

Development Control Committee Main Schedule

Schedule of Applications for
Planning Permission

25th January 2008

Applications Entered on Development Control Committee Schedule

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The Schedule of Applications

This schedule is set out in five parts:

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

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

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

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

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

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

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

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

This Schedule of Applications contains reports produced by the Department up to the 11/01/2008 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 23/012008.

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

SCHEDULE A

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SCHEDULE A: Applications with Recommendation

07/1068

Item No: 01

Date of Committee: 25/01/2008

Appn Ref No:
07/1068

Applicant:
Mrs Little

Parish:
Carlisle

Date of Receipt:
14/09/2007

Agent:
Allison Design

Ward:
Currock

Location:
Land to Rear 60 Currock Road, Carlisle, CA2 4BJ

Grid Reference:
340274 554455

Proposal: Housing Development (Outline) (Revised Application)

Amendment:

REPORT

Case Officer: Barbara Percival

Reason for Determination by Committee:

This application has been brought before Members of the Development Control Committee as the Local Ward Councillor has exercised his Right to Speak and due to the receipt of eight letters of objection.

1. Constraints and Planning Policies

Joint St. Plan Pol ST1: A Sustainable Vision for Cumbria

Joint St. Plan Pol ST3: Principles applying to all new devel.

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

Joint Str. Plan Pol ST8: The City of Carlisle

Joint St. Plan Pol H17: Scale of housing provision

Joint St. Plan Pol H18: Targets recycling of land and bldgs

District H2 - Primary Residential Areas

District H11 - Backland Development

District H16 - Design Considerations

District H17 - Residential Amenity

District E19 - Landscaping New Dev.

District T7 - Parking Guidelines

Rev Redeposit Pl. Pol DP1 - Sustainable Develop. Locations

Rev Redeposit Pl. Pol H1-Location of New Housing Development

Rev Redeposit Pl. Pol H2 - Primary Residential Areas

Rev Redeposit Pl. Pol H9 - Backland Development

Rev Redeposit Pl. Pol CP4 - Design

Rev Redeposit Pl. Pol CP5 - Residential Amenity

Rev Redeposit Pl. Pol CP14 - Accessibil.Mobility & Inclusion

Rev Redeposit Pl. CP15 - Public Transp. Pedestrians Cyclists

Rev Redeposit Pl. Pol CP16 - Planning Out Crime

Rev Redeposit Pl. Pol T1 - Parking Guidelines

2. Summary of Consultation Responses

Cumbria County Council - (Highway Authority): no objection subject to the imposition of 5 conditions.

Can confirm that the amended plan (250/06B) seems to largely fulfill the requirements contained within my original recommendation dated 27th September 2007 and is therefore considered acceptable for this outline application.

Community Services - Drainage Engineer: comments awaited;

United Utilities (former Norweb & NWWA): No objection to the proposal providing the proposed dwelling are at least 3 metres away from the public sewer that runs along the passageway just outside the northern boundary of the site.

If possible, the site should be drained on a separate system, with foul drainage only connected into the foul sewer. Surface water should discharge to the watercourse/soakaway/surface water sewer may require the consent of the Environment Agency. If surface water is allowed to be discharged to the public sewerage system UU may require the flow to be attenuated to a maximum discharge rate determined by UU.

A separate metered supply to each unit will be required at the applicant's expense

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and all internal pipework must comply with current water supply (water fittings) regulations 1999. Should this planning application be approved, the applicant should contact UU regarding connection to the water mains/public sewers.

3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:
[REDACTED] 46 Currock Road	20/09/07	Objection
[REDACTED] 3 Adelphi Terrace	20/09/07	Objection
[REDACTED] 5 Adelphi Terrace	20/09/07	
[REDACTED] 7 Adelphi Terrace	20/09/07	
[REDACTED] 9 Adelphi Street	20/09/07	
[REDACTED] 1 Coney Street	20/09/07	
[REDACTED] 3 Coney Street	20/09/07	
[REDACTED] 5 Coney Street	20/09/07	
[REDACTED] 7 Coney Street	20/09/07	
[REDACTED] 9 Coney Street	20/09/07	
[REDACTED] 11 Coney Street	20/09/07	
[REDACTED] 13 Coney Street	20/09/07	
[REDACTED] 15 Coney Street	20/09/07	
[REDACTED] 17 Coney Street	20/09/07	
[REDACTED] 19 Coney Street	20/09/07	
[REDACTED] 21 Coney Street	20/09/07	
[REDACTED] 23 Coney Street	20/09/07	
[REDACTED] 25 Coney Street	20/09/07	Support
[REDACTED] 27 Coney Street	20/09/07	
[REDACTED] 62 Currock Road	20/09/07	
[REDACTED] 14 Currock Bank Road	20/09/07	Comment Only
[REDACTED] 44 Currock Road	20/09/07	Objection
[REDACTED] 13 Adelphi Terrace	20/09/07	
[REDACTED] 23 Corfe Way	20/09/07	Objection
[REDACTED] 48 Currock Road	20/09/07	
[REDACTED] 50 Currock Road	20/09/07	
[REDACTED] 52 Currock Road	20/09/07	Objection
[REDACTED] 54 Currock Road	20/09/07	
[REDACTED] 56 Currock Road	20/09/07	
[REDACTED] 58 Currock Road	20/09/07	Support
[REDACTED] 60 Currock Road	20/09/07	
[REDACTED] Hamarden House	20/09/07	Objection
[REDACTED] 9 Adelphi Terrace		Objection
[REDACTED] - Currock		Objection
[REDACTED] 62 Currock Road		Objection

3.1 This application has been advertised by the direct notification of the occupants of thirty-two neighbouring properties and the posting of a site notice. In response eight letters of objection have been received from neighbouring residents together with an e-mail from the Ward Councillor exercising his Right to Speak.

3.2 The main points of objection being:

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1. object to these plans and object to any agreeing of these proposals;
2. this development would cut off the light and darken the houses;
3. the lane is private, built when a man with a horse and cart collected the refuse, delivered or cleaned drains, are safe lanes where children can play and unadopted by the Council;
4. the entrance lane between 60 and 62 is definitely not wide enough to allow two vehicles to pass safely, particularly if they are large ones and there are pedestrians about;
5. the resident of 62 has applied for alley-gates to be fitted to keep her property private;
6. our refuse is now collected from the front of the house. So these good people who ever they are and whenever they materialise would have to carry their refuse out to the Currock Road lane end to be collected as the lane is not wide enough to accommodate the modern dust cart. Purple bags weekly on Tuesdays, green bags and boxes fortnightly on Wednesdays;
7. a number of years ago Jim Stedman tried to obtain planning permission for one bungalow but had his application turned down - when he couldn't manage how are two going to fare better?;
8. should any windows face our way they should be glazed with opaque glass;
9. the plan measurement of the entrance to our rear lane are still disputed. The overall width of the lane at its widest point is 4.3 metres - hedge line to wall. This extends for only 3 metres of the overall length of the lane. This 4.3 metres includes the footpath. The actual roadway is only 3 metres wide;
10. any additional width has been gained by removing (without knowledge or authority) the adjoining property's bank and hedge, which is at present in dispute. My objections to the development remain the same as previously submitted;
11. the need for additional development in our rear lanes has never been an issue. The Highway Authority are at odds with the proposed development due to its restricted access, width and visibility aspects;
12. overlook the front of the proposed development from my bathroom and bedroom and it stands to reason that they will be able to do the same. The windows at the sides of the properties will overlook Coney Street and Adelphi Terrace which is going to affect the privacy of the adjoining property owners;

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13. there is no Design and Access Statement issued with the application.
Will one be forthcoming? I should be obliged to receive such Statement if this is in your possession;
14. the garage/workshop and garden should have been included in the sale of number 60 as there is insufficient drying or play areas for the envisaged new owners;
15. with regard to the plans my interest lies with security and vandalism, my allotment joins Mrs Little's. Am concerned that if the plans go ahead what security is going to be in place while work is in progress and the dormer bungalows becoming occupied. Do keep my tools at the allotment and would not like them to be stolen or any vandalism caused to my greenhouse and sheds;
16. the greenhouse, which joins directly onto my allotment, my concerns lie with how it will be dismantled. My children and dog come with me to the allotment and would not like to see broken glass on my property which could cause serious injury to either;
17. getting past on the main road itself is getting to be quite difficult as there are so many cars parked on both sides and it is on a slight bend! Feel there is not enough clear visibility (even with the hedges cut down) to exit without someone eventually having an accident;
18. acting on behalf of my aunt, Mrs D.A. Gunvald, the owner of number 62 Currock Road. The purpose of this letter is to object to the above planning application on the following grounds:

The site plan shows 3.2m width at the entrance to the site. From the picture enclosed you will see that the gate at the entrance to the proposed site covers the entire width of the proposed entrance to the site. The gate itself is 3.2m wide but, being in-line with the lane running along the back of the Currock Road houses, it is not perpendicular to the proposed entrance to the site. Given the width of the gate, the true width of the entrance will be less than the 3.2m as stated on the site plan. Although I do not have access to the site to measure what the true width of the entrance would be, based on the site plan I would estimate that the true width of the site entrance may be less than 2.5m.

The site plan shows a 4.4m width to the lane between 60 and 62 Currock Road (excluding the pavement). To achieve this width would require the incorporation of land from 62 Currock Road. Land from number 62 Currock Road will not be made available for any such widening of the access lane. The current lane width is 2.75m.

The design and access statement states *"Access into the site should minimum [sic] of 3.2 m suitable for refuse collection..."*. This is certainly not met since the entrance to the site is less than 3.2m. Also, the lane

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that would be used to access the property, which runs between 60 and 62 Currock Road, is only 2.75 m wide (excluding the pavement). There is some exposed ground on the 62 Currock Road side of the lane for part of the lane but the vast majority of this falls within the boundary of 62 Currock Road.

The design and access statement states *"The existing access from Currock Road has been improved through cultivated hedge room, maintain to a maximum 1.0 m in height"*. In the previous application (2007/0151) reference was made to the boundary of number 62 Currock road. Prior to the current application being made, the applicant along with her brother, Ian Steadman, damaged the hedge at number 62 Currock Road by reducing the hedge height to less than 1 m over a distance of 2m from the Currock Road pavement. This action was taken without any reference to my aunt who would not have allowed this to happen had she known about it. The hedge is being allowed to grow back to its original height of around 6 feet. My aunt will not accept any restriction, such as 1.0 m high hedge, being placed upon her property due to the current application.

The design and access statement states *"The access from Currock Road is 4.4m wide which is sufficient for 2 vehicles to pass"*. The lane is only actually 2.75m wide there is no way that 2 vehicles could pass in the lane. This would mean that only a single car could go along the lane and enter/exit the site at any one time. This would cause problems for the residents of the proposed dwellings as well as causing possible safety implications for traffic flowing along Currock Road if a car was trying to enter the lane from Currock Road as another vehicle was exiting the site. Would be very surprised if there were not traffic accidents at the junction of Currock Road and the access lane caused by this.

The design and access statement states *"In conclusion it appears that all highway authorities concerns could be satisfied..."*. Given the above points cannot see how the highways authority could be satisfied with the actual situation rather than the situation based on erroneous information in the site plan and design and access statement.

Have serious safety concerns over the junction between the access lane running between 60 and 62 Currock road and the lane running between the site under consideration and the houses on Currock Road (these are the 2 lanes marked as "existing highway" on the site plan). On the junction between these 2 lanes, the pavement is only 57 cm wide round the corner. It would be very difficult for pedestrians to stay on the pavement when going around the corner. Anyone pushing a pram would not be able to stay on the pavement would definitely have to go around the corner off the pavement. The proposed maximum 2m high fence would not allow pedestrians to see vehicles exiting the property nor would it allow the vehicle drivers to see pedestrians. Equally, the wall at the back of no 60 Currock Road does not allow pedestrians easy sight of vehicles entering the property and visa versa. Vehicles crossing this junction could

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have sufficient speed to make a serious accident a very real possibility. Children can also play along these back lanes which enhances the possibility of an accident since they are liable to be less observant of traffic movements.

The requirement by Cumbria Highways for a splay is noted. Please be aware that this would not be acceptable if it were to require land from, or modifications/ restrictions to the property of 62 Currock Road.

Note the letter that has been received from the occupant of number 52. Wholly support the objections that have been raised in that letter. Would like to clarify a couple of points in that letter. Believe I am correct in my assertion that the lane is 2.75m wide (over the paved area, excluding the pavement). The occupant of number 52 is correct in the assertion that my Aunt's property includes both the hedge as well as banking on the lane side of the hedge. Where it is stated in the letter that there is a dispute over the hedge and bank, would like to make the following clarification. There is currently no dispute over the boundary of number 62 Currock Road (to my knowledge, given there is a lane between numbers 60 and 62, the applicants would have no basis for a boundary dispute). The term "dispute" no doubt relates to the fact that the applicant and her brother damaged the hedge at number 62 without any cause or discussion/approval from my Aunt. Given that there is no boundary dispute it is clear that, as stated by the occupant of number 52, it would be necessary to use land from number 62 to make the lane wide enough for 2 vehicles to pass. Such land will not be made available to the applicants.

19. live on Adelphi Terrace and feel that building on this land will totally take our privacy away which is what attracted me to living there four years ago - no houses directly behind my house just allotments, peace and quiet;
20. the entrance to the proposed buildings will be highly dangerous pulling out onto Currock Road. Use the lane/entrance and do not think x2 cars can safely pass on that lane and think this will be a danger to car users and pedestrians;
21. live on Adelphi Terrace and it is very private at the back of my house, and if this development goes ahead it will overlook my garden/yard which will destroy my privacy;
22. concerned about the exit/entrance onto Currock Road, early morning and evening as there is so much traffic parked there is no clear view to drive out safely;
23. impact on the privacy of the houses on Adelphi Terrace and Currock Road;
24. issue of access to the development, in the design and access statement it says that the access from Currock Road is 4.4 metres wide and is

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sufficient for two vehicles to pass. This is not correct as we have tried driving 2 cars at the same time down the lane;

25. there is also the matter of exiting the site as a vehicle user of this lane on occasion find the view can be very restricting due to parked cars on either side of the lane. This would also impact on emergency service vehicles and council refuse collections;

26. object to the loss of green space which has been orchard for many years also the felling of mature trees.

3.3 With regard to the revised drawings five letters of objection and two of support has been received. The main points of objection being:

1. the lane to the rear of our properties is not a public highway and according to our Deeds is owned and maintained at our expense and any proposed alterations to it will require our permission;
2. we do not drive down the lane or park on it so why should anyone else do so. the lane must be kept clear at all times;
3. refuse vehicles do not enter the lane because it is too narrow and refuse is collected from the front of our houses;
4. the hedge line at number 62 is to be maintained at a height of 6ft and not 1m as stated previously. There are no plans to reduce the height in question;
5. part of the bank of in the ownership of number 62 has been swept away in order to give the impression that the lane is wider - whereas it is the same measurements as mentioned in previous correspondence;
6. the bungalow will not be erected without any windows so how can the plan state that we will not be overlooked. My bedroom and bathroom windows overlook the proposed development. This will not change;
7. there is no justification for additional housing in our rear lane.
8. do not agree with any form of building on this land as I feel strongly it should be kept for conservation to living species of plants and animals. Many birds use this area to feed and nest, fell to many small plots around built up areas are being consumed. This area is not big enough for habitation of humans the lanes can not cope with cars and traffic;
9. very private at the back of my house, if this development goes ahead it will overlook my garden/yard which will destroy my privacy;
10. this development is unacceptable on the grounds of loss of privacy due to the closeness of the dwellings, vehicle access and safety;

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11. no parking will be allowed alongside my hedgerow at any time;
12. two vehicles will not be able to pass safely at the same time, as the lane is too narrow;
13. visibility will be impaired for pedestrians using the pavement and rear lane;
14. the development will be intrusive and detrimental to the age and character of surrounding houses;
15. peaceful enjoyment of my own home will be seriously eroded due to the close proximity of the development;
16. have concerns regarding the junction of the access lane between 60-62 Currock Road. The pavement is very narrow and pedestrians would have to walk on the road in order to pass along it;
17. children play in this lane and their safety would be put in jeopardy;
18. whilst writing, would like to point out that the objections received in the first instance still apply. Was not made clear that objections in writing needed to be sent for each and every amendment made to these plans;
19. these letters should be presented to Committee Members and taken into account when this application comes before them. Not reproducing these letters gives the impression that no-one is objecting, which is not the case;
20. will not agree to a reduction in height of my hedge to 1 metre nor will I agree to any alterations to my property. The hedge will be allowed to grow back to its original height of 6 feet, which is what it was before. The applicants brother deliberately cut my hedge down to 2ft high, without my permission or knowledge. He and Mrs Little said they had received a letter from Highways saying they had to cut down their Mother's hedge (at number 60 Currock Road) down to 3 ft high, so they decided to cut my hedge down too, to "do me a favour" as they said. We contacted Highways and asked them if they had sent such a letter. Highways said they had never sent the applicant, her brother or their family any letter about 60 Currock Road. The applicant and her brother had deliberately lied;
21. hope that the Development Control Committee Members will take all our concerns to heart when considering this proposal. The area is not suitable or practical for any more housing;
22. have been informed that it was said that no objections to the development of the land at the rear of 60 Currock Road had come from 62 Currock Road. Would like to put this matter straight, certainly do object to the proposal to build on the land to the rear of 60 Currock Road;

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23. all the letters from my nephew, Mr Adrian Kyte, objecting to the development represents my views as owner/occupier of 62 Currock Road as he is writing on my behalf
24. my Aunt does not want additional housing to be built using the lane by her house for access. This will cause unwanted additional traffic noise. The traffic noise will be different in nature to that of the Currock Road traffic since vehicles will be accelerating and breaking as they travel through the narrow part of the lane which will only support a single vehicle;
25. as stated in my previous objection, have serious safety concerns over the junction between the access lane running between 60 and 62 Currock road and the lane running between the site under consideration and the houses on Currock Road (these are the 2 lanes marked as "existing highway" on the site plan, see figure 1 below). On the junction between these 2 lanes, the pavement is only 57 cm wide round the corner. It would be very difficult for pedestrians to stay on the pavement when going around the corner. Anyone pushing a pram would not be able to stay on the pavement would definitely have to go around the corner off the pavement. The wall at the back of no 60 Currock Road does not allow pedestrians easy sight of vehicles coming down the lane to enter the property and visa versa. Equally, with a 2m high boundary fence, even though the entrance to the proposed development has been made wider, pedestrians will not be good visibility of vehicles leaving the site and visa versa. Vehicles crossing this junction could have sufficient speed to make a serious accident a very real possibility. Children can also play along these back lanes which enhances the possibility of an accident since they are liable to be less observant of traffic movements. I am aware of the Highways policy of allowing traffic and pedestrians and traffic to merge off the main road. I believe that this policy does not take into account the poor visibility in this case at the merge point between passengers and pedestrians. This is a serious flaw in the plan which should cause it to be rejected on safety grounds;
26. The plan is ambiguous as to where the 4.4m width starts on the side of the access lane adjoining number 62 Currock Road. Some of the land on the lane side of the hedge belongs to number 62 Currock Road and this land will not be made available to support this development. The applicant has been involved in the removal of earth to make the lane appear wider in parts. This has included the removal of earth from the land of 62 Currock Road. This was done without permission and there is no agreement for this land to be used;
27. the plan still shows the hedgerow of number 62 to be "as existing". I would again like to point out that the hedge is being allowed to gain the previous height of approximately 6 foot. This includes the part at the junction of the access lane and Currock Road where the hedge was damaged by the applicant and others, without permission, bringing the hedge height down to less than 3 foot. Furthermore, the hedge will be

allowed to grow outwards to the boundary of number 62 Currock Road

3.4 The main points raised in the letters of support being:

1. it has come to my attention that certain residents have asked that a Councillor objects to the building on the behalf of "the whole terrace". Please note that he is not speaking for me - am very much in favour of it;
2. much rather overlook a nice modern development than the old garage workshop that I see now - even if it is just from my back bedroom window;
3. am closest to this proposed development and think it will in fact prove beneficial to have it done;
4. live directly over the fence (behind the old workshop garage) and have no objection to the revised plans for two bungalows with 5 metre roof heights;

4. Planning History

- 4.1 Earlier this year, under planning reference 07/0151, an Outline Application seeking residential development on the site was withdrawn.

5. Details of Proposal/Officer Appraisal

Introduction

- 5.1 Members may recall that this application was deferred at the Development Control Committee on 14th December 2007 in order to undertake a site visit.
- 5.2 The site subject to this application lies to the rear of numbers 48 to 60 Currock Road which are a terrace of two storey dwellings on the western side of Currock Road. The site, a derelict garden, is currently occupied by a large garage/workshop and greenhouses. It is bounded to the north, east and south by two storey properties and to the west by an allotment. The site is identified in the Carlisle District Local Plan 2001-2016 Revised Redeposit Draft as being within a Primary Residential Area.

Background

- 5.3 The application seeks Outline Planning Permission for the development of the site for residential development.
- 5.4 The application is accompanied by a Design and Access Statement and an indicative layout plan which illustrates 2no. bungalows. Access to the proposed bungalows would be from the lane separating number 60 and 62

Currock Road which continues along past the rear of numbers 40-60 Currock Road and 1-19 Adelphi Terrace. The indicative drawings illustrate two car parking spaces to the front of the proposed bungalows with ancillary gardens to the front and rear. The boundaries along the lanes are proposed to be delineated by walls 2 metres in height in keeping with the rear boundaries of the properties along Currock Road and Adelphi Terrace.

Assessment

- 5.5 In the light of the policies of the Development Plan it is considered that the main planning issues in the case of this application are whether the advantages outweigh the disadvantages with regard to:
1. whether the proposal would have a detrimental impact on the living conditions of neighbouring residents;
 2. whether the proposal would be detrimental to the character of the area;
 3. whether the proposal meets the objectives of the Development Plan with regard to security; and
 4. whether the proposal would be detrimental to highway safety.
- 5.6 In relation to 1) and 2), it is acknowledged that this proposal is in outline only, therefore, the submitted drawings are indicative only; however a revised Design and Access Statement and indicative drawing have been received. These revisions illustrate the reduction in height of the ridge line from 6 metres to 5 metres with the substitution of bungalows in lieu of dormer bungalows.
- 5.7 Policies H11 of the Carlisle District Local Plan and Policies H9 of the Carlisle District Local Plan 2001-2016 Revised Redeposit Draft both deal specifically with backland development. The aforementioned policies state that proposals for housing development, where appropriate, in large back gardens or behind existing housing developments will be acceptable providing that: "*... the scale, design and siting is appropriate for the site ... there is no loss of amenity to surrounding properties*" and "*that appropriate access and car parking can be achieved*". The living conditions of the occupiers of neighbouring properties are further safeguarded by Policy H17 of the Local Plan and Policies CP4 and CP5 of the Revised Redeposit Draft.
- 5.8 It is acknowledge that the proposed bungalow on "Plot 2" would be within 16 metres of the two storey elements at numbers 48 and 50 Currock Road; however, as the proposal is for bungalows with a maximum ridge height of 5 metres it is considered that the proposal would not harm the living conditions of neighbouring residents or the character of the area to such an extent to merit refusal of permission.
- 5.9 With regard to 3) although the Design and Access Statement has not mentioned compliance with the Secure By Design principles the site is

SCHEDULE A: Applications with Recommendation

07/1068

overlooked in all directions therefore compliance could be easily achieved. Cumbria Constabulary's Architectural Liaison Officer would comment more fully upon receipt of any detailed submission.

- 5.10 In relation to 4) a revised indicative scheme illustrates that adequate parking and access can be achieved; however, it should also be noted that the area is well served by public transport links. The County Highway Authority has been consulted on the revised access arrangements and have confirmed that there are no objections subject to the imposition of six conditions.

Conclusion

- 5.11 In overall terms it is considered that the proposal is considered to be compliant with the objectives of the relevant adopted and emerging Development Plan policies and is therefore recommended for approval.

6. Human Rights Act 1998

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

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

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

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

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

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

7. Recommendation - Grant Permission

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

SCHEDULE A: Applications with Recommendation

07/1068

- i) The expiration of 3 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. (as amended by The Planning and Compulsory Purchase Act 2004).

2. Before any work is commenced, details of the layout, scale, appearance, access and 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. Details of the relative heights of the existing and proposed ground levels and the height of the proposed finished floor levels of the new dwellings shall be submitted to and approved in writing by the local planning authority before any site works commence.

Reason: In order that the approved development overcomes any problems associated with the topography of the area in accordance with Policies H17 of the Carlisle District Local Plan.

4. No development shall commence until visibility splays providing clear visibility of 2.4 metres by 45 metres measured down the centre of the access and the nearside channel line of Currock Road have been provided at the junction of the access road with the Currock Road. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grow within the visibility splay which obstruct the visibility splays. The visibility splay shall be constructed before general development of the site commences so that construction traffic can be safeguarded.

Reason: In the interests of highway safety, to ensure compliance with Criterion 5 of Policy H16 of the Carlisle District Local Plan. To support Local Transport Plan Policies: LD7, LD8.

5. The existing highway fence/wall boundary at number 60 Currock Road 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

SCHEDULE A: Applications with Recommendation

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Local Planning Authority and which have subsequently been approved before development commences and shall not be raised to a height exceeding 1.0 metres thereafter.

Reason: In the interests of highway safety and to preserve sight lines in accordance with Criterion 5 of Policy H16 of the Carlisle District Local Plan. To support Local Transport Plan Policies: LD7, LD8.

6. Full details of the surface water drainage system shall be submitted to the Local Planning Authority for approval prior to development being commenced. Any approved works shall be implemented prior to the development being completed and shall be maintained thereafter.

Reason: In the interests of highway safety in accordance with Criterion 5 of Policy H16 of the Carlisle District Local Plan. To support Local Transport Plan Policies: LD7, LD8.

7. The access and parking/turning requirements shall be substantially met before any building work commences on site so that constructional traffic can park and turn clear of the highway.

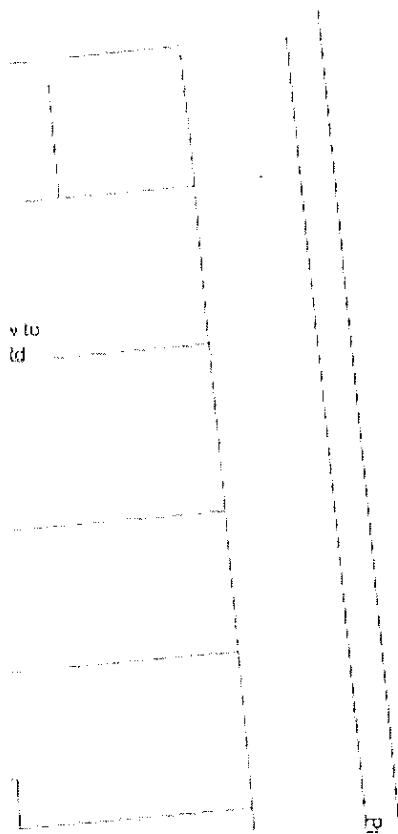
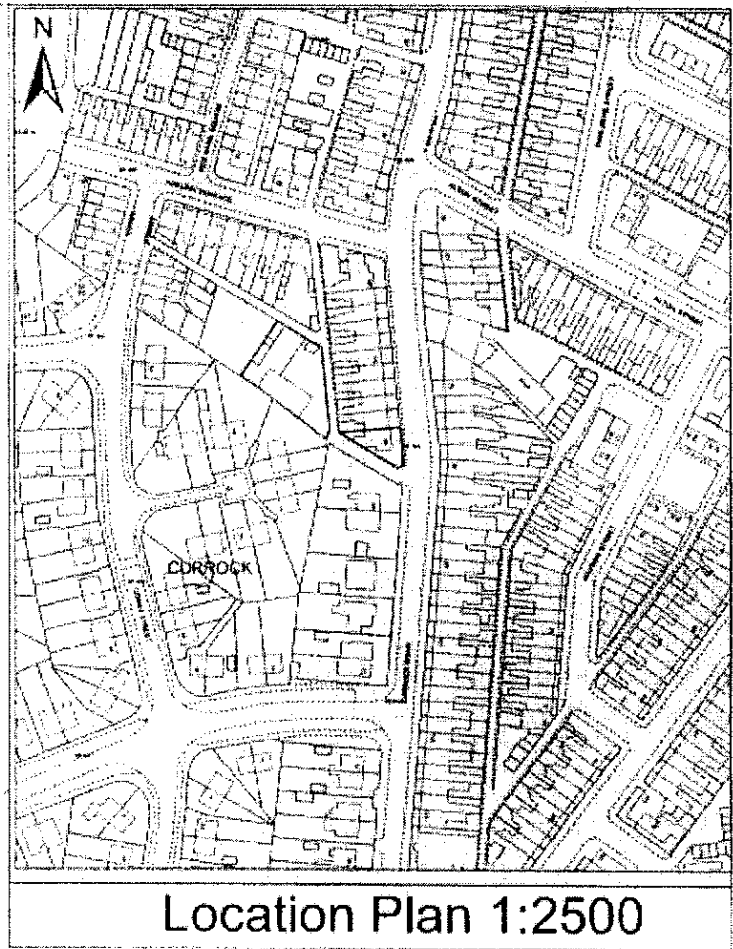
Reason: The carrying out of this development without the provision of these facilities during the construction works is likely to lead to inconvenience and danger to road users in accordance with Criterion 5 of Policy H16 of the Carlisle District Local Plan.

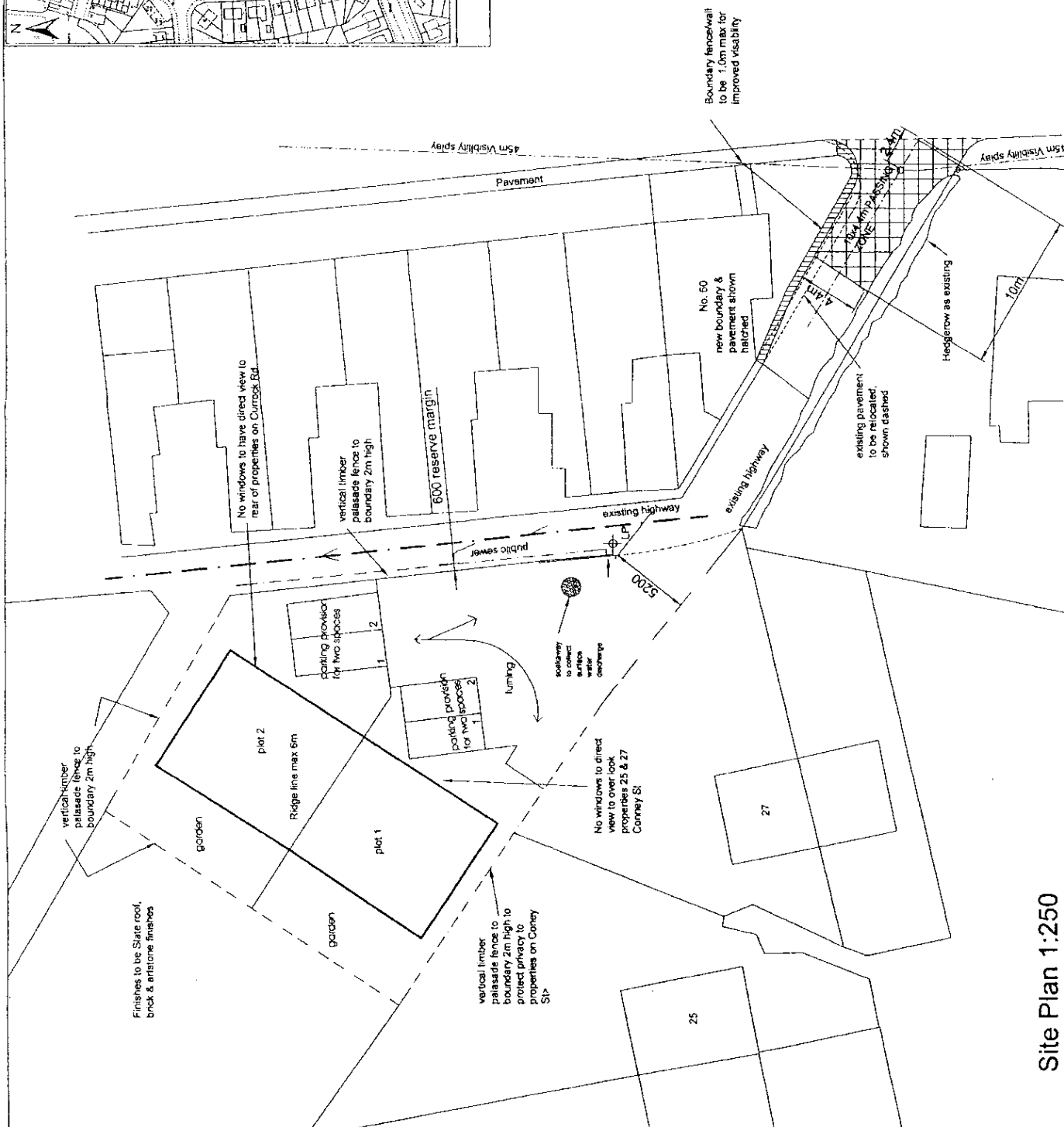
8. The vehicular crossing over the footway, including the lowering of kerbs, shall be carried out to the specification of the Local Planning Authority in consultation with the Highway Authority.

Reason: To ensure a suitable standard of crossing for pedestrian safety. To support Local Transport Plan Policies: LD5, LD7, LD8.

9. Before the development hereby permitted is completed, a 2 metre high wall shall be erected along the north and east boundaries of the site to the satisfaction of the local planning authority and shall be maintained at that height.

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 in accord with Policy H16 of the Carlisle District Local Plan.





07_1068 Land to Rear 60 Currock Road, Carlisle 05 28.11.2007.jpg



07_1068 Land to Rear 60 Currock Road, Carlisle 01 28.11.2007.jpg



07_1068 Land to Rear 60 Currock Road, Carlisle 04 28.11.2007.jpg



07_1068 Land to Rear 60 Currock Road, Carlisle 03 28.11.2007.jpg



07_1068 Land to Rear 60 Currock Road, Carlisle 02 28.11.2007.jpg



07_1068 Land to Rear 60 Currock Road, Carlisle 06 28.11.2007.jpg



SCHEDULE A: Applications with Recommendation

07/1144

Item No: 02

Date of Committee: 25/01/2008

Appn Ref No:
07/1144

Applicant:
Cubby Construction Ltd

Parish:
Carlisle

Date of Receipt:
10/10/2007

Agent:
Rol Design Limited

Ward:
Upperby

Location:
27 - 29 Lamb Street, Carlisle, CA2 4NF

Grid Reference:
341015 553396

Proposal: Demolition Of 12 Lock-Up Garages, Conversion Of 5 Cart-Sheds Into
1no. 1-Bedroom Apartment And Refuse/ Recycling Store, And Erection
Of 4no. 2-Bedroom Apartments (Revised Application)

Amendment:

1. Provision of a drying area and relocation of cycle/bin store.
2. Omission of two storey projection to the south elevation of the apartment building to ensure that there is a minimum of twelve metres between the apartment and the single storey extension to the rear of No.41 Woodside North.

REPORT

Case Officer: Sam Greig

Reason for Determination by Committee:

This application is brought before the Development Control Committee for determination as a local resident wishes to exercise their right to speak against the application.

1. Constraints and Planning Policies

Gas Pipeline Safeguarding Area

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

District E19 - Landscaping New Dev.

District E22 - Sewers & Sew. Treat. Work

District H2 - Primary Residential Areas

District H16 - Design Considerations

District H17 - Residential Amenity

District T7 - Parking Guidelines

Rev Redeposit Pl. Pol CP4 - Design

Rev Redeposit Pl. Pol CP5 - Residential Amenity

Rev Redeposit Pl. Pol CP11-Foul/Surf Water SewerSewage T/ment

Rev Redeposit Pl. Pol H2 - Primary Residential Areas

Rev Redeposit Pl. Pol H3 - Residential Density

Rev Redeposit Pl. Pol H4 - Res.Dev.Prev.Dev.Land & Phasing

Rev Redeposit Pl. Pol T1 - Parking Guidelines

2. Summary of Consultation Responses

Cumbria County Council - (Highway Authority): no objection, subject to the attachment of two planning conditions to any notice of consent;

United Utilities (former Norweb & NWWA): no objection to the proposal provided the site is drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the watercourse/soakaway/surface water sewer and may require the consent of the Environment Agency. If surface water is allowed to be discharged to the public sewerage system United Utilities may require the flow to be attenuated to a maximum discharge rate;

Community Services - Drainage Engineer: awaiting comments;

Development Services Planning & Housing Services - Urban Designer: this proposal is broadly acceptable and is now of a suitable scale for its location. The retention and creative re-use of the former cart-sheds is welcomed. The following are recommended:

1. There is a lack of clarity over how the roof meets the walls in the two-storey portion. It is recommended that the roof should overhang the walls somewhat, in the traditional manner;
2. No indication is given of rainwater goods. If these are proposed to be in plastic or PVCu these should be in black. Grey or white rainwater goods in either of these materials should not be used. They should be mounted on rise and fall brackets to match the cart sheds and converted granary adjacent.

Bargeboards should not be used;

3. The applicant indicates PVCu windows. Any window should be set back at least one brick depth behind the face of the elevation; and
4. Any rebuilding or repointing works to the cart sheds should be executed using a hydrated lime/sand mortar with pointing slightly raked or brushed. Cementitious mortar should not be used;

National Grid UK Transmission: no objections.

3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:
[REDACTED] 29A Lamb Street	31/10/07	
[REDACTED] 29B Lamb Street	31/10/07	
[REDACTED] 15 Lamb Street	31/10/07	
[REDACTED] 16 Lamb Street	31/10/07	
[REDACTED] 28 Lamb Street	31/10/07	
[REDACTED] 26 Lamb Street	31/10/07	
[REDACTED] 12 Lamb Street	31/10/07	
[REDACTED] 46 Woodside North	31/10/07	
[REDACTED] 37 Woodside North	31/10/07	
[REDACTED] 20 Lamb Street	31/10/07	Objection
[REDACTED] - Upperby	31/10/07	
[REDACTED] 33 Woodside North	31/10/07	
[REDACTED] 21 Lamb Street	31/10/07	
[REDACTED] 23 Lamb Street	31/10/07	
[REDACTED] 27 Lamb Street	31/10/07	
[REDACTED] 31 Lamb Street	31/10/07	
[REDACTED] 39 Woodside North	31/10/07	
[REDACTED] 41 Woodside North	31/10/07	
[REDACTED] 43 Woodside North	31/10/07	
[REDACTED] 25 Lamb Street		Objection
[REDACTED] 2 Greengarth		Objection

3.1 This application has been advertised by means of site notices as well as notification letters sent to twenty two neighbouring properties. In response three local residents have objected to the application.

3.2 The letters identify the following issues:

1. The vehicular access is inadequate and potentially detrimental to pedestrian safety;
2. Insufficient parking spaces have been provided;
3. The proposal will result in increased parking in Lamb Street;

4. The development is out of character with the area;
 5. Loss of light;
 6. Loss of privacy; and
 7. The construction traffic/work will cause undue disturbance to neighbouring properties.
- 3.3 One local resident has expressed concern that the rights of the existing tenants of the garages are being abused as the owner of the site has not sought suitable alternative garaging in the locality. Members are advised that this is a civil matter to be resolved between the landlord and the respective tenants, which should not affect the determination of the application.

4. Planning History

- 4.1 In 2007 planning permission was sought under application 07/0149, for the demolition of sixteen lock-up garages, the conversion of the stone built garages to refuse/recycling store and erection of three one-bedroom and five two-bedroom apartments. The application was withdrawn prior to determination.

5. Details of Proposal/Officer Appraisal

Introduction

- 5.1 This application seeks outline planning permission for the removal of seventeen lock up garages and the creation of five flats on land to the rear of 27/29 Lamb Street, which is located in Upperby. The garages, which are in various states of repair, are predominantly constructed from red facing brick, with corrugated roofs; although five of the garages are situated within a former cart shed built from sandstone, with a natural slate roof.
- 5.2 The site is set back from Lamb Street, behind a large two and half storey sandstone building, which is occupied by a hairdressers and a hydroponics shop to the ground floor with a residential flat above. With the exception of these commercial premises, the surroundings to the site are wholly residential.
- 5.3 The site, which covers 642 square metres, is accessed between the west facing gable of 27/29 Lamb Street and the gable of 31 Lamb Street, which is a traditional, two storey, semi detached cottage, with a modern extension to the rear. The existing boundaries of the site are demarcated by a combination of brick walls and fencing of varying heights, with the exception the northern boundary, which directly abuts the rear elevation of the commercial premises. The site is within a Primary Residential Area, as identified on the Urban Area Inset Map that accompanies the emerging Local Plan.

The Proposal

- 5.4 It is proposed to erect an apartment building, which would be two storeys in height (7.2 metres), with an 'U' shaped footprint measuring 145 square metres. The new apartment block would be located towards the rear (south) of the site and would house four two-bedroom units. The apartments would be built over part of the sandstone cart shed, located at the north east corner of the site, which would be converted to create a one bedroom flat. The garage located at the most northern extent of the cart shed would be converted to create a cycle/bin store, adjacent to which would be the drying area.
- 5.5 The apartment building would be finished using red/brown facing brick to the lower section and white tyrolean render to the upper floor, with a natural slate roof. The external finishes to the cart sheds are to be retained and restored where applicable. The communal courtyard would be paved using buff coloured concrete setts, with dark grey pavements demarcating the parking spaces. The existing boundary walls are to be retained.
- 5.6 The existing vehicular and pedestrian access would also be retained. Seven parking spaces would be provided, one of which is a disabled parking bay. With the exception of two ground floor apartments no designated amenity space would be created; however, the site is closely linked to Hammond's Pond. It is proposed to discharge foul drainage to the main sewer, with surface water disposed of via soakaways.

Assessment

- 5.7 The relevant planning policies against which the application is required to be assessed are Policy E19, E22, H2, H16, H17 and T7 of the Carlisle District Local Plan (CDLP) and Policies CP4, CP5, CP11, H2, H3, H4 and T1 of the CDLP Revised Redeposit Draft.
- 5.8 The proposals raise the following planning issues:
1. Whether The Principle Of The Proposed Development Is Acceptable.
- 5.9 In policy terms, Members will appreciate that the land is 'Brown Field' land within the urban area (close to the city centre) and is well located in a relation to choice of modes of transport. Accordingly, the principle of its development for housing is not an issue, subject to compliance with the criteria identified in Policy H2 of the Revised Redeposit Draft and other relevant policies contained within the adopted and emerging Local Plan.
2. Whether The Scale, Layout And Appearance Of The Development Is Acceptable.
- 5.10 The density of the proposed development equates to approximately 78 dwellings per hectare, which accords with national policy guidance, as reflected in Policy H3 of the CDLP Revised Redeposit Draft. This figure may

seem high; however, bearing in mind the proposal relates to the formation of flats, the scale of the development the proposal is not excessive and would not result in the overdevelopment of the site.

- 5.11 In terms of the appearance of the apartment building the design and external finishes are acceptable. Taking into account the position of the neighbouring properties and their height in relation to the building proposed, the overall height and mass of the apartment block would sit comfortably with the scale of the adjacent buildings.
- 5.12 The Council's Urban Designer has made a series of recommendations regarding the detailed finishes to the apartment building, all of which can be addressed through planning conditions. The retention of the existing sandstone cart shed is acceptable and its refurbishment is viewed favourably.
- 5.13 Adequate provision has been made for a drying area and cycle/bin store. Whilst no specific amenity space has been provided to serve the overall apartment block, with the exception of two ground floor flats, the site is closely linked to Hammond's Pond, an area of public amenity space, located 150 metres to the west.

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

- 5.14 For the most part the minimum distances between the existing residential properties and the proposed flats, which Policy CP5 of the Revised Redeposit Draft requires, can be achieved. As such, taking into consideration the scale and position of the proposed development in relation to the existing properties it is unlikely that the living conditions of the occupiers of these properties will be compromised through loss of light, loss of privacy or overdominance.
- 5.15 There are instances where the minimum distances have not been achieved. For example, the distance between rear gable of garage to No.41 Woodside North and the patio doors serving the adjacent ground floor apartment is only 3.7 metres. This aspect could be overcome by re-siting the window in the west facing gable that overlooks two car parking spaces; however, this arrangement would be less satisfactory due to concerns regarding privacy and security. Whilst the distance between the patio door and the gable of the garage is less than the recommended distance outlined by CP5, the position of the patio does not adversely affect any neighbouring dwellings and is best placed to serve this unit.
- 5.16 The other instance where the minimum distances have not been achieved is between the window serving 'Bedroom 2' of the first floor apartment that overlooks the entrance to the flats towards the apartment building itself. Whilst the distance from the window to the apartment is less than the recommended 12 metres, it serves a secondary bedroom and it is required to maintain the aesthetics of the building.
- 5.17 The pedestrian and vehicular access to the site passes the gable of No.31

Lamb Street, in which there are two ground floor windows. One window that serves the kitchen is obscurely glazed. The other window serves a living room, which has an additional window located to the front elevation of the property. The use of the access has the potential to adversely affect the living conditions of the occupants of this dwelling through disturbance and loss of privacy; however, the impact would not be significantly greater than that which could be generated through the current use of the seventeen lock up garages. On balance, a refusal on the above basis could not be substantiated.

4. Access And Parking Provision.

- 5.18 The Highway Authority has confirmed that the parking and access arrangements are acceptable; although two conditions are recommended to ensure that the turning provision and bicycle parking facilities are retained thereafter.
- 5.19 The local residents concerns regarding the access arrangements and increased traffic congestion are noted; however, as the Highway Authority does not share these concerns a refusal of the application on this basis could not be substantiated.

5. Whether Proposed Landscaping Is Acceptable.

- 5.20 No specific landscaping details have been provided at this stage; however the plans illustrate that some landscaping is proposed, which will be an improvement given that none exists at present. This aspect of the scheme can be regulated through the imposition of a condition.

6. Other Matters.

- 5.21 A local resident has expressed concern that, if the scheme were approved, construction traffic/works would cause undue disturbance to neighbouring residents. It is normally reasoned that construction noise is an inevitable temporary manifestation of any development project and is not the concern of the planning system unless there would be exceptional harm to amenity. Where this is the case, a planning condition restricting the construction hours could be applied, however, in this instance, Members are advised that it is not appropriate.

Conclusion

- 5.22 In overall terms, the principle of the proposed development is acceptable. The scale and layout of the apartments are acceptable in relation to the site and the surrounding properties. The living conditions of neighbouring properties would not be compromised through unreasonable overlooking or unreasonable loss of daylight or sunlight. Adequate car parking/cycle storage and amenity space would be available to serve the development. In all aspects the proposals are compliant with the objectives of the relevant adopted and emerging Local Plan policies.

6. Human Rights Act 1998

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

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

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

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

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

- 6.3 Article 8 and Article 1 Protocol 1 are relevant but the impact of the development in these respects will be minimal and the separate rights of the individuals under this legislation will not be prejudiced.

7. Recommendation - Grant Permission

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

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

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

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

3. No development shall take place until full details of hard and soft landscape works, including a phased programme of works, have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved prior to the occupation of any part of the development or in accordance with the programme agreed by the Local Planning Authority. Any trees or other plants which die or are removed within the first five years following the implementation of the landscaping scheme

shall be replaced during the next planting season.

Reason: To ensure that an acceptable landscaping scheme is prepared and to ensure compliance with Policy E19 of the Carlisle District Local Plan.

4. Details of the relative heights of the existing and proposed ground levels and the height of the proposed finished floor levels of the dwelling 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 safeguards the living conditions of neighbouring residents in accordance with Policies H2 and H16 of the Carlisle District Local Plan.

5. The apartments shall not be occupied until the vehicular access, turning and parking facilities have been constructed in accordance with the approved plan and has been brought into use. The vehicular access and turning provision shall be retained and be capable of use at all times thereafter when the development is completed and shall not be removed or altered without the prior consent of the Local Planning Authority.

Reason: To ensure a minimum standard of access provision when the development is brought into use and to support Local Transport Plan Policies S3, LD7, LD11 and P10.

6. The bicycle parking facilities, as shown on the approved plan are to be provided prior to the occupation of the development and retained operational at all times thereafter.

Reason: To ensure appropriate bicycle parking is provided and to support Local Transport Policies: LD5, LD7 and LD8.

7. No development shall commence until further information regarding the treatment of the eaves detail has been submitted to and approved, in writing, by the Local Planning Authority.

Reason: To ensure that the external appearance of the apartment building is acceptable and to ensure compliance with Policy H16 of the Carlisle District Local Plan.

8. No development shall commence until details of the rainwater goods have been submitted to and approved, in writing, by the Local Planning Authority.

Reason: To ensure that the external appearance of the apartment building is acceptable and to ensure compliance with Policy H16 of the Carlisle District Local Plan.

9. The windows shall be set back at least 100mm (1 brick depth) behind the face of the elevation, unless otherwise agreed in writing by the Local

Planning Authority.

Reason: To ensure that the external appearance of the apartment building is acceptable and to ensure compliance with Policy H16 of the Carlisle District Local Plan.

10. Any rebuilding or repointing works to the cart sheds should be executed using a hydrated lime/sand mortar with pointing slightly raked or brushed, unless otherwise agreed in writing by the Local Planning Authority.

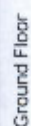
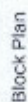
Reason: To ensure that the materials to be used are acceptable and to ensure compliance with Policy H16 of the Carlisle District Local Plan.

11. No development shall commence until details of any walls, gates, fences and other means of permanent enclosure and/or boundary treatment to be erected have been submitted to and approved, in writing, by the Local Planning Authority.

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



Location Plan

[illegible]

ROTH DESIGN
ARCHITECTURE
INTERIORS
GRAPHICS

January 1994
January 1994
January 1994
January 1994

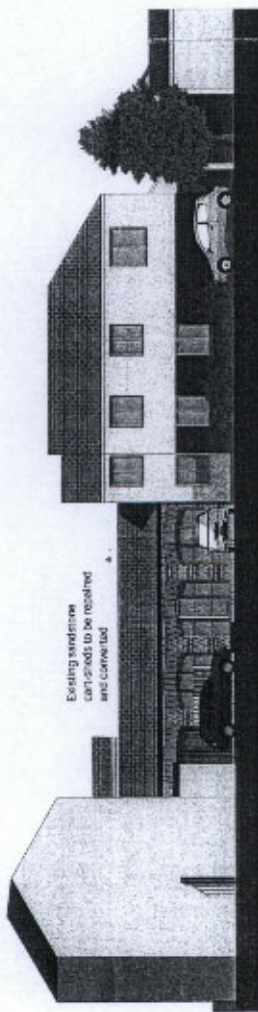
Cubby Construction, Inc.

Proposed courtyard development
at rear of 27 Lamb Street, Cambridge

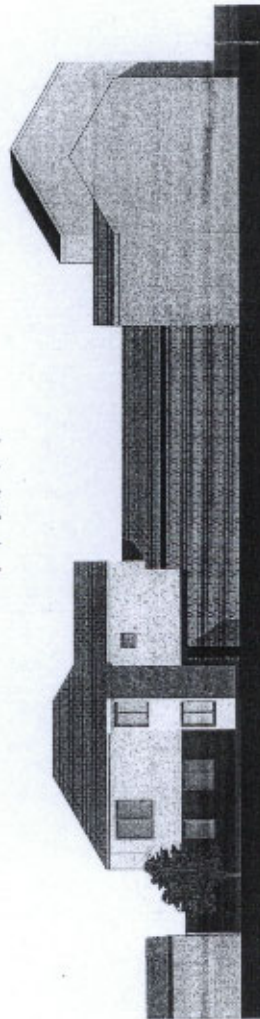
Planning Title
Plans as proposed, Size and
Location Plan

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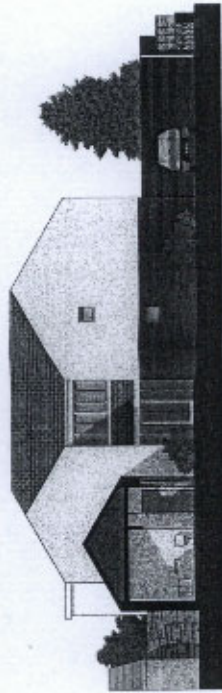
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South-west Elevation

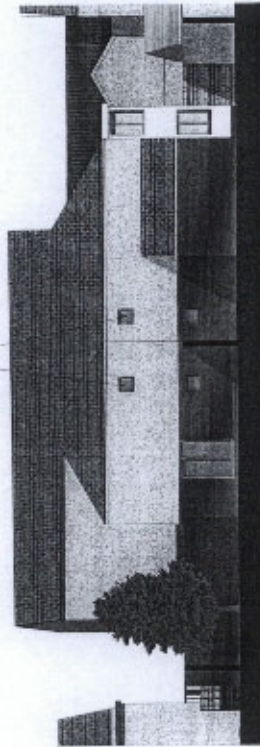


North-east Elevation

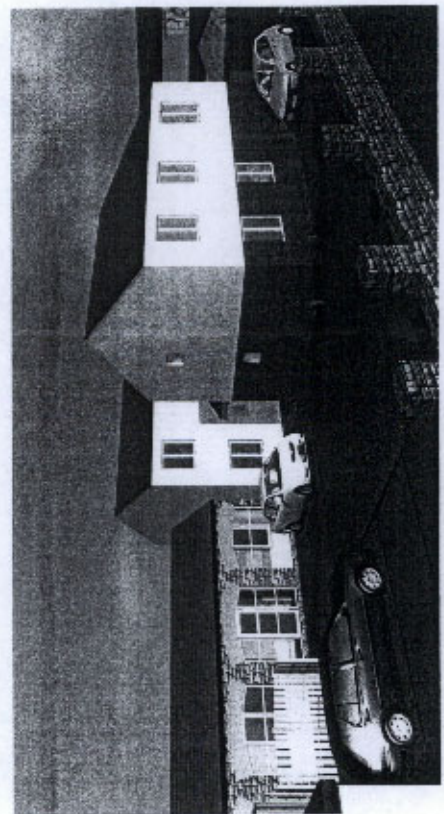


North-west Elevation

windows with fixed obscure glazing



South-east Elevation



Perspective of Courtyard

Materials

Walls -
Restoration and repair of sandstone concrete with replacement of arched openings.
New-Sandstone - Red-brown multi facing bricks to match existing by L.A.
Ground floor - Red-brown multi facing bricks to match existing by L.A.
First floor - Red-brown multi facing bricks to match existing by L.A.
Roof -
Grey/black tiles.
Windows & doors -
White UPVC.
Boundary walls -
Existing red-brown facing bricks and red sandstone retained where possible. New walls to be red-brown brick as used in new building.
Grounded areas -
Concrete setts, solar Harvest Surf with dark grey pattern marking parking bays.



Design Architecture Interiors Graphics	Client	Cubby Communities Ltd.
Project Name	Proposed courtyard development at rear of 27 Lamb Street, Cardiff	
Project No.	0002/04	
Drawn by	1:100	
Scale	1:100	
Revision	H	
Date	06/02/04	

SCHEDULE A: Applications with Recommendation

07/1239

Item No: 03

Date of Committee: 25/01/2008

Appn Ref No:
07/1239

Applicant:
Mr Hetherington

Parish:
Dalston

Date of Receipt:
12/11/2007

Agent:
Gray Associates Limited

Ward:
Dalston

Location:
Greenlea, Buckabank, Dalston, Carlisle, CA5 7AA

Grid Reference:
337282 549191

Proposal: Change Of Use Of Land From Agricultural To Residential To Facilitate
New Vehicular And Pedestrian Access

Amendment:

1. Revised plans and indicating existing landscaping and proposed landscaping.

REPORT

Case Officer: Andrew Henderson

Reason for Determination by Committee:

Four neighbouring residents wish to exercise their right to speak.

1. Constraints and Planning Policies

Gas Pipeline Safeguarding Area

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

District E1 - Agricultural Land

District E8 - Remainder of Rural Area

District E9 - Landscaping of New Dev.

District E19 - Landscaping New Dev.

Rev Redeposit Pl. Pol CP1 - Landscape Character/Biodiversity

Rev Redeposit Pl. Pol CP3 - Agricultural Land

Rev Redeposit Pl. Pol CP4 - Design

Rev Redeposit Pl. Pol CP5 - Residential Amenity

2. Summary of Consultation Responses

Cumbria County Council - (Highway Authority): no objections, subject to conditions;

Development Services Planning & Housing Services - Access Officer: no response;

Northern Gas Networks: no objections;

Dalston Parish Council: no objections;

Development Services Planning & Housing Services - Local Plans (Trees): the proposal is in a rural area, the character of which is fields with native species hedgerows and native hedgerow trees. The existing hedge along the roadside is a typical field boundary hedge consisting of thorn, as is the existing mature hedge to the rear of the garden.

No objection in principal to the proposal but the new hedging along the western boundary should be of a similar native species thorn hedge and not Beech as proposed.

A detailed landscaping scheme for the planting, establishment and maintenance of the new hedge should be a condition of any consent. It would expected to see a mixture of native species e.g. Hawthorn, Blackthorn, Holly, Hazel, Dog Rose, Elderberry and Honeysuckle etc planted in a double row 0.3m apart at 0.3m centres. Field grown transplants 40-60 cm in height would be acceptable.

It would also be appropriate to plant at least two standard native trees e.g. Ash or Oak along the western boundary and one standard tree on the northern boundary as part of the new hedgerow, three trees in total.

The new hedging should be fenced and rabbit guards positioned around the shrubs and trees to prevent the grazing of the young plants by stock and rabbits. Once established the rabbit guards should be removed.


3. Summary of Representations

Representations Received

Initial:

Consulted:

Reply Type:

 Beechside
Shane Surgey

16/11/07

[REDACTED]	Loansdene House	06/12/07	Support
[REDACTED]	17 Gilbert Road	06/12/07	Support
[REDACTED]	[REDACTED], Buckabank Hall	16/11/07	
[REDACTED]	Windward	16/11/07	Objection
[REDACTED]	Rose Villa	06/12/07	Objection
[REDACTED]	Fourways	06/12/07	Objection
[REDACTED]	[REDACTED] Hilltop	06/12/07	
[REDACTED]	9 Caldew Drive	06/12/07	
[REDACTED]	Rose Villa	06/12/07	Objection
[REDACTED]	Buckabank House		Objection
[REDACTED]	Windward		Objection
[REDACTED]	Buckabank House		Objection

3.1 Seven letters of objections have been received raising the following issues:

1. the proposal is contrary to Policies E1, E50 and E5 of the adopted Carlisle Plan; and Policies CP1, CP3 and CP4 of the Revised Draft (2001-2006);
2. the site could be used for commercial purpose;
3. housing could be potentially built on the site;
4. the proposal could set a precedent in the area;
5. the proposal would result in the loss of agriculture land;
6. a condition should be attached to ensure the landscaping of the new development integrates with the surrounding countryside;
7. if granted, planning permission conditions should be attached removing the applicants permitted development rights, to prevent any commercial activities taking place on the site.

3.2 Two letters of support, including one from Cllr T Allison, have been received on the basis that the revised proposal has largely addressed previous concerns.

4. Planning History

- 4.1 In 2007, an application for formation of an alternative access and turning area to the 'rear' of the dwelling was withdrawn prior to determination.

5. Details of Proposal/Officer Appraisal

Introduction

- 5.1 The applicant's property forms part of a cluster of dwellings located on the fringe of Dalston. The application site is situated on slope rising towards the

east and is bounded by a public highway to the south with open agriculture land located to the west and north west of the site. To the immediate east of Green Lea is the neighbouring property Beechside and to the north is Buckabank Hall. Further to the north, lies the neighbouring properties Rose Villa and Buckabank House.

- 5.2 The current application seeks planning permission for the change of use of land adjacent to Green Lea from agricultural purposes to a domestic garden and to provide vehicular access.

Background

- 5.3 In July 2007 an application was submitted (ref. no. 07/0793), which sought to form an alternative access and turning area to the 'rear' of the dwelling. The application was, however, withdrawn prior to determination in September 2007.
- 5.4 The current application is a revised scheme which differs from the previous proposal by relocating the position of the driveway from the north of the dwelling to the immediate west of the property. The submitted details show the inclusion of part of the adjacent field measuring 32 metres in length and 9 metres in width. The proposal would be in line with the curtilage associated with Green Lea. The submitted plans also indicate that an existing Cypress tree and a Beech tree hedge to the west are to be removed; part of a Hawthorn hedge that aligns the road to the south will be removed to allow a entrance to the site; the existing entrance to the east will be blocked up by a red sandstone wall; and, a new hedge will be planted along the proposed boundaries, the details of which have yet to be resolved.

Assessment

- 5.5 The relevant planning policies the application will be assessed against are Policies E1, E9 and E19 of the adopted Carlisle District Local Plan; and Policies CP1, CP3, CP4 and CP5 of the Carlisle Revised Redeposit Draft (2001-2006).

- 5.6 Based on the foregoing and the comments of interested parties it is considered the application raises the following planning issues:

1) The Impact Upon The Visual Character Of The Countryside

It is considered that the impact on the visual amenity would be minimal. Whilst it is acknowledged that it will take some time for a new hedge to establish when the hedge does mature it will integrate with the surrounding landscape. In addition part of the Hawthorn hedge to the south is to be removed to allow a new entrance to be inserted. The original vehicular entrance is to be omitted and the existing red sandstone wall that aligns the road frontage will be extend to screen the existing entrance. As the details of the species, and layout of the landscaping are to be confirmed, this can be regulated through the imposition of an appropriate condition, to ensure the landscaping works are implemented.

2) Loss Of Agriculture Land

In the case of this application, the agricultural land involved lies within a general Grade 3 designation. As the total area involved is just over 288 sq. metres, it is not considered to be contrary to the objectives of Policy E1 of the Carlisle District Local Plan and Policy CP3 of the Carlisle District Revised Local Plan 2001-2006.

3) Highways and Public Safety

Highway Authority has been consulted and has submitted comments and stating that they have no objections to the application, subject to appropriate conditions.

Other Matters

- 5.7 Members should be aware that under the Proposals Map of the Carlisle District Local Plan the site is within a designated Area of Local Landscape Significance. This designation no longer applies under the Carlisle District Local Plan 2001-2016 (Revised Redeposit Draft) and Policy E5 has not been "saved".

Conclusion

- 5.8 In conclusion, and when assessing the application on its own merits, the proposed change of use of the land is considered acceptable and in accordance with the aforementioned policies of the adopted and emerging Development Plan.

6. Human Rights Act 1998

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

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

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

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

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

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

7. Recommendation - Grant Permission

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

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

2. Notwithstanding the description of the hedging in the application, no development shall commence until revised and full details of the proposed hedging defining the boundaries of the site, which shall provide for planting using native species, shall be submitted to and approved in writing by the local planning authority. All works comprised in the approved details of hedge planting shall be carried out in the first planting and seeding season following the completion of the development, and maintained thereafter to the satisfaction of the Council for a period of five years: and if within a period of five years from completion of the landscaping scheme any of the trees or shrubs in accordance with this condition, or any tree or shrub planted as a replacement for any of those trees and shrubs, is cut down, felled or defective another tree or shrub of the same species shall be planted at the same location in the first available planting season, unless the local planning authority gives written consent to any variation.

Reason: To ensure that an acceptable landscaping scheme is implemented and to ensure compliance with Policies E9 and E19 of the Carlisle District Local Plan.

3. The proposed hedging along the western and northern boundaries of the extended site shall be allowed to be established to a minimum height of two metres above existing ground levels and thereafter the hedge shall be maintained at not less than 2 metre in height.

Reason: To ensure that the appearance of the area is enhanced by the proper landscaping of the site in accord with Policies E9 and E19 of the Carlisle District Local Plan.

4. Before the development hereby permitted is brought into use, a 1 metre high post and wire stockproof fence shall be erected along the proposed boundaries and thereafter maintained until such time as the intended replacement hedge has become established on site.

Reason: To define the curtilage of the site and to ensure that an appropriate stock proof barrier is constructed and the site adequately landscaped in accordance with Policy E19 of the Carlisle District Local Plan.

5. The vehicular crossing over the footway, including the lowering of kerbs, shall be carried out to the specification of the Local planning Authority in consultation with the Highway Authority.

Reason: To ensure a suitable standard of crossing for pedestrian safety. to support Local Transport Plan Policies: LD5, LD7, LD8.

6. The development shall not commence until visibility splays providing clear visibility of 2.4 metres by 43 metres to the west of the access and 2.5 by site maximum to the east of the access, measured down the centre of the access and the nearside channel line of the major road have been provided at the junction of the access with the country highway. Notwithstanding the provisions of the Town and Country Planning (general Permitted Decelopment) Order 1995 (or any Order revoking and reenacting that Order) relating to permitted development, no structure, vechicle 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 be grown within the visibility splays. The visibility splays shall be constructed before general development of the site commences so that contruction traffic is safeguarded.

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

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 brought into use. This surfacing shall be extend for a distance of at least 5 metres inside the site, as measured from the carriageway edge of the adjacent highway.

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

8. There shall be no vehicular access to or egress from the site other than via the approved acces, unless otherwise agreed by the Local Planning Auhtority

Reason: To avoid vechiles entering or leaving the site by an unstisfactory access or route, in the interests of road safety.

9. Access gates, if provided, shall be hung to open inwards only away from the highway, be recessed no less than 4.5 m as measured from the carriageway edge of the adjacent highway and shall incorporate 45 degrees pedestrain visibility splay to each side.

Reason: In the interests of highway safety.

To support Local Transport Plan Policies: LD7, LD8

10. The gradient of the access drive shall be no steeper than 1:12 for a distance not less than 5 m as measured from the carriageway edge of the adjacent highway.

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

11. The current access to the highway is to be permanently closed and the highway crossing and the boundary reinstated in accordance with the details which have been submitted to and approved by the Local Planning Authority within one month of the new access being used for the first time.

Reason: To minimise highway danger and the avoidance of doubt
To support Local Transport Plan Policies : LD5, LD7, LD8.

12. 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 Green Lea 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.

Green Lea07 07.01.2008.jpg



Green Lea08 07.01.2008.jpg



07_1239 Greenlea, Buckabank, Dalston 04 26.11.2007.jpg



07_1239 Greenlea, Buckabank, Dalston 03 26.11.2007.jpg



SCHEDULE A: Applications with Recommendation

07/0935

Item No: 04

Date of Committee: 25/01/2008

Appn Ref No:
07/0935

Applicant:
A & I Milburn

Parish:
Dalston

Date of Receipt:
10/08/2007

Agent:

Ward:
Dalston

Location:
Lingey Close Farm, Dalston, Carlisle, CA5 7LB

Grid Reference:
337372 552231

Proposal: Erection of Agricultural Building (Revised Application)

Amendment:

REPORT

Case Officer: Barbara Percival

Reason for Determination by Committee:

This application is being brought before Members of the Development Control Committee due to the receipt of revised plans and a neighbour exercising their right to speak.

1. Constraints and Planning Policies

Joint St.Plan Pol ST3: Principles applying to all new devel.

District E2 - Agricultural Buildings

Rev Redeposit Pl. Pol LE26 - Agricultural Buildings

Rev Redeposit Pl. Pol CP5 - Residential Amenity

2. Summary of Consultation Responses

Dalston Parish Council: do not wish to make any representation on the proposal. Comments are awaited with regard to the revised location of the building;

County Land Agent (Capita dbs): the following changes and observations are in addition to the previous report dated August 2006.

Location and design of the proposed building: The location of the proposed building

SCHEDULE A: Applications with Recommendation

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is now further to the west behind Sowerby Wood Farm. It is proposed to be used to house cattle or baled crop (i.e. hay or straw). The scaled building plan shows eave heights of both 3.65m and 5.48m which is a contradiction. The overall height of 6.68m for the building is still high by conventional standards. Mr Milburn was asked for an explanation but believed this was due to the slope of the land. He explained that the site would be levelled part into the land and part made up land. A revised plan should be requested to show the correct eaves and ridge heights. I advise that a general purpose building suitable for livestock/crop storage would normally be 3.6m in the eaves with 15 degree roof pitch.

Yard and waste disposal: Due to the building now being offset to the west the area between the existing shed and the proposed new building is to be levelled and concreted. Mr Milburn informed me he would not use a straw system for the disposal of animal waste. Therefore provision will need to be made under the Control of Pollution Act 1991 for slurry and dirty water storage from the shed and yard, possibly by way of an internal underground slurry channel or tank, with a capacity for a minimum period of 4 months.

Access from existing farm yard: The proposed access to the development area from the existing farm yard and other buildings are by modern standards restricted. The access width was measured as 2.74m at the gate, but was found to be only 2.33m wide at the narrowest point. A modern 4 x 4 tractor and trailer may have a difficult turning circle from the yard. Vehicle access to the proposed building by modern farm machinery is therefore poor.

Stocking and forage: Mr Milburn continues to let out his land which he says includes his buildings, and currently holds no stock of his own. There is now big bale silage and barley straw to hand on the steading. Mr Milburn stated other silage continues to be stored elsewhere on the holding.

Building location: Mr Milburn stated he wants the building in its proposed location but has not fully considered any other position. Looking at the site a location at the eastern end of the farm yard, as shown on the attached plan, may allow an easier access to any new building, resolving the restricted access problem of the proposed site. The alternative site is also shielded by high hedges. I would advise that further thought be given to finding a location for the proposed building that is more accessible to the existing farm yard and buildings.

Conclusions: conclude by advising the following:

- The proposed height of the building needs to be clarified. Any eaves height of 3.6m is normal for such buildings.
- Storage facilities for foul effluent from the building needs to be provided.
- The proposed access to the proposed buildings for the existing farm yard is of insufficient width for modern farm machinery.
- The livestock kept on the holding are owned by other farmers.
- Consideration should be given to find a more accessible location for the proposed building.

Comments are awaited with regard to the revised location of the building;

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

Environmental Quality Section: can confirm that provided the agricultural buildings and associated facilities are properly managed there will be no environmental health concerns.

3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:
[REDACTED] Sowerby Wood Farm	16/08/07	
[REDACTED]	16/08/07	
[REDACTED] Lingey Cottage	16/08/07	Undelivered
[REDACTED] Close Head House	16/08/07	Objection
[REDACTED] 1 Fell View	16/08/07	
[REDACTED] 2 Fell View	16/08/07	
[REDACTED] Armstrong Watson	16/08/07	
[REDACTED] 17 Gilbert Road		Comment Only

3.1 This application has been advertised by the direct notification of the occupiers of seven neighbouring properties and the posting of a site notice. In response one letter of objection was received on the original location.

3.2 The letter identifies the following issues:

1. Present Status. Lingey Close Farm consists of a house, several barns and other outbuildings grouped around a central yard. There are two accesses to the yard from Lingeyclose Road and two accesses to the field at the rear of the farm buildings.
2. Proposal. The proposal is for the erection of a new building with a proposed use similar to that of some of the current buildings. The proposed structure, however, is sited away from the main group of buildings on undeveloped land immediately behind Sowerby Wood Farm and adjacent to Close Head House with the access road to the new building passing immediately to the rear of the boundary of Close Head House.
3. Basis of objection. The plans submitted in support of the application are inaccurate as they do not show the full extent of the property of Close Head House. A garage and first floor bedroom/ensuite extension has recently been constructed, planning ref. 06/0061. The subject building of this proposal will only be approximately 20 metres from this habitable part of the house as shown on the attached sketch no. CHH/jw1. In view of this omission from the plans, I believe the conclusions of the Design and

Access Statement also to be flawed.

4. The proposed access road is located immediately adjacent to the rear boundary of Close Head House and, due to the nature of the proposed use, will generate vehicle movements at all times of day and potentially seven days per week, thereby severely impacting on the amenity currently enjoyed by the property.
5. The proposed location of the building and access road will generate additional noise, smell, dust and light which again will adversely impact on the amenity currently enjoyed by Close Head House.
6. Currently farming activities are concentrated in the group of buildings comprising the main farm complex. this proposal extends these activities away from the existing buildings to a previously undeveloped area.
7. Despite the comments in the Design and Access Statement the need for this new building is not justified as some of the current buildings are used for non-agricultural purposes e.g. vehicle and material storage.
8. Alternative proposal. In the event that the need for this new building can now be justified, I believe a more suitable location exists and this is detailed below.
9. The hatched area on the attached sketch no. CHH/jw2 shows an area of land which offers an alternative location for the proposed building. In addition to keeping the development within the environs of Lingey Close Farm, further benefits are provided as follows:

- Maintains the current grouping of the buildings
- Concentrates related farming activities in one area
- Minimises access road length and construction requirements
- Minimises service connection length and installation requirements
- Minimises overall land take
- Reduces visual and physical impact on neighbouring properties
- Reduces potential for noise, dust and light pollution impacting on neighbouring properties.

- 3.3 At the time of preparing the report no observations have been received with regard to the revised location.

4. Planning History

- 4.1 In 1992, under agricultural determination reference number 92/0010/AGD, full planning permission for an agricultural lean-to was not required.
- 4.2 In 1995, under planning reference 95/0460, planning permission was granted for the demolition of an existing building and the erection of a general

purpose/livestock shed.

- 4.3 In 1996, under planning reference 96/0398, planning permission was granted for the conversion of store to bedroom, dining room and shower room.
- 4.4 In 2006, under planning reference 06/0797, an application for the erection of an agricultural building was withdrawn.

5. Details of Proposal/Officer Appraisal

Introduction

- 5.1 This report was brought before Members of the Development Control Committee on 9th November 2007 following a site visit. At the time of the site visit, several Members enquired about the possibility of relocating the building further away from the boundary of Close Head House. Prior to the meeting, the applicant had agreed to this request, therefore, at the meeting Members resolved to defer the application pending the submission of the revised drawings and to enable further consultations to take place.

Background

- 5.2 Members will recall that this application seeks planning permission for the erection of an agricultural building at Lingey Close Farm, Dalston which consists of a variety of traditional and modern farm buildings. Located immediately to the west is a residential property known as "Close Head House". This dwelling is itself attached to the farmhouse of Sowerby Wood Farm owned by Cumbria County Council and although currently vacant, has several traditional and modern farm buildings.
- 5.3 The proposed building would measure 22.86 metres in length by 15.24 metres in width with an eaves height of 3.65 metres and a ridge height of 7.65 metres. The building would be constructed of concrete panels with vented box profile steel sheeting to the walls with a profile cement fibre roof. An underground slurry store would be located at the western end of the proposed building.
- 5.4 Following the deferral of the application the occupiers of Close Head House had submitted an alternative location for the agricultural building. This location has been discounted by the applicant due to additional expense that would be incurred and have asked that Members consider the revised location.
- 5.5 These revised plans illustrate the relocation of the building an additional 3 metres to the west of Close Head House than that originally proposed. In order to assist Members a plan (CCC1) has been reproduced within the main schedule illustrating the revised location in relation to the original submission.

Assessment

5.6 Advice against which the application is required to be assessed is contained within Planning Policy Statement 7 (Sustainable Development in Rural Areas). With this advice being transposed in Policy ST3 of the Cumbria and Lake District Joint Structure Plan and Policies E2 of the Carlisle District Local Plan and LE26 and CP5 of the Carlisle District Local Plan 2001-2016 Revised Redeposit Draft.

5.7 The proposal raises the following planning issues:

1. Location, Scale And Design Of Proposed Building

Policy ST3 of the Cumbria and Lake District Joint Structure Plan seeks to ensure that development is appropriate in terms of quality to that of the surrounding area. Development proposals are expected to incorporate high standards of design including regard to siting, scale, use of materials and landscaping which respect and, where possible, should enhance the distinctive character of townscape and landscape.

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

It is acknowledged that the revised location of the building would be further away from the main farmstead; however, it would be still be sited adjacent to Sowerby Wood Farm and its associated agricultural buildings. The scale and form of the building is considered appropriate and the proposal accords with advice contained within PPS7 together with Structure and Local Plan policies.

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

Policies CP5 and LE26 of the emerging Local Plan both seek to protect the amenity of residential properties from inappropriate development. Criterion 4 within Policy LE26 of the emerging Local Plan seeks to ensure that any agricultural development proposal would not have an unacceptable adverse effect on any adjacent properties. The development would not adversely affect the living conditions of the occupiers of these properties through the visual impact of the building or result in unacceptable levels of noise or smell.

To the east of the proposed livestock building lies Close Head House, the occupiers of which had raised a number of objections to the original

location. In brief; the main points raised were: the omission from the drawings of the detached garage with bed-sitting room above; the location of the access road and proposed building; generation of additional noise, smell, dust and light; justification for the building; and suggested alternative location.

As previously stated in order to assist Members a drawing (CCC1) has been reproduced in the main Schedule. Sight lines have been annotated which illustrate that the closest part of the agricultural building to the detached garage and bed/sitting room of Close Head House would now be 30 metres as opposed to 25 metres.

As drawing CCC1 illustrates the closest part of the building would be now be 30 metres from the detached garage and bed/sitting room of Close Head House. Whilst the south west corner would swing away from the shared boundary. Furthermore, it should be noted that there are other agricultural buildings at Sowerby Wood Farm and Lingey Close Farm which are closer to Close Head House and its garage/bed/sitting room than the proposed building.

Conclusion

- 5.8 In conclusion, the agricultural building is of a scale and design that is appropriate. The use of the field is already that of agriculture and whilst the siting is somewhat detached from the existing group of buildings, it is not considered that the character or appearance of the area would be adversely affected by the development. It is considered that the living conditions of the occupiers of the neighbouring property would not be adversely affected and in all other aspects, the proposal is compliant with current planning policies

6. Human Rights Act 1998

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

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

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

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

- 6.2 **Article 1 of Protocol 1** relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however,

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does not impair the right to enforce the law if this is necessary;

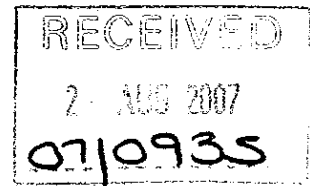
- 6.3 The proposal has been considered against the above Protocol of the Act but in this instance, it is not considered that there is any conflict. If any conflict was to be alleged it is not felt to be of sufficient weight to refuse planning permission.

7. **Recommendation** - Grant Permission

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

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

**Design and Access Statement
Lingey Close Farm Dalston**



Lingey Close farm was designed and built in the 1970's as a dairy farm to augment the County Council's Smallholdings Estate which was held to provide opportunities for new entrants into the farming industry.

The farmhouse and adjoining sandstone outbuildings had originally formed part of the Land Settlement Association's HQ as did the adjoining house known as Sowerby Wood which was converted at the same time to provide a four bedroom farmhouse with an adjoining three bedroom house known as Close Head House. The farm buildings at the adjoining Sowerby Wood Farm were erected at the same time to form another dairy farm.

The erection of a steel framed cow cubicle shed complete with integral milking parlour and an adjoining covered silage shed formed the basis of the original build at Lingey Close Farm and an above ground slurry storage tank held all the farm effluent prior to spreading on the adjoining farmland. Over time and with successive farm tenants the buildings were extended with the addition of lean-to storage buildings.

The County Council sold off Lingey Close Farm in 1991 and the farm was purchased by Mr and Mrs A Milburn the current owners. They extended the buildings further and ran the farm as a successful dairy unit until May 2000 when it was decided to sell off the herd prior to Mr Milburn's hip replacement.

In order to continue making a living from the farm Mr and Mrs A Milburn let the land and buildings to a neighbouring farmer who runs a herd of beef cattle which are housed in the stock sheds with the farmland being used for grazing and growing barley for cattle feed.

The Cross Compliance Rules that were introduced by Defra to improve animal welfare require all the cattle held at Lingey Close to be housed in buildings over the winter period and in order to increase income an additional cattle shed is planned in order to allow more cattle to be housed at the farm. Last year over sixty cattle were housed outside and this practice cannot continue.

The siting of the proposed new cattle shed has been dictated by the existing accesses as well as the adjoining buildings. There are two access routes available and although one is slightly restricted (2.9m) the other (3.7m) allows full vehicular access for all farm vehicles. The access routes are indicated coloured yellow on the attached site plan. Consideration has been given to the proximity and amenity of Close Head House which in turn increases the overall development costs owing to the additional hard standing area that is required between the proposed shed and the existing cattle shed shown on the plan.

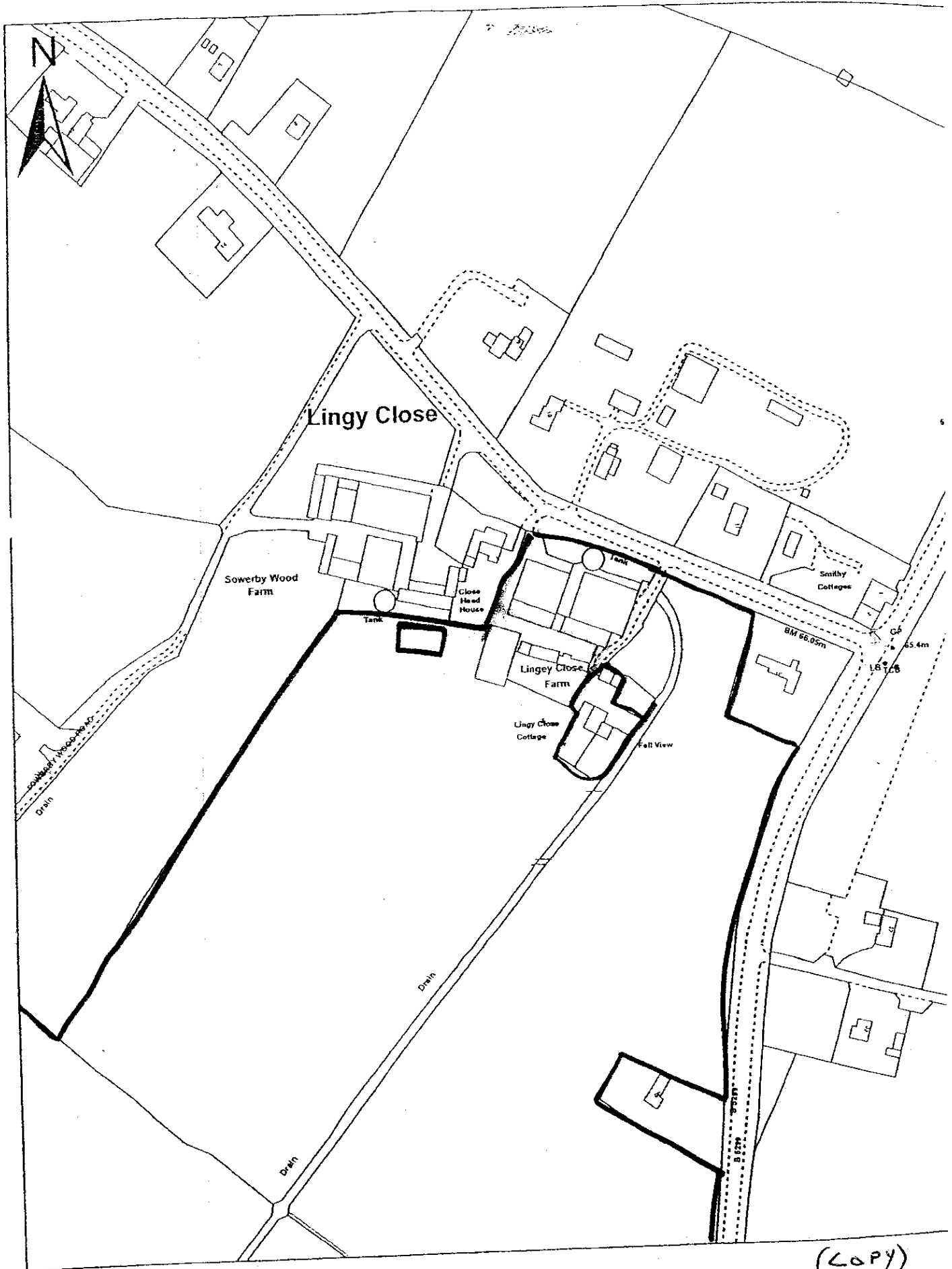
The proposed new shed will be erected 3.5 metres off the site boundary to the north and 3.5 metres back from the boundary between Close Head House and the adjoining Sowerby Wood Farm.

The design of the proposed shed is governed to a great extent by it's use and basically it is a standard steel framed building with a fibre cement big six profile roof (natural grey colour) and the sides are to be clad with vented box profile steel sheeting coloured dark blue above the side walls which will be standard concrete panels. The end doors will be steel sheeted in a colour to match the side sheeting. Both the colour of the roof and the side cladding will therefore match the existing cattle shed that is sited adjacent.

