03	Undelivered
The Occupier, 16 Maryport Court	12/03/03	
The Occupier, 1 Bousteads Grassing	12/03/03	
The Occupier, 2 Bousteads Grassing	12/03/03	
The Occupier, 3 Bousteads Grassing	12/03/03	
The Occupier, 4 Bousteads Grassing	12/03/03	
The Occupier, 5 Bousteads Grassing	12/03/03	
The Occupier, 6 Bousteads Grassing	12/03/03	
The Occupier, 7 Bousteads Grassing	12/03/03	
The Occupier, 8 Bousteads Grassing	12/03/03	

The Occupier, 9 Bousteads Grassing	12/03/03	
The Occupier, 10 Bousteads Grassing	12/03/03	
The Occupier, 11 Bousteads Grassing	12/03/03	
The Occupier, 12 Bousteads Grassing	12/03/03	
The Occupier, 13 Bousteads Grassing	12/03/03	
The Occupier, 14 Bousteads Grassing	12/03/03	
The Occupier, 15 Bousteads Grassing	12/03/03	
The Occupier, 16 Bousteads Grassing	12/03/03	
The Occupier, 17 Bousteads Grassing	12/03/03	
The Occupier, 1 Maryport Cottages	12/03/03	
The Occupier, 2 Maryport Cottages	12/03/03	
The Occupier, 3 Maryport Cottages	12/03/03	
The Occupier, 4 Maryport Cottages	12/03/03	
The Occupier, 5 Maryport Cottages	12/03/03	
T Hodgson, 9 Bousteads Grassing	12/03/03	
Miss C Watson, Flat 3 Maryport Court	12/03/03	
S Millar, 1 Bousesteads Grassing	12/03/03	
Eric Martlew MP, House of Commons	12/03/03	
Mr W Green, 18 Boustead Grassing		Petition

This application has been advertised in the form of a site notice and the direct notification of neighbouring properties. The proposal was also advertised the the Cumberland News in the public interest on 21st March 2003.

A petition signed by 68 local residents makes it clear that there is continuing local concern over road safety both at present (a case is cited of a recent accident involving a child) and in relation to additional traffic generated by the proposed development. A further issue raised is that it is claimed that the applicant does not have access rights to this site and that the owner of the access has stated that he will never give the developer access.

Details of Proposal/Officer Appraisal:

Planning History:

In 1996, under planning application number 96/0230, outline planning consent was granted for the change of use to residential use and the erection of 6no. dwellings on part of the current application site. Members will recall that at the Sub-Committee meeting on 25th June 1999 an application to renew this consent was approved.

The Sub-Committee on 24th September 1999 considered a report recommending approval, subject to conditions of an application (Reference 99/0280) for the erection of 13 dwellings on land to the rear of Maryport Court and Boustead Grassings. The Sub-Committee, having deferred consideration of the matter at a meeting on 6th August 1999, visited the site. While on site Members expressed concern at the potential impact of the proposal on the safety of vehicle users and pedestrians, particularly on the access road from Boustead Grassings to the development. The Sub-Committee accordingly agreed to refuse the application for the following reason:

"The proposal for 13no. dwellings on land to the west of Maryport Court and

Boustead Grassings, Carlisle involves an inadequate and unsuitable access for the scale of development proposed which would result in an adverse impact on the safety of vehicle users and pedestrians, to the detriment of the surrounding area".

The applicant appealed against the decision and the appeal was upheld on 1st June 2000. The Planning Inspector was satisfied that there was "unlikely to be any danger for pedestrians or wheelchair bound local residents" and he granted the application subject to the following conditions:

1. The development hereby permitted shall begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later;
2. Approval of the details of the siting, design and external appearance of the dwellings and the landscaping of the site (hereinafter called "the reserved matters" shall be obtained from the local planning authority in writing before any development is commenced;
3. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission;
4. The development shall be for a maximum of 13 dwellings which shall be sited in accordance with the layout shown on drawing number 98/955/03 Revision A;
5. Development shall not commence until a detailed site investigation has been carried out to establish whether the site is contaminated, to assess the degree and nature of any contamination, and to determine whether there is any potential for pollution of the water environment. The site investigation shall be carried out in accordance with a scheme to be submitted to and approved in writing by the local planning authority. If the site investigation conclusions require any appropriate measures to prevent pollution of groundwater these shall be carried out and monitored in accordance with a scheme to be submitted to and approved in writing by the local planning authority;
6. Development shall not commence until a scheme detailing the design, construction, drainage, specification and lighting of the access road off Boustead Grassings, including longitudinal and cross sections, has been submitted to and approved in writing by the local planning authority. The submitted scheme shall incorporate the road realignment and other highway works shown on drawing number 98/955/03 Revision B. The approved scheme shall be carried out before the development is completed;
7. No dwelling shall be occupied until the access road leading to that dwelling has been constructed to base course level and street lighting has been brought into use;

8. Development shall not commence until samples of materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved samples;
9. Development shall not commence until full details of both 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. The details shall include the type, species, height and density of plants, shrubs and trees, the extend of areas to be seeded or turfed, and the extent and type of hard surface finishes to public areas and private amenity spaces;
10. 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 each dwelling or the completion of the development, whichever is the sooner. 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;
11. Development shall not commence until a plan indicating the position, design, materials and type of boundary security fencing to be erected has been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until the security fencing has been completed in accordance with the approved plan;
12. The dwellings shall be constructed, in accordance with a detailed scheme to be submitted to and approved in writing by the local planning authority before development commences, so as to provide sound insulation against externally generated noise so that internal noise levels do not exceed 50dB(A) LeAqT 1-hour between 0700 and 2300 hours and 45 dB(A) LeAqT 1-hour between 2300 and 0700 hours.

Details of Proposal:

The site which is the subject of this application is to the rear of Boustead's Grassings and to the east of Maryport Court. Its vehicle access also serves Maryport Court and allows access by Railtrack to the former railway land beyond. (See location plan.) The site is bounded to the east by the railway and to the west by the rear gardens of Boustead's Grassings and the allotments.

The site is shown as 'White Land' on the proposals map of the Carlisle District Local Plan i.e. it has no specific allocation. Proposals for development of 'White Land' are expected to be assessed in terms of surrounding land uses and details of the proposal, in this case it should be considered against policies for residential proposals. It is clear, however, that the principle of residential development on the

site is acceptable because a previous consent for residential development 6 houses has been approved in outline by the Council and outline planning permission for 13 houses was, as previously stated, approved by the Secretary of State. Strictly speaking the allocation in the development plan should have shown the site allocated as a Primary Residential Area due to this residential consent.

The application is to renew the outline permission to erect 13no. two bedroom dwellings in two storey blocks of two or three properties. Each dwelling has 2no. parking spaces with an additional 2no. spaces allocated for allotment users. The rear gardens of the properties in Boustead's Grassings provide sufficient distance between the dwellings and the application site. The land overlooked by the flats in Maryport Court is proposed to be used for parking purposes only in order to prevent any loss of privacy.

As previously indicated the site gains access from an existing unadopted narrow road which serves this former railway land. In responding to the original application the Highway Authority originally thought that a suitable visibility splay of 2.4 metres by 33 metres could be achieved and that the road could be upgraded to adoptable standards. However, a subsequent site meeting clarified that the visibility splay was unachievable and the road could not be upgraded to adoptable standards without significant improvements being made.

As noted earlier, a residents petition requests that the application be refused on traffic / road safety grounds. In that regard, Boustead's Grassings is a long, straight road which consequently encourages greater traffic speeds despite its narrowness due to parked vehicles. Vehicles park on the east of Boustead's Grassings adjacent to the dwellings, particularly at peak times i.e. early mornings and evenings. There is a Highway Authority proposal to introduce traffic calming measures along Boustead's Grassings.

The access road which serves Maryport Court and 7-20 Maryport Cottages is presently unadopted. There is an existing footway which measures approximately 1.5 metres and does not continue beyond the entrance to the parking area for Maryport Court. The existing footway is in poor repair as vehicles frequently mount it due to the narrowness of the road. This access road is used by a relatively large number of vehicles. This can be witnessed during peak times. During the evenings there can be up to 40 cars parked in this area. The access is also used by Railtrack vehicles and allotment users.

Discussions with Highways, the applicant and agent took place in relation to the concerns raised by Officers and local residents at the time of the original application. It was accepted that highway improvements are necessary on safety grounds. On the 2nd July 1999 the applicants agent submitted a revised proposal showing junction improvements. The plan forms part of the current application and is reproduced following this report.

The junction improvements include the installation of one speed bump to the front of 1 Boustead's Grassings. The footway to the front of number 1 Boustead's Grassings would be widened thus increasing the visibility splay so improving the line of sight. The footpath adjacent to the gable end of 1 Maryport Cottages is proposed to be reduced to 0.9 metres for 22 metres to allow a road width of 4.1 metres.

The residents petition also queried whether the applicant had a right to use the access to the development site. The applicant has been requested to confirm that he has notified all other persons with an interest in the development site including the access. In doing this he will meet his legal obligations in terms of making a planning application and if any owners subsequently decide not allow access to land in their ownership the development may not be able to proceed.

Environmental Services have informally commented on the proposal and stated that problems of noise from the railway which forms the eastern boundary of the site could be dealt with by attaching conditions to any planning consent. The Environment Agency also comment on the proposal and the possible contamination from the former use. Similarly, the issue of contamination could be dealt with by a condition requiring a site investigation to be carried out.

In summary the principle of residential development on this site is acceptable in terms of its surrounding land uses. Planning Guidance Note 3: Housing encourages the development of brownfield sites which can assist in regeneration and relieve the pressures for development of greenfield sites. It is clear however that this proposal is unfavourable with local residents and that highways problems exist.

There are outstanding replies from 3 consultees (Highways, Access Officer and the Crime Prevention Unit - for assessment in terms of 'Secured by Design'). As stated the Highways Authority have previously agreed that the access proposals significantly improved the existing access arrangements. It is not envisaged that the Access Officers comments will vary from previous comments and if this application is approved the siting and design of the houses would be subject to reserved matters application on which the Crime Prevention Officer would be consulted.

The decision of the Secretary of State to grant the previous application subject to conditions is however a material consideration in the determination of this application to renew the permission. As the application is identical to that approved the Council is only entitled to revisit new issues which have arisen in the intervening period or to assess the proposals in the context of revised policies.

The only new issue which has arisen through the consultation process so far is the requirement for an archaeological evaluation.

In term of new policies PPG3 (Housing) published in March 2000 established a number of principles for residential development including a duty to manage the release of land for housing and to give priority to urban and brownfield locations. This guidance is a material consideration in dealing with applications for housing in the District and the Council has agreed an Interim Housing Policy Statement (November 2002) the essence of which is to ensure that 1) a proper balance is achieved between housing in urban and rural locations and 2) the Council achieve a 50% brownfield development target for housing.

Development of the site at Bousteads Grassings would accord with this policy.

Subject to no adverse comments from Consultees or there being no additional issues raised in response to neighbour notification and advertisements it is

considered that the application should be approved subject to conditions recommended by the Secretary of State and an additional condition to ensure that an archaeological evaluation is carried out.

It is recommended that the application be granted subject to conditions.

Human Rights Act 1998

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

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

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

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

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

It is not considered that the proposals would result in an adverse impact such as to seriously prejudice any individual of families rights under the provisions of the Act.

Recommendation: Grant Permission

DEFER

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.

2. Before any work is commenced, details of the siting, design and external appearance of the building(s), the means of access thereto and the landscaping of the site (hereinafter called "reserved matters") shall be submitted to and approved by the local planning authority.

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

3. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

Reason: In accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.

4. The development shall be for a maximum of 13 dwellings which shall be sited in accordance with the layout shown on drawing number 98/955/ Revision A.

Reason: To ensure a satisfactory development in the interests of amenity.

5. Development shall not commence until a detailed site investigation has been carried out to establish whether the site is contaminated, to assess the degree and nature of any contamination, and to determine whether there is any potential for pollution of the water environment. The site investigation shall be carried out in accordance with a scheme to be submitted to and approved in writing by the local planning authority. If the site investigation conclusions require any appropriate measures to prevent pollution of groundwater these shall be carried out and monitored in accordance with a scheme to be submitted to and approved in writing by the local planning authority.

Reason: To ensure a safe form of development that poses no unacceptable risk of pollution.

6. Development shall not commence until a scheme detailing the design, construction, drainage, specification and lighting of the access road off Boustead Grassings, including longitudinal and cross sections, has been submitted to and approved in writing by the local planning authority. The submitted scheme shall incorporate the road realignment and other highway works shown on drawing number 98/955/03 Revision B. The approved scheme shall be carried out before the development is completed.

Reason: To ensure that the matters specified are designed to the satisfaction of the local planning authority.

7. No dwelling shall be occupied until the access road leading to that dwelling has been constructed to base course level and street lighting has been brought into use.

Reason: To ensure that the matters specified are designed to the satisfaction of the local planning authority.

8. Development shall not commence until samples of materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved samples.

Reason: To ensure that materials to be used are acceptable.

9. Development shall not commence until full details of both 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. The

details shall include the type, species, height and density of plants, shrubs and trees, the extend of areas to be seeded or turfed, and the extent and type of hard surface finishes to public areas and private amenity spaces.

Reason: To ensure that a satisfactory landscaping scheme is prepared.

10. 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 each dwelling or the completion of the development, whichever is the sooner. 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 that a satisfactory landscaping scheme is implemented.

11. Development shall not commence until a plan indicating the position, design, materials and type of boundary security fencing to be erected has been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until the security fencing has been completed in accordance with the approved plan.

Reason: To ensure that the appearance of the area is not prejudiced by a lack of satisfactory screening which is not carried out in a co-ordinated manner.

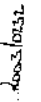
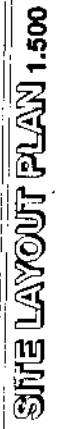
12. The dwellings shall be constructed, in accordance with a detailed scheme to be submitted to and approved in writing by the local planning authority before development commences, so as to provide sound insulation against externally generated noise so that internal noise levels do not exceed 50dB(A) LeAqT 1-hour between 0700 and 2300 hours and 45 dB(A) LeAqT 1-hour between 2300 and 0700 hours.

Reason: So that the externally generated sound level within the dwelling is acceptable.

13. No development shall take place within the area indicated until the applicant, or their agents or successors in title, 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.

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

PARKING SPACES





GREEN DESIGN
CHARTERED ARCHITECTS

2003/0737



SCHEDULE A: Applications with Recommendation

03/0239

Item No: 38

Date of Committee: 25/04/2003

Appn Ref No:
03/0239

Applicant:
Rycroft Mercedes

Parish:
Carlisle

Date of Receipt:
26/02/2003

Agent:
Unwin Jones Partnership

Ward:
Botcherby

Location:
Rycroft Mercedes, Montgomery Way, Rosehill
Industrial Estate, Carlisle, CA1 2RW

Grid Reference:
342600 555800

Proposal: Modifications to the car parking/display of the site to allow increased vehicle display areas

Amendment:

Angus

Report

Planning Policies:

Cumbria & Lake District Joint Structure Plan Policy 25

The siting, appearance and landscaping of all new development and alterations should aim to enhance the quality of the existing environment. It should be in keeping with the local character of the townscape or landscape, and be well integrated with the existing pattern of surrounding land uses and, where appropriate, be in keeping with the local vernacular tradition. Normally development should make proper provision for access by disabled persons.

Carlisle District Plan Environment - Policy E19

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

Carlisle District Plan Employment - Proposal EM2

Within Primary Employment Areas proposals for B1, B2 and B8 uses will be acceptable. Permission will not be given for redevelopment or changes of use within such areas for other purposes. Exceptions may be permitted where:

SCHEDULE A: Applications with Recommendation

03/0239

1. The existing use of the site adversely affects or could adversely affect adjacent residential properties; or
2. The proposed alternative use is essential for the redevelopment of the majority of the site for employment purposes; and
3. The alternative development would be appropriate in terms of scale and design to the surrounding area, and the amenity of adjacent properties would not be prejudiced.

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): No wish to raise any objections.

Property Services: Comments awaited.

Planning Services - Local Plans: Comments awaited.

Summary of Representations:

Representations Received

Initial:	Consulted:	Reply Type:
Mason Nissan, Rosehill Industrial Estate	26/02/03	Undelivered
The Occupier / Owner, Site 18A Auchinlech Drive	26/02/03	Undelivered
The Occupier / Owner, Site E Auchinlech Drive	26/02/03	Undelivered
The Occupier / Owner, Site D Auchinlech Drive	26/02/03	Undelivered
Lloyd Landrover, Rosehill Industrial Estate	26/02/03	
Harper & Hebson, Rosehill Industrial Estate	26/02/03	
Benfield Nissan, Rosehill Industrial Estate	05/03/03	

This application has been advertised in the form of a site notice and the direct notification of the occupiers of six neighbouring premises. No observations have been received at the time of preparing the report.

Details of Proposal/Officer Appraisal:

Planning History:

The estate has an extensive planning history which, in the case of the current application site, has involved the establishment of a motor dealership.

In 1983, under application number 83/0017, planning permission was given for a new garage.

In 1986, application number 86/0607, advertisement consent was given for a fascia sign, pylon sign, three flagpoles and wall sign.

SCHEDULE A: Applications with Recommendation

03/0239

In 1988, application number 88/0824, permission was given for the erection of a vehicle workshop, bodyshop, stores, offices and showroom.

In 1995, application number 95/0300, permission was given for the erection of a car cleaning building.

Details of Proposal:

This application relates to the existing Mercedes car dealership located on the western side of Montgomery Way approximately 60 metres to the south of the junction with Warwick Road.

The current application involves extending the existing car parking/external display of vehicles into the existing landscaped areas. As a result the proposal will lead to the loss of: a "T" shaped evergreen hedge incorporating 14 small trees; a group of five trees at the south-eastern corner of the site at the junction with Montgomery Way and Auchinlech Drive; and, two semi-mature trees on the grassed area fronting Montgomery Way - see attached copies of plans.

The existing landscaped areas with their associated trees and shrubs form an attractive feature which help to assimilate the site with the adjoining designated area of Local Landscape Significance.

In recognition of the prominence of this site within Rosehill Industrial Estate it is considered that the proposal is contrary to the objectives of Policy 25 of the Structure Plan and Policy E19 of the Local Plan. At the time of preparing the report further discussions are taking place with the applicants to resolve the situation. Should no satisfactory solution be agreed then the proposal is recommended for refusal.

Human Rights Act 1998

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

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

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

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

Article 1 of Protocol 1 relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not

SCHEDULE A: Applications with Recommendation

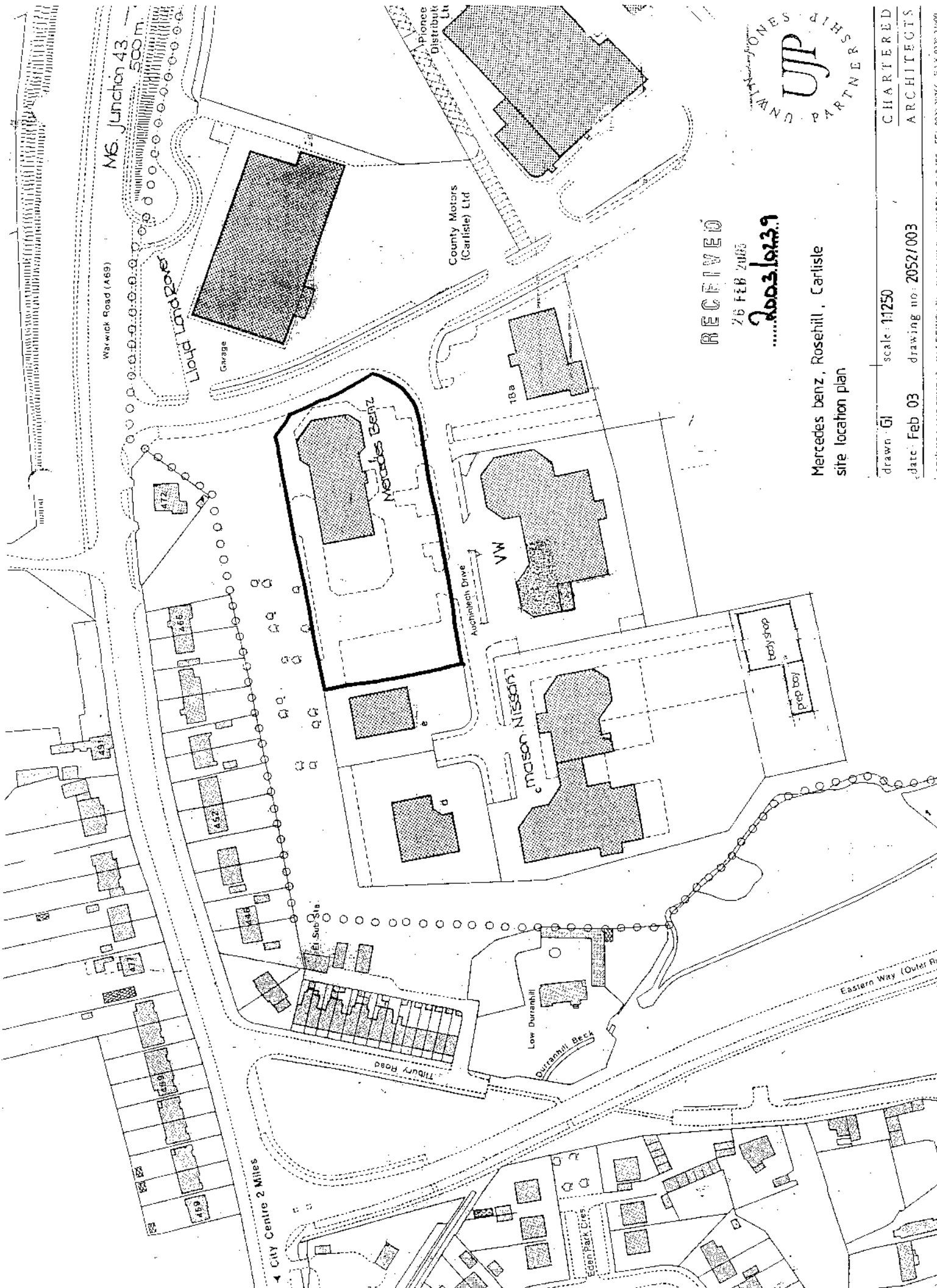
03/0239

impair the right to enforce the law if this is necessary;

The applicants rights are respected, however, it is considered that their needs are outweighed by the harm created to interests of acknowledged importance.

Recommendation: Refuse Permission

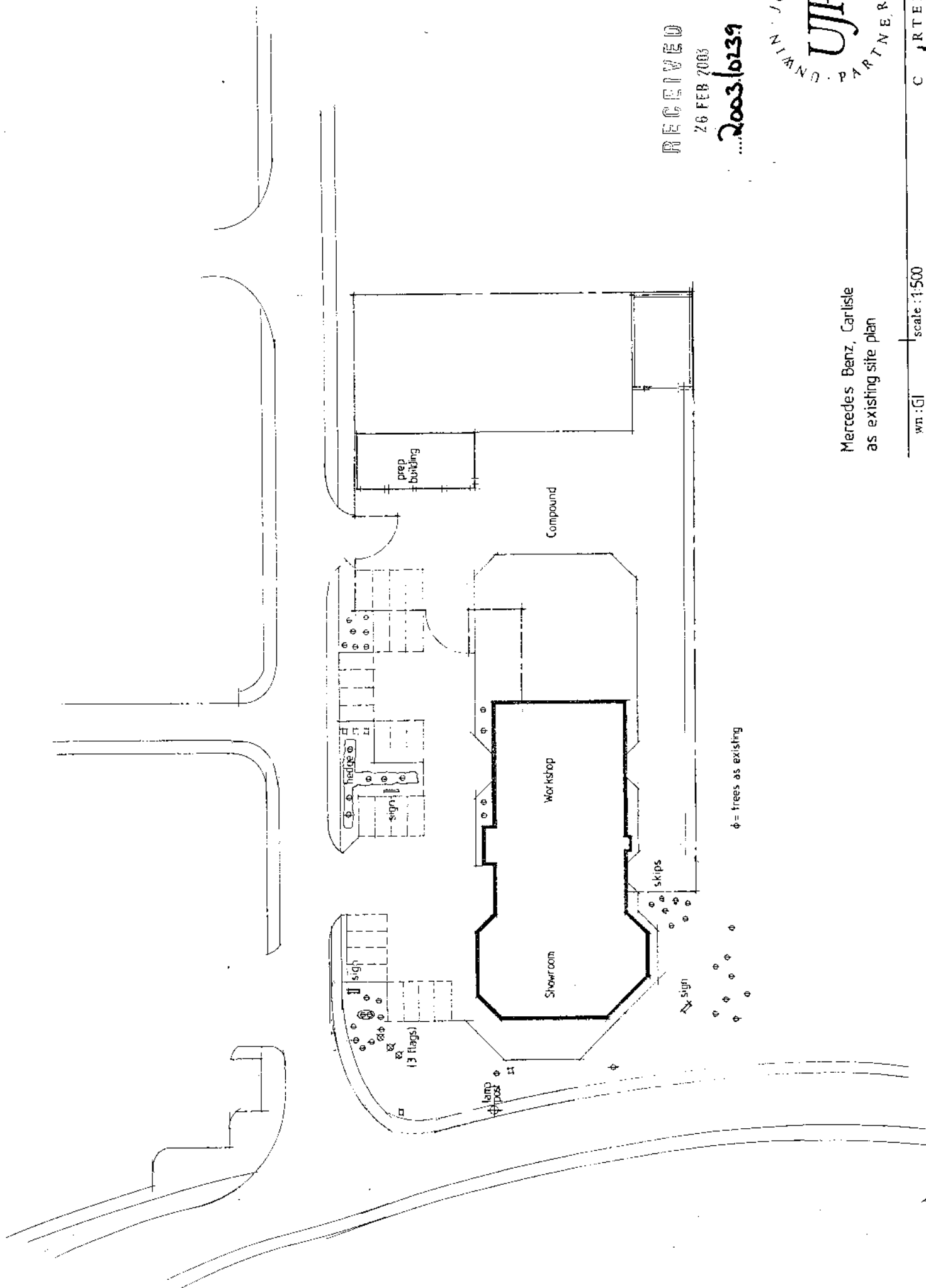
1. **Reason:** The application site is prominently located at the junctions of Warwick Road with Montgomery Way, and , Montgomery Way with Auchinlech Drive set within the backdrop of a designated area of Local Landscape Significance. The existing landscaped areas with their associated shrubs and trees form an attractive feature which help to assimilate the site with the area of Local Landscape Significance. The proposal will lead to a significant encroachment into the existing landscaped areas and consequent loss of the associated planting contrary to the objectives of Policy 25 of the Cumbria and Lake District Joint Structure Plan and Policy E19 of the Carlisle District Local Plan.
-



RECEIVED
 26 FEB 2003
 2003.02.29

Mercedes benz, Rosehill, Carlisle
 site location plan

drawn: GI	scale: 1:1250	CHARTERED
date: Feb 03	drawing no: 2052/003	ARCHITECTS
J.P. JONES & PARTNERS, 101 DEWINGATE, CARLISLE, CUMBRIA CA2 3ES. TEL: 0228 262866 FAX: 0228 24009		












9002 B3F 9Z

2003/0239



Mercedes Benz, Carlisle
as existing site plan

C, RTERED

wn:GI scale:1:500 date:Feb 03 drawing no:2052/001

BRIDGE LAKE STATION • CO. DEWENTON • CUMBERLAND • C. 2 559

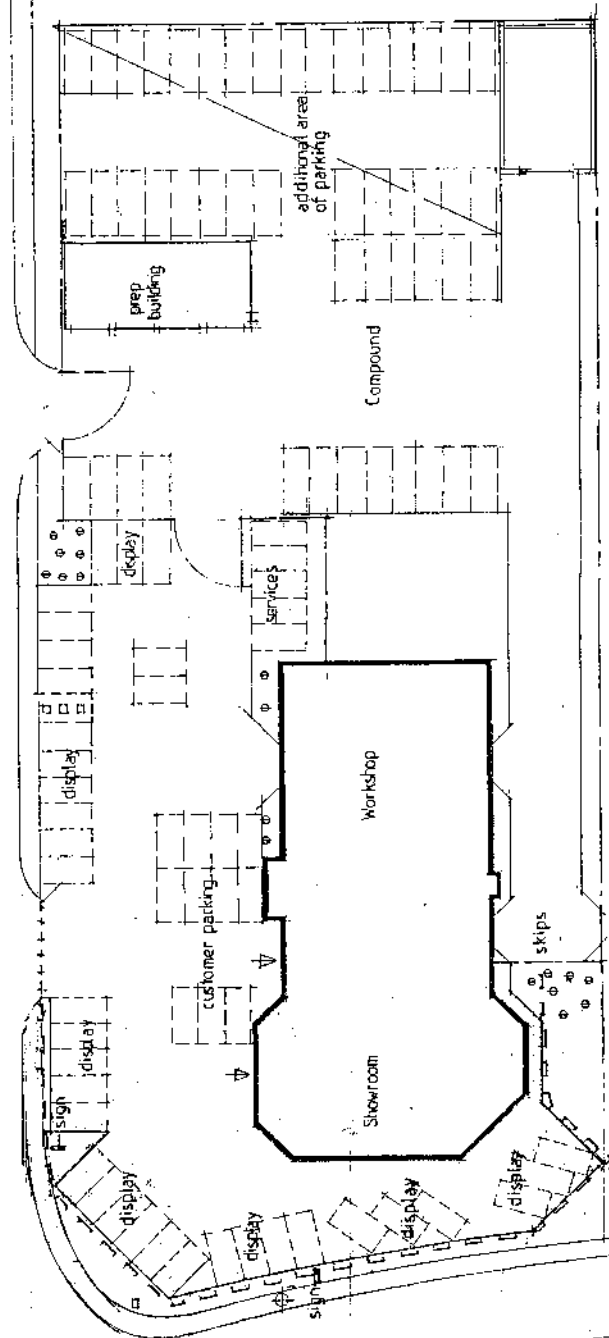
03/03/03
 11 MAR 2003
 03/03/03



Mercedes Benz, Carlisle
 Proposed site alterations to parking & display

drawn: GI scale: 1:500
 date: Feb 03 drawing no: 2052/002A
 CHARTERED ARCHITECTS

Rev A security hoops & bollards shown



⊕ = trees to be kept.

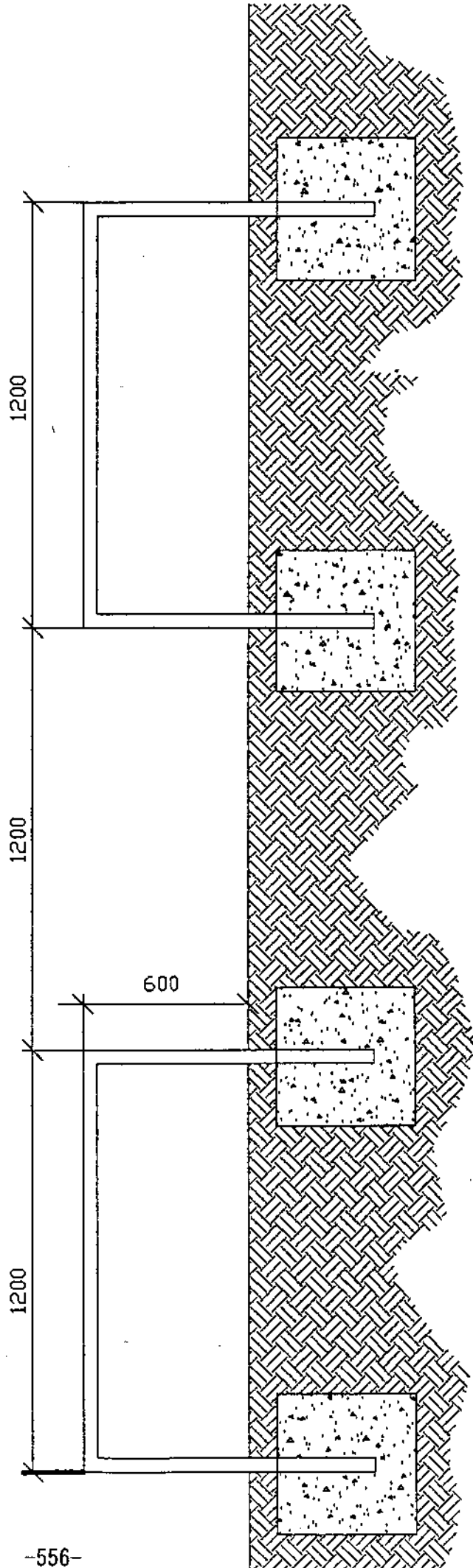
JNWJW JONES PARTNERSHIP.
 PROPOSED SECURITY HOOPS FOR
 RYCKROFT MERCEDES BENZ.
 SK/01.

11 MAR 2003

11 MAR 2003

2003/0239

600mm HIGH SECURITY HOOPS TO
 PERIMETER OF SITE COMPRISING
 50X50 STEEL RHS PAINTED 14.C.40
 SET INTO GROUND USING 500mm CUBE
 CONCRETE FOUNDATIONS



Montgomery Way, Rosehill 1 07.04.03.JPG



Montgomery Way, Rosehill 2 07.04.03.JPG



SCHEDULE A: Applications with Recommendation

03/0240

Item No: 39

Date of Committee: 25/04/2003

Appn Ref No:
03/0240

Applicant:
Ms H D Laidlaw

Parish:
Wetheral

Date of Receipt:
03/03/2003

Agent:

Ward:
Wetheral

Location:
Daisy Cottage, Oak Bank, Scotby, Carlisle, CA3
8BE

Grid Reference:
344039 555378

Proposal: Alterations and extensions to existing cottage to form two bedroomed cottage with attached garage

Amendment:

John

Report

Planning Policies:

Carlisle District Plan Housing - Proposal H14

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

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): No objection, subject to one condition.

Wetheral Parish Council: The Parish Council objects to this application because the overall scale of the extensions is inappropriate, for this small cottage on a prominent site. The extensions are too large for what is a small cottage. The result would be a long low building not in keeping with the age and structure of the original.

Environment Agency (N Area (+ Waste Disp)): Comments awaited.

Summary of Representations:

Representations Received

SCHEDULE A: Applications with Recommendation

03/0240

Initial:

Consulted:

Reply Type:

The Occupier / Owner, Russett Rigg
The Occupier / Owner, Maplewood
The Occupier / Owner, Woodstock

03/03/03
03/03/03
03/03/03

The application has been advertised by means of a site notice and neighbour notification. No responses have been received.

Details of Proposal/Officer Appraisal:

Planning History:

There is no planning history.

Details of Proposal:

Permission is sought for the extension and alteration of an existing bungalow known as Daisy Cottage, Oak Bank in Scotby. The site is located opposite the Scotby Road/Park Road junction, and is elevated. The existing one bedroom cottage has a flat roofed extension, and a lean-to extension at one end. It is proposed to demolish these extensions, and erect new extensions to the rear, and to each end. These would comprise a living/dining area to the rear, two bedrooms at one end and a garage/hall at the other. The existing entrance will be converted to a window.

Although the proposed extensions substantially increase the size of the bungalow, officers consider the proposal is acceptable for the following reasons:-

1. The plot is comparatively large, with no other dwellings in the immediate vicinity. Therefore the proposal has no impact on any neighbouring properties.
2. By bringing forward the principal extension to the north, the proposal will not appear as a simple elongation of the existing building.
3. The rear extension has a double pitched roof, thereby remaining in scale of the existing building.

It will be noted that the Parish Council have objected to the application on the grounds that the proposal is too large an extension for what is a small cottage. Whilst the extension does significantly increase its size, it is considered that through the use of the measures outlined above, its essential character would be retained.

The proposal is therefore considered acceptable and approval is recommended.

Human Rights Act 1998

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

SCHEDULE A: Applications with Recommendation

03/0240

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

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

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

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

The application does not raise any Human Rights Act implications.

Recommendation: Grant Permission ✓

1. The development shall be begun not later than the expiration of 5 years beginning with the date of the grant of this permission.

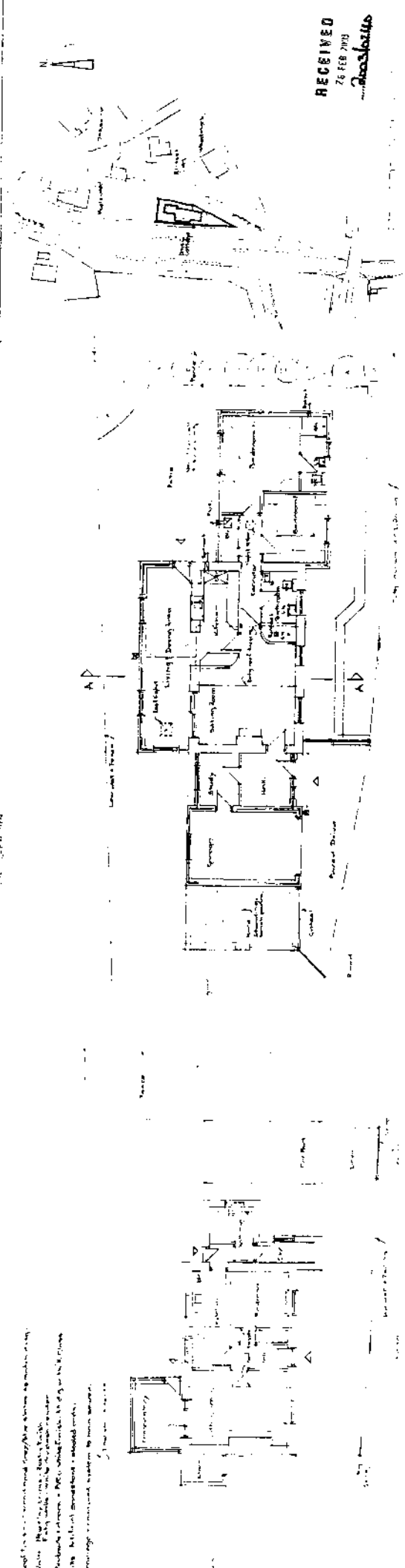
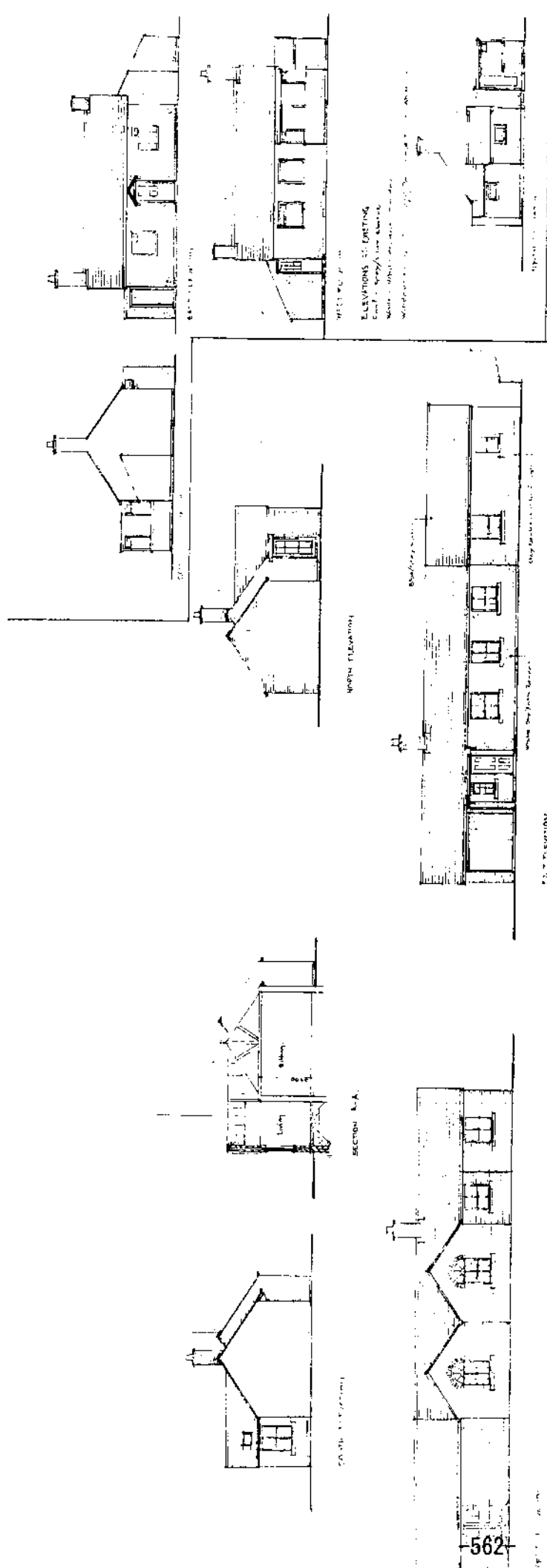
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.

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

Reason: To ensure the works harmonise as closely as possible with the existing building.

3. The access connection to the unclassified road shall be constructed and drained to the satisfaction of the local planning authority.

Reason: In the interests of highway safety.



RECEIVED
26 FEB 1953
Architectural

562

Architectural drawings including elevations and sections of a building. The drawings show the front, side, and rear elevations, as well as a cross-section labeled 'SECTION A-A'. The elevations show a two-story building with a gabled roof and multiple windows. The section shows the internal structure, including the roof, walls, and floor.

SCHEDULE A: Applications with Recommendation

03/0241

Item No: 40

Date of Committee: 25/04/03

Appn Ref No:
03/0241

Applicant:
Mr B Cuthbertson

Parish:
Carlisle

Date of Receipt:
27/02/03

Agent:
Jock Gordon

Ward:
Belle Vue

Location:
204 Newtown Road, Carlisle, CA2 7NJ

Grid Reference:
337935 556070

Proposal: Side extension to provide bedroom and shower room on 1st floor

Amendment:

John

Report

Planning Policies:

Carlisle District Plan Housing - Proposal H14

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

Summary of Consultation Responses:

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

Summary of Representations:

Representations Received

Initial:

Consulted:

Reply Type:

Mrs E Birkett, 202 Newtown Road
The Occupier / Owner, 265 Newtown Road
The Occupier / Owner, 206 Newtown Road

28/02/03
28/02/03
28/02/03

Objection

This application has been advertised by means of neighbour notification to the adjacent properties. One objection has been received from the occupant of the adjacent property. The issues raised are :-

1. Loss of light as a consequence of the extension.
2. The overbearing and dominant effect of the extension.
3. The disruption caused by the construction of the extension.
4. Construction of the extension would undermine the driveway on the other side of the boundary.

Details of Proposal/Officer Appraisal:

Planning History:

There is no planning history. An existing single storey rear extension appears to have been erected as permitted development.

Details of Proposal:

Permission is sought for the erection of a side extension at 204 Newtown Road. This is a two storey semi detached house on the north side of the road. It is proposed to erect a side extension with a car port on the ground floor, and a bedroom and en-suite bathroom, supported on brick pillars on the first floor. The extension would extend to the property boundary; the existing hipped roof would be extended over the new extension.

It will be noted that there is an objection to the application from the occupier of the adjoining property. The principal issue in relation to this application is therefore whether the proposed extension has adverse impact on the amenity of the adjoining occupier, on the basis of policy H14 of the Carlisle District Plan.

Both the application site, No.204 Newtown Road and the adjoining house occupied by the objector, No.202 are unusual in that they have their main entrance at the side rather than the front, No.202 is also noteworthy in that it has a number of windows in the side elevation. This point is emphasised by the objector who argues that the proposed extension would therefore block light from these windows, and be generally over-dominant in relation to what is a principal elevation of the objector's property.

In considering this issues, the following issues are felt to be relevant:-

1. There are a total of six windows in the side elevations of No.202, but these are either subsidiary windows to principal rooms which have their main windows facing to the front or rear, or windows to non-principal rooms such as landings etc.
2. No. 204 lies to the west of No.202. Although there will be some overshadowing and loss of sunlight as a result of the extension, this will be reduced by the fact that in the afternoon/evening when the sun is in the west, the ground floor windows will already be in shade from the existing house.
3. The impact of the proposed extension to the property boundary in terms of dominance will be reduced by the fact that No. 202 is built at a significantly higher level than No. 204.

The issues in this case are felt to be finely balanced, but overall it is considered that the impact on the neighbouring property is not sufficient to warrant refusal.

Human Rights Act 1998

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

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

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

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

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

Article 8 of the Human Rights Act may be relevant to this application, and members should bear this in mind in coming to a decision.

Recommendation: Grant Permission

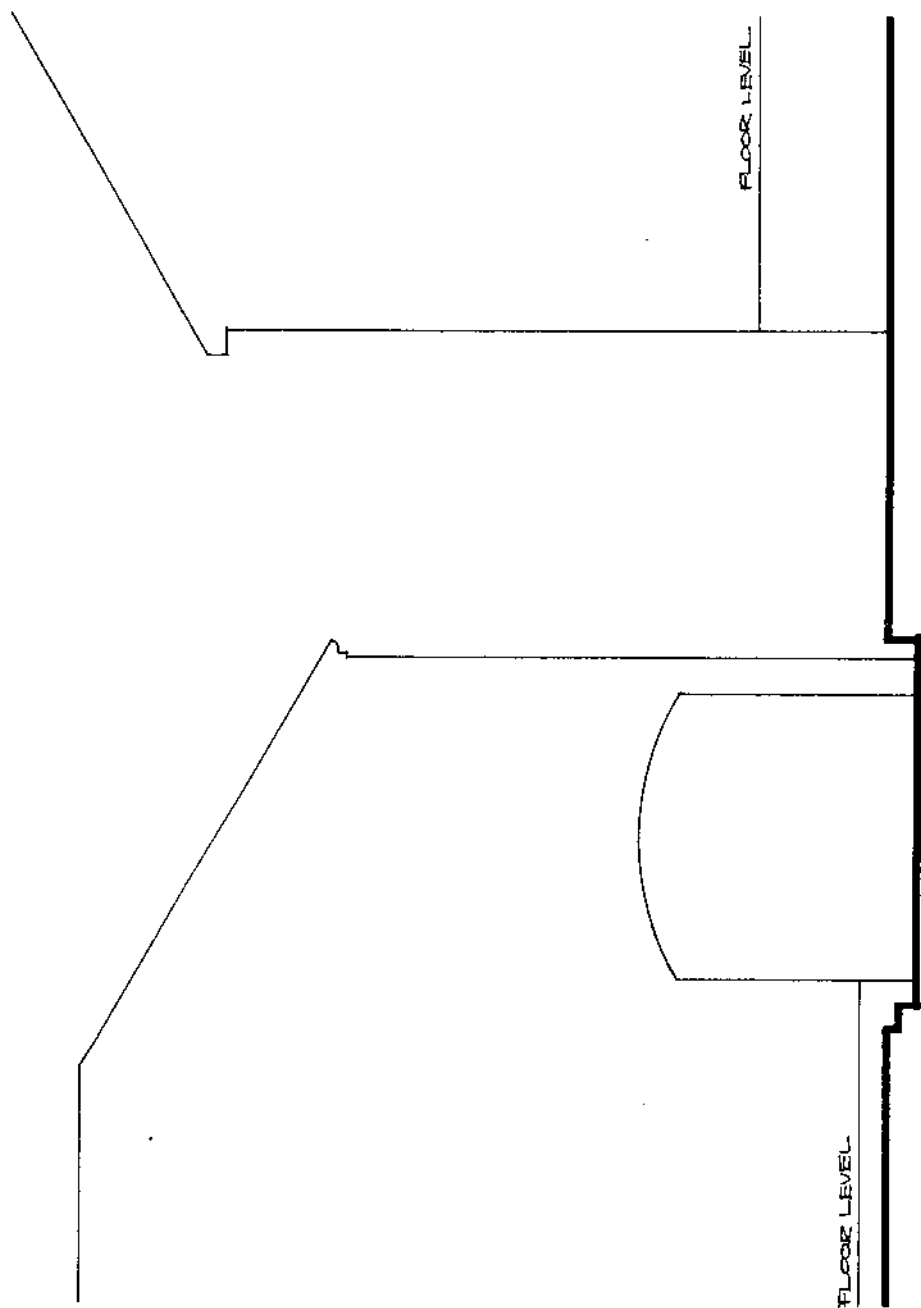


1. The development shall be begun not later than the expiration of 5 years beginning with the date of the grant of this permission.

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.

2. The external walling and roofing materials to be used in the building works hereby permitted shall be identical to those in the existing building. If any other material is proposed no development shall take place until such has been approved, in writing, by the local planning authority.

Reason: To ensure the works harmonise as closely as possible with the existing building.



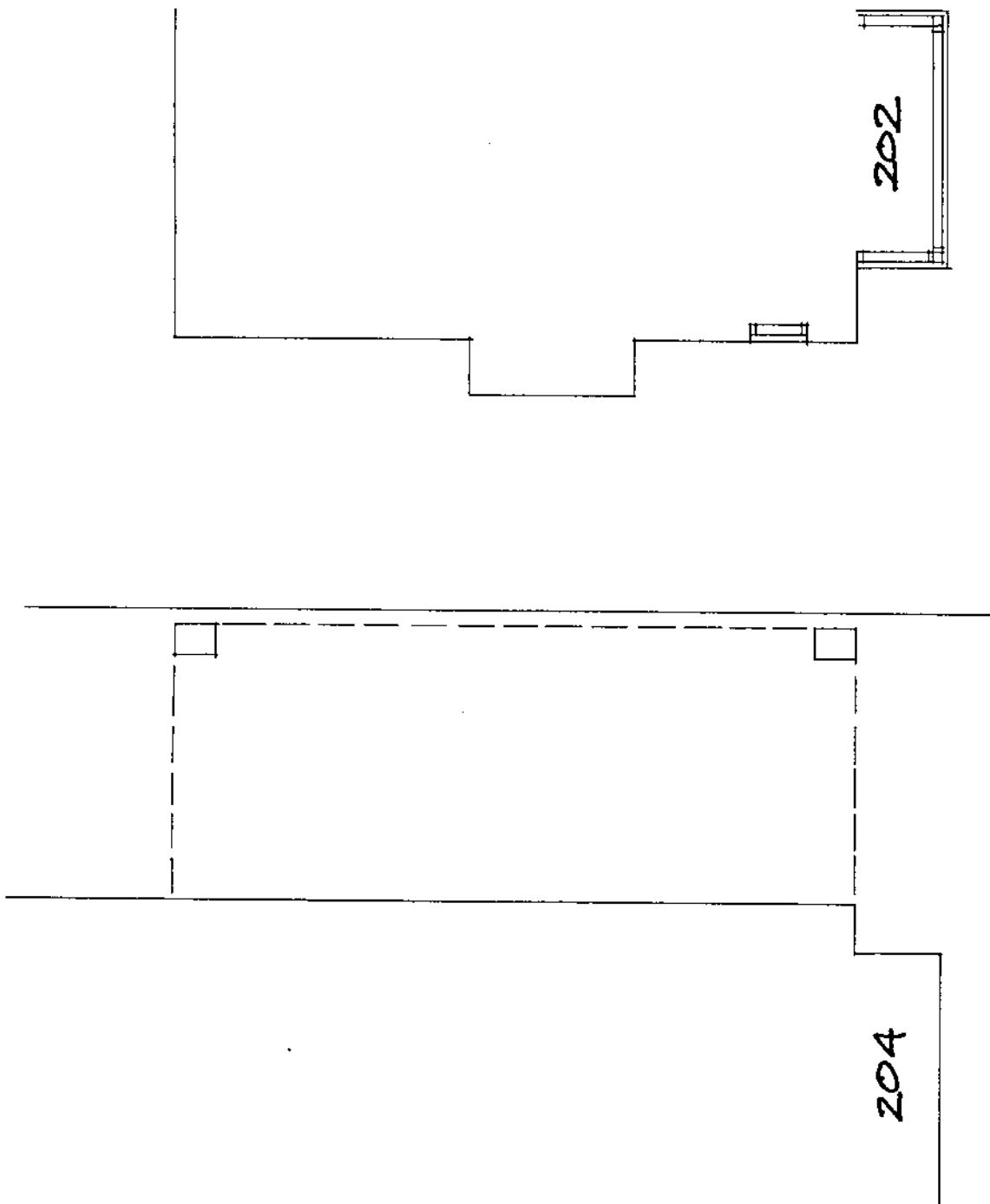
ELEVATIONAL RELATIONSHIP OF
202 & 204 NEXXTOWN RD. CARLISLE

Scale : 1-50

40 30 20 10 0 10 20 30 40

20 APR 2013

2003/0241

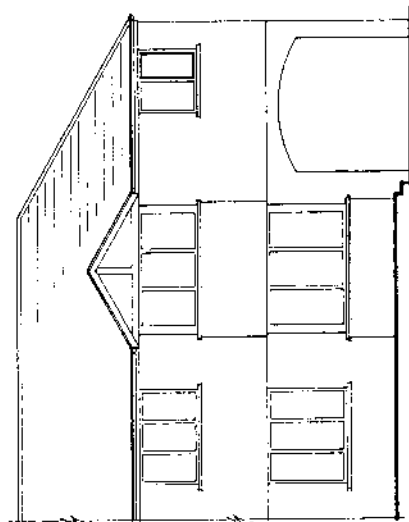


PLAN RELATIONSHIP OF
NOS. 202 & 204 NEWTOWN RD CARLISLE

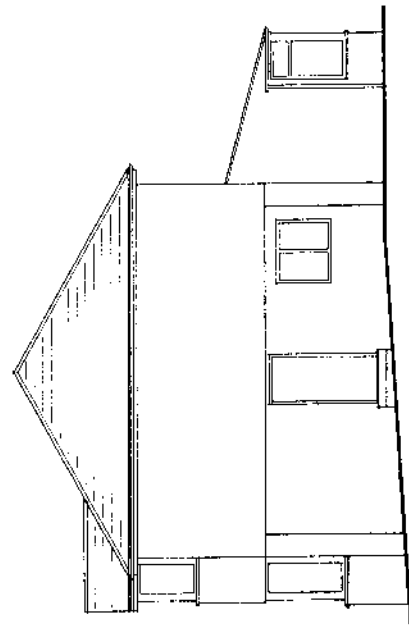
Scale: 1/50

APR 1993

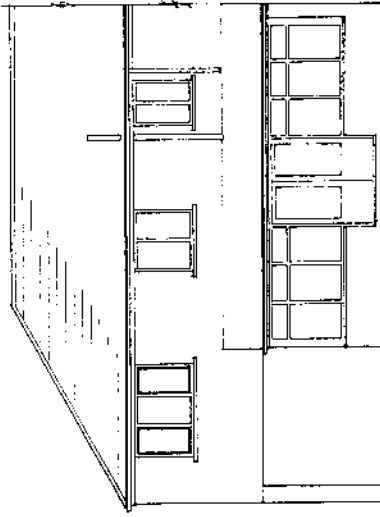
20415241



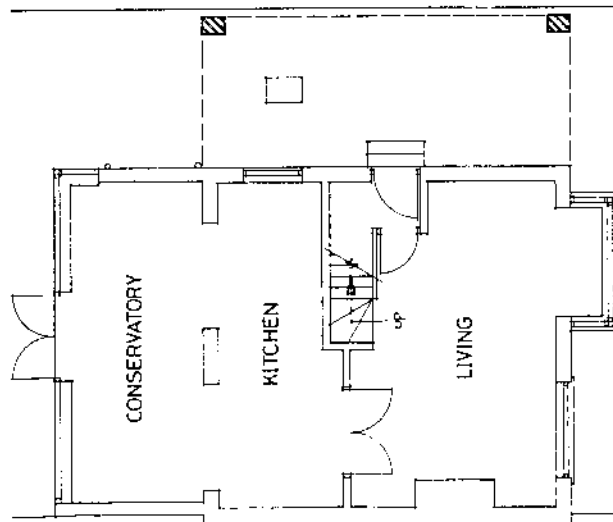
FRONT ELEVATION
ALL NEW MATERIALS TO MATCH EXISTING.



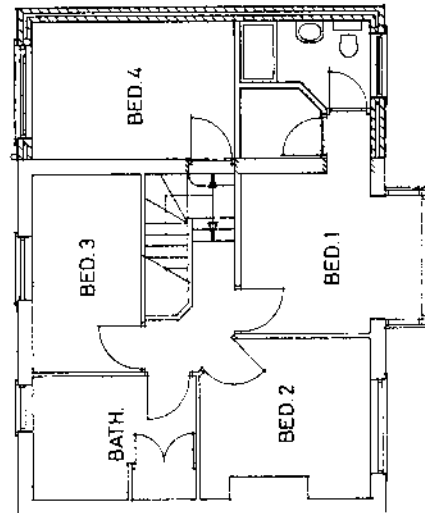
SIDE ELEVATION



REAR ELEVATION



GROUND FLOOR PLAN



FIRST FLOOR PLAN

PROPOSED EXTENSION 204 NEWTOWN ROAD - CARLISLE 17 MAR 2003	
DRG. No. 896/26 SCALE: 1/50 DATE: FEB. 2003	ARCHITECTURAL SERVICES 47 SCOTLAND ROAD CARLISLE CA9 9AB Tel 012928 043080

204 Newtown Road Carlisle

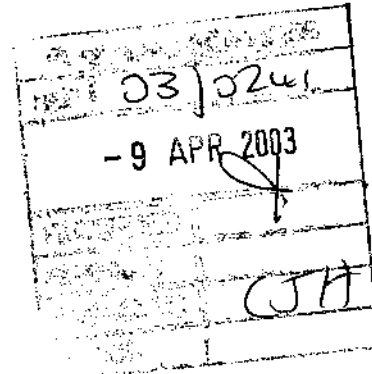


47 SCOTLAND ROAD, CARLISLE, CA3 9HS

8 April 2003

John Hamer
Planning Services
Carlisle City Council
Civic Centre
Carlisle

Dear Sir



SIDE EXTENSION TO PROVIDE BEDROOM
204 NEWTOWN ROAD, CARLISLE
APPN. REF. 2003/0241

Further to our meeting yesterday please find drawings enclosed showing the relationship of No 204 to No 202. The elevation shows that No 202 is substantially more elevated than No 204. The difference in floor levels is approximately 950mm.

There are only two windows, on the front corner of the west elevation of No 202, that might be presumed to be affected by the proposal, one at ground floor level, 600 wide, off the living room, and one at first floor level, 750 wide, off a bedroom. Both of the rooms that these windows serve have large bay windows to the south elevation which are the main windows to those rooms. The arc of the setting sun to the west could still be viewed from both of these windows with the proposal in place. Because of the higher elevation of No 202 the hipped roofscape of the proposal would not affect sunlight to the first floor windows.

There are four windows at first floor level to No 202. One to a bathroom with frosted glass, two narrow windows to a landing, both with venetian blinds permanently half closed, and one to the bedroom mentioned earlier. At ground floor level there are two further windows to the one mentioned earlier, both with frosted glass. The entrance door to the property is recessed and does not receive any sunlight.

I would respectfully suggest that the proposal would in no way impinge upon any loss of sunlight to No 202, however should the members be minded to refuse the application I would request that a site visit be made before a decision.

Yours sincerely

Jock Gordon (Agent)

SCHEDULE A: Applications with Recommendation

03/0243

Item No: 41

Date of Committee: 25/04/2003

Appn Ref No:
03/0243

Applicant:
Mr A Armstrong

Parish:
Carlisle

Date of Receipt:
27/02/2003

Agent:
Architects Plus (UK) Ltd

Ward:
Harraby

Location:
L/Adj 87, Hillary Grove, Harraby, Carlisle

Grid Reference:
342400 553864

Proposal: Erection of ⁵ ~~4~~ no. dwellings (outline)

Amendment:

1. Revised elevational and floor plans received.

Angus

Report

Planning Policies:

Carlisle District Plan Environment - Policy E18

Trees which contribute to amenity, and are under threat, will in appropriate cases, be protected by means of Tree Preservation Orders, or conditions attached to planning permissions.

Carlisle District Plan Environment - Policy E19

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

Carlisle District Plan Environment - Policy E55

Proposals for the reclamation of derelict, redundant and vacant land and buildings will be permitted provided that the use is appropriate to the location and the development and landscaping are in keeping with the surroundings.

Carlisle District Plan Housing - Proposal H2

Within the Primary Residential Areas defined on the inset maps for Carlisle, Brampton, Longtown and Dalston, proposals for new residential development will be

SCHEDULE A: Applications with Recommendation

03/0243

acceptable provided that:

1. Existing areas of open space and other amenity areas are safeguarded; and
2. The proposed development does not adversely affect the amenity of adjacent residential property; and
3. The proposed development complements or enhances existing adjacent residential areas and their amenity; and
4. Satisfactory access and appropriate parking arrangements can be achieved.

Proposals for uses other than residential will not be permitted in Primary Residential Areas other than where they do not adversely affect residential amenity. Development that would create unacceptable noise, smell, safety and health impacts or excessive traffic generation will not be acceptable. Such schemes falling within the scope of this Policy will be considered against the above criteria as well as other Policies of the Plan appropriate for the proposed use.

Carlisle District Plan Housing - Proposal H11

Proposals for housing development in large back gardens or behind existing housing developments will be acceptable providing that:

1. The scale, design and siting of the proposal is appropriate for the site and is in keeping with the character and quality of the local environment; and
2. There is no loss of amenity to surrounding properties; and
3. Existing landscape features are retained and additional planting is included as an integral part of the scheme; and
4. Appropriate access and car parking can be achieved.

Carlisle District Plan Housing - Proposal H16

High standards of design in new housing sites and dwellings will be required. Matters to be considered include: The layout of roads and buildings; footpaths and cycleways; the retention of existing trees and hedgerows; planning out crime; the provision of public open space; the relationship to adjacent development.

Carlisle District Plan Housing - Proposal H17

The amenity of residential areas will be protected from inappropriate development

where that development:

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

Carlisle District Plan Transport - Proposal T7

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

1. The Parking Guidelines for Cumbria as detailed in Appendix 2;
2. The availability of public car parking in the vicinity;
3. The impact of parking provision on the environment of the surrounding area;
4. The likely impact on the surrounding road network; and
5. Accessibility by and availability of other forms of transport.

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): No objections subject to the existing street lighting for the adjacent footpath being maintained; a one metre wide grass verge is provided/maintained between the footpath and proposed shared driveway; and, the imposition of 3 conditions. It should also be noted that the existing street name sign will need to be relocated.

Drainage Engineer - Commercial & Technical Services: Comments awaited.

Environment Agency (N Area (+ Waste Disp)): No wish to comment.

Leisure & Comm Dev - Landscape Services: Comments awaited.

Ramblers: Comments awaited.

Cumbria Constabulary - Crime Prevention: Comments awaited.

SCHEDULE A: Applications with Recommendation

03/0243

Summary of Representations:

Representations Received

Initial:	Consulted:	Reply Type:
The Occupier / Owner, 55 Crossways	28/02/03	
The Occupier / Owner, 56 Crossways	28/02/03	
The Occupier / Owner, 57 Crossways	28/02/03	
The Occupier / Owner, 58 Crossways	28/02/03	
The Occupier / Owner, 59 Crossways	28/02/03	
The Occupier / Owner, 60 Crossways	28/02/03	
The Occupier / Owner, 61 Crossways	28/02/03	
Ms H Mortimer, 53 Cumwhinton Road	28/02/03	Objection
The Occupier / Owner, 54 Cumwhinton Road	28/02/03	
The Occupier / Owner, 55 Cumwhinton Road	28/02/03	Undelivered
The Occupier / Owner, 56 Cumwhinton Road	28/02/03	
The Occupier / Owner, 57 Cumwhinton Road	28/02/03	Undelivered
The Occupier / Owner, 58 Cumwhinton Road	28/02/03	
The Occupier / Owner, 59 Cumwhinton Road	28/02/03	Undelivered
The Occupier / Owner, 60 Cumwhinton Road	28/02/03	
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The Occupier / Owner, 64 Cumwhinton Road	28/02/03	
The Occupier / Owner, 65 Cumwhinton Road	28/02/03	Undelivered
The Occupier / Owner, 66 Cumwhinton Road	28/02/03	
The Occupier / Owner, 67 Cumwhinton Road	28/02/03	Undelivered
The Occupier / Owner, 68 Cumwhinton Road	28/02/03	
The Occupier / Owner, 69 Cumwhinton Road	28/02/03	Undelivered
The Occupier / Owner, 70 Cumwhinton Road	28/02/03	
The Occupier / Owner, 71 Cumwhinton Road	28/02/03	Undelivered
The Occupier / Owner, 72 Cumwhinton Road	28/02/03	
The Occupier / Owner, 73 Cumwhinton Road	28/02/03	Undelivered
The Occupier / Owner, 74 Cumwhinton Road	28/02/03	
The Occupier / Owner, 75 Cumwhinton Road	28/02/03	
The Occupier / Owner, 13 Longholme Road	28/02/03	
The Occupier / Owner, 15 Longholme Road	28/02/03	
The Occupier / Owner, 17 Longholme Road	28/02/03	
The Occupier / Owner, 19 Longholme Road	28/02/03	
The Occupier / Owner, 66 Hillary Grove	28/02/03	
The Occupier / Owner, 68 Hillary Grove	28/02/03	
The Occupier / Owner, 70 Hillary Grove	28/02/03	
The Occupier / Owner, 71 Hillary Grove	28/02/03	
The Occupier / Owner, 73 Hillary Grove	28/02/03	
The Occupier / Owner, 75 Hillary Grove	28/02/03	
The Occupier / Owner, 77 Hillary Grove	28/02/03	
The Occupier / Owner, 79 Hillary Grove	28/02/03	
The Occupier / Owner, 81 Hillary Grove	28/02/03	
The Occupier / Owner, 83 Hillary Grove	28/02/03	
The Occupier / Owner, 85 Hillary Grove	28/02/03	
The Occupier / Owner, 87 Hillary Grove	28/02/03	
The Occupier / Owner, 89 Hillary Grove	28/02/03	

This application has been advertised in the form of a site notice and the direct notification of the occupiers of 37 neighbouring properties. In response one letter of objection has been received on the basis that the proposed access would be close to a driveway serving a neighbouring house. As a result the proposal would make

SCHEDULE A: Applications with Recommendation

03/0243

reversing into the existing driveway hazardous; make the property less saleable and thus lower the value; cause inconvenience to traffic on Cumwhinton Road; and, recommend use of access onto Hillary Grove. The writer of the aforementioned letter has also verbally raised concerns over the relationship of the proposed access to the existing footpath.

Details of Proposal/Officer Appraisal:

Planning History:

In 1987, under application reference number 87/0868, planning permission was given for the erection of eight flats.

In 1988 and 1989 application numbers 88/1029 and 89/0224, permission was granted for the erection of ten flats.

In 1993 and 1998 application numbers 93/0678 and 98/0823, permission was renewed for the erection of the ten flats.

In 1995, application 95/0750, permission was given for the erection of a six person bungalow for people with special needs.

Details of Proposal:

This application relates to a 0.17ha. of derelict land which is triangular in form and lies sandwiched between existing residential development at Crossways, Hillary Grove and Longholme Road. The land also fronts onto Cumwhinton Road. A public footpath runs along the southern boundary of the site. There are eight mature Hawthorn trees and an Oak tree which border the existing footpath.

The current application for outline permission seeks to erect four detached houses with access via a private shared driveway - see attached copies of submitted plans.

In considering this application it is felt that the following points should be kept in mind:

- a) Ministerial advice contained in PPG3 "Housing" (revised 2000) gives priority over greenfield housing development to the re-use of brownfield land. A need to create sustainable housing developments is emphasised, and ways of building are advised which would create "more sustainable patterns of development ... which would exploit and deliver accessibility by public transport to jobs, education and health facilities, shopping, leisure and local services". A national 2008 target of 60% of additional housing to be provided on brownfield land or by conversions, is introduced. In the context of general advice to make the best and most efficient use of land PPG3 states that more than half of all new dwellings are built at 20 dwellings per hectare which is a level of land take which is high and can no longer be sustained. In the future local authorities should avoid developments which make inefficient use of land (those of

SCHEDULE A: Applications with Recommendation

03/0243

less than 30 dwellings per hectare) and encourage housing which makes more efficient use of land (between 30 and 50 dwellings per hectare).

PPG3 advice on design is that "in determining applications, local authorities should reject poor designs particularly where their decisions are supported by clear plan policies and adopted supplementary planning guidance, including village design statements".

- b) Under the Carlisle District Local Plan the site is identified as being within a Primary Residential Area. Policies H2 and H11 set out to ensure amongst other things that new residential development will not adversely affect the amenity of adjacent residential property, and, that it complements or enhances existing adjacent residential areas. Policy H16 also states that high standards of design in new housing sites and dwellings will be required.

Policy E55 advises that proposals for the reclamation of redundant/derelict land and buildings will be permitted providing the use is appropriate to the location and the development is in keeping with the surroundings.

- c) Members will be aware that on the 28th October an Interim Housing Policy Statement was reported to the Executive of the Council. The accompanying report included the following table setting out the rate of housing development over the Plan period based on the position at 31st March 2002.

	Total	Urban	Rural
Structure Plan allocation 1991-2006	6000		
Local Plan Provision 1991-2006	6858	4801	2057
Completions 1991-2002	4286	2652	1634
Residual requirement 2002-6	2572	2149	423

An examination of the total of dwellings to be completed to achieve the Structure Plan allocation the development rate is only 2.6% below the anticipated rate. It is however, the location of that development which has raised concerns. Whilst PPG3 puts an emphasis on urban and brownfield locations a look at the table above indicates a development rate that is greater than planned in the rural area.

A higher rate of development in the rural area and a lower rate of development in the urban area indicate a need to manage the supply more closely in line with the Plan Strategy and PPG3. The completion of new dwelling units indicates a 38% development rate in the rural area, which are nearly 350 units higher than the 30% rate anticipated. However, in the context of the 15-year plan period the figures above indicate that at 73% of time through the plan period, 79% of the rural supply has been completed resulting in an oversupply of 125 units throughout the rural area. In contrast the urban area has developed only 55% resulting in an under supply of over 850 units.

SCHEDULE A: Applications with Recommendation

03/0243

- d) When assessing the proposal in such a context it is apparent that the density of development at 25 units per hectare is below the standard stipulation in PPG3, and, does not involve the retention of the existing Hawthorn trees and Oak tree. At the time of preparing the report revised plans are anticipated from the applicant which take account of these concerns.
- e) In response to the objection from the neighbouring resident Members should be aware that the applicant does not have any control over land to gain access to Hillary Grove. This aside, it is considered that a private shared driveway serving upto 5 houses should not lead to any conflict of note with regard to either the use of the existing vehicular access serving 53 Cumwhinton Road or the public footpath.

On the basis that satisfactory revised plans are received the proposal is recommended for approval.

Human Rights Act 1998

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

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

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

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

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

The objectors rights are respected but in this instance it is not considered that there is any conflict.

DEIVE
50 *ANNA*

Supp Schedule
Page 56

Recommendation: Grant Permission

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.

SCHEDULE A: Applications with Recommendation

03/0243

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

Reason: To ensure the works harmonise as closely as possible with the existing building.

3. Details shall be submitted of the proposed hard surface finishes to all public and private external areas within the proposed scheme and approved by the local planning authority before any site works commence, and the approved scheme shall be fully implemented before any of the dwellings are occupied.

Reason: To ensure that materials to be used are acceptable.

4. Particulars of height and materials of all screen walls and boundary fences shall be submitted to and approved by the local planning authority prior to the commencement of the development hereby permitted.

Reason: To ensure that the appearance of the area is not prejudiced by lack of satisfactory screening which is not carried out in a co-ordinated manner.

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

Reason: To ensure that a satisfactory landscaping scheme is prepared.

6. No tree or hedgerow existing on the site shall be felled, lopped, uprooted or layered without the prior consent in writing of the local planning authority and the protection of all such trees and hedgerows during construction shall be ensured by a detailed scheme to be agreed with the local planning authority.

Reason: The local planning authority wishes to see existing hedgerows/trees incorporated into the new development where possible.

7. Before development is started details shall be submitted to and approved by the local planning authority showing the proposed measures for the management of all existing hedgerows and specifying the stage in the development by which these measures are to be completed.

Reason: The local planning authority wishes to see existing hedgerows/trees incorporated into the new development where possible.

8. All works comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following occupation of the dwelling or completion of the development, whichever is the sooner.

SCHEDULE A: Applications with Recommendation

03/0243

Reason: To ensure that a satisfactory landscaping scheme is implemented.

9. For the duration of the development works existing trees to be retained shall be protected by a suitable barrier erected and maintained at a distance from the trunk or hedge specified by the local planning authority. The Authority shall be notified at least seven days before work starts on site so that barrier positions can be established. Within this protected area there shall be no excavation, tipping or stacking, nor compaction of the ground by any other means.

Reason: To protect trees and hedges during development works.

10. Trees, hedges and plants shown in the landscaping scheme to be retained or planted which, during the development works or a period of five years thereafter, are removed without prior written consent from the local planning authority, or die, become diseased or are damaged, shall be replaced in the first available planting season with others of such species and size as the authority may specify.

Reason: To ensure as far as possible that the landscaping scheme is fully effective.

11. No development shall commence until visibility splays providing clear visibility of 2.4 metres x 2.4 metres has been provided and maintained where the private shared driveway meets the back edge of the footpath, with no obstruction higher than 600mm above carriageway level. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grow within the visibility splay which obstruct the visibility splays.

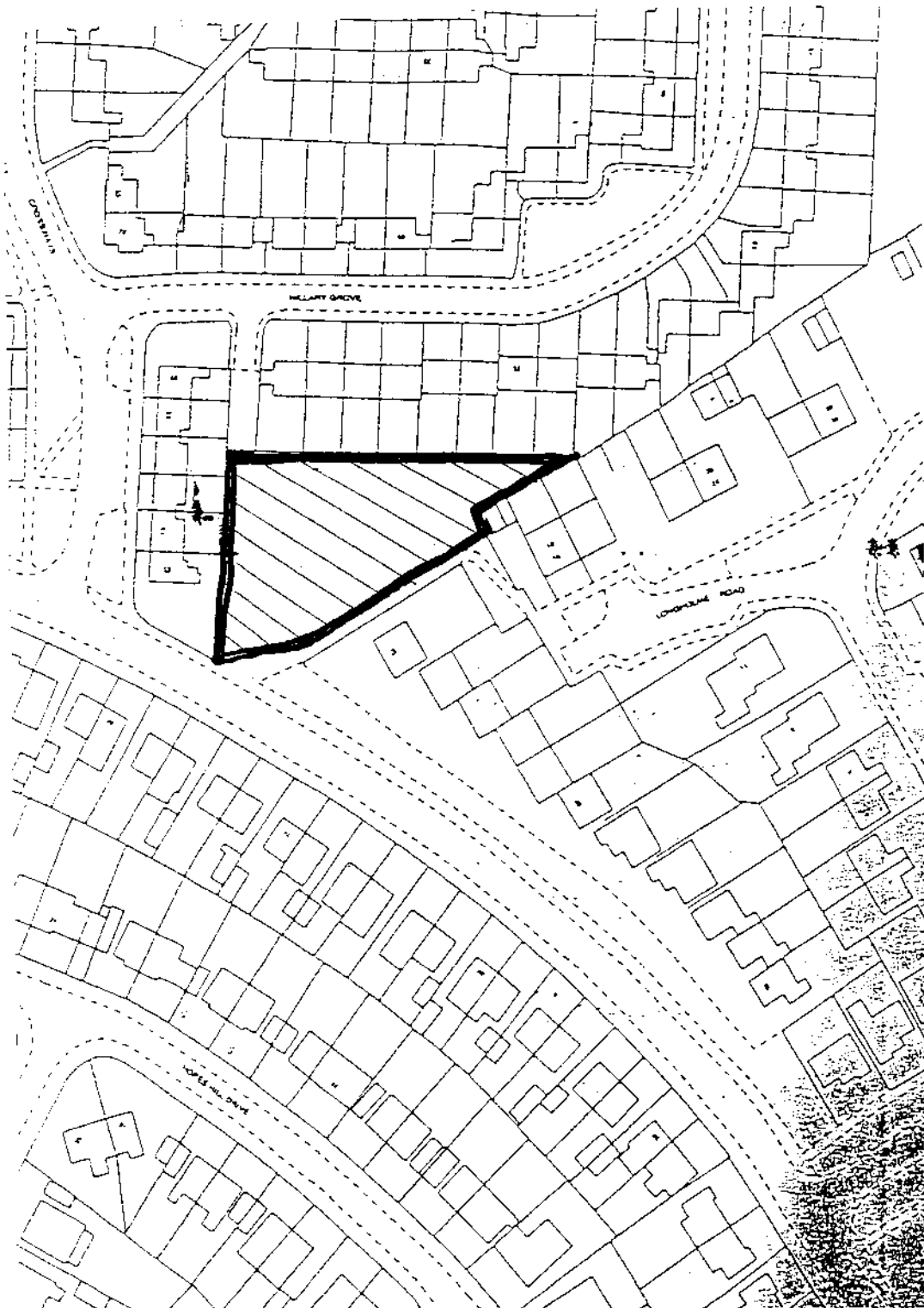
Reason: In the interests of highway safety.

12. Details of all measures to be taken by the applicant/developer to prevent surface water discharging onto the highway shall be submitted to the local planning authority for approval prior to the development being completed and shall be maintained operational thereafter.

Reason: In the interests of highway safety and to minimise potential hazards.

13. Efficient means shall be installed for cleaning all vehicles leaving the site (with the exception of public cars), maintained for the life of operations and used to ensure that no slurry, mud or other material from the site is deposited upon the public highway. Adequate drains shall be installed to ensure that water from any wheel wash does not flow onto the public highway.

Reason: To avoid danger and inconvenience to road users.



Revision	Date	Description	Revised by	Checked by
----------	------	-------------	------------	------------

ARCHITECTS



Victoria Galleries, Viaduct House, Victoria Viaduct, Carlisle, Cumbria, CA3 8AN
 Carlisle 01228 515144 Annon 01461 205463 Fax Number 01228 515033
 e mail: ap@architectsplus.co.uk

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27 FEB 2003

2003/0243

Project
**LAND AT CUMWHINTON ROAD
 CARLISLE**

Drawing
LOCATION PLAN

Scale	Date	Drawn	Comp.No.	Checked	Number
1:1250	2/03	η			88043-11

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2003.102443

PLOT 4

PLOT 3

PLOT 2

PLOT 1

63

-582-

PRIVATE SHARED DRIVEWAY

Prepared by

Checked by

ARCHITECTS

Victoria Galleries, Victoria House, Victoria Works, Cardiff, Cymru, CF3 3LN
Cardiff CF11 2ZB 513144 Annika 01441 203463 Fax Number 01228 51 5223
e mail ap@architectplus.co.uk

LAND AT CUMWHINTON ROAD
CARLISLE
LAYOUT

75

CUMWHINTON ROAD

Number

Checked

Drawn

Date

4/02

rf

Completed

88043-10

This plan is prepared in accordance with the provisions of the Town and Country Planning Act 1990 and the Planning (Listed Buildings and Conservation Areas) Act 1990.

SCHEDULE A: Applications with Recommendation

03/0248

Item No: 42

Date of Committee: 25/04/2003

Appn Ref No:
03/0248

Applicant:
Ian Glencross

Parish:
Carlisle

Date of Receipt:
04/03/2003

Agent:

Ward:
Belle Vue

Location:
30 Moor Park Avenue, Carlisle, CA2 7LZ

Grid Reference:
337329 556300

Proposal: Erection of fence (retrospective application)

Amendment:

Sam

Report

Planning Policies:

Carlisle District Plan Housing - Proposal H17

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

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

Summary of Consultation Responses:

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

Summary of Representations:

Representations Received

Initial:

Consulted:

Reply Type:

SCHEDULE A: Applications with Recommendation

03/0248

The Occupier / Owner, 28 Moor Park Avenue	05/03/03	Objection
J Johnston, 32 Moor Park Avenue	05/03/03	
The Occupier / Owner, 97 Burgh Road	05/03/03	
The Occupier / Owner, 99 Burgh Road	05/03/03	

This application has been advertised by means of notification letters sent to four neighbouring properties. In response one letter of objection has been received, the grounds for objection being that the fence is oppressive and out of keeping with other fences in the immediate vicinity.

Details of Proposal/Officer Appraisal:

Planning History:

There is no planning history relating to this site.

Details of Proposal:

This application seeks planning permission, retrospectively, for the erection of a boundary fence in the rear garden of 30 Moor Park Avenue, Belle Vue, Carlisle. The property is situated within the primary residential area and is enclosed by residential properties situated to either side and to the rear of the property. A location plan indicating the position of the property and its relationship with neighbouring properties is reproduced following this report

The boundary fence, which has already been erected, is constructed from wooden panels positioned between concrete posts. Photographs illustrating the position and construction of the fence have been reproduced in the Schedule. The height of the fence varies between 2.42 metres at its highest point and measures 2.05 metres at its lowest point. It will be noted that the ground slopes downwards away from the house and therefore the fence is stepped. The photographs reproduced in the Schedule indicate that the patio area to the rear of No.30 is raised. The applicant has indicated that the fence has been erected, with a maximum height of 2.42 metres, to ensure that they do not overlook the rear of No.32 when the stood on the patio.

With regards to this application it is felt that the main issues to consider are the potential impact upon the amenities of neighbouring properties, in particular No.32 Moor Park Avenue.

In considering this application Policy H17 of the Carlisle District Local Plan is of relevance.

Members will note that one letter of objection has been received in response to this application. The objectors feels that the fence is oppressive and out of keeping with other fences in the immediate vicinity.

Members should note that the applicant has erected a rear extension, which constituted permitted development under The Town & Country Planning (General

SCHEDULE A: Applications with Recommendation

03/0248

Permitted Development) Order 1995. This extension projects outwards by 3.45 metres from the rear of the property. It is felt that the rear extension has a much greater impact upon No.32 than the fence hereby proposed.

Officers do not consider that the fence would be overbearing to the occupants of No.32 Moor Park Avenue, nor is it considered that the proposal results in any loss of light to No.32 or any other neighbouring properties. The height of the fence is considered to be acceptable and is not considered to be visually intrusive. Officers are satisfied that there will be no adverse effect on the amenities of adjacent properties. The proposal is in accordance with Policy H17 and is therefore recommended for approval.

Human Rights Act 1998

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

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

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

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

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

The proposal has been considered against the above Protocol of the Act but in this instance, it is not considered that there is any conflict.

Recommendation: Grant Permission





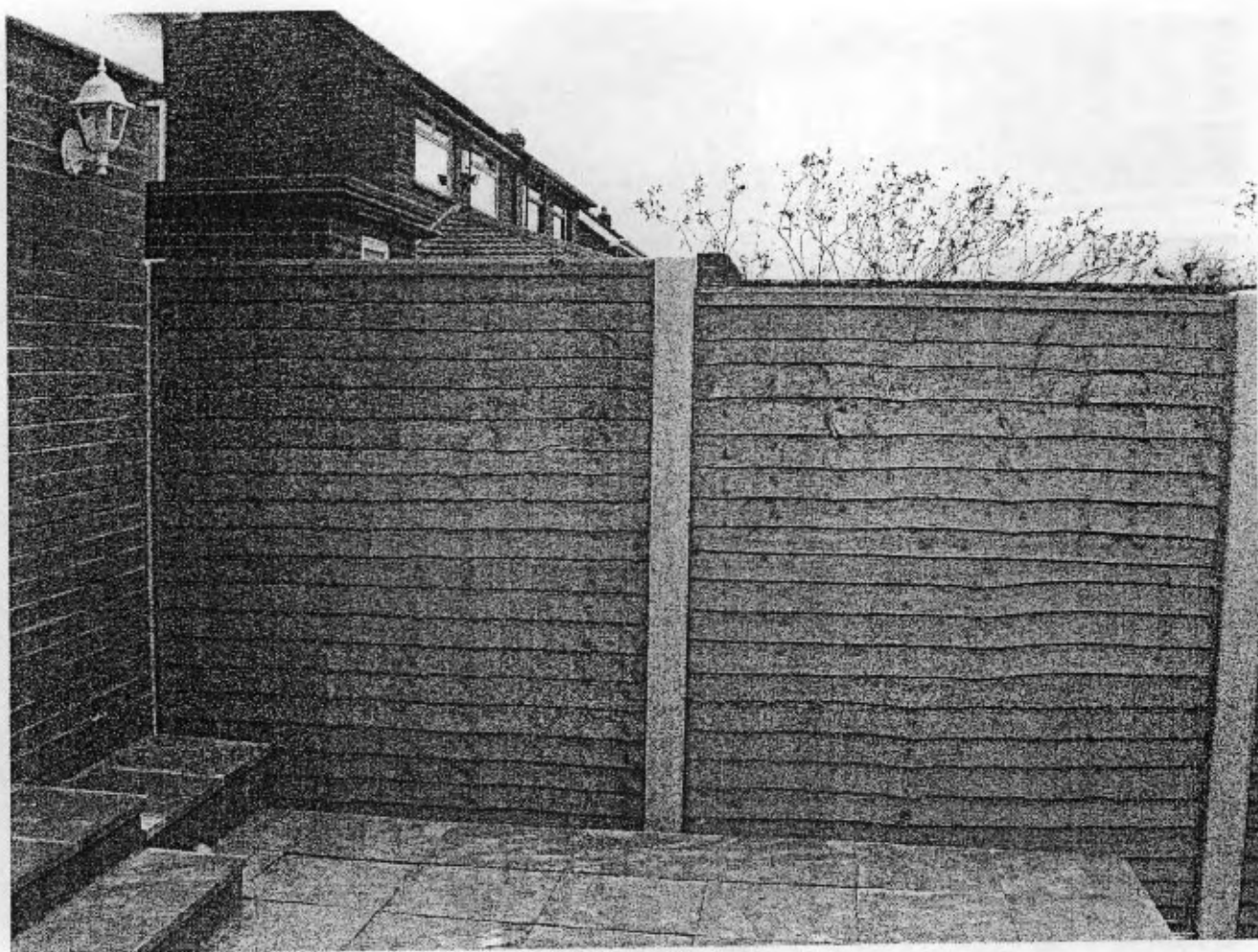
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- 4 MAR 2003
2003/0248

Planning Services

Head of Planning Services: Alan Edes OBE JP MBE
Chief Councillor: Councillor C.A. 800
Telephone: (01228) 817000
Fax: (01228) 817199

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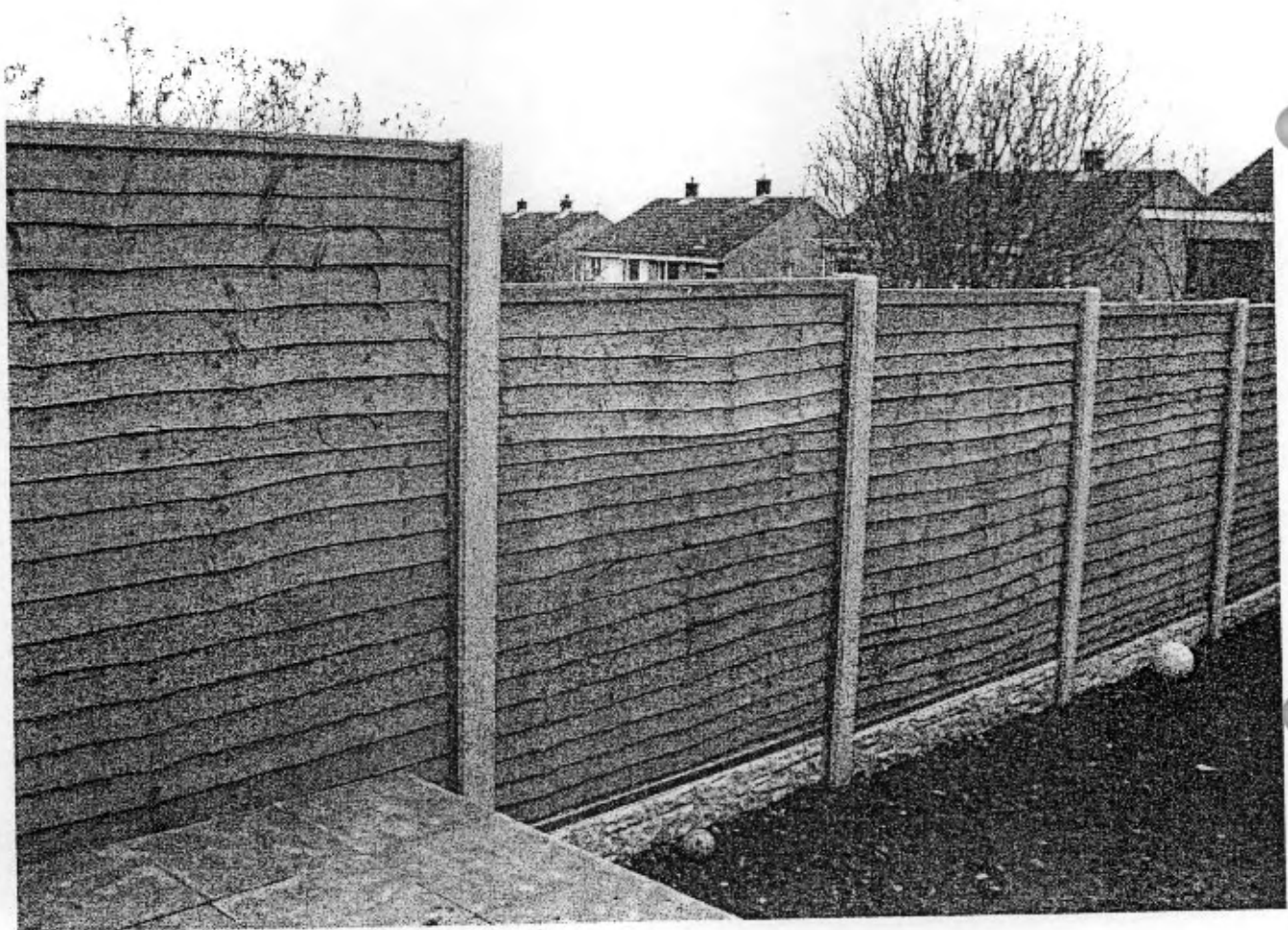
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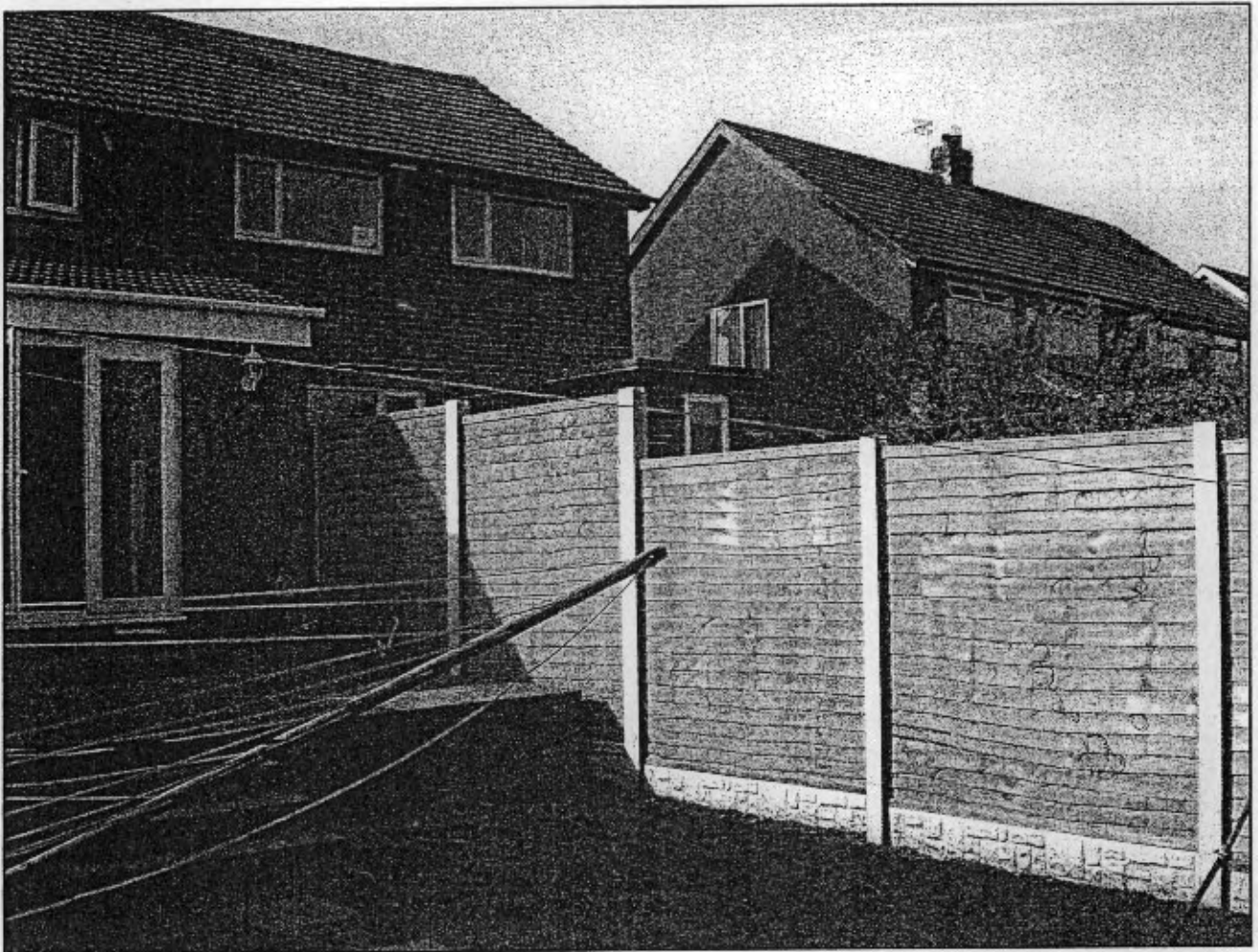


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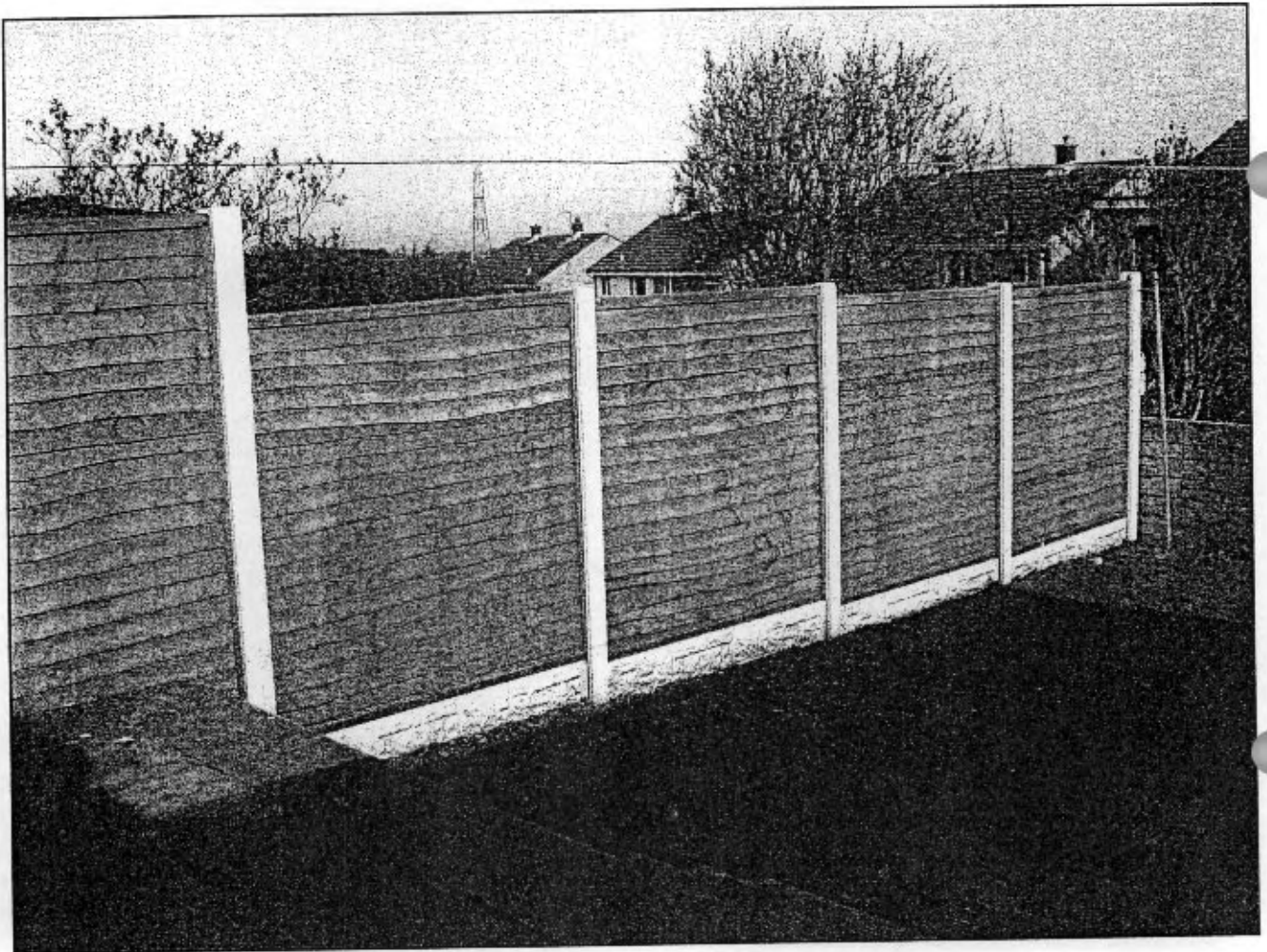


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30 Moorpark Avenue 1 31.03.03.JPG



30 Moorpark Avenue 2 31.03.03.JPG



SCHEDULE A: Applications with Recommendation

03/0253

Item No: 43

Date of Committee: 25/04/2003

Appn Ref No:
03/0253

Applicant:
Mr S Armstrong

Parish:
Carlisle

Date of Receipt:
28/02/2003

Agent:

Ward:
Denton Holme

Location:
4 Norfolk Terrace, Denton Holme, Carlisle, CA2 5JE

Grid Reference:
339621 554971

Proposal: Erection of perimeter wall (retrospective)

Amendment:

Richard

Report

Planning Policies:

Carlisle District Plan Housing - Proposal H17

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

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

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): Comments awaited.

Summary of Representations:

Representations Received

Initial:

Consulted:

Reply Type:

SCHEDULE A: Applications with Recommendation

03/0253

The Occupier / Owner, 56 Westmorland Street	03/03/03
The Occupier / Owner, 1 Norfolk Street	03/03/03
The Occupier / Owner, 58 Westmorland Street	03/03/03
The Occupier / Owner, 1 Norfolk Court	04/03/03
The Occupier / Owner, 2 Norfolk Court	04/03/03
The Occupier / Owner, 3 Norfolk Court	04/03/03

This application has been advertised by means of direct notification to the occupiers of 6 of the neighbouring properties. At the time of writing this report, one representation has been received and the issues raised are as follows:

1. Loss of a view from her flat; and
2. The height of the wall is inappropriate and should be reduced to 4ft.

Details of Proposal/Officer Appraisal:

Planning History:

Planning permission was granted for the erection of a living room, bedroom and conservatory extension on 26 July 1988, under application reference 88/0658.

Details of Proposal:

This application seeks retrospective planning permission for the erection of a perimeter wall at 4 Norfolk Terrace, Carlisle. The property is situated on the corner of Norfolk Terrace and Norfolk Street in Denton Holme.

The wall measures 1.72 metres in height and is constructed from brown facing brick with coping stones and has been constructed along the boundary of the property with Norfolk Street. Planning permission is required by virtue of the fact that the boundary is adjacent to a highway, where permitted development rights allow for a boundary structure which is no more than 1 metre in height.

A verbal objection has been received from the occupier of number 3 Norfolk Court which is located to the north west of the application site. The occupier previously enjoyed views from her property across the application site and through to Norfolk Street. The objection refers to the loss of this view.

Furthermore, the second point which is partly related to the first issue, is that the objection makes reference to the fact that the height of the wall is inappropriate and should be reduced to 4 ft (1.2 m).

In consideration of this application Policy H17 of the Local Plan is relevant and this policy seeks to protect the amenity of adjacent properties from proposals which adversely affect them, through inappropriate scale, design or unreasonable overlooking. The proposals which are being presented for consideration are modest in scale and design and would not be disproportionate or obtrusive.

SCHEDULE A: Applications with Recommendation

03/0253

Members will be aware that the loss of a view is not a material planning consideration. The area is primarily residential and the locality is categorised by terraced housing. Typically, examples of such boundary walls in similar proximity to the highway and to such a scale, are also evident. The wall is well related in scale and form and does not constitute an obtrusive feature within the street scene.

It is not considered that the development adversely affects the amenities of adjacent properties by poor design, unreasonable overlooking or unreasonable loss of daylight or sunlight. The proposal is not considered to be of an unacceptable scale or visually intrusive.

In conclusion, the structure is of a scale and design that is appropriate to the dwelling and to the locality, and it is not considered that the occupiers of any neighbouring properties would be adversely affected by the development, in accordance with the relevant Local Plan policies.

Human Rights Act 1998

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

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

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

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

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

The proposal has been considered against the above Protocol of the Act but in this instance, it is not considered that there is any conflict.

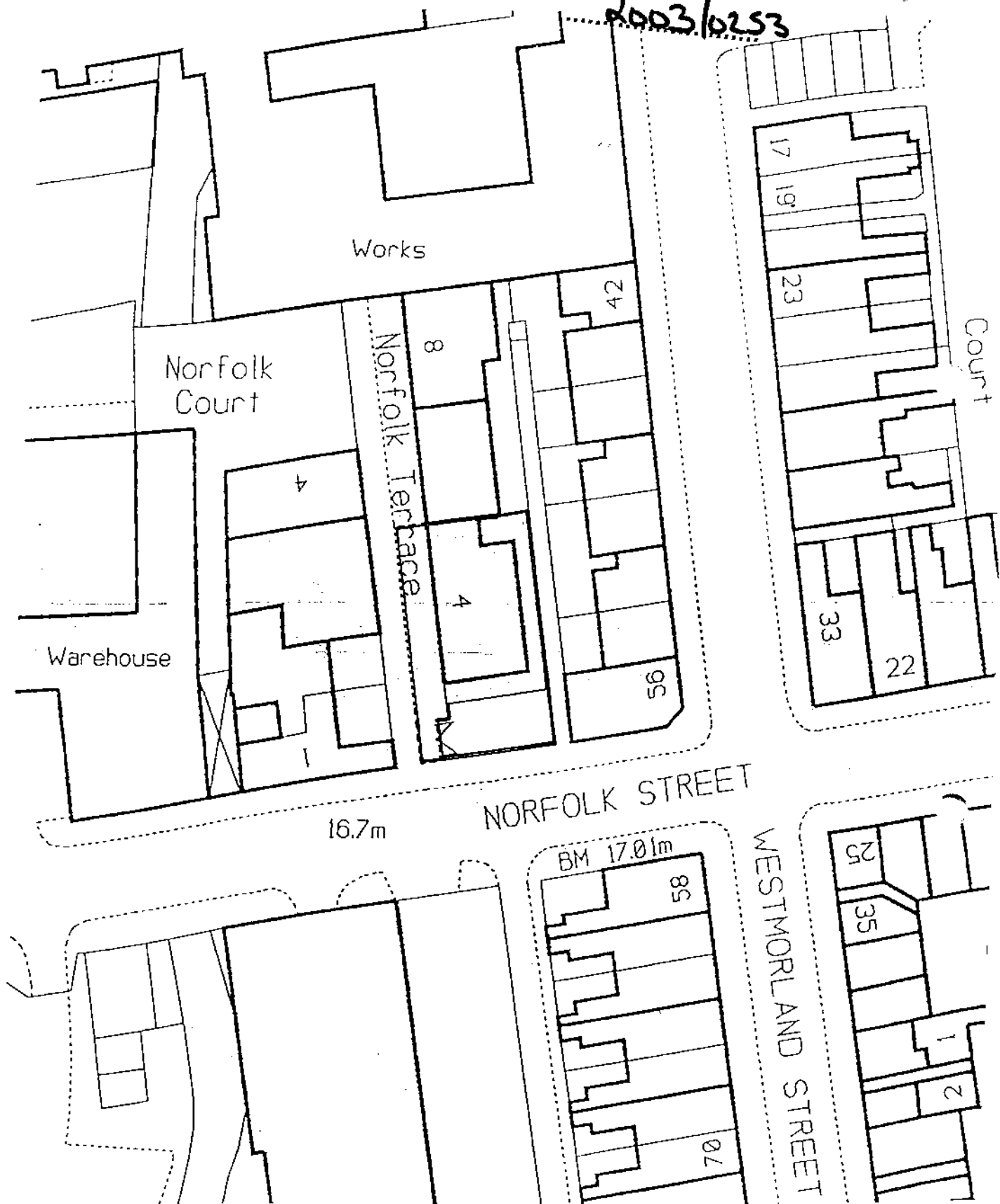
Recommendation: Grant Permission



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2003/0253



LOCATION PLAN. 4 NORFOLK TERRACE.

MR. S. ARMSTRONG - EXTERNAL WALLS

-596-

Scale: 1: 500 North
Date: March 1997

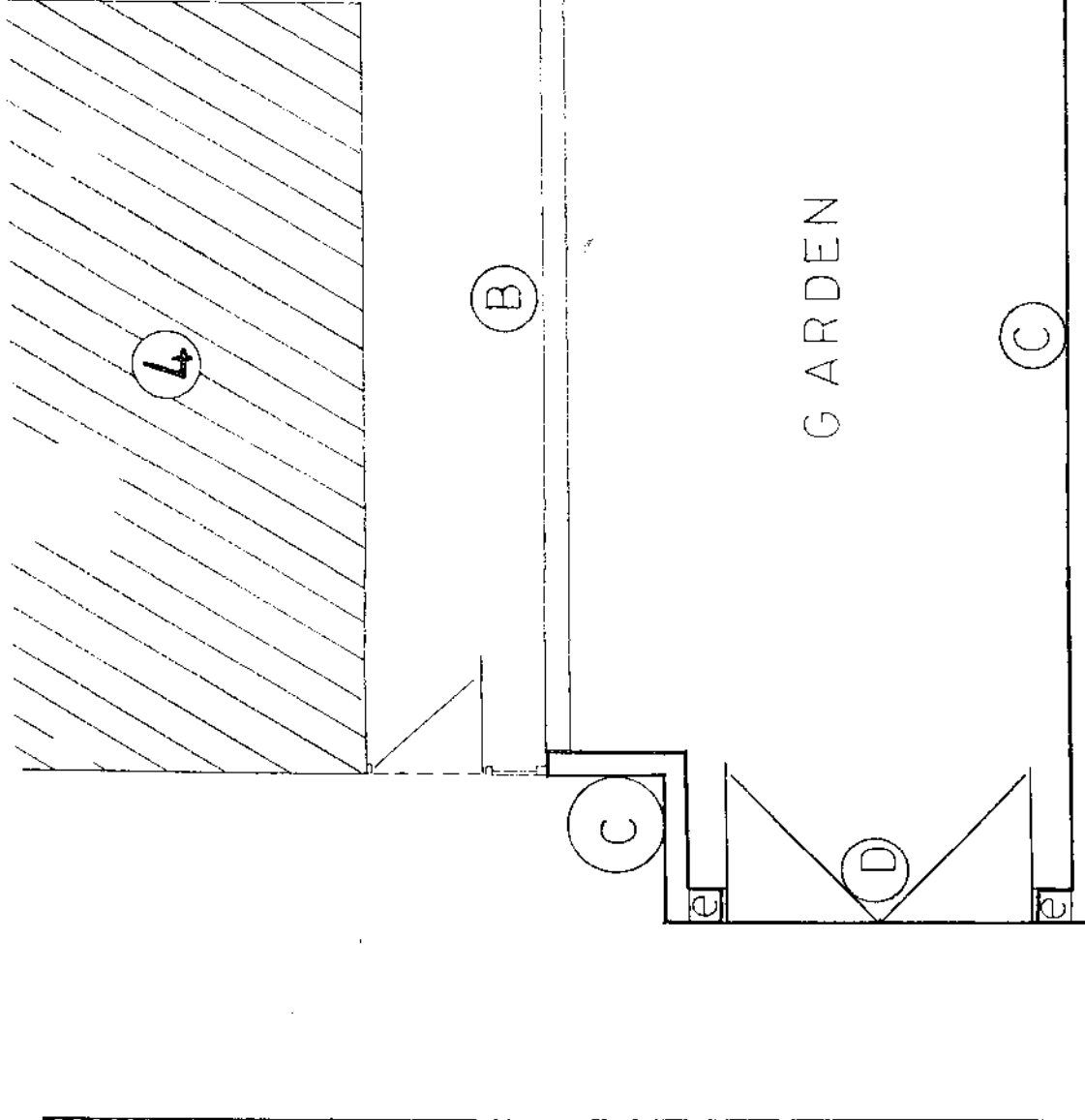
PROPOSED NEW WALL for

MR S ARMSTRONG

4 NORFOLK TERRACE

DENTON HOLME

SCALE 1/50



- A EXISTING WALL 930mm HIGH 220mm WIDE
- B EXISTING STEP TO GARDEN 200mm HIGH
- C NEW WALL 1720mm HIGH 220mm WIDE
- D NEW DOUBLE OPENING WOOD GATE 1720mm HIGH
- e NEW BRICK PILLARS WITH COPING STONES 1945 mm HIGH

NEW BRICKS OLD ENGLISH
TO MATCH EXISTING WALLS AND
PROPERTY.

NORFOLK TERRACE

NORFOLK STREET

SCHEDULE A: Applications with Recommendation

03/0258

Item No: 44

Date of Committee: 25/04/2003

Appn Ref No:
03/0258

Applicant:
Mrs M Barton & Mr C
Welsh

Parish:
Carlisle

Date of Receipt:
04/03/2003

Agent:
John Nicol Jarvie
Partnership

Ward:
Belah

Location:
L/A Pt Fld 5521 (rear The Orchard), Etterby Road,
Stanwix, Carlisle

Grid Reference:
338644 557158

Proposal: Erection of dwelling house (outline)

Amendment:

David

Report

Planning Policies:

Carlisle District Plan Environment - Policy E6

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

1. The proposal reflects the scale and character of the existing group of buildings; and
2. There is no unacceptable adverse effect on the amenity of neighbouring property; and
3. There is no unacceptable adverse effect on the character and appearance of the surrounding area; and
4. Where appropriate satisfactory access and car parking can be achieved.

Carlisle District Plan Housing - Proposal H6

Within the remainder of the Plan area, outside areas covered by Proposal H1 and Policies H2-H5, permission will not be given for dwellings, except where applications are supported by a proven agricultural or forestry need.

Carlisle District Plan Environment - Policy E26

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

1. The proposal reflects the scale and character of the existing group of buildings; and
2. There is no unacceptable adverse effect on the character and/or appearance of the Hadrian's Wall Military Zone World Heritage Site.

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): Comments awaited.

Environment Agency (N Area (+ Waste Disp)): Comments awaited.

Drainage Engineer - Commercial & Technical Services: Comments awaited.

English Nature: No comment.

Hadrian's Wall Co-ordination Unit: Comments awaited.

Cumbria County Council (Archaeological Services): Comments awaited.

Summary of Representations:

Representations Received

Initial:	Consulted:	Reply Type:
The Occupier, Etterby Cottage	06/03/03	
The Occupier, The Beeches	06/03/03	
Mrs R Singh, Ridvan	06/03/03	
The Owner / Occupier, The Orchard	11/03/03	
The Manager, DRS	11/03/03	
The Occupier / Owner, 21 Stainton Road	11/03/03	
The Occupier / Owner, 23 Stainton Road	11/03/03	
The Occupier / Owner, 25 Stainton Road	11/03/03	
The Occupier / Owner, 27 Stainton Road	11/03/03	
The Occupier / Owner, 29 Stainton Road	11/03/03	
The Occupier / Owner, 31 Stainton Road	11/03/03	

The Occupier / Owner, 33 Stainton Road
The Occupier / Owner, 35 Stainton Road

11/03/03
11/03/03

This application has been advertised in the form of a site notice and the direct notification of adjoining properties, DRS, and 21-35 Stainton Road. At the time of preparing the report no representations have been received.

Details of Proposal/Officer Appraisal:

Planning History:

Previous applications for the erection of a dwelling (reference 80/0310) and for the stationing of 5 mobile homes and installation of a site access road and sewage treatment plan (reference 96/0618) were refused planning permission.

Planning permission (reference 99/0714) for a small stable block and turning area within a larger site, including the current application site, was granted, subject to conditions.

Details of Proposal:

The application is for outline planning permission for the erection of a dwellinghouse on a site to the north of three detached properties fronting Etterby Road. It is intended to take access from the existing tarmac road which serves the railway depot. No indicative details have been shown and all detailed matters are therefore reserved for subsequent approval.

The application site is part of a larger area of uncultivated land and enclosed by a hedge and post and wire fencing on the northerly and easterly boundaries but undefined to the south-west where the boundary is contiguous with other land in the applicants ownership. To the north and west are open countryside and to the east is a field containing livestock and a small shed.

The site is located within the rural area and an Area of Landscape Improvement as identified by the Adopted Local Plan (Policy E8 and E6 apply) and it has a history of refusals for residential development given its sensitive location on the urban fringe of the City. It was previously considered that the development of the site for residential purposes would lead to the erosion of the landscape of the margins of the built-up area with no evidence of an exceptional need put forward. As the site lies within an Area of Landscape Improvement, the Local Plan states that permission will not be given for development which adversely affects the open character of the area. I consider that the proposed development would clearly impact on the open nature of the site.

Policy H6 makes it clear that outwith areas identified as appropriate for residential development in the Local Plan, permission will not be given for dwellings, except where applications are supported by a proven agricultural or forestry need.

The applicant's agent has indicated verbally that his client needs the house to oversee a proposed business rearing thorough-bred horses on the adjacent site.

Confirmation of this proposal in writing is awaited. This proposal would require planning permission as the use of the stable on the adjoining site is restricted to private use fro the stabling of horses and associated equipment.

However, it is clear from PPG7 (The Countryside: Environmental Quality, Economic and Social Development) that the breeding and keeping of livestock for non-agricultural purposes is outwith the definition of agriculture.

The proposed development is therefore contrary to the provisions of the Local Plan.

The application is therefore recommended for refusal.

Human Rights Act 1998

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

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

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

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

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

It is not considered that the proposals would result in an adverse impact such as to seriously prejudice any individual of familys" rights under the provision of the Act.

Recommendation: Refuse Permission

1. **Reason:** The site of the proposed development, for which no special agricultural need has been demonstrated, is located within open countryside on the outskirts of Carlisle. In this location the proposed development would be unduly conspicuous to the detriment of the appearance and character of the area contrary to the objectives of Policies H6 and E6 of the Carlisle District Local Plan.

See Schedule
Page 52-
letter from app

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2003/0258

Site

Carlisle City Council

Department of Environment & Communities

Planning Services

Head of Planning, Peter Lee, 01768 441175

Head of Planning, Peter Lee, 01768 441175

Head of Planning, Peter Lee, 01768 441175

Head of Planning, Peter Lee, 01768 441175

Head of Planning, Peter Lee, 01768 441175

Head of Planning, Peter Lee, 01768 441175

Head of Planning, Peter Lee, 01768 441175

SCHEDULE A: Applications with Recommendation

03/0298

Item No: 45

Date of Committee: 25/04/2003

Appn Ref No:
03/0298

Applicant:
Philip Gray

Parish:
Wetheral

Date of Receipt:
11/03/2003

Agent:

Ward:
Wetheral

Location:
1 Wentworth Terrace, Great Corby, Carlisle, CA4
8LN

Grid Reference:
347195 554756

Proposal: Extension to provide sitting room and shower room

Amendment:



Report

Planning Policies:

Conservation Area

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

Carlisle District Plan Housing - Proposal H14

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

Carlisle District Plan Housing - Proposal H17

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

1. Is for a use inappropriate for residential areas; and/or
2. Is of an unacceptable scale; and/or
3. Leads to an unacceptable increase in traffic or noise; and/or

SCHEDULE A: Applications with Recommendation

03/0298

4. Is visually intrusive; and/or
5. Leads to a loss of housing stock.

Carlisle District Plan Environment - Policy E43

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

Summary of Consultation Responses:

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

Wetheral Parish Council: Observation:

The Parish Council would prefer the windows to match the existing - two wall windows rather than the Velux windows proposed.

Conservation Area Advisory Committee: There are no conservation problems with this proposal but the Committee feel that there may be neighbour implications for this development.

Summary of Representations:

Representations Received

Initial:	Consulted:	Reply Type:
Ms R Dunleavy, 2 Wentworth Terrace	12/03/03	Objection
The Occupier / Owner, Wentworth House	12/03/03	
The Occupier / Owner, Bulkeley House	12/03/03	
The Occupier / Owner, West View	12/03/03	
The Occupier / Owner, Elm Lea	12/03/03	
The Occupier / Owner, Wood Villa	12/03/03	Objection
J Thirlwall, Woodbrae	24/03/03	
The Owner / Occupier, 3 Wentworth Terrace	24/03/03	

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

1. The access to the rear of the properties is inappropriate for additional traffic, particularly construction vehicles;
2. Planning permission has previously been refused at number 3 on access grounds;
3. The extension would extend halfway along the boundary, thereby overshadowing my garden and affecting my overall amenity;
4. As the development involves the demolition of an existing boundary structure, workmen would have to enter my property, creating noise and disruption and for which legal permission would not be granted;
5. Maintenance of the gutters would not be achieved as they would overhang my property;
6. The proposal seeks permission for an office and the applicant runs a business from home;
7. The proposal includes two large windows which would overlook my property;
8. The property has an extensive garden to the side where the extension could be constructed without devaluing my property; and
9. The applicant does not have legal rights of access to use the vehicular lane to the rear of the properties.

Details of Proposal/Officer Appraisal:**Planning History:**

In 1982, planning permission was granted for an extension to form a new bathroom, kitchen and bedroom under application reference 81/0935.

Under reference 89/1205, planning consent was granted for the erection of a garage on 2 February 1990.

Details of Proposal:

This application seeks full planning permission for the erection of a single storey extension to number 1 Wentworth Terrace, Great Corby, Carlisle. The property is a two storey terraced house constructed from facing brick under a slate roof. The dwelling house is one of three terraced properties located adjacent to the railway line. The site is also located within the Great Corby Conservation Area.

The application seeks planning permission for a single storey extension to the rear of the dwelling to provide a bed sitting room and shower room. The roof of the extension would be pitched and the extension would be constructed from materials that match those of the existing property.

The proposed extension would measure 8.5 metres in length along the boundary by 5.4 metres in width. The height to the eaves would measure 2.7 metres and the height to the ridge would measure 4.3 metres. The extension would be constructed 700mm from the boundary.

SCHEDULE A: Applications with Recommendation

03/0298

This matter is before Members because the applicant is involved with East Cumbria Countryside Agency and it is anticipated that a formal objection from the occupier of a neighbouring property will be received.

Additional information has been received from the applicant which states that the extension would be used as a bed/ sitting room to provide ground floor accommodation for an elderly relative. A copy of this letter is reproduced following this report.

In consideration of this application Policies H14 and H17 are relevant. Policy H14 of the Local Plan requires that extensions are of good design and are of an acceptable scale. The scale and design of the proposed extensions are considered to be appropriate to this terraced dwelling which is situated within a substantial garden area.

This Policy also seeks to protect the amenity of adjacent properties from proposals which adversely affect them, through inappropriate scale, design or unreasonable overlooking. The proposals which are being presented for consideration are modest in scale and design and would not be disproportionate or obtrusive.

The occupier of the adjacent property, has a single storey kitchen extension which has been constructed along the boundary with number 1 Wentworth Terrace. A kitchen window exists on the gable of this building, overlooking the garden, with the kitchen door being on the side elevation facing the application site. It is not considered that the development adversely affects the amenities of adjacent properties by poor design, unreasonable overlooking or unreasonable loss of daylight or sunlight. The proposal is not considered to be of an unacceptable scale or visually intrusive.

Policy E43 of the Local Plan requires that development proposals do not adversely affect the character or appearance of the conservation area. The scale, siting and use of materials are considered to be appropriate to the setting of the building and to the status of the area as a designated conservation area.

The Parish Council raise an issue in relation to the proposed roof light. The proposed extension is to the rear of the property and would not form an obtrusive feature within the conservation area. The preference of a roof light over a window is a matter of personal preference and there is no objection in this instance.

There are issues arising from the correspondence received regarding rights of access. These are, however, civil matters and are not relevant in the consideration of this application.

In conclusion, the proposed extension is of a scale and design that is appropriate to the dwelling and it is not considered that the occupier of the neighbouring properties would be adversely affected by the development, in accordance with the relevant Local Plan policies.

SCHEDULE A: Applications with Recommendation

03/0298

Human Rights Act 1998

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

- Article 6** bestowing the "Right to a Fair Trial" is applicable to both applicants seeking to develop or use land or property and those whose interests may be affected by such proposals;
- Article 7** provides that there shall be "No Punishment Without Law" and may be applicable in respect of enforcement proceedings taken by the Authority to regularise any breach of planning control;
- Article 8** recognises the "Right To Respect for Private and Family Life";
- Article 1 of Protocol 1** relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

The proposal has been considered against the above Protocol of the Act but in this instance, it is not considered that there is any conflict.

Recommendation: Grant Permission ✓

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.

2. Notwithstanding any description of materials in the application no development shall be commenced until samples or full details of materials to be used externally on the building(s) have been submitted to and approved 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.

Planning Services

Head of Planning Services: Alan Eades Dip TP MERTPM
Civic Centre Carlisle CA3 6QG
Telephone: (01228) 817000
Fax: (01228) 817190

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24/3/2003

1:1,250

Wentworth
Terrace

Red Ink

-Blue Line

Woodbrae

Wood
Villa

Fern Bank

Wirkley House

Agiondy House

90

Corby Bridge Inn

Wentworth
House

~~Bulkeley House~~

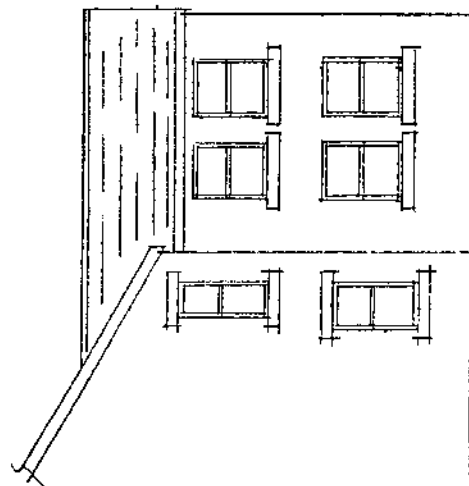
View

201

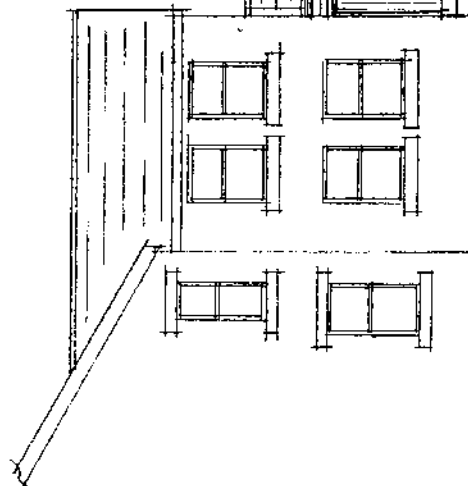
Corby Gates

BS

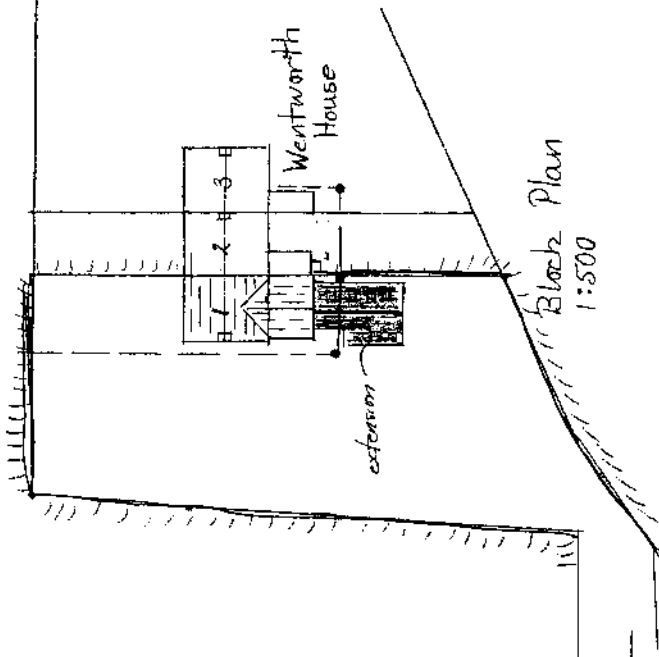
WOODLANDS



EXISTING SIDE



PROPOSED SIDE



Block Plan
1:500

Notes

Mechanical Ventilation to Shower Room
Min 30ltr/sec with 15mm over-run
Insulated DPC to cavity closings
Deep seal traps 75mm to bath fittings
Foundations taken below line of drains
75x100mm RC intels over.

slate to match existing

White double glazed
windows frames
10mm air gap with
low-e, coating

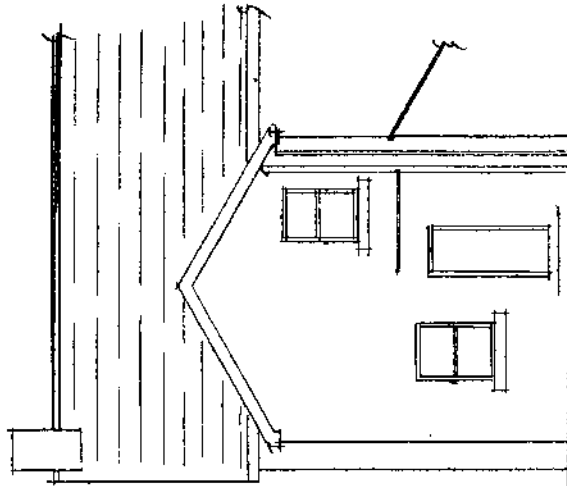
Velux Roof lights

28mm RWP

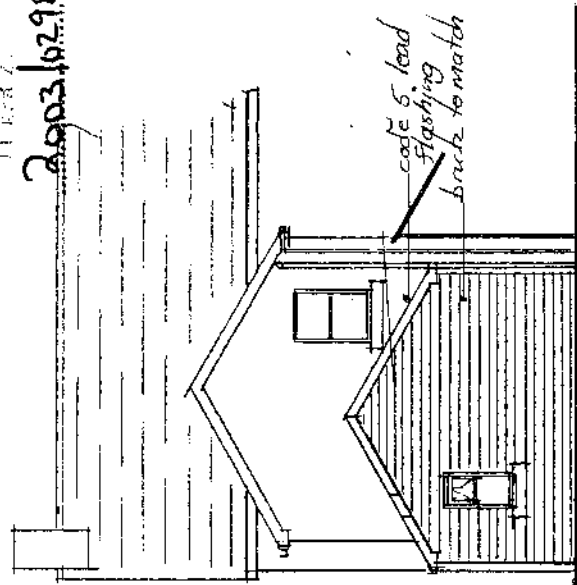
28mm RWP

200mm risers with
450mm steps

SIDE



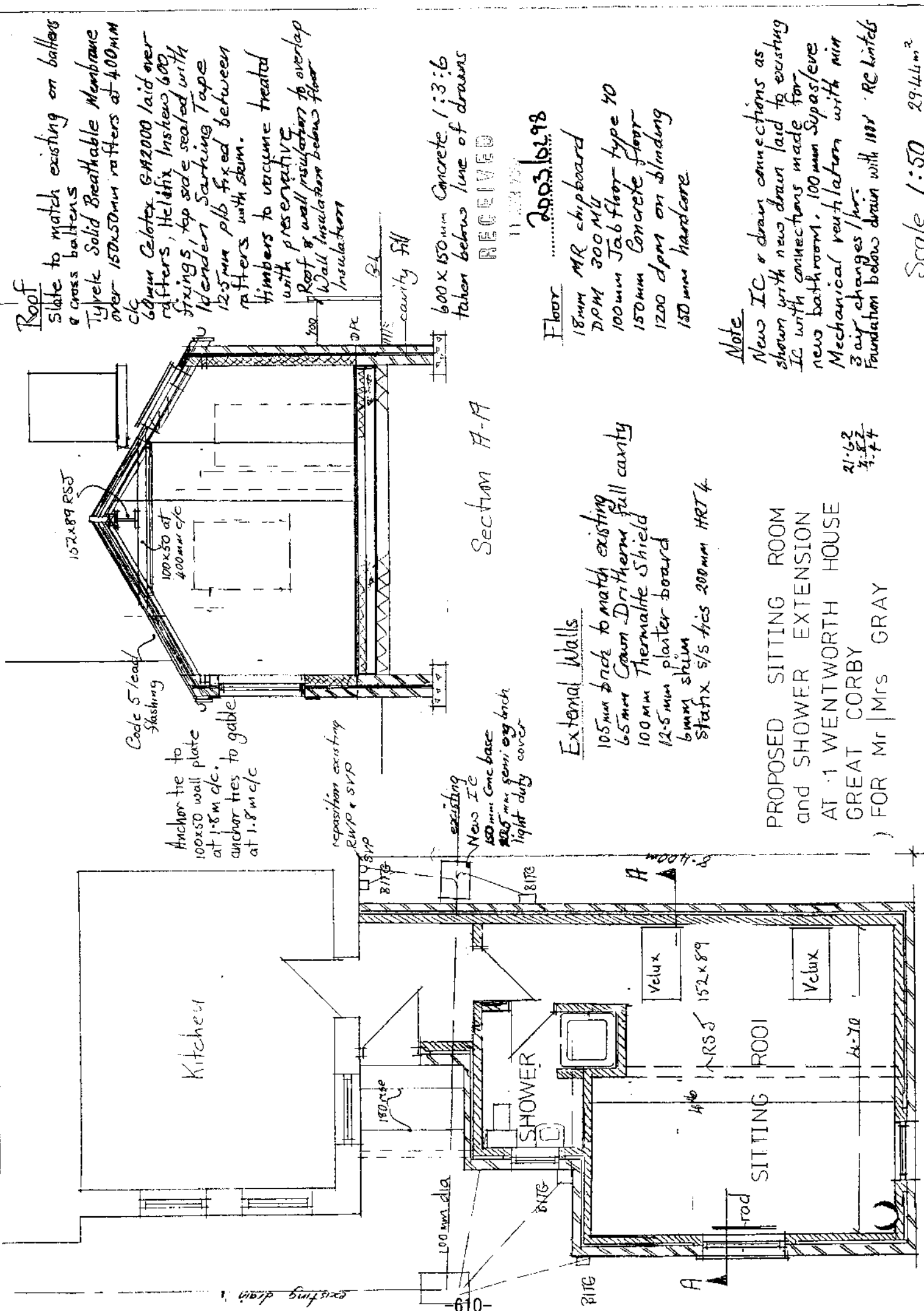
EXISTING REAR



PROPOSED REAR

caste 5 lead
flashing
back to match

RECEIVED
11 APR 2003 10:29



Roof
 Slate to match existing on batters
 & cross battens
 Tyvek Solid Breathable Membrane
 over 150x50mm rafters at 400mm
 c/c
 60mm Celotex G-H2000 laid over
 rafters, HeliFix Instead 600
 stringers, top side sealed with
 150mm plb fixed between
 rafters with stem.
 Timbers to vacuum treated
 with preservative
 Roof & wall insulation to overlap
 Wall insulation below floor
 insulation

600 x 150mm Concrete 1:3:6
 taken below line of drains

RECEIVED
 11 MAR 1998

2003.6.198

Floor
 18mm MR chipboard
 DPM 300 M/L
 100mm Jaf floor type 40
 150mm Concrete floor
 1200 dpm on blinding
 150mm hardcore

Note

New IC & drain connections as
 shown with new drain laid to existing
 IC with connections made for
 new bathroom, 100mm Supaserve
 Mechanical ventilation with min
 3 air changes/hour
 Foundation below drain with 100mm RC limits

Scale 1:50 2944mm²

Section A-A

External Walls

105mm brick to match existing
 65mm Crown Dritherm full cavity
 100mm Thermaite Shield
 12.5mm plaster board
 6mm skim
 Statix 5/5 fics 200mm HRT 4

PROPOSED SITTING ROOM
 and SHOWER EXTENSION
 AT 1 WENTWORTH HOUSE
 GREAT CORBY
) FOR Mr Mrs GRAY

21.6.2
 4.8.2
 4.4

Development Control Committee
c/o Richard Maunsell
Planning Department
Carlisle City Council
Civic Centre
Carlisle

6 April 2003

ANNA & PHILIP GRAY
1 WENTWORTH TERRACE
GREAT CORBY
CARLISLE
CA4 8LN
TEL: 01228 562096

03/0298
4
RJM

To whom it may concern

Planning Application Ref: 03/0298 – single storey extension to the rear of
1 Wentworth Terrace, Great Corby, Carlisle, CA4 8LN

As we am unable to attend the Development Control meeting on 25 April,
this letter serves to respond to any issues that may arise as a result of
objections to the above planning application.

Purpose of application:

To provide ground-floor accommodation for an elderly parent. (Please note
that the existing application describes the extension as a sitting room with
en-suite shower room. However, it will be used as a bed-sitting room –
hence the given internal dimensions of the proposal.)

Potential impact:

The property is located off the main road through the Great Corby and
behind other properties fronting the road. As such, the house cannot be
easily seen from the road. At the front is a regularly used public footpath,
but the proposed extension would not be seen from this footpath.

However, our property adjoins another and we are aware that the proposed
extension may reduce the amount of light entering our neighbour's house.
With this in mind, we have sought to minimise this effect by the following:

- The proposed extension is to be set back from the boundary fence by
approximately 0.75m. This will also remove the need to access our
neighbour's property to build (and later, to maintain) the extension.

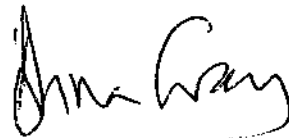
- We have removed provision for a ceiling in the extension, thus allowing the eaves and roofline to be at a lower level than otherwise. This has, however, increased our costs due to the need to install a 'warm' roof.
- We have not included any windows on the walls of the east elevation. However, as we would like the extension to benefit from some morning light (which is not obtainable elsewhere within the property), we have proposed that two velux windows are put in the roof facing east. These would not be seen by anyone except our immediate neighbour.

Other issues:

- Vehicle access to our property is by a private driveway. We have a right of access along this track (as stated in our deeds). We do not envisage that any large vehicles will be using this track to gain access to the property. Most materials will be deposited by the road and taken down by wheelbarrow.
- We would seek to minimise noise and other disturbance to our neighbours, but inevitably there will have to be some disruption whilst work proceeds.

We hope this clarifies most of the issues with which you might be concerned. If there are any other points requiring explanation, we would be happy to respond to those once we have returned from holiday on 28 April.

Yours faithfully

Phil and Anna Gray

SCHEDULE A: Applications with Recommendation

03/0319

Item No: 46

Date of Committee: 25/04/2003

Appn Ref No:
03/0319

Applicant:
A W H Coulthard

Parish:
Carlisle

Date of Receipt:
21/03/2003

Agent:

Ward:
Denton Holme

Location:
97-99 Dalston Road, Carlisle, CA2 5PL

Grid Reference:
339218 55144

Proposal: Residential development (outline)

Amendment:

Richard

Report

Planning Policies:

Cumbria & Lake District Joint Structure Plan Policy 25

The siting, appearance and landscaping of all new development and alterations should aim to enhance the quality of the existing environment. It should be in keeping with the local character of the townscape or landscape, and be well integrated with the existing pattern of surrounding land uses and, where appropriate, be in keeping with the local vernacular tradition. Normally development should make proper provision for access by disabled persons.

Carlisle District Plan Housing - Proposal H2

Within the Primary Residential Areas defined on the inset maps for Carlisle, Brampton, Longtown and Dalston, proposals for new residential development will be acceptable provided that:

1. Existing areas of open space and other amenity areas are safeguarded; and
2. The proposed development does not adversely affect the amenity of adjacent residential property; and
3. The proposed development complements or enhances existing adjacent residential areas and their amenity; and
4. Satisfactory access and appropriate parking arrangements can be achieved.

Proposals for uses other than residential will not be permitted in Primary Residential

SCHEDULE A: Applications with Recommendation

03/0319

Areas other than where they do not adversely affect residential amenity. Development that would create unacceptable noise, smell, safety and health impacts or excessive traffic generation will not be acceptable. Such schemes falling within the scope of this Policy will be considered against the above criteria as well as other Policies of the Plan appropriate for the proposed use.

Carlisle District Plan Housing - Proposal H15

Within the Plan area, where there is evidence of need, developers will be encouraged to meet the needs of disabled people. In these instances dwellings should be readily accessible for disabled people and be capable of adaptation to meet the needs of any future disabled resident.

Carlisle District Plan Housing - Proposal H16

High standards of design in new housing sites and dwellings will be required. Matters to be considered include: The layout of roads and buildings; footpaths and cycleways; the retention of existing trees and hedgerows; planning out crime; the provision of public open space; the relationship to adjacent development.

Carlisle District Plan Transport - Proposal T7

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

1. The Parking Guidelines for Cumbria as detailed in Appendix 2;
2. The availability of public car parking in the vicinity;
3. The impact of parking provision on the environment of the surrounding area;
4. The likely impact on the surrounding road network; and
5. Accessibility by and availability of other forms of transport.