Having studied the proposal and discussed it with Mr and Mrs A Milburn I am satisfied that due consideration has been given to the size of the building required, the siting of the building in consideration to it's proximity to Close Head House, the appearance of the building and external colours and materials, and the two access routes that are currently available.

C M B Aitken
Environmental Consultant

Dated August 23rd.2007



(COPY)

10 AUG 2007
2007/0935

61

Lingey Close Farm

CARLISLE
CITY COUNCIL

Civic C
Rickers

CAPITA SYMONDS

6th September 2007

Our ref CS/004761-01-06/CS/LW

Carlisle City Council
Development Services
Planning & Housing Services
Civic Centre
CARLISLE
Cumbria
CA3 8QG

For the attention of Barbara Percival

Dear Ms Percival

PLANNING & HOUSING SERVICES	
REF	07/0935
07 SEP 2007 3	
RECORDED	
SCANNED	KU
PASSED TO	BC 4/05
ACTION	

ERECTION OF AGRICULTURAL BUILDING (REVISED APPLICATION) LINGEY CLOSE FARM, DALSTON, CARLISLE, CA5 7LB

Thank you for your letter and enclosures of the 16 August 2007. (A further inspection has now been made on the 5 September 2007.) Please find attached a copy of my original report dated August 2006 (your reference Pa3/3a CS/EW28618).

The changes and further observations are as follows:

1. Location and design of the proposed building

The location of the proposed building is now further to the West behind Sowerby Wood Farm. It is proposed to be used to house cattle or baled crop (i.e. hay or straw). The scaled building plan shows eave heights of both 3.65m and 5.48m which is a contradiction. The overall height of 6.68m for the building is still high by conventional standards. Mr Milburn was asked for an explanation but believed this was due to the slope of the land. He explained that the site would be levelled part into the land and part made up land. A revised plan should be requested to show the correct eaves and ridge heights. I advise that a general purpose building suitable for livestock/crop storage would normally be 3.6m in the eaves with 15° roof pitch.

2. Yard and waste disposal

Due to the building being now being offset to the West the area between the existing shed and the proposed new building is to be levelled and concreted. Mr Milburn informed me he would not use a straw system for the disposal of animal waste. Therefore provision will need to be made under the Control of Pollution Act 1991 for slurry and dirty water storage from the shed and yard, possibly by way of an internal underground slurry channel or tank, with a capacity for a minimum period of 4 months.

3. Access from existing farm yard

The proposed access to the development area from the existing farm yard and other buildings are by modern standards restricted. The access width was measured as 2.74 (9') at the gate, but was found to be only 2.33m (7'8") wide at the narrowest point. A modern 4 x 4 tractor and trailer may have a difficult turning circle from the yard. Vehicle access to the proposed building by modern farm machinery is therefore poor.

4. Stocking and forage

Mr Milburn continues to let out his land which he says includes his buildings, and currently holds no stock of his own. There is now big bale silage and barley straw to hand on the steading. Mr Milburn stated other silage continues to be stored elsewhere on the holding.

5. Building location

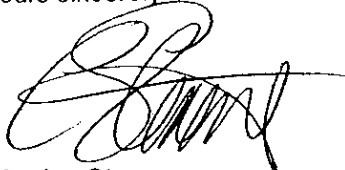
Mr Milburn stated he wants the building in its proposed location but has not fully considered any other position. Looking at the site a location at the Eastern end of the farm yard, as shown on the attached plan, may allow an easier access to any new building, resolving the restricted access problem of the proposed site. The alternative site is also shielded by high hedges. I would advice that further thought be given to finding a location for the proposed building that is more accessible to the existing farm yard and buildings.

Conclusions

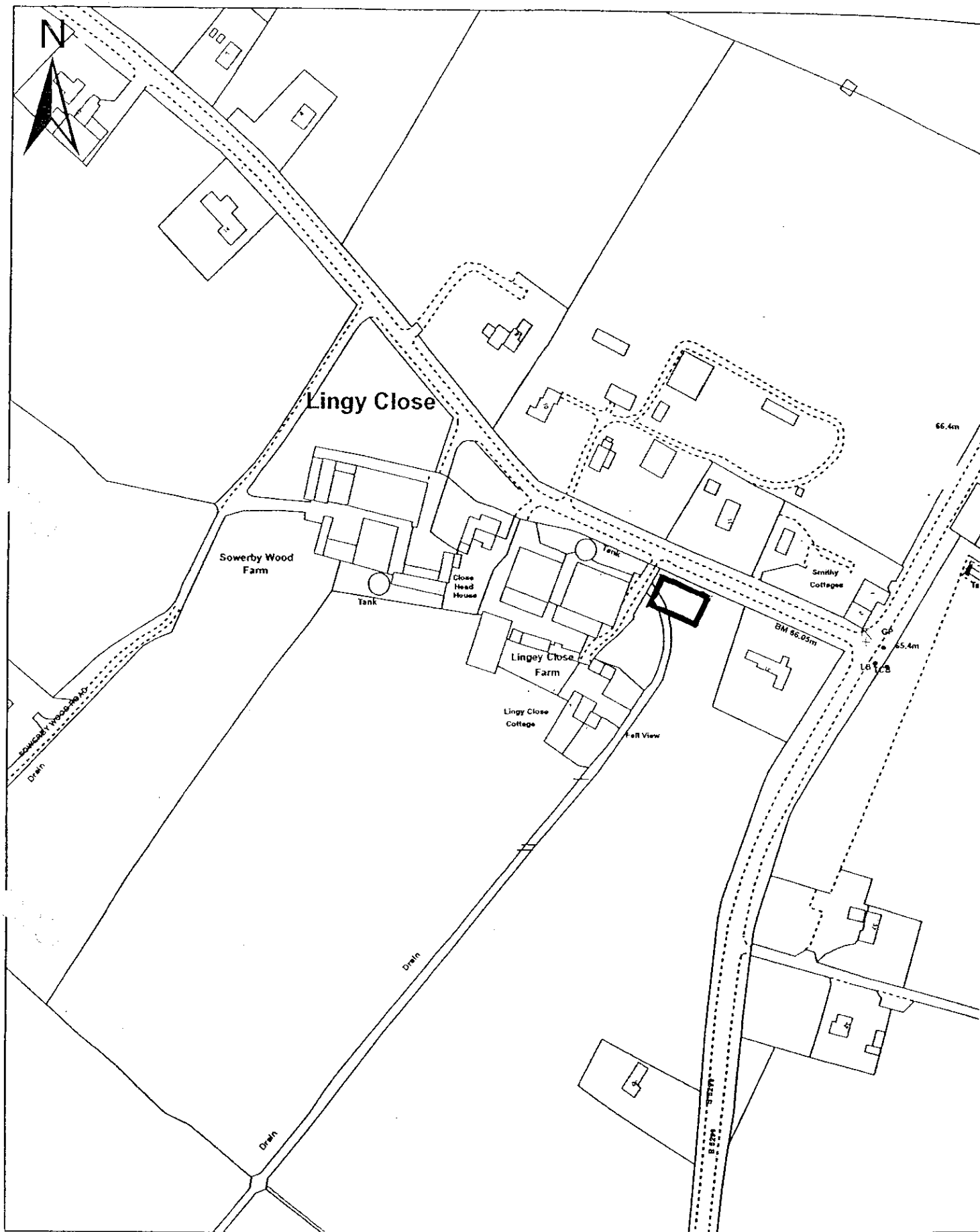
I conclude by advising as follows:

1. The proposed height of the building needs to be clarified. And eaves height of 3.6m is normal for such buildings.
2. Storage facilities for foul effluent from the building needs to be provided.
3. The proposed access to the proposed buildings for the existing farm yard is of insufficient width for modern farm machinery.
4. The livestock kept on the holding are owned by other farmers.
5. Consideration should be given to finding a more accessible location for the proposed building.

Yours sincerely



Charles Stevens
Land Agent



Lingey Close Farm

LAND AT LINGEY CLOSE FARM, DALSTON, CARLISLE

REPORT ON A PROPOSED NEW AGRICULTURAL BUILDING

Capita Symonds
Clint Mill
Cornmarket
PENRITH
Cumbria
CA11 7HP

Tel: 01768 242345

August 2006

CAPITA SYMONDS

PROPOSED AGRICULTURAL LIVESTOCK BUILDING – LINGEY CLOSE FARM,
DALSTON

1.0 Introduction

1.1 This report is prepared at the request of Carlisle City Council who on 14 June 2006 asked if Capita Symonds would report on the proposal to erect an agricultural building at Lingey Close Farm, Dalston, Carlisle.

1.2 I met the applicant, Mr Arthur Milburn on 26 July 2006. Also present was Mrs Isabel Milburn. I inspected the holding's buildings at Lingey Close in the presence of Mr and Mrs Milburn. The following information was provided on behalf of the applicant.

2.0 Land Occupied

2.1 Mr Milburn's agricultural land holdings extend to 40.47 hectares (100 acres or thereabouts). All the land is let on an unwritten agreement and occupied by Mr Dennis Musgrave of Cardew Hall, which is 4½ miles away.

2.2 Part of the holding is subdivided by the B5249 to Dalston. There are no land plans provided but most of the land is known to be contiguous or in close proximity behind the farm towards Dalston.

3.0 Livestock

3.1 There were no livestock held on the holding at the time of my visit. The tenant informs me that he held 200 cattle on the holding with 60 cattle out wintered.

4.0 Cropping

4.1 Mr Milburn informed me that 50% of the land was being cut for silage and 50% Barley or arable uses. There was no evidence of the silage clamp being used for grass silage or for any big bale silage storage on the steading.

5.0 Farm Buildings

5.1 At Lingey Close Farm there are a complete range of buildings comprising of:-

- 4-bay calving shed/part machinery shed
- Traditional stone barn
- 5-bay silage barn
- 5-bay cubicle shed with 3 aisles with unused milking parlour
- 6-bay loose feeding building (empty)
- Tractor store housing historical vehicle
- 1 loose box lean-to
- 3-bay loose box lean-to
- 2 ring slurry store.

6.0 Domestic Buildings

6.1 There is only one 3 bedroom dwelling on the holding situated in the farmyard and to the rear of the buildings attached to the stone barn.

6.2 There are other independent domestic dwellings to the South East and one to the North West called Close Head House.

6.3 The garden of this property borders the proposed development site.

7.0 Labour and Residence

7.1 Mr Milburn has no stock on the holding and therefore uses the holding as a domestic property. There is therefore no need for other agricultural workers on the holding. Mr and Mrs Milburn's son is currently in the Armed Forces.

8.0 Other Information

8.1 Mr Milburn informed me that some cattle (60) had to be wintered outside on the land but in order to comply with DEFRA Cross Compliance rules all stock need to be housed over winter.

8.2 Mr Musgrave's holding is 4½ miles away and says he feeds 260 stock on the holding. However, there was no evidence of preparation for convenient storage of silage or big bale silage on the steading.

- 8.3 It is believed that big bale silage stored on land nearby may be available. But extraction in the winter could be inconvenient and damaging to the land.

9.0 The Proposed Building

- 9.1 The proposed building is to measure 15.24m x 22.86m giving a floor area of 348m². It is to be approximately 5.48m to the eaves with 6.68m to the ridge. The external elevations are to be 2m high concrete panels, the remainder covered in grey vented box profile sheeting. On one end of the building will be two sheeted doors 3.04m wide in total. The roof is to be fibre cement 'Big Six' panels with 10 translucent roof light panels.

- 9.2 The internals are proposed to be loose box housing with internal pens. On the gables are concrete panels and vented box profile sheets, with a proposed grey colour. The site is shelving and Mr Milburn's proposals will include an elevated building or a built up site rather than the normal practice of excavation and levelling. Mains electricity and water are to be laid into the building possibly from an existing adjacent building.

10.0 Space Requirements

- 10.1 Mr Milburn, as applicant, currently has no stock but Mr Musgrave, as tenant, says 'he has 60 cattle outdoors.

$$1. \quad 60 \text{ yearling cattle @ } 4.5\text{m}^2 \quad = \quad 270\text{m}^2$$

Or

2. 60 cattle up to 2½ years @ 5.5m² = 330 m²

10.2 There is no provision for effluent storage at the building therefore straw bedding will be required and storage being elsewhere on the steading.

11.0 Method of Construction

11.1 The proposed building is a portal steel framed design in line with accepted modern agricultural practice. The span of the building allows the penning as required within the building. The panel allows multi uses of the building and easy cleaning. Adequate ventilation is obtained from the vented box sheets for housed livestock. However I would make the following comments in relation to the construction of the building.

11.1.1 The site shelves and it is normal practice to dig out the site in a notch fashion, rather than build up the land to level from the highest point. The proposed method would give an apparent increase in height of 1m (or thereabouts) rather than a reduction of 1m (or thereabouts).

11.1.2 The proposed eaves height of 5.48m is excessive and could be as low as 2.04m. This, together with 11.1.1 above would reduce the ridge line to 3.24m with the same roof pitch but have an apparent height of 2.24m from the highest land point.

11.1.3 One would expect the doors to be at least 3m in height however, to accommodate feed wagons to the central passageway and modern farm vehicles.

11.1.4 Facilities for 4 months storage of farm wastes arising from the building may be required to comply with Environment Agency requirements.

12.0 Location of the Proposed Building

12.1 The access to the site is restrictive, Mr Milburn says it is 9'6" (2.89m).

12.2 The site is behind Lingey Close Head, a domestic dwelling. The siting of the building beside and so close to the dwelling would impinge upon the amenity value of the house being in a countryside location.

12.2.1 An alternative site would be further over behind Sowerby Wood Farm steading.

12.3 The height of the building is excessive and could have either a reduced eaves height or site the building into an excavated site rather than import fill which is against normal practice.

13.0 Conclusions

13.1 I therefore conclude by advising as follows:-

1. The applicant has no stock and has no apparent currently active agricultural business other than leasing the land and buildings.
2. The provision of the building for 60 cows is uneconomic and will not currently justify the capital expenditure for the return. An option would be to ask Mr Musgrave to reduce his stock to comply with DEFRA Cross Compliance rules.
3. The proposed floor area of the building is reasonable.
4. The proposed height of the building is excessive and could be lower. Its height could further be reduced by excavating the site rather than infilling as is proposed.
5. Access to the site of the proposed building is narrow and restrictive by modern standards.
6. The tenant proposes to stock 200 head of cattle in the existing buildings but there was no loose silage in the clamp building or big bale silage stored in sight of the steading. One would expect the clamp to be full or stored big bales to be conveniently stored at this time of year. The tenant's holding is 4½ miles away.

7. The site of the building is close to a domestic dwelling and will severely affect the amenity of this property. An alternative site could be available behind Sowerby Wood Farm

C A W Stevens
August 2006

August 10th.2007

Mr A Milburn
Lingey Close Farm
Dalston
Carlisle

Dear Mr Milburn,

Further to meeting you in order to discuss the proposed new building that you wish to erect and to reading the Report prepared by Capita Symonds I would comment as follows:-

Were the location of the building to be as per the attached plan it is my opinion that the observations made within the Capita Symonds report would be accommodated.

If the building was located parallel to the existing cattle shed at Lingey Close Farm there would be an awkward area of land between the proposed building and the boundary fence of Sowerby Wood Farm that would be redundant.

By positioning the proposed building as indicated on the attached plans there will be minimal impact to Close Head House set as indicated two metres back from the boundary.

I would not recommend positioning the building any further to the west as this will increase the yard area between the buildings which if concreted will incur considerable additional expense.

Yours sincerely,

Braid Aitken
Environmental Consultant

September 11th.2007

Mr A Milburn
Lingey Close Farm
Dalston
Carlisle

Dear Mr Milburn

Further to meeting you on the 11th.September and to reading the further comments made by Capita Symonds in their report dated the 6th.September as well as the letter dated the 31st August submitted by Mr J Whiten I make the following observations :-

Dealing with Mr Whiten's letter first I comment as follows:-

It is my understanding that Mr Whiten purchased Closehead House within the past twelve month period in full knowledge that it was sited between two farms. Lingey Farm which is immediately adjacent to Closehead House is a working farm and as such neighbouring properties should be familiar with farming practices and what they entail by way of noise sound and smell etc.

It is understood that Sowerby Wood farm which is situated to the west of Closehead House is to be sold on the open market and with the extensive range of buildings that are presently sited there it is assumed that a variety of uses could be made of the site given that Lingey lane already accommodates a number of light industries. Any purchaser of Closehead House would have been aware of this and the possible implications.

The plans that you have made available with your application do not show the extension referred to as it is a recent development and has not yet been included within the latest Ordnance Survey Maps. The proximity of this development to existing farm buildings is less than the twenty metres referred to. You have already relocated the proposed site in order to minimise any impact to Close Head House.

The access adjacent to Closehead house is one of two access routes to the proposed new stock building that have been in existence since Lingey Close Farm was developed back in the ninety seventies and previous owners and occupants of Close Head House have been fully aware of this.

Mr Whiten has suggested an alternative site for the proposed new cattle shed but he will not be aware that this site is where two lagoons were constructed during the Foot and Mouth epidemic and as such the ground is not stable.

Dealing with the Report dated the 6th.September as submitted by Capita Symonds there are five points under the heading 'Conclusions' which I would address in the same order as follows:-

1. The eaves height of the proposed building has already been addressed by you and will be 3.6 metres so this is no longer an issue for consideration.
2. It is proposed that the stock within the new cattle shed will be bedded on waste paper pulp as indeed is the case within the nearby cattle shed. The proposed new shed will be mucked out weekly with the soiled bedding being spread on stubble fields situated on Lingey Close Farm.
There is therefore no requirement for storage facilities as suggested in point two.
- 3 One of the two access routes to the proposed new shed is narrow by modern farming standards but for the purposes that are required it is entirely suitable and where occasions require a wider access the alternative route as was indicated by you can be used.
- 4 The fact that the livestock may be owned by other farmers is not a planning issue. There are many farmers throughout Cumbria who winter stock outwith their ownership.
5. In the report prepared by Capita Symonds in August 2006 it was concluded in Clause 7 that an alternative site could be available behind Sowerby Wood Farm. You have already conceded to this view by relocating the site of the building in such a way as to leave a clear view to the rear boundary of Close Head House. By siting the proposed shed as per your current plan you are incurring additional cost owing to the additional area of yardage between the proposed new building and the existing adjacent stock shed.

The suggested new alternative site as proposed in the Report dated the 6th. Sept. would effect more neighbouring properties and would cause inconvenience with the shared access to the farm by way of its operation. In addition the cost of servicing this site would incur considerable additional expense by having to cross the access road.

I feel that you have addressed the issues raised in a reasonable and responsible manner and I see no reason on Planning grounds why your application should not succeed.

Yours sincerely

Braid Aitken
Environmental Consultant

For the record the writer attended the three year diploma course at the Royal Agricultural College Cirencester and qualified as a Chartered Surveyor (Land Management) in 1971

Development Services
Carlisle City Council
Planning and Housing Services
Civic Centre
Carlisle
CA3 8QG

PLANNING & HOUSING SERVICES	
REF	07/0935
- 3 JAN 2008	
RECORDED	
SCANNED	
PASSED TO	
ACTION	

A & I Milburn
Lingey Close Farm
Dalston
Carlisle
CA5 7LB

For attention of Barbara Percival
Assistant Development Control Officer

January 3rd 2008.

Dear Madam,


Proposal: Erection of Agricultural Building (Revised Application)
Location: Lingey Close Farm, Dalston, Carlisle. CA5 7LB
Appn Ref 07/0935

I am in receipt of your letter dated the 18th December together with attached plan showing a suggested location for the proposed building. This site is entirely unacceptable for a variety of common sense reasons the main ones of which are the considerable increase in expenditure that would be incurred due to the additional length of access road and services.

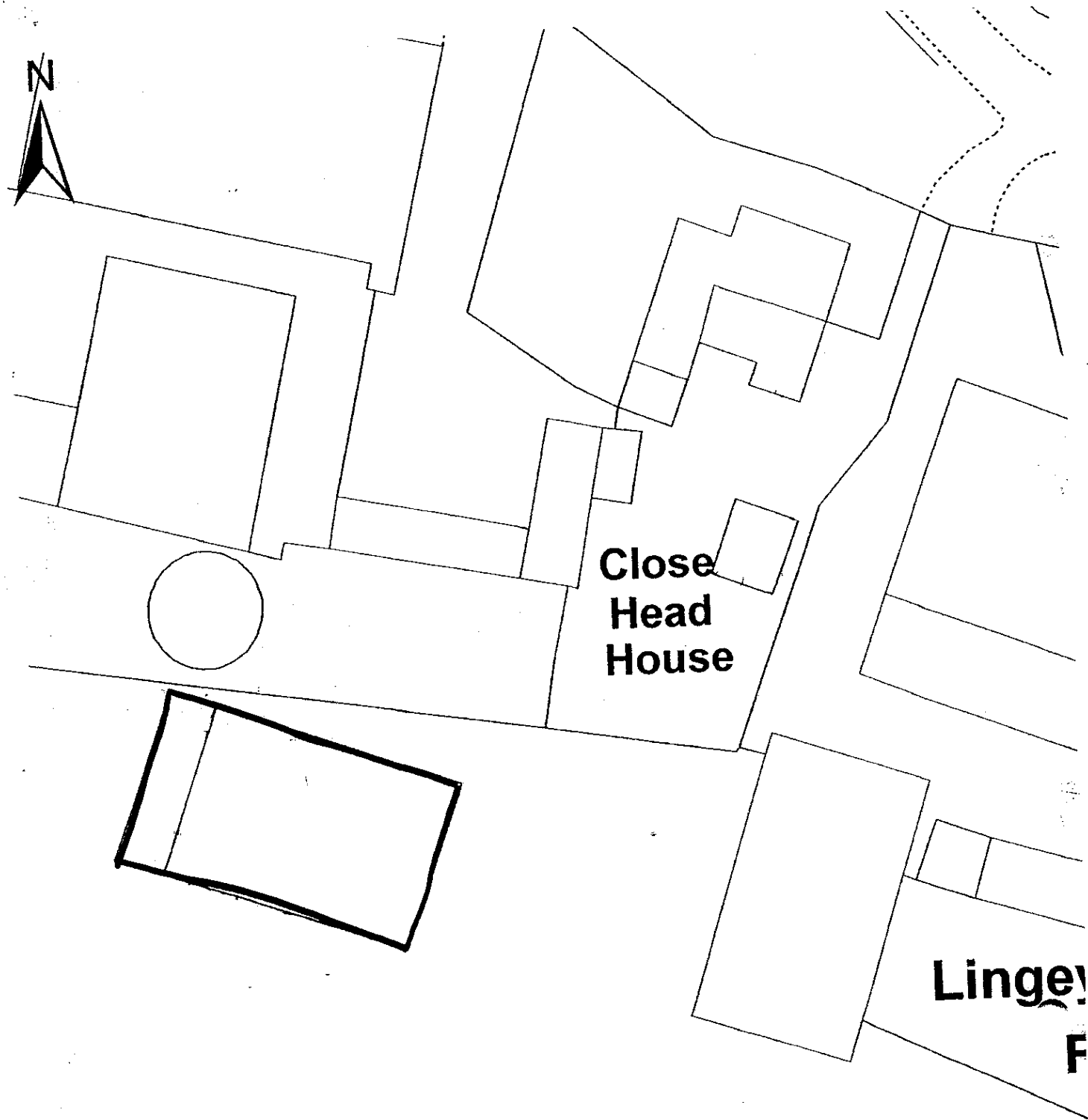
I am happy to accept the revised location for the proposed building which was suggested following the site visit made by members of the committee back in November and this site is shown on the attached plan (scale 1/500).

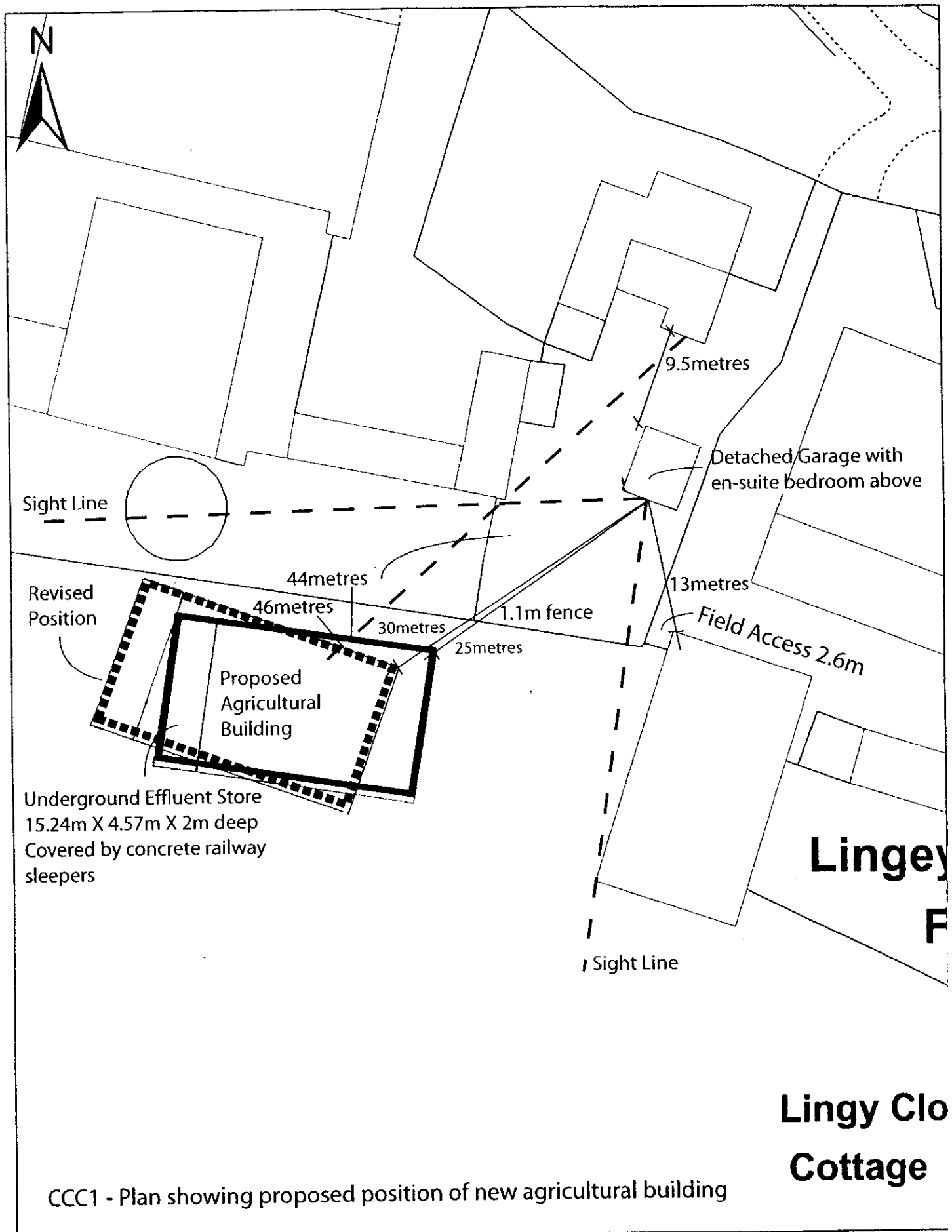
This site places the proposed building a further three metres back from the one where I originally wished to locate the building and I feel that I have gone far enough to appease any sensible objections being put forward by my neighbour.

Yours sincerely,

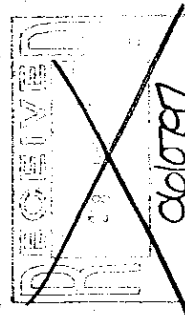
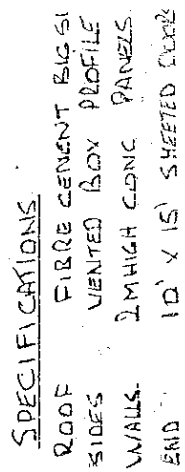


A & I Milburn



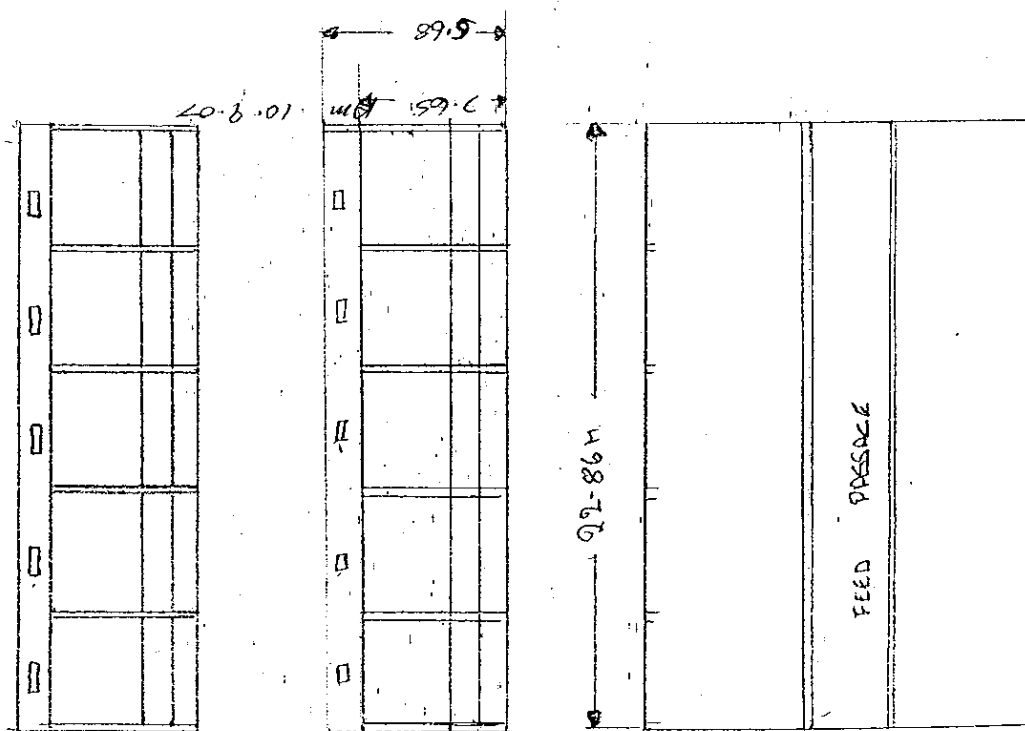
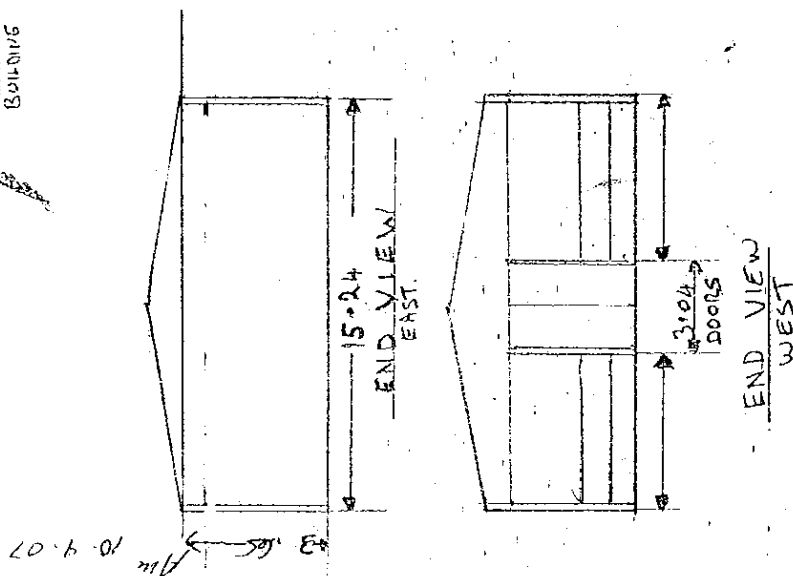


Lingy Clo Cottage



PROPOSED STEEL FRAMED
AGRICULTURAL BUILDING
AT
LINGEN FARM
DALSTON
MR A MILLER

2007/0922-



SCHEDULE A: Applications with Recommendation

07/0673

Item No: 05

Date of Committee: 25/01/2008

Appn Ref No:
07/0673

Applicant:
Mr William Swales

Parish:
Carlisle

Date of Receipt:
19/06/2007

Agent:
Tsada Building Design
Services

Ward:
St Aidans

Location:
126a Greystone Road, Carlisle, CA1 2DD

Grid Reference:
341371 555621

Proposal: Demolish Bungalow And Storage Yard To Form 8 Flats With Car Parking
And Bin Stores (Outline application)

Amendment:

1. Amendment to the indicative layout of the apartment block, provision of bin store/drying area and increase in the number of parking spaces from 9 to 11.
2. Reconfiguration of indicative ground floor layout. Amendment to the position and size of the drying area; the bin store and bike shelter. Provision of additional landscaping, pedestrian access to Melbourne park and private amenity space to serve the two ground floor flats.

REPORT

Case Officer: Sam Greig

Reason for Determination by Committee:

This application is brought before the Development Control Committee for determination as two local residents wish to exercise their right to speak against the application.

1. Constraints and Planning Policies

Flood Risk Zone

Health & Safety Executive Consultation

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

Contaminated Land

District E19 - Landscaping New Dev.

District E20 - Development in Floodplain

District E22 - Sewers & Sew. Treat. Work

District H2 - Primary Residential Areas

District H16 - Design Considerations

District H17 - Residential Amenity

District T7 - Parking Guidelines

Rev Redeposit Pl. Pol CP4 - Design

Rev Redeposit Pl. Pol CP5 - Residential Amenity

Rev Redeposit Pl. Pol CP11-Foul/Surf Water SewerSewage T/ment

Rev Redeposit Pl. Pol H2 - Primary Residential Areas

Rev Redeposit Pl. Pol H3 - Residential Density

Rev Redeposit Pl. Pol H4 - Res.Dev.Prev.Dev.Land & Phasing

Rev Redeposit Pl. Pol LE28 - Developed Land In Floodplains

Rev Redeposit Pl. Pol LE30 - Land Affected By Contamination

Rev Redeposit Pl. Pol T1 - Parking Guidelines

2. Summary of Consultation Responses

Health and Safety Executive: does not advise, on safety grounds, against the granting of planning permission;

Cumbria County Council - (Highway Authority): in response to the amended plans submitted 27th November the Highway Authority has commented that there is no objection, in principle, to this outline application.

The parking arrangement has been improved, now providing eleven spaces. This is an outline application with layout, scale, appearance access and landscaping held over for reserved matters. Without a mitigating factor (i.e. bicycle parking spaces) being provided, the amount of parking proposed would be insufficient for a development of this scale.

Bearing in mind the above points and that the internal layout and access will form part of a reserved matters application there is no objection to outline consent being given;

Community Services - Drainage Engineer: awaiting comments;

United Utilities (former Norweb & NWWA): initially objected to this development, as there are localised flooding problems within this particular area. The wastewater network downstream of Greystone Road is due to be upgraded as part of the Carlisle Sewer Flood Alleviation Scheme, however, this is not due to start until April 2008. It is recommended that the development be postponed until this scheme has been carried out.

An e-mail received 18th October from United Utilities confirmed that they would be agreeable to the imposition of a condition preventing work being carried out until the Carlisle Sewer Flood Alleviation Scheme has been implemented;

Further comments received in response to the amended plans submitted on 27th November reiterate that there are no objections to the scheme provided that a condition is imposed preventing commencement of the development until the upgrade to the Carlisle Sewer Flood Alleviation Scheme is complete;

Development Services Planning & Housing Services - Local Plans: the land is previously developed as it is within the curtilage of a site, which has been previously occupied by a permanent structure (a single storey dwelling). The site therefore contributes towards the achievement of the Structure Plan target of 65% brownfield land development in the urban area and is compliant with Policy H4.

Carlisle is identified as a sustainable development location within Policy DP1 and is compliant with Policy H1 of the Revised Redeposit Draft of the Local Plan and is, therefore, considered a sustainable location for residential development. The property is situated within a Primary Residential Area reflecting the dominant land use and is adjacent to a recreation ground designated as a Primary Leisure Area.

The development achieves a dwelling density equivalent to 100 dwellings per hectare and is, therefore, compliant with the requirements of Policy H3 Residential Density given its proximity to the City Centre and the density of the existing residential development within the locality.

Careful consideration of sections 1, 2, 3 and 4 of Policy H2 are difficult given the limited information provided as part of this outline application. The amenity of the surrounding residential area is considered to be unaffected, in principal, by this development given its residential nature and it is, therefore, compliant with Policy CP5 in this regard. The scale of the development is considered acceptable for the area and not visually intrusive, given it is congruence with the scale of the surrounding development.

The provision of satisfactory access and appropriate parking arrangements to meet with the requirements of section 4 is questionable and requires consideration. If deemed inappropriate the development would also contravene both Policies T1 Parking Guidelines and T3 Parking Outside Conservation Areas.

The proposed development is in Flood Zone 2 as identified by the Council's Strategic Flood Risk Assessment. As it is not an allocated site in the Revised Redeposit Local Plan, PPS25 requires the site to pass a Sequential Test for flood risk. The aim of this is to identify any reasonably available sites with a lower probability of flooding than that proposed. Developing such sites first will ensure that development is steered away from areas likely to flood.

In this instance these sites are/are not available so this site has passed the Sequential Test;

Environmental Protection Services (Contamination): no objection, subject to the attachment of one planning condition that relates to the presence of contaminants;

Environment Agency (N Area (+ Waste Disp)): no objection, subject to the attachment of two planning conditions that relate to the presence of contaminants and the disposal of surface water;

Cumbria County Council - (Archaeological Services): no objection subject to the attachment of a condition requiring an archaeological investigation to be carried out.

3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:
[REDACTED] 118 Greystone Road	29/06/07	Objection
[REDACTED] 130 Greystone Road	29/06/07	
[REDACTED] Irvings Coach Hire Ltd	29/06/07	
[REDACTED] 120 Greystone Road	29/06/07	Objection
[REDACTED] 122 Greystone Road	29/06/07	
[REDACTED] 124 Greystone Road	29/06/07	Objection
[REDACTED] 126 Greystone Road	29/06/07	Objection
[REDACTED] 128 Greystone Road	29/06/07	

3.1 This application has been advertised by means of site and press notices as well as notification letters sent to eight neighbouring properties. In response four individual letters of objection have been received regarding the original plans submitted in June 2007.

3.2 The letters identify the following issues:

1. The vehicular access inadequate for the increase in vehicular movements associated with a development of this scale;
2. Insufficient parking spaces have been provided, thereby worsening the parking problem on Greystone Road;

3. Air pollution caused by increase in vehicular movements;
4. Increased use of the vehicular access road will result in structural damage to the adjacent properties, No.126 and 128 Greystone Road;
5. Loss of light;
6. Loss of privacy; and
7. Inability of the existing sewerage system to cope with the increased load.

4. Planning History

- 4.1 There is no planning history relating to this site.

5. Details of Proposal/Officer Appraisal

Introduction

- 5.1 This application seeks outline planning permission for the demolition of the bungalow at 126a Greystone Road and the erection of eight flats within its curtilage. The bungalow, which is located immediately to the rear of the neighbouring terraced properties (118-126 Greystone Road), is conventional in design. It is situated towards the rear of the irregularly shaped plot, which measures 780 square metres. The surroundings to the site are wholly residential, with the exception of Melbourne Park Recreation Ground that abuts the western boundary of the site and the 'Irthing Coach Hire' depot, which is located beyond the southern boundary.
- 5.2 The site is accessed from the minor road located between 126 and 128 Greystone Road, which also provides vehicular access to the rear of 126 to 206 Greystone Road. The existing boundaries of the site are demarcated by rendered brick walls of varying heights, with the exception of a two metre high chain link fence that abuts the eastern boundary, which adjoins Melbourne Park. The application site is within a Primary Residential Area, as identified on the Urban Area Inset Map that accompanies the emerging Local Plan, and it is located within Flood Zone 2.

The Proposal

- 5.3 The indicative layout plans that accompanies the application illustrates that it is proposed to erect an apartment building with an 'L' shaped footprint, which would be part two storey and part two and a half storey in height. The main two and a half storey element comprising six residential units would occupy a similar position to the bungalow, parallel to the Melbourne Park frontage. The lower two storey section, which would house the remaining two units, is located towards the centre of the site and would form the north eastern extent

of the 'L' shaped footprint. The indicative layout suggests that there will be a mixture of one and two bedroom apartments.

- 5.4 The existing vehicular and pedestrian access would be retained. Eleven parking spaces and a cycle store are proposed. Space has been retained for an external drying area and a bin store. With the exception of two ground floor apartments no designated amenity space has been provided; however a pedestrian link to Melbourne Park would be formed. It is proposed to discharge foul and surface water to the combined sewer, which crosses the northern section of the site.
- 5.5 Members are reminded that this is an outline application with issues relating to layout, scale appearance, access and landscaping reserved for subsequent approval and, therefore, these aspects of the scheme could vary at a later stage.

Assessment

- 5.6 The relevant planning policies against which the application is required to be assessed are Policy E19, E20, E22, E31, H2, H16, H17 and T7 of the Carlisle District Local Plan CDLP and Policies CP4, CP5, CP11, H2, H3, H4, LE8, LE28, LE30 and T1 of the CDLP Revised Redeposit Draft.
- 5.7 The proposals raise the following planning issues:
 - 1. Whether The Principle Of The Proposed Development Is Acceptable.
- 5.8 In policy terms, Members will appreciate that the land is 'Brown Field' land within the urban area (close to the city centre) and is well located in a relation to choice of modes of transport. Accordingly, the principle of its' development for housing is not an issue, subject to compliance with the criteria identified in Policy H2 of the Revised Redeposit Draft and other relevant policies contained within the adopted and emerging Local Plan.
 - 2. Whether The Scale And Layout Of The Development Is Acceptable.
- 5.9 The density of the proposed development equates to approximately 100 dwellings per hectare, which accords with national policy guidance, as reflected in Policy H3 of the CDLP Revised Redeposit Draft. This figure may seem high; however, bearing in mind the proposal relates to the formation of flats, the scale of the development the proposal is not excessive and would not result in the overdevelopment of the site.
- 5.10 In terms of the physical height of the building the indicative layout implies that the nearest part of the apartment block to the residential properties on Greystone Road, which is within 17 metres of those properties, would be two storeys in height, thereby minimising its impact through overdominance or overshadowing. The larger, more imposing, two and a half storey section of the building would be positioned parallel with Greystone Road, 27.5 metres from the rear elevation of the dwellings on Greystone Road. Taking into account the position of the neighbouring terraced properties and their height

in relation to the building proposed, the overall height and mass of the apartment block would sit comfortably with the scale of the adjacent terraced dwellings.

- 5.11 Adequate space is available for the provision of a drying area and cycle/bin store. Whilst no specific amenity space has been provided to serve the overall apartment block, the site is immediately adjacent to Melbourne Park, which adequately caters for such a requirement.

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

- 5.12 Although the siting of the flats are only indicative, the minimum distances between the existing residential properties and the proposed flats, which Policy CP5 of the Revised Redeposit Draft requires, can be achieved. As such, taking into consideration the scale and position of the proposed development in relation to the existing properties it is unlikely that the living conditions of the occupiers of these properties will be compromised through loss of light, loss of privacy or overdominance.
- 5.13 The indicative layout out plan illustrates that the two of the ground floor flats will have windows, serving the kitchen, that will be in close proximity to the boundary walls of the site (2.5 metres at the nearest point). Whilst the indicative layout suggests that the principle aspect from the proposed kitchen areas will be towards the boundary walls, the kitchens need not be served by a single window. This aspect of the scheme can be addressed at the reserved matters stage, thereby lessening the potential impact of the boundary wall through overdominance. Furthermore, Members should note that on the basis of the indicative layout the occupiers of these ground floor units would benefit from having an external private garden area.

4. Access And Parking Provision.

- 5.14 The Highway Authority has stated that the provision of eleven parking spaces would insufficient to serve the development, without the provision of a mitigating factor, such as the inclusion of bicycle parking spaces, which have been incorporated into the scheme. The provision/retention of adequate parking/cycling provision can be ensured through the imposition of planning conditions.
- 5.15 The local residents concerns regarding the increased traffic congestion are noted; however, as the Highway Authority does not share these concerns a refusal of the application on this basis could not be substantiated.

5. Contamination And Disposal Of Surface Water.

- 5.16 The Environment Agency (EA) and the Council's Environmental Protection Services Department (EPS) records show that there is potential contamination on the site. As such, both EPS and the EA have recommended that a condition is imposed requiring further investigation of the potential for contamination to be present on the site, its extent/severity and the proposed

means of remediation should contaminants be identified.

- 5.17 With regard to the disposal of surface water the EA has suggested that a sustainable drainage system is incorporated into the design or, alternatively, that the run-off of surface water to the existing surface water infrastructure is maintained at the existing rates. In order to address this issue the EA has recommended that a condition is imposed.

6. Flood Risk.

- 5.18 The site lies within an area that is identified to be at risk from flooding; however, due to the slightly elevated position of the existing bungalow in relation to Greystone Road, the applicant's agent has confirmed that the property was not affected by the January 2005 floods.
- 5.19 The agent has provided a basic flood risk assessment that identifies that the finished floor level of the ground floor apartments will be no lower than the existing floor level of the bungalow in order to minimise the risk of flooding. Additional measures are proposed to be incorporated at the construction stage such as a solid concrete ground floor and the electric sockets being 'top fed' from above.
- 5.20 The EA has considered the flood risk assessment and has raised no objections to the redevelopment of the site for residential purposes. The means of safeguarding the future occupants of the proposed apartments can be addressed through the inclusion of a condition that requires details of the flood mitigation measures to be submitted. Further scrutiny of the detailed design for the apartment building at the reserved matters stage will also minimise the potential risk of the development being affected by floodwater.

7. The Ability Of The Existing Sewerage System To Cope With The Increased Load.

- 5.21 Understandably local residents have raised concern regarding the ability of the existing combined sewerage system (foul and surface water sewer) to cope with the increased capacity, as the inadequacy of the existing system contributed to their properties flooding in January 2005.
- 5.22 United Utilities has acknowledged that the existing system is inadequate and it is proposed to upgrade the existing wastewater network as part of the 'Carlisle Sewer Flooding Alleviation Scheme', which is scheduled to commence in April 2008 and be completed by autumn 2009. To address the requirements of United Utilities and the concerns of local residents a condition is recommended that prevents the development commencing until the upgrade is complete.

8. Whether Proposed Landscaping Is Acceptable.

- 5.23 Although the existing plans are indicative they demonstrate that space has been retained to landscape the development, which can be regulated through the imposition of a condition.

9. Archaeology.

- 5.24 The County Archaeologist has identified that the site lies in an area of archaeological potential. Raven Nook Woollen Mill, which is shown on the first edition OS map, was located on the site and an archaeological evaluation on an adjacent site to the south has revealed that remains of the mill survive below ground. Roman finds have also been established in the immediate vicinity. It is likely that important archaeological remains survive on the site and that they would be damaged or destroyed by the proposed development. As such, a condition is recommended that requires an archaeological evaluation to be undertaken and, if necessary, a scheme of archaeological recording.

10. Other Matters.

- 5.25 A local resident has expressed concern that general 'wear and tear' and loaded wagons using the short section of road leading from Greystone Road to the application site has caused structural damage to the foundations and gables of 126 and 128 Greystone Road. There is no evidence to verify that structural damage has occurred; however, if the increased use of the short section of road by construction traffic were to worsen the existing situation it is civil to be resolved between the developer and the owners of the properties in question. This matter should not affect the determination of the application.

Conclusion

- 5.26 In overall terms, the principle of the proposed development is acceptable, subject to a condition that prevents the development commencing until the upgrade to the wastewater sewer is complete. The scale and layout of the proposed apartment block are acceptable in relation to the site and the surrounding properties. The living conditions of neighbouring properties would not be compromised through unreasonable overlooking or unreasonable loss of daylight or sunlight. Adequate car parking/cycle storage and amenity space would be available to serve the development. In all aspects the proposals are compliant with the objectives of the relevant adopted and emerging Local Plan policies.

6. Human Rights Act 1998

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

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

Article 7 provides that there shall be "No Punishment Without Law" and

may be applicable in respect of enforcement proceedings taken by the Authority to regularise any breach of planning control;

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

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

6.3 Article 8 and Article 1 Protocol 1 are relevant but the impact of the development in these respects will be minimal and the separate rights of the individuals under this legislation will not be prejudiced.

7. Recommendation - Grant Permission

1. 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.

2. In case of any "Reserved Matter" application for approval shall be made not later than the expiration of 1 year 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 3 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. (as amended by The Planning and Compulsory Purchase Act 2004).

3. Notwithstanding the wording of condition 2 no development shall commence until the upgrade to the Carlisle Sewer Flood Alleviation Scheme to be undertaken by United Utilities is complete.

Reason: To prevent the increased risk of flooding by ensuing an acceptable means of surface water disposal in accordance with Policy CP11 of the emerging Carlisle District Local Plan Revised Redeposit Draft 2001-2016.

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

Reason: To ensure the works harmonise as closely as possible with the existing building and to ensure compliance with Policy CP4 of the emerging Carlisle District Local Plan Redeposit Draft 2001-2016.

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

Reason: To ensure that materials to be used are acceptable and to ensure compliance with Policy CP4 of the emerging Carlisle District Local Plan Redeposit Draft 2001-2016.

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

Reason: In order that the approved development overcomes any problems associated with the topography of the area and safeguards the living conditions of neighbouring residents in accordance with Policy H16 of the Carlisle District Local Plan.

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

Reason: To ensure that an acceptable landscaping scheme is prepared and to ensure compliance with Policy E19 of the Carlisle District Local Plan.

8. No development approved by this permission shall commence until a scheme for the provision of surface water drainage works has been submitted to and approved, in writing, by the Local Planning Authority. Such a scheme shall be implemented before the construction of impermeable surfaces draining to this system unless otherwise agreed, in writing, by the Local Planning Authority.

Reason: To prevent the increased risk of flooding by ensuring an acceptable means of surface water disposal in accordance with Policy CP11 of the emerging Carlisle District Local Plan

Revised Redeposit Draft 2001-2016.

9. No part of the development hereby permitted shall commence until:
- a) a desktop study has been undertaken and submitted to the Local Planning Authority;
 - b) in the event that a desktop study reveals the potential for contamination to be present on the site, a detailed site investigation shall be carried out to determine proposals as may be necessary for the remediation of the site;
 - c) there shall have been submitted to the Local Planning Authority the results of the detailed site investigation;
 - d) such remediation measures as are identified in the detailed site investigation shall be submitted to the Local Planning Authority for approval in writing; and,
 - e) such remediation proposals as are agreed by the Local Planning Authority shall have been completed to the reasonable satisfaction of the Local Planning Authority.

Reason: To ensure a safe form of development that poses no unacceptable risk of pollution to water resources or to human health and to comply with Policy LE30 of the emerging Carlisle District Local Plan Redeposit Draft 2001-2016.

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 Planning Authority.

This written scheme will include the following components:

- i) An archaeological evaluation to be undertaken in accordance with the agreed written scheme of investigation;
- ii) An archaeological recording programme the scope of which will be dependant upon the results of the evaluation and will be in accordance with the agreed written scheme of investigation; and
- iii) where appropriate, a post-excavation assessment and analysis, preparation of a site archive ready for deposition at a store approved by the Planning Authority, completion of an archive report, and publication of the results in a suitable journal.

Reason: To afford reasonable opportunity for an examination to be made to determine the existence of any remains of archaeological interest within the site and for the preservation, examination or recording of such remains in accordance with Policy E31 of the Carlisle District Local Plan.

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

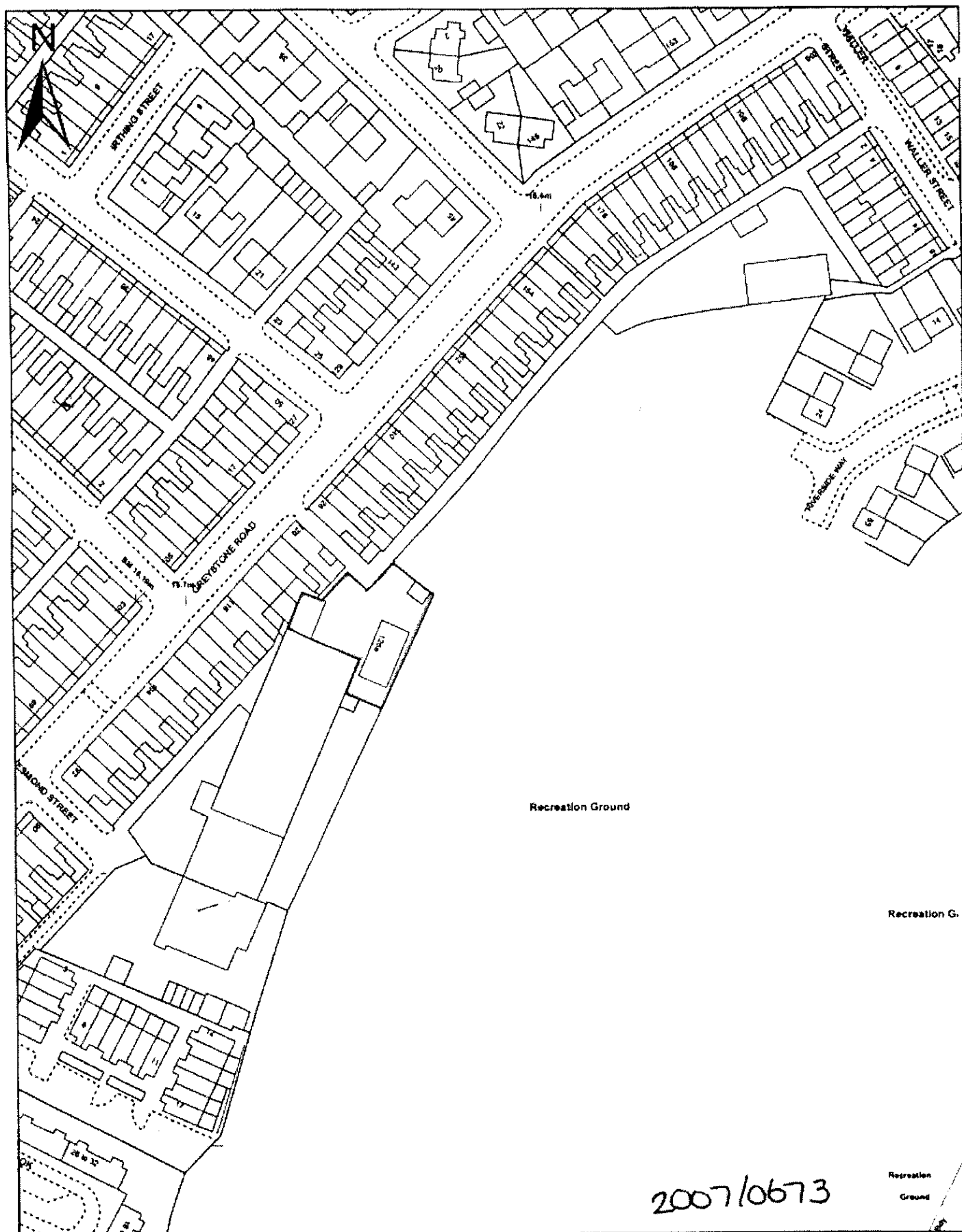
Reason: The carrying out of this development without the provision of these facilities during the construction work is likely to lead to inconvenience and danger to road users and to support Local Transport Policies: S3 and LD9.

12. The access/parking/servicing areas shall be constructed and drained to the specification of the Local Planning Authority in consultation with the Highway Authority; and the back lane access between 126 and 128 Greystone Road shall be reconstructed, drained and lit so as to conform as near as is practicable to the Shared Access Way design detail in the Cumbria Design Guide.

Reason: In the interests of road safety and public amenity in accordance with Local Transport Plan Policies S3, LD7, LD11 and LD5.

13. No dwelling shall be occupied until the access and parking arrangements shown on indicative deposited Drawing No:11/6/2007/1A have been constructed and brought into use (including external amenity lighting). Any such access and or parking provision shall be retained and be capable of use when the development is completed and shall not be removed or altered without the prior written consent of the Local Planning Authority.

Reason: To ensure a minimum standard of access provision when the development is brought into use and to support Local Transport Plan Policies S3, LD7, LD13, and P10 and Structure Plan Policy T32.



126 Greystone Road

Scale: 1:1,250 Date: 13/06/2007

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**Civic Centre
Rickergate
Carlisle
CA3 8QG**



SCHEDULE A: Applications with Recommendation

07/1064

Item No: 06

Date of Committee: 25/01/2008

Appn Ref No:
07/1064

Applicant:
Mrs D & Mr I Parsons

Parish:
Multiple Parishes

Date of Receipt:
18/09/2007

Agent:
Architects Plus (UK) Ltd

Ward:
Multiple Wards

Location:
Holme Eden Farm, Warwick Bridge, Carlisle,
Cumbria

Grid Reference:
347351 556948

Proposal: Conversion Of Existing Redundant Buildings To Form 8 Residential
Units

Amendment:

REPORT

Case Officer: Alan Taylor

Reason for Determination by Committee:

This application is brought before the Committee for 2 reasons:

1. It is an application submitted by an Elected Member and is required to be placed before the Committee under the provisions of the Members' Code of Conduct; and
2. The original submission attracted 4 letters of raising matters of concern/objection.

1. Constraints and Planning Policies

Tree Preservation Order

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

Gas Pipeline Safeguarding Area

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

Flood Risk Zone

SCHEDULE A: Applications with Recommendation

07/1064

Joint St. Plan Pol ST1: A Sustainable Vision for Cumbria

Joint St. Plan Pol ST3: Principles applying to all new devel.

Joint Str. Plan Pol ST7: Dev. to sustain rural communities

Joint Str. Plan Pol ST9: North Cumbria

Joint St. Plan Pol H17: Scale of housing provision

Joint St. Plan Pol H18: Targets recycling of land and bldgs

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

Joint St. Plan Pol E34: Areas&feat. nat. & int.conservation

Joint St. Plan Pol C42: Flood risk and development

District E12 - Wildlife Sites

District E20 - Development in Floodplain

District E30 - Arch. Evaluation Prior

District H5 - Village Development

District H12 - Conversions in Rural Area

District H16 - Design Considerations

Rev Redeposit Pl. Pol DP1 - Sustainable Develop. Locations

Rev Redeposit Pl. Pol CP2 - Trees And Hedges On Dev. Sites

Rev Redeposit Pl. Pol CP4 - Design

Rev Redeposit Pl. Pol CP5 - Residential Amenity

Rev Redeposit Pl. Pol H1-Location of New Housing Development

Rev Redeposit Pl. Pol H5- Affordable Housing

Rev Redeposit Pl. Pol H8 - Conversion Of Existing Premises

Rev Redeposit Pl. Pol LE2-Sites of International Importance

Rev Redeposit Pl. Pol LE3 -Sites Of Spec.Scientific Interest

Rev Redeposit Pl. Pol LE10 - Archaeological Field Evaluation

Rev Redeposit Pl. Pol LE28 - Developed Land In Floodplains

Rev Redeposit Pl. Pol T1 - Parking Guidelines

2. Summary of Consultation Responses

Cumbria County Council - (Highway Authority): in relation to the proposals, when submitted originally, the Highway Authority advised that although the applicant only proposed 11 parking spaces, and 15 would be preferred, it was considered that any shortfall could be met by the use of the courtyard during the evening. There was, therefore, no objection to the proposals subject to the incorporation of 3 conditions in any consent that may be granted. Since these comments were received the application has been revised to provide for additional off-road car parking and the Highway Authority has been re-consulted and advises as follows- *"the revised drawing No.07042-05C shows a revised parking and access layout that retains the existing boundary wall and Pumping Station access arrangements and extends the car park to provide 12 marked spaces and the ability for other vehicles to park unofficially in the circulation areas. This is a major improvement on the previous layout"* ;

Department for Transport (Highways Agency): no objections subject to sight, in the event of planning consent being granted, of plans and specifications should it be intended to undertake any changes to the access width, radius kerbs, surfacing and finishes and/or the demarcation between the carriageway and footway;

Environment Agency (N Area (+ Waste Disp)): the site lies within Flood Zone 3 and is considered to be at high risk from fluvial flooding with a 1% annual probability of occurrence. The Agency advised, prior to submission, that the applicant needed to engage in discussions with the Council to consider the acceptability of this type of development in this location under the provisions of PPS25. Whilst not privy to those discussions, the Agency assumes that the outcome of those discussions was favourable. The Agency has also considered the Flood Risk Assessment (FRA) submitted in support of the application and comments that it seeks to address the main areas of concern in relation to the conversion of the main Mill Building into residential development. However, the car parking as proposed caused the Agency some concern and the Agency accordingly lodged an *Objection* pending further assessment of flood risk in relation to the effects of the car parking area, which was not adequately detailed in the application particulars.

The Agency also draws attention to the importance of Cairn Beck as part of the River Eden & Tributaries SSSI and the River Eden SA and has indicated it would wish appropriate conditions to be imposed should planning consent be given;

Community Services - Drainage Engineer: no comments received;

United Utilities (former Norweb & NWWA): no comments received;

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English Nature: no comments received;

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

Wetheral Parish Council: the Council has concerns as to whether the 7 criteria listed in Policy H1 of the Revised Redeposit Local Plan (Sept 2006) are met, in particular criterion 5 (appropriate access and parking), as the proposed parking does not seem able to accommodate visitor parking leading to the risk of parking on the adjoining heavily trafficked public highway. Concern is also expressed as to the access point to the car park from the busy Little Corby Road, especially at peak times, when this road is used as a "rat run". Clarification is also sought as to how many units would be "affordable" units for sale;

Hayton Parish Council: the Council has the following 4 observations to make on this application-

- inadequate car parking provision for the number of residents, particularly for visitors who may overflow and have to park on the Little Corby Road
- the accuracy of the statement "*All of this area lies within the 1 in 100 year flood plain and has a known history of flooding*" is questioned. A parish councillor states that the area has flooded twice in the last 40 years
- the vehicular access is considered narrow for passing vehicles and may result in a vehicle having to reverse backwards onto Little Corby Road and this is a cause for concern
- emergency services would find access difficult to some of the units;

National Grid UK Transmission: no comments received;

Cumbria County Council - (Archaeological Services): the County Historic Environment Record indicates that the former mill and farm buildings proposed for conversion are shown on the first edition OS map and therefore date from at least the mid 19th century (Historic Environment Record no. 41965). Their form suggests that they were part of a planned home farm serving Holme Eden. It is therefore considered that the buildings are of historic importance and that their character and appearance would be altered by the proposed conversion.

Consequently, it is recommended that an archaeological building recording programme be undertaken in advance of development. This recording should be in accordance with a Level 3 survey as described by English Heritage *Understanding Historic Buildings A Guide to Good Recording Practice*, 2006. This can be secured by attaching a negative condition to any planning consent the City Council you may otherwise be minded to grant and it is suggested that the form of words should be based on the model given in PPG16 (para. 30);

Local Plans (Tree Preservation), Development Services: requests clarification of the likely effect upon trees within the site, notably a Hornbeam which is protected by a TPO. It is also requested that a site survey is provided showing the accurate location and crown spread of all trees with a diameter of over 75mm measured 1.5 m up the main stem, all shrubs with a spread greater than 10 sq m in area, which trees are to be retained and which are to be removed, the location of protection barriers for those retained trees and the proposed landscaped areas, a tree survey

and recommendations for works required to those, details of any changes in levels and provision of a detailed landscaping scheme.

3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:
[REDACTED] 1 Holme Eden Cottages	03/10/07	
[REDACTED] 2 Holme Eden Cottages	03/10/07	Objection
[REDACTED] 3 Holme Eden Cottages	03/10/07	Comment Only
[REDACTED] 1 Little Corby Road		Comment Only
[REDACTED] 1 The Steading		Objection

- 3.1 The application has been publicised through the display of a Site Notice and by direct written notification to the occupiers of adjacent properties.
- 3.2 Arising from these actions 4 letters were received in which the writers expressed concern in relation to the following matters:
1. the height and depth of the proposed decking and its impacts upon the privacy of existing homes
 2. the protection of access rights across the land between these buildings and adjacent existing homes
 3. part of the decking immediately overlooks the garden of the attached cottage
 4. the adequacy of parking, particularly to cope with visitors
 5. the need for more dwellings when local homes remain unsold on the local property market
 6. the development is within the flood plain and the design solution to raise the internal floor levels and give elevated access means raised walkways with future maintenance obligations
 7. the Environment Agency should be consulted to give an unbiased opinion about flood risk
 8. the car parking seems to be quite a long way from the homes intended to be served
 9. could the beech hedging to one side of the car park be continued and who will look after the car park

SCHEDULE A: Applications with Recommendation

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10. the flood risk of 1 in 100 does not apply to the car park where flooding has occurred 4 times in the last 25 years. This area is to be tarmac and this will contribute to flooding problems because water is prevented from permeating the ground
 11. the field beyond the car park is a lovely wildlife haven and it is hoped this application will not be the thin end of the wedge for future development of it.
 12. Some parts of the walkway extend over land not in the applicants' ownership
- 3.3 A number of these points have been subject of further discussions with the project architect and with the relevant occupiers of adjacent properties and it is considered that revisions to the proposals will be able to address the matters raised.

4. Planning History

- 4.1 In August 1989 two applications were submitted in relation to the application site.
- 4.2 One application, seeking planning permission to erect 6 no aged persons' bungalows on land adjacent to the existing buildings, was withdrawn prior to determination while the second application, for the conversion of the buildings subject of the current application to form 9 no. aged persons units, 1 no. bungalow and a warden's flat, was approved in October 2007.
- 4.3 A subsequent application, to erect 13 no. aged persons' flats on adjacent land, was refused in October 1990 on the grounds that development of that land would result in the flooding of dwellings located on the site or the flooding of land abutting the Cairn Beck upstream of the site in the event of flood prevention work being implemented in respect of the application site. Additionally, it was considered that development of the site and its related flood prevention works would result in the loss of a valuable area of open space.

5. Details of Proposal/Officer Appraisal

Introduction

- 5.1 The above proposals have been submitted in "Full" application form and relate to a redundant range of stone and part slate-roofed buildings, together with adjoining land, extending overall to 0.25 hectares in area, and are situated within the centre of Warwick Bridge. The application seeks approval for the conversion of the buildings, with associated alterations, to form 8 no.

dwellings coupled with the related provision of car parking facilities to be located on the adjacent land to the east of Cairn Beck, the watercourse which effectively bisects the overall site.

- 5.2 Members should be aware that one of the joint applicants is Cllr Parsons and, at the request of the Vice Chairman of the Committee who will take the Chair for the discussion and determination of the application, it has been included in the schedule of Committee Site Visits taking place on 23rd January.

Background

- 5.3 The buildings which occupy the site are essentially two-storey in height and were former agricultural and mill buildings associated with Holme Eden Farm but have, more recently, been used for domestic storage. The "mill" section occupies the fulcrum where the north-south running part of the range meets the deeper range running across the site (broadly east-west). The submitted proposals seek approval to convert the buildings, with external alterations, to provide 2 no 3 bed units (floor areas of 94 m² and 80 m² respectively); 4 no 2 bed units with floor areas of 70 m² and 84 m²; and 2 no. 1 bed units (floor areas 44 m² and 54 m²). All provide 2 storeyed accommodation but the upper floor areas are in most respects within the roof space with really only Units 1 and 2 (adjacent to 1 "The Steading") being conventional 2-storey accommodation.
- 5.4 The application is supported by a Flood Risk Assessment (FRA), a Bat and Owl Survey and a Design and Access Statement. Prior to submission the scheme architect consulted with Planning Services as the site lies within Flood Zone 3 and it is necessary, under the provisions of Planning Policy Statement 25 (PPS25), for sites within such areas (even if allocated for development) to be subjected to the "exception test" before they can be considered for development. Local Plans staff duly confirmed that, as an infill site within a Local Service Centre clearly within the defined Settlement Boundary (first shown within the Redeposit Draft Local Plan and not challenged by the EA) and, coupled with the absence of potential alternative sites, the development of it is in broad policy terms acceptable under the PPS25 test.
- 5.5 That said, Members need to be satisfied that the details of the proposed development are acceptable, that the scale and form of the proposed units are appropriate, that the wider Policy considerations it gives rise to are met, and that the living conditions of neighbouring homes are safeguarded.

Assessment

- 5.6 The buildings proposed to be converted are broadly an inverted L-shape, on plan, and read as part of a larger group of traditional buildings some of which have already been converted to residential use. The buildings subject of the current proposals extend northwards from that existing range of converted barns [now having postal addresses "The Steadings" and "Holme Eden Cottages"] such that the southern leg of the upturned "L" abuts, and hence

shares a Party Wall with, the northern end wall of No. 1 "The Steading". The range subject to the application otherwise continues northwards beyond the existing converted buildings but is connected to them via an arched opening, but then returns westwards to run broadly parallel with the north facade of the existing converted buildings.

- 5.7 As indicated earlier, the site is split by the course of Cairn Beck, which abuts the eastern wall of the range, flowing northwards and returning along the northern site boundary. The "divorced" land to the east of the beck will be used to provide car parking for the development and the proposals incorporate a ramped, decked access from that area, bridging Cairn Beck, and giving elevated access to the new ground floor level of the proposed development [see "west" elevation]. The proposed car parking area will obtain access from an existing entrance from Little Corby Road but will be re-formed, surfaced in permeable materials and will extend through to provide car parking spaces for the new units while also allowing for access to the adjoining pumping station by United Utilities (when required for maintenance/up-grading).
- 5.8 The proposed new floor levels within the buildings arises from the fact that the site is situated within a Flood Risk Area and, consequently, the scheme has had to be designed to minimise the potential risk to life and property. That is proposed to be secured by raising the internal floor levels not just above the recorded highest flood levels but also allowing for the effects of climate change. This results in the proposed new ground floor level being elevated approximately 1.4m above existing ground levels for the northernmost units with the equivalent ground floor level of the unit adjoining 1 "The Steading" being raised by approximately 700mm.
- 5.9 The new "entrance" levels at the elevated ground floor presents potential problems in design terms, not least to avoid adversely affecting the privacy of the occupiers of the existing dwellings. The new floor levels that would be formed would be higher than the floor levels of the existing building and, coupled with the close proximity of the existing east-west orientated converted buildings (10-11 metres from the wall of the southern facade to the northern part of the range), both the provision of access to the proposed conversions specifically and the provision of windows/doors within that facade generally, gives rise to potential difficulties.
- 5.10 The initial submission proposed the formation of an open decked access at the new higher floor level, running along the full length of the southern facade and, in places, was proposed to be in excess of 3 metres wide. The extent of the proposed decked access, along the full length of the facade, would have also obstructed a right of access from one of the existing cottages to its detached garden area to the west. In addition, the internal layout of the proposed conversions included new window openings to serve 3 bedrooms in the south facade of the northern range which, although proposed to be obscurely glazed, looked towards the rear wall of 3 existing dwellings which contain, in some instances, significant window openings to public rooms. Having regard to the separation distances involved (10-11 metres) the likely

adverse effects on privacy (the windows need to be capable of opening) are immediately apparent.

- 5.11 That decked passageway is also proposed to be returned along the west facing facade of the other arm of the "L" but in a less wide form, while a similar decked area with steps down to the existing "garden" levels was also proposed to the rear of that north-south orientated range, facing towards Cairn Beck. Whilst that would not, in most respects, affect other properties, one particular section closely abuts the flank boundary with 1 "The Steading" and, at the elevated height and position, would loom over and afford direct views down into the private garden area of that property.
- 5.12 Understandably, these features gave rise to a number of concerns from existing residents because of the combination of the impairment of the right of access and, more importantly and affecting more properties, the significant loss of privacy that would be caused. Accordingly, the details of the design of the conversion have been re-assessed and certain modifications to overcome these objections have been sought following discussions with affected residents. The "key" changes that are being proposed comprise:
1. the reduction in the length of the decked access along the south facade to ensure the retention of the right of access
 2. the reduction in its width so it could not be used as an external sitting out area and, hence, affect the privacy of the properties it faces
 3. the extension of the roofline of the building down over the new decked access and enclosure of it so there is no door or window opening facing towards the homes to the south
 4. the raising of the existing sandstone flank boundary wall between the proposed new unit 1 and the existing property at 1 "The Steading" so that it protects the privacy of both that property and the proposed new dwelling.
- 5.13 A further issued raised by some objectors, and by both Wetheral Parish Council and Hayton Parish Council, is associated with the level of car parking and the location and the access to it. That matter has, again, been addressed in discussions with the project architect and with representatives of United Utilities who own the land over which access is to be provided (but over which the applicant has an existing "right of access"). It is now proposed to retain the existing sandstone walling to either side of the access, fronting onto Little Corby Road, but to re-surface and extend the access into the land beyond (which is in the applicants' ownership) where most of the proposed car parking will be provided, and the overall proposed provision will be increased in number from the 11 spaces first proposed to 14 spaces (2 in the courtyard and 12 in the adjacent parking area). While a nearby resident refers to that access/car park being surfaced in tarmac, and therefore not being permeable, it is in fact intended to surface the access and parking area in block paving which is a highly permeable surface finish that is fully acceptable

SCHEDULE A: Applications with Recommendation

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in minimising flood risk.

- 5.14 Revised drawings illustrating the amendments to the original scheme have been subject to re-consultation with adjacent residents and have been copied to the Parish Clerks but, at the time this Report was prepared, no responses had been received. Any that are received in due course will be brought to Members' attention at the Committee meeting.
- 5.15 In planning policy terms, guidance is provided with the adopted Structure Plan (SP), the saved policies within the adopted Carlisle District Local Plan (CDLP) and the emerging policies within the Carlisle District Local Plan 2001-2016 Revised Redeposit Draft (CRDP). As the Structure Plan is the most recently adopted, its' provisions carry greatest weight and prevail in the event of a policy conflict.
- 5.16 The Structure Plan and emerging provisions within the Redeposit Draft Local Plan seek to locate new housing development to "sustainable" locations, the City of Carlisle being the predominant centre for most development, followed by the Key Service Centres of Brampton and Longtown, and then villages that are identified as Local Service Centres. In the case of the current application, Warwick Bridge is identified as one of the latter category of settlements under the provisions of Policy H1 of the emerging Local Plan and is, moreover, also regarded as an appropriate location for housing development under the provisions of the somewhat long-in-the- tooth Policy H5 of the adopted Local Plan.
- 5.17 Related policy provisions in the Structure Plan and both the adopted and emerging District Local Plan accepts the principle of re-use of redundant buildings under the relevant Policies H18 (SP), H12 (CDLP) and H8 (CRDP). That is consistent with the principle of development being within sustainable locations and making use of recycled brownfield land and buildings.
- 5.18 In more specific terms, the thrust of Policy ST9 (SP) and DP1 (CRDP) is to ensure that new housing, of appropriate scale, is focussed upon those settlements in North Cumbria most capable of accommodating development. Settlement boundaries for those villages have been prepared and, in the case of Warwick Bridge, the proposed site lies within that village envelope (identified within the Carlisle District Local Plan Redeposit Draft published in August 2005). The related provisions of Policy H1 (CRDP) provide a series of criteria that individual sites must satisfy and it is considered that the application site (subject to the design changes sought resolving the issues raised by criterion 4) meets the policy tests.
- 5.19 More detailed design guidance is provided in Policy CP4 (CRDP) and, again, with the proviso that the changes sought are secured and hence resolves criterion 5 of the Policy, the proposals are policy compliant.
- 5.20 Wetheral Parish Council has raised the issue of affordable housing in its consultation response. The planning policy provision is, however, that adopted Structure Plan Policy H19 places a requirement upon a developer to

provide an element of affordable housing as part of the development of rural sites greater than 0.4 hectares or which generate 10 or more dwellings. The emerging Local Plan Policy H5 (CRDP), however, aspires to secure contribution on a sliding scale and would expect 10% of new housing of small rural sites [between 0.1-0.3 hectares or between 3-10 dwellings] to be affordable. However, that Policy is subject to objection and awaits the findings of the Local Plan Inspector's Report: as stated in para 5.15 where there is a policy conflict the most up to date adopted policy must prevail. That is the Structure Plan. Accordingly, there is no obligation upon the applicants to specifically provide for affordable housing as part of the current proposals. That said, the small floorspace of the proposed units is likely to mean that, in relative terms, these properties will be sold at the lower value end of the open housing market.

Conclusion

- 5.21 The application is recommended for approval on the basis that the modified design proposals are received and overcome the concerns identified, principally regarding the protection of privacy. However, these drawings will require to be subject of further consultation with immediate residents and with the two Parish Councils and, in the event that not all response periods have lapsed when Committee discusses the application it may be necessary for "Authority to Issue" planning permission to be given on the premise that no objections arise from these revisions during the consultation period.

6. Human Rights Act 1998

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

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

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

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

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

- 6.3 Subject to the amendments to the original scheme design, to ensure the protection of the privacy of adjacent dwellings is secured, the proposals are not considered to be prejudicial to the rights bestowed by the Act.

SCHEDULE A: Applications with Recommendation

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7. Recommendation - Grant Permission

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

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

2. 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 buildings 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 and in accord with Policy CP4 of the Carlisle District Local Plan 2001-2016 Revised Redeposit Draft.

3. The vehicular crossing from Little Corby Road over the footpath/verge, including the lowering of the kerbs, shall be carried out to the specification of the Local Planning Authority in consultation with the Highway Authority.

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

4. The gradient of the access drive (to the parking area) shall be no steeper than 1m in 20m for a distance not less than 5m as measured from the carriageway edge of the adjacent public highway.

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

5. None of the dwellings hereby permitted shall be occupied until such times as the access to the adjacent parking area has been formed and provided with 6m radius kerbs, incorporates a minimum access width of 4.8 metres, and that part of the access road extending 5 metres back from the carriageway edge of the existing highway has been constructed in accordance with details to be submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, all parking spaces are fully constructed and are available for use and the pedestrian access to the proposed dwellings from the parking area is provided.

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

6. Trees and shrubs shall be planted in accordance with a scheme to be agreed with the local planning authority before building work commences

and the trees and shrubs shall be retained and maintained to the satisfaction of the local planning authority. The scheme shall include the use of native species and shall also include a detailed survey of any existing trees and shrubs on the site and shall indicate those trees and shrubs to be retained and the measures intended to protect them during the course of building work and for the future management/maintenance of them.

Reason: To ensure that a satisfactory landscaping scheme is prepared and existing trees and shrubs are protected in accordance with the objectives of Policies CP2 and CP4 of the Carlisle District Local Plan 2001-2016 Revised Redeposit Draft.

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

Reason: To ensure that a satisfactory landscaping scheme is implemented and that it fulfils the objectives of Policies CP2 and CP4 of the Carlisle District Local Plan 2001-2016 Revised Redeposit Draft.

8. Prior to the occupation of Unit 1, the existing sandstone flank boundary wall with 1 "The Steading" shall be increased in height in accordance with the details shown on the approved plan.

Reason: to safeguard the privacy of the occupiers of both the proposed dwelling and No 1 "The Steading".

9. Prior to the carrying out of any construction works the existing buildings occupying the site shall be recorded in accordance with a Level 3 survey as described by English Heritage's document "Understanding Historic Buildings A Guide to Good Recording Practice, 2006" and, following its completion, 3 copies of that survey shall be furnished to the Local Planning Authority.

Reason: to ensure that a permanent record is made of the building of architectural and historic interest prior to its alteration as part of the proposed development

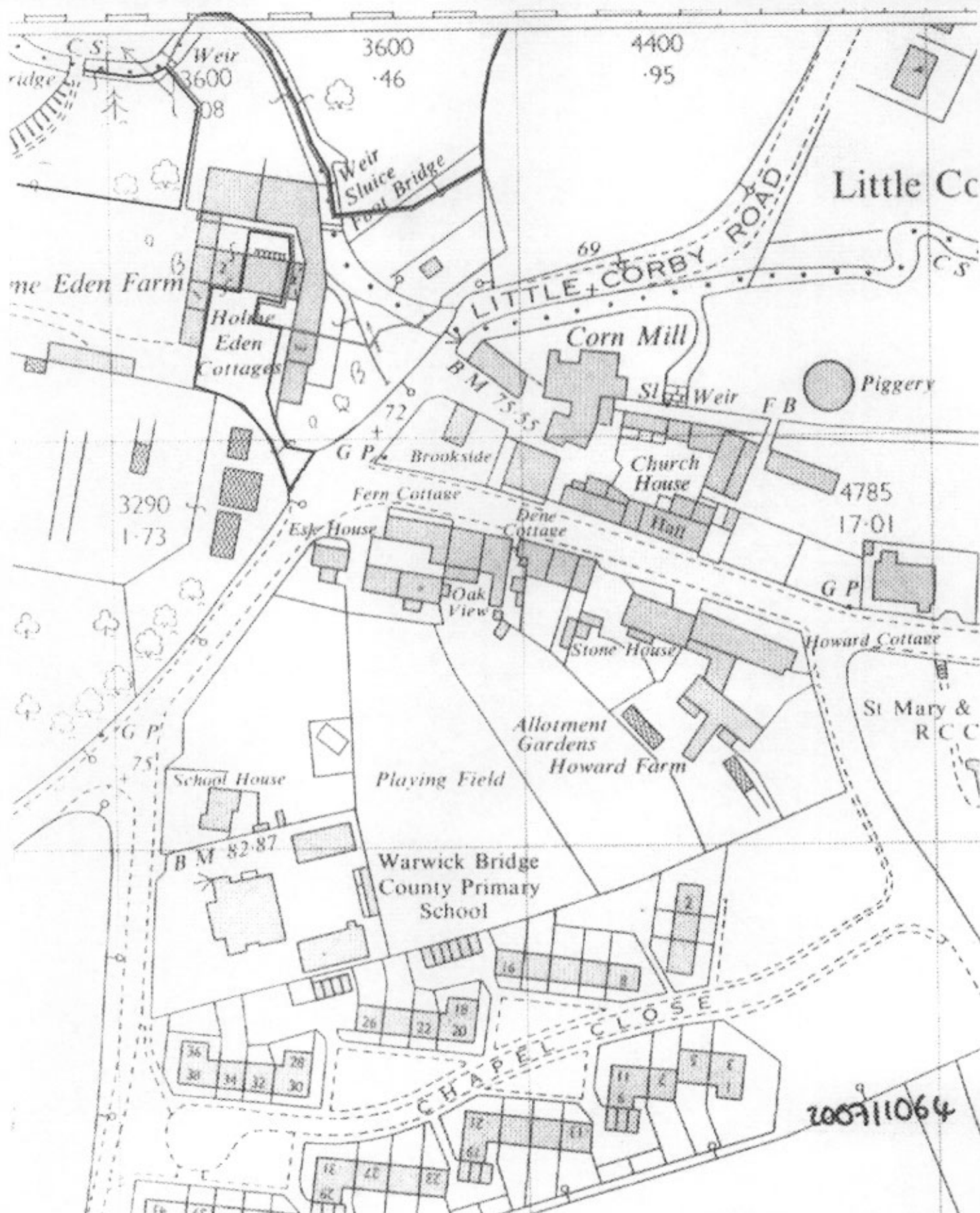
10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) there shall be no enlargement or external alterations to the dwelling units to be erected in accordance with this permission, within the meaning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

SCHEDULE A: Applications with Recommendation

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of the local planning authority.

Reason: To ensure that the character and attractive appearance of the buildings is not harmed by inappropriate alterations and/or extensions and that any additions which may subsequently be proposed satisfy the objectives of Policy H8 of the Carlisle District Local Plan 2001-2016 Revised Redeposit Draft.



Holme Eden
Mrs D and Mr I Parsons
Drawing
Location Plan

Scale: 1:2500 A4 Date: 09-07 Drawn: J Comp No: PO Number: 07042-04

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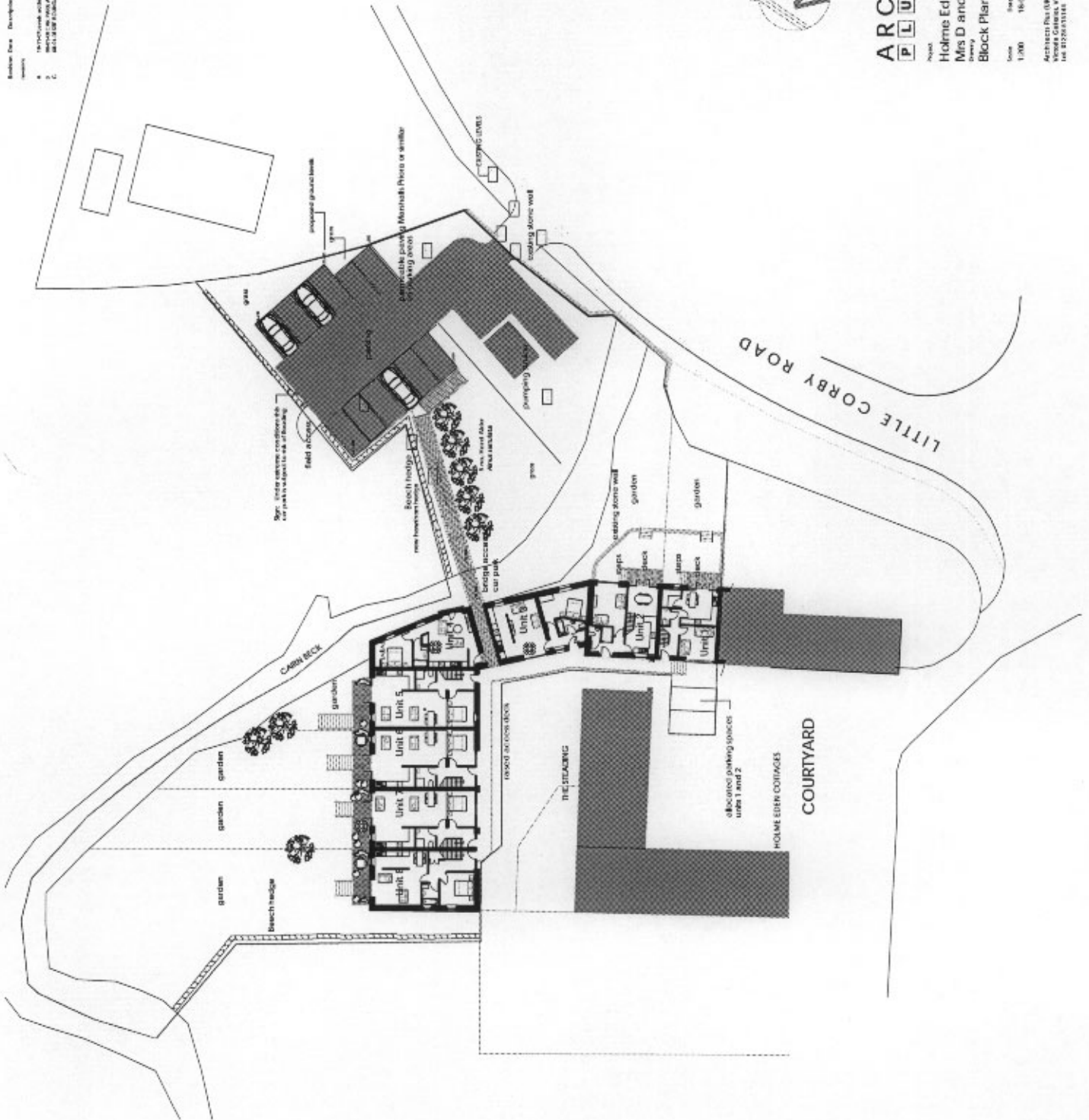
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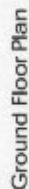
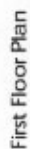
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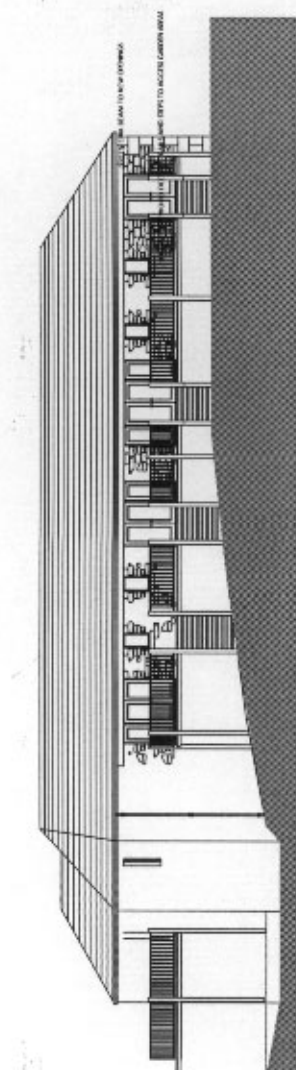
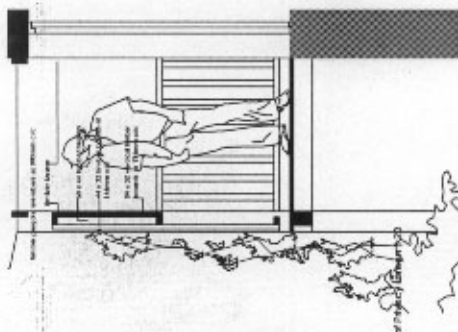
Project:
Holme Eden Warwick Bridge
Mrs D and Mr I Parsons
Drawing:
Block Plan

Issue	Date	By whom	Comp. No.	Number
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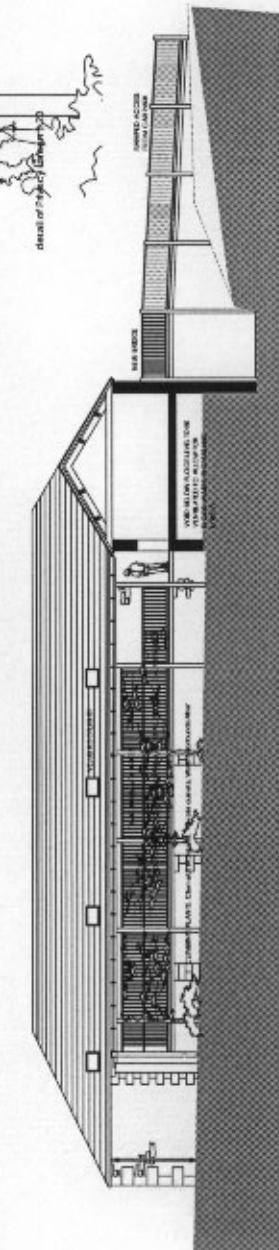
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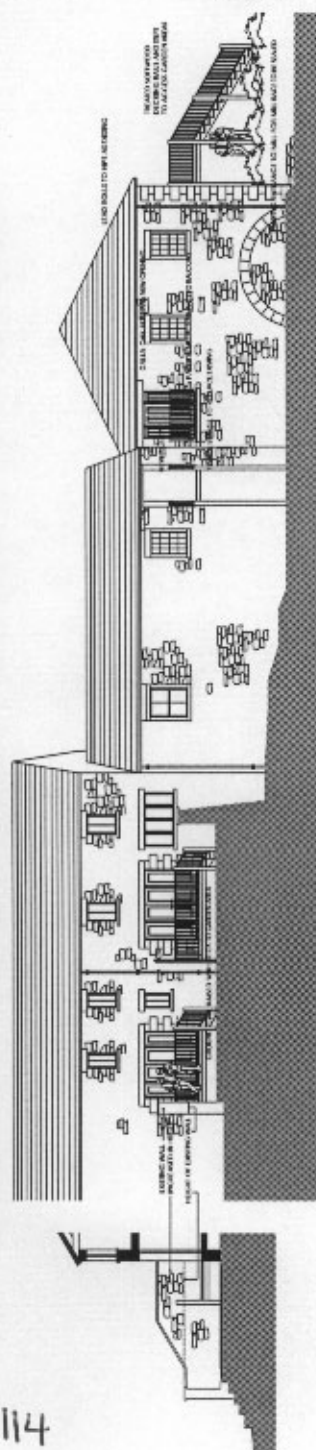




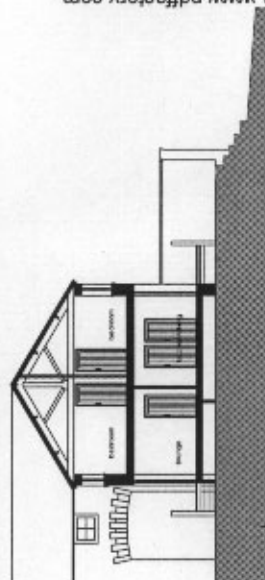
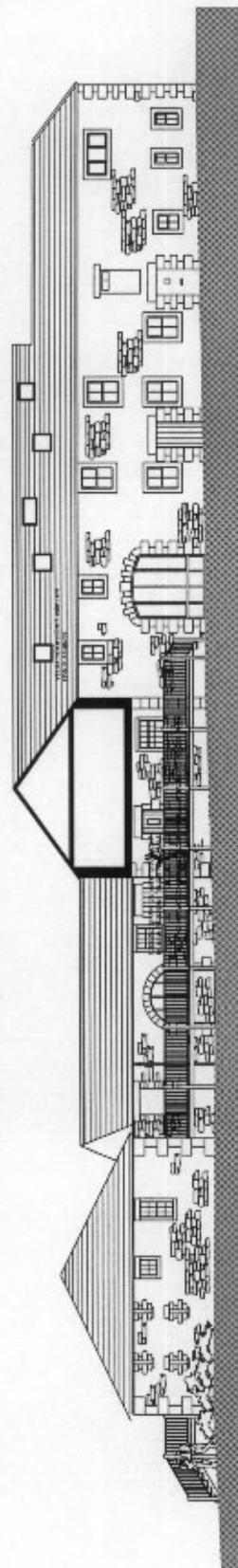
NORTHEAST ELEVATION



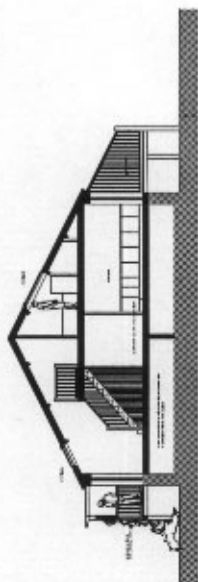
WEST ELEVATION



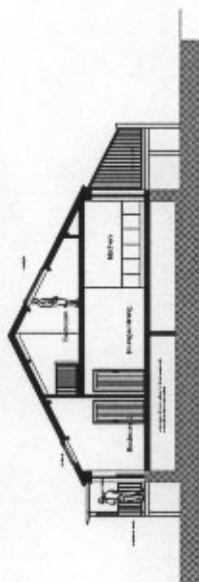
SECTION UNIT 1



Section thousands Unit 1



See: [Urban Planning](#)



Section through Unit 7

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P L U S

Project:
Holme Eden Warwick Bridge
Mrs D & Mr I Parsons

Sections and Elevations

Grade	Date	Issues	Comments	Accession
1-53	18-03-07	1	P01	07042-028

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SCHEDULE A: Applications with Recommendation

07/0714

Item No: 07

Date of Committee: 25/01/2008

Appn Ref No:
07/0714

Applicant:
Taggart Homes Carlisle
Ltd

Parish:
Carlisle

Date of Receipt:
18/06/2007

Agent:
Carrington Design (North)
Ltd

Ward:
Upperby

Location:
Land off St Ninians Road, Cammock Crescent,
Carlisle

Grid Reference:
341500 553314

Proposal: Erection Of 132 Dwellings And Associated Infrastructure; Provision of Vehicular Accesses From St Ninian's Road, Brisco Meadows and Cammock Crescent (Resubmission Of Application 07/0009)

Amendment:

1. Submission of revised layout plan, re-siting the accesses to plots 1 and 2 and introducing a lych-gate feature at the entrance to block A; modified design details to the proposed apartments, including additional brick detailing and chimneys to Apartment Blocks A, B and C; revisions to the proposed mix for rent to include 2 no 4 bed units and submission of revised Affordable Housing Statement.
2. Further details of the formula for determining the numbers, property types and tenure of the proposed affordable housing units.
3. Confirmation of the developer's willingness to make a financial contribution of £110,000 towards the Petteril Cycleway, as requested by Cumbria County Council together with further information from the applicants' Consulting Engineer regarding the proposed methodology for dealing with contamination present on the site.

REPORT

Case Officer: Alan Taylor

Reason for Determination by Committee:

This application is before the Committee as a result of the receipt of more than 4 objection letters.

1. Constraints and Planning Policies

Waste Disposal Site

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

Joint St. Plan Pol ST1: A Sustainable Vision for Cumbria

Joint St.Plan Pol ST3: Principles applying to all new devel.

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

Joint Str. Plan Pol ST8: The City of Carlisle

Joint St. Plan Pol H17: Scale of housing provision

Joint St. Plan Pol H18: Targets recycling of land and bldgs

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

Joint St. Plan Pol T30: Transport Assessments

Joint St. Plan Pol T31: Travel Plans

District E9 - Landscaping of New Dev.

District E55 - Derelict Land

District H1 - Allocation of Housing Land

District H9 - Aff. Housing Excep. Sites

District H16 - Design Considerations

District L5 - Rights of Way

District L8 - Open Space

District L9 - Play & Recreational Areas

Rev Redeposit Pl. Pol DP1 - Sustainable Develop. Locations

Rev Redeposit Pl. Pol CP4 - Design

Rev Redeposit Pl. Pol CP5 - Residential Amenity

Rev Redeposit Pl. Pol CP14 - Accessibil.Mobility & Inclusion

Rev Redeposit Pl. CP15 - Public Transp. Pedestrians Cyclists

Rev Redeposit Pl. Pol CP16 - Planning Out Crime

Rev Redeposit Pl. Pol H1-Location of New Housing Development

Rev Redeposit Pl. Pol H4 - Res.Dev.Prev.Dev.Land & Phasing

Rev Redeposit Pl. Pol H5- Affordable Housing

Rev Redeposit Pl. Pol LE30 - Land Affected By Contamination

Rev Redeposit Pl. Pol LE31 - Derelict Land

Rev Redeposit Pl. Pol LC4-Children's Play & Recreation Areas

Rev Redeposit Pl. Pol LC8 - Rights of Way

2. Summary of Consultation Responses

Cumbria County Council - (Highway Authority): the developer has complied with the majority of comments made in respect of the previous, subsequently withdrawn, application to develop the site. The access as proposed to units 1 and 2 (from St Ninian's Road) is, however, still not acceptable and would need to be amended [*this was duly achieved through revised proposals*].

In more general terms, Brisco Meadows and Cammock Crescent will both see additional traffic flows as a result of this development 'though both of those roads are capable of taking the likely additional traffic generated. Indeed, both were constructed as spurs to serve future development although some upgrading, through a S278 Agreement under the Highways Act 1980, will be required for the following works-

1. road markings of junctions to establish through traffic routes
2. traffic calming on those routes to current estate road standards
3. replacement parking spaces for those lost in existing stub ends and possibly waiting restrictions on curves and at junctions [the Highway Authority subsequently agreed these cannot be required of the developer]
4. drop kerbs to provide accessible routes for pedestrians on St Ninian's Road, Cammock Crescent and Brisco Meadows
5. the introduction of a one way system and a 20mph zone for the new estate

The developer should also be required to contribute to the River Petteril Cycle Route Access Improvements through a suitable S106 Agreement since this development should largely make use of this corridor to access employment, education and the City Centre as well as recreational uses and the provision is seen as vital to promote and maintain a sustainable environment. This will ensure that the development is not wholly dependent on the private motor vehicle and will not benefit just the occupiers of this development but also the people of Carlisle as a whole.

Some other details of the planned road layout require to be clarified but can either

be dealt with by conditions or through the adoption details required under the S38 Agreement. There is, thus, no fundamental objection to this development from a Highways and Transportation perspective but 5 conditions are recommended;

Network Rail: does not wish to make any observations;

Community Services - Environmental Quality: advice is provided in relation to two distinct aspects of the development-

Noise- the Noise Assessment Report prepared by the applicants' consultants has been considered. The Assessment report indicates that the proposed site falls into NEC A daytime for mixed sources (the mixed sources being road, rail and industrial). The site has been visited and it is agreed that noise levels around the site are low overall. There is some concern that there is intermittent noise from the industrial/commercial units immediately adjacent to the proposed development site which could lead to potential noise complaints. It is considered that the specific noise levels from these units has not been fully considered in the report. The report recommends that to mitigate noise from the units a buffer zone should be incorporated into the site layout and an earth bund and boarded fencing to a height of 5m should also be constructed along the boundary. However without a suitable and sufficient assessment of the specific noise levels from the commercial/industrial units (using BS4142 1997 as a guide) comment cannot be made on the suitability of these measures. In addition there is also concern that rail traffic noise from the adjacent West Coast Mainline, particularly at night-time, has not been fully addressed in the report and it is suggested that a specific assessment of rail noise is submitted as part of the application.

A further submission has been made by the applicants' consultants in relation to the above matters and the views of the Environmental Health Officer on those are awaited.

Contaminated Land- a number of concerns were raised in correspondence with the consultancy that undertook the Contaminated Land Study submitted with the original planning application lodged by the applicants earlier in 2007. These issues were subject of a number of discussions involving the consultants, the Environment Agency and EPS and correspondence was submitted seeking to address these matters.

Further information from the consultants, received in August 2007, sought to resolve concerns arising from the borehole and trial pit investigations undertaken but this reinforces that it is essential, after the area concerned is excavated, for more gas monitoring to be undertaken and the actions proposed to be validated. The following areas of concern can be dealt with by conditions-

1. the specification of the proposed capping layer (1000mm of clean material plus a geotextile warning layer
2. the specification for drainage and water pipes (the minimum standard to be in accordance with the utility companies specification for pipe work on contaminated land)
3. the detailed specification of the cut off wall/bund/trench between the adjacent landfill and the development area

4. the requirement that all remediation work, including gas protection works to the properties, must be quality assured, to ensure that the guarantees for all materials used are valid
5. the requirement that all remediation work must be validated and a Report provided to the LPA, that validation to include some long term gas monitoring
6. the requirement for some form of agreement, i.e. S106, or planning requirement put in place to prevent subsequent development taking place on the land i.e. conservatories/extensions

The EA comments on ground water remediation/protection should also be incorporated in any conditions placed on the site. In addition to these conditions, it should be noted that although there is no reason to doubt that the proposals put forward by the developers will break the contamination pathways, there is no guarantee that the pathways will be permanently broken.

In this regard, while the detailed risk assessment concludes that the site represents a significant potential hazard to human health if redeveloped for residential use, the remediation and mitigation measures will enable the site to be safely developed. The Contaminated Land Study states that the existing wastes deposited on the site are safe to leave in situ but no account is taken of potential future degradation and possible increase in gas production that may be caused by this degradation. It is therefore essential that the developer confirms the life expectancy of the remediation measures that are being used and provides documentation/guarantees to support the scheme. The question that needs to be addressed is whether the remediation measures will match the life expectancy of the development and/or the life of the contamination.

The final concern raised is that the most heavily contaminated part of this area (not within the application site or the applicants' ownership) will remain problematical and remediation of this land may become even more difficult following this proposed development.

The foregoing matters were conveyed to the applicants and they have confirmed that there is no objection to the imposition of conditions 1-5 outlined above but further suggest that the matter listed under point 6. could be dealt with as a planning condition (withdrawing Permitted Development Rights). In relation to the matter of life expectancies and guarantees, the applicants state that these will be covered in the final specification of the materials or working methodology/details, the remediation strategy and the Validation Report once the work is completed. The work will be inspected by the Building Control Officer and will be covered by the insurer's 10-year warranty. However, in response to the developers' points about life expectancies/ guarantees, this is not covered by the contaminated land regime as the legislation relates only to breakage of linkages; thus, if a linkage recurred at some time in the future, the land would be determined as contaminated.

Finally, EPS has still not been informed of the ownership of the most heavily contaminated land (off-site) and consideration needs to be given to the consequences of that former landfill site becoming land-locked;

Environment Agency (N Area (+ Waste Disp)): the Agency has previously

commented on the need for the developer to provide details of their drainage strategy and when this is received will comment further. The broad approach it should take is to minimise the surface water run-off rate from the development to satisfy the Agency's Greenfield Run-off Criteria. A condition requiring details of a scheme for surface water drainage is recommended.

In relation to contaminated land matters, these have been subject of the direct involvement of Agency specialists. It is noted that the Contaminated Land Report identifies the presence of waste materials that have not yet degraded e.g. wood, plaster, paper, cardboard, plastic, oil drums, paint tins, fabric and that the trial pits have observed hydrocarbon smells and staining. Thus there is a significant mass of source term contamination as wastes are still undergoing natural degradation and will release contaminants in the form of gas and leachate at some time in the future. The principle of the proposed approach of capping the waste areas is acceptable subject to an appropriate methodology and measures being employed to ensure this is done properly.

The additional investigation, assessment and proposals to mitigate the potential risk of pollution to controlled waters from degrading waste and existing leachate are acceptable but all of the necessary measures must be encapsulated within appropriate planning conditions;

United Utilities (former Norweb & NWWA): no objections provided the site is drained to separate systems with only foul drainage connected to the foul sewer and surface water discharging to either the surface water sewer or relevant watercourse (subject to any approvals required from the Environment Agency). The nearby foul sewage is served by a foul water pumping station which may require that foul flows from this development are restricted. Equally similar restrictions may be applied to any proposed flows to the combined sewer which is designed to spill to river through a combined sewage overflow. the applicants must discuss these matters with UU.

It is understood that the development site is a former landfill site and a complete geotechnical survey, methane tests, etc. will be required before any on-site drainage is allowed to communicate with the public sewer network.

A water supply can be made available to the proposed development. The applicant must undertake a complete soil survey, as and when land proposals have progressed to scheme design, i.e. development, and its results submitted along with an application for water. This will aid UU's design of future pipework and materials to eliminate the risk of contamination to the local water supply;

(Parks & Countryside - Landscape Services) Community Services - Greenspace Team: in terms of obligations for public open space the Council's position hasn't changed from the pre-application meeting - a significant S106 contribution is required it is proposed to utilise it on 1) improving the play and informal sports provision on the site immediately adjacent (Brisco Meadows) and 2) to improve the green space in the Petteril Valley, including possibly a contribution to the '3 Rivers' cycleway project;

Cumbria Constabulary - Crime Prevention: the layout of the development

contributes to the Council's objective to create a neighbourhood in that the dwellings are laid out to interact with each other, enhancing natural surveillance, without conflicting with the needs for privacy. The incorporation of a substantial perimeter treatment, to deter casual intrusion or unobserved access and oblige all visitors to enter the site via the designated access points is encouraging. While side and rear gardens will primarily consist of 1.8m high fences or walls, the front boundaries will be open plan and this does not support the objective to ensure that the individual ownership of front gardens is easily distinguishable to act as a buffer zone between private and public areas. There is also concern at "bridged" units that permit vehicle access to rear parking areas as there is no indication how the spaces underneath the arches will be defined as "private" to deter youngsters congregating there and to prevent unauthorised access to the parking courts.

There is concern that the proposed development has two vehicular/pedestrian access links via Brisco Meadows and Cammock Crescent since providing additional access routes into the neighbouring areas shall undermine the overall security of the new development. There are examples of anti-social behaviour at Parkland Avenue and Carleton Grange through linked developments although it is clear, in this instance, that the additional access points have been introduced to ease vehicle congestion from the new development onto a single access point via St Ninian's Road.

A number of detailed comments are made about certain aspects of the layout e.g. the surveillance of parking spaces to certain units and the provision of open space while detailed points are made about the specification the developers should adopt for doors and windows;

Development Services Planning & Housing Services - Urban Designer: initial response raised concerns in relation to a number of elements of the design, specific detailing, treatment of streetscape and layout in general. These matters were discussed directly with the applicants and revisions were suggested.

Subsequently revised proposals were submitted that address the majority of the points made, and are considered a definite improvement although greater use of "mock" chimneys would have been preferred. A further amendment to the design detail of the "arches" spanning bridged units was also suggested;

Development Services Planning & Housing Services - Local Plans (Trees): the landscaping scheme is broadly acceptable although the choice of tree species could be more interesting, especially around the properties. Although it is appreciated that the landscaping on the properties will be subject to the tastes of the occupiers and could be changed by them, we should start off with a varied and interesting selection of species.

In addition, the ultimate size of the tree species is relatively small, even in the area of the open space. There is the opportunity here to have larger tree species that, due to their size at maturity, will have a significant impact on the area because of their presence;

Planning & Housing Services - Housing Strategy: the proposals have been subject of a number of discussions with the applicants and planning consultants

appointed by them. These have covered the number, location, type and tenure of units to be provided on an "affordable" basis.

Normally a contribution of 25-30% of the total stock of homes being built should be "affordable" but a lower figure would be acceptable if the scheme contained an element of rented accommodation, subject to clarification from the developer of their costing.

These were duly supplied and the applicants proposed to provide 19 affordable housing units, 13 as "rented properties and 6 as shared ownership but it is considered that one further unit for shared ownership is needed, giving a total "affordable" contribution of 20 units. This equates to 15% of the total stock of dwellings that the developer intends to build at this site;

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

Cumbria County Council (Strategic Planning Authority) Wind Energy Consultations: no comments received.

3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:
[REDACTED] 34 St Ninians Road	03/07/07	
[REDACTED] 32 St Ninians Road	03/07/07	
[REDACTED] 58 Brisco Meadows	03/07/07	
[REDACTED] 50 Brisco Meadows	03/07/07	Objection
[REDACTED] 68 Brisco Meadows	03/07/07	Petition
[REDACTED] 14 Brisco Meadows	03/07/07	Objection
[REDACTED] 49 Brisco Meadows	03/07/07	Objection
[REDACTED] 6 Cammock Crescent	03/07/07	
[REDACTED] 5 Gardenia Street	03/07/07	
[REDACTED] 11 Brisco Meadows	03/07/07	Objection
[REDACTED] 27 Cammock Avenue	03/07/07	Objection
[REDACTED] 30 St Ninians Road	03/07/07	
[REDACTED] 59 Brisco Meadows	03/07/07	
[REDACTED] 61 Brisco Meadows	03/07/07	
[REDACTED] 63 Brisco Meadows	03/07/07	
[REDACTED] 69 Brisco Meadows	03/07/07	Objection
[REDACTED] 68 Brisco Meadows	03/07/07	Objection
[REDACTED] 66 Brisco Meadows	03/07/07	
[REDACTED] 64 Brisco Meadows	03/07/07	
[REDACTED] 60 Brisco Meadows	03/07/07	
[REDACTED] 17 Cammock Crescent	03/07/07	
[REDACTED] 19 Cammock Crescent	03/07/07	
[REDACTED] 21 Cammock Crescent	03/07/07	
[REDACTED] 23 Cammock Crescent	03/07/07	
[REDACTED] 25 Cammock Crescent	03/07/07	
[REDACTED] 27 Cammock Crescent	03/07/07	
[REDACTED]	03/07/07	
[REDACTED] 62 Brisco Meadows	03/07/07	Objection
[REDACTED] 22 St Ninians Road	03/07/07	Objection

- 3.1 The application has been publicised through the display of Site Notices, publication of Press Notices and by direct notification, by letter, to occupiers of properties abutting the site.
- 3.2 In response, 9 objection letters have been received from occupiers of homes at Brisco Meadows and Cammock Crescent, together with one letter commenting on the application, and a petition, opposing the development, which has been signed by 90 persons. The latter is specifically opposed to the opening up of Brisco Meadows as a route into the development site. Although it is mainly signed by residents of that street, the petition is also signed by several persons living elsewhere in the city or beyond. A letter objecting to the development has also been received from Ward Cllr Reardon who states he is also writing on behalf of his Ward colleagues, City Cllr David Wilson and County Cllr Stewart Young.
- 3.3 The correspondence cumulatively raises the following issues or concerns:
1. the road system cannot accommodate the amount of development in the area
 2. Brisco Meadows will become a "rat run"
 3. Brisco Meadows is a small winding road with six culs-de-sac and many residents who do not have a garage on the main road park their cars outside their houses
 4. it will be unsafe for residents, especially children, as Brisco Meadows twists and turns and when people are parked on an evening or week-end it makes the road even narrower
 5. Brisco Road, Upperby Road and Boundary Road are going to be affected by the additional traffic and as there are three schools in this area it is difficult enough dodging cars and children without the additional traffic
 6. Traffic from St Ninian's Road turning onto Upperby Road will be impossible with the extra traffic. Traffic at busy times now can be as far aback as Petteril Bank at peak times
 7. traffic in the area will also increase due to the transfer of Carlisle Records Office to the Lady Gillford site
 8. Brisco Road, being a narrow road, has seen an increase in traffic as cars and lorries leave the M6 at Junction 42 travelling through Brisco as a quicker route to the west of the city, thus avoiding London Road
 9. Cammock Crescent is also just a narrow road that only one car can pass

10. if it was deemed necessary to close Manor Road for safety then all the other roads cannot cope with the traffic with the major changes
11. trees will be taken down adjacent to property boundaries . Can the developers ensure no damage will be caused to neighbouring land by the roots
12. the land might be a feeding ground for bats and hedgehogs are frequent visitors to gardens
13. it will be unsafe for local children to play on the local streets as passing traffic and strangers will cause a huge threat to their safety
14. there is concern over increased noise and air pollution that the extra passing traffic will cause as it is possible that other traffic than just that from persons living in the area will use these roads to miss out standing traffic (as Manor Road was previously)
15. adjacent dwellings might adversely affect privacy and crime rates
16. one bedroom dwellings are impossible to fill by Carlisle Housing and slow to sell elsewhere so why are more being built as even single people need a spare room
17. will the existing sewer and pumping station be able to cope as it seems to struggle to cope with existing demands
18. the land is unsuitable to build on due to methane gas and other unsuitable materials and gasses emanating from the site were responsible for the deaths of 3 people on two separate occasions
19. it is going to be a mammoth task to make this site safe and clean and what effects will this have on existing residents? Will they be exposed to chemicals? Residents need to know that this is going to be done safely as there are a lot of families with young children plus a lot of elderly people, many of whom could become ill if exposed to chemicals
20. when buying homes, the lenders raised concerns about the proximity of tipped land even 'though it was approximately 1000 metres away but this proposal places more homes on the land itself
21. concerns about the effects on the future value of existing homes and assurances are sought that the new estate will blend in and not cause other homes' values to drop
22. nature has taken its course in the area and many species of butterflies and orchids are found there now
23. specific comments are made regarding siting of proposed dwellings in relation to individual existing homes

4. Planning History

- 4.1 This site has extensive planning history.
- 4.2 In December 1989, an application determined by Cumbria CC resulted in the grant of planning permission for *"excavation and tipping works, land to be restored for use in part for residential development and in part for agricultural purposes"*.
- 4.3 In February 1990 an application for Outline Planning permission for residential development was refused
- 4.4 In June 1990, Outline Planning Permission was granted for residential development.
- 4.5 In December 1990, an application was approved to vary a condition attached to the 1989 approval issued by the County Council.
- 4.6 In October 1992 an approval was given by Cumbria CC for the formation of a temporary access road from St Ninian's Road.
- 4.7 An application, submitted in June 1995, to erect 76 dwellings was withdrawn without determination In January 1997. A revised application, submitted the same month, for Outline Consent for residential development was approved in March 1999. An application for a related application described as *"Excavation of old land contamination in waste area 1 and relocation to redundant waste tip area 2. Inert fill to waste area 1 in preparation for housing development and capping, venting and landscaping to waste area 2"* was obtained in July 1997.
- 4.8 An application to renew the planning approval for the site reclamation/remediation in advance of development for housing was refused by Cumbria CC in May 2002.
- 4.9 In August 2002, the City Council renewed Outline Planning Permission for the residential development of the site i.e the March 1999 consent was renewed.
- 4.10 The current applicants submitted a detailed application in March 2007 for the *"Erection Of 132 No Dwellings Consisting of 81 No 2 Storey Dwellings in Detached, Semi-Detached and Linked House Form, 51 No. 1 Bed and 2 Bed Apartments in 2/3 Storey Form Together With Associated Open Space and Provision of Vehicular Accesses From St Ninian's Road, Brisco Meadows and Cammock Crescent"*. That application was withdrawn in May 2007 to enable the applicants to undertake further investigation in relation to the issue of potential contamination present on the site and their proposals to address that. The present application is a re-submission fo that application, albeit with some design changes that were undertaken to incorporate comments made by consultees on the intial submission.

5. Details of Proposal/Officer Appraisal

Introduction

- 5.1 This application seeks Full Planning Permission for the development of a 3.04 hectares site located within Upperby Ward. The land is unused and unkempt and is bounded by St Ninian's Road to the north-west, industrial land occupied by Michael Thompson and Biffa to the north-east, former tipped land to the south-east and housing development at Brisco Meadows and Cammock Crescent to the south-west. Part of the site (approximately 30%) has been subject to previous tipping activity although not to the same degree as the adjoining land to the south-east.
- 5.2 The proposed site relates to almost all of the land (3.30 hectares) originally allocated for housing development in the former Urban Area Local Plan, that allocation being retained within the current adopted Carlisle District Local Plan, and which (by virtue of the fact it possessed planning permission) is regarded as a "committed" housing site within the Carlisle District Local Plan 2001-2016 Revised Redeposit Draft.

Details of the Proposals

- 5.3 The application is supported by a Design and Access Statement, an Ecological Survey and Assessment, a Site Investigation Report (i.e. Contaminated Land Study), an Energy Statement, a Noise Assessment, a Supplementary Transport Form and an Interim Travel Plan as well as a full range of drawings including a topographical survey, the proposed site layout plan, floor plans and elevations of all proposed house types, "street elevations", garage and fencing details and detailed landscaping proposals.
- 5.4 The proposed housing development of 132 units, at a density of approximately 44 dwellings per hectare, is provided in the form of predominantly two-storey development 'though also includes 33 apartments within 3 storey blocks. Although no detailed material specification has been submitted, but is to be left as a condition of planning approval should it be forthcoming, the detailed drawings indicate the development will be faced in brickwork with tiled pitched roofs.
- 5.5 The scheme layout provides the proposed accommodation in a combination of detached houses, pairs of semi-detached houses, terraces of semi's and/or mews houses and 4 no. 3 storey apartment blocks with courtyard parking (Blocks A, B, C and D on the layout plan). This overall mix of building forms, heights and design details will add visual interest as well as providing a socially well-distributed mix of accommodation. The overall distribution of the units, as proposed, comprises the following range of house sizes and house types:
1. 9 no. 2 bed semi/mews houses

2. 29 no. 3 bed semi/mews houses
 3. 16 no. 3 bed detached houses
 4. 23 no. 4 bed semi/mews houses
 5. 9 no. 4 bed detached houses
 6. 5 no. 1 bed apartments in "flyover" form
 7. 8 no. 2 bed apartments in 2 storey blocks
 8. 24 no. 2 bed apartments in 3 storey blocks
 9. 9 no. 1 bed apartments in 3 storey blocks
- 5.6 The land has 3 options in terms of access, these consisting of a short road frontage onto St Ninian's Road and short sections of spur roads off the existing residential road system within the Brisco Meadows and Cammock Crescent housing estates. Pre-submission discussions held between the applicants and the Highway Authority resulted in the latter authority requiring that all 3 are used such that St Ninian's Road provides an "entry only" access, the spur on Cammock Crescent is to be an "exit only" with Brisco Meadows affording two-way vehicular movements.
- 5.7 Coupled with the nature of the road system- a one-way entry route from St Ninian's Road with a road layout incorporating a geometric layout and use of speed tables designed to minimise vehicle speeds through the estate and which is designed to dissipate traffic from the development through the two exit routes- the overall layout should be an attractive one. It provides for an additional area of open space close to the western boundary to augment an existing play area on the adjacent Brisco Meadows site, that area being over-viewed from the front windows of proposed properties on each of its 3 other sides.
- 5.8 In highway/traffic terms, the Highway Authority seeks a road system that will, in time, hopefully be able to be used by public transport (an indented bus stop is incorporated) while facilitating the even and safe distribution of traffic within the development and through the two adjacent housing areas. Hence it is assumed that vehicles from the homes at the more northerly part of the site will exit onto Brisco Road via Brisco Meadows while the residents of homes at the southern end will utilise the access to Brisco Road via Cammock Crescent/Cammock Road.
- 5.9 That proposed site road layout departs from the previous approach adopted with the earlier housing consents for the site, which only permitted a short section of frontage development with access in/out from St Ninian's Road to serve 2 properties, with the remainder of the development being served by access to and from Brisco Meadows and Cammock Crescent. Although the current application has raised objections from residents of Brisco Meadows, who do not want the existing road system in that development used to

provide access, the fact of the matter is that the road layout to Brisco Meadows was designed to afford future access to the application site.

- 5.10 As required by planning policy, the applicants' proposals include provision for an element of affordable housing. In this instance, following the advice provided by Housing Services, 20 units are considered to be appropriate particularly since the "mix" of accommodation being provided on an "affordable" basis includes a substantial number of properties for rent and includes some larger properties, these all being distributed throughout the development rather than in a single sector. The intended provision is, in terms of size, type and tenure, as follows:
1. 4 no. 4 bed mews houses on a shared ownership basis
 2. 3 no. 3 bed mews houses on a shared ownership basis
 3. 2 no. 4 bed mews houses on a rented basis
 4. 5 no. 3 bed mews houses on a rented basis
 5. 4 no. 2 bed apartments on a rented basis
 6. 2 no. 1 bed "flyover" apartments on a rented basis
- 5.11 Assuming the development proposals as a whole are acceptable to Members, it would be necessary for the above provision to be secured through the provisions of a S106 Agreement. It is also appropriate to use S106 to secure the developer contribution sought by the Highway Authority towards the adjacent Petteril Valley footpath/cycle scheme [see Highway Authority comments in the Summary of Consultation Responses] as well as the developer contribution towards public open space/play facilities.
- 5.12 As indicated at the start of this Report, the site is identified within the Local Plan regime as an appropriate location for additional housing development to serve the city's overall housing needs. That said there are differences in the approach being adopted within the current proposals from that which pertained to the previous planning submissions which Members need to appreciate.
- 5.13 In essence, the previous development approach to the site was linked to remediation proposals utilising the adjacent land to the south-east which was held in the same ownership. Hence, previous proposals involved the intended extraction of all waste from the former tipped parts of the current site and re-location of those wastes onto the adjoining tipped area, utilising the "best practice" approach to landfill operations. The area of the "development" site, where waste was to be removed, was then intended to be back-filled with inert waste to make it suitable for building. In this regard, Members will observe from viewing the Planning History [Section 3 of this Report] that in the late 1990's "dual" applications were consented by, respectively, this Council and Cumbria County Council. However, even though the site was allocated for housing development, the Outline Approval for housing was

renewed by the City in August 2002 and the site requires remediation, the County Council refused the last application to renew the remediation proposals in May 2002. This clearly presents difficulties in terms of the economics of remediation: without an after-use of the land no one is going to incur the required remediation costs.

Assessment

- 5.14 The current applicants have commissioned a detailed Site Investigation Report. That Report sought to identify both the extent and the nature of material that has been tipped on part of the land and its condition in terms of level of degradation/capacity to produce methane gas and leachate. Since an initial Report (December 2005) the site has been subject to further supplementary investigation at the request of both the Environment Agency and the Council's Environmental Protection Service, these works consisting of additional ground investigations, monitoring and assessment. From those extensive investigations the applicants' consultants have produced a remediation strategy which is to cap the wastes within the site with a 1 metre thick clay layer and related geotextile membrane and to provide a vertical gas barrier between the development site and the adjoining tipped land, not in the applicants' ownership, lying to the south-east. That barrier would be required to extend below the lowest level of waste materials to prevent the transfer of leachates and contaminants across the boundary. A recommended specification for its construction has been provided by the Environment Agency.
- 5.15 Whilst the principle of that approach, the details of which would need to be covered by planning conditions attached to any planning approval, is acceptable to the Environment Agency, it is fair to say that the EPS Officer remains concerned insofar as capping of waste materials that are still degrading might give rise to future problems if they were to produce gas at a later stage. She has, therefore, sought the developers' assurances in relation to the life expectancy of the remediation measures and associated materials that would be used.
- 5.16 The wider issues of cleaning up contaminated land and making it suitable for development is supported by Structure Plan Policy H18 and in emerging District Local Plan Policy LE30 and it is apparent that the EA regards the alternative approach now being promoted, i.e. "capping" rather than removal and re-location of wastes elsewhere, is environmentally acceptable.
- 5.17 In "housing" policy terms, the key policy documents comprise the adopted Structure Plan (SP), the adopted Carlisle District Local Plan (CDLP) and the emerging policies within the Carlisle District Local Plan 2001-2016 Revised Redeposit Draft (CRDP). Since the Structure Plan is the most recently adopted, in the event of a policy conflict its' provisions prevail.
- 5.18 The underlying spatial principle in adopted SP policies and the emerging CRDP is that most new housing development should be located in "sustainable" locations, with first preference being given to the Carlisle urban area: the application site satisfies that objective. Policy ST8 of the Structure

Plan specifically sees Carlisle as a primary focus for new investment in business, commerce, shopping, leisure and tourism and recognises that new housing will be needed to sustain the city's economic prosperity: the application proposals accord with that objective. Related provisions of that policy recognise that giving priority to previously developed land will assist in delivering the required housing targets: the re-cycling of the application site follows that guidance.

- 5.19 Policy CP4 of the Revised Redeposit Draft Local Plan sets out a number of criteria that need to be satisfied when proposals for new development or redevelopment are being considered: the application proposals meet those "tests". Similarly, Policy CP5 seeks to protect "residential amenity" and identifies site planning requirements to ensure the living conditions of existing and proposed properties are protected from inappropriate development. Although aspects of that Policy have been subject to objection and await the judgement of the Inspector who conducted the Local Plan Inquiry in relation to the acceptability of the Policy in its entirety, the key provision of securing adequate separation distances between facing windows and/or gables is, in this instance, generally not compromised although there are particular parts of the layout where the applicants have been requested to address inadequate distances between dwellings. Their details to resolve those matters are awaited.
- 5.20 Structure Plan Policy H19 and emerging Local Plan Policy H5 (CRDP) both require that housing developers make provision for an element of affordable housing within new housing development (the scale is dependent upon site size and its location). In this instance, following the advice provided by Housing Services, the applicants are expected to deliver 20 residential units (13 rented and 7 on a shared ownership basis). In view of their size and tenure, although this represents approximately 15% of the proposed stock to be built, that lower level of provision (compared to the requirements of emerging Policy H5) is considered acceptable.

Conclusion

- 5.21 Subject to the confirmation from the Environment Agency of the planning conditions that they would wish to see imposed in relation to the contaminated land remediation proposals; to the clarification of the "commuted payment" that the Green Spaces Manager considers is appropriate to secure through a S106 Agreement; to the confirmation from the Environmental Services Officer that the noise mitigation measures proposed for dwellings will avoid any adverse noise nuisance; to the receipt of revised drawings that remedy the instances where proposed dwellings are too close to existing homes; and to confirmation from the applicant that the additional residential unit sought by Housing Services as "affordable" will be provided, the application is recommended for approval.
- 5.22 If that recommendation is acceptable, however, it will be necessary for the required S106 Agreement to be secured prior to the release of any Notice of Approval. It is, consequently, requested that Authority be given to issue that Notice once the required agreement is in place.

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. The Agreement will set out the arrangements for the provision of affordable housing and will ensure the developer contribution towards both the River Petteril Cycle Route Access Improvements and the commuted payment in relation to open space.

6. Human Rights Act 1998

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

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

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

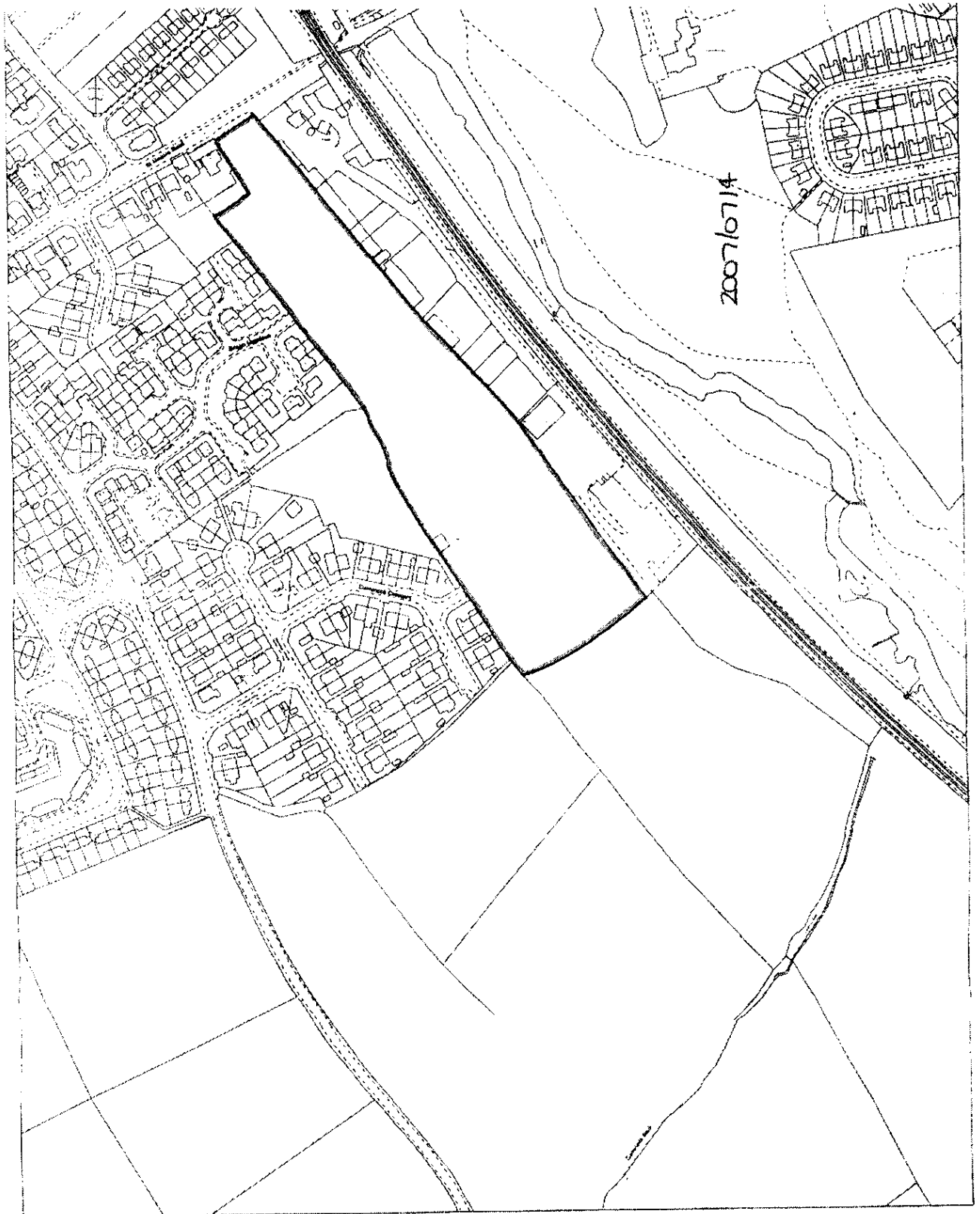
Article 8 recognises the "Right To Respect for Private and Family Life";

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

- 6.3 The application relates to land allocated for residential development and, provided the detailed site layout considerations avoid any direct adverse impacts in relation to existing neighboring properties, it is not considered that the rights of the existing occupiers, bestowed by the Act, would be prejudiced.

7. Recommendation - Grant Subject to S106 Agreement

1. A full list of recommended conditions cannot be provided at this stage as further information is awaited from key consultees. It is intended that a Draft Decision Notice setting out a full schedule of conditions will be available prior to the Committee meeting.



Site Location Plan (1:2500)
St Ninians Road
Carlisle

TYPE	DESCRIPTION	QTY	NO
1A	3 BED GARAGE	700	7
1B	3 BED GARAGE	700	8
1C	3 BED GARAGE	700	9
1D	3 BED GARAGE	700	10
1E	3 BED GARAGE	700	11
1F	3 BED GARAGE	700	12
1G	3 BED GARAGE	700	13
1H	3 BED GARAGE	700	14
1I	3 BED GARAGE	700	15
1J	3 BED GARAGE	700	16
1K	3 BED GARAGE	700	17
1L	3 BED GARAGE	700	18
1M	3 BED GARAGE	700	19
1N	3 BED GARAGE	700	20
1O	3 BED GARAGE	700	21
1P	3 BED GARAGE	700	22
1Q	3 BED GARAGE	700	23
1R	3 BED GARAGE	700	24
1S	3 BED GARAGE	700	25
1T	3 BED GARAGE	700	26
1U	3 BED GARAGE	700	27
1V	3 BED GARAGE	700	28
1W	3 BED GARAGE	700	29
1X	3 BED GARAGE	700	30
1Y	3 BED GARAGE	700	31
1Z	3 BED GARAGE	700	32
2A	3 BED GARAGE	700	33
2B	3 BED GARAGE	700	34
2C	3 BED GARAGE	700	35
2D	3 BED GARAGE	700	36
2E	3 BED GARAGE	700	37
2F	3 BED GARAGE	700	38
2G	3 BED GARAGE	700	39
2H	3 BED GARAGE	700	40
2I	3 BED GARAGE	700	41
2J	3 BED GARAGE	700	42
2K	3 BED GARAGE	700	43
2L	3 BED GARAGE	700	44
2M	3 BED GARAGE	700	45
2N	3 BED GARAGE	700	46
2O	3 BED GARAGE	700	47
2P	3 BED GARAGE	700	48
2Q	3 BED GARAGE	700	49
2R	3 BED GARAGE	700	50
2S	3 BED GARAGE	700	51
2T	3 BED GARAGE	700	52
2U	3 BED GARAGE	700	53
2V	3 BED GARAGE	700	54
2W	3 BED GARAGE	700	55
2X	3 BED GARAGE	700	56
2Y	3 BED GARAGE	700	57
2Z	3 BED GARAGE	700	58
3A	3 BED GARAGE	700	59
3B	3 BED GARAGE	700	60
3C	3 BED GARAGE	700	61
3D	3 BED GARAGE	700	62
3E	3 BED GARAGE	700	63
3F	3 BED GARAGE	700	64
3G	3 BED GARAGE	700	65
3H	3 BED GARAGE	700	66
3I	3 BED GARAGE	700	67
3J	3 BED GARAGE	700	68
3K	3 BED GARAGE	700	69
3L	3 BED GARAGE	700	70
3M	3 BED GARAGE	700	71
3N	3 BED GARAGE	700	72
3O	3 BED GARAGE	700	73
3P	3 BED GARAGE	700	74
3Q	3 BED GARAGE	700	75
3R	3 BED GARAGE	700	76
3S	3 BED GARAGE	700	77
3T	3 BED GARAGE	700	78
3U	3 BED GARAGE	700	79
3V	3 BED GARAGE	700	80
3W	3 BED GARAGE	700	81
3X	3 BED GARAGE	700	82
3Y	3 BED GARAGE	700	83
3Z	3 BED GARAGE	700	84
4A	3 BED GARAGE	700	85
4B	3 BED GARAGE	700	86
4C	3 BED GARAGE	700	87
4D	3 BED GARAGE	700	88
4E	3 BED GARAGE	700	89
4F	3 BED GARAGE	700	90
4G	3 BED GARAGE	700	91
4H	3 BED GARAGE	700	92
4I	3 BED GARAGE	700	93
4J	3 BED GARAGE	700	94
4K	3 BED GARAGE	700	95
4L	3 BED GARAGE	700	96
4M	3 BED GARAGE	700	97
4N	3 BED GARAGE	700	98
4O	3 BED GARAGE	700	99
4P	3 BED GARAGE	700	100

1.8m High Screen Fence to separate detail
 1.8m High Screen Wall (Eiffel Brand)
 Full size
 Proposed 1st Store positions
 Proposed Unoccupying to later detail
 "Basin" raised Platform traffic calming
 to Highway Authority approval
 Turnstile Tripods Block fixed areas
 to L.P.A approval
 Additional Windows positions refer
 to house-type drawings

MATERIALS & FINISHES TO LATER SPECIFICATION L.P.A. APPROVAL

NOTE: METER CUPIBOARDS TO BE LOCATED ON UNEXPOSED GABLES OR IF ANY VISIBLE TO BE PAINTED TO MATCH BRICKWORK

TOTAL: 118.000	152
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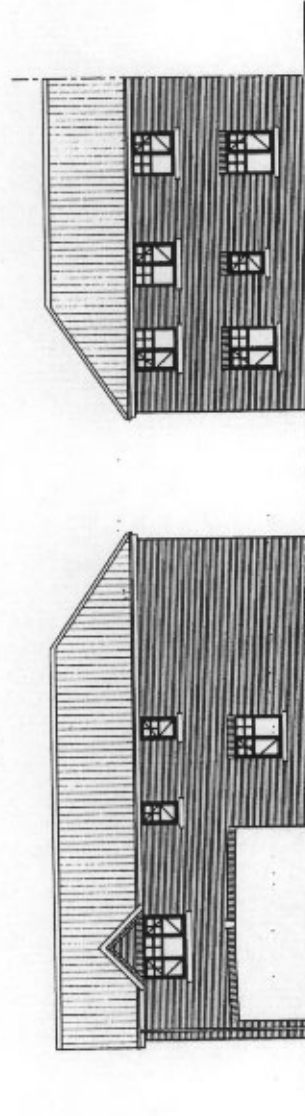
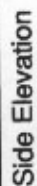
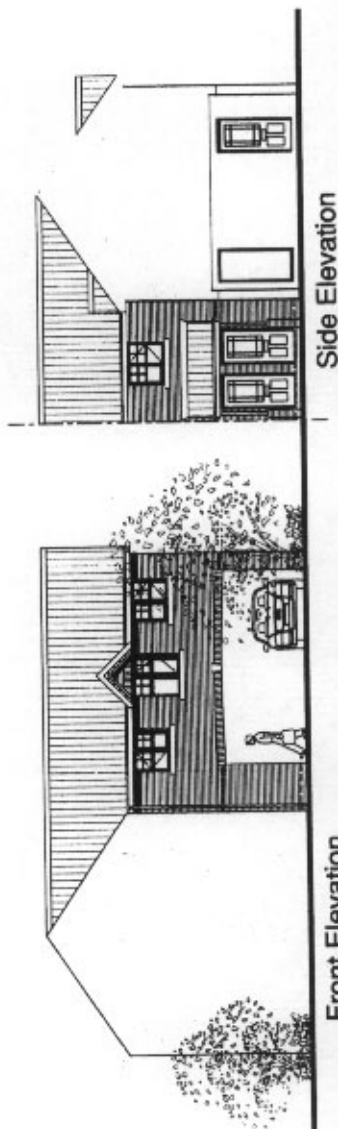
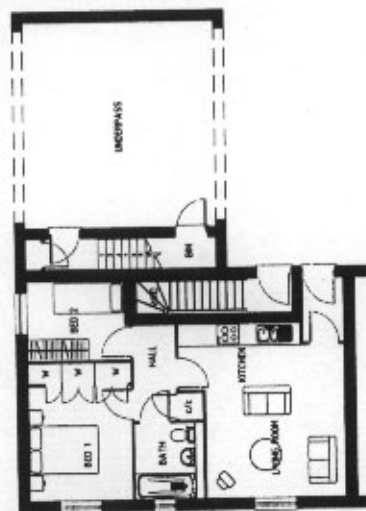
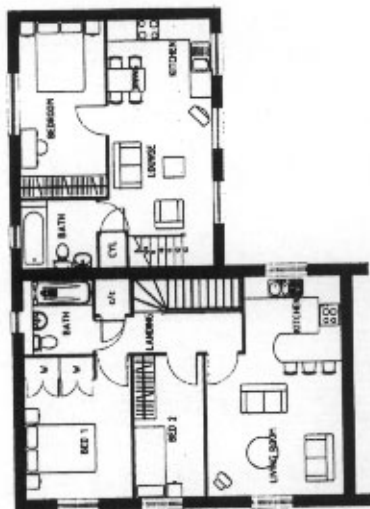
Gross Area:	7.81 Acres
Landscaping Buffer:	0.49 Acres
P.O.S.:	0.39 Acres
Net Area:	6.93 Acres
Gross Density:	17.58 U.P.A
Gross Footage:	15,350 sq ft/acres
Net Density:	19.81 U.P.A
Net Footage:	17,422 sq ft/acres

AFFORDABLE HOUSING:
PLOTS 7-8 ind., 36-37, 131-132
PLOTS 110-122 (RENTED)

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TAGGART
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SAU POND QUAYS, MANCHESTER, M2 3PZ

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EXISTING HIGHWAY

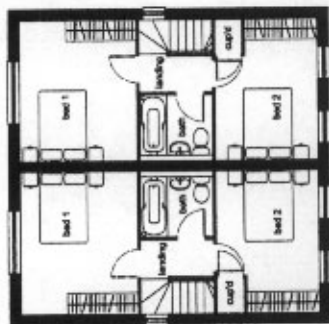


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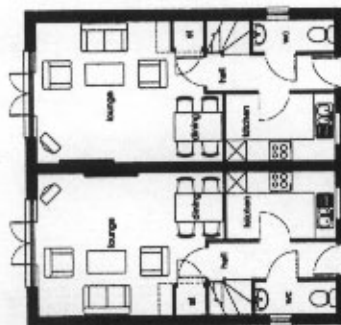
10 QUAYS REACH, CAROLINA WAY
ALFORD QUAYS, MANCHESTER, M50 2YZ
TEL: 0161 738 0505, FAX: 0161 736 0507

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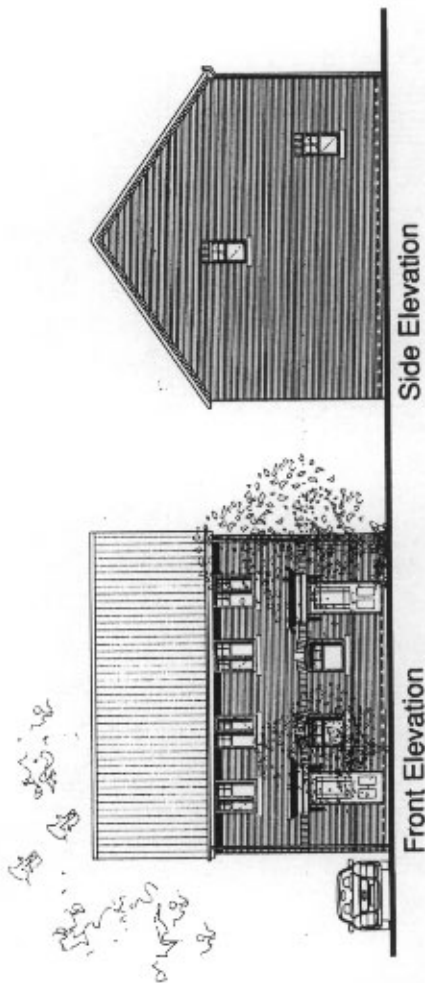
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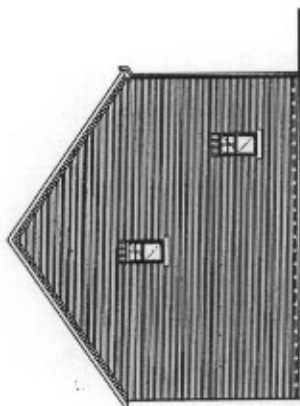
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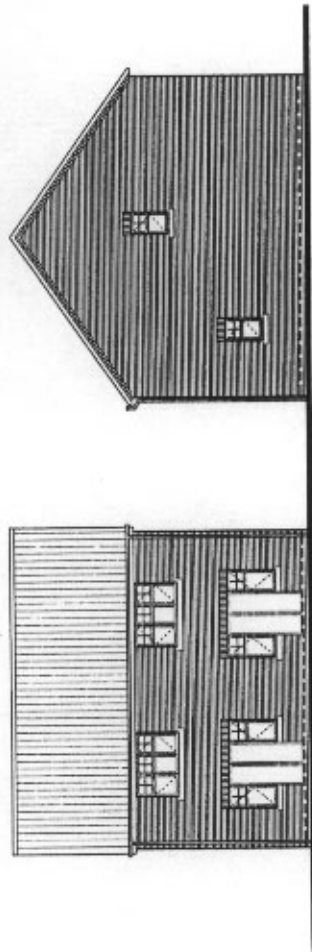
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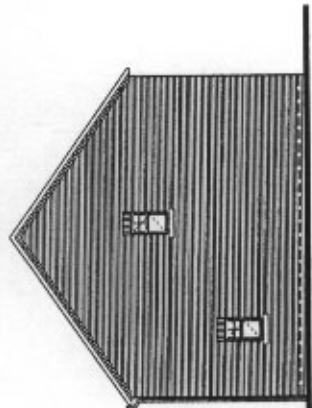
Front Elevation



Side Elevation



Rear Elevation



Side Elevation

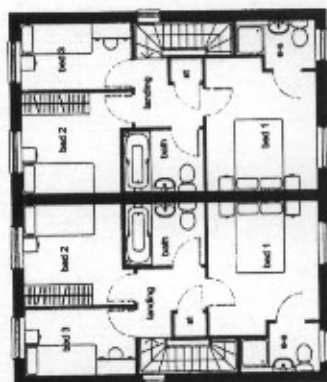


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10 QUAYS REACH, CAROLINA WAY
SALFORD QUAYS, MANCHESTER, M6 2TZ
TEL: 0161 728 0955, FAX: 0161 728 0667

CARRINGTON DESIGN	
CLARENCE - Floor Plans & Elevations	
ST Ninians Road, Carlisle	
DATE: 10/08/14	REVISED BY: 3H-720
DATE: 10/08/14	REVISED BY: 3H-720

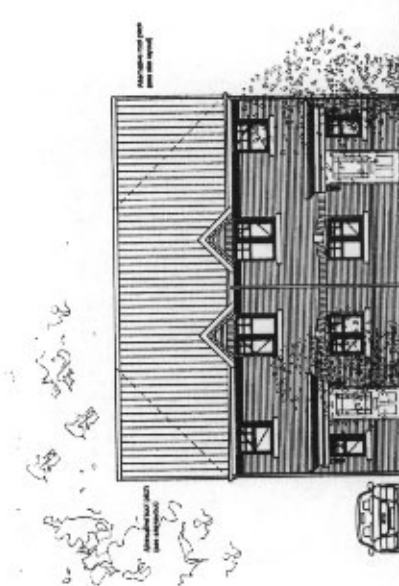
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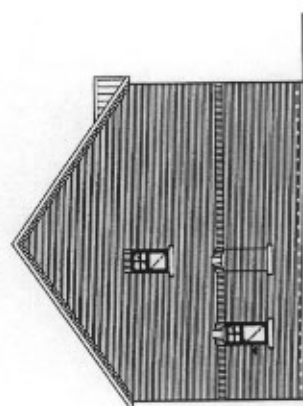
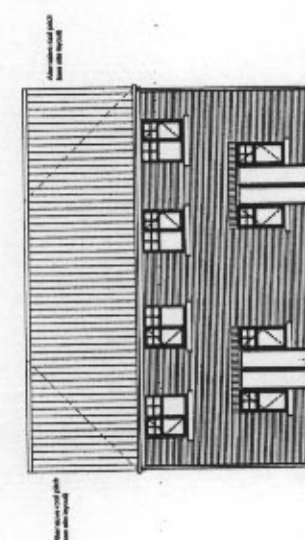
First Floor



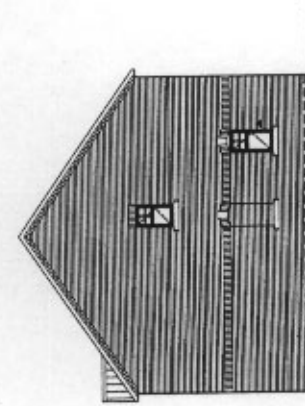
Ground Floor



Front Elevation

Side Elevation $\Delta 33$ 

Rear Elevation



Side Elevation ▲



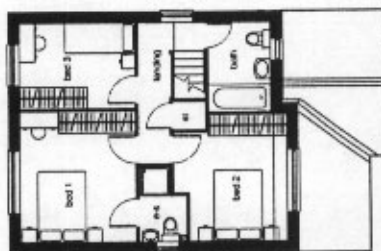
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10 CLAYS REACH, CAROLINA WAY
BALFORD QUAYS, MANCHESTER, M50 2VZ
TEL: 0161 736 0505. FAX: 0161 736 0507



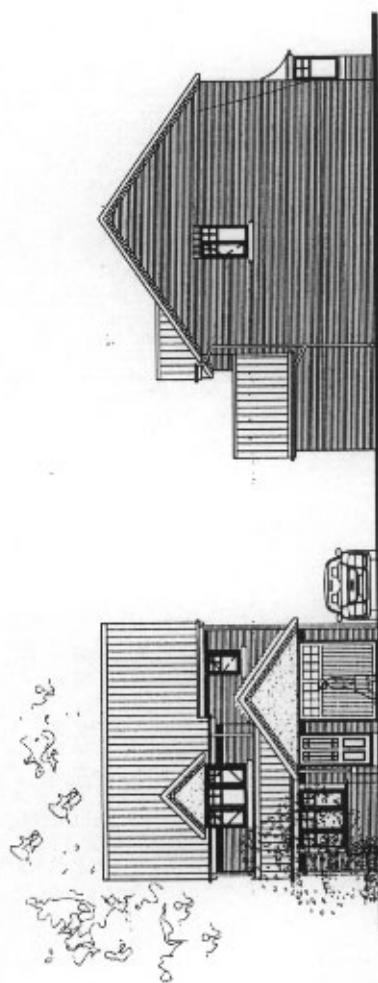
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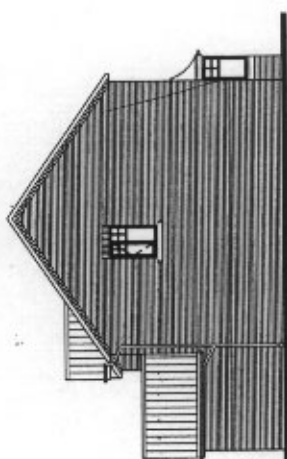
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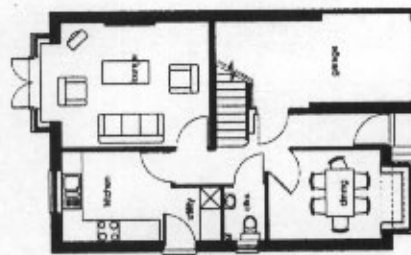
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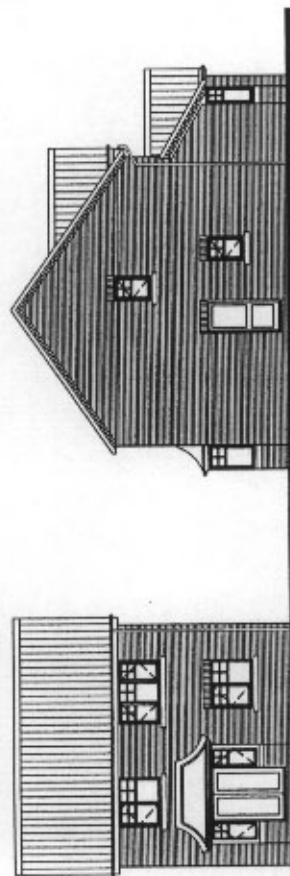
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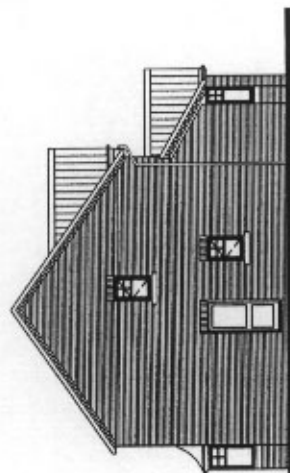
Side Elevation



Ground Floor



Rear Elevation



Side Elevation



TAGGART

10 QUAYS BEACH, CAROLINA WAY
SALFORD QUAYS, MANCHESTER, M50 2Y2
TEL: 0161 736 0505, FAX: 0161 736 0507



**CARRINGTON
DESIGN**

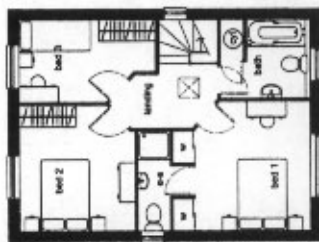
CONTRACT HOUSE, 48 HILLWELL STREET, IPSWICH, IP1 3WJ
TEL: 01473 33333 FAX: 01473 33333 Email: info@contracthouse.co.uk

Applicability - Floor Plans & Elevations

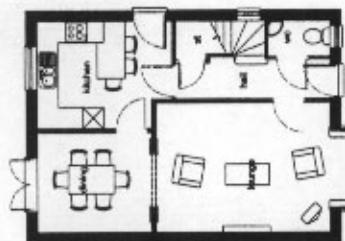
81 Ninians Road, Carleton Place, Ontario, Canada N4Y 1A8

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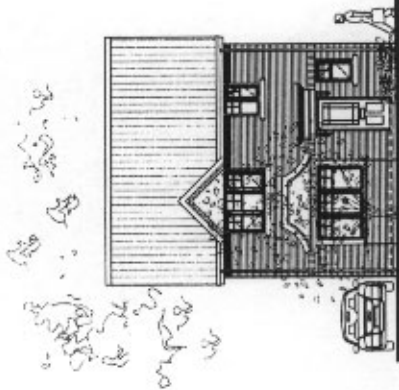
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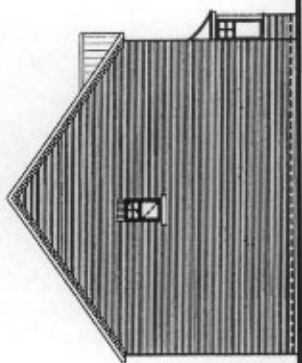
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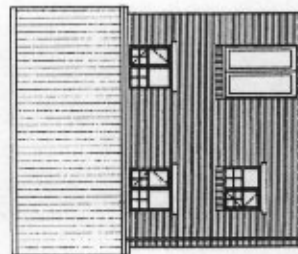
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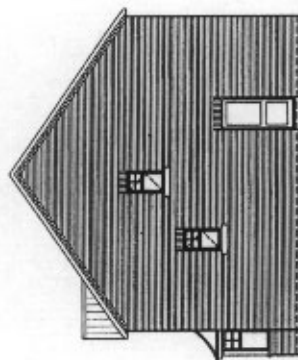
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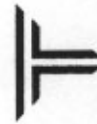
Side Elevation



Rear Elevation



Side Elevation



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18 QUAYS ROAD, CAROLINA WAY
STANTON, CHESHIRE, SK10 7JZ
TEL: 0181 738 1005 FAX: 0181 738 0937



**CARRINGTON
DESIGN**

18 QUAYS ROAD, CAROLINA WAY
STANTON, CHESHIRE, SK10 7JZ
TEL: 0181 738 1005 FAX: 0181 738 0937

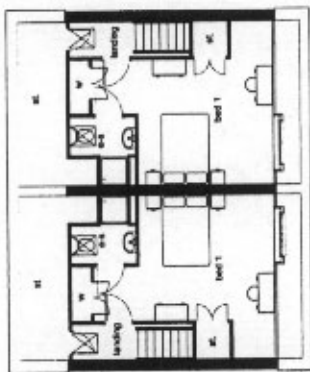
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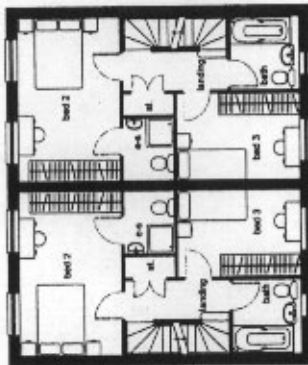
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Client: Mr & Mrs B	Check by:	
Date: 10/01/00	Rev:	

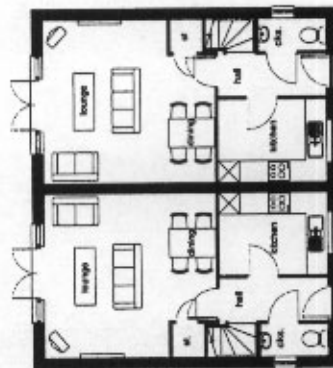
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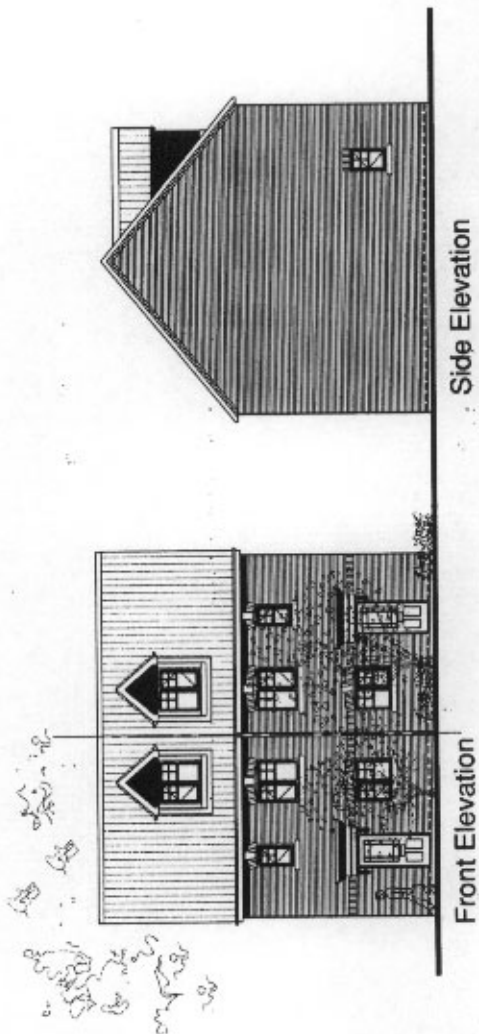
Second Floor



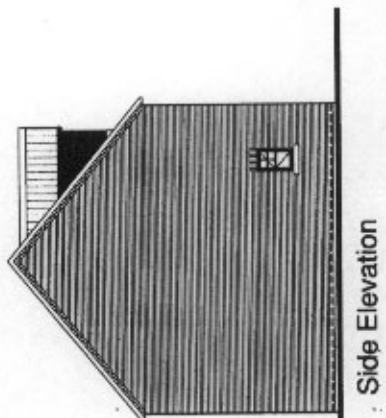
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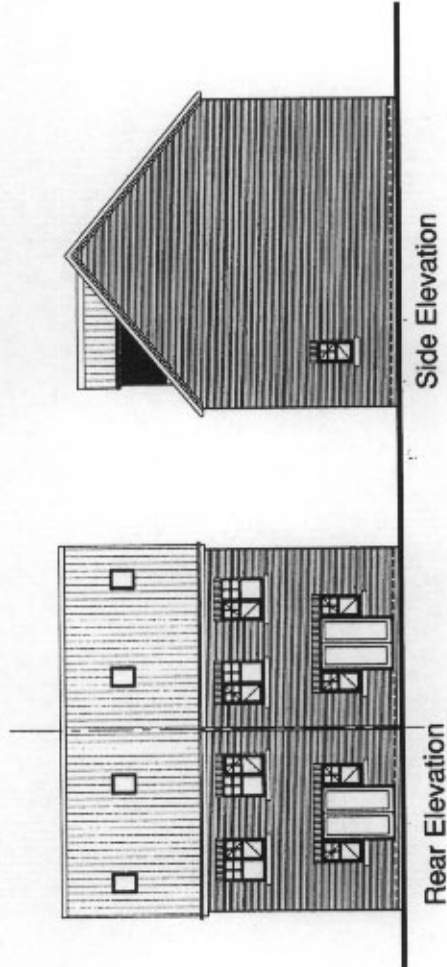
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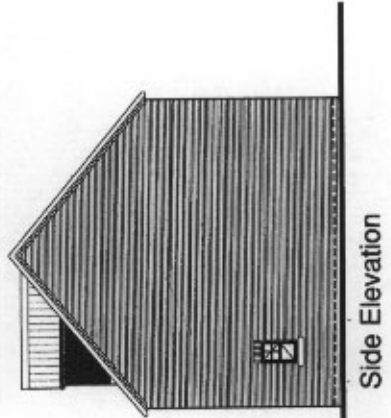
Front Elevation



Side Elevation



Rear Elevation



Side Elevation

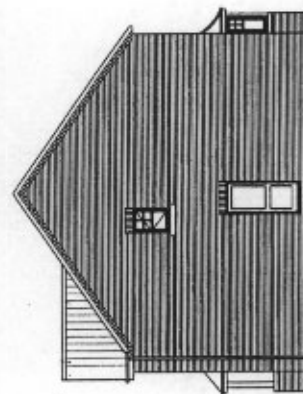
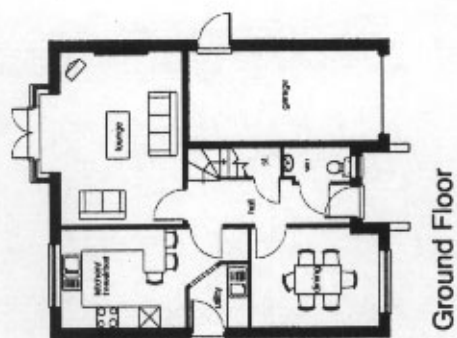
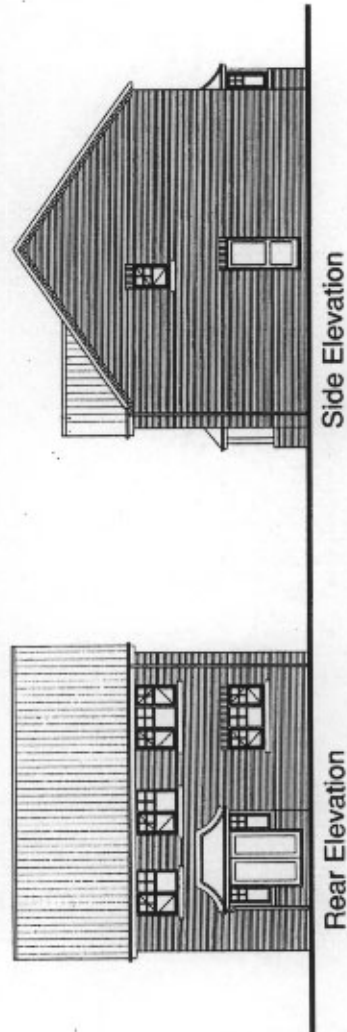
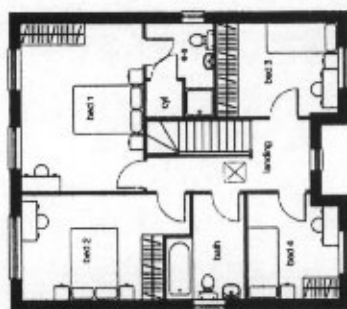
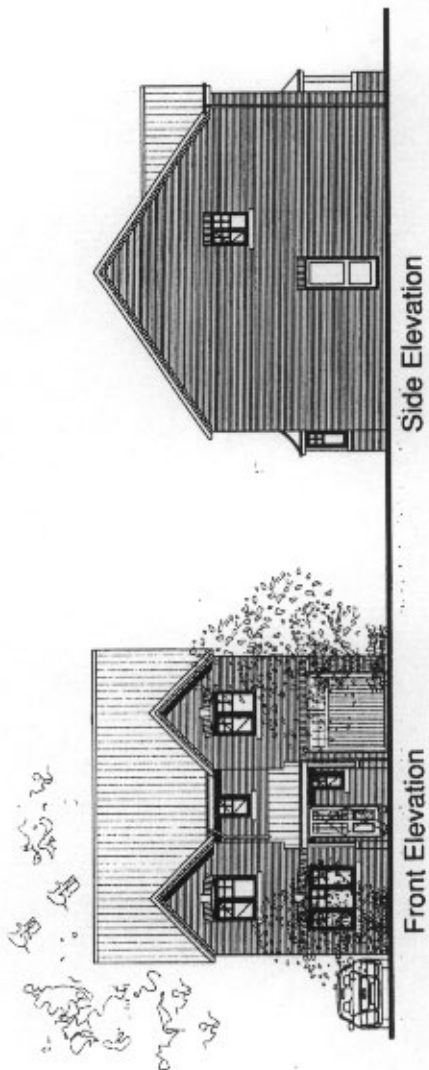


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95 QUAYS REACH, CAROLINA WAY
SALFORD, M6 6PU, TEL: 0161 728 2222
TEL: 0161 728 2222, FAX: 0161 728 2222

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Architect	Project	Drawn	Scale
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<p>St. Nicholas Road, Carlisle</p>			
<p>34-1078</p>			

2007/07/14

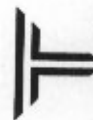
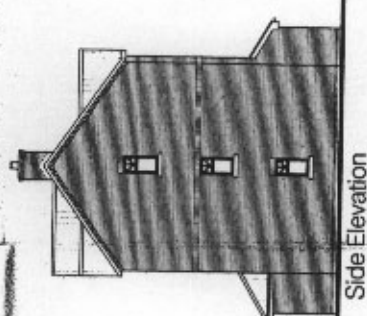
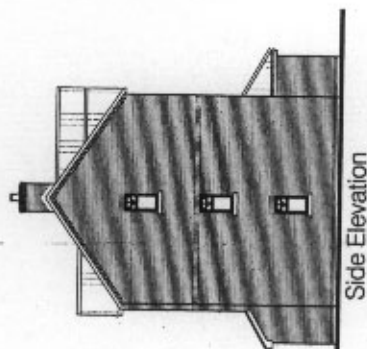
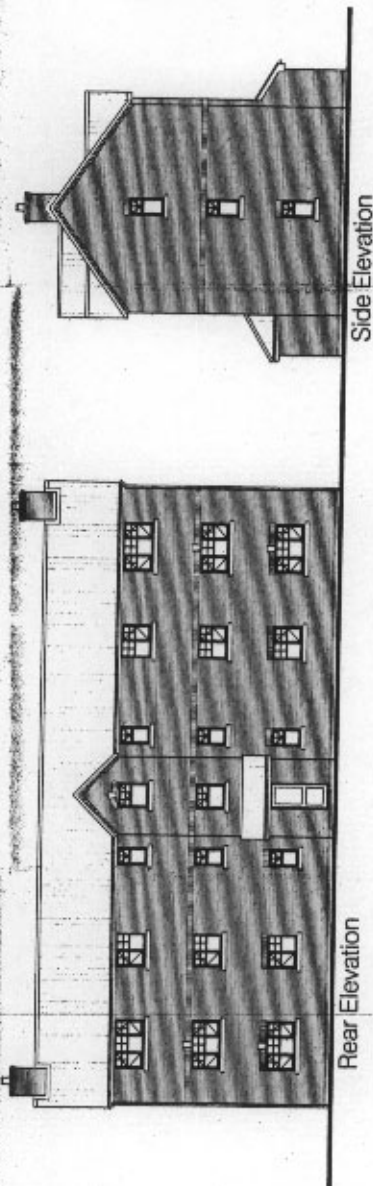
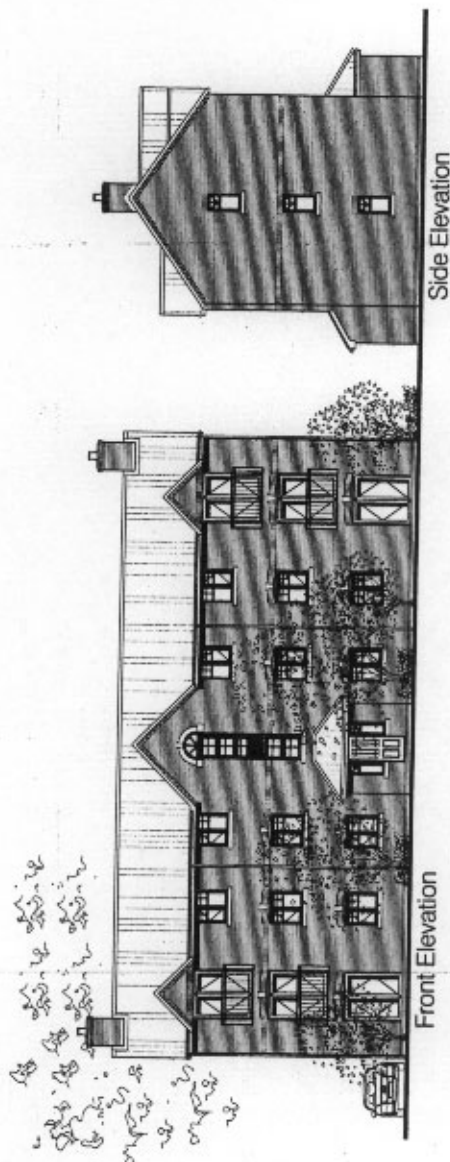
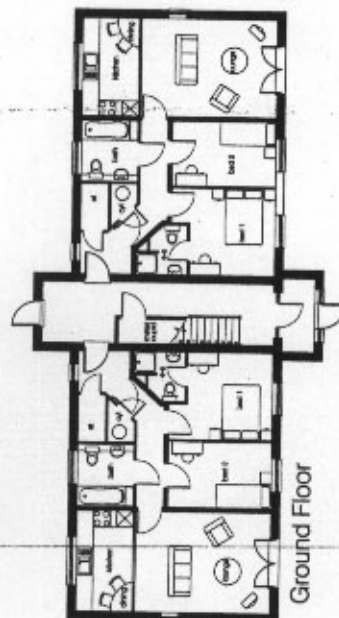


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10 QUAYS REACH, CAROLINA WAY
BALFORD QUAYS, MANCHESTER, M50 2YZ
TEL: 0161 738 0908, FAX: 0161 738 0607

NO.	DATE ORDERED	 CARRINGTON DESIGN 10000 W. 10TH AVE. SUITE 100, DENVER, CO 80202 TEL: (303) 757-0000 FAX: (303) 757-0001 EMAIL: info@carringtondesign.com
PROJECT: Kensington - Floor Plans & Elevations		DRAWING NO: 44-1316
SCHEDULE: 11-01-02 DATE: MAY 02		DRAWING BY: 44-1316

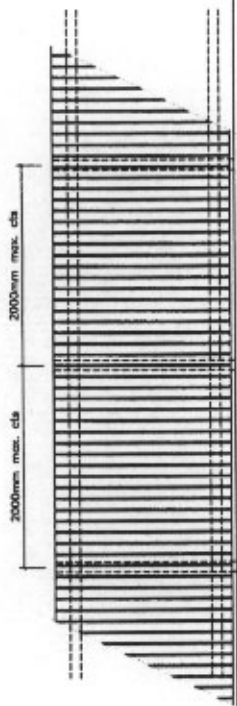
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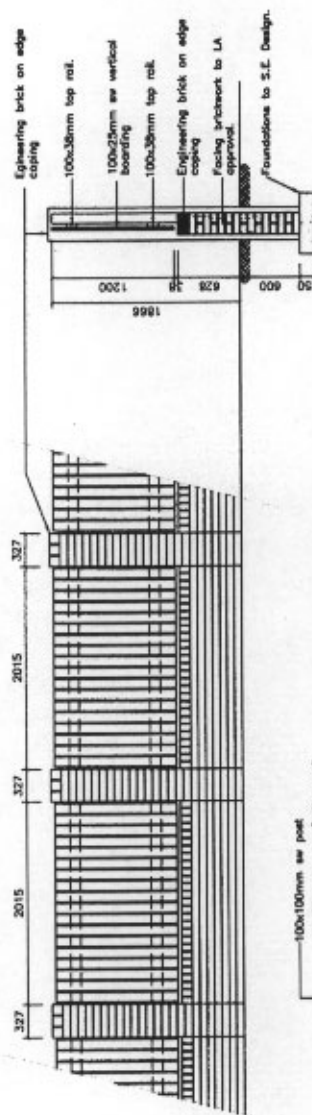
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10 OLIVYS REACH, CAROLINA WAY
MILFORD OLIVYS, MANCHESTER, M50 2VZ
TEL: 0161 788 0505, FAX: 0161 788 2507

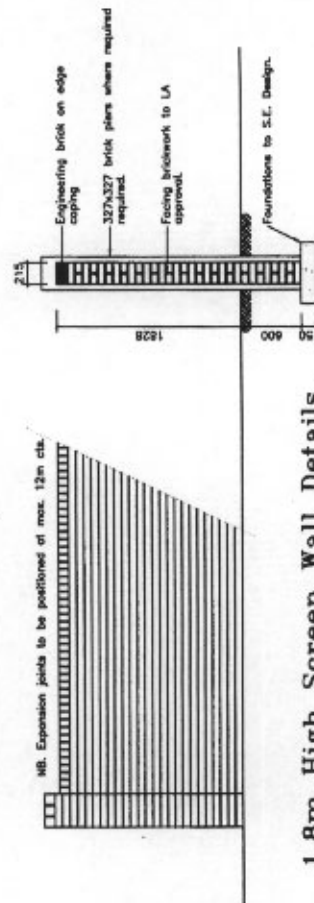
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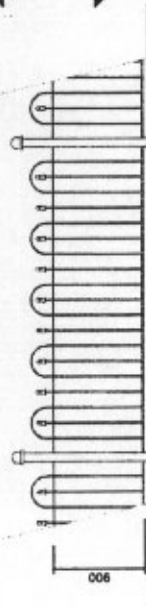
1.8m High Screen Fence Details



1.8m High Screen Fence Wall Details.