Carlisle District Plan Environment - Policy E19

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

SCHEDULE A: Applications with Recommendation

03/0319

Carlisle District Plan Environment - Policy E22

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

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): Comments awaited.

Drainage Engineer - Commercial & Technical Services: Comments awaited.

Environment Agency (N Area (+ Waste Disp)): No objection subject to the inclusion of a condition.

Summary of Representations:

Representations Received

Initial:	Consulted:	Reply Type:
The Occupier / Owner, 20 St James Avenue	21/03/03	
The Occupier / Owner, 22 St James Avenue	21/03/03	
The Occupier / Owner, 92 Dalston Road	21/03/03	
The Occupier / Owner, 94 Dalston Road	21/03/03	
The Occupier / Owner, 96 Dalston Road	21/03/03	
The Occupier / Owner, 98 Dalston Road	21/03/03	
The Occupier / Owner, 100 Dalston Road	21/03/03	
The Occupier / Owner, 102 Dalston Road	21/03/03	
The Occupier / Owner, 104 Dalston Road	21/03/03	
The Occupier / Owner, 106 Dalston Road	21/03/03	
The Occupier / Owner, 108 Dalston Road	21/03/03	
The Occupier / Owner, 109 Dalston Road	21/03/03	Undelivered
The Occupier / Owner, 73 Dalston Road	21/03/03	
The Occupier / Owner, 13 Talbot Road	21/03/03	
The Occupier / Owner, 16 Talbot Road	21/03/03	
The Occupier / Owner, 86 Dalston Road	01/04/03	
The Occupier / Owner, 88 Dalston Road	01/04/03	
The Occupier / Owner, 90 Dalston Road	01/04/03	
The Owner / Occupier, 113 Dalston Road	01/04/03	
The Owner / Occupier, 14 Talbot Road	01/04/03	
The Owner / Occupier, 18 St James Avenue	01/04/03	
Mr S Smith, 12 Talbot Road		Petition

SCHEDULE A: Applications with Recommendation

03/0319

This application has been advertised by means of three site notices and direct notification to the occupiers of twenty two of the neighbouring properties. A petition has been received containing 10 signatures and raises the following observations:

1. the plans shown the alignment of the footpath inaccurately;
2. the footpath is shown as being in place leading from Talbot Road onto Dalston Road when there is no such path, only a rough area of asphalt and gravel;
3. the adjacent parcel of land is owned by the Church of England Commissioners;
4. if access is proposed from Talbot Road, this would make it difficult for vehicles to turn around effectively due to the loss of the cul de sac; and
5. some protection should be afforded to the grassed area at the end of Talbot Road to stop it from becoming a car park.

The correspondence concludes by stating that 'the required outline planning for residential development in itself is not a problem'.

Details of Proposal/Officer Appraisal:

Planning History:

The planning history relating to 97 -99 Dalston Road is as follows:

Outline planning permission was granted for the erection of three pairs of two storey dwellings and one bungalow in 1965.

On land adjacent to number 13 Talbot Road, an outline application was withdrawn for the demolition of a farm byre and erection of a chapel with car park in 1980.

Details of Proposal:

This application seeks outline planning permission for residential development at 97 - 99 Dalston Road. The site is located adjacent to Dalston Road, approximately 550 metres south of Dixon's Chimney.

The site measures 0.3 hectares in area and presently the site consists of a redundant farm house, a cottage and derelict farm buildings, along with extensive areas of overgrown vegetation. The site is surrounded by residential properties and is designated within the Carlisle District Local Plan as being within a primary residential area.

The application has been submitted in outline form only with all other matters being reserved for any subsequent application. PPG3 (Housing) provides the latest guidance when considering applications for residential development. Members will be aware of the Interim Housing Statement, and below in an extract in the interpretation of Policy H2 in light of PPG3:

"The designation of Primary Residential Areas within the Local Plan indicates the urban emphasis of development. The policy aims to protect recreational

SCHEDULE A: Applications with Recommendation

03/0319

and open space and therefore provides the basis for brownfield development. Fifty-five per cent of the sites identified within the Urban Capacity Study are within the primary residential area. These sites can therefore come forward under this existing policy.

The policy includes the market towns of Brampton and Longtown as well as the large village of Dalston. All of these locations have a number of facilities and good opportunities for alternative forms of transport to the car. These locations are considered suitable in relation to PPG3. Their designation and role in providing for housing within the district will be considered further in Local Plan review. However this current policy provides a focus on the existing built residential area as providing potential for additional housing.

The areas identified as primary residential will provide the location for the majority of brownfield windfall sites coming forward and are consistent with areas considered as part of the Council's Urban Capacity Study."

A petition has been received from some of the local residents in relation to this application. The correspondence does not directly object to the principle of residential development on this site but rather seeks clarification on a number of issues, primarily that of access to the site. The applicant has been contacted with a view to providing some background information to address this issue but at the time of writing this report, no response has been received. In conclusion the principle of residential development accords with the relevant local plan policy criteria, PPG3 and the Interim Housing Statement. The issues raised thus far following the consultation process would be considered should any subsequent planning application or reserved matters is received. At the time of writing this report the comments of the Highway Authority are awaited. On the basis that no objections are received, the proposal is recommended for ~~refusal~~.

Human Rights Act 1998

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

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

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

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

Article 1 of Protocol 1 relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not

SCHEDULE A: Applications with Recommendation

03/0319

impair the right to enforce the law if this is necessary;

The proposal has been considered against the above Protocol of the Act but in this instance, it is not considered that there is any conflict.

A b I (Hways)

Recommendation: Grant Permission

1. In case of any "Reserved Matter" application for approval shall be made not later than the expiration of 3 years beginning with the date of this permission, and the development shall be begun not later than whichever is the later of the following dates:

- (i) The expiration of 5 years from the date of the grant of this permission, or
- (ii) The expiration of 2 years from the final approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: In accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.

2. Before any work is commenced, details of the siting, design and external appearance of the building(s), the means of access thereto and the landscaping of the site (hereinafter called "reserved matters") shall be submitted to and approved by the local planning authority.

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

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

Reason: To ensure the works harmonise as closely as possible with the existing building.

4. Details shall be submitted of the proposed hard surface finishes to all public and private external areas within the proposed scheme and approved by the local planning authority before any site works commence, and the approved scheme shall be fully implemented before any of the dwellings are occupied.

Reason: To ensure that materials to be used are acceptable.

- 
5. Details of the relative heights of the existing and proposed ground levels and the height of the proposed finished floor levels of the [the building(s) /dwelling(s) and garage(s)] shall be submitted to and approved in writing by the local planning authority before any site works commence.

SCHEDULE A: Applications with Recommendation

03/0319

Reason: In order that the approved development overcomes any problems associated with the topography of the area.

6. The design, siting and layout of the proposed housing development shall by the adoption of traditional architectural features and materials evident locally, reflect or be in sympathy with the character and appearance of the adjacent dwellings.

Reason: To ensure that the proposed development is undertaken in a manner which safeguards the visual amenities of the area.

7. Particulars of height and materials of all screen walls and boundary fences shall be submitted to and approved by the local planning authority prior to the commencement of the development hereby permitted.

Reason: To ensure that the appearance of the area is not prejudiced by lack of satisfactory screening which is not carried out in a co-ordinated manner.

8. Trees and shrubs shall be planted in accordance with a scheme to be agreed with the local planning authority before building work commences and the trees and shrubs shall be retained and maintained to the satisfaction of the local planning authority; the scheme shall include a detailed survey of any existing trees and shrubs on the site and shall indicate plant species and those trees and shrubs to be retained. 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.

Reason: To ensure that a satisfactory landscaping scheme is prepared.

9. Except where breached for access, the existing front boundary wall shall be retained at its existing height and in the existing materials.

Reason: To contribute towards maintaining the character, integrity and unity of the street scene.

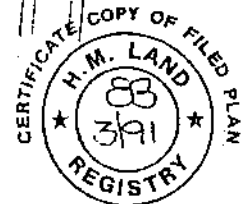
10. No development approved by this permission shall be commenced until a scheme for the disposal of foul and surface waters has been approved in writing by the Local Planning Authority. Such a scheme shall be constructed and completed in accordance with the approved plans.

Reason: To ensure a satisfactory means of drainage.

Supp Schedule
P58 - letter

H.M. LAND REGISTRY		CU74069	
ORDNANCE SURVEY PLAN REFERENCE	NY 3955	SECTION H	Scale 1/1250
COUNTY CUMBRIA	DISTRICT CARLISLE		© Crown copyright 1980

The boundaries shown by dotted lines have been plotted from the plans on the deeds. The title plan may be updated from later survey information.



2003/0319

2003/03/19

03/11/2003

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BUILDING PLOT OFF
TALBOT ROAD,
ORRISLE
1:250 1:250 1:250

SCHEDULE A: Applications with Recommendation

03/0331

Item No: 47

Date of Committee: 25/04/2003

Appn Ref No:
03/0331

Applicant:
Mr T Clark

Parish:
Stapleton

Date of Receipt:
18/03/2003

Agent:
C A Planning

Ward:
Lyne

Location:
L/A part field 4200, Littlefield, Nr Hewstown Farm,
Hethersgill, Carlisle

Grid Reference:
347340 570130

Proposal: Erection of agricultural workers dwelling (outline)

Amendment:

Report

Planning Policies:

Carlisle District Plan Environment - Policy E8

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

1. The proposal reflects the scale and character of the existing group of buildings or settlement; and
2. There is no adverse effect upon the amenity of neighbouring property, and the character and appearance of the area; and
3. Satisfactory access and appropriate car parking can be achieved; and
4. Any exiting wildlife habitats are safeguarded.

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

Carlisle District Plan Housing - Proposal H7

Within the Remote Rural Area (as defined on the Proposals Map), large scale development will not be permitted. Proposals for small scale development within

SCHEDULE A: Applications with Recommendation

03/0331

existing hamlets or groups of houses will be acceptable in principle provided that:

1. The proposal is well related to existing local landscape features and is sited in such a way as to make maximum use of such features for screening and does not adversely affect the landscape; and
2. The proposal complements the character and size of the hamlet or group of dwellings; and
3. Appropriate access and parking can be obtained.

In addition proposals will be acceptable for additional accommodation on farm complexes which contain an existing occupied dwelling. However, in these cases clear evidence of the need for such development must be given. Such consents will be limited to one additional dwelling per farm.

Cumbria & Lake District Joint Structure Plan Policy 40

In rural settlements outside the National Parks and AONBs, housing development will normally be permitted, especially where it would help to sustain the existing local community, and provided it is in sympathy with the scale and character of the existing settlement. Outside rural settlements, new dwellings will normally only be permitted for those engaged in agriculture where such a dwelling is essential for the working of the farm.

Summary of Consultation Responses:

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

Stapleton Parish Council: Comments awaited.

County Land Agent (Capita dbs): The County Land Agent's report is reproduced in full in the schedule. Its conclusions are as follows:-

1. The farm is viable and requires a labour input of 1.8 workers.
2. One worker needs to be resident on the holding.
3. The existing farmhouse meets this need.

Environment Agency (N Area (+ Waste Disp)): Drainage condition required.

Summary of Representations:

Representations Received

Initial:

Consulted:

Reply Type:

SCHEDULE A: Applications with Recommendation

03/0331

The Occupier / Owner, The Bullpen	19/03/03
The Occupier / Owner, The Homestead	19/03/03
The Occupier / Owner, The Cottage	19/03/03
The Occupier / Owner, Rackgate	19/03/03
The Occupier / Owner, Lyne Villa	19/03/03

This application has been advertised by means of a site notice and neighbour notification. No responses have been received.

Details of Proposal/Officer Appraisal:

Planning History:

There is no planning history related to the application. In the last ten years there have been two agricultural determination applications at the farm itself for additional farm buildings.

Details of Proposal:

Outline permission is sought for the erection of an agricultural worker's dwelling at Littlefield, Roweltown. The proposed location is on a minor road leading west from the Boltonfellend to Shankhill Road. It is in the corner of a field next to a small complex of farm buildings on the south side of the road. Opposite is a complex of converted buildings used as holiday accommodation and a detached dwelling, while adjacent is a further single dwelling located at the road junction with a number of sheds and outhouses within its curtilage.

The main centre of the applicant's holding is at Hewstown farm which is located approximately 1 kilometre from the application site. The separate smaller block of land together with the farm buildings was purchased on the other side of the main road some two years ago.

Members will be aware that in such cases the issue of whether a need for the proposed dwelling exists is crucial in determining the acceptability of the application.

In this case, the County Land Agent's report makes the following points:-

1. The farm has a total area of 88ha, and is a livestock operation with beef cattle and sheep. The main centre of operation is at Hewstown farm where there are a number of both traditional and modern farm buildings together with the existing farmhouse. The farm is viable.
2. The applicant works full time on the holding assisted by his son who lives in Carlisle, on a part time basis. The proposed dwelling would be for his son who would then work full time on the farm.
3. The scale of the operation requires a labour input of 1.8 workers including the use of contractors. There is a need for one worker to be resident on the holding, but the existing dwelling at Hewstown fulfills this requirement.

SCHEDULE A: Applications with Recommendation

03/0331

It will therefore be apparent that when the proposal is assessed on the basis of the criteria of P.P.G.7, there is not an essential need for an additional dwelling. In this case however, a further consideration is the location of the site in relation to the Remote Rural Area. Members will be aware that within the Remote Rural Area, a flexible approach to farm worker's dwellings is permitted on the basis of the more dispersed settlement pattern, so that it is not necessary to justify an essential need, and there is a presumption in favour of an additional dwelling on an existing farm subject to evidence of need being supplied. In this case, the site is just inside the Remote Rural Area, the boundary of which follows parish boundaries. On the basis of policy H.7 therefore the principle of a dwelling related to the farm is considered acceptable.

A further consideration in this case is the location of the site in relation to the existing farm complex at Hewstown farm. Normally, the preferred location for a new dwelling would be adjacent to the existing farm, but in this case this is relatively isolated, and is a tightly knit group of buildings arranged around a courtyard, and any site would have to be outside this. Arguably, the proposed site, adjacent to the other centre of operation, but also related to other buildings in the vicinity as described above, is preferable.

The application is therefore recommended for approval, subject to conditions including a restrictive occupancy condition.

Human Rights Act 1998

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

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

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

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

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

This application does not raise any Human Rights Act implications.

Recommendation: Grant Permission

1. In case of any "Reserved Matter" application for approval shall be made not

SCHEDULE A: Applications with Recommendation

03/0331

later than the expiration of 3 years beginning with the date of this permission, and the development shall be begun not later than whichever is the later of the following dates:

- (i) The expiration of 5 years from the date of the grant of this permission, or
- (ii) The expiration of 2 years from the final approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: In accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.

2. Before any work is commenced, details of the siting, design and external appearance of the building(s), the means of access thereto and the landscaping of the site (hereinafter called "reserved matters") shall be submitted to and approved by the local planning authority.

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

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

Reason: To ensure the works harmonise as closely as possible with the existing building.

4. Details shall be submitted of the proposed hard surface finishes to all public and private external areas within the proposed scheme and approved by the local planning authority before any site works commence, and the approved scheme shall be fully implemented before any of the dwellings are occupied.

Reason: To ensure that materials to be used are acceptable.

5. Particulars of height and materials of all screen walls and boundary fences shall be submitted to and approved by the local planning authority prior to the commencement of the development hereby permitted.

Reason: To ensure that the appearance of the area is not prejudiced by lack of satisfactory screening which is not carried out in a co-ordinated manner.

6. Access gates, if provided, shall be hung to open inwards only away from the highway.

Reason: In the interests of highway safety.

7. The access drive shall be surfaced in bituminous or cement bound materials, or

SCHEDULE A: Applications with Recommendation

03/0331

otherwise bound and shall be constructed and completed before the development is occupied.

Reason: In the interests of the disabled.

8. The whole of the access area bounded by the carriageway edge, entrance gates and the splays shall be constructed and drained to the specification of the local planning authority in consultation with the highway authority.

Reason: To ensure that the development is served by a vehicular access constructed to the satisfaction of the local planning authority.

9. The occupation of the [dwelling/caravan] shall be limited to persons solely or mainly employed, or last employed, in the locality in agriculture as defined in Section 336 of the Town and Country Planning Act 1990, or in forestry, or dependents of such persons residing with him or her, or a widow or widower of such a person.

Reason: There is a strong presumption against development in rural areas and the unrestricted use of the dwelling would be contrary to the provisions of the Local Plan which seeks to prevent additional sporadic development in the countryside unless demonstrated to be essential in the interests of agriculture or forestry.

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

Reason: To prevent pollution of the water environment.

**Applicant's main farmstead
including dwelling**

Planning Services

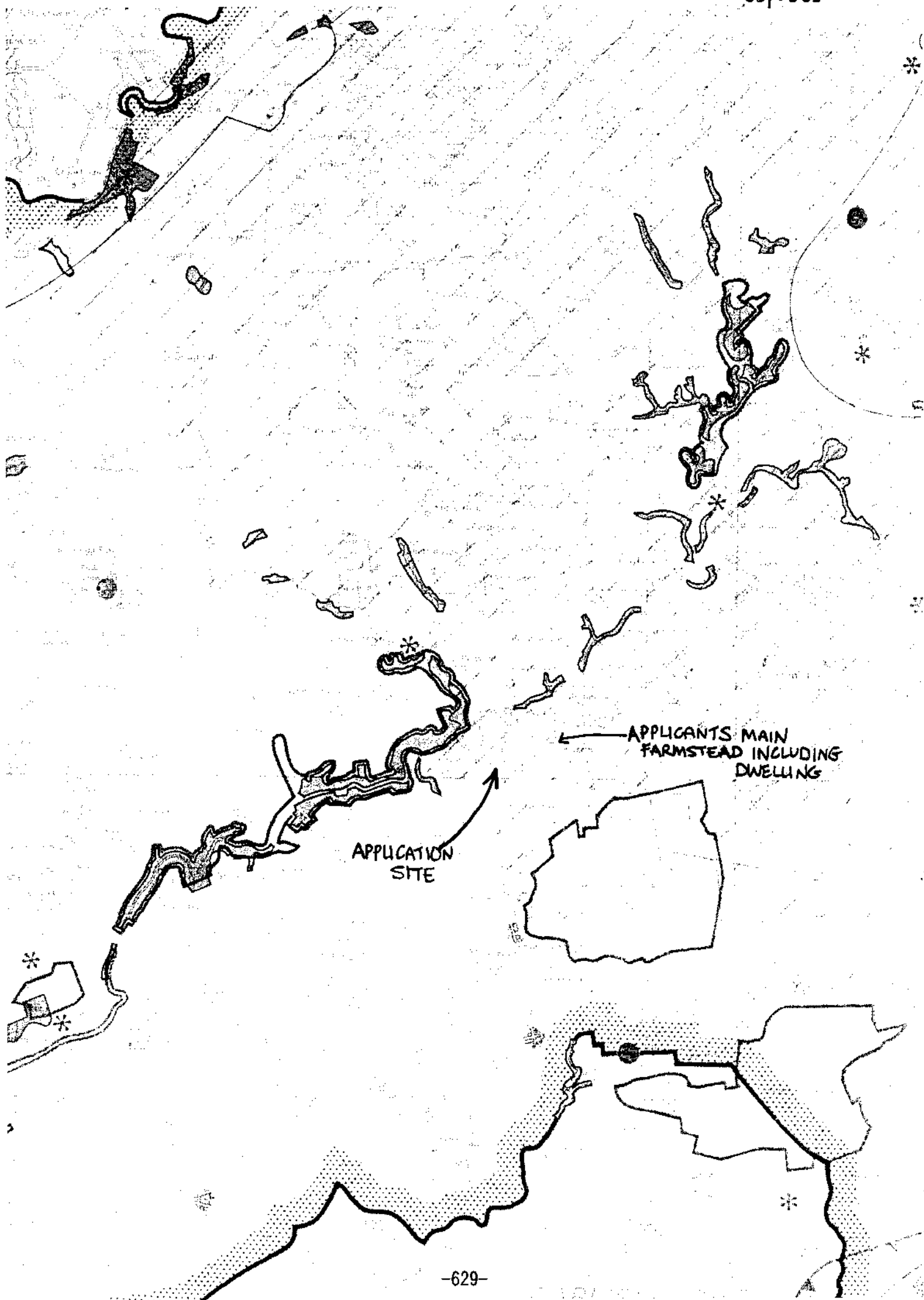
Head of Planning Services: J. J. KENNEDY
City of Seattle, Planning Department
City Center, Suite 1000, 400 West 4th Avenue, Seattle, WA 98101

03/0331

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10/4/2003

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CAPLANNING

town planning + environmental consultants



Our Ref : APC/C/1990
Date : 14 March 2003

Planning Services Division
Department of Environment and Development
Carlisle City Council
The Civic Centre
Carlisle
CA3 8QG

PLANNED	2003/0331
18 MAR 2003	
RECEIVED	
SENT TO	
PASSED TO	
ACTION	

For the attention of John Hamer

Dear Sir

Land adjacent to Littlefield, near Hewstown Farm, Hethersgill, Carlisle

I act on behalf of Mr T Clark of Hewstown Farm, Hethersgill and I have been instructed to submit an outline planning application for the erection of an agricultural worker's dwelling.

Accordingly, I attach the following:

- Application Forms
- Certificates of Ownership and Agricultural Holding
- Location Plan
- Land Ownership Plan
- Application Fee [£220]

Mr Clark farms a total of 118 acres [48 hectares], which is divided into two areas. The larger area extends to some 92 acres [37 hectares]. This is located immediately surrounding the existing Hewstown Farm complex, where Mr Clark and his wife live. The smaller area of some 26 acres [11 hectares] is located south of Littlefield and includes existing farm buildings including a cattleshed. The land owned by Mr Clark is shown on the attached land ownership plan.

In addition to these areas which are wholly owned by Mr Clark, he also rents a further 100 acres [41 hectares] within the local area, although this figure fell during the recent foot and mouth crisis which had severe consequences for Mr Clark and many of his neighbours.

The farm business is in beef cattle and sheep. On average there are some 73 steady cattle, with 18 heifers in calf, 20 bulling heifers and 2 bulls at the current time. In addition to these there are some 200 breeding ewes. These are currently kept at very high stock levels and Mr Clark is looking to buy more land and reduce the rented proportion to provide long term security for his farm business. Mr Clark's livestock is usually sold through auction.

Planning Applications & Appeals
Development App
Environmental Assessment
Sustainability Analysis
Retail Assessment
Planning Research

**7 East Cliff
Preston
Lancashire
PR1 3JE**

**Tel: 01772 258356
Fax: 01772 825000**

**Email: cape@
cassidyashton.co.uk**

Waterloo Business Centre
Waterloo Road
Widnes WA8 0PP

**Tel: 0151 423 6914
Fax: 0151 423 6915**

**Email: cawidnes@
4-mat.net**

1 Regency Chambers
Jubilee Way Bury
Greater Manchester
BL9 0JW

**Tel: 0161 762 5800
Fax: 0161 762 5801**

**Email: ca-bury@
4-mat.net**

**A member of the
Cassidy & Ashton**

**Director of Planning
& Environment**

AP Cassidy BA (Hons) Cert. Ecol. MRTPI

Directors

DH Bennett ARIBA
GN Hayes Dip Arch RIBA
JD Cockrell Dip Arch RIBA
MJ Hartley Dip Arch RIBA
AEP Barnes BA (Hons)
BA Arch (Hons) RIBA
P Gornall BS ARICS

Associate Director

I Scales Dip Arch Dip Env Planning
RIBA ARIAS

Consultant

GW Cassidy KSQ KH
BArch FRIBA MRTPI



The farm business, which is very intensive, only employs Mr Clark full time. His son, Mitchell Clark does work on the farm but only on a part time basis as he lives with his wife in Carlisle. She occasionally helps out on the farm but as she is unable to drive she cannot herself travel to the farm. In times of emergency, Mitchell Clark is therefore not available to assist which can place both the livestock and even Mr Clark senior at great risk.

In order to cover the shortfall in available labour, Mr Clark has to employ contract workers. This is not only very expensive, but also relies on labour being available at short notice – something which can never be guaranteed and can threaten the operation of the farm and the health of livestock.

Mr Clark's wife is not able to assist in the operation of the farm in any major capacity. She has a full time job as a nursery nurse/classroom assistant at James Rennie Special Needs School in Carlisle and is therefore not available from 0800-1600 during the week.

Mr Clark's business is currently stable, and has recovered well from the foot and mouth epidemic. However, the difficulties Mr Clark is experiencing in terms of labour means that he cannot expand and grow the business any further. His intention would be that if his son can move to a new dwelling close to the site, he will be made a full partner in the business and enable Mr Clark to grow the business by acquiring more land, knowing that his son, who will be able to work full time on the farm and remove the need for contract workers, and his son's wife, will always be on site and able to assist at a moments notice. Without the dwelling the current situation will continue which will result in the farm becoming run down as the agricultural sector continues to decline and Mr Clark becomes too old to manage the business on his own.

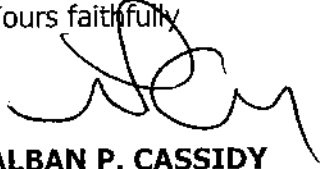
In this respect, it is considered that the dwelling would comply with Policy H6 of the Local Plan in relation to dwellings for a proven agricultural need.

The proposed site for an agricultural worker's dwelling is to the immediate east of the other group of farm buildings near Littlefield [shown in red on the attached plan]. This site is designated as lying within a Remote Rural Area [Policies E8 and H7] where new development will be allowed provided that it respects the scale and character of existing buildings; won't adversely effect the amenity of neighbouring properties and can be accessed safely. The proposed site meets these criteria by lying adjacent to existing farm buildings and other dwellings, by being sufficiently distant from these properties so as not to result in loss of privacy or overlooking; and by being safely accessible from a quiet, little used road.

By locating the new dwelling adjacent to the other farm buildings but still relatively close to the main farm [shown in green], Mr Clark can ensure that the welfare of animals at his other site is maintained, but with the assistance of his son being readily available in times of need.

I trust that I have provided sufficient information in order for you to determine this application. However, if you require anything further, please do not hesitate to contact me.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Alban P. Cassidy', written over the typed name.

ALBAN P. CASSIDY
CA PLANNING
Town Planning and Environmental Consultants

enc

CAPITA

INFRASTRUCTURE

02 April 2003
Your reference:
Our reference:
Enquiries to:

CJH/DC/03/0331
P3/3A/AGJ/ALR/19332
Alan Jackson

Please reply to Penrith Local Practice
Clint Mill, Cornmarket, Penrith CA11 7HP

Tel: 01768 242322 Fax: 01768 242321
e-mail enquiries penrith@capitadb.co.uk

Carlisle City Council
Planning Services
Civic Centre
CARLISLE
CA3 8TG

FAO John Hamer

Dear Mr Hamer

**PROPOSED AGRICULTURAL WORKERS DWELLING, FIELD 4200, LITTLE FIELD,
HEWSTOWN FARM, HETHERSGILL, CARLISLE,**

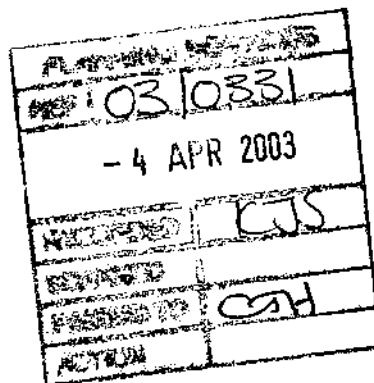
I refer to your letter 19 March 2003 and now enclose a copy of my report.

Yours sincerely



Alan Jackson
Senior Associate

Enc.



Capita Property Consultancy Ltd

The Capita Building • Kingmoor Business Park • Carlisle • CA6 4SJ • Tel: 01228 673000 • Fax: 01228 673111

www.capitaproperty.co.uk

Capita Property Consultancy Ltd • 22 Bedford Square, London, WC1B 3HH. Tel: 020 7307 5555. Fax: 020 7307 5900
Registered office as below • Registered in England No: 2018542

Part of the Capita Group • Plc: 71 Victoria Street, Westminster, London, SW1 0XA • www.capita.co.uk

**FIELD 4200, LITTLEFIELD, NR HEWSTOWN
FARM, HETHERSGILL,**

**Report on the agricultural need for a proposed agricultural workers
dwelling**

CAPITA
Clint Mill
Cornmarket
PENRITH
CA11 7HP
Tel: 01768 242340

CAPITA
LOCAL PRACTICES

April 2003

Proposed agricultural workers dwelling

1.0 Introduction

- 1.1 This report has been prepared at the request of Carlisle City Council who asked on the 19 March 2003 if I would advise on the agricultural need for a proposed agricultural workers dwelling in Field 4200, at Littlefield, Nr. Hewstown Farm, Hethersgill, Carlisle.
- 1.2 I met the applicant Mr T Clark on 27 March 2003 and inspected the steading at Hewstown Farm. I subsequently inspected the range of buildings adjacent to the application site. The following information was provided by Mr Clark.

2.0 Land Occupied

- 2.1 The area of land farmed by Mr Clark at Hewstown farm extends in total to around 88 ha (220 acres or thereabouts) and is made up of the following blocks of land
- 2.1.1 48 ha (118 acres) at Hewstown Farm and Littlefield, Hethersgill. This land is shown on the application plan and is owner occupied.
- 2.1.2 20 ha (50 acres) adjoining Hewstown Farm held on a yearly basis and with a reasonable prospect of retaining this land in the future.
- 2.1.3 Approximately 20 ha (50 acres) rented each year on a seasonal grass keep basis in the locality.

The majority of this land has Less Favoured Area status.

3.0 Livestock

- 3.1 The following livestock are currently kept on the holding
- 3.1.1 73 Suckler cows being mostly Limousin, Angus or Hereford crosses. The offspring from these cattle are either sold store or fat.
- 3.1.2 24 in calf heifers
- 3.1.3 14 bulling heifers
- 3.1.4 Approximately 35 calves are bought in each year and reared either to breed as replacements for the suckler herd or to go as bull beef at approximately 14 months of age.

- 3.1.5 200 breeding ewes being mostly Texel or Charolais crosses lambing in April with the offspring being sold fat off the holding.

There is a sheep quota for 227 units and some of the quota for the suckler cows has to be leased in.

Mr Clark advised that he intended to expand his cow numbers to 90.

4.0 Cropping

- 4.1 This is an all grass farm with approximately 28 ha (70 acres) being made into silage with the remainder of the farm in grass from grazing the livestock.

5.0 Farm Buildings

- 5.1 At the Hewstown Farm steading there is a range of cow kennels and cubicles for 80 cattle together with loose housing for a further 80 head of cattle. These are mostly housed in modern farm buildings.
- 5.2 There is also a range of traditional stone built slate roof farm buildings around the old farmyard which are used for rearing calves or general storage.
- 5.3 Silage is stored on a concrete pad and farm wastes are collected in underground tanks.
- 5.4 At the Littlefield block of land there are three buildings comprising two 7-bay portal steel framed buildings with corrugated cement roofs and Yorkshire boarding over vertical sleeper walls. Between these two buildings is a former corrugated steel barn. These buildings, at the time of my inspection, were used for housing cattle.

6.0 Domestic Buildings

- 6.1 At the Hewstown Farm steading there is a stone built farmhouse under a slate roof which has 4 bedrooms, kitchen, sitting room, dining room and bathroom.

7.0 Labour and Residence

- 7.1 Mr Clark advised that he worked full-time on the holding and was assisted by his son, who is 29 and who works on the holding approximately 2 days per week and

more at busy times. The farm uses contractors for specialist tasks. Mr T Clark's son works on farms in the locality in addition to his work on the holding.

- 7.2 Mr T Clark resides in the farmhouse at Hewstown Farm and his son lives in Carlisle which is approximately 12miles distant.

8.0 Other Information

- 8.1 Mr T Clark advised that he bought Hewstown Farm approximately 10 years ago and the land at Littlefield about 2 years ago although he had occupied that land prior on a rented basis.

- 8.2 Mr Clark advised that he was experiencing difficulties in dealing with calving cows and lambing ewes outside normal working hours and his son had to travel considerable distances to assist with such calvings and lambings often at unsociable hours. He therefore required the additional building to house his son.

- 8.3 He also wished to involve his son full-time in the business and is seeking to acquire additional land in the area to add to the farm.

9.0 PPG7 and the need for agricultural workers dwellings

- 9.1 The need for agricultural workers dwellings is covered in Planning Policy Guidance note PPG7 "The Countryside-Environmental Quality and Economic and Social Development" (revised in February 1997) and in particular Annex I of that publication.

- 9.2 Guidance is given on the criteria to be met for agricultural workers dwellings. In relation to a permanent agricultural workers dwelling, these criteria are set out in paragraph I.5 of Annex I to PPG7. These criteria are:

- a) There is a clearly established *existing* functional need

There is an established existing functional need for a worker to be resident on this farm to deal with the care of the existing livestock. This will particularly be the case in relation to calving cows and lambing ewes, particularly outside normal working hours and for the general care of the livestock and security of the premises.

- b) The need relates to a full-time worker or one who is primarily employed in agriculture and does not relate to a part-time requirement

I have calculated the labour requirement of the existing stocking and cropping on this farm and can advise that it has a labour requirement equivalent to at least 1.8 full-time workers. This includes the use of contractors.

- c) The unit and the agricultural activity concerned have been established for at least 3 years, have been profitable for at least one of them, are currently financially sound and have a clear prospect of remaining so.

This family business has been established at Hewstown Farm for around 10 years.

Viability can be defined as offering a competent person the prospect of a sufficient livelihood. In practice this can mean a net farm income after all expenses such as feed, fertiliser and property maintenance at least equivalent to an agricultural workers minimum wage which is currently in the region of £9,700 per annum. I have calculated the likely net farm income from the livestock currently kept on this holding and I am able to advise that it is financially viable.

- d) The functional need could not be fulfilled by another dwelling on the unit or any other existing accommodation based in the area which is suitable and available for occupation by the workers concerned.

These days it is only really necessary for specialist workers to live on or immediately adjacent to agricultural holdings. This is to be available at most times to attend to emergencies and the overall need to protect property. In the present case I am of the opinion that in the interests and the well-being of the livestock particularly during calving and lambing, the efficient running of the holding and overall security, it is essential for one person actively involved in the management of this holding to be present on or immediately adjacent to it.

Therefore the availability of the existing farmhouse at Hewstown Farm meets this requirement.

- e. Other normal planning requirements, for example siting and access are satisfied

These are beyond my instructions

10.0 Conclusion

10.1 In conclusion I therefore advise

10.1.1 There is a functional need to have a full-time worker resident on this holding.

10.1.2 The labour requirement on the holding equates to approximately 1.8 full-time workers including the use of contractors.

10.1.3 The existing farming business is financially viable.

10.1.4 The existing farmhouse meets the requirement to house the one worker that needs to be resident on this holding.

AG Jackson

A G Jackson BSc FRICS FAAV
CAPITA
Clint Mill
Cornmarket
PENRITH

2 April 2003

**COMPLIANCE WITH RICS PRACTICE STATEMENT
SURVEYORS ACTING AS EXPERT WITNESSES**

I hereby declare that my Report complies with the requirements of the RICS Practice Statement "Surveyors Acting as Expert Witnesses" 2nd Edition Published in 2000 and in particular

- (i) that the report includes all facts which the surveyor regards as being relevant to the opinion which he or she has expressed and that the judicial body's attention has been drawn to any matter which would affect the validity of that opinion: and
- (ii) that the report complies with the requirements of The Royal Institution of Chartered Surveyors, as set down in *Surveyors acting as Expert Witnesses: Practice Statement: and*
- (iii) that the expert understands his or her duty to the judicial body and has complied with that duty.
- (iv) 'I believe that the facts I have stated in this report are true and that the opinions I have expressed are correct'

SCHEDULE A: Applications with Recommendation

03/0344

Item No: 48

Date of Committee: 25/04/2003

Appn Ref No:
03/0344

Applicant:
Mr & Mrs Richardson

Parish:
Carlisle

Date of Receipt:
19/03/2003

Agent:
Jock Gordon

Ward:
Belle Vue

Location:
271 Newtown Road, Carlisle, CA2 7LS

Grid Reference:
337900 556040

Proposal: Two storey extension to provide bedroom, utility, garage and extended kitchen

Amendment:

Keith.

Report

Planning Policies:

Cumbria & Lake District Joint Structure Plan Policy 4

The quality of the environment within and around towns will be upgraded for the benefit of residents, visitors and the local economy by high standards of design for new development, by improvements to existing buildings, ground surfaces and spaces, and by measures to reduce the impact of traffic.

Cumbria & Lake District Joint Structure Plan Policy 25

The siting, appearance and landscaping of all new development and alterations should aim to enhance the quality of the existing environment. It should be in keeping with the local character of the townscape or landscape, and be well integrated with the existing pattern of surrounding land uses and, where appropriate, be in keeping with the local vernacular tradition. Normally development should make proper provision for access by disabled persons.

Carlisle District Plan Housing - Proposal H14

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

SCHEDULE A: Applications with Recommendation

03/0344

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): no objections;
English Nature: requests informative regarding bats.

Summary of Representations:

Representations Received

Initial:	Consulted:	Reply Type:
The Occupier / Owner, 269 Newtown Road	21/03/03	
Mr L Wightman, 273 Newtown Road	21/03/03	Objection
The Occupier / Owner, 10 Berkeley Grange	21/03/03	
The Occupier / Owner, 8 Berkeley Grange	21/03/03	
Mr & Mrs C Foster, 210 Newtown Road		Objection

The application has been publicised by four neighbour letters, expiry date 11 April 2003. At the time of writing this report, two letters had been received objecting to the application on the grounds that:-

- the development is uncalled for, although a single storey extension would be considered acceptable;
- there is no other such extension to properties on this road, others having used the large loft space;
- the extension will be conspicuous and spoil the design of the property;
- the extension will detract from the character of the house and spoil a traditional and pleasant looking road;
- the appearance of the extension will be oppressive and invasive when viewed from neighbouring flank windows;
- construction works will compound traffic problems by additional parking on this busy road; and
- the development will result in a net loss of parking spaces on the site.

Any further representations received will be reported at the committee meeting.

Details of Proposal/Officer Appraisal:

Planning History:

None.

Details of Proposal:

SCHEDULE A: Applications with Recommendation

03/0344

The application seeks planning permission for a two storey extension to the western flank of this semi detached two storey dwellinghouse and a single storey kitchen extension which retains two walls of the existing rear projection. The site is situated on the southern side of Newtown Road, some 40 metres from its junction with Berkeley Grange, in a row of similarly designed properties.

The two storey extension will be set back 0.6 metres from the front wall of the house, will project 3.4 metres to within 1 metre of the common boundary to number 273, have a length of 7.65 metres, and a height of 5.75 metres to the eaves, with a pitched and hipped roof over taking the height to 7.95 metres at the ridge. The extension will provide a garage and utility room on the ground floor with a single ensuite bedroom over. There are two flank doors proposed to the garage and utility respectively, the latter to be half glazed, and a small window to the utility. The first floor flank elevation will be blank.

The rear kitchen extension will align with the flank wall of the two storey extension, projecting a further 3.8 metres into the rear garden x 6.4 metres wide x 2.5 metres high to the eaves, with a pitched and hipped roof over taking the height to 3.8 metres at the ridge.

The determining issues in the application are the design of the extensions, their impact on the amenities of neighbouring residents and their appearance in the street scene.

It is acknowledged that there are no similar two storey extensions along this part of Newtown Road. That fact of itself, of course, is no reason for refusal and the application has to be determined on its individual merits. Members' attention is also drawn to application 03/0241, reported elsewhere on this agenda, for a two storey extension to number 204 Newtown Road.

The extension proposed is a traditional way to extend a two storey property and in this instance it is both recessed and stops short of the common boundary to 273. The roof is hipped to match the main roof of the property and the materials proposed will match the existing. I consider the design to be acceptable and do not consider the development will detract from the visual amenities within the street scene to an unacceptable degree.

As regards the impact of the development on the neighbouring property, the extension will be some 4.5 metres distant from the flank wall to number 273 from where it will be seen against the backdrop of the existing two storey house. Number 273 has two ground floor kitchen windows on this flank and an additional obscurely glazed window. On the first floor, there are three further windows, all obscurely glazed, to the bathroom, toilet and landing. The impact will be further softened by shrubs and small trees to both sides of the common boundary. I have arranged to meet with the neighbours to view the development from their side and will give a verbal update at committee. However, I do not consider that their amenities will be affected to an unacceptable degree and that refusal of the application could thus be sustained on those grounds.

Finally, the highway authority has no objections to the application and two parking

SCHEDULE A: Applications with Recommendation

03/0344

spaces will remain as part of the development proposed.

I recommend that planning permission be granted.

Human Rights Act 1998

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

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

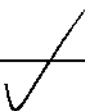
Article 7 provides that there shall be "No Punishment Without Law" and may be applicable in respect of enforcement proceedings taken by the Authority to regularise any breach of planning control;

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

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

Article 8 and Article 1 Protocol 1 are relevant but the related impact of the development will be minimal and will not prejudice the separate rights of individuals under this legislation.

Recommendation: Grant Permission



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.

2. The external walling and roofing materials to be used in the building works hereby permitted shall be identical to those in the existing building. If any other material is proposed no development shall take place until such has been approved, in writing, by the local planning authority.

Reason: To ensure the works harmonise as closely as possible with the existing building.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting

SCHEDULE A: Applications with Recommendation

03/0344

that Order), the garage hereby approved shall be retained at all times for the parking of a motor vehicle and shall not be converted to ancillary residential accommodation without the prior approval of the local planning authority.

Reason: To ensure that appropriate car parking facilities are retained in connection with the development approved.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order), no additional windows shall be inserted to the western elevations of the proposed ground or first floor extensions without the prior consent of the local planning authority.

Reason: In order to protect the privacy and amenities of residents in close proximity to the site.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order), the en-suite shower room window on the south elevation of the proposed two storey extension shall be obscurely glazed and thereafter remain so to the satisfaction of the local planning authority.

Reason: In order to protect the privacy and amenities of residents in close proximity to the site.

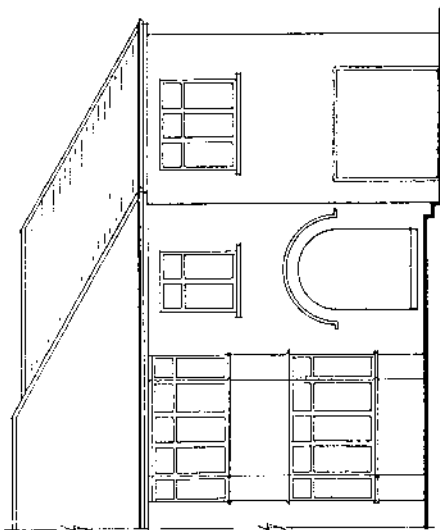


Planning Services

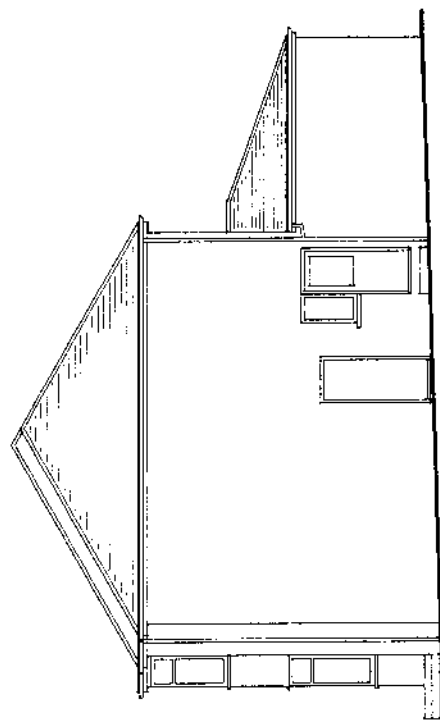
Head of Planning Services: Alan Eddis City of Milton
City Centre, Milton, CA3 8DQ
Telephone: (01228) 817000
Fax: (01228) 817199

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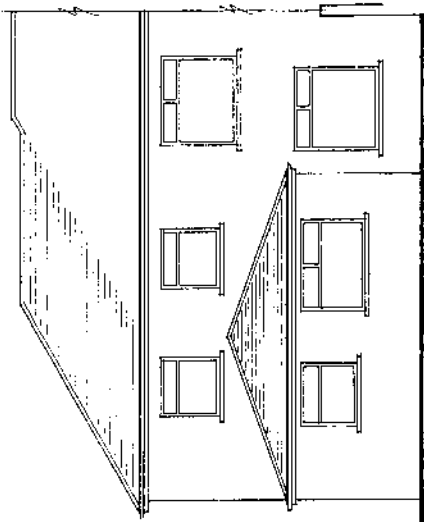


FRONT ELEVATION

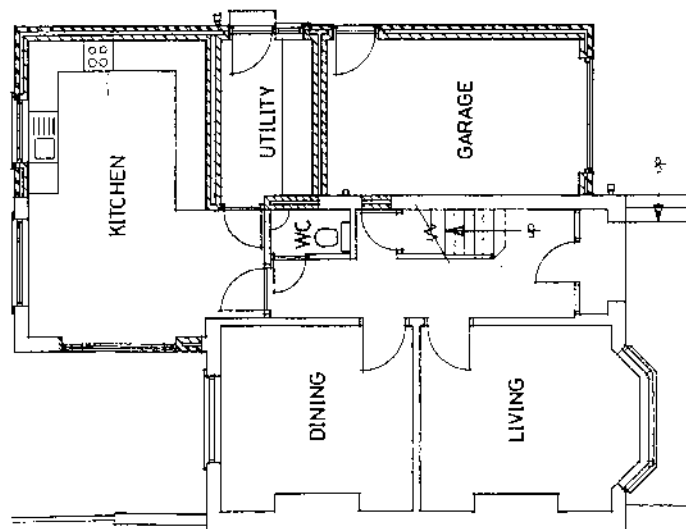


SIDE ELEVATION

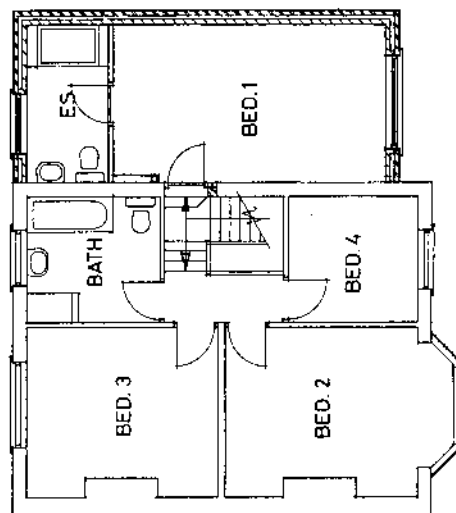
ALL NEW MATERIALS TO MATCH EXISTING.



REAR ELEVATION



GROUND FLOOR PLAN



FIRST FLOOR PLAN

RECEIVED
2003/03/04

PROPOSED EXTENSION
271 NEWTOWN ROAD - CARLISLE

CHD. No. 1109
SCALE: 1:50
DATE: MARCH 2003

SCHEDULE A: Applications with Recommendation

03/0392

Item No: 49

Date of Committee: 25/04/2003

Appn Ref No:
03/0392

Applicant:
Bernard Wharam

Parish:
Dalston

Date of Receipt:
01/04/2003

Agent:

Ward:
Dalston

Location:
The Oaks, Hawksdale, Dalston, Carlisle, CA5 7BJ

Grid Reference:
336874 548386

Proposal: Storage of 10no. cars on site for motor trade business

Amendment:

Angus

Report

Planning Policies:

Affecting the Setting of a Listed Building

Carlisle District Plan Environment - Policy E35

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

Carlisle District Plan Environment - Policy E36

The change of use of a listed building will be permitted provided it would not have a detrimental effect on the special architectural and historical interest of the building and neighbouring properties.

Carlisle District Plan Housing - Proposal H17

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

1. Is for a use inappropriate for residential areas; and/or
2. Is of an unacceptable scale; and/or
3. Leads to an unacceptable increase in traffic or noise; and/or

SCHEDULE A: Applications with Recommendation

03/0392

4. Is visually intrusive; and/or
5. Leads to a loss of housing stock.

Carlisle District Plan Shopping - Proposal S12

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

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): Comments awaited.

Dalston Parish Council: Comments awaited.

Objections

Environment Agency (N Area (+ Waste Disp)): No objections but site operators should ensure that there is no possibility of contaminated water entering and polluting surface or groundwater.

Summary of Representations:

Representations Received

Initial:	Consulted:	Reply Type:
The Occupier / Owner, The Swallows	02/04/03	
The Occupier / Owner, Merlin	02/04/03	
The Occupier / Owner, Gambling Croft	02/04/03	
The Occupier / Owner, Oakdale Cottage	02/04/03	
The Occupier / Owner, The Oaks Cottage	02/04/03	
The Occupier / Owner, Hillside	02/04/03	
The Occupier / Owner, Pincushion	02/04/03	
The Occupier / Owner, Kiln How	02/04/03	
The Occupier / Owner, The White House	02/04/03	
The Occupier / Owner, Hollin Bush Cottage	02/04/03	

This application has been advertised in the form of a site notice and the direct notification of the occupiers of 10 neighbouring properties. No observations have been received on the time of preparing the report.

Details of Proposal/Officer Appraisal:

SCHEDULE A: Applications with Recommendation

03/0392

Planning History:

In 1987, under application number 87/0437, planning permission was given to use the premises as a residential annexe for Lime House School.

In 1998, application 98/0458, permission was given for a change of use to a private dwelling.

In 1999, application 99/0201, permission was given for an extension.

Details of Proposal:

The Oaks is a grade II listed building dating from the 17th century with sandstone walling and a slate roof set within attractive grounds. There is a relatively dense evergreen hedge fronting the road with the property served by two gated entrances.

This retrospective proposal involves the retailing of upto ten cars at any one time from the premises. The cars are displayed in an area to the immediate west of the house. The applicant has explained that the nature of the business is predominantly internet based with customers only visiting the premises by appointment. The proposal provides employment for a total of three people including the applicant. The applicant is seeking more permanent premises with the current proposal representing an interim measure.

In considering the application it is felt that the proposal harms the setting of the listed building; could, if persisted, affect the amenities of the neighbouring properties; and, is contrary to the adopted retail policy.

In recognition of this, and in order to allow the applicant time to find more permanent premises, it is recommended that permission be granted on a temporary and personal basis. Alternatively Members could refuse permission but delay the undertaking of any enforcement action.

Human Rights Act 1998

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

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

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

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

SCHEDULE A: Applications with Recommendation

03/0392

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

The proposal has been considered against the above but in this instance it is not considered that there is any conflict.

*Refuse - 0 mark 1
by hand*

Recommendation: Grant Permission

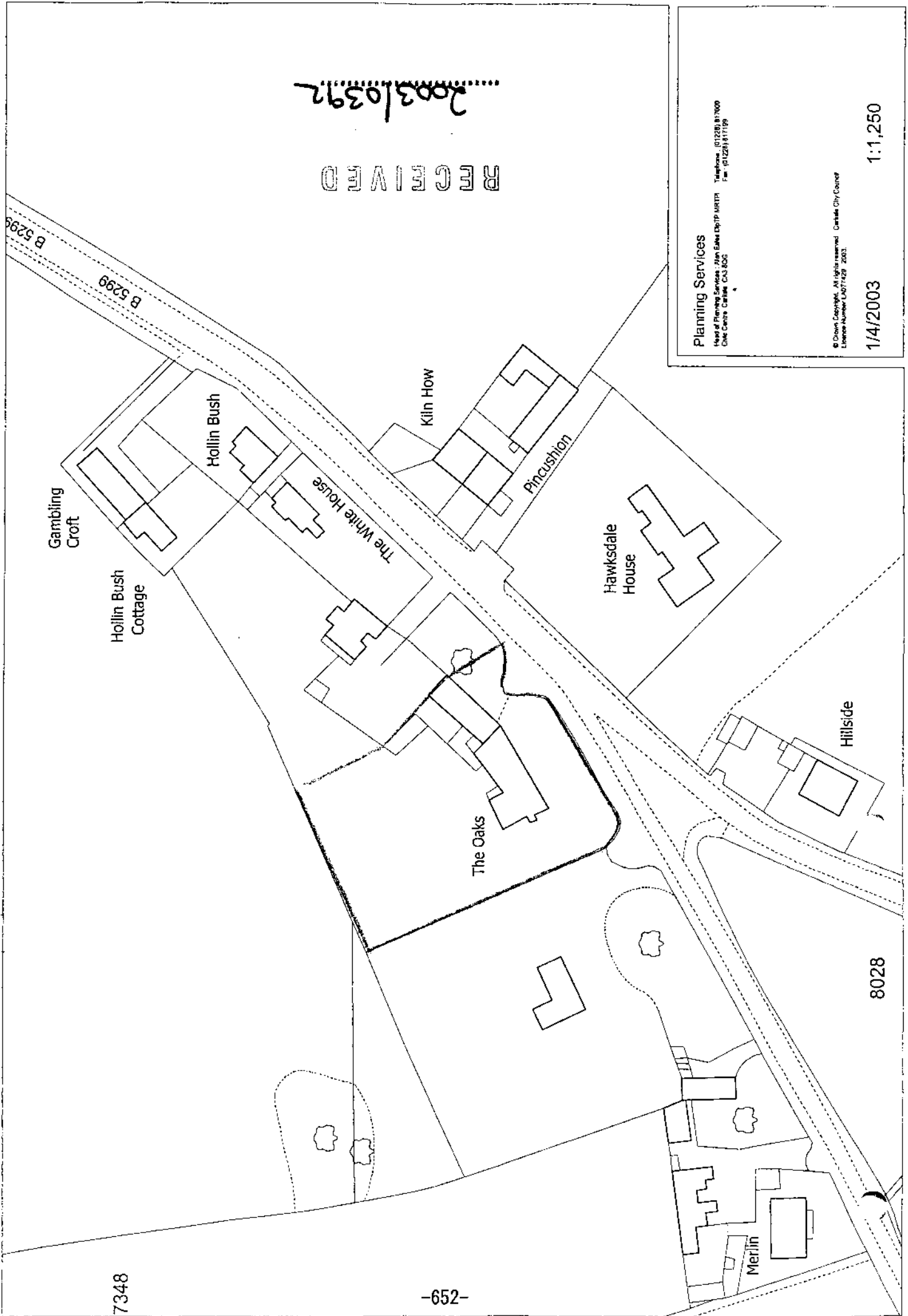
1. The use hereby permitted shall be discontinued not later than the 30th day of April 2004 unless in the meantime a further application has been submitted to and approved by the local planning authority.

Reason: The local planning authority wish to review the matter at the end of the limited period specified.

2. This permission shall not be exercised by any person other than Mr B Wharam whilst resident at the premises.

Reason: But for the special circumstances of the applicant permission would not be forthcoming.

*Supp Schedule
Pages 59-64
Obj. 10/15.*



7348

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RECEIVED
2003/0392

Planning Services

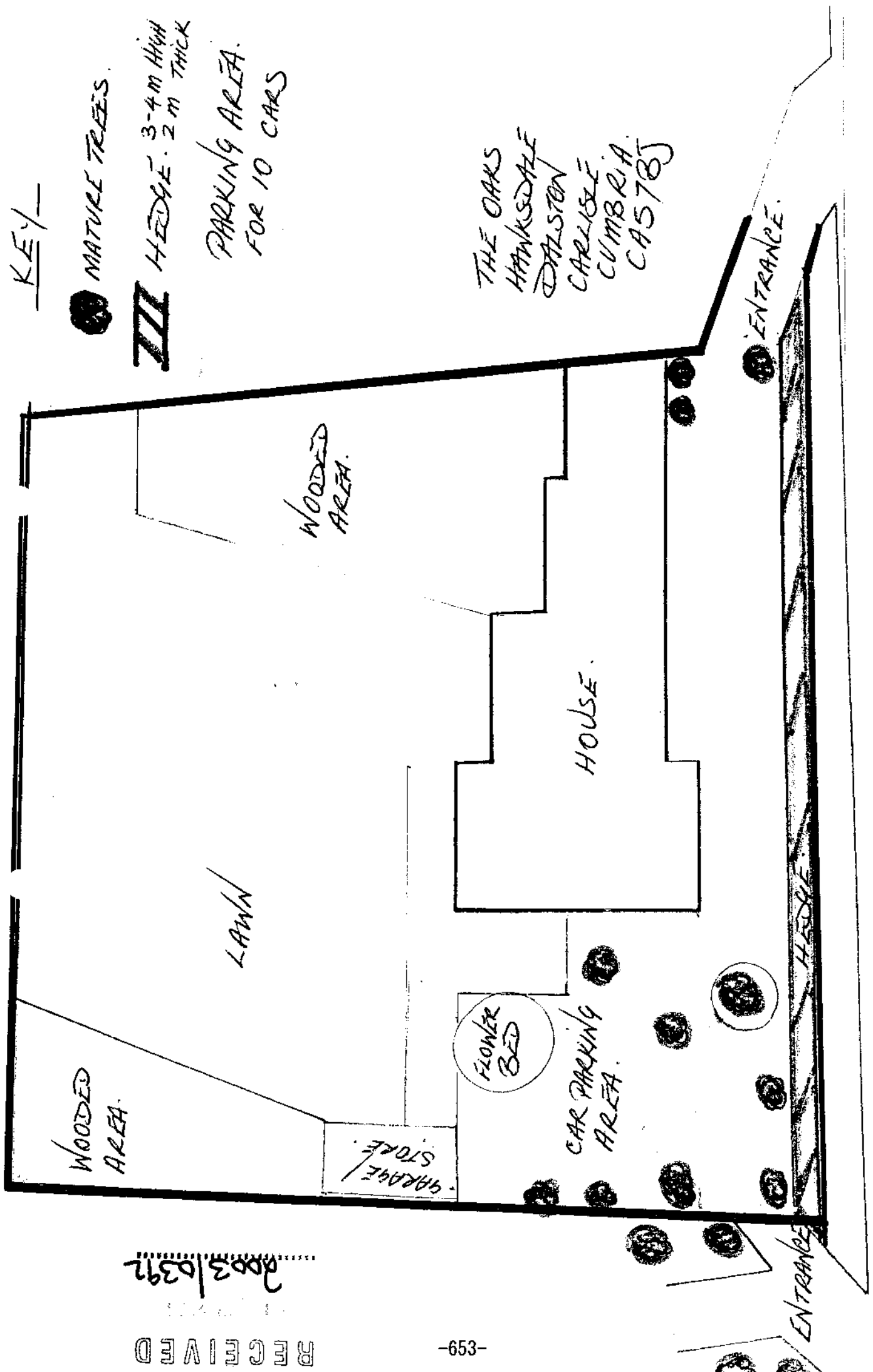
Head of Planning Services: Alan Eales DEPT MHTPI Telephone: 01228 817000
City Centre Centre: C33 805 Fax: 01228 417199

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1/4/2003

1:1,250

RECEIVED
2003/0392



ROAD.

NOT TO SCALE

SCHEDULE A: Applications with Recommendation

03/0393

Item No: 50

Date of Committee: 25/04/2003

Appn Ref No:
03/0393

Applicant:
John R Eite

Parish:
Kirklington Middle

Date of Receipt:
01/04/2003

Agent:

Ward:
Lyne

Location:
L/A Fields 6286 & 6886, adj West Acres, Fergushill,
Kirklington, Carlisle, CA6 6DA

Grid Reference:
342700 565847

Proposal: Variation of condition 01 attached to 96/0300 to allow mobile home to be used for 24months during renovation of dwelling

Amendment:

Angus

Report

Planning Policies:

Cumbria & Lake District Joint Structure Plan Policy 13

In the areas not covered by Policies 11 and 12, development will normally be permitted which in its use, siting, scale and design is well related to existing developed areas of the countryside and does not harm distinctive features of local landscape significance. In the undeveloped open countryside development will not normally be permitted except when it is required to meet local infrastructure needs which cannot be located elsewhere, and provided it is sited to minimise environmental impacts and meets high standards of design.

Carlisle District Plan Environment - Policy E8

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

1. The proposal reflects the scale and character of the existing group of buildings or settlement; and
2. There is no adverse effect upon the amenity of neighbouring property, and the character and appearance of the area; and
3. Satisfactory access and appropriate car parking can be achieved; and

SCHEDULE A: Applications with Recommendation

03/0393

4. Any exiting wildlife habitats are safeguarded.

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

Carlisle District Plan Housing - Proposal H5

Within the following settlements, large scale residential development will not be permitted. Proposals for small scale residential development will normally be acceptable providing that:

1. The site is well related to the landscape of the area and does not intrude into open countryside; and
2. The scale of the proposed development is well related to the scale, form and character of the existing settlement; and
3. The layout of the site and the design of the buildings is well related to existing property in the village; and
4. The siting and design of the buildings is well related to and does not adversely affect the amenity of neighbouring property; and
5. Appropriate access and parking can be achieved; and
6. The proposal will not lead to the loss of amenity open space within or at the edge of the settlement; and
7. The proposal will not lead to the loss of the best and most versatile agricultural land.

Aglionby, Baldwinholme, Banks, Barclose, Beaumont, Blackford, Blackwell, Boltonfellend, Boustead Hill, Broadwath, Brisco, Brunstock, Burgh-by-Sands, Burnrigg, Cardewlees, Cargo, Carleton, Castle Carrock, Cotehill, Cumdivock, Cummersdale, Cumrew, Cumwhinton, Cumwhitton, Durdar, Easton, Farlam, Faugh, Fenton, Gaitsgill, Gilsland, Great Corby, Great Orton, Grinsdale, Hallbankgate, Harker, Hayton, Hayton Townhead, Heads Nook, Hornsby, Boughton, How Mill, Irthington, Kirkcambeck, Kirkandrews-on-Eden, Knells, Lanercost, Laversdale, Linstock, Little Orton, Low Crosby, Longburgh, Low Row, Lyneholme, Midgeholme, Milton, Moat, Monkhill, Moorhouse, Newby East, Newtown, Raughtonhead, Rockcliffe, Rickerby, Scaleby, Scotby, Smithfield, Stainton, Stockdalewath, Talkin, Tarraby, Thurstonfield, Tindale, Todhills, Walton, Warwick-on-Eden, Warwick Bridge (including Little Corby & Corby Hill), Westlinton, Wetheral, Wetheral Pasture.

Carlisle District Plan

SCHEDULE A: Applications with Recommendation

03/0393

Housing - Proposal H6

Within the remainder of the Plan area, outside areas covered by Proposal H1 and Policies H2-H5, permission will not be given for dwellings, except where applications are supported by a proven agricultural or forestry need.

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): Comments awaited.

Kirklington Parish Council: Comments awaited.

Summary of Representations:

Representations Received

Initial:

Consulted:

Reply Type:

The Occupier / Owner, Wood End

02/04/03

This application has been advertised by means of direct notification to the occupier of the neighbouring property. At the time of writing this report, no representations have been received.

Details of Proposal/Officer Appraisal:

Planning History:

Planning consents were issued for various domestic alterations and curtilage buildings in 1949 and 1951.

In 1993, planning permission was granted for the siting of a mobile home, under reference 93/0192. This permission was subsequently renewed on 6 June 1996.

Details of Proposal:

This application refers to planning permission granted on 6 June 1996 for the siting of a mobile home on L/Adj. West Acres, Fergushill, Kirklington. The site is located in open countryside, approximately 1 mile (1.6 kilometres) west of Smithfield and is accessed from a classified road, which in turn leads to the main B6071 Brampton to Longtown road.

The application seeks a variation of a planning condition to allow the caravan to remain on the site and remain occupied for a period of 24 months by the applicant whilst the adjacent property is renovated.

SCHEDULE A: Applications with Recommendation

03/0393

Condition number 1 states:

"The use hereby permitted shall be discontinued and the mobile home removed from the land when the adjoining bungalow ceases to be occupied by the applicant's mother-in-law, Mrs. Gibson."

The reason given states:

"The site is within an area where to preserve the character of the countryside it is the policy of the local planning authority to restrict development to that required to satisfy a special agricultural need and not to permit any additional residential units. But for the special circumstances of the applicant permission would not have been forthcoming."

Mrs Gibson now longer resides at the property with the new owners (Mr and Mrs Eite) wanting to renovate the original cottage. However, this is due to take a significant period of time to complete and in the meantime, Mr and Mrs Eite would like to reside in the mobile home on the site whilst the renovation work takes place.

The site is located in open countryside in a location where planning permission would not normally be granted, other than where an agricultural or local need can be proven. Although this is not the case in this instance, the applicants are seeking a temporary consent and due to the circumstances of the application and the history of the previous planning permissions which have been granted, the application is considered to be acceptable.

No objections have been received following the consultation process and in all other respects the proposal is considered to be acceptable. However, due to the location and the policy constraints which govern residential development in the open countryside, it would be appropriate to condition any approval to that of a temporary consent.

Human Rights Act 1998

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

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

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

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

SCHEDULE A: Applications with Recommendation

03/0393

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

The proposal has been considered against the above Protocol of the Act but in this instance, it is not considered that there is any conflict.

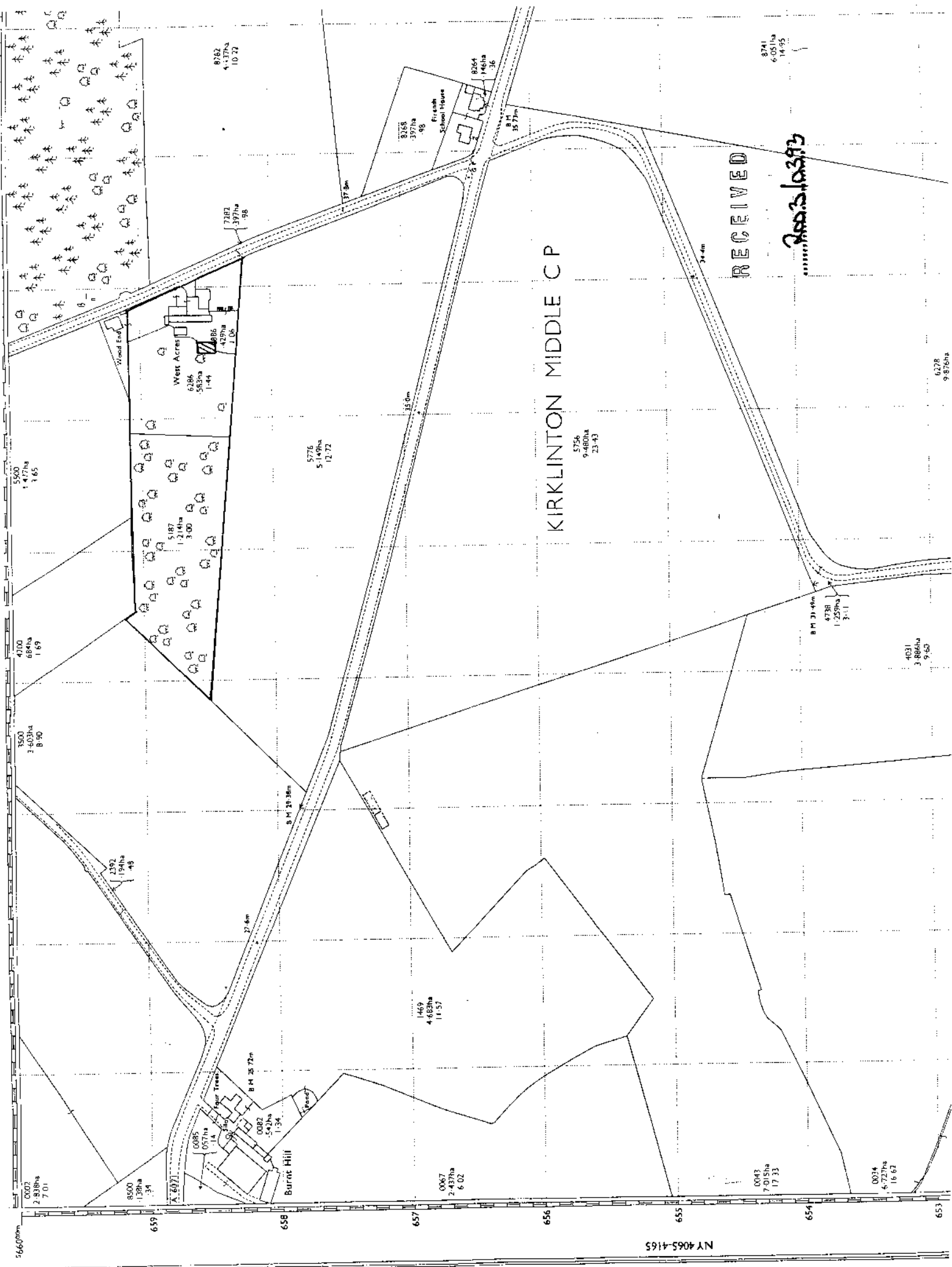
Recommendation: Grant Permission ✓

1. The mobile home hereby permitted shall be removed from the site on or before the 30 day of April 2005 unless a further planning permission is granted by the local planning authority, and within 3 months of the date of the removal of the mobile home and the site shall be restored so far as is reasonably possible to its condition prior to the mobile home being located on the site.