1.8m High Screen Wall Details.



900mm Low Railings Detail.

2002/07/14



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10 QUAYS REACH, CAROLINA WAY
SALFORD QUAYS, MANCHESTER, M50 2YZ
TEL: 0161 736 0505. FAX: 0161 736 0507

Rev	Checked	Date
1		
CARRINGTON DESIGN		
ONEBURY HOUSE, 44 HILLMELL STREET, CHORLEY, PO1 3JN.		
TEL: 01607 877100, FAX: 01607 888111, EMAIL: info@carringtondesign.co.uk		
Standard Details Fencing & Railings Details		
Project 007		
St Ninians Road, Carlisle		
SCALE	1:50	REVISIONS
DATE	06/07/04	TH/SD-03
DRAWN	SD	REV.

DESIGN AND ACCESS STATEMENT

ON BEHALF OF TAGGART HOMES

2007/0714

SITE: LAND OFF ST NINIANS ROAD, CARLISLE

PROPOSAL: PLANNING APPLICATION FOR THE ERECTION OF 132 NO. DWELLINGS

1 Introduction

- 1.1 This Design and Access Statement is submitted on behalf of Taggart Homes in support of an application for 132 No. dwellings at Land off St Ninians Road, Carlisle.
- 1.2 The application is designed to achieve an efficient use of the land with a house type/apartment range to meet a local market demand. The proposal incorporates a mix of detached, semi detached, terraced and Apartment Block properties, including both houses and flats. The road structure is designed to be accessed at both the North and South sides of the site. There is also a footpath link between Brisco Meadows and the new estate road.
- 1.4 This Statement takes into account the guidance produced by CABI on Design and Access Statements, published in August 2006. It will show that the design of the proposed development is appropriate to its context and that the scheme will be of benefit to the area. It will also demonstrate that access to and within the site is safe and easy for all users.

2 The Site and its Surroundings

- 2.1 The site is located on the South edge of Carlisle and is currently unoccupied but was previously a landfill site. It covers an area of 7.5 acres and is situated off the A6 Road. The railway line follows the Eastern boundary going North to South. The surrounding area is predominantly residential in character and there is existing residential development to the North and West of the site and further East beyond the railway line. Houses in the area range from Victorian terraces to more modern 20th century detached and semi-detached properties. There are also significant areas of open space to the South and East and along the railway line to the North and South.

3 Proposed Development

- 3.1 The proposed development consists of 132 No. dwellings. The layout and mix of house types has been designed to make efficient use of the site in accordance with up to date planning guidance (see below) and to better meet the prevailing requirements of house buyers in this area.
- 3.2 The layout provides enhanced street scenes and incorporates good natural surveillance of public and private spaces, as well as respecting minimum overlooking distances in accordance with the Council's requirements. Car parking provision also meets the Council's standards.
- 3.3 The Proposed Development will provide a beneficial Vehicular/Pedestrian access link between St Ninians road and Cammock Crescent.
- 3.4 The hard and soft landscaping specified for the site is appropriate for this urban location and will provide attractive, safe, usable and legible spaces.

4 Planning Policy Framework

- 4.1 The proposed development would comply with the provisions of **Regional Spatial Strategy (RSS), PPS1 Delivering Sustainable Development and PPG3 Housing**, all of which seek to promote sustainable development and the more effective use of land, including giving high priority to the re-use of previously developed land in urban areas particularly where there is good access to public transport.

- 4.2 The following policies are relevant to the proposed development.

Policy H5 Residential Density

- 4.3 This policy requires residential development to achieve a net site density of between 30 to 50 dwellings per hectare. The proposed development achieves the upper end of this range and will improve the average density over the whole of the larger site.

Policy H6 Provision of Recreational Open Space in New Housing Development

- 4.4 Policy H6 sets standards for the provision of recreational open space. In this case the provision of such space for the whole site, including the current application site, has already been dealt with through the 2004 approval.

Policy BE/2 Design Criteria for New Development

- 4.5 This policy sets out a number of criteria, which seek to ensure good design in new development. These are set out below followed by a comment on how the proposed development complies.

- a) *Ensuring that they are compatible with or improve their surroundings by virtue of their scale, density, height, massing, layout, materials, architectural style and details and means of enclosure.*

Comment

The scale height and massing of the proposed dwellings is comparable to existing and proposed development around the site. The buildings are domestic in scale range from 2 to 3 storeys with buildings of different heights being placed carefully within the site. Around the outer parts of the site where there is an interface with existing dwellings, the new buildings are generally two storeys. 3 Storey apartment blocks are generally sighted on the eastern boundary. This helps to create interesting and varied street scenes and minimise overlooking.

The layout is designed to use land efficiently and creating interesting, attractive and safe places to live. The architectural style will fit in with the surrounding area

- b) *Creating visual interest in areas or buildings lacking character.*

Comment

This is a vacant piece of land. The proposed development will create visual interest in the ways outlined above.

- c) *Taking the opportunity to retain, enhance or create views, landmarks, and other townscape features, which make a material contribution to the character of the area and reveal such features to public view.*

Comment

As explained above, the development will create more interesting and attractive street scenes. The new three storey Apartment blocks overlooking the open space to the west of the site will create a local focal point. The layout of the site allows views out at intervals to the open spaces beyond.

- d) *Retaining and enhancing the architectural or historic qualities and features of buildings of character.*

Comment

Not applicable to this site.

- e) *Appropriate treatment of open spaces between and around buildings, including the provision of landscaping as an integral part of the development layout.*

Comment

Appropriate hard and soft landscaping is specified as an integral part of the design.

- f) *retaining key natural features, including trees, as part of the landscaping of the site.*

Comment

This is a previous landfill site so there are few natural creatures. However, where these occur e.g. hedges along the railway boundary they will be retained where possible. Where it is not possible to retain any features they will be replaced by more appropriate landscaping elsewhere.

- g) *Providing for safe and convenient access and circulation.*

Comment

The site can be accessed for St Ninians Road to the North and from Cammock Crescent at the South West of the site. Footpaths are provided along each side of the estate access roads. There is safe and level access to all of the dwellings. Dropped kerbs etc are to Council standards. There is pedestrian access to the P.O.S. The development is within a short distance of A6 Road, which is a main public transport route. The site is within the urban area and is within easy reach of local facilities such as shops and schools.

- h) *minimising opportunities for crime against people or property*

The proposals have been designed according to Secured by Design principles. The proposals provide enhanced surveillance of public and private spaces including car parking areas. The design clearly distinguishes between public and private space and ensures that there are no dark corners.

- i) *making adequate provision for natural light within and between buildings.*

Comment

The development meets council standards on overlooking distances and building regulations requirements regarding lighting.

- j) *Minimising the potential environmental impact of and on the development including noise, air and water pollution.*

Comment

The development is on a previous landfill site. Proximity to local facilities and services will help to minimise car use and therefore noise and air pollution. The development will meet building regulations requirements regarding energy efficiency and insulation etc. As with all new development it will be subject to controls to ensure that water pollution does not occur.

5 Use

- 5.1 Residential development. It is within a predominantly residential area and is compatible with surrounding uses.

6 Amount

- 6.1 The application establishes the principle of a relatively dense development on the site. The application makes more efficient use of the land in accordance with guidance in PPG3 Housing and draft PPS 3 Housing and enhances densities without compromising the quality of the residential environment.
- 6.2 The development is in a sustainable location and will help to sustain local facilities such as shops, schools and healthcare.

7 Layout

- 7.1 The layout has been carefully thought out to make the most efficient use of the site. The layout gives efficient use of the land, higher densities and more attractive and varied street scenes. It will help to achieve personal and property security.

8 Scale

- 8.1 The proposed development is appropriate in scale and massing and is compatible with existing development in the area (see above).

9 Landscaping

- 9.1 The landscaping has been properly considered from the start. It is designed to provide an attractive and safe residential environment.

- 9.2 The landscaping combines both hard and soft materials in an integrated design. The hard surfacing uses different materials to demarcate pedestrian and vehicular areas and to provide visual interest.

10 Appearance

- 10.1 As discussed above, the proposed development will be appropriate in scale in the context of its surroundings.
- 10.2 The materials will be compatible with existing and proposed development in the area.

11 Access

- 11.1 Safe, level and well lit access is provided throughout the site. The design takes into account Secured by Design principles and pedestrian and vehicular areas are clearly demarcated, as is the division between the private and public spaces.
- 11.2 The site is in a very sustainable location being within walking or cycling distance of local facilities and services and with frequent bus services along the A6, which is a major public transport route.
- 11.3 Adequate car parking is provided within the site in accordance with the Council's standards.

12 Conclusion

- 12.1 The proposed development will provide significant benefits in terms of more efficient use of the land, higher densities, enhanced street scenes and a better fit to the local housing market.
- 12.2 The development has been carefully designed to be compatible with the surrounding area and to provide an attractive, accessible and safe residential environment.
- 12.3 For these reasons the Council is respectfully asked to grant planning permission for the development.

ENERGY STATEMENT ON BEHALF OF TAGGART HOMES LTD

SITE: LAND OFF ST NINIANS RD, CAMMOCK CRESENT,CARLISLE.

PROPOSAL: PLANNING APPLICATION FOR THE ERECTION 132 No. HOUSE-TYPES AND APARTMENT UNITS.

1 Introduction

- 1.1 This Energy Statement is submitted on behalf of Taggart Homes Ltd in support of an application for a mix of 132 no. units at St.Ninians Rd, Carlisle.
- 1.2 The site comprises the Central part of a residential development site which consists of Four Apartment Blocks which are 3 Storey, comprising of Ground Floor Parking Facility. The remainder of the development includes a mix of 2 – 3 Storey House Styles ranging from 1-4 Bedrooms.
- 1.4 This Statement takes into account the Energy Act 2004, also guidance produced by DTI and the Carbon Trust in regards to the procuring of energy efficiency buildings. The Design will show that the proposed development is appropriate to its context and that the scheme will be of benefit to the area. It will also demonstrate that the reduction of energy use will be made easier for all users.

2 The Site and its Surroundings

- 2.1 The site located is land off St Ninians Rd, Cammock Crescent Carlisle and a former Land Fill Site. It covers an area of 3.04 hectares (Including Outline planning Permission for Residential Use) and is situated to the South of Carlisle, junction 42 of the M6. The surrounding area is predominantly residential in character and there is existing residential development to the North and West of the site.
- 2.2 Adjacent to the current application site comprises of an existing area of Public Open which is situated to Western Boundary.

2007/0714

3 Proposed Development

- 3.1 Outline Planning consent for Residential Use was granted in 2002 for a mixture of Apartments and House Types, the current application has connected with the original application providing all necessary requirements. The full description of the information submitted for development is as follows:
- Details of siting, design and external appearance of 4No.Three storey Apartment Blocks and 131No.Two/three storey together with associated landscaping which includes Public Open Space, car parking and construction of new one way vehicular access which includes 2.No new Proposed Bus Stops,*
- 3.2 The permission was granted subject to various conditions including Noise Assessment (PPG24), Landscaping Scheme and Lighting Scheme. All of which shall be submitted to Carlisle City Council.
- 3.3 The Development currently has outline planning consent. Materials of which are to be in accordance with previously submitted application, however, shall be submitted in support of application.
- 3.4 The proposed development consists of 4 no. Unit Apartment Blocks supplied with a Ground Floor Car Parking Facility of 31 bays, and 101No. House-types. A proposed one way vehicular access will be constructed to reduce the amount of congestion. 2No. Proposed bus stops to accommodate the local infrastructure and Public Open Space are within walking and cycling Distance.
- 3.5 The layout provides enhanced street scenes and incorporates good natural surveillance of public and private spaces, as well as respecting minimum overlooking distances in accordance with the Council's requirements. Car parking provision also meets the Council's standards.
- 3.7 The hard and soft landscaping specified for the site is appropriate for this urban location and will provide attractive, safe, usable and legible spaces.

4 Planning Policy Framework

- 4.1 The proposed development would comply with the provisions of **Regional Spatial Strategy (RSS), PPS1 Delivering Sustainable Development, PPG3 Housing and PPS22 Renewable Source**, all of which seek to promote sustainable development and the more effective use of land, including giving high priority to the re-use of previously developed land in urban areas particularly where there is good access to public transport.

Comment

The development meets council standards on overlooking distances and building regulations requirements regarding lighting.

The development is on Former Landfill site in a sustainable location. Proximity to local facilities and services will help to minimise car use and therefore noise and a reduction in carbon emissions. The development will meet current building regulations requirements regarding energy efficiency and insulation through the fabric of the build and the components which are used.

Namely

- *Increase amount of insulation to a minimum of 250mm between floors and roof in order reduce the amount of heat loss through the roof, mineral wools are to be used.*
- *External walls to be traditional Cavity construction which will consist of full fill cavity insulation (mineral wall, glass fibre or polystyrene) which can reduce heat loss through wall by up to 30%, including internal walls between habitable rooms.*
- *External Windows to be double glazed, thermally broken double to required style & size.*
- *In addition to the above the insulating of such as hot water supply service pipes in areas where possible to maintain sufficient temperature and reduce heating costs.*
- *Making adequate provision for natural light within and between buildings, which shall reduce the amount artificial light used, however, each property shall consist of Low energy lighting bulbs and apartment blocks communal areas lighting to have automatic cut switches.*

- *The use of high efficiency boilers in both apartments and houses, and all radiators to sized and positioned to counter balance any heat loss through elements such as windows.*
- *In conjunction with the above all apartment Blocks and Houses are to have provisions for recyclable waste prior to the occupation as part of Carlisle City councils waste managements Plan. For the duration of the construction phasing plan to the site is to incorporate sufficient measures for waste materials i.e. separate skips for materials such as timbers which can be reused.*

5 Conclusion

- 5.1 The proposed development will provide significant benefits in terms of more efficient use of the land, higher densities, enhanced street scene and a better fit to the local housing market.
- 5.2 Further investigation into alternative technologies such as ground source heat pumps and solar photovoltaic cells to determine how the life cycle costing can be reduced.
- 5.3 The development has been carefully designed to be compatible with the surrounding area and to provide an attractive, accessible and safe residential environment.
- 5.4 The Development has carefully considered the energy efficiency through the design of the fabric of the buildings in respect of the components and element used.
- 5.5 For these reasons the Council is respectfully asked to grant planning permission for the development.

AFFORDABLE HOUSING STATEMENT

**LAND AT ST NINIAN'S ROAD,
CARLISLE**

Dated 4th June 2007

THE PROPOSAL

The proposals are to develop some 7.51 acres of land off St Ninian's Road, Carlisle for residential development.

The site, subject to the application, lies to the south east of St Ninian's Road and is bounded by that County Highway to the west, the commercial land to the north occupied by a series of small industrial units and the main line railway, to the east is open land which formed part of a former landfill site and to the south are the housing estates of Cammock Crescent and the more recent Briscoe Meadows.

The site itself is a restored landfill area which occupied approximately 30% of the land subject to the planning application.

The application relates to the erection of 132 residential units with access into the site only from St Ninian's Road, access and egress through Briscoe Meadows and one way out of the site into Cammock Crescent.

The site will enable the local bus service to be extended through the development.

The site previously had outline planning permission for the erection of 80 dwellings and that consent lapsed in October 2005. The site is currently an allocated site for residential use in the adopted Local Plan.

AFFORDABLE HOUSING PROVISION

Policy H5 of the current Local Plan requires affordable housing to be provided on developments proposing in excess of 10 dwellings.

Whilst the wording of the Policy requires 25% of the development to be affordable, paragraph 5.25 indicates that future provision should be based around 25-30% of the total figure.

Whilst the applicants recognise this requirement and Government Guidance supports that view, there are mitigating circumstances that suggest a lower figure should be considered.

This site was formerly a subjected to authorised landfill and whilst it has been restored in accordance with a scheme approved by the County Council, remediation measures as identified by Arley Consulting are required.

The estimated cost of those remediation works, to be agreed with the Council's Environmental Health Department, are in the region of £750,000. Those works along with the financial contributions towards cycle way improvements, open space and the other payments make the site expensive to develop.

As a result, the developer is offering to provide 14.4% of the total figure (19 dwellings) as affordable housing stock.

The full schedule of accommodation for the site is set out in the Appendix to this statement.

Those 19 units will be mixed between shared ownership units and housing units for rent.

The rented units (13) will be units 110-122 located in the north eastern corner of the site. The rented dwellings have not been pepper-potted throughout the site but have been located together for ease of maintenance and management. Those units provide an attractive environment in which to live on the fringe of the development adjacent to open countryside.

The schedule shows that those units are a mix of 2, 3 and 4 bed terraced houses of 700, 817 and 1084 sq ft respectively. In that block there are also 2x1 bed 4x2 bed apartments.

The shared ownership dwellings (6 no) will be spread throughout the site and will be a mix of 3 bed semi mews (817 sq ft) and 4 bed semi mews (1084 sq ft). The location of units are across the development on plots 7-8, 36-37 and 131-132 and will be agreed during the preparation of the relevant Section 106 Agreement.

Discussions are being carried out with RSA's that have an existing presence in the locality from the list supplied by the Council.

The cost of the affordable units will be agreed with the Council in conjunction with the nominated RSA.

The nomination process for the occupation of those units will follow the guidance in paragraph 5.26 of the Local Plan.

APPENDIX

TYPE		DESCRIPTION	SQ/FT	NO
OLA	CLARENCE	2 BED SEMI/MEWS	720	7
WAR	WARWICK	3 BED SEMI/MEWS	853	15
APP	APPLEBY	3 BED DETACHED	970	8
HAM	HAMPTON	3 BED DETACHED	1050	3
HEL	HELMSLEY	3 BED SEMI/MEWS	1076	14
WIN	WINDSOR	4 BED SEMI/MEWS	1234	17
KEN	KENSINGTON	4 BED DETACHED	1316	9
X		1 BED FLYOVER	500	3
Y		2 BED CORNER APTS	670	4
AFF/2		2 BED AFFORDABLE HOUSE	700	2
AFF/3		3 BED AFFORDABLE HOUSE	817	5
AFF/4		4 BED AFFORDABLE HOUSE	1084	6
AFF/1LF		1 BED AFFORDABLE FLYOVER	500	2
AFF/2CF		2 BED AFFORDABLE CORNER HOUSE	670	4
BLOCK A		2 BED APT, 3 STOREY	802	6
		1 BED APT, 3 STOREY	495	3
BLOCK B		2 BED APT, 3 STOREY	707	6
BLOCK C		2 BED APT, 3 STOREY	802	6
		1 BED APT, 3 STOREY	495	3
BLOCK D		2 BED APT, 3 STOREY	802	6
		1 BED APT, 3 STOREY	495	3
TOTAL : 116,041 SQ/FT				132

SCHEDULE A: Applications with Recommendation

07/1241

Item No: 08

Date of Committee: 25/01/2008

Appn Ref No:
07/1241

Applicant:
Story Homes

Parish:
Carlisle

Date of Receipt:
07/11/2007

Agent:

Ward:
Belle Vue

Location:
Land Adjacent Burgh Road/Moor Park Avenue,
Carlisle

Grid Reference:
337417 556286

Proposal: Erection of 30 no. Dwellings and Associated Roads and Footpaths

Amendment:

1. Revised layout plan and design of house types received 13th December 2007.

REPORT

Case Officer: Angus Hutchinson

Reason for Determination by Committee:

In the light of the number of objections received from neighbouring residents.

1. Constraints and Planning Policies

Gas Pipeline Safeguarding Area

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

District E9 - Landscaping of New Dev.

District T7 - Parking Guidelines

District H2 - Primary Residential Areas

District H16 - Design Considerations

District H17 - Residential Amenity

Rev Redeposit Pl. Pol DP1 - Sustainable Develop. Locations

Rev Redeposit Pl. Pol CP1 - Landscape Character/Biodiversity

Rev Redeposit Pl. Pol CP2 - Trees And Hedges On Dev. Sites

Rev Redeposit Pl. Pol CP5 - Residential Amenity

Rev Redeposit Pl. Pol CP11-Foul/Surf Water SewerSewage T/ment

Rev Redeposit Pl. Pol H1-Location of New Housing Development

Rev Redeposit Pl. Pol H2 - Primary Residential Areas

Rev Redeposit Pl. Pol H3 - Residential Density

Rev Redeposit Pl. Pol H5- Affordable Housing

Rev Redeposit Pl. Pol H16 - Residential Land Allocations

Rev Redeposit Pl. Pol LE8 - Archaeology On Other Sites

Rev Redeposit Pl. Pol LC2 - Primary Leisure Areas

Rev Redeposit Pl. Pol LC4-Children's Play & Recreation Areas

Rev Redeposit Pl. Pol T1 - Parking Guidelines

2. Summary of Consultation Responses

Cumbria County Council - (Highway Authority): the applicant has been in discussions with this Authority from the outset and these discussions have been very constructive. The current layout is as agreed. The improvement to connectivity between Moorpark Avenue and Burgh Road is noted and the provision of a footpath next to Moorpark Avenue commended.

No objection to this application but would recommend the imposition of four conditions. The applicant is to enter in to the appropriate legal agreement with this Authority (or obtain the appropriate licence from this Authority) to enable the works within the current highway and the adoption of the newly created highway;

Community Services - Drainage Engineer: comments awaited;

Environmental Services: comments awaited;

Cumbria County Council - (Archaeological Services): the site has been the subject of an archaeological evaluation which revealed a series of ditches containing Roman pottery. These features are likely to represent evidence for land management during the Roman period and will be destroyed by the proposed

development of the site.

Consequently, it is recommended that an archaeological excavation of the site be undertaken in advance of development and advised that this work should be commissioned and undertaken at the expense of the developer. This programme of work could be secured through the inclusion of a negative condition (PPG16, para. 30) in any planning consent. It is also suggested that you advise the applicant that such archaeological investigations are liable to involve some financial outlay;

English Heritage - (Hist Bldg & Monuments): no wish to offer any comments on this occasion;

(Parks & Countryside - Landscape Services) Community Services - Greenspace Team: based on the applicant's figure of 108 'heads' in the development the total commuted sum requirement for sports pitches and amenity open space is £45, 354.

The rationale for this request is on the basis that:

1. the sports pitch requirement is agreed and supported by the Audit data;
2. the need for amenity open space is justified by the lack of provision in the immediate vicinity of the development or on the site itself, which falls short of the standard distances in LC2 (even though we are not dealing with a Primary Leisure Area);
3. the contribution towards a play area is based on the cost of providing additional equipment at the nearest available play space (Spider Park, next to Belle Vue School) and is intended as a 'contribution', not an exact calculation. The maintenance contribution is towards our 'at cost' rates for weekly safety inspections and minor maintenance;
4. rates for 'Provision' are notional, based on the cost of providing the land off-site. In fact, provision would be made by improving existing sites and the contributions would be used for capital improvements; and,
5. maintenance costs cover the standard 10-year period;

Development Services Planning & Housing Services - Access Officer: no objections;

Cumbria Constabulary - Crime Prevention: reference to the SPG "Designing Out Crime in Residential Areas" (DOCRA). In such a context it is considered that:

1. the proposal contributes to meeting the Council's objective of creating an environment which encourages neighbourliness and natural surveillance because it has a basic cul-de-sac layout with the dwellings laid out in a manner which contributes to natural surveillance of the semi-public spaces without compromising the need for privacy;
2. the proposed link to Moor Park Avenue with a footpath will not assist residents to

distinguish between neighbours and visitors, which shall undermine the overall security of the development. Although it may be argued that residents will require access to the adjacent amenities, this feature will lead to an increase in incidents of criminal or anti-social activity. Consequently it is considered that the incorporation of the footpath does not comply with SPG;

3. the concept of Defensible Space will be enhanced by implementing physical boundary treatments for each dwelling - with the intention of clearly defining garden boundaries as private space;

4. the car parking spaces for Units 8-11 is detached from the curtilage by the footpath link to Moor Park Avenue. Statistics from the British Crime Survey 2006/07 reveal that although 68% of all vehicle related crime occurs in residential areas, only 2% occurs within a private garden curtilage or garage. This factor supports the recommendation that the establishment of private front gardens is more effective by utilising physical boundaries. Under the present proposal, the vehicles parked in these spaces shall be at greater risk of crime;

5. landscaping, lighting and door/window security details need to ensure security;

Planning & Housing Services - Housing Strategy: following a meeting with Storys in August, we agreed to accept 6 x 3-bedroom houses as the contribution to affordable housing (2 no. rented and 4 no. discounted sale). Although this only represents 20% of the total units in the development, we had requested an element of rented housing (which is significantly more expensive to “stack up” without additional grant funding) to contribute to the need for rented family housing identified in the Housing Market Assessment for Carlisle Urban (2006-11). Storys have provided calculations accordingly to support this being an equivalent contribution to 30% of the overall units at a 30% discount. This complies with policy 4.2 (d) of the updated Housing Strategy Action Plan;

Development Services Planning & Housing Services - Local Plans (Trees): whilst there is very limited scope for landscaping a detailed hard and soft landscaping scheme should be submitted by the applicant and agreed in writing by the local authority prior to commencement on site;

Northern Gas Networks (working with United Utilities): no objections to these proposals, however there may be apparatus in the area that may be at risk during construction works and should the planning application be approved, then we require the promoter of these works to contact us directly to discuss our requirements in detail. Should diversionary works be required these will be fully chargeable;

Urban Design Officer: in relation to the originally submitted plans it was generally commented that the site occupies an area allocated for residential development in the local plan. The general layout of the site and plot boundaries were considered acceptable, and form a reasonable interface between Burgh Road and the estate at Moor Park Avenue. The detailed observations were as follows:

Arundel V1, V2 and V9 House Type, of which there are three units, are acceptable. Its proposed chimneystacks give the roofscape welcome articulation and presence.

The Ascot House Type, of which there are seven units, is a more banal, modest detached unit. Given a good quality brick and an acceptable slate or artificial substitute it is acceptable as part of the mix. However, I would like to see some additional thought given to the unit on Plot 16. This rear will be highly visible to those entering Moor park Avenue. Some additional detailing to the rear to match the 'gablet' to the front elevation would be beneficial here.

The Carlisle V2, like the Ascot, is also somewhat generic. It was requested that units 2 and 27 are provided with chimney stacks to their right hand gable as these gables, bland at present will be prominent in the streetscene. It was also suggested that unit 27 is provided with a window in it's blank right hand elevation, but this would probably cause overlooking issues with unit 18.

The Farnham units, of which there are two pairs, would benefit from book-ending with adequately scaled chimneystacks to match those of the Arundel.

No adverse comment on the Warwick and Warwick + units.

The York semi detached units are banal. They could be improved by the addition of adequately scaled chimneystacks to bring some articulation to the roofscape. Side elevations to units 12 and 30 would benefit from fenestration to relieve the mass of blank brickwork.

The York terraced units are again banal. A pair of chimneystacks could relieve this. Additionally I would raise the following:

Pleasingly, the applicant appears to have generally located external meter boxes on side elevations. Ideally these should be in a non-white colour. The York terrace units should have theirs located on the side elevations/sides of their porches, or as semi-concealed meters within their curtilage.

A number of broad lintels are indicated above windows and garage openings. Clarification should be sought on proposed materials (I would guess artstone). Spans should be achieved either with a single, unbroken span or with a span subdivided by a keystone. Abutting sections of lintel should not be used.

It is recommended that rainwater goods and soil pipes should be in black. Convincing 'cast iron' rainwater goods in plastic are available and the applicant should be invited to consider these. White PVCu should not be used. The applicant should be invited to consider the use of drive-in/rise and fall brackets or rafter brackets, to avoid the need for provision of fascia boards.

Any street nameplates associated with the development should be wall-mounted and freestanding poles should not be used.

I was unable to locate details of boundary treatments. I would suggest that walls should be constructed in an English garden wall bond and that blunt topped railings, rather than hoped railings should be employed.

No landscaping plan is evident but suggested that pit-planted, extra heavy duty

standard trees, with an appropriate watering regime for their establishment, are provided at the Moor Park Avenue boundary to create additional definition to the street and a softening of the environment.

In relation to the revised plans received on the 13th December it was commented that the changes made were welcome and have improved the proposal. Broadly, the applicant has articulated the roofs through the addition of finials and gablets to most units, with some other additional detailing. These changes reflect earlier concerns, which had been suggested could be addressed by chimneystacks. It is considered that these changes are acceptable.

However, it was restated that:

External meter boxes should be located on discreet elevations and should ideally be in a non-white colour. The York terrace units should have theirs located on the side elevations/sides of their porches, or as semi-concealed meters within their curtilage.

A number of broad lintels are indicated above windows and garage openings. Clarification should be sought on proposed materials. Spans should be achieved either with a single, unbroken span or with a span subdivided by a keystone. Abutting sections of lintel should not be used.

It is recommended that rainwater goods and soil pipes should be in black. Convincing 'cast iron' rainwater goods in plastic are available and the applicant should be invited to consider these. White PVCu should not be used. The applicant should be invited to consider the use of drive-in/rise and fall brackets or rafter brackets, to avoid the need for provision of fascia boards.

External detailing such as that which has now been added to gables should be in timber. PVCu should not be used. The haunches of dormers such as those proposed for the Warwick should be in lead, zinc or timber. Again, PVCu should not be used.

I note that glazing bars have been added to a number of the elevations. If used, these should appear on the external face of the glass and should be solely sandwiched between panes or solely applied to the interior of the glass.

Any street nameplates associated with the development should be wall-mounted and freestanding poles should not be used.

It is suggested that walls should be constructed in an English garden wall bond; that blunt topped railings (rather than hooped railings) should be employed; a brick of a darker red multi would be appropriate for this site and is typical of the Carlisle vernacular. Roofing material should be in natural slate or a convincing artificial substitute.

3. Summary of Representations

Representations Received

Initial:		Consulted:	Reply Type:
	Vallum House Hotel	26/11/07	
	82 Burgh Road	26/11/07	Objection
	64 Moor House Road	26/11/07	
	66 Moor House Road	26/11/07	
	68 Moor House Road	26/11/07	
	1 Grinsdale Avenue	26/11/07	
	3 Grinsdale Avenue	26/11/07	
	4 Grinsdale Avenue	26/11/07	
	6 Grinsdale Avenue	26/11/07	
	1a Grinsdale Avenue	26/11/07	
	84 Burgh Road	26/11/07	Objection
	86 Burgh Road	26/11/07	
	69 Burgh Road	26/11/07	
	71 Burgh Road	26/11/07	
	77 Burgh Road	26/11/07	
	87 Burgh Road	26/11/07	
	10 Moor Park Avenue	26/11/07	Objection
	12 Moor Park Avenue	26/11/07	Objection
	14 Moor Park Avenue	26/11/07	Objection
	16 Moor Park Avenue	26/11/07	Objection
	18 Moor Park Avenue	26/11/07	Objection
	52 Moor House Road	26/11/07	
	54 Moor House Road	26/11/07	
	56 Moor House Road	26/11/07	
	58 Moor House Road	26/11/07	
	60 Moor House Road	26/11/07	
	62 Moor House Road	26/11/07	
	50 Moorhouse Road		Objection

- 3.1 This application has been advertised by means of a site notice, press notice and notification letters sent to 26 neighbouring properties. At the time of preparing the report nine letters of objection have been received. What follows is a summary of the representations made although copies of the correspondence received has been attached to this report.
- 3.2 The occupiers of 10 to 18 (even numbers) Moorpark Avenue have objected on the basis of a loss of (undeveloped) land, views, sunlight, scenery and wildlife.
- 3.3 The formal objections from the occupiers of 82 and 84 Burgh Road have raised the following issues:
1. the proposed main exit road would be highly dangerous because there would be a strong possibility of at least another 30 vehicles trying to enter the flow of traffic; the road is often congested; functions at Vallum House lead to cars overflowing the car park parking across residents drives which can be 7 days a week; cars are now being parked with drivers then cycling into town; heavy volume of traffic using Burgh Road including HGV's, buses and delivery vans; need to consider implications when Northern Development Road is opened; youths have used the land as a "rat run"; pollution caused by extra houses and vehicles;

2. it is understood that the land is deemed as agricultural land;
 3. the drainage system is also a major concern – there have already been problems with blocked drains;
 4. alleged that the Planning Committee seem hell bent on making life for the Burgh Road residents as noisy, polluted and uncomfortable as possible;
 5. this proposal is far too large for the size of the plot and will change the whole area, it is not in keeping with the existing properties;
 6. entitled to live in a clean and safe area as a Human Right.
- 3.4 The occupiers of 50 Moorhouse Road have objected because of the impact of the proposed four bed houses on plots 20-23 inclusive which will overlook the garden – the submitted plans show a total of 8 primary windows looking into the garden. It is not clear from the plans how high the houses will be however, because of the close proximity and topography, they will appear higher than they really are. This will lead to a loss of sunsets and views of the sky. As a result a compromised is proposed that properties 20-23 inclusive are constructed as bungalows.
- 3.5 A couple who called in to the Civic Centre verbally requested that clarification be sought from the applicant on the correct orientation of the “Warwick +” house on plot 20 because the submitted plan/elevation are “handed”.

4. Planning History

- 4.1 In 1990, under application 90/0020, full planning permission was granted for the erection of 6 no. single storey dwellings specifically designed to suit the needs of the elderly or the disabled.

5. Details of Proposal/Officer Appraisal

Introduction

- 5.1 This application relates to 0.9 ha of overgrown land located on the southern side of Burgh Road to the immediate west of Vallum Lodge and Vallum House Hotel. The site generally slopes down on a south - north axis from 40 metres AOD to 35 metres adjacent to Burgh Road. The submitted details indicate that the land had previously been used for warehousing and horticultural purposes - the 1972 OS map showing a glasshouse, five buildings and a warehouse. The former structures have subsequently been demolished with the remnants still evident on the site. Vehicular access is from Burgh Road although the property also has a frontage onto Moor Park Avenue.
- 5.2 The application site is bounded by residential properties along Moorhouse Road, Moor Park Avenue and Burgh Road which range in style from Victorian

terraces, semi-detached houses to detached bungalows. The road frontage boundaries are delineated by a 1.8 metre high palisade fence.

- 5.3 In the immediate vicinity there are three retail premises at Grinsdale Avenue in the form of McColls (groceries/newsagents), Ebony (hairdressers) and Johnnie O'Hara (saddlery); and, east and west bound bus stops adjacent to 8 and 21 Moorhouse Road respectively. The nearest play area is to the south of Moorhouse Road with access either at 23/25 Moorhouse Road or adjacent to Belle Vue Infant and Junior School on Beaver Road. The Belle Vue Church of the Nazarene is located on Moorhouse Road.
- 5.4 Under the Proposals Maps of both the Carlisle District Local Plan and Carlisle District Local Plan 2001-2016 Revised Redeposit Draft, the site is designated as being within a Primary Residential Area. The application site is also approximately 300 metres to the south of Hadrian's Wall Vallum.

Background

- 5.5 The current application seeks full permission for the erection of a total of 30 two storey houses comprising 12 three bed and 18 four bed units of which four are in a terrace, eight are semi-detached, and the remainder are detached. The designs of the proposed dwellings are based on variations of six different house types with tiled roofs and brick/render walls.
- 5.6 The submitted layout plan shows the houses based around a cul-de-sac with vehicular access from Burgh Road and pedestrian access onto Moor Park Avenue – see attached copies of plans.
- 5.7 A Design and Access Statement, Archaeological Assessment, Highway Statement, Drainage Statement and Executive Summary of a ground investigation accompany the application.
- 5.8 The Design and Access Statement states that:
1. the proposed use of the site accords with the aims and objectives of both the Government through PPS3 and the City Council in achieving the delivery of housing stock within the urban boundary;
 2. the site is allocated within the Revised Redeposit Local Plan for residential purposes and has previously benefited from residential permissions which were not implemented;
 3. the site density is approximately 31 dph which is within the recommended Government requirements for housing to be delivered at a minimum density of 30 dph;
 4. separation distances in regards to overlooking window to window have generally been kept at 21 metres. Within the "courtyard" area, the distances have been lowered in order to provide for an improved interface with the existing development on Moor Park Avenue and take account of a footpath link in order to give access to the adjacent shops and nearby

bus stop;

5. the scale of the development has been designed to reflect its surroundings which are predominantly two storey residential properties with pitched roofs. Apartment blocks are not proposed for the site;
 6. hard landscaping will consist of tarmac on footpaths and in the first section of highway, thereafter setts will be used. Setts will also be used on areas of off street car parking;
 7. it is intended to have walls rather than fences to the boundaries of the site where they border public spaces such as footpaths;
 8. Parts K and M of the Building Regulations have been taken into consideration to provide greater accessibility for all users throughout the site; and,
 9. the pedestrian link to the retail units will be well overlooked by housing in order to lessen the opportunity for anti-social behaviour.
- 5.9 The Archaeological Assessment concludes that although a small amount of pottery of probable Roman date was found the Stanegate Roman road does not appear to cross the site.
- 5.10 The Highway Statement confirms that all roads will be designed and constructed to an adoptable standard having already undertaken extensive pre-application discussions with the Highways Authority.
- 5.11 The Drainage Statement explains that the intention is for the site to be drained by gravity towards the existing separate surface and foul sewer systems on Burgh Road using a system of underground pipework and manholes designed and constructed to an adoptable standard. The proposed foul and surface water systems will be kept separate. A tanked porous paving system will be used within the curtilage of each property to avoid any polluted runoff from driveways.
- 5.12 The Executive Summary of the ground investigation advises the removal of two "hotspots" in the made ground deposits although tests on the groundwater samples confirm no significant levels of contamination. It is advised that a 300mm thick soil cap is undertaken in all the gardens. Although further gas readings are required, the indications are at present that gas protection measures may not be required.
- 5.13 The applicant has also confirmed a willingness to pay a commuted sum of £45,354 as requested by the Council's Open Spaces Officer ,and, that the proposed affordable housing consists of two rented units on plots 9 and 10 with the plots for discounted sale being 8, 11, 29 and 30.

Assessment

- 5.14 When assessing this application it is considered that the main planning issues

are whether the advantages outweigh the disadvantages with regard to:

1. whether the proposal meets the objectives of the Development Plan with regard to the provision of affordable housing;
2. whether the contribution to off-site provision of sports pitches and open space is appropriate;
3. whether the proposal would be detrimental to highway safety;
4. whether the proposal would be detrimental to the living conditions and security of existing neighbouring residents and occupiers of the proposed dwellings;
5. whether the proposal would be detrimental to the character of the area; and,
6. whether the proposed residential development of the site is appropriate in the light of any contamination.

5.15 When considering 1), 2) and 3) it is evident that the proposal accords with the respective recommendations of the City Council's Open Spaces and Housing Enabling Officers. The Highway Authority has also not raised any objections to the proposal.

5.16 In the case of the relationship of the proposed dwellings to the existing properties, the bungalow at 87 Burgh Road has three windows facing the application site. Two of the aforementioned windows only serve an entrance lobby/hall with the third providing light to the dining room. However, the distance between the gable end of the proposed house on plot 1 and the existing bungalow at 87 Burgh Road is 11 metres. In addition the properties are shown to be off-set to one another so that an outlook from the dining room would still be retained. For the house on plot 2, the separating distance of the facing "rear" wall and 87 Burgh Road is 17.5 metres although both properties are at right angles and off-set to one another. For 10, 12, 14 and 16 Moor Park Avenue the respective distances between facing walls of the proposed houses on plots 4 - 7 range between 20 to 22 metres. Of more concern is the separating distance of 14 metres between the proposed end of terrace house on plot 8 and 10 Moor Park Avenue although it is appreciated that they are not directly facing walls with the properties at an angle to one another. In regard to the dwellings at 54 – 66 Moorhouse Road, the respective distances between the principle elevations and the proposed units vary between 21 metres and 29 metres. Members should, nonetheless, be aware that some of the neighbouring properties have ground floor extensions (such as 58, 60 and 62 Moorhouse Road) although any impact in these cases is mitigated by a combination of the structures either not containing facing windows, the existing boundary treatment, the relationship to the proposed dwellings, and the overlooking that already takes place.

5.17 The increase in traffic will have an impact on the occupiers of the adjacent Burgh Road dwellings but in the context of the existing use of the highway,

Vallum House Hotel and the proposed domestic use, it is considered that the proposal would not generate additional noise, disturbance and congestion sufficient to merit refusal.

- 5.18 When looking at the relationship of the proposed units to one another, the potential areas of concern revolve around the separating distance between the facing wall and gable end of the houses on plots 13 and 16 of just over 10 metres. The separating distances between plots 8 – 11 and 12 – 15 are just over 20 metres. Whilst these distances do not comply with the standards specified in Policy CP5 of the Revised Redeposit Local Plan, it is considered that the differences are marginal and not of such significance in themselves as to warrant the refusal of permission.
- 5.19 In terms of security, the main concern relates to the proposed footpath link from the development site to Moor Park Avenue. However, following discussions with the Highway Authority and Architectural Liaison Officer of Cumbria Constabulary the applicant is currently looking at the feasibility of modifying the layout to enable the car parking serving the terraced houses to be immediately outside their front doors with a shared surface created to provide not only vehicular access but also the link onto Moor Park Avenue. This change may also enable a greater separating distance to be achieved between plot 8 and 10 Moor Park Avenue.
- 5.20 When considering issue 5), it is apparent that the applicant has sought to follow the existing contours and pick up the scale and form of the neighbouring properties in a more contemporary manner which does not overdevelop the site and provides family accommodation. The Council's Urban Design Officer has not raised any objections to the revised plans although clarification is awaited on the design of the proposed lintels, railings, nameplates and the brick bonding style of the boundary walls.
- 5.21 Finally, the views of Environmental Services are awaited although Members will appreciate that on other sites any issue associated with contamination has normally been resolved through the imposition of a relevant condition(s).

Other Matters

- 5.22 It is appreciated that other matters have been raised by neighbouring residents but they are not considered in this case to be of sufficient weight to determine the consideration of this application.

Conclusion

- 5.23 In conclusion it is generally considered that the advantages of the current proposal outweigh any disadvantages subject to the receipt of a satisfactory revised layout plan and confirmation of the railing/lintel details, and, the awaited comments of Environmental Services.

6. Human Rights Act 1998

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

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

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

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

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

- 6.3 The proposal has been considered against the above but in this instance it is not considered that there is any conflict. If it was to be alleged that there was conflict it is considered not to be significant enough to warrant the refusal of permission.

7. Recommendation - Grant Permission

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

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

2. The development permitted by this planning permission shall not be initiated by the undertaking of a material operation as defined in section 56(4)(a)-(d) of the Town and Country Planning Act 1990 in relation to the development until a planning obligation pursuant to s.106 of the said Act relating to the land has been made and lodged with the Local Planning Authority and the Local Planning Authority has notified the persons submitting the same that it is to the Local Planning Authority's approval. The said planning obligation will provide: a) a total of 6 affordable dwellings of which 4 no. (plots 8, 11, 29 and 30) are offered for sale at a 30% discount with the remainder for rent (plots 9 and 10); and, b) the payment of commuted sum of £45,354 with regard to sports pitches and amenity open space.

Reason: In accordance with Policy H19 of the Cumbria and Lake District Joint Structure Plan 2001-2016; Policies IM1, H5, LC2, LC4 and LC8 of the Carlisle District Local 2001-2016 (Revised

Redeposit Draft).

3. Prior to the commencement of development there shall be submitted to, and approved in writing by the Local Planning Authority ("the LPA"), a plan and/or programme showing the proposed phasing of the development. The development shall thereafter proceed only in accordance with the approved phasing and/or programme or such variation to that plan and/or programme as may subsequently be agreed in writing by the LPA.

Reason: To secure in the public interest a satisfactorily correlated order of development in accordance with Policy H4 of the Carlisle District Local Plan 2001-2016 (Revised Redeposit Draft).

4. 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 Planning Authority.

This written scheme will include the following components:

- i) an archaeological excavation of the area defined within the agreed written scheme of investigation;
- ii) a post-excavation assessment and analysis, preparation of a site archive ready for deposition at a store approved by the Planning Authority, completion of an archive report, and publication of the results in a suitable journal.

Reason: To afford reasonable opportunity for the examination and recording of the remains of archaeological interest that survive within 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), no additional windows shall be inserted above the ground floor on the west elevation of the dwelling hereby permitted on plot 1 as delineated in drawing no. SL027.90.9.SL.PL rev. A without the prior consent of the local planning authority.

Reason: In order to protect the privacy and amenities of residents in close proximity to the site and to ensure compliance with Policy H14 of the Carlisle District Local Plan.

6. The carriageway, footways and footpaths in respect of each phase of the development 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 in respect of each phase. No work shall be commenced in respect of each phase until a full specification has been approved in respect of that phase. These details shall be in accordance with the standards laid down in the current Cumbria Design Guide. Any works so approved shall be constructed before the development is completed.

Reason: To ensure that the matters specified are designed to the satisfaction of the Local Planning Authority and to support Local Transport Plan Policies S3, LD11 and LD7.

7. Pedestrian crossing facilities shall be provided on each side of the junction with Burgh Road in accordance with the DETR's publication "Guidance on the use of Tactile Paving Surfaces". Details of all such crossing facilities shall be submitted to and approved in writing by the Local Planning Authority before the commencement of development. All details so approved shall be carried out either contemporaneously with the completion of individual plots or, in the alternative, by not later than the completion (by the plastering out) of the final residential unit of that phase of the development as specified in the phasing plan and/or programme required to be submitted by condition 3.

Reason: In the interests of pedestrian safety in accordance with Local Transport Plan Policies S3, LD12, and, LD7.

8. No residential unit hereby approved shall be occupied until the estate road to serve such unit has been constructed in all respects to base course level and street lighting has been provided and brought into full operational use.

Reason: To ensure that the matters specified are designed to the satisfaction of the Local Planning Authority and in accordance with the objectives of Policy 25 of the Cumbria and Lake District Structure Plan.

9. Before any residential unit is occupied its associated off-street parking space(s)/garage shall be provided together with vehicular access thereto in accordance with the approved plans. The garage/parking space(s) shall be used for no other purpose without the prior approval of the Local Planning Authority.

Reason: To ensure that the dwelling is provided with parking and garage space to the satisfaction of the local planning authority and thus comply with Policy T7 of the Carlisle District Local Plan.

10. Before any development takes place in respect of each phase, 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 that phase of the development hereby approved, and that land, including vehicular access thereto, shall be used for or be kept available for these purposes at all times until completion of the construction works.

Reason: The carrying out of this development without the provision of these facilities during the construction works is likely to lead to inconvenience and danger to road users and to support Local Transport Plan Policies S3 and LD9.

11. Prior to the commencement of work a construction management plan ("the

plan") shall be submitted to and approved in writing by the Local Planning Authority. The plan will detail measures for construction traffic accessing the site via Burgh Road or such alternative access points. Construction traffic shall only enter and leave the site via accesses and at times of the day as contained in the agreed construction management plan.

Reason: To safeguard the amenity of neighbouring residents and in the interests of highway safety in accordance with Policy H4 of the Carlisle District Local Plan and Local Transport Plan Policies S3 and LD9.

12. No work associated with the construction of the residential units hereby approved shall be carried out before 07.30 hours on weekdays and Saturdays nor after 18.00 hours on weekdays and 13.00 hours on Saturdays (nor at any times on Sundays or statutory holidays).

Reason: To prevent disturbance to nearby occupants in accordance with Policy H17 of the Carlisle District Local Plan.

13. The development shall be landscaped in accordance with details to be submitted to and approved in writing 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 which also protects the River Petteril in accordance with Policies E19, E21 and H16 of the Carlisle District Local Plan.

14. All works comprised in the approved details of landscaping for the constituent phases of development shall be carried out either contemporaneously with the completion of individual plots or, in the alternative, by not later than the end of the planting and seeding season following the completion of that phase of the development, as specified in the phasing plan and/or programme required to be submitted by condition 2. Any trees, hedgerows, shrubs or ground cover planting shown to be retained or planted within the relevant landscaping scheme for the constituent phase which, within 5 years of completion of that phase, die or are removed or become seriously damaged or diseased shall be replaced in the next available planting season with others of a similar size or species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that a satisfactory landscaping scheme is implemented in accordance with the objectives of Policies E19 and H16 of the Carlisle District Local Plan.

15. Before the completion (by plastering out) of any of the hereby permitted dwellings on plots 8 - 11 inclusive the brick boundary wall and railings fronting Moor Park Avenue shall be fully constructed in accordance with design details submitted to and approved in writing beforehand by the local planning authority.

Reason: To ensure that the appearance and security of the area is not prejudiced by lack of satisfactory screening which is not carried out in a co-ordinated manner in accord with Policy H16 of the Carlisle District Local Plan.

16. Adequate underground ducts shall be installed by the developers, in accordance with details submitted to and approved in writing beforehand by the Local Planning Authority, before any of the residential units hereby permitted are occupied, to enable telephone services, electricity services and communal television services to be connected to any premises within the application site, without recourse to the erection of distribution poles and overhead lines, and in providing such ducts the developers shall co-ordinate the provision of such services with the respective undertakers; notwithstanding the provisions of Article 3(1) and the Schedule 2 Part 17 Class G (B) of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), no distribution pole or overhead lines within the area shall be erected, save with the express consent of the Local Planning Authority.

Reason: To safeguard the character of the area in accordance with Policy H16 of the Carlisle District Local Plan.

17. The access covers to the underground ducts to be installed pursuant to the above condition shall be carefully located in relation to the surface finishes in accordance with details submitted to and approved beforehand by the Local Planning Authority and shall be of the type whereby the "tray" may be infilled with the appropriate surface materials.

Reason: To maintain the character of the area in accordance with Policy H16 of the Carlisle District Local Plan.

18. Samples or full details of all materials to be used on the exterior in respect of each phase of the development shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced in respect of that phase.

Reason: To ensure the works harmonise as closely as possible with the existing building and to ensure compliance with Policy H16 of the Carlisle District Local Plan.

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

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

20. No development approved by this permission shall be commenced until:

a) a Drainage Impact Assessment (inclusive of pre and post development run-off rates for a range of annual flow rate possibilities up to and including the 1% annual probability of occurrence scheme and, sustainable urban drainage methods) for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority; and,

b) a scheme for the provision of surface water drainage works (based on the aforementioned Drainage Impact Assessment) has been approved in writing by the Local Planning Authority.

No residential unit hereby permitted shall be occupied until its surface water drainage system has been constructed and completed in accordance with the approved scheme/plans.

Reason: To ensure a satisfactory means of surface water disposal and in accord with Policy E22 of the Carlisle District Local Plan.

21. No residential unit hereby permitted shall be occupied until its foul drainage system is connected to a public sewer in accordance with details to be submitted to and approved in writing beforehand by the Local Planning Authority.

Reason: To ensure that adequate drainage facilities are available in accordance with Policy E22 of the Carlisle District Local Plan.



Location Plan

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07/12/14

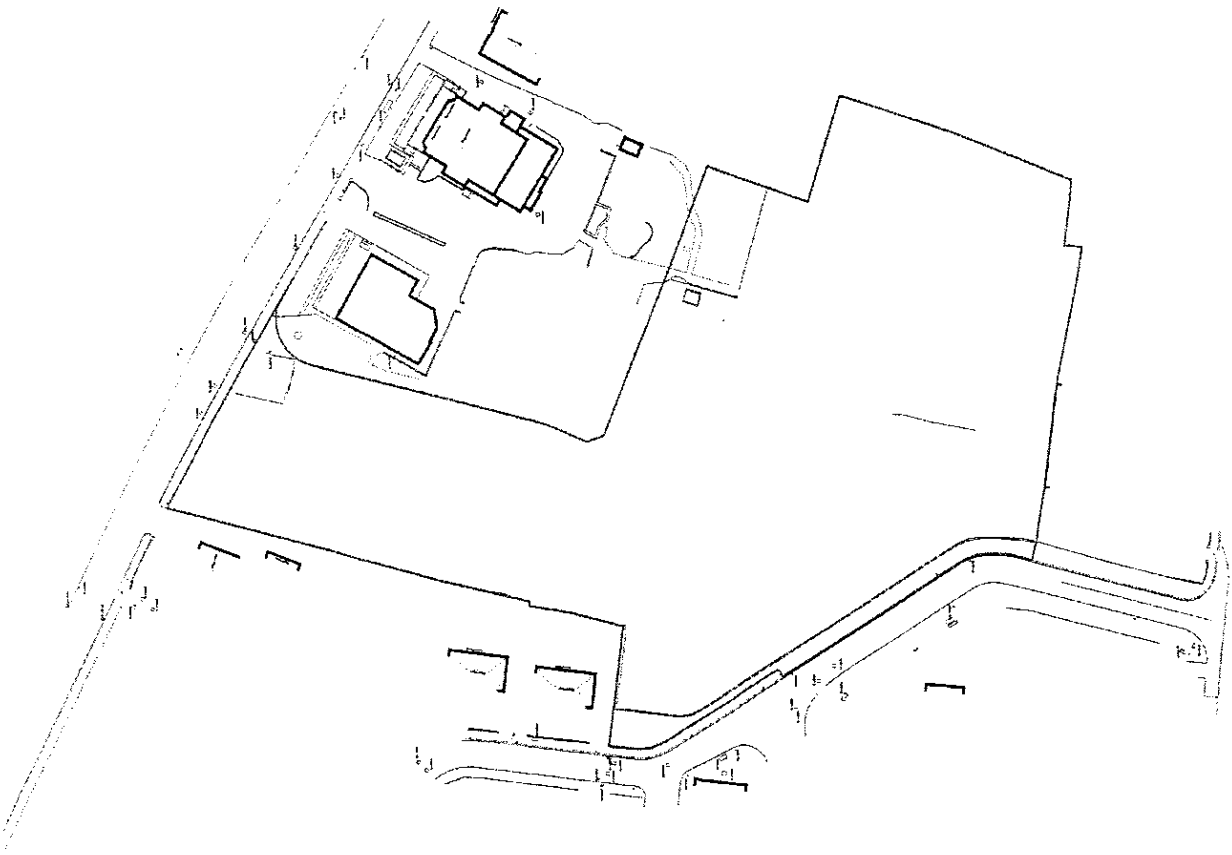


DEVELOPMENT

LAND ADJACENT

Burgh Road,

EXTENDING



Location Plan

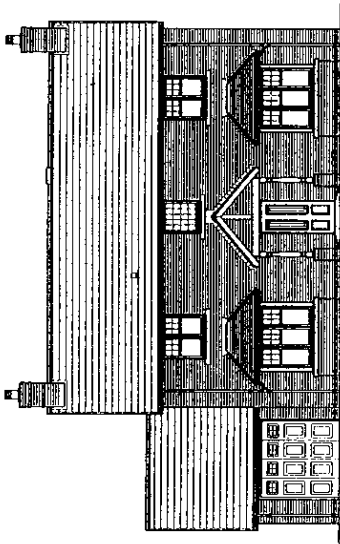
8 APR 2024

S7/116

Burgh Road

Deed

000038



Burgh Road, Carlisle
SL027

The Arundel v2

07 NOV 2017
07/1241

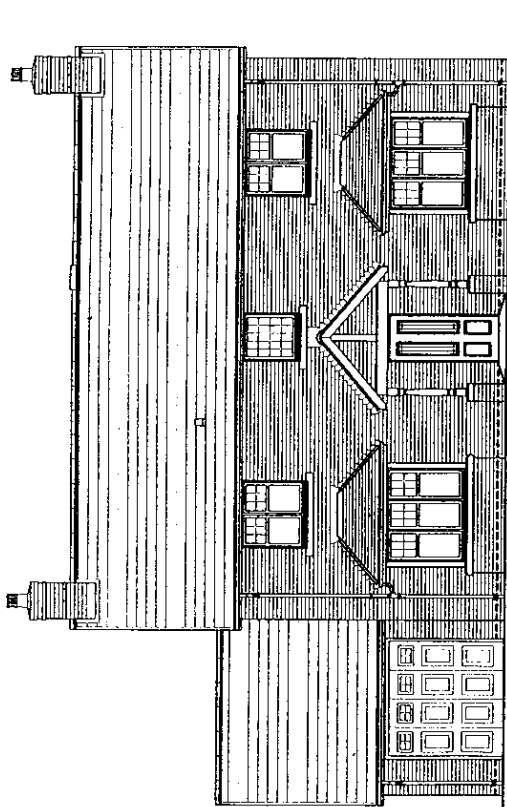
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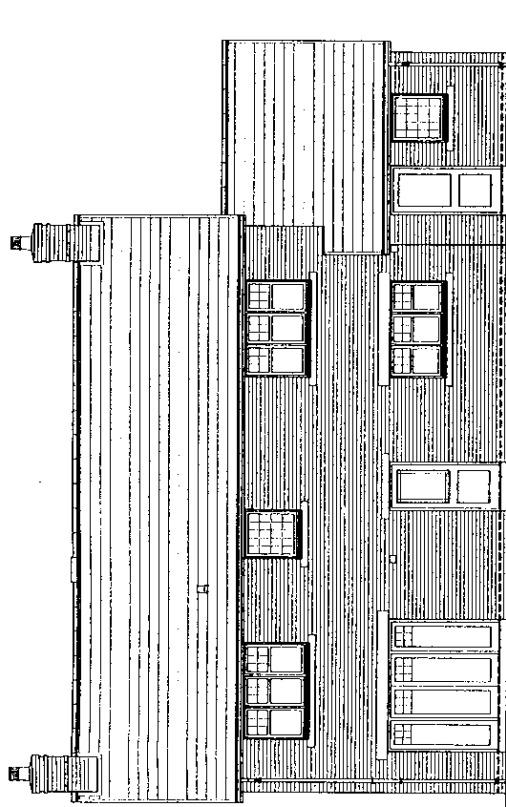
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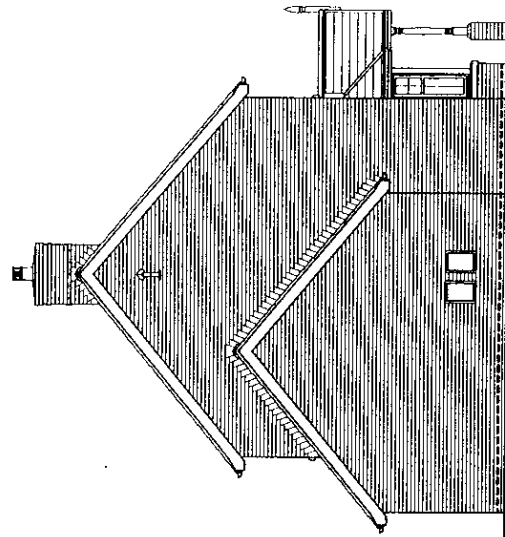
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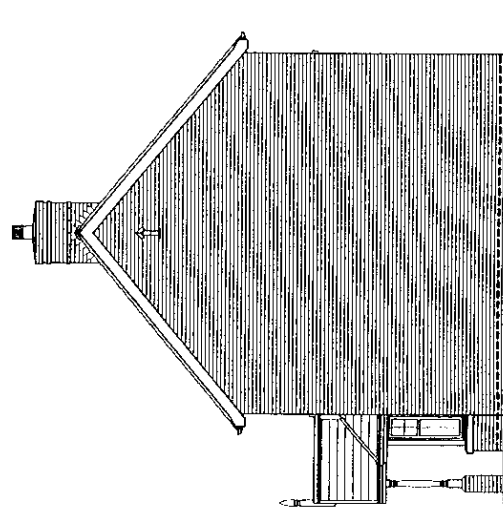
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Rear Elevation



Side Elevation



Side Elevation

07/12/24

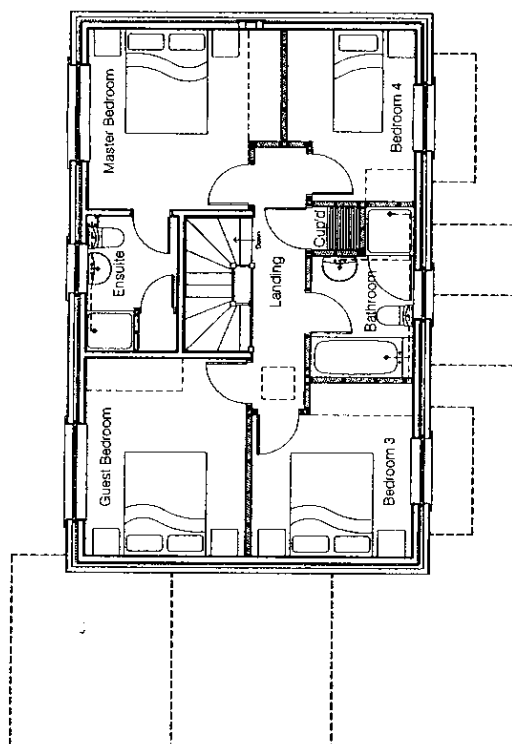


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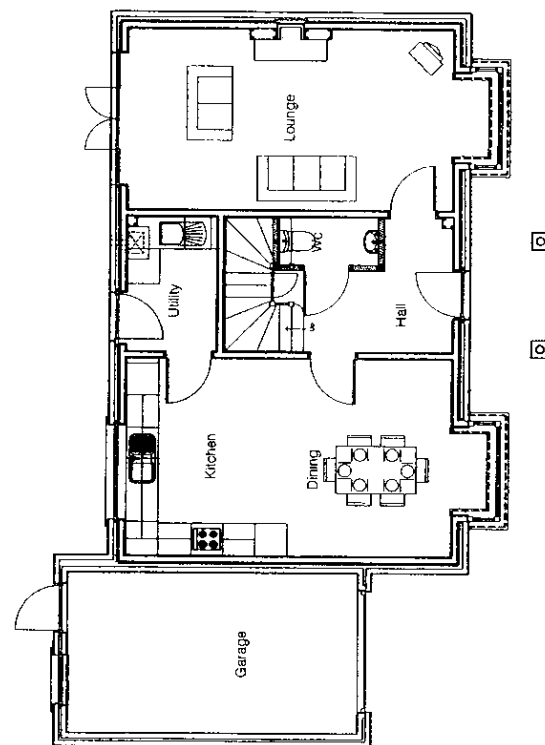
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PLOT 19

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First Floor Plan



Ground Floor Plan

07 NOV 2007
07/1241

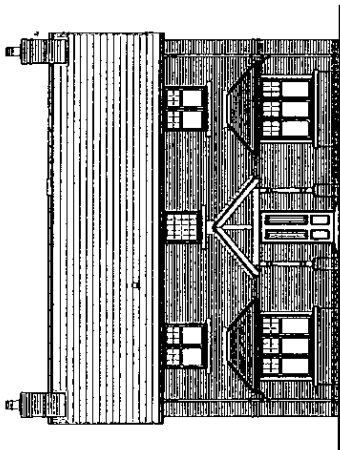


DEVELOPMENT LAND ADJACENT TO
Burgh Road, Carlisle

HOUSE TYPE
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PLOT 19

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Burgh Road, Carlisle
SL027

The Arundel v1

07 NOV 2017
07/1241

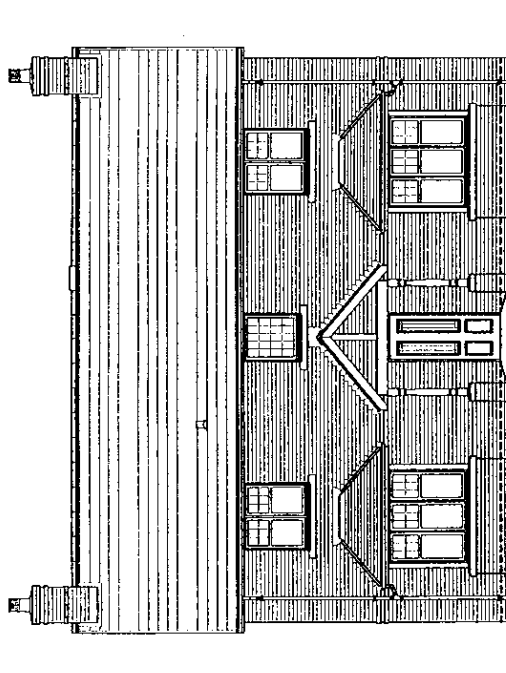
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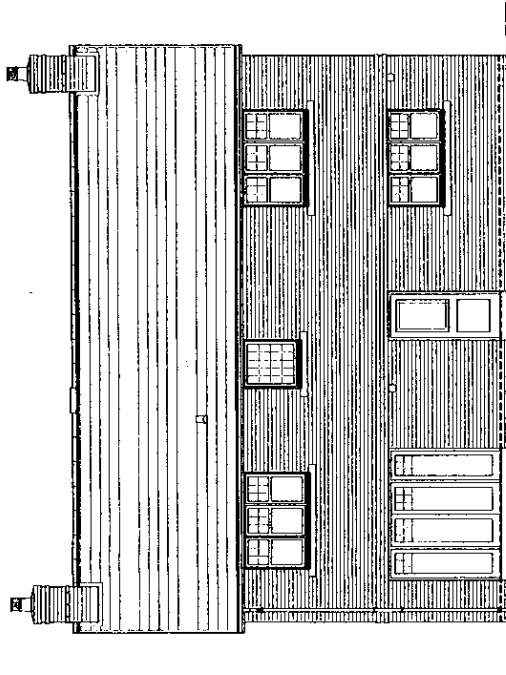
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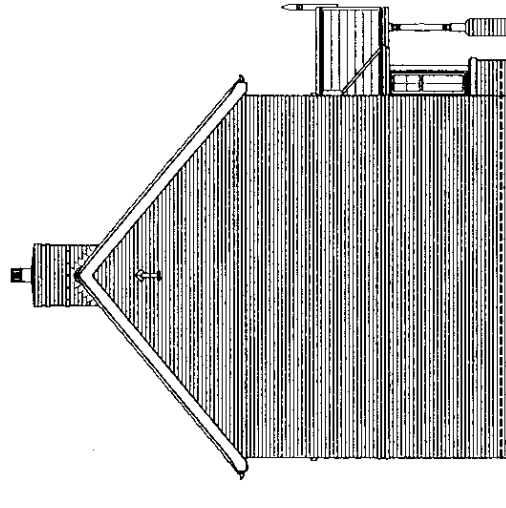
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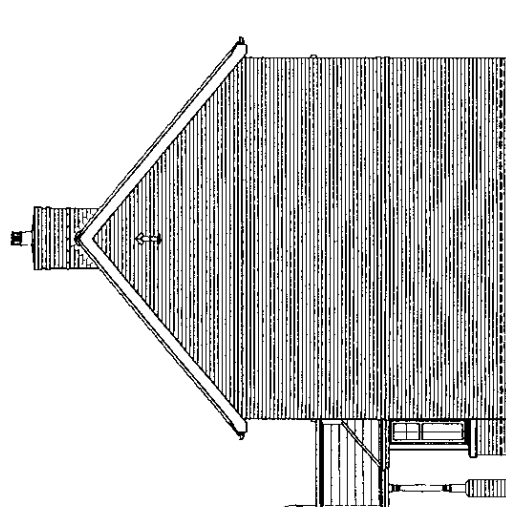
Front Elevation



Rear Elevation



Side Elevation



Side Elevation

07/12/24



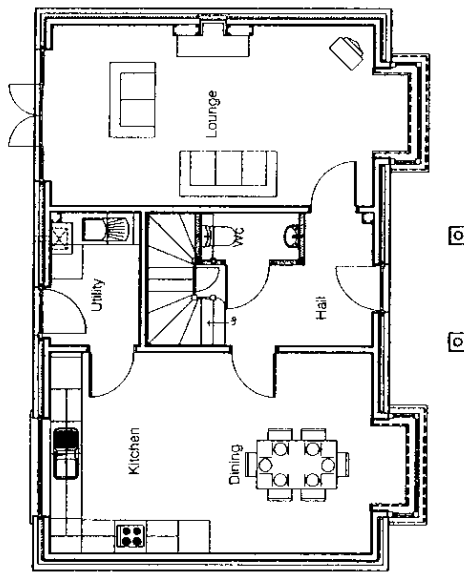
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Burgh Road, Carlisle

HOUSE TYPE
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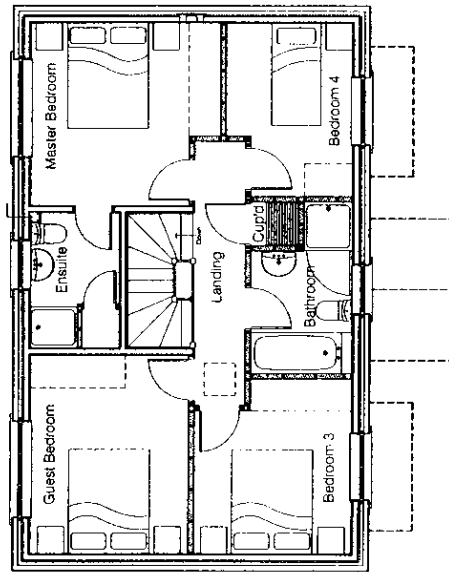
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PLOT 7

Planning Elevations

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Ground Floor Plan



First Floor Plan

07 NOV 2007
07/1241



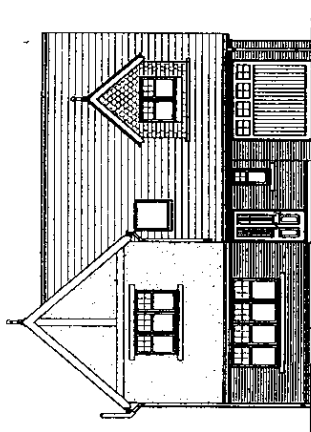
DEVELOPMENT LAND ADJACENT TO
Burgh Road, Carlisle

HOUSE TYPE
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PLOT 7

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DESIGN SITE REFERENCE	SL027	MASTER REF	1
Revision			



STORY

Burgh Road, Carlisle
SL027

The Warwick

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Class 2 Flue
GF/FF 126.82 sq.m. (1018 sq.ft.)
GARAGE 13.78 sq.m. (148.3 sq.ft.)

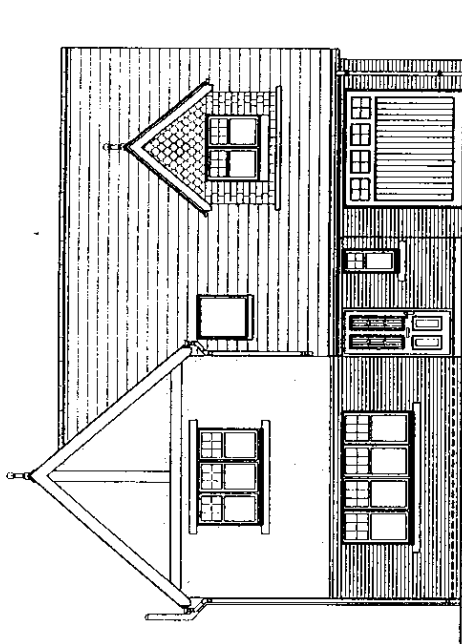
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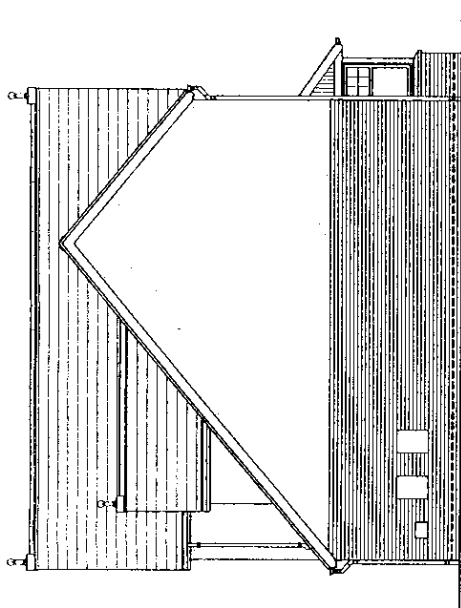
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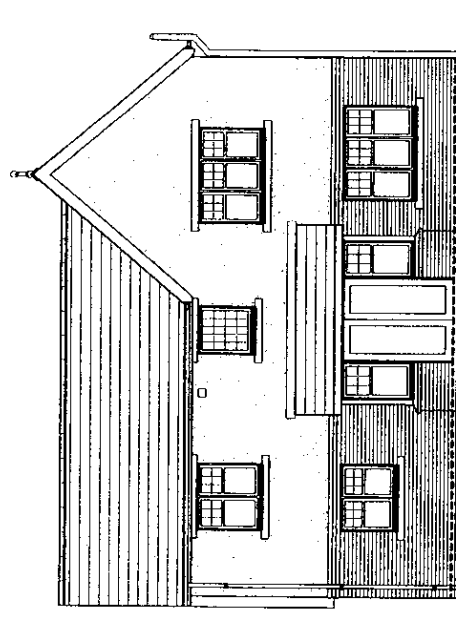
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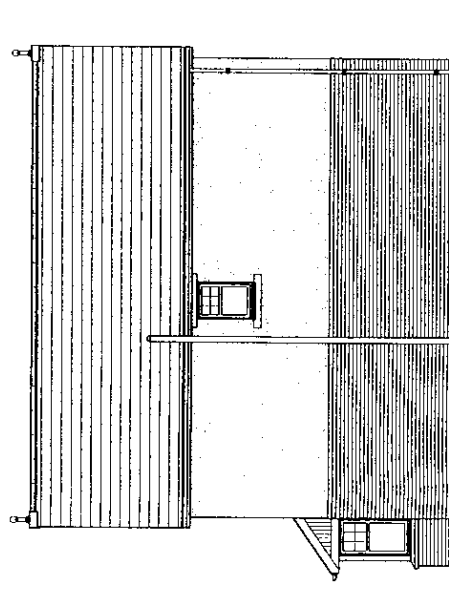
Front Elevation



Side Elevation



Side Elevation



Rear Elevation

07 NOV 2007
07/1241



LAND ADJACENT TO
Burgh Road, Carlisle

The Warwick

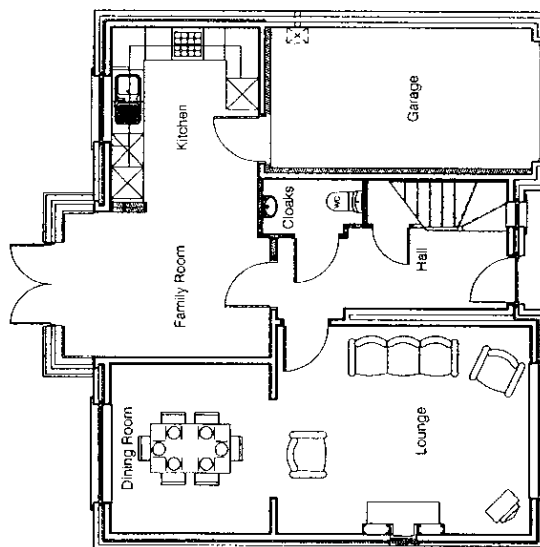
PLOTS 4 & 25

Planning Elevations

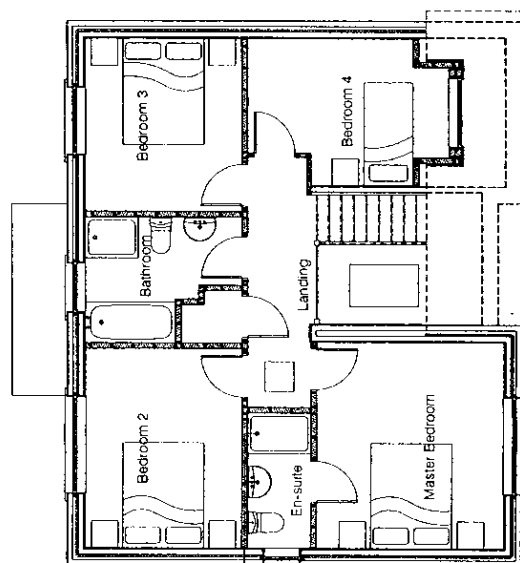
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Tel: 01228 540055 Fax: 01228 540055



Ground Floor Plan



First Floor Plan



DEVELOPMENT LAND ADJACENT TO
Burgh Road, Carlisle

HOUSE TYPE

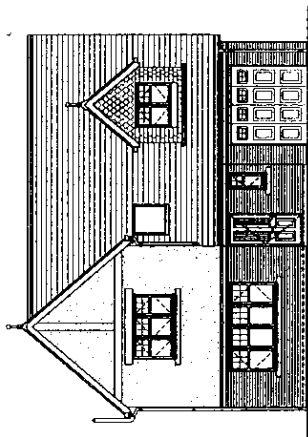
The Warwick
PLOTS 4 & 20

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SITE REFERENCE		1
Revision		

07 NOV 2021
07/1241



Burgh Road, Carlisle
SL027

The Warwick +

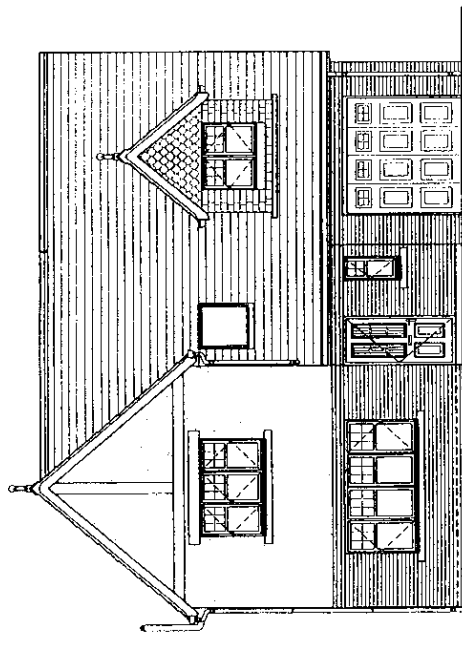
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GARAGE 13.63 sq.m. (146.7 sq.ft.)

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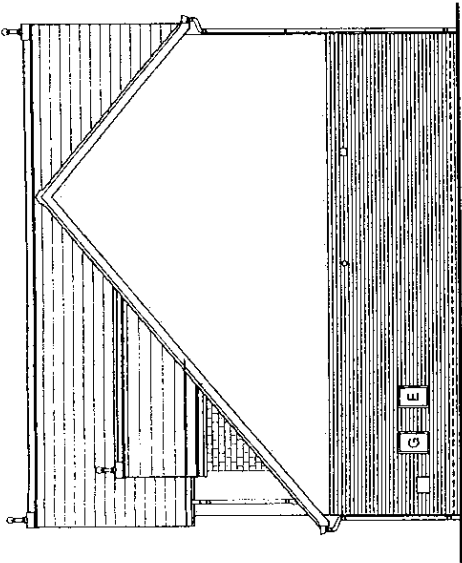
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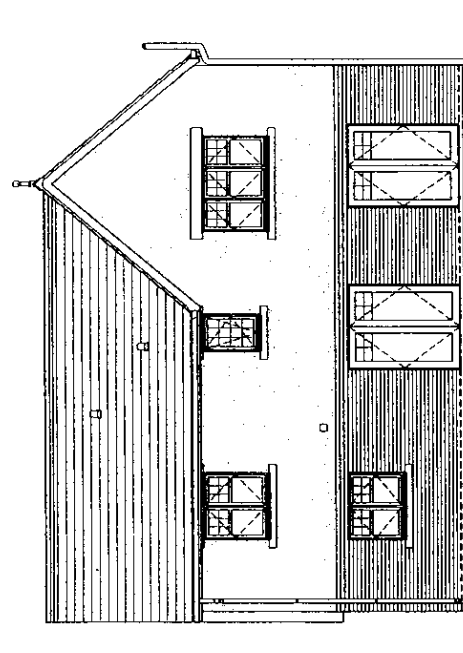
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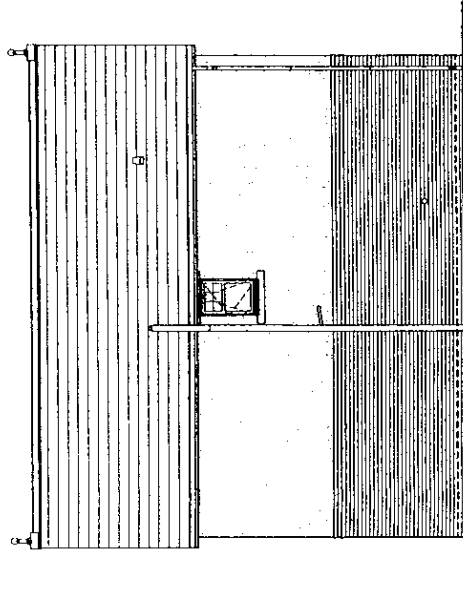
Front Elevation



Side Elevation



Rear Elevation



Side Elevation



LAND ADJACENT TO
Burgh Road, Carlisle

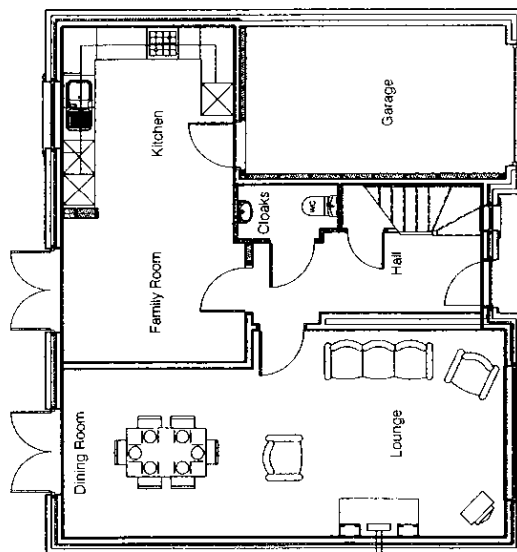
HOUSE TYPE
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PLOTS 17 & 20
Planning Elevations

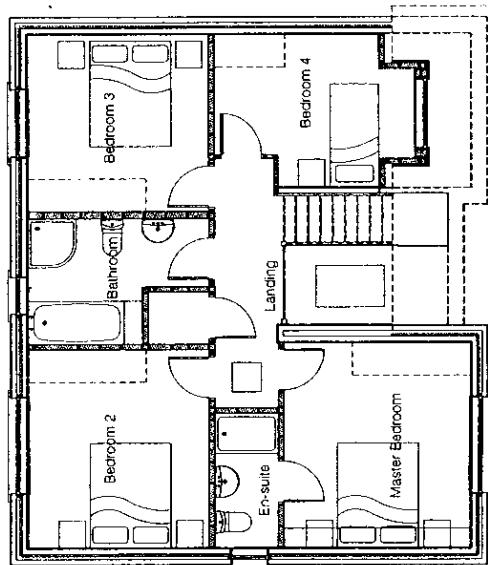
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07 NOV 2027
07/1241

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on Ltd.
4, Carlisle, Cumbria, CA2 7NA
Tel 01223 540001



Ground Floor Plan



First Floor Plan



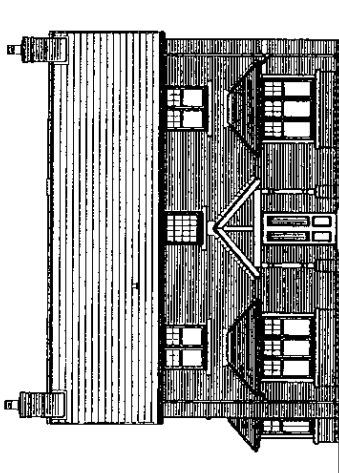
LAND ADJACENT TO
Burgh Road, Carlisle

HOUSE TYPE
The Warwick +
PLOTS 17 & 20

Planning Plans

DRAWN BY	JB	DATE	24/10/2007
CHECKED BY		RENDER VERSION	SCALE 1:100
DRAWING NUMBER	WAR - + - PLP	REVISION	
REVISION	SL027	MASTER REF	1
DATE			

07 NOV 2007
07/1241



Burgh Road, Carlisle
SL027

The Arundel v9

Integral Single Garage
Class 2 Flue
GF/FF 126.82 sq.m. (1018 sq.ft.)
GARAGE 13.78 sq.m. (148.3 sq.ft.)

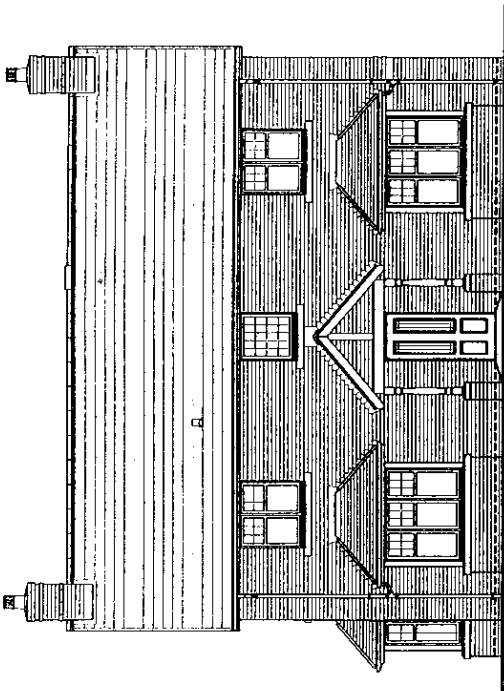
07 NOV 2007
07/1241

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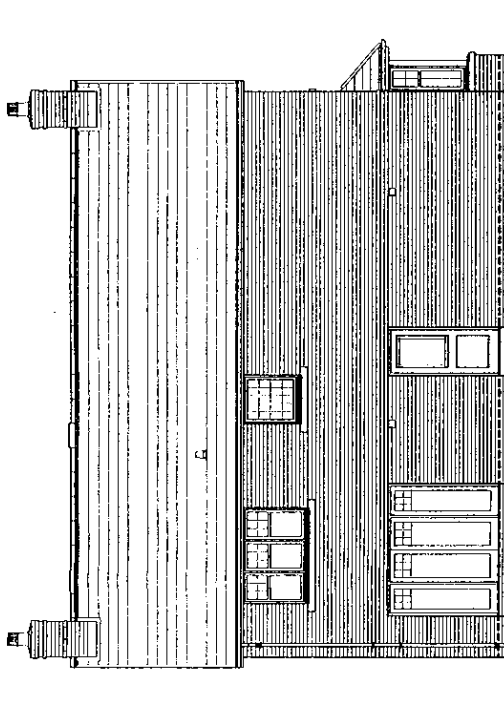
Burgh Rd Industrial Estate, Carlisle, Cumbria, CA2 7NA.

Tel 01228 640850

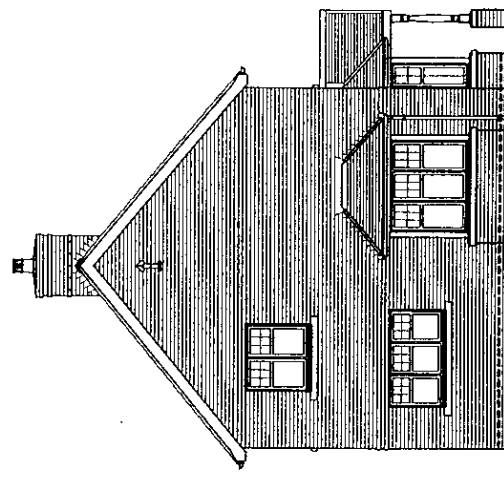
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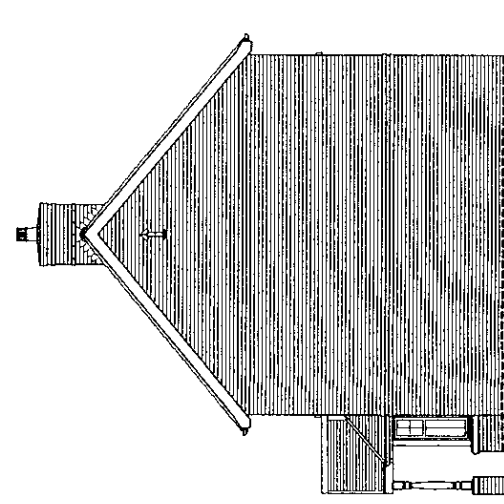
Front Elevation



Rear Elevation



Side Elevation



Side Elevation

67 NOV 2007
07/1241



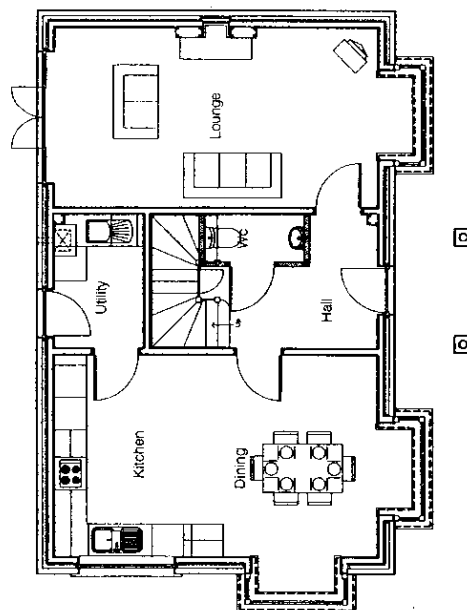
DEVELOPMENT LAND ADJACENT TO
Burgh Road, Carlisle

HOUSE TYPE The Arundel v9
PLOT 1

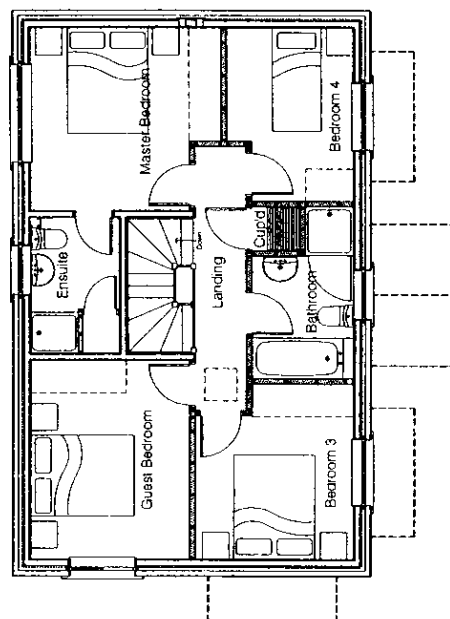
Planning Elevations

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DRAWING NUMBER		REVISION	
ARUV9 - PLE			
REVISION	1	DATE	
REFERENCE	SL027	MASTER REF	
		1	

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Tel 01228 668860 Fax 01228 668855



Ground Floor Plan



First Floor Plan

07/12/11

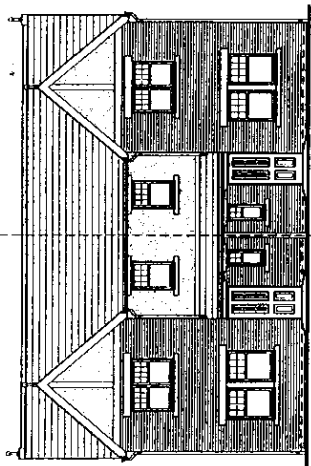


LAND ADJACENT TO
Burgh Road, Carlisle

The Arundel v9
PLOT 1

Planning Plans

DRAWN BY	DATE	BRICK VERSION
CHECKED BY	20/10/2007	SCALE 1:100
DRAWING NUMBER	ARUv9 - PLP	REVISION
REGION	SL027	MASTER REF
SITE REFERENCE		1
Revision		



Burgh Road, Carlisle
SL027

The Farnham

13 DEC 2007
2007/1241

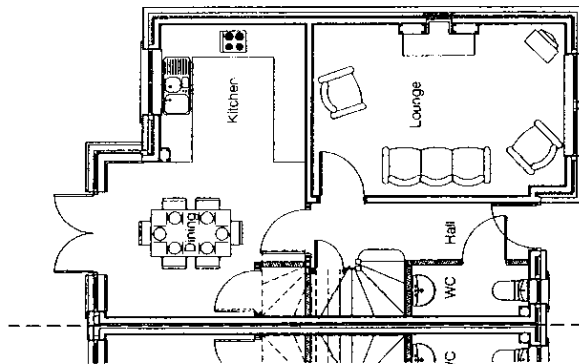
GF/FF 84.98 sq.m. (914.72 sq.ft.)

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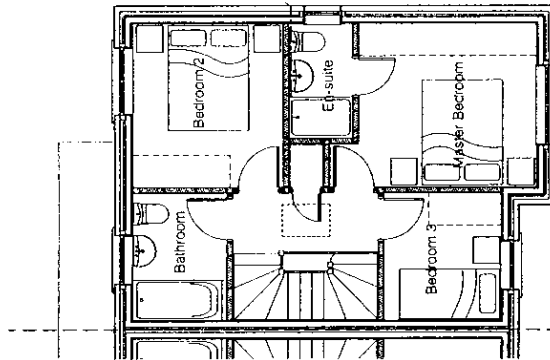
Burgh Rd Industrial Estate, Carlisle, Cumbria. CA2 7NA.

Tel 01228 640850

Fax 01228 640851



Ground Floor Plan



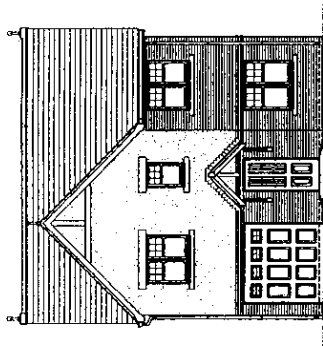
First Floor Plan

13 DEC 2007
2007/1241



DEVELOPMENT LAND ADJACENT TO
Burgh Road, Carlisle
HOUSE TYPE
The Farnham
PLOTS 5,6,14,5,15

DRAWING			
DRAWN BY	JP	DATE	24/09/2007
CHECKED BY		SCALE	1:100
REVISION			
DRAWING NUMBER	FAR - PLP		
REGION			
SITE REFERENCE	SL027	MASTER REF	1
Revisions			



STORY

Burgh Road, Carlisle
SL027

The Ascot

Integral Single Garage
GF/FF 114.28 sq.m. (1230.10 sq.ft.)
GARAGE 13.74 sq.m. (147.90 sq.ft.)

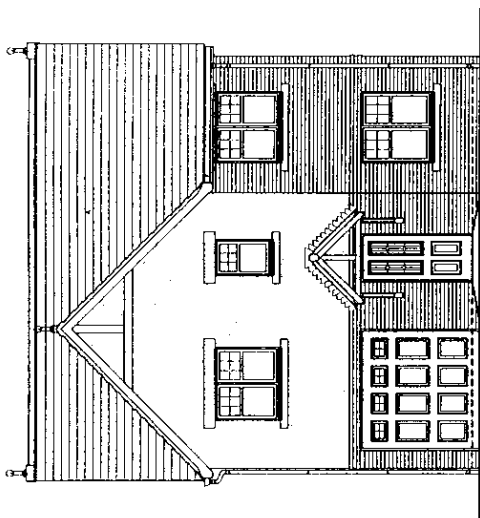
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Burgh Rd Industrial Estate, Carlisle, Cumbria. CA2 7NA.

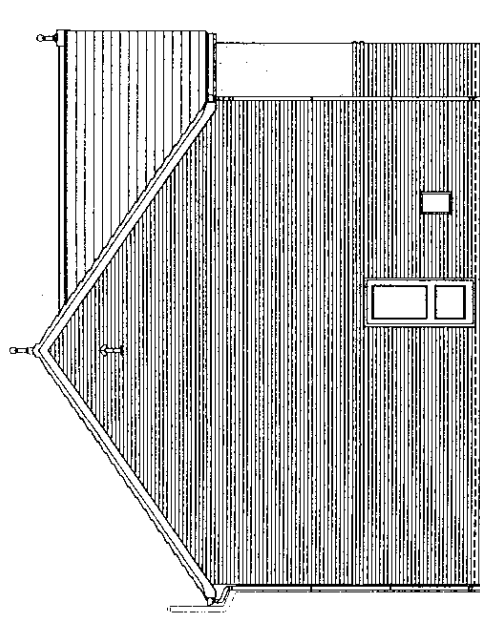
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Fax 01228 640851

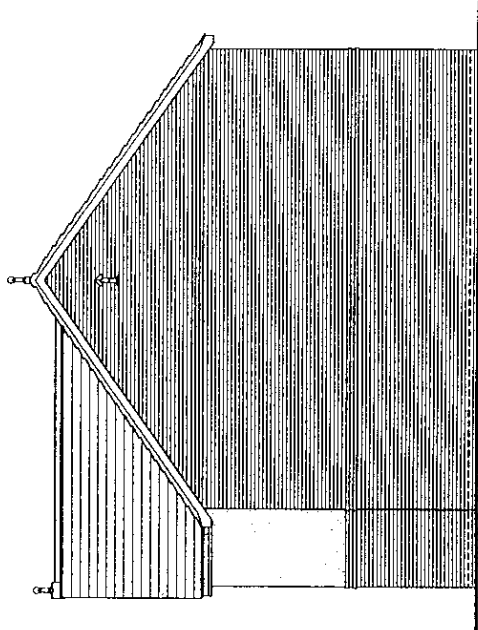
13 DEC 2007
2007/1241



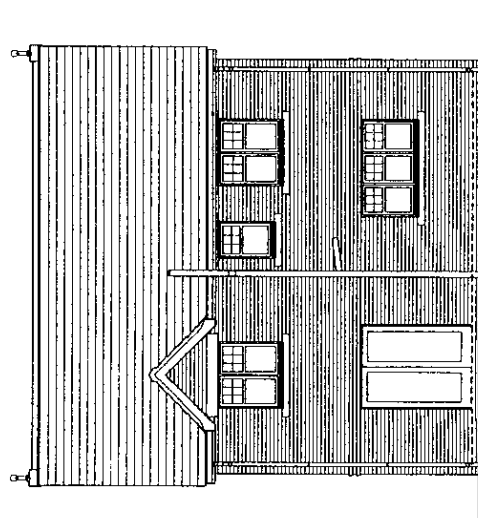
Front Elevation



Side Elevation



Side Elevation



Rear Elevation

13 DEC 2007
2007/12/41



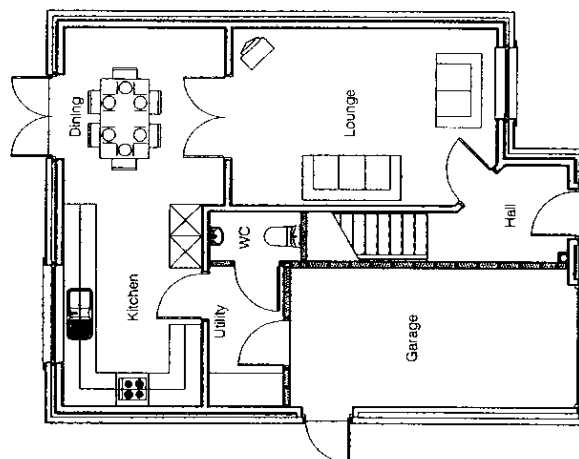
LAND ADJACENT TO
Burgh Road, Carlisle

HOUSE TYPE
The Ascot
PLOTS 3, 16, 19, 22, 24, 25 & 28

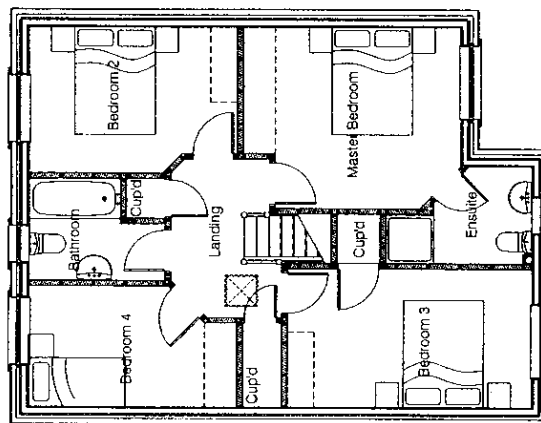
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Planning Elevations

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DRAWING NUMBER	ASC - PLE			A
REVISION NUMBER	SL027			1
REFERENCE				
REVISIONS				
A	PHASES & GABLE FEATURES ADDED	19/12/07		

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Ground Floor Plan



First Floor Plan



DEVELOPMENT LAND ADJACENT TO
Burgh Road, Carlisle

HOUSE TYPE

The Ascot

PLOTS 3, 16, 22, 24, 26 & 28

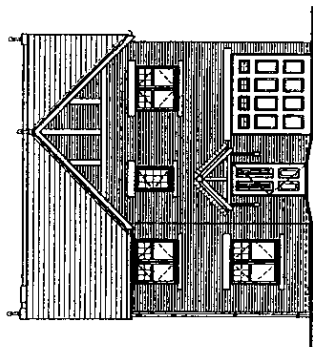
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Planning Plans

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CHECKED BY		SCALE	1:100
REVISION			
DRAWING NUMBER	ASC - PLP		
REGION REFERENCE	SL027	MASTER REF	1
Drawn by			

13 DEC 2007
2007/11241

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Tel: 01228 560066 Fax: 01228 560055



Burgh Road, Carlisle
SL027

The Carlisle v2

Integral Single Garage

Class 2 Flue

GF/FF 94.56 sq.m. (1018 sq.ft.)

GARAGE 12.85 sq.m. (138.4 sq.ft.)

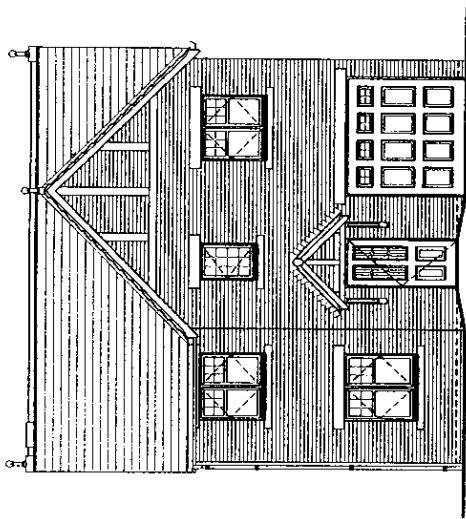
© **Story Construction Ltd.**

Burgh Rd Industrial Estate, Carlisle, Cumbria. CA2 7NA.

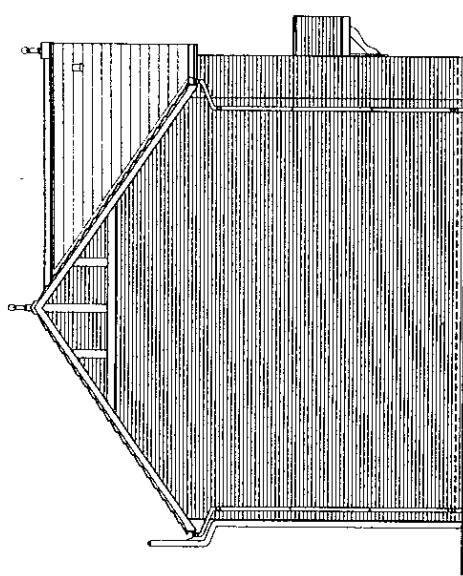
Tel 01228 640850

Fax 01228 640851

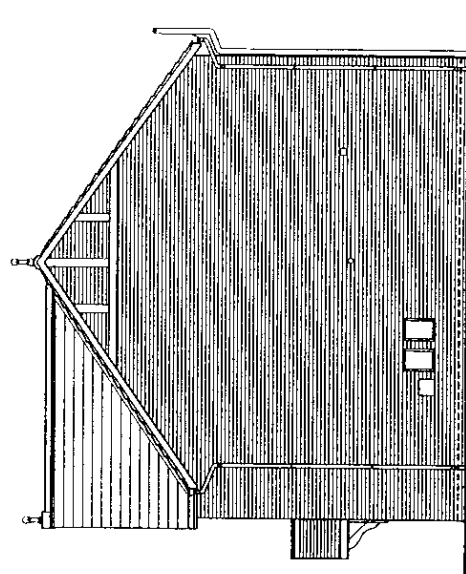
13 DEC 2007
2007/1241



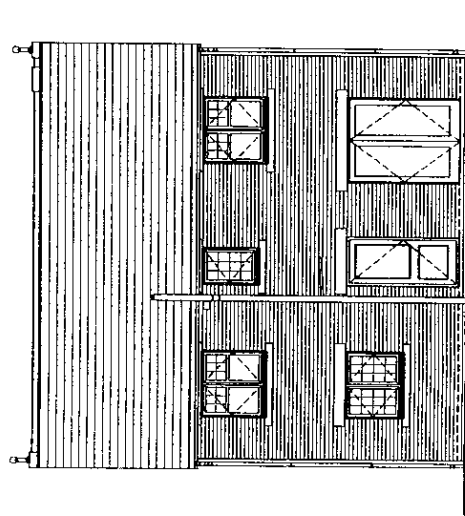
Front Elevation



Side Elevation



Side Elevation



Rear Elevation

17 DEC 2007
2007/1241



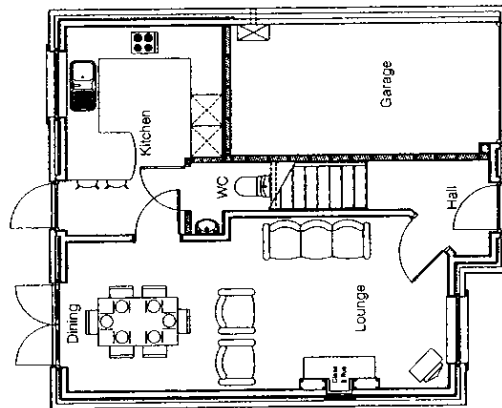
LAND ADJACENT TO
Burgh Road, Carlisle

The Carlisle v2

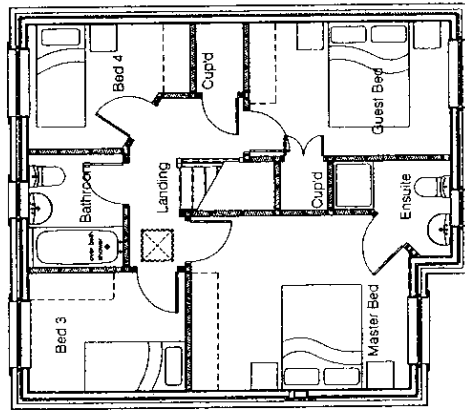
PLOTS 221, 23 & 27

Planning Elevations

DRAWN BY	428	DATE	22/10/07
CHECKED BY		SCALE	1:100
DRAWING NUMBER	CRLV2 - PLE	REVISION	A
PROJECT SITE	SL027	MASTER REF	1
REFERENCE	Revision		
	A	REVISIONS & CHANGE FEATURES ADDED	(07/207)



Ground Floor Plan



First Floor Plan



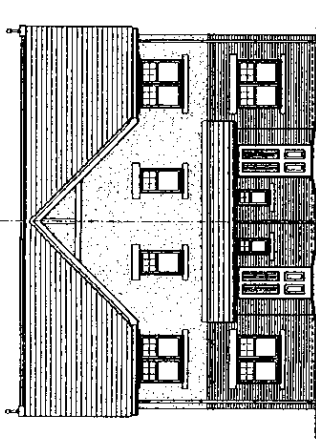
LAND ADJACENT TO
Burgh Road, Carlisle

HOUSE TYPE
The Carlisle v2
PLOTS 221, 23 & 27

Planning Plans

BRICK VERSION			
DRAWN BY	SDM	DATE	22/10/2007
CHECKED BY		SCALE	1:100
DRAWING NUMBER	CRLV2 - PLP		
REGION		MASTER REF	1
SITE REFERENCE	SL027		

13 DEC 2007
2007/1241



Burgh Road, Carlisle
SL027

The York

GF/FF 74.75 sq.m. (804.60 sq.ft.)

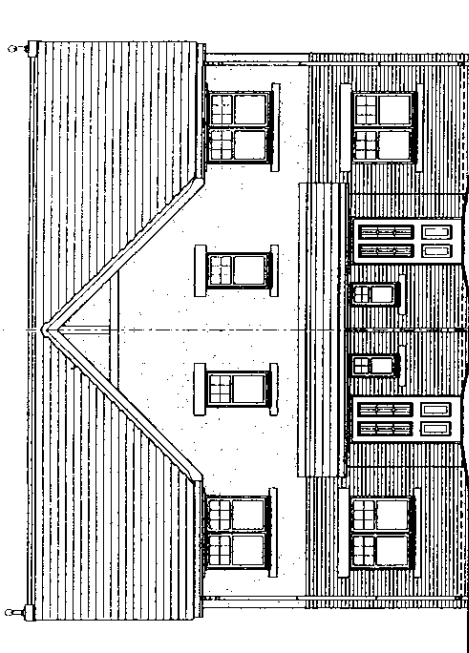
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Burgh Rd Industrial Estate, Carlisle, Cumbria. CA2 7NA.

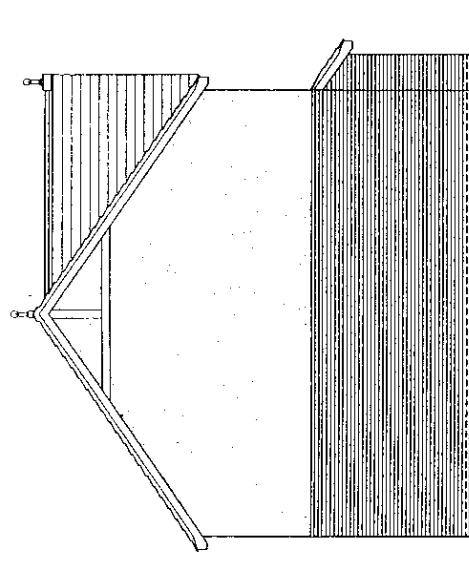
Tel 01228 640850

Fax 01228 640851

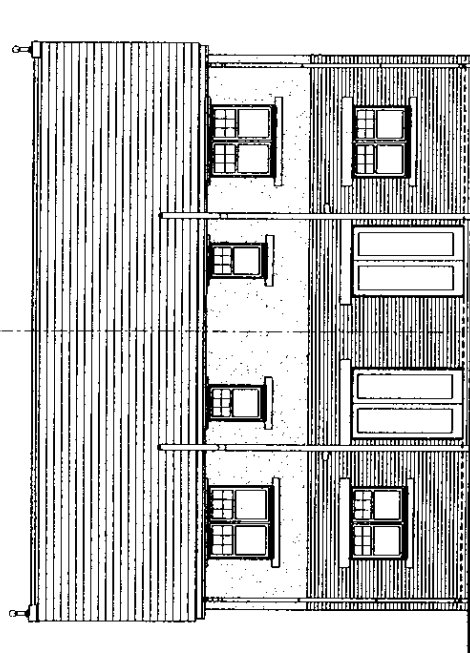
13 DEC 2007
2007/1241



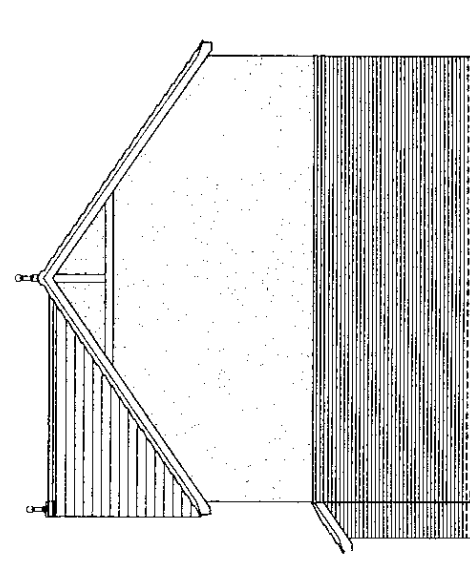
Front Elevation



Side Elevation



Rear Elevation



Side Elevation

13 DEC 2007
2007/1241



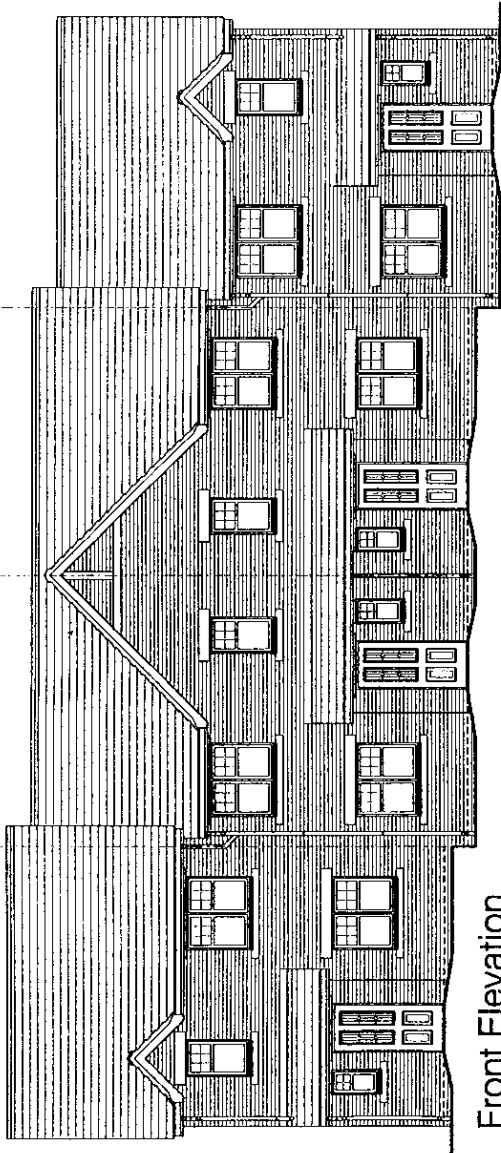
DEVELOPMENT LAND ADJACENT TO
Burgh Road, Carlisle

HOUSE TYPE
The York
PLOTS 12, 13, 28 & 29

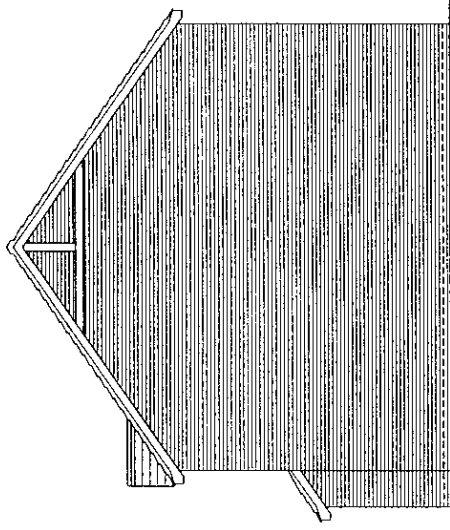
DRAWING
Planning Elevations
SEMI DETACHED

DRAWN BY	SMC	DATE	30/09/2007
CHECKED BY		SCALE	1/100
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REGION		MASTER REF	-
REFERENCE	SL027		

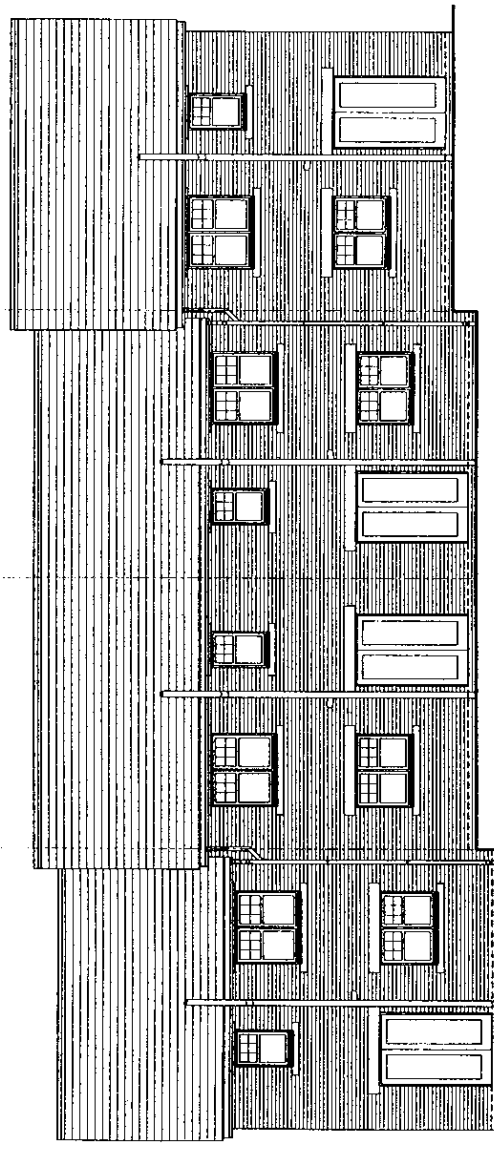
CHANGES ADDED TO THIS ELEVATION
PINKS & GRABLE FEATURES ADDED
10/12/07



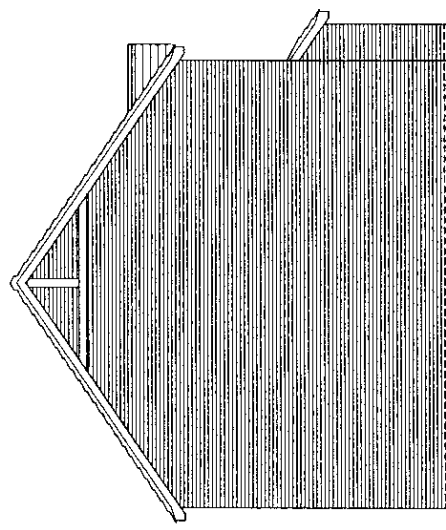
Front Elevation



Side Elevation



Rear Elevation



Side Elevation

13 DEC 2007
2007/1241

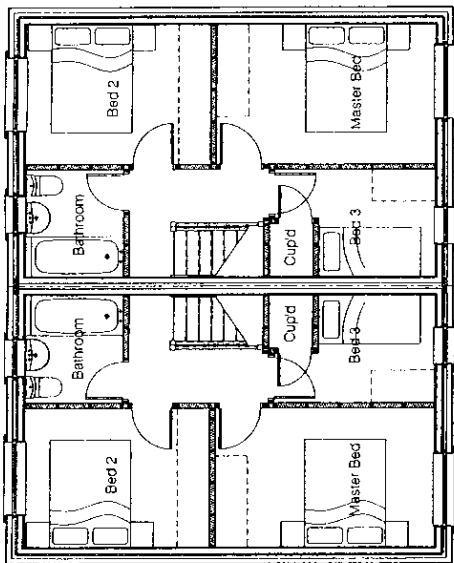


DEVELOPMENT LAND ADJACENT TO
Burgh Road, Carlisle

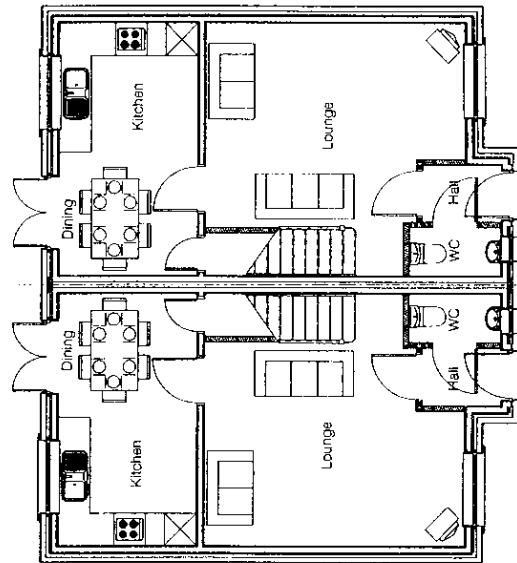
HOUSE TYPE
The York
PLOTS 8, 9, 10 & 11

Planning Elevations
LINKED TERRACE

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DRAWING NUMBER	1	YOR - PLE 2	REVISION A
REGION		SL027	MASTER REF -
SITE REFERENCE			
Revisions			
A	FINALS & GALE FEATURES ADDED		10/12/07



First Floor Plan



Ground Floor Plan

13 DEC 2007
2007/1244



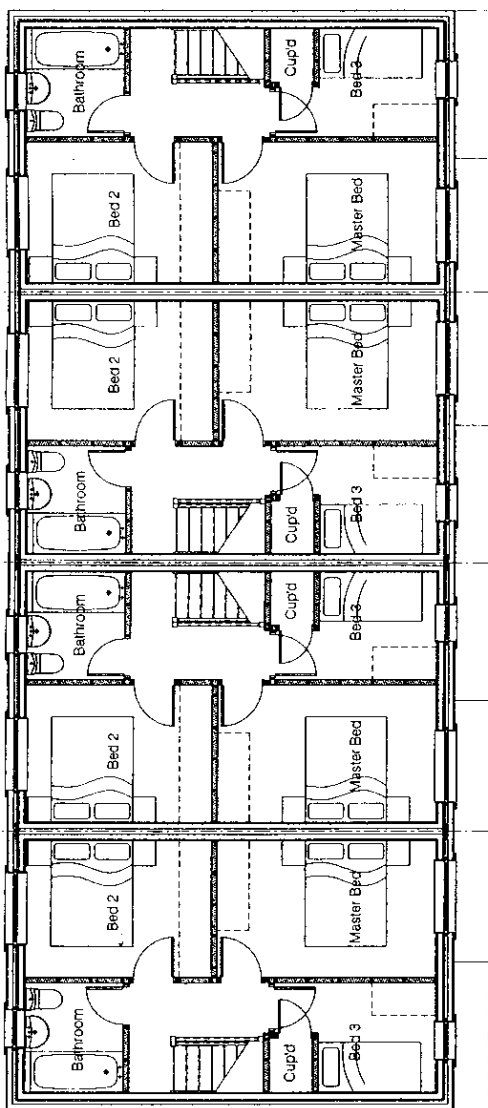
DEVELOPMENT LAND ADJACENT TO
Burgh Road, Carlisle

HOUSE TYPE
The York

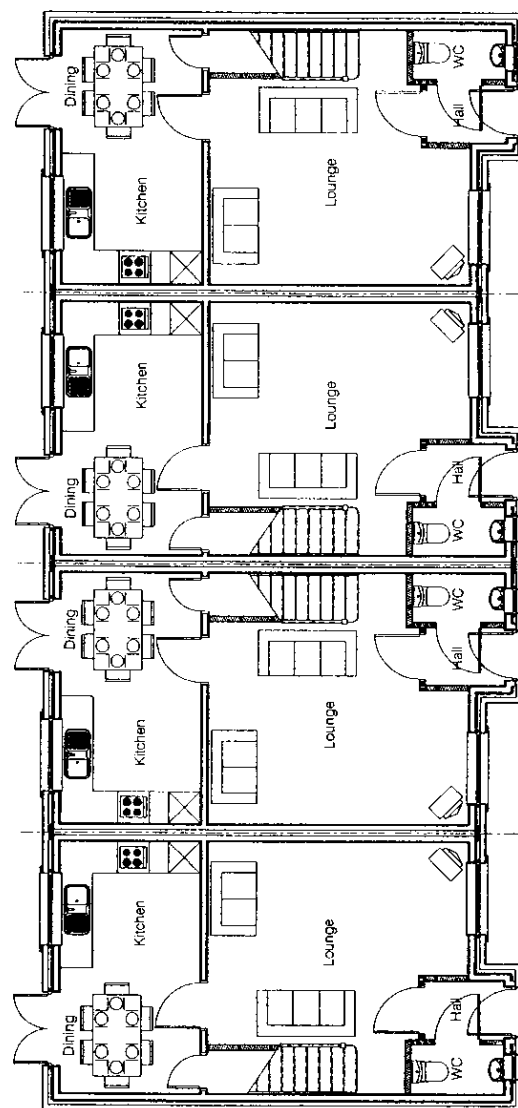
PLOTS 12, 13, 28 & 29

Planning Plans

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DRAWING NUMBER	YOR - PLP 1	REVISION	-
REGION	SL027	MASTER REF	-
REFERENCE			



First Floor Plan



Ground Floor Plan

17 DEC 2007
2007/1247



DEVELOPMENT
LAND ADJACENT TO
Burgh Road, Carlisle

HOUSE TYPE
The York
PLOTS 8, 9, 10 & 11

Planning Plans

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CHECKED BY		SCALE	1:100
DRAWING NUMBER	YOR - PLP 2	REVISION	-
REGION		INVOICE REF	-
SITE REFERENCE	SL027		-
Revisions			

SCHEDULE A: Applications with Recommendation

07/1204

Item No: 09

Date of Committee: 25/01/2008

Appn Ref No:
07/1204

Applicant:
Jackie Bushnell & Mike
Dwyer

Parish:
Hayton

Date of Receipt:
30/10/2007

Agent:
Ashton Design

Ward:
Hayton

Location:
Rose Villa, Hayton, Cumbria, CA8 9HT

Grid Reference:
350873 557768

Proposal: Two Storey Extension To Provide Garage And Living Room On Ground Floor With En-Suite Bedroom Above

Amendment:

REPORT

Case Officer: Colin Godfrey

Reason for Determination by Committee:

This application is brought before the Development Control Committee for determination as five letters of objection have been received.

1. Constraints and Planning Policies

Airport Safeguarding Area

Gas Pipeline Safeguarding Area

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

District H14 - Extensions to Dwellings

Rev Redeposit Pl. Pol CP4 - Design

Rev Redeposit Pl. Pol CP5 - Residential Amenity

Rev Redeposit Pl. H11 - Extns To Existing Resid. Premises

2. Summary of Consultation Responses

Cumbria County Council - (Highway Authority): the layout details shown on the

SCHEDULE A: Applications with Recommendation

07/1204

submitted plans are considered satisfactory from a highway perspective. The property already has a vehicle access and drive but there is concern that the drive is of unbound construction and therefore loose material is being spread over the highway by way of vehicle movements. If this application were for a new access, it would be recommended that the following condition be included in any consent that may be granted.

The access drive shall be surfaced in bitumimous or cement bound materials, or otherwise bound and shall be constructed and completed before the development is occupied/brough into use.

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

As the application does not include a new access the Highway Authority cannot request such a condition but I would be happier if the applicant included the resurfacing of the drive in the proposed works. I would therefore confirm that the Highway Authority has no formal objection to the proposed development;

Development Services Planning & Housing Services - Local Plans (Trees): no comments/observations;

National Grid UK Transmission: based on the information provided and the proximity and sensitivity of these networks to your propopsal we have concluded, using the enclosed tables, that the risk is negligible;

Hayton Parish Council: consider that it is too close to the road;

Carlisle Airport: no objection;

Northern Gas Networks: UU has no objection to these proposals, however there may be apparatus in the area that may be at risk during the construction works and should the planning application be approved, then we require the the promoter of these works to contact us directly to discuss our requirements in detail. Should diversionary works be required these will be fully chargeable.

We enclose our extract from our main records of the area covered by your proposals together with a comprehensive list of precautions for your guidance. This plan shows only those mains owned by NGN in its role as a Licenced Gas Transporter (GT). Privately owned networks and gas mains owned by other GT's may also be present in this area. Where NGN knows these they will be represented on the plans as a shaded area and/or a series of x's. Information with regard to such pipes should be obtained from the owners. The information shown on this plan is given without obligation, or warranty, the accuracy of thereof cannot be guaranteed. Service pipes, valves, siphons, stub connections, etc., are not shown but their presence should be anticipated. No liability of any kind whatsoever is accepted by NGN, its agents or servants for any error or omission. The information included on the enclosed plan should not be referred to beyond a period of 28 days from the date of issue.

3. Summary of Representations

Representations Received

Initial:		Consulted:	Reply Type:
	Cherry Tree Cottage	02/11/07	
	Orchard Bank	02/11/07	Objection
	Rose Cottage	02/11/07	Objection
	Near Croft	02/11/07	Objection
	The Hawthorns	02/11/07	Objection
	Friars Garth		Objection

3.1 This application has been advertised by means of notification letter sent to five neighbouring properties. Five written objections have received during the consultation period and are summarised below:

1. because of the elevated nature of Rose Villa and our bungalow above street level, the proposed ground floor windows of each property are on a level and thus clear visibility and sight line would be achieved from the extension in to the front facing bedrooms of the bungalow. Further concern is that the proposed first floor windows will be able to provide sight lines deep in the bedrooms with obvious privacy concerns. This is contrary to the objectives of Policy H14 of the adopted local plan which seeks to preserve residential amenity;
2. the ordnance survey maps appear to be inaccurate and plotted position of the bungalow in incorrect. This inaccuracy means that the sight lines of the proposed works could be more of an invasion of privacy than depicted on submitted location plan;
3. we consider that the special character of the village would be eroded by the proposed development based on its scale and domination of Rose Villa and thus the detrimental effect of the character of this prominent and open corner site in the middle of a beautiful village;
4. windows on the north elevation will affect our privacy to some degree;
5. lack of detail regarding the design and construction of the garage. We are concerned in view of the relative levels existing and apparently proposed, that our mature hedge between our property and that of Rose Villa is preserved, and the integrity of the garage is maintained;
6. concerned that rainwater from the garage does not impact on our property which is downhill of Rose Villa;
7. will produce a building totally disproportional to the surrounding properties and spoil what is an attractive corner;

8. it is an oppressive structure when viewed from the Hawthorns;
9. the proposed works would dominate the original property on development on what is currently a private open space which would erode the special character of the prominent corner site within a village considered to be a potential conservation area;
10. the scale and appearance of the western elevation, which includes a garage, fails to reflect the traditional form and massing of the original dwelling house;
11. Rose Cottage is already elevated in relation to my property and the scale of the extension will allow direct and further elevated site lines from the ground and first floor into my garden/yard area at the rear of the property - this is my main sitting out area where I continue to spend many hours relaxing;
12. The proposal will result in a large oppressive rendered wall with a high percentage of relative glazing;
13. a substantial amount of under building will be required which I feel will be detrimental to the character of the building;
14. the corner site would be over developed - losing all balance and harmony. The present villa sits perfectly in proportion to the space around it. It lies in the centre of the village and has the status of a landmark;
15. the integrity of the present house would be irrevocably lost;
16. this is an especially attractive village with an extraordinary mix of architectural style but the whole hangs together beautifully and is a pleasure for residents and visitors alike;
17. I remain disturbed that no public notice was posted making intension's clear. Neither was there notification subsequently passed plans for Kinara. It leaves one with a feeling that the change is being wrought in a covert fashion and is very disturbing. The Kinara plans make a mockery of architectural integrity.

4. Planning History

- 4.1 In 2002, under planning reference 02/0361, planning permission was given for the erection of a porch.

5. Details of Proposal/Officer Appraisal

SCHEDULE A: Applications with Recommendation

07/1204

- 5.1 Members will recall that this application was deferred at the last meeting to allow a site visit to be undertaken. The application seeks approval for extensions to a semi-detached house located in a prominent location on the intersection of the main distributor road in Hayton with the 'C' Class road leading to the A69. The property is constructed from stone with quoins and is roofed in slate. The site slopes down from east to west and south-north and is bounded to the south by a dwarf stone wall with railings, to the west by a combination of dwarf stone wall and holly hedge and to the north by a privet hedge with mature planting behind.
- 5.2 It is proposed to extend the property by means of a two storey side extension to provide a sitting room to the ground floor and bedroom with en-suite to the first floor. The extension is to be set back from the front building line of the existing dwelling and have a width of 5.5m and depth of 7m. The extension will have a maximum roof height of 6.7m, lower than that of the existing dwelling. To the front (southern) elevation it is intended to have two windows at both the ground and first floor level. To the side (western) elevation it is intended to have two double doors to the ground floor and one double and one single window to the first floor. The extension is to be constructed from stone with quoins and roofed in slate. The western elevation is to be finished in render.
- 5.3 It is also proposed to erect a garage which will adjoin the two storey extension. It is to have a width of 5.5m, depth of 6.7m with a maximum roof height of 4.7m. It is to be constructed from stone with quoins to a slate roof and finished in render.
- 5.4 The relevant planning policies against which this application is required to be assessed are Policy H14 of the Carlisle District Local Plan and Policies CP4, CP5 and H11 of the Carlisle District Local Plan Revised Redeposit Draft.
- 5.5 The proposal raises the following planning issues:

1. Impact on the Living Conditions of Neighbouring Residents

Four objections have been raised to the proposal on the basis that it will lead to an adverse impact on the living conditions of neighbouring residents. The main concerns revolve around the relationship between the windows in the proposed extension and those of neighbouring properties. However, no windows within the proposed extension fall within 21m of primary windows in any neighbouring dwelling so the separation distances required by Policy CP5 of the Carlisle District Local Plan Revised Redeposit Draft have been achieved. The occupants of the Hawthorns have alleged that the position of their property is incorrect on the Ordnance Survey map, with the error meaning that their property would be subject to greater visual intrusion than indicated. It should be noted however that even if this inaccuracy was indeed correct, the minimum separation distance required by Policy CP5 would still be met.

A further objection has been received from the resident of Rose Cottage on the basis that the proposal will lead to a loss of privacy. While it is accepted that the proposal will result in a greater degree of overlooking of the garden of Rose Cottage, as the garden faces onto a public highway and has a low boundary wall, it can already be publicly viewed. It is therefore considered that any increased overlooking would be insufficient to warrant refusal of the application.

Given the location of the proposed extension and distance to neighbouring properties, it is considered that the only property which could potentially be adversely affected by unreasonable loss of daylight or sunlight would be the adjacent property, Cherrytree Cottage. However, as the proposal does not involve any development forward of the existing building line, it is not considered that any adverse impact will arise.

2. Whether the Proposal is Appropriate to the Building and the Wider Character of the Area

Four objections have been raised to the proposal on the grounds that, given the prominent location of Rose Villa and the nature of the proposed extensions, there will be an unacceptable impact on the character of both the dwelling and the local street scene.

In regard to these points, Policy H11 of the Carlisle District Local Plan Revised Redeposit Draft states that extensions must be of an appropriate scale and should not dominate the original dwelling. It is considered that the proposal achieves this by setting back the extension from the front building line of the dwelling and providing a lower ridge line. It is also considered that while the extensions are of significant size, the plot in which they are to be located is large enough to accommodate them without leading to over-development of the site. As noted, both extensions are to be constructed from materials to match the existing dwelling and will employ similar detailing. As such, it is considered that any impact on the character of the dwelling and wider area would be insufficient to warrant refusal of the application.

- 5.6 In overall terms it is considered that the proposal does not adversely impact on the living conditions of neighbouring residents or the character of the building or the wider area and is therefore recommended for approval.

6. Human Rights Act 1998

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

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

SCHEDULE A: Applications with Recommendation

07/1204

whose interests may be affected by such proposals;

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

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

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

6.3 The proposal has been considered against the above but in this instance it was not considered that there is any conflict. If it was to be alleged that there was conflict it is considered not to be significant enough to warrant the refusal of permission.

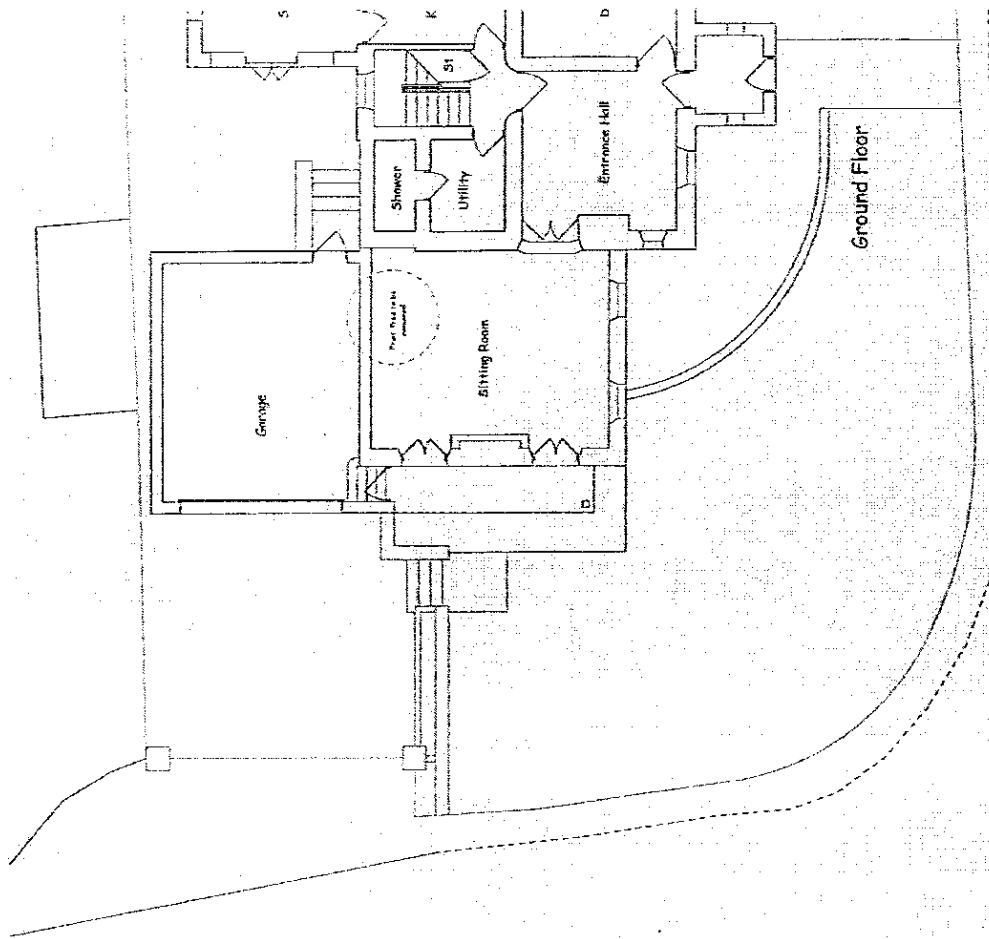
7. **Recommendation** - Grant Permission

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

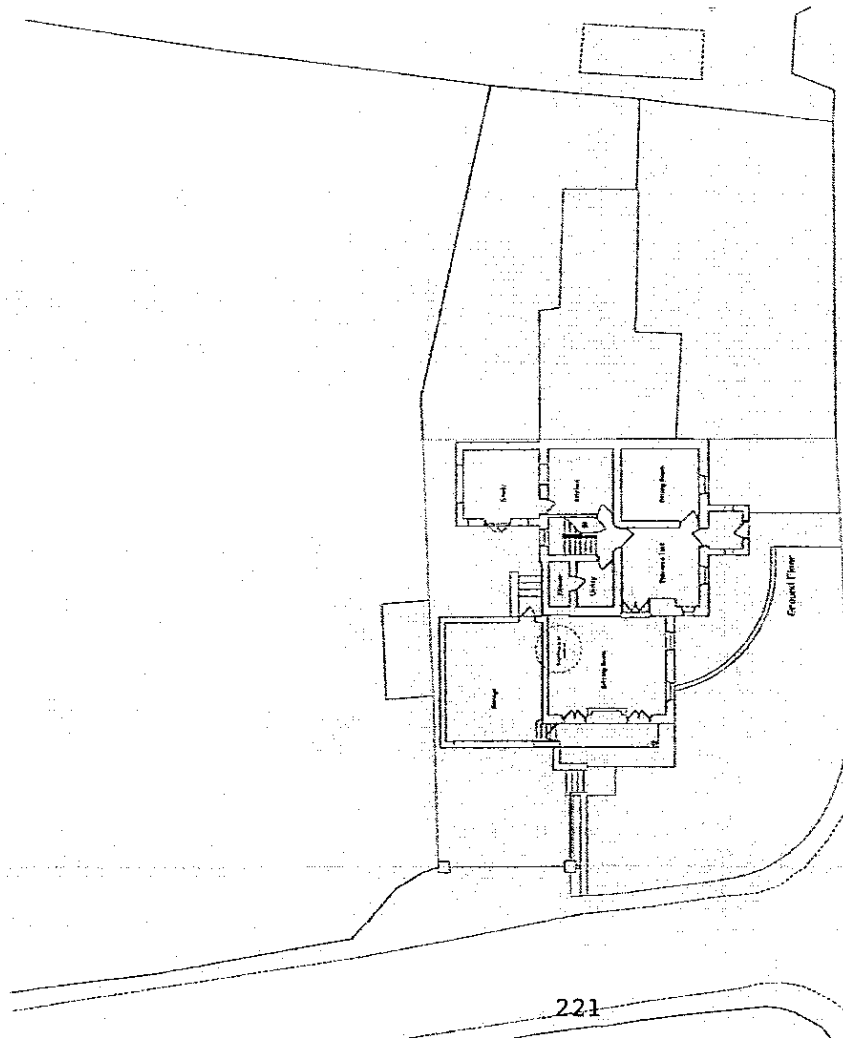
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

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

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

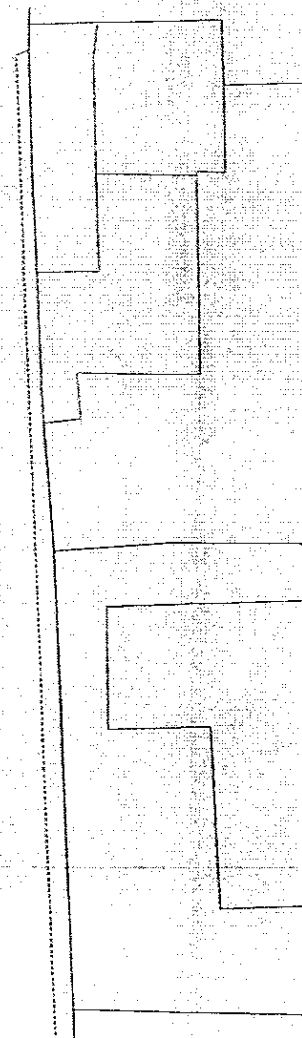


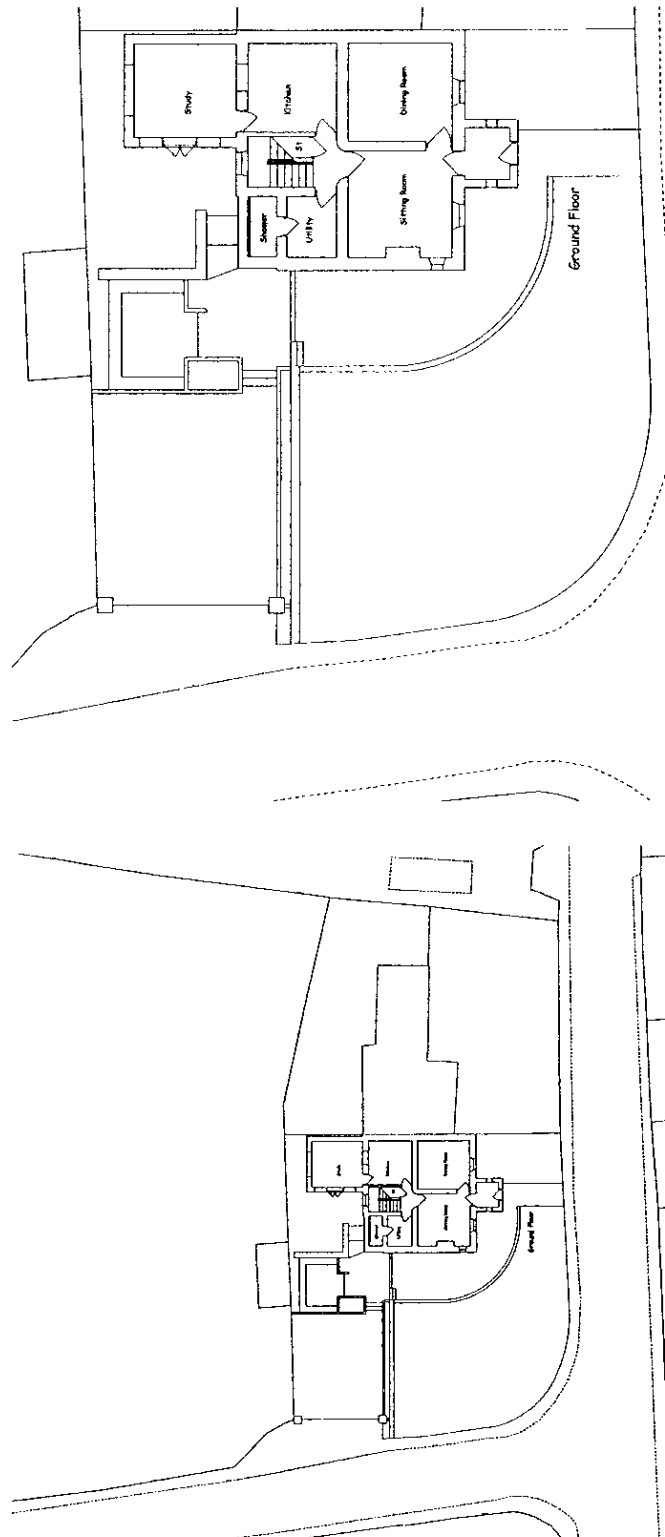
Ground Floor



Expanded Floor

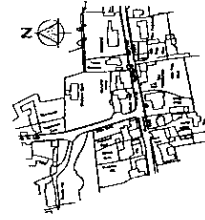
Block Plan 1.200



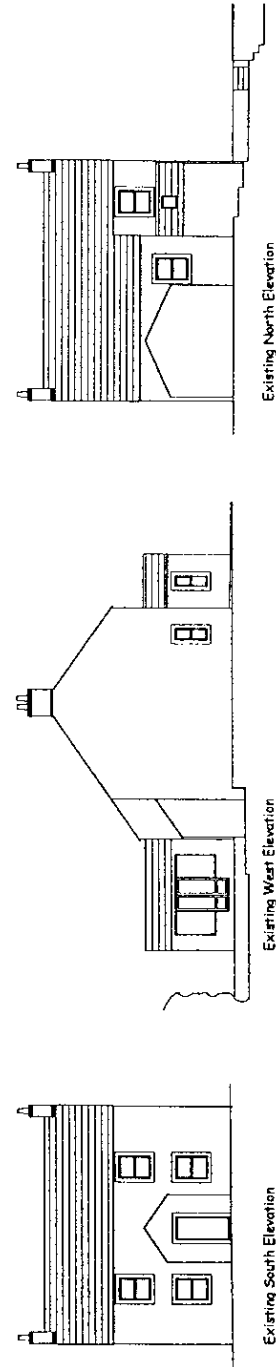
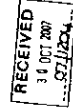


First Floor

Ground Floor



Location Plan 1:2500

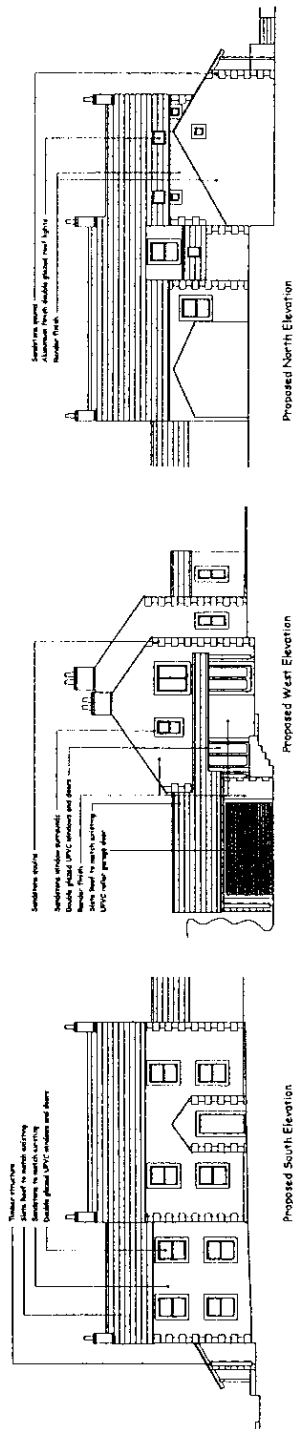
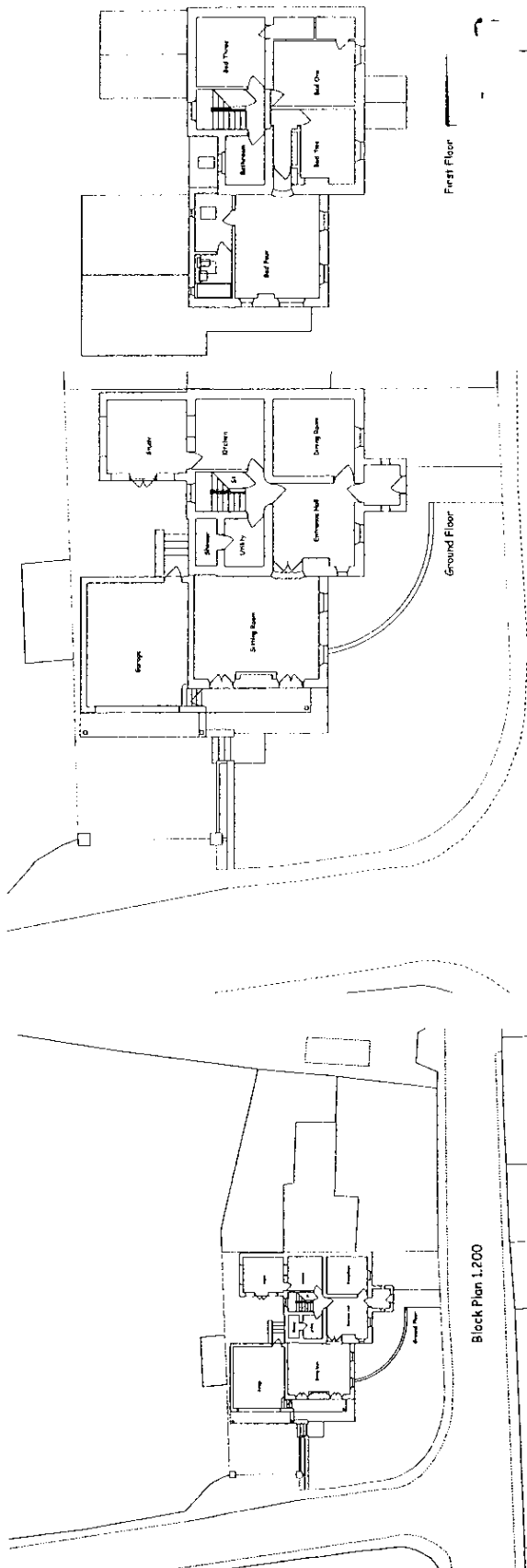


Existing South Elevation

Existing West Elevation

Existing North Elevation

<p>The builder shall check any noted dimensions. Do not scale of this drawing. This drawing is not a contract document and is for the purpose of a Planning & Building Department application only.</p>		<p>Project Alterations & Extension</p>
		<p>Address Rose Villa, Hayton, Cumbria</p>
		<p>Client Mike Dwyer & Jackie Bushnell</p>
		<p>Title Existing & A</p>
		<p>Scale 1:2000, 1:1000, 1:500</p>
		<p>Date 7/10/1</p>
		<p>ASHTON DESIGN</p>
		<p>ASHTON DESIGN 35 OCT 2007 0711204</p>



<p>The holder shall check any noted dimensions. Do not scale of this drawing. Construction drawings are for the purpose of a Planning Application only.</p>	<p>Project: Alterations & Extension</p>			
	<p>Address: Rose Villa, Heyton, Cumbria</p>			
	<p>Client: Mike Dwyer & Jackie Bushnell</p>			
	<p>Title: Proposed 6A</p>			
<p>Rev A. Material removed and cavity added to garage. Nov 07</p>	Scale	1:100 / 1:150	Date	7/10/24
	<p>Rev A. Material removed and cavity added to garage. Nov 07</p>			

07_1204 Rose Villa, Hayton 10 27.11.2007.jpg



07_1204 Rose Villa, Hayton 12 06.11.2007.jpg



07_1204 Rose Villa, Hayton 11 06.11.2007.jpg



07_1204 Rose Villa, Hayton 09 06.11.2007.jpg



SCHEDULE A: Applications with Recommendation

07/0807

Item No: 10

Date of Committee: 25/01/2008

Appn Ref No:
07/0807

Applicant:
Commercial Development
Projects Ltd

Parish:
Carlisle

Date of Receipt:
18/07/2007

Agent:
Building Management
Services Ltd

Ward:
Currock

Location:
Galerie International, Currock Road, Carlisle,
Cumbria, CA2 4AX

Grid Reference:
340242 554841

Proposal: Proposed Sports Centre/Retail & Restaurant Development With
Associated Car Parking And Service Yard Including External Lighting

Amendment:

1. Submission of revised layout plan detaching the restaurant block so it is a stand-alone building located closer to the southern boundary and is designed as a more domestic scale structure. The Health and Fitness Centre is also re-designed with a different architectural form and a revised landscaping scheme is provided which provides for more substantial screening and the creation of an "avenue" of trees on the western side of Currock Road. The amended scheme also has improved pedestrian and cycle links to the site.

REPORT

Case Officer: Alan Taylor

Reason for Determination by Committee:

This application is brought before Members because it is both a "Major" application and because of the specific nature of the proposals and their relationship to planning policy.

1. Constraints and Planning Policies

Waste Disposal Site

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

Joint St. Plan Pol ST1: A Sustainable Vision for Cumbria

Joint St.Plan Pol ST3: Principles applying to all new devel.

Joint Str. Plan Pol ST8: The City of Carlisle

Joint St. Plan Pol L54: Retails, leisure and office dev.

Joint St. Plan Pol L56: Health,education and trng facilities

Rev Redeposit Pl. Pol DP1 - Sustainable Develop. Locations

Rev Redeposit Pl. Pol CP4 - Design

Rev Redeposit Pl. Pol CP14 - Accessibil.Mobility & Inclusion

Rev Redeposit Pl. CP15 - Public Transp. Pedestrians Cyclists

Rev Redeposit Pl. Pol CP16 - Planning Out Crime

Rev Redeposit Pl. Pol EC2 - Mixed Commercial Areas

Rev Redeposit Pl. Pol LC1 - Leisure Development

2. Summary of Consultation Responses

Cumbria County Council - (Highway Authority): the Transport Assessment undertaken by the applicant's consultants has been reviewed and the bulk of the findings are agreed. The proposed development will, indeed, result in an increase in traffic from the site but it is accepted that Currock Road and the surrounding network would be able to cope with the increase engendered.

The TA gives emphasis to the pedestrian and cycling accessibility but has correctly indicted that the use of the private car will still be the dominant mode of transport to and from the site. This is exacerbated by the fact that there is no bus service directly past the proposed development. It is, however, felt that this sustainability element should have been re-assessed to promote more sustainable transport.

The application site is located in an established retail/industrial part of Currock Road. It is situated between the town centre (including the station and main public transport inter- changes) to the north and the mainly residential areas to the south. As such the provision of good pedestrian facilities would benefit the accessibility of the whole area and would contribute to the ideal of creating a development with less reliance on the private car. Good pedestrian links would therefore bring this development in line with Planning Policy Statement 1 (Delivering Sustainable Development) as this will improve linkage between the above-mentioned areas.

With this in mind, the applicants should be required to enter into a S278 Agreement with the Highway Authority to ensure that:

- The footway along the west side of Currock Road is widened to 1.8 metres from the bridge to the south of the site to the bridge to the north, a total distance of approximately 320 metres; and
- a pedestrian refuge/dropped kerbs is installed on Currock Road, the refuge being envisaged as located approximately 40 metres south-east from the Crown Street junction although further investigation would be needed to determine the precise location.

It is requested that the above be conditioned with any planning consent that the Planning Authority is minded to issue.

During the site visit it became apparent that the hedge fronting the site is obstructing visibility for vehicles exiting onto Currock Road. This hedge, due to the prospective footway improvement works, will have to be completely removed. There is no objection to fencing being installed as long as the fencing is of a type that does not obstruct the required visibility splay.

Considering the extensive frontage onto Currock Road the developer should provide a pedestrian link to Currock Road closer to the southern site boundary as this will benefit residents of the residential area to the south and would promote walking/cycling to the site not only for customers but for staff.

There is, in conclusion, no objection to the application from a highway point of view but it is requested that 3 planning conditions are imposed if the development is acceptable to the Planning Authority;

Community Services - Food, Health & Safety: no observations at present but will contact the business operator (of the restaurant) in due course to discuss detail;

Community Services - Environmental Quality: in relation to contamination, there are a number of concerns given the conceptual model. The results show there is evidence of leachable copper, total PAH and benzo(a)pyrene above the relevant threshold levels and with the preferred construction being by piling there is the possibility that a preferential pathway will be created to ground water. It is essential that the Environment Agency is consulted.

In relation to gas monitoring, it is essential that further monitoring is carried out when Barometric pressure is falling (results should be given when pressure is below 1000mb) so that robust and suitable gas protection measures can be installed.

All "hot spots" should be removed and upon completion of the remediation works a "Report" shall be submitted to the Local Planning Authority verifying that the works have been carried out satisfactorily. Post remediation sampling and monitoring results shall be included in the "Report" to demonstrate that the required remediation has been fully carried out. Future monitoring proposals and reporting, together with agreed time scales, shall also be detailed in the "Report".

If contamination not previously identified is found to be present during development (i.e. "building works") no further development shall be carried out (unless otherwise agreed in writing by the LPA) until the developer has submitted to, and obtained

written approval from, the LPA a scheme indicating the measures to ensure this unsuspected contamination shall be dealt with. The removal of such contamination shall, thereafter, be executed wholly in accord with the agreed details.

Following the changes in the scheme design and site layout further observations were invited but it was confirmed they did not modify the foregoing comments;

United Utilities (former Norweb & NWWA): initially objected as there is a public sewer crossing the site and UU stated it would not allow building over it or development that would encroach on the requirement for a 10m wide easement for access/maintenance or replacement of the sewer. Similarly, UU advised that another public sewer also crosses north of the site and no building over or encroachment into the 8m wide easement appropriate to that sewer would be permitted. Following discussions with the applicants' engineering consultants, however, United Utilities has now advised that subject to measures being undertaken by the developer during the course of the work, to ensure there is no damage to the in-situ sewers, the original objection has been withdrawn;

Community Services - Drainage Engineer: no comments received;

Cumbria Constabulary - Crime Prevention: it is disappointing that the Design and Access Statement makes no reference to the intention to implement any crime prevention measures within the development.

In terms of perimeter security, the site boundary is not complete thereby permitting unrestricted pedestrian access from several directions. Consideration should be given to establishing a total perimeter which obliges all visitors to enter the site via the designated access points. In particular, the rear service yard should be enclosed to prevent unauthorized access and welded mesh or extruded metal fencing to at least 2.4 metres in height is recommended with matching lockable gates.

The car parking layout is orientated towards the buildings giving a high degree of natural surveillance yet other measures such as CCTV should be deployed. The car park should be well lit with even levels of illumination across the entire space. The applicants should consider applying for an Award from the national Safe Parking Scheme and further information can be provided on request.

If CCTV is used, it should not be relied upon as the primary defence against crime. Appropriate cameras should be used to give suitable definition and full observation of the site, the best systems being those that are operator controlled where several pan, tilt and turn cameras provide maximum coverage and allow an instant response to any incident detected.

Guidance on suitable landscaping measures and security lighting to the development is also given coupled with advice on securing an appropriate specification for doors and windows. A copy of the full response has been given to the applicants so they can take account of the recommendations;

Development Services Planning & Housing Services - Local Plans: the application is for a mixed use, commercial scheme comprising three use classes, the largest being D2 Leisure (2090 square metres net), secondly, A1 Retail (1393

square metres net) and thirdly, A3 Restaurant/Bar (372 square metres gross).

The location of the proposal is on the western side of Currock Road on an island site between railway lines, half a mile south of the City Centre. The site is allocated on the Revised Re-Deposit Draft Local Plan for Mixed Commercial use and is subject to the provisions of Policy EC2. The adjacent site to the north is in Primary Retail use.

The proposal is to demolish the existing retail warehouse unit and redevelop the site to provide a new unit containing a JJB Health and Sports Club equipped with a swimming pool, steam room, sauna, cardio and weights area and studios together with an ancillary retail unit, formed within a mezzanine floor area above the fitness centre, which would also be occupied by JJB and would sell sports equipment and sports goods. The proposed restaurant would occupy an attached building positioned adjacent to the south-east corner of the main block with its main facade in line with that of the larger building.

PPS1 Delivering Sustainable Communities advises planning authorities to seek to provide improved access for all to health, shops and leisure facilities by encouraging new development to be located where everyone can access facilities on foot, by bicycle or public transport rather than relying on access by car. Mixed use developments are encouraged, and vacant land and buildings should be brought back into beneficial use. Developments that attract large numbers of people should be focused in existing centres to assist their vitality and viability and to make the facilities and opportunities available where accessibility is greatest. This advice is reiterated in PPS6.

PPS6 sets out a framework for applicants to address: firstly, the need for the development, secondly, that the development is of an appropriate scale, thirdly, that there are no more central sites for the development, fourthly that there are no unacceptable impacts on centres and lastly that the location is accessible.

The Local Plan Policy EC2 for Mixed Commercial areas (besides putting forward criteria relating to accessibility, parking provision and the scale of the development) states that Class A1 uses will only be acceptable on sites/areas within 300 metres of the City Centre Primary retail area. This distance extends in the direction of Currock only as far as the Staples unit on James Street.

As far as the need for the development is concerned there are already eight health and fitness facilities operating in the City, the nearest being the City Council's Pools facility in James Street, half a mile away. There is no operator in the south of the City and only one national operator, Bannatyne's, on a site north of the river beside the A7. The scale of the operation is conditioned by the size of the unit; each JJB club provides a range of sports facilities and this unit size is considered 'ideal' for the operator's requirement. The residential areas of Currock and Upperby are located close to the site to the south.

Alternative sites are examined in the sequential test, which is contained in the Retail and Leisure Impact Assessment report. There are no suitable, available sites in the City Centre or on the edge of the Centre. The site is in close proximity to other large commercial units on Currock Road and Crown Street, one of which is in a leisure use, the bowling alley. There is no restaurant/bar use. This type of retail use is

complementary to the leisure use and will serve local needs in the nearby residential area.

The proposed retail element within the leisure club is ancillary to the main use and associated with it. It is 47% of the existing retail floorspace provided within the "Vasey's Galleria" unit.

With regard to accessibility, the claim is made that three bus routes pass the site. In fact these three routes use Blackwell Road and the bus stops are not particularly close at 300 metres away. It would be desirable to secure a diversion of at least one of the bus routes along Currock Road achieved through a planning obligation. Users of the club might be more inclined to use bicycles if cycle spaces were provided close to the entrance. No cycle spaces are provided in the application and this should be remedied, possibly also including a contribution towards a length of cycleway from the south achieved through a planning obligation also. Because of the circuitous nature of the road from the City Centre it is doubtful that pedestrians would use the club from this direction.

In conclusion, the proposal would serve the south of the City which currently lacks a facility of this nature and is consistent with the scale and character of development in this edge of Currock site

Development Services Planning & Housing Services - Local Plans (Trees): the landscaping scheme is broadly acceptable but new hedging proposed should be the same species as the hedge to Currock Road and all trees to be planted in the car parking area should be planted in appropriately designed tree pits;

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

Sport England North West: the proposed development would be for a new fitness facility, incorporating changing facilities, gymnasium, spa and leisure pool. Whilst the application relates to local authority land, it is understood the proposed development would be operated commercially.

Information contained within the Active Places Power website, which allows analysis of existing provision in the authority, and local area, has been considered. That information is attached but Sport England would be happy to discuss this further as it is recognised that Carlisle City Council has not registered on this website to date.

It is clear from Active Places Power that Carlisle as an authority has more health and fitness facilities (quantity) than the majority of authorities in the North West and compares favourably with the level of provision nationally.

There are, however, limited facilities within a 20 minute walking catchment of the proposed development. There are 4 operational health and fitness providers within this catchment, but each is of limited size, offering 20 or less fitness "stations". Of these, Carlisle Pools is the only site which is operated for community use. Given this, there may be some demand in the local area for such facilities, but it should be noted that the facility is likely to impact upon the Carlisle Pools facility, given its proximity.

The Council's ownership of the site means that it may be possible to secure some community use of the facility- e.g. access at reduced costs to target user groups such as those on low income, or with disabilities, or for sports development use. It is recommended that liaison is undertaken with Mark Beveridge of Carlisle Leisure Services regarding the need for such an agreement. Sport England provide model legal agreements which can be utilised to secure community use as part of a S106 Agreement. This approach would be consistent with a key Sport England objective:

Planning Policy Objective 1: to ensure that a planned approach to the provision of facilities and opportunities for sport and recreation is taken by planning authorities in order to meet the needs of the local community. The level of provision should be determined locally, based on local assessments of need and take account of wider than local requirements for strategic or specialist facilities;

Urban Designer: The applicant proposes a large shed like structure on the site of the former Galeria on Currock Rd, housing a proposed Sports Centre and retail/ restaurant development. The application has been deferred pending clarification of elements including the potential to improve the design aspirations of the proposal.

The application is accompanied by a very poor design and access statement, which generally directs the reader to the application drawings but provides little additional detail or reasoning to support the application. It is evident from the elevations that the proposal is of low design aspirations and is essentially a generic box-like structure which makes very little attempt at architectural or design quality, and which is of a stock design. PPS1 and associated design guidance places great emphasis on place-making and on design quality. The elevations as drawn do not achieve this to an acceptable degree.

While accepting the basic form of the building is dictated by internal floor plates and uses, there is opportunity to add interest to the elevations through some variations in mass, and through opportunities for additional fenestration and use of materials to break up the monolithic bulk of the structure.

Thought should be given in particular to the proposed restaurant unit. This is proposed as being the full height of the main block but floor plans indicate ground floor use only. There is an opportunity to lower the height of this unit to break up the bulk of the whole. As a restaurant use, it also lacks expected fenestration. This should be corrected and would add more interest to the exterior than its present blank façade. There is an additional opportunity to break up the mass of the main building. The introduction of fenestration to illuminate the proposed upper floors, especially to the rooms to the east elevation, and to provide additional articulation to the façade, perhaps through the use of brise soleil or through some additional contrasting materials such as timber, should be considered.