Reason: The site is within an area where to preserve the character of the countryside it is the policy of the local planning authority to restrict development to that required to satisfy a special agricultural or proven local need and the local planning authority wish to review the matter at the end of the limited period specified.

2. This permission shall not be exercised by any person other than Mr John R Eite.

Reason: But for the special circumstances of the applicant permission would not be forthcoming.



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2003.10.31.13

KIRKLINTON MIDDLE CP

SCHEDULE A: Applications with Recommendation

03/0396

Item No: 51

Date of Committee: 25/04/2003

Appn Ref No:
03/0396

Applicant:
Montgomery Homes Ltd

Parish:
Carlisle

Date of Receipt:
02/04/2003

Agent:
Green Design Group

Ward:
Yewdale

Location:
L/A Sherralea, Orton Road, Carlisle, CA2 7TP

Grid Reference:
337143 554966

Proposal: Erection of 5no. dwellings

Amendment:

Angus

Report

Planning Policies:

Carlisle District Plan Housing - Proposal H2

Within the Primary Residential Areas defined on the inset maps for Carlisle, Brampton, Longtown and Dalston, proposals for new residential development will be acceptable provided that:

1. Existing areas of open space and other amenity areas are safeguarded; and
2. The proposed development does not adversely affect the amenity of adjacent residential property; and
3. The proposed development complements or enhances existing adjacent residential areas and their amenity; and
4. Satisfactory access and appropriate parking arrangements can be achieved.

Proposals for uses other than residential will not be permitted in Primary Residential Areas other than where they do not adversely affect residential amenity.

Development that would create unacceptable noise, smell, safety and health impacts or excessive traffic generation will not be acceptable. Such schemes falling within the scope of this Policy will be considered against the above criteria as well as other Policies of the Plan appropriate for the proposed use.

Carlisle District Plan Housing - Proposal H11

Proposals for housing development in large back gardens or behind existing

SCHEDULE A: Applications with Recommendation

03/0396

housing developments will be acceptable providing that:

1. The scale, design and siting of the proposal is appropriate for the site and is in keeping with the character and quality of the local environment; and
2. There is no loss of amenity to surrounding properties; and
3. Existing landscape features are retained and additional planting is included as an integral part of the scheme; and
4. Appropriate access and car parking can be achieved.

Carlisle District Plan Housing - Proposal H16

High standards of design in new housing sites and dwellings will be required. Matters to be considered include: The layout of roads and buildings; footpaths and cycleways; the retention of existing trees and hedgerows; planning out crime; the provision of public open space; the relationship to adjacent development.

Carlisle District Plan Housing - Proposal H17

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

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

Carlisle District Plan Transport - Proposal T7

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

1. The Parking Guidelines for Cumbria as detailed in Appendix 2;
2. The availability of public car parking in the vicinity;
3. The impact of parking provision on the environment of the surrounding area;

SCHEDULE A: Applications with Recommendation

03/0396

4. The likely impact on the surrounding road network; and
5. Accessibility by and availability of other forms of transport.

Carlisle District Plan Environment - Policy E18

Trees which contribute to amenity, and are under threat, will in appropriate cases, be protected by means of Tree Preservation Orders, or conditions attached to planning permissions.

Carlisle District Plan Environment - Policy E19

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

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): Comments awaited.

United Utilities (former Norweb & NWWA): Comments awaited.

Summary of Representations:

Representations Received

Initial:	Consulted:	Reply Type:
The Occupier / Owner, 9 Burnsall Close	04/04/03	
The Occupier / Owner, 10 Burnsall Close	04/04/03	
The Occupier / Owner, 5 Railton Gardens	04/04/03	
The Occupier / Owner, 6 Railton Gardens	04/04/03	
The Occupier / Owner, 83 Holmrook Road	04/04/03	
The Occupier / Owner, 84 Holmrook Road	04/04/03	
The Occupier / Owner, 85 Holmrook Road	04/04/03	
The Occupier / Owner, 68 St Edmunds Park	04/04/03	
The Occupier / Owner, 69 St Edmunds Park	04/04/03	
The Occupier / Owner, 70 St Edmunds Park	04/04/03	
The Owner / Occupier, Keld House Cottage	04/04/03	

This application has been advertised in the form of a site notice and the direct notification of the occupiers of eleven properties. No observations have been received at the time of preparing the report. The notification period expires on the

day of the Meeting.

Details of Proposal/Officer Appraisal:

Planning History:

In 1973, under application reference number 32867, planning permission was given for the erection of a car port.

Details of Proposal:

This application relates to an existing bungalow located on the eastern side of Orton Road. To the immediate north and east there is residential development in the form of Keld House, Keld House Cottage, 5-6 Railton Gardens, and, 9 Burnsall Close. To the south there is a playground and St Edmunds Church Hall.

The current proposal involves demolishing the existing bungalow and re-developing the site by erecting five two bed bungalows with brick walling and tiled roofing for units 1, 2, 4 and 5. The proposed unit 3 includes elements with rendered walls. The submitted layout plan shows the planting of a mixed hedge along the road frontage and to serve the boundaries of the proposed dwellings on plot 1 -2. In order to retain three existing mature trees fronting Orton Road the main elements of the bungalows on plots 1 - 2 have been sited at least 10 metres from their canopies. In relation to safeguarding the amenities of the neighbouring residents the dwellings have been designed as bungalows which, in the case of plots 3 - 5, have the main elements sited 10 metres from their respective boundaries. In relation to PPG3 "Housing" the density of the proposed development is approximately 30 units per hectare.

In considering the submitted details there are concerns over: the "back" gardens of plots 1-2 fronting Orton Road; the proximity of the end wall of plot 2 to the existing boundary; the likely aspect of the occupiers of the bungalow on plot 4; and, the loss of the existing landscaped area along the boundary with St Edmunds Church Hall. On the basis that a satisfactory landscaping scheme is undertaken to retain the character of the site, it is considered that these concerns, either individually or collectively, form sufficient grounds to refuse the application.

The proposal is therefore recommended for authority to issue an approval following the expiration of the notification period and subject to the awaited comments of interested parties.

Human Rights Act 1998

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

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

SCHEDULE A: Applications with Recommendation

03/0396

may be affected by such proposals;

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

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

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

The neighbouring residents rights are respected but in this instance it is not considered that there is any conflict.

Recommendation: Grant Permission

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.

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

Reason: To ensure the works harmonise as closely as possible with the existing building.

3. Particulars of height and materials of all screen walls and boundary fences shall be submitted to and approved by the local planning authority prior to the commencement of the development hereby permitted.

Reason: To ensure that the appearance of the area is not prejudiced by lack of satisfactory screening which is not carried out in a co-ordinated manner.

4. All works comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following occupation of any dwelling or completion of the development, whichever is the sooner.

Reason: To ensure that a satisfactory landscaping scheme is implemented.

5. For the duration of the development works existing trees to be retained shall be protected by a suitable barrier erected and maintained at a distance from the trunk or hedge specified by the local planning authority. The Authority shall be notified at least seven days before work starts on site so that barrier positions

SCHEDULE A: Applications with Recommendation

03/0396

can be established. Within this protected area there shall be no excavation, tipping or stacking, nor compaction of the ground by any other means.

Reason: To protect trees and hedges during development works.

6. Trees, hedges and plants shown in the landscaping scheme to be retained or planted which, during the development works or a period of five years thereafter, are removed without prior written consent from the local planning authority, or die, become diseased or are damaged, shall be replaced in the first available planting season with others of such species and size as the authority may specify.

Reason: To ensure as far as possible that the landscaping scheme is fully effective.

7. Details shall be submitted of the proposed hard surface finishes to all public and private external areas within the proposed scheme and approved by the local planning authority before any site works commence, and the approved scheme shall be fully implemented before any of the dwellings are occupied.

Reason: To ensure that materials to be used are acceptable.

RECEIVED

2003/0396

QUEENSWAY

PALTON GARDENS

BURNS CLOSE

Samaritand

Keld Garth

Keld House Farm

Sherralea

St Edmunds
Church
Hall

ST EDMUND

ORTON ROAD

HOLMROOK ROAD

MROOK ROAD

Planning Services

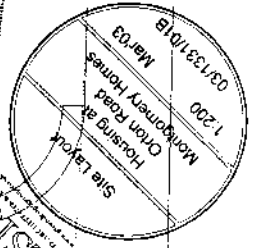
Head of Planning Services: Alan Eales DipTP MRTPI
Civic Centre, Carlisle CA3 8QG
Telephone: (01228) 617000
Fax: (01228) 617100

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6/3/2003

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GREEN DESIGN GROUP



2003/03/13

St Edmunds Parade

Orton Road

St Edmunds Church Hall

Childrens Adventure Playground

Keld House Farm

Burnsall Close

Usable site area allowing for mature tree canopies = 0.39 acres
The site layout is based upon a transcribed enlargement of the Ordnance Survey and should not be scaled from.

SCHEDULE A: Applications with Recommendation

03/0149

Item No: 52

Date of Committee: 25/04/2003

Appn Ref No:
03/0149

Applicant:
Pentaken Ltd

Parish:
Carlisle

Date of Receipt:
07/02/2003

Agent:
Phoenix Architects

Ward:
St Aidans

Location:
L/A 12 - 18 Howe Street, 27-29 Edward Street,
Carlisle

Grid Reference:
340838 555388

Proposal: Erection of 1no 3 bed, 8no 2 bed and 1no 1 bed flats

Amendment:

Angus

Report

Planning Policies:

Carlisle District Plan Housing - Proposal H2

Within the Primary Residential Areas defined on the inset maps for Carlisle, Brampton, Longtown and Dalston, proposals for new residential development will be acceptable provided that:

1. Existing areas of open space and other amenity areas are safeguarded; and
2. The proposed development does not adversely affect the amenity of adjacent residential property; and
3. The proposed development complements or enhances existing adjacent residential areas and their amenity; and
4. Satisfactory access and appropriate parking arrangements can be achieved.

Proposals for uses other than residential will not be permitted in Primary Residential Areas other than where they do not adversely affect residential amenity. Development that would create unacceptable noise, smell, safety and health impacts or excessive traffic generation will not be acceptable. Such schemes falling within the scope of this Policy will be considered against the above criteria as well as other Policies of the Plan appropriate for the proposed use.

Carlisle District Plan Housing - Proposal H11

SCHEDULE A: Applications with Recommendation

03/0149

Proposals for housing development in large back gardens or behind existing housing developments will be acceptable providing that:

1. The scale, design and siting of the proposal is appropriate for the site and is in keeping with the character and quality of the local environment; and
2. There is no loss of amenity to surrounding properties; and
3. Existing landscape features are retained and additional planting is included as an integral part of the scheme; and
4. Appropriate access and car parking can be achieved.

Carlisle District Plan Housing - Proposal H16

High standards of design in new housing sites and dwellings will be required. Matters to be considered include: The layout of roads and buildings; footpaths and cycleways; the retention of existing trees and hedgerows; planning out crime; the provision of public open space; the relationship to adjacent development.

Carlisle District Plan Housing - Proposal H17

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

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

Carlisle District Plan Housing - Proposal H19

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

1. They are consistent with other Policies of the Plan; and
2. The City Council being satisfied there is a need which is not being met

elsewhere; and

3. The site being appropriate for that need.

Carlisle District Plan Environment - Policy E55

Proposals for the reclamation of derelict, redundant and vacant land and buildings will be permitted provided that the use is appropriate to the location and the development and landscaping are in keeping with the surroundings.

Carlisle District Plan Transport - Proposal T7

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

1. The Parking Guidelines for Cumbria as detailed in Appendix 2;
2. The availability of public car parking in the vicinity;
3. The impact of parking provision on the environment of the surrounding area;
4. The likely impact on the surrounding road network; and
5. Accessibility by and availability of other forms of transport.

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): Giving existing problems of on-street parking being experienced in the vicinity of the development, the proposed eight parking spaces are not considered sufficient. Subject to the above, consideration should be given to the imposition of six conditions.

Drainage Engineer - Commercial & Technical Services: There are Public Foul sewers in the roads near this site and foul drainage from the proposed development would be allowed to connect to them if the levels allow.

Cumbria County Council - (Archaeological Services): No wish to recommend that any archaeological work be undertaken.

Cumbria Constabulary - Crime Prevention: The drawings supplied did not include any specifications for the doors or windows to be included in this development. Similarly there is no indication if any gating or other access control shall be incorporated at the vehicle access point in Howe Street. In view of the vehicle crime statistics it is felt that some measure of protection should be included

SCHEDULE A: Applications with Recommendation

03/0149

to protect the car parking area.

Summary of Representations:

Representations Received

Initial:	Consulted:	Reply Type:
The Occupier / Owner, 23 Edward Street	11/02/03	
The Occupier / Owner, 25 Edward Street	11/02/03	
The Occupier / Owner, 31 Edward Street	11/02/03	
The Occupier / Owner, 33 Edward Street	11/02/03	
The Occupier / Owner, 35 Edward Street	11/02/03	
B Cowton, 20 Howe Street	11/02/03	Objection
The Occupier / Owner, 22 Howe Street	11/02/03	
The Occupier / Owner, 8 Howe Street	11/02/03	
The Occupier / Owner, 10 Howe Street	11/02/03	
The Occupier / Owner, 7 Howe Street	11/02/03	
The Occupier / Owner, 9 Howe Street	11/02/03	
The Occupier / Owner, 11 Howe Street	11/02/03	
The Occupier / Owner, 13 Howe Street	11/02/03	
The Occupier / Owner, 15 Howe Street	11/02/03	
The Occupier / Owner, 17 Howe Street	11/02/03	
The Occupier / Owner, 16 Edward Street	11/02/03	
The Occupier / Owner, 18 Edward Street	11/02/03	
The Occupier / Owner, 20 Edward Street	11/02/03	
The Occupier / Owner, 22 Edward Street	11/02/03	
The Owner / Occupier, 25a Edward Street	18/02/03	
The Occupier / Owner, 1 Howe Street	21/02/03	
The Occupier / Owner, 3 Howe Street	21/02/03	
The Occupier / Owner, 5 Howe Street	21/02/03	
The Occupier / Owner, 19 Howe Street	21/02/03	
The Occupier / Owner, 21 Howe Street	21/02/03	
The Occupier / Owner, 23 Howe Street	21/02/03	
The Occupier / Owner, 25 Howe Street	21/02/03	
The Occupier / Owner, 27 Howe Street	21/02/03	
The Occupier / Owner, 29 Howe Street	21/02/03	
The Occupier / Owner, 31 Howe Street	21/02/03	
The Occupier / Owner, 33 Howe Street	21/02/03	
The Occupier / Owner, 2 Howe Street	21/02/03	
The Occupier / Owner, 4 Howe Street	21/02/03	
The Occupier / Owner, 6 Howe Street	21/02/03	
The Occupier / Owner, 12 Howe Street	21/02/03	Undelivered
The Occupier / Owner, 14 Howe Street	21/02/03	
The Occupier / Owner, 16 Howe Street	21/02/03	Undelivered
The Occupier / Owner, 18 Howe Street	21/02/03	Undelivered
The Occupier / Owner, 24 Howe Street	21/02/03	
The Occupier / Owner, 26 Howe Street	21/02/03	
The Occupier / Owner, 30 Howe Street	21/02/03	
The Occupier / Owner, 32 Howe Street	21/02/03	
The Occupier / Owner, 34 Howe Street	21/02/03	
The Occupier / Owner, 36 Howe Street	21/02/03	
The Occupier / Owner, 37 Edward Street	21/02/03	
The Occupier / Owner, 39 Edward Street	21/02/03	
The Occupier / Owner, 41 Edward Street	21/02/03	
The Occupier / Owner, 43 Edward Street	21/02/03	
The Occupier / Owner, 45 Edward Street	21/02/03	
The Occupier / Owner, 47 Edward Street	21/02/03	

SCHEDULE A: Applications with Recommendation

03/0149

The Occupier / Owner, 49 Edward Street	21/02/03	
The Occupier / Owner, 51 Edward Street	21/02/03	
The Occupier / Owner, 12 Edward Street	21/02/03	
The Occupier / Owner, 14 Edward Street	21/02/03	Undelivered
The Occupier / Owner, 24 Edward Street	21/02/03	
The Occupier / Owner, 26 Edward Street	21/02/03	
The Occupier / Owner, 28 Edward Street	21/02/03	
The Owner / Occupier, 30a Edward Street	21/02/03	
The Owner / Occupier, 30b Edward Street	21/02/03	
The Owner / Occupier, 30c Edward Street	21/02/03	
The Owner / Occupier, 30d Edward Street	21/02/03	
The Owner / Occupier, 32 Edward Street	21/02/03	
The Occupier / Owner, 2 Close Street	21/02/03	
The Occupier / Owner, 4 Close Street	21/02/03	
The Occupier / Owner, 6 Close Street	21/02/03	
The Occupier / Owner, 8 Close Street	21/02/03	
The Occupier / Owner, 10 Close Street	21/02/03	
The Occupier / Owner, 12 Close Street	21/02/03	
The Occupier / Owner, 14 Close Street	21/02/03	
The Owner / Occupier, 30 Edward Street	21/02/03	
Miss C A Wilson, 28 Howe Street		Objection

This application has been advertised in the form of a site notice and the direct notification of the occupiers of 73 properties. At the time of preparing the report two letters of objection has been received on the basis that: the new build will not blend with the existing terraced houses; loss of light; existing problems associated with lack of parking; and, how the flats will adjoin neighbouring property. The Case Officer has also had discussions with three residents during which concerns have also been raised with regard to construction traffic; the scale/density of the development; potential problems with noise; and, the Party Wall Act.

An author of one of the letters has also contacted her local Councillors and raised concerns because the proposal could exacerbate the existing problems experienced with on-street parking.

Details of Proposal/Officer Appraisal:

Planning History:

In 1966, under application number TP 1607, outline permission was given for 8 garages.

In February 1984, application number 83/0933, permission was given for the erection 10 flats.

In December 1984, application number 84/0893, permission was refused for the erection of three industrial workshop units.

In 1987, application number 87/0456, permission was given for a workshop extension.

In 1991, application number 91/0857, permission was given for the erection of 10 flats.

SCHEDULE A: Applications with Recommendation

03/0149

Details of Proposal:

This application relates to existing office and ancillary yard area located between Howe Street and Edward Street. The offices are contained within a two storey building which fronts onto Edward Street and have a lean-to extension at the rear. A single storey building is located within the yard and abuts the boundary with 10 Howe Street. Access to the yard is via Howe Street. There is also an existing means of pedestrian access onto the lane to the north of the properties along Edward Street.

The surrounding highways are heavily parked with a residents parking scheme operating and the flow of traffic along Howe Street restricted to one way.

The current application involves replacing the offices by four two bed flats and infilling the Howe Street frontage with a single bed flat, five two bed flats, and, a three bed flat. The scheme includes a covered courtyard access from Howe Street leading to a total of eight parking spaces. Externally the buildings would be constructed in clay bricks with artstone detailing, and, dark grey roof tiles. Timber cladding would be used as a feature above the covered entrance/arch - see attached copies of plans.

The application is accompanied by a supporting statement explaining that: the elevational treatment and internal planning have been subject to some refinement to improve upon the earlier approval; the intention is for the first floor flats to utilise the roof space by having a mezzanine study/studio; the depth of the main structural compartments are wider to roof than adjacent terraced properties; to retain the same roof pitch the ridge heights rise but the eaves are kept as low as practical; it is considered that the proposal contributes to the street scene, is respectful to the existing Victorian facades, and, creates an attractive courtyard area.

In considering this application, and, based on the comments made by consultees and interested parties, the following points should be kept in mind:

- a) the submission provides for a total of eight car parking spaces in a context where the occupiers of the existing properties generally park on the adjacent roads;
- b) In considering the relationship to neighbouring properties 10 Howe Street has a ground floor extension against the boundary with a first floor window; 20 Howe Street has kitchen and lounge/dining room windows on the ground floor with a bedroom and bathroom window on the first floor; 25 Edward Street two ground floor windows and three first floor windows; and 31 Edward Street three ground floor windows and two first floor windows, one of which serves a bathroom. The submitted plans show the proposed units upto the respective boundaries with the buildings extending approximately 4.5 metres beyond the back walls of the existing dwellings. In mitigation it should be noted that the design of the flats involve gabled roofs such that the height of the respective buildings drop

SCHEDULE A: Applications with Recommendation

03/0149

from a ridge height of 9.4 metres to 5.5 metres at the eaves;

- c) The submitted plans indicate that the existing party wall relationship with the neighbouring properties will be retained.

On this basis the proposal is recommended for approval.

Human Rights Act 1998

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

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

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

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

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

The objectors rights are respected but in this instance it is not considered that there is any conflict.

Recommendation: Grant Permission ✓

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.

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

Reason: To ensure the works harmonise as closely as possible with the existing building.

3. The parking areas shall be constructed in accordance with the approved plans before any flat is occupied and shall not be used except for the parking of

SCHEDULE A: Applications with Recommendation

03/0149

vehicles in connection with the development hereby approved.

Reason: To try to ensure that adequate parking is available for each occupier.

4. Particulars of height and materials of all screen walls and boundary fences shall be submitted to and approved by the local planning authority prior to the commencement of the development hereby permitted.

Reason: To ensure that the appearance of the area is not prejudiced by lack of satisfactory screening which is not carried out in a co-ordinated manner.

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

Reason: To ensure that a satisfactory landscaping scheme is prepared.

6. 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.

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

Reason: To preserve sight lines.

8. No development shall commence until visibility splays providing clear visibility of 2.4 metres x 2.4 metres are provided at the vehicular access to the property. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grow within the visibility splay which obstruct the visibility splays.

Reason: In the interests of highway safety.

9. The access drive shall be surfaced in bituminous or cement bound materials, or otherwise bound and shall be constructed and completed before any flat hereby

SCHEDULE A: Applications with Recommendation

03/0149

approved is occupied.

Reason: In the interests of the disabled.

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

Reason: To preserve sight lines.

11. Details of all measures to be taken by the applicant/developer to prevent surface water discharging onto the highway shall be submitted to the local planning authority for approval prior to the development being completed and shall be maintained operational thereafter.

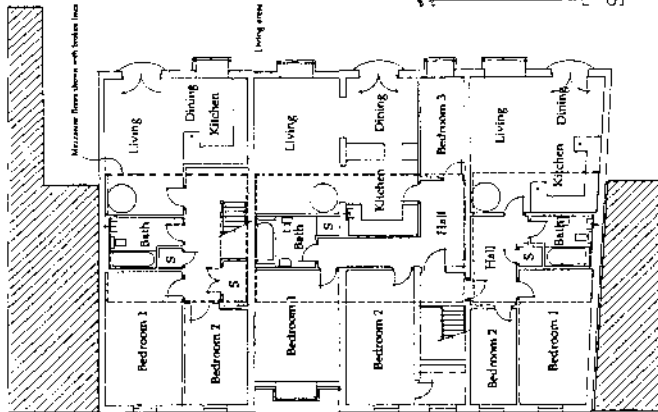
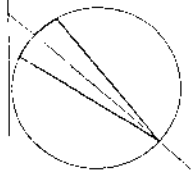
Reason: In the interests of highway safety and to minimise potential hazards.

12. Details shall be submitted of the proposed hard surface finishes to all public and private external areas within the proposed scheme and approved by the local planning authority before any site works commence, and the approved scheme shall be fully implemented before any of the dwellings are occupied.

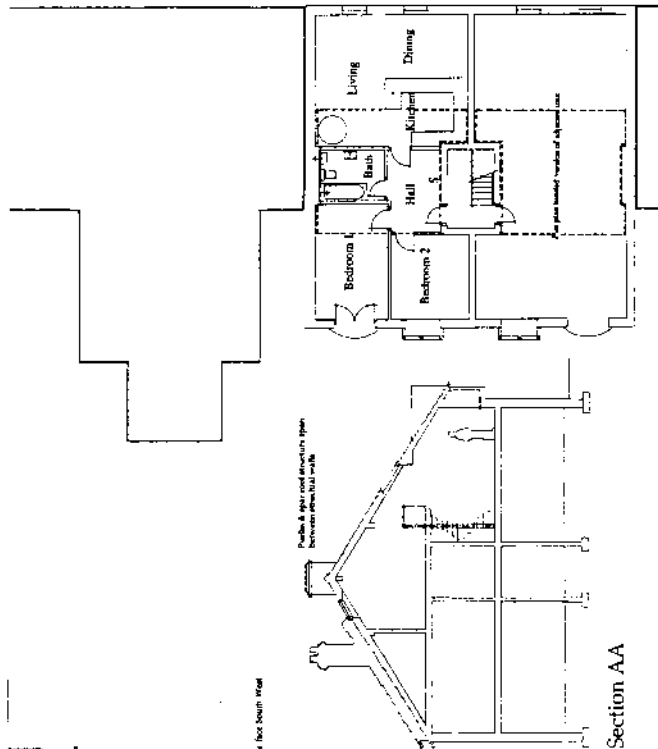
Reason: To ensure that materials to be used are acceptable.

13. Efficient means shall be installed for cleaning all vehicles leaving the site (with the exception of public cars), maintained for the life of operations and used to ensure that no slurry, mud or other material from the site is deposited upon the public highway. Adequate drains shall be installed to ensure that water from any wheel wash does not flow onto the public highway.

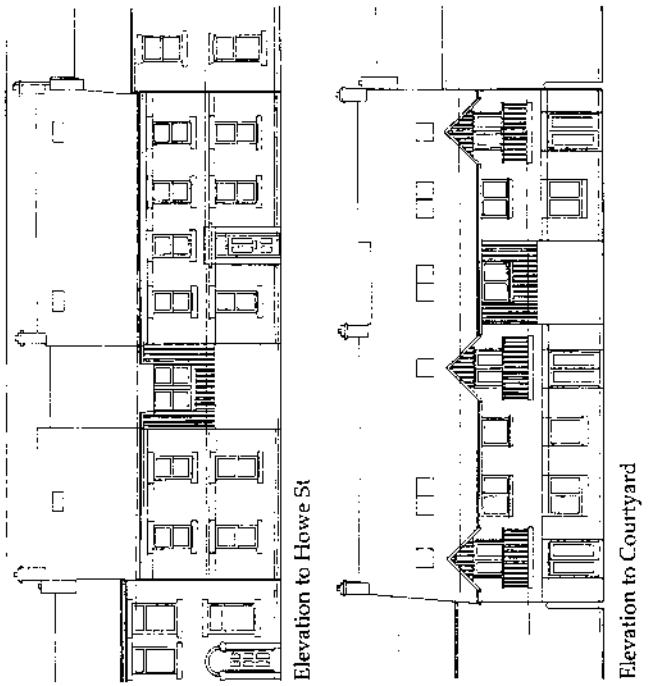
Reason: To avoid danger and inconvenience to road users.



First Floor

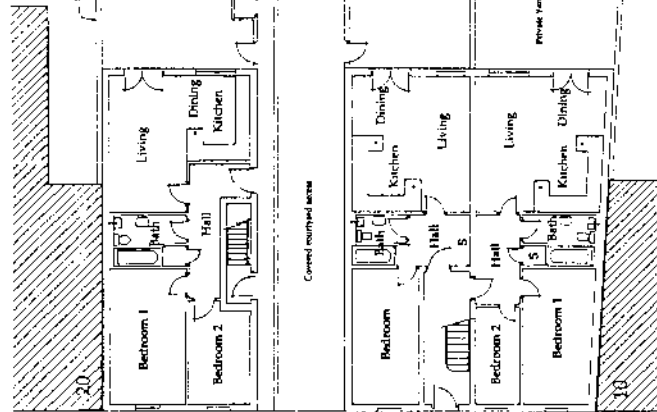


Section AA

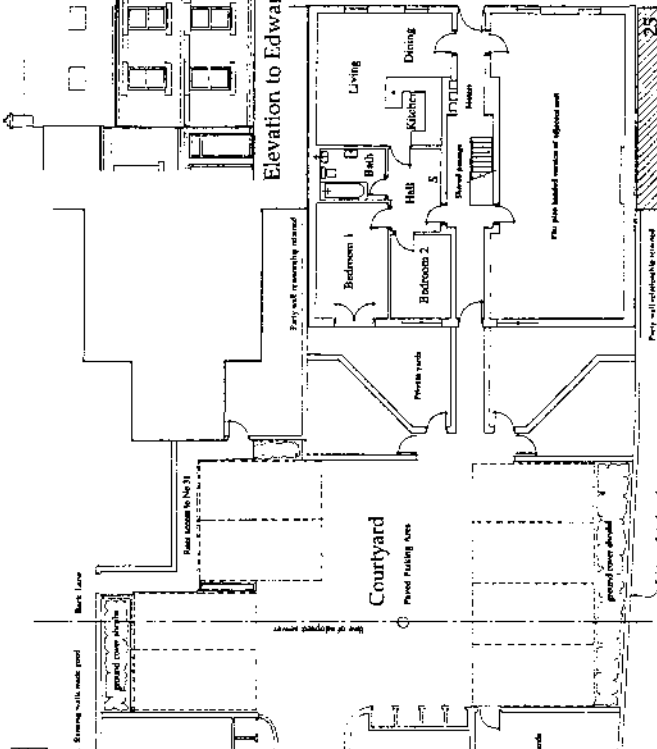


Elevation to Howe St

Elevation to Courtyard



Ground Plan Layout

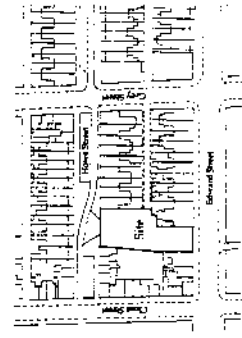


Elevation to Edward St

Elevation to Courtyard

Howe Street

Edward Street



Location Map
Scale 1:1250

Phoenix

ARCHITECTS
DESIGN
1999



Project: Edward St/Howe St Centre
For: Penkman Ltd
Title: Planning Proposal
Scale: 1:250, 1:100
Date: January
Dwg No: PAD0946a.1.1

Edward St/Howe St



SCHEDULE A: Applications with Recommendation

03/0181

Item No: 67

Date of Committee: 25/04/2003

Appn Ref No:
03/0181

Applicant:
C Metcalfe

Parish:
Dalston

Date of Receipt:
18/02/2003

Agent:

Ward:
Dalston

Location:
L/Adj Metcalfe Coaches, Barras Lane, Dalston,
Carlisle

Grid Reference:
336415 550600

Proposal: Erection of 2no. industrial units

Amendment:

Angus

Report

Planning Policies:

Waste Disposal Site

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

Carlisle District Plan

Employment - Proposal EM2

Within Primary Employment Areas proposals for B1, B2 and B8 uses will be acceptable. Permission will not be given for redevelopment or changes of use within such areas for other purposes. Exceptions may be permitted where:

1. The existing use of the site adversely affects or could adversely affect adjacent residential properties; or
2. The proposed alternative use is essential for the redevelopment of the majority of the site for employment purposes; and
3. The alternative development would be appropriate in terms of scale and design to the surrounding area, and the amenity of adjacent properties would not be prejudiced.

Carlisle District Plan

Environment - Policy E6

Within Areas of Landscape Improvement, the City Council will encourage landscape improvement schemes. Permission will not be given for development which adversely affects the open character of the areas. Development of open space recreational uses such as golf courses and playing fields which retain their essential

open nature will be acceptable. In addition small scale development within or adjacent to established farmsteads and other groups of buildings, together with buildings associated with and required for the use of the area for open recreational uses will be acceptable providing that:

1. The proposal reflects the scale and character of the existing group of buildings; and
2. There is no unacceptable adverse effect on the amenity of neighbouring property; and
3. There is no unacceptable adverse effect on the character and appearance of the surrounding area; and
4. Where appropriate satisfactory access and car parking can be achieved.

Carlisle District Plan Environment - Policy E19

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

Carlisle District Plan Environment - Policy E24

Proposals for development which in the opinion of both the City Council and the Environment Agency would pose an unacceptable risk to the quality of groundwater, surface or coastal water will not be acceptable.

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): The layout details shown on the submitted plan are satisfactory from a highway point of view.

Dalston Parish Council: No wish to make any representation on the proposal.

Network Rail - Property North East: The proposed development site is between the railway and another plot and accordingly there is no wish to comment on the proposal.

Cumbria County Council - Economic Development Division: Comments awaited.

Environment Agency (N Area (+ Waste Disp)): Comments awaited.

Drainage Engineer - Commercial & Technical Services: Comments awaited.

Summary of Representations:

Representations Received

Initial:	Consulted:	Reply Type:
The Fire Brigade, Barras Lane	19/02/03	
The Occupier / Owner, 1 Craig dene	19/02/03	
The Occupier / Owner, 2 Craig dene	19/02/03	
Mr R F Anderson, Primrose Hill	19/02/03	Objection
Dalston Aggregates, Barras Lane Industrial Estate	25/02/03	

This application has been advertised in the form of a site notice and the notification of the occupiers of three properties. In response one letter of objection has been received on the basis that traffic visiting or leaving the premises would go through Dalston.

Details of Proposal/Officer Appraisal:

Planning History:

In 1997, under application reference number 97/0720, permission was given for the creation of a hardstanding with security fence for parking five coaches.

In 1998, application number 98/0770, permission was given for the erection of a bus depot and parking area including small office.

In 2000, application numbers 99/0706 and 00/0363 permission was granted for the formation of external storage area for building materials, and, the use of the premises for general bus/coach body repairs and maintenance.

Last year, under application number 02/0183, planning permission was given to change the use of part of the Metcalfe Coaches site for waste paper recycling.

Details of Proposal:

The application site lies to the immediate east of the Metcalfe Coaches site and the Fire Brigade Station within Dalston's Barras Lane Industrial Estate.

The neighbouring properties are occupied by Robert Edgars, Lawson Engineering, Dalston Aggregates, Thomas Graham & Sons, and, a pair of semi-detached houses.

The site is delineated by palisade fencing and bounded by the railway line and land currently being developed to the south and east respectively.

The current application involves the erection of a single building, measuring 13.5 metres by 13.5 metres, constructed externally in blockwork and dark green profiled cladding. The submitted plans show the resulting building split to form two industrial units - see attached copies of plans.

In considering this application it is evident that the site is within the existing Barras Lane Industrial Estate with the proposed use and design of building compatible to what already neighbours the site.

On this basis, and subject to the awaited comments from interested parties, the proposal is recommended for approval.

Human Rights Act 1998

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

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

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

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

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

The objectors rights are respected but in this instance it is not considered that there is any conflict.

Recommendation: Grant Permission ✓

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.

2. This permission relates to the use of the premises for purposes falling within Class(es) B1, B2 and B8 of the Schedule of the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to the Class(es) in any Statutory Instrument revoking and re-enacting that Order.

Reason: To preclude the possibility of the use of the premises for purposes inappropriate in the locality.

4. Details shall be submitted of the proposed hard surface finishes to all public and private external areas within the proposed scheme and approved by the local planning authority before any site works commence, and the approved scheme shall be fully implemented before any of the dwellings are occupied.

Reason: To ensure that materials to be used are acceptable.

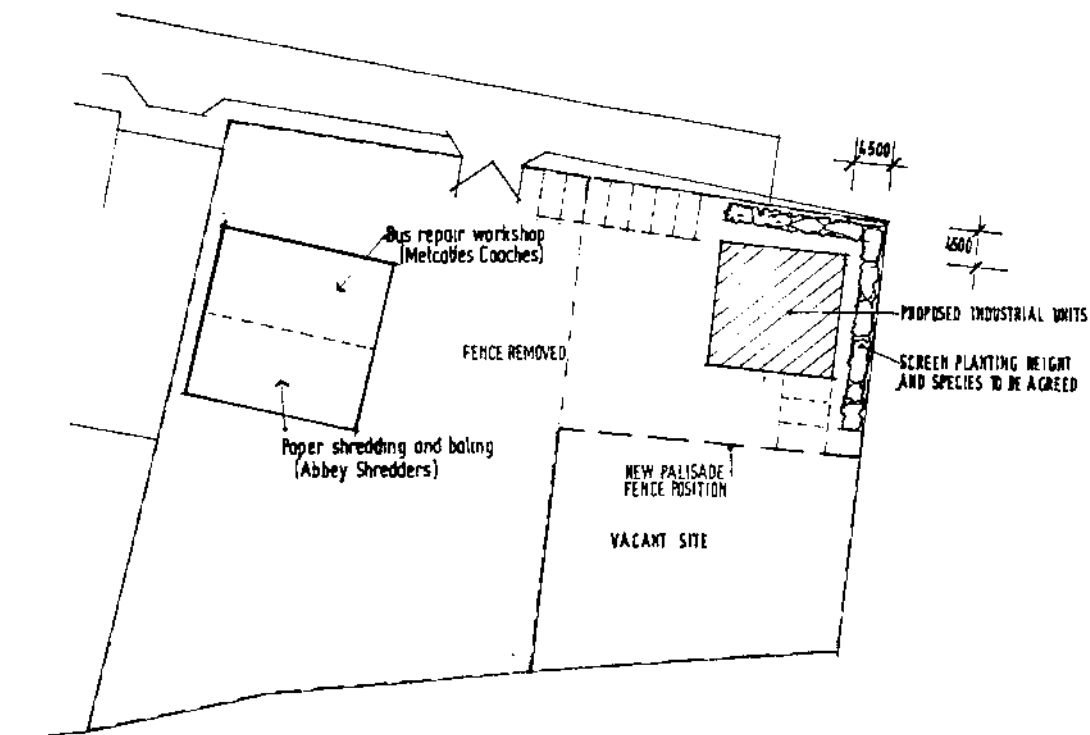
5. No development shall take place until details of a landscaping scheme have been submitted to and approved by the local planning authority.

Reason: To ensure that a satisfactory landscaping scheme is prepared.

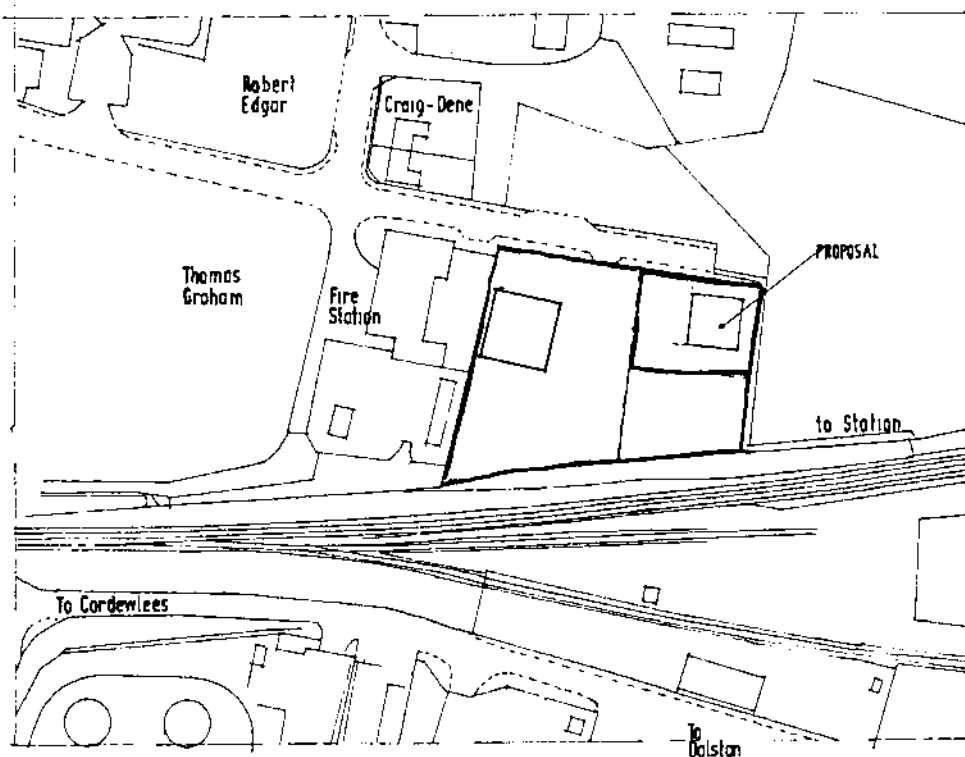
6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner, and maintained thereafter to the satisfaction of 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.

Adm'l Cond. (E A)
1
2



SITE PLAN 1:500



LOCATION PLAN 1:1250

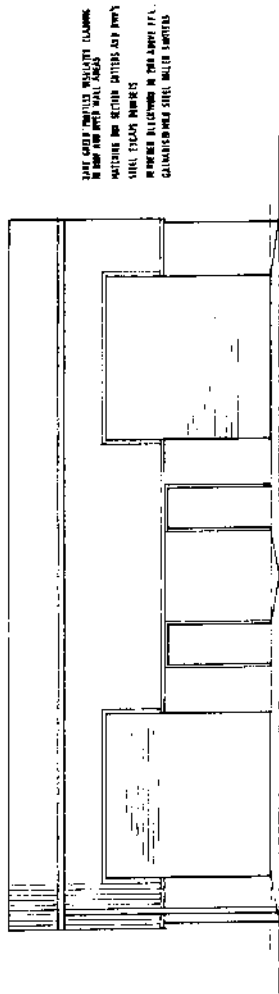
Proposed erection of pair of industrial units
 LAND ADJACENT METCALFE'S COACHES BARRAS LANE INDUSTRIAL ESTATE
 DALSTON CARLISLE

02.03

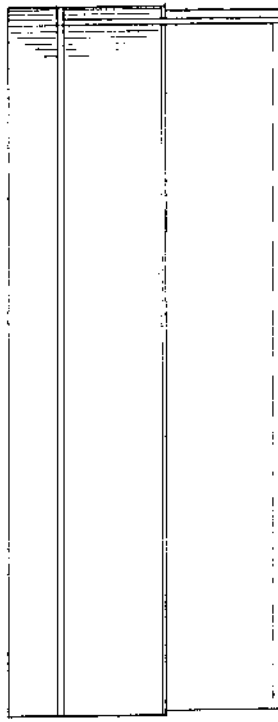
RECEIVED

18 FEB 2003

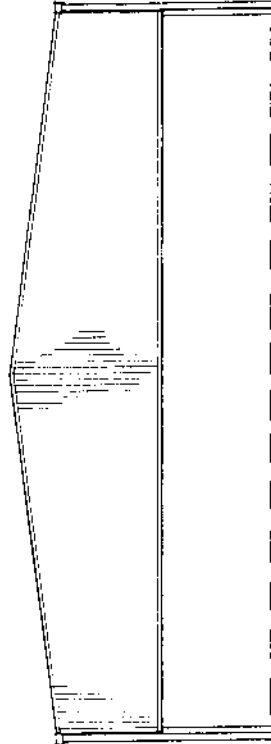
2003/0181



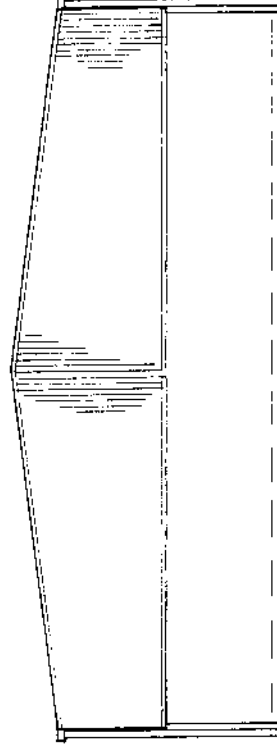
WEST ELEVATION



EAST ELEVATION



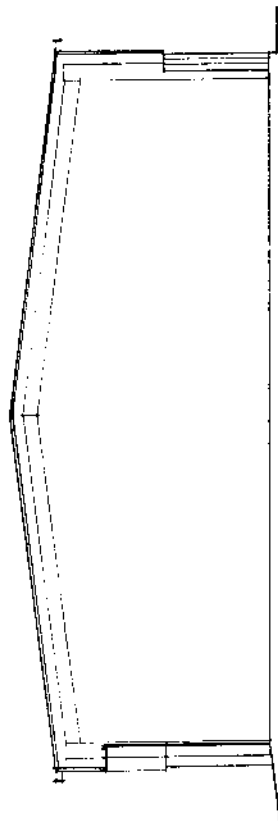
NORTH ELEVATION



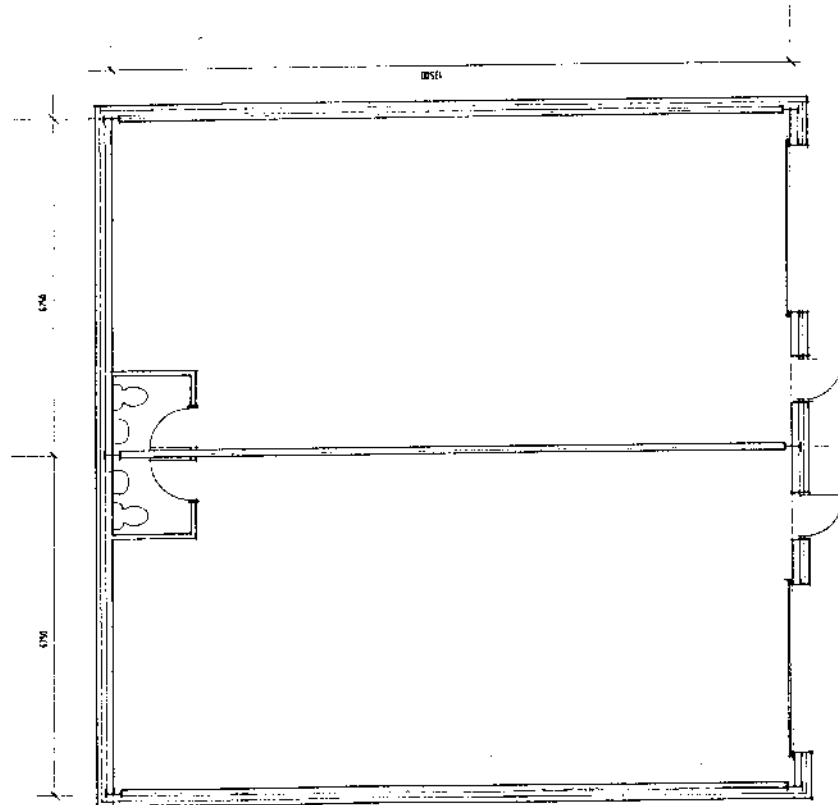
SOUTH ELEVATION

RECEIVED
19 FEB 2005
3003611

Proposed section of part of industrial units
LAND ADJACENT METCALLES CORPUS BARRAS LANE INDUSTRIAL ESTATE
DALSTON CARLISLE
Proposals 1-50 02.03



SECTION



PLAN

SCHEDULE B

SCHEDULE B

SCHEDULE B

SCHEDULE B

SCHEDULE B

SCHEDULE B

SCHEDULE B: Reports Requiring Further Information

02/0844

Item No: 53

Date of Committee: 25/04/2003

Appn Ref No:
02/0844

Applicant:
Crowther Homes Ltd

Parish:
Kingmoor

Date of Receipt:
05/08/2002

Agent:
Harrison and Pitt Architects

Ward:
Stanwix Rural

Location:
L/A No 4 Site, RAF Carlisle, Cargo, Carlisle

Grid Reference:
336900 559600

Proposal: Redevelopment to provide 96 no. detached and semi-detached houses and bungalows with associated access roads, public open space including play area, woodlands and meadow

Amendment:

Report

Planning Policies:

Cumbria & Lake District Joint Structure Plan Policy 1

New development will be provided, mainly in the towns, to meet the social and economic needs of the County's population, but in a manner which, through appropriate location, scale, design or use, does not diminish the quality of the environment within the County or beyond, or for future generations.

Cumbria & Lake District Joint Structure Plan Policy 25

The siting, appearance and landscaping of all new development and alterations should aim to enhance the quality of the existing environment. It should be in keeping with the local character of the townscape or landscape, and be well integrated with the existing pattern of surrounding land uses and, where appropriate, be in keeping with the local vernacular tradition. Normally development should make proper provision for access by disabled persons.

Cumbria & Lake District Joint Structure Plan Policy 30

Land will be made available outside the National Parks for the following scale of housing development between 1991-2006.

Dwellings

Allerdale

about 5000

Barrow	about 2500
Carlisle	about 6000
Copeland	about 4000
Eden	about 4000
South Lakeland	about 6000

Cumbria & Lake District Joint Structure Plan Policy 32

On large housing developments some provision should normally be made through negotiation for affordable housing to meet proven local needs.

Cumbria & Lake District Joint Structure Plan Policy 53

Recreation land and facilities will normally be:

- i provided to an appropriate standard in new residential development and in areas where shortfalls exist;
- ii protected from development in areas where a shortfall can be demonstrated

Carlisle District Plan Housing - Proposal H1

To provide for housing needs, an additional 4,664 dwellings are required between April 1st 1994 and April 1st 2006. Making allowances for sites with planning permission and windfall sites provision, land for a further 2,146 dwellings is allocated for primary residential purposes, providing for a variety of housing needs. These additional sites, are:

Dwellings	Site	Ha.
i. Morton Carlisle	41.00	1.025*
ii. Garlands Carlisle	17.80	445*
iii. Warwick Road, Carlisle	5.10	128*
iv. Brisco Road, Carlisle	3.30	83*
v. RAF 14MU Site No. 4	3.50	90*
vi. Windsor Way, Carlisle	8.04	200*
vii. Scotby, Carlisle	2.30	58*
viii William Howard Lower School, Brampton	1.00	25*
ix. Barras Lane, Dalston	2.99	50

x.	Nook Lane, Dalston	1.47	20
xi	Ladyseat, Longtown	0.87	22*
Total		87.37	2,146

*Site capacity for these sites is based on 25 dwellings per hectare.

Proposals for residential developemnt not included in the above allocations will be assessed according to Policies H2-H7.

All housing developments will be closely monitored to ensure that the scale of residential development relates to the Structure Plan requirement.

Carlisle District Plan Housing - Proposal H8

The City council will, where appropriate, negotiate with developers for an element of affordable housing to be included in the larger housing developments.

Carlisle District Plan Leisure - Proposal L8

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

Carlisle District Plan Leisure - Proposal L9

New family housing developments of 40 or more dwellings will be required to include, pro rata, the following standards of playspace provision:

	Per Hectare
Outdoor Playgrounds	150 square metres
Informal Playspace	270 square metres

In addition to the above, within developments of 5 hectares or over, 0.1 ha of sports ground development per hectare will be required.

In most large developments play provision will be able to be provided within the housing site. However, if no suitable location can be provided the requirement may be met by the provision of a new off site facility (if an appropriate site is available) or by the provision of additional play facilities on a nearby existing play area or one which is in the course of being provided, such improved play provision being secured by a legal agreement between the developers and the Council.

Where a housing development is over 40 dwellings but is partially developed by different developers or as separate phases by the same housing developer,

provision will be required for each constituent part of the site.

On smaller housing sites the developer will be required to make commuted payments towards the provision of playspace in the locality if there is a deficiency of playspace in the local area judged against National Playing Fields Association standards.

Small areas of playspace provided by the developer which are principally of benefit to the development itself shall be dedicated to the City Council for maintenance purposes and a commuted payment equivalent to ten years maintenance costs will be required.

**Carlisle District Plan
Environment - Policy E9**

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

**Carlisle District Plan
Environment - Policy E19**

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

**Carlisle District Plan
Environment - Policy E22**

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

**Carlisle District Plan
Environment - Policy E31**

On land for which there is no archaeological information, but where there are reasonable grounds for believing remains to be present, the City Council will ensure that the archaeological aspects of development proposals are examined and evaluated before planning applications are determined. Planning permission will not be granted without adequate assessment of the archaeological implications.

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): originally responded to confirm that there were no highway objections but recommended 4 conditions be imposed that would secure details of the construction of a suitable road system. Nonetheless, as a rider to that response it was suggested that the applicants commissioned a

Transport Assessment to evaluate the possible effects of development traffic on the local highway network and junctions. That TA has been produced and furnished to the Highway Authority for comment but the response is still outstanding;

United Utilities (former Norweb & NWW): lodged an OBJECTION on the grounds that the local wastewater treatment works is at capacity and cannot accept the flow and load from the development. Subsequent discussions have taken place with the applicants including the proposition that a private on-site treatment works and related sewers draining to it be provided but UU is opposed to that proposal. Two alternative options relating to upgrading Cargo Works or discharging foul sewage by pumping via Stainton Pumping Station to the Carlisle Works for treatment have been promoted by UU.

United Utilities current position is that they will not accept any proposal that seeks their adoption of a new on-site treatment works since this would not be to their design standards. If that were built but not adopted any sewage system draining to it from the development would not be adopted and therefore not be maintained by UU on a 24 hour basis.

United Utilities have confirmed they are committed to working with the developers regarding the two preferred options but currently there is no planned upgrade at Cargo within any capital programme (as the existing works at Cargo can cope with its existing loads). UU would be willing to consider upgrading the Cargo works but this is unlikely to be for several years and is subject to both release of funding from the Regulator and the receipt of a proportionate and significant contribution to those costs from the developers. While discussions are continuing no agreement has been reached with the developers and until such times as it is reached United Utilities continues to oppose planning permission being granted;

Leisure & Comm Dev - Landscape Services: a number of detailed comments are made relating to the layout in relation to open space and play provision. Those comments have been forwarded to the applicants for consideration;

Kingmoor Parish Council: a number of issues were raised in their original response (see letter dated 17 September 2002). The first of these concerns the principle of this scale of development having regard to the size of the village. However, as Members will be aware the land is allocated in the District Local Plan as a housing site for 90 dwellings.

Other issues related to traffic and access; the layout of the site; the availability of services; play area and landscaping issues.

Following discussions with the applicants the scheme has been modified from the 98 dwellings to which the foregoing comments related to a development of 96 dwellings. Moreover, on-going discussions with the Highway Authority, United Utilities and the Environment Agency have addressed traffic/access and infrastructure issues and these are discussed in the main Report;

Environment Agency (N Area (+ Waste Disp)): initially objected to the application on the grounds that insufficient information had been provided regarding the stated intention by the applicants to deal with foul sewage by means of connection to a

mains treatment plant, especially as the nearest Sewage Treatment Works is at Cargo and it would be unable to cope with the additional load. Subsequent discussions were held with the applicants' Drainage Consultants who identified a number of options including an on-site treatment plant with treated effluent passing through a reed bed before discharging to an existing watercourse or discharge of foul sewage from the development to the Carlisle Wastewater Treatment plant at Willowholme via the Stainton Pumping Station. The Agency indicated it would have no objection to the latter provided there was adequate capacity in the sewers and at the Pumping Station but would be opposed to an on-site treatment plant even if it were to be operated and maintained by a management trust. The preferred option is thus for connection to the public foul sewerage system with discharge to a wastewater treatment plant operated and maintained by a utility company i.e. United Utilities. If such a connection is not possible at present then development should be prevented until such facilities are available.

The means of dealing with surface water have also been discussed and the need for a Flood Risk Assessment identified. The applicants have also been asked to consider the use of sustainable drainage systems (SuDS) as referred to in PPG25. It was also recommended that the applicants commissioned a comprehensive drainage strategy for the whole site.

Further recent correspondence has been received from the Agency which confirms that a Flood Risk Assessment, dated 5th March 2003, has been submitted and been considered. While it has answered the majority of points raised by the Agency, the surface water system design is outstanding to date although the Agency has indicated that this is a matter that could be otherwise be addressed by a planning condition that they recommend.

With regard to the objection on the lack of details of foul drainage that the Agency lodged when first consulted on the development proposals, it is advised that more recent discussions have taken place with the applicants. In those discussions the applicants referred to a series of options that are being discussed between themselves and United Utilities to identify the most satisfactory solution to address the existing foul sewage constraints. The precise method of resolving this matter has yet to be agreed but the Agency is prepared to withdraw its objection subject to the imposition of a negative planning condition. It would preclude the occupation of any dwelling within the development until such times as an approved scheme for foul sewerage works and foul sewage treatment facilities have been provided in accordance with details to be submitted to and approved in writing by the LPA. The Agency further emphasises that in meeting the requirements of that condition the Agency would oppose any on-site treatment plant but would expect to see either of the alternative options being utilised i.e. upgrading of Cargo Works or discharge to Carlisle Treatment Works via the Stainton Pumping Station.

Cumbria County Council - (Archaeological Services): the site lies within an area of archaeological interest. A series of cropmark sites have been identified around Cargo, all apparently associated with prehistoric settlement activity. It is uncertain whether this activity continues into, or survives at, the Cargo RAF site. However, should such remains exist, any extensive redevelopment of the site would have a significant archaeological impact.

Consequently, in accordance with PPG16 and Local Plan Policy E30 further information on the archaeological site should be obtained before a planning decision is taken. That should be secured by means of an archaeological evaluation to determine the presence, nature and extent of surviving archaeological remains within the development site.

It is understood that the Lancaster based unit of Oxford Archaeology (North) has carried out that evaluation and has furnished work to the County Archaeologist. His comments on that work are awaited;

Cumbria Wildlife Trust: there is no information to show that the area is of high nature conservation value and does not object to the application. Nonetheless a number of comments are made on the proposals including some suggested changes in the proposed planting;

Council for Protection of Rural England: note the site is allocated within the Carlisle District Local Plan and comprises a previously developed site. Whilst FLD is not lodging an objection, it is nevertheless requested that the City Council satisfies itself that the proposal fully satisfies **all** of the tests in PPG3;

Design Services - Drainage Engineer: Cargo is served by a foul sewerage system that discharges to the Cargo Sewage Treatment Works. That Works is owned and maintained by United Utilities and it is understood that it would be incapable of handling the additional flows generated by a development of this size. Upgrading of the Works is therefore required and the developer should liaise with United Utilities on this matter. The nearest alternative suitable point of connection for foul discharges is Stainton Pumping Station situated approx. 3 km from the site.

It is indicated that surface water would be dealt with by means of a new surface water drain although the point of discharge has not been specified. If it is proposed to discharge surface water to a watercourse the developers must consult with the Environment Agency for approval and formal consent. It is likely that a form of attenuation to control run-off will be required. The developer should also consider the use of a sustainable urban drainage system to reduce the impact of surface water run-off;

Summary of Representations:

Representations Received

Initial:	Consulted:	Reply Type:
The Occupier / Owner, 1 Sandymoss	06/08/02	
The Occupier / Owner, 2 Sandymoss	06/08/02	
The Occupier / Owner, Rose Cottage	06/08/02	
The Occupier / Owner, Gran View	06/08/02	
The Occupier / Owner, Ash Lea	06/08/02	
The Occupier / Owner, Croft View	06/08/02	
The Occupier / Owner, Pangbourne	06/08/02	
The Occupier / Owner, Forest Hills	06/08/02	
The Occupier / Owner, Woodley	06/08/02	
The Occupier / Owner, Derohn	06/08/02	

The Occupier / Owner, The School House
Mr Paul Fawcett, Willow End
B Bousfield, Oak House
Mrs J M Nichol, West View

06/08/02
17/09/02

Comment Only
Comment Only

The proposals have been advertised using the display of a series of Notices posted around the site, a Press Notice and letters sent to neighbouring occupiers. In response two letters have been received. One writer questions the advisability of a single access road and comments on the development being divorced from the rest of the village. The other writer also comments on the use of a single access point.

Details of Proposal/Officer Appraisal:

Planning History:

Members will generally be familiar with the history of development at RAF 14 MU Carlisle from its opening in 1938 to closure in March 1997. It will be recalled that it was one of seven Equipment Supply Depots in England each of which was intended to hold a "universal stock" to supply all the units in its service area.

Site 4 was almost complete when 14 MU first opened and, together with Site 5, was one of the first sites to be stocked with equipment. It appears not to have been as intensively used as most of the other Sites and was progressively wound down over a period of many years as the storage space in the more conveniently located Sites became available. By June 1983 Site 4 had become a "low active" site e.g. buildings were used as stores for stock with very slow turnover. In July 1992 the Site ceased functioning as a stockholding site and all stocks were cleared by the end of the following month. In the last three years before the Base was closed Site 4 was used for other purposes from time to time, such as police dog training by Cumbria Constabulary, and as a staging venue for Army personnel involved in major exercises.

Following the closure of RAF 14MU in 1997 an outline planning application for its development for housing purposes was submitted by the Defence Estate Organisation in May of that year. That application sought approval for a development of 90 dwellings and was presented to the Committee in February 1998. Members resolved to defer consideration of the proposal in order to seek further information from the applicants regarding the Land Quality Assessment for the site in view of the observations received from the Environment Agency in respect of that document and to await a further report on the application at a future meeting of the Sub-Committee. No further information has been received and the DEO has been asked to withdraw this application.

Details of Proposal:

This application has been submitted for Full Planning Permission and relates to all of the land area of Site 4 which Members may know better as the outlying Site just to the east of Cargo village (see location plan).

The overall site extends over 8 hectares (approx 20 acres) and is, at the present

time, occupied by 13,907 sq mtrs (149,695 sq ft) of single storey essentially storage buildings set within extensively grassed areas. Unlike the storage buildings at the other Sites, the buildings at Site 4 are basically low grade and unimproved.

The land is effectively an "island" site with road frontages to the C1016 road linking Carlisle to Rockcliffe along the north-eastern site boundary and to the two unclassified roads leading from the C-road to Cargo which respectively form the north-western, south-western and south-eastern boundaries.

The application is supported by a detailed site layout plan which defines the primary road structure, disposition of dwellings and gardens, significant areas of open space including formal play facilities and a proposed area of open space that would seek to create a "village green", the associated footpath network envisaged, and at the eastern and northern margins of the site the proposed areas of landscape/woodland planting. The applicants have commissioned landscape input to their proposals from a locally based Landscape Architecture Consultancy and their approach follows guidance provided through liaison with Leisure Services.

The proposed layout shows the main access road formed from the south- eastern road frontage which essentially runs in an anti-clockwise direction to the north-east and north-west. It allows predominantly frontage development on both of its sides but its position has also been designed to ensure that those frontage plots extend rearwards to abut the primary areas of woodland planting that are proposed along the eastern and northern site margins.

However, at its north-western extremity the distributor road reduces in scale to a shared surface road off which are several smaller private drives serving between 4/5 properties. Likewise at its south-western corner there is a further road spur off the main access road which reduces again in scale to shared surface roads with private driveways from it. That form of development results in many of the proposed dwellings facing onto a proposed central "village green" which further is linked to the main area of formal open space/play facilities within the south-western corner that is located to enhance and augment the existing grassed play area abutting the former Cargo Primary School. That overall area of open space is substantial and will provide both a kick-about area and will allow the re-furbishment and extension of the adjacent existing play ground facilities. In landscape terms it also merges with the existing wide highway verge along the western side of the site within which there are several attractive mature trees.

Relevant to this proposal is the housing land provisions within the Carlisle District Plan. In that respect, Members may recall that the Local Plan Inquiry held between February and April 1996 considered a number of objections to proposals contained in the Deposit Draft version and subsequent Proposed Modifications published in December 1995 and January 1996. One of the key issues under consideration was the future of RAF 14 MU the closure of which had been confirmed in June 1994.

In his Report on the Local Plan Inquiry, published in October 1996, the Inspector recommended that in relation to Site 4 "some redevelopment for housing would be justifiable". The Report went on to suggest that the allocation should be for a specific 3.5 hectare area but that the after use of all of Site 4 should be addressed.

It was recommended that Proposal H1 (now Policy H1) of the District Plan- which deals with the Allocation of Housing Land- be modified by the addition of an allocation of 3.5 hectares at Site 4 and that the Proposals Map be modified accordingly. The Council accepted these recommendations in November 1996 and they have now been subsumed within the adopted Carlisle District Local Plan.

Members may recall that in recognition of the importance of the site, in terms of both the scale of housing in relation to the size of Cargo and the need to establish a "new" landscape to remediate the landscape "blot" that Site 4 has been for the last 60 years, it was agreed that Site 4 should be the subject of a Development Brief.

The Consultation Draft of the Brief was approved by the Environment Committee in June 1997 and was distributed to Developers, the Parish Council, Statutory Undertakers and occupiers of those dwellings adjacent to the site in mid-August 1996 with the consultation period terminating in the middle of September. Comments received and proposed changes made in response to them were brought before the Environment Committee on 2nd October, 1997. Members resolved on that date to adopt the revised Development Brief as Supplementary Planning Guidance and a copy of the approved document follows for information.

When initially lodged the present detailed application related to a proposed development of 98 dwellings but following some amendments to resolve concerns expressed by the Parish Council that is now reduced to 96. Members will note that this is slightly higher than the District Plan allocation of 90 dwellings but it should be recalled that it was based merely on an average density figure applied to all allocations (25/ha) and in the interim PPG3 actually now advises much higher densities for housing development (30/ha). In this instance, that level of higher density is unrealisable due to infrastructure constraints.

Members will note that both the number of dwellings identified in the current application, and the primary elements of the layout and landscaping plans that accompany it, are in broad accord with the objectives of the Development Brief. Such differences as exist are relatively minor and are capable of being addressed through planning conditions.

The proposed dwellings comprise a mix of 13 detached house and bungalow/ chalet-bungalow dwelling types and 6 types of semi-detached houses. These 96 dwellings vary in size from 2 bed semi's to 4 bed detached houses and are predominantly brick faced with tiled roofs although some dwelling types are finished in rendered dash or have panels of rendering within predominantly brick facades. Some "typical" elevations are reproduced to give a flavour of the development.

The Development Brief touches upon the issue of potential residual contamination arising from former activities within the site. As has been the case with other sites at RAF 14 MU a Land Quality Assessment was prepared by Consultants that were commissioned by the Defence Estate Organisation to support the 1997 application.

The LQA concluded that there are occasional, limited and localised areas of contamination. The presence of current soil contamination causing harm to site

visitors/users is considered to be negligible since the limited contamination recorded is below the surface of landscaped layers which form an effective barrier to site visitors. Care will require to be taken during site demolition and clearance to remove asbestos product sheeting and gutters. Similarly, asbestos found within a Trial Pit should be removed if excavations are to take place in that area.

Within the central and south-western portions of the site areas of elevated metal contamination have been recorded and the LQA noted that these would be of concern if domestic gardens were planned.

Similarly localised elevated levels of some contaminants were also recorded on other parts of the site and the LQA acknowledges that it is conceivable that additional areas may exist elsewhere on the site e.g. localised instances of elevated radioactivity could be present at depth arising from buried instruments or ashes. It advises that appropriate protection of construction workers who could be in direct contact with such contamination during excavations is necessary together with the removal of contaminated soils if domestic gardens are planned in locations where these are found.

The LQA concluded that "No remedial works are considered necessary prior to the sale of the site. Before redevelopment construction commences the asbestos should be removed in and around Trial Pit 4.44. If domestic gardens are intended around the former incinerator on the south-western boundary or in the central part of the site where former workshops are located, metal contaminated soils should be removed and replaced with clean soils. The majority of materials removed from areas of elevated chemical contamination could be moved to less sensitive site locations such as beneath hard cover or for landscaping capped with 225mm of inert topsoil. The site is considered suitable for continued existing use or redevelopment to the proposed residential end use."

A subsequent Ground Conditions Report has been commissioned by Crowther Homes and that has now prepared and submitted. Its "Conclusions and Recommendations" are reprinted for information. A copy of that Report has previously been forwarded by the applicants consultants directly to the Environment Agency for its consideration.

The views of the Environment Agency with regard to the issues of contamination and the associated conclusions and recommendations of the Land Quality Assessment and later Ground Conditions Report are however still awaited.

Members will note from the Summary of Consultation Responses that the primary outstanding issue is, however, related to foul drainage. The existing works at Cargo is at capacity and upgrading to cater for the additional flows and treatment is not within any capital works programme. An alternative approach would be to pump foul sewage to Willowholme via the Stainton Pumping Station but that, too, is currently not part of any planned programme of expenditure by United Utilities. Whilst either of those approaches would be acceptable to UU and the Environment Agency no agreement as to which of these will be pursued has been reached with the applicants. The Environment Agency has indicated that a planning condition requiring drainage details to be submitted and approved would be acceptable to that Authority but that matter has yet to be clarified with United Utilities. It is anticipated

that their response will be available for the Committee meeting.

Additionally, however, Members should note that in line with Policy H8 of the District Plan the applicants are obliged to include an element of "affordable" housing within their overall proposals. That amounts in the Cargo site to 4 pairs of semi-detached 2 bed houses for which the applicants propose to apply a 15% discount from the "open market value" of those dwellings in this location.

That aspect, like the issue of adoption and commuted payment for the maintenance of areas of open space, requires to be secured under appropriate provisions of a S106 Agreement that the developers should be required to enter into. It is thus requested (on the assumption that a suitably worded planning condition covering drainage is acceptable to UU and the Transport Assessment satisfies the County Council) that "Authority to Issue" planning permission be given for Officers once that Agreement has been secured.

Human Rights Act 1998

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

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

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

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

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

There is no apparent conflict with the above provisions.