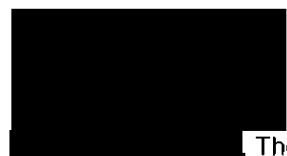
The requests for a pedestrian link to be added to the south of the site, and for prominent and secure cycle parking, are supported.

Cumbria County Council has requested the removal of the hedge fronting Currock Road. This is considered to be an attractive element to an otherwise bleak road and its removal is not supported. The applicants proposed landscaping scheme, if

adequately scaled trees are employed, could add some welcome definition to Currock Rd. This planting should be extended to the full northern boundary of the site. There is ample opportunity within the site to use a SUDS system and perhaps to employ balancing ponds on the unused south western corner of the site, currently identified as 'turf'.

3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:
	Broombys Ltd 08/08/07	
	Brian Fell Motors 08/08/07	
	Rickerby Ltd 08/08/07	
	Former B & Q Building 08/08/07	
	The Garden Flat	Objection

The application has been widely publicised through a combination of Site and Press Notices and neighbour notification letters: there have been no formal representations although one nearby occupier visited the Customer Contact Centre to express concern when site stripping of self-seeded vegetation was undertaken by the applicants. Subsequent to that, a detailed landscaping scheme was submitted and the local resident concerned has been formally notified and invited to comment on these proposals. A letter has now been received from this local resident who has objected to the proposed development on the following grounds:

1. The risk of cooking smells from the re-sited restaurant
2. The position and width of the footpath and cycle access from Currock Road
3. The landscaping scheme does not screen the proposed development from neighbouring properties and will not reduce noise pollution

4. Planning History

Planning History:

The land subject of this application was historically part of an extensive area of railway land. It was later developed for a "Cash and Carry" warehouse, occupied by Alliance. In February 1991 planning permission was granted for the conversion of the warehouse to a retail furniture store which Members will know traded as Galerie International until its closure last year.

5. Details of Proposal/Officer Appraisal

Introduction

- 5.1 A Report on this application was included in the Schedule of Applications considered at the meeting held on 28th September when:

"Members resolved to defer consideration of the proposal in order to await clarification of the applicants' proposals in relation to the objection received from United Utilities in connection with the existing public sewers; to clarify the applicants' willingness to undertake the necessary improvements to visibility at the junction with Currock Road and to provide improved pedestrian access along that road and into the site from the south; to enable Officers to investigate the mechanism to control the future use of the premises in the event that the applicants ceased to trade (and hence avoid prejudicing the vitality and viability of city centre trading). In addition, Members instructed Officers to seek the advice and design input of the Council's Urban Designer in order to improve the design and finishes of the proposed building and to await a further report on the application, responding to these matters, at a future meeting of the Committee".

- 5.2 It may be recalled that the application, which seeks Full Planning Permission, relates to the site previously occupied by Vasey's Galeria Store, retailing furniture, carpets, etc. and lies on the west side of Currock Road immediately south of the access road leading to what was the B & Q Retail Warehouse (now occupied by "The Range"). It extends to just over 1.47 hectares and has a frontage of 120 metres to Currock Road and is bounded by the railway to the southern side.

Background

- 5.3 The proposal as submitted sought to erect an essentially 2 storey building replacing the existing vacant furniture store, the building being located on a proposed building line set back about 68 metres from Currock Road. It will be recalled that it is intended to be occupied by a JJB Stores' combined Sports Centre coupled with an upper floor retail sales area, and (as first submitted) had a separate restaurant/cafe appended to its' southern side (albeit that it only provides accommodation at ground floor level). The overall development was intended to provide 5022 m2 floorspace but there is actually a reduction in the floorspace to be used for retail purposes (1577 m2 as opposed to 3371 m2) in comparison with the former Vasey's retail unit.
- 5.4 The application has been supported by a Retail and Leisure Impact Assessment (which incorporates an evaluation of "need" and a "sequential appraisal"); a Design and Access Statement; a Transport Assessment; a Travel Plan Framework; and a Geo-Environmental Appraisal. The submitted plans provided details of the proposed site layout; a landscaping plan; topographical survey; and drawings illustrating both the developer's work (i.e initial construction and shell) and the fit-out works for the health and fitness club and the retail unit.
- 5.5 The single largest floorspace within the overall development is associated with the Sports Centre which provides 2750 m2 (gross) floorspace principally accommodated at ground floor but includes 2 no aerobic studios at first floor, respectively 169 m2 and 104 m2 in area. The ground floor area would provide a reception area and adjacent bar; a small office area; an extensive gym area; separate gym dais and free weights areas; a 20m long swimming pool;

a steam room and 2 no. spas; male, female and unisex disabled persons' toilets; and male and female shower and changing rooms each with sunbed facilities.

- 5.6 The remainder of the upper floor, extending to approximately 1577 m² (gross), is occupied by the sales and stockroom areas associated with the proposed retail unit. These comprise 1384 m² sales and 192 m² storage. Lift access is provided from ground floor to provide access to both the upper floor aerobics studios and to the proposed retail store for sports club members and customers while a goods lift is provided to the stockroom area. At the rear of the building, facing onto its service yard, and attached to the rear wall of the main building is a proposed plant/pool filtration block measuring broadly 8m by 26m. Some plant is housed on its flat roof.
- 5.7 The proposed restaurant/cafe unit, for which there is currently no occupier identified, was expected to provide 375 m² (gross) floorspace and was, when initially submitted, proposed to be attached to the southern facade of the larger unit, in line with its front wall i.e. facing Currock Road. As explained later it is now re-sited and has a slightly larger gross floorspace (398 m²).
- 5.8 The overall development is expected to provide 50 jobs, 20 of these being full-time posts. It is expected to be open between 0700 hours and 2300 hours, every day of the week.
- 5.9 The development provided for a total of 201 parking spaces and included 10 spaces for disabled users. The customer entrance to the site and exit from it (both via the existing road from Currock Road to "The Range" and onwards to the Travers Perkins Builders Merchants yard) are separated and these would be engineered to ensure that a one-way system is operated. Service access is also from that road but is located further to the west.
- 5.10 Members might also recollect that the proposals involve the addition of part of the extensive grassed area which presently exists behind the hedgeline to Currock Road and the limits of the Vasey's car parking area although an 8-9 metre deep belt extending into the site from Currock Road will remain. It is proposed to introduce a row of 10 no. Oak trees into that area to form an avenue on this part of the west side of Currock Road. Extensive planting is also proposed to the southern and western site perimeter and adjacent to the entrance and exit.
- 5.11 As originally submitted, the proposed building was envisaged as being 9.85 m high to its parapet. It was indicated as being constructed with a steel frame and have brickwork up to 2.8 metres in height with silver coloured composite cladding to its upper area. The two focal entrance points i.e. to serve the Sports Centre/Associated Retail Unit and the restaurant/cafe respectively would be designed to project forwards and be formed with full height blue powder framed glazing. The Sports Centre/Retail Unit would include a ground floor "display" window area.

Appraisal

- 5.12 The planning policy context against which this application should be assessed comprises the Cumbria and Lake District Joint Structure Plan 2001-2016 (Adopted in April 2006), the "saved" policies of the adopted Carlisle District Local Plan (1997) and the emerging policies within the Carlisle District Local Plan Revised Re-Deposit Draft 2001- 2016. The latter has been subject of the recent Local Plan Inquiry, following which the Report of the Inspector is expected in February 2008. Members will appreciate that the policies within the "adopted" District Local Plan (Sept 1997 version) will be replaced in due course.
- 5.13 Members will note that a key objective common to both the Structure Plan and emerging District Local Plan is the need for new development to be in sustainable locations able to be accessed by the widest possible range of modes of transport. Clearly, the urban area of Carlisle broadly fulfills that objective.
- 5.14 Policy L54 of the adopted Structure Plan recognises that proposals for retail, leisure and office uses should be sequentially assessed in line with advice in PPS6. The applicants have undertaken that assessment and have identified that there are no other suitable or available sites within the City Centre able to accommodate the specific dual format nature of the JJB concept that is central to this development. They also consider that there are no "edge-of-centre" sites that better meet this need. They consider that an out of centre site is therefore the only realistic option and have, accordingly, undertaken a detailed analysis of available sites or premises in locations as close to the city centre or other existing facilities as possible. Their analysis indicates that at the time of the research (January/February 2007) there were no sites in such locations that were either large enough and/or available for the JJB "formula" proposed.
- 5.15 In more specific terms, Policy EC2 of the emerging Local Plan gives guidance on appropriate uses within Mixed Commercial areas (within which the site is located). Members will note that new retail development will not normally be considered appropriate where it is more than 300 m from the Primary Retail areas of the City Centre (or Key Service Centre). However, it is important to emphasise that this site has been used for Class A1 Retail purposes for in excess of 16 years and that the Vasey's Galeria store provides a substantially higher level of floorspace in that use than is now proposed. There is, thus, a net reduction in retail floorspace from that which the existing building affords. That said, the planning consent for the Galeria was not an "open" A1 consent and was restrictive in relation to the range of goods able to be sold i.e. bulky goods, builders and plumbers merchants, etc.
- 5.16 The other aspect that Members should consider is the Government's aspirations and objectives in relation to creating both a healthier society and a more socially equitable and inclusive one. That is set out under Planning Policy Statement 1 and underpins many aspects of planning policy e.g. Structure Plan Policies ST1 and L56 and emerging District Plan Policies DP1, LC01 and CP14. A facet of this is the Council's objectives to improve the social, employment, education and health and welfare facilities and opportunities within Carlisle South (which includes Currock Ward within which

the site is located). That area is also identified as one of the "target" areas for regeneration under Policy DP2 of the emerging Local Plan.

- 5.17 In that regard, the provision of jobs (20 FT and 30 PT), shopping and leisure facilities within the Ward is something that should (subject to matters of scale and detail) be regarded as appropriate.
- 5.18 While the previous Committee Report indicated that the application is one which should be supported, there were clearly a number of matters outstanding in relation to the application e.g. how the applicants could resolve the United Utilities objection to building over one public sewer and in close proximity to another; whether the developers could meet the Highway Authority's requirements for improvements to pedestrian access; and how the "class of goods" issues raised by the retail aspect of the application may or may not compromise planning policies aimed at protecting and strengthening Town Centres. In addition, there was clear concern expressed by Members at the design and finishes that were initially envisaged and Officers were charged with addressing those.
- 5.19 Since the September Committee meeting, United Utilities objection has been withdrawn as it is recognised that the depth of the existing sewer affords a significant level of protection and that the building works can be undertaken without damage or disturbance.
- 5.20 Similarly, the applicants have been requested to look at both the layout and design of the proposed development and a number of discussions have taken place between the developer, Case Officer and the Council's Urban Designer to try to achieve a better and more attractive development. This has led to a number of amendments to the proposals as previously seen by the Committee:
1. the proposed restaurant unit has been completely detached from the main block
 2. it is re-sited closer to the road frontage and the southern site boundary
 3. it is designed as a single storey "pavilion", almost "domestic" in scale, and uses more traditional finishes such as brick and slate to the roof with substantially more glazing
 4. the car park layout is re-designed accordingly and now has a small car park with related disabled persons' spaces adjoining the restaurant block
 5. the scheme now includes cycle parking facilities adjacent to the two units
 6. the landscaping scheme has been revised to strengthen the southern site perimeter and also to provide a more attractive street frontage
 7. a pedestrian access route is now formed from the southern side of the frontage onto Currock Road, leading to the restaurant and then the JJB unit
 8. the footway to the site frontage onto Currock Road is to be widened to 1.8m
 9. the principal building, containing the JJB unit, has been re-designed with a soft, rounded fascia detailing, glazing introduced into the principal elevations i.e. both road frontages together with a new entrance feature including an entrance portico projecting from the main facade

- 5.21 The palette of finishes to the main building comprises facing brickwork rising to a height of 2.45m upwards from ground level with composite metal cladding panels, coloured silver above the brickwork and will have blue framed glazing and entrance doors. The glazing includes upper floor window areas which breaks up the otherwise featureless areas of cladding first proposed.
- 5.22 The site is also proposed to be substantially more landscaped, utilising tree planting species such as Oak, Ash, Silver Birch, Field Maple, Alder, Beech and Hornbeam coupled with extensive shrub belts. This should add considerable visual interest to what is currently quite a barren site on what is quite an important approach road towards the city centre.
- 5.23 As stated earlier, the planning policy context is influenced by the existing retail use the site enjoys. While that is currently quite restrictive in relation to what can be sold i.e. furniture, bulky goods, electrical, carpets, etc. and clearly implies the transfer of bulky goods from store to car (a policy imperative of Policy S2 under the provisions of adopted Local Plan Policy S2), the "retail" element of the current application involves sales of goods that, within Carlisle, take place within the city centre. There is, understandably, some concern in relation to whether these proposals might compromise the vitality and viability of the city centre shopping area.
- 5.24 Whilst A1 Retail use would not normally be acceptable in this "out of centre" location, there are special circumstances in this case. The retail unit is complementary to the principal use of the site for leisure and restaurant purposes. Moreover, there is no indication that JJB intend to vacate their city centre premises but see the current proposal as a distinct and separate arm of their wider retail operations by virtue of the health & fitness with ancillary retail nature of this concept. The fact that the uses are combined and complementary, and the health and employment benefits in the area are substantial, allows this to be a material consideration in finding in favour of the application without challenging the objectives of the Council's retail planning policies which are to support the city centre.
- 5.25 That objective can also be protected by the controls the Council can exercise through its' planning powers and/or land owner's powers (the site is occupied under a long lease and the Council is freehold owner). Rather than relying solely on its' landowner's controls, however, which does nothing to safeguard the wider objectives of retail planning policy, it is suggested that a S106 Agreement is sought. That could, conceivably, be drafted to offer particular obligations not to trade from the sales area but the current applicants have also suggested that the protection the Council seeks could go further and have suggested that the S106 Agreement and/or obligation in the lease could require that, in the event of JJB Stores ceasing to operate the combined health & fitness centre and ancillary retail unit from these premises, the upper floor retail sales floor is removed, thereby leaving only a health & fitness facility. Conditions could also be imposed on any consent to ensure that the retail element of the principal unit is only used for the sale or hire of sports equipment, sports clothing and sports footwear together with a separate

condition which prevents the sub-division of the unit.

Conclusion

- 5.26 It is recommended that the application is approved, subject to the attainment of a satisfactory S106 Agreement that ensures that:
1. if the development is implemented, the use of the principal building is solely as a linked health & fitness centre/retail sales unit occupied as a single planning unit;
 2. that at no time are these "twin" uses severed or the sales floor area of the overall unit further sub-divided into multiple retail units;
 3. if that dual use, as a health & fitness centre with ancillary sales area for retail sales of sports equipment, clothing and footwear, ceases the upper floor sales area is dismantled and removed so that the Council is not left within an open A1 retail consent in a location where such an approval would not otherwise have been forthcoming;

Informative Notes to Committee:

1. Section 106 Agreement with Authority to Issue

In view of the nature of the proposal and the planning issues associated with it, it is recommended that the applicant(s) be invited to enter into a legal agreement under the provisions of Section 106 of the Town and Country Planning Act 1990 and that subject to a satisfactory agreement being concluded, Officers be authorised to issue planning approval.

6. Human Rights Act 1998

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 reason to consider that these proposals prejudice any rights bestowed by the Act.

7. Recommendation - Grant Subject to S106 Agreement

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

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

2. 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 and in accord with Policy 25 of the Cumbria and Lake District Joint Structure Plan (*and if "Listed" use Policy E35 of the Carlisle District Local Plan*).

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 implemented in accordance with a phasing scheme for the conversion works hereby approved.

Reason: To ensure that materials to be used are acceptable and in compliance with the objectives of Policy 25 of the Cumbria and Lake District Joint Structure Plan.

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

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

5. 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. Ramps and a pedestrian refuge island shall also be provided, in a specific location to be agreed with the Highway Authority, in the vicinity of the Crown Street/Currock Road junction, such works to be procured under the provisions of S278 of the Highway Act 1980.

Reason: To ensure that pedestrians and people with impaired mobility can negotiate road junctions in relative safety and to support Local Transport Plan Policies LD5, LD7, LD8 and Structure Plan Policy L5.

6. No development shall commence until visibility splays providing clear visibility of 4.5 metres by 90 metres measured down the centre of the access road and the nearside channel line of Currock Road have been provided at that junction.. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grow within the visibility splay which obstruct the visibility splays. The visibility splays shall be constructed before general development of the site commences so that construction traffic is safeguarded.

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

7. The retail unit shown on the approved plan shall not be sub-divided.

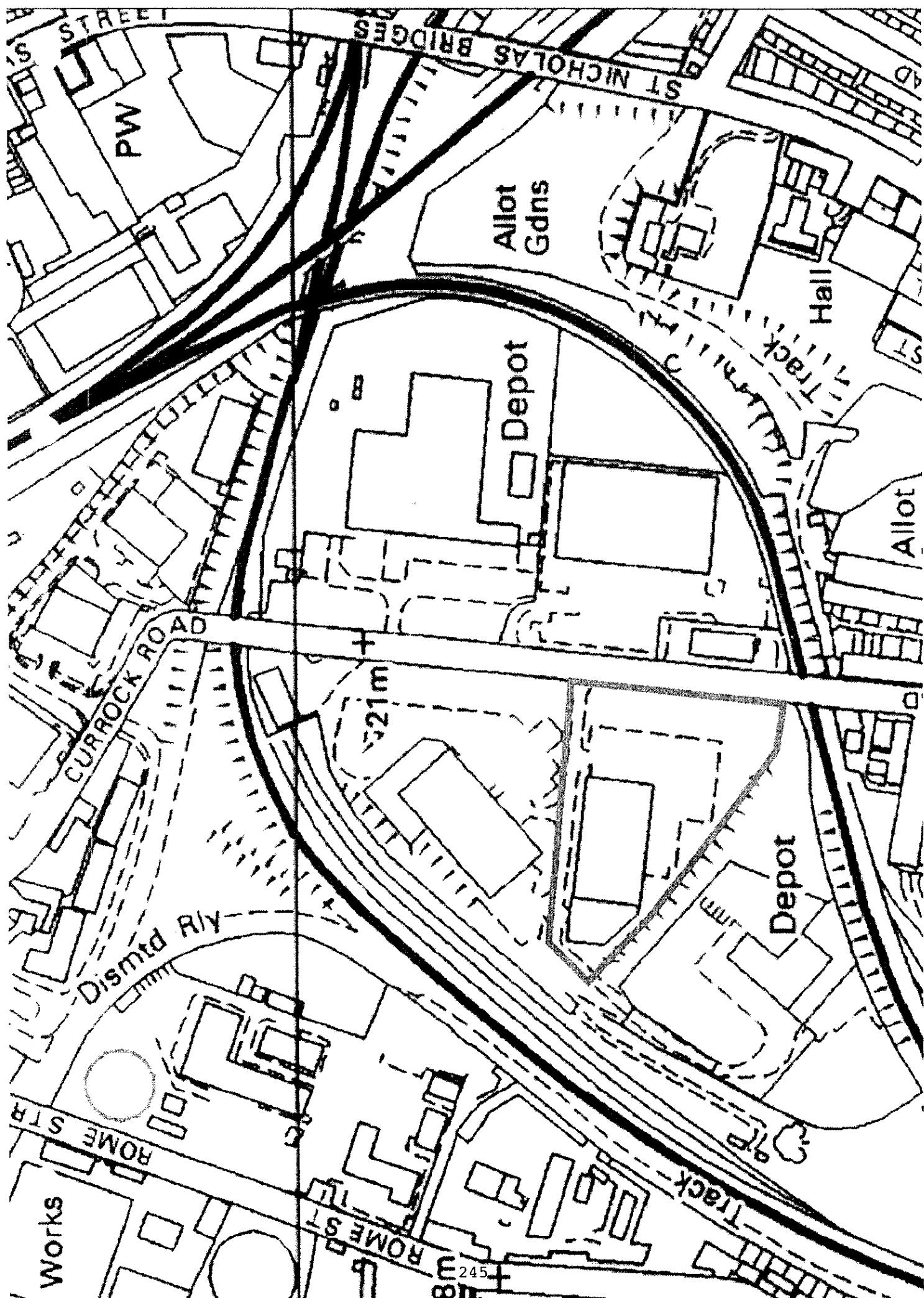
Reason: To avoid the introduction of additional retail units which would further increase the range and choice of goods sold and increase the cumulative impact on the vitality and viability of Carlisle City Centre, in accordance with Policy ST3 of the Cumbria and Lake District Joint Structure Plan 2001-2016 (April 2006) and Policy DP1 of the Carlisle District Local Plan 2001-2016 Revised Redeposit Draft (Sept 2006).

8. The permanent use of the retail unit shall be for the sale or hire of sports equipment, sports clothing and sports footwear and for no other purpose (including any purpose in Class A1 of the Use Classes (Amendment) Order 2005 and the General Permitted Development (Amendment) Order 2005).

Reason: To minimise conflict with city centre trading and to reduce the impact of the retail floorspace on the vitality and viability of Carlisle City Centre, in accordance with Policy ST3 of the Cumbria and Lake District Joint Structure Plan 2001-2016 (April 2006) and Policy DP1 of the Carlisle District Local Plan 2001-2016 Revised Redeposit Draft (Sept 2006).

9. The retail sales area of the approved retail unit shall not exceed 1,384 m², (with the remainder used for storage and ancillary activities), unless otherwise approved in writing by the Local Planning Authority.

Reason: To minimise conflict with city centre trading and to reduce the impact of the retail floorspace on the vitality and viability of Carlisle City Centre, in accordance with Policy ST3 of the Cumbria and Lake District Joint Structure Plan 2001-2016 (April 2006) and Policy DP1 of the Carlisle District Local Plan 2001-2016 Revised Redeposit Draft (Sept 2006).

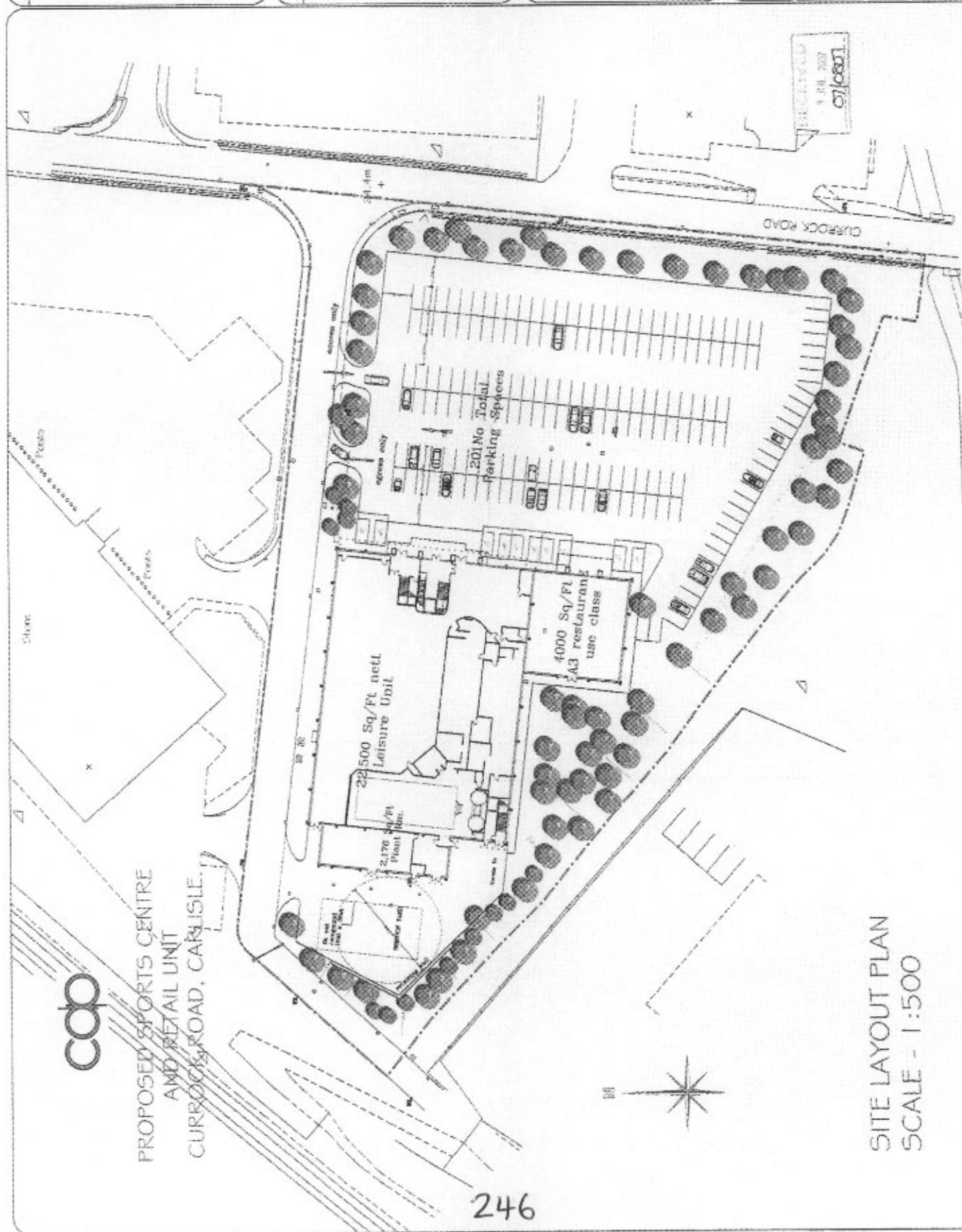




PROPOSED SPORTS CENTRE
AND RETAIL UNIT
CURROCK ROAD, CARLISLE



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<p>COMPANIES REGISTERED</p> <p>Notes</p>	<p>Proposed</p> <p>1. 22,500 Sq/Ft net Leisure Unit</p> <p>2. 2,176 Sq/Ft Plant Room</p> <p>3. 4000 Sq/Ft A3 restaurant use class</p> <p>4. 201 No Total Parking Spaces</p>	<p>CDP MANAGEMENT SERVICES LTD</p> <p>Head Office: 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 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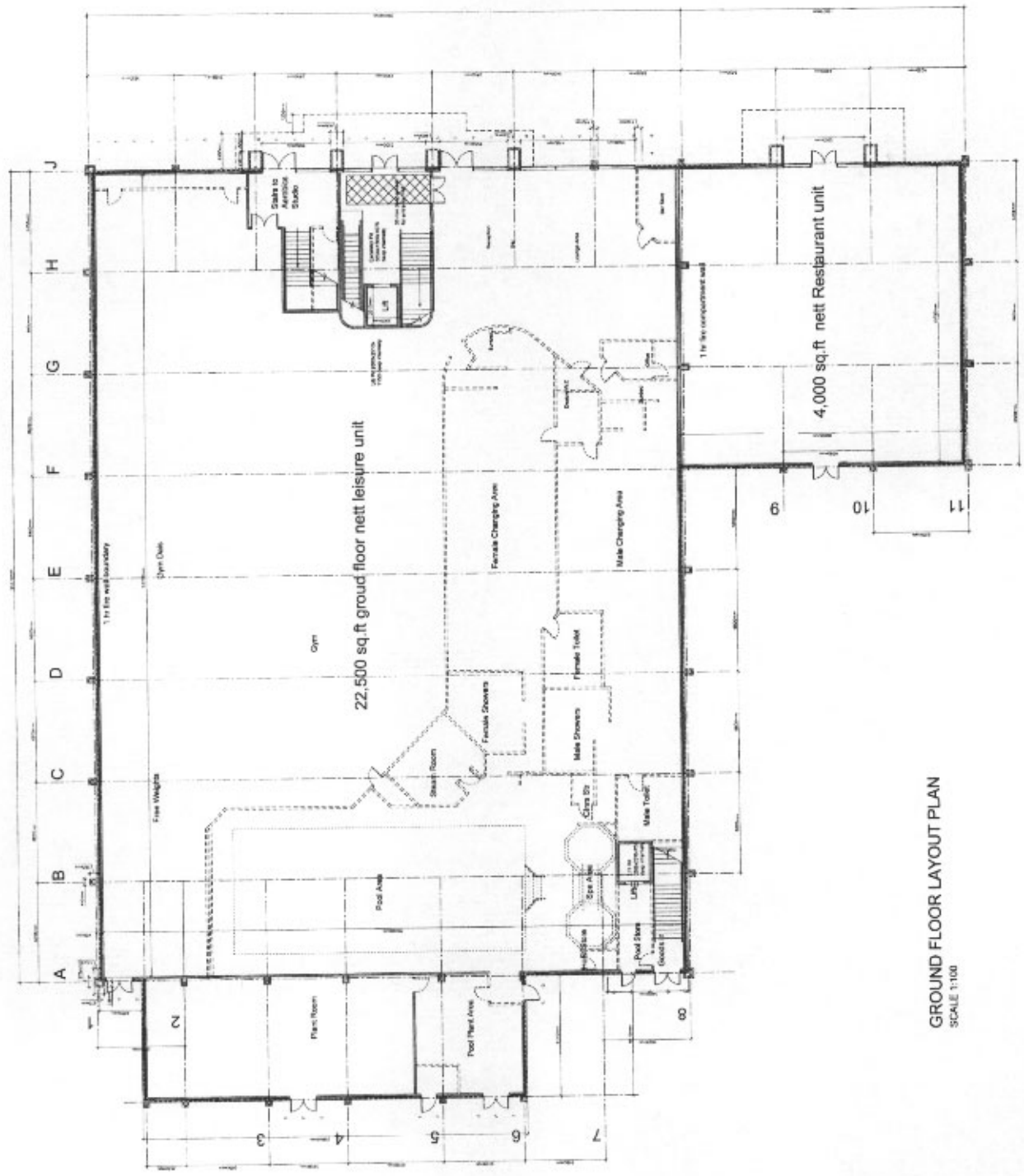
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FF Proposed Plan

 SPORTS

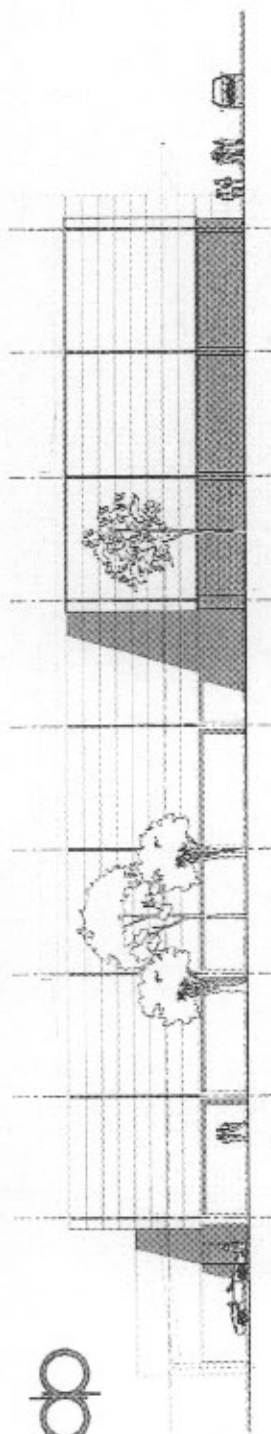
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GROUND FLOOR LAYOUT PLAN
SCALE 1:100

03/2011





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Faculty Schedule					
Day	Room	Faculty	Section	Time	Days
Mon	101	John A. Smith	Math 101	8:00-9:00	Mon, Wed, Fri
Tue	102	John A. Smith	Math 101	9:00-10:00	Tue, Thu, Sat
Wed	103	John A. Smith	Math 101	10:00-11:00	Mon, Wed, Fri
Thu	104	John A. Smith	Math 101	11:00-12:00	Tue, Thu, Sat
Fri	105	John A. Smith	Math 101	12:00-1:00	Mon, Wed, Fri
Sat	106	John A. Smith	Math 101	1:00-2:00	Tue, Thu, Sat
Sun	107	John A. Smith	Math 101	2:00-3:00	Mon, Wed, Fri
Mon	108	John A. Smith	Math 101	3:00-4:00	Tue, Thu, Sat
Tue	109	John A. Smith	Math 101	4:00-5:00	Mon, Wed, Fri
Wed	110	John A. Smith	Math 101	5:00-6:00	Tue, Thu, Sat
Thu	111	John A. Smith	Math 101	6:00-7:00	Mon, Wed, Fri
Fri	112	John A. Smith	Math 101	7:00-8:00	Tue, Thu, Sat
Sat	113	John A. Smith	Math 101	8:00-9:00	Mon, Wed, Fri
Sun	114	John A. Smith	Math 101	9:00-10:00	Tue, Thu, Sat
Mon	115	John A. Smith	Math 101	10:00-11:00	Mon, Wed, Fri
Tue	116	John A. Smith	Math 101	11:00-12:00	Tue, Thu, Sat
Wed	117	John A. Smith	Math 101	12:00-1:00	Mon, Wed, Fri
Thu	118	John A. Smith	Math 101	1:00-2:00	Tue, Thu, Sat
Fri	119	John A. Smith	Math 101	2:00-3:00	Mon, Wed, Fri
Sat	120	John A. Smith	Math 101	3:00-4:00	Tue, Thu, Sat
Sun	121	John A. Smith	Math 101	4:00-5:00	Mon, Wed, Fri
Mon	122	John A. Smith	Math 101	5:00-6:00	Tue, Thu, Sat
Tue	123	John A. Smith	Math 101	6:00-7:00	Mon, Wed, Fri
Wed	124	John A. Smith	Math 101	7:00-8:00	Tue, Thu, Sat
Thu	125	John A. Smith	Math 101	8:00-9:00	Mon, Wed, Fri
Fri	126	John A. Smith	Math 101	9:00-10:00	Tue, Thu, Sat
Sat	127	John A. Smith	Math 101	10:00-11:00	Mon, Wed, Fri
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Wed	131	John A. Smith	Math 101	2:00-3:00	Mon, Wed, Fri
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Sun	135	John A. Smith	Math 101	6:00-7:00	Mon, Wed, Fri
Mon	136	John A. Smith	Math 101	7:00-8:00	Tue, Thu, Sat
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Sat	148	John A. Smith	Math 101	7:00-8:00	Tue, Thu, Sat
Sun	149	John A. Smith	Math 101	8:00-9:00	Mon, Wed, Fri
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Thu	153	John A. Smith	Math 101	12:00-1:00	Mon, Wed, Fri
Fri	154	John A. Smith	Math 101	1:00-2:00	Tue, Thu, Sat
Sat	155	John A. Smith	Math 101	2:00-3:00	Mon, Wed, Fri
Sun	156	John A. Smith	Math 101	3:00-4:00	Tue, Thu, Sat
Mon	157	John A. Smith	Math 101	4:00-5:00	Mon, Wed, Fri

Zone 3: Shallow		
Zone	Species	Size (mm) (mean \pm SD)
A1	Non-swimmers	10.0 \pm 1.0
A2	Non-swimmers	10.0 \pm 1.0
B1	Swimmers	10.0 \pm 1.0
B2	Swimmers	10.0 \pm 1.0
C1	Non-swimmers	10.0 \pm 1.0
C2	Non-swimmers	10.0 \pm 1.0
D1	Swimmers	10.0 \pm 1.0
D2	Swimmers	10.0 \pm 1.0
E1	Non-swimmers	10.0 \pm 1.0
E2	Non-swimmers	10.0 \pm 1.0
F1	Swimmers	10.0 \pm 1.0
F2	Swimmers	10.0 \pm 1.0
G1	Non-swimmers	10.0 \pm 1.0
G2	Non-swimmers	10.0 \pm 1.0
H1	Swimmers	10.0 \pm 1.0
H2	Swimmers	10.0 \pm 1.0
I1	Non-swimmers	10.0 \pm 1.0
I2	Non-swimmers	10.0 \pm 1.0
J1	Swimmers	10.0 \pm 1.0
J2	Swimmers	10.0 \pm 1.0
K1	Non-swimmers	10.0 \pm 1.0
K2	Non-swimmers	10.0 \pm 1.0
L1	Swimmers	10.0 \pm 1.0
L2	Swimmers	10.0 \pm 1.0
M1	Non-swimmers	10.0 \pm 1.0
M2	Non-swimmers	10.0 \pm 1.0
N1	Swimmers	10.0 \pm 1.0
N2	Swimmers	10.0 \pm 1.0
O1	Non-swimmers	10.0 \pm 1.0
O2	Non-swimmers	10.0 \pm 1.0
P1	Swimmers	10.0 \pm 1.0
P2	Swimmers	10.0 \pm 1.0
Q1	Non-swimmers	10.0 \pm 1.0
Q2	Non-swimmers	10.0 \pm 1.0
R1	Swimmers	10.0 \pm 1.0
R2	Swimmers	10.0 \pm 1.0
S1	Non-swimmers	10.0 \pm 1.0
S2	Non-swimmers	10.0 \pm 1.0
T1	Swimmers	10.0 \pm 1.0
T2	Swimmers	10.0 \pm 1.0
U1	Non-swimmers	10.0 \pm 1.0
U2	Non-swimmers	10.0 \pm 1.0
V1	Swimmers	10.0 \pm 1.0
V2	Swimmers	10.0 \pm 1.0
W1	Non-swimmers	10.0 \pm 1.0
W2	Non-swimmers	10.0 \pm 1.0
X1	Swimmers	10.0 \pm 1.0
X2	Swimmers	10.0 \pm 1.0
Y1	Non-swimmers	10.0 \pm 1.0
Y2	Non-swimmers	10.0 \pm 1.0
Z1	Swimmers	10.0 \pm 1.0
Z2	Swimmers	10.0 \pm 1.0

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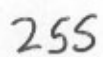
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Raw B - July 2007
 Announced to start new layout, K12
 Printing Numbers Changed 34-30
 (Overhead 34,25,36,27)
 No. of plants in borders changed
 to 1,3,2-12,13,14,15,16,17,18-20
 H1 reduced from 100-85
 Raw A - February 2007
 Announced to start new layout, G3W

SMEEDEN
FOREMAN

Project Carrick Road, Carrick			
Title	Landscape Proposals		
Scale	Drawn to 1:250 @ A1		
Date	1st '07	Checked	GNV
Project No.	1208	Drawing No.	1.01 B
Landscape Architect: John Ferguson Frederick Macfarlane			
4 Beech Road, Glasgow, G12 8PZ, UK Tel: 01462 344111 Fax: 01462 344111 Email: info@johnferguson.co.uk www.johnferguson.co.uk			



SCHEDULE A: Applications with Recommendation

07/1012

Item No: 11

Date of Committee: 25/01/2008

Appn Ref No:
07/1012

Applicant:
PPM Ltd

Parish:
Carlisle

Date of Receipt:
12/09/2007

Agent:
Phoenix Architects

Ward:
Stanwix Urban

Location:
1 Scotland Road, Carlisle, CA3 9HR

Grid Reference:
339990 556985

Proposal: Variation To Condition 2 Of Approval 07/0537 To Allow Trading Between The Hours Of 08:30 Hours And 00:00 Hours Monday To Sunday And Between 08:30 Hours And 01:30 Hours On Public Holidays And Bank Holidays.

Amendment:

REPORT

Case Officer: Richard Maunsell

Reason for Determination by Committee:

This application is brought for determination by the Development Control Committee due to the number of letters of objection that have been received from local residents together with persons wishing to exercise their right to speak.

1. Constraints and Planning Policies

Conservation Area

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

District E26 - Buffer to Hadrian's Wall

District H2 - Primary Residential Areas

District H17 - Residential Amenity

District T7 - Parking Guidelines

District S10 - Neighbourhood Shops

District S15 - Food and Drink

SCHEDULE A: Applications with Recommendation

07/1012

Rev Redeposit Pl. Pol LE7-Buff.Zone/Had'sWall World Her.Site

Rev Redeposit Pl. Pol H1-Location of New Housing Development

Rev Redeposit Pl. Pol CP4 - Design

Rev Redeposit Pl. Pol CP5 - Residential Amenity

Rev Redeposit Pl. Pol T1 - Parking Guidelines

Rev Redeposit Pl. Pol EC7 - Neighbourhood Facilities

Rev Redeposit Pl. Pol EC10 - Food And Drink

2. Summary of Consultation Responses

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

Development Services Planning & Housing Services - Access Officer: no comment;

Community Services - Food, Health & Safety: comments awaited;

Cumbria Constabulary - Crime Prevention: the measures recommended below are intended to address the issues of alcohol related disorder occurring, reducing the opportunities for burglary and minimising the impact on 'Quality of Life' for the surrounding community.

Public Order - CCTV

Cumbria Constabulary am encouraged to note that the applicant intends installing a comprehensive CCTV system.

In this regard, Cumbria Constabulary have supplied an Operational Requirement Document in order that the system shall be specified to provide identification quality images for any incident occurring inside (or immediately outside) the premises for up to 28 days following that incident. The system must be compliant with the Data Protection Act 1998 and operated in accordance with the Code of Practice recommended by the Information Commissioner's Office.

Cumbria Constabulary also note the applicant's intention to join the Cumbria Police 'Pubwatch' Initiative (although at the present time there is no requirement to employ door staff) and implementation of the 'Challenge 21' scheme.

Resistance to Burglary - Physical Security

Historically, licensed premises are at an increased risk of burglary, due to the

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availability of intoxicants, tobacco or cash in gaming and vending machines. Cumbria Constabulary recommends that each external door should conform to LPS 1175 SR3. Products certified to this standard have resisted a series of professional attacks, each lasting up to 20 minutes, using a wide variety of battery operated power tools.

Windows should employ multi-point locking mechanisms and be fitted with laminated glass, to at least 7.5mm thickness.

Intruder Alarm System

Cumbria Constabulary notes the applicant's intention to install an Intruder Alarm System and it is recommended that a monitored IAS, compliant with PD 6662, which shall ensure a police response in the event of a 'confirmed' activation. Consideration should also be given to linking the IAS to the CCTV for remote monitoring.

Quality of Life

The premises are situated in a predominantly residential area. Consequently, local residents may have concerns regarding the potential for disruption from anti-social activity, particularly noise. This may take the form of music or loud voices from inside, the vicinity of the garden, or from groups of persons leaving the area after closing time. (Cumbria Constabulary notes the intention to only permit public access via the front door – the rear access via the lane will be gated and used for deliveries).

Bearing in mind the location, we would oppose any application to trade beyond midnight any day;

Further comments received on 11th December 2007 read as follows:

Cumbria Constabulary has consulted with the Licensing Officer, Sgt Richard Higgin. On his advice, Command & Control System has been researched for any incidents occurring at these premises, or for any disorder or nuisance incidents occurring in the vicinity which could be attributed to customers from the premises. No such incidents have found to have occurred since these premises opened. Further consultation has also taken place with Sgt Liz Armstrong, who has supervisory responsibility for the Local Policing Team. She has no knowledge of any matters arising from these premises, which may have affected the 'quality of life' of residents in this locality. Consequently, Cumbria Constabulary has no objections to this proposal;

Cumbria County Council - (Archaeological Services): no comment; and

Carlisle & District Civic Trust: this current application seems to imply that the previous approval was not properly dealt with. The reference to other premises is not relevant as two of them are restaurants and two are public houses situated some distance away.

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3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:
[REDACTED] No 10 Restaurant	18/09/07	Objection
[REDACTED] The Frying Pan	18/09/07	
[REDACTED] 18 Spinners Yard	18/09/07	
[REDACTED] Marlborough House	18/09/07	Objection
[REDACTED] 9 Eden Mount	18/09/07	Objection
[REDACTED] 1 Marlborough Gardens	18/09/07	Objection
[REDACTED] Carlton House	18/09/07	
[REDACTED] 3 Marlborough Gardens	18/09/07	
[REDACTED] 21 Scotland Road	18/09/07	
[REDACTED] 11B Etterby Street	18/09/07	
[REDACTED] No1 Guest House	18/09/07	
[REDACTED] 7 Eden Mount	18/09/07	Objection
[REDACTED] 1 Cromwell Crescent	18/09/07	
[REDACTED] 72 Etterby Street	18/09/07	
[REDACTED] 61 Etterby Street	18/09/07	
[REDACTED] Pengarth	18/09/07	
[REDACTED] 68 Brampton Road	18/09/07	
[REDACTED] 1 The Elms	18/09/07	
[REDACTED] Stanwix Tandoori	18/09/07	
[REDACTED] 17 Etterby Street	18/09/07	
[REDACTED] 17 Wolsty Close	18/09/07	
[REDACTED]	18/09/07	
[REDACTED] Linden Cottage	18/09/07	
[REDACTED] Glow Tanning Studio	18/09/07	
[REDACTED] 3 Marlborough Gardens	18/09/07	Objection
[REDACTED] 5 Marlborough Gardens	18/09/07	Objection
[REDACTED] 2 Cromwell Crescent	18/09/07	
[REDACTED] 4 Cromwell Crescent	18/09/07	Objection
[REDACTED] 15A Scotland Road	18/09/07	
[REDACTED] 13 Scotland Road	18/09/07	
[REDACTED] 5 Cromwell Crescent		Objection
[REDACTED] Carrington Villa		Objection

3.1 This application has been advertised by means of a site notice, a press notice and direct notification to the occupiers of thirty of the neighbouring properties. At the time of writing this report, nine letters of objection have been received.

3.2 The letters identify the following issues:

1. the trading hours were a concession to the neighbours and any amendment would increase noise and inconvenience from the business;
2. the application is a cynical use of the planning laws and system;
3. the proposed use is inappropriate for a residential area;

4. there is insufficient parking provision in the area and the use will mean patrons parking on surrounding streets that are privately owned;
 5. the use will result in a noise nuisance to those living close to the site;
 6. the late hours proposed make the use more objectionable;
 7. the change of use to a pub/ club and the loss of green grocers, bakers etc. is inappropriate to the character of the conservation area;
 8. the character of the area is changing through the introduction of take aways and more pubs;
 9. the levels of crime in the area will increase; and
 10. the development would result in a loss of privacy to the occupants of neighbouring properties.
- 3.3 Following consideration of this application by Members at the December meeting of this Committee, the description of the proposal was amended and reconsultation letters were sent to the neighbours. At the time of writing this report, no further letters have been received.

4. Planning History

- 4.1 In 1983, planning permission was granted for the change of use from offices to a doctor's surgery.
- 4.2 In 1985, advertisement consent was granted for the erection of an illuminated fascia sign.
- 4.3 Advertisement consent was granted in 1986 for the erection of a non-illuminated canopy and sign.
- 4.4 In relation to 1a Scotland Road, the following history applies:

In 1994, planning permission was granted for the change of use from a surgery to a flat on the first floor.
- 4.5 Earlier this year, planning permission was granted for the change of use from a shop (A1) to a cafe/ bar (A4).

5. Details of Proposal/Officer Appraisal

Introduction

SCHEDULE A: Applications with Recommendation

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- 5.1 This application seeks full planning permission for the variation of a condition at the Hourglass, 1 Scotland Road, Carlisle. The building is two storey in height and located within a parade of shops in the Stanwix Conservation Area. There are residential properties adjacent to the site, most notably immediately adjacent and to the rear that shares access to the rear of the application site.

Background

- 5.2 The premises was converted following planning consent granted by Members of the Development Control Committee in August earlier this year that allowed for the change of use from a retail unit to a bar on the ground floor. When planning permission was granted, several conditions were attached to the consent and in particular, condition 2 that reads:

The proposed public house shall not be open for trading except between the hours of 0800 hours and 2230 hours Monday to Thursday and 0800 hours and 2300 hours on Friday and Weekends.

Reason: *To prevent disturbance to nearby residential occupiers and in accordance with Policy H17 of the Carlisle District Local Plan.*

- 5.3 The applicant seeks to extend the permitted trading hours to close at 0000 in accordance with those granted under the Licensing Agreement. On Bank and Public Holidays the opening hours would be extended to 0130 hours. Supporting documentation has been submitted by the applicant's agent, a copy of which is reproduced following this report.
- 5.4 It is considered that the main planning issue raised by this proposal is the impact of the proposal on the living conditions of neighbouring residents. As a result of discussions at the December meeting of the Development Control Committee, the description of the application has been amended and further consultation letters sent to the occupiers of the neighbouring properties.

Assessment

- 5.5 The site is within an area designated within the Carlisle District Local Plan as being Primary Residential but is also identified as forming part of a Neighbourhood Shopping Centre. Policy S15 of the adopted Carlisle District Local Plan and Policy EC10 of the Carlisle District Local Plan Revised Redeposit Draft 2001 - 2016 advise that shopping proposals will be acceptable subject to the consideration against the relevant five criteria. These policies, together with Policy H17 of the Local Plan and Policy CP5 of the Local Plan Revised Redeposit Draft seek to protect the living conditions of the occupiers of the neighbouring properties from issues such as potential noise and disturbance generated through the use of the premises.
- 5.6 As well as the surrounding properties, there is a flat above the application site that is in separate ownership. During the consideration of the planning

application for the conversion of the premises, acoustic attenuation measures in the form of additional plasterboards, noise limiters and zero-noise ventilation system were installed in the buildings, the scheme was further revised through a reduction in the internal seating area from 82 seats to 40 together with the removal of the pool table. The external smoking area was also been removed from the scheme. Written confirmation has been sought to ensure that these measures were incorporated into the conversion of the premises.

- 5.7 These previously agreed improvements and amendments to the application sought to reduce any potential impact on the living conditions of the occupiers of neighbouring properties as there would be no public access to the rear of the premises. Patrons enter and exit the premises through the frontage on Scotland Road and taking into account the fact that Scotland Road is a main thoroughfare into the city and the surrounding land uses which include a fast food takeaway and a public house, the proposed use was not considered to be unreasonably out of keeping.
- 5.8 The fact that the Licensing Department has granted permission for the extension to the opening hours is a material consideration in the determination of this application; however, in a recent case earlier this year an Inspector held that the planning system requires a broader approach to assessing impact upon local amenity than is provided for under the Licensing Act 2003.
- 5.9 Further supporting information has been received from the applicant's agent, a copy of which is reproduced following this report. This information states that:
- there have been no complaints regarding the manner of current trading;
 - the premises are competently managed with five members of staff obtaining licensing qualification even though this is not an official requirement;
 - door supervisors are employed on Friday and Saturday nights even though these are not required by the premises licence;
 - the only external noise generated tends to occur around 10pm when some customers order taxis to go into town to take advantage of later closing times. It is anticipated that this would be less likely if the later time is granted by the current planning application; and
 - the applicant is now in control of the residential property in the yard immediately adjacent and to the rear of the premises.
- 5.10 The Council's Licensing Officer has confirmed that there has only been one complaint since the premises opened and this related to a member of staff using the rear entrance which, whilst not a determining factor, is a material consideration. Cumbria Constabulary has raised no objection subject to the premises closing no later than midnight. At the time of writing this report, further comments are awaited in respect of the proposal to close at 0130 hours on public and bank holidays.

SCHEDULE A: Applications with Recommendation

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- 5.11 The letters of objections raise many of the same issues that were raised during the consideration of the original application for the change of use of the premises including those of highway matters. These issues were dealt with during the determination of the original application. All the letters make reference to the potential increase in noise and disturbance that would occur to residents in the area should planning consent be forthcoming and this appears to be the primary area of concern for the residents.

Conclusion

- 5.12 It is important to bear in mind the question as to what degree of harm would occur to the living conditions of the occupiers of the neighbouring properties. The premises are located adjacent to a main thoroughfare and within a parade of existing commercial uses where there are licensed premises in the vicinity of the application site. There are residential properties close to the application site, the closest being the flat above which has been subject to noise attenuation measures with further properties on Church Terrace, Marlborough Gardens and Cromwell Crescent. Whilst it may appear to some people that the applicant is circumventing the planning system, the additional information submitted by the applicant's agent was not available during the consideration of the previous application and is a material consideration with regard to the current proposal.
- 5.13 The issue of the principal of the extension of the trading hours for a business in this location together with the potential impact on the occupiers of neighbouring properties have to be afforded due weight by Members. The merits of the proposal are finely balanced but given the location of the property with the surrounding properties, it is not considered that the proposal would be detrimental to the occupiers of these properties to such a degree as to be contrary to current planning policies and therefore warrant refusal of the application.

6. Human Rights Act 1998

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

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

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

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

SCHEDULE A: Applications with Recommendation

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- 6.2 **Article 1 of Protocol 1** relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;
- 6.3 The proposal has been considered against the above but in this instance it is not considered that there is any conflict. If it was to be alleged that there was conflict it is considered not to be significant enough to warrant the refusal of permission.

7. **Recommendation** - Grant Permission

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

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

2. The public house hereby approved shall be open for trading between the hours of 08:00 hours and 00:00 hours Monday to Sunday and between 08:00 hours and 01:30 hours on Public Holidays and Bank Holidays and at no other time. No staff or customers, other than those staff engaged in office work, shall be present on the premises outside of the permitted hours.

Reason: To prevent disturbance to nearby residential occupiers and in accordance with Policy H17 of the Carlisle District Local Plan.

3. No deliveries shall be made to the premises except between 0900 hours and 1800 hours.

Reason: To prevent disturbance to nearby occupants in accordance with Policy H17 of the Carlisle District Local Plan.

4. The development hereby approved shall be undertaken in accordance with the noise attenuation scheme received from Hyde Harrington on 5th July 2007.

Reason: In order to protect the living conditions of the occupiers of the neighbouring properties in accordance with Policy H17 of the Carlisle District Local Plan.

Notes :



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07/1012

Revision :

Hyde Harrington
PROPERTY CONSULTANTS

Atlantic House, Parkhouse, Carlisle, Cumbria, CA3 0LJ
Telephone: 01228 595600 - Fax: 01228 595525
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Website: www.hydeharrington.co.uk

Project title:

**1 Scotland Road
Carlisle**

Drawing title:

Location Plan

Drawing No : 70368/01

Scale :	Date :	Drawn by :
1:1250	09/05/07	GR

All critical dimensions to be confirmed on site

**STATEMENT IN SUPPORT OF PLANNING APPLICATION
TO
VARY CONDITION NO.2, (HOURS OF TRADING) OF APPROVAL 07/0537
AT
CAFÉ BAR, 1 SCOTLAND ROAD, CARLISLE**

The imposition of a trading condition was anticipated by the above applicant. However, there was an expectation that a limiting condition would match those of similar premises adjacent and the hours already approved under Section 17 of the Licensing Act 2003.

The closing hours of the adjacent premises have been noted as follows:

		Sale of alcohol	Recorded music	Live music	Late night refreshment	Regulated entertainment
Stanwix Tandoori Restaurant						
	Mon-Sun	12.30 am	12.30 am		12.30 am	
No.10 Restaurant						
	Mon- Sat	12.00 pm			12.00 pm	
	Sun	11.30 pm			11.30 pm	
The Crown, Public House						
	Mon-Wed	12.00 pm			12.00 pm	12.00 pm
	Thu-Sat	1.00 am			1.00 am	1.00 am
	Bank Hol	2.00 am			3.00 am	2.00 am
Crown & Thistle, Public House						
	Mon-Sun	12.00 pm	11.00 pm	11.00 pm		

It can be seen from the above that condition 2 is considerably out of step with other establishments offering similar services in the locality. It should also be noted that the Condition is incorrect as it refers to the premises constituting a Public House which has a much wider remit than a café/bar for which planning permission was sought and granted.

Attached is a copy of Parts L – O of the relevant Licensing Schedule for 1 Scotland Road. This is what the applicant understood would be imposed by a condition not the earlier closing times currently now applied. Also enclosed is a copy of the Premises License Notice posted at the site on 15 June 2007 which allowed 28 days for representations. The previous planning consultation process would have, therefore, been augmented by the stated opening hours and the public should reasonably have been cognisant what the proposed hours were. It was within this context that the Development Control Committee considered public representations at its committee on 17 August 2007. The imposition of what appear to be hours selected on an arbitrary basis has introduced confusion and directly and unreasonably affects the applicant's commercial venture.

The applicant respectfully requests that the Condition 2 of approval 07/0537 be amended to those granted by the approved licensing hours so as to be in accord with similar commercial establishments locally.

Phoenix Architecture and Planning
August 2007

07/1012

SUPPLEMENTAL
STATEMENT IN SUPPORT OF PLANNING APPLICATION
TO
VARY CONDITION NO.2 (HOURS OF TRADING) OF APPROVAL 07/0537
AT
1 SCOTLAND ROAD, CARLISLE

The following has been prepared to supplement the statement of August 2007. At the time the original statement was produced the premises had not commenced trading. Now that trading is occurring feedback has been obtained worthy of additional comment.

- There have been no complaints regarding the manner of current trading.
- The premises are being competently managed with 5 members of staff obtaining licensing qualifications even though this is not an official requirement.
- Door supervisors are employed on Fridays and Saturdays even though these are not required by the premises licence.
- The only external noise generated tends to occur around 10.00pm when some customers order taxis to go into town to take advantage of later closing times. It is anticipated that this would be less likely if the later time is granted by the current planning application.

It is also relevant to advise that one of the main issues to be considered in the application is the proximity of immediate neighbours which can be negated as the applicant is now in control of the residential element accessed from the rear yard.

In clarification. The general request to stay open until 11.30pm means that there will be no sales of alcohol beyond 11.30pm and the premises will be closed and locked-up by midnight.

Phoenix Architecture and Planning
26 November 2007

SCHEDULE A: Applications with Recommendation

07/1033

Item No: 12

Date of Committee: 25/01/2008

Appn Ref No:
07/1033

Applicant:
Mr Liam Moscrop

Parish:
Kingmoor

Date of Receipt:
24/09/2007

Agent:

Ward:
Stanwix Rural

Location:
Land adjacent to the T junctions north of Edenside,
Cargo, Carlisle

Grid Reference:
336941 559820

Proposal: Erection Of Detached House, Garage, Stables, Indoor Riding Arena And
Barn (Outline Application)

Amendment:

1. Re-siting of the access to serve the equestrian centre.
2. Omission of a paddock to ensure adequate parking and turning provision.

REPORT

Case Officer: Sam Greig

Reason for Determination by Committee:

This application is brought before the Development Control Committee for determination as the land subject to this application belongs to the wife of Councillor Weedall.

1. Constraints and Planning Policies

Gas Pipeline Safeguarding Area

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

District E8 - Remainder of Rural Area

District E9 - Landscaping of New Dev.

District E25 - Hadrian's Wall Area

District T1 - Choice of Means of Travel

District T7 - Parking Guidelines

District H6 - Ag. & Forestry Need

District H17 - Residential Amenity

District EM10 - Remaining Areas

District L4 - Leisure Development

Rev Redeposit Pl. Pol DP1 - Sustainable Develop. Locations

Rev Redeposit Pl. Pol CP1 - Landscape Character/Biodiversity

Rev Redeposit Pl. Pol CP4 - Design

Rev Redeposit Pl. Pol CP11-Foul/Surf Water SewerSewage T/ment

Rev Redeposit Pl. Pol EC11 - Rural Diversification

Rev Redeposit Pl. Pol H1-Location of New Housing Development

Rev Redeposit Pl. Pol H7 - Agricultural And Forestry Need

Rev Redeposit Pl. Pol LE7-Buff.Zone/Had'sWall World Her.Site

Rev Redeposit Pl. Pol T1 - Parking Guidelines

Rev Redeposit Pl. Pol LC1 - Leisure Development

2. Summary of Consultation Responses

Cumbria County Council - (Highway Authority): no objection, subject to the imposition of nine planning conditions;

Community Services - Drainage Engineer: awaiting comments;

United Utilities (former Norweb & NWWA): with regards to the surface water being disposed of through storage tanks, there will still be the requirement to discharge via a water culvert. Unfortunately the Surface Water Culvert that runs adjacent to the site is not a United Utilities asset and, therefore, discharge from the Environment Agency would be required;

National Grid UK Transmission: no objections;

Kingmoor Parish Council: no comments;

Development Services Planning & Housing Services - Local Plans: there are a

number of issues relating to this proposal; however, the two main policy issues are the location of the proposed development and the association between the development of a stables and indoor arena with a house.

On considering the first issue of location, Policy DP1 of the Revised Redeposit Draft local plan is aimed at ensuring development takes place in the most sustainable location. A proposal such as this needs to ensure that it is related to the likely catchment population. In this instance the catchment would come from Carlisle so a site on the fringes of Carlisle would be an appropriate location. Whilst not in on a main bus route it is relatively close to the city helping to minimise travel distances. Although PPS6 looks towards a centralised approach for leisure uses the use is more rural in nature and an edge of city location would be relevant.

The Proposals map has no specific use designated for this land and is shown as "white land". There is no change envisaged and any proposals would have to be considered on their merits. There is some existing modest stabling in operation on the land so the proposal is for a related use.

The issue of a house associated with this development is a more difficult one to consider. As a stand alone site for a house this would be against the housing policies in the plan. This creates an anomalous situation with the plan where there is a large housing allocation under construction nearby, but a restrictive policy towards Cargo. Nevertheless, the principle to be considered is the need to be in the location specified.

The only reason for the house in this location has to be in association with the development. PPS7 provides guidance on this issue and there is, therefore, a need to satisfy the PPS. Whilst security *per se* is not always a reason for locating a new house, security surrounding the safety of horses is a particular threat in north Cumbria in recent years. From the additional information submitted by the applicant the governing bodies relating to this type of facility recognise that there is a need (security and welfare of horses) to be in this location. This should be considered against PPS7.

Having considered the main policy issues relating to this application there is no objection, in principle.

Development Services Planning & Housing Services - Local Plans (Trees): no comment.

3. Summary of Representations

Representations Received

Initial:

 St. Owens

Consulted:

09/10/07

Reply Type:

3.1 This application has been advertised by means of a site notice and a

notification letter sent to one neighbouring property. No verbal or written representations have been made during the consultation period.

4. Planning History

- 4.1 There is no planning history relating to this site.

5. Details of Proposal/Officer Appraisal

Introduction

- 5.1 This application seeks outline planning permission for the erection of a dwelling and the creation of an equestrian centre within a field, which is situated 200 metres to the north of the junction of the minor road that leads to Cargo with the main road that links Carlisle with Rockcliffe. The application site, which covers an area measuring 5,123 square metres, is located within the undeveloped open countryside 4.5km to the north west of the centre of Carlisle. The site's south western frontage is bounded by the Carlisle-Rockcliffe road and its north eastern boundary abuts a minor road that leads to a single dwelling, known as 'St Owens'. Substantial hedges align both road frontages. The western boundary of the application site backs onto open fields.

The Proposal

- 5.2 The proposal comprises two elements: firstly, the erection of a domestic dwelling and, secondly, the creation of an equestrian centre. With regard to the former, the proposal involves the erection of a detached two storey, four bedroom dwelling, with a footprint that measures approximately 115 square metres. A detached garage/store is also proposed. The dwelling and garage etc. would be contained within its own domestic curtilage with separate vehicular access. The proposed dwelling and its grounds are located towards the southern extent of the application site, nearest to the new residential estate known as Edenside, which is situated on the former Site 4 of RAF 14MU. The dwelling would be occupied by the applicant who will operate the equestrian centre.
- 5.3 The second element of the scheme, which relates to the equestrian centre, involves the creation of a riding school and livery that would be located within the northern extent of the site. It comprises an indoor arena, stable block, multi purpose barn and an associated parking area. A new vehicular access, centrally located along the equestrian centre's frontage, would be formed onto the Carlisle-Rockcliffe Road.
- 5.4 The applicant operates Cargo Riding School, which is a family run business that was established in 1973. Until recently the business has operated from within the village of Cargo; however, the site that it previously occupied is now

longer available, hence the need for alternative accommodation.

- 5.5 The applicant has stated that the commercial element of the site, which comprises a livery service and equestrian tuition, would attract 96 vehicular movements per week. These would be divided into the normal 'liveries' and two daytime and two evening tuition sessions during the week, with four daytime sessions over the weekend. The premises are proposed to be open to the public from 9 a.m. to 9 p.m. The applicant does not envisage that the centre would typically be open until 9 p.m.; however, the hours proposed provide flexibility should the need arise, particularly in terms of the livery aspect of the scheme.
- 5.6 Hay and straw deliveries would probably occur 4-6 times per year with feed collected by the applicant in small quantities on a more regular basis. It is intended to stable no more than fourteen horses/ponies at any one time and employ two part time members of staff to assist in the day-to-day running of the business. External lighting will be required, although only during the proposed opening times and occasionally during routine checks of the premises at night.
- 5.7 The foul water drainage from the domestic and commercial elements of the scheme would be discharged into a septic tank, with surface water collected in storage tanks and recycled where possible. Excess surface water would be discharged to a surface water culvert adjacent to the site, which would require a separate consent from the Environment Agency.
- 5.8 Members should note that whilst this is an outline application only the appearance and landscaping of the proposed development have been reserved for subsequent approval and, therefore, the layout, scale and access arrangements are being considered at this outline stage.

Assessment

- 5.9 The relevant planning policies against which the application is required to be assessed are Policy E8, E9, E25, T1, T7, H6, H17, EM10 and L4 of the Carlisle District Local Plan and Policies DP1, CP1, CP4, CP11, EC11, H1, H7, LE7, T1 and LC1 of the Carlisle District Local Plan Revised Redeposit Draft.
- 5.10 Members are reminded that this application has been brought before the Development Control Committee for determination as the land subject to this application is owned by the wife of Councillor Weedall.
- 5.11 The proposals raise the following planning issues:
 - 1. Whether The Principle Of The Proposed Development Is Acceptable.
- 5.12 The two main issues to consider regarding the principle of the development relate to its location and the association between the development of a stables and indoor arena with the house in terms of need.

- 5.13 With regard to the first issue Policy DP1 of the emerging Local Plan is aimed at ensuring development takes place in the most sustainable location. A proposal, such as this, needs to ensure that it is well related to the likely catchment population. In this instance the catchment would come from Carlisle and, therefore, a site on the fringes of Carlisle would be an appropriate location. Although the site is not on a main bus route it is relatively close to the city helping to minimise travel distances. Whilst Planning Policy Statement (PPS) 6: Town Centre and Retail Development, looks towards a centralised approach for leisure uses, the use is more rural in nature and an edge of city location is appropriate.
- 5.14 Paragraph 32 of PPS 7: Sustainable Development in Rural Areas, provides further supports for this stance stating that *“horse riding and other equestrian activities are popular forms of recreation in the countryside that can fit in well with farming activities and help to diversify rural economies. In some parts of the country, horse training and breeding businesses play an important economic role”*.
- 5.15 The issue of a house associated with this development is a more contentious issue. Policy H1 of the emerging Local Plan steers the provision of new residential development towards the urban areas of Carlisle and, in the rural area, to the identified Key and Local Service Centres. Although the area is rural in character it is allocated as 'white land' within the settlement boundary of Carlisle, as defined by the as identified on the Urban Area Inset Map that accompanies the emerging Local Plan. Areas of 'white land' have no specific land use designation and no future change of use of the land use are envisaged. Development in such areas has to be considered on its merits and need to be in the location specified, an issue, which is discussed above in paragraph 5.14.
- 5.16 In this instance, the application is accompanied by a letter from the British Horse Society that identifies several factors as to why supervisory residential accommodation is required when horses are stabled. The factors identified relate to the care and security of the livestock and property. For the reasons identified the requirement for a dwelling in this location is justified. A copy of this letter is reproduced following this report in the Schedule.
- 5.17 Had it not been for these special circumstances the approval of a dwelling in this location would not be supported and, therefore, it is appropriate to impose a condition that restricts occupation of the residential unit to a permanent full time employee of the business.

2. Impact Upon The Landscape Character Of The Surrounding Area.

- 5.18 As discussed in paragraph 5.14 of this report the principle of siting an equestrian development in this edge of city location is appropriate; nonetheless, consideration must still be given to the visual impact of the development upon the surrounding countryside landscape.
- 5.19 For the most part the structures proposed are relatively low lying and would be largely screened by the roadside hedge. The more substantial structures

proposed, such as the dwelling and the indoor arena, are set back from the road frontage thereby lessening their prominence. The visual impact of the development can also be minimised through the retention of the existing roadside hedgerows and the provision of additional landscaping where appropriate.

5.20 When assessing the visual impact it is also important to consider the site within the context of its surrounding. For example, whilst the site located within the open countryside, on the opposite side of the road to the site, on the former RAF site, is a residential estate comprising 96 dwellings. Similarly, 0.5km to the southeast of the site is BSW Sawmill, which covers an extensive area.

5.21 The development will have an impact upon the countryside landscape; however, given the agricultural appearance of the enterprise and the context of the site's surroundings the visual impact of the development will not be significant.

3. The Impact of the Proposal on the Living Conditions of Neighbouring Residents.

5.22 The nearest residential properties are sited approximately 70 metres to the south of the closest physical structure of the proposed development. Situated between the development site and Edenside estate is the Carlisle-Rockcliffe road, which is aligned on either side by substantial hedges. In light of the above, the living conditions of the occupiers of these dwellings will not be affected as a result of loss of light or overdominance.

5.23 It is acknowledged that during the winter months the building associated with the proposed development may become more visible as natural screening recedes; however, given the distance at which these structures would be viewed the development would not be visually intrusive to the residents of Edenside.

5.24 The development will result in an increase on the number of vehicles using the Carlisle-Rockcliffe road; however, the road is already heavily trafficked with large vehicles associated with BSW Sawmill and the nearby industrial estate. Whilst the existing level of traffic may reduce following the construction of the Carlisle Northern Development Route, on balance, over the course of a day, the likely increase in traffic generated by the development is not significant and would not adversely affect neighbouring residents.

5.25 The applicant has indicated that external lighting will be required when the premises are in operation. This aspect can be regulated by an appropriate condition; however, it is not envisaged that it would affect neighbouring residents, particularly given the level of external illumination that is emitted from BSW Sawmill/Kingmoor Marshalling Yard.

4. Whether Adequate Access And Parking Provision Is Available.

- 5.26 The Highway Authority has commented that the level of traffic generation is reasonable and acceptable. The issues relating to access, scale and layout are not held over for the reserved matters application; however, the Highway Authority is of the view that these aspects can be regulated through the imposition of several planning conditions.

5. Disposal Of Foul And Surface Water.

- 5.27 The applicant has indicated that foul water from the development will be discharged to a septic tank, with surface water discharged to storage tanks, in order for it to be recycled. It is recommended that conditions are imposed to regulate these aspects of the development.

6. Other Matters.

- 5.28 There is a minor discrepancy in the size of the footprint of the dwelling, between the proposed floor plans and the proposed block plan. The scale and layout of the development are not being held back for reserved matters approval and, therefore, this discrepancy must be addressed prior to the determination of this application. If the plans are not submitted prior to consideration of the application at the Development Control Committee, Members will be asked to grant authority to issue approval subject to this matter being satisfactorily resolved.

Conclusion

- 5.29 In overall terms, the principle of the location of the development, together with the creation of a dwelling is acceptable. Due to the special circumstances in which the dwelling is being allowed a condition is required that limits occupation of the dwelling to a full time employee of the business. The scale and layout of the development is acceptable and it can be implemented without harm to either the visual qualities of the surrounding landscape or the living condition of the occupiers of neighbouring properties. Suitable vehicular access and car parking provision would be provided to serve both the residential dwelling and the equestrian centre. In all aspects the proposals are compliant with the objectives of the relevant adopted and emerging Local Plan policies.

6. Human Rights Act 1998

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

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

Article 7 provides that there shall be "No Punishment Without Law" and

may be applicable in respect of enforcement proceedings taken by the Authority to regularise any breach of planning control;

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

- 6.2 **Article 1 of Protocol 1** relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;
- 6.3 Article 8 and Article 1 Protocol 1 are relevant but the impact of the development in these respects will be minimal and the separate rights of the individuals under this legislation will not be prejudiced.

7. Recommendation - Grant Permission

1. 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.

2. In case of any "Reserved Matter" application for approval shall be made not later than the expiration of 1 year 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 3 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. (as amended by The Planning and Compulsory Purchase Act 2004).

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

Reason: To ensure the works harmonise as closely as possible with the existing building and to ensure compliance with Policy CP4 of the emerging Carlisle District Local Plan Redeposit Draft 2001-2016.

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

Reason: To ensure that materials to be used are acceptable and to ensure compliance with Policy CP4 of the emerging Carlisle District Local Plan Redeposit Draft 2001-2016.

5. Details of the relative heights of the existing and proposed ground levels and the height of the proposed finished floor levels of the buildings associated with the development hereby approved shall be submitted to and approved, in writing, by the Local Planning Authority before any site works commence.

Reason: In order that the approved development overcomes any problems associated with the topography of the area and safeguards the landscape character of the surrounding area in accordance with Policy E9 of the Carlisle District Local Plan.

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

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

7. Before any development is commenced on the site, including site works of any description, a protective fence shall be erected around the trees and hedges to be retained in accordance with B.S. 5837, at a distance corresponding with the branch spread of the tree or hedge, or half the height of the tree or hedge, whichever is greater, unless otherwise agreed in writing by the Local Planning Authority. Within the areas fenced off the existing ground level shall be neither raised nor lowered, and no materials, temporary buildings or surplus soil of any kind shall be placed or stored thereon without the written prior agreement of the Local Planning Authority. If any trenches for services are required in the fenced off area, they shall be excavated or back filled by hand and any roots encountered with a diameter of 50mm or more shall be left unsevered. The fence shall thereafter be retained at all times during construction works on the site.

Reason: In order to ensure that adequate protection is afforded to all trees/hedges to be retained on site in support of Policy E9 of the Carlisle District Local Plan.

8. No development shall commence until the proposed means of surface water

disposal have been submitted to and approved, in writing, by the Local Planning Authority.

Reason: To ensure that the means of disposal is acceptable and to ensure compliance with Policy CP9 of the emerging Carlisle District Local Plan Redeposit Draft 2001-2016.

9. No development approved by this permission shall be commenced until a scheme for the conveyance of foul drainage to a private treatment plant or septic tank have been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use until the proposed means of foul drainage has been constructed and completed in accordance with the approved plans.

Reason: To prevent pollution of the water environment and to ensure compliance with Policy E22 of the Carlisle District Local Plan.

10. The occupation of the dwelling shall be limited any persons solely in full time employment at the equestrian centre hereby approved.

Reason: The unrestricted use of the dwelling would be contrary to the provisions of Policies E8 and H6 of the Carlisle District Local Plan which seek to prevent additional sporadic development in the countryside unless demonstrated by an overriding need.

11. The riding school and livery hereby approved shall not be open to the public except between the 0900 hours and 2100 hours.

Reason: To prevent disturbance to nearby residential occupiers and in accord with Policy H17 of the Carlisle District Local Plan.

12. No development shall commence until details of the proposed external lighting scheme have been submitted to and approved, in writing, by the Local Planning Authority.

Reason: To ensure that the living conditions of neighbouring residents are not adversely affected and to ensure compliance with Policy H17 of the Carlisle District Local Plan.

13. No system of public address, loudspeaker system or amplified music shall be operated within the site without the prior written approval of the Local Planning Authority.

Reason: To ensure that noise which may emanate from the development is compatible with the existing noise levels in the area and does not lead to undue disturbance to adjoining occupiers in accordance with Policy H17 of the Carlisle District Local Plan.

14. The development shall not commence until visibility splays providing clear visibility of 2.4 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 (this applies to both the access to the dwelling and the access to the riding school).

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grow within the visibility splay which obstruct the visibility splays. The visibility splays shall be constructed before general development of the site commences so that construction traffic is safeguarded.

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

15. Details of proposed crossings of the highway verge and/or footway shall be submitted to the Local Planning Authority for approval. The development shall not be commenced until the details have been approved and the crossings have been constructed.

Reason: Policies LD7 and LD8. To ensure a suitable standard of crossing for pedestrian safety and to support Local Transport Policies: LD5, LD7 and LD8.

16. 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 brought into use.

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

17. The use of the development shall not be commenced until the access to the riding school has been formed with 6 metre radius kerbs, to give a minimum carriageway width of 4.8 metres, and that part of the access road extending 10 metres into the site from the existing highway has been constructed in accordance with details approved, in writing, by the Local Planning Authority.

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

18. There shall be no vehicular access to or egress from the site other than via the approved access, unless otherwise agreed by the Local Planning Authority.

Reason: To avoid vehicles entering or leaving the site by an unacceptable access or route, in the interests of highway safety and to support Local Transport Plan Policies LD7 and LD8.

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

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

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

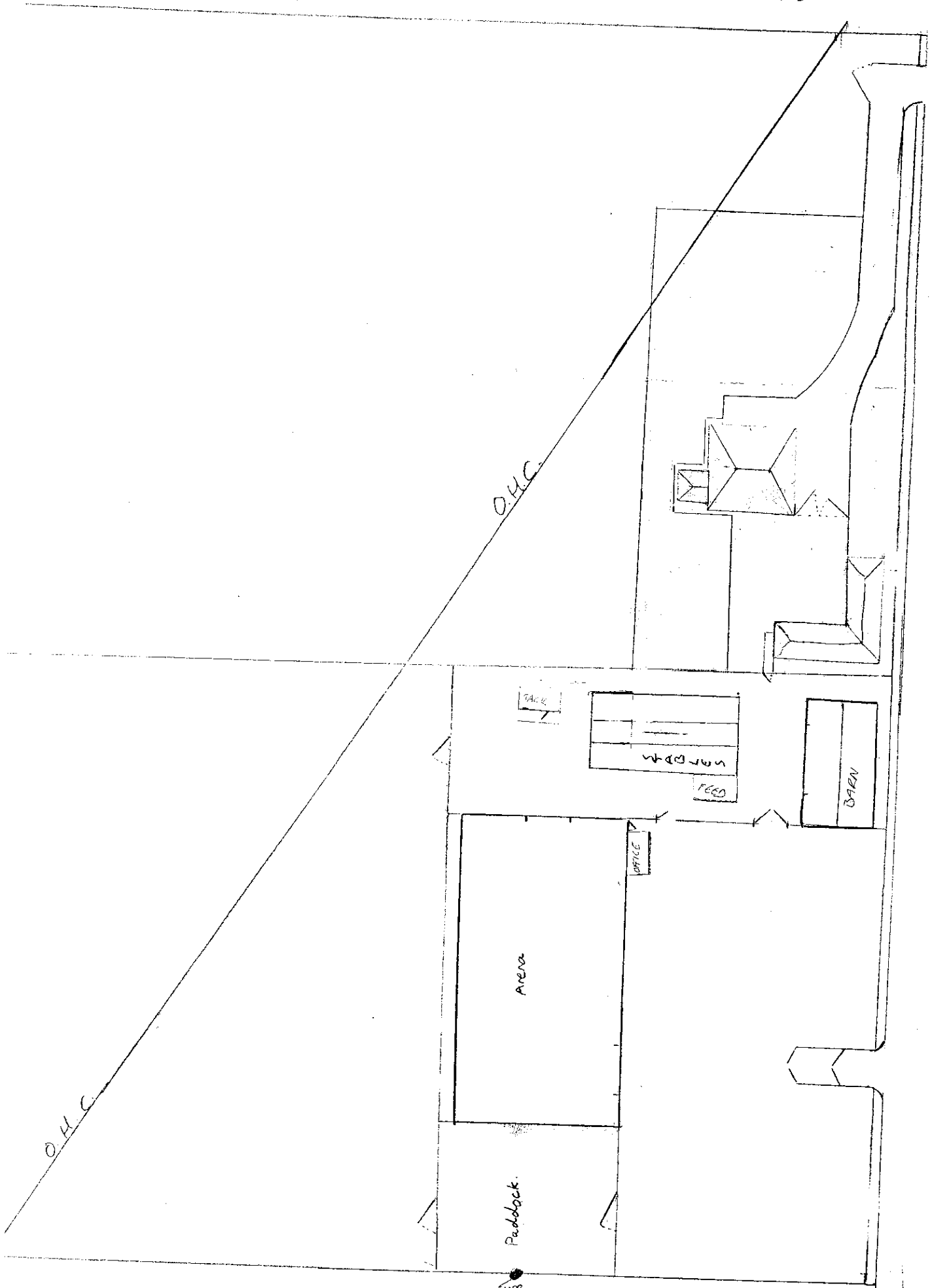
21. Details showing the provision within the site for the parking, turning, loading and unloading of vehicles (including horse boxes) visiting the site, including the provision of parking spaces for staff and visitors, shall be submitted to and approved, in writing, by the Local Planning Authority prior to development commencing. The development shall not be brought into use until any such details have been approved and the parking, loading, unloading and manoeuvring areas constructed. The approved 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.

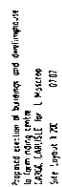
Reason: To ensure that vehicles can be properly and safely accommodated clear of the highway and to support Local Transport Plan Policies LD7 and LD8.

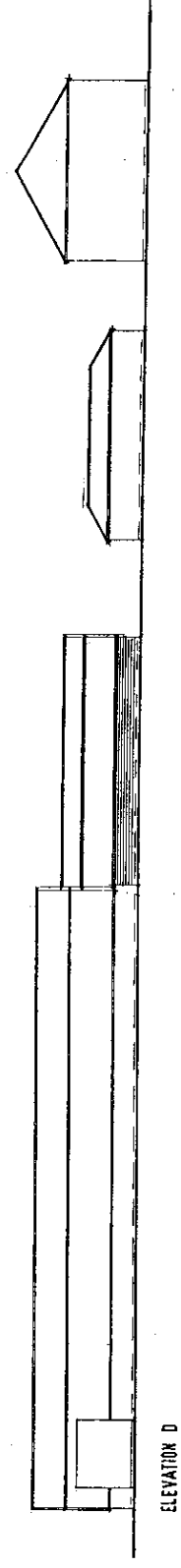
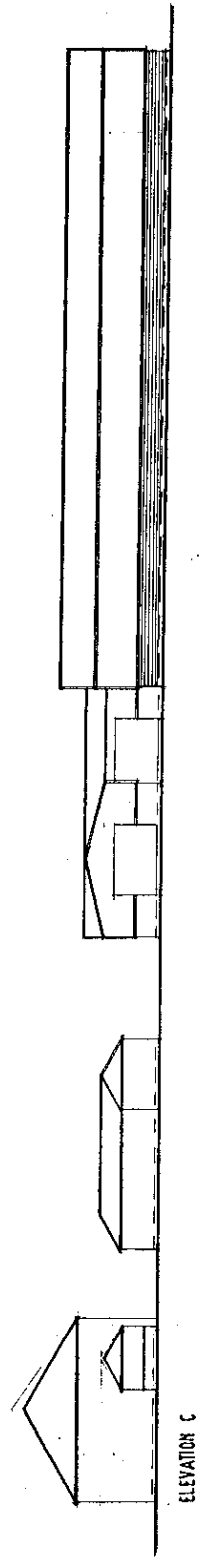
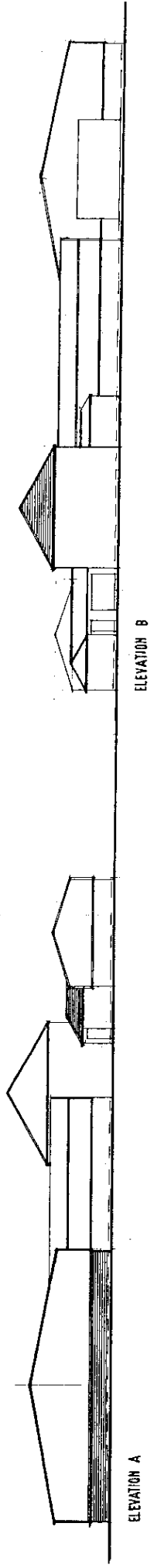
22. The access and parking/turning requirements shall be substantially met before any building work commences on site so that constructional traffic can park and turn clear of the highway.

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

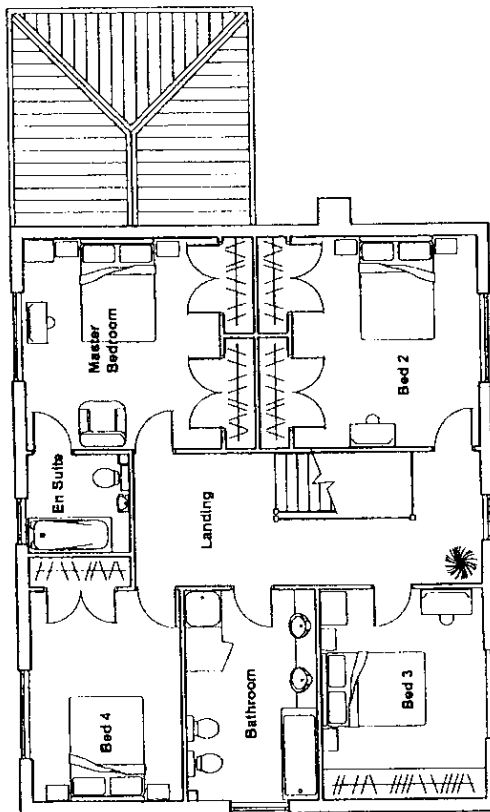
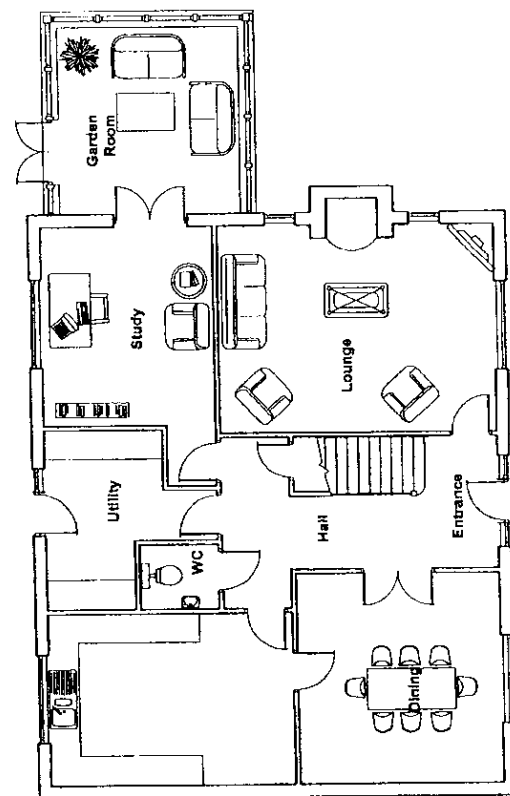
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Proposed erection of buildings and dwellinghouse
to form riding centre
CAROL CARLISLE for L. Maccrop
Elevations 1:200 07.07



Maple

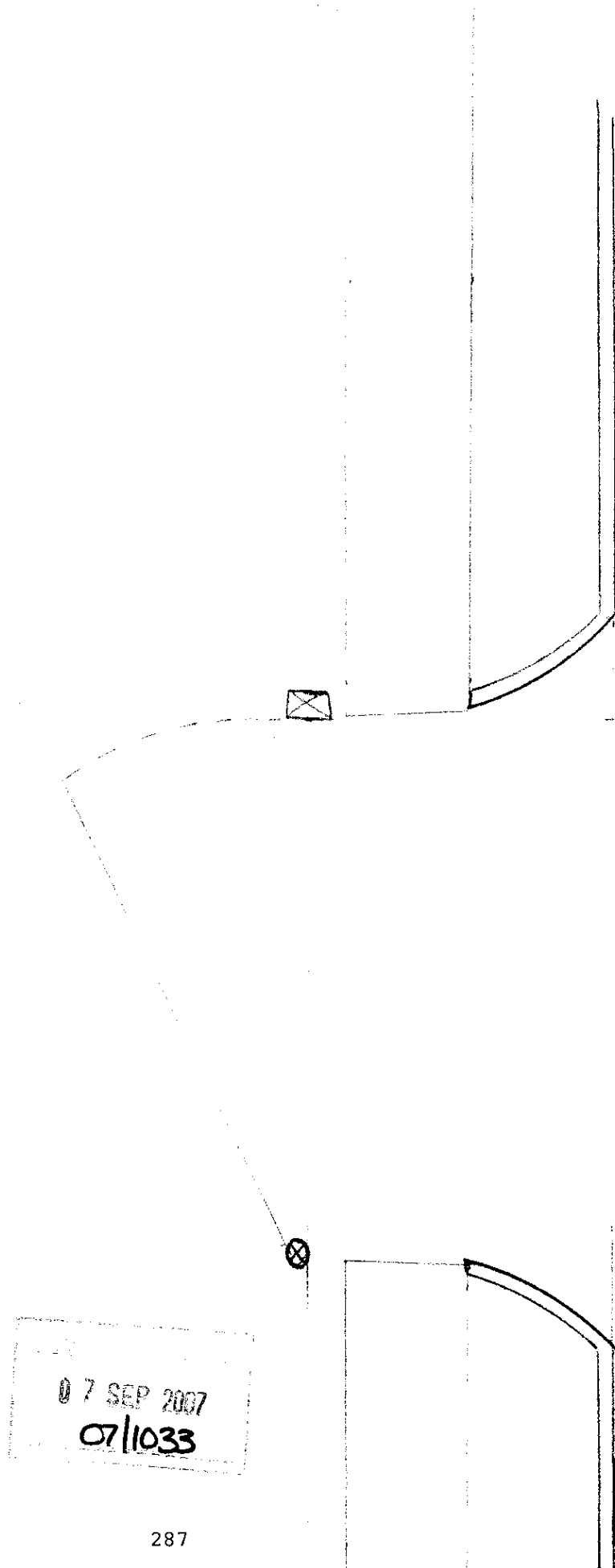


07/1033

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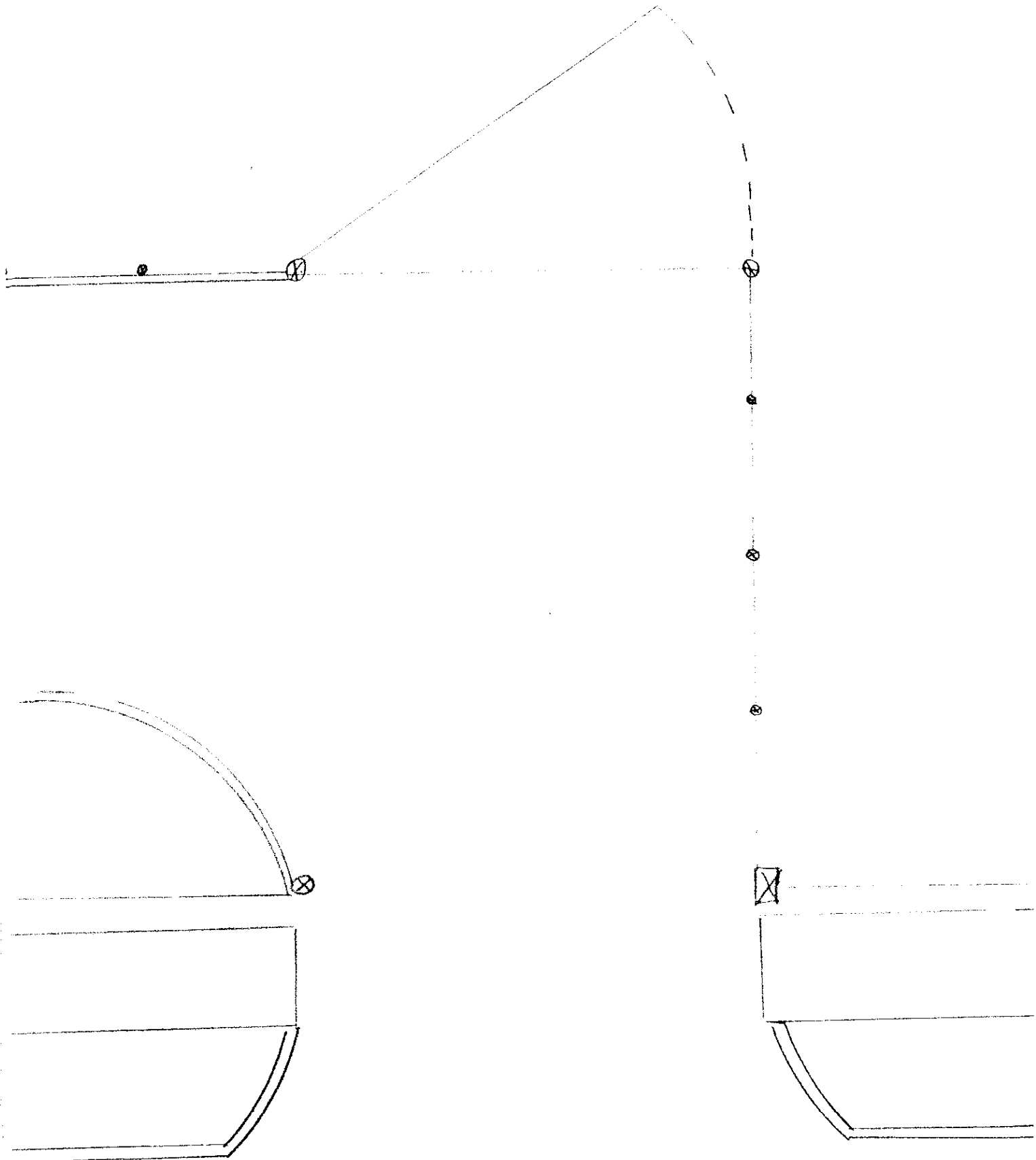
Client	Moscrop				
Drawing Title	GF & FF Layout	Site			
Drawn	AR	Checked	Scale	Dwg No.	Date
			1:100	4958/01	February 2007

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Existing House Gate 1:50

07 SEP 2007
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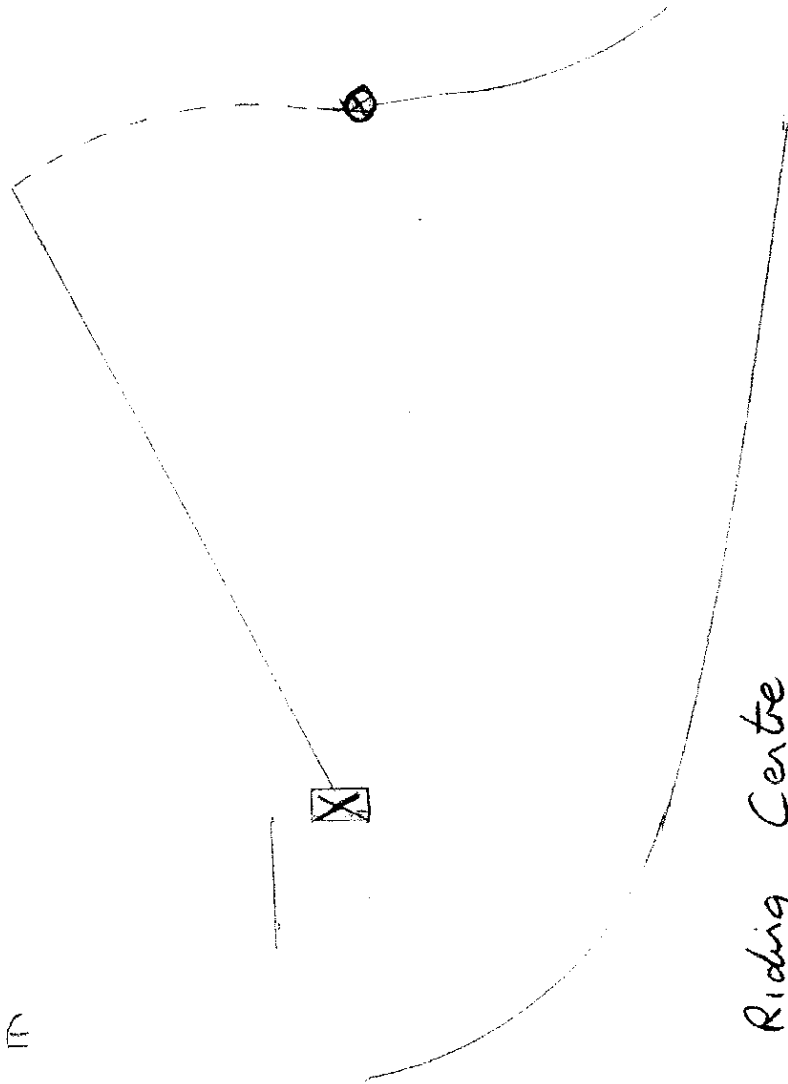
Proposed. House Gate

1:50

07 SEP 2007

07/1033

HEDGE



HEDGE

Existing Riding Centre Gate 1:50

07 SEP 2007
289 07/1033

Registered Offices
The British Horse Society
Stoneleigh Deer Park
Kenilworth
Warwickshire
CV8 2XZ

Limited Liability
Registered No. 444742 England
Registered Charity No. 210504
Email: enquiry@bhs.org.uk
Web Site: www.bhs.org.uk



The British Horse Society
Patron: Her Majesty The Queen

Miss Wendy Suddes
Development Officer
North & Yorkshire Regions
Farnley Farm
Hunwick, Crook
Co. Durham
DL15 0RB

Tel/Fax: 01388 603 960
Mobile: 07808 141 005

e-mail: W.Suddes@bhs.org.uk

Jane Moscrop
12 Applegarth
Cargo
Carlisle
CA6 4AS

67 SEP 2007
07/1033

Dear Jane,

Re: Planning Support

Enclosed a letter of support, for your planning application.

Please let me know if this is acceptable.

Yours sincerely


Wendy L Suddes
Regional development Officer



Registered Offices
The British Horse Society
Stoneleigh Deer Park
Kenilworth
Warwickshire
CV8 2XZ

Limited Liability
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Co. Durham
DL15 0RB

Tel/Fax: 01388 603 960
Mobile: 07808 141 005

e-mail: W.Suddes@bhs.org.uk

07 SEP 2007
07/1033

To Whom it May Concern:

The British Horse Society, the largest equestrian organisation in the UK, supports in principle the planning application from Jane Moscrop for planning permission for supervisory accommodation at Cargo Riding Centre for the care and security of livestock and property.

This support is based on several factors, many of which are related to the Society's horse welfare aims. When horses are stabled, consideration should always be given to the provision of residential accommodation for the following reasons:

1. It is essential that whenever a horse or pony becomes ill, or is injured, human attention is readily available at any time of the day or night to provide constant care.
2. Horses sometimes become 'cast' in their boxes. In these circumstances the animal will usually require human assistance to get back onto its feet in order to prevent injury undue distress or panic.
3. Fire is possibly one of the most horrific dangers facing stabled horses. In the event of a fire prompt action is essential to release horses and prevent injuries or fatalities.
4. The theft of horses, tack and equine equipment is becoming more prevalent and, therefore, on site supervision provides a deterrent to thieves.
5. It is becoming increasingly necessary to provide protection from intruders who may commit acts of vandalism, physically assault horses, or release animals onto the public highway.
6. Brood mares normally foal in the late evening or during the night. Assistance is often required to ensure that there are no complications that could result in injury or death of either the mare or foal. Mares that are due to foal may require observation for several nights prior to foaling and, therefore, on-site supervision is essential during this time.
7. Where an establishment offers a livery service the proprietor of that establishment has a duty of care to the owner of the animal placed in his charge to maintain reasonable supervision at all times.

THE BRITISH HORSE SOCIETY



SCHEDULE A: Applications with Recommendation

07/1118

Item No: 13

Date of Committee: 25/01/2008

Appn Ref No:
07/1118

Applicant:
Messrs TW Armstrong &
Sons

Parish:
Arthuret

Date of Receipt:
30/10/2007

Agent:
H & H Bowe Ltd

Ward:
Longtown & Rockcliffe

Location:
L/A The Shieling, Longtown, Carlisle, CA6 5TS

Grid Reference:
343227 569171

Proposal: Agricultural Workers Dwelling (Outline Application)

Amendment:

REPORT

Case Officer: Colin Godfrey

Reason for Determination by Committee:

This application has been brought before the Committee as the officers recommendation is contrary to that of the Parish Council.

1. Constraints and Planning Policies

District H6 - Ag. & Forestry Need

Rev Redeposit Pl. Pol H7 - Agricultural And Forestry Need

2. Summary of Consultation Responses

Cumbria County Council - (Highway Authority): No objection to the outline application as shown on the indicative plan submitted with this application, but would recommend that the following conditions are included in any consent you may grant;

The development shall not commence until visibility splays providing clear visibility of 2.4m x 160m measured down the centre of the access road and the nearside channel line of the major road have been provided at the junction of the access road with the county highway. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) related to permitted development, no structure, vehicle or object of any kind shall be planted or be permitted to grow within the visibility splay which obstruct the visibility splays. The visibility splays shall be constructed before

SCHEDULE A: Applications with Recommendation

07/1118

general development of the site commences so that construction traffic is safeguarded.

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

Details of proposed crossings of the highway verge and/or footway shall be submitted to the Local Planning Authority for approval. The development shall not be commenced until the details have been approved and the crossings have been constructed.

Reason: To ensure a suitable standard of crossing for pedestrian safety.

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 brought into use. This surfacing shall extend for a distance of at least 5 metres inside the site, as measured from the carriageway edge of the adjacent highway.

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

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

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

The access and parking/turning requirements shall be substantially met before any building work commences on site so that constructional traffic can park and turn clear of the highway.

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

Considering that the application is for outline permission only with the access and internal layout as a subsequent reserved matters I will not comment further on those issues.

Community Services - Drainage Engineer: The applicant indicates disposal of foul sewage to a private sewage treatment plant or septic tank. The applicant must make sure through the Building Control process that the plant is adequately sized to meet treatment demand. The applicant must also obtain any necessary consent for the plant from the Environment Agency and planning permission if the plant serves more than one property.

The applicant indicates disposal of surface water to a soakaway, which is an acceptable method of disposal.

SCHEDULE A: Applications with Recommendation

07/1118

I have no knowledge of flooding issues at this site.

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

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

A separate metered supply to each unit will be required at the applicants expense and all internal pipework must comply with current water supply (water fittings) regulations 1999.

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

County Land Agent (Capita dbs): In summary, while there is a functional need to have two full-time workers actively involved in the management of this unit to be resident or immediately adjacent to it, however, the two existing dwellings on the holding currently meet this requirement.


Council for Protection of Rural England/Friends of the Lake District: [*Enter text.]

Arthuret Parish Council: Supported

3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:
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	The Sheiling Wellknowe Rigg	08/11/07 08/11/07
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- 3.1 This application has been advertised by means of a site notice as well as notification letters sent to two neighbouring properties. No verbal or written representations have been made during the consultation period.

4. Planning History

- 4.1 In 1999, under application reference 99/0703, permission was granted for the erection of a sheep shed;
- 4.2 In 2006, under application reference 05/1256, planning permission was refused for the erection of an agricultural workers dwelling (outline

5. Details of Proposal/Officer Appraisal

- 5.1 This application seeks outline approval for an agricultural workers dwelling on land to the immediate west of the Shieling, approximately 5km east of Longtown and 700m to the north of Broomhills, where the applicants main farmstead is located. It is proposed to site the dwelling in an agricultural field, adjoining a ribbon of scattered rural development.
- 5.2 In addition to the aforementioned three bedroomed farmhouse at Broomhills, the applicants also own Lynwood, a brick built three bedroomed bungalow just to the south of Broomhills.
- 5.3 While all matters are reserved for subsequent approval, the applicants have confirmed that the dwelling would have an indicative size of 10m x 15m with a height of 5.5m.
- 5.4 The land currently farmed by the applicant extends in total to 141.28 hectares (349 acres). The holding consists of 160 dairy cows, 160 young stock, 3 Holstein bulls, 30 beef heifers; 100 bull beef; 30 cows on agistment; 200 breeding ewes, 5 tups and 160 ewes on agistment. The land comprises 117ha of grassland cut for silage, 10 hectares of winter wheat and 6ha of triticale.
- 5.5 In considering this application, Carlisle District Local Plan Policy H6 and Carlisle District Local Plan Revised Redeposit Draft Policy H7 are relevant. Both policies state that permission will not be granted for a dwelling outside of allocated sites other than when the application is supported by a proven agricultural or forestry need and that the size of the dwelling should be commensurate with the scale of the business to which it relates.
- 5.6 National Guidelines
1. Planning Policy Statement 7: Sustainable Development in Rural Areas (PPS7) sets out Government policy for rural areas and provides a framework for decision making in relation to planning applications
 2. Paragraph 1 of PPS7, states that "new building development in the open countryside away from existing settlements, or outside areas allocated for development in development plans, should be strictly controlled". By doing so it is the Governments aim to safeguard the character and beauty of the countryside, the diversity of its landscapes, heritage and wildlife, and its natural resources.
 3. Paragraph 10 of PPS7 makes clear that isolated new houses in the countryside require special justification for planning permission to be granted. One of the few circumstances in which isolated residential

development may be justified is when accommodation is required to enable agricultural, forestry and certain other full-time workers to live at, or in the immediate vicinity of, their place of work. It will often be as convenient and more sustainable for such workers to live in nearby towns or villages, or suitable existing dwellings, so avoiding new and potentially intrusive development in the countryside. However, there will be some cases where the nature and demands of the work concerned make it essential for one or more persons engaged in the enterprise to live at, or very close to, the site of their work. Whether this is essential in any particular case will depend on the needs of the enterprise concerned and not on the personal preferences or circumstances of any of the individuals involved.

- 5.7 In assessing permanent agricultural dwellings such as that proposed in the current application, there are 5 criteria to consider. New permanent dwellings should only be allowed to support existing agricultural activities on well-established agricultural units, providing that:

1. there is a clearly established existing functional need

A functional test is necessary to establish whether it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times. Such a requirement might arise, for example, if workers are needed to be on hand day and night. If a functional requirement is established, it will then be necessary to consider the number of workers needed to meet it, for which the scale and nature of the enterprise will be relevant.

In relation to the current proposal it is considered that there is a clearly established functional need on this holding at the present time arising from the care of livestock, particularly when the cows calve throughout the year and the breeding ewes lamb in the spring.

2. 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;

in relation to the second criteria, there is a labour requirement in the region of 4.5 full time workers including contractors.

3. the unit and the agricultural activity concerned has been established for at least three years, has been profitable for at least one of those, is currently financially sound, and has a clear prospect of remaining so;

New permanent accommodation cannot be justified on agricultural grounds unless the farming enterprise is economically viable. A financial test is necessary for this purpose, and to provide evidence of the size of dwelling which the unit can sustain. In applying this test, authorities should take a realistic approach to the level of profitability, taking account of the nature of the enterprise concerned. Some enterprises which aim to operate broadly on a subsistence basis, but which nonetheless provide

wider benefits (e.g. in managing attractive landscapes or wildlife habitats), can be sustained on relatively low financial returns.

The business at Broomhills was established by the Armstrong family several decades ago and based on the current numbers of livestock and cropping practices it is presently considered to be financially viable.

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

Today 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 in case animals or agricultural processes require essential care at short notice and to deal quickly with emergencies that could otherwise cause serious loss of crop or products, or in this case losses of livestock.

In this case in the interest and wellbeing of the livestock, for the efficient running of the holding and overall security, it is essential that two full-time workers actively involved in the management of this unit be present or immediately adjacent to it. At the present time the two existing dwellings on the holding meet the requirements to house the two full time workers that are actively involved in the management of this unit and required to be resident on or immediately adjacent to it.

5. Other planning requirement, e.g. in relation to access, or impact on the countryside are satisfied.

The proposed site adjoins scattered development associated with the countryside some distance from the nearest settlement. It is therefore considered that in this location the proposed development would be unduly conspicuous to the detriment of the rural character of the area.

- 5.8 In light of the above it is not considered appropriate to approve an agricultural workers dwelling. It is considered that to do so would be contrary to the guidance provided within PPS7, Policy H6 of the Carlisle District Local Plan and Policy H7 of the Carlisle District Local Plan Redeposit Draft and is therefore recommended for refusal.

6. Human Rights Act 1998

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

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

whose interests may be affected by such proposals;

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

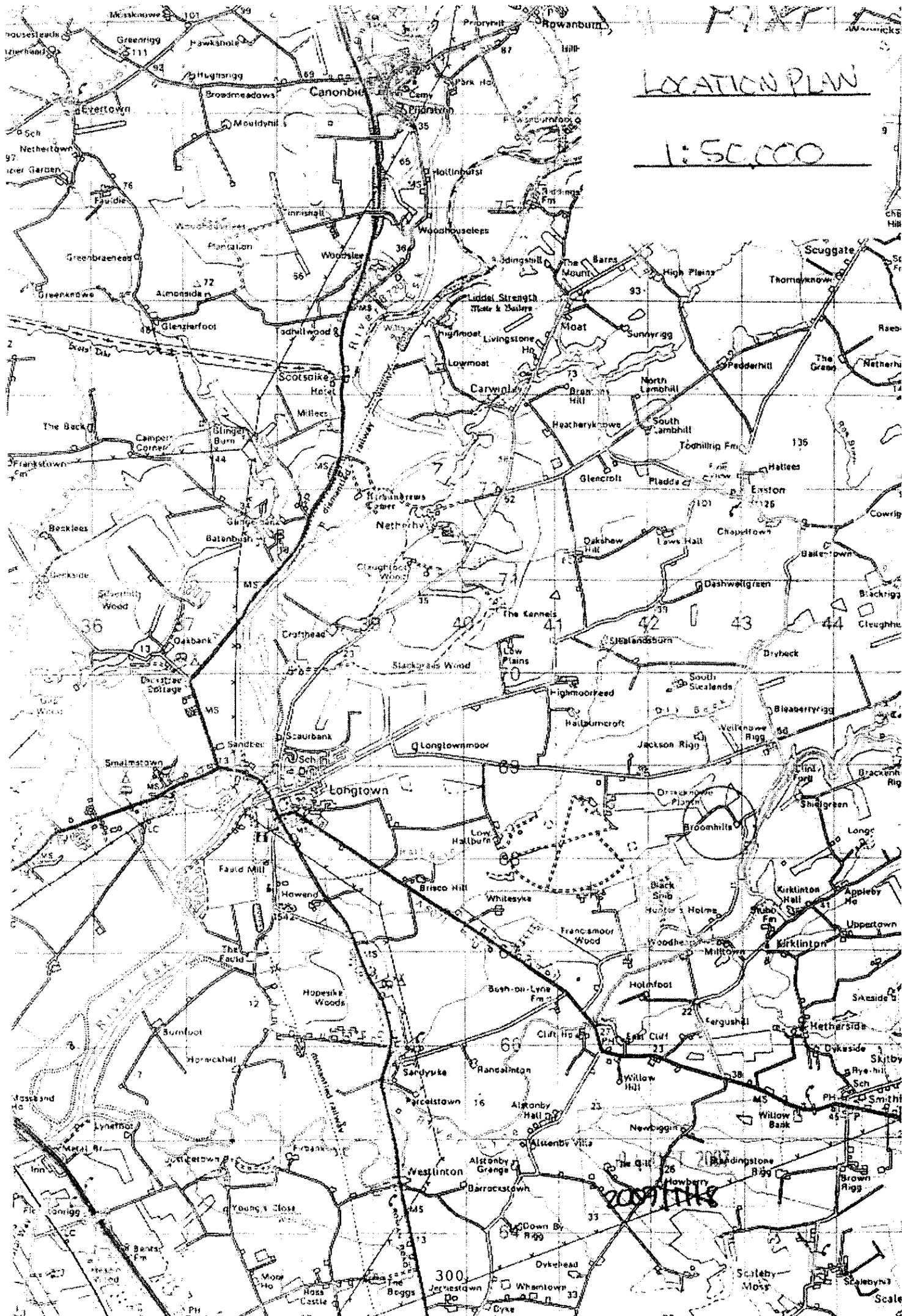
Article 8 recognises the "Right To Respect for Private and Family Life";

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

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

7. **Recommendation** - Refuse Permission

1. **Reason:** The proposed site lies some distance from the nearest settlement in a location where there is a general presumption against further residential development unless it is supported by a proven agricultural or forestry need. In this instance, while the Council recognises that there is a need for two full-time agricultural workers to be resident within the holding, it is considered that the existing dwellings at Broomhills and Lynwood satisfy any functional need associated with the operation of the holding. In the light of these circumstances it is not considered appropriate to permit an additional unit of accommodation since to do so would be contrary to the guidance provided in PPS7 "Sustainable Development in Rural Areas", and in conflict with the objectives of adopted Policy H6 of the Carlisle District Local Plan and emerging Policy H7 of the Carlisle District Local Plan Redeposit Draft..
 2. **Reason:** The proposed site adjoins scattered development associated with the countryside some distance from the nearest settlement. As such it is considered that in this location the proposed development would be unduly conspicuous to the detriment of the rural character of the area. The proposal is therefore considered to be contrary to Policy H6 of the Carlisle District Local Plan, and, Policy H7 of the Carlisle District Local Plan (2001-2016) (Redeposit Draft).
-

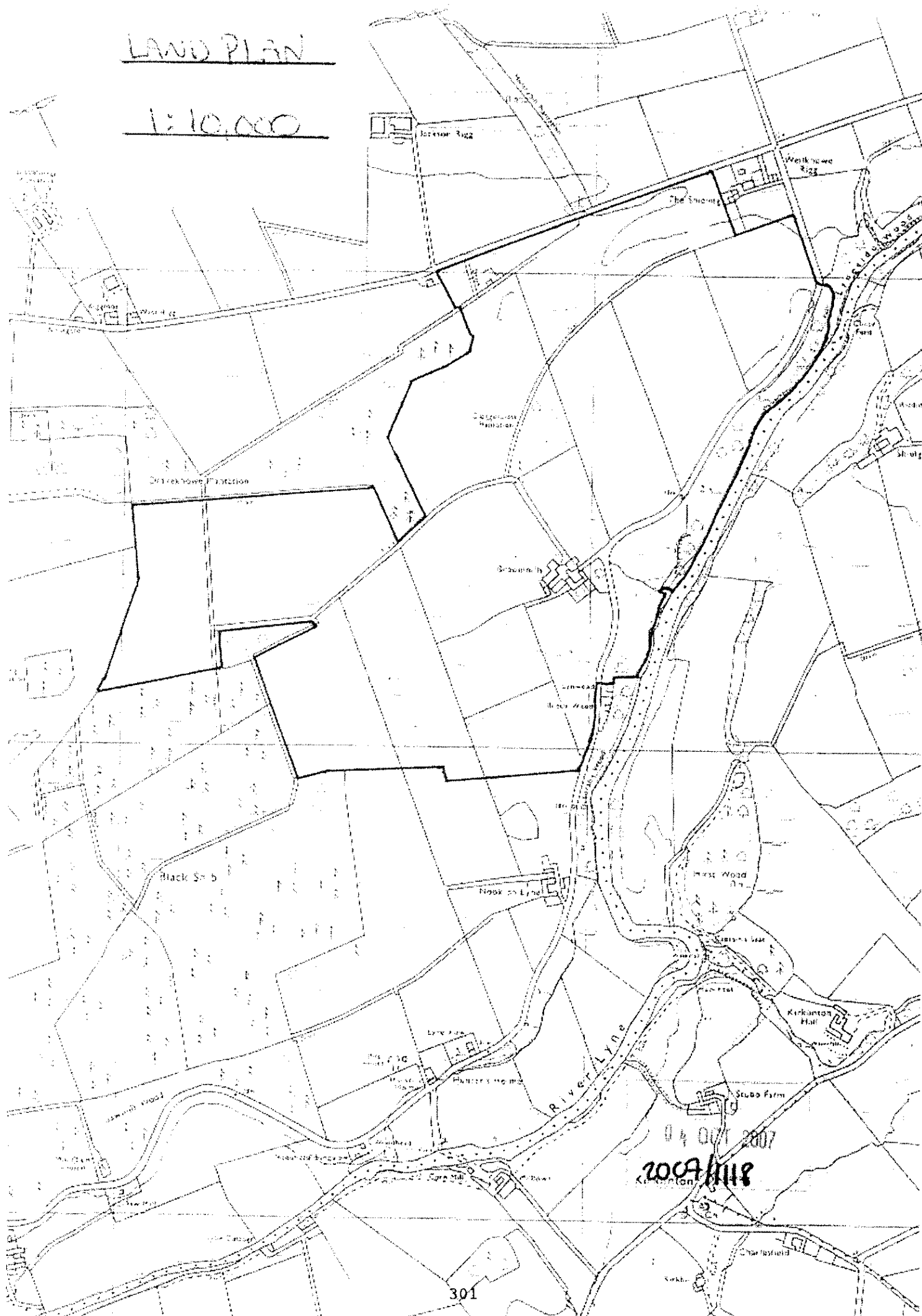


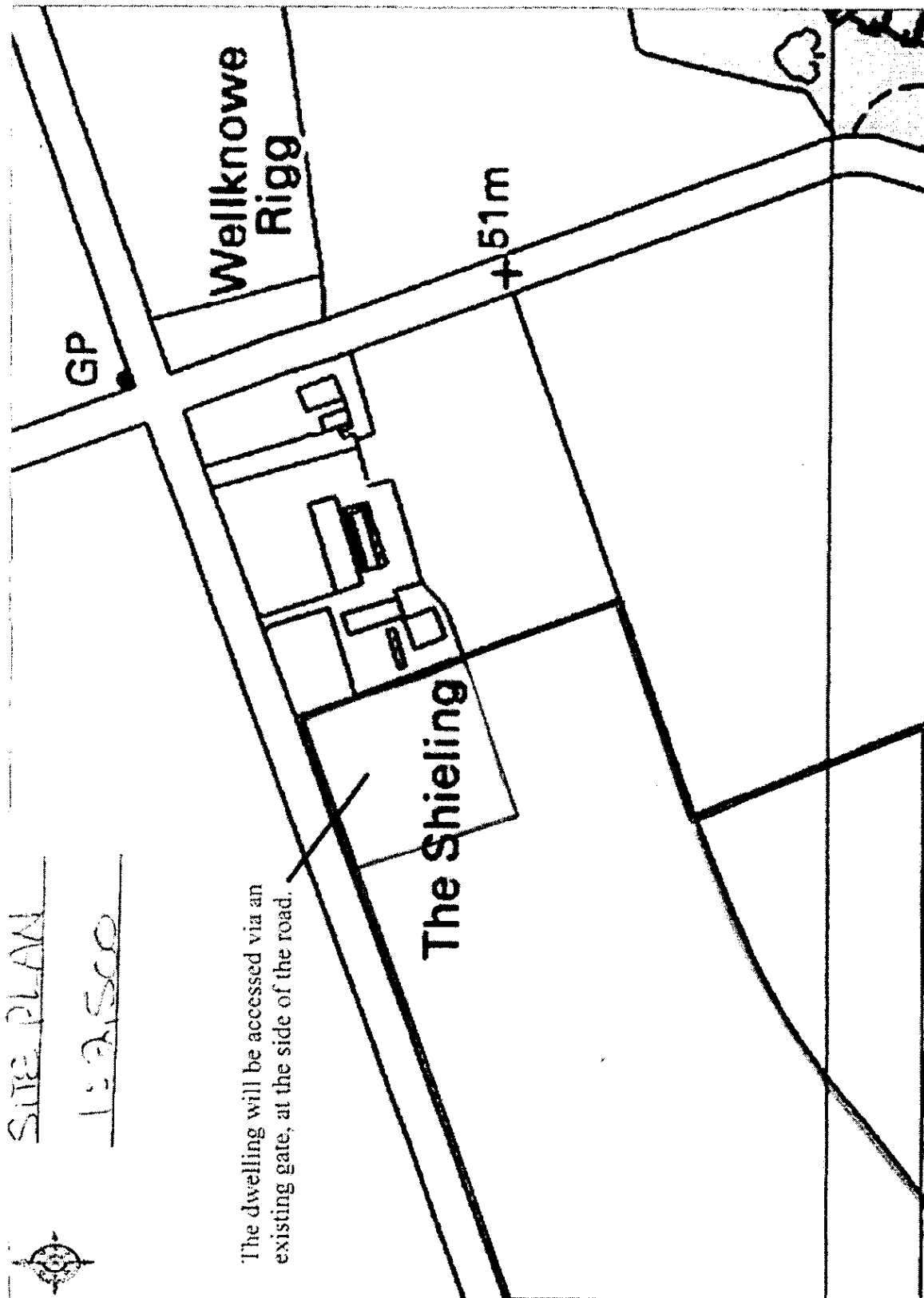
LOCATION PLAN

1:50,000

20071118

1:10,000





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OS Ordnance Survey



17 OCT 2007
2007.1.18

07_1118 LA The Shieling, Longtown, Carlisle 01 13.11.2007.jpg



07_1118 LA The Shieling, Longtown, Carlisle 03 13.11.2007.jpg



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**REPORT ON THE AGRICULTURAL NEED IN RELATION TO A
PROPOSED PERMANENT AGRICULTURAL WORKER'S DWELLING
AT THE SHIELING, LONGTOWN**

Capita Symonds
Clint Mill
Cornmarket
PENRITH
Cumbria
CA11 7HP

Tel: 01768 242340

November 2007

CAPITA SYMONDS

THE SHIELING, LONGTOWN – REPORT ON A PROPOSED PERMANENT AGRICULTURAL WORKERS DWELLING

1.0 Introduction

1.1 This report has been prepared at the request of Carlisle City Council who on 8 November 2007 asked if I would report on the agricultural need in relation to a proposed permanent Agricultural Worker's Dwelling on land at Broomhills Farm, Longtown.

1.2 I met John and Stuart Armstrong on behalf of the applicants Messrs T W Armstrong & Sons together with their agent Julie Liddle of H & H Bowe Ltd at the farm on Tuesday 27 November 2007. I inspected the steading at Broomhills Farm and also looked at the application site at the Shieling nearby. The following information was provided on behalf of the applicants:

Part 1 – The Existing Situation

2.0 Land Occupied

2.1 The land farmed by the applicants totals 147 hectares (365 acres) or thereabouts and comprises the following blocks of land:

- 2.1.1 Broomhills Farm, which totals 109 hectares (270 acres) of owner-occupied land. The farm is within a ring fence, has been owned by the applicants since the early 1960's and is all in the Entry Level Stewardship Scheme.
- 2.1.2 22 hectares (55 acres) of land at Westlinton which is approximately four miles from Broomhills. This land has been occupied on an annual basis since 2000 and there is every likelihood that this arrangement will continue in the future.
- 2.1.3 16 hectares (40 acres) of land at Haggiston Holme which is approximately one mile from Broomhills. This land has been taken on a ten month grazing agreement for the first time this year and there is every likelihood that this arrangement will continue in the future.

3.0 Livestock

- 3.1 The following livestock are currently kept on the holding.

- 3.1.1 160 Holstein Friesian dairy cows. The dairy herd calve on an all year round basis with all replacements bred on the farm.
- 3.1.2 Approximately 160 dairy young stock from day old calves to calving heifers at approximately two and a half years of age.

3.1.3 3 Holstein bulls and 1 Limousin bull.

3.1.4 30 beef heifers.

3.1.5 100 bull beef calves from day old to sale at approximately 15 months of age.

3.1.6 30 over-wintered Limousin cross beef cattle.

3.1.7 200 breeding mule ewes and 5 tups.

3.1.8 160 over-wintered ewes, which are returned to their owners prior to lambing.

4.0 Cropping

4.1 The following crops are currently grown on the holding:

4.1.1 9 hectares (22 acres) of winter wheat which is grown as whole-crop cattle feed.

4.1.2 6 hectares (15 acres) of triticale oats which is grown as whole-crop cattle feed.

4.1.3 Approximately 53 hectares (130 acres) of grassland which is conserved for silage in up to 3 cuts giving a total cropped area each year in the region of 117 hectares (290 acres).

4.1.4 The remainder of the farm is in grass for livestock grazing.

5.0 Farm Buildings

5.1 There are a substantial range of traditional and modern livestock and storage buildings at Broomhills. A large traditional range of sandstone and slate buildings form the original farmyard and these buildings are now principally used for storage or young-stock rearing. To the rear of the farmyard are a variety timber and steel portal framed stock buildings which are used to house the dairy herd, the bull beef enterprise and the heifer replacements. The milking parlour and dairy are housed within the traditional buildings of the farmyard and there are proposals to extend the existing 20/20 Herringbone parlour in the near future. In addition to the farm buildings there is a large open silage pit and separate slurry store.

5.2 Approximately 2 miles from Broomhills at Bracken Hill, the applicants rent a large steel portal framed cubicle shed for 100 head of cattle with a self contained slurry store. Animal feed and silage is taken to this building directly from Broomhills.

6.0 Domestic Buildings

6.1 The following domestic building existing on steading:

6.1.1 The farmhouse at Broomhills is of a traditional sandstone and slate roof construction offering 3 bedroomed accommodation together with living room, dining room, kitchen and bathroom.

61.2 Lynwood is a brick built bungalow just to the south of the Broomhills steading which was erected by the applicants approximately 30 years ago. It offers 3 bedroomed accommodation with a kitchen, lounge, dining room and bathroom. The Local Planning Authority should be able to confirm whether this property has an Agricultural Occupancy Condition attached to it.

7.0 Labour and Residence

7.1 The farmhouse at Broomhills is occupied by Chris Armstrong and his wife whilst John Armstrong and his wife live in the bungalow at Lynwood. Chris and John both work full-time on the holding with regular assistance from their wives. John's son Stuart, who also works full-time on the holding, was married in 2006 and currently lives in a rented property in Longtown with his wife.

7.2 The applicants carry out the majority of agricultural tasks on the holding with contractor's assistance with silage making.

8.0 Other Information

8.1 Following Stuart's marriage in 2006, he moved from his parents home at Lynwood to the nearest affordable rented accommodation, which is in Longtown. The applicants advised that Stuart requires his own accommodation on the farm as

he is presently responsible for the majority of calving of the dairy herd and undertakes all the lambing himself.

- 8.2 The applicants have looked at buying other suitable accommodation in the area on occasions however the prices which such properties command is beyond that which can be justified by the current farm business.

Part 2 – Guidance in relation to the requirements of PPS7

9.0 PPS7 and the Need for Agricultural Worker's Dwellings

- 9.1 The need for Agricultural Workers Dwellings is covered in Planning Policy Statement PPS7: "Sustainable Development in Rural Areas" and in particular Annex A of that publication.
- 9.2 Guidance is given on the criteria to be met for Agricultural Worker's Dwellings and in relation to a permanent Agricultural Worker's Dwelling these criteria are set out in paragraph 3 of Annex A to PPS7.

These criteria are:-

- i) There is a clearly established existing functional need.*

There is a clearly established existing functional need on this holding at the present time arising from the care of livestock, particularly when the cows calve throughout the year and the breeding ewes lamb in the spring.

- ii) *The need relates to a full time worker or one who is primarily employed in agriculture and does not relate to a part time requirement.*

I have calculated the labour requirement on this holding based on the existing numbers of livestock and cropping practices and am able to advise that there is a labour requirement in the region of 4.5 full time workers including contractors.

- iii) *The unit and the agricultural activity concerned have been established for at least 3 years, have been profitable for at least 1 of them, are currently financially sound and have a clear prospect of remaining so.*

The agricultural business at Broomhills was established by the Armstrong family several decades ago.

Financial 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 Worker's minimum wage, which is currently in the region of £12,600 per annum. I have calculated the Net

Farm Income that is likely to be achieved on this farm, based on the current numbers of livestock and cropping practices and can advise that it is presently financially viable.

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

Today 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 in case animals or agricultural processes require essential care at short notice and to deal quickly with emergencies that could otherwise cause serious loss of crop or products or in this case, losses of livestock.

In the present case I am of the opinion that in the interest and wellbeing of the livestock, for the efficient running of the holding and overall security, it is essential that two full-time workers actively involved in the management of this unit be present on or immediately adjacent to it.

- v) *Other normal planning requirements for example in relation to access or impact on the countryside are satisfied.*

These are beyond my instructions.

10.0 Conclusions

I therefore conclude by advising as follows:-

1. There is a clearly established functional need in relation to this holding for two full-time workers actively involved in the management of this unit to be resident on or immediately adjacent to it.
2. The labour requirement based on the existing stocking and cropping is calculated at approximately 4.5 full-time workers including contractors and therefore the labour requirement test is met.
3. The business has been established for many years, is currently financially viable and therefore the financial test is met.
4. The two existing dwellings on the holding currently meet the requirement to house the two full-time workers that are actively involved in the management of this unit and are required to be resident on or immediately adjacent to it.



D Rawle BSc(Hons) MRICS
November 2007

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

07/1192

Item No: 14

Date of Committee: 25/01/2008

Appn Ref No:
07/1192

Applicant:
Mrs Farley-Graham

Parish:
Hayton

Date of Receipt:
01/11/2007

Agent:
Gray Associates Limited

Ward:
Hayton

Location:
Crossways, Corby Hill, Carlisle, CA4 8QG

Grid Reference:
347875 557173

Proposal: Single Storey Extension To Front Elevation To Provide An Additional Lounge Area And Bathroom

Amendment:

REPORT

Case Officer: Suzanne Edgar

Reason for Determination by Committee:

This application has been brought before Members of the Development Control Committee in the light of the objection made by the Parish Council.

1. Constraints and Planning Policies

District H14 - Extensions to Dwellings

District H16 - Design Considerations

Rev Redeposit Pl. Pol CP4 - Design

Rev Redeposit Pl. Pol CP5 - Residential Amenity

Rev Redeposit Pl. H11 - Extns To Existing Resid. Premises

2. Summary of Consultation Responses

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

Cumbria County Council - (Highway Authority): taking into account the existing use of the property, it is considered that the proposal will be unlikely to have a

SCHEDULE A: Applications with Recommendation

07/1192

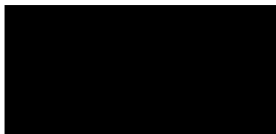
material affect on existing highway conditions. The Highway Authority has no objection to the proposal;

Hayton Parish Council: the Council considered that this development was too close to the road.

The Clerk to the Parish Council has confirmed (via email) that the comments above form an objection.

3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:
	Corby Hill	07/11/07
	Knaresdale	07/11/07
	31 Cairn Crescent	07/11/07
	32 Cairn Crescent	07/11/07

This application has been advertised by means of notification letters sent to four neighbouring properties. No verbal or written representations have been made during the consultation period.

4. Planning History

In 2000, under application 00/0181, full planning permission was granted for an extension to form conservatory, dining room, bathroom and bedroom.

5. Details of Proposal/Officer Appraisal

Introduction

- 5.1 Crossways is a single storey detached dwelling constructed from brick walls under a slate roof located on the northern side of the road leading to The Wheatsheaf PH approximately 70 metres to the west of the junction with the A69 in Corby Hill. The property is surrounded by two storey houses to the south-east, south-west and north-west.

Background

- 5.2 This application seeks approval for a single storey extension to the front elevation to provide an additional lounge area and bathroom. The proposed extension has a length that varies from 4.5 metres to 5.3 metres, a width that ranges between from 1.2 metres to 5.7 metres and a total ridge height of 4.1

those of the existing dwelling. The applicants agent has confirmed that the proposed extension is to provide additional accomodation for an elderly relative.

Assessment

5.3 The relevant planning policies against which the application is required to be assessed are Policies H14 and H16 of the Carlisle District Local Plan together with Policies CP4, CP5 and H11 of the Carlisle District Local Plan Revised Redeposit Draft.

5.4 The proposal raises the following planning issues

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

There will be windows located on the south-east, south-west and north-west elevations of the proposed extension. There is an existing 2 metre high fence/hedge delineating the north-western boundary and a 2 metre fence/hedge delineating the south-east boundary. In such circumstances it is considered that the proposed development will not adversely affect the living conditions of neighbouring properties situated to the north-west and south-east of the application site on the basis of loss of light, overlooking or over dominance. Furthermore the windows situated to the south-west elevation comply with the minimum distances required under Policy CP5 of the emerging Local Plan. In such circumstances it is considered that the proposal will not adversely affect the occupiers of any neighbouring properties through loss of light, over dominance or over looking.

2. Whether The Proposal Is Appropriate To The Dwelling

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

Other Matters

5.5 The Parish Council have objected to the proposed extension on the grounds that the development is too close to the road. The proposed development is to be located approximately 2.5 metres from the front boundary of the property. In response it is considered that there is no pre-determined building line and the proposed extension will not be significantly closer to the highway when compared to other properties within the immediate vicinity. In this context it is considered that the proposed development would not appear obtrusive or incongruous within the street scene to such an extent as to merit the refusal of permission.

Furthermore, the relevant Highways Authority have been consulted on the proposed extension and have raised no objections with regard to road safety.

Conclusion

- 5.6 In overall terms it is considered that the proposal does not adversely affect the living conditions of adjacent properties by poor design, unreasonable overlooking and unreasonable loss of daylight or sunlight. The scale and design of the proposed extension is considered acceptable in relation to the dwelling. In all aspects the proposal is considered to be compliant with the objectives of the relevant adopted and emerging development plan policies.

6. Human Rights Act 1998

Human Rights Act 1998

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

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

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

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

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

Article 8 and Article 1 Protocol 1 are relevant but the impact of the development in these respects will be minimal and the separate rights of the individuals under this legislation will not be prejudiced.

7. Recommendation - Grant Permission

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

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

SCHEDULE A: Applications with Recommendation

07/1192

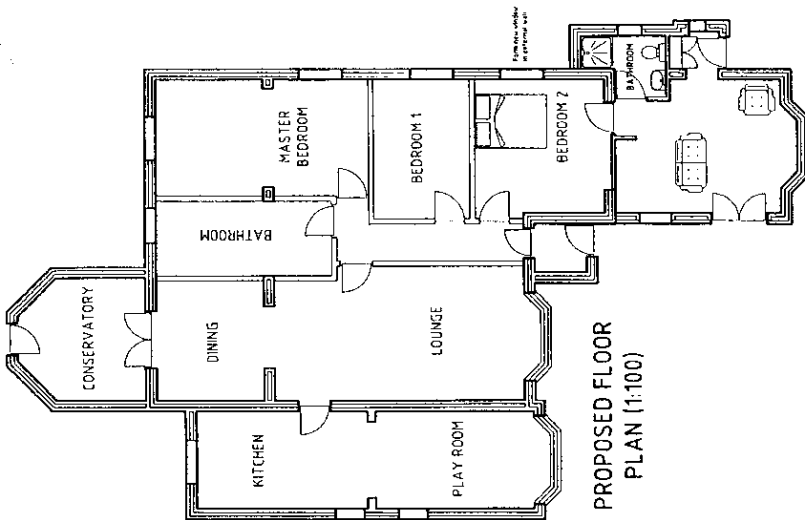
the Planning and Compulsory Purchase Act 2004).

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

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

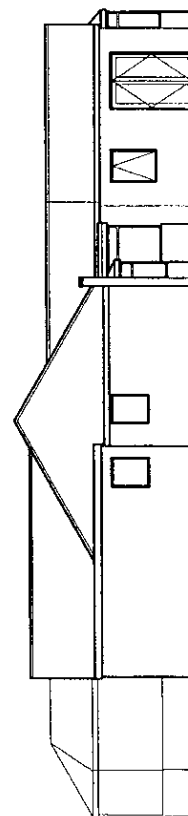
3. The premises shall be occupied as a single, self contained family dwellinghouse, and at no time shall any part be sub-divided and occupied independently of the remainder of the property.

Reason: The local planning authority are not prepared to permit the establishment of a separate unit of accommodation on this site in accord with Policy H18 of the Carlisle District Local Plan.

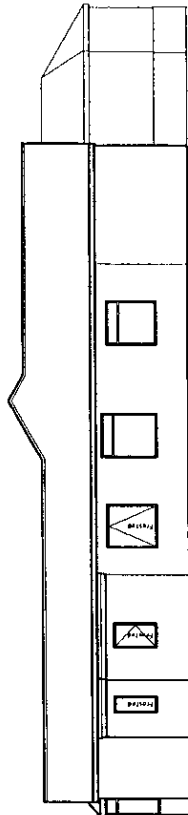


PROPOSED FLOOR
PLAN (1:100)

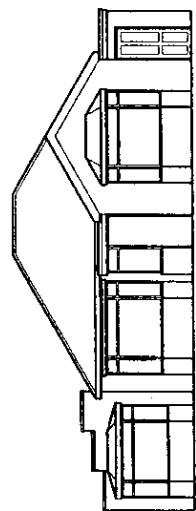
Location Plan (1:1,250)



PROPOSED NORTH WEST ELEVATION



PROPOSED SOUTH EAST ELEVATION



PROPOSED SOUTH WEST ELEVATION

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Revision Status
Rev Date Amendment

Initials

Agent
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Tel: 0791 7 810096
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Client
Mrs E Farley-Graham
Crossways
Corby Hill
CAULSIDE
CA4 8QG

Drawing
Title: Proposed Details & Location Plan
Scheme: Extension to Crossways, Corby Hill
Scale: 1:100
Date: Oct 07
Dwg No: P2a
Drawn: D Gray

30 OCT 2007
2007/1192

Site Plan (1:200)

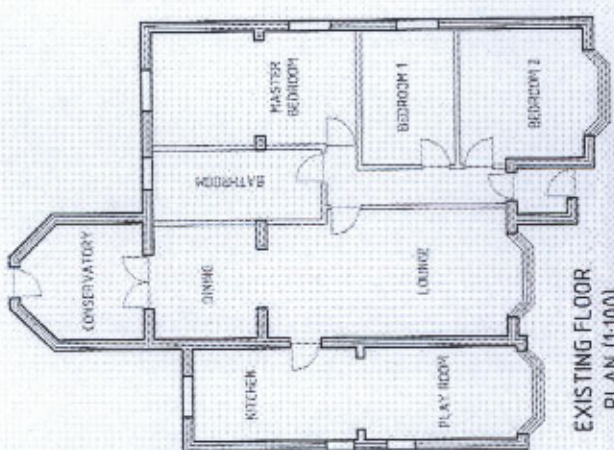


Corby Hill

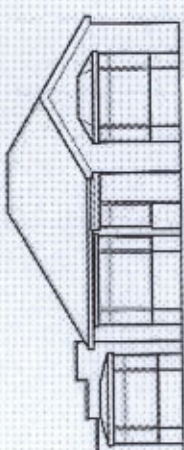
(crossways)

Knarsdale

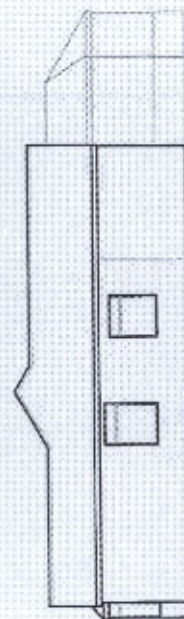
Gatesyke



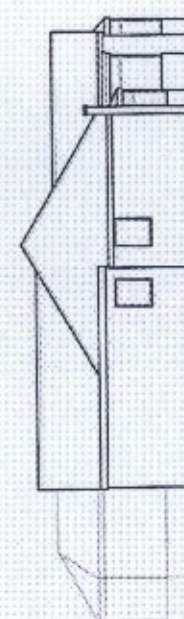
EXISTING FLOOR
PLAN (1:100)



EXISTING SOUTH WEST ELEVATION



EXISTING SOUTH EAST ELEVATION



EXISTING NORTH WEST ELEVATION

25 OCT 2007
2007/1192

Author	Building Details & Plans Team
Client	Forrester & Co. Architects, Corby Hill
Scale	1:100
Notes	2007/1192
Drawn	2007/1192
Check	2007/1192

Mrs E. Farley-Graham
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Project Name
Date
Author
Check



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SCHEDULE A: Applications with Recommendation

07/1238

Item No: 15

Date of Committee: 25/01/2008

Appn Ref No:
07/1238

Applicant:
BT Payphones

Parish:
Arthuret

Date of Receipt:
06/11/2007

Agent:

Ward:
Longtown & Rockcliffe

Location:
Public Telephone Kiosk, Outside No.1, Esk Street,
Longtown, Carlisle

Grid Reference:
337922 568688

Proposal: Retention Of Existing Public Telephone Kiosk And Change Of Use To
Form Combined Public Payphone And Atm (Revised Application)

Amendment:

REPORT

Case Officer: Barbara Percival

Reason for Determination by Committee:

This application is brought before Members of the Development Control Committee due to an objection received from Longtown Parish Council.

1. Constraints and Planning Policies

Ancient Monument

Conservation Area

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

Joint St. Plan Pol E38: Historic environment

District E43 - Imps. to Cons. Areas

Rev Redeposit Pl. Pol LE20 - Conservation Areas

Rev Redeposit Pl. Pol CP4 - Design

Rev Redeposit Pl. Pol CP16 - Planning Out Crime

2. Summary of Consultation Responses

Cumbria County Council - (Highway Authority): taking into account the existing use, it is considered that the proposal will be unlikely to have a material affect on existing highway conditions. Confirm that the Highway Authority has no objection to the proposal;

Development Services Planning & Housing Services - Access Officer: the cash point machine and telephone should be accessible to all. There are no dimensions on the drawings although in the supporting access and design guidance the agent/applicant says that it is fully compliant with the DDA. The card slot should be 1200-1300mm maximum from the ground. Clear display and well placed buttons, a clear level space in front of the machine at least 1500mm x 1500mm and it is preferred that there is a recessed frontage of 500mm for a knee recess. The external screen should be positioned to avoid reflection of bright sunlight, the controls should be a good colour contrast from the background and the buttons should be raised and have tactile or raised numbers;

Cumbria Constabulary - Crime Prevention: the objective is to make this location as safe as possible for legitimate users and replenishment crews. The proposed location is quite active, being adjacent to the main through-route. Have discussed the various security measures with Martin Bradford of B.T. and acknowledged his comments regarding the proximity of the raised flower bed.

Satisfied that a package of security measures shall be deployed to enhance customer safety and would be grateful if you could comment on the recommendation to mark a 'defensible grid' on the ground directly in front of the ATM.

In the event of this site becoming a focus for criminal activity, BT advise they will consider removing the device (if other options are not viable);

Planning & Housing Services - Conservation/Richard Majewicz: no objection to the revised proposal providing the unit is finished in black with gold lettering, and that all superfluous advertising is removed;

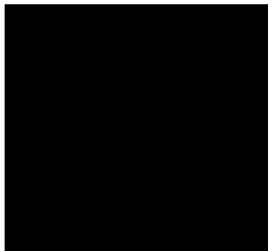
Arthuret Parish Council: object for the following reasons -

- original comments on previous application remain. These being:
 - i) location on a corner of Main Street - could cause traffic issues with parking;
 - ii) concern on the security and safety of people using it;
 - iii) could increase issues with anti-social behaviour problems/vandalism;
 - iv) already have 3 ATM's in the town.
- already have this service at 3 locations in Longtown - HSBC, Spar, Post Office
- could restrict access for public to use phone for emergency services
- why does HSBC need 2 of these in town?;

Conservation Area Advisory Comm: no objections.

3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:
	1 Esk Street	14/11/07
	3 Esk Street	14/11/07
	4 Esk Street	14/11/07
	6 Esk Street	14/11/07
	8 Esk Street	14/11/07
	10 Esk Street	14/11/07
	12 Esk Street	14/11/07
	2 English Street	14/11/07

- 3.1 This application has been advertised by the direct notification of eight neighbouring properties and the posting of site and press notices. No verbal or written representations have been made during the consultation period.

4. Planning History

4.1 Earlier this year, under planning reference 07/0843, planning permission for the retention of existing public telephone kiosk and change of use to form combined public payphone and ATM was refused.

5. Details of Proposal/Officer Appraisal

Introduction

- 5.1 This revised application seeks full planning permission to convert an existing public telephone kiosk to provide a combined public telephone and ATM facility. The existing kiosk is located on Esk Street, close to its junction with English Street adjacent to raised flower beds. The application site is located within the Longtown Conservation Area.

Background

- 5.2 Earlier this year, under planning reference 07/0843, planning permission was refused for a combined telephone and ATM. The reason being:

"The proposed payphone/ATM is prominently located on the southern side of Esk Street, close to its junction with English Street within the Longtown Conservation Area. The proposal represents the replacement of the existing kiosk by what is considered to be a cumbersome and unattractive structure, the introduction of which would be detrimental to the character and appearance of this part of the Conservation Area. The proposal is therefore contrary to Policy E38 of the Cumbria and Lake District Structure Plan

Assessment

5.3 The relevant planning policies against which the application is required to be assessed are Policy E38 of the Cumbria and Lake District Joint Structure Plan 2001-2016, Policy E43 of the Carlisle District Local Plan and Policies LE20, CP4 and CP16 of the emerging Carlisle District Local Plan 2001-2016 Revised Redeposit Draft.

5.4 The proposal raises the following planning issues:

1. The Impact Of The Proposal On The Character Of The Longtown Conservation Area.

Policy E38 of the Cumbria and Lake District Structure Plan (2001-2016), Policy E43 of the Local Plan and Policy LE20 of the Revised Redeposit Draft Local Plan require that proposals within conservation areas are of good design, aim to enhance the quality of the existing environment and protect important views into and out of such areas.

The previous application, which was refused, was for a light grey box with a red band around the top. The new proposal would now be finished in black with gold lettering with the amount of lettering reduced. It is considered that this new design would harmonise with the existing street furniture and would not be such a discordant feature within the Longtown Conservation Area.

The City Council's Conservation Officer together with the Conservation Area Advisory Committee have both been consulted and they have no objections to the revised proposal.

2. Whether Appropriate Measures Have Been Included To Minimise The Potential For Crime And Anti-Social Behaviour

Policy CP16 of the Redeposit Draft (2001-2016) requires that proposals should include measures for security and crime prevention and minimise the opportunity for crime. Cumbria Constabulary's Crime Prevention Officer has been consulted and he reiterates this advice by commenting: *"the objective is to make this location as safe as possible for legitimate users and replenishment crews"*.

Having viewed and discussed the proposals with the applicant's representative, confirming that the package of security measures that would be deployed to enhance customer safety satisfies the above requirements. It should, however, be noted that he recommends the formation of a 'defensible grid' be incorporated on the ground directly in front of the ATM. This provision of the 'grid' is the subject of a condition within the decision notice.

3. Other Matters

Members need to be aware that the Case Officer has also sought clarification over two further issues namely: the need for the combined payphone and ATM; and the Parish Council's concerns with regard to possible anti-social behaviour.

In response, the applicant's representative explained that in order for public payphones to be viable it was the applicants policy to convert existing payphone boxes into combined payphones and ATM's. This is in the context where unviable payphones have been removed especially in rural areas.

With regard to the potential for anti-social behaviour it was agreed that should any adverse anti-social behaviour occur, British Telecom would consider reverting back to the stand alone payphone. A temporary condition has therefore been included within the decision notice affording the City Council the opportunity to monitor the situation.

Conclusion

- 5.5 In overall terms, it is considered that the proposal is compliant with the objectives of the relevant adopted and emerging Development Plan policies. The application is therefore recommended for approval.

6. Human Rights Act 1998

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

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

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

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

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

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

7. Recommendation - Grant Permission

1. The combined public payphone and ATM hereby permitted shall be removed from the site on or before the 25th day of January 2009 unless a further planning permission is granted by the local planning authority, and within 3 months of the date of the removal of the combined public payphone and ATM the site shall be restored so far as is reasonably possible to its condition prior to the combined public payphone and ATM being installed.

Reason: The local planning authority wish to review the matter at the end of the limited period specified.

2. Details of the defensible grid in front of the ATM should be submitted to and approved in writing by the local planning authority prior to the siting of the combined public payphone and ATM.

Reason: To ensure that the matters specified are designed to the satisfaction of the local planning authority.



BT
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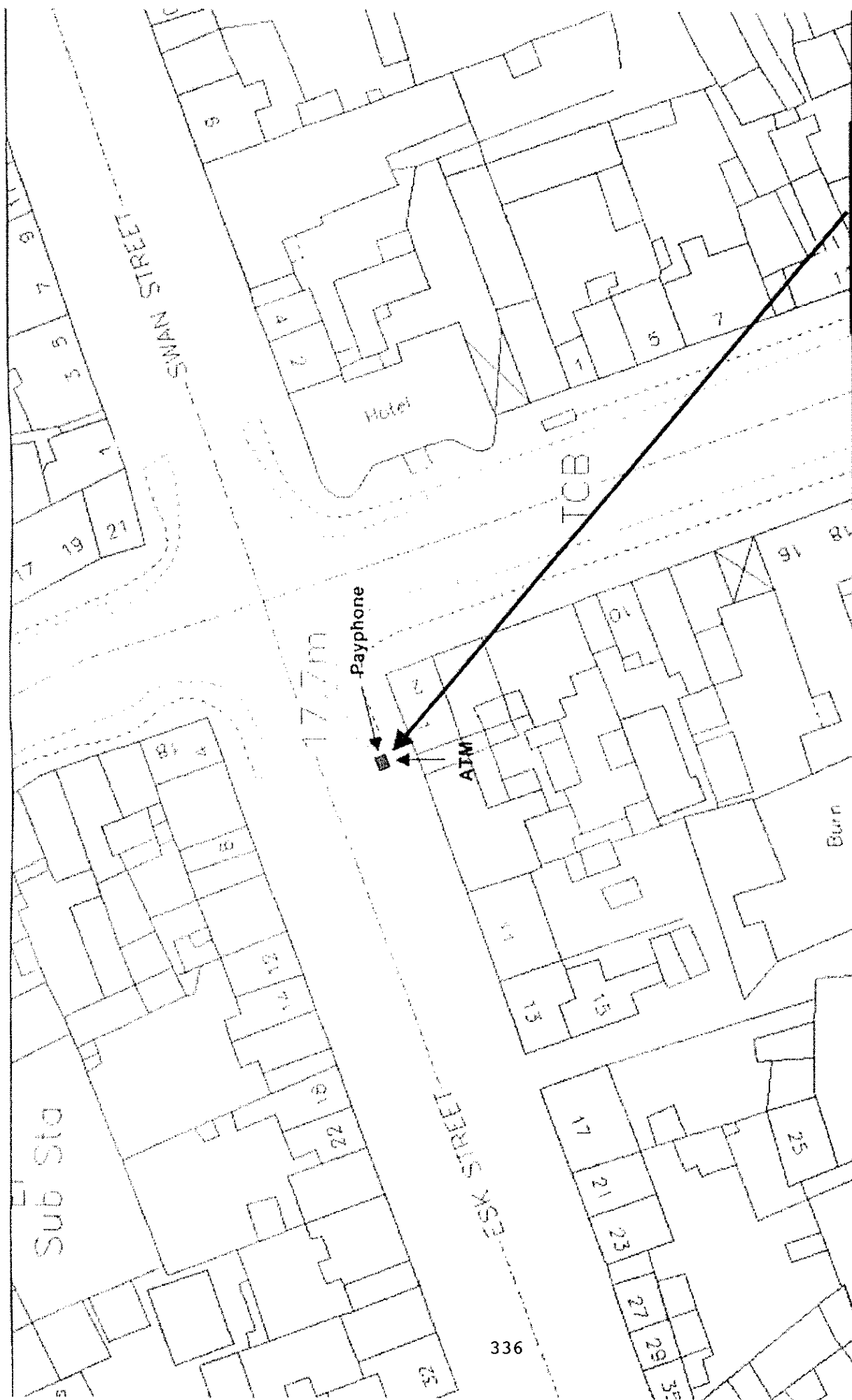
Esk Street Junction of English Street

BT Ref: 11250 BT Ref: 445891 OS Ref: 523807 Date: 14/06/2007 CA6 5PU LONGTOWN BT Surveyor: E. SIMPSON HSBC

KIOSK LOCATION

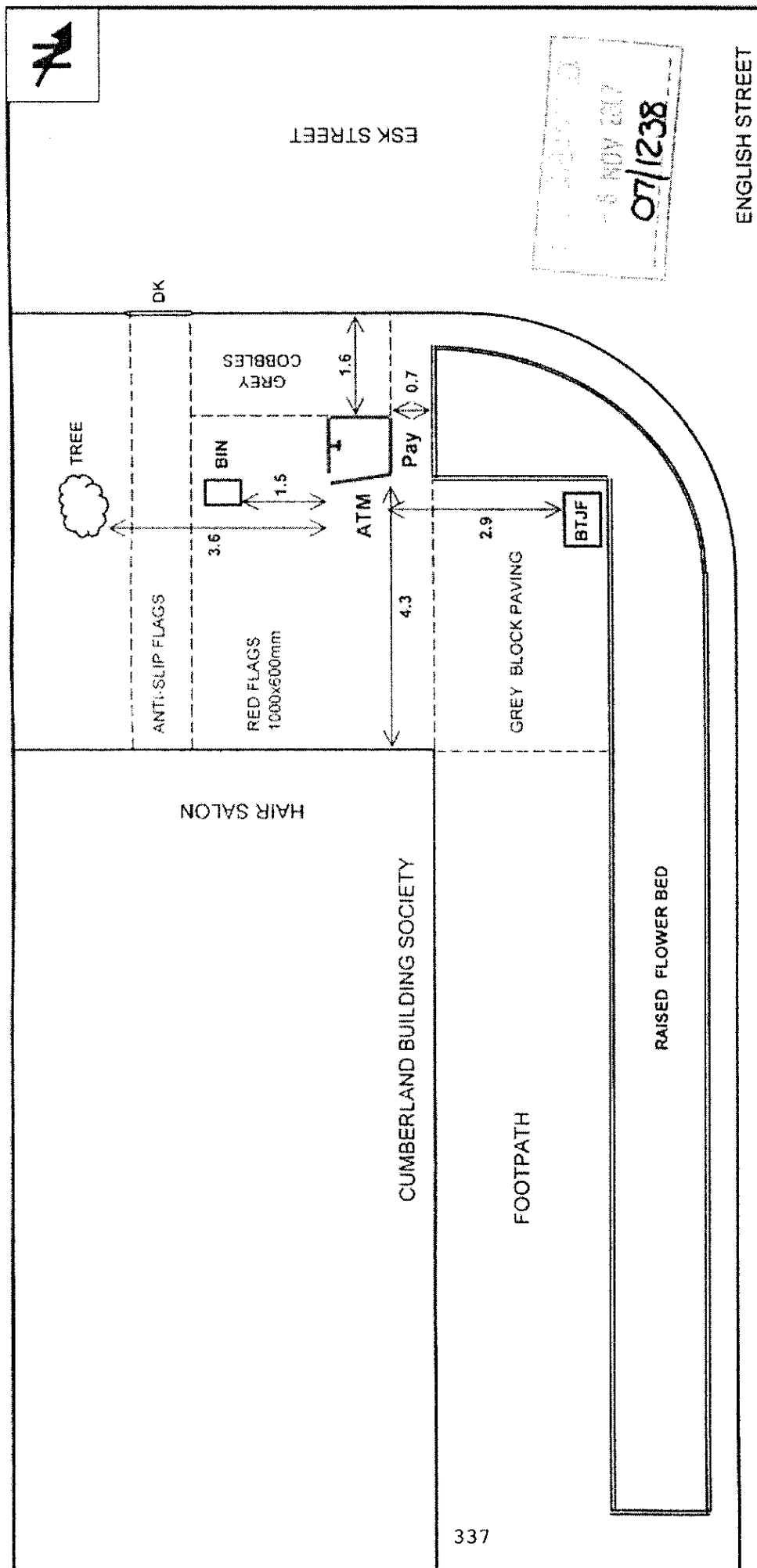
Form: M1000
DATE: 2006
ISSUE: 6
E. SIMPSON
LONGTOWN MAIN BRIDGE

07/1238



Site plan

Scale: 1:100
 Date: 07/12/38
 Drawn: E. SIMPSON
 Checked: 14/06/2007



Job Description		Address		BT Database	
Alter existing Telephone Kiosk as shown to form a combined Payphone & ATM as described in documentation. Telephone numbers are shown for information only.		Outside No 1 Esk Street Junction of English Street LONGTOWN CUMBERIA		LC	
1- 01228 791344	5- .	BT Managed Contract Number	445891 523807	BT Surveyor	CA6 5PU
2- .	6- .	O S Ref	XXXXX	E. SIMPSON	
3- .	7- .	Local Planning Authority	Not to scale	Date	14/06/2007
4- .	8- .	CARLISLE CITY COUNCIL	Approx Scale		
BT Payphones					
BT Ref Number					
HSBC					
Drawing Issue					
3					

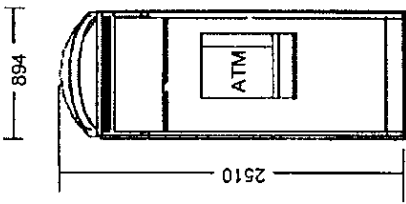
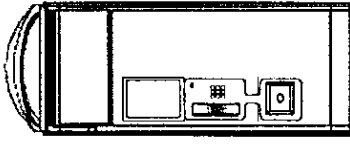
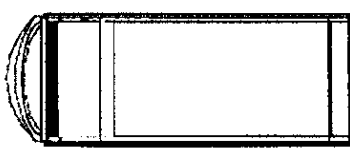

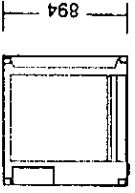
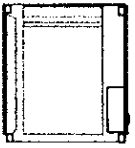
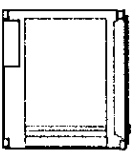
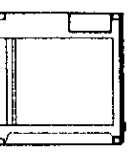
All Measurements are in Metres

Sheet Light T1=Traffic Light BD=Boilard DK=Driv Kerb BTJF=BT Footway Box ELUF=Electric Footway Box CATV=Cable TV Footway Box

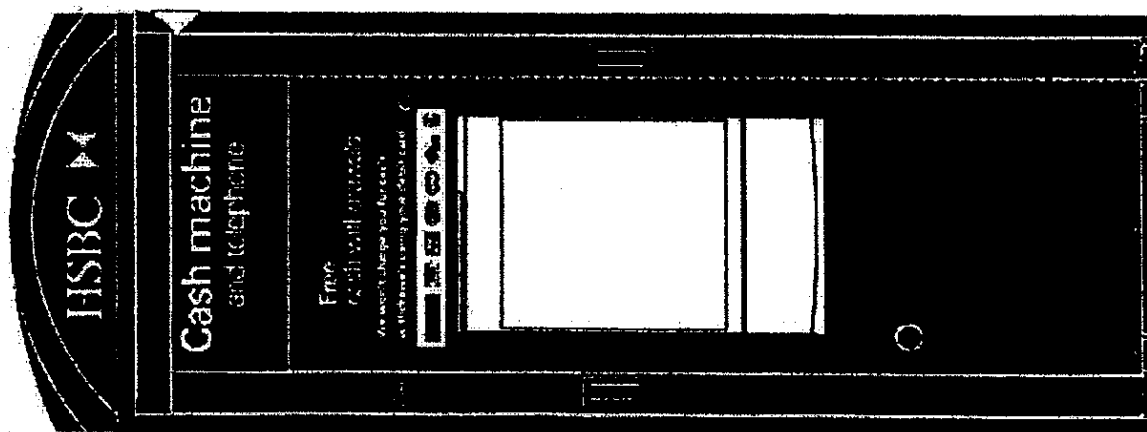
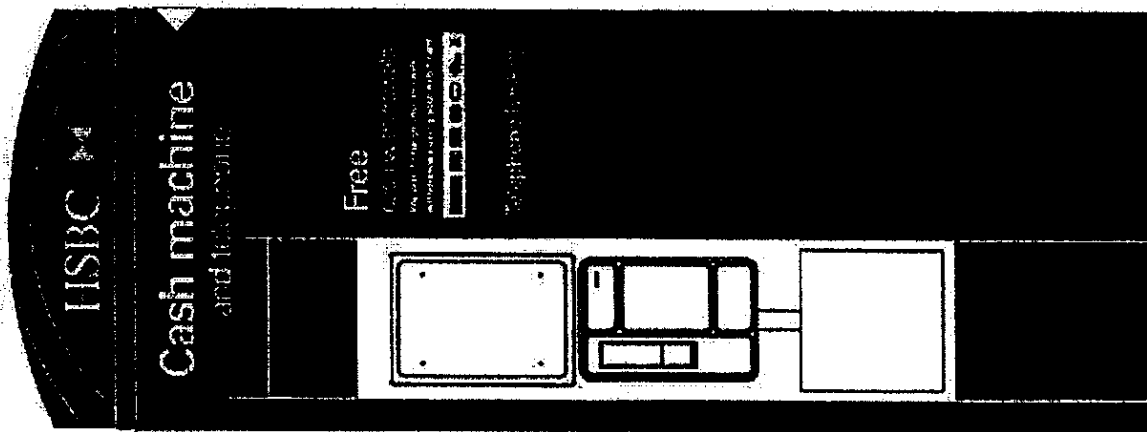
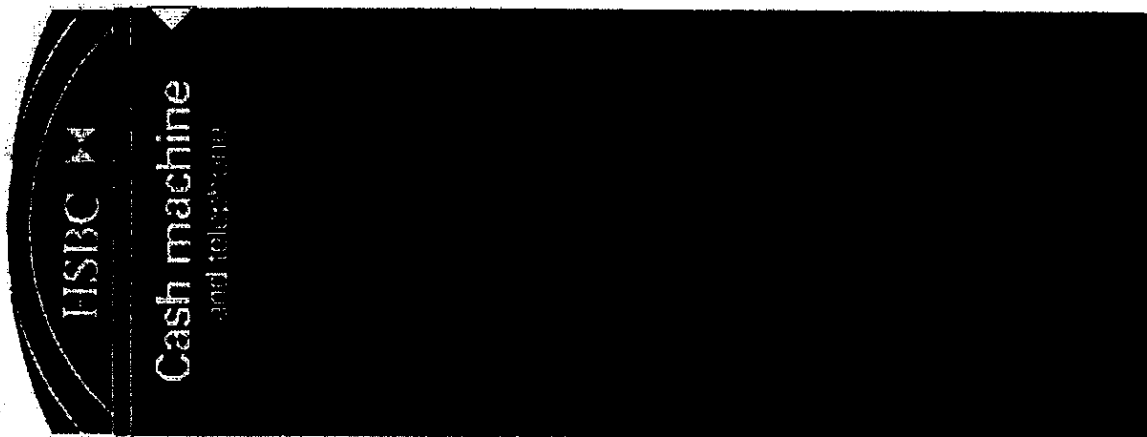
		BT Standard KX 100 telephone kiosk		Scale		Colours	
				1 : 50		Stainless steel	
						Black	
Drawing: BT-KX100-001-2 1:50						Glass	

Form: KX100 Date: May 2005 Issue: 2
Page: 1 of 1 Origin: Ray Page

07/11/238

 <p>894</p> <p>2510</p> <p>ATM</p> <p>Front Elevation</p>	 <p>Side Elevation</p>	 <p>Side Elevation</p>	 <p>Back Elevation</p>	 <p>894</p> <p>2510</p> <p>Plan view</p>	 <p>Plan view</p>	 <p>Plan view</p>	 <p>Plan view</p>
<p>BT Payphones</p> <p>BT Standard KX100 Plus Domed Roof Telephone Kiosk with Payphone and ATM</p>				<p>Scale</p>	<p>1 : 50</p>	<p>Colours</p>	
<p>Drawing: BT-KX100+ 1:50</p>				<p>Form: KX100 ATM Original: Martin Bradford</p>			

07/12/88



RECEIVED
2007/12/28

Lettering to be Gold
BT - HSBC11

SCHEDULE B

SCHEDULE B

SCHEDULE B

NO APPLICATIONS INCLUDED
IN THIS SCHEDULE.

SCHEDULE B

SCHEDULE B

SCHEDULE B

SCHEDULE C

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SCHEDULE C

SCHEDULE C: Applications Determined by Other Authorities

Item No: 16

Between 01/12/2007 and 11/01/2008

Appn Ref No:
07/9012

Applicant:
United Utilities

Parish:
Carlisle

Date of Receipt:
21/06/2007

Agent:
Cumbria County Council

Ward:
Castle

Location:
Carlisle Wastewater Treatment Works, Willowholme
Industrial Estate, Carlisle CA2 5SH

Grid Reference:
338805 556513

Proposal: Construction of 2no. control kiosks

Amendment:

REPORT

Case Officer: Jessica Taylor

City Council Observations on the Proposal:

Decision: City Council Observation - Raise No Objection **Date:** 12/07/2007

Decision of: Cumbria County Council

Decision Type: Grant Permission

Date: 04/01/2008

A copy of the Notice of the decision of the Determining Authority is printed following the report.

Economy, Culture and Environment

County Offices • Kendal • Cumbria

• LA9 4RQ • Fax: 01539 773439

Tel: 01539 773413

• Email: developmentcontrol@cumbriacc.gov.uk



Date: 4 January 2008

References: 1/07/9012

Mr A Eales
Carlisle City Council, Planning Services
Civic Centre
Rickergate
Carlisle
Cumbria
CA3 8QG

PLANNING & HOUSING SERVICES	
REF	07/9012/CTY
08 JAN 2008	
RECORDED	AN
SCANNED	
PASSED TO	TO LOKE
ACTION	

register now
to C.C.

Dear Mr Eales

NOTIFICATION OF OUTCOME OF APPLICATION FOR PLANNING PERMISSION

Proposal: Construction of two control kiosks associated with ferric dosing.

Location: Wastewater Treatment Works, Willowholme Industrial Estate, Carlisle, Cumbria

Ref No.: 1/07/9012

I write to advise you that Cumbria County Council as local planning authority has determined the above planning application.

I enclose a copy of the decision notification document(s) for your information.

Please note that all Decision Notices, together with the associated planning applications and any plans and/or other documents submitted with them, may be inspected via our website at:

www.cumbria.gov.uk/planning-environment/DC/dc.asp

(or at the planning services offices of the appropriate District Council, during normal office hours).

Yours sincerely

Mrs Rachel Brophy
Senior Planning Officer, Environment Unit

Enclosure

CUMBRIA COUNTY COUNCIL

**TOWN AND COUNTRY PLANNING ACT, 1990
TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE)
ORDER, 1995**

NOTICE OF PLANNING CONSENT

To: United Utilities - Ms S Jakubiak
Planning & Valuation, Lingley Mere Business Park.
Lingley Green Avenue
Great Sankey
Warrington
Cheshire
WA5 3LP

In pursuance of the powers under the above Act and Order the Cumbria County Council as local planning authority hereby **permit** the development described in your application and on the plans and drawings attached thereto received on 13 June 2007.

**viz: Construction of two control kiosks associated with ferric dosing.
Wastewater Treatment Works, Willowholme Industrial Estate, Carlisle,
Cumbria**

subject to due compliance with the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

- 2 The development shall be carried out in accordance with the approved scheme. Any variations to the approved scheme shall be submitted to and approved by the Local Planning Authority prior to being carried out.

Reason: To ensure the development is carried out to an approved appropriate standard.

- 3 The development shall not be commenced prior to the submission to for approval in writing by the Local Planning Authority of a scheme for observation investigation and recording of archaeological remains that may be revealed during the construction of the development.

Reason: To safeguard any archaeological remains that may exist at the site.

Dated the 4th day of January 2008



.....
Signed: Shaun Gorman
The Head of Environment,
Directorate of Economy Culture & Environment,
on behalf of the Council.

NOTE

- Where the permission is granted subject to conditions, attention is directed to the attached Appendix/Notes.
- The conditions attached to this permission may override details shown on the application form, accompanying statements and plans.
- Any approval to be given by the Director of Community, Economy and Environment or any other officer of Cumbria County Council, shall be in writing.

CUMBRIA COUNTY COUNCIL

**TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE)
ORDER 1995 (AS AMENDED)**

SUMMARY OF REASONS FOR GRANT OF PLANNING PERMISSION

1. This application has been determined in accordance with the Town and Country Planning Acts, in the context of national and regional planning policy guidance and advice and the relevant development plan policies.
2. Key development plan policies that were taken into account by the County Council before granting permission are referred to in the reasons for the conditions of the planning permission.
3. In summary, the reasons for granting permission are that the County Council is of the opinion that the proposed development is in accordance with the development plan, there are no material considerations that indicate the decision should be made otherwise and with the planning conditions included in the notice of planning consent, any harm would reasonably be mitigated. Furthermore, any potential harm to interests of acknowledged importance is likely to be negligible and would be outweighed by the benefits of the development.

Dated the 4th day of January 2008



.....
Signed: Shaun Gorman
The Head of Environment,
Directorate of Economy Culture & Environment,
on behalf of the Council.

APPENDIX TO NOTIFICATION OF PLANNING DECISION

This Appendix does not form part of any consent. However, you should take careful notice of the advice given below as it may affect your proposal.

1. Unless specifically exempt by the Waste Management Licensing Regulations 1994, all operations involving "controlled waste", which includes most wastes excluding mine and radioactive waste, requires a Waste Management Licence or Pollution Prevention and Control Permit issued by the Environment Agency. Where your proposal includes the disposal, storage, transfer or treatment of any waste material on the permission site, you should contact the Environment Agency, Ghyll Mount, Gillan Way, Penrith 40 Business, Penrith, CA11 9BP (08708 506506), regarding applying for a licence, if you have not already done so. It is a criminal offence to deposit controlled waste and in certain circumstances to store, transfer or treat waste without a licence.
1. Obtaining any planning permission does not imply that any consents or licences required to be obtained from United Utilities plc or the Environment Agency would be granted. You are advised to consult the appropriate body to determine if any such consent or licence may be required.
2. Any grant of planning permission does not entitle developers to obstruct a public right of way. Development, insofar as it affects a right of way, should not be started, and the right of way should be kept open for public use, until the necessary order under Section 247 or 257 of the Town and Country Planning Act 1990, or other appropriate legislation, for the diversion or extinguishment of right of way has been made and confirmed.
3. The attention of the person to whom any permission has been granted is drawn to Sections 7 and 8A of the Chronically Sick and Disabled Persons Act 1970 and to the Code of Practice for Access of the Disabled to Buildings or any prescribed document replacing that code.
4. Any application made to the Local Planning Authority for any consent, agreement or approval required by a condition or limitation attached to a grant of planning permission will be treated as an application under Article 21 of the Town and Country Planning (General Permitted Development) Order 1995 and must be made in writing. Applications will be acknowledged and the Local Planning Authority is required to determine them within 8 weeks of receipt unless otherwise agreed in writing.
5. There is a right of appeal against the failure to determine applications within the specified period and against the refusal of any consent, agreement or approval for which application is made (see enclosed "Notes in respect of Appeals to The Secretary of State")

NOTES IN RESPECT OF APPEALS TO THE SECRETARY OF STATE

- If you are aggrieved by the decision of your local planning authority to refuse planning permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State for Communities & Local Government under Section 78 of the Town and Country Planning Act 1990.
- If you want to appeal, then you must do so within six months of the date of the notice of decision, using a form which you can get from the Planning Inspectorate, Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, BRISTOL, BS1 6PN (Telephone: 0117 372 6372).
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use his power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without conditions it imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

Purchase Notices

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of part VI of the Town and Country Planning Act 1990.