Recommendation:

Reason for including report in Schedule B

A full Report and related recommendation is not able to be made on this application as the views of the Highway Authority (on the Transport Assessment) and United Utilities on the appropriateness of a planning condition recommended by the Environment Agency relating to foul drainage (in order to overcome both consultees initial objection to the application) have been obtained.

Development Brief

RAF 14MU, Site 4, Cargo
Site for Housing Development

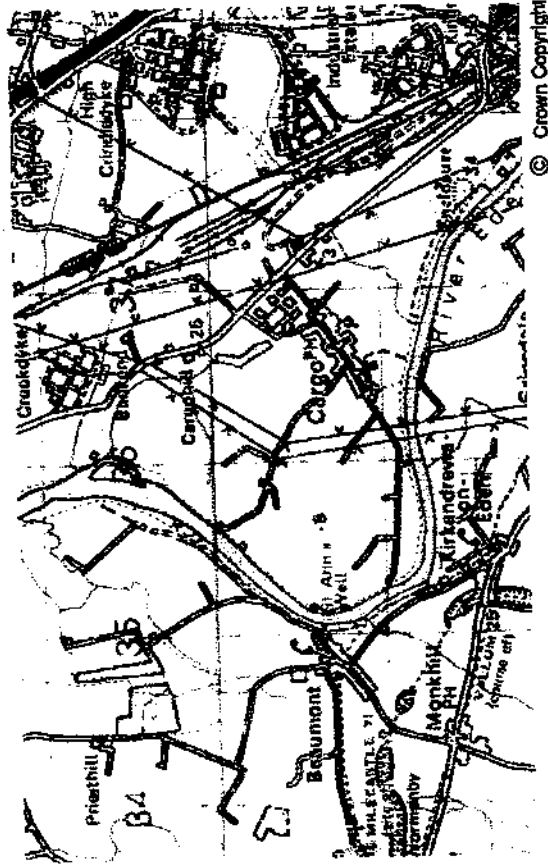


CARLISLE
CITY COUNCIL



Development Brief

RAF 14MU, Site 4, Cargo
Site for Housing Development



Carlisle City Council
Department of Environment and Development
Planning Services Division

Director of Environment and Development : M. Battersby C Eng MICE FIHT
Head of Planning Services : M. Grace MSc BSc DipPFI

December 1997

Development Brief RAF 14 MU No 4 Site, Cargo

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Appendix 1

Plan One	Housing Allocation for site 4 Source: Carlisle District Local Plan
Plan Two	Existing site features: Trees, hedgerows and buildings.
Plan Three	Site Plan : Landscaping and open space, site access and footpaths/cycleway (indicative).

1 Purpose of the Development Brief

1.1 The Deposit Draft of the Carlisle District Local Plan was placed on Deposit in March 1995. Following the receipt of objections, proposed changes to the plan were published in December 1995 and January 1996.

1.2 A Public Inquiry was held between February and April 1996. At the Inquiry, proposals relating to the future development of the RAF 14 MU complex were discussed, including the development of site 4, Cargo, for housing. Site 4 taken as a whole extends to 8 hectares. The Inspector's report published in October 1996, advised that 'some redevelopment of site 4 for housing would be justifiable'. The report suggested that the housing allocation would be for a specific 3.5 hectare area, but the after use of the whole of site 4 would be involved. The Inspector's report recommended that in relation to site 4, Proposal H1 of the Local Plan (Allocation Of Housing Land) be modified by the addition of an allocation of 3.5 hectares of land and that the Proposals Map be appropriately modified. The site is included within an extension to the urban area, as recommended in the Proposed Modifications (November 1996) to the Carlisle District Local Plan (Deposit Draft). The housing allocation together with the extension to the urban area is shown in Plan 1 of the Brief. The extension to the urban area is shown as a brown broken line. The Carlisle District Local Plan was adopted on 16th September 1997 and allocates 3.5 hectares of site 4 for housing.

1.3 Given the relatively large area of the site and it's sensitive rural location in close proximity to Cargo village, the City Council considers it essential to prepare a detailed development brief to guide the development of the whole 8 hectare site.

1.4 This brief sets out the basic principles for the layout, appearance, landscaping and implementation of the development, together with advice on related issues including provision for cyclists, safety and security and access for the disabled.

1.5 The development brief was approved by the City Council's Environment Committee on the 12th June 1997, for consultation purposes. The consultation period commenced in the middle of August and concluded on the 17th September 1997. It involved developers, statutory undertakers, the Parish Council and the occupiers of dwellings adjacent to the site. Certain changes have been made as a result of these comments and these changes together with the comments received were considered by the Environment Committee on the 2nd October 1997. The Committee resolved to adopt the Development Brief as supplementary planning guidance. As such, it will be used as a basis for the consideration of reserved matters concerning the current outline planning application or full planning applications, which will be expected to be in accordance with it.

2 Site Characteristics and Surroundings

- 2.1 The allocated housing site extends to 3.5 hectares and is part of a larger 8 hectare site at RAF 14 MU, site number 4. The site lies to the north west of Carlisle. The village of Cargo is located immediately south west of the site, with the Kingmoor Marshalling Yard to the east (shown as purple shading on plan 1).
- 2.2 The site is bounded to the north east and east by a classified road which links the urban area of Carlisle with the village of Rockcliffe. Immediately beyond this road are open fields and the Kingmoor Marshalling Yard. The topography of the fields and the marshalling yard is relatively flat and the intrusive features of the yard's lighting pylons are highly visible. Primarily due to the location of the marshalling yard it is considered that there are no significant attractive views from within the site looking directly north east or east.
- 2.3 To the north and north west, the site is bounded by a minor road leading into Cargo village, with open fields beyond. To the north the ground slopes upwards from the site towards the horizon (Cargo Hill). The site is particularly prominent when viewed from the north along the road.
- 2.4 Rose Cottage and its curtilage abut a small part of the site's western perimeter. At this point, the site boundary fence consists of post and wire fencing giving direct views both into and out of the site. Beyond the minor road, the land slopes away relatively steeply affording views over open fields with woodland in the distance. This distant lower lying area of land is within the floodplain of the River Eden.

2.5 To the south west the site is bounded by a wide grassed verge containing mature and semi-mature indigenous trees. Beyond the minor road are located three dwellings which have a road frontage. Open fields can be seen beyond.

2.6 A children's play area is located on a continuation of the grass verge. A mature hedge and a post and wire perimeter fence form the site boundary. The former school (now a dwelling) and its curtilage abut the most southerly part of the site. At this point, the two minor roads which form part of the site's perimeter converge to form a single spinal road which runs through the essentially linear form of Cargo village. In relation to the site, the topography of this area is relatively flat. Looking from within the village, the site is screened by the former school building and the cover provided by deciduous trees/hedging.

2.7 To the south east, the site is bounded by a minor road leading into Cargo village with open fields beyond. National grid electricity pylons and wires cross these fields and the most easterly part of the site. The eastern part of the site, due to a combination of the flat topography and the large warehouses is visually prominent when approaching the site by road from Carlisle.

2.8 The ground levels within the site are relatively flat. The ground gently slopes away from the east/south east towards the north west corner of the site. A number of large visually intrusive warehouses dominate the site and are considered to be intrusive in the open rural landscape. The residential redevelopment of the site and the removal of these large buildings has the potential to provide significant landscape and visual benefits to the area. Interspersed with the warehouses are located single storey brick buildings some having slate roofs. A gate house is located adjacent to the existing site access. Apart from the tarmaced roads and turning areas the remaining area consists of maintained grass. Some external lighting columns can be seen on the site.

2.9 Within the site are both individual and groups of deciduous trees. Tree planting is particularly noticable on the site's south eastern boundary. Other than a post and wire perimeter security fence, the site is bounded by hedging. Some of the hedges contain semi-mature trees. There are no hedges to the rear of Rose Cottage.

3 Scale and Density of Development

3.1 The area of the site allocated for housing development in Proposal H1 of the Local Plan extends to 3.5 hectares. Based on a density of 25 dwellings per hectare, it will be expected that the site will support a maximum of 90 dwellings. However, Policy H8 - Affordable Housing on Large Sites, of the Carlisle District Local Plan has identified a need

for affordable housing within the area, and the developer will be required to provide nine affordable dwellings through a legal agreement or the involvement of a housing association. There may therefore be further justification for slightly raising the overall density of the site. The scale of the development should reflect that of the adjacent village and will be expected to be predominately one or two storey dwellings in a mix of terraces, semi-detached and detached form.

4 Materials, Privacy and Design

4.1 Planning Policy Guidance (PPG) Note No.1 - *General Policy and Principles* (revised) February 1997, states that good design should be the aim of all involved in the development process and should be encouraged. Good design can help promote sustainable development, improve the quality of the existing environment and help secure public acceptance of necessary development. PPG 3: *Housing*, revised March 1992 states that developers should aim for a high quality of design and landscaping in all new housing developments and this requirement is reflected in Policy H16 of the Carlisle District Local Plan.

4.2 The use of good quality materials will be required throughout the development and should be used in a way which integrates the whole development. The development should aim to reflect the traditional architecture of this part of the County. The design of individual buildings should be simple and uncluttered.

4.3 A mix of render and brick would be appropriate. Continuity in the use of materials is important and linked or semi-detached houses should not conflict with each other in their choice of materials. Roofs should have 35 - 45 degree pitches, and use dark slates or tiles. Windows should have simple proportions and associated detailing and be defined by lintels and sills. Rainwater goods should preferably be black and driveways defined in either brick paviors or tarmac, with appropriate contrasting edging treatment. Screen walls or fencing should be of a consistent design and detail throughout the development. A mixture of brick and timber will be acceptable.

4.4 Local Plan Policy H16 also identifies the need to ensure that there is the right balance between the density of development and privacy. This should relate not only between buildings on the estate but in the relationship between new and existing development. The City Council will be looking for adequate distance between principal windows and between windows and gable ends. This will usually be 21 metres and 11 metres respectively. There should also be adequate space around buildings to ensure that they can be properly maintained. Rear gardens should provide privacy and reflect the need for adequate distance between windows.

4.5 Within the site, the boundary between the proposed village green, shown on Plan 3 and the housing development will be particularly sensitive. In order to reduce opportunities for vandalism on the proposed village green/play area, and to provide a visually aesthetic

setting to the green, it is considered that the front elevations of houses should overlook these areas. Rear housing elevations and gardens overlooking the green would be unacceptable. To avoid a hard edge being formed between housing and the green, measures including planting and the layout of houses, aiming for a curving front building line rather than houses in straight lines should be considered.

5 Energy and Efficiency

5.1 Paragraph 6.16 of PPG 12 *Development Plans & Regional Planning Guidance*, February 1992, states that "*Development policies may also have an impact on the efficiency with which energy is used through their influence... on factors such as housing type, orientation and location*". This advice is reflected in paragraph 4.90 of the Reasons/Explanations to Policy H16 of the Carlisle District Local Plan.

5.2 Consideration should therefore be given to ways of making the dwellings more energy efficient, for example through careful attention to aspect, design, selection of building materials and high standards of insulation. The orientation of dwellings should make the optimum use of sunlight, for example, living rooms and rear gardens should, where possible, have a southerly or south westerly aspect.

6 Safety and Security

6.1 Developers should aim to reduce opportunities for crime and vandalism through the design of both the individual dwellings and the layout of the estate. The City Council has adopted supplementary planning guidance *Design Against Crime* on these issues. This is referred to in Policy H16 of the Local Plan.

6.2 Such measures, however, should not be at the expense of a high standard of design. Opportunities for surveillance should be maximised and houses sited in clusters or blocks in cul-de-sacs or return loop residential streets. This also helps to create a sense of neighbourhood. Landscaping should not create hiding places. Footpaths and cycleways should be wide and well lit and any off street car parking whether privately owned or part of the highway, should be well lit and located where it can be viewed from dwellings.

7 Access, Road layout and Car Parking

7.1 The main access to the site should utilize the existing access to the site and be well landscaped in nature. The existing semi-mature horse chestnut and sycamore trees should be incorporated into any landscaping scheme.

7.2 The City Council will expect all residential roads and parking provision to be developed in accordance with the Cumbria Design Guide Volume One, *Layout Of New Residential Developments*. This is supplementary

planning guidance which has been approved by all the highway and local planning Authorities in Cumbria following extensive consultation. It is referred to in Policy H16 and the City Council will require developers to have regard to it in accordance with advice in paragraph 3.18 of PPG 12 *Development Plans and Regional Planning Guidance*.

7.3 Road layout is an intrinsic part of any development pattern, and the way in which roads interrelate and define spaces can greatly enhance the environment of a development. The scope for providing shared driveways to a small number of dwellings should be explored as it allows for the creation of layouts within which the road layout will not dominate other features.

7.4 Traffic calming measures are likely to be required along the main distributor road, where the car will have priority over pedestrians. In small residential groupings, priority should be given to pedestrians who should be able to move about safely and confidently.

7.5 The developer will be required to finance all highway works necessary for the development to take place.

7.6 Car parking provision throughout the development should be in accordance with Policy T7 of the District Plan. This requires that car parking provision within developments should be in accordance with *Parking Guidelines For Cumbria*. In housing areas this information is

also detailed in the Cumbria Design Guide Volume One: *Layout Of New Residential Developments*, December 1996.

8 Cyclists and Pedestrians

8.1 Footpaths and a cycleway should be provided in conjunction with any open space, such as the village green. In terms of the location of footpaths/cycleways Plan 3 of the brief is indicative. The footpaths/cyclepaths should provide a linkage between the new housing, village green and Cargo village and the community woodland area. Within this development the general level of cyclist and pedestrian traffic will be low enough for unsegregated footpaths/cycleway to be acceptable. Further details on provision for cyclists and pedestrians can be found in the Cumbria Design Guide *Layout Of New Residential Developments*.

9.2 Developers will therefore be required to take into account the needs of people with disabilities in all matters of design, layout and access. Dropped pavement crossings with tactile paving and clear sight lines should be provided at all junctions. The use of shared pedestrian and vehicular access on small cul-de-sacs can be advantageous to the elderly and the disabled and those with push chairs etc. as traditional kerbs are avoided. In order that the visually handicapped can distinguish between vehicular and pedestrian routes, small changes in texture should be used.

9.3 With regard to housing development, PPG 3: *Housing*, revised March 1992, states that developers should already be considering whether the internal design of housing, and access to it, can meet the needs of the disabled, whether as residents or visitors and this advice is reflected in Policy H15 of the Carlisle District Local Plan.

9 Access for the Disabled

9.1 Paragraph 33 and 34 of PPG 1: *General Policies And Principles*, March 1992, states that the development of land and buildings provides the opportunity to secure a more accessible environment for everyone, including wheelchair users, people with other disabilities, the elderly and people with pushchairs.

10 Landscaping/Woodland

10.1 The Reasons/Explanations for Proposal H1 of the Local Plan advise that a substantial area of woodland (structural landscaping), will be required between the new housing and the site perimeter bordering the classified Carlisle to Rockcliffe Road/Kingmoor Marshalling Yard, (Plan 3 of the brief refers). The woodland area should be developed as part of the City Council's Community Woodland Strategy and will require agreement between the City Council, The Defence Estate Organisation and the Forestry Authority. It is considered that the

woodland area will provide public access in the form of footpaths, cycleways and interpretation boards. Care will have to be taken with the positioning of the footpaths to ensure the privacy and amenity of the new housing area. It is envisaged that the footpaths/cycleway would provide a link with the village green. The forestry authority offer discretionary grants to encourage the planting of woodlands. It should be noted that local plan Policy E9 requires that all developments on the periphery of settlements such as Cargo, should be the subject of landscaping schemes that help to integrate the new development with the surrounding rural area.

10.2 It is considered appropriate that the structural landscaping/woodland area be planted as soon as possible to enable some growth to occur before development commences. It is important that a developer(s) enters into early discussions with the Council and the forestry authority, who can offer guidance on woodland grants and community woodland planting practice, which follows forestry rather than general landscaping principles. Further advice concerning likely planting densities and species is available from the forestry authority. The authority has intimated that the woodland area will qualify for funding under the Woodland Grant Scheme, and may be eligible for Better Land Supplement. This is a further one off payment. The Woodland Grant Scheme usually runs for a period of ten years, or can be extended until the woodland has been satisfactorily established. The terms of available discretionary grants can be obtained from the forestry authority. Peil

Wyke, Bassenthwaite Lake, Cockermouth, Cumbria. This structural landscaping/woodland area will be primarily forestry type planting of whip and transplant size planting, utilising native species indigenous to this area. Regular maintenance should ensure the establishment of the planting stock. All new planting in the short term should be protected from vermin by plastic tubes.

10.3 With regard to the provision and maintenance of structural landscaping/community woodland, the City Council will require the developer(s) to enter into formal legal agreements covering the detail of initial works, maintenance and the transfer of the land into the City Council's ownership at the appropriate time before planning permission is granted. Any legal costs in transferring ownership to the Council will be met by the developer.

10.4 Within the site, landscaping will be an important and dominant feature of the development, through new planting and paving materials. Particular areas which will require tree planting/landscaping will be the village green incorporating the play area (Section 12 refers), the main vehicular entrance to the site and any general open space. Important landscape features consisting of existing trees and hedges, within and abutting the site should be retained where appropriate. The existing trees and hedges are shown on Plan 2 of the brief. Within the site, existing isolated trees such as hawthorn, silver birch and horse chestnut, should wherever appropriate be retained and strengthened by further planting. Indigenous species of planting should be used for new

11 Treatment of Boundaries

landscaping and a proportion of these should be semi-mature when planted for initial impact. This is particularly important with regard to the village green and general open space.

10.5 Policy E19 of the Plan requires landscaping schemes to be submitted as part of most planning applications. Schemes should indicate the location, species, planting densities and planting heights of new planting and where appropriate, existing trees, shrubs and hedges to be retained together with the replacement of any environmental feature lost to development.

10.6 Trees and shrubs to be retained will be protected during development in accordance with advice contained in the supplementary planning guidance *Trees On Development Sites*, which has been prepared in accordance with Department of the Environment Circular 36/78: *Trees And Forestry*. In addition appropriate arrangements will have to be made for the future maintenance and aftercare of the landscaping in accordance with Policy E19 of the Local Plan. Care will need to be taken with the housing layout to ensure that no new dwellings, or other development including hard surfacing, are located near to existing trees, hedges or new planting. There needs to be a reasonable distance between the foundations of any development and existing/new planting. The physical proximity of trees to buildings or other structures can lead to obstruction of daylight and sunlight, the physical interference of tree branches with buildings, falling branches and blocked gutters. Further advice is contained in the British Standards BS 5837 (1991) *Guide For Trees In Relation To Construction*.

11.1 The entire site perimeter is bounded by a chain link fence supported by concrete posts and topped by barbed wire. Where appropriate, parts of this fence could be retained to protect the existing hedgerows, or, as part of the management of the access into the structural landscaping/community woodland. The site benefits from existing hedging and tree planting which should be retained where appropriate. Any gaps in the hedging on the sites north east, east and north west boundary should be planted with appropriate indigenous species. Semi/mature and mature trees within the hedgerows will be supplemented by new on site planting, and other than routine maintenance for tree health and highway safety reasons should be left to grow.

11.2 At the most southerly corner of the site, the proposed village green/open space (Plan 3 refers), will abut an existing hedgerow. Some of the hedging may need to be removed to allow views and pedestrian/cycle access from Cargo village into the new village green and housing areas. The area of hedge to be removed should be shown on a landscaping scheme/tree retention plan submitted as part of a planning application. It is envisaged that the existing playground area outwith the site, will be integrated into the village green.

11.3 The curtilage of Rose Cottage bounds a small part of the site's western perimeter. At this point, a post and wire fence forms the boundary between the cottage and the site. In order to preserve the amenity of

the occupiers of the cottage and the new housing, it is suggested that a new fence that affords more privacy and which can be easily maintained be erected. Care will need to be taken with the form and materials used to ensure that the fence is not visually incongruous on this rural site. Details of any screen fencing should be submitted as part of any full or reserved matters planning application.

11.4 Similarly, the rear curtilage boundary of a dwelling (the former school) abuts the area shown on Plan 3 as the village green. As with Rose Cottage, a new fence should be erected to ensure privacy and security for the occupiers of the dwelling.

12 Open Space

12.1 Proposal H1 of the Local Plan advises that the site's development for housing should include open space in the form of a village green. The green should be located in the southern corner of the site between the area allocated for housing and Cargo village, see plan 3 of the brief.

12.2 The development of the village green will be the responsibility of the developer and the City Council will expect the green to include children's play provision. In accordance with Policy L9, the following standards of playspace provision will be required:

Outdoor Playgrounds : 450 square metres
Informal Playspace : 945 square metres.

The standards of open space are based on the National Playing Fields Association (N.P.F.A.) requirements of 0.6 - 0.8 hectares of playing

space and 1.6 - 1.8 hectares of land for outdoor sport per 1,000 population, based on a density of 25 dwellings per hectare, with the average number of people in each dwelling being 2.3 (average in Carlisle).

12.3 The Reasons/Explanations for Policy L9 advise that play areas should be landscaped and have safe pedestrian access. Any play equipment to be provided must be sited at least 30 metres from the nearest dwelling so as not to cause a nuisance to local residents. The design of play areas will be overseen by the City Council's Leisure and Community Development Department in liaison with Kingmoor Parish Council.

12.4 The Council will expect the green (including playspace provision) to be provided and completed in the early stages of the occupation of the new housing development. A planning condition will be imposed on any consent to ensure early provision.

12.5 Once provided it will be expected that the green will be legally transferred into the ownership of the City Council or Parish Council. Further advice relating to the provision and maintenance of open space and play space is given in Policy L9 of the Carlisle District Local Plan. Consideration should be given to retaining an existing brick built building, shown on Plan 2 of the brief. The building which would be located on part of the green, could be utilised by the Parish for the storage of sports equipment.

13 Land Contamination

- 13.1 The site is known to have been contaminated in the past. Although the Ministry Of Defence has undertaken some de-contamination works, the work has still to be completed. Details of land contamination are contained in a Land Quality Statement issued by the MoD in October 1997. Developers should note that in accordance with Policy 23 of the approved Structure Plan, planning applications for the development of potentially unstable or contaminated land will normally not be considered without a satisfactory site investigation and appropriate measures to remedy any identified hazards. Guidance contained in PPG 23 *Planning And Pollution Control* advises early consultation with the relevant pollution control authority, such as the Environment Agency or the Health And Safety Executive.

14 Archaeological Implications

- 14.1 The site has not been the subject of previous archaeological investigations. The site may well have features of archaeological interest and there will be a requirement for a pre-planning application archaeological evaluation in accordance with PPG 16 *Archaeology and Planning*, November 1990 and Policy E30 of the Carlisle District Local Plan. A number of archaeological sites in the vicinity have been identified by aerial photography and are entered on the County Council's Sites and Monuments Record (SMR nos 399 and 6938). Other archaeological sites a short distance to the south of Chapel House

have been discovered recently during the course of archaeological evaluation work. These records demonstrate the existence of ancient remains, some being of regional significance.

- 14.2 The evaluation, will require the developer to allocate appropriate time and financial resources to enable the work to be undertaken, will determine whether remains are present or not and if so whether more detailed archaeological investigation will be necessary before development commences. Any such further work identified will require to be programmed into the development project and will need to be fully funded by the developer.

- 14.3 The City Council will require the developer to enter into formal legal agreements to secure both the initial evaluation and any subsequent more detailed investigations of the site's archaeology and these will require to be concluded before planning permission is granted.

15 Infrastructure Provision

Foul Drainage

- 15.1 In the long term capital investment will be required to either extend the existing wastewater treatment works or divert the wastewater network and connect to the Carlisle wastewater network. In the short term, if it is proposed to develop the site quickly, the solution would be to connect the development (and possibly the Cargo wastewater network) to the Carlisle network via the existing Stainton foul pumping station. This

could be actioned via a Sewer Requisition under Sections 98 - 101 of the Water Industry Act 1991. Further advice can be obtained from the City Council's Department Of Environment And Development, Design Division. Contact the Drainage Manager, Mr I Bleasdale.

Surface Water Drainage

15.2 There are no public surface water sewers adjacent to the site, therefore, the capacity of any watercourses to accept surface water will be expected to be considered by a developer(s) at an early stage. An approved retention facility may be necessary. The Environment Agency have advised that details of any proposed new surface water outfalls to Cargo Beck, which should be constructed entirely within the bank profile, must be submitted to the Water Services Manager, The Environment Agency, Chertsey Hill, London Road, Carlisle, for approval in accordance with Land Drainage Byelaws. The agency has advised that prior to the commencement of development, any applicant for planning permission will be required to carry out adequate investigation to assess the impact of the site on the water environment and a report, detailing appropriate measures to prevent pollution of ground and surface waters, has been submitted to and approved by the local planning authority. The methods and extent of investigation shall be agreed with the local planning authority and the development shall then incorporate any approved remedial measures.

Water Supply

15.3 North West Water reiterate the comments made above concerning the need to extend the existing Cargo Wastewater Treatment Works or connect into the Stainton sewerage system. This would necessitate a new pumping station and long rising main to be constructed by a requisition. North West Water will be unwilling to adopt the infrastructure to the new development, unless it has been provided to adoptable standard and the old infrastructure abandoned. The existing mains water supply only runs to the site boundary. Further advice can be obtained from Mr P Hayden, Asset Manager, Water Management, Lingley Mere, Green Avenue, Great Sankey, Warrington, WA5 3LP.

Electricity Supply

15.4 Norweb (Distribution) has advised that they do not expect any difficulties with the electricity supply. In relation to site 4, allowance has been made for 90 houses to be heated by gas. In respect of electricity supplies, inquiries should be addressed to Mr A Bell, Norweb Distribution, Carlisle Office, Nelson Street, Carlisle, CA2 5BJ. Inquiries concerning existing apparatus should be addressed to Mr D G Wood, also at the above address.

Fire Service

15.5 The Fire Service has advised that it is highly likely that the existing water mains system for the site would be inadequate to supply sufficient fire fighting water. It is the fire service's opinion that the existing public

main outside the site does not provide a sufficiently reliable flow to support further development. Should evidence to the contrary be provided, together with hydrants complying fully with the recommendations of BS 750, this objection would be withdrawn. The hydrants would need to provide 2000 litres of water per minute at a pressure of 1.7 bar to satisfy the principal recommendations of B.S.750. The fire service has intimated that they would need to be satisfied that peak demand for water from any development would not reduce the water available to Cargo village to such an extent as to adversely affect the effectiveness of the existing hydrants in the village. The service has advised that they will require a developer(s) to provide as part of consultations on any planning application, detailed plans of water mains provision. Further advice can be obtained from Station Officer Macnaughton, Fire Safety Officer, C Division HQ, 11-13 Brunswick Street, Carlisle, telephone (01228) 815344.

16 Implementation

16.1 The City Council will expect the guidance in this development brief to be complied with and a developer(s) will be required to fully implement the landscaping and open space requirements detailed in this brief. The brief is cross referenced to the relevant proposals and policies of the Carlisle District Local Plan, it has been the subject of consultation with developers, statutory undertakers, the Kingmoor Parish Council and other interested parties and it has been adopted by a resolution of the

City Council as supplementary planning guidance. As such and in accordance with paragraph 3.19 of PPG 12 *Development Plans And Regional Planning Guidance* it is a material consideration to which considerable weight can be given.

16.2 Assuming that the site will be developed by a single developer, matters such as the provision and implementation of landscaping, the woodland area, village green and open space will be contained within a section 106 Agreement. If the site is developed by one or more developers, the Council will expect each to contribute, in proportion to the size of their site, to the overall provision and implementation of site landscaping, open space requirements, the village green, and woodland area. Again, these requirements will be covered by a section 106 Agreement.

17 Monitoring and Review

17.1 The District Local Plan, in accordance with planning policy guidance, details the requirements to monitor development progress and the effectiveness of the Policies of the Local Plan throughout the Plan period. Monitoring of residential development is undertaken on an annual basis. The monitoring of development progress will highlight any need to review this development brief and the District Plan Policies that it is based upon.

Plans

PLAN ONE

Housing Allocation for site 4

Source: Carlisle District Local Plan, Deposit Draft,
Carlisle City Council's Responses to the
Proposed Modifications.

PLAN TWO

Existing site features:

Trees, hedgerows and buildings.

PLAN THREE

Site Plan :

Landscaping and open space, site access and
footpaths/cycleway.

Development

Brief

RAY 14 MU Site 4

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consultation draft

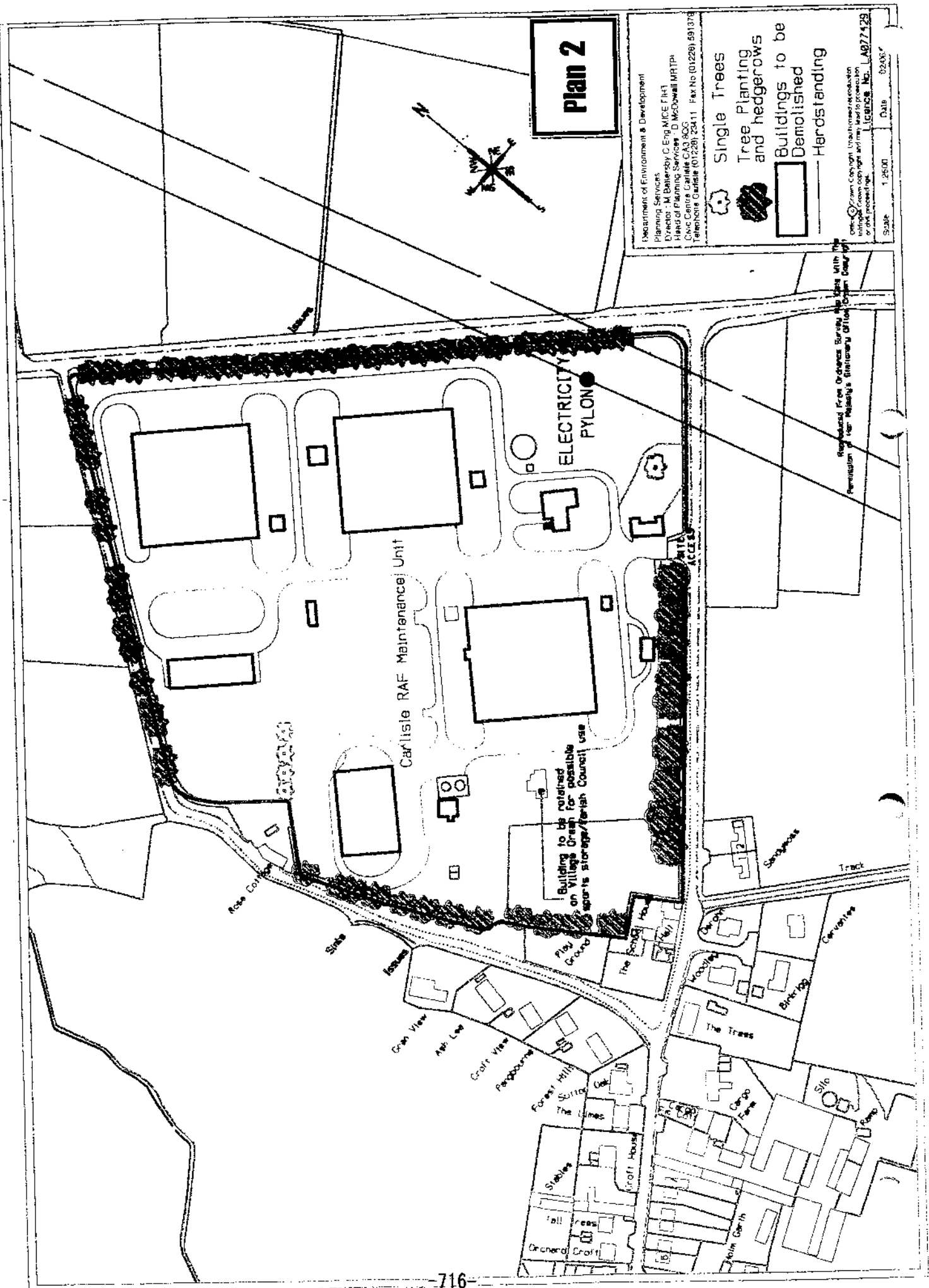
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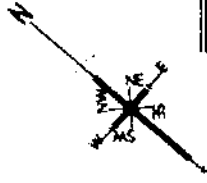
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Plan 3



Department of Environment & Development
Planning Services

Director: M. Battersby O Eng MICE RHT
Head of Planning Services: D. McDowell MPTP
Civil Centre Carfax OAS B03 Telephone Carfax 01283 20411
Fax No 01283 661379

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Housing Allocation

Village Green/
Open Space

Structural Landscapes/
Woodland Area

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Carlisle RAF Maintenance Unit

Rose Cottage

Sales

Gran View

Ash Lee

Oak View

Pegbourne

Forest Hills

Sutton Oak

The Lees

Stables

Tall Trees

Orchard Crafts

Craft House

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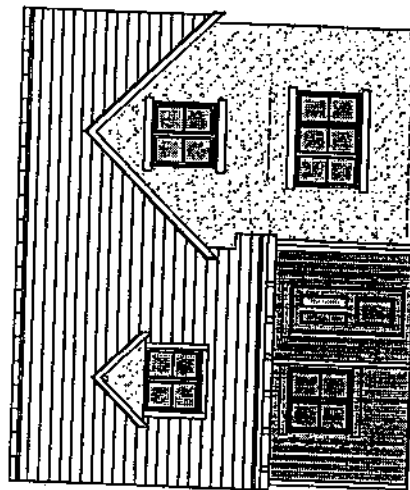
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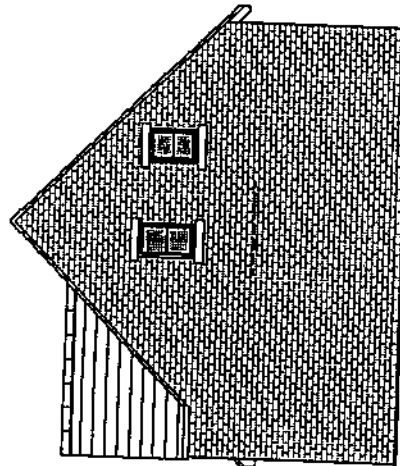
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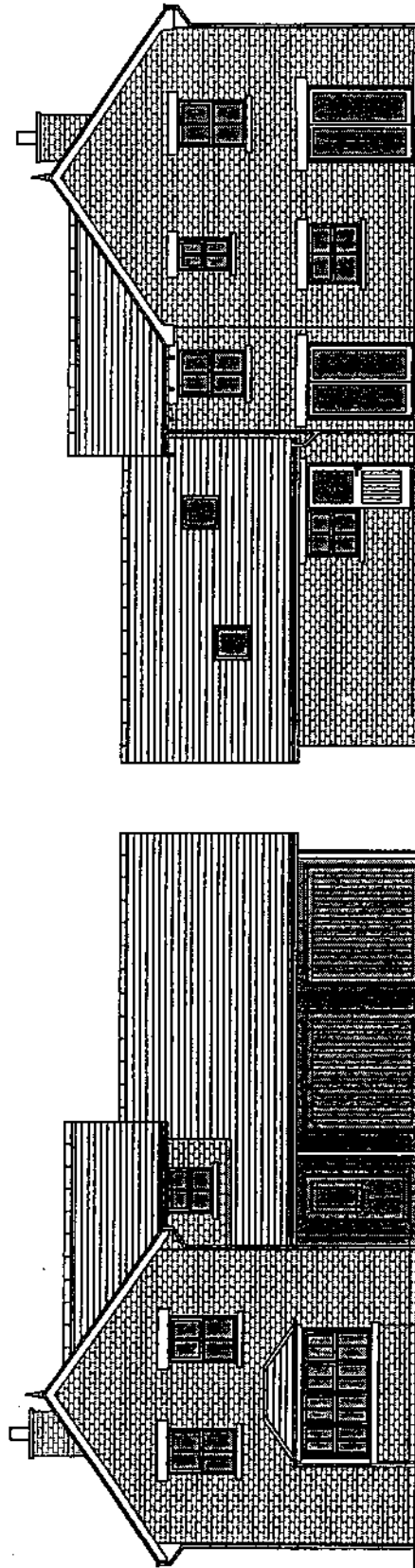
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FRONT ELEVATION.



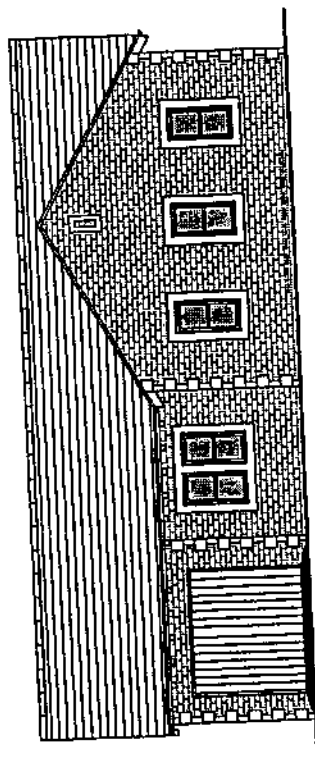
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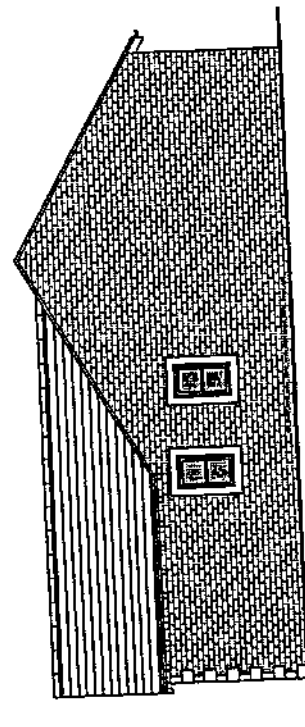


FRONT ELEVATION

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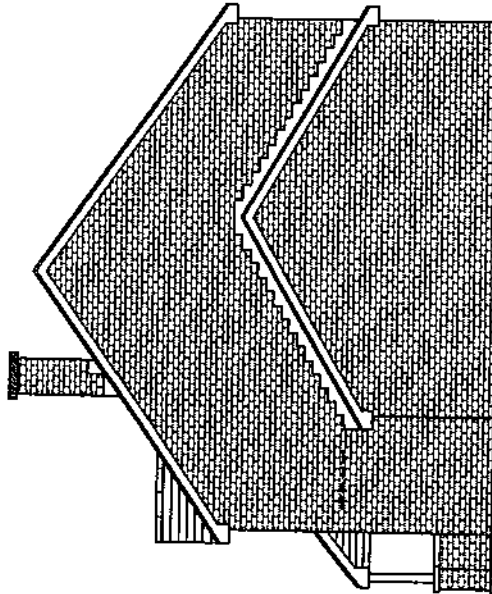


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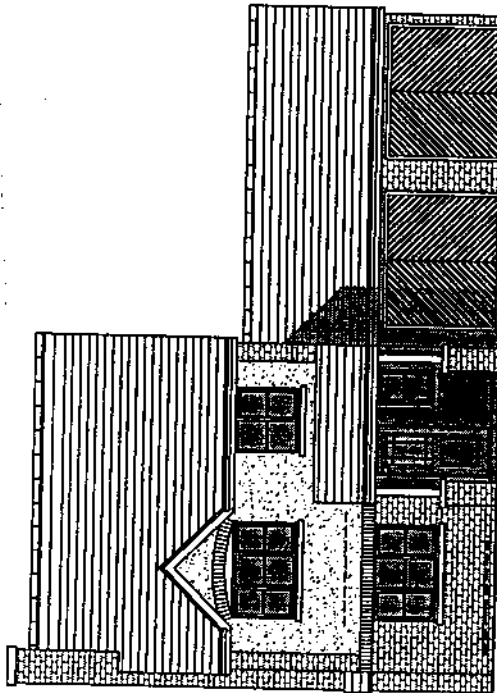


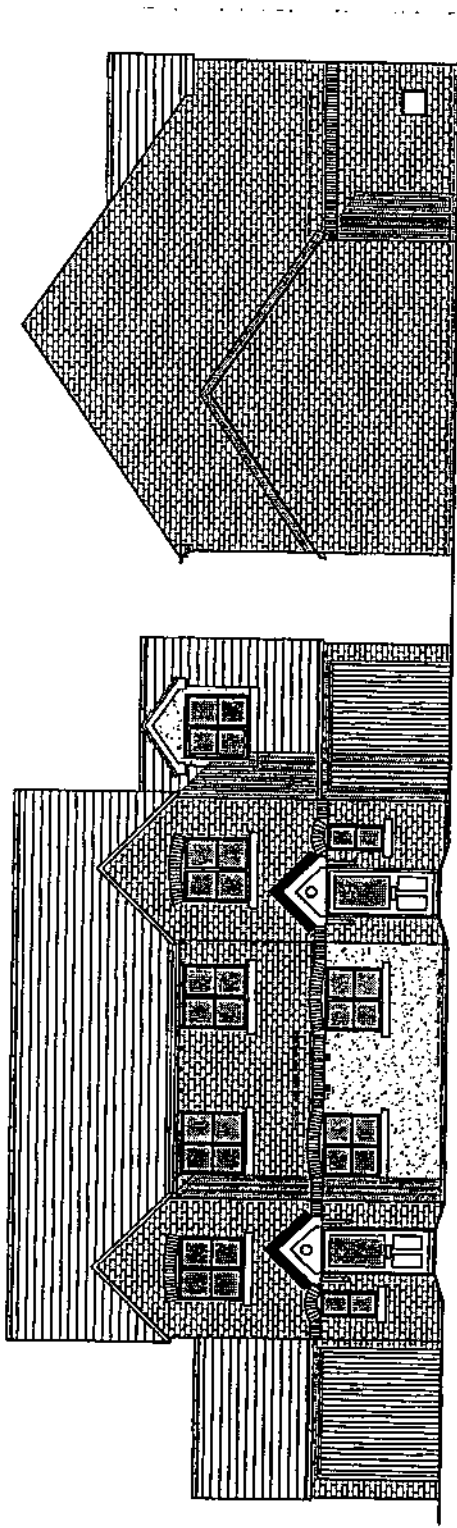
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FLANK ELEVATION



FRONT ELEVATION





PROPOSED FLANK ELEVATION.

PROPOSED FRONT ELEVATION.

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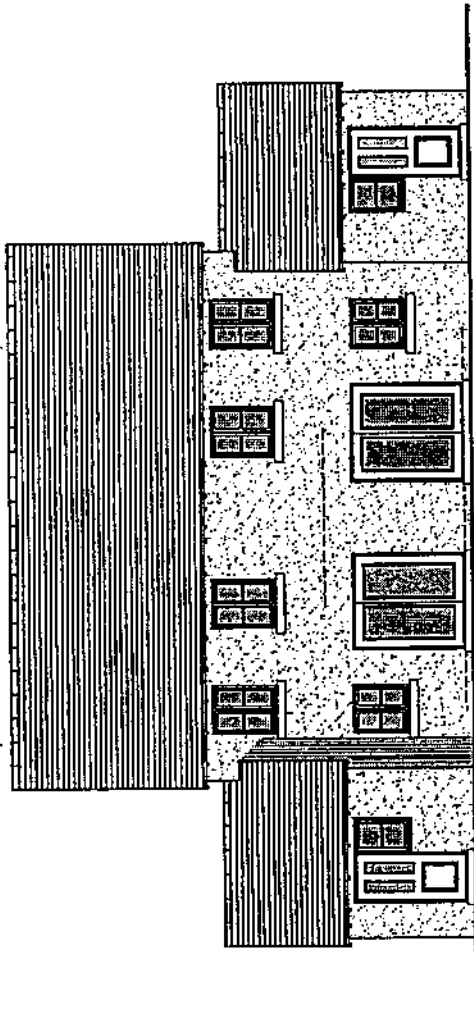
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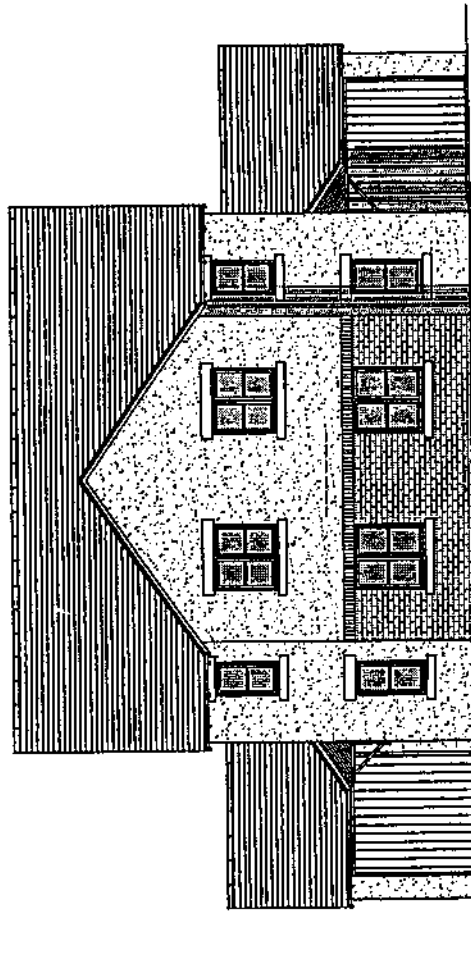
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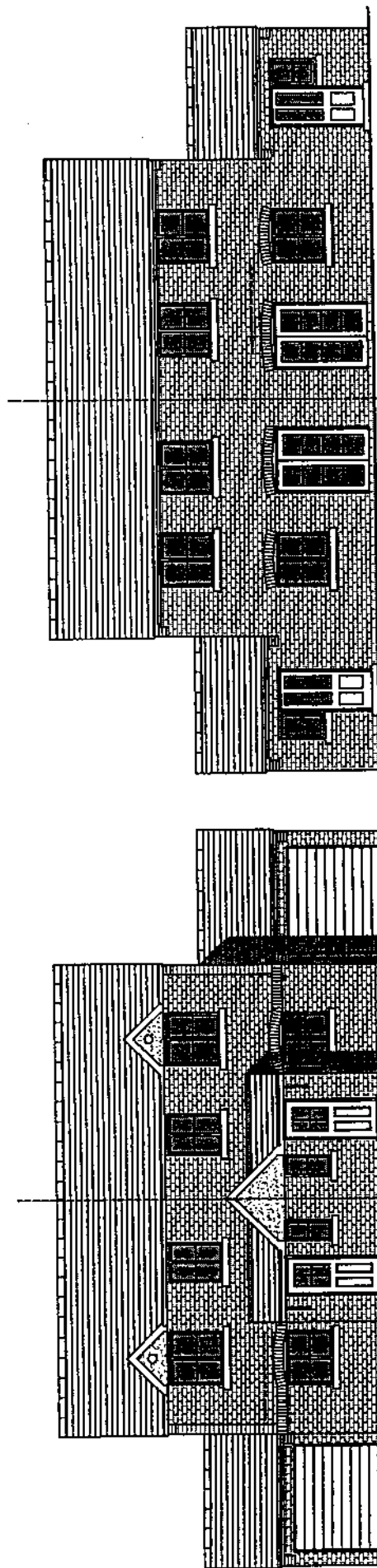
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PROPOSED REAR LAYOUT.

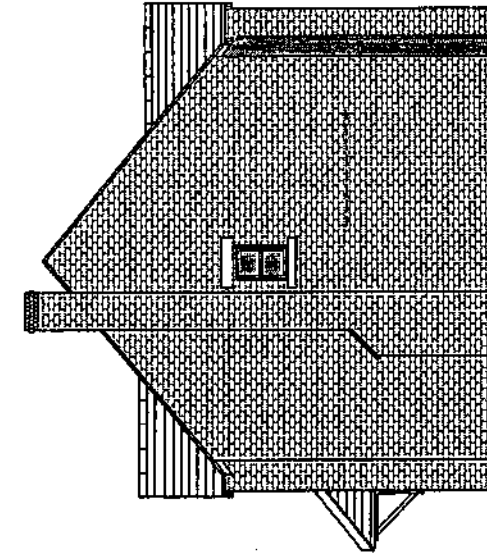


PROPOSED FRONT LAYOUT.

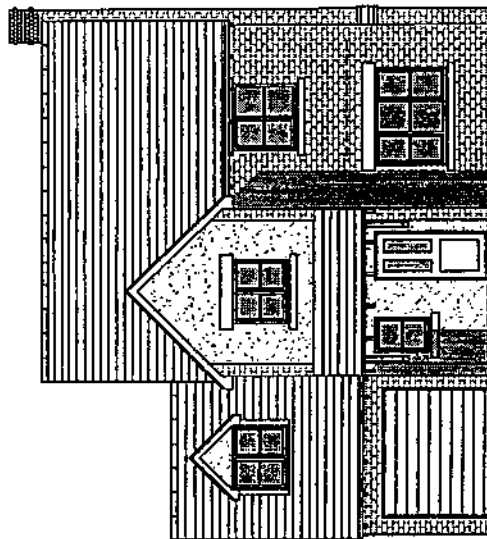


REAR ELEVATION

FRONT ELEVATION



SIDE ELEVATION



FRONT ELEVATION

KINGMOOR PARISH COUNCIL

Ken Hind (Parish Clerk)
Telephone 01228 531634

76 Brampton Road,
Carlisle,
Cumbria,
CA3 9AU

E mail kenh@carlisle-city.gov.uk

Alan Taylor
Chief Development Control Officer
Department of Environment & Development
Planning Services Division
Carlisle City Council
The Civic Centre
Carlisle CA3 8QG

PLANNING SERVICES	
REF	02/0844
18 NOV 2002	
RECORDED	16/11
EXAMINED	
PAPER	AMT
ACT	

14 November 2002

Proposal: Redevelopment for Housing, Roads, Public Open Space and Landscaping.
Location: Land adjacent No 4 Site, RAF, Cargo, Carlisle.
App.n No: 02/0844

Amendments To Layout

Dear Alan,
Thank you for your letter explaining the Amendments to Layout for the above application.

Apart from turning the properties 67, 68 & 69 on Honeypot Lane around so that they do not cross Common Land nothing else has changed significantly. There is no reduction in the number of houses from the previous plans and very disappointingly no significant improvement in what the developers refer to as "the link between the formal play area and the central site".

Our original objections submitted to you on 20 September 2002 therefore stand - with the exception of Item 8, Honeypot Lane.

I submitted these Amendments To Layout to the Council and the minutes read as follows:

The Clerk presented amendments received to previous plans and theses were examined. Comments regarding these can be summarised as follows:

a) the Council welcome the decision to turn properties fronting onto the lane (south of Rose Cottage) so that vehicular access is from within the estate.

b) Regarding "the link between the formal play area and the central site" there

KPC34.2.02

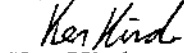
is no reduction in the number of dwellings from previous plan as stated in the accompanying letter from Carlisle City Council. This remains at 96 dwellings. This is in direct contradiction to what we were lead to expect from Mr Clive Mellings, the developers agent. He stated that he would be willing to remove a number of dwellings from the plans in order to open up the vista sufficiently to improve that link and thus accommodate our concerns of creating a divided community. The Council therefore expresses extreme disappointment that on examination of the revised plans the developers have not sufficiently achieved any greater connection of that link or removed any dwellings.

- c) Regarding drainage the applicants have not furnished proposals for the overall site including the most critical element which is foul drainage. No comment until theses plans is submitted. Resolved: clerk will forward the above comments to Carlisle City Council. - Kingmoor Parish Council Meeting, 7 November 2002. Ref 4.3 KPC.08.02*

Please do not hesitate to contact me if you have any queries.

Regards.

Yours faithfully,



Ken Hind

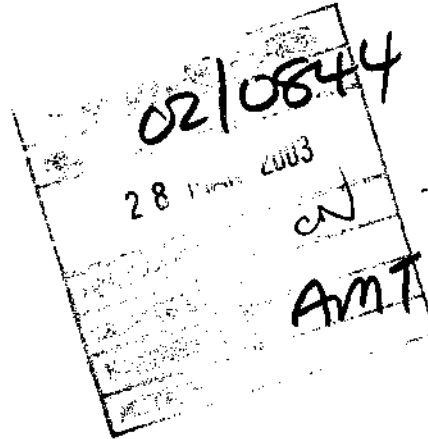
Clerk to the Parish Council.

Our Ref : NO/2002/004345-3/1
Your Ref : 02/0844



Date : 27 March 2003

Head Of Planning Services
Carlisle City Council
Civic Centre
Carlisle
Cumbria
CA3 8QG



Dear Sir

APPLICATION NUMBER: 02/0844
RESIDENTIAL DEVELOPMENT INCLUDING OPEN SPACE FACILITIES
RAF 14 MU, SITE 4, CARGO VILLAGE, CARLISLE

The Agency are in receipt of correspondence and a revised Flood Risk Assessment, Report No. 334770/02 dated 5th March 2003 from Mr R Cormack of Owen Williams Consultants submitted on behalf of Crowther Homes.

The revised document has answered the majority of points raised in the Agency's letter dated 10 February 2003, however, the surface water system design is outstanding to date and we would ask you to include the following condition on any planning decision:

CONDITION

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

The scheme should include the following as a minimum:

- Details of the rainfall figures used, derived from the Flood Estimation Handbook Volume 4
- Summary of results and details of the range of return period storms and critical storm duration's used to design the sewer system
- Confirmation that the sewers have been designed to "Sewers for Adoption, 5th Edition", including details of flood routing of surcharged sewers at return period storms of greater

than 1 in 30.

- Long sections and levels of the proposed and existing sewer systems related to Ordnance Datum
- Site Layout and topography

REASON

To reduce the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

In relation to the disposal of foul sewage, you will recall that the Agency objected to the application on the grounds that Cargo Wastewater Treatment Works (WwTW) does not have capacity to accept the flow for 98 additional dwellings.

From a recent telephone conversation with Mr. Melling of Crowther Homes we understand that they are in discussions with United Utilities to identify the most satisfactory solution to address the foul sewage issue.

Therefore the Agency is prepared to remove its objection subject to the imposition of the following negative planning condition:

CONDITION

None of the houses hereby approved shall be occupied until foul sewerage works and sewage treatment facilities have been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

REASON

To prevent the pollution of groundwater and surface waters and to comply with Policies 22 and E22 of the Cumbria and Lake District Joint Structure Plan and Carlisle District Plan respectively.

In meeting the requirements of the above condition the Agency would be opposed to an on-site sewage treatment plant -see our letter dated 9th September 2002, reference NO/2002/004345-1/1. However we would have no objection to foul sewage being discharged to Carlisle WwTW via Stainton Sewage Pumping Station or to an upsizing of the existing Cargo WwTW.

The above requirement is in accordance with paragraph 3, Annex 'A' of Circular 3/99 which states:- "When drawing up sewerage proposals for any development, the first presumption must always be to provide a system of foul drainage discharging into a public sewer. This should be done in consultation with the Sewerage Undertaker of the Area".

Please send me a copy of the decision notice.

A copy of this letter has been sent to the agent.

Yours faithfully

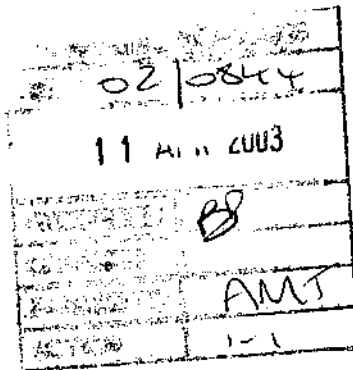


pp

DOREEN FERGUSON
Planning Liaison Officer

CC: Harrison and Pitt Architects

CC: Mr R S Cormack



Service Delivery
Lingley Mere Business Park
Lingley Green Avenue
Great Sankey
Warrington WAS 3LP

Telephone 01925 234000
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Direct Line 01925 463852
Direct Fax 01925 463701
David.Hardman@uuplc.co.uk

Carlisle City Council
Planning Services
Civic Centre
CARLISLE
CA3 8QG

Your ref AMT/DC 02/0844
Our ref 02/2175/DH
Date 8 April 2003

Dear Sirs

Clarification of consultation response, land at Former RAF 14 MU, Cargo, Carlisle

Thank you for your letter of 28 March 2003. The current public Wastewater Treatment Works (WwTW) at Cargo is sufficient to serve the current community and United Utilities (UU) has no plans to carry out any major works at the site.

The Developer has asked UU to adopt a new WwTW that they propose building to their specification. This request has been considered in accordance with UU's Policy on such requests and a decision not to accede to the Developers request has been taken.

If the proposed new WwTW were not adopted then the new sewerage system draining to the proposed new WwTW would be private and therefore not maintained by UU, as the rest of our 40,000 km of public sewers, on a 24-hour basis.

We are committed to working with the developer regarding the two alternative options of upsizing the existing public WwTW or transferring flows for the whole expanded Cargo sewerage system to the Carlisle WwTW drainage area. However, since the existing works is sufficient to serve the current community, there has been no funding allowed for any improvements at Cargo WwTW in the current investment programme that runs till 2005. We are willing to consider upgrading the Cargo system but this is unlikely to be for several years, subject to funding agreed by the Regulator and would require a proportionate and significant contribution from the developer.

Whilst negotiations are continuing, we have not yet been able to agree a way forward with the developer and, until such time as we can, must continue to oppose planning permission at this site.

Please note that a copy of these comments has been forwarded to the applicant/agent.

Yours faithfully

David Hardman
United Utilities, External Planning Liaison.

BUSINESS in the

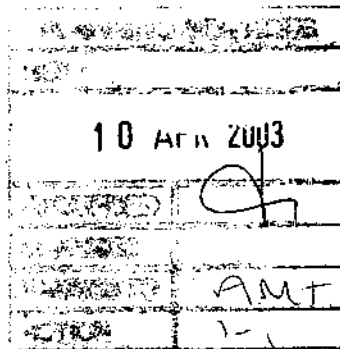
COMMUNITY

COMPANY OF THE YEAR
2000

Our ref: cm50207/rk

09 April 2003

Mr A Taylor
Development Control Manager
Carlisle City Council
Civic Centre
CARLISLE
CA3 8GQ



Crowther

HOMES

*The
Number
One
Choice*

BY FAX & POST

Dear Alan

FORMER RAF 14 MU, CARGO, CARLISLE

I refer to your letter of 28 March and my subsequent conversations with Chris Wright and yourself regarding the above development.

The Environment Agency in its consultation response of 27 March have removed their objections to the disposal of surface water and foul sewage from the site subject to the imposition of the stipulated planning conditions. Whilst we are not entirely happy with the restriction in the reason behind the condition relating to the disposal of foul sewage we acknowledge that it is necessary in order for the application to be presented to the committee on 25 April and therefore we reluctantly accept its imposition. For your information I am meeting with United Utilities on 1 May to discuss their proposals for the treatment of foul sewage from the site.

Your assumption regarding the Traffic Impact Assessment is correct, copies have been sent direct to Mark Goodwill at Cumbria County Council. The design proposed by RPS has been accepted by Mark on behalf of the County Council, my letter to you of 5 February refers.

We have received the draft Archaeological Evaluation this morning and I enclose copies of the conclusions and recommendations sections of the report for your information. As you will see nothing of significance was found and no further work is required. The final report is due at the end of this week and I will forward copies to you for your records.

I turn now to the comments raised by Chris Wright. I concur with your view regarding point 1 that any encroachment within the 30m rule is an historical fact and therefore not entirely relevant. When the new design is prepared in conjunction with the Parish Council and Playdale we will endeavour to ensure that new equipment is not located any closer to the surrounding properties than the existing equipment. However, if there is any minor infringement of the 30m rule I would hope that in the interests of the overall design of the play/kickabout areas common sense prevails.

I have discussed points 2, 3 and 4 with both the architect and landscape architect and they are strongly of the opinion that the open spaces and their links should remain as proposed. They have been specifically designed to create linked areas with distinct identities and to give a sense of "opening out" when moving from one area to another. Even Chris Wright acknowledged that his comments were subjective and there was actually nothing wrong with the layout as proposed. I agree with the views of our architects, however, as we have discussed if the committee feel strongly that the links are too narrow and would be minded to refuse the scheme as a result I would be happy for you to get a "minded to approve" resolution subject to modification of the width of the links. In summary I would not wish to see the scheme refused for something so minor when the space is available elsewhere on the site to increase the widths of the links if absolutely necessary.

Page 2.

Points 5 and 6 appear to be reasonable and are accepted in principle although I think the figure of £50,000 is too high, particularly if you consider that we are providing a similar value of equipment on our Beeches development on Wigton Road which is a much larger site of around 160 properties. No doubt this will be resolved when the detailed design for the play area is produced.

Dennis Pitt is preparing a coloured layout for your use at committee and this should be with you by the end of this week or early next week at the latest.

I trust that the above accurately reflects the current position and I look forward to receiving confirmation that our scheme will be presented to the planning committee on 25 April with a positive recommendation. If however in the meantime you require any further information or wish to discuss any of the issues raised please do not hesitate to contact me.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Clive Mellings', written in a cursive style.

CLIVE MELLINGS
DIRECTOR

Enc

SCHEDULE B: Reports Requiring Further Information

03/0018

Item No: 54

Date of Committee: 25/04/2003

Appn Ref No:
03/0018

Applicant:
Six Continents Retail
Limited

Parish:
Carlisle

Date of Receipt:
10/01/2003

Agent:
RPS

Ward:
Botcherby

Location:
L/ADJ 491 Warwick Road, Carlisle

Grid Reference:
342532 556019

Proposal: Erection of Toby Restaurant

Amendment:

John

Report

Planning Policies:

Carlisle District Plan Environment - Policy E20

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

Carlisle District Plan Housing - Proposal H17

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

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

Carlisle District Plan

Environment - Policy E6

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

1. The proposal reflects the scale and character of the existing group of buildings; and
2. There is no unacceptable adverse effect on the amenity of neighbouring property; and
3. There is no unacceptable adverse effect on the character and appearance of the surrounding area; and
4. Where appropriate satisfactory access and car parking can be achieved.

**Carlisle District Plan
Transport - Proposal T3**

Proposals for development which materially increase the traffic movement on the road network will need to be accompanied by a Traffic Impact Assessment. The City Council will usually require any road improvements or new highways, identified as being necessary by the assessment, to be funded by the developer. Such work should be consistent with the role and function of the highway. In the case of trunk roads all the costs will be borne by the developer and the scheme should be designed to be consistent with the Development of Environment, Transport and Regions' design horizon.

**Cumbria & Lake District Joint Plan
Policy 24**

The erection of buildings or the raising of land, will not normally be permitted where there would be a direct risk from erosion or flooding, or be likely to increase the risk of flooding elsewhere.

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): The highway authority's response is reproduced in full in the schedule, but its conclusions are that the Transport Assessment submitted with the application should be supplemented by

SCHEDULE B: Reports Requiring Further Information

03/0018

further work related to the further development at Tesco and Rosehill. There is particular concern that the operation of the traffic lights may be disrupted by queuing traffic from the proposed new junction. Other concerns are the level of car parking in relation to the proposed floor space, and detailed comments regarding the layout.

Design Services - Drainage Engineer: Awaiting comments.

Environmental Services: Awaiting comments.

Wetheral Parish Council: The suggested traffic arrangements seem unlikely to be adequate.

Cumbria County Council - (Archaeological Services): No objection.

Environment Agency (N Area (+ Waste Disp)): The Agency submitted a holding objection to the application, pending the submission of a flood risk assessment. This has now been submitted and the Agency confirmed at a recent meeting that this was generally satisfactory. Works to the flood bank will be required to ensure the integrity of the flood defences, and this would be the subject of recommended conditions.

Summary of Representations:

Representations Received

Initial:	Consulted:	Reply Type:
The Occupier, 487 Warwick Road	14/01/03	
The Occupier, 489 Warwick Road	14/01/03	
The Occupier, 452 Warwick Road	14/01/03	
The Occupier, 454 Warwick Road	14/01/03	
Mrs Baley, 456 Warwick Road	14/01/03	
Mrs J B Laidlaw, 458 Warwick Road	14/01/03	
The Occupier, 460 Warwick Road	14/01/03	
Mr & Mrs Graham, 462 Warwick Road	14/01/03	
The Occupier, 464 Warwick Road	14/01/03	
Mr M McCall, 466 Warwick Road	14/01/03	Objection
The Occupier, 468 Warwick Road	14/01/03	
Tesco, Rosehill	14/01/03	
The Occupier, 459 Warwick Road	14/01/03	
The Occupier, 461 Warwick Road	14/01/03	
J Smith, 463 Warwick Road	14/01/03	
The Occupier, 465 Warwick Road	14/01/03	
The Occupier, 467 Warwick Road	14/01/03	
Mr Greenup, 469 Warwick Road	14/01/03	
Mr Towillis, 471 Warwick Road	14/01/03	
Mrs O Luckley, 473 Warwick Road	14/01/03	
The Occupier, 475 Warwick Road	14/01/03	
The Occupier, 477 Warwick Road	14/01/03	
The Occupier, 479 Warwick Road	14/01/03	
The Occupier, 481 Warwick Road	14/01/03	
Mrs Crook, 483 Warwick Road	14/01/03	
The Occupier, 485 Warwick Road	14/01/03	
The Occupier, 1 Tilbury Road	14/01/03	
The Occupier, 2 Tilbury Road	14/01/03	

SCHEDULE B: Reports Requiring Further Information

03/0018

The Occupier, 3 Tilbury Road	14/01/03	
The Occupier, 4 Tilbury Road	14/01/03	
The Occupier, 5 Tilbury Road	14/01/03	
The Occupier, 6 Tilbury Road	14/01/03	
The Occupier, 7 Tilbury Road	14/01/03	
The Occupier, 8 Tilbury Road	14/01/03	
The Occupier, 9 Tilbury Road	14/01/03	
The Occupier, 10 Tilbury Road	14/01/03	
The Occupier, 11 Tilbury Road	14/01/03	
The Occupier, 12 Tilbury Road	14/01/03	
The Occupier, 13 Tilbury Road	14/01/03	
The Occupier, 14 Tilbury Road	14/01/03	
The Occupier, 440 Warwick Road	14/01/03	
J S Heslop, 442 Warwick Road	14/01/03	Objection
The Occupier, 444 Warwick Road	14/01/03	
The Occupier, 446 Warwick Road	14/01/03	
The Occupier, 448 Warwick Road	14/01/03	
The Occupier, 450 Warwick Road	14/01/03	
The Occupier, 470 Warwick Road	14/01/03	Undelivered
The Occupier, 472 Warwick Road	14/01/03	
Mrs Kirkpatrick, 471 Warwick Road	14/01/03	Comment Only
J W Hunter, Yew Croft	14/01/03	Comment Only
J M D Hortop, Orchard House		Comment Only

The application has been advertised by means of a site notice and neighbour notification. Three letters of objection have been received. The issues raised are:-

1. The proposal is inappropriate in a residential area.
2. It will cause unacceptable traffic congestion.
3. The proposed landscaping is inadequate.

Details of Proposal/Officer Appraisal:

Planning History:

This site has a lengthy planning history as follows:-

1. In 1985, permission was given for a garage/bedroom extension to the existing house.
2. In the year 2000, an outline application for a hotel was submitted. Authority was given for an approval to be granted, but this was never issued because a required legal agreement was not completed. The application was subsequently withdrawn.

Details of Proposal:

This application relates to the site at the eastern end of the developed frontage on the north of Warwick Road, immediately before the Tesco junction. The site extends to .66ha. and is currently occupied by a derelict house, which has been empty for many years.

Johnny Bulldog's lanning runs along the eastern boundary of the site, while to the rear on the far side of the flood bank is open fields up to the river.

The current application proposes the redevelopment of the site to provide a pub/restaurant. The development would provide a 200 seat restaurant, with associated bars, kitchens and circulation space. The building is sited in the south eastern part of the site, towards the traffic lights.

It is essentially a one/two storey building, with rooms in the roof space providing toilets, staff rooms etc. No details are given of the external finishes, but the building is of domestic scale, with a pitched roof.

The access is positioned to the west of the building and leads to two car park areas, to the side and rear of the building, with a total of 62 spaces.

The application raises a number of issues, which can be summarised as follows:-

1. Land Use Policy

The site is within a Primary Residential Area, as allocated in the urban inset of the Carlisle District Plan. The undeveloped portion of the site is also an area of landscape improvement. Whilst existing property was residential, the character of this area has changed significantly in recent years, with the building and site becoming increasingly derelict and the adjacent Tesco development which opened in about 1996. The principle of commercial development on this site is therefore considered acceptable, and this was accepted when an application for a hotel on the site was considered in 2000, although it will be noted that that permission was never issued.

The current proposal is for a domestic scale building which will relate well visually to houses further along Warwick Road and with regard to this issue the proposal is considered to be acceptable.

2.Flooding/P.P.G.25

The floodbank runs around the northern and eastern perimeter of the site. The Environment Agency objected to the application pending the submission of a flood risk assessment. That assessment has now been submitted to both the Council and the Agency. The agency have indicated that the assessment is generally satisfactory, and subject to conditions, no objection would be raised to the application. The principal concern of the agency is to protect the integrity of the floodbank, and there will therefore be a requirement to strengthen and enhance the bank. It may also be necessary to make minor changes to the layout to meet the agency's requirements.

3. Highways

The site is situated on Warwick Road/A69, close to one of the busiest junctions outside the city centre. Development in this location is obviously going to have significant highway implications, and a Transport Assessment was submitted with the application. The highway authority have responded by raising significant concerns regarding the proposal. In particular, there is concern that right turning

SCHEDULE B: Reports Requiring Further Information

03/0018

traffic queuing to enter the application site will tail back to the point where it interferes with the operation of the Tesco junction. The position is further complicated by the further development at Tesco and in Rosehill which would increase the flow of traffic at the junction.

The applicants have been informed of these concerns and are in discussion with the highway authority. They hope to be able to submit further data to the highway authority and obtain an amended response before the meeting.

Other Matters

If the outstanding issues can be resolved, and members are happy with the principle of this development in this location, it will also be necessary to consider the permitted opening hours of the restaurant. In this location, opposite and reasonably close to residential property, it is considered that a restriction on opening hours would be appropriate, notwithstanding the fact that Tesco is open 24 hours a day.

Human Rights Act 1998

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

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

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

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

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

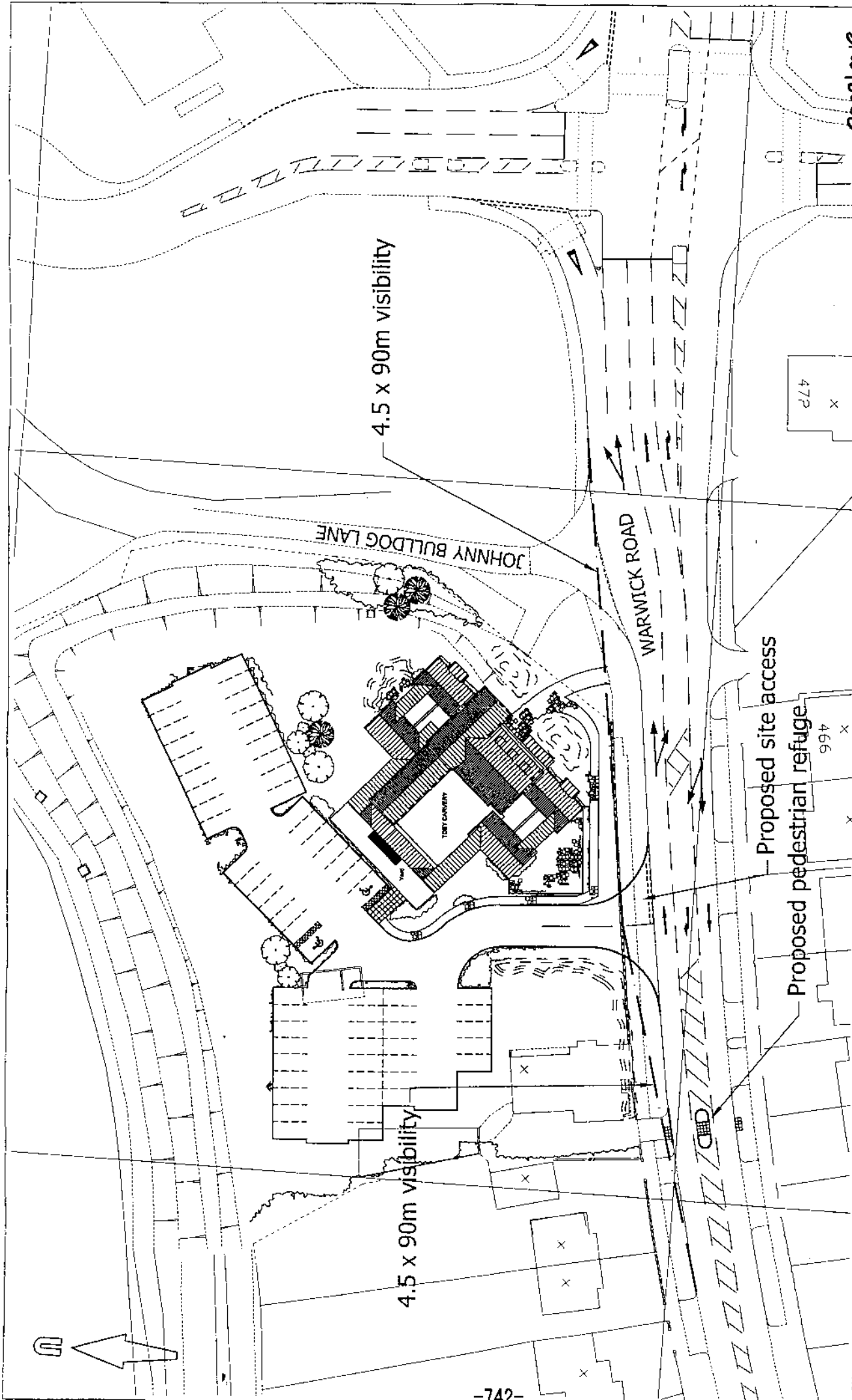
This application does not conflict with the Human Rights Act.

Recommendation:

Reason for including report in Schedule B

A firm recommendation cannot be made in respect of this application because significant issues regarding flooding and highways remain to be resolved.

Supp Schedule
Page 68 - Highways



scale 1:500 @ A3
 date 13 FEB 2003
 drawing number B/SCR/CARLISLE.1/)
 prepared by TW
 card file scr/carlisle/c.dwg
 rev. C

PROPOSED SITE ACCESS ARRANGEMENTS
 SIX CONTINENTS RETAIL
 PROPOSED PUP RESTAURANT
 WARWICK ROAD, CARLISLE

client SIX CONTINENTS RETAIL
 project PROPOSED PUP RESTAURANT
 WARWICK ROAD, CARLISLE

m3
 mayer brown
 Mayer Brown Limited
 10th Floor, 100 Broad Street, Bristol, BS1 4BT
 Telephone 0117 325 1027 Fax 0117 325 1035
 info@m3.co.uk www.m3.co.uk

The Contractor is to comply in all respects with the current Building Regulations whether or not specifically alluded to in these drawings. This drawing is not intended to show details of foundation or ground conditions. Each area of ground failed (up to 100mm) by the Contractor and suitable measures of foundation to be provided. This drawing is to be read in conjunction with all other standard SDC specifications and documentation.

© This document remains the Copyright of Six Continents Retail.

4. Please explain why you are not applying for a job.

Research on the effects of the 1990s on the economy, the environment, and the social structure of the United States. The book is a collection of essays by leading scholars in the field, and it provides a comprehensive overview of the current state of research on the 1990s. The book is organized into three parts: the first part deals with the economy, the second part deals with the environment, and the third part deals with the social structure. Each part contains several essays, and the book is written in a clear and accessible style. The book is a valuable resource for anyone interested in the 1990s and its impact on the United States.

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Hollingsworth
604-977877 AND BUREAU TELETYPE



55x Continental Retail
Construction & Management
5501 Plaza, Integrity Plaza
813 Higgins Road
Tomball, TX
281-298-9000

2007 46 17 9 1

2008 46 17 9 1

2009 46 17 9 1

TRAVEL

	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100
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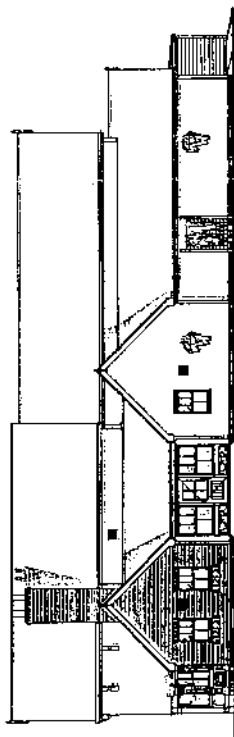
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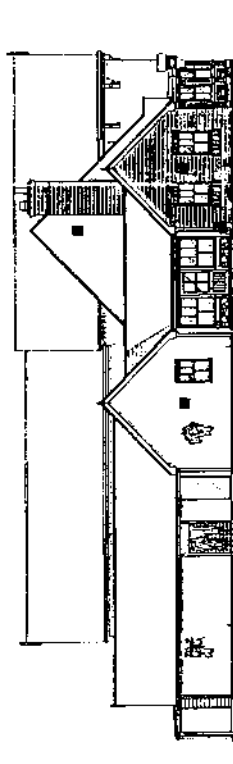
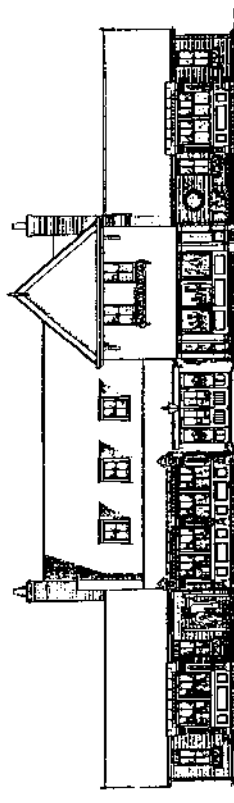
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App's Manager / Author	Drawn By	Score	Date
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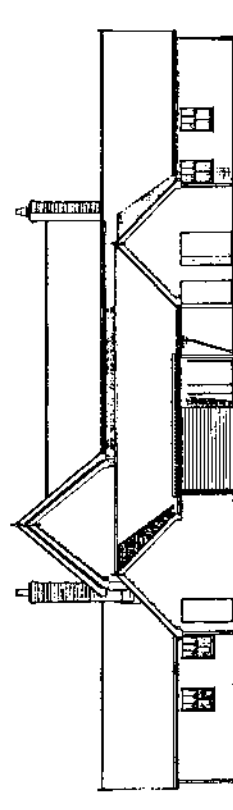
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SIDE ELEVATION

**B1DE ELEVATION**

FRONT ELEVATION



NEAR ELEVATION

SCHEDULE B: Reports Requiring Further Information

03/0022

Item No: 55

Date of Committee: 25/04/2003

Appn Ref No:
03/0022

Applicant:
Mr & Mrs C Walters

Parish:
Stanwix Rural

Date of Receipt:
13/01/2003

Agent:
Bingham Yates

Ward:
Stanwix Rural

Location:
Fosse Way, 38 Houghton Road, Houghton,
Carlisle, CA3 0LA

Grid Reference:
341290 558428

Proposal: Demolition of existing garage and extension of existing dwelling
incorporating new garage

Amendment:

1. Provision of a more detailed block plan and omission of imperial
measurements from floor plans and elevations.

SAM

Report

Planning Policies:

**Carlisle District Plan
Housing - Proposal H14**

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

**Carlisle District Plan
Environment - Policy E25**

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

**Carlisle District Plan
Environment - Policy E30**

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

Summary of Consultation Responses:

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

Further comments received on 11th March read "no objections";

Stanwix Rural Parish Council: no objection.

Further comments received on 20th March read "no objections";

English Nature: no objection, subject to the attachment of one supplementary informative to any notice of consent;

English Heritage: having examined the details of this application, I am highly concerned about its potential impact on remains associated with Hadrian's Wall, a site of international archaeological significance. In light of this, I would view it as vital that the archaeological potential of the site is investigated prior to the determination of this application.

The proposed extension lies almost exactly astride the line of Hadrian's Wall, which crosses Houghton Road at this point. The remains of the wall, and its associated defensive systems, constructed by the Romans in the 2nd century AD, are of international archaeological significance, and represent the best preserved frontier system anywhere in the Roman empire. As such, much of the line of the wall is scheduled as an ancient monument. In this area, the scheduling does not take in the line of the wall through the gardens of the houses along Houghton Road, although it does apply to land on both sides of this area. This lack of statutory designation should be seen as a presumption of not scheduling the curtilage of domestic buildings, rather than a lack of archaeological potential in the area.

If the remains of Hadrian's Wall were found to run through this area, in light of its scheduled status elsewhere, we would consider such remains being of national significance. Current government guidance on such matters in Planning Policy Guidance: Archaeology and Planning (PPG 16) makes it clear that such nationally important remains should be preserved in-situ, and should not be allowed to be destroyed by development (paragraphs 8 and 27). In addition, the Carlisle District Local Plan, in policies E25 and E28, also make clear that development will not be permitted where there is an unacceptably adverse impact on nationally important archaeological sites/Hadrian's Wall Military Zone.

Clearly, some disturbance of the area of the extension will already have occurred as a result of the construction of the existing garage. However, the much larger and more substantial extension could clearly affect the areas not already subject to extensive disturbance. Therefore, this development has the potential to impact on remains of Hadrian's Wall. In light of the importance of any remains of Hadrian's Wall that may exist on the site, I would advise that further investigation of the archaeological potential of this site is necessary before any planning decision is taken.

SCHEDULE B: Reports Requiring Further Information

03/0022

In the first instance, this further information should consist of an archaeological evaluation. In this exercise, the applicant would have to commission professional archaeologists to undertake trial trenching on the site. This exercise would provide information about the location, depth, extent and importance of archaeological remains present. These results could then be matched against the proposed foundations of the development, and allow a judgement to be made as to the priority that should be given to the preservation in-situ of any remains present. This would then allow an informed decision to be taken on the planning application, and for archaeological work required on remains whose preservation is not considered mandatory, to be included as a planning condition. I understand that within Cumbria, the County Archaeologist may be able to provide a specification for such an evaluation, as well as provide names of contractors who operate in the area, and the applicant or their agent should contact him in the first instance.

This need for archaeological evaluation prior to the determination of planning application is in line with PPG 16 (paragraphs 21 and 22) and the Carlisle District Local Plan (policy 30).

Therefore, and with regret given the size of the development and the time that has elapsed since the application was made, my advice is that further investigation of the archaeological potential of this site is necessary before determination because of the potential presence of the remains of Hadrian's Wall on the site.

Summary of Representations:

Representations Received

Initial:	Consulted:	Reply Type:
Taylor & Hardy,	15/01/03	Objection
The Occupier / Owner, 40 Houghton Road	15/01/03	
Miss P Lakeman, 36 Houghton Road		Objection

This application has been advertised by means of notification letters sent to two neighbouring properties. In response one letter of objection has been received. The grounds for objection being that the bulk, height and siting of the proposed extension will have an overbearing impact on her property resulting in a detrimental impact on its amenities and the occupants enjoyment of occupation.

Concern has also been raised with regards to;

1. the structural implications of the proposed extension on the occupants boundary hedge/fence, her dwelling and former air raid shelter which is partially underground and is presently used as a garden workshop, all of which are located close to the siting of the proposed extension;
2. the affect of the proposed extension on the occupants drains, located in

the near vicinity of the site boundary, and ground water.

Details of Proposal/Officer Appraisal:

Planning History:

There is no planning history relating to this site.

Details of Proposal:

This application was deferred at the last meeting of this Committee in order to undertake a site visit. The site visit took place on the 23rd April.

It will be recalled that this application seeks planning permission for the demolition of the existing garage and erection of an extension to the south facing side elevation of Fosseway, 38 Houghton Road, Carlisle. The property is a detached bungalow of modern construction, finished in facing brick with a tiled roof. The application site is enclosed to the north and south by residential properties. To the east and west of the application site is open countryside. A 1.8 metre high fence/hedge delineates the boundary between the application site and No.36 Houghton Road. A plan indicating the location of the property and its relationship with the adjoining properties is reproduced following this report.

The proposal, as submitted, seeks approval for the erection of an extension to the south facing side elevation to provide a garage, family room and dining room on the ground floor with an ensuite bedroom above. The extension would replace an existing flat roof garage, which is attached to the house. The dimensions of the proposed extension measure 4.65 metres in width along the front elevation, 12.45 metres in length, and 5.9 metres, at the peak of the pitched roof. The proposed extension would wrap around the rear of property enclosing the window serving the lounge. The extension would be constructed in line with the property along its front elevation, and would project by 4.22 metres beyond the rear of the property. The height of the extension and materials to be used will match the original property. A plan illustrating the proposed extension is reproduced following this report.

With regards to this application it is felt that the main issues to consider are the potential impact upon the amenities of neighbouring properties, in particular No.36 Houghton Road, and the potential impact that the proposal will have on the Hadrian's Wall Military Zone World Heritage Site. Two photographs illustrating the relationship between the application site and No.36 Houghton Road are reproduced in the Schedule.

In considering this application Policies H14, E25 and E30 of the Carlisle District Local Plan are of relevance.

Members will note that one letter of objection has been received. The objector feels the bulk, height and siting of the proposed extension will have an overbearing impact on her property resulting in a detrimental impact on the amenities and her enjoyment of occupation. The objectors concerns raised are covered in the paragraphs below.

Concern has also been raised with regards to the structural implications of the proposed extension to the objectors own boundary hedge/fence, her dwelling and former air raid shelter, all of which are located close to the siting of the proposed extension. In addition to the above, concern has been expressed that the proposed extension may affect the objectors drains, located in the near vicinity of her site boundary, and ground water. It is not considered that the extension hereby proposed would result in any structural damage to the neighbouring property provided that the work is carried out in a proper manner.

In relation to the objectors concerns, which states that the extension would be overbearing, it should be noted that there are no habitable rooms positioned in the ground floor of the two storey extension to the side elevation of No.36 Houghton Road. Officers acknowledge that the extension would be visible from the bedroom to the rear of the two storey extension. However given that the extension which is 2.6 metres from the side elevation of No.36 Houghton Road, only projects 3.5 metres beyond the rear of No.36 it is not considered that the proposal, by virtue of its scale, siting or height, would be overbearing to the occupants of that property. Members will note that there are no windows in the north facing side elevation of No.36 Houghton Road.

No.38 Houghton Road faces due west. Therefore, due to the position of the proposed extension the proposal will not result in any loss of light to the neighbouring properties. It is not considered that the development adversely affects the amenities of adjacent properties by poor design, unreasonable overlooking or unreasonable loss of daylight or sunlight. The proposal is not considered to be of an unacceptable scale or visually intrusive.

Members will recall that at the previous meeting of this Committee this application had been recommended for approval. However, a consultation response from English Heritage suggests that remains associated with Hadrian's Wall, a site of international archaeological significance, may exist on the site. English Heritage advise that further investigation of the site is necessary to assess the potential presence of archaeological remains, prior to the application being determined.

The current position therefore is whilst this proposal is regarded acceptable in principle it is recommended that, in line with PPG 16 Archaeology and Planning and the policies of the Carlisle District Local Plan, an archaeological evaluation be carried out prior to the determination of this application. Officers request authority to issue, subject to no remains of significant archaeological interest being found following the archaeological evaluation.

Human Rights Act 1998

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

SCHEDULE B: Reports Requiring Further Information

03/0022

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

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

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

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

The proposal has been considered against the above Protocol of the Act but in this instance, it is not considered that there is any conflict.

Recommendation:

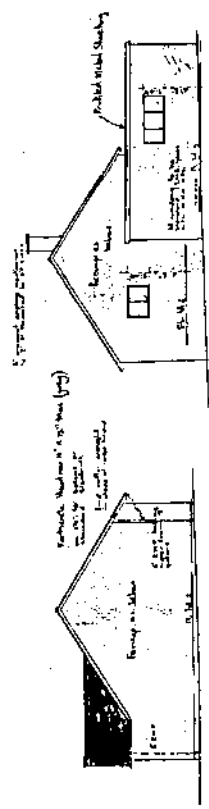
Reason for including report in Schedule B

A recommendation is unable to be made as the results of an archaeological evaluation are awaited.

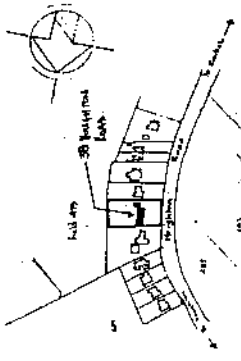
A to I

after Arch Evaluation ✓

1. All work to be done in accordance with the specifications and drawings.
 2. The contractor shall be responsible for obtaining all necessary permits.
 3. The contractor shall maintain access to all existing utilities.
 4. The contractor shall protect all existing structures and landscaping.
 5. The contractor shall be responsible for the disposal of all waste materials.
 6. The contractor shall maintain the site in a safe condition at all times.
 7. The contractor shall be responsible for the completion of the work within the specified time frame.
 8. The contractor shall be responsible for the quality of the workmanship.
 9. The contractor shall be responsible for the safety of the workers.
 10. The contractor shall be responsible for the cleanup of the site.
 11. The contractor shall be responsible for the payment of all taxes and fees.
 12. The contractor shall be responsible for the insurance of the workers and the property.
 13. The contractor shall be responsible for the bonding of the work.
 14. The contractor shall be responsible for the completion of the work in accordance with the specifications and drawings.
 15. The contractor shall be responsible for the maintenance of the site during the construction period.
 16. The contractor shall be responsible for the protection of the site from unauthorized access.
 17. The contractor shall be responsible for the removal of all construction materials and equipment from the site.
 18. The contractor shall be responsible for the final inspection of the work.
 19. The contractor shall be responsible for the final payment of the contract.
 20. The contractor shall be responsible for the final completion of the work.

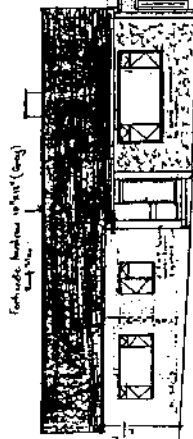


N ELEVATION

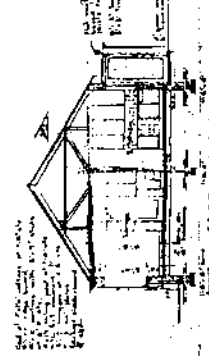


11/1/19
 PROSSER & TRITTON
 ARCHITECTS
 1001 10th St.
 SEATTLE, WA 98104

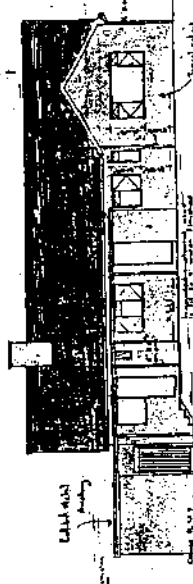
BUILDING PERMIT NO. 15519
 APPLICANT: [illegible]
 PROJECT: [illegible]
 DATE: [illegible]



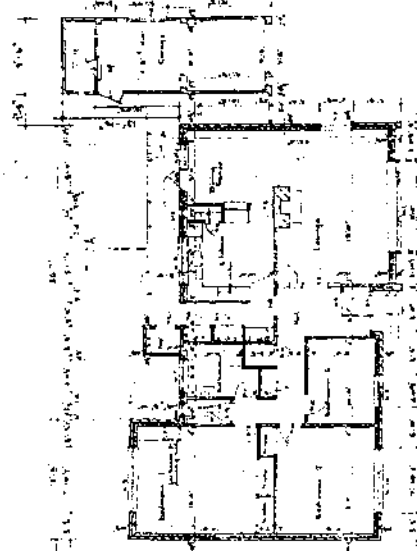
WEST ELEVATION



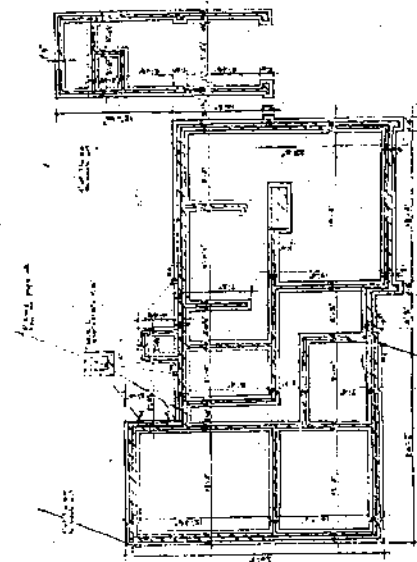
CROSS SECTION



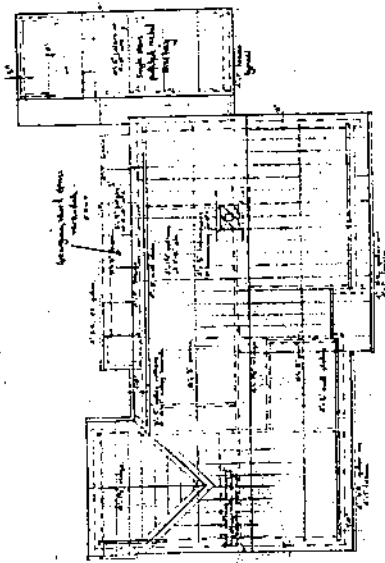
EAST ELEVATION



PLAN

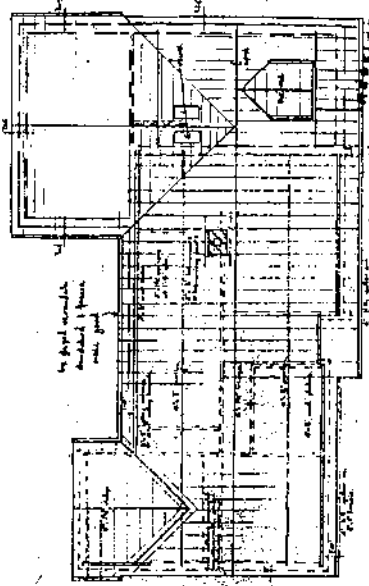
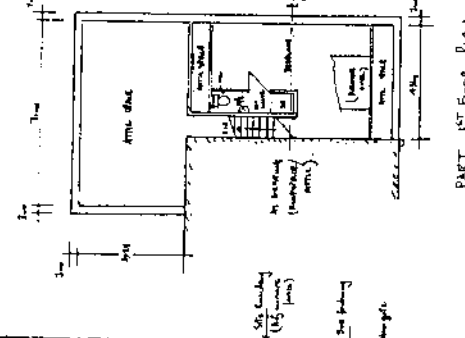
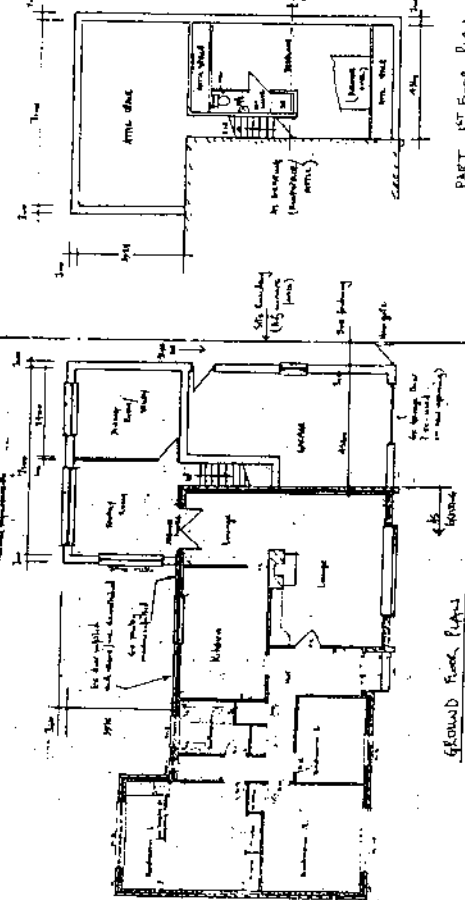
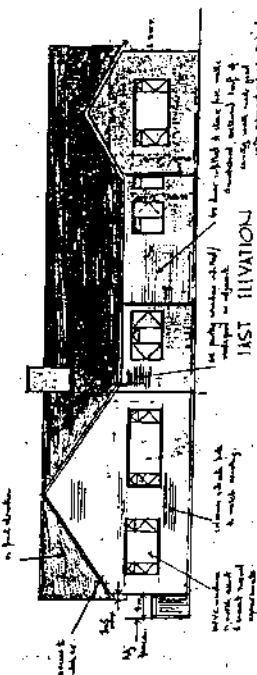
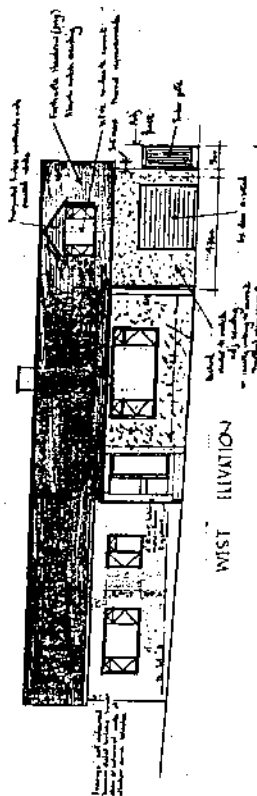
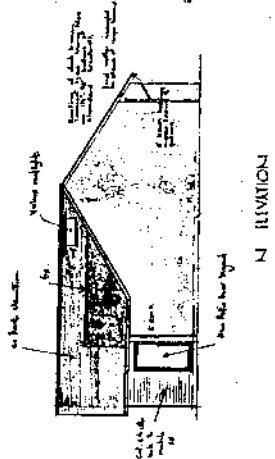
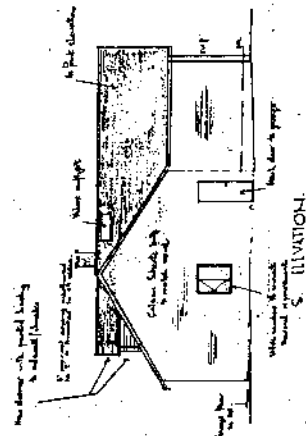
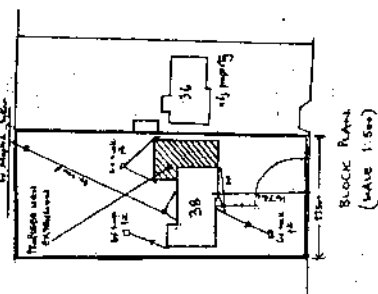
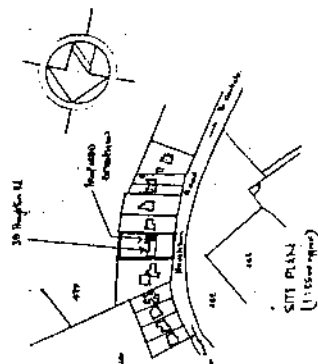


FOUNDATION PLAN



ROOF PLAN

Drawing by: [illegible] Date: [illegible]	EXISTING BUNGALOW & GARAGE, 38 HOUGHTIC ROAD, CARLSLE, CA3 0LA	Bingham Yates & Partners DRAWING NO. CPN 1
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38 Houghton Rd
11500 sq ft
ROOF PLAN

Drawn by: GIN Scale: 1:1500, 1:1100 Date: DEC '02	PROPOSED EXTENSION TO FOSSEWAY 38 HOUGHTON ROAD, CARLISLE, CA3 0LA	Bingham Yates & Partners DRAWING NO: CFN 2A	This is a preliminary plan and is not to be used for construction without the approval of the local authority.
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ref. CFN

part of structure PROPOSED SECTION

project 38, Houghton Rd, CARLISLE

drawing

date Jan '03

calculations by [Signature]

checked by

sheet no. SK1

Member Ref.	Calculations	Output
		inside new walls say that's <u>600</u> <u>7005</u> <u>7005</u> <u>03/0022</u> <u>SECTION</u>

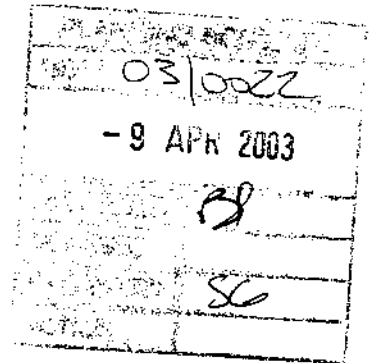
Photograph 1: Photograph of Fosseway, No.38 Houghton Road. No.36 Houghton Road can be seen in the right handside of the photograph.



Photograph 2: View of the application site taken from the rear garden of No. 36 Houghton Road.



ENGLISH HERITAGE



Chief Development Control Officer
Department of Environment & Development
Planning Services Division
The Civic Centre
Carlisle
CA3 8QG

Your Ref: SG/DC/03/0022
Our Ref: MC/28478
Direct Dial: 01434 605088
Direct Fax: 01434 604680

07 April 2003

For the attention of: Mr Sam Greig

Dear Mr A M Taylor

**Proposal: Demolition of Existing Garage and Extension of Existing Dwelling
Incorporating New Garage
Location: Fosse Way, 38 Houghton Road, Houghton, Carlisle**

Thank you for your consultation on the above application. I apologise for the length of time that it has taken to get a response to you, and I hope that procedures now in place for all consultations to be routed through our Manchester office will avoid such problems in the future.

Having examined the details of this application, I am highly concerned about its potential impact on remains associated with Hadrian's Wall, a site of international archaeological significance. In light of this, I would view it as vital that the archaeological potential of this site is investigated prior to the determination of this application.

The proposed extension site lies almost exactly astride the line of Hadrian's Wall, which crosses Houghton Road at this point. The remains of the wall, and its associated defensive systems, constructed by the Romans in the 2nd century AD, are of international archaeological significance, and represent the best preserved frontier system anywhere in the Roman empire. As such, much of the line of the wall is scheduled as an ancient monument. In this area, the scheduling does not take in the line of the wall through the gardens of the houses along Houghton Road, although it does apply to land on both sides of this area. This lack of a statutory designation should be seen as a presumption of not scheduling the curtilage of domestic buildings, rather than a lack of archaeological potential in the area.

If the remains of Hadrian's Wall were found to run through this area, in light of its scheduled status elsewhere, we would consider such remains as being of national significance. Current government guidance on such matters in Planning Policy Guidance: Archaeology and Planning (PPG16) makes clear that such nationally important remains should be preserved in-situ, and should not be allowed to be destroyed by development, or even by archaeological excavation in advance of development (paragraphs 8 and 27). In addition, the Carlisle District Local Plan, in

HADRIAN'S WALL CO-ORDINATION UNIT

Abbey Gate House, Market Street, Hexham, Northumberland NE46 3LX

Tel: 01434 605088 Fax: 01434 604680

policies E25 and E28, also make clear that development will not be permitted where there is an unacceptably adverse impact on nationally important archaeological sites/Hadrian's Wall Military Zone.

Clearly, some disturbance of the area of the extension will already have occurred as a result of the construction of the existing garage. However, the much larger and more substantial extension could clearly affect areas not already subject to extensive disturbance. Therefore, this development has the potential to impact on remains of Hadrian's Wall. In light of the importance of any remains of Hadrian's Wall that may exist on the site, I would advise that further investigation of the archaeological potential of this site is necessary before any planning decision is taken. X

In the first instance, this further information should consist of an archaeological evaluation. In this exercise, the applicant would have to commission professional archaeologists to undertake trial trenching on the site. This exercise would provide information about the location, depth, extent and importance of archaeological remains present. These results could then be matched against the proposed foundations of the development, and allow a judgement to be made as to the priority that should be given to the preservation in-situ of any remains present. This would then allow an informed decision to be taken on the planning application, and for any archaeological work required on remains whose preservation is not considered mandatory, to be included as a planning condition. I understand that within Cumbria, the County Archaeologist may be able to provide a specification for such an evaluation, as well as provide names of contractors who operate in the area, and the applicant or their agent should contact him in the first instance.

This need for archaeological evaluation prior to the determination of planning applications is in line with PPG16 (paragraphs 21 and 22) and Carlisle District Local Plan (policy E30).

Therefore, and with regret given the size of the development and the time that has elapsed since the application was made, my advice is that further investigation of the archaeological potential of this site is necessary before determination because of the potential presence of the remains of Hadrian's Wall on the site. If you would like to meet to discuss this site, or have any queries about the above advice, please contact me on the above number. In the meantime, I would be grateful to be kept informed about progress in this case.

Yours sincerely,



Mike Collins
Hadrian's Wall Archaeologist

SCHEDULE B: Reports Requiring Further Information

03/0236

Item No: 56

Date of Committee: 25/04/03

Appn Ref No:
03/0236

Applicant:
Jim Robinson

Parish:
Cumwhitton

Date of Receipt:
25/02/03

Agent:
G R Stephen

Ward:
Great Corby & Geltsdale

Location:
Ivy House, Hornsby, Carlisle, CA8 9HF

Grid Reference:
351585 550054

Proposal: Erection of agricultural shed

Amendment:

John

Report

Planning Policies:

Carlisle District Plan Environment - Policy E2

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

1. The building or structure is sited where partial to integrate with existing farm buildings and/or take advantage of the contours of the land and any existing natural screening; and
2. The scale and form of the proposed building or structure relates to the existing group of farm buildings; and
3. Within AONB's and Conservation Areas, the design and materials used reflect the overall character of the area; and
4. The proposal would not have an unacceptable adverse effect on any adjacent properties.

Carlisle District Plan Environment - Policy E8

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

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

2. There is no adverse effect upon the amenity of neighbouring property, and the character and appearance of the area; and
3. Satisfactory access and appropriate car parking can be achieved; and
4. Any exiting wildlife habitats are safeguarded.

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

Summary of Consultation Responses:

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

Cumwhitton Parish Council: The Parish Council has expressed concern over the size of the agricultural shed, particularly given the small acreage of land. There is also concern that approval of this application might set a precedent for other similar buildings in open countryside.

County Land Agent (Capita dbs): The County Land Agent's report is reproduced in the schedule; the conclusions are that the size of the building is greater than is justified by the area of land, and that the height could also be reduced. The comment is also made that unless management is to high standard, it will not be possible for the applicant to implement his proposals to grow organic vegetables.

Environment Agency (N Area (+ Waste Disp)): Comments awaited.

Summary of Representations:

Representations Received

Initial:	Consulted:	Reply Type:
The Occupier, West Side	27/02/03	
The Occupier, Perandale	27/02/03	
Mr & Mrs Loffill, Bramley Mead	27/02/03	
Ms D Downer, Wingward	27/02/03	Comment Only
Ms D Downer, Wingward	04/03/03	Comment Only
Mr C Robinson, Hurley Beck	27/02/03	Petition
Mr Holding, Brookvale	27/02/03	
Mrs Bell, The Firs	27/02/03	
B Squire, Hornsby House	27/02/03	
Mrs Shanks, Eden View	27/02/03	
Mr Taylor, Taylor & Hardy	27/02/03	
Mr & Mrs Squires, Hornsby House	27/02/03	
Mr Baxter, Hillcrest	27/02/03	

The application has been advertised by means of a site notice and neighbour notification. Two letters of objection have been received. These question the use of

the proposed building, its location to the rear of adjacent properties and its size. Overall the proposed building is viewed as an unacceptable visual intrusion.

Details of Proposal/Officer Appraisal:

Planning History:

In February 2001, two applications were approved, each for the erection of a single dwelling, on the land on the road frontage, which was formerly occupied by a single dwelling. The first of these is now completed and occupied, and the second is nearing completion.

Details of Proposal:

Permission is sought for the erection of an agricultural building on land to the rear of Ivy House, Hornsby. The proposal as submitted to erect a building 15m x 7.6m of steel frame construction and box profile cladding with a mono pitch roof. It is 2.9m to the ridge, and 3.9m at the ridge. The area of land comprises a field to the rear of the applicant's house and the location of the building is at the top end of this at the rear of the neighbour's property.

These issues raised are similar to those related to application 03/0067, i.e. the need for the building, given its open countryside location where there is a clear presumption against development. The field to the rear of the houses slopes down towards the Eden Valley but is not visually prominent from any public viewpoint.

In this case, the proposed use of the land is cultivation to grow potatoes and other crops on an organic basis. The County Land Agent's conclusion is that the building proposed, of 114m² is excessive, and that only 42m² is justified. It is also recommended that the building be reduced in height with a double pitch roof. This information has been conveyed to the applicant, together with the suggestion that the building be resited away from the boundary with the neighbour's property, and he has indicated a willingness to follow these recommendations. The field slopes down away from the houses on the road frontage, so that the building will be less visually prominent, both from the houses and elsewhere if it is moved as suggested.

It is therefore expected that a revised proposal will be submitted for a smaller building in a different location. This will be subject to consultation and any further responses will be reported at the meeting.

Human Rights Act 1998

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

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

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

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

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

This application does not raise any Human Rights implications.

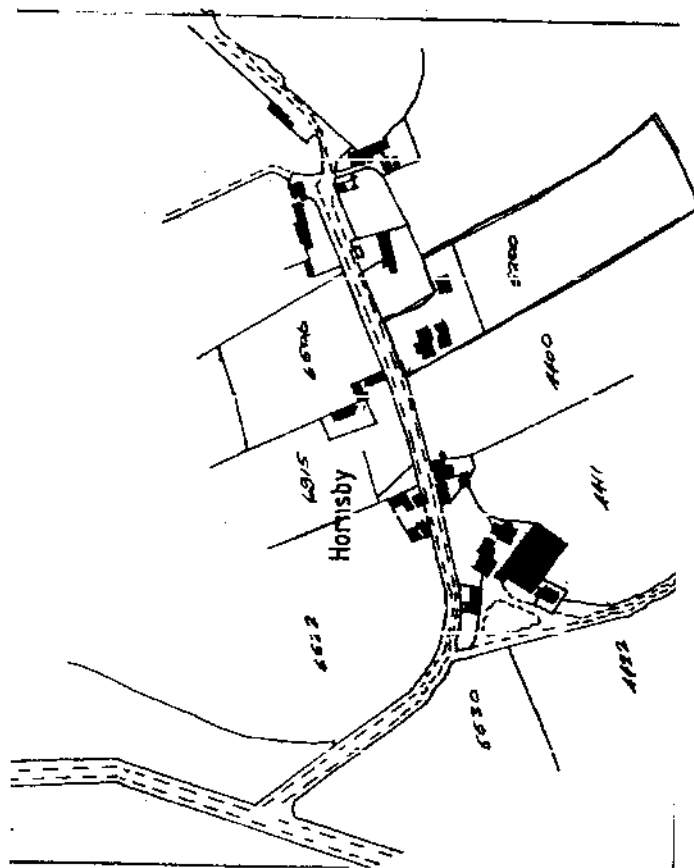
Recommendation:

Reason for including report in Schedule B

A firm recommendation cannot be made in respect of this application, because a revised proposal is expected to be submitted, which will then be subject to further consultation and evaluation.

A to I ✓

Save Schedule
pages 69-76
inc. a.n.



Location Plan @ 1 : 2500

RECEIVED

25 FEB 2003

2003/6236

GR & AJ STEPHEN

The Barn,

Crooked Holme,

Longtown Road,

Brampton,

Cumbria

Telephone 016977 3338

email address stephens@gnasla.net

Job : 02/026 Scale : 1 : 2500 & 200

Date : Feb. 2003 Revision :

Proposed Agricultural Building
At Ivy House, Hornsby
Heads Nook Carlisle, Cumbria
For Mr. & Mrs. J Robinson

Location Plan

01

PAUDUCK

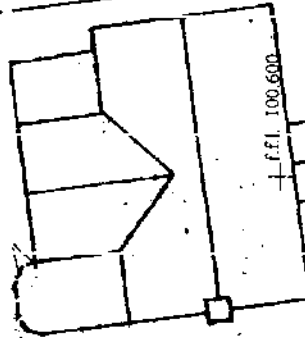
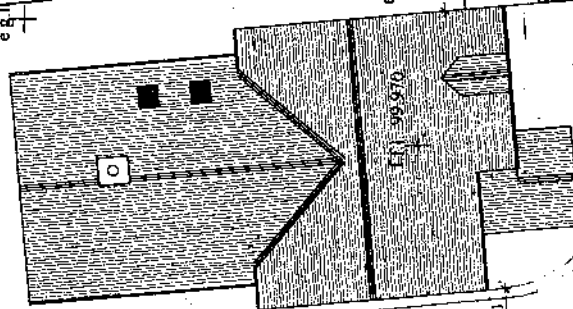
GARTH

Proposed agricultural building



Garden

garage



Site Plan @ 1:200

g.l. at road 101.060

1:300

1:100

1:50

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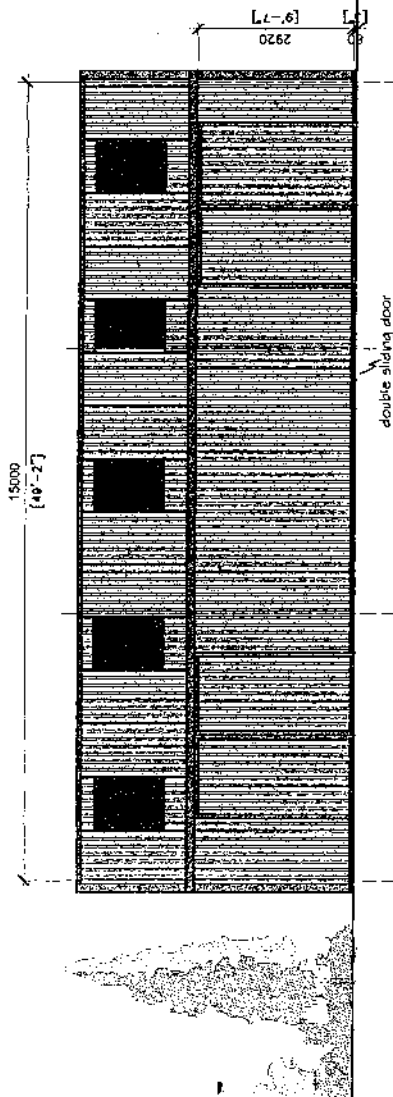
1:20

GR & AJ STEPHEN
The Barn,
Crooked Holme,
Longtown Road,
Brampton,
Cumbria.
Telephone 016977 3338
email address: stephen@graj.net

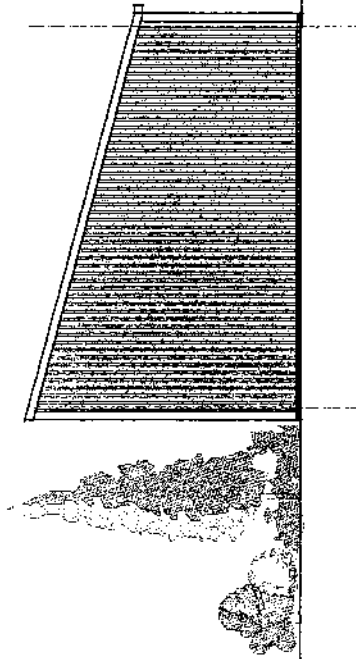
Job : 02/026
Date : Feb 2003
Scale : 1:2500 & 200
Revision :

Proposed Agricultural Building
At Ivy House, Hornsby
Heads Nook Carlisle, Cumbria
For Mr. & Mrs. J Robinson

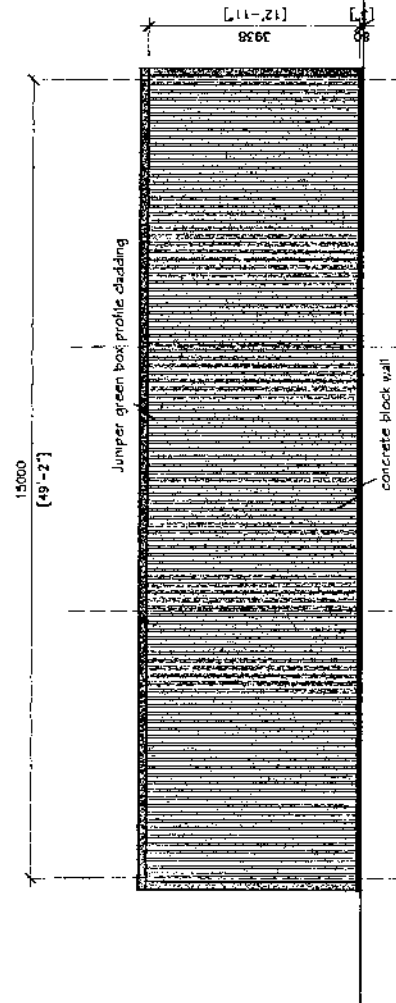
Site Plan
01A



Front Elevation



Gable Elevation



Rear Elevation

MATERIALS
ROOF - Juniper green box profile cladding

MATERIALS

ROOF - Juniper green box profile cladding

WALLS - Juniper green box profile cladding

DOORS - Juniper green box profile cladding

THIS NEW BUILDING IS TO REPLACE A
PREVIOUSLY DEMOLISHED
AGRICULTURAL BUILDING

GR & AJ STEPHEN
The Barn,
Crooked Holme,
Longtown Road,
Brampton,
Cumbria.
Telephone 016977 3338
email address: stephena@quana.net

Job : 02/036
Date : Jan 2003
Scale : 1 : 100
Revision :

Proposed Agricultural Shed
Ivy House, Hornsby
Heads Nook Carlisle, Cumbria
For Mr. & Mrs. J Robinson

Proposed Elevations (1 : 100) 003

LAND AT IVY HOUSE, HORNSBY, CARLISLE

Report on a proposed agricultural building

CAPITA
Clint Mill
Cornmarket
PENRITH
CA11 7HP
Tel: 01768 242340

March 2003

CAPITA
LOCAL PRACTICES

Proposed agricultural building at Ivy House, Hornsby, Carlisle

1.0 Introduction

- 1.1 This report has been prepared at the request of Carlisle City Council who asked on the 3 March 2003 if I would advise on the agricultural need on the proposed agricultural storage building at Ivy House, Hornsby, Carlisle.
- 1.2 I met the applicant Mr J Robinson of Ivy House, Hornsby, Carlisle on 13 March 2003 and inspected the application site and the field adjacent to Ivy House

2.0 Land Occupied

- 2.1 The land occupied by the applicant is a small field extending to 1 ha situated to the south of Ivy House. The field is currently in grass.
- 2.2 Mr Robinson advised that he was possibly interested in buying some further land in the village and advised that there was a 2 ha and a 4 ha field in the vicinity that might soon become available for sale. However any purchase would be dependent upon the price at the time.

3.0 Livestock

- 3.1 The applicant has no livestock at the present time.

4.0 Cropping

- 4.1 Mr Robinson intends to grow organic vegetables on the land principally potatoes and sell these locally.

5.0 Farm Buildings

- 5.1 There are no buildings on the land at the present time but Mr Robinson stated that he had recently demolished a derelict building which stood on the application site.

6.0 Domestic Buildings

- 6.1 Ivy House is currently nearing completion as a new build dwelling and is shortly to be occupied by Mr Robinson. He currently resides in the adjacent bungalow which he has sold.

7.0 Labour

- 7.1 Mr Johnson intends to work part time on the 1 ha of land. His main business being as a builder.

8.0 Other Information

- 8.1 Mr Robinson advised that he wanted the building to store the potatoes which he harvested from this field and also a small amount of machinery which would include a small tractor and stitchers and grubbers for growing potatoes. He did not intend to have any livestock on the land.

9.0 The proposed building

- 9.1 The proposed building is to measure 15m long by 7.6m wide and is to be of steel-frame construction with a mono pitched roof. It is to be 2.9m to the eaves and 3.9m at the ridge. It is to have a concrete floor, block walls to approximately 2m high and then the elevations clad with juniper green box profile sheeting. Again the roof is to be clad with juniper green, box profile cladding with UPVC roof lights. There are to be two sets of box profile clad sliding doors on the southern elevation.
- 9.2 The proposed building is to have a floor area of approximately 114m².
- 9.3 I have calculated the likely storage space required in relation to what the 1ha of land can produce and my calculations are set out below.
- 9.4 The likely yield from just under 1ha (as a small area will be needed for the building and headlands) is in the region of 36 tonnes. Stored at 2m high this will equate to 0.84m² per tonne and require a total floor area of 30m².
- 9.5 To store a tractor, grubber and stitcher will take about 12m² making a total area requirement of 42m² or thereabouts.
- 9.6 In the storage of potatoes some of the above space will be required to line the walls of the building with straw bales to prevent frost damage and therefore a slightly larger area will be required. However, this will be largely offset by the fact that quite a few of the potatoes may well be sold before storage is required, i.e. as they are lifted from the field.



10.0 Building Design

- 10.1 As a mono pitch building it is not a very attractive feature giving rise to a high ridge height at nearly 4m along the boundary with the adjacent residential property. This height could be reduced by building with an A-frame and producing a central ridge at a much reduced height. Consideration needs to be given to the height of the block walls in proportion to the cladding e.g. walls are normally up to 1.2m high. In addition the proposed eaves height is perhaps slightly excessive.

11.0 Building Location

- 11.1 The location of the building as proposed, although I appreciate on the site of a former building, is in very close proximity to the neighbouring property and along its southern boundary. Clearly any views from this neighbouring property across the valley to the south will be impeded by the presence of this proposed building. As the purpose of the proposed building is for storage only its location is not crucial.

12.0 Cropping

- 12.1 The applicant proposes to use the 1ha field to produce organic crops of principally potatoes and perhaps carrots or turnips. The continuous growing of such crops on the same land, which may produce reasonable crops in the early years, will most likely result in reduced yields in future years as disease builds up in the soil which may affect these crops. The normal practice is to rotate crops usually on up to a 7-year cycle to minimise the build-up of disease in the soil to particular crops. I believe this to be particularly relevant in relation to the growing of organic crops, as it is not possible to use herbicides and insecticides. Unless management is to a high standard the chances of diminishing returns from the crops is very real. In the long term, a more typical use for the field would be seasonal grazing by a local farmer or perhaps a pony paddock.

13.0 Conclusion

- 13.1 I therefore conclude by advising

- 13.1.1 The proposed building is excessive in size for the amount of produce that can be gained from the 1ha of land together with a small area required for the storage of machinery.

Land at Ivy House, Hornsby

- 13.1.2 The design of the building could be improved by reducing the ridge height and putting the ridge in the centre of the building, together with improving the ratio of cladding to block wall.
- 13.1.3 The location of the building is not significant in agricultural terms but as proposed will impact on adjoining properties
- 13.1.4 The proposed continuous cropping on the land needs serious consideration and will require a high standard of management.



A G Jackson BSc FRICS FAAV
CAPITA
Clint Mill
Cornmarket
PENRITH

28 March 2003

**COMPLIANCE WITH RICS PRACTICE STATEMENT
SURVEYORS ACTING AS EXPERT WITNESSES**

I hereby declare that my Report complies with the requirements of the RICS Practice Statement "Surveyors Acting as Expert Witnesses" 2nd Edition Published in 2000 and in particular

- (i) that the report includes all facts which the surveyor regards as being relevant to the opinion which he or she has expressed and that the judicial body's attention has been drawn to any matter which would affect the validity of that opinion: and
- (ii) that the report complies with the requirements of The Royal Institution of Chartered Surveyors, as set down in *Surveyors acting as Expert Witnesses: Practice Statement: and*
- (iii) that the expert understands his or her duty to the judicial body and has complied with that duty.
- (iv) 'I believe that the facts I have stated in this report are true and that the opinions I have expressed are correct'

SCHEDULE B: Reports Requiring Further Information

03/0271

Item No: 57

Date of Committee: 25/04/2003

Appn Ref No:
03/0271

Applicant:
Mr Stewart Gray

Parish:
Stanwix Rural

Date of Receipt:
06/03/2003

Agent:

Ward:
Stanwix Rural

Location:
The Salmon House, Rickerby, Carlisle, CA3 9AA

Grid Reference:
341220 557049

Proposal: Formation of vehicular access

Amendment:

Richard

Report

Planning Policies:

Conservation Area

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

Carlisle District Plan Environment - Policy E43

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

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): Comments awaited.

Stanwix Rural Parish Council: The Parish Council wishes to express serious concerns regarding the visibility to approaching traffic using the proposed egress. In this instance, the Council is confident the Highway Officers having regard for safety would resolve the issue in the appropriate manner.

Environment Agency (N Area (+ Waste Disp)): A copy of the planning application

SCHEDULE B: Reports Requiring Further Information

03/0271

has been taken for further consideration.

Planning Services - Local Plans: Comments awaited.

Summary of Representations:

Representations Received

Initial:	Consulted:	Reply Type:
The Occupier, The Lodge	07/03/03	Undelivered

This application has been advertised by means of a site notice, a press notice and direct notification to the occupier of one neighbouring property. At the time of writing this report, no representations have been received.

Details of Proposal/Officer Appraisal:

Planning History:

There is no planning history relating to this site.

However, the relevant planning history that relates to Rickerby Cottage is as follows:

Planning permission was granted for the conversion and extension of existing buildings to form two houses and four flats in 1989.

In 2002, planning consent was granted for the conversion and extensive additions to former salmon house to form two bedroomed dwelling. Later in the same year, planning permission was granted for the erection of an extension with slated roof to provide larger kitchen and dining area.

Details of Proposal:

This application seeks full planning permission for the creation of a vehicular access at The Salmon House, Rickerby Cottage, Carlisle. The site is located 175 metres to the north east of entrance to Rickerby Park, adjacent to the Carlisle to Linstock road.

The site lies within the Rickerby Conservation Area and is characterised by a 2 metre high beech hedge, behind which is a wooded area consisting of numerous well established trees.

The proposal seeks planning consent for a new vehicular access to serve the Salmon House. Presently access is shared with the access to Rickerby Cottage and the new access would be sited between this access and that serving Eden School. The development would involve the removal of 9 metres of hedgerow along with the

SCHEDULE B: Reports Requiring Further Information

03/0271

felling of 3no. trees from site. The applicant intends to replant the beech hedge behind the visibility splay of the new access when it is formed.

An objection from a member of the public is anticipated but at the time of writing this report, no representations have been received.

In consideration of this application the criteria contained within Policy E43 of the Local Plan is relevant. The removal of this hedge and the creation of an additional vehicular access is not considered detrimental to the character of the conservation area, a point which has been confirmed during informal discussions between Officers and the Conservation Officer.

There are two issues which are of primary importance in the determination of this application. The proposed siting of the vehicular access is situated on a sweeping spend. When leaving this site, it is considered that the visibility towards Carlisle would be acceptable. However, the visibility, when looking towards Rickerby, appears slightly restricted due to the curvature of the bend. These are the views of Officers and at the time of writing this report, no response has been received from the Highway Authority. This is a view which is shared by the Parish Council in their response to this application and which emphasises the potential danger to users of the highway.

The second issue refers to the removal of a section of the hedgerow along with the removal of the trees from the site, and the effect that this may have on the character of the area. Further advice on this matter has been sought from Local Plans Officers and a formal consultation response is awaited.

As consultation responses are awaited from the two consultees which would address these primary issues, it would be inappropriate to draw a conclusion at the time of writing this report.

Human Rights Act 1998

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

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

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

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

Article 1 of Protocol 1 relates to the "Protection of Property" and bestows the right

SCHEDULE B: Reports Requiring Further Information

03/0271

for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

The proposal has been considered against the above Protocol of the Act but in this instance, it is not considered that there is any conflict.

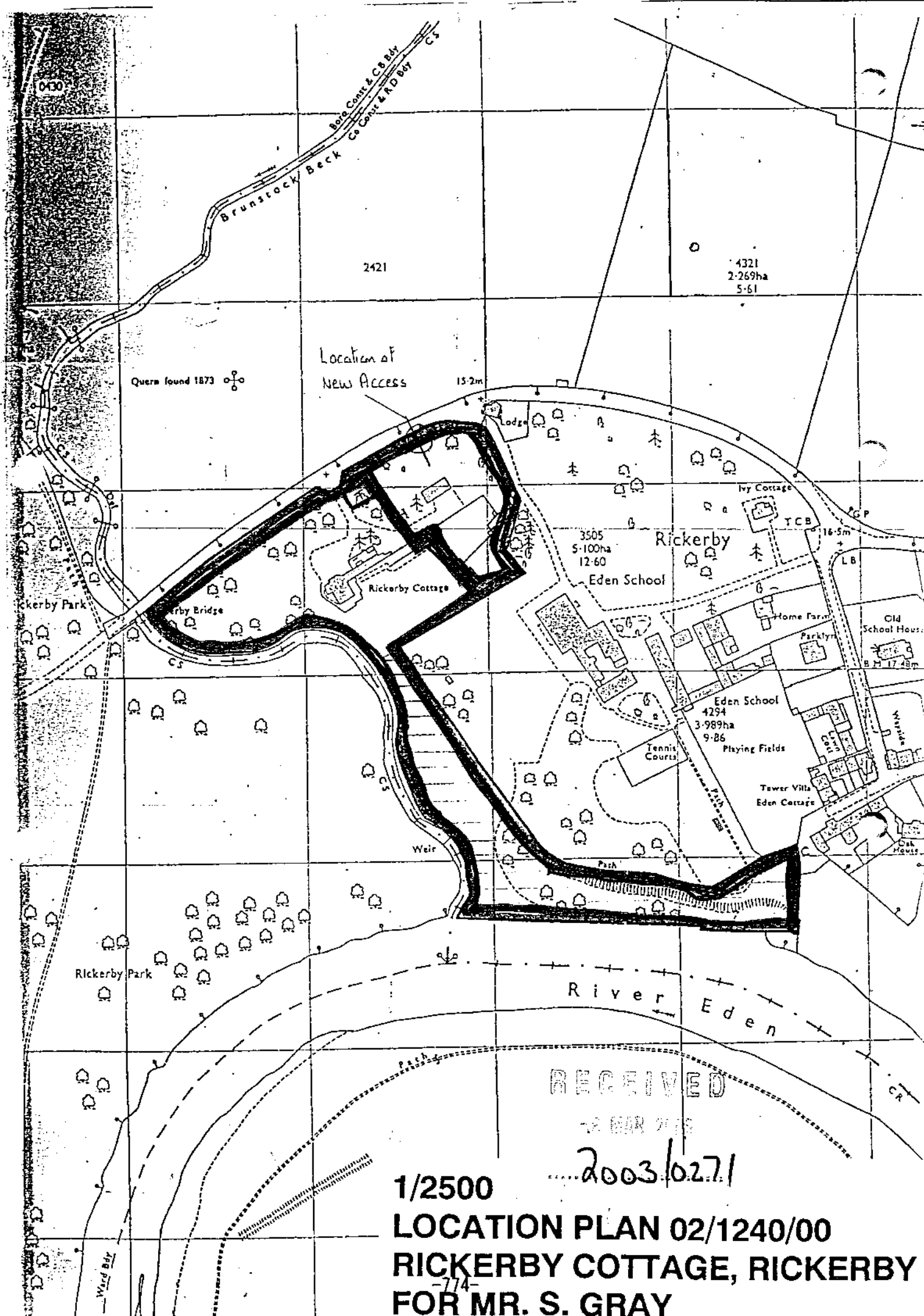
Recommendation:

Reason for including report in Schedule B

A recommendation is unable to be made as consultation responses are awaited from both the Highway Authority and the Local Plans Officer.

Approved. ✓

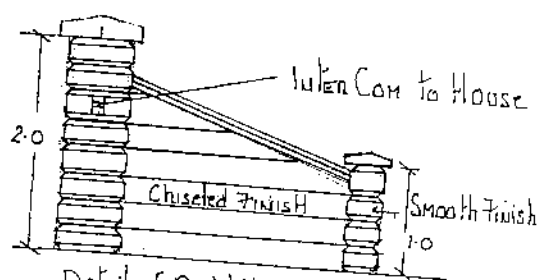
Supp Schedule
P77-81



1/2500

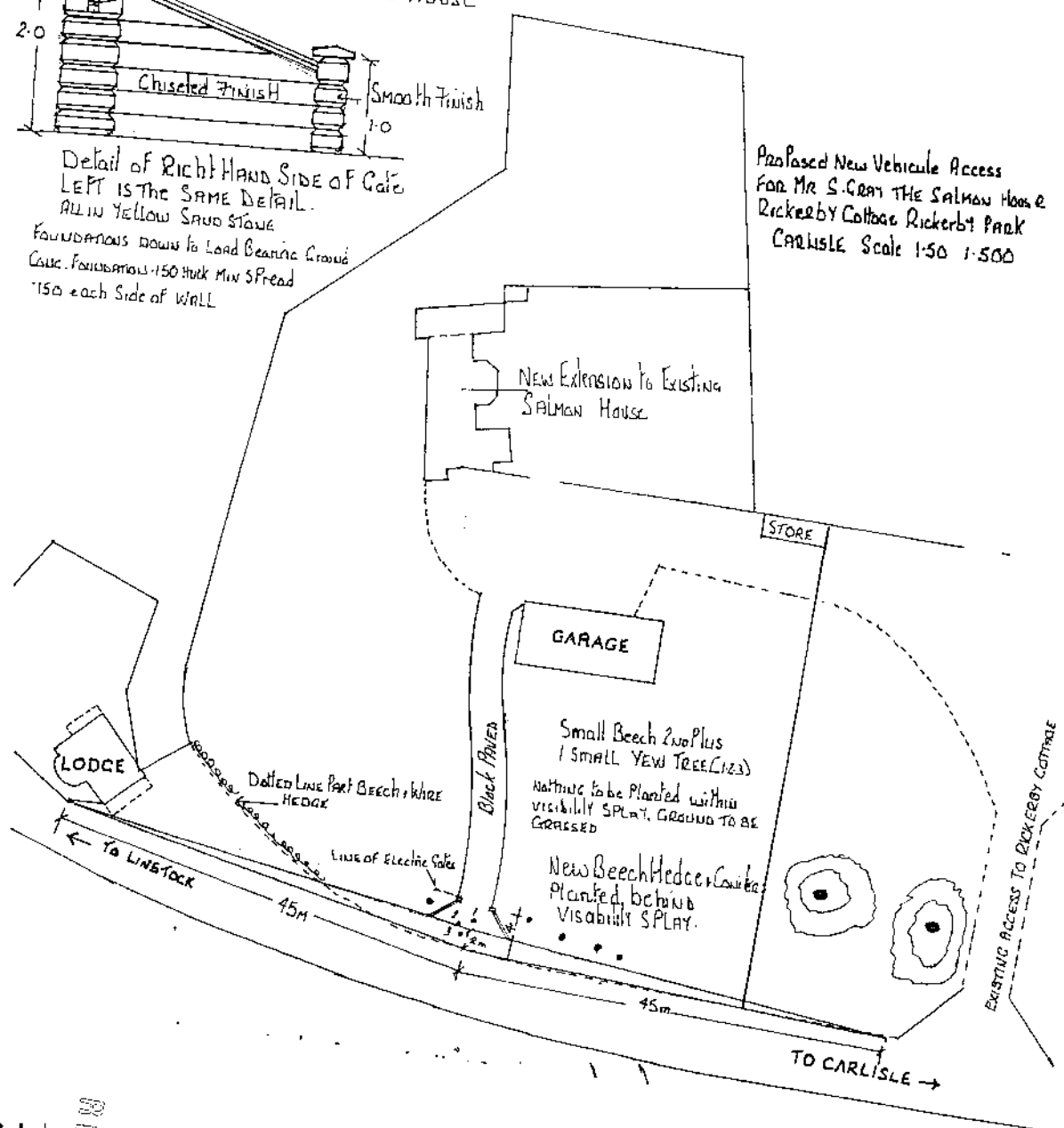
LOCATION PLAN 02/1240/00

RICKERBY COTTAGE, RICKERBY
FOR MR. S. GRAY



Detail of Right Hand Side of Gate
LEFT IS THE SAME DETAIL.
ALL IN YELLOW SAND STONE
FOUNDATIONS DOWN TO LOAD BEARING GRAUND
CAUSE FOUNDATIONS 150 THICK MIN SPREAD
150 EACH SIDE OF WALL

Proposed New Vehicle Access
FOR MR S. GRAY THE SALMON HOUSE
RICKERBY COTTAGE RICKERBY PARK
CARLISLE Scale 1:50 1:500



RECEIVED
-5 MAR 2003
2003/6271

SCHEDULE B: Reports Requiring Further Information

03/0357

Item No: 58

Date of Committee: 25/04/2003

Appn Ref No:
03/0357

Applicant:
Mr & Mrs Lawton

Parish:
Carlisle

Date of Receipt:
20/03/2003

Agent:
Jock Gordon

Ward:
Denton Holme

Location:
Rex Bingo Hall, Denton Street, Denton Holme,
Carlisle, CA2 5EN

Grid Reference:
339766 555085

Proposal: Extension to Bingo Club, incorporating a change of use of No.70 Denton Street to a Bingo Club, an extended frontage and a replacement air handling unit to be sited on the flat roof on the north elevation (revised application).

Amendment:

Report

Planning Policies:

Cumbria & Lake District Joint Structure Plan Policy 25

The siting, appearance and landscaping of all new development and alterations should aim to enhance the quality of the existing environment. It should be in keeping with the local character of the townscape or landscape, and be well integrated with the existing pattern of surrounding land uses and, where appropriate, be in keeping with the local vernacular tradition. Normally development should make proper provision for access by disabled persons.

Carlisle District Plan Leisure - Proposal L4

Within the Plan area, outside Primary Leisure Areas, proposals for leisure development including sport and active recreation development will be acceptable provided that:

1. The proposal does not have an adverse impact on the amenity of the surrounding area; and
2. Appropriate car parking and access to the site can be achieved; and
3. The proposed use is of an appropriate scale to the locality; and
4. Where practicable, the proposal can be accessed by public transport; and

5. The proposal makes a positive contribution to the development of tourism in the district; and/or
6. If the proposal is within Carlisle, it brings a vacant or part vacant building into use or contributes to the development of a mixed use scheme.

Carlisle District Plan Housing - Proposal H17

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

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

Summary of Consultation Responses:

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

Environmental Protection Services: awaiting comments.