SCHEDULE C: Applications Determined by Other Authorities

06/0273

Item No: 17

Between 01/12/2007 and 11/01/2008

Appn Ref No:
06/0273

Applicant:
Mr J E Morris

Parish:
Wetheral

Date of Receipt:
01/03/2006

Agent:

Ward:
Wetheral

Location:
Land behind Green Farm/Albyfield, The Green,
Wetheral, CA4 8ET

Grid Reference:
346640 554277

Proposal: Erection of detached dwelling with integral garage

Amendment:

1. Reduction in the size of the dwelling.
 2. Red line amended to include vehicular access.
-

REPORT

Case Officer: Sam Greig

Decision on Appeals:

Appeal Against: Appeal against refusal of planning perm.

Type of Appeal: Informal Hearing

Report: This appeal refers to an application for the erection of a detached five bedroom dwelling on part of the rear garden of the appellant's property, Albyfield, and the neighbouring property known as Green Farm, both of which are centrally located within the village of Wetheral. Following a site visit the application was determined by the Development Control Committee on the 18th August 2006 where it was resolved to refuse the application for the following reasons:

- i. *"The proposed development seeks permission for the erection of a four bedroom dormer bungalow on land to the rear of Albyfield and Green Farm, which is a Grade II, listed building. The application site is also situated within the Wetheral Conservation Area. Access to the site is via a private road that presently serves three properties known as The Mews, The Arches and South View Lodge. The creation of a third dwelling, which constitutes 'tandem' development, and the potential increase in vehicular and pedestrian movements over and above that which already occurs is such that it would result in an unacceptable level of disturbance and loss of privacy to the occupiers of The Mews and to a lesser extent The Arches. As such the proposal is contrary to criterion 2 of Policy H11 (Backland*

SCHEDULE C: Applications Determined by Other Authorities

06/0273

Development) and criterion 3 of Policy H17 (Residential Amenity) of the Carlisle District Local Plan as well as criterion 2 of Policy H9 (Backland Development) and criterion 3 of Policy CP5 (Residential Amenity) of the Carlisle District Local Plan 2001-2016 Redeposit Draft."

- ii. *"The development, if permitted, would set an undesirable precedent that would make it difficult for the Local Planning Authority to resist applications of a similar nature in the future".*

The Inspectorate concurred with the Councils view stating that the noise generated by additional vehicle movements directly in front of and beneath the windows to The Mews and The Arches would have an unacceptable impact upon the living conditions of the occupiers of these dwellings. The Inspector agreed that by virtue of the alignment of the access, vehicles would pass slowly through the courtyard and passengers would have ample opportunity to look into the windows of both properties. It was also stated that the proposal would lead to an increase in the use of the access by pedestrians who would also be able to look, at close quarters, into the ground floor windows.

For these reasons, the Inspector considered that the proposal was contrary to current planning policies and the appeal was dismissed. No concerns were raised regarding the scale and design of the dwelling or its impact upon both the Wetheral Conservation Area and adjacent Grade II Listed Building.

Appeal Decision: Appeal Dismissed

Date: 13/12/2007

SCHEDULE C: Applications Determined by Other Authorities

07/0102

Item No: 18

Between 01/12/2007 and 11/01/2008

Appn Ref No:
07/0102

Applicant:
Ms Julie Sharman

Parish:
Carlisle

Date of Receipt:
05/02/2007

Agent:

Ward:
Castle

Location:
7 Tait Street, Carlisle, CA1 1RU

Grid Reference:
340487 555503

Proposal: Retrospective Consent For Removal Of Existing Timber Casement Windows To Front Elevation (3) And Installation Of PVC-u Sliding Sash Windows (3) (LBC)

Amendment:

REPORT

Case Officer: Richard Majewicz

Decision on Appeals:

Appeal Against: Appeal against refusal of planning perm.

Type of Appeal: Written Representations

Report: A Listed Building Consent application 07/0102 was submitted on 5 February 2007 for retrospective permission to replace the three existing timber casement windows to the front elevation of this property with three pvc-u sliding sash windows.

The application was refused under Delegated Powers on the 8 March 2007 and an appeal was subsequently made under the Town and Country Planning (Appeals) (Written Representations Procedure) Regulations 2000.

Having visited the site the Planning Inspectorate has subsequently dismissed the appeal.

Appeal Decision: Appeal Dismissed

Date: 03/12/2007

SCHEDULE C: Applications Determined by Other Authorities

07/0276

Item No: 19

Between 01/12/2007 and 11/01/2008

Appn Ref No:
07/0276

Applicant:
Mr Michael Harris

Parish:
Stanwix Rural

Date of Receipt:
16/03/2007

Agent:
Mr Len Cockcroft

Ward:
Stanwix Rural

Location:
Land adjacent to 7 The Nurseries, Linstock,
Carlisle, CA6 4RR

Grid Reference:
342729 558344

Proposal: Erection Of 1No Two Storey Dwelling (Outline Application)

Amendment:

REPORT

Case Officer: Angus Hutchinson

Decision on Appeals:

Appeal Against: Appeal against refusal of planning perm.

Type of Appeal: Written Representations

Report: This Outline Planning Application for the erection of 1no. two storey dwelling was refused under Delegated Powers on 10th May 2007. An appeal was subsequently lodged on the 15th August 2007 under the Written Representation Procedures.

The Planning Inspector identified one main issue in the appeal, namely:

1. the sustainability of Linstock as a location for residential development in the context of approved and emerging locational policies in regional, county and local development plan policies.

Having considered all the relevant issues the Inspector decided to dismiss the appeal.

Appeal Decision: Appeal Dismissed

Date: 05/12/2007

SCHEDULE D

SCHEDULE D

SCHEDULE D

SCHEDULE D

SCHEDULE D

SCHEDULE D

SCHEDULE D: Reports on Previously Deferred Decisions

Item No: 20

Between 01/12/2007 and 11/01/2008

Appn Ref No:
06/1297

Applicant:
Mr A Reynolds

Parish:
Carlisle

Date of Receipt:
20/11/2006

Agent:
Taylor & Hardy

Ward:
St Aidans

Location:
Jesmond Street Garage, Jesmond Street, Carlisle,
CA1 2DE

Grid Reference:
341277 555592

Proposal: Amended Scheme For The Erection Of 37 Dwellings

Amendment:

REPORT

Case Officer: Alan Taylor

Details of Deferral:

Members will recall at Committee meeting held on 27th April 2007 that authority was given to the Head of Planning and Housing Services to issue approval for the proposal once the revocation of the Deemed Hazardous Substances Consent has either been formally revoked or extinguished.

The Deemed Hazardous Substances Consent has been formally revoked and the approval was issued on 11th December 2007.

Decision: Grant Permission

Date: 11/12/2007

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

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

2. 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 and in accord with Policy 25 of the Cumbria and Lake District Joint Structure

SCHEDULE D: Reports on Previously Deferred Decisions

Plan.

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 implemented in accordance with a phasing scheme for the conversion works hereby approved.

Reason: To ensure that materials to be used are acceptable and in compliance with the objectives of Policy 25 of the Cumbria and Lake District Joint Structure Plan.

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

Reason: To ensure a satisfactory means of surface water disposal and in accord with Policy 24 of the Cumbria and Lake District Joint Structure Plan and Policy E22 of the Carlisle District Local Plan.

5. No development shall take place within the site 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.

This written scheme shall include the following components:

- i) an archaeological desk-based assessment and evaluation to be undertaken in accordance with the agreed written scheme of investigation;
- ii) an archaeological recording programme 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; and
- iii) where appropriate, a post-excavation assessment and analysis, preparation of a site archive ready for deposition at a store approved by the Local Planning Authority, completion of an archive Report, and publication of the results in a suitable journal.

Reason: To afford reasonable opportunity for an examination to be made to determine the existence of any remains of archaeological interest within the site and for the preservation, examination and recording of such remains and in accord with Policy E30 of the Carlisle District Local Plan.

SCHEDULE D: Reports on Previously Deferred Decisions

6. Detailed plans shall be submitted, and approved in writing by the Local Planning Authority, showing full design details of walls, gates, railings and any other means of permanent enclosure and boundary treatment, including height and means of construction, in respect of all boundaries of the site. The approved works shall, thereafter, be carried out strictly in accordance with the agreed details.

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 in accord with Policy H16 of the Carlisle District Local Plan.

7. 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, and to ensure compliance with Policy H16 of the Carlisle District Local Plan

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 and that it fulfils the objectives of Policy E9 of the Carlisle District Local Plan.

9. Particulars of the proposed lighting scheme for the external areas of the premises, including the car parking areas, shall be submitted to and approved in writing by the Local Planning Authority within 6 months of the date of this approval and such lighting scheme that is so approved shall be carried out in accordance with the approved scheme prior to the occupation of any dwelling.

Reason: in the interests of amenity and to ensure a safe and secure residential environment.

10. The proposed ground floor accommodation shall be set at a level of 17.370m AOD and all other measures identified for the avoidance of flood risk, as set out

SCHEDULE D: Reports on Previously Deferred Decisions

within the Supporting Planning Statement, shall be carried out in full including the provision of a grey water storage and re-cycling system and provision of attenuation and controlled discharge from surface water drains within the development site.

Reason: To ensure that the development is subject to minimum risk of flooding in accord with the objectives of Policy 24 of the Cumbria and Lake District Joint Structure Plan and Policy E20 of the Carlisle District Local Plan.

11. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas shall be passed through trapped gullies with an overall capacity compatible with the site being drained.

Reason: To prevent pollution of River Petteril and in accord with Policy 22 of the Cumbria and Lake District Joint Structure Plan and Policy E24 of the Carlisle District Local Plan.

12. Before the development is commenced a detailed site investigation shall be carried out to establish if the site contains contaminants, to assess the degree and nature of the contaminants present, and to determine its potential for the pollution of the water environment. The method and extent of this investigation shall be agreed in writing with the Planning Authority prior to commencement of the work. Details of appropriate measures to prevent pollution of groundwater and surface water, including provisions for monitoring, shall then be submitted to and approved in writing by the Planning Authority before the development commences. The development shall then proceed in strict accordance with the measures approved.

Reason: To prevent pollution of the water environment in accord with Policy 24 of the Cumbria and Lake District Joint Structure Plan and Policy E24 of the Carlisle District Local Plan.

13. Details of proposed crossings of the highway verge and/or footway shall be submitted to the Local Planning Authority for approval and the development shall not be brought into use until those details have been approved and the crossings have been constructed.

Reason: To ensure a suitable standard of footway crossing for pedestrian safety and in accord with Local Transport Plan Policies S3, S4 and LS10.

14. None of the dwelling units hereby permitted shall be occupied until such times

SCHEDULE D: Reports on Previously Deferred Decisions

as the access and car parking arrangements shown on deposited plans numbered 06-102-32 Basement General Arrangement and 06-102-31 Ground Level General Arrangement have been constructed and brought into use (including external amenity lighting). Any such access or parking provision shall be retained and be capable of use when the development is completed and shall not be removed or altered without the prior written consent of the Local Planning Authority.

Reason: To ensure a minimum standard of access provision when the development is brought into use and in support of Local Transport Plan Policies S3, LD7, LD13, P10, LD5 (draft) and in accord with Policy T32 of the Cumbria and Lake District Joint Structure Plan.

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

Reason: The carrying out of this development without the provision of these facilities during the construction works is likely to lead to inconvenience and danger to road users and to support Local Transport Plan Policies S3 and LD9.

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

Reason: In the interests of highway safety, in accordance with Policy H16 of the Carlisle District Local Plan and to support the Local Transport Plan Policies S3, LD7, LD11 and LD5 (Draft).

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SCHEDULE E: Decisions Issued Under Delegated Powers

Between 01/12/2007 and 11/01/2008

Appn Ref No:
05/0088

Applicant:
Mr Henry Trotter

Parish:
Arthuret

Date of Receipt:
08/02/2005

Agent:
Tsada Building Design
Services

Ward:
Longtown & Rockcliffe

Location:
Land adjacent to Kingstown Commercials,
Whitesyke, Longtown, CA6 5TR

Grid Reference:
339948 567431

Proposal: Change of use of part of site to overnight lorry park with shower and toilet, security office and wagon wash

Amendment:

Decision: Grant Permission

Date: 20/12/2007

Between 01/12/2007 and 11/01/2008

Appn Ref No:
06/0655

Applicant:
Mr & Mrs I Noble

Parish:
Brampton

Date of Receipt:
08/06/2006

Agent:
Tsada Building Design
Services

Ward:
Brampton

Location:
Land at former Shipleys Garage, Longtown Road,
Brampton

Grid Reference:
352705 561105

Proposal: Revision of application 02/0790 for the erection of 2no. 4 bedroom semi-detached dwellings with garages to replace plot 2 (1no. detached dwelling) already approved.

Amendment:

Decision: Grant Permission

Date: 04/01/2008

Between 01/12/2007 and 11/01/2008

Appn Ref No:
07/0407

Applicant:
Punch Taverns

Parish:
Carlisle

SCHEDULE E: Decisions Issued Under Delegated Powers

Date of Receipt:
19/04/2007

Agent:
Fusion By Design

Ward:
Castle

Location:
Chaplins, 4 Crosby Street, Carlisle, CA1 1DG

Grid Reference:
340306 555764

Proposal: Poly Carbonate Structure To Enclosed Rear Yard With New Door And Window Openings

Amendment:

Decision: Grant Permission

Date: 20/12/2007

Between 01/12/2007 and 11/01/2008

Appn Ref No:
07/0409

Applicant:
David Bimson

Parish:
Beaumont

Date of Receipt:
02/05/2007

Agent:

Ward:
Burgh

Location:
Land At Monkhill Hall Farm, Monkhill, Burgh by Sands, CA5 6DD

Grid Reference:
334397 558420

Proposal: Mobile Home For Accommodation For Agricultural Related Purposes

Amendment:

Decision: Refuse Permission

Date: 11/12/2007

Between 01/12/2007 and 11/01/2008

Appn Ref No:
07/0466

Applicant:
Punch Taverns Ltd

Parish:
Carlisle

Date of Receipt:
30/04/2007

Agent:
Insignia Signs & Services Ltd

Ward:
Castle

Location:
Chaplins, Crosby Street, Carlisle CA1 1DQ

Grid Reference:
340306 555764

Proposal: Erection Of Illuminated And Non-Illuminated Signage

SCHEDULE E: Decisions Issued Under Delegated Powers

Amendment:

Decision: Grant Permission

Date: 04/12/2007

Between 01/12/2007 and 11/01/2008

Appn Ref No:
07/0478

Applicant:
Carlisle Glass Limited

Parish:
Carlisle

Date of Receipt:
02/05/2007

Agent:
Architects Plus (UK) Ltd

Ward:
Castle

Location:
Club XS/Twisted Wheel, West Walls, Carlisle, CA3
8UB

Grid Reference:
339953 555771

Proposal: Formation Of External Covered Terraced Area Enclosed By Balustrading
To Provide External Area

Amendment:

Decision: Grant Permission

Date: 17/12/2007

Between 01/12/2007 and 11/01/2008

Appn Ref No:
07/0479

Applicant:
Carlisle Glass Limited

Parish:
Carlisle

Date of Receipt:
02/05/2007

Agent:
Architects Plus (UK) Ltd

Ward:
Castle

Location:
Club XS/Twisted Wheel, West Walls, Carlisle, CA3
8UB

Grid Reference:
339953 555771

Proposal: Formation Of External Covered Terraced Area, Enclosed By
Balustrading, To Provide Covered External Area (LBC)

Amendment:

Decision: Grant Permission

Date: 17/12/2007

SCHEDULE E: Decisions Issued Under Delegated Powers

Between 01/12/2007 and 11/01/2008

Appn Ref No:
07/0700

Applicant:
Envirotyre Limited

Parish:
Carlisle

Date of Receipt:
21/06/2007

Agent:
Envirotyre

Ward:
Belah

Location:
A Fireplace For You Ltd, Kingmoor Road, Carlisle,
CA3 9QJ

Grid Reference:
338767 557810

Proposal: Change Of Use Of First Floor Of Premises From Fireplace Showroom
To Office Accommodation (Retrospective)

Amendment:

Decision: Grant Permission

Date: 10/12/2007

Between 01/12/2007 and 11/01/2008

Appn Ref No:
07/0754

Applicant:
Carlisle City Council

Parish:
Carlisle

Date of Receipt:
03/07/2007

Agent:
Carlisle City Council

Ward:
Castle

Location:
The Sheepmount Sports Facility, Carlisle

Grid Reference:
339280 556762

Proposal: Construction Of A Synthetic Sports Pitch Within The Sheepmount To
Provide An All-Weather Hockey And Football Facility

Amendment:

Decision: Grant Permission

Date: 04/12/2007

Between 01/12/2007 and 11/01/2008

Appn Ref No:
07/0948

Applicant:
Mr Swainson

Parish:
Burgh-by-Sands

Date of Receipt:
20/08/2007

Agent:
Gray Associates Limited

Ward:
Burgh

SCHEDULE E: Decisions Issued Under Delegated Powers

Location:
Moor Park Farm, Thurstonfield, Carlisle, CA5 6HB

Grid Reference:
332233 556531

Proposal: Erection Of Single Storey Steel Framed Agricultural Shed For Storage Purposes

Amendment:

Decision: Grant Permission

Date: 27/12/2007

Between 01/12/2007 and 11/01/2008

Appn Ref No:
07/0969

Applicant:
Tony Grayson

Parish:
Wetheral

Date of Receipt:
11/10/2007

Agent:

Ward:
Wetheral

Location:
The Old Rectory, Plains Road, Wetheral, Carlisle,
CA4 8JY

Grid Reference:
346393 554948

Proposal: Reinstate The Internal Ground Floor Access To The 2nd Staircase Situated To The Rear Of The Property (LBC)

Amendment:

Decision: Grant Permission

Date: 05/12/2007

Between 01/12/2007 and 11/01/2008

Appn Ref No:
07/1008

Applicant:
Mr & Mrs Streatfeild

Parish:
Hayton

Date of Receipt:
24/10/2007

Agent:
Green Design Group

Ward:
Hayton

Location:
Fenton Lane Head, Fenton, Brampton, Cumbria,
CA8 9JZ

Grid Reference:
350708 555610

Proposal: Alterations & Extensions To Existing Farmhouse And Change Of Use Of Existing Outbuildings To Further Additional Accommodation And Self Catering Unit

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 19/12/2007

Between 01/12/2007 and 11/01/2008

Appn Ref No:
07/1015

Applicant:
St Elizabeth's Church

Parish:
Carlisle

Date of Receipt:
04/09/2007

Agent:
Architects Plus (UK) Ltd

Ward:
Harraby

Location:
St Elisabeths Parish Church Hall, Mayfield Avenue,
Harraby, Carlisle

Grid Reference:
342103 554382

Proposal: Residential Development (Outline)

Amendment:

Decision: Grant Permission

Date: 03/12/2007

Between 01/12/2007 and 11/01/2008

Appn Ref No:
07/1017

Applicant:
Kevin Walmsley & Eileen
Walmsley

Parish:
Carlisle

Date of Receipt:
17/10/2007

Agent:

Ward:
Castle

Location:
77 Warwick Road, Carlisle, CA1 1EB

Grid Reference:
340537 555851

Proposal: Internal Alterations To Fireplaces And Installation Of Central Heating.
Flue Outlet To Rear Elevation (LBC)

Amendment:

Decision: Grant Permission

Date: 12/12/2007

Between 01/12/2007 and 11/01/2008

SCHEDULE E: Decisions Issued Under Delegated Powers

Appn Ref No: 07/1021	Applicant: Mr Darren Heaviside	Parish: Wetheral
Date of Receipt: 24/10/2007	Agent: S & H Construction	Ward: Wetheral
Location: Land adjacent Elan, Ashgate Lane, Wetheral, Carlisle, CA4 8HN		Grid Reference: 346316 554239
Proposal: Erection Of 4 no Bedroom Bungalow		
Amendment:		

Decision: Grant Permission

Date: 19/12/2007

Between 01/12/2007 and 11/01/2008

Appn Ref No: 07/1038	Applicant: Mr Jim Douglas	Parish: Carlisle
Date of Receipt: 17/10/2007	Agent:	Ward: Yewdale
Location: Morton School, Wigton Road, Carlisle, Cumbria, CA2 6LB		Grid Reference: 337827 554460
Proposal: Erection Of Post Mounted Sign		
Amendment:		

Decision: Grant Permission

Date: 12/12/2007

Between 01/12/2007 and 11/01/2008

Appn Ref No: 07/1050	Applicant: Rand Propoerties	Parish: Dalston
Date of Receipt: 11/09/2007	Agent: Alan Fox Design	Ward: Dalston
Location: Barn C, Moss End Farm, Welton Road, Dalston, CA5 7EL		Grid Reference: 336099 545970

SCHEDULE E: Decisions Issued Under Delegated Powers

Proposal: Conversion Of Barn To A Dwelling (Revised Proposal)

Amendment:

Decision: Grant Permission

Date: 03/01/2008

Between 01/12/2007 and 11/01/2008

Appn Ref No:
07/1063

Applicant:
Mr D Hammond-Whalley

Parish:
Carlisle

Date of Receipt:
02/10/2007

Agent:
B. F. Child

Ward:
Yewdale

Location:
106 Castlesteads Drive, Carlisle, CA2 7XD

Grid Reference:
337279 555473

Proposal: Extension Above Existing Garage (To Be Converted To Playroom & Bathroom) A Bedroom And Play Area Above. Rear Extension To Provide A Lounge And Shower Room

Amendment:

Decision: Grant Permission

Date: 27/12/2007

Between 01/12/2007 and 11/01/2008

Appn Ref No:
07/1098

Applicant:
Ms Bonitra Curr

Parish:
Carlisle

Date of Receipt:
02/11/2007

Agent:

Ward:
Castle

Location:
40 Victoria Place, Carlisle, CA1 1EX

Grid Reference:
340418 556049

Proposal: Addition Of En-Suite To All Bedrooms And Change Of Use Of Ground Floor Dining Room To En-Suite Bedroom (LBC)

Amendment:

Decision: Grant Permission

Date: 11/12/2007

SCHEDULE E: Decisions Issued Under Delegated Powers

Between 01/12/2007 and 11/01/2008

Appn Ref No:
07/1102

Applicant:
Travelodge Hotels Ltd

Parish:
Carlisle

Date of Receipt:
04/10/2007

Agent:
Ashleigh Signs Ltd

Ward:
Castle

Location:
Travelodge, Cecil Street, CARLISLE, CA1 1NL

Grid Reference:
340423 555650

Proposal: Erection of 1no. single sided internally illuminated vertical fascia sign;
1no. single sided internally illuminated horizontal fascia sign; 1no. double
sided internally illuminated projecting sign; 1no. single sided internally
illuminated horizontal fascia sign.

Amendment:

Decision: Refuse Permission

Date: 20/12/2007

Between 01/12/2007 and 11/01/2008

Appn Ref No:
07/1106

Applicant:
Dawn Evans

Parish:
Wetheral

Date of Receipt:
18/10/2007

Agent:

Ward:
Wetheral

Location:
Eden Brows Lodge, Armathwaite, Carlisle, CA4 9SY

Grid Reference:
349517 549465

Proposal: Change Of Use From Agricultural Land/Pasture To Domestic Garden
Area

Amendment:

Decision: Refuse Permission

Date: 12/12/2007

Between 01/12/2007 and 11/01/2008

Appn Ref No:
07/1115

Applicant:
Etman Enterprises Ltd

Parish:
Dalston

Date of Receipt:

Agent:

Ward:

SCHEDULE E: Decisions Issued Under Delegated Powers

16/10/2007

Dalston

Location:

Dalston Hall Holiday Park, Dalston Hall, Dalston,
Carlisle, CA5 7JX

Grid Reference:

337609 551656

Proposal: Erection Of Workshop/Storage Shed

Amendment:

Decision: Grant Permission

Date: 11/12/2007

Between 01/12/2007 and 11/01/2008

Appn Ref No:

07/1117

Applicant:

Cumbria County Council-
Property Unit

Parish:

Dalston

Date of Receipt:

25/10/2007

Agent:

Capita Symonds

Ward:

Dalston

Location:

Caldew School, Carlisle Road, Dalston, Carlisle,
CA5 7NJ

Grid Reference:

337138 550536

Proposal: Erection Of Single Storey Extension To Form Autism Unit

Amendment:

Decision: Grant Permission

Date: 18/12/2007

Between 01/12/2007 and 11/01/2008

Appn Ref No:

07/1122

Applicant:

Mr David Dixon

Parish:

Kingmoor

Date of Receipt:

05/11/2007

Agent:

Ward:

Stanwix Rural

Location:

Croft House Farm, Cargo, Carlisle, CA6 4AW

Grid Reference:

336749 559335

Proposal: Replacement Of Garden Wall And Widening Of Access (LBC)

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 28/12/2007

Between 01/12/2007 and 11/01/2008

Appn Ref No:
07/1125

Applicant:
Story Homes

Parish:
St Cuthberts Without

Date of Receipt:
16/10/2007

Agent:

Ward:
Dalston

Location:
Former Commerce Media Building, Nr Arnside
House, (St Paul's Medical Centre) Sycamore Lane,
Parkland Village, Carlisle, CA1 3SR

Grid Reference:
343199 553841

Proposal: Alterations To Building To Accomodate Pharmacy

Amendment:

Decision: Grant Permission

Date: 05/12/2007

Between 01/12/2007 and 11/01/2008

Appn Ref No:
07/1128

Applicant:
Mr & Mrs Redpath

Parish:
Carlisle

Date of Receipt:
08/10/2007

Agent:
Jock Gordon

Ward:
Belle Vue

Location:
28 High Meadow, Belle Vue, Carlisle, CA2 7PZ

Grid Reference:
337698 555851

Proposal: Two Storey Side Extension To Provide Garage, Extended Kitchen On
Ground Floor And En-Suite Bedroom Above

Amendment:

Decision: Grant Permission

Date: 03/12/2007

Between 01/12/2007 and 11/01/2008

Appn Ref No:

Applicant:

Parish:

SCHEDULE E: Decisions Issued Under Delegated Powers

07/1131 Dempseys Restaurant Carlisle

Date of Receipt: **Agent:** **Ward:**
16/10/2007 Mr C Elliot Castle

Location: **Grid Reference:**
Dempseys Restaurant, 11 Warwick Road, Carlisle,
CA1 1DH 340305 555748

Proposal: Erection Of New Retractable Awning And Amendments To Existing
Signage To Accommodate New Awning

Amendment:

Decision: Grant Permission **Date:** 06/12/2007

Between 01/12/2007 and 11/01/2008

Appn Ref No: **Applicant:** **Parish:**
07/1132 Dempseys Restaurant Carlisle

Date of Receipt: **Agent:** **Ward:**
08/10/2007 Mr C Elliot Castle

Location: **Grid Reference:**
Dempseys Restaurant, 11 Warwick Road, Carlisle,
CA1 1DH 340305 555748

Proposal: Erection Of New Retractable Awning And Amendments To Existing
Signage To Accommodate New Awning (LBC)

Amendment:

Decision: Grant Permission **Date:** 06/12/2007

Between 01/12/2007 and 11/01/2008

Appn Ref No: **Applicant:** **Parish:**
07/1134 Mr Nicholson Dalston

Date of Receipt: **Agent:** **Ward:**
22/10/2007 Dalston

Location: **Grid Reference:**
Newby Cross House, Lingey Close, Newby Cross,
336640 552997

SCHEDULE E: Decisions Issued Under Delegated Powers

Carlisle, CA5 6JP

Proposal: Change Of Use Of Land From Public Highway To Domestic Garden;
Erection Of 1.8m High Boarded Fence And Access Gates

Amendment:

Decision: Grant Permission

Date: 21/12/2007

Between 01/12/2007 and 11/01/2008

Appn Ref No:
07/1135

Applicant:
Mr Stephenson

Parish:
Burgh-by-Sands

Date of Receipt:
15/10/2007

Agent:
Johnston & Wright

Ward:
Burgh

Location:
Rosemount Cottage, Burgh by Sands, CA5 6AN

Grid Reference:
332664 559166

Proposal: Alterations And Extensions To Provide Additional Tourism
Accommodation And Facilities (Revised Application)

Amendment:

Decision: Grant Permission

Date: 03/12/2007

Between 01/12/2007 and 11/01/2008

Appn Ref No:
07/1136

Applicant:
Mr Stephenson

Parish:
Burgh-by-Sands

Date of Receipt:
15/10/2007

Agent:
Johnston & Wright

Ward:
Burgh

Location:
Rosemount Cottage, Burgh by Sands, CA5 6AN

Grid Reference:
332664 559166

Proposal: Alterations And Extensions To Existing Property To Enhance And
Upgrade The Existing Alterations And Extensions To Provide Additional
Tourism Accommodation And Facilities (LBC) (Revised Application)

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 03/12/2007

Between 01/12/2007 and 11/01/2008

Appn Ref No:
07/1137

Applicant:
Simon Oliphant

Parish:
Dalston

Date of Receipt:
26/10/2007

Agent:

Ward:
Dalston

Location:

First Engineering Services Ltd, Barras Lane Estate,
Dalston, Carlisle, CA5 7LX

Grid Reference:

336243 550653

Proposal: Erection Of Non-Illuminated Signage

Amendment:

Decision: Grant Permission

Date: 19/12/2007

Between 01/12/2007 and 11/01/2008

Appn Ref No:
07/1140

Applicant:
Mr R Tweddle

Parish:
Arthuret

Date of Receipt:
10/10/2007

Agent:
Tsada Building Design
Services

Ward:
Longtown & Rockcliffe

Location:

Unit 29, Brampton Road, Longtown, Carlisle, CA6
5TR

Grid Reference:

340200 567200

Proposal: Retrospective Application For Timber Tannalising Unit With Covered
Drying Area, Construction Of Offices And Staffroom. (Revised
Application)

Amendment:

Decision: Grant Permission

Date: 04/12/2007

Between 01/12/2007 and 11/01/2008

Appn Ref No:

Applicant:

Parish:

SCHEDULE E: Decisions Issued Under Delegated Powers

07/1141 Mr & Mrs D Stephenson Wetheral

Date of Receipt: **Agent:** **Ward:**
10/10/2007 Architects Plus (UK) Ltd Wetheral

Location: **Grid Reference:**
Caerluel, Wetheral, Carlisle, CA4 8JG 346403 554556

Proposal: Ground Floor Extension To Provide Replacement Kitchen (revised Application)

Amendment:

Decision: Grant Permission

Date: 05/12/2007

Between 01/12/2007 and 11/01/2008

Appn Ref No: **Applicant:** **Parish:**
07/1142 Carlisle Housing Association Carlisle

Date of Receipt: **Agent:** **Ward:**
25/10/2007 Topnotch Contractors Ltd Castle

Location: **Grid Reference:**
5 Chapel Street, Carlisle, CA1 1JA 340292 556036

Proposal: Installation Of A Flue to Rear Elevation (LBC)

Amendment:

Decision: Grant Permission

Date: 18/12/2007

Between 01/12/2007 and 11/01/2008

Appn Ref No: **Applicant:** **Parish:**
07/1143 Liddel Valley Estates Nicholforest

Date of Receipt: **Agent:** **Ward:**
15/10/2007 Rol Design Limited Lyne

Location: **Grid Reference:**
Penton Mill, Penton, Carlisle, CA6 5QU 343327 577272

Proposal: Construction Of Log Cabin To Form Sporting Bothy/Camping Barn.

SCHEDULE E: Decisions Issued Under Delegated Powers

Retrospective Application For The Temporary Siting Of A Static Caravan
During The Construction Of The Cabin, For A Maximum Period Of 2
Years

Amendment:

Decision: Withdrawn by Applicant/or by default

Date: 10/12/2007

Between 01/12/2007 and 11/01/2008

Appn Ref No:
07/1145

Applicant:
Croftlands Trust

Parish:
Carlisle

Date of Receipt:
17/10/2007

Agent:
Paul Jackson

Ward:
Castle

Location:
7 Spencer Street, Carlisle, Cumbria, CA1 1BE

Grid Reference:
340414 555996

Proposal: Removal Of Internal Wall At First Floor Level To Form Meeting Room
(LBC)

Amendment:

Decision: Grant Permission

Date: 12/12/2007

Between 01/12/2007 and 11/01/2008

Appn Ref No:
07/1146

Applicant:
Mr & Mrs Lovell

Parish:
Stanwix Rural

Date of Receipt:
15/10/2007

Agent:
Jock Gordon

Ward:
Stanwix Rural

Location:
Woodside, Brunstock, Carlisle, Cumbria, CA6 4QG

Grid Reference:
341694 559426

Proposal: First Floor Extension Over Existing Dining Room To Provide En-Suite
Bedroom Above And Single Storey Front And Rear Extensions To
Provide Porch And Sunroom With New Vehicular Access

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 10/12/2007

Between 01/12/2007 and 11/01/2008

Appn Ref No:
07/1147

Applicant:
Miss C Rhodes

Parish:
Carlisle

Date of Receipt:
11/10/2007

Agent:
Hogg & Robinson
(Builders) Limited

Ward:
Currock

Location:
32 Henderson Road, Carlisle, CA2 4PZ

Grid Reference:
340450 553722

Proposal: Two Storey Side And Rear Extension, Providing Ground Floor Refuse Bin Store And Secure Store To Side Of Property With Dining Room And Utility To Rear, With En-Suite Bedroom, Bathroom And Study At First Floor Level.

Amendment:

Decision: Grant Permission

Date: 07/01/2008

Between 01/12/2007 and 11/01/2008

Appn Ref No:
07/1152

Applicant:
Mr & Mrs Atkinson

Parish:
Brampton

Date of Receipt:
15/10/2007

Agent:
Carlisle Window Systems

Ward:
Brampton

Location:
The Nook, Moatside, Brampton, Cumbria, CA8 1UH

Grid Reference:
353254 561195

Proposal: Erection of Conservatory

Amendment:

Decision: Grant Permission

Date: 07/12/2007

Between 01/12/2007 and 11/01/2008

Appn Ref No:
07/1153

Applicant:
S & G Sealed Units Ltd

Parish:
Carlisle

SCHEDULE E: Decisions Issued Under Delegated Powers

Date of Receipt:
18/10/2007

Agent:
PMS Fabrications

Ward:
Denton Holme

Location:
S & G Sealed Units Ltd, Chapel Place, Denton
Holme Trading Centre, CA2 5DF

Grid Reference:
339699 555740

Proposal: Proposed Single Storey Extension To The Front Elevation Of Existing
Manufacturing Building/Offices

Amendment:

Decision: Grant Permission

Date: 12/12/2007

Between 01/12/2007 and 11/01/2008

Appn Ref No:
07/1154

Applicant:
Mr & Mrs Riley

Parish:
Beaumont

Date of Receipt:
18/10/2007

Agent:
Bill Allison (Planning
Services)

Ward:
Burgh

Location:
Land Adjacent To Hall Croft, Monkhill, Carlisle

Grid Reference:
334390 558524

Proposal: Erection of 2no. bungalows and 2no. low cost houses (outline
application)

Amendment:

Decision: Withdrawn by Applicant/or by default
Date: 10/12/2007

Between 01/12/2007 and 11/01/2008

Appn Ref No:
07/1155

Applicant:
Magnus Homes Ltd

Parish:
Carlisle

Date of Receipt:
12/10/2007

Agent:
Black Box Architects
Limited

Ward:
Belah

Location:

Grid Reference:

SCHEDULE E: Decisions Issued Under Delegated Powers

St Anns House & Grounds, Etterby Scaur, Stanwix, 339083 557283
Carlisle, CA3 9PD

Proposal: Erection Of 1no. Single Storey House And Re-Positioning/Minor Alterations To Two Approved Single Storey Houses (Revised Application)

Amendment:

Decision: Grant Permission

Date: 07/12/2007

Between 01/12/2007 and 11/01/2008

Appn Ref No:
07/1156

Applicant:
Mr M Holliday

Parish:
Arthuret

Date of Receipt:
11/10/2007

Agent:
Tsada Building Design
Services

Ward:
Longtown & Rockcliffe

Location:
Moor Cottage, Moor Road, Longtown, Cumbria,
CA6 5RF

Grid Reference:
339207 569304

Proposal: Change Of Use Of Vintage Tractor Shed /Workshop To Agricultural Engineering Workshop & New Wash Down Facilities (Retrospective).

Amendment:

Decision: Grant Permission

Date: 06/12/2007

Between 01/12/2007 and 11/01/2008

Appn Ref No:
07/1158

Applicant:
Cumbria County Council

Parish:
Carlisle

Date of Receipt:
12/10/2007

Agent:
Capita Symonds Limited

Ward:
Multiple Wards

Location:
Land between Adelaide Street and Botcherby
Avenue, Adelaide Street, Carlisle

Grid Reference:
341470 555401

Proposal: Creation Of A New Footpath/Cycleway

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 06/12/2007

Between 01/12/2007 and 11/01/2008

Appn Ref No:
07/1159

Applicant:
Mr Stuart Cochran

Parish:
Wetheral

Date of Receipt:
12/10/2007

Agent:
Black Box Architects
Limited

Ward:
Wetheral

Location:
29 Ghyll Road, Scotby, Carlisle CA4 8BT

Grid Reference:
344400 554585

Proposal: Single Storey Flat Roof Extension To Rear To Provide An Extended Living And Kitchen Area (Revised Application)

Amendment:

Decision: Grant Permission

Date: 07/12/2007

Between 01/12/2007 and 11/01/2008

Appn Ref No:
07/1161

Applicant:
Dobies

Parish:
Kingmoor

Date of Receipt:
07/11/2007

Agent:
Futurama Ltd

Ward:
Stanwix Rural

Location:
Dobies, Parkhouse Road, Carlisle, CA3 0JU

Grid Reference:
339111 559904

Proposal: Erection Of Illuminated and Non-Illuminated Signage

Amendment:

Decision: Grant Permission

Date: 02/01/2008

Between 01/12/2007 and 11/01/2008

Appn Ref No:

Applicant:

Parish:

SCHEDULE E: Decisions Issued Under Delegated Powers

07/1165 Barratt Manchester Carlisle

Date of Receipt: **Agent:** **Ward:**
24/10/2007 Harraby

Location: **Grid Reference:**
Former Cavaghan & Gray Limited, London Road,
Carlisle, CA1 3EU 341800 554000

Proposal: Erection Of Non-Illuminated Signage

Amendment:

1. Revised plans received 18.12.07 showing reduction in number and type of signage.

Decision: Grant Permission

Date: 18/12/2007

Between 01/12/2007 and 11/01/2008

Appn Ref No: **Applicant:** **Parish:**
07/1166 Mr A Cowen Kingwater

Date of Receipt: **Agent:** **Ward:**
15/10/2007 Hogg & Robinson
(Builders) Limited Irthing

Location: **Grid Reference:**
Wellfield, Nickies Hill, Walton, Brampton, CA8 2BA 353911 567044

Proposal: Internal Alterations To Existing Chapel (Presently Used As Storage For The Cottage) To Provide Annexed Accommodation To The Main Cottage Via A New Built Extension Providing A Family/Breakfast Room

Amendment:

Decision: Grant Permission

Date: 10/12/2007

Between 01/12/2007 and 11/01/2008

Appn Ref No: **Applicant:** **Parish:**
07/1167 Messrs Frizzell Arthuret

Date of Receipt: **Agent:** **Ward:**
15/10/2007 Tsada Building Design Longtown & Rockcliffe

SCHEDULE E: Decisions Issued Under Delegated Powers

Services

Location:

Beechwood, Broomhills, Longtown

Grid Reference:

343050 568100

Proposal: Extension To General Purpose Storage Shed & Workshop To Provide Additional Plant & Farm Equipment Storage

Amendment:

Decision: Grant Permission

Date: 10/12/2007

Between 01/12/2007 and 11/01/2008

Appn Ref No:

07/1168

Applicant:

Miss D Leather & Mr B Morrey

Parish:

Carlisle

Date of Receipt:

24/10/2007

Agent:**Ward:**

Belah

Location:

10 Ritson Close, Lowry Hill, Carlisle, CA3 0QD

Grid Reference:

339552 558670

Proposal: Provision Of Chimney, Erection Of Conservatory To Rear Elevation And Erection Of First Floor Extension Over Garage To Provide Master Bedroom Suite

Amendment:

Decision: Grant Permission

Date: 18/12/2007

Between 01/12/2007 and 11/01/2008

Appn Ref No:

07/1169

Applicant:

Mrs Julie Haugh

Parish:

Dalston

Date of Receipt:

31/10/2007

Agent:**Ward:**

Dalston

Location:

The Whitehouse, Hawksdale, Dalston, Carlisle

Grid Reference:

336936 548439

Proposal: Widening Of Access

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 20/12/2007

Between 01/12/2007 and 11/01/2008

Appn Ref No:
07/1170

Applicant:
Christopher & Diane
Veevers

Parish:
Burgh-by-Sands

Date of Receipt:
16/10/2007

Agent:

Ward:
Burgh

Location:
The Old Mill, Thurstonfield, Carlisle, CA5 6HQ

Grid Reference:
331788 556551

Proposal: Conversion Of Old Granary Store Into Self Catering Holiday
Accommodation

Amendment:

Decision: Grant Permission

Date: 04/12/2007

Between 01/12/2007 and 11/01/2008

Appn Ref No:
07/1171

Applicant:
Mr P Dixon

Parish:
Stanwix Rural

Date of Receipt:
16/10/2007

Agent:
Hogg & Robinson Design
Services

Ward:
Stanwix Rural

Location:
22 Jackson Road, Houghton, CA3 0NP

Grid Reference:
340987 559482

Proposal: Ground Floor Front Extension To Provide Enlarged Lounge; Side
Extension To Provide New Side Door, Porch And Dining Area; Rear
Extension To Provide Enlarged Kitchen And Bathroom. Provision Of
First Floor To Provide Bedroom And Shower Room (Revised
Application)

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 11/12/2007

Between 01/12/2007 and 11/01/2008

Appn Ref No:
07/1173

Applicant:
Mr & Mrs P J Tyson

Parish:
Wetheral

Date of Receipt:
17/10/2007

Agent:
Architects Plus (UK) Ltd

Ward:
Wetheral

Location:
Dovecote Barn, Wragmire House, Cotehill, Carlisle,
CA4 0DD

Grid Reference:
346309 549726

Proposal: Erection Of Single Storey Rear Extension To Provide Family Room.
Erection Of Detached Double Garage.

Amendment:

Decision: Grant Permission

Date: 10/12/2007

Between 01/12/2007 and 11/01/2008

Appn Ref No:
07/1174

Applicant:
Mr P Boundy

Parish:
Carlisle

Date of Receipt:
17/10/2007

Agent:
Mr S Buttler

Ward:
St Aidans

Location:
15 Riverside Way, Carlisle, Cumbria, CA1 2DZ

Grid Reference:
341594 555806

Proposal: Erection Of Detached Garage in Rear Garden (Revised/Retropective
Application)

Amendment:

Decision: Grant Permission

Date: 10/12/2007

Between 01/12/2007 and 11/01/2008

Appn Ref No:
07/1175

Applicant:
Newtown Methodist
Church

Parish:

SCHEDULE E: Decisions Issued Under Delegated Powers

Date of Receipt:

18/10/2007

Agent:

Crellin Surveying Services
Ltd

Ward:

Belle Vue

Location:

191 Newtown Road, Carlisle CA2 7LN

Grid Reference:

338274 555978

Proposal: Provision of Access Ramp to Front Elevation

Amendment:

Decision: Grant Permission

Date: 13/12/2007

Between 01/12/2007 and 11/01/2008

Appn Ref No:

07/1176

Applicant:

Mr Jackson

Parish:

Carlisle

Date of Receipt:

18/10/2007

Agent:

Paramount Windows &
Conservatories

Ward:

Belah

Location:

9 Pinecroft, Carlisle, CA3 0DB

Grid Reference:

339607 558896

Proposal: Erection of Conservatory to Rear

Amendment:

Decision: Grant Permission

Date: 12/12/2007

Between 01/12/2007 and 11/01/2008

Appn Ref No:

07/1177

Applicant:

Majestic Wine Warehouse

Parish:

Carlisle

Date of Receipt:

18/10/2007

Agent:

Rapleys LLP

Ward:

Belah

Location:

Unit A, 103-105 Kingstown Road, Carlisle, Cumbria,
CA3 0AL

Grid Reference:

339688 558277

Proposal: Installation Of New Shop Front

SCHEDULE E: Decisions Issued Under Delegated Powers

Amendment:

Decision: Grant Permission

Date: 12/12/2007

Between 01/12/2007 and 11/01/2008

Appn Ref No:
07/1178

Applicant:
Majestic Wine Warehouse

Parish:
Carlisle

Date of Receipt:
18/10/2007

Agent:
Rampleys LLP

Ward:
Belah

Location:
Unit A, 103-105 Kingstown Road, Carlisle, Cumbria,
CA3 0AL

Grid Reference:
339688 558277

Proposal: Lean To Extension To Rear Of Premises To Provide A New Storeroom

Amendment:

Decision: Grant Permission

Date: 12/12/2007

Between 01/12/2007 and 11/01/2008

Appn Ref No:
07/1179

Applicant:
DEFRA

Parish:
Carlisle

Date of Receipt:
29/10/2007

Agent:
Bucknall Austin

Ward:
Castle

Location:
Eden Bridge House, Lowther Street, Carlisle

Grid Reference:
340235 556199

Proposal: Continued Temporary Use of Modular Office Accommodation

Amendment:

Decision: Grant Permission

Date: 04/12/2007

Between 01/12/2007 and 11/01/2008

Appn Ref No:

Applicant:

Parish:

SCHEDULE E: Decisions Issued Under Delegated Powers

07/1180 Nestle UK Ltd Dalston

Date of Receipt: 31/10/2007
Agent: Harrogate Design Group Ltd
Ward: Dalston

Location: Nestle UK Limited, Dalston, Carlisle, CA5 7NH
Grid Reference: 337375 550840

Proposal: New External Sugar Silo To Link Into New "Dry Mix" Building And Provision Of Ground Floor Plant Room Adjoining The Silo (Retrospective)

Amendment:

Decision: Grant Permission

Date: 05/12/2007

Between 01/12/2007 and 11/01/2008

Appn Ref No: 07/1181
Applicant: Lexus Carlisle
Parish: Kingmoor

Date of Receipt: 02/11/2007
Agent: Hawes Signs Ltd
Ward: Stanwix Rural

Location: Lexus Carlisle, Parkhouse Road, Kingstown, Carlisle, Cumbria, CA3 0RJ
Grid Reference: 339059 559918

Proposal: Erection of Non Illuminated Signage

Amendment:

Decision: Refuse Permission

Date: 28/12/2007

Between 01/12/2007 and 11/01/2008

Appn Ref No: 07/1182
Applicant: Border Food Machinery
Parish: St Cuthberts Without

Date of Receipt: 31/10/2007
Agent: Gray Associates Limited
Ward: Dalston

Location: Stoneraise School, Durdar, Carlisle, CA5 7AT
Grid Reference: 340249 549942

SCHEDULE E: Decisions Issued Under Delegated Powers

Proposal: Single Storey Extension To Provide Table Store To Serve General Purpose Hall

Amendment:

Decision: Grant Permission

Date: 11/12/2007

Between 01/12/2007 and 11/01/2008

Appn Ref No:
07/1185

Applicant:
Mr Mark Lightfoot

Parish:
Carlisle

Date of Receipt:
15/11/2007

Agent:

Ward:
Morton

Location:
129 Wigton Road, Carlisle, Cumbria, CA2 6JN

Grid Reference:
338400 555185

Proposal: Two Storey Extension To Provide Garage With Bedrooms (And 1no. En-Suite) Above (Retrospective)

Amendment:

Decision: Grant Permission

Date: 09/01/2008

Between 01/12/2007 and 11/01/2008

Appn Ref No:
07/1186

Applicant:
Mr David Rose

Parish:
St Cuthberts Without

Date of Receipt:
05/11/2007

Agent:

Ward:
Wetheral

Location:
69 Valley Drive, Carleton Grange, Carlisle, Cumbria,
CA1 3TR

Grid Reference:
343178 554224

Proposal: Single Storey Side Extension To Provide Utility Room And Store Area

Amendment:

Decision: Grant Permission

Date: 20/12/2007

SCHEDULE E: Decisions Issued Under Delegated Powers

Between 01/12/2007 and 11/01/2008

Appn Ref No:
07/1189

Applicant:
National Grid Electricity
Transmission plc

Parish:
Rockcliffe

Date of Receipt:
24/10/2007

Agent:
National Grid UK
Transmission

Ward:
Longtown & Rockcliffe

Location:
Harker Grid Substation, Harker Ends Road, Carlisle,
Cumbria, CA6 4DQ

Grid Reference:
338512 561282

Proposal: Building To House Site Office And Welfare Facilities, With Car Parking,
For Existing National Grid Substation Staff

Amendment:

Decision: Grant Permission

Date: 18/12/2007

Between 01/12/2007 and 11/01/2008

Appn Ref No:
07/1190

Applicant:
Bimson Homes

Parish:
Hayton

Date of Receipt:
26/10/2007

Agent:

Ward:
Hayton

Location:
Greenholme Lodge Steading, Corby Hill, Carlisle,
CA4 8QB

Grid Reference:
348587 557624

Proposal: Construction of temporary road in order to discharge conditions on
application 06/0993

Amendment:

Decision: Grant Permission

Date: 05/12/2007

Between 01/12/2007 and 11/01/2008

Appn Ref No:
07/1191

Applicant:
Mr Todd

Parish:
St Cuthberts Without

SCHEDULE E: Decisions Issued Under Delegated Powers

Date of Receipt:
24/10/2007

Agent:
Finesse

Ward:
Dalston

Location:
Beech House, Durdar, Carlisle, Cumbria, CA5 7LJ

Grid Reference:
340149 550965

Proposal: Single Storey Side and Rear Extension to Provide Conservatory and Swimming Pool. Erection of Detached Pump Room.

Amendment:

Decision: Grant Permission

Date: 19/12/2007

Between 01/12/2007 and 11/01/2008

Appn Ref No:
07/1193

Applicant:
Mr & Mrs Lee

Parish:
Cumrew

Date of Receipt:
01/11/2007

Agent:
Jock Gordon

Ward:
Great Corby & Geltsdale

Location:
Land At Town Foot Farm, Cumrew, Brampton

Grid Reference:
354679 551141

Proposal: Erection Of Stable For Domestic Horses

Amendment:

Decision: Grant Permission

Date: 21/12/2007

Between 01/12/2007 and 11/01/2008

Appn Ref No:
07/1194

Applicant:
CS2 Limited

Parish:
Carlisle

Date of Receipt:
14/11/2007

Agent:
CS2 Limited

Ward:
Castle

Location:
6 English Street, Carlisle, CA3 8HX

Grid Reference:
340031 555925

Proposal: Replace Existing Window Opening With Fire Exit Door, All Work To Rear Of Building

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 28/12/2007

Between 01/12/2007 and 11/01/2008

Appn Ref No:
07/1195

Applicant:
Mr Rawlings

Parish:
Carlisle

Date of Receipt:
26/10/2007

Agent:
Gray Associates Limited

Ward:
Stanwix Urban

Location:
6 Longlands Road, Carlisle, CA3 9AD

Grid Reference:
340708 557252

Proposal: Erection Of Single Storey Rear Extension To Provide Sun Room
Amendment:

Decision: Grant Permission

Date: 21/12/2007

Between 01/12/2007 and 11/01/2008

Appn Ref No:
07/1197

Applicant:
Cumbria Partnership

Parish:
Brampton

Date of Receipt:
02/11/2007

Agent:
Johnston and Wright
Architects

Ward:
Brampton

Location:
Brampton War Memorial Cottage Hospital, Tree
Road, Brampton, CA8 1TX

Grid Reference:
353549 560700

Proposal: 2no Additional External Lights At Entrance Driveway/Car Parking Area
And Replacement Of 2no Existing External Lights

Amendment:

Decision: Grant Permission

Date: 28/12/2007

Between 01/12/2007 and 11/01/2008

SCHEDULE E: Decisions Issued Under Delegated Powers

Appn Ref No:
07/1198

Applicant:
Mrs S Lanton

Parish:
Hayton

Date of Receipt:
06/11/2007

Agent:
Robert Tarbuck RIBA

Ward:
Hayton

Location:
8 Edmond Castle Estate, Corby Hill, Carlisle, CA4
8QD

Grid Reference:
349674 558620

Proposal: Erection Of Sun Room

Amendment:

Decision: Grant Permission

Date: 28/12/2007

Between 01/12/2007 and 11/01/2008

Appn Ref No:
07/1199

Applicant:
Mrs S Lanton

Parish:
Hayton

Date of Receipt:
29/10/2007

Agent:
Robert Tarbuck RIBA

Ward:
Hayton

Location:
8 Edmond Castle Estate, Corby Hill, Carlisle, CA4
8QD

Grid Reference:
349674 558620

Proposal: Erection Of Sun Room (LBC)

Amendment:

Decision: Grant Permission

Date: 21/12/2007

Between 01/12/2007 and 11/01/2008

Appn Ref No:
07/1200

Applicant:
Mr Terence Campbell

Parish:
Carlisle

Date of Receipt:
29/10/2007

Agent:

Ward:
Stanwix Urban

Location:
68 Croft Road, Stanwix, Carlisle, Cumbria, CA3
9AG

Grid Reference:
341017 557569

SCHEDULE E: Decisions Issued Under Delegated Powers

Proposal: Erection Of Single Storey Side Extension To Provide Garage, Utility Room & Kitchen Area

Amendment:

Decision: Grant Permission

Date: 11/12/2007

Between 01/12/2007 and 11/01/2008

Appn Ref No:
07/1201

Applicant:
Direct Rail Services Ltd

Parish:
Carlisle

Date of Receipt:
02/11/2007

Agent:
Bingham Yates

Ward:
Belah

Location:
DRS Ltd, Kingmoor Depot, Etterby, Carlisle, CA3 9NZ

Grid Reference:
338543 557497

Proposal: Extension To Stores Building

Amendment:

Decision: Grant Permission

Date: 21/12/2007

Between 01/12/2007 and 11/01/2008

Appn Ref No:
07/1202

Applicant:
Mr & Mrs Adamson

Parish:
Carlisle

Date of Receipt:
30/10/2007

Agent:

Ward:
Upperby

Location:
L/A rear of 97 Upperby Road, Carlisle, Cumbria

Grid Reference:
340953 553835

Proposal: Renewal Of Application Ref 02/1068 For Erection Of Dwelling House

Amendment:

Decision: Grant Permission

Date: 21/12/2007

SCHEDULE E: Decisions Issued Under Delegated Powers

Between 01/12/2007 and 11/01/2008

Appn Ref No: 07/1203	Applicant: Mr S Elliott	Parish: Carlisle
Date of Receipt: 30/10/2007	Agent:	Ward: Harraby
Location: 481 London Road, Carlisle, CA1 3DL		Grid Reference: 342587 553229
Proposal: Erection Of Detached Double Garage		
Amendment:		

Decision: Grant Permission

Date: 04/01/2008

Between 01/12/2007 and 11/01/2008

Appn Ref No: 07/1205	Applicant: Jean Williams	Parish: Kingmoor
Date of Receipt: 08/11/2007	Agent: Michael Batey	Ward: Stanwix Rural
Location: Four Oaks Hotel & Chainley Cottage, Cargo, Carlisle		Grid Reference: 336536 559210
Proposal: Renovation And Refurbishment Of Public House Together With Change Of Use Of Chainley Cottage To Provide Additional Accommodation For Licensed Premises		
Amendment:		

Decision: Grant Permission

Date: 20/12/2007

Between 01/12/2007 and 11/01/2008

Appn Ref No: 07/1206	Applicant: Robert Edgar (Cumbria) Ltd. SSAPS	Parish: Dalston
Date of Receipt: 07/11/2007	Agent: Taylor & Hardy	Ward: Dalston

SCHEDULE E: Decisions Issued Under Delegated Powers

Location:
Ravenstock MSG Ltd, Barras Lane Industrial
Estate, Dalston, Carlisle, CA5 7ND

Grid Reference:
336338 550709

Proposal: Formation Of A New Vehicular Access

Amendment:

Decision: Grant Permission

Date: 21/12/2007

Between 01/12/2007 and 11/01/2008

Appn Ref No:
07/1208

Applicant:
Mr M Naqvi

Parish:
Carlisle

Date of Receipt:
30/10/2007

Agent:
Jock Gordon

Ward:
Currock

Location:
28 Botchergate, Carlisle, CA1 1QS

Grid Reference:
340352 555524

Proposal: Continued Use of Existing Internally Illuminated Fascia Sign with New
Fascia

Amendment:

Decision: Refuse Permission

Date: 21/12/2007

Between 01/12/2007 and 11/01/2008

Appn Ref No:
07/1209

Applicant:
Ian Bone & Sons

Parish:
Kingmoor

Date of Receipt:
05/11/2007

Agent:
Jock Gordon

Ward:
Stanwix Rural

Location:
Unit F (4&5) Kingmoor Park South, Carlisle

Grid Reference:
338171 558941

Proposal: Alterations To Elevations & Erection Of Roof Flue Ducts For Vehicle
Spray Booth

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 11/12/2007

Between 01/12/2007 and 11/01/2008

Appn Ref No:
07/1211

Applicant:
Mr M Gardner

Parish:
Arthuret

Date of Receipt:
05/11/2007

Agent:
Jock Gordon

Ward:
Longtown & Rockcliffe

Location:
Field Adjoining Purdoms Crook, Sandysike, Carlisle,
CA6 5ST

Grid Reference:
339306 565050

Proposal: Erection Of Ancillary Building For Shooting Range (Retrospective)
Amendment:

Decision: Grant Permission

Date: 08/01/2008

Between 01/12/2007 and 11/01/2008

Appn Ref No:
07/1213

Applicant:
Etman Enterprises Ltd

Parish:
Dalston

Date of Receipt:
15/11/2007

Agent:

Ward:
Dalston

Location:
Dalston Hall Holiday Park, Dalston Hall, Dalston,
Carlisle, CA5 7JX

Grid Reference:
337844 551748

Proposal: Proposed New Access Road To Existing Treatment Plant, Repositioning
Of Existing Pitch And Proposed Formation Of 2 New Holiday Lodge
Pitches

Amendment:

Decision: Grant Permission

Date: 10/01/2008

Between 01/12/2007 and 11/01/2008

Appn Ref No:

Applicant:

Parish:

SCHEDULE E: Decisions Issued Under Delegated Powers

07/1214 Whitebread Plc St Cuthberts Without

Date of Receipt:
14/11/2007

Agent:
Endpoint

Ward:
Dalston

Location:
Premier Travel Inn, Border Gate, Carleton, Carlisle,
CA4 0AD

Grid Reference:
343614 551950

Proposal: Erection Of 1 Internally Illuminated Lollipop Style Sign

Amendment:

Decision: Refuse Permission

Date: 09/01/2008

Between 01/12/2007 and 11/01/2008

Appn Ref No:
07/1215

Applicant:
Herald Inns & Bars

Parish:
Carlisle

Date of Receipt:
09/11/2007

Agent:
Dv8 Designs

Ward:
Currock

Location:
70 Botchergate, Carlisle, CA1 1QL

Grid Reference:
340430 555472

Proposal: Erection Of 4no Fabric Awnings To Front Elevation

Amendment:

Decision: Grant Permission

Date: 02/01/2008

Between 01/12/2007 and 11/01/2008

Appn Ref No:
07/1216

Applicant:
Mr L Burgess

Parish:
Carlisle

Date of Receipt:
01/11/2007

Agent:
Tyler Design Services

Ward:
Currock

Location:
12 Toronto Street, Carlisle, Cumbria, CA2 4EG

Grid Reference:
340495 554411

Proposal: Single Storey Side and Front Extension To Provide Porch and Lounge

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 20/12/2007

Between 01/12/2007 and 11/01/2008

Appn Ref No:
07/1218

Applicant:
Alliance & Leicester PLC

Parish:
Carlisle

Date of Receipt:
08/11/2007

Agent:
Powell Williams
Partnership

Ward:
Castle

Location:
18 Devonshire Street, Carlisle CA3 8LP

Grid Reference:
340221 555744

Proposal: Conversion Of 1st, 2nd and 3rd Floor Offices To Form 6no. Residential Dwellings

Amendment:

Decision: Grant Permission

Date: 03/01/2008

Between 01/12/2007 and 11/01/2008

Appn Ref No:
07/1220

Applicant:
Mr Moses

Parish:
Carlisle

Date of Receipt:
01/11/2007

Agent:
Mr Graeme Kidd

Ward:
Yewdale

Location:
8 Avon Close, Carlisle, Cumbria, CA2 6RZ

Grid Reference:
338004 554965

Proposal: Erection Of Conservatory To Rear Elevation

Amendment:

Decision: Grant Permission

Date: 04/12/2007

Between 01/12/2007 and 11/01/2008

Appn Ref No:

Applicant:

Parish:

SCHEDULE E: Decisions Issued Under Delegated Powers

07/1221 Lloyd Agricultural

Date of Receipt: 01/11/2007
Agent: Architects Plus (UK) Ltd
Ward: Belah

Location: Lloyd Agricultural, Kingstown Broadway, Kingstown Industrial Estate, Carlisle, CA3 0EF
Grid Reference: 339232 559018

Proposal: Refurbishment Of Existing Agricultural Showroom, Workshop And Offices To Include Sales Of Garden Machinery, Furniture And Associated Goods (Revised Application)

Amendment:

Decision: Refuse Permission **Date:** 21/12/2007

Between 01/12/2007 and 11/01/2008

Appn Ref No: 07/1222
Applicant: Mr Mark Elliott
Parish: Brampton

Date of Receipt: 02/11/2007
Agent:
Ward: Brampton

Location: 29 Berrymoor Road, Brampton, Cumbria, CA8 1DN
Grid Reference: 353051 561621

Proposal: Proposed New Double Garage & Car Port

Amendment:

Decision: Grant Permission **Date:** 20/12/2007

Between 01/12/2007 and 11/01/2008

Appn Ref No: 07/1223
Applicant: Mr John Oldman
Parish: St Cuthberts Without

Date of Receipt: 08/11/2007
Agent:
Ward: Dalston

Location: The Cottage, Durdar, Carlisle, CA5 7AY
Grid Reference: 339401 549640

SCHEDULE E: Decisions Issued Under Delegated Powers

Proposal: First Floor Rear Extension To Form Ensuite Bathroom And Ground Floor Conservatory

Amendment:

Decision: Grant Permission

Date: 21/12/2007

Between 01/12/2007 and 11/01/2008

Appn Ref No:
07/1224

Applicant:
Carlisle Housing
Association

Parish:
Carlisle

Date of Receipt:
14/11/2007

Agent:

Ward:
Harraby

Location:
26b Arnside Road, Carlisle, CA1 3PZ

Grid Reference:
342248 554261

Proposal: Erection Of Store To Provide Space For Mobility Scooter

Amendment:

Decision: Grant Permission

Date: 09/01/2008

Between 01/12/2007 and 11/01/2008

Appn Ref No:
07/1225

Applicant:
Lloyd Land Rover

Parish:
Carlisle

Date of Receipt:
12/11/2007

Agent:
Unwin Jones Partnership

Ward:
Botcherby

Location:
Lloyd Land Rover, Montgomery Way, Rosehill,
Carlisle, CA1 2RP

Grid Reference:
342725 555938

Proposal: Erection of 1.No Totem Sign And New Signage To Building

Amendment:

Decision: Grant Permission

Date: 07/01/2008

SCHEDULE E: Decisions Issued Under Delegated Powers

Between 01/12/2007 and 11/01/2008

Appn Ref No:
07/1226

Applicant:
Mr John Elliot

Parish:
Carlisle

Date of Receipt:
08/11/2007

Agent:

Ward:
Harraby

Location:
66 Mallyclose Drive, Harraby, Carlisle, Cumbria,
CA1 3HJ

Grid Reference:
342580 553286

Proposal: Erection Of Single Storey Rear Extension To Provide Kitchen And Dining Area; Demolition Of Existing Garage And Erection Of Detached Garage To Rear (Revised Application)

Amendment:

Decision: Grant Permission

Date: 28/12/2007

Between 01/12/2007 and 11/01/2008

Appn Ref No:
07/1229

Applicant:
Mr M Farmer

Parish:
Carlisle

Date of Receipt:
05/11/2007

Agent:

Ward:
Belah

Location:
19 Moorville Drive, Carlisle, Cumbria, CA3 0AN

Grid Reference:
339534 558343

Proposal: Demolition Of Garage; Erection Of 2 Storey Side Extension To Provide Dining Room & Utility On Ground Floor, With 1 No. Bedroom & Shower Room Above

Amendment:

Decision: Grant Permission

Date: 20/12/2007

Between 01/12/2007 and 11/01/2008

Appn Ref No:
07/1230

Applicant:
Mr P Winder

Parish:
Carlisle

Date of Receipt:

Agent:

Ward:

SCHEDULE E: Decisions Issued Under Delegated Powers

05/11/2007

Hogg & Robinson
(Builders) Limited

Belah

Location:

28 Esk Road, Carlisle, CA3 0HW

Grid Reference:

339145 558232

Proposal: Two Storey Side Extension To Provide Granny Annexe Comprising:
Kitchen, Living/Dining Area On Ground Floor With 2no En-Suite
Bedrooms Above. Replacement Pitched Roof Over Garage To Provide
Storage And Playroom Within Roof Space. Replacement Pitched Roof
Over Front Porch And Bay Window

Amendment:

Decision: Grant Permission

Date: 17/12/2007

Between 01/12/2007 and 11/01/2008

Appn Ref No:
07/1232

Applicant:
John Steele Thomlinson

Parish:
Carlisle

Date of Receipt:
06/11/2007

Agent:

Ward:
Denton Holme

Location:
Carlisle Christian Fellowship, Charlotte Street
Church, Carlisle, CA2 5BT

Grid Reference:
339700 555570

Proposal: Installation Of Clear Security Sheilds To 2nd Floor Windows;
Installation Of Security Sheilds On 1st Floor Windows (retrospective)
and 5no. Windows Glazed In Diamond Vanda Light (Ground Floor) -
Retrospective;
Change From Previously Approved Clear Security Glazing To Diamond
Patterned Glazing To New Ground Floor Windows

Amendment:

Decision: Grant Permission

Date: 21/12/2007

Between 01/12/2007 and 11/01/2008

Appn Ref No:
07/1236

Applicant:
Miss L Logue

Parish:
Carlisle

SCHEDULE E: Decisions Issued Under Delegated Powers

Date of Receipt:
06/11/2007

Agent:

Ward:
Belle Vue

Location:
1 Parham Drive, Carlisle, Cumbria, CA2 7RP

Grid Reference:
337644 555501

Proposal: Demolition Of Existing Store And Washhouse And Erection Of Two Storey Side Extension To Provide Kitchen And Dining Room On Ground Floor With En-Suite Bedroom Above. Erection Of Single Storey Garage

Amendment:

Decision: Grant Permission

Date: 28/12/2007

Between 01/12/2007 and 11/01/2008

Appn Ref No:
07/1237

Applicant:
Saad Sahib

Parish:
Carlisle

Date of Receipt:
13/11/2007

Agent:

Ward:
Castle

Location:
5 The Crescent, Carlisle, CA1 1QW

Grid Reference:
340307 555654

Proposal: Change Of Use From Estate Agent To Cafe Bar/Restaurant/Takeaway

Amendment:

Decision: Grant Permission

Date: 08/01/2008

Between 01/12/2007 and 11/01/2008

Appn Ref No:
07/1240

Applicant:
Mr A Teasdale

Parish:
Wetheral

Date of Receipt:
07/11/2007

Agent:
Mr I Stubner

Ward:
Great Corby & Geltsdale

Location:
3 Mill Brook, Broadwath, Heads Nook, Cumbria, CA8 9BA

Grid Reference:
348585 555290

Proposal: Erection Of Porch To Front Elevation

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 17/12/2007

Between 01/12/2007 and 11/01/2008

Appn Ref No:
07/1242

Applicant:
Mr & Mrs S Smith

Parish:
Stanwix Rural

Date of Receipt:
16/11/2007

Agent:
Black Box Architects
Limited

Ward:
Stanwix Rural

Location:
Knells Lodge, Houghton, Carlisle, Cumbria, CA6
4JG

Grid Reference:
341143 560366

Proposal: Internal Alterations To Provide 3 Bedroomed Property; Single Storey Rear Extension To Provide Kitchen. Conversion Of Outhouses To Provide Playroom, Utility Room, Office/Study And Workshop (LBC)

Amendment:

Decision: Grant Permission

Date: 02/01/2008

Between 01/12/2007 and 11/01/2008

Appn Ref No:
07/1244

Applicant:
Allan Homes

Parish:
Carlisle

Date of Receipt:
13/11/2007

Agent:
Edenholme Building
Services

Ward:
Castle

Location:
Thurnhams Print Works, Lonsdale Street, Carlisle,
CA1 1DF

Grid Reference:
340364 555851

Proposal: Formation Of 6 Apartments Over The Upper Floors Of The Premises, With Rear Parking Facilities

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 08/01/2008

Between 01/12/2007 and 11/01/2008

Appn Ref No:
07/1245

Applicant:
Mrs M Lewis

Parish:
Brampton

Date of Receipt:
09/11/2007

Agent:
Hogg & Robinson Design
Services

Ward:
Brampton

Location:
50 Berrymoor Road, Brampton, Cumbria, CA8 1DJ

Grid Reference:
353114 561608

Proposal: Demolition Of Existing Outhouse. Erection Of Two Storey Side Extension With Garage, Utility And Toilet To Ground Floor And En-Suite Bedroom Above.

Amendment:

Decision: Grant Permission

Date: 02/01/2008

Between 01/12/2007 and 11/01/2008

Appn Ref No:
07/1248

Applicant:
Peter Weir

Parish:
Carlisle

Date of Receipt:
14/11/2007

Agent:

Ward:
Yewdale

Location:
Land adjacent 93 Chesterholm, Carlisle, CA2 7XH

Grid Reference:
337194 555578

Proposal: Outline Application For Erection Of One Three Bedroomed Detached House

Amendment:

Decision: Grant Permission

Date: 17/12/2007

Between 01/12/2007 and 11/01/2008

Appn Ref No:
07/1249

Applicant:
Mr G F Bowes

Parish:
Carlisle

SCHEDULE E: Decisions Issued Under Delegated Powers

Date of Receipt:
12/11/2007

Agent:

Ward:
Yewdale

Location:
6 Skelwith Close, Carlisle, CA2 7SR

Grid Reference:
337560 555335

Proposal: First Floor Extension To Side Of Property To Form An Ensuite Bedroom
And Separate Garage (Revised Application).

Amendment:

Decision: Grant Permission

Date: 02/01/2008

Between 01/12/2007 and 11/01/2008

Appn Ref No:
07/1250

Applicant:
Mrs Lisa Anne
Newton-Kerr

Parish:
Carlisle

Date of Receipt:
19/11/2007

Agent:

Ward:
Belah

Location:
1 Parkside, St Anns, Carlisle, Cumbria, CA3 9SA

Grid Reference:
339253 557670

Proposal: Erection Of Replacement Attached Garage. First Floor Side Extension
Above Existing To Provide 1no En-Suite Bedroom. Single Storey Rear
Extension To Provide Utility And Shower Room

Amendment:

Decision: Grant Permission

Date: 04/01/2008

Between 01/12/2007 and 11/01/2008

Appn Ref No:
07/1252

Applicant:
Mr R Graham

Parish:
Kingmoor

Date of Receipt:
19/11/2007

Agent:
H & H Bowe Ltd

Ward:
Stanwix Rural

Location:
Cargo Farm, Cargo, Carlisle, Cumbria, CA6 4AW

Grid Reference:
336799 559268

SCHEDULE E: Decisions Issued Under Delegated Powers

Proposal: Erection Of Agricultural Livestock Building

Amendment:

Decision: Grant Permission

Date: 08/01/2008

Between 01/12/2007 and 11/01/2008

Appn Ref No:
07/1253

Applicant:
Mr R Graham

Parish:
Kingmoor

Date of Receipt:
19/11/2007

Agent:
H & H Bowe Ltd

Ward:
Stanwix Rural

Location:
Cargo Farm, Cargo, Carlisle, Cumbria, CA6 4AW

Grid Reference:
336840 559288

Proposal: Extension To Existing Agricultural Livestock Building

Amendment:

Decision: Grant Permission

Date: 08/01/2008

Between 01/12/2007 and 11/01/2008

Appn Ref No:
07/1254

Applicant:
Mr R Graham

Parish:
Kingmoor

Date of Receipt:
19/11/2007

Agent:
H & H Bowe Ltd

Ward:
Stanwix Rural

Location:
Cargo Farm, Cargo, Carlisle, Cumbria, CA6 4AW

Grid Reference:
336829 559216

Proposal: Erection Of General Purpose Agricultural Building

Amendment:

Decision: Grant Permission

Date: 08/01/2008

Between 01/12/2007 and 11/01/2008

Appn Ref No:

Applicant:

Parish:

SCHEDULE E: Decisions Issued Under Delegated Powers

07/1255 Mr R Graham Kingmoor

Date of Receipt: **Agent:** **Ward:**
19/11/2007 H & H Bowe Ltd Stanwix Rural

Location: **Grid Reference:**
Cargo Farm, Cargo, Carlisle, Cumbria, CA6 4AW 336810 559258

Proposal: Erection Of Agricultural Livestock Building
Amendment:

Decision: Grant Permission **Date:** 08/01/2008

Between 01/12/2007 and 11/01/2008

Appn Ref No: **Applicant:** **Parish:**
07/1258 Mr David Allen Hayton

Date of Receipt: **Agent:** **Ward:**
14/11/2007 HTGL Architects Ltd Great Corby & Geltsdale

Location: **Grid Reference:**
Moss Pladdow, Talkin, Brampton, Cumbria, CA8
1LD 355990 557624

Proposal: Extensions To Provide Conservatory, Double Garage, En-Suite Bedroom
And Store Together With Internal Alterations (Revised Application)

Amendment:

Decision: Grant Permission **Date:** 07/01/2008

Between 01/12/2007 and 11/01/2008

Appn Ref No: **Applicant:** **Parish:**
07/1262 United Utilities Multiple Parishes

Date of Receipt: **Agent:** **Ward:**
14/11/2007 Multiple Wards

Location: **Grid Reference:**
Land at Holme Lane, North West of Stainton,
Carlisle 337664 557143

SCHEDULE E: Decisions Issued Under Delegated Powers

Proposal: Erection Of Additional Tower To Elevate Electricity Line

Amendment:

Decision: City Council Observation - Raise No Objection

Date: 04/01/2008

Between 01/12/2007 and 11/01/2008

Appn Ref No:

07/1263

Applicant:

Phoenix Architecture &
Planning

Parish:

Carlisle

Date of Receipt:

07/12/2007

Agent:

Phoenix Architecture &
Planning

Ward:

Castle

Location:

28 Abbey Street, Carlisle, CA3 8TX

Grid Reference:

339728 555989

Proposal: Improvements And Alterations To Guttering (LBC)

Amendment:

Decision: Grant Permission

Date: 10/01/2008

Between 01/12/2007 and 11/01/2008

Appn Ref No:

07/1264

Applicant:

Mr & Mrs McCormick

Parish:

Carlisle

Date of Receipt:

15/11/2007

Agent:

Jock Gordon

Ward:

Harraby

Location:

16 Broome Court, Carlisle, CA1 2RA

Grid Reference:

341644 554120

Proposal: Demolition of Existing Store. Erection of a Two Storey Side Extension to
Provide Extended Kitchen and Store on Ground Floor with En Suite
Bedroom Above.

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 03/01/2008

Between 01/12/2007 and 11/01/2008

Appn Ref No:
07/1265

Applicant:
Mrs N Atkinson

Parish:
Carlisle

Date of Receipt:
22/11/2007

Agent:
Hogg & Robinson Design
Services

Ward:
Belle Vue

Location:
89 Berkeley Grange, Carlisle, CA2 7PN

Grid Reference:
337758 555879

Proposal: Two Storey Rear Extension To Provide Family Room On Ground Floor
With Bedroom Above

Amendment:

Decision: Grant Permission

Date: 04/01/2008

Between 01/12/2007 and 11/01/2008

Appn Ref No:
07/1266

Applicant:
Mr & Mrs Farish

Parish:
Brampton

Date of Receipt:
16/11/2007

Agent:
Tsada Building Design
Services

Ward:
Brampton

Location:
Land To Rear Of Hirta Tree Road, Brampton,
Cumbria, CA8 1TX

Grid Reference:
353493 560781

Proposal: Erection Of 1no. Detached Dwelling Together With Shared Access And
Footpath (Revised Application To Include Basement.)

Amendment:

Decision: Grant Permission

Date: 20/12/2007

Between 01/12/2007 and 11/01/2008

Appn Ref No:

Applicant:

Parish:

SCHEDULE E: Decisions Issued Under Delegated Powers

07/1268 Mr & Mrs S Smith Stanwix Rural

Date of Receipt: **Agent:** **Ward:**
20/11/2007 Black Box Architects Stanwix Rural
 Limited

Location: **Grid Reference:**
Knells Lodge, Houghton, Carlisle, Cumbria, CA6 341143 560366
4JG

Proposal: Internal Alterations To Provide 3 Bedroomed Property; Single Storey
Rear Extension To Provide Kitchen. Conversion Of Outhouses To
Provide Playroom, Utility Room, Office/Study And Workshop

Amendment:

Decision: Grant Permission

Date: 02/01/2008

Between 01/12/2007 and 11/01/2008

Appn Ref No: **Applicant:** **Parish:**
07/1273 Mr Boyle Carlisle

Date of Receipt: **Agent:** **Ward:**
07/12/2007 Mr Kelsall Castle

Location: **Grid Reference:**
30 Abbey Street, Carlisle, Cumbria, CA3 8TX 339735 555987

Proposal: Improvements And Alterations To Guttering (LBC)

Amendment:

Decision: Grant Permission

Date: 10/01/2008

Between 01/12/2007 and 11/01/2008

Appn Ref No: **Applicant:** **Parish:**
07/1280 Mr & Mrs McGee Carlisle

Date of Receipt: **Agent:** **Ward:**
21/11/2007 Jock Gordon Belah

Location: **Grid Reference:**
24 Naworth Drive, Carlisle, Cumbria, CA3 0DD 339298 558534

SCHEDULE E: Decisions Issued Under Delegated Powers

Proposal: Replacement Of Flat Roof With Pitched Roof Over Garage And Frontage Bays

Amendment:

Decision: Grant Permission

Date: 03/01/2008

Between 01/12/2007 and 11/01/2008

Appn Ref No:
07/1283

Applicant:
Mr James McLinden

Parish:
Carlisle

Date of Receipt:
21/11/2007

Agent:

Ward:
Belah

Location:
4 Woburn Court, Carlisle, CA3 9PU

Grid Reference:
338976 557421

Proposal: Erection Of 2no. Storey Side Extension To Provide Living Room And Kitchen On Ground Floor, With 1no. En-Suite Bedroom And Bathroom Above

Amendment:

Decision: Grant Permission

Date: 09/01/2008

Between 01/12/2007 and 11/01/2008

Appn Ref No:
07/1286

Applicant:
Dr Rippon

Parish:
Westlinton

Date of Receipt:
22/11/2007

Agent:
Tsada Building Design
Services

Ward:
Longtown & Rockcliffe

Location:
Chestnut House, The Chestnuts, Westlinton,
Carlisle, Cumbria, CA6 6AP

Grid Reference:
339239 564584

Proposal: Two Storey Extension To Provide Garage And Day Area On Ground Floor With En-Suite Master Bedroom, Paint Room And Bedroom Above

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 08/01/2008

Between 01/12/2007 and 11/01/2008

Appn Ref No:

07/1300

Applicant:

Mr Rod Leathers

Parish:

Carlisle

Date of Receipt:

26/11/2007

Agent:

Ward:

Belah

Location:

54 Newfield Park, Kingstown, Carlisle, Cumbria,
CA3 0AH

Grid Reference:

339774 558639

Proposal: Erection Of Two-Storey Rear Extension To Provide Kitchen Extension
And En-Suite To Bedroom Above

Amendment:

Decision: Grant Permission

Date: 07/01/2008

Between 01/12/2007 and 11/01/2008

Appn Ref No:

07/1330

Applicant:

Mrs J Dixon

Parish:

Wetheral

Date of Receipt:

04/12/2007

Agent:

Jock Gordon

Ward:

Wetheral

Location:

33 Greenacres, Wetheral, Cumbria, CA4 8LD

Grid Reference:

346226 555061

Proposal: Two Storey Side Extension To Provide En-Suite Bedroom Above
Existing Garage And Ground Floor WC

Amendment:

Decision: Grant Permission

Date: 08/01/2008

Between 01/12/2007 and 11/01/2008

Appn Ref No:

07/9022

Applicant:

Economy, Culture &

Parish:

Hayton

SCHEDULE E: Decisions Issued Under Delegated Powers

Environment

Date of Receipt:
12/11/2007

Agent:
Cumbria County Council

Ward:
Hayton

Location:
Low Gelt Quarry, Brampton, Carlisle

Grid Reference:
352271 558846

Proposal: Section 73 Application To Vary Condition 1 Of Planning Permission
1/97/9015 To Extend The Expiry Date From 31 December 2007 To 31
December 2009

Amendment:

Decision: City Council Observation - Raise No Objection
Date: 06/12/2007

Between 01/12/2007 and 11/01/2008

Appn Ref No:
07/9023

Applicant:
Planning & Valuation

Parish:
St Cuthberts Without

Date of Receipt:
19/11/2007

Agent:
Cumbria County Council

Ward:
Dalston

Location:
Land Adjacent To The Vicarage, Wreay, Carlisle,
Cumbria

Grid Reference:
343685 548766

Proposal: Construction Of A New Wastewater Treatment Works, Together With
Associated Landscaping And Outfall Structures

Amendment:

Decision: City Council Observation - Raise Objection(s)
Date: 04/12/2007

Between 01/12/2007 and 11/01/2008

Appn Ref No:
07/9024

Applicant:
Stanwix Primary School

Parish:
Carlisle

Date of Receipt:
26/11/2007

Agent:
Cumbria County Council

Ward:
Stanwix Urban

SCHEDULE E: Decisions Issued Under Delegated Powers

Location:

Stanwix Primary School, Mulcaster Crescent,
Stanwix, Carlisle, Cumbria, CA3 9DW

Grid Reference:

340100 557137

Proposal: Extension And Alterations To Provide A) Toilet And Cloak Facilities And
B) Extension And Alterations Of Computer Room (Revised Proposal)

Amendment:

Decision: City Council Observation - Raise Objection(s)

Date: 17/12/2007

Between 01/12/2007 and 11/01/2008

Appn Ref No:

07/9026

Applicant:

Esk Building Products

Parish:

St Cuthberts Without

Date of Receipt:

12/12/2007

Agent:

Cumbria County Council

Ward:

Dalston

Location:

Esk Brickworks, Brisco, Carlisle CA4 0QY

Grid Reference:

342658 551943

Proposal: Extraction of Sand

Amendment:

Decision: City Council Observation - Raise No Objection

Date: 07/01/2008

Between 01/12/2007 and 11/01/2008

Appn Ref No:

07/9027

Applicant:

Jan Cameron

Parish:

Carlisle

Date of Receipt:

14/12/2007

Agent:

Cumbria County Council

Ward:

Belle Vue

Location:

Belle Vue Infant And Junior Schools, Beaver Road,
Carlisle, CA2 7PT

Grid Reference:

337469 555912

Proposal: Link Corridor Extension To Rear Of Schools To Amalgamate The Infant
And Juniors Schools, Forming New Central Library Area

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: City Council Observation - Observations

Date: 09/01/2008