Summary of Representations:

Representations Received

Initial:	Consulted:	Reply Type:
The Occupier / Owner, 1 Nelson Street	21/03/03	Comment Only
Mr D Veitch, 3 Nelson Street	21/03/03	
Mr Gary Gullen, 5 Nelson Street	21/03/03	
Mrs Y Doyle, 7 Nelson Street	21/03/03	
Ms A Underwood, 9 Nelson Street	21/03/03	
The Occupier / Owner, 11 Nelson Street	21/03/03	Objection
The Occupier / Owner, 13 Nelson Street	21/03/03	
The Occupier / Owner, 15 Nelson Street	21/03/03	
The Occupier / Owner, 17 Nelson Street	21/03/03	
The Occupier / Owner, 2 Morley Street	21/03/03	
The Occupier / Owner, 4 Morley Street	21/03/03	
The Occupier / Owner, 6 Morley Street	21/03/03	
The Occupier / Owner, 8 Morley Street	21/03/03	
The Occupier / Owner, 10 Morley Street	21/03/03	
The Occupier / Owner, 12 Morley Street	21/03/03	
The Occupier / Owner, 14 Morley Street	21/03/03	
The Occupier / Owner, 16 Morley Street	21/03/03	

The Occupier / Owner, 18 Morley Street	21/03/03
The Occupier / Owner, 90 Denton Street	21/03/03
The Occupier / Owner, 92 Denton Street	21/03/03
The Occupier / Owner, 94 Denton Street	21/03/03
The Co-op, Denton Street	21/03/03
Mr G Wells, 29 Blunt Street	21/03/03

This application has been advertised by means of a site notice and notification letters sent to twenty three neighbouring properties. In response one letter of objection has been received. The grounds for objection being that the proposed ventilation unit will be closer to their property and will therefore be visually intrusive and that it may result in an increase in noise levels.

A letter of concern has also been received from a local resident expressing concern with regards to the noise emanating from the existing ventilation unit and the times that the ventiaction system is switched off, which on occasions is after midnight. The author requests that the new ventilation unit be quieter than the existing unit.

Details of Proposal/Officer Appraisal:

Planning History:

There are a number of previous applications relating to this site. Many of these applications have no bearing on this current application. Permission was granted in 1995 (application reference 95/0046) for the change of use of the first floor of No.72 Denton Street to provide accommodation for staff and offices to serve the amusement centre. The application included the installation of a new frontage and erection of a rear extension to serve the new cafe area at No.72 Denton Street.

A later application was granted in 1995 (application reference 95/0354) for the extension to the Bingo Hall and the installation of a new frontage. The proposal incorporated No.72-76 Denton Street as part of the Bingo Club, which is as it is recognised today.

Planning permission was granted (application reference 02/0623) in September 2002, for an almost identical application, to erect an extension to the northern elevation of the Bingo Club, incorporating an extended frontage to include No.70 Denton Street.

Details of Proposal:

This application seeks full planning permission for the extension to the Rex Bingo Club, incorporating a change of use of No.70 Denton Street to a Bingo Club, an extended frontage and a replacement air handling, unit to be sited on the flat roof on the north elevation of the Rex Bingo Hall, Denton Street, Denton Holme, Carlisle. Denton Holme is a densely populated residential area and Denton Street forms an important neighbourhood shopping centre for local residents to meet their needs. The bingo club provides an important leisure facility for many local residents. The bingo club is positioned among a block of properties between Nelson Street and Northumberland Street. The terraced properties along this block and on the opposite

side of the road are primarily retail units. Residential properties enclose the application site to the northeast and the northwest along Morley Street and Nelson Street, respectively. The Carlisle District Local Plan identifies the site as being within a Primary Residential Area as well as a Neighbourhood Shopping Area. A site plan indicating the location of the premises in relation to the neighbouring properties has been reproduced in the Schedule.

The proposal, as submitted, would incorporate No.70 Denton Street, previously occupied as a cafe, as part of the bingo club. No.70 would provide the new entrance area to the premises. The frontage would be extended to incorporate No.70 and would be designed to match the existing frontage in terms of design and materials used. The proposal includes the erection of a new extension, which will be sited on the north elevation of the existing premises. The land, which the extension would occupy, is currently vacant. The proposal involves a reorganisation of the internal layout to accommodate a new entrance, extended seated area and alterations to the toilet facilities. The square floor area of the proposed extension to the Bingo Hall would total 202.47 metre squared.

The new extension to be erected is positioned directly to the rear of No.70 Denton Street. The proposed extension, which measures 29 metres in length by 5.8 metres in width, would abut the northern boundary of the site. The northern elevation of the proposed extension would reach 3.3 metres at the eaves, rising to 5.3 metres, where the flat roofed part of the extension would begin. The extension to the bingo club will be constructed from facing brick and grey concrete roof tiles will be used on the pitched roof. As part of the proposal a two storey extension at the rear of No.70 Denton Street would be demolished. A replacement air handling unit is to be sited, at the western extent of the flat roofed part of the extension. The air handling unit will be screened using sheeting to resemble the slates sited on the main roof of the bingo club.

Members will recall that this Committee approved an almost identical application, under application 02/0623. The sole difference between the two applications relates to the siting of the air handling unit. Under application 02/0623 the air handling unit was to be resited on the flat roofed part of the extension directly above its current position. The agent has clarified that the existing air handling unit needs to be replaced, as the increase in the size of the bingo hall has rendered it inadequate

With regards to this application it is felt that the main issue to consider is the potential impact that the resiting of the air handling unit will have upon the amenities of the adjoining residential properties.

In consideration of this application Policies L4 and H17 are of relevance.

Members will note that one letter of objection has expressed concerns that as the proposed air handling unit will be closer to their property and will be visually intrusive and that it may result in an increase in noise levels. Another local resident has expressed concern regarding the noise omitted from the existing air handling unit.

The air handling unit to be installed will not be visual intrusive to the occupants of neighbouring properties, as it will be screened from view. It is not considered that the unit and its screening are close enough to the rear of the residential properties on

Nelson Street to be overbearing.

Officers acknowledge residents concern regarding the potential noise levels that will be omitted from the new unit. At the time of writing this report details of the unit to be installed are awaited. The existing air handling unit does not have the benefit of planning permission. However as the unit is being re-sited the City Council is in a position to impose a condition ensuring that the noise emitted will not exceed a level which is deemed to be acceptable.

The principle of the proposed extension and change of use has already been established by the approval of the earlier application 02/0623. However with regards to this application further information is awaited from the applicant with regards to the air handling unit to be installed. Environmental Services shall be reconsulted upon receipt of these details and their comments are awaited.

Human Rights Act 1998

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

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

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

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

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

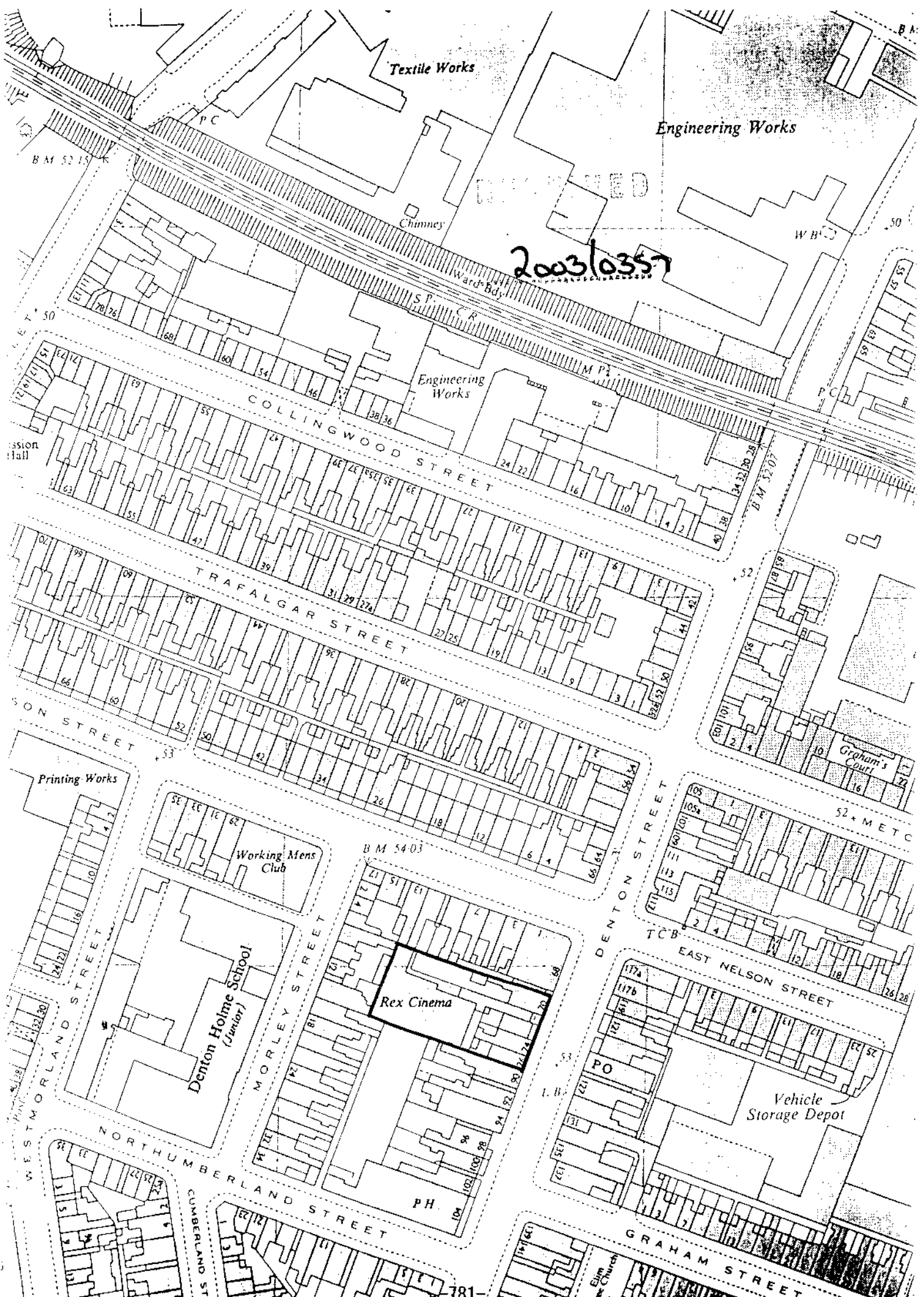
The proposal has been considered against the above Protocol of the Act but in this instance, it is not considered that there is any conflict.

A b I

Recommendation:

Reason for including report in Schedule B

A recommendation is unable to be made as details of the air handling unit are awaited from the applicant.



Textile Works

Engineering Works

2003/0357

Chimney

Engineering Works

COLLINGWOOD STREET

TRAFALGAR STREET

Printing Works

Working Mens Club

Denton Holme School
(Junior)

Rex Cinema

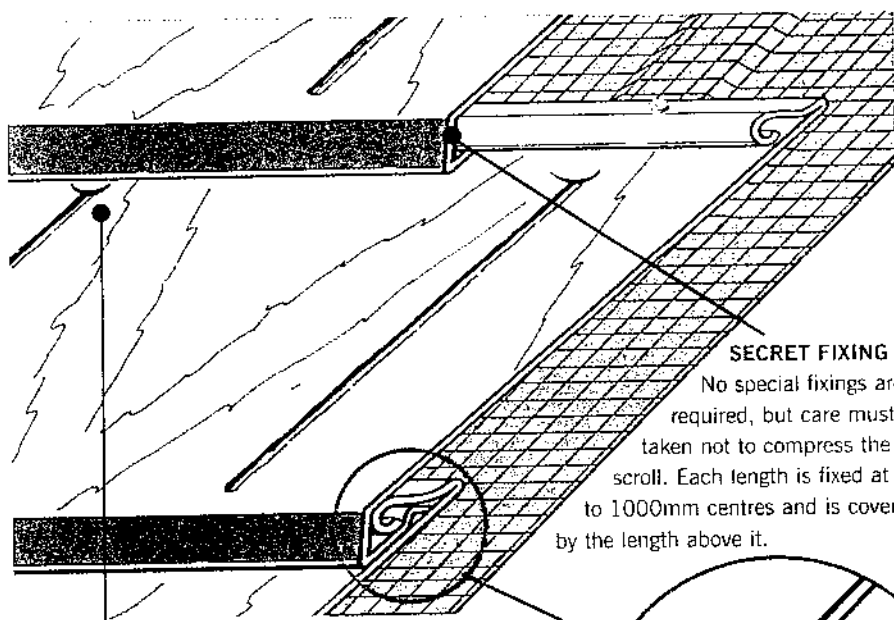
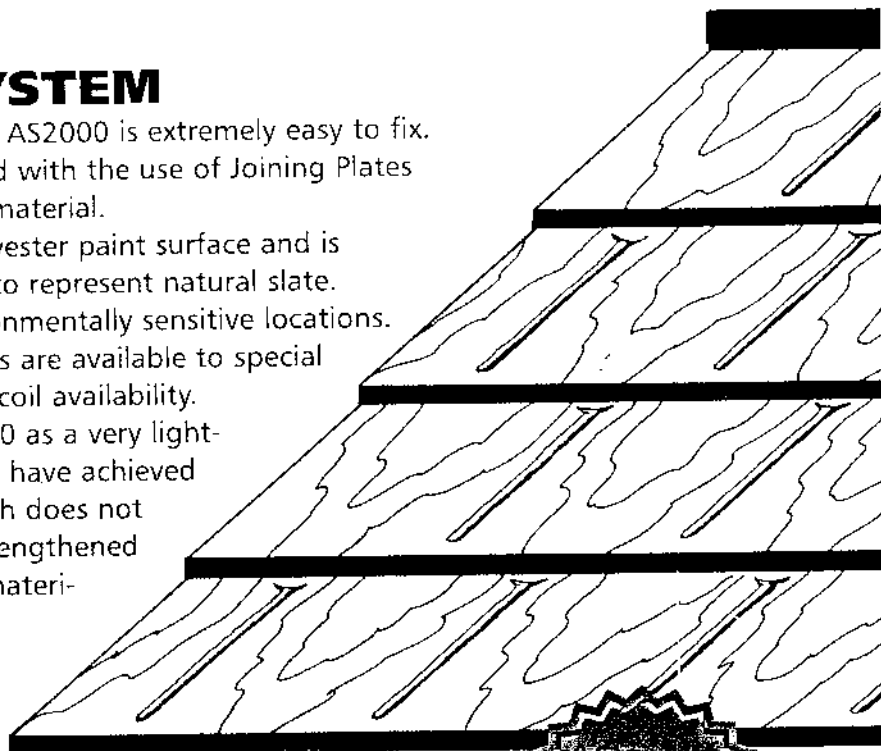
Vehicle
Storage Depot

GRAHAM STREET

AS2000 ROOF SYSTEM

Manufactured in modular lengths, AS2000 is extremely easy to fix. The regular slate pattern combined with the use of Joining Plates allows the most economic use of material.

AS2000 is produced in a matt polyester paint surface and is especially embossed and finished to represent natural slate. This finish is ideal for use in environmentally sensitive locations. However other colours and finishes are available to special order but subject to quantity and coil availability. Steadmans have developed AS2000 as a very light-weight material (only 6kg/m²) but have achieved an amazingly strong product which does not require the sub-structure to be strengthened as with more traditional roofing materials.

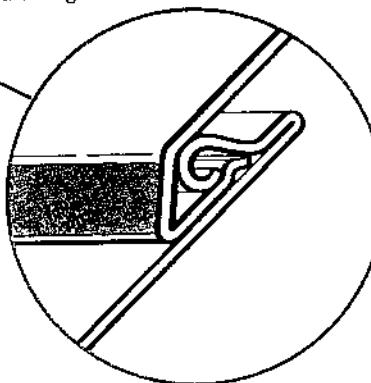


SECRET FIXING

No special fixings are required, but care must be taken not to compress the scroll. Each length is fixed at up to 1000mm centres and is covered by the length above it.

LOCATION MARKER

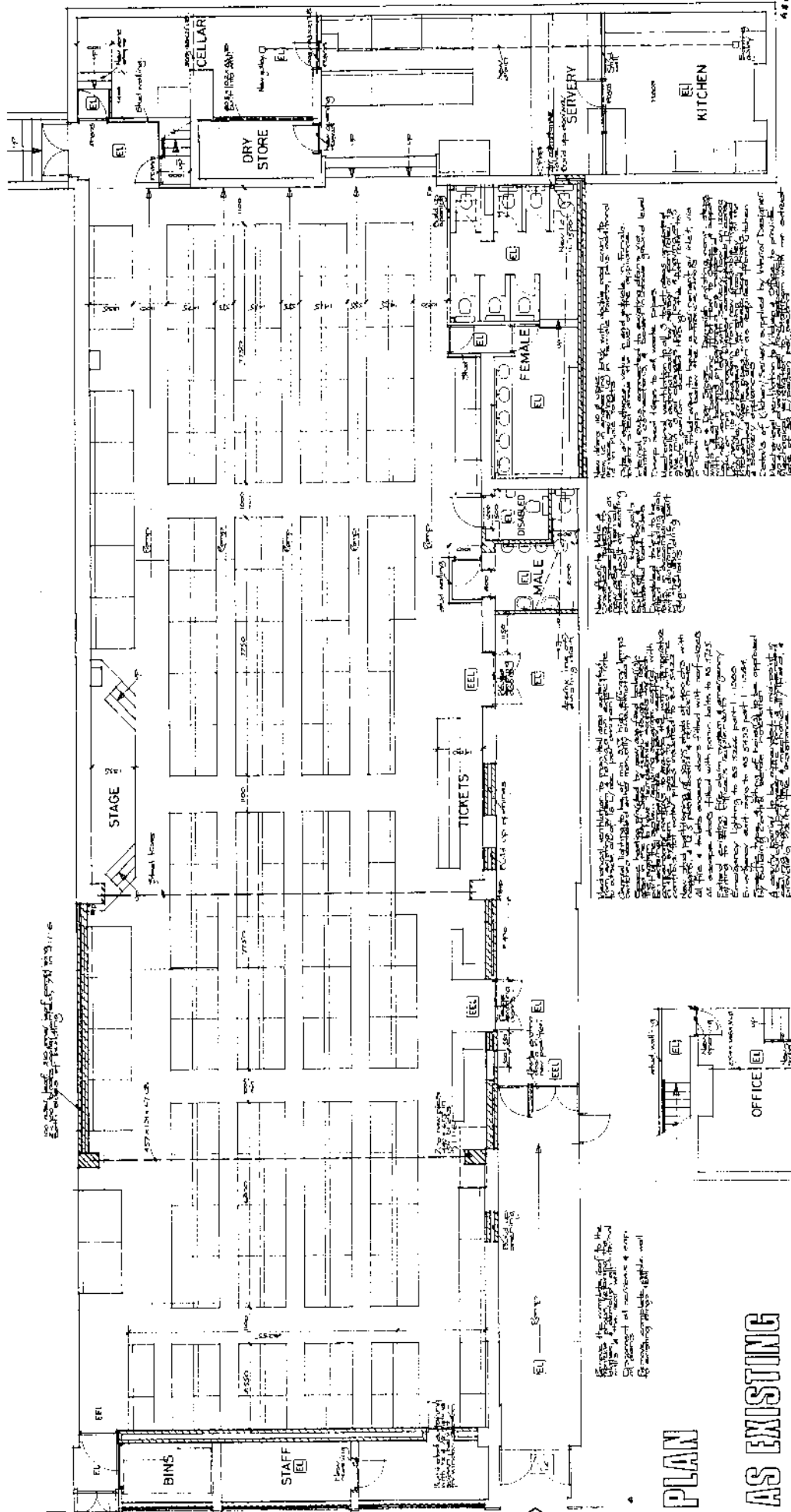
Each top sheet is correctly positioned when the location marker becomes visible.



STEADFAST LOCKING SYSTEM

Steadmans unique Lap Locking System. Once locked into position, this ingenious design provides a weather tight joint whilst also allowing repositioning.





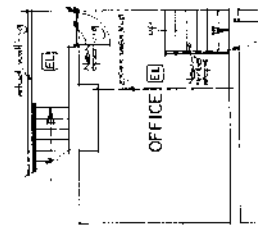
PLAN

AS EXISTING

Division of Building Plans
Drawing of floor plans
including 1962, 1964, 1965
1966, 1967, 1968, 1969, 1970
1971, 1972, 1973, 1974, 1975
1976, 1977, 1978, 1979, 1980

Notes:
1. The plan shows the existing layout of the building.
2. The plan shows the proposed layout of the building.
3. The plan shows the proposed layout of the building.

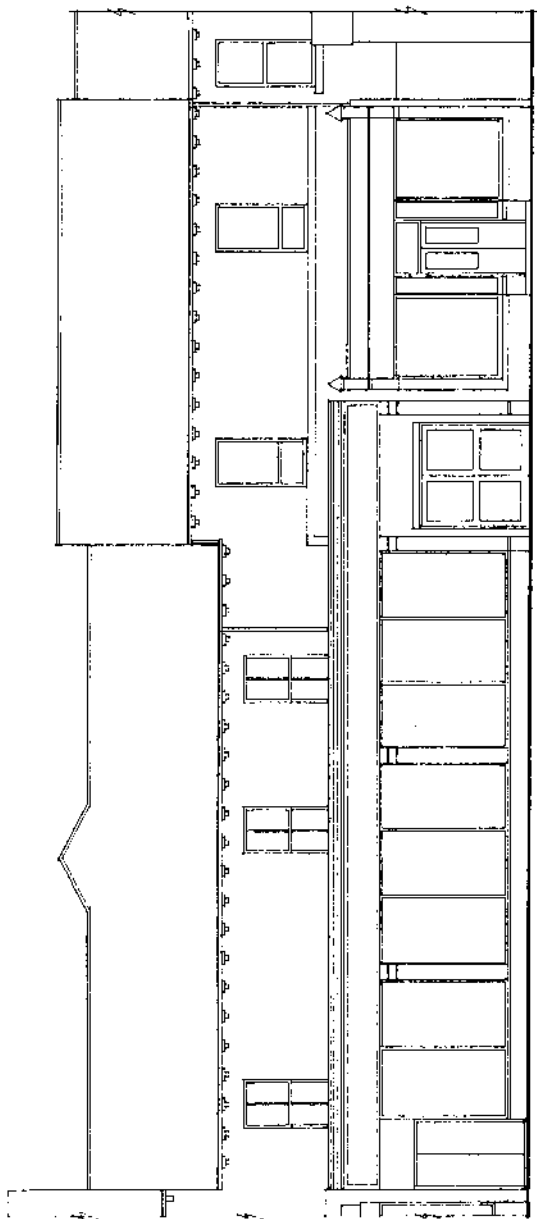
Notes:
1. The plan shows the existing layout of the building.
2. The plan shows the proposed layout of the building.
3. The plan shows the proposed layout of the building.



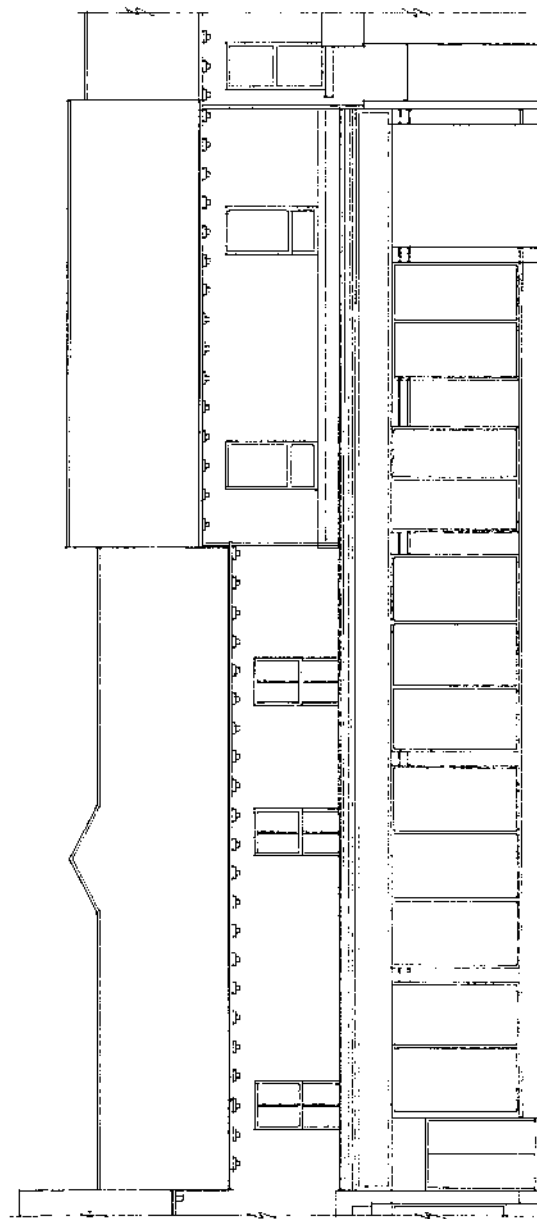
JACK BORDON
 ARCHITECTURAL SERVICES
 100 SOUTH LINDEN
 CARLSLE, CALIF. 94008
 TEL. 422-1100

PROPOSED EXTENSION TO
 REX BINGO - DENTON ST - CARLSLE
 FOR MR. & MRS. LAWTON

DRG. No. 6815/73
 SCALE: 1/8" = 1'-0"
 DATE: JULY 1973



EXISTING ELEVATION TO DENTON STREET



PROPOSED ELEVATION TO DENTON STREET

ALL NEW MATERIALS TO MATCH EXISTING.

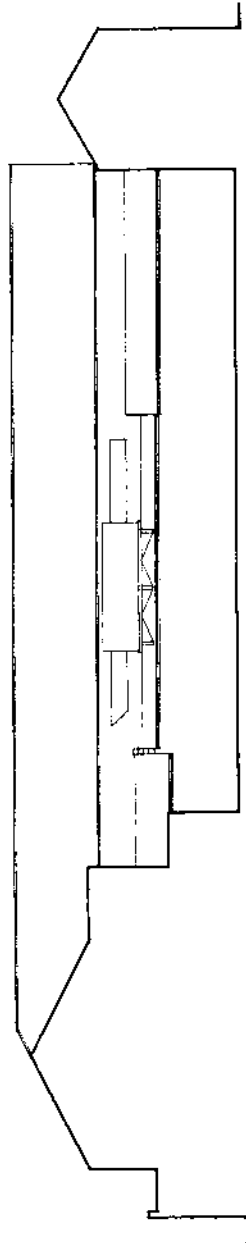
REVISIONS:
31 3-03 B. CASH

REVISIONS
18 APR 03
2003/03/30

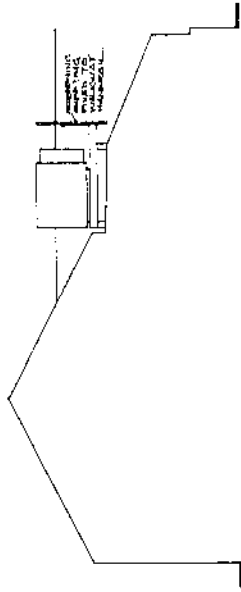
PROPOSED EXTENSION
REX BINGO CLUB - CARLISLE

DRG. No. 650 / 10
SCALE: 1-50
DATE: MAY 2002

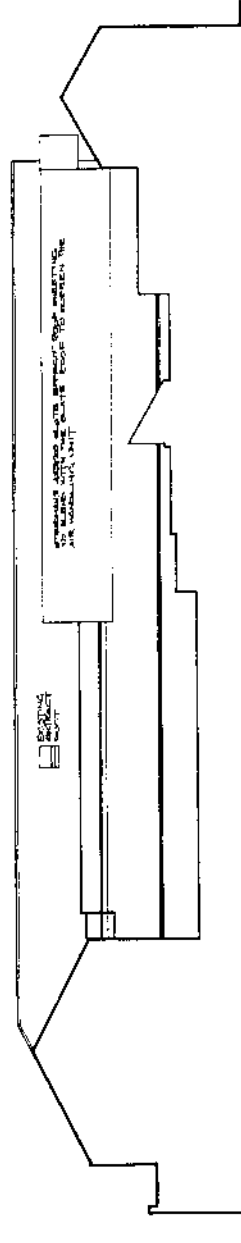
JOHN GOSWOLD
ARCHITECTURAL SERVICES
47 SCOTLAND ROAD
CARLISLE CA1
TEL: 01276 841111



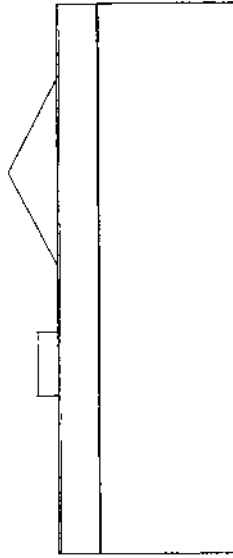
NORTH ELEVATION - EXISTING



EAST ELEVATION - PROPOSED



NORTH ELEVATION - PROPOSED



WEST ELEVATION - PROPOSED

PROPOSED EXTENSION REX BINGO CLUB - CARLISLE 26/3/03	
DRG. No. 650/13A SCALE: 1:100 DATE: MARCH 2003	APPROVED 1 APR 2003 26/3/03

SCHEDULE B: Reports Requiring Further Information

03/0361

Item No: 59

Date of Committee: 25/04/2003

Appn Ref No:
03/0361

Applicant:
Mr C Stevens & Ms M
Kennedy

Parish:
Wetheral

Date of Receipt:
24/03/2003

Agent:
Gary Tyler

Ward:
Great Corby & Geltsdale

Location:
3 Wentworth Terrace, Great Corby, Carlisle, CA4
8LN

Grid Reference:
347200 554775

Proposal: Single storey extension to provide study room, WC and utility room

Amendment:

Richard

Report

Planning Policies:

Conservation Area

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

Carlisle District Plan Housing - Proposal H14

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

Carlisle District Plan Housing - Proposal H17

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

1. Is for a use inappropriate for residential areas; and/or
2. Is of an unacceptable scale; and/or
3. Leads to an unacceptable increase in traffic or noise; and/or

4. Is visually intrusive; and/or
5. Leads to a loss of housing stock.

**Carlisle District Plan
Environment - Policy E43**

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

Summary of Consultation Responses:

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

Wetheral Parish Council: Observation:

1. The PC would like to see a plan view of the existing and proposed in relation to the property;
2. The PC would also like elevation drawings.

Summary of Representations:**Representations Received**

Initial:	Consulted:	Reply Type:
Ms R Dunleavy, 2 Wentworth Terrace	26/03/03	Objection
The Occupier / Owner, Wentworth House	26/03/03	
The Occupier / Owner, Bulkeley House	26/03/03	
The Occupier / Owner, West View	26/03/03	
The Occupier / Owner, Elm Lea	26/03/03	
The Occupier / Owner, Wood Villa	26/03/03	Objection
J Thirlwall, Woodbrae	26/03/03	
The Owner / Occupier, 1 Wentworth Terrace	26/03/03	

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

1. The access to the rear of the properties is inappropriate for additional traffic,

- particularly construction vehicles;
2. Planning permission has previously been refused at number 3 on access grounds;
 3. The extension would extend halfway along the boundary, thereby overshadowing my garden and affecting my overall amenity;
 4. As the development involves the demolition of an existing boundary structure, workmen would have to enter my property, creating noise and disruption and for which legal permission would not be granted;
 5. Maintenance of the gutters would not be achieved as they would overhang my property;
 6. The proposal seeks permission for an office and the applicant runs a business from home;
 7. The proposal includes two large windows which would overlook my property;
 8. The property has an extensive garden to the side where the extension could be constructed without devaluing my property; and
 9. The applicant does not have legal rights of access to use the vehicular lane to the rear of the properties.

Details of Proposal/Officer Appraisal:**Planning History:**

There is no planning history relating to this site.

Details of Proposal:

This application seeks full planning permission for the erection of a single storey extension to number 3 Wentworth Terrace, Great Corby, Carlisle. The property is a two storey terraced house constructed from facing brick under a slate roof. The dwelling house is one of three terraced properties located adjacent to the railway line. The site is also located within the Great Corby Conservation Area.

The application seeks planning permission for a single storey extension to the rear of the dwelling to provide a study/ office, utility room and W.C. The roof of the extension would be hipped on all three sides and the extension would be constructed from material that match those of the existing property.

The proposed extension would measure 5.87 metres in length by 4.8 metres in width. The height to the eaves would measure 2.4 metres and the height to the ridge would measure 3.95 metres. Presently, there is an existing outbuilding which forms part of the boundary and this is due to be demolished as part of this proposal.

Officers expressed concerns to the applicant with regard to the fact that the proposed extension would over hang the adjacent property by virtue of the rainwater goods, a point which is raised by the letter of objection that has been received. Amended drawings have now been requested and are awaited from the applicant's agent which show the extension stepped away from the boundary to negate this issue.

In consideration of this application Policies H14 and H17 are relevant. Policy H14 of the Local Plan requires that extensions are of good design and are of an acceptable scale. The scale and design of the proposed extensions are considered to be appropriate to this terraced dwelling which is situated within a substantial garden area.

This Policy also seeks to protect the amenity of adjacent properties from proposals which adversely affect them, through inappropriate scale, design or unreasonable overlooking. The proposals which are being presented for consideration are modest in scale and design and would not be disproportionate or obtrusive. The proposed extension extends a metre further along the boundary than the existing building.

The occupier of the adjacent property, has a single storey kitchen extension which has been constructed along the boundary with number 1 Wentworth Terrace. A kitchen window exists on the gable of this building, overlooking the garden, with the kitchen door being on the side elevation facing the application site. The application site is located due west of the neighbouring property and in this regard, it is not considered that the development adversely affects the amenities of adjacent properties by poor design, unreasonable overlooking or unreasonable loss of daylight or sunlight. The proposal is not considered to be of an unacceptable scale or visually intrusive.

Policy E43 of the Local Plan requires that development proposals do not adversely affect the character or appearance of the conservation area. The scale, siting and use of materials are considered to be appropriate to the setting of the building and to the status of the area as a designated conservation area.

The devaluation of property is not a material planning consideration. Furthermore, the issue of whether rights exist to use the vehicular access and to gain entry to the adjacent property is a matter for the relevant parties to resolve through civil proceedings.

The neighbour also makes reference to the fact that the applicant runs a business from home. It is not always the case that planning permission is required for this use, depending on the scale and nature of the use. However, to clarify the matter, this issue is being investigated further.

The letters of objection also refer to a refusal of an earlier planning application due to concern regarding the access. This refers to an application for the erection of a new dwelling on land adjoining 3 Wentworth Terrace which was refused on 2 March 1986, under reference 86/0086. The merits of the highway issues between a new dwelling and an extension to an existing property are separate there is no highway objection to this current application.

In conclusion, the proposed extension is of a scale and design that is appropriate to the dwelling and it is not considered that the occupier of the neighbouring properties would be adversely affected by the development, in accordance with the relevant Local Plan policies. Subject to the receipt of satisfactorily amended drawings, the proposal would be considered to be acceptable.

Human Rights Act 1998

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

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

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

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

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

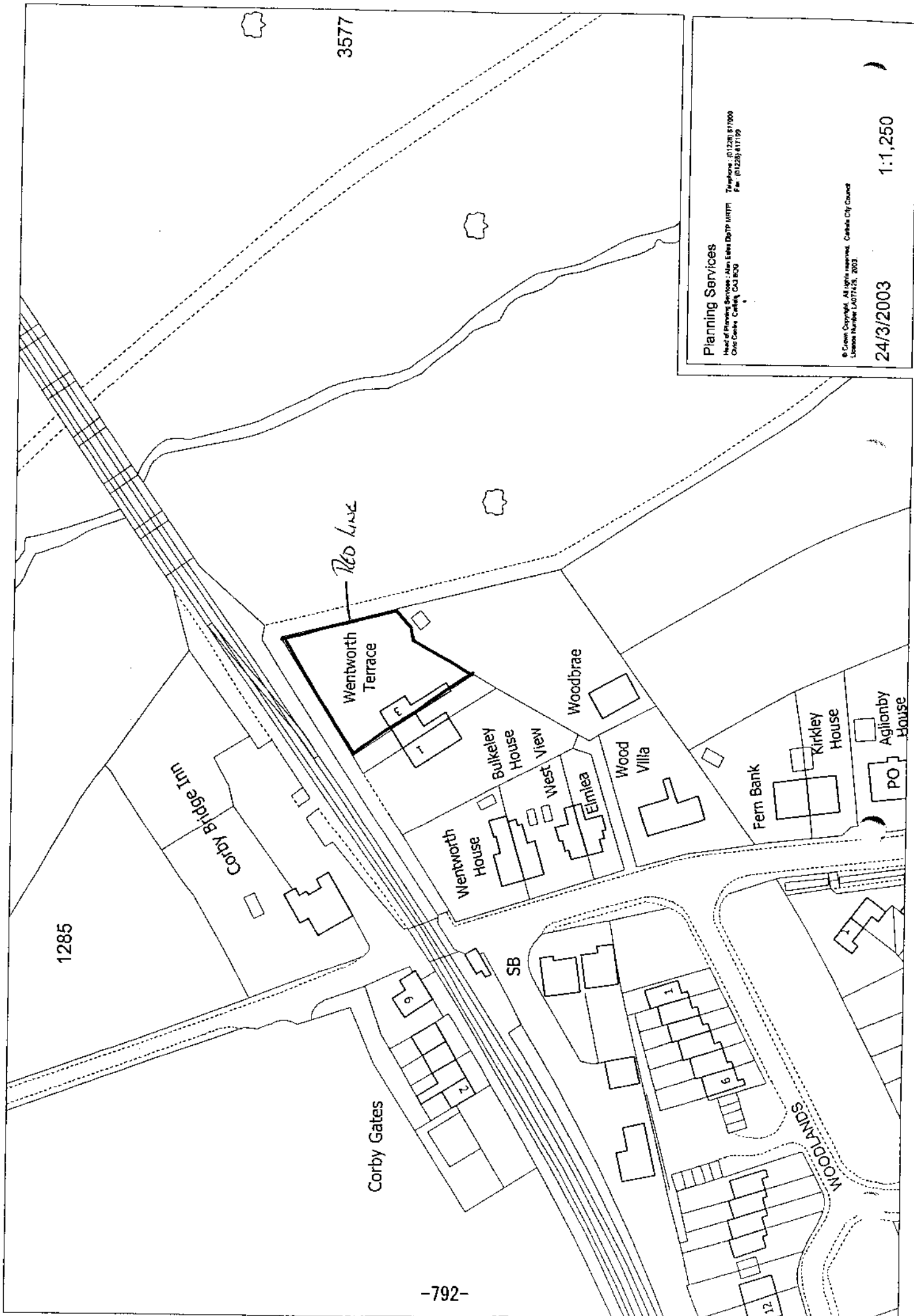
The proposal has been considered against the above Protocol of the Act but in this instance, it is not considered that there is any conflict.

Recommendation:

Reason for including report in Schedule B

A recommendation is unable to be made as further amended drawings have been requested from the applicant, the details of which would then to be subject to the reconsultation process.

A to I ✓
revised



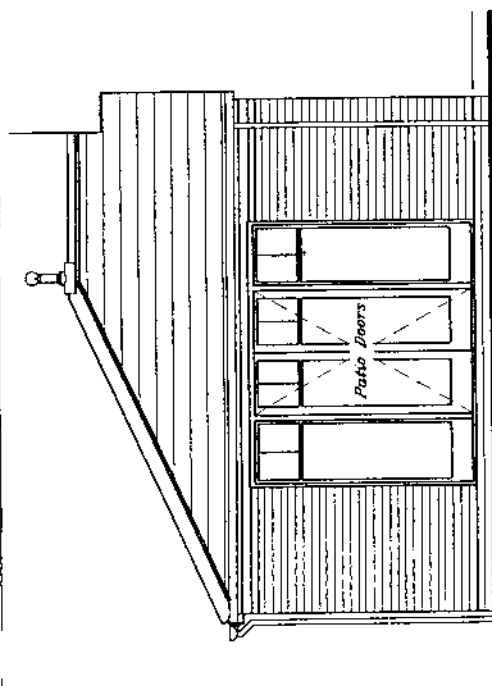
Planning Services

Head of Planning Services: Alan Eales DTP MPTM Telephone: (01228) 817000
Chris Cooke, Ceryn, Cllr 2008 Fax: (01228) 817199

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License Number: 0077425, 2003

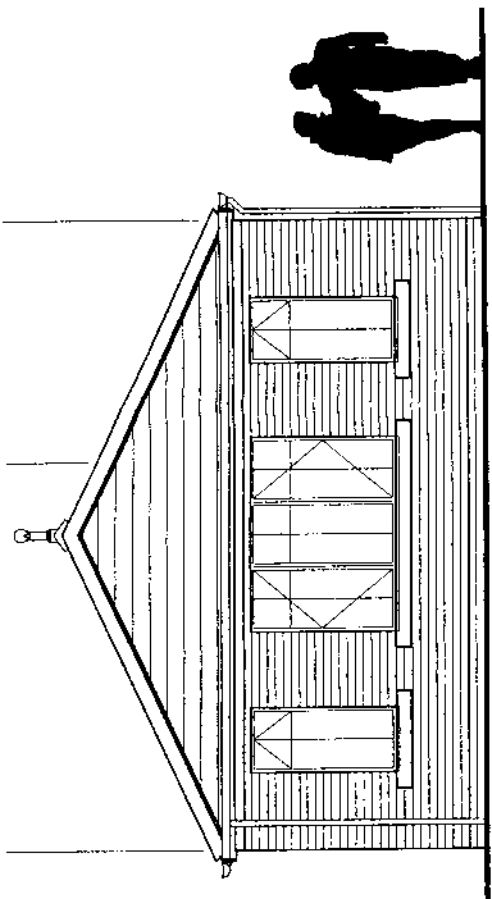
24/3/2003

1:1,250



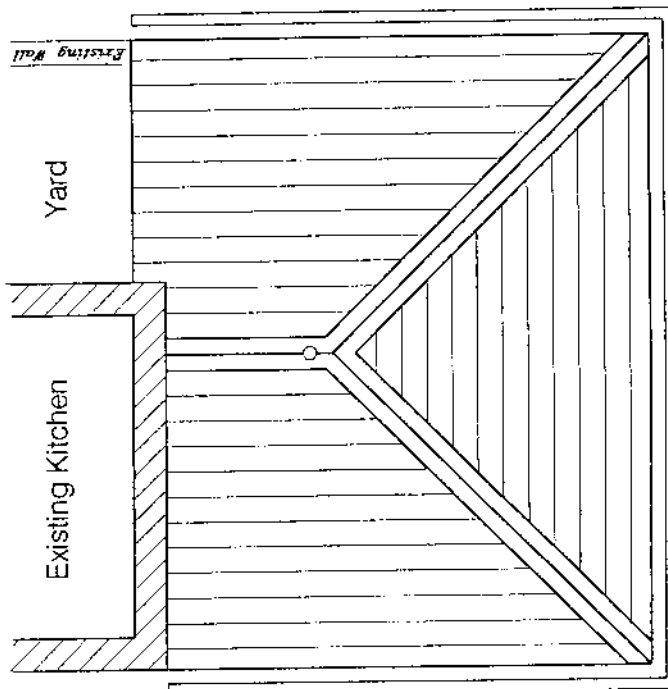
Proposed Side Elevation

Scale 1:50



Proposed End Elevation

Scale 1:50



Proposed Roof Plan

Scale 1:50

ROOF - Tiles to match existing in style and colour.
 WALLS - All brickwork to match existing in style and colour.
 WINDOWS - All windows to be UPVC Double Glazing
 (colour-white) to match existing.

This Drawing is to be read in conjunction with Drawing Nos:-

MAN/EXT/002 - Plan View
 MAN/EXT/003 - Sectional Details
 MAN/EXT/004 - Site Plan

RECEIVED

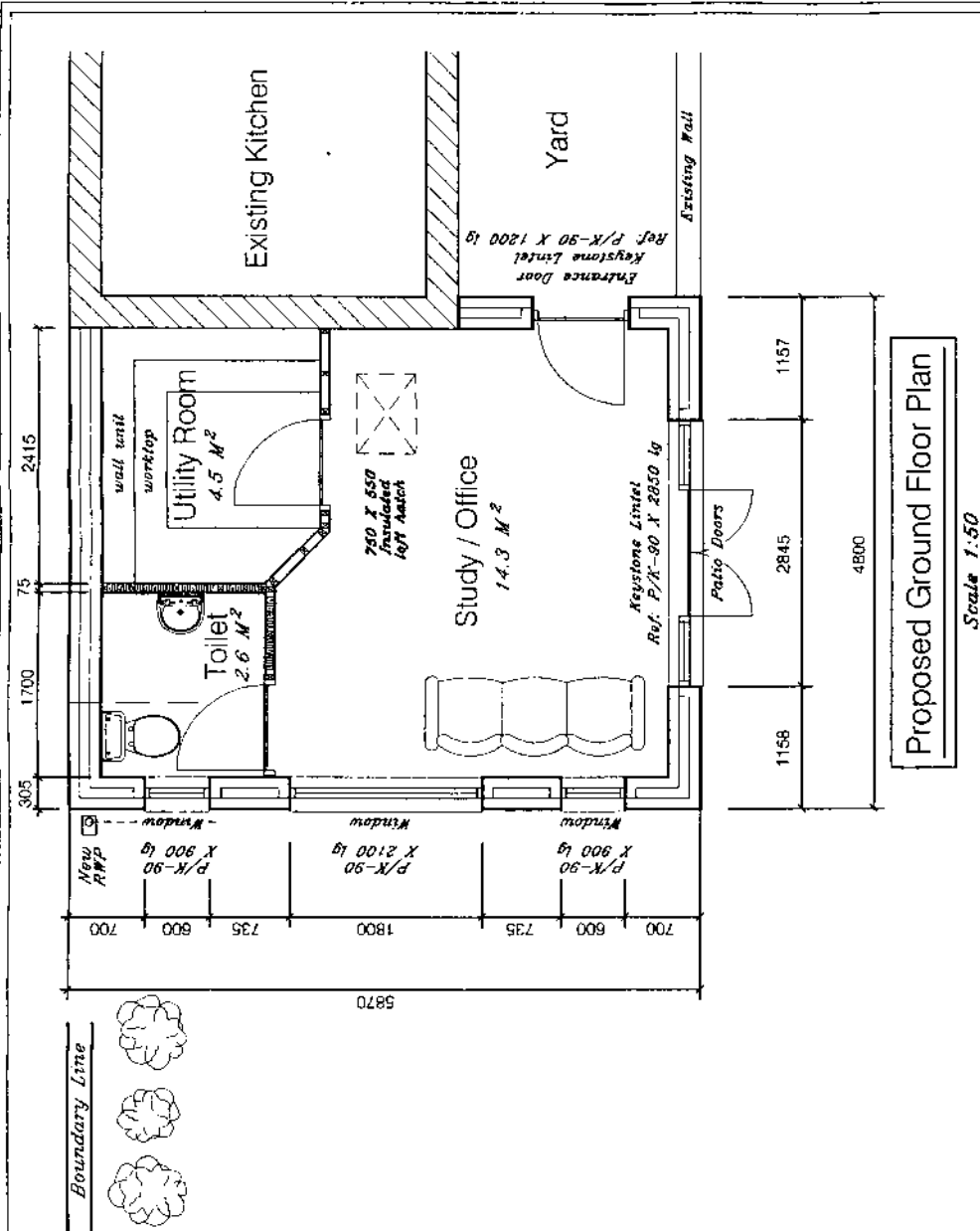
21st March 2003

MAN/EXT/001

Rev.	Date	Description
A	19/03/03	Original Issue

Proposed Single Storey Extension to Provide Study Room c/w Toilet & Utility Room to the rear of No 3 Wentworth Terrace, Great Corby, Near Carlisle, for Mr C. Stevens & Ms. M Kennedy.

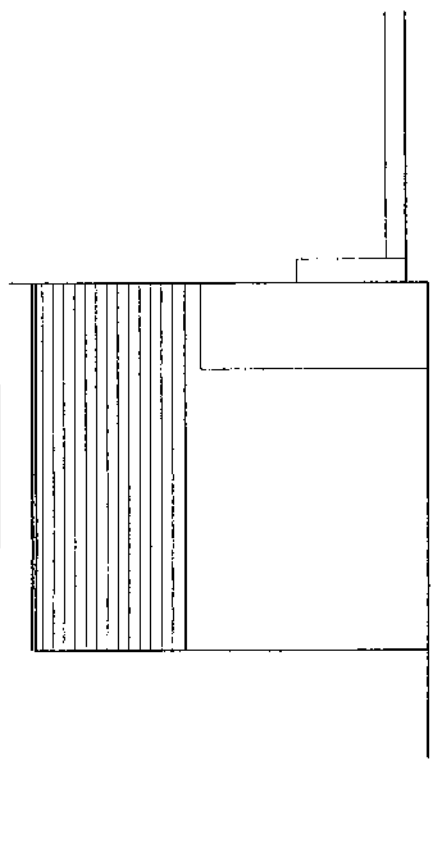
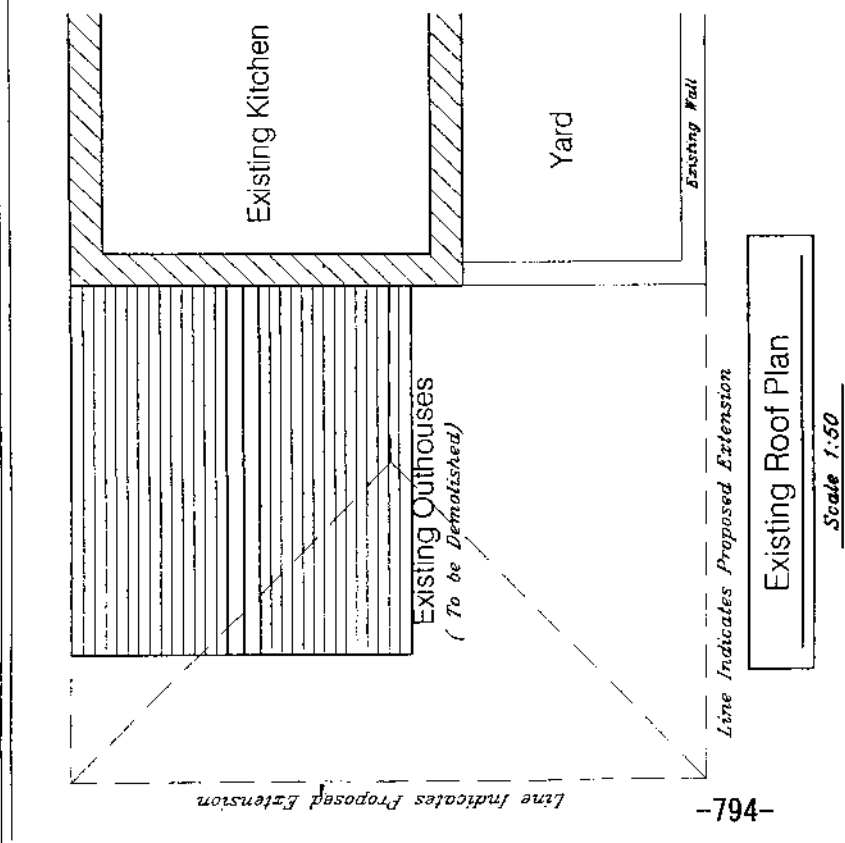
Drawn By	C. Tyler
Scale	1:50
Date	13th March 2003
Drawing No	MAN/EXT/001 Rev A



ROOF - Tiles to match existing in style and colour.
WALLS - All brickwork to match existing in style and colour.
WINDOWS - All windows to be UPVC Double Glazing (colour-white) to match existing.

This Drawing is to be read in conjunction with Drawing Nos:-
 MAN/EXT/001 - External Elevations
 MAN/EXT/003 - Sectional Details
 MAN/EXT/004 - Site Plan

Rev.	Date	Description	Drawn By	Scale	Date	Drawing No	Rev A
A	12/03/03	Original Issue	C. Tyler	1:50	13th March 2003	MAN/EXT/004	Rev A
Proposed Single Storey Extension to Provide Study Room c/w Toilet & Utility Room to the rear of No 3 Wentworth Tg, Ye Great Corby, Near Carlisle, for Mr C. Stevens & W Kennedy.							



ROOF - New tiles (100mm headlap) to match existing on 50 X 25 roofing battens on bitumen roofing felt on pre-formed roof trusses at 600 max. c/s. with 100 X 25 longitudinal and diagonal bracing, all to B.S. 5268 parts I and II.

250 mm thk. glassfibre insulation
100mm between ceiling joists - 150mm crossslapped over ceiling joists.

Code 4 lead flashing

Provide hip tiles
c/w hip strap
102 HR
PVC RWG

25mm wide air gap at eaves for
cross ventilation of roof space
c/w anti-insect mesh

dpc Close cavity
at eaves
"Superlux board"
or similar

damp proof membrane
to be taken up
and lapped into dpc

gvl
min
150
600
200

Typical Cross-Section

Scale 1:50

FLOOR

100 mm s/s concrete
on 50mm "celotex" insulation
1200 gauge dpm
25mm blinding down material
on 150mm thick hardcore.

ROOF - Tiles to match existing in style and colour.
WALLS - All brickwork to match existing in style and colour.
WINDOWS - All windows to be UPVC Double Glazing (colour-white) to match existing.

This Drawing is to be read in conjunction
with Drawing Nos:-
MAN/EXT/001 - External Elevations
MAN/EXT/002 - Plan View
MAN/EXT/004 - Site Plan

General Notes

Wall ties are to be provided at 750mm max centres horizontally, 450mm max centres vertically and at 225mm max centres vertically at reveals to openings.

All new doors and windows to be fitted with draughtproof seals

All lintels to be encased with 12.7mm thk plasterboard and skinned to give 30 minutes fire protection

All structural timbers to be SC3 Grade and Kiln dried

All doors and window openings to have draughtproofing incorporated with cavity surrounding opening to incorporate 25mm thick poly lining insulation

Fit "damcore" insulated dpc around all window and door openings.

Drainage - all drainage to be checked prior to building work commencing to determine existing sizes and levels

All new drainage to BS4680 - Soil & Vent pipe to be 100mm dia waste pipes (bath, sink etc.) 50 mm dia - all drainage c/w 75mm deep seal traps. All colours to match existing.

Drainage above 600mm to be protected with pea gravel and covered by concrete/flag footway.

WALLS - 100 thick Brick outer leaf, 50 wide cavity, 50mm "Celotex" insulation, 100mm lightweight block inner leaf with 12 thick plaster and skim internally to give a U-value of 0.35 W/M²K.

2 No 100mm dense concrete block leaf wall below DPC level full.

Foundations to be taken down to below level of drain and with lintel span above to prevent excess pressure on pipes with 50mm space all round opening filled with inert filling

To limit air leakage "robust construction details" are to be followed to provide a continuous barrier to air movement to the habitable space. These include continuation of the 50mm "celotex" insulation to the inside of the cavity, down to the underside of the floor slab & up to the roof space insulation.

Vertical edge to floor insulation (25mm)

All windows to have 16mm minimum gap between panes in the sealed unit. Glass to be Low "E" (" Pilkington K") or similar.

All rooms to have window openings of not less than 1/20 th of the floor area and 8000 mm² permanent background ventilation.

Safety glazing to be fitted within 300mm of a door, and up to a height of 1500mm above floor level.

Overall External Windows + Door Opening Area is less than 25% of the Total Floor Area of Dwelling.

Proposed Single Storey Extension to Provide Study Room c/w Toilet & Utility Room to the rear
of 10 No 3 Wentworth Terrace, Great Corby, Near Carlisle, for Mr C. Stevens & Ms. M Kennedy.

Drawn By
Scale
Date
Drawing No

C. Tyler
1:50
13th March 2003
MAN/EXT/003 Rev A

Rev. Date Description

A 12/03/03 Original Issue

SCHEDULE C

SCHEDULE C

SCHEDULE C

SCHEDULE C

SCHEDULE C

SCHEDULE C

SCHEDULE C: Applications Determined by Other Authorities

01/0840

Item No: 60

Between 01/03/2003 and 11/04/2003

Appn Ref No:
01/0840

Applicant:
Mr A Graham

Parish:
Carlisle

Date of Receipt:
26/09/2001

Agent:

Ward:
Castle

Location:
No. 3 Barrel House, Caldew Maltings, Carlisle,
Cumbria

Grid Reference:
339468 556150

Proposal: Insertion of windows into existing openings

Amendment:

Report

Decision on Appeals:

Appeal Against: Appeal against refusal of planning perm.

Type of Appeal: Written Representations

Report: This appeal refers to a retrospective planning application for the insertion of 2no. additional windows in the property known as 3 The Barrel House, Caldewagte, Carlisle. The application was refused on 15 March 2002.

The Inspector considered the issue of the impact of the windows on the aesthetic appearance of the building and concluded that by virtue of their scale and the presence of vegetation, the windows do not significantly affect the appearance of the building.

The primary issue was the proximity of the building to the River Caldew. Whilst the appeal building is not part of a flood defence system, the Inspector agreed that it does constrain the river and that the fitting of windows could allow water to enter the building at times of flood.

The Inspector accepted the correspondence from consulting engineers which states that the construction and installation of the windows are not satisfactory for the situation. The Inspector agreed with the Council and the Environment Agency in adopting a precautionary approach and to take into account the possibility of extreme situations.

The Inspector concluded by stating that although there may well be ingress of water through foundations at times high river levels the likelihood and severity of flooding would be increase significantly if the windows were retained.

SCHEDULE C: Applications Determined by Other Authorities

01/0840

On the basis that the retention of the unauthorised windows would be unacceptable because of the risk of flooding and thereby conflict with local plan policy and government guidance regarding flood prevention, the Inspector therefore dismissed the appeal.

Appeal Decision: Appeal Dismissed

Date: 31/03/2003

SCHEDULE C: Applications Determined by Other Authorities

Item No: 61

Between 01/03/2003 and 11/04/2003

Appn Ref No:

02/9040

Applicant:

Newtown School
Governors

Parish:

Carlisle

Date of Receipt:

30/12/2002

Agent:

Cumbria County Council

Ward:

Belle Vue

Location:

Newtown Primary School, Raffles Avenue, Raffles,
Carlisle, CA2 7LW

Grid Reference:

338300 555932

Proposal: Erection of new nursery building

Amendment:

Report

City Council Observations on the Proposal:

Decision: City Council Observation - Observations

Date: 24/01/2003

Decision of: Cumbria County Council

Decision Type: Grant Permission

Date: 27/03/2003

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 (GENERAL DEVELOPMENT PROCEDURE) ORDER, 1995

NOTICE OF PLANNING CONSENT

To: Architects Plus (UK) Ltd
Victoria Galleries
Viaduct House
Victoria Viaduct
Carlisle CA3 8AN

In pursuance of the powers under the above Act and Order and Regulation 3 of the Town and Country Planning General regulations 1992 the Cumbria County Council as local planning authority hereby permit the development described in your application and on the plans and drawings attached thereto received on 16 December 2002.

VIZ: NURSERY BUILDING
NEWTOWN PRIMARY SCHOOL, RAFFLES AVENUE, CARLISLE

Subject to due compliance with the following conditions:

- 1 the development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

- 2 the development shall be carried out in accordance with the approved scheme. Any variations to the approved scheme shall be submitted to and approved by the Local Planning Authority prior to being carried out.

Reason: To ensure the development is carried out to an approved appropriate standard.

- 3 the permission does not give consent for the new fencing on top of the boundary wall shown on drawing number 01016-15 received on 14 February 2003.

Reason: This fencing requires planning permission and did not form part of the original application.

- 4 Details showing the provision within the site for the parking of vehicles shall be submitted to the Planning and Highway Authorities for approval. The development shall not be brought into use until details of car parking have been approved and the parking facilities constructed. The approved parking shall be kept available and not used for any other purpose.

Reason: To ensure that vehicles can be properly and safely accommodated clear of the highway.

Dated the 27th day of March 2003
On behalf of the Council



.....
Shaun Gorman
Assistant Director (Development Control)
Community, Economy and Environment

NOTE

- The conditions attached to this permission may override details shown on the application form, accompanying statements and plans.
- Any approval to be given by the Director of Economy and Environment or any other officer of Cumbria County Council shall be in writing.

SCHEDULE D

SCHEDULE D

SCHEDULE D

SCHEDULE D

SCHEDULE D

SCHEDULE D

SCHEDULE D: Reports on Previously Deferred Decisions

Item No: 62

Between 01/03/2003 and 11/04/2003

Appn Ref No:
02/0914

Applicant:
W Swainson

Parish:
Burgh-by-Sands

Date of Receipt:
03/09/2002

Agent:
Taylor & Hardy

Ward:
Burgh

Location:
L/A Field 3300 adjacent to Moorpark Farm,
Thurstonfield, Carlisle

Grid Reference:
332291 556767

Proposal: Erection of agricultural workers bungalow and formation of new access
(outline)

Amendment:

Report

Details of Deferral:

Members will recall at Committee meeting held on 31st January 2003 that authority was given to the Head of Planning Services to issue approval subject to the receipt of suggested highway conditions from the Highway Authority. These conditions have now been received and included in the decision notice which was issued on 9th April 2003.

Decision: Grant Permission

Date: 09/04/2003

1. In case of any "Reserved Matter" application for approval shall be made not later than the expiration of 3 years beginning with the date of this permission, and the development shall be begun not later than whichever is the later of the following dates:
 - (i) The expiration of 5 years from the date of the grant of this permission, or
 - (ii) The expiration of 2 years from the final approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: In accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.

2. Before any work is commenced, details of the siting, design and external appearance of the building(s), the means of access thereto and the landscaping of the site (hereinafter called "reserved matters") shall be submitted to and

SCHEDULE D: Reports on Previously Deferred Decisions

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 occupation of the dwelling shall be limited to persons solely or mainly employed, or last employed, in the locality in agriculture as defined in Section 336 of the Town and Country Planning Act 1990, or in forestry, or dependents of such persons residing with him or her, or a widow or widower of such a person.

Reason: There is a strong presumption against development in rural areas and the unrestricted use of the dwelling would be contrary to the provisions of the Local Plan which seeks to prevent additional sporadic development in the countryside unless demonstrated to be essential in the interests of agriculture or forestry.

4. Notwithstanding any description of materials in the application no development shall be commenced until samples or full details of materials to be used externally on the building(s) have been submitted to and approved 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.

5. Details shall be submitted of the proposed hard surface finishes to all public and private external areas within the proposed scheme and approved by the local planning authority before any site works commence.

Reason: To ensure that materials to be used are acceptable.

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

Reason: In order that the approved development overcomes any problems associated with the topography of the area.

7. Trees and shrubs shall be planted in accordance with a scheme to be agreed with the local planning authority before building work commences and the trees and shrubs shall be retained and maintained to the satisfaction of the local planning authority; the scheme shall include a detailed survey of any existing trees and shrubs on the site and shall indicate plant species and those trees

SCHEDULE D: Reports on Previously Deferred Decisions

and shrubs to be retained.

Reason: To ensure that a satisfactory landscaping scheme is prepared.

8. Particulars of height and materials of all screen walls and boundary fences shall be submitted to and approved by the local planning authority prior to the commencement of the development hereby permitted.

Reason: To ensure that the appearance of the area is not prejudiced by lack of satisfactory screening which is not carried out in a co-ordinated manner.

8. 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.

9. No development shall commence until visibility splays providing clear visibility of 215 metres x 2 metres x 215 metres measured down the centre of the access road and the nearside channel line of the major road have been provided at the junction of the access road with the county highway. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grow within the visibility splay which obstruct the visibility splays.

Reason: In the interests of highway safety.

10. The access shall be a minimum width of 6 metres and incorporate 10.5 metre radius kerbs to each side.

Reason: In the interests of highway safety.

11. The access drive shall be surfaced in bituminous or cement bound materials, or otherwise bound and shall be constructed and completed before the development is occupied into use.

SCHEDULE D: Reports on Previously Deferred Decisions

Reason: In the interests of highway safety.

12. Details showing the provision within the site for the parking, turning and loading and unloading of vehicles and for vehicles to enter and leave the site in a forward direction, shall be submitted to the local planning authority for approval. The development shall not be brought into use until any such details have been approved in writing and the parking, loading, unloading and manoeuvring areas shall be kept available for those purposes at all times and shall not be used for any other purpose.

Reason: To ensure that all vehicles can be properly and safely accommodated clear of the highway.

13. The whole of the access area bounded by the carriageway edge, entrance gates and the splays shall be constructed and drained to the specification of the local planning authority in consultation with the highway authority before the development is occupied.

Reason: To ensure that the development is served by a vehicular access constructed to the satisfaction of the local planning authority.

14. No development approved by this permission shall be carried out unless and until details of the proposed access to be provided to the east of the proposed bungalow, in accordance with the agent's letter dated 17 December 2002, have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure a satisfactory access is provided to serve the development.

15. No development approved by this permission shall be commenced until a scheme for the conveyance of foul drainage to a private treatment plant has been submitted to and approved in writing by the local planning authority. No part of the development shall be brought into use until such treatment plant has been constructed and completed in accordance with the approved plans.

Reason: To prevent pollution of the water environment.

Item No: 63

Between 01/03/2003 and 11/04/2003

Appn Ref No:

Applicant:

Parish:

SCHEDULE D: Reports on Previously Deferred Decisions

02/1290

Mr K Temple

Dalston

Date of Receipt:

05/12/2002

Agent:

Ward:

Dalston

Location:

Birkshill, Raughton Head, Dalston, Carlisle, CA5
7DH

Grid Reference:

337700 543068

Proposal: Single storey extension to dwelling to create a 1no. bedroomed ancillary residential unit

Amendment:

Report

Details of Deferral:

Members will recall at Committee meeting held on 14th March 2003 that authority was given to the Head of Planning Services to issue approval subject to the completion of the consultation process with no new planning objections being raised. This period has now lapsed with no new planning objections, therefore, the decision was issued on 25th March 2003.

Decision: Grant Permission

Date: 25/03/2003

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.

2. The external walling and roofing materials to be used in the building works hereby permitted shall be identical to those in the existing building. If any other material is proposed no development shall take place until such has been approved, in writing, by the local planning authority.

Reason: To ensure the works harmonise as closely as possible with the existing building.

3. The premises shall be occupied as a single, self contained family dwellinghouse, and at no time shall any part be sub-divided and occupied independently of the remainder of the property.

Reason: The local planning authority are not prepared to permit the establishment of a separate unit of accommodation on this site.

SCHEDULE D: Reports on Previously Deferred Decisions

Item No: 64

Between 01/03/2003 and 11/04/2003

Appn Ref No:
02/1314

Applicant:
Mr I Noble

Parish:
Brampton

Date of Receipt:
12/12/2002

Agent:
Tsada Building Design
Services

Ward:
Brampton

Location:

L/A to rear Oulton House, 66 Carlisle Road,
Brampton, Cumbria

Grid Reference:

352595 561043

Proposal: Erection of 4no. bed dwelling and garage (revised application)

Amendment:

Report

Details of Deferral:

Members will recall at Committee meeting held on 31st January 2003 that authority was given to the Head of Planning Services to issue approval subject to receipt of acceptable amended drawings relating to design and materials. Acceptable drawings have been received and the approval was issued on 11th March 2003.

Decision: Grant Permission

Date: 11/03/2003

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.

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

Reason: To ensure the works harmonise as closely as possible with the existing building.

SCHEDULE D: Reports on Previously Deferred Decisions

3. Details shall be submitted of the proposed hard surface finishes to all public and private external areas within the proposed scheme and approved by the local planning authority before any site works commence.

Reason: To ensure that materials to be used are acceptable.

4. Particulars of height and materials of all screen walls and boundary fences shall be submitted to and approved by the local planning authority prior to the commencement of the development hereby permitted.

Reason: To ensure that the appearance of the area is not prejudiced by lack of satisfactory screening which is not carried out in a co-ordinated manner.

5. No tree or hedgerow existing on the site shall be felled, lopped, uprooted or layered without the prior consent in writing of the local planning authority and the protection of all such trees and hedgerows during construction shall be ensured by a detailed scheme to be agreed with the local planning authority.

Reason: The local planning authority wishes to see existing hedgerows/trees incorporated into the new development where possible.

6. The developer shall afford access at all reasonable times to any archaeologist nominated by the local planning authority and shall allow him to observe the excavation and record items of interest and finds

Reason: So that records may be made before the archaeological remains/architectural features are affected by the development.

Item No: 65		Between 01/03/2003 and 11/04/2003	
Appn Ref No: 02/1350	Applicant: Northern Developments	Parish: Carlisle	
Date of Receipt: 20/12/2002	Agent: Swarbrick Associates	Ward: Harraby	
Location: L/A Central Avenue (former Cosmo), Carlisle, Cumbria		Grid Reference: 342247 554540	
Proposal: Erection of 19no dwellings & 20no flats			

SCHEDULE D: Reports on Previously Deferred Decisions

Amendment:

1. Site layout plan received (drawing number 1128/08f) showing proposed boundary treatment.
 2. Revised layout plan showing alterations to site boundary opposite 16 Whinsmoor Drive.
-

Report

Details of Deferral:

Members will recall at Committee meeting held on 14th March 2003 that authority was given to the Head of Planning Services to issue approval subject to no objections being received prior to the expiry of the notification period. This period has now lapsed with no objections received and the decision was issued on 24th March 2003.

Decision: Grant Permission

Date: 24/03/2003

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.

2. The carriageway, footways and footpaths shall be designed, constructed, drained and lit to a standard suitable for adoption and in this respect further details, including longitudinal/cross sections, shall be submitted to the local planning authority for approval before any work commences on site. No work shall be commenced until a full specification has been approved. These details shall be in accordance with the standards laid down in the current Cumbria Design Guide. Any works so approved shall be constructed before the development is completed.

Reason: To ensure that the matters specified are designed to the satisfaction of the local planning authority.

3. Ramps shall be provided on each side of every road junction to enable wheelchairs, prams and invalid carriages to be safely manoeuvred at kerb lines. Details of all such ramps shall be submitted to the local planning authority for approval before development commences. Any details so approved shall be constructed as part of the development.

Reason: To ensure that pedestrians can negotiate road junctions in relative safety.

SCHEDULE D: Reports on Previously Deferred Decisions

4. No dwellings shall be occupied until the estate road to serve such dwellings has been constructed in all respects to base course level and street lighting has been provided and brought into full operational use.

Reason: To ensure that the matters specified are designed to the satisfaction of the local planning authority.

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

Reason: To ensure that each dwelling is provided with parking and garage space to the satisfaction of the local planning authority.

6. The parking areas associated with each block of flats shall be constructed in accordance with the approved plans before any flat within that respective block is occupied and shall not be used except for the parking of vehicles in connection with the development hereby approved.

Reason: To ensure adequate access is available for each occupier.

7. Before each dwelling house is occupied space for at least two parked cars shall be provided together with vehicular access thereto in accordance with the approved plans. The access and spaces for parking shall be used for no other purpose without the prior approval of the local planning authority.

Reason: To ensure that each dwelling is provided with parking to the satisfaction of the local planning authority.

8. Before any residential unit hereby approved is occupied a bollard or gated barrier shall be provided to restrict access along the unadopted road running parallel to the southern boundaries of 2-16 Whinsmoor Drive in accordance with details which have been submitted to and approved beforehand by the local planning authority.

Reason: To safeguard the amenities of the neighbouring residents.

9. Details shall be submitted of the proposed hard surface finishes to all public and private external areas within the proposed scheme and approved by the local planning authority before any site works commence.

SCHEDULE D: Reports on Previously Deferred Decisions

Reason: To ensure that materials to be used are acceptable.

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

Reason: To ensure the works harmonise as closely as possible with the existing building.

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

Reason: To ensure that a satisfactory landscaping scheme is prepared.

12. 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.

13. Before any residential unit hereby approved is occupied the respective boundary treatment/means of enclosure shall be fully completed in accordance with the approved plans.

Reason: To ensure that the appearance of the area is not prejudiced by lack of satisfactory screening which is not carried out in a co-ordinated manner.

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

Reason: To reduce the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

15. Before the commencement of development details of all measures to be taken by the applicant/developer to prevent surface water discharging onto the highway shall be submitted to and approved by the Local Planning Authority.

SCHEDULE D: Reports on Previously Deferred Decisions

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 to minimise potential hazards.

16. Efficient means shall be installed for cleaning all vehicles leaving the site (with the exception of public cars), maintained for the life of operations and used to ensure that no slurry, mud or other material from the site is deposited upon the public highway. Adequate drains shall be installed to ensure that water from any wheel wash does not flow onto the public highway.

Reason: To avoid danger and inconvenience to road users.

Item No: 66

Between 01/03/2003 and 11/04/2003

Appn Ref No:
03/0077

Applicant:
A P & J Brown Ltd

Parish:
Irthington

Date of Receipt:
28/01/2003

Agent:
Johnston & Wright

Ward:
Stanwix Rural

Location:
L/A, Townhead House, Irthington, Carlisle, CA6
4NN

Grid Reference:
350175 561815

Proposal: Erection of 2no. dwellings (revised proposal)

Amendment:

Report

Details of Deferral:

Members will recall at Committee meeting held on 14th March 2003 that authority was given to the Head of Planning Services to issue approval subject to no objections being received before the end of the consultation period in relation to amended plans.

No objections have been received in relation to amended plans and the approval was issued on 1st April 2003.

Decision: Grant Permission

Date: 01/04/2003

1. The development shall be begun not later than the expiration of 5 years beginning with the date of the grant of this permission.

SCHEDULE D: Reports on Previously Deferred Decisions

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.

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

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

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

Reason: To ensure the works harmonise as closely as possible with the existing building.

4. No tree or hedgerow existing on the site shall be felled, lopped, uprooted or layered without the prior consent in writing of the local planning authority and the protection of all such trees and hedgerows during construction shall be ensured by a detailed scheme to be agreed with the local planning authority.

Reason: The local planning authority wishes to see existing hedgerows/trees incorporated into the new development where possible.

5. Particulars of height and materials of all screen walls and boundary fences shall be submitted to and approved by the local planning authority prior to the commencement of the development hereby permitted.

Reason: To ensure that the appearance of the area is not prejudiced by lack of satisfactory screening which is not carried out in a co-ordinated manner.

6. Any existing highway fence/wall boundary shall be reduced to a height not exceeding 1.0 metres 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 the development is brought into use] and shall not be raised to a height exceeding 1.0 metres thereafter.

Reason: In the interests of highway safety.

7. The access drive shall be surfaced in bituminous or cement bound materials, or

SCHEDULE D: Reports on Previously Deferred Decisions

otherwise bound and shall be constructed and completed before the development is occupied

Reason: In the interests of the disabled.

8. The dwelling shall not be occupied until the vehicular access and turning requirements have been constructed in accordance with the approved plan and has been brought into use. The vehicular access turning provisions shall be retained and capable of use at all times thereafter and shall not be removed or altered without the prior consent of the local planning authority.

Reason: To ensure a minimum standard of access provision when the development is brought into use.

9. The portion of the access lying within highway limits shall be constructed and drained to the satisfactory of the local planning authority.

Reason: In the interests of highway safety.

10. The developer shall afford access at all reasonable times to any archaeologist nominated by the local planning authority and shall allow him/her to observe the excavations and record items of interest and finds.

Reason: So that records may be made before the archaeological remains/architectural features are affected by the development.

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SCHEDULE E: Decisions Issued Under Delegated Powers

Between 01/03/2003 and 11/04/2003

Appn Ref No:
02/0224

Applicant:
Ms Louisa Irving

Parish:
Kirklington Middle

Date of Receipt:
04/04/2002

Agent:

Ward:
Lyne

Location:
Humphreys House, Kirklington, Cumbria,

Grid Reference:
304293 564255

Proposal: Conversion of barn to 1 no. dwelling, incorporating two storey extension.
Amendment:

Decision: Withdrawn by Applicant/or by default
Date: 18/03/2003

Between 01/03/2003 and 11/04/2003

Appn Ref No:
02/0965

Applicant:
Mr G Bowman

Parish:
Wetheral

Date of Receipt:
10/09/2002

Agent:
Mr Brian Halliburton

Ward:
Wetheral

Location:
L/A, Eden Brows, Eden Brows, Armathwaite,
Carlisle, CA4 5SY

Grid Reference:
349700 549531

Proposal: Conversion of outbuilding into 1no. dwelling (Unit 1) (Resubmission)
Amendment:

Decision: Grant Permission

Date: 12/03/2003

Between 01/03/2003 and 11/04/2003

Appn Ref No:
02/1057

Applicant:
Lisa Humphreys

Parish:
Carlisle

Date of Receipt:
11/03/2003

Agent:

Ward:
Belle Vue

Location:
31 Balfour Road, Carlisle, CA2 7DU

Grid Reference:
338451 555402

Proposal:

SCHEDULE E: Decisions Issued Under Delegated Powers

Erection of garage (retrospective)

Amendment:

Decision: Grant Permission

Date: 10/04/2003

Between 01/03/2003 and 11/04/2003

Appn Ref No:
02/1061

Applicant:
R J Mackay

Parish:
Carlisle

Date of Receipt:

Agent:

Ward:
Stanwix Urban

Location:
70 Etterby Street, Stanwix, Carlisle

Grid Reference:
0 0

Proposal: Erection of satellite to rear wall of dwelling (LBC)

Amendment:

Decision: Never Made Valid

Date: 20/03/2003

Between 01/03/2003 and 11/04/2003

Appn Ref No:
02/1072

Applicant:
Mr S Ritson

Parish:

Date of Receipt:
09/10/2002

Agent:
Edwin Thompson

Ward:
Castle

Location:
82 Newtown Road, Carlisle, Cumbria, CA2 7LL

Grid Reference:
338454 555989

Proposal: Conversion of part ground floor to 2no. bed flat

Amendment:

Decision: Grant Permission

Date: 07/03/2003

Between 01/03/2003 and 11/04/2003

Appn Ref No:
02/1101

Applicant:
Wetheral Parish Council

Parish:
Wetheral

Date of Receipt:

Agent:

Ward:

SCHEDULE E: Decisions Issued Under Delegated Powers

17/10/2002

Mrs C Smith-Down a Gate Trustee
Great Corby & Geltsdale

Location:

Down-a-Gate Field, Warwick Bridge, Carlisle, CA4
8RE

Grid Reference:

347160 556680

Proposal: Removal of existing childrens playground apparatus and construction of
a new playground area

Amendment:

Decision: Grant Permission

Date: 28/03/2003

Between 01/03/2003 and 11/04/2003

Appn Ref No:

02/1144

Applicant:

Dr P L Chin

Parish:

Carlisle

Date of Receipt:

25/10/2002

Agent:

Ward:

Belah

Location:

174 Lowry Hill Road, Lowry Hill, Carlisle, CA3 0EZ

Grid Reference:

338930 558170

Proposal: Extensions to dwelling to provide replacement garage, sitting room,
kitchen, conservatory and shower room on ground floor. First Floor
extension to provide bedroom extension.

Amendment:

Decision: Grant Permission

Date: 13/03/2003

Between 01/03/2003 and 11/04/2003

Appn Ref No:

02/1152

Applicant:

Harper & Hebson

Parish:

Carlisle

Date of Receipt:

29/10/2002

Agent:

Unwin Jones Partnership

Ward:

Botcherby

Location:

Former Minorities, Auchinleck Drive, Rosehill
Industrial Estate, Carlisle, CA1 2UR

Grid Reference:

342600 555800

Proposal: Display of illuminated and non-illuminated car dealership signage

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 12/03/2003

Between 01/03/2003 and 11/04/2003

Appn Ref No:
02/1158

Applicant:
Virgin Trains

Parish:
Carlisle

Date of Receipt:
01/11/2002

Agent:
Gordon Williams &
Associates

Ward:
Currock

Location:
Citadel Station, Court Square, Carlisle, CA1 1QZ

Grid Reference:
340225 555550

Proposal: Conversion of existing office area and catering stores into customer lounge and buffet (LBC)

Amendment:

Decision: Grant Permission

Date: 13/03/2003

Between 01/03/2003 and 11/04/2003

Appn Ref No:
02/1210

Applicant:
Mr A Davies

Parish:
Walton

Date of Receipt:
25/11/2002

Agent:
G R & A J Stephen

Ward:
Irthing

Location:
The Centurion Inn, Walton, Brampton, Cumbria

Grid Reference:
352190 564350

Proposal: Change of use of cellar & store to provide shop & store together with enlargement of dining & kitchen area

Amendment:

Decision: Grant Permission

Date: 03/03/2003

Between 01/03/2003 and 11/04/2003

Appn Ref No:
02/1245

Applicant:
McVities (UK) Carrs of
Carlisle

Parish:
Carlisle

SCHEDULE E: Decisions Issued Under Delegated Powers

Date of Receipt:
13/02/2003

Agent:
Buttress Fuller Alsop
Williams

Ward:
Castle

Location:
McVities Biscuit Works 54 Church Street,
Caldewgate, Carlisle, CA2 5TG

Grid Reference:
339233 556005

Proposal: Re-roofing and overcladding of existing biscuit works

Amendment:

Decision: Grant Permission

Date: 20/03/2003

Between 01/03/2003 and 11/04/2003

Appn Ref No:
02/1282

Applicant:
Mr A Carson

Parish:
Carlisle

Date of Receipt:
30/01/2003

Agent:

Ward:
Stanwix Urban

Location:
1 Church Terrace, Stanwix, Carlisle, CA3 9DQ

Grid Reference:
340023 557067

Proposal: Change of use from dental surgery to residential accommodation
(retrospective)

Amendment:

Decision: Grant Permission

Date: 13/03/2003

Between 01/03/2003 and 11/04/2003

Appn Ref No:
02/1312

Applicant:
Mr & Mrs F Grant

Parish:
Brampton

Date of Receipt:
23/12/2002

Agent:
Hyde Harrington

Ward:
Brampton

Location:
The Hollies, Main Street, Brampton, CA8 1

Grid Reference:
352870 561100

Proposal: Building up of doorway on right hand elevation
and bricking up of doorway to rear of main hall (LBC)

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 04/04/2003

Between 01/03/2003 and 11/04/2003

Appn Ref No:
02/1331

Applicant:
Story Construction

Parish:
St Cuthberts Without

Date of Receipt:
17/12/2002

Agent:
Taylor & Hardy

Ward:
Dalston

Location:
West wing of the former Garlands Hospital,
Sycamore Lane, Garlands Hospital, Sycamore
Lane, Carlisle, CA1 3SR

Grid Reference:
343249 553870

Proposal: Conversion of former hospital to form 11 no residential units

Amendment:

Decision: Grant Permission

Date: 20/03/2003

Between 01/03/2003 and 11/04/2003

Appn Ref No:
02/1334

Applicant:
Carlisle City Council

Parish:
Carlisle

Date of Receipt:
18/12/2002

Agent:
Commercial & Technical
Services

Ward:
Denton Holme

Location:
Works Depot, Bousteads Grassing, Rome Street,
Carlisle, CA2 5LG

Grid Reference:
340049 554842

Proposal: Change of use of existing stores to offices

Amendment:

Decision: Grant Permission

Date: 13/03/2003

Between 01/03/2003 and 11/04/2003

Appn Ref No:
02/1338

Applicant:

Parish:
Carlisle

Date of Receipt:

Agent:

Ward:

SCHEDULE E: Decisions Issued Under Delegated Powers

19/12/2002

Castle

Location:

8 Abbey Street, Carlisle, Cumbria, CA3 8TX

Grid Reference:

339680 556 026

Proposal: Change of use from offices to childrens nursery

Amendment:

Decision: Grant Permission

Date: 17/03/2003

Between 01/03/2003 and 11/04/2003

Appn Ref No:

02/1339

Applicant:

Mrs J P Woodruff

Parish:

Carlisle

Date of Receipt:

19/12/2002

Agent:

Ward:

Castle

Location:

8 Abbey Street, Carlisle, Cumbria, CA3 8TX

Grid Reference:

339680 556026

Proposal: Internal alterations to ground floor offices, installation of additional handrail to front steps, removal of wall section, replacement of corrugated roof with clear polycarbonate roof over outside covered area (LBC)

Amendment:

Decision: Grant Permission

Date: 17/03/2003

Between 01/03/2003 and 11/04/2003

Appn Ref No:

02/1341

Applicant:

Charterhouse
Developments Limited

Parish:

Cumwhitton

Date of Receipt:

19/12/2002

Agent:

Antony Wright &
Associates

Ward:

Great Corby & Geltsdale

Location:

The Farm Sheds, Brocklewath Farm, Wetheral,
Carlisle, Cumbria

Grid Reference:

348800 551800

Proposal: Conversion and extension /including raising of roofline to form a two bedroomed dwelling

SCHEDULE E: Decisions Issued Under Delegated Powers

Amendment:

Decision: Grant Permission

Date: 13/03/2003

Between 01/03/2003 and 11/04/2003

Appn Ref No:
02/1363

Applicant:
Primrose Hall Committee

Parish:
Dalston

Date of Receipt:
30/12/2002

Agent:
Mr D Hawley

Ward:
Dalston

Location:
Primrose Hall, Gaitsgill, Dalston, Carlisle

Grid Reference:
338810 546787

Proposal: Provision of handrails from entrance gate to porch doorway (LBC)

Amendment:

Decision: Grant Permission

Date: 04/04/2003

Between 01/03/2003 and 11/04/2003

Appn Ref No:
02/1364

Applicant:
Mr C R Streatfield

Parish:
Hayton

Date of Receipt:
24/01/2003

Agent:
C A Planning

Ward:
Hayton

Location:
Fenton Lane Head, How Mill, Carlisle

Grid Reference:
350708 555610

Proposal: Erection of poultry unit and improvement to existing vehicular access

Amendment:

Decision: Grant Permission

Date: 28/03/2003

Between 01/03/2003 and 11/04/2003

Appn Ref No:
03/0030

Applicant:
Mr R Bimson

Parish:
St Cuthberts Without

Date of Receipt:
15/01/2003

Agent:
Rodney Jeremiah

Ward:
Dalston

SCHEDULE E: Decisions Issued Under Delegated Powers

Location:
Site 5, Land to the rear of Mayfield, Durdar, Carlisle

Grid Reference:
340560 552400

Proposal: Erection of dormer bungalow

Amendment:

Decision: Grant Permission

Date: 06/03/2003

Between 01/03/2003 and 11/04/2003

Appn Ref No:
03/0031

Applicant:
The Governing Body

Parish:
Wetheral

Date of Receipt:
16/01/2003

Agent:
Capita dbs

Ward:
Great Corby & Geltsdale

Location:
Great Corby Primary School, Great Corby, Carlisle,
CA4 8NE

Grid Reference:
347501 554639

Proposal: Alterations to toilet area, together with replacement of doors and windows (LBC)

Amendment:

Decision: Grant Permission

Date: 28/03/2003

Between 01/03/2003 and 11/04/2003

Appn Ref No:
03/0037

Applicant:
Mr P Temple

Parish:
Carlisle

Date of Receipt:
16/01/2003

Agent:

Ward:
Harraby

Location:
65 Longholme Road, Carlisle, CA1 3HN

Grid Reference:
342593 553958

Proposal: Erection of detached garage

Amendment:

Decision: Grant Permission

Date: 03/03/2003

Between 01/03/2003 and 11/04/2003

SCHEDULE E: Decisions Issued Under Delegated Powers

Appn Ref No:
03/0038

Applicant:
Mr D & Mrs Y McDermott

Parish:
Carlisle

Date of Receipt:
06/02/2003

Agent:

Ward:
Upperby

Location:
7 Ridgemount Road, Carlisle, Cumbria, CA1 3DJ

Grid Reference:
341680 553810

Proposal: Extension to provide kitchen, WC, porch and extended living room

Amendment:

Decision: Grant Permission

Date: 05/03/2003

Between 01/03/2003 and 11/04/2003

Appn Ref No:
03/0039

Applicant:
Mr D W Sowden

Parish:
Stanwix Rural

Date of Receipt:
16/01/2003

Agent:

Ward:
Stanwix Rural

Location:
Keystone, Crosby-on-Eden, Carlisle, CA6 4QN

Grid Reference:
344640 559521

Proposal: Conversion of existing garage to workshop with rear porch extension to front elevation and extension to side elevation to provide replacement garage

Amendment:

Decision: Grant Permission

Date: 05/03/2003

Between 01/03/2003 and 11/04/2003

Appn Ref No:
03/0041

Applicant:
Austin Friars School

Parish:
Carlisle

Date of Receipt:
21/01/2003

Agent:

Ward:
Belah

Location:
Austin Friars School, Etterby Scaur, Stanwix,
Carlisle, CA3 9PB

Grid Reference:
339186 557398

Proposal:

SCHEDULE E: Decisions Issued Under Delegated Powers

Installation of floodlighting for synthetic sports pitch

Amendment:

Decision: Grant Permission

Date: 21/03/2003

Between 01/03/2003 and 11/04/2003

Appn Ref No:
03/0046

Applicant:
Annette Stubbs

Parish:
St Cuthberts Without

Date of Receipt:
21/01/2003

Agent:

Ward:
Dalston

Location:
L/A Field No 6713, adjacent to 481, London Road,
Carlisle

Grid Reference:
342656 553110

Proposal: Erection of stables (retrospective)

Amendment:

Decision: Grant Permission

Date: 13/03/2003

Between 01/03/2003 and 11/04/2003

Appn Ref No:
03/0049

Applicant:
Mr M A Harrison

Parish:
Carlisle

Date of Receipt:
21/01/2003

Agent:

Ward:
Belle Vue

Location:
33 Green Lane, Carlisle, CA2 7QD

Grid Reference:
337685 555693

Proposal: Two storey extension to side elevation providing living room, shower room and additional bedroom

Amendment:

Decision: Grant Permission

Date: 05/03/2003

Between 01/03/2003 and 11/04/2003

Appn Ref No:
03/0050

Applicant:
Mr & Mrs Jardine

Parish:
Beaumont

SCHEDULE E: Decisions Issued Under Delegated Powers

Date of Receipt:
27/01/2003

Agent:

Ward:
Burgh

Location:
Orbit, Grinsdale, Carlisle, CA5 6DS

Grid Reference:
336819 557977

Proposal: Kitchen/dining room extension

Amendment:

Decision: Grant Permission

Date: 06/03/2003

Between 01/03/2003 and 11/04/2003

Appn Ref No:
03/0051

Applicant:
Lorraine Whitfield

Parish:
Scaleby

Date of Receipt:
31/01/2003

Agent:

Ward:
Stanwix Rural

Location:
Mossfield, Burnhill, Scaleby, Carlisle, CA6 4LU

Grid Reference:
342620 562790

Proposal: Erection of stable block

Amendment:

Decision: Grant Permission

Date: 07/03/2003

Between 01/03/2003 and 11/04/2003

Appn Ref No:
03/0055

Applicant:
Mr P Ridley

Parish:
Carlisle

Date of Receipt:
22/01/2003

Agent:

Ward:
Castle

Location:
Royal Hotel, 9 Lowther Street, Carlisle, CA3 9ES

Grid Reference:
340245 555720

Proposal: Renewal of application for change of use of former hotel to 13no flats

Amendment:

Decision: Grant Permission

Date: 14/03/2003

SCHEDULE E: Decisions Issued Under Delegated Powers

Between 01/03/2003 and 11/04/2003

Appn Ref No:
03/0056

Applicant:
Miss J Watson

Parish:
Wetheral

Date of Receipt:
22/01/2003

Agent:
Countryside Consultants

Ward:
Wetheral

Location:
Croft House, Cotehill, Carlisle

Grid Reference:
346860 550450

Proposal: Redevelopment of redundant steading including extension of existing farmhouse into adjoining stable/hayloft and change of use of agricultural buildings to form 3no dwellings

Amendment:

Decision: Grant Permission

Date: 27/03/2003

Between 01/03/2003 and 11/04/2003

Appn Ref No:
03/0059

Applicant:
Impact Housing

Parish:
Carlisle

Date of Receipt:
29/01/2003

Agent:
Derek Evans Architect

Ward:
Denton Holme

Location:
L/A to rear of 47 Nelson Street, Denton Holme,
Carlisle

Grid Reference:
339532 555192

Proposal: Conversion of storage buildings to offices

Amendment:

Decision: Grant Permission

Date: 06/03/2003

Between 01/03/2003 and 11/04/2003

Appn Ref No:
03/0060

Applicant:
Defence Estates

Parish:
Kirkandrews

Date of Receipt:
24/01/2003

Agent:

Ward:
Longtown & Rockcliffe

Location:
DM, Longtown, Carlisle

Grid Reference:
336260 568349

SCHEDULE E: Decisions Issued Under Delegated Powers

Proposal: Extension of security fencing along a length of MOD land adjoining the southern side of the A6071 (Longtown-Gretna) to the Gaitle Bridge (DOE Circular 18/84 procedure)

Amendment:

Decision: City Council Observation - Raise No Objection

Date: 20/03/2003

Between 01/03/2003 and 11/04/2003

Appn Ref No:
03/0061

Applicant:
Defence Estates

Parish:
Kingwater

Date of Receipt:
24/01/2003

Agent:

Ward:
Irthing

Location:
Berry Hill, RAF Spadeadam, Gilsland, Carlisle

Grid Reference:
364480 573000

Proposal: Replacement of existing radar facility by construction of steel lattice tower with radar facility on top

Amendment:

Decision: City Council Observation - Raise No Objection

Date: 02/04/2003

Between 01/03/2003 and 11/04/2003

Appn Ref No:
03/0062

Applicant:
Mr & Mrs C F Shepherd
Walwyn

Parish:
Stanwix Rural

Date of Receipt:
30/01/2003

Agent:
David Clare

Ward:
Stanwix Rural

Location:
Home Farm, Rickerby, Carlisle, CA3 9AA

Grid Reference:
341460 557030

Proposal: Enlargement of existing kitchen

Amendment:

Decision: Grant Permission

Date: 25/03/2003

SCHEDULE E: Decisions Issued Under Delegated Powers

Between 01/03/2003 and 11/04/2003

Appn Ref No: 03/0063	Applicant: Mrs I Bowman	Parish: Carlisle
Date of Receipt: 28/01/2003	Agent:	Ward: Morton
Location: 81 Burnrigg, Morton Park, Carlisle, CA2 6QH		Grid Reference: 338170 554555
Proposal: Erection of replacement garage		
Amendment:		

Decision: Grant Permission

Date: 13/03/2003

Between 01/03/2003 and 11/04/2003

Appn Ref No: 03/0064	Applicant: Mr P Strong	Parish: Dalston
Date of Receipt: 24/01/2003	Agent:	Ward: Dalston
Location: 25 Yetlands, Dalston, Carlisle, CA5 7PB		Grid Reference: 336760 550410
Proposal: First floor extension to side elevation to form additional bedroom & bathroom		
Amendment:		

Decision: Grant Permission

Date: 20/03/2003

Between 01/03/2003 and 11/04/2003

Appn Ref No: 03/0071	Applicant: Mark Wilson & Bryndis Snaebjornsdottir	Parish: Bewcastle
Date of Receipt: 27/01/2003	Agent:	Ward: Lyne
Location: Kirkbeckstown, Bewcastle, CA6 6PR		Grid Reference: 354700 574700

SCHEDULE E: Decisions Issued Under Delegated Powers

Proposal: Two storey extension providing lounge and 2no bedrooms

Amendment:

Decision: Grant Permission

Date: 24/03/2003

Between 01/03/2003 and 11/04/2003

Appn Ref No:
03/0072

Applicant:
Tesco Stores Ltd

Parish:
Wetheral

Date of Receipt:
03/02/2003

Agent:
Ian Burke Associates

Ward:
Wetheral

Location:
Tesco Stores, Warwick Road, Carlisle, CA1 2SB

Grid Reference:
342800 556200

Proposal: Display of illuminated signage

Amendment:

Decision: Grant Permission

Date: 10/03/2003

Between 01/03/2003 and 11/04/2003

Appn Ref No:
03/0078

Applicant:
A Levine

Parish:
Carlisle

Date of Receipt:
04/02/2003

Agent:
Maurice Oliver

Ward:
Currock

Location:
68 Botchergate, Carlisle, Cumbria

Grid Reference:
340400 555490

Proposal: Display of internally illuminated fascia signs

Amendment:

Decision: Grant Permission

Date: 13/03/2003

Between 01/03/2003 and 11/04/2003

Appn Ref No:
03/0079

Applicant:
Cubby Construction Ltd

Parish:
Dalston

Date of Receipt:
28/01/2003

Agent:
Unwin Jones Partnership

Ward:
Dalston

SCHEDULE E: Decisions Issued Under Delegated Powers

Location:
George Graham & Sons, Bishops Mill, Dalston,
Carlisle, CA5 7QN

Grid Reference:
337141 549072

Proposal: Construction of 2no. single garages and 2no. garden stores within
previously approved residential development

Amendment:

Decision: Grant Permission

Date: 20/03/2003

Between 01/03/2003 and 11/04/2003

Appn Ref No:
03/0083

Applicant:
Halifax plc

Parish:
Carlisle

Date of Receipt:
29/01/2003

Agent:
Blaze Neon Ltd

Ward:
Castle

Location:
Halifax Building Society - 16 Bank Street, Carlisle,
Cumbria

Grid Reference:
340203 555841

Proposal: Display of illuminated fascia & projecting signage

Amendment:

Decision: Grant Permission

Date: 03/04/2003

Between 01/03/2003 and 11/04/2003

Appn Ref No:
03/0084

Applicant:
Lee Carson

Parish:
Carlisle

Date of Receipt:
29/01/2003

Agent:

Ward:
Stanwix Urban

Location:
5 Beech Grove, Stanwix, Carlisle, CA3 9BE

Grid Reference:
340350 557380

Proposal: Kitchen/dining room extension

Amendment:

Decision: Grant Permission

Date: 13/03/2003

SCHEDULE E: Decisions Issued Under Delegated Powers

Between 01/03/2003 and 11/04/2003

Appn Ref No:
03/0086

Applicant:
MBR Group Ltd

Parish:
Carlisle

Date of Receipt:
30/01/2003

Agent:
Day Cummins Architects

Ward:
Denton Holme

Location:
37 Waldegrave Road, Longsowerby, Carlisle

Grid Reference:
339125 554658

Proposal: Demolition of existing buildings and construction of 2 blocks of flats to provide 8no. dwellings

Amendment:

Decision: Grant Permission

Date: 03/04/2003

Between 01/03/2003 and 11/04/2003

Appn Ref No:
03/0087

Applicant:
McKnight & Son Builders

Parish:
Brampton

Date of Receipt:
04/02/2003

Agent:

Ward:
Harraby

Location:
6 Harraby Gardens, Carlisle, CA1 2QZ

Grid Reference:
341648 554362

Proposal: Revised house type for plot 6 to include conservatory

Amendment:

Decision: Grant Permission

Date: 10/03/2003

Between 01/03/2003 and 11/04/2003

Appn Ref No:
03/0088

Applicant:
Airwave MMO2

Parish:
Brampton

Date of Receipt:
30/01/2003

Agent:
Coulson Property Services

Ward:
Brampton

Location:
L/A Howgate Head (off A6071), Brampton

Grid Reference:
354300 561100

SCHEDULE E: Decisions Issued Under Delegated Powers

Proposal: Proposed 3no. Airwave MMO2 antennae onstand-off steelwork at 31.0m mast, Airwave MMO2 microwave dish at 21.2m height, Elliott medium equipment cabin and ancillary equipment within existing compound

Amendment:

Decision: Grant Permission

Date: 17/03/2003

Between 01/03/2003 and 11/04/2003

Appn Ref No:
03/0090

Applicant:
John Richardson

Parish:
Bewcastle

Date of Receipt:
30/01/2003

Agent:

Ward:
Lyne

Location:
Old Rectory, Bewcastle, CA6 6DN

Grid Reference:
356540 574527

Proposal: Installation of oil fired central heating system (LBC)

Amendment:

Decision: Grant Permission

Date: 04/04/2003

Between 01/03/2003 and 11/04/2003

Appn Ref No:
03/0093

Applicant:
Teresa Phillips

Parish:
St Cuthberts Without

Date of Receipt:
30/01/2003

Agent:
Mr P Nicholson

Ward:
Dalston

Location:
12 Durdar Road, Durdar, Carlisle, CA2 4SA

Grid Reference:
340200 553344

Proposal: Replacement of flat roof to rear with pitched

Amendment:

Decision: Grant Permission

Date: 20/03/2003

Between 01/03/2003 and 11/04/2003

Appn Ref No:
03/0094

Applicant:
Finesse PVCU Ltd

Parish:
Carlisle

SCHEDULE E: Decisions Issued Under Delegated Powers

Date of Receipt:
03/02/2003

Agent:

Ward:
Denton Holme

Location:
Finesse Windows, Arrburn Place, Milbourne Street,
Denton Holme, Carlisle

Grid Reference:
339736 555700

Proposal: Erection of fire escape to rear of property
Amendment:

Decision: Grant Permission

Date: 13/03/2003

Between 01/03/2003 and 11/04/2003

Appn Ref No:
03/0095

Applicant:
Mr M Graham

Parish:
Dalston

Date of Receipt:
03/02/2003

Agent:

Ward:
Dalston

Location:
Cumdivock Farm, Cumdivock, Dalston, Carlisle

Grid Reference:
334400 548700

Proposal: Agricultural building for livestock
Amendment:

Decision: Grant Permission

Date: 21/03/2003

Between 01/03/2003 and 11/04/2003

Appn Ref No:
03/0096

Applicant:
Mr & Mrs C F Shepherd
Walwyn

Parish:
Stanwix Rural

Date of Receipt:
30/01/2003

Agent:
David Clare

Ward:
Stanwix Rural

Location:
Home Farm, Rickerby, Carlisle, CA3 9AA

Grid Reference:
341460 557030

Proposal: Enlargement of existing kitchen (LBC)
Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 25/03/2003

Between 01/03/2003 and 11/04/2003

Appn Ref No:
03/0097

Applicant:
Carlisle City Council

Parish:
Carlisle

Date of Receipt:
31/01/2003

Agent:
Commercial & Technical
Services

Ward:
Botcherby

Location:
L/A north footway Croft Terrace and, Botcherby
Avenue, Botcherby, Carlisle

Grid Reference:
342183 555589

Proposal: Erection of 9m high mast and CCTV camera

Amendment:

Decision: Grant Permission

Date: 03/03/2003

Between 01/03/2003 and 11/04/2003

Appn Ref No:
03/0098

Applicant:
Carlisle City Council

Parish:
Carlisle

Date of Receipt:
30/01/2003

Agent:
Commercial & Technical
Services

Ward:
Castle

Location:
L/A Outside Tesco, junction of West Walls, Victoria
Viaduct, Carlisle

Grid Reference:
340103 555701

Proposal: Erection of 8 metre high camera mast and CCTV camera

Amendment:

Decision: Grant Permission

Date: 06/03/2003

Between 01/03/2003 and 11/04/2003

Appn Ref No:
03/0099

Applicant:
Carlisle City Council

Parish:
Carlisle

Date of Receipt:
30/01/2003

Agent:
Commercial & Technical

Ward:
Harraby

SCHEDULE E: Decisions Issued Under Delegated Powers

Services

Location:
L/A Outside Inglewood Forest, Pennine Way,
Harraby, Carlisle

Grid Reference:
342190 554525

Proposal: Erection of 9 metre high camera mast and CCTV camera

Amendment:

Decision: Grant Permission

Date: 03/03/2003

Between 01/03/2003 and 11/04/2003

Appn Ref No:
03/0100

Applicant:
Carlisle City Council

Parish:
Carlisle

Date of Receipt:
30/01/2003

Agent:
Commercial & Technical
Services

Ward:
Castle

Location:
L/A North West Corner of Portland Place, Cecil
Street, Carlisle

Grid Reference:
340461 555648

Proposal: Erection of 8 metre high camera mast and CCTV camera

Amendment:

Decision: Grant Permission

Date: 20/03/2003

Between 01/03/2003 and 11/04/2003

Appn Ref No:
03/0101

Applicant:
Carlisle City Council

Parish:
Carlisle

Date of Receipt:
30/01/2003

Agent:
Commercial & Technical
Services

Ward:
Yewdale

Location:
L/A Car Park at rear of Border Reiver, Holmbrook
Road/Hutton Way, Belle Vue South, Carlisle

Grid Reference:
337255 555285

Proposal: Erection of 9 metre high camera mast and CCTV camera

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 17/03/2003

Between 01/03/2003 and 11/04/2003

Appn Ref No:
03/0102

Applicant:
Carlisle City Council

Parish:
Carlisle

Date of Receipt:
30/01/2003

Agent:
Commercial & Technical
Services

Ward:
Denton Holme

Location:

L/A Outside 66, Denton Street, at junction of Nelson
Street/Denton Street, Denton Holme, Carlisle

Grid Reference:

Proposal: Erection of 9 metre high camera mast and CCTV camera

Amendment:

Decision: Grant Permission

Date: 20/03/2003

Between 01/03/2003 and 11/04/2003

Appn Ref No:
03/0103

Applicant:
Carlisle City Council

Parish:
Carlisle

Date of Receipt:
31/01/2003

Agent:
Commercial & Technical
Services

Ward:
Morton

Location:

L/A Junction of, Stonegarth/Lowther Browns
Lonning, Morton Park, Carlisle

Grid Reference:

Proposal: Erection of 9 metre high camera mast and CCTV camera

Amendment:

Decision: Grant Permission

Date: 20/03/2003

Between 01/03/2003 and 11/04/2003

Appn Ref No:
03/0107

Applicant:
Coral Racing Ltd

Parish:
Carlisle

Date of Receipt:

Agent:

Ward:

SCHEDULE E: Decisions Issued Under Delegated Powers

31/01/2003

Ward Hadaway

Denton Holme

Location:

46 Denton Street, Denton Holme, Carlisle, CA2
5EG

Grid Reference:

339805 555187

Proposal: Change of use from former hairdresser (use class A1) to licensed Betting Office (Use class A2) as an extension to existing licensed betting office at 48/50 Denton Street

Amendment:

Decision: Grant Permission

Date: 06/03/2003

Between 01/03/2003 and 11/04/2003

Appn Ref No:
03/0108

Applicant:
New Look Group Plc

Parish:
Carlisle

Date of Receipt:
19/02/2003

Agent:
Chadwick + Bracewell

Ward:
Castle

Location:
11 English Street, Carlisle, CA3 8JW

Grid Reference:
340122 555915

Proposal: Display of non-illuminated aluminium fascia panel and projecting sign with internally illuminated logo/text (LBC)

Amendment:

Decision: Grant Permission

Date: 25/03/2003

Between 01/03/2003 and 11/04/2003

Appn Ref No:
03/0111

Applicant:
Carlisle City Council

Parish:
Carlisle

Date of Receipt:
31/01/2003

Agent:
Culture Leisure & Sports
Services

Ward:
St Aidans

Location:
L/A Play Area, Broad Street, Carlisle

Grid Reference:
340958 555740

Proposal: Erection of 1.0m high fencing, provision of 3no self closing pedestrian gates and 1no matching vehicular access gate and provision of new roundabout

SCHEDULE E: Decisions Issued Under Delegated Powers

Amendment:

Decision: Grant Permission

Date: 14/03/2003

Between 01/03/2003 and 11/04/2003

Appn Ref No:
03/0115

Applicant:
Mr & Mrs R Donaldson

Parish:
Carlisle

Date of Receipt:
05/02/2003

Agent:
JAF Ltd

Ward:
Harraby

Location:
24 Crossways, Harraby, Carlisle, CA1 3JW

Grid Reference:
342480 554240

Proposal: Two storey extension to be used as dining room with bedroom above
Amendment:

Decision: Later found to be Permitted Development
Date: 03/04/2003

Between 01/03/2003 and 11/04/2003

Appn Ref No:
03/0116

Applicant:
Mr T Hatt

Parish:
Brampton

Date of Receipt:
03/02/2003

Agent:
Green Design Group

Ward:
Brampton

Location:
Abbey Bridge Hotel, Lanercost, Brampton, CA8 2AG

Grid Reference:
355323 563249

Proposal: Internal alterations comprising:

1. Provision of glazed fire screens to ground floor.
2. Removal of lathe & plaster to walls of walker's bar and provision of dry lining.
3. Conversion of 1st floor bedroom & bathroom to form store. Plus removal of external fire escape and replacement of fire escape window with traditional sliding sash. (LBC)

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 04/04/2003

Between 01/03/2003 and 11/04/2003

Appn Ref No:
03/0117

Applicant:
Persimmon Homes Ltd

Parish:
Stanwix Rural

Date of Receipt:
04/02/2003

Agent:

Ward:
Stanwix Rural

Location:
23 Pennington Drive, Windsor Park, Carlisle, CA3
0PF

Grid Reference:
340000 558300

Proposal: Revised house type to include conservatory to rear

Amendment:

Decision: Grant Permission

Date: 06/03/2003

Between 01/03/2003 and 11/04/2003

Appn Ref No:
03/0119

Applicant:
M S Hairsine

Parish:
Burgh-by-Sands

Date of Receipt:
04/02/2003

Agent:

Ward:
Burgh

Location:
L/A Barn Demesne Farm, Burgh-by-Sands, Carlisle,
CA5 6AW

Grid Reference:
332800 559160

Proposal: Conversion of barns to single dwelling

Amendment:

Decision: Grant Permission

Date: 24/03/2003

Between 01/03/2003 and 11/04/2003

Appn Ref No:
03/0122

Applicant:
Mr John Chadwick

Parish:
Wetheral

Date of Receipt:
04/02/2003

Agent:

Ward:
Wetheral

Location:

Grid Reference:

SCHEDULE E: Decisions Issued Under Delegated Powers

1 Faustin Hill, Wetheral, Carlisle, CA4 8JZ

346480 554870

Proposal: Ground floor extension to provide utility, kitchen/dining area, cloakroom and lounge

Amendment:

Decision: Grant Permission

Date: 27/03/2003

Between 01/03/2003 and 11/04/2003

Appn Ref No:
03/0126

Applicant:
Mr M W Armstrong

Parish:
Irthington

Date of Receipt:
04/02/2003

Agent:
Hogg & Robinson Design
Services

Ward:
Stanwix Rural

Location:
Rose Cottage, Laversdale Lane End, Laversdale,
CA6 4PS

Grid Reference:
347855 563684

Proposal: Erection of steelclad builders' store with attached loose boxes, use of part of site as a builders' yard and conversion of part of garage into office space

Amendment:

Decision: Grant Permission

Date: 28/03/2003

Between 01/03/2003 and 11/04/2003

Appn Ref No:
03/0127

Applicant:
Mr B Robinson

Parish:
Irthington

Date of Receipt:
04/02/2003

Agent:
Hogg & Robinson Design
Services

Ward:
Stanwix Rural

Location:
L/A Newtown Farm, Newtown, Irthington

Grid Reference:
350035 562740

Proposal: Erection of detached dormer bungalow

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 31/03/2003

Between 01/03/2003 and 11/04/2003

Appn Ref No:
03/0132

Applicant:
Mr R Dixon

Parish:
Wetheral

Date of Receipt:
06/02/2003

Agent:
Anthony Wright &
Associates

Ward:
Great Corby & Geltsdale

Location:
L/A Plot 1 Longthwaite Farm, Warwick Bridge,
Carlisle, Cumbria

Grid Reference:
347970 556670

Proposal: Erection of detached house with conservatory and double garage
(revised siting)

Amendment:

Decision: Grant Permission

Date: 28/03/2003

Between 01/03/2003 and 11/04/2003

Appn Ref No:
03/0133

Applicant:
Mr & Mrs Hodgson

Parish:
Carlisle

Date of Receipt:
14/02/2003

Agent:

Ward:
Yewdale

Location:
32 Lodore Drive, Belle Vue South, Carlisle, CA2
7SG

Grid Reference:
336885 555254

Proposal: Extension above existing garage & dining area to provide 2no bedrooms.

Amendment:

Decision: Grant Permission

Date: 10/04/2003

Between 01/03/2003 and 11/04/2003

Appn Ref No:
03/0134

Applicant:
Mr & Mrs Telford

Parish:
Carlisle

Date of Receipt:
06/02/2003

Agent:

Ward:
Harraby

SCHEDULE E: Decisions Issued Under Delegated Powers

Location:
37 Hopes Hill Drive, Carlisle, CA1 3LD

Grid Reference:
342425 553750

Proposal: Erection of sunroom to rear elevation

Amendment:

Decision: Grant Permission

Date: 27/03/2003

Between 01/03/2003 and 11/04/2003

Appn Ref No:
03/0135

Applicant:
Miss M Tomlinson

Parish:
Carlisle

Date of Receipt:
06/02/2003

Agent:

Ward:
Morton

Location:
56 Rashdall Road, Carlisle, Cumbria, CA2 6HR

Grid Reference:
354210 554180

Proposal: 1st floor extension to rear elevation to provide additional bedroom

Amendment:

Decision: Refuse Permission

Date: 21/03/2003

Between 01/03/2003 and 11/04/2003

Appn Ref No:
03/0137

Applicant:
Mr A Irving

Parish:
St Cuthberts Without

Date of Receipt:
06/02/2003

Agent:

Ward:
Dalston

Location:
43 Durdar Road, Durdar, Carlisle, CA2 4SB

Grid Reference:
340260 553237

Proposal: Removal of garden wall to allow widening of existing vehicular access

Amendment:

Decision: Grant Permission

Date: 01/04/2003

Between 01/03/2003 and 11/04/2003

SCHEDULE E: Decisions Issued Under Delegated Powers

Appn Ref No:
03/0138

Applicant:
Alistair McCormick &
Penny Lane

Parish:
Hayton

Date of Receipt:
06/02/2003

Agent:
Capita - Penrith Local
Practice

Ward:
Hayton

Location:
1 Westgarth, Hayton, Carlisle

Grid Reference:
350593 557737

Proposal: Extension to provide sun room & enlarged en-suite study/bedroom
Amendment:

Decision: Grant Permission

Date: 13/03/2003

Between 01/03/2003 and 11/04/2003

Appn Ref No:
03/0140

Applicant:
Tynedale Farm Services

Parish:
Kirkandrews

Date of Receipt:
07/02/2003

Agent:
Kingmoor Construction Ltd

Ward:
Longtown & Rockcliffe

Location:
Tynedale Farm Services, Townfoot, Longtown,
Carlisle

Grid Reference:
337538 568980

Proposal: Lean to extension to form mineral store (revised proposal)
Amendment:

Decision: Grant Permission

Date: 25/03/2003

Between 01/03/2003 and 11/04/2003

Appn Ref No:
03/0142

Applicant:
Mr J Box

Parish:
Dalston

Date of Receipt:
07/02/2003

Agent:

Ward:
Dalston

Location:
12 Lingey Close, Dalston, Carlisle, CA5 7LB

Grid Reference:
337100 552560

Proposal: Two storey extension to provide lounge, inc. ensuite bedroom, 1no

SCHEDULE E: Decisions Issued Under Delegated Powers

bedroom & 2no storerooms

Amendment:

Decision: Grant Permission

Date: 06/03/2003

Between 01/03/2003 and 11/04/2003

Appn Ref No:

03/0143

Applicant:

Dorothy Studholme

Parish:

Stanwix Rural

Date of Receipt:

14/02/2003

Agent:

Ward:

Stanwix Rural

Location:

Knells Croft, The Knells, Houghton, Carlisle, CA6 4JG

Grid Reference:

341370 560715

Proposal: Widening of vehicular access

Amendment:

Decision: Grant Permission

Date: 10/04/2003

Between 01/03/2003 and 11/04/2003

Appn Ref No:

03/0144

Applicant:

G Boertien

Parish:

Carlisle

Date of Receipt:

07/02/2003

Agent:

Brian Halliburton

Ward:

Belah

Location:

L/ADJ 23 California Road, Carlisle, Cumbria

Grid Reference:

339700 559200

Proposal: Residential development comprising 3no houses and 3no bungalows

Amendment:

Decision: Grant Permission

Date: 17/03/2003

Between 01/03/2003 and 11/04/2003

Appn Ref No:

03/0147

Applicant:

Stead McAlpin & Co

Parish:

Kingmoor

Date of Receipt:

Agent:

Ward:

SCHEDULE E: Decisions Issued Under Delegated Powers

07/02/2003

Stead McAlpin & Co -
Shiela Dalton

Stanwix Rural

Location:

Unit B, Knights Drive, Kingmoor Park Central,
Kingmoor, CA2 6BT

Grid Reference:

338100 559400

Proposal: Extension to existing warehouse to provide new dispatch area together
with 2no roller shutter doors in north elevation

Amendment:

Decision: Grant Permission

Date: 13/03/2003

Between 01/03/2003 and 11/04/2003

Appn Ref No:
03/0151

Applicant:
Mrs & Mrs Soane

Parish:
Carlisle

Date of Receipt:
11/02/2003

Agent:

Ward:
Morton

Location:

4 Highfield Avenue, Morton Park, Carlisle, CA2 6NH

Grid Reference:

338015 554035

Proposal: Extension to provide enlarged garage + dining room with 1no bedroom &
1no en-suite bedroom above

Amendment:

Decision: Grant Permission

Date: 28/03/2003

Between 01/03/2003 and 11/04/2003

Appn Ref No:
03/0152

Applicant:
Mr S Quigley

Parish:
Wetheral

Date of Receipt:
11/02/2003

Agent:

Ward:
Great Corby & Geltsdale

Location:

3 Broadwath Cottages, Broadwath, Heads Nook,
CA8 9BA

Grid Reference:

348485 555430

Proposal: Demolition of existing rear extension and erection of ground floor
extension to rear elevation to provide kitchen and bathroom.

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 27/03/2003

Between 01/03/2003 and 11/04/2003

Appn Ref No:
03/0153

Applicant:
Mr A M Mathews

Parish:
Carlisle

Date of Receipt:
11/02/2003

Agent:
CIC (Carlisle) Ltd

Ward:
Currock

Location:
Freedom Nightclub, Lancaster Street, Carlisle

Grid Reference:
340522 555162

Proposal: Conversion from nightclub to retail
Amendment:

Decision: Grant Permission

Date: 17/03/2003

Between 01/03/2003 and 11/04/2003

Appn Ref No:
03/0157

Applicant:
Julie Wordsworth

Parish:
Wetheral

Date of Receipt:
11/02/2003

Agent:

Ward:
Wetheral

Location:
Applegarth, Lambley Bank, Scotby, Carlisle

Grid Reference:
343870 555055

Proposal: Two storey extension to side elevation to replace existing garage with bedroom above

Amendment:

Decision: Grant Permission

Date: 27/03/2003

Between 01/03/2003 and 11/04/2003

Appn Ref No:
03/0158

Applicant:
JF & E Milburn

Parish:
Wetheral

Date of Receipt:
11/02/2003

Agent:

Ward:
Wetheral

SCHEDULE E: Decisions Issued Under Delegated Powers

Location:
Langholm View, Cotehill, Carlisle, CA4 0BP

Grid Reference:
346745 550400

Proposal: Erection of bungalow (outline)

Amendment:

Decision: Grant Permission

Date: 17/03/2003

Between 01/03/2003 and 11/04/2003

Appn Ref No:
03/0159

Applicant:
J & M Organics

Parish:
Hethersgill

Date of Receipt:
11/02/2003

Agent:
Green Design Group

Ward:
Lyne

Location:
Grainbrow, Hethersgill, Carlisle

Grid Reference:
348550 567320

Proposal: Extension to provide enlarged kitchen, utility room + workshop together with raising headroom of part of existing first floor bedroom & bathroom

Amendment:

Decision: Grant Permission

Date: 11/03/2003

Between 01/03/2003 and 11/04/2003

Appn Ref No:
03/0160

Applicant:
Philip N Turner

Parish:
Hayton

Date of Receipt:
11/02/2003

Agent:

Ward:
Hayton

Location:
Near Croft, Hayton, Carlisle, CA8 9HT

Grid Reference:
350900 557700

Proposal: 1st storey extension over existing conservatory to form new bedroom and shower area and rear ground floor extension to provide store

Amendment:

Decision: Grant Permission

Date: 31/03/2003

Between 01/03/2003 and 11/04/2003

SCHEDULE E: Decisions Issued Under Delegated Powers

Appn Ref No: 03/0161 **Applicant:** Mr S A Rogerson **Parish:** Wetheral
Date of Receipt: 11/02/2003 **Agent:** **Ward:** Longtown & Rockcliffe
Location: Holme Lea, Blackford, Carlisle, CA6 4ER **Grid Reference:** 339990 562457
Proposal: Single storey extension to provide conservatory, lounge, kitchen and additional entrance & first floor extension to form bedroom & bathroom
Amendment:

Decision: Grant Permission

Date: 18/03/2003

Between 01/03/2003 and 11/04/2003

Appn Ref No: 03/0164 **Applicant:** Dr & Mrs Squire **Parish:** Cumwhitton
Date of Receipt: 25/02/2003 **Agent:** **Ward:** Great Corby & Geltsdale
Location: Hornsby House, Hornsby, Carlisle, CA8 9HF **Grid Reference:** 351570 550130
Proposal: Raising the roof of existing storeroom to improve access
Amendment:

Decision: Grant Permission

Date: 21/03/2003

Between 01/03/2003 and 11/04/2003

Appn Ref No: 03/0169 **Applicant:** Mr C Styth **Parish:** St Cuthberts Without
Date of Receipt: 20/02/2003 **Agent:** **Ward:** Dalston
Location: 41 Durdar Road, Durdar, Carlisle, CA2 4SB **Grid Reference:** 340260 553235
Proposal: Removal of garden wall to allow widening of existing access
Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 01/04/2003

Between 01/03/2003 and 11/04/2003

Appn Ref No:
03/0171

Applicant:
Mr P Rooney

Parish:
Carlisle

Date of Receipt:
14/02/2003

Agent:
A Roscoe

Ward:
Yewdale

Location:
68 Castlesteads Drive, Sandsfield Park, Carlisle,
CA2 7XG

Grid Reference:
337080 555635

Proposal: Erection of garage to side elevation

Amendment:

Decision: Grant Permission

Date: 24/03/2003

Between 01/03/2003 and 11/04/2003

Appn Ref No:
03/0173

Applicant:
Mr M Warner

Parish:
Orton

Date of Receipt:
14/02/2003

Agent:
B F Child

Ward:
Burgh

Location:
Kimdale, Orton Rigg, Great Orton, Carlisle, CA5
6LL

Grid Reference:
332969 552404

Proposal: Demolition of kitchen extension and conservatory and erection of sitting room and utility room

Amendment:

Decision: Grant Permission

Date: 03/04/2003

Between 01/03/2003 and 11/04/2003

Appn Ref No:
03/0175

Applicant:
Mr D MacKenzie

Parish:
Dalston

Date of Receipt:

Agent:

Ward:

SCHEDULE E: Decisions Issued Under Delegated Powers

14/02/2003

B F Child

Dalston

Location:

Furrow End, Orton Grange, Great Orton, Carlisle

Grid Reference:

335466 552089

Proposal: Extension to living room

Amendment:

Decision: Grant Permission

Date: 03/04/2003

Between 01/03/2003 and 11/04/2003

Appn Ref No:

03/0178

Applicant:

Mr & Mrs T Bell

Parish:

Brampton

Date of Receipt:

18/02/2003

Agent:

Ward:

Brampton

Location:

11 Capon Hill, Brampton, CA8 1QJ

Grid Reference:

353085 560234

Proposal: Formation of dormer window to form first floor study

Amendment:

Decision: Grant Permission

Date: 28/03/2003

Between 01/03/2003 and 11/04/2003

Appn Ref No:

03/0184

Applicant:

Carlisle City Council

Parish:

Carlisle

Date of Receipt:

18/02/2003

Agent:

Culture Leisure & Sport
Unit

Ward:

St Aidans

Location:

Melbourne Park Play Area, L/Adj 81, Melbourne
Road, Carlisle

Grid Reference:

341370 555400

Proposal: Provision of new 1.0m high bow top fence around playground and
provision of new multi-play unit in playground, pedestrian access gate
and vehicle access for maintenance only to match fence

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 26/03/2003

Between 01/03/2003 and 11/04/2003

Appn Ref No:
03/0187

Applicant:
Rodney Peart

Parish:
Stanwix Rural

Date of Receipt:
19/02/2003

Agent:
Architects Plus (UK) Ltd

Ward:
Stanwix Rural

Location:
Dykeside Cottage, Houghton, Carlisle

Grid Reference:
342115 561738

Proposal: First floor extension above existing garage and car port to provide 2no. additional bedrooms and bathroom together with conservatory/garden room

Amendment:

Decision: Grant Permission

Date: 03/04/2003

Between 01/03/2003 and 11/04/2003

Appn Ref No:
03/0189

Applicant:
Mr A Richardson

Parish:
Dalston

Date of Receipt:
17/02/2003

Agent:

Ward:
Dalston

Location:
Quarry House, Stockdalewath, Carlisle, CA5 7DP

Grid Reference:
338840 544959

Proposal: Erection of ground floor extension to side and rear elevation to provide kitchen/dining area, shower room and entrance porch

Amendment:

Decision: Grant Permission

Date: 04/04/2003

Between 01/03/2003 and 11/04/2003

Appn Ref No:
03/0191

Applicant:
Abbey Hospitals Ltd

Parish:
Carlisle

Date of Receipt:
20/02/2003

Agent:
CA Planning

Ward:
Denton Holme

SCHEDULE E: Decisions Issued Under Delegated Powers

Location:

Caldew Hospital, 64 Dalston Road, Carlisle, CA2
5NW

Grid Reference:

339240 555300

Proposal: Application for Certificate of Lawfulness for use under class C 2
including hospital

treatment for both in and day patients and physiotherapy

Amendment:

Decision: Grant Permission

Date: 27/03/2003

Between 01/03/2003 and 11/04/2003

Appn Ref No:

03/0192

Applicant:

Mr & Mrs J Carr

Parish:

Wetheral

Date of Receipt:

18/02/2003

Agent:

Andrew Nash Associates

Ward:

Wetheral

Location:

Moorhouse Farmhouse and Barns,
Warwick-on-Eden, Carlisle

Grid Reference:

346166 556160

Proposal: Change of use of redundant farmhouse
and buildings into office accommodation
including minor alterations to buildings

Amendment:

Decision: Grant Permission

Date: 10/04/2003

Between 01/03/2003 and 11/04/2003

Appn Ref No:

03/0193

Applicant:

Mr & Mrs J Carr

Parish:

Wetheral

Date of Receipt:

18/02/2003

Agent:

Andrew Nash Associates

Ward:

Wetheral

Location:

Moorhouse Farmhouse and Barns,
Warwick-on-Eden, Carlisle

Grid Reference:

346166 556160

Proposal: Change of use of barn and house into offices and ancillary alterations to
buildings (LBC)

SCHEDULE E: Decisions Issued Under Delegated Powers

Amendment:

Decision: Grant Permission

Date: 10/04/2003

Between 01/03/2003 and 11/04/2003

Appn Ref No:
03/0195

Applicant:
Mr & Mrs C Reay

Parish:
Burgh-by-Sands

Date of Receipt:
17/02/2003

Agent:
L W Rook

Ward:
Burgh

Location:
5 Southfield, Burgh-by-Sands, Carlisle, CA5 6BT

Grid Reference:
332250 558890

Proposal: Extension to form sun-room and study

Amendment:

Decision: Grant Permission

Date: 24/03/2003

Between 01/03/2003 and 11/04/2003

Appn Ref No:
03/0197

Applicant:
Mr & Mrs Crins

Parish:
Kingwater

Date of Receipt:
17/02/2003

Agent:
C Donkin

Ward:
Irthing

Location:
Town Foot, West Hall, Brampton, CA8 2EH

Grid Reference:
356735 567668

Proposal: Conversion of existing byre, erection of two storey extension to provide office and additional bedroom and provision of dormer window.

Amendment:

Decision: Grant Permission

Date: 08/04/2003

Between 01/03/2003 and 11/04/2003

Appn Ref No:
03/0199

Applicant:
Mr David Irving

Parish:
Hayton

Date of Receipt:
18/02/2003

Agent:

Ward:
Great Corby & Geltsdale

SCHEDULE E: Decisions Issued Under Delegated Powers

Location:
L/A The Bungalow, to rear of Village Hall, Talkin,
Brampton

Grid Reference:
355000 557343

Proposal: Erection of a dwelling (outline)

Amendment:

Decision: Grant Permission

Date: 04/04/2003

Between 01/03/2003 and 11/04/2003

Appn Ref No:
03/0201

Applicant:
Mr & Mrs J F Bell

Parish:
Cummersdale

Date of Receipt:
21/02/2003

Agent:

Ward:
Dalston

Location:
Torbay, Garden Village, Newby West, Carlisle, CA2
6QU

Grid Reference:
337600 553993

Proposal: Extension to provide enlarged kitchen, utility room and re-positioned garage.

Amendment:

Decision: Grant Permission

Date: 04/04/2003

Between 01/03/2003 and 11/04/2003

Appn Ref No:
03/0205

Applicant:
Mr R Bandoni

Parish:
Carlisle

Date of Receipt:
20/02/2003

Agent:
Ian Gibson Associates

Ward:
Belle Vue

Location:
183 Newtown Road, Carlisle, CA2 7LN

Grid Reference:
338310 555970

Proposal: Extension to provide utility and WC

Amendment:

Decision: Grant Permission

Date: 17/03/2003

SCHEDULE E: Decisions Issued Under Delegated Powers

Between 01/03/2003 and 11/04/2003

Appn Ref No:
03/0210

Applicant:
M Bearn

Parish:
Walton

Date of Receipt:
20/02/2003

Agent:

Ward:
Irthing

Location:
Orchard House, Walton, Brampton, CA8 2DJ

Grid Reference:
352051 564491

Proposal: Extension above existing store to provide enlarged garden store with enlarged bedroom above

Amendment:

Decision: Grant Permission

Date: 10/04/2003

Between 01/03/2003 and 11/04/2003

Appn Ref No:
03/0211

Applicant:
M Bearn

Parish:
Walton

Date of Receipt:
20/02/2003

Agent:

Ward:
Irthing

Location:
Orchard House, Walton, Brampton, CA8 2DJ

Grid Reference:
352051 564491

Proposal: Extension above existing store to provide enlarged garden store with enlarged bedroom above (LBC)

Amendment:

Decision: Grant Permission

Date: 10/04/2003

Between 01/03/2003 and 11/04/2003

Appn Ref No:
03/0215

Applicant:
Mrs T Elliot

Parish:
St Cuthberts Without

Date of Receipt:
06/03/2003

Agent:

Ward:
Dalston

Location:
Glaramara, Garlands Road, Carlisle, CA1 3SU

Grid Reference:
342870 553780

SCHEDULE E: Decisions Issued Under Delegated Powers

Proposal: Extension to provide snooker room and kitchen
Amendment:

Decision: Grant Permission

Date: 31/03/2003

Between 01/03/2003 and 11/04/2003

Appn Ref No:
03/0216

Applicant:
Mr C Byrne

Parish:
Hethersgill

Date of Receipt:
21/02/2003

Agent:

Ward:
Lyne

Location:
Nether Onset, Hethersgill, Carlisle, CA6 6DY

Grid Reference:
346985 567018

Proposal: Erection of replacement porch and extension to provide garage and utility room

Amendment:

Decision: Grant Permission

Date: 04/04/2003

Between 01/03/2003 and 11/04/2003

Appn Ref No:
03/0217

Applicant:
Mr & Mrs Routledge

Parish:
Wetheral

Date of Receipt:
21/02/2003

Agent:
Jock Gordon

Ward:
Wetheral

Location:
Warwick Farmhouse, Warwick-on-Eden, Carlisle,
CA4 8PA

Grid Reference:
346400 556300

Proposal: Ground floor extensions to provide garage to the side elevation, conservatory to the rear and porch to the front

Amendment:

Decision: Grant Permission

Date: 09/04/2003

Between 01/03/2003 and 11/04/2003

Appn Ref No:
03/0218

Applicant:
Mr & Mrs Forbes

Parish:
Westlinton

SCHEDULE E: Decisions Issued Under Delegated Powers

Date of Receipt: 21/02/2003 **Agent:** Jock Gordon **Ward:** Longtown & Rockcliffe

Location: Dykehead, Blackford, Carlisle, CA6 4ES **Grid Reference:** 341150 563550

Proposal: Extensions to provide living room, utility room, office, porch, store and conservatory

Amendment:

Decision: Grant Permission **Date:** 02/04/2003

Between 01/03/2003 and 11/04/2003

Appn Ref No: 03/0219 **Applicant:** Mr & Mrs Andrews **Parish:** Carlisle

Date of Receipt: 21/02/2003 **Agent:** A Roscoe **Ward:** Stanwix Urban

Location: 5 Etterby Lea Grove, Stanwix, Carlisle, CA3 9LF **Grid Reference:** 339681 557423

Proposal: Rear kitchen extension

Amendment:

Decision: Grant Permission **Date:** 27/03/2003

Between 01/03/2003 and 11/04/2003

Appn Ref No: 03/0221 **Applicant:** Mr & Mrs Hoodless **Parish:** Scaleby

Date of Receipt: 21/02/2003 **Agent:** A Roscoe **Ward:** Stanwix Rural

Location: Blooming Heather, Scaleby Hill, Kirklington, Carlisle, CA6 4LX **Grid Reference:** 343600 563940

Proposal: Erection of conservatory together with replacement of existing roof

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 03/04/2003

Between 01/03/2003 and 11/04/2003

Appn Ref No:
03/0235

Applicant:
The Governors

Parish:
St Cuthberts Without

Date of Receipt:
25/02/2003

Agent:
James Associates

Ward:
Dalston

Location:
Stoneraise School, Durdar, Carlisle, CA5 7AT

Grid Reference:
340248 549914

Proposal: Extension to existing classroom

Amendment:

Decision: Grant Permission

Date: 31/03/2003

Between 01/03/2003 and 11/04/2003

Appn Ref No:
03/0237

Applicant:
BLR Properties Ltd

Parish:
Carlisle

Date of Receipt:
25/02/2003

Agent:

Ward:
St Aidans

Location:
102 Greystone Road, Carlisle, CA1 2DD

Grid Reference:
341310 555605

Proposal: Erection of extension to provide a store and replacement of existing flat roof with pitched roof.

Amendment:

Decision: Grant Permission

Date: 03/04/2003

Between 01/03/2003 and 11/04/2003

Appn Ref No:
03/0238

Applicant:
Trudy Carter

Parish:
Dalston

Date of Receipt:
25/02/2003

Agent:
Carlisle Window Systems

Ward:
Dalston

Location:
Briar Lee, Cardewlees, Dalston, Carlisle, CA5 6LF

Grid Reference:
334790 551307

SCHEDULE E: Decisions Issued Under Delegated Powers

Proposal: Erection of conservatory

Amendment:

Decision: Grant Permission

Date: 10/04/2003

Between 01/03/2003 and 11/04/2003

Appn Ref No:
03/0242

Applicant:
Mr J Marston

Parish:
Scaleby

Date of Receipt:
27/02/2003

Agent:
Hogg & Robinson Design
Services

Ward:
Stanwix Rural

Location:
Tanside, Scaleby, Carlisle, CA6 4LD

Grid Reference:
346886 564122

Proposal: Two storey extension comprising garage, utility, study, living room and porch with 1 no. bedroom and 1 no. ensuite above

Amendment:

Decision: Grant Permission

Date: 24/03/2003

Between 01/03/2003 and 11/04/2003

Appn Ref No:
03/0245

Applicant:
Robert Jeffrey

Parish:
Wetheral

Date of Receipt:
27/02/2003

Agent:

Ward:
Great Corby & Geltsdale

Location:
L/A outbuilding to rear of Prospect View,
Broadwath, Heads Nook, Carlisle

Grid Reference:
349250 554947

Proposal: Change of use of shed to joinery workshop

Amendment:

Decision: Withdrawn by Applicant/or by default

Date: 11/03/2003

Between 01/03/2003 and 11/04/2003

SCHEDULE E: Decisions Issued Under Delegated Powers

Appn Ref No:
03/0267

Applicant:
Coral Estates Ltd

Parish:
Carlisle

Date of Receipt:
06/03/2003

Agent:
Ray Robinson Design
Services

Ward:
Denton Holme

Location:
46, 48, 50 Denton Street, Denton Holme, Carlisle,
CA2 5EG

Grid Reference:
339805 555187

Proposal: Erection of internally illuminated fascia sign

Amendment:

Decision: Grant Permission

Date: 10/04/2003

Between 01/03/2003 and 11/04/2003

Appn Ref No:
03/0270

Applicant:
Mr P D Ryan

Parish:
Brampton

Date of Receipt:
06/03/2003

Agent:

Ward:
Brampton

Location:
Bridge End Cottage, Lanercost, Brampton, CA8
2HG

Grid Reference:
355275 563290

Proposal: Extension to provide porch

Amendment:

Decision: Grant Permission

Date: 04/04/2003

Between 01/03/2003 and 11/04/2003

Appn Ref No:
03/0276

Applicant:
Mr J G Miller

Parish:
Carlisle

Date of Receipt:
11/03/2003

Agent:

Ward:
Denton Holme

Location:
22 Percy Road, Longsowerby, Carlisle, CA2 6ES

Grid Reference:
339161 554807

Proposal:

SCHEDULE E: Decisions Issued Under Delegated Powers

Demolition of existing garage and erection of double garage

Amendment:

Decision: Grant Permission

Date: 09/04/2003

Between 01/03/2003 and 11/04/2003

Appn Ref No:
03/0291

Applicant:
Mr & Mrs Donaldson

Parish:
Carlisle

Date of Receipt:
11/03/2003

Agent:
Jock Gordon

Ward:
Belah

Location:
120 Lowry Hill Road, Lowry Hill, Carlisle, CA3 0DJ

Grid Reference:
338930 558620

Proposal: Extension to provide kitchen and dining area

Amendment:

Decision: Grant Permission

Date: 07/04/2003
